

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-14-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
SAM HINGA NORMAN
MOININA FOFANA
ALLIEU KONDEWA

TUESDAY, 16 NOVEMBER 2004
9.43 a.m.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison
Ms Roza Salibekova

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Joseph Kamara
Mr Mohamed Bangura
Ms Adwoa Wiafe
Ms Leslie Murray (intern)
Mr Mohamed Stevens.

For the Principal Defender:

Mr Ibrahim Yillah.
Mr Kingsley Belle

For the Accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi.
Mr John Wesley Hall

For the Accused Moinina Fofana:

Mr Arrow Bockarie
Mr Andrew Ianuzzi

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana

1 Tuesday, 16 November 2004

2 [Open session]

3 [The three accused not present]

4 [Upon commencing at 9.43 a.m.]

5 PRESIDING JUDGE: Good morning, learned counsel. I hope you
6 all had a nice long weekend and that the feasts of
7 Ramadan lived up to its expectations. We are about to
8 start now, and I think the Prosecution may wish to call
9 its next witness.

10 MR KAMARA: Yes, Your Honour.

11 PRESIDING JUDGE: So as not to waste a lot of time, it would
12 be preferable to have the witness seated before we come
13 in. Whilst we agreed that if it is witness X,
14 arrangements should be made even before the gallery comes
15 in, or even before we are open to the gallery, for the
16 witness to be seated so that we start at once.

17 MR KAMARA: Very well, Your Honour. The Prosecution seeks to
18 call TF2-008. Your Honour, the Prosecution will be
19 making an application for a partial closed session for
20 this witness.

21 PRESIDING JUDGE: Do you want to make the application now?

22 MR KAMARA: Yes, Your Honour. Your Honours --

23 PRESIDING JUDGE: No, please, you wait. Will this be your
24 27th witness?

25 MR KAMARA: Yes, Your Honour.

26 PRESIDING JUDGE: There is an application which the
27 Prosecution seeks to make for a closed session. We will
28 take that application in a closed session, please. It
29 will be brief. Do you want to move straight away into

1 the closed session?

2 MR KAMARA: Straight away.

3 PRESIDING JUDGE: If the application is granted, for how long
4 do you think you will be in closed session?

5 MR KAMARA: Your Honour, about 10 to 12 minutes, or less.

6 MS EDMONDS: The Prosecution tell me that they don't want the
7 witness in.

8 PRESIDING JUDGE: We shall finish with the closed session and
9 bring the witness in.

10 MS EDMONDS: We are in closed session.

11 [At this point in the proceedings a portion of the
12 transcript, pages 3 to 12, was extracted and sealed under
13 separate cover, as the session was heard in camera]

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1 [On resuming at 10.40 a.m.]

2 [Open session]

3 PRESIDING JUDGE: We are resuming in an open session. Are we
4 in an open session?

5 MS EDMONDS: Yes, Your Honour.

6 PRESIDING JUDGE: Is the gallery with us? Right, okay. The
7 ruling of the Chamber on the Prosecution's application
8 for part of the evidence of witness TF2-008 to be heard
9 in closed session will be read by Honourable Judge
10 Boutet.

11 [Ruling]

12 JUDGE BOUTET: Thank you. This is the ruling of the Court.
13 Considering that the giving of witness testimony during
14 closed session is an extraordinary protective measure
15 that will only be granted in exceptional circumstances,
16 the Trial Chamber will move into closed session pursuant
17 to Rule 75 and Rule 79 of the Rules of Procedure and
18 Evidence for that part of the testimony of witness
19 TF2-008 that may reveal his identity.

20 Considering that the Defence counsel for the accused
21 do not object to this application about limited closed
22 session, although they all expressed concerns as to their
23 ability and opportunity to cross-examine this witness on
24 these matters disclosed or testified about in closed
25 session, the Trial Chamber has therefore waived the right
26 of the accused to a fair and public hearing with the
27 mandated interest relied upon by the Trial Chamber in
28 this ruling pursuant to Rule 75 and Rule 79 of the Rules.
29 Thus, in this particular case, a partial closed session

1 is required for this witness, because the witness's
2 identity may be revealed if that part of the evidence of
3 this witness is heard publicly. And the Trial Chamber
4 considers that this additional protective measure of
5 hearing the witness's testimony in closed session is
6 necessary in these exceptional circumstances to ensure
7 the security of this witness.

8 Furthermore, the Trial Chamber grants, pursuant to
9 Rule 75 of the Rules of Procedure and Evidence, this
10 additional protective measure of voice distortion for
11 that part of the evidence of this witness given publicly,
12 this being a proportionate measure in the circumstances
13 respecting the public aspect of this trial.

14 This concludes the ruling. Obviously, as I've said
15 to all of you counsel, when we come to cross-examination,
16 we will obviously give due consideration to any
17 application you make, if you wish to make such
18 application at that time. That concludes the ruling.

19 You may proceed, Mr Prosecutor, and presumably,
20 given the decision of the Court, we will move first into
21 a closed session, and that closed session, based on your
22 assessment, will be of a duration of about 10 to
23 15 minutes.

24 MR KAMARA: 10 to 12 minutes.

25 PRESIDING JUDGE: Is it really 10 to 12 minutes, and not 20 or
26 25 minutes, because the public may want to come back here
27 to follow the rest of the evidence.

28 MR KAMARA: Yes, Your Honour.

29 PRESIDING JUDGE: Which is their legitimate right.

1 MR KAMARA: I shall be leading on those issues and it would

2 not take more than 10 minutes I believe.

3 PRESIDING JUDGE: Right.

4 JUDGE BOUTET: Can Court Management ensure that we are moving

5 into a closed session now for the next 10 to 15 minutes.

6 PRESIDING JUDGE: The gallery is assured they may come back in

7 the next 15 minutes, please, because we are now moving

8 into --

9 JUDGE BOUTET: In 15 minutes.

10 PRESIDING JUDGE: -- a closed session for reasons that have

11 been outlined in our ruling.

12 [At this point in the proceedings, a portion of the

13 transcript pages 16 to 22, was extracted and sealed under

14 separate cover, as the session was heard in camera].

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1 [Upon resuming at 11.13 a.m.]

2 [Open session]

3 PRESIDING JUDGE: We are resuming the session and we are in
4 open session, I suppose.

5 MR KAMARA: Yes, we are -- we should be in open session.

6 PRESIDING JUDGE: Good. We should be. Are we really in open
7 session? Right.

8 MR KAMARA: Doesn't seem so. I don't think so.

9 PRESIDING JUDGE: Yes, I've gotten the reply from the gallery.

10 She says we are. There is just one member of the
11 gallery, who doesn't know where she should be really,
12 whether she should be in here or out there. I think we
13 have to take time to sort this out, you know, later on.
14 Yes, you may go on, you may proceed.

15 MR KAMARA: Your Honours, I've just been informed that the
16 security personnel are not letting people inside. That
17 is why maybe the gallery is empty.

18 JUDGE BOUTET: Somebody is going to tell them that.

19 PRESIDING JUDGE: Can the security please allow the public in?

20 MR KAMARA: Your Honours, for the information of the Court,
21 this is a model of the village of Talia. We intend to
22 use it as a demonstrative aid for the Court.

23 PRESIDING JUDGE: It is not yet exposed. I thought it was an
24 improvised table to place our maps for the witnesses.
25 Now you've made it clearer, that's fine.

26 MR KAMARA: It's no cause for alarm, Your Honour. It's just a
27 model.

28 PRESIDING JUDGE: Good, okay.

29 JUDGE BOUTET: Please proceed, yes.

1 EXAMINED BY MR KAMARA: [Continued]
2 MR KAMARA:
3 Q. Mr Witness, do you recall the date 25th of May 1997?
4 A. Yes, I do.
5 Q. Where were you, Mr Witness, on that date?
6 A. I was at Mano, Jaiama-Bongor Chiefdom.
7 PRESIDING JUDGE: He was in?
8 MR KAMARA: Mano, M-A-N-O, in Jaiama-Bongor Chiefdom.
9 Q. And will you tell this Court what you were doing at Mano?
10 A. I was pouring libation for the past members of our
11 family.
12 Q. Did anything happen on that date of the 25th, 1997 that
13 is of significance you want to tell this Court about?
14 A. Yes.
15 Q. What is that event?
16 A. Well, while we are there, we heard that the Government
17 has been overthrown.
18 Q. Which government?
19 A. The Government of Alhaji Ahmad Tejan Kabbah.
20 JUDGE BOUTET: I'm not sure that the system is working as it
21 should. Are these speakers working, because I hear the
22 witness's voice being distorted, as such? Obviously it
23 is for the public gallery, but I thought the speakers --
24 there are two mikes in front of the witness. One is
25 supposed to be using the speakers that we have in front
26 of us, so that we could hear directly without distortion.
27 MR KAMARA: Yeah, I'm hearing directly without distortion, and
28 the other mike is the one the technician installed while
29 you were gone, Your Honours. I think you may want to

1 change the channel -- to switch the channel to English
2 again.

3 JUDGE BOUTET: We'll see. I'm on English now. I can hear you
4 without distortion, but I'm talking about the witness.

5 MR KAMARA:

6 Q. Mr Witness, you were telling this Court that you heard
7 about the overthrow of the Government?

8 A. Yes, sir.

9 MR KAMARA: Is this the same still, Your Honour?

10 JUDGE BOUTET: It is distorted in my ear. Mr Presiding Judge,
11 is yours distorted too?

12 PRESIDING JUDGE: Let him continue. Let's see if it is
13 distorted.

14 MR KAMARA:

15 Q. Upon hearing that news, did you do anything?

16 A. Yes, sir. We hastily concluded the pouring of libation
17 and left for Bo.

18 JUDGE BOUTET: It is distorted. So, as I was saying to you,
19 the second mike was supposed to be a mike that we could
20 hear the voice through the loud speakers that are in
21 front of us. There should be one on the desk for the
22 Defence as well.

23 MR KAMARA: Well, except we invite the technician again,
24 because he came and installed that other mike.

25 Incidentally, I'm getting it without the distortion.

26 JUDGE BOUTET: Well, you may have some favours with the
27 technicians that we don't have. Can we be informed as to
28 where it is now by the Court Management?

29 MR KAMARA: Yeah, I believe Maureen is working on it.

1 MS EDMONDS: You need to adjourn for another 10 to 15 minutes
2 for the rest of the equipment to be installed.

3 PRESIDING JUDGE: The Court will adjourn for the next 10, 15
4 or 20 minutes. We shall resume when you say you are
5 ready, thank you.

6 [Break taken at 11.20 a.m.]

7 [Upon resuming at 11.53 a.m.]

8 PRESIDING JUDGE: We'll resume the session. I hope we are now
9 properly served by the technology to be able to proceed.
10 Yes, Mr Kamara --

11 MR KAMARA: Yes, Your Honour.

12 PRESIDING JUDGE: -- you may wish to continue your
13 examination-in-chief.

14 MR KAMARA: Thank you.

15 Q. Mr Witness, we left at the point wherein I did ask you
16 what was your response upon hearing the news of the
17 overthrow of the Government?

18 A. I hastily completed pouring of libation for our past
19 members, and I left for Bo to Koribundu.

20 Q. And how far was Koribundu to Mano?

21 A. About 15 miles.

22 Q. And did you have any reason for stopping at Koribundu?

23 A. Yes, I do. Upon my arrival at Koribundu --

24 Q. Take your time. Their Lordships are writing down
25 whatever you're saying.

26 PRESIDING JUDGE: He said he left Mano for Koribundu?

27 THE WITNESS: Yes, sir.

28 MR KAMARA: Yes.

29 THE WITNESS: I left Mano for Bo, through Koribundu.

1 PRESIDING JUDGE: For Bo through Koribundu?

2 MR KAMARA: Yes.

3 Q. And I was asking you why you had to stop at Koribundu?

4 PRESIDING JUDGE: It's about how many miles from Mano to --

5 THE WITNESS: About 15 miles.

6 MR KAMARA: 15 miles.

7 PRESIDING JUDGE: 15 miles to Koribundu?

8 THE WITNESS: Yeah. On my arrival at Koribundu --

9 MR KAMARA:

10 Q. Yes, move on.

11 A. I was advised by some friends and relatives to stay at

12 Koribundu for some time.

13 Q. Why were you given that advice?

14 A. Fear was that the AFRC guys will be looking out for

15 stakeholders in the party, so therefore I should stay

16 until when place is quiet to go.

17 PRESIDING JUDGE: He said the fear was that?

18 THE WITNESS: That AFRC guys would maybe look out for

19 stakeholders of the party -- the ruling party.

20 MR KAMARA:

21 Q. For how long did you stay at Koribundu?

22 A. For a week.

23 Q. And after that week, did you have cause to go anywhere

24 else?

25 A. Yes, I left Koribundu for Bo.

26 Q. And once you got to Bo, will you tell this Court what

27 your observations were?

28 A. Yes. On my arrival at Bo, I observed that there was now

29 junta authority in control of Bo.

1 Q. When you say "junta", what do you mean?

2 A. AFRC and RUF were now in authority.

3 Q. You say are now the authority in Bo, would you explain
4 further?

5 A. Yes, sir. They were in control of a lot of checkpoints
6 and many other activities -- they were in control. And I
7 also observed that the Kamajor militias were no longer
8 present in Bo Town. Also, a good number of stakeholders
9 like police officers, ministers, administratives, the
10 paramilitary, they were all out of town. So these
11 officers were not there at that time.

12 Q. Okay. Mr Witness, did the community do anything in
13 response to these developments you've just outlined?

14 A. Yes. The communities were worried, and what they do --
15 they did was to mobilise people who can come together
16 and form a group. And out of that, a group was formed --
17 a concerned group was formed.

18 Q. Take your time, take your time.

19 A. Okay.

20 PRESIDING JUDGE: They mobilised people?

21 THE WITNESS: Yeah.

22 MR KAMARA:

23 Q. To do what?

24 PRESIDING JUDGE: Into groups?

25 MR KAMARA: Into groups.

26 THE WITNESS: Into groups. So out of that, a concerned group
27 was formed. We call it Concerned Group, and the aims
28 objective of this group was to revive the coup in the
29 most shortest possible time.

1 MR KAMARA:
2 Q. A group was formed?
3 A. A group was formed.
4 Q. And what is the name of that group?
5 A. The group was a Concerned Group.
6 Q. And you were trying to tell us the purpose --
7 PRESIDING JUDGE: It was called the?
8 MR KAMARA: Concerned Group.
9 PRESIDING JUDGE: Consigned or concerned?
10 THE WITNESS: Concerned.
11 MR KAMARA: Concerned.
12 THE WITNESS: Concerned.
13 PRESIDING JUDGE: This Concerned Group means what? What was
14 its functions?
15 MR KAMARA: Yes.
16 THE WITNESS: Yeah, the aims objective was to try by all means
17 to put out strategies in place to reverse the coup in the
18 shortest possible time.
19 MR KAMARA:
20 Q. To what the coup?
21 A. To reverse the coup.
22 Q. Reverse the coup?
23 A. To reverse the coup in the shortest possible time.
24 Q. Now, Mr Witness, do you know who the members were of that
25 group?
26 A. Yes, I do.
27 PRESIDING JUDGE: That is of this Concerned Group?
28 MR KAMARA: Yes, Your Honour.
29 THE WITNESS: Yes, I do.

1 MR KAMARA:
2 Q. Will you let this Court know who those members were?
3 A. The members which I can remember, I can name few of these
4 people now. One, xxxxxx xxxxxxxxxxxxxxxxxxxx
es Pama 5 xxxxxxxx.
6 Q. How do you spell the xxxxxx?
7 A. xxxxxxxxxxxxxx
8 Q. xxxxxxxx?
9 A xxxxxxxxxxxxxxxx.
10 Q. xxxxxxxx?
11 A. M-A.
12 Q. M-A?
13 A. xxxxxx.
14 Q. xxxx?
15 A. Yes. xxxxxxxxxxxxxx. We have also xxxxxxxxxxxx, we have
16 also xxxxxxxxxxxxxx
17 PRESIDING JUDGE: xxxxxxxx
18 THE WITNESS: xxxxxxxxxxxxxxxxxxxxxxxx
19 PRESIDING JUDGE: xxxxxxxx
20 THE WITNESS xxxxxxxxxxxxxxxx
21 PRESIDING JUDGE: Second name again?
22 THE WITNESS: xxxxxxxxxxxx
23 MR KAMARA xxxxxxxx
24 MR BOCKARIE: My Lord, we just want to get the name clear,
25 please xxxxxxxxxxxxxx?
26 THE WITNESS: xxxxxxxxxxxxxxxx
27 MR KAMARA:
28 Q. Is it xxxxxxxx
29 A. L, H, yes.

1 JUDGE BOUTET: So this is xxxxxxxx

2 MR KAMARA: Yes, My Lord.

3 THE WITNESS: I know that.

4 PRESIDING JUDGE: Does the list continue?

5 MR KAMARA:

6 Q. Do you remember any other names?

7 A. No, there were -- we are many, but these are the people I

8 can remember now.

9 Q. Now, what did this group do?

10 A. Well, in order for this group to achieve these goals,

11 first of all we tried to map out strategy what we do.

12 And the group sort of -- the group sort of getting to

13 know the location of Kamajors who were in disarray.

14 Q. Okay, take your time. Locating Kamajors in disarray was

15 the first --

16 A. Yeah.

17 PRESIDING JUDGE: In disarray?

18 MR KAMARA: Yes, in disarray.

19 PRESIDING JUDGE: I wrote in desire. In disarray.

20 MR KAMARA: Yeah, yeah, Your Honour.

21 THE WITNESS: Disarray.

22 MR KAMARA:

23 Q. And what did they do to implement that?

24 A. Well, the group decided to send delegations --

25 delegations to various locations to look out the location

26 of these Kamajors. And a group was dispatched to the

27 eastern part of Bo District, and the other one was sent

28 to Bonthe District.

29 PRESIDING JUDGE: And the other one to the Bonthe District?

1 THE WITNESS: Bonthe District, yes, sir.
2 MR KAMARA:
3 Q. Did the Concerned Group get any feedback from these
4 missions?
5 A. Yes, the mission returned with the report that they have
6 located the Kamajors in various locations. Those who
7 went to the east part of Bo District, say they have
8 located Kamajors at Tondoryah.
9 Q. How do you spell that?
10 A. T-O-N-D-O-R-Y-A-H, Tondoryah.
11 PRESIDING JUDGE: Ton?
12 MR KAMARA: Tondoryah.
13 THE WITNESS: Tondoryah.
14 PRESIDING JUDGE: T-O --
15 MR KAMARA: N-D-O-R-Y-A-H.
16 THE WITNESS: Exactly. So the others went to Bonthe, say they
17 have located the high priest, King Allieu Kondewa, at
18 Tihun, Sogbeni Chiefdom.
19 PRESIDING JUDGE: Please spell the name of the town?
20 MR KAMARA: T-I-H-U-N.
21 PRESIDING JUDGE: T-I-H-U-N.
22 MR KAMARA: And Sogbeni Chiefdom, S-O-G-B-E-N-I.
23 PRESIDING JUDGE: Is it only Kondewa they located there or --
24 THE WITNESS: Kondewa and the other group of Kamajors.
25 MR KAMARA:
26 Q. And who is this Kondewa?
27 A. Kondewa was an initiator.
28 Q. So once the Concerned Group received this report, did
29 they do anything in furtherance of that?

1 A. Yes, but that's [inaudible] they have located. There was
2 also requests the Kamajor made, that they want, you know,
3 districts plus arms, ammunitions, so that we can be able
4 to reverse the coup in the soonest possible time.

5 PRESIDING JUDGE: This is like arms and ammunitions?

6 THE WITNESS: Yes, sir.

7 PRESIDING JUDGE: So as to repair the coup in time?

8 THE WITNESS: Yes.

9 MR KAMARA: Reverse the coup.

10 THE WITNESS: Reverse the coup.

11 PRESIDING JUDGE: Reverse?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: You know, there is voice distortion, so
14 there is some difficulty.

15 MR KAMARA: Yes.

16 Q. So the Concerned Group got this request from Kamajors?

17 A. Yes.

18 Q. And what did the group do?

19 A. Well, the other strategy was how we cannot provide these
20 things for these fighters. So now we should try to look
21 out for the national coordinator, Chief Hinga Norman.

22 Q. And why Chief Hinga Norman in particular, do you know?

23 A. Yes, I do.

24 Q. Tell this Court.

25 A. Chief Norman, before the overthrow of the Government, he
26 was coordinator -- organiser of Civil Defence Committee
27 and the vigilantes. Up to time when the Kamajor
28 initiator came, he was still the leader of Kamajors in
29 the whole south and east, across the country.

- 1 PRESIDING JUDGE: Please take that reply again, because before
2 the coup he was the leader of the CDF.
- 3 THE WITNESS: CDF, yes. That time it was Civil Defence
4 Committee and Vigilantes. He was the leader, he was
5 organiser, he was everything.
- 6 PRESIDING JUDGE: And what else?
- 7 THE WITNESS: And when it came to Kamajor initiation, he was
8 also the leader and coordinator of the Kamajors.
- 9 MR KAMARA:
- 10 Q. This group decided to seek Chief Hinga Norman?
- 11 A. Yes, sir.
- 12 Q. And where did -- did they go anywhere to seek him out?
- 13 A. Yes, while the Concerned Group was anticipating to look
14 out for him, the news reached the Concerned Group that he
15 is in Conakry. So the Concerned Group decided to send
16 another delegation to Conakry in search of him.
- 17 Q. When you say Conakry, are you referring to the capital of
18 Guinea?
- 19 A. Capital of Guinea.
- 20 PRESIDING JUDGE: Sent a delegation to go and meet him?
- 21 THE WITNESS: Yes, sir.
- 22 MR KAMARA:
- 23 Q. Did that delegation come back with a report?
- 24 A. Yes, the delegation returned with a report.
- 25 Q. And what was that report?
- 26 A. The report was that they did not find Chief Norman in
27 Conakry.
- 28 Q. Was this Concerned Group eventually able to track Chief
29 Norman?

- 1 A. Yes.
- 2 Q. And how were they able to do so?
- 3 A. The Concerned Group also thought again where can we
4 find -- we can find this -- the national coordinator?
5 The news reached the Concerned Group that he is staying
6 in Liberia, and Concerned Group also decided to send
7 somebody in Liberia -- delegation to Liberia.
- 8 Q. Another mission was dispatched to Liberia?
- 9 A. Yes, sir.
- 10 Q. Tell us about that mission?
- 11 A. Before the mission could leave Bo for Liberia, another
12 information came that he, Chief Norman, usually come to
13 Tihun, where Allieu Kondewa was.
- 14 Q. So did this group move on to Tihun?
- 15 A. Yes, sir.
- 16 Q. Tell us about this mission?
- 17 PRESIDING JUDGE: The delegation, instead of going to Liberia,
18 went to Tihun?
- 19 MR KAMARA: Yes.
- 20 THE WITNESS: Yes, sir.
- 21 MR KAMARA:
- 22 Q. Tell us about that trip to Tihun?
- 23 A. Well, the delegation left Bo for Tihun. They took -- the
24 delegation took two days on the road. A delegation
25 arrived at Bauya junction, the junction go from there
26 leading to Tihun. There was a checkpoint and the
27 delegation was met by a Kamajor called Sanpha.
- 28 Q. Wait. At Bauya junction -- B-A-U-Y-A, is that how it's
29 spelt?

1 A. Yeah.

2 PRESIDING JUDGE: B-A --

3 MR KAMARA: U-Y-A.

4 THE WITNESS: Y-A.

5 PRESIDING JUDGE: B-A-U-Y-A?

6 MR KAMARA: Yes, Your Honour.

7 Q. The delegation was met with by one commander?

8 A. Ground commander by the name of Sanpha.

9 Q. S-A-N-P-H-A?

10 A. P-H-A, yes.

11 PRESIDING JUDGE: With one commander?

12 THE WITNESS: Ground commander at the checkpoint. Checkpoint

13 ground commander. I was met by checkpoint ground

14 commander by the name of Sanpha.

15 PRESIDING JUDGE: Commander of what?

16 MR KAMARA:

17 Q. Yes, commander of what fighting group did he belong?

18 A. The Kamajor, Kamajor ground commander.

19 Q. So what about this ground commander?

20 A. Well, the ground commander interrogated the delegation,

21 and he was told that they're going to Tihun to Chief

22 Norman -- to meet Chief Norman.

23 Q. Was there any response from the ground commander, Sanpha?

24 A. Yes, sir.

25 Q. What did he have to say to this group?

26 A. Told the group that Kondewa himself and Chief Norman,

27 they have now moved from Tihun, they are now staying in

28 where called Base Zero, Talia Yobehko.

29 Q. So, having heard that, what did the group decide to do?

- 1 A. Well, as the group prepare to move, the ground commander
2 said, "No, you have to stay. The Director of War,
3 Moinina Fofana, passed through here yesterday, has gone
4 to Gbangbatoke. He's coming today. So when he come, we
5 will journey to go."
- 6 JUDGE BOUTET: How do you know that? Were you with that
7 group?
- 8 MR KAMARA: Your Honours, I intentionally skipped that
9 question.
- 10 JUDGE BOUTET: How are we to know if this is hearsay or if
11 this is something that he observed? How are we to assess
12 that evidence?
- 13 MR KAMARA: Exactly, Your Honour. I will still put it to the
14 witness. It is a small group and I will ask the witness
15 that.
- 16 JUDGE BOUTET: How do we know for now that that was a group
17 that went to that place -- whether the group was a one
18 person, five person or ten; we don't know.
- 19 MR KAMARA: Yes. I intentionally skipped going into the
20 information about the extent of the group and the
21 membership, but I take the cue from the Bench and I will
22 ask that specific question as to his being part of that
23 group.
- 24 Q. Mr Witness, were you part of that group that you've been
25 referring to all this while?
- 26 A. Yes, of course.
- 27 Q. So, again, to the question of what did the group do after
28 hearing that Moinina Fofana has left for Gbangbatoke and
29 he will be coming back?

- 1 A. The group waited for him to return and he came --
- 2 PRESIDING JUDGE: Where did he say Moinina Fofana went?
- 3 MR KAMARA: Gbangbatoke.
- 4 THE WITNESS: Gbangbatoke.
- 5 MR KAMARA: G-B-A-N-G-B-A-T-O-K-E.
- 6 Q. So did Moinina Fofana return to Bauya junction?
- 7 A. He return that same day at about 4.00, 4.30.
- 8 Q. And what happened upon his return?
- 9 A. So we join him in the vehicle, cause we are introduced to
- 10 him by the ground commander, we're people from Bo and
- 11 wanted to see Chief Norman. So we join him in the
- 12 vehicle, went to Talia Yobehko.
- 13 PRESIDING JUDGE: You joined him in the vehicle?
- 14 THE WITNESS: Yes, sir.
- 15 MR KAMARA:
- 16 Q. Did anyone meet the group once you got to Talia?
- 17 A. Yes, on arrival at Talia we are taken to High Priest King
- 18 Allieu Kondewa.
- 19 Q. Who took you to the high priest?
- 20 A. Director of War, Mr Moinina Fofana.
- 21 Q. And do you know what year this incident happened?
- 22 A. It was in 1998. Sorry, My Lord, that was 1997.
- 23 Q. 1997?
- 24 A. Yes, sir.
- 25 Q. Thank you.
- 26 A. Confused a little bit.
- 27 Q. You were introduced to --
- 28 PRESIDING JUDGE: You wanted to say something, witness?
- 29 THE WITNESS: Well, I say, I'm sorry. 1997.

- 1 PRESIDING JUDGE: 1997, yes, we've rectified the records.
- 2 THE WITNESS: Okay.
- 3 PRESIDING JUDGE: I thought you were still wanting to say
- 4 something. I saw your lips moving.
- 5 THE WITNESS: Okay, sir, okay.
- 6 PRESIDING JUDGE: All right.
- 7 MR KAMARA:
- 8 Q. Whilst you were introduced to Allieu Kondewa, what did he
- 9 say?
- 10 A. Well, that was at night. He received us, and we are
- 11 given lodges and he told us that Chief Norman is going to
- 12 be coming after two days.
- 13 Q. Now, Mr Witness, at this point in time what was the
- 14 leadership structure -- what was it like in Talia?
- 15 A. Well, at that time the leadership structure was that
- 16 Kondewa, the head of war Moinina Fofana and national
- 17 coordinator were in charge of all administrations in
- 18 Talia Yobehko.
- 19 Q. So did Chief Norman eventually came after the second day?
- 20 A. Yes, came.
- 21 Q. And how did he come?
- 22 A. He came by helicopter.
- 23 Q. Did he bring anything along with him?
- 24 A. Yes, he brought some assorted arms and ammunitions and
- 25 food items and non-food items.
- 26 Q. Was anyone introduced to Chief Norman?
- 27 A. Yes, the group was introduced to Chief Norman as a group
- 28 delegation from Bo to him.
- 29 Q. Who did the introductions?

1 A. The head of war Moinina Fofana.
2 PRESIDING JUDGE: When you say the group, you mean your group?
3 THE WITNESS: Yes.
4 PRESIDING JUDGE: The Concerned Group.
5 THE WITNESS: This delegation from Bo.
6 PRESIDING JUDGE: The delegation from the Concerned Group.
7 THE WITNESS: Yes, sir.
8 MR KAMARA:
9 Q. Now this group was introduced to Chief Norman. Did Chief
10 Norman have anything to say at that time?
11 A. He just receive the group, welcome the group and was
12 happy to receive us and say, "Okay, gentlemen, tomorrow
13 we shall meet and talk".
14 Q. Are you okay?
15 A. Yes, sir.
16 Q. Did this group meet with Chief Norman the next day?
17 A. The next day the group met with Chief Norman and Director
18 of War Moinina Fofana, Kondewa, Dr Jigbao and other
19 commanders were there.
20 Q. Take your time?
21 A. Yes.
22 Q. And where was this meeting?
23 A. The meeting was held first in the school compound.
24 PRESIDING JUDGE: You mentioned the group meeting Norman,
25 Kondewa, Fofana and who else?
26 THE WITNESS: Dr Jigbao.
27 MR KAMARA: J-I-B-A-O [sic].
28 THE WITNESS: And other commanders.
29 PRESIDING JUDGE: Kamajor commanders?

1 THE WITNESS: Other Kamajor commanders, yes.
2 MR KAMARA:
3 Q. Will you tell this Court what transpired at that meeting?
4 A. Yes, sir.
5 Q. Yes, go on?
6 A. First, when the group met again we were welcomed by Chief
7 Norman.
8 Q. Was anything else said?
9 A. Yes. He presented the items that they have brought they
10 have [inaudible] arms and ammunitions, food items and
11 non-food items. He said, "I brought this thing. I got
12 this supply from a friend of mine. I have brought it for
13 the prosecution of the war".
14 Q. Was the name of this friend ever mentioned?
15 A. Yes.
16 Q. And will you tell this Court?
17 A. Yes, sir. General Abdulli Mohammed Wan from Nigeria.
18 Q. General?
19 A. Abdulli Mohammed Wan.
20 PRESIDING JUDGE: Mohammed?
21 MR KAMARA: Wan.
22 PRESIDING JUDGE: W-A-N?
23 THE WITNESS: Yes.
24 PRESIDING JUDGE: From Nigeria you say?
25 THE WITNESS: Yeah.
26 MR KAMARA:
27 Q. And do you know where this General Abdulli Mohammed Wan
28 was?
29 A. In Liberia.

- 1 Q. Where?
- 2 A. He was in Liberia staying.
- 3 Q. He was staying?
- 4 A. He was staying in Liberia. He was an ECOMOG commander.
- 5 Q. He was an ECOMOG commander in Liberia?
- 6 A. Yes, in Liberia.
- 7 Q. And he said it was a friend?
- 8 A. Yes, yes.
- 9 Q. And, having made this presentation, was anything else
- 10 discussed at that meeting?
- 11 A. Yes, the group also presented -- reported to him how the
- 12 Bo people -- the committee and the people of Bo have fill
- 13 in and sent Fatima greetings to him. These greetings
- 14 were relayed to him -- that the people of Bo sent Fatima
- 15 greetings to him and they want to know how [inaudible]
- 16 because they want to reverse this coup in the shortest
- 17 possible time. So this message was relayed to him and
- 18 that was our mission we are here for -- we are there for.
- 19 Q. Was any response made to that statement?
- 20 A. Yes, he was happy to receive that statement, that he knew
- 21 now -- that I have known that my people are supporting
- 22 the move of the Kamajors to liberate this country
- 23 [inaudible].
- 24 Q. Were any decisions arrived at at that meeting?
- 25 A. Yes, the - one of the decisions was that we are to go
- 26 back to Bo and with whatever statement or what we have
- 27 heard from -- what we have seen, to the Concerned Group
- 28 in Bo. That was accepted by him that was the decision
- 29 that -- which of course we did.

- 1 Q. So you eventually went back to Bo?
- 2 A. To Bo, yes. And at that time when we were going, we were
3 given some amount of money to buy petrol [inaudible] the
4 next people that were coming for the base.
- 5 Q. Who provided the money for the petrol?
- 6 A. Chief Norman gave us, if I can remember, \$500 to buy
7 petrol, by that time the petrol was very costly, to bring
8 it for the base.
- 9 Q. Did you say \$500?
- 10 A. Yes.
- 11 PRESIDING JUDGE: You mean US dollars?
- 12 THE WITNESS: Dollars, yes.
- 13 PRESIDING JUDGE: Not Liberian dollars.
- 14 THE WITNESS: No, sir.
- 15 MR KAMARA: Yes, dollars.
- 16 Q. And were you able to secure the petrol?
- 17 A. Yes, we're able to secure petrol and brought it back to
18 the base.
- 19 Q. So how many times did this delegation have cause to go
20 back to Talia from Bo?
- 21 A. Well, I cannot remember -- it's about -- this happened
22 many times because the delegation, you know, they were
23 more sort of liaison officers between the Bo community
24 and the base and the purpose of this was sometimes the
25 delegation gets statement from the base and that
26 statement we put in press release so it can be circulated
27 to all the other places [inaudible] the Kamajors, which
28 will not hear radio. In other words, they will not have
29 the radio at that time to get the radio reports. So that

1 the group was doing that kind of activities.

2 Q. You're saying that you are more or less liaison officers?

3 A. Yes.

4 Q. Shortly between the two; Bo Town and the base?

5 A. The base.

6 Q. And for how long did you do this shuttling back and

7 forth?

8 A. Yeah, about two months. About two months.

9 Q. Two months. And after the two month period did you do

10 anything?

11 A. Yes, of course. The group decided to stay at Base Zero

12 now, because since all the information needed for the

13 prosecution of war from the junta side of things -- I

14 think that time it was believed that we have had that one

15 enough so the group stayed.

16 Q. And were you in that group, still part of that group?

17 A. Yes.

18 PRESIDING JUDGE: We're still in Talia.

19 MR KAMARA: Still in Talia, yes.

20 JUDGE BOUTET: When you say the group, you mean here the

21 Concerned Group?

22 THE WITNESS: Yes.

23 JUDGE BOUTET: The Concerned --

24 THE WITNESS: The group that came -- that is to say the

25 Concerned Group sent.

26 JUDGE BOUTET: The delegation --

27 THE WITNESS: This other group, we are now liaising

28 between the base and --

29 JUDGE BOUTET: Okay but the group that you described that they

1 stayed in Talia was the group that had been sent by the
2 Concerned Group?

3 THE WITNESS: Yes.

4 JUDGE BOUTET: It's a smaller group. It's not the whole
5 Concerned Group?

6 THE WITNESS: Not the whole, yes.

7 JUDGE BOUTET: Okay, thank you.

8 MR KAMARA:

9 Q. Now, Mr Witness, I'm being more specific to you, your
10 person. For how long were you in Talia?

11 A. Was about four months.

12 Q. You were there for a duration of four months?

13 A. Yes.

14 Q. And during that period, Mr Witness, will you tell this
15 Court --

16 MR BOCKARIE: Your Honour, for proper clarification, shall we
17 know effective when he said for a duration of four
18 months, for the records.

19 JUDGE BOUTET: I'm sorry, Mr Bockarie, I've missed what you've
20 just stated.

21 MR BOCKARIE: Sorry. He said, "I was in Talia for a duration
22 of about four months". I was just saying for proper
23 clarification, I mean, can he just tell us effective
24 when.

25 JUDGE BOUTET: Yeah, fine, thank you.

26 MR KAMARA:

27 Q. Mr Witness, as you mentioned that you were there for four
28 months, do you recall the period that you were there?

29 A. Well, I cannot be exact which dates or which months

1 because this is wartime, we're not recording anything.

2 But my estimation, from the time we started this whole
3 thing and stayed, from that time it's up to four months.

4 Q. It's four months. Do you recall the year?

5 A. That was in 1997.

6 Q. And do you know what month, do you recall? If you're not
7 sure that's okay?

8 A. Yeah, I'm not sure.

9 PRESIDING JUDGE: What he said is he is not sure. That is
10 what Mr Bockarie was asking for.

11 JUDGE BOUTET: Maybe you can lead the witness to determine
12 whether it was rainy season, not rainy season, dry
13 season.

14 MR KAMARA: Thank you, Your Honour.

15 Q. In what season was this when you finally decided to
16 settle in Talia?

17 A. Our final decision to settle was in the dry season --
18 between the dry season and the [inaudible] was given.

19 Q. Was it in the middle of the year?

20 A. No. When the year is -- the season -- the dry season --
21 the rainy season giving way [inaudible], because it was
22 still raining at that time, but it was between that time.
23 We did not take too long when the dry season came.

24 PRESIDING JUDGE: Let's move along, please.

25 MR KAMARA: Yes, Your Honour.

26 Q. Now, for the entirety of your period there, Mr Witness, I
27 want you to tell this Court what the role was of
28 Moinina Fofana within the CDF structure; do you know?

29 A. Yes.

- 1 Q. Please tell this Court?
- 2 A. Moinina Fofana as a Director of War, he was a Director of
3 War and his role was -- of course, he was in charge of
4 all fighters, all the fighting groups, he was in charge
5 of that one. His role was to plan and execute the war.
- 6 Q. Hold on. Is there any other thing else that you know?
- 7 A. Yes, to supply arms and ammunition to the commanders.
- 8 Q. To supply?
- 9 A. Arms and ammunition.
- 10 Q. And do you know how he got these arms and ammunitions?
- 11 A. Yes. As I told you --
- 12 JUDGE THOMPSON: Excuse me, have you finished with his role?
13 Have you finished with his role, his responsibility?
- 14 MR KAMARA: Yes, Your Honour, I might explore that further.
- 15 JUDGE THOMPSON: I just thought perhaps for the tidiness of
16 the record have you might as well finish with his role
17 but it is entirely your case anyway.
- 18 MR KAMARA: Yes. I will still further pursue that,
19 Your Honour.
- 20 Q. I was asking about the specific role of Moinina Fofana
21 and you've mentioned two. Is there anything else or any
22 other role that you know of?
- 23 A. Yes, Moinina Fofana was in charge, as I told you, all the
24 Kamajors because once he was the initiator he was in the
25 executive chief of Norman, Kondewa, District of Bo. He
26 was charge of the entire Kamajor society.
- 27 Q. Did I hear you say "initiator"?
- 28 A. Yes.
- 29 Q. What do you mean by that?

1 A. At a point they were initiated, up to the time he became
2 Director of War. So he was in control of all Kamajors
3 apart from even those who went to war front.

4 Q. And my further question to you when you mention about
5 supplying arms to the fighters -- and I did ask you do
6 you know how he got these arms and you were about to
7 answer that?

8 A. Yes. As I told you earlier, sir, Chief Norman easily
9 come with us -- there's two ways to get these arms and
10 ammunitions. One way was that Chief Norman used to go to
11 Liberia and get these arms and ammunitions for the base.
12 Sometimes the Kamajors go to --

13 JUDGE THOMPSON: Could he do it slowly, please.

14 MR KAMARA: Yes, take your time, Mr Witness and let's note the
15 pen of the judges. They're taking down what you say.

16 JUDGE THOMPSON: The first method?

17 THE WITNESS: Chief Norman -- we're getting these arms and
18 ammunitions from Chief Norman from Liberia. He went to
19 Liberia and brought those things.

20 MR KAMARA:

21 Q. And how were they brought to Talia; do you know?

22 A. By helicopter.

23 Q. And what is the second method?

24 A. The second method, that the Kamajors when they go to war
25 front -- when they went to war front, when the enemies
26 kill they took his gun. That was the two ways.

27 Q. Now, Mr Witness, in order to be episodic I'll move you
28 to the next level. Will you tell this Court what was the
29 role of Allieu Kondewa within the CDF structure as you

1 know?

2 A. Yes.

3 Q. Who was Allieu Kondewa in the first place?

4 A. Allieu Kondewa was the chief initiator and promoted to

5 the High Priest. He was the leader of all initiators,

6 those were initiating the Kamajor society.

7 Q. How symbolic was this role to the Kamajors?

8 A. Yeah, Dr King Allieu Kondewa as chief -- as High

9 Priest --

10 Q. Take your time, take your time.

11 JUDGE THOMPSON: Doctor?

12 MR KAMARA: Chief Allieu Kondewa.

13 THE WITNESS: King was chief.

14 JUDGE THOMPSON: King.

15 MR KAMARA: Sorry, Your Honour.

16 THE WITNESS: King.

17 JUDGE THOMPSON: King, K-I-N-G, as in king [Overlapping

18 speakers].

19 THE WITNESS: Allieu Kondewa. As a leader of all initiators

20 he has command over all Kamajors that are initiated - be

21 it in the west, be it in the south, as long as you are

22 Kamajor- because of the power he has, the mystical power

23 he has over these Kamajors. And after --

24 JUDGE BOUTET: Slowly, please. So you said he has command

25 over all Kamajors that had been initiated?

26 THE WITNESS: Yeah.

27 JUDGE BOUTET: Because?

28 THE WITNESS: No Kamajor will go to war front without his

29 blessing.

1 PRESIDING JUDGE: I thought I heard you say because of the
2 powers he had.

3 THE WITNESS: The mystical power he has. Therefore he has
4 control over all the Kamajors.

5 JUDGE THOMPSON: Did you say "mystical"?

6 THE WITNESS: Mystical, yes.

7 MR KAMARA:

8 Q. Is there any other functions or roles that you know
9 Allieu Kondewa performed during that period?

10 A. Basically this was functions because he did not go to war
11 front but --

12 Q. Okay. And now, Mr Witness, you've mentioned three --

13 PRESIDING JUDGE: Just a minute, I want to get the reply. He
14 said basically these were his functions and that he did
15 not go to the war front; is that what you said? That's
16 what I heard.

17 THE WITNESS: Yes, because High Priest does not go to war
18 front.

19 MR KAMARA:

20 Q. Mr Witness, in your evidence thus far you've mentioned
21 three persons in the hierarchy of the Kamajors. You've
22 mentioned Chief Hinga Norman, you've mentioned
23 Moinina Fofana and you've also mentioned Allieu Kondewa.
24 Will you tell this Court if --

25 PRESIDING JUDGE: Just a minute, I want to get this reply, you
26 know, clearly. You would say that, to your knowledge, he
27 never went to the war front?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: To your knowledge?

1 THE WITNESS: To my knowledge.

2 PRESIDING JUDGE: And this was, according to you, because the
3 High Priest does not go to war?

4 THE WITNESS: Yeah.

5 PRESIDING JUDGE: Thank you.

6 MR KAMARA:

7 Q. Mr Witness, I was trying to drive at the connection
8 between these three leaders that you have mentioned. Do
9 you know what is the interconnection between them?

10 A. Yes.

11 Q. Will you tell this Court?

12 A. Yes, I do. Chief Norman, as the national coordinator,
13 and the director Moinina Fofana -- Moinina Fofana is the
14 Director of War -- and the King Dr Allieu Kondewa, as I
15 told you earlier, they were executive of the Kamajor
16 society. So these people --

17 Q. The executive?

18 A. The executive. They have the executive power of the
19 Kamajor society. These people -- nobody can take
20 decision in the absence of this group. Whatever happen,
21 they come together because they are the leaders and the
22 Kamajor look up to them.

23

24 [HN161104C 12.30 p.m.]

25 MR KAMARA:

26 Q. Now, Mr Witness, if I may move you to the episode of the
27 Kamajors themselves. Are you in a position to tell this
28 Court what is the basis of recruitment to the Kamajor
29 society?

- 1 A. Yes.
- 2 Q. Yes, explain to us?
- 3 A. Well, the recruitment -- at the beginning of the
4 initiation the basis of recruitment was that the people
5 of the community will recommend. Somebody will know his
6 character is -- he has a good character, and that
7 recommendation will go to the town chief, from the town
8 chief to the section chief, from section chief to the
9 paramount chief and then to the district officer.
- 10 JUDGE THOMPSON: Could he do it slowly for us. Could he just
11 cover that ground again.
- 12 MR KAMARA: Sorry, Your Honour. Yes. Yes.
- 13 Q. My question to you is about the basis of recruitment.
14 Break it down and take your time?
- 15 A. Okay.
- 16 JUDGE THOMPSON: First, the people of the community would
17 recommend someone with a good character?
- 18 THE WITNESS: Yes, to the town chief.
- 19 MR KAMARA:
- 20 Q. To the town chief. So from the town chief?
- 21 A. To the section chief. From the section chief to the
22 paramount chief or the region chief.
- 23 Q. As the case may be?
- 24 A. As the case may be.
- 25 Q. And then from?
- 26 A. Then from the chiefs to the district officer.
- 27 Q. To the district officer?
- 28 A. Yeah.
- 29 Q. And from?

1 A. And if the district officer would approve [inaudible]
2 sent out to the Defence -- Civil Defence Committee at
3 time was there. And previously to the initiator before
4 ever initiating. That was initially when they were
5 initiated in Bo.
6 Q. Okay?
7 PRESIDING JUDGE: From the district officer they were sent to?
8 MR KAMARA: To the Civil Defence Committee.
9 THE WITNESS: To the Civil Defence Committee.
10 MR KAMARA:
11 Q. Did that method --
12 A. The Civil Defence Committee would take it to the
13 initiators. Whoever the initiator at that time, they
14 would take it to him and if he was approved, he would be
15 initiated.
16 Q. Okay?
17 JUDGE THOMPSON: Who approves what at that level, after the --
18 MR KAMARA: District officer.
19 JUDGE THOMPSON: After the district officer level, who
20 approves what? Who approves the --
21 THE WITNESS: As long as it is approved by the district
22 officer. They have committee which is the Civil Defence
23 Committee. This Civil Defence Committee now is the body
24 between the community or the district officer and the
25 initiators.
26 JUDGE THOMPSON: Yes, so the Civil Defence Committee they take
27 the decision?
28 THE WITNESS: Yes, as long as it is approved by the district
29 officer. They approve or not as long it is signed by

1 the district officer.

2 JUDGE THOMPSON: They merely forward it to the initiators.

3 THE WITNESS: Initiators.

4 JUDGE THOMPSON: Yes.

5 MR KAMARA:

6 Q. Did that method change?

7 A. Yes. After.

8 PRESIDING JUDGE: Tell me, this district officer, who is the

9 district officer? Is that the government administrator?

10 THE WITNESS: That is the government administrator, because at

11 that time there was a Civil Defence Committee, because

12 they had wanted the Kamajor society to be disciplined.

13 So you cannot just send anybody to be initiated. As long

14 as you have gone through the paramount chief, the boss of

15 the paramount chief is the district, so therefore, they

16 take it to him.

17 MR KAMARA:

18 Q. What year was this?

19 A. That was in 1997.

20 Q. 1997?

21 A. Before the overthrow.

22 Q. Before the overthrow, yes.

23 JUDGE BOUTET: So what you're describing now is the structure

24 of the Kamajors before the overthrow. So the district

25 officers were government officials.

26 MR KAMARA: Yes.

27 JUDGE BOUTET: And the same with the Civil Defence Committee,

28 this is composed of essentially community people. That

29 they are appointed by the government?

1 THE WITNESS: No. Just as community people they get together
2 to organise themselves to defend their areas. But
3 initially the aims or objectives of the Kamajors or the
4 Civil Defence was to defend their locality.

5 MR KAMARA:

6 Q. So this method you described was prior to the coup?

7 A. Yes.

8 Q. Did this method change after the coup?

9 A. Yes. Just after the coup, there was no purification of
10 the initiators.

11 Q. What is the word you used? What is the word?

12 A. There were no [inaudible] different initiators
13 [inaudible] --

14 Q. Proliferation?

15 A. Proliferation of initiators. There were now many
16 initiators and --

17 Q. And what?

18 A. They were now initiating without even the authorities in
19 their locality. Everybody, as long as you have money,
20 can go and join.

21 PRESIDING JUDGE: The Kamajors were recruited -- were
22 initiated without authority from --

23 THE WITNESS: Any chief.

24 JUDGE BOUTET: So they would just report and say, "I want to
25 be a Kamajor" and they would be initiated?

26 THE WITNESS: Yes.

27 MR KAMARA: I heard him mention money.

28 THE WITNESS: And you have to pay some money for you to be
29 initiated.

- 1 PRESIDING JUDGE: So you would say there was no screening?
- 2 THE WITNESS: There was no screening.
- 3 MR KAMARA: Your Honours, looking at the clock, I don't know
- 4 if you wish me to continue.
- 5 PRESIDING JUDGE: You're moving into another field or so?
- 6 MR KAMARA: Not quite. I will be going to the next episode
- 7 within the Kamajors movement, which will be the purpose
- 8 of initiation and --
- 9 PRESIDING JUDGE: No, let's finish that. Will it take you
- 10 long? Do you think it will take you long?
- 11 THE WITNESS: This episode might last for the next ten
- 12 minutes.
- 13 PRESIDING JUDGE: Let's go ahead, please.
- 14 MR KAMARA: Sure.
- 15 PRESIDING JUDGE: Wrap it up.
- 16 MR KAMARA: Sure.
- 17 Q. Now, Mr Witness, are you a Kamajor?
- 18 A. Yes, sir, I am.
- 19 Q. Were you initiated?
- 20 A. Yes, sir.
- 21 Q. By whom?
- 22 A. By King Allieu Kondewa.
- 23 Q. And do you know the purpose of the initiation?
- 24 A. Yes. The purpose of initiation was that when you are
- 25 initiated, you are immunised. Immunisation, you will be
- 26 protected against bullet.
- 27 Q. You will be protected against?
- 28 A. Bullets.
- 29 Q. Bullets?

1 A. You will be bulletproof.

2 Q. Mr Witness, will you tell this Court what is the
3 relationship between initiation and combat?

4 A. Well, the relationship is that as long as you are
5 initiated [inaudible] from the society, you will be now
6 ready to go to war front.

7 Q. And what is the next --

8 JUDGE THOMPSON: Just a minute. As long as you are initiated,
9 you are ready to go to war or to the war front. Is that
10 what you said?

11 THE WITNESS: To the war front, yes.

12 JUDGE THOMPSON: In other words, initiation is a pre-condition
13 for going to the war front.

14 THE WITNESS: To be a combatant, yes.

15 MR KAMARA:

16 Q. What was Allieu Kondewa's role here between this
17 initiation and combat?

18 A. Well, Allieu Kondewa, as I told you earlier, after
19 initiation [inaudible] had taken place whether you had
20 been initiated or whenever you want to go to the war
21 front, at the base there, Allieu Kondewa has to place
22 you. He has to say, "Okay, you go" but if he look around
23 and say, "You not go to war front today" you will not go.
24 So it was very important [inaudible].

25 Q. So my final question to you on this episode --

26 PRESIDING JUDGE: Please wait.

27 MR KAMARA: Yes.

28 PRESIDING JUDGE: So if he looks at you and -- he looks at you
29 and can decide whether --

1 THE WITNESS: You're fit to go. Before you go to combat, the
2 war front, you have to line the Kamajors. He go around
3 and say, "You, go out of the line. You not go this
4 time."

5 PRESIDING JUDGE: So he could rule out some Kamajors?

6 THE WITNESS: No, for that day you don't go to war front.

7 PRESIDING JUDGE: Yes, I know. He will rule you out on that
8 day to go to the war front.

9 THE WITNESS: Yes.

10 JUDGE THOMPSON: Does that mean you don't have his blessing to
11 go to war?

12 THE WITNESS: Yeah.

13 JUDGE THOMPSON: That is what it means?

14 THE WITNESS: Yeah, probably he has --

15 JUDGE THOMPSON: Because you said if he blesses you, then you
16 go to the war front.

17 THE WITNESS: Yes, apart from that, probably if you go to war
18 that day, you will have problem - whether you will be
19 injured or you will be killed.

20 JUDGE THOMPSON: So you don't have his blessing to go?

21 THE WITNESS: Of course, yes.

22 JUDGE THOMPSON: All right.

23 MR KAMARA:

24 Q. Mr Witness, will you tell this Court who are the final
25 authority to dispatch Kamajors to war during your stay in
26 Talia?

27 A. Well, the -- those who were the final authority to
28 dispatch to war was the National Coordinator Chief Sam
29 Hinga Norman, the Director of War.

1 PRESIDING JUDGE: The final authorities to dispatch who to
2 war?
3 THE WITNESS: Kamajors.
4 MR KAMARA:
5 Q. The Kamajors to war --
6 PRESIDING JUDGE: Were?
7 THE WITNESS: The National Coordinator was Chief Sam Hinga
8 Norman. The Director of War, Moinina Fofana, of course,
9 the high priest, King Allieu Kondewa.
10 PRESIDING JUDGE: And you say, "Of course, the high priest".
11 THE WITNESS: Yeah.
12 PRESIDING JUDGE: Dr Allieu Kondewa?
13 THE WITNESS: Yes, sir.
14 MR KAMARA:
15 Q. Mr Witness, to wrap this issue up, did you yourself ever
16 go to the war front?
17 A. I did not.
18 Q. And why not?
19 A. I was an xxxxxxxxxxxx. I was in the xxxxxxxxxxxxxxxx
20 of the CDF.
21 MR KAMARA: Thank you. Your Honours, we can break at this
22 point.
23 PRESIDING JUDGE: You have taken less than ten minutes. All
24 right. I've heard a very hearty laugh from Dr Jabbi. Dr
25 Jabbi, I didn't direct that comment to anybody. Anyway,
26 we shall rise for lunch and we will be resuming at 2.30.
27 So the Court will rise and resume at 2.30. The Court
28 rises, please.
29 [Luncheon recess taken at 1.07 p.m.]

1 [On resuming at 2.37 p.m.]

2 [The witness entered court]

3 [Open session]

4 [The three accused not present]

5 JUDGE BOUTET: Yes, Mr Prosecutor, you may carry on.

6 MR KAMARA: Yes, Your Honour.

7 Q. Mr Witness, you told this Court you were in Talia for a
8 period of four months.

9 A. Yes.

10 Q. During the period you were in Talia, were there any other
11 fighting groups within the CDF that you know?

12 A. Yes.

13 Q. Which groups are these?

14 A. There were two other fighting groups. One was Death
15 Squad and the other one Special Forces.

16 Q. Special Forces?

17 PRESIDING JUDGE: One was what?

18 THE WITNESS: Death Squad.

19 MR KAMARA: Death Squad and Special Forces.

20 PRESIDING JUDGE: Dead or Death Squad?

21 THE WITNESS: Death Squad.

22 MR KAMARA: Now, let's take them --

23 PRESIDING JUDGE: And the other?

24 MR KAMARA: Special Forces.

25 Q. Mr Witness, let's start with the Death Squad. Do you
26 know who was the leader?

27 A. Yes.

28 Q. Who was this leader?

29 A. Commander Jegbeyama.

- 1 Q. How do you spell that?
- 2 A. J-E-G-B-E-Y-A-M-A.
- 3 PRESIDING JUDGE: J-E.
- 4 THE WITNESS: J-E --
- 5 MR KAMARA: J as in John?
- 6 THE WITNESS: J-B-E-Y-A-M-A [sic].
- 7 PRESIDING JUDGE: J-E-G-B-E-Y-A-M-A.
- 8 JUDGE BOUTET: And who was he?
- 9 MR KAMARA: He is the leader of the Death Squad.
- 10 Q. What was the role of this Death Squad, do you know?
- 11 A. Well, I don't know the special role for them, but we met
- 12 their existence as Death Squad. What I know, they used
- 13 to go to war front and back.
- 14 Q. You know them as fighters?
- 15 A. As fighters, yes.
- 16 Q. To whom did they report?
- 17 A. Well, this Death Squad reports directly to the National
- 18 Coordinator, Director of War High Priest Allieu Kondewa.
- 19 Q. For the period that you were in Talia, how would you
- 20 describe the actions of the Death Squad?
- 21 A. Oh, the Death Squad actions was someone abnormal, was
- 22 horrible, was not [inaudible]
- 23 Q. Can we get that again?
- 24 A. Well, their action was beyond bounds, the activities.
- 25 Q. What do you mean "beyond bounds"?
- 26 A. Well, what I mean by that --
- 27 Q. Take, your time. Take your time, please, and watch Their
- 28 Lordships. They're taking down what you're saying.
- 29 A. Okay.

- 1 Q. Yes, explain for us?
- 2 A. So whenever they went to war fronts and back --
- 3 PRESIDING JUDGE: I have not gotten the qualifications he
- 4 gave. You said the actions of the Death Squad were --
- 5 what adjective did he use?
- 6 MR KAMARA: "Beyond bounds".
- 7 PRESIDING JUDGE: Beyond bounds.
- 8 JUDGE THOMPSON: But I heard also "abnormal", "horrible" and
- 9 "beyond bounds".
- 10 MR KAMARA: Yes, Your Honour. You're right.
- 11 JUDGE THOMPSON: And now he's trying to amplify "beyond
- 12 bounds".
- 13 MR KAMARA: Yes, Your Honour.
- 14 THE WITNESS: Yeah, at one time when we received a report from
- 15 the regional operation commander that the Death Squad
- 16 whenever they went to --
- 17 MR KAMARA:
- 18 Q. Wait. Who was this regional operation commander?
- 19 A. Albert J Nallo.
- 20 JUDGE BOUTET: What is the name?
- 21 MR KAMARA: Albert J Nallo N-A-L-L-O.
- 22 Q. And what was this report?
- 23 A. That he found out that whenever this Death Squad went to
- 24 war front, they were killing innocent people and looting
- 25 property of the civilians. That was the report.
- 26 Q. And to whom was this report made?
- 27 A. Well, the report was made to the Director of War, for the
- 28 attention of the National Coordinator and War Council.
- 29 Q. Was any action taken by anyone?

- 1 A. Yes, the matter was reported to the War Council for
2 investigation.
- 3 Q. Okay. Then, let's go to the other one you mentioned, the
4 Special Forces. Who were these Special Forces?
- 5 A. Special Forces were forces that were -- Special Force
6 includes the bodyguards of national coordinator, head of
7 war, the high priest and those who were taking care of
8 the base.
- 9 Q. When you say the place --
- 10 A. The base, Base Zero.
- 11 Q. Base Zero?
- 12 A. Yes.
- 13 MR KAMARA: At this point, Your Honours, I would draw the
14 attention of this Court to a model of Talia village and
15 I shall be inviting the witness to make indications on
16 this model as to the evidence is going -- as we lead
17 evidence in that direction.
- 18 Q. Mr Witness, in front of you is a model of Talia village?
- 19 JUDGE BOUTET: Rather than you telling him this is model of,
20 maybe you could ask the witness what is it a model of?
21 I thought he was the witness, not you.
- 22 MR KAMARA: You're right, Your Honour. Thank you.
- 23 Q. Mr Witness, there is a model in front of you. It is a
24 model of what? What place? Take a look at it?
- 25 JUDGE BOUTET: I wonder, Mr Prosecutor, if it would be better
26 for the witness to stand up, but I don't know if he can
27 do that --
- 28 MR KAMARA: It is for his height, Your Honour, so that he
29 doesn't go beyond the screen.

- 1 Q. Make yourself comfortable and --
- 2 A. Yes. As I look at it, it is a village setting and that
- 3 it is Talia Yobekoh, model where we used to call Base
- 4 Zero.
- 5 Q. Thank you, Mr Witness. Does this model bear any
- 6 resemblance to Talia as it was when you were there?
- 7 A. Yes, of course.
- 8 Q. Do you recognise any special features of this village
- 9 Talia on this model?
- 10 A. Yes.
- 11 JUDGE BOUTET: [Microphone not activated]
- 12 MR KAMARA: I didn't get you, Your Honour.
- 13 JUDGE BOUTET: Sorry, I was asking if the camera could show
- 14 the model on the screen. I saw part of it. Yes, okay,
- 15 fine.
- 16 MR KAMARA:
- 17 Q. Will you show this Court the specific features that you
- 18 will be able to identify on this model as you remember
- 19 them in Talia?
- 20 A. Yes. First, I remember this school building here.
- 21 JUDGE BOUTET: What is this that you have just pointed to,
- 22 Mr Witness?
- 23 THE WITNESS: The school building, primary school building.
- 24 JUDGE BOUTET: Yes, thank you.
- 25 MR KAMARA:
- 26 Q. What else do you recognise on that model?
- 27 A. I recognise also a local bridge where we used to cross
- 28 the river to the school.
- 29 Q. Okay?

- 1 A. And I also recognise an area where the training was taking
2 place, like here.
- 3 Q. When you say "training", what kind of training?
- 4 A. The training of Kamajors.
- 5 Q. Training of Kamajors?
- 6 A. Yes, was taking place. And apart from that I recognise
7 that this was a house which was occupied by the national
8 coordinator and Director of War, this one here. And at
9 the back of this house, just through here you will find a
10 place which we call Walehun.
- 11 Q. Walehun, what is that?
- 12 A. Where somebody goes and stays for the whole day and comes
13 back. Stay at home and sleep there. Sometimes Walehun
14 is used for meeting purposes. Just at the back of the
15 house we have that one there and some others along this
16 one. And when you cross this river, you come to those --
17 the palm trees here where we have a very big Walehun
18 meeting place. It is where we hold the meeting.
- 19 Q. Okay. Thank you, Mr Witness. You shall be referring to
20 the model as we get along in the course of your evidence?
- 21 A. Okay.
- 22 Q. You did mention a training base. Were there any forms of
23 military training going on in Talia?
- 24 A. Yes. Yes.
- 25 Q. And will you point out where this military training was
26 being conducted?
- 27 A. As I said, here. [Indicates]
- 28 Q. All right. And do you know who were the military
29 instructors, the training instructors?

- 1 A. Yes.
- 2 Q. Do you remember their names?
- 3 A. Yes.
- 4 Q. Yes, what were their names?
- 5 A. Well, director of training Nbogba.
- 6 Q. Could you spell that for the Court?
- 7 A. N-B-O-G-B-A. And one Ojuku.
- 8 Q. Ojuku?
- 9 A. Yes.
- 10 Q. It is O-J-U-C-K-U or O-J-U-K-U?
- 11 A. O-J-U-K-U.
- 12 PRESIDING JUDGE: Is that the Ojuku of Nigeria? Is that the
- 13 real name?
- 14 THE WITNESS: No, that was the name we used to call him. That
- 15 was -- I didn't know any other name for him.
- 16 PRESIDING JUDGE: Okay, spell it, O-J-U --
- 17 THE WITNESS: K-U. Then Chief Norman himself, the National
- 18 Coordinator, also was training.
- 19 MR KAMARA:
- 20 Q. He was also an instructor?
- 21 A. Yes.
- 22 PRESIDING JUDGE: Ojuku was what?
- 23 THE WITNESS: Was an instructor.
- 24 PRESIDING JUDGE: An instructor. The director of training was
- 25 Nbogba.
- 26 THE WITNESS: Nbogba.
- 27 MR KAMARA:
- 28 Q. Did you yourself get military training?
- 29 A. Yes, I got military training.

- 1 Q. What kind training did you get?
- 2 A. Cock and fire.
- 3 Q. At the end of these training sessions were there any
- 4 certifications given?
- 5 A. Yes, of course, My Lord.
- 6 Q. And were you given any certification at the conclusion of
- 7 your training?
- 8 A. Yes.
- 9 Q. And do you have a copy of that?
- 10 A. Yes.
- 11 Q. Mr Witness, that document you're holding, is that the
- 12 original?
- 13 A. No, this is not the original, but it is a true copy of
- 14 the original.
- 15 Q. It is a true copy of the original?
- 16 A. Yes.
- 17 Q. What date is on that document?
- 18 A. 10th February 1998.
- 19 Q. 10th February 1998. Is that document signed by anyone?
- 20 A. Yes.
- 21 Q. Tell this Court who signed that document?
- 22 A. The document was signed by the Director of Training
- 23 Nbogba.
- 24 Q. Are there any other signatures?
- 25 A. Yes. And the National Coordinator, Chief Sam Hinga
- 26 Norman, King Dr Allieu Kondewa. King Dr Allieu Kondewa.
- 27 Q. How do you come to recognise the signature of Chief Hinga
- 28 Norman?
- 29 A. It is his signature. I'm used to his signatory. A lot

1 of all our documents have been signed by him, so, I know.

2 Q. You're familiar with his signature?

3 A. I'm familiar with his signature.

4 JUDGE BOUTET: So, Mr Prosecutor, is it your intent to

5 introduce that as an exhibit?

6 MR KAMARA: Yes, Your Honour, the Prosecution seeks to tender

7 that document.

8 MR HALL: We have no objection. We saw it long ago.

9 JUDGE BOUTET: Thank you. Mr Bockarie?

10 MR BOCKARIE: No objection, Mr Lord.

11 JUDGE BOUTET: Thank you. Mr Margai?

12 MR MARGAI: No objection, My Lord.

13 JUDGE BOUTET: We're now at Exhibit 26?

14 MR WALKER: 25. Exhibit 26.

15 JUDGE BOUTET: This document is what you describe as a

16 certificate of training? That is how you described it.

17 MR KAMARA: Yes, certificate of training.

18 JUDGE BOUTET: Certificate of training. So that is Exhibit

19 26.

20 [Exhibit No. 26 was admitted]

21 MR KAMARA:

22 Q. What would you describe the strength of the trainees at

23 that point -- at any point in time while you were there?

24 A. Well, it depends on the movement of the Kamajors. At

25 times it would reach 1,000, 1,500 at a given time.

26 Q. Okay. And so what happens to the recruits at the end of

27 the training; do you know?

28 A. At the end of the training the recruits asked to go back

29 to their locations and -- they asked to go back to their

1 locations after their training.

2 Q. Okay. Mr Witness, now you've mentioned the training of
3 Kamajors and my question to you now is: Tell this Court
4 about the supply and distribution of arms and ammunition,
5 if you can?

6 A. Yeah. Well, we have this store, an ammunitions store.

7 Q. And where was that store, if you can indicate that to us
8 from the model?

9 A. The store was at the Court Barri. This Court Barri, we
10 have two stores here. We have food store and ammunitions
11 store. We had two stores.

12 JUDGE BOUTET: Can we see it again on the screen, and can you
13 point to it again?

14 THE WITNESS: This Barri.

15 JUDGE BOUTET: Yes, thank you. And you said there were two?

16 THE WITNESS: Two stores for this Barri.

17 JUDGE BOUTET: Okay.

18 MR KAMARA:

19 Q. What was being stored in these two stores?

20 A. One was for arms and ammunition and the other was for
21 food stores.

22 Q. And do you know who was in charge of this storage
23 facility?

24 A. Yeah. For the food store was one CO Jayah.

25 Q. Co Jayah?

26 PRESIDING JUDGE: CO Jayah?

27 MR KAMARA: J-A-Y-A-H, Your Honour. CO Jayah.

28 Q. What about the storage for the arms and ammunition?

29 A. One Commander Moosa Orinco.

- 1 MR KAMARA: O-R-I-N-C-O, Your Honours, and Moosa is --
- 2 PRESIDING JUDGE: O-R-I --
- 3 MR KAMARA: O-R-I-N-C-O, and Moosa is spelled as in M-O-O-S-A.
- 4 Q. Is that it?
- 5 A. Yes.
- 6 Q. Thank you.
- 7 PRESIDING JUDGE: Who was this Moosa Orinco? Who was he?
- 8 THE WITNESS: He was also Kamajor commander based at Base
- 9 Zero.
- 10 JUDGE BOUTET: He was in charge of arms and ammunition?
- 11 THE WITNESS: He was National Deputy Director of War. He was
- 12 National Deputy Director of War.
- 13 MR KAMARA:
- 14 Q. And he was in charge of these arms?
- 15 A. He was in charge of the store.
- 16 Q. Thank you, Mr Witness. In your evidence earlier to this
- 17 Court, Mr Witness, you did mention a War Council. A War
- 18 Council. I want to take your mind back to that War
- 19 Council?
- 20 A. Yes.
- 21 Q. And I'll start with the formation. Will you tell this
- 22 Honourable Court how was this War Council formed?
- 23 A. Well, there were three categories of membership for this
- 24 War Council.
- 25 Q. Okay?
- 26 A. One was by district representation.
- 27 Q. Take your time?
- 28 PRESIDING JUDGE: One was?
- 29 MR KAMARA: District representation.

1 THE WITNESS: District representation.

2 MR KAMARA:

3 Q. And secondly?

4 A. Or regional -- district or regional.

5 Q. District or regional representation?

6 A. Yes. The second one was because of your status in the

7 Kamajors. The second one was because of your status in

8 the Kamajors society, so you would be a member of the War

9 Council.

10 Q. By virtue of your status?

11 A. By virtue of your status and these people were not given

12 appointment.

13 PRESIDING JUDGE: Meaning what?

14 THE WITNESS: They were not given appointment, because by

15 virtue of their status, automatically they were a member

16 of the War Council.

17 PRESIDING JUDGE: Even though they were not given titles.

18 THE WITNESS: No, appointment letters as a member of council,

19 because I --

20 PRESIDING JUDGE: By virtue of their status?

21 THE WITNESS: They have already titles. Because of that title

22 they have, the status they have, they are members of the

23 council.

24 JUDGE BOUTET: Can you give us an example of that?

25 MR KAMARA:

26 Q. Yes, give us an example of members in that category?

27 A. Like Director of War, he was a member of the council,

28 because he was really leader of the fighters. Chief

29 Norman himself was a member, because he is the National

1 Coordinator. The High Priest Dr King Allieu Kondewa was
2 a member, because he was initiator. And there were also
3 other people because --
4 PRESIDING JUDGE: You called him Dr K Allieu --
5 THE WITNESS: King.
6 MR KAMARA: K-I-N-G.
7 PRESIDING JUDGE: Oh, King.
8 MR KAMARA: The King, the King, Your Honour.
9 PRESIDING JUDGE: Oh, the King.
10 MR KAMARA: Dr King Allieu Kondewa.
11 THE WITNESS: Yeah.
12 Q. Now, having given us these examples, will you venture to
13 offer to this Court the rest of the names of the members
14 of the War Council?
15 A. One Kandehe Samai [phonetic].
16 JUDGE THOMPSON: What about category three?
17 THE WITNESS: Category three was people because of their
18 talent, because --
19 JUDGE THOMPSON: Well, we didn't have that. We had the --
20 category one was district or regional representation.
21 THE WITNESS: Yes.
22 JUDGE THOMPSON: Category two was status representation.
23 Category three --
24 THE WITNESS: Three was the people -- the people -- the
25 stakeholders who were there, because of their presence,
26 their calibre, they were reported by the National
27 Coordinator to be in the council.
28 MR KAMARA: Okay.
29 JUDGE THOMPSON: You said stakeholders and talented people.

- 1 THE WITNESS: Some stakeholders there were also.
- 2 JUDGE THOMPSON: Because of their talents, you said?
- 3 THE WITNESS: Yes, because of their talents they would be able
- 4 to construct civilian, map out strategies and other
- 5 things, so they were appointed by the National
- 6 Coordinator.
- 7 MR KAMARA:
- 8 Q. Okay. And will you give us examples?
- 9 A. Yes, sir. Like the Paramount Chief, PC JW Quee, Charlie
- 10 Caulker -- Charlie Caulker.
- 11 PRESIDING JUDGE: What is the name of the paramount chief
- 12 again?
- 13 MR KAMARA: JW Quee, Q-U-E-E.
- 14 Q. Is that the spelling?
- 15 A. Yes. PC Charlie Caulker.
- 16 Q. When you say PC, you're referring to paramount chief?
- 17 A. Paramount chief. Sam Demby, PC Tucker of Nugorba Bullum.
- 18 Q. Take your time. PC Tucker, T-U-C-K-E-R?
- 19 A. Of course.
- 20 Q. From where?
- 21 A. N-U-G-O-R-B-A B-U-L-L-U-M.
- 22 Q. Spell at that for us?
- 23 A. Nugorba Bullum Chiefdom.
- 24 Q. B-U-L. Now, Mr Witness, proceed to give us the rest of
- 25 the names of the membership of the War Council, as you
- 26 remember, if you can?
- 27 A. Alhaji Daramy Rogers, Robert Kombe.
- 28 Q. How do you spell Kombe?
- 29 A. C-O-M-B-E [sic]

1 Q. C-O-M-B-E?

2 A. JK Murana.

3 Q. Murana is M-U-R-A-N-A.

4 A. MT Collier.

5 PRESIDING JUDGE: Are we going to name everybody? Do you have
6 any particular purpose for this exhibition also? If you
7 have a particular purpose, you may continue.

8 MR KAMARA: Not really. As long as we have heard enough, Your
9 Honours. I was just pointing the membership to show the
10 calibre or the kind of persons that were part of this
11 body.

12 PRESIDING JUDGE: But if he still has important enumerations,
13 please, you may continue. I don't want to preempt you.

14 MR KAMARA: Well, I think we are comfortable thus far.

15 PRESIDING JUDGE: Do you still have some more important ones
16 you want to --

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: Yes, go ahead.

19 THE WITNESS: Ibrahim FM Kanneh.

20 PRESIDING JUDGE: Ibrahim FM what?

21 THE WITNESS: FM Kanneh.

22 MR KAMARA:

23 Q. Okay. Then let's have -- what is the -- any other name
24 that you have?

25 A. There were others, but I cannot remember all of them now.

26 Q. Not all of them. Thank you?

27 JUDGE BOUTET: Do we have an approximate number? Is it five,
28 six, 20, 25?

29 MR KAMARA:

1 Q. What is the strength of membership of the War Council?

2 A. It is about 15.

3 Q. About 15. Mr Witness, will you tell the Court the role
4 of the War Council?

5 A. Yes. The role of the War Council was to identify
6 strategies. That was number one, to identify strategies,
7 and recommend those strategies to the National
8 Coordinator. Also to look into the complaints of
9 fighters and reports against fighters vis-a-vis
10 commanders and recommend requisite punishment for the
11 crimes so far committed. Also to get -- to map out the
12 ways and means to get food for the fighters at the base
13 whenever there is a shortage.

14 Q. Now, let's look into these different roles you've
15 outlined. I want to draw your attention to particularly
16 the role of inquiring into complaints. I'll start with
17 that. Will you give us instances of the War Council
18 inquiring into the complaints, so we can understand how
19 the workings were being conducted?

20 A. Yes. Well, there was a time there was a complaint
21 against one Commander Kamoh Hassan Sherriif for his
22 failure to block the road.

23 Q. Kamoh Hassan Sherriif. How was that matter inquired into?

24 A. Well, the matter was investigated. The War Council found
25 out that he did not block the road.

26 Q. Which road are you referring to?

27 A. The Bo-Tiama Highway.

28 Q. The Bo-Tiama Highway?

29 A. Yes, he was to block that road to impede the movement of

- 1 the AFRC and RUF. Instead he went to Valunya to go dig
2 gold and diamond.
- 3 Q. Spell the name of the place?
- 4 A. Valunya.
- 5 Q. V-A-L-U-N-Y-A, Valunya. He went there to do what?
- 6 A. Dig gold and diamond.
- 7 Q. To mine gold and diamond?
- 8 A. To mine gold and diamond.
- 9 Q. So what did the War Council do?
- 10 A. So after the investigation, the War Council recommended
11 to the National Coordinator that the Kamoh Hassan Sherrif
12 should be pegged at Base Zero. He should not go to war
13 front again.
- 14 Q. Could you explain what "pegged" meant?
- 15 A. Yes, that's what I'm saying, he should not go to war
16 front again.
- 17 Q. Was that recommendation endorsed by the National
18 Coordinator?
- 19 A. Not at all.
- 20 Q. Could you give us another example of inquiring into?
- 21 A. Yes. The Death Squad also was reported to have been
22 involved in killing and looting properties of civilians.
23 War Council also investigated the matter and found the
24 commander guilty of the offence.
- 25 Q. So what was the recommendation?
- 26 A. The recommendation was also that he should -- the
27 commander and his group should not go to war front again.
28 They should stay at the base.
- 29 Q. Did that recommendation get the endorsement of the

1 National Coordinator?

2 A. No.

3 Q. Now, Mr Witness, will you tell this Court why was it
4 necessary for an endorsement or approval from the
5 National Coordinator?

6 A. Yes, as War Council -- I have told you the function of
7 War Council. War Council was an administrative wing of
8 the CDF to map out strategies and recommend to the
9 National Coordinator. He, as National Coordinator, has
10 to approve that, because he has the knowledge of
11 fighting -- fighting and arm -- has the knowledge of the
12 arms. That was why he was the National Coordinator. So
13 he was above everybody here -- everybody there. So
14 everything has to go through him for his approval.
15 Anything that does not have his approval was not carried
16 out.

17 Q. Are you saying that he was above the War Council?

18 A. Yes.

19 PRESIDING JUDGE: He was what?

20 MR KAMARA: He was above the War Council.

21 Q. Now, Mr Witness, let's go to another limb of the
22 functions of the War Council, which you said was to
23 formulate strategies and make recommendations to the
24 National Coordinator. Will you give us an example?

25 A. I --

26 Q. Just hold on. Where were these meetings held?

27 A. The War Council meetings usually were held in the various
28 locations I have point to in Walehuns.

29 Q. Could you help us again by showing -- Walehun you said it

1 is a meeting place?

2 A. Yes, meeting place. And we used to hold meetings here
3 just behind the National Coordinator's house. Sometimes
4 we used to cross the river, come to this end. Sometimes
5 we used to go down this way to have a meeting. So all
6 these places were prepared. About four places, different
7 places where we used to hold the meetings.

8 Q. Okay. Now, I'll take your mind now to the strategy
9 recommendations made to the National Coordinator. Were
10 any recommendations made in terms of planning the war or
11 to prosecute the war?

12 A. Yes. First, generally when the War Council [inaudible]
13 to get through to the junta. The War Council thought
14 what do we do? And what do we do, the strategy they
15 recommended was to check Koribundu and Sembehun 17. So
16 once Koribundu is taken --

17 Q. Take your time. You were explaining the need for taking
18 Koribundu?

19 A. Yes, once Koribundu was taken from the junta, we would be
20 able to attack Bo and Freetown easily.

21 Q. And that recommendation was made to the National
22 Coordinator?

23 A. Yes.

24 Q. What was the reception to that recommendation?

25 A. He accepted it. That is fact that until that is done
26 nobody would go to Bo, because whoever hit Bo, the
27 reinforcement will come from Koribundu and Pujehun. So
28 that was the strategy.

29 Q. And where was the meeting held when the strategy for the

1 Koribundu attack was being formed?

2 A. Well, the meeting was held behind the river, over there
3 in that particular area here.

4 Q. Point again so that now we have --

5 A. Here, here, here this area around these palm trees.

6 Q. All right. And will you tell this Court who were present
7 when that decision was being taken?

8 A. Well, that particular meeting the National Coordinator
9 was present, the Director of War, the High Priest and the
10 War Council members.

11 Q. The War Council members? Were any commanders present?

12 A. Yes, some of the commanders were present and some
13 [inaudible] regional commanders were there at that time
14 but I cannot name -- I cannot remember their names.

15 Q. Did the National Coordinator make a statement in that
16 meeting?

17 A. Yes. Yes.

18 Q. What did he say?

19 A. Well, when he accepted the strategy, [inaudible] very
20 happy. He said, "You commanders when you go" -- I'm
21 going to quote. "When you attack Koribundu, you meet any
22 resistance, don't leave any house or any living thing
23 there, except mosque, church the Barri and the school."
24 That instruction was given.

25 JUDGE BOUTET: To whom is he giving that instruction?

26 THE WITNESS: The commanders that were there.

27 PRESIDING JUDGE: They should not leave anything -- let me get
28 it clearly.

29 THE WITNESS: Any living thing, house, except mosque, school,

1 church, Court Barri, hospital.

2 MR KAMARA:

3 Q. Now, Mr Witness, is there any other occasion when the War
4 Council had to make recommendations to the National
5 Coordinator with regards to war planning?

6 A. Yes.

7 Q. What occasion was that?

8 A. Well, after the fall of Koribundu and Sembehun 17 there
9 was now concentration on Bo. The War Council met again
10 and recommended that now that Koribundu has fallen --

11 Q. Take your time. Wait. Yes?

12 A. The War Council recommended that you should turn your
13 attention to Bo, to take Bo.

14 Q. When was this? What year?

15 A. This was in 1998 now.

16 Q. In 1998. And where was that meeting held?

17 A. The first War Council met -- that one, the War Council
18 met here just behind the National Coordinator's house,
19 this Walehun.

20 PRESIDING JUDGE: You say you met in whose house?

21 THE WITNESS: No, behind the National Coordinator's house,
22 because we have the Walehun here and the meeting place
23 also there in the plantation. The War Council met there
24 and made that recommendation.

25 PRESIDING JUDGE: And made what recommendation?

26 THE WITNESS: That Bo should now be taken from the junta.

27 PRESIDING JUDGE: That Bo should --

28 THE WITNESS: Be taken from the junta, be attacked.

29 MR KAMARA:

1 Q. And to whom was the recommendation made?
2 A. The National Coordinator. The War Council also thought
3 it fit that the recommendation -- the attack of Bo should
4 not be done without consulting the ECOMOG Field Commander
5 Khobe in Freetown. So he recommended that he should be
6 consulted.
7 Q. General Khobe, K-H-O-B-E. Do you know his first name?
8 A. No.
9 Q. You said the ECOMOG field commander?
10 A. Yeah.
11 Q. Should be consulted before?
12 A. Yeah.
13 PRESIDING JUDGE: What was his name again?
14 MR KAMARA:
15 Q. General Khobe, K-H-O-B-E?
16 A. So that was recommended to the National Coordinator. He
17 accepted that one also.
18 Q. Now, Mr Witness, you've mentioned that the role of the
19 council is in making these recommendations --
20 PRESIDING JUDGE: Who were present at this meeting?
21 THE WITNESS: The War Council members.
22 PRESIDING JUDGE: The War Council which was planning the
23 invasion of Bo?
24 MR KAMARA: Yes.
25 THE WITNESS: At this particular meeting the War Council
26 members and Chief Norman was there, the Director of War,
27 Kondewa and few other commanders were there at that time.
28 PRESIDING JUDGE: Okay.
29 [HN161104D 3.35 p.m.]

1 Q. Mr Witness, you've clearly narrated to us the role of the
2 recommendations. Now we would like to know what happens
3 at the implementation stage. Who was responsible for the
4 implementation of these recommendations?

5 A. In fact, the recommendation was made. The planning and
6 implementation was with the national coordinator, the
7 Director of War and the high priest, because they have to
8 sit down together with their commanders to plan. The War
9 Council only make recommendation to what they did now.
10 How they plan, how they execute it, that was not the
11 council's affair.

12 Q. Mr Witness, we're still in this Bo attack, the stages of
13 the planning of strategy being done. How was Maxwell
14 Kohbe to be contacted, do you know?

15 PRESIDING JUDGE: I didn't hear your question. Can you speak
16 a little louder, please?

17 MR KAMARA:

18 Q. How was General Kohbe to be contacted?

19 A. The national coordinator was to contact him.

20 Q. Did the War Council get a report back from the national
21 coordinator about that mission?

22 A. Yes.

23 Q. Tell this Court.

24 A. Yes. He said he had done it and we saw Maxwell Kohbe at
25 Base Zero at one time. He came there -- General Kohbe
26 came.

27 Q. In what year?

28 A. It was in 1998.

29 Q. General Kohbe came to visit.

1 PRESIDING JUDGE: He came to where?

2 THE WITNESS: Base Zero, Talia Yobehko.

3 MR KAMARA:

4 Q. So when he came, did anything happen in Base Zero?

5 A. Yes, we met -- a meeting was held.

6 Q. A meeting was held?

7 A. Yes.

8 Q. And who were in that meeting?

9 A. The War Council members were there, the national
10 coordinator was there, Director of War, Kondewa, and all
11 the commanders, because this was now at the height of
12 war -- every commander was anxious -- almost all always
13 was there now at the base so that -- to wrap up -- they
14 had to wrap up.

15 Q. What was said in that meeting?

16 A. When the [inaudible] out, I came to know that the plan to
17 take Freetown, according to the national coordinator, was
18 that they were to send 7,000 Kamajors to take over
19 Freetown. That was recommended to General Kohbe --
20 that's 7,000 Kamajors shall be sent to Freetown to help
21 ECOMOG take over Freetown.

22 PRESIDING JUDGE: Who asked for the 7,000 -- General Kohbe?

23 THE WITNESS: No.

24 PRESIDING JUDGE: Who?

25 THE WITNESS: The national coordinator, Chief Sam Hinga
26 Norman.

27 JUDGE BOUTET: He decided to do that?

28 THE WITNESS: Yes, that was in their planning. Since the
29 recommendation was given by War Council, they have to

- 1 plan now how to execute this one, how to go about it.
- 2 JUDGE BOUTET: So the recommendation by the War Council was to
- 3 plan an attack on Freetown?
- 4 THE WITNESS: Bo and Freetown.
- 5 JUDGE BOUTET: Bo and Freetown?
- 6 THE WITNESS: Yes.
- 7 JUDGE BOUTET: And subsequent to that, the national
- 8 coordinator, with the Director of War, prepared the plans
- 9 to attack Bo and Freetown?
- 10 THE WITNESS: Exactly.
- 11 JUDGE BOUTET: And for Freetown, the plan was they would send
- 12 7,000 Kamajors to work and assist ECOMOG?
- 13 THE WITNESS: Yes.
- 14 MR KAMARA:
- 15 Q. Yes, you may proceed.
- 16 A. So at first General Kohbe accepted this one when we were
- 17 in the field, that we send helicopters to transport these
- 18 Kamajors to Lungi for subsequent attack of Freetown.
- 19 Q. Are you saying that initially he agreed?
- 20 A. Yes, initially.
- 21 Q. Will you explain to us, when you say "initially", that
- 22 means something else happened.
- 23 MR MARGAI: My Lords, I'm not so sure why "initially". That
- 24 was not the testimony of the witness. The "initially"
- 25 came from the Prosecutor. He said General Kohbe agreed
- 26 to send helicopters to ferry these fighters to Freetown,
- 27 and then the Prosecutor came in with "initially".
- 28 THE WITNESS: I said "at first" -- I used "at first".
- 29 PRESIDING JUDGE: That is what he said -- it came from him.

1 JUDGE THOMPSON: I thought I heard "at first".

2 THE WITNESS: I used "at first".

3 PRESIDING JUDGE: "At first", yes -- it came from him.

4 MR KAMARA:

5 Q. Thank you, Your Honours. When you said "at first", it
6 seems like there's something to follow and I want you to
7 give us the complete picture.

8 A. After the meeting we went to the town. When we were
9 having our lunch, all of a sudden General Kohbe just
10 said, "Chief, I understood that the AFRC want to attack
11 my base and, if they attack my base, wherever the
12 catchers comes from, I will deploy there." So that was
13 the statement he made.

14 JUDGE BOUTET: Who made that commitment, General Kohbe or --

15 THE WITNESS: General Kohbe. He said it to chief, after he
16 has agreed to send that [inaudible], he's now said that
17 he will not, that they can wait for the 7,000 Kamajors to
18 come and take Freetown.

19 MR KAMARA:

20 Q. Was what he was saying --

21 JUDGE THOMPSON: What was the General saying? Was he saying
22 that he was not going to accept this plan, or was he
23 about to revise the plan?

24 THE WITNESS: Yes, that was the statement --

25 JUDGE THOMPSON: What were his exact words?

26 THE WITNESS: The exact words he said, he said, "Chief, I am
27 made to understand -- I have made to understand that the
28 AFRC want to attack my positions and wherever the
29 catchers come from to attack my position, I will deploy

1 there before he deployed Kamajors." That's what he was
2 implying in his statement.

3 JUDGE THOMPSON: We missed the second part I'm sure -- and
4 wherever --

5 THE WITNESS: The catchers come from.

6 JUDGE THOMPSON: It sounds like military -- I am not familiar
7 with that

8 THE WITNESS: He would deploy his men there.

9 JUDGE BOUTET: Essentially what he was saying is his
10 priorities would be to defend his own position, his own
11 base, if he was attacked?

12 THE WITNESS: Yes.

13 MR KAMARA: Prior to the coming of the 7,000 --

14 JUDGE BOUTET: Prior to coming and helping with the Kamajors?

15 THE WITNESS: Yes.

16 MR MARGAI: I think I heard the witness say that General Kohbe
17 said he would not wait for the 7,000 fighters.

18 THE WITNESS: Yes, but he did not say directly --

19 JUDGE THOMPSON: Yes.

20 THE WITNESS: That was implied -- planning it, because of
21 reason which were explained.

22 JUDGE BOUTET: In other words, he would act on his own without
23 waiting for anything to defend his own base -- that was
24 his priority?

25 THE WITNESS: Of course.

26 MR KAMARA:

27 Q. The judges are trying to get it clear.

28 JUDGE THOMPSON: At least I've got the exact words.

29 THE WITNESS: So what happened, when we are at Base Zero there

1 was a time when all of us, some people were there -- some
2 who were there we were carrying out -- our intention was
3 to defend the State and restore democratically-elected
4 government, but [inaudible] at the time when the national
5 coordinator made a pronouncement that the War Council and
6 [inaudible] commanders that any time when we take over
7 Freetown, Bo, Kenema and Kono, the CDF will be in power
8 for three years and this statement was made way ahead of
9 this meeting I'm saying. So after this meeting from --
10 MR KAMARA: Wait, wait, wait. Take your time. Wait, wait,
11 wait.
12 PRESIDING JUDGE: I want you to take it slowly.
13 THE WITNESS: Okay, sir. Yes, sir.
14 PRESIDING JUDGE: Mr Kamara, please lead your witness.
15 MR KAMARA:
16 Q. Mr Witness, take your time. Now you're taking this Court
17 back to another period in the course of your evidence.
18 A. Yes.
19 Q. And you were saying that you were talking about a
20 pronouncement?
21 A. Yes.
22 Q. When was this pronouncement made?
23 PRESIDING JUDGE: What was the pronouncement, to begin with.
24 MR KAMARA:
25 Q. Let us start with the pronouncement. What was this
26 pronouncement made by Chief Hinga Norman?
27 A. The pronouncement was --
28 JUDGE BOUTET: Slowly, please.
29 MR KAMARA:

1 Q. Take your time.

2 A. Yes. That if CDF takes over Freetown --

3 PRESIDING JUDGE: Wait. If CDF takes over Freetown --

4 THE WITNESS: -- Bo, Kenema, and Kono, CDF would move from

5 Base Zero to Freetown area as the headquarters -- we move

6 from Base Zero.

7 PRESIDING JUDGE: The CDF would move from Base Zero?

8 THE WITNESS: To Freetown, and Freetown would be the

9 headquarters of the CDF.

10 PRESIDING JUDGE: Will move from Base Zero to Freetown?

11 THE WITNESS: Yes, because wherever the national coordinator

12 stay is the headquarters of --

13 PRESIDING JUDGE: In Freetown and that this would become the

14 headquarters of the CDF.

15 THE WITNESS: Yes.

16 PRESIDING JUDGE: And that Freetown would become the

17 headquarters?

18 THE WITNESS: Yeah, and CDF would be in control of this nation

19 for three years before inviting Tejan Kabbah to come.

20 PRESIDING JUDGE: The CDF was to be --

21 THE WITNESS: Was to be in control of the chiefdom -- power in

22 the country --

23 PRESIDING JUDGE: For three years?

24 THE WITNESS: For three years before inviting Tejan Kabbah to

25 come.

26 MR KAMARA:

27 Q. When was this pronouncement made?

28 JUDGE THOMPSON: Before we got that bit, we in fact were

29 listening to what General Kohbe was saying, and then

1 I just lost it and the connection seems to be problematic
2 for me. But I would not press -- it's your case.
3 I think there was this idea of the plan and this seems to
4 be just standing in the middle. I won't press it.
5 I just wanted to make that observation.

6 MR KAMARA: I agree with Your Honour and that is what he was
7 trying to explain, that there's a reason for General
8 Kohbe's --

9 JUDGE THOMPSON: For this interjection.

10 MR KAMARA: Yes, and that was the reason for the
11 pronouncement.

12 JUDGE THOMPSON: I'm just trying to see the logical sequence.

13 MR KAMARA: We'll get to that, thank you, Your Honour.

14 Q. I was asking you when was this pronouncement made?

15 A. It was way ahead of this meeting at one time -- any time
16 we were seated around the fire or the War Council
17 meeting, the Kamajors council -- all commanders were
18 having this at the back of their mind, so some areas the
19 commanders were section chiefs, town chiefs, paramount
20 chiefs, you know, because of that.

21 JUDGE BOUTET: So when that statement -- that pronouncement as
22 you called it -- was made by Chief Norman, General Kohbe
23 is not there. It is early in the process at the meeting
24 with all his Kamajors, his leaders?

25 THE WITNESS: Yes.

26 JUDGE BOUTET: And the War Council?

27 THE WITNESS: Yes.

28 JUDGE BOUTET: Chief Norman made that statement.

29 THE WITNESS: Yes.

1 JUDGE BOUTET: What you're saying is all commanders had that
2 at the back of their mind as you were moving along?
3 THE WITNESS: Yes, the CDF -- the Kamajor commanders were
4 there when the statement was made -- this statement was
5 made by him -- the pronouncement was made.
6 PRESIDING JUDGE: I want to have it very clear on the record.
7 This pronouncement was made by Chief Norman in the
8 presence of Kamajor commanders?
9 THE WITNESS: Yes.
10 PRESIDING JUDGE: Where, and in what circumstances?
11 THE WITNESS: At Base Zero and the War Council meetings and
12 ordinary gatherings of commanders -- War Council meetings
13 and other gatherings of commanders.
14 MR KAMARA:
15 Q. Now, Mr Witness --
16 PRESIDING JUDGE: Please wait.
17 MR KAMARA: I sure will, Your Honour.
18 Q. Now, Mr Witness, I would like you to give the connection
19 between this pronouncement that was made and this visit
20 of General Kohbe when you said you were explaining
21 General Kohbe's visit and then his change of heart, more
22 or less, and following on Honourable Judge Thompson's
23 point that we need to bridge the gap between that and
24 this pronouncement.
25 JUDGE THOMPSON: Counsel, I was not in fact pressing it.
26 I just made an observation, but if you have a strategy --
27 MR KAMARA: I think it's necessary for us to bridge that gap.
28 THE WITNESS: Yes, I will.
29 MR KAMARA:

1 Q. Go ahead.

2 A. Well, after this meeting in the field --

3 PRESIDING JUDGE: Which meeting failed?

4 THE WITNESS: This meeting we had with General Kohbe and where
5 this recommendation was made to him by the national
6 coordinator for 7,000 Kamajors to come after that
7 meeting, that's what I'm saying.

8 PRESIDING JUDGE: Are you saying the meeting failed?

9 THE WITNESS: No, the meeting in the field. So somebody from
10 among the War Council speak to General Kohbe about this
11 information I'm giving now -- this pronouncement and
12 General Kohbe realised that if he allowed the 7,000
13 Kamajors to come here, there will be a problem.
14 Therefore, he stated that statement.

15 PRESIDING JUDGE: So it is insiders of the --

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: Who in the meeting -- who informed General
18 Kohbe?

19 THE WITNESS: The War Council members who were there.

20 MR KAMARA:

21 Q. Could you make that clear again?

22 A. War Council members who were in the council and had heard
23 the statement, this pronouncement, speak to General Kohbe
24 give the information, if he allows 7,000 Kamajors to take
25 Freetown, the Kamajors will definitely not leave Freetown
26 for three years.

27 Q. Oh, I see. Now, after General Kohbe declared his intent
28 to deploy his men wherever there is a bullet or whenever
29 a bullet comes from any source, did the War Council do

1 anything?

2 A. No, we didn't do anything at that meeting. It was only
3 just a lunch table, we were eating together, so he made
4 his statement.

5 Q. Okay. Did that statement affect the plan? Was there a
6 change of plan as a result of that statement?

7 A. Yes. General Kohbe came just that week --

8 Q. Wait, wait.

9 PRESIDING JUDGE: Which statement?

10 MR KAMARA:

11 Q. Did the statement of General Kohbe effect a change in the
12 plan?

13 A. As I said, after his return to Freetown, a few days after
14 his return to Freetown we heard now General Kohbe is --
15 ECOMOG are deploying, they are now at Orugu Bridge, they
16 are at Kabbah Town --

17 Q. Slowly, slowly.

18 A. -- over BBC.

19 Q. You heard about the deployments of ECOMOG?

20 A. Yes.

21 Q. Where?

22 A. Orugu Bridge.

23 Q. Orugu Bridge is O-R-U-G-U?

24 A. Yes. Kabbah Town, and [inaudible] and so forth.

25 Q. So what was the CDF's reaction when you heard this news?

26 A. On hearing this news, the national coordinator called an
27 emergency War Council meeting.

28 JUDGE BOUTET: What did he do?

29 THE WITNESS: He called an emergency War Council meeting.

1 MR KAMARA:

2 Q. Where was that meeting held?

3 A. Just behind here, [inaudible] house [indicates].

4 JUDGE BOUTET: That's at Base Zero?

5 THE WITNESS: At Base Zero, yes -- at Base Zero.

6 MR KAMARA:

7 Q. And what was discussed in that meeting?

8 A. As soon as he met, he said, "Gentlemen, you've heard
9 radio announcement." He was very disturbed because of
10 that announcement. I saw from his facial expression he
11 was disturbed because of that announcement. So, "You've
12 heard that announcement" and now this plan --

13 PRESIDING JUDGE: Get it consistently, please. Was disturbed?

14 THE WITNESS: Yes. He said, "Gentlemen, have you heard the
15 announcement?" We said yes. "This man has betrayed our
16 cause. All the plan..."

17 PRESIDING JUDGE: Which man?

18 THE WITNESS: General Kohbe -- "General Kohbe has betrayed our
19 cause because we agreed with him that 7,000 Kamajors go
20 to Freetown. Now instead of that he's deploying."

21 MR KAMARA:

22 Q. Yes.

23 A. "The War Council, we can't do otherwise; we're not in
24 Freetown."

25 Q. Was any decision taken as a result of this information?

26 A. At that junction, the War Council recommended to him
27 again [inaudible], sir -- recommended that they would
28 concentrate on Bo now -- instead of Bo, let us forget
29 about Freetown, let us concentrate on Bo, so that we can

1 get Bo, the junta.

2 Q. Are you telling this Court that the plan changed from

3 Freetown to just Bo?

4 A. To Bo now, yes.

5 Q. So how was this Bo --

6 JUDGE THOMPSON: He said "recommended"?

7 MR KAMARA: "Recommended".

8 JUDGE THOMPSON: He didn't tell us the plan changed.

9 Remember, his background evidence is that everything the

10 War Council said or did or decided had to be ratified, so

11 perhaps you need to reflect the evidence accurately.

12 PRESIDING JUDGE: In fact, he said the War Council recommended

13 that they should forget about Freetown and concentrate on

14 Bo.

15 JUDGE THOMPSON: It was merely a recommendation, not that the

16 plan changed.

17 MR KAMARA: I agree with you entirely, Your Honour.

18 Q. So having decided to concentrate on Bo, will you tell

19 this Court how that was implemented, if you know?

20 A. Well, that one, the planning and implementation was left

21 with the national coordinator, the head of war and the

22 [inaudible] planners who just recommend the strategies.

23 We don't implement, we don't plan.

24 Q. So, Mr Witness --

25 PRESIDING JUDGE: It was left in the hands of the national

26 coordinator and who --

27 THE WITNESS: The Director of War and the high priest Allieu

28 Kondewa.

29 MR KAMARA:

1 Q. So, Mr Witness, was Bo eventually attacked by the
2 Kamajors?

3 A. Yes.

4 Q. Now, Mr Witness, you've given us a detailed explanation
5 of the rule of the War Council --

6 PRESIDING JUDGE: What happened after the attack of Bo then?
7 Bo was attacked; what happened?

8 MR KAMARA: I'll be going to Bo.

9 PRESIDING JUDGE: No, I want to know -- don't leave us in the
10 air. Bo was attacked finally by the Kamajors what
11 happened after the attack.

12 MR KAMARA: I'll take that --

13 PRESIDING JUDGE: Please. We want to complete the notes and
14 make sure that we're moving neatly.

15 MR KAMARA: All right, Your Honour.

16 Q. Now that Bo was attacked as you say, did you yourself
17 have cause to go to Bo?

18 A. Yes.

19 Q. When was this Bo attack?

20 A. I cannot definitely say this time. I can't remember the
21 date or the time.

22 Q. The year?

23 A. That is 1998.

24 Q. How did you travel to Bo?

25 A. Well, we left Base Zero -- we were instructed by the
26 national coordinator that some council members and some
27 other dignitaries will move straight out to Bo and
28 [inaudible] including myself left Base Zero and came. As
29 we reached at Dar-es-Salaam --

1 Q. You were instructed by the national coordinator?

2 A. Yes.

3 Q. That some members were to go to --

4 PRESIDING JUDGE: Counsel asked you a question. How did you

5 travel to Bo? Were you on foot or on a vehicle?

6 THE WITNESS: For some part was used by vehicle, because we

7 had a truck there, which got to the point where there was

8 a roadblock -- no vehicle could pass there. The rest

9 were on foot. We went on vehicle and on foot, so we used

10 both vehicle and on foot.

11 MR KAMARA:

12 Q. On your way to Bo, did you have to cause to stop

13 anywhere?

14 A. Yes.

15 Q. And where was that?

16 A. That was Dar-es-Salaam.

17 Q. Would you spell it for the Court?

18 A. D-A-S-A-L-S-A-M-U [sic] -- D-A-L-S-A-M-U [sic].

19 Q. Dar-es-Salaam.

20 A. Yes.

21 Q. How far was this Dar-es-Salaam to Bo?

22 A. It's about 25 miles.

23 PRESIDING JUDGE: And Base Zero?

24 THE WITNESS: From -- to Bo.

25 PRESIDING JUDGE: From Bo?

26 THE WITNESS: Yes, to Bo -- from Base Zero to there is about

27 50 miles.

28 MR KAMARA:

29 Q. What was the purpose for stopping at Dar-es-Salaam?

1 A. As we arrived at Dar-es-Salaam we heard a big
2 announcement that the AFRC had taken Bo, they trade Bo
3 for the Kamajors, so we had no cause to go -- we stay
4 there.

5 MR MARGAI: My Lords, again, I'm sorry, but the Presiding
6 Judge did make a very salient observation when the
7 witness said Bo was attacked by the Kamajors, and you
8 asked what happened. That question was not addressed.
9 Now we have moved to Dar-es-Salaam and now we're hearing
10 that the AFRC has taken Bo over from the Kamajors.
11 I mean, I don't know, learned counsel is in control of
12 his witness, but there doesn't seem to be that
13 cohesiveness at all.

14 MR KAMARA: Your Honours, the evidence is clear. When we
15 asked the question Bo was attacked, yes, it was attacked
16 and now evidence was led as to how the witness himself
17 travelled.

18 PRESIDING JUDGE: No, when Bo was attacked, what happened to
19 Bo -- was it taken? What happened? You can attack a
20 place and fail in your quest to take the town, in which
21 event you retreat, or if you take the town you take
22 effective occupation of the town. So what happens after
23 the attack of Bo?

24 MR KAMARA: The witness was not there at that point, and so we
25 would not to lead in evidence --

26 PRESIDING JUDGE: No, but even if he was not there, he's been
27 testifying on hearsay evidence -- he's been testifying
28 massively on some hearsay evidence, which we have not
29 ruled out in these proceedings.

1 MR KAMARA: It is a point of strategy, Your Honours, but I was
2 looking at it that we would lead evidence as to more real
3 facts that are akin to his own knowledge and which would
4 be of more relevance to the Court than the hearsay.
5 We'll eventually get to Bo and the effects of the Bo
6 attack.

7 JUDGE THOMPSON: More relevance to the Court, but more
8 relevance to the charges as laid in the indictment.

9 MR KAMARA: Exactly.

10 JUDGE THOMPSON: And the allegations. The difficulties are
11 that sometimes the witness sort of takes control and
12 decides to come out with answers which do not synchronise
13 with the question. For example, you just asked what was
14 the purpose, and he was giving something which did not
15 relate to purpose, and perhaps if you can direct him a
16 little, we will have more logical sequence.

17 Of course, as I said, it's your case and I ask these
18 questions so as to enable me to satisfy myself that I am
19 getting the evidence as the Prosecution is presenting it,
20 so when we do come to evaluate the evidence, I would not
21 want to feel that I may have missed something very
22 important.

23 MR KAMARA: You're very right, Your Honour. So we still
24 intend to put it across such that it will be very
25 coherent for the Bench. My learned friend will have to
26 wait until his turn and then put his own case his own
27 way.

28 MR MARGAI: [Microphone not activated]

29 PRESIDING JUDGE: Cross-examine, that's true. I think the

1 Chamber is with you, Mr Margai. You can't cross-examine
2 effectively if the evidence is incoherent.

3 JUDGE THOMPSON: We'll just let that pass without much
4 comment.

5 PRESIDING JUDGE: Mr Kamara, I think you can tidy up things
6 for us and everybody.

7 MR KAMARA: Certainly, Your Honour.

8 Q. Mr Witness, you informed this Court that Bo was attacked
9 by Kamajors.

10 A. Yes.

11 Q. What happened in Bo, do you know?

12 PRESIDING JUDGE: Bo was attacked by the Kamajors.

13 THE WITNESS: By the Kamajors.

14 PRESIDING JUDGE: We want to get this clearly. They attacked
15 after the planning -- after they gave up the double-front
16 attack -- bo and Freetown, 7,000 to Freetown and Bo.
17 They abandoned the Freetown front, because Kohbe went and
18 did his thing without the Kamajors. So now they went to
19 Freetown and the Kamajors concentrated on Bo and attacked
20 Bo, so we want to know what happened after the attack in
21 Bo.

22 MR KAMARA: That is it.

23 Q. So, Mr Witness, tell us --

24 A. Bo was taken by the Kamajors -- taken from the juntas by
25 the Kamajors.

26 PRESIDING JUDGE: What's the time frame? Do you remember --
27 you know that the year would be 1998?

28 THE WITNESS: That was in February 1998.

29 MR KAMARA:

1 Q. So for how long were the CDF in occupation of Bo?

2 A. Yes, about three or four days. Then the AFRC retrieved

3 the town from them.

4 PRESIDING JUDGE: About four days and then what happened?

5 They were in control, the CDF was in control.

6 THE WITNESS: Yes, the AFRC --

7 PRESIDING JUDGE: The Kamajors

8 THE WITNESS: Yes, the Kamajors were in control and took over

9 the town from AFRC for three or four days. Thereafter,

10 the AFRC also retrieved the town from the Kamajors.

11 MR KAMARA:

12 Q. The town was retaken?

13 A. The town was taken, yes.

14 PRESIDING JUDGE: It was retaken?

15 THE WITNESS: Retaken, okay -- the town was retaken.

16 PRESIDING JUDGE: So it was a very short-lived victory by the

17 Kamajors?

18 THE WITNESS: Yes.

19 MR KAMARA:

20 Q. So where were you Mr Witness when Bo was taken?

21 A. At that time we were at Base Zero. When we heard it

22 announced that Bo was taken, the national coordinator

23 dispatched some of us to Bo for administrative purposes.

24 PRESIDING JUDGE: Dispatched some of you -- about how many of

25 you?

26 THE WITNESS: We were about 10 personnels, War Council members

27 and other people.

28 PRESIDING JUDGE: To go and do what?

29 THE WITNESS: The Kamajors were in charge now, so we should go

1 and administer as we used to do at Base Zero for
2 administrative purpose.

3 PRESIDING JUDGE: To go to where -- to Bo?

4 THE WITNESS: To Bo.

5 MR KAMARA:

6 Q. Did your group make it to Bo?

7 MR MARGAI: Sorry, My Lords, this question of dispatching some
8 of them to go to Bo for administrative purposes was
9 before Bo was retaken by the --

10 THE WITNESS: Yes, when Bo was taken --

11 JUDGE THOMPSON: That's the difficulty. What we have now --

12 MR MARGAI: It's just the sequence.

13 JUDGE THOMPSON: The sequence, too.

14 PRESIDING JUDGE: This is it. It's good you raised it,
15 because what I understand from him is that after Bo was
16 retaken --

17 MR MARGAI: After three or four days.

18 PRESIDING JUDGE: Yes, after three or four days it was taken.
19 That was when they dispatched them for administrative
20 purposes. Please look at us properly, Mr Witness. Take
21 it very easy. We want to get things in their sequence.

22 THE WITNESS: Okay. What I said, because we heard the
23 announcement from radio that Bo was retrieved by Kamajors
24 from AFRC, the national coordinator dispatched some of us
25 for administrative purposes to go to Bo, but when you
26 reach at Dar-es-Salaam [inaudible] that they had
27 retaken -- the AFRC are retaking Bo from Kamajors, so
28 therefore we stop at Dar-es-Salaam.

29 MR KAMARA: If I may venture here, if I understand his

1 evidence, it is that while they were at Base Zero Bo was
2 attacked and the Kamajors occupied Bo, and Chief Norman
3 dispatched this group to go into Bo to administer Bo like
4 they do in Base Zero.

5 THE WITNESS: Yes.

6 MR KAMARA: And it was while they were on their way to Bo to
7 do this administration that they heard at
8 Dar-es-Salaam -- that's where they heard that Bo had been
9 recaptured or retaken by the junta.

10 THE WITNESS: Yes, that is it.

11 PRESIDING JUDGE: It took us such a long time to get there.

12 MR KAMARA: Your Honour, that's what I intended to do in the
13 first place. My learned friend took me back.

14 PRESIDING JUDGE: So when they were in Dar-es-Salaam or what
15 ever you call it, this delegation was now told --

16 MR KAMARA: Yes.

17 PRESIDING JUDGE: -- that instead of going to administer the
18 place as administrators, unfortunately it had gone back
19 into the hands of the AFRC.

20 MR KAMARA: Precisely so, yes.

21 PRESIDING JUDGE: Now, what then happened from there? Please,
22 let him proceed more neatly. Let's get things right.

23 MR KAMARA: Okay.

24 THE WITNESS: We were there obviously when -- we stayed there.

25 MR KAMARA:

26 Q. For how long were you there?

27 A. For another four or five days -- about four or five days.

28 PRESIDING JUDGE: You interrupted your journey to Bo, didn't
29 you?

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: You gave up your journey to Bo?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: And remained in Dar-es-Salaam.

5 THE WITNESS: Yes.

6 MR KAMARA: For four to five days.

7 THE WITNESS: I want to use toilet.

8 MR KAMARA: The witness wants to ease himself, Your Honour.

9 PRESIDING JUDGE: Yes, I think he should. The Court will

10 rise. When he's ready, we should be called in, please.

11 The Court will rise.

12 [Break taken at 4.20 p.m.]

13 [HN161104E 4.35 p.m.]

14 [Upon resuming at 4.38 p.m.]

15 PRESIDING JUDGE: Yes, we are resuming the session.

16 Mr Kamara.

17 MR KAMARA: Yes, Your Honour.

18 Q. Mr Witness, we left at the point wherein you said you

19 were at Dar-es-Salaam for four to five days; right?

20 A. Yes.

21 Q. Did anything happening after those days?

22 A. Yes.

23 Q. What happened?

24 A. Well, we were there, we heard again that Bo has been

25 retaken from the juntas by the joint forces of ECOMOG and

26 CDF.

27 PRESIDING JUDGE: Joint forces of ECOMOG and --

28 THE WITNESS: CDF.

29 PRESIDING JUDGE: [Microphone not activated]

- 1 THE WITNESS: Dar-es-Salaam, yes.
- 2 PRESIDING JUDGE: When you say CDF, you mean Kamajors?
- 3 THE WITNESS: Kamajors.
- 4 PRESIDING JUDGE: Joint forces of the ECOMOG and the Kamajors?
- 5 MR MARGAI: My Lord, CDF is an umbrella organisation.
- 6 PRESIDING JUDGE: For many forces.
- 7 MR MARGAI: For six forces.
- 8 PRESIDING JUDGE: That is why he should make it clear. Who
- 9 were those involved in the fighting? Because he's told
- 10 us here that those who go to the front are the fighting
- 11 forces of the Kamajors.
- 12 THE WITNESS: Yeah.
- 13 PRESIDING JUDGE: Let him tell us, you know, what happened.
- 14 THE WITNESS: Well, CDF is combination of Gbethis, Donso,
- 15 Kamajors, Kapra. So, therefore, we call it [inaudible]
- 16 Kamajors -- [Overlapping speakers]
- 17 PRESIDING JUDGE: You have not even told us about that
- 18 component.
- 19 MR KAMARA:
- 20 Q. Yes, no evidence has been led as to those different
- 21 groups?
- 22 A. Okay.
- 23 Q. So what the learned President of the Court is trying to
- 24 say here is who went together with ECOMOG to capture Bo?
- 25 A. The CDF.
- 26 Q. In their entirety with these other groups together?
- 27 A. Of course, yes, cause they are all mixed up.
- 28 Q. They were all mixed up?
- 29 A. Yes.

- 1 PRESIDING JUDGE: CDF comprising who? He has not given us the
2 mix up of the CDF.
- 3 THE WITNESS: Comprising the Gbethis --
- 4 MR KAMARA: It's G-B-E-T-H-I-S, Your Honours.
- 5 THE WITNESS: Yes. The Donso.
- 6 MR KAMARA: D-O-N-S-O.
- 7 THE WITNESS: The Kapra.
- 8 MR KAMARA: K-A-P-R [sic]; was that it?
- 9 THE WITNESS: Yes. And the Kamajors.
- 10 MR KAMARA: And the Kamajors.
- 11 Q. So did your group do anything as a result of this
12 information?
- 13 A. Yes, the group moved to Bo now -- at this time.
- 14 PRESIDING JUDGE: This time you travelled to Bo?
- 15 THE WITNESS: We travelled to Bo, yes, sir.
- 16 MR KAMARA:
- 17 Q. So once you got to Bo, did you make any observations of
18 the township?
- 19 A. Yes.
- 20 Q. And what were those observations?
- 21 A. Well, there was a sign of looting and burning. Some
22 houses were burnt, several places were looted.
- 23 Q. Now, let's take the looting. Will you clarify that for
24 this Court -- what do you mean by looting and who did the
25 looting?
- 26 A. Well, the looting is when you take somebody's property by
27 force. That's what's called looting. And since it was a
28 combined group -- since the AFRC were there and the
29 Kamajor also attacked, so I cannot distinguish the

1 actually who did this looting, all that I saw it was.
2 JUDGE THOMPSON: So what is the evidence? He's saying that
3 when he said there were signs of looting and burning,
4 probably that would be something that he needs to expand
5 on, because apparently he's saying now that he didn't
6 witness that.
7 MR KAMARA: Yes, that is why I'm asking to --
8 JUDGE THOMPSON: I mean, I'm not interested in what he means
9 by looting. I mean, that can be given a legal
10 characterisation -- or burning. But if he can tell the
11 Court when he said there were signs of burning, could he
12 expand on that.
13 PRESIDING JUDGE: And, of course, what he's saying about
14 looting, if he's not sure of looting, he could also not
15 be sure of the burnings -- burnings of some of the houses
16 he noticed.
17 JUDGE THOMPSON: Yes, I see Mr Margai is a little troubled.
18 MR MARGAI: Yes, My Lords. I thought I heard him say that
19 since this was a joint effort by the forces he had
20 mentioned, he could not say who did what.
21 JUDGE THOMPSON: Well, okay. I mean, I didn't get that bit.
22 I was interested --
23 MR MARGAI: I'm not sure whether --
24 PRESIDING JUDGE: I didn't get that myself, you know,
25 because --
26 JUDGE THOMPSON: I was interested in there were signs of
27 looting and burning. I didn't get that bit.
28 PRESIDING JUDGE: We didn't know who --
29 MR MARGAI: As My Lord pleases.

1 PRESIDING JUDGE: Bring him back to that. Let him clarify
2 that point.
3 JUDGE THOMPSON: I mean, I don't think he needs to give us a
4 definition of looting. I'm not interested in that.
5 MR KAMARA:
6 Q. Mr Witness, you did mention that you saw signs of burning
7 and looting?
8 A. Yes.
9 Q. What do you mean by this? Will you expand this
10 information for the Court?
11 A. There were houses, indeed, burnt down.
12 JUDGE THOMPSON: Slowly, slowly.
13 MR KAMARA: Take your time.
14 THE WITNESS: There was houses burnt down that I saw, and
15 there were also reports by civilians --
16 JUDGE THOMPSON: Slowly, Mr Witness, slowly.
17 THE WITNESS: Okay, sir.
18 JUDGE THOMPSON: "I saw houses burnt down." And what else?
19 THE WITNESS: That --
20 JUDGE THOMPSON: There were reports.
21 THE WITNESS: Reports from people that their properties were
22 looted.
23 JUDGE THOMPSON: There were reports from people that their
24 properties had been looted; is that what you say?
25 THE WITNESS: Yes.
26 JUDGE THOMPSON: I'm just trying to get the evidence in a
27 straightforward and uncomplicated manner. It's difficult
28 for me to understand what you mean by there are signs
29 of --

1 PRESIDING JUDGE: [Overlapping speakers] since you say it's a
2 report?
3 THE WITNESS: Yes, by the fighting group who were there at
4 that time. Probably --
5 PRESIDING JUDGE: In this fight --
6 JUDGE THOMPSON: No probabilities.
7 PRESIDING JUDGE: In this fight you've mentioned the Kamajors,
8 the Donsos, the Kapras, the Gbethis. Yes. Who were --
9 they were fighting against the junta forces to drive them
10 away; isn't it?
11 THE WITNESS: Yes.
12 PRESIDING JUDGE: So who was doing the looting? Is it the
13 junta, is it the Kamajors, is it what?
14 THE WITNESS: So what I'm saying, Your Honour, both parties
15 looted, because the juntas looted and went away with it,
16 and the Kamajors also looted and stayed there.
17 MR MARGAI: My Lords, I'm objecting. I -- [Overlapping
18 speakers]
19 JUDGE THOMPSON: This is the difficulty -- could you sit down.
20 This is the difficulty I have. What is the basis for
21 your knowledge in that regard. I mean, you've given us
22 that when you got to Bo -- of course, this followed
23 learned counsel's question what were your observations --
24 THE WITNESS: Yes.
25 JUDGE THOMPSON: And you said, "I saw houses burnt down and
26 there were reports from people that their properties had
27 been looted." I think that's the context in which you're
28 testifying, but for you to say, oh, on a speculative kind
29 of exploration, it must have been this or that fighting

1 force. I'm not sure whether -- if you don't have a
2 proper basis for your knowledge of that, whether that
3 seems permissible.

4 MR KAMARA: Your Honour, if I may offer to help with the
5 witness here.

6 Q. You did mention that you received report of looting?

7 A. Yeah.

8 Q. In that report that you received, was it made known as to
9 who did the looting?

10 MR MARGAI: Objection, My Lords. There is no evidence here
11 that he received a report. He said there were reports or
12 reports were made. To whom, he did not say.

13 PRESIDING JUDGE: But we have it on record that when there is
14 administrators, members of the War Council -- an arm, you
15 know of it, went there for administrative reasons, and
16 normally, you know, when -- he said he got there. When
17 he got there, they received reports that there was
18 looting. He saw burning and also received reports that
19 there was looting.

20 THE WITNESS: Yes.

21 PRESIDING JUDGE: It doesn't need to be a written report.

22 MR MARGAI: No, I accept, My Lord. Only that he did not say
23 who the report was made to. He merely, in response to
24 learned counsel's questions about his observation, he
25 told us about what he observed. Then he went on to say
26 that reports were made.

27 JUDGE THOMPSON: My difficulty, really, learned counsel, is
28 not so much whether he received reports or he observed
29 that houses were burnt down. My concern is to make the

1 leap, which is a quantum leap, from just what he observed
2 and what reports he received to who did the burning and
3 the looting. That's my concern, whether he's in a
4 position to tell us that.

5 MR MARGAI: Precisely.

6 JUDGE THOMPSON: And if the Prosecution is able to lead that
7 to provide some basis for his knowledge -- because that's
8 my concern. It's fine to say I observed houses burnt
9 down and, of course, I received reports from people that
10 their properties had been looted, but I think to move
11 from there and say who did the looting and the burning,
12 there needs to be some kind of basis for that.

13 MR KAMARA: Thank you, Your Honour.

14 Q. Now, Mr Witness, you'll testify that you received reports
15 about this looting and this burning. What was the source
16 of your knowledge?

17 A. Well, firstly, I saw the houses are there, which they've
18 burnt down. Even like --

19 Q. Take your time, take your time.

20 A. Yeah, the houses -- even though the houses were burnt
21 [inaudible] this time. And also -- also --

22 Q. Let's move to the looting. You saw the houses being
23 burnt?

24 A. Yes, yes.

25 Q. They are burnt down houses?

26 A. Yes.

27 Q. Now the looting?

28 A. Also the people reported to me, as a member of War
29 Council, that their properties were looted by Kamajors as

- 1 well as AFRC.
- 2 Q. And in your capacity as a War --
- 3 PRESIDING JUDGE: [Microphone not activated]
- 4 THE WITNESS: Yes.
- 5 PRESIDING JUDGE: Did what?
- 6 THE WITNESS: The looting and burning.
- 7 PRESIDING JUDGE: [Microphone not activated]
- 8 THE WITNESS: Sir?
- 9 MR KAMARA:
- 10 Q. Finish the answer: Looted by Kamajors and --
- 11 A. And AFRC.
- 12 Q. In your capacity as a War Council member, what was your
- 13 response to those reports?
- 14 A. Well, sir, we look into the matter. That was what I
- 15 said. We are here, we will look into it. But that was
- 16 during the course of liberating the town these things
- 17 happens. Now that we're here, Council will look into it.
- 18 Q. Now, Mr Witness, you mentioned that it was a joint effort
- 19 between the ECOMOG and the CDF in attacking Bo?
- 20 A. Yes.
- 21 Q. On the capture of Bo, what was the security network in
- 22 Bo?
- 23 A. Yeah, the ECOMOG -- as ECOMOG entered, they were there as
- 24 security. The Kamajor also were there as security, since
- 25 their number was not large to take over all the town
- 26 [inaudible] --
- 27 Q. Which number is not large?
- 28 A. The ECOMOG.
- 29 Q. The ECOMOG number was not large enough to do what?

- 1 A. To take over the whole town.
- 2 Q. The entire town?
- 3 A. Well, so the Kamajors were also there as security.
- 4 Q. Was Bo Town taken at any point in time from the CDF and
5 ECOMOG?
- 6 A. No, not to my knowledge.
- 7 Q. Now, what was the role of the War Council once these
8 members came to Bo?
- 9 A. Well, at that time we arrived at Bo, there was no
10 functioning as a group to meet as a War Council. That's
11 how we used to meet at Base Zero. Never had meeting.
- 12 Q. What are you trying to say? Try to be more --
- 13 A. What I'm saying, that after the fall of Bo to ECOMOG and
14 CDF, the War Council did not meet as a body to either the
15 command to do their functions as administrators, so as a
16 council. That's what I'm saying.
- 17 Q. Okay. Is there any reason for that, do you know?
- 18 A. Well, the national coordinator, who used to bring us
19 together as a call-up meeting and say discuss this, he
20 never call up meeting. So the War Council was sidelined.
- 21 Q. Mr Witness, now that you just testified that the War
22 Council was not functioning as a War Council -- they were
23 unable to meet, was there any structure in place in Bo to
24 check Kamajor atrocities?
- 25 A. Well, yes, after --
- 26 PRESIDING JUDGE: Which atrocities? Please, refrain from
27 certain words. Refrain from certain words.
- 28 MR KAMARA: To check Kamajor activities, Your Honour. I'll
29 take that back, Your Honour.

1 Q. To check Kamajor actions?

2 PRESIDING JUDGE: 'Cause we have no evidence of atrocities
3 here which has been established. Yes, go ahead.

4 MR KAMARA:

5 Q. Mr Witness, was there any structure in place in Bo to
6 check Kamajor actions?

7 A. Well, actually, for some time there was no structure,
8 because the War Council was in disarray, except when the
9 excess and the atrocities of the Kamajors was [inaudible]
10 part of the town.

11 MR KAMARA: Wait.

12 PRESIDING JUDGE: The question is in the absence of the War
13 Council was there any body, any structure.

14 THE WITNESS: No, that's what I'm saying. As far as War
15 Council concerned, there was no atrocity that --

16 PRESIDING JUDGE: We know, you've told us.

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: That since the first accused was not calling
19 meetings of the War Council -- the national
20 coordinator --

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: -- as you called him, was not calling
23 meetings of the War Council, you remained there. So
24 counsel asked you, in the absence of these meetings of
25 the War Council, was there any structure?

26 THE WITNESS: Yeah, structure was --

27 PRESIDING JUDGE: -- in place?

28 THE WITNESS: Structure was put in place.

29 MR KAMARA:

- 1 Q. And what is that structure?
- 2 A. That was the War Office was put in place.
- 3 PRESIDING JUDGE: You call it a war office -- the War Office?
- 4 THE WITNESS: The War Office, yeah.
- 5 MR KAMARA:
- 6 Q. What was the purpose of this War Office?
- 7 A. This War Office was to check on the atrocities and excess
- 8 of the Kamajors.
- 9 Q. What do you mean by "atrocities" here?
- 10 A. Well, there was harassment of civilians, vehicles; the
- 11 attack of relief supplies meant for displaced people at
- 12 the Kamajor checkpoints; the Kamajors were collecting
- 13 [inaudible] the parks. All these.
- 14 PRESIDING JUDGE: Take them again.
- 15 MR KAMARA: Start one at a time.
- 16 PRESIDING JUDGE: Harassment. What else?
- 17 THE WITNESS: The seizure of the grain supplies meant for
- 18 people in the chiefdoms.
- 19 PRESIDING JUDGE: Seizure of --
- 20 MR KAMARA: Relief supplies.
- 21 THE WITNESS: Relief supplies - food and other items.
- 22 PRESIDING JUDGE: Meant for --
- 23 THE WITNESS: For the displaced people or the village -- the
- 24 people who have returned to their chiefdoms. And they
- 25 were also collecting dues from debtors, not allow the
- 26 market people -- the Town Council to collect these things
- 27 to say they were in charge.
- 28 MR KAMARA:
- 29 Q. Collection of market dues?

- 1 A. Yes.
- 2 Q. You did mention harassment. His Lordship wants to know
3 what you mean. Harassment of what?
- 4 A. Of drivers.
- 5 Q. Of the drivers?
- 6 A. Yeah, the drivers and the civilians.
- 7 Q. Now, who established this War Office?
- 8 A. Well, this War Office was established by the then
9 resident minister, Honourable Foday MD Sesay.
- 10 Q. "M" what?
- 11 A. MD Sesay -- Foday MD Sesay.
- 12 Q. Foday MD Sesay. Was there a relationship between this
13 office and that of the national coordinator?
- 14 A. No, national coordinator was against the establishment of
15 this office. He never entered there to [inaudible] the
16 office.
- 17 PRESIDING JUDGE: You say he never visited the office?
- 18 MR KAMARA: Yes.
- 19 THE WITNESS: Yes.
- 20 MR KAMARA:
- 21 Q. Mr Witness, did you participate in any meeting after the
22 fall of Bo, together with any other Kamajor leaders?
- 23 A. Yes.
- 24 PRESIDING JUDGE: This time you're moving from the term "CDF"
25 to "Kamajor" leaders?
- 26 MR KAMARA: Yes, Your Honour, specifically Kamajor leaders.
- 27 Q. And who were these leaders?
- 28 A. The High Priest, Dr King Allieu Kondewa; regional
29 operation commander --

1 PRESIDING JUDGE: The regional operation commander?
2 THE WITNESS: Commander, yes.
3 MR KAMARA: Yes.
4 THE WITNESS: All battalion commanders.
5 MR KAMARA:
6 Q. All battalion commanders?
7 A. Yes. Director of War, Moinina Fofana.
8 PRESIDING JUDGE: Director of War and --
9 THE WITNESS: Moinina Fofana. National coordinator, Chief Sam
10 Hinga Norman.
11 PRESIDING JUDGE: National coordinator who?
12 THE WITNESS: Yeah, Chief Sam Hinga Norman.
13 MR KAMARA: Chief Sam Hinga Norman.
14 THE WITNESS: Initiators [inaudible].
15 MR KAMARA:
16 Q. Where was this meeting held?
17 A. Well, this particular meeting talking about was held in
18 Bo Town Hall.
19 PRESIDING JUDGE: [Microphone not activated]
20 THE WITNESS: Bo Town Hall.
21 MR KAMARA: Bo Town Hall.
22 Q. And when was this meeting?
23 A. It was in 1998. I don't --
24 Q. Do you remember the month?
25 A. No, I cannot.
26 Q. Is it the beginning or towards the end of 1998?
27 A. Middle.
28 Q. Mid-1998?
29 A. Yes, middle.

- 1 Q. Did any of these leaders speak at that meeting?
- 2 A. Yes.
- 3 Q. And who spoke?
- 4 A. Well, the national coordinator in his capacity as a
5 national coordinator of the CDF, he addressed people --
6 that meeting.
- 7 Q. And what did he have to say in that meeting?
- 8 A. Well, among this contribution, he said that, "Now that
9 CDF has -- the Kamajors has completed this mission,
10 you're now in your villages. Every now and then, you
11 blame then that they are looting, they're doing this, but
12 I'm telling you now" - and I quote - "that whatever
13 Kamajor has done, or intended to do, I am responsible."
- 14 Q. Could you go over that again?
- 15 A. Okay.
- 16 PRESIDING JUDGE: [Microphone not activated] I hope you're not
17 getting tired.
- 18 THE WITNESS: Yes.
- 19 MR KAMARA:
- 20 Q. Could you go over that again, please, slowly?
- 21 JUDGE BOUTET: I am not sure that the speaker system is
22 working properly now either, so we have difficulties to
23 hear the witness. Maybe because he doesn't speak in the
24 mike.
- 25 THE WITNESS: Okay, okay. So --
- 26 JUDGE BOUTET: These speakers are not functioning.
- 27 THE WITNESS: While he was giving his contributions, he made a
28 statement, and I quote --
- 29 PRESIDING JUDGE: Who made the statement?

1 THE WITNESS: The national coordinator, Chief Sam Hinga
2 Norman. And I quote --
3 PRESIDING JUDGE: [Microphone not activated]
4 THE WITNESS: "Whatever Kamajors do or atrocity committed" --
5 "Kamajors do, I am responsible."
6 JUDGE BOUTET: Did he say "whatever a Kamajor do" or
7 "committed", or he didn't say?
8 THE WITNESS: Committed -- whatever Kamajor committed, so he's
9 responsible.
10 PRESIDING JUDGE: The quote continues?
11 MR KAMARA:
12 Q. Is that the end of the quote?
13 A. That's the end of the quote.
14 PRESIDING JUDGE: That's the end of the quote?
15 THE WITNESS: Yes.
16 PRESIDING JUDGE: Okay. Whatever Kamajors do -- that's to
17 quote your words?
18 THE WITNESS: Whatever Kamajor committed or do -- whatever
19 crime -- cause there was a crime in that meeting against
20 the Kamajors.
21 JUDGE THOMPSON: Wait, wait. Give us the exact thing that he
22 said.
23 MR KAMARA: Exact quote.
24 JUDGE THOMPSON: It is you are introducing the quotation, so
25 why not give us exactly what he said without paraphrasing
26 anything.
27 THE WITNESS: He said, "Whatever Kamajor do or committed" --
28 JUDGE THOMPSON: Or committed?
29 THE WITNESS: Yes.

1 JUDGE THOMPSON: "I am" --
2 THE WITNESS: "Responsible". Those two words were used by
3 him.
4 JUDGE THOMPSON: So we end the quotation after "responsible".
5 THE WITNESS: Yes.
6 PRESIDING JUDGE: [Microphone not activated] end of quotes.
7 THE WITNESS: Yeah.
8 MR KAMARA:
9 Q. Mr Witness, who were the facilitators of that meeting?
10 A. Well, the EU and the Conciliation Resources.
11 Q. The EU?
12 A. EU.
13 Q. European Union?
14 A. European Union. They sponsored and they facilitated the
15 conciliation workshop.
16 PRESIDING JUDGE: This meeting you're talking about was
17 sponsored by the EU?
18 THE WITNESS: Yeah, and sponsored by Conciliation Resources.
19 PRESIDING JUDGE: The EU and --
20 MR KAMARA: Conciliation Resources.
21 Q. Is that it?
22 A. Yeah.
23 PRESIDING JUDGE: Conciliation --
24 MR KAMARA: Conciliation Resources.
25 THE WITNESS: Conciliation Resources.
26 MR KAMARA:
27 Q. It's an NGO?
28 A. It's an NGO, yes.
29 Q. Finally, Mr Witness, in your evidence to this Court you

1 mention about the -- you did refer to the appointment of
2 members to the War Council, and you spoke that some
3 received appointment letters and others, by virtue of
4 their position, they did not receive appointment letters?

5 A. Yes.

6 Q. To sit in the council?

7 A. Yes.

8 Q. Did you, yourself, receive an appointment letter?

9 A. Yes.

10 Q. Who gave you that appointment?

11 A. The national coordinator, Chief Sam Hinga Norman.

12 Q. Mr Witness, I want you to take a look at this document.

13 Do you recognise that document?

14 A. Yes, I do.

15 JUDGE BOUTET: Have your colleagues from the Defence seen this
16 document?

17 MR KAMARA: Yes, Your Honour, I showed them earlier on this
18 morning.

19 Q. What document is that?

20 A. Letter of appointment.

21 Q. Do you recognise the signature on that document?

22 A. Yes.

23 JUDGE BOUTET: So this is a letter of appointment by whom and
24 is there a date on it?

25 MR KAMARA: There is a date. I'm coming to that, Your Honour.

26 PRESIDING JUDGE: He recognises the signature?

27 MR KAMARA: He recognises the signature.

28 Q. Whose signature is that?

29 A. The national coordinator, Chief Sam Hinga Norman.

1 Q. And what is the date on that document?

2 A. 30 December 1997.

3 PRESIDING JUDGE: [Microphone not activated] what?

4 THE WITNESS: National coordinator, Chief Sam Hinga Norman.

5 MR KAMARA:

6 Q. And the date on that document?

7 A. 30 December 1997.

8 PRESIDING JUDGE: 30 December 1997?

9 MR KAMARA: 1997.

10 THE WITNESS: Yes, sir.

11 MR KAMARA: Your Honours, the Prosecution seeks to tender this

12 document as an exhibit.

13 MR HALL: No objection from the first accused.

14 JUDGE BOUTET: Mr Bockarie?

15 MR BOCKARIE: No objection, sir.

16 JUDGE BOUTET: Mr Margai?

17 MR MARGAI: My only reservation here is that we've not been

18 told who that letter was addressed to or whose name is on

19 the letter. That has been left out, and I believe --

20 PRESIDING JUDGE: We don't want to go into those details for

21 reasons which you would appreciate.

22 MR MARGAI: As My Lord pleases.

23 PRESIDING JUDGE: Mr Margai, you see, we don't -- the name and

24 so on, that is why --

25 MR MARGAI: I suppose the Prosecutor should have thought of

26 that before seeking to tender it. As My Lord pleases.

27 It's all right, I shall not press the point.

28 JUDGE BOUTET: But, Mr Margai, I thought the evidence was that

29 he, the witness, received that letter of appointment

1 himself, so that's an point of him by the national
2 coordinator; but I haven't seen the letter.

3 MR MARGAI: [Microphone not activated]

4 JUDGE BOUTET: Yeah, it's true.

5 MR MARGAI: [Microphone not activated]

6 JUDGE BOUTET: Okay. This is marked as -- we are now at
7 Exhibit 27.

8 MR KAMARA: 27, Your Honour.

9 [Exhibit No. 27 was admitted]

10 MR KAMARA:

11 Q. Mr Witness, the letter referred to which is now marked
12 Exhibit 27, is that the letter you received upon your
13 appointment?

14 A. Yes, sir.

15 PRESIDING JUDGE: It was the letter he received appointing
16 him?

17 MR KAMARA: Yes, Your Honour. No further questions for this
18 witness.

19 JUDGE BOUTET: Thank you, Mr Kamara. We were just debating as
20 to whether or not we would ask the first accused if he
21 would like to start now in cross-examination, but it is
22 twenty past five and we are ending normally at 5.30, so
23 it would be of not much use to just to start to ask the
24 questions and then adjourn. We would rather move to
25 adjourn to tomorrow morning to start cross-examination by
26 the first accused first thing in the morning.

27 Mr Presiding Judge?

28 PRESIDING JUDGE: The Court will adjourn to tomorrow morning
29 at 9.30 for the cross-examination of this witness.

1 Mr Witness, I hope you'll rest enough tonight so that
2 you're here for the cross-examination, okay. The Court
3 will rise, please.
4 [Whereupon the hearing adjourned at 5.29 p.m., to be
5 reconvened on Wednesday, the 17th day of November 2004,
at 9.30 a.m.]

EXHIBITS:

Exhibit No. 26	68
Exhibit No. 27	122

WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-008	16
EXAMINED BY MR KAMARA	16
CROSS-EXAMINED BY MR JABBI	21
EXAMINED BY MR KAMARA	24

C E R T I F I C A T E

We Maureen P Dunn, Ella K Drury and Roni Kerekes,
Official Court Reporters for the Special Court for Sierra
Leone, do hereby certify that the foregoing proceedings
in the above-entitled cause were taken at the time and
place as stated; that it was taken in shorthand (machine
writer) and thereafter transcribed by computer, that the
foregoing pages contain a true and correct transcription
of said proceedings to the best of our ability and
understanding.

We further certify that we are not of counsel nor related
to any of the parties to this cause and that we are in
nowise interested in the result of said cause.

Maureen P Dunn

Ella K Drury

Roni Kerekes