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Witness profiles at a glance
Moyamba crime base testimony
Testimony of Albert Nallo
Counsels named during witness's testimony: political involvement of Charles Margai
Absence of sexual violence counts in the CDF indictment and proposed introduction of new evidence relating to women captured and held at Base Zero

The testimony of Moyamba crime base witnesses continued to dominate the proceedings for the final two weeks of the CDF trial, with a further four witnesses testifying to events that occurred in this southern district of Sierra Leone. The trial session ended with the Chamber hearing the testimony of Albert Nallo, former National Deputy Director of Operations and Director of Operations (Southern Region) for the CDF [1]. Mr Nallo gave extensive evidence regarding the history and formation of the Kamajor society in Sierra Leone, none of which was contested under cross-examination. He subsequently spoke in detail about events which took place in the southern districts (primarily Bo and Koribondo) in 1997 and 1998, including giving evidence regarding the command structure of the Kamajor society at "Base Zero" and thereafter.

Witness profiles at a glance

Witness TF2-165 is 43 years old and was born in the Moyamba district. He is married and has six children. The witness went to college and currently works as a teacher. The witness testified in English.

Witness TF2-166 is 30 years old and was born in Mabang, Moyamba district. She is currently residing at Mabang. She is married and has four children. She attended school and is a farmer and businesswoman.

Witness TF2-167 is 50 years old and was born in Bradford, Moyamba district. He is married with 8 children. The witness attended school up till Form 3 (ninth grade). He speaks Krio, Temne and Fullah. The witness can read and write English well. He is a court clerk and also does some farming. The witness testified in Krio.

Witness TF2-170 is 56 years old. He was born in Makeray, Moyamba district and is currently residing at Bradford. The witness lived in Bradford in 1998. The witness is married and has 8 children. He attended school for twelve years and is currently working as a farmer. He testified in Krio.

Albert Moinina Jusu Nallo is 51 years old and has a wife and children. He speaks Mende, English, Krio, Kissy, Kono, Koranko and Madingo. He joined the Kamajors in November 1996 and was appointed National Deputy Director of Operations and Director of Operations (Southern Region) for the CDF while at Base Zero, Talia Yawbecko in late 1997. Mr Nallo is a key insider witness in the Prosecution's case. He testified in Krio.

Recalled witness Witness TF2-057 was recalled, following the Chamber's unanimous ruling to allow for further cross-examination of the witness at the end of the preceding trial session.

Witness TF2-080 was adjourned from proceedings and will testify next session.

Moyamba crime base testimony

The prosecution continued to hear testimony on the contested Moyamba crime base this week, with a further four witnesses called regarding alleged brutal killing and looting of civilian owned property. Following on from the testimony given the preceding week, two witnesses Witness TF2-167 and TF2-170 ? gave further evidence supporting the allegation of a Kamajor attack on Bradford in March 1998. No evidence was led by the Prosecution regarding Obai's specific involvement as commander of the March 1998 attack, although Witness TF2-166 gave further evidence of his alleged participation in the conflict. Commander Kakpata, alleged by Witness TF2-168 in the preceding week to be the head of the Kamajors at this time, was also further implicated in the murder of a suspected junta collaborator.

Attack on Bradford

Witness TF2-170 and TF2-167 each testified to violent attacks on civilians in Bradford during the Kamajor occupation of the Moyamba district in 1998. According to the witnesses, the attack at Bradford occurred in mid-March.

Witness TF2-170's testimony tended to suggest factions within the Kamajor society that divided the group. According to the witness, the Kamajor warriors inhabiting the Moyamba district at this time belonged to a separate CDF group of traditional hunters known as Vondos (meaning "sweat" in Mende). The Vondos attacked Bradford in March, burning and looting civilian's property. The witness fled to Makena village and subsequently Makabi Loko village, where he remained in hiding until June. He was subsequently captured by the Vondos (while fetching water from a nearby river) and was taken back to Bradford. At the time of his capture, the Vongos accused him of being a member of the Gbethis, a separate warrior group in the CDF, because he was able to escape their fire when being shot at. At Bradford, he witnessed the killing of a civilian by Amadou Lavali (alias "5-30") under the order of Kakpata, alleged to be the "boss" of the Vondos at that time.

Witness TF2-167 testified further to the terrorizing of the civilian population at the time. According to the witness, who was in Bradford with his family in March 1998 when the Kamajors entered the town, his son was shot by the Kamajors as he fled and his grandson was allegedly killed. Witness TF2-166 gave a similarly gruesome account of the brutal murder of her father under the order of commander Obai at the end of 1997. According to the witness, the CDF held a meeting during which the paramount chief, PC Caulker (allegedly a member of the CDF War Council at the time), threatened to kill her father. He was subsequently murdered in Masanki village.

Witness TF2-165 testified to events that occurred in Moyamba town some time after the time of the AFRC coup in 1997. According to the witness, the Kamajors returned to Moyamba town under the command of Commander Ngobeh and his second in command, Kini Torma. The witness saw one civilian ? a Mr Thomas ? being shot and beheaded by the Kamajors for being suspected as being a junta collaborator, passing information to AFRC combatants at Camp

Charlie at Mile 91 near Moyamba. The Kamajors then smeared some of the civilian's blood on their bodies. Some of them were drinking the blood and one Kamajor put the civilian's head on his head. The witness saw another civilian burned to death in an open fire for suspected cannibalism. He alleged that the overall commanders of the Kamajors in Moyamba at this time were Kini Torma and Chuck Norris. Witness said he knew from the radio that Hinga Norman was the overall commander of the Kamajors at this stage and had seen him visit Moyamba several times. Norman is alleged to have visited Moyamba once during the junta period.

Cross examination of "crime base" witnesses

As has become a continuing theme under cross-examination, defense counsel asked the witnesses this week whether they had reported incidences to any of the authorities in Sierra Leone. According to counsel for the second accused, this line of enquiry is part of a defense strategy seeking to show that, in certain instances (and in particular, in instances relating to discrete murders, such as the one described by Witness TF2-166) CDF commanders could not reasonably have known of the atrocities committed by their subordinates, given the crimes were not reported. Witnesses TF2-165 and TF2-170 denied ever having given statements about the incidences they witnessed, other than to the Truth and Reconciliation Commission and the Special Court for Sierra Leone. Witness TF2-165 added further he could not say whether the acts undertaken at this time were done so under specific orders of senior Kamajor commanders.

Witness TF2-170 was also questioned about his alleged association with the Gbethis by counsel for the third accused, who asserted that he may have been bestowed with the mystical powers attributed to members of this group. This line of cross-enquiry that seemed to speak to the internal cultural phenomenons of Sierra Leone rather than established defenses in international humanitarian law.

Testimony of Albert Nallo

Mr Albert Nallo, a key insider witness for the Prosecution's case, testified in open court during the final four days of the CDF trial for this session. He is only the fourth witness to testify without the use of a screen shielding his identity from public view since September of last year. Mr Nallo's testimony was delivered candidly and his demeanour seemed at times almost jovial during the course of the proceedings. When asked by the Presiding Judge whether he was feeling strong after his first day of testifying, he responded by stating he was once "a warrior".

Defense counsel sought to dismantle Mr Nallo's credibility by asserting that Nallo had been known to his peers in the CDF as "Ngilawova", a word that means "ungrateful dog" in Mende. It was also alleged by counsel for the first accused that Mr Nallo had once been accused of raping his father's youngest wife. The witness was also asked to explain how his fears of being "apprehended by the Prosecution were allayed", to which the witness answered that he had been assured by members of the prosecution that only "those who bear the greatest responsibility" were being prosecuted at the Special Court. While the Defense did not seem to be implying any *mala fides* intent on the Prosecution's behalf, they seemed to be implying that the witness had felt some incentive to testify, based on the understanding that he would be spared from Prosecution as a result. Mr Nallo vehemently denied this, stating that he was "here [today] to say the whole truth so we get everlasting peace in this country". When asked whether he could distinguish between lawful and unlawful demands, he stated "I was an ordinary civilian that took up arms to fight for my land, to liberate it from rebels".

Background to the Kamajor society

According to Mr Nallo, the Kamajors were traditionally a hunting group who formed part of the fabric of village life throughout the provinces of Sierra Leone. The hunting activities of the

Kamajors were controlled by the paramount chiefs. The Kamajor society, on the other hand, was formed by Dr Alpha Lavalie in 1993/4 and was founded in the Mende heartland of Kenema. The Kamajor society originally emerged as a civilian fighting group that fought alongside the SLA, charged with defending towns and villages from attack by AFRC/RUF forces [2]. The SLA was alleged to have joined forces with the RUF shortly before the junta-led coup in May 1997, from which time the Kamajors fought as a distinct militia group. Perhaps due to the origins of the group, membership in the society was originally controlled by the paramount chiefs, who recommended potential initiates to the society's "Sowei" (a Mende word meaning "initiator") to undergo initiation prior to battle.

Initiation rites and human sacrifice: "Kamajor ambush" and ritualistic killings

Mr Nallo testified to there being several stages of Kamajor initiation, including a particularly violent stage known as "Kamajor ambush". Participants in the ambush would form two straight lines and severely beat and whip new Kamajor initiates who passed through the formation. If an initiate fell to the ground while being beaten, he would be removed from the group and killed. His ashes would then be mixed with herbs and used smeared on the bodies of Kamajors. Once an initiate's body was marked with these ashes, they were said to have joined the Kamajor society.

All the initiation rites of the Kamajor society were alleged by Nallo to have been formulated by the third accused, Dr Allieu Kondewa. Kondewa's approval of particularly brutal acts during the initiation process in Tihun Sogbini allegedly caused removal of the Kamajors from that town. Under cross-examination, counsel for the third accused drew a distinction between *initiation into* the Kamajor society and *fighting for* the society. Mr Nallo agreed that not all members of the Kamajor society were recruited as combatants, though all members were initiated [3]. Counsel seemed to be suggesting that Kondewa's role as a "Sowei" should be perceived as distinct from any role the Prosecution alleged he played in the armed conflict in Sierra Leone.

Mr Nallo also admitted to participating in acts of ritualistic cannibalism "in the Poro bush" [4], where he alleged that the Kamajors killed one of their own, Mustafa Fallon, and ate his liver. He further alleged that the first, second and third accused together participated in killing Alpha Kanu, a member of the Kapra society, whose skin was then used to prepare a garment, a fan (or "controller") and a walking stick for Hinga Norman. These articles were believed to enhance Norman's powers.

Command structure of the Kamajor society

Mr Nallo was allegedly at the Kamajor camp at "Base Zero" in Talia, Yawbecko chiefdom from October 1997 to March 1998 [5]. It was during his time at Base Zero that he was appointed National Deputy Director of Operations and Director of Operations (Southern Region) by the first accused. As Director of Operations (Southern Region), Mr Nallo was tasked with delivering both general and specific instructions from Hinga Norman to the Kamajors fighting in Bo, Bonthe, Moyamba and Pujehun. In his role of National Deputy Director of Operations, he was responsible for compiling reports on the war front and planning strategies for war for the second accused, Moinina Fofana who, as Director of War, would then report back to Hinga Norman. He also delivered arms and ammunition to the troops in battle.

According to the witness, all orders given to Kamajors in battle during his time at Base Zero were issued directly from the first accused to the war front, though many of these orders are alleged to have been given with the knowledge and consent of the second and third accused. He described the first, second and third accused as the "Holy Trinity of leadership at Base Zero", with Hinga Norman at the apex as God, Moinina Fofana as the Son and Allieu Kondewa as the Holy Spirit. Council for the third accused pointed to the fact that the witness had never mentioned Kondewa as being a member of the War Council in his witness statements and sought to establish that the

witness was mistaking Kondewa for a man named Charles Moiwo when assuming Kondewa was part of the trinity. The witness denied that this was the case.

Directly underneath this alleged triumvirate in the command structure was the Deputy Director of War, Musa Orinko, who was subordinated by the witness's direct superior, the Director of Operations, Joseph Koroma. Mr Nallo's counterparts in the other regions were: Dr Mohamed Mansaray (Director of Operations (Northern Region)), Musa Junisa (Director of Operations (Eastern Region)) and Pa Lungba (Director of Operations (Western Area)). Below the regional Directors of Operations were battalion commanders. Battalion commanders were superior in rank to company commanders who in turn, were superior to squad commanders. This command structure remained in place until the CDF left Base Zero and returned to the towns [6], at which point the Directors of Operations were replaced by District Administrators who were allegedly appointed by Chief Sam Hinga Norman and who reported directly to him.

Norman is also alleged to have commanded three other separate and distinct groups while the Kamajors were based at Base Zero, all of whom reported directly to him: the War Council, the Death Squad (headed by Borbor Tucker) and the Special Forces. According to Mr Nallo, the War Council's role diminished in significance shortly after the Kamajors left Base Zero and continued to wane until disarmament. The Prosecution did not lead any evidence regarding what role the Death Squad and the Special Forces played at that time.

Counsel for the first accused sought to present a separate and distinct command structure in existence within the CDF immediately after Mr Nallo left Base Zero in March 1998. According to the argument made by counsel, the CDF high command comprised of a National Co-ordinating Commission. Counsel alleged that the structure of the High Command was as follows: President Ahmed Tejan Kabbah was the National Commander of the CDF; former Vice President Albert Joe Demby was the Vice National Commander; Chairman of the National Co-ordinating Commission, the Honourable R.E.S. Lagao was third-in-command; Vice President PC Caulker (Member, National Co-ordinating Commission) was fourth-in-command; and fifth-in-command was Chief Sam Hinga Norman as National Co-ordinator. Mr Nallo denied having any knowledge of the existence of the National Co-ordinating Commission or of Kabbah's support of the Kamajors. Counsel then sought, unsuccessfully, to use the preliminary summary of the findings of the Sierra Leone Truth and Reconciliation Commission (TRC) to support his argument. While the Chamber has previously allowed the use of the findings of the TRC as an aid during cross-examination, they found, in this instance that counsel for the first accused was relying on summarising the findings in a manner that had the effect of polluting the witness's evidence. The witness continued to deny the existence of the National Co-ordinating Commission.

War Council

Reiterating the testimony of previous Prosecution witnesses, Mr Nallo also alleged that the CDF elected a War Council at Base Zero in late 1997. The War Council acted as distinct from this command structure and was directly answerable to the first accused, Samuel Hinga Norman [7], although the regional Directors of Operations would report to the council on matters relating to the punishment of combatants. Under cross-examination, Mr Nallo agreed with counsel for the first accused that the War Council was the highest decision-making body within the CDF at Base Zero, but further alleged that this decision-making power was subject to the authorisation and consent of Hinga Norman. According to Mr Nallo, the primary function of the War Council was to recommend strategies for battle to Hinga Norman who, together with Moinina Fofana and Allieu Kondewa, would determine whether those strategies would be implemented. The War Council would also recommend punishments for combatants who had engaged in misconduct.

While Norman, Fofana and Kondewa were each alleged to be members of the War Council, the witness implied that their authority was superior to that of the council itself. In keeping with his metaphor of the three accused forming a "Holy Trinity" within the Kamajor society, Mr Nallo

seemed to suggest that the other council members [8] were beholden to the will of Hinga Norman, who acted in concert with Fofana and Kondewa when making decisions and issuing commands. In support of this suggestion, the witness described a particular incident where Hinga Norman refused to punish a Kamajor named Vanjawai [9], who is alleged to have killed a pregnant woman, Jeneba, at Gbonima village in the Bo district. Consistent with previous witnesses' testimony [10], Mr Nallo alleged that he issued a report to the War Council regarding Vanjawai's misconduct, recommending that the combatant be executed. According to Mr Nallo, members of the War Council admitted to being reluctant to recommend the execution or severe punishment of delinquent combatants such as Vanjawai, because Hinga Norman had told them that they would not be protected if other combatants sought revenge upon them as a result. This evidence seemed to be led by the Prosecution to implicate directly the first accused as "failing to take the necessary and reasonable measures to...punish the perpetrators" of unlawful killings, a war crime and a crime against humanity under the Counts 1-2 of the indictment.

The Death Squad and Special Forces

Mr Nallo alleged that the Death Squad was a group based at Base Zero headed by Tucker (aka "Jengbema") and reporting directly to Hinga Norman. His evidence in this regard corroborated evidence given by Tucker himself, another key insider witness who testified earlier this session [11]. Mr Nallo alleged that the Death Squad were responsible for torturing and killing suspected rebel or junta collaborators that were captured from behind enemy lines. Mr Nallo described one instance in particular, when five "RUF/AFRC people" were handed over to the Death Squad and tortured to death [12]. Similarly, the Special Forces, a group that comprised of Sierra Leonean and Liberian Kamajors, reported directly to Hinga Norman and were responsible for killing suspected rebel and junta collaborators. He alleged that Borbor Tucker's brother, John Hota, was killed by members of both the Death Squad and the Special Forces under the direct orders of Hinga Norman, a week after Norman allegedly ordered the Kamajor attack in Bo in 1998.

"Black December" and the attacks on Bo and Koribundu

The witness testified extensively to the orders ? both general and specific ? that were allegedly issued by Hinga Norman both at Base Zero and to the troops on the frontline. According to Mr Nallo, Norman ordered generally the killing of all AFRC/RUF collaborators and sympathizers (many of whom were allegedly killed by the death squad with Norman's consent) and the burning and looting of suspected collaborators' property. These orders were given by Norman at the training ground at Base Zero in the presence of Moinina Fofana and Allieu Kondewa as well as the other members of the War Council. Mr Nallo apparently carried these orders to the front line. Kamajors who were found to be disobeying these orders would be punished: either they would be physically maimed or killed. Mr Nallo also stated that Hinga Norman authorised civilian wives to be used "as rations for Kamajors", alluding to the communal ownership of civilian women by the Kamajor group.

Mr Nallo also testified to Norman issuing several orders to injure or killing specific individuals living in Sorgia village [13], Pipor village and Baoma Kpenge [14]. He then gave extensive evidence regarding Operation "Black December" in 1997 and the Kamajor attacks on Bo and Koribondo in 1998. Mr Nallo alleged that the purpose of Operation "Black December" was to starve out the enemy combatants surrounding the CDF-occupied territories throughout Sierra Leone. The rationale of the Black December operation (which lasted from December 1997 to February 1998) was to paralyse RUF/AFRC operations. Mr Nallo was involved in sealing road blocks and heard reports of several instances of Kamajor attack. Under cross examination by counsel for the second accused, the witness agreed to being "the architect of the Black December Operation", having recommended it to the War Council for their review, perhaps showing the fine line between insider witnesses called by the Prosecution and the accused at trial.

Hinga Norman is also alleged to have specifically ordered Nallo to kill the paramount chiefs of Valunia chiefdom and Bo Kakua, various members of the Bo town council and all members of the Sierra Leonean police force, whom Norman believed to be collaborating with the RUF at that time. The second accused, Moinina Fofana, is alleged to have heard the orders. He also ordered the Kamajors to loot the pharmacy at Bo for medical supplies and the burning and looting of policemen's houses [15]. Norman is also alleged to have attended a meeting in Bo where he admitted ordering the Kamajors to attack the town a week after the attack had occurred. Mr Nallo is also alleged to have been carrying out orders for Hinga Norman in the final attack on Koribondo in March 1998. According to Mr Nallo, he was sent to Koribundo together with the Director of Operations and a 700-strong force of Kamajors with specific orders from Norman to ensure that the entire town was razed to the ground and no civilians were left standing.

Counsels named during witness's testimony: political involvement of Charles Margai

Highlighting one of the many challenges faced by holding the trials in the country where the conflict occurred, Mr Nallo named local counsels for both the second and the third accused as being present at meetings in Bo attended by Mr Nallo, the accused and several members of the CDF. According to Mr Nallo, local counsel for the second accused, Mr Arrow Bockarie, was present at a public meeting at Bo town hall shortly after the attack on the town, where Hinga Norman admitted to being directly accountable for the actions of the Kamajors.

While Mr Bockarie was not implicated as having any direct affiliation with the CDF, counsel for the third accused, Mr Charles Margai, was directly implicated as being involved in the leadership of the CDF, when the witness named him as the Minister of Internal Affairs in charge of the CDF under cross-examination by counsel for the first accused. The witness was unable to give an exact time-frame for when the CDF came under the control of the Ministry of Internal Affairs, and was vigorously discouraged by the Presiding Judge Itoe from guessing. The witness was, at the time, describing his departure from the CDF, and hence it is possible that Mr Margai was in charge of the CDF outside the indictment period.

Mr Margai subsequently sought not to cross-examine the witness, causing a degree of nervousness in his co-counsel, Mr Yada Williams, who seemed unprepared for this eventuality. He was granted an adjournment by the court to prepare. Although there was no explicit mention in court of a conflict between Mr Margai's role as legal counsel for the third accused and his alleged role in leading the CDF as part of the reinstated SLPP government, the incident seemed to show how the defense of the accused could be at once enhanced and compromised by the "insider" knowledge of local counsels, who lived through the conflict themselves.

Absence of sexual violence counts in the CDF indictment and proposed introduction of new evidence relating to women captured and held at Base Zero

During the course of proceedings on Friday, the Prosecution sought to lead evidence relating to the treatment of a group of 80 women who were captured by the Kamajors at Base Zero. The Defense objected to the Prosecution leading any evidence regarding the treatment of the women, on the grounds that such evidence related to acts of sexual violence for which the accused are not charged under the indictment.

The Prosecution's efforts to bring charges of sexual violence against the CDF indictees were precluded by Trial Chamber One prior to the beginning of trial last year. Despite noting the "importance that gender crimes occupy in international criminal justice", the majority decision implied that granting leave to add sexual violence charges at that point in the pre-trial proceedings would amount to "creating exceptions" for gender offences, and it would prejudice the rights of the accused because the additions had not been made in a timely fashion [16].

The Prosecution is now seeking clarification from the Chamber regarding the extent to which evidence relating to acts of a violent sexual nature is admissible at trial. The Prosecution alleges that, despite the Chamber's decision, the evidence it seeks to elad falls under Count 3 [17]or Count 4 [18]of the Indictment. Citing the *Akayesu* judgment [19]from the ICTR and the trial judgement in the *Delalic* case [20]from the ICTY, the Prosecution argues that the physical, mental and moral effects acts of sexual violence have on a victim enable such acts to be categorised as cruel and inhumane. At the very least, the acts in question constitute an attack on human dignity [21]. It argued further, that it would be illogical and artificial to differentiate between acts of a sexual nature and those defined as "non-sexual" when leading evidence regarding acts or crimes of violence against civilians, as "the administration of justice would indeed be brought into disrepute if evidence relating to unlawful acts...was adduced based on a definitional distinction." [22]

Defense counsels for each of the first, second and third accused have responded separately to the Prosecution's request for clarification. They have essentially argued that the Prosecution is seeking to obtain the "back-door" admittance of evidence already excluded under the Chamber's previous decision rejecting the amendments to the indictment. Furthermore, they argue that admitting the evidence would fundamentally prejudice the right of the accused to be tried without undue delay. Counsel for Kondewa noted, in particular, that "there was no reasonable basis for the Accused to have focused his defense with such charges in mind. He acted appropriately and should not be penalized for failing to speculate about crimes not included in the Indictment." [23]The Prosecution has responded by arguing that the fact that the amendment was not allowed does not mean that relevant and admissible evidence should be dismissed. Furthermore, they allege that the Defense has had adequate time to prepare, given witness statements disclosing the relevant acts were served on the Defense over a year ago: the Defense's assumption that such evidence would not be lead is therefore unfounded, given the relevance and admissibility of evidence is an ongoing issue at trial. The Chamber is yet to deliver any ruling or give any guidance to counsel on this issue.

The Chamber sustained the Defense's objection to inclusion of the evidence in this instance. Presiding Judge Itoe opined that the very fact that the women were captured by the Kamajors and held against their will implied that any act of sexual intercourse between those women and the Kamajors would amount to rape, a crime for which the accused were not charged under the Indictment. Judge Thompson noted further that he thought, given the motion pending, any evidence led by the Prosecution in this regard would be "on the borderline of permissibility and impermissibility".

The trial session ended with Presiding Judge Itoe commending Mr Nallo for coming "to ensure that there is lasting peace in this country", a comment that on the one hand, seemed somewhat ironic or misplaced, given Mr Nallo's self-confessed role in the atrocities committed during the conflict, but on the other, seemed sincere, given the witness himself had stated this was what he hoped would be achieved from his testimony.

The CDF trial will resume on 25 May 2005.

1.) As director of operations for the "Southern Region" Mr Nallo was in command of the operations undertaken by the CDF in Bo, Bonthe, Moyamba and Pujehun, although he alleges that he was under the direct instruction of Chief Samuel Hinga Norman when undertaking to direct these operations.

2.) The terms "Kamajors" and "CDF" appeared to be used interchangeably by the witness, although he did mention other traditional hunting groups that formed part of the CDF during the course of his testimony.

- 3.) Counsel for Kondewa gave the examples of IMF Kanneh, Charlie Tucker and Chief Quee.
- 4.) For further discussion about evidence given by witnesses relating to the Poro society, see the testimony relating to the invasion in Bonthe Town.
- 5.) According to the testimony given by previous witnesses, “Base Zero” was both a Kamajor training camp and the site of several meetings of high-level CDF commanders. See in particular the commentary related to the testimony of TF2-021 (“Special Court Monitoring Program Update No. 11” (5 November 2004)) and the testimony of TF2-004 (“Special Court Monitoring Program Update No. 12” (12 November 2004)).
- 6.) The witness was unable to say when this occurred.
- 7.) See in particular, the commentary relating to the testimony of Witness TF2-008 under “Special Court Monitoring Program Update No.13” (19 November 2004).
- 8.) According to the witness’s statement dated 26 November 2002 (which was read back to him during the course of the proceedings and which he affirmed), the other members of the War Council were: Alhaji Daramy Rogers; Chief Quee, Chairman of the War Council; PC Charles Caulker; Charles Tucker; RP Kombe Kajue; IMF Kanneh; DC Ngajeh Aruna [phon.]; Vandy Sorka (Dama chiefdom); and Kandeh Samai (Juijuima [phon.] chiefdom). During the course of his examination in chief he further alleged that Sandy Denby, Francis Mustapha Lumeh (Chairman of Pujehun District) and MT Collier were also members of the War Council.
- 9.) Vanjawai has been alleged by a previous witness to have authorised some of the worst acts of killing and looting during the conflict. See in particular “Special Court Monitoring Program Update No.13” (19 November 2004).
- 10.) Id. According to the testimony of Witness TF2-008, violations on the war front were reported to regional commanders, who then brought reports to the War Council.
- 11.) See “Special Court Monitoring Program Update No.21” (11 February 2005).
- 12.) The witness was unable to determine when this incident had occurred.
- 13.) He spoke in particular of: Joseph Lansana, whose ear was cut off and who had hot plastic dripped on his body - he was subsequently tortured and beaten; and an old woman who was cut several times with a machete and who was subsequently burned alive with her house.
- 14.) Mr Nallo alleged that he and other Kamajors went to Baoma Kpenge on the order of both Norman and Fofana.
- 15.) The evidence regarding alleged attacks on policemen in Bo corroborates the evidence given by TF2-119 during the third trial session for the CDF trial (See Update No.14 (26 November 2004)). Several crime base witnesses in the second session of the CDF trial also gave evidence regarding the alleged attacks on policemen in Kenema and Blama.
- 16.) *Decision on Prosecution Request for Leave to Amend the Indictment* , SCSL-04-14 (CDF), 20 May 2004.
- 17.) Count 3: “Inhumane Acts”, a crime against humanity, punishable under Article 2.i. of the Statute.

18.) Count 4: "Violence to life, health and physical or mental well-being of persons, in particular cruel treatment", a violation of Article 3 Common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3.a. of the Statute. *Urgent Prosecution Motion for a Ruling on the Admissibility of Evidence* SCSL-04-14 (CDF), 15 February 2005.

19.) *Prosecutor v Jean Paul Akayesu* ICTR-96-14T "Judgment" 2 September 1998 at para. 668.

20.) *Prosecutor v Delalic et al (Celebici)*, IT-96-21-T, "Trial Judgment", 16 November 1998, para.552.

21.) *Decision on Prosecution Request for Leave to Amend the Indictment*, SCSL-04-14 (CDF), 20 May 2004, at para.24.

22.) *Id.*, at para.31.

23.) *Response of third accused to Prosecution's Urgent Motion For A Ruling on the Admissibility of Evidence* SCSL-04-14 (CDF), 28 February 2005, at para. 20.