

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, 14 SEPTEMBER 2004
9.40 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Sharelle Aitchison

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Raimund Sauter
Mr Kevin Tavener
Ms Sharan Parmar
Ms Leslie Murray (intern)
Mr Alex El Jundi (intern)

For the Principal Defender:

Mr Ibrahim Yillah
Mr Alpha Sesay (intern)

For the Accused Sam Hinga Norman:

Mr Bu-Buakei Jabbi
Mr John Wesley Hall
Ms Quincy Whitaker

For the Accused Moinina Fofana:

Mr Arrow Bockarie.
Mr Michiel Pestman
Ms Phoebe Knowles
Mr Victor Koppe

For the Accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana

1 Tuesday, 14 September 2004
2 [Open session]
3 [The accused entered court]
4 [The witness entered court]
09:30:33 5 [Upon commencing at 9.40 a.m.]
6 PRESIDING JUDGE: The session resumes and, Mr Bockarie, you
7 may proceed with your cross-examination of this witness.
8 MR BOCKARIE: Thank you, Your Honour.
9 WITNESS: TF2-032 [Continued]
09:35:05 10 [Witness answered through interpretation]
11 CROSS-EXAMINED BY MR BOCKARIE:
12 Q. Mr Witness, Jaiama Bongor Chiefdom, in general, and
13 Koribundu Town, in particular, is strategically located
14 in the centre of Bo District; do you agree with me?
09:35:34 15 PRESIDING JUDGE: Can you take the question again, please.
16 MR BOCKARIE:
17 Q. Jaiama Bongor Chiefdom, in general, and Koribundu Town,
18 in particular, is strategically located in the centre of
19 Bo District; do you agree with me?
09:35:58 20 PRESIDING JUDGE: Why don't you split it, you know? It is a
21 bit long, isn't it? Or has he -- please take it again,
22 because I have not gotten the --
23 JUDGE BOUTET: And you should split the question, because if
24 he answers "yes" to one of your proposals and "no" to the
09:36:18 25 other, how does he answer your question?
26 JUDGE THOMPSON: Yes, that is a loaded question.
27 MR BOCKARIE: I will take the cue, My Lord.
28 Q. Jaiama Bongor Chiefdom is strategically located in the

1 centre of Bo District; you agree with me?

2 A. Yes.

3 JUDGE BOUTET: Interpreters, is this a yes or no?

4 THE INTERPRETER: Yes.

09:36:52 5 JUDGE BOUTET: Well, then, please report that.

6 THE INTERPRETER: Yes.

7 MR BOCKARIE:

8 Q. The chiefdom -- Jaiama Bongor Chiefdom shares a common
9 border with Tikonko Chiefdom; am I correct?

09:37:10 10 A. Yes.

11 Q. [Microphone not activated]

12 A. Repeat that question.

13 Q. Jaiama Bongor Chiefdom shares a common border with
14 Tikonko Chiefdom; am I correct?

09:37:44 15 A. Yes. We share a common boundary

16 Q. Also Lugbu Chiefdom? [Microphone not activated]

17 JUDGE THOMPSON: Which chiefdom?

18 MR BOCKARIE:

19 Q. Lugbu, Lugbu?

09:38:07 20 A. We are not of the common boundary with Lugbu.

21 Q. [Microphone not activated]

22 A. No, no.

23 JUDGE THOMPSON: Learned counsel, is he disagreeing? In the
24 case of Lugbu Chiefdom, is he disagreeing?

09:38:38 25 MR BOCKARIE: Yes, yes, Your Honour.

26 A. We don't have a common boundary with the Lugbu Chiefdom,
27 but we have the same boundary with Tikonko.

28 Q. [Microphone not activated]

1 A. We have a common boundary with the Wonde Chiefdom. Yes,
2 we have a common boundary with Wonde.

3 Q. What can you say of Bagbo Chiefdom?

4 A. We have a common boundary with Bagbo Chiefdom, we have a
09:39:31 5 common boundary with them.

6 Q. Now, from Koribundu Town you can easily go to Blama in
7 the eastern provinces of the country; am I correct?

8 A. It is true.

9 Q. And also --

09:40:01 10 JUDGE THOMPSON: What is the answer?

11 MR BOCKARIE: He said "yes".

12 JUDGE THOMPSON: We're not getting the translation.

13 [Overlapping microphones]

14 THE INTERPRETER: It is true. He said it is true. Yes.

09:40:28 15 MR BOCKARIE:

16 Q. And also, from Koribundu Town one can easily go to
17 Pujehun; am I correct?

18 A. It is true, yes.

19 Q. Also, from the same town one can easily get to Bo; am I
09:40:50 20 correct?

21 A. Yes, it is true.

22 Q. And, of course, one can easily get to Sumbuya, too; do
23 you agree with me?

24 A. Yes, it is true.

09:41:12 25 Q. Now, Mr Witness, you'll agree with me that between 1991
26 and 1995, Wonde Chiefdom and Tikonko Chiefdom were under
27 rebel occupation; isn't it?

28 A. No.

1 Q. Are you saying that --

2 A. No. No.

3 Q. Are you saying that Wonde Chiefdom and Tikonko Chiefdom
4 were never occupied by the rebels during this time?

09:42:13 5 JUDGE BOUTET: That was not your question. Your question was
6 whether they were under rebel occupation from 1991 to
7 1995. Now you've changed your question.

8 JUDGE THOMPSON: Yes, learned counsel, please be consistent.
9 That's what I got down, it was between 1991 and 1995 they
09:42:32 10 were under rebel occupation, and he disagrees.

11 [Overlapping microphones]

12 MR BOCKARIE: He disagrees, yes.

13 Q. Then at any time was Tikonko Chiefdom under rebel
14 occupation?

09:42:50 15 A. I cannot agree with what is in that, but they used to go
16 there, but they were not really occupying that place.
17 They were going there fighting and returning.

18 Q. What can you say of Wonde Chiefdom?

19 A. Even in the Wonde they used to go there, hit and then
09:43:30 20 return.

21 Q. Now, are you aware whether Kamajors were initiated and
22 they went and settled permanently in these settlements --
23 I mean, Wonde and Tikonko Chiefdom? Are you aware?

24 A. I cannot remember that. I don't know about that.

09:44:09 25 Q. But you agree with me that there came to a time when the
26 skirmishes into these two chiefdoms came to a stop?

27 PRESIDING JUDGE: Change the word "skirmishes", please.

28 Change the word "skirmishes".

1 MR BOCKARIE:

2 Q. Incursion.

3 A. Yes.

4 Q. And you'll agree with me that the Kamajors were very
09:45:00 5 instrumental in bringing this incursion to an end?

6 A. No.

7 Q. [Inaudible]

8 A. Not at all.

9 Q. You -- Koribundu had the 5th Battalion of the Sierra
09:45:39 10 Leonean Army; am I correct?

11 A. There were soldiers there, but I don't know which
12 battalion was that, but there were many soldiers there.

13 Q. Yes, between 1991 and 1995 were the soldiers in Koribundu
14 attacked by the RUF rebels?

09:45:56 15 A. Yes.

16 Q. And in this attack houses were burnt; am I correct?

17 A. They didn't burn any house at that time.

18 Q. Do you know -- but houses were destroyed; do you agree
19 with me?

09:46:23 20 A. Not a single house was destroyed at that time.

21 Q. Do you no one Dresser Bond? Mr Lamin, commonly known as
22 Dresser Bond?

23 A. Yes, I know him very well.

24 THE INTERPRETER: My Lord, can the learned counsel wait for
09:46:47 25 the answers before he asks the next question?

26 PRESIDING JUDGE: Yes, this is what the learned Court has said
27 before: For those of you who understand the language,
28 you wait for the reply to be given by the witness for it

1 to be recorded by the records, you know, before you
2 proceed, because when you ask questions -- when you ask
3 questions in too quick a succession, the trend is lost,
4 and the records are falsified.

09:47:15 5 JUDGE THOMPSON: [Microphone not activated]

6 PRESIDING JUDGE: You asked him of a certain man, a Mr --

7 MR BOCKARIE:

8 Q. Lamin, commonly known as Dresser Bond.

9 JUDGE THOMPSON: Commonly known as?

09:47:39 10 MR BOCKARIE: Dresser Bond, B-O-N-D.

11 JUDGE BOUTET: Mr Witness, can you answer that question again?

12 [Page 6, line 7 of the transcript was extracted and
13 placed under seal]

14 MR BOCKARIE:

09:48:06 15 Q. And you also know that he had a house along Sumbuya Road?

16 A. Yes.

17 JUDGE BOUTET: Mr Bockarie, I just want to remind you of
18 protective measures of the identity of witnesses here. I
19 know how close you get to that, but I certainly don't

09:48:34 20 like the last answer in this respect.

21 MR BOCKARIE:

22 Q. Is Mr Bond alive?

23 A. No, he is not alive. He died long ago.

24 Q. His house on Sumbuya Road, was it destroyed; yes or no?

09:49:11 25 A. When you say, "they", who are "they"?

26 Q. In any clash between the RUF rebels and the SLA soldiers?

27 A. No, it was not destroyed at all.

28 Q. I am putting it to you that you are not of assistance to

1 this Court.

2 A. In what way?

3 Q. Because it is not true. I am putting it to you that the
4 house was destroyed.

09:50:04 5 A. He is not lying. They destroyed the house, but if you
6 say that the house was destroyed during the incursion --
7 the fight between the RUF and the AFRC, it is not true --
8 and the soldiers, it is not true.

9 Q. Can you tell this Court when it was destroyed?

09:50:27 10 A. Yes. In January 1998 when I said the Kamajors, they went
11 to that town. I have sworn on the Koran. Even now if I
12 follow that -- the oath taking, when we were going to
13 court as the brother Lamin's house is still there. Even
14 when they were returning, when the Kamajors and the
09:51:12 15 soldiers fought, the house was still there, nothing was
16 wrong with it. Even when we were leaving, going to Bo,
17 there was nothing wrong with that house. It was the
18 Kamajors that burned that house.

19 Q. I am putting to you that that is not a correct story,
09:51:44 20 that the house had been destroyed before January 1998.

21 A. No, no.

22 Q. Also, do you no one Alhaji; he had a house by the
23 roundabout?

24 A. Tell me the name of the Alhaji's name.

09:52:18 25 Q. Was that house destroyed or not?

26 A. There is no house belonging to an Alhaji along the
27 junction that was destroyed.

28 Q. So you're telling this Court that no house was destroyed

1 in Koribundu before 1998; am I correct?

2 A. Yes. I am telling you this place, they did not destroy
3 any house before 1998 -- until 1998 when they burned all
4 the houses, destroyed all the houses.

09:53:21 5 Q. But you'll agree with me that Koribundu had been a battle
6 ground between the RUF soldiers and the SLA soldiers; am
7 I correct?

8 A. Yes, all of them. RUF -- soldiers were fighting the RUF
9 and the RUF were fighting against the soldiers.

09:53:55 10 Q. And because of this fighting, heavy armaments were being
11 used, like RPGs; do you agree with me?

12 A. Yes, they used to send those.

13 Q. So are you telling this Court that during the course of
14 these battles all of the houses remained intact? Fine,
09:54:31 15 thank you.

16 A. [No interpretation]

17 JUDGE BOUTET: That is not the evidence. You are using the
18 word "destroy", now you are asking "intact". There is a
19 difference between a house destroyed and a house that may
09:54:44 20 have been impacted by whatever, an impact.

21 MR BOCKARIE:

22 Q. No, my question is: Are you now telling this Court that
23 before 1998, just by the skirmishes between the RUF
24 soldiers and the SLA soldiers, the houses remained
09:55:03 25 intact; in other words, no houses were destroyed?

26 JUDGE THOMPSON: Why not stick to one concept. Is it
27 "destruction" or "intact"?

28 MR BOCKARIE:

1 Q. I'll use the word "destruction"?

2 A. When RUF and the soldiers were fighting -- firing at each
3 other, not a single house was destroyed. No fire really
4 destroyed any house.

09:55:48 5 Q. Do you know any Kamajor commander by the name of Bockarie
6 Bekolo?

7 A. That name, arrange it properly -- say it properly.

8 Q. Yes, it is Bockarie Beloko, B-E-L-O-K-O; that is the
9 spelling?

09:56:33 10 A. I am helping him. I'm going to help him. He is Bockarie
11 Beloko.

12 Q. Thank you. Do you know him?

13 A. I know him very well.

14 Q. Was his house destroyed by the soldiers; yes or no?

09:57:01 15 A. You mean Boki Beloko? Boki Beloko has not a house of his
16 own in Koribundu.

17 Q. He hasn't a house in Koribundu -- [Overlapping
18 microphones]

19 A. He was in Koribundu residing in the house owned by
09:57:33 20 another person.

21 Q. [Overlapping microphones] -- soldiers or not yes or no?

22 A. I can't remember whether soldiers burnt that house down.

23 Q. Do you know also one Allieu Sankoh?

24 A. In Koribundu?

09:58:03 25 Q. Yes.

26 A. I don't know any Allieu Sankoh in Koribundu.

27 Q. Now, will I be wrong to say that houses were bombed in
28 Koribundu prior to 1998?

1 PRESIDING JUDGE: The witness has said no, I mean, we
2 should -- let's proceed. The witness has answered this
3 question.

4 MR BOCKARIE: Yes, Your Honour.

09:58:31 5 PRESIDING JUDGE: He has persisted and persisted on this on
6 about two clear occasions. Unless you have other
7 evidence to contradict him, that's fine.

8 MR BOCKARIE:

9 Q. Now, you've heard of the war TRC, haven't you, Truth and
09:58:50 10 Reconciliation Commission?

11 A. Yes, I have heard of it.

12 Q. Are you aware whether officials of the TRC visited
13 Koribundu?

14 A. Yes, they went there. Yes.

09:59:11 15 Q. You spoke to them?

16 A. Yes.

17 Q. And I'm sure you told them about the destruction of
18 Koribundu.

19 A. Yes, yes.

09:59:31 20 Q. And it is a fact that the destruction of Koribundu
21 featured during the public hearing of the TRC; am I
22 correct?

23 A. Yes, they talked about it.

24 Q. Did you give evidence at this public hearing?

09:59:59 25 A. No, I didn't say anything in that court.

26 Q. You're aware that other residents of Koribundu did speak
27 at this public hearing?

28 A. Yes.

1 Q. Yes. You recall yesterday you told this Court that you
2 were prepared to testify irrespective of whatever gains,
3 as long as it was related to what transpired in
4 Koribundu. Can you tell me why you didn't testify at the
10:00:46 5 TRC?

6 A. Shall I explain?

7 PRESIDING JUDGE: Yes.

8 A. I came there -- we came there, but I was not able to talk
9 there.

10:01:28 10 PRESIDING JUDGE: Why were you not able to talk there?

11 THE WITNESS: I don't know why, but all of us went there, and
12 people were there until night, and in the end, they said
13 that everything is finished, and so went away.

14 JUDGE BOUTET: Please proceed, Mr Bockarie.

10:02:30 15 MR BOCKARIE:

16 Q. You were prepared to testify at the TRC and you were also
17 prepared to testify in public at the TRC; isn't it, if
18 called upon?

19 A. Yes, I was really ready to talk there, but they did not
10:02:52 20 allow me to talk. The time was already -- I mean, up.

21 Q. Now, are you scared -- now you're scared in testifying in
22 public; aren't you?

23 A. Now? Whether I'm afraid? If I were a coward, I would
24 not be sitting here. I am not afraid.

10:03:48 25 Q. So, in fact, you don't mind if your identity is disclosed
26 to the public, do you?

27 A. Yeah, I would be bothered about that if my name is
28 pronounced to the public.

1 JUDGE BOUTET: What are we trying to achieve here? The
2 witness has been given protective measures. What are you
3 trying to achieve?

4 MR PESTMAN: If I may interrupt?

10:04:27 5 JUDGE BOUTET: No. I'm talking to Mr Bockarie, not to you.

6 MR BOCKARIE: Your Honour, as he rightly said, he was quite
7 enthusiastic in giving public testimony during the TRC.

8 JUDGE BOUTET: So what would that change about the protective
9 measures that this Court has issued?

10:04:41 10 MR BOCKARIE: I'm just wondering why is he not scared? What
11 difference does it make, Your Honour?

12 JUDGE BOUTET: Because this is not the TRC.

13 MR BOCKARIE: But, My Honour, you'll agree with me that --

14 JUDGE BOUTET: Just ask him a question. I will not agree with
10:05:00 15 you.

16 MR BOCKARIE: Yes, I will, Your Honour.

17 Q. Now, Mr Witness, since 1998 you've been experiencing some
18 financial difficulties; am I correct?

19 A. No.

10:05:29 20 Q. So you've been quite okay financially since the
21 destruction of your house, according to your evidence?

22 A. The finance -- the money, you mean? But physically there
23 was no money with me, but the children that I brought up
24 are out and they used to send money to me.

10:06:07 25 Q. So you're telling this Court you had no financial
26 difficulty?

27 A. I'm not really saying plainly, but I am really
28 financially handicapped, but I brought up children who

1 are outside and they used to send money to me which I
2 used.

3 MR BOCKARIE: My Lord, my question has not been answered.

4 PRESIDING JUDGE: The question has been answered --

10:06:33 5 MR BOCKARIE: As My Lord pleases.

6 PRESIDING JUDGE: -- in traditional senses. When you train a
7 child, it is an investment and if you are living on that
8 investment, it is like reaping the rents of your house
9 that you've built. Can you proceed.

10:06:45 10 MR BOCKARIE: Yes.

11 Q. Mr Witness, you started cooperating with the Office of
12 the Prosecutor on the 19th of January 2003; you gave a
13 statement. From that time to date have you received any
14 financial assistance from the Office of the Prosecutor?

10:07:11 15 A. Yes.

16 Q. Can you tell this Court how much; as far as you can
17 remember?

18 A. I cannot remember now.

19 Q. But will you -- will you be surprised to know that it is
10:08:05 20 close to a million Leones?

21 MR TAVENER: I object to this question. I understand, and I
22 could be corrected, that the court also provides funds to
23 these witnesses as a matter of providing accommodation,
24 food and the like. This question is put in terms as what
10:08:23 25 has been provided by the Office of the Prosecution. This
26 area was dealt with yesterday, and I would ask that there
27 be a differentiation between monies provided by the
28 court, which I understand has been approved by the court

1 to support these witnesses, and the other monies.

2 Clearly, any witness that appears at this tribunal who
3 has been brought from the country will have been given
4 money in order to support them.

10:08:48 5 PRESIDING JUDGE: First of all, counsel is asking whether the
6 amount, you know, came up to a million Leones.

7 MR TAVENER: Yes, but what I'm concerned about --

8 [Trial chamber confer]

9 JUDGE THOMPSON: I'm not sure whether you're being precise
10:09:21 10 when you say "the court" is paying. I hope you can --

11 MR TAVENER: I understand the victim support people pay money,
12 which is --

13 JUDGE THOMPSON: I mean, that's a unit, quite right.

14 MR TAVENER: Exactly. I understand the point of the question.
10:09:36 15 However, not to differentiate between those payments that
16 have been authorised by the court, to say in some way
17 that has influenced this witness, I would suggest that is
18 improper. You must differentiate in some way, otherwise
19 every witness who appears, that question can be put, and
10:09:54 20 in fact, all they're doing is receiving monies provided
21 by the court in the normal course of events.

22 JUDGE THOMPSON: Yes, it gets so argumentative. If a question
23 has been asked and you think that it violates some
24 principle of cross-examination, either on grounds of
10:10:16 25 irrelevance or perhaps it is misleading or misguided, I
26 think an objection should be formulated in those terms,
27 because I'm not really interested in listening to a
28 lecture from the Prosecution as to what monies are

1 available or not; otherwise, it may well be that you
2 would want to go into the witness box, and I think you
3 don't want to get yourself into that kind of scenario,
4 but if you formulate a proper objection in terms to
10:10:53 5 persuade us that the question is improper in the context
6 of cross-examination, I'm prepared to hear arguments.

7 MR TAVENER: I'll put, in those terms, it is misleading,
8 because this witness has received a sum of money. That
9 money, as I understand matters, can be broken down
10:11:11 10 between that supplied by the court under the auspices of
11 the --

12 JUDGE THOMPSON: I still don't like the way you're proceeding.
13 I certainly do not think it is proper for you, as
14 Prosecuting counsel, at this stage, to give us a lecture
10:11:31 15 on monies that have been -- or allowances or whatever you
16 call them, that are made available to witnesses you have
17 already disclosed in some document to the other side.
18 Based on what you've disclosed to them, they're probably
19 trying to cross-examine your witnesses. My own
10:11:54 20 understanding of how we should proceed is that you should
21 formulate an objection to questions asked, using whatever
22 grounds you think proper, so that we can decide whether
23 to sustain the objection; otherwise, and I insist, if you
24 want to give us this lecture, you may as well testify.

10:12:14 25 MR TAVENER: Sorry, Your Honour, I'm not seeking to lecture
26 the Court, merely to ground my objection which is: The
27 question is misleading. It was put in terms of how much
28 money the OTP had provided to this witness and the sum

1 mentioned, as I understand, was not provided solely by
2 the OTP. In that way the question is misleading. I
3 didn't intend to lecture.

4 JUDGE THOMPSON: [Microphone not activated] -- objection
10:12:38 5 properly formulated, but not -- [Microphone not
6 activated] should not come from you. I mean because
7 you're not -- I understand, the victims and witnesses --
8 [Microphone not activated]

9 THE INTERPRETER: My Lord, your microphone is not on. My
10:12:53 10 Lord, your microphone is not on.

11 JUDGE THOMPSON: I apologise.

12 MR TAVENER: I understand what Your Honour is saying and I
13 accept what Your Honour is saying. It was simply a
14 matter of trying to clarify my position. Thank you.

10:13:03 15 PRESIDING JUDGE: Can counsel continue, but reformulate the
16 question so as to bring out the facts very clearly.

17 MR BOCKARIE: As My Lord pleases.

18 Q. Now, Mr Witness, are you surprised to note that you've
19 received almost a million Leones as a result of your
10:13:24 20 cooperation with the court?

21 A. It will not hurt me, because they are the people that
22 gave me -- they are the people that really lodged me
23 here. It won't be a problem for me.

24 Q. Mr Witness, will I be correct to say that soldiers were
10:14:17 25 stationed at Koribundu as far back as 1991?

26 A. This question about soldiers you asked me today. You've
27 asked already.

28 JUDGE BOUTET: Mr Witness, you have to answer the question.

1 PRESIDING JUDGE: It is a different question that counsel has
2 asked you.

3 A. They were there.

4 MR BOCKARIE:

10:14:57 5 Q. Yes, between 1991 right up to 1998 can I describe the
6 relationship between the soldiers and the civil
7 population as very cordial?

8 A. Not at all, because we were all there for them - even the
9 Kamajors were all there for them. They were looking
10:15:36 10 after us. They were very cordial.

11 Q. Do you know one Colonel Mansaray?

12 A. Very well.

13 Q. He was your personal friend?

14 PRESIDING JUDGE: Colonel who?

10:15:56 15 MR BOCKARIE:

16 Q. Mansaray, AB Mansaray, he was your friend; am I correct?

17 A. I was not -- he was not a friend to me only, but he was a
18 friend for everybody.

19 Q. When you say "we", who are referring to as "we"?

10:16:25 20 A. Many, when we're many, but when you said me alone, my
21 personal friend -- that is why I said he was not my
22 personal friend, but he was a friend to the people of --

23 Q. And you also know one -- [Microphone not activated]

24 A. Yes.

10:17:02 25 Q. And you also no one Major AF Kamara?

26 A. Yes.

27 Q. Major Samura?

28 A. Yes.

- 1 Q. Major Moinama?
- 2 A. Yes, yes.
- 3 Q. Tom Carew?
- 4 A. Yes, yes.
- 10:17:36 5 Q. Fonti Kanu?
- 6 A. Yes.
- 7 Q. All these officials were the commanding officers of the
- 8 5th Battalion, the army stationed in Koribundu; am I
- 9 correct?
- 10:18:07 10 A. All the soldiers you named were all in Koribundu, but
- 11 when you talk of 5th Battalion, 4th Battalion, we don't
- 12 think about that. I don't know about that, but they were
- 13 all there.
- 14 Q. Now, did inter-marry occur between the soldiers and the
- 10:18:56 15 inhabitants of Koribundu; did they inter-marry?
- 16 A. Yes.
- 17 Q. Now, Mr Witness, are you aware of the initiation of
- 18 Kamajors in the Jaiama Bongor Chiefdom?
- 19 A. Very well.
- 10:20:16 20 Q. You will agree with me that the initiation of Kamajors
- 21 was the responsibility of the chiefdom authorities; am I
- 22 correct?
- 23 A. Yes.
- 24 Q. Can you tell this Court why were Kamajors initiated in
- 10:21:15 25 Jaiama Bongor Chiefdom? Why, do you know?
- 26 A. What I can tell the Court well-well? If I can tell the
- 27 Court well-well?
- 28 PRESIDING JUDGE: Yes, well-well. Well-well. Tell the Court

1 well-well.

2 THE WITNESS: The Kamajor initiation that took place in Telu,
3 Telu, Mr Hinga Norman he used to be our region chief. He
4 gathered us together to initiate a Kamajor society, but
10:22:15 5 they have been doing this initiation somewhere else. It
6 has reached a point he wanted it to be done in his own
7 chiefdom. He used to be our chiefdom head. We also said
8 that, "Well, Chief, whatever you said, that is good, and
9 you brought it to the chiefdom, we can cooperate with
10:22:43 10 you." Well, this is the reason why the chiefdom elders
11 got together and accept and then it was Chief Norman who
12 said we should do it.

13 MR BOCKARIE:

14 Q. Will you agree with me that Kamajors were initiated in
10:23:24 15 order to -- [microphone not activated] some parts of
16 Jaiama Bongor Chiefdom which were under rebel threat and
17 also the neighbouring chiefdoms?

18 A. At first, when we started it, that was our thought, but
19 it did not end that way. We thought of that, but it did
10:24:07 20 not end that way at all.

21 Q. But Mr Witness, it was the fact that Kamajors, Kamajors
22 helped in the liberation of other towns, like Sumbuya,
23 Bagbo [phonetic]; am I correct?

24 A. There is no truth in that. Those people do not do
10:25:12 25 anything good for us. We were hurt, we were greatly
26 hurt.

27 Q. My question is reference to Bagbo Chiefdom and Lugbu
28 Chiefdom, Sumbuya; are you aware or not?

1 A. I don't know about that.

2 Q. Thank you. Now --

3 PRESIDING JUDGE: The chiefdom -- [Microphone not activated]

4 MR BOCKARIE: Bagbo Chiefdom and Lugbu Chiefdom Lugbu and

10:26:08 5 Bagbo.

6 Q. Now, Mr Witness - this one may be a little bit personal -

7 did you vote in the 1996 January election?

8 A. Yes, indeed.

9 Q. [Microphone not activated] -- am I correct?

10:26:36 10 A. Yes, indeed.

11 Q. Mr Witness, were you a member of the SLPP party?

12 JUDGE PRESIDING: Yes, that's true. He said he was the

13 chairman.

14 [Overlapping microphones]

10:26:46 15 MR BOCKARIE:

16 Q. Now were you disturbed when in 1997 this government of

17 your choice was overthrown? Were you disturbed in any

18 way?

19 A. Yes. It disturbed me greatly.

10:27:26 20 Q. You were happy?

21 A. You've asked me -- you've asked me this question and now

22 you're repeating it. I told you I was disturbed and now

23 you're asking me if I was happy.

24 Q. He said he was disturbed --

10:27:42 25 PRESIDING JUDGE: By what?

26 MR BOCKARIE:

27 Q. When the government, the SLPP government, the government

28 of his choice was overthrown in May 1997, can you tell

1 this Court why were you disturbed?

2 A. Yes, yes.

3 Q. Why?

4 A. We voted for Tejan Kabbah and he was overthrown.

10:28:20 5 Whatever happens, that is bound to hurt somebody.

6 Q. At this time is it a fact that the Kamajors nationwide
7 said "no" to this overthrow; is it a fact?

8 A. There is no truth in that. It is not all of them. It is
9 not all of them. Like you said, "all of them," no, it is

10:29:03 10 not all of them.

11 Q. Do you acknowledge the fact that the Kamajors fought
12 concertedlly to restore the government of Tejan Kabbah?

13 A. No, I can't remember that one, that they fought to bring
14 Tejan Kabbah into power. No, I can't remember that one.

10:30:05 15 Q. Yes. Now, is it a fact that for a great part between May
16 1997 and February 1998 Bo was under the control of the
17 AFRC soldiers; am I correct?

18 A. I can't remember that one to any extent.

19 Q. You don't know that?

10:30:55 20 A. No.

21 Q. Are you also aware that the Kamajors were very
22 instrumental in the liberation of Bo; yes or no?

23 A. No, I don't remember that, no.

24 Q. Now, can I just -- yes, I'll come to that. Now, I want
10:31:51 25 to draw your reference -- your attention to your
26 statement which you made on the 19th January 2003?

27 A. Yes, continue.

28 Q. [Overlapping microphones] -- and you identified your

1 signature; am I correct?

2 A. Yes.

3 Q. Now, I'm referring to the third paragraph of your

4 statement, which I'll read very slowly.

10:32:41 5 A. Yes.

6 Q. "Two days later, some of our boys -- two days later we
7 sent some of our boys to spy on Koribundu to see what was
8 happening. By that time the Kamajors had not entered
9 Koribundu; they later entered. Rumours had it that we

10:33:40 10 had kept the soldiers in Koribundu." I want to place
11 special reference to the, "Rumours had it that we had
12 kept the soldiers in Koribundu."

13 A. To hit on them.

14 Q. Now, was there any barracks in Koribundu?

10:34:19 15 A. No, we didn't have any soldiers. There was no barracks
16 in Koribundu.

17 Q. Will I be correct to say the soldiers lived in the houses
18 occupied by the civilians, as well?

19 A. Yes, there were some houses the people gave to them and
10:34:52 20 they lodged in there.

21 Q. It's not rumour at all. So you agree with this, they
22 stayed in these houses?

23 A. What do you mean? When they were there at random or when
24 we had run away? Where they were, that's what I don't
10:35:12 25 understand.

26 Q. Whilst you were living together, they stayed in the
27 respective houses occupied by the civilians. It is the
28 fact, it is not rumour; do you agree with me?

1 A. Yes, when we were there, yes, they were in the houses.
2 There were some houses and, when they asked for it, if it
3 was empty, we would give it to them, because some people
4 had left the town.

10:35:41 5 Q. Now we'll move on to the 4th paragraph in your statement
6 of the 19th January 2003. It is exactly what you said
7 and I'll read it slowly. "Saliji Rogers led the Kamajors
8 to Koribundu under the overall command of Joe Tamidey.
9 Saliji gave orders for the houses to be burnt. One gun
10:36:25 10 commander Bockarie -- Beloko - I stand to be corrected -
11 was also involved in the looting and burning of houses."

12 [10.42 a.m. HN140904B]

13 MR BOCKARIE: Just a minute, Your Honour. My Lord, we are
14 just trying to reconcile.

10:42:24 15 Q. Sorry, please, it's the second paragraph. I will read
16 slowly, sir: "We initiated the Kamajors to assist the
17 military."

18 A. Yes.

19 Q. "Later there was this split due to suspicion on both
10:43:00 20 sides."

21 A. Yes.

22 Q. "Even before the overthrow of President Tejan Kabbah."

23 A. Yes.

24 Q. "The Kamajors often attack the army in Koribundu."

10:43:12 25 A. Yes, indeed.

26 Q. "We tried to reconcile the two groups but we were
27 unsuccessful."

28 A. Yes.

1 Q. Mr witness, can you tell this Court how did you try to
2 effect this reconciliation between these two groups?

3 A. Yes, indeed.

4 Q. How?

10:43:52 5 A. We, the elders, we summoned ourselves, like that man you
6 were just talking about, Bockarie Beloko, we called him
7 and talked to him, "That these soldiers in this town are
8 not many, you, the Kamajors are many. These soldiers do
9 not have so many Mende people; you the Kamajors are all
10 the Mendes. If you say you are going to cause any

10:44:28 11 fighting here then only Mende people would be killed. So
12 forget about this and reconcile. If you reconcile, then
13 we would think about something else that would not result
14 in any fighting." We said that over and over, but it

10:45:00 15 didn't take effect. So that was the cause of the
16 fighting. We warned them, we advised them, we talked to
17 them, but they never listened to us. In fact, they were
18 angry with us that we were in support of the soldiers
19 that was why we were talking to them. "No, we are not
10:45:28 20 happy, nor are we angry, but they were sent there by the
21 government. If you say you are going to fight them they
22 would destroy our town and kill you."

23 Q. At any time were you told by the Kamajors that the
24 soldiers should surrender themselves to ECOMOG during
10:45:56 25 this negotiation?

26 A. Take the question again, please.

27 Q. During this negotiation, were you at any time told by the
28 Kamajors that the soldiers should surrender themselves to

1 ECOMOG?

2 A. The way you have asked the question -- no, we can't tell
3 the soldiers to surrender to ECOMOG.

4 Q. Now, you said after the attack of 13 February you fled to
10:46:46 5 Bo?

6 A. Yes, indeed.

7 Q. And you stayed at Serra Road very close to Shellmingo; am
8 I correct?

9 A. Yes, I was on that highway.

10:47:06 10 Q. Do you know Lawyer Margai?

11 A. Yes.

12 Q. He's got a house at Shellmingo; am I correct?

13 A. Yes.

14 Q. You stayed very close to his house --

10:47:18 15 THE INTERPRETER: We wouldn't get that answer, Your Honours.

16 PRESIDING JUDGE: Mr Bockarie, you are going at a Boeing
17 speed.

18 MR BOCKARIE: Sorry sir.

19 PRESIDING JUDGE: Can you, please --

10:47:32 20 JUDGE BOUTET: I missed the last three questions.

21 MR BOCKARIE:

22 Q. You know lawyer Charles Margai?

23 A. Yes, indeed, I know him.

24 Q. You know he has a house at Shellmingo?

10:47:58 25 A. Yes.

26 Q. Am I correct to say when you fled Koribundu and came to
27 Bo, you came to Shellmingo; am I correct to say that the
28 place you stayed is a stone's throw from Charles Margai's

1 house?

2 A. No, it was farther away a little. No, it was not a

3 stone's throw.

4 Q. But it was a walking distance?

10:48:36 5 A. Yes, indeed.

6 Q. Now, because of your association with the soldiers, you
7 were very scared of going to Koribundu; am I correct,
8 after you came to Bo?

9 A. No.

10:48:56 10 Q. You were not scared of going back to Koribundu?

11 A. As you said that the cooperation that was between us,
12 that's why I didn't go. No, I was only scared -- I was
13 frightened for my life; it was not because of my
14 cooperation with the soldiers.

10:49:12 15 Q. So you were scared of going back to Koribundu after you
16 fled to Bo?

17 A. Yes. I didn't hide when we left there. I was scared
18 because I was told that it was the Kamajors who were
19 there and I was not a member of the Kamajor group.

10:49:42 20 Q. And you also stayed very close to one -- you know Alhaji
21 Alpha Mohamed, the chief imam in Koribundu?

22 A. Yes, indeed.

23 Q. You all stayed together.

24 A. Yes, indeed. We were not staying in the same place, but
10:50:00 25 I could walk and go to him and he could walk and come to
26 me. Yes, we were visiting one another.

27 Q. I'm putting it to you that for the whole of 1998 you
28 stayed in Bo; you didn't go to Koribundu at all?

1 A. No, I went there.

2 MR BOCKARIE: Thank you, Your Honour, that would be all for
3 this witness.

4 THE WITNESS: Sorry, sir.

10:51:28 5 PRESIDING JUDGE: Thank you. Yes, witness. Yes, please.

6 THE WITNESS: I want to ease myself.

7 PRESIDING JUDGE: The Court will rise for five minutes for the
8 witness to put himself at ease, and who ever, also.

9 Thank you. The court rises.

10:52:06 10 [Court recessed at 10.51 a.m.]

11 [Upon resuming at 11.04 a.m.]

12 PRESIDING JUDGE: We are resuming the session and --

13 JUDGE BOUTET: Mr Margai, you are ready to proceed with your
14 cross-examination?

11:04:26 15 MR MARGAI: Thank you, My Lord.

16 CROSS-EXAMINED BY MR MARGAI:

17 Q. Mr Witness, please accept my sympathy on the loss of life
18 and property. Having said that, please listen
19 attentively to my questions and answer them directly and
11:04:58 20 as candidly as you possibly could. Thank you.

21 A. Okay.

22 Q. Now, before the amalgamation of the two chiefdoms
23 resulting in Jaiama Bongor, you had Bongor as a separate
24 chiefdom; is that correct?

11:05:50 25 A. Yes, indeed, Bongor was separate and Jaiama was separate.

26 Q. No, no, please confine your answers to questions put.
27 Don't volunteer. Thank you.

28 A. Yes, indeed.

1 PRESIDING JUDGE: "Yes, indeed," what does that mean? Please,
2 Mr Margai, ask him the question again.

3 MR MARGAI:

4 Q. Again I shall put the question. Before the amalgamation,
11:06:20 5 Bongor was a separate chiefdom?

6 A. Yes.

7 Q. And Bongor had four sections before the amalgamation?

8 A. Yes.

9 Q. And the headquarter of Bongor before the amalgamation was
11:07:14 10 Telu?

11 A. Yes, indeed -- yes.

12 Q. The other chiefdom to the amalgamation was Jaiama?

13 A. Yes.

14 Q. Jaiama also had four sections --

11:07:44 15 A. Yes.

16 Q. -- with its chiefdom headquarters situated at Koribundu?

17 A. Yes.

18 Q. Now, you knew Paramount Chief BA Fodakai, now deceased?

19 A. Yes, I knew him.

11:08:26 20 Q. He become paramount chief in a non-rotational contest?

21 A. Repeat the question.

22 Q. He become paramount chief of Jaiama Bongor -- or perhaps
23 before I put that, now Bongor and Jaiama become
24 amalgamated.

11:09:14 25 A. Yes.

26 Q. With a total of eight sections?

27 A. Yes.

28 Q. And its first paramount chief, after the amalgamation,

1 was Paramount Chief BA Fodakai?

2 A. Yes, indeed.

3 Q. Now, you are from Jaiama; isn't that correct?

4 A. No, I'm from all two places.

11:10:16 5 Q. Please try and assist us.

6 A. My father's home is Bongor and my mother's home is
7 Jaiama.

8 Q. Try and assist us. We're only trying to ascertain the
9 truth.

10 PRESIDING JUDGE: No, if he says -- from what I have heard --
11 the father is from Bongor, I think; the mother is from
12 Jaiama. That is what he said.

13 MR MARGAI: I didn't hear the matrilineal and patrilineal
14 aspect of it when I heard it. I heard it --
15 [Overlapping microphones]

16 MR MARGAI: As My Lords please.

17 Q. Now, Mr Witness --

18 PRESIDING JUDGE: You see, it would be difficult --

19 MR MARGAI:

11:10:58 20 Q. -- it is not possible in our tradition for you to hail
21 from two places -- you know that. You're either from the
22 matrilineal or the patrilineal?

23 A. Yes, indeed.

24 Q. And I therefore --

11:11:20 25 JUDGE THOMPSON: What is "yes"?

26 MR MARGAI: It is not usual in our tradition for one to belong
27 to both matrilineal and patrilineal lineage.

28 JUDGE THOMPSON: It's either/or?

1 MR MARGAI: It's either/or.

2 JUDGE THOMPSON: So he agrees with you?

3 THE WITNESS: Yes.

4 MR MARGAI:

11:11:44 5 Q. And, therefore, I'm putting it to you -- or, before I put
6 it, where did your father hail from? Was it Jaiama or
7 Bongor -- your father?

8 A. My father hails from Bongor.

9 Q. And your mother?

11:12:08 10 A. Jaiama.

11 Q. And, therefore, following your answer about not belonging
12 to both patrilineal and matrilineal --

13 JUDGE THOMPSON: Just a minute; in other words, your
14 suggestion to him is that there cannot be dual

11:12:56 15 patrilineage under our system?

16 MR MARGAI: As My Lord pleases. He has accepted that.

17 Q. And I now put it to you, following that answer, that you
18 hail from Bongor patrilineally; isn't that correct?

19 A. Yes, indeed.

11:13:20 20 Q. Thank you. Now, the amalgamation, which has been widely
21 spoken about here, wasn't a very happy arrangement
22 between the people of Bongor and the people of Jaiama.

23 A. No, people were not happy, but the Government had done
24 it.

11:14:08 25 Q. And you had no alternative but to abide by the will of
26 the government.

27 A. Yes.

28 Q. And would I be right in saying that that is still the

1 situation in both Bongor and Jaiama?

2 A. Just as you said, even now, we are still together.

3 Q. No, no, no, no, no, no.

4 A. We are still divided. We are still divided.

11:14:48 5 Q. And tell me, you, as an individual, were you happy with
6 the Paramount Chief BA Fodakai becoming paramount chief
7 of Jaiama-Bongor -- were you, in the light of your
8 testimony?

9 A. Yes. Yes, that is what the Government said.

11:15:26 10 Q. Talking about you -- forget about what the government
11 imposed on you -- were you happy; that's what I'm saying.

12 JUDGE THOMPSON: But isn't it fair to --

13 THE WITNESS: No, I was not happy.

14 MR MARGAI: He has accepted, Your Lordship. Thank you. The
11:15:58 15 witness is very premonitious, I dare say.

16 Q. Now, do you know when Paramount Chief BA Fodakai died?

17 A. I can't remember the time, but he'd died a long time ago.

18 Q. Over ten years?

19 A. Yes, yes, it's over 10 years.

11:16:26 20 Q. Over 15 years?

21 A. No, it's not over 15 years, but it's nearer to 15 years.

22 Q. [Microphone not activated] My Lord, between 10 and 15
23 years. Now, Jaiama Bongor now has a paramount chief?

24 A. Yes.

11:16:58 25 Q. In the person of Paramount Chief Momoh Gbao?

26 A. MC Gbao.

27 Q. Do you now know when he was elected paramount chief?

28 A. It's about two years now.

1 Q. About two years. There was quite some difficulty in
2 electing a paramount chief as a successor to BA Fodaykai;
3 isn't that correct?

4 A. Indeed, yes.

11:17:44 5 PRESIDING JUDGE: Chieftancy issues are never --

6 MR MARGAI: No, but this one was exceptional because of the
7 duration.

8 PRESIDING JUDGE: Okay, go ahead.

9 MR MARGAI:

11:17:58 10 Q. And it took such a long time because of the bitterness
11 that had existed from this amalgamation?

12 A. Yes, it took a long time about ten -- about 11 years and
13 more.

14 JUDGE BOUTET: Is the answer that it took about ten, 11 years
11:18:46 15 before a chief was elected.

16 MR MARGAI: No, that is not the answer to my question. I said
17 it took a long time because of the bitterness resulting
18 from the amalgamation. That was my question. Thank you.
19 My Lord.

11:18:52 20 JUDGE BOUTET: But the period of time that you are talking
21 about is ten to 11.

22 MR MARGAI: Ten to 11. He had earlier said ten to 15, but I
23 accept.

24 JUDGE THOMPSON: It took such a long time --

11:19:22 25 MR MARGAI: It took such a long time because of the
26 bitterness.

27 JUDGE THOMPSON: It took such a long time to do what?

28 MR MARGAI: Getting a successor, My Lord.

1 JUDGE THOMPSON: Precisely, that's what I thought.

2 MR MARGAI: Well, that was a follow-up question. I thought it
3 was obvious, I am sorry.

4 JUDGE THOMPSON: It didn't seem quite clear.

5 MR MARGAI: I'm sorry.

6 Q. Yes, it took such a long time to get a successor because
7 of the bitterness resulting from the amalgamation?

8 A. Yes, that is the truth; that is what happened.

9 Q. Thank you. Now the soldiers went to Koribundu about
11:19:54 10 1991; is that right?

11 A. Yes, indeed.

12 Q. Now, imagine yourself to be by the roundabout at
13 Koribundu.

14 A. Yes.

11:20:26 15 Q. And Koribundu is a gateway to so many other areas;
16 chiefdoms.

17 A. Yes, indeed.

18 Q. Now from Koribundu, you could access Pujehun.

19 A. Yes, about 16 miles -- 26 miles.

11:20:58 20 Q. And from Koribundu you could also access Blama in the
21 small Bo chiefdom?

22 A. Yes, that's about 29 miles.

23 Q. Thank you very much for being most helpful. And from
24 Koribundu you could also access Bo?

11:21:26 25 A. That's 22 miles.

26 Q. And from Koribundu you could also access Sumbuya, Lugbu
27 chiefdom?

28 A. Yes, that's 22 miles.

1 Q. Now when the military came to Koribundu in 1991, could
2 you tell this Court where they were based?

3 A. Yes.

4 Q. Where?

11:22:06 5 A. Koribundu.

6 Q. And they remained there until 1998 when they finally
7 left?

8 A. Yes.

9 Q. Do you know in what month in 1998 the military finally
11:22:44 10 left Koribundu?

11 A. Yes.

12 Q. What month?

13 A. In February.

14 Q. February 1998. Thank you. Now for emphasis sake, when
11:23:06 15 the military came to Koribundu they intermarried with
16 women from Koribundu?

17 A. Yes. They got women there, but they were not just women
18 from Koribundu.

19 Q. Koribundu and the environs?

11:23:38 20 A. Yes, they did have women there.

21 Q. And you the inhabitants in Koribundu regarded these
22 soldiers who were married to your daughters as your
23 in-laws?

24 A. No, we did not turn them into our in-laws -- no, we
11:24:02 25 didn't turn them into our in-laws properly, it was for
26 the sake of power

27 Q. No, probably you don't understand the question. Now
28 these soldiers came to Koribundu, they got married to

1 your daughters.

2 A. No, they got married at random. It could be your
3 sister's child, your auntie, your sister.

4 JUDGE THOMPSON: The evidence as I recorded it, they
11:24:52 5 intermarried women from various --

6 MR MARGAI: I accept that, My Lord. I accept that.

7 JUDGE THOMPSON: And now you decided to be too specific.

8 MR MARGAI: I accept that.

9 Q. They intermarried women within and without Koribundu; its
11:25:06 10 environs?

11 A. Certainly.

12 Q. Certainly, he says -- would you like to testify in
13 English?

14 PRESIDING JUDGE: No, please, please.

11:25:20 15 THE WITNESS: No, what you are saying in English, I can't
16 understand everything, but I do understand some.

17 MR MARGAI:

18 Q. Now when somebody -- did you personally regard these
19 soldiers as in-laws?

11:25:44 20 A. No, we didn't regard them as in-laws in any better way,
21 no.

22 Q. No, leave the qualification as to better, bad, worse.
23 Were they regarded by you as in-laws?

24 A. No, we didn't regard them as in-laws.

11:26:10 25 Q. What did you personally regard them as, if anything?

26 A. We regarded them as people who are wielding power so they
27 could do anything.

28 Q. Are you saying to this Court that in fact they came and

1 married women from Koribundu forcibly; is that what you
2 are telling this Court?

3 JUDGE THOMPSON: Let me get this clear. Is he speaking for
4 himself personally or is he speaking for the community?

5 MR MARGAI: For himself.

6 JUDGE THOMPSON: So he did not regard them as in-laws; is that
7 the evidence?

8 MR MARGAI: He did not. Yes, My Lord.

9 PRESIDING JUDGE: And that as far as he is concerned, he
10 considered them as people who were there and wielding
11 power - military power, of course.

12 MR MARGAI: So they exercised their power in --

13 JUDGE THOMPSON: Take it step by step.

14 MR MARGAI: I'm sorry. As My Lords please.

15 JUDGE THOMPSON: "I did not regard them as in-laws."

16 MR MARGAI:

17 Q. Do you know whether others, besides you, regarded these
18 soldiers as in-laws?

19 A. No, I didn't know about that one, no.

11:27:40 20 Q. Thank you. Now did you personally know of any such
21 marriages that took place between the soldiers and women
22 of Koribundu?

23 A. Yes. Women from Koribundu -- yes, they were getting
24 wives from all over the place, but I, in particular, that
11:28:34 25 I gave any women -- I gave any wives to them. No, I'm
26 not aware of that.

27 Q. Now, were you personally happy about such marriages?

28 A. I was not happy at all.

1 Q. You were not happy?

2 A. No, I was not.

3 Q. Did you make this known to the soldiers at any time?

4 PRESIDING JUDGE: Why should he?

11:29:22 5 THE WITNESS: No, I wouldn't let them know. I didn't let them
6 know. These people were wielding power; they had guns,
7 if you tell them that --

8 MR MARGAI:

9 Q. So, you were afraid of the guns that was why you did not
11:29:42 10 express your disapproval.

11 A. Yes.

12 Q. Did you regard the soldiers as violent?

13 A. What we know about soldiers --

14 Q. It is not what you know. Did you regard the soldiers as
11:30:24 15 violent, hence your refusal to make known your
16 disapproval?

17 A. Yes, that's what they are.

18 Q. Thank you. Now, could you tell this Court what sort of
19 relationship, if any, existed between the soldiers and
11:31:04 20 the people of Koribundu in 1998? Was it cordial, was it
21 lukewarm, was it hostile?

22 A. That year that you are asking me about, the relationship
23 between the soldiers and the people of Koribundu, it was
24 lukewarm. It was confusing, it was not clear.

11:31:52 25 MR MARGAI: May we have the clear interpretations, please, My
26 Lords.

27 JUDGE THOMPSON: Well I think "confusing" seems quite clear to
28 me, but of course the context -- your context is not one

1 of confusion really. You gave him three alternatives --

2 MR MARGAI: Yes, My Lord.

3 JUDGE THOMPSON: You said hostile, cordial or lukewarm.

4 Perhaps he should be asked to select one of those

11:32:10 5 alternatives.

6 MR MARGAI: Well, it depends on the interpreters

7 interpretation. Could you try again, with your

8 indulgence, My Lords. Mr Interpreter.

9 THE INTERPRETER: Take the question again.

11:32:20 10 MR MARGAI: I will take it step by step.

11 Q. Was the relationship between the soldiers and the people
12 of Koribundu cordial in 1998?

13 A. No, those soldiers that were in Koribundu and us in 1998
14 that you are talking about, it was confusing.

11:33:26 15 Q. It was confusing. Okay. Was it confusing to such an
16 extent that you, the people of Koribundu, felt insecure?

17 A. At all, we were not safe -- that what would they do if
18 they are going away. We were just there in the hands of
19 God.

11:34:06 20 Q. So, was it confusion, that you the people Koribundu felt
21 unsafe?

22 A. Yes, we felt that we were not safe because we were
23 thinking when they were going away what would they do to
24 us.

11:34:30 25 Q. Thank you. Now let us come to your presence in the
26 mosque. When did you say you went to the mosque; what
27 month, what year?

28 A. February 1998 at 2.00 O' c'clock; that is when we went to

1 the mosque.

2 Q. And you said before you went to the mosque, the Kamajors
3 had sent word to say that they were coming to Koribundu;
4 is that correct?

11:35:20 5 A. Yes, indeed that is what happened. They did say that
6 they were coming.

7 Q. And was that message directed to any particular
8 individual?

9 A. It was not sent to any particular person. It just came
11:35:56 10 as a rumour all around that they were coming that very
11 day in Koribundu.

12 Q. And did you believe the rumour?

13 A. Yes, that was what they were doing at all times.

14 Q. And did they come in February 1998 as promised according
11:36:32 15 to you?

16 A. That very day; that Friday, yes, they came.

17 Q. Was it the first time the Kamajors entered Koribundu as
18 far as you know?

19 A. No, they had come many times.

11:36:54 20 Q. About how many times before February 1998 on that fateful
21 day had the Kamajors entered Koribundu, if at all?

22 A. I have taken an oath before this Court that there was no
23 respite from the Kamajors. They would come in the
24 evening, they would come in the morning. So they were
11:37:22 25 doing it continuously. I can't tell any specific time
26 when they came.

27 Q. Mr Witness, I would appreciate if you would confine
28 yourself to questions put. Thank you.

1 A. Okay.

2 Q. Now, you said the Kamajors came several times before
3 February 1998. Could you approximate how many times the
4 Kamajors went to Koribundu before that 1998; once, twice,
11:38:12 5 three times?

6 A. As you've said, they went there six times.

7 Q. Six times or about six times?

8 A. Six times or more than six some times before they came in
9 February.

11:38:44 10 Q. Now, at these times the Kamajors came to Koribundu, was
11 there a rebel threat threatening Koribundu?

12 A. That February, there was no rebel threat.

13 Q. Or let me make myself clearer. Now, do you know when the
14 rebel war started in Sierra Leone?

11:39:34 15 A. Yes.

16 Q. When?

17 A. 1991.

18 Q. And do you know where the rebels were coming from?

19 A. No.

11:39:56 20 Q. Could Koribundu be accessed from the Liberia end?

21 A. Yes.

22 Q. Did you at any time in 1991 hear that rebels were
23 approaching the southern province?

24 A. Yes.

11:40:40 25 Q. Would this include Koribundu? When we talk of the
26 southern province, would it include Koribundu?

27 A. Yes, indeed.

28 Q. Would I be right in saying that because --

1 PRESIDING JUDGE: Take it easy. The replies are being
2 recorded by Court Management. The stenographers are
3 recording the replies, please.

4 MR MARGAI: I apologise, I apologise.

11:41:18 5 Q. Now, because of this threat of a pending attack from the
6 rebels on the southern province including Koribundu, did
7 you feel uneasy?

8 A. Yes, I was scared, yes.

9 Q. And each time you went to bed were you expectant of an
11:42:08 10 imminent rebel attack on Koribundu?

11 A. Yes, of course.

12 Q. Thank you. Now, before 1991, before the start of the
13 rebel war, did you hear of Kamajors?

14 A. Repeat the question.

11:42:54 15 Q. Before 1991, the start of the rebel war, did you hear of
16 Kamajors?

17 A. Yes, I did hear about Kamajors.

18 Q. In what context?

19 A. Yes, we had people who were Kamajors; they would go into
11:43:30 20 the bush and hunt for animals. Yes, we did hear about
21 Kamajors.

22 Q. Now, these Kamajors are people referred to as hunters;
23 not so? Hunting for animals to feed themselves; not so?

24 A. Yes, indeed. They would go into the bush to hunt for
11:44:04 25 game and they would eat it.

26 Q. Now before 1991, before the rebel war, did you hear of a
27 Kamajor society?

28 A. No, I never heard of that.

1 Q. When did you first hear of a Kamajor society?

2 A. I heard it during the war, that is when I heard that
3 there was going to be Kamajor initiation.

4 Q. Now isn't it true that because you, the inhabitants of
11:44:56 5 Koribundu were apprehensive of an imminent rebel attack
6 that you put together a Kamajors team?

7 A. When you say Koribundu -- no, we did not summon the
8 Kamajors.

9 Q. Were Kamajors organised to defend Koribundu?

11:45:54 10 A. No.

11 Q. Did the people of Talu-Bongor organise a defence
12 mechanism for Koribundu?

13 A. The people of Talu didn't organise anything in order to
14 protect Koribundu.

11:46:30 15 Q. Did anybody organise the defence of Koribundu against a
16 rebel attack?

17 A. Yes, but we, the people, did that organisation; our
18 children, because they were going around with the
19 soldiers.

11:47:06 20 Q. Who exactly organised this defence?

21 A. We, the people in Koribundu, our children -- in the
22 evening we would say, "We should not depend on the
23 soldiers, so you, too, that is our children, so that you
24 would be going around the town -- the outskirts of the
11:47:46 25 town whatever you see unusual, you report to us." But to
26 say we organised the Kamajors or any other place, for
27 them to come and defend Koribundu, no.

28 Q. Why did you say that the soldiers should not be dependent

1 upon?

2 A. They were strangers. All the roads in Koribundu these
3 people do not know about, but our children they know all
4 the roads, that's why we told them that in the evening
11:48:30 5 they should go by Tobombuwe, go around and if there is
6 anything unusual, they should report to us.

7 Q. I am putting it to you that in addition to the reasons
8 proffered by you, you mistrusted the soldiers?

9 A. Yes, I would believe that bit of what you said.

11:49:08 10 Q. You believed what I say, I'm not on trial. Do you agree
11 with me or you disagree with me?

12 A. Yes, I agree.

13 Q. Thank you. Now these of your children you organised in
14 the defence of Koribundu, did that group have a

11:49:34 15 particular name like vigilante, et cetera, et cetera?
16 That was the vigilante; not so?

17 A. These children we called them vigilantes.

18 Q. Thank you.

19 PRESIDING JUDGE: You know he is a judge.

20 MR MARGAI: I know that. I hope not your colleague.

21 PRESIDING JUDGE: Well, in a sense.

22 MR MARGAI: Disclosure, My Lord, disclosure.

23 Q. They were the vigilantes; not so?

24 A. Yes.

11:50:18 25 Q. When Chief Norman was cross-examining you, he put it to
26 you that apart from the Kamajors you had a vigilante
27 group and you accept that; not so?

28 A. Yes.

1 Q. In Koribundu; I'm talking of Koribundu. You had a
2 vigilante group in Koribundu apart from the Kamajors?

3 A. Yes.

4 Q. And you also had the soldiers, the military in Koribundu?

11:51:04 5 A. Yes.

6 Q. Did you have any additional group apart from those three
7 in Koribundu? I'm concerned with Koribundu for now. Let
8 me help you. Was ECOMOG in Koribundu?

9 A. Yes, they were there.

11:51:30 10 Q. In 1998?

11 A. No, they were not there in 1998.

12 Q. When was ECOMOG in Koribundu?

13 A. From 1996/97 they were there. From then on they were not
14 there.

11:52:02 15 Q. Was ECOMOG there at the beginning, the very beginning of
16 1998? The beginning, not the end, I was in Bo.

17 A. At the beginning of 1998 they were not there, but they
18 did go there at some times.

19 Q. In 1998?

11:52:30 20 A. Yes, they went there, but they were going to Pujehun. It
21 would be between February to January.

22 [11.55 a.m. HN14904C]

23 Q. January to February.

24 A. It was in February that they went there.

25 Q. In February ECOMOG went briefly to Koribundu, very
26 briefly?

27 A. Yes, very briefly.

28 Q. Yes. They were armed, were they?

- 1 A. Yes. When they were going to Pujehun, yes, they did have
2 arms.
- 3 Q. And they were heavily armed?
- 4 A. Yes. Yes, they were heavily armed as they were going to
5 Pujehun.
- 6 Q. Yes. Now, you told this Court yesterday that the
7 Kamajors or the word "Kamajor" was synonymous with CDF;
8 that CDF and Kamajor are one and the same, in other
9 words.
- 10 A. Yes, how we heard them call it, The Civil Defence, yes,
11 of course.
- 12 Q. I am putting it to you that they are not synonymous.
- 13 A. All right.
- 14 Q. Do you accept?
- 15 A. Yes, I don't know; you know.
- 16 Q. No, do you accept -- do you agree with me that they are
17 not synonymous or you disagree?
- 18 A. I agreed.
- 19 Q. Thank you. For the records I am putting it to you that
20 the word "CDF" or the organisation CDF came into being
21 after the restoration of democracy, after March 1998 when
22 we came back from Guinea.
- 23 Q. Do you agree?
- 24 A. Yes, I have heard, I have hear of that.
- 25 Q. Do you agree?
- 26 A. Yes, yes.
- 27 Q. Thank you. And I am further putting it to you that the
28 composition of CDF is the Kamajors, the Donsos from Kono,

1 the Tamaboros from Kabala, Koinadugu, the Gbethies and
2 the Kapras from Northern Province and the OBHS,
3 Organisation -- Organisational Body of Hunting Society
4 from the Western Area. That was the composition of the
5 CDF; do you agree?

6 A. Yes, indeed.

7 Q. Thank you, thank you. Now you told this Court, as indeed
8 other witnesses, that the Kamajors were identified by
9 their wearing apparel; in other words the ronko.

10 A. Yes.

11 Q. Now, where were you in February of 1998?

12 A. I was in Koribundu.

13 Q. Are you sure, think very carefully? I don't want to take
14 you by surprise, think again. Where were you in February
15 of 1998 when Bo was liberated; where were you?

16 A. February 1998, I was right inside Koribundu.

17 Q. No, no, no, please, you were in Koribundu. I am putting
18 it to you that you were in Bo.

19 A. I was in Bo, but when I left in February that's when I
20 left Bo -- Koribundu and came to Bo.

21 Q. [Counsel interrupts interpretation] Yes.

22 MR TAVENER: I object, if the witness might be allowed to
23 answer the question without being cut off. If the
24 translator could finish the translation before my friend
25 starts his next question.

26 PRESIDING JUDGE: We agree, please --

27 MR MARGAI: Conceded, conceded, conceded.

28 PRESIDING JUDGE: Yes, please.

1 MR MARGAI: I apologise.

2 Q. Now --

3 PRESIDING JUDGE: Don't take it too aggressively, take it
4 easy.

5 MR MARGAI: No, no, no, My Lord, I mean, we are friends, we
6 are friends.

7 PRESIDING JUDGE: Yes, take it easily and let's --

8 MR MARGAI: I mean, I have learned in practice that aggression
9 does not get one anywhere in cross-examination.

10 PRESIDING JUDGE: Well, that's a comment --

11 MR MARGAI: We are very, very good friends and we shall remain
12 so --

13 PRESIDING JUDGE: That's a comment from the -- from the Court.

14 MR MARGAI: -- not so; Mr Witness?

15 MR TAVENER: Perhaps whilst that matter is being raised, the
16 question of my friend being a friend [overlapping
17 microphones] Mr Witness, sorry, Mr Witness, just for a
18 minute.

19 I am certain as to the -- under Rule 90 it suggests
20 that the trial - under F:

21 "The Trial Chamber shall exercise control over the
22 mode and order of interrogating witnesses and
23 presenting evidence so as to

24 (i) Make the interrogation and presentation
25 effective for the ascertainment of the truth."

26 My concern is the mode of which this witness is being
27 cross-examined. I object to the constant raised tone of
28 the witness. Is that necessary.

1 MR MARGAI: It would appear that my learned friend wants to --

2 JUDGE THOMPSON: Could you sit down, Mr Margai, sit down. I
3 am not myself quite sure that aggressive
4 cross-examination is necessarily impermissible
5 cross-examination. For example, it is the duty of the
6 Prosecution to prosecute vigorously and aggressively as
7 long as they do not humiliate or persecute. And I think
8 it is perfectly within the bounds of cross-examination to
9 have aggressive cross-examination to ascertain the truth
10 as long as counsel does not harass, embarrass, humiliate
11 the witness. I, speaking for myself - and I think could
12 say speaking for my brother judges - we have not seen any
13 of this at this time. Raising his tone again may well be
14 peculiar to his own manner of forensic advocacy.

15 MR TAVENER: I accept that, Your Honour, but I am just
16 concerned about the impact it may have on the witness
17 that he is being spoken to continuously at that high
18 volume.

19 JUDGE THOMPSON: Well, I can assure you that this witness has
20 proved to be a seasoned witness in terms of his
21 responses.

22 MR TAVENER: Thank you, Your Honour, I simply wanted to raise
23 that matter.

24 MR MARGAI: I understand my learned friend's concern, he is
25 meeting me for the first time. I have an in-built
26 microphone, that's why.

27 JUDGE THOMPSON: Can you proceed with your cross-examination.

28 MR MARGAI: Thank you, My Lord, thank you.

- 1 Q. Now, Mr Witness, let us come back to February of 1998.
2 Were you partly in Bo and partly in Koribundu?
- 3 A. February -- February I was in Koribundu. The 9th -- on
4 the 9th when they attacked Koribundu, that's when I left
5 Koribundu and went to Bo, but I was in Koribundu.
- 6 Q. Thank you. When did you leave Koribundu, what date? On
7 what date did you leave Koribundu for Bo and what month?
- 8 A. February -- the 9th February. On Friday, that's when I
9 left Koribundu and went to Bo. I walked on foot in the
10 night.
- 11 Q. So during the morning and afternoon and part of the
12 evening of February the 9th you were in Koribundu?
- 13 A. In the morning till 2.00 up to 6.00 I was in Koribundu,
14 that's when I left and went. When I saw the soldiers go
15 in, that's when we left, too.
- 16 Q. After 6.00 o'clock on the 9th of February 1998 you left
17 for Bo? Did you get to Bo that night? [No
18 interpretation] You did, thank you.
- 19 A. Yes, we reached early in the morning.
- 20 Q. Thank you. Now, when you got to Bo on the 9th of
21 February 1998, how long did you stay in Bo?
- 22 A. I was there from February, March, April, but during this
23 time I will go to Koribundu briefly and come back to spy
24 at Koribundu and come back.
- 25 Q. Accepted. So when you got to Koribundu [sic] on the
26 9th -- on the night of the 9th of February, you stayed
27 there until April, apart from the intermittent visits to
28 Koribundu?

- 1 A. Yes, indeed.
- 2 Q. Thank you.
- 3 A. Because I had no sleeping place there, I had no
4 accommodation there.
- 5 Q. I apologise. I mean, I sympathise with you. Now, were
6 you in Bo in February when Bo was liberated by the
7 Kamajors?
- 8 A. Yes, I was in Bo, but whether the Kamajors had liberated
9 Bo or not I can't remember that one, because we were on
10 the outskirts of Bo.
- 11 Q. All right, fine, I accept. But were you in Bo when
12 fighting men opposed to the rebels liberated Bo?
- 13 A. Repeat the question.
- 14 Q. Were you in Bo when fighting men opposed to the rebels
15 liberated Bo in February of 1998?
- 16 A. Fighting men opposed to the rebels that they liberated
17 Bo. I can't remember that one much.
- 18 Q. Did you hear that the Kamajors took part in the
19 liberation of Bo.
- 20 A. That I heard? Are you asking if I heard?
- 21 Q. I am asking whether you heard.
- 22 A. Yes, I heard. I heard that ECOMOG had come, I heard that
23 ECOMOG had come and liberated Bo. And I did see them
24 come with armoured cars; yes, I saw that.
- 25 Q. Thank you. It would seem you don't want to give the
26 Kamajors any credit; that is your difficulty.
- 27 JUDGE BOUTET: Please, don't argue with the witness.
- 28 MR MARGAI: No, no, no, I'm not, My Lord, I mean, it would be

1 detrimental to my client's case, far from it.

2 Q. You see, Mr Witness --

3 A. Sorry, sir.

4 Q. Yes.

5 A. What you said does not make me happy, that I don't want
6 to give any credit to the Kamajors. If Kamajors have
7 done anything good, I will say so.

8 Q. [Counsel interrupts interpretation] now did you hear that
9 the Kamajors fought alongside ECOMOG in the liberation of
10 Bo,
11 Mr Witness?

12 A. I only heard about ECOMOG.

13 Q. Now whilst you were in Bo in February, was Bo under
14 attack from the rebels?

15 A. I heard -- I heard, but the guys that had come to Bo --
16 that somebody had returned to Bo, by then I heard
17 gunshots. I went to the bush.

18 Q. [Counsel interrupts interpretation] sorry, which guys?

19 A. That soldiers were at their headquarters when the ECOMOG
20 entered and went -- we heard that they had come, and we
21 did hear the gunshots.

22 Q. Do I understand you to be saying that you heard that
23 soldiers had attacked Bo; is that the case?

24 A. Yes.

25 Q. Yes. Soldiers had attacked Bo.

26 A. Yes, I heard of that.

27 Q. And did you also hear soldiers being referred to during
28 the war situation as Sobels; did you hear that?

- 1 A. Sobels? No, I can't remember that one, I didn't hear of
2 that name.
- 3 Q. Not once?
- 4 A. No, I didn't hear of that sobel.
- 5 Q. Now, did you hear that there were disloyal soldiers among
6 the military in Sierra Leone during the civil war?
- 7 A. Yes, I heard of that, that soldiers -- that there were
8 some soldiers who were not in support of the government.
- 9 Q. Were they being called any particular names apart from
10 soldiers, that you know of?
- 11 A. I didn't any other -- I didn't hear any other name, but I
12 did hear that they were not in support of the government.
13 I didn't hear them be called any other name.
- 14 Q. Okay. So during this time when you heard that soldiers
15 had gone and attacked Bo, did you, within that period,
16 see Kamajors around the township of Bo in their ronkos?
- 17 A. Yes, I did see them going along in the streets.
- 18 Q. Many of them?
- 19 A. The ones that I saw were not many. Most of them had bags
20 under their arms and going to the bush.
- 21 Q. Were they armed?
- 22 A. Yes, some of them had those little guns, presumably
23 pistols, I think.
- 24 Q. Now, Mr Witness, did you hear that during this attack by
25 these soldiers that some of the soldiers were clad in
26 ronkos disguising themselves as Kamajors in Bo town?
- 27 A. Yes, I did hear of that. Yes, because in a war it's a
28 difficult situation; it has a mystery.

1 Q. Indeed, a mystery. Now, let us journey back to Koribundu
2 for a brief spell. Speak to His Lordships, let them hear
3 you. Are you tired?

4 A. Yes, go on.

5 Q. If you are tired, tell the judges and because of your age
6 I am sure they will do something.

7 JUDGE BOUTET: Is it --

8 THE WITNESS: Yes, let's continue, let's continue, let's go to
9 Koribundu.

10 MR MARGAI:

11 Q. Are you ready for the journey?

12 A. If you give the fares, then we will go.

13 Q. Thank you. Now cast your mind back to the month of
14 February 1998. Now, the Sunday following the Friday,
15 Friday was the 9th; not so?

16 A. Yes.

17 Q. The Sunday following that Friday, did the Kamajors enter
18 Koribundu?

19 A. Yes.

20 Q. And was that the day they entered Koribundu, apart from
21 the previous -- the six times you said?

22 A. Yes, that very Friday, that Sunday, that Sunday.

23 Q. No, no, no, no, no, no, no, listen carefully. If you are
24 tired, please say so.

25 PRESIDING JUDGE: Please don't insinuate, please go ahead, I
26 mean, the witness is --

27 MR MARGAI: My Lord, he seems to be confusing the days.

28 PRESIDING JUDGE: Put the questions to him. It is for you,

1 you know, to guide him. Please, ask him the questions,
2 please. Don't infer any tiredness, because it disrupts
3 our sittings. Go ahead and examine the witness, please,
4 to the best of your ability and get the answers you want
5 from him.

6 MR MARGAI:

7 Q. Now, Mr Witness, the Sunday after the Friday the 9th,
8 Friday was the 9th, did the Kamajors on that Sunday enter
9 Koribundu?

10 MR TAVENER: Just -- sorry, a small objection, I understand
11 that Friday was not the 9th; is that correct? I
12 understand it was the 13th.

13 MR MARGAI: I am going according to the testimony of the
14 witness. He said Friday the 9th of February 1998. I
15 stand to be corrected.

16 PRESIDING JUDGE: Counsel, please move --

17 MR MARGAI: My Lord, there is an objection.

18 PRESIDING JUDGE: Go along, the objection is overruled.

19 MR MARGAI: Thank you.

20 PRESIDING JUDGE: Move along, please.

21 MR MARGAI:

22 Q. Now, apart from that Friday -- sorry, Friday was the 9th
23 of February 1998, did the Kamajors enter Koribundu on the
24 Sunday following that Friday?

25 JUDGE THOMPSON: Why is the -- why is the 9th so crucial,
26 because there is some part of my record, I have 13th
27 also? Why is the 9th so -- why is the --

28 MR MARGAI: The 9th came from the witness, that Friday the 9th

1 of February.

2 JUDGE THOMPSON: I think the emphasis throughout from the
3 record so far is there is a certain Friday in February --

4 PRESIDING JUDGE: After the mosque.

5 JUDGE THOMPSON: Yes, whether it is the 9th or the 13th, I am
6 not sure whether if we emphasise that now we are not
7 going to have a discrepancy if it turns out that there
8 was no Friday 9th or 13th.

9 MR MARGAI: My Lords, I was never in Koribundu on that fateful
10 day. The 9th came from the viva voce evidence of the
11 witness on oath.

12 JUDGE BOUTET: There might be a misunderstanding because in
13 his evidence-in-chief he said he didn't know the dates,
14 all he knew was it was a Friday.

15 THE WITNESS: Yes, Friday.

16 THE INTERPRETER: He said Friday.

17 MR MARGAI: My Lords --

18 THE WITNESS: I said Friday, I said Friday.

19 MR MARGAI: [Counsel interrupts interpretation] but subsequent
20 -- subsequent to his saying so, he volunteered the date;
21 the 9th.

22 JUDGE THOMPSON: Yes, but the point we are making is that is
23 it right for us to have on our record Friday the 9th when
24 there is no such Friday the 9th of February 1998?

25 MR MARGAI: My Lord, I believe we are not now in a position to
26 ascertain whether in fact there was a Friday that was the
27 9th in 1998. When we get to that stage, I am sure we
28 shall marshall our thoughts and address the Bench

1 appropriately.

2 JUDGE THOMPSON: But it is also important that we have
3 evidence that is relevant and probative and not
4 confusing. I mean, we take judicial notice of calendars
5 and if you are making -- you are making an issue out of
6 that, then you need to guide the Bench as to why you want
7 Friday to be characterised the 9th not the 13th or even
8 the 20th.

9 MR MARGAI: No, I do not want to characterise here. All I am
10 trying to ascertain is from -- based on the evidence by
11 the witness of a particular Friday, which was the 9th
12 according to him. I am more interested in the Sunday,
13 the day, not the date.

14 JUDGE THOMPSON: Well, why not the Sunday following the Friday
15 that he talked about? Why are we getting bogged down in
16 the numerical kind of characterisation?

17 MR MARGAI: That was brought about rather unfortunately or
18 fortunately, depending on which side one looks at it, by
19 the witness.

20 JUDGE THOMPSON: And the issue -- we are not here to write
21 down confusing evidence when the courts can take judicial
22 notice of certain issues. If there was no Friday the 9th
23 on the judicial -- on the calendar, why do we have to
24 stick to it?

25 MR MARGAI: The only testimony we have here on oath is that of
26 the witness referable to the 9th. There is no counter
27 evidence, and I do not want to postulate. Be that as it
28 may, I shall --

1 JUDGE THOMPSON: Counsel, I think you can get us out of this
2 impasse if you say the Sunday following the Friday.

3 MR MARGAI: Well, let me get him to assist us by clarifying,
4 because I am not testifying, My Lords --

5 JUDGE THOMPSON: Thank you.

6 MR MARGAI: I wish I were.

7 Q. Now, Mr Witness, could you tell this Court this Friday on
8 which you were at the mosque, do you know what date it
9 was? If you don't, it doesn't matter.

10 A. I don't know the dates. I only know that it was on
11 Friday in February. You are saying that it was the 9th,
12 maybe it was a mistake, but it was on Friday.

13 Q. [Counsel interrupts interpretation] accepted.

14 A. In February.

15 Q. Now the Sunday following that Friday when you were in the
16 mosque, did the Kamajors enter Koribundu?

17 A. The Kamajors entered Koribundu on Friday, then we fled.
18 When we went Friday, Saturday, Sunday, that's when the
19 Kamajors entered Koribundu.

20 Q. When did the Kamajors enter?

21 A. On Sunday, that's when they entered Koribundu.

22 Q. For my records, My Lord, may I synchronise my records
23 with yours, lest we confuse the issue?

24 JUDGE THOMPSON: From what I gather he is saying that they
25 entered on Friday -- on Sunday.

26 MR MARGAI: On Sunday, as My Lords please, on Sunday. Thank
27 you very much, thank you.

28 PRESIDING JUDGE: But he is also talking of their entering on

1 Friday when they were in the mosque and after the attack.

2 So, where are we?

3 MR MARGAI: I am sure the Prosecution will take care of that;
4 it's their responsibility.

5 Q. Now, is it true that when the Kamajors entered Koribundu,
6 they were repelled by the soldiers?

7 A. On that Friday they were repelled, not on Sunday, on the
8 Friday they were repelled.

9 Q. They were repelled. Was there a lot of firing in
10 Koribundu on that Friday?

11 A. Yes, indeed. Yes, indeed, there was a lot of shooting, a
12 lot of firing.

13 Q. Coming from all directions?

14 A. From all directions in the town.

15 Q. And do you know whether RPGs were used on that Friday?

16 A. That gun that had that heavy explosion, whether it be
17 rocket-propelled grenade, whatever, but there was a lot
18 of shooting in the town.

19 Q. Was RPG used; do you know or you don't know?

20 A. Yes. All types -- all types of guns were fired, but I
21 was in the mosque. To say specifically that RPG was used
22 I can't say, but they did use different guns.

23 Q. I accept that, that in fact --

24 A. Big guns too.

25 Q. -- they used whatever firing power they had on that
26 Friday; not so?

27 A. Yes, yes, they used them, yes. I cannot clarify. I
28 cannot be specific to say this is what they used or this

1 is what they used.

2 Q. And this firing involved the soldiers as well as the
3 Kamajors?

4 A. Yes.

5 Q. Now, do you know whether some soldiers took refuge in
6 houses in Koribundu during this firing; do you know? If
7 you don't know it doesn't matter.

8 A. No.

9 Q. Do you know whether Kamajors took refuge in any houses in
10 Koribundu during this firing?

11 A. No.

12 Q. Do you know whether guns were being fired from houses in
13 Koribundu by the combatants?

14 A. I don't know all of that one. I have told you that we
15 were in the mosque.

16 Q. Now, because of this firing by both the army and the
17 Kamajor, I am putting it to you that you are in no
18 position whatsoever to tell this Court who actually burnt
19 the houses in Koribundu.

20 A. Yes, I can, I can tell. On that Friday no house was
21 burnt. I missed all of that shooting. No house was
22 burnt until after the soldiers had left, then we followed
23 them. We didn't see any house -- we didn't see smoke
24 coming from any house, only something was launched on my
25 house which destroyed part of it, because then nothing
26 happened. We were bravely, too. After we had gone,
27 that's when the Kamajors came to Koribundu and burnt the
28 houses.

- 1 Q. Mr Witness, did you leave with the soldiers that Friday?
2 You left with the soldiers that Friday; not so?
- 3 A. Yes, indeed.
- 4 Q. In February 1998.
- 5 A. Yes indeed.
- 6 Q. And you were in Bo on the Sunday following the Friday?
- 7 A. Yes, I was in Bo that very Sunday.
- 8 Q. Then how could you, in the name of truth, tell this Court
9 about who burnt what? You were told?
- 10 A. Yes.
- 11 Q. You were told?
- 12 A. Yes.
- 13 Q. Thank you, thank you.
- 14 A. Yes, yes, but these people came from Koribundu. Yes,
15 these people came from Koribundu.
- 16 Q. Now when you left with the soldiers for Bo, you said many
17 people went with the soldiers; not so?
- 18 A. Yes, there was a large crowd, yes.
- 19 Q. Almost the whole Koribundu, the whole of Koribundu left
20 with the soldiers, almost. I am not saying all of them,
21 almost.
- 22 A. Not all of us, most of us. Some of us went to some other
23 villages in the neighbourhood.
- 24 Q. All right, most of you went away from Koribundu for your
25 own protection in diverse directions?
- 26 A. Yes, indeed. Yes, indeed. Yes, for our own safety.
- 27 Q. Thank you.
- 28 A. Some people went to the bush, others went to the

1 villages.

2 Q. Yes, in diverse directions. Only the older people
3 remained within the township of Koribundu, the aged.

4 A. No, it's not just old people. There were some youths who
5 stayed behind.

6 Q. Children?

7 A. No, not just little children.

8 Q. What?

9 A. Teenagers.

10 Q. Oh, you speak English. Teenagers.

11 A. Yes, I do hear some. Yes. We were brought up by white
12 people.

13 Q. Okay, thank you. Now tell me, did you know Joe Tamidey
14 before he came to Koribundu?

15 A. No, I never knew him. I only knew him when I went back
16 to Koribundu; that's when I met Joe Tamidey.

17 Q. Was he the overall commander in charge of the Kamajors in
18 Koribundu?

19 A. Yes, indeed.

20 Q. Is it not a fact that he used to punish Kamajors who
21 misbehaved in Koribundu to civilians?

22 A. Yes.

23 Q. Thank you.

24 A. He did do that?

25 Q. Mr Witness, the last-but-one question, do you like the
26 Kamajors?

27 A. No, I don't like them at all. I don't like them today, I
28 don't like them tomorrow.

- 1 Q. And I am finally putting it to you, Mr Witness, that you
2 are prejudiced, you are biased; will that be a fair
3 comment?
- 4 A. Just as you said.
- 5 Q. Thank you.
- 6 A. I can understand that. I can -- yes.
- 7 Q. No, no, don't misunderstand.
- 8 A. I can agree, I can agree.
- 9 Q. Thank you. I have accepted. Thank you.
- 10 THE INTERPRETER: I have accept -- I accept, I agree.
- 11 MR MARGAI:
- 12 Q. Thank you very much, Mr Witness.
- 13 A. Just as you have said, I agree.
- 14 JUDGE BOUTET: Please, I would like to [inaudible].
- 15 MR MARGAI: Sorry.
- 16 JUDGE BOUTET: You are understanding the interpretation, I
17 don't.
- 18 PRESIDING JUDGE: It is not a tribal communication, please.
19 Mr Margai, can you please take your question again, it is
20 not a tribal -- a linguistic tribal communication between
21 you and the witness. We want to be involved, please.
- 22 MR MARGAI: By all means, My Lord, by all means.
- 23 PRESIDING JUDGE: Can you take the last portion of your
24 question to him again, please.
- 25 MR MARGAI:
- 26 Q. Mr Witness, my last question was that because of your
27 dislike for the Kamajors you are prejudiced, you are
28 biased against them.

1 A. No, I did not say that because I don't like them, that I
2 am someone who is telling lies. It is because of their
3 deeds that I don't like them. If you initiate a child
4 and he spends a lot of money for him, then he goes and
5 destroys you completely, would you like him?

6 Q. Mr Witness, did you not agree with me, before Their
7 Lordships' intervention, that you were prejudiced?

8 A. This Court is a respectable court, whatever he says,
9 there is no way I can deny him. It's not that because I
10 don't like them, that's why I am saying that.

11 MR MARGAI: Thank you, My Lords.

12 JUDGE BOUTET: Mr Prosecutor, do you wish to proceed with any
13 re-examination at this moment?

14 MR SAUTER: Yes, Your Honour, very brief.

15 RE-EXAMINED BY MR SAUTER:

16 Q. Mr Witness, you have just said in a question to Mr Margai
17 during cross-examination, that you know that Joe Tamidey
18 punished Kamajors who misbehaved towards people of
19 Koribundu. Are you aware of any particular person,
20 Kamajor, who has been punished by Joe Tamidey?

21 MR MARGAI: Objection, My Lords. Their sense of
22 cross-examination -- re-examination is to clarify
23 ambiguity and addressing matters that have arisen anew
24 during the cross-examination.

25 JUDGE BOUTET: Is it not a matter that was raised anew? I
26 mean, I don't recall that there was any matter about
27 examination-in-chief dealing with Joe Tamidey doing any
28 punishment. I mean, my recollection, at least, is that

1 Joe Tamidey was not even mentioned in
2 examination-in-chief.

3 MR MARGAI: It was, with respect.

4 JUDGE BOUTET: But certainly not about punishment, if it was.

5 MR MARGAI: I agree, not about punishment.

6 JUDGE BOUTET: So the question now is about punishment so not
7 about Joe Tamidey at all.

8 MR MARGAI: No, no, no, but his question is now asking for
9 specific --

10 JUDGE BOUTET: But this is for clarification as a result of
11 your cross-examination. We will allow the question.

12 MR MARGAI: As My Lords please.

13 MR SAUTER:

14 Q. Mr Witness, I repeat my question. Do you know of any
15 particular person --

16 THE INTERPRETER: My Lords, can the Prosecutor please speak
17 into the microphone.

18 MR SAUTER:

19 Q. Do you know any particular person from the Kamajors who
20 has been punished by Joe Tamidey for misbehaviour in
21 context with the attack of the Kamajors on Koribundu?

22 A. I am sorry, I can't explain about any particular Kamajor
23 that was punished by Joe Tamidey, but he did punish some
24 of them.

25 MR SAUTER: No more questions, thank you.

26 JUDGE BOUTET: Thank you.

27 PRESIDING JUDGE: Well, Mr Witness, thank you, you are
28 discharged. If we shall need you again some time, you

1 never know, we would call you. But for now you are
2 discharged. Thank you.

3 In view of the fact --

4 THE WITNESS: I have something to say to you over there, the
5 judges, honourable judges. Shall I say what I want to
6 say.

7 PRESIDING JUDGE: Yes, go ahead, go ahead.

8 THE WITNESS: I am appealing to you to use, through the power
9 of the Court, that our town is really damaged, about 100
10 and --

11 PRESIDING JUDGE: No, you cannot say that. You cannot say
12 that. I don't accept your saying that.

13 THE WITNESS: Okay.

14 PRESIDING JUDGE: Right, thank you very much, you are
15 discharged and, as I was saying before you asked to
16 speak, if we want you, we will call you back. Thank you.

17 In view of the fact that we going to take on a new
18 witness and given the constraints of time, the Court will
19 rise and resume sitting at 2.30. At 2.30.

20 The Court will rise, please.

21 [Witness withdrew]

22 [Luncheon recess taken at 12.41 p.m.]

23 [On resuming at 2.42 p.m.]

24 [HN140904D]

14:31:19 25 [The accused entered the Court]

26 [The witness entered the Court]

27 [Open session]

28 PRESIDING JUDGE: This session resumes and the Prosecution is

1 calling --

2 MR MARGAI: My Lords, may I be heard for just one moment
3 before we proceed?

4 PRESIDING JUDGE: Yes, Mr Margai.

14:44:56 5 MR MARGAI: My Lords, we have just heard of the bereavement
6 of -- your brother judge Justice Thompson, who I believe
7 lost a sister. It is customary on such occasions, with
8 the leave of the Bench, for us to extend our condolences,
9 which I do extend on behalf of the Bar, and we wish that
14:45:22 10 God will guide and protect the deceased and console the
11 family and friends who have lost such an individual.
12 Thank you.

13 PRESIDING JUDGE: Thank you very much for your very kind words
14 of concern and sympathy. I think I would cede the floor
14:45:51 15 to my learned brother to respond to this. Thank you,
16 Mr Margai.

17 JUDGE THOMPSON: Learned counsel and other counsel, I do
18 acknowledge, with a profound sense of gratitude, your
19 kind and charitable expression of sympathy. Thank you.

14:46:22 20 PRESIDING JUDGE: Right. This said --

21 JUDGE BOUTET: Prosecutor, I do understand, looking at the
22 witness who is sitting in Court, that contrary to what
23 was indicated in the order of 26 July 2004, this witness
24 is not a Class B witness as they were described - that
14:46:52 25 is, a child witness - but he is giving evidence as an
26 ordinary witness with the protection of pseudonyms and
27 testifying behind a screen; am I right?

28 MS PARMAR: That is correct, Your Honour. The Prosecution

1 received information recently from the witness, who had
2 originally told the investigator his birth date and
3 recently the witness received information from an aunt
4 verifying in fact his correct birth date, to which he
14:47:27 5 will testify, which in fact presently brings him over the
6 age of 18.

7 JUDGE BOUTET: Are you ready to proceed?

8 MS PARMAR: Yes, we are, Your Honours. Your Honour, Sharan
9 Parmar for the Prosecution. The Prosecution calls
14:47:44 10 witness known on the record as TF2-140. The witness is
11 Christian and will testify in English, and there will be
12 no need for a translation for this witness.

13 JUDGE BOUTET: Thank you, Madam Prosecutor.

14 WITNESS: TF2-140 sworn

14:48:23 15 EXAMINED BY MS PARMAR:

16 MS PARMAR:

17 Q. Witness, how old are you?

18 A. I am 21 years old.

19 Q. And when is your date of birth?

14:48:35 20 A. I was born on 19 January 1983.

21 Q. How do you know this is your date of birth?

22 A. An aunt of mine confirmed the statement to me.

23 Q. And how does she know that this was your date of birth?

24 A. According to her explanation, her own son, who is my
14:48:56 25 nephew, is three days older than me, and so she confirmed
26 that that was exactly my age.

27 Q. Where were you born?

28 A. I was born in Pendembu in the District of Kailahun.

- 1 Q. And where did you spend your childhood?
- 2 A. I grew up there.
- 3 Q. Who did you live with in Pendembu?
- 4 A. I lived with my parents there.
- 14:49:22 5 Q. Did you attend school?
- 6 A. Yes.
- 7 Q. Until what class?
- 8 A. I stopped in form 2.
- 9 Q. Witness, you speak very good English. How did you learn
- 14:49:36 10 English?
- 11 A. My father, who was a teacher, primarily taught me English
- 12 before going to school.
- 13 Q. How long did you live in Pendembu?
- 14 A. I lived there since birth.
- 14:49:53 15 Q. Until which date?
- 16 A. Up to 1996, when I finally was forced to leave Pendembu.
- 17 Q. How were you forced to leave Pendembu?
- 18 PRESIDING JUDGE: I would like to remind learned counsel that
- 19 the responses which he is giving are being recorded and,
- 14:50:13 20 if you go very fast, too bad, what the witness is saying
- 21 will not go on record. So can you go more directly,
- 22 please, so as to enable the stenographers to record the
- 23 responses given by the witness to the questions put to
- 24 him. Thank you.
- 14:50:33 25 MR PESTMAN: And, excuse me, Your Honour, and to add to that,
- 26 it also needs to be translated for my client, who is
- 27 unable --
- 28 THE INTERPRETER: And that is being done. The interpretation

1 is being done.

2 MS PARMAR: Thank you, Your Honour.

3 Q. Witness, please go slowly to assist the Court and the
4 translation. How were you forced to leave Pendembu?

14:51:04 5 A. I can still remember in 1996 when rebels invaded my home
6 town, Pendembu, but we never took the occurrence
7 seriously and in about 30 minutes time the whole town was
8 rounded up and I was at home with my dad when these
9 rebels reached our house and they give commands to my
14:51:29 10 dad, but he did not obey these commands and so he was
11 brutalised. And he resisted -- in fact, he forced these
12 guys in such a mood he was seriously beaten, because they
13 pounced on him and beat him seriously, up to the point he
14 was beaten mercilessly and finally they put fuel on him
14:51:52 15 and he was burnt alive in my presence.

16 Q. What happened to your mother?

17 A. I became motionless, but since I had no option, I had no
18 power at the moment, I just kept cool and left --

19 MS PARMAR: Your Honours, maybe we could take a moment so the
14:52:20 20 witness can compose himself.

21 Q. What happened after the attack at Pendembu?

22 A. Just after that attack many of us were captured in the
23 same attack and we were forced to follow them wherever
24 they went. And so I was forced to follow the rebel
14:52:44 25 commander Manowa and we fled to a mountaintop known as
26 Mamba in the interior of Kailahun, and on top of this
27 mountain there was a hill -- I mean, there was a cave
28 known as Mamba. Inside this cave was the strong RUF base

1 where I was taken and the others, and we were trained
2 into fighters there.

3 Q. What did you do after your training?

4 A. I was then used in attacks to go, and we were used as
14:53:21 5 manpower. I held [inaudible] for them at the moment and
6 at the time I began to fight there.

7 Q. How long did you stay with the rebels?

8 A. First of all, I was in the training camp for three good
9 months. Then later I finally was captured in 1997, so
14:53:47 10 I could say roughly two years.

11 Q. Witness, you said that you were captured in 1997. Who
12 captured you in 1997?

13 A. I was captured by the Civil Defence Forces in the town of
14 Koidu.

14:54:06 15 Q. Please describe what happened in Koidu when you were
16 captured?

17 A. As it was a case, we went on an offensive attack that
18 day, but we never knew that the Civil Defence Forces had
19 tried to deploy up to that point where we were and,
14:54:31 20 unexpectedly, while the process of looting was in
21 progress among the RUF, we never knew that the town was
22 surrounded and in moments I heard gun launching like from
23 the RPG and automatically the town was rounded up; and
24 while trying to go and deploy for a self-defence, I was
14:54:54 25 shot at my wrist by a Kamajor militia by the name of
26 Sandi and I fell -- captured me alive and from that
27 moment I was seriously marginalised and put in a frond
28 cage made of palm tree branches.

1 MS PARMAR: Your Honours, let the record show that the witness
2 has lifted his right arm, and pointed to a mark below his
3 right wrist.

4 Q. Witness, do you remember the time of this attack?

14:55:38 5 A. It was still the rainy season.

6 Q. Do you remember the year?

7 A. 1997.

8 Q. How old were you at this time?

9 A. I was 14 years old.

14:55:53 10 Q. What did you see the Civil Defence Forces do in Koidu?

11 A. When the town was captured finally, and other people were
12 captured who were believed to have been collaborators,
13 and some were even accused of kinds of behaviours, all
14 those who were captured were put together and others died
14:56:27 15 during the struggle. And, also, in the process my --

16 those who were captured were seriously marginalised. For
17 a personal example, like me, I was tied with my hands at
18 my back, with a particular rope which is known as the FM,
19 and in that course I was put in a cage made of palm tree
14:56:54 20 thorns -- palm tree branches which bear thorns on them, a
21 height like this [indicates] and in the cage there was a

22 sensitive mimosa grass placed there as a sort of cushion.
23 There I was put with five others, and they never could
24 wash up -- that was what was in the tin, which was used
14:57:26 25 to wash the place.

26 This water was put on my head while in the cage and
27 ashes of fire was shoved on my head, and a particular
28 type of ant that bites, which is found on the kola tree,

1 was also put on me, so at the moment I really felt sort
2 of hell in my life for the second time, and after some
3 time I was taken out by Sandi and I was asked by him,
4 being a small boy, to show him the strategic points of
14:58:09 5 the RUF and, according to him, if I did that, I was to be
6 granted life or freedom.

7 I also had no other option, because if I denied to
8 do such, I was to be killed automatically, because others
9 whom were victimised together with me I saw on the ground
14:58:35 10 dead, so for such a reason I decided to go according to
11 the will of them. So I decided to lead them in wars to
12 show these strategic points more, especially the jungles
13 and these places they captured with conquests, and
14 I searched -- the confidence was not there that, indeed,
14:59:00 15 I was loyal to them and I could not hide, because all
16 these points I showed them, they captured these points
17 and they captured ammunition, so they believed that

18 indeed I was loyal to them. So Sandi --

19 Q. Witness, I'm going to ask you to slow down a little bit.
14:59:19 20 You've given us a lot of information. Let's go back to
21 when you were captured in Koidu Town.

22 A. Yeah.

23 Q. You say that the CDF had surrounded the town.

24 A. Yeah.

14:59:32 25 Q. How did you know that this was the CDF?

26 A. I personally knew, because they spoke the language
27 I speak - that's Mende - and from their dialect I knew
28 that indeed this particular group of Civil Defence were

1 Mendes.

2 Q. How else did you know that this was the CDF?

3 A. By the cotton cloth they wear. They wear charms on
4 them -- was a manifest to show that they were CDF.

15:00:07 5 Q. How many CDF did you see?

6 A. They were in good numbers, anyway.

7 Q. You've described people being marginalised and seeing
8 people dead. Do you know how they became dead?

9 A. Yes. Just as I said, people were victimised -- as the
15:00:33 10 CDF surrounded the town, they straight away went in
11 search of people who were rebels, collaborators, and
12 about same time they got out a good number of people.
13 And while these people were charged for such offences,
14 they were trying to check who were these bad people and
15:00:54 15 anyone found guilty according to them was beheaded with a
16 long cutlass.

17 Q. You refer to these people as "collaborators". What is a
18 "collaborator"?

19 A. According to them, a collaborator is someone who mingled
15:01:15 20 with the rebels, one way or the other, in a state of
21 help. For instance, you make a refuge for a rebel in
22 times of war, or you help morally in support, so these
23 people were claimed to be collaborators.

24 Q. How did you come to learn the meaning of this word?

15:01:37 25 A. Well, from the general way the searching was done, I came
26 to know, asking for the name and asking other people
27 whether they could identify such a person and whether
28 it was a genuine person. You know, from such

1 conversations I came to know they were searching for such
2 people.

3 Q. From Koidu, you described giving assistance to the CDF.

4 A. Yes.

15:02:09 5 Q. What happened when you left Koidu?

6 A. After fully acknowledging that I would no more hide,
7 Sandi decided to immune me traditionally into the Kamajor
8 society to give me more strength in help of war, and he
9 decided faithfully to bring me to one of the most famous
10 areas where this Kamajor society was initiated -- that is
11 Pujehun. He took me there and initiated me into the Born
12 Naked Society. I was initiated into the Born Naked
13 Society for a period of two weeks.

14 There I was traditionally immuned into the society
15:02:58 15 and this process took place into a sacred bush where
16 charms of different types -- assorted types -- were
17 pierced into my body after going through some other
18 ceremonies, and these charms were believed to give me
19 protection in war.

15:03:20 20 Q. Were you alone during the initiation?

21 A. No, I met other people who had been waiting for such a
22 process, also.

23 Q. Where were these people from?

24 A. They were from the neighbouring villages, towns, who also
15:03:39 25 came to join the same society.

26 Q. How old were these people who came to join?

27 A. Some were big people, old people, and people also brought
28 children to join them.

1 Q. Do you remember how old the children were?

2 A. Some of which I was older than them and some were below
3 my age - as far as some were up to 10, 11 -- small boys,
4 anyway.

15:04:08 5 Q. Who carried out the initiation?

6 A. The district initiator was there, but then Mualemu
7 Sheriff.

8 Q. How did you know who the district initiator was?

9 A. I came to know on the day I was directly initiated.

15:04:29 10 I knew his status from the sacred bush. Then, even when
11 I was initiated, he called upon me, because at that time
12 the structure of the CDF was -- they hadn't a lot of
13 educated people, so anyone who happened to join them who
14 was a little bit lettered, they would call on you to be
15:04:54 15 by their side, because most of these initiators weren't
16 educated, so they had a lot of educated boys around them.

17 Q. How many other educated boys did you see with the
18 initiator?

19 A. Well, I knew about mine, because I never knew the status
15:05:12 20 of others, but I knew of mine, and the initiator
21 specifically called on me to be by his side.

22 Q. And what did you do?

23 A. I was there -- all those who also wanted to go under the
24 same process of initiation, I wrote their names with the
15:05:32 25 initiation fee against, which was the sum of 15,000
26 Leones per person to be paid, and the initiation took
27 place according to the names -- the way the names were
28 written. So that was how they initiated them.

1 Q. Who received these initiation fees?

2 A. It was all given to the district initiator for onward
3 delivery to the high priest.

4 Q. Who was the high priest?

15:06:02 5 A. Allieu Kondewa.

6 Q. How did you know that these moneys were given to Allieu
7 Kondewa?

8 PRESIDING JUDGE: High priest -- you're going very fast.

9 Please. High priest -- can you take that question again,
15:06:15 10 please?

11 MS PARMAR: Certainly, Your Honour.

12 Q. Witness, who was the high priest?

13 A. Allieu Kondewa was the high priest.

14 Q. How did you know who was the high priest?

15:06:32 15 A. I totally came to know when I found him again at Mano
16 Junction performing his duty as a high priest.

17 Q. After your initiation with the Born Naked Society, what
18 was done with you and the small -- the other boys?

19 A. We were immuned and they made special charms for all of
15:07:02 20 us. After two weeks -- after a week later, after two
21 weeks, we set for Mano Junction.

22 Q. Did you go proceed to Mano Junction?

23 A. Yes.

24 Q. Describe what happened at Mano Junction.

15:07:22 25 A. At Mano Junction there was another initiation ceremony
26 which took place there. This particular society was
27 referred to as Banyamoli Society, which was mainly
28 initiated by the high priest Kondewa at Mano Junction

1 going towards Daru on the right-hand side of the through
2 road -- the through main road. There I found a lot of
3 people who went for this same ceremony -- people from
4 Tongo, Daru AXis, Kenema -- went for this same ceremony,
15:07:58 5 and also Sandi paid for me to join this other society,
6 and I joined this society again.

7 Q. Did you stop anywhere before reaching Mano Junction?

8 A. Yes. On our way from Pujehun to Mano Junction we met a
9 fight at Kenema. At that time the rebels were hitting
15:08:25 10 and going back to Kenema, simply because most of the boys
11 around Kenema had drained the RUF, and so it was very
12 hard for the CDF to conquer them, because they were still
13 in the same town, but never knew their identity. So we
14 put the fight under control, because we were somehow
15:08:46 15 special, and specially giving grace, because boys who
16 came from Pujehun were believed to be war-like boys. So
17 we put this situation under control before going to Mano
18 Junction.

19 Q. What did you do to put the situation under control?

15:09:03 20 A. Entering Kenema from Bandama checkpoint, we were armed
21 before entering Kenema and we had a very fierce fight
22 with these robbers -- we drew them far away and after the
23 mission Sandi told me not to waste any other time, except
24 go back to Mano Junction.

15:09:25 25 Q. When you arrived at Mano Junction, what did you see?

26 A. I met other big men -- other children of my age, and
27 others below my age who went for this same ceremony.

28 Q. What was the ceremony?

1 A. The Society of Banyamoli, which was initiated by the high
2 priest.

3 Q. Can you describe what happened during this process?

4 A. Yes. In this process, this was the second contact I had
15:10:04 5 in the Kamajor society. We were taken into the secret
6 bush, but what I observed at this particular moment was
7 that we were separated from these big guys, and
8 especially immuned and especially cheered for in the
9 sacred bush. 28 other small boys with me were in this
15:10:31 10 sacred bush, and went for this same ceremony. What was
11 believed of separating us was that little boys like my
12 age at that time and others below my age were believed to
13 be more immuned after given such medicines than the
14 adults, for the purpose of saying that because we had no
15:10:53 15 time with a woman, so the medicines acted better on
16 children who had no connection with a woman than adults.
17 So in such a case we were specially -- given special
18 charms and these charms, we led others to war and
19 conquest.

15:11:15 20 Q. How old were the other boys who were initiated with you?

21 A. Some were -- some 10, 11, and some were my equals.

22 Q. Describe what was done during your initiation.

23 A. I was given also the same traditional immunisation and,
24 as my body was pierced with blades in the sacred bush
15:11:51 25 while naked, all these assorted leaves, which was dried
26 up into charms and believed to give me traditional
27 immunisation against the bullets, was put in my body --
28 with the other boys, and there was a special charm made

1 in this bush which was known as the controller, and this
2 controller never failed us, simply because, whenever a
3 bomb was launched, we just raised the controller and this
4 bomb could just pass and never fail, so with such special
15:12:37 5 ceremony given us, we led war.

6 Q. How old were you at the time of this ceremony?

7 A. I was 15.

8 Q. During this time in Mano Junction, you said that the high
9 priest performed your ceremony. Can you describe what
15:13:06 10 you saw him doing?

11 A. Yes. In this case he, as I said, specially concentrated
12 in the immunisation of we, the 28 boys, who were in that
13 sacred bush, as it was believed that we were -- the
14 immunisation really was capable of children -- we really
15:13:34 15 were put aside for such a process and the high priest
16 prepared special charms, which they gave us. In fact,
17 the adults never received some of these charms and these
18 charms were given us to take to war.

19 Q. Did you see the high priest do anything else?

15:13:58 20 A. Yes, I saw him in the future -- that was the time I first
21 saw him, anyway.

22 Q. And you said that Sandi had paid for your initiation.

23 A. Yes.

24 Q. At Pujehun?

15:14:13 25 A. Pujehun and also Mano Junction.

26 Q. Who did he pay the money to at Mano Junction?

27 A. The secretary who was there in the sacred bush.

28 Q. Who was the "secretary" at the sacred bush?

1 A. I couldn't remember the name, but I can know him
2 facially -- I knew him facially.

3 Q. What happened to these initiation fees?

4 A. At that time the initiation fee was collected and they
15:14:41 5 handed it over to the high priest.

6 Q. How do you know that?

7 A. Because on one occasion I was there when the secretary
8 hand over this money to him, and confirmed the number of
9 people so far who had initiated and the number of people
15:15:00 10 who left for -- who were also preparing for initiation,
11 but against it I saw the secretary handing over such
12 money to the high priest, so I believed that it was for
13 him.

14 Q. Where did you go after your initiation at Mano Junction?

15:15:21 15 A. I decided to come back to collect my immuned attire,
16 which I left in Pujehun, and later came back to Bo, but
17 I happened to pass through Blama, which is a bypass road
18 I used through Koribundu and back to Pujehun.

19 Q. When did you pass through Koribundu?

15:15:48 20 A. From Mano Junction.

21 Q. Do you remember the time of day?

22 A. It was in the afternoon.

23 Q. Do you remember the year?

24 A. Not at all.

15:16:10 25 Q. You said that you passed through Koribundu.

26 A. Yes.

27 Q. Where did you go in the town?

28 A. Oh, reaching Koribundu, there was a checkpoint from Blama

1 Road entering the town. There, everybody who was in any
2 vehicle came down to go through the checkpoint there, and
3 a thorough checking was done, after which we walked
4 through to the headquarters, which was on the main road
15:16:44 5 to Bo, and there another checking was done and later we
6 finally ended at the Pujehun Road checkpoints to Pujehun.
7 There we waited for the vehicle to meet us.

8 Q. When you reached the first checkpoint into Koribundu,
9 what did you see?

15:17:05 10 A. There, we came down and, while I happened to pass, after
11 thoroughly checked, because I was not part of them, so
12 not a matter of thorough checking, I just showed my
13 identity and passed, I happened to walk to the
14 headquarters where, on my mode of walking, I saw houses
15:17:33 15 on fire. Then I saw dead people around, lying on the
16 ground, beheaded bodies. I then walked to the
17 headquarters where also shouting of people who were
18 crying for freedom and, as such, I showed my identity and
19 I was known to be a CDF man and when I inquired from the
15:18:08 20 CDF man who were these people, they told me they were
21 rebels, and I passed again to come through the last
22 checkpoints on Pujehun Road. Still in the process I saw
23 a lot of Kamajors around the town. I even saw the
24 commander, who was there in the headquarters, Tamidey
15:18:36 25 Joe.

26 Q. What had happened in Koribundu when you had arrived?

27 A. The attack just occurred when I arrived there. At that
28 moment I never saw somebody doing any burning of house,

1 but the houses were on fire when I reached there. While
2 I was on the process I saw was actual looting which was
3 in progress and most of these looted properties were
4 taken by Jimmi Highway, Jimmi Road.

15:19:04 5 Q. Who was looting these properties?

6 A. The men on the ground, who were the Kamajors on the
7 ground.

8 Q. How did you know that these were the Kamajors?

9 A. I found them on the ground and they were brothers of
15:19:21 10 mine, so the identity -- the identity couldn't hide from
11 me.

12 Q. What kind of properties were being looted?

13 A. Household properties, like videos, tape-recorders,
14 money -- I mean, a lot of things which comprise of
15:19:39 15 household properties -- generators, you know, to name a
16 few.

17 Q. Who was in operation of the checkpoints that you passed
18 through --

19 A. Different commanders, but the operation really that
15:19:55 20 happened was an offensive from Pujehun Axis by a
21 commander who was known as Bush-shaking.

22 Q. And which group did this faction belong to?

23 A. The Civil Defence.

24 Q. You described passing through Koribundu from the first
15:20:18 25 checkpoint --

26 A. Yes.

27 Q. -- to the checkpoint where there was the headquarters.
28 And you described seeing people called rebels who were

1 being held. Why were they being held?

2 A. They were victimised of being rebels and being
3 collaborators, just as it was the case that when the
4 towns were raided, people could be gathered and inquired
15:20:52 5 and the Civil Defence inquired among these people who
6 were the bad ones among them and people could point at
7 them and, after pointing at them, they would gather them
8 all up, whether it was true or not, and these people were
9 victimised in their numbers.

15:21:10 10 Q. How were they victimised?

11 A. Some were tied with their hands at their back and in such
12 a process they were either forced to lie or say the
13 truth, because that particular rope and the tie -- in the
14 process of tying --

15:21:28 15 MR WILLIAMS: My Lord, may I seek clarification at this stage?
16 I don't know whether the witness is testifying as to what
17 he saw or observed at Koribundu, or what generally
18 obtained. I believe the Prosecutor has asked him a
19 specific question as to what obtained at Koribundu when
15:21:47 20 he went to go, but now it appears he's giving evidence as
21 to what, you know -- in his opinion, or, you know, by his
22 knowledge what happened generally.

23 JUDGE BOUTET: What's your objection?

24 MR WILLIAMS: My Lord that, you know, the witness is giving
15:22:07 25 opinion evidence, My Lord. I mean, he has referred to a
26 specific situation and he's going into some other area,
27 My Lord, because, I mean, if he were testifying as to
28 what happened in Koribundu, I mean, that clearly --

1 I mean, particularly everything, according to him, had
2 happened before he arrived, but now he's going into how
3 interrogations took place and the Prosecutor asked him
4 specifically as to what happened when he went by
15:22:40 5 Koribundu. He was not there. I mean, he came
6 subsequently, so he could not say what he's saying now.
7 JUDGE BOUTET: How do you know that?
8 MR WILLIAMS: Because he said it -- I mean, "By the time
9 I came, the attack had ended."
15:22:53 10 JUDGE BOUTET: True. He's not describing an attack now.
11 MR WILLIAMS: No, he's describing an interrogation, what
12 happened.
13 JUDGE BOUTET: That's right.
14 MR WILLIAMS: He said, "When I came, dead bodies were on the
15:23:09 15 floor," but now he's going as to what happened -- how
16 they rounded up what he referred to as collaborators.
17 JUDGE THOMPSON: Could it be that the Prosecution is trying to
18 elicit the context for the specific situations that have
19 been testified to? Is that what learned counsel is
15:23:34 20 doing? Perhaps some clarification from the Prosecution.
21 MR WILLIAMS: As My Lord pleases.
22 MS PARMAR: Your Honour, the Prosecution is eliciting from the
23 witness what he saw happening at the second checkpoint,
24 which was at the headquarters for the town -- in the
15:23:50 25 middle of the town. I can ask the witness the basis of
26 his knowledge in order to clarify this question for my
27 learned counsel for the Defence.
28 JUDGE THOMPSON: Speaking for myself, I don't think we've

1 reached any stage where we need to be that apprehensive.

2 Learned counsel, continue.

3 MS PARMAR:

4 Q. Witness, how did you know about these things that you
15:24:22 5 have just described to the Court?

6 A. Just as I said, these Kamajor militias never hid their
7 identity -- they were never hidden. I saw them to be
8 Kamajors and I saw the actions done by them, simply
9 because I was part of them, so there was no actual fear
15:24:42 10 that I could not know who they were, or I could not get
11 close to them.

12 Q. Witness, let's go back to what you saw at the checkpoint
13 where there was the headquarters in the town.

14 A. Yes.

15:24:59 15 Q. Describe what was happening at that checkpoint.

16 A. You mean the checkpoint or the headquarters?

17 Q. You said that there was a second checkpoint?

18 A. This is -- the second checkpoint is the headquarters.

19 This is the headquarters itself located at the main road.
15:25:21 20 Approaching the headquarters where the second inquiry is
21 done, there, from the street, I heard crying of people
22 for freedom and, when I inquired from a Civil Defence man
23 who was there, saying, "Who were these people who could
24 tell me they were rebels and some are collaborators,"
15:25:46 25 fully acknowledging that I could not inquire any other
26 thing beside that, I walked through and came to the last
27 checkpoint. Walking through coming to the last
28 checkpoint I saw these things happening of looting and

1 other processes going on. That is what I saw.

2 Q. Did you yourself see the people who were being held?

3 A. I did not see them, but I heard their voices crying while
4 in a cell.

15:26:16 5 Q. As you passed through Koribundu, how many CDF were there?

6 A. Many CDF guys were there. I saw the commander himself
7 there.

8 Q. Who was this commander?

9 A. Tamidey Joe.

15:26:38 10 Q. How old were the CDF fighters that you saw in Koribundu?

11 A. Specifically, I saw just the very commander with four
12 small boys below my age.

13 Q. What were these small boys doing?

14 A. They were his security. He was a very powerful man in
15 that area.

15:26:58

16 Q. Can you describe what you saw at the last checkpoint that
17 you passed through?

18 A. There I waited for the vehicle to meet me and all other
19 passengers also joined me to wait for the vehicle, and we

15:27:16

20 boarded that vehicle to Pujehun.

21 Q. Where did you travel from Koribundu?

22 A. We went to Pujehun for my attire.

23 Q. Where did you travel from Pujehun?

24 A. Bo.

15:27:37

25 Q. Describe what happened to you at Bo.

26 A. While in Bo I was located at -- near Jimmi Road. On the
27 left, entering the compound known as Boima's compound,
28 was the house of the director -- former Director of War,

1 who is Moinina Fofana. His house was located in one of
2 the compounds there, and I was staying in the compound
3 just behind their own compound and, being a member of the
4 Civil Defence, while in this house I saw -- every day
15:28:23 5 I saw guys coming to this very house in their good
6 numbers, so that act of curiosity arose in me to know
7 what was the mission of these guys in this particular
8 house in this particular compound.

9 I then walked there one day and mingled with the
15:28:43 10 securities there and, while there, I met -- meetings
11 on -- and while in the meeting I tried to inquire,
12 because I saw specific people dressed, you know, whom
13 I had never before seen and I had never known, and
14 I tried to inquire who these people were, and it was from
15:29:05 15 that juncture I happened to even know the coordinator of
16 the Civil Defence Force.

17 Q. Let's go back a little bit, witness. How did you know
18 who was the former Director of War?

19 A. He was appointed by a man -- a Kamajor fellow whom I met
15:29:30 20 there a few years ago.

21 Q. And how did you come to know the coordinator for the
22 Civil Defence Forces?

23 A. I also was curious to know who the next people were, so
24 from that I happened to know him.

15:29:45 25 Q. And who was this?

26 A. Chief Sam Hinga Norman.

27 Q. Who else stayed with you at your house in Bo?

28 A. Where I lived, I lived with one Mr Kamara.

- 1 Q. Were there others in the house?
- 2 A. Yes, there were others there.
- 3 Q. What did the others do?
- 4 A. You mean the house I stayed?
- 15:30:20 5 Q. Yes.
- 6 A. Or the house of the director?
- 7 Q. The house at which you stayed.
- 8 A. No, these were all Civil people. I was the only militia
- 9 among them. They were all Civil Defence. They went
- 15:30:36 10 about their business when it was in the morning -- no-one
- 11 cared.
- 12 Q. And what of the house for Moinina Fofana, who stayed
- 13 there?
- 14 A. He himself was staying there and in this house there was
- 15:30:47 15 a room where the chief himself occupied.
- 16 Q. Were there others staying at the house?
- 17 A. Yes.
- 18 Q. Who were these people?
- 19 A. The wife of Moinina Fofana was there and some securities.
- 15:31:05 20 Q. How old were these securities?
- 21 A. They were big fellows. I only saw two boys of my age in
- 22 the house.
- 23 Q. And what did the securities do?
- 24 A. They were there to take care of the house, keep the house
- 15:31:23 25 under good security control, you know, and I took notice
- 26 of one main security who was in charge of taking the bag
- 27 of chief from the room to the vehicle whenever he was
- 28 ready to go to journey and other things were done -- did

1 that for him, and different aspects of separation of
2 function was done.

3 Q. What did you do while you stayed in Bo?

4 A. After some time I became used to these guys. I then
15:31:58 5 totally became committed to them and I joined the
6 security panel of these guys and thereafter there was
7 some amount of laxity in the former security who was with
8 him -- with my former commander, being that he was in
9 charge of the security aspect of being alone, every time
15:32:24 10 going to take the bag, so it's like when I became a
11 substitute to him, he became comfortable with that, and
12 so he relaxed over transporting the bag for the chief
13 again. So I was now in charge of taking the bag from the
14 room to the vehicle whenever the chief was ready to
15:32:42 15 travel.

16 Q. Who was your former commander?

17 A. Chief Sam Hinga Norman.

18 Q. What else did you do for Chief Sam Hinga Norman?

19 A. I had a weapon for him. I had access to a weapon at that
15:33:06 20 time. It was a G-3 -- I had it, a G-3 - a German 3.

21 Q. Who gave you this weapon?

22 A. It was bought - at that time guys were now getting guns,
23 so it was marketable at that time.

24 Q. Describe what else you saw in Bo while you were acting as
15:33:29 25 a security?

26 A. There, in fact, at any time Chief Norman went to Bo,
27 initiators, you know, went to him in good numbers, other
28 people went to him in good numbers. Like, in one

1 instance, even the first day I entered that compound,
2 I saw the high priest and the other initiators in the
3 compound in a sort of meeting.

4 Q. Did you attend such meetings?

15:34:01 5 A. Yeah, I was there. It was an open place. It just
6 happened to be a compound, but it's an open place. Only
7 members of this society were there. Non-members were
8 never allowed to be there.

9 Q. What was discussed at these meetings?

15:34:15 10 A. The welfare of the CDF was discussed.

11 Q. How long did you stay in Bo at this compound?

12 A. We were there not really a fair time. I did not stay
13 there for long, anyway.

14 Q. Where did you go from Bo?

15:34:41 15 A. From Bo, there was a journey which we set for, for
16 Freetown, by chief, and I followed that journey to
17 Freetown.

18 Q. Why did you travel with Hinga Norman to Freetown?

19 A. At that time I was not fortunate to be one of his boys,
15:35:03 20 and I could best remember again what -- I expressed
21 myself personally to him that I was a war-affected child,
22 you know, that such-and-such and he got pity of my
23 existence, so he took me as a personal son of his, so he
24 took me long. He had the confidence to take me.

15:35:29 25 Q. And why did he leave Bo to go to Freetown?

26 A. He was staying here. His office was here, and he was
27 Deputy Defence Minister.

28 Q. Did anything happen in Bo before you travelled to

1 Freetown?

2 A. No. Just when we came that we were going back to Bo.

3 Q. Explain what happened when you went to Freetown.

4 A. On our arrival here, we got an urgent message from Bo,
15:36:08 5 from the Director of War, that the presence of Chief

6 Norman was highly needed again, and the next day we set
7 off for Bo and, after going there, we all met at the
8 exit -- the 88 Battalion located at Mahem Boima Road --
9 personally were present [inaudible] Association Office.

10 There a meeting was called upon of all personnels in the
11 southern province of the Civil Defence Force and Chief
12 Norman was called upon such a meeting and, in this
13 meeting, the Director of War, together with the district
14 administrator with other initiators, all put across the
15:36:54 15 problems of the Civil Defence Force and areas of
16 casualties, medical facility, food, and other things
17 which they lacked in this war.

18 Q. How did you know that these matters were discussed?

19 A. I was with my commander, so everything that was said in
15:37:17 20 this office, I clearly heard.

21 Q. What happened after this meeting?

22 A. The commander did not totally give a direct okay that he
23 could do this, he could do this. He just assured them
24 that he could confirm such a statement to his boss and,
15:37:41 25 thereafter, whatever his boss said, he would confirm it
26 to them all, and they were pleased with such a statement.

27 Q. Where did you travel from Bo?

28 A. We travelled back to Freetown here via Guinea.

1 Q. How long did you stay in Freetown?

2 A. From Bo I -- it was just a day. The next day we
3 travelled.

4 Q. How did you travel to Guinea?

15:38:11 5 A. By helicopter.

6 Q. Who was with you on this trip?

7 A. One security by the name of Mansaray.

8 Q. Was there anyone else?

9 A. Including me and the chief himself -- the three of us.

15:38:31 10 Q. Describe what happened when you arrived in Guinea.

11 A. We were, first of all, welcomed by an unknown
12 personality, and it was in a black jeep, a very
13 diplomatic vehicle, which took me to an unknown hotel,
14 together with my boss, and in this hotel I never knew who
15:38:59 15 were there, but on our arrival there we found the
16 president himself -- His Excellency the President,
17 Dr Tejan Kabbah, His Excellency the Vice-president was
18 there, and the former British High Commissioner, Peter
19 Penfold, was there.

15:39:23 20 Q. How did you know that this was the president?

21 A. Earlier on I had known the president from his picture --
22 his portrait and other things, but that was the first day
23 I saw him facially and really identified himself to be
24 the president.

15:39:35 25 Q. And how did you know that the former vice-president, Joe
26 Demby, was there?

27 A. That's the same -- I knew his face from the portraits,
28 but I identified him clearly from that point.

1 Q. And how did you know that Peter Penfold was also in
2 attendance?

3 A. Also, the way in fact my boss extended greetings to all
4 of them. He greeted with their names and personalities,
15:40:07 5 so I came to know all of them - in fact, he was the only
6 white man among us, so I was very much anxious to know
7 who this white man was, and so from talks I knew his
8 name.

9 Q. Can you describe the hotel that you were brought to?

15:40:24 10 A. Yes, it was a very nice hotel -- diplomatic, and I saw
11 vehicles around the compound, and straight away - in
12 fact, the way I saw the appearance of this hotel, I knew
13 that big men were staying there and we went there.

14 Q. Where did you go when you reached the hotel?

15:40:45 15 A. In one of the parlours of this hotel, we entered.

16 Q. And what happened at the hotel?

17 A. At the hotel -- in that hotel and in a parlour there was
18 a table - a round table - and on this table I sat and
19 I sat beside my commander. The president was sat -- sat
15:41:17 20 in the other opposite direction. The vice was on that
21 other way, and Peter Penfold was facing me.

22 Q. Was anyone else present at this meeting?

23 A. At that time, besides me, was extra -- Mansaray was by
24 our side -- he was at the door gates there, outside.

15:41:41 25 Q. How old were you at the time of this meeting?

26 A. 16.

27 Q. Can you describe what happened then when you all reached
28 this room?

1 A. Yeah. In this particular occasion, Hinga Norman
2 expressed the problem and plight of the Civil Defence,
3 which his men had put across to him, more especially the
4 Director of War. He expressed this to the president.
15:42:15 5 And when in his speech I saw really Peter Penfold
6 concerned over the massive developments the guys had done
7 in terms of liberation, you know, he was really happy and
8 he was confident of Chief Norman to take the greatest
9 situation under control and the president -- the
15:42:42 10 vice-president was also happy, and I could first remember
11 he uttered a statement by saying that he believed it was
12 the duty of Chief Norman to take such a process in the
13 absence of the president -- to take the security of the
14 state in the absence of the president. So after
15:43:05 15 narrating the story, the president said he could see what
16 he could do, and at the end of the speech I remember him
17 taking the sum of 32 million, handing over to his vice,
18 for onward delivery to Sam Norman.

19 Q. Who took the money?

15:43:26 20 A. The president gave it to vice, and while handing it over
21 to him, he said, "The sum of this 32 million I will best
22 give to Hinga Norman to see how best he could (inaudible)
23 his boys in terms of medicine and other facilities they
24 lacked."

15:38:36 25 [3.40 p.m. HN140904E]

26 Q. Did the president say anything else?

27 A. Yes, because I best remember when he gave a word of
28 caution, that he only hoped, in the absence of him,

1 Chief Norman would take care of the country, and he
2 cautioned him to warn his boys to really take care of
3 whatever was done in order not to harm the people of the
4 state, which all such advices he really adhered to and
15:38:36 5 said he must make sure he will fulfill these demands by
6 the president.

7 Q. Did anyone speak to you at this meeting?

8 A. No, no, no. I was to the gathering to be a very small
9 boy so I was not spoken to.

15:38:36 10 Q. You described a sum of money being given by the president
11 to Hinga Norman?

12 A. Yes.

13 Q. What did this money look like?

14 A. I saw the money in 5,000 Leones notes in a plastic --
15:38:36 15 this white plastic, which money was put in a bank. The
16 money was put there, and I -- it was only when they count
17 the amounts of money that I happened to know that that
18 was the amounts. I could best remember it was in 5,000
19 Leones notes and the money was saved in transparent white
15:38:36 20 plastic.

21 Q. What was the colour of the bag that was carrying the
22 money?

23 A. It was black, a portfolio type.

24 Q. What -- describe what happened next?

15:38:36 25 A. So after the vice-president receiving this money, it was
26 onwardly [sic] delivered to the commander, my commander,
27 and he was having a bag, this black suitcase type, and in
28 this bag this money was put in the zipped bag.

1 Thereafter, we had very good food to eat, we drank, we
2 had a reception, you know. Anyway, we had some food and
3 set off.

4 Q. Where did you travel next?

15:38:36 5 A. We set off back to Freetown, because the mission was
6 urgent. The plan was not there to sleep, but to come
7 back.

8 Q. How did you travel back to Freetown?

9 A. With the same helicopter.

15:38:37 10 Q. Who travelled with you?

11 A. The three of us came back.

12 Q. Describe what happened when you arrived in Freetown?

13 A. On our arrival in Freetown, Norman called only the PRO
14 Charles Moiwo that such has changed when he went to
15:39:00 15 Guinea, and they gave them the order to call on all the
16 district administrators in different areas for an
17 emergency meeting in the defence headquarter, and this
18 was done the next day, although I was not present when
19 this announcement was released over the radio again, but
15:39:20 20 I was not there. But I was there when the command
21 structure was passed to Charles Moiwo to release this
22 message.

23 Q. You've referred to a "PRO"; what is a "PRO"?

24 A. Public relations officer.

15:39:36 25 Q. How did you come to know how this money was distributed?

26 A. The next day I saw these state initiators coming one
27 after the other, like I saw Kosseh Hindowa from Bo,
28 Colonel Dumbuya [phoentic] from Makeni, or whatever, then

1 I saw this guy Magona from Kenema, Mansaray from Pujehun,
2 the other guys, and so when they arrived, I was not too
3 early in this meeting. I never know what chance, but the
4 money -- I knew the money was distributed to them later,
15:40:16 5 and thereafter supplies began to flow.

6 Q. You've described events up until your trip to Conakry
7 with Hinga Norman and then arriving in Freetown. What
8 happened to you after in Freetown?

9 A. When I reached in Freetown, subsequently I -- I came back
15:40:43 10 to Brookfields Hotel here, which was our formal base, a
11 sort of headquarter. There the other boys were and other
12 gentlemen who were also of the Civil Defence,
13 personalities were there. I had been visiting this place
14 regularly after Conakry.

15:41:04 15 Q. How old were the boys at Brookfields Hotel?

16 A. Below my age.

17 PRESIDING JUDGE: Did he say it was Brookfields Hotel? Did he
18 say it was Brookfields Hotel?

19 THE WITNESS: Yes.

15:41:20 20 PRESIDING JUDGE: He said it?

21 MS PARMAR: Yes, Your Honour.

22 PRESIDING JUDGE: Okay.

23 THE WITNESS: Yes. Some were of small rank and some were of
24 my age rank, some big guys, age-able fellows, we were all
15:41:30 25 there. It was at a camp.

26 MS PARMAR:

27 Q. And what were the younger boys doing at Brookfields
28 Hotel?

- 1 A. We were there -- it was a sort of base, a headquarter.
2 That was the headquarter of us in the Freetown. Normally
3 there everything was organised. Whenever we want to go
4 to war, everything was set up there. That was the
15:41:51 5 headquarter.
6 Q. Where did you go to war?
7 A. Pardon?
8 Q. Where did you go to war from Brookfields Hotel?
9 A. I went Makoro, Masiaka, Gberi Bridge and even the last
15:42:09 10 mile operation.
11 Q. Let's go back. What did you do at the operation you
12 mentioned at Makoro?
13 A. We fought war, because, I mean, the immunisation which I
14 had never gave me rest. Whenever I heard about war, the
15:42:25 15 more I became serious to go to war, because I knew I was
16 immune. So I had a full confidence about going to war
17 whenever I heard about it.
18 Q. How old were the others with whom you went to war at
19 Makoro?
15:42:39 20 A. Small boys, some of whom I also was older than, some were
21 my equals.
22 Q. You also mentioned fighting at Mile 38?
23 A. Mile 38.
24 Q. 38.
15:42:47 25 A. 38.
26 Q. What did you do at Mile 38?
27 A. It was also an operation because we were trying to clear
28 the main highway which lies between Bo and Freetown,

1 because at that time we were using a bypass road through
2 Moyamba. In fact, many accidents were occurring there.
3 So we decides to say, "Okay, we must open this highway
4 that vehicles must be passing." So that was the mission
15:43:23 5 of the highway of Makoro up to Masiaka, Gberi Bridge and
6 Rosos.

7 Q. So how did you clear this way?

8 A. It was cleared, all these satelllite points of this RUF.
9 We were shaking because of this immunity. This immunity
15:43:42 10 helped us greatly.

11 Q. Describe what you would do while you would be fighting
12 during these --

13 A. I was with my AK Dragon and I had a charm. These charms
14 helped me, and I had special oils which I rubbed. So
15:44:01 15 while in this operation, only what I needed was out of
16 having ammunitions and, when I had a weapon, I was really
17 free and confident of fighting.

18 Q. What did you do with your AK Dragon?

19 A. I displayed it in war. It was highly displayed. I fired
15:44:19 20 it to the best level I could.

21 Q. After these operations, where did you travel next?

22 A. After this operation I still came back to Freetown here.

23 Q. Where did you stay in Freetown?

24 A. Spur Road.

15:44:42 25 Q. At which address?

26 A. 13E.

27 Q. And who stayed at number 13 Spur Road?

28 A. That is the residence of Sam Norman, my commander.

1 Q. Who else was staying at this residence?

2 A. Other guys were militias, other small boys below my age.

3 Like even if a former RUF boy was captured, and he was
4 staying with us at home. Below my age -- he was about 11
15:45:17 5 years old and he was staying there.

6 Q. What were these small boys doing?

7 A. Well, they were guarded at moments because, shortly after
8 we left Guinea, Chief Norman had a decision to say that
9 all small boys were exempted from war and, as such, he
15:45:35 10 was trying to reorganise us in our numbers so that he
11 could hand us over to programmes.

12 Q. So what happened next in Freetown?

13 A. From that point we were -- we were gathered from the
14 house there and others in the hotel here and we came --
15:46:00 15 we were up to the number of 81, and we were formally
16 handed over to a child protection agency, wherein the
17 Minister of Gender Affairs -- Children and Gender Affairs
18 was there who, in fact, monitored such a process that the
19 child protection agency really cared for us and saw that
15:46:25 20 everything was in place.

21 Q. What happened once you and these other 80 boys were given
22 to the child protection agencies?

23 A. This programme promised us of sending us back to
24 different locations of concern and welfare. Boys who
15:46:50 25 decided to go for carpentry were sent there. Those who
26 decided to go for school were sent. In fact, we were
27 camped before such a process for some time wherein we
28 were taught to forget about war, forget about all the

1 past things, think of something good. And while in the
2 camp of this child protection agency we were still
3 visited by Chief Norman and his members. They visited up
4 there at Moyami.

15:47:20 5 Q. What happened during these visits?

6 A. He used to check whether we were properly cared for and
7 what were the problems we faced.

8 Q. What happened to you after being handed to the child
9 protection agencies?

15:47:40 10 A. After I had been handed over, I was with a programme, but
11 it later proved to be a failure, because no sooner we
12 were taken then we were left in streets to strand. So
13 such a report was also brought to him again, to my
14 commander, that, indeed, the programme had been a
15 failure, and "You join us to this programme and this
16 programme has been a failure, so we have nowhere else to
17 go. I'm back." I had nowhere to go, because I was
18 expecting that a programme could facilitate my schooling,
19 but it did not come back, so I decided to stay with him
15:48:01 20 back.

21 Q. Where did you stay when you came back?

22 A. At his premises.

23 Q. In which town?

24 A. Freetown.

15:48:26 25 Q. And when you say that the programme was a failure, you
26 said "we". Who else was there besides yourself?

27 A. There were other boys also who were on the same programme
28 whom we all joined and relocated different. They were

1 located in different areas.

2 Q. What happened to you next in Freetown?

3 A. I was now there under such -- since war was always thing
4 that was not expected, but it came at the time we did not
15:48:59 5 expect it. There was an operation again that came up -
6 that's May 8 - wherein a commander who was here, by the
7 name of old Pa Binda, became very angry over such a news
8 that Freetown by that time there was some mishaps. So he
9 decided to loot the vehicle, this pickup, and he set
15:49:25 10 forth to Sankoh Drive for that operation.

11 Q. How many of you were rounded up in this pickup?

12 A. I best remember myself and what are big fellows, but I
13 was forced to go.

14 Q. What were you instructed to do on this operation?

15:49:51 15 A. Well, I wasn't instructed to do anything, but it was
16 always the case that when we entered anywhere, we
17 listened to the command structure. After the command
18 structure -- it was not really a fight of tense
19 something, so the operation did not last for long. We
15:50:11 20 just wandered up the -- and the documents taken, the
21 right -- there was three vehicles in the compound we scan
22 there. Vehicles with one tire and the other four tires,
23 and it was fully loaded with rice, white rice. It was
24 then handed over to the soldiers who was, back then, at
15:50:34 25 Wilberforce and the two vehicles was brought to the
26 Defence Ministry.

27 Q. Witness, you've described your experiences while you were
28 fighting for the Civil Defence Forces. How did you feel

1 during this time?

2 A. The circumstances I went through were unavoidable and for
3 the mere sense I could say that these things were not in
4 place -- some of these things were not in place, but at
15:51:13 5 the moment I could not have never denied or voiced it
6 out, because I would have been referred to as a traitor,
7 and some of these things did not go down well with me,
8 like, critically thinking, about how my own father was
9 brutalised, and when I saw the people, it was a sort of
15:51:34 10 hell, you know, I was in a position of hell. Yeah, so
11 these are memory times I will never forget in my life.

12 MS PARMAR: May I have a moment, Your Honours? Your Honours,
13 the Prosecution has finished with this witness.

14 JUDGE BOUTET: Thank you.

15:52:40 15 PRESIDING JUDGE: The Court will rise for five minutes. The
16 Court will rise.

17 MR WALKER: Court rise.

18 [Break taken at 3.59 p.m.]

19 [On resuming at 4.10 p.m.]

20 [HN140904F]

21 JUDGE BOUTET: Cross-examination first accused. Mr Norman, do
22 you want to go up first.

23 THE ACCUSED NORMAN: Yes, My Lord.

24 JUDGE BOUTET: Thank you.

25 PRESIDING JUDGE: Mr Norman, try to avoid slippery grounds and
26 let your counsel handle those grounds.

27 THE ACCUSED NORMAN: Thank you, My Lord. I will take the
28 hint.

1 CROSS-EXAMINED BY THE ACCUSED NORMAN:

2 Q. Mr Witness.

3 A. Yes, Mada.

4 Q. I wouldn't like to refer to you as Mr Witness, I will
5 just say my son.

6 A. Yes, sir.

7 Q. Thank you very much. Why are you here?

8 A. I am -- I was called upon by this Court to come and give
9 evidence on things that I saw and happened to me.

10 Q. Thank you. Are you sure that you are supposed to be in
11 this school I sent you?

12 A. Yes.

13 Q. Thank you. You are supposed not to be known by the
14 public, otherwise I will just say [Krio spoken]. I see
15 you, because I have been worried about your whereabouts.
16 However, you said something here when my watch was about
17 30 minutes and the clock was about 34 minutes after
18 three, you said, "He took me as a personal son of his."

19 A. Yes.

20 Q. Do you still consider yourself my son?

21 A. Yes.

22 Q. Like you were to me?

23 A. Yes.

24 Q. What about the other one; there were two of you? Two of
25 you I sent to Pujehun to go to school, and I was paying
26 to keep you in the home. Where is the other one?

27 A. He had fled to Liberia.

28 Q. Thank you. You were among a group of about 85 children

1 that we took from the RUF and ECOMOG and kept at
2 Brookfields Hotel; not so?

3 A. Yes.

4 Q. And we got a child protection agency chairman, is His
5 Honour Justice -- I think you know the name.

6 A. And I can't remember, but I know the man by face.

7 Q. Okay. He is Justice Joko-Smart.

8 A. Okay, yeah.

9 Q. You remember?

10 A. Yeah.

11 Q. Thank you. You can see how happy I am looking at you,
12 because I have been worried your whereabouts. I am glad
13 to see you.

14 A. I am also glad.

15 Q. Thank you. The ones you were mentioning about the other
16 boys at my house, could you remember one of them, his
17 name? He is still going school, is he?

18 A. I best remember one boy whom was a RUF by the name of
19 Bolo --

20 Q. Thank you.

21 A. -- who was captured at State House.

22 Q. Thank you. Bolo still went to school and you, I sent to
23 the other secondary school. You did not tell me all the
24 story about your father that you have told to this court
25 today.

26 A. I could remember in Bo I wrote -- before approaching you
27 officially, I wrote a formal letter to you. At that time
28 I was, in fact, preparing to really go to school, where I

1 wrote a letter to you expressing my plight, and it was
2 unfortunate the letter was not read, but I became
3 persistent to see that I must talk to you, and I was
4 fortunate one day to talk to you, and I expressed my
5 plight to you. I best remember you accepted helping
6 me --

7 Q. Hold it. Hold it. You remember I told you that I was
8 interested in your well-being to become future leaders of
9 this country.

10 A. Yes.

11 Q. And for that reason when something happened between you
12 and the other boy and Father Momoh, you know what I said
13 to you. Do you remember what I said to you on that day?

14 A. Not exactly.

15 Q. But what -- there was a disagreement over your
16 maintenance in Pujehun by the Catholic mission.

17 A. Yes.

18 Q. And I had to step in.

19 A. Yes.

20 Q. And father was angry with the two of you for doing
21 something to him.

22 A. Yes.

23 Q. And father said to me, "If these boys can do this to me,
24 Chief Norman, they can do worse to you." But then you
25 remember I said, "They are my children, will bring them
26 up." Did you remember that? Do you remember?

27 A. I can't really remember.

28 Q. But you remember I was pleading with the Reverend

- 1 Father --
- 2 A. Yes.
- 3 Q. -- that you must go back to school.
- 4 A. Yes.
- 5 Q. And I also took you somewhere around New England here to
- 6 a lady.
- 7 A. Yes, you took me into child protection agency, but --
- 8 Q. Child protection, so do you remember the lady's name?
- 9 A. No, no, no.
- 10 Q. Okay, I will remind you, Mrs Magona.
- 11 A. Yeah, but I never sat with her to speak and never did she
- 12 visit me.
- 13 Q. I went into the office.
- 14 A. Okay.
- 15 Q. And we came out.
- 16 A. Yes.
- 17 Q. And she promised --
- 18 PRESIDING JUDGE: Mr Norman, please, you know, ask him
- 19 questions.
- 20 THE ACCUSED NORMAN: Thank you, thank you, sir.
- 21 Q. You have said --
- 22 PRESIDING JUDGE: Please, we are in very technical grounds.
- 23 THE ACCUSED NORMAN: Thank you.
- 24 PRESIDING JUDGE: Yes, please, ask him questions.
- 25 THE ACCUSED NORMAN:
- 26 Q. You have said a lot of things here.
- 27 A. Yeah.
- 28 Q. And among them, that I took you to Guinea.

- 1 A. Yeah.
- 2 Q. What year was this?
- 3 A. '98, I could best remember '98.
- 4 Q. 1998?
- 5 A. Yeah.
- 6 Q. That I took you to Guinea?
- 7 A. Yes.
- 8 Q. What year did you and myself first met?
- 9 A. I first met with you in the same year.
- 10 Q. What month?
- 11 A. I don't know. I couldn't personally remember that month,
12 but I met you.
- 13 Q. Early, middle or the end of the year?
- 14 A. I still remember that year '98.
- 15 Q. The early part?
- 16 A. I couldn't best remember when I met with you anyway.
- 17 Q. But you remember that you made statements, you remember
18 that you made statements to the Special Court? Did you
19 make statements to the Special Court?
- 20 A. Which sort of statements you mean?
- 21 Q. That which you said and it was taken down.
- 22 A. Yes.
- 23 Q. And do you remember that -- how many statements did you
24 make?
- 25 A. Only one statement.
- 26 Q. Only one statement?
- 27 A. From the investigator, original investigator.
- 28 Q. Hold on. You made one statement and what month and what

- 1 year was the first -- was the statement actually made?
- 2 A. If I am not mistaken, six months after I gave my
3 statement I was called upon.
- 4 Q. And you have been here ever since, that six months?
- 5 A. Well, no.
- 6 Q. How long have you been here waiting to give this
7 evidence?
- 8 A. After two months here now.
- 9 Q. Up to two months.
- 10 A. Yeah.
- 11 Q. May I add another month? To be --
- 12 A. It was just --
- 13 Q. -- to be very close to 90 days?
- 14 A. Just when I sat through my exams I was here.
- 15 Q. But what exams?
- 16 A. My exams, you know, I was in school, you sent me and I
17 was in school. I sat my examinations despite the --
- 18 Q. Was it BEKE [phonetic] or WASE [phonetic]?
- 19 A. WASE.
- 20 Q. WASE. Has the result come?
- 21 A. Not yet.
- 22 Q. And when was that, what month really?
- 23 A. July -- that was -- I done my examinations July.
- 24 Q. July?
- 25 A. July, ending.
- 26 Q. Ending of July?
- 27 A. Yeah.
- 28 Q. And soon after that you came here?

- 1 A. Yeah, yeah, I was brought here.
- 2 Q. And you have been here ever since?
- 3 A. Yeah.
- 4 Q. So it is August, September. Okay. And you said you
5 remember making only one statement?
- 6 A. Yeah, that's one statement. Yeah.
- 7 Q. So -- and if there is any statement in your name that was
8 taken down in February this year, would that be the
9 statement?
- 10 A. Yes, that's exactly what I'm trying to say.
- 11 Q. Fine. Soon after that if there was another statement
12 taken down in October 2003, that would be a bit
13 superfluous.
- 14 A. It was a cross-examination which is drawn from the
15 original statement I gave my original investigator
16 Catherine, so they wanted to know whether it was such,
17 that statement I spoke to her was true, that was just a
18 cross-check.
- 19 Q. A cross-check?
- 20 A. What I had earlier on said to my investigator.
- 21 Q. And did you realise it was taken down?
- 22 A. No, it was -- everything was typed and I was just asked
23 questions and answering, that was the matter.
- 24 Q. So as you were saying, they were typing?
- 25 A. No, it was typed, the paper was typed.
- 26 Q. What paper?
- 27 A. Every statement which I had previously spoken with
28 Catherine was -- everything was before the lawyer.

- 1 Q. The original statement, was it typed or written?
- 2 A. It was typed.
- 3 Q. It was typed?
- 4 A. Yes.
- 5 Q. Where was it made? Here or somewhere? Was it in
6 Freetown?
- 7 A. The statement which I formally gave?
- 8 Q. The first one you made.
- 9 A. It was right in front of me that the statement was typed
10 on the computer, if I am not mistaken, by one over there.
- 11 Q. Where?
- 12 A. The one with My Lordship now, that writes -- what she
13 will type.
- 14 Q. Yes.
- 15 JUDGE THOMPSON: What was the location?
- 16 THE ACCUSED NORMAN: The location, yes.
- 17 JUDGE THOMPSON:
- 18 Q. Where did it -- where did you give that statement.
- 19 A. In the south where my location was in Pujehun.
- 20 Q. Pujehun, I see. That was the one in February?
- 21 A. Yes, My Lord.
- 22 THE ACCUSED NORMAN: That was the one in February?
- 23 PRESIDING JUDGE: That was the one taken by one Catherine?
- 24 THE WITNESS: Catherine-Anne, yeah.
- 25 JUDGE THOMPSON: Okay.
- 26 PRESIDING JUDGE: Catherine-Anne.
- 27 THE ACCUSED NORMAN: Catherine-Anne, okay.
- 28 JUDGE THOMPSON: But then you said another one.

1 THE ACCUSED NORMAN:

2 Q. There was another statement which was prior to this
3 February statement, because that statement was taken in
4 October 2003. So which was the one that you were
5 interviewed on to make the second?

6 A. The statement of Catherine I best remember; I best
7 remember Catherine's own statement.

8 Q. Catherine's own statement?

9 A. Yes.

10 Q. But you don't remember any other statement?

11 A. Besides Catherine, no.

12 Q. Okay. And if there was another third statement dated
13 June this year, would you remember that?

14 A. June?

15 Q. Yes.

16 A. No.

17 Q. Okay. You will not remember that?

18 A. At that time I was sitting exams, in fact.

19 Q. Good. So the June statement -- did you remember signing
20 any of these statements?

21 A. Signed statements, no. I best signed -- transport that
22 brought me here I signed.

23 Q. What did you say?

24 JUDGE THOMPSON:

25 Q. Did you sign the statement of February 1998?

26 A. Only thing I remember signing was the money, the
27 transport that was given --

28 Q. That's okay, I am not pressing, I just wanted to know,

1 because now the first accused has referred to three
2 statements: One in February, one --

3 THE ACCUSED NORMAN: One in October.

4 JUDGE THOMPSON: And one in October and one in June.

5 THE ACCUSED NORMAN: In June.

6 JUDGE THOMPSON:

7 Q. And you said you do not remember making the one in
8 October and the one in June; is that correct, for the
9 records?

10 A. I am thinking of Catherine. Catherine was the only one I
11 originally met with.

12 Q. No, I am just trying to clarify the records. I have you
13 down as remembering making a statement in February 1998.

14 A. '98.

15 THE ACCUSED NORMAN: No, My Lord.

16 JUDGE THOMPSON: Sorry, not February --

17 THE ACCUSED NORMAN: 18 February 2004.

18 JUDGE THOMPSON: 2004, I'm sorry, I apologise.

19 Q. But I have you down as not remembering making a statement
20 in October 2003.

21 A. No.

22 Q. You don't remember that?

23 A. I can't remember.

24 Q. And you also do not remember making a statement in June
25 2004?

26 A. No.

27 Q. I just want the records to reflect.

28 A. Not at all, because June I was sitting exams, so in fact

1 I -- it wasn't possible for me.

2 THE ACCUSED NORMAN:

3 Q. Do you remember the date on which your first commander
4 died, Mr Sandi?

5 A. Sandi -- just shortly after my initiation at Mano
6 Junction.

7 Q. What year was it?

8 A. It was in '97.

9 Q. Yes, '97.

10 A. Yeah.

11 Q. And do you remember soon after that initiation you are --
12 you travelled somewhere?

13 A. Yes.

14 Q. Where?

15 A. I came to Pujehun from Miatia.

16 Q. You came to Pujehun, from Pujehun where did you go?

17 A. I went to Bo.

18 Q. To Bo, the same 1997?

19 A. Yeah.

20 Q. The same 1997.

21 A. Yeah, and it was that same 1997 that -- was it the same
22 1997 that you proceeded to Boima's compound where you met
23 someone you called Moinina Fofana and Chief Hinga Norman?

24 A. This was '98.

25 Q. 1998. What month?

26 A. I couldn't remember.

27 Q. Well, was it on the same journey you had travelled? 1997
28 you came from Pujehun to Bo, and you stayed in Bo at the

- 1 house where there was a Mr Kamara?
- 2 A. Yes.
- 3 Q. You remember in that year?
- 4 A. Yes.
- 5 Q. This month.
- 6 A. Yes.
- 7 Q. And what would be the address of that house in Bo where
8 you stayed with Mr Kamara; would you know?
- 9 A. That is what I described -- best described as a compound
10 opposite Boima's compound.
- 11 Q. A compound opposite Boima's compound?
- 12 A. Yes.
- 13 Q. That is on the other side of the street.
- 14 A. Yes.
- 15 Q. A street that is referred to as the Old Gerihun Road?
- 16 A. Yes. Yes, yes, yes.
- 17 Q. Yes, you are educated [inaudible] English you will
18 remember. And it was on that same journey that you went
19 to Boima's compound in 1997?
- 20 A. Yes.
- 21 Q. And from that journey, where did you go to before 1998?
- 22 A. I was there until I met with you.
- 23 Q. You were there until you met with me?
- 24 A. Yes.
- 25 Q. Would it be one or two months after there, after that
26 that you met me? Or was it just one week or two weeks?
- 27 A. I was there -- I was there from -- in fact I was there up
28 to Christmas [microphone not activated] we went to spend

- 1 Christmas there.
- 2 Q. Yes.
- 3 A. So it was during that Christmas time that I happened to
- 4 link with you.
- 5 Q. December 1997.
- 6 A. Yes.
- 7 Q. Christmas time I was in Bo.
- 8 A. Yes.
- 9 Q. I went to spend Christmas in Bo.
- 10 A. Yes, yes.
- 11 Q. And it was when you met me.
- 12 A. Yeah.
- 13 Q. And after that Christmas it was then January.
- 14 A. January.
- 15 Q. Was it -- could it be the same January that you and I may
- 16 have proceeded to Guinea?
- 17 A. It's not too much -- I can best remember that --
- 18 [overlapping microphones]
- 19 Q. You have to remember --
- 20 PRESIDING JUDGE: Mr Norman, please ask him questions. There
- 21 is no conversation, you know, here between --
- 22 THE ACCUSED NORMAN: My Lord, I have --
- 23 PRESIDING JUDGE: I would like you to put precise questions to
- 24 the witness, Mr Norman, please.
- 25 THE ACCUSED NORMAN: Okay, thank you.
- 26 PRESIDING JUDGE: Formulate questions and avoid a
- 27 conversational approach, please.
- 28 THE ACCUSED NORMAN:

- 1 Q. So, in December I came to spend Christmas in Bo?
- 2 A. Yeah.
- 3 Q. That is what you say?
- 4 A. Yes.
- 5 Q. Then soon after that I drove you to -- from Bo to
- 6 Freetown?
- 7 A. Yes.
- 8 Q. How soon? One month soon, two months?
- 9 A. It was just after the vacation.
- 10 Q. After the vacation.
- 11 A. Yes.
- 12 Q. After Christmas.
- 13 A. Christmas, New Year.
- 14 Q. New Year.
- 15 A. And, you know, just after vacation.
- 16 Q. Just after.
- 17 A. There was a lot of merriment.
- 18 Q. Yes, you cannot remember dates, but --
- 19 A. But I remember '98, I remember me going with you to your
- 20 village, Mongere.
- 21 Q. Hold on. Had January ended before we left Bo to
- 22 Freetown?
- 23 A. No, I can't best remember. I best remember the dates in
- 24 '98; I best remember the year.
- 25 Q. Please, please remember, because we have to travel to
- 26 Guinea and it must be between Christmas and New Year.
- 27 But we have spent Christmas and New Year in Bo, according
- 28 to you.

- 1 A. Yes.
- 2 Q. And then soon after New Year celebration, I proceeded
3 with you to Freetown [inaudible].
- 4 A. Yes.
- 5 Q. Yes?
- 6 A. Yeah.
- 7 Q. How soon can that soon be?
- 8 A. Pardon?
- 9 Q. How soon can that soon be? One week soon, two weeks
10 soon, after Christmas, after New Year?
- 11 A. Approximately over two weeks.
- 12 Q. Approximately two weeks?
- 13 A. Yeah.
- 14 Q. That means middle of January you and I were in Freetown.
- 15 A. Yeah.
- 16 Q. 1998.
- 17 A. Yeah.
- 18 Q. Now when did we proceed to Guinea, was it at the end of
19 January or in this same January?
- 20 A. This is same January.
- 21 Q. The same January. And when we went -- we went to Guinea,
22 you said.
- 23 A. Yeah.
- 24 Q. And we were just three on board the helicopter.
- 25 A. Yeah.
- 26 Q. You, myself, and who did you say?
- 27 A. [Inaudible] Moshare Mohammed. Moshare [phonetic].
- 28 Q. Moshare?

- 1 A. Yeah.
- 2 Q. And in Guinea in January we met His Excellency the
3 President.
- 4 A. Yes.
- 5 Q. And also His Excellency the Vice-President?
- 6 A. Yes.
- 7 Q. And His Excellency Mr Peter Penfold, the British High
8 Commissioner.
- 9 A. Yeah.
- 10 Q. And in their presence you said the president gave me an
11 amount of money.
- 12 A. Yes.
- 13 Q. And you said the amount was named by the vice-president.
- 14 A. By the president.
- 15 Q. By the first president.
- 16 A. On delivery -- on the mood to deliver the money, he
17 mentioned the amount.
- 18 Q. Oh, it was the president who said it was this amount.
- 19 A. Yes, for instance, when he was about to hand over the
20 money then he called the amount.
- 21 Q. How much was it?
- 22 A. He said 32 million.
- 23 Q. He said 32 million. And then also -- since you said the
24 money was not given directly from the President to me, it
25 was given from the President to whom?
- 26 A. To the vice.
- 27 Q. To the vice-president. And who -- what is the name of
28 this vice-president you are referring to?

- 1 A. His Excellency former, Joe Demby, former Vice-president
2 Joe Demby.
- 3 Q. Former vice-president.
- 4 A. Joe Demby.
- 5 Q. Dr Albert --
- 6 A. Joe Demby.
- 7 Q. Joe Demby. And Joe Demby -- sorry, the former
8 vice-president then gave me this money --
- 9 A. Yeah.
- 10 Q. -- in your presence?
- 11 A. Yeah.
- 12 Q. -- and in the presence of Mr Peter Penfold?
- 13 A. Yes.
- 14 Q. In the month of January?
- 15 A. Yes.
- 16 Q. 1998?
- 17 A. Yes.
- 18 Q. And then we proceeded back to Freetown.
- 19 A. Yeah.
- 20 Q. Where did we go to?
- 21 A. At your premises, Spur Road.
- 22 Q. Number 38 Spur Road?
- 23 A. Yeah.
- 24 Q. In January 1998?
- 25 A. Yeah.
- 26 Q. From that January 1998 you said -- you did say to the
27 Prosecution something that Chief Norman did.
- 28 A. Yeah.

- 1 Q. What did you say?
- 2 A. I said that you called upon your PRO, that's Jasmaro,
3 [phonetic] since they were all together, and they sent
4 you on such a mission and you clearly expressed to him
5 what was the end of the mission. And from that point you
6 told him to call upon all the district administrators,
7 and that was a subsequent morning. He did as you
8 commanded him to. And thereafter, I saw these
9 administrators coming from defend positions at Kosseh
10 Hindowa, Dumbuya, Magona, Mansaray and others came,
11 assembled in your office, the ministry.
- 12 Q. Which office was this you are referring to?
- 13 A. The Ministry of Defence, State Avenue.
- 14 Q. [Overlapping microphones] at that time where?
- 15 A. In town here.
- 16 Q. What part, you should know this.
- 17 A. The State Avenue.
- 18 Q. State Avenue.
- 19 A. Yes, very close to the State House.
- 20 Q. Very close to the State House.
- 21 A. Yes.
- 22 Q. And that is where we met again -- I met again with these
23 people?
- 24 A. In your office.
- 25 Q. In my office in January 1998.
- 26 A. Yeah.
- 27 Q. When they came, when I called them.
- 28 A. Yeah.

- 1 Q. And you are very definite it was that. Now, you have
2 said that an organisation took charge of you.
- 3 A. Yeah.
- 4 Q. What year was it? The child protection agency was later,
5 very later, soon after that I got arrested, but the
6 organisation that took charge of you, in what year from
7 Brookfields, when I handed you over to Justice Joko-Smart
8 and others?
- 9 A. Late '99, 2000.
- 10 Q. 2000?
- 11 A. Yeah, '99, 2000. Yes, 2000.
- 12 Q. 2000, the year 2000. Okay. Now, where did you say they
13 took you to?
- 14 A. You took me Moini.
- 15 Q. Moini. Where, what part of Freetown?
- 16 A. The eastern, extreme east of Freetown.
- 17 Q. Towards the end?
- 18 A. Towards Grafton, towards Grafton.
- 19 Q. The end of Wellington as you are driving out of Freetown.
- 20 A. Yeah.
- 21 Q. Now, did you come back to me?
- 22 A. At that time we were for then, that moment we were cared
23 for then, we were cared after by them.
- 24 Q. After that -- -
- 25 A. I came back to you.
- 26 Q. Why?
- 27 A. The programme proved to be a failure after some time.
- 28 Q. And you wanted me to do something?

- 1 A. Yeah.
- 2 Q. What?
- 3 A. Since I was with you and you pushed me to this programme
4 and it be -- it happened to be a failure, so I had no
5 other option after fully telling you about my plight, I
6 saw that it was in position to meet you again and to say,
7 "Oh the programme was a failure."
- 8 Q. That you were parentless.
- 9 A. Yeah.
- 10 Q. That I should assist you?
- 11 A. Yeah.
- 12 Q. Did I assist you?
- 13 A. Yeah.
- 14 Q. And I sent you -- - what assistance did I give you?
- 15 A. You sent -- you sent me back to school.
- 16 Q. I sent you to school. Where, in town here or somewhere?
- 17 A. Where I was located.
- 18 Q. Where?
- 19 A. Pujehun.
- 20 Q. Pujehun. And I kept paying for you until this child
21 protection took over? Until the child protection took
22 over.
- 23 A. No, no. You took care of me after the programme proved
24 to be a failure.
- 25 Q. That is it, up to when --
- 26 A. When the programme -- just when you took care of me, the
27 programme never took care of me again.
- 28 Q. I know that, I know that.

1 A. Yeah. Up to a time, in fact.

2 Q. Up to when the --

3 A. You were arrested.

4 Q. Yes. So the school report that you are to bring to me is
5 still pending; not so?

6 A. Yes, I am confident that --

7 THE ACCUSED NORMAN: My Lord, I will first want to rest it
8 there and give the technical areas to the lawyers.

9 JUDGE BOUTET: Thank you, Mr Norman.

10 THE ACCUSED NORMAN: I am grateful to God, Mr Witness, that
11 you are alive and that I have seen you and I hear you
12 speaking nice English.

13 THE WITNESS: Thank you.

14 THE ACCUSED NORMAN: You have been educated.

15 JUDGE BOUTET: Thank you. Counsel for the first accused?

16 MR HALL: Thank you, Your Honour.

17 CROSS-EXAMINED BY MR HALL:

18 Q. Mr Witness, I am one of the lawyers for Mr Norman. I
19 wanted to ask you some background concerning how you
20 became involved in being in the military. At the time
21 the RUF came and abducted you, you were about 13 years
22 old then?

23 A. Pardon, could you please --

24 Q. You were about 13 years old when the RUF came and took
25 you.

26 A. Yeah.

27 Q. That was the time they killed your father.

28 A. Yeah.

- 1 Q. And when they took you, where did they take you?
- 2 A. They took me to one of the bushes at Kailahun known as
3 Mamba, and this Mamba was a cave where that is one of the
4 most strong-hold areas of RUF and Sierra Leone at that
5 time, and there I was trained.
- 6 Q. And they trained you to be a soldier.
- 7 A. Yeah, I was trained as a rebel because I was not a
8 soldier, you know, like we were wild life, jungle life.
9 I was trained as a rebel, a well-equipped rebel.
- 10 Q. Did they teach you how to shoot guns?
- 11 A. Yes, I was taught how to shoot, mantle and dismantle guns
12 and that's all the tactical ideas and behaviour.
- 13 Q. And before you were abducted, I take it you were in
14 school, because your father was a school teacher.
- 15 A. Yeah.
- 16 Q. What grade were you in?
- 17 A. Pardon?
- 18 Q. What year in school?
- 19 A. I was in vocational Secondary school, Penduma.
- 20 Q. How long you were you with the RUF?
- 21 A. Since a period of two years.
- 22 Q. In that two years did you see combat action going on
23 around you?
- 24 A. Yes. Fighting was occurrence, they took me to war, and
25 when I was small special, I was given drugs to take that
26 made me unconscious to go to war.
- 27 Q. Let me ask you this also: there is another trial going
28 on at the same time as this one, the RUF trial. Have you

1 testified in that case already?

2 A. Pardon?

3 Q. Have you testified in another trial in this room?

4 A. No, this my first trial.

5 Q. But you will be testifying some other time; do you think?

6 A. Well, it's all left up to the courts.

7 PRESIDING JUDGE: What is the relevance of that question,

8 Mr Hall?

9 MR HALL: Your Honour, I see that he has been paid.

10 PRESIDING JUDGE: You can go on, it's just a question, you

11 know. I question the relevance of that question, but you

12 can proceed, please.

13 MR HALL:

14 Q. Well, since the Court has enquired, I will ask you now.

15 So far the Victim Witness Services division has paid you

16 for 89 days of attendance to provide for your upkeep

17 while you are with the Court; is that correct? You may

18 not know the exact number, but it is for all the times

19 you have been at court, with the Prosecutor or whatever,

20 you have been paid for at least 89 days.

21 A. I have been cared for.

22 Q. And you said this last time you have been in town for two

23 months.

24 A. Yeah. Since my stay here I have been given some basic

25 facilities, like accommodation, food, and given some

26 subsidies to meet demands while in Freetown.

27 Q. You have also actually received medical treatment.

28 A. Yeah, because during the post-war conflict I became

1 partially deaf, you know, but through time after here I
2 came to get my ears, you know, cleaned. So I can -- that
3 even makes me -- makes it possible for me to clearly hear
4 what you are telling me or you are enquiring.

5 Q. And through the Victim Witness Services division you have
6 been paid about a million and a half Leones?

7 A. That is not to my knowledge anyway.

8 Q. Okay, but you don't dispute the amount?

9 JUDGE THOMPSON: What's the amount?

10 MR HALL: About a million and a half.

11 Q. Has the Prosecutor's office separately paid you some for
12 when they had you prior to Victim Services?

13 A. No.

14 Q. Okay.

15 JUDGE THOMPSON: Does he admit that he has received about a
16 million and a half Leones from the victims?

17 MR HALL: Yes, Your Honour.

18 JUDGE THOMPSON: Thanks you.

19 MR HALL:

20 A. And this being in town for two months, has it interfered
21 with your schooling?

22 A. Just as I have said, I've just sat some exams, so I am
23 awaiting my results in fact. So my absence means nothing
24 [inaudible].

25 Q. And, in fact, when you were with the RUF, you even got to
26 go into Liberia.

27 A. Yeah.

28 Q. And were you going on there -- as you went to Liberia,

1 was it part of a military campaign or to retrieve goods
2 and services?

3 A. Liberia is for -- from where my own home town, in Liberia
4 is just a path road; it's a main road walk. Every day we
5 sometimes go and spend a whole day in Liberia and come
6 back, but due to the post-conflict at that time, you
7 know, the mission was between Liberia and Guinea -- I
8 mean, Sierra Leone to rebels from Liberia came. Whenever
9 state of emergency was there, but we need reinforcement
10 of [inaudible] equipped guys, commandoes, so they called
11 upon them.

12 Q. When Liberians came across the border --

13 A. Yeah, it's a main road anyway, there is no bridge. It's
14 a main road, you walk and go to Liberia and come back in
15 a day. So it's very short.

16 Q. When Liberians came over, there wasn't any fighting when
17 they came over?

18 A. The only fighting was when the Commander Butterfly wanted
19 to impose his seniority in Sierra Leone again; that
20 brought about a sort of in-fighting among the RUF at that
21 time in Mamba, in the leadership structure.

22 Q. I have one last question on this, you also saw a
23 helicopter full of arms come in to Sierra Leone from
24 Liberia?

25 A. Pardon?

26 Q. You saw a helicopter from Liberia?

27 A. Yeah, yeah, yeah.

28 Q. And it landed in Sierra Leone?

1 A. Yeah, yeah, yeah.

2 Q. And it was paid for with diamonds?

3 A. Yeah, some people from Liberia came, and these were
4 diplomats, as I saw them, because a particular man was in
5 white-white, and others, and at that time I remember my
6 commanders were all there. It was a procession,
7 everybody -- it was -- it just appeared to be a military
8 receiving and authority, you know; that's how it
9 happened, the scene.

10 JUDGE THOMPSON: Would you ask the question again, I am not
11 getting the -- it's getting a bit entangled. Could you
12 pose it again?

13 [4.42 p.m. HN140904G]

14 Q. Helicopter full of military goods came in?

16:43:30 15 A. Yeah.

16 Q. And how was it paid for?

17 A. The people. We were happy to receive this helicopter and
18 after I knew they came on a mission; this helicopter came
19 with arms and ammunitions, and it was exchanged for
16:43:54 20 diamonds. Bottles of six (inaudible) I could remember
21 fully loaded with diamonds was handed over to the former
22 RUF commander, Sankoh, who followed this helicopter.

23 Q. And this was the RUF buying weapons from Liberia?

24 A. I saw the weapons from a helicopter which came from
16:44:20 25 Liberia.

26 Q. But it was the RUF that was buying?

27 A. Yes. And this helicopter brought weapons, and when these
28 diamonds were given back to a particular dignitary who

1 followed back this ammunition, it flew back and went.

2 Q. Who was the source of those weapons?

3 JUDGE BOUTET: Mr Counsel, I would like to know if this is
4 relevant to what we are doing today. I mean, I would
16:44:50 5 like to be informed the relevance - I'm at a loss to
6 understand at this time. We are not in RUF trial to my
7 knowledge.

8 PRESIDING JUDGE: You see, this witness is saying that he saw
9 guns. How can he know the ori -- he said the guns came
16:45:04 10 from Liberia. What else can he say as to the origin of
11 these guns?

12 MR HALL: Who the person was who provided them, and that was
13 my last question.

14 JUDGE BOUTET: But is it because you are trying to attack the
16:45:10 15 credibility of this witness or trying to get some other
16 information -- I'm just trying to follow your line of
17 questions, and based on that, obviously if you are
18 attacking the credibility of the witness, I see nothing.
19 If that is not the case, I would like to know how this
16:45:28 20 applies to this trial and what is the relevance to this
21 particular trial. That's my concern with these
22 questions.

23 JUDGE THOMPSON: Let me ask the question: Is it because he
24 was once in the RUF, on his own admission?

16:45:42 25 MR HALL: Because he was in the RUF, because it shows he was
26 well trained in the military before he was taken into the
27 CDF, and also he has background about how -- what was
28 funding the RUF and I didn't plan going further than

1 that.

2 JUDGE THOMPSON: Well, I'm satisfied. As long as because he
3 was in the RUF and he has given evidence to that fact or
4 that allegation that he was in the RUF.

16:46:08 5 MR HALL: And this is my last question concerning that part.

6 Q. Who were you told was the source of those arms; what man?

7 A. Sankoh, the former RUF commander, because he came along
8 with the guys who were in this helicopter dressed in
9 white - white attire.

16:46:28 10 Q. Was the name Charles Taylor mentioned?

11 A. I could best remember one of the ministers of Charles
12 Taylor, but I couldn't remember the name, was among and
13 in the inductory when they arrived, that made me to know
14 that he was one of the ministers of Taylor.

16:46:50 15 Q. Okay, thank you. Now let's go to '97. You'd been with
16 the RUF for two years and then you fell into the hands of
17 the CDF?

18 A. Yes.

19 Q. Had you heard about the Kamajors prior to this?

16:47:10 20 A. Yes, I was captured by the Kamajors.

21 Q. But had you heard about them prior to being captured by
22 them?

23 A. Yes.

24 Q. And you knew what they were?

16:47:24 25 A. Yeah.

26 Q. And you used the word "immune" several times?

27 A. Yes.

28 Q. And "immune" is where you were put on charms and your

1 clothing is washed -- tell me if I'm wrong -- and that
2 protects you from bullets?

3 A. Yeah.

4 Q. And did that actually work for you?

16:47:48 5 A. Yeah, yeah, yeah.

6 Q. Tell the Court how it works when somebody goes through
7 this process?

8 A. When I went through the process, what was important was
9 for me to be pure, as was always the case given the
16:48:00 10 advice given us by the initiators that whenever you are
11 pure in body - that means you have no contamination with
12 a woman - you are free from the bullet. That was one of
13 the major laws we had, and I kept the law into good
14 consideration; to be clean always. So if at all there
16:48:18 15 was any victim in the CDF, it was mainly because the law
16 was spoiled.

17 Q. Were you rightfully involved in testing; being shot at?

18 A. Yeah, yeah, yeah, I was tested. The cloth I wore was
19 tested -- fired, and even myself when I went to war, the
16:48:30 20 bullet never touched me. So I was confident that this
21 immunity was true and realistic.

22 Q. And how long after you were taken by the CDF or liberated
23 by the CDF did you go through the immunising process?

24 A. I was with Sandi for a period of over a month trying to
16:49:02 25 show the strategic positions of my former allied forces.

26 Q. Now, when you were with the Kamajors, you were sincere?

27 A. Yeah, I was sincere. I showed them all these points
28 where they captured with conquest, and having a lot of

1 ammunitions.

2 Q. And you knew that the Kamajors were trying to take back
3 the government from the rebels?

4 A. Yeah.

16:49:24 5 Q. And you wanted to help take the government from the
6 rebels?

7 A. Yeah, because it was really sincere for me to live
8 thinking of what they did to me.

9 Q. What the RUF did to you?

16:49:30 10 A. Yeah. So I was not really willing, in fact, to live with
11 them. It is just because of unavoidable circumstances
12 that made me to live with them.

13 Q. Do you consider yourself a patriot to Sierra Leone?

14 A. Pardon?

16:49:54 15 Q. Do you consider yourself a patriot to Sierra Leone?

16 A. Yes, I can so, but being a patriot, it was unavoidable.
17 I was forced to be a patriot. I would never have been of
18 such if it was not the circumstance being unavoidable.

19 Q. You would not have joined the Kamajors on your own?

16:50:18 20 A. Or any armed conflict, because my father never would have
21 allowed me if it was not the circumstance of his death
22 that forced me to joined the revolution.

23 Q. And that was two years before you came in the Kamajor?

24 A. Yes.

16:50:32 25 Q. Were you forced into joining the Kamajors, or did you do
26 it voluntarily?

27 A. If I --

28 Q. They had seized you; correct?

1 A. I was with them, tightly with them. Being a small boy
2 that time, that's why they spared me.

3 Q. You talked about attacks on Koribundu?

4 A. Yes.

16:51:12 5 Q. And you just -- you talked first about checkpoints coming
6 in the town, and in your statement you talked about three
7 attacks and you weren't really asked about that. Were
8 you involved in three separate attacks on the town of
9 Koribundu?

16:51:30 10 A. I personally was not involved in any of the attacks in
11 Koribundu, but I happened to witness just after the
12 operation was on.

13 Q. When Koribundu was finally taken?

14 A. Yes, by the Kamajors.

16:51:42 15 Q. And that's the checkpoint you were referring to the
16 Kamajors were now in charge?

17 A. The time I arrived they were in charge.

18 Q. And how long after Koribundu was seized did you arrive,
19 if you know?

16:51:58 20 A. It was about an hour, because the process of fire was on
21 houses and the way the fire or smoke was coming it
22 appeared not to have been a long time such an occurrence
23 had taken place.

24 Q. And what time of the day was it when you came to the
16:52:16 25 town?

26 A. I approached there in the afternoon.

27 Q. Do you perhaps remember the day or the week?

28 A. Not at all.

1 Q. Could you hear the fighting in Koribundu from -- since
2 you said you came an hour later, could you hear the
3 fighting; the gunfire?

4 A. From Blama, yes. There was a large gunfire, but before
16:52:38 5 we approached Koribundu, the situation was under control;
6 guys had taken place -- control of the town. So
7 everything had ceased. In fact, that made us -- when we
8 travel for some time, we ceased to know whether the
9 firing was clear - we knew that nothing was going to
16:52:54 10 happen again.

11 Q. So you were not one of the soldiers involved in the
12 taking of Koribundu?

13 A. No, I was not involved in any of the attacks. I happened
14 to meet up some of the things, but I did not participate.

16:53:10 15 Q. That was in 1998. You would have been 15 years old?

16 A. Yes.

17 Q. You were not armed at that point?

18 A. No.

19 Q. When you came into Koribundu, what was the condition of
16:53:34 20 the town?

21 A. Pardon?

22 Q. What was the condition of the town?

23 A. The town was in a complete disarray.

24 Q. Disarray?

16:53:44 25 A. Yes.

26 Q. Was there fire burning?

27 A. Tons of civilians hiding; some people were at closed
28 doors. Those who were victimised shouted for freedom as

1 I approached the headquarter.

2 Q. Victimized by who?

3 A. By the CDF. Those who were alleged to have been
4 collaborators, rebels, you know, were brought into the
16:54:18 5 cells of the headquarter.

6 Q. People who were suspected of being collaborators were
7 being rounded up?

8 A. Yeah.

9 Q. Were they questioned, some released?

16:54:34 10 A. I met people there inside the cell. I never knew whether
11 they were questioned, but what I could best remember is
12 the act of question was also real; people -- they asked
13 the inhabitants of any village they happen to capture who
14 and who were the others whom they suspected, and whatever
16:54:58 15 the populace of such a village told them, they confirmed
16 this as true, whether it happened to be a lie or not.
17 And with help of that rope again, the FM, a lot of guys
18 spoke the truth and some lied just to gain their freedom.

19 Q. Do you know who the commander was in charge of Koribundu
16:55:22 20 when you got there?

21 A. Yes, Bursiki. I remember Bursiki.

22 Q. Do you remember Joe Tamidey?

23 A. Joe Tamidey, yeah. He is the battalion commander of that
24 town, but Bursiki just happened to launch that attack
16:55:44 25 which Joe Tamidey was overall commander.

26 Q. Did you go all over the town yourself?

27 A. Pardon?

28 Q. Did you go all over the town yourself?

1 A. I did not go all over, but I went in some parts of the
2 town -- passed through some parts of the town, like from
3 Blama Road to the headquarter, from the headquarter to
4 the Pujehun checkpoint.

16:56:00 5 Q. You went through several check points?

6 A. I just went through one -- three. In Koribundu, three
7 checkpoints I went through.

8 Q. One outside of town, one inside of town and one outside
9 of town on the other side?

16:56:16 10 A. Yes.

11 Q. And did you find anybody at the checkpoints?

12 A. Yes, Kamajor militias were there, who requested the
13 pass -- travelling passes as we entered the booths. As
14 we entered the booths, they requested for the travelling
16:56:32 15 passes and this was delivered to them. After reading
16 them, you go through the headquarter. Such was the
17 procedure.

18 Q. Who would give you the travel pass?

19 A. These passes were from any CDF area you are leaving to
16:56:54 20 another area, you get a pass. We took these passes
21 directly from Mano Junction, certified that we were CDF

22 men and we were travelling to so, so, so place. So it
23 was a sort of pass.

24 Q. Would it be issued at the headquarters?

16:57:14 25 A. Yeah; headquarters, initiation places, renown CDF places
26 we made passes there. When we were CDF based, passes
27 were made there.

28 Q. When you came into the headquarters, how would they know

1 you were a CDF?

2 A. That was very, very special. In trying to inquire to
3 know how, or who I was, I was called upon, as it was
4 always the traditional custom of the CDF, and there were
16:57:32 5 some body signs and signals which we made to each other,
6 and, if at all I was a member, they knew and if I was a
7 near or far member, they knew. So without even producing
8 the pass, I would be investigated whether I was a legal
9 member of the society.

16:57:52 10 Q. How long were you actually in Koribundu?

11 A. I was just passing through - a period of about 30
12 minutes - to let the process go on.

13 Q. Just to pass through?

14 A. Yes.

16:58:04 15 Q. And when you passed through, where did you go next?

16 A. I went to the last checkpoint to wait for a vehicle.

17 PRESIDING JUDGE: May we progress with the cross-examination,
18 please? May we progress, please.

19 MR HALL:

16:58:18 20 Q. What town did you go to next?

21 A. I went to the last checkpoint of Koribundu and finally
22 headed to Pujehun.

23 Q. When you went to -- when you met Chief Norman, who was in
24 Bo, did you go from Koribundu to Bo?

16:59:00 25 A. From Pujehun to Bo.

26 Q. And how long after you passed through Koribundu did you
27 arrive at Bo?

28 A. It's just a matter of three hour's journey -- three to

1 four hours' journey. It was that same day.

2 Q. Prior to meeting Chief Norman, had you been trying to get
3 in touch with him?

4 A. Pardon?

16:59:26 5 Q. You had been trying to get in touch with Chief Norman
6 prior to meeting him?

7 A. Yes.

8 Q. And that day is prior to going to Koribundu and then
9 going on to Bo, or after --

16:59:38 10 A. No. After I left Koribundu for Pujehun, I finally
11 settled in Bo. From there I never travelled again to
12 Pujehun or Kenema and other areas; I was now in Bo.

13 Q. Your efforts to contact the Chief, did they start in Bo
14 or before that?

17:00:00 15 A. In Bo.

16 Q. And your purpose in contacting the chief was what?

17 A. Pardon?

18 Q. Your purpose in contacting the chief was what? Why did
19 you want to contact --

17:00:16 20 PRESIDING JUDGE: These grounds have been covered by the first
21 accused in his cross-examination. This witness has been
22 sufficiently explicit on this and I think that for those
23 grounds, which were ably covered by the first accused, we
24 could skip them and proceed to tackle grounds which were
17:00:34 25 not touched by him. That is the way we thought we should
26 proceed in order to make some progress.

27 MR HALL: Yes, Your Honour, I've just now remembered his
28 direct answer. I just knew that he was trying to contact

1 him.

2 Q. You mentioned the trip to Guinea?

3 A. Yes.

4 Q. And that trip to Guinea, you always talked about holding
17:01:06 5 a gun?

6 A. No, no, no, no.

7 Q. Okay. But sometimes you held Chief Norman's gun?

8 A. Yes from Bo to Freetown and around Freetown and whenever
9 he travelled to up line, and, you know, many other areas.

17:01:22 10 Q. Were you just holding the gun for him, or were you
11 supposed to use it if you needed to?

12 A. Excuse me, because my ears are still --

13 Q. You had a gun?

14 A. Yes.

17:01:48 15 Q. But it was Chief Norman's gun?

16 A. It was butted anyway; the gun was butted just as I said,
17 it was butted.

18 Q. But were you going to ever use the gun if you needed to,
19 or were you just holding it to give to the Chief if he

17:02:00 20 needed to use it?

21 A. Yes.

22 Q. Which one?

23 A. I was having it as a security for chief.

24 Q. So you would use it if you had to?

17:02:04 25 A. Yes.

26 Q. And you knew how?

27 A. If I knew arm?

28 Q. You knew how to use it?

1 A. I had, and I used it when necessary.

2 PRESIDING JUDGE: He had received some training when he was
3 with the RUF.

4 MR HALL:

17:02:18 5 Q. And at this point, how old were you?

6 A. I would be 16 -- I was 15. '97, I was 15.

7 Q. The trip to Guinea was in 1998?

8 A. In that trip I was 16 years old.

9 MR HALL: One moment, Your Honour. Thank you, Your Honour,
17:03:10 10 that's all.

11 JUDGE BOUTET: Thank you.

12 PRESIDING JUDGE: Thank you.

13 JUDGE BOUTET: Counsel for the second accused.

14 MR PESTMAN: Thank you.

17:03:20 15 CROSS-EXAMINED BY MR PESTMAN:

16 Q. Mr Witness, when you were being questioned by Chief
17 Norman, you stated that you were in Bo for Christmas 1997
18 and the beginning of 1998; is that correct?

19 A. Yes.

17:03:36 20 Q. That's correct. Did you see Moinina Fofana in Bo at that
21 time?

22 A. Yes, he was residing there.

23 Q. So you saw him in Bo before you went to Freetown by
24 helicopter for the first time?

17:03:58 25 A. Before I came to Freetown I saw him, yeah.

26 Q. When you took the helicopter with Chief Norman to
27 Freetown, for the first time, you arrived in Freetown and
28 you stated that there was a message, an urgent message

1 from the Director of War to go back to Bo?

2 A. Yes.

3 Q. What kind of message was that?

4 A. The message was that no sooner Chief Norman left Bo than
17:04:28 5 there was as furious attack by the RUF in surrounding Bo,
6 and the Kamajors had a lot of casualties, and what was
7 really the plight and concern of the Director of War was
8 when the casualties had no hope of medicine and aid, and
9 as such it was a burden for him, as guys met him in their
17:04:54 10 millions, to really know what was their plight and how
11 best they could assist. So he also referred to, say, by
12 sending to his bosses there and called on Chief Norman to
13 address such an issue.

14 Q. How do you know that message was sent?

17:05:14 15 A. I was with him at home - I was with Chief at home when he
16 said he should have a trip the next day and he explained
17 the subject matter that guys have been seriously wounded.

18 Q. I would like to ask some additional questions about the
19 meeting you attended in Conakry, which took place, if I
17:05:36 20 understand correctly, in the beginning of 1998?

21 A. Yes.

22 Q. Do you know the month?

23 A. One should believe that's in January.

24 Q. 1998 January. And how long did that meeting last?

17:05:54 25 A. It didn't last for long time. Just after the subject
26 matter was expressed and it was addressed, we came back
27 that evening.

28 Q. And how long did it last - an hour, two hours, five

1 minutes?

2 A. About two hours.

3 Q. You stated earlier on that you entered a hotel and that
4 you walked into one of the parlours of the hotel. When
17:06:20 5 you entered in, who was in that room?

6 A. The three personalities I earlier on talked about were
7 there: His Excellency the Vice President, the President
8 and Peter Penfold were there; these were the three
9 diplomats we met there.

17:06:34 10 Q. And they were already in the room when you entered?

11 A. Yes.

12 Q. With Chief Norman?

13 A. Yes.

14 Q. Can you describe to me how the greeting went? How did

17:06:54 15 the three people and Chief Norman greet each other?

16 A. Pardon? The question again.

17 Q. How did they greet each other, Chief Norman and the
18 others?

19 A. Okay. Chief Norman, as he was the visitor, greeted the
20 president -- His Excellency the president and said "How
21 are you, Pa Kabbah." Then Joe, and he specially greeted
22 Peter Penfold and he said, "How are you, sir, His
23 Excellency," and he called his name again as Mr Penfold.

24 So from that point, having seen the president before on
17:07:14 25 portraits, I clearly saw his face that day, his vice and
26 Mr Penfold, and I knew him that day for the first time.

27 Q. What language was spoken during the meeting?

28 A. They spoke English, because the white man was the only

1 strange man amongst them. So for the general benefit, I
2 do believe that was the reason why chief spoke English.

3 Q. So after the first introductions, what happened then; who
4 started speaking?

17:07:48 5 A. Chief Norman started speaking about the plight of his
6 guys and the subject which took him directly to Guinea,
7 to the president.

8 Q. Did he explain to the president what the military
9 situation was in Sierra Leone?

17:08:10 10 A. Yes, he explained, because that time the military was
11 not -- they were not committed; they had fled, and that
12 time ECOMOG has just arrived and they were fighting
13 alongside with the CDF, but the one unfortunate thing was
14 that the Civil Defence lacked arms and ammunitions. So
17:08:26 15 it was not so easy; the ECOMOG denied to give them arms
16 and ammunitions, so this is why our report to say okay,
17 we want to fight, but we were not equipped. So all these
18 things - food, logistics - are areas -- were all problems
19 they faced.

17:08:40 20 Q. That was what Chief Norman told the President at that
21 particular meeting?

22 A. Yes. He expressed such concerns - food, medicine, the
23 military upkeep of his guys.

24 Q. Did he also discuss how the fighting was going? Did he
17:09:10 25 go into detail about what was going on, on the battle
26 field?

27 A. Yeah. He explained where, and where had been the
28 captured areas of the CDF, and where and where they had

1 totally dislodged the rebels, and what was really the
2 present condition of the Kamajors.

3 Q. And what did the president say in reaction to that?

4 A. The president was glad, because it was in his absence
17:09:30 5 that the deputy really acted in his place as a president,
6 because securing the country at that time was not an easy
7 task, you know, here and there, having lack of
8 ammunitions, guys having only cutlasses, torpedo gas with
9 some ammunition. So it was marvellous in the eyes of the
17:09:50 10 president and so even Peter Penfold.

11 Q. Did Chief Norman ask for money in support --

12 A. He did not ask for money, but the president willingly
13 said he would assist him to see how best they would amend
14 such a plight.

17:10:14 15 Q. Did the president instruct Chief Norman what to do with
16 the money?

17 A. He just said this, he can manage to meet some of the
18 demands of his boys. That is exactly what I heard him
19 say.

17:10:30 20 Q. And what would these demands be?

21 A. The welfare of them, more especially the medical area,
22 because these guys were not trained guys militarily. So
23 they just pounced on these rebels and they were really
24 wounded seriously. So the concern was medical facility,
17:10:46 25 food.

26 Q. And weapons?

27 A. No, food.

28 Q. And no weapons.

1 A. No. Particularly I couldn't see an act of weapons, you
2 know, but I took notice of food and medicine specially
3 for such a purpose.

4 Q. You stated earlier on that the vice-president said to
17:11:08 5 Chief Norman that it was his duty to take control of
6 security; is that correct?

7 A. To take care of the state in the absence of His
8 Excellency, the President.

9 Q. What does he actually mean?

17:11:24 10 A. Well, totally since they were not all in the country at
11 that time and they thought of Sam Norman to have been the
12 only man by then who would have defended the absence of
13 them thinking of that era, so I do believe that was why
14 he said so, because if he appeared to make any laxity,
17:11:38 15 the entire country would have been torpedoed, and
16 thinking of his status as a deputy defence minister, it
17 was his place to really protect the state, I do believe.

18 MR PESTMAN: Thank you. I have no further questions.

19 JUDGE BOUTET: Counsel for third accused.

17:12:12 20 MR MARGAI: Thank you.

21 CROSS-EXAMINED BY MR MARGAI:

22 Q. Mr Witness, how old are you?

23 A. I am 21 years old, sir.

24 Q. 21 years old?

17:12:58 25 A. Yes, sir.

26 Q. 21?

27 A. Yes sir.

28 Q. When were you born?

- 1 A. I was born on the 19th January 1983.
- 2 Q. Now, you made statement on the 13th of October 2003. Did
3 you?
- 4 A. No, I couldn't remember.
- 17:13:56 5 Q. But you remember giving an interview to the Prosecutor's
6 Office?
- 7 A. Yes.
- 8 Q. In October of 2003?
- 9 A. I can't remember whether it is October, but I could
17:14:18 10 remember giving a statement to an Anne-Catherine this
11 office.
- 12 Q. Anne-Catherine?
- 13 A. Yes, who was an investigator.
- 14 Q. Now, in that -- in what ever statement you made, would
17:14:42 15 that be Anne-Catherine Hatt?
- 16 A. Yeah.
- 17 Q. Don't say, "Yeah," say, "Yes, My Lord."
- 18 A. Yes, My Lord.
- 19 Q. Thank you. And was that statement -- in what language
17:15:00 20 did you make that statement?
- 21 A. I had spoke in English.
- 22 Q. You spoke in English.
- 23 A. Yes, sir.
- 24 Q. And it was recorded in English?
- 17:15:14 25 A. Yes, sir, My Lord.
- 26 Q. At the conclusion, was it read over to you?
- 27 A. Yes, My Lord.
- 28 Q. Did you accept it as true and correct?

1 A. Yes, My Lord.

2 Q. Did you sign that statement?

3 A. I couldn't remember signing it, but I remember signing a
4 paper.

17:15:54 5 Q. Please, Mr Witness, try and remember and help. Did you
6 sign the statement, or did you not - or you cannot
7 recall?

8 A. I cannot recall.

9 Q. Do you recall telling Anne-Catherine Hatt that you were
17:16:10 10 born on the 19th of January 1986?

11 A. Yes, My Lord.

12 [HN140904H 5.16 p.m.]

13 Q. 1986?

14 A. Yes, My Lord.

17:19:52 15 Q. And do you recall telling Anne-Catherine Hatt that you
16 were then 17 years old?

17 A. Yes, My Lord.

18 Q. Now, if you were born in 1986 according to that
19 statement, you've told this Court that you were 21.

17:21:05 20 A. 17.

21 Q. That you are now 21 --

22 A. Yeah, yeah.

23 Q. -- in the year 2004?

24 A. Yes, My Lord.

17:21:10 25 Q. I'm putting it to you that, if you were born in 1986, you
26 should be 18 years, and not 21 in 2004.

27 MR TAVENER: Your Honour, I understand this matter has already
28 been dealt with by the witness explaining at the start of

1 the examination-in-chief his understanding of his age.
2 I don't know that this is a proper subject for
3 cross-examination, when it's simply a matter that has
4 been explained. That can be cross-examined, but not in
17:21:47 5 this manner and, secondly, I don't think it's appropriate
6 that the witness should be required to call my learned
7 friend "My Lord". It is not appropriate in these
8 circumstances to put the witness in that position.

9 JUDGE BOUTET: The objection is overruled.

17:22:08 10 MR MARGAI: As My Lords please.

11 MR TAVENER: Excuse me, Your Honour. Is the witness still
12 required to call the counsel "My Lord"?

13 JUDGE BOUTET: I presume, when he says that, it's because he's
14 responding to the Court -- to the question asked by
17:22:23 15 counsel, so it's one way of doing it.

16 JUDGE THOMPSON: It's one of the age-old traditions of the
17 common law tradition, because we haven't settled how the
18 witnesses should address the Court when we have a mixed
19 system of common law and civil law. But, in the common
17:22:45 20 law tradition, the witness is supposed to be addressing
21 not counsel but the Court --

22 MR TAVENER: I understand that, Your Honour.

23 JUDGE THOMPSON: -- and says "My Lord". In the American
24 tradition, they answer "Your Honour" -- that kind of
17:22:58 25 thing.

26 MR TAVENER: I understand that, but I'm not familiar with the
27 position that the witness, in responding to the counsel's
28 questions, refers to counsel --

1 JUDGE THOMPSON: The protocol has always been, in the common
2 law tradition, to respond to the Court. Both counsel ask
3 the witness the question, and the answers come to the
4 Court, not to counsel as such.

17:23:23 5 MR TAVENER: If I may make this brief submission, it's
6 difficult enough for a witness in this person's position
7 to testify in these surrounds about the matters that he's
8 testifying about. To place an additional requirement on
9 him that he refer, in response to my learned friend's

17:23:39 10 questions -- refer to him -- I understand what Your
11 Honour is saying about the Court, but still, if he's
12 obliged to answer my friend as "My Lord", it puts him in
13 a difficult position.

14 JUDGE THOMPSON: No, I don't think so -- I disagree strongly.

17:23:53 15 In fact, his answers are coming to the Court; they're not
16 coming necessarily to counsel.

17 MR TAVENER: I understand that.

18 MR MARGAI: My Lords, I'm sorry. I believe that when once a
19 ruling is given by the Court, there should be finality

17:24:08 20 subject to a right of appeal.

21 JUDGE THOMPSON: Well, I'm in fact -- I'd like to put the
22 matter beyond doubt, so counsel has the right to
23 continue. Let me hear you again.

24 MR TAVENER: What I'm asking is, in terms of the procedure in
17:24:25 25 evidence, the point of the -- the Court is to assist the
26 witness provide evidence and provide the best facilities,
27 the best circumstances in which a witness can testify.
28 This hearing is about obtaining the maximum, or the best

1 evidence from each of the witnesses. That can be done in
2 a number of ways, but in this particular circumstance
3 it's not appropriate, I would submit, that requiring this
4 young man, in all these circumstances, to then also be
17:24:54 5 obliged to address the person cross-examining him, asking
6 questions, challenging him, to reply to that person
7 as "My Lord".

8 JUDGE THOMPSON: The testimony is before the Court, not before
9 counsel -- not before you, not before him.

17:25:11 10 MR TAVENER: I understand that, Your Honour, but from the
11 witness's perspective he's obliged to be --

12 JUDGE THOMPSON: No, you are personalising it unnecessarily.
13 I mean, the witness can say, just as he has done -- can
14 answer "My Lord", meaning the Court.

17:25:32 15 MR TAVENER: Yes, but he was told to answer the question by my
16 learned friend --

17 JUDGE THOMPSON: The judges -- that's what I think "My Lords"
18 refers to.

19 MR TAVENER: My concern is that these hearings should help the
17:25:44 20 witnesses testify. I would submit it's not appropriate
21 to require this young man to respond in that manner.

22 He's not showing any disrespect to the Court by answering
23 in any other way. It simply does not facilitate --

24 JUDGE THOMPSON: Quite frankly, I don't think it's really a
17:26:05 25 point of great importance. Sometimes counsel on both
26 sides here get up and they just speak -- they don't even
27 say "Your Honours"; sometimes you do that. We don't
28 necessarily call you to order. But if this witness

1 wishes to abide by what is in fact a common law tradition
2 when he's reminded by counsel, and he's ready to say --
3 answer questions and say "My Lords", I don't see the
4 difficulty there. I think you are personalising it.

17:26:34 5 MR TAVENER: My concern is for the witness.

6 JUDGE THOMPSON: I don't think the witness has any problem in
7 that regard. I don't think so. It's the Court he's
8 addressing -- not you in particular, not he in
9 particular.

17:26:48 10 MR TAVENER: Yes, I understand what Your Honour is saying.

11 JUDGE BOUTET: We'll monitor the situation anyhow. If it gets
12 to a point where the witness is in difficulties because
13 of these kind of things, we'll intervene.

14 PRESIDING JUDGE: What has happened is that Mr Margai called
17:27:11 15 the witness, you know, for a correction, because he said,
16 "Yeah, yeah, yeah" and, maybe if he said "yes", we would
17 not have even bothered about whether he says "My Lords"
18 or not. I mean, it is just that he gave a very casual
19 answer, and we couldn't care less. He said, "Yeah,
17:27:34 20 yeah," which is not the normal, conventional way of
21 replying to questions. If he just said "yes", like other
22 witnesses have been doing, there should be nothing and,
23 if he decides -- if any witness decides to say, "Yes, My
24 Lord," that is fine, because the reply is given to the
17:27:54 25 judges, because we're the ones who are assessing the
26 evidence.

27 The evidence -- you are asking the questions and
28 he's replying, and we are assessing the evidence. So he

1 could say "My Lord" if he wishes, if he is so refined to
2 decide to do that, and whichever way -- anyway, let's get
3 along, please.

4 MR MARGAI: My Lords, before we get along, perhaps I would
17:28:17 5 ask - indeed, I'm asking for a Practice Direction as to
6 the question of raising objection so that we could
7 structure this, because my learned friend Sharan --

8 PRESIDING JUDGE: Sharan Parmar.

9 MR MARGAI: Indeed. She led the witness, so I would have
17:28:34 10 thought she's in control of this witness and, should
11 there be any objection, structurally, it should come from
12 her.

13 JUDGE THOMPSON: With the greatest respect, if we apply that
14 rigid Practice Direction, then it would, by parity of
17:28:51 15 reasoning, apply to the Defence.

16 MR MARGAI: Indeed.

17 JUDGE THOMPSON: Because, sometimes, somebody over there gets
18 up and takes a position, which in fact may not be
19 directly related to his client but in the interests of
17:29:03 20 the joint effort. So if you want that ruling, then you
21 must be prepared to accept it --

22 MR MARGAI: I'm expecting uniformity.

23 PRESIDING JUDGE: Good. We would endeavour to run these
24 proceedings to --

17:29:21 25 JUDGE THOMPSON: Flexibility.

26 PRESIDING JUDGE: -- the best interests of the proceedings --

27 MR MARGAI: As My Lords please.

28 PRESIDING JUDGE: -- without getting into Practice Directives,

1 which might not necessarily, in the long run, serve the
2 purpose.

3 MR MARGAI: As My Lords please.

4 PRESIDING JUDGE: There might be something falls in those
17:29:38 5 directives -- how do you move around, when you've
6 imprisoned yourselves, when you've confined yourself to a
7 Practice Directive which might not give you at least the
8 latitude, you know, to use certain discretions that are
9 inherent on the Bench?

17:29:54 10 MR MARGAI: As My Lords please.

11 PRESIDING JUDGE: Can you go on, please, Mr Margai?

12 MR MARGAI: Thank you, My Lord.

13 Q. Now, Mr Witness --

14 A. Yes, My Lord.

17:30:03 15 Q. -- you were, albeit for a limited period, with the RUF.
16 Not so?

17 A. Yes, My Lord.

18 Q. And trained as a combatant?

19 A. Yes, My Lord.

17:30:23 20 Q. And whilst you were with the RUF --

21 PRESIDING JUDGE: As a rebel combatant.

22 MR MARGAI: As a rebel combatant; thank you, My Lord.

23 Q. Whilst you were with the RUF, at least to save your life
24 you were very sincere with the RUF?

17:30:50 25 A. Not exactly sincere as you expect.

26 Q. You were insincere with them?

27 A. My sincerity was not too clear in mind, because I always
28 had intention to escape.

1 Q. I know that, yes.

2 A. Not too sincere, because of the past, what they did to
3 me.

4 Q. Very well, I concede. I accept, I'm sorry. But whilst
17:31:20 5 you were with the RUF, you did exactly what you were
6 told, whether you liked it or not?

7 A. Yes, used duress, by force - I did it by force. If
8 I failed to do it, I would automatically be a killed man.

9 Q. Nobody likes being killed, not even me. And whilst you
17:31:48 10 were with the RUF, did you take part in combat against
11 the CDF, whether once, or twice, or three times?

12 A. Attempts were made as such. For instance, we left
13 Kailahun to Daru, where we came to fight -- we planned to
14 enter the barracks, but unfortunately, it was not
17:32:22 15 successful. We were driven away by the CDF, who came
16 later into the barracks and from Kailahun axis and they
17 drove us away, so that it was --

18 PRESIDING JUDGE: So the answer is yes. Just say "yes".

19 Don't get into -- the answer to counsel's question is
17:32:44 20 yes.

21 MR MARGAI: Very brief.

22 PRESIDING JUDGE: Is that not the answer?

23 MR MARGAI: Yes, My Lords.

24 Q. Now, your purpose in going to Daru was to dislodge the
17:33:04 25 Kamajors. What year was it?

26 A. It was '96.

27 Q. '96, yes. So your going to Daru was to dislodge the
28 Kamajors?

1 A. The Kamajors and the soldiers.

2 Q. And the soldiers, thank you. And the soldiers --

3 PRESIDING JUDGE: What was that town again?

4 MR MARGAI: Daru, My Lord, D-A-R-U.

17:33:39 5 Q. You were unsuccessful?

6 A. Yes, My Lord.

7 Q. But because of this fear of being killed or mistreated by
8 the RUF, whilst you remained a member of the RUF you were
9 prepared to kill, if need be?

17:34:33 10 A. Yes, My Lord.

11 Q. Yes. And later, when you went into the Kamajor camp, you
12 were very sincere with the Kamajors?

13 A. Yes, My Lord.

14 PRESIDING JUDGE: He didn't go there; he was captured.

17:35:29 15 MR MARGAI: All right, captured, yes, My Lord.

16 PRESIDING JUDGE: Captured.

17 MR MARGAI: Captured.

18 Q. When you were captured, you were sincere with the
19 Kamajors?

17:35:38 20 A. Yes, My Lord.

21 Q. Before we go further, before the restoration of
22 democracy - that is, restoring the government of Tejan
23 Kabbah - there was nothing known as CDF; not so -- before
24 the restoration, before Tejan Kabbah was restored?

17:36:19 25 A. Yeah, I could remember something like Hindo-Hindo. That
26 was a popular trend, a popular name, but later they
27 civilised it anyway, but the name was popularised later
28 to the Kamajors -- Hunters.

1 Q. Let me help you -- the translation. Let me help you.
2 What I'm saying is that democracy was restored in
3 February of 1998.

4 A. Yes, My Lord.

17:36:51 5 Q. Not so?

6 A. Yes, My Lord.

7 Q. And President Ahmad Tejan Kabbah returned to Sierra Leone
8 from Guinea in March 1998?

9 A. Yes, My Lord.

17:37:06 10 Q. Before the restoration of democracy in February 1998 the
11 AFRC, led by Johnny Paul Koroma, was in power?

12 A. Yes, My Lord.

13 JUDGE BOUTET: Can we move on, Mr Margai?

14 MR MARGAI: I'm waiting for the translation, My Lord.

17:37:47 15 JUDGE BOUTET: Translation of what?

16 MR MARGAI: For the accused.

17 Q. Now, before 1998 - February - we had Kamajors from the
18 south and part of the east of Sierra Leone. Not so?

19 A. Yes, My Lord.

17:38:02 20 Q. And we had Donsos from Kono District?

21 A. Yes, My Lord.

22 Q. We had Tamaboros from Koinadugu District?

23 A. Yes, My Lord.

24 Q. We had Gbethis and Kapras from the Northern Province?

17:38:29 25 A. Yes, My Lord.

26 Q. And we had --

27 JUDGE THOMPSON: My difficulty with that line of cross-inquiry
28 is we have it all under cross-examination. It has

1 been -- that exhaustive category for alleged armed
2 factions has already been given under cross-examination
3 by one of the -- but I'll let it pass.

4 MR MARGAI: This is another witness and, apart from that,
17:38:59 5 there is the period question to come.

6 JUDGE THOMPSON: Don't we have it from this very witness
7 already?

8 MR MARGAI: No, My Lord.

9 JUDGE THOMPSON: Then I apologise.

17:39:12 10 MR MARGAI: Thank you, My Lord.

11 Q. Now, we had the OBHS -- Organised Body of Hunting
12 Societies -- for the western area.

13 A. Yes, I took notice of such a group.

14 Q. Yes, thank you. Now, all of these, before 1998, had not
17:39:36 15 crystallised into what is now known as CDF?

16 A. They were crystallised as CDF, but with some active
17 distinctions, and these distinctions were done
18 practically on the identity cards. If anyone was under
19 the category of a Kamajor -- I just regret very much I
17:40:04 20 don't have a card with me here -- so the column of a
21 Kamajor is ticked and if you happened to be a Donso,
22 under the Civil Defence, it was ticked, so this was how
23 it was identified.

24 Q. Thank you. Could you tell this Court when it was
17:40:19 25 crystallised into CDF -- which year and, if possible,
26 which month?

27 A. I couldn't confirm it. I just could remember the time
28 I got my own ID card in Freetown here.

1 Q. When did you get it?

2 A. I got mine in 1999.

3 Q. 1999.

4 A. Yeah.

17:40:40 5 Q. Is 1999 not subsequent to February 1998?

6 A. Yeah.

7 Q. Is it not?

8 A. It is.

9 Q. Let me put the question again; perhaps you did not
17:40:57 10 understand me. What I'm saying is that, before the
11 restoration of democracy in February 1998, there was
12 nothing known as Civil Defence Forces.

13 A. I said there was --

14 JUDGE BOUTET: Are you asking a question or giving evidence
17:41:17 15 now?

16 THE WITNESS: There was.

17 MR MARGAI: That was a question, My Lord.

18 JUDGE BOUTET: Ask the question then. It's not clear.

19 MR MARGAI: I'm putting it to him, My Lord.

17:41:25 20 Q. That there was nothing known as CDF, Civil Defence
21 Forces?

22 JUDGE BOUTET: Why not ask him whether he agrees.

23 MR MARGAI: My Lord, there are so many ways of killing the
24 rat. He's shown such intelligence --

17:41:46 25 JUDGE BOUTET: There are easier ways, too.

26 MR MARGAI:

27 Q. Do you agree that before February 1998 the Civil Defence
28 Forces, as we know it, never existed in this country?

- 1 A. I contradict that statement.
- 2 Q. You contradict that statement?
- 3 A. Yes, My Lord.
- 4 Q. And when you contradict that statement, what is
17:42:15 5 substituted therefor?
- 6 A. I therefore say that such a group existed before that
7 time.
- 8 Q. Such a group existed before that time, thank you. Now,
9 when you were captured by the Kamajors, you said you were
17:42:37 10 initiated as a member of the Kamajor -- were you?
- 11 A. I was.
- 12 Q. You were?
- 13 A. Not exactly the moment, but at some time.
- 14 Q. When were you initiated as a Kamajor?
- 17:42:52 15 A. After I had shown my loyalty to them.
- 16 Q. What year?
- 17 A. '97.
- 18 Q. Which month?
- 19 A. In the rainy season -- just after the torrential rains.
17:43:08 20 At that time we were not really expecting rains again
21 much.
- 22 Q. It's just the period I want, please.
- 23 A. In the rains.
- 24 Q. During the rains?
- 17:43:17 25 A. Yes.
- 26 Q. Could it have been in July?
- 27 A. No; best I remember, just after August -- after August,
28 the first --

1 Q. Between August and September?

2 A. And September -- it was not much rains.

3 Q. Between August and September of 199 --

4 A. '97.

17:43:43 5 Q. '97. Now, were you given laws to be kept --

6 A. Yes, My Lord.

7 Q. -- on being initiated?

8 A. Yes, My Lord.

9 Q. Could you tell us some of those laws?

17:43:57 10 A. Yes, My Lord.

11 Q. Yes.

12 A. Firstly, I was forbidden to even touch a woman while in

13 such a process of immunity and my initiator clearly

14 manifested to me that, if I happened to outweigh such a

17:44:19 15 law, which was one of the most important laws, it was

16 evident that when I went to war the bullet would catch

17 me.

18 Q. Thank you. What was the second law?

19 A. I was forbidden to eat some particular groups of food

17:44:34 20 and, if at all I ate some of this food, there would have

21 been an impediment to me in terms of war.

22 Q. Yes.

23 A. And one of the most important things, again, my initiator

24 told me that I could not loot anything which was not

17:44:50 25 mine.

26 Q. You could not --

27 A. Loot what was not mine and these three laws I basically

28 remembered. That's why, when even I was sent to war,

1 I practically observed that -- after I'd been immuned, no
2 bullet ever pierced me.

3 Q. Leave that one; we'll come to it step by step. Now, what
4 sort of food were you forbidden from eating?

17:45:18 5 A. There's like one fish who is known as the electric fish.
6 There is a particular sauce which is slippery in
7 nature -- I was forbidden to eat it, and many more types
8 of food.

9 Q. Very well. Now, you said you were also initiated --
17:45:38 10 sorry, where did this initiation take place?

11 A. In Pujehun.

12 Q. In Pujehun?

13 A. The first initiation.

14 Q. The first initiation?

17:45:47 15 A. Yes.

16 Q. You talked about an initiation in Mano Junction?

17 A. Yes, My Lord.

18 Q. What, was that to, you know, protect you from bullets?

19 A. It was additional protection.

17:45:59 20 Q. Additional protection?

21 A. Yes.

22 Q. Were you initiated anywhere to protect you from bullets?

23 A. Yes, My Lord.

24 Q. When was that, and where?

17:46:10 25 A. From Pujehun and even at Mano Junction.

26 Q. At Mano Junction. After those initiations, you were put
27 to the test?

28 A. Yes, My Lord.

- 1 Q. And you successfully went through the test?
- 2 A. Yes, My Lord.
- 3 Q. And you believe, subsequent to that, you took part in
4 combatant [sic]?
- 17:46:34 5 A. Yes, My Lord.
- 6 Q. And you believe that you are alive today because of that
7 protection?
- 8 A. With the help of God, also. God is first and protection
9 becomes second, but God walked through these protections.
- 17:46:52 10 Q. Apart from God, do you accept that you are alive today
11 because of that particular protection?
- 12 A. Yes, My Lord.
- 13 Q. And you firmly believe that?
- 14 A. Yes, My Lord.
- 17:47:00 15 Q. Now, tell me, everybody who sought protection the way you
16 did was not necessarily a combatant; right?
- 17 A. Yes, My Lord.
- 18 Q. Thank you. Now, you said you went to Guinea - Conakry -
19 in 1997?
- 17:47:35 20 A. Yes, My Lord.
- 21 Q. That was the time you went with Sam Hinga Norman?
- 22 A. '98, I'm sorry.
- 23 Q. '98?
- 24 A. Yes, My Lord.
- 17:47:43 25 Q. What month in '98?
- 26 A. January.
- 27 Q. January 1998?
- 28 A. Yes.

- 1 Q. That was the time that you went with Sam Hinga Norman?
- 2 A. Yes, My Lord.
- 3 Q. And you had the pleasure, of course, of seeing the
4 president, the vice-president, and --
- 17:48:00 5 A. A white man.
- 6 Q. No, forget about the colour -- His Excellency,
7 Mr Penfold?
- 8 A. Yes, My Lord.
- 9 Q. Are you sure the vice-president then, Dr Albert Joseph
17:48:13 10 Demby was the man you saw?
- 11 A. Yes, My Lord, I'm confident to say it.
- 12 Q. I'm putting it to you that, throughout the president's
13 stay in Guinea until March when they returned, Dr Demby
14 never set foot in Guinea, Conakry. I'm putting it to
17:48:37 15 you.
- 16 A. I was there. I'm also confident to say that he was the
17 man I'm referring to.
- 18 Q. That is not the question. I'm putting it to you that
19 from that time the president left, when that coup took
17:48:49 20 place here in 1997, until the time he returned to
21 Freetown in March 1998, Dr Demby never set foot in
22 Conakry, Guinea.
- 23 A. How could you say so --
- 24 Q. Don't ask me questions. Please answer the questions.
- 17:49:09 25 PRESIDING JUDGE: The witness has said he saw him.
- 26 JUDGE THOMPSON: But how would he know?
- 27 PRESIDING JUDGE: He said he saw him. Unless you have some
28 other way of telling him that [inaudible] he did not --

1 the person he says is Dr Albert Joseph Demby --

2 JUDGE THOMPSON: I think the best thing to do is to ask him
3 whether he agrees or disagrees.

4 MR MARGAI: My Lord, I'm putting it to him and it's up to him
17:49:34 5 to deny it. The Defence has the right to call evidence
6 which we may choose to call.

7 JUDGE THOMPSON: No, we are not quarrelling with that, but he
8 seems a little intrigued. Perhaps if you just remind him
9 that he is at liberty to deny or to disagree. I mean, we
17:49:49 10 want protocol, just to ensure that we do things the right
11 way.

12 JUDGE BOUTET: But he has told you no. He has told you that
13 he saw him. What else can he say?

14 MR MARGAI: Accept what he has said.

17:50:03 15 JUDGE BOUTET: He has said in his evidence and repeated, when
16 you asked the question, "I saw him," so --

17 MR MARGAI: But, My Lord, I believe I have the right to put it
18 to him and it's up to him to deny. If he has denied,
19 then I have to accept it until otherwise.

17:50:18 20 JUDGE THOMPSON: Clearly, I think there shouldn't be any big
21 deal out of this. You put it -- you've been putting it
22 as forcefully as you can. Remind him that it is his duty
23 to answer, either to disagree or agree.

24 MR MARGAI: Very well, My Lord.

17:50:37 25 JUDGE THOMPSON: You've always been advocating protocol and
26 proper standards and methods, so just proceed.

27 MR MARGAI: My Lord, I will accept the ruling of the Presiding
28 Judge that there has been a final answer. For now,

1 I will accept it.

2 PRESIDING JUDGE: You see, there could well be a situation
3 where he may not be sure of the identity of Dr Demby.
4 That is a possibility, but he is so convinced, you know,
17:51:11 5 that it was Demby he saw. If you have anything in
6 Defence to demonstrate that he was mistaken in his
7 identity of Demby, then you could go further, Mr Margai.

8 MR MARGAI: No, My Lord, I shall rest it for now. There are
9 other options.

17:51:27 10 PRESIDING JUDGE: Okay.

11 JUDGE THOMPSON: Okay, but we haven't foreclosed you.

12 MR MARGAI: No, I'm not saying that; I'm not even suggesting
13 it.

14 Q. Now, you said, when you came back from Guinea, a meeting
17:51:45 15 was held between Chief Norman and the administrators in
16 his office at State House Avenue.

17 A. Yes, My Lord.

18 Q. Just to be on the safe side, when you say "State House
19 Avenue", is that the headquarters of the military
17:52:14 20 opposite State House?

21 A. That was the former Defence Ministry, very close to the
22 CID.

23 Q. I see, very close to CID. (Inaudible) to CID?

24 A. Yes.

17:52:27 25 Q. Thank you. And that was when -- in what year -- 1997?

26 A. '98 - '98, after our trip from Conakry.

27 Q. What month?

28 A. The same January -- the same January.

1 Q. January 1998?

2 A. Yes, My Lord.

3 Q. And do you agree that the AFRC were dislodged in February
4 1998? Think, Mr Witness.

17:53:14 5 A. No, I couldn't agree.

6 Q. When was Freetown liberated?

7 A. '97 -- '97.

8 Q. Freetown was liberated in 1997?

9 A. '97, yeah.

17:53:39 10 Q. Don't confuse yourself now. Because the records -- we
11 would want consistency in the records. Are you still
12 saying that Freetown was liberated; that the AFRC was
13 dislodged in 1997?

14 A. 1998, 1998. It's a mistake, sorry; it's a mistake.

17:54:09 15 Q. How many more mistakes have you made?

16 A. Something might take --

17 Q. Don't laugh. This is a very serious trial.

18 A. I take my time to reply, because it's taking place in the
19 past, so you have to give me time to remember to answer

17:54:22 20 properly.

21 JUDGE THOMPSON: I don't think that question is fair.

22 MR MARGAI: Which, My Lord?

23 JUDGE THOMPSON: How many mistakes have you made.

24 MR MARGAI: Here, at this trial.

17:54:32 25 JUDGE THOMPSON: Clearly, that is not a fair question.

26 MR MARGAI: All right, My Lord, I shall put it --

27 JUDGE THOMPSON: If, in your view, he has made certain

28 mistakes, why not be specific and say, "You have told us"

1 --

2 MR MARGAI: I shall rephrase it.

3 JUDGE BOUTET: And I would ask you to let the witness complete
4 his answers. Again, he was answering your question and
17:54:53 5 you were still talking at the same time. It's getting
6 very difficult to get you and the witness at the same
7 time, if you speak both at the same time.

8 MR MARGAI: Thank you, My Lord, but a short while ago you were
9 ordering me to go on and I said I was waiting.

17:55:05 10 JUDGE BOUTET: Mr Margai, you are very professional; you know
11 exactly what I meant by that and there's quite a
12 difference between urging you and not letting the witness
13 answer his questions. You know that.

14 MR MARGAI: As My Lord pleases.

17:55:17 15 JUDGE THOMPSON: We don't want to engage in a confrontational
16 dialogue with the witness. We're trying to ascertain the
17 truth and we need the facts. We want the answers to your
18 questions, as clearly as you can elicit them.

19 MR MARGAI: We shall elicit the facts to the best of our
17:55:33 20 ability.

21 JUDGE THOMPSON: Thank you.

22 MR MARGAI: Thank you.

23 Q. Now, this question of the AFRC, when was democracy
24 restored?

17:55:52 25 A. February '98.

26 Q. February 1998?

27 A. Yes, My Lord.

28 Q. And you said the meeting at the office of Chief Hinga

1 Norman with the administrators took place in January
2 1998?

3 A. Yes, My Lord.

4 Q. Thank you. I'm putting it to you that Chief Norman could
17:56:37 5 not have ventured into that office in January 1997 -- in
6 January 1998?

7 A. I know who was there.

8 PRESIDING JUDGE: Into which office?

9 MR MARGAI: The office where he said he held a meeting with
17:57:07 10 the administrators.

11 PRESIDING JUDGE: I see, okay.

12 MR MARGAI:

13 Q. For the simple reason that the AFRC was still in power.

14 A. That was not so. It was still --

17:57:21 15 JUDGE THOMPSON: He denies that. He denies that there was no
16 such meeting between Chief Norman and the administrators
17 in January 1998. Was it February?

18 PRESIDING JUDGE: No --

19 MR MARGAI: He confirmed that there was a meeting in 1998,
17:57:40 20 January.

21 JUDGE THOMPSON: Yes.

22 MR MARGAI: I'm putting it to him that Chief Norman could not
23 have ventured into that office in January 1998, because
24 the AFRC were still in power.

17:57:54 25 JUDGE THOMPSON: What is his response?

26 MR MARGAI: We're waiting for his response, My Lord.

27 A. I saw chiefs at that time who were getting gradual
28 command over the country. Even Freetown at that time was

1 gradually put under control, so I'm confident to say at
2 that particular time he was in that office.

3 Q. All right. Now, do you know when Mano Junction was
4 liberated?

17:58:38 5 A. No, My Lord.

6 Q. I'm putting it to you that Mano Junction was liberated in
7 2001.

8 A. I contradict it, My Lord.

9 [5.51 p.m. HN140904I]

17:51:14 10 MR MARGAI:

11 Q. When was it liberated?

12 A. I don't know the time of liberation, but so far I know,

13 Mano Junction was the main road used to go to many war

14 areas. And if you're saying now that Mano junction was

17:51:31 15 liberated at that time, 2-0-1, which would have been

16 possible and imminent that we should have captured Daru

17 Barracks if it were not Kamajors and soldiers who were on

18 that barracks and they used Mano Junction to go to the

19 barracks of Daru.

17:51:47 20 Q. Was Mano Junction liberated in 2-0-1 or not?

21 A. It was not. I have denied that it was not.

22 Q. Thank you. Do you know when Kenema was liberated?

23 A. No, My Lord.

24 Q. I'm putting it to you that Kenema was liberated in 1998.

17:52:21 25 A. I do believe. I believe, My Lord.

26 Q. Do you accept it? It is not a question of believing.

27 A. I accept. Indeed, it is true.

28 Q. Thank you. And I'm putting it to you that no initiation

1 took place in Mano Junction by Allieu Kondewa?

2 A. It happened, My Lord; it took place.

3 Q. And I'm putting it to you that throughout the conflict in

4 Sierra Leone Kondewa never went to Mano Junction?

17:53:04 5 A. I contradict it, My Lord, because you were not there.

6 MR MARGAI: My Lord, may I ask for the witness to be
7 respectful.

8 JUDGE BOUTET: Mr Witness, please answer the question and
9 don't argue with counsel, just answer the question.

17:53:28 10 THE WITNESS: Your Lordship, sir.

11 MR MARGAI: Thank you, My Lord.

12 Q. Now, these forbidden laws by the Kamajor society, were
13 there likely effects if they were not complied with?

14 A. No. No laws would have been effective at all if they
17:54:11 15 were not complied with.

16 Q. All right, let me help you out. If you did not comply
17 with those laws, was there anything likely to affect you;
18 were you likely to be affected?

19 A. Yes, My Lord.

17:54:22 20 Q. How were you affected?

21 A. If I happened to go to war, automatically I would have
22 been a dead man.

23 Q. Thank you. So I'm sure you did not want to be a dead
24 man?

17:54:36 25 A. Not at all, My Lord.

26 Q. And you strictly adhered to those laws?

27 A. Professionally, My Lord.

28 Q. Thank you. Now, obviously some Kamajors did not?

1 A. Yes, My Lord.

2 Q. And would you say that the Kamajor leadership punished
3 those who did not comply when it came known to them, to
4 the leadership?

17:55:05 5 A. No, My Lord.

6 Q. They did not punish?

7 A. No, My Lord. The fact was that when you refuted such
8 commands, the best punishment was on you, because when
9 you went to war, it was imminent that a bullet would cut

17:55:24 10 you, and some had cut feet due to spoiling laws. So the
11 best punishment is what you get in the war, was the
12 punishment for you.

13 Q. Okay. Leaving the best punishment, Kamajors who
14 misconducted themselves, were they disciplined by their
17:55:46 15 superiors?

16 A. Yes, My Lord.

17 MR MARGAI: Yes. Now, finally -- sorry. In fact, that will
18 be all for him, My Lords.

19 JUDGE BOUTET: Thank you, Mr Margai. Re-examination?

17:56:35 20 MS PARMAR: Your Honours, the Prosecution has no questions for
21 re-examination with this witness.

22 JUDGE BOUTET: Thank you.

23 PRESIDING JUDGE: How many witnesses does the Prosecution have
24 for tomorrow? Anyway, we've always said there should be
17:58:01 25 one and a standby.

26 MR TAVENER: Thank you.

27 PRESIDING JUDGE: One and a standby. All right. Well, it is
28 6.00 and we, of course, cannot take any witness at this

1 time. The Court will adjourn and resume tomorrow at
2 9.30. The Court will rise.

3 MR WALKER: Court rise.

4 [Whereupon the hearing adjourned at 6.00 p.m., to be
17:59:49 5 reconvened on Wednesday, the 15th day of September 2004,
6 at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF2-032	1
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CROSS-EXAMINED BY MR MARGAI	27
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C E R T I F I C A T E

We Roni Kerekes, Momodou Jallow, Susan G Humphries and Maureen P Dunn, 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.

Roni Kerekes

Momodou Jallow

Susan G Humphries

Maureen P Dunn