



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 15 APRIL 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Artur Appazov

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Ms Logan Hambriek
Ms Salla Moilanen

1 Thursday, 15 April 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.34 a.m.]

09:29:08 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours, counsel opposite. For the Prosecution, Maja
9 Dimitrova and Nicholas Koumjian.

09:34:22 10 PRESIDING JUDGE: Thank you.

11 MR GRIFFITHS: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence today, myself Courtenay
13 Griffiths. With me, Ms Logan Hambrick and our case manager
14 Mrs Salla Moilanen.

09:34:45 15 PRESIDING JUDGE: Thank you, Mr Griffiths. Good morning,
16 Mr Faya.

17 THE WITNESS: Good morning.

18 PRESIDING JUDGE: We continue with your testimony this
19 morning and I would just like to remind you of your oath to tell
09:34:57 20 the truth. It is still binding on you.

21 WITNESS: DCT-306 [On former oath]

22 EXAMINATION-IN-CHIEF BY MR GRIFFITHS: [Cont'd]

23 Q. Mr Faya, good morning.

24 A. Good morning.

09:35:06 25 Q. Yesterday when we concluded your testimony, you had been
26 telling us about your travels firstly with Foday Sankoh around
27 Africa and then your travels in Europe. Do you recall that?

28 A. Very well, counsel.

29 Q. And if we can just recap. Whilst in Africa, you had

1 visited Burkina Faso, Libya, Ghana, Nigeria before returning to
2 Ivory Coast. Is that right?

3 A. Yes, counsel.

09:35:55

4 Q. And thereafter in September you went to Belgium, Holland,
5 France and briefly to Germany. Is that right?

6 A. Yes, counsel.

7 Q. Now during all of these travels, did you, in company with
8 others, in particular with Foday Sankoh, travel to Liberia?

9 A. No, no, not at any time.

09:36:22

10 Q. Why not?

11 A. Well, first of all, Foday Sankoh was not with us on the
12 external delegation. Secondly, he had vowed never to go to
13 Liberia to meet Charles Taylor. So he did not see a reason to go
14 there.

09:36:41

15 Q. Yes, but when you went to Libya, Burkina Faso and Nigeria,
16 Mr Sankoh, who appears to have had a love for money, was given
17 funds. So why didn't he go to Liberia to see if he could chisel
18 some funds out of Charles Taylor?

09:37:10

19 A. Foday Sankoh, in 1993, as I said yesterday in this Court -
20 in 1993 he had vowed never to see Charles Taylor because,
21 according to him, Charles Taylor was a disappointment to him,
22 which seemed to us that he - probably the kind of support he
23 wanted from Charles Taylor was not received at the time he wanted
24 it.

09:37:35

25 Q. Very well. On your return to West Africa, having gone to
26 Europe, what did you do?

27 A. When I returned in September 1996, by then the peace
28 process which had stalled in my absence - sorry, before I left -
29 had been recalled and some decision had been reached for us to go

1 back to the negotiation table.

2 Q. And did you go back to the negotiation table?

3 A. Yes, we did.

4 Q. And in due course were those negotiations successful?

09:38:26 5 A. They were very successful up to the point of reaching an
6 agreement that was signed on 30 November 1996. That was on a
7 Sunday.

8 Q. Now, when you returned in September, between September and
9 November were you totally engaged in these negotiations?

09:38:50 10 A. Yes. In fact, I was on the political side of the
11 negotiations, because the negotiation was divided into two. The
12 military people had their own side of it, that is those who were
13 on the side of the government and - I mean the soldiers who were
14 on the side of the government had their own military aspect and
09:39:13 15 then the RUF combatants also met as a group. Then we who were on
16 the political side, I was there, Mr Deen-Jalloh was there,
17 Mrs Deen-Jalloh was there, Dr Mohamed Barrie was there for the
18 RUF. And for the government, Mr Desmond Luke was there.

19 Q. Desmond Luke.

09:39:46 20 A. Was there. Mr Migore Kallon was there for the government.
21 Migore is M-I-G-O-R-E. Mr Berewa was there.

22 Q. Could you spell Berewa?

23 A. Berewa is B-E-R-E-W-A-H [sic], the Vice-President to
24 President Kabbah.

09:40:17 25 Q. Can I ask you this --

26 A. Momodu Koroma was there. M-O-M-O-D-U, K-O-R-O-M-A was
27 there. Then Shaka Mansaray was there, who was the security
28 adviser to the President, President Kabbah. S-H-A-K-A,
29 M-A-N-S-A-R-A-Y. The Foreign Minister was there of Cote

1 d'Ivoire, Mr Amara Essy. He was always with us. Then there was
2 a translator there, I don't remember her name but she is an
3 Ivorian. There was a translator, a female. I don't quite
4 remember her name, but there was a translator there.

09:41:24 5 Q. That's very helpful. Now, I just want to ask you about
6 some of the practicalities involved. First of all this: As one
7 of the leading representatives of the RUF, what were your
8 objectives in those political discussions that you were involved
9 in? What were you seeking to achieve?

09:41:51 10 A. In the first place, when we met at the table, the table was
11 round, but we sat face-to-face, we were facing one another. I
12 was made the first chairman, it was a rotating chairmanship - the
13 first chairman of the political side of the negotiation aspect.
14 Basically the RUF was seeking, the RUF and the government,
09:42:22 15 because it was now a negotiation, we were all seeking to achieve
16 a negotiated settlement to the civil conflict. We were seeking
17 to achieve a negotiated settlement to the conflict in our home.

18 Q. Were there any obstacles to that?

19 A. Yes.

09:42:48 20 Q. Such as?

21 A. The intransigence of Foday Sankoh himself because apart
22 from what he did, there was no other obstacle. He himself
23 created the problem.

24 Q. Now, was Foday Sankoh personally involved in any of these
09:43:07 25 discussions? Was he present in the room setting out his own
26 viewpoint?

27 A. No. Except there was a day - there was one particular day
28 when he went to the negotiation table against the advice of the
29 Foreign Minister, who was actually the moderator.

1 Q. That's Amara Essy?

2 A. Amara Essy. Against his advice he went to the room, and he
3 said he had a point to express. Mr Amara, although all of us saw
4 a loft embarrassment on his face, he allowed him to express the
09:43:49 5 point he had, and the point was that he wanted the talks to be
6 suspended again so that the people of Sierra Leone will go into a
7 referendum as to whether they actually wanted peace or not. That
8 was the point he put across. That was the first and last time he
9 was there.

09:44:09 10 Q. So this leader of the RUF was wanting a referendum as to
11 whether civilians wanted peace?

12 A. Yes, basically.

13 Q. Now, again on the practicalities: At the end of each day's
14 discussions, would you report back to Sankoh and give him a
09:44:40 15 briefing?

16 A. Yes, that was what we did at the end of every day. In
17 fact, we were in the same hotel. Every day, whatever we came up
18 with, we reported to him appropriately and we would advise him to
19 sit down and actually read it. So day by day until we concluded
09:45:00 20 the negotiations, that was what we did.

21 Q. Did you get the impression from your interaction with
22 Sankoh, during that period following your return until the
23 signing of the agreement, whether he was sincere or not about the
24 negotiations?

09:45:21 25 A. It was difficult at that time to assess the level of
26 sincerity in him. I actually got shocked at a comment he made
27 the very day he signed the accord in Abidjan. When he went back
28 to the house that day after the signing in the presence of Adjoa
29 Coleman, the representative of the Secretary-General of the OAU,

1 in her very presence he was able to say that now we have signed
2 Abidjan I. We are now waiting to sign Abidjan II. I said, but
3 hey, why are you saying you have to sign Abidjan II? Why do you
4 have to sign Abidjan I in the first place? That was the question
09:46:09 5 I asked him. So that was the day we started - I started noticing
6 that he actually was not interested in the peace, but we had to
7 continue.

8 Q. The final practicality I want to ask you about is this: To
9 what extent were the combatants and supporters on the ground in
09:46:29 10 Sierra Leone kept abreast of what was happening in the
11 negotiations?

12 A. We came to notice that Foday Sankoh - not notice. We were
13 told. We heard from the boys that - from the radio operators
14 that their friends in the bush there were expressing
09:46:52 15 dissatisfaction because they were not getting adequate
16 information from what was happening on the ground. But that was
17 not a strange thing to us, because Foday Sankoh had actually said
18 no information should go to the boys until he himself went there
19 to talk to them. That was what was happening.

09:47:10 20 Q. Very well. In any event, in due course agreement was
21 reached?

22 A. Uh-huh.

23 Q. And signed?

24 A. Yes.

09:47:23 25 Q. 29 November 1996?

26 A. Sorry. It was supposed to have been signed on the 29th,
27 but it did not happen. It happened on the 30th. It was supposed
28 to have been signed on the 29th, but it happened on the 30th. It
29 was a Saturday. But it actually happened on the 30th.

1 Q. It was a Saturday?

2 A. Yeah.

3 Q. And help us: What was your feeling and that of the fellow
4 members of the external delegation when that agreement was
09:47:54 5 finally signed?

6 A. It was - for us it was a relief and we were thinking that
7 we had carried the day, because after all the agreement the
8 companies of the agreement, which we ourselves had taken full
9 part in reaching, were very good for the RUF. Because the RUF
09:48:20 10 was supposed to have been transformed into a political party
11 which, as far as we are concerned, we, the external delegation,
12 was our own main desire.

13 Q. Now, I would like you, please, to be shown exhibit D-87.
14 Now, this is the Abidjan Accord, okay?

15 A. Yes.

16 Q. But before we come to look at its detail - and I want to
17 look at the detail with you, because you were instrumental in
18 bringing this about - can I ask you one final practical question,
19 and it's this: During the negotiations, was President Tejan
09:49:35 20 Kabbah ever present?

21 A. During the negotiations, no, he was never present. But
22 after the negotiations the President of Cote d'Ivoire, President
23 Konan Bedie invited him to Abidjan so that - he organised a small
24 meeting. He wanted to - before the signing he wanted Foday
09:50:02 25 Sankoh and Kabbah to meet again. He wanted to assess Foday
26 Sankoh's seriousness with the accord. So in that meeting, I was
27 present. Mr Deen-Jalloh was present. The two of us were there.
28 Initially he did not want to take us there, Foday Sankoh. He did
29 not want to take us to the meeting. He wanted to take lower

1 ranking members of the organisation, but people told him no, you
2 cannot leave Faya Musa and Mr Deen-Jalloh behind and go to that
3 meeting.

4 When we got to the meeting, the Sierra Leone delegation,
09:50:42 5 which included the President, President Kabbah, and the
6 Vice-President, Mr Solomon Berewa - Kabbah is - Ahmad Tejan
7 Kabbah: A-H-M-E-D [sic], Ahmad; then T-E-J-A-N, Tejan; then
8 K-A-B-B-A-H, Kabbah, he was the President at that time. Then
9 Mr Solomon Berewa, his Vice-President, the two of them were
09:51:15 10 there. Then the President of Cote d'Ivoire and the Foreign
11 Minister of Cote d'Ivoire were there in the persons of --

12 Q. Henri Konan Bedie and Amara Essy.

13 A. -- Henri Konan Bedie and - yes, the two of them were there.
14 The President said, "I want the two of you to shake your hands."

09:51:37 15 He said he wanted - he called them so they can shake their hands
16 as brothers. Foday Sankoh refused. He refused to shake his
17 hands with President Kabbah, which was very much embarrassing
18 to all of - we who were there. The Foreign Minister told him if
19 you fail to take instructions from my President, then don't
09:52:02 20 expect further support from Cote d'Ivoire, he said, because this
21 is his - Konan Bedie is the President of - His Excellency is the
22 President of this country and he is the chief moral ground of the
23 peace process, so all of us take instructions from him. But he
24 refused. That was the time - that was the only time Kabbah went
09:52:26 25 to Abidjan, before the signing of the accord.

26 Q. Mr Faya, I have got to ask you this.

27 A. Yes, go ahead.

28 Q. Given Foday Sankoh's behaviour during the negotiations -
29 you have given us the example of him asking for a referendum as

1 to whether the people wanted peace; you have now given us another
2 example of him refusing to shake hands with President Kabbah -
3 did you honestly at the time think he was serious?

4 A. Please go over that again.

09:53:08 5 Q. Did you think that Foday Sankoh was sincere in wanting
6 peace, given how he had been behaving?

7 A. We started suspecting that sincerity was not a
8 characteristic of his own thinking at that time. But we - just
9 like the international community did, all of us - because
09:53:34 10 everybody was seeing that he was insincere. But we thought that
11 after the signing of the accord he would change his position.
12 That was the belief of everybody.

13 Q. Let us then now have a look at this accord. We see that
14 it's headed, "Peace agreement between the Government of the
09:54:02 15 Republic of Sierra Leone and Revolutionary United Front of Sierra
16 Leone":

17 "Moved by the imperative need for a just and durable peace
18 in Sierra Leone; inspired by the equally imperative need for
19 genuine national unity and reconciliation to end the fratricidal
09:54:28 20 war in Sierra Leone; committed to promoting popular participation
21 in governance and full respect for human rights and humanitarian
22 laws; dedicated to the advancement of democratic development and
23 to the maintenance of sociopolitical order free of inequality,
24 despotism and corruption; convinced that a sense of common
09:54:46 25 purpose and patriotism is the need of the hour..."

26 Now, let me pause there. In the drafting of this accord,
27 Mr Fayia, did you have any technical assistance from a legal
28 draftsman, somebody like that?

29 A. Yeah, we had.

1 Q. And who was that?

2 A. Adjoa Coleman. Adjoa Coleman, who was the representative
3 of the Secretary-General of the OAU.

4 Q. So was it Adjoa Coleman who actually drafted this and
09:55:16 5 presented it to you for final acceptance?

6 A. Yes, she was the one who did the final draft.

7 Q. "...hereby agree as follows:

8 Article 1. The armed conflict between the Government of
9 Sierra Leone and the RUF is hereby ended with immediate effect.
09:55:36 10 Accordingly, the two foes will ensure that a total cessation of
11 hostilities is observed forthwith.

12 Article 2. The government and the RUF undertake that no
13 effort shall be spared to effect the scrupulous respect and
14 implementation of the provisions contained in this peace
09:55:56 15 agreement to ensure that the establishment and consolidation of a
16 just peace becomes a priority in Sierra Leone.

17 Article 3. A national body to be known as the Commission
18 for the Consolidation of Peace shall be established within two
19 weeks of the signing of this agreement. The commission shall be
09:56:22 20 a verification mechanism responsible for supervising and
21 monitoring the implementation of, and compliance with, all the
22 provisions contained in this peace agreement.

23 The commission, in fulfilment of this task during the
24 period of consolidating the peace, shall coordinate and
09:56:46 25 facilitate the work of the following bodies which will proceed to
26 establish: 1. Socioeconomic forum; citizen's consultative
27 conferences; multi-partisan council; trust fund for the
28 consolidation of peace; demobilisation and resettlement
29 committee; national budget and debt committee.

1 The committee shall comprise representatives of the
2 government and the Revolutionary United Front of Sierra Leone,
3 drawing on the resources of state and civic institutions as and
4 when necessary.

09:57:24 5 The commission shall have the power to recommend the
6 preparation of enabling measures contained in the peace
7 agreement. It shall have the power to issue publicly its
8 conclusions. The parties undertake to comply with the
9 conclusions of the commission.

09:57:43 10 The commission shall have the power to prepare preliminary
11 legislative drafts necessary for the implementation and
12 development of the provisions contained in the present peace
13 agreement.

14 The parties undertake to consult the commission before
09:57:59 15 taking decisions on measures relating to the present peace
16 agreement.

17 The commission may similarly consult the parties at the
18 highest level whenever it is appropriate.

19 The commission shall have access to and may inspect any
09:58:18 20 activity or site connected with the implementation of the present
21 peace agreement. The commission shall have full powers to
22 organise its work in the manner in which it deems most
23 appropriate and to appoint any group or subcommittee which it may
24 deem useful in the discharge of its functions?

09:58:39 25 The commission shall have its own offices, adequate
26 communication facilities and adequate secretariat support staff.

27 A trust fund for the consolidation of peace shall be
28 established to provide funding for the implementation of the
29 present peace agreement."

1 Should we take it, Mr Fayia, that this Commission for the
2 Consolidation of Peace, the CCP, was a very important body - was
3 contemplated to be a very important body by the parties to this
4 accord?

09:59:22 5 A. Yes. In fact, by all indications, the Commission for the
6 Consolidation of Peace which was an eight-man group involving
7 four representatives from the RUF, including myself, Mr Ibrahim
8 Deen-Jalloh - myself Musa Fayia, Mr Ibrahim Hassan Deen-Jalloh,
9 Mr Michael Sandi, S-A-N-D-I, and Mrs Agnes Ibrahim Deen-Jalloh.

10:00:15 10 Q. And who were the Sierra Leone government representatives?

11 A. The Sierra Leone government representative included
12 Dr Fatmata Boi-Kamara, F-A-T-M-A-T-A, B-O-I hyphen K-A-M-A-R-A.
13 Mr Shaka Koroma - sorry, Shaka Mansaray. I spelled that before,
14 but S-H-A-K-A, M-A-N-S-A-R-A-Y. Then Dr Sama Siama Banya,

10:01:15 15 S-A-M-A, S-I-A-M-A, B-A-N-Y-A. The fourth person was Desmond
16 Luke.

17 Q. You mentioned that name before.

18 A. Yes, Desmond Luke was the fourth person. So it was an
19 eight-man committee - commission that was saddled with the
20 responsibility to make sure that the accord, the Abidjan Peace
21 Accord, which was given that name by the President,

10:01:46 22 President Kabbah - that the Abidjan Peace Accord be implemented
23 to the letter. Our responsibility was to make sure that the
24 Abidjan Peace Accord would be implemented to the letter. That
10:02:18 25 was our responsibility, which made it clear to us that we were
26 the most important aspect of the implementation of the Abidjan
27 Peace Accord.

28 Q. Now --

29 A. So that the two parties, namely, Foday Sankoh and

1 President Kabbah, were expected to ensure total compliance with
2 us, with the CCP, to demonstrate their commitment to giving peace
3 to the people of Sierra Leone, marking the end of the conflict.

4 Q. Now, can we go back to the agreement, please. I want to
10:03:34 5 look at some of the other provisions with you. Article 4 deals
6 with the setting up of annual citizens' consultative conferences,
7 do you see that?

8 A. Yeah.

9 Q. We need not go into the details of that. Article 5 deals
10:03:56 10 with the disarmament of combatants?

11 A. Yes.

12 Q. And Article 6, as we see, deals with the encampment,
13 disarmament, demobilisation and resettlement, yes?

14 A. Uh-huh.

10:04:10 15 Q. Likewise, Article 7 deals with demobilisation and
16 resettlement. Article 8 deals with a request for the
17 international community to help supervise and monitor that
18 disarmament process, yes?

19 A. Uh-huh.

10:04:29 20 Q. And Article 9 now:

21 "The commission shall, as a priority, make recommendations
22 on the restructuring and re-orientation of the military as well
23 as its leadership. In this context, members of the RUF who may
24 wish to be part of the country's military can become part of the
10:04:53 25 new unified armed forces within a framework to be discussed and
26 agreed upon by the commission."

27 Why was that deemed necessary?

28 A. That was deemed very necessary by all parties involved in
29 the discussion to ensure the oneness in purpose, the oneness in

1 running after our objectives as a nation that the RUF was
2 actually struggling for. Because if at the end of the day the
3 RUF and the government soldiers would come together to form a
4 unified army, that would have taken care of differences that
10:05:48 5 would have arisen as a result of misunderstanding among the
6 security personnel.

7 Q. Now, Article 10 deals with the return to barracks of army
8 units not required for normal security. Then Article 11 deals
9 with the setting up of a Neutral Monitoring Group. Article 12
10:06:28 10 now, can we have a look at that, please:

11 "The Executive Outcomes shall be withdrawn five weeks after
12 the deployment of the Neutral Monitoring Group. As from the date
13 of the deployment of the Neutral Monitoring Group, the Executive
14 Outcomes shall be confined to barracks under the supervision of
10:06:51 15 the Joint Monitoring Group and the Neutral Monitoring Group.
16 Government shall use all its endeavouring, consistent with its
17 treaty obligations, to repatriate other foreign troops no later
18 than three months after the deployment of the Neutral Monitoring
19 Group or six months after the signing of the peace agreement,
10:07:14 20 whichever is earlier."

21 Why was this provision thought necessary?

22 A. Because this in fact was one of the demands of the RUF. So
23 for us to reach an agreement, all parties involved made sure that
24 there was a clause covering that one.

10:07:37 25 Q. Now, where mention is made in that article of other foreign
26 troops, what is that a reference to?

27 A. That reference was made to the ECOMOG contingents that were
28 in the country.

29 Q. Now, during the course of the conflict, Mr Fayia, did you

1 ever hear of a group called the STF?

2 A. No.

3 Q. You didn't?

4 A. No, I didn't. I don't remember.

10:08:09 5 Q. Very well:

6 "Article 13. The parties agree that immediately following
7 the signing of the present peace agreement, the RUF shall
8 commence to function as a political movement with the rights,
9 privileges and duties provided by law; and within 30 days
10:08:30 10 following that, the necessary conditions shall be created to
11 enable the RUF to register as a political movement according to
12 law."

13 Who had asked for that provision?

14 A. These are the demands of the RUF.

10:08:47 15 Q. So are we to understand it that this was meant to usher in
16 a transformation of the RUF from a military force into a
17 political force? Is that right?

18 A. Yeah.

19 Q. And did you welcome that change?

10:09:06 20 A. We who represented the RUF welcomed the change very much
21 and in fact - but unfortunately all the other things that you
22 have just read out did not happen, except the CCP. The CCP was
23 constituted. But all the other things did not happen at all
24 because Foday Sankoh, when the accord was signed, the four of us
10:09:36 25 who were on the RUF side representing the RUF were sent to
26 Freetown in December. We went to Freetown in December for
27 inauguration before we can start work as a commission. We came
28 back for Christmas.

29 PRESIDING JUDGE: December of which year?

1 THE WITNESS: December 1996. We went to Freetown in
2 December 1996 for inauguration. The inauguration ceremony, I
3 don't remember the date exactly but it was held at the Bintumani
4 Hotel in Freetown, but it was before Christmas. We came back to
10:10:18 5 Cote d'Ivoire for us to resume duties in Freetown in January
6 1997.

7 In 1997 January when we got to Freetown the first thing -
8 the first arrangement that the UN and the government of
9 President Kabbah made for us was to take a tour of the country.
10:10:48 10 The RUF - I mean the entire CCP so the RUF can have an
11 opportunity to hear from the people, which was very, very good
12 for us. We started with the south and the east. The ICRC
13 organised a helicopter for us. But even there, what happened
14 there again was when - because we would have gone as far as to
10:11:22 15 Kailahun Town where the RUF base was.

16 But when we were on the arrangements - when ICRC was making
17 the arrangements for a helicopter to take us there, there was a
18 leakage of information. Foday Sankoh instructed his boys to make
19 sure that when we get there, all of us should be arrested, when
10:11:44 20 in fact we had arranged with him - he told us he wanted to have a
21 meeting with us there with the CCP in Kailahun. He told the boys
22 as soon as we get there, all of us, including himself, would be
23 arrested and kept there. Because for him, that was that day
24 where he [indiscernible]. He gave the instruction. So whatever
10:12:05 25 he said that for it was not clear, but there was a leakage. That
26 information went out to government.

27 So the ICRC did not hire the helicopter again to take us to
28 Kailahun, but we managed to go to Bo. He wanted to go there.
29 The CCP went to Bo. From Bo we went to Kenema. From Kenema we

1 went to Kailahun District at Segbwema. We went to Segbwema.
2 That's the last chiefdom that is bordering on Kenema District -
3 the last chiefdom in Kailahun District, Kenema. Then from
4 Segbwema we went to Daru. That was where we stopped. We stopped
10:13:02 5 in Daru because it was dangerous for us to go beyond that, taking
6 into consideration the information that had leaked to government.

7 In all these places, from Bo to Daru, we were told by the
8 people that they welcomed - sorry, that they were praying and
9 crying for a change in the country, that they welcomed - that
10:13:31 10 they are prepared to welcome Foday Sankoh. All they wanted from
11 him was seriousness with the peace process. They wanted peace.
12 They said they wanted peace now and then - sorry, there and
13 then - because they were tired running around. So they said that
14 was the message that we would take back to Foday Sankoh in
10:13:54 15 Abidjan; that if it was for vote, they were prepared to give him
16 their votes because they knew exactly, and they did remember, the
17 kind of things we went through - the country went through during
18 the 25 years that the old APC ruled the country. When we went to
19 - back to Freetown, we decided to go to the north. But we said,
10:14:39 20 no, let us go to Abidjan now and see this man.

21 Q. Which man?

22 A. Mr Foday Sankoh.

23 Q. I want to come on to your meeting with Foday Sankoh later,
24 okay?

10:14:56 25 A. Okay.

26 Q. But let us just deal with matters in sequence. Can we
27 complete looking at this document; then we will move on, okay?
28 Article 13 we have just looked at, the transformation of the RUF
29 into a political party. Now Article 14:

1 "To consolidate the peace and promote the cause of national
2 reconciliation, the Government of Sierra Leone shall ensure that
3 no official or judicial action is taken against any member of the
4 RUF in respect of anything done by them in pursuit of their
10:15:35 5 objectives as members of that organisation up to the time of the
6 signing of this agreement."

7 So this was an amnesty for the RUF combatants, yes?

8 A. Absolutely. That was the amnesty that was granted that was
9 negotiated by the - I mean, at the negotiation table. Because
10:16:04 10 they said that everything that happened before the signing of
11 that accord was to be treated as a method to reach the strategic
12 objectives that we had set for ourselves. So it was an amnesty,
13 yes.

14 Q. Article 15 need not delay us. That deals with the mandate
10:16:31 15 and membership of the executive - existing National Unity and
16 Reconciliation Commission.

17 Now, what follows thereafter are a number of articles which
18 appear aimed at the social, economic, human rights situation in
19 the country. Is that right?

10:16:50 20 A. Exactly, yeah.

21 Q. So when we look at Article 16, that is aimed at, in effect,
22 anti-corruption within the public services of Sierra Leone.

23 Would that be fair?

24 A. Yeah.

10:17:05 25 Q. So we see:

26 "The parties agree that the standards of accountability,
27 integrity and probity in the public services of Sierra Leone
28 shall be raised."

29 Now, why was that thought necessary?

1 A. It was very necessary, because that was one of the cries of
2 the RUF in order to help us achieve our objective. That article
3 was put in by the legal minds who did the final documents for us.

10:17:42

4 Q. And then Article 17 deals with, in effect, aid to set up a
5 trust fund. Article 18 with electoral reform, doesn't it?

6 A. Yeah.

7 Q. Yes?

8 A. Uh-huh.

9 Q. Article 19 now:

10:17:54

10 "The parties greet that the basic civil and political
11 liberties which are recognised by the Sierra Leone legal system
12 and are contained in the declarations and principles on human
13 rights adopted by the United Nations and the Organisation of
14 African Unity, especially the Universal Declaration of Human
15 Rights and the African Charter on Human and People's Rights,
16 shall be fully guaranteed and promoted within Sierra Leone
17 society."

10:18:13

18 Why was that thought to be necessary?

10:18:32

19 A. That was also necessary because RUF, in our Footpath to
20 Democracy, we made it very clear that we wanted fair play on the
21 ground and that that was what we were actually struggling for.
22 So we were also encouraged by including that article in the
23 agreement.

24 Q. Article 21 --

10:18:48

25 A. As an indication of agreement with the RUF.

26 Q. Article 21 strikes a similar note in relation to
27 international humanitarian law. Is that right?

28 A. Yeah.

29 Q. Article 22 is really geared at social policy towards the

1 rural and urban poor, war victims, disabled persons, and other
2 vulnerable groups, yes?

3 A. Uh-huh.

10:19:22

4 Q. Then Article 23 again is about raising resources internally
5 and externally for development. Article 24 now:

6 "The parties agree that the independence of the judiciary
7 shall be strengthened in accordance with its role of ensuring the
8 fair and impartial dispensation of justice in a democratic
9 order."

10:19:42

10 Who demanded that provision to be included in the accord?

11 A. As far as I remember, every aspect - most of the aspects of
12 this agreement were the demands of the RUF.

13 Q. Now, why was it felt necessary to be underlining the need
14 for an independent judiciary?

10:20:04

15 A. Because we had not had that before in Sierra Leone before
16 the conflict. The judiciary was not independent enough.

17 Q. Likewise, Article 25 deals with, in effect, the need for
18 the police force to act independently and impartially. Again,
19 why was that felt to be necessary?

10:20:33

20 A. Because before the conflict, we saw that President Siaka
21 Stevens actually had control over the police. He even went ahead
22 to create a police unit they called SSD. That was just there to
23 keep him away from all protests against his way of governance.

24 Q. Article 26 now deals with social policy, in effect, and we
10:21:12 25 need not dwell on that. And then when we go to the final page of
26 this document, we see that Article 27 again deals with social
27 policy. Now we come to Article 28:

28 "The Government of Cote D'Ivoire, the United Nations, the
29 Organisation of African Unity, and the Commonwealth shall stand

1 as moral guarantors", a word had you had used before, "that this
2 peace agreement is implemented with integrity and in good faith
3 by both parties."

4 And then we see that this is done in Abidjan, 30 November

10:21:56

5 1996. We see below that that it was signed by Alhaji

6 Dr Ahmad Tejan Kabbah, President of the Republic of Sierra Leone;

7 Corporal Foday Saybana Sankoh, Leader of the Revolutionary United

8 Front; Henri Konan Bedie, President of the Republic of Cote

9 d'Ivoire; Berhanu Dinka, Special Envoy of the United Nations

10:22:24

10 Secretary-General for Sierra Leone; Adjoa Coleman, representative

11 of the Organisation of African Unity; and Moses Anafu,

12 representative of the Commonwealth organisation.

13 We can put that document away now, please. Now, prior to

14 the signing of that agreement, Mr Fayia, did you make a trip to

10:23:12

15 Sierra Leone with Foday Sankoh and others?

16 A. Yes. When the agreement was drafted, Foday Sankoh demanded

17 that he would go to meet his people to get their mandate. When I

18 say "people", I mean the combatants and the civilians in the

19 RUF-held part of the country. So we went to the RUF-held part of

10:23:45

20 the country. That was in - I mean, the headquarters was Balahun.

21 That's where we went. And in that team with him I was present,

22 Captain Sylvester Palmer was present - Philip Sylvester Palmer

23 was present. Then Ambassador Abdulai Abdallah was present, the

24 Ivorian Foreign Minister, director of cabinet by then. He went

10:24:41

25 to represent the Government of Cote D'Ivoire. Then Foday Sankoh

26 himself was there.

27 Q. And what was the purpose of this visit?

28 A. The purpose of the meeting basically was for us to get a

29 mandate from the people we left behind, the combatants and the

1 civilians, a mandate for Foday Sankoh to go back to Abidjan to
2 sign the peace accord on behalf of the movement.

3 Q. Now, how did you travel to RUF-held territory in Sierra
4 Leone?

10:25:29 5 A. The ICRC also organised for us - organised a helicopter for
6 us to go there. We flew from Abidjan to Kankan. Then from
7 Kankan we came to Sierra Leone.

8 Q. How do you spell Kankan?

9 A. Kankan is in Guinea, in the first place. K-A-N-K-A-N.

10:25:56 10 Q. And then you flew from there by helicopter to Sierra Leone?

11 A. Yeah.

12 Q. And how many places within Sierra Leone did you visit?

13 A. When we got there, Foday Sankoh had to visit the northern
14 part of the country where some of his boys were there. Since we
10:26:19 15 were civilians, I and Mr Deen-Jalloh, he alone went there -
16 sorry, he and Palmer went there. And, of course, the Ivorian
17 representative, they went there. We stayed in Balahun to wait
18 for them. That was one. He also went to Buedu where his
19 combatants were.

10:26:42 20 Q. So you only went to the first stop?

21 A. Balahun, yes. That was where all the civilians assembled.

22 Q. Now, help me with this: Just describe for us what happened
23 when you arrived in Balahun?

24 A. When we got there, the first thing that happened was Foday
10:27:08 25 Sankoh asked me to talk to the BBC through his satellite phone,
26 telling them that we would like the world to know that we were in
27 our territory to talk to our people, to seek their mandate.
28 Immediately after that he told myself and Mr Deen-Jalloh that he
29 was sharing the responsibility between the two of us as a group,

1 and then he and Palmer as another group. We asked him how. He
2 said he wanted us to deal with the civilians. He said he wanted
3 us, I and Mr Ibrahim Hassan Deen-Jalloh, to deal with the
4 civilians, to talk to the civilians. He said he and Captain
10:28:20 5 Palmer would talk to the soldiers in Buedu.

6 Q. Now, what kind of reception did Mr Sankoh receive when he
7 arrived?

8 A. When Foday Sankoh arrived, the reception was something like
9 a hidden - sorry, the feelings of the boys was hidden. He was
10:28:48 10 not too sure of his security.

11 Q. Who wasn't too sure of his security?

12 A. Foday Sankoh wasn't too sure of his security because I said
13 yesterday he received \$500,000 US to be sent back to the RUF-held
14 territory to provide support for the civilians, provide food and
10:29:14 15 medicines for them. But instead he could only send \$7,000 US to
16 Mosquito, Sam Bockarie, for him to use it to buy war materials
17 from ULIMO at the border. This information leaked out to the
18 boys and to the civilians in the bush there.

19 Q. So they knew about this money?

10:29:43 20 A. Yeah, they knew about it because their friends who were on
21 the radio in Abidjan were not happy about the kind of things he
22 did, so they informed their colleagues out there, because they
23 knew how much suffering was going on in there. So when he
24 noticed that the information had reached the boys, and he knows
10:30:03 25 what they are all capable of doing.

26 Q. Who knows?

27 A. Foday Sankoh knew what they are all capable of doing, so he
28 was not too sure of his security. When they went, when the
29 helicopter landed, we disembarked. He decided to stay until

1 Captain Palmer would go and assess the security situation for
2 him. Captain Palmer disembarked. The first thing he told his
3 friend was to apologise to them. He apologised to his friends,
4 to the combatants, and asked for forgiveness for anything they
10:30:49 5 might have heard.

6 Of course, as I said yesterday, today Sankoh was fully in
7 charge. Whatever he did was endorsed by the boys, the
8 combatants, so that no civilian actually had an opportunity to
9 say no to anything he said. So when Captain Palmer was able to
10:31:27 10 get the agreement of the boys, he went back to the helicopter and
11 told him, "You can come out. Your boys are ready for you." As
12 soon as he disembarked, he went to where all the boys were,
13 pretending to be crying, because I could say pretending because
14 if he had given them their due he would have had no need to cry.

10:31:57 15 So the boys said, "Papay, no, don't worry, we are for you." That
16 was the kind of thing he was looking for and he got it in full
17 measure.

18 So as soon as they finished that one, they went off to -
19 they said they want to go see CO Mohamed. By then CO Mohamed,
10:32:20 20 Zino, his battle group commander or second in command, was in the
21 north of Sierra Leone in a place called Kangari Hills,
22 K-A-N-G-A-R-I. We saw them fly in the direction.

23 Q. And you remained behind in Balahun?

24 A. Yes, I and Mr Hassan Deen-Jalloh remained behind in
10:32:56 25 Balahun, but they were accompanied by the Ivorian representative.
26 After four hours we saw them.

27 Q. Now, can you help us with this: How long before the actual
28 signing of the Abidjan Peace Accord was this visit made to Sierra
29 Leone?

1 A. Almost a week. It was not supposed to be up to that, but
2 when we went to Sierra Leone, Foday Sankoh decided to leave us
3 behind again, I and Mr Deen-Jalloh.

4 Q. So he left you in Sierra Leone?

10:33:39 5 A. He left us in Sierra Leone and went back to Abidjan. When
6 he landed in Abidjan, the moral guarantors asked him about us.

7 Q. Who did he leave behind?

8 A. The two of us, I and Mr Hassan Deen-Jalloh.

9 Q. So he was asked on his return where you were?

10:34:02 10 A. Yeah. He told the people, the Ivorian government - of
11 course it was Dr Addai-Sebo that the Foreign Minister sent to ask
12 him about us. He told Addai-Sebo that we lied to him, that we
13 decided to stay behind. He said he did not see us.

14 Q. So how did you make it back to Cote d'Ivoire?

10:34:29 15 A. They told him they would not allow him to sign the accord
16 in our absence at all. They told him they would not allow him at
17 all to sign the accord in our absence, so that he had to wait
18 until fresh arrangements were made for a helicopter to go collect
19 us from Giema. So we were there for about one and a half weeks,
10:35:02 20 waiting. The helicopter eventually went and collected us, took
21 us back to Abidjan. So the following week the peace process
22 resumed to have a final look at the draft agreement before the
23 signing on the date indicated on it.

24 Q. So whilst you were in Sierra Leone on that visit to seek a
10:35:44 25 mandate, did you or your colleague Ibrahim Deen-Jalloh meet with
26 any of the combatants?

27 A. No, we did not with them at all. In terms of the
28 agreement, we did not meet with them at all, because Foday Sankoh
29 said he and Captain Palmer were going to deal with the combatants

1 while we deal with the civilians. So we gathered all the
2 civilians at the Methodist - no, at the district education
3 committee school in Balahun. That was where we gathered all the
4 civilians and we read the accord to them line by line and
10:36:30 5 explained it to them in Mende line by line, in Mende and Kissi
6 because there were Mende and Kissi together. We read it line by
7 line and we said we were there to seek their mandate.

8 We asked them to tell us anything they wanted us to change
9 in the accord. What they told us, through their spokesman, was
10:36:59 10 that they were with us, they were tired with the war, they were
11 tired of staying in the bush, they were too far from Freetown,
12 they were too far from the reality for too long, they said they
13 were tired so they are with us. They understood everything that
14 was in there. So they told us to tell Foday Sankoh to go sign
10:37:23 15 the accord on their behalf.

16 Q. Now, did Foday Sankoh give you any indication as to what he
17 was going to say to the combatants?

18 A. Well, no. And in fact we did not ask him because we had a
19 common objective when we left Abidjan which was to explain to all
10:37:47 20 the people we left behind the contents of the accord and to ask
21 them for their mandate for him to come and sign, so we did not
22 see any need to ask him what he was going to tell them. The only
23 thing that baffled us was why didn't he put everybody together
24 and then to - that was confusing to us, but we did not ask him at
10:38:10 25 all because of who he was.

26 Q. So he and Philip Palmer were the only two from the - who
27 had been in Ivory Coast who went to speak to the combatants?

28 A. Yes, because although we went with an Ivorian
29 representative, he did not go there with them. They flew him

1 back to Abidjan that very day. Ambassador Abdulai was flown back
2 that very day before he met the combatants.

3 Q. Now, in light of what you told us about that trip, I would
4 like to show you a document, please. Exhibit P-272, please.

10:39:18 5 Mr Fayia, have you seen this document before?

6 A. No, no.

7 Q. Do you recognise the writing?

8 A. Yes. Captain Palmer used to write that way.

9 Q. This is Captain Palmer's writing, is it?

10:39:41 10 A. Yeah, he used to write that way. That was his handwriting.

11 Q. Now, in light of what you have told us about that trip and
12 the fact that it was Palmer and Sankoh who alone went to speak to
13 the combatants, I would like us to look at this document, please.

14 You see that it's headed "Revolutionary United Front of Sierra

10:39:57 15 Leone". Note also the date, 4 December 1996. So this would have
16 been four days after the signing of the Abidjan Peace Accord. Is
17 that right?

18 A. Yeah.

19 Q. And this would have been about two weeks after you had gone
10:40:17 20 to Sierra Leone on that pre-signing visit. Is that right?

21 A. Yeah.

22 Q. Now, listen to the contents of this letter from Corporal
23 Foday Sankoh to brother Mohamed Talibi. You remember that letter
24 dated 26 June which we looked at yesterday, yes?

10:40:40 25 A. Yes.

26 Q. Written by Palmer to the same Mohamed Talibi.

27 "Subject: Urgent information.

28 I received the USD 29,000 through Mr Daniel Kallon for
29 which I am very grateful to you and the other brothers back

1 home."

2 Pause there. Did you know anything about him receiving
3 \$29,000 US?

4 A. No. From Mohamed Talibi the only money I know and I
10:41:12 5 actually saw was the 500,000 I mentioned yesterday.

6 Q. So you knew nothing at all about the receipt of this money?

7 A. Not at all.

8 Q. Who is Mr Daniel Kallon?

9 A. Mr Daniel Kallon is the man I said yesterday was giving
10:41:28 10 support to the RUF at the training base in Camp Naama in Liberia.

11 Q. So he is the husband of Isatta Kallon?

12 A. Exactly.

13 Q. Is Isatta Kallon known by another name?

14 A. She had a nickname but I had forgotten. But that is her
10:41:48 15 name. She had a nickname too but I don't remember it.

16 Q. Very well:

17 "We have signed the peace accord on November 29, 1996, just
18 so as to relieve our movement of the enormous pressure from the
19 international community while I will use this opportunity to
10:42:11 20 transact my business in getting our fighting materials freely and
21 easily."

22 Do you see what he is saying there?

23 A. Yeah.

24 Q. It shows, doesn't it, Mr Fayia, that Foday Sankoh was
10:42:28 25 totally insincere when he signed that agreement?

26 A. Absolutely. Absolutely.

27 Q. It was a mask to veil his true intentions?

28 A. Uh-huh.

29 Q. "I have already finished negotiations with my business

1 partners and I have so far paid USD 300,000" - why do you laugh?

10:43:13 2 A. Because I know that when he received - because I know he
3 did not receive other money apart from the 500,000 he had
4 received up to that time. And I know - also know that that money
5 had been squandered. When he received that money in April, I
6 went - I came to Europe in July. By then the money had gone. So
7 for him to write in December to say that he had paid 300,000 to a
8 business partner for anything was an absolute lie, just as we are
9 saying he was trying to get money from whomever was in sympathy
10 with him for his own pleasure.

11 Q. So as far as you are concerned --

12 A. It's ridiculous.

13 Q. -- this is ridiculous --

14 A. Indeed it is. It's ridiculous --

10:43:52 15 Q. -- he hadn't \$300,000?

16 A. This is ridiculous and a terrible show of heartlessness.
17 Because if you can receive 500,000 for civilians, he sent to them
18 7,000 even though it was not for their use. You tell someone who
19 is trying to you help them that you have spent 300,000 on
20 something else is a terrible heartlessness.

21 PRESIDING JUDGE: Mr Fayia, could you, when testifying,
22 allow Mr Griffiths to finish his sentence before you answer.

23 THE WITNESS: Yes, ma'am.

24 PRESIDING JUDGE: If you don't do that, both of what you
10:44:24 25 say will not be recorded.

26 THE WITNESS: Okay.

27 MR GRIFFITHS:

28 Q. "Our agreement is that they should receive US\$700,000 from
29 me in Sierra Leone upon their arrival with the materials into my

1 controlled territory. The total cost of the materials is
2 US\$2 million. The balance amount will be paid when the operation
3 is completed.

10:45:00 4 I am therefore asking you and your brothers to urgently
5 provide the needed US\$700,000 so that I will be in position to
6 live up to my commitment to my business partners who will be
7 coming very soon with these materials. As I have always learnt
8 from you people, there is some money with the Burkinabe
9 government for the provision of our needed materials. But as you
10:45:22 10 might have known by now that government have really not shown any
11 keen interest in assisting us as a movement. I even had
12 conversation with Commander Diendere these few days, but with no
13 positive result."

14 Remember mentioning Diendere yesterday?

10:45:45 15 A. Yes, those who don't get the spelling correct yesterday.
16 It's D-I-E-N-D-E-R-E. I tried to spell it yesterday. It's a
17 phonetic impression. D-I-E-N-D-E-R-E is the correct spelling.

18 Q. "I would therefore suggest that you prepare a letter from
19 me to meet President Compaore on this issue as we never received
10:46:06 20 anything from them and even my delegates at Ouagadougou have
21 returned ever since to my location here. Please advice on this
22 issue."

23 Now listen to this:

10:46:25 24 "When I went in last week, I was able to organise serious
25 mining operations in precious minerals which I believe will help
26 us to generate the needed foreign exchange for our mission. For
27 now I am highly in need of this US\$700,000 in order to go in and
28 be waiting for the arrival of my business partners. Please help
29 me in this great hour of need and I promise not to let you down.

1 Palmer will give you the rest of my message. My best regard to
2 you and your family."

3 And then we see it's signed by Corporal Foday S Sankoh.

4 Now, were you aware that when you were in Sierra Leone that
10:47:12 5 week before the signing, Sankoh had been organising serious
6 mining operations; did you know that?

7 A. No, he didn't tell us anything concerning that. Maybe that
8 was part of what he told the combatants when he met with them
9 privately.

10:47:31 10 Q. Now, you have told us that Sankoh was against diamond
11 mining. Why do you laugh?

12 A. Because it is very ironical - it sounds ironical,
13 considering the kind of effort we put into doing the Footpaths to
14 Democracy and what he used to tell us. For him to say he had
10:47:57 15 actually arranged mining - a mining programme for him to pay for
16 materials, it sounds like he is reneging on everything that he
17 had told us, frankly.

18 Q. Now, yesterday you told us that you knew about the 26 June
19 letter written by Captain Palmer to Mohamed Talibi?

10:48:26 20 A. Uh-huh.

21 Q. Did you know that - about this letter?

22 A. This particular one?

23 Q. Yeah.

24 A. No. No, I didn't know about it.

10:48:35 25 Q. Did anyone, for example, Captain Palmer, tell you that he
26 had written such a letter on behalf of Sankoh so soon after the
27 signing of the Abidjan Peace Accord?

28 A. No, Captain Palmer never told me that one. Never.

29 Whenever he did such a thing, he made sure that he did it with

1 his combatants and that he - he had a way of telling them not to
2 leak the information out to anybody. Because ...

3 Q. Go ahead.

10:49:12

4 A. As we - yesterday we saw the 500,000 and the letter he
5 wrote for more money. And the first letter you just displayed
6 before this one he's talking - I don't know whether it's this
7 one. The first paragraph is talking about US\$29,000 having
8 received from Mohamed Talibi. Which means, as I said yesterday,
9 when he wrote back - when he might have written back this letter,
10 it was like the people knew that he did not know what he was
11 looking for so they sent him 29,000 only if that was true.

10:49:42

12 Q. Now, on that topic mentioned in that letter of diamonds,
13 did you ever see Foday Sankoh give any foreign leader or
14 individual in the sub-region diamonds?

10:50:18

15 A. Foday Sankoh did not reach Abidjan, as far as I came to
16 understand. He did not reach Abidjan with diamonds. When - it
17 was when we were leaving our territory that he gave us the
18 diamonds he had received from the combatants in December 1992.

19 Q. So did you ever see him give any foreign leader diamonds?

10:50:46

20 A. No. This means he had nothing to give - he had nothing
21 like that to give anybody.

22 Q. Now, after the signing of the Abidjan Peace Accord, was
23 Sankoh given anything by the Ivorian government?

10:51:11

24 A. Yes. When he signed the Abidjan Peace Accord, that very
25 evening President Konan Bedie sent him 30 million franc CFA. He
26 told him: That is your shake hand. You have made us very proud
27 today. You have given us the opportunity to give Sierra Leone a
28 President. I want you to continue. He told him as for your
29 party, all you need to do is to make sure the accord is

1 implemented accordingly. For the support of your party, we are
2 behind you. We will convince France to give you the support you
3 need. We will also do our bit as a government. But we are
4 asking you - we are telling you first of all that we are thanking
10:52:00 5 you for what you have done today, and we are advising that you
6 comply by all the provisions of the accord to which you have
7 affixed your signature. That was the message sent to him by
8 President Bedie through the Foreign Minister, Mr Amara Essy.

9 PRESIDING JUDGE: Mr Griffiths, could we have an indication
10:52:25 10 as to the dollar equivalent of this 30 million CFA?

11 THE WITNESS: By then the CFA was 45,000. 45,000 CFA was
12 US\$100.

13 PRESIDING JUDGE: Then, Mr Witness, you used the
14 expression: He told him that this is your --

10:52:49 15 THE WITNESS: Shake hand.

16 PRESIDING JUDGE: Meaning what?

17 THE WITNESS: To prove that there were happy that he had
18 signed the accord.

19 PRESIDING JUDGE: You mean the 30 million was the --

10:52:59 20 THE WITNESS: Yes, yes.

21 PRESIDING JUDGE: Let me finish. This is exact what I was
22 telling you. Listen to the comment. You mean that the 30
23 million was given to Foday Sankoh as a shake hand or a handshake?

24 THE WITNESS: Yeah.

10:53:18 25 PRESIDING JUDGE: So explain that. How was the 30 million
26 a handshake?

27 THE WITNESS: President Konan Bedie said: We are grateful
28 that you have signed the accord, and we have to express this
29 gratefulness in terms of this amount, the 30 million.

1 PRESIDING JUDGE: So, in other words, this 30 million was
2 given to Foday Sankoh as a personal thank you?

3 THE WITNESS: Yes, Madam.

4 MR GRIFFITHS:

10:53:49 5 Q. Before we come to deal with the post - the period after the
6 signing, I want to ask you one or two details. Were Issa Sesay
7 and Gibril Massaquoi involved in any way in the negotiations
8 leading to the Abidjan Peace Accord?

9 A. No, no, no. They were not. It was only Gibril who was
10:54:16 10 there up to the day of the signing, but Issa Sesay was not there
11 at all.

12 Q. So Gibril Massaquoi was there. But was he involved in the
13 actual negotiations?

14 A. No, he wasn't. He wasn't.

10:54:27 15 Q. What was he doing there?

16 A. He was there as a bodyguard.

17 Q. To whom?

18 A. Foday Sankoh.

19 Q. Was Issa Sesay in the Ivory Coast at all during that
10:54:38 20 period?

21 A. No. Issa Sesay had come for operations, and he had
22 undergone the operations and gone back.

23 Q. Does the name Mammy Iye mean anything to you?

24 A. Yes. That was the name that we should call Madam Isatta
10:54:57 25 Kallon, in short: Iye. Mammy Iye.

26 Q. Mammy Iye?

27 A. Yeah.

28 Q. So Mammy Iye is that same Isatta Kallon?

29 A. Exactly, yeah.

1 Q. Now, were Mammy Iye and Pa Kabbah in the Ivory Coast during
2 the negotiations?

3 A. Yeah, they were there.

4 Q. Doing what?

10:55:20 5 A. They were in - they did not take part in negotiations.
6 Just the four of us took part in negotiations.

7 Q. So why were they in the Ivory Coast; do you know?

8 A. I don't know what else they were doing there. They were
9 always in the house.

10:55:32 10 Q. Did Foday Sankoh tell you how he came to know them?

11 A. You mean Mr Kallon and his wife?

12 Q. Yes.

13 A. Well, I said earlier on, maybe two days ago, that Captain
14 Palmer told me that Mr Kallon and his wife supported them on the
10:55:57 15 training base.

16 Q. Supported them in what way?

17 A. It was giving them food in the training base in Camp Naama.

18 Q. In Camp Naama. So Pa Kallon and his wife provided the RUF
19 combatants who were training at Camp Naama with food?

10:56:17 20 A. Yeah.

21 Q. Were you told how they were able to provide that?

22 A. Well, Madam Isatta Kallon was a businesswoman. She was - I
23 think she was a - I think care lady of the Market Women
24 Association in Liberia in Monrovia, and then the husband too was
10:56:41 25 had a very good job with Harbel - Harbel - the rubber plantation
26 there in Harbel. So --

27 Q. So apart from food, were they providing any other kind of
28 assistance to the RUF trainees at Camp Naama?

29 A. Well, I don't know. Because when Palmer was explaining to

1 me, he was just saying they gave us the support that we needed.
2 They gave us food and other things. But I did not go into
3 details to ask him what else they were giving them. But given
4 the fact that food is about the most important thing, I just
10:57:19 5 concluded that they were the father and the mother of the
6 training base.

7 Q. They were the father and the mother of the training base at
8 Camp Naama?

9 A. That was what I concluded, yes.

10:57:30 10 Q. Did they, those two, undertake military training at
11 Camp Naama to your knowledge?

12 A. I don't know. I don't know.

13 Q. Now, was Omrie Golley involved in the Abidjan peace talks?

14 A. To a point, yes. He was involved to some extent. First
10:57:54 15 when the NPRC came to discuss with us, he and Ambrose were there.

16 Q. He and who?

17 A. He and Ambrose Ganda were there, although the NPRC people
18 resisted their presence. And when we came to the final
19 negotiation with the civilians, with the Government of Sierra
10:58:20 20 Leone, they also came. He came. And when they came, the first
21 day they were present. The second day, Momodu Koroma, who was on
22 the government side and who was also on the political wing of the
23 negotiations, asked to know their identities in terms of the
24 negotiation; whether they were with RUF or with the government.
10:58:57 25 They simply said they were private citizens of Sierra Leone who
26 were also interested in peace for the country and that that is
27 why they had paid their own money to come and be part of that
28 negotiation at least by way of witnessing it.

29 Mr Momodu Koroma and others said no, you have to give us an

1 identity - a very clear identity before we can allow you in here,
2 because as a Sierra Leonean we don't allow any Sierra Leonean in
3 here who doesn't have an identity, either the RUF or the
4 government. So the two of them were asked out, which means they
10:59:56 5 did not take part in the negotiations in Abidjan with the
6 Government of Sierra Leone - in which Government of Sierra Leone
7 was involved.

8 Q. I now want to move to the period after the Abidjan Peace
9 Accord. After the signing, did Sankoh remain in Abidjan?

11:00:16 10 A. Yes. When the peace accord was signed, he remained in
11 Abidjan.

12 Q. And what about yourself? You had become a member of the
13 CCP, you told us, so where did you go?

14 A. When the accord was signed in November, we went to Freetown
11:00:34 15 in December of the same year to be inaugurated.

16 Q. To be inaugurated?

17 A. Yeah.

18 Q. So you went to Freetown, were inaugurated as a member of
19 the CCP, and for how long did you remain in Freetown?

11:00:50 20 A. We were there up to 20 December because we had to come back
21 to Abidjan for Christmas.

22 Q. And then after Christmas, where did you go?

23 A. After Christmas we had to go back to Freetown to start
24 work.

11:01:05 25 Q. And did you start work?

26 A. Yes, in accordance with the provisions of the accord, we
27 went to Freetown. We had several meetings with the President.
28 Whenever there was an incident at the front, he would call us.
29 Then we tell Foday Sankoh.

1 Q. So you maintained contact with Sankoh in Abidjan?

2 A. Exactly, yes, while we were there, because that was
3 supposed to be part of the arrangement. Because when they
4 reported to us that there is something unusual going on, we had
11:01:42 5 to tell him that information has reached here that something that
6 has a potential to affect the accord is happening on your side,
7 so, please, change your position.

8 Q. Now, did there come a time when the CCP went to Abidjan?

9 A. Yes. When we finished the first lap, that's the first one
11:02:12 10 month, we finished with Mr Kabbah. Then we said we now have to
11 visit Mr Sankoh in Abidjan to be with him for another month
12 before we can come back to Freetown.

13 Q. Did you tell Mr Sankoh that you were coming to visit him as
14 the CCP?

11:02:30 15 A. Yes. Two weeks before we can make the trip we actually
16 told him we were going to meet him as the CCP of that accord, the
17 Abidjan Peace Accord. He said, "Yes, you can come. We are
18 preparing for you. Pa Kabbah and others are here. We are
19 preparing so you can come." That was what he told us.

11:02:51 20 Q. So did the eight members of the CCP travel to Abidjan to
21 see Sankoh?

22 A. Yes. On 23 February we did actually travel to Abidjan.

23 Q. 23 February of which year?

24 A. 1997. We travelled to Abidjan according to the
11:03:16 25 arrangements with him and before we left we called him we were
26 coming. Right at the airport we called him to say that we were
27 on our way. He said, "You can come." So when we arrived that
28 evening --

29 Q. Arrived where?

1 A. In Abidjan that evening. When we arrived in Abidjan that
2 evening, Mr Deen-Jalloh and his wife went to their official
3 residence in Abidjan. I and Dr Boi-Kamara went to Six Villa,
4 because my family was in Danane so we had to go to a hotel in
11:03:51 5 Abidjan.

6 Q. What was the hotel called?

7 A. Six Villa, S-I-X, six in French, V-I-L-L-A. That is Six
8 Villas in Koumassi in Abidjan. That was where we took residence
9 for the night. Then the chairman Mr Michael Sandi, Dr SS Banya
11:04:22 10 and Shaka Mansaray went to Hotel Ivoire.

11 Q. Now when you got to Six Villa did you contact Mr Sankoh?

12 A. Yes, as a matter of necessity, when we arrived there, when
13 we took our rooms, I told Dr Kamara that I knew Foday Sankoh
14 pretty well now, so I think it was necessary for her to get him
11:04:49 15 informed of our arrival in town. So I told her, "Come and sit by
16 me. Since you are on the government side, come sit by me, let me
17 call him." She came and sat by me. When I made the call, as
18 soon as Foday Sankoh heard my voice, I say, "We are here, we
19 cannot see you now because it's late." It was around 11 to
11:05:12 20 11.30. I said, "But first in the morning we want to see you. We
21 are here as the CCP." He said, "No, I don't want to see
22 anybody."

23 When he said that, I thought I did not hear what he said.

24 I said, "What are you saying?" He said, "I don't want to see
11:05:26 25 anybody." I say, "Anybody like who?" He said, "Any one of you
26 on the CCP." I said, "But we called you from Freetown two weeks
27 before we came, we called you at the airport this morning hours
28 before we decide - we came", because it's one hour 40 minutes
29 from Freetown to Abidjan, "just for you to come and tell us you

1 don't want to see us." I say, "You are exposing us to
2 embarrassment." I said, "People have given us messages for you
3 from Europe. People have given us messages for you from Sierra
4 Leone. Most importantly these messages have to be delivered. So
11:06:18 5 you have to see us. We have to talk to you." He said no.
6 Patiently enough I begged him for more than 20 minutes on the
7 phone. He said no. He said, "I don't want to see you people at
8 all."

9 Then Dr Boi-Kamara wanted to use the ethnic connection
11:06:37 10 between them because she was - she is a Mandingo Temne. She
11 thought she would use the Temne language to convince Foday
12 Sankoh. So as soon as she took the phone and said "seke",
13 because "seke" is a greeting in Temne --

14 Q. How do you spell it?

11:06:58 15 A. S-E-K-E. As soon as she said that, the woman said he
16 started yelling. He started insulting her that no way she could
17 use Temne to convince him. He is not prepared to see anybody.
18 Five to ten minutes on the phone with him too she also got tired,
19 then we had to go to bed.

11:07:19 20 The following morning we went to Hotel Ivoire where the
21 chairman was. I was the vice-chairman. Desmond was the
22 chairman.

23 Q. Desmond Luke?

24 A. Desmond Luke was the chairman, yes. So we went to Hotel
11:07:36 25 Ivoire the following morning. Mr Deen-Jalloh and his wife came
26 and met us there. So we were sitting at the lounge when we said
27 we had actually spoken to Mr Sankoh, he was not prepared to talk
28 to us. Desmond did not believe it at all. He said as chairman -
29 I told him, "But you are the chairman. We just spoke to him

1 because I know that if we did not tell him last night that we
2 were here he was going to tell us you should have told me. So
3 that's why I was able to tell him. But you are the chairman, you
4 can call him."

11:08:07 5 He called him and he told him the same thing the first day.
6 The second day he called him, he did not change his position at
7 all. The third day he also called him. All the time he was
8 begging him. The third day when Desmond got tired, he told him,
9 he said, "Brother Sankoh, a lot of people are supporting you, but
11:08:36 10 they want to do it maturely. A lot of people agree with your
11 vision, but they want to identify with it maturely. Most of us
12 Sierra Leoneans know why the war actually started. That is why
13 we support you. But we cannot come out until we see seriousness
14 in you. Therefore, if you don't see us, nobody will lose half as
11:09:17 15 much as you at the end of the day." He said, "You will be the
16 greatest loser." Then he put down the phone.

17 Then we arranged to go inform the Foreign Ministry,
18 Mr Amara Essy, the Foreign Minister. Mr Amara Essy sent
19 Ambassador Abdulai to see him, to see Foday Sankoh if he could
11:09:40 20 convince him.

21 Q. Is that Abdulai Abdallah?

22 A. Yes, Abdulai Abdallah. When Mr Abdulai went there, Foday
23 Sankoh told him he was not prepared to see us. The man asked him
24 why. According to him when he reported back to the minister, the
11:10:03 25 man asked him why. He said, "I just don't want to see them." He
26 said, "But you have people on the commission, four people
27 representing you."

28 He said, "Those people have their families here. They did
29 not come to see me. They came to see their families." That was

1 the answer he gave Ambassador Abdallah as he reported to the
2 Minister of Foreign Affairs Mr Amara Essy. Then the Minister of
3 Foreign Affairs informed the American embassy about the matter.
4 The American ambassador to Cote d'Ivoire, I don't remember the
11:10:45 5 name, went to him.

6 Q. When to whom?

7 A. Foday Sankoh, to see if he could convince him to change his
8 mind to see us. He did not succeed. Then the Foreign Minister
9 informed the British ambassador, who was an old lady. When the
11:11:12 10 old lady was going there, according to what his bodyguards told
11 us later, Juliet Gbessay James, the radio operator, because she
12 was there, when she was going there she prepared some food for
13 him and took it to him; cake.

14 When he saw the lady and the cake and the special appeal
11:11:41 15 for him from Britain to respect the accord, he said he had enough
16 food in the house, he did not want the cake. So even civility
17 did not allow him to take anything from that old lady, not to say
18 - I mean not to talk of listening to her. So she too left.

19 When the Foreign Minister got the information, he called us
11:12:09 20 around and said, "This is a situation. The CCP, what do we do?
21 We cannot do anything without you." That was the time I said,
22 "Let's see what will happen before the end of this week." Before
23 that week could end, that was now in March, we heard that he was
24 arrested in Nigeria at the airport. That was on the news.

11:12:53 25 When we heard this one, we gathered as a commission. I
26 told the other commission members that as far as I am concerned
27 and my colleagues on the commission were concerned, because I was
28 representing them, I said we have to call it a day with RUF or we
29 strip Foday Sankoh of his leadership role. Because if we just

1 call it a day and leave, he is going to continue the campaign of
2 war. So the option that I think we should follow is to strip him
3 of his leadership role. So that was what I told the commission.

4 But I told Mr Shaka Mansaray, who was on the commission and
11:13:58 5 security adviser to the President, President Kabbah, I told him
6 to inform the President that we were not taking that decision
7 to --

8 Q. What decision?

9 A. The decision to strip Foday Sankoh of his leadership role.

11:14:17 10 We were not taking that decision to show solidarity with the
11 government. We were taking that decision to show that we also
12 are mature. We are taking that decision to prove that we know
13 what we are running after. We have taken that decision to prove
14 that we understand the essence of implementing a project like the
11:14:40 15 one we started in phases. So he said he will communicate. Shaka
16 Mansaray said he will communicate that to the President. It was
17 like I was predicting. Because when I organised a press
18 conference on 15 March 1997 with AFP and the Ivoire Soir - there
19 is a newspaper in Cote d'Ivoire they call Ivoire Soir,
11:15:11 20 I-V-O-I-R-E, S-O-I-R.

21 Q. Can we come to that meeting in a moment - that press
22 conference in a moment.

23 A. Okay.

24 Q. But I would like to take things in stages, please. Did you
11:15:30 25 ever discover why it was that Foday Sankoh didn't want to see
26 either you or the members of the CCP despite so many different
27 people prevailing upon him?

28 A. Yes, we did understand. That was later, when we actually
29 heard that he and one Steve Bio --

1 Q. He and who?

2 A. Steve Bio. Steve Bio, B-I-O.

3 Q. Pause there. Who is Steve Bio?

4 A. Steve Bio is a Sierra Leonean - was a Sierra Leonean, and
11:16:08 5 he had some Russian connection because he had studied in Russia
6 and was the cousin of Mrs Agnes Deen-Jalloh. When we were in
7 Freetown, before our coming there was a coup plot with which
8 Steve Bio was associated. He was arrested and put in the cells
9 of the Criminal Investigation Department, from where he escaped
11:16:57 10 and disappeared. Nobody knew where he was. So when we learnt
11 that he and Mr Sankoh were arrested in Abuja together - he,
12 Mr Sankoh and Gibril Massaquoi were arrested in Abuja - we
13 concluded that that man was with him and in fact, that is one of
14 the reasons why he did not allow us to go to the house at all.

11:17:25 15 Q. Why not?

16 A. Because, one, he did not want us to see Agnes - sorry,
17 Mr Steve Bio because Steve Bio was running away from prosecution,
18 one; secondly, he and Steve Bio, according to what we got clearly
19 from Juliet James and others who were in the house, he and Steve
11:17:47 20 Bio had arranged concretely to - he said he would take him -
21 Steve Bio said he would take Foday Sankoh to Russia to buy arms.

22 Q. Steve Bio told Sankoh that he would take him to Russia to
23 buy arms?

24 A. Yes, to buy arms. So that was the trip they were making.
11:18:06 25 So we concluded that was the reason why Sankoh was intransigent
26 to receive us.

27 Q. So let us just pause there for a moment so we can
28 understand this. Bio had tried to lead a coup in Sierra Leone?

29 A. Yeah.

1 Q. Was a fugitive from justice in that country?

2 A. Uh-huh.

3 Q. And he was, in effect, staying with Sankoh whilst still a
4 fugitive in Abidjan?

11:18:35 5 A. Yeah.

6 Q. Telling Sankoh that he would take him to Russia to buy
7 arms, yes?

8 A. Yes. That was what we got from the bodyguards and the
9 radio operators who were in the house with them.

11:18:47 10 Q. And then Steve Bio is later arrested with Sankoh and Gibril
11 Massaquoi in Abuja in Nigeria?

12 A. Yeah.

13 Q. Now, we know that Sankoh was arrested in Abuja in March
14 1997. Is that right?

11:19:11 15 A. Yes.

16 Q. And he was arrested at the airport in Nigeria. Is that
17 right?

18 A. Yes.

19 Q. And we are told that he was arrested for carrying a
20 firearm. Why do you laugh?

11:19:23 21 A. Well, I know that that was really not the actual reason.
22 That was a diplomatic reason.

23 Q. So a firearm was not the reason for his arrest?

24 A. No.

11:19:40 25 Q. Pause there. Let's take this slowly. You had travelled
26 with Sankoh in the past. In the past, had Sankoh travelled with
27 that firearm?

28 A. Yes. To the same Abuja, the same presidential palace, the
29 first time we went there he had his pistol on him.

1 Q. So when you went to see Abacha in 1996, Sankoh had the
2 pistol with him?

3 A. Yes, indeed.

4 Q. And wasn't arrested?

11:20:09 5 A. He wasn't arrested at all.

6 Q. But in March 1997 carrying the same pistol he is arrested,
7 yes?

8 A. Yeah.

9 Q. And you say that was the diplomatic reason given for his
11:20:22 10 arrest?

11 A. Indeed.

12 Q. So what was the real reason for his arrest then?

13 A. The real reason was first when he left - when Foday Sankoh
14 left Abidjan - when he was leaving Abidjan he did not inform the
11:20:41 15 Ivorian government at all. They did not give him any diplomatic
16 cover to go. He went there all by himself. So when he got at
17 the airport, his passport went - met the immigration officers,
18 they were all surprised to see him there the way he appeared,
19 like an ordinary person. He did not appear there like a guest of
11:21:01 20 a government. He did not appear there like a rebel leader. He
21 did not appear there like any leader. He appeared there like any
22 ordinary person. So when they saw his passport, they informed
23 the President, President Sani Abacha, about it. That was where
24 his arrest started.

11:21:21 25 Q. So it was after Sani Abacha was informed of his arrival
26 that he was arrested?

27 A. Yes.

28 Q. Now help us with this: By the time of the arrest, what was
29 your assessment of the feeling of people like the President of

1 the Ivory Coast and the President of Nigeria, Sani Abacha, about
2 Sankoh's sincerity about the peace accord?

3 A. Yes. In fact, that is why the Ivorians decided to abandon
4 him, because they had known very clearly that he was not prepared
11:21:58 5 to respect the accord at all. As for Abacha, he knew that he had
6 embarrassed him. He saw that as an embarrassment because he gave
7 his word to him for support. So for him to see him appear in
8 that manner, for him was an embarrassment. He saw it as
9 foolishness to have encouraged him and politically dangerous
11:22:24 10 also.

11 PRESIDING JUDGE: Mr Griffiths, pardon me for intervening
12 at this time. The testimony regarding Steve Bio, it may appear
13 obvious, but the witness has not stated where the attempted coup
14 was about to take place in which Steve Bio was implicated.

11:22:51 15 MR GRIFFITHS:

16 Q. Where was the attempted coup supposed to have taken place?

17 A. I said in Sierra Leone, in Freetown.

18 PRESIDING JUDGE: And is it possible to give us a time
19 frame of when this coup was alleged to have taken place?

11:23:03 20 THE WITNESS: Yes, your Honour. It was in the same
21 February we were preparing to go meet Mr Sankoh.

22 THE COURT: February of?

23 THE WITNESS: 1997.

24 PRESIDING JUDGE: Thank you.

11:23:15 25 MR GRIFFITHS:

26 Q. Now, just so that we can complete this episode: How many
27 people travelled with Sankoh to Nigeria?

28 A. To Nigeria? We understood that he went with Mr Steve Bio,
29 Gibril Massaquoi, and one young man they called Ansu.

1 Q. And what was Ansu's role?

2 A. Ansu was a bodyguard.

3 Q. Did he travel with a radio operator?

4 A. No, there was no radio operator there.

11:23:50 5 Q. Now, following his arrest, we know that Sankoh wasn't
6 actually kept in custody, but he was taken to a hotel. Is that
7 right?

8 A. Yes, that is what all of us understood. And in fact when
9 he was taken to that hotel, he was allowed to maintain radio
11:24:11 10 contact with his boys in Abidjan.

11 Q. He was able to maintain contact with his boys?

12 A. Yeah, radio contact.

13 Q. Did he have access to a radio whilst he was in the hotel?

14 A. I don't know, but the radio contact was - stayed between
11:24:25 15 them. I don't know whether he was using the phone to call them
16 or he had a radio contact, but he was communicating with them.

17 Q. Now, did Gibril Massaquoi and Steve Bio stay in Nigeria?

18 A. Yes, they stayed in Nigeria, according to them, up until
19 May 1995.

11:24:46 20 Q. 1995?

21 A. Sorry, up to May 1997, when the AFRC took over.

22 Q. And where did they go in May 1997?

23 A. When Johnny Paul's group, the junta - the AFRC junta took
24 over, they invited Foday Sankoh to be part of it. And in
11:25:15 25 response, he sent Gibril Massaquoi and Steve Bio to go there.

26 Q. To go where?

27 A. To go to Freetown to join the junta.

28 Q. Now, when Sankoh was arrested in Nigeria, how did you and
29 the other members of the external delegation and the members of

1 the CCP feel?

2 A. We felt that at that point that there and then the peace
3 process had collapsed and that we - it was time for us to say
4 goodbye to Foday Sankoh in whatever way. So as I mentioned
11:26:08 5 earlier, we met and we concluded that he would be stripped of his
6 leadership role in the AFRC. So, of course, Palmer was not in
7 Abidjan, so I had to go to Danane to inform Palmer about it. I
8 went to Danane and informed Palmer about it. I said since you
9 are a military personnel, we can use you to talk to your men on
11:26:36 10 the ground - talk to Mosquito and others on the ground to have
11 this leadership - change of leadership effected. So Palmer came
12 to Abidjan. We made the arrangements. He came on the 12th. We
13 made the arrangements 13th, 14th, 15th. I organised the press
14 conference that I referred to earlier on with AFP and Ivoire
11:27:05 15 Soir.

16 Q. Remind us again: On what date was that press conference?

17 A. March 15, 1997.

18 Q. And what did you say at this press conference?

19 A. I said at the press conference that it was - we found out -
11:27:20 20 we have now concluded without doubt that Foday Sankoh was not
21 prepared to give the people of Sierra Leone peace; that he was
22 not prepared to abide by what he had told the people, especially
23 in our Footpath to Democracy book, which was supposed to be to -
24 to provide us the guiding principles of the movement; and
11:27:47 25 therefore, that we are prepared at that time - we are announcing
26 that we no longer give him our support as a leader and that we
27 are going to make arrangements with the young men - with the
28 soldiers, Mosquito and others on the ground, to take over from
29 him so that they can bring the peace process back on track.

1 Q. Now, did you speak to President Kabbah at all about this
2 situation?

3 A. I spoke to President Kabbah through the - through his
4 security adviser, Mr Shaka Mansaray, I told him, this is the
11:28:29 5 position we have taken but, please, don't think it is in
6 solidarity with you. It is in solidarity with the guiding
7 principles in our movement, because we say we have come to give
8 the people peace - sorry, freedom, economic and social freedom.
9 And that since it is a project, we have to implement it in
11:28:53 10 phases. If the first phrase is complete, the second phrase we
11 are in it now, the political phase, Foday Sankoh says he is no
12 longer a part of it by way of what he has done, then we should
13 decide to strip him of his leadership role.

14 Q. Now, having announced that at the press conference held
11:29:19 15 with Agence France-Presse, did any of the leaders in the
16 sub-region or any international body contact you?

17 A. Yes, they did. First, the first call I received was from
18 International Alert who had actually taken the peace process as a
19 special project. Dr Kumar himself called me asking me what had
11:29:44 20 happened. I told him, I said, "Well, the whole world knows that
21 Sankoh has given his back to the peace process, so we can no
22 longer continue to have him as our leader." Then Dr Anafu called
23 me from London. He also called me to ask about the change of
24 leadership. I confirmed it with him. Mr Dinka, who was also a
11:30:15 25 man of the moral guarantor, asked us for confirmation. I gave
26 them the confirmations. Then they told the Foreign Minister to
27 ask us what next. They told the Foreign Minister of Cote
28 d'Ivoire, Mr Amara Essy, to ask us what next. Mr Dinka told the
29 Foreign Minister of Cote d'Ivoire to ask us what next. Mr Amara

1 Essy called us to a meeting and asked us what next. The first
2 thing he said is, "Are you sure that those boys are with you?" I
3 did not - I was not able to assess the level at which the boys
4 had been entranced by Sankoh. I did not mention that one at all.

11:31:00 5 I said, yes, they will be with us because --

6 PRESIDING JUDGE: Excuse me. What boys?

7 THE WITNESS: The RUF fighters, Mosquito and others, I was
8 not able to measure the degree to which they have been entranced
9 by him. So I said, "Yes, they will be with us because all of us

11:31:19 10 are tired." We went to the bush and met them with the peace
11 accord, draft accord. They gave us the mandate to come and sign
12 it. So if Sankoh can continue to have them there like that, they
13 will understand why we have taken this step. So then they said,
14 "What next?" I said what we would like to do, we would like to
11:31:40 15 get to them.

16 Q. To whom?

17 A. We would like to get to Mosquito and others in the bush
18 there to talk to them - sorry, in Guinea, at the crossing point
19 in Guinea. That was what we said. So we needed support. So
11:31:54 20 they contacted the then President of Guinea-Conakry, President
21 Lansana Conte, to organise the journey for us.

22 MR GRIFFITHS: Would that be a convenient point,
23 Madam President? I note the time and we are coming on to another
24 phase of this account now which is quite important.

11:32:18 25 PRESIDING JUDGE: Certainly. We will take a break until
26 12.

27 [Break taken at 11.32 a.m.]

28 [Upon resuming at 12.00 p.m.]

29 PRESIDING JUDGE: Mr Griffiths, please continue.

1 MR GRIFFITHS: Could I just mention that our case manager,
2 Ms Moilanen, has left us. I wonder if the witness could be shown
3 exhibit D-83, please:

12:03:29 4 Q. Now, Mr Faya, you told us that the press conference you
5 held was on 15 March. You now have before you the front page of
6 a newspaper, the Expo Times, dated, you will see, Monday 17
7 March, so a couple of days after your press conference. Do you
8 see that?

9 A. Yes, I do.

12:03:47 10 Q. And I'm not going to go through the details with you, but
11 you see that the top headline is "Kabbah hails new RUF" and below
12 that we see photographs of Kabbah, Philip Palmer, Agnes
13 Deen-Jalloh, Ibrahim Deen-Jalloh and Dr Mohamed Barrie, yes? Do
14 you see that?

12:04:12 15 A. Yeah.

16 Q. All members of the RUF's external delegation, yes?

17 A. Uh-huh.

18 Q. And then below "Sankoh's spokesman denies coup" we see that
19 Gibril Massaquoi - or Staff Sergeant Massaquoi, to give him his
12:04:39 20 full title - called the Voice of America denying that there had
21 been this coup. Do you see that?

22 A. Yes.

23 Q. Massaquoi, of course, having been with Sankoh at the time
24 of his arrest in Nigeria, yes?

12:04:58 25 A. Yes.

26 Q. Had you seen this headline before?

27 A. No.

28 Q. Very well. We can put that exhibit away, thank you very
29 much. Now, you told us before the break that you were being

1 asked what next, and you had decided that it would be important
2 to go to Sierra Leone to consult with the combatants on the
3 ground. Is that right?

4 A. Yes.

12:05:29 5 Q. Now, before we come to that, as far as you're aware did
6 Foday Sankoh hear about this press conference you had given in
7 which you had discussed removing him as leader of the RUF?

8 A. Yes, he actually heard about it. Because when we had the
9 press conference by 10 a.m. that day, before 1 in the afternoon

12:06:04 10 RFI had aired it and by 3 p.m, 5 p.m, 7 p.m. that - no, 5 p.m. or
11 7 p.m. the BBC Focus on Africa had also aired it.

12 Q. And as far as you're aware, did Sankoh have access to a
13 radio in Nigeria?

14 A. I would presume. Because if he had access to communication
12:06:32 15 facility with his base in Abidjan, I would also presume that
16 probably he had a radio facility there.

17 Q. As far as you're aware, when Sankoh discovered this did he
18 take any action?

19 A. Yes, when he discovered, it first of all he called me and
12:06:59 20 insulted me as a first action.

21 Q. How did he insult you?

22 A. He told me I was playing with fire. That was the first
23 thing he told me. He told me I was playing with fire and that he
24 would make sure that we are dealt with accordingly. The next

12:07:18 25 step he took was - by then Mike Lamin was in - just as I said
26 yesterday or so - Mike Lamin was in Abidjan. He told Mike Lamin
27 to go to the house, to take money, to go to Abidjan - go to
28 Danane and instruct the bodyguards there to beat Palmer and his
29 wife Winifred to death.

1 Q. So Sankoh instructed Mike Lamin to go to Danane and beat
2 Philip Palmer and his wife to death?

3 A. Yeah.

4 Q. How did you discover that?

12:07:56 5 A. The radio operator at the house there, Juliet James, with
6 whom we actually went to Guinea, gave me the information.

7 Q. How had she acquired that information?

8 A. She was on the radio.

9 PRESIDING JUDGE: Sorry, which house?

12:08:13 10 THE WITNESS: The house in Cocody. At his house - Foday
11 Sankoh's house in Cocody, Abidjan. C-O-C-O-D-Y.

12 MR GRIFFITHS:

13 Q. Let's just get this clear so we fully understand. Where
14 was Mike Lamin staying?

12:08:27 15 A. Mike Lamin was - I did not exactly know in which house he
16 was staying at that time, but he went to the house there. He
17 told my --

18 Q. He went to which house?

19 A. To the house at Cocody. Foday Sankoh's house at Cocody.

12:08:49 20 Q. And at the house in Cocody, Mike Lamin received radio
21 instructions from Foday Sankoh to go to Danane and beat Philip
22 Palmer and his wife to death?

23 A. That was according to Juliet James.

24 Q. The radio operator?

12:09:01 25 A. Yeah.

26 Q. Who took the message from Sankoh?

27 A. Yeah.

28 Q. Now did Sankoh contact anybody else to your knowledge?

29 A. Yes, he - in fact, we understood that as soon as he was

1 arrested, he sent a message to Mosquito and others that his
2 arrest was stage managed by we in the external delegation.

3 Q. And did he tell Bockarie why you members of the external
4 delegation had arranged for his arrest?

12:09:34 5 A. Yes, he said that the United Nations organisation and
6 President Kabbah's government had given us \$100,000 US in bribe
7 money to connive with them to have him arrested.

8 Q. So that's what he told Sam Bockarie?

9 A. That was what Sam Bockarie said Foday Sankoh told him.

12:10:00 10 Q. Now, there comes a time, as you tell us, when you decide to
11 travel to Sierra Leone to meet with the RUF, yes?

12 A. Yes, we did.

13 Q. At the time that you were going to travel to Sierra Leone,
14 did you know that Foday Sankoh had told Bockarie what you've just
12:10:20 15 told us?

16 A. Yes, we knew that one.

17 Q. So when you went --

18 A. Excuse me. You mean for them to have been known through
19 he, Foday Sankoh, that we betrayed him by taking money?

12:10:39 20 Q. Yes.

21 A. No, we didn't know that at all.

22 Q. At the time you travelled, you didn't know Sankoh had told
23 Bockarie that story?

24 A. No, no, we don't know that at all.

12:10:51 25 Q. Now help us. You decide to travel to Sierra Leone. Who
26 was travelling?

27 A. I travelled, Juliet Gbessay James travelled, Mr Ibrahim
28 Hassan Deen-Jalloh travelled, Philip Palmer travelled.

29 Q. And did you meet up with anybody else?

1 A. Yes, we went to Guinea, Conakry. It was the Sierra Leone
2 ambassador to Guinea at that time, Ambassador Jabbie --

3 Q. How do you spell the name?

12:11:46

4 A. J-A-B-B-I-E. Ambassador Jabbie, it was he who accommodated
5 us in a small hotel by his house.

6 Q. And from there where did you go?

7 A. The following morning we went to the see the President,
8 President Lansana Conte, who invited his Minister For Territorial
9 Affairs, the Director of the Gendarmerie and the Police Commander
10 to organise our journey - onward journey to Nongowa - to Nongowa
11 crossing point.

12:12:07

12 Q. To the what crossing point?

13 A. Nongowa crossing point.

14 Q. How do you spell that?

12:12:23

15 A. N-O-N-G-O-W-A.

16 Q. And is that on the Moa River?

17 A. Yes, that is part of the Moa River. From when you - in
18 fact, if you want to go to Guinea from Koindu, that is the place
19 you cross the river by ferry to go to Gueckedou.

12:12:47

20 Q. Now, before leaving to travel to Guinea - and just so that
21 we have all the details, how did you travel from Cote d'Ivoire to
22 Guinea?

23 A. From Cote d'Ivoire we travelled by air.

24 Q. To where?

12:13:03

25 A. It was Bellview that took us from Cote d'Ivoire to -
26 Bellview aircraft, a Nigerian aircraft. Bellview took us first
27 to Freetown.

28 Q. And from thence?

29 A. From Freetown we flew to Conakry.

1 Q. Where you met the Sierra Leonean ambassador?

2 A. Yes.

3 Q. And then travelled to Nongowa?

4 A. Yeah.

12:13:30 5 Q. Now, before you left to travel to Guinea, had either you or
6 any other member of the external delegation contacted Mosquito
7 directly?

8 A. Yes, the ambassador organised radio communication with us.

9 Q. Which ambassador?

12:13:43 10 A. Ambassador Jabbie had a radio in his house. It was that
11 radio that Juliet James used to call Mosquito so that I would
12 talk to him before --

13 Q. And what did you say to Mosquito?

14 A. I said to Mosquito exactly - I said, "Mosquito, this is the
12:14:00 15 best time for you to appear as the prince of peace for Sierra
16 Leone." I told him to look at Abubakar in Nigeria. I said,
17 "What Abubakar did is so impressive that today he's enjoying the
18 confidence, the respect of the international community. You see,
19 wherever there is an election in Africa here, he is sent there to
12:14:29 20 represent the Commonwealth and even the UN a lot of the times."

21 I said, "It will be better - this is the best time for you. You
22 have to understand that the fighting, the fighting aspect of the
23 - the gun fighting aspect of this conflict should be over by now.

24 So as I beg you as a younger brother, I want you to - we are
12:14:51 25 coming to talk to you, but I want you to prepare yourselves to
26 take over the leadership of this organisation so that you will be
27 able to bring the peace process back on track." I said, "Because
28 if people like Abacha can have Foday Sankoh arrested, it is
29 difficult for anyone to imagine that he will be released any time

1 before something more concrete is done in terms of bringing peace
2 back to Sierra Leone."

3 Q. What was his response?

4 A. By then, according to what we understood, Foday Sankoh had
12:15:25 5 told them that we - that, in fact, we were the mastermind behind
6 his arrest after taking money from the United Nations and
7 President Kabbah. So he told them to do everything - everything
8 possible to make sure that we were cajoled into crossing over to
9 them so that they would have us arrested.

12:15:49 10 Q. Now, did you know that when you travelled to Nongowa?

11 A. No, we did not know. It was only when we had crossed -
12 sorry, it was only when we had actually gone to the crossing
13 point, according to what we heard later on, quite later on, that
14 Mrs Deen-Jalloh was able to get the information that that was the
12:16:08 15 instruction he had given them. But by then she had no way to
16 contact her husband.

17 Q. So what happened when you got to the Nongowa ferry crossing
18 point?

19 A. When we got to the Nongowa - before we went to the Nongowa
12:16:27 20 crossing point, Mr Ambassador Jabbie made sure that he got some
21 rice. He got about 20 bags of rice for them, for the combatants.
22 He bought them 1 million Guinea francs worth of medicines,
23 essential drugs. He bought clothes for the senior officers,
24 senior officers Mosquito, Issa, Morris Kallon and Peter Vandi.
12:17:05 25 He bought clothes for them. A suit each and a pair of shoes, he
26 bought it for them. All was to encourage them to accept our new
27 position, for them to take the leadership and in order to bring
28 the peace process back on track.

29 Q. So carrying all of those gifts, you get to Nongowa. Was it

1 your intention at that point to cross over the river to Sierra
2 Leone?

12:17:45 3 A. No. What we planned right in Abidjan was to encourage them
4 to come over. In fact, it was just about two to three of them,
5 maybe Mosquito, Issa or Peter Vandi - and/or Peter Vandi, just a
6 handful, a very small number, just the leaders. We were
7 expecting them to cross over to us.

8 Q. So to cross over to the Guinea side of the river to meet
9 you?

12:18:00 10 A. Yeah, in Nongowa.

11 Q. So what happened when you got to the crossing point? What
12 could you see?

13 A. When we went to the crossing point from - because at that
14 time the level of the water had gone down considerably just where
12:18:19 15 the ferry was. The whole place, there was some water, but the
16 level of water had gone down considerably exposing the sand. So
17 we met Mosquito and others on the sand dancing so that they will
18 cajole us to cross over to them. Because they went there with
19 native dancing - native musical instruments. They were paying
12:18:43 20 those native instruments in order to have us in.

21 So we actually did not want to cross at all because we
22 still were not too sure of them, because we knew them from day
23 one. But when we got there, Ambassador Jabbie was overtaken by
24 excitement. He was overtaken by excitement. He decided to cross
12:19:08 25 over to them. When we were trying to buy time to make sure that
26 we have them over there, he crossed over to them thinking that
27 with all those gifts there was no way they will be insincere with
28 the programme we met them for. He crossed over to them.

29 We - they found it very difficult for us to cross, but we

1 had - we believed that if we had refused to cross, they were not
2 going to release that man, Ambassador Jabbie, at all. And having
3 captured Ambassador Jabbie was going to put us in trouble with
4 the Government of Sierra Leone, because basically we thought that
12:19:56 5 if we returned back to Sierra Leone, they were going to say that
6 we took the ambassador to our fighters so they can arrest him,
7 they can abduct him. So the only option that was left to us was
8 to cross over to them. I was the last person to cross, actually.

9 As soon as we crossed over to them, we left the beach, we
12:20:19 10 went right on the Sierra Leonean side of the border. Then
11 Mosquito put his pistol up and fired three times in the air,
12 saying that RUF had won the day. So then a whole army - about
13 1,000 of his armed men, because he had taken 1,000 - according to
14 what they told us later on, he had actually gone there with 1,500
12:20:48 15 armed men to lay in ambush before us, because they were saying
16 that if they went with a very small number of armed men they were
17 going to be attacked by the Guinean military authorities. So
18 they took that number to the crossing point.

19 So we were arrested, all our documents taken from us. They
12:21:17 20 actually put the rice - the rice we took for them - to them, they
21 gave us a bag each to cross with, but they knew that most of us
22 were agreeable. When we crossed to - sorry, when we reached
23 Buedu, that was where they were waiting for us. When we crossed
24 to Buedu, they took the rice bags from us, but they removed our
12:21:52 25 shoes and we had to walk barefooted from that crossing point.

26 Q. To where?

27 A. Sorry, it was in Koindu that they took the rice from us,
28 not Buedu. Koindu. Koindu.

29 Q. At the point of your arrest, did they take your shoes from

1 you?

2 A. Yes. That was where they took all our shoes, our documents
3 and everything from us.

4 Q. And what about - was it just your shoes or anything else?

12:22:17 5 A. Yes. Some people lost some other things. Like Mr Palmer's
6 wedding ring was taken from me. Me, I did not go with my own at
7 all because - his wedding ring was taken from him, which was sent
8 later on to the crossing before --

9 Q. What about your clothes, were they removed?

12:22:37 10 A. No, the clothes were not removed that moment.

11 Q. So, in any event, where were you taken?

12 A. We were taken to Buedu.

13 Q. What happened to you when you got to Buedu?

14 A. When we got to Buedu it was late. It was in the morning
12:22:50 15 that they actually went and fell on us. They gave us a serious
16 beating. We were beaten for up to four hours unbelievably.

17 Q. Who was beaten?

18 A. Mosquito gave instruction to his young combatants to give
19 us the beating. He himself did not do it, but he gave the
12:23:09 20 instructions.

21 Q. And who was beaten?

22 A. I was - all of us were beaten. Myself, Mr Deen-Jalloh,
23 Dr Barrie, Juliet James and Palmer. Sorry, I think I did not
24 mention Dr Barrie when I was talking about those who came, but he
12:23:28 25 came with us, sorry.

26 Q. So you were all beaten the day after your arrest?

27 A. Yes. The first thing in the morning, that was what they
28 did.

29 Q. In Buedu?

1 A. In Buedu, yes.

2 PRESIDING JUDGE: Did that include the ambassador?

3 THE WITNESS: No, no, the ambassador was not beaten. He
4 was not beaten at all. According to them, he was not the target;
12:23:52 5 we were the target.

6 MR GRIFFITHS:

7 Q. And following that beating, how were you treated
8 thereafter?

9 A. Following that beating, there was a day when

12:24:16 10 President Kabbah called Mosquito and - I think I have said that
11 one here, but I have to say it again, when President Kabbah
12 called Mosquito and told him - and begged him to have us
13 released, he said because we are all citizens of the country and
14 that we are needed by all of them. So Mosquito interpreted that
12:24:39 15 one as a confirmation of what Foday Sankoh had told him

16 concerning the \$100,000 and the connivance with the UN and the
17 Kabbah government to have him arrested and overthrown.

18 So he came over to us and asked us to tell him how much
19 Foday Sankoh - sorry, how much President Kabbah had given us, he
12:25:06 20 said because there is no way President Kabbah would have called
21 him to beg him on our behalf if we did not have any arrangements
22 with him, monetary arrangements with him. I told him, if death
23 had come at that time for me, me personally, I said I am prepared
24 to receive it. But I cannot say that - I cannot say what is
12:25:31 25 untrue, because Kabbah did not give me any money. I even told
26 him we did not do this thing to glorify him. I said we did this
27 thing to - as a sign of adherence to our own principles. I said,
28 so we did not receive anything. That was the time he gave
29 instructions to his boys to tie us.

1 I was tied. Captain Palmer was tied and Mr Deen-Jalloh.
2 Captain Palmer's hand went numb for two months. We were feeding
3 him. He would not feed himself by himself. We were feeding him
4 for two months because the rope did not pierce his skin, so the
12:26:16 5 were nerves that were affected.

6 Q. So Captain Philip Palmer, following - you described it
7 earlier as being tie-bayed, yes?

8 A. Yeah.

9 Q. He was unable to use his hands for two months?

12:26:32 10 A. Yeah, for two months. We were feeding him.

11 Q. And apart from being tied, were you also beaten?

12 A. That particular day we were not beaten. We were just tied.

13 That particular day. Then another day when there was an alleged
14 coup plot in Freetown in which Gibril Massaquoi was allegedly

12:26:57 15 associated, Gibril Massaquoi was arrested. And when he was
16 released from prison, that was aired by the BBC. As soon as
17 Mosquito heard that one - Mosquito and Issa, as soon as they
18 heard that one, they gave instructions to their boys to go
19 collect us from the prison cells to come for flogging.

12:27:20 20 When we came, they said, "Go bring all the prisoners." So
21 when they brought all of us, they said, "All political prisoners
22 on one side, then all other prisoners on the other." So we did
23 not know that it was an arrangement to have us beaten. So we -
24 they said we were the ones they were referring to, so we went on
12:27:43 25 one side.

26 Then Mosquito said, "Today, we have now seen your group.
27 Gibril Massaquoi is one of you. If he were not one of you, you
28 are not going to be released as easily as he has been, so you are
29 going to bear punishment for that here, just because Gibril

1 Massaquoi has been released. So we are going to beat you people
2 150 each, especially you, Fayia, and Palmer. We give you 150
3 each."

4 When they were beating us - because they will give you 50
5 lashes. Then you get up, you rest a bit, they give you another
6 50. When they were beating us, one of the pets - Mosquito had a
7 pet called Maxwell Khobe. You know the animals here - the pets
8 here; they had a baboon, he had a dog, he had another animal. He
9 named them after the leaders in Sierra Leone. The baboon was

10 called Maxwell Khobe, Mosquito's pet baboon. It was that baboon
11 which - he was so emotional that day. The baboon went and took
12 the stick with which they were beating Palmer from the young men,
13 and he sat right on top of Palmer - because Palmer was lying down
14 on the ground - he sat on top of Palmer so that nobody would beat

15 Palmer. So when all of them saw that one, then that was when the
16 grace of God came on us and they decided to stop. But we had
17 received the 150. They only wanted to give us more. Because any
18 time - by that day, they were smoking and drinking that very
19 moment. So it was a moment of real heartlessness. Then after

20 that in Kangama, by then Johnny Paul also had come there. One
21 day they went to Kangama and met us. They went to Johnny Paul.
22 They asked him to give them instructions to kill us, according to
23 what Johnny Paul told us later when they left. He said they went
24 and told him - Mosquito told him to give him instructions to kill

25 us, but Johnny Paul said no, I cannot do that because these
26 people are your own people. We have just organised a coalition
27 with you. I cannot give you any instruction to have them killed,
28 because I don't know what is going to happen tomorrow. All of us
29 are waiting for Foday Sankoh to come. So when Johnny Paul

1 refused to give them that instruction, they went to us. They
2 took us out of the cells and organised another beating spree for
3 us. In the court barri they would tell you to go grip the
4 pillar - the pillar of the barri. Then one - this time they told
12:30:52 5 one SLA young man - this time it was not RUF - it was one SLA
6 woman - sorry, man. An SLA soldier was told to give us the
7 beating with a military belt that has that iron at the buckle.
8 They flogged us until your clothes would get wet with blood.
9 When your clothes get completely wet with blood, then they would
12:31:20 10 tell the young man to stop. Then they come and loose you, tell
11 you to go sit down. That was what they did with myself,
12 Mr Deen-Jalloh and Palmer that day, the three of us.

13 Q. Help us, Mr Fayia. On how many occasions were you beaten
14 in that way?

12:31:43 15 A. In that particular way - we were beaten only twice in that
16 way. Because when we were also taken to Bunumbu, in Bunumbu too
17 there was a day we just heard that they were around, Mosquito and
18 - Mosquito was around. They called us and he said, We are going
19 to give you again your quota. That's what he used to call it.
12:32:07 20 So he told us to go lie down on the ground, that time without
21 clothes, just your trousers. You lie down on the ground, he
22 gives his combatants - young combatants instruction to give the
23 beating. That happened again in Bunumbu, B-U-N-U-M-B-U, in
24 Nyandehun section.

12:32:30 25 Q. Now, I want to get one or two other details from you,
26 please. First of all, can you recall the date on which you were
27 arrested?

28 A. Yes, we were arrested on 29 March 19 --

29 Q. Of which year?

1 A. 1997.

2 Q. And help us with this: When were you eventually released?

3 A. We were released in August 1999.

4 Q. So you were in custody from 29 March 1997 until August

12:33:08 5 1999?

6 A. Yes, because --

7 Q. We'll come to the circumstances of your release in a
8 moment. Now, during your time in custody - can you help us -
9 where were you detained? At what locations?

12:33:22 10 A. We were detained - first of all, when we were taken from
11 the border, we came and rested a bit in Kangama. That very night
12 we had to proceed to Buedu. We were in Buedu for about a week or
13 so.

14 Q. And help us. Whilst in Buedu, where were you detained?

12:33:52 15 A. We were in detention at all locations except in Kangama the
16 first day we arrived. We were not detained because we were en
17 route to Buedu.

18 Q. But when you got to Buedu where - in what facility were you
19 detained?

12:34:11 20 A. We were detained in the building, the one they used to -
21 they used to use for their Military Police post. It was a good
22 house, but there was nothing on the ground - I mean, on the
23 floor. It was just bare ground like that. No blanket. No mat.
24 Nothing. We were just on the bare floor.

12:34:35 25 Q. From Buedu where were you taken?

26 A. From Buedu they had actually decided to send us to Bayama.
27 B-A-Y-A-M-A.

28 Q. And in Bayama in what facility were you detained?

29 A. First of all we were detained in a house that was used as a

1 courtroom for that village community. We were there for a week
2 while they were preparing some place for us in the bush, a goat
3 pen for us - a goat pen like house for us in the bush.

4 Q. A goat pen type house in the bush?

12:35:19 5 A. Yeah.

6 Q. And just describe for us, please, that goat pen type house?

7 A. In the first place, the particular location was used for
8 the secret Bundu society where they used to perform the female
9 genital mutilation for that community. That was the type of bush

12:35:44 10 we were taken in. The place was fenced all over. Then inside
11 the fence they built a kind of structure, a hut just like a goat
12 pen, and then they put in there - the only difference was there
13 they prepared something like an observation post inside the
14 house, which was thatch roofed, and they put - they put how they

12:36:17 15 wanted to call bed, just grass - just grass from the swamp. Bare
16 grass. No mat, nothing. Sometimes dry palm leaves were put
17 there. So they dug toilet for us just behind it, small toilet.

18 Then the door was made of strong wood, and they brought a padlock
19 and put it there. They did not allow us to leave at all at any
12:36:50 20 time until - each day until there was food. When they brought
21 our food, then they opened the door, we get out, and they give us
22 the food. For the first three months we were on that and --

23 Q. And what were you fed?

24 A. We were eating raw bananas. For the five of us, they were
12:37:11 25 giving us 15 raw bananas every day at 2 o'clock. They would boil
26 the raw bananas, slice them, and for the sauce they used to give
27 us potato leaves and cassava leaves sometimes, and water soup.
28 We were on that for the first three months.

29 Q. Did you eat anything else apart from boiled bananas in

1 those three months?

12:37:54 2 A. No, no, no. The next three months, yes. The next three
3 months - in the next three months going they were around us,
4 because they took us from Bayama and took us somewhere else, so
5 they changed our diet.

6 Q. Where did you go to from Bayama?

7 A. From Bayama we were taken back to Kangama.

8 Q. How long did you stay in Kangama?

9 A. We stayed in Kangama for about - it was more than a month.
12:38:17 10 Because it was in Kangama that Johnny Paul, when they took over
11 in 1997 - May 1997, it was in Kangama that he sent a delegation
12 to see us.

13 Q. So Johnny Paul sent a delegation to see you after the coup
14 in May 1997 whilst you were in Kangama?

12:38:35 15 A. Yes, he spoke to them. He said let us allow journalists
16 and other people to go see these people. So -

17 Q. Pause there. Could the witness please be shown exhibit
18 D-88 please. Remember you told us that whilst you were in
19 Kangama Johnny Paul Koroma sent a delegation to see you, yes, and
12:39:18 20 they came with what; TV and radio?

21 A. Yes, we saw - that day we saw three journalists - people
22 who had described themselves as journalists, and of course Eddie
23 Kanneh was there. Not as a journalist, but as a member of AFRC.

24 Q. We see here, "Situation report on some parts of Kailahun
12:39:40 25 District to the Chairman and Head of State, His Excellency Major
26 JP Koroma." The date is 22 December 1997.

27 "The following personnel of the People's Army: Captain
28 Patrick V Lamin, Madam Isatu Kallon, a business woman ..." Is
29 that the same Mammy Iye?

1 A. Yeah.

2 Q. "... Chief Tamba Boima, Alpha Jalloh and Charles Kamara
3 were part of a government delegation headed by the
4 Under-Secretary of State (Internal Affairs) to deliver a special
12:40:22 5 message from His Excellency to assess and suggest ways and means
6 of rehabilitation of government departments and especially the
7 institution of chiefs in the district."

8 Can we go to the second page of that document, please.

9 Last paragraph:

12:40:44 10 "We were made to understand at this meeting also that they
11 were on a special assignment to see whether our prisoners,
12 Captain Philip Palmer and others, were still alive and if so, the
13 radio and TV crew were to be granted permission to film and
14 interview them."

12:41:00 15 Can we now go, please, to the fourth page of the document,
16 penultimate paragraph:

17 "Paramount Chief Tamba Jusu Gamawa is the Paramount Chief
18 of Kissi Teng Chiefdom. He was captured by our fighting forces
19 since 1991 and had stayed with us ever since. He would have
12:41:36 20 loved to meet him in Kangama, but he was visibly absent from the
21 town. We later discovered that he was in fact playing host to
22 our prisoners. Since he was away in his farm harvesting his
23 rice, the authorities order that the prisoners be brought before
24 the TV and radio crew for an interview and filming. The
12:41:58 25 following people: Captain Philip Palmer, Fayia Musa, Ibrahim
26 Deen-Jalloh, Dr Mohamed Barrie, and a radio operator, Ms Juliet
27 Gbessay James, were paraded before the cameras and journalists,
28 who started work immediately."

29 Is this the delegation you're talking about, Mr Fayia?

1 A. Yes, counsel.

2 Q. So whilst in Kangama, these people came to see you?

3 A. Yes.

4 Q. So that's the incident you're talking about?

12:42:22 5 A. Exactly.

6 Q. Do you agree that it was sometime in December 1997?

7 A. Yeah.

8 Q. Before we put this document away, can we go to the fifth
9 page, please. And as someone born in Kailahun, I'd like you to

12:42:39 10 look at this passage, second paragraph on this stage,

11 "Assessment". Do you see it?

12 A. Yes, I do.

13 Q. "The administration of the entire district had broken down
14 for nearly seven years now. The road condition is deplorable,

12:42:55 15 which is why the war started in that district. It was one of the
16 most neglected districts from independence to the present day.

17 The politicians sucked the district dry year in year out for the
18 past 37 years, thus breeding a fertile ground for a revolution.

19 We were considered Sierra Leoneans when it was time to harvest

12:43:17 20 our produce during the dry season. We are cut off from the rest
21 of our country during the rainy seasons. At such times we looked

22 up to Liberia and sometimes Guinea for our basic requirements.

23 We could not even speak the Krio of Sierra Leone. Instead we

24 speak the Liberian English. This is part of the reasons why we

12:43:39 25 are mistaken sometimes for Liberians. These and many more
26 reasons why we are so headstrong in putting down arms."

27 Would you agree with that assessment?

28 A. The assessment - yes, the assessment is correct.

29 Q. Yes, we can put that document away now, please. After

- 1 Kangama were you taken anywhere else?
- 2 A. Yes, after Kangama we were taken to Bunumbu.
- 3 Q. To where?
- 4 A. Bunumbu.
- 12:44:26 5 Q. Bunumbu?
- 6 A. Yeah. Bunumbu.
- 7 Q. And in what facility were you detained in Bunumbu?
- 8 A. We were detained in a house.
- 9 Q. For how long were you in Bunumbu?
- 12:44:40 10 A. We were there for about two months. I don't remember the
11 time brackets but we were there for about that. By then Monica
12 Pearson, who is now in Monrovia, was the commander there.
- 13 Q. Monica Pearson was the commander?
- 14 A. Yeah.
- 12:44:53 15 Q. Had you come across Monica Pearson before?
- 16 A. No, no. That was the first time I knew her.
- 17 Q. And what was her role in Bunumbu?
- 18 A. She was the commander there.
- 19 Q. Commander of what?
- 12:45:07 20 A. The military commander there.
- 21 Q. For which force?
- 22 A. For the RUF. Even she is a vanguard, they used to say. An
23 RUF vanguard.
- 24 Q. How were you treated by her whilst in Bunumbu?
- 12:45:23 25 A. Well, normally women are - when it comes to harshness,
26 women are different and she treated us a little moderately. We
27 were in the house. She used to allow us to sit on the veranda.
28 Even there, when they dug a dungeon for us, they actually dug a
29 dungeon for us, they went and showed us the dungeon, but she

1 refused to - she said, "This one cannot happen while I'm here.
2 These people are our own people. We cannot put them in a dungeon
3 while they are alive." So she did not accept it. So we were not
4 put in the dungeon. They actually went and showed us the
12:46:06 5 dungeon, but we were never put in it.

6 Q. So they dug a dungeon for you in Bunumbu, but you weren't
7 placed in it?

8 A. No, we were not. Not at all.

9 Q. After Bunumbu, where were you taken?

12:46:16 10 A. When we left Bunumbu, they took us to Kangama, straight.

11 Q. To Kangama again?

12 A. Yeah.

13 Q. Back to Kangama?

14 A. Yeah.

12:46:27 15 Q. For how long did you stay in Kangama?

16 A. We were there for some time. We were really there for - we
17 spent some time there. That was - we were there until Johnny
18 Paul and others left Freetown [indiscernible]. That was around
19 1998 now.

12:46:48 20 Q. That's when ECOMOG intervened and kicked out the AFRC?

21 A. Yes.

22 Q. So you were in Kangama until then?

23 A. Yes.

24 Q. Help us, why were they moving you around in this way?

12:47:07 25 A. There was a day when Chief Hinga Norman, who was the Deputy
26 Defence Minister, he called Mosquito and told him that if he did
27 not release us quickly, they were going to organise a rescue
28 mission. And that if during the course of that mission, any one
29 of us lost their lives, he - I mean, none of them would be

1 spared. That was what he said. So Mosquito believed that one.
2 He believed it so strongly, so he said, "The best thing we're
3 going to do to stop these people coming to run this rescue
4 mission is to make sure that we don't keep these people in one
12:47:54 5 place for long." So that was the reason.

6 Q. So you're back in Kangama until after the ECOMOG
7 intervention. Were you moved to somewhere else after that?

8 A. Yes. We were then taken to Kailahun.

9 Q. How long were you in Kailahun?

12:48:16 10 A. We were in Kailahun up to March 29, 1998.

11 Q. Now, help us --

12 A. March 28, 1998.

13 Q. -- where in Kailahun were you detained?

14 A. We were held in two places in Kailahun. One, in the cells
12:48:37 15 of the native administration blocks. The native administration,
16 where the paramount chief - the paramount chief has his own place
17 for prisoners, that was where we were held in the first instance.
18 That was where we were until Mosquito and others - all of them
19 came from the front back to the rear. Then they took us to the
12:49:01 20 police station, to the Kailahun police station.

21 Q. Whilst you were detained in Kailahun police station - and
22 help us, it was yourself. Who else was detained there?

23 A. Myself, Ibrahim Hassan Deen-Jalloh, Dr Mohamed Barrie,
24 Gbessay James. We were there. And Palmer.

12:49:31 25 Q. So five of you?

26 A. Five of us were there.

27 Q. Whilst you were detained in the police cells in Kailahun,
28 did something happen?

29 A. Yes. I would like to make the foundation first. When the

1 AFRC took over and invited the RUF, when Mosquito was going to
2 join them, he passed through Daru and told all the civilians who
3 were there, he said, "The war is over, so you can go back home.
4 You can go back home, the war is over. The peace we were
12:50:08 5 fighting for has come." Those people, those civilians, both old
6 and young, all of them came back to their villages in Kailahun.

7 So when he, Mosquito, and others were driven from Freetown,
8 as soon as he arrived, he gave instructions for all those old
9 people, all those civilians who came from Daru to be arrested and
12:50:34 10 brought to Kailahun. About 69 of them were arrested, including
11 some SLA soldiers. I specifically remember the name of one
12 gentleman they used to call Kaioko [phon]. He was the SLA
13 soldier, the Sierra Leone soldier that I knew that was arrested
14 with that group. One day --

12:51:06 15 Q. Where were they detained?

16 A. They were detained in the same police station where we were
17 hold. One day, very specific, 27 March, we received a message in
18 the morning that Mosquito and others were coming to see us. They
19 said to see the prisoners. When we received that message, we
12:51:33 20 were thinking that they are coming to have us freed, so we were
21 happy about it.

22 The 28th in the morning, the commanders - the young
23 commanders on the ground, they actually had taken these people to
24 go to the bush to do some brushing for them.

12:51:56 25 Q. Which people?

26 A. The civilians I'm talking about.

27 Q. Which civilians?

28 A. Those whom Mosquito had told to come back from Daru, about
29 69 of them, they had been taken to the bush to do some brushing

1 for them. Because they did not know what Mosquito was coming to
2 do; they thought he was coming to - with good news for us. So if
3 it was good news, then there was no need to be afraid of - asking
4 the people to go anywhere.

12:52:25 5 But when they came - when Mosquito came that day from the
6 police station to where he stayed and passed his instructions is
7 about 100 yards. When he came that day, he sent a message to the
8 prison to take that SLA soldier they call Kaioko and about nine
9 others, ten. He said he wanted to see them. We were there in
12:52:54 10 the cells. So when they left, about five to ten minutes, we
11 heard gunshots. It was not sporadic. It was intensive gunshots,
12 because, according to what we heard later on, he had actually
13 placed his commandos in a straight line on one side so that as
14 soon as the people come, he would do what he wanted to do with
12:53:20 15 them.

16 They said when the ten people were paraded to him, he shot
17 the first one that was in front of him. That was the soldier.
18 Then he gave instruction to his boys to fire the rest, to shoot
19 the rest. So the rest were shot down; all of them. Then he
12:53:36 20 said, "Go bring them now in fives." So the boys came - his boys,
21 his commandos came now for the other people in fives. They came
22 for the other people in fives. In fact, some people were forced
23 to kill their own fathers. He forced some people to kill their
24 own fathers there.

12:53:59 25 I remember one particular young man, one Mr Morrison, he
26 was told to kill his father from Kenewah in Kailahun. Kenewah,
27 K-E-N-E-W-A-H. So they did that until they finished killing all
28 the young people, because they did not put all of them in the one
29 cell. The older ones were put in a separate cell.

1 When they finished killing the younger ones, then they
2 said, "What about this other one, the old people?" They said,
3 "Let us go take instruction from the high command, from
4 Mosquito." They used to call him general. When they got there
12:54:42 5 he said, "Let everybody go." That was the instruction he gave.

6 So the young men came back and said - they said, "Let
7 everybody go." When we heard, "Let everybody go," we thought we
8 were also included until somebody came - one lady they call Lady
9 Sewah [phon], she is a nurse now in Kailahun - she came and told
12:55:05 10 us, "No, for you, strong instructions are that nothing should
11 happen with you people. So for you, you are free. Nobody is going
12 to kill you."

13 But it is very unrealistic to think that I will see 68
14 people die in my presence, then you say I should be comfortable
12:55:24 15 with that. So when the message came that all the old people too
16 should die, there was an uproar of crying among them in the room
17 there. In fact, Dr Barrie he fainted. Dr Barrie fainted. For
18 20 minutes he could not talk. During that message, all of us
19 heard the way the people were crying, the way they were telling
12:55:47 20 us we are gone. These are our last moment.

21 So for them, they were not shot. Whenever they came, when
22 they opened the door, they take - if you were standing at the
23 door, they just take you out and cut you into pieces. That was
24 what they did. They scattered them all over the place on 28
12:56:04 25 March 1999. That was on the Friday, I think. Friday or so. I'm
26 not too sure, but it was on the 28th. At least one survived
27 miraculously, because there were 69 people involved. One
28 survived.

29 The way he survived is a miracle and it is something he

1 will ever live to tell. When they were coming, when they
2 approached the town, at the edge of the town, there was a
3 checkpoint. The commander who was at the checkpoint there told
4 him to stay and - told him to sit there by him, because he too
12:56:41 5 did not know that Mosquito had come to organise that killing. So
6 he just say, "You come and sit down here by me. Come and help
7 me." That was how that man was not killed. I don't remember his
8 name, but they say, "But at least one person survived."

9 So the next day, 29 March 1999 - sorry, 1997 we were taken
12:57:07 10 back to Buedu.

11 Q. Before you go on, how did you feel, Mr Fayia, when these 68
12 people were being killed in your presence? How did you feel?

13 A. I felt like I would rather die with them because that was
14 not the message the RUF brought all of us. I felt like that, I
12:57:32 15 would rather die with them, because for the people whom we were
16 talking with, all of us are civilians, the people whom we are
17 talking with, we used to eat together, we sit together and chat.
18 For them to have gone in one moment was a heartbreaking situation
19 for us. It was traumatising to us, definitely. It was
12:57:56 20 traumatising. Very devastating.

21 Q. And who was responsible for ordering that killing?

22 A. Mosquito gave the instructions to do the killing.

23 Q. And he himself killed someone, you tell us.

24 A. Yes.

12:58:13 25 Q. In fact, he killed the first one.

26 A. Yes. That was what they said.

27 Q. So that was in Kailahun.

28 A. Yes, Kailahun Town itself.

29 Q. Were you detained anywhere else after Kailahun?

1 A. Yes. After Kailahun - in fact, it was the next day, they
2 said they would not keep us in town there. They said maybe that
3 killing that had happened, the information is going to go out.
4 So on 29 March 1997 they took us to Buedu.

12:58:39 5 Q. To Buedu?

6 A. Yeah.

7 Q. How long did you spend in Buedu?

8 A. We were there for about a week before they took us back to
9 Kangama.

12:58:51 10 Q. And did they continue moving you around in that way until
11 your release?

12 A. Yes, they did. In fact, in Kangama - we were in Kangama
13 for about two weeks when one day we just heard that the same
14 Mosquito says he wants to see us. The girl who brought the

12:59:09 15 message said, "You, you people, you are going to die. You have
16 betrayed us. You don't know what the chief has plan to do to you
17 people. You are going to die today." So we said, "Well, we are
18 prepared to die any time. More people had died than us, so if we
19 die, no problem about that at all." But he did not kill us.
20 They took us back to Buedu there from where --

21 PRESIDING JUDGE: You've been requested to slow down.

22 THE WITNESS: Okay.

23 PRESIDING JUDGE: Continue.

24 THE WITNESS: We were in Buedu now up until 1999, when we
12:59:40 25 were released. We were put on parole for one month before our
26 release.

27 MR GRIFFITHS:

28 Q. Pause there. At any stage during your detention were you
29 ever placed in a dungeon?

1 A. No, no, no. I only remember in Buedu where we were there
2 was there was a dungeon there, the very police station - the very
3 MP office where we were held, there was a dungeon there. But I
4 remember only two people were put there - not from our group at
13:00:23 5 all - one vanguard. A vanguard was put there by the name of
6 Georgie. A Liberian vanguard was put there for up to three
7 months, and another fellow they called Mohamed Kamara. Mohamed
8 Kamara was accused of having gone to Liberia. He was accused of
9 having gone to Liberia at the borders where they said they met
13:00:55 10 him there drunk and talking - talking everything, whatever came
11 to his mind. Mohamed Kamara was their mechanic. So when
12 Mosquito - no, that one was Issa. He was invited back to Buedu.
13 He was placed in the dungeon there for about two days - just two
14 days - when he was taken out and beaten to death. He left his
13:01:21 15 wife and two children behind.

16 Q. I ask you whether you were kept - detained in a dungeon for
17 this reason --

18 A. No, I said we were never put in any dungeon --

19 Q. Yes, and I asked you the question for this reason: On 11
13:01:37 20 June 2008, Prosecution witness TFI-539 - this is at page 11523,
21 transcript of 11 June 2008. Now, that witness told these judges
22 this, line 14:

23 "Q. Thank you. Mr Witness, when you got to Buedu now
24 please tell us what happened when you arrived?

13:02:53 25 A. Just as we arrived in Buedu and we alighted the vehicle
26 it was at that time that General Sam Bockarie called on one
27 of the SLAs who was Colonel Junior Marvin, he called him
28 immediately and ordered him to take me to the provost
29 master and that was Colonel Kaisuku and he said he should

1 hand him over to him immediately and he carried out the
2 order. He took me to the provost marshal at the MP and
3 when I got there the provost marshal said they should put
4 me in the dungeon. When I say dungeon, I mean a hole that
13:03:52 5 was dug. It was underground and it had a zinc cover on top
6 of it, and it was in there that I was placed. But I met
7 people in there: I met Fayia Musa in there; I met Dr
8 Jalloh; I met Palmer; and I met a lady whom they said was
9 Foday Sankoh's wife. I met them in the hole. I was crying
13:04:01 10 then. One amongst the people who were in the hole, Palmer,
11 advised me, saying that 'Oh, my friend, don't start crying
12 here. In here people don't cry. You are better off
13 because you are just coming in here. I have been here for
14 years. So all I will advise you is for you to shut up and
13:04:19 15 then patient, you wait and see what is going to happen.'
16 But I was refused. I was there for four days."
17 Did anything like that happen?
18 A. I don't even - well, I have said that the only place where
19 a dungeon was actually dug for us was in Bunumbu, the Nyandehun
13:04:47 20 section of Luawa Chiefdom. Was in Bunumbu. But even there the
21 commander who was there, Monica Pearson, did not accept it at
22 all. I don't even know that --
23 Q. Did such an incident occur --
24 A. No.
13:05:02 25 Q. -- when all of you were in a dungeon and some man came in
26 who was crying in the way he describes? Did it happen?
27 A. No, we never shared - in fact, the only - no, that kind of
28 thing didn't happen at all. The only thing we shared with other
29 people was the cells, the houses in Buedu where we were, we were

1 there with other - with the ECOMOG soldiers who were held
2 prisoners for - 12 of them.

3 Q. Now, while you say were in captivity, where was your family
4 and the families of the other captives?

13:05:45 5 A. My wife, Mr Deen-Jalloh's - no. My wife and Palmer's wife
6 were in Danane, Ivory Coast. Then Dr Barrie's wife, Palmer's
7 wife and Mr Deen-Jalloh's wife were in Abidjan.

8 Q. Now, did you ever have contact with them during the period
9 of your captivity?

13:06:41 10 A. Yes, there was a day when Mr Essy Amara - that happened in
11 Bunumbu. There was a day when Mr Essy Amara, the Foreign
12 Minister of Cote d'Ivoire, who was still running after the peace
13 process up to that time, when he told Mosquito that he wanted to
14 talk to us through a satellite phone that he had actually sent to
13:07:16 15 him.

16 Q. So Amara Essy sent Bockarie a satellite phone?

17 A. Yes, just for that conversation to take place. Mosquito
18 went to Bunumbu to meet us there so the conversation can take
19 place. We went to the location where he was. He called Mr Amara
13:07:43 20 Essy. Then Mr Amara Essy spoke with him and he said, Let me talk
21 with them now because the international community and their wives
22 don't believe that these people are alive. And I, the moral
23 guarantor, chief negotiator of the Abidjan Peace Accord, all of
24 them believe that I should carry a greater responsibility to
13:08:16 25 ensure their security - their safety, so let me talk to them,
26 please. First of all, I want to know if they are alive so that I
27 can inform their wives. He agreed. Then he put us on one by
28 one. All of us spoke to Mr Essy Amara.

29 Q. Did you speak to anybody else?

1 A. Yes, when we spoke to Mr Essy Amara, that very day Mr Amara
2 told him, he said yes, I know them by their voices. I have
3 spoken to them; I have heard them. I will tell their wives. I
4 will give them the message that I have spoken with their
13:09:03 5 husbands, but this is not going to be enough for the
6 international community. The international community is bigger
7 than me, so what you will need to do, I beg you, allow them to
8 talk to the media. So they tried to get the BBC, but they were
9 not able. That day we were also blessed that I had the BBC Focus
13:09:34 10 on Africa in my head, so I told them if you find it difficult,
11 then give me the phone, let me try. They gave me the phone. I
12 dialled the BBC Focus on Africa number, and the people came on.
13 Josephine Hazeley was invited to interview me, but she no, let me
14 don't do it. Because if I do it - I was held from the
13:09:55 15 background. If I do it, people are going to say that I am lying.
16 The whole place was shaky. So they sent Tom Porteous. They
17 said, Tom, you come and talk to this man. Fayia is on the line.
18 Tom Porteous came and interviewed me. That was the day he asked
19 me where I was. I told him I was in a goat pen. I was not
13:10:18 20 actually in a goat pen, but it was Mosquito who told me to say
21 that. He wanted to portray himself as a great hero. He told me
22 to say that I was in a goat pen, but I was seated right outside.
23 He said, Tell them that you are in a goat pen. I said okay.
24 Then I said, "I am in a goat pen." So that was how the
13:10:40 25 international community was able to know that we were alive. But
26 even there were some people later on told us that they did not
27 believe that we were actually up - that was my voice.

28 PRESIDING JUDGE: Mr Griffiths, before I lose sight of
29 this, I would like a clarification on the date of when these 69

1 people in Kailahun were murdered. The witness said at page 85 -
2 when you asked him, "How long were in Kailahun?" he answered at
3 line 8, "We were in Kailahun at March 29, 1998."

4 THE WITNESS: Correct.

13:11:17 5 PRESIDING JUDGE: Now, later on you asked him when these 68
6 people were murdered, and he said they were murdered on 29 March
7 1999, and then corrected himself to 29 March 1997; you see? So
8 if I will ask you, Mr Witness, again: When were these 68 people
9 murdered?

13:11:47 10 THE WITNESS: I am sorry about that, but - I'm very sorry
11 about that. They were murdered on the 28th and I went ahead to
12 say that --

13 PRESIDING JUDGE: Of which year? The important question is
14 the year.

13:12:00 15 THE WITNESS: 1998.

16 PRESIDING JUDGE: Thank you.

17 MR GRIFFITHS:

18 Q. So you spoke to the BBC?

19 A. Yes.

13:12:13 20 Q. Now I was to have asked you: Were you at any stage
21 detained with Foday Sankoh's wife, as suggested by the
22 Prosecution witness whose statement I read to you?

23 A. Well, Foday Sankoh - each of the girls he slept with, they
24 used to refer to them as his wife. They are actually referring
13:12:37 25 to Juliet James, if that is what he meant. Because Juliet James
26 was one of his concubines.

27 Q. Oh, I see. Amara Essy, the Ivorian Foreign Minister, as
28 you told us, sent that satellite phone to Bockarie in order to
29 check on your welfare. Is that right?

1 A. Yes.

2 Q. Did any other leader in the sub-region to your knowledge
3 contact Bockarie about your welfare?

4 A. Yes, I remember when we were in Buedu - when we were in
13:13:24 5 Buedu, by then all of them had come back. One day we were taken
6 out of the cells and taken to Mosquito's house, where we met
7 Mr Musa Cisse. He said he had been sent there by Charles Taylor
8 to talk on our behalf so that we would be put either on parole or
9 released. But when he gave the message, Mosquito said the only
13:13:50 10 thing he can do for us without anybody's instruction is to kill
11 us. He said but for him to say he can release us - he said even
12 if Foday Sankoh himself sent a message to him to have us
13 released, he said he would not do it until he was back. So he
14 refused to release us, even to put us on parole.

13:14:11 15 Q. Who had sent Musa Cisse?

16 A. Mr Musa Cisse said he was sent there by Charles Taylor to
17 talk to Foday Sankoh - Mosquito to beg him to have us released --

18 Q. Did Musa Cisse say why Charles Taylor wanted you released?

19 A. Well, when we went - because Musa Cisse we knew ourselves
13:14:34 20 in Ivory Coast when we went there. He said he had been sent by
21 Charles Taylor to talk to Mosquito on our behalf so that - first
22 of all, to save our lives; secondly, so as the peace process can
23 have some kind of a start.

24 Q. So that's why Charles Taylor had sent Musa Cisse to
13:14:55 25 Mosquito?

26 A. Yeah. According to Musa Cisse, that was what he sent him
27 for.

28 Q. Now, did Mosquito follow - take that advice?

29 A. I have already said it, no, he did not, because Mosquito

1 said he would not take anybody's - for our release, he said, if
2 Foday Sankoh himself told him to release us, he said he would not
3 do it until Foday Sankoh was back.

13:15:20 4 Q. Can you help us as to a time when this envoy, Musa Cisse,
5 was sent by Charles Taylor?

6 A. That was the time when the peace process was on.

7 Q. Which peace process?

8 A. The Lome peace arrangement was on. That was the time.
9 When the Lome Peace Agreement was on.

13:15:37 10 Q. Now, the Lome Peace Agreement was signed in 1999, yes?

11 A. Yeah.

12 Q. Was it prior to the signing that Musa Cisse was sent by
13 Charles Taylor?

14 A. Of course. It was prior to the signing.

13:15:52 15 Q. Whilst you were in custody, Mr Fayia, were you ever given a
16 trial or court-martial by the RUF?

17 A. Yes. There was a day when Mosquito - we did not know that
18 he had met with the War Council and they had come to an agreement
19 to have us tried. They tried us - according to them, they tried

13:16:20 20 us in a court-martial. They marched all of us to the hall where
21 they were waiting us with all the scars - not scars, with all the
22 wounds, because the wounds have just got - we were so messed up,
23 the wounds were very, very fresh. Flies were all over our
24 bodies. They told us to go inside there to be tried, and the
13:16:45 25 judge was one Mr Bai ndah. One Mr Bai ndah was the judge. He has
26 gone back to Li beri a.

27 Q. How do you spell hi s name?

28 A. Bai ndah, B-A-I -N-D-A-H.

29 Q. And was he a Li beri an?

1 A. No. He's a Sierra Leonean who was in Liberia working. He
2 is a Sierra Leonean from Pendembu.

3 Q. So he was the judge. Were you represented?

13:17:19

4 A. We were represented by one vanguard they called Prince
5 Taylor. He was our lawyer.

6 Q. How long did the trial last?

7 A. The trial lasted for - I think for about 30 minutes.

8 Q. And what evidence was brought against you?

13:17:39

9 A. They said we should say yes to the allegation that we
10 betrayed Foday Sankoh and took money from the international -
11 from the United Nations and the government of Kabbah to have him
12 arrested, so we should say yes to that one.

13 Q. And did you say yes?

13:17:57

14 A. They told us if we did not say it, they would kill us there
15 because that was the day we were going to die, so we had to say
16 yes so that we can be released.

17 Q. And were you sentenced in any way?

13:18:14

18 A. We were sentenced to death, that was what they said. But
19 the whole thing was - I think they were just making a kind of
20 caricature of the trial - of a fair trial. We were not killed.

21 Q. And when was this so-called trial held?

22 A. It was held before they were driven from Freetown.

23 Q. So it was before the ECOMOG intervention?

24 A. Yes, it was before the ECOMOG intervention.

13:18:52

25 Q. Now, whilst you were in custody, were you able to follow
26 events?

27 A. Yes. When we were - when Johnny Paul invited Mosquito and
28 others to go to Freetown to meet him to join them on the orders
29 of Foday Sankoh, which was endorsed by Foday Sankoh, on his first

1 visit to Buedu he brought us a radio set. He said, "This is a
2 privilege for you so that you will be able to follow our
3 successes so that the worries will kill you people. I'm not
4 giving you this radio to keep you happy. I'm just giving you
13:19:34 5 this radio so that you will follow our success and then you will
6 die in the cells there." Then he instructed his commanders to
7 make sure that that radio was always full with new batteries and
8 that one they did it. So we were always completely abreast of
9 what was happening outside.

13:19:54 10 Q. And were you, for example, able to follow the talks that
11 were going on in Lome which eventually led to a peace agreement?

12 A. Yes, we did. Even the takeover. When the takeover
13 happened by Johnny Paul, by then we were there with the Nigerian
14 ECOMOG soldiers who were held as prisoners of war. I made the

13:20:23 15 prediction, when we heard it on the radio by 3 o'clock, I said,
16 "If Foday Sankoh identifies himself with that coup, it will be
17 the most serious mistake he would make in his life." I said, but
18 he is going to do it because he has ever been looking for that
19 kind of opportunity, an opportunity that will give him power by
13:20:44 20 military means. I said he is going to do it. So he --

21 Q. Pause for a minute. Why did you think that would be a
22 serious mistake?

23 A. Because he had signed an accord that did not make provision
24 for any other fighting, an accord that had prescribed cessation
13:21:07 25 of hostilities, an accord that had made provision for amnesty for
26 him. So for him to do anything after that one was like rejecting
27 the conditions of that accord and then accepting any punishment
28 that would follow that.

29 Q. You were going on to say something else when I interrupted

1 you.

2 A. I forgot.

3 Q. Very well. Now, so far as the talks going on in Lome was
4 concerned, did you get to hear from your prison cells as to
13:21:42 5 whether or not Charles Taylor was playing a role in that?

6 A. In the Lome Accord?

7 Q. In the arrangements for those talks to take place.

8 A. Directly, no, I don't remember. The only thing that I
9 remember very well was when Kofi Kokokoh, the Foreign Minister of
13:22:32 10 Togo, was coming, that was the day he came with Musa Cisse.

11 Q. How do you spell the name of the Foreign Minister of Togo?

12 A. Kofi Kokokoh.

13 Q. Could you spell that for us?

14 A. K-O-F-I, Kofi.

15 Q. Surname?

16 A. The surname, I am not too sure of the correct spelling, but
17 it probably is K-O-K-O-K-O-H.

18 Q. So he came with Musa Cisse, did he?

19 A. Yeah, they came together.

13:23:05 20 Q. Did anybody else come with them?

21 A. Our condition was so bad that for me to remember that
22 particular day, all those whose died, I don't know remember,
23 except the ones who came for our own interest.

24 Q. But in any event, at least those two came to say you, the
13:23:28 25 Foreign Minister of Togo --

26 MR KOUMJIAN: I believe the witness didn't say that the
27 Foreign Minister came to see him.

28 THE WITNESS: No, I don't say that.

29 MR GRIFFITHS:

1 Q. What do you say about the Foreign Minister?

2 A. I said the Foreign Minister of Togo came for peace
3 arrangements. That was the time they were organising for the
4 peace talks in Togo.

13:23:44 5 Q. Came where?

6 A. Came to Buedu to meet Mosquito. That was the day he came
7 with Mr Musa Cisse.

8 Q. To speak to Mosquito?

9 A. To speak to Mosquito.

13:23:55 10 Q. Did you meet the Foreign Minister of Togo?

11 A. We saw him, but we did not meet him.

12 Q. Was that the occasion on which you spoke to Musa Cisse?

13 A. Yes.

14 Q. To your knowledge, whilst in detention, was Mosquito in
13:24:19 15 contact with Charles Taylor?

16 A. No, I don't know about that, because the only thing I can
17 say is, Musa Cisse came from Charles to see Mosquito about us, so
18 it is possible there was some contact.

19 Q. Now, in due course you were released in 1999, yes?

13:25:12 20 A. Yeah, August 1999.

21 Q. August 1999. And was it a condition of the Lome Peace
22 Agreement that you be released?

23 A. Yes. The condition - that was one of the key conditions,
24 the release of all prisoners of war and political prisoners.

13:25:33 25 Q. And upon your release, how did you leave Kailahun District?

26 A. We left Kailahun - the ECOMOG truck came to collect us from
27 Kailahun to Daru. From Daru to Kenema.

28 Q. And then from Kenema?

29 A. To Freetown by helicopter.

1 Q. How long did you stay in Freetown?

2 A. We were in Freetown up to 28 September 1999.

3 Q. And where did you go then?

4 A. We went to Abidjan to our families.

13:26:10 5 Q. And were you reunited with your family?

6 A. Yes.

7 Q. Were all five of you released at the same time?

8 A. All five of us were released the same time.

9 Q. What had happened, by the way, to Ambassador Jabbie?

13:26:25 10 A. Ambassador Jabbie, he - since the soldiers were his
11 colleagues, he - as soon as the Johnny Paul takeover took place,
12 they sent for him almost the same week. He left for Freetown.

13 Q. So Ambassador Jabbie was in custody from your arrest in '97
14 through to the AFRC coup in May 1998?

13:26:53 15 A. No, 1997.

16 Q. What am I saying? You tell me. When was Ambassador Jabbie
17 arrested with you?

18 A. We were arrested the same day, March 29.

19 Q. Which year?

13:27:08 20 A. 1997.

21 Q. Yes. And he remained in custody until when?

22 A. He remained in custody until the May 25 military takeover
23 by Johnny Paul.

24 Q. Then he was released?

13:27:29 25 A. He was released.

26 Q. Thank you. My fault entirely. Now, upon arriving in
27 Abidjan, did you write to anyone?

28 A. Say it again.

29 Q. When you arrived in Abidjan, did you write to anyone?

1 A. Yes. Not only in Abidjan. When we came to Freetown, I
2 wrote to all Sierra Leoneans through an open letter. I sent a
3 copy of the letter to the presidential spokesman by then,
4 Dr Kai-Kai. Then the other copy was published in the newspaper
13:28:23 5 in Freetown thanking them for everything that they did to have us
6 saved from the intentions of Mosquito.

7 Then when we came to Abidjan, I told our - I mean, I told
8 my colleagues - Mr Deen-Jalloh, Juliet James, Palmer and
9 Dr Barrie - that it was important for us to communicate with
13:28:49 10 Charles Taylor too.

11 Q. Why?

12 A. To tell him thanks for all that he had done for the Sierra
13 Leone peace process up to the time we were released.

14 Q. Could we have a look, please, at exhibit D-86. Do you
13:29:31 15 recognise this document?

16 A. Yes, I do.

17 Q. Who wrote it?

18 A. I wrote it, on behalf of my colleagues.

19 Q. We see it's dated 15 January 2000, yes? Do you see that?

13:30:00 20 A. Yeah.

21 Q. The date, 15 January 2000. And can we see at the top that
22 it appears this letter is a fax. Having written the letter, how
23 did you communicate it to Charles Taylor?

24 A. It was faxed to the Foreign Ministry in Liberia.

13:30:19 25 Q. Did you ever receive a response to this letter?

26 A. No. In fact I thought that he did not receive it because
27 even the fax number, it was Dr Sebo who organised for us to get
28 the fax number. We never received a reply. We thought he did
29 not receive it at all.

1 Q. Now we see it's from Messrs Fayia Musa, Ibrahim
2 Deen-Jalloh, Philip Palmer and Juliet G James:

3 "We write to express our heartfelt gratitude to you for the
4 all round role you played through your special envoys and
13:31:00 5 personal contacts with the Revolutionary United Front high
6 command in the global search for peace in Sierra Leone and our
7 release from the RUF incarceration where we were held
8 uncommunicatively for three long, dark years. Every minute of
9 our imprisonment was a nightmare but the patient of patriotism
13:31:24 10 and the resilience of prisoners of conscience played a combined
11 and unique role to render us the courage we needed so much to
12 survive the entire ordeal."

13 Special envoys, who were they?

14 A. One of them was Musa Cisse.

13:31:41 15 Q. And personal contacts with the Revolutionary United Front,
16 how did you know about that? Second line.

17 A. I was involved in the journey to Accra with him, so that
18 was the personal contact I am referring to concerning the peace
19 process, because he said that was where he was going to start
13:32:00 20 with us.

21 MR GRIFFITHS: I note the time, Madam President.

22 PRESIDING JUDGE: Yes, Mr Griffiths. We will adjourn until
23 2.30 this afternoon.

24 [Lunch break taken at 1.32 p.m.]

14:28:26 25 [Upon resuming at 2.30 p.m.]

26 PRESIDING JUDGE: Good afternoon. Mr Griffiths, please
27 continue.

28 MR KOUMJIAN: Could I interrupt my colleague for a moment
29 to announce a change of appearance. We're joined by Mr Bangura

1 on the Prosecution side.

2 PRESIDING JUDGE: Thank you, Mr Koumjian.

3 MR GRIFFITHS:

14:32:40

4 Q. Mr Fayia, before the Luncheon adjournment we were looking
5 at a letter you wrote to President Charles Taylor in January
6 2000, yes?

7 A. Yes.

8 Q. Now, the letter continues:

14:33:03

9 "Most gratifying, although indeed the least unexpected, was
10 the presence of Mr Musa Sesay holding an anterior position and
11 playing a central role on the delegation that went to hold the
12 ground-breaking meeting with Foday Sankoh's General Samba
13 Bockarie at his Buedu military citadel in 1999."

14:33:25

14 Are you there referring to the visit by Musa Cisse to you
15 when were you in custody?

16 A. Yeah, I now remember.

14:33:43

17 Q. "Your Excellency, sir, we would like to distance ourselves
18 from the anguish of unnecessary indebtedness to Your Excellency
19 and the good body politic of the great Republic of Liberia by
20 make the avowal that the inclusion of Mr Musa Sesay on the above
21 mentioned delegation is extremely timely and a show of
22 unprecedented Liberian diplomatic excellence and finesse.

14:34:05

23 Frankly speaking, by the genuine assessment of all and
24 sundry that lay any degree of claim on a relationship with and
25 knowledge of the RUF, Mr Musa Sesay's appearance at Buedu on that
26 delegation presented a political frolic and a fully fledged and
27 awe inspiring team bearing more overpowering diplomatic pressure
28 on the Revolutionary United Front than any prince of peace
29 anywhere on the globe would have done. And to personalise the

1 entire undertaking and its impact on the Sierra Leonean crisis we
2 clearly saw and categorised the role of Mr Musa Sesay on that
3 mission as the voucher of the credibility of your own commitment
4 to the restitution of peace to Sierra Leoneans for which we say
14:34:47 5 with one voice thank you, thank you, thank you.

6 Upon your eventual arrival in Freetown we pledge with
7 unequivocal stance to join the maintain of the flurry of
8 activities that are directed towards the restoration of
9 sustainable peace and stability to Sierra Leone and to follow up
14:35:02 10 on that pledge we are poised to leave for Freetown before the end
11 of this month with a view to joining our compatriots par
12 excellence in a unified forcible peace effort.

13 And if it would please Your Excellency we would prefer to
14 visit your great city and its warm hearted people including Your
14:35:23 15 Excellency on our way to Freetown whenever we receive the green
16 light from Your Excellency within the time bracket mentioned
17 above. We wish Your Excellency the best of whatever your
18 aspirations are for your people and for yourself."

19 Now, where you say in the third paragraph from the bottom
14:35:39 20 "your own commitment to the restitution of peace to Sierra
21 Leoneans", did you believe that?

22 A. Yes, I did. I did.

23 Q. In your view, did President Charles Taylor play an
24 important role in bringing peace to Sierra Leone?

14:35:55 25 A. Yes, he did.

26 Q. And the sentiments you express in that letter, Mr Witness,
27 do you vouch for all of them?

28 A. Yes, I do.

29 Q. And do you still support those sentiments?

1 A. Yes, I do.

2 Q. Before we move on, I would like to draw your attention to a
3 couple of documents which deal with your period of incarceration.

4 Could we put that exhibit away, please. And I wonder if we could

14:36:38 5 have brought to the overhead exhibits D-9 and D-84. Now, could

6 we have exhibit D-9 put on the screen, first of all, please.

7 Now, the two documents I'm going to show to you, Mr Fayia, are

8 salute reports prepared for Foday Sankoh upon his return to

9 Sierra Leone following the Lome Accord. Do you follow me?

14:37:53 10 A. Yes.

11 Q. And these reports were to, in effect, brief him as to what
12 happened in RUF-held territory during his absence. Do you

13 follow?

14 A. Yeah.

14:38:05 15 Q. He having been away from early 1996 until 1999. Do you
16 follow?

17 A. Yes.

18 Q. Now, I've already directed your attention to the second
19 paragraph in this first document, and you will see that this is a

14:38:23 20 salute report from Major General Sam Bockarie. Do you see that
21 at the top?

22 A. Yes, I do.

23 Q. And you indicated when I showed you this document before
24 that you had never seen the document prior to me producing it

14:38:36 25 here in Court. Is that true?

26 A. Yeah.

27 Q. Let's look now, please, at the final paragraph in this
28 document:

29 "It came as a surprise to learn that the leader had been

1 arrested in Nigeria and an even bigger surprise when Captain
2 Philip Palmer and others announced a change in the leadership of
3 the RUF. I was able to lure them to the Sierra Leone and Guinea
4 border crossing of Nongowa and pretending that I was in support
14:39:06 5 of their actions, I was able to lure them across the river into
6 RUF zone. I arrested all of them and obtained statements from
7 them implicating the Kabbah government in the arrest of the
8 leader and indicating a greater international conspiracy to
9 change the leadership of the RUF. These statements will be
14:39:25 10 presented to you as evidence."

11 Did you make written statements to Sam Bockarie to that
12 effect?

13 A. We were interviewed. It was after the statements - sorry.
14 It was before the statements, they told us to - we were tried
14:39:52 15 before the statement - [indiscernible] with the statements.

16 Q. So you are tried first and then statements were obtained
17 from you?

18 A. Yeah. Because they wanted to document what we said.

19 Q. And what did you say in this statement?

14:40:05 20 A. They said we have to say that we were bribed by President
21 Kabbah to connive with him to have Mr Sankoh arrested in Nigeria,
22 otherwise we'll be killed.

23 Q. Now, could we put that document to one side. But do not
24 put it away completely, because we'll be going back to it
14:40:38 25 shortly. Can we now put on the screen exhibit D-84, please.

26 Now, what we have here, Mr Fayia, is another salute report. This
27 one, however, is from Issa Sesay to Foday Sankoh. Do you see?

28 A. Yes, I do.

29 Q. And you see it's dated 27 September 1999?

1 A. Uh-huh.

2 Q. Again, have you seen this document before?

3 A. No. Never.

4 Q. Can we go, please, to the second page of the document.

14:41:16 5 Third paragraph:

6 "It became obvious to us on the ground that the Abidjan
7 Accord was nothing but paper, as the Kamajors were being used
8 against us with vicious attacks on our positions.

9 It was not long before we heard that the leader had been
14:41:32 10 arrested in Nigeria, and as we were trying to understand the
11 circumstances of your arrest and implications to the RUF, we
12 learned that Philip Palmer, Fayia Musa and other members of the
13 external delegation were now claiming leadership of the RUF."

14 Let us pause there. Did you and Philip Palmer claim
14:41:58 15 leadership of RUF?

16 A. Never. We never did that.

17 Q. "General Mosquito contacted Palmer, telling him that since
18 this was the action that they had taken, it was necessary for
19 them to come back behind our lines and brief the military high
14:42:13 20 command and combatants accordingly. Palmer and others eventually
21 agreed to meet us at the Nongowa crossing point. There amidst
22 drumming and dancing to receive them, the general was able to
23 persuade all of the coup plotters, including the Sierra Leone
24 ambassador to Guinea, Lieutenant Colonel Djabi, to cross over
14:42:39 25 into RUF zone. They were promptly arrested and their statements
26 revealed an international conspiracy, to which they were party,
27 aimed at changing the leadership of the RUF. They have since
28 been in custody until your recent instruction to release them."

29 Do you recall Mosquito contacting Palmer as suggested at

1 the beginning of that paragraph?

2 A. No.

3 Q. Very well. Let's put that document away and can we go back
4 to D-9, please. Before we put these two exhibits away could we
14:43:27 5 look at page 3, first of all, of D-9. Now the writer of this is
6 talking about the period of the AFRC coup and in the third
7 paragraph he says this:

8 "In Freetown I was met by Mr Steve Bio and Gibril
9 Massaquoi who informed me that Mr Bio had been sent to me with
14:44:03 10 instructions from the leader and that he was to assume the office
11 of administrative head of the RUF. This request was denied by me
12 as I did not trust them and had begun to suspect a clandestine
13 bond between the two."

14 Now remember, this is at the time of the AFRC coup. So
14:44:25 15 this is shortly after - this is within months of Sankoh being
16 arrested in Nigeria with those same two men, Steve Bio and Gibril
17 Massaquoi. Now help me. Did you know about Sankoh sending Steve
18 Bio and Gibril Massaquoi to meet with the AFRC?

19 A. Yeah, I have said that one earlier.

14:44:48 20 Q. Okay. Miss a few lines:

21 "Meanwhile, unknown to either of us, Steve Bio and Gibril
22 went to Kenema and tried to persuade Brigadier Issa to back them
23 in convincing me to support a coup led by Steve Bio."

24 Do you know anything about that?

14:45:09 25 A. Yes. They told us that - in fact that was the time they
26 said they arrested Steve Bio - Mosqui to said he had arrested
27 Steve Bio and Gibril Massaquoi in Freetown. I think it was in
28 Freetown

29 Q. Miss the next paragraph:

1 "I left Freetown and went to Kenema. Upon my arrival in
2 Kenema I was briefed by Brigadier Issa on the intentions of Steve
3 Bio and Gibril. I briefed Brigadier Issa on the situation in
4 Freetown and instructed him to effect the arrest of Mr Steve Bio
14:45:42 5 and Gibril and to turn them over to the AFRC for investigation.
6 They remained in the custody of the AFRC when we retreated from
7 Freetown."

8 So that's the incident you were talking about. Can we go
9 to page 5 now, please. Now, the other matter I want to ask you
14:46:01 10 about is this: Do you recall telling us about speaking to the
11 BBC on the satellite phone which had been sent to Bockarie by the
12 Foreign Minister of the Cote d'Ivoire?

13 A. Yes, I do.

14 Q. Now, you told us that at the time everyone was searching
14:46:23 15 for the telephone number for the BBC and you had it in your head,
16 yes?

17 A. Yes, I did.

18 Q. Now prior to you making that call to the BBC and speaking
19 to - is it John Porteous?

14:46:39 20 A. Tom.

21 Q. Tom Porteous. To your knowledge, was Bockarie in contact
22 with the international media prior to that?

23 A. You mean Sam Bockarie?

24 Q. Yes.

14:46:53 25 A. I don't really remember that.

26 Q. You don't remember that?

27 A. No.

28 Q. The reason I ask is this. If we look at the third
29 paragraph in this page:

1 "Sir, during this period I had been in contact with various
2 diplomats and other international agencies such as the United
3 Nations, Commonwealth, OAU, ECOWAS and even the Sierra Leone
4 government with a view of effecting your release and a negotiated
14:47:17 5 settlement of the Sierra Leonean crisis. These bodies lent deaf
6 ears to my propositions, as they thought that the Kabbah
7 government would be able to achieve military victory."

8 The simple question is this: Were you aware of Bockarie
9 making such overtures to the international community?

14:47:36 10 A. No.

11 Q. You were not?

12 A. No, no.

13 Q. Thank you. Next to page 10, please. Last paragraph on the
14 page:

14:48:01 15 "When we first retreated from Freetown I contacted the
16 Government of the Ivory Coast and in particular the Foreign
17 Minister Mr Amara Essy. I also contacted the guarantors of the
18 Abidjan Peace Accord to impress on them the fact that our leader
19 was still illegally being held by the Nigerian government and
14:48:20 20 that a negotiated settlement was the only way in which peace and
21 security could return to Sierra Leone. I even contacted the
22 government of Tejan Kabbah in Freetown to convince them to
23 release you and to threaten that if they continued to exercise
24 the military option, we the RUF would push for total military
14:48:41 25 victory and would escalate the war to a point beyond
26 imagination."

27 First of all, were you aware of this contact between
28 Bockarie and the Foreign Minister Mr Amara Essy seeking the
29 release of Sankoh?

1 A. No, I was not aware of that. The only time we actually
2 knew that he was in contact with him was when he - when he called
3 - sorry, when he met us in Buedu and said that Amara Essy wanted
4 to speak to us on satellite phone.

14:49:22 5 Q. Okay, fine. That is all I ask about those two documents so
6 they can be put away now. Now, upon your release you tell us
7 that you eventually ended up in Abidjan. Did you remain in
8 Abidjan?

9 A. When we arrived in Abidjan on 29 September 1999, we - I
14:50:06 10 went to Danane. I went to Danane on 3 October 1999 to meet my
11 family.

12 Q. And did you remain with your family in the Ivory Coast
13 thereafter?

14 A. Yes, I remained there until - until when their own conflict
14:50:26 15 broke out in 2000 - 2001.

16 Q. And when that conflict broke out what did you do?

17 A. I left the country. I went to Ghana. I arrived in Ghana
18 on 31 December 2002.

19 Q. Have you remained in Ghana since?

14:51:11 20 A. Yes, I was in Ghana up to there, up to that time.

21 PRESIDING JUDGE: I don't think that's the question that
22 you were asked. Have you remained in Ghana since?

23 THE WITNESS: Yes, your Honour.

24 PRESIDING JUDGE: "Since" meaning "to date".

14:51:28 25 THE WITNESS: Yes, that's what I mean. Up to now my family
26 is there.

27 MR GRIFFITHS:

28 Q. And in Ghana in what circumstances are you residing there?

29 A. I'm a refugee there.

1 Q. And following your release, Mr Fayia, have you had any
2 contact with the RUF?

3 A. No. No, no contact at all.

4 Q. Have you remained in contact with your fellow captives,
14:52:10 5 Ibrahim Deen-Jalloh and the others?

6 A. We were together for some time, but since Dr Barrie went to
7 Kanu [phon] and Mr Deen-Jalloh and Palmer came over to Freetown,
8 no, no contact with them at all.

9 MR GRIFFITHS: Madam President, there is a short matter
14:52:34 10 that I would like to raise with your Honours in the absence of
11 the witness. The witness need not go far. And also this
12 application will, sadly, have to be in private session for
13 reasons which will become immediately apparent.

14 PRESIDING JUDGE: Madam Court Officer, if you would arrange
14:53:01 15 to have the witness escorted out momentarily.

16 MR GRIFFITHS: Madam President, can I ask that the witness
17 not be taken down to the third floor, I know there's a room here,
18 because I don't anticipate that this is going to take too long.

19 PRESIDING JUDGE: Certainly. I will also request that we
14:53:37 20 go into private session. This is for matters of security of
21 certain witnesses, I would imagine.

22 MR GRIFFITHS: Yes, it is.

23 PRESIDING JUDGE: Thank you.

24 [At this point in the proceedings, a portion of
25 the transcript, pages 39155 to 39168, was
26 extracted and sealed under separate cover, as
27 the proceeding was heard in private session.]

28

29

1 [Open session]

2 [In the presence of the witness]

3 MS IRURA: Your Honour, we're in open session.

16:32:49

4 PRESIDING JUDGE: Now, Mr Fayia, just the apologies for
5 keeping you waiting in the corridors. We had hoped that the
6 matter that we were handling would be brief, but it turned out
7 not to be brief and now in view of the time we have to adjourn to
8 tomorrow, so you have to continue your testimony tomorrow. But I
9 caution you, as I normally do, not to discuss your testimony
10 until you are done with your testimony. Proceedings are
11 adjourned to tomorrow, 9.30.

16:33:13

12 [Whereupon the hearing adjourned at 4.33 p.m.
13 to be reconvened on Friday, 16 April 2010 at
14 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-306	39053
EXAMINATION-IN-CHIEF BY MR GRIFFITHS	39053