

1 Monday, 4th October 2004

2 [Open session]

3 [Upon commencing at 9.53 a.m.]

4 [The accused Gbao not present]

5 [Accused Kallon and Sesay entered court]

6 MR WALKER: This is Monday, 4th October 2004, case no.

7 SCSL-2004-15-T, The Prosecutor against Issa Hassan Sesay,
8 Morris Kallon and Augustine Gbao. The case is listed for
9 trial.

10 PRESIDING JUDGE: Good morning learned counsel, you are very
11 welcome to Freetown for those who have travelled from
12 afar. I hope you had a nice journey and that the
13 recreation gave you some respite -- you know, gave you
14 some respite from the hassle of this courtroom. And that
15 coming with a good buffet d'oxgene, as the French, you
16 know, call it. You will be able pass some of it to us
17 and let us breathe, you know, with full blast in our
18 lungs, you know, that we will be able to sustain
19 yourselves for the next one month. You are very welcome
20 and I wish all learned counsel the very best for these
21 proceedings. We look forward to working within the
22 normal spirit of understanding and outreach, you know, to
23 each other; Defence and Prosecution. And, of course,
24 look forward to our operating within our conventional
25 rules that govern us under the rule of law. I hope that
26 we are clearly understood and, like I have always said,
27 we are still operating within the universal principle
28 and, that is, that these accused persons we are trying
29 here are presumed innocent until the contrary is proved.

1 So it is on that basis that we are conducting these
2 trials and I would like it to be understood and to be
3 perceived by everybody that this is the basis on which we
4 are proceeding; that we are here to uphold the rule of
5 law in all circumstances and to the best of our ability.
6 We, of course, cannot do that alone as a Bench. We rely
7 on counsel on both sides to edify the Bench and to assist
8 us in arriving at the decisions which would not
9 necessarily please everybody, but which at least will
10 reflect some considerations of the rule of law. Thank
11 you very much. I hope the accused persons -- Mr Kallon,
12 how are you doing? Mr Sesay, how are you doing?

13 THE ACCUSED SESAY: I'm okay, sir.

14 PRESIDING JUDGE: You are fine. Mr Kallon, how are you doing?

15 THE ACCUSED KALLON: I'm okay, sir.

16 PRESIDING JUDGE: You are okay?

17 THE ACCUSED KALLON: Fine.

18 PRESIDING JUDGE: Good. Okay. Well, we shall proceed with
19 the trial. I am sure you sorted out most contentious
20 issues yesterday during the status conference and that we
21 should be able to -- I am sorry, on Friday and that we
22 should be able to proceed normally without any road
23 blocks.

24 Yes.

25 MR TOURAY: [Microphone not activated]

26 PRESIDING JUDGE: Yes, first of all we would all like to
27 have -- it is taking us some time. We would like to
28 re-register the appearances of the parties, please. For
29 the first accused?

1 MR JORDASH: For the first accused, Wayne Jordash and Sareta
2 Ashraph.
3 PRESIDING JUDGE: For the second accused?
4 MR TOURAY: Shekou Touray, with me is Melron Nicol-Wilson for
5 the second accused.
6 PRESIDING JUDGE: All right. And for the third?
7 MR CAMMEGH: John Cammegh for Augustine Gbao.
8 MR SANTORA: For the Prosecution, Christopher Santora with
9 Peter Harrison and Lesley Taylor.
10 PRESIDING JUDGE: Mr?
11 MR SANTORA: Santora.
12 JUDGE THOMPSON: Santora, yes. Okay. Good, thank you.
13 Yes --
14 MR TOURAY: Your Honour, I was not at the status conference,
15 but I sent my co-counsel and I understand there was an
16 intention on the part of the Prosecution to waive the
17 protection on this witness who is about to testify. Your
18 Honour, we are not opposed to the waiver; my worry is
19 about the procedure. There is an order of this Court
20 granting protection to this witness and it is my
21 submission that only by way of a variation of this order
22 formally could this be allowed to go on. Other than
23 that, I think the procedure adopted by the Prosecution to
24 just waive unilaterally will create a very bad precedent
25 for the future, because it will mean at one point they
26 will bring a witness here and say, "Okay we are not bind;
27 we are waiving." The other one they will say, "Okay, we
28 will go by the order," and that will not be healthy for
29 the Prosecution of this case. That is my objection, Your

1 Honour.

2 PRESIDING JUDGE: The Prosecution, please.

3 MR SANTORA: Your Honour, we were intending - and I did inform
4 our colleagues - that we are intending this morning to
5 specifically request of the Chamber to waive --

6 PRESIDING JUDGE: Please, take it over again. Please go over
7 that again, please.

8 MR SANTORA: As I said earlier, we were intending this morning
9 to specifically request waiver of the protective measures
10 and I wanted to go on record based on the protective
11 order that was issued on 5 July 2004. The orders that we
12 are specifically requesting lifted are A, D, E, F and I.
13 With regards to orders B and C, we are requesting the
14 waiver for the name, but we are asking that the
15 protective measure with regards to the witness's current
16 address and whereabouts remain in effect. The protective
17 measure that this witness is under was relocation and
18 given that he has -- is willing to testify in public
19 because of that, and so we are asking for specifically
20 all of these orders to be lifted, except with regards to
21 his current address and whereabouts, and those are
22 specifically encompassed in part B and C of your order.
23 And also, in terms of further orders, he is considered a
24 category C witness and --

25 JUDGE THOMPSON: Just a minute, counsel, there is some
26 consultation going on.

27 [Trial Chamber confers]

28 Learned counsel for the Prosecution, do stand up, please.
29 If I understand the Defence complaint correctly, they are

1 not questioning the discretion of the Prosecution to come
2 and ask for a variation or waiver of the protective
3 measures that this Court granted, you know, previously.
4 The complaint, I seem to appreciate, is that the
5 methodology is flawed in that you should come formally,
6 not come informally, as you are about -- or you are doing
7 now. I think that's -- do I understand the Defence
8 position correctly?

9 MR TOURAY: [Microphone not activated]

10 JUDGE THOMPSON: Well, if that is the Defence contention, it
11 would seem to me that you should not address specifics
12 yet, but address the issue of the procedural propriety of
13 the methodology you adopted.

14 MR SANTORA: In my understanding --

15 PRESIDING JUDGE: And in fact with thought -- I thought the
16 lifting of the measures, you know, was total. Now you
17 are trying to compartmentalise the measures; some should,
18 some should not. Don't you think that it further
19 complicates the issues you seek to raise it, you know,
20 the way you are doing in court this morning?

21 MR SANTORA: Well, Your Honours, the portion that we were
22 requesting remain in effect is a very simple portion,
23 simply his current address and whereabouts. With
24 everything else we are requesting to be lifted. Now, my
25 understanding was at the status conference that we
26 informed that we were -- we informed the Chamber that we
27 were going to go ahead and do this. We did not submit
28 this in writing, but we did inform the Chamber on the
29 status conference on Friday. In terms of requesting the

1 Chamber's permission --

2 JUDGE THOMPSON: Yes, but the Chamber did not in fact discuss
3 the propriety of the issue of how to proceed. The
4 Chamber, of course, left open that question and the
5 Chamber does not question your right or your discretion
6 to come and ask for a variation of the order. It would
7 seem to me that counsel's -- the gravamen of counsel's
8 complaint is just a narrow one. Are you coming before
9 this Chamber in the proper and right way?

10 MR SANTORA: At this point we are coming to the Chamber and
11 requesting this morning that these -- that these specific
12 orders are waived. Now, whether this is done right now
13 verbally by myself, or in writing, we think it is proper
14 to ask this at this point before the witness comes out
15 and before he is brought out and so, if this is actually
16 the former, we are specifically requesting it; then we
17 want to be on record now as specifically requesting the
18 Chamber's permission.

19 JUDGE THOMPSON: Well, let me make two more short inquiries
20 before I rest on this matter. Do you have any authority
21 from the jurisprudence supporting that the method you
22 propose to adopt is, in fact, the proper method?

23 MR SANTORA: I do not have any jurisprudence at this point,
24 although I will be happy to submit some or to investigate
25 that. But I do want to know, too, that when we did have
26 the status conference and this issue was brought up, it
27 is my recollection that the Defence counsel all consented
28 to this and nobody raised any objections when the issue
29 was brought up on Friday at the status conference.

1 JUDGE THOMPSON: Well, learned counsel for the second accused
2 was not here at the status conference. Well, let me ask
3 learned counsel on the other side. Do sit down. Do you
4 have any authority for the position you now canvas?

5 MR TOURAY: Yes --

6 JUDGE THOMPSON: Any case law authority from the jurisprudence
7 that strictly when one side or the Prosecution seeks to
8 vary the protective measures, regardless of the nature of
9 the protective measures, they should always come
10 formally.

11 MR TOURAY: Your Honour, I cannot lay any authority at this
12 stage, but I will go by the rules. Rule 73 is quite
13 clear.

14 JUDGE THOMPSON: Which please read.

15 MR TOURAY: If you come for a relief before this Court, you
16 have to come formally by way of motion. 73 says motions,
17 "Subject to Rule 72, either party may move before
18 the Designated Judge or a Trial Chamber for appropriate
19 ruling or relief after the initial appearance of the
20 accused. The Designated Judge or the Trial Chamber, or a
21 Judge designated by the Trial Chamber from among its
22 members, shall rule on such motions based solely on the
23 written submissions of the parties, unless it is decided
24 to hear the parties in open Court."

25 Which means the Court has a discretion to entertain a
26 summary application at this stage, but having regard to
27 the nature of this application, and the very fact that it
28 is an order of this Court that is being sought to be
29 varied, it is my submission that the normal procedure is

1 to come by way of a formal application before the Court.

2 JUDGE THOMPSON: Well, I have heard your submission. I really
3 wanted some kind of jurisprudential authority for what
4 you are saying. Thank you very much.

5 MR TOURAY: As Your Lordship --

6 MS TAYLOR: Your Honours, if I may amplify what my learned
7 friend Mr Santora has said, there is precedent in your
8 own jurisprudence for the oral application that is being
9 made by the Prosecution this morning. On several
10 occasions during the first trial session of the RUF, the
11 Prosecution made oral application to have the protective
12 measures of certain categories of witnesses, particularly
13 category A witnesses, that is victims of sexual violence,
14 to be extended to people where it had become apparent,
15 late in the day, that those witnesses fell into that
16 category. And on, to my memory, two or three occasions
17 the Prosecution made an oral application to amend the
18 protective measures. Your Honours entertained that
19 application and you so ruled on the oral application. If
20 Your Honours are against that position today and the
21 Chamber insists on written motions in respect of this
22 matter --

23 JUDGE THOMPSON: Well, learned counsel, nobody has indicated
24 from this side that we are insisting on that. I was
25 purely making an enquiry from learned counsel on both
26 sides for my guidance, that's all. I don't think we have
27 given any indication about --

28 MS TAYLOR: Certainly, Your Honour, I was simply going to say
29 that if nothing can be waived, then the Prosecution is

1 content for the screen to come back in and for everything
2 to be done by pseudonym and not in the way that the
3 Prosecution has indicated that it thinks that it is
4 appropriate.

5 PRESIDING JUDGE: I am still coming back, you know, to --
6 Mr Jordash, are you on the same issue?

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: Are you on the same issue?

9 MR JORDASH: I would just add very shortly that --

10 PRESIDING JUDGE: Okay. On this same issue?

11 MR JORDASH: On this same issue --

12 PRESIDING JUDGE: Right. Okay.

13 MR JORDASH: -- that I agree that with my learned friend for
14 the Prosecution that it has been dealt with on an oral
15 basis in the past. My understanding of the other
16 tribunals is that it is at times dealt with orally.
17 However, subject to this caveat, that if there is a
18 qualification suggested by the Prosecution, as in this
19 case, that has to be subject to submissions from both
20 sides. So if the Prosecution's position is that they
21 should be lifted, but only to the extent that -- but
22 protecting still his current address, I would seek to
23 make submissions concerning that element of the
24 qualification.

25 PRESIDING JUDGE: Yes, indeed, the qualification, the lifting
26 of these protective measures, you know, is not -- is not
27 total from what learned counsel for the Prosecution has
28 indicated. There are still some measures which you want
29 to be put in place. How can we address this orally? I

1 mean, do we -- wouldn't you think that we should at least
2 have a very clear perspective, you know, of what measures
3 are sought to be lifted and what measures, you know, you
4 want to have in place? Orally, verbally -- well, I mean,
5 I don't know, you know, how we can really clarify our
6 records, you know, if they would proceed that way.

7 MS TAYLOR: Your Honour, the record can be made very --

8 PRESIDING JUDGE: If the application was a total lifting of
9 the measures, one would understand, you know, but my
10 worry at this stage --

11 MS TAYLOR: Your Honour, application can be made very, very
12 clear on an oral basis. The only protective measures
13 that the Prosecution seeks now in relation to this
14 witness is to protect his current address and
15 whereabouts. As my learned friends have been told - and
16 as has been said in the chamber this morning - this
17 witness, for protective reasons, has been relocated. If
18 the place where he has been relocated to becomes public,
19 then the protective measure that is involved in the
20 relocation is void. So the Prosecution application is
21 simply that everything other than his current address and
22 whereabouts happens in the public, but that there be no
23 information given as to his current address and
24 whereabouts, and my friend Mr Santora went through the
25 paragraphs in Your Honour's order that relate to that.
26 That is the basis of the Prosecution application and that
27 is as clear as I can make it, Your Honours.

28 JUDGE THOMPSON: [Microphones not activated] -- defence.

29 Mr Touray, you made this objection. What is the

1 prejudice done to your client if a witness testifies in
2 the open, considering that there is to your client an
3 entrenched right to a fair and public trial subject only
4 to the derogation for victims' and witnesses' protection?
5 In other words, what is the prejudice if this witness,
6 instead of testifying behind closed doors or screened
7 doors, testifies in public bearing the right of your
8 client to a fair public and public trial? Or doesn't it
9 related to prejudice; it is just an academic objection?

10 MR TOURAY: Your Honour, I would have been in a position to
11 answer your question effectively if I had known the
12 reasons why the Prosecution want to lift the order of
13 this Court.

14 JUDGE THOMPSON: The veil.

15 MR TOURAY: Yes, they have not given any reasons, we don't
16 know what the reasons are -- we don't know whether --

17 JUDGE THOMPSON: Well, I am, in fact -- my own contention is
18 that if the norm is to have public trials and not to have
19 trials where witnesses are screened from the public, and
20 they now say, "All right, at some point in time we wanted
21 to derogate from this norm, but now we are in fact saying
22 let's go to the norm." So what prejudice does your
23 client suffer?

24 MR TOURAY: Well, to be short, Your Honour, the prejudice is
25 merely the procedural unfairness to my client. An order
26 of this Court having been made and the Prosecution
27 seeking to waive it unilaterally on their part.

28 JUDGE THOMPSON: They are not seeking to waive it
29 unilaterally; they are asking for leave of the Court.

1 MR TOURAY: The procedure -- the proper procedure, Your
2 Honour, has not been adopted.

3 JUDGE THOMPSON: [Microphone not activated]

4 MR TOURAY: Yes. The proper procedure has not been adopted,
5 in my submission, Your Honour.

6 PRESIDING JUDGE: Yes, Mr Jordash, did you have any other --
7 on this issue or on a related issue to this one?

8 MR JORDASH: As I see it, Your Honour, there are two issues
9 before the court: One, whether the correct procedure has
10 been followed or is being followed; and two, the
11 substance of the application and whether the Prosecution
12 have laid the right foundation to establish that his
13 current address and whereabouts should remain hidden. My
14 submission, in short, will be that I have no interest in
15 disclosing his specific address. However, in line with
16 every other witness who has come to this Court thus far,
17 I would submit that his country whereabouts is
18 disclosable.

19 I would also add that there are -- there is a very
20 easy way in which his country whereabouts could be
21 discovered, because this is a witness who has given talks
22 in public in the country - I am presuming this - but in
23 the country of his present address.

24 JUDGE THOMPSON: You know this as a matter of fact?

25 MR JORDASH: Well, I am trying not to disclose anything at
26 this stage.

27 JUDGE THOMPSON: Well, no, I am not pressing you to do that.

28 MR JORDASH: But my application simply is this: that the
29 Prosecution's application is not opposed, except that I

1 would submit his country, his present location, should be
2 disclosed.

3 PRESIDING JUDGE: You are saying that his present location in
4 this country should be disclosed?

5 MR JORDASH: I am saying that he has been relocated to a
6 country. A very cursory research project revealed that
7 country to the Sesay team. It is there in the public
8 domain already as a result of this particular witness
9 giving public talks. My submission, therefore, is that
10 whilst he should have his exact address protected he
11 should not have the country of his whereabouts protected
12 unless and until the Prosecution establish the basis for
13 that.

14 JUDGE BOUTET: I want to make sure I hear -- I understand
15 clearly what you are saying. You seem to have varied
16 your objection now. What you are objecting to is that if
17 the Court agrees with the application that the country
18 where that person may be residing now be disclosed, but
19 you are not objecting to the specific address of this
20 particular witness. In other words, your position is,
21 his actual country of residence is well-known publicly
22 and, therefore, there is no reason to justify not to
23 disclose that today, but you have no objection that his
24 specific address not be disclosed? Do I understand?

25 MR JORDASH: Your Honour understands me correctly, except that
26 the reasons for why his country whereabouts should be
27 disclosed, it is not simply that he has made it public
28 himself, but also that the Prosecution have not as yet
29 established the basis for --

1 JUDGE BOUTET: You are not objecting that the address --
2 specific location, is not --

3 MR JORDASH: No, no objection to that.

4 JUDGE BOUTET: Okay. Thank you.

5 PRESIDING JUDGE: Mr Cammegh, yes.

6 MR CAMMEGH: Your Honours --

7 PRESIDING JUDGE: Don't start with a cough. It doesn't
8 reassure us here.

9 MR CAMMEGH: I will try to improve.

10 PRESIDING JUDGE: Right, I am sure it was a lot of cold air
11 from the plane.

12 MR CAMMEGH: Your Honour is -- must be psychic, because that
13 is exactly what it was. Since nobody from the Gbao team
14 was able to attend the status conference, I ought to put
15 on record our position.

16 First of all, our position is that for this matter
17 to be dealt with orally would be sufficient for the
18 reasons that Mr Jordash has just enunciated.

19 Secondly, I agree with Mr Jordash in terms of the
20 substance; that is to say, that we are quite satisfied
21 that the precise details of this witness's whereabouts
22 should not be disclosed. That is perfectly fine with us.
23 But for the same reasons as just enunciated by
24 Mr Jordash, we feel that it is right and proper for the
25 country where this man is now residing to be disclosed.
26 And I echo the point that Mr Jordash has made in terms of
27 the reality and practicality of this situation. Just a
28 cursory investigation with modern techniques would reveal
29 the whereabouts of this man, that is to say, the country.

1 And I am sure Your Honours know what I am referring to.

2 So on those grounds, I agree entirely with

3 Mr Jordash and I hope that this is not a matter that is

4 going to waylay the Court for very much longer.

5 JUDGE THOMPSON: May we hear the short reply from the

6 Prosecution?

7 MS TAYLOR: Your Honour, the wonders of modern search

8 techniques don't prevent leaps in logic, I am afraid.

9 What may or may not be revealed as a public lecture in a

10 certain country does not mean that the person is resident

11 in the country in which a public lecture was given. So I

12 disagree, respectfully, with my learned friends as to

13 what may or may not already be in the public domain about

14 the country where this man is resident.

15 This man was relocated because of ongoing protective

16 concerns that are real and concern a number of the

17 indictees before this Court, both in this courtroom and

18 not in this courtroom at the moment. I am not in a

19 position to give oral evidence about those protective

20 concerns. If that was thought necessary to do so, other

21 than what I am telling Your Honours now, then that can be

22 provided in written form on affidavit from a person who

23 is in a position to give evidence as to the issues of

24 protection in terms of the residence, even to the

25 country, of this particular witness. The Prosecution

26 position is that there is no reason why the country where

27 this man is now resident needs to be disclosed. The fact

28 of his relocation is known. It makes no difference to

29 any matter in this Court or to any matter about which he

1 will give evidence for anyone in this courtroom to know
2 in which country he now resides. And on that basis the
3 Prosecution asks in its application to vary the current
4 protective orders, that everything be lifted, except for
5 this specific address where he is residing, which my
6 learned friends have conceded, but also the country where
7 he is now residing, because there is nothing that has
8 been said that has revealed that this man has -- it's
9 available in public domain where he is resident. It
10 might be available in the public domain where he has
11 spoken, but not the country in which he is residing. As
12 Your Honours please.

13 JUDGE THOMPSON: Thank you.

14 MR JORDASH: Your Honours, it might --

15 JUDGE THOMPSON: [Microphone not activated] leave?

16 MR JORDASH: With your leave, Your Honours.

17 JUDGE THOMPSON: Short response.

18 MR JORDASH: Well, Your Honours, it might be better for a
19 resolution of this issue if we moved into closed session,
20 because there are submissions I would like to make about
21 what my learned friend has just said, which necessarily
22 involve discussing the country which we say he is
23 presently residing in, because the leap of logic, which
24 my learned friend refers to, is no leap whatsoever. It
25 is a very small step and a very small step would reveal
26 the whereabouts of this person to any concerned person in
27 the public gallery.

28 On that basis and on several other bases, I would
29 invite Your Honours to go into the closed session so I

1 can develop these submissions to make my points.

2 [Trial Chamber confers]

3 JUDGE THOMPSON: Learned counsel for the Defence and learned
4 counsel for the Prosecution, we had tried on this side to
5 keep the issues separate, but now it seems as if we are
6 joining procedural objection to the merits of this
7 application, and it would seem to keep the two separate
8 first, because I didn't hear Defence conceding, except
9 for Mr Jordash and Mr Cammegh, that perhaps it is all
10 right if we hear this informally, as distinct from a
11 formal motion.

12 I am not sure whether learned counsel for the third
13 accused -- for the second accused, Mr Touray, has
14 reviewed his position because you are insisting that
15 hearing it informally is tantamount to a procedural
16 irregularity. I didn't hear you shift ground on that
17 issue.

18 MR TOURAY: Your Honour, I have not shifted my ground and I
19 still maintain my ground.

20 JUDGE THOMPSON: Right. So perhaps two options, either we
21 keep the two issues separate and distinct, the procedural
22 position that you are taking and the merits, or we join
23 the procedural with the merits. And perhaps my learned
24 brothers and I will have to determine that in a brief
25 consultation as we go away.

26 MR TOURAY: As Your Honour pleases.

27 PRESIDING JUDGE: The Chamber will rise for five minutes,
28 please. The Court rises.

29 [Break taken at 10.27 a.m.]

1 [On resuming at 10.40 a.m.]

2 PRESIDING JUDGE: We are resuming the session. Learned
3 counsel, the ruling of the Chamber on this issue will be
4 delivered by the Honourable Judge Bankole Thompson.

5 [Ruling]

6 JUDGE THOMPSON: This is the brief ruling of the Chamber.

7 One, that the Chamber is of the view that it is properly
8 seized of the application by the Prosecution pursuant to
9 Rule 73 of the Rules and rules accordingly.

10 Two, as to the merits of the application, the
11 Chamber rules that the protective measures in relation to
12 the address of the witness and the country of relocation
13 will remain in force.

14 PRESIDING JUDGE: Thank you. Yes, Mr Jordash. Yes, please.

15 MR JORDASH: It might be my confusion, but my understanding
16 was Your Honours were about to rule on whether you had
17 the jurisdiction to hear the application orally. Before
18 Your Honours retired, I invited Your Honours to listen to
19 further submissions as to why, in our submission, the
20 country should be disclosed and I understood Your Honours
21 would come back into court and hear those submissions,
22 because I do have a great deal I would like to say on
23 this subject.

24 PRESIDING JUDGE: Well, Mr Jordash, we did not ignore that
25 aspect of your application, but we did not think that it
26 has come at the right moment. We are preoccupied with
27 moving ahead with these proceedings for now, and if there
28 is a proper application that in the course of the
29 proceedings for a closed session, the Chamber will

1 examine it. So we have decided, you know, to adjourn the
2 two issues, because they were in fact argued, you know,
3 jointly by both parties, and I think that we could move
4 from here. But if there is an application for a joint --
5 for a closed session at any time in the course of the
6 proceedings, the Court will examine the merits and we
7 will proceed accordingly.

8 MR JORDASH: I just want to be as clear as I can be, Your
9 Honour, that the closed session was in order to make
10 submissions.

11 PRESIDING JUDGE: I know. We know -- we know --

12 JUDGE THOMPSON: In fact we agreed --

13 PRESIDING JUDGE: We know --

14 JUDGE THOMPSON: We took that into consideration. We, in
15 fact, have decided at this point in time to join the
16 procedural question of the methodology and the merits.
17 We have already heard sufficient arguments in terms of
18 the merits. I think we have enough material before us
19 to, in fact, make the ruling that we have just read, and
20 even if we had extensive submissions expanding on what we
21 have heard this morning, our position would remain the
22 same.

23 MR JORDASH: With all due respect, Your Honour, I had not made
24 certain submissions. I had not outlined those
25 submissions and Your Honours do not know what those
26 submissions would have been. But I leave it at that.

27 JUDGE THOMPSON: [Microphone not activated] -- we want to make
28 it quite clear from now on we need to remind you that
29 once we have given a decision, we are not prepared to

1 revisit the decision on any issue and that these matters
2 are clearly subject to appeal.

3 PRESIDING JUDGE: Yes, can the Prosecution call the witness,
4 please? This will be your 13th witness, I suppose.

5 MR SANTORA: Yes, Your Honour, it would appear to be.

6 PRESIDING JUDGE: Yes, Mr Jordash.

7 MR JORDASH: There is an issue in relation to this witness
8 which I would like to raise.

9 PRESIDING JUDGE: Yes, please.

10 MR JORDASH: It is concerning interview notes. This witness
11 has been interviewed on a number of occasions and what
12 the Defence are seeking -- five items arising from those
13 interviews.

14 The first is a tape recording, which is referred to
15 by this witness when he was interviewed by Mr White on
16 the 9th and 10th April. At page 84 of that interview --

17 JUDGE THOMPSON: Which year is that? 9th or 10th?

18 MR JORDASH: I beg your pardon, of 2003.

19 JUDGE THOMPSON: Yes.

20 MR JORDASH: And in that interview at page 84 --

21 PRESIDING JUDGE: [Microphone not activated] -- the 8th and
22 the 9th of --

23 JUDGE THOMPSON: The 9th and 10th --

24 PRESIDING JUDGE: The 9th and 10th.

25 JUDGE THOMPSON: 2003.

26 MR JORDASH: He is interviewed by Mr White.

27 JUDGE THOMPSON: Yes.

28 MR JORDASH: At page 83 Mr Tarnue refers to a tape recording
29 which he has given to Mr White. The tape recording, to

1 put it into context on page 82, appears to relate to some
2 type of planning to destabilise West Africa; planning,
3 which is alleged by Mr Tarnue, to have taken place at the
4 White Flower; planning to have Foday Sankoh elected
5 through bogus elections; and, apparently, on page --
6 well, apparently, according to Mr Tarnue, there is
7 something of relevance to that discussion on tape given
8 to Mr White, that is at page 83.

9 JUDGE BOUTET: What is the page of the statement you are -- I
10 know you are talking of 83, but what is the number at the
11 top of that?

12 JUDGE THOMPSON: Yes, you referred to two statements, learned
13 counsel. One for the 9th --

14 MR JORDASH: I beg your --

15 JUDGE THOMPSON: One for the 9th and one of the 10th. So if
16 you -- could you be a little more specific?

17 MR JORDASH: The two interviews have been put together and --

18 JUDGE THOMPSON: As one.

19 MR JORDASH: -- as a sequential -- as one.

20 JUDGE THOMPSON: I see. Yes, quite.

21 MR JORDASH: So page 82, discussion --

22 JUDGE BOUTET: I know in the document there is a number.

23 MR JORDASH: The line number.

24 JUDGE BOUTET: At the top of the page of each of these pages
25 there is a number.

26 MR JORDASH: 82 and 83.

27 JUDGE THOMPSON: 82 and 83.

28 MR JORDASH: It is at the front of the document --

29 JUDGE BOUTET: I am talking of 8209, at the top of those --

1 your pages there must be a hand-written number. That is
2 what I mean.

3 JUDGE THOMPSON: In other words, these -- these --

4 JUDGE BOUTET: So I can find it in my papers.

5 MR JORDASH: There isn't [inaudible].

6 JUDGE THOMPSON: These notes sometimes have a double
7 numbering. Rather confusing it is true. But --

8 MR JORDASH: Mine don't, I am afraid.

9 JUDGE BOUTET: Okay, I have. I am fine. Okay. Thanks.

10 MR JORDASH: That is a tape which, on the face of it, has
11 evidence which is relevant to Mr Tarnue's assertions and
12 in our submission is disclosable.

13 JUDGE THOMPSON: Yes. What about item two now?

14 MR JORDASH: Item two at the same interview, page 129.

15 Mr Tarnue refers to the top of the page, paragraphs 2 to
16 5, "All these stories I am telling you concerning his
17 connection with Benjamin Yeaten, with Sankoh and what
18 have you, they were all explained after we met when I
19 surrender."

20 As far as I can see, looking through the interviews
21 disclosed, there is nothing arising from those
22 conversations when Mr Tarnue surrendered which has been
23 disclosed to the Defence, and we would respectfully
24 submit, that any notes which were made by Mr White at the
25 point of surrender be disclosed to the Defence.

26 JUDGE THOMPSON: In other words, interview notes?

27 MR JORDASH: Yes.

28 PRESIDING JUDGE: I would not call them interview notes.

29 JUDGE THOMPSON: I am not sure.

1 PRESIDING JUDGE: I wouldn't call them interview notes.
2 JUDGE BOUTET: I am not sure I follow you. I am looking at
3 page 129 --
4 JUDGE THOMPSON: 129, Yes.
5 JUDGE BOUTET: I am not sure that I follow your reasoning on
6 this particular one. Could you expand on that, please?
7 MR JORDASH: Mr Tarnue appears to be saying to Mr White that
8 the stories that he is detailing in the proceeding pages
9 concerning -- I think that the role of -- the alleged
10 role of Mr Taylor and Mr Yeaten in the execution of
11 various people, and Mr Tarnue appears to be saying,
12 "Well, I have already discussed these stories with you.
13 I have already given you this evidence in one form or
14 another."
15 JUDGE BOUTET: So the words "when we met" meaning between
16 Tarnue and White?
17 MR JORDASH: Yes.
18 JUDGE BOUTET: Okay.
19 MR JORDASH: "When I surrender."
20 JUDGE BOUTET: I am just trying to make sure that I follow
21 your submission here. Thank you.
22 MR JORDASH: And it would -- no, I don't know of course
23 whether --
24 JUDGE THOMPSON: In other words, you are looking for a record
25 of that conversation alleged there at page 129.
26 MR JORDASH: Indeed.
27 JUDGE THOMPSON: All right. What is item three, if there is
28 any?
29 MR JORDASH: I think I might have said five points, but there

1 are four things I am seeking. I beg your pardon.

2 JUDGE THOMPSON: Right, well let us have the third now.

3 MR JORDASH: The third is the additional evidence served
4 upon -- relates to the additional evidence served on the
5 Defence. It is a statement and a supplemental statement
6 by Mr Tarnue dated 23rd July 2004. And the fourth item I
7 am seeking is along the same lines, but relates to a
8 supplemental statement served on 29th September 2004.

9 JUDGE THOMPSON: Who is the alleged author of that statement?

10 Or is that not disclosable?

11 MR JORDASH: Well, the 23rd of --

12 JUDGE THOMPSON: The one for the 29th.

13 MR JORDASH: The one for 29th was an interview by Mr Santora
14 of Mr Tarnue in Freetown.

15 JUDGE THOMPSON: I see. Right.

16 MR JORDASH: And the 23rd of July, again Mr Santora and
17 Mr Tejan-Cole again an interview in Freetown. And what
18 the Defence would seek -- well, before I say this, Your
19 Honours will see from those statements they are or
20 purport to be summaries of what Mr Tarnue said on those
21 occasions. So Your Honours can see from the 29th, when
22 asked to provide further details on the shipments,
23 referring to alleged arms shipments, the witness stated
24 and then we have paragraph 1 and paragraph 2. The 23rd
25 of July statement follows a similar format, and our
26 respectful submission would be that the procedure
27 followed appears to be that the persons interviewing
28 speak to Mr Tarnue. There is an interview of some sort.
29 Notes are made which are then typed up to into these

1 typed statements. And our respectful submission would be
2 that those notes, whether typed or hand-written, which
3 preceded these disclosed statements, ought to be
4 disclosed to the Defence.

5 I should say in relation to this application, I
6 don't wish to hold up the examination-in-chief, but
7 certainly I would not want to cross-examine this witness
8 without having either the notes disclosed, or the
9 material disclosed, or an explanation from the
10 Prosecution as to the whereabouts of those notes, or
11 material requested by the Defence. Those are my
12 respectful submissions.

13 PRESIDING JUDGE: Yes, Mr Jordash, on your third point you
14 appear to be saying that if the statement you have gives
15 you the impression that it is summary, there must have
16 been some interview notes which were written or typed
17 which would be complementary to what you consider
18 incomplete or so.

19 MR JORDASH: Yes, with your -- Sorry.

20 PRESIDING JUDGE: Yes, the statement you consider to be
21 incomplete. You are not saying with any certainty, you
22 know, that interview notes must have been -- is it
23 revealed anywhere in that statement that interview notes
24 were taken?

25 MR JORDASH: It is not, but the alternative, I would submit --
26 and if the Prosecution say there are no notes, then I
27 will accept that --

28 PRESIDING JUDGE: It's just a question, you know, because we
29 have had to address this issue, you know, elsewhere.

1 MR JORDASH: Certainly.

2 PRESIDING JUDGE: And I just felt you might have some data
3 somewhere where Mr Tarnue must have stated, you know,
4 that interview notes were taken.

5 MR JORDASH: No, there is nothing like that, but the
6 alternative -- the reason I came to the conclusion that
7 there must be notes is because the alternative procedure,
8 in the absence of notes, is for Mr Tarnue to be
9 interviewed, for the interviewer to sit there
10 recalling -- remembering everything that Mr Tarnue has
11 said and once Mr Tarnue leaves, sits down and types the
12 statement. That is a feat of memory which I couldn't
13 certainly carry out.

14 JUDGE THOMPSON: Briefly, any case law authority of this
15 Tribunal to support your request?

16 MR JORDASH: I have been desperately trying to get Your
17 Honour's ruling from Friday.

18 JUDGE THOMPSON: All right. I asked that question out of
19 curiosity. I will -- perhaps we should hear the
20 Prosecution. Learned counsel on the other side, are they
21 associating? Is this matter of interest to Mr Cammegh?

22 MR CAMMEGH: Well, Your Honour, procedurally it must be right,
23 in my submission, and if such documents and material
24 exist, it is only right that we should be served it. So
25 yes --

26 JUDGE THOMPSON: In other words, you are making a similar
27 request.

28 MR CAMMEGH: Yes, I -- I concur.

29 JUDGE THOMPSON: And adopting your colleague's submissions.

1 MR CAMMEGH: Exactly.

2 JUDGE THOMPSON: All right. What about learned counsel for
3 the second accused?

4 MR TOURAY: Yes, Your Honour. We would perhaps limit it to an
5 inspection, that they be available for inspection.

6 JUDGE THOMPSON: So your position would be for inspection.

7 MR TOURAY: Yes, [overlapping microphones].

8 JUDGE THOMPSON: Not disclosure.

9 MR TOURAY: [Overlapping microphones] yes, pursuant to Rule
10 66, yes.

11 JUDGE THOMPSON: All right. So that is all. Learned counsel.

12 MR NICOL-WILSON: Your Honour, I am With Mr Touray for the
13 second accused.

14 JUDGE THOMPSON: Okay. So you are on the same wavelength.
15 Right. Prosecution?

16 MR HARRISON: If I could respond first to the first two
17 matters that were raised by my friend Mr Jordash. I
18 think it was actually two groups of applications.

19 JUDGE THOMPSON: Yes.

20 MR HARRISON: I think the first one could be dealt with rather
21 briefly. A search was conducted for all information,
22 documents or related matters, with respect to this
23 potential witness. Nothing, in addition to what has
24 already been disclosed, is known to the Prosecution. The
25 caveat is that a specific request for a tape recording in
26 a particular -- that referred to at page 83 was never
27 issued from the Prosecution. What I can say to the Court
28 is such a request for that particular tape that is
29 referred to at page 83 of the transcript will be made.

1 With respect to the second reference, which is one
2 at page 129, I think that that is a request for a note.
3 It may, in fact, be extended to be a request to a note or
4 a recording of some kind, but at any rate, we will take
5 it as a request for some sort of record, written or
6 otherwise, of an interview, and such a request would be
7 made. But again, we had made a global request for all
8 documents, recordings related to this witness and none
9 has been produced so far.

10 If I could just point out though, just for some --
11 it may clarify Mr Jordash's request, it may not. It
12 certainly appears from reading at the bottom of 128 and
13 then continuing on to 129 of the transcript, that what
14 had in fact happened was that there was a surrender to
15 Charles Taylor in June of 1990, and it may in fact be
16 that surrender that has been referred to on page 129, and
17 it may be notes not in the possession of Prosecution or a
18 prosecution investigator; it may be a completely
19 unrelated meeting.

20 With respect to the third and fourth request, I
21 would ask the Court to reflect on this a moment before
22 proceeding. This is a matter of some note. I think the
23 Court has turned their mind to an issue similar to this
24 on Friday in the other trial that is before this Court.
25 My understanding is that it comes out of a somewhat
26 different context. The notes, or the statement that has
27 been referred to, and the individual involved in
28 recording of that note is a lawyer. Now, issues that
29 have to do with privilege, and in the international

1 criminal context that may not be as adequately resolved
2 as one would expect and it may not be as clear as what it
3 is in certain national jurisdictions.

4 [HS041004B 10.55 a.m.]

09:55:55 5 MR HARRIS: The notes or the statement that's being referred
6 to, and the individual involved in the recording the
7 Court is concerned with, my suggestion is that the Court
8 ask for written submissions to be submitted, which there
9 will be.

10:54:17 10 My initial point is this: A barrister in conducting
11 his duties does interview witnesses. The notes of the
12 barrister, in certain jurisdictions, are not producible.
13 It may well be the case in other jurisdictions they are,
14 but in some jurisdictions they are not. In some
10:54:43 15 jurisdictions that's referred to as a privilege, and
16 sometimes it's a subset and it's referred to as a work
17 product rule. That any work carried out in the defence
18 or the prosecution of a matter is not producible because
19 it's carried out as a lawyer on behalf of a client.

10:55:08 20 Now, I think one point that may be raised --

21 JUDGE THOMPSON: Even where it is by a lawyer in the office of
22 the prosecutor --

23 MR HARRIS: Yes.

24 PRESIDING JUDGE: -- conducting duties that have some overtones
10:55:22 25 of investigations before a prosecution.

26 MR HARRIS: And that's a vexing issue, I think, My Lord, that
27 the Court really has to turn its mind to. Is this
28 distinction, and of course it has to be a principal one,
29 between a lawyer carrying out his duties acting as a

1 lawyer and a lawyer acting as an investigator. If a
2 lawyer's acting as an investigator, it may well be that
3 different considerations are to apply. If a lawyer is
4 carrying out the normal duties of a solicitor or a
10:55:55 5 barrister, then it's submitted that different principles
6 apply.

7 JUDGE THOMPSON: Then on whom does the bottom line to prove
8 whether the lawyer's acting in the capacity - that's, as
9 a lawyer or quasi interrogator? On whom does the bottom
10:56:13 10 line in terms of this privilege, which of course exists
11 in national systems, and --

12 MR HARRIS: Of course, when -- I think Your Lordship knows
13 that the answer to that is that when one is talking about
14 a privilege it's always a client's privilege. So this,
10:56:27 15 again, this makes it a somewhat more difficult issue than
16 otherwise. Cause it's not the client that's asserting
17 it. It's the prosecution that would be asserting it.

18 But I think the frank answer to your question is, it
19 may well be the case that the burden would lie on the
10:56:44 20 person asserting it, and it's very likely the case --

21 JUDGE THOMPSON: I would have thought so.

22 MR HARRIS: It's very likely the case that the only way of
23 demonstrating that is by reviewing the context of the
24 statement itself, and the context of when it was taken.

10:56:58 25 PRESIDING JUDGE: Because the gentlemen sitting there are the
26 clients to these gentlemen in front here. I wonder if a
27 witness is a client to the prosecution.

28 MR HARRIS: Yes, that's a good point.

29 PRESIDING JUDGE: Is a client of the prosecution --

1 MR HARRIS: I think --

2 PRESIDING JUDGE: -- then we have to go into the definition
3 about who a client is.

4 MR HARRIS: I think that's a fair point. And I think in a
10:57:21 5 normal trial --

6 PRESIDING JUDGE: Is it a witness who came and briefed the
7 prosecution that it should defend him, or that the
8 prosecution went to look for him because they identified
9 him as a witness.

10:57:34 10 MR HARRIS: But that's the nature of the work product rule.
11 The nature of the work product rule is that any work
12 carried out by a solicitor or a barrister, in the
13 preparation and the conduct of the case, is not
14 producible. That is along certain national
10:57:52 15 jurisdictions.

16 I'm trying to be frank with the Court in saying that
17 I do not have the comprehensive answer based upon
18 international tribunals of this issue that, to our
19 knowledge, is being raised for the first time this
10:58:06 20 morning.

21 The other point that I do wish to emphasise though
22 is that I think it's important for this Court, and
23 certainly important for the development of the law in
24 general, that the reasons that were issued on Friday
10:58:18 25 ought to be reviewed certainly by the prosecution; I
26 suspect defence may wish to review them as well with a
27 view to providing some further benefit of guidance to the
28 Court.

29 JUDGE THOMPSON: What you're suggesting that the item 3 and 4

1 may well be covered or not covered by rule 70A of the
2 Rules of the Court. Because on Friday we did make a
3 ruling on rule 70A --

4 MR HARRIS: I have not had the benefit of reviewing your
10:58:58 5 reasons.

6 JUDGE THOMPSON: -- that kind, whether we -- I think we really
7 left open the possibility that what product or privileged
8 communication may well be immune from disclosure.

9 But the question really is whether what is being
10:59:22 10 claimed is in fact a work product, you know, in the
11 context in which you have expounded your own position. I
12 take it that clearly whatever guidance will derive on
13 this will come from what obtains in national systems.
14 But I thought that rule 70A seems to want to capture the
10:59:49 15 kind of scenario which is the sum total of the national
16 systems.

17 MR HARRIS: Yes, I take your point, My Lord. But I think what
18 the issue may turn on, and what may ultimately at some
19 point in time be the difficult issue which the Court has
11:00:06 20 to grapple with, is the question of can a note taken by a
21 lawyer, in the context of the lawyer working as an
22 investigator, being disclosable. Whereas the note taken
23 by a lawyer acting as a lawyer, in our submission, would
24 clearly fall within rule 70A being an intel.

11:00:31 25 JUDGE THOMPSON: What test would you propose? Why would not a
26 functional test be applicable there and therefore resolve
27 the question one way or the other?

28 MR HARRIS: That is the test that's applied in the national
29 jurisdictions that I'm familiar with. I'm -- I'm wishing

1 to advise the Court that I do not know the test that has
2 been applied in other international tribunals.

3 JUDGE THOMPSON: Thank you.

4 JUDGE BOUTET: I do have some additional question. How is the
11:00:56 5 court to differentiate when lawyers are indeed
6 investigating and when do they move from investigating
7 and preparing for trial, per se, as such? If a lawyer's
8 been involved qua investigator as such and all of a
9 sudden puts a new hat on and is becoming the attorney in
11:01:16 10 court, how are we to know about this and where do you
11 draw the line?

12 MR HARRIS: Yes.

13 JUDGE BOUTET: And then I'm not sure if lines are drawn within
14 your organisation; I don't know how it works.

11:01:26 15 MR HARRIS: I think Your Lordship probably knows from past
16 experience that issues of privilege are some of the most
17 difficult that courts have to deal with. The test that
18 I'm familiar with as has already been interested, or
19 indicated by Mr Justice Thompson, is a functional test.

11:01:46 20 One looks at the nature of the statement that is the
21 subject of the inquiry to determine if there's anything
22 in there that is simply confirming or amplifying
23 existing information. If that's the case then it would
24 not be investigatory work. If it is a brand new
11:02:07 25 approach, a novel investigation, then one might pursue
26 the inquiry.

27 In my submission we're at a point where neither
28 should be done and we should be asked to provide with
29 some benefit as to what the law is and how it ought to

1 develop on this question.

2 PRESIDING JUDGE: And we have had submissions for the defence
3 on this issue and we've had the reply from the
4 prosecution which raises interesting -- interesting legal
11:03:37 5 issues.

6 It is the position of the Bench that there should be
7 an exchange of submissions on this issue, in particular
8 the issue which has been raised by the prosecution to
9 which the defence will of course be given the opportunity
11:04:00 10 to reply, and they would have an accelerated procedure of
11 service. You know, we'll shorten the time limits which
12 envisage under the law, in order to be able to address
13 these issues. We issued a decision on Friday, but since
14 it has come back to the table we would like annexure
11:04:24 15 submissions on this issue, and for us to make a
16 determination of how those statements should be treated.
17 Are they privileged because counsel for the defence, or
18 rather for the prosecution, is a lawyer for the witness?
19 Whatever.

11:04:52 20 It is our decision that submissions be made and we
21 will address this issue as we consider it important. We
22 don't want to dispose of it summarily, you know, on the
23 chamber here. Yes, Mr Jordash.

24 MR JORDASH: Could I just seek clarification as to whether
11:05:11 25 those submissions relate to more than just the issue of
26 this asserted privilege between the prosecution and their
27 witnesses, or does it relate to--

28 PRESIDING JUDGE: They will relate to your application, they
29 will reply, and then, you know, you will also have the

1 time, you know, to respond.

2 JUDGE THOMPSON: Yeah.

3 MR JORDASH: But my only concern is that Mr Tarnue is about to
4 give evidence. Even with an expedited procedure he's
11:05:40 5 going to be finished in several days.

6 PRESIDING JUDGE: Understand your concerns, really.

7 JUDGE THOMPSON: Yeah.

8 PRESIDING JUDGE: I understand your concerns; I do.

9 The chamber is of the opinion that it cannot, in all
11:07:59 10 fairness to the parties, proceed with
11 examination-in-chief of this particular witness today.
12 We would have to ask that the parties file their motion,
13 you know, today, so that we can ask for some expedited
14 hearing and then we'll take his evidence, you know, some
11:08:25 15 other day, when it would be convenient within the
16 session.

17 We have always said that the prosecution should have
18 a stand-by witness. I do not know if there is one, you
19 know, standing by so that we can proceed in -- we can
11:08:36 20 proceed with that witness.

21 MR HARRIS: I regret to advise the Court that there is not a
22 witness available immediately to be brought forward. A
23 suggestion that could be made to the Court is that the
24 current witness be allowed to testify in chief.

11:08:56 25 PRESIDING JUDGE: We say -- we say -- we have ruled that we
26 are not going to hear him. It is in total fairness, you
27 know, of the process. We would like to take another
28 witness. If you don't have a witness ready now, well, we
29 would have no choice but to adjourn to 2:30 in the

1 afternoon so that you can provide, you know, another
2 witness who we can proceed with.

3 MR JORDASH: I'm in no way wishing to go behind Your Honour's
4 ruling, but for my part, for Mr Sesay's defence, I have
11:09:28 5 no objection with the witness proceeding in chief. I
6 don't know what my learned friends is, but certainly I
7 wouldn't want to hold up hold proceedings.

8 PRESIDING JUDGE: When we come to examination-in-chief and we
9 come to the end of it what happens?

11:09:40 10 MR JORDASH: I hope at that stage we'll have a resolution
11 of --

12 PRESIDING JUDGE: No.

13 MR JORDASH: -- the issues.

14 PRESIDING JUDGE: I think that we have given a ruling on this.
11:09:48 15 These sort of concessions, you know, put the Tribunal,
16 you know, in a very difficult situation. We want to
17 proceed neatly. We want to proceed very neatly, please.
18 And I think we will adjourn and take the thirteenth
19 witness of the prosecution witness in the afternoon.

11:10:03 20 When we are ready to move on with this witness, after
21 we've sorted out the issues, then, you know, we would
22 have to do that. Yes --

23 MR HARRIS: I wish to indicate to court right now so that I'm
24 not having to do it this afternoon, although we will
11:10:26 25 return to the Court, the current witness was expected to
26 testify for at least two days, and the next witness is
27 not readily available and is unlikely to be for this
28 afternoon. Now, attempts will be made to try to reach
29 that second witness. But I'm wishing to indicate to the

1 Court now that I think it's unlikely that that witness
2 will be available. And, as Mr Jordash has indicated, one
3 possibility, and I accept the Court has made a ruling and
4 I will not discuss it any further if the Court doesn't
11:10:58 5 wish me to --

6 JUDGE BOUTET: However I should indicate that, as the learned
7 presiding judge has stated, that we had unequivocally
8 stated before that the prosecution shall at all times
9 have a stand-by witness. Whether your witness is in the
11:11:14 10 box for a week or two weeks you shall have a stand-by
11 witness. It is not acceptable that we have to delay
12 these proceedings simply because you have not done what
13 you're supposed to do - have a witness on stand-by - as
14 you have been directed.

11:11:28 15 MR HARRIS: I take your Lordship's comments.

16 JUDGE THOMPSON: I'd like to add also, and this to the other
17 side, that perhaps Mr Jordash could have helped us avoid
18 this situation if he had raised the issue at the status
19 conference and given us some kind of indication that this
11:11:50 20 would be the situation, and probably we should have been
21 able to address that. So let me give him a chance to
22 respond.

23 MR JORDASH: With all due respect I did raise the issue of
24 notes, and I did say that there was an issue --

11:12:05 25 JUDGE THOMPSON: But the specific package that you're now
26 requesting were not brought to the attention at the
27 status conference. You may have raised it in a general
28 way, but -- but I don't intend to press the issue, but I
29 just thought we find ourselves in a position in which we

1 have to clearly insist that our rulings and practices
2 here should be adhered to.

3 I mean, we have indicated that the prosecution
4 should always have a stand-by witness. I mean, you have
11:12:37 5 a total of 166 witnesses to call by a present reckoning,
6 and there should always be a stand-by witness. And I
7 think it'd not be fair to say that because you estimated
8 the witness might be in the witness box for two days and
9 therefore that disposes of the possibility. But I hope
11:12:59 10 we can cooperate a little more here so that we give a
11 real meaning to expedition -- commitment to expeditious
12 trial.

13 PRESIDING JUDGE: Well, this said, learned counsel, I'm afraid
14 we would have to rise and resume the session at 2:30 in
11:13:25 15 the earnest hope that the prosecution will come with an
16 alternative witness and have another one standing by.
17 The Court will rise, please.

18 [Luncheon recess taken at 11:20 a.m.]
19 [On resuming at 2.50 p.m.]

14:35:50 20 [HS041004B2]

21 PRESIDING JUDGE: Well, learned counsel, we are resuming the
22 session, and before we departed we were to take another
23 witness, if any, this afternoon. Is there any witness
24 ready for the Prosecution, for us to move ahead, outside
14:44:43 25 the witness for whom a ruling is to be given later on
26 certain issues?

27 MR JORDASH: Your Honour, could I just raise an issue relating
28 to that? Following the adjournment this morning, myself
29 and Mr Kamal met with Ms Taylor and Mr Harrison to see if

1 we could resolve the dispute between us in relation to
2 the four points I raised this morning. I'm happy to
3 report we've reached agreement on all four.

4 In relation to the tape I was seeking, it has been
14:45:33 5 located and will be served upon the Defence, I think this
6 afternoon.

7 In relation to the other conversations between
8 Mr Tarnue and Mr White, there are, it would seem, no
9 notes in existence at this stage. And any point we want
14:45:57 10 to make about that, we're happy to make in
11 cross-examination and at a later stage in submissions to
12 Your Honours.

13 In relation to the final two points, I think -- what
14 I submit, there has been agreement in relation to those
14:46:18 15 as well. In that both the Prosecution and the Defence
16 agree as to what is, or what should be, disclosed in
17 relation to those pre-statement notes, in effect
18 distinguishing between those internal documents, which we
19 do not seek, and the pre-statement notes relating to the
14:46:46 20 witness's supplemental evidence, which we do seek, to be
21 disclosed on a separate sheet of paper, separate from
22 those internal communications.

23 And, in those circumstances, the motion I raised
24 with Your Honours I no longer need to proceed with,
14:47:07 25 because I have everything -- well, I don't have
26 everything I want, but I have satisfactory answers to the
27 issues I raised. I hope Your Honours find that
28 acceptable. We have sought to cooperate as much as
29 possible and make use of the time and prevent any further

1 delay in the proceedings.

2 PRESIDING JUDGE: Thank you.

3 JUDGE THOMPSON: Learned counsel, in response to you, for the
4 records - and I hope the records will reflect this - does
14:47:53 5 your statement amount to a withdrawal of your motion this
6 morning?

7 MR JORDASH: It does.

8 JUDGE THOMPSON: The records will reflect that counsel, on the
9 basis of his representations, has decided to withdraw the
14:48:12 10 motion this morning. Does the Prosecution have any
11 response to that? In other words, we do not have before
12 us a motion by the first accused --

13 MR COTE: Very briefly, Your Honour, I would just like to
14 confirm what my colleague from the Defence has said. I
14:48:40 15 think there was some misunderstanding about the nature of
16 the document that were sought by my colleagues from the
17 Defence. And, after explanation and explaining how we
18 did work with that document, my colleagues were satisfied
19 that they received -- maybe for the future we also will
14:48:59 20 maybe change the format in which it is given. But it's
21 mainly, in my point of view and I think my colleague
22 would agree, a question of substance. And we're going to
23 adapt the format to the substance, but it remains the
24 same substance.

14:49:15 25 As far as the request of Your Honour this morning, I
26 would like you to know just for the record that we did
27 seek and have two other witnesses in case this Court
28 wanted to continue withholding the testimony of the first
29 witness. But, of course, and we discuss also little bit

1 with my colleague, we understood that on their side those
2 witnesses were planned to come much later during the
3 session, and that it may cause a problem to be able to
4 have a fair and prepared defence regarding the witnesses
14:49:47 5 that were drawn from later down and bring to this Court
6 today.

7 But you have waiting in the waiting room three other
8 witnesses, so --

9 JUDGE THOMPSON: Let me say that the Court definitely
14:49:59 10 appreciates the effort made by both sides to work out a
11 constructive solution. And, of course, this -- the
12 consequential position is that this Bench does not
13 require, since the motion has been withdrawn, any written
14 submissions from both sides on this issue, because
14:50:21 15 technically the issue is no longer of any interest to the
16 Court. Having said that, we will confer briefly on our
17 next position.

18 JUDGE BOUTET: For greater clarity of the record, I just want
19 to make sure -- I am not -- it's not for you, Mr Jordash;
14:50:46 20 this time my comment is more for your colleague for the
21 -- for accused Gbao.

22 I think he had subscribed to your application this
23 morning. So, if he has, we haven't heard from him as to
24 whether or not he follows the same position that you have
14:51:02 25 submitted at this time. So just, as I say, for clarity
26 of the record. At least, that's my recollection, that
27 was the position adopted this morning. So, for clarity
28 of the record, I would like to hear if you subscribe to
29 Mr Jordash withdrawing of his, or at least -- or do you

1 maintain the same application yourself?

2 MR CAMMEGH: Indeed, I do subscribe to it. I heard, from
3 Mr Jordash, the content of the discussion between he and
4 Ms Taylor during the lunch break, and I was satisfied
14:51:32 5 with what had come about. So I don't wish to take this
6 motion forward on behalf Gbao either.

7 JUDGE BOUTET: Thank you very much. Because I am one who has
8 commented about the Prosecution not having witnesses
9 available, I just wanted to make sure that you may have
14:51:50 10 one or two witnesses available, but if they're not here
11 available when we need them, as you know, even though
12 with good planning you may have a witness who's planned
13 to be two days in the witness box, he may be sick or
14 there might be problems.

14:52:03 15 And, therefore, given the short timeline that we
16 have available for this Court, any time loss of that
17 nature, as such, is not acceptable. It is more that --
18 along these lines, that we were remarking this morning
19 that the Prosecution should be ready to move ahead
14:52:18 20 regardless of the circumstances. Thank you very much.

21 PRESIDING JUDGE: Learned counsel, we will be taking the
22 evidence of the witness who was to be called this
23 morning. And this is, of course, on the understanding
24 that we have granted Mr Jordash his application to
14:53:00 25 withdraw his motion. And this application has been
26 supported by Mr Cammegh, who supported this motion in the
27 morning, and we would like to have that very, very clear
28 on the record.

29 And, in so grant -- making this order, we would like

1 to compliment both counsel for the Prosecution and the
2 Defence for the cooperation which manifested in arriving
3 at an agreement on an issue that should have taken us a
4 couple of days to resolve after receiving your written
14:53:39 5 submissions. So I think this goes to buttress our
6 objectives, you know, of expeditiousness, and to ensure
7 that we move quite fast, but surely, to the right
8 direction.

9 So we shall proceed with hearing this witness. We
14:54:01 10 shall remove this curtain here, because this witness is
11 going to be protected partially, and we -- I don't know
12 who can -- would lift this out. Do we have someone
13 behind there, please? Okay.

14 And, for the Prosecution, please, since this is a
14:54:36 15 lengthy witness, I think if you have three more witnesses
16 waiting there, two can go and one may wait. Instead of
17 all of them, you know, waiting there. Please. We'll
18 take this and then one should be in waiting, in
19 accordance with the wishes, you know, expressed by this
14:54:57 20 Chamber. Thank you very much.

21 Can the Prosecution call this witness, please?

22 MR SANTORA: Your Honour, at this time the Prosecution will
23 call -- what was formerly his pseudonym was TF1-139.

24 PRESIDING JUDGE: And that is your thirteenth witness?

14:56:51 25 MR SANTORA: Yes, Your Honour. And from this point on I will
26 refer to him by his name. The Prosecution now calls
27 General John Tarnue.

28 PRESIDING JUDGE: Calls?

29 MR SANTORA: General John Tarnue, T-A-R-N-U-E.

1 PRESIDING JUDGE: Yes, can he -- can he come in, please?
2 [The witness entered court]
3 WITNESS: GENERAL JOHN TARNUE sworn
4 PRESIDING JUDGE: I hope --
14:57:41 5 JUDGE THOMPSON: Mr Santora, go ahead.
6 PRESIDING JUDGE: I hope we'll be able to break the record by
7 taking more than 12 witnesses this time -- during this
8 session. I hope so --
9 MR SANTORA: I hope so, too, Your Honour. Not today, but --
14:58:49 10 PRESIDING JUDGE: I said I hope so on both sides; not only on
11 your side. I'm looking at -- I had my eyes, you know,
12 turned on both sides, so -- we took 12 during the first
13 session, and we should take about 14 this time; why not?
14 Let's get ahead, though.
14:59:03 15 EXAMINED BY MR SANTORA:
16 MR SANTORA: Thank you, Your Honour.
17 Q. Can you, please, state your name for the record?
18 A. My name is Brigadier General John S Tarnue, former
19 Commander General of the Armed Forces of Liberia.
14:59:23 20 Q. General, I'm going to go ahead and ask you some
21 questions. I'd like you to listen to the question and
22 speak slowly in your response. And, if you do not
23 understand the question, let me know and I will repeat
24 the question.
14:59:36 25 A. Yes, counsellor.
26 Q. General Tarnue, can you tell the Court where you were
27 born?
28 A. I was born in Konia Town, Lofa County, Zorzor District,
29 Liberia. I speak Lorma, traditionally; generally I speak

1 English. I am married with nine children and six adopted
2 ones.

3 Q. General, can you tell the Court what year you were born?
4 A. I was born December 18, 1954.

15:00:24 5 Q. General Tarnue, have you ever been to school?
6 A. Yes, I started my elementary school in Mount Barclay, and
7 later on I continue at the Government Junior High School.
8 I also went to the Booker Washington Institute, and,
9 finally, to the College of West Africa.

15:00:47 10 Q. And after you completed your first schooling, your
11 elementary schooling, what did you do?
12 A. Well, when I completed my elementary at the junior high,
13 in pursuit of my education, since my parents were not
14 financially equipped, I decided to join the military;
15:01:08 15 1971 at the age of 16.
16 Q. Specifically, what branch of the military did you join?
17 A. Pardon me?
18 Q. Specifically, what -- what branch of the military did you
19 join?

15:01:22 20 A. I joined the -- the army. And I went through my 9 months
21 of basic combat/NCO leadership course training at the
22 Tubman Military Academy in Camp Todee, Liberia.

23 Q. And after you finished your 9 months of basic military
24 training, what was your rank?

15:01:44 25 A. When I completed my 9 months of basic military and NCO
26 leadership course, I was then considered to be Private.
27 But because of the outstanding performance, I along with
28 three other persons were selected to become an assistant
29 instructor to the Special Forces taken from Fort Bragg to

1 train us.

2 Q. And when you say "the Special Forces" from Fort Bragg,
3 what exactly do you mean?

4 A. What I mean is Special Forces -- US trained Special
15:02:19 5 Forces that came from Fort Bragg, North Carolina. They
6 were instructors assigned directly with the US military
7 missions in Liberia.

8 Q. Now, I'd like you to tell the Court briefly about your
9 military experience with the Armed Forces of Liberia up
15:02:41 10 until 1990?

11 A. Quite frankly, when I joined the military in '71, based
12 on my outstanding performances I was selected to serve as
13 an assistant instructor --

14 PRESIDING JUDGE: Mr Witness --

15:02:54 15 THE WITNESS: -- at the Tubman Military Academy.

16 PRESIDING JUDGE: Mr Witness, please.

17 THE WITNESS: Sir?

18 PRESIDING JUDGE: Yes, General, we -- we would like you to
19 proceed slowly, please.

15:03:05 20 THE WITNESS: Oh, I'm sorry, Your Honour, sir.

21 PRESIDING JUDGE: [Overlapping microphones] -- know what you
22 are saying is being --

23 THE WITNESS: I'm sorry.

24 PRESIDING JUDGE: -- is being recorded.

15:03:07 25 THE WITNESS: I'm very sorry, sir.

26 PRESIDING JUDGE: No, no, no, that's all right, that's okay.

27 THE WITNESS: Well, I said that when I joined the military in
28 the year 1971, based on my outstanding performances, I
29 was selected, among several other recruits that

1 graduated, to serve as an assistant instructor at the
2 Tubman Military Academy from 1972 up to the end of 72.
3 In trying to pursue my education I decided to seek
4 for advance educational scholarship. And I was granted a
15:03:59 5 scholarship to attend the Booker Washington Institute.
6 That was 1973. 1973 I completed the ninth grade and got
7 promoted to the sophomore class.

8 Upon completion of that - '74 we started the
9 sophomore class - there was some little there disruption:
15:04:24 10 student riot. The student were complaining about
11 inadequate instruction of materials. And so I was on the
12 army student training program scholarship, so we never
13 participated in the strike action. But, however, the
14 Government decided to close down the institution.

15:04:42 15 And, apparently, '74 I was sent back to the Tubman
16 Military Academy again to train. So I was there '74,
17 '75; and 1976 I decided to go at the College of West
18 Africa. This time the late Edwin Harmon granted me
19 scholarship again. At that time I was already in the
15:05:07 20 tenth grade. '76, '77, '78 I graduated from the College
21 of West Africa. And then 1971 -- I mean, '79, excuse me,
22 sir -- I was assigned at the Defence Ministry as
23 operations sergeant in charge of planning training, in
24 the G3 Section to be specific. And--

15:05:36 25 MR SANTORA:

26 Q. Before you proceed, can you tell the Court what the G3
27 Section is?

28 A. Well, G3 Section in the military has to do with training,
29 planning and operations of any military organisation in

1 the world. And so I was there and decided to propose --
2 because my few years of service in the army, I realised
3 that most of the officers that were in the military could
4 not effectively read map.

15:06:00 5 JUDGE BOUTET: Slowly.

6 THE WITNESS: So I decided to--

7 JUDGE BOUTET: Please, please, please. Slowly, slowly.

8 THE WITNESS: I'm sorry.

9 PRESIDING JUDGE: Learned counsel, it is for you to control
15:06:10 10 your witness, please.

11 MR SANTORA: I -- I will, Your Honour.

12 Q. Okay. You said you joined the G3 office in 1979?

13 A. Yes, sir. I joined the G3 office in 1979.

14 Q. How long did you remain there?

15:06:22 15 A. Well, I remain in the G3 section for a year.

16 Q. And then what happened?

17 A. Well, getting to the middle of 1979, the late William R
18 Tolbert Junior was the chairman of the OEU conference
19 that was supposed to be held in Liberia, so --

15:06:46 20 Q. Can you tell the Court who Tolbert was?

21 A. Say that again, sir.

22 Q. Can -- can you tell the Court who William Tolbert was?
23 Who was William Tolbert?

24 A. Oh, William R Tolbert Junior was one of the presidents.
15:07:00 25 He got assassinated in the bloody coup 1980.

26 Q. Okay. Where were you when the coup in 1980 occurred?

27 A. 1980 coup I was assigned at the Booker Washington
28 Institute.

29 Q. And what's your knowledge of the 1980 coup?

1 A. Well, when I got up one morning and the radio announced
2 that there was a coup, they overthrew the President, and
3 it was headed by master sergeant, 17-men team. And so,
4 since I was on campus, definitely we have to just provide
15:07:55 5 security for the institutions and the students, and wait
6 there for the last order.

7 Q. Who was that master sergeant?

8 A. Master Sergeant Samuel K Doe.

9 Q. Can you tell the Court who Samuel K Doe was?

15:07:55 10 A. Samuel K Doe was the last president before the 1989 rebel
11 activities into Liberia.

12 Q. Okay, can you talk about your career after Doe took
13 power; briefly canvass it up until 1989?

14 A. When Doe took power, apparently I was assigned at Well
15:08:20 15 Harriston High School as ROTC instructor, because that
16 was one of my goals: To be able to encourage students
17 attending accredited high schools and university so that
18 that would be a stepping-stone towards recruiting men and
19 women into the armed forces of Liberia.

15:05:10 20 [HS041004C 3.15 p.m.]

21 Q. How long did you stay in this position for?

22 A. At Well Harriston, I was there for one year.

23 Q. And then what happened next?

24 A. And then later on I got transferred to Booker Washington
15:08:51 25 Institute, Kakata, in Margibi County.

26 Q. And how long did you remain there?

27 A. 1981, when I got my transfer, I stayed there up to 1983.
28 I was awarded scholarship by the US Military Mission to
29 proceed to Fort Benning where I did my basic and advanced

- 1 military training.
- 2 Q. Can you tell the court where Fort Benning is?
- 3 A. Fort Benning is in the State of Georgia.
- 4 Q. And how long were you at Fort Benning for?
- 15:09:22 5 A. I was in Fort Benning from 1983 up to 1984.
- 6 Q. And what did you do at Fort Benning?
- 7 A. Well, at Fort Benning I went through intensive IOBC,
8 infantry officer basic course, mortar training, Charlie.
- 9 Q. What is IOBC?
- 15:09:41 10 A. As infantry officer basic course at the US Army Infantry
11 Airborne and Ranger School.
- 12 Q. And after Fort Benning, where did you go?
- 13 A. After Fort Benning I had to go up to my follow-up
14 training, because I wanted to become an instructor so
15:09:58 15 I went to Fort Gordon, Georgia.
- 16 Q. How long did you remain in Fort Gordon for?
- 17 A. Fort Gordon, Georgia, I was there for six weeks, because
18 I had to do my advance instructor training and the
19 principles of counselling.
- 15:10:12 20 Q. And after Fort Gordon, where did you go?
- 21 A. After Fort Gordon, I had to go back home to be able to
22 practically apply my training I got from the States so
23 that I would be able to pass the knowledge on to my
24 brothers and sisters that were not able to come to the
15:10:25 25 States.
- 26 Q. Where specifically did you return to in Liberia?
- 27 A. When I got back, apparently the Ministry of Defence
28 assigned me back to the Cuttington Military Academy.
29 This time I was then promoted to the rank of second

- 1 lieutenant and assigned as tactical officer and
2 instructor at the Cuttington Military Academy.
- 3 Q. You stated that you were in the United States receiving
4 military training. What specifically was the content of
15:10:55 5 your training?
- 6 A. Well, it has to do with leadership, it has to do with
7 tactics, it has to do with command and control and the
8 proper utilisation of the chain of command and then
9 physical training as well.
- 15:11:11 10 Q. Can you tell the Court what you mean by the term "command
11 and control"?
- 12 A. When you talk about command and control, it has to do
13 with a commander being effective in controlling the
14 manpower, the resources, the management and, of course,
15:11:28 15 regulations to include the SOPs that will govern the
16 organisation to maintain a credible reputations.
- 17 Q. What is an "SOP", just to be clear?
- 18 A. It's a standing operation procedure.
- 19 Q. So after you returned to Liberia, you became an
15:11:43 20 instructor; is that correct?
- 21 A. Exactly.
- 22 Q. And how long did you remain in that position for?
- 23 A. Well, I remained in that position until the revolution
24 came.
- 15:11:54 25 Q. Okay. And where were you located when the revolution
26 came?
- 27 A. I was at the Booker Washington Institute when the
28 revolution came.
- 29 Q. Can you tell the Court what you mean when you say "the

1 revolution came"?

2 A. The revolution is the National Patriotic Front again, the
3 next morning it was like the 24th of December when
4 Charles Taylor announced that he has invaded the country
15:12:27 5 through Bopur [phon].

6 Q. Okay. Can you -- you stated National Patriotic Front?

7 A. Yeah -- NPFL is the National Patriotic Front of Liberia.

8 Q. Okay. And what was your understanding -- what was this
9 organisation?

15:12:49 10 A. Well, when we were heard the National Patriotic Front of
11 Liberia, it means there were a group of young men and
12 young women headed by Charles Taylor trying to rebel
13 against Samuel K Doe.

14 Q. At this time, did you know who Charles Taylor was?

15:13:07 15 A. No. I heard about him, of course, when he was the
16 general services director working for the Samuel Doe
17 Government and later on, through newspaper and radio,
18 I heard that he embezzled some money and flew over to the
19 United States -- that was in 1983 when they had a Nimba
15:13:33 20 raid.

21 Q. Okay. After you heard about the NPFL and the start of
22 the revolution, what happened?

23 A. Well, after I heard about the NPFL and the start of the
24 revolutions, we were on the campus and apparently --

15:13:51 25 Q. Before you go on, where were you exactly in Liberia.

26 A. At the Booker Washington Institute, as I said.

27 Q. Okay. And what happened then?

28 A. Well, I was at the Booker Washington Institute when the
29 war finally entered in Kakata.

- 1 Q. Can you explain Kakata, what that is?
- 2 A. Kakata is situated in Margibi County. It is 45 miles
3 away from the capital of Monrovia.
- 4 Q. So what happened after they entered Kakata?
- 15:14:27 5 A. When they entered Kakata, we had to find our way out,
6 because it was senseless fighting when the rebel have
7 already entered 45 miles away from the capital. So I had
8 to find my way to Harbel at Division 31 for safety.
- 9 Q. Okay. When you say "we had to find our way", what
15:14:49 10 exactly do you mean?
- 11 A. Pardon me, sir.
- 12 Q. What do you mean when you say "we had to find our way."
- 13 A. I mean that we had to retreat in a situation where, when
14 you know you cannot combat with your enemies, it is
15:15:08 15 better to retreat to be in a safety zone and later on --
16 that's military terminology -- then, of course, you can
17 reconsolidate.
- 18 Q. When you say "we", are you referring to yourself and who
19 else?
- 15:15:20 20 A. There were some other officers and sergeants to include
21 myself, because I was the head of the military science
22 department at the Booker Washington Institute and I have
23 a few NCOs directly working under my command.
- 24 Q. And at this point you were with the Armed Forces of
15:15:38 25 Liberia; is that correct?
- 26 A. Yes, counsellor.
- 27 Q. Where did you retreat to, exactly?
- 28 A. I retreated in Harbel -- to be specific, at Division
29 31 -- in Firestone.

- 1 Q. And what happened after you retreated there?
- 2 A. In Firestone, I retreated after two weeks when the rebels
3 completely captured Kakata. They asked that all former
4 AFL personnel must turn in themselves immediately, or else,
15:16:12 5 after one week, you are going to be considered an enemy
6 to the revolution.
- 7 Q. How did you hear about this?
- 8 A. Well, I heard about that, because on campus, when I was
9 instructor at the Booker Washington Institute, there were
15:16:30 10 some Gia boys who were from Nimba that joined --
- 11 Q. Before you go on, what's a Gia boy.
- 12 A. When you talk about Gia, that's one of the tribal groups
13 in Liberia in Nimba County.
- 14 Q. Okay. So you were explaining how you learned about this
15:16:47 15 request or order to come in within a week. How did you
16 actually learn about that?
- 17 A. Well, when the information was passed to me, some of the
18 [inaudible] lines kept along with me in the Firestone
19 Division area -- managed to talk with them and they went
15:17:04 20 to the house, and they were able to meet my wife.
- 21 Q. Who is "they"?
- 22 A. When I talk about "they", I'm talking about Rudolph
23 Weedor -- a few of the students -- they were civilians.
- 24 Q. And were these people that retreated with you?
- 15:17:19 25 A. These people were students, but they were at Division 31.
- 26 Q. Okay. Now, explain what you mean when you say they went
27 to see your wife?
- 28 A. Well, I wanted to surrender, and I told them whatever the
29 situation, you have to let my wife know so that the

1 commander in charge will be able to come and pick me up,
2 because I don't want to walk over myself into the bushes.
3 Q. Where was your wife at this time?
4 A. My wife was still in Kakata.
15:17:52 5 Q. Okay. So after you learned this, what happened?
6 A. Well, after they went and got my wife, of course they
7 brought her over to Division 31 where specifically I was
8 and I came out, I surrendered myself.
9 Q. Who did you surrender to exactly.
15:18:10 10 A. I surrendered to Rufus - Rufus Dolo -- he was the
11 commander for that area in Kakata.
12 Q. Rufus Dolo -- which organisation was Rufus Dolo from?
13 A. He was from the National Patriotic Front.
14 Q. Explain what happened after you surrendered to Rufus
15:18:31 15 Dolo?
16 A. After I surrendered to --
17 PRESIDING JUDGE: Let's have the spelling of that name,
18 please.
19 MR SANTORA:
15:18:37 20 Q. Can you explain Rufus?
21 A. Rufus, R-U-F-U-S, Dolo is D-O-L-O, Dolo -- Rufus Dolo.
22 PRESIDING JUDGE: And you said he was a member of the National
23 Patriotic Front.
24 THE WITNESS: Yes, a member of the National Patriotic Front,
15:18:57 25 Your Honour.
26 MR SANTORA:
27 Q. Okay. So after you surrendered to Rufus Dolo, what
28 happened.
29 A. After I surrendered to Rufus Dolo, he took me over to the

1 battlefront commander -- that's lieutenant general --
2 I mean, he was General Isaac Musa, because he
3 was four-star at the time.
4 Q. Did you say lieutenant-general or general.
15:19:17 5 A. No, he's a general.
6 Q. General and Isaac Musa.
7 A. Isaac Musa -- he was the battlefront commander.
8 Q. And he's also with the NPFL.
9 A. He is also with the NPFL.
15:19:30 10 Q. Okay. After he took you to Musa, what happened?
11 A. After he took me to Isaac Musa, and Isaac Musa decided to
12 carry me over to Charles Taylor in Gbarnga.
13 Q. Can you tell the Court where Gbarnga is?
14 A. Gbarnga is located in the central part of Monrovia.
15:19:53 15 PRESIDING JUDGE: Please, let's have the spelling of
16 Gbarnga -- is it Barnga or Gbarnga?
17 THE WITNESS: Gbarnga, G-B-A-R-N-G-A, sir.
18 PRESIDING JUDGE: Yes, please, go ahead.
19 MR SANTORA:
15:20:06 20 Q. Can you explain where Gbarnga is?
21 A. Gbarnga is in the central part of Liberia, in Bong
22 County. The capital is Gbarnga, but the name of the
23 county is Bong County, B-O-N-G -- it's Bong County. The
24 capital is Gbarnga and that was the headquarters of the
15:20:29 25 NPFL.
26 Q. Okay. After he brought you to Gbarnga, what happened?
27 A. After he brought me to Gbarnga, he took me first on the
28 porch and sent one of his aides to inform the
29 aide-de-camp that we brought one of the AFL soldiers.

- 1 Q. When you say "the porch" -- what porch?
- 2 A. I mean the front porch of the house. As soon as we
3 entered --
- 4 Q. Of whose house?
- 15:21:01 5 A. Charles Taylor's -- executive mansion, I say, because
6 wherever he lives, he calls that the executive mansion.
- 7 Q. Okay. So after they brought you to the porch of Charles
8 Taylor's house in Gbarnga, what happened?
- 9 A. When they brought me to the porch of Charles Taylor's
15:21:24 10 executive mansion in Gbarnga, they pronounced -- they
11 announced my name and they said okay, Isaac Musa escorted
12 me in the living room, and I was standing up when he
13 came --
- 14 Q. When who came?
- 15:21:40 15 A. When Charles Taylor came out of the room, and I said,
16 "Good morning, Sir."
- 17 Q. Had you ever seen Charles Taylor before?
- 18 A. Well, when he was GSA director, I did not really, you
19 know, see him frequently, but we all worked for the same
15:21:55 20 government, so once in a while, but it wasn't too
21 frequent.
- 22 Q. Okay. Can you describe what he looked like when you saw
23 him in the --
- 24 A. When I saw him, he was red -- I mean, looking
15:22:08 25 white-coloured light, and he had red head and he has
26 mustache and with light brown eyes.
- 27 Q. Okay. After he came into the living room, what happened?
- 28 A. After he came into the living room, I was standing up --
29 my two hands were at the back of -- my two hands were at

1 the back and he asked me for my name.

2 Q. What do you mean by your two hands were at the back?

3 A. Well, normally, in the military, we are accustomed to
4 sometimes resuming parade rest, so it's a sign of
15:22:45 5 courtesy when your superior officer is talking to you,
6 you have to make sure to keep your two hands at the back.

7 Q. Okay. Before you go any further, were you alone, or were
8 you brought with others?

9 A. No, when I got there, there were other people already
15:23:03 10 there, so we all went in together -- there were four
11 present plus myself made it five.

12 Q. Who were the other four people?

13 A. The other four persons were AFL personnel. I remember
14 one Captain Flomoyan, and the rest of them I didn't know
15:23:19 15 their name of course.

16 Q. Okay. So what happened after he came in?

17 A. After they carried us in, he started his investigation.
18 He started with the first person, I was the third. He
19 went to the second and then he came over to me, and so
15:23:36 20 when he got over to me I decided to give my name and told
21 him exactly the training I went through and where I was
22 assigned as an instructor, just within the process,
23 30 minutes of my interview, and then the wife started to
24 come from within the building -- I mean in the house.

15:24:00 25 Q. The wife of who?

26 A. The wife of Charles Taylor started to come from within
27 the room.

28 Q. Do you know her name?

29 A. Yeah, Agnes Reeves-Taylor.

1 PRESIDING JUDGE: What's her name?
2 THE WITNESS: Agnes, A-G-N-E-S, sir, Reeves, R-E-E-V-E-S,
3 Reeves, R-E-E-V-E-S, Reeves-Taylor.
4 MR SANTORA: Okay.
15:24:30 5 Q. After -- you said that Charles Taylor was interviewing
6 you for 30 minutes and Agnes Reeves-Taylor came out?
7 A. Right. 30 minutes into the interview Agnes Reeves came.
8 When she came in, I was standing talking and then she
9 looks and says, "Oh, Tarnue, is that you?" I said,
15:24:49 10 "Yeah, it's me," because I had grew hair and I had my
11 beard. I said, "It's me." Then Charles Taylor turned to
12 her and said, "Do you know this gentleman?" And she
13 said, "Yes, the gentleman and myself attended the college
14 of West Africa for three years and he used to help us
15:25:10 15 with our thesis, mathematics and chemistry, so he's a
16 very good man."
17 Q. So what happened after --
18 A. And at that moment, of course, she told him to, I think,
19 he can be useful. Anyway, she sat down and Charles
15:25:27 20 Taylor continued with his interview.
21 Q. Okay. And what else did he say in the interview?
22 A. Well, after she said that, he was a little relaxed, and
23 he laid back and crossed his legs and then begin to be a
24 little bit moderate. So he said, "Okay, what we'll do
15:25:44 25 Tarnue is I think from what I'm hearing it seems as
26 though you can be a contribution towards the
27 revolutions."
28 Q. And how did you respond to that?
29 A. Well, I had no choice, because other people were being

1 executed that were arrested as PoW, so definitely all
2 I had to do was "yes, sir".

3 Q. How do you know other people were being executed?

4 A. Because on our way coming, there was a series of
15:26:13 5 executions going on from AFL personnel that were
6 arrested -- in fact, while the interview was going on,
7 they brought additional people, and you could see his
8 body language --

9 Q. Whose body language?

15:26:27 10 A. Charles Taylor's body language -- he was annoyed. "Are
11 you fighting war? Why are you bringing a whole lot of
12 PoW -- prisoner of war -- because if you bring too many
13 prisoners of war, they might over-number us in Gbarnga
14 and they might begin to reconsolidate to attack, so I
15:26:47 15 don't want to see those people," and immediately they
16 took them out -- all I heard was gun sound -- I didn't
17 see whether it was those people, but I did hear the gun
18 sound while I was in there so I begin to worry.

19 Q. What happened to the other four AFL people that were with
15:27:03 20 you initially?

21 A. Of course, when they got through with my interview and
22 the rest of the other people, he called Isaac Musa and
23 gave him an instruction. "Look, I think we can use this
24 gentleman to help us with the training." So I don't know
15:27:20 25 where they took the other people, because everybody was
26 accountable for their own self.

27 Q. Okay. So after you had this interview and told Taylor,
28 "Yes, Sir," what was specifically your next position or
29 your next step?

1 A. Well, after that, then he called me back in the presence
2 of Isaac Musa and a few of the Special Forces and said,
3 "Look, I have some Special Forces from Gambia, from
4 Burkina Faso together with some Liberian Special Forces
15:27:54 5 that were trained in Libya and, since you are a very good
6 planning officer, you have to work along with them as
7 general training commander, and they will have to
8 -- because they don't speak the English too well." So
9 I say, "Yes, sir."

15:28:08 10 Q. So what was your actual title or position in the NPFL
11 then?

12 A. Well, at that time, he made me a Brigadier General and
13 then they assigned me as a training commander, since the
14 Burkina Faso personnel, those guys from Gambia, and other
15:28:26 15 places could not really speak good English.

16 Q. And where specifically were you assigned to?

17 A. Well, we had three different locations -- one was at the
18 Cuttington University College in Gbarnga, another one was
19 at the Konola training base -- that was in Margibi, and
15:28:47 20 the other one was also in -- I mean at BWI -- the Booker
21 Washington Institute. That was also in Margibi, Kakata.

22 Q. Were you assigned to any one of these in particular?

23 A. Well, quite frankly, I left one out -- the other one was
24 Camp Naama, but Camp Naama was an old artillery training
15:29:13 25 base for the AFL. Those places -- especially I was
26 assigned to Konola, because I told him in the presence of
27 the battlefront commander, I say, "As far as I know, in
28 the military you have to take -- you have to make sure
29 that you take advantage of the enemy on preparedness and

1 make sure you have reinforcement bases, move on an
2 unexpected route and strike him to where he's taken no
3 precautionary measures." So when he told him these
4 things, he said, "Well, it would be better you take your
15:29:49 5 assignment at the Konola academy, which is not too far
6 from Monrovia, because we are advancing towards the
7 capital city of Monrovia."

8 Q. Okay. What specifically did you do at Konola?

9 A. Specifically at Konola, I was there as training commander
15:30:07 10 together with the Special Forces that came from Burkina
11 Faso, Gambia and other places.

12 Q. And who were you reporting to at this time?

13 A. At that time, as training commander, I was reporting
14 directly to Charles Taylor.

15:30:26 15 Q. And who were you training?

16 A. I was training civilians that were recruited from
17 different displaced camps that were brought in, because
18 the policy of the NPFL was whenever they capture a town
19 or village, because when I surrendered in June 1990, the
15:30:49 20 policy was that, no matter who -- it can be men, women,
21 children -- they will try to have them compulsorily
22 involuntarily conscripted into the NPFL and definitely,
23 when I got there, they had one battalion of the Small
24 Boys Unit -- they called it SBU -- there were ages from
15:31:15 25 9 up to 15. They classified them to be Small Boy Unit,
26 and the girls, they classified them to be Yellow Jacket,
27 so the trainees they brought at the Konola academy, we
28 separated them.

29 Q. Were you involved in the training then of children?

1 A. Well, when they brought all of the trainees, we separated
2 them, because I believe in hard training, so what I did
3 was, we separated the big ones from the smaller ones, and
4 there was another fellow from Senegal they call Jack the
15:31:59 5 Rebel. He was in charge of training the SBUs and the
6 Yellow Jackets. So my concentration was making sure that
7 the weapon aspects, cover and concealment, the tactical
8 aspects, the physical fitness aspects of the recruits
9 were put in place and that was my responsibility.

15:32:21 10 Q. General, at this time you stated that you were reporting
11 directly to Taylor. Can you tell the Court how often you
12 interacted with Charles Taylor during this time while you
13 became the training commander?

14 A. In fact, I interacted with him almost every other week.
15:32:40 15 There was a situation where there was a growing situation
16 where the presence of other foreign nationals became a
17 problem, and definitely it became a serious problem with
18 the NPFL, because Musa knew completely that the presence
19 of these foreign nationals were going to create a
15:33:13 20 situation where, at the completion of the revolutions,
21 positions they were supposed to be having would be turned
22 over to these people, so he wasn't too comfortable --
23 they were not too comfortable with that, so with that
24 growing sentiment --

15:33:30 25 Q. Okay. Before -- I don't mean to interrupt you, but
26 I want to continue what you did -- how long did you stay
27 in this position of training commander?

28 A. Training commander, I was in this position from 1990 when
29 I surrendered in June up to the time Charles Taylor

1 became President, because we went for a series of peace
2 accords, from Lome, Yamoussoukro, Akosombo, and Abuja.
3 Q. Okay. You said "we went for a series of peace accords".
4 What specifically do you mean "we"?
15:34:03 5 A. Well, the delegates from the National Patriotic Front
6 and, of course, in 1974 [sic] Dr Machline, Honourable Kuo
7 Gbokulo, myself, together with Dr Seboe, we went over to
8 Nigeria, Abuja, to pave the way for Charles Taylor to be
9 able to go to Nigeria. So the mission was to go on a
15:34:35 10 peace initiative and consultative meeting, because after
11 Octopus there were a lot of ECOMOGs --
12 Q. Can you tell the Court what Octoput [sic] was?
13 A. Octopus is where Charles Taylor attacked the peace-keeper
14 in October, so he named that particular event --
15:34:54 15 JUDGE BOUTET: How do you spell this place that you just
16 described?
17 A. Your Honour, sir --
18 Q. The place you've just described where the attack took
19 place.
15:35:03 20 MR SANTORA:
21 Q. You said "Octoput".
22 PRESIDING JUDGE: Can you spell it?
23 THE WITNESS: Octopus -- Octopus.
24 MR SANTORA:
15:35:10 25 Q. Octopus?
26 A. Yes, Octopus, O-C-T-O-P-A-S [sic] -- Octopus. It's just
27 a name that was given within the month that the events
28 occurred, so Octopus.
29 PRESIDING JUDGE: What happened in Octopus?

- 1 THE WITNESS: In October, when the peacekeeper came, sir, it
2 was when Charles Taylor decided to attack their
3 positions, so there was a lot of fight between the NPFL
4 and ECOMOG.
- 15:35:44 5 MR SANTORA:
6 Q. What year was Octopus?
7 A. Octopus was in 1992.
8 Q. What year did you go and start working for these peace
9 accords?
- 15:35:54 10 A. That was in 1994 we decided to go out there and work out
11 the modality, because when we got there the principal
12 military staff officer to Abacha at the time, who was my
13 class mate at -- in Fort Benning, they call him Conneh
14 Gwadabe.
- 15:36:17 15 Q. Okay. How long did you work on the peace accord?
16 A. We were there for three weeks.
17 Q. Okay. After the peace accord delegation work, where did
18 you go?
19 A. After the peace accord, we came back and at that time the
15:36:30 20 training was minimising, since the peace accords were
21 signed. I came back to Gbarnga and we started working on
22 avenues to see when he's supposed to be going to Monrovia
23 to take an assignment as first vice-chairman.
24 Q. Did that happen?
- 15:36:52 25 A. Yes, it happened -- after the -- when we came back, we
26 all had to go to Nigeria, Abuja in 1995, to finally sign
27 the peace accord and then we came in August, we took him
28 to Monrovia.
29 Q. When you say "him" --

1 JUDGE BOUTET: Mr Witness, could you push your mike away from
2 you, because you're talking very close to the mike and it
3 causes some disturbances in our earphones. Thank you.

4 THE WITNESS: I'm sorry, Your Honours.

15:37:25 5 JUDGE BOUTET: That's okay.

6 THE WITNESS: Is that okay now, sir?

7 JUDGE BOUTET: That's fine, thank you.

8 THE WITNESS: I'm sorry.

9 PRESIDING JUDGE: Your voice is sufficiently audible --

15:37:33 10 I wonder if you even need a microphone anyway.

11 MR SANTORA:

12 Q. General, if you need to take a sip of water at any time,
13 too, feel free.

14 A. Thank you, sir.

15:37:46 15 Q. General, you said that --

16 PRESIDING JUDGE: He is still taking the water you asked him
17 to take, so can you allow him to sip his glass of water,
18 please?

19 MR SANTORA: Yes, your Honour, sorry.

15:38:07 20 Q. At any time, if you want to have a sip of water, it's
21 okay.

22 A. Thank you.

23 Q. When you stated that after the Abuja peace accord, which
24 was signed in 1995, they started making plans for Taylor
15:38:21 25 to come to Monrovia. When did that happen actually?

26 A. When we returned from Abuja in 1995, the deployment of
27 ECOMOG behind the National Patriotic Front line begins,
28 and at that time I was then appointed security liaison
29 between the ECOMOG and the interim government and, also,

1 the National Patriotic Front. So I had to take their
2 [inaudible] to go to Monrovia -- since the war started
3 from 1991, I surrendered -- I first started going to
4 Monrovia it was arranged, but I decided to go and got to
15:39:09 5 the ECOMOG base. The first commander was very happy at
6 that time -- Victor Malu was very happy and he said,
7 "Well, at least our soldiers are going behind the line,
8 they'll be in good hands. Thank God, you sound like
9 professional soldiers." So I say, "Rest assured, they're
15:39:30 10 going to be in good hands."

11 Q. Okay. General, at this time when you were working on the
12 peace accord and liaising with ECOMOG, what was your
13 rank?

14 A. At that time I was still Brigadier General.

15:39:41 15 Q. Okay. And in 1995 after the peace accord, where were you
16 actually living?

17 A. In 1995, after the peace accord, I was living in
18 Monrovia.

19 Q. Okay.

15:39:54 20 A. On the Old Road.

21 Q. Starting from 1995, how often did you interact with
22 Charles Taylor?

23 A. Of course I was serving to a capacity -- I was serving as
24 principal military staff officer to Charles Taylor, I was
15:40:09 25 serving as security liaison between the interim
26 government. They were having six presidencies, all the
27 factions were represented and then --

28 MR JORDASH: Sorry, to interrupt. Can the witness slow down
29 slightly? We're trying to take notes.

1 THE WITNESS: I'm sorry; I'm sorry.

2 PRESIDING JUDGE: Learned counsel for the Prosecution, can you
3 please --

4 MR SANTORA:

15:40:28 5 Q. Can you please answer that question [overlapping
6 microphones]

7 PRESIDING JUDGE: -- just go through it again.

8 THE WITNESS: Okay, I go over that, I'm sorry. After the
9 peace accord and Charles Taylor had to take an assignment
15:40:39 10 in Monrovia, I was then assigned as security liaison
11 between the ECOMOG, the peace-keeping force, and that of
12 the interim government are composed of six presidencies
13 from each of the warring factions.

14 MR SANTORA:

15:41:02 15 Q. General, during this time, how often were you interacting
16 with Charles Taylor?

17 A. It was almost every day.

18 Q. And how long did you remain in this position for?

19 A. I remained in this position until the election of Charles
15:41:20 20 Taylor to President.

21 Q. When was the election of Charles Taylor to President?

22 A. The election was held July 1998 -- 1997.

23 Q. And after the election of Charles Taylor, what was your
24 position?

15:41:34 25 A. After the election of -- the election of Charles Taylor,
26 I was still the training commander, but when he got
27 inaugurated, October -- the election was July 19 and the
28 inauguration was in October -- after the October
29 inauguration, I was then assigned as assistant chief of

1 staff G3, in charge of planning, training and operation
2 in keeping with the Abuja Accord for the restructuring of
3 the National Army of Liberia.

4 Q. What's the actual name of the National Army of Liberia at
15:42:15 5 this point?

6 A. The name of the National Army of Liberia is the Armed
7 Forces of Liberia -- AFL.

8 Q. Okay. After your appointment to the G3 office in October
9 1997, where were you living exactly?

15:42:34 10 A. I was still living on the Old Road. When I moved to town
11 in Monrovia on the Old Road, the first house I occupied,
12 it was the same house I was in on the Old Road.

13 Q. From this point, in October 1997 after you were appointed
14 to the G3 office, how often were you interacting with
15:42:57 15 Taylor?

16 A. When I was appointed G3, besides being the principal
17 military staff officer, I was still serving as a liaison,
18 because the ECOMOG were still on the ground and we had to
19 go for an assessment team and recce team to make sure
15:43:13 20 that the Abuja Accord -- a portion of the Abuja Accord
21 said that we have to restructure the national army on a
22 geographically and ethnic balances to make sure that
23 there will be no repetitions of any rebel activities.

24 Q. Okay. And can you please tell, from this point in
15:43:33 25 October of 1997, the frequency of your interaction with
26 Charles Taylor -- how many times a week or a month or --

27 A. Well, in October, it was like an obligation, because
28 everybody had now fully been disarmed, even though
29 disarmament went on, but actually insecurity of the

1 country was inconsistent, so most of the time he also was
2 afraid, because they had different factions that
3 were presidents -- we had six presidents in one
4 executive mansion. So I had to make sure to go to Kongo
15:44:15 5 Town so we could arrange the convoy, his movements, so
6 every morning, make sure they go before going to the
7 office.

8 Q. First of all, can you tell the Court what you mean by
9 Kongo Town?

15:44:23 10 A. Well, Kongo Town is where Charles Taylor got his White
11 Flower -- that his residence. From Gbarnga, where he
12 used to live, he called it the executive mansion and,
13 when we came over to Monrovia, the six presidency
14 officers were at the executive mansion. So his house,
15:44:44 15 the residence of Charles Taylor, was called "White
16 Flower" -- that's where he was staying in Kongo Town.

17 Q. You said that you used to go to Kongo Town.

18 A. Yes.

19 Q. What do you mean by this?

15:44:58 20 A. When I talk about going to Kongo Town, it means at "White
21 Flower" where Taylor live, so that the convoy can be set
22 and provide security deployment until he can get to the
23 executive mansion, because the town was not still safe
24 after so many years --

15:45:19 25 Q. How often would you go to "White Flower" at Kongo Town?

26 A. Almost every day before going to my office.

27 Q. And how often would you see Charles Taylor?

28 A. There was no limitations. As I entered the fence,
29 I would be standing out there together with the other

- 1 aide-de-camp from Gambia, Burkina Faso and Benjamin
2 Yeaten, he's SSS director, Momo Jibbah, Musa Sesay, so we
3 were all just joking until he comes out and then we set
4 the convoy.
- 15:45:53 5 Q. And aside from seeing him, would you ever meet with
6 Charles Taylor at this time?
- 7 A. Yes, we met -- we had several series of meetings and
8 sometimes he asks for security advice, so this time we
9 talk.
- 15:46:06 10 Q. Generally, what were those meetings about?
- 11 A. Well, at that time some of the meetings has to do with
12 security and some has to do with deployment when he has
13 to go to work. And there was some other different
14 meetings of course that would be held.
- 15:46:29 15 Q. And how long now -- you said you were appointed to this
16 position in October of 1997. How long did you remain in
17 this position until?
- 18 A. Well, September, after the inauguration of Charles
19 Taylor, I was appointed assistant chief of staff G3.
- 15:46:47 20 I remained in this position until 1999 when I was
21 nominated to become the commanding general of the Armed
22 Forces of Liberia.
- 23 Q. And explain that nomination.
- 24 A. Well, the nomination was based on my proposals --
- 15:47:08 25 PRESIDING JUDGE: What year was this, please.
- 26 A. Sir?
- 27 Q. What year was this, please --
- 28 A. That was in --
- 29 Q. -- when you were appointed the commanding officer of the

1 Liberian Army.

2 A. Well, when I was assistant chief of staff G3 was from
3 1997 up to 1999 and then my nominations also was in 1999,
4 but I got commissioned in 2000, January, before I began
15:47:36 5 to wear the stars.

6 MR SANTORA:

7 Q. Okay. After your promotion, what was your actual new
8 rank?

9 A. When I got my promotions from the assistant chief of
15:47:50 10 staff G3 at the time, I became a colonel, but when I got
11 my promotion after two years of service as assistant
12 chief of staff G3, I became commanding general and then
13 my promotion was one star, Brigadier --
14 Brigadier-General.

15:48:07 15 Q. And how long did you remain in the position of
16 Brigadier-General for?

17 A. Well, from 2000 up to 2002 before my departure from
18 Liberia.

19 Q. And during this time who were you reporting to?

15:48:22 20 A. Well, in keeping with the AFL chain of command, Charles
21 Taylor was the commander in chief, so we had to go --
22 I was the third man in command of the Armed Forces, we
23 had a chief of staff, a deputy chief of staff, then we
24 have the commanding general, so the order come from the
15:48:43 25 President, it goes down to the Minister of Defence. The
26 Minister of Defence sends it down to the Chief of Staff
27 and then it comes down to the commanding general and
28 I would send it down to the battalion commanders -- down,
29 down, until it gets to the elements for proper

1 implementations.

2 Q. Okay. Can you tell the Court at this time when you were
3 promoted, and you were promoted to Brigadier-General, who
4 was the first in line after Charles Taylor -- the Defence
15:49:09 5 Minister; who was that?

6 A. When I became assistant chief of staff G3, Daniel Chea
7 was the Defence Minister.

8 Q. Can you spell "Chea" for the court?

9 A. Chea is C-H-E-A, Chea -- Daniel Chea.

15:49:31 10 Q. And who was next down the line of command at this time?

11 A. The next in line of command was Kpaingbah -- that was the
12 army chief of staff, Kpaingbah, K-P-A-N-G-B-A-H [sic],
13 Konah, K-O-N-A [sic] Konah, so the first name is
14 Kpaingbah and then he was a lieutenant general.

15:50:02 15 JUDGE BOUTET:

16 Q. And what was his position?

17 A. Chief of staff of the Armed Forces of Liberia, sir.

18 Q. And we're talking here in 1999?

19 A. No, in 1999 --

15:50:17 20 Q. Sorry, it's just because the question you were asked was
21 when you were Brigadier-General what structure you had at
22 the time. So all the description you are giving now, is
23 it in 2000, or is it in 1999?

24 A. Okay, Sir. In 1999 -- from 1997 up to 1999, ending,
15:50:39 25 I was the assistant chief of staff G3 for the Armed
26 Forces, but within the end of 1999, I was nominated to
27 become the commanding general, but I was still wearing
28 the colonel rank, because I had not been commissioned.
29 So in 2000, January, I was given the commission as a

1 commanding general and brigadier-general, authorising me
2 then to use the rank.

3 Q. But when you're describing the Minister of Defence as at
4 that time -- so the Minister of Defence you have just
15:51:13 5 named was the one in 2000?

6 A. The Minister of Defence I named Daniel Chea, he was the
7 Minister of Defence from the time when Charles Taylor
8 became President.

9 MR SANTORA:

15:51:29 10 Q. Until when?

11 A. Until I left the country and after president he is still
12 Defence Minister.

13 Q. And what year did you leave Liberia?

14 A. I left Liberia April 2002.

15:51:48 15 MR SANTORA: Your Honours, I was about to start on a new area,
16 but I don't know if we want to consider taking a rest
17 break for a few minutes.

18 PRESIDING JUDGE: It is not for you -- we know our timetable,
19 please. You understand?

15:52:03 20 MR SANTORA: Yes, Your Honour.

21 PRESIDING JUDGE: In any event, we have decided to break off
22 at 4.00. Can we now take the break and resume in
23 10 minutes, please? The Court will rise, please.

24 [Break taken at 4.00 p.m.]

15:52:28 25 [On resuming at 4.15 p.m.]

26 [HS041004D]

27 PRESIDING JUDGE: I just wanted to let you know that we will
28 go up to about 6.00. This is to enable you to segment,
29 you know, your case and to know how to proceed. So,

1 I suppose you know what that implies anyway.

2 MR. SANTORA: Thank you, Your Honour.

3 PRESIDING JUDGE: You can proceed, please.

4 MR. SANTORA: Thank you, Your Honour.

16:15:23 5 Q. General, I want to take you back to the time when you
6 surrendered to the NPFL in 1990 and you were assigned
7 training commandant. What month did you actually start
8 training recruits?

9 A. When I surrendered in June of 1990, I started training
16:15:46 10 that very June in 1990, because the war was going on
11 still.

12 Q. When was the next time you spoke with Charles Taylor?

13 A. The next time I spoke with Charles Taylor was after
14 I graduated together with the Special Forces that were
16:16:07 15 from Burkina Faso. We graduated about two classes and
16 this time around the tactics on the frontline changed.
17 So they unprecedented [sic] us of sections of -- the
18 capturing of town were very impressive. So, November
19 when we started the third training team, there was a
16:16:33 20 growing situation on the base, because this time around
21 we were diluted with different nationalities that were
22 not too comfortable with the NPFL fighters.

23 Q. Okay. Before you proceed, General, so you started your
24 training in June 1990, shortly after you were captured.
16:16:57 25 When did the first two groups of trainees complete their
26 training?

27 A. The first group completed June, July, August and then
28 September, October the other group completed; it was all
29 like eight weeks. And November we started our training.

1 Q. Okay. Prior to November, but after your capture, tell me
2 the next time after your capture that you spoke with
3 Charles Taylor?

4 A. The next -- the first time I spoke with him after I was
16:17:32 5 captured was when the tactics on the frontline had
6 changed. The looting had ceased a little bit, because we
7 were implementing discipline on the Konola training base
8 where I was. So he heard about the Konola training base
9 that, they had a very strong disciplinary momentum, so he
16:17:58 10 decided to drive to come over on the base. Early that
11 morning we were conducting PT, physical --

12 Q. What month was this?

13 A. That was in November.

14 Q. Okay.

16:18:06 15 A. The ending part of November, almost.

16 Q. Okay.

17 A. And we started to train and the PT was in the morning
18 from 4.00 up to 5.00, or until 6.00, and around 5.30 we
19 see the convoy coming and then we made a break and we saw
16:18:26 20 one of the security guy running. As soon as we saw the
21 lights of the cars, we decided to hide and take cover
22 immediately on the extreme left and right of the road.
23 So the three instructors plus myself made it four. So we
24 started to walk and he came to us and said, "What are you
16:18:43 25 doing this time of the morning?"

26 Q. Who was saying this to you?

27 A. One of Charles Taylor's securities was -- to be specific,
28 it was Jackson Manner with aide-de-camp; he's from
29 Gambia. So I told him, "Sir, we're conducting training.

1 I'm General Tarnue." He said, "Oh, you are the Tarnue?"
2 I say, "Yes, sir." So he went back and told Charles
3 Taylor that it was Tarnue with the instructors on the
4 road. So he drove the car slowly along with few other
16:19:20 5 cars with armed men. And then I was walking towards the
6 car, the light was flashing us and then a security guy
7 came and said, "Put your hand up." And our hands were
8 up, but later on he -- he himself came slowly and said,
9 "No, let them put their hands down." He said, "Tarnue,
16:19:35 10 come over." So I went closely to the door -- went closer
11 to the door and he say, "What are you doing this
12 morning?" I said, "We're trying conduct training."
13 Q. Who were you speaking with at this time?
14 A. I was speaking with Charles Taylor. "So we're conducting
16:19:52 15 our morning training regularly." So he said, "But you're
16 conducting training and only the four of you are out
17 here?" I said "No, We're not four. I'm here with my
18 trainees." He said, "If you tell me you're here with
19 your trainees, they're not visible." Then I said, "Sir"
16:20:07 20 - in a joking manner - "if you want them now, sir, I can
21 produce them." He said, "All right, go ahead." So I had
22 a whistle hanging on my neck and I took off the whistle
23 and I blew the whistle, so everybody came out like ants.
24 So the security guys around were all afraid. So he said,
16:20:28 25 "Okay, that's good, let them go back. Now I know you are
26 training these boys." So right there he decided to say,
27 "Okay, let's go back on the base. I came to talk to
28 you." So we drove and it was approaching 6.00 early that
29 morning --

- 1 Q. Who were you with exactly when you drove back to the
2 base?
- 3 A. I was with the trainees. He was driving and we were
4 jogging. Okay, we jogged back to the base, because we
16:20:51 5 weren't too far from the training base; so we jogged
6 back. I took them to the training ground and they all
7 were positioned and we were standing by, because I
8 thought he was going to talk with them.
- 9 Q. Okay, what happened when you got back to the base?
- 16:20:57 10 A. When we got back to the base we went -- there was a
11 palawer hut on Konola training base and we went under
12 there. They parked the cars -- that was approaching 6.30
13 to 7.00, early that morning.
- 14 Q. You can slow down a little bit.
- 16:21:24 15 A. There was a palawer hut. We got there early that
16 morning. The men were positioned into formations and the
17 instructors along with them, Special Forces that were on
18 the training base with me. We went to the palawer hut
19 with Charles Taylor and his entourage.
- 16:21:48 20 Q. I'm sorry, his what?
- 21 A. His entourage, his security and some his Special Forces.
- 22 Q. Okay. So what happened after you went in and he was with
23 his entourage?
- 24 A. When we got there and he called, he said, "What is the
16:22:02 25 situation on the base?" And I told him that there was a
26 growing situations with respect to a dissatisfaction, a
27 sentiment concerning the presence of foreign national on
28 the training base which, of course, I was in the way,
29 because they recruited everybody and brought them in and

1 all we knew was the revolution and we started to train.
2 But when you're training people, you have to be very,
3 very mindful and focus on the group of people that gather
4 together, because there's something in the military we
16:22:38 5 call "mutinies".

6 Q. Okay. Just explain: You relayed a complaint to Charles
7 Taylor?

8 A. I did; I complained to him.

9 Q. And specifically that complaint was what?

16:22:55 10 A. All right. I told him that there was a growing situation
11 where the unexplained presence of non-Liberians, the
12 presence the foreign national was becoming a potentially
13 explosive situation, because those people were not too
14 happy and it was going to be dangerous if we didn't
16:23:18 15 square that away. So in my presence -- at the time I
16 didn't even know who Foday Sankoh was, but he had a red
17 hat with an African gown. He was with Taylor when they
18 came that morning.

19 Q. But at the time you didn't know who he was?

16:23:34 20 A. I didn't know who he was.

21 Q. What --

22 A. He said, "Anyway, Tarnue, maybe you don't understand.
23 This is Foday Sankoh. He's my friend, my old-time
24 friend. We did our training in Libya." And because of
16:23:51 25 the inadequacies of his men -- and that was in the
26 palawer hut, roughly in a heated situation. Because of
27 the inadequacies of the commandos squad that were trained
28 along with him in Sierra Leone from Libya, I had decided
29 to tell him -- encourage him to have a military alliance

1 so that he, Foday Sankoh, together with his men would
2 help me fight the war in Liberia to capture, and when
3 Liberia is capture, in return I would also provide
4 manpower, ammunitions and other thing to be able to help
16:24:29 5 him." So he jovially said, "Tarnue, you know that's what
6 we call 'susu' in Liberia."

7 Q. Can you tell the Court what "susu" is?

8 A. The word "susu" in Liberia typically is just a
9 colloquialism. It is something like: "You help me first
16:24:45 10 and when I succeed, then I will help you second." That
11 is what he meant. So he said, "Whatever the situation,
12 Tarnue, we're going to have a meeting and I'm going to
13 take time to tell you the story of the revolution. Since
14 you are training commandants together with the Special
16:25:06 15 Forces and you are a Liberian, you can better explain to
16 the men. You should take your time and explain to them
17 in detail so that they should know if they should play
18 with those foreign national, they are playing with my
19 revolutions and they are playing with a fire and,
16:25:26 20 definitely, where fire come from fire must go they will
21 not live to tell the story." Meaning: "There is no joke
22 in snake's mouth."

23 Q. Okay. You stated that Taylor said he was going to have a
24 meeting to explain the revolution?

16:25:43 25 A. Exactly.

26 Q. Did that meeting take place?

27 A. It took place in September.

28 Q. Of what year?

29 A. It took place in September -- that was in September of

1 1991, somewhere -- no, I'm sorry. When we had this
2 meeting at Konola, the meeting took place immediately
3 after he left. That was somewhere between -- it was
4 September of 1991, somewhere there, but it was before the
16:26:18 5 deployment of the last group that graduated.

6 Q. Okay. This meeting that you're talking about, where
7 exactly did it take place?

8 A. The meeting took place in Gbarnga.

9 Q. Who was present at this meeting?

16:26:35 10 A. Well, those that were present were the general staff, the
11 general and special staff to include the frontline
12 commanders and the overall battlefield commander Isaac
13 Musa.

14 Q. About how many people were present?

16:26:52 15 A. Approximately 60 to 75. It was a general meeting there.
16 He was motivated. He was impressed by unprecedented
17 movements of the war where the NPFL was capturing places,
18 so he wanted to extend his thanks and gratitude and then
19 discuss one or two issues affecting the NPFL.

16:27:16 20 Q. Okay. You stated he was having this meeting to explain
21 the revolution?

22 A. Right.

23 Q. Can you tell this Court, slowly, exactly what he said in
24 this meeting?

16:27:26 25 A. Well, it was the very first time that Charles Taylor was
26 able to deliberate. The problem was that he is a leader
27 who believes in authoritativeness. When he's talking, he
28 doesn't want anybody to talk, so he sat there and decided
29 to say, "Look, there was a situation in Konola where some

1 little trainees who just tried to join the revolutions
2 were trying to create problem for the training officers
3 because the presence of some foreign national, but
4 look" -- and when he talks, he talks with action. His
16:28:13 5 body language tells you that he's annoyed. He talks with
6 action. He says, "Look I'm telling you, if anybody play
7 with this revolution, you will pay with your own life.
8 I suffered for this revolution and I'm not going to sit
9 there for anybody to destroy it. Nobody know how I got
16:28:37 10 out of jail in the United States. I went to the Ghana; I
11 was also gaoled. Later on I secured asylum from Jerry
12 Rawlings and he granted that to me."

13 Q. Who is Jerry Rawlings?

14 A. Jerry Rawlings was the President of Ghana. That was in
16:28:57 15 '86 - 1986. So he said, "Later on I secured an asylum
16 from Ghana when Jerry Rawlings was President. While in
17 Ghana I manipulated my way. I managed to secure a
18 meeting with the ambassador that were from Burkina Faso
19 and Ghana. And when I made an arrangement with the
16:29:19 20 ambassador, he said he was going to find a way to be able
21 to make an appointment so I can meet Thomas Sankara." He
22 was the President of the Burkina Faso.

23 So all of these things he was telling us, he was
24 [indiscernible] he said in 1986 that's when he was in
16:29:37 25 Ghana. And so almost at the end of '86, he said the
26 ambassador from Ghana - that was a sign from Burkina
27 Faso - he went back to Burkina Faso and, according to the
28 agreement, the ambassador telephoned him and said, "Look,
29 I have already made the arrangements since you decided to

1 explain your revolutionary credentials to Thomas Sankara.
2 He is a young revolutionary in Africa. He has secured a
3 time frame for you to come so that you can all meet."
4 And that was somewhere -- according to him, it was July
16:30:17 5 or August in 1987. So, apparently, he said he went over
6 to Burkina Faso, but at that time, there were some other
7 AFL personnel, according to Taylor, that ran away from
8 Liberia, because of Thomas Kwenwonkpay coup that failed
9 in 1985. And these people were Gia people from Lofa
16:30:44 10 county, so they all escaped because Samuel Doe was trying
11 to hunt the Gia people in the army to have them executed,
12 because they participated in the coup that failed with
13 Thomas Kwenwonkpay that belongs to that acting group.
14 Q. Okay. I want to be clear: This was all things you were
16:31:03 15 told by Taylor at this point?
16 A. All these things were explained into the meeting.
17 Q. Okay. Proceed with what he said at that meeting, then.
18 A. When he went through with all of this and then he said
19 that, "When I got there, apparently, I reported to the
16:31:20 20 ambassador and he managed to take me to" --
21 Q. When he got where?
22 A. When he got to Burkina Faso, he managed to meet the
23 ambassador and the ambassador took him to Thomas Sankara.
24 At that time, according to Taylor, he said When he got to
16:31:42 25 the meeting, it was the first time he ever met Blaise
26 Compaore. Blaise Compaore, according to him, was one of
27 the paratroopers, but he was the chief aid to Charles
28 Taylor -- I mean to Thomas Sankara. So the first
29 meeting, according to him, went fine. The second meeting

1 also went fine and then, after the second meeting when
2 they came out, then Thomas Sankara decided to say -
3 according to Taylor - he was going to assist. So when
4 they --

16:32:11 5 Q. Assist what?

6 A. Say that again.

7 Q. Assist what?

8 A. To assist him with his revolutionary credentials because
9 he wanted to carry out this anti-Doe movement so that
16:32:22 10 they would overthrow Samuel Kanyon Doe. That is what he
11 was talking about. So when we -- when they came out,
12 according to him, he said Blaise Compaore told him that
13 "Look, I have interests. I want to take over the country
14 and since you have Prince Johnson - Prince Yormie
16:32:45 15 Johnson - you have Samuel Varney, you have Duopo, you
16 have some other trained AF personnel - the arm forces
17 personnel of Liberia that run away from the Kwenwonkpay
18 [indiscernible], I would want you to use these people,
19 together with yourself, so that you can join the two
16:33:05 20 squads that I have, then we will go on to assassinate
21 Thomas Sankara." According to Taylor, this was something
22 he explained. It is was not something he hid amongst --
23 over 60 persons, and so he went on to explain and said
24 that after Blaise Compaore told him this, he decided to
16:33:30 25 consult the rest of the Liberians that were in exile that
26 were trained militarily. Prince Johnson was very tough.
27 He was the one who was fighting alongside Taylor. So
28 they all agreed. They said, "If that's what you say, we
29 can go ahead." And so they all connived and joined

1 together and move on and follow Blaise Compaore. So the
2 same 1987, according to him, they assassinated Thomas
3 Sankara. And when they assassinated Thomas Sankara,
4 Blaise Compaore became the President of Burkina Faso.
16:34:06 5 And he told us influentially [sic] that -- look, Blaise
6 Compaore had the senior daughter, the oldest daughter of
7 Houphouet Boigny, and Houphouet Boigny's daughter --
8 Q. Can you tell who the Court who Houphouet Boigny was?
9 A. Houphouet Boigny was the President of Ivory Coast --
16:34:28 10 Ivory Coast. He was the president.
11 Q. Proceed slowly and explain exactly what Taylor said.
12 A. All right. He said that Houphouet Boigny was the
13 godfather to Blaise Compaore, according to Blaise
14 Compaore what he told him. And so he was going to open a
16:34:47 15 corridor, because he has Blaise Compaore's oldest
16 daughter and Tolbert was assassinated by Samuel Doe. And
17 Thomas son [sic] was with -- Thomas son was married to
18 Blaise -- I mean, not Blaise Compaore Houphouet Boigny's
19 daughter. So Blaise Compaore said, "I'm going to make
16:35:16 20 sure I connect you with Houphouet Boigny so that we will
21 be able to use Danane, Loguatu --
22 Q. Before you proceed to make -- just clarify, you said that
23 Taylor was talking about how Boigny's -- Boigny's
24 daughter was married to Tolbert's son?
16:35:34 25 A. AB Tolbert, yes.
26 Q. What is the relevance of that and what he's tell you?
27 A. The relevance was, according to what he was trying to
28 tell the Liberians that were present, to tell them that
29 the link that Blaise Compaore has with Houphouet Boigny,

1 and Houphouet Boigny was hurt because Samuel Kanyon Doe
2 killed his son-in-law. So he would be more than prepared
3 to be able to open corridor to get at Samuel Kanyon Doe
4 as a revenge.

16:36:11 5 Q. After he told you this, what else did he say?

6 A. Well, after he said that, apparently -- he said that they
7 had to go into it right away and they assassinated Thomas
8 Sankara. So Blaise Compaore became the Head of State,
9 that was in October sometime, according to him.

16:36:30 10 Q. What else did he say?

11 A. After that he became popular with Blaise Compaore and
12 Blaise Compaore told him, "I am now under obligations to
13 be able to take you to Libya President Qaddafi who then
14 you would have to present your war credentials." So he
16:36:50 15 opened a communication line between the Libya President
16 and Charles Taylor.

17 Q. What else did he say?

18 A. He said after the opening of this communication link,
19 definitely the first time they met -- you know, maybe you
16:37:09 20 have never seen Taylor talk to you. When he talks to
21 you, your heart cools down. He's very convincing
22 gentleman. So from the first meeting he was able to
23 convince Muammar Qaddafi, according to him. And after
24 that he began to secure a very good relationship with
16:37:37 25 Qaddafi, according to him. So most of the Liberians that
26 he met now and they start to envy him because he left
27 from Ghana and now he came over. They have been in
28 Burkina Faso for years and they've got no contact point.
29 So he started manipulating and he became to move from

1 point to point and started recruiting people, because
2 Qaddafi had already given him the go-ahead, according to
3 him, that he was going to be training his men at the Alma
4 Saba [phonetic] training -- the war revolutionary
16:38:06 5 training base in Libya. So -- but another thing happen.
6 They said, the other people that were not having military
7 training before, they were going to use that poor
8 military training base in Burkina Faso. So they were
9 using that as a detour so that --

16:38:23 10 Q. Who was using that?

11 A. Charles Taylor and Blaise Compaore, because Charles
12 Taylor base -- the NPFL base was Burkina Faso; that was a
13 clear cut. He had a compound to Ouagadougou. Then the
14 rest of the went -- in fact they went to the extent where
16:38:42 15 they gave Burkina jet; they call it the Fokker,
16 F-O-R-K-E-R. Fokker 28, that was a very big jet. In
17 fact, it was like a sign to Charles Taylor. So he flies
18 everywhere he wanted to be able to make his connection
19 just to overthrow Samuel Kanyon Doe.

16:39:03 20 Q. What specifically did Taylor say about the Alma Saba
21 training base?

22 A. Well, he said when they were -- he, along with the OEFL,
23 when we got there, he met several other people from
24 Burkina Faso, from Gambia. There were different,
16:39:25 25 different people from West African countries that wanted
26 to go and stage coup, revolution, according to him. He
27 said, "Look, I'm a young revolutionaries. If anybody
28 think they will play with this revolution, we'll get rid
29 of you."

1 So, I'm just telling this story to know that the
2 revolution has started from way back and that's when
3 he got to met Foday Sankoh, according to him. He met
4 Musa Njah; he met Jackson Mani; he met Korkoi Sanyang.
16:39:53 5 He met a lot of people from different countries;
6 Ghanaians that were working directly with him, and he
7 influentially recruited these people and told them that,
8 "When you come and fight, I'm going to help you to be
9 able to go back to your country and fight," according to
16:40:15 10 him. And that was the commitment he made. He convinced
11 them and they agreed. So, according to him, when they
12 all came in those Burkina base were present -- you have
13 to go from Burkina Faso because, apparently, Blaise
14 Compaore provided almost 500 to 600 men well-armed for
16:40:36 15 his armed forces to help after Charles Taylor made an
16 initial entry.

17 Q. How do you know that?

18 A. He did explain. These forces that were fighting, we saw
19 them. These were not Liberians, and I'm a trained man
16:40:50 20 and I know -- speak English and they were using them as
21 strike force, attackers, to get in there and fight and
22 leave and then get the Liberian to set defences.

23 Q. You said that while -- Taylor told that you while he was
24 Alma Saba, he met one Foday Sankoh?

16:41:08 25 A. Foday Sankoh, right.

26 Q. Did he say anything else about that specifically at this
27 meeting?

28 A. What he said Foday Sankoh and him were friends and when
29 they met -- Foday Sankoh was in the meeting, of course,

1 the January special staff meeting. He said when they
2 met, he took Foday Sankoh to -- so they can establish --
3 he organised and encouraged Foday Sankoh to have military
4 alliance that I just spoke about. So they -- the few
16:41:41 5 Sierra Leonean that were with Foday Sankoh on the base --
6 on the training base were insufficient to be able to
7 stage any revolution. So he said, "You help me and I
8 will provide manpowers. I will provide transportation.
9 I'll give you food. I'll give you ammunitions and arm so
16:41:59 10 you can proceed to be able to start your revolution. But
11 first, you got to join me after I capture three-fourths
12 of the country and I'm sure the county is in my hand and
13 before you can" -- so it was like Susu, according to what
14 I said.

16:42:16 15 Q. At this meeting where Taylor was talking about the
16 revolution, did Sankoh say anything?

17 A. Well, quite frankly Sankoh did not make any comment at
18 that meeting. He kept quiet. And all he did was he was
19 tapping his shoulder. He said, "This is my friend, my
16:42:30 20 old friend. We were all on the training base." And he
21 started to tap other people friend, too, like Korkoi
22 Sanyang who - guy who was training from Guantanamo Bay,
23 Cuba. And he started to name some other permanent
24 people. Okay, that was in the open.

16:42:44 25 Q. How long did this meeting last, approximately?

26 A. Where?

27 Q. How long did the meeting last?

28 A. The meeting last from the morning hour until it was going
29 down to the evening hours, so let's say from 9.00 -- it

1 went up to 3.00, 4.00 in the even hour, approximately
2 nine, ten hours.

3 Q. After this meeting, where did you go?

4 A. Well, after the meeting he -- at that time after the
16:43:10 5 meeting -- in fact, he went in there before the meeting
6 ended. He went in there and brought some JJ money,
7 Liberian money. You know we had "JJ". It was named in
8 honour of the last president. So he brought in some JJ
9 in big bills, then he had US. So he said, "Look, I'm
16:43:29 10 going to give you some JJ and I'll give you some US." So
11 he started to call commanders and then he was smiling and
12 said, "Look, the war is now moving significantly and
13 we're getting closer to the capital. You see that boy,
14 that boy Samuel Kanyon Doe, I will get him." And you
16:43:48 15 could see the smile on his face, so he was very happy.

16 Q. Okay. After this meeting occurred about the revolution
17 that he explained, did you go back to training?

18 A. Oh, yes, sure. I went back to the academy.

19 Q. What was the next group -- what was the next group of
16:44:02 20 trainees that you had?

21 A. Well, the next group of trainees -- like I told you,
22 after we resolved that, he had to go to the academy to be
23 able to tell me. After he told me, he said, "Go and try
24 to explain the revolutions what I explained to you. Make
16:44:20 25 sure you explain to the trainees that this is how far
26 I went with the suffering to get to this point. And if
27 somebody think the presence of foreign national is
28 causing them problem, they will be executed and they're
29 not going to live to see the end of the revolution. So

1 you tell them exactly what I say."
2 Q. Did you carry out that order?
3 A. Of course. I went out there. I told the trainee --
4 I said, "I think you all saw Charles Taylor and according
16:44:47 5 to him, if anybody play with the revolution, you playing
6 with pepper. You're playing with fire."
7 Q. What is "pepper"?
8 A. Pepper is -- you know you got a hot pepper sauce. It is
9 something that you eat -- pepper is just pepper.
16:45:07 10 PRESIDING JUDGE: We know what it is. Mr Santora, you have
11 not eaten pepper before?
12 MR SANTORA: I'll try it tonight, Your Honour.
13 PRESIDING JUDGE: You'll try it tonight. You haven't tried it
14 before now? Oh, well, you've been missing something.
16:45:24 15 You better try it to tonight.
16 MR SANTORA: I will take the cue from the Bench.
17 PRESIDING JUDGE: Right, okay.
18 MR SANTORA:
19 Q. After this meeting you said you returned to training?
16:45:32 20 A. Yes, I went back to Konola Academy.
21 Q. Who exactly were you training when you went back to
22 Konola Academy?
23 A. When I went back, we continued the training of the NPFL
24 and then that's when I got to know, because I immediately
16:45:48 25 told the rest of the assistant training officers and
26 I said, "Look, we have to make sure to get to know all of
27 those that are present on the base." And we did a
28 complete check. "You from Nimba county, we write your
29 name opposite from Nimba." The reason for that was we

1 wanted to make sure we distinguished the foreign
2 nationals that were present from the Liberian proper,
3 because, like I say, the unexplained presence of those
4 foreign nationals, you know, was a potentially explosive
16:46:23 5 situation. So I have to absolutely do all my best to put
6 it under control immediately.

7 Q. So were there non-Liberians present in these trainees?

8 A. Oh, yeah, they were non-Liberian. There Sierra Leoneans,
9 there were Ghanaians and -- you know, the Sierra Leoneans
16:46:36 10 that -- because of the war, they had to go to the
11 displaced camp, you know, Vaihun, and you have Kolahun,
12 and Bo Waterside.

13 Q. How many Sierra Leoneans were being trained?

14 A. 96.

16:46:50 15 Q. How do you know that?

16 A. Because we went through our sanction. Like I told you,
17 we went to check those from Lofa, from Bong county
18 from -- so if man is not -- he says, "I'm a Sierra
19 Leonean. I'm not from there," and on like that. But
16:47:05 20 these people were smuggled into the -- among the trainees
21 that I didn't know until when this situation started
22 before I told him and then he said, "Look, this is what
23 happening. We have a military alliance." So I decide to
24 say, "Well, I need to have an accurate record to know who
16:47:24 25 is --

26 PRESIDING JUDGE: Yes, let me get the figure right. So there
27 how many Sierra Leoneans on training.

28 THE WITNESS: 96, sir.

29 PRESIDING JUDGE: 96.

1 THE WITNESS: 96.
2 PRESIDING JUDGE: Right.
3 MR SANTORA:
4 Q. I want to focus on this group that had 96 Sierra Leoneans
16:47:41 5 in it. When did this group start its training?
6 A. They started the same time the Liberian started. That
7 was in 1990 up to February -- 1990 almost -- November.
8 Q. Until February?
9 A. Until February 24th.
16:48:01 10 Q. Of what year?
11 A. Of 1991.
12 Q. Okay. Aside from the 96 Sierra Leoneans, how many were
13 in this group as whole?
14 A. Well, I was training in the thousands, about 1,500, and
16:48:20 15 sometimes the training would start 2,000 and, because of
16 the roughness of training, we get to the middle part
17 after two, three weeks -- the first week we call zero
18 week. The zero week is to harass the body to see whether
19 you're physically fit. So after the zero week, we will
16:48:37 20 determine whether you were fit to do the training. So if
21 there 2,000 -- out of the 2,000 maybe you got about
22 1,800, 1,400. It depends on -- at the end of the
23 training we may have like 1,200, 1,300.
24 Q. This group that consisted of 96 Sierra Leoneans, can you
16:48:59 25 tell the Court exactly what they were being -- what was
26 the content of their training?
27 A. Well, honestly, at that stage I was not told why they
28 were there training. Not until when there was another
29 meeting scheduled.

- 1 Q. I'm asking you the question of what were they -- this
2 group that consists of 96 Sierra Leoneans, what kind of
3 training?
- 4 A. Oh, what kind of training. I mean, revolution is not
16:49:26 5 like training people to become a professional soldier.
6 Of course, the discipline was taught. We taught them
7 discipline; we taught them drills and ceremonies and we
8 taught tactics; we taught them weapons and we taught them
9 courtesy and discipline, the physical fitness and then
16:49:42 10 the CQ: Cover, concealment and camouflage. They would
11 have to do manoeuvring, low and high crawl, so that they
12 would be able to move and fight effectively, and then
13 organise terrain, because we're approaching the city
14 already, so they have to be taught city attack.
- 16:50:00 15 Q. Can you tell the Court exactly what "cover, concealment
16 and camouflage" is?
- 17 A. Well, cover is like bullet is firing from this end and
18 I would hide behind this desk and covering myself from
19 being hit by the bullet. Concealment is to hide myself
16:50:22 20 from the visibility of the enemy. Camouflage is to be
21 able to -- for example, if the terrain were grassy green,
22 I have to make sure to use the same grass to camouflage
23 myself. So I use the terrain so I would not be seen by
24 the enemy.
- 16:50:50 25 Q. When you said that this group of trainees also received
26 training in discipline, what do you mean by that?
- 27 A. Well, when I mean discipline, it means that they have to
28 properly utilise the chain of command and then we talked
29 to them about the rules and regulations governing the

1 Geneva Conviction on Warfare, because in a situation
2 you're fighting, you have to respect non-combatants.
3 Civilians have got to be your priority. Even if you
4 fight with your enemy and he surrenders, in keeping with
16:51:23 5 the Rules governing the Geneva Convention on Warfare, you
6 have to save him. Maybe he will be of some help for you,
7 but you can't grab him and kill him because you got
8 authority over him, because he's no more powerful.

9 We taught them how to do the low crawl and high
16:51:37 10 crawl and we taught them how to disassemble the weapons,
11 the AK, that's the Kalashnikov weapons. And then we had
12 the Israeli AKs and we had the regular AKs and we had the
13 Beretta and we had the LAR, the light automatic rifles.
14 Then, of course, we had the RPG and then those weapons
16:51:57 15 that were captured from Samuel Kanyon Doe - remnants, the
16 old type, the -- on and on and on like that.

17 Q. Can you briefly tell the Court the difference between an
18 Israeli AK and a normal AK?

19 A. Well, quite frankly, the Israeli AK has a small tracer
16:52:19 20 rounds and, when you fire, it gives two times. It kind
21 of confuse the enemy. So when you fire, it's just "pam
22 poom". It means when the enemy is listening to the
23 sound, you are not too close, but because of the sound of
24 the round, it kind of create fear in the minds of the
16:52:41 25 enemy and it tells the enemy that the somebody is closer,
26 but that's not case, so -- the Israeli AK is a little
27 smaller. It has a tracer and explosive rounds, and then
28 the other one is little bigger. That's the normal one
29 that came from Burkina Faso.

- 1 Q. General, you said that these trainees received training
2 in the Geneva Conventions?
- 3 A. Yeah.
- 4 Q. But earlier you said that you had heard Charles Taylor
16:53:10 5 complain about too many POWs. How do you -- can you
6 clarify that?
- 7 A. The thing is, I told you earlier that you are working
8 with someone that -- I had surrendered. I had no choice.
9 I was working under prejudice. All I had to do was my
16:53:31 10 own survival. But as a trained officer, I always make
11 sure to take a field note of what was happening. I say
12 what I have to say as a professional soldier, but it was
13 not implemented by the leader, then I suppose I am not
14 held responsible.
- 16:53:47 15 Q. Okay. This group that consisted of 96 Sierra Leoneans,
16 along with other trainees, when did this group complete
17 its training?
- 18 A. February 24th they graduated.
- 19 Q. And after they --
- 16:54:02 20 A. '91.
- 21 Q. 1991. And after they graduated, tell the Court what
22 happened.
- 23 A. After they graduated, February 24th, '91, I took the
24 long-range radio. All the training bases had long-range
16:54:19 25 SSB sophisticated radio communication, so I called and
26 said "Well, chief, the trainees have completed already."
- 27 Q. Who did you call?
- 28 A. Charles Taylor. His code was Ebernette.
- 29 Q. What was his code?

1 A. Ebernette, Ebernette
2 Q. Can you spell that?
3 A. E-R-B-E-R-N-E-T-T-E.
4 PRESIDING JUDGE: [Microphone not activated]
16:54:47 5 THE WITNESS: E-R-B-E-R-N-E-T-T-E.
6 MR SANTORA:
7 Q. Slow down and spell it one more time very slowly.
8 A. It's E-B-E-R-N-E-T-T-E, Ebernette.
9 JUDGE BOUTET: That was his?
16:55:20 10 THE WITNESS: That was his code, his radio code.
11 JUDGE BOUTET: His radio code?
12 THE WITNESS: Yeah. And my radio code was Ranger 1.
13 MR SANTORA:
14 Q. Okay. After you contacted Taylor by radio to notify him
16:55:35 15 of the completion of the training, what happened?
16 A. Well, after I notified him, he said, "Well, that's good,
17 but what you need to do -- I just want to let you know
18 there will be a general meeting on the 27th of February
19 and so you have to make sure to inform the training staff
16:55:51 20 and all those people from Burkina base that didn't come,
21 but I'm going to make sure to send Phillip Keboe, the G4,
22 to be able to bring trucks to bring the 96 Sierra
23 Leoneans on that were the training base. They're not
24 going on the frontline. So, if anybody come to get them
16:56:14 25 to fight, they're not going, because I know they all just
26 want to go fight and loot. But this time they have a
27 mission, so they're not going fight. We're going to take
28 them to Camp Naama. So that instruction was passed and
29 I told them, say, "Look, I made a complete listing.

1 These people here, according to instruction Ebernette,
2 none of you going on the frontline. You have to remain
3 because you have to be going to Camp Naama."
4 Q. Where -- tell the Court again where Camp Naama is?
16:56:44 5 A. Camp Naama is situated behind Belefuanai. It's in Bong
6 county. Camp Naama was used as the artillery base for
7 the Armed Forces of Liberia. So Camp Naama is 35 miles
8 away from Gbarnga. It is right in the town of
9 Belefuanai. And from Belefuanai to go there is like 50
16:57:15 10 miles?
11 Q. After you received this instruction to not allow the
12 Sierra Leoneans to go to the frontline, what happened?
13 A. After that -- and he send the truck to the Executive
14 Mansion Gbarnga from Gboveh Hill to go to Colonel Lion to
16:57:36 15 pick up the 76 -- I mean the 96 Sierra Leonean to go to
16 Camp Naama. That's where they took them.
17 Q. And did you proceed to Camp Naama as well?
18 A. No, at that time I didn't go to Camp Naama, because the
19 instruction was they should take them to Camp Naama.
16:57:51 20 Q. Okay.
21 A. That was on the 24th. I went to Gbarnga.
22 Q. Okay, what day did you go to Gbarnga?
23 A. I went Gbarnga the same day and the next morning I went
24 up to the Executive Mansion and the instruction was,
16:58:05 25 "Look, I sent for Duopo Mekanzon." And Duopo Mekanzon
26 was one of Special Forces together the Benjamin Yeaten.
27 Duopo Mekanzon was the division commander for the NPFL
28 strike force assigned in Lofa county. He said, "I sent
29 for him to bring --

1 Q. Who said "I sent for him"?

2 A. Charles Taylor sent for Duopo Mekanzon, so I was
3 interacting with him, so when I say "I sent for him", it
4 was him that sent for him. So he sent for Duopo
16:58:35 5 Mekanzon. He said he should report on the long range --
6 I mean, all the bases where NPFL had control had radio.
7 So he said, "Report here immediately with 150 NPFL
8 fighters," because these were strikers. You talking
9 about strikers: People who go on the frontline; they're
16:58:55 10 not afraid of death. They just go out there and fight.

11 Q. Did you hear this instruction personally?

12 A. Yes, in my presence, yes. I was here and he was giving
13 the instruction and Duopo Mekanzon responded and that
14 very night he started coming. So he said, "When you
16:59:11 15 come, don't bring them Gbarnga, carry them to Camp Naama
16 right away."

17 Q. Okay.

18 A. And he say, "Yes, sire."

19 Q. What happened after that?

16:59:20 20 A. After that then that was the rally point for everybody,
21 so they had the 96 Sierra Leonean that were from Konola.
22 Then they had 150 NPFL fighters that were sent for from
23 Lofa County, and so the 15 Special Forces that were from
24 Gambia -- then they had the two squads commando, because
16:59:48 25 normally the infantry squad is 11, but the commandos
26 squads was 15 each. So it was like 30 persons plus one,
27 it was 31. So the commando squad that came along with
28 Foday Sankoh and himself plus the 96 made a total of 127
29 Sierra Leonean in total. So the 15 Special Forces that

1 is were Gambians, Burkina base, these people were foreign
2 national, but they were fighting for NPFL. So we
3 classified them to be NPFL fighters. So they combined
4 them along with the 160 -- 150 NPFL strike force fighters
17:00:27 5 like Duopo Mekanzon, so they have a total of 165 from the
6 NPFL and 127 Sierra Leonean that were representing the
7 Sierra Leonean. So, mathematically, if you combine the
8 165 plus the 127, it's going give you an accumulated
9 total, an aggregate of 292.

17:00:51 10 Q. Where were these all assembled exactly? Where were these
11 292 --

12 A. They were all in Camp Naama.

13 Q. Okay. After they all arrived in Camp Naama --

14 A. Then the instruction was: "Let them wait there. We will
17:01:06 15 give them the final instructions."

16 Q. Okay.

17 A. That was between the 25th and the 26th. It was like
18 rally point trying to make sure to get everybody to Camp
19 Naama.

17:01:18 20 Q. Okay. What happened after that?

21 A. After that, the following morning, it was the February 27
22 meeting precisely 9.00.

23 Q. Where was this meeting?

24 A. It was held at Gboveh Hill at Taylor's residence, the
17:01:35 25 Executive Mansion, Bong county, Gbarnga, the NPFL
26 headquarter.

27 Q. Were you present at this meeting?

28 A. Oh, yes, I was present with the training staff.

29 Q. Can you tell the Court exactly how this meeting

1 proceeded?

2 A. Well, at the initial stage of the meeting normally
3 everybody would be seated and waiting for the arrival of
4 Charles Taylor, so by this time on the 27th everybody was
17:02:02 5 being seated and after 15, 20 minutes everybody was busy
6 chatting.

7 Q. Were you in the room at this point?

8 A. If I was in the meeting?

9 Q. In the room.

17:02:11 10 A. Yes, I was there in the living room. The living room was
11 very elaborate, big and the table was very long and you
12 have two different kind of tables, but everybody was not
13 seated.

14 Q. When you came into the meeting, you stated that Taylor
17:02:26 15 came in 15 minutes later. Can you tell the Court who you
16 recognised in the meeting when you arrived?

17 A. At that meeting I was able to recognise Foday Sankoh and
18 then some other Special Forces, because Foday Sankoh, as
19 usual, he wear the red hat and he was able to -- in fact,
17:02:39 20 after the date, the introductions Colonel Lion, then met
21 him often to other meetings, so I knew he was there and
22 some other Special Forces that we interacted with to
23 include those that I working directly with.

24 Q. After Taylor walked in, what happened?

17:02:57 25 A. Well, after he was coming in and somebody recognises him,
26 he said, "The chief is coming" and everybody stood up,
27 said, "Good morning, sir." And he laughs, smiling
28 saying, "Take your seats." Somebody say, "Good morning,
29 chief, good morning, sir", so there was just different

1 issues then. Everybody stood up. When he sat down, then
2 he said everybody should sit down, but I was standing up.
3 I didn't sit, because the chair were insufficient.

4 Q. Okay. Approximately how many people were in this room?

17:03:30 5 A. Approximately there were -- there were more than 40.

6 Q. After they sat down, what happened?

7 A. After they sat down, Taylor decided to -- he spoke and
8 said, "Well, gentlemen, I know what you're all here for.
9 I called this meeting here to be able to let you know
17:03:51 10 that we are about to help our friend, but first, let me
11 try to make my introduction." And then he introduced the
12 stars. He introduced him -- he introduced himself. He
13 said, "I think you already know me." And he introduced
14 his wife, Agnes Reeves-Taylor; he introduced his brother,
17:04:15 15 Batu Taylor; he introduced Grace Beatrice Manner. He
16 introduced a lot.

17 Q. You can go slowly. Explain exactly who remember being
18 introduced?

19 A. He introduced Grace Beatrice Manner, those presence -- of
17:04:29 20 course, the Senior aide-de-camp's house, that was
21 Gambians, Jackson Manner, the deputy to him was Musa
22 Njah. And, of course, you have Dave Compaore, because he
23 was always the logistical man, so I remember him.
24 Officer Musa Sesay was present, Joe Mulbah was the
17:04:50 25 information and recorder man, John Richardson was the
26 military advisor. You have Korkoi Sanyang was also his
27 war propagandist. But this time he decided to signing
28 out, then you have Oliver --

29 Q. Can you go ahead with these names slowly.

1 A. You have Oliver Council.

2 Q. Before you said -- who were the names before?

3 A. Oh, you mean --

4 Q. After David Compaore.

17:05:13 5 A. Oh, after David Compaore was Korkoi Sanyang, K-O-R-K-O-I,
6 Sanyang S-A-N -- I think it should be Y-A-N-G, Korkoi
7 Sanyang.

8 Q. Okay.

9 A. Then you have Joe Mulbah. It is J-O-E, M-U-L-B-A-H. Then
17:05:40 10 you have John P. Richardson. John Richardson was the
11 military advisor. John is spelled the normal John.
12 Richardson is R-I-C-H-A-R-D-S-O-N. Then you have Oliver
13 Council.

14 Q. Okay.

17:05:59 15 A. O-L-I-V-E-R C-O-U-N-C-I-L. Then you have Oliver Vanni.
16 He was the brother to -- in fact, he was the brother --
17 he got killed. He was the brother to General Vanni who
18 is now the Deputy Chief of Staff of the Armed Forces of
19 Liberia. Then you have Agnes Reeves-Taylor, the wife of
17:06:23 20 Charles Taylor at time.

21 Q. After he introduced these individuals, what happened?

22 A. After he introduced and then he said my -- Special Forces
23 were about 192 to 200, so he didn't really go into all
24 the introduction with the Special Forces because they
17:06:37 25 knew each other. They and Foday Sankoh, they all were
26 there. After that he said, "Well, I think Corporal
27 Sankoh, you can now introduce your people." And, of
28 course, he was there with Special Forces that came along
29 with him. I couldn't remember all the names, but those

1 I remember, Foday Sankoh himself, then he introduced one
2 Augustine Gbao. And Gbao is tough like me. He is black,
3 but he introduced him and then he stood up and then he
4 sat down and then he introduced some other Sierra
17:07:17 5 Leonean, but I couldn't really remember all. And after
6 that, he sat down and then they start to deliberate the
7 meeting. Charles Taylor chaired the meeting and the
8 meeting was open finally.

9 [HS041004E 5.15 p.m.]

10 Q. Okay. After Sankoh made his introductions and Charles
11 Taylor started the meeting --

12 A. Yes.

13 Q. -- go ahead and explain to the Court what was said.

14 A. Well, I did -- 27 meeting he started up to say, "Well
15 look, I called this meeting to be let you know that
16 Corporal Sankoh intention is to be able to stage a
17 revolutions." In other words, the first thing I heard
18 about the RUF.

19 Q. What did you hear about the RUF?

20 A. He pronounced that this the Revolutionary United Front,
21 and so this is the RUF that Foday Sankoh was supposed to
22 be heading, according to Taylor. And he pronounced that
23 the same day and said, "Well let me just tell you that I
24 made a promise to him. I encourage my brother." Every
25 time he talks he would tap his shoulder, "I encouraged my
26 brother, so that he and myself we had this military
27 alliance and he is going to help me first and then at
28 last when I succeed, after we capture Liberia, then I
29 will help him provide him with transportations,

1 ammunitions and other thing, manpower, to be able to go
2 to include physical cash so that he can start a
3 revolution. And that's why we are here."

4 Q. What was said next?

5 A. And after that then they begin to put together the plan
6 of actions. Corporal Sayan, he was a very good planner
7 to include my very self, and then we start to put the
8 plans together and he said, "Look, we are going to make
9 sure ..."

10 Q. First of all, make sure you are clarifying who is
11 speaking -- who is talking?

12 A. Charles Taylor, he chaired the meeting.

13 Q. Okay.

14 A. Everything I am saying is Charles Taylor.

15 Q. Okay. So what did he say?

16 A. He was deliberating and he was chairing the meeting and
17 he said, "We are going to make sure to give him all the
18 support necessary, like I promise." So he says,
19 "Sankoh," as I am talking now, "I have 150 men in Camp
20 Naama, together with 15 Special Forces that you know
21 them; you are all trained together. They will be there
22 to help you. The 96 men that were to [inaudible] they
23 were already there. And we put them together now and
24 they are standing by. I have already instructed the G4
25 to send six-man diesel trucks that were looted from
26 Bong's mining company. I have already instructed to make
27 available 100 AK-47 Kalashnikov weapons. I have already
28 instructed the G4 to make 50 Berettas available. I have
29 already instructed the G4 to make 20 RPGs available. I

1 have already instructed the G4 to make ten LAR." And
2 LAR, as I said earlier, is light automatic rifle. And
3 then several boxes of ammunition. Those were uncheckable
4 and that's why I didn't specifically know exactly,
5 because those ammunitions were -- some of them were put
6 in a loose bag, a rice bag, so you couldn't really count
7 how many boxes. So I was not too specific, but I
8 remember there were several ammunitions boxes.

9 Q. Okay. With the meeting, after Taylor explains that he is
10 providing 150 NPFL fighters and these supplies you just
11 listed --

12 A. Yes.

13 Q. -- what was said next?

14 A. After the meeting --

15 Q. No, no, in the meeting, what was said next?

16 A. In the meeting, of course, Taylor told Sankoh that,
17 "Look, whenever you are fighting war, the strength of any
18 revolutions, it depends on the manpower, the manner in
19 which you carry out your recruitment. You don't have to
20 recruit and play with the Bible, because whenever the men
21 capture -- that's why you have the Strike Force I'm
22 sending. The Strike Force are going to be ahead to
23 capture places and these Liberians are going to be left
24 behind with the Special Forces. They have to recruit
25 whoever they meet: old people, young people, young
26 girls, young boys. They have to join the revolution and
27 if they refuse to join, it means they are classified to
28 be enemies. So you have to compulsorily recruit these
29 people," as you have involuntary conscriptions of these

1 people. So that's what they did. Whether you like it or
2 not, you will be recruited. So you have to carry out
3 this thing, you know, mental. In other words, he was
4 telling me, "You have been with me." So he was trying to
5 encourage Foday Sankoh to adapt the modus operandums
6 [sic] of the NPFL. He said, "The NPFL did this, you have
7 got to do it to succeed. If you play with the Bible, you
8 may not succeed." He said that openly in the meeting.

9 Q. How did Sankoh respond to that?

10 A. Of course Sankoh said, "Well, Chief, I think I hear you.
11 Whatever you say, I think you are right. You are right."
12 You know Sankoh talked us to that emotions and other
13 things, he said, "You are right," and we would do
14 everything -- we will do everything to be able to work
15 with the training staff so that they will give all the
16 professional advice and we would be able to -- and then,
17 another important issue reached was he was trying to --
18 in fact, he said, "Another thing is I am going to give
19 you specific instructions. The training staff along with
20 you, Tarnue, you are going to make sure Sanyang is here
21 and he is a very good planner. You have got to look at
22 the map and make me sure that those 292 men, that is, the
23 skeleton battalions, you've got to make sure in deploying
24 those men specifically. The objective is when we start
25 our revolution at NPFL, we had to attack places where we
26 had to generate funds. So you have to make sure to
27 attack the area that we have natural resources. So if
28 you look at Voinjama, Kolahun, Foya, we are going
29 there" --

- 1 Q. Explain where -- explain to the Court where these
2 locations you have listed are -- where exactly are they?
- 3 A. Kolahun is in Lofa county. It is not too far from
4 Kailahun. So --
- 5 Q. Kailahun in?
- 6 A. Kailahun is different form Kolahun.
- 7 Q. Okay. Explain the difference just so we are clear.
- 8 A. If you look at the map of Liberia, you have -- Lofa
9 county is where you have the different districts. You
10 have Voinjama, you have Kolahun. And next to Kolahun,
11 not too far is Kailahun, and Kailahun is like 45 -- 45
12 kilometres or miles away from there.
- 13 Q. Where is Kailahun?
- 14 A. Kailahun is not too far from Kolahun, around the Liberian
15 border, and then from there it's not too far from Koindu
16 because --
- 17 Q. Which country is Kailahun in?
- 18 A. It's -- it's Sierra Leone.
- 19 Q. Okay.
- 20 A. Kolahun is in Liberia, and Kailahun is in Sierra Leone.
- 21 Q. Okay. So specifically what -- proceed with what he was
22 talking -- with what he was saying about capturing, as
23 you said, areas to --
- 24 Q. Well, he said that, "Look Foday, in the first place,
25 Saya, would you prepare the strategy, operational plans,
26 and make sure that these men when they captured, they
27 should secure certain defensive and fortified the diamond
28 areas and that was specifically in Kono District. That
29 was the main target. When they captured this area, you

1 got to make sure to train the men and let them set a
2 strong defensive and get the strike force to advance
3 further. Foday Sankoh, you hear that? The reason is, I
4 have my big brothers; Dave Compaore and Qaddafi. He
5 communicates with these people."

6 Q. Who communicates with these people?

7 A. Charles Taylor. He has a satellite dish most of the
8 time. So he called them "my big brother". In fact, I
9 forgot to mention that on the very meeting day, he told
10 us that, "You see the revolution is successful is because
11 of his big brothers David Compaore and Muammar Qaddafi."
12 So that was in the open and so he said that. And later
13 on he repeated that in the meeting also, and said, "You
14 know what I am talking about, Foday Sankoh. You know
15 where we are coming from. Don't play with the Bible.
16 Move forward the revolution."

17 Q. What did --

18 A. The main [inaudible].

19 Q. To your knowledge, what did he mean by "don't play with
20 the Bible"?

21 A. Well, I mean, honestly -- I am a Christian. I go to
22 church and the reason you read the Bible is to be able to
23 [inaudible] according to the laws of nature.

24 MR JORDASH: I think this witness has been asked to express an
25 opinion as to what somebody else meant. If he has got
26 evidence which indicates what he meant, we should hear
27 that and not his opinion.

28 MR SANTORA: I think the reason why I was asking is because of
29 the context of this meeting and when it was said. Since

1 he was present, he might be able to offer some light as
2 to the context of which this expression was said.

3 PRESIDING JUDGE: Learned counsel, I think it doesn't do any
4 harm. I mean, it is a question of the context in which
5 he understood the -- because you see he is a witness who
6 has said he has been interacting, you know, with these
7 people. So he could as well be called upon to explain
8 what he meant, you know, by "Don't play with the Bible",
9 you know.

10 MR JORDASH: I have no problems, Your Honours, with this
11 witness giving evidence as to the context. The problem I
12 have is the witness giving opinion evidence as to what
13 someone else meant. This witness can say what he saw,
14 can say what he heard, but what somebody thought, I would
15 submit, would be opinion evidence. I don't have a
16 problem with context, of course.

17 PRESIDING JUDGE: What if it were a coded message, you know,
18 between them, since they always interacted. This is the
19 second time he has mentioned the Bible, "Don't play with
20 the Bible. Don't play with the Bible."

21 MR JORDASH: I think -- I'm sorry, I beg your pardon.

22 PRESIDING JUDGE: I think the question is in context, learned
23 counsel. Let -- yes, let him provide an answer to the
24 question.

25 MR SANTORA:

26 Q. What do you think he meant by the expression, "Don't play
27 with the Bible"?

28 A. Well, I mean, from my own common sense and being a
29 seasoned trained officer, when he talks about "Don't play

1 with the Bible", like I say, he was trying to encourage
2 Foday Sankoh to adopt the modus operandums of Taylor.
3 When I surrender June, I saw what happened. He did not
4 play with the Bible, meaning people that were a threat to
5 him, people that he felt were would stop him from being
6 president, he executed them. Let's be very realistic on
7 that. You have Gabriel Kpolleh. He won the presidential
8 election 1985 against Samuel K Doe, but Samuel K Doe
9 fought the elections. You have Gabriel Kpolley, so these
10 people surrender and went across behind the NPFL line.
11 The very NPFL [inaudible] tribal group that were fighting
12 for Charles Taylor. Those was part of that tribal group
13 and they executed him. So he knew that these people were
14 going to be obstacles.

15 Q. Okay.

16 A. So he said, "Don't play with by Bible." So that anybody
17 that stay away, you know, you have to get ready to move
18 on, go ahead, move on. That's what he meant.

19 Q. How did Foday Sankoh respond to that?

20 A. Of course, Foday Sankoh say yes to the chief. He says
21 yes, because he was eager. You could tell from -- I
22 mean, he was motivated in getting ready to take off -- to
23 kick off the attack immediately.

24 Q. General, you said that one Augustine Gbao was introduced
25 at this meeting.

26 A. Yes.

27 Q. Who exactly introduced Augustine Gbao?

28 A. Augustine Gbao was introduced by Foday Sankoh.

29 Q. And what exactly did he say when he introduced him?

1 A. Well, he said, "This is my security adviser and he has
2 been a police force before." I don't know Augustine Gbao
3 before and I don't know what organisation he was part of,
4 but from that meeting I got to know that he was a member
5 of the Sierra Leone National Police. And besides, he was
6 trained from [inaudible] he had some advanced training.
7 So he was trying to introduce him that he, Corporal
8 Sankoh, was also in the army, but he didn't do infantry
9 training. He was a photographer, according to him. So
10 he said, "General, I'm not tough like you," and that was
11 after the meeting.

12 Q. Okay. Let's stick to in the meeting itself.

13 A. Okay, in the meeting.

14 Q. After he introduced Augustine Gbao --

15 A. Yes.

16 Q. Did he say anything else after that?

17 A. Well, after he introduced Augustine Gbao, it was at the
18 initial stage when Charles Taylor asked him to introduce
19 this man.

20 Q. Okay. You spoke about Taylor talking about recruitment
21 to Sankoh and offering him advice on recruitment.

22 A. Yes.

23 Q. Specifically, what did he say about recruitment?

24 A. Well, quite frankly, Taylor was telling Sankoh that,
25 "When you are recruiting, especially when you are having
26 a revolution, the strength of any revolutions depends on
27 manpower. The strength of any revolution depends on the
28 manpower. So you have to make sure when you capture any
29 town or village, be it old men, woman, anybody for that

1 matter within the territorial limit of the area you
2 capture, must be considered part of your revolution and
3 they should be recruited immediately and train them.
4 Those who cannot go on the fighting line, you can use
5 them to do other work, but they must be a part of the
6 revolution. If they resist, then of course you classify
7 them to be enemy and you treat them like enemy."

8 Q. Okay. Did anybody voice any dissension when he talked
9 about this policy on recruitment?

10 A. Well, quite frankly, nobody commented because, like I
11 say, Charles Taylor he is a man who believed he had
12 authoritativeness and he is a dictator, so if he says
13 something, you don't have to try to argue with him,
14 because he wants to put his message through and you
15 should take it as it is. So nobody commented.

16 Q. When he talked about advising Sankoh not to play with the
17 Bible, did anybody voice any dissension when he said
18 that?

19 A. Well, the only person who perhaps that talk about that,
20 when he talk about the Bible, was the late Eno [sic]
21 Dogolea who he was then the Vice-President for Liberia,
22 but he was the Vice Chairman to him on the National
23 Patriotic Front. He was a religious man [inaudible]. He
24 said but, "As a chief you can't say that. It is God that
25 got us here today. And so if you talk about a man should
26 not playing with the Bible, then where are we heading to?
27 He is not going to be blessed." And he begin to talk to
28 Taylor say, "Look, you know Dogolea, we are talking about
29 war." And he was a little bit irritated and so, of

1 course, you know, Eno Dogolea was second to him, so he
2 had a come down.

3 Q. Okay. You spoke about the idea of capturing areas with
4 resources, specifically diamonds.

5 A. Yes.

6 Q. Did he say anything else specific on this matter?

7 A. Well, quite frankly, they appointed Benjamin Yeaten.
8 Benjamin Yeaten, he appointed him as his personal -- can
9 I drink some water?

10 Q. Yes, of course.

11 A. Thank you.

12 PRESIDING JUDGE: Please, feel free all the time. Feel free
13 all the time to drink your water.

14 THE WITNESS: Thank you, sir. Yes, counsellor, go ahead.

15 PRESIDING JUDGE: And if you have any pressures, any natural
16 pressures, you know, you want to put yourself at ease
17 please indicate.

18 THE WITNESS: Oh, no, sir. I am okay.

19 PRESIDING JUDGE: Please indicate. I just wanted to say, you
20 know, that you are free to indicate to the Court if you
21 want to put yourself at ease.

22 THE WITNESS: Okay, sir.

23 MR SANTORA:

24 Q. General, you were talking about Benjamin Yeaten and his
25 role with the resources. Can you explain exactly what
26 you meant?

27 A. Benjamin Yeaten in that meeting -- Benjamin Yeaten was
28 singled out. He said, "Look" -- Benjamin Yeaten was
29 singled out -- "You are my personal representative and,

1 Sankoh, I want you to listen." He repeated that two
2 times.

3 PRESIDING JUDGE:

4 Q. Benjamin who, please?

5 A. Benjamin. B-E-N-J-A-M-I-N. Benjamin Yeaten. Y-

6 Q. I'm Benjamin, too.

7 A. I'm sorry, sir.

8 Q. No, no, it's all right.

9 A. Y-E-A-T-E-N, Yeaten.

10 Q. Y-E-

11 A. Y-E-A-T-E-N. It's a two-syllable word, sir.

12 Q. Yeaten.

13 A. Benjamin Yeaten, one of the Special Forces from Nimba
14 county and he is also considered to be the death squad
15 commander for Charles Taylor. So he said, "This is my
16 right-hand man and he's going to be with you.
17 Immediately, you enter Kono District, you capture,
18 secured, set a defensive, fortify the area, making sure
19 that as the fighting continues you engage the services of
20 people to begin to work and start to dig diamonds so that
21 we will be able to fulfill our promise to our big
22 brothers Dave Compaore and Muammar Qaddafi." So he said,
23 "Any diamond collected from there will be given to
24 Benjamin Yeaten, or the two of you, along with whoever
25 can escort it to me in Gbarnga."

26 MR SANTORA:

27 Q. General, you say he was talking about diamonds, was there
28 mention of any other resources?

29 A. Well, when the war started, apparently the looting -- you

1 know, every war -- in any war situation there can be
2 looting. The looting continued. That was around -- when
3 they successfully captured -- around October going to
4 November and they successfully captured Kono District.
5 Then they started to come into Gbarnga. They -- whenever
6 they come in driving, coming in the trucks and pick-ups,
7 you have tobaccos, you have this lappas.

8 Q. Okay. In the meeting itself, did he mention anything
9 else aside from diamonds?

10 A. Well, besides diamonds, I think literally there are other
11 goods that were looted and maybe gold or whatever, but
12 specifically he emphasised on diamonds.

13 Q. In the meeting?

14 A. Yes, in the meeting.

15 Q. What did he -- did he say any more specific as to what
16 would happen to those diamonds?

17 A. Well, he said the diamonds would be sent to his big
18 brothers and they would be sold and the proceeds from
19 that diamond will help to create an income base for the
20 NPFL and the RUF, so that they would be able to buy arms
21 and ammunition to continue the war in Sierra Leone.

22 Q. After all of these issues were talked about by Taylor --

23 A. Yes.

24 Q. -- did anybody say anything else, aside from what you
25 have mentioned?

26 A. Nobody commented. Everybody was there. The only person
27 that was trying to go against actually the war in Sierra
28 Leone was Eno Dogolea. He said, "Chief, we have war in
29 Liberia and why try to carry another war in another

1 country when we have not even succeeded?" And that's
2 when he came out again in that very meeting -- you know,
3 he can be very explosive. He came out and he said,
4 "Look, you know, Dogolea, you are supposed to understand.
5 1988, '86 I went over to Sierra Leone. I was trying to
6 talk to President Momo and to see how best we could start
7 our revolution from Sierra Leone." And he played deaf
8 ear. "We started the revolutions. Certain [inaudible]
9 were able to allow us to use the territory. We have gone
10 three, four" -- "we have only got 45 miles to get into
11 Liberia, capture the" -- "I mean, the capital. They
12 brought in ECOMOGs and the very Momo said to ECOMOG to be
13 able to use their territory to" -- "to bomb my positions.
14 So definitely your point of arguments" -- "look we
15 have" -- "have a lot of thing to do. As I talk to you
16 now, the men are waiting. Nothing is going to stop this
17 deployment." And he was talking -- you could see his
18 body language, I mean, very aggressive.

19 Q. Did he explain what he meant when he said, "Momo played
20 him deaf ear?"

21 A. It means Momo did not pay attention to any fight. He
22 mentioned Momo -- President Momo liked him, or he was in
23 jail, but I don't know how he manipulated, according to
24 him, but Augustine was like a grudge. He was keeping it
25 in his mind to be able to retaliate, according to him.
26 But he didn't pay attention to the Vice-President, so he
27 decided to continue with the deployment.

28 Q. After all this was said -- well, first of all,
29 approximately how long did this entire meeting last?

- 1 A. Well, I mean, the meeting lasted up to the evening hours
2 it was going to 6.00 or 7.00, because it was a tedious
3 [inaudible], and after that we had to go to Camp Naama
4 immediately. So we left them there after the meeting and
5 we walked out and then we had to go to Camp Naama. But
6 on our way walking out, of course, Foday Sankoh, again
7 for the second time, he came and said, "General, well, I
8 heard a lot about you and your training staff."
- 9 Q. Can you slow down here. Foday Sankoh came up to who?
- 10 A. On our way outside of the meeting, Corporal Sankoh came
11 again and take my shoulder, along with the training
12 staffs who were going out, because we had to go to Camp
13 Naama, to make sure to divide the 292 men into squads and
14 platoons. So on our way going he said, "General, I heard
15 about the training staff. Give the best advice to the
16 men and in the process we will try to do our best." So
17 while we came down from the step, of course, he stopped
18 and then we faced each other. He said, "Look, this is
19 Gbao; he is my security adviser." That was the second
20 time he introduced Gbao. He is a huge guy like myself.
21 He got the same personality almost. He said, "This is
22 Gbao. He is a trainer and you all are professional
23 people, but for me, you know, you are laughing." He
24 said, "For me I'm a photographer. I wasn't really" --
25 So from that end we shook hand and then he went back
26 inside to meet Charles Taylor and then we got in the
27 pick-up. We had to go to Camp Naama immediately.
- 28 Q. Okay. Before we proceed, I want to go back and just ask
29 a few more questions about that meeting.

- 1 A. Yes.
- 2 Q. You said that he talked about recruitment.
- 3 A. Yes.
- 4 Q. And having -- anybody that did not join, to be classified
5 as "enemies of the revolution".
- 6 A. Yes.
- 7 Q. Who was he referring to that -- who was he [overlapping
8 microphones] recruiting.
- 9 A. Surveillance. Because when you capture a place, you have
10 the surveillance and, like I say, I talk about the rules
11 governing the -- the Geneva Convention on Warfare. These
12 civilians are not combatants, but once you capture a
13 place, you got the gun, you got the power, and so they
14 will submit themselves to you.
- 15 Q. What civilians though? What exactly do you mean
16 civilians?
- 17 A. I mean armless people; people who don't have guns:
18 children, old people, women. That's why it is.
- 19 Q. Okay.
- 20 A. People who don't have military training. They have never
21 held a gun before. They lead their civil life; they are
22 civilian people. Once you gone for training, then are
23 transform from civilian to a military man and then you
24 become a soldier. Then you are a combatant. Then you
25 can be targetted by enemy. Once the [inaudible] don't
26 know anything about arms, they definitely are civilians.
27 You cannot fight them. If you do, then you will be going
28 against the Geneva Convention of Warfare, the rules.
- 29 Q. You stated that in training for the NPFL, you trained

- 1 something called SBUs.
- 2 A. Right. Well, I mean --
- 3 Q. What does that mean exactly?
- 4 A. You talk about SBUs, that is the Small Boy Unit. You
5 know, Taylor had his own military terminology outside of
6 the professional military terminology that know I of. So
7 he created his own thing. He was saying, "Took, Tarnue,
8 you joined the revolution, but I have a special
9 battalion." He said, "Look, these boys are assassins."
10 And when he is talking, he talks with happiness and
11 smiling. He said, "Look, these boys are assassins.
12 Don't play with them. They are my SBU, my own
13 battalion."
- 14 Q. Okay, but when we -- now back to the meeting --
- 15 A. Yes.
- 16 Q. -- and when he was telling Sankoh about recruitment --
- 17 A. Yes.
- 18 Q. -- did he talk about this issue as well?
- 19 A. Oh yeah, he told him. I re-emphasised that. I said that
20 he told Sankoh that, "When you are running a revolutions,
21 you have to make sure that you recruit everybody that you
22 come across, regardless of what age, who, the old people
23 the young people, whatever, because the strength of the
24 revolution will depends on your manpower.
- 25 Q. And what did he say about after you recruit them?
- 26 A. After --
- 27 Q. After you recruit them, what did he say?
- 28 A. "No, you send them to go and fight. Whoever refuse to
29 go, they are enemy to the revolution."

- 1 Q. Okay. You said that after the meeting, after you walked
2 out and you had a conversation with Sankoh.
- 3 A. With Sankoh, yes.
- 4 Q. Okay. What happened then, after this conversation with
5 Sankoh.
- 6 A. After the conversation and we shook hands, I went
7 back to -- we got in the pickup together with the
8 training staff, those guys from The Gambia, Burkina Faso
9 and some Liberian training staff and we went to Camp
10 Naama. 35 miles from Gbarnga.
- 11 Q. When did you arrive in Camp Naama?
- 12 A. We got there around 7.30 or 8.00, but the place was
13 general -- it was electrified. You know, Taylor had a
14 whole lot of generators looted, so the place was
15 electrified.
- 16 Q. Okay. What happened next after you arrived at Camp
17 Naama?
- 18 A. After we got in -- I mean, in Naama, we didn't sleep,
19 because we had to make sure to divide the 292 men, the
20 skeleton battalions into squads, platoons and then give
21 them the equipments and what have you, and finally, give
22 them their warning order and their SOPs. They have to
23 make sure because --
- 24 Q. What are their SOPs?
- 25 A. Well, the SOP was the standing operation procedure. You
26 have to tell them the dos and don'ts.
- 27 Q. I am sorry, can you say that again?
- 28 A. The dos and don'ts. Things that you are supposed to do
29 on the warfront; things that you are not supposed to do

1 on the warfront and if you go ahead and do it, the
2 commander in charge will be held responsible, because we
3 say a commander on the frontline is responsible for what
4 the subordinate does or fails to do. So you, the
5 commander, you got to make sure and I also emphasise on
6 fostering transparencies, meaning, make sure that you
7 apply justice by setting up your UCMJA, making sure that
8 they know UCMJA; try them fairly. Those that will go on
9 the contrary, anybody killing innocent people, try them.
10 And if at all they are guilty, execute them. I mean,
11 this is what the UCMJA says with people with the military
12 language. So we were trying to put fear and tell them
13 exactly how they are supposed to go about and, most
14 importantly, you've got to apply the chain of command.

15 Q. Okay.

16 A. When a man is a sergeant, he is a sergeant.

17 Q. Do you know who exactly was in charge of dividing these
18 292 people?

19 A. Well, the training staff and myself, because the Burkina
20 base you have Sayan, Corporal Sayan. He was the G3 in
21 charge of planning and training. And then he was also
22 intelligence and [inaudible] operational staff.
23 Instructions was given, but we put them together and
24 making sure that we have 62 men in each platoon,
25 [inaudible] commando fighting platoon. Normally, the
26 infantry squad is supposed to be 11, but because that is
27 a commando squad, we have 15 men each and seven-team
28 member each and then you have platoon sergeant and the
29 platoon leader.

1 Q. Okay. What day did this division occur? On what day?

2 A. It happened between the 25th and the 26th.

3 Q. Okay. Now, when you arrived at Camp Naama, after the
4 meeting on the 27th --

5 A. Yeah.

6 Q. -- what exactly did you do with the group that was
7 there?

8 PRESIDING JUDGE: [Overlapping microphones] 28th and 26th.

9 Let us take the year again.

10 THE WITNESS: 1991, sir.

11 PRESIDING JUDGE: 1991?

12 THE WITNESS: Yes, sir. They graduated February 24th, '91
13 and then subsequently they came over to Gbarnga. The G4
14 transported them to Gbarnga. And on the 25th -- the 26th
15 we had to get them to the rally points.

16 PRESIDING JUDGE: [Microphone not activated]

17 THE WITNESS: Sir.

18 PRESIDING JUDGE: [Microphone not activated]

19 THE WITNESS: Of February 1991, sir. And the 25th and the
20 26th, it was the day set aside for them to be rallied up
21 and divide into various platoons and squads and sections.
22 So on the 25th and 26th those exercises were being
23 executed by the training teams. And they were all set,
24 so they only require giving them the SOPs after the
25 meeting and the briefings, and then the G4 are going to
26 supply them, and then they were going to take off
27 immediately after the meeting by the 28th, which was
28 February 1991.

29 MR SANTORA:

1 Q. Okay. Explain exactly what happened on 28 February 1991?

2 A. Well, on the 28th it was a deployment and apparently that
3 morning everybody was in high gear after Taylor provided
4 the six-man diesel trucks. I am talking about -- it's
5 not six-tyres-man diesel. It is like, I think there's
6 16- or 24-tyres-man diesel very long. So one of those
7 men-diesel trucks, because Bong Mining Company just
8 brought new ones and one of them can take up to about 100
9 persons so --

10 Q. Okay. So this is on the 28th?

11 A. On the 28th.

12 Q. You stated that there were these diesel trucks that were
13 provided.

14 A. Yeah, diesel, six of them.

15 Q. Okay.

16 A. Yes.

17 Q. What else happened on the 28th?

18 A. On the 28th Taylor gave the instruction that we should
19 make sure that those men I escorted to the border --
20 because Duopo Mekanzon who was with Sam Bockarie,
21 according to Taylor, he understood the terrain, because
22 it was his assignment.

23 Q. Who is Sam Bockarie?

24 A. Sam Bockarie was the commander for the RUF.

25 Q. Why --

26 A. He is Sierra Leonean.

27 Q. Was he present among these people?

28 A. At that time, yes. Sam Bockarie, Duopo Mekanzon,
29 Benjamin Yeaten.

- 1 Q. Okay. Why don't you tell of the group that was being
2 deployed, exactly who was there to being -- actually
3 being deployed?
- 4 A. Well, you talk about who was there --
- 5 Q. Who was there among the 292 men that you have spoken
6 about?
- 7 A. The 292 men were --
- 8 Q. What is the command structure of that group?
- 9 A. Well, you are talking about the fighting men, counsellor?
- 10 Q. The 292 men.
- 11 A. The 292 men were both the NPFL and RUF.
- 12 Q. Okay. What was the command structure of that group?
- 13 A. Well, quite frankly, the whole command structure that was
14 set up was divided -- the initial size, structure,
15 compositions and the organisation that configurations of
16 the entire RUF combined with the NPFL was divided into
17 four stratified levels of command.
- 18 Q. What are those --
- 19 A. That included the 292 -- 92 -- 92 men that we used as
20 skeleton battalions.
- 21 [HS041004F 5.45 p.m.]
- 22 Q. What was that stratification to start with?
- 23 A. Okay, level 1 was the leadership high command, military
24 policy making. And that was the command in control at
17:46:10 25 the highest level.
- 26 Q. Who was that?
- 27 A. It was strictly Charles Taylor and Corporal Sankoh.
- 28 Q. Okay.
- 29 A. They were responsible for that. Then you talk about

1 level 2. That's the advisory command and strategy
2 planning. You talk about intelligence training. That's
3 the S3 and the G -- the G -- the G2 and the G3 area; that
4 was Koikoi Sanyang.

17:46:34 5 Q. Slow down.

6 A. Now, he and Mustapha --

7 Q. Okay.

8 A. Koikoi Sanyang and Mustapha Jalloh.

9 Q. Okay.

17:46:38 10 A. Then you come down to the level 3. That was -- Taylor
11 make this break down. You come down to level 3; that was
12 the battlefront command. The battlefront command was
13 Sam Bockarie, and they were in charge of commanding the
14 entire battlefront, though Foday Sankoh was there, but he
17:46:58 15 interacted with the men. So, there was Sam Bockarie,
16 Duopo Mekanzon -- Sam Bockarie from Sierra Leone, he was
17 -- he was in charge of RUF. Duopo Mekanzon, who was in
18 charge of the NPFL fighters, together with Benjamin
19 Yeaten, who was Taylor's -- Charles Taylor personal
17:47:16 20 representations. He represented Taylor over there.

21 Then at level 4 you have the logistical command.
22 And Musa Sesay, who was based in Danane in Ivory Coast,
23 who used to engineer all the -- the importations of the
24 different kinds of weapons, including all that kind of
17:47:34 25 thing. He was in Danane, assisted by Mustapha Jalloh.
26 But after Charles Taylor brother died, Gbatu Taylor, so
27 Musa Sesay took over everything. So he was in charge of
28 acquiring weapons, distributions of weapon; bringing it
29 in Liberia and sending it to the different locality.

1 Though he had his supply sergeants and other thing, but
2 to bring them into Liberia he was responsible.

3 Q. Okay. On the day of -- on the 28th these individuals
4 that you just mentioned within the four levels of the
17:48:14 5 command structure--

6 A. Yeah.

7 Q. On the 28th, the day of deployment, were they present?

8 A. Well, David Compaore was there, but Musa Sesay was --
9 Musa Sesay was in the meeting, but David Compaore was in
17:48:24 10 Camp Naama.

11 Q. Okay, what about the other -- the other individuals?

12 A. Well, Charles Taylor normally he was -- well, indirectly
13 I was there because he was talking on the radio. You
14 know, I mean. Realistically, you know what I mean. We
17:48:40 15 know definitely when NPFL, when Taylor speaks, whether
16 he's present or he's talking on radio, you know,
17 realistically, it is theoretically impossible to be--

18 Q. Okay, let me ask -- let me -- let me phrase the question
19 a little --

17:48:56 20 A. Yeah.

21 Q. More precisely. Of the people you just mentioned within
22 this command structure --

23 A. Yeah.

24 Q. Who was actually present on the 28th of February?

17:49:06 25 A. The 28th of the February?

26 Q. Yes. Who was present among the people that you just
27 listed?

28 A. Koikoi Sanyang was present.

29 Q. Okay.

1 A. Mustapha Jalloh was present; of course Foday Sankoh was
2 present from the High Command; Taylor was on the radio;
3 and --
4 Q. No, who was present exactly?
17:49:22 5 A. That's what I'm saying now.
6 Q. Okay.
7 A. All right. Mekanzon, Bockarie, Benjamin Yeaten, and then
8 Mustapha Jalloh, like I said. And then you have David
9 Compaore and Musa Sesay, but he was -- he didn't go to
17:49:40 10 Camp Naama.
11 Q. Okay.
12 A. But he was in the meeting.
13 Q. At Camp Naama -- well, before I ask that let me ask you
14 a question. You said at the meeting that occurred on the
17:49:50 15 27th --
16 A. Yeah.
17 Q. -- Taylor talked about the actual supplies that he was
18 going to give this group?
19 A. Yeah.
17:49:54 20 Q. You said that he was going to provide AK -- AKs--
21 A. 47.
22 Q. -- and Berettas. And the diesel trucks and some other
23 items?
24 A. Yeah.
17:50:02 25 Q. Did he actually supply these?
26 A. Oh, yes, he did. Taylor provide -- he provided
27 transportation; he provided arms and ammunitions; he
28 provided food; he provide physical cash. I didn't see
29 how much, but it was in the brown envelopes, presented it

1 to Sankoh. He also provided professional planning,
2 because he had a training staff, and his personal advice
3 to Corporal Sankoh most often, though Foday Sankoh was on
4 the frontline when the whole thing set, and he was in
17:50:42 5 between. But Charles Taylor was the one on the
6 long-range, sophisticated radio, regularly, giving orders
7 and directive to Corporal Sankoh.

8 Q. Okay let's -- let's stick to the time -- to the time
9 we're talking about on the 28th --

17:51:00 10 A. Right.

11 Q. -- of February. What happened, then, after these men had
12 assembled?

13 A. Well, on the 28th, after they had assemble and he gave
14 the operation order, and then the convoy was set for it
17:51:14 15 to be deployed.

16 Q. Who gave the operational order?

17 A. Of course Charles Taylor.

18 Q. And how did he gave that order?

19 A. Through the -- the long-range radio. And as they were --
17:51:22 20 everything was going, on he was being informed.

21 Q. Okay.

22 A. And then he and --

23 Q. What specifically did he order?

24 A. He ordered that everything is set; say yes. And, "Look,
17:51:32 25 the training staff, together with Sanyang, you all go
26 ahead and escort Corporal Sankoh, so that you can go over
27 to Voinjama or Kolahun." So we drove in convoy and got
28 there; it was somewhere around 11.00 or 12.00, because
29 from Belefuanai to Kolahun is about 200 or more miles

1 away.

2 Q. Okay.

3 A. Kilometres.

4 Q. On what day did you drive?

17:52:00 5 A. On the 28th.

6 Q. Okay. And who exactly went from Camp Naama?

7 A. There was the 292 men and all the Special Forces were

8 involved.

9 Q. And where did you exactly arrive?

17:52:12 10 A. We arrive first in Voinjama, and then from Voinjama to

11 Kolahun is like 40 kilometres. And then we got to

12 Voinjama; that was around 9.00, 10.00. And we turn

13 everything over to the -- we have to go back, so -- the

14 training team master. We immediately returned because

17:52:32 15 the war was still fighting back in -- the NPFL were

16 already [indiscernable], and we had to train to get

17 reinforcement.

18 Q. So you returned back?

19 A. Yeah, we return.

17:52:44 20 Q. Where did you return to?

21 A. Went back to KonoLa training base. But first we went to

22 Gbarnga and we told the chief that we are back and they

23 are all deployed so. But Koikoi Sanyang and his deputy,

24 Mustapha, and those Special Forces were there to be able

17:52:58 25 to guide Foday Sankoh and the rest of it, so.

26 Q. Do you know exactly where these -- these men were

27 deployed? In what exact -- what exact places?

28 A. Well, quite frankly, all I know was we have Kolahun,

29 Yande-Molahun, you have Foya, you have Vaihun. But I was

1 busy with my training. So definitely those people --
2 cause when you deploy, you have to make sure first to do
3 your own assessment. You got our own intelligence. So
4 the commanders there have to be sent description - I
17:53:34 5 guess they are dealing with the map - to know exactly
6 where the deployment would have been done.
7 Q. Okay. And you personally escorted these men?
8 A. We escorted them to the border.
9 Q. And what exact place did you escort them to?
17:53:48 10 A. First we went to Voinjama and then to Kolahun.
11 Q. Okay. And after you escorted them there and you
12 returned?
13 A. We went back to Gbarnga.
14 Q. And what happened?
17:53:58 15 A. After we went back to Gbarnga we reported that mission
16 was accomplished. The following morning, because --
17 Q. And who did you report this to?
18 A. Taylor. He was already in bed. So in the morning we --
19 we made a report and we went back to Konola training
17:54:12 20 base.
21 Q. And then what happened?
22 A. When we got back to Konola training base we continue our
23 training.
24 Q. Okay. And the forces that you brought to the border,
17:54:22 25 what happened to them?
26 A. Well, the forces that we carried to the border they were
27 deployed, and the next thing I heard was they started the
28 attack I think it was on the third -- the third week in
29 March, I guess. That was from the long-range radio from

1 Taylor. He said, "Well, I told you those boys have
2 started already." That was -- that was a third week in
3 March, 1991.

4 Q. How exactly -- where were you when you heard this?

17:54:52 5 A. I was at Konola base. And then following there I went to
6 Gbarnga.

7 MR SANTORA: Okay. Your Honours, I was going to start a
8 completely new area. And so I don't want to be
9 presumptuous. I can go ahead and start, but if--

17:55:28 10 PRESIDING JUDGE: You cannot finish in 3 minutes time.

11 MR SANTORA: Hopefully not.

12 PRESIDING JUDGE: Hopefully not, right. Well, I think this
13 would be a convenient point for us to adjourn, and we
14 would continue tomorrow with the examination-in-chief.

17:56:58 15 We shall resume our sitting at 9.30. General, I hope
16 you'll be in good shape, you know, to -- I hope you have
17 a nice sleep in order to come and continue with your
18 testimony.

19 THE WITNESS: Yes, Your Honour.

17:57:12 20 PRESIDING JUDGE: We'll continue with you tomorrow because we
21 appear to still have a long way to go.

22 THE WITNESS: Yes, Your Honour.

23 PRESIDING JUDGE: Learned counsel, thank you very much. We
24 would rise and resume this session tomorrow at 9:30.

17:57:40 25 Court rises, please.

26 [Whereupon the hearing adjourned at 6.00 p.m., to be
27 reconvened on Tuesday the 5th day of October 2004, at
28 9.30 a.m.]

29

C E R T I F I C A T E

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

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

Roni Kerekes

Susan G Humphries

Maureen P Dunn

Ella K Drury

WITNESS FOR THE PROSECUTION:

WITNESS: GENERAL JOHN TARNUE 44

EXAMINED BY MR SANTORA 44