

Case No. SCSL-2004-14-T  
THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
SAM HINGA NORMAN  
MOININA FOFANA  
ALLIEU KONDEWA

MONDAY, 09 OCTOBER 2006  
9.39 A.M.  
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Ms Roza Salibekova Ms Anna Matas
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Joseph Kamara Mr Mohamed Bangura Ms Miatta Samba Ms Lynn Hintz (Case manager)
For the accused Sam Hinga Norman:	Mr Alusine Sesay
For the accused Moinina Fofana:	Mr Arrow Bockarie Mr Steven Powles
For the accused Allieu Kondewa:	Mr Charles Margai Mr Yada Williams Mr Ansu Lansana Ms Susan Wright Mr Martin Michael (legal assistant)

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[CDF09OCT06A - CR]

Monday, 9 October 2006

[The accused present]

[The witness entered Court]

[Upon commencing at 9.39 a.m.]

WITNESS: BRIMA TARAWALLY [Continued]

[At this point in the proceedings, a portion of the transcript, pages 2 to 7, was extracted and sealed under separate cover, as the proceeding was heard in a closed session]

1 [open session]

2 PRESIDING JUDGE: This is a short ruling for the purposes  
3 of the resumption of the open session of this proceeding in  
4 respect of the closed session application by the Prosecution last  
5 Friday for certain portions of the cross-examination of this  
6 witness to be heard in closed session.

7 By way of exception to the general requirement that  
8 criminal proceedings are to be conducted in public, the Bench  
9 granted the Prosecution's application for the rest of its  
10 cross-examination of this witness's testimony to be conducted in  
11 closed session pursuant to Rule 79 and Rule 75 of the Court Rules  
12 of Procedure and Evidence on the grounds put forward by the  
13 Prosecution. Mr Williams, re-examination.

14 MR WILLIAMS: Mr George, can you show this document to the  
15 witness? It is Exhibit 26, My Lord.

16 RE-EXAMINED BY MR WILLIAMS:

17 Q. Mr Witness, the Prosecutor showed you that document on  
18 Friday; do you recall that?

19 A. Yes.

20 Q. He invited you to examine stamps on that document.

21 A. Yes.

22 Q. And the signature as well.

23 A. Yes, I did.

24 Q. There's a stamp with the words "High Priest"; do you see  
25 that?

26 A. I have seen it.

27 Q. And the words "King Allieu Kondewa" are written --

28 A. I am seeing it.

29 Q. The date of that document is 10th February 1998; is that

1 correct?

2 A. Yes, that's correct.

3 Q. Can you tell the Court whether, as at that date, Mr Kondewa  
4 was able to read and write?

5 MR KAMARA: Objection, My Lord.

6 PRESIDING JUDGE: Grounds?

7 MR KAMARA: That it's outside the subject of  
8 cross-examination and, My Lord, there is no issue to clarify with  
9 relevance to that document. My Lord, as we've said time and  
10 again in the Court, the document speaks for itself. The witness  
11 had answered questions based on the document.

12 PRESIDING JUDGE: Counsel, is that really a proper question  
13 for re-examination?

14 MR WILLIAMS: Yes, My Lord. My Lord, my learned friend has  
15 not stated scope of re-examination in full, My Lord. Matters  
16 that arise out of cross-examination, the other side can  
17 re-examine on them, My Lord. This document was in evidence. He  
18 brought it up, My Lord, and invited the witness to comment on the  
19 stamps and signatures, My Lord. That did not arise in chief, My  
20 Lord. As I said, he has not stated the scope of re-examination  
21 in full. Matters that arise for the first time in  
22 cross-examination, the calling party can re-examine on them.

23 PRESIDING JUDGE: So we're going back to first principles?  
24 Are you saying that you've not stated exhaustively the proper  
25 scope of re-examination; is he right?

26 MR KAMARA: No, My Lord, he's not. The issue here, My  
27 Lord, is that the document, the questions on cross-examination  
28 relate to the stamp and the title of the document. My learned  
29 friend now seeks to re-examine this witness as to the fact of

1 literacy of the accused person.

2 PRESIDING JUDGE: Yes.

3 MR KAMARA: My Lord, those are independent issues and it's  
4 a completely new ground of re-examination. It didn't arise out  
5 of cross-examination and, moreover, re-examination, My Lord, is  
6 not an opportunity wherein you can come in to fill up gaps.

7 PRESIDING JUDGE: Yes. It is not to be used as a vehicle  
8 for bringing in what should have been brought properly in under  
9 examination-in-chief.

10 MR KAMARA: Yes, My Lord.

11 PRESIDING JUDGE: Let me put to counsel Williams, suppose I  
12 say to you, as a matter of law, re-examination has a three-fold  
13 purpose: One, to reconcile discrepancies, if any, between  
14 statements in the examination-in-chief and cross-examination;  
15 second, to clear up any ambiguities; and three, to explain any  
16 statements made in cross-examination requiring clarification.  
17 Would that not be the proper scope? What would you say to that  
18 as a matter of law?

19 MR WILLIAMS: My Lord --

20 PRESIDING JUDGE: Because it really -- anything that comes  
21 under or comes out of cross-examination is amenable to  
22 re-examination, then the Rules would be -- would probably drive a  
23 horse and coach through the entire process.

24 MR WILLIAMS: My Lord, I'm seeking -- the point I'm making,  
25 My Lord, is that one can re-examine on matters that come up  
26 afresh in cross-examination --

27 PRESIDING JUDGE: But the rationale being if that -- if the  
28 matter, if not re-examined on, would in fact be unfavourable to  
29 the case of the person -- the party seeking to re-examine.

1 MR WILLIAMS: Yes, My Lord.

2 PRESIDING JUDGE: So what is the prejudice here?

3 MR WILLIAMS: My Lord, the prejudice is that this document  
4 was in evidence. It was tendered through another witness. My  
5 learned friend brought it in and invited this witness to comment  
6 on it.

7 JUDGE ITOE: Mr Williams, was the issue of literacy or  
8 illiteracy conversed in cross-examination, as far as that  
9 document is concerned?

10 MR WILLIAMS: The issue of signature came up, My Lord.

11 JUDGE ITOE: I'm talking of literacy.

12 MR WILLIAMS: It did not, My Lord.

13 JUDGE BOUTET: It was not the issue of signature; it was  
14 the issue of stamps.

15 MR WILLIAMS: Yes, My Lord.

16 JUDGE BOUTET: I clearly remember the witness was asked if  
17 there were stamps and, if there were, what were they. And I do  
18 recall that the witness never testified to a stamp having to do  
19 with the high priest. He testified to other stamps. That stamp  
20 he never mentioned in his evidence in cross-examination. So now,  
21 you're pursuing another avenue that was not explored by the  
22 Prosecution.

23 PRESIDING JUDGE: In line with the learned justices have  
24 said, if it is a question of stamp and signature, aren't those  
25 matters that really go to weight for the determination of the  
26 tribunal? The law is quite clear that the fact that a document  
27 is unstamped, or doesn't have a signature does not automatically  
28 disqualify it from admissibility or does not raise issues but  
29 that, at the end of the day, the tribunal of fact can bring all

1 of these factors into consideration in determining what weight,  
2 if any, to attach upon the document.

3 MR WILLIAMS: I'll take the cue, My Lord. I don't know  
4 whether I can pose this question --

5 JUDGE ITOE: Mr Williams, are you in any doubt in posing  
6 this question, as to whether you have sufficiently explored the  
7 grounds of literacy of your client?

8 MR WILLIAMS: I don't quite understand the question, My  
9 Lord.

10 JUDGE ITOE: Are you doubting the fact that, you know, the  
11 evidence you have adduced so far has not reached the threshold of  
12 establishing the illiteracy or the literacy of your client.

13 MR WILLIAMS: I am in no doubt about that. There shall be  
14 no further questions.

15 PRESIDING JUDGE: Thanks, counsel. We hold the case for  
16 the third accused in abeyance and I'll now ask the witness to  
17 retire. Witness, we thank you so far for your testimony. The  
18 possibility clearly exists that you may be recalled, and whenever  
19 that possibility arises, we'll expect you will co-operate with  
20 the Court in the manner which you have done. Thank you.

21 THE WITNESS: I will, My Lord.

22 PRESIDING JUDGE: You're released temporarily. Mr Margai,  
23 did you want to say something?

24 MR MARGAI: Yes, I thought Your Lordship was going to,  
25 perhaps, admonish him on the possibility of him being summoned  
26 depending on the ruling by the Bench vis-a-vis his alleged  
27 complaint.

28 PRESIDING JUDGE: [Indiscernible] the presentations he made  
29 here?

1 MR MARGAI: Yes, My Lord.

2 PRESIDING JUDGE: Yes.

3 JUDGE ITOE: That's why we are releasing him temporarily.

4 I suppose that is what I got from the --

5 PRESIDING JUDGE: Yes, very well. I didn't want to go into  
6 details.

7 MR MARGAI: It is for him to be satisfied.

8 PRESIDING JUDGE: Thank you very much. You will, in due  
9 course, be asked to come back, either for the main action, or for  
10 some collateral action, which may be -- I mean, based on what you  
11 have represented to this Court in closed session, so hold  
12 yourself ready to come back and help the Court with  
13 investigations.

14 THE WITNESS: Thank you.

15 PRESIDING JUDGE: But you are temporarily released.

16 THE WITNESS: Thank you.

17 [The witness stood down]

18 PRESIDING JUDGE: Mr Powles, we're in your hands.

19 MR POWLES: With Your Honour's leave, may I call Professor  
20 Hoffman on behalf of the second accused.

21 PRESIDING JUDGE: Leave is granted.

22 MR POWLES: I'm grateful, Your Honours.

23 PRESIDING JUDGE: We've looked at the records. Just  
24 formality, he's testifying in English?

25 MR POWLES: Your Honours, yes. Although I understand he  
26 does speak Mende.

27 PRESIDING JUDGE: But you don't want him to testify in  
28 Mende?

29 MR POWLES: No.

1 WITNESS: Daniel Hoffman [Sworn]

2 EXAMINED BY MR POWLES:

3 Q. Good morning, Professor Hoffman.

4 A. Good morning, My Lords.

5 Q. Could you give the Court your full name, please?

6 A. My name is Daniel John Hoffman.

7 Q. Let's deal with your title first. You have a PhD and you  
8 are an assistant professor at Duke University.

9 A. Actually, My Lords, I do hold a PhD from Duke University.  
10 My current appointment is as an assistant professor at the  
11 University of Washington in Seattle.

12 Q. By virtue of your PhD, you can be called a doctor, and by  
13 virtue of your assistant professorship, you can be called a  
14 professor. What do your colleagues call you?

15 A. In general, my colleagues tend to call me Danny. But  
16 various terms of address, in general, my students tend to refer  
17 to me as professor. In more official settings, generally  
18 Dr Hoffman.

19 Q. So I shall refer to you as Dr Hoffman for the purposes of  
20 this morning, if that's okay with you. What is your date of  
21 birth, Dr Hoffman?

22 A. 26 February 1972.

23 Q. So you're 34 years old?

24 A. Yes, My Lord.

25 Q. We have a copy of your CV before the Court. You have a BA  
26 in anthropology from Princeton University; is that correct?

27 A. Yes, sir I do.

28 Q. When did you obtain that degree?

29 A. That was degree was conferred in 1994.

1 Q. After you graduated from Princeton, what did you do,  
2 Dr Hoffman?

3 A. At that time I began a career in photo journalism. I was  
4 based in Johannesburg, South Africa, for approximately four  
5 years.

6 Q. And in that capacity, what did you photograph and what was  
7 the scope of your work?

8 A. My work covered a broad spectrum for newspapers, news  
9 magazines, wire services. I tended to concentrate on conflict  
10 areas around southern, east and central Africa, to an extent. So  
11 the majority of it was conflict coverage.

12 Q. Which conflicts did you cover, Dr Hoffman?

13 A. During that period I did a fair amount of work in Angola; I  
14 worked in Mozambique; I worked in Somalia a few times; southern  
15 Sudan; Burundi. I covered, obviously extensively, South African  
16 politics and some of the violence in [indiscernible].

17 Q. Those areas that you mentioned, were there conflicts in  
18 those areas at the times you were there?

19 A. Indeed. Most of those were situations of armed conflict.

20 Q. You mentioned that you were covering those issues for  
21 various news services. Which news services were you covering  
22 them for?

23 A. At various times I did freelance work for all three of the  
24 major international wire services: The Associated Press, Agence  
25 France Press, Reuters. I had a contract with one of the largest  
26 photo agencies in New York, Black Star photo agency which  
27 contracted me to do work for publications ranging from Newsweek,  
28 New York Times, Deutsch Spiegel. I also did extensive work for a  
29 frontline medical NGO.

1 Q. Which NGO was that?

2 A. A group called the International Medical Corps.

3 Q. What were you doing for them?

4 A. Primarily, I was photographing. As I said, they tended to  
5 do emergency medicine in conflict zones. I was photographing  
6 their operations. This actually extended into my time as a  
7 graduate student. So, for them, I also worked in Bosnia and  
8 Kosovo.

9 Q. We'll come back to that in a moment. Did there come a time  
10 when you left Southern Africa to return to the USA?

11 A. Yes, I did.

12 Q. When was that?

13 A. 1998.

14 Q. What was the purposes of your return to the US? What did  
15 you do when you got back?

16 A. I began graduate work in cultural anthropology.

17 Q. Where did you do that?

18 A. That was at Duke University.

19 Q. Did you continue your previous work while you were doing  
20 that graduate work?

21 A. Indeed. For the first year and into the first recess, I  
22 continued working with some former clients, including the  
23 International Medical Corps.

24 Q. You mentioned that you worked with them in Bosnia and  
25 Kosovo.

26 A. Indeed.

27 Q. When did you go to Bosnia and Kosovo?

28 A. I was in Kosovo at the time -- if you remember, at that  
29 period there was extensive NATO bombing in Kosovo. I spent

1 approximately three months in the refugee camps in Albania and  
2 Macedonia, and then when US ground forces moved into Kosovo, I  
3 proceeded with them into Kosovo.

4 Q. Now, in addition to your BA -- it's my fault, Dr Hoffman,  
5 but we are being asked to slow down. We both speak the same  
6 language. As a result, there needs to be a pause between my  
7 questions and your answers. It's my fault. I should try to slow  
8 the pace down.

9 A. My apologies to the Court.

10 Q. You returned to the USA to start doing graduate work at  
11 Duke university. Did you obtain another qualification after your  
12 return to the USA?

13 A. My first academic qualification upon returning was the  
14 conference of my masters degree, the MEd.

15 Q. Where did you get that from?

16 A. That was also at Duke University.

17 Q. What subject was that in?

18 A. That was in cultural anthropology.

19 Q. Did you obtain any other academic qualifications after that  
20 one?

21 A. After that -- excuse me, I'll do my best to pause. Upon  
22 receiving the MEd, I continued on and received a doctorate  
23 degree, again, in cultural anthropology.

24 Q. What specifically was your doctorate degree in?

25 A. The diploma technically is in cultural anthropology. My  
26 specific area of focus and specialisation were African affairs  
27 and the anthropology of violence and warfare. I also do  
28 concentrations in visual anthropology.

29 Q. Now, we can see from your CV you have written numerous

1 articles. For the purposes of these proceedings, which would you  
2 say are the most important ones?

3 A. I think for the purposes of these proceedings, probably the  
4 ones that have attracted the most attention. The first one would  
5 probably be the piece that appeared in 2004 in the journal known  
6 as African Affairs. The title is, as you see from the CV, is  
7 "The Civilian Target in Sierra Leone and Liberia." This, I know,  
8 is an article that has made the rounds in both academic and  
9 policy circles.

10 Q. Any other articles?

11 A. Well, there's -- I guess it breaks down somewhat as to who  
12 the audience might be within anthropological circles. This piece  
13 entitled "Brookfields Hotel" probably has achieved the most  
14 prominence. It was actually an award-winning piece and has been  
15 fairly widely recognised. Then, two -- the two subsequent  
16 pieces, this "Submerged Promise," which appeared in  
17 Anthropological Quarterly and "Frontline Anthropology," which  
18 appeared in Anthropology Today are both fairly widely cited in  
19 terms of methodological writings on the anthropology of armed  
20 conflict.

21 Q. You are now an assistant professor and that involves  
22 teaching. Who do you teach and what do you teach?

23 A. I'm at, what they call in the States, a research one  
24 university, which means that my job description includes both  
25 continued research, publication and teaching. My teaching is at  
26 all levels of the university, which means that I teach  
27 undergraduate classes, at both the introductory and more advanced  
28 level. I teach graduate classes. These are primarily students  
29 pursuing their MAs and PhDs and then I also supervise graduate

1 students, PhD candidates, so those are at the highest level of  
2 academic work.

3 Q. What subjects do you cover?

4 A. I teach classes in the anthropology of Africa, again at  
5 multiple levels, both introductory classes and more advanced  
6 classes. I teach courses in the anthropology of war and  
7 violence. I teach classes in visual anthropology, again at all  
8 levels and I teach method -- basic method and theory classes in  
9 anthropology.

10 Q. Are you a member of any professional associations?

11 A. I am a member of the American Anthropological Association,  
12 which then has a number of subsets which I also have memberships  
13 in a number of those as well.

14 Q. Does the American Anthropology Association have a code of  
15 ethics?

16 A. Yes, it does.

17 Q. Are you familiar with those?

18 A. I am familiar with those.

19 Q. Do you practice according to them?

20 A. Yes, My Lord, I do.

21 Q. Have you ever been an expert before in any other  
22 proceedings?

23 A. No, My Lord, I have not.

24 Q. Have you written reports in an expert capacity for any  
25 other legal proceedings?

26 A. No, My Lord, I have not.

27 Q. I don't know if you have a copy of your CV in front of you.  
28 If you can turn to the very last page, the section "other," what  
29 were those?

1 A. These were asylum cases in which I was asked to submit  
2 affidavits. I guess, technically, I have served as an expert  
3 witness in that capacity. It's never been required that I appear  
4 in Court, which I assumed was the question, but --

5 Q. Is it right, then, that your affidavit was accepted by the  
6 Court?

7 A. Indeed, in both cases, they were.

8 Q. And there's no need to challenge the contents of those  
9 reports?

10 A. No, My Lord, there was not.

11 MR POWLES: Your Honours, at this stage, I wonder whether I  
12 may tender Professor -- Dr Hoffman's CV as an exhibit.

13 PRESIDING JUDGE: Counsel for the first accused, your  
14 response?

15 MR SESAY: No objection.

16 PRESIDING JUDGE: Counsel for the third accused?

17 MS WRIGHT: No Objection.

18 PRESIDING JUDGE: Mr Prosecutor?

19 MR KAMARA: No objection, My Lord.

20 MR POWLES: Your Honour, perhaps, the thing I should do is  
21 show Dr Hoffman a copy of this report and ask him confirm that it  
22 is actually his CV.

23 PRESIDING JUDGE: Right, you can do that.

24 A. Yes, My Lord, that is my CV.

25 MR POWLES: May it be exhibited.

26 PRESIDING JUDGE: Right. We'll receive it in evidence and  
27 mark it Exhibit 164.

28 [Exhibit No. 164 was admitted]

29 MR POWLES: Thank you, Your Honours.

1 Q. Now, Dr Hoffman, before we get to your report, perhaps a  
2 few general questions. Perhaps in a few words, can you explain  
3 what anthropology is?

4 A. Anthropology, in general, is usually thought of as a social  
5 science that takes, as its object, the study of human differences  
6 in social organisation, culture, belief. There are various  
7 subsets within that, but, I think, as a general term, this idea  
8 of the study of different forms of social organisations, social  
9 life. It's a discipline. People tend to think of it as being a  
10 very interdisciplinary approach to the social sciences. We kind  
11 of draw from history, political science, economics, even to some  
12 degree psychology, in formulating a kind of cohesive picture of  
13 social life and context.

14 Q. Are there very specialisations within the field of  
15 anthropology?

16 A. Yes, there is a number of them.

17 Q. What is your area of specialisation?

18 A. My broad specialisation is cultural anthropology or, in the  
19 UK, it's often referred to as socio-cultural anthropology.

20 Q. And what exactly is that?

21 A. Specifically, socio-cultural or cultural anthropologists  
22 tend to be defined by the fact that they work more often with  
23 contemporary groups. To some degree, we are defined by our  
24 methods, which tend to be ethnic-graphic methods, generally  
25 qualitative methods. There are a number of ways in which the  
26 socio-cultural is distinguished, but I think these are some of  
27 the primary.

28 Q. And how can the field of anthropology and specifically,  
29 your area of specialisation, be of assistance in a case like

1 this?

2 A. Anthropologists generally take as their subject matter, as  
3 I said, any questions that have to do with social organisation,  
4 values, beliefs, world views, differences in perspectives on any  
5 number of issues. And, certainly, anthropologists have very  
6 often been called upon to play this role of helping -- assisting  
7 the Courts in understanding what some of these local differences  
8 might be.

9 Q. Before you were instructed to write your report, what  
10 contact and interest did you have in Sierra Leone?

11 A. My Lords, my professional work has been predominantly in  
12 Sierra Leone and Liberia. My focus of specialisation is on  
13 militia movements, and questions of violence and communal  
14 violence in Sierra Leone, to a lesser extent Liberia, although  
15 I've worked in both places.

16 Q. When did your interest in -- well, you went back to the  
17 United States in 1998 to commence graduate work. When did your  
18 interest in Sierra Leone and specialisation within it start?

19 A. Well, my interest in Sierra Leone began immediately. I  
20 had, even as a journalist, been following events of the war in  
21 Sierra Leone. My academic work focused from the very beginning  
22 on Sierra Leone and Liberia. I -- so, at the time, when I began  
23 my career in 1998, I began by getting up to speed on current  
24 writings, both popular and academic that had been written about  
25 this region.

26 Q. Did there come a time when you came to Sierra Leone?

27 A. Yes, My Lords. I began fieldwork in Sierra Leone in the  
28 year 2000.

29 Q. How long did you spend in Sierra Leone? At that time?

1 A. At that time, that first trip was a pilot study. I was  
2 here for about three months.

3 Q. What was the purpose of that pilot study?

4 A. It was essentially to commence the research, to some  
5 degree, to answer the questions of whether it would be feasible  
6 to do a longer term research study in Sierra Leone. To get an  
7 assessment, a first-hand assessment of the literatures that I had  
8 been reading. To make an initial set of contacts that would  
9 facilitate the longer term research period. Obviously, the  
10 questions that motivated me to pursue this work, I began to  
11 answer those during that first trip.

12 Q. You mentioned making initial contacts, we'll come back to  
13 that in a moment. Which group, if any, did you focus or decide  
14 to focus your studies upon?

15 A. My particular area of interest, and the group which I began  
16 my studies on and continued my studies on, were the Kamajors and  
17 more generally, the CDF.

18 Q. Why did you choose to focus on the Kamajors and the CDF?

19 A. There are a number of different reasons that I elected to  
20 pursue this particular research. One of the most notable was  
21 that this was an obvious gap in the academic literature. There  
22 had been some very good studies done of the RUF. A number of  
23 different movements around the region had been documented, but  
24 there really was a lack of any kind of academic work, academic  
25 research, that at that point, had been done on the Kamajors or  
26 the CDF in general. It also, on a more personal note, interested  
27 me, this question of a pro-government force, which was -- which  
28 brought up a number of theoretical questions that seemed to be  
29 new and relatively unexplored in the literature.

1 Q. Now, you mentioned one of the purposes of that initial trip  
2 in 2000 was to make initial contacts. Did you make initial  
3 contacts during --

4 PRESIDING JUDGE: Has he exhausted the reasons for making  
5 that choice of the Kamajors as the object of his study? Because  
6 he gave us two reasons so far. Or were you coming to that?

7 MR POWLES: Your Honours, no. I can certainly explore that  
8 with the doctor.

9 PRESIDING JUDGE: The first is this lack of academic study  
10 on that subject, and the second, did you have a third?

11 THE WITNESS: In general, I would classify those as my two  
12 primary reasons.

13 PRESIDING JUDGE: It was more academic than personal?

14 THE WITNESS: Yes, sir.

15 PRESIDING JUDGE: Right, thanks.

16 MR POWLES:

17 Q. Did you make any contacts with the Kamajors/CDF during that  
18 first trip?

19 A. Yes, sir, I did.

20 Q. How many people or contacts did you make at that time?

21 A. I've estimated that, during that three-month initial  
22 period, I probably conducted interviews with 50, approximately  
23 50, distinct individuals. Clearly, that -- I met many more, and  
24 had contact with many more, but that would be -- and these were  
25 all individuals that were self-identified as being Kamajors or  
26 members of the CDF.

27 Q. Did you meet Mr Fofana during that initial trip?

28 A. Yes, My Lords, I did.

29 Q. Would you classify him as one of the people that you

1 interviewed at that stage?

2 A. I wouldn't classify him as somebody that I interviewed at  
3 that stage. We were introduced. We had a very brief  
4 conversation. It was -- but, we really did not sit down and  
5 conduct, what I would classify as being an interview.

6 Q. Who directed you to Mr Fofana?

7 A. I don't remember being directed to Mr. Fofana, per say, we  
8 met in Bo, where I had travelled from Freetown. His name -- I  
9 had been given a long list of names of people that were in Bo,  
10 and his name was among them. At the moment, I would have trouble  
11 saying whether it was given to me by anybody within the CDF  
12 organisation. I just talked with a number of people at that  
13 time, and I honestly couldn't tell you, who had specifically  
14 referred me to Mr Fofana, but it was amongst a long list of  
15 people that were in Bo.

16 Q. How long was the meeting that you had with him?

17 A. No more than a few minutes.

18 Q. You mentioned that --

19 JUDGE ITOE: When you say no more than a few minutes, what  
20 would you mean by that?

21 THE WITNESS: My Lord, I would venture to guess, it was  
22 considerably less than five minutes, exchanging pleasantries,  
23 making introductions. I would probably venture at a guess, two  
24 minutes, maybe three.

25 MR POWLES:

26 Q. You mentioned that that meeting took place in Bo. Where  
27 were the principal CDF figures based at that time?

28 A. At that time, the principal CDF figures tended to be people  
29 that were based in Freetown.

1 Q. You mentioned your first trip to Sierra Leone lasted  
2 approximately three months. Did there come a time when you came  
3 to Sierra Leone again?

4 A. Yes, My Lord. I returned to Sierra Leone then in 2001,  
5 middle of the year in 2001, and this was to conduct the bulk of  
6 my fieldwork.

7 Q. And how long did you spend in Sierra Leone, at that time?

8 A. At that time, I remained in Sierra Leone until the middle  
9 of 2002.

10 Q. What were you doing, principally, during that stay here in  
11 Sierra Leone?

12 A. At that time, I was conducting ethnic-graphic research,  
13 again, with the Kamajors, CDF more generally. Continuing the  
14 work I had begun the prior summer. Again, this involved  
15 interviews, what, in anthropological terms they call participant  
16 observation, spending time with various people in the movements.

17 Q. And which areas did you travel to in order to conduct those  
18 interviews and that research?

19 A. At that time, I travelled quite extensively in Sierra  
20 Leone, primarily in the south and east. I did this research in  
21 Freetown. I spent time in Bo, Kenema, Bandajuma Sowa, Koribundu.  
22 I've been to, a little bit further north in the east, Kailahun,  
23 so I've travelled and done research in all of these places,  
24 fairly extensively throughout the south and the east.

25 Q. And where were you based in Freetown?

26 A. In Freetown, the place that I spent the majority of my time  
27 was the Brookfields Hotel.

28 Q. What is the Brookfields Hotel?

29 A. Brookfields Hotel has had an interesting history. At the

1 time that I did -- I spent my time there, the Brookfields was  
2 really the largest single concentration of CDF in the country.  
3 It was, as I'm sure those who are familiar with Freetown know,  
4 Brookfields is quite a large complex of buildings and this housed  
5 the -- it essentially served as a barracks, if you will. It's  
6 not the proper term, but it was the residence of those members of  
7 the CDF who resided in Freetown at that time.

8 Q. How long did you spend there?

9 A. I was there -- the, when I was in Freetown, I was generally  
10 at Brookfields. I would estimate, if I needed to, for the total  
11 percentage of time, my time in Sierra Leone, during that research  
12 period, maybe 60 percent of the time, I was in Freetown, and of  
13 that time, overwhelmingly, it was spent at Brookfields.

14 Q. Did you actually stay there?

15 A. I did. I slept there on a number of occasions. I shared a  
16 room -- I had a room that I shared with members of the -- with  
17 men who were Kamajors. I did keep a separate apartment in town,  
18 because it, as you can imagine, was a very crowded facility, it's  
19 obviously difficult to step back and do the writing that I needed  
20 to do. So, frequently, in the evenings, I would go -- I would  
21 stay at the hotel all day and then in the evenings, go back to  
22 the apartment that I was keeping and do the writing that I needed  
23 to do.

24 Q. During that second trip to Sierra Leone, about how many  
25 interviews, do you estimate, that you conducted?

26 A. I would put the figure at approximately 200. This is my  
27 best guess as to the total number of -- again, these are distinct  
28 individuals. Many of these are people I spoke to on numerous  
29 occasions, as is common for the discipline, but I would estimate

1 that I have conducted interviews with in excess of 200 people,  
2 again, who identified themselves as being Kamajors or members of  
3 the CDF.

4 Q. What, exactly, is an interview, for your purposes, and what  
5 sort of issues would you explore and cover?

6 A. An interview in ethnic-graphic research can be -- can imply  
7 a number of different conversations. A formal interview  
8 generally tends to be one with a very specific list of questions.  
9 The interview doesn't necessarily wander from those, addressing  
10 those specific issues. Very often those are interviews that are  
11 recorded at the time, either with tape-recordings or extensive  
12 note-taking. There are semi-structured interviews which tend to  
13 be a little bit wider ranging, may or may not be recorded, on a  
14 pretty set list of topics, but given more to kind of exploratory  
15 conversation, and then informal interviews which tend to be what,  
16 in the anthropological parlance, we might call, informant-driven  
17 interviews; trying to get a sense of what it is that individuals  
18 themselves feel is important to talk about, letting them, to some  
19 degree, dictate what matters to them, why you would need to talk  
20 about this. Those may or may not be -- usually those are not  
21 recorded. They may or may not be note-taking involved in the  
22 time. So I've conducted all three of these types of interviews,  
23 extensively. In terms of the subject matter, if there was a  
24 standard template, I tended to ask people for some limited  
25 biographical information, because you are always, depending on  
26 whether anonymity needed to be protected, but certainly to the  
27 extent I could establish where people were from. I was  
28 interested in their motivations for becoming involved with the  
29 Kamajors or the CDF. I was interested in their aspirations for

1 both the movement and also for themselves in post-war period. So  
2 these were the kinds of questions that would come up routinely,  
3 and then, obviously, depending on how things went or who I was  
4 talking to, they might range from a number of different topics.

5 Q. Did your interviews include their activities during the  
6 conflict period?

7 A. Yes, very often they did.

8 Q. During that second trip to Sierra Leone, did you travel to  
9 other countries in the region and, if so, why?

10 A. Yes, during that period, I -- and this is now in 2002,  
11 toward the latter part of the time I spent doing this very  
12 research, I travelled to Guinea and to Liberia. My reasons for  
13 doing so was that a number of people that I knew who had been  
14 involved with the CDF were following that route to go into  
15 Liberia to join a different militia movement, known as LURD or  
16 Liberians United for Reconciliation of Democracy. I was  
17 interested in following them, charting this trajectory into a  
18 different context.

19 Q. Why did you leave the region at the end of that second  
20 trip?

21 A. My field work was -- at that point, I left. I had become  
22 quite ill and so I had to leave for a short period. Well, I had  
23 to leave for a time.

24 Q. Did there come a time when you returned?

25 A. I did, yes.

26 Q. What was the purpose of your return?

27 A. Given the nature of the way that I left the field,  
28 obviously, it was very abrupt and consequently, it was difficult  
29 to keep track of people that I had been doing research with

1 remotely. And so, my interest in coming back in that first trip  
2 was to re-establish contact with people I had been working with,  
3 prior to -- I mean, my intention was to continue the work that I  
4 was doing and that meant re-establishing contacts with people  
5 that had been important to my research before.

6 Q. And how long did you spend in Sierra Leone for that third  
7 trip?

8 A. That third trip, I was here approximately a month.

9 Q. Now, you spent a considerable time living with and  
10 conducting interviews with Kamajors and members of the CDF. Did  
11 you develop any friendship relationships with any of the people  
12 you were studying, so to speak?

13 A. Sure. Yes, My Lord.

14 Q. Do you think that the development of those friendships has  
15 affected your partiality in any way?

16 A. I would not say it's affected my partiality. I certainly  
17 do consider myself to have friends who are Kamajors. I don't  
18 consider that to impact, in any way, on my ability to speak  
19 impartially as a professional researcher on these matters.

20 Q. You, obviously, developed some friends within the Kamajor  
21 movement. Did you meet people within that movement who you did  
22 not like?

23 A. Yes, I did.

24 Q. Did you meet or conduct any research with the members of  
25 the RUF or AFRC?

26 A. I didn't conduct research as such. I had some contacts  
27 with members of the RUF, albeit, fairly brief ones. I made a  
28 trip up to Kailahun, Buedu and Tongo Fields, at times when the  
29 RUF was the dominant force there. Obviously, that meant some

1 contact with RUF combatants. AFRC forces, I had no real contact  
2 within Sierra Leone. I, subsequently, met former AFRC combatants  
3 in Liberia and particularly those who were associated with the  
4 West Side Boys.

5 Q. Now, that third trip to Sierra Leone, when was that?

6 A. That would have been 2003.

7 Q. Did you have a subsequent trip to Sierra Leone after that?

8 A. I did. I came back then in 2005. I was conducting  
9 extended research in Liberia and, at that point, came into Sierra  
10 Leone, as well, did some work in the south-east.

11 Q. Now, doctor, you spent a considerable amount of time in  
12 Sierra Leone. When you were not here, during that period, how  
13 did you keep up with affairs and what was going on in Sierra  
14 Leone?

15 A. One of the wonders of the modern world has been the  
16 internet and cell phones and so, for people in my position, it  
17 certainly made doing fieldwork a much more constant experience.  
18 So I've been able now to maintain contacts with people I've  
19 worked with when in Sierra Leone or Liberia. And, of course, I  
20 keep abreast of the current affairs through the various news  
21 outlets that are accessible to those of us in the States and the  
22 academic literature as well.

23 Q. Now, before you were instructed to write your expert  
24 report, did you follow events as they unfolded here at the  
25 Special Court for Sierra Leone?

26 A. Yes, My Lords, I did.

27 Q. How did you follow the proceedings?

28 A. Again, we we're blessed with the internet so that certainly  
29 provided one outlet. I have colleagues who have also an interest

1 in the Special Court, keeping in touch with them, with some of  
2 the academic literature that has been written about the Special  
3 Court, press reports.

4 Q. In terms of official documents from the Special Court for  
5 Sierra Leone, which documents did you review, prior to your  
6 instruction as an expert?

7 A. I read all of the indictments. I had followed some of the  
8 testimonies as they were being made available publicly.

9 Q. Moving on then to your instruction as an expert --

10 JUDGE BOUTET: I'm sorry, did you say you read all the  
11 testimony that was made public, or you read some?

12 THE WITNESS: Prior to being instructed by the Defence, I  
13 read some. It was -- I kept up as best I could, starting a new  
14 job and having a new family, so -- but it was -- I did maintain  
15 some -- I did read some of the transcripts. I wouldn't say I  
16 read them all.

17 JUDGE BOUTET: You said prior to being contacted to be an  
18 expert. Did that change after you were contacted?

19 THE WITNESS: Yes, My Lord, after I was contacted, I did  
20 read many more of the transcripts.

21 JUDGE BOUTET: Thank you.

22 MR POWLES:

23 Q. But you had an interest in those transcripts prior to your  
24 instruction?

25 A. Yes, My Lord, absolutely.

26 Q. Why would those materials have been of interest to you,  
27 Dr Hoffman?

28 A. Well, this is the subject of my professional life, and, to  
29 a large degree, my personal life, as well. You know, this is of

1 profound importance to me, to the work that I do. This is where  
2 the CDF is now.

3 Q. Now, you were --

4 JUDGE ITOE: Would you, therefore, say that in putting down  
5 your expertise you were entranced by the proceedings and the  
6 transcripts which you read more often as soon as you were  
7 designated as an expert?

8 THE WITNESS: I'm sorry, My Lord, could I ask you to repeat  
9 that.

10 JUDGE ITOE: Would you say that you were influenced by the  
11 transcripts you read in making your report, the expert report,  
12 and the transcripts you read, not too often before you were  
13 designated, but quite often after you had been designated?

14 THE WITNESS: Would I say I was influenced by them? I  
15 think I was informed by them, but I don't think that -- there was  
16 nothing that -- certainly they impacted the writing of the  
17 report. They formed it in many ways. I refer to the transcripts  
18 at various points in the report. I think in -- I'm comfortable  
19 that my knowledge of the CDF and the Kamajors, prior to becoming  
20 an expert witness, was pretty sufficient. I really feel that  
21 that is the primary basis on which the report is written. I want  
22 to make sure that I'm answering your question. I don't know if  
23 that helps, but -- that's how I would characterise it.

24 JUDGE ITOE: So you were informed by those transcripts, but  
25 you may not have been influenced; not so? Is that what you are  
26 saying?

27 THE WITNESS: Yes, it seems a fine distinction, but I guess  
28 that maybe that's -- it's probably an accurate one.

29 JUDGE ITOE: I can live with that for now.

1 THE WITNESS: Thank you, My Lord.

2 MR POWLES: Thank you, Your Honour.

3 Q. You were instructed by the defence for the second accused  
4 to prepare a report. Even though you were instructed by the  
5 defence, what do you see and understand your role to be, as an  
6 expert?

7 A. My understanding of my role is that I'm here to assist the  
8 Court.

9 Q. What do you mean by that?

10 A. If there are areas that my particular expertise -- in which  
11 my particular expertise can be useful to understanding events,  
12 understanding organisation, then I'm at the disposal of the Court  
13 to answer any of those questions.

14 Q. Now, moving on to your report, what questions were you  
15 asked to focus on? What issues were you asked to focus on by the  
16 defence.

17 A. My understanding of my role was to address this question of  
18 whether the CDF constituted a military organisation and what kind  
19 of organisation, what kind of structure did it have. I know that  
20 there had been questions about this military dynamic and this was  
21 the point I understood I was to address.

22 Q. In the drafting of your report, were you assisted in any  
23 way by the defence in the drafting of the actual report?

24 JUDGE BOUTET: Assisted by whom?

25 MR POWLES: The Defence.

26 THE WITNESS: I wouldn't say assisted as such. I requested  
27 transcripts at various points which were sent to me by the  
28 defence. I was able to make a trip here in April of this year to  
29 do some additional interviews specific to the writing of the

1 report. I don't know -- I'll be honest, I don't know the extent  
2 to which that was facilitated specifically by the defence or by  
3 the Court, but --

4 MR POWLES:

5 Q. So those are the logistical issues that were given  
6 assistance with. In terms of the actual writing of the report  
7 and the conclusions that you came to, were you assisted or  
8 directed in any way by the defence?

9 A. No. There was -- the only other thing I would add to that,  
10 I was given a copy of the military expert report by Colonel Iron  
11 and given the instruction that this -- as a format, this was the  
12 framework in which a report would be -- an expert report would be  
13 written.

14 Q. Now, when you were given the terms of reference that your  
15 report was to cover, did you think they were issues you were in a  
16 position to deal with?

17 A. Yes, I did.

18 Q. Why?

19 A. Again, this really speaks to the subject of my professional  
20 life. I have published on this topic, I've done research on the  
21 topic of the organisation of the CDF: What exactly was this  
22 movement; who were the Kamajors? This is the subject of my work  
23 and I felt that this was something I could speak to.

24 Q. Now, you mentioned that you returned to Sierra Leone for  
25 the purpose of writing that report. When and why did you return  
26 to Sierra Leone?

27 A. I made that trip in April of 2006. The reason was that I  
28 felt it was important to speak with individuals specific to some  
29 questions I had that would facilitate writing the report.

1 Q. How many people did you speak to or interview at that time?

2 A. At that time, I estimated there was about 25. I would say  
3 probably 20 to 25. I had actually intended to go back and count  
4 them again, but 20 to 25 distinct individuals.

5 Q. Did you meet the three accused during that time?

6 A. Yes, I did.

7 Q. And did you conduct interviews with them?

8 A. Yes, My Lord, I did.

9 Q. In addition to those -- well, before moving on, during that  
10 trip, which areas of Sierra Leone did you visit and cover, so to  
11 speak?

12 A. During that particular trip, I conducted interviews in  
13 Freetown, Bo, Kenema, and I would say the environs of Kenema. I  
14 did some travelling to some of the villages around Kenema. If I  
15 can just add, when I say 20 to 25 individuals, these are all  
16 people identified again as Kamajors or members of the CDF.

17 Q. You've also alluded to this: The reading of transcripts.  
18 How much of the record did you read for the purposes of writing  
19 your report?

20 A. My reading was quite extensive. I wish I could say I had  
21 read every word of the testimony. It was my goal.  
22 Unfortunately, teaching duties sometimes take longer than they  
23 should. I would say the majority of the transcripts.

24 Q. Dr Hoffman, do you think that all of the research you have  
25 done on the Kamajors/CDF over the last eight years puts you in a  
26 position to eventually write the report, as requested?

27 MR KAMARA: Objection, My Lord. That question is clearly  
28 cross-examining his own witness.

29 PRESIDING JUDGE: Repeat the question, counsel.

1 MR POWLES:

2 Q. Dr Hoffman, do you believe that the eight years of work  
3 that you've done in examining and researching the Kamajors and  
4 CDF have put you in a position to write the report, as requested?

5 PRESIDING JUDGE: What's the rule of impermissibility that  
6 he's --

7 MR KAMARA: My Lord, he's challenging the qualification and  
8 time spent on the preparation of the report and it's his own  
9 witness.

10 PRESIDING JUDGE: Is he really?

11 MR KAMARA: Yes, My Lord. He said in the eight years that  
12 you've spent on this report, does it put you in a position -- it  
13 is more or less -- it is his own witness.

14 PRESIDING JUDGE: It goes to credentialisation. I'm not  
15 sure it does cross the line. Witnesses are supposed to be  
16 sufficiently credentialised before they can testify to expert  
17 matters.

18 MR KAMARA: Yes, My Lord.

19 PRESIDING JUDGE: The fact he's here as an expert is some  
20 prima facie indication that he is so credentialised. Would you  
21 be able to -- as cross-examiner, would you put that question to  
22 him?

23 MR KAMARA: My Lord, that question is for me, as a  
24 cross-examiner. If he puts to him, he is more or less like  
25 expressing doubt as to his --

26 PRESIDING JUDGE: It's a nuance issue. I don't know  
27 whether it's crossing the line.

28 MR KAMARA: I'll take your cue.

29 JUDGE ITOE: I don't think Mr Powles has really crossed the

1 line.

2 PRESIDING JUDGE: No, he hasn't.

3 JUDGE ITOE: It is a question of reassuring himself and the  
4 Bench on the basis which the witness has formed the opinions he  
5 has on his report. I think it's a question of his confidence and  
6 his credence, you know, in terms of what he's testifying to.

7 MR KAMARA: I take the cue, My Lord.

8 PRESIDING JUDGE: I think he's acting out of an abundance  
9 of caution. Go ahead.

10 MR POWLES: Just one point of clarification arising from my  
11 learned friend's comment, it wasn't that -- he may have misheard  
12 or misunderstood --

13 PRESIDING JUDGE: No, continue with your question.

14 JUDGE ITOE: Let me say this: Mr Kamara, it does not  
15 pre-empt you from revisiting this [indiscernible] during your  
16 cross-examination. Of course, you're perfectly entitled to.

17 MR KAMARA: Thank you.

18 PRESIDING JUDGE: Counsel don't get argumentative, just ask  
19 the question.

20 MR POWLES:

21 Q. Now, Dr Hoffman, do you think that all the research you've  
22 done on the Kamajors/CDF over the last eight years puts you in a  
23 position to write the report, as requested?

24 A. Yes, My Lord, I do.

25 Q. And is that what you did?

26 A. Yes, My Lord.

27 MR POWLES: Your Honours, perhaps at this stage I could  
28 exhibit the report that Dr Hoffman has written.

29 PRESIDING JUDGE: Do you have a copy there?

1 MR POWLES: Your Honours, yes.

2 PRESIDING JUDGE: Are we talking in terms of originals and  
3 copies, counsel?

4 MR POWLES: It was the report that was filed with  
5 Your Honours, but perhaps it should be formally exhibited as part  
6 of the trial.

7 PRESIDING JUDGE: That's fine. Yes, it should. Otherwise  
8 we would not be able to inform ourselves about the report. Has  
9 counsel on your side and the other counsel have copies? Have you  
10 seen the report?

11 MR SESAY: Yes.

12 PRESIDING JUDGE: Mr Sesay, do you have any objection to  
13 the document?

14 MR SESAY: I have no objection, Your Honour.

15 PRESIDING JUDGE: What about counsel for the third accused?

16 MS WRIGHT: No objection.

17 PRESIDING JUDGE: Mr Kamara, do you have any objection to  
18 the document being exhibited?

19 MR KAMARA: Yes, My Lord.

20 PRESIDING JUDGE: Let's hear it. Mr Powles, please sit  
21 down.

22 MR KAMARA: My Lord, if only I could have the copy he  
23 intends to use, because the one I have is the one that was sent  
24 to me long before. The first issue the Prosecution takes with  
25 this document is that Dr Hoffman's report goes beyond the scope  
26 of his recognised expertise.

27 PRESIDING JUDGE: Yes.

28 MR KAMARA: My Lord, the report adopts a stance on military  
29 and legal issues. My Lords, a clear example is attachment A to

1 that report, which is an analysis of the expert's report tendered  
2 by Colonel Richard Iron.

3 JUDGE BOUTET: You mean appendix one?

4 MR KAMARA: Appendix one, My Lord, "Specific Responses to  
5 Military Expert Witness Report on the Civil Defence Forces of  
6 Sierra Leone, by Colonel Richard Iron." My Lord, that analysis  
7 is properly to be conducted by the Trial Chamber and not for  
8 Mr Hoffman. My Lord, the Prosecution submits, in that light, the  
9 report seeks make a determination as to the ultimate issues of  
10 interpretation and evaluation of evidence already adduced before  
11 this Court.

12 JUDGE BOUTET: And if I may ask, Mr Kamara, what's your  
13 conclusion from that, assuming that to be the case, that the  
14 witness is reviewing and evaluating evidence adduced?

15 MR KAMARA: My Lord, is that those aspects relating to  
16 those determinations be rejected by this Court, particularly  
17 appendix A.

18 JUDGE BOUTET: When you say determination, you are aiming  
19 more -- I know what you said at the beginning, but you have  
20 referred more specifically to appendix one, which appear to be  
21 comments and review by the witness of the military expert that  
22 you called, that is, Colonel Iron.

23 MR KAMARA: Yes.

24 JUDGE BOUTET: So what's your objection to that part, as  
25 such? You say he is giving an interpretation, an evaluation of  
26 evidence against adduced before this Court by this other expert?

27 MR KAMARA: Yes, My Lord.

28 JUDGE BOUTET: What's the prohibition, if any?

29 MR KAMARA: The prohibition that for the specific purpose

1 for which he's called here as an anthropological expert does not  
2 cover that which he seeks to do in that appendix. The role which  
3 he has assigned himself is that reserved for the Trial Chamber.  
4 My Lords, that is what I'll describe as the usurpation of the  
5 functions of the Bench.

6 PRESIDING JUDGE: Perhaps for the sake of clarity, your  
7 attack, is it a two-pronged attack? The first one seems to talk  
8 about that he's covering areas that, in fact, are not properly  
9 within the scope of his expertise. Do I understand you to say  
10 that?

11 MR KAMARA: Yes, My Lord.

12 PRESIDING JUDGE: And the second one, again, which would  
13 seem to me separate and distinct from the first, is that his  
14 conclusions perilously come towards determining the ultimate  
15 issue, thereby violating the ultimate issue rule; that is to say,  
16 that the matters -- the ultimate question is for the Tribunal,  
17 and not for an expert, and you say it's a usurpation of our role?

18 MR KAMARA: Yes, My Lord.

19 PRESIDING JUDGE: So it's a two-pronged attack?

20 MR KAMARA: Two-pronged attack. Grateful, My Lord.

21 PRESIDING JUDGE: I just wanted to be clear about this.

22 MR KAMARA: Grateful.

23 JUDGE ITOE: I want to be clear, too, on this. I go with  
24 the two-pronged attack, as you have clarified it. Would you  
25 substantiate this for us?

26 MR KAMARA: Yes, My Lord. My Lord, on the first one --

27 PRESIDING JUDGE: Yes, in other words, give us some samples  
28 of issues that he has sought to cover which are properly -- which  
29 are outside, rather, his area of expertise. Give us two or three

1 samples or, if you can find as many.

2 MR KAMARA: Yes. My Lord, I will start with his analysis  
3 and conclusions in Part E. My Lord, I will draw your attention  
4 to page 4. "In the conclusion to this report, I summarise the  
5 findings and suggest that the CDF shall not be understood as a  
6 military organisation with military command and control."

7 JUDGE BOUTET: Where are you reading from?

8 MR KAMARA: Page 4 of his report, Part A, "Introduction and  
9 Scope."

10 JUDGE BOUTET: Yes.

11 MR KAMARA: Then page 4, he's more or less summarising  
12 Part E.

13 JUDGE BOUTET: Okay, "In the conclusion to this report,"  
14 that's the portion?

15 MR KAMARA: Yes, My Lord.

16 PRESIDING JUDGE: Page 4, part A?

17 MR KAMARA: Yes. "Rather, it is best thought of as a  
18 loosely organised militarised social network without a  
19 centralised military command structure."

20 PRESIDING JUDGE: So that's one sample?

21 MR KAMARA: That is one.

22 PRESIDING JUDGE: Any other sample?

23 MR KAMARA: Yes, My Lord. My Lord, he also goes further to  
24 testify to --

25 JUDGE ITOE: What you're saying is he's not competent to  
26 contradict Colonel Iron?

27 MR KAMARA: Yes, My Lord, and make military conclusions.

28 JUDGE ITOE: And the report, which Colonel Iron submitted  
29 in his own report; is that what you're saying?

1 MR KAMARA: Yes, My Lord, that is what I'm saying.

2 JUDGE BOUTET: But are you suggesting that, as an  
3 anthropologist, in the field this witness has described, now  
4 based on his CV, he cannot speak as an anthropologist about a  
5 structure that existed at the time within, as you said, Kamajor  
6 society or the CDF? So, I mean, are you saying that because one  
7 is not necessarily from the military, he cannot speak of an  
8 organisation that he perceives, as an anthropologist, to be of  
9 this kind and not this kind? He, the witness, to my  
10 understanding up to now, has not assumed or tried to convey to  
11 the Court that he is a military expert. He's testifying -- he  
12 has described and given his qualifications as an anthropologist,  
13 talking, as you described it, of this group as he saw it at the  
14 time. He's describing that group from an anthropologist's angle.

15 PRESIDING JUDGE: Yes. Following my brother's line of  
16 questioning, I put it this way: Why is he not qualified to  
17 proffer that kind of opinion?

18 MR KAMARA: My Lord --

19 PRESIDING JUDGE: That's the way I put it.

20 MR KAMARA: My Lord, he's not qualified to proffer that  
21 opinion, because he's here before the Court as an expert in  
22 anthropology.

23 PRESIDING JUDGE: Cultural anthropology.

24 MR KAMARA: Yes, My Lord. Cultural anthropology.

25 PRESIDING JUDGE: Don't narrow it down.

26 MR KAMARA: Yes, My Lord, cultural anthropology, and there  
27 is evidence before this Court, that has been adduced by a  
28 military expert. It is not for this witness to come to this  
29 Court as a cultural anthropologist to comment and evaluate the

1 evidence of that military expert.

2 PRESIDING JUDGE: Yes. The question I put now is: For me  
3 to be enlightened, why is the subject that he's now purporting to  
4 proffer an opinion on not a proper subject for cultural  
5 anthropology?

6 MR KAMARA: My Lord, it could be a proper subject for  
7 cultural anthropology, but where evidence has been adduced before  
8 this Court by a military expert, it cannot come in the disguise  
9 of a cultural anthropologist to evaluate and assist the value of  
10 that evidence.

11 PRESIDING JUDGE: That is the difficulty of your position.  
12 You cannot, as a lawyer, merely from that podium, make a  
13 pronouncement that his particular area of study is an area which  
14 does not fall within the disciplinary scope of cultural  
15 anthropology, but within the scope of military science, unless  
16 you can produce expert evidence to counter that. It seems as if  
17 you're asking us to take your own ipse dixit on this, which is a  
18 very controversial issue.

19 JUDGE BOUTET: Bearing in mind, again, that this witness  
20 has clearly stated to the Court the focus of his study and the  
21 purpose of his study and what he's trying to inform the Court  
22 about. He is asserting that it does cover how this society was  
23 organised. I mean by society here, the Kamajor society, the CDF  
24 movement, as such, from his perspective, as such. It may be what  
25 you're raising has to do with weight, but you're not objecting to  
26 weight here. You're objecting to the admissibility of this  
27 report.

28 The question is: Why is it that this particular expert  
29 would not be allowed to testify on matters like Kamajor, Kamajor

1 structure and CDF structure, and draw conclusions from his own  
2 expertise what it is, or what it consists of, or not. Why not?

3 MR KAMARA: My Lord --

4 PRESIDING JUDGE: And the point is this: Develop it. Why  
5 is the subject of Kamajor only a subject that only fits into the  
6 area of military science?

7 JUDGE BOUTET: Indeed.

8 PRESIDING JUDGE: Why should not a sociologist have the  
9 right to talk about the sociology of the Kamajor movement and  
10 also why should not an anthropologist have the right to talk  
11 about the anthropological aspects of the Kamajor movement, and  
12 why should not a lawyer have the right to talk about the legality  
13 of the Kamajor movement?

14 JUDGE BOUTET: And why is it an anthropologist cannot speak  
15 about war, the consequences of war and implications of war, as  
16 such. Why is it you seem to imply in your objection that only  
17 military people can speak about that? Why is it? Is it an  
18 exclusive domain of the military?

19 MR KAMARA: No, My Lord. The issue here is he can speak  
20 about those issues from an anthropological point of view. He is  
21 here for a specific purpose. My Lord, he's not here for  
22 everything, to come and tell us everything about the war. He is  
23 here for a specific purpose, a scientific purpose that will help  
24 the Court in making its determination. My main point here is, My  
25 Lord, he is not an expert before this Court to make a comment and  
26 evaluation of the evidence already adduced before the Court.

27 PRESIDING JUDGE: All right. Suppose he merely says from a  
28 cultural anthropological perspective, I hold so and so and so.

29 MR KAMARA: That's not the same.

1           PRESIDING JUDGE: No, suppose he says that. Would that  
2 neutralise the position you're taking? "From a cultural  
3 anthropological perspective, this is my view." Would he be wrong  
4 in --

5           MR KAMARA: He wouldn't be wrong, but that is not what he's  
6 saying, My Lord. He's saying and making assessments and  
7 conclusions from military analysis, My Lord, and he's speaking as  
8 if he's an expert in military law.

9           PRESIDING JUDGE: Military science, not law.

10          MR KAMARA: Yes, military science. My Lord, for the  
11 specific purpose of which he has been called and for which the  
12 Court has recognised him as an expert, that is not his duty  
13 before this Court, My Lord, in evaluating evidence of other  
14 witnesses, his exclusive domain for the Court at the end of the  
15 trial. He's not here as an expert.

16          PRESIDING JUDGE: Quite. You heard my brother Honourable  
17 Justice Itoe ask questions to the extent to which he was  
18 influenced by the transcript. That may be another point as to  
19 whether the report is more or less a kind of replication of  
20 evidence that has been before this Court, of course, which could  
21 be, probably, a possible ground of objection. But that's not  
22 what you seem to be saying. You're actually taking a kind of  
23 microperspective of subjects that fall within academic  
24 disciplines and clearly saying that, in my view, there can be a  
25 lot of overlap between military science and cultural anthropology  
26 in respect of certain subject matters.

27          MR KAMARA: My Lord, the question is: What is his role  
28 here this morning? What is his role in these proceedings?

29          PRESIDING JUDGE: He says he's a cultural anthropologist.

1 MR KAMARA: He's a cultural anthropologist, My Lord.

2 PRESIDING JUDGE: Not here as a general.

3 MR KAMARA: Not as a general. He is not here to testify to  
4 the war and the effects of war and everything concerning the war.  
5 The Court is not interested in that. The narrow focus of the  
6 interest of the Court is how can he assist the Court by his  
7 knowledge in anthropology as to the science of the Kamajors and  
8 their operations. My Lord, for him to pass comment on evidence  
9 adduced by an expert recognised by this Court, it is not his  
10 function.

11 JUDGE BOUTET: What if your expert ventured in the social  
12 culture when writing his so-called military expert report? Would  
13 that preclude this witness to comment on these issues, as such,  
14 if your expert, the one you called, has used some information  
15 that were in a cultural domain, to come to some of his own  
16 conclusion from a military perspective. Why would this witness  
17 not be able to comment on this?

18 MR KAMARA: In that case he can. From the anthropological  
19 aspect, he can comment. But as the report is per se, if we take  
20 a look at it --

21 JUDGE BOUTET: I'm just looking at that. I just took one  
22 page -- just glanced at one page of his report on comments of the  
23 testimony of Iron, as such. I'm looking here at page 43, B.4.6,  
24 [indiscernible] "disciplinary system conflict causes normal  
25 social structures and inhibitions to break down." That was the  
26 section your expert, as such, dealt with social structures at the  
27 time, as such. Now this witness is being asked to comment on  
28 this structure, how he sees it. So your military expert is  
29 commenting on social structure that existed at the time. My

1 question to you: Why would your military expert comment on that  
2 when he's not an expert on social structures, per se? That would  
3 be possible and now this witness, whose background is indeed on  
4 social structures comment on this part of your expert? Your  
5 expert talks about that. Maybe he was not accurate enough,  
6 because -- I mean, I'm using this as an example. It just  
7 happened by chance that I flipped on this page. I didn't look at  
8 the whole report. I'm just using that as an example to say why  
9 is it this particular witness could not testify as to these  
10 issues that are in evidence.

11 PRESIDING JUDGE: If it follows, really, then it means that  
12 only somebody called by the Defence, who is somebody who is an  
13 expert in military science, can competently rebut or purportedly  
14 rebut the evidence of your military expert; that's what you're  
15 saying? In other words, a cultural anthropologist -- I don't  
16 think you are being so simplistic that only a military person can  
17 come and rebut that.

18 I think, if you're taking the cue from us, you probably  
19 should rethink your first prong of your objection. You probably  
20 might want to anchor yourself on your second prong and try to  
21 persuade us. Because, quite frankly, I think this is a very,  
22 very controversial area. I've not --

23 JUDGE ITOE: Indeed, I was going to say --

24 PRESIDING JUDGE: I don't think [overlapping speakers].

25 JUDGE ITOE: -- to the Presiding Judge that this is a very  
26 controversial area.

27 PRESIDING JUDGE: -- a cultural anthropologist has no right  
28 to comment on evidence in an area where he says "I studied the  
29 anthropology of the movement," you see.

1 MR KAMARA: My Lord, I will anchor on the second prong, and  
2 go on the issue of --

3 PRESIDING JUDGE: And that one you say he is -- the  
4 conclusions you contend in your submission amount to a  
5 usurpation.

6 MR KAMARA: The functions of the Court.

7 PRESIDING JUDGE: Quite. And you'd better give us samples  
8 of that.

9 JUDGE BOUTET: I would like you to direct the Court as to  
10 which conclusion you are talking about. Are you using that as a  
11 broad brush, that is, all of his conclusions are of that nature,  
12 or specific conclusions.

13 MR KAMARA: My Lord, to a large extent, his entire  
14 analysis, synthesis of conclusions, such as the E.4 -- I'm  
15 looking at E.4.

16 JUDGE BOUTET: Where in E.4, in the introduction or in  
17 the --

18 MR KAMARA: Page 32, My Lord. Starting with, "In other  
19 words, the CDF was a force without a stable, centralised  
20 hierarchy capable of exerting military style command and control.  
21 The duties and obligations of CDF members to those above and  
22 below them --"

23 THE INTERPRETER: Your Honour, counsel is going too fast  
24 for the interpreter's comfort.

25 PRESIDING JUDGE: Counsel, take the interpreter's advice.

26 MR KAMARA: I'm sorry.

27 PRESIDING JUDGE: Proceed slowly.

28 MR KAMARA: "In other words, the CDF was a force without a  
29 stable, centralised hierarchy capable of exerting military style

1 command and control. The duties and obligations," "obligations  
2 combatants and 'commanders' had as members of their communities."  
3 And the last sentence, "The CDF's logic was always of that a  
4 social rather than a military institution."

5 PRESIDING JUDGE: So that's one example.

6 MR KAMARA: That's one.

7 PRESIDING JUDGE: You're looking for some others?

8 MR. KAMARA: Yes, My Lord.

9 PRESIDING JUDGE: All Right.

10 MR KAMARA: And, on page 21 -- sorry, I have to go back.

11 PRESIDING JUDGE: That's okay. Take your time, counsel.

12 Page 21?

13 MR KAMARA: Yes, My Lord. The continuing paragraph from  
14 page 20, talking about military background and training. My  
15 Lord, my specific interest is in the sentence that starts, "These  
16 were also true of Moinina Fofana, who had no previous military  
17 experience but had achieved a degree of status as a local  
18 businessman and benefactor for internally displaced persons.  
19 This was reflected in the description of Fofana as a chief  
20 Kamajor after 1995 when he assisted in the supply of food to  
21 refugees and combatants. Chief Kamajor was an honorific title  
22 sometimes given to paramount chiefs and other important persons.  
23 It connoted no specific duties or responsibilities and was not  
24 used systematically."

25 My Lord, in this instance, Dr Hoffman is treading the  
26 ground of proof of guilt or innocence of the accused. And, My  
27 Lord, that is not one of the functions for which he is here. My  
28 Lord, it is a submission of the Prosecution that when a witness  
29 is recognised as an expert, he or she must adduce evidence that

1 is relevant and can assist the Court to determine the matter in  
2 dispute. It is not for the expert witness to make conclusive  
3 determination as to the proof of guilt or innocence of the  
4 accused persons.

5 PRESIDING JUDGE: Did you say that conclusion goes to the  
6 question of the role of the accused?

7 MR KAMARA: Yes, My Lord.

8 PRESIDING JUDGE: To the second accused?

9 MR KAMARA: Yes, My Lord.

10 JUDGE BOUTET: Mr Kamara, the statement you have just made  
11 is based on what you have referred to at page 21?

12 MR KAMARA: Twenty-one, My Lord. Twenty-one and 22, My  
13 Lord.

14 PRESIDING JUDGE: But that's not -- is he attempting an  
15 opinion on a question of law, or just on the issue of guilt or  
16 innocence?

17 MR KAMARA: On the issue of guilt or innocence. Yes, My  
18 Lord.

19 PRESIDING JUDGE: If you were attempting an opinion on the  
20 question of law, isn't there a trend, from my understanding of  
21 the jurisprudence, that the international criminal tribunals have  
22 shown some flexibility in terms of allowing experts to express  
23 opinions sometimes on the question of law, whilst reserving the  
24 right to say, "We, the Court, are the ones who know the law. We  
25 are the ones who will decide it, even though you have expressed  
26 an opinion."

27 MR KAMARA: Yes, My Lord.

28 PRESIDING JUDGE: But, I see the distinction here between  
29 expressing an opinion on a question of law as distinct from

1 wanting to take over the role of the tribunal in determining the  
2 issue of innocence or guilt.

3 MR KAMARA: I'm with you on that, My Lord.

4 PRESIDING JUDGE: Yes.

5 JUDGE BOUTET: I would like to hear more on this issue  
6 because, again, looking at this particular part, I thought these  
7 were just examples rather than conclusions that the witness is  
8 using to talk about what he's describing, and that society, that  
9 patronage issue, and how it was structured, as such, and he's  
10 using different examples to support that, not necessarily making  
11 conclusions. So, I mean, if you look at D.3, he's trying to  
12 determine the meaning of commander in that structure as it  
13 existed, as such, and refers to what patronage would mean. For  
14 example, at page 20, as a patron, the commander would be  
15 responsible because the witness, in his report, described what he  
16 means by patronage and then has based his report on the fact that  
17 this is a structure that was more on the patronage lines, rather  
18 than the commander. The line you refer to is in support of his  
19 views on this, not a conclusion that this is the role or not the  
20 role.

21 MR KAMARA: My Lord, these are the premises upon which he  
22 bases his conclusions, which I'm challenging, that are the  
23 usurpation of the functions of the Bench. These premises that I  
24 have given, and it goes to the role of the second accused, and  
25 that's a fact in issue before this Court. Finally, My Lord, the  
26 Prosecution submits that the report, with all those conclusions  
27 contained --

28 JUDGE BOUTET: Again, Mr Kamara, I would appreciate when  
29 you say, "all those conclusions" -- you have this tendency this

1 morning to make these sweeping statements. Which conclusions are  
2 you talking about? Are you saying that all of the conclusions  
3 are faulted, all of his conclusions, for the purpose, the reason  
4 that you are mentioning?

5 MR KAMARA: Sorry, My Lord. Those conclusions that affect  
6 the ultimate issues.

7 JUDGE BOUTET: Which one are you talking about here?

8 MR KAMARA: The examples I've given.

9 JUDGE BOUTET: No, no, not the examples. I want you -- I  
10 mean, presumably you are attacking the report because of the  
11 conclusions of the report that are coming to the ultimate issue  
12 and, therefore, tell me which conclusions you're challenging in  
13 this respect.

14 MR KAMARA: My Lord, I've given E.4 and I believe that the  
15 CDF cannot be thought of as a military organisation with  
16 centralised military command and control, and that is in E.3, as  
17 well.

18 PRESIDING JUDGE: Your specific reference of pages 32 and  
19 21, do you have any other ones to add to that? I know you are  
20 thinking on your feet, but, whether your able assistants have  
21 been able to identify some more allegedly offending provisions --

22 MR KAMARA: I do have -- incidentally, what I have is from  
23 the preparation from the motion filed and, looking at the report,  
24 I've not been able crisscross the references. That is why I'm a  
25 bit [overlapping speakers] --

26 PRESIDING JUDGE: Perhaps we should give your colleague a  
27 chance to respond and you might just have a chance to reply, in  
28 case he comes out with -- since we've narrowed the issue down to  
29 only just the second issue. We no longer have a two-pronged

1 objection. We only have one objection now and we would ask  
2 learned counsel for the second accused to confine himself as  
3 succinctly as possible to responding to your colleague's  
4 submission.

5 MR POWLES: Your Honours, yes, I will try and be as  
6 succinct as I can. There really are two responses to my learned  
7 friend's objection. The first, procedure, and the second,  
8 substantial.

9 In relation to the procedure, Your Honours, of course, will  
10 recall that on 7th of July of this year, Your Honours, issued a  
11 decision on Fofana's submissions regarding proposed expert  
12 witness Daniel J Hoffman PhD. In that decision, Your Honours,  
13 noted at page 3 that pursuant to Rule 94bis(B) within 14 days of  
14 filing of Dr Hoffman's expert report, the Prosecution must  
15 indicate whether or not they accept the report and whether or not  
16 they wish to cross-examine the expert witness. The Prosecution  
17 were invited, within 14 days, to indicate whether they accepted  
18 the report and whether or not they wished to cross-examination.  
19 The Prosecution's response, which was filed on 29th of August, so  
20 it does appear within -- well, not within the 14 days --

21 JUDGE ITOE: Are you suggesting, Mr Powles, at this stage  
22 of the proceedings, because they did not indicate that they were  
23 going to cross-examine the witness, or because they did not  
24 object to certain portions of the report, they can, at this  
25 stage, not do that? Is it late for them to raise any objection  
26 on this report, which was filed by the second accused?

27 MR POWLES: Your Honour, I will comment on that. The  
28 decision of Your Honours does assist with that in terms of how  
29 the Prosecution can or should deal with the issue. The

1 Prosecutions' response was that they only -- pursuant to  
2 94bis(2)(B)(ii), the Prosecution, hereby, gave notice of its  
3 intention to cross-examine expert witness, Daniel Hoffman. They  
4 did not indicate anything other than their intention to  
5 cross-examine, did not give notice, at all, of any objection they  
6 took to the contents of the report. I would submit that, at this  
7 very late stage of the 11th hour, during the giving of testimony  
8 of the expert witness, it is a little late in the day for the  
9 Prosecution now to sound their objections to contents of the  
10 report, especially given the final part of Your Honours' ruling  
11 on 7th of July 2006.

12 Your Honours, said the following, "Considering further that  
13 the Prosecution will also have the opportunity, if they so wish,  
14 to challenge Dr Hoffman's qualifications, as well as the  
15 relevance and admissibility of his evidence," and this is the  
16 crucial part, "during cross-examination of the expert, if any,  
17 pursuant to Rule 94bis." Your Honours accepted Dr Hoffman as an  
18 expert. So, my primary and preliminary submission in relation to  
19 procedure would be if my learned friend does have an objection,  
20 pursuant to Your Honour's ruling, the appropriate time for him to  
21 explore and try to identify any shortcomings in Dr Hoffman's  
22 expertise and the contents of his report, the appropriate time  
23 for him to do that is during cross-examination pursuant to  
24 Your Honours' decision.

25 PRESIDING JUDGE: So you are invoking an estoppel here?

26 MR POWLES: Your Honours, yes. Moving then to my second  
27 response, which is the substantive response, and whether  
28 Dr Hoffman is trespassing into the ultimate issue, Your Honours  
29 will of course remember some of the quite sweeping and

1 far-ranging conclusions drawn by Colonel Iron. My learned friend  
2 says this morning it is not for an expert to make such  
3 determination. If that is really what he's saying and what he  
4 stands by, that would rule out and nullify a vast and huge amount  
5 of Colonel Iron's report. If that's the route he wants to go  
6 down, then maybe we should go down it.

7           However, he's adduced the evidence of Colonel Iron before  
8 this Court. Colonel Iron drew a number, as I say, quite  
9 far-reaching, sweeping conclusions. If they are not going to the  
10 ultimate issue in this case, then, clearly, Dr Hoffman's  
11 questioning of those conclusions is not going to the ultimate  
12 issues in this case. Colonel Iron is a military expert. He has  
13 given evidence before this Court as to his perception and  
14 understanding of what the CDF was as a military organisation.  
15 Dr Hoffman's conclusion is that the CDF was not an military  
16 organisation. In that capacity, he looks at the conclusions of  
17 Colonel Iron and says, "From my professional and expertise  
18 advantage, I can say the following about the CDF and the  
19 following about the conclusions that Colonel Iron drew. I would  
20 submit that he's perfectly entitled to make those sorts of  
21 submissions to the Trial Chamber. Of course, whether  
22 Your Honours accept them or not is of course the ultimate issue  
23 that is the matter before this Court, and the right and proper  
24 time to determine the weight that should be attached to the  
25 testimony and evidence of Dr Hoffman is at the end of this case,  
26 not now during examination-in-chief of Dr Hoffman's testimony.

27           PRESIDING JUDGE: So these are -- is it your inference that  
28 these are matters of perspective?

29           MR POWLES: Your Honours, yes.

1           PRESIDING JUDGE: In other words, it's like -- well, I'm  
2 not going to use the analogy of the men of [indiscernible] who  
3 went to see the elephant. And each of them pointing to various  
4 parts and probably each part for them reflected the reality,  
5 whereas, at the end of the day, it was the totality that  
6 reflected the reality. I'm just thinking randomly. I hear your  
7 side and I've heard his own side. Is there anything else you  
8 need to tidy up?

9           MR POWLES: Your Honours, no. Those are my two  
10 submissions: Procedural and the substantive.

11           PRESIDING JUDGE: Mr Kamara, is there anything you need to  
12 say before we take the usual morning break and come back later  
13 on?

14           MR KAMARA: Yes, My Lord, just one simple statement on the  
15 aspect of procedure mentioned. The Prosecution responds to their  
16 filings with regard to this witness. The Prosecution had also  
17 indicated they would cross-examine this witness as to his  
18 credentials and qualifications. We refused to accept him in the  
19 first instance as an expert. Why would we accept his report? My  
20 Lord, that is all on that point.

21           PRESIDING JUDGE: You're right. I will --

22           MR POWLES: Your Honours, that was of course before  
23 Your Honours ruling on 7 July. The objection was taken by my  
24 learned friend at that point, prior to the ruling. And there has  
25 been no follow-up from Your Honour's ruling, the decision on  
26 7 July, other than the indication they sought to  
27 cross-examination.

28           PRESIDING JUDGE: Traditionally, this is time for the tea  
29 break, about half an hour. We'll take the tea break now. We

1 should all be back here by 12.05.

2 [Break taken at 11.35 a.m.]

3 [Upon resuming at 12.12 p.m.]

4 PRESIDING JUDGE: This is the unanimous ruling of the  
5 Bench. The Prosecution's objection to the admissibility of  
6 Dr Hoffman's report is overruled. However, consistent with the  
7 ruling of the Bench, dated 7 July 2006, the Prosecution is at  
8 liberty to revisit the issues raised in the objection in  
9 cross-examination as to weight and probative value.

10 PRESIDING JUDGE: Mr Powles, your witness.

11 MR POWLES: I believe we got to the point where we were  
12 about to exhibit Dr Hoffman's report.

13 PRESIDING JUDGE: Yes. Based on the ruling, therefore, the  
14 document will be received in evidence and marked Exhibit 165.

15 [Exhibit No. 165 was admitted]

16 MR POWLES:

17 Q. Now, Dr Hoffman, we have all received a copy of your report  
18 and, therefore, rather than going through it line by line, what I  
19 propose to do with you is focus on and highlight a few issues  
20 arising from it. Just so we all know where we are going, the six  
21 areas I wish to go to focus on with you are: Firstly, the  
22 origins of the Kamajors and how they changed over time; the  
23 structure of the Kamajors/CDF movement; thirdly, the aims and  
24 objectives of the CDF; fourthly, the intensity of areas of  
25 fighting; fifthly, the socio anthropological traits of the  
26 Kamajors that may be relevant to command; and, finally, children  
27 in Kamajor society. So, beginning then, the origins of the  
28 Kamajors, when and where does the term come from and originate  
29 from, Dr Hoffman?

1 A. My Lords, the term Kamajors, I think the first and most  
2 important thing to state is that that term is actually an  
3 Anglocised version of a Mende term, actually a collection of  
4 Mende terms. As I note in the report, the differences in  
5 dialect, plural and singular -- I'm sure the Court is aware, they  
6 have been mentioned here a few times, Kamasoi, Kamajoisia --  
7 these are variations on a term that certainly predates the war,  
8 and it's a specifically Mende institution. Generally, this  
9 collection of terms is translated as either hunter or traditional  
10 hunter. It is a slightly misleading term, at least that  
11 translation. What this figure represented, prior to the war,  
12 were individuals in a village or community, and a very small  
13 number of them. Most villages might have one, at most two, of  
14 these individuals, who were people, who, after a series of  
15 apprenticeship, had acquired certain knowledges of the forest,  
16 which was considered to be a very specialised domain. These  
17 knowledges tended to be both practical and, also in common  
18 layman's terms, supernatural or superhuman -- anthropologists  
19 generally prefer the term occult -- powers that were unique to  
20 them and often seem to transcend physical limitations.

21 One of the other most important aspects of a -- and I will  
22 continue to use the term Kamajor because it has become  
23 standardised -- one of the markers of the Kamajors is that they  
24 were granted the authority by the chiefdom to carry firearms in  
25 the period in which firearms had been introduced to the rural  
26 areas. So a Kamajor was somebody who used both -- in the Mende,  
27 it's hallay [phon] -- these medicines, the occult forces that  
28 they had, their specialised knowledge and their firearms, to --  
29 on the one hand to do some hunting, provide some need for the

1 community, but, more particularly, to protect the village from  
2 threatening forces of the forest, and these could be these could  
3 be large game that might be either threatening lives or property,  
4 elephants, leopard, et cetera. It could sometimes be superhuman  
5 forces, witches, or bush devils, in translation. And,  
6 occasionally, it might be human invaders. So this was the role  
7 of this figure.

8 Q. You mentioned apprenticeships. How would someone become a  
9 Kamajor?

10 A. The anthropological literature on this is not extensive.  
11 The general understanding is that this is a position that a man,  
12 and it's worth noting this is an exclusively male domain, a man  
13 would achieve this status by a long period of apprenticeship.  
14 You worked with an established Kamajor to gradually, over time,  
15 accumulate these secret knowledges. There was not, at this early  
16 stage initiation, as such, apparently, but, rather, this rather  
17 gradual process of becoming -- accumulating the knowledges and  
18 the powers that were necessary to fulfill this role.

19 Q. You mentioned not at this early stage. Just so we are all  
20 clear, what stage are you talking about?

21 A. At this stage, I'm specifically talking pre-1991, prior to  
22 the outbreak of the war.

23 Q. And who would choose or decide who would become a Kamajor  
24 and serve his apprenticeship?

25 A. There might be different ways in which a person could  
26 become involved in this role. Interestingly, although this was a  
27 powerful position, it wasn't always one that individuals sought  
28 out, because it was obviously a lot of responsibility and  
29 sometimes these were individuals who were treated by the

1 community with a certain wariness, right? They were associated  
2 with forces that are considered chaotic, which is the forces of  
3 the forest. As in many parts of Africa, one of the ways that you  
4 might be brought into this role as a Kamajor would be that you  
5 were chosen by forces other than yourself, and these could be  
6 supernatural, these could be ancestors, you know, people being  
7 visited in dreams and being granted certain kinds of powers that  
8 would then lead them into this role of apprentice.

9 Q. In that pre-1991 period, is it possible to estimate how  
10 many Kamajors there were?

11 A. I don't believe it would be possible to estimate, for the  
12 most part. Again, I would point out that villages, towns,  
13 generally, would not have more than one or two, if they had any  
14 at all. This is -- it is also worth noting that this is a  
15 specifically Mende institution. There are specialised hunters in  
16 various parts of Sierra Leone, the Kamajors specific to the  
17 Mendes. Now, the one -- it might be possible to go back in  
18 recent times and chart the number of firearms that were  
19 registered in the countryside. It might give you some indication  
20 of a census for the Kamajors but, to my knowledge, it hasn't been  
21 done and I wouldn't be able to give you a figure.

22 Q. Moving on then to post-1991, did the role and numbers of  
23 Kamajors change?

24 A. It did. The -- although -- before sort of going into the  
25 ways it might have changed, it's worth pointing out the ways it  
26 remained fairly consistent. I mean, I think that the -- in  
27 anthropological terms we would call it the myth, which is really  
28 meant to be the story that is told about them and that they tell  
29 about themselves is this role of the protector of a community.

1 That's really what a Kamajor entails, somebody whose job, whose  
2 responsibility it is to guard the community against these  
3 threatening forces of the forest. In my experience, that sense  
4 of what a Kamajor's job was never went away. That's why that  
5 particular term, over any other, remains salient for the  
6 organisation. And so on the one level you have this consistency  
7 throughout.

8 Now, in terms of a kind of practical -- certainly the  
9 numbers greatly expand. By the time you get into the later  
10 series -- later stages of the war, certainly in CDF period, you  
11 have men, particularly young men, being identified as Kamajors  
12 who were not these specialised hunters prior to the war. In the  
13 early stages, it was these figures that mobilised to defend the  
14 communities to assist the armed forces as scouts and as guides.  
15 As the war progresses, we begin to get more and more people who  
16 are adopting or being given that label of Kamajor.

17 Q. You mentioned numbers expanding. When did the numbers  
18 significantly expand?

19 A. There are different stages. If you consider that the war  
20 in Sierra Leone is essentially a ten-year war, there are  
21 different stages at which the numbers expand. It's very gradual  
22 in the beginning. By 1995, we are really beginning. As  
23 initiations are becoming more and more important, that's  
24 expanding the numbers. During the junta period, the so-called  
25 junta period, we get an additional expansion of numbers, of men  
26 who are self-identifying as Kamajors.

27 Q. Now, you mentioned 1995. Is it possible to estimate,  
28 roughly, how many Kamajors there were at that point and  
29 thereafter?

1 A. I, personally, am not comfortable assigning a number to  
2 this. The estimates are just so vast. The most conservative  
3 estimates say that they may have been no more than 5,000, you  
4 know 5,000 to 10,000. The most generous estimates say there were  
5 99,000 plus. In my opinion, what you would have to do to  
6 establish a reliable number is, first of all, distinguish people  
7 who mobilised, took that name Kamajor, for no purpose other than  
8 to defend their own community and may not have done anything more  
9 than patrolled the perimeter of the village on a handful of  
10 occasions. These were identified, very often, as being Kamajors.  
11 And then you have another group of people who tend to be more  
12 mobile, who were fighting in different locations over periods of  
13 time, which is probably the definition that most people have in  
14 mind when they're trying to fix a number. And you would really  
15 need to ascertain which of these you're talking about as to get  
16 any kind of reliable estimate. It's really impossible to say.

17 Q. In 1995 and thereafter, you mentioned initiations and an  
18 increase in the number of Kamajors. Who would decide who would  
19 be a person who could become a Kamajor?

20 A. My Lords, at that period, the -- those decisions are being  
21 taken by community leaders, particularly the chiefdom  
22 authorities: Elders in the community, paramount chiefs, town  
23 chiefs.

24 Q. Moving on then to the second area I wanted to explore with  
25 you, the structure of the Kamajors/CDF. Did there come a time  
26 when the Kamajors became known as the CDF?

27 A. There was. The CDF, Civil Defence Forces, sometimes its  
28 expanded out to Civil Defence Forces of Sierra Leone, is a term  
29 that, when it comes into use, encompasses the Kamajors,

1 encompasses a number of other of these militia or regular forces  
2 that are from various other parts of the country, Kamajors being  
3 the dominant, both, I think, in people's -- in the popular  
4 imaginary and also in terms of numbers and significance.

5         There is some question as to exactly when this terminology  
6 CDF comes into widespread use. Certainly by the end of the AFRC  
7 period, when the junta is overthrown, the SLPP government  
8 restored, CDF becomes the widely-known terminology. My sense  
9 is -- and my experience based on communications with people in  
10 the field, is that the term CDF is circulating prior to that.  
11 How widely known or utilised it is, I think is an open question.  
12 There are different accounts of that, but that's my sense.

13 Q.     Were all Kamajors members of the CDF?

14 A.     Certainly by this period of, you know, post-restoration of  
15 the SLPP government, then it was -- at that point it was  
16 considered Kamajors are members of the CDF, yes.

17 Q.     In 1995, what would you say was the driving force behind  
18 the Kamajors in terms of their rapid increase in numbers?

19 A.     Okay. At this period, 1995, it's become clear, certainly  
20 throughout the Mende south-east, that the government of the day  
21 and the state military of the day is unable, and in many cases  
22 unwilling, to protect rural communities. This is the period,  
23 where -- I'm sure My Lords have heard this term Sobel. This is  
24 the Sobel period where a number of soldiers are seen to be either  
25 impersonating or collaborating with the RUF, and essentially  
26 threatening rural communities. So the sense was there needed to  
27 be a mobilisation of defenders of, again, particularly rural  
28 villages and, it's worth noting as well, IDP camps or internally  
29 displaced persons camps, the internal refugee settlements.

1 Q. That sense for need for mobilisation, who determined that?

2 A. Well, I think this was a fairly widespread sentiment, at  
3 this point. As I mentioned, the people that are leading this  
4 effort are community elders, town chiefs, paramount chiefs, and  
5 then the elderly, particularly men, in these given communities  
6 who participate collectively in decision-making and are coming  
7 together to talk about this obviously pressing need.

8 Q. You mentioned refugee and IDP camps. Were Kamajors  
9 recruited, if that's the right word, from those areas?

10 A. In many cases, yes. It is a very important point that,  
11 even in this period, the recruitment, again, if that's the word  
12 we're going to use, is taking place with the assistance and -- at  
13 the urging of chiefdom authorities, but very often these  
14 authorities are themselves not resident in their chiefdoms, at  
15 least in the south-east. They may be situated in IDP camps,  
16 particularly around Moyamba, Bo, to an extent, Kenema. And so a  
17 large portion of the mobilisation of Kamajors at this stage is  
18 actually taking place within those locations.

19 Q. If I'm correct, it's being driven by chiefdom authorities,  
20 even in those IDP camps?

21 A. Right. Even if their not resident in their own chiefdom at  
22 the time, they are still the primary motivators.

23 Q. You use the word motivators. Is that synonymous with  
24 recruiting?

25 A. I guess in the sense I'm using it, yes. At this period, a  
26 lot of Kamajors are essentially nominated by the community.  
27 Right, there's -- there may be a sense, okay, we -- we, the  
28 elders of -- hypothetically, if we took three neighbouring  
29 chiefdoms, came together and said, "We need 300 people to

1 adequately defend ourselves," every chiefdom will therefore be  
2 responsible for coming up with 100 names and these people would  
3 then be nominated by the communities.

4 Q. Now, in 1995, did the Kamajors have a base?

5 A. No, I wouldn't characterise the Kamajors as having a base  
6 at that particular time, no.

7 Q. Where were they located in the main?

8 A. They tended to be very dispersed. Again, these were local  
9 communities throughout the south-east. The Kamajors, they are  
10 restricted geographically, in the sense that they are operating  
11 primarily in the Mende-dominant regions of the country, which are  
12 going to be the south and the east. But there is no one  
13 particular location that has a large -- has a particular  
14 concentration. I mean, there's -- as you know from the  
15 transcripts, there are various calls, for example, to send people  
16 to Telu for some training, which doesn't end up happening because  
17 of an RUF attack. Those kinds of moments of -- you know, people  
18 are moving at that stage, but they are not based anywhere, in  
19 that sense.

20 Q. Moving on to 1996 and, perhaps importantly, at the time of  
21 the elections, did the nature of the Kamajors change during that  
22 period?

23 A. It did. Clearly the SLPP victory in 1996 leads to a  
24 different moment for the Kamajors. Again, I would go back to my  
25 original comment, which is I don't think that their fundamental  
26 understanding of themselves, their mythos of who they were and  
27 what they were doing changed, but, clearly with the appointment  
28 of Hinga foreman to be the Deputy Minister of Defence of the SLPP  
29 government, these Kamajors had a different relationship to

1 Freetown. They had -- it does shift, how the organisation is  
2 operating, to an extent.

3 Q. Moving on to 1997, particularly the time of the coup, were  
4 there any further developments or changes within the Kamajor  
5 movement, as a result of that, and, if so, what were they?

6 A. Obviously the coup is the most fundamental moment, in terms  
7 of the trajectory, if you will, of the CDF and the Kamajors. As  
8 it's now fairly common knowledge with the takeover power by the  
9 AFRC, there's a declaration that Kamajors need to surrender  
10 themselves, make themselves known to local authorities, and that  
11 being understood to be the AFRC. There is, clearly, a moment of  
12 great anxiety. The first significant -- the significant  
13 developments are, obviously, Chief Norman going with the SLPP  
14 government into exile, and then this public call broadcast over  
15 the BBC by Eddie Massallay from the Mano River Bridge summoning  
16 loyal forces to the border area at Mano River.

17 Q. Where exactly is that?

18 A. The Mano River runs between Sierra Leone and Liberia in the  
19 south-east corner of the country. There's the Mano River Bridge,  
20 which connects two towns: On the Sierra Leone side you have  
21 Gendema, and on the Liberia side you have Bo-Waterside or Bo  
22 Njala. This was the point at which Eddie Massallay made this  
23 call that loyal forces needed to meet at that point.

24 Q. Let's take that in stages. Firstly, who was Eddie  
25 Massallay?

26 A. Eddie Massallay was a commander in the Pujehun District.  
27 He really becomes widely known outside of Pujehun at this moment  
28 in 1997 when he makes this public announcement that's broadcast  
29 over the BBC. I think for people outside the Pujehun District,

1 this is probably the first time many of them hear this name, but  
2 he was a commander in Pujehun.

3 Q. What gave him the authority to make such a statement?

4 A. If I may, My Lords, it's kind of a deceptively simple  
5 question. To some degree, what gives him that authority is the  
6 fact that he has access to somebody who will broadcast this call  
7 over the BBC. He took the initiative to do this, and he is  
8 obviously an important person in the region and so it is not  
9 surprising that a person of importance is going to end up playing  
10 this kind of role, but it's really he becomes the name associated  
11 with this summoning. That, in a sense, conveys on him the  
12 authority to do so, if that makes any sense.

13 Q. Why was Gendema/Bo-Waterside chosen as a place to meet?

14 A. I think this was a matter of necessity. It was a safe  
15 harbour, if you will, because the Liberia -- that section of  
16 Liberia was relatively safe for loyal troops. Obviously the AFRC  
17 was not likely to be crossing a border. And in fact, didn't have  
18 a lot of -- at that moment, was not particularly strong, even on  
19 the Sierra Leone side by Gendema. But the Kamajors that  
20 assembled there were really, for the most part, assembling,  
21 knowing that the Liberia side of the border is safe territory for  
22 them.

23 Q. Did in fact the Kamajors pursuant to that call, gather in  
24 Gendema?

25 A. Certainly a large number of them. Not everyone that  
26 identified as a Kamajor went to Gendema, but they were able to  
27 summon significant numbers. It's also -- I mean, it's worth  
28 pointing out, too, in Eddie Massallay's original call, it was to  
29 any loyal forces, which included Kamajors and he named some of

1 the other militia which eventually made up the CDF, and also  
2 loyal troops. It was Kamajors that were certainly the  
3 predominant.

4 Q. You mentioned some other troops. Were there any ECOMOG  
5 forces in that area at that time as well?

6 A. There were. ECOMOG, at this point, was obviously there in  
7 force in Liberia. It was really the ECOMOG presence that made  
8 Bo-Waterside and Bo Njala that side of the river a safe territory  
9 for the Kamajors.

10 Q. When did the Kamajors start congregating in  
11 Gendema/Bo-Waterside?

12 A. I'm not sure that I can give you a specific date. Eddie  
13 Massallay -- it's not hard to find out the point at which Eddie  
14 Massallay went over to the BBC. It was fairly soon after the  
15 announcement of the AFRC junta. I wish I could give you the  
16 exact date. Then people begin to come to Gendema fairly soon.  
17 You know, obviously some people are -- some Kamajors are quite  
18 close, others, if they are going to go, are considerably further  
19 away. But this idea of coming and going from Gendema continues  
20 for quite a bit of time. There is no one moment where you've  
21 reached -- where everybody who is going to come is suddenly  
22 there. It's a gradual process.

23 Q. Again, is it possible to estimate the numbers of Kamajors  
24 that located in Gendema at that time?

25 A. Again, it's not a figure I would be comfortable giving.  
26 It's thousands -- I mean, it's in the thousands as opposed to the  
27 hundreds. How many thousands, I couldn't tell you. I'm not  
28 aware that anybody has tried to put a number on that. If they  
29 are out there, I'm unaware of them.

1 Q. What was happening in Gendema at that time?

2 A. It was a period of fairly intense chaos, as you can  
3 imagine. For one thing, there is a taking account of who is  
4 actually there: Which chiefdoms are represented, who is  
5 representing them. There's the fact that ECOMOG is also a  
6 presence there, and there's not an established relationship  
7 between the Kamajors and ECOMOG at that point, so -- and there's  
8 questions of fairly basic provisionings. If you've been to  
9 Bo-Waterside it's not a particularly big town. It's a market  
10 town, but it's certainly not large. Suddenly you have an influx  
11 of people who are, for the most part, refugees, and, you know,  
12 provisioning them and supplying for them is not a small task.

13 Q. Did Gendema have a name?

14 A. There were people who called Gendema Base One. It's not a  
15 term that is in as wide a circulation as Base Zero eventually  
16 becomes. It's not clear exactly when that terminology Base One  
17 begins. It is prior to the establishment of Base Zero, but most  
18 people at that point know it as either Gendema/Bo-Waterside or,  
19 in some cases, the Mano Bridge.

20 Q. Now, you mentioned some of the things that were happening  
21 in Gendema at that time. Who, if anyone, was directing those  
22 sorts of activities?

23 A. I would be loath to say that anybody was directing them,  
24 per se. Clearly Eddie Massallay is a significant figure. He's  
25 the public voice and face who has been associated with this  
26 coming together, but you have a number of important people that  
27 come through Gendema at various times: Chief Norman goes to  
28 Gendema, various ECOMOG commanders who are based in Liberia. I'm  
29 not comfortable saying that any one of those people was directing

1 what was going on at Gendema. I think it was a more fluid and  
2 more chaotic situation than that. There may have been efforts on  
3 the parts of various people to establish some kind of authority.  
4 But it's not clear that that was ever -- in fact, it's quite  
5 certain that it didn't quite pan out that way.

6 Q. Did there come a time where, in addition to the  
7 congregation of Kamajors at Gendema, there was another  
8 congregation of Kamajors, if that's the right word for it?

9 A. It would be maybe -- I mean, I might choose different  
10 words, but there is --

11 Q. You choose the words.

12 A. There is -- obviously there is an establishment at an  
13 important point, and that would be Base Zero, which is  
14 established at Talia in the Yawbeko Chiefdom.

15 Q. When did that happen?

16 A. It happened -- well, it's generally dated to the point at  
17 which Chief Sam Hinga Norman arrives there which is, if I'm not  
18 mistaken, September of 1997. Now, there are -- part of the  
19 reason that Chief Norman goes there is because Talia was  
20 considered a relatively safe space for the Kamajors. There are  
21 enough people there that there's a sense that it's a location  
22 that is not going to be vulnerable to AFRC and RUF attack, or at  
23 least not in any way that couldn't be dealt with. Exactly how  
24 you would date the starting point of Base Zero, I'm not sure, but  
25 generally it's talked about in terms of the arrival of Chief  
26 Norman.

27 Q. What, if any, was the relationship like between those  
28 Kamajors at Base Zero and those at Gendema Base One?

29 A. Well, when Base Zero becomes what we think of as being Base

1 Zero, there are Kamajors that go from Gendema to Base Zero. The  
2 relationship is not -- it's not a fixed one and it's, to some  
3 degree, tenuous. There are tensions between personalities at  
4 these various locations. There is not a lot of -- in fact,  
5 probably very, very little co-ordination of efforts, partly  
6 because of these personality tensions, but also because of the  
7 difficulty of moving from one to another. It is not possible to  
8 do it over land. It's dangerous, it takes a very long time. And  
9 it meant co-ordinating any kinds of activities between the two  
10 was certainly not easy.

11 Q. What was, if any, ECOMOG's relationship with the two bases?

12 A. Well, ECOMOG is kind of one of the things that does link  
13 these two up. There are really two factors that connect Base One  
14 and Base Zero or Gendema and Base Zero. Two common denominators.  
15 One is the fact that Kamajors in rural areas outside of the bases  
16 are sometimes visiting both, and the other is that ECOMOG also  
17 has some kind of a relationship with both, supplying certain  
18 material to both. Occasionally, ferrying people, important  
19 people back and forth between the two, but not a lot, and so  
20 those -- ECOMOG's role -- ECOMOG, to some degree, triangulates  
21 the two.

22 Q. You mentioned Kamajors visiting both bases. Why would  
23 Kamajors visit either one of those base?

24 A. The main reason why you would -- as a Kamajor who's not  
25 there, Kamajors who were upcountry in different regions come to  
26 Base One and Base Zero primarily asking for material, and that's  
27 weaponry, ammunition, food, financial support. This is the main  
28 thing that's bringing them to these locations.

29 Q. Was either one of the two bases more important than the

1 other? What was the hierarchy between the two, if any?

2 A. Personally, I wouldn't be comfortable talking about them in  
3 terms of hierarchy. Certainly Base Zero is a more prominent  
4 location for a couple of different reasons. Most notably the  
5 fact that there were journalists who were visiting Base Zero or a  
6 resident there that were broadcasting the activities. Chief  
7 Norman's occasional contacts with the BBC gave Base Zero a  
8 certain kind of cache and prominence and visibility that Gendema  
9 never had. So in that, if you want to consider that a kind of  
10 hierarchy so be it but, in terms of a kind of relationship of one  
11 having precedence over the other, I wouldn't characterise it in  
12 that way.

13 Q. Now, you have obviously read and considered Colonel Iron's  
14 report and his testimony. What would your comments be on his  
15 consideration of Base Zero and its role?

16 A. My concern with Colonel Iron's characterisation of Base  
17 Zero is that I think he puts too much emphasis on it to the  
18 exclusion of Gendema. I think that the exclusive focus on Base  
19 Zero is a mistake. It leaves aside a tremendously important --  
20 not just Gendema, but also other factors going on in the country.  
21 It's very, very narrow in scope. I would also -- there are a  
22 couple of minor characterisations that I would certainly take  
23 issue with. One of the major ones is the idea of Base Zero as a  
24 kind of forward offensive base, which is how he describes it.  
25 And I don't think it had that level of coherence and it didn't  
26 play that role for the Kamajors, for the most part. This was a  
27 location for Kamajors around the country, that they were coming  
28 and, you know, seeking certain support and then going back.  
29 They're not coming to -- bringing their men en masse to come

1 there to launch these operations as Colonel Iron describes it.  
2 There are some mischaracterisations of this. The other  
3 characterisation in the report is that this is a training base  
4 and I think that is somewhat misleading. Certainly there is a  
5 level of training going on at Base Zero, but there is a level of  
6 training going on at Gendema, and there is a level of training  
7 going on in villages around the country.

8 Q. Have you heard of --

9 JUDGE ITOE: Let me get you clear there. What did you say  
10 about the training? You say it was not a training base? Base  
11 Zero was not a training base?

12 THE WITNESS: My Lord, I wouldn't characterise it that way,  
13 only because the implication there is that that's really its  
14 reason for being. I think that's too sweeping. I think training  
15 is one of the things that's going on there. It is sporadic.  
16 There is a mention in Colonel Iron's report about this intensive  
17 two-week training course, as though you were going to Fort  
18 Benning in Georgia, and receiving your officer training. It's  
19 just not the way I would characterise what was going on there.  
20 It is more sporadic than that and it's only one of many, many  
21 functions that is taking place. The concerns at Base Zero were a  
22 bit more mundane than that; providing food, for example, that  
23 kind of things.

24 PRESIDING JUDGE: So you want us to understand that,  
25 perhaps, the -- it can be used -- the analogy of Base Zero,  
26 vis-a-vis Base One, could be understood in the context that if  
27 you say Base Zero is not a training base, you're actually saying  
28 that was not a core aspect of the function of Base Zero, but  
29 training may well have been collateral or incidental? Would we

1 be able to understand it in that context, too?

2 THE WITNESS: Yes, My Lord, I would say so. Incidental  
3 might be minimising it too much but --

4 PRESIDING JUDGE: Well, incidental in respect of core.

5 THE WITNESS: Yes, sir. Yes, sir. Absolutely.

6 PRESIDING JUDGE: Or core, collaterally in respect to core.

7 THE WITNESS: Yes, My Lord. Absolutely.

8 PRESIDING JUDGE: But not that no training was going on at  
9 Base Zero?

10 THE WITNESS: Yes, My Lord, absolutely, I would agree with  
11 that.

12 JUDGE BOUTET: Are you suggesting that Base Zero was, to  
13 use your words, essentially a place or location where Kamajors  
14 were only going to get support? Even though they would come in  
15 large numbers, so your views are that still, in those  
16 circumstances, Kamajors that were going there, whether they were  
17 in small groups or large groups, they would go there essentially  
18 to get support? Not to get organised, but to get support?

19 THE WITNESS: For the most part, My Lord, yes. There are,  
20 obviously, Kamajors from the chiefdoms around Yawbeko, including  
21 Yawbeko. Talias -- the town of Talia where Base Zero was located  
22 in the Yawbeko Chiefdom -- there are Kamajors that are resident  
23 in that area because, for the most part, that's where they're  
24 from. For those who are from chiefdoms further away, what they  
25 are often doing is sending delegates, handfuls of people, two,  
26 three, five sometimes, depending on the perilousness of the  
27 travel to get there, sending people to common, seeing what they  
28 can get from Base Zero to take back. That, to me, is the most  
29 important thing going on at Base Zero.

1 JUDGE BOUTET: As to Base One, you're talking about  
2 training, what information do you have about that? Where did you  
3 get that information from? From transcripts?

4 THE WITNESS: No, My Lord, this would be from my own  
5 interviews. And this is from people that were based or spent  
6 time at Base One.

7 MR POWLES:

8 Q. Dr Hoffman, have you heard of something called the War  
9 Council in the context of the Kamajor/CDF movement?

10 A. Yes, My Lord, I have heard of the War Council. There's --  
11 I know that for the context of the proceedings and, for the most  
12 part, when people have been referring to War Council, what they  
13 have been talking about is a collection of elders at Talia at  
14 Base Zero. War Council as a term is a more generic term than  
15 that; the SLPP government in exile in Conakry was sometimes  
16 referred to as a War Council. Local communities would establish  
17 War Councils. As an institution, it's a fairly generic term.  
18 But I recognise that as it's been used in the proceedings and  
19 kind of in the popular discussion about the CDF War Council has  
20 generally been applied to a group of elders that were meeting at  
21 Talia.

22 PRESIDING JUDGE: Did you want his own independent view of  
23 what a War Council was?

24 MR POWLES: Your Honour, yes.

25 PRESIDING JUDGE: Because he's trying to give us what he --  
26 well, as a kind of, an extrapolation of what he read from the  
27 transcript.

28 MR POWLES: Your Honours, yes.

29 PRESIDING JUDGE: I'm not pressing it, but I thought the

1 distinction is pertinent.

2 MR POWLES: Your Honours, yes. That is, to an extent,  
3 where I was going.

4 Q. The body known as the War Council at Base Zero, first of  
5 all, was there such a body at Base Zero?

6 A. My Lord, yes, there was. That's my understanding.

7 Q. And, well, there are two questions: What was that body  
8 doing and who was on it?

9 A. My understanding of what that body was doing is that,  
10 again, it was a collection of important people who either lived  
11 in Talia, that was considered their home, or they had been  
12 displaced or visited from, came in from other parts of the  
13 country. They were paramount chiefs, town chiefs in some cases,  
14 politicians, who, from either the SLPP or individuals considered  
15 to be important personages in towns that had fled to the region,  
16 which is a fairly common, if you will, socio-political  
17 institution throughout the region. You have elders, you have  
18 people who are distinguished by age, accomplishment --

19 JUDGE ITOE: You have characterised it as a political  
20 social institution; are those your words?

21 THE WITNESS: I believe I said socio-political  
22 institutions, yes, sir. This -- what it implies is that  
23 communities generally have these opportunities, these structures  
24 or institutions where elders in a community come together and  
25 they are -- they deliberate in local parlance stuff and refer to  
26 as hanging heads. People -- people of consequence in a community  
27 coming together to inform one another about their understandings  
28 of what matters of importance to a community. Seeking counsel  
29 together, offering advice to the collective. I mean, this is, to

1 me, what the structure and function of the War Council is a kind  
2 of logical extension of this institution of hanging heads by  
3 senior people in a community. Now, for the War Council in  
4 particular, my understanding is, as I said, there are people that  
5 are associated specifically with the War Council and I -- maybe I  
6 can seek direction from My Lords, if I should be naming specific  
7 names, or if that is necessary, but --

8 PRESIDING JUDGE: What I'm interested would be your  
9 analysis of this as a kind of continuum of some indigenous  
10 institution within the community. That would be your own  
11 independent finding, as distinct from an ad hoc body, set up to  
12 address a particular phenomenon at a particular juncture of time.  
13 Do you follow my thinking?

14 THE WITNESS: Yes, I do, My Lord. I would agree with that,  
15 I would characterise it in that way.

16 PRESIDING JUDGE: As a continuum, in the sense, an  
17 institutional continuum.

18 THE WITNESS: Yes, My Lord, absolutely. I mean, any coming  
19 together such as that is always going to be somewhat contingent  
20 on the circumstances that bring people together but, if I may, in  
21 any circumstance where, for example, you have a community where a  
22 paramount chief from a neighbouring chiefdom has been brought  
23 into your chiefdom, that person is never going to be just set on  
24 the side and not brought into deliberations, not consulted, not  
25 treated as an honoured and respected guest. It just doesn't, --  
26 indigenously, it doesn't work that way. So, for me, in my  
27 opinion, it's most accurate to first approach the idea of the War  
28 Council in those terms, that you wouldn't have important  
29 personages in your presence that you didn't call together, if

1 that makes -- if that's clear enough?

2 PRESIDING JUDGE: That's okay.

3 MR POWLES:

4 Q. And who was on the War Council at Base Zero during that  
5 period of 1997 and thereafter?

6 A. Again, perhaps if My Lords can indicate whether the  
7 question is specific names or the roles, the types of person --

8 PRESIDING JUDGE: It's entirely up to what you, I mean,  
9 you're the expert. You made some findings, so we'll throw the  
10 ball back in your own Court.

11 THE WITNESS: Fair enough. Before I mention any specific  
12 names, I would -- one of the things I would point out is these  
13 kinds of institutions don't necessarily give out membership cards  
14 and to some degree those who are present who are of sufficient  
15 status, generally recognised, would sit in on these meetings. My  
16 sense is that has happened at the War Council in the same way  
17 that it does in a village setting. There are, undoubtedly,  
18 people who come and go. Of the individuals I can name who were  
19 associated with this, I know for example, Chief Quee, MT Collier,  
20 Daramy Rogers. There are others I would have to rack my brains  
21 for a minute, but these are some of the individuals that I know  
22 of who were involved in these discussions.

23 Q. During that period, 1997 --

24 PRESIDING JUDGE: Are you still on the War Council?

25 MR POWLES: No.

26 PRESIDING JUDGE: You're opening up a new episode?

27 MR POWLES: It's one final question before moving on to a  
28 bigger --

29 PRESIDING JUDGE: Is it on the War Council or something

1 else?

2 MR POWLES: It is something else, Your Honour.

3 PRESIDING JUDGE: Well, we can just leave that hanging.  
4 We'll take the lunch recess now and resume at 2.30 p.m..

5 [Luncheon recess taken at 1.03 p.m.]

6 [Upon resuming at 2.38 p.m.]

7 PRESIDING JUDGE: Mr Powles, your witness.

8 MR POWLES: Thank you, Your Honour. Perhaps just before  
9 recommencing with Dr Hoffman a matter of housekeeping. That is,  
10 that the report that was exhibited by Dr Hoffman was a photocopy  
11 of his report. He has the original with him, and, in those  
12 circumstances, I wonder whether it would be prudent to exchange  
13 the exhibit 163, I believe it was, with the original signed copy  
14 that Dr Hoffman has.

15 PRESIDING JUDGE: We direct that the anomaly be rectified.

16 MR POWLES: Thank you very much.

17 Q. Just for completeness, Dr Hoffman, the report you just  
18 handed to the Court attendant, is that your report?

19 A. Yes, My Lord, it is.

20 Q. And that signature is yours?

21 A. It is.

22 PRESIDING JUDGE: We'll discard the original report, the  
23 previous report, and mark this 165.

24 MR POWLES:

25 Q. Dr Hoffman, before lunch, we were dealing with the  
26 structure of the CDF, as it existed, such that there was one, in  
27 1997. Where, if anywhere, was direction to the Kamajors coming  
28 from at that time and thereafter?

29 A. My Lords, to me, it's -- I guess I would be more

1 comfortable parsing the question and phrasing it slightly  
2 differently. In my understanding, my experience, there was not a  
3 level of centralisation that one would say direction was coming  
4 from X. Different units, different groupings in different parts  
5 of the country, operated according to, if you will, directives  
6 from all kinds of authorities based on all kinds of  
7 contingencies. Some groups had easier access to Gendema. Some  
8 groups had easier access to Base Zero. There were groups that  
9 were operating largely in isolation. There were certainly  
10 efforts to reach various groupings of Kamajors, there's no  
11 question about that. But to say that direction was coming from X  
12 location, or even X individual, to my mind, overstates the case.

13 Q. Moving on then to the third area which I indicated we would  
14 be covering, the aims and objectives of the Kamajors/CDF, you  
15 mentioned earlier that one of the overarching or common themes of  
16 the Kamajor/CDF movement was that of defending the community from  
17 threat. Did that position change over time, say, from 1995 going  
18 onwards to 2000?

19 A. My Lord, I think that was -- I think that was always the  
20 understanding. I mean, this is a very -- it is obviously a very  
21 broad claim and at different moments in the trajectory of this  
22 organisation, what was perceived to be the threat to the  
23 community changed. I would argue, though, and have argued that  
24 this is a fairly consistent sense throughout that the function,  
25 if you will, of a Kamajor, was to be this community defender. In  
26 the junta period, the threat was of the AFRC, and this was -- and  
27 the RUF had combined forces at that time. This is a fairly  
28 significant threat. I mean, the policy, if you will, of the  
29 junta was fairly clear, that it was the Kamajors were not going

1 to be allowed to continue, and this was perceived as being a  
2 threat, not only to the Kamajors themselves, but, really, to  
3 Mende areas, in general, and so I would suggest that at that  
4 level, the aims and objectives are fairly consistent throughout.

5 Q. You mentioned the junta. I mean, how does the coming about  
6 of the coup and the junta in 1997 affect the aims and objectives  
7 of the Kamajors at that point, and thereafter?

8 A. Actually, if I could just ask for a little bit of  
9 clarification here. Affect in the sense of -- maybe you could  
10 ask the question again and just make sure that I'm clear.

11 Q. Yes, of course, doctor. After the coup in 1997, what, if  
12 any, was -- did that impact on the aims and objectives of the  
13 Kamajor movement at that time?

14 A. Certainly I think it did. I mean, it -- again, it was the  
15 stated -- the stated policy of the AFRC that the Kamajors were  
16 not going to be -- were not going to be allowed to stand, that  
17 these were not welcome individuals. And the party to which they  
18 were affiliated, which was the democratically elected government  
19 of the day was in exile at that moment. I mean, it certainly --  
20 it made the -- I think it maintained that sense that now this is  
21 the threat to Mende communities that comes in this form: It has  
22 been announced by this junta that this is what is the current  
23 manifestation of the threatening force, if you will.

24 PRESIDING JUDGE: Mr Powles, I'm a little unclear here. Is  
25 his evidence that the aims and objectives of the Kamajor remained  
26 a constant over a period of time, but the threats, in terms of  
27 what constituted a threat, perceptions of that changed over,  
28 depending on the circumstances? Because I'm a little confused  
29 here when you say how did the threat of the AFRC impact upon the

1 aims and objectives? What is that -- what's the thrust of that?  
2 Because, apparently, his evidence seems to be that the aims and  
3 objectives remained essentially a constant, but perceptions of  
4 threat changed over a period of time, or am I getting it -- I'm a  
5 little hazy in that.

6 THE WITNESS: Actually, My Lord, your comments actually I  
7 think may be clarified in my mind to the question, so maybe if I  
8 can venture in here.

9 MR POWLES: The doctor has indicated he'd seek to respond,  
10 so I would invite him to do so.

11 THE WITNESS: I think there might be two ways to think  
12 about it. I mean, again, in a very general sense, what I'm  
13 suggesting is that it fell on the Kamajors to maintain their  
14 position as those who were defenders of communities. Their  
15 specific objectives, their specific aims when the junta takes  
16 control is to restore the SLPP government. So, in that sense,  
17 you have a new set of aims based on a new set of circumstances;  
18 the SLPP government has gone into exile. And so I guess what I'm  
19 arguing is it sort of depends on which level you're talking. If  
20 you are talking at a greater level of extraction, the sort of  
21 purpose of the Kamajor remains consistent. The specific aims  
22 have obviously changed, based on the fact that you now have the  
23 junta in Freetown. Does that -- maybe that addresses the  
24 question?

25 PRESIDING JUDGE: And that would depend on what is  
26 perceived to be the threat at the point in time?

27 THE WITNESS: Yes, My Lord, absolutely.

28 PRESIDING JUDGE: Right. Thanks.

29 MR POWLES:

1 Q. Now, in relation to that --

2 JUDGE BOUTET: Just before you do, Mr Powles, I'm just  
3 trying to follow your statement, that the main goal or policy of  
4 protecting their own community, as such, kept on going, and you  
5 keep stating this is the basis of your own theory, in this  
6 respect, but you also say that there was a lot of them, or no  
7 more [indiscernible] in their own villages. They had moved  
8 elsewhere and many of them were refugees in other parts of the  
9 country. So how do you equate that with protection of their  
10 community as community as village, presumably, so whatever you  
11 mean by this. I don't give a definition to it. I'm just trying  
12 to repeat as best as I can what you've stated. So I'm just  
13 trying to understand your position in that respect, given that  
14 picture. Can you enlighten me on this, please?

15 THE WITNESS: Yes, My Lord. And, actually, I appreciate  
16 that. It's a very important question. One of the things -- and  
17 it goes back a little to the conversation we had this morning --  
18 one of the things that I think it's important to understand is  
19 that when we're talking about village or community, we're not  
20 talking exclusively about a geographic location. Many times,  
21 what happens in the IDP camps, even in the refugee camps that  
22 were across the borders, is you had entire communities or the  
23 majority of the populous would move together into these  
24 locations, and essentially what they would do is they take with  
25 them their social structures, their social organisations, their  
26 relationships. Just because these individuals are displaced,  
27 they don't cease to be the same social creatures that they were  
28 prior to that moment, and so people who were important in the  
29 village remain important. And the people who -- you know,

1 obviously there are some -- a certain degree of scattering when  
2 this happens and sometimes people do end up in different camps,  
3 but, very often, you're talking about a kind of large-scale  
4 movement into these IDP camps where -- so even those these  
5 individuals may not be in the same physical location, their sense  
6 of community remains consistent. Their sense that: We the  
7 people of this village, this town or this chiefdom, are now here,  
8 but we -- our relationships remain consistent. We still do  
9 things the way we do them. We still are who we are and we are  
10 just in this different place. And, of course, eventually we hope  
11 and intend to go back. Does that clarify it a bit?

12 JUDGE BOUTET: Thank you.

13 MR POWLES:

14 Q. Dr Hoffman, the aims of the CDF/Kamajors that you  
15 identified, were they common aims of all Kamajors?

16 A. Yes. Now, that doesn't preclude other people having  
17 individual agendas or individual aims as well. These are not  
18 mutually exclusive. My sense is that -- and certainly in my  
19 experience, you talk to members of the organisation, and they --  
20 they are pretty consistent, that this is what the organisation is  
21 about. Now, again, they may have individual aspirations as well,  
22 hopes for what their participation might bring them personally,  
23 but, in terms of a -- a kind of collective sense of what they are  
24 about, I think that's fair to say.

25 Q. You mentioned individual aims. Can you give some examples  
26 of what they may have been?

27 A. I think there are a lot of individuals that -- and, again,  
28 we're talking especially about young people who saw, at various  
29 points, that participation with the militia was a way to gain a

1 certain amount of prestige. Some cases, it may even have been a  
2 route to material success, material acquisition. It may have  
3 been an opportunity to settle scores with community members for  
4 whom they may not have been able to do that in the past, for  
5 reasons of economic imbalance or social norms. The war presented  
6 many people with an opportunity to enact alternate routes to  
7 achieving their individual objectives. Again, they might be  
8 political, they might be economic, they might be social. And I  
9 think for various individuals they fell in all three of those  
10 categories.

11 Q. It may be trite, but obviously those individual aims, those  
12 objectives, were they common to all Kamajors, or could they have  
13 been common to all Kamajors?

14 A. No. I think that different individuals you would have to  
15 take on an almost case-by-case basis. There are some  
16 consistencies. Young men -- this is -- even prior to the war,  
17 we're talking about a fairly economically depressed region, and a  
18 number of people had aspirations for social and economic  
19 advancement that may have presented themselves -- the war may  
20 have presented alternate opportunities to reach those. Is that  
21 true of everybody; no. Is it -- was it common; it's hard to say,  
22 but certainly it affected a number of people.

23 Q. Was it a common aim of the Kamajor movement?

24 A. I wouldn't say, no -- not in the sense of being a kind of  
25 policy or even a *raison d'etre*.

26 Q. Would it be fair to describe those carrying out such aim as  
27 rogue elements?

28 A. I wouldn't characterise them as rogue elements. And I know  
29 that this is a fairly and frankly quite tempting way to describe

1 people sort of taking on individual projects under the cover of  
2 war. I have two problems with that. One is I think that -- the  
3 primary one is that that implies that this rogue element is  
4 outside of a norm, which would be those who are sort of strictly  
5 following the order is the policy, et cetera. That is not what  
6 was happening here. What I'm suggesting is that there are local  
7 aims and local concerns shot through and everyone -- and this is  
8 not uncommon. Everyone is as concerned with those as they are  
9 with whatever the kind of overarching concerns might be. So I  
10 wouldn't classify people who were looking for individual  
11 opportunities or small-group opportunities as being rogue  
12 elements in that sense.

13 PRESIDING JUDGE: In that kind of case, does it leave the  
14 norms as a mere obstruction? Because if you are not able to draw  
15 the line, if you talk of a concept of commonality, and then you  
16 presume that there is, in fact, this norm, and counsel says but  
17 norm, even if there is this norm, there may be deviations from  
18 the norm, and how do you determine this? Do you say, "Well, it  
19 is difficult. You cannot, in fact, say where you draw the line."  
20 Then it leaves the norm as a mere concept, an obstruction, in a  
21 way, and all you do is to just intellectualise it. Because you  
22 cannot in concrete situations say whether a particular conduct  
23 was just a random departure from the norm. You don't need to  
24 answer the question, you can philosophise on it. It's quite, I  
25 reckon from what you answer, it is a problematic area.

26 THE WITNESS: It is, and I might not answer it directly,  
27 but I might just add that human beings are complex creatures that  
28 are capable of holding multiple motivations at once.

29 PRESIDING JUDGE: Quite right. That's the point. Okay.

1 MR POWLES:

2 Q. Dr Hoffman, did you hear of Kamajor/CDF atrocities arising  
3 from the conflict?

4 A. Yes, I did.

5 Q. What did you hear?

6 A. Well, there have always been rumours and stories of various  
7 kinds of atrocities. And these range from let`s say attacks on  
8 armed civilians, instances of rape, cannibalism. These are  
9 stories that circulated, certainly in the later period of the  
10 war.

11 Q. Do you believe there is any truth to those rumours?

12 JUDGE BOUTET: Is this really relevant to the report of  
13 this expert?

14 MR POWLES: He deals with --

15 JUDGE BOUTET: I'm just trying to see how this fits in the  
16 context of what you're trying to establish with this expert.

17 MR POWLES: It deals with what the aims and objectives of  
18 the Kamajors were, and what they understood to be their role and  
19 purpose. Dr Hoffman has already dealt with them seeing  
20 themselves as the defenders of the community. What I wanted to  
21 explore with him is whether, if there is any truth to any of the  
22 things that he heard, the extent to which the carrying out of  
23 such things were the policy of the CDF?

24 JUDGE BOUTET: How can this witness testify as to the  
25 truthfulness of those allegations?

26 MR POWLES:

27 Q. Leaving the truthfulness of the allegations to one side,  
28 assuming that they were true, and assuming that these things  
29 happened, was it the policy of the Kamajor/CDF to do such things?

1 MR KAMARA: Objection, My Lord. The questions are  
2 hypothetical.

3 MR POWLES: I would submit it's not hypothetical at all.  
4 It's seeking the expert opinion on what the Kamajors  
5 understanding of themselves was.

6 PRESIDING JUDGE: Well, policy, isn't that a rather  
7 pregnant notion there, in a sense, introducing the very issue  
8 that Justice Boutet raised, or is policy being used in the same  
9 sense as norm?

10 MR POWLES: Your Honour, no. I suspect it's a term that  
11 may not meet favour with the witness. Perhaps I could let him  
12 answer the question.

13 PRESIDING JUDGE: Yes. Because, really, policy is -- and  
14 that may well be the thrust of counsel's objection. It may be so  
15 ambiguous as to lead us into an area which might offend the  
16 Rules.

17 MR POWLES: Your Honour, yes. I will let the witness use  
18 his own term. That's perhaps the most appropriate way to do it.

19 MR KAMARA: Your Honour, I've objected to that question the  
20 way it is framed. It is hypothetical. My learned friend placed  
21 two premises assuming and assuming.

22 PRESIDING JUDGE: How do you respond to that part, that  
23 you're putting a hypothetical question?

24 MR POWLES:

25 Q. Dr Hoffman, the things you heard about; namely, rape,  
26 extra-judicial killings, cannibalism, et cetera, how do such  
27 things relate to the aim of defending the community, which was an  
28 aim of the Kamajor society which you identified? How do those  
29 matters relate to the aim of the Kamajor/CDF?

1 A. They would certainly be countered to those aims.

2 Q. Why would that be so?

3 A. Well, the -- in order to become a part of this Kamajor  
4 movement, what's been referred to as the Kamajor society, part of  
5 what one does to enter into this status is to go through a period  
6 of initiation. Part of what happens during initiation is that  
7 one is given a set of responsibilities. Now, these are talked  
8 about in terms of being tabus. They actually extend beyond that.  
9 Part of what initiation was to do was to be a sort of education,  
10 if you will. You were given the laws, the prescriptions that one  
11 did not violate, but one was also given a certain kind of  
12 education in what the movement was about, and these included  
13 injunctions against exactly these kinds of behaviours generally.

14 Now, initiation could vary from initiator to initiator, but  
15 there is a remarkable degree of consistency as far as the sense  
16 that when you joined the Kamajor society, you were doing so to  
17 observe a certain set of responsibilities to the community. They  
18 included things like not committing rape, not attacking on armed  
19 civilians, defending the community. There is a very important  
20 and powerful phrase that's associated with initiation, which is  
21 this phrase Kamajor baa woteh. Kamajor do not turn, right. It  
22 has a number of meanings, one of way is simple: Do not retreat.  
23 When you go into battle, don't run away. Even more importantly,  
24 it means don't turn on your community. The specific reference is  
25 to the Sobels, the figures of the AFRC, RUF, you know that  
26 ambiguous line between people meant to be protecting the  
27 community and people who in fact threaten the community. The  
28 Kamajor bawote is that this is what you are about now you have  
29 entered this society. Now that you have been initiated, you are

1 not to do that. To the extent, there is a policy, right, and I  
2 put that advisedly, that term in quotes as academics will want to  
3 do, but that would be it: This is what you are about. So, for  
4 that reason, I would say this runs counter to, you know, what  
5 these people were intended to be.

6 Q. Now did you hear of so-called collaborators being targeted  
7 by the CDF?

8 A. Yes.

9 Q. Now, there has been evidence before this Court that  
10 speeches were made advocating the attack of collaborators. If  
11 such speeches were made, obviously I'm not saying they were, but  
12 if they were made, would such speeches give rise to a Kamajor/CDF  
13 aim of attacking such collaborators?

14 MR KAMARA: Objection, My Lord. The question, as framed,  
15 is quite argumentive.

16 PRESIDING JUDGE: Counsel, your response?

17 MR POWLES: In the same way I sought to establish what the  
18 main aim of the Kamajor society was and then sought to see  
19 whether the committing of atrocities was, could be said to be an  
20 aim of the Kamajor society. This is really a following on from  
21 that, the extent to which collaborators were attacked or  
22 individuals were exhorting Kamajors to carry out such attacks, to  
23 explore the extent to which that was an aim or an objective as a  
24 whole or whether it was individuals.

25 PRESIDING JUDGE: Is that an opinion being sought here?

26 MR POWLES: Well, no, it's an expert opinion.

27 PRESIDING JUDGE: Yes. I'm just asking. Isn't there a  
28 latitude here. If an expert comes, he can give opinions, can't  
29 he? Isn't that what he's summoned to come and do. He's not an

1 ordinary witness.

2 MR KAMARA: Yes, My Lord. My objection is not as to  
3 opinion evidence. It is the way the question is framed. It  
4 invites an argument.

5 PRESIDING JUDGE: Isn't an expert somebody who comes and  
6 argues for a particular theory or proposition here?

7 MR KAMARA: No, My Lord, it presents an expertise based on  
8 scientific knowledge.

9 PRESIDING JUDGE: And his scientific knowledge is  
10 structured in what sense?

11 MR KAMARA: From research work that he's done.

12 PRESIDING JUDGE: Issues which are what, argumentive,  
13 contentious, propositions, assumptions? Aren't all these -- are  
14 these not the raw material of an expert's work?

15 MR KAMARA: My Lord the --

16 PRESIDING JUDGE: Particularly in an area where he's not  
17 come here to give evidence on exact sciences like maths, but on  
18 things like cultural anthropology which, in itself, you were  
19 questioning this morning as -- I'm just wondering whether he  
20 cannot give these opinions and then you cross-examine on them:  
21 On what basis do you form this opinion.

22 MR KAMARA: My Lord, I have time for that. My objection  
23 now is, My Lord, he's here to assist the Court, and not to delve  
24 into argumentive matters. My Lord, if he's here to assist the  
25 Court, he has to be direct and clear. If the question is not  
26 direct and clear, but invites arguments from the expert, then, My  
27 Lord the Court is not helped.

28 MR POWLES: Your Honour may I just -- [overlapping  
29 speakers].

1           JUDGE BOUTET: I would like to interject here. I would  
2 like to be reassured as well as to how that question comes within  
3 the content of the report. No where in the report has this  
4 matter been touched upon, and now you seem to be moving into a  
5 different area. To my knowledge, at least my reading of the  
6 report, I have absolutely no recollection of this expert witness  
7 has dealt with collaborators at all and, furthermore, you now  
8 seem to imply or at least the witness in his response seems to  
9 imply something different. Now we're talking about the Kamajor  
10 society. The witness, at the beginning, was talking of those  
11 Kamajors prior to the war, and so on, saying it was really  
12 related to villages and now we seem to be moving in a totally  
13 different area. That's why I have this concern about -- now  
14 collaborators. You're talking about, previous question,  
15 cannibalism and so on. I have not heard this witness to give any  
16 background information as to whether or not this was part or not  
17 of the culture prior to the war. All of a sudden, we're thrown  
18 into something new. That's really my concern at this particular  
19 moment. Are we opening another area of expertise of this witness  
20 that has not been covered and for which you didn't call him.

21           MR POWLES: Your Honour, with respect, in the motion  
22 seeking to admit the expert's report, this was very clearly  
23 stated as one of the issues on which this witness would be  
24 dealing with. If you like, Your Honour --

25           JUDGE BOUTET: In his report or in his evidence?

26           MR POWLES: It was one of the reasons for which this  
27 witness would be called to deal with. He does deal with it in  
28 respect in his report in terms the way he sets out what the CDF  
29 was about and what their aims were. What I'm exploring with him

1 now is the negative, the other side of the coin, and the extent  
2 to which other things that may or may not have been happening can  
3 be said to similarly be part of the aims and objectives of the  
4 Kamajor/CDF. I can deal with this in a way I suspect will not  
5 trouble my learned friend.

6 Q. Dr Hoffman, just after lunch, you were -- you explained --  
7 well, you disabused the fact that there was direction coming to  
8 the Kamajors from any single source. If there was direction  
9 coming from an individual to do various things, to what extent  
10 could that direction be said to amount to the aims and objectives  
11 of Kamajors/CDF?

12 MR KAMARA: Objection again, My Lord. My learned friend  
13 keeps on hypothesising here, My Lord. He keeps on putting  
14 hypothesis to this witness, inviting the witness to make  
15 conjectures. My Lord, this is an expert witness from which we  
16 seek expert opinion. We are not seeking opinions in abstract.  
17 My Lord, they have to be relevant to the case and relevant to the  
18 issues before the Court.

19 MR POWLES: They are actually highly relevant to the issues  
20 before the Court and to the case, and that is precisely why he is  
21 being asked these questions.

22 [The Trial Chamber conferred]

23 PRESIDING JUDGE: The objection is overruled. Counsel, all  
24 the Bench can advise is that as much as we're not saying that the  
25 line of examination-in-chief is necessarily permissible, but that  
26 perhaps it may assist the Bench a little more if the questions  
27 are more focused in a way that do not really leave too much room  
28 for speculation. After all, much as there is some measure of  
29 permissibility for speculative reasoning, yet an expert should be

1 focused. That is all we can say at this point.

2 MR POWLES: Your Honours --

3 JUDGE ITOE: We're not here to deal with hypothetical  
4 situations. We are dealing with real situations, with realities  
5 of what he has come to this Court to testify upon. It is  
6 important we limit ourselves to those realities.

7 MR POWLES: Your Honours, yes.

8 JUDGE ITOE: We're not asking him to hypothesise and do  
9 things which carry him, you know, estranging from the domain of  
10 the expertise that he's here to assist the Court with.

11 MR POWLES: Your Honours, I can make it very concrete by  
12 putting it to the witness, a testimony or the gist of testimony  
13 from witnesses who have appeared before this Court, who make  
14 reference to alleged speeches that were made by the first  
15 accused, and I think it is entirely proper to explore with this  
16 witness the extent to which if, and I stress if, that evidence is  
17 believed and such speeches were made, the extent to which those  
18 speeches can be said to give rise to a policy of the Kamajor/CDF  
19 movement. I think that is entirely within the domain of this  
20 witness to deal with and was set out very clearly in the Fofana  
21 submissions regarding the proposed expert witness Daniel Hoffman  
22 PhD at page 5C, annex C, in relation to wide-spread and  
23 systematic nature of attacks, it is very clearly indicated that  
24 the scope and extent to which any such attacks were widespread  
25 and systematic would be something that would be explored with  
26 this witness.

27 JUDGE BOUTET: But I come back to my observation: This is  
28 not part of the report. It may have been in the submissions at  
29 the time, but this is not the scope of the report. Looking at

1 the report, and I will quote from the report at page 4:  
2 Conclusions, "In the conclusion of this report, I summarise the  
3 findings and suggest that the CDF should not be understood as a  
4 military organisation and with military management or control."  
5 This is essentially the scope and focus of this report, not on  
6 these issues that you are raising as such. And that's why I say  
7 nowhere in the report do I see these matters being addressed.  
8 I'm not saying this is not what you intended to do. What I'm  
9 saying is the report that you've tabled, as such, as being this  
10 expert's report does not deal with that issue. It may have been  
11 your intent, but it is not in the report.

12 MR POWLES: Your Honour, it's in the report to this extent,  
13 in that Dr Hoffman clearly sets out and states what the Kamajors  
14 perceive themselves to be, namely, as defenders of the homeland,  
15 et cetera, which is at section D.2 of his report, and sets out  
16 the fundamental aims and objectives and the way that the  
17 Kamajors, to the extent that there was a collective comprehension  
18 of what they were, how they saw themselves. Now, the question of  
19 collaborators and speeches, I would submit very clearly fits into  
20 that in the sense that was that --

21 JUDGE BOUTET: Tell me where it is in the report.

22 MR POWLES: Your Honour, it's not explicitly stated in the  
23 report, but it's an extension of that issues, namely, what was  
24 the role and purpose of the Kamajors and does it mean that they  
25 were prepared to do the things that they are alleged to have  
26 done, as part of that overarching aim and objective of defending  
27 the homeland.

28 JUDGE BOUTET: So what I suggested to you is that you are  
29 now asking the witness to expand outside the scope of the filed

1 report. The report is filed, really, and, as I say, I've just  
2 quoted from his report, and his conclusions have to do with the  
3 chain of command, or the non-existence of a chain of command. So  
4 that's, in a sense, the focus of his report. Now you're bringing  
5 matters, as I say, that do not appear to have been covered in  
6 that report.

7 MR POWLES: Your Honour makes an excellent point. Yes, of  
8 course it deals with the chain of command and the extent to which  
9 there was a chain of command. And Your Honours have seen  
10 Dr Hoffman's conclusions in relation to that. Now, it follows  
11 from that, if there was no such direct chain of command, if an  
12 individual was saying things, or not saying things during the  
13 conflict, the extent to which those statements fall within that  
14 chain of command, and can amount to orders and directions from an  
15 individual for the purposes of the movement, I would submit is  
16 highly pertinent and highly relevant to the issues before  
17 Your Honours.

18 Now, of course, this specific point in relation to  
19 collaborators is not set out in Dr Hoffman's report. However,  
20 he's an expert. He has written a report which deals with the  
21 kernel of the issue. Of course, during consultations and  
22 conversations with the learned expert, new issues arise. And I  
23 would submit that given that it is a point of some importance to  
24 the Trial Chamber, it may be something that it is something the  
25 Trial Chamber would like to hear about from an expert who has  
26 expertise in that area and has studied the Kamajor movement and  
27 can say things that relate to that very same issue.

28 [The Trial Chamber conferred]

29 PRESIDING JUDGE: We'll stand down for a brief while.

1 [Break taken at 3.18 p.m.]

2 [Upon resuming at 3.25 p.m.]

3 PRESIDING JUDGE: After brief consultation, the objection  
4 is overruled. Counsel for the second accused is advised to  
5 confine his examination-in-chief to the strict confines of the  
6 report, and matters that are clearly outside the scope of the  
7 report should not be examined upon.

8 MR POWLES: I'm grateful, Your Honours.

9 PRESIDING JUDGE: Let's proceed.

10 MR POWLES:

11 Q. Dr Hoffman, you outlined already the principal aim and  
12 objective of the Kamajors as defending their community from  
13 threat. To what extent did the targeting of collaborators, if  
14 such targeting occurred, fall under that aim and objective?

15 A. I wouldn't classify that as being something that falls  
16 under the aim and objective.

17 Q. Why not?

18 A. For one thing the -- I would probably point to the  
19 ambiguity of that term "collaborator" for one thing, and what it  
20 meant for individuals on the ground. The fact that this is, as I  
21 pointed out, one of the things we need to take into account is  
22 the extent to which what was happening here was a conglomeration  
23 of local dynamics. The term "collaborator" was used fairly --  
24 well, to cover a lot of different kind of dynamics. We are  
25 talking about, in some cases, this became the rubric under which  
26 individual scores would be settled. The easiest thing in the  
27 world was, in the wake of an attack on a village, or an  
28 intervention which a new territory was held, the easiest thing in  
29 the world to do was to use that particular term "collaborator" as

1 a way to settle old scores, you know, promote oneself  
2 individually, and my sense is that that, more than anything that  
3 could be considered to be a kind of directive of the CDF in  
4 general was where we start to get that terminology.

5 Q. Leaving that, then, to one side, and moving on to the ease  
6 with which Kamajors located around different parts of the country  
7 were able to communicate with each other, to what extent would  
8 something being said in one area, for example, Base One, or Base  
9 Zero, be communicated to Kamajors in the broader Sierra Leone?

10 A. This is one of the -- if there is anything that points to  
11 this argument of a kind of conglomeration of local dynamics it is  
12 this particular question. There simply was nobody in a position  
13 to make declarations that would be considered the word for the  
14 movement as a whole. The communication capacity wasn't there.  
15 There was nobody --

16 JUDGE ITOE: So there was nobody in -- no person in a  
17 position?

18 THE WITNESS: Yes, My Lord.

19 JUDGE ITOE: To do what?

20 THE WITNESS: To make the kinds of declarations that would  
21 be considered to be CDF policy, in that sense. It simply  
22 wasn't -- it wasn't practical, and it wasn't the way the  
23 organisation was operating at the time. I mean, logistically, it  
24 wasn't possible. The only mode of communication that had any  
25 chance of reaching a broad audience was the BBC's Focus on Africa  
26 programme. It's the only outlet to which everybody -- and I put  
27 "everybody" in quotes, clearly it wasn't everybody, but a large  
28 number of the Kamajors had simultaneous access to, and that's not  
29 where these kinds of declarations were necessarily being made.

1           PRESIDING JUDGE: Does it amount to saying that there was  
2 no centre from which [indiscernible] pronouncements came?

3           THE WITNESS: Yes, My Lord, that's what I would maintain.  
4 And logistically, there was nobody who could occupy that position  
5 and there was nothing logistically that could have facilitated  
6 it.

7           JUDGE ITOE: Nobody who could occupy that position; is that  
8 your evidence?

9           THE WITNESS: Yes, My Lord. That's what I'm --

10          MR POWLES:

11          Q.    Moving on, then, Dr Hoffman to the fourth area that I said  
12 I wanted to focus on, intensity and areas of fighting --

13          PRESIDING JUDGE: Out of interest, how many more areas did  
14 you --

15          MR POWLES: I said there was six.

16          PRESIDING JUDGE: Yes, so you are now covering four?

17          MR POWLES: Yes. This is very much the shortest of them  
18 all, just two questions relating to this.

19          PRESIDING JUDGE: I think we are making some progress.

20          MR POWLES: Certainly, Your Honour. I anticipate we will  
21 be finished -- I want to say within half an hour.

22          PRESIDING JUDGE: That will be fine.

23          MR POWLES: Slightly longer than that.

24          PRESIDING JUDGE: At least before the afternoon break.

25          MR POWLES: Your Honours, yes.

26          Q.    Where was the fighting at its most intense? Sorry, when  
27 was the fighting at its most intense, first, if we can deal with  
28 that?

29          A.    I think to properly answer that question, one of the things

1 I would point out is that you would really need to talk about who  
2 you have in mind when you ask that question, for whom was it most  
3 intense and when? And the reason I suggest that is because one  
4 of the dynamics of this war that I think is often overlooked is  
5 that it wasn't experienced as a totality by anyone. If you talk  
6 to people in Freetown, the period of the most intense fighting in  
7 Freetown was various moments in the junta period and the January  
8 6th invasion. That was the worst moment in the war for anybody  
9 that was in this city. For people outside of Freetown, the junta  
10 period certainly was important, but January 6 was not a  
11 significant event. So, again, I go back to this idea of a  
12 necessity to ask what are the local dynamics we're talking about?  
13 So, you know, if you want to say for the country as a whole, when  
14 is the fighting most intense, probably that period between 1997  
15 and 1998 during the junta period. But, again, I would caution  
16 against making those kinds of broad generalisations and I would  
17 ask for whom are you inquiring?

18 Q. On that basis, I'll move on to the fifth area, the  
19 anthropological traits of the Kamajors relevant to the issue of  
20 command. The first question, Dr Hoffman, is what is, and it's  
21 set out in your report, what is patronage?

22 A. Patronage is one of the most central facets of social life  
23 certainly throughout this region of West Africa, but  
24 overwhelmingly for Mendes. And, essentially, what this means is  
25 that everybody in a community requires that somebody stand for  
26 them. What we have is a network of relationships that are  
27 sometimes referred to as patron/client. If you're talking about  
28 a general, more broad scale, we sometimes refer to even national  
29 governments working on neo patrimonial lines. The idea is that

1 you have certain individuals to whom you are indebted as a  
2 client, and then there are certain individuals who function as  
3 patrons. You are -- these relationships are really, they're  
4 based on personal contact; they're based on an idea of debts and  
5 favours and they're all encompassing. They cross spheres. We  
6 talk about this being social relationships, but they have great  
7 political impact; they are the foundation of economic life. And  
8 I'm using "social" in a very encompassing capacity here.

9 PRESIDING JUDGE: It sounds like the old system of, English  
10 system of feudalism.

11 THE WITNESS: That's actually an analogy that's been made  
12 often and one would I think maybe point out that we're actually  
13 talking about even on a micro everyday interaction level. It's a  
14 fair analogy up to a point, but it's certainly one that is made  
15 frequently.

16 MR POWLES:

17 Q. How relevant is that concept of patronage to the  
18 Kamajor/CDF structures?

19 A. My Lords, I think it's as central to the Kamajors and CDF  
20 as it is to everyday life in the Mende communities, which is to  
21 say that it is foundational.

22 Q. You mentioned the terms patron/client. What is the  
23 relationship between a patron and a client?

24 A. Patrons are generally thought of as being people who are  
25 going to be on the lookout for their clients. They are going to  
26 be -- to some degree, in times of need, they will supply them  
27 with whatever the necessity might be. They will funnel resources  
28 as they get them outward. The visual image to keep in mind here  
29 would be that of a web, right, to -- as resources come in, they

1 are sent out along these webs to one's clients. The client then  
2 has a certain sense of obligation to the patron; could be things  
3 like security, it could be labour. The example -- sort of  
4 classic West African anthropological example of this is who  
5 ploughs your field, right? As a patron, as somebody who has  
6 ownership of a certain number of fields, there are certain  
7 individuals in the community who are your "clients" that you can  
8 call upon to go out and do this, perform this labour for you.  
9 And, in return, you owe them a certain obligation. You provide  
10 them with food for doing so. [Indiscernible] and beer, in the  
11 classic examples. Those are how patron/client relationships tend  
12 to work.

13 Q. And how fixed would a patron/client relationship be?

14 A. In an ideal world, if human beings were entirely  
15 abstractions, they would be very stable relationships. As you  
16 went -- as an individual aged, you would increasingly find  
17 clients of your own and become more and more that role of the  
18 patron. Now, obviously, we don't live on paper; we don't  
19 function as abstractions. In practice, these client/patron  
20 relationships can be quite fluid. And what we find is that in  
21 periods, particularly of economic or social stress, they in fact  
22 become quite fluid. For the only reason, this is how you get by,  
23 this is how you survive, is your positioning within the  
24 patron/client frameworks, and a lot of the anthropological  
25 literature, especially on West Africa, not just within Sierra  
26 Leone and the war, but generally in the wake of the kind of  
27 post-structural adjustment economic crises is that these  
28 relationships can be highly mobile and highly fluid.

29 Q. You mentioned they were highly fluid in terms of economic

1 and social stress; how would a conflict affect such  
2 relationships?

3 A. To my mind it would, I believe the term I use in the report  
4 is extreme. It would place even more pressure, and, you know,  
5 require a lot of -- they talk about in the literature a sense of  
6 experimentation and daring, almost, on the parts of clients who  
7 are constantly having to seek out new patrons and constantly  
8 having to find people who can help them make the basic  
9 necessities when they're not themselves in a position to do so.

10 Q. You talk of titles in your report, and you mention of  
11 course the meaning of the term "commander"; what is the meaning  
12 of the term "commander"?

13 A. My Lords, I think one of the dynamics that happened within  
14 this, the conflict, is that the term "commander" essentially  
15 became a synonym, if you will, of the term "patron". That was --  
16 the implication in the term "commander" was that this was the  
17 kind of relationship that was being pointed to.

18 Q. How would one get such a title?

19 A. Well, for one thing, through the accumulation of clients,  
20 but there were also a number of people, and again, this goes back  
21 to this idea of experimentation, there is a fair amount of, if  
22 you will, bravado in this. Individuals staking a claim to  
23 certain positions of authority and, if you will, seeing if making  
24 that claim is enough in itself to attract people. And I guess I  
25 would -- some combatants that I have spoken to have sort of  
26 jokingly referred to this as 419ing, based -- I'm sure everyone  
27 is familiar with the Nigerian internet banking schemes -- which  
28 are -- the whole premise of which is if you send out a convincing  
29 enough email that says send me your money, I can turn it around

1 and, you know, reap you tremendous rewards, that it's a gamble  
2 and not everybody -- it's not always going to work, but every now  
3 and then, somebody is going to believe it and be willing to  
4 follow you in. And combatants actually talked about this as a  
5 relevant dynamic to their life, the term 419ing actually  
6 circulated and was described to me as being exemplary -- or what  
7 you were doing was you were saying, okay, I am a commander and  
8 all you had to do was say it. You know, if you said it with  
9 enough conviction, the hope was that people would then sort of be  
10 willing to treat you as such.

11 Q. What is a big man?

12 A. A big man is a term that comes up in the anthropological  
13 literature and it's also a fairly common term in political  
14 science and also popular literature, that it is usually used to  
15 refer to the neo patrimonial system. We're talking about people  
16 who sit at the -- nobody exactly sits at the top of the patronage  
17 network. As I said, it is not a structure in that sense, it's  
18 much more a web. But certainly there are people who are more  
19 successful at cultivating clients. And often those people can  
20 tend to be referred to as big men. It can also be used to refer  
21 to elders in a community. But generally, elders in the community  
22 are people who have "mastered" this patron/client dynamic.

23 Q. Is a big man the same as a commander?

24 A. I'm not sure that one can say that categorically. You  
25 know, I think -- it's not the way I would characterise it. You  
26 know, it points to relevant dynamics, but I'm not sure that  
27 it's -- big man is kind of a term that, to some degree, has  
28 become so common that maybe it's lost a little bit of its  
29 usefulness. But I'm more comfortable in thinking about

1 commanders in terms of patronage.

2 Q. Moving on then with titles, what was the extent to which  
3 Kamajors understood the English language?

4 A. Well, I think you would have to talk about various regions  
5 and -- but, for the most part it's, you know, in, if you're  
6 talking about rural Kamajors who may or may not have some basic  
7 level of schooling, English is not going to be that widely  
8 spoken. You know, there are exceptions, obviously, but I -- and  
9 I couldn't give you a statistical breakdown of how many of the  
10 Kamajors would be fluent in English and how many wouldn't -- but  
11 I would say the majority of people that got involved probably  
12 don't.

13 Q. If a title was in the English language, to what extent  
14 would the majority of Kamajors be able to understand the meaning  
15 of that title?

16 A. What most people would understand by titles that are in  
17 English is that they are titles of importance. They would not,  
18 necessarily, and, in fact, most cases would not be able to say,  
19 "Okay, this title corresponds to this, it entails this  
20 responsibility." What it evokes, what titles in English evoke,  
21 partly as a consequence of the colonial history of Sierra Leone,  
22 partly as a consequence of the education system, as a consequence  
23 of the fact that English is, to some degree, the language of  
24 power in Freetown, what these titles in English evoke is a sense  
25 of authority. That imponderable sense of, that this is of  
26 significance, much more than this is of significance because of  
27 X. Does that --

28 Q. You mentioned education, Dr Hoffman. What role did  
29 educated Kamajors play within the Kamajor/CDF movement?

1 A. This was a very important dynamic. Education, among  
2 Mendes, generally education is a highly prized trait. Within the  
3 movement, there was always a sense that those who were educated  
4 were the ones who were able to rise, those who weren't educated,  
5 always risked being marginalised. It manifested itself at  
6 different levels. But there was a real sense -- in some cases,  
7 the people who were the scribes, if you will -- secretaries would  
8 be a better term -- could be people of great importance.

9 Q. You touched on this already in terms of communications. To  
10 what extent was it possible for a Kamajor in one area to know  
11 what Kamajors in another area were doing?

12 A. We would need to go into specifics but, you know, as a  
13 general rule, communication was extremely difficult, and it was  
14 generally done by individual couriers. It was -- there was not  
15 a -- at that point there wasn't a functioning phone system to the  
16 rural communities. We're talking about messages that are passed  
17 orally. In some cases, written down. There were modes of tape  
18 recording, in some cases, voices, and sending those. So, as  
19 anybody who has travelled upcountry in Sierra Leone knows,  
20 especially during the rainy season, this can be a time-consuming  
21 process.

22 Q. Moving on then to children in Mende society; when does  
23 someone become an adult in Mende society?

24 A. Among Mendes, as with a lot of people in West Africa, one  
25 achieves adulthood -- again, this is the sort of sociological  
26 norm. One achieves adulthood by being instilled in the knowledge  
27 and the values of the community. That's the point at which one  
28 is recognised as an adult. And generally, in most parts of Mende  
29 territories, the event which marks that transition, or marks that

1 education, the accumulation of knowledge, is initiation into what  
2 is referred to as the secret societies. There are some areas of  
3 Mende country where Poro, Sandy, Munde, these various "secret  
4 societies" are not present, but the majority, in most places,  
5 there is some version of this. So there is a sense that it's not  
6 chronological age, you don't sort of progress into adulthood  
7 based solely on the accumulation of years. What you are, what  
8 marks your progression, is your accumulation of a certain kind of  
9 knowledge of what it means to be a viable member of your  
10 community, and that is often instilled through this process of  
11 initiation.

12 Q. Would that also correspond to initiation into the Kamajor  
13 society?

14 A. To some degree it did. For a lot of people, this became  
15 synonymous, in part, because the Poro institutions were -- there  
16 is some evidence that the RUF had targeted the Poro institutions.  
17 Certainly, we know that the disruptions and dislocations meant  
18 that Poro initiations were very difficult to do; in large measure  
19 were suspended and this actually, if I can go back to My Lord's  
20 earlier question about locality in the village, this is actually  
21 one area, this is a part of Mende social life that can't travel.  
22 The Poro Bush is a fixed location where you go to do this  
23 initiation. And so, for a lot of people, Kamajor initiation did  
24 serve the function that Poro would have served. This is what  
25 marked you as an adult male because among Mendes historically,  
26 the sense was that it was the responsibility of adult men to  
27 defend the community. Right. And so this is the -- this becomes  
28 part of what it means to be a man. It's not, you know, it's got  
29 a very, very broad application.

1 Q. Following on from that then were what we would understand  
2 as children in the Kamajor society?

3 A. I guess I would want to know -- well, were there children  
4 who were associated with the CDF; yes. Were there children who  
5 went through some version of initiation, and the distinction  
6 between immunisation and initiation here is significant; yes.  
7 Were there children who were combatants; yes, I think there  
8 probably were.

9 Q. And how did individuals end up in the CDF?

10 A. Well, local communities putting people forth. In some  
11 cases, that included children. You had a lot of -- especially,  
12 if you're talking about the later periods of the war, for  
13 example, communities are -- Kamajors from a given town or village  
14 are manning checkpoints on the roads, right? People are coming  
15 and going from these checkpoints all the time, some spending the  
16 day. Certainly children are part of that environment. Some of  
17 them talked about themselves as being Kamajors. I would -- this  
18 is an area where I think the boundaries have kind of -- are very,  
19 very fluid, and you have to sort of ask in specific cases to what  
20 extent are we talking about? What level of involvement are we  
21 talking about?

22 Q. Are you aware of whether there are any children in the RUF  
23 movement?

24 A. Yes.

25 Q. How would you compare the presence of children in the CDF  
26 with the presence of children in the RUF?

27 A. From the academic literature that has emerged on this  
28 question, and there is a fairly substantive literature on child  
29 soldiers in this region. One of the distinctions that comes out

1 is this idea that the RUF seems to have fairly systematically  
2 used abduction as a method of bringing children in and, in fact,  
3 were sort of deliberately targeting children for membership in  
4 the organisation and I -- you just do not see that with the CDF.

5 Q. I'm now going to ask you about dates within Mende culture  
6 and, when I say dates, I should stress I mean points in time,  
7 rather than going out for dinner in the usual sense.

8 A. I'm much more an expert in the former than the latter.

9 Q. I'm pleased to hear that. To what extent were dates a part  
10 of Mende culture?

11 A. People generally tend to mark time by events, as opposed to  
12 a sort of strictly a numerical calendar. And so this certainly  
13 is evident in conversations with people when you ask for -- when  
14 did this happen? So often it is narrated in terms of events,  
15 rather than it happened on this date. I think that this is --  
16 again, it is not uncommon in West Africa generally, but  
17 certainly, it's true here, obviously -- this is not to say that  
18 people are not aware of a Roman calendar and, for many people,  
19 that is significant. But when you're talking about rural areas  
20 in particular, you're really talking about a sense of time that  
21 is demarcated by significant events as opposed to individual  
22 dates.

23 Q. Finally, Dr Hoffman, in the last five minutes or so, you,  
24 obviously reviewed Colonel Iron's report and set out your  
25 concerns about his report and his conclusions in your report. In  
26 a few words, what would you describe as the main problems with  
27 his approach and his conclusions?

28 A. I have read Colonel Iron's report, obviously. I would  
29 generally categorise my concerns along three lines. And those

1 would be first, methodological; second, empirical and third,  
2 theoretical or conceptual, and there are particulars within each  
3 of those. But, very briefly, methodologically, I'm concerned  
4 with the very limited number of people spoken to and their  
5 location and position within the CDF, and concerned about the  
6 very limited amount of time that was spent in preparation for  
7 that report. As, hopefully, it has become clear from the report  
8 and testimony I have been giving, there are a lot of social  
9 nuances that are incredibly important for understanding the  
10 dynamics of the CDF which you just -- nobody could possibly pick  
11 up talking to seven people over I believe it's 14 days.

12 Q. You mentioned empirically; what were those concerns?

13 A. Empirically, we've talked about this briefly, but the  
14 overwhelming emphasis and the characterisation on Base Zero.

15 Q. Finally, then, the theoretical.

16 A. The theoretical point that's made in the report is that,  
17 what I would think of, is a kind of universalism. This claim  
18 that understanding any particular violent conflict, any war,  
19 allows you to understand any other war. There's a claim made  
20 that warfare is so distinct from every other social aspect of  
21 life, that any war -- any one war has more in common with another  
22 war than it does with anything else, any other dynamic. And that  
23 troubles me greatly because it simply -- what it ends up doing is  
24 it completely erases history. It completely erases culture,  
25 politics. It sort of -- the implicit claim there, it is not that  
26 implicit, it's fairly explicit, is that these factors don't  
27 matter. That if you understand, for example, the Polish  
28 resistance to World War II, you know everything you need to know  
29 about the conflict in Rwanda or Sierra Leone. That, to me, I

1 would take issue with that.

2 Q. Colonel Iron, of course, concludes that the CDF was a  
3 military organisation according to his criteria. You obviously  
4 disagree with that. What would you describe the CDF as, if it's  
5 not a military organisation?

6 A. What I describe it as in the report, and what I have  
7 described it as in my other publications prior to the report, is  
8 as a militarised social network, or militarised social movement.

9 Q. Now, in your work and research since 1994, have you come  
10 across other groups that you would describe as a military  
11 organisation?

12 JUDGE BOUTET: What's the date? I'm sorry, was the date?

13 MR POWLES:

14 Q. Since 1994, and your various work and research, have you  
15 come across groups you would consider as a military organisation?

16 A. Yes, I have.

17 Q. Finally, then, which ones and where?

18 A. Certainly in my experience as a journalist would be the  
19 first introduction to such organisations. As I mentioned, I  
20 spent quite a bit of time in Angola, Unita, was unquestionably a  
21 military organisation. I worked in the South Sudan and came  
22 across the SPLA. I would certainly classify them as a military  
23 organisation. As I said, certainly working in Kosovo, you know,  
24 with going in with US ground troops, that is a military  
25 organisation, without question. Even in West Africa, I mean,  
26 working across the border in Liberia, I think the Charles  
27 Taylor's forces, they may also be subject to some of these same  
28 patron/client dynamics, but these are military organisations. I  
29 feel confident that I recognise them when I see them.

1 MR POWLES: At that point, then, may I say that those  
2 conclude my questions for Dr Hoffman at this stage.

3 PRESIDING JUDGE: In other words, that's the end of your  
4 examination-in-chief?

5 MR POWLES: Your Honours, yes.

6 PRESIDING JUDGE: Right. Thanks. Mr Sesay.

7 MR SESAY: Your Honours, I have no questions for this  
8 witness.

9 PRESIDING JUDGE: And Mr Margai?

10 MR MARGAI: May it please you, My Lords, Ms Susan Wright  
11 will do the cross-examination. I want to believe that she's  
12 quite known to the Bench. She has been here before and therefore  
13 needs no introduction.

14 JUDGE ITOE: She has been introduced here before.

15 PRESIDING JUDGE: Yes. Let her proceed.

16 CROSS-EXAMINED BY MS WRIGHT:

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. I have a few questions about methodology before we get to  
20 substance, if that's okay. Now, you mentioned a couple of  
21 different figures relevant to the number of interviews you did.  
22 To be clear, I think you mentioned 25 as a figure. That was the  
23 figure after you were engaged as an expert to give testimony  
24 here; is that correct?

25 A. Yes, it was. That was on this visit in April of this year,  
26 I conducted 25 -- interviews with approximately 25 distinct  
27 individuals.

28 Q. And then the figure that you referred to in your report of  
29 in excess of 200, as you described it this morning, then would

1 those predate your engagement here?

2 A. Indeed, that would predate the engagement here.

3 Q. And then the use of the terminology "militarised social  
4 network," is that a term that you used, again, before your  
5 engagement here?

6 A. It is.

7 Q. And then you also made reference this morning --

8 JUDGE ITOE: Militarised social --

9 MS WRIGHT: Network.

10 Q. You also made reference this morning to your use of  
11 transcripts in these proceedings. I wonder if you could clarify  
12 for the panel, the role that the review of those transcripts  
13 played?

14 A. The distinction I guess I was trying to make earlier was  
15 that, clearly, from testimonies in the transcript, and there were  
16 obviously people here who I had not spoken to directly, and there  
17 were issues of detail that came up in the transcripts that I  
18 didn't know. In terms of my overall thinking about how this  
19 organisation worked, or any broad conclusions that I would have  
20 as far as the, you know, basic structure of the organisation, or  
21 even the basic structure of my report, this would have been the  
22 same with or without the transcripts.

23 Q. So it wouldn't be fair to characterise that you used the  
24 transcripts in preparation of your report, or that you relied on  
25 it in preparing your report?

26 A. No. Only to the extent that certain dynamics which I felt  
27 were important to highlight are clearly evident in the  
28 transcripts. And, in those cases, I have actually alluded to  
29 them in the report because it seemed, hopefully correctly, a

1 useful thing for the Bench to be able to tie this specifically to  
2 testimonies that had been offered.

3 Q. Okay. And then moving on to substantive matters, you  
4 talked a bit about a transition from apprenticeship to  
5 initiation. I wonder if you could clarify what the differences  
6 were, what were the similarities were?

7 A. Okay. The similarities would be that both of these are  
8 intended to do the same thing. They're intended to give the  
9 apprentice or the initiate a kind of insider knowledge. And we  
10 talk about people achieving in Mende studies generally, which is  
11 this broad swath of West Africa. We talk about people's identity  
12 being connected to accumulations of knowledges that are  
13 appropriate to their status in life. And part of what initiation  
14 does is it concentrates that in a specific moment in time,  
15 whereas an apprenticeship is -- extends it. So I think those are  
16 the similarities. Now, the differences then, would be if, and  
17 perhaps more than anything, is the sense of duration. Initiation  
18 is something -- initiation itself can actually take quite a long  
19 time. Poro initiations are sometimes quite extended but they're  
20 not apprenticeships in the same way. There is also a slight  
21 difference in the sense of a kind of -- apprenticeship is  
22 generally a -- tends to be a more one-on-one relationship,  
23 whereas initiation, the sense is that there are multiple  
24 initiates coming through.

25 Q. Given that you've described that the initiation process is  
26 shorter in duration by definition, than the apprenticeship  
27 process, does that, in your estimation, mean that a great deal  
28 was lost between the earlier apprenticeships that was not able to  
29 be conveyed to initiates, for example?

1 A. Well, certainly in terms of a kind of concrete knowledge,  
2 certainly by the simple fact that you're talking about a much  
3 foreshortened period of time, there's just -- you're obviously  
4 not going to accumulate the same levels of knowledge. In terms  
5 of marking a different phase of life, or a different identity,  
6 you know, there may not be a substantive difference between those  
7 two dynamics, but I -- something lost, I think is -- I would be  
8 hesitant to phrase it in that way, because I think it is  
9 important to recognise that any ritual, or any social process in  
10 that way, is never static. I mean, there's never a sort of  
11 ordinary state from which the later manifestations are somehow a  
12 degenerate form. Right. These things are organic. They change  
13 over time; they always do. And so is there something lost by  
14 moving from an extended apprenticeship to initiation, yes, in  
15 terms of knowledge transmission up to a point there is. In terms  
16 of significance and social meaning, I would say probably not or,  
17 you know, it may change, but not specifically because of that it  
18 would be contingent.

19 Q. And then in your report, you talk about the fact that the  
20 conflict was, in your words, quite localised; the fact that that  
21 made it easier for individuals to advance their personal  
22 objectives, and you gave some examples of how this would play  
23 itself out. Given that -- well, first, let me ask you: Do you  
24 know if initiators were paid by their initiates?

25 A. Initiates generally gave money for initiation. I'm not  
26 entirely comfortable with the idea that they are paid to do this  
27 in quite that crassly commercial sense. But usually either the  
28 initiate, or at the community backing that initiate, would hand  
29 over, you know, there was an understanding in most cases that

1 there was money that was going to change hands to the initiator.  
2 Now, where that money goes, who sort of keeps it, is a very  
3 different question and would be dependant on who the initiator  
4 is, what the individual circumstances might be.

5 Q. But getting back to the point that you made about the  
6 opportunities for advancing personal objectives, would it be  
7 possible to characterise initiators as taking advantage of that  
8 phenomena and how, if at all, would that impact the initiation  
9 itself?

10 A. Again, I think it`s -- maybe we can go back to this comment  
11 earlier about human beings complex creatures capable of doing  
12 multiple things at once. I don't think it is contradictory to  
13 say that an initiator could take advantage of this opportunity  
14 for some kind of personal enrichment and simultaneously be  
15 performing this very important function for the CDF that people  
16 recognise as necessary, that is no less meaningful for the  
17 initiate, the initiator or the community, because it involves a  
18 larger cash transaction. There is also the question of them --  
19 again, initiators were very varied people, and although there  
20 were a certain commonalities in the instructions, or the laws  
21 they may have been given, they were also a very diverse group.

22 Q. And your report also addresses, and you have alluded  
23 briefly this morning to a phenomena of the war affecting the  
24 patronage system in a way that you, I think extreme is the word  
25 that you used, and you talked about that relative, especially to  
26 young commanders. Could you talk about the two ways you saw it  
27 manifest and perhaps give the panel some examples?

28 A. Okay. Could I ask you, do have the specific part of the  
29 report there?

1 Q. Sure.

2 A. [Indiscernible].

3 Q. Page 11, paragraph C.3.d?

4 A. So, beginning with the second point that I've highlighted  
5 here. Again, I would reiterate what I said earlier, the  
6 compressed, or the pressures of this wartime situation, I think  
7 resulted in a real fluidity in these patron relationships.  
8 Combatants were moving a lot between commanders. It's not -- you  
9 know, obviously some relationships endured throughout the course  
10 of the war, but a lot of these were very, very mobile  
11 relationships, particularly to young commanders. Now, the first  
12 point is an interesting and I think important one, because, you  
13 know, the war often has been characterised in terms of a crisis  
14 of youth, and the predecessor period to the war as being one of  
15 extreme difficulty for young people in Sierra Leone. And when  
16 the war erupted, you had an alternative route to a kind of social  
17 advancement open to some people, which was this exercise of  
18 violence. And, in a situation where, you know, the  
19 characterisation is sometimes of a youth in West Africa,  
20 particularly in Sierra Leone, feeling like they were beholden to  
21 a geritocracy, right, elders that they -- that foreclosed their  
22 own opportunity -- their own being the young people, their  
23 opportunities for advancement, their opportunities to cultivate  
24 their own clients and, for some people, this moment of the war  
25 was that opportunity to bypass the obstacles they saw set up in  
26 front of them to accumulating resource materials, to  
27 relationships, and so that's what I have been attempting to  
28 highlight in the report.

29 Q. Can you think of an example of, as you've referred to,

1 accumulating resources?

2 THE INTERPRETER: Your Honour, can counsel speak into the  
3 mic and be audible.

4 PRESIDING JUDGE: Counsel, take the advice of the  
5 interpreters.

6 MR WRIGHT: Yes, your Lordship.

7 Q. I wonder if you could give us some examples of the material  
8 position that you are referring to within the military context?

9 A. There's -- I mean, one fairly poignant example actually is  
10 one which has been made by an anthropologist working in Liberia,  
11 which is certainly relevant to the Sierra Leone context, that for  
12 many, especially rural young people, young men, you know, an  
13 AK-47 was one of the first commodities that they had easy access  
14 to, commodities associated with a certain kind of privileged  
15 position, and that's not an uncommon narrative when you talk to  
16 people. There are stories of people feeling like they, you know,  
17 obviously the Kamajors, in situations where they are being  
18 recognised by a community as having done good work for the  
19 community, are being rewarded. There was -- one of the people I  
20 interviewed said, you know, the communities would sometimes get  
21 together to brush the farms, you know, to clear the farms of  
22 young men who were Kamajor -- you know, who were fighting as  
23 Kamajor combatants. So, that kind of reward, I mean, you can't,  
24 as a young man in a rural Mende village, older people don't come  
25 and clean your, you know, brush your farm. It doesn't work that  
26 way. But you're off doing this community task and suddenly these  
27 people are giving you that kind of deference. That's what I  
28 would point to.

29 Q. And following up on that, how, from your own information,

1 how did combatants come upon weapons? In other words, how did  
2 they receive them, acquire them?

3 A. This is a complicated important dynamic that, I think,  
4 is -- obviously there are a lot of different sources for weapons.  
5 In some cases, individuals are using single-barrel shotguns that  
6 were the historic firearm of the Kamajors. People are getting  
7 weapons from ECOMOG at various points. The under-remarked upon  
8 dynamic here is that very often they are capturing them, which is  
9 extremely significant, because one of the most powerful ways in  
10 which this patron/client relationship works is who has -- you  
11 know, who can distribute arms and ammunition, and a significant  
12 amount of the weaponry that was used was weaponry that was  
13 captured. And if you were able to do this, you were able to then  
14 disperse these along this web of clients and accumulate clients  
15 of your own. And I would add that there were a lot of the  
16 "battles" that took place during the war were raids to get  
17 weapons. You know, the hope was that you would stage this  
18 spectacular attack in the hopes that the opposing side would  
19 abandon their weapons and run, and so this captured weapon idea  
20 is just profoundly important.

21 Q. And if you captured a weapon, would that change your  
22 freedom, your autonomy, relative to if you were given the weapon,  
23 for example, I think you talked about ECOMOG being in a position  
24 to distribute, what would be the difference between those two?

25 A. Well, certainly it stands to profoundly change the  
26 relationship. It doesn't necessarily have to but certainly if  
27 you're being given a weapon by somebody, that is a patron/client  
28 relationship. You are giving -- the person giving out that  
29 weapon is enacting a certain kind of authority. If I am no

1 longer beholden to anybody to get that weapon, I am not  
2 necessarily bound to them any longer. Where the relationship was  
3 good, and people on all sides wanted it maintained, often what  
4 would happen is, if I was a combatant and I would capture a  
5 weapon, I might go to my commander and say, "I captured this,"  
6 you know, and give it over. They may immediately give it back  
7 and say this is your reward for having done this but they might  
8 also let me keep it as their due, so --

9 Q. And just following up on that, this phenomena that you  
10 describe as young commanders who wanted to establish themselves,  
11 would that be a means through which they could do so?

12 A. Absolutely.

13 Q. And just to be clear, when we say young commanders, what do  
14 you mean by young, that being a relative term?

15 A. I'm using youth in a kind of West African anthropological  
16 meaning, which is, youth are people who don't necessarily have  
17 clients, or they have very few. And it doesn't refer so much to  
18 a specific chronological age. I mean, the technical definition  
19 in Sierra Leone of a youth, a government stated policy, is  
20 anybody 35 or younger with -- unless you have got really good  
21 reasons to be considered a youth even beyond 35, so we're talking  
22 about a very sort of -- we're not talking about a strict  
23 chronological cut-off, we're talking about a social status, if  
24 you will.

25 Q. And then just to move on, what is your understanding of the  
26 role that bodyguards played relative to this patronage web?

27 A. I mean, this term "bodyguard" is -- it was usually -- I  
28 mean, it could be used to essentially invoke this sense of  
29 clients, people who were around you, and they would be

1 responsible for maintaining that patron/client role. It could be  
2 given at times, but it was -- it really meant that it invoked  
3 that kind of patronage relationship.

4 Q. And would you agree that that's not necessarily the most  
5 intuitive definition of bodyguard in a military context?

6 A. Yes, absolutely. I mean, it doesn't entail the commonsense  
7 definition of "bodyguard". It entails somebody who is close to  
8 you and whose duties can certainly, you know, responsibility is  
9 mutual responsibilities are much more than just the kind of  
10 narrow "I protect you" in a military sense.

11 Q. I believe in your report you also described the  
12 relationship between patrons and clients. Actually, you quote  
13 someone, I believe, talking about how it's akin to a parent/child  
14 relationship. Would it be fair to say that that means that a  
15 patron gives an order that is to be followed and there are  
16 consequences to that? If so, what would the consequences be?

17 A. Actually, could I ask you to repeat that, just to make sure  
18 that I'm following?

19 Q. If you describe the relationship between patron and client  
20 as akin to parent and child, can we assume that that then means  
21 there is a bit of an authoritarian aspect where orders would be  
22 obeyed, if not obeyed, would be punished, et cetera?

23 A. Authoritarian, I think, is too strong. You know, I think  
24 there are ways to resist, there are always the opportunity to  
25 seek out new patrons as a client to, you know, for whatever  
26 reason, it doesn't feel like this is a relationship they want to  
27 maintain. You know, assuming there are opportunities for other  
28 patrons out there. So, people do talk about it in terms of -- I  
29 mean, they make reference to that parent/child relationship, but

1 they often will use the Krio term "borbor" which is a little bit  
2 more broad than a strictly paternal relationship. But there is  
3 that sense of familial closeness, but yes, it is a little more  
4 fluid than that.

5 Q. And, following on to your comment about being fluid, is  
6 that related to this phenomena you describe that during the  
7 wartime there was more movement among patrons?

8 A. Absolutely.

9 Q. And then, finally, given that you in your report talk about  
10 this patronage system being quite common to West Africa, common  
11 to Sierra Leone, and I think you even then make a distinction  
12 between RUF, which you did say was a military structure, if these  
13 patronage webs are a part of Sierra Leonean life, how can you be  
14 certain that they are not just a part of Sierra Leonean life  
15 layered on top of a military structure? In other words, that's  
16 what they would seem to be in an RUF context, what makes CDF  
17 different?

18 A. I think what makes CDF different is this -- the continued  
19 relationship that the CDF has that extends well beyond itself.  
20 This sense of community protectorship, this relationship to local  
21 village authorities, right, which the RUF certainly does not  
22 have, right. The RUF organisation is internal. It's a sodality  
23 in the anthropological sense of a kind of enclosed institution  
24 within itself. The CDF just simply was not that kind of  
25 organisation. It was an outgrowth of the expectations that come  
26 with adult manhood, that this figure of the Kamajor who exists  
27 prior to the war. Right. There is no corollary to the RUF prior  
28 to its launching its invasion, right, but the CDF and the  
29 Kamajors grow out of this social institution, and they never

1 entirely leave it, right. Whatever their various stages,  
2 manifestations might be, this is a social organisation.

3 MS WRIGHT: Thank you very much.

4 PRESIDING JUDGE: Thank you. Prosecution, your witness.

5 MR KAMARA: Thank you, my Lords. Is it preferable that I  
6 start or we take the afternoon break?

7 PRESIDING JUDGE: Let's begin.

8 MR KAMARA: Thank you, My Lord.

9 CROSS-EXAMINED BY MR KAMARA:

10 Q. Mr Witness, I'm sure you don't mind me calling you Dr  
11 Hoffman?

12 A. No, that will be fine.

13 Q. Thank you for coming?

14 A. Thank you, sir.

15 Q. You stated that you started your research into the Kamajors  
16 since 1998, is that correct?

17 A. Yes, My Lord. It is.

18 Q. And as at that time it was borne out of personal interest?

19 A. Yes, My Lord, in part.

20 Q. And during the period, you were a photographer, correct?

21 A. Yes, My Lord. Prior to that, I had been, and then I  
22 continued during the first year of my graduate work.

23 Q. I'm still in 1998.

24 A. Yes, My Lord.

25 Q. You were a photographer?

26 A. Indeed.

27 Q. Yes. Thank you. And also between 1995 to 1999, you were  
28 still a contract photographer?

29 A. Yes, My Lord, I did some contract work at that time.

1 JUDGE ITOE: From what period?

2 MR KAMARA: 1995 to 1999, My Lord.

3 Q. Dr Hoffman, it is correct to state then that in 1998 you  
4 were gainfully employed as a photographer?

5 A. In 1998, my majority of my -- my primary work at that time  
6 was graduate work. At the same time I did do some contract  
7 photography. I think it is also worth pointing out though that I  
8 teach visual anthropology which is essentially the use of visual  
9 technologies, including cameras, to do ethnographic research, so  
10 I don't consider a clean break between my work and role as a  
11 photographer versus my work and role as an anthropologist. These  
12 go hand-in-hand.

13 Q. In 1998, you were a teacher then?

14 A. I hadn't began teaching in 1998.

15 Q. Let's restrict ourselves to 1998 for the time being.

16 A. Okay.

17 Q. Thank you. At that time, Dr Hoffman, your research was  
18 then more or less a pastime?

19 A. No, at that time I was a full-time student.

20 Q. In 1998?

21 A. In 1998. The term begins in September, so we're talking  
22 about the latter half of 1998. You're right. Prior to that, I  
23 was a photographer, but from the beginning of the school term,  
24 which is September, I was a full-time student.

25 Q. When in 1998 did you come to Freetown?

26 A. I wasn't in Freetown in 1998.

27 Q. So you started your research in the States?

28 A. Yes, My Lord, I did.

29 Q. By reading articles off the Internet?

1 A. Among other things, yes.

2 Q. So the first time you came to Freetown was when?

3 A. The year 2000.

4 Q. The year 2000. And that was the time you were at  
5 Brookfields Hotel?

6 A. At that time I'd spent a little bit of time at Brookfields  
7 Hotel. The majority of the time that I spent at Brookfields was  
8 beginning of 2001, but certainly during that initial trip I also  
9 visited Brookfields.

10 Q. So when was it that you spent the greater part of your  
11 visit in Freetown at the Brookfields Hotel?

12 A. Beginning of 2001.

13 Q. Thank you. Was that when your room was 312 Block A of the  
14 Brookfields Hotel?

15 A. Yes, it was.

16 Q. And during that time at Brookfields Hotel, you gave  
17 evidence that there were Kamajors and it was more or less a  
18 barracks?

19 A. Yes, I did qualify the use of the term "barracks," but that  
20 is how I characterised it.

21 Q. More or less a barracks, Kamajor barracks?

22 A. If I may, I'm using "barracks" in the sense that it is used  
23 in Sierra Leone, which is a fairly extensive term.

24 Q. That's fine. And at that time, Dr Hoffman, you had very  
25 good social evenings with the Kamajors, am I recollect?

26 A. Certainly. I was there for a long time, so --

27 Q. You had good social evenings?

28 A. I had good social evenings at times.

29 Q. And you made very good friends with Kamajors at the time?

1 A. In some instances, yes, sir, I did.

2 Q. You spent drinking occasions together?

3 A. At times.

4 Q. And at times shared a smoke?

5 A. Yes, sir.

6 Q. So, for the most part, Dr Hoffman, during that period, your  
7 observations of the Kamajors was from the balcony of room 312?

8 A. I'm not sure I'd characterise it that way, no. I would  
9 also point out this was a room shared by six combatants, so it's  
10 not as though I were there alone.

11 Q. I wasn't going into that.

12 A. I thought it might be helpful.

13 Q. Your first publication, correct me if I'm wrong, on the  
14 Kamajors, was in 2002?

15 JUDGE ITOE: Dr Hoffman, are you saying you shared the room  
16 at Brookfields Hotel with six Kamajors?

17 THE WITNESS: Right. There were -- the room -- when I  
18 stayed, when I spent the nights at Brookfields, I stayed in this  
19 room 312 A, block 312, which was block A. It was a room that was  
20 occupied -- the numbers tended to vary. There were probably four  
21 people that were prime residents there. A number of people  
22 floated in and out. So, I usually approximated it as being six  
23 people. The distinction here is that this is participant-  
24 observation research. This is anthropological work where my  
25 fieldwork involves living with people on a day-to-day basis.  
26 And, as I was researching the Kamajors obviously, this was the  
27 place to do it.

28 MR KAMARA:

29 Q. Your first publication on the Kamajors was in 2002; am I

1 correct?

2 A. Yes, sir.

3 Q. Was it the one on photo of Kamajors, published in the  
4 Public Culture?

5 A. Actually, that's not the one I had in mind. I was not  
6 actually counting that particular image.

7 Q. You are referring to the JSC Quarterly?

8 A. I was actually referring to the article from Politique  
9 African, which is a French political science journal.

10 Q. And what was the title of that article?

11 A. The translation more or less is irregular combatants and  
12 international human rights discourse in my [indiscernible]  
13 conflict zone. In the French version it actually translates in  
14 African civil conflicts, the case of Sierra Leone.

15 Q. Thank you. Is it correct to say, Dr Hoffman, that you  
16 earned your PhD two years ago in 2004, September?

17 A. The degree was technically conferred in 2004.

18 Q. 2004?

19 A. 2004. Yes, sir.

20 PRESIDING JUDGE: Let's take a break at this point.

21 [Break taken at 4.31 p.m.]

22 [Upon resuming at 5.05 p.m.]

23 PRESIDING JUDGE: Counsel, please continue.

24 MR KAMARA:

25 Q. Dr Hoffman, we stopped at the point wherein you said your  
26 PhD was conferred in 2004?

27 A. Yes, My Lord. That's correct.

28 Q. And looking at your CV, you have written quite a few  
29 scholarly articles?

1 A. Yes, My Lord.

2 Q. But yet you are to publish any scholarly text; is that not  
3 so?

4 A. I'm not sure I follow you, My Lord.

5 Q. A textbook in anthropology.

6 A. No, it's actually not very common for people in my position  
7 to write text books in anthropology.

8 Q. You only write articles?

9 A. No, we generally do write book length ethnographies. I was  
10 distinguishing that from a textbook. I'm actually in the --  
11 currently in process of working on two of them.

12 Q. And you testified this morning that you've never given  
13 evidence as an expert before in any international tribunal?

14 A. No, My Lord, I have not.

15 Q. Now, Dr Hoffman, let us examine the methodology of your  
16 research. In your analysis of the Kamajors over the years, I  
17 will break it down into three phases; Kamajors before the start  
18 of the war in 1991; Kamajors between 1991 and 1996; and then  
19 Kamajors after the coup of 1997. I will suggest to you,  
20 Dr Hoffman, that the period prior to 1996 is significant to this  
21 Court only by way of general background information. So the  
22 relevant period for our examination will take --

23 JUDGE BOUTET: Did you -- are you posing the question to  
24 the witness or --

25 MR KAMARA: No, that was not a question, My Lord. I'm just  
26 narrowing our focus.

27 JUDGE BOUTET: Okay.

28 MR KAMARA: Yes, My Lord.

29 Q. The relevant period for examination, therefore, is November

1 of 1996 to 1999. Is it not the case, Dr Hoffman, that from your  
2 own knowledge, you are in no position to tell us how the CDF  
3 conducted themselves before 1998; is that not true?

4 A. No, My Lord, I would not agree with that.

5 Q. Do you have direct knowledge as to the conduct of the CDF  
6 prior to 1998?

7 A. My Lord, could I ask what you are implying by direct  
8 knowledge?

9 Q. Did you see, hear for yourself, the conduct of the CDF?

10 A. My Lord, if the question is: Was I in Sierra Leone prior  
11 to the year 2000, then the answer is no, My Lord, I was not.

12 Q. You did not see any CDF activity yourself before 1998?

13 A. No, My Lord, I did not.

14 Q. Thank you.

15 A. I would qualify that, of course, in that there are video  
16 documentations of a number of activities that I have witnessed,  
17 but I'm assuming that you mean whether I was physically present  
18 in the country and, to that, I would say no, I was not.

19 Q. Now let's take your visit in the year 2006. Is that the  
20 only time you spent exclusively on writing this report, Exhibit  
21 165?

22 A. My Lord, I also did work on the report when I returned to  
23 the States after that, after that visit.

24 Q. How long were you in Sierra Leone during that period?

25 A. I believe my trip of April 2006 was approximately two  
26 weeks, give or take a few days.

27 Q. What locations did you visit?

28 A. My Lords, during that trip, I was in Freetown, I was in Bo,  
29 I was in Kenema. And then, as I mentioned, I'd travelled to

1 villages in the environs of Kenema.

2 Q. Give us an example of one of those villages in Kenema's  
3 environs?

4 A. Dodo and Panguema.

5 Q. And during that period, you testified that you interviewed  
6 about 25 -- you made about 25 interviews?

7 A. Yes, My Lord; 20 to 25.

8 Q. Is it of the same duration like you had for the second  
9 accused when you first met him, a five-minute interview?

10 A. No, My Lord, these were extended interviews.

11 Q. You also mentioned that, in one of your interviews, you  
12 interviewed about 200 Kamajors?

13 A. My Lord, that figure is a composite of all my visits, save  
14 the April 2006 visit.

15 Q. Does that number include those five-minute interviews?

16 A. My Lord, generally, that includes extended interviews.

17 Q. The question, Dr Hoffman, is: Does it include the  
18 five-minute interviews?

19 A. No, sir, I would not have counted those in that figure.

20 Q. Thank you. Did you, at any point in time of your visit to  
21 Sierra Leone, go to the hub of the Kamajor activity, Talia in the  
22 Yawbeko Chiefdom?

23 A. My Lord, I have not been to Talia.

24 Q. Wasn't it important enough?

25 A. My Lord, it would be interesting to go to Talia, but by the  
26 time I had arrived on the ground in 2000, obviously Base Zero  
27 itself was no longer there. I certainly hoped to, in the future,  
28 visit Base Zero - excuse me, Talia, but I have not been yet.

29 Q. Is the same situation for elsewhere in Kenema?

1 A. I'm sorry, My Lord?

2 Q. I said, is it the same situation in Kenema? The war was  
3 over, but the same persons were there, but yet you visited  
4 Kenema?

5 A. Yes, My Lord.

6 Q. Thank you. During your entire period of interviews with  
7 Kamajors, did you interview any commander?

8 A. Yes, My Lord.

9 Q. Which one?

10 A. My Lord, we're getting to a point where I would -- I'm  
11 happy to give names. I would prefer if there is -- if it is okay  
12 with the Court, to either write the names down or to do so in  
13 closed session.

14 Q. Why would you want to do that?

15 A. My Lord, my work is focused on Sierra Leone. It continues  
16 to be so. Well, after these proceedings are over, my  
17 professional and personal relationship to Sierra Leone will go  
18 on, and I would feel more comfortable -- I obviously have no  
19 problem giving specific names of individuals that I've spoken to,  
20 but my preference would be that they not necessarily be part of  
21 the open and public record. These are, after all, the subjects  
22 of my professional work.

23 PRESIDING JUDGE: Counsel, it's the disposition of the  
24 Bench that the witness be allowed to write the names down.

25 MR KAMARA: As My Lord pleases.

26 THE WITNESS: My Lords, I've written 11 names down here.  
27 These are the first that come to mind. I'm happy to supply  
28 additional ones if --

29 PRESIDING JUDGE: If it becomes necessary. Counsel for the

1 Prosecution, you'll probably just -- after that, you'll show it  
2 to the Defence -- you'll probably just confine yourself to  
3 numbers.

4 MR KAMARA: Yes, My Lord.

5 Q. Did you make any indication of that in your report, that  
6 you spoke to commanders?

7 PRESIDING JUDGE: Just a minute. Dr Hoffman, please assign  
8 numbers to them: One, two, three. If you were to do that, so we  
9 can -- take it back to the witness, Mr Thomas -- so that we can  
10 conveniently refer to them by their numbers rather than their  
11 names.

12 THE WITNESS: Thank you, My Lord.

13 PRESIDING JUDGE: Hand them to learned counsel for the  
14 Prosecution. What is your disposition, Mr Kamara? The practice  
15 is to receive such documents in evidence. Do you want -- since  
16 you already elicited an answer relating to commanders, you will  
17 certainly want to tender it, exhibit it?

18 MR KAMARA: We'll tender it, My Lords.

19 PRESIDING JUDGE: Any objection by counsel for the first  
20 accused?

21 MR SESAY: No objection.

22 PRESIDING JUDGE: Second.

23 MR POWLES: No objection.

24 PRESIDING JUDGE: Third?

25 MR WRIGHT: No, Your Honour.

26 PRESIDING JUDGE: It will be received in evidence and  
27 marked Exhibit 166.

28 [Exhibit No. 166 was admitted]

29 PRESIDING JUDGE: On the left-hand side, we'll put some

1 designation identifying or establishing a nexus between that  
2 document and this witness, all right?

3 MR KAMARA: Yes, My Lord.

4 PRESIDING JUDGE: We also need to inscribe on the top of  
5 that paper "Confidential." You did say that in case it becomes  
6 necessary, you will supply names of others and you'll go through  
7 the same motion, as you've just done. Continue, counsel.

8 MR KAMARA: Thank you, My Lord.

9 Q. Dr Hoffman, I stated to you that in your entire report, you  
10 didn't make any indication as to references in speaking to  
11 Kamajor commanders.

12 A. My Lord, my recollection is that I indicated that I spoke  
13 to people at all levels and I certainly would include commanders  
14 in that.

15 PRESIDING JUDGE: The question is that, in your report,  
16 there was no such reference that you spoke to commanders. It  
17 could be either yes or no. I don't think it's a problematic  
18 question.

19 THE WITNESS: I honestly don't remember specifically if  
20 counsel -- if this is the assertion he's making, I'm not prepared  
21 to argue. I can't point to where I did mention it, but I'll  
22 concede the point, I guess.

23 MR KAMARA: Thank you.

24 PRESIDING JUDGE: Right, let's proceed.

25 MR KAMARA:

26 Q. In your research, you did not interview any ex-RUF  
27 combatants; did you?

28 A. No, My Lord. As I said, I had more informal contact with a  
29 few RUF individuals, but not formal interviews. Again, I should

1 qualify that. In Sierra Leone, I have spoken with former RUF in  
2 Liberia.

3 Q. Not as part of your report?

4 A. Not as part of the report, I'm sorry, no.

5 Q. You also did not interview any AFRC personnel for the  
6 purposes of your research?

7 A. No, My Lord, not for the report, no. For my research,  
8 generally, as I've indicated, I have spoken to former AFRC.

9 Q. By way of interviews?

10 A. Yes, My Lord.

11 Q. Could you write down the names of those you interviewed?

12 A. My Lord, that information I don't have with me. That would  
13 require going back through extensive field notes that,  
14 unfortunately, I don't have access to at the moment.

15 Q. Is it because you didn't interview any AFRC personnel, that  
16 is why you don't have the information?

17 A. No, My Lord, these were not central to my research. I have  
18 interviewed these folks in Liberia well over a year ago. They  
19 simply were not -- they weren't recurrent people in the course of  
20 my research. I just simply don't remember their names.

21 Q. Isn't it important to you, doctor, that interviews of other  
22 factions to the conflict are important for the purposes of your  
23 research?

24 A. My Lord, not necessarily.

25 Q. You would agree with me, would you not, that your report  
26 would be incomplete if you do not have views from the other  
27 sides?

28 A. No, My Lord, I'm not sure I would agree with that.

29 Q. You are aware that the Kamajors, at a point in time,

1 collaborated with ECOMOG in joint operations, are you not?

2 A. Yes, My Lord.

3 Q. Did you interview any ECOMOG personnel?

4 A. I have interviewed ECOMOG personnel. On a fairly limited  
5 basis, but I have done so, yes. Again, for the research, not  
6 necessarily for the specific purposes of this report.

7 Q. Can I have their name? Can you write it for us?

8 A. My Lord, again, in this instance, I would maintain the same  
9 as with the AFRC: These are individuals whose names I don't have  
10 with me at the moment.

11 Q. The only names of those you remember are the Kamajors you  
12 interviewed? For the interview of AFRC personnel, you do not  
13 remember the names; for the interview of ECOMOG personnel, you do  
14 not remember the names. Is that not so?

15 A. Yes, My Lord, that's true.

16 Q. Where did you interview the ECOMOG personnel?

17 A. My Lord, I interviewed ECOMOG personnel who were -- this  
18 would have been in the Freetown environs when the disarmament was  
19 going on. These were members of the Nigerian contingent of  
20 UNAMSIL who had served within ECOMOG. I believe that I spoke  
21 with ECOMOG officers, I've spoken with them. Again, the Nigerian  
22 contingent of UNMIL in Liberia. These were men who had  
23 experience in Sierra Leone. It is entirely possible, too, that I  
24 spoke with former ECOMOG in Kenema, although I'm less certain of  
25 that than I am of the contacts in Freetown and Liberia.

26 Q. What's the time frame you are referring to?

27 A. This would have been in 2001, perhaps early 2002. This was  
28 the disarmament period. Disarmament ended officially in January  
29 of 2002, so I'm assuming the latter half of 2001 is when these

1 would have occurred.

2 Q. Thank you.

3 A. Excuse me, the ones in Sierra Leone. The ones in Liberia,  
4 obviously, that would be 2005.

5 Q. Yes. Because ECOMOG had long left Liberia.

6 A. There were still Nigerians serving with the UN peacekeeping  
7 force in Liberia at that time.

8 Q. Not ECOMOG?

9 A. Individuals who had been with ECOMOG were with the Nigerian  
10 contingent of UNMIL.

11 Q. Thank you, Dr Hoffman. You also did not examine any ECOMOG  
12 document in that regard, did you?

13 A. For the purposes of writing this report?

14 Q. Your research into Kamajors generally?

15 A. Actually, I have. Some of the former ECOMOG officers have  
16 published their work, both in Nigeria and the States. I am at  
17 least personally familiar with some of these texts.

18 Q. Which texts are those; tell this Court.

19 A. Again, you are asking me for a handful in many documents  
20 that I have in the States. If you are content to wait, I'm happy  
21 to email you the titles when I return.

22 Q. You are not being very helpful, are you?

23 A. My apologies to the Court for that.

24 Q. Thank you. Accepted. Dr Hoffman, you did not interview  
25 any alleged victim of the Kamajors, did you?

26 A. My Lords, I have, actually.

27 Q. When?

28 A. Again, in 2000.

29 Q. Is it okay for you to tell us the names?

1 A. This would be the same circumstances. These were generally  
2 single interviews, not people whose names I've committed to  
3 memory.

4 Q. The victims were of no interest for you to even record  
5 their names?

6 A. My Lord, I didn't say that. I have records of these names.  
7 In some cases, unless -- with all of my work, and particularly  
8 with people who are identified as being victims, obviously  
9 sensitivity to their confidentiality is paramount. So there are  
10 a number of interviews I have done in which people have  
11 specifically asked me not to record their names, to give them  
12 pseudonyms, and I have always honoured that. I can't tell you if  
13 in the particular cases I'm thinking of I recorded their names or  
14 didn't. Simply these conversations are six years old. Again,  
15 they tended to be single interviews. I just simply can't recall  
16 at the moment.

17 Q. I see you have a black book there. Is that your interview  
18 book notes?

19 A. Actually it's a blank book.

20 Q. You left your notes in the States?

21 A. Yes, My Lord. With due respect, it would have been an  
22 incredible amount of excess cargo baggage to have brought them  
23 here. I wasn't sure the Court wanted to foot the bill.

24 Q. You'll be surprised I'm not interested where. Is it not  
25 true -- yes. Now, what is it these victims suffered from at the  
26 hands of the CDF?

27 A. The particular instances I remember, I conducted a series  
28 of interviews at the Aberdeen Rd amputee camp. So these would  
29 have been individuals who were amputees.

1 Q. Is it not true that a failure to make across-the-board  
2 interviews has an impact on the quality of your report; you would  
3 agree with me on that?

4 A. No, My Lord, I would not.

5 Q. On the other hand, it shows an academic premeditated bias  
6 in favour of the Kamajors?

7 A. No, My Lord, I would not agree with that.

8 Q. I see that your report, independent of the appendixes, is  
9 32 pages long?

10 A. Actually, My Lord, the report is 38 pages long.

11 Q. Thank you. Where are the other five? I don't seem to have  
12 them. Never mind. Thirty-eight pages long. I also notice that  
13 you've referenced 75 scholarly works in that report; is that not  
14 so?

15 A. My Lord, I'll accept your counting. I haven't counted them  
16 myself.

17 Q. Yes, I did count them. They are loaded with quotations,  
18 sometimes quite extensively; is that not so?

19 A. There are certainly a number of quotations, yes, My Lord.

20 Q. You will disagree with me you are free to do that?

21 A. It's the term extensive. I just wasn't sure what was the  
22 range of extensive.

23 Q. Now, my question to you, you will feel free to disagree  
24 with me on this, but it seems like the level of originality in  
25 your report is very minimal.

26 A. I will take you up on your offer to disagree with you on  
27 that, if you don't mind.

28 Q. Now let us examine your report a little closer.

29 Dr Hoffman, I'll start off with C.7, that is page 15, "Literacy

1 and the Power of Inscription."

2 JUDGE ITOE: What page is that?

3 MR KAMARA: Page 15, C.7, the rubric "Literacy and the  
4 Power of Inscription."

5 Q. I agree with you, Dr Hoffman, when you say that literacy  
6 and the person's ability to know book has a powerful determinant  
7 of social standing in Sierra Leone, especially among the Mendes,  
8 I'll agree with you to that. I don't take issue with that.  
9 However, the issue with your conclusion that a question of  
10 literacy is intimately connected to the CDF leadership, I have  
11 issues with that.

12 PRESIDING JUDGE: Is that under the rubric "Literacy and  
13 the Power of Inscription"; is that conclusion there?

14 MR KAMARA: No, that conclusion is in D.4, page 24, My  
15 Lord. It's related. D.4, beginning with the sentence, "The  
16 question of literacy is intimately connected to the question of  
17 CDF leadership."

18 THE WITNESS: Sorry, sir, I seem to have -- you're  
19 referring specifically on page 24 to --

20 MR KAMARA: Yes.

21 PRESIDING JUDGE: Yes, the first sentence under D.4.

22 MR KAMARA:

23 Q. D.4.

24 A. Thank you very much.

25 Q. You're welcome. You'll agree with me that the majority of  
26 the Kamajors were illiterate?

27 A. I'm sorry were illiterate or literate.

28 Q. Illiterate.

29 A. Illiterate, yes, sir.

1 Q. And that the means of communication was in Mende,  
2 generally.

3 A. Generally, I believe that's fair to say.

4 Q. And orally.

5 A. Quite frequently it was, yes.

6 Q. Are you suggesting to this Court then that you need to be  
7 literate to lead the Kamajors?

8 A. No, sir, I'm not suggesting that.

9 Q. Then tell us.

10 A. I'm suggesting that, especially in the period after the  
11 SLPP government, and particularly post-restitution of the SLPP  
12 government, there was a sense that people who were illiterate  
13 were marginalised and this was -- I believe there's the example  
14 that I gave in here, in fact, of the initiators Kondewa and Mama  
15 Munde, who were both cited as being people who had been  
16 marginalised by the fact that they were illiterate.

17 Q. Now you have referred to that example, let me use that  
18 example, in your analysis. You said Kondewa was replaced as high  
19 priest by Kamoh Lahai Bangura because he was illiterate; is that  
20 what you say?

21 A. That was the understanding that many people I spoke to had,  
22 that he had been, in a sense, outmanoeuvred by people whose  
23 powers of literacy and education were superior to his own.

24 Q. I'll put it to you, Dr Hoffman, that even Kamoh Lahai  
25 Bangura himself was illiterate, so your premise cannot be true?

26 A. Actually, I don't find those two mutually exclusive, sir.

27 Q. Kamoh Lahai Bangura was a replacement of Kondewa and, in  
28 your premise, you said Kondewa was replaced because he was  
29 illiterate.

1 A. Let me clarify that. I'm not suggesting he was replaced  
2 because he failed a literacy test. What I'm suggesting is that  
3 people who were -- had access to government documents, who were  
4 in a position who were better educated than Kondewa, manoeuvred  
5 him out of the position of high priest. Now, the qualifications  
6 of Lahai Bangura to be high priest, to me, are relevant to that  
7 dynamic.

8 Q. But you used him as an example to support your view of the  
9 power of literacy in the CDF leadership?

10 A. Yes, sir, because the focus I'm interested in is this  
11 manoeuvring of Kondewa out of that position.

12 PRESIDING JUDGE: Okay. Counsel for the Prosecution, given  
13 the highly contentious nature of this issue, we'll give you an  
14 opportunity to explore it further tomorrow. The trial is  
15 adjourned to tomorrow, 10th October 2006 at 9.30 a.m..

16 [Whereupon the hearing adjourned at 5.40 p.m.,  
17 to be reconvened on Tuesday, the 10th day of  
18 October 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 164	20
Exhibit No. 165	58
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WITNESSES FOR THE DEFENCE:

WITNESS: BRIMA TARAWALLY	2
RE-EXAMINED BY MR WILLIAMS	8

WITNESS: Daniel Hoffman	14
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