



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

MONDAY, 08 MAY 2006
9.45 A.M
TRIAL

TRIAL CHAMBER I

Before the Judges:

Pierre Boutet, Presiding
Bankole Thompson
Benjamin Mutanga Itoe

For Chambers:

Ms Elena Martin-Salgado
Ms Roza Salibekova

For the Registry:

Mr Geoff Walker
Ms Maureen Edmonds

For the Prosecution:

Mr Desmond de Silva
Mr Joseph Kamara
Ms Bianca Suci u
Ms Miatta Samba

For the Principal Defender:

Mr Lansana Dumbuya

For the accused Sam Hinga Norman:

Dr Bu-Buakei Jabbi
Mr Aluseine Sesay
Ms Claire da Silva (legal assistant)
Mr Kingsley Belle (legal assistant)

For the accused Moinina Fofana:

Mr Arrow Bockarie
Mr Victor Koppe
Mr Andrew Ianuzzi

For the accused Allieu Kondewa:

Mr Charles Margai
Mr Yada Williams
Mr Ansu Lansana
Mr Martin Michael (legal assistant)

1 [CDF08MAY06A - EKD]

2 Monday, 8 May 2006

3 [Open session]

4 [The accused present]

09:34:20 5 [Upon commencing at 9.45 a.m.]

6 WITNESS: MUSTAPHA LUMEH [Continued]

7 PRESIDING JUDGE: Good morning. Good morning, Mr Witness.

8 Good morning, Mr Prosecutor.

9 MR De SILVA: Good morning, My Lords.

09:45:22 10 PRESIDING JUDGE: When we adjourned on Friday we were at a
11 certain stage in your cross-examination. Can we take it from
12 there?

13 MR De SILVA: Of course.

14 CROSS-EXAMINED BY MR De SILVA: [Continued]

09:45:33 15 Q. Good morning, Mr Witness.

16 A. Good morning.

17 Q. I hope you had a good weekend.

18 A. Definitely.

09:45:47 19 Q. Good. Can I begin by saying to you that the Prosecution do
20 not dispute, nor does the Prosecution challenge much of the
21 evidence you have given. Do you understand?

22 A. Very well.

23 Q. And I am going to specify for the avoidance of doubt.

09:46:16 24 There is no dispute or challenge by the Prosecution that the CDF
25 and the Kamajors fought for the restoration of democracy. No
26 dispute. Do you understand?

27 A. Yes.

28 Q. Insofar as any further evidence on this subject is
29 concerned, I say that, what the Prosecution position is.

1 Secondly, there is no dispute that His Excellency,
2 President Kabbah, was very grateful to the CDF and the Kamajors
3 for what they did for the restoration of democracy. Do you
4 understand?

09:46:53 5 A. Yes, sir.

6 Q. That is what you were telling us on Friday, how
7 President Kabbah thanked you all at Lungi?

8 A. Yes.

9 Q. So there is no dispute?

09:47:09 10 PRESIDING JUDGE: For restoration of democracy and his
11 reinstatement?

12 MR De SILVA: Yes, yes.

13 Q. Thirdly, there is no dispute, nor is there any challenge,
14 that the Kamajor fighters received aid from ECOMOG. Again that
09:47:37 15 is something you were telling us about.

16 A. Exactly.

17 Q. What may be in dispute is the period, but in general terms
18 there is no dispute about the fact that indeed the Kamajors in
19 the CDF received aid from a number of sources.

09:48:02 20 PRESIDING JUDGE: When you say no dispute, may I ask you,
21 Mr Prosecutor, to specify, if you can, what you mean by "aid,"
22 because there has been evidence talking of ammunitions, weapons,
23 food, medication? You know what I mean.

24 MR De SILVA: My Lord, I encompass all the items that
09:48:24 25 Your Lordship has mentioned.

26 PRESIDING JUDGE: I thank you. I am just trying to make
27 sure that there is no loose end in this respect. I didn't
28 understand your comments to be to that effect, but --

29 MR De SILVA: All things that are necessary for a fighting

1 force, whether it be blankets or bullets.

2 MR MARGAI: My Lords, just for the sake of clarity, do I
3 understand my learned friend to be using the word "aid" to
4 connote providing logistical support?

09:49:01 5 PRESIDING JUDGE: That is what I just classified with the
6 prosecutor. It means anything that was supplied to the CDF and
7 Kamajors from blankets to bullets. That is basically what the
8 Prosecution is saying.

9 MR De SILVA: What may be in dispute, and can I make the
09:49:24 10 position clear, is the period when that began or the time at
11 which that began. So long as I put down that caveat. I hope,
12 My Lords, I do this to assist the Court so that a lot of evidence
13 in the days to come may be rendered unnecessary.

14 PRESIDING JUDGE: That's fine. That should assist,
09:49:51 15 obviously. It is not disputed. This is, indeed from my
16 understanding, a lot of the evidence that has been led is in
17 support of these positions.

18 JUDGE ITOE: I think that is where we came in. I think it
19 was the Presiding Judge who came in some time ago to say - and we
09:50:04 20 all agreed with this - that we were maybe, should I say, fed up
21 somehow with the sing-song of, you know, working and fighting for
22 the restoration of the democratically elected government. We
23 have had a lot of that. Even if the learned prosecutor did not
24 come up with that, that was a fact that was already very
09:50:31 25 abundantly factored in the evidence that was adduced by the
26 Defence so far.

27 MR JABBI: My Lords. Sorry, please.

28 PRESIDING JUDGE: Yes, Dr Jabbi.

29 MR JABBI: Since the Prosecutor has so far excluded only

1 the period of this relationship, are we to understand that
2 command expertise is also part of the aid --

3 PRESIDING JUDGE: No, no, I mean that's -- the admission,
4 what the Prosecution is saying now, is that they are not
09:51:07 5 disputing -- this witness that you have there came to talk about
6 logistics, logistical support, how much support they got from
7 ECOMOG and so on. Command structure has not been in dispute. We
8 are talking of logistics, this kind of help, not the command
9 structure. At least this is not my understanding. I may stand
09:51:30 10 corrected by you, Mr Prosecutor, in this respect.

11 MR De SILVA: From butter to bullets, that is what I am
12 talking about.

13 PRESIDING JUDGE: That is what I understood it to be.

14 MR De SILVA: I am not talking about the command position.
09:51:46 15 Finally, My Lords, and Mr Witness, there is no dispute about the
16 way in which the National Co-ordinating Committee came to be
17 formed, the rest of it.

18 Q. Now, Mr Witness, having made my position clear about what I
19 do not dispute, can I now seek to address those matters about
09:52:25 20 which I take issue with you. All right? You have told us on
21 Friday, as a result of a question asked on behalf of the second
22 accused, counsel by the second accused, that when you were at
23 Base Zero, the second accused, Mr Fofana, did little more than to
24 mediate in petty quarrels; you remember that?

09:53:14 25 A. I remember that.

26 Q. And was that true?

27 A. Pardon?

28 Q. Was that evidence true?

29 A. Yes, those things, like mediation.

1 Q. When you told My Lords that what he did at Base Zero was
2 little more than to mediate in petty squabbles or petty quarrels,
3 is that the impression you wished to give My Lords about Fofana's
4 behaviour in Base Zero?

09:53:53 5 A. Yes.

6 Q. I'm going to give you another chance to change your
7 position, if you wish, or is that the position you wish to
8 maintain about the role played by Mr Fofana at Base Zero?

9 A. Well, I was not saying that was only what he did. I mean,
09:54:17 10 you cannot be there only to mediate in petty quarrels and so
11 forth.

12 Q. Yes.

13 A. But what you were leading me to, whether he -- the question
14 that was asked, whether he did command any troops or something, I
09:54:37 15 said no.

16 Q. To say that he was there, mediating in petty squabbles or
17 petty quarrels, is to give a particular impression of Mr Fofana
18 to the Court; do you agree with that?

19 A. Yes, sir.

09:54:58 20 Q. So, far from being a director of war, he should have been
21 called director of peace?

22 A. There was no peace?

23 Q. No. If he was spending his time mediating in petty
24 quarrels, instead of being called the director of war he should
09:55:24 25 have been called director of peace?

26 MR SESAY: I object to that question. It is very
27 speculative, My Lord.

28 PRESIDING JUDGE: He's in cross-examination.

29 JUDGE ITOE: It is not speculative.

1 PRESIDING JUDGE: The witness is capable of answering this
2 question.

3 MR SESAY: As My Lords please.

4 MR De SILVA:

09:55:38 5 Q. You see, you know that the Prosecution say he was the
6 director of war, don't you?

7 A. I do.

8 Q. From your knowledge of Mr Fofana at Base Zero, you know he
9 had a secretary, don't you, because he was illiterate?

09:55:58 10 A. I don't know whether he had a specific secretary. Those
11 clerical aides at the NCC were there to help anybody who was not
12 able to read and write.

13 Q. So there was clerical assistance?

14 A. Yes.

09:56:23 15 PRESIDING JUDGE: Mr Prosecutor, are we at NCC or at
16 Base Zero?

17 THE WITNESS: I'm sorry, the war -- on the War Council.

18 MR De SILVA:

09:56:36 19 Q. Yes. To put this beyond doubt, at Base Zero there were
20 clerical facilities available for members of the War Council;
21 that's right, isn't it?

22 A. Yes, and all those commanders, directors, who were not able
23 to read and write.

09:57:16 24 Q. Yes. Perfectly natural and perfectly sensible. The other
25 matter which I want to deal with with which I take issue with
26 you, was when you told My Lords there was no central command at
27 Base Zero. Do you remember telling us that on Friday?

28 A. Yes, other than the War Council.

29 Q. Other than the War Council?

1 A. Yes.

2 Q. So you accept the War Council represented the central
3 command?

4 A. Not specifically.

09:57:44 5 Q. But in what way?

6 A. In a sense that they were policy makers and the execution
7 of the war itself, the planning of the war itself, I told the
8 Court that that was done by commanders in the field.

09:58:08 9 Q. I put it to you that you are trying to conceal the true
10 role of the War Council in these matters.

11 A. No.

12 Q. Well, let's just examine the evidence you have given My
13 Lords in the light of certain exhibits.

09:58:42 14 MR De SILVA: My Lords, I am inviting Your Lordships to
15 look at Exhibit 11. I have hard copies for Your Lordships and
16 there is one for the witness too. These are for My Lords.

17 MR MARGAI: Is my learned friend obliging us with copies?

09:59:29 18 MR De SILVA: I am most obliging and, as my learned friend
19 Mr Margai knows, of course I have copies for him and his friends.
20 I'd assume they would have files of their own, however.

21 MR MARGAI: Thank you.

22 MR De SILVA:

09:59:47 23 Q. Now, Mr Witness, let's take a look at this document, you
24 and I together. It is headed "Civil Defence Forces of
25 Sierra Leone Headquarters Base Zero"; correct? Is that right?

26 A. Yeah.

27 Q. If you now go to the bottom right-hand corner, you will see
28 a seal there, around the edge of which goes the words,
29 "Director of war and operations, Mr Moinina Fofana,

1 director of war. "

2 A. I see that.

3 Q. This is the peacekeeper you were talking about, the man who
4 settles petty quarrels; right?

10:00:18 5 A. Frankly, I don't -- this document, as I see it, I don't see
6 this signature. I cannot say this is the director of war who
7 signed this.

8 Q. I wouldn't worry about that too much if I were you. This
9 has already been made an exhibit some time ago. Let's look at
10:00:42 10 the language. You will see it is dated 24 February 1998 from the
11 director of war to Mr Joe Gassimu. Now, Mr Joe Gassimu was a
12 ground commander for the Koribundu attack, wasn't he?

13 A. Joe Gassimu, Joe Tami dey.

14 Q. Yes, you know the name. He was a field commander, wasn't
10:01:08 15 he?

16 A. He was the commander at Koribundu.

17 Q. All right. Let's look at this letter on the face of it
18 from a Mr Fofana to a commander. "Dear commander, recaptured
19 vehicles and other items. It has come to the notice of the Civil
10:01:32 20 Defence Forces high command, including the co-ordinator, the
21 Honourable SH Norman and War Council, that vehicles and other
22 items were captured and are now under your command." Correct?
23 That is what it says?

24 A. That is what the letter says.

10:01:49 25 Q. Look at the next line: "I am now ordering you not to
26 release." "Ordering you", so on the face of it --

27 THE INTERPRETER: My Lords, can learned counsel take it
28 slowly for the interpreter?

29 PRESIDING JUDGE: I'm sorry, Mr Prosecutor, there is a

1 comment by the interpreter if you could slow down a bit, because
2 they have difficulties following you.

3 MR De SILVA: I'm so sorry.

4 Q. "I am now ordering you not to release any one of them,"
10:02:23 5 vehicles and other items, "to any other persons until they are
6 registered with CDF headquarters. This is for your own
7 protection in case the owners take action regarding them in
8 future. Comply please." And we see it is copied to the
9 co-ordinator, that is, of course, Sam Hinga Norman. Do you
10:02:55 10 agree, Mr Witness?

11 A. Yeah, yeah.

12 Q. It is copied to the director of intelligence and it is
13 copied to the chairman of the War Council. On the face of it,
14 going to the second paragraph, you have the man you have been
10:03:17 15 describing, Moïna Fofana, ordering - "I am now ordering" -
16 issuing an order to a field commander; correct?

17 A. The word there say so, yes.

18 Q. Now if that document is true, it does not seem to square
19 with your own evidence, does it?

10:03:45 20 A. No. If you ask, in my opinion it's part of peace making
21 where, if vehicles are taken you say, "Well, no, please do not
22 release those vehicles to any other person until they are
23 registered, just in case in the future the owners take issue."
24 So, in my opinion, that's part of peace making.

10:04:17 25 Q. I see. So this document, issued under the seal of the
26 director of war, is a part of his peace-making activities, is it?

27 A. Yes.

28 Q. I see. That is what you want My Lords to understand by
29 your evidence?

1 A. But let me make it clear that if you are illiterate and
2 somebody is writing for you, it is left with that person who is
3 illiterate to say that I was the one in fact who said what was
4 written. It is not for me to say.

10:04:59 5 JUDGE THOMPSON: Don't get into those theories and don't
6 get into interpretational problems. Let's get your evidence on
7 this document. Something that we can evaluate, not what your
8 theories about when an illiterate person is in fact making a
9 statement, because we the judges are familiar with procedures as
10:05:19 10 to what protections exist for persons making documents who are
11 illiterate. I don't think we want to get into that kind of
12 theoretical exploration. Let's get back to the evidence. What
13 is your answer to the question?

14 THE WITNESS: Please ask the question again.

10:05:39 15 MR De SILVA:

16 Q. Yes, I will ask the question again. On the face of it it
17 looks like a clear order given to a commander in the field,
18 doesn't it?

19 A. Yes, it does.

10:05:51 20 Q. Thank you. And one person who could give a very clear
21 order to a commander in the field is the director of war. That's
22 right, isn't it?

23 MR BOCKARIE: My Lord, sorry. My Lord, I am objecting on
24 the grounds that this is speculative, because --

10:06:26 25 PRESIDING JUDGE: No, no.

26 JUDGE ITOE: It is not speculative.

27 PRESIDING JUDGE: We are in cross-examination here. The
28 witness was a director of logistics, he's familiar with the
29 structure at the time, he is quite capable of answering that

1 question. Your objection is overruled.

2 MR BOCKARIE: As My Lord pleases.

3 MR De SILVA:

4 Q. And I come back to putting this to you: The one person who
10:06:46 5 could -- or one person who could give orders to a commander in
6 the field, of course, was the director of war?

7 A. My answer is one of the persons who could give order could
8 be a director of war, yes.

9 Q. Thank you. You see, Mr Witness, I said to you when I began
10:07:24 10 a little while ago that the impression you wanted to give
11 My Lords about the role of Mr Fofana was a misleading one, wasn't
12 it?

13 A. No.

14 Q. I see. I shall move on. My questions are now related
10:08:07 15 purely to Base Zero. It was from Base Zero that Kamajor fighters
16 were sent to engage the AFRC/RUF in battle. Would you agree with
17 that?

18 A. Yes. Sometimes from Base Zero, sometimes from other
19 places.

10:08:33 20 Q. But certainly from Base Zero?

21 A. Exactly. Base Zero was a supply centre.

22 JUDGE ITOE: Let's get it clear. It was from Base Zero
23 that the Kamajors were dispatched to --

24 MR De SILVA: Engage the AFRC/RUF in battle.

10:08:59 25 THE WITNESS: My answer to that: Not in all cases.

26 PRESIDING JUDGE: Sometimes, you said.

27 THE WITNESS: Sometimes, yes.

28 MR De SILVA:

29 Q. At Base Zero the undisputed leader was

1 Chief Samuel Hinga Norman?

2 A. The undisputed leader was the chairman of the National
3 War Council. Chief Sam Hinga Norman was the government
4 representative at Base Zero and co-ordinator of the Civil Defence
10:09:52 5 Forces.

6 Q. Again I suggest to you that you are trying to fade
7 Chief Norman from the picture in order to assist him?

8 A. No, how can I?

9 Q. We'll see. You see, you went to Base Zero, if my memory
10:10:26 10 serves me right, with Chief Norman in June/July '97; is that
11 right?

12 A. In September 1997.

13 Q. In September 1997. From September 1997 when was it that
14 you actually finally departed from Base Zero?

10:10:54 15 A. We finally departed Base Zero in February, around
16 February/March 1998.

17 Q. '98?

18 A. Yes.

19 Q. So, in rough terms, for six to seventh months Base Zero was
10:11:17 20 your base?

21 A. Yeah.

22 Q. And it was also a very critical time in the conflict,
23 wasn't it?

24 A. Yes.

10:11:34 25 Q. Because it was --

26 JUDGE ITOE: Mr Prosecutor, this witness had mentioned that
27 Base Zero was his base if he was not travelling.

28 MR De SILVA: Yes, correct.

29 JUDGE ITOE: If he was not involved in travelling to other

1 places. So it suggests that he was not there all the time for a
2 continuous period of six months. Are we *ad idem* on this?

3 MR De SILVA: Yes.

4 JUDGE ITOE: Right, thank you.

10:12:09

5 MR De SILVA:

6 Q. Of course, as playing the important role you were playing,
7 having been, in case I'm chided again, recommended by
8 Chief Norman - correct? - and selected by whoever it was, ECOMOG,
9 you were at Base Zero with somebody who you owed a great -- well,
10 you owed him your job, in a sense, for having recommended you.

10:12:42

11 A. Well, let me make one point clear. That I was a member of
12 the committee, as I said, and the committee was a responsible
13 committee helping to assist the Kamajors.

14 JUDGE ITOE: A logistics committee.

10:13:11

15 THE WITNESS: No, we had a committee in Monrovia.

16 JUDGE ITOE: I see.

17 THE WITNESS: By patriotic Sierra Leoneans, and I was one
18 of them. So I was doing -- like I said, I was gainfully
19 employed. It is not a question of somebody looking for a job for
20 which you would be ever grateful for someone for having
21 recommended you, no. So I was in Base Zero on my free will.

10:13:32

22 MR De SILVA:

23 Q. Mr Witness, I think you misunderstand me. I want to make
24 myself perfectly clear. You were grateful to Chief Norman for
25 having had confidence in you and trust in you to recommend you to
26 such a vital position, can I put it that way?

10:13:50

27 A. Yes, if you put it that way, yes.

28 Q. Thank you. I now want to come to deal with a matter
29 My Lord Itoe raised. From time to time you would go off on

1 expeditions to either acquire or deliver such items as blankets
2 or bullets?

3 A. Yes.

4 Q. Forgive me for not running through all the items but I

10:14:42 5 think I hope you know what I mean. Of course when you came back
6 to base, Base Zero, you must have been most anxious to find out
7 what had been happening whilst you were away?

8 A. No. I mean --

9 Q. Really?

10:15:05 10 A. No, no, no. Except regards to my logistic supplies, but I
11 wouldn't be anxious to find out what was happening in other
12 spheres because that was not my role.

13 Q. As playing the role in logistics that you were playing, you
14 accepted on Friday when I put the question to you that your role
10:15:33 15 was one critical to the success of warfare. Would you agree with
16 that?

17 A. I agree with that.

18 Q. So when you come back from your travels, the first thing
19 you must have done was to consult people at Base Zero. "What's
10:16:01 20 been happening whilst I was away? How is the war going?" You
21 must have --

22 A. Of course, sometimes I did.

23 Q. Thank you. So, in other words, it would be perfectly
24 normal and natural for you to acquaint yourself with what had
10:16:27 25 been going on in your absence. I mean, it's normal, isn't it?

26 A. Pertaining to?

27 Q. Pertaining to the life at Base Zero and what was going on?

28 A. Yes.

29 Q. I mean, it's not only normal, it's just pure common sense,

1 isn't it?

2 A. Yes.

3 Q. It's like coming back if you have been a travelling
4 salesman, finding out how things have been with the family whilst
10:16:59 5 you were away?

6 A. Yes.

7 Q. And so, keeping in touch with things happening at Base Zero
8 when you were obviously there, keeping in touch in the way in
9 which you have described with things happening at Base Zero
10:17:31 10 whilst you were away, I want you to answer this question to My
11 Lords: Were you aware of somebody called Borbor Tucker? I think
12 he had another name, Jegbeyama?

13 A. I used to know Borbor Tucker.

14 Q. You know, of course, that he has given evidence in this
10:18:02 15 Court?

16 A. I don't know about that.

17 Q. Don't you?

18 A. No.

19 Q. You knew, of course, of something called a Death Squad at
10:18:34 20 Base Zero?

21 A. No.

22 Q. No?

23 A. I didn't. I mean, there were many squads, the Death Squad,
24 whatever, but I didn't know specifically there was a Death Squad.

10:18:42 25 PRESIDING JUDGE: Mr Prosecutor, I just wish to remind you
26 that many of the witnesses that have testified for the
27 Prosecution have testified under closed protection, under
28 protective status as such and their identity in most cases, I
29 would say 95 plus --

1 MR De SILVA: Not in his case, not in the case of the
2 witness I mentioned. My Lord, I was conscious -- I am grateful
3 to Your Lordship. I can assure Your Lordship it is --

4 PRESIDING JUDGE: Fine.

10:19:10 5 MR De SILVA: It is not a mistake I made.

6 PRESIDING JUDGE: Thank you, then it is my mistake.

7 MR De SILVA: I hesitate to say that.

8 PRESIDING JUDGE: Very well. If he was not protected.
9 That was my concern. Thank you.

10:19:27 10 MR De SILVA:

11 Q. Coming back to the Death Squad, tell me about some of the
12 other squads that existed.

13 A. Like I said, I dealt mostly with administrators. The other
14 squads, to me, there were no other squads that I can think of.

10:19:55 15 Q. No other squads, I see. I thought you just told us there
16 were other squads.

17 A. That could be in the field. But at Base Zero, I'm talking
18 about Base Zero.

19 Q. Yes.

10:20:09 20 JUDGE ITOE: Mr Witness, I thought you just said that you
21 know there were other squads but that you did not know whether
22 the Death Squad was one of those squads.

23 THE WITNESS: Yes, sir, but for me to name squads, that I
24 cannot now remember any of the names.

10:20:31 25 MR De SILVA:

26 Q. You can't remember the names so do you think you might have
27 forgotten the name of the Death Squad as well?

28 A. Probably.

29 Q. You think you might have forgotten it?

1 A. Yes, but particularly Death Squad I didn't know the
2 existence of a Death Squad.

3 Q. Aren't my questions bringing the Death Squad back to your
4 memory?

10:21:00 5 A. No.

6 Q. You see, you know perfectly well, I suggest, by reason of
7 your position and by reason of the time you spent at Base Zero,
8 you know perfectly well that there was, one, a Death Squad, and,
9 secondly, that it was answerable to Chief Norman, to Fofana and
10 to Mr Kondewa.

10:21:34

11 A. I have just told you I don't know of any Death Squad that
12 was there. Nor do I know that they were answerable to anybody.

13 Q. You see, if there was a squad known as the Death Squad - if
14 there was - it's a name very difficult to forget. Would you
15 agree with that?

10:22:03

16 A. Yes, definitely.

17 Q. So if there was a death -- if My Lords find that there was
18 a Death Squad and you say there wasn't --

19 A. I said I didn't know there was a Death Squad.

10:22:22

20 JUDGE THOMPSON: That's the difficulty here. Is he saying
21 he did not know or is he saying categorically that there was no
22 Death Squad. We need to have the position on it.

23 THE WITNESS: I said I did not know there was a
24 Death Squad. I did not say there could not have been, but I
25 didn't know about it.

10:22:38

26 JUDGE THOMPSON: So that is your final position?

27 THE WITNESS: Yes, sir.

28 JUDGE ITOE: Let's have that final position again, please.

29 THE WITNESS: Yes, sir. I did not know the existence of a

1 Death Squad at Base Zero.

2 MR De SILVA:

3 Q. I think you will agree that the very name "Death Squad" is
4 a name so chilling that if you had heard it, you're not likely to
10:23:25 5 have forgotten it either.

6 A. Of course.

7 JUDGE THOMPSON: Does he accept your theory?

8 MR De SILVA: I think the answer is yes.

9 THE WITNESS: Please repeat that question, because your

10:23:37 10 questions are coming in a way -- I'm not a lawyer. Please --

11 JUDGE THOMPSON: Counsel, let's tread over that territory
12 again because you are putting forward a theory, a theory of
13 memory somehow. Go ahead.

14 THE WITNESS: Pardon?

10:23:57 15 JUDGE THOMPSON: No, it's the Prosecutor.

16 THE WITNESS: Okay.

17 MR De SILVA:

18 Q. Would you agree with me that the name "Death Squad" is a
19 chilling or frightening title?

10:24:08 20 A. Of course I do.

21 Q. Thank you. Would you then go on to agree with me that if
22 you heard such a name when you were at Base Zero, that there was
23 such a chilling or frightening squad, it's not the sort of thing
24 you are likely to forget?

10:24:34 25 A. Exactly. I mean, if it existed at Base Zero, I would not
26 have likely forgotten. But I didn't hear about it, talking for
27 myself.

28 Q. I suggest to you, once again --

29 JUDGE THOMPSON: So he accepts your theory?

1 MR De SILVA: Yes.

2 JUDGE THOMPSON: By reason of the fact that this is a
3 chilling name, according to you?

4 MR De SILVA: Is his evidence, as I understand it, is it is
10:25:12 5 such a chilling name that had he heard it he would remember it.

6 JUDGE THOMPSON: All right.

7 MR De SILVA:

8 Q. I suggest to you, Mr Witness, that not only are you fully
9 alive to the fact that such a Death Squad existed, you are also
10:25:35 10 in full knowledge that that Death Squad perpetrated terrible
11 atrocities?

12 A. No, I didn't know there was a Death Squad. How can I know
13 that they perpetrated terrible atrocities?

14 Q. So you're saying no Death Squad, no atrocities?

10:25:54 15 A. At Base Zero --

16 MR JABBI: My Lord, the witness has been very, very clear
17 about this. He constantly says he did not know there was one.
18 He has not said there was no Death Squad --

19 PRESIDING JUDGE: What is your objection?

10:26:08 20 MR JABBI: Pardon, My Lord?

21 PRESIDING JUDGE: What is your objection?

22 MR JABBI: My Lord, at least the finality rule should apply
23 now.

24 PRESIDING JUDGE: We are in cross-examination and it has do
10:26:19 25 obviously with credibility of a witness. We are not talking
26 about issues that -- matters that are in issue. We are talking
27 about credibility of the witness.

28 MR JABBI: But, My Lord, this has been interminably put to
29 the witness.

1 PRESIDING JUDGE: Your objection is overruled, Dr Jabbi.

2 MR JABBI: As Your Lordships please.

3 MR De SILVA:

4 Q. One of my duties as cross-examining counsel, Mr Witness, is
10:26:42 5 to confront you with evidence and to ask you for your comments.
6 I will wait until you get yourself a glass of water.

7 A. You have been very generous.

8 Q. It is not me who is pouring your water.

9 A. Yes, sir.

10:27:06 10 Q. On 16th November 2004 Witness TF2-008 at page 60 to 61 told
11 My Lords that there was a Death Squad and it was answerable to
12 the gentlemen whose names I have put to you, first, second, third
13 accused, and the commander of that Death Squad was Jegbeyama who
14 is otherwise known, of course, as Borbor Tucker. Your answer to
10:28:09 15 that is "I don't know." Is that correct?

16 A. Yes.

17 Q. TF2-014 who gave evidence on 14 March 2005 at page 41 said
18 this, "Chief Hinga Norman" --

19 JUDGE ITOE: TF what is that?

10:28:38 20 MR De SILVA:

21 Q. TF2-014, 14 March 2005, page 41. "Chief Hinga Norman used
22 the Death Squad to molest the War Council, to loot and torture
23 captives." What do you have to say about that?

24 A. As I have said, I did not know the existence of a
10:29:07 25 War Council nor do I know that Chief Norman used it to molest or
26 loot or do anything of that nature.

27 Q. So in all the time you were at Base Zero and when you came
28 back from your travels, nobody ever said to you, "By the way, by
29 the way, do you know we've got a Death Squad?"

1 A. No.

2 PRESIDING JUDGE: Mr Witness, you just said in your answer
3 you did not know of the existence of the War Council. I presume.

4 THE WITNESS: No, no, I meant the Death Squad. Sorry, sir.

10:29:53

5 MR De SILVA:

6 Q. TF2-005, on 15th February 2005 at page 94, told the Court
7 that the War Council was prevented by Chief Hinga Norman from
8 investigating complaints made against the Death Squad. You said
9 "I know nothing about it"?

10:30:28

10 A. I said no.

11 Q. The reason I am doing this, Mr Witness, is to give you the
12 full body of evidence for you to deal with. Do you understand?

13 A. Yes, but let me say the War Council was such a powerful
14 organisation at Base Zero for anybody to have interfered with
15 their work. That is the fact.

10:30:53

16 Q. TF2-190, giving evidence on 10th February 2005 at page 34,
17 told My Lords --

18 JUDGE ITOE: Evidence on what date, please?

19 MR De SILVA: 10th February 2005, page 34.

10:31:26

20 Q. That "the Death Squad received its orders from Pa Norman
21 and not any person else". You know nothing about it?

22 A. No.

23 Q. TF2-008, giving evidence on 16th November 2004 at page 62,
24 said he had received a complaint from Commander Nallo that the
25 Death Squad were killing innocent civilians and looting
26 properties whenever they were sent to war. Again, this is
27 something that comes to you as a surprise, is it?

10:32:29

28 A. Very big surprise.

29 Q. Borbor Tucker, the man you said you knew, he gave evidence

1 on 10th February 2005. There is no number for him because he the
2 courage to use his own name.

3 A. Pardon.

4 Q. He didn't use a number, he gave his name. You understand?

10:33:25 5 A. Okay. I just wanted to ask whether those numbers were
6 ghosts.

7 Q. The numbers were what?

8 A. Were ghosts, because you were not naming names, you are
9 just calling numbers.

10:33:37 10 Q. Well, some witnesses give evidence with code names, with
11 numbers, you understand, for reasons of security, some not.

12 A. I now understand.

13 Q. I am sorry. I didn't explain myself in layman's terms. He
14 said he was the commander of the Death Squad and answerable only
15 to Chief Hinga Norman. He's the man you knew?

10:33:54 16 A. That's a very surprising thing because Borbor Tucker, as I
17 know, was not even based in Base Zero. He was not, as I know
18 him. Borbor Tucker was somewhere in the north, not at Base Zero.
19 I mean, whenever I came to Base Zero, I asked, he was not there.

10:34:19 20 Q. You asked what?

21 A. When I asked for him he was not there.

22 Q. Because you expected to find him at Base Zero, that's why
23 you asked for him?

24 A. No, I told you on Friday that Base Zero was a village
10:34:35 25 setting. Those that you know, if you meet one, you will just
26 definitely find out -- I mean, ask where, where is this person?

27 Q. Yes, because you expected to find him at Base Zero?

28 A. Not necessarily.

29 Q. I'm not saying -- don't get me wrong. I'm not saying that

1 the Death Squad did not wander out of Base Zero, you understand,
2 but that they were based in Base Zero?

3 A. I know, I'm not talking about the Death Squad. I am
4 talking about Borbor Tucker. I said he, as I know, was not based
10:35:11 5 in Base Zero. I didn't even know that there was a war -- I mean,
6 a Death Squad. Nor do I know that Borbor Tucker was the
7 commander of that squad.

8 Q. You don't seem to have been terribly well informed, do you?

9 A. Pardon?

10:35:30 10 Q. You don't seem to have been very well informed about what
11 was going on at your base?

12 A. I bothered about things that concerned me then at the base.

13 Q. What, bullets and blankets only?

14 A. Exactly.

10:35:43 15 Q. So unless it was about bullets and blankets, you're not
16 interested in other things?

17 A. Blankets and other necessary things. Don't forget at
18 Base Zero we are enclosed, so I was going to Monrovia and other
19 places to get supplies. I mean, that alone was a Herculean task
10:36:03 20 for me to concern myself with what was going on in mundane areas,
21 other areas that were not mine.

22 Q. Let me suggest to you, Mr Witness, that there could not
23 have been a single, solitary soul who had anything to do with
24 Base Zero who was unaware of the existence of the Death Squad and
10:36:27 25 its murderous activities. There couldn't have been one person
26 who had anything to do with Base Zero who failed to realise the
27 existence of this chilling and murderous squad. Do you
28 understand?

29 A. I take it I'm the only exception, because I didn't know

1 about it.

2 Q. You may well be the only exception. Is that your serious
3 answer, that you are the one exception?

4 A. I did not know about a Death Squad at Base Zero. That is
10:36:57 5 my answer.

6 Q. The question is: Is your answer correct that you gave My
7 Lords that you may be the one exception who didn't know?

8 A. I was following your question. You said there was nobody
9 who could have lived in Base Zero who didn't know about the
10:37:12 10 Death Squad. I said if that is the case then I could have been
11 the only exception, because I didn't know about the Death Squad
12 at Base Zero.

13 Q. So if there was in fact a Death Squad, then you are the one
14 exception?

10:37:26 15 A. No, I didn't say so.

16 MR JABBI: My Lord, I don't know, but this is beginning to
17 border on badgering. The witness has given his answer so many
18 times. I don't know how long this interminable --

19 PRESIDING JUDGE: Sustained, Dr Jabbi. Let's move ahead,
10:37:46 20 please, Mr Prosecutor.

21 MR De SILVA: Right, let's leave Mr Borbor Tucker behind.

22 MR JABBI: My Lord, just before counsel leaves
23 Borbor Tucker, he did not give a page reference of the evidence
24 cited about Borbor Tucker.

10:38:06 25 MR De SILVA: Yes, 38. 10th March 2005, page 38.

26 Q. Now, TF2-0118, but I don't think that's right, who gave
27 evidence on 18th June 2005 at page 22 told My Lords that the
28 Death Squad was formed by Chief Samuel Hinga Norman. You
29 understand?

OPEN SESSION

1 A. Is that a question or a statement.

2 Q. It is in fact a statement. That is the only way I can tell
3 you what the witness said.

4 A. Okay.

10:39:08 5 Q. So of all the things that Chief Hinga Norman may or may not
6 have said to you, with your relationship with him, he never told
7 you he had formed a Death Squad?

8 A. No, not at all, definitely not.

9 Q. I see. Perhaps I can tell you this. I've just given you a
10:39:40 10 glimpse of the witnesses who have given evidence on this subject
11 and you no doubt will still maintain the same position that you
12 have maintained throughout this line of questioning. Is that
13 correct?

14 A. No. I mean, if I know of anything, certainty of anything,
10:40:03 15 why should I maintain the same position as I maintained? When
16 the question comes, I answer it.

17 Q. That was about the Death Squad about which basically you
18 know nothing; correct?

19 A. Basically nothing.

10:40:27 20 Q. I now want to deal with wanton murder at Base Zero.
21 Perhaps I should ask you this question before I begin. Are you
22 aware of civilians being murdered wantonly at Base Zero?

23 A. Not when I was there, no, I was not.

24 Q. And if you happened to be aware and you came back and
10:41:13 25 asked, "What's been going on whilst I've been away," nobody told
26 you about any killings that took place?

27 A. Not only asking. If there was any killing of any nature,
28 if I got there I would know, but I didn't know.

29 Q. You would know?

1 A. Of course, but I didn't hear about that.

2 Q. If there had been -- the answer you just gave My Lords is
3 this: If there had been any killings at Base Zero you would have
4 known?

10:41:43 5 A. Of course, as a village setting, small thing, you know.

6 Q. Exactly. So even though you might have been delivering
7 bullets to someone in the bush, on your return it is something
8 you would have discovered?

9 A. Of course.

10:42:01 10 Q. Thank you. That's why I was asking you about the
11 Death Squad, you see. Anyway, we left that subject. So let's go
12 on to wanton killings. TF2-133, who gave evidence on 6th June
13 2005 --

14 PRESIDING JUDGE: What's the witness number again, again?

10:42:42 15 MR De SILVA: TF2-133 gave evidence on 6th June 2005 and
16 her evidence is on pages 5 to 7, unchallenged by the Defence, if
17 I might say so.

18 Q. She was a lady who gave evidence that she had been captured
19 by the Kamajors at York Island and taken to Base Zero. That's
10:43:18 20 the evidence she gave. Also taken was her mother to Base Zero.
21 Did you know a man called Moina Jusu?

22 A. No.

23 Q. Her mother was killed in the oil plantation. There was an
24 oil plantation close to there, wasn't there?

10:43:46 25 A. Yes, around Matru Jong. Not in Base Zero itself, Matru
26 Jong, far from Base Zero.

27 Q. She also referred the killing of somebody called Momi e,
28 M-O-M-I-E, also in the oil plantation. Now these killings that
29 took place at Base Zero I suggest took place within Base Zero and

1 around Base Zero. You understand?

2 Witness TF2-188, another woman, who gave evidence on 31st
3 May 2005, pages 14 to 18, she and her mother were both taken to
4 Talia as prisoners, you understand? She told My Lords that her
10:45:10 5 mother was killed in the presence of witnesses. That is actually
6 on page 16. She saw her mother's throat being slit and she
7 identified Kondewa in court as the person who ordered the death
8 of her mother. You never heard about that?

9 A. Never.

10:45:42 10 Q. TF2-109 who gave evidence on 30th May 2005 at pages 34 to
11 37, another lady. She was captured and taken to Base Zero and
12 she told us about the killing of a man called Lahai Lebbie,
13 L-E-B-B-I-E, who was killed by the Kamajors. They put a tyre
14 around him and they burnt the tyre, and they dropped it on his
10:46:48 15 bare skin. That's the way she described that. And she says
16 there was a man called Baggie and somebody called N-G-0-J-S-U
17 that were also killed by the Kamajors. You know nothing about
18 that?

19 A. Nothing.

10:47:20 20 Q. TF2-096 on 8th November - must be last year, I think - page
21 20 to 23 gave evidence of a soldier who had been captured in
22 Koribundu, an enemy soldier who was brought to Base Zero and
23 killed. You know nothing about that?

24 A. Nothing.

10:47:56 25 Q. TF2-108, who gave evidence on 30th May 2005, page 5 to 15,
26 another captured prisoner brought to Base Zero. This may connect
27 with the earlier witness. She saw Jusu Shalley, Baggie Vayei,
28 V-A-Y-E-I, and Lahai Lebbie being killed by the Kamajors in
29 Talia. In the case of Jusu Shalley she saw his stomach being

1 split open with a cutlass. In the case of Baggie Vayei, she saw
2 his body dismembered. Again, you know nothing about this and
3 heard nothing about it?

4 A. May I ask, this, what period, what time these things occur?

10:49:24 5 Q. This was in that period which we are talking about.

6 A. From September '97 --

7 Q. Yes, yes.

8 A. -- to February. Never. Nothing, no killing. As far as
9 I'm concerned, no killing took place. Don't even -- no killing,

10:49:39 10 I don't know of any killing at Base Zero at that time.

11 Q. I just want to put two more matters to you. TF2-187 gave
12 evidence 1st June 2005, pages 13 to 14. That witness's uncle
13 made a report about Kondewa's boys, as they were called, as a
14 result of which her uncle was arrested, she saw him tied up and

10:50:20 15 burning plastic poured over his body till he died. Again,
16 something you know nothing about and never heard about it?

17 A. Never.

18 Q. Witness TF2-189 gave evidence on 3rd June 2005, pages 8 to
19 12, she saw her husband killed by the Kamajors at Talia, a man

10:50:54 20 called Nulele, N-U-L-E-L-E, cut his throat, removed his head in
21 front of the civilians gathered there. Again you know nothing

22 about it?

23 A. Absolutely nothing.

24 Q. Never heard about it?

10:51:11 25 A. Absolutely nothing.

26 Q. Do you think you were remarkably ill-informed about what
27 was going on?

28 A. No. No, no, no. You see, when you talk about killings at
29 Base Zero, I'm not only surprised but I'm amazed. Because while

1 I was there, there was no killing of any nature.

2 Q. You're amazed?

3 A. Quite amazed when you talk about it.

4 Q. Amazed?

10:51:37 5 A. Yes.

6 Q. So all these things I have been putting to you are really
7 quite astonishing to you?

8 A. Very, very strange indeed.

9 Q. So the Death Squad's astonishing and all the witnesses who
10:51:49 10 speak about that amaze you?

11 A. Completely.

12 Q. All the people who spoke about the killings they witnessed,
13 including their own relations, amazed you?

14 A. At Base Zero.

10:52:02 15 Q. Yes.

16 A. Yes.

17 Q. Either they are all very untruthful or --

18 JUDGE ITOE: No conclusions, Mr Prosecutor. No
19 conclusions. Leave that open-ended and let's see what
10:52:21 20 conclusions we shall arrive at at the end of it all.

21 MR De SILVA: My Lord, yes, of course.

22 Q. I suggest to you that Base Zero, under the control of the
23 three men in the dock, was the scene of great human rights abuses
24 and you know it.

10:52:58 25 A. No. We were so far from the battlefield that we even --
26 that in December 1997 there was enjoyment in Base Zero, we were
27 dancing up and down. There was no such thing like human rights
28 abuses.

29 Q. So it was dancing as opposed to death, is it?

1 A. "Dancing as opposed to death"; what do you mean by that?

2 Q. Well, I am talking about death and you talk about dancing.
3 That is our different points of view?

4 A. Yes, we were not killing.

10:53:30 5 JUDGE THOMPSON: That is why when you get to these
6 argumentative areas you suddenly have these extreme mutually
7 exclusive perceptions.

8 MR De SILVA: Indeed, My Lord. I am trying to get to the
9 bottom of what this witness's true position is.

10:53:51 10 Q. Help us, I am going to ask you a question in two parts and
11 I want you to listen to the full question before you give an
12 answer. All right?

13 A. Please.

14 Q. Is it your position that the Kamajors committed no
10:54:06 15 atrocities, for example, wanton murder and looting, or is it your
16 position that if they did it was justified by the circumstances
17 that they were fighting for democracy? Which is your position?

18 A. If you talking about mistakes, in any organisation you have
19 people there must be some mistake of some nature. I cannot
10:54:40 20 conclude --

21 MR MARGAI: My Lords, I'm sorry, I do not think this is a
22 question for the witness. I believe my learned friend is trying
23 to usurp the functions of the Bench. This witness is here to
24 testify both in --

10:54:56 25 PRESIDING JUDGE: Mr Margai, I want to stop you. In which
26 quality are you objecting now, bearing in mind you were
27 cross-examining this witness?

28 MR MARGAI: Sorry, My Lord.

29 PRESIDING JUDGE: In what quality can you make this

1 objection at this time given the fact you were cross-examining
2 this witness? This is not your witness.

3 MR MARGAI: This is not my witness but the witness's
4 testimony could very well affect my client.

10:55:18 5 PRESIDING JUDGE: Very well, in those circumstances I will
6 allow your comment.

7 MR MARGAI: As My Lord pleases. My Lord, I am saying this
8 is not a question for the witness. Conclusions as to the
9 intentions of witnesses are matters reserved for the Bench and
10:55:34 10 the Bench alone.

11 JUDGE THOMPSON: I have very strong reservations about the
12 question as it is framed. Even if it does not amount to a direct
13 usurpation of the function of the Tribunal on the issue of the
14 ultimate question of guilt or innocence, it comes very close to
10:55:59 15 that. Of what assistance would this be in terms of the
16 Tribunal's ability to evaluate the evidence of this witness
17 should this witness be telling us whether in his opinion --
18 because you are not asking for facts.

19 MR De SILVA: No.

10:56:23 20 JUDGE THOMPSON: If you were asking for facts that is a
21 different thing. He has virtually told you he knew of no such
22 killings or further said that there were no such killings, but if
23 you are asking him what his position is, I think you are asking
24 for a legal position. Unless you persuade me otherwise, I think
10:56:44 25 I have some reservation. Of course you are open to persuade the
26 Bench, the entire Bench.

27 MR De SILVA: All I'm saying is I am not asking a
28 non-lawyer for a legal position. I am asking him is it his
29 stance --

1 JUDGE THOMPSON: He could be stating a moral position here
2 which we are not bound by. The question really for me is why
3 does he have to guide the Court on this? Of what value would
4 this be for the Court?

10:57:14 5 MR De SILVA: It may be a way of testing the credibility of
6 the witness. If he takes about the position that it is his --
7 from what he knows and the closeness he has had with the high
8 command of the CDF and the Kamajors, there have been no
9 atrocities of any kind committed, or the alternative position is,
10:57:34 10 which he referred to, well, all organisations make mistakes --

11 JUDGE THOMPSON: That is the point I am making. Why does
12 he have to lecture us on theories about organisations, whether
13 they make mistakes or not. Of what value is that for the
14 Tribunal when we are trying to ascertain factual matters?

10:57:55 15 MR De SILVA: Well, My Lord, can I --

16 JUDGE THOMPSON: The first part if reformulated may well
17 pass the test. I am saying that it may not amount to a direct
18 usurpation of the role of the Tribunal to determine the ultimate
19 question of guilt, but it comes close to it. The second one is
10:58:15 20 purely speculative, theoretical. Why do we need it? We are not
21 here to evaluate the relative merit of theories or speculative
22 ideas. We want facts. Did he know whether there were these
23 wanton killings as alleged? Did he witness them? Or if he
24 didn't know of them we want to know. You have tested his
10:58:38 25 credibility all along. Factually we will make our determination
26 as to whether the evidence is credible or not.

27 MR De SILVA: Yes. My Lord, as Your Lordships know, it has
28 been held for certainly 150 years or so that the state of a man's
29 mind is the same as the state of his stomach or the rest of him,

1 and that is why I am asking him --

2 JUDGE THOMPSON: Sometimes the devil himself does not know
3 the state of a man's mind, much more the state of a man's
4 stomach.

10:59:06 5 MR De SILVA: I don't know which particular devil
6 Your Lordship has in mind. But I am asking him about the devils
7 at Base Zero at the moment.

8 JUDGE THOMPSON: Counsel, that is my own position on that.

9 PRESIDING JUDGE: That question is not --

10:59:20 10 JUDGE ITOE: I think as far as this witness is concerned
11 the facts are settled. As far as he is concerned. And that is
12 that he knew of the commission of no atrocities in Base Zero.
13 Base Zero. The witness has not generalised this. He has limited
14 himself to Base Zero. Mr Witness, am I right?

10:59:46 15 THE WITNESS: Yes, exactly, sir, Your Honour.

16 MR De SILVA: My Lords, I will leave that and I will not
17 seek to take the matter any further. I shall move on to a
18 different subject. Forgive me, I am just trying to get some
19 exhibits in order for Your Lordships.

11:00:10 20 [CDF08MAY06B - CR]

21 Q. Now, Mr Witness, perhaps you can help us about this. You
22 know, of course, that the United Nations played a significant
23 part in setting this Court up.

24 A. Yes, sir.

11:00:37 25 Q. You know, of course, that international human rights
26 organisations have taken a considerable interest in the
27 occurrences, to put it neutrally, that took place in Sierra Leone
28 during this tragic war.

29 A. I do.

1 Q. You know that international organisations have investigated
2 the horrors of what occurred.

3 A. I don't know about that.

4 Q. You don't know that. Well, let's help you.

11:01:31 5 MR De SILVA: My Lords, I'm going to pass up to Your
6 Lordships Exhibits 110, certainly, and 115.

7 PRESIDING JUDGE: In the exhibit list, Mr Prosecutor, 110
8 has four parts to it. Which one?

9 MR De SILVA: I'm going to refer to all of the bracketed
11:03:22 10 parts. 110A, Your Lordship will see it on the document itself
11 that it is all bracketed.

12 PRESIDING JUDGE: Yes, but I think it's 110A.

13 MR De SILVA: Yes, 110A. Your Lordship is absolutely
14 right.

11:03:57 15 PRESIDING JUDGE: The one you passed around is 110A.

16 MR De SILVA: Yes. I should also give Your Lordships some
17 further documentation. I gave Your Lordships the start of 110A.
18 There is another part to it.

19 Q. Can I start, please, with Exhibit 110A. Mr Witness, you
11:05:12 20 will see the numbering on the left-hand side. You will see a
21 part of the document bracketed in. This is from an organisation
22 which I believe -- you may not have heard about it in murders of
23 Talia, or the Death Squad, but I'm sure you have heard of Human
24 Rights Watch, haven't you?

11:05:29 25 A. I have heard about it.

26 Q. Thank you very much. Well, that's some progress. You have
27 heard of Human Rights Watch. Let's see what they have to say.
28 Headed "Abuses committed by members of Civilian Defence Forces
29 CDF." Now, I want to take you through this bit, because I want

1 you to comment.

2 "Human Rights Watch documented numerous abuses, including
3 killings and torture by members of the Civilian Defence
4 Forces, frequently referred to in local dialects as
11:06:03 5 traditional hunters. "

6 What would you say to that finding? From your closeness
7 with the CDF and Kamajors over the period concerned, what would
8 you say about that? Completely unfounded?

9 A. Where I was, completely unfounded.

11:06:27 10 Q. Completely unfounded?

11 A. Where I was at Base Zero. I don't know of the whole
12 country, but where I was, that was unfounded.

13 Q. My question to you was: Given your closeness to the
14 centres of authority in the CDF, are you saying that that first
11:06:54 15 sentence is completely unfounded?

16 A. It's unfounded.

17 Q. Thank you. At least we know exactly what your position is.
18 Second sentence --

19 JUDGE ITOE: Let me get this clear. You got the witness to
11:07:11 20 say that it was unfounded where he was in Base Zero. Could we
21 get it clear? Is he saying that it's unfounded as far as the
22 rest of the territory of operation is concerned?

23 THE WITNESS: No. I said where I was at Base Zero I saw
24 nothing like that, and so, therefore, the quote is unfounded
11:07:34 25 completely.

26 PRESIDING JUDGE: But this report does not necessarily
27 refer to Base Zero, Mr Witness. It refers to CDF activities at
28 large.

29 JUDGE THOMPSON: Let me also complicate it a bit. Counsel,

1 when you said the first sentence is unfounded, do you really mean
2 that you can put that to the witness, the first sentence of that
3 particular -- read the first sentence yourself and tell me
4 whether you can put the question whether the first sentence is
11:08:05 5 unfounded to the witness.

6 MR De SILVA: My Lord, what I'm asking him is --

7 JUDGE THOMPSON: Not the first sentence, because that's --
8 if I understand what the first sentence says, it says that Human
9 Rights Watch documented certain things and up to, what,
11:08:22 10 traditional hunters. You cannot put that to the witness, can
11 you, whether they documented it or not, and ask whether that is
12 unfounded.

13 MR De SILVA: My Lord --

14 JUDGE THOMPSON: We're lawyers. Let's be quite precise.

11:08:39 15 MR De SILVA: My Lord, any lawyer in this world would
16 realise that I was referring to abuses, killings and torture.

17 JUDGE THOMPSON: You can put it out of context. I mean,
18 you're talking about the whole sentence. I don't think you
19 should actually put just that part. The whole sentence must be
11:08:58 20 taken in its total context. It says, "Human Rights Watch
21 documented numerous abuses, including killings and torture, by
22 members of the Civil Defence Forces, frequently referred to in
23 local dialects as traditional hunters." Your question in respect
24 of that sentence is: Is that sentence unfounded? I take issue
11:09:28 25 with it as a matter of logic. Can that question be put in the
26 form in which it is put? If we read further, the other
27 allegations there can be put to the witness as unfounded. I
28 mean, let us be quite precise here. I don't understand what it
29 means to ask the witness whether that particular sentence is

1 unfounded.

2 MR De SILVA: The question I asked --

3 JUDGE THOMPSON: Well, I heard the word "unfounded."

4 MR De SILVA: No, the question I asked, My Lord, with
11:10:02 5 greatest respect was, given his closeness to the High Command, is
6 that sentence unfounded. However, I take Your Lordship's --

7 JUDGE THOMPSON: Counsel, if you treat this Court with
8 candour, that sentence, as it is, put to the witness, the inquiry
9 cannot be made whether the sentence is unfounded or not. If I
11:10:27 10 understand the English language correctly, you are reporting to
11 him that a particular NGO group documented certain activities and
12 to ask the question whether the sentence is unfounded does not
13 seem to make much sense to me.

14 MR De SILVA: Yes, well, we'll go on. I was trying to be
11:10:52 15 fair to the witness and take him through it sentence by sentence.
16 If I had read the whole paragraph to him, I would have been
17 accused of failing to take him through it in detail.

18 JUDGE THOMPSON: But, counsel, we the Bench must understand
19 what you are doing. I find that I don't understand what it means
11:11:06 20 and you have not yet persuaded me that you can logically put to
21 the witness whether just that first sentence alone is unfounded.
22 It doesn't make allegations. It documented allegations. As a
23 matter of language and logic the question is not, in my judgment,
24 comprehensible. I think with your seniority you can treat the
11:11:35 25 Court with candour. After all, we all sometimes make lapses.

26 MR De SILVA: My Lord, candour means honesty. If the
27 suggestion is that I'm not behaving honestly with the Court, I
28 personally take exception to that.

29 JUDGE THOMPSON: No, I'm not suggesting that, counsel. I

1 would never suggest that you've treated this Court with anything
2 other than a sense of decency and a commitment to the high
3 traditions of the profession. But I just want, for my own
4 enlightenment, whether the question put clearly is consistent
11:12:05 5 with logical language.

6 MR De SILVA: My Lord, perhaps the answer to this is I can
7 move on and deal with the matter. I can move on to an area
8 where, perhaps, there will be no dispute.

9 PRESIDING JUDGE: Mr Prosecutor, before you move on, given
11:12:18 10 the observation made by my colleague Justice Itoe, the answer of
11 the witness was, "Where I was" - these were his words - "this is
12 completely unfounded." Just for greater clarity and certainty,
13 this document is a report of July 1998. So this is, essentially,
14 the time frame that you're addressing with the witness, so there
11:12:44 15 is no misunderstanding as to the period of time we're talking
16 about.

17 MR De SILVA: Yes.

18 Q. Mr Witness, can we look at the next sentence.

19 "Civilian Defence Forces were developed primarily in the
11:13:00 20 early 1990s as local protection responses to insecurity and
21 violence throughout Sierra Leone."

22 Now, that is a perfectly straightforward remark. You would
23 probably agree with it, wouldn't you?

24 A. I was not in Sierra Leone at that time.

11:13:21 25 Q. I thought you told us -- you gave us an explanation as
26 to -- no, I'm not going to ask that. So that is your answer to
27 the question?

28 A. Yes.

29 Q. Are you trying to be helpful to the Court?

1 A. Very much so, sir.

2 Q. And so you know nothing about the fact that the Civilian
3 Defence Forces were developed primarily in the early 1990s as
4 local protection responses to insecurity and violence throughout
11:13:52 5 Sierra Leone; is that it?

6 A. No, I don't know about that.

7 Q. You don't know?

8 A. I was not here, I was in Liberia at that time.

9 Q. And that is your answer?

11:14:01 10 A. And I was not following up on that.

11 Q. And that is your answer, all right.

12 "The largest and most powerful of these groups, the
13 Kamajors, was responsible for the majority of the most
14 serious abuses, committed by those fighting on behalf of
11:14:20 15 the Kabbah government since February 1998. In recent
16 months, Kamajors have also been responsible for obstructing
17 humanitarian assistance and demanding money or compensation
18 for roadblocks."

19 I just want your comment on that.

11:14:47 20 A. I don't know about that, frankly speaking, because I'm
21 under oath.

22 Q. Right. So, "I know nothing."

23 Next paragraph: "Humanitarian and United Nations
24 organisations complain that Kamajors frequently obstruct
11:15:06 25 the delivery of aid to IDPs and civilian groups in need."

26 I might as well read the whole paragraph.

27 "Humanitarian agency vehicles were frequently commandeered
28 by Kamajors and aid workers were occasionally detained by
29 Kamajors, two as recently as June 1998. Groups providing

1 assistance to the interior of Sierra Leone reported in June
2 that Kamajors had become increasingly demanding at
3 checkpoints, often insisting that they be compensated for
4 having liberated the country from AFRC/RUF. "

11:15:54 5 Now, is that a fair representation, in your view, of what
6 you knew from being close to the higher echelons of the CDF?

7 A. That is very unfair.

8 Q. So that is an unfair -- you would say of that paragraph,
9 it's an unfair paragraph about the CDF and Kamajors, would you?

11:16:16 10 A. Yes.

11 Q. Let's move on. Next heading:

12 "Killings and mutilations. The scale and nature of the
13 abuses committed by Kamajors and other members of CDF
14 differ significantly from atrocities carried out by the
11:16:40 15 AFRC/RUF, but the abuses are often no less horrific. Many
16 witnesses of abuses committed by Kamajors spoke of the
17 grotesque nature of killings, at times, including
18 disembowelment, followed by consumption of vital organs,
19 such as the heart. Acts such as these were intended to
11:17:11 20 transfer the strength of the enemy to those involved in the
21 consumption. Killings by Kamajors usually targeted people
22 they believed to be members of the AFRC/RUF and their
23 civilian supporters. "

24 Before you answer that, I've been reading to you evidence
11:17:36 25 about captured prisoners being killed, and the rest of it. Quite
26 apart from this report. What do you have to say about that
27 paragraph?

28 A. That again I'm not aware of that.

29 Q. And you're taken by surprise, are you, by these findings?

1 A. Yes.

2 Q. Is that a serious answer?

3 A. Pardon?

4 Q. Is that a serious answer?

11:18:13 5 MR SESAY: Your Honour, may I object to this line of
6 cross-examination.

7 PRESIDING JUDGE: Which line of cross-examination.

8 MR SESAY: By asking the witness whether in fact it is a
9 serious answer to the question.

11:18:24 10 PRESIDING JUDGE: Why?

11 MR SESAY: Because, My Lord, the witness has answered, and
12 he has answered twice the same question.

13 PRESIDING JUDGE: Your observation is overruled. Proceed.

14 MR De SILVA:

11:18:42 15 Q. That, Mr Witness, is your serious answer to my serious
16 question, is it?

17 MR MARGAI: The witness is saying that he wishes to attend
18 to nature's call.

19 PRESIDING JUDGE: Yes. We'll take the recess now. We are
11:19:00 20 close to it anyhow. We will take the morning recess and resume
21 after that. Thank you. Court is in recess.

22 [Break taken at 11.20 a.m.]

23 [Upon resuming at 11.50 a.m.]

24 PRESIDING JUDGE: Mr Prosecutor.

11:50:00 25 MR De SILVA: My Lord, might I seek Your Lordship's
26 assistance. I can't remember which exhibit I was on last.

27 PRESIDING JUDGE: 110A. You were at the last paragraph of
28 that exhibit, that is the killing and mutilation part.

29 MR De SILVA: Yes. I shall move on now. There is another

1 report, which is a Human Rights Watch report dated 1999.

2 Q. Mr Witness, on the left-hand corner you will find 117B.

3 Have you found that document?

4 PRESIDING JUDGE: Are you saying "B"? I thought you were
11:50:51 5 going with A. At least you gave us a copy of A.

6 MR De SILVA: My Lord, I take the view A represents the
7 allegations already gone through. I think I can take it more
8 shortly by just going to B.

9 Q. Do you see that, Mr Witness?

11:51:06 10 A. No, I don't have B. I have 117A.

11 PRESIDING JUDGE: You gave the Bench and the witness A, not
12 B.

13 MR De SILVA: Oh, have I failed? I am so sorry. It may
14 well be right.

11:51:39 15 PRESIDING JUDGE: What you have distributed to the Bench
16 was 110A, 115C and 117A.

17 MR De SILVA: Yes. With 117A, below that is 117B.

18 PRESIDING JUDGE: Yes. Thank you. Now we have.

19 MR De SILVA: I'm grateful. I hope the witness will
11:52:08 20 forgive me. It is a marked up copy, but it is the only one I
21 have.

22 Q. Mr Witness, if you look at 117B, which you have just been
23 handed, you will see 117B on the left-hand side.

24 A. Yes.

11:52:22 25 Q. This is a different sort of matter.

26 "There were also many child soldiers among the Kamajors and
27 despite promises by the government to demobilise all
28 combatants under the age of 18, the CDFs continued to
29 recruit children at least until July. "

1 My question is this: Are you aware of child soldiers being
2 recruited by the CDF?

3 A. No. I am not aware.

4 Q. From that it follows that you are unaware of any child
11:53:05 5 soldiers being used by the CDF?

6 A. No, I mean there were offence, offence of people who were
7 killed. And those children, some of them were with the CDF.
8 Some of whom we sent to the Catholic organisation for children.
9 Those are the children that were with us, but they were not child
11:53:26 10 soldiers. I want to clarify that.

11 Q. To put it beyond doubt, you are unaware of the use of any
12 child soldiers in combatant; this is really what I'm talking
13 about.

14 A. Absolutely.

11:53:47 15 Q. And you're unaware about the process of recruitment of
16 child soldiers, for example, to carry ammunition and things of
17 that kind.

18 A. Not aware.

19 Q. Not aware. Help us about this, please; one further matter.
11:54:17 20 Since the arrest of Chief Hinga Norman, as you know, there have
21 been meetings of supporters. You're aware of that, aren't you?

22 A. I have not been here. I was not here when he was arrested.

23 Q. But since he has been arrested -- where have you
24 been since --

11:54:35 25 A. In Liberia. I live in Liberia.

26 Q. Even now?

27 A. Even -- now, now, from my village to Liberia, it's just
28 about nine miles. So I'm in and out.

29 Q. Are you saying to My Lords you have never participated in

1 any meeting of the supporters of Chief Hinga Norman?

2 A. I did participate in one meeting. That was the -- when I
3 was informed, I came. That was the time he declared he wanted to
4 run for the party nomination. And in that meeting, yes, I did
11:55:18 5 participate, here in Freetown.

6 Q. He had a little difficulty about addressing the meeting, I
7 suppose.

8 A. Pardon?

9 Q. Never mind. Thank you very much.

11:55:31 10 PRESIDING JUDGE: That concludes your cross-examination?

11 MR De SILVA: My Lord, yes.

12 PRESIDING JUDGE: You had 115C. I guess it is of no use to
13 you?

14 MR De SILVA: No, My Lord. I was trying to cut it down.

11:55:45 15 PRESIDING JUDGE: Thank you very much. Any re-examination?

16 MR SESAY: My Lord, I don't know, but I rather put it in
17 some other way. I recall when the learned Prosecutor was asking
18 the witness questions, he had indicated those matters which are
19 not in dispute. I recall him saying there is no dispute that

11:56:19 20 ECOMDG -- the Kamajor fighters received from ECOMDG. My Lord, I
21 recall when the witness was testifying on Friday, he did say also
22 they received aid from the Government of Sierra Leone, My Lord.

23 The reason why I'm bringing this out, My Lord, is for this matter
24 to lay to rest so we may not come back on this issue anymore in

11:56:43 25 respect of the testimony of witnesses. I will take the cue from
26 Justice Itoe that there has been evidence from almost every

27 witness who has testified on behalf of the Defence in relation to
28 these matters. I recall he did say that in fact the Kamajors
29 also had aid from the Government of Sierra Leone at some stage,

1 My Lord, in his testimony on Friday.

2 PRESIDING JUDGE: Mr Prosecutor, is it --

3 MR De SILVA: It's never been the position of the
4 Prosecution that the CDF and the Kamajors did not get aid in the
11:57:25 5 way in which I've described from a number of sources, be it the
6 government, be it ECOMOG and so on. It's not the position of the
7 Prosecution that there was no aid from a number of sources to the
8 CDF and the Kamajors.

9 JUDGE ITOE: Including sources from the government; would
11:57:48 10 you go that far? I think that's the crux.

11 MR De SILVA: We wouldn't dispute that.

12 PRESIDING JUDGE: You remember there was evidence, I think
13 from this witness, if I'm not mistaken, about bags of rice being
14 issued to Kamajors and monies being paid to them and so on from
11:58:06 15 the government.

16 MR De SILVA: That's why I didn't challenge it. We only
17 challenge what we dispute. So long as learned counsel for the
18 Defence understand, we only challenge what we dispute. If we
19 don't dispute something, we don't challenge it. Therefore, it
11:58:22 20 can be taken as read that we don't disagree with that.

21 PRESIDING JUDGE: Thank you, Mr Prosecutor.

22 MR SESAY: My Lord, in that light, there is no
23 re-examination.

24 PRESIDING JUDGE: Thank you. Mr Koppe, no re-examination
11:58:38 25 of this witness?

26 MR KOPPE: No, Your Honour.

27 PRESIDING JUDGE: Thank you very much.

28 MR KOPPE: I have to add, this witness is not a common
29 witness.

1 PRESIDING JUDGE: You were in cross-examination?

2 MR KOPPE: Yes.

3 PRESIDING JUDGE: So then I shouldn't ask you if you had
4 any re-examination.

11:58:54 5 MR MARGAI: Just an observation, My Lords. I have noticed
6 that my learned friend de Silva refers to the CDF and the
7 Kamajors.

8 PRESIDING JUDGE: Yes.

9 MR MARGAI: The Kamajor is a component of the CDF.

11:59:12 10 MR De SILVA: Yes.

11 MR MARGAI: Just for the records.

12 JUDGE ITOE: That we know.

13 PRESIDING JUDGE: I don't think there is a dispute on that
14 either.

11:59:19 15 MR MARGAI: It is just a reference to the CDF, the
16 Kamajors.

17 JUDGE ITOE: Well, were they twin brothers or twin sisters,
18 we don't know. In any event, there is no dispute about that,
19 Mr Margai.

11:59:32 20 PRESIDING JUDGE: We have noted your comments, Mr Margai.
21 Mr Witness, we thank you very much for coming to give your
22 evidence for this Court. That concludes your evidence. You may
23 go back to your normal and usual activities. Thank you very
24 much.

11:59:44 25 THE WITNESS: Thank you very much.

26 PRESIDING JUDGE: Have a safe trip back home.

27 THE WITNESS: Thank you.

28 PRESIDING JUDGE: Can the witness be assisted, please?
29 Counsel for first accused. We're back to you now with your next

1 witness. Mr Sesay, is this the one listed as number 4 Dixon
2 Kosi a?

3 [The witness withdrew]

4 MR SESAY: Yes, My Lord.

12:00:30 5 PRESIDING JUDGE: This witness, I take it, based on the
6 information you have supplied, will be giving evidence in Mende?

7 MR SESAY: Yes. In Mende, My Lord.

8 PRESIDING JUDGE: Yes, in Mende.

9 JUDGE ITOE: This would be your 11th?

12:00:49 10 MR SESAY: It should be 11th.

11 JUDGE ITOE: Is it the 11th.

12 MR SESAY: Should be 11th.

13 JUDGE ITOE: 11th.

14 MR SESAY: Yes, My Lord.

12:02:41 15 [The witness entered court]

16 WITNESS: DIXON SAIDU KOSIA [sworn]

17 [Witness answered through interpreter]

18 PRESIDING JUDGE: Mr Witness -- just one moment, please. I
19 want to make sure that the witness has the translation in Mende.
12:02:49 20 I had a feeling.

21 THE WITNESS: Yes, I'm getting you clearly.

22 PRESIDING JUDGE: Yes, Mr Sesay.

23 EXAMINED BY MR SESAY:

24 Q. Good afternoon, witness.

12:03:07 25 A. Yes, good afternoon, grandfather.

26 JUDGE ITOE: Are you one already, Mr Sesay? I didn't know
27 you were a grandfather already. Then you must have started the
28 race very early.

29 THE WITNESS: I am not Sesay.

1 JUDGE ITOE: No, I'm not referring to you.

2 MR SESAY:

3 Q. Now, you speak out slowly and you watch the pens after
4 every answer, okay.

12:03:44 5 A. Okay.

6 Q. Can you tell the Court your full names?

7 A. My name is Dixon Sai du Kosi a.

8 Q. Where do you live?

9 A. I'm coming from Koribundu, Jiama Bongor Chiefdom.

12:04:17 10 MR SESAY: Jiama Bongor, My Lords, is --

11 PRESIDING JUDGE: That's fine, we know.

12 MR SESAY:

13 Q. How old are you?

14 A. I am 56 years old.

12:04:26 15 Q. Are you employed.

16 A. I am not employed. I mine diamonds, yes.

17 Q. You are a miner?

18 A. Yes.

19 Q. You are married?

12:04:58 20 A. Yes.

21 Q. Are you a Kamajor?

22 A. Very well.

23 Q. When did you become a Kamajor?

24 A. I became a Kamajor in 1995, in August.

12:05:30 25 Q. Where was that?

26 A. I was initiated in Tihun, Sogbini Chiefdom.

27 Q. For how long did you stay in Tihun, Sogbini?

28 A. We were there for about two weeks.

29 Q. What was your status in the Kamajor society?

1 A. Initially, I was a clerk. I was doing the job of a clerk.

2 Q. For how long and when?

3 A. I became a clerk in 1997 up till 1998.

4 Q. What were you after 1998?

12:07:06 5 A. I became a deputy battalion commander, working under
6 Joe Tami dey.

7 Q. I will come to Joe Tami dey. Now, where were you based?

8 A. We were in Koribundu. Yes.

9 Q. Now, the time when you said you were in Koribundu, who
12:07:59 10 occupied Koribundu?

11 A. The juntas were there.

12 Q. Did you take part in the attacks on Koribundu by the
13 Kamajors?

14 A. Very well.

12:08:51 15 Q. Can you tell the Court how many times such attacks were
16 made on Koribundu?

17 A. We did it four times. Three times, and the fourth one we
18 dislodged them.

19 PRESIDING JUDGE: May I suggest, Mr Counsel, that you
12:09:12 20 clarify the time frame of what we're talking about?

21 MR SESAY: Yes, My Lord, I'm coming to that. It's just a
22 preface to the next question.

23 Q. Let's take the first attack on Koribundu. Do you recall
24 when?

12:09:26 25 A. The first one, we went there -- we came there in June.

26 Q. In what year?

27 A. 1997.

28 Q. Who was the leader of the attack? Who led that attack?

29 A. The leader for the attack was called Albert Nallo.

1 THE INTERPRETER: Your Honours, will counsel please wait
2 for the interpretation.

3 PRESIDING JUDGE: Mr Counsel, you heard the comment?

4 MR SESAY: Yes, My Lord. I will get to be quite slow as
12:10:09 5 best as possible, My Lord.

6 Q. Now, you've just mentioned the name Albert Nallo. What was
7 the status of Albert Nallo at that time?

8 A. He was director of operations.

9 Q. What happened to that first attack?

12:10:49 10 A. The first attack, we went and couldn't dislodge them, so we
11 retreated.

12 Q. You came back to where. We were in Kpetewoma Lugbu. We
13 returned to Kpetewoma Lugbu.

14 MR SESAY: I don't know if I would obliged to spell
12:11:31 15 Kpetewoma.

16 PRESIDING JUDGE: That's fine. If we need it, we'll ask
17 you.

18 MR SESAY: Grateful, My Lord.

19 Q. Now, how about the second attack, when was that?

12:11:39 20 A. It was in 1998.

21 Q. It was in 1998?

22 A. Yes.

23 Q. Do you recall the month?

24 A. Yes.

12:12:08 25 Q. In what month?

26 A. We started in January.

27 Q. January?

28 A. Yes.

29 Q. Who again led that attack?

1 A. Albert Nallo.

2 Q. What happened to that attack?

3 A. We also couldn't dislodge them, so we returned to
4 Kpetewoma.

12:13:02 5 Q. Now, the third attack, when was that?

6 A. In that month as well we couldn't dislodge them, so we
7 returned.

8 Q. So you said it was in the same month and the same year that
9 you made the third attack --

12:13:23 10 A. Yes.

11 Q. Who led that third attack?

12 A. It was also Albert Nallo.

13 Q. Now, the fourth attack, when was that?

14 A. It was in February, 1998.

12:14:28 15 Q. Who again led that attack?

16 A. Albert Nallo.

17 Q. Can you tell the Court how that fourth attack was planned?

18 A. We who planned it, we were based in Kpetewoma, Mr Albert
19 called some of us one day and told us -- now that we had gone
12:15:20 20 there three times without succeeding to dislodge the juntas at
21 Koribundu, the fourth one, we should be successful, and we said,
22 "How would we go about that?" So he explained to us as to how to
23 go about it. Now whenever we were going there, we would use the
24 same route, the Sumbuya route because Koribundu is situated on --
12:15:52 25 at the junction.

26 Q. Speak up, please. Come very close to the mic, please. are
27 you okay now? Now proceed from where you left.

28 A. Koribundu is situated at the junction with four roads.
29 Whenever I'd be going there, we had been using the same road, the

1 Sumbuya Road and we were not successful. At this time, we should
2 distribute the commanders, and therefore they would use all the
3 four roads, and they would go with the fighters. Borbor Tucker,
4 also called Jegbeyama, together with Joe Nuni, their own group
12:16:47 5 would go by the Bo Road. The other fellow called Sacramento and
6 Commander Lamin would capture the Pujehun Road with the fighters.

7 JUDGE ITOE: Borbor Tucker was on what road? He was to
8 come from what road?

9 MR SESAY:

10 Q. On what road --

11 A. The Bo Road.

12 Q. The road leading to Kori bundu?

13 A. Yes, sir.

14 JUDGE ITOE: And the other one?

15 MR SESAY: He said the next person.

16 THE WITNESS: The other person was called Sacramento and
17 Lamin. They captured the Pujehun Road.

18 MR SESAY:

19 Q. Yes.

12:17:41 20 A. At night, Joe Tami dey and his group would cross the road
21 together with them, the Blama Road. Then, myself sitting here
22 and Albert Nallo and Lahai Judge, he was a commander. We used
23 the Sumbuya Road. We came from the Sumbuya end.

24 Q. Before moving towards the attack, do you know, in fact, who
12:18:26 25 gave instructions? From whom did you receive instructions in
26 respect of that attack?

27 A. It was Albert Nallo. He would tell us everything that we
28 did.

29 Q. Now, after the planning and instructions, what happened

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1 after that?

2 A. Well, on the Friday, February 12th, all of us came and
3 attacked the juntas at Koribundu. At first, myself here and
4 Albert Nallo, together with Lahai Judge and the other fighters --

12:20:06 5 Q. Yes, what happened?

6 A. We were the first to come outside from the Sumbuya Road,
7 and the Pujehun people also followed suit. But Borbor Tucker,
8 also known as Jegbeyama and Joe Nuni and the others, we told them
9 Mr Albert Nallo said that you who are on the Bo Road, if you
10 found out that there were several civilians and we actually want
11 them to leave the town to go to Bo, please, if you see a soldier
12 among them, please leave them so that they will go to Bo, they
13 will escape.

14 Q. Now, did you eventually get to Koribundu?

12:21:24 15 A. Very well.

16 Q. What happened on arrival at Koribundu?

17 A. On that Friday when we entered Koribundu, we did not fight.
18 We did not meet them; we did not meet the juntas. Not a single
19 one did we meet. So we returned to the bush. We slept there
20 until the next morning. Joe Tami dey shouted, said they had
21 entered by Blama Road. Before that, there his uncle called
22 Mr Sundai, up till that we were confused. He came first. We
23 came and met him dead. His guts were tied to both ends of the
24 checkpoint. So we all entered the town.

12:22:13 25 Q. Now did you inquire -- you said you met that unpleasant
26 scene. Did you inquire, in fact, what happened and who did it?

27 A. Yes. We don't know. Up to this day, we don't know who did
28 that to him.

29 Q. How did you observe the town, the Koribundu Town itself?

1 A. At the time we entered, we met -- coming from the Sumbuya
2 Road at that junction, we met houses on fire going towards the Bo
3 Road. Then two houses, Haja Mami e Jabbi 's [phon] house --

4 Q. Your evidence will have to be interpreted and the judges
12:24:23 5 will have to write, so I advise that you go slowly, please.

6 A. Okay.

7 Q. Go over that again. You say whose houses were burnt?

8 A. At that time when we entered Koribundu, we saw along the
9 Sumbuya Road two houses on fire. Haja Mami e Jabbi owned the two
12:25:00 10 houses, and the others along the Pujehun Road, they were Lebanese
11 by the junction, their house was also on fire. And the other
12 houses along the street, but we did not see any junta. But we
13 believed that when they were leaving the town, they had caused
14 those atrocities.

12:25:42 15 Q. Did you do anything in respect of those houses that you met
16 on fire?

17 A. Yes, some of the civilians that we met there, the few
18 civilians that we met, we all put forces together and were
19 bringing water to put out the fire.

12:26:14 20 THE INTERPRETER: Your Honours, may the witness please
21 repeat his last answer?

22 PRESIDING JUDGE: Mr Witness, can you repeat your last
23 answer, please.

24 MR SESAY:

12:26:27 25 Q. Now, can you go over that in respect of -- I asked you, in
26 fact, what you did, in respect of those houses that you met on
27 fire. Can you go over what, in fact, you did?

28 A. We went together with the civilians, fetched water, and we
29 started putting out the fires on the houses. That was what we

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1 did.

2 Q. For how long have you been in Koribundu?

3 A. When we captured there, we were based there. That day
4 there was jubilation all over the place that at last we had
12:27:37 5 recaptured Koribundu from the juntas.

6 Q. Now, my next question to you is before the war, before the
7 war, I'm talking of before 1996, were you acquainted with
8 Koribundu, the town itself, Koribundu. Had you ever been there
9 before the war?

12:28:06 10 A. Yes, since I was a schoolboy I'd been going there.

11 Q. Now, can you, with your indulgence, describe the town
12 itself, briefly, please.

13 A. When we entered the town, there were not many civilians.
14 Not until when we were telling our brothers who were there
12:29:01 15 already, that's if you -- if they have their relatives in the
16 bushes, please tell them to come back so we'll all be in this
17 town. On that same day that we capture the town.

18 Q. Now, I want to ask you again. I mean, I'm sure you may be
19 in a position to tell the Court. I'm asking about the houses in
12:29:23 20 Koribundu before the attacks, all the attacks. Do you know how
21 many houses are there in Koribundu? Can you approximately tell
22 this Court?

23 A. No, no, I can't say how many houses were there. The town
24 is a very big town.

12:29:47 25 Q. Now, you said you arrived in the Koribundu town after
26 successfully removing the junta during the fourth attack. Do you
27 recall saying that?

28 A. Yes.

29 Q. Now, did you have any encounter with the junta upon arrival

1 in Kori bundu?

2 A. Yes, but not on the day that we reached -- we reached there
3 on a Friday.

4 JUDGE ITOE: [Microphone not activated].

12:30:53 5 MR SESAY: Your Honour?

6 JUDGE ITOE: He said they arrived on the day of arrival and
7 they'd escaped, so there was no encounter.

8 MR SESAY: My Lord --

9 JUDGE ITOE: On the day of arrival.

12:31:02 10 MR SESAY: [Indiscernible] use of the phrase "encounter" I
11 may wish to revisit that issue, My Lord, that question.

12 Q. Now did you see the soldiers in Kori bundu?

13 A. When we entered there on that Friday, we did not see any
14 soldiers.

12:31:10 15 MR SESAY: [Microphone not activated].

16 PRESIDING JUDGE: [Microphone not activated] the question
17 is answered and the interpretation be completed. Please.

18 THE WITNESS: The day we entered, I did not see any
19 soldier. I only saw a soldier on the Saturday, the day after we

12:31:35 20 entered, 5 o'clock at Focus time. We were there at that four
21 road, that junction, listening to the BBC and we heard a gunshot

22 from the Pujehun end. It was heavy. Then we switched off the
23 radio and we all gathered together and went towards the place,

24 went there, we met a Land Cruiser and soldiers were in it. They
25 had come from Potoru, Barri Chiefdom, together with their wives.

12:32:20 26 As soon as they saw us, they all put down their guns and they put
27 up their hands. They asked that we should please help them. So

28 we put all of them in the vehicle and brought them to town.

29 Their leader was Sergeant Kamanda. So our own commander himself,

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1 Joe Tami dey, we gave all of them one house and gave them food as
2 well. So Joe went to Bo to explain this to the ECOMDG. So they
3 released an ECOMDG commander called Colonel Ihaji and they all
4 came, and they took back the vehicle. That vehicle belonged to
12:33:50 5 MSF - MSF Belgium. So they went and gave back their vehicle,
6 saying that these were medical people; they'd come to treat the
7 people, to treat us. Two days after that, the MSF staff,
8 including one lady and a man, came to thank us.

9 [CDF08MAY06C - SV]

12:34:41 10 So the soldiers themselves and their relatives, ECOMDG took
11 them to Bo. So that was what we did.

12 MR SESAY:

13 Q. You made reference to those soldiers. Do you know what
14 happened to those soldiers that you met in that vehicle, in that
12:35:02 15 MSF Land Cruiser?

16 A. When they took them to ECOMDG?

17 Q. So they took them to ECOMDG.

18 A. I wouldn't have known anything. I can't explain.

19 Q. Where?

12:35:14 20 A. Bo.

21 Q. In Bo?

22 A. Yes, Bo.

23 JUDGE ITOE: Who took them to Bo? Is it the ECOMDG?

24 MR SESAY:

12:35:24 25 Q. Who took them to --

26 A. ECOMDG. ECOMDG.

27 JUDGE ITOE: Thank you.

28 THE WITNESS: Yes, sir.

29 MR SESAY:

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1 Q. You earlier on made reference to whose uncle, you said
2 whose uncle was killed. Now whose uncle was killed? You say
3 when entering into Koribundu you saw the guts of somebody whom
4 you identified to be the uncle of?

12:36:03 5 JUDGE ITOE: Did he not say "Tami dey"?

6 THE WITNESS: Joe Tami dey.

7 MR SESAY: Joe Tami dey.

8 JUDGE ITOE: He said Joe Tami dey's uncle.

9 MR SESAY: As My Lord please.

12:36:09 10 JUDGE ITOE: That's what he says.

11 MR SESAY: I merely wanted to clarify, My Lord.

12 THE WITNESS: It was Joe Tami dey's uncle, Mr Sundai [phon].

13 JUDGE ITOE: And that up to date they had no report what
14 really happened to him.

12:36:20 15 MR SESAY: Yes, My Lord.

16 Q. You had made mention of Albert Nallo.

17 MR SESAY: My Lord, I am referring now to the testimony of
18 TF2-014. His testimony was on 23rd November 2004.

19 Q. You said Albert Nallo was the director of operations.

12:36:55 20 A. Yes.

21 Q. And you said he was the one who gave instructions in all
22 the four attacks; not so?

23 A. Very well.

24 Q. I want you to listen to this question carefully before
12:37:19 25 answering. He said that Chief Norman told him -- Albert Nallo
26 was saying that Chief Norman told him they have attacked
27 Koribundu on several times but failed. The root cause was
28 because civilians there had given their children to the juntas in
29 marriage, so they are spies and collaborators.

1 PRESIDING JUDGE: Slowly. It needs to be interpreted.

2 MR SESAY: Yes, My Lord.

3 Q. "The root cause was because civilians there had given their
4 children to the juntas in marriage, so they are spies and
12:38:09 5 collaborators. So when I go to Koribundu let me see that
6 nobody should be left, not even a farm. All houses should
7 be burnt and petrol was given for that operation."

8 What do you have to say about that?

9 A. It was a surprise to me when I heard that Chief Norman had
12:39:02 10 said, because I am not a stranger in Koribundu. Not a day did I
11 ever hear that Chief Norman had said so, that if they go there
12 they will not even leave a fowl alive, that not even a coop they
13 could leave untouched. I never heard that.

14 Q. Now in relation to the petrol, you heard me referring to
12:39:35 15 petrol, that he said they gave petrol for that operation. Now at
16 any time in all those four attacks was petrol provided by
17 Chief Norman or anybody else?

18 A. If my Norman or any other person had given that I would
19 have known because I was not a child. Because I was there.

12:40:06 20 THE INTERPRETER: Your Honours, may counsel listen to the
21 interpretation and wait until I complete. Your Honours, may the
22 witness go over the last bit?

23 PRESIDING JUDGE: Yes, Mr Witness, can you repeat your last
24 answer, please.

12:40:18 25 MR SESAY:

26 Q. Yes, in relation to the petrol, I asked you whether in fact
27 petrol was provided, whether you know it was provided. Because
28 you said you took part in all the four attacks and in all those
29 four attacks, from what you've heard me telling you in court, was

1 petrol provided for that operation by Chief Norman or anybody
2 else?

3 A. I did not see any petrol. I did not see any petrol given
4 by Chief Norman or by any other person, not just Chief Norman.

12:41:04 5 Q. You made reference to a Borbor Tucker; not so?

6 A. Yes.

7 Q. You said he also took part in the attacks; not so?

8 A. Yes, yes.

9 MR SESAY: My Lords, it's TF2-190.

12:41:30 10 Q. Now he gave evidence in this Court --

11 PRESIDING JUDGE: What time?

12 MR SESAY: My Lord, it was on 23rd November 2004.

13 PRESIDING JUDGE: Thank you.

14 MR SESAY:

12:41:47 15 Q. He said, "Norman gave me instructions that his group" --

16 MR KAMARA: Excuse me, counsel, that date cannot be
17 correct. He didn't give evidence together with Nallo on the same
18 date, 23rd November 2004.

19 MR SESAY: My Lord, it's based on the documents I have
12:42:14 20 before me. My Lord, since I am not sure of the date he
21 testified, having regard to what my learned colleague has said, I
22 would rather put it in another form. I am sure it will be in the
23 same directive, My Lord -- the same direction, My Lord, without
24 reference to the date.

12:42:53 25 Q. Now, in all those four attacks did Chief Norman give
26 instructions to anybody in your presence or to your knowledge?

27 A. No.

28 Q. You know Chief Norman; not so?

29 A. Yes, I know him very well.

1 Q. If you were to look around the Court would you be able to
2 identify him?

3 PRESIDING JUDGE: Is this really an issue for this witness?

4 MR SESAY: My Lord, it's initial to the next question --

12:43:55 5 THE WITNESS: In fact I had seen him long ago today.

6 MR SESAY: -- which I will be asking him That is why I
7 want him to identify Chief Norman.

8 PRESIDING JUDGE: Very well.

9 MR SESAY:

12:44:06 10 Q. Where is he?

11 A. Excuse me for pointing my finger at him Look at him over
12 there with the glasses on with the black hat.

13 PRESIDING JUDGE: For the record, the witness indicates the
14 first accused, Mr Norman.

12:44:31 15 MR SESAY:

16 Q. Who was the chief in that Koribundu, for Koribundu? First
17 of all, Koribundu is in what chiefdom?

18 A. It is in the Jiama Bongor Chiefdom.

19 JUDGE ITOE: It's in Jiama Bongor Chiefdom We have that,
12:44:44 20 you know. We don't need to go through that. Koribundu is in
21 Jiama Bongor.

22 MR SESAY: My Lord, I am trying to preface the question for
23 a series of questions which may flow from that, My Lord.

24 JUDGE ITOE: Go ahead.

12:44:57 25 MR SESAY: I'm sure if Your Lordships would bear with me I
26 would be grateful, My Lord.

27 JUDGE ITOE: Go ahead. We have always borne with you.

28 MR SESAY: As My Lords please.

29 Q. Who was the chief of Jiama Bongor Chiefdom? So Chief

1 Norman was regent chief -- [Overlapping speakers]

2 A. Chief Norman was the regent chief for Jiama Bongor.

3 THE INTERPRETER: Your Honours, counsel is still going on
4 whilst the interpretation is on.

12:45:24 5 PRESIDING JUDGE: Mr Counsel, please let the witness
6 complete his answer before you carry on with -- and that answer
7 be interpreted before you carry on with your next question.

8 MR SESAY: I will take it in good part, My Lord.

9 PRESIDING JUDGE: It's not because the question is too
10 long, it's only because you ask the question before the answer is
11 translated, so that causes the confusion. Please proceed.

12 MR SESAY: Yes, My Lord.

13 Q. You said he was regent chief, not so?

14 A. Yes, sir.

12:46:02 15 Q. Do you know one Musa Koroma, alias Musa Tongo?

16 A. Yes.

17 Q. Do you know what happened to him?

18 A. Very well.

19 Q. Yes, can you tell this Court.

12:46:35 20 A. I am telling this Court that at the time it was a surprise
21 to me when I heard that he himself, Musa, had come here, that he
22 came to stand before this Court and say that Kamajors came
23 here --

24 JUDGE ITOE: Let's be careful. Was that not -- just a
12:47:03 25 question which the learned Presiding Judge has put to the learned
26 Prosecutor, are we sure we are treading on the right grounds
27 here? Is he not a protected witness?

28 MR SESAY: Yes, My Lord, I would not wish --

29 PRESIDING JUDGE: How come this witness knows about this

1 witness having given evidence under protective measures then?

2 MR SESAY: Well, My Lord, I believe he had just said that
3 in fact he saw --

4 PRESIDING JUDGE: No, he said at the time he was surprised
12:47:35 5 that -- I heard that he came to this Court to testify. How come
6 he knows that?

7 MR SESAY: As My Lord pleases.

8 Q. Did you at any time --

9 JUDGE ITOE: How come he knows that? How come he knows
12:47:46 10 that?

11 MR SESAY: My Lord, he had said that in fact -- he's
12 leading towards that, My Lord, regarding how he saw --

13 PRESIDING JUDGE: No, when you asked a question he answered
14 to you that he knew him and he said, "At the time I was surprised
12:48:01 15 when I heard that he had come here to testify."

16 MR SESAY: My Lord, he will explain how he heard that,
17 My Lord. It was not in this Court, with all due respect,
18 My Lord.

19 Q. Now how did you get to know that?

12:48:14 20 A. Where we are, it's a big town, there is no secrets.

21 Q. Do you know a Reverend Bob Kandeh?

22 A. Yes, I know him.

23 Q. Now, did you see him anywhere?

24 PRESIDING JUDGE: Mr Counsel, please wait for the answer to
12:48:32 25 be completed before you carry on.

26 MR SESAY: As My Lord pleases. I'm a bit too fast,
27 My Lord. I'll slow down.

28 PRESIDING JUDGE: It's not because you're too fast, it's
29 because you listen to the answer given in Mende and then you

1 carry on and it is not interpreted. So this is the problem

2 Please proceed.

3 MR SESAY: Yes, My Lord.

4 MR KAMARA: My Lord, if I may interpose here. I'm sorry,

12:48:55

5 my learned friend, but the Prosecution is slightly worried with
6 the line of direct examination on this issue, not only about the
7 protective measures in place but as to the facts of evidence

8 being led in closed session as well. If my learned friend is

9 pursuing questions along those lines we are a bit worried about

12:49:15

10 matters raised that were raised in closed session. Over and
11 above that, if that is the issue, counsel should refer the Court
12 to the portions of the evidence in court and not have this
13 witness to tell this Court what happened in court when he was not
14 here. So it is for counsel to tell us, as has been the

12:49:33

15 procedure, the transcript and then pose questions to this witness
16 from facts of the transcript and not lead questions from this
17 witness to suggest things that might have happened in court and
18 which we're not even sure happened in court and we're not even
19 sure whether this witness ever testified in this Court.

12:49:51

20 PRESIDING JUDGE: Mr Sesay, what do you respond?

21 MR SESAY: My Lord, I will concede on that and I do not
22 wish to in any way whatsoever pursue that line. I will rest my
23 question on that.

24 Q. Now let me take you back, Mr Witness.

12:50:15

25 A. I'm ready.

26 Q. You have made reference to Joe Tami dey in your testimony,
27 not so?

28 A. Yes.

29 Q. What was the status of Joe Tami dey at the time when those

1 attacks were made on Kori bundu?

2 A. Well, the War Council appointed him that he should fight,
3 if he could capture Kori bundu he would become the battalion
4 commander.

12:51:36 5 Q. Now from whom does the battalion commander take
6 instructions?

7 A. The person who would give him instructions was the district
8 administrator.

9 Q. Do you know who was the district administrator at that
12:52:18 10 time?

11 A. Very well.

12 Q. Who was the district administrator?

13 A. He was called Chief Kosseh Hindowa.

14 Q. And can you assist in relation to the time frame, please;
12:52:49 15 when was that?

16 A. He started taking instructions from him since 1998 up till
17 the time of disarmament.

18 MR SESAY: My Lord, that is all for this witness.

19 PRESIDING JUDGE: Any cross-examination, Mr Koppe?

12:53:31 20 MR KOPPE: No thank you, Your Honour.

21 PRESIDING JUDGE: Mr Margai, any cross-examination?

22 MR MARGAI: None, My Lord.

23 PRESIDING JUDGE: Thank you. Mr Prosecutor, any
24 cross-examination?

12:53:42 25 MR KAMARA: Yes, My Lord.

26 PRESIDING JUDGE: Is your cross-examination to be somewhat
27 lengthy or short?

28 MR KAMARA: It will be short, for about 30 minutes.

29 PRESIDING JUDGE: Thirty minutes?

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1 MR KAMARA: Yes.

2 PRESIDING JUDGE: Because we're wondering if we should
3 start before we are to break, because we're only five minutes
4 before the usual time. But it won't be five minutes?

12:54:17 5 MR KAMARA: No, about 30 minutes. We can do a break and
6 come back.

7 PRESIDING JUDGE: Fine. We'll adjourn the proceedings then
8 for the lunch recess. Court is adjourned to 2.30. Thank you.

9 [Luncheon recess taken at 12.55 p.m.]

14:44:07 10 [CDF08MAY06D - SV]

11 [Upon resuming at 2.44 p.m.]

12 PRESIDING JUDGE: Mr Prosecutor, Mr Kamara.

13 MR KAMARA: Yes, My Lord.

14 PRESIDING JUDGE: So you're ready to proceed with the
14:45:08 15 cross-examination of this witness?

16 MR KAMARA: Yes, My Lord.

17 PRESIDING JUDGE: Please do so.

18 CROSS-EXAMINED BY MR KAMARA:

19 Q. Good afternoon, Mr Kosia.

14:45:18 20 A. Yes, good afternoon.

21 Q. My first question to you is between the period 1997 to
22 1998, did you go to Talia; Your Honours, Base Zero?

23 A. Yes, I went there.

24 Q. When did you go to Base Zero?

14:45:50 25 A. '98. 1998.

26 Q. The first part or the second part of 1998?

27 A. At the beginning.

28 Q. When you visited Base Zero, who was the overall leader of
29 the Kamajors based at Base Zero?

1 A. Before we went there, the only person whom we saw then was
2 Albert Nallo. Sometimes when we went there we'd sleep only once
3 and return. Sometimes we don't sleep there. So I do not
4 actually know who was leading the Kamajors then.

14:46:52 5 Q. Was Chief Norman based at Base Zero at that time?

6 A. I used to see him there, but they were many there.

7 Q. I'm talking about Chief Norman.

8 A. Yes, he was there.

9 JUDGE ITOE: Did you say you used to see him there?

14:47:45 10 THE WITNESS: Yes.

11 MR KAMARA:

12 Q. Do you, by any chance, know what he was doing at Base Zero?

13 A. I did not know what he was doing there. We were just
14 underlings, so we'd go there and return.

14:48:21 15 Q. Are you aware that Albert Nallo, whom you've mentioned as
16 your leader then, had a superior in the person of Chief Norman?

17 A. I can't speak about that.

18 JUDGE ITOE: The question is are you aware. It is were you
19 aware or you were not aware.

14:49:00 20 MR KAMARA: Thank you, My Lord.

21 THE WITNESS: I did not know.

22 MR KAMARA:

23 Q. You did not know that Albert Nallo had a leader in the
24 person of Chief Norman?

14:49:15 25 A. No.

26 Q. Mr Witness, you, yourself, have you had dealings with
27 Chief Norman during the course of the war between 1997 and 1999?

28 A. I myself sitting here, there was nothing between us.

29 Q. Did you ever receive instructions from him?

1 A. Who are you talking about?

2 Q. Chief Norman?

3 A. But I said there was nothing between us. How could he give
4 me an order or ask me to do something?

14:50:38 5 Q. Did you ask him for anything in terms of supplies or
6 directives?

7 A. I am still telling you people that there was nothing
8 between us. The only person that I had something to do with was
9 Albert Nallo.

14:50:59 10 MR KAMARA: My Lords, let the witness be shown this
11 document. My Lords, the document is numbered Registry 3875.
12 It's a two-page document.

13 Q. Mr Witness, have you finished looking at the document?

14 A. I have finished looking at it.

14:53:58 15 Q. Do you recognise that document?

16 A. This document, I am telling you, that's why I've sworn
17 today, that this person, he just put my name on that document.

18 Q. Mr Witness, do you recognise the document? I'm not asking
19 you where your name is. Have you seen this document before?

14:54:33 20 A. I have never seen it before.

21 Q. What is the date on that document?

22 A. I am seeing it here 29/9/1997.

23 Q. Thank you. Mr Witness, is that not your handwriting?

24 A. I didn't write this at all.

14:55:33 25 Q. Is that your handwriting or not?

26 A. It's not my handwriting.

27 Q. Now look at the second page where it says, "Yours
28 faithfully."

29 A. I have seen it.

1 Q. Could you read out the name that is signed underneath?

2 A. It's my very name written there, Dixon S Kosia. Then the
3 person wrote there again deputy co-ordinator. It could be there
4 are people who could do that. They could forge.

14:56:31 5 Q. Wait, wait, wait. The question I posed to you is: read
6 out the name of the person whose signature it is underneath
7 "Yours faithfully."

8 A. I am seeing it written here, "Yours faithfully, Dixon S
9 Kosia, deputy co-ordinator."

14:57:09 10 Q. Thank you.

11 A. Yes.

12 Q. Now take a look at the heading where it says, "Dear Chief
13 Norman".

14 A. I'm seeing it.

14:57:32 15 Q. It says, "Request for arms and ammunitions for laying an
16 ambush on Bo, Pujehun and Sumbuya Highways" --

17 MR MARGAI: My Lords, I believe this document is not yet in
18 evidence.

19 PRESIDING JUDGE: Indeed it is not yet in evidence.

14:57:46 20 MR MARGAI: Thank you. I'm sure my learned friend has got
21 the message.

22 MR KAMARA: I haven't got it. I'm laying the foundation
23 and you need not tell me what it is. Thank you very much, my
24 counsel.

14:57:58 25 Q. Now, Mr Witness, the heading "Request for arms and
26 ammunition for laying an ambush on Bo, Pujehun and Sumbuya
27 Highways," right?

28 A. No.

29 Q. What does the heading say?

1 MR MARGAI: Objection, My Lord. My learned friend is fully
2 aware of the procedure here. You cannot go into the contents of
3 a document which has not been tendered.

4 PRESIDING JUDGE: We are not in the content yet. We're
14:58:27 5 trying to ascertain what document we're talking about before
6 going to the content, Mr Margai.

7 MR MARGAI: And that ascertainment comes from the body of
8 the document.

9 PRESIDING JUDGE: I would like to remind you as well that
14:58:38 10 this is not your witness. You were in cross-examination. This
11 is a witness for the first accused and I don't know how many
12 times I need to tell you that, Mr Margai, but you've not been
13 allowed to do any re-examination or objection. You are a
14 cross-examiner like any other cross-examiner in these matters.

14:58:54 15 MR MARGAI: I'm hearing this for the first time, My Lords.
16 As My Lord pleases.

17 PRESIDING JUDGE: You hear this for the first time?

18 MR MARGAI: Yes, My Lord, in relation to this particular
19 issue because when I got up I said that my learned friend had not
14:59:12 20 tendered this document.

21 PRESIDING JUDGE: Indeed, and I agreed with you.

22 MR MARGAI: And he responded which means either expressly
23 or by implication Your Lordship was prepared to hear me. But now
24 that Your Lordship has ruled otherwise --

14:59:29 25 PRESIDING JUDGE: Very well. Thank you, Mr Margai.

26 MR MARGAI: Thank you.

27 MR KAMARA:

28 Q. Mr Witness, were you at any point in time deputy
29 co-ordinator for Lugbu Civil Defence Committee?

1 A. No.

2 Q. Thank you.

3 MR KAMARA: My Lord, the Prosecution seeks to tender this
4 document as an exhibit.

14:59:55 5 PRESIDING JUDGE: Counsel for the first accused?

6 MR SESAY: Yes, My Lord. My Lord, I'll object to that
7 document being tendered for the following grounds, My Lord:
8 There is no nexus between the document and the witness, My Lord.
9 My Lord, he has denied that he is the author of this document.

15:00:27 10 My Lord, he has said he has never seen this document before.

11 My Lord, to attempt to tender this document I submit will have
12 the effect of eliciting evidence from this witness which might
13 cause him to testify about matters which he is not privy to.

14 PRESIDING JUDGE: Yes.

15:01:25 15 MR SESAY: My Lord, in its totality it would be highly
16 prejudicial if this document were to be allowed to be tendered
17 through this witness, having regard to the answers he had given
18 in relation to the questions put by the Prosecutor.

19 PRESIDING JUDGE: But don't you think this is more a matter
15:01:51 20 that goes to weight rather than relevancy? Is this document
21 relevant or not? This is really the issue. The issue is not the
22 weight to be attached. This is a different matter.

23 MR SESAY: Yes, My Lord, but the first criteria, I beg to
24 differ, My Lord, is that there has to be a nexus between the
15:02:07 25 witness and the document.

26 PRESIDING JUDGE: Well, I beg to differ with you because we
27 have admitted many, many documents that had no connection or
28 nexus between the witness and the document.

29 MR SESAY: Because I submit, My Lord, that the Prosecutor

1 has not even -- he has attempted in futility to establish the
2 nexus, the foundation, through this witness in order to tender
3 this document.

4 PRESIDING JUDGE: Thank you. Mr Prosecutor, what do you
15:02:37 5 wish to respond to this?

6 MR KAMARA: My Lord, this document is clearly connected to
7 the evidence before this Court. This witness has testified that
8 he did not have any dealings with Chief Norman in response to a
9 question I posed to him and this document goes to his credit
15:02:55 10 because here is a document, the Prosecution will submit, is
11 signed by this witness requesting for arms and ammunition. In
12 his evidence this morning, My Lords, the witness did also mention
13 that he was a clerk for the CDF between 1997 and 1998. And here
14 is this witness denying his own signature, denying his own
15:03:24 15 handwriting, My Lord. We submit there's every connection between
16 this document and the evidence before this Court.

17 JUDGE THOMPSON: Learned counsel for the first accused,
18 isn't the criterion here that Rule 89(C) governs relevance for
19 the admission of the document, the distinction here between the
15:03:52 20 legal admissibility of the evidence of a document and the weight
21 to be attached to it. Isn't that one of the principles?

22 MR SESAY: Yes, My Lord, I agree on that.

23 JUDGE THOMPSON: So when you say the document -- do you
24 sincerely say that the document is not relevant and relevant in
15:04:12 25 the sense of matters before this Court?

26 MR SESAY: My Lord, relevant in the sense of the testimony
27 of the witness.

28 JUDGE THOMPSON: Well, no, that is a narrow and restrictive
29 interpretation. When we say relevant, isn't the term given a

1 broad interpretation; relevant to the issues in controversy in
2 the Court between the parties?

3 MR SESAY: Yes, My Lord, but if you may have heard the
4 Prosecutor, he had not expounded on that insofar as it relates to
15:04:43 5 the relevance in a broad sense.

6 JUDGE THOMPSON: [Overlapping speakers] we've been talking
7 about this witness's section, alleged connection between the
8 witness and the first accused and here this particular document
9 relates to matters which are alleged in the indictment, the fact
15:05:08 10 that he was a member of the Kamajor movement, and what is in
11 issue now is the authenticity or validity of this particular
12 document from this witness's perspective. My question to you is
13 that the statutory authority for admitting documents is
14 Rule 89(C).

15:05:33 15 MR SESAY: Yes, My Lord.

16 JUDGE THOMPSON: [Overlapping speakers] relevance, do you
17 concede that broadly speaking, and as far as the issues in
18 controversy between the parties in this case are concerned, this
19 document is relevant?

15:05:47 20 MR SESAY: My Lord, may I be heard on that. My Lord, I do
21 wish to quarrel --

22 JUDGE THOMPSON: Satisfy us whether the term "relevance"
23 here in 89(C) should be given your restrictive interpretation of
24 relevant to the witness as distinct from relevant to the matters
15:06:05 25 in controversy between the parties.

26 MR SESAY: My Lord, I'll go further than that.

27 JUDGE THOMPSON: Persuade me.

28 MR SESAY: The Prosecutor had even said that the reason
29 why, in fact, he's attempting to tender this document is to

1 challenge the witness's credibility. The credibility of the
2 witness. My Lord, he raised certain questions in relation to
3 that. He asked the witness to identify his signature. He
4 denied. He says that is not his signature. He asked the witness
15:06:35 5 on issues relating to the document which he has also denied. So,
6 My Lord, I think it behoves the Prosecutor to expound or possibly
7 to bring out a sufficient nexus, My Lord. My Lord, we have not
8 reached --

9 JUDGE THOMPSON: No, the point I am making is that from the
15:07:00 10 answers of this witness, he's not excluding that the matters
11 adverted to *prima facie* in the document are unconnected to the
12 matters in controversy between the parties. He admits it's his
13 name that's written there.

14 MR SESAY: Yes, My Lord.

15:07:22 15 JUDGE THOMPSON: What I understand from his responses is
16 that he is saying this document tells a lie about itself. So
17 what I think he's saying, it is *non est factum*. It is not my
18 deed. Isn't that what he's saying?

19 MR SESAY: In fact, My Lord.

15:07:43 20 JUDGE THOMPSON: And if he's saying it is *non est factum*,
21 what does it go to? Admissibility or does it go to probative
22 value or weight, judging from the state of the jurisprudence
23 which we apply in international criminal tribunals as distinct
24 from the rules applicable in the national system? Of course
15:08:13 25 you'd readily concede, would you not, that one of the principles
26 of our tribunal is that national rules of evidence do not apply
27 and we're not bound by them. We only use them when perhaps there
28 may be a lacuna in our system. But there's no requirement of
29 automatic application of national rules. Then, of course, I

1 would argue with you that if it were under the common law system,
2 the issue of *non est factum* may well go to admissibility. Are we
3 *ad idem* on the law?

15:09:00 4 MR SESAY: We are on the same radar screen, My Lord, to
5 some --

6 JUDGE THOMPSON: On the law?

7 MR SESAY: On the law, My Lord.

8 JUDGE THOMPSON: So if that is the case, unless I am
9 mis-stating the law inadvertently or deliberately, then it would

15:09:12 10 seem to me that what this witness has put in issue here by his
11 answers is the authenticity of this document which, in my own
12 appreciation of the law, goes to weight. Remember one of the
13 principles is that the mere admission of a document in evidence
14 does not indicate that the contents will be considered an

15:09:41 15 accurate portrayal of the facts stated therein. I'll just
16 restrain myself [overlapping speakers] where I understand the law
17 to be.

18 MR SESAY: My Lord, I was rather in the midstream thinking
19 about the issue of whether, in fact, he had actually established
15:09:57 20 the nexus that was required for this document to be tendered
21 through this witness.

22 JUDGE THOMPSON: No, the question of the nexus, as I say,
23 we probably differ on this. Your conception of legal nexus or
24 logical nexus is a much narrower one. I understand the nexus to
15:10:13 25 be what 89(C) says. Is it relevant to the matters in issue
26 between the parties? Remember, we apply here the open system of
27 cross-examination, not the closed system that applies in other
28 jurisdictions.

29 MR SESAY: My Lords, I will rest my objection there.

1 PRESIDING JUDGE: I would add that credibility is always a
2 matter in issue as well.

3 MR SESAY: Grateful, My Lord.

4 PRESIDING JUDGE: Counsel for second accused.

15:10:51 5 MR KOPPE: No objection, Your Honour.

6 PRESIDING JUDGE: Counsel for third accused?

7 MR MARGAI: My Lord, quite frankly, it is my view that much
8 as we have been adopting a rather flexibility attitude towards
9 admissibility of documents, but I believe in this particular case

15:11:10 10 that flexibility ought not to be applied. First of all, I would
11 very much appreciate if the Prosecutor could provide me with the
12 original on this document, because if you look at the bottom of
13 this document where the name Dixon S Kosia is written, I'm not
14 sure whether that was a result of the ink or Tippex or whatever

15:11:38 15 it is, I don't know. But I'm sure the original will explain the
16 concerns raised. But be that as it may, learned counsel himself,
17 after the witness had denied the name written on it as having
18 been written by him, the witness was also asked whether he was
19 deputy co-ordinator of Lugbu and he denied it. When all these

15:12:14 20 things are put together, then it brings into question, quite
21 frankly, apart from weight, the question of admissibility
22 because, I mean, I would have thought that where I deny a
23 signature on a document as being mine, under our national rules,
24 then the task goes back to the Prosecutor.

15:12:38 25 JUDGE THOMPSON: This is where I would stop you. I did say
26 to you that one of the entrenched principles, unless you disagree
27 with us on the law and you can satisfy us, is that the
28 international tribunals are enjoined mandatorily under our own
29 rules, not to be bound by national rules. I think it's because

1 of this idea that if we were bound by our national rules we would
2 get bogged down in all kinds of technical restrictions which are
3 applicable in the common law system. It was really for good
4 measure that the entire rule-making process at the international
15:13:26 5 criminal level was meant to synthesise the common law tradition
6 and the civil law tradition and in fact what we have here, we're
7 enjoined to adopt a flexible policy of admission of evidence. I
8 do agree with you, Mr Margai, that if it were under the system
9 applicable in Sierra Leone, it would be really difficult for this
15:13:49 10 document to be admitted.

11 MR MARGAI: Not only this document, but so many of them
12 Be that as it may, My Lord, for the sake of process.

13 JUDGE THOMPSON: But we're enjoined not to let these
14 technicalities of admissibility detain these processes.

15:14:05 15 PRESIDING JUDGE: So your arguments, Mr Margai, will be
16 welcome in due course when you, as you can imagine, we will have
17 an immense task to make that determination at the end of the
18 evidence because we will have to assess these documents, we'll
19 have to give it weight, whatever it may mean at that time, and
15:14:20 20 obviously your comments and arguments will be most welcome to
21 allow us and facilitate our work at that time.

22 MR MARGAI: I will wait until such time.

23 PRESIDING JUDGE: The more we accept these documents you
24 can imagine the more work we keep to ourselves as well.

15:14:36 25 MR MARGAI: I want to reduce the level of work, because I
26 think it's unfair, really, but I shall await that time. Thank
27 you.

28 PRESIDING JUDGE: Thank you, Mr Margai. So this document
29 will be admitted as an exhibit. The objection by the first

1 accused and the third accused is overruled and we consider this
2 document to be relevant to the matters in issue. This document,
3 which is described as a request for arms and ammunitions for
4 laying an ambush on Bo, Pujehun and Sumbuya Highways with a date
15:15:11 5 at the top that appears to be 29/9/97 with a stamp, "Lugbu
6 Defence Committee Kamajors".

7 MR KAMARA: Yes, My Lord.

8 PRESIDING JUDGE: This is marked as Exhibit 150.

9 [Exhibit No. 150 was admitted]

15:15:39 10 MR KAMARA: Thank you, My Lords.

11 Q. Mr Witness, I put it to you that your denial of Exhibit 150
12 is a deliberate intention to mislead this Court.

13 A. That's not to say that the Court would not know the truth.

14 I am saying that that's not mine. It's not my handwriting, I

15:16:22 15 didn't write it. It's somebody who has written it and written my
16 name on it.

17 Q. Mr Witness, in your evidence this morning you mentioned
18 about planning being done at Kpetewoma for the Koribundu attack?

19 A. Yes, we did it at Kpetewoma.

15:17:05 20 Q. Do you know the source of the arms and ammunition for the
21 Koribundu attack?

22 A. Those weapons, the commander whose name I was calling today
23 Borbor Tucker, also called Jegbeyama, they had a group called
24 Death Squad. They were the ones who brought the weapons which we
15:17:53 25 used to go and fight in Koribundu.

26 Q. Thank you, Mr Witness. Would it surprise you to know that
27 Borbor Tucker that you've just mentioned gave evidence before
28 this Court that the source of those weapons were from Talia and
29 from Chief Norman?

1 A. I wouldn't agree or disagree.

2 Q. Can I have that again, I'm sorry. I didn't hear.

3 A. I wouldn't agree or disagree, because they were the ones
4 who brought them and we would go and attack Koribundu.

15:19:21 5 Q. Now, in your evidence this morning you also mentioned the
6 fact of captured AFRC and RUF soldiers; am I right?

7 A. I spoke about the juntas, yes.

8 Q. You mentioned the name of one Kamanda, that he was the
9 leader of those captured.

15:19:53 10 A. Yes, he was a sergeant then.

11 Q. Yes. And what was it that you said happened to those men?
12 What happened to them?

13 A. Nothing wrong was done to them. My commander Tami dey
14 handed them over to ECOMOG and they took them to Bo.

15:20:21 15 Q. I am suggesting to you, Mr Witness, that Sergeant Kamanda
16 was not handed over to ECOMOG, he was sent to Base Zero, to
17 Chief Norman?

18 A. No, I don't know that, whether he was sent to Chief Norman
19 at Base Zero, not in the least.

15:21:09 20 Q. There is evidence before this Court, Mr Witness, and that
21 is from TF2-082 at page 38, My Lords. I have copies for the
22 Bench.

23 PRESIDING JUDGE: What's the date?

24 MR KAMARA: 15th September 2004.

15:21:51 25 Q. Do you know any person, any Kamajor, by the name of
26 Kindigba?

27 JUDGE ITOE: What about TF --

28 MR KAMARA: TF2-082.

29 JUDGE ITOE: What happened?

OPEN SESSION

1 MR KAMARA: My Lord, I can let you have copies.

2 JUDGE ITOE: What did he say? Instead of copies, what did
3 he testify to?

4 MR KAMARA: He testified that Sergeant Kamanda was sent to
15:22:18 5 Chief Norman.

6 THE WITNESS: I did not say he was sent to Chief Norman. I
7 said Joe Tami dey sent them to ECOMOG in Bo.

8 MR KAMARA: That is starting at line 14, My Lords. I think
9 before that, line 3 until line 19.

10 PRESIDING JUDGE: The transcript you are providing now is a
11 closed session transcript.

12 MR KAMARA: Yes, My Lord. That is why I didn't go into the
13 details. I only wanted the judges to -- My Lordships to take
14 note of the --

15 PRESIDING JUDGE: But you've given a copy to the witness
16 now. I mean, closed session is a closed session. Unless a part
17 of it is disclosed in public, this is a closed session. I don't
18 see how the witness can even read this.

19 MR KAMARA: Sorry, My Lord, I will take it back.

15:24:00 20 Q. Mr Witness, can you let us have that document. The point I
21 was trying to make to you is that Sergeant Kamanda was sent to
22 Chief Norman at Talia and not to ECOMOG.

23 A. That's what I said a while ago. Even if he had gone to
24 Chief Norman in Talia, I don't know that. What I know is that
15:24:24 25 Joe Tami dey sent him to ECOMOG. He was not the only person.

26 There were many.

27 Q. Let me take you to the night of the attack, which you said
28 was on a Friday, and that you went into Koribundu, you did not
29 see any soldier on that day; am I right?

OPEN SESSION

1 A. Yes.

2 Q. Then you retreated?

3 A. Yes, we returned to the bush.

4 Q. While you were at the bush, did you observe the movements
15:25:37 5 of people or soldiers in and out of Kori bundu?

6 A. From that end where we were, there was nobody who would go
7 to our own end on the Bo road, if it was anything for them to
8 leave to go towards Bo. But we were inwards towards Sumbuya.

9 Q. While you were at the bush, did anything happen in
15:26:07 10 Kori bundu?

11 A. That evening?

12 Q. Yes.

13 A. I can't recall whether anything happened, but when we were
14 in the bush, I was not seeing the town.

15:26:25 15 Q. You gave evidence that you came back in the morning; is
16 that so?

17 A. Yes, sir.

18 Q. You didn't see any junta except for one later in the
19 afternoon?

15:26:48 20 A. Yes. It's not just one, I said there were many. They came
21 with a vehicle, MSF Land Cruiser, together with their wives.

22 Q. Yes, but you met the town -- houses being burnt in the
23 town. Is that your evidence?

24 A. Some houses.

15:27:12 25 Q. Yes. Do you know who burnt those houses?

26 A. If I said that I would be telling lies to the Court. I do
27 not know anybody.

28 MR KAMARA: Thank you. That's all for this witness,
29 My Lord.

1 PRESIDING JUDGE: Thank you. Any re-examination?

2 MR SESAY: Yes, My Lord. Can the witness be shown again
3 Exhibit 150?

4 RE-EXAMINED BY MR SESAY:

15:28:17 5 Q. Now, Mr Witness, in answer to the questions from the
6 learned Prosecutor, you said that you did not write this letter,
7 it's not your signature?

8 A. No.

9 Q. Now I want you to look beneath your signature -- I mean the
15:28:44 10 supposed signature of Dixon S Kosia. It's written deputy
11 co-ordinator. Have you seen it?

12 A. Yes, I've seen it, today.

13 Q. [Microphone not activated].

14 A. No, no.

15:29:00 15 PRESIDING JUDGE: What is the question?

16 MR SESAY: Whether he sees written under his name on
17 Exhibit 150 deputy co-ordinator, Lugbu.

18 PRESIDING JUDGE: Yes.

19 JUDGE ITOE: [Microphone not activated].

15:29:22 20 MR SESAY: He has said so. Sorry, it's my memory, My Lord.

21 Q. Now in the last paragraph of Exhibit 150, can you read the
22 last paragraph?

23 A. The last paragraph?

24 Q. [Overlapping speakers] page 2?

15:29:37 25 A. Page 2, yes.

26 Q. Yes, the last paragraph, you reference to the name
27 Mr Kaindu Hindolo [phon].

28 A. I'm seeing it there.

29 Q. Did you ever know this Kaindu Hindolo?

1 A. This Kaindu Hindolo, I do not know him.

2 Q. Now I want to come back to where a signature is written
3 there, "Yours faithfully, Dixon S Kosia." Now, is that how you
4 sign?

15:30:19 5 A. That's not how I sign.

6 Q. How do you sign? Do you write your name or just --

7 MR KAMARA: Objection, My Lord.

8 THE WITNESS: I do write my name.

9 MR KAMARA: I do not understand this nature of the line of
10 re-examination. There is nothing in doubt here.

11 JUDGE ITOE: But he says he does write his name.

12 MR KAMARA: Yes, My Lord.

13 JUDGE ITOE: Is that not what he's answering.

14 MR KAMARA: It's because my learned friend was asking about
15 signature, how he signs and how he doesn't sign. I think he's
16 moving beyond the realm of re-examination.

17 PRESIDING JUDGE: Your objection is overruled.

18 MR SESAY:

19 Q. Now if you are given the opportunity now, would you be able
15:30:59 20 to demonstrate on paper the manner in which you sign? Can you do
21 that, with the permission of the Court?

22 A. Yes, I will do it. Yes.

23 PRESIDING JUDGE: Give him a blank piece of paper.

24 MR KAMARA: My Lords, he should write his name as well,
15:31:56 25 Dixon S Kosia. Go ahead and write your name as well.

26 THE WITNESS: I've written it. I've written it.

27 MR SESAY:

28 Q. You want this Court to see it?

29 A. Yes.

1 Q. Can I have a look at it?

2 PRESIDING JUDGE: Do you intend to file that as an exhibit?

3 What do you intend to do with it?

4 MR SESAY: Yes, My Lord, to tender it as an exhibit.

15:32:25 5 PRESIDING JUDGE: Otherwise it's of very little use, if
6 any.

7 MR SESAY: As an exhibit, My Lord, because this Exhibit 150
8 is already in evidence now. There is an issue which has come out
9 in relation to it.

15:32:37 10 PRESIDING JUDGE: I know, but now you've asked the witness
11 to put his signature on that piece of paper. So if it is to be
12 of any assistance to you and/or the Court, presumably you want
13 the Court to see it?

14 MR SESAY: I tender it, My Lord.

15:33:30 15 PRESIDING JUDGE: Is this the way you sign normally,
16 Mr Kosia?

17 THE WITNESS: Yes.

18 JUDGE THOMPSON: Do I take it that at some point in time
19 you may be seeking leave for some expert testimony on this issue,
15:33:48 20 because I don't know whether if you leave it as it is, it might
21 just hang loose in the air. I speak for myself.

22 MR SESAY: We shall consider it, My Lord. I think we will
23 think about it, My Lord. Taking the cue, My Lord.

24 JUDGE ITOE: In the absence of that, I think the tribunal
15:34:05 25 can look at the two documents and see what meaning to make out of
26 it.

27 PRESIDING JUDGE: Mr Counsel for second accused, any
28 objection?

29 MR KOPPE: None, Your Honour.

1 PRESIDING JUDGE: Mr Margai?

2 MR MARGAI: No, My Lord.

3 MR KAMARA: No objection, My Lord. It's the same.

4 JUDGE THOMPSON: I hope counsel will withdraw that.

15:34:35 5 PRESIDING JUDGE: This document with a signature on it
6 opposed by the witness Dixon S Kosia is marked Exhibit 151.

7 [Exhibit No. 151 was admitted]

8 MR SESAY: That is all, My Lord.

9 PRESIDING JUDGE: Thank you, but before we conclude with
15:34:57 10 this witness, I would like to raise an issue that is of very,
11 very serious concern to this Bench in its totality. I make
12 reference here to part of the evidence of the witness when he
13 referred to the name of a witness that has testified in this case
14 and testified under protection, protective measures, one of these
15:35:22 15 measures being that the identity of that witness would not be
16 disclosed, and it is obvious from what the witness has said that
17 this is information that is well within his knowledge. I would
18 like to know either from the witness or from you, Mr Counsel, how
19 it is that this information has been made available to this
15:35:45 20 witness? We're so concerned that we're even thinking of asking
21 for an investigation to be conducted in this matter. I would
22 like to hear from you first before we proceed on this. Mr Sesay?

23 MR SESAY: Yes, My Lord, I asked that question invariably
24 because of what was contained in the statement of this witness
15:36:14 25 and he was referring to an issue from the statement in relation
26 to a video cassette which was shown to him by the Outreach
27 section of the Court, My Lord, in which he saw this witness
28 testify. He made a reaction to that in his statement.

29 PRESIDING JUDGE: I'm not disputing, that's why I'm asking

1 these questions. Whether it is you or somebody else or some
2 other organs of this Court, we want to know because there were
3 very clear orders and directions about protective measures, and
4 that applies to Outreach like any other organisation. If
15:36:57 5 Outreach breached the order of the Court, we want to know. So if
6 what you're saying is that's where we it came from, very well, we
7 will have this matter --

8 MR SESAY: I was about to ask him in addition to that in
9 the statement of this witness, My Lord, the issue of whether it
15:37:16 10 was meant to disclose the testimony of somebody who is a
11 protected witness? My Lord, I will inform this Court that that
12 was not done deliberately to breach any of the rules which say
13 you should not disclose the testimony of a protected witness.
14 Because I was never aware that in fact that witness was a
15:37:45 15 protected witness.

16 PRESIDING JUDGE: Well, Mr Sesay, I have to differ with
17 you. You are counsel in this case, you're counsel for the first
18 accused. You should be familiar with the orders of the Court and
19 the protective measures that have been issued. This is
15:38:01 20 absolutely no justification, no excuse whatsoever to say "I
21 didn't know." In the position you are, you must know and you
22 ought to know because this is so fundamental for this system to
23 function that if lawyers occupying for an accused don't know, you
24 should know that there are not that many witnesses that have
15:38:22 25 testified for the Prosecution in the open. So you can assume
26 that 90 percent plus of the witnesses have testified under
27 protective measures. So to say that you didn't know, it may be
28 you didn't know. If that is the case, you may have been
29 negligent in not trying to ascertain what it was.

1 MR SESAY: Yes, My Lord. That is why in fact when the
2 learned Prosecutor raised that issue I had to abandon that issue
3 of proceeding on that line.

4 PRESIDING JUDGE: I appreciate that and I understand that,
15:38:52 5 Mr Sesay. I understood that you were not prepared to pursue this
6 particular issue. But the issue still has been raised in open
7 court and our concern, as I have expressed it, as I say, this is
8 a joint concern and a serious concern for the Bench that orders
9 about protective measures seem to have been breached and you're
10:39:10 10 telling me that this is not from you or from your organisation,
11 but it may be that the witness in his statement is making
12 reference to --

13 MR SESAY: I was merely leading from the statement of the
14 witness.

15:39:20 15 PRESIDING JUDGE: If that's where he learned the
16 information, well this is also very, very troubling to this Court
17 because, as I say, if it is the Outreach or any other
18 organisation, they must comply with the direction of the Court
19 and they must not disclose the identity of witnesses, whatever
15:39:39 20 their purposes may be. We will look into this matter, I can
21 assure you.

22 MR SESAY: As My Lords please.

23 PRESIDING JUDGE: Thank you, Mr Sesay. So we will not
24 pursue this matter with you or with the witness at this
15:40:09 25 particular time, but we will ask that this matter be investigated
26 in due course. Thank you, Mr Witness, for coming here to give
27 evidence today and we wish you a safe trip back home. Thank you
28 very much.

29 THE WITNESS: Yes, sir.

1 PRESIDING JUDGE: Mr Sesay, you have another witness ready
2 to proceed? Can the witness be assisted, please?

3 [The witness withdrew]

4 PRESIDING JUDGE: Mr Prosecutor, for your governance this
15:41:01 5 afternoon we will have to adjourn at probably 10 to 5.00, so
6 rather than taking the recess, we will just proceed ahead and
7 have no recess and go until 10 to 5.00 and then we'll adjourn.
8 So I say this so you can organise the presentation of your
9 evidence accordingly. Obviously if any of the accused need to go
15:41:30 10 to the restroom, just let us know and you'll be granted
11 permission.

12 Mr Sesay or Dr Jabbi, your next witness is, according to
13 your witness list, Dauda Sheriff.

14 MR JABBI: Yes, My Lord.

15:42:01 15 PRESIDING JUDGE: This is a witness who will also testify
16 through the interpretation in Mende?

17 MR JABBI: Yes, My Lord.

18 [The witness entered court]

19 PRESIDING JUDGE: Thank you. This will be your 12th
15:42:13 20 witness. Yes, Mr Court Officer, you can proceed to swear this
21 witness.

22 WITNESS: DAUDA SHERIFF [Sworn]

23 [Witness answered through interpreter]

24 EXAMINED BY MR JABBI:

15:45:20 25 Q. Mr Witness, good afternoon.

26 A. Good afternoon, sir.

27 Q. Before we start let me advise that you talk slowly when you
28 are answering questions.

29 A. Okay. That's what I want even. I am not worried about

1 anything. I have not come here to make any quarrels, I have come
2 here to say the truth.

3 Q. Thank you. Now can you give the Court your full names?

4 A. I am called Dauda Sheriff.

15:46:23 5 Q. Where do you live?

6 A. I live in Koribundu.

7 Q. How old are you?

8 A. I am 45 years old.

9 Q. And what do you do for a living?

15:47:09 10 A. I am a farmer. I do rice farming.

11 Q. Do you know about the Kamajor society?

12 A. Very well.

13 Q. Do you belong to that society?

14 A. Doing the initiation, I participated in the initiation.

15:48:30 15 Q. Are you a member of the society?

16 A. Very well.

17 Q. Can you tell the Court very briefly - very, very briefly -
18 how you became a member. Talk slowly, please.

15:49:15 19 A. When the war started -- when the rebel war started, we were
20 fighting it when the soldiers went and settled in Koribundu. We

21 were there and they took us and they asked us to be moving around

22 with them. They took us as hunters. We were moving around with

23 them when we heard that a society had come called the Kamajor

24 society wherein you would be fired at and the bullet would not

15:49:41 25 pierce you. Thereafter our chiefs told them that at that time if

26 you wanted to be initiated into the Kamajor society except you

27 were appointed by the chiefs themselves. Our town chief and his

28 deputies and the other elders in the town summoned all of us and

29 asked us to be initiated in that Kamajor society. We accepted to

1 protect our land. We were there when our regent chief Mr Felewa
2 [phon] sent for us.

3 Q. Wait one minute, please. Did you say Mr Felewa?

4 A. I have not heard you.

15:50:48 5 Q. Did you say Mr Felewa?

6 A. Yes, Mr Felewa.

7 Q. Who was he?

8 A. He was the regent chief when Pa Norman left.

9 [CDF08MAY06E - RK]

15:51:04 10 Q. Yes.

11 A. We went and were initiated into the society.

12 Q. Where?

13 A. Telu, Telu Bongor.

14 Q. Do you know the initiator who initiated you?

15:51:38 15 A. Very well.

16 Q. Who?

17 A. He was Pa Kondewa.

18 Q. After the initiation, where did you go?

19 A. They took us to Koribundu, our homeland.

15:52:10 20 Q. Can you say briefly and generally what activities you did
21 after you went back to Koribundu?

22 A. When I went back to Koribundu, we were there together with
23 the soldiers. We would go into the bush and chase the rebels.

24 It came a time when there was a problem between us. When the

15:52:47 25 relationship started becoming sour, they hated us and they drove
26 us away from the town. And we also went to get ourselves
27 prepared and then returned and came back to Koribundu.

28 Q. Now just one minute at that point.

29 A. Okay, sir.

1 Q. You said there came a time when the relationship between
2 the Kamajors and soldiers got sour. Do you know when that
3 happened?

4 A. When that relationship became sour?

15:53:41 5 Q. Yes, when was that, can you give a time frame?

6 A. I can't remember the year or the month but it was the time
7 when the country was overthrown, when the announcement was made
8 that there had been an overthrow.

9 Q. Yes. So when that happened, what next?

15:54:11 10 A. After that I was sitting at my house when one soldier went
11 and said he wanted to disarm us, the Kamajors. So we should
12 bring our guns to them immediately. I replied that you cannot
13 disarm the guns that you give to the Kamajors yourself. At the
14 time --

15:54:48 15 Q. Talk slowly, please, and wait a bit after you have said
16 something

17 A. Okay.

18 PRESIDING JUDGE: It is okay, Dr Jabbi. We were able to
19 follow. If we run into difficulties we will ask for your help.

15:55:07 20 MR JABBI: Thank you.

21 Q. Yes, carry on.

22 A. At the time we were in that town when the soldiers trained
23 their colleagues. During that training we were sitting there at
24 night, there was my brother who had just completed college and
15:55:41 25 was about to go overseas.

26 Q. What was his name, your brother's name?

27 THE INTERPRETER: Your Honours, may the witness go over the
28 name again.

29 THE WITNESS: His name was Ibrahim Jigbao Sheriff [phon].

1 Ibrahim Jigbao Sheriff.

2 MR JABBI:

3 Q. Continue.

4 A. When we heard the gunshots early that morning they said it
15:56:27 5 was an attack. Then one soldier came to us.

6 Q. Do you know who was attacking?

7 A. Yes, according to what they said, because a soldier entered
8 into our sitting room. I asked him, "Fellow, why are you putting
9 on a military uniform and these sort of gunshots going on about
10 the place and you are here in our sitting room and we are just
11 civilians?" He said, "Fellow, leave me alone, don't you know
12 it's an attack from the rebels. It's a real rebel attack so no
13 one should move out of his place."

14 Q. Do you know when that happened? Was that before or after
15:57:23 15 the overthrow you mentioned?

16 A. That happened before the overthrow.

17 Q. By that time were you a Kamajor?

18 A. At that time I was not a Kamajor. That brother of mine who
19 had just completed college and was about going overseas, who had
15:58:02 20 already completed the arrangements, it was that early morning
21 that the attack took place. After that attack, my brother took
22 his luggage and went outside by the back door and entered through
23 the swamp. After stepping into the swamp, stepping into the
24 swamp, he met with those who finally killed him.

15:58:35 25 Q. Your brother was killed before the overthrow?

26 A. Yes.

27 Q. After the overthrow, what happened?

28 A. After the overthrow the guys hated us and there was no
29 peace amongst us.

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1 Q. Who were the guys you are talking about?

2 A. The soldiers. I'm talking about the soldiers.

3 Q. Yes?

4 A. They drove us out of the town. They asked us to report to
15:59:20 5 them and we never did.

6 Q. Where did you go?

7 A. We went into the bush.

8 Q. You and who?

9 A. Myself and my colleague Kamajors who were driven out of the
15:59:35 10 town.

11 Q. Yes?

12 A. After we had gone into the bush, we gathered, all of us,
13 the Kamajors around our own area, Kamajors from our own area.

14 This sort of thing that had happened, it's terrible. We are

15 leaving our homes. We eat from here, we get our food from here,
16 our children are here, our relatives are here.

17 Q. Just explain what happened, please. You went back to the
18 bush and what did you do?

19 A. That's what I'm saying. So also we prepared ourselves to
16:00:26 20 come back to drive them away from the town, the soldiers.

21 Q. Did you come there?

22 A. Very well.

23 Q. How long were you in the bush before you came to attack?

24 A. We took up to eight months before coming back to town.

16:00:50 25 Q. Yes, what happened?

26 A. We organised ourselves and came and we drove them away from
27 Kori bundu.

28 Q. Do you remember when that happened?

29 A. The time we drove them from Kori bundu?

1 Q. Yes.

2 A. Yes, I can name the month, but I can't remember the day,
3 because I am not literate. I cannot remember the date.

4 Q. What was the month?

16:01:27 5 A. That month called February.

6 Q. Do you know how many times you attacked?

7 A. Yes.

8 Q. Yes, can you tell the Court?

9 A. We did the attack three times and on the fourth occasion we
16:01:50 10 were able to dislodge them.

11 Q. And the fourth occasion is what you are referring to as
12 February?

13 A. Yes. It was in that February that we dislodged them.

14 Q. Can you explain to the Court what happened on that
16:02:17 15 occasion, that final attack?

16 A. What happened during that last attack, we organised
17 ourselves and there were commanders. Those commanders organised
18 themselves that Lahai Judge was to come by the Sumbuya road.
19 Jegbeyama would come from the Bo road. C0 Lamin and others would
16:02:51 20 come from the Pujehun road, and Joe Tami dey would come from the
21 Blama road. That is how we made the arrangements.

22 Q. How did it then go?

23 A. When we came that Friday in that February, when we came,
24 there was several people in the town because they were supposed
16:03:17 25 to observe the Friday prayer. When we were coming we met with
26 one lady, she had ash on her head and she dropped it and returned
27 and she shouted that Kamajors were coming. The soldiers were at
28 the checkpoints and so they opened fire at us. So we said let's
29 go back, but those people -- we leave this town. Our commanders

1 told us to go back. When we returned, the following morning,
2 Saturday, when we came back, we did not meet any soldier, neither
3 a civilian, except when houses were on fire.

4 Q. From what approach did you enter Koribundu on that
16:04:17 5 Saturday?

6 A. So we put out the fire. We came from the Blama road and
7 went into Koribundu.

8 Q. You said you found houses on fire?

9 A. Very well.

16:04:44 10 Q. Where was that?

11 A. In Koribundu.

12 Q. Which part of Koribundu?

13 A. Where the houses were on fire?

14 Q. Yes.

16:04:55 15 A. There was a house on -- there was a house on fire at Biola
16 [phon]; house on fire along the Bo road; house on fire along the
17 Pujehun road; and also along the Sumbuya road by the mosque.

18 Q. Do you know who set those houses on fire?

19 A. Very, very well.

16:05:30 20 Q. Can you tell the Court, please?

21 A. I would tell the Court that the soldiers burnt those
22 houses.

23 Q. Yes, so you found these houses on fire. What did you do,
24 if anything?

16:05:53 25 A. We said now that the place was our home, that the houses on
26 those fires, that we put them out. Those that we could, we put
27 them out.

28 Q. Did anything else happen?

29 A. Yes. May I continue? After that, those of us whose

1 relatives had gone into the bush after the attack, we were there
2 and Joe Tami dey had told us to take them from the bush and bring
3 them into the town. We brought them from the bush, we came and
4 settled. Yes. We were very many now in Koribundu by that time,
16:06:57 5 the people. People who had gone to Bo returned. We called all
6 of them and we came back and we all settled in Bo now. We were
7 working together.

8 Q. Now, when you came into Koribundu and found the houses on
9 fire, did you at any time see any soldiers in Koribundu?

16:07:27 10 A. Yes. May I continue? After we had captured Koribundu,
11 soldiers came from Pujehun, from the Pujehun end. They had a
12 white vehicle, a Land Cruiser. We were standing at the junction
13 when we heard a gunshot from that Pujehun route end in the
14 evening, and we organised ourselves immediately and we went
16:08:00 15 there. When we went there, we met the soldiers where they had
16 stopped the vehicle and they had set an ambush around the place.
17 We went there with all our masculinity. When they saw us, they
18 went all about the place. They went in disarray. So we arrested
19 all of them and brought them to Koribundu, but in that troop
16:08:32 20 there was a senior officer. He was called Sergeant Kamanda.

21 Q. How many soldiers were there, in all?

22 A. We captured from the -- the count that I did, there were
23 nine.

24 Q. Can you say the number again, please? How many soldiers
16:08:57 25 were there in all?

26 A. The soldiers that we brought, those that we met by that
27 vehicle, at first there were nine that I witnessed.

28 Q. Yes, what did you do to them?

29 A. Well, during that time they would eat three times a day and

1 Joe Tami dey, Uncle Joe sent to ECOMOG. Having sent to ECOMOG,
2 the ECOMOG personnel came, Colonel Ihaji. He came and we handed
3 over the soldiers to them. And even the vehicle that they had,
4 the Land Cruiser, was also handed over to them, and they took it
16:09:54 5 to the white people. I don't know the office, the institution
6 that they worked for. The time the vehicle was handed over to
7 them, we were in Koribundu when two of them came back, that they
8 had come to thank us.

9 Q. Who came to thank you?

16:10:14 10 A. I said these were people from whom the vehicle was taken.
11 I can't recall the name of the institute they worked for now.

12 Q. Yes, carry on.

13 A. After they had come and thanked us and they returned, then
14 ECOMOG gave them their vehicles.

16:10:40 15 Q. Now, in Koribundu itself, after it had been captured, can
16 you explain any other major thing that happened there?

17 A. Yes.

18 Q. Yes?

19 A. One important thing that happened: Say, for example, when
16:11:18 20 we were there with our people, when we came back we did not see
21 any dead person, nothing more, except that the houses were on
22 fire. But when we came back, some of our people were afraid to
23 return, the elders. It took some time, some time. They did not
24 return and so we also became afraid. And so we went to them, the
16:11:54 25 chiefs. We said, "This thing that you have done to us, it is
26 becoming worrying to us. Why have we captured Koribundu? Nobody
27 is dead there. We never saw a corpse, particularly civilians.
28 "But then you are afraid of us. Aren't you our parents? Now
29 that you have done this to us" --

1 Q. Now --

2 A. So they came back. All of them came back.

3 Q. [Overlapping speakers]?

4 A. I have not heard you.

16:12:37 5 Q. Your last statement, are you saying the people who had gone
6 into bush came back to town?

7 A. Yes. Those of our brothers that went into the bush, yes,
8 all of them came back to town.

9 Q. Now, Mr Witness, do you know Chief Norman?

16:13:06 10 A. Very, very well.

11 Q. Did you see him in Koribundu at any time?

12 A. I saw him in Koribundu.

13 Q. After Koribundu was taken by the Kamajors, did you see
14 Chief Norman there?

16:13:34 15 A. I saw him pass by.

16 Q. When?

17 A. After we captured Koribundu. It took some time. It took
18 about three to four months.

19 Q. Then what happened?

16:13:53 20 A. After he had passed -- after that had passed, he came
21 and -- he came and addressed us. But we invited him. He did not
22 ask for the address. We invited him. We stopped him and he
23 stopped, indeed. He said, "Why are you stopping me?" We said,
24 "You were our chief in this chiefdom. You are the regent chief.
16:14:30 25 You were gone for so long and after this war, ourselves and our
26 people are here. So we want you to come and talk between us so
27 we will all be together again."

28 Q. Where did you stop Chief Norman and ask him those
29 questions?

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1 A. At the junction, Koribundu Junction, when he was going to
2 Pujehun.

3 Q. Do you know where he was going?

4 A. He told us he was going to Pujehun.

16:15:04 5 Q. What did he reply to your request that he should talk to
6 you?

7 A. He told us that he would be going to Pujehun, but I'll be
8 coming back. "I am going to attend to some few issues, but I
9 will be coming back. Look out for me." That was what he said.

16:15:31 10 Q. Did he come back?

11 A. Yes, he came back.

12 Q. And what happened then?

13 A. After he returned, we stopped him again and he stopped and
14 he said, "Why?" We said, "Let's go to the barri," and he said

16:15:47 15 no. "No, I'm not going to the barri." We said, "Please let's go
16 to the court barri." He said, "No, I'm not going there." We
17 pleaded with him and he came down on the vehicle and so we went
18 to the office and told him what we wanted to tell him. We said,
19 "No, we can't go to the office, we are so many, so let's go to

16:16:10 20 the court barri." He said, "Why are you asking me to go to court
21 barri?" We said, "You told us that when you would be coming back
22 you would stop here and you would talk to us and people who were
23 in the court barri who had told them that when you come back you
24 will talk to us." He said, "But that is not why I am here. That
16:16:29 25 is not the trip that I have made." We said, "Please, do that for
26 us, for you being an elder."

27 Q. Did he agree to go in the end?

28 A. To the court barri?

29 Q. Yes.

1 A. Yes.

2 Q. Can you explain what happened at the barri?

3 A. When we went to the court barri he asked us about
4 happenings there and we --

16:17:07 5 THE INTERPRETER: Your Honours, may the witness go over his
6 last answer.

7 PRESIDING JUDGE: Mr Witness, please.

8 MR JABBI:

9 Q. Can you talk slowly, please, and can you repeat what you
16:17:20 10 said when you went to the barri. Please talk slowly.

11 A. We went to the barri, we went to the court barri. Then
12 Chief Norman asked us, "So why have you brought me here? What
13 have you brought me here for?" And then we also asked our
14 elders, out chiefs, those who were at the barri and they said,
16:17:47 15 "What you have done is good, but, grandfather, we're telling you
16 now that we and our children were living here very well. In
17 fact, they have brought us from the bush. There is nothing wrong
18 between us. There is no problem between us. They did not do
19 anything wrong to us. And we have also not wronged them at all."

16:18:15 20 What Chief Norman said, he said, "That is what I want. This
21 place was my chieftom. I was the regent chief here. Even after
22 this war that I had not come here, I am not pleased about it.
23 But now that you've said that to me, I'm pleased about it.
24 That's what I want. Yes, I'm happy about that because you said
16:18:50 25 there is nothing wrong between yourselves and your children. So
26 I'm happy about that." So he stepped down from the barri and we
27 followed him until he entered into the vehicle. So that is all I
28 know about the trip that he made to Koribundu.

29 Q. Do you know if Chief Norman made any other visit to

1 Kori bundu?

2 A. No, I don't know about that.

3 Q. What was the attitude of the people to Chief Norman on that
4 occasion when he spoke to them?

16:19:34 5 A. After Chief Norman had left the place, I never heard anyone
6 saying anything negative about Chief Norman.

7 Q. No, I'm talking about the time he was there on the visit
8 when he spoke to you and was going back to his vehicle, what was
9 the attitude of the people?

16:20:13 10 A. At the time he was talking to us, and we took him, people
11 were clapping when he was talking, when he was admonishing the
12 people, and even when he had stepped down from the court barri,
13 were all behind him singing, even. That is what I saw. That is
14 what I thought.

16:20:31 15 MR JABBI: Thank you. My Lords, that is all for the
16 witness.

17 PRESIDING JUDGE: Thank you. Second accused, any question
18 for this witness?

19 MR KOPPE: No questions, Your Honour.

16:20:46 20 PRESIDING JUDGE: Mr Margai, any questions?

21 MR MARGAI: No questions, My Lord.

22 PRESIDING JUDGE: Thank you. Mr Prosecutor, any questions
23 in cross-examination?

24 MR De SILVA: Yes, I'm trying to work out what relevant
16:21:08 25 evidence this witness has given to the issues we're concerned
26 with.

27 CROSS-EXAMINED BY MR De SILVA:

28 Q. Mr Witness, did you undergo any military training as a
29 Kamajor?

1 A. God forbid, I never did that.

2 Q. Do you know where Talia is?

3 A. Very, very well.

4 Q. Have you been to Talia?

16:21:55 5 A. Yes, Talia Yawbeko. Yes, I know there.

6 Q. You know the Kamajors had a training base there called Base
7 Zero?

8 A. Talia Yawbeko?

9 PRESIDING JUDGE: We seem to have some strange noises
16:22:14 10 coming from the system. It is not you, it is the system,
11 Mr Prosecutor. Let's try it again.

12 MR De SILVA:

13 Q. Did you know the Kamajors had a training base at Talia,
14 known as Base Zero?

16:22:33 15 A. I know Base Zero very well.

16 Q. How long did you spend at Base Zero?

17 A. I took three days at Base Zero and I went back to my own
18 base.

19 Q. At Base Zero, did you see Chief Norman?

16:23:10 20 A. Yes, when I went there, yes, I met him there.

21 Q. What were you doing in Base Zero for those three days?

22 A. What I was doing there during those three days, I went to
23 my brother's.

24 Q. Was your brother at Base Zero at the time?

16:23:34 25 A. Yes. I went for him.

26 Q. Now, the victory at Koribundu was an important Kamajor
27 victory; would you agree?

28 A. There?

29 Q. Sorry, I don't know whether I got an answer to that. The

1 victory the Kamajors won at Kori bundu was an important victory.

2 A. Very, very well for us.

3 Q. A lot of Kamajors came, as you know, from Base Zero to help
4 fight the rebels to help fight the soldiers at Kori bundu?

16:25:00 5 A. It was not just Talia Yawbeko. All of us around that area,
6 we gathered together.

7 Q. Yes.

8 PRESIDING JUDGE: Mr Court Officer, can you see if you can
9 speak to the audio people to see if you can fix the problem? It

16:25:23 10 is getting very bothersome now. Thank you.

11 MR De SILVA:

12 Q. But the answer is yes, I think. You know that a lot of
13 Kamajors came from Talia to help fight the victory that was won
14 in Kori bundu?

16:25:48 15 A. Very well.

16 Q. Yes, did you know of a particular individual called Borbor
17 Tucker or Jegbeyama?

18 A. Very, very well.

19 Q. He came from -- he assisted the Kamajors in Kori bundu,
16:26:20 20 didn't he?

21 THE INTERPRETER: Your Honours, may counsel go over the
22 question again?

23 MR De SILVA:

24 Q. Let's take the final attack, the fourth attack when victory
16:26:44 25 was won at Kori bundu?

26 A. Yes.

27 Q. [Microphone not activated]?

28 A. Yes.

29 Q. He was the leader of a squad, do you remember?

1 A. Very well, I can remember.

2 Q. Do you remember that squad he had? It was known as the
3 Death Squad, I think?

4 A. Yes, I can remember. I used to hear he had the name.

16:27:20 5 Q. Thank you. Of course, as you know, they came from Base
6 Zero?

7 A. If I know that who came from Base Zero? I did not get you
8 clearly.

9 Q. You know the squad came from Base Zero?

16:27:50 10 A. His squad?

11 Q. Yes.

12 A. I did not ask him where -- I did not ask them where they
13 came from. Because where I came from is far from Base Zero, but
14 they went, indeed.

16:28:13 15 JUDGE ITOE: Mr Interpreter, when you said they went
16 indeed, what do you mean? If there is any ambiguity, please, I
17 would like --

18 THE INTERPRETER: Your Honour, it would be better if the
19 witness goes over it, because he said "they".

16:28:28 20 JUDGE ITOE: "They went, indeed," what does that mean?

21 PRESIDING JUDGE: The question was: they came from Base
22 Zero. That was the question. So what is the answer?

23 MR De SILVA: Perhaps I should ask it again.

16:28:52 24 Q. Mr Witness, did Borbor Tucker and his squad come from Base
25 Zero, as far as you knew?

26 A. Yes.

27 Q. Now, I want to ask you this: after the fourth attack,
28 after victory was won in Koribundu, you have told us of the
29 visits by Chief Norman; correct? Correct? Two visits, I think,

1 you told us?

2 A. I did not talk about two visits. I said only once. I said
3 he passed by the place. He didn't even spend the night there.
4 He returned the same day.

16:29:59 5 Q. Was that the only time he came to Koribundu, as far as you
6 know?

7 A. Very well. That is what I knew, and that is the place that
8 I am, that I live, and I never saw him any other time.

9 Q. You see, when did you make a statement to the lawyers for
16:30:30 10 the Defence?

11 A. It's quite a long time now.

12 Q. Can you remember how many statements you have made?

13 A. Yes.

14 Q. How many?

16:30:59 15 A. Where I'm sitting now, where those people went to us?

16 Q. How many times were you seen by lawyers or investigators
17 from the Defence?

18 A. I did not see lawyers at my place. Only the investigators
19 went to my place.

16:31:46 20 Q. Did the investigators come to you?

21 A. Yes.

22 Q. How many times did they come to see you?

23 A. They went to me only once, that I talked to them, except
24 when I heard they were coming back -- that I'm coming here to
16:32:11 25 testify.

26 Q. Can you remember which month it was?

27 A. I'm a Mende person. I don't count months, but I can
28 remember things that I say, but I can't remember months.

29 Q. Was it this year or last year?

1 A. What happened?

2 Q. Did they come to see you this year or did they come to see
3 you last year?

4 A. It has taken a long time. It is not this year.

16:33:03 5 Q. I assume when Chief Norman spoke in Koribundu he spoke in
6 Mende, did he?

7 A. Oh, yes.

8 Q. Do you consider Chief Norman to be a hero?

9 A. No.

16:33:44 10 Q. No? Why don't you consider him to be a hero?

11 A. Because I did not see him fighting anywhere and I did not
12 fight together with him, so I cannot call him a hero.

13 Q. When you were at Base Zero, wasn't he the top man at Base
14 Zero? Wasn't he the most important person at Base Zero?

16:34:23 15 A. I did not see that. The person that I spoke to that I even
16 greeted was Mr Collier. In fact, he made all -- he computed all
17 my arrangements and I returned.

18 Q. You knew the name of Chief Hinga Norman before you went to
19 Talia, didn't you?

16:34:47 20 A. I knew his name before going to Talia.

21 Q. What did you think he was doing at Talia?

22 A. I did not know anything about what he was doing at Talia.
23 I just went there and returned.

24 Q. What did you think he was doing at Talia?

16:35:10 25 A. I have said this twice. I said I did not know what he was
26 doing at Talia.

27 Q. What did you believe he was doing at Talia?

28 A. Myself or who?

29 Q. You.

1 A. I did not see him do anything at Talia. I said I'd only
2 spent three days there and I returned to my home.

3 Q. The one thing that is perfectly clear is this, isn't it:
4 that when Koribundu was taken in February 1998, it was taken by
16:35:53 5 the Kamajors?

6 A. Yes.

7 Q. You didn't see any ECOMOG people there giving any orders as
8 to how the military operations were to be run; that is correct,
9 isn't it?

16:36:28 10 A. In fact, ECOMOG trained us. They used to feed us. They
11 did a whole lot of things.

12 Q. Where did ECOMOG train you?

13 A. I did not say they trained us. I said they were the ones
14 that fed us.

16:36:54 15 Q. When victory was won at Koribundu, there were no ECOMOG
16 troops there. There were no ECOMOG personnel giving orders as to
17 how the battle should be conducted; is that correct?

18 MR De SILVA: Would you like to share your joke with me?

19 PRESIDING JUDGE: Mr Witness, would you answer the
16:37:48 20 question, please?

21 THE WITNESS: No, I'm not joking, the question that man had
22 asked me was -- that is what I want to answer. The war that we
23 fought in Koribundu, we were not trained by ECOMOG. We did our
24 fight before ever ECOMOG could even come.

16:38:06 25 Q. That is exactly what I am asking you. I've got my answer.
26 Thank you very much.

27 A. That is what I want.

28 Q. Yes. When Chief Norman came to Koribundu after the victory
29 was won, you told us he made a speech?

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1 A. Yes. I said that, very well.

2 Q. Do you remember how long that speech lasted, in rough
3 terms?

4 A. He didn't take long talking. In fact, he didn't stay there
16:39:14 5 for long.

6 Q. Was he angry about anything when he made the speech?

7 A. In fact, the first instance he was laughing from the first
8 moment until we left the place, he was laughing.

9 Q. What was he laughing at? He wasn't laughing at you, I
16:39:55 10 assume. What was he laughing at?

11 A. Because the civilians had told him -- the town chiefs had
12 told him that we were living in peace, so he was pleased. That
13 is why he was laughing. Because he was also pleased and he was a
14 regent chief in that chiefdom. So that is why he was laughing.

16:40:19 15 Q. You see, I suggest he made a speech in which he told the
16 people that he was angry and angry that they had failed to burn
17 the houses that they had been ordered to burn. Is that wrong?

18 A. Father forbid. If anybody said that, he would be telling a
19 lie. He never said anything of that nature. In fact, never did
16:40:51 20 he say anything closer to that.

21 Q. He further said he had given instructions that no living
22 thing was to be left alive.

23 A. No, no, no. He never said that.

24 Q. Yes. Can you help the Court about this: When you were
16:41:33 25 initiated, you told us by the third accused, Kondewa, that's
26 correct, isn't it?

27 A. Oh, yes.

28 Q. Did it cost you any money?

29 A. Yes, I gave some money.

1 Q. And was everybody who was initiated -- did everybody who
2 was initiated pay money?

3 A. Yes. If you want your life to be protected, you would have
4 to pay money for that. You would have to buy your life. If you
16:42:25 5 don't want to die during the war, you would have to buy for your
6 life. So you have to pay for your protection.

7 Q. Help us about this: Did you see any of these experiments
8 carried out where guns were fired at people? Did you see any?

9 A. In fact, I'm one of the fighters.

16:42:53 10 Q. The question I asked was: Did you see [overlapping
11 speakers] --

12 A. Yes.

13 Q. And the guns that were always used were shotguns, weren't
14 they?

16:43:16 15 A. Yes, yes, those shotguns, those single barrels that we used
16 to do our hunting, that is what we were using.

17 Q. These great experiments would be doctored shotgun
18 cartridges that couldn't injure anyone but made a big noise; that
19 is the truth, isn't it?

16:43:52 20 A. They doctored it before they shot it? There was no other
21 organisation. They would just shoot, as long as you have been
22 initiated. They would not remove the bullet.

23 MR De SILVA: No. Anyway, thank you very much.

24 PRESIDING JUDGE: Thank you. Any re-examination, Dr Jabbi?

16:44:15 25 MR JABBI: Yes, My Lord.

26 RE-EXAMINED BY MR JABBI:

27 Q. Now, Mr Witness, do you know where the money came from that
28 paid for your initiation?

29 A. Yes.

1 Q. Can you tell us, please?

2 A. When the chiefdom people said Kondewa should go to Telu,
3 the whole chiefdom sat and said in one's chiefdom that whatever
4 town that the people are coming from to be initiated, that town
16:45:05 5 would be responsible for the feeding, including the section
6 chiefs. They were contributing the money. They paid for
7 initiation. That is the same money we used for our feeding. So
8 it was our chiefs who did that. That was how they got the money.

9 Q. So what you are saying is that the money that went to pay
16:45:33 10 for your initiation came from your chiefs and your people by
11 general contribution?

12 A. Yes.

13 MR JABBI: That is all for the witness, My Lord.

14 PRESIDING JUDGE: Thank you, very much.

16:45:53 15 MR MARGAI: My Lords, regarding the effectiveness of the
16 immunisation process, I am not sure whether my learned friend
17 would wish to witness a demonstration.

18 MR De SILVA: I'm willing to be the subject to be shot at.
19 In fact, I volunteered this before, so long as I am allowed to
16:46:19 20 load the gun.

21 JUDGE ITOE: With the sort of bullet which you would
22 choose.

23 MR De SILVA: Well, with a bullet that looks very much like
24 any other cartridge. It's very easy.

16:46:42 25 PRESIDING JUDGE: Thank you very much.

26 Thank you, Mr Witness. That concludes your evidence in
27 this Court. You may proceed back to your home place and we wish
28 you a safe trip back home. Thank you very much.

29 THE WITNESS: Can I get up?

1 PRESIDING JUDGE: Yes, you may get up.

2 Dr Jabbi, we have said that we would adjourn at ten to
3 5.00. We are almost there, so we will adjourn until tomorrow
4 morning. You are ready to proceed with your next witness on your
16:47:13 5 witness list tomorrow morning?

6 MR JABBI: Yes, My Lord.

7 PRESIDING JUDGE: Very well, the Court will adjourn to 9.30
8 tomorrow morning.

9 [Whereupon the hearing adjourned at 4.48 p.m
16:47:36 10 to be reconvened on Tuesday, the 9th day of
11 May, 2006, at 9.30 a.m.]

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EXHIBITS:

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