



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

THURSDAY, 11 DECEMBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

Justice Teresa Doherty, Presiding  
Justice Richard Lussick  
Justice Julia Sebutinde  
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr William Romans  
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura  
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis  
Mr Christopher Santora  
Ms Ruth Mary Hackler

For the accused Charles Ghankay  
Taylor:

Mr Terry Munyard  
Ms Amina Graham

For the Office of the Principal  
Defender:

Mr Silas Chekera

1 Thursday, 11 December 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:19:23 5 PRESIDING JUDGE: Good morning. Mr Santora, appearances,  
6 please.

7 MR SANTORA: Good morning, Madam President, your Honours.  
8 Good morning, counsel. For the Prosecution this morning is  
9 Brenda J Hollis, Ruth Mary Hackler and myself Christopher  
09:31:08 10 Santora.

11 PRESIDING JUDGE: Thank you, Mr Santora. Good morning,  
12 Mr Munyard.

13 MR MUNYARD: Good morning, Madam President, your Honours,  
14 counsel opposite. For the Defence this morning there is myself  
09:31:20 15 Terry Munyard, Amina Graham and representing the Principal  
16 Defender is Silas Chekera.

17 PRESIDING JUDGE: Thank you. If there are no other matters  
18 I will remind the witness of his oath. Good morning, Mr Witness.

19 THE WITNESS: Good morning, Madam President.

09:31:37 20 PRESIDING JUDGE: I again remind you this morning as I have  
21 on the other mornings that you have are under oath. Having taken  
22 the oath, the oath continues to be binding on you and you must  
23 answer questions truthfully. Do you understand?

24 THE WITNESS: Yes.

09:31:52 25 PRESIDING JUDGE: Very good.

26 WITNESS: DAUDA ARUNA FORNIE [On former oath]

27 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

28 Q. Good morning, Mr Fornie.

29 A. Good morning, Mr Munyard.

1 Q. Yesterday I was asking you about the process by which Issa  
2 Sesay became interim leader of the RUF in the year 2000 in the  
3 absence of Foday Sankoh who at that stage was again in custody.  
4 Do you remember? Do you remember that's what we were talking  
09:32:52 5 about when we broke off yesterday?

6 A. Yes.

7 Q. Now, I can't see whether or not I actually asked you this  
8 question, but were you aware that after Issa Sesay had consulted  
9 with the various Presidents that I mentioned yesterday that he  
09:33:19 10 also went back to Sierra Leone, consulted with the high command  
11 of the RUF and also sent a letter to Foday Sankoh? Were you  
12 aware of that?

13 A. I know something about that and even beyond that and if I  
14 am given the opportunity I will explain what I know about it.

09:33:51 15 Q. You tell us what you know about the letter that Issa Sesay  
16 sent to Foday Sankoh.

17 A. Thank you very much. It's not just about the letter, but  
18 the process itself. And the process was like if you and someone  
19 were seeking to gain something, but you were already stepping on  
09:34:13 20 that thing, all what went on was something that was - that  
21 Mr Taylor and Issa Sesay had pre-knowledge about, that Issa Sesay  
22 only wanted to cover up to the international community, so the  
23 RUF themselves, he made them to know about it.

24 THE INTERPRETER: Your Honours, could the witness be  
09:34:40 25 advised to slow down and repeat the last bit of his testimony.

26 PRESIDING JUDGE: Mr Witness, you are going too quickly for  
27 the interpreters. As you know, it is being not only interpreted  
28 but being recorded and so far I haven't heard a beginning to an  
29 answer to the question that was what do you know about the letter

1 Issa Sesay sent to Foday Sankoh, so please answer the question.

2 THE WITNESS: Well, I said it's not just about the letter,  
3 but the process, and what I know about the process is what I am  
4 explaining.

09:35:11

5 MR MUNYARD:

6 Q. I am going to stop you there. You can no doubt talk about  
7 the process at whatever length you wish. I did not ask you at  
8 this point about the process. I asked you about the letter.

09:35:27

9 That is what I would like you to reply to at this point. No-one  
10 is stopping you giving further replies. You will be stopped from  
11 speech making, however. Now, just deal with the letter, please,  
12 that both I and Madam President of the Court have asked you to  
13 deal with in your answer. We will all be out of here a lot  
14 quicker if you stick to answering the questions asked, rather  
15 than making speeches.

09:35:51

16 A. I am not making an ordinary speech, but I think it is  
17 correct connected to the letter.

18 PRESIDING JUDGE: Please do not argue. Answer the  
19 question. If there is something that is not picked up in that  
20 answer, counsel for the Prosecution has a chance at  
21 re-examination. Answer the question.

09:36:09

22 THE WITNESS: Well, the letter was just a mere formality  
23 that Issa that others wrote to Foday Sankoh.

24 MR MUNYARD:

09:36:24

25 Q. How do you know?

26 A. Well, it's because Issa had already told us that Mr Taylor  
27 had told him that, being that Foday Sankoh was absent, he should  
28 temporarily act. That was what Issa told us.

29 Q. Well, did Issa tell you that he'd had a meeting with four

1 or five African Heads of State in Monrovia followed by a further  
2 meeting at Roberts International Airport with Presidents Obasanjo  
3 and Konare?

09:37:15 4 A. In fact let me tell you. Issa was unlike Mosquito wherein  
5 he would always summon people to explain things to them. It was  
6 just like when he was travelling through Pendembu, by then I was  
7 in Pendembu, he and Eagle and others, he used to explain to us.  
8 He will say --

09:37:30 9 PRESIDING JUDGE: Mr Witness, please stop. You were asked  
10 about a meeting between --

11 MR MUNYARD: Two meetings, your Honour.

12 PRESIDING JUDGE: Two meetings. Now, you have started  
13 telling us about comparisons of Issa and Mosquito and I don't  
14 know who you are talking about when you are talking about  
09:37:43 15 Pendembu. Direct yourself to the question.

16 THE WITNESS: When Issa came - returned from those meetings  
17 what he told us in Pendembu was that Mr Taylor told him that he  
18 should officially take up the responsibility to serve as acting  
19 leader. He said that was what he went to discuss with the ECOWAS  
09:38:13 20 members of states.

21 MR MUNYARD:

22 Q. So you agree that he went to discussions with the ECOWAS  
23 Heads of State, do you?

24 A. Yes.

09:38:23 25 Q. And are you aware that two of those ECOWAS Heads of State,  
26 the two I have just mentioned, Presidents Obasanjo and Konare,  
27 went to see Foday Sankoh with a letter from Issa Sesay? Are you  
28 aware of that, or not?

29 A. I knew about a letter that Issa said they should write and

1 be taken to the leader, that is Foday Sankoh, but I do not know  
2 the people who took the letter along.

3 Q. And do you know anything about the contents of the letter?

09:39:12

4 A. I did not read the letter and the content was not disclosed  
5 to me.

6 Q. No, because you were not anything like important enough to  
7 be involved in these discussions, were you?

09:39:36

8 A. Well, it's not a matter of being important, but on a  
9 regular basis such things - we held a general forum wherein  
10 people would come up with ideas, but at that time Issa never used  
11 to do that. In the case of Issa, people he knew that were with  
12 him, those are the people he would just invite and tell them  
13 let's do this and let's do that. Moreover he said it was an  
14 instruction from the President, that is President Taylor.

09:39:52

15 Q. I see. Did he mention any instructions or approvals by the  
16 other Presidents?

17 A. He said it was an instruction from Mr Taylor. That is what  
18 I know about.

09:40:12

19 Q. And did he therefore tell you that all the other Presidents  
20 of ECOWAS, the general secretary of the organisation, the foreign  
21 minister of Ghana and the rest of them, were all eating out of  
22 President Taylor's hand? Is that what you're trying to convey to  
23 this Court?

24 A. I do not understand that question, please.

09:40:29

25 Q. Are you suggesting - I am asking you are you suggesting  
26 that all of these other Presidents, foreign ministers, general  
27 secretary of ECOWAS and the rest of them were puppets being  
28 controlled by Mr Taylor? Is that what you're suggesting,  
29 Mr Fornié, from your great insider knowledge as a radio operator?

1 A. No, it was not Mr Taylor who controlled them, but one thing  
2 that I know is that it was like using a thief to arrest a thief.  
3 They used Mr Taylor to bring the RUF back to the peace table.

09:41:12

4 Q. And the Prosecution are using you to spin lines that are  
5 not true, aren't they?

6 A. No, I am saying something here in the interest of my  
7 nation. But in your case Mr Taylor is using you to just refute  
8 what other people know that is true. Indeed, what I did and what  
9 I know about --

09:41:33

10 PRESIDING JUDGE: Mr Witness, I am reminding you yet again  
11 not to be entering into arguments with counsel. Answer the  
12 question.

13 MR MUNYARD: Well, I am going to move on, if I may.

14 THE WITNESS: Well, I have already answered that question.

09:41:49

15 PRESIDING JUDGE: Thank you.

16 MR MUNYARD: All right. We are both agreed then that we  
17 will move on. Would your Honours give me just a moment while I  
18 take direct instructions? Thank you:

09:42:56

19 Q. Now, I did say yesterday that I had gone forward in the  
20 chronology, that's the time sequence of events, in order to try  
21 to tie up one issue, that is the Issa Sesay leadership issue, and  
22 I am now going to go back, if I may, and deal I hope pretty well  
23 with the last topic that I propose looking at, perhaps with one  
24 exception.

09:43:21

25 I want to go back, please, to 1999 and the protracted peace  
26 process. Now, were you aware that in 1998 President Taylor was  
27 approached by the President of Nigeria to attend a meeting with,  
28 amongst others, himself and the United Nations Secretary-General  
29 and President Tejan Kabbah in order to discuss issues relating to

1 peace and security in the sub-region, that's West Africa? Were  
2 you aware that Mr Taylor was invited to such a meeting with the  
3 United Nations Secretary-General and President Tejan Kabbah?

4 A. I remember a meeting like that.

09:44:31 5 Q. Very well. Tell us the date of it, if you remember it so  
6 well?

7 A. No, I do not recall the date. I do not recall the date.

8 Q. Well, just tell us how it is, Mr Fornie, that now in 2008  
9 you are able to remember a meeting between Presidents Obasanjo,  
09:44:54 10 Tejan Kabbah and Taylor on the one hand and the Secretary-General  
11 of the United Nations on the other?

12 A. Well, it was a meeting that took place. I am aware of it  
13 because it was in fact over the media, the BBC, the VOA. It was  
14 not anything hidden.

09:45:16 15 Q. You didn't record this one, did you?

16 A. The date? Well, I do not recall whether or not I recorded  
17 it. Maybe I recorded it maybe, because I did so many recordings.

18 Q. Where was it, this meeting that you remember?

19 A. I do not recall everything that obtained in the meeting. I  
09:45:42 20 do not recall the venue that it took place, but I recall that  
21 such a meeting took place even before the actual Lome peace talks  
22 started.

23 Q. And when did this meeting take place?

24 A. That is what I have told you. I said before the Lome Peace  
09:46:00 25 Accord, but I do not recall the date or month.

26 Q. I will try again. How many months or years before the Lome  
27 Peace Accord?

28 A. I do not recall the exact month. It was not a year before  
29 the Lome Peace Accord, but I do not recall the exact month.

1 Q. Now, after the Lome Peace Accord had been signed how  
2 quickly did the disarmament process proceed?

3 A. The disarmament process did not just start immediately  
4 after Lome, because we had to travel to some other countries up  
09:47:07 5 to Freetown, but upon our arrival in Freetown I recall that a  
6 symbolic disarmament around the Lunsar area took place. I recall  
7 that a symbolic disarmament took place there. That was when by  
8 then we were in Freetown.

9 Q. Right. Was there any concern on the part of the Sierra  
09:47:33 10 Leone authorities that disarmament was proceeding too slowly, or  
11 would you not know that?

12 A. Well, thank you that you have answered that, because I was  
13 not part of the authorities or the Government of Sierra Leone.

14 Q. And you didn't hear anything on the BBC or any other media  
09:47:54 15 about that, did you?

16 A. I do not recall.

17 Q. All right. I would like to show you a two page letter,  
18 please. Your Honours, I only have the one copy so I am going to  
19 have it put on the screen and then I will attempt to read it from  
09:48:12 20 the screen to take the witness through it. It is typed and it is  
21 legible?

22 PRESIDING JUDGE: And I take it we haven't seen this  
23 document before, Mr Munyard?

24 MR MUNYARD: Well, I think we haven't. I confess by this  
09:48:30 25 stage in the year to being slightly unsure, but I don't think  
26 this one has been put in before:

27 Q. Now, Mr Fornie, I am going to read this letter out and you  
28 tell us if you know anything at all about it. It has the crest  
29 of the State of Sierra Leone on the top of it, underneath of

1 which is the formal heading "State House, Freetown, Republic of  
2 Sierra Leone", the date is 27 October 1999 and it is addressed to  
3 His Excellency Charles Ghankay Taylor, President of the Republic  
4 of Liberia, and it reads as follows:

09:49:24 5 "Mr President and dear brother, I think the Sierra Leone  
6 telephone engineers will have to do more work to make it possible  
7 for me to get you on the phone because I have never been able to  
8 get you either at home or in the office. This explains why I am  
9 writing to you."

09:49:41 10 Pausing there, were you aware of telecommunications  
11 problems in Sierra Leone in late 1999?

12 A. Yes.

13 Q. It goes on:

14 "Our brother, President Obasanjo, telephoned me yesterday  
09:50:05 15 that he would like to visit Freetown on 5 November as a  
16 confidence building mission. On our part, we have been doing  
17 everything possible to get the peace process moving. Our people  
18 have been listening to me. The only problem is that the  
19 disarmament process has been rather slow and I have identified  
09:50:20 20 that the main problem for this is that Sankoh and Koroma do not  
21 seem to trust each other. I am continuing with my efforts to  
22 build confidence between them and I hope that with the arrival of  
23 President Obasanjo, he also will have an input into the process.  
24 Of course, whatever you can do from your end will be very much  
09:51:07 25 appreciated.

26 Ambassador Salia-Bao had communicated with us earlier that  
27 a number of former RUF and SLA combatants wanted to return home  
28 to take part in the DDR program."

29 What's the DDR programme? Disarmament and? Can you help

1 us, Mr Fornie, what does DDR stands for?

2 A. What I know is disarmament, demobilisation and  
3 reintegration.

4 Q. I am very grateful:

09:51:43 5 "The disarmament, demobilisation and reintegration  
6 programme. While we were making arrangements for their  
7 transportation home, we have heard that the RUF element is now  
8 taking the position that they would like to return to Sierra  
9 Leone through Kailahun with their arms. This, of course, signals  
09:52:01 10 some problem which I know you will understand, and which has  
11 given us some cause for concern. Whatever you and your security  
12 people can do to see to it that either these people are disarmed  
13 in Liberia before they leave or they make use of the  
14 transportation being arranged by the government so that they can  
09:52:40 15 be disarmed upon their departure from Liberia or arrival in  
16 Sierra Leone, will be appreciated. I thank you in the advance  
17 for your usual cooperation. With my best personal regards."

18 Who is it signed by? Just read out the name printed  
19 underneath the signature, would you, Mr Fornie?

09:53:07 20 A. It is Alhaji Dr Ahmad Tejan Kabbah, President of the  
21 Republic of Sierra Leone. But, please, the last part of the - of  
22 this letter, I do not understand it, the last paragraph.

23 Q. Stop. I asked you who is it signed by. I haven't asked  
24 you anything about the contents yet. Now, you were obviously not  
09:53:33 25 aware of that letter exchanged between two Presidents of  
26 neighbouring countries, were you?

27 A. Yes.

28 MR MUNYARD: Now, I think that is another one of those --

29 PRESIDING JUDGE: Does that mean you are agreeing with

1 counsel that you didn't know, Mr Witness?

2 THE WITNESS: I don't know about this letter.

3 MR MUNYARD: Thank you. Yes, well, that's all I want to  
4 deal with in relation to that letter then if he doesn't know  
09:54:06 5 anything about it.

6 PRESIDING JUDGE: It can be taken away.

7 MR MUNYARD: Yes, could I have that marked for  
8 identification, please, and I have got the list here so I know  
9 where we are up to. It should be MFI-11, I think.

09:54:21 10 PRESIDING JUDGE: That is a two page document, a  
11 typewritten letter, and it becomes MFI-11.

12 MR MUNYARD:

13 Q. Now, that was the situation that prevailed in October of  
14 1999. You in your evidence-in-chief last week produced a radio  
09:54:50 15 logbook, MFI-7, which I would now like us to look at, please. I  
16 think, your Honours, it's behind tab 4, going on memory. When I  
17 say tab 4 I am talking about the bundles produced by the  
18 Prosecution. I am not talking about our - with a bit of luck I  
19 might have finished with our bundles, although perhaps not  
09:55:29 20 completely. Can I enquire if everybody has that to hand? Then I  
21 think it is going to have to be the original shown to the  
22 witness, since that was what - it's there, yes. Thank you very  
23 much. Now, just before we look at this book, Mr Fornie, would  
24 you mind telling us how it came into the hands of the  
09:56:29 25 Prosecution?

26 A. How what came to be with the Prosecution?

27 Q. This radio logbook that you told us yesterday has your  
28 entries in it?

29 A. I don't know how the Prosecution managed to get it.

1 Q. Well, let's just try a different route to the answer to  
2 that question. This logbook is - is it right that it is mainly  
3 or exclusively entries written by you? Does it contain entries  
4 on every page written by you? You have seen it before. You  
09:57:12 5 should be able to answer it by now. You have no doubt been taken  
6 through it in prepping sessions, is that right?

7 A. I did not go through it. I did not go through everything,  
8 but most of what is in there I did it. Most of the entries in  
9 there I did it.

09:57:30 10 Q. Well, you're able to say that most of what's in there you  
11 did it. Did you keep that particular logbook after it was  
12 completed?

13 A. Well, I left this logbook in Freetown, in the Freetown  
14 office. It was when we returned from Lome - myself, Foday Sankoh  
09:57:57 15 and others - I left it in Freetown and I went back to Buedu. It  
16 was in the office. It was an office property, so I left it in  
17 the office in Freetown at Foday Sankoh's lodge.

18 Q. Right. Are we talking about his lodge in Spur Road from  
19 which he was arrested in May 2000?

09:58:15 20 A. Yes.

21 Q. Thank you. And are all the entries in this particular  
22 logbook written while you were away in Lome?

23 A. I did not go through everything. I did not read the tail  
24 end of it to confirm everything, because for a long time now I  
09:58:38 25 had forgotten about it, but I can say almost everything in there  
26 I did it.

27 Q. Right. The first entry - I am not going to trouble you  
28 with going right through it just to make this point. The first  
29 entry is on 28 April 1999 and the last entry in the logbook is 11

1 September 1999. Were you in Lome throughout that period?

2 A. Well, throughout that period I had not returned to  
3 Freetown. I had not arrived in Freetown by then.

09:59:40

4 Q. Right. We will go then to the first entry in the logbook,  
5 please, which is on page 00008639. I say the first entry, I  
6 meant the first page. I want you to look, please, at the second  
7 entry on that page that appears just below the printed stamped  
8 number. "FM" means it's from, is that correct?

9 A. Yes.

10:00:15

10 Q. "The Lion" is a reference, as you told us the other day, to  
11 Foday Sankoh and again I think you dealt with this particular one  
12 for the names at any rate. "To S/Man", that's Superman, yes?

13 A. Correct.

10:00:41

14 Q. "Brigadier Mani, Black Jah". Black Jah, remind us who that  
15 is?

16 A. Gullit.

17 Q. Yes, thank you. And who is "Gaffa"?

18 A. Gibri I Massaquoi.

10:01:04

19 JUDGE LUSSICK: Mr Munyard, that Black Jah you just  
20 referred to - I am pretty sure I know the answer to this - but I  
21 think that came up in evidence last Wednesday.

22 MR MUNYARD: Yes.

10:01:26

23 JUDGE LUSSICK: And this witness made a specific point of  
24 spelling that for us and he spelt it J-A-R. He was quite  
25 definite about that, but I notice here in these notes, and not  
26 just on this page, it is spelt J-A-H. I am presuming that both  
27 of those references, J-A-R and J-A-H, refer to the one and the  
28 same person, Gullit, although I think that ought to be made  
29 clear.

1 MR MUNYARD: I will deal with that, your Honour, certainly:

2 Q. You spelled Black Jah J-A-R, as in mayonnaise jar, an item  
3 that we have heard quite a lot about in the course of this trial.  
4 Do you remember spelling it jar as in mayonnaise jar?

10:02:10 5 A. Yes, I recall that I spelt it that way.

6 Q. Why did you spell it that way in your evidence?

7 A. Well, it's a proper noun, but all sounds the same. It's a  
8 proper noun. So it's up to you which one should serve as the  
9 standard, but it's a proper noun. I am not referring to - it's  
10:02:35 10 just a code name. It was just there to represent Gullit. It was  
11 just there to represent Gullit as a person. I am not referring  
12 to a jar or whatsoever jar.

13 JUDGE SEBUTINDE: Mr Witness, J-A-R means a bottle. J-A-H  
14 means God. How can it be the same?

10:03:00 15 THE WITNESS: Well, it is the spelling. What I mean, all  
16 refers to Gullit. The jar refers to Gullit and nobody else.

17 MR MUNYARD:

18 Q. Right. Had you forgotten how to spell his name when you  
19 gave your evidence last week?

10:03:24 20 A. Well, I have agreed that I spelt it that way before this  
21 Court, but it escaped me. Of course I am a human being and even  
22 your own name it's possible that I can forget the spelling.

23 Q. Don't worry about my name. We are only concerned with  
24 Gullit's name. Do you think that when you gave your evidence  
10:03:43 25 last week that your memory had let you down due to the passage of  
26 time?

27 A. My memory did not let me down. It's not a matter of  
28 letting me down, but I am a human being.

29 Q. So you say that your memory is as good in 2008 as it was on

1 30 April 1999, yes?

2 A. I am telling you that I am a human being. Even when one is  
3 writing a letter it's possible you make mistake. Even when you  
4 are writing whatsoever thing it is usual that you can make  
10:04:21 5 mistakes.

6 MR MUNYARD: Well, I hope that the earlier answer deals  
7 with Justice Lussick's point. He has made it clear it is one and  
8 the same person:

9 Q. Now, let us have a look at that particular entry. Is this  
10:04:34 10 all your printed handwriting followed by your signature?

11 A. Yes.

12 Q. Thank you. And the message from Foday Sankoh, the leader,  
13 to these four named persons is, "Info" - before we look at the  
14 message "Info - Log", does that mean for the information of

10:04:58 15 Sam Bockarie, Log being one of his aliases?

16 A. Correct.

17 Q. Thank you. I am going to try and read out the words if in  
18 full where they appear abbreviated in the log, so you tell me if  
19 I am translating the abbreviations into the wrong word:

10:05:21 20 "Reference my directive relating to your movement to Togo,  
21 I am again reinforcing that you people should move to Kailahun so  
22 that helicopter will pick you up for transmission to Togo. Your  
23 delegation is very important for us to reach a unanimous proposal  
24 for the forthcoming negotiation. Let us forget all differences  
10:05:52 25 and comply strictly with my directives. When I come on the  
26 ground I will solve all problems. The helicopter will pick you  
27 all from the border and other brothers who are presently in" -  
28 and I can't see what that final word is. Are you able to help  
29 us? I am not saying it is necessarily important. Are you able

1 to work out what that last word is?

2 A. "As the other brothers who are presently in Togo".

3 Q. In Togo, all right. What were the differences between all  
4 of these people to which Foday Sankoh was referring?

10:06:47 5 A. It was the infighting that was existing by then. The  
6 infighting that was going on between them by then.

7 Q. Yes, the RUF movement was tearing itself apart internally  
8 during 1999, wasn't it?

9 A. It was tearing apart and bringing together. Tearing apart  
10:07:15 10 and bringing together.

11 Q. Amongst other things, Superman had led an attack on the  
12 other RUF commanders including RUF Rambo, who I think was Boston  
13 Flomo, is that right? I might have got that wrong. Is RUF Rambo  
14 Boston Flomo?

10:07:39 15 A. You are correct.

16 Q. Thank you. He led an attack on a group including RUF Rambo  
17 that led to RUF Rambo being murdered and Issa Sesay being  
18 injured, didn't he, in March of 1999 in Makeni?

19 A. Whom did you say went and attacked RUF Rambo?

10:08:07 20 Q. Superman.

21 A. You are correct.

22 Q. And killed someone as important as RUF Rambo, yes?

23 A. Yes.

24 Q. Turn over the page, please, to 8640 and look at the message  
10:08:29 25 again in the second half of the page. From the Lion to Black  
26 Jah, Brigadier Mani and Gaffa. Subject, directive. The date of  
27 this is 15 May 1999. Where were you on 15 May 1999?

28 A. I was in Togo.

29 Q. Just help us with this: Before we look at the body of this

1 particular one, go to the top of the page. The previous message  
2 is on 1 May - I'm sorry.

3 MR SANTORA: This is a just a small point. I think counsel  
4 said 15 May '99 and I believe it says 1 May '99 and it does make  
10:09:21 5 a difference just because of where the Lion was at that point.

6 MR MUNYARD: Yes, Mr Santora is absolutely right. I am  
7 misreading and the point I was then going to make becomes  
8 irrelevant now. Thank you, that will speed me up a bit:

9 Q. "Subject: Directive. You are instructed to follow my  
10:09:41 10 directives dispatched to you relating to your participation in  
11 the Lome consultation. The helicopter will not be able to pick  
12 people up from inside Sierra Leone to" - and then I can't read  
13 that next word. Do you know what the next word that looks as  
14 though it ends in E-R-I-A. Is it Liberia?

10:10:03 15 A. Yes.

16 Q. Thank you:

17 "You should report to Kailahun where you will be  
18 transported to Monrovia for onward transportation to my location  
19 (Lome). Strictly comply to this order and make sure you  
10:10:19 20 participate in the current talks in Lome. Also obey my last  
21 orders and make transmitted to Gibril relating to the movement of  
22 Joseph Momoh" - I will re-read this in a moment - "to Kailahun."

23 I think I have read a word that was crossed out:

24 "Also obey my last orders transmitted to Gibril relating to  
10:10:44 25 the movement of Joseph Momoh to Kailahun. He should by all means  
26 report to Kailahun without delay."

27 Is it right that Gibril Massaquoi had in his custody former  
28 President Joseph Momoh of Sierra Leone, the man overthrown by  
29 Captain Valentine Strasser and the NPRC in 1992?

1 A. Well, no, Gibriil did not have Joseph Momoh under any  
2 custody.

3 Q. Right. Well, help us then with what that means. What were  
4 his last orders transmitted to Gibriil relating to the movement of  
10:11:27 5 Joseph Momoh to Kailahun?

6 A. Joseph Momoh was with Brigadier Mani and he was not under  
7 custody. In fact, Brigadier Mani refused Mosquito's orders.  
8 When Mosquito sent to them asking that they should send all the  
9 politicians that had been captured by then, he said they should  
10:11:50 10 send them to Kailahun, by then Brigadier Mani had Momoh.

11 Q. Stop. Mr Fornie, I asked you what the last orders  
12 transmitted to Gibriil were relating to the movement of Joseph  
13 Momoh. Just tell us what that "last orders" refers to, if you  
14 know.

10:12:12 15 A. It was to collect Joseph Momoh and take him to Kailahun.

16 Q. Thank you very much. Now, I would like you to look halfway  
17 down the page, 5 May 1999, from the Lion to Equaliser. Who is  
18 Equaliser?

19 A. Superman.

10:12:37 20 Q. Thank you. Brigadier Mani, Black Jah and Gaffa through  
21 Planet. I can't remember if you identified Planet last week.  
22 Who is Planet?

23 A. It was another code name for Mosquito.

24 Q. Yes:

10:12:54 25 "You have violated my directives given you for more than  
26 three days. You will be accountable for any breakdown towards  
27 that axis."

28 Next message, the date is less year, but again it looks as  
29 though it is on 5 May 1999, from the Lion to the same group of

1 people through Mosqui to:

2 "I'm still instructing that you should move to Kailahun for  
3 my point (Lome) as Gen" - is that general - "will be at Kailahun  
4 tomorrow to receive you people."

10:13:37 5 Is that what Gen refers to?

6 A. Yes.

7 Q. Thank you. If we turn over now a couple of pages to 864 --

8 A. That is General Ibrahim that he was referring to.

9 Q. All right. If we turn to page 8643, 12 May 1999, from the  
10:14:01 10 Lion to Log, Log being Sam Bockarie, subject, two religious  
11 groups from the RUF/SL zones to travel to Togo - Lome:

12 "The inter-religious council of Sierra Leone have kindly  
13 asked the leader in person, Corporal Foday Sankoh, to please send  
14 both the heads of Christians and Muslims to travel with General  
10:14:28 15 Ibrahim to meet me in Togo and to meet the above named group  
16 already approved by me."

17 And then he names a Christian and a Muslim leader and the  
18 Muslim leader:

19 "Alhaji Omaru Sesay-Namima, the district chief imam of the  
10:14:50 20 RUF/SL liberated zones. Please arrange faster for these people  
21 to come with General Ibrahim. Many regards to all."

22 Now, the liberated zones was the RUF expression for the  
23 areas under its control, wasn't it?

24 A. Yes.

10:15:07 25 Q. And within the liberated zones the RUF ran schools,  
26 hospitals, clinics and so on, yes?

27 A. Yes.

28 Q. Thank you. Next message also on 12 May, to Foday Sankoh,  
29 to the Lion, from Superman. Subject, information:

1 "Sir, Gaffa and Lieutenant Colonel FAT Sesay have left as  
2 a delegation to your location. Very soon you will receive them.  
3 I did not go because of the security situation on the ground.  
4 I'm doing my level best to contain the situation to our own  
10:15:53 5 advantage."

6 Now, there is Superman saying that he is not yet travelling  
7 to Togo. Was Foday Sankoh pleased with Superman saying that he  
8 wasn't obeying his order to proceed to Lome, to Togo?

9 A. Well, Foday Sankoh was not happy over the issue really. He  
10:16:30 10 was not happy over the issue.

11 Q. Indeed if you turn over the page to 8644, the second entry  
12 on 13 May, from the Leader to Superman. Subject, response:

13 "Reference your last message dated 12 May 1999, your  
14 staying at OK67 is not approved by me. You are to report to  
10:16:53 15 Kailahun for onwards movement to my location (Lome - Togo) as per  
16 my previous directive."

17 And then if we turn over to page 8645 we see a message on  
18 17 May from the Lion, that is Foday Sankoh, to Concord. Again I  
19 can't now remember if Concord was identified last week. Who is  
10:17:24 20 Concord?

21 A. That is Log's other code name, Sam Bockarie.

22 Q. Right, and Log is Sam Bockarie, yes?

23 A. Yes.

24 Q. Subject, infos:

10:17:42 25 "As per the result from the people's congress meeting at  
26 your location, the delegates were not to engage in any  
27 negotiation/peace talks with the government unless I am a free  
28 man. However, the development here is geared towards my release  
29 through political dialogues.

1 I have therefore dispatched Brigadier Mike Lamin to brief  
2 you and get the view of everybody. He is to return within four  
3 to five days time to enable him take part in the forthcoming  
4 negotiation scheduled to commence on the 24th of this month. He  
10:18:39 5 will give you detail briefing upon his arrival. Extend my  
6 regards to everyone."

7 So Foday Sankoh was making it plain, wasn't he, that the  
8 process was one of political dialogue at this time and not  
9 military action, yes?

10:19:02 10 A. You are correct.

11 Q. Over the page, please, 19 May, the main entry on this page  
12 from the Lion, Foday Sankoh, to Log, Sam Bockarie: "Reference,  
13 you are to inform all soldiers and" - is that word that we can't  
14 see, is it "civilians", do you think?

10:19:34 15 A. No, it's "eye".

16 Q. No, no, no, before - it is civilians?

17 A. Soldiers and civilians.

18 Q. Yes, when I said the word we can't see, I have realised on  
19 the screen it's perfectly clear. On the photocopy it isn't and I  
10:19:48 20 am grateful to Ms Graham for pointing that out.

21 A. You mean --

22 Q. Don't worry about my difficulties, Mr Fornie. We will  
23 start again with this one: "Ref, you are to inform all soldiers  
24 and civilians that eye have signed a ceasefire agreement with the  
10:20:09 25 SLPP government." That is the government of Tejan Kabbah, isn't  
26 it? Mr Fornie, SLPP government, government of Tejan Kabbah?

27 PRESIDING JUDGE: Mr Witness, did you hear the question?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: And that is your answer.

1 MR MUNYARD: Thank you:

2 Q. "On the 24th day of May 1999 with a hope of creating an  
3 appropriate atmosphere conducive for the holding of the peace  
4 talks in Lome - Togo.

10:20:45 5 Below listed are the rules binding the ceasefire:

6 1. Agree to ceasefire as from 24 May 1999, the day that  
7 President Eyadema invited foreign ministers of ECOWAS to discuss  
8 problems pertaining to Sierra Leone."

9 Now, pausing there, do you say that President Eyadema of  
10:21:04 10 Togo was also under the control of President Taylor in conducting  
11 these peace talks between the warring parties in Sierra Leone?

12 A. No, President Eyadema wouldn't have been under the control  
13 of President Taylor.

14 Q. Thank you very much. Now, reading on from there:

10:21:36 15 "It was further agreed that the dialogue between the  
16 Government of Sierra Leone and the RUF would commence on 25 May  
17 1999.

18 2. Maintain their present and respective positions in  
19 Sierra Leone as of 26 May 1999 and refrain from any hostile or  
10:22:00 20 aggressive acts which could undermine the peace process.

21 3. Commit to start negotiations in good faith."

22 Do you know why that reference to good faith was put in  
23 there by Foday Sankoh? Tell us if you don't.

24 A. That was the time for the RUF to be transformed into a  
10:22:28 25 political party.

26 Q. No, it may be that I haven't explained what I mean.

27 Mr Fornie, we have just looked at the beginning of point 3,

28 "Commit to start negotiations in good faith involving all

29 relevant parties in the discussion". Do you know what Foday

1 Sankoh was getting at when he talked about commit to start  
2 negotiations in good faith, or don't you know?

3 A. To the best of my knowledge, that was to show goodwill. To  
4 show goodwill towards the negotiations.

10:23:08 5 Q. Right. So are you aware of bad faith on the part of the  
6 Sierra Leone government in past peace negotiations?

7 A. I did not get you clear.

8 Q. Well, you remember I asked you questions about what was  
9 actually going on on the ground in Sierra Leone during the  
10:23:39 10 Abidjan peace talks in 1996. Do you remember that?

11 A. Yes.

12 Q. And you agreed that while the SLPP government was talking  
13 peace in Abidjan it was acting in bad faith in invading Zogoda.  
14 Do you remember?

10:23:58 15 A. Yes.

16 Q. Thank you. Over the page, please:

17 "Not later than 25 May 1999 in Lome - Togo.

18 4. Guarantee safe and unhindered access by humanitarian  
19 organisations to all people in need, establish safe corridors for  
10:24:21 20 the provision of food and medical supplies to ECOMOG soldiers  
21 behind RUF lines and to RUF combatants behind ECOMOG lines."

22 Pausing there. It's right, isn't it, that the RUF did have  
23 a medical system - a healthcare system - in place in its own  
24 liberated zones? I think we have already dealt with that, but I  
10:24:50 25 want to ask you: Dr Williams, was he in charge of the RUF health  
26 provision system?

27 A. Dr Williams? Come up again. Which Williams are you  
28 referring to?

29 Q. Are you aware of a Dr Williams being involved in running

1 the RUF healthcare system? Tell us if you're not.

2 A. Well, the Dr Williams that I know about was OSM  
3 coordinator, Organisation For the Survival of Mankind.

4 Q. Right, what is OSM?

10:25:39 5 A. That is what I have explained. Organisation --

6 Q. Sorry, For Survival Or Mankind. Right. You also had - you  
7 had in the RUF a very well-known nurse, didn't you, a lady?

8 A. We had so many well-known nurses.

9 Q. I am thinking of one in particular, Nurse Susan. Can you  
10:26:07 10 remember her?

11 A. Except if you call the name, because I knew so many  
12 well-known nurses.

13 Q. This is a nurse who died suddenly. Can you remember her?

14 PRESIDING JUDGE: Mr Witness, did you hear the name given  
10:26:28 15 by counsel? The name given was Susan.

16 THE WITNESS: Okay, I knew the late nurse Susan.

17 MR MUNYARD:

18 Q. And she put in a great deal of good service providing  
19 healthcare to people within the RUF liberated zones, didn't she?

10:26:52 20 A. Yes.

21 Q. She was a dedicated and devoted healthcare official, yes?

22 A. You are right.

23 Q. Right, I broke off from this - or the various points in  
24 this particular message:

10:27:13 25 "5. Immediate release of all non-combatants and prisoners  
26 of war.

27 6. Require" - I am not sure what that word means - "the UN  
28 subject to the Security Council's authorisation to deploy" - yes,  
29 it is, "Require the UN subject to the Security Council's

1 authorisation to deploy military observers as soon as possible".

2 A. Please you are going fast. You are going too fast.

3 Q. Either request or require "the UN subject to the Security  
4 Council's authorisation to deploy military observers as soon as  
10:27:50 5 possible to observe compliance by the government forces (ECOMOG  
6 and CDF) and the RUF including the former AFRC forces, with the  
7 ceasefire agreement."

8 Now, that was a very important demand being made by Foday  
9 Sankoh, wasn't it, that the UN deploy military observers to  
10:28:18 10 ensure compliance by the government - by all parties, all the  
11 military combatants, to the ceasefire? Do you agree?

12 A. Yes.

13 Q. And the ceasefire was regularly broken by the CDF forces in  
14 particular, also known as the Kamajors. Do you agree?

10:28:42 15 A. Yes.

16 Q. Thank you. The next point:

17 "This agreement is without prejudice to any other  
18 agreement or additional protocols which may be discussed during  
19 dialogue between the government and the RUF.

10:28:59 20 With regards to the above listed areas" - I think that is -  
21 "spelt out in the agreement, you therefore take the following  
22 points into consideration:

23 1. Set up checkpoints in all places under your control.

24 2. Search all vehicles entering your zones for arms and  
10:29:22 25 ammo.

26 3. You should lose no grounds already held as of 24 May  
27 1999.

28 4. No military vehicles or personnel should pass through  
29 your zones with arms and ammo.

1           5. Do not harass any civilians or take anything from them  
2 as it is against our code of conduct."

3           Pausing there. Foday Sankoh had always been very anxious  
4 that the RUF did not harass and harm civilians, hadn't he?

10:29:59 5 A. Yes.

6 Q. And he punished people who were caught harassing and  
7 harming civilians, didn't he?

8 A. Well, those that he saw, those that he heard about.

9 Q. Yes, thank you.

10:30:20 10 A. Not all. The cases that he heard about, he punished them.

11 Q. And indeed you told the Prosecution that in one of your  
12 many interviews, didn't you?

13 A. Yes.

14 Q. Thank you:

10:30:36 15           "6. Any attempts by the enemy to infiltrate our positions  
16 as they did in 1996 is seriously liable to repel and pursue to  
17 the point of origin."

18           What is that reference there to 1996 and repelling people  
19 back to their point of origin?

10:31:07 20 A. Like in 1996 whilst the peace talks were going on in  
21 Abidjan, the government had put the Kamajors - I mean the CDF  
22 together to attack our various positions. So this time around  
23 Foday Sankoh said we shouldn't compromise. He said Mosquito and  
24 others shouldn't compromise at all, because by then he was still  
10:31:29 25 talking to us that we should be patient. We should be patient.

26 But this time around during the Lome Peace Accord he did stress  
27 that Mosquito and others should not compromise at all, he said,  
28 if there was any attempt from the enemy side.

29 Q. Because the RUF had, to use an English expression, got

1 their fingers burnt last time they talked peace with Tejan  
2 Kabbah, hadn't they? Do you know what I mean by "got their  
3 fingers burnt"? Tell me if you don't and I will use another  
4 expression.

10:32:09 5 A. I did not get you clearly.

6 Q. The RUF felt they had been led into a trap last time they  
7 talked peace with Tejan Kabbah, didn't they?

8 A. Yes.

9 Q. Point 7:

10:32:22 10 "All soldiers should keep to their territories and avoid  
11 too much of" - now that PTLs I am not sure what that is - "most  
12 especially in the enemy zones."

13 Just tell us what PTLs stands for.

14 A. Patrols.

10:32:44 15 Q. "8. Allow humanitarian organs to pass through your  
16 areas/zones as spelt out in point 4 of the agreement, but not  
17 with arms and ammo. My best regards and greetings to all the  
18 men."

19 Now, over the page, to the first entry there, 21 May 1999,  
10:33:09 20 to the Lion from Brigadier Kallon. Is that Morris Kallon?

21 A. I have not seen the area. I have not seen the page. I  
22 have not signed the page yet.

23 Q. Page 8649. The first entry on that page, 21 May 1999, to  
24 the Lion from Brigadier Kallon. Is that Morris Kallon?

10:33:47 25 A. Yes.

26 Q. Subject, response:

27 "Sir, reference to your last message from Kono, Magburaka,  
28 Makali, Matotoka, Masingbi, Mabonto and other important towns are  
29 under our control in the northern province. Only Superman and

1 others still causing problems and harassing around my areas."

2 So still in the middle of the peace discussions and in the  
3 middle of 1999 Superman was still causing problems within the  
4 RUF, infighting against his former colleagues or alleged

10:34:27 5 colleagues in the RUF, wasn't he?

6 A. Well, in respect to that message it was not just Superman.  
7 The problem was on both sides.

8 Q. Well, I am not suggesting it wasn't just Superman and  
9 indeed some of the other messages will show others, but Superman  
10:34:46 10 was one of the big causes of trouble, wasn't he? Do you agree?

11 A. Superman was one of them who caused troubles, but he was  
12 not the one who caused most of the trouble or more troubles.

13 Q. Did anyone else murder another leading figure in the RUF  
14 movement such as Rambo?

10:35:21 15 A. It was not just his colleague RUF men.

16 Q. Next message, 24 May 1999, to the Lion from Superman. And  
17 then for information to all stations. Just bearing with me for a  
18 moment, was there a problem with Foday Sankoh actually being able  
19 to transmit his messages to Sierra Leone and receive messages  
10:35:48 20 back during this particular time?

21 A. There was no problem with that. That was the reason why I  
22 was in Lome to receive and transmit messages.

23 Q. Yes, but were there times when Foday Sankoh had to give  
24 special warnings to the people on the ground to make sure their  
10:36:10 25 antennae were sufficiently high to be able to communicate? Was  
26 there anything like that?

27 A. Well, in that case I can say it's a natural problem in  
28 communication. Definitely no-one can do away with that. More so  
29 sometimes when the weather condition does not favour the

1 transmission well sometimes.

2 Q. Right, thank you. Then the body of this message from  
3 Superman to Foday Sankoh:

10:36:47

4 "Your message was received and all contents bearing full  
5 apprehended. I stand to respect and obey your command and at any  
6 point in time. You are honoured as our leader and commander in  
7 chief of the RUF/SL.

8 In my own capacity as a battle group commander appointed in  
9 your absence by Lieutenant Colonel JP Koroma and Log" -

10:37:10

10 Sam Bockarie - "I would like to explain the role I have played.  
11 And even in your presence, above all I have always expressed  
12 loyalty and dedication to the cause that has blended us together.  
13 Therefore on no account will I stand to challenge a course that I  
14 know stands for our benefit.

10:37:36

15 If you could recall, there has been series of problems  
16 created by people towards our lives. Even before the phase 2  
17 operation started, I would have joined the operation along with  
18 you but because of fracas that arised between myself and Log" -

10:37:59

19 Sam Bockarie - "I couldn't join up, not until later I join  
20 operations with the late brother Papa to establish a jungle with  
21 the sole intention to ease burden on troops you were advancing  
22 with."

23 Who is the late brother Papa, if you know, that Superman is  
24 there referring to?

10:38:25

25 A. We had two Papas. I knew about two Papas. We had a Papa  
26 in the RUF who died. We had one in the RUF who died during the  
27 Zogoda episode, and there was also another Papa who was an SLA.

28 Q. Right. Lots of people are referred to as Papa, aren't  
29 they, depending upon their age of course?

1 A. Yes.

2 Q. "Of course since that operation nothing actually happened  
3 again between myself and any commander". Now, that is complete  
4 lies, isn't it, because he had murdered Rambo in March of 1999?

10:39:07 5 Do you agree?

6 A. Well, I partly agree with that.

7 Q. "Until you left for the Abidjan peace talks I maintained my  
8 command and area of responsibility. Zino of course was called  
9 upon from my jungle to take over command at Zogoda.

10:39:30 10 Zogoda fell in your absence and up until now Zino is at  
11 large. I listened and obeyed the instruction sent by you to join  
12 forces with the AFRC. But even that again was misconstrued" -  
13 I think that presumably means misconstrued - "by the high command  
14 on behalf of the entire RUF main thrust to Freetown that I am  
10:39:55 15 sure can be possible reason for our unwarranted withdrawal from  
16 Freetown. With all these mistakes on the part of our commanders,  
17 I still tried very hard to maintain my hold on Kono."

18 So he is complaining about lots of mistakes by other RUF  
19 commanders there, isn't he?

10:40:17 20 A. Yes.

21 Q. "And I can tell you that since our withdrawal from Freetown  
22 the enemy never captured the entire township of Koidu (Kono).  
23 Every combatant in Kono can attest to that.

24 From Kono, I organised operations for Kabala, Makeni and  
10:40:40 25 Freetown. But before that there were lot of apprehensions from  
26 the SLA towards the RUF because of the unlawful reputation of  
27 their brothers."

28 Do you know what he is referring to there?

29 A. Yes.

1 Q. Would you like to enlighten us?

2 A. Well, it was about the problem that was prevailing between  
3 Sam Bockarie and Johnny Paul. That is what he is referring to;  
4 what happened in Buedu to Johnny Paul.

10:41:14 5 Q. Well, "The unlawful reputation of their brothers", what  
6 does that mean, if you can help us?

7 A. Well, so many things happened within the RUF and the AFRC.  
8 So many things happened between the two groups and, just as I  
9 have told you, like in the case of the AFRC they did not  
10:41:42 10 recognise - most of the AFRC did not recognise the RUF, their  
11 ranks and positions. And the RUF too at the time we had now  
12 returned to the jungle, we too said we are the kings of the  
13 jungle, so they were supposed to be under our control. So those  
14 were some of the things that happened, amongst others.

10:42:06 15 Q. Thank you:

16 "Upon arrival in their midst, reference your message after  
17 25 May coup, I was able to ease that tension and that gave their  
18 fullest cooperation that has reached us to this point."

19 Well, that's complete nonsense, isn't it, from what you  
10:42:25 20 have just been telling us a moment ago?

21 A. What do you mean?

22 Q. Far from the RUF and AFRC enjoying fullest cooperation up  
23 to this point, they were at each others throats, weren't they?

24 A. Well, at some point they were cordial, but at some points  
10:42:49 25 there was no cordiality. I told you that there were minor  
26 problems that were happening. Sometimes they would have peace  
27 and then sometimes they would go at loggerhead.

28 Q. The next paragraph, please:

29 "In Koinadugu again after the attack and capture of Kabala,

1 I was threatened by Log" - Sam Bockarie - "after all my efforts.  
2 Of course, that problem, according to the People's War Council  
3 was harmonised. But when we got again to Makeni after a tedious  
4 fight and casualty a troop was also organised by Brigadier Morris  
10:43:27 5 Kallon and others to harm me, but by God's praise I was able to  
6 escape.

7 The problem that led to the death of Rambo was not  
8 intentional. After you tried to speak to Log" - Sam Bockarie -  
9 "on one or two occasions, I was instructed by you to try very  
10:43:51 10 hard to know from them why they didn't talk to you. On my way to  
11 Makeni I was ambushed and a major died from my group. From that  
12 time there was a fire fight that led to the death of the late  
13 brother (Rambo). Indeed he was given a good burial at the Makeni  
14 Town Hall."

10:44:11 15 So he was trying to say that Rambo's death was an accident  
16 and they made up for it by giving him a good burial, was he,  
17 Superman?

18 A. That is what he said, just as you have rightly read it.

19 Q. Thank you: "Also, the information that I insulted all the"  
10:44:43 20 - and what is "C/signs"?

21 A. Call signs.

22 Q. So all the individuals do you mean by that?

23 A. Stations. All stations.

24 Q. "Also, the information that I insulted all call signs and  
10:44:57 25 that I seemingly become an enemy is not correct. It was Log that  
26 ordered all stations to refrain from talking to me."

27 Now, that refers to the evidence you gave the other day  
28 that at one point Sam Bockarie banned everyone in the RUF from  
29 contacting Superman on pain of death. That's correct, isn't it?

1 A. Yes.

2 Q. "But nevertheless we remain committed to the cause". And  
3 he goes on at the end of that to declare his loyalty to Foday  
4 Sankoh. I am not going to read the rest of that. I want to move  
10:45:50 5 forward several pages to page 8654 - actually, no, I am not going  
6 to spend time on that one. 8658, please. This is a message to  
7 Planet from Survival. Survival is Issa Sesay, isn't he?

8 A. Yes.

9 Q. For information, O/S Vision One. What does that mean?

10:46:36 10 A. Info, for the information of Vision One. That was my call  
11 sign that he was referring to.

12 Q. So you're Vision One, are you?

13 A. Yes, that was my call sign in Togo. That was for me to  
14 inform Foday Sankoh.

10:46:56 15 Q. Subject, infos:

16 "Sir, below are the towns where the ceasefire has been  
17 violated by the Kamajors and the Nigerian Alpha Jets. Segbwema  
18 and Mobai in the Kailahun District. Layia, Kaimado and Koidu  
19 Town in the Kono District. Tongo in the Kenema District.  
10:47:18 20 Matotoka and Makeni in the northern province. Please accept info  
21 for necessary action."

22 That is dated 5 June 1999, so ceasefire violations by the  
23 Kamajors were being reported as early as June 1999, weren't they?

24 A. I did not get you. I did not get the question.

10:47:50 25 Q. Ceasefire violations by the Kamajors were being reported as  
26 early as June 1999, a matter of weeks - just a couple of weeks  
27 after the ceasefire agreement had been signed in Lome, yes?

28 A. Yes.

29 Q. Over the page, 8659, to Smile from Gaffa. Gaffa is Gibri I

1 Massaquoi and Smile is the leader, yes?

2 A. Correct.

3 Q. Subject, report, 11 June 1999:

4 "I safely arrived on base on 9 June 1999. All instructions  
10:48:40 5 given to be passed on to Superman has gone through. There will  
6 be a forum tomorrow, 12 June, including all commanders and senior  
7 officers to put all messages together addressed to them,  
8 especially taking orders from Log" - Sam Bockarie - "and all  
9 necessary arrangements.

10:49:00 10 Besides that I may be visiting all targets to talk to the  
11 men pertaining all instructions and informations about how the  
12 peace process is going on and what are our own stand.

13 I spent two days in Abidjan, one day in Guinea and just  
14 after that I was in our territory. I started talking to the men  
10:49:21 15 right from Kabala axis about the peace process and the  
16 instruction given."

17 Pausing there. Was it the job of RUF commanders to go  
18 round the various territories explaining in person to the  
19 combatants what the peace process involved and all those rules we  
10:49:44 20 earlier saw Foday Sankoh laying down?

21 A. Yes.

22 Q. Thank you. And Foday Sankoh meant those rules to be  
23 adhered to, didn't he?

24 A. Yes.

10:50:00 25 Q. He was serious about the peace process, yes?

26 A. You are correct.

27 Q. Thank you. Continuing on here: "I will be talking to the  
28 signallers to make sure they erect their antennas properly for  
29 better communication with you." There was a problem, wasn't

1 there, with communications?

2 A. I have told you about the various problems that  
3 communication gets. There are bound to be problems.

4 Q. I'm not going to read the rest of that message. I am going  
10:51:13 5 over the page to 8660, a message on 12 June 1999 to Smile, Foday  
6 Sankoh, from Concord. Concord is - is that Issa Sesay?

7 A. Wrong. It is Sam Bockarie.

8 Q. Sorry, yes. From Sam Bockarie, Concord, subject, intrep.  
9 Intrep, is that an interim report?

10:51:37 10 A. Intelligence report.

11 Q. Sorry, intelligence report:

12 "According to intelligence report received, the enemy  
13 (ECOMOG) have planned to launch a massive offensive attack on all  
14 our positions by next week in order to break the ceasefire. They  
10:51:56 15 are presently building up their defensive positions as follows.

16 Alpha. Four PAE trucks loaded with enemy troops have been  
17 deployed within Gberray and Port Loko. Bravo. FM Waterloo to  
18 Mile 47. Charlie. FM Waterloo to" - is that Masingbi bridge?

19 A. Mabang.

10:52:25 20 Q. Mabang bridge. Thank you:

21 "Our own troops have therefore decided to desist from  
22 movements towards enemy defensive position. Also, we are all on  
23 maximum alertness to deny enemy proposed intention. Please  
24 accept for your information and necessary action."

10:52:43 25 So again there was a very considerable fear on the part of  
26 the RUF that not just the Kamajors but also ECOMOG were going to  
27 use the ceasefire to attack them militarily, wasn't there?

28 A. According to what I monitored, that was what they stated.

29 Q. Right. Next page, 8661, 12 June 1999, to Smile from

1 Concord. Subject, situation report:

2 "On 10 June 1999, 14 of our men which includes senior  
3 officers went to talk to civilians in our liberated zones at  
4 Masin and Maroni and they were abducted by the enemy (ECOMOG  
10:53:46 5 troops) that are deployed at Loko-Masama.

6 After the abduction of our men they were taken to Lungi  
7 garrison and were forcefully disarmed by the ECOMOG commander  
8 there (Lieutenant Colonel Bon), later dispatched them to  
9 Freetown."

10:54:05 10 And it goes on to deal with other matters relating to that  
11 incident. So the RUF combatants were being forcibly disarmed  
12 contrary to the agreement, weren't they?

13 A. According to the message that was what they stated, yes.

14 Q. The next page, please, 8662, the entry at the bottom of  
10:54:33 15 that page, 19 June, to Smile from Concord again:

16 "The Kamajors attacked Kantia village in the Kambia  
17 District on 16 June. We successfully repelled them and captured  
18 the following from them "- and then he lists items that were  
19 captured.

10:55:00 20 And that's right, isn't it; the Kamajors never really  
21 subscribed to the peace agreement, did they, or the ceasefire, I  
22 should say? The Kamajors kept going. They kept on fighting,  
23 didn't they?

24 A. According to reports that I received from the ground, that  
10:55:22 25 was what it indicated.

26 Q. And you had no reason to doubt those reports, did you?

27 A. Not at all.

28 Q. And the Kamajors were out of control - were either out of  
29 control of the government or the government chose not to control

1 them, do you agree?

2 A. Well, it's possible that it's one of those reasons that you  
3 have spoken about.

4 Q. Right. 8665, please. The second entry on that page, 27

10:56:08 5 June 1999, to Smile from Concord:

6 "Makoni Junction which is between Masingbi and Makali was  
7 attacked yesterday by the Kamajors but they were repelled  
8 successfully.

9 Simultaneously another attack was carried along the Guinea  
10:56:25 10 border along Kono axis by both the Guineans and the Kamajors in a  
11 village called Gberefeh but they were also repelled accordingly.  
12 40 Kamajor badges were captured including vital documents from  
13 the Guineans.

14 Moreover the Nigerian Alpha Jet is still carrying on  
10:56:48 15 continuous raids in the below listed towns."

16 And it lists Madina, Kamakwie, Rukupr, and Mambolo around  
17 Kambia. So almost from the time the ceasefire was signed the  
18 Kamajors and some of the others are violating it, yes?

19 A. Yes.

10:57:21 20 Q. Now, I want to touch briefly on the message below the one  
21 we have just looked at. It is dated 28 June and it is from Foday  
22 Sankoh, the Lion, to Dr Williams through Concord. Dr Williams  
23 you have told us is the OSM doctor:

24 "You are to give a specific location to the United Nations  
10:57:46 25 High Commissioner for Refugees team as to where you want their  
26 plane to land."

27 So they were allowing the UNHCR into RUF territory, is that  
28 right?

29 A. It was during the Lome Accord.

1 Q. Over the page, please. The next day, 29 June, from Hero.

2 Is Hero the leader?

3 A. Yes.

4 Q. So that's yet another one for Foday Sankoh, another alias?

10:58:31 5 A. Yes.

6 Q. To Satellite, that's Sam Bockarie, yes?

7 A. Yes.

8 Q. "I advise you not to allow the Nigerians, Togolese and the  
9 Liberian delegates to be present while studying the documents. I

10:58:44 10 say again, you should not allow them to be around or even not to  
11 influence you to take decision.

12 Please study it properly and your decision should be in the  
13 interests of the RUF, SLA and the people of Sierra Leone. Any  
14 decision taken, put it in black and white, which should be

10:59:05 15 confidential, and give it to Pa Rogers to come with it with the  
16 rest of the delegation.

17 To reinforce my previous orders, make it a point of duty to  
18 release the ten Nigerians prisoners of war to the delegation.

19 Finally you should not allow anybody to influence you and your  
20 brothers and sisters."

10:59:27 21 Now, there Foday Sankoh is saying do not let the Liberian  
22 delegates influence your decision making. So what's all this  
23 you're telling us, Mr Fornie, about how Charles Taylor was  
24 running the whole RUF show, in the light of that particular  
10:59:51 25 message?

26 A. Well, I am telling you that when Foday Sankoh was away it  
27 was from Mr Taylor that Mosquito was seeking advice. Like even  
28 in the case of the disarmament - I mean the going to Togo and to  
29 maintain the temporary ceasefire, Sam Bockarie at first consulted

1 with Mr Taylor even before he accepted what Foday Sankoh said,  
2 because by then Foday Sankoh was in Freetown, amongst others.

3 Q. And you have been telling us a lot of rubbish, haven't you,  
4 about Charles Taylor being the commander in chief of the RUF and  
11:00:32 5 running the whole thing?

6 A. When Foday Sankoh was away it was from Charles Taylor that  
7 Mosquito or Issa and others sought advice.

8 Q. Foday Sankoh is still away at the time that he sent this  
9 message. He is still not back in Sierra Leone.

11:00:55 10 A. Well, although he was not in Sierra Leone, but at that time  
11 he had direct access in talking to the combatants. He had access  
12 to talk to Mosquito by phone, he had access to talk to all  
13 stations by radio and he had access to take free will or take  
14 decisions of his own.

11:01:16 15 Q. Over the page. Another one on 29 May. I don't want to go  
16 through this. It is to the leader, Hero, through Satellite,  
17 Sam Bockarie, from Dr Williams, the OSM coordinator, and it says,  
18 "Be informed that serious contact with the NGO started" --

19 A. I have not seen there yet.

11:01:43 20 Q. Sorry, it should be page 8668. It's down in the middle of  
21 the page. The number has been crossed out several times.

22 A. I have seen it.

23 JUDGE LUSSICK: And, Mr Munyard, you have incorrectly cited  
24 the date as 29 May.

11:02:01 25 MR MUNYARD: I am sorry, your Honour. You are quite right.  
26 29 June:

27 Q. "Be informed that serious contact with the non-governmental  
28 organisation started since 20 June following my previous dialogue  
29 with the Medecins Sans Frontieres branch in Togo. I'm happy to

1 inform you that we are making progress. MSF is due in our  
2 Kailahun zone on 2 July 1999 during which we will conduct a joint  
3 survey followed by a meeting."

11:02:42 4 So efforts were being made at this stage through the RUF to  
5 get medical assistance and supplies into the RUF controlled  
6 zones, weren't they?

7 A. Yes.

8 Q. Over the page to what is listed as 8668A, stamped in the  
9 middle of the page, and I want to look at the 1 July entry below  
11:03:08 10 that. To Smile through Concord from Major Jackson Swarray (Ray).  
11 Now, he was who?

12 A. He was a bodyguard to Foday Sankoh.

13 Q. Thank you:

14 "Sir, all your advices given concerning the infighting is  
11:03:33 15 not implemented accordingly. As I'm speaking Rocky CO is on the  
16 move because he was attacked by troops of Sparrow."

17 Sparrow is Morris Kallon, is that right?

18 A. Correct.

19 Q. "He was attacked by troops of Sparrow last night. Even  
11:03:51 20 your bodyguard Major Yavay was under duress and carried to the  
21 zone of Sparrow.

22 Moreover, 200 ULIMO fighters (armed men) chartered by SSS"  
23 - that's Sam Bockarie, isn't it? Or is it? Who is SSS?

24 A. That is Senior Solar System, a code name for Issa Sesay.  
11:04:21 25 Senior Solar System, a code name for Issa Sesay.

26 Q. "Moreover, 200 ULIMO fighters (armed men) chartered by SSS  
27 are presently at Magburaka standing by to attack both Lunsar and  
28 Makeni."

29 Over the page:

1 "Sir, according to information Concord has decided to base  
2 at Kono to receive you and make sure he drive out Superman from  
3 Makeni to the bush."

4 More infighting within the ranks of the RUF, yes?

11:04:58 5 A. Yes.

6 Q. And when he gets that we see the reply there from Hero on 1  
7 July to Satellite and for the information of what looks like  
8 Taughest, Sudden and Major Ray. Who is Taughest, if I have  
9 pronounced that correctly, and who is Sudden?

11:05:27 10 A. I have forgotten. I have forgotten the people.

11 Q. And the wording:

12 "You should instruct Sparrow no to launch any attack on  
13 Makeni. This is to reinforce my instruction the last time that  
14 there should be no infighting."

11:05:47 15 So the leader is very concerned about the way the RUF has  
16 split and is fighting itself, isn't he?

17 A. When they were fighting each other and had the same RUF  
18 name, that did not mean there was a split. There was an  
19 infighting of course, but everybody was operating under the  
20 umbrella of the RUF, under the same name.

11:06:12 21 Q. And killing each other at the same time, yes?

22 A. Yes.

23 Q. Thank you. Over the page, 8670, 3 July 1999. This is a  
24 reply to Smile from Concord. Subject, response:

11:06:39 25 "Sir, reference to the message sent by Major Ray,  
26 mercenaries have never fought alongside the RUF. This is a clear  
27 indication of lack of respect for command and the intention of  
28 Superman to organise along the Makeni axis to continue causing  
29 problem."

1 Then if you go down, miss out the next three lines:

2 "1. Sparrow reported on 30 June 1999 that he had a  
3 dialogue with Brigadier Five-Five. He stated that he will attack  
4 Sparrow on 1 July 1999."

11:07:15 5 So, Brigadier Five-Five is on the radio to Sparrow, to  
6 Morris Kallon, telling him he is going to attack him, yes? Is  
7 that right?

8 A. Translator, please,

9 THE INTERPRETER: Your Honours, could counsel repeat his  
11:07:34 10 question.

11 MR MUNYARD: Yes:

12 Q. Brigadier Five-Five is on the radio to Morris Kallon  
13 telling him he is about to attack him? That's what that means.  
14 Had a dialogue means spoke to, doesn't it?

11:07:54 15 THE INTERPRETER: Your Honours, the interpreter wants  
16 counsel to kindly repeat the line that he read.

17 MR MUNYARD: It's a question actually.

18 PRESIDING JUDGE: Is it just one line, Mr Interpreter, you  
19 require?

11:08:11 20 THE INTERPRETER: It is the passage, to read it clearly.

21 PRESIDING JUDGE: You mean you haven't heard the complete  
22 passage?

23 THE INTERPRETER: Yes, your Honour.

24 MR MUNYARD: Very well. I will read the passage again that  
11:08:24 25 I read. I won't repeat the question that I asked.

26 PRESIDING JUDGE: The problem, Mr Munyard, of course is the  
27 distance between you and the microphone which maybe isn't  
28 helping.

29 THE INTERPRETER: The distance between you and the

1 microphone really is the cause.

2 MR MUNYARD: Yes, my difficulty with this is I can't read  
3 the screen and read what is on my lectern without moving away  
4 from the microphone.

11:08:46 5 PRESIDING JUDGE: No, I fully appreciate the problem.

6 MR MUNYARD: I'll try and get it nearer:

7 Q. The passage I read was: "Sparrow reported on 30 June  
8 1999" --

9 A. Start it for me to see. Okay, I have seen it.

11:09:01 10 Q. No, you bear with me for a moment, Mr Fornie. I am just  
11 reading the passage again so that the interpreter can get it:

12 "Sparrow reported on 30 June 1999 that he had a dialogue  
13 with Brigadier Five-Five. He stated that he will attack Sparrow  
14 on 1 July 1999."

11:09:24 15 That was the passage. I am not going to read any more of  
16 that. That clearly is a message about infighting.

17 Over the page, 4 July 1999, from Smile to Concord with an  
18 information to all stations. Subject, directive. Directive  
19 means order, doesn't it?

11:09:48 20 A. Yes.

21 Q. "Reference to my last instructions. Any attempt by anybody  
22 to create infighting while the peace talks is ongoing in Lome  
23 will face the consequences. All commanders and their troops  
24 should stay at their locations. I will not tolerate any attempt  
11:10:10 25 that will jeopardise the present peace talks. Therefore, all  
26 commanders are to comply strictly to my instructions."

27 Then at the foot of the page it reads:

28 "I would like to talk to all commanders this evening.  
29 Instruct all operators, especially those in Kono and the north,

1 to erect their antennas from 18 to 24 feet for better  
2 communication."

3 So there was an ongoing problem in communicating - sorry, I  
4 am just going to pause for a second.

11:10:52 5 A. I have told you that problems used to come up with the  
6 communication. That was an on and off thing.

7 Q. Particularly in Kono and the north, yes?

8 A. Well, for some stations. For some stations even in  
9 Kailahun, some stations in Kono and some stations in the north.

11:11:15 10 Q. Right. Now, Mr Fornie, you say that people in the RUF at a  
11 high level dealing with Mr Taylor, what did they call him? How  
12 did they refer to him?

13 A. You mean how people like Mosquito and Issa used to call  
14 Mr Taylor? Is that what you mean?

11:11:44 15 Q. How would they refer to him if they were speaking to one  
16 another?

17 A. Well, I told you that I overheard Sam Bockarie talking to  
18 Benjamin Yeaten for Mr Taylor's consent and not to Mr Taylor  
19 directly and at that time Mosquito was answering Benjamin Yeaten  
11:12:11 20 as, "Yes, sir".

21 Q. No, would you like to think about the question I asked you  
22 before you give us that little gem yet again. Go back to the  
23 question and don't keep repeating other things.

24 MR SANTORA: I object. Counsel asked the question if they  
11:12:28 25 were speaking to one another and the witness simply answered the  
26 question of what he heard with regards to references to him, but  
27 he said that he did not hear them speak to one another. So the  
28 witness did answer the question.

29 THE WITNESS: Not to Mr Taylor.

1           PRESIDING JUDGE: Just a minute, please, Mr Witness.

2 Mr Santora, I don't think it answers the question. The question  
3 is how would they refer to him. In other words, I interpreted  
4 that to mean what terminology or name would they use.

11:12:57 5           MR MUNYARD: Exactly.

6           PRESIDING JUDGE: That's the way I interpreted it and that  
7 is not what the witness answered, so I would allow the question  
8 to be put again.

9           MR MUNYARD:

11:13:10 10 Q. Mr Fornie, you have told us in earlier evidence that they  
11 referred to him as the Papay, or Pa, I think. Is that right? Is  
12 that how these senior RUF people used to refer to Mr Taylor when  
13 talking to one another about him?

14 A. Yes.

11:13:32 15 Q. What about Brother? Did they ever refer to him as Brother?

16 A. Big Brother. That was how Foday Sankoh - that was how  
17 Foday Sankoh used to refer to Mr Taylor.

18 Q. Really? Is that right?

19 A. Yes.

11:13:50 20 Q. Did he ever refer to him by any other name?

21 A. Well, most times he called him Brother and when he is  
22 talking sometimes he will say, "I and my Big Brother".

23 Q. Right. Over the page, please, to page 8672, the entry on 5  
24 July. From Smile, Foday Sankoh, to Scorpion. It's a while I  
11:14:22 25 think since we had Scorpion. Scorpion is who?

26 A. It should be Sam Bockarie. Sam Bockarie. It was  
27 Sam Bockarie.

28 Q. Subject, flash. Who or what is flash?

29 A. Please put it down a little. I want to see the beginning.

1 Flash. Flash means a message that should not delay at all.

2 Prompt action had to be taken.

3 Q. Right. I want you to look at the second paragraph of that  
4 message:

11:15:05 5 "Colonel Eddie Kanneh, Major Sheku Kumba and the other one  
6 person from your point are to move today to Foya as they will be  
7 picked up by helicopter to Monrovia. They will later join  
8 President Taylor to meet me at Togo."

9 That is from Foday Sankoh, isn't it?

11:15:28 10 A. Yes.

11 Q. Page 8674, 7 July 1999, from the leader to General  
12 Sam Bockarie and for information of all the men and women of the  
13 RUF/SL:

14 "Inform all the men and women of RUF/SL, the civil society  
11:15:59 15 and religious groups that I will be signing the peace accord  
16 today. I and my delegation in Lome have negotiated in good faith  
17 and have reached a compromise. Last night four Head of States -  
18 President Charles Taylor of Liberia, Blaise Compaore of Burkina  
19 Faso, Obasanjo of Nigeria and Gnassingbe Eyadema of Togo met with  
11:16:29 20 me and President. We have managed to reach an agreement finally.  
21 I will be released before the signing of the accord today."

22 And then he goes on to issue a call to remain united. Over  
23 the page, the last paragraph of this message:

24 "When it is announced that I am released the soldiers  
11:16:53 25 should not discharge their weapons. Firing must not" - I don't  
26 know if you have got this yet on the screen?

27 A. I am only getting it now.

28 Q. All right. I will read this again:

29 "When it is announced that I am released the soldiers

1 should not discharge their weapons. Firing must not take place.  
2 Every soldier must abide by this directive."

3 So Foday Sankoh was very concerned that nobody should do  
4 anything even in celebration that might give the appearance of  
11:17:28 5 aggression, wasn't he?

6 A. Well, it is not celebration. He said nobody should shoot  
7 even when you were celebrating. Nobody should do something wrong  
8 like firing. That was what he was referring to.

9 Q. I think we are agreed on that, but we just have a different  
11:17:54 10 way of putting it, Mr Forni e. Page 8678, please, 15 July 1999.  
11 This is to Concord through Brigadier Issa Sesay for the  
12 information of Smile from Brigadier Kallon:

13 "Sir, upon the instruction by the leader for me to proceed  
14 to Makeni, I did so three days ago. Upon our arrival at Makeni,  
11:18:31 15 we were highly received by Brigadier Mani, Brigadier Gudith and  
16 Pa Demba Mara. They tried their level best to bring us together,  
17 but upon the arrival of Colonel Gibril Massaquoi, Lieutenant  
18 Colonel Nya and Brigadier Isaac, they stated that they will never  
19 work with me."

11:19:04 20 Now we know Gibril Massaquoi. Who is Lieutenant Colonel  
21 Nya referred to in this message?

22 A. Nya is the same signal commander.

23 Q. The one you call --

24 A. Nya Korto, former signal commander.

11:19:22 25 Q. Nya Korto. You have never heard him referred to as Foday  
26 Lansana, have you? You told us that yesterday.

27 A. I don't know him for that name.

28 Q. Thank you. Brigadier Isaac is who?

29 A. Isaac Mongor.

1 Q. Do you happen to know if those three men have remained if  
2 not friends, then in contact over the years since 1999 where we  
3 are looking at this message?

4 A. Who and who?

11:20:04 5 Q. Those three named there.

6 A. We are dealing with a lot of names in here. Be specific,  
7 please.

8 Q. Try the three that we have just been looking at.

9 A. Please be specific.

11:20:20 10 Q. There on the page. You have just been telling us who they  
11 are or who they aren't.

12 PRESIDING JUDGE: Mr Munyard, please repeat the three  
13 names.

14 MR MUNYARD:

11:20:27 15 Q. Massaquoi, Lieutenant Colonel Nya and Brigadier Isaac.  
16 Have they remained in contact as far as you are aware since that  
17 time?

18 A. Well, since that time we were not all together any longer.  
19 They were not all together at a certain point in time of course.  
20 They were going into different directions.

11:20:52 21 Q. But just help us. Have you been in contact with any of  
22 these three individuals since July of 1999?

23 A. July 1999, yes, I can remember I was in contact with them  
24 until up to - like Gibril, until up to the ending of the war.

11:21:29 25 Nya and Isaac, I can remember they were among the people who were  
26 at Foday Sankoh's lodge in Freetown and who were arrested and  
27 taken to Pademba Road, Nya and Isaac.

28 Q. Mr Fornie, since the Special Court was set up have you been  
29 in contact with any of these three named individuals named in

1 this document?

2 A. It took a long time after the end of the war. I and Gibri I  
3 Massaquoi did not sit together. We never spoke. Also Isaac -  
4 like Nya, he was my former commander. We met once in Freetown.

11:22:28 5 I and Nya met once in Freetown.

6 Q. Only once?

7 A. Yes.

8 Q. When was that?

9 A. I was - I had just alighted a taxi around the Brookfields  
11:22:44 10 area. He was going home. While he was going, I was coming. At  
11 the lodge, that was where we met.

12 Q. Let me stop you there. You're saying you only met Nya, who  
13 had been your signals commander, by pure chance in Freetown?

14 A. Yes, yes.

11:23:09 15 Q. Tell us what year that was.

16 A. It was some time last year.

17 Q. Yes. And so having bumped into each other --

18 A. That was when he was just released from prison. At the  
19 time he was just released from prison.

11:23:31 20 Q. And having bumped into your old commander, did you arrange  
21 to meet again?

22 A. We were not able to meet again. Of course we did promise  
23 to meet again, but we were unable to meet again.

24 Q. Are you sure about that?

11:23:51 25 A. Yes.

26 Q. What about Gibri I Massaquoi? When you say you didn't sit  
27 together again a long time after the war, do you know where he is  
28 now?

29 A. No, I do not know Gibri I's present location.

1 Q. Where was he the last time you heard about him?

2 A. The last time I heard about him when he went to Bo. They  
3 said he went to Bo. I knew that he was in Freetown, but I do not  
4 know if he is still in Freetown or where he is at present.

11:24:27 5 Q. When were you told he had gone to Bo?

6 A. It was around last year. Some time last year.

7 Q. And Bo is your home area, isn't it?

8 A. Yes.

9 Q. So have you gone to meet him when you have gone home to  
11:24:46 10 visit family and friends in the Bo area?

11 A. Not my friends and family members. His own friends and  
12 family members. In fact, when they told me I was not fortunate  
13 to meet him at all.

14 Q. I see. And what about Colonel Isaac Mongor?

11:25:11 15 A. Isaac Mongor, I have told you that we never met. It has  
16 taken a long time since his arrest in that 8 May incident in  
17 Freetown.

18 Q. Well, in your monitoring - well, I am going to put off that  
19 question. I am very conscious of the time, Madam President. I  
11:25:35 20 will come back to that particular issue. I just want to make  
21 sure that I don't speak out of turn as it were, but I will move  
22 on and come back to that point.

23 PRESIDING JUDGE: I think we have about three minutes  
24 before the tape runs out, Mr Munyard.

11:25:49 25 MR MUNYARD: Very well. I am reasonably close to the end,  
26 but not terribly - not right at the end of these messages which  
27 is virtually the end of my cross-examination:

28 Q. Now, I think I said, "They provoked me a lot saying that I  
29 am a refugee. They disarmed" - I am reading on now: "They

1 disarmed sixty arms from my men and" --

2 A. I have not got there yet.

3 Q. It's the middle of the page. There is a new paragraph that  
4 starts after the words, "They stated that they will never work  
11:26:29 5 with me. They provoked me a lot, saying that I'm a refugee."

6 A. I have seen there.

7 Q. Thank you, and they disarmed 60 arms from his men. He is  
8 complaining that these brothers in the RUF are treating him  
9 badly, isn't he?

11:26:50 10 A. According to the message, yes. According to the message.

11 Q. And then over the page we see a reply from Smile to Kallon  
12 - from Smile to Sparrow - and for the information of  
13 Brigadier Mani and Colonel Isaac. Subject, response:

14 "Your message dated 15 July was received with great  
11:27:25 15 pleasure. By my directive I order that you stay where you are  
16 presently and take no action. Continue to exercise patience  
17 until my arrival in due course. As soon as I arrive, the  
18 almighty God/Allah will solve all these problems. For Colonel  
19 Isaac and Major Massaquoi, you should return all RUF properties  
11:27:47 20 (arms and ammo) you took from Sparrow's men. I repeat, return  
21 all arms and ammo you took from Sparrow's men upon receipt of  
22 this message.

23 For Colonel Isaac, enough is enough. We are not enemies.  
24 I advise you not to be stupid or to be misled by anyone, in  
11:28:08 25 particular Major Gibriil Massaquoi and others."

26 Now, in that message Foday Sankoh is telling Isaac Mongor  
27 that he shouldn't be misled by anyone, in particular Gibriil  
28 Massaquoi. Why was he saying in particular don't be misled by  
29 Gibriil Massaquoi? Was it because Gibriil Massaquoi was a maverick

1 who would not take or follow orders and who was splitting the  
2 movement?

3 A. Not because Gibril was not following up matters or trying  
4 to divide the movement. It was because of the misunderstanding  
11:28:57 5 that was between Gibril and Mosquito and others. So I knew that  
6 he was trying to tell Brigadier Isaac not to listen to Gibril,  
7 who was intending to split him and Mosquito, so he shouldn't sit  
8 by and allow Mosquito to mislead him.

9 Q. It wasn't Mosquito, it was Gibril - have we run out of  
11:29:24 10 time?

11 PRESIDING JUDGE: Yes, I have just been alerted that we  
12 have, Mr Munyard.

13 MR MUNYARD: Very well.

14 PRESIDING JUDGE: Mr Witness, we are now going to take the  
11:29:30 15 mid-morning break. We are going to adjourn until 12 o'clock and  
16 then we will be resuming. Please adjourn court until 12.

17 [Break taken at 11.30 a.m.]

18 [Upon resuming at 12.02 p.m.]

19 PRESIDING JUDGE: Mr Munyard, please proceed.

12:02:48 20 MR MUNYARD:

21 Q. Mr Fornie, in your monitoring of this trial since January  
22 of this year, have you monitored the evidence of CO Nya or of CO  
23 Isaac Mongor, two of the three names we have just been looking  
24 at?

12:03:38 25 A. I was not fortunate to monitor those two people.

26 Q. Is that an honest answer?

27 A. Yes. I did not monitor Nya's testimony and Isaac.

28 Q. But you knew they were giving testimony, didn't you?

29 A. I heard that they gave testimony from other friends, former

1 friends, who knew them, that those two people gave testimony.

2 Q. Which other friends who knew them told you this?

3 A. Other friends in Bo. Other ex-combatants.

12:04:37

4 Q. Was Gibril Massaquoi one of the other friends who told you  
5 this in Bo?

6 A. No, Gibril Massaquoi, it's been a long time since we last  
7 saw each other. We never saw each other since the disarmament -  
8 the final disarmament. We have not seen each other in person.

12:05:03

9 Q. Now, CO Nya was your commander. When you heard, as you are  
10 now telling us, after the fact that he had given evidence, what  
11 did you do to find out what evidence he had given?

12 A. I did not make any move towards that because he was not  
13 around me. I was in Bo.

14 Q. You are a man with a sense of history, aren't you?

12:05:39

15 A. I like to know about things. I am a man indeed.

16 Q. When you found out that your former signals commander had  
17 given evidence in this trial, didn't you rush to find out what he  
18 had said?

12:06:02

19 A. Well, I hadn't the chance and I don't think it's something  
20 - in fact, he had done it, so I needn't have chased him for that.  
21 It was of no use to me.

22 Q. Well, you were in touch with the Prosecution for several  
23 years before CO Nya gave evidence in this trial, weren't you?

24 A. Yes.

12:06:25

25 Q. And did you ever discuss with anybody during those years  
26 the fact that both you and he were going to be witnesses in this  
27 trial?

28 A. I did not get your question clearly.

29 Q. Did you ever have a conversation with anyone during the

1 years that you were in touch with the Prosecution about the fact  
2 that your very commander was also going to give evidence in this  
3 trial?

12:07:09 4 A. That Nya was to give evidence before this Court? Is that  
5 what you're saying?

6 Q. That's what I'm saying.

7 A. Well, I do not directly remember that. I don't remember  
8 that.

12:07:31 9 Q. Are you seriously saying that you, who worked under the  
10 overall command of CO Nya, did not enquire, either before or  
11 after or during his giving evidence, what he was going to be  
12 saying or said?

13 A. I never found out from anybody what Nya had said or what he  
14 had to say or whatsoever. I never found out.

12:07:53 15 Q. Well, give us the names of some of the witnesses who you  
16 were fortunate enough to monitor?

17 A. I listened to King Perry. I heard Kabbah. I heard a lot  
18 of TF - a lot of those who were TF numbers, among others.

19 Q. And which Kabbah are you talking about?

12:08:20 20 A. Operator Mohamed Kabbah.

21 Q. Right. Any others?

22 A. Well, a lot of them were TF numbers. I listened to a lot  
23 of them who were TF numbers.

24 Q. What about Isaac Mongor?

12:08:39 25 A. I said I do not remember listening to him. I haven't got  
26 Isaac Mongor's testimony. Those I heard are the ones I have told  
27 you about.

28 Q. Now going back to these three names that we were looking at  
29 before we broke this morning. Gibri I Massaquoi, Nya and

1 Brigadier Isaac were all disaffected with the leadership of the  
2 RUF by the time of these messages, weren't they?

3 A. I did not get --

12:09:28

4 PRESIDING JUDGE: Mr Munyard, are you referring to the  
5 messages we have been looking in at MFI-7?

6 MR MUNYARD: Yes. I'm looking in particular one at the one  
7 on 15 July 1999 on page 8678 where those three names are  
8 mentioned.

9 PRESIDING JUDGE: Do you understand that, Mr Witness?

12:09:42

10 MR MUNYARD: Let me try the question in another way, if I  
11 may:

12 Q. Mr Fornie, we were looking at a message in which those  
13 three stated they will never work again with Morris Kallon.  
14 Those three were unhappy with the leadership of the RUF, weren't  
15 they?

12:10:04

16 A. I am not aware of that, that those three people were not  
17 happy with the RUF leadership.

18 Q. Turn, please - I am jumping now. I am going to come back  
19 to the sequence, but turn, please, to page 8692, a message on  
20 that page. It is the message halfway down the page. From the  
21 leader, Foday Sankoh, to all commanders, 25 July 1999. Subject,  
22 directive:

12:10:26

23 "Reference my last message dated 25 July 99, you are to  
24 prepare to hand over the prisons of war and all political  
25 prisoners to the International Committee of the Red Cross,  
26 UNOMSIL or ECOMOG at any time they call upon you."

12:11:14

27 Do you remember Foday Sankoh giving that order?

28 A. Yes.

29 Q. "Philip Palmer, Deen-Jalloh, Fayia Musa, Dr Barrie and

1 Gbessay James should also be released, but you are not to allow  
2 them to go anywhere. They should stay at the HQ (Buedu) until I  
3 arrive at that location."

4 Do you remember him giving that order?

12:11:51 5 A. Yes.

6 Q. Philip Palmer, Deen-Jalloh, Fayia Musa, Dr Barrie and  
7 Gbessay James should be released from what, Mr Fornie?

8 A. From detention.

9 Q. By whom?

12:12:07 10 A. By Sam Bockarie.

11 Q. And why were they in detention?

12 A. It was because of an incident that occurred when they  
13 attempted - allegedly attempted - to topple the leadership of the  
14 RUF.

12:12:27 15 Q. Yes, when?

16 A. I can't remember the exact time. At that time I was not in  
17 the RUF. I was in Gorahun Tonkia.

18 Q. Right. Well, after you emerged from Gorahun Tonkia and you  
19 either did or didn't work with Sam Bockarie in Tongo later in  
12:12:53 20 1997, what did you hear about why Sam Bockarie had detained these  
21 people?

22 A. That is what I have told you. I said I heard --

23 Q. Sorry, I should have said what did you hear about when  
24 Sam Bockarie detained these people? You won't get any help by  
12:13:11 25 looking to the Prosecution.

26 A. I do not know the exact date. I can't remember the exact  
27 date that Sam Bockarie detained these people. That is what I am  
28 saying - the month.

29 Q. Was it around a particular incident?

1 A. I don't remember the time Sam Bockarie detained those  
2 people, but I am telling you that I was in Gorahun Tonkia when  
3 that incident occurred.

12:13:49 4 Q. Was it around the time of Foday Sankoh's arrest in Nigeria,  
5 did you later learn?

6 A. Precisely. It was around that time that I heard.

7 Q. Yes. And so from around March of 1997 this group of former  
8 senior RUF people found themselves in custody, yes?

9 A. Yes.

12:14:17 10 Q. And there they remained until some time at the very least  
11 in the middle of 1999, two and a quarter years later, yes?

12 A. Yes.

13 Q. And they were disaffected, unhappy, with the leadership of  
14 the RUF as well, weren't they?

12:14:48 15 A. You mean Philip Palmer and others?

16 Q. I do mean exactly Philip Palmer and others.

17 A. Yes.

18 Q. Thank you. We will go back to the sequence and I would  
19 like to look next, please, at page 8683, 17 July 1999. To  
12:15:35 20 Concord through Issa Sesay, SSS. For the information of Smile,  
21 that's the leader. From Sparrow, that is Morris Kallon. There  
22 are two messages of that date on that page. I am looking at the  
23 lower one, please:

24 "Sir, the manpower the leader instructed to stay in the  
12:16:07 25 barracks arrived at my location this morning (Magburaka). The  
26 men made me to understand that at around 20:00 hours last night,  
27 Colonel Isaac, Major Gibriil Massaquoi, Colonel Matthew Barbue and  
28 huge number of armed men including one barrel BZT violently  
29 approached them and asked them to leave and if they don't leave

1 they will open fire on them. According to the men, due to the  
2 pressure from Colonel Isaac, Lieutenant Colonel Nya and Major  
3 Gibril Massaquoi as they were almost at the point of opening fire  
4 on them, caused them to leave the barracks as they do not want to  
12:16:54 5 cause any problem."

6 Do you remember that message going out?

7 A. Yes.

8 Q. And do you say it is pure coincidence that CO Nya and  
9 Colonel Isaac end up as witnesses in this criminal trial? It's  
12:17:15 10 pure chance that they were, in conjunction with others, in open  
11 rebellion against other leaders of the RUF and end up giving  
12 evidence in this trial? Is that just pure chance, in your view?

13 A. Well, I do not know the circumstances under which the Court  
14 met them. I do not know the circumstances under which they  
12:17:38 15 testified, so I can't comment on that at all.

16 Q. Carrying on:

17 "Two trucks, one tractor and 80 bags of rice were left in  
18 the barracks including two Hondas. They arrested Major" - and I  
19 can't read the first part of that, somebody George. What is the  
12:18:08 20 first part of that, can you help us? Is it CO George, Cobber  
21 George. Don't worry if you can't.

22 A. It is something like Gobber George.

23 Q. Gobber George. Do you remember who that is?

24 A. I can remember one CO George, but I cannot recall if this  
12:18:36 25 is - if he was the one who carried the Gobber name.

26 Q. "They arrested Major Gobber George and two other bodyguards  
27 of Brigadier Issa with all items in their possession. Among the  
28 items arrested was 250 carat of gold dust which I gave to major  
29 George Gobber. One of the men, Sergeant Alpha Kargbo, managed to

1 escape from them while the other two are still in jail with the  
2 gold dust in Makeni. The property of the men, the two trucks" -  
3 it's 50 bags of rice, I must have misread the figure earlier -  
4 "50 bags of husk rice and the two Hondas are still with Colonel  
12:19:20 5 Isaac and others at Makeni."

6 So here he is complaining not only of a threat to kill  
7 them, but of theft by, as he would no doubt describe it, this  
8 gang led by Colonel Isaac and Gibril Massaquoi and others. Do  
9 you remember all of that, the gold dust and so on?

12:19:46 10 A. I can remember. I have seen it. I remember this message.

11 Q. And how was the RUF meant to implement peace if it was  
12 tearing itself apart in the way that these messages demonstrate?  
13 Are you able to help us with that?

14 A. Well, at that time the peace talks were still going on  
12:20:11 15 while these things were happening. While these incidents were  
16 continuing the peace talks was still going on until Foday Sankoh  
17 arrived in Sierra Leone and tried to bring these groups - he was  
18 making efforts to bring these various groups together just so  
19 that he would do everything to let the peace hold.

12:20:39 20 Q. Page 8688, please. To get the date of this message we have  
21 to look at your signature at the bottom. 8688, please, Mr Court  
22 officer. This is on 18 July 1999. It is to the Sierra Leone  
23 People's Army, northern region, Makeni. And the Sierra Leone  
24 People's Army is who?

12:21:18 25 A. The RUF.

26 Q. From the people and chiefdoms of Bombali District  
27 headquarters of Makeni to Corporal Foday S Sankoh through General  
28 Sam Bockarie. Subject, information:

29 "We wish to congratulate you for returning peace to Sierra

1 Leone. You have succeeded in having the gun silent, but we are  
2 still left with the greatest enemy of hunger and need for  
3 medication. It has been reliably learnt from the Sierra Leone  
4 People's Army commander in Makeni that General Sam Bockarie has  
12:21:59 5 stopped the humanitarian relief from coming to the north. If  
6 that is correct, sir, then you will come and find all of us  
7 starved to death. We are kindly requesting your timely  
8 intervention with a view of alleviating the acute hunger and  
9 medical crisis that we are facing. We hope to hear from you at  
12:22:19 10 your earlier convenience."

11 Now, that was a direct appeal by the people of that area,  
12 wasn't it?

13 A. Yes.

14 Q. And if we turn then to page 8691 and look at the message at  
12:22:41 15 the bottom of that page, 21 July 1999, from Smile - just remind  
16 us again who Smile is.

17 A. Sankoh.

18 Q. To Brigadier Mani and for the information of all  
19 commanders. The subject is another order, directive:

12:23:01 20 "By my directive you are ordered to open all the roads that  
21 lead into Makeni. Also prepare to receive the OSM delegation" -  
22 that's the medical NGO, isn't it? Do you agree?

23 A. It is the OSM delegation, yes.

24 Q. "From Kailahun who are presently at Magburaka. Work with  
12:23:25 25 them accordingly and give them all necessary assistance to enable  
26 them to carry on their job successfully.

27 For Sparrow, by my directive you are to dispatch the OSM  
28 delegation to Makeni tomorrow without fail.

29 All commanders are strictly advised to abide by this

1 directive as it is very important for both the civilians and  
2 soldiers to start receiving food and drugs supply.

3 Accept for necessary action."

4 And then immediately following that on 25 July 1999, from  
12:24:03 5 the leader to all commanders, another directive: "Reference my  
6 last message dated 25 July 1999" - I think I have already read  
7 this one?

8 PRESIDING JUDGE: That one has been read.

9 MR MUNYARD: Yes, that was the one I leapt ahead to. It  
12:24:21 10 was beginning to sound familiar. We have dealt with that one:  
11 Q. Over the page, please, 8693. The second message on this  
12 page. To Smile, Foday Sankoh. From SSS, that's Issa Sesay, is  
13 that right?

14 A. Yes.

12:24:44 15 Q. Subject, information.

16 "Your message pertaining the release of all prisons of war  
17 was received and noted. According to the commander at Freetown  
18 Highway (Brigadier Bazy) he is asking your kind permission to  
19 contact the Guinean government to release the balance of ECOMOG  
12:25:04 20 troops (Sierra Leone contingent) who were arrested in Guinea  
21 while en route to Sierra Leone about one month ago. They are  
22 about 37 in number. According to Brigadier Bazy one of them  
23 managed to reach their location at Freetown Highway and passed on  
24 this information. The others are still under arrest and torture.

12:25:26 25 In regards to the release of the three Guineans and three  
26 Malians with Brigadier Barzil, he is kindly asking for the  
27 release of the prisoners of war to coincide with the release of  
28 our brothers under arrest in Guinea" - and he refers to the same  
29 contingent - "(the Sierra Leone contingent of ECOMOG) who were

1 based in Liberia."

2 Now, do you remember that message?

3 A. Yes.

4 Q. Who is Brigadier Bazy or Barzil?

12:26:01 5 A. He was an SLA.

6 Q. Yes, what was his name?

7 A. Bazy something.

8 Q. Was he commonly known as Bazy?

9 A. Yes.

12:26:17 10 Q. Where is this Freetown Highway area that is being referred  
11 to in this message?

12 A. Freetown Highway - at that time, you know, there were two  
13 areas, one towards the Okra Hill area and the others were at the  
14 Gberi bridge area from Makeni, so I can't remember the exact area

12:26:54 15 that this message is referring to.

16 Q. Is Brigadier Bazy with the West Side Boys?

17 A. I can't remember now.

18 Q. Well, where are the Okra Hills?

19 A. Okra Hills is around the area where the West Side Boys  
12:27:20 20 were.

21 Q. Thank you. Does that help to jog your memory?

22 A. Well, I have told you that there were two Freetown  
23 Highways. I have described two highways there. I can't remember  
24 the exact location.

12:27:35 25 Q. Mr Fornie, I am going to stop you. Does that help or jog  
26 your memory about Brigadier Bazy being with the West Side Boys?

27 A. I can't remember.

28 Q. Are you seriously saying you don't remember who was the  
29 commander of the West Side Boys?

1 A. That is what I am telling you. I can't remember that  
2 Bazy. I can't remember that Bazy was at the West Side. I  
3 can't remember now. I can't recall the right location where  
4 Bazy was during this message. This is what I am saying.

12:28:30 5 Q. Do you know if Bazy has been on trial before the Special  
6 Court?

7 A. Yes.

8 Q. And what was he on trial for doing?

9 A. That he was one of the men responsible - one of those who  
12:28:51 10 bear the greatest responsibility for the crimes committed in  
11 Sierra Leone.

12 Q. Yes, totally different from you who was just a radio  
13 operator; agreed?

14 A. Yes.

12:29:05 15 Q. And what was his role said to have been that he was on  
16 trial for?

17 A. That he bears - that he is one of the men who bears the  
18 greatest responsibility for the atrocities in Sierra Leone.

19 Q. We have been through that. I am going to stop you. What  
12:29:24 20 in particular do you know about Bazy that was alleged against  
21 him in his trial?

22 A. Bazy, I knew that --

23 Q. Do you want me to put that again?

24 A. Because he was one of the AFRC top commanders.

12:29:39 25 Q. Yes, all right. Are you still telling us that you don't  
26 know whether or not Bazy was one of the commanders of the West  
27 Side Boys?

28 A. I said that I can't remember who was at that place at that  
29 time as a commander. I can't remember now.

1 Q. All right. Tell us what the West Side Boys were doing at  
2 the time of this message about Brigadier Bazzy, late July 1999?

3 A. I know that ceasefire was on and the peace talks were  
4 ongoing. Everybody was at his or her own location. I was in  
12:30:26 5 Togo.

6 Q. Yes, that's all very interesting, but would you now answer  
7 the question. Did you listen to the question?

8 A. Yes.

9 Q. What was it?

12:30:46 10 A. You said what West Side were doing at this time.

11 Q. Yes, as you can see on the screen. And what were the West  
12 Side Boys doing at this time?

13 A. I can remember that the West Side Boys were harassing  
14 civilians along the Freetown-Masiaka Highway.

12:31:14 15 Q. Yes. The West Side Boys was another group that were  
16 completely out of the control of the RUF leadership, weren't  
17 they?

18 A. Well, it was later that they went out of the RUF leadership  
19 completely. That was later.

12:31:38 20 Q. I didn't say out of the leadership. I said out of control.  
21 They were never part of the RUF leadership, but they were a  
22 separate group of fighters in the Okra Hills over whom the RUF  
23 had no control at all, weren't they?

24 A. Yes, of course. Around this time, around the signing of  
12:32:06 25 the Lome Accord, we hadn't absolute command over them. We hadn't  
26 absolute command over them, the West Side Boys.

27 Q. No, you didn't have any command over them at all, did you?

28 A. Communication was flowing. Communication was flowing  
29 between us and them.

1 Q. Yes, the communication flowing from them to you was they  
2 wanted Johnny Paul released, didn't they?

3 A. Apart from Johnny Paul's release, communication was  
4 flowing.

12:32:45 5 Q. And what was it about, please?

6 A. Well, I think, according to the last message that you have  
7 even mentioned here, there is something there to prove that  
8 communication was existing between us and them.

9 Q. Yes, but they were still effectively a marauding gang of  
10 ex-AFRC members on the loose in the Okra Hills, weren't they?

11 A. I am not refuting that they were gangs, but they were still  
12 communicating and coordinating things with the RUF at the time  
13 that you are talking about during this message.

14 Q. Page 8696, please. Two messages on this page. To Concord  
12:34:01 15 through Issa Sesay, SSS, for the information of Smile, that is  
16 Foday Sankoh, and Lieutenant Colonel Johnny P Koroma from  
17 Brigadier Mani, army headquarters, Makeni. What was  
18 Brigadier Mani a member of?

19 A. I knew Brigadier Mani as being a member of the Sierra Leone  
12:34:36 20 Army.

21 Q. Thank you:

22 "Sir, reference your signals message dated 25 July 1999,  
23 release of political and war prisoners. Now that these people  
24 have been released in respect of subject matter, could Lieutenant  
12:34:58 25 Colonel JP Koroma be please allowed to travel to the north for  
26 discussion of pertinent issue relating to the peace accord.

27 Your cooperation is highly solicited."

28 Now, Johnny Paul was in detention at this time, I think you  
29 have already agreed that, and here is a former - sorry, here is

1 an SLA soldier, Brigadier Mani, asking for permission to allow  
2 Johnny Paul to travel to the north. Why did Brigadier Mani have  
3 to ask permission for Johnny Paul to travel to the north and what  
4 was he going to do - what was the discussion in the north that  
12:35:58 5 was going to take place?

6 A. It was because Lion had already resumed his position as  
7 leader of the RUF and he was covering every area. Secondly, if  
8 you asked about what Johnny Paul was to do in the north, it was  
9 to discuss the Lome Peace Accord just as requested in this  
12:36:30 10 message.

11 Q. Yes, but why did he have to go to the north to discuss  
12 that, or was there some separate issue going on in the north that  
13 required Johnny Paul's attendance?

14 A. Well, it's not clearly stated here. What we have in this  
12:36:49 15 message to the best of my knowledge was that Johnny Paul was to  
16 go to the north to discuss the peace, what had gone on in the  
17 Lome Accord.

18 Q. Yes, I don't think you have quite got my question. Why was  
19 it necessary for Johnny Paul to go to the north to hold these  
12:37:14 20 discussions unless there was something specifically going on in  
21 the north that needed his attendance? Do you know or don't you  
22 know? If you don't know simply say, "I don't know".

23 A. Well, the man who wrote the message just said to discuss  
24 the peace talks. He did not elaborate further, so I cannot  
12:37:33 25 exactly say what came after that.

26 Q. Thank you. You mean you don't know why the north was  
27 mentioned. Do you mean you don't know why the north was  
28 mentioned?

29 PRESIDING JUDGE: Mr Witness, please answer the question.

1 THE WITNESS: The north, it is clearly mentioned. It was a  
2 message from Brigadier Mani.

3 PRESIDING JUDGE: No, that is not the point, Mr Witness.  
4 The point is do you know why Johnny Paul Koroma had to go to the  
12:38:11 5 north? If you don't know, please say so.

6 THE WITNESS: It was to discuss the peace talks, according  
7 to the message. That is what I know.

8 MR MUNYARD: Your Honours, I am giving up and moving on:

9 Q. The next message, please, which is dated the same date, 27  
12:38:28 10 July 1999, from Smile, that is Foday Sankoh, to Brigadier Mani  
11 and for the information of all commanders. Subject, response.  
12 So he is replying to Brigadier Mani's message that we just looked  
13 at:

14 "Reference your message dated 27 July 1997" - that is  
12:38:53 15 obviously a typographical - well, it's obviously a slip of the  
16 tongue, as it were. It clearly refers to 1999 - "Lieutenant  
17 Colonel JP Koroma is to wait at his present location until I  
18 arrive at Kailahun. You (Brigadier Mani), ex-President Joseph  
19 Momoh, Colonel Isaac and Major Gibriil Massaquoi should report to  
12:39:20 20 Kailahun and wait for me until my arrival as there are very  
21 important issues to be discussed.

22 Also, Victor Foh and all the convicted prisoners that were  
23 released from Pademba Road Prison are to stay at Kailahun until  
24 my arrival. Very soon I will be at Kailahun.

12:39:41 25 The children and women that were abducted from Freetown  
26 should be immediately released to go back to their relatives.

27 Best regards."

28 Now, where was it that Johnny Paul Koroma was being  
29 detained?

1 A. It was in Kangama. Kangama.

2 Q. Was that his home village?

3 A. No, that was not his home.

4 Q. Right. Was it anywhere near his home village?

12:40:27 5 A. No.

6 Q. Right. Now, this is 20 days after the signing of the Lome  
7 Peace Accord, yes? Do you agree?

8 A. You are correct.

9 Q. Was anyone from the AFRC leadership involved in the Lome  
12:40:50 10 peace discussions in Lome?

11 A. Yes.

12 Q. Who?

13 A. Leather Boot was one. One Jalloh, Captain Jalloh, was  
14 another. Two other SLAs whose names I cannot remember now. And  
12:41:30 15 one Lieutenant Anis [phon]. And during the signing of the Lome  
16 Accord Eddie Kanneh went. He was there during the signing.

17 Q. Right, but is it correct that the AFRC felt that they had  
18 effectively been left out at Lome?

19 A. Some. That was what some felt.

12:42:01 20 Q. And did that lead to any further peace discussions; the  
21 fact that some of the AFRC felt left out from Lome?

22 A. I cannot remember.

23 Q. Well, were there any additional clauses added to the Lome  
24 Peace Accord later on to cater for the concerns of the AFRC, do  
12:42:43 25 you know? If you don't know, just say so.

26 A. I can't remember everything in the Lome Peace Accord.

27 Q. Now, just before we leave Lome and the peace accord, can  
28 you remember anyone who was on the Liberian delegation to Lome?

29 A. You mean during the signing of the accord?

1 Q. During the talks that led up to and including the signing  
2 of the accord.

3 A. Yes.

4 Q. Can you give us any names?

12:43:26 5 A. I can remember when we were in Lome, Jungle visited us.  
6 Jungle visited us.

7 Q. I am talking about members of the Liberian delegation, not  
8 people who happened to pop in for a visit. Can you remember any  
9 of the members of the delegation from Liberia?

12:43:53 10 A. Before the signing of the accord I can remember seeing  
11 Mr Taylor. I saw Mr Taylor, Benjamin Yeaten and other people.

12 Q. You are not saying they were part of the delegation, are  
13 you, as opposed to being present from time to time?

14 A. I have not really got that area clearly. You mean the  
12:44:21 15 delegation that took part in the Lome Peace Accord? Is that what  
16 you're saying?

17 Q. Well, I started by asking you, "Do you remember anyone who  
18 was on the Liberian delegation to Lome?" So by delegation I  
19 meant delegation, not visitors. Can you remember any members of  
12:44:49 20 the Liberian delegation? Just listen to the question and try to  
21 answer the question.

22 A. I can remember a delegate from Liberia during the signing  
23 of the accord. Members went, like the President. The former  
24 President of Liberia, Mr Taylor, was present during the signing.

12:45:15 25 Q. So you can't remember anybody else who was part of the -  
26 anybody who was part of the delegation that took part in the  
27 talks, is that right? Just say if you can't. Nobody is trying  
28 to force you to remember something you can't remember.

29 A. I can't remember. I can't remember now. Maybe as we go

1 ahead if any of such person was there I can remember, but for now  
2 I cannot recall anyway. I cannot recall.

3 Q. Do you remember a lady being part of the delegation from  
4 Liberia?

12:45:57 5 A. Part of which delegation, please?

6 PRESIDING JUDGE: He said from Liberia, Mr Witness. Please  
7 listen.

8 MR MUNYARD: Yes:

9 Q. Mr Fornie --

12:46:10 10 A. I cannot remember.

11 Q. -- would you please try to concentrate on the question.  
12 All I have been asking you about is the Liberian delegation. Do  
13 you recall that it was led by a lady? Does that ring any bells?  
14 If it doesn't, just say so.

12:46:33 15 A. No, I cannot remember anyway.

16 Q. If I said the name Dorothy Musuleng-Cooper, the foreign  
17 minister of Liberia, former foreign minister of Liberia, led  
18 their delegation, does that help to jog your memory at all?

19 A. I can remember somehow. And also in fact there was one man  
12:46:59 20 - one Monie Captan also. At the initial opening of the peace  
21 talks Monie Captan was there.

22 Q. So you remember Mrs --

23 PRESIDING JUDGE: Excuse me, Mr Munyard. Mr Witness, when  
24 you say, "I can remember somehow", does that mean you remember or  
12:47:17 25 you don't remember?

26 THE WITNESS: I can remember that there was a Liberian  
27 delegation, but I cannot remember the people. I cannot remember  
28 the exact people. That is what I am trying to say. And then  
29 also during the opening --

1           PRESIDING JUDGE: I'm clear now. Thank you. Mr Munyard,  
2 please continue.

3           THE WITNESS: Okay.

4           MR MUNYARD:

12:47:43 5           Q. Now, I want to turn, please, to page 8706. To Smile,  
6 that's Foday Sankoh. 8706, please. This is a message on 3  
7 August 1999 to Smile, for the information of Concord and all  
8 stations and from the command headquarters at Makeni. It's a  
9 situation report. Who was the commander at the headquarters in  
12:48:44 10 Makeni who sent this? Again, if you don't know just say you  
11 don't know.

12           A. I am thinking, because command used to change. The command  
13 structure used to change at various times. That's why.

14           Q. Well, I am not going to trouble you to think any longer  
12:49:00 15 about that. The name of the person isn't that important. If we  
16 look at the body of the report:

17           "One. General area of responsibility calm and quiet. Two.  
18 The UN security agents and World Food Programme delegates arrived  
19 Makeni yesterday on assessment on food fining. Three. The  
12:49:24 20 UNOMSIL delegates arrived this headquarters at about 11:00 hours  
21 today to facilitate the visit of the World Bank representatives  
22 to Makeni by helicopter."

23           Then if we go down the page we get to a point where it says  
24 - can you see a line in the middle of the page that starts with a  
12:49:49 25 full stop in a circle and then the words "the helicopter"? Do  
26 you see that?

27           A. Yes.

28           Q. Thank you. I am only using that as our reference point. I  
29 actually want to ask you about something two lines down, but I

1 will start there:

2 "The helicopter with delegates took off for where they came  
3 from at about 13:00 hours. Four. Info collected from same  
4 UNOMSIL Major Kabila revealed the kidnapping and abducting of own  
12:50:21 5 combatants by ECOMOG troops within Port Loko District (HQ22  
6 Infantry Brigade of ECOMOG). Message dated 301100" - and it  
7 looks like 7 July, or maybe Z July - "refers and ECOMOG Alpha Jet  
8 was repeatedly flying over Rokupr" - is that - "and other RUF  
9 held territories in the Port Loko District."

12:50:52 10 A. Rokupr.

11 Q. Rokupr, thank you:

12 "And Other RUF held territories in the Port Loko District.  
13 Five. Military and civilian relationship very cordial. Morale  
14 of troops remains sky high. Please accept for your information."

12:51:09 15 And then that gets a reply from Smile. As we see we are  
16 now on page 8707, same date, to command HQ Makeni, same parties  
17 copied in:

18 "Reference your message. Happy to note that your area of  
19 responsibility is calm and quiet and that assessment team has  
12:51:32 20 visited. Response to UNOMSIL delegates is appropriate. Accept  
21 no visitors until I am in the country, certainly not ECOMOG.  
22 Continue to be on alert. I would like to talk to all commanders  
23 tomorrow when communication is improved."

24 Dealing with the last point, clearly again there was  
12:51:54 25 difficulty, wasn't there, in Foday Sankoh being able to contact  
26 those in Sierra Leone because of communications difficulties, do  
27 you agree?

28 A. The last part of your question, please. Make your question  
29 clear, please.

1 Q. There were continuing problems of communication with Sierra  
2 Leone just because of the logistics of getting through on the  
3 radio, yes?

4 A. Yes, there were problems. There were petty problems.

12:52:25 5 Q. Now, what was the problem with ECOMOG in August of 1999?

6 A. You mean with ECOMOG?

7 Q. Yes, that was what I asked.

8 A. Well, just as stated in this message, that was the only  
9 problem that has been stated in this message because I was not on  
10 the ground.

12:52:53

11 Q. So you can't tell us any more than is contained in this  
12 message, correct?

13 A. Yes.

14 Q. Now, I would like to go, please, to page 8709. On 4 August  
15 1999 to Smile for the information of Concord from SSS, Issa  
16 Sesay. Subject, information:

12:53:25

17 "As at 20:45 hours source from General Joshi of UNOMSIL via  
18 satellite phone subject Okra Hills situation report update.

19 Bishop Biguzzi of Makeni and Miss Jacqueline Clenard, the UN PRO  
20 have been released by Brigadier Bazil and his men. They  
21 furnished General Joshi with the following information:

12:53:58

22 1. The others are still being held by Brigadier Bazil.

23 2. Brigadier Bazil and his men have made the following  
24 statements:

12:54:18

25 (a) The AFRC/SLA were not recognised in the Lome - Togo  
26 peace agreement.

27 (b) Lieutenant Colonel JP Koroma who is their leader  
28 remains under custody of the RUF/SL in Kailahun.

29 (c) They demanded the release of JP Koroma to them and also

1 request a dialogue with him.

2 (d) All arrested have been stripped of valuables and  
3 clothing and are being denied access to communicate with their  
4 headquarters.

12:55:03 5 And then: "3. The following is last of the names of those  
6 arrested by Brigadier Bazil and his men" - and then there is a  
7 long list of names of people from UNOMSIL, followed by another  
8 list of names of civilians and also 12 ECOMOG soldiers believed  
9 to be Nigerians. It ends at the very foot of that page: "The UN  
12:55:28 10 Security Council is to sit on the current security situation in  
11 Sierra Leone. Best regards."

12 So does that jog your memory as to Brigadier Bazy or Bazil  
13 being in the Okra Hills with the West Side Boys?

14 A. Yes.

12:55:52 15 Q. And does that jog your memory as to a group of the AFRC  
16 feeling that they had been left out in the Lome Accord?

17 A. Yes, I have said it here that part of them felt left out.

18 Q. Yes. And then on page 8711 we see on 4 August from the  
19 leader, Smile, to Brigadier Bazil, directive:

12:56:25 20 "Reference the message received from SSS" - that's Issa  
21 Sesay - "on 4 August 1999, by my directive you are ordered to  
22 release the people you arrested today (the UN and the other  
23 delegates from Freetown). I am working on the release of the men  
24 who were arrested in Guinea and those at Port Loko.

12:56:47 25 Nobody should try to cause problem by going with the idea  
26 that the peace accord signed in Lome is not in their interest.  
27 The men should discipline themselves, such attitude amounts to  
28 breaking of the peace agreement and is a violation of the  
29 ceasefire.

1 Nobody should talk to the UNOMSIL or any other organisation  
2 without consulting me. I will talk to you all tomorrow in the  
3 morning."

4 Do you remember that?

12:57:19 5 A. Yes.

6 Q. Page 8714, 5 August. To Smile, Foday Sankoh, from SSS,  
7 Issa Sesay. Subject, information:

8 "At 20:15 hours on 5 August 1999, General Joshi contacted  
9 on the satellite phone and confirmed that two people have been  
10 released by Brigadier Barzil" - but obviously it's Bazil.

11 "1. Mr Pierre Louis - a United States citizen and human  
12 rights officer to the UN.

13 2. Mr Kristo Johnson - a Sierra Leonean journalist.

14 According to them the others are still under the arrest of  
15 Brigadier Bazil who stated that their leader Lieutenant Colonel  
16 JP Koroma is still under arrest and duress. He was under duress  
17 when speaking to them this morning. They maintain that they were  
18 not part of the Lome Peace Agreement and demand to be recognised.  
19 They said that they will continue to hold on to the people until  
20 their demands are met. They also asked for food and medicine to  
21 be available for them.

22 General Joshi in accordance with the foreign affairs of the  
23 various citizens placed under the arrest of Brigadier Bazil are  
24 again appealing to the leadership and the high command of the  
25 RUF/SL to intervene swiftly and most urgently to bring this  
26 matter to a rest. They will continue contacting throughout the  
27 night."

28 And then there is another message below that, again from  
29 the leader this time to Colonel Isaac:

1 "By my directive I would like you to proceed to C/S-Vulture  
2 and investigate about the arrest of the people arrested by  
3 Brigadier Bazil and make sure the people are released, but not by  
4 means of force. I repeat, do not use any military force.

12:59:22 5 Convince them as brothers to release those people. Make them  
6 understand that we are not bandits to make such demands."

7 Now, those two messages that we have just looked at, one to  
8 Smile and one from Smile, makes it perfectly plain, doesn't it,  
9 or don't they, that the AFRC - a considerable part of the AFRC  
10 felt that they were left out of Lome? They didn't have a  
11 delegation of their own to the Lome Peace Accord, did they, the  
12 AFRC/SLA?

13 A. Well, a part of the AFRC, especially this group, felt left  
14 out. Part of the AFRC.

13:00:23 15 Q. And the correspondence goes on. I am not going to read it  
16 all, but if we turn to page 8716 we can see in the middle of the  
17 page here - this is written, looking at your signature and the  
18 date next to it, on 6 August 1999 from Brigadier Bazil to Smile,  
19 Foday Sankoh, and for information Lieutenant Colonel JP Koroma:

13:00:59 20 "Reference your signal message dated 5 August 1999, you are  
21 hereby requested to release our leader. Whether he talks under  
22 arrest or duress he should come to our location and release the  
23 hostages. Failure to that, we are not ready to subdue ourselves  
24 under any other command. Accept for prompt action."

13:01:30 25 Was prompt action taken on that demand from Brigadier  
26 Bazy? Do you know or don't you know? Tell us if you don't.

27 A. The prompt action that I see in this message was that  
28 Johnny Paul was to go to them, but that did not happen.

29 Q. Did it never happen?

1 A. At the time that the demand was made - that the request was  
2 made - it did not happen. It did not happen at the time that the  
3 request was made.

4 Q. Did it ever happen?

13:02:12 5 A. Well, I know that Johnny Paul was later released through  
6 Monrovia. That is what I know.

7 Q. And when was he released?

8 A. At that time we had still not returned to Sierra Leone. We  
9 had not returned to Sierra Leone.

13:02:36 10 Q. Do you know what country you were in when Johnny Paul was  
11 released?

12 A. I cannot remember now.

13 Q. Page 8717 --

14 PRESIDING JUDGE: Sorry to interrupt, Mr Munyard, but I am  
13:02:48 15 not entirely clear what, Mr Witness, you mean when you say he was  
16 released through Monrovia. Does that mean he was released to the  
17 city of Monrovia or by the intervention of someone in Monrovia?

18 THE WITNESS: Well, it was a helicopter that picked him up  
19 from Kangama.

13:03:17 20 PRESIDING JUDGE: Please continue, Mr Munyard.

21 MR MUNYARD: Thank you:

22 Q. Page 8717.

23 A. A helicopter. In respect - my Lordship, in respect of  
24 Johnny Paul's release, I can remember there was an arrangement  
13:03:38 25 for Johnny Paul to be picked up from Kangama, but I cannot  
26 remember exactly if it was at that time that he was picked up to  
27 be precise really. From Kangama I cannot remember the steps that  
28 were involved up to his release in Monrovia, but I can remember  
29 that there was such an arrangement. I stand to correct myself.

1 PRESIDING JUDGE: Thank you, Mr Witness.

2 MR MUNYARD:

3 Q. 8717, to the leader, for the information of Concord, from  
4 Major Gibril Massaquoi, information:

13:04:15 5 "No RUF/SL soldier on this side and not even all SLA  
6 soldiers are involved in the current act. Myself, CO Isaac, CO  
7 Nya" - pausing there. Gibril Massaquoi, CO Nya and CO Isaac seem  
8 to be operating now as a trio, don't they?

9 A. Yes, they were working together. All of them were working  
13:04:57 10 together.

11 Q. "And other SLA senior officers have been trying and are  
12 still trying to secure the release of those people. I will be  
13 leaving this evening to escort three ACF NGO vehicles to Makeni  
14 and at the same time to get in touch with Brigadier Mani wherever  
13:05:17 15 he is because he (Brigadier Mani) sent a message this morning to  
16 all SLAs that no-one should be involved in such an act as it was  
17 the wrong method.

18 Brigadier Bazy and others involved in this act are all  
19 former bodyguards of the former NPRC criminals and are injected  
13:05:43 20 in their brains with drugs and power consciousness."

21 Were Brigadier Bazy and the West Side Boys all former  
22 bodyguards of the former NPRC leadership I suppose that refers  
23 to? Do you know?

24 A. According to the message.

13:06:14 25 Q. What about according to your knowledge. Do you have any  
26 knowledge of that separate to this message?

27 A. I can't tell Bazy's position before Operation Sandstorm.  
28 I can't remember his position.

29 Q. Right:

1 "When I left Togo I visited their end as you instructed.  
2 They brought up this same grievance of Lieutenant Colonel JP  
3 Koroma still being detained. Peace may be talked today and they  
4 are capable of destroying it. Again, if not consider them as  
13:06:48 5 they said they were not properly represented and therefore asked  
6 their reservation of the above."

7 Now, it is right, isn't it, that the SLAs were not involved  
8 at all in negotiating at Lome and Johnny Paul didn't send any of  
9 his own representatives to Lome? That's right, isn't it?

13:07:14 10 A. Who sent Leather Boot if at all it was not Johnny Paul? If  
11 at all Johnny Paul did not send any --

12 THE INTERPRETER: Your Honours, can the witness kindly  
13 repeat his answer.

14 PRESIDING JUDGE: Mr Witness, the interpreter has not heard  
13:07:28 15 you clearly. Please repeat your answer picking up from where you  
16 said, "If at all Johnny Paul did not send any --" Continue from  
17 there, please.

18 THE WITNESS: Well, I said if at all you are claiming that  
19 Johnny Paul did not send anybody so far, then tell us who sent  
13:07:45 20 Leather Boot and others to the Lome Peace Accord.

21 MR MUNYARD:

22 Q. Well, there is a problem with Johnny Paul sending anybody  
23 to the Lome peace negotiations because he wasn't invited, was he?

24 A. Johnny Paul, all of us - Johnny Paul was present at the  
13:08:09 25 meeting that was organised to send people to Lome. Johnny Paul  
26 and other SLAs from various areas, all of them were there at the  
27 meeting. They were the ones who selected the group. They  
28 selected Leather and the other people who were among the group  
29 that went to Lome.

1 Q. When was this meeting?

2 A. That meeting was before our departure to Lome.

3 Q. You mean before April of 1999?

4 A. Yes, around that.

13:08:52 5 Q. All right. Johnny Paul was in the custody of the RUF then,  
6 wasn't he?

7 A. Well, at that time Johnny Paul was moving because he was  
8 moving - he used to move from Kangama to Buedu on his own. He  
9 used to go to Koindu on his own patrols. He used to move. He

13:09:20 10 was allowed - his boys used to visit him from the front lines and  
11 other fighters from Kono, Tongo, like Akim and others, used to  
12 visit him in Kangama.

13 PRESIDING JUDGE: Mr Witness, I am not clear from that  
14 answer whether in fact he was still under the custody of the RUF  
13:09:44 15 but allowed to do these things.

16 THE WITNESS: Well, he was still based in Kangama.

17 MR MUNYARD:

18 Q. I am putting to you, Mr Fornie, that Johnny Paul wasn't  
19 invited to take part in the Lome discussions either in his own  
13:10:03 20 person or by means of a representative. Do you agree or not?

21 A. Well, I am telling you that from where the discussion took  
22 place to send representatives to Lome, Johnny Paul was present.  
23 Johnny Paul was present. It was he who appointed Leather Boot  
24 and others to represent the members of the AFRC.

13:10:43 25 Q. Yes, I am just going to ask you to look, please, at a  
26 document that again I don't have copies of, but I am sure we can  
27 all deal with it on the screen. It is a one page document. Now,  
28 if I am right it doesn't actually bear a date, but we can work  
29 out - well, I suppose the date that is in the body of the text

1 must be the date of the document itself. It is headed "Republic  
2 of Liberia Ministry of State For Presidential Affairs Executive  
3 Mansion Press Release":

4 "Executive Mansion, Monrovia, Liberia, Thursday, 4 May  
13:11:44 5 2000. The President of Liberia, his Excellency Dankpannah  
6 Dr Charles Ghankay Taylor, has called for a total ceasefire in  
7 the Sierra Leonean conflict and urged all parties to adhere to  
8 the Lome Accord. The President also said that the best way to  
9 solve the Sierra Leone conflict is not through violence but  
10 dialogue.

11 According to an Executive Mansion release, the President  
12 said it is for this reason that he has dispatched his special  
13 negotiator, former foreign minister, Mrs D Musuleng-Cooper, to  
14 Freetown to open up dialogue for an amicable solution to the  
13:12:23 15 Sierra Leonean crisis."

16 Now, can you go down two paragraphs, please. Miss the next  
17 one and look at the two line paragraph:

18 "Mrs Musuleng-Cooper served as special envoy and chief  
19 negotiator at the Lome conference last July, which brought about  
13:12:43 20 the peace agreement on Sierra Leone."

21 In other words, she was the leader of the Liberian  
22 delegation. Do you see that?

23 A. Yes.

24 Q. Thank you. And now if we take that document off the screen  
13:13:06 25 and I would like the put one more document on the screen and  
26 again I apologise for leaping around chronologically, or not  
27 chronologically I should say. Before you put that on the screen,  
28 Mr Court Officer, let me ask, Mr Fornie, do you know when it was  
29 that Johnny Paul Koroma went to Monrovia?

1 A. I can't remember. I can't remember.

2 Q. Well, have a try. We have been looking at --

3 A. Please, please.

4 Q. Just hold on a minute. We have been looking at messages in  
13:13:46 5 August of 1999 when he clearly hasn't yet been released. Lome  
6 has been signed and is, on the face of the messages, currently  
7 being violated by Kamajors and ECOMOG, but Johnny Paul is still  
8 in custody. Can you recall when after 7 or 8 August which I  
9 think was the date of the last message we looked at, when it was  
13:14:15 10 that he actually went to Monrovia?

11 A. Mr Munyard, I have told you that I don't want to speculate.  
12 I have told you that I can't remember the exact month.

13 Q. Thank you. Do you know who he met while he was he in  
14 Monrovia? If you don't know, say so.

13:14:45 15 A. I know that he had a meeting with President Taylor.

16 Q. How do you know that?

17 A. And Foday Sankoh. Because when we got to Monrovia at a  
18 point in time they were to meet with Pa Sankoh.

19 Q. Well, how do you know that they did meet?

13:15:04 20 A. Well, that day I left ours at the lodge where we were when  
21 Foday Sankoh left with some other RUF personnel to go and meet at  
22 a particular place in order to settle the problem between  
23 Mr Taylor and - I mean in order to settle the problem between  
24 Sam Bockarie and Johnny Paul.

13:15:39 25 Q. Well, the problem at this stage was between Foday Sankoh  
26 and those who had signed the Lome Peace Accord and Johnny Paul  
27 Koroma and his group who hadn't signed the Lome Peace Accord,  
28 wasn't it?

29 A. Well, the one that I knew of is the one that I have told

1 you about, please. I can't remember everything, but that which I  
2 can remember is what I have told you.

3 Q. I think you agreed with me earlier in your answers that  
4 Johnny Paul Koroma and Foday Sankoh had never met before this  
13:16:19 5 meeting in Monrovia. Do you remember agreeing with me on that?

6 A. Yes, I said that they had never met before.

7 Q. And peace could not really be expected to last, or even to  
8 take hold, in Sierra Leone until those two men were brought  
9 together. Do you agree?

13:16:44 10 A. Well, I accept what you say, but I am telling you that the  
11 problem was with Mosquito. The problem that I knew was with  
12 Mosquito and Johnny Paul Koroma.

13 Q. Please listen to the question. We didn't carry on with the  
14 other purpose of the meeting. I asked you a general question  
13:17:08 15 then. It was essential, in the view of all parties in the  
16 region, for peace to take hold Johnny Paul Koroma and Foday  
17 Sankoh had to be brought together, do you agree?

18 A. One thing that I am saying is that it was not Foday Sankoh  
19 per se that had the problem with Johnny Paul. Foday Sankoh and  
13:17:43 20 Johnny Paul had no direct problem. It was he and Mosquito.

21 PRESIDING JUDGE: Please listen to the question carefully.  
22 This is not about Foday Sankoh. It's for peace to take hold in  
23 Sierra Leone Johnny Paul Koroma and Foday Sankoh had to be  
24 brought together. Do you agree with that?

13:18:07 25 MR MUNYARD:

26 Q. Do you agree or are you simply not able to comment because  
27 you don't know enough?

28 A. Well, from the way Madam President has put it, that's more  
29 explicit. Yeah, all of them were supposed to be involved

1 directly in the peace talks on the one to one basis. That's  
2 quite clear to me.

3 Q. Yes, Madam President is obviously wiser than I am in the  
4 way she frames her questions, but I think that both of us were  
13:18:39 5 aiming at the same point. Now, the person who brought these two  
6 leaders together was Charles Taylor. You agree with that, yes?

7 A. One of the people who brought these two - those two leaders  
8 together. He was one of the people, right.

9 Q. Help us with who the other players in this particular  
13:19:12 10 business were.

11 A. Like other ECOWAS Heads of State like Obasanjo. He too  
12 played a role in that.

13 Q. Yes, exactly. Now, let's just have a look, if we may, at  
14 this document. Now, this is a statement by Lieutenant Colonel  
13:19:49 15 Johnny Paul Koroma, chairman of the Armed Forces Revolutionary  
16 Council, made at the Executive Mansion, Monrovia, on 2 October  
17 1999. You were in Monrovia that day, weren't you?

18 A. Yes.

19 Q. I am not going to read all of it, but the first paragraph  
13:20:10 20 reads:

21 "It is with great relief and joy that we are able to  
22 announce to our people in Sierra Leone, especially, the West  
23 African sub-region and the world at large, that under the  
24 auspices of his Excellency President Charles Taylor of Liberia,  
13:20:26 25 the honourable Foday Sankoh and myself have had a very successful  
26 two days meeting at which we were able to clear any  
27 misunderstanding or disagreement that would impede the ongoing  
28 peace process that started with the signing of the Lome Peace  
29 Agreement on 7 July 1999."

1 Now, are you still saying that the problem wasn't between  
2 Foday Sankoh and Johnny Paul, but the problem was with  
3 Sam Bockarie?

13:21:09 4 A. Well, what I said here I think is very plain. I said Foday  
5 Sankoh did not directly hurt Johnny Paul. It was Mosquito who  
6 hurt Johnny Paul. This was what I was trying to establish here.

7 Q. I am not suggesting that Sam Bockarie by late '99 was not a  
8 problem. I am suggesting that there were differences between  
9 Sankoh and Johnny Paul. Do you agree?

13:21:34 10 A. Yes, that was a problem. That was the difference.

11 Q. Thank you. That is all I want to look at in relation to  
12 that particular item and now I want to deal with a few more  
13 matters that are completely disparate, separate matters. First  
14 is this: It's right, isn't it, that Sam Bockarie didn't rely

13:22:00 15 only on his radio operators to operate the radio, he also had his  
16 bodyguards trained as radio operators, didn't he?

17 A. At a certain point in time - at a certain point in time  
18 that happened.

19 Q. And what was that point in time?

13:22:23 20 A. I can remember it was in '99. 1999.

21 Q. Thank you. And why was that done in 1999?

22 A. Well, he just felt that his bodyguards were to be part of  
23 the signal unit, he said, maybe for reasons best known to  
24 himself.

13:23:03 25 Q. Well, are you sure it was 1999?

26 A. Well, if the year - the time that I can really remember,  
27 like one of his bodyguards that I can remember, Pascal - I said  
28 around. I said around 1999. Around that. Around that. Around  
29 that.

1 Q. Well, you started by saying, "I remember it was in '99".  
2 Now you are shifting, are you?

3 A. Well, it was around 1999.

4 Q. Are you concerned I am about to show you one of your  
13:23:38 5 previous interviews with a different date? Is that why you have  
6 shifted from in '99 to around 99?

7 A. Mr Munyard, try to know that my brain is not a computer to  
8 remember all the dates off the top of my head. Please try and  
9 remember that; that my brain is not a computer to record all the  
13:24:01 10 dates.

11 Q. Now, there's a familiar phrase. Have you ever heard any  
12 other witness in this trial using the expression "my brain is not  
13 a computer"?

14 A. Well, it is not because of whatsoever. I know what a  
13:24:18 15 computer is and I know what a computer is capable of doing. I  
16 cannot just use any word because Mr Munyard has used it. It is  
17 because of the question you have asked me in respect of dates.  
18 That is why I am telling you that I cannot remember all the  
19 dates.

13:24:33 20 Q. You have heard other witnesses using that exact expression,  
21 haven't you, while you have been monitoring this trial,  
22 Mr Fornie?

23 A. It is not for that reason that I am telling you,  
24 Mr Munyard. Try and understand me.

13:24:51 25 PRESIDING JUDGE: Mr Witness, you have been reminded  
26 several times that you should address your answer to the Bench  
27 and not enter into an exchange with counsel. Answer the  
28 questions, but please don't enter into an argument with counsel.

29 MR MUNYARD:

1 Q. Are you aware that you are by no means the first  
2 Prosecution witness in this trial to come out with that  
3 particular exact phrase?

4 A. Ah, now if you let me know there won't be any problem.

13:25:22 5 Q. You have been following this trial very carefully, haven't  
6 you?

7 A. Yes, I had been following it a lot of times.

8 Q. Yes. And the suggestion that you didn't listen to the  
9 evidence of CO Nya or Colonel Isaac Mongor is complete rubbish,  
10 isn't it?

11 A. Well, I am not also telling you - I am also telling you  
12 that I am not telling you rubbish. What I am saying here is the  
13 truth and you are trying to turn it into rubbish, but I am  
14 telling you that what I am saying here is exactly what I know and  
13:25:57 15 that is what I am saying here. It is you who is trying to bring  
16 some other things that are not necessary at all.

17 Q. Turn to tab 19 in the Defence bundle, please. The last  
18 paragraph, paragraph 36, on page 44934, please. Now if you look  
19 at that on the screen, Mr Fornie, do you see the last paragraph  
13:26:40 20 numbered 36? I hope I have got the right tab. I can see  
21 consternation on the part of some, but not all. No, I have got  
22 the right tab. Thank you. Now, in this particular interview on  
23 21 and 26 November last year you were interviewed by Kevin  
24 Bennett and Alain Werner, one of the Prosecution lawyers, and at  
13:27:15 25 paragraph 36:

26 "In 1998 Bockarie and Issa Sesay used their bodyguards on  
27 any operations to be their ears and eyes on the ground. At one  
28 point Bockarie and Sesay also wanted their own bodyguards to be  
29 trained as radio operators for them to report about everything

1 going on in the radio room. The witness trained in Buedu in 1998  
2 a bodyguard of Bockarie called Augustine Feika aka Pascal. And a  
3 bodyguard of Issa Sesay called Sei was also trained as a radio  
4 operator in Kono by Elevation".

13:28:04 5 So it was back in 1998 that Sam Bockarie and Issa Sesay had  
6 their bodyguards trained as radio operators, wasn't it?

7 A. Yes.

8 Q. So why was it, Mr Fornié, that it always happened to be you  
9 who was around listening in to the radio traffic when Issa -  
13:28:32 10 sorry, when Sam Bockarie was in the radio room?

11 A. Well, it is not at all times that I was there and it is not  
12 everything. It does not mean that when I have said this there  
13 were other things that I transacted on the radio that I have not  
14 been able to give accurate account of that I cannot say here, but  
13:28:57 15 those to which I was are the ones that I am talking about; those  
16 I know about.

17 MR MUNYARD: Your Honours, I have a couple more short,  
18 discrete points, but I don't think I can deal with either of them  
19 in toto in the I guess two minutes we have got left.

13:29:13 20 PRESIDING JUDGE: We have got very little time until the  
21 lunchtime adjournment. We will therefore take the lunchtime  
22 adjournment and resume at 2.30.

23 Mr Witness, we are now going to take the lunch - I think  
24 you were putting your hand up, were you? No, all right.

13:29:27 25 THE WITNESS: No, I wanted to take off the headphones.

26 PRESIDING JUDGE: I see. Fair enough, you can take them  
27 off as soon as I say we will adjourn until 2.30.

28 THE WITNESS: Thank you.

29 PRESIDING JUDGE: Please adjourn court.

1 THE WITNESS: Thank you.

2 [Lunch break taken at 1.30 p.m.]

3 [Upon resuming at 2.30 p.m.]

4 PRESIDING JUDGE: Mr Munyard, please proceed.

14:31:15 5 MR MUNYARD:

6 Q. Mr Fornie, I'm now going to ask you a question in your  
7 capacity as someone who is regularly listening to the BBC radio.  
8 Can you recall a BBC correspondent in Monrovia called Jonathan  
9 Pellele?

14:31:54 10 A. Yes.

11 Q. And which programme did he broadcast in?

12 A. Pellele used to broadcast for the BBC World Service. He  
13 used to broadcast on Focus on Africa, Network Africa.

14 Q. Yes. Now, were you out of this hole in the ground - this  
14:32:20 15 dungeon - by 21 December 1999?

16 A. When?

17 Q. 21 December 1999, just a few days before Christmas 1999?

18 A. I do not recall the exact date that I came out of the  
19 dungeon.

14:32:47 20 Q. Well, was it before or after Christmas?

21 A. It was close to Christmas.

22 PRESIDING JUDGE: Mr Munyard, before we lose sight of it  
23 have you got a spelling for the surname of the BBC correspondent,  
24 please?

14:33:06 25 MR MUNYARD: Yes, your Honour, it is P-E-L-L-E-L-E:

26 Q. Can you recall ever hearing Jonathan Pellele reporting from  
27 Monrovia around 21 December 1999, saying that Presidents Obasanjo  
28 of Nigeria and Taylor of Liberia had met with Sam Bockarie at  
29 Roberts International Airport on that very day, 21 December 1999,

1 and had informed him that it had been decided he would stay out  
2 of Sierra Leone until the end of the disarmament process and that  
3 he was given the choice to stay in Liberia, or any other third  
4 country? Did you ever hear Jonathan Pellele making a broadcast  
14:34:12 5 to that effect over the World Service?

6 A. I do not recall.

7 Q. Right, another completely separate topic. Operation  
8 Fitti-Fatta, do you know what that was?

9 PRESIDING JUDGE: Mr Witness, did you hear the question?

14:34:43 10 THE WITNESS: I heard it. I heard it. That is what I'm  
11 trying to recall. Fitti-Fatta, I recall I heard about  
12 Fitti-Fatta.

13 MR MUNYARD:

14 Q. Right, what was Operation Fitti-Fatta?

14:35:05 15 A. I cannot talk much about Operation Fitti-Fatta, but indeed  
16 the name that you have referred to is not strange to me.

17 Q. No, well I'm trying to find out, you see, if you as a radio  
18 operator with the RUF in the mid to late 1990s ever heard radio  
19 traffic about Operation Fitti-Fatta?

14:35:38 20 A. Operation Fitti-Fatta that you are talking about I said I  
21 heard about that operation, but I do not recall exactly. I do  
22 not recall everything about Fitti-Fatta, or how it came about.

23 Q. Well, do you recall anything about Fitti-Fatta?

24 A. No, for now I do not recall.

14:36:06 25 Q. Well you didn't recall anything about it in January of 2007  
26 when you were asked about it by the investigator from the Office  
27 of the Prosecutor either, did you?

28 A. Mr Munyard, that is what I'm telling you. I've told you I  
29 do not recall about the operation. I have told you at present I

1 do not recall about it.

2 Q. I'm simply seeking to establish - when you said, "No, for  
3 now I do not recall", I simply want to establish it is correct,  
4 isn't it, that when you were interviewed in January of 2007 do  
14:36:53 5 you remember saying that you were not aware of a military  
6 operation called the Fitti -Fatta mission?

7 A. Well, it is just what I have told you. That is what I  
8 continue to say. I said I heard about that name, the name is not  
9 queer to me, but I cannot tell you anything about it. I can't  
14:37:14 10 explain anything about it, not at all.

11 Q. Right. Now, you've also talked about going to get arms  
12 around the area of Benjamin Yeaten's house and Charles Taylor's  
13 mansion. Can you remember telling us that?

14 A. Yes.

14:37:39 15 Q. I just want you to see if you can help us, please, with a  
16 plan. Your Honours, I hope I've got enough copies for everybody.  
17 I believe I have. If you could put that on the screen, please,  
18 Mr Court Officer. Mr Fornie, would you just have a look at this  
19 plan. Now, Mr Fornie, can you see that on your screen?

14:39:47 20 A. I've seen it.

21 Q. You'll see at the bottom of the screen "Tubman Boulevard"  
22 written in the middle of the page, do you see that?

23 A. I've not seen it yet. I don't see it.

24 Q. The Court Officer is indicating with his pen where that is.  
14:40:17 25 Do you see that now?

26 A. I have seen that.

27 Q. Thank you. To the left - which I think will be west, but  
28 we won't worry about points of the compass at the moment. To the  
29 left if you are standing on Tubman Boulevard looking at White

1 Flower, which is the box in the middle - not quite the middle,  
2 but the box in the centre part at the front of the plan - if you  
3 went to the left you'd be going to Monrovia and if you went to  
4 the right you'd be going to Roberts International Airport, do you  
14:40:56 5 agree?

6 A. I've seen the White Flower. I have seen the White Flower.

7 Q. And do you agree that if you were standing looking at White  
8 Flower there if you went to the left that would lead you to  
9 Monrovia, the city, and to the right would lead you to Roberts  
14:41:16 10 international, or do you not know in fact?

11 A. Well I cannot interpret this plan really, because I'm not  
12 an architect.

13 Q. Right. Well I'm going to ask you to try a little bit more  
14 and, if your lack of architectural skills means you can't, then  
14:41:41 15 we'll have to abandon it. If you go - do you see the words  
16 "Roberts international" on the right-hand side of the plan at the  
17 bottom?

18 A. I've seen it.

19 Q. Thank you. Now, above "Roberts international" there's a  
14:41:57 20 roadway. Do you see that? There's a gap - two lines that run  
21 down and then when they get to the top of the plan they curve off  
22 to the left and go further up to the right where you can see the  
23 words "Benja Yeate", which I'm suggesting is Benjamin Yeaten's  
24 house. On your memory, would that be right? If White Flower is  
14:42:29 25 there where we see it in the middle, you would go down a road --

26 A. I've seen there.

27 Q. Do you agree that this is correct? You would go down a  
28 road to the right and then turn off again to the right to get to  
29 Benjamin Yeaten's house, or can you now remember?

1 A. I went to Benjamin Yeaten's house.

2 Q. Yes, that is different from you telling us whether or not  
3 this plan is correct. Are you able to help us with the plan  
4 being correct?

14:43:02 5 A. I cannot tell whether this plan is correct, or not. I  
6 cannot tell.

7 Q. Well, I'm going to have one more go before we - well, I'm  
8 just going to have one more go. If you were going down that road  
9 to the right of White Flower, when you get to the top of the plan  
10 instead of going off to Benjamin Yeaten's house if you went off  
11 to the left can you remember there being a guard house at the  
12 back end of the grounds of White Flower and then further on two  
13 separate buildings? Can you remember that, or not?

14 A. Well, most of the - do you mean the two arrows? Is that  
14:43:59 15 what you're referring to?

16 Q. Yes, where it says "Buildings" and there's an arrow from  
17 the word "Buildings" to one on the left and one on the right, can  
18 you remember two buildings there or not? Tell us if you can't.

19 A. I do not recall.

14:44:12 20 MR MUNYARD: I think at this point I'm just going to  
21 withdraw this, because there's little point in the witness  
22 pursuing it if he doesn't remember any of it.

23 PRESIDING JUDGE: Very well.

24 MR MUNYARD: Well when I say withdraw it, I'm going to  
14:44:23 25 abandon any further attempt to have this witness indicate  
26 anything on this map:

27 Q. Right, if we put that on one side I want to ask you about  
28 something else now. When you saw the Prosecution in 2003 and you  
29 made a solemn affirmation that the account you'd given them was

1 true, was it made known to you that in your dealings with the  
2 Prosecution if you were put to any expense that expense would be  
3 reimbursed?

4 A. I did not get that question clearly.

14:45:25 5 Q. You told us that you first meet the Prosecution in Bo in  
6 2003 and from there you go to see them in Freetown. Do you  
7 remember?

8 A. Yes.

9 Q. How did you get from Bo to Freetown to see them to give  
14:45:41 10 that first account that we have looked at?

11 A. That first one I went there - I myself went there - because  
12 by then I had some other programmes that I wanted to attend to in  
13 Freetown. I went there on my own and I returned on my own.

14 Q. Who paid for that journey there and back?

14:46:07 15 A. I went there on an official duty from Talking Drum. In  
16 fact, I used Talking Drum vehicle to go there and that was what I  
17 used to return to Bo.

18 Q. Right. Did you actually do any Talking Drum business when  
19 you got to Freetown, or did you simply use it in order to go  
14:46:27 20 there to see the Office of the Prosecutor?

21 A. I did Talking Drum business while in Freetown.

22 Q. Now did the Prosecutors make it clear to you nevertheless  
23 that, if you came to Freetown and had to pay for that, they would  
24 give you the cost of your journey to and from Freetown?

14:46:52 25 A. That was never made clear to me and I did not receive  
26 anything from them at that time.

27 Q. Right. The next time that we have a record of you being  
28 interviewed is not until May of 2006. By that time of course  
29 you'd had your accident, hadn't you?

1 A. Yes.

2 Q. And you needed continual medication and medical treatment,  
3 didn't you?

4 A. Well at that time my sore was healing and so I used to move  
14:47:35 5 from place to place, but even when I'm here this present moment I  
6 still medical treatment and medical attention besides that  
7 particular time.

8 Q. Yes, I was just trying to summarise the evidence you'd  
9 given us earlier that you needed medical attention and medication  
14:47:51 10 throughout that period after your accident and you suffer -  
11 unfortunately you still suffer to this day, is that correct,  
12 Mr Fornie?

13 A. Yes.

14 Q. Now in May of 2006 you were interviewed in Kenema, yes?

14:48:22 15 A. Yes.

16 Q. How did you get to Kenema?

17 A. I went together with the Prosecutors - I mean the  
18 investigators.

19 Q. Right, so the investigators took you and there was no  
14:48:36 20 expense incurred by you. Is that correct?

21 A. Not at all.

22 Q. Now, you're interviewed over two separate days. Did you  
23 stay the night in Kenema?

24 A. No.

14:48:52 25 Q. So you went from Bo to Kenema, back home again on the night  
26 of the 4th, did you, and then out again on the 5th and back home  
27 again on the night of the 5th? Is that how it worked?

28 A. Yes.

29 Q. All right. And presumably lunch, or some form of

1 refreshment, was provided for you by the investigators? You may  
2 or may not remember now.

3 A. I recall that.

14:49:49

4 Q. Now the next time that you're interviewed is 17 August 2006  
5 and where was that, do you recall?

6 A. I do not recall.

7 Q. Well, if I suggested it was in Bo that would presumably  
8 ring a bell with you. Is that correct?

14:50:20

9 A. Well, I would not disagree with that because I had so many  
10 interviews with them in Bo. I wouldn't agree or disagree with  
11 that, because I had so many interviews with them in Bo.

12 Q. Had you seen the Prosecution a little bit before that at  
13 your own expense - before 17 August - can you remember now?

14 A. I did not get your question clearly.

14:50:47

15 Q. Tell me if you don't remember, but shortly before the  
16 interview of 17 August can you remember going to see the  
17 Prosecution at your own expense?

18 A. Where?

14:51:10

19 Q. Well, I don't know where. Do you remember having to spend  
20 some money to go and see them beforehand?

21 A. Where? Because I recall that it was only Freetown that I  
22 went to. I used to go to Freetown on different occasions and so  
23 I do not know which one you are referring to, or where you are  
24 referring to, that I met them.

14:51:30

25 Q. Would you have a look, please, at the Defence bundle, tab  
26 29. It should be headed, this document, "Special Court for  
27 Sierra Leone All Disbursements for Witness". If you'd put the  
28 first page on there, Mr Court Officer. Mr Fornie, I don't want  
29 to spend too much time on this because as you indicate you've had

- 1 so many interviews it would hardly be likely you could remember  
2 any one from another, let alone journeys in between, but if we  
3 look at the first box on this page, Monday 14 August 2006, in  
4 order to review your protective measures you were paid 10,000  
14:52:44 5 leones for the transport costs involved. Can you remember --  
6 A. Yes.  
7 Q. I emphasise that tell us if you can't, but can you remember  
8 going to see them somewhere three days before you were  
9 interviewed by them in Bo? Just tell us if you can't.
- 14:53:15 10 A. Well I received money from them on different occasions for  
11 transport and some other things, or sometimes lost wages, but I  
12 do not recall the dates. I do not recall the dates.  
13 Q. Very well. The next box, Monday 6 November 2006, you get  
14 115,000 leones for transport, lost wages and meals for going to a  
14:53:40 15 meeting at the Special Court with the Office of the Prosecutors.  
16 Do you recall - and it may help you if you look at the two dates  
17 below, boxes 3 and 4, of 7 and 9 November. Do you remember at  
18 the end of 2006 having a number of dealings with the Prosecution  
19 then?
- 14:54:08 20 A. I recall that I had a number of dealings with them, but the  
21 dates - I do not recall the exact date, but indeed I had  
22 different dealings with them.  
23 Q. Thank you. Go over the page, please. Box 5, Monday 20  
24 November, top-up card, 60,000 leones. Can you recall now how  
14:54:37 25 much - did you get one top-up card that was worth 60,000 leones?  
26 A. Yes, I recall there was a time I got a top-up card up to  
27 60,000 leones.  
28 Q. And then there's a meeting on Tuesday 21 November 2006 and  
29 you're paid 35,000 leones in transport. Again, that was a

1 meeting at the Special Court. Would I be right in assuming you  
2 don't remember that specific date?

14:55:33

3 A. Well, of course, because I received transport from the  
4 investigators on different occasions at any time I went for an  
5 interview.

14:55:59

6 Q. Yes. Well the reason I mention that one, Tuesday 21  
7 November 2006, is you're not interviewed - according to the  
8 records we've got, you're not interviewed between 9 November 2006  
9 and 18 January 2007 and yet you get a communications top-up card  
10 the day before, you go to a meeting with them on 21 November and  
11 your transport is paid and the box below, 13 December, for  
12 information, lost wages, transportation and meals you get 150,000  
13 leones. Do you see that?

14 A. I've seen it.

14:56:22

15 Q. Can you remember now what information you were being paid  
16 for in December of 2006?

17 A. I have told you that I do not recall every bit of  
18 activities, but indeed at various times I received money from the  
19 investigators.

14:56:51

20 Q. Yes. And if you gave them information, is that something  
21 they would write down when you were telling them?

22 A. Well, information, most of the information I gave them they  
23 wrote them down. Those were some of them that you have been  
24 playing with in here.

14:57:15

25 Q. That I've been what?

26 PRESIDING JUDGE: I heard "playing" and I note that's what  
27 on the record.

28 MR MUNYARD: Very well:

29 Q. It's your words that I have been looking at in these

1 documents. Do you understand?

2 A. Yes.

3 Q. You call it playing with your words, do you?

14:57:59

4 A. What do you mean by saying you are calling it playing with  
5 my words?

6 Q. I'm moving on. On Friday 12 January 2007 you get a top-up  
7 card for 30,000 leones on that occasion, and then over the page,  
8 box 9, 30 January, another top-up card for 30,000 leones.

14:58:36

9 Interestingly, for the interview that we have a record of for 18  
10 January you don't appear to have incurred any expenses in  
11 attending that. Can you remember being interviewed on one  
12 occasion by a man called Phillip Ross? Does that name ring a  
13 bell in your mind?

14 A. I recall one Phillip Ross.

14:58:59

15 Q. Can you remember, if at all, where you were interviewed by  
16 him?

17 A. Where?

18 Q. Yes, I'm asking you do you remember where Phillip Ross  
19 interviewed you? I ask because on the document we've got the  
20 place has been blacked out.

14:59:23

21 A. Phillip Ross, yes, I recall that he interviewed me.

22 Q. Yes, we know that. We're trying to find out where,  
23 Mr Fornie.

14:59:47

24 A. Well, I recall that he interviewed me at one point in time  
25 at the countryside in Bo.

26 Q. So does it follow that going to be interviewed by him, even  
27 though he managed to write down 92 separate bullet points and  
28 therefore it must have been a fairly lengthy interview, that it  
29 didn't cost you anything to go and see him? Would that be right

1 if he interviewed you at the countryside in Bo?

2 A. I do not recall.

3 Q. In any event, move on. On 5 February 2007, you go to see  
4 somebody and the transport costs are 5,000 leones to review your  
15:00:29 5 protective measures. Then on 8 February 2007, box 11, for  
6 information - that's all, for information - you're paid 130,000  
7 leones. Can you remember what information you gave them that  
8 resulted in that round sum of 130,000 leones being put into your  
9 hand?

15:00:56 10 A. Well, I gave different information - different information  
11 anyway - I recall. I had been giving different information to  
12 the Prosecution.

13 Q. I want you to try and help us with why it is that it didn't  
14 - although it didn't cost you anything to go and give this  
15:01:22 15 information and although you weren't provided with the money for  
16 any food, or lodging, or loss of wages to give this information,  
17 what was it - what was the information pure and simple for which  
18 you were paid money, in this instance 130,000 leones?

19 A. I do not know which information you are referring to here,  
15:01:54 20 but I recall that sometimes they asked me about some documents or  
21 books. Like the recorded tapes that I presented, some of them  
22 were not with me in Bo. I had left some in Pendembu in care of  
23 someone. In that case, they facilitated my movement to go in  
24 search of those things to see whether or not I could get some of  
15:02:23 25 them. So I went there and when I went there I was only able to  
26 get on to the tapes. That apart, I had been giving them various  
27 other information anyway.

28 Q. Yes. Mr Fornie, when you have to go off to Pendembu or  
29 anywhere else to do something on behalf of the Prosecution you

1 get paid for your transport costs if you've paid them, loss of  
2 wages if you've lost earnings going to this effort for the  
3 Prosecution and maybe a top-up card to communicate with the  
4 Prosecution. None of those things applied on this occasion. You  
15:03:08 5 were given a straight 130,000 leones simply for giving  
6 information, weren't you?

7 A. Well I do not know whether or not it is this one that you  
8 are referring to, whether it is this trip or any other trip, but  
9 I am just telling you about one of the events. I don't know if  
15:03:30 10 it is this particular event, but I have told you that on  
11 different occasions indeed I received monies from the Prosecution  
12 in relation to some of those reasons that you are making mention  
13 of here: transport, lost wages, communication.

14 Q. Yes, but this is none of those. Now the next box, 8  
15:03:56 15 February 2007, 15,000 leones for a top-up card. Over the page, 9  
16 February 2007, 30,000 for a top-up card. Can you tell us did you  
17 spend all the 15,000 top-up card in one day? Is that why you  
18 had to go back and get another one the next day?

19 A. Well maybe they were for different reasons, I got the  
15:04:34 20 top-up card for different reasons, because like sometimes if the  
21 Prosecution takes a long time without seeing a particular person  
22 they will call me and ask me and say, "Oh, haven't you seen that  
23 person for a long period?", and then I will reply to them, "No,  
24 it is long time. I too have not seen such and such a person".  
15:04:56 25 Then sometimes if I found out - if I wanted to find out I will  
26 tell them that, "I want to find out about that boy", then they  
27 will give me some money, or top-up, and then I will try and  
28 facilitate to see that person. All of those things they gave me  
29 money to facilitate that movement and then later I would report

1 to them whether I have seen the person, or not.

2 Q. Let us move on to box 14, curiously the same date of 9  
3 February 2007, another top-up card for 15,000 leones, and so in  
4 two days you get 60,000 leones' worth of top-up cards. Are you  
15:05:30 5 saying that you used all of those top-up cards on OTP business?

6 A. They used to give me the top-up card to use that to talk to  
7 them - the OTP - directly. That was all on OTP business.

8 Q. I'm not suggesting they didn't give you the - I'm not  
9 disagreeing that you were given a top-up card to communicate with  
15:06:00 10 them and possibly other people, but it was to your advantage that  
11 they were paying your top-up cards, wasn't it?

12 A. Of course I had an advantage in that, because I must have  
13 used some on my personal business. That one is very common.

14 Q. Yes, quite. Of course. And did you think you were  
15:06:23 15 extremely lucky that time, the day before, 8 February, to be  
16 given 130,000 just for giving them information and then between  
17 that gift and the following day getting 60,000 worth of top-up  
18 cards on top? Did you think you were doing rather well out of  
19 the Prosecution at that stage?

15:06:53 20 A. Well, if that is what you have said.

21 Q. Are you agreeing with me that you were doing rather well  
22 out of them on 8 and 9 February last year?

23 A. I do not call that more.

24 Q. Box 15, please. A week later on 16 February - and we might  
15:07:20 25 as well go to box 16 as well - and four days after that on the  
26 20th you get two more 30,000 top-up cards, yes? Yes?

27 A. I received top-up cards, but I do not recall the dates. I  
28 do not recall the dates.

29 Q. No, I make no criticism of you for not recalling the dates

1 and I'm not troubled by that. I just want you to tell us this.  
2 Can you remember a time in February last year when you were on  
3 the phone an awful lot; phones paid for by the Office of the  
4 Prosecutor?

15:08:08 5 A. On several occasions I got top-up cards from the  
6 Prosecution at different times, that is what I'm trying to say,  
7 and I do not recall all of those times.

8 Q. Right. Can you remember were you just ringing the  
9 Prosecution on those occasions, or were you ringing other people  
10 on behalf of the Prosecution?

11 A. Well, I communicated more with them. It was meant for  
12 communication with them more.

13 Q. All right. You weren't by any chance on the phone to  
14 Gibril Massaquoi, or CO Nya, or Colonel Isaac using these top-up  
15 cards, were you?

16 A. No.

17 Q. You see, you weren't interviewed after 18 January 2007  
18 until late April 2007 from what we can see. Over the page, box  
19 17, 22 February 2007, 50,000 leones for medical assistance, then  
15:09:31 20 five days later in box 18, 27 February, 67,000 leones for  
21 medication and then two days after that, 1 March 2007, box 19,  
22 65,000 for medical treatment for you. Now, it's true that that  
23 one says "transport/lost wages". Just help us with this, if you  
24 can. In February of 2007, were you getting medical treatment as  
15:10:05 25 well as getting medicines - medication? Were you going into a  
26 hospital, or clinic, or doctor's to get medical treatment in  
27 February of last year?

28 A. Yes.

29 Q. Would you have been able to afford that treatment had the

1 Office of the Prosecutor not been paying for it?

2 A. Yes.

3 Q. Right, so it would have come out of your pocket had they  
4 not paid for it?

15:10:43 5 A. Even if they had not paid for that, I would have had some  
6 other means by which I could have paid for it.

7 Q. 182,000 Leones' worth of medical treatment that you would  
8 have had to pay for yourself and would have paid for yourself if  
9 the Office of the Prosecutor had not kindly stepped in and met  
10 the bill, is that right?

15:11:07

11 A. I had been undergoing treatment more than that even before  
12 I met them.

13 Q. No-one is suggesting otherwise. Box 20, please, 6 March  
14 2007, another top-up card for 30,000. Over the page, same date,  
15:11:33 15 same reason, same amount of money. Can you explain, just taking  
16 that one by way of example, why it is that on the same day you  
17 get two different top-up card amounts rather than just being  
18 given an amount big enough to cater for all your telephone calls?  
19 Do you go back to them saying, "I need another one now", even  
15:12:00 20 though they've given you one that very same day? Can you recall  
21 anything like that?

22 A. On different occasions I received top-up cards from the  
23 Prosecution, from the investigators. I have told you that. I am  
24 not disagreeing with most of the things that are here. I'm not  
15:12:23 25 disagreeing with them, but only that the times the events took  
26 place, or which event or on what occasions, I do not recall them,  
27 but actually I recall that I used to receive such monies from the  
28 Prosecution, or these top-ups from the investigators.

29 Q. Well if you're using them mainly for contact with the

1 Prosecution, you're in contact with them an awful lot in February  
2 and March of 2007 but not interviewed by them, correct?

3 A. I do not recall the dates on which I was interviewed. You  
4 have asked me that question persistently and I continue to give  
15:13:08 5 you my response. I have told you I do not recall the dates on  
6 which I was interviewed.

7 Q. That is why I assisted you by pointing out that you weren't  
8 interviewed between 18 January and late April of 2007. Those  
9 were the - in that period in between you get an awful lot of  
15:13:29 10 top-up cards and medical treatment and you're in what appears to  
11 be very frequent communication with the Prosecution, do you  
12 agree?

13 A. I had frequent communication with the Prosecution, of  
14 course, but the dates you are insisting on are what I do not  
15:13:59 15 recall.

16 Q. No, no-one is expecting you to. I've got the records and  
17 that's why I'm telling you those dates. So don't worry, no-one  
18 is criticising you for not remembering the dates.

19 A. Okay.

15:14:11 20 Q. Box 22, Saturday 17 March - St Patrick's Day - 2007,  
21 another top-up card for 30,000 leones. Box 23, three days later,  
22 "Medical/communication", another top-up card and medical  
23 treatment paid for you 110,000 leones. Pausing at that one, you  
24 must have been very pleased to be able to get all this money for  
15:14:41 25 your medical treatment from the Office of the Prosecutor,  
26 correct?

27 A. Well I appreciated because, if I was sick and somebody saw  
28 that indeed this man is sick and indeed he deserved such an  
29 assistance and someone came to me to help me with my medical

1 treatment, I should appreciate that.

2 Q. And is all the medical treatment in connection with your  
3 arm that was injured in the accident?

4 A. Yes.

15:15:13 5 Q. Thank you. 22 March, box 24, "Transport", 35,000 leones.  
6 Can you remember in the early part of last year having to spend  
7 money on transport even though it appears on the face of it you  
8 weren't interviewed at that time because you're not interviewed  
9 until 24 April? Can you remember anything like that? Do say if  
15:15:42 10 you can't.

11 A. Well it was once that I recall that I went to Freetown,  
12 when they invited me to go to Freetown, and when I went they said  
13 the person who was supposed to interview me was not in Freetown.  
14 So at that time I returned to Bo, but that was just once.

15:16:02 15 Q. Right, that's fine. And would it cost 35,000 to go to  
16 Freetown and back again to Bo, or would it cost more than that?

17 A. Well, that particular trip I recall that there was a team  
18 in the provinces in Bo and it was that team that facilitated my  
19 movement to go to Freetown.

15:16:30 20 Q. All right. Over the page to box 25 - and there must, I  
21 suspect, be a mistake here - Tuesday 10 April 2007, "Meeting with  
22 the OTP: Lost wages", 10 leones. There's obviously a zero been  
23 missed off there. It looks as though it's 10,000 leones. Would  
24 that be about right, that you might have lost 10,000 leones in  
15:17:00 25 wages on a particular day when you went to meet the OTP, but not  
26 for an interview because you're not interviewed on that date  
27 according to our documents?

28 A. Well I do not recall the date, but I had so many meetings  
29 with the OTP really.

1 Q. Now, boxes 26, 27 and 28 are all to do with getting you a  
2 passport and a birth certificate: passport photographs,  
3 affidavit for the birth certificate and birth certificate itself.  
4 Was this because you believed that you were likely to be  
15:17:37 5 travelling quite soon to The Hague, April last year?

6 A. That was the time they said it was likely --

7 Q. Thank you.

8 A. -- only if the lawyers saw that my statement or my  
9 testimony was relevant.

15:18:00 10 Q. Yes, all right. Over the page, please. Box 29, 4 May  
11 2007, another top-up card, and then on to box 30, 25 May 2007,  
12 "Witness hospitalisation and follow up medical care". Now,  
13 that's 425,000 leones. Were you in for some kind of operation  
14 then? I don't need you to go into any personal details, but I  
15:18:34 15 just would like to know - that's a sizable amount of money and it  
16 suggests that you were actually in hospital.

17 A. Yes, I was admitted and I went through an X-ray, some other  
18 laboratory tests, admission fees. Everything is in there.  
19 Medicines, everything.

15:19:06 20 Q. And would you have been able to find that amount of money  
21 yourself had the Prosecution not kindly met the bill for you?

22 A. I would have got some other ways. Even if they had not  
23 done that, I would have got some other way.

24 Q. Do you mean you would have to had to borrow it from  
15:19:30 25 someone?

26 A. It's not a matter of borrowing from someone. That apart, I  
27 had my own means by which I would move around to sustain myself  
28 and to meet my immediate needs.

29 Q. Next box, box 31, 11 June 2007, you have a meeting with the

1 Office of the Prosecutor and you get paid 65,000 for lost wages,  
2 but again this is nowhere near the time of the next interview  
3 which is 30 July 2007. This is 11 June. Can you remember did  
4 you give the Prosecution information every time you met with  
15:20:19 5 them?

6 A. I gave the Prosecution information so many times, so many  
7 times.

8 Q. And as you've told us they usually wrote down what you were  
9 telling them, yes? If you lost wages of 65,000 leones on that  
15:20:40 10 date, does that suggest that you spent most of the day with them?  
11 I'm not expecting you to remember the specific date, but would a  
12 loss of wages of 65,000 suggest that you spent a good part of the  
13 working day with the Prosecution?

14 A. There were times that I spent more than one day with them,  
15:21:09 15 in fact.

16 Q. We know that. I'm asking you to try and work out from the  
17 figure that you were given for lost wages does that suggest to  
18 you that about 18 months ago, when you met with the Prosecution,  
19 that you probably met with them for a good part of the day? Just  
15:21:31 20 think about it for a moment and let us know your answer.

21 A. I do not recall this particular incident that you are  
22 talking about.

23 Q. No, Mr Fornie, I'm not asking you to try and remember the  
24 particular incident. Just listen to me carefully. If you have  
15:21:47 25 been paid by the Prosecution 65,000 leones for lost wages, does  
26 that suggest to you in your mind that you probably spent quite a  
27 lot of time with them on that day? We're not worrying about  
28 which day it was, but the day for which you were paid that amount  
29 of lost wages?

1 A. Well, that is what I am telling you. I have told you that  
2 on different days and at different times they used to hold on me  
3 sometimes for the whole day. On different occasions they used to  
4 hold on me.

15:22:23 5 Q. Right. We don't, of course, have any record of interview  
6 on or around 11 June 2007. Tuesday 3 July, box 32, another  
7 top-up card. Box 33, 4 July, 176,000 in medical expenses. We're  
8 now - if my rough calculations are right we're now in the region  
9 of 700,000-odd in medical expenses paid for you by the  
15:23:03 10 Prosecution, aren't we, roughly? I emphasise that it is a rough  
11 figure. In fact it might be more than that, but do you agree  
12 that by July of last year you'd been paid easily 700,000 leones  
13 for medical expenses by the Prosecution?

14 A. Do you mean a bulk 700,000 leones?

15:23:36 15 Q. No, I mean in total. They have paid medical bills for you  
16 amounting to 700,000-odd. If I do the mathematics I might turn  
17 out to be making a conservative estimate, but we'll work on  
18 700,000-odd. Do you agree?

19 A. When if you calculate them on different phases, maybe it  
15:23:59 20 would go up to that amount on different occasions.

21 Q. All right. Box 34, 19 July, 80,000 for transport and meal  
22 costs - meal and transportation costs to the SCSL. Presumably  
23 another meeting with them to give information, is that correct,  
24 although nobody is expecting you to remember the date itself?

15:24:24 25 Would you agree that you wouldn't have got both meals and  
26 transportation costs if you hadn't been going to see them to give  
27 them information, would you?

28 A. I did not understand your question.

29 Q. I don't want to spend long on it. Look at box 34.

1 A. I did not understand your question, please.

2 Q. That is why I'm trying to explain it. Look at box 34. On  
3 a date, which is said there to be 19 July last year, you were  
4 paid 80,000 leones. The reason for it is your meals and your  
15:25:01 5 transportation costs to the Special Court. This is you're paid  
6 by the Prosecution. So do you think that on that day you must  
7 have come to see them to give them information?

8 A. On different occasions, I received certain amounts of money  
9 like this from them on different occasions.

15:25:27 10 Q. Where were you living in July of 2007? What city I mean,  
11 or area?

12 A. Well in 2007 for the most part I was moving between  
13 Kailahun and Bo, Kailahun and Bo, sometimes to my village.

14 Q. Now I'm going straight past box 35, which is another top-up  
15:26:00 15 card for 30,000 in July of 2007, on to - that's 26 July. On that  
16 same day you get 30,000 for lost wages, food and transportation  
17 for a meeting with the Office of the Prosecutor. I'm not going  
18 to ask you to draw any conclusions about that, because I suspect  
19 you'll give us the same answer as before.

15:26:25 20 You're next interviewed on 30 July 2007, for which we don't  
21 have any expenses or other payments made to you, and then you're  
22 interviewed on 1 August 2007 and then on 3 August 2007. All we  
23 see here at box 37 is another 30,000 top-up card, the same amount  
24 in box 38 and then box 39, Friday 24 August, "Lunch provided  
15:27:10 25 during prepping". Now, what do you understand by the expression  
26 "prepping"?

27 A. To my knowledge I think it's a shortcut for preparation, to  
28 my knowledge.

29 Q. Yes, indeed, and these prepping sessions are where the

1 Prosecutors and investigators take you through your previous  
2 accounts and get further information or corrections from you. Is  
3 that correct?

4 A. Yes.

15:27:50 5 Q. And on this occasion it ran over the lunch period, because  
6 you were provided with lunch during prepping, and so would you  
7 agree that we would expect to see a written record of your  
8 prepping interview on Friday 24 August 2007?

9 A. I do not recall that date. I do not recall.

15:28:21 10 Q. No, no-one is expecting you to. I'm not asking you about  
11 the date. I'm saying if you were prepped over such a period of  
12 time that it ran over and went beyond the lunch break, then you  
13 would expect the Prosecutor to have been writing down everything  
14 that you said, wouldn't you?

15:28:43 15 A. Well, on so many occasions I spent a whole day with them.  
16 Not just on one occasion, it was not just once in fact, and that  
17 was beyond lunch period even.

18 Q. All right, yes. Well, we don't have any record of  
19 interview for anywhere around 24 August 2007. Next box, box 40,  
15:29:30 20 on the last day of that month you get another top-up card. Over  
21 the page, box 41, 24 September, "Transportation to SCSL for  
22 prepping", 85,000. On the following day, 25 September, "Meeting  
23 at SCSL for prepping: Communication/transport/lost wages",  
24 45,000. Then on box 43, 28 September, much the same, 20,000.

15:30:17 25 Now, we have a record for 28 September 2007 when you saw I think  
26 it was Magnus Lamin for the purpose of identifying some  
27 photographs. Do you remember that?

28 A. Yes.

29 MR MUNYARD: Yes, it's in our tab 18, but I'm not asking

1 anyone to look it up. We looked at that the other day:

2 Q. Did you do anything else in September apart from show them  
3 photographs, can you remember, September last year? Again, do  
4 say if you can't remember.

15:31:16 5 A. Well at that time that Magnus Lamin took the notes from me  
6 about those pictures they had already received the pictures from  
7 me, because I had already submitted those pictures beforehand  
8 because I recall that I was in Freetown on a specific task having  
9 to do with the cassette that I had presented to them and they  
10 called on me to identify them, the names that were on it. I  
11 think that was the time.

12 Q. Did it take three separate days to identify this handful of  
13 photographs: 24, 25 and 28 September?

14 A. Well I recall that I presented the photographs on different  
15:32:06 15 phases, because I did not have all of them with me at the same  
16 time. I presented those photographs on different occasions.

17 Q. Well, maybe we had better go back then to tab 18. The note  
18 is dated 21 November 2007, but actually it refers to an interview  
19 that originally it says 29 September and that was then changed by  
15:32:29 20 letter to 28 September 2007. It says that the interview

21 commenced at 10 o'clock in the morning on the 28th and you  
22 produced eight photographs and Mr Lamin made a note of who you  
23 said was in those photographs, two of which we looked at. Now  
24 you're not saying it took three days of prepping to identify

15:33:01 25 eight photographs, are you, 24, 25 and 28 September? You're not  
26 saying that, are you, Mr Fornie?

27 A. How would I have spent three days just to identify  
28 pictures?

29 Q. Well, I only ask because we don't have any notes of

1 anything else you told them on 24 or 25 or 28 September in  
2 prepping. Move on, box 44.

3 A. Well --

4 Q. Sorry, I didn't mean to stop you.

15:33:43 5 A. Well, I recall the time I took those interview notes. I  
6 recall that I was purposefully in Freetown to take those  
7 cassettes along. I was logging cassettes at that time.

8 Q. Right. There's nothing at all about logging cassettes in  
9 any notes that we have got relating to 24, 25 or 28 September  
15:34:17 10 last year. Let's move on. Box 44 is another 30,000 top-up card,  
11 17 October, and then 1 November last year, "Housing  
12 assistance/one year's rent: Relocation", 480,000 leones. Now I  
13 don't want to know where you were relocated to, but I just want  
14 to understand this. Were the Prosecution paying you in November  
15:34:44 15 last year for the next year's rent? In other words, did they  
16 give you the money to pay for the future year's rent? I ask this  
17 question for a reason.

18 A. It was for one year.

19 Q. Yes, we know that. Was it the year following the day that  
15:35:07 20 they gave it you, or was it a year's worth of rent that you'd  
21 already paid for the previous year? Do you see the point that  
22 I'm making?

23 A. It was for a year. It was for this one year that I  
24 received money from the Prosecution for rent that I recall.

15:35:34 25 PRESIDING JUDGE: Yes, Mr Witness, but the question is it  
26 paid in advance, or paid in arrears?

27 THE WITNESS: Well, it was not in arrears.

28 MR MUNYARD: Right, thank you:

29 Q. So it's to cover November 2007 to November 2008, yes?

1 A. Yes.

2 Q. Who had been paying your rent from November 2006 to  
3 November 2007?

4 A. I was paying.

15:36:08 5 Q. You were paying, right. Now, I don't want to spend any  
6 more time than is necessary on the next few boxes. It's top-up  
7 cards in November 2006. On 6 November when you get a top-up card  
8 you also get transport and lost wages for going to the Special  
9 Court, although no notes of interview around 6 November. The  
15:36:46 10 next interview actually is 15 November of last year. We go over  
11 the page to 22 November, "Assistance to investigations", 135,000  
12 leones for transport. Can you remember what that was about?  
13 Just about a year ago "Assistance to investigations" for which  
14 you were paid 135,000?

15:37:18 15 A. Well, I recall that I had different assistance in terms of  
16 investigations.

17 Q. I'm afraid that doesn't help us at all as to what it was  
18 that you assisted them with as a result of which you were paid  
19 135,000 leones.

15:37:51 20 A. Well I have told you that most of these monies you're  
21 talking about, even like in the case of this money I would not  
22 disagree with it on the different times. I cannot actually tell  
23 you that it was at this time or that time that I received it, but  
24 I do not disagree with the fact that I received this money - this  
15:38:13 25 type of money.

26 Q. We understand that. I was just wondering if you could  
27 remember now roughly a year ago why it was you were paid on 22  
28 November 135,000 leones for "Assistance to investigations" and  
29 two boxes down on 28 November two days later 375,000 for

1 "Communication/Lost wages/transport Assistance to  
2 Investigations"? Do you have any recollection of what it was  
3 that was involved in that? I make it quite clear that you were  
4 interviewed on 26 November 2007.

15:38:58 5 A. Well, on different occasions I have told you that I gave  
6 help to Prosecution. I helped the Prosecution. I gave them map  
7 on locations regarding call signs during various years, those  
8 things, and I recall that I gave them different other assistance.  
9 We drew the Sierra Leone map, I showed them different locations  
10 where radio stations were - where they were, when and at what  
11 time within Sierra Leone - and I spent sometimes two days or  
12 three days on those things. From there the other time they  
13 called me again to go for some verification, so --

14 Q. And they - sorry, I didn't mean to interrupt you. And they  
15 presumably wrote down where you were showing them on these  
16 occasions when you were showing them where radio stations were  
17 and so on? They'd have to make a note of it, wouldn't they,  
18 otherwise they might forget because it wasn't them who had  
19 identified them, it was you, do you agree?

15:40:09 20 A. Well, that is not my own side of it.

21 Q. And so we'd expect to see a note, "Mr Fornie took us out to  
22 this place and that place and identified this radio station and  
23 that radio station", wouldn't we?

24 A. Well, I have told you that it is not my own side of it to  
15:40:33 25 answer to that question.

26 Q. Well all I can say, Mr Fornie, is we have had no such  
27 disclosure of you going round and showing them locations. I'm  
28 not disputing that you did. One thing I should make clear is  
29 that where it says on 28 November "Communications", it clearly

1 can't refer to the provision of a mobile phone because if you  
2 look at the previous box only six days earlier you're paid or  
3 you're given a replacement phone worth 120,000 leones. Do you  
4 agree that you were given --

15:41:15 5 A. No --

6 Q. No, do you agree that you were given a replacement phone  
7 about a year ago?

8 A. Yes, I agree with that, that they gave me a replacement  
9 phone, but in the case of the radio stations I did not tell you

15:41:30 10 that they took me right round. I was seated in an office space.

11 I was seated in a specific place and I indicated all those places  
12 to them on the map. We did not move from one place to another.

13 Q. Ah, very well. I misunderstood. So we could expect to see  
14 a reference to all the various radio stations on a map recorded

15:41:52 15 around late November last year, yes?

16 A. Well, that is not my own side of the question please.

17 Q. I'm going to skip over any more top-up cards. We move over  
18 the page to boxes 53 to 56. At 54 there's another "Assistance to  
19 investigations", 34,000, more top-up cards and more payments for

15:42:23 20 lost wages and meals. The last page of this tab, which only

21 takes us up to 28 August, two more top-up cards and some meals en  
22 route to the Special Court. Then I'd like you, please, to turn

23 over to the last tab. Now, this is a memo - this is a document  
24 from another organisation that's been either paying you money or

15:42:59 25 spending money on your behalf from the Special Court. This is

26 from the Witness and Victims Section?

27 PRESIDING JUDGE: Yes, Mr Witness, you have your hand up.

28 THE WITNESS: Yes, my Lord. Can I please use the restroom?

29 PRESIDING JUDGE: Please assist the witness.

1 MR MUNYARD: And may I make the usual application for  
2 Mr Taylor at this stage, your Honour?

3 PRESIDING JUDGE: Yes, Mr Taylor may be escorted out.

4 MR MUNYARD:

15:47:08 5 Q. Now, Mr Fornie, just before we go to this other document, I  
6 took the opportunity of the short break to look back to September  
7 of 2007 and such materials as has been disclosed to us. You are  
8 somebody who is a person who is quite used to making records of  
9 your - written records of your dealings with people, aren't you,  
15:47:36 10 in the capacity as radio operator?

11 A. Yes.

12 Q. Thank you. And bearing in mind your experience in the  
13 past, at any rate, was it usually your experience that even when  
14 you went on short visits to the Prosecution that they got out  
15:48:02 15 some kind of notebook or computer and made a note of what it was  
16 you were telling them?

17 A. Well, it depended on what they needed me for. That is up  
18 to them. It depended on the information that they needed from  
19 me. It was based on that. They knew the material they would use  
15:48:28 20 to get records from me.

21 Q. Did they normally get information from you whenever you saw  
22 them?

23 A. Ah, you see sometimes --

24 Q. Does "Ah" mean yes in Krio? I don't know.

15:48:55 25 A. Well, most of the times we met they got information from  
26 me. They used to interview me.

27 Q. Right, because we have nothing for that period that we  
28 looked at in late September apart from a clutch of eight photos,  
29 that's all. Now go on then to the last document in the bundle,

1 please. This, as I've said, is a document from another  
2 department of the Court called the Witness and Victims Section  
3 with whom you're very familiar, aren't you?

4 A. Yes.

15:49:29 5 Q. They've been looking after you since 6 November 2006,  
6 haven't they?

7 A. Yes.

8 Q. And we have a document here from them telling us how much  
9 they've spent on you up to 4 November this year, that's to say  
10 the day before you came to The Hague, and you see where there are  
11 two numbered paragraphs 1 and 2? Can you see that section in the  
12 middle of the page?

13 A. Yes.

14 Q. They've paid you something called witness attendance  
15 allowance of 2,154,000 leones - we may come back to that -  
16 transportation of 1,720,000 leones and then for medical just  
17 short of 700,000 leones. So as well as getting 700,000-odd, if  
18 my maths are correct, from the Prosecution since some time in  
19 2006, you've also got much the same amount from the Witness and  
15:50:10 20 Victims Section, haven't you?

21 A. Well, WVS had taken care of me on different occasions. I  
22 do not know the exact amount of money, because I do not know how  
23 they spent the money. I would just go for the treatment and then  
24 after all I did not know how they did the disbursement, but I am  
15:51:20 25 sure that they had been taking care of me - of my health.

26 Q. Yes, well we have got the exact amount of money from them,  
27 or at least this is what they're saying they've spent on you,  
28 695,000 leones for medical expenses. So you've had the better  
29 part of one and a half million leones spent on you by the

1 Prosecution and the Witness and Victims Section in the past two  
2 years, do you agree?

3 A. Well, it is around that. It could be around that.

4 Q. Yes. All money that you would have had to have found out  
15:52:00 5 of your own pocket otherwise, do you agree?

6 A. Say again.

7 Q. You would have had to have found that money out of your own  
8 pocket, or gone without the medical treatment, if it hadn't been  
9 for these two departments of the Court paying for it. Do you  
15:52:21 10 agree?

11 A. Well, I would have still had other means to foot my medical  
12 bills. I had been spending more than this on my arms. I have  
13 been spending more than eight to ten millions, so this is just a  
14 very small amount of money in respect of this. I actually  
15:52:41 15 appreciate it so much, but making a comparison to say I wouldn't  
16 have been able to get 695,000 leones for my medical, that is not  
17 it.

18 Q. No, I'm not saying you wouldn't have been able to get it.  
19 I'm saying you would have had to spend it, or go without the  
15:52:56 20 treatment, had they not paid. That's all I'm saying and I think  
21 that you're agreeing. Next category, please. Look at the word  
22 below "Medical". What does that read?

23 A. Are you asking me?

24 Q. I am.

15:53:20 25 A. I see "Accommodation" under "Medical".

26 Q. Yes, and how much have Witness and Victims Section spent on  
27 your accommodation according to this letter from them?

28 A. Well, I don't know.

29 Q. Look across the page to the figures column.

1 A. It's 345,000 leones that is there.

2 Q. Yes. When did they spend that on you?

3 A. Well I don't know exactly, because since the time WVS  
4 starting dealing with me --

15:54:08 5 Q. Yes. Well have they spent that money on you this year,  
6 over the last 12 months?

7 A. I said I do not know the exact time that this amount of  
8 money was spent on me.

9 Q. Well we want you to help us with it, because you're the  
15:54:26 10 only person who can tell us what this 345,000 leones' worth of  
11 accommodation costs relate to?

12 A. Well, when WVS pays they did not come and tell me that,  
13 "This is what we're spending on your behalf. This is the  
14 amount". They would only spend and they were the ones who wrote  
15:54:57 15 it. I do not know when exactly the time frame when all of these  
16 disbursements or this calculation was done.

17 Q. But we saw when we looked at the previous document that  
18 following your relocation in November last year you were paid  
19 480,000 leones, or payment to that amount was made on your  
15:55:24 20 behalf, for a year's rent following your relocation.

21 A. Well --

22 Q. Hold on a minute. Hold on a minute. Now it follows,  
23 therefore, that you were given that money by the Prosecution  
24 because you'd had to relocate. What money was paid by somebody  
15:55:48 25 else, either to you or on your behalf, for accommodation in the  
26 sum of 345,000 leones? What does that relate to?

27 A. Like that money that is over there, I don't know if it's  
28 the same amount of money that reflects here. I don't know if  
29 it's the same amount of money that reflects here, but it was only

1 once that I recall I received money for accommodation really. So  
2 - but I don't know, but I know that I have been with the WVS for  
3 a long period of time and I'm conscious that they were footing  
4 bills on my behalf.

15:56:32 5 Q. Right. So let us assume in your favour that on 1 November,  
6 when the Prosecution handed out or paid on your behalf 480,000  
7 for a year's rent, that the 345 relates to the previous year's  
8 rent before you were relocated. Do you think that might be what  
9 the WVS paid for?

15:57:01 10 A. No.

11 Q. There's no particular reason why an organ of the Court such  
12 as the WVS would just be paying your rent prior to relocation, is  
13 there?

14 A. Well, I don't know about the organs that you are talking  
15:57:24 15 about.

16 Q. What rent was being paid on your behalf by any department  
17 of the Court? We know a year's rent in advance last November -  
18 sorry, November of last year. Was anybody paying your rent  
19 before that?

15:57:49 20 A. No, that is the rent that I recall that they told WVS  
21 about. The Prosecution told WVS about it and they were the ones  
22 who footed that bill. Yes, the Prosecution told them.

23 Q. Right, let us move on. "Miscellaneous", under  
24 "Accommodation", 1,548,850 leones. Now "Miscellaneous, that sum  
15:58:18 25 at the bottom, and "Witness Attendance Allowance" at the top,  
26 2,154,000, we have no idea what those payments are for. Do you  
27 have any idea what those payments are for?

28 A. Well, I have told you that I recall on different occasions  
29 I received monies in bits and so I wouldn't tell if those - they

1 have calculated everything together and put it here. The only  
2 thing I know is that I received monies that have been analysed on  
3 the paper.

4 Q. And you have received in total 3.9 million from the  
15:59:06 5 Prosecution over just over two years and nearly 6.5 million from  
6 Witness and Victims Section over two years. That is over 10  
7 million leones in just over two years, including what appears to  
8 be two lots of rent for the same - on the face of it the same  
9 period of time. Are you able to help us at all with what else  
10 was paid apart from rent and transportation and medical costs;  
11 what these other millions were spent on?

12 A. I have told you that the WVS, like the time I used to go  
13 there, most times they footed my bill. When I went the  
14 Prosecution would sometimes just tell them, "Oh, give this man  
15 some amount", and they would always try and track how many days I  
16 would be there for, I would stay there for, even in the case of  
17 transport, so I don't know whether all of those things are what  
18 they have calculated that they have it here. So I do not  
19 actually understand what you are trying to talk about. Which one  
16:00:25 20 actually are you talking about here?

21 Q. What I'm trying to talk about is that you've made an awful  
22 lot of money out of cooperating with the Prosecution in this  
23 case, haven't you?

24 A. Well I made money, but it's not a lot of money as you are  
16:00:57 25 trying to express it. I received monies, they used to give me  
26 monies in bits, but it's not too much of money as you are trying  
27 to express it.

28 Q. 1,588,000 leones' worth of medical expenses you no longer  
29 had to pay for yourself; a sum in the region - a sum for rent in

1 the region of 800,000 leones that you didn't have to pay for  
2 yourself, and even accounting for relocation you're still better  
3 off to the tune of 345,000 leones; and then miscellaneous  
4 amounts, some of which obviously were expended in accommodating  
16:01:51 5 you legitimately, but figures that nobody has broken down to  
6 explain that they actually met your expenses rather than  
7 represented your expenses plus a gift over and above. Do you  
8 agree?

9 A. Well, this is what I am telling you. I said I don't know  
16:02:19 10 how comes except if you ask them for them to break this down, but  
11 sometimes WVS used to pay my lost wages, transport and some other  
12 things, medical. They used to take care of that for me, yes, but  
13 it was not given me bulk as it is written here. They gave me by  
14 instalment occasionally.

16:02:47 15 Q. Oh, I'm not suggesting otherwise. What I am suggesting is  
16 you've been perfectly willing to come here and tell lies because  
17 you've been making money out of this exercise, haven't you?

18 A. Mr Munyard, I don't think you will carry that kind of  
19 concept, but if you are now going with that kind of intention  
16:03:14 20 here are you standing in the presence of the world, because we  
21 are in open session, and all what I have said here, everything  
22 being true and you have been here listening to it, and now you  
23 are deliberately disagreeing with it and saying that it is a lie.  
24 You are the liar. You are the liar. Amongst every other thing,  
16:03:38 25 you are the liar. I don't think I am here to lie.

26 PRESIDING JUDGE: Mr Witness, you can answer the question,  
27 but don't start insulting.

28 MR MUNYARD: I have no other questions.

29 PRESIDING JUDGE: Thank you. Re-examination, Mr Santora?

1 MR SANTORA: Yes, Madam President. Just for your Honour's  
2 purposes - and it may be of assistance - I anticipate the  
3 re-examination to be no longer than 15 to 20 minutes, so just an  
4 alert for the purposes of the tape. Perhaps we would prefer to  
16:04:04 5 finish this witness today.

6 PRESIDING JUDGE: Indeed, thank you.

7 RE-EXAMINATION BY MR SANTORA:

8 Q. Mr Witness, good afternoon.

9 A. Good afternoon, Mr Santora.

16:04:18 10 Q. I'm just going to ask you a few questions based on some of  
11 the responses that you gave to Defence counsel during the course  
12 of his cross-examination. Again I'm going to remind you to speak  
13 slowly and address yourself specifically to the question I ask,  
14 okay? Do you understand that?

16:04:41 15 A. Yes.

16 MR SANTORA: Just for counsel's purposes, I will give you  
17 the reference ahead of time and give you a few seconds to pull it  
18 out. The first reference comes from 21707, this is from  
19 cross-examination of Thursday 4 December, and it is lines 5 and  
16:05:00 20 6:

21 Q. Mr Witness, during the course of your cross-examination the  
22 Defence counsel was asking you about radio communication between  
23 commanders and you said:

24 "It was through a dialogue. It has not been stated here  
16:05:19 25 that it was done through a message."

26 Do you recall saying this?

27 A. I have not got the last part clearly.

28 Q. You said in reference to a radio communication when it  
29 occurred between commanders:

1 "It was through a dialogue. It has not been stated here  
2 that it was done through a message."

3 Do you recall saying that?

4 A. No, I said dialogue messages - radio messages and sometimes  
16:05:59 5 dialogue. Both direct dialogue and written messages.

6 Q. Can you just clarify the difference between a dialogue and  
7 a message?

8 A. Dialogue was like - like we're talking, you and I are  
9 talking, "Hello, Mr Witness". "Mr Lawyer, signals over.

16:06:22 10 Mr Lawyer, okay. Mr Lawyer, advise on the book that I said you  
11 should send for me". That's dialogue. Then message, "Hello,  
12 Mr Lawyer. Message, over. Send, over, from Lion to Jack,  
13 subject instruction", today's date and then I start the text of  
14 the rest of the message. Then I give you the full text at the  
16:06:44 15 end of the message and I'll sign the date and the time that I  
16 transmitted that message.

17 Q. Were dialogues recorded?

18 A. Well, I don't think all dialogues - dialogues were not  
19 recorded.

16:07:05 20 MR SANTORA: The next reference, counsel, is again from the  
21 same day, Thursday 4 December, 21727, lines 6 and 7:

22 Q. Mr Witness, you were referring to the Freetown invasion and  
23 you said, "The particular troop that SAJ led to enter into  
24 Freetown subdued directly to Mosquito." Do you remember saying  
16:07:37 25 that?

26 A. To Mr Sam Bockarie.

27 Q. So you recall saying this?

28 A. I can remember that I said that Gullit and others directly  
29 subdued to Mr Sam Bockarie.

1 Q. Very simply, what did you mean when you said "subdued"?  
2 What do you mean by that word?

3 A. That he was taking instructions from Sam Bockarie. He used  
4 to seek advice from Sam Bockarie, he consulted him on what to do  
16:08:09 5 and whenever Sam Bockarie was talking to him he answered, "Yes,  
6 sir".

7 MR SANTORA: Counsel, the next reference is from Friday 5  
8 December and the page runs over from 21796 running over to 21797,  
9 starting at line 29 on the first page and then over to line 1 on  
16:08:38 10 21797:

11 Q. Mr Witness, you were talking about Foday Sankoh during the  
12 course of your cross-examination and you said that - this is what  
13 you said, "Until the time they arrested the RUF, Foday Sankoh was  
14 the leader in principle and in practice". Do you remember saying  
16:09:07 15 that?

16 A. Yes, it was the time that he was in Abidjan.

17 Q. After Foday Sankoh was arrested, who was the leader in  
18 principle?

19 A. Well, he still remained the leader in principle.

16:09:20 20 Q. And who was the leader in practice?

21 A. In practice it was Mosquito who was on the ground. Then it  
22 was Mosquito - then it was Mosquito who was on the ground and  
23 Mosquito to Benjamin and Benjamin to Mr Taylor, because almost  
24 every important matter Mosquito used to seek Mr Taylor's advice  
16:09:47 25 on any important matters.

26 MR SANTORA: Now, the next question arises from  
27 cross-examination of Monday 8 December. It's starting at page  
28 21987, lines 5 to 13:

29 Q. Now, Mr Witness, you were describing the time you were put

1 in the dungeon by Mosquito when you came back to Buedu after  
2 being in Lome. Do you remember that?

3 A. Yes.

4 Q. And you were asked what reason you were put in the dungeon  
16:10:37 5 for and in your response you said:

6 "The reason why Mosquito put me into the dungeon was  
7 because I had written a letter wherein I suggested to the Pa that  
8 the best way he could get Mosquito to allow the disarmament to go  
9 on around that place, that is myself and JR that I was talking  
16:11:01 10 about, that he should tell Mosquito through his brother  
11 Charles Taylor that he should tell Charles Taylor to tell him.  
12 So those were the things that were in the letter, so that was the  
13 reason why he arrested me - he arrested the letter. He got on to  
14 us."

16:11:22 15 Do you remember saying that?

16 A. Something was left out. I said according to the details of  
17 the letter that I wrote - the letter that I and JR wrote - Sankoh  
18 was to tell his brother Mr Taylor to get Mosquito out of Buedu.  
19 That was what angered Mosquito that he pursued me up to Vahun and  
16:11:50 20 brought me back to Buedu.

21 Q. Okay, well I'm asking if you remember saying this though  
22 that I read out to you? Do you remember saying that during the  
23 course of --

24 A. Yes, I remember saying that.

16:12:03 25 Q. Okay. And in that you said in the letter you suggested to  
26 the Pa that the best way he could get Mosquito to allow  
27 disarmament to go on around that place was to tell Mosquito  
28 through his brother Charles Taylor. When you say, "I suggested  
29 to the Pa that the best way he could get Mosquito to allow the

1 disarmament to go on around that place", what did you mean?

2 A. I suggested to Pa Sankoh in the letter - in the letter I  
3 suggested to Pa Sankoh that he should get --

16:12:51

4 THE INTERPRETER: Your Honours, can he kindly repeat this  
5 answer.

6 PRESIDING JUDGE: Please repeat your answer for the  
7 interpreter, Mr Witness. You said, "I suggested to Pa Sankoh  
8 that he should get --" Continue from there.

16:13:07

9 THE WITNESS: He should get Mosquito out of Buedu, let me  
10 put it that way in Krio, through his brother Mr Taylor.

11 MR SANTORA:

12 Q. Why did you make that suggestion?

16:13:25

13 A. Because I knew that he had direct influence over him. Even  
14 when Pa Sankoh was not there, it was to him that Mosquito sought  
15 - even when Pa Sankoh was not present, it was to Mr Taylor that  
16 Mosquito used to seek most of the advice on relevant issues that  
17 he was supposed to deal with.

18 Q. You just said you knew "He had direct influence over him".  
19 Please use names. Who are you talking about?

16:13:43

20 A. Mr Taylor. Mr Taylor. That Mr Taylor had direct influence  
21 or command over Mosquito and that he will be able to get Mosquito  
22 out of Buedu so as to allow the disarmament to go on.

23 MR SANTORA: Counsel, this is the same Monday 8 December,  
24 pages 21994 and the lines are 24 to 28:

16:14:22

25 Q. Now during the course of your cross-examination,  
26 Mr Witness, you were being asked about an incident in Kakata  
27 after you left Bomi Hills in 1992 where you testified that you  
28 were told by CO Lion that Charles Taylor was in a convoy and was  
29 in a vehicle, but he never alighted from the vehicle. Do you

1 remember describing this?

2 A. Yes, that was in Kakata.

3 Q. During the course of your response you said:

4 "What also convinced me was the kind of convoy that they

16:15:02 5 moved with, the kind of convoy that was moving with various  
6 weapons, twin barrels, AAs. If you saw that you would know for  
7 yourself that, oh, it was indeed the CIC that was moving at that  
8 time."

9 Do you recall saying this?

16:15:20 10 A. Yes.

11 Q. Now just to be clear, who are you referring to when you say  
12 "CIC"?

13 A. That is CIC Taylor. Charles Taylor.

14 Q. Why did you refer to him as "the CIC"?

16:15:34 15 A. He was the commander in chief. He was the commander in  
16 chief. He was commander in chief of the entire - of all of us  
17 who were there, who were in Liberia. The RUF - we, the RUF  
18 forces - and the NPFL forces.

19 MR SANTORA: Can I just have one brief moment, Madam  
16:16:02 20 President?

21 PRESIDING JUDGE: Yes.

22 MR SANTORA: I have no further questions.

23 PRESIDING JUDGE: Thank you, Mr Santora.

24 MR MUNYARD: Madam President, before my learned friend

16:16:11 25 submits his documents -

26 PRESIDING JUDGE: We have some questions.

27 MR MUNYARD: Oh, I'm so sorry. I'll deal with it after  
28 that.

29 JUDGE SEBUTINDE: Mr Witness, I have a few questions

1 arising out of the logbook and some of the code names that I saw  
2 there that you haven't had an opportunity to explain. If you  
3 could just tell me the names, or the meaning of the following  
4 code names. Ebony?

16:16:39 5 THE WITNESS: Ebony was Mr Taylor.

6 JUDGE SEBUTINDE: Juliet?

7 THE WITNESS: Juliet? Only Juliet? I don't remember. Oh,  
8 yes, Juliet. Jungle was Juliet. That was how we referred to  
9 him. He was one of those men whom we referred to as Juliet -

16:17:22 10 Jungle.

11 JUDGE SEBUTINDE: Butterfly?

12 THE WITNESS: That was Mr Taylor's radio operator.

13 JUDGE SEBUTINDE: Temple?

14 THE WITNESS: Temple? I don't remember now. Temple?

16:17:44 15 JUDGE SEBUTINDE: Defender?

16 THE WITNESS: Defender?

17 JUDGE SEBUTINDE: If you can't remember, please say so.

18 THE WITNESS: I don't remember. I don't remember.

19 JUDGE SEBUTINDE: Thank you.

16:18:10 20 PRESIDING JUDGE: Mr Witness, I also have some questions.

21 Counsel, I don't have page numbers, but for purposes of reference  
22 this evidence was given on 3 December just before 10 in the  
23 morning. Mr Witness, you told us that you went on one occasion  
24 to buy ammunition, you didn't carry any cash and you referred to  
16:18:32 25 ammunition that had been hidden, bought from an ex-commander in  
26 Voinjama. Was it only ammunition that was bought, or were any  
27 arms bought as well?

28 THE WITNESS: I did not say to go and buy ammunition. The  
29 convoy that I went with it was to collect ammunition that had

1 already been bought.

2 PRESIDING JUDGE: Yes, all right. Was it only ammunition,  
3 or did it include arms as well?

16:19:06

4 THE WITNESS: I can remember ammunition. Ammunition,  
5 grenades and other stuff as well.

6 PRESIDING JUDGE: And also in answer to some questions -  
7 again this is on 8 December in the afternoon - you were  
8 monitoring, you told us, the ECOMOG radios and you mentioned that  
9 you wrote and decoded it. What language did ECOMOG use in their  
10 radio transmissions?

16:19:35

11 THE WITNESS: It was English.

12 PRESIDING JUDGE: Yes, thank you. Those are my questions.  
13 Questions arising, counsel?

14 MR SANTORA: No questions from this side.

16:19:50

15 MR MUNYARD: No, thank you.

16 PRESIDING JUDGE: Any other applications?

17 MR SANTORA: Your Honour, I can - the Prosecution has  
18 applications related to what are right now marked starting with  
19 what has been marked for identification as MFI-1. The  
20 Prosecution would seek to tender this as an exhibit. If you want  
21 me to give a bigger reference as to what it was actually, or by  
22 any other --

16:20:10

23 PRESIDING JUDGE: No, Madam Court Officer has very  
24 helpfully given us a list of them and I do recall some of them  
25 myself. Mr Munyard?

16:20:27

26 MR MUNYARD: I don't object to any of them, if that helps.

27 JUDGE SEBUTINDE: Mr Santora, these are the audio tapes  
28 that we heard; one of which I recall was not very audible not to  
29 all of us and I think that was the one in Krio. Now the way we

1 are going to admit these clips, there is no transcription  
2 accompanying. What do you think of that?

3 MR SANTORA: Well, as I stated with regards to the first  
4 clip that you're referring to, the purpose of admission of only  
16:21:06 5 that clip and the voices therein was simply to go along with the  
6 witness's record and the identification of those said voices.  
7 There's no - we're not admitting it for any purposes related to  
8 what was actually said on the transmission itself. It's just  
9 simply that the witness has recognised, or purports to recognise,  
16:21:27 10 certain voices on that transmission.

11 With regard to the other two, they were publicly broadcast  
12 BBC radio broadcasts and in that instance I did not seek to  
13 tender any unofficial transcript as such. They are audible in  
14 themselves and so for these reasons we're not seeking to admit  
16:21:53 15 any accompanying transcripts to them.

16 PRESIDING JUDGE: I note there's no objection to the tender  
17 of any of these documents and so I will therefore follow the list  
18 that has been provided to us.

19 The first, MFI-1, is an audio clip and it becomes  
16:22:19 20 Prosecution exhibit P-261.

21 [Exhibit P-261 admitted]

22 Next, MFI-5, again is an audio clip as played in the Court.  
23 It becomes Prosecution exhibit P-262.

24 [Exhibit P-262 admitted]

16:22:45 25 MFI-6 is a further audio tape. It becomes Prosecution  
26 exhibit P-263.

27 [Exhibit P-263 admitted]

28 MFI-7 is a large logbook that has been admitted in toto.  
29 It includes handwritten records and some blank pages and a cover

1 sheet. It becomes Prosecution exhibit P-264.

2 [Exhibit P-264 admitted]

3 The next document is a photograph as marked by the witness  
4 identifying certain persons therein and it becomes Prosecution  
16:23:22 5 exhibit P-265A, and also a further photograph as marked by the  
6 witness identifying persons therein becomes Prosecution exhibit  
7 P-265B.

8 [Exhibits P-265A and P-265B admitted]

9 MFI-9A is a photograph showing persons as marked by the  
16:24:01 10 witness. It becomes Prosecution exhibit P-266A, that's the  
11 original, and the copy as marked by the witness is Prosecution  
12 exhibit P-266B.

13 [Exhibit P-266A and P-266B admitted]

14 Those are all - according to my records and what I've got  
16:24:31 15 before me, Mr Santora, those are the Prosecution exhibits that  
16 you applied to tender.

17 MR SANTORA: That comports with my side or my record as  
18 well, so that's correct.

19 PRESIDING JUDGE: Thank you.

16:24:39 20 MR MUNYARD: Your Honour, I rose earlier because I realised  
21 I hadn't asked for two documents that I put to the witness to be  
22 marked for identification. I'm not including that hand drawn  
23 map, because --

24 PRESIDING JUDGE: Well, he wasn't able to identify it.

16:24:53 25 MR MUNYARD: No, he wasn't able to identify anything on  
26 that. There were two other documents that I think --

27 PRESIDING JUDGE: Yes, there were two typed documents. One  
28 was a letter written by the former President of Sierra Leone. Is  
29 that the one you're referring to?

1 MR MUNYARD: Yes. I had already marked for identification  
2 one document.

3 PRESIDING JUDGE: Yes, there's a map and a letter.

4 MR MUNYARD: Yes, and I'm now asking for the letter from  
16:25:17 5 the former President of Sierra Leone and the declaration, or  
6 whatever it was called, off the top of my head I can't remember,  
7 from the former Chairman of the Armed Forces Revolutionary  
8 Council. That was the second of those documents.

9 PRESIDING JUDGE: First, Mr Munyard, you have got a map  
16:25:50 10 which is MFI-10. Are you seeking to tender that?

11 MR MUNYARD: Yes, I am.

12 PRESIDING JUDGE: Any comment?

13 MR SANTORA: No objection.

14 PRESIDING JUDGE: Very well. Then that is a map of Sierra  
16:26:05 15 Leone as identified in part by the witness. It is D-76.

16 [Exhibit D-76 admitted]

17 MFI-11 is a letter - I understand that's the letter from  
18 His Excellency the former President of Sierra Leone?

19 MR MUNYARD: Yes.

16:26:31 20 PRESIDING JUDGE: That becomes - Mr Santora, have you --

21 MR SANTORA: This was actually not - there's three, or at  
22 least two, that I've never seen before and that were just on the  
23 screen briefly. Can I just take a quick examination of it?

24 PRESIDING JUDGE: Yes. I will therefore pass these down to  
16:26:48 25 counsel for the Prosecution, who has not seen them.

26 MR SANTORA: It may make sense to just bring them all down  
27 here and I can peruse them all at the same time.

28 Perhaps it would be more efficient if we can address three  
29 in block, or we can do them one at a time?

1 PRESIDING JUDGE: It is a matter for yourself, Mr Santora.

2 MR SANTORA: I'll just note that the next one I think is  
3 going to be MFI --

16:27:55

4 PRESIDING JUDGE: It is not marked for identification, but  
5 it is being tendered. The first, MFI-11, is the letter from His  
6 Excellency, the former President, and then the next two have not  
7 been marked for identification, but they are being tendered.

8 MR SANTORA: Okay, then why don't we just do them one by  
9 one? That's easier and I'll remember.

16:28:15

10 PRESIDING JUDGE: Mr Munyard, I note you have moved MFI-11.  
11 Mr Santora?

12 MR SANTORA: Your Honour, I do note that this was not used  
13 in any way to impeach the witness. He had no knowledge of this  
14 document. However, we do consider it relevant for purposes of  
15 our case and so we are not objecting to the admission of this  
16 document.

16:28:30

17 PRESIDING JUDGE: Very well. That is a two page document,  
18 a letter headed "State House Freetown" and signed by the former  
19 President of Sierra Leone. It becomes Defence --

16:28:49

20 MR MUNYARD: Would your Honour mind giving the date of the  
21 letter so we can identify it more easily?

22 PRESIDING JUDGE: Thank you. It is dated 27 October 1999  
23 and it's addressed to "His Excellency Charles Ghankay Taylor,  
24 President of the Republic of Liberia". That becomes Defence  
25 exhibit D-77.

16:29:12

26 [Exhibit D-77 admitted]

27 Mr Munyard I think has moved the next document, which is a  
28 two page document. It is a statement by Lieutenant Colonel  
29 Johnny Paul Koroma, Chairman of the Armed Forces Revolutionary

1 Council, and it's dated 2 October 1999. Mr Santora?

2 MR SANTORA: No objection.

3 PRESIDING JUDGE: There's no objection. That becomes  
4 Defence exhibit D-78.

16:29:39 5 [Exhibit D-78 admitted]

6 I have just been alerted that we have only one minute. The  
7 next document is a one page document. It is headed "Republic of  
8 Liberia, Ministry of State for Presidential Affairs Press  
9 Release", and it would appear to be 4 May 2000. Mr Santora?

16:29:58 10 MR SANTORA: Again for the record the witness never  
11 recognised it and it wasn't used to impeach him, but we do  
12 consider it relevant and so there's no objection.

13 PRESIDING JUDGE: Very well, then that becomes Defence  
14 exhibit D-79.

16:30:09 15 [Exhibit D-79 admitted]

16 If there are no other matters, I will discharge the  
17 witness? No. Mr Witness, that is the end of your evidence and  
18 we thank you for coming to court to give your evidence over the  
19 last few days. You will now be free to leave the court and we  
16:30:25 20 wish you a safe journey back. However, before you do we are now  
21 going to adjourn. As the parties are aware, we go into recess  
22 tomorrow and we will be resuming court - Ms Hollis, you are  
23 getting to your feet.

24 MS HOLLIS: I simply wanted to thank your Honours for  
16:30:44 25 sitting this week so that we could finish this witness. Thank  
26 you very much.

27 PRESIDING JUDGE: Thank you, Ms Hollis, for that  
28 acknowledgment. We're grateful.

29 MR MUNYARD: And, your Honours, may I on behalf of the

1 Defence thank you for the effort that everybody has put in this  
2 week to conclude this witness. Also, as we are now at the end of  
3 the first year of this case, can I thank all the parties for the  
4 cooperation that's been shown in running the case very smoothly,  
16:31:14 5 and before we leave I think it's only appropriate that we should  
6 bid an appropriate and proper farewell to two members of the  
7 Prosecution team who we understand are leaving at the end of the  
8 year, both of whom, Alain Werner and Leigh Lawrie, have treated  
9 us on the Defence side with the utmost courtesy and cooperation.  
16:31:35 10 They've been a pleasure to work with and I just wanted to put  
11 that on record.

12 PRESIDING JUDGE: Thank you. I wasn't aware of that,  
13 Mr Munyard, but Mr Werner as you know was with us in Freetown and  
14 Ms Lawrie and we will also wish them every success in their  
16:31:51 15 futures and we're grateful for their assistance over the years.

16 We will resume court in January, if I remember correctly  
17 it's the 12th, and I would also like to thank the parties for  
18 their cooperation through the year and to wish everyone a happy  
19 and peaceful Christmas and holidays. We will now adjourn until  
16:32:12 20 12 January, please, Madam Court Officer.

21 [Whereupon the hearing adjourned at 4.30 p.m.  
22 to be reconvened on Monday, 12 January 2009 at  
23 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINATION BY MR MUNYARD	22130
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