



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

WEDNESDAY, 15 OCTOBER 2008  
9:30 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

Justice Richard Lussick  
Justice Julia Sebutinde  
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Advera Kamuzora  
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis  
Mr Alain Werner  
Mr Christopher Santora  
Ms Kathryn Howarth  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Ms Emily Mitchell

1 Wednesday, 15 October 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:44 5 JUDGE LUSSICK: Yes, good morning. We'll take appearances  
6 first, please.

7 MR WERNER: Good morning, Mr President, your Honours. Good  
8 morning, counsel opposite. For the Prosecution this morning is  
9 Brenda J Hollis, Christopher Santora, Maja Dimitrova and myself,  
09:32:04 10 Alain Werner.

11 MR MUNYARD: Good morning, Mr President, your Honours,  
12 counsel opposite. For the Defence there is Courtenay Griffiths  
13 QC, myself Terry Munyard and Ms Emily Mitchell.

14 JUDGE LUSSICK: Thank you, Mr Munyard. Yes, call your next  
09:32:22 15 witness please, Mr Werner.

16 MR WERNER: Yes. Mr President, the next Prosecution  
17 witness will be TF1-304. He is a 92 bis witness covered by your  
18 decision of yesterday given orally. Now we need to - again we  
19 need to rescind some protective measures, because this witness -  
09:32:47 20 we spoke with this witness and this witness told us that he would  
21 like to testify openly. Now, he is a Category 1 witness covered  
22 by the decision of 5 July 2004. His name is not in any of the  
23 annexes and again we are raising this point to the extent that  
24 our position is that these protective measures apply to the  
09:33:12 25 witnesses covered by the Category 1.

26 JUDGE LUSSICK: Thank you, Mr Werner. Would I be correct  
27 in assuming, Mr Munyard, that you would not object subject to the  
28 position you have taken with regard to this 2004 decision?

29 MR MUNYARD: Absolutely right, your Honour. Our position

1 is obviously we don't object to the witness testifying in open  
2 session, but clearly we maintain our position about Category 1  
3 witnesses and the arguments we've raised hitherto. There was an  
4 appeal pending on the first of those witnesses. That has now  
09:33:50 5 been abandoned, but our position hasn't been abandoned.

6 JUDGE LUSSICK: Yes, thank you, Mr Munyard.

7 Well, the Trial Chamber will note that this witness will be  
8 testifying without any protective measures. The current Trial  
9 Chamber decision, which we understand there are applications for  
09:34:18 10 leave to appeal, is that this witness would not be covered by the  
11 protective measures mentioned in the 5 July 2004 decision of  
12 Trial Chamber I and therefore we find the current Prosecution  
13 application to rescind those protective measures to be redundant.

14 Yes, thank you, Mr Werner. If you could --

09:34:55 15 MR WERNER: Yes, so the name of the next witness is Sahr  
16 Charles, TF1-304. He will testify in Kono language and he is a  
17 Christian.

18 JUDGE LUSSICK: I wonder if you could spell that name for  
19 us too, please.

09:35:11 20 MR WERNER: Yes, your Honour. Sahr would be S-A-H-R and  
21 the family name Charles would be C-H-A-R-L-E-S.

22 JUDGE LUSSICK: Thank you.

23 WITNESS: SAHR CHARLES [Sworn]

24 EXAMINATION-IN-CHIEF BY MR WERNER:

09:37:10 25 Q. Good morning, Mr Witness.

26 A. Good morning.

27 Q. Mr Witness, can you give your name to this Court?

28 A. Yes.

29 Q. Please do so.

- 1 A. My name is Sahr Charles.
- 2 Q. And are you able to spell your name for this Court?
- 3 A. Yes.
- 4 Q. Please do so.
- 09:37:49 5 A. S-A-H-R C-H-A-R-L-E-S.
- 6 Q. Do you know your date of birth, Mr Witness?
- 7 A. Yes, they told me. My father told me.
- 8 Q. And what is your date of birth?
- 9 A. I was born in 1959.
- 09:38:22 10 Q. And do you know your place of birth?
- 11 A. Yes.
- 12 Q. What is your place of birth, Mr Witness?
- 13 A. I was born in Tombodu, Kamara Chiefdom.
- 14 Q. And do you know in which district is Kamara Chiefdom?
- 09:38:49 15 A. Yes.
- 16 Q. Which district is that, Mr Witness?
- 17 A. Kono District.
- 18 Q. Do you belong to any tribe?
- 19 A. I speak Kono and Krio.
- 09:39:13 20 Q. And do you belong to any tribe?
- 21 A. I speak Kono.
- 22 Q. Mr Witness, are you Kono by tribe?
- 23 A. Yes.
- 24 Q. And did you go to school, Mr Witness?
- 09:39:43 25 A. Yes.
- 26 Q. And what is your level of education?
- 27 A. I stopped at Class 7, because I have left school for quite
- 28 a long time now. Standard 5.
- 29 Q. And which languages do you speak, Mr Witness?

1 A. I speak Kono and Krio.

2 Q. Now, Mr Witness, do you remember testifying in Freetown in  
3 January 2005 in the case Prosecutor v Sesay, Kallon and Gbao, the  
4 RUF case on the --

09:40:39 5 A. Yes.

6 Q. Let me finish. During four days on 12 January, 13, 14 and  
7 17 January 2005, do you remember that?

8 A. Yes.

9 MR WERNER: Could I ask a transcript to be placed in front  
09:41:04 10 - well, first to be shown to my learned friend.

11 THE WITNESS: Yes.

12 MR WERNER: Your Honours, this is precisely the transcript  
13 of the case Prosecutor v Sesay, Kallon and Gbao, 12, 13, 14 and  
14 17 January 2005. It's 333 pages and the CMS numbers are 18893 to  
09:41:32 15 19225. Now on the first page of - on the very first page there  
16 is a typo and it indicates 2004, but when you look inside it is  
17 clear that it is actually 2005.

18 MR MUNYARD: Mr President, your Honours, that same error is  
19 repeated at the beginning of the transcript for 13 January 2005.  
09:42:12 20 The cover page, like the one for 12 January, gives the year as  
21 2004. This is an error that we've noticed before on other  
22 transcripts. I don't know how it has arisen. It's clearly not  
23 the fault of the Prosecution, but it's always safe to look at the  
24 text of the hearing to check against the date on the front cover  
09:42:34 25 page.

26 JUDGE LUSSICK: Thank you for that, Mr Munyard. We've got  
27 that error down on the record now, so I'm sure there won't be any  
28 confusion.

29 MR WERNER:

1 Q. Mr Witness, if you can look at this transcript. Have you  
2 reviewed this transcript recently?

3 JUDGE SEBUTINDE: Is he looking at the English version, or  
4 the Krio version - the Kono version?

09:43:19 5 MR WERNER: I'm going to ask him:

6 Q. Mr Witness, did someone read to you the content of this  
7 transcript in a language that you can understand?

8 A. Yes.

9 Q. And do you adopt this transcript as your prior testimony?

09:43:47 10 A. Yes.

11 MR WERNER: Your Honour, we would request this transcript  
12 to be marked for identification. Now, again on two days there  
13 was a portion of the transcript in closed session and I'm going  
14 to give you now the portion. It was on the first day, 12 January  
09:44:09 15 2005, there was five pages in closed session and the CMS numbers  
16 are 18920 to 18924. The second portion was on the third day, on  
17 14 January 2005, 46 pages in closed session and the CMS numbers  
18 are 19018 to 19063. So again what we would propose is to have  
19 MFI-1A, the entire transcript except these two portions, and  
09:45:05 20 MFI-1B with these two portions. MFI-1A will be 282 pages and  
21 MFI-1B would be 51 pages.

22 JUDGE LUSSICK: Yes, the transcript of this witness's  
23 evidence from the trial of Prosecutor v Sesay, Kallon and Gbao  
24 given on 12, 13 and 14 January 2005 will be --

09:45:57 25 MR WERNER: Your Honour, and the 17th.

26 JUDGE LUSSICK: 12, 13, 14 and 17, is it? Thank you. 12,  
27 13, 14 and 17 January 2005 will be - I withdraw that. 12, 13, 14  
28 and 17 January 2005, totalling 282 pages which range from page  
29 18893 of the transcript to page 19225, will be marked for

1 identification as MFI-1A. It is noted that on the cover page for  
2 the transcript of 12 January 2005 the year is incorrectly shown  
3 as 2004.

09:47:17 4 Now for the closed session evidence given on 12 January  
5 2005 which cover a total of 51 pages, and they are pages 189 -  
6 no, I beg your pardon. They cover a total of five pages for 12  
7 January 2005, they are pages 18920 to 18924, and the closed  
8 session evidence of 14 January 2005, which cover 46 pages ranging  
9 from page 19018 to 19063, will be marked for identification as  
09:48:08 10 MFI-1B.

11 Yes, Mr Werner.

12 MR WERNER: Thank you, Mr President. Now, part of this  
13 transcript - now, Mr President, there was an exhibit in this  
14 trial, RUF exhibit 14, and it is a one page OTP disbursement to  
09:48:43 15 the witness. Could I have that page shown to my learned friend.  
16 I do not think that there is any use showing that to the witness  
17 and I would ask that to be directly marked for identification  
18 MFI-2.

19 JUDGE SEBUTINDE: Mr Werner, this document that you're now  
09:49:21 20 showing counsel opposite, was it one of the 92 bis documents?

21 MR WERNER: Yes, your Honour. I apologise, I should have  
22 given the CMS number. CMS number is 19227, your Honour.

23 JUDGE LUSSICK: The document, which is a related exhibit 14  
24 in the trial of Prosecutor v Sesay, Kallon and Gbao showing OTP  
09:50:49 25 disbursements to the witness and identified from those  
26 transcripts referred to as CMS 19227, will be marked for  
27 identification as MFI-2.

28 Mr Werner?

29 MR WERNER: Thank you, Mr President. We have nothing

1 further.

2 PRESIDING JUDGE: Thank you. Mr Munyard.

3 MR MUNYARD: Thank you, Mr President.

4 CROSS-EXAMINATION BY MR MUNYARD:

09:51:18 5 Q. Good morning, Mr Charles.

6 A. Good morning.

7 Q. I'm going to be asking you some questions from over here.

8 If I ask you something you don't understand, would you please let  
9 me know and I'll try to put it in a different way to make it

09:51:33 10 clearer to you.

11 A. Okay.

12 Q. Can you tell us when you were shown these transcripts, or  
13 when they were read to you in a language you understand? How  
14 recently was that done?

09:52:01 15 A. Well, they read it to me in Krio.

16 Q. Yes, but all I want to know is when did they read it to you  
17 in Krio?

18 A. I can't tell the time.

19 Q. Was it in the last few days?

09:52:31 20 A. They read it to me one or two weeks before I came.

21 Q. Right. And how long ago did you come here to the  
22 Netherlands?

23 A. Today makes it one week.

24 Q. Right. So they read it to you about two or three weeks  
09:53:00 25 ago, yes?

26 A. Yes, but not here.

27 Q. We understand that. Was there anything in the testimony  
28 that was read back to you that you thought might be wrong?

29 A. I don't think so.



1 Q. Now apart from giving evidence in the trial back in 2005  
2 you had given a number of statements to the Prosecution before  
3 you gave evidence, hadn't you?

4 A. Yes.

09:53:47 5 Q. Starting in November 2002 and then on three occasions in  
6 2004, do you remember? You won't necessarily remember the dates,  
7 but do you remember being seen by the Prosecution and giving  
8 statements in 2002 and then again on several occasions in 2004?

9 A. Yes.

09:54:16 10 Q. Thank you. Were those statements read back to you recently  
11 in Krio, or just the transcripts of your evidence?

12 A. Well, my testimony - they had the document. The testimony  
13 that I gave was read to me and I confirmed it.

14 Q. Right. What about the statements? The statements that you  
09:54:51 15 gave before your testimony, were they read back to you two or  
16 three weeks ago?

17 A. Yes, they read it out to me and asked me if that was my  
18 statement and I said "Yes".

19 Q. And did you disagree with anything that was in the  
09:55:14 20 statements?

21 A. I don't think so. There was nothing I disagreed with.

22 Q. Thank you. Just before we go into some of the aspects of  
23 the evidence and the accounts that you've given in the past, can  
24 I ask you are you currently working?

09:55:46 25 A. I am doing some farming.

26 Q. And have you been doing farming throughout the years since  
27 the end of the civil war in Sierra Leone?

28 A. Yes, I've been a farmer ever since and a gardener as well.

29 Q. Thank you. I want then to turn to some of the events that

1 you've talked about in prior testimony, or statements. Your  
2 account starts in 1998, doesn't it, when rebels came to your area  
3 in Tombodu in about March of 1998? Is that right?

4 A. Yes.

09:56:38 5 Q. And the rebels who came then to Tombodu were SLA - Sierra  
6 Leone Army - rebels, weren't they?

7 A. Yes, they used to call them juntas. They were juntas.  
8 They were mixed.

9 Q. Right, well I'm going to ask you about who they were. Who  
09:56:59 10 were they led by, these rebels who first turned up in your  
11 village in 1998?

12 A. Well at that time that they went, at the time that I was  
13 captured, Staff Alhaji was the leader for the rebels initially  
14 when they went there.

09:57:26 15 Q. Was it Alhaji, or was it Savage?

16 A. Alhaji, Savage, they were there, but when I was captured I  
17 was taken to Alhaji.

18 Q. Well we'll deal with when you were captured in a moment,  
19 but who did you understand the leader of the rebel group in  
09:57:52 20 Tombodu in March of 1998 to be?

21 A. It was Staff Alhaji who was there initially. Later the  
22 others came.

23 Q. And what was Savage's role? Was he not one of the leaders?

24 A. He was a leader. At the time that I was captured and  
09:58:25 25 brought, I did not meet him there.

26 Q. Do you remember the first time you ever saw the  
27 Prosecution, or the first time rather that you were interviewed  
28 by them, in November of 2002 saying that you left Tombodu and  
29 went to Guinea as a refugee after the SLA led by Savage and Staff

1 Alhaji came to Tombodu and were killing civilians? Do you  
2 remember telling them that?

3 A. Yes, because when we were captured we were taken to Alhaji  
4 and when we came later I did not meet Savage there.

09:59:14 5 Q. Well that may be the facts, but I'm asking you if you  
6 remember telling the Prosecution that the SLA rebels were led by  
7 Savage and Staff Alhaji. Do you remember telling the Prosecution  
8 that?

9 A. Yes, I can remember, but I - it was Staff Alhaji that I  
09:59:42 10 knew and he was the one that I named.

11 Q. Yes, well do you agree that you named both of them?

12 A. Yes.

13 Q. Thank you.

14 A. Yes, they were there, but the person whom I saw I have  
09:59:55 15 named. He was the first person that I saw.

16 Q. Yes, we have that point. I simply want to establish that  
17 you originally told the Prosecution that they were led by Savage  
18 and Staff Alhaji. Now they were both SLA, weren't they?

19 THE INTERPRETER: Can learned counsel please repeat his  
10:00:21 20 question.

21 MR MUNYARD: Very well:

22 Q. They were both SLA soldiers, weren't they, Savage and  
23 Alhaji?

24 A. Yes, at the time they were calling them juntas.

10:00:39 25 Q. They may have been calling them juntas, but those two men  
26 were SLA soldiers, weren't they? Do you agree?

27 A. Yes.

28 Q. Thank you. Rambo was also amongst them, wasn't he?

29 A. Yes.

1 Q. He was also a soldier, wasn't he?

2 A. Yes.

3 Q. And was Rambo one of the leaders with those other two whose  
4 names we've mentioned?

10:01:22 5 A. All of them were juntas. Rambo, he was just like a leader.  
6 They were going around with their bodyguards.

7 Q. And was Rambo equal in position to Staff Alhaji?

8 A. No.

9 Q. Was he above Staff Alhaji?

10:01:53 10 A. No, it was Staff Alhaji who was above.

11 Q. Now, you gave evidence about an incident in which Rambo  
12 wanted to have you killed. Do you remember giving evidence about  
13 that and indeed mentioning it in your statements?

14 A. Yes.

10:02:15 15 Q. And why was it that you say Rambo wanted to have you  
16 killed?

17 A. Well, when they brought - when they attacked our town we  
18 went into the bush and he was the one who attacked us in the  
19 bush, together with my people, and he brought us to town.

10:02:39 20 Q. Rambo did?

21 A. Yes.

22 MR MUNYARD: Would your Honours give me just a moment while  
23 I turn to one of the transcripts, please?

24 JUDGE LUSSICK: Yes, certainly, Mr Munyard.

10:03:28 25 MR MUNYARD:

26 Q. Now, you say that Rambo was the person who captured you and  
27 brought you into town?

28 A. Yes.

29 Q. Were you captured along with other people?

1 A. They captured me and brought me. There were many civilians  
2 there who were also captured and they were with them in the town.

3 Q. Was Rambo wanting to kill all those other people as well,  
4 or just you?

10:04:02 5 A. Well, when they captured me and took me along he said I was  
6 a youth. I was a youth. He said he would kill me. He took all  
7 my properties and brought them.

8 Q. Yes, I'm just trying to understand did he want to kill only  
9 you, or did he want to kill all the people who had been captured?

10:04:21 10 A. That was why I said I whom he captured, I was the one whom  
11 he said he would kill. I don't know about other people.

12 Q. So can we assume that he didn't attempt to kill the other  
13 people and it was only you who he was wanting to kill? Is that a  
14 fair assumption?

10:04:49 15 A. If someone captures you and brought you --

16 THE INTERPRETER: Your Honours, can the witness kindly  
17 repeat his answer.

18 JUDGE LUSSICK: Mr Witness, I'll have to interrupt you.

19 The interpreter did not get your answer. Can you please repeat  
10:05:10 20 the answer and speak more slowly. Remember that this evidence is  
21 not only being interpreted, but it's being written down as well.  
22 Now, do you need the question again?

23 THE WITNESS: Okay. Okay.

24 JUDGE LUSSICK: Perhaps ask the question again, Mr Munyard.

10:05:32 25 MR MUNYARD: Yes, I will:

26 Q. Can we assume that Rambo didn't attempt to kill the other  
27 people. It was only you that he was wanting to kill?

28 A. That was why I said he captured me in the bush and brought  
29 me to town. He said I was a youth. He will kill me. I don't

1 know about other people.

2 Q. All right, I'm going to move on from the other people.

3 We'll concentrate on you. Why did he want to kill you because  
4 you were a youth?

10:06:07 5 A. He said we were the reason why they disarmed them and took  
6 their uniforms from them, the youths.

7 Q. Well, let's just examine that in a little more detail. You  
8 were born in 1959, you say. This is 1998, isn't it?

9 A. Yes.

10:06:34 10 Q. And so how old do you say you were in 1998?

11 A. 1998, I was 42 then.

12 Q. All right. Well the mathematics may not matter too much,  
13 but you say that you counted as a youth at that age, do you?

14 A. Yes, if they told you you were a youth.

10:07:17 15 Q. Were you married with five children at that stage?

16 A. Yes.

17 Q. And how old was your oldest child at that time, March 1998?

18 A. My eldest child, 15 years.

19 Q. And, Mr Charles, if you're a youth at aged around 40 and  
10:07:49 20 married with five children, at what stage do you become - sorry,  
21 at what age do you become a man as opposed to a youth?

22 A. What I am saying, I'm a traditional man. We do not  
23 calculate all of those years at that time.

24 Q. I'm simply trying to understand why it was that you say  
10:08:19 25 Rambo wanted to kill you. You're telling us that he said he  
26 wanted to kill you because you were a youth, but you were around  
27 40 years old, married with five children, the oldest one himself  
28 15. Is this story true that you were targeted by Rambo because  
29 you were a youth?

1 A. Rambo - there were many. When they say juntas, there were  
2 many. He met me, he took my belongings and brought me to the  
3 town. So he was the one I knew, you see?

10:09:07 4 Q. We understand all that. I'm trying to find out that, if  
5 your story is true, what was the reason that Rambo wanted to kill  
6 you?

7 A. If there is fighting in the country, nobody reasons. If  
8 that person wants to do something bad, he will just do it.

10:09:35 9 Q. Well that may be so, but you've told us that he did give a  
10 reason and the reason was that you were a youth. That's what  
11 you've told us. Do you understand?

12 A. Yes, at that time when they saw young people they say "You  
13 are a youth" and they would capture you.

10:09:59 14 Q. But, with great respect to you, you weren't a young person  
15 even in 1998, were you?

16 A. Yes.

17 MR MUNYARD: I think that's one of those yeses that could  
18 mean yes and could mean no. I had better explore it:

10:10:18 19 Q. Are you agreeing with me that you were not a young person  
20 when you were aged around 40 and married with five children?

21 JUDGE SEBUTINDE: Mr Munyard, I'm just wondering perhaps  
22 your definition of a youth and the witness's definition of a  
23 youth may be at variance. It would be interesting to find out  
24 his definition of a youth.

10:10:53 25 MR MUNYARD: Your Honour, certainly. That's exactly what  
26 I'm trying to find out; if he thinks that a man of 40, married  
27 with five children, counts as a youth:

28 Q. Do you say that a man of 40, married with five children in  
29 Tombodu in Sierra Leone, would be regarded as a youth? That's a

1 question to you, Mr Charles, it wasn't me responding to her  
2 Honour.

3 A. What I know, I said they captured me and they said I was a  
4 youth. I was not the only person. They were saying we were  
10:11:47 5 youths. They had guns. That the youths had taken their guns and  
6 clothes from them. So when they saw young people they will  
7 capture you. That was why I was captured and he said I was a  
8 youth.

9 Q. All right. But you wouldn't have regarded yourself as a  
10:12:07 10 youth then, would you?

11 A. I am not an old man; I am a youth. Even now I can do  
12 whatever work you want me to do.

13 Q. All right, I'm going to move on from the dangerous  
14 territory of who counts as an old or a young man. Now Rambo said  
10:12:29 15 that he wanted to kill you because you were a youth. Did you  
16 understand what the problem was that Rambo had with you being a  
17 youth?

18 A. That's what I have explained. I said that was what they  
19 said, that the youths are picking on them, that they were the  
10:12:57 20 ones who were taking guns from the soldiers and stripping them  
21 naked. That was the reason and that's what I have said.

22 Q. Sorry, it may be me, but who was taking guns and stripping  
23 them naked?

24 A. I don't understand.

10:13:22 25 Q. What you've just told us, the way it was translated is  
26 this: "I said that what they said, that the youths are picking  
27 on them, that they were the ones who were taking guns from the  
28 soldiers and stripping them naked." Who were taking guns from  
29 which soldiers and stripping them naked?



1 A. Well, the youths. They said the youths. And I never took  
2 guns from the soldiers or stripped them naked. But those who did  
3 it caused them to take all of us as the same, that we all did it.

10:14:12 4 Q. Are you saying that there were youths, villagers, in  
5 Tombodu who were approaching the junta soldiers, taking their  
6 arms off them and then stripping them naked and getting away with  
7 it? Is that what you're telling us?

8 A. That one, the youths were there, they had their own job.  
9 There were youths that were there to work and there were other  
10:14:35 10 youths. When things happened somewhere all of them used to go  
11 there.

12 Q. Yes, would you now answer the question I asked you. Are  
13 you saying that when the junta came to Tombodu that local youths  
14 were disarming the junta soldiers and stripping them naked and  
10:14:54 15 getting away with it?

16 A. Yes, it happened. There were people who did that. But it  
17 did not happen in our own town.

18 Q. Well then, how do you know that this happened?

19 A. They themselves told us that the youths did that to them.

10:15:20 20 Q. In which places?

21 A. They told us that Koidu, the youths did that there to them.

22 Q. So this wasn't happening in your town or your village, but  
23 Rambo wants to kill you just in case you might do something like  
24 that. Is that what you're telling us?

10:15:52 25 A. Yes, because when there is fighting they did not come for  
26 only one person, they came with a bad mind. If they had come  
27 with a good mind it would be different, but they came with a bad  
28 mind.

29 Q. And the account that you gave the Court when you were

1 giving earlier testimony was that Rambo has you stripped naked  
2 and is going to have you shot; do you remember saying that?

3 A. He captured me and brought me. He asked me to strip myself  
4 naked. He said I was a youth. He said he would kill me. And I  
10:16:39 5 stripped myself naked.

6 Q. Well, what you actually told the Court was, "They took all  
7 my clothes off me. The juntas, they undressed me." Now you're  
8 saying you were told to and you took your clothes off yourself.  
9 Which way round was it, for the benefit of --

10:17:02 10 A. They had guns and they said I should undress and I  
11 undressed and they said they will kill me. If somebody says  
12 strip and he was carrying a gun you would strip yourself naked.

13 Q. For the benefit of those who have the transcripts it's 12  
14 January 2005, page 25 and it's lines 9 down to 12. What you told  
10:17:34 15 the Court in the RUF trial, Mr Charles, was this:

16 "When I was brought to Tombodu they took all my clothes off  
17 me.

18 Q. Who is they, Mr Witness?

19 A. The juntas. They undressed me."

10:17:51 20 Why didn't you tell the previous court, "They held a gun to  
21 me and forced me to take my clothes off" if that's how it  
22 happened?

23 A. I said that.

24 Q. I beg your pardon? Are you saying that this transcript is  
10:18:14 25 wrong?

26 A. What they wrote, that they undressed me, it's true. It was  
27 the juntas. The person who captured me and brought me is a  
28 junta. I said that.

29 Q. And now you're saying something different, do you agree,

1 that it was you who undressed yourself?

2 A. No, it's not different. Somebody captures you and brings  
3 you, he had a gun, he said, "Strip yourself naked." I stripped  
4 myself naked and he told me he was going to kill me.

10:18:58 5 Q. He said he's going to kill you and then you get taken to  
6 Staff Alhaji. Is that right?

7 A. Yes.

8 Q. And Staff Alhaji tells you to stand up, put your clothes on  
9 and go away. Is that right?

10:19:22 10 A. Yes.

11 Q. Is any of this true, that Rambo's got you naked and about  
12 to shoot you dead and Alhaji - you're taken to Alhaji who simply  
13 says get dressed and go away?

14 A. Yes. I was sitting down and he told me to strip naked and  
10:19:47 15 he took an order from Alhaji. He said, "I have brought this man,  
16 he's a youth, I'm going to kill him." And Alhaji told me to get  
17 up, take your clothes and go. He told me to go.

18 Q. So Alhaji spared your life?

19 A. Yes; God did not want me to die.

10:20:10 20 Q. And this is the same Alhaji, is it, who you also gave  
21 evidence about who was responsible with Savage for burning people  
22 alive in their houses?

23 A. Yes, they were there, the juntas.

24 Q. No, this is the same Alhaji, is it, who you told the Court  
10:20:34 25 in the RUF trial was responsible, with Savage, for burning people  
26 alive in their houses?

27 A. Yes. Alhaji, he was the one there. That was what  
28 happened.

29 Q. And after Alhaji told you to put your clothes back on and

1 go away where did you go?

2 A. I went - I returned to the bush but I did not see my  
3 people. I went and saw some civilians who went to Forekonya.  
4 There was a village after that called Gbensendoh. That was where  
10:21:22 5 we were.

6 Q. In other words, one minute you're about to be shot dead and  
7 the next minute you're completely free to go and in fact you end  
8 up some months later in Guinea, yes?

9 A. No, it did not happen like that. I did not go on the same  
10:21:43 10 day. They cannot just release me and run away to Guinea. Going  
11 to Guinea would be more than a month or two. I did not know the  
12 place.

13 JUDGE SEBUTINDE: Mr Munyard, sorry to interrupt, but could  
14 we capture those spellings, please. Mr Interpreter, can you  
10:22:01 15 spell Forekonya.

16 THE INTERPRETER: Forekonya, phonetically it's  
17 F-O-R-E-K-O-N-Y-A.

18 JUDGE SEBUTINDE: And the second village, Gbensendoh.

19 THE INTERPRETER: Gbensendoh is G-B-E-N-S-E-N-D-O-H.

10:22:28 20 JUDGE SEBUTINDE: Thank you, Mr Interpreter.

21 MR MUNYARD:

22 Q. Mr Charles, the place that we've been talking about here  
23 called Forekonya, where is that? What country is that in?

24 A. In between Guinea and Sierra Leone. If you are going to  
10:22:51 25 Guinea from Sierra Leone you go through Forekonya.

26 Q. Is it in Guinea?

27 A. It's in Guinea, towards this end on the border.

28 Q. All right. Is it in fact called Fakuniya, spelt  
29 F-A-K-U-N-I-Y-A?

1 JUDGE SEBUTINDE: Mr Witness, did you hear the question?

2 THE WITNESS: I don't understand.

3 MR MUNYARD:

10:23:41

4 Q. The village that you've told us was in Guinea, the place  
5 you went to that we've just had spelt Forekonya, is it actually  
6 called Fakuniya?

7 A. Forekonya, Forekonya, yes.

10:24:10

8 MR MUNYARD: Again, your Honours and my Learned friends  
9 opposite, I am looking at the transcript of his evidence on 12  
10 January 2005, page 27, when he says that he went to Fakuniya and  
11 it's in Guinea, lines 12 and 13, on page 27 of that transcript.

12 JUDGE SEBUTINDE: Mr Witness, the question is there are two  
13 places, Fakuniya and Forekonya. Are they one and the same place?

10:24:44

14 THE WITNESS: They did not write it properly. It's  
15 Forekonya. It's one town. Forekonya.

16 MR MUNYARD: All right:

17 Q. It is the same place that we're talking about, do you  
18 agree?

10:25:02

19 A. Yes, Forekonya. We went to Forekonya. From there we went  
20 to Gbensendoh.

10:25:33

21 Q. But in your account to the Court in the RUF trial you told  
22 them that after Alhaji saved your life, by simply telling you to  
23 stand up, get dressed and go, that you went away. You went  
24 looking for your people and you found your wife and children -  
25 two of your children - and then they told you that your  
26 mother-in-law had taken the three other children to Fakuniya in  
27 Guinea. Is that correct? Is that what happened after  
28 Alhaji saved your life?

29 A. Yes.

1 Q. Yes. So is this the position, Mr Charles? That in March  
2 of 1998 you have a very brief encounter with the rebels in or  
3 near Tombodu in the course of which Rambo captures you and a lot  
4 of other people, he decides he's going to kill you, he either  
10:26:29 5 makes you strip, or his forces strip you, and he holds a gun to  
6 you, but then Alhaji says "Get dressed and go away" and that's  
7 all your dealings with the rebels - the junta - in 1998. Is that  
8 right?

9 A. At that time that I went, what they did to me that was not  
10:26:58 10 all. When we went and came back something else happened.

11 Q. Well, when do you say you came back?

12 A. I don't understand.

13 Q. You have just told us, "At that time that I went, what they  
14 did to me that was not all". Let me just try and start again at  
10:27:39 15 that point. All that happens to you in March of 1998 is that  
16 you're captured by Rambo, he threatens to kill you, Alhaji  
17 releases you and you go away, yes?

18 A. Yes.

19 Q. And you go off in search of your family and you eventually  
10:27:57 20 some months later end up in Guinea, yes?

21 A. Yes.

22 Q. You told us a moment ago, "When we went and came back,  
23 something else happened". When is it that you say you came back?

24 A. At the time that we went? I want to understand the time I  
10:28:26 25 went, or the time I returned? Is that what you want to know?

26 Q. By "came back" I understood you to mean returned. Is that  
27 what you meant when you said, "When we came back, something else  
28 happened"?

29 A. When we went and we were in Gbensendoh, we were there when

1 we heard that ECOMOG have come to Koidu. That's the time we  
2 started trickling in again. That was how we returned.

3 Q. Yes, I simply want to know when was that? We've been  
4 dealing with March of 1998. You have a brief encounter with the  
10:29:10 5 rebels - junta - and then you go off and find your family and end  
6 up in Guinea. When is it that you come back, please?

7 A. At the time that we returned that was in September, at the  
8 time that we heard about the coming of ECOMOG.

9 Q. September of which year?

10:29:43 10 A. 1998.

11 Q. Well, before we deal with that - well, no, let's just go  
12 straight to that. Where is it that you go to in September of  
13 1998?

14 A. We were in Forekonya - Gbensendoh when we heard that ECOMOG  
10:30:22 15 had come to Koidu. We the civilians were many, so we came up to  
16 Yorkodu. It was the Donsos who went to receive us and we came to  
17 Yorkodu.

18 Q. Right. And the Donsos, are they a kind of Kamajor?

19 A. We called them Donsos, CDFs.

10:30:48 20 Q. CDF?

21 A. Donso, Kamajor. Some called them Kamajors. We called them  
22 Donsos.

23 Q. I understand, but it's a different name for the same kind  
24 of people, do you agree?

10:31:05 25 A. Yes.

26 Q. So you get to Yorkodu in September of 1998, but you don't  
27 actually go back into Tombodu until February of 1999, do you?

28 A. We were in Yorkodu and they took us - they said we should  
29 go to Kokuima to ECOMOG. At the time they had dislodged ECOMOG

1 from there, so we returned. We returned to Yorkodu. We left  
2 Yorkodu and went to Wordu in the bush. We were there and the  
3 rebels took over the whole place and they said the civilians  
4 should come out of the bush to come to town and that they would  
10:31:51 5 do nothing to civilians. That was in February we were in Yarya.  
6 Yarya Town.

7 Q. Thank you. So in the middle of February 1999 you yourself  
8 go back to Tombodu. Is that correct?

9 A. Yes, I went to Tombodu. At that time they said everybody  
10:32:10 10 should go to his or her place. That was in 1999.

11 Q. And you went and looked at Tombodu and satisfied yourself  
12 that it was safe to bring your family back, didn't you?

13 A. Yes, I went and looked. Where we were there were rebels  
14 there, we had nowhere to go, so I went to my people and told --

10:32:40 15 THE INTERPRETER: Your Honours, can the witness kindly  
16 repeat his answer slowly.

17 JUDGE LUSSICK: Mr Witness, you are speaking too quickly  
18 for the interpreter and he has missed --

19 THE WITNESS: Okay, I'm sorry.

10:32:52 20 JUDGE LUSSICK: All right. Well in future if you could  
21 remember to speak more slowly, but the interpreter has missed  
22 some of your answer.

23 THE WITNESS: Okay, okay.

24 JUDGE LUSSICK: The interpreter has missed some of your  
10:33:08 25 answer, as a result of you speaking too quickly, so the last  
26 thing we heard from you was, "Where we were there were rebels  
27 there, we had nowhere to go, so I went to my people". Can you  
28 remember what you said after that?

29 THE WITNESS: Well, let them repeat the question so that I



1 can explain.

2 JUDGE LUSSICK: Mr Munyard?

3 MR MUNYARD: Well I'll repeat the question, but I'm not  
4 sure if it will help:

10:33:42 5 Q. You went and satisfied yourself that it was safe to bring  
6 your family back to Tombodu, correct?

7 A. Yes. When the rebels said - when the rebels took all of us  
8 out of the bush and said we should go to our homes, then I went  
9 and looked there because where we were there were rebels there  
10:34:04 10 too. They had taken over every place. So, I went and told my  
11 people that we should return to our place.

12 Q. And you had gone from Yorkodu, yes?

13 A. Yes, we went to Yorkodu.

14 Q. How far is Yorkodu from Tombodu?

10:34:31 15 A. The distance is long.

16 Q. How many hours or days would it take you to walk from  
17 Yorkodu to Tombodu?

18 A. You wouldn't take a day. You wouldn't sleep on the way. A  
19 day.

10:34:51 20 JUDGE SEBUTINDE: Perhaps we could have a spelling of  
21 Yorkodu according to the transcript.

22 MR MUNYARD: According to the transcript it's  
23 Y-O-R-K-O-D-U.

24 MR WERNER: That is correct.

10:35:17 25 MR MUNYARD: Thank you:

26 Q. And you had come back from Guinea to Yorkodu, because it  
27 was safe enough at that stage. Is that correct?

28 A. Yes, the Donsos were everywhere. ECOMOG had come and all  
29 the places there were Donsos there.

1 Q. I should have asked you earlier how long did it take you to  
2 get from Guinea - from where you were in Guinea to Yorkodu?

3 A. It's not one month, not two months. It's a long distance.  
4 We did not just come at one go. Sometimes we would come and stay  
10:36:00 5 at a place for quite a long time and we did that until we got to  
6 Yorkodu. It's a long distance.

7 Q. Very well. So you go to Tombodu, you satisfy yourself it's  
8 safe to bring your family back and you bring them back a week  
9 after you first go to Tombodu, yes?

10:36:20 10 A. Yes, I came and looked at the place. That's my birthplace.  
11 That's why it was good for me to return there.

12 Q. This is at the end of February 1999, correct?

13 A. No.

14 Q. When do you say you brought your family back to Tombodu?

10:36:50 15 A. At first when I came to look at the place it was in 18  
16 February, then I returned. Then me and my people, on 26 February  
17 I took my people and we came back.

18 Q. Yes, so you're agreeing with me it was the end of February  
19 which has only --

10:37:16 20 A. Yes.

21 Q. -- 28 days in 1999 that you brought your family back and at  
22 that time the RUF were treating you all well. Do you agree?

23 A. Those whom we met there they were the ones who told us  
24 that, "Come, we don't kill people", and someone whom you are  
10:37:44 25 afraid of and tells you, "Come", you come. Those whom we met  
26 there did not initially do anything to us; those who were there.

27 Q. Yes, thank you. Now, just help us with this. Were you a  
28 farmer at the time that we're talking about, 1998 and 1999?

29 A. 1998, before I went I was a farmer. I had rice. They took

1 all from me.

2 Q. I want to find out what other activities went on in the  
3 area around Tombodu before your first encounter with the rebels  
4 in 1998. Was - there was obviously farming. What other  
10:38:42 5 commercial activities went on in the area from which people  
6 earned a living?

7 A. At that time before we ran away? I want to understand if  
8 it was before we ran away?

9 Q. Yes, before your first encounter in March of 1998 with the  
10:39:09 10 junta?

11 A. People used to do cassava farming, potato farming. There  
12 were food - there was foodstuff. We had yams from the bushes.

13 Q. Mr Charles, apart from farming, were there any other  
14 commercial activities through which people earned their living in  
10:39:40 15 your area?

16 A. Yes.

17 Q. Tell us what they were, please.

18 A. Before we ran away they were petty trading - petty trading  
19 was going on. People used to come from the small villages, they  
10:40:00 20 bring foodstuff, they bring clothing. It was a business place.  
21 It's a very big town.

22 Q. And was there any mining going on in your area?

23 A. Before we ran away?

24 Q. Yes.

10:40:20 25 A. Before we ran away mining was going on, but when we ran  
26 away nobody was mining. When we went we were doing the mining,  
27 the civilians, but when we went away mining was not going on  
28 until we came back. It was at that time that mining started.

29 Q. Well, mining started again, you mean, after you came back.

1 Is that what you're trying to tell us?

2 A. Yes. When we came back the rebels starting mining. The  
3 RUF starting mining.

10:41:03

4 Q. So before all this happens, before March 1998, how  
5 significant, how important was mining in your local area?

6 A. Well, the word "mining" was there, there were acres there,  
7 licences, they used to work as per licences.

8 Q. Do you recall a period of time between May of 1997 and  
9 February of 1998 when the junta was in power, in government in  
10 Freetown?

10:41:38

11 A. Yes, I can remember.

12 Q. Was mining going on during that period of time in your  
13 area?

10:42:01

14 A. At that time, when we heard that the juntas have taken over  
15 the place, we the civilians who were doing the mining, we were  
16 not mining, it was the soldiers who were doing the mining up to  
17 the time that we ran away.

18 Q. Right. You said, "We the civilians who were doing the  
19 mining". Do you mean by that that before the junta came to power  
20 in May of 1997 civilians were doing the mining?

10:42:26

21 A. Yes. Before - before the juntas came, we the civilians, we  
22 had our plots, we were doing the mining.

23 Q. Were you one of the people who was doing any mining?

10:42:53

24 A. At that time when we had not run away, when the soldiers  
25 had not yet come, when the juntas had not come, we were mining.  
26 When you stayed there the only thing you had to do was to mine.

27 Q. Were you personally doing mining before the junta came to  
28 power in May of 1997?

29 A. Yes.

1 Q. So as well as being a farmer you also worked in the diamond  
2 mining industry, yes?

3 A. Yes, it's a time for it. There is time to mine diamonds  
4 and there is time to farm.

10:43:32 5 Q. When the junta took over you say that the civilians were no  
6 longer doing the mining, soldiers were doing the mining. Is that  
7 right?

8 A. Yes, they were there, they were in charge of the country.  
9 The civilians had no power then.

10:43:59 10 Q. So on your account, from May of 1997, civilians were forced  
11 out of mining as opposed to forced into mining. Is that right?

12 A. At that time they did not force them to go to the mines at  
13 that time because everybody was worried, everybody ran away at  
14 that time. Everybody was scared because they had guns. We were  
10:44:34 15 afraid of them.

16 Q. All right. So no civilians are mining between May of '97  
17 and February of '98. You leave the area in March of 1998, we  
18 know. Between February '98 and March '98 did civilians go back  
19 and do the mining?

10:45:07 20 A. For me, at that time when they were disarmed, when the  
21 juntas came we were not mining. We had no chance to mine for me.

22 Q. I'm talking about after the overthrow - sorry. After the  
23 intervention which restored President Kabbah to power, around  
24 February of 1998, but before you leave the area in March of '98,  
10:45:40 25 were civilians back in the mines again?

26 A. No.

27 Q. So is it the case that the mines simply weren't being  
28 worked in that period of time?

29 A. From 1998, is that what you mean?

1 Q. No, between the intervention, the restoration to power of  
2 Tejan Kabbah, and you being told by Alhaji that you could go off  
3 and go away and you go eventually to Guinea, during that period,  
4 February to March, was any mining happening and if so who was  
10:46:21 5 doing it?

6 A. At the time we were not mining because the soldiers, the  
7 juntas, had all come there to Kono to that mining area. The  
8 civilians were not mining at that time. We were not there.

9 Q. So the junta was still there between February '98 and March  
10 '98 and carrying on mining. Is that what you're telling us?  
10:46:38

11 A. Yes.

12 Q. All right. And during the time that the junta were doing  
13 the mining, from May '97 onwards, were they using heavy equipment  
14 to dig out the gravel?

15 A. At the time that we returned - I want to understand if you  
16 mean the time that we returned.  
10:47:06

17 Q. No, I mean before you go away in March of 1998. You've  
18 told us that once the junta come into power in May of '97 it's  
19 the soldiers who take over the mining fields. When the soldiers  
10:47:29 20 took over the mining fields did they use heavy equipment to dig  
21 out the gravel?

22 A. I was not there.

23 Q. Well, did you ever hear how the soldiers were doing their  
24 mining?

10:47:51 25 A. I said at the time I was not there and I can't - where we  
26 were - somebody who is running away would not be too smart enough  
27 to know what was going on. I was worried. I didn't know what  
28 was going on there.

29 Q. I'm talking about May of '97 to March of '98, while you're

1 living in and farming in Tombodu but no longer mining, did you  
2 ever hear how the junta were conducting their mining operations?

3 A. At that time - at the time that they came all of them had  
4 guns. At that time they were not paying attention to mining.

10:48:40 5 They - all of them had guns. We the civilians ran away, all of  
6 us. We were not there.

7 Q. All right. Before you all ran away, when the soldiers  
8 turned up with guns, was any of the mining being done by the use  
9 of heavy equipment to dig out the gravel?

10:49:08 10 A. That was later. I was not there. I was not there at the  
11 time.

12 Q. No, I'm asking you at the time you were there I just want  
13 to find out if any mining was done by using heavy equipment,  
14 either at the time when you were mining or when the soldiers were

10:49:31 15 mining before you left the area. Now you've dealt with the  
16 soldiers, you say you don't know how they did their mining. What  
17 about the time before the --

18 A. I have understood now. Before I left there were machines  
19 such as drag lines and Caterpillars, but I did not go to the  
20 mines.

10:49:50 21 Q. We've got there. Thank you very much. Do you have any  
22 idea where those Caterpillars and drag lines came from? And if  
23 you don't have any idea, please say so.

24 A. I don't know anything about that.

10:50:14 25 Q. Right. Let's move forward again, please. End of February  
26 '99 you bring your family back to Tombodu and for about the first  
27 month or so you're treated well by the rebels. Do you agree?

28 A. Yes. When we came initially those whom we met, I can't  
29 tell lies about that, they treated us well, because they had said

1 we should come to live in the town.

2 Q. Yes, and it's not until either late March or early April  
3 that things change. Do you remember giving evidence to that  
4 effect before?

10:50:59 5 A. Yes.

6 Q. Thank you. And do you have any idea why things changed by  
7 about April of 1999?

8 A. Yes.

9 Q. And what's your understanding of why the situation changed  
10:51:19 10 then?

11 A. What I knew - when we came the rebels who were there, they  
12 did not do anything bad to us because they were not many. But  
13 when - all the rebels scattered all over the place. When they  
14 scattered all over the place and their number increased they  
10:51:41 15 started capturing us and taking us away. They would tell us to  
16 go and take vehicles from the bushes at the time. They started  
17 bringing bullets and they were many. It was at that time that  
18 things changed.

19 Q. And after that you, the civilians in the area, are both  
10:52:07 20 forced to carry loads and also forced to work for the rebels.  
21 That was your evidence. Do you agree?

22 A. Yes.

23 Q. And the main things that you were forced to do was provide  
24 food and the transportation of materials for the rebels and also  
10:52:37 25 to mine for them. Do you agree?

26 A. They started at first - they first started telling us to go  
27 and take vehicles for them in the bushes. They were taking  
28 civilian property from the other villages, husk rice were -  
29 husking rice for them. At that time there was no mining. That



1 was what they started with at first.

2 Q. The main thing that they got first was food, food and  
3 property to live with. Is that correct?

10:53:22

4 A. That one, they used to take food. They used to take  
5 civilians to bring rice for them. They asked them to carry them  
6 on their heads. Apart from property they need to take food as  
7 well.

8 Q. Yes. In other words, what they stole from the civilians  
9 was what they needed to live off. Is that correct?

10:53:45

10 A. It you take something else from somebody else it's true,  
11 but if you take it from that person and the person is not happy  
12 how do you see it?

13 Q. No, I'm simply asking you: The things that they stole were  
14 the things that they needed to be able to live and eat. Do you  
15 agree?

10:54:06

16 A. Yes. They were not the owners but they took them anyway.

17 Q. No, I'm not saying it was right, I'm saying their purpose  
18 in taking them was for them to be able to survive. Would you  
19 accept that?

10:54:19

20 A. Yes.

21 Q. Right. You say they also forced you and others to mine.  
22 Were you yourself forced into the mines?

23 A. Yes.

24 Q. And for how long were you made to do mining for the rebels?

10:54:46

25 A. It went up to two years doing the mining for them.

26 Q. Not all the time for two years, was it, you personally  
27 doing mining for them?

28 A. Yes, I mined for them for long.

29 Q. Well, isn't it right that after a couple of months the

1 rebels lost interest in you and went off and captured other  
2 civilians from other villages and brought them to the mines?

10:55:44 3 A. Yes, they took them and brought them because they knew that  
4 those of us who were in the village would not run away, so they  
5 used to bring people from other villages. They used to tie them  
6 up to bring them.

7 Q. But is it right that after a couple of months they lost  
8 interest in having you personally work in the mines?

10:56:08 9 A. You know, mining, it was done in shifts. If you work up to  
10 a time - they knew that you were many. Now you were all in the  
11 town. They didn't care too much about you because they had other  
12 people.

13 Q. Right. So do you agree that after a couple of months you  
14 were left to get on with your own life and other people were  
10:56:36 15 forced into the mines instead of you?

16 A. They did not just leave us like that. They opened another  
17 mining. It was open-ended. They didn't just leave us like that.  
18 They used to bring some people to add them to us and we were all  
19 working. We were there in the town. There came to a time when  
10:57:02 20 they knew that we can't run away, we can't go anywhere, that was  
21 why they used to bring other people and added them to us.

22 Q. Were you also doing some farming at that time?

23 A. No, we didn't even think about farming at that time.

24 Q. And just tell us this: Did you see heavy material like  
10:57:23 25 drag lines and Caterpillars during the time that you were working  
26 in the mines in 1999?

27 A. Yes, I saw a Caterpillar and the person who was driving the  
28 Caterpillar, I knew him. They brought a drag line and they  
29 brought a washing plant.

1 Q. And you have no idea where that machinery came from, do  
2 you?

3 A. I can't say anything about that because we were there. I  
4 wouldn't know.

10:57:57 5 Q. For all you know it might have been the same machinery that  
6 had been used in the mines before the junta took over in May of  
7 1997. Do you agree?

8 A. Well, I can't say anything about that because I did not  
9 know where they had come from.

10:58:18 10 Q. Now at this time there was a disciplinary system operating  
11 within the rebels' organisation, wasn't there?

12 A. I don't understand this.

13 Q. I'll put it in another way: The rebels had established a  
14 system whereby somebody was appointed to the post of G5 and  
10:58:55 15 civilians were able to process their complaints about their  
16 treatment through the G5, weren't they?

17 A. Yes.

18 Q. And the G5 in Tombodu in your time was called Sylvester  
19 Kai eh, I think. First of all, can you confirm he was called  
10:59:29 20 Sylvester and then can you tell us what his family name was?

21 A. His name was Sylvester Kai eh.

22 Q. Thank you. And how do you spell Kai eh?

23 A. That one, K-A-I-E-H.

24 Q. Thank you. And Sylvester Kai eh was a decent man, wasn't  
11:00:00 25 he?

26 A. Yes. You know, in whatever thing you cannot say everybody  
27 is bad. He was in between us and the rebels.

28 Q. And he was actually helpful to the civilians, wasn't he?

29 A. Yes, he was a good man to them.

1 Q. You could bring a complaint to Sylvester and he would  
2 ensure that rebels who had done wrong would be punished. Is that  
3 right?

11:00:50

4 A. Yes. Most of them were not listening to him, but he didn't  
5 tire.

6 Q. Mr Charles, is it right that civilians could bring a  
7 complaint to Sylvester and he would ensure that the rebels who  
8 had done wrong would be punished?

11:01:48

9 A. Sylvester, at the time that he was there, when they said he  
10 was G5, but when the rebels came and their number increased they  
11 were not listening to him that much, but he used to talk for us.  
12 He did not relent.

13 Q. But people - rebels were actually punished following  
14 complaints by civilians of mistreatment by the rebels, weren't  
15 they?

11:02:16

16 A. They did not do anything to them.

17 Q. Ever?

18 JUDGE SEBUTINDE: Who did not do what to who?

11:02:40

19 MR MUNYARD: Well, I asked about rebels being punished. I  
20 take your Honour's point. It may be he's - I don't think he is  
21 saying civilians were never mistreated, but let's clarify that:

22 Q. Mr Charles, rebels were actually punished for mistreating  
23 civilians, weren't they? Yes or no?

24 A. No.

11:03:07

25 Q. Are you saying that rebels were never punished for  
26 mistreating civilians?

27 A. They just advised them, but I did not see them being  
28 punished. They just advised them.

29 THE INTERPRETER: Your Honours, the interpreter would like

1 to make a correction. Instead of "advised", they just warned  
2 them.

3 MR MUNYARD:

4 Q. In other words, they got a telling off, that was all. Is  
11:03:48 5 that what you're saying? They got a telling off?

6 JUDGE SEBUTINDE: Mr Witness, what is your answer? Did you  
7 understand the question?

8 THE WITNESS: I understood. He said whether when these  
9 civilians did - when the rebels did anything, if they were  
11:04:19 10 punished. I said no, they did not punish the rebels. They just  
11 warned them to stop mistreating the civilians, but they did not  
12 listen because they were many.

13 MR MUNYARD:

14 Q. So the worst thing that ever happened to a rebel was that  
11:04:38 15 he got told off for mistreating a civilian. Is that what you're  
16 telling us?

17 A. Yes, they would call them and warn them, but they did not  
18 listen. When they did something to a civilian they would be  
19 warned. In fact what they would do thereafter would be more than  
11:05:08 20 what they had done.

21 JUDGE SEBUTINDE: What does that mean? Mr Witness, can you  
22 explain what they would do thereafter would be more than what  
23 they had done.

24 THE WITNESS: Yes. He asked me if the G5 was there talking  
11:05:34 25 to the civilians and I said yes, but when the rebels did bad  
26 things to the civilians, when they mistreated them if - when he  
27 called them, when he talks to them, the next day what they did -  
28 what they would do would be serious, more serious than what they  
29 had done initially because they were not listening to the

1 warnings that were given to them.

2 MR MUNYARD:

3 Q. Right. Do you remember giving evidence about Sylvester  
4 when you gave evidence in the RUF trial?

11:06:11 5 A. Yes.

6 Q. And do you remember saying - and it's 14 January 2005 on  
7 page 48 at lines 13 onwards - do you remember saying that when  
8 Sylvester was introduced to you as a G5 commander "And any time  
9 we had difficulties with the rebels we told him he was able to  
10 resolve them amicably." Do you remember using those words when  
11 you gave evidence in the RUF trial?

11:06:41 10

12 A. If Sylvester - if the rebels did something, if he was the  
13 one they went to for him to mediate, is that what you mean?

14 Q. No --

11:07:04 15 A. I don't understand.

16 Q. Hold on. It's not what I'm dealing with at the moment.  
17 I'm asking you if you remember, when you gave evidence in the RUF  
18 trial, saying this:

19 "When we arrived he was introduced to us as a G5 commander  
20 and any time we had difficulties with the rebels we told him, he  
21 was able to resolve them amicably."

11:07:26 20

22 Do you remember saying that to the Court in Freetown?

23 A. Yes.

24 Q. Right. So he was able to sort out problems between  
25 civilians and the rebels, yes?

11:07:48 25

26 A. Let me explain again. At first when we went, when they  
27 were not many, those who were there were not doing bad things to  
28 us, but when they came - when the others came they never heeded  
29 what he told him.

1 Q. Well, you've never suggested that before, Mr Charles. Do  
2 you agree that you've never said before that nobody heeded what  
3 he told them?

4 A. I said - I said those who were there initially were  
11:08:35 5 listening to him, but the others who came thereafter, the rebels  
6 who were coming never listened to him.

7 Q. You've never said that before, have you?

8 A. But what I said, that Sylvester was a go-between between us  
9 and the rebels who were there, I said he used to talk for us. I  
11:08:59 10 said that.

11 Q. And you're now trying to dilute what you've previously said  
12 about Sylvester's ability to sort out problems between civilians  
13 and the rebels, aren't you?

14 A. I have explained and I have repeated. I said he was a  
11:09:22 15 go-between for us and the rebels. That when the rebels did  
16 something bad he was the one that we reported to. I have said  
17 that.

18 Q. Put Sylvester on one side for a moment, please. Did you  
19 ever hear of any occasion when --

11:09:52 20 A. Regarding what?

21 Q. I'm just coming to it. Did you ever hear of any occasion  
22 when rebels were beaten or arrested for mistreatment of  
23 civilians?

24 A. No.

11:10:18 25 Q. Can you remember telling the Prosecution that you were at  
26 one point acting town chief of Tombodu?

27 A. Yes, that was what happened. They selected me to lead the  
28 youths, to be --

29 Q. Mr Charles, I'm going to stop you there. I'm not asking

1 you what happened. I'm asking you do you remember telling the  
2 Prosecution that you were acting town chief of Tombodu at one  
3 stage?

4 A. Yes.

11:11:05 5 Q. Thank you. Do you remember telling the Prosecution that  
6 you saw the body of a young man who had been robbed and killed by  
7 rebels in the village of Mandi Kalah, which I'll spell in a  
8 moment?

9 A. Yes.

11:11:23 10 Q. M-A-N-D-I K-A-L-A-H. Do you remember telling the  
11 Prosecution that you were beaten by rebel command for failing to  
12 report seeing the body of the young man who had been robbed and  
13 killed by rebels in that village?

14 A. Yes.

11:11:57 15 Q. And do you remember telling the Prosecution that the  
16 perpetrators, those who'd robbed and killed that young man, were  
17 later arrested and one was actually killed by the rebels for his  
18 role in that. Do you remember telling the Prosecution that?

19 THE INTERPRETER: Your Honours, can the learned counsel  
11:12:19 20 repeat the question again.

21 MR MUNYARD:

22 Q. Do you remember adding that to account that the  
23 perpetrators were later arrested and one actually killed by the  
24 rebels for their role in that young man's robbery and murder?

11:12:40 25 A. Yes.

26 Q. So there was a system of discipline among the rebels in  
27 which you actually were supposed to have had a role in reporting  
28 attacks on civilians. Do you agree?

29 A. Yes, but where this thing happened the distance is long.



1 It did not happen in my town. Where I was, the distance was two  
2 miles to the place.

3 Q. So something happened just two miles from where you lived  
4 and you were supposed to report attacks on civilians by the  
11:13:26 5 rebels, weren't you?

6 A. When this thing happened it was more than weeks before  
7 people knew that something bad had happened there. Nobody knew.  
8 When they killed that person they threw him or her in a pit.  
9 Nobody knew.

11:13:47 10 THE INTERPRETER: A forest instead of pit, sorry.

11 Q. Let's just look at that in a little more detail. You were  
12 the acting town chief you told them. Is that right? Were you  
13 the acting town chief of Tombodu?

14 A. Yes.

11:14:08 15 Q. And Tombodu is a much bigger place than the village of  
16 Mandi Kalah just two miles away, isn't it?

17 A. Yes.

18 Q. And Mandi Kalah wouldn't have a town chief, would it?

19 A. There was a town chief, but they had all run away. It was  
11:14:29 20 a town where houses were, but nobody was there. Nobody was  
21 there. The only people who were there were the Limbas, but they  
22 had all run away.

23 Q. And you had responsibility for reporting attacks on  
24 civilians in your area in and around Tombodu, didn't you?

11:14:54 25 A. In Tombodu Town whatever happened there I will know, but  
26 where that thing happened I did not know. Nobody knew. They had  
27 guns. They did the thing. I did not know.

28 Q. Well, somebody knew because you got beaten for failing to  
29 report to it, didn't you?

1 A. You know, the rebels, they don't ask questions. When they  
2 say that you were the chief, when something happens they don't  
3 even ask you, they just beat you up. They don't even ask you.

4 Q. Whether it was right or wrong to beat you up over that  
11:15:34 5 particular incident it is right, isn't it, that one of your  
6 responsibilities as acting town chief was to bring to the  
7 attention of the rebels mistreatment of civilians. Do you agree?

8 A. I wouldn't refute that, but what I'm saying is that if you  
9 do not know something how would you talk about it? If you don't  
11:16:00 10 know something how would you actually talk about it? These  
11 people did some - this thing. If I had known - that's the main  
12 road. If I don't know something how would I talk about it? That  
13 was why nobody knew. Other civilians did not know. They just  
14 saw the corpse and later they knew that it was done by one of  
11:16:21 15 them. That was after they had beaten me up, that it was done by  
16 one of them. That was the time that they told me to take things  
17 easy.

18 Q. And how did you find out that the perpetrators of this  
19 unlawful act against a civilian were later arrested?

11:16:43 20 A. The way I knew, all of us went to that village and the  
21 Limbas who were there in that village, who had run away, they  
22 knew the person who had done that and these people were close by.  
23 Three rebels. One of them was called Fire Fire. They called him  
24 Fire Fire. And they went to their house. This person who was  
11:17:08 25 killed, they saw this properties with him, with them, so they  
26 arrested them and brought them. That was after they had beaten  
27 me up.

28 Q. We understand that, but the rebels arrested the three  
29 people who were responsible, did they?

1 A. Yes.

2 Q. And they killed one of them for his part in the murder and  
3 robbery of the young man, yes?

11:17:42

4 A. Yes, that was what they said, that they had killed one of  
5 them. I was not there when he was taken away. I was not there  
6 any longer when they took him away but they said they had killed  
7 one of them. They said they wouldn't kill three people for one  
8 person.

11:18:00

9 Q. Mr Charles, killing somebody for the murder of a civilian  
10 is rather more severe than telling him off, isn't it?

11 A. I do not understand.

12 Q. You told us earlier that no rebels ever got more than a  
13 warning for mistreating civilians. Killing someone is a lot more  
14 than warning them, isn't it?

11:18:36

15 A. I can't say. I still have not understood your question.

11:19:01

16 Q. It may be that you have forgotten what you told us earlier  
17 when you - do you remember saying to the learned judges that the  
18 only thing that ever happened to rebels, when civilians  
19 complained against them, was that they got a warning? Do you  
20 remember saying that about 20 minutes ago?

11:19:25

21 A. Yes, I did say that. Where we were in Tombodu, that was  
22 where this was happening, but in its surroundings - they were  
23 scattered all over the place. This law, it did not hold. Those  
24 people who came did not take it. In Tombodu where we were, yes,  
25 when we came initially they used to warn them, but when they went  
26 all over the place they were not under any other control.

27 Q. It was important enough for you to remember and tell the  
28 Prosecution about it, wasn't it, this rebel being killed for his  
29 mistreatment of a civilian?

1 A. At that time when I gave this statement they did not ask me  
2 about that. They did not ask me.

3 Q. So you mean you just volunteered the information because it  
4 was so close to the forefront of your thoughts. Is that what  
11:20:08 5 you're telling us?

6 A. No. It happened in my presence. That was why I talked  
7 about it. It happened.

8 Q. Right. I'm going to move on to something else, please.  
9 Now, you've talked to us about being forced to mine in your area.  
11:20:43 10 You don't have any personal knowledge of what happened in any  
11 other areas, do you?

12 A. Where we were I know about there, but the mining was  
13 happening everywhere under them.

14 Q. You can only talk about your own area, can't you?

11:21:07 15 A. Yes, where I was, what I saw is what I will talk about,  
16 what I saw.

17 Q. Was the two pile system operating when you were being  
18 forced to mine in the Tombodu area?

19 A. No.

11:21:33 20 Q. Was a two pile system ever in operation in your area?

21 A. Before we ran away? At the time that we had not run away  
22 there was a two pile system, but when they came they were not  
23 doing it by two piles. They said government property at that  
24 time. Nobody did two pile system. At the time that we were  
11:22:02 25 working there there was no two pile system.

26 Q. So what was the two pile system in operation before the  
27 rebels came?

28 A. Well, the way this two pile system was, when you went to  
29 work in somebody's acre and you excavate the gravel, the person

1 who owns the acre would get one pile and you who excavate the  
2 gravel had one pile. That was the two pile system that was  
3 there.

4 Q. And are you saying that during the whole time that you were  
11:22:45 5 forced to mine in 1999 onwards there was never a two pile system  
6 operated by the rebels in your area?

7 A. No, it was not there.

8 Q. Did you ever hear of such a system being operated anywhere  
9 else where the rebels were in control of the mines?

11:23:19 10 A. That was why I said I only know about where I was. Mining  
11 was done everywhere. What I saw from where I was, there was no  
12 two pile system there.

13 Q. Yes. You see, you say, "I only know about where I was" and  
14 then you say mining was done everywhere. You can't have it both  
11:23:41 15 ways, Mr Charles. Either you only know about your own area or  
16 you've heard about other areas as well. Which one is it?

17 A. Where I was, you know, it's close to a big river, that's  
18 the place I know. My own area, where we were working, where the  
19 rebels were working, that was where I knew. I did not go in  
11:24:10 20 search of other places. I knew about where I was.

21 Q. Your evidence was that the diamonds were given to the rebel  
22 commanders. Is that right?

23 A. Yes. It was not a secret mining. It was done openly.

24 Q. Where do you say the diamonds were given openly to the  
11:24:34 25 rebel commanders?

26 A. Where they were working, the civilians who were captured,  
27 it was not a hidden thing. We were the ones who were doing the  
28 work. Where we work it's the main road. When the plant washes  
29 the gravel, they put it together and they gave the diamonds to

1 the rebels. The civilians would take the diamonds and give them  
2 to the rebels.

3 Q. The civilians doing the mining would give the diamonds to a  
4 nearby rebel soldier presumably, is that correct?

11:25:20 5 A. After they would have washed the gravel they would pick up  
6 the big diamonds. It's a concentrate. It's a washing plant.

7 Q. Who is "they would pick up the big diamonds"? Who is the  
8 "they" here?

9 A. The rebels themselves, they would pick them up. And the  
11:25:44 10 ones that would remain, they would start washing that. When the  
11 civilians washed the gravels they would take the diamonds and  
12 give them to the rebels.

13 Q. Right. And when you say they would give them to the rebels  
14 you presumably mean a rebel soldier standing nearby, yes?

11:26:02 15 A. The rebels were there, all of them had guns. They were  
16 overseeing the mining. When you were working they would be  
17 guarding you. When the concentrate is overturned they would be  
18 standing there and they would gather the diamonds. The little  
19 one that would remain, they would wash them by the shaker and  
11:26:20 20 they would pick them up and give them to the rebels.

21 Q. Right. And what would the rebels do with them when they  
22 got the diamonds from the civilians? Where would they put them?

23 A. When they gathered the diamonds their boss was there,  
24 General Issa. When he comes they would put the diamonds in a  
11:26:46 25 white paper and give them to him and he would take them along.

26 Q. But there has got to be some stage in between, hasn't  
27 there? General Issa didn't spend all day and every day sitting  
28 in the mining area waiting to be handed diamonds, did he?

29 A. When the mining started, when the gravel is dug out he used

1 to come there every day. I used see him. It was not hidden  
2 thing. It's an open mining. He used to come there every day.

3 Q. And how long do you say he spent every day in the mining  
4 area whilst ECOMOG were presumably trying to close in on him and  
11:27:31 5 his troops?

6 A. ECOMOG was not there any longer. When we came back ECOMOG  
7 had been dislodged. They had taken over all the place.

8 Q. How long do you say he spent every day in the mining area,  
9 Mr Charles?

11:27:53 10 A. Many times. When the concentrate is overturned there is a  
11 time he will come and when they would have picked up the diamonds  
12 they would give them to him. As long as it is gravel time he  
13 would come. I used to see him.

14 MR MUNYARD: Your Honour, I'm going to have to explore this  
11:28:13 15 a little more I'm afraid, but I see the time.

16 JUDGE LUSSICK: Yes, thank you, Mr Munyard.

17 MR MUNYARD: It's going to take more than a minute to deal  
18 with this account.

19 JUDGE LUSSICK: All right, thank you. Well, I think in  
11:28:23 20 that case we'll take the morning adjournment and we'll resume at  
21 12 o'clock. Madam Court Manager, please adjourn.

22 [Break taken at 11.30 a.m.]

23 [Upon resuming at 12.03 p.m.]

24 JUDGE LUSSICK: Yes, go ahead, Mr Munyard.

12:02:40 25 MR MUNYARD: Thank you, your Honour:

26 Q. Mr Charles, we were just dealing with Issa Sesay's presence  
27 at the mines when the mining started. This is April of 1999, is  
28 it?

29 A. The time that he used to go there, April 1999, we started

1 the mining in the year 2000. That was when the mining started  
2 there.

3 Q. Right. In the year 2000 Issa Sesay is the head of the RUF,  
4 isn't he?

12:03:26 5 A. Yes.

6 Q. And how many days do you say you saw him coming along and  
7 spending time at your mining area?

8 A. I can't tell. A lot of times. When the mining started he  
9 used to come.

12:03:52 10 Q. Just give us some sort of estimate of the number of days  
11 you claim to have seen him in your particular mining area waiting  
12 to be handed some diamonds?

13 A. Well, at the time that I saw him being given diamonds he  
14 went up to five to six times, but the mining he went there over  
12:04:15 15 20 times.

16 Q. Right. He goes over 20 times to your particular mining  
17 area, yes?

18 A. Yes.

19 Q. And it is right, isn't it, that it is not every day that  
12:04:32 20 diamonds are discovered in any particular mining area?

21 A. Diamonds, it has a period. Sometimes they work, they dig  
22 at the gravel, and even to wash that gravel has a particular  
23 time.

24 Q. What I mean is, it is not on every day that the mine is  
12:04:57 25 operating that a diamond is found, is it?

26 A. No.

27 Q. Thank you. So, you are saying that Issa Sesay comes to the  
28 mining area that you see on 20 separate days in your own mining  
29 area in the year 2000? Is that what you are telling us?



1 A. Yes.

2 Q. Well, didn't he have a mining commander to oversee the  
3 mines, in your area, I mean?

4 A. He was there.

12:05:37 5 Q. So Issa Sesay takes the time to come to your mining area on  
6 20 separate days to do what, if diamonds aren't actually being  
7 handed over to him on the remaining 14 or 15 occasions when you  
8 don't see him receive diamonds? What was he doing there on the  
9 days when he didn't get diamonds?

12:06:07 10 A. His people were there. He used to go there to see his  
11 people.

12 Q. Well, you have said this was all terribly open, "We could  
13 see him being given diamonds." But where were his people that he  
14 was seeing and what was he doing with them?

12:06:31 15 A. He used to bring equipment. There was a commander there  
16 called Officer Med. Officer Med. When he brings the equipment  
17 he handed them over to him. You cross a bridge first and meet a  
18 town called Bendu II. When he comes that was where he stopped.

19 Q. So are you suggesting that it was Issa Sesay himself who  
12:06:52 20 would bring the equipment to the mining commander?

21 A. The one who was there in charge of the mining, Officer Med,  
22 he sent him there to come and do mining, so whatever he brought  
23 his boss used to give it to him; that is Issa Sesay.

24 Q. You are saying Issa Sesay himself took the trouble to bring  
12:07:14 25 mining equipment? Is that what you are telling this Court?

26 A. What I said was that there was a mining commander whom he  
27 put in charge of his mining. He gave them these equipments. I  
28 did not say he himself came, but he gave them to him to bring  
29 along.

1 Q. All right. We now understand that you are not saying Issa  
2 Sesay himself brought the equipment, but you still maintain that  
3 on at least 20 occasions he came to the mine and spent how long  
4 there on each of those occasions, on average?

12:07:57 5 A. Yes.

6 Q. How long would he spend on these 20 occasions when he came  
7 there?

8 A. Sometimes when he comes he will spend one to two hours,  
9 then he will return.

12:08:18 10 Q. In full view of you and the other miners? Was there - was  
11 he --

12 A. The interpretation.

13 Q. I will try it again. When he came and would spend an hour  
14 or two hours there, were you able to see him the whole time, as  
12:08:46 15 you are toiling away in the gravel?

16 A. Yes, it was not hidden, it was in the open. It is a big  
17 road. It is not a hidden mining.

18 Q. And he would stand around for up to two hours at a time  
19 with you all able to see him on 20 occasions whilst he was the  
12:09:12 20 leader of the rebel movement?

21 A. Yes, we saw him. We did see him.

22 Q. Then you also told us that the people who found diamonds  
23 would have to hand them over to rebel soldiers, who then gave  
24 them to Issa Sesay, but what if it was a day when Issa Sesay  
12:09:36 25 hadn't dropped in to your particular mining area? What did they  
26 do with the diamonds then?

27 A. That was why he sent somebody there, a commander, Officer  
28 Med. He was in charge. He was the one who gave the diamonds to  
29 him.

1 Q. No, you haven't understood me and I will try and phrase it  
2 in a different way. On a day when Issa Sesay chose not to visit  
3 your mining area, if diamonds were found and handed over to the  
4 rebel soldiers, what would happen to those diamonds, do you know?

12:10:17 5 A. No, I wouldn't know. What I saw, that is - that was what I  
6 said.

7 Q. Right. And presumably they didn't leave the diamonds lying  
8 around on a piece of paper once it had been --

9 A. No.

12:10:35 10 Q. The diamonds would presumably be put away somewhere safe,  
11 out of sight of you and the other diamond miners. Is that  
12 correct?

13 A. What I saw, if it was picked up in my presence they would  
14 pass it over. If Issa did not come whatever was taken they will  
12:10:55 15 keep it and when their boss, Issa, comes, they will give it to  
16 him.

17 Q. But you don't know what they would do with the diamonds  
18 that were picked up on any particular day, do you, if they were  
19 taken away by the rebels?

12:11:12 20 A. No, I did not know. When they picked them up they did not  
21 hand them over to me. I did not know what they did with them.

22 Q. And are you saying that on five or six occasions you  
23 actually saw them give diamonds to Issa Sesay?

24 A. Yes.

12:11:32 25 Q. In full view of you all?

26 A. Yes, it was not a secret.

27 Q. And are these diamonds that they had just - that had just  
28 been found when he happened to be there, or were these diamonds  
29 that they produced from some sort of safekeeping store and

1 happened to hand over to him when he was there?

2 A. I did not know where he kept them. I did not know what he  
3 did.

4 Q. No, what did the people who gave him the diamonds do? That  
12:12:11 5 is what I am asking you about. When you say you saw them hand  
6 over diamonds to him, were these diamonds the ones that happened  
7 to be found on that day before Issa Sesay arrived, or were these  
8 diamonds that they produced from some store place and handed to  
9 him because he happened to come by the mine?

12:12:35 10 A. When the gravel is washed they will call him and he will  
11 come. When he comes they would give them to him and he will put  
12 them in a white paper. I did not know what he did to them.

13 Q. So, in other words, when they found diamonds they made Issa  
14 Sesay travel out to the diamond area rather than the diamond  
12:13:03 15 commander keeping them safely and taking them to the leader of  
16 the RUF. Is that what you are telling us? They made him come to  
17 the diamond mines to go them?

18 A. Yes, he sent them there. When they took diamonds they  
19 would wait for him. When he comes they would hand them over to  
12:13:28 20 him.

21 Q. Well, I am not suggesting that you are telling the truth, I  
22 am not in a position to say one way or the other, but you  
23 certainly do not know what he did with the diamonds, do you?

24 A. No, I can't say. Whatever they did, I can't say.

12:13:51 25 Q. One matter I want to deal with and I should have dealt with  
26 this earlier and it was an oversight on my part. When you were  
27 talking about Sylvester Kai eh, the G5 commander, you gave us his  
28 family name. Is that a Liberian name? Was he a Liberian,  
29 Sylvester?

1 A. He told me that his name was Sylvester Kai eh. He did not  
2 tell me he was a Liberian soldier. That was his name. He told  
3 me his name. I never knew his name. He himself told me his  
4 name.

12:14:34 5 Q. And did you ever discover whether he was Liberian?

6 A. He speaks the Liberian language, what I know.

7 Q. Right. And most people would not speak the Liberian  
8 language if they were not themselves Liberian. Was that your  
9 experience?

12:15:05 10 A. I, what I know, the language that he spoke, that is what I  
11 have said. I saw him speaking Liberian. He used to speak to us  
12 in Liberian language.

13 Q. Thank you. And it is right, isn't it, that he saved a lot  
14 of people's lives?

12:15:32 15 A. I do not understand.

16 Q. Do you remember when you were seen by the Prosecution on  
17 that - well, on the occasion that we have notes of your first  
18 interview on 16 November 2002, saying to them, "The G5 commander  
19 saved a lot of people's lives. He was kind to the civilians"?

12:16:01 20 Do you remember telling them that?

21 A. Yes, I said it here that he used to speak on our behalf,  
22 the civilians.

23 Q. And he saved a lot of people's lives, you told them. Do  
24 you agree?

12:16:21 25 A. Those of us who came, he used to talk on our behalf. They  
26 were the ones who said we should come. That was why a G5 was  
27 there. A G5 was somebody who spoke on behalf of the civilians.

28 Q. Mr Charles, do you agree that what I am reading out from  
29 the copy of your statement given to us by the Prosecution is what

1 you told them, "The G5 commander saved a lot of people's lives"?

2 A. Yes.

3 Q. Right. Now, I want to move on to a different topic which  
4 is the UN peacekeepers. A number of UN peacekeepers were

12:17:09 5 captured in the mango season?

6 A. Yes.

7 Q. Of which year?

8 A. The year - we had worked for quite some time. I think if I  
9 have not forgotten 2001, because I can't recall the time, but the

12:17:37 10 diamond mining was on then. Probably I have forgotten, but the

11 diamond mining was on when they were captured and brought there.

12 Q. Right. And do you remember telling the Prosecution that  
13 you and other villagers took food to the peacekeepers who had  
14 been captured?

12:18:16 15 A. Yes.

16 Q. That during the mango season you yourself and other  
17 townspeople from Tombodu would bring the captured Zambians some  
18 mangoes for food. Do you remember telling them that?

19 A. Yes.

12:18:46 20 Q. Then you added, "If we were caught doing this we would be  
21 punished by the rebels." Do you remember saying that?

22 A. Yes.

23 Q. What was the punishment?

24 A. When they brought them initially, they said nobody should  
25 give them food. When we took food to them, they punished us.

12:19:06 26 They said we should not give them food. That was what they  
27 continued doing until the time came when they thought that they  
28 cannot feed them themselves so that was the time we started  
29 taking food to them.

1 Q. Mr Charles, I asked you what was the punishment?

2 A. Oh, the punishment. When we went there, when they said we  
3 should not take food for them they were punishing us. They  
4 threatened us. They were threatening us, just like you would  
12:19:50 5 threaten someone.

6 Q. Yes, but tell us what the punishment was, please?

7 A. When we took food for them and they said we should not take  
8 food for them they chased us out. They did not beat us up but  
9 they were threatening us that we should not take food for them.

12:20:17 10 Q. The punishment was that you were shouted at. That is all,  
11 isn't it?

12 A. Yes, they were shouting at us, asking us why we were  
13 bringing food for them.

14 Q. So why did you tell the Prosecutors in an interview in 2004  
12:20:37 15 that people who were caught taking food to the Zambians were  
16 punished, if all that happened was that they were shouted at?

17 A. Well, when we took food for them, initially when we just  
18 brought them, they said we should not take food for them. The  
19 food that we took for them, they took all of that from us and  
12:21:03 20 they themselves ate the food.

21 Q. Would you listen to the question, please. Why did you tell  
22 the Prosecutors in an interview in 2004 that people who were  
23 caught taking food to the Zambian peacekeepers were punished if  
24 in fact all that happened was they were shouted at?

12:21:26 25 A. That is it. If you shout at somebody who has taken food  
26 for another person, and you shout at that person and you push  
27 that person, telling him not to bring that food, that was it.

28 Q. Now, is it right, as you told the Court in the RUF trial on  
29 14 January 2005 - I am just pausing for a moment while the

1 machine plays its part in these proceedings. Thank you very  
2 much. Mr Charles, is it right, as you told the Court on 14  
3 January 2005, at page 115, that it was more than ten or 15 times  
4 that you took food to the Zambians? Is that correct?

12:23:06 5 A. Yes.

6 Q. But you did not take food to the Zambians yourself, did  
7 you?

8 A. Yes.

9 Q. Your wife took food to the Zambians, not you. That is  
12:23:27 10 right, isn't it?

11 A. My wife? When I give my wife the food and she prepares it  
12 and takes that food along, I have given that to her.

13 Q. You said in evidence, "It was more than ten or 15 times  
14 when I took food to them". Do you remember saying that?

12:23:56 15 A. Yes.

16 Q. And then you were asked how you had time to break off from  
17 your mining activities to go back into the town to start ferrying  
18 food to the Zambians and you explained that it was your wife who  
19 took the food to them. Do you remember?

12:24:25 20 A. Yes.

21 Q. And you explained it further. You said:

22 "I provided the foods and my wife prepared it and took it  
23 to them, so I mean if I provided food to be prepared is it not me  
24 giving the food to the Zambians?"

12:24:46 25 A. Yes.

26 Q. You were exaggerating your role in that activity, weren't  
27 you?

28 A. Yes.

29 Q. Equally you have tried to downplay the effectiveness of the



1 G5 commander in securing discipline of rebels who mistreated  
2 civilians, haven't you?

3 A. No, it did not happen like that. They had their own job.

4 The G5 had their own job. Their own job was if there was a

12:25:34 5 dispute between you and the rebels, they looked after that. We  
6 were civilians. These people had come to fight for us. If they  
7 brought them and I was feeling sorry for them, that was why we  
8 were giving those foodstuffs to them, mangoes, potatoes. That  
9 was not the G5's job.

12:25:55 10 MR WERNER: Could he be precise? Who are these people who  
11 came to fight for us?

12 MR MUNYARD: Fine. I am perfectly happy to have the  
13 witness's answer explained:

14 Q. Could you explain that, please?

12:26:16 15 A. Which one?

16 Q. Well, I will read back your answer:

17 "No, it didn't happen like that. They had their own job.

18 The G5 had their own job. Their own job was if there was a

19 dispute between you and the rebels they looked after that. We

12:26:30 20 were civilians. These people had come to fight for us. If they  
21 brought them and I was feeling sorry for them, that was why were  
22 we giving those foodstuffs to them, mangoes, potatoes. That was  
23 not the G5's job."

24 Now, I think what you have done there, Mr Charles, is that

12:26:48 25 you have blended together an answer about the G5's role with your  
26 supplying mangoes to the Zambian peacekeepers. Can we try and  
27 separate them out, please. I have moved off the mangoes and the  
28 Zambians and I am suggesting that in your evidence before this  
29 Court you have tried to play down, to reduce, the positive impact

1 of the G5 commander in establishing discipline against rebels who  
2 mistreated civilians. Do you agree that you have been playing  
3 down the effectiveness of Sylvester certainly in the early part  
4 of your evidence today?

12:27:55 5 A. No.

6 Q. But there is a big difference between nobody taking any  
7 notice of him and him being responsible for saving many people's  
8 lives, isn't there?

9 A. If I said that - at the time that we came - I have  
12:28:14 10 explained this thing that before we settled there he was a  
11 go-between for civilians and the rebels, but when things changed  
12 and at that time that things changed the G5's control was not  
13 holding any more.

14 MR MUNYARD: Mr President, those are my questions. Thank  
12:28:32 15 you.

16 JUDGE LUSSICK: Thank you, Mr Munyard. Any re-examination,  
17 Mr Werner?

18 MR WERNER: Yes, Mr President.

19 RE-EXAMINATION BY MR WERNER:

12:28:42 20 Q. Good afternoon, Mr Witness.

21 A. Yes, good afternoon.

22 Q. Mr Witness - and for my learned friend I will be referring  
23 to page 37 of the LiveNote this morning. You testified,  
24 Mr Witness, this morning that when you first returned to Tombodu  
12:29:03 25 in 1999 at some point there were many rebels there. Then page  
26 37, line 25, to page 38, line 1, you testified that, "Apart from  
27 property they used to take food as well". Mr Witness, what kind  
28 of property did they take other than food?

29 A. At the time they came they went into the bushes taking

1 vehicles, vehicles which were abandoned there. They took  
2 vehicles and they told us to push those vehicles up to Koidu.  
3 They took those vehicles and the civilians' properties which they  
4 abandoned in the bushes, they took them as well. They put them  
12:29:58 5 under gunpoint and asked them to take those things. The rice  
6 that was left there also, they asked us to carry them on our  
7 heads. We did carry those things.

8 Q. And when you talk about civilian properties, what kind of  
9 properties, Mr Witness?

12:30:18 10 A. There were things in the bush like - just things that  
11 humans do have. Things that we use. I have talked about a  
12 vehicle. They used to take people's vehicles. People's rice,  
13 they used to take them as well. There were other things,  
14 clothing and other things. If you had a tape recorder - some  
12:30:39 15 people hid their tape recorders in the bushes. They took those  
16 as well at the time.

17 Q. Thank you, Mr Witness. Now, Mr Witness, this morning  
18 Defence counsel asked you a question about Sylvester Kai eh and he  
19 asked you - I am referring to LiveNote page 44, line 18, to page  
12:31:09 20 45, line 5. Defence counsel asked you:

21 "Q. Well, you have never suggested that before,  
22 Mr Charles. Do you agree that you have never said before  
23 that nobody heeded what he" - and he was referring to  
24 Sylvester Kai eh - "told them?

12:31:30 25 A. I said - I said those who were there initially were  
26 listening to him, but the others who came thereafter, the  
27 rebels who were coming never listened to him.

28 Q. You have never said that before, have you?

29 A. But what I said that Sylvester was a go-between between

1 us and the rebels who were there. I said he used to talk  
2 for us. I said that .

3 Q. And now you are trying to dilute what you have  
4 previously said about Sylvester's ability to sort out  
12:32:16 5 problems between civilians and the rebels, aren't you?"

6 Do you remember that exchange this morning, Mr Witness?

7 A. Yes.

8 Q. Now, if we look at your evidence in the RUF trial - and I  
9 will be referring to the transcript in open session of 17 January  
12:32:37 10 2005 and, for my learned friend's benefit, the exchange on that  
11 portion started on page 46 when there was a line of questioning  
12 regarding Sylvester Kai eh, but I will be referring to page 48,  
13 starting lines 20, up to page 49, line 24. Mr Witness, I am  
14 going to read to you an exchange between what was at the time the

12:33:13 15 Defence counsel for Augustine Gbao, his name was Andreas O' Shea,  
16 and yourself. So the Defence counsel for Augustine Gbao asked  
17 you:

18 "Q. Witness, try if you can to remember any specific  
19 examples of this sympathetic attitude that you have spoken  
12:33:38 20 about.

21 A. Well, when we returned he was introduced to us as the  
22 G5" - and it is clear from the context that you are  
23 talking about Sylvester Kai eh - "and any time we had  
24 problem with the rebels we went to him. He called them and  
12:33:58 25 advised them that we were people that they should have  
26 sympathy for, they should not treat us as if we were  
27 animals, and he did amicably resolve most of the conflict  
28 that we had with them. That was good on his side.

29 Q. Did the rebels listen to him?

1 A. Most of them couldn't take his advice.

2 Q. Were you ever present when Sylvester Kai eh gave an  
3 instruction to a rebel?

4 A. Yes.

12:34:42 5 PRESIDING JUDGE: Sorry, did you say that most of them did  
6 not take to Kai eh's advice?

7 MR O'SHEA: Yes, that is what he said, your Honour.

8 THE WITNESS: Most of them didn't take his advice.

9 MR O'SHEA:

12:35:01 10 Q. Now, my last question to you was that you were present  
11 on at least one occasion when Sylvester Kai eh gave an  
12 instruction to a rebel.

13 A. Yes.

14 Q. How would the rebels react in front of Sylvester  
12:35:19 15 Kai eh?

16 A. I advised them on the spot. Sooner they leave they  
17 go and do other things that would be worse than what they  
18 have done before.

19 Q. That may have been my fault. You are present.  
12:35:39 20 Sylvester Kai eh gives an instruction to a rebel not the  
21 treat the civilians like animals. Does the rebel respond  
22 verbally to Sylvester Kai eh?

23 A. Before him they would say okay, they would refrain, but  
24 as soon as he left they did all of the worst things not  
12:35:58 25 expected of them."

26 Mr Witness, do you recall saying that in the RUF trial?

27 A. Yes.

28 MR WERNER: I have no further questions, your Honour.

29 MR MUNYARD: Mr President, your Honours --

1 THE WITNESS: I want to ease myself.

2 MR MUNYARD: Certainly.

3 JUDGE LUSSICK: Is what you are going to say going to take  
4 some time, Mr Munyard?

12:36:28 5 MR MUNYARD: What I am going to say can be said in the  
6 witness's absence.

7 JUDGE LUSSICK: All right, thank you. Well, Madam Court  
8 Manager. Yes, Mr Munyard?

9 [In the absence of the witness]

12:36:54 10 MR MUNYARD: Your Honour, I understand the point that my  
11 learned friend is making in highlighting that one passage of  
12 Professor O'Shea's cross-examination. However, in doing so my  
13 learned friend does come close to impeaching the witness, because  
14 he has agreed that he told the Prosecution that Sylvester Kai eh

12:37:14 15 saved a lot of people's lives. Now he can't both be completely  
16 ignored by the rebels who then do far worse things to the  
17 civilians behind his back and save a lot of people's lives.  
18 There is an inherent contradiction in those two propositions, and  
19 so by highlighting this my learned friend is effectively  
12:37:38 20 cross-examining his witness and putting forward a different basis  
21 - in fact putting forward a totally contradictory position on the  
22 role of Sylvester Kai eh.

23 MR WERNER: Your Honour, the only point I was addressing is  
24 the Defence counsel's contention, and I will use his own words,  
12:37:58 25 that the witness never said that nobody heeded what Sylvester  
26 Kai eh told them. That is exactly the point I was addressing.

27 MR MUNYARD: I accept that, which is why with I prefaced my  
28 comments. I want to make that clear that I accept that, but the  
29 effect of it is to impeach the witness.

1 [Trial Chamber conferred]

2 JUDGE LUSSICK: The thing that puzzles me about that  
3 objection, Mr Munyard, is this: That Mr Werner was asking those  
4 questions and referring to the prior transcript to establish  
12:39:08 5 that, in fact, contrary to what you had suggested to the witness  
6 the witness did at some earlier stage suggest that Sylvester's  
7 advice had not been heeded. Now, you are saying that because the  
8 witness had also said in his testimony that Sylvester had saved a  
9 lot of lives, therefore, that evidence that I just referred to  
12:39:43 10 led by Mr Werner is virtually impeaching the credit of his own  
11 witness.

12 Now, my problem with that submission is this: That in what  
13 way was Mr Sylvester said to have saved a lot of lives and what  
14 connection would that have had with the rebels ignoring his  
12:39:59 15 advice?

16 MR MUNYARD: Your Honour, the context in which he said that  
17 he had saved a lot of lives was the passage that I read to him  
18 from his interview. What I am really in effect doing is inviting  
19 the Prosecution to find out from the witness which it is. Did he  
12:40:22 20 save a lot of people's lives, or was he constantly ignored? The  
21 two can't stand together. What I read to him, from an interview  
22 in 2002, was, "The G5 commander saved a lot of people's lives.  
23 He was kind to the civilians". Well, he is talking there about  
24 the G5 commander presumably in his role as G5 commander, i.e.,  
12:40:47 25 the person who processes complaints by civilians.

26 JUDGE LUSSICK: Yes. My point is, unless I have missed  
27 some of the evidence, my point is that the possibility exists  
28 that the G5 commander may have saved a lot of people's lives  
29 regardless of the fact that the rebels ignored his advice. He

1 may have saved them by some other method, and perhaps you could  
2 help me on the evidence that would point to the fact that the  
3 only way he could have saved a lot of people's lives was if the  
4 rebels heeded the G5 advice.

12:41:21 5 MR MUNYARD: Well, I have to say I thought it was  
6 self-evident that when he is talking about the G5 commander he is  
7 there talking about him in his capacity as G5 commander.

8 [In the presence of the witness]

9 JUDGE SEBUTINDE: Mr Munyard, I wonder if I could pitch in  
12:41:36 10 with my tuppence worth of comments. I think the re-examination  
11 by Mr Werner focused on the words that you put to the witness,  
12 "Well, you have never suggested that before, Mr Charles. Do you  
13 agree that you have never said before that nobody heeded what he,  
14 that is Sylvester, was referring to, Sylvester Kai eh told them."

12:42:04 15 Then the witness had answered, in response to you, "I said those  
16 were initially were listening to him but the others who came  
17 thereafter, the rebels who were coming, never listened to him."  
18 In other words, the witness is saying to you that he did say  
19 before and now I think Mr Werner goes back into the transcript to  
12:42:25 20 dig out evidence that is almost exactly the same --

21 MR MUNYARD: Consistent.

22 JUDGE SEBUTINDE: -- to prove that he did in fact say  
23 before that Sylvester did try to warn these rebels but they never  
24 took heed.

12:42:40 25 MR MUNYARD: Yes.

26 JUDGE SEBUTINDE: I think that was the only point of the  
27 re-examination. That, of course, does not remove the apparent  
28 contradiction which is on the record for us to make what we will  
29 of it.



1 MR MUNYARD: Well, that was my point, that having  
2 re-examined on that particular issue it then does throw up an  
3 apparent inconsistency in the witness's evidence.

4 Now, Justice Lussick makes the point that the G5 commander  
12:43:10 5 saved a lot of people's lives, he was kind to the civilians,  
6 might not have been referring to him in his capacity as G5  
7 commander; that is to say, doing his job as the complaints  
8 processor. And I was really concerned in my objection to raise  
9 the fact that this contradiction now does appear on the face of  
12:43:32 10 the record and it may be appropriate to try and resolve it.

11 JUDGE SEBUTINDE: Yes, yes, but, Mr Munyard, that  
12 contradiction, though it may be there, I don't agree with you  
13 that Mr Werner is by having re-examined therefore impeaching his  
14 own witness. I don't think so.

12:43:52 15 MR MUNYARD: Well --

16 JUDGE SEBUTINDE: The witness's evidence, in and of itself,  
17 is perhaps inherently contradictory, but Mr Werner is only  
18 confirming that in a prior transcript this witness did say  
19 something that he has now repeated in these proceedings.

12:44:08 20 MR MUNYARD: Right. I am content to leave it there. If  
21 the Court feels that there is something that needs clarifying  
22 about the statement that he gave to the Prosecution in 2002 then  
23 of course you have your own inherent power to ask the witness  
24 questions.

12:44:24 25 JUDGE LUSSICK: Yes, we do indeed, Mr Munyard, and we  
26 appreciate the nature of your objection, but it is quite evident  
27 from what my learned colleague says that we are of the same mind  
28 on this, that the question asked by Mr Werner was simply to  
29 refute the suggestion by you, Mr Munyard, that the witness had

1 never before said that the rebels did not heed the advice of  
2 Sylvester.

3 Now, whether that has any implications or effect on the  
4 rest of the evidence as it stands is a matter that you can  
12:45:14 5 certainly argue in your final arguments as, in fact, you have  
6 argued today and it is a matter that the Court can take into  
7 account in weighing the evidence itself, but just as an objection  
8 to Mr Werner's question I don't think it carries the day and we  
9 will overrule the objection and allow the question and the  
12:45:40 10 answer.

11 MR MUNYARD: Very well.

12 JUDGE LUSSICK: Yes, Mr Werner?

13 MR WERNER: So, your Honour, there were two MFIs and we  
14 would tender both as exhibits now. For the benefit of the Bench,  
12:46:05 15 because it was a bit complicated with two portions of closed  
16 session, we have done the break down for what was MFI-1 would be  
17 the first exhibit.

18 JUDGE LUSSICK: Wait on. There are three marked, isn't  
19 there? Isn't there MFI-1A and B and MFI-2?

12:46:27 20 MR WERNER: Yes, exactly. Talking about MFI-1A you will  
21 remember that it was page 18893 to 19225. Now, the problem was  
22 in the middle there was two portions. We have done the break  
23 down for you to tell you exactly from which page to which page is  
24 what is now MFI-1A, so maybe I can give it to you.

12:46:50 25 JUDGE LUSSICK: That is very handy. Thank you, Mr Werner.

26 MR WERNER: So it would be 18893 to 18919, 18925 to 19017  
27 and then 19064 to 19225, and we would ask that MFI-1A becomes the  
28 next exhibit.

29 JUDGE LUSSICK: Yes, Mr Munyard, do you have any objection

1 to these transcripts going in?

2 MR MUNYARD: No, your Honour. Nor indeed to the exhibits,  
3 as I am on my feet.

4 JUDGE LUSSICK: Thank you. Yes. Well, the transcripts  
12:48:08 5 previously described somewhat differently, when marked for  
6 identification 1A, are now admitted into evidence as Prosecution  
7 exhibit P-199 - 199A that should be, is that correct? Madam  
8 Court Manager, have I got the right number there? 199A?

9 MS IRURA: Your Honour, that is correct.

12:48:41 10 JUDGE LUSSICK: Thank you. 199A and they are the pages of  
11 the transcript of this witness's evidence given in the  
12 Prosecution against Sesay and others trial, and marked as CMS  
13 pages 18893 to 18919, 18 -- what is the next number?

14 MR WERNER: 18925 to 19017.

12:49:20 15 JUDGE LUSSICK: 18925 to 19017, and 19064 to 19225, a total  
16 of 282 pages.

17 [Exhibit P-199A admitted]

18 MR WERNER: And then there was MFI-1B, page 18920 to 18924,  
19 and page 19018 to 19063 and we would request it to be the next  
12:50:01 20 exhibit.

21 JUDGE LUSSICK: Thank you. Well, the --

22 MR WERNER: And of course that would be confidential, which  
23 was the point of having MFI-1B.

24 JUDGE LUSSICK: Is there any issue there, Mr Munyard?

12:50:20 25 MR MUNYARD: None, your Honour.

26 JUDGE SEBUTINDE: Mr Werner, if you don't mind could you  
27 please repeat those pages slowly. They are not captured on the  
28 transcript.

29 MR WERNER: Of course, your Honour. 18920 to 18924 and

1 then 19018 to 19063.

2 JUDGE LUSSICK: Thank you, Mr Werner. Well, those pages of  
3 the transcript of the evidence of this witness given in the RUF  
4 trial, previously referred to and marked for identification as  
12:51:13 5 MFI-1B, specifically the pages given in closed session and  
6 identified by CMS 18920 to 18924, and 19018 to 19063, that is of  
7 evidence given in closed session, will be admitted into evidence  
8 as exhibit P-199B and marked confidential.

9 [Exhibit P-199B admitted]

12:51:58 10 MR WERNER: Yes, thank you, your Honour. And then there  
11 was MFI-2, the disbursement, which was at the time the exhibit in  
12 the RUF trial P-14. We would request that to be the next  
13 exhibit. 14. There was no Prosecution or Defence. It was  
14 exhibit 14 in the RUF trial.

12:52:21 15 JUDGE LUSSICK: That is right, yes, thank you. And the  
16 document previously marked for identification MFI-2, that is the  
17 document that was exhibited as exhibit 14 in the RUF trial, being  
18 disbursements for this witness and shown at page 19227 of the  
19 relevant transcript, will be admitted into evidence as exhibit  
12:52:58 20 P-200.

21 [Exhibit P-200 admitted]

22 Thank you, Mr Witness. That finishes your evidence now and  
23 you are free to leave court. You will be escorted out now.  
24 Thank you very much. Do you have another witness, Mr Werner?  
12:53:52 25 Yes, Ms Hollis.

26 MS HOLLIS: Mr President, the next witnesses in order will  
27 be TF1-195, TF1-206, TF1-197. These three witnesses are the  
28 subject of a pending decision based on a Prosecution pleading 586  
29 regarding a Rule 92 bis admission of the evidence of these

1 witnesses. TF1-198 was also included in that pleading but was  
2 unable to travel and is not here. So we are in the situation we  
3 were yesterday, your Honours.

4 JUDGE LUSSICK: I understand that, Ms Hollis. I can tell  
12:54:39 5 you this, that the motion has been decided by the Trial Chamber  
6 subject to our now checking one particular detail and we would be  
7 able to give an oral decision straight after lunch, but there is  
8 something that we have thought we ought to check. So what I  
9 intend to do, unless there are any objections, is adjourn early  
12:55:10 10 and we will resume at 2 p.m. and that will give us time to check  
11 this information that we see fit. I beg your pardon, we will  
12 return at 2.30, at the normal time. I will make that clear. We  
13 will adjourn now but come back at 2.30 at the normal time and  
14 that will give us the time we need. So, Madam Court Manager, if  
12:55:37 15 you will adjourn the Court, please.

16 [Lunch break taken at 12.55 p.m.]

17 [Upon resuming at 2.30 p.m.]

18 JUDGE LUSSICK: Yes. I note the Prosecution Bar has got  
19 some different appearances this afternoon, is that correct, or  
14:29:47 20 have you just changed seats.

21 MR SANTORA: Good afternoon, Mr President, good afternoon  
22 your Honours, good afternoon counsel opposite. We have just  
23 switched seats. The appearances are the same.

24 JUDGE LUSSICK: Thank you. Well, I mentioned an oral  
14:30:06 25 decision just before we adjourned. We have had a chance to look  
26 at the detail that we needed to check and we are now able to make  
27 the following order, but before I read it out I will advise the  
28 parties that a written decision will be following either this  
29 afternoon, or first thing in the morning.

1 The following is the Trial Chamber's decision on the  
2 public, with confidential annexes A to G, Prosecution notice  
3 under Rule 92 bis for the admission of evidence related to inter  
4 alia Kono District - TF1-195, TF1-197, TF1-198 and TF1-206. That  
14:31:21 5 Prosecution motion was filed on 11 September 2008.

6 The Trial Chamber grants the application in part and orders  
7 that:

8 1. The prior transcripts and related exhibits relating to  
9 the testimony of witnesses TF1-195, TF1-197, TF1-198 and TF1-206.

14:32:05 10 2. The statement of witness TF1-198 contained in  
11 confidential annex E to the motion, and

12 3. The statement of witness 206 contained in confidential  
13 annex G to the motion".

14 I will pause here to note that annex G has mistakenly been  
14:32:31 15 marked as annex F. I will say that again. For 3 the annex G to  
16 the motion has mistakenly been shown annexed to the motion as  
17 annex F.

18 Well in regard to those three sets of documents I've just  
19 mentioned, they shall be admitted into evidence pursuant to Rule  
14:33:13 20 92 bis provided that the Prosecution shall make the said  
21 witnesses available for cross-examination by the Defence.

22 As I said, a written decision will follow this afternoon or  
23 tomorrow morning.

24 One other decision relating to that motion which I should  
14:33:49 25 have read out is that the Trial Chamber further dismisses the  
26 Defence application for rescission of protective measures in  
27 respect of witnesses TF1-195, TF1-197, TF1-198 and TF1-206.

28 Now while we are on the subject of written decisions,  
29 yesterday this Trial Chamber delivered an oral decision on the

1 Prosecution motion, or rather the Prosecution notice under Rule  
2 92 bis for the admission of evidence related to inter alia Kono  
3 District - TF1-218 and TF1-304.

14:35:02 4 I said at the time that the Trial Chamber would file a  
5 written decision once Judge Doherty was available to sign it.  
6 However, the Trial Chamber has since taken the view that it's not  
7 necessary to delay the written decision and consequently it also  
8 will be filed today, or first thing in the morning.

9 Mr Santora?

14:35:28 10 MR SANTORA: Thank you, Mr President. The next witness for  
11 the Prosecution is TF1-195. Before calling that witness, the  
12 Prosecution has an application with regard to that witness's  
13 protective measures.

14 Your Honours, after consultation with this witness she has  
14:35:51 15 expressed her willingness to testify openly. Currently this  
16 witness is covered by the protective measures ordered in the 5  
17 July 2004 decision of Trial Chamber I for the Special Court in  
18 which this witness was granted protective measures granted to  
19 witnesses falling under Category A. The witness was listed in the  
14:36:21 20 prior Prosecution filing in annex A as the ninth witness, so  
21 currently the measures that apply to this witness from that 5  
22 July 2004 decision are provisions (a) through (g). At this point  
23 the Prosecution would apply to lift those provisions except for  
24 provisions (b) and (c) as pertaining to the witness's current  
14:36:51 25 address.

26 JUDGE LUSSICK: Thank you, Mr Santora. Mr Griffiths?

27 MR GRIFFITHS: Our position is as before, your Honour.  
28 Nothing to add.

29 JUDGE LUSSICK: All right, thank you.

1 [Trial Chamber conferred]

2 Yes, well the recision of protective measures applied for  
3 by Mr Santora is granted. However, we do note that the  
4 provisions of protective measures (b) and (c) contained in the  
14:37:43 5 decision of Trial Chamber I of 5 July 2004 will remain in force  
6 to the effect that the address of the witness will still be  
7 protected.

8 Yes, call the witness please.

9 MR SANTORA: At this point the Prosecution will call  
14:38:07 10 TF1-195. The witness will testify in Kono and is a Christian and  
11 so is of a Christian religion.

12 WITNESS: SIA KAMARA [Sworn]

13 EXAMINATION-IN-CHIEF BY MR SANTORA:

14 Q. Good afternoon, Mrs Witness.

14:41:30 15 A. Good afternoon.

16 Q. Now, Mrs Witness, I am going to ask you a few questions and  
17 I would just like you to listen closely and speak slowly so the  
18 translators can understand you. Okay?

19 A. Okay.

14:41:51 20 Q. Can you state your name for the Court?

21 A. Yes.

22 Q. What is it?

23 A. My name is Sia Kamara.

24 MR SANTORA: Your Honours, S-I-A and Kamara, common  
14:42:09 25 spelling, K-A-M-A-R-A:

26 Q. Mrs Witness, do you know how old you are?

27 A. I am 48 years old.

28 JUDGE SEBUTINDE: Mr Santora, the witness stated only one  
29 name, Kamara. If you see what she said, "My name is Kamara."



1 MR SANTORA: My LiveNote shows two names, but maybe --

2 JUDGE SEBUTINDE: No, the Sia Kamara is you saying Sia  
3 Kamara.

4 JUDGE LUSSICK: No, the problem is that Justice Sebutinde's  
14:42:49 5 LiveNote for some inexplicable reason is different from ours.

6 MR SANTORA: Because I am seeing two names in her response.

7 JUDGE LUSSICK: But the answer to the note, "What is it" on  
8 my LiveNote is, "My name is Sia Kamara."

9 MR SANTORA: That's what mine has as well.

14:43:12 10 THE WITNESS: Well, that is it, Sia Kamara.

11 JUDGE LUSSICK: It's all right, Madam Witness, we have a  
12 technical problem here. There is no need for you to try to  
13 explain it.

14 MR GRIFFITHS: Mine is exactly the same as Justice  
14:43:25 15 Sebutinde's. It just says Kamara, not the first name.

16 JUDGE LUSSICK: Well, we can't have that; two different  
17 versions of the evidence coming in.

18 MR MUNYARD: Mine tallies with yours, the one behind me  
19 tallies with Justice Sebutinde's.

14:43:44 20 JUDGE LUSSICK: Well, that's extraordinary. I have never  
21 struck that before.

22 MS IRURA: Your Honours, we will look into it. I can  
23 confirm that the name Sia Kamara is reflected on my LiveNote  
24 which is connected directly to the stenographer. So I will check  
14:44:10 25 what the problem could be.

26 JUDGE LUSSICK: Thank you, Madam Court Manager. What  
27 obviously concerns us is that this witness will now proceed to  
28 give evidence and two different versions of the evidence are  
29 going to come out, depending on which computer is in front of

1 you. So I wonder if you could ascertain as a matter of urgency -  
2 well, she has gone already. Have you any idea at all how long  
3 that is going to take to check what has happened?

14:44:43

4 MS KAMUZORA: Your Honours, we will find out and get back  
5 to you.

6 JUDGE LUSSICK: I think the only course is we will have to  
7 go off the Bench until this is resolved. Madam Witness, just sit  
8 there. You will be escorted out.

14:45:31

9 MS IRURA: Your Honour, the explanation seems to be that  
10 apparently the stenographer initially heard Sia and so typed in  
11 Sia Kamara, but then later on in the discourse she thought that  
12 it had just been Kamara, so she deleted the Sia but typed it  
13 again and for some reason that is why it appears on some screens  
14 and not on others. The technicians are being contacted to see  
15 what can be the cause, because the stenographer is also not aware  
16 of what could be causing the different versions of LiveNote.

14:45:58

17 JUDGE LUSSICK: What is the present position, Madam Court  
18 Manager; is it safe to proceed, is it likely to happen again or  
19 was that just a one-off?

14:46:16

20 MS IRURA: Your Honour, it seems to have been a one-off  
21 occurrence as the stenographer's LiveNote does reflect Sia Kamara  
22 as was initially stated.

23 JUDGE LUSSICK: All right. Well, let's proceed and  
24 hopefully it won't happen again.

14:46:38

25 Madam Witness, you are probably very confused as to what is  
26 going on. We have just had a technical problem. I have been led  
27 to believe it is not going to happen again, so you are now going  
28 to be asked a few questions. We've already got on record the  
29 witness's name is Sia Kamara and she is aged 48.

1 MR SANTORA: Thank you, Mr President:

2 Q. Mrs Witness, do you know when you were born?

3 A. I said 48 years.

4 Q. And where were you born, Mrs Witness?

14:47:19 5 A. Njai ama Nimi koro.

6 Q. And is that in Kono in Sierra Leone?

7 A. Yes.

8 Q. And have you ever had the chance to go to school?

9 A. No.

14:47:41 10 Q. What languages do you speak, Mrs Witness?

11 A. I speak Kono and some Krio.

12 Q. And are you a member of the Kono tribe in Sierra Leone?

13 A. I am Kono, my mother is Kono and my father Temne.

14 Q. Now, Mrs Witness, do you recall testifying in the case of  
14:48:21 15 the Prosecutor versus Sesay, Kallon and Gbao at the Special Court  
16 for Sierra Leone in Freetown, Sierra Leone, on 1 February 2005?

17 A. Yes.

18 MR SANTORA: I ask at this point that the transcript be  
19 shown to Defence counsel from that proceeding. The pages - for  
14:49:00 20 the purposes of record of this proceeding the pages are by CMS  
21 number 19454 to 19489, which is 36 pages.

22 Q. Mrs Witness, the trial testimony that you gave in that  
23 case, was it read to you recently in a language that you can  
24 understand?

14:49:41 25 A. Yes.

26 Q. And do you adopt this testimony as your own testimony from  
27 the case of the Prosecutor versus Sesay, Kallon and Gbao that you  
28 gave on 1 February 2005?

29 A. Yes. Yes.

1 MR SANTORA: At this point I request that this be marked  
2 for identification.

3 JUDGE LUSSICK: Have the Defence seen those? Yes, all  
4 right. Well, part of the transcript of the evidence given by  
14:50:22 5 this witness in the trial of the Prosecutor against Sesay and  
6 others on 1 February 2005 identified by CMS pages 19454 to 19489,  
7 a total of 36 pages, will be marked 1 for identification, MFI-1.

8 MR SANTORA: At this point I tender the witness, your  
9 Honour.

14:51:02 10 JUDGE LUSSICK: Thank you, Mr Santora. Mr Griffiths.

11 CROSS-EXAMINATION BY MR GRIFFITHS:

12 Q. Madam Witness, can I make this plain right from the outset:  
13 I know from the account you gave in previous proceedings that  
14 terrible things were done to you after the ECOMOG intervention.

14:51:34 15 I have no intention of asking you about any of that. That's not  
16 what I'm interested in. Do you understand me?

17 A. Yes.

18 Q. Now, the first thing I want to ask you is this: Up until  
19 the junta government you had lived in Tongo Fields for about 15  
14:51:57 20 years, hadn't you?

21 A. Yes.

22 Q. And during that 15 year period what had you and your family  
23 been doing in Tongo Fields?

24 A. I was a petty trader and my husband a miner.

14:52:25 25 Q. And talking about mining, mining was one of the principal  
26 activities in Tongo Fields, wasn't it, Mrs Kamara?

27 A. Yes.

28 Q. And during that 15 year period who was in control of the  
29 mining in Tongo Fields?

1 A. At the time the NDMC was there.

2 Q. And during that 15 year period what was life like in  
3 Tongo Fields?

4 A. People were there.

14:53:12 5 Q. Was life good?

6 A. It was very good.

7 Q. Now, the event which caused things to change was the ECOMOG  
8 intervention in Freetown, wasn't it?

9 A. Yes.

14:53:40 10 Q. When ECOMOG drove the AFRC and RUF out of Freetown they  
11 fled and came through where you were living, didn't they?

12 A. Yes.

13 Q. And in fact you saw the convoy containing Johnny Paul  
14 Koroma pass through where you were living?

14:54:12 15 A. Yes.

16 Q. Didn't you?

17 A. Yes.

18 Q. He was in a convoy of vehicles, wasn't he?

19 A. Yes.

14:54:22 20 Q. And is it not the case that he had disguised himself as a  
21 woman?

22 A. It was at that time.

23 Q. Did you see the disguise?

24 A. Very well.

14:54:40 25 Q. And he was dressed as a woman, wasn't he?

26 A. Very well.

27 Q. Now, if I understand the previous accounts you have given,  
28 you were captured the day after Johnny Paul Koroma's convoy  
29 passed through where you were living. Is that right?

1 A. The next morning, following morning, yes.

2 Q. And this was at Yegbema, am I right?

3 A. Yes.

4 Q. Now, what was the name of the commander of the group who

14:55:33 5 captured you?

6 A. Lieutenant T.

7 Q. Did you have any other name for him?

8 A. No.

9 Q. Now help me please, Mrs Kamara. I know it's a small

14:55:52 10 detail, but I'm hopeful that you may be able to assist us. At

11 that time were you able to tell the difference between someone

12 who was AFRC and someone who was RUF?

13 A. What I know is when somebody was in combat and was carrying

14 a gun I knew that that person was a rebel.

14:56:24 15 Q. But could you tell the difference between former members of

16 the Sierra Leonean Army and RUF members?

17 A. I can't make a distinction between them. They were chasing

18 us and they had guns. I wouldn't know which was which.

19 JUDGE SEBUTINDE: Mr Griffiths, sorry to interrupt, but the

14:56:50 20 village that you named where the witness was living at that time

21 of capture, what was it again?

22 MR GRIFFITHS: Yegbema.

23 JUDGE SEBUTINDE: Yes, because we don't have it spelt.

24 THE WITNESS: They captured me --

14:57:09 25 JUDGE SEBUTINDE: No, Mr Griffiths the name that you

26 mentioned.

27 MR GRIFFITHS: The name that I mentioned I took from the

28 documents before me.

29 JUDGE SEBUTINDE: Perhaps you could spell that for us,

1 please

2 MR GRIFFITHS: It is spelt Y-E-G-B-E-M-A and it is located  
3 in Fiama Chiefdom, F-I-A-M-A:

14:57:51

4 Q. Now, was that the first time you had come in contact with  
5 those you call the rebels?

6 A. That was the first time.

7 Q. And at that stage, if I understand previous accounts you've  
8 given, there were about 20 or so rebels who captured you. Is  
9 that right?

14:58:09

10 A. There were many. I do not know their number.

11 Q. Now when you were captured, things were said to you by  
12 those who captured you which suggested that they thought you were  
13 Kamajors. Is that right?

14:58:45

14 A. It was not the Kamajor that captured me. I said it was the  
15 rebels who captured me.

16 Q. I know that, but after your capture did they not say to  
17 you, "We are going to amputate you because your husbands are  
18 Kamajors"?

19 A. Yes.

14:59:03

20 Q. So they suspected you of being Kamajors or Kamajor  
21 sympathisers, is that right?

22 A. Yes.

23 Q. And, indeed, whilst you were in the bush you encountered  
24 civilians who were fleeing from Koidu Town who told you that the  
14:59:37 25 Kamajors had entered Koidu Town, didn't they?

26 A. Yes.

27 Q. Now as I said at the outset I am not going to ask you to  
28 relive that ordeal, but I want to ask you just one or two  
29 questions which touch upon it. Who gave the order for those

1 terrible things to be done to you?

2 A. Lieutenant T.

3 Q. Do you know who Lieutenant T's boss was?

4 A. I don't know.

15:00:49 5 Q. To how many people did he give that order, or those orders?

6 A. There were many. His boys, there were many.

7 Q. Can you just give us a rough idea how many of them there  
8 were? Just a rough idea. I don't want you to be precise.

9 A. I said there were many. They had women among them.

15:01:33 10 Q. And did you notice anything about those men who did these  
11 things? Did they all speak Krio, or did any of them speak with  
12 any other language?

13 A. They were speaking Krio, Mende and Liberian.

14 Q. And as you said earlier they were mixed men and women, were  
15:02:06 15 they?

16 A. Yes.

17 Q. Some were older and some were quite young, is that right?

18 A. Yes.

19 Q. And did they tell you, for example, that they had just fled  
15:02:25 20 from Freetown?

21 A. They were - as they passed through, they were shouting.

22 They said they had come from Freetown. They were heading for

23 Fiama.

24 Q. Now after these terrible things happened to you, you were  
15:02:47 25 taken to Freetown, weren't you?

26 A. Yes.

27 Q. And did you live in a camp there until disarmament?

28 A. Yes.

29 Q. And in fact when you were first spoken to by the



1 Prosecution you were in that camp, weren't you?

2 A. Yes.

3 MR GRIFFITHS: I've no further questions.

4 JUDGE LUSSICK: Thank you, Mr Griffiths. Is there any

15:03:22 5 re-examination, Mr Santora?

6 MR SANTORA: Just one question, Mr President.

7 RE-EXAMINATION BY MR SANTORA:

8 Q. Mrs Witness --

9 A. Yes.

15:03:32 10 MR SANTORA: The reference here is page 92, line 24:

11 Q. Mrs Witness, you said that some of these men spoke  
12 different languages and you said that some of them spoke  
13 Liberian. What do you mean when you say they spoke Liberian?

14 A. When they met you they just said, "My meh, let's go". That  
15:04:01 15 is what they were saying. Some of them were speaking Mende.

16 MR SANTORA: One moment, your Honour. It is just that it  
17 didn't pick up on the LiveNote. That is my concern. My LiveNote  
18 didn't pick up the response:

19 Q. Mrs Witness, let me ask you this question again. What do  
15:04:31 20 you mean when you say that some of these men spoke Liberian?

21 A. This "meh, meh" thing that we continued hearing. When  
22 people speak Liberian that is how we identified them when they  
23 said "My meh".

24 JUDGE SEBUTINDE: What does it mean?

15:04:55 25 MR SANTORA:

26 Q. What does "My meh" mean?

27 A. I do not know its meaning, but that is what we heard from  
28 them. "My meh, let's go. My meh", is that not Liberian?

29 Q. What makes --

1 JUDGE SEBUTINDE: Exactly. What makes her think that it is  
2 Liberian?

3 MR SANTORA:

4 Q. What makes you think that that is Liberian, Mrs Witness?

15:05:27 5 A. I heard Liberian people speaking like that.

6 MR SANTORA: That's all the questions I have.

7 JUDGE LUSSICK: Thank you. Now, you've got some documents  
8 marked for identification.

9 MR SANTORA: Yes, there is one document currently marked  
15:05:45 10 MIF-1 which the Prosecution would seek at the moment to tender,  
11 assuming there is no questions from the Bench, I apologise.

12 JUDGE SEBUTINDE: Mr Santora, I just wanted you to get the  
13 spelling correctly of this quotation that the witness has said.  
14 I don't know if it's quoted properly in the transcript.

15:06:09 15 MR SANTORA: Your Honour, I am just finding the transcript  
16 reference. The correct spelling should be my M-Y and meh M-A-H  
17 phonetically. I think the transcript has M-E-H.

18 JUDGE SEBUTINDE: Yes, I think it should be M-E-H. Did you  
19 say M-A-H?

15:06:45 20 MR SANTORA: Yes.

21 JUDGE SEBUTINDE: That would be "My mah". It wouldn't be  
22 "My meh".

23 MR SANTORA: It is probably just as phonetically as it was  
24 sounded should probably be the right way to proceed, because I  
15:07:02 25 don't want to certainly interpret what I think that means. I  
26 thought she said, "My mah". It may be just the way of the  
27 pronunciation, so I think probably the best way would be just to  
28 rely on what was phonetically heard by the court reporter and I  
29 think in context we will deal with that later on then in context.

1 JUDGE LUSSICK: Mr Griffiths, there's been an application  
2 by the Prosecution to tender the documents presently marked  
3 MFI-1.

4 MR GRIFFITHS: No difficulty with that.

15:07:47 5 JUDGE LUSSICK: Thank you.

6 The documents described presently as MFI-1, that is the  
7 transcript of the evidence of this witness given in the trial of  
8 Prosecutor v Issa Sesay and others on 1 February 2005, pages  
9 19454 to 19489, will now be admitted into evidence as exhibit  
10 P-201.

15:08:23

11 [Exhibit P-201 admitted]

12 Madam Witness, that's the end of your evidence and we want  
13 to thank you for coming to court.

14 THE WITNESS: Okay, thank you too.

15:08:38 15 JUDGE LUSSICK: You will now be escorted out.

16 Have you got the next witness? Oh, it's Mr Werner who has  
17 the next witness. Good afternoon.

18 MR WERNER: Good afternoon. The next witness for the  
19 Prosecution will be TF1-206. Again it's a witness who is  
20 classified as a Category 1 in the 5 July 2004 decision and we  
21 have spoken with this witness and he has told us that he would  
22 like to testify openly. So once again we are raising it in the  
23 extent that these protective measures apply to these Category 1  
24 witnesses, your Honours.

15:09:29

25 JUDGE LUSSICK: Now, is this witness one of those mentioned  
26 in any annex to --

27 MR WERNER: He is not.

28 JUDGE LUSSICK: I see. Thank you. Is it Mr Munyard who is  
29 handling this one?

1 MR MUNYARD: Mr President, you rightly surmised it was me,  
2 as I was trying to concentrate on some of the documents in this  
3 matter.

4 Can I deal with one of the issues you yourself raised when  
15:10:28 5 we resumed this afternoon. It's the question of annex G. I don't  
6 know if you think this is an appropriate stage to deal with this,  
7 but you yourself raised --

8 JUDGE LUSSICK: Indeed I did. We can deal with that almost  
9 immediately. What I wanted to know at the present, Mr Munyard,  
15:10:49 10 is there's been an application by the Prosecution to rescind  
11 protective measures. We are well aware of your position that you  
12 hold that the 5 July 2004 decision does not in fact endow the  
13 witness with any protective measures.

14 MR MUNYARD: Indeed.

15:11:13 15 JUDGE LUSSICK: But subject to us noting that, is there any  
16 objection to the witness testifying without protective measures?

17 MR MUNYARD: No, thank you.

18 JUDGE LUSSICK: Thank you.

19 [Trial Chamber conferred]

15:14:25 20 JUDGE SEBUTINDE: Mr Santora, I was just conferring with  
21 Justice Lussick - and of course, Mr Munyard, too, this is for  
22 your ears - that the application to rescind the protective  
23 measures in respect of TF1-206, the Trial Chamber did have an  
24 oral ruling, although the reasons were not expounded in Justice  
15:14:50 25 Lussick's ruling, just after the lunch break.

26 The ruling was that the Defence had originally applied to  
27 rescind the protective measures of inter alia TF1-206. We, in  
28 our ruling of this afternoon, have said that we've dismissed that  
29 application and the reasons that will appear in writing are that

1 we think that application is redundant for the reasons that we  
2 don't believe TF1-206 enjoyed any protective measures.

3 Now, by the Prosecution this afternoon raising the subject  
4 again, in my view, we are relitigating, if you like, the same  
15:15:35 5 issue of protective measures and asking Mr Munyard to comment  
6 again on a ruling that the Court has already given. Am I wrong?

7 MR MUNYARD: My answer, like that of Dorothy Parker, to  
8 your question is evasive. I'm not going to say you're wrong or  
9 right, your Honour. What I would say is this: That if the  
15:16:03 10 matter is being relitigated then clearly we abandon our  
11 application to rescind those protective measures because our  
12 primary application in relation to that decision of 5 July 2004  
13 is that it does not cover this witness, consistent with the  
14 findings of this Trial Chamber. Therefore insofar as - I believe  
15:16:22 15 it's now academic since you have refused our application on the  
16 grounds that it's redundant, but insofar as it still has any life  
17 left in it then we abandon it. I hope for procedural matters  
18 that puts our position clearly.

19 JUDGE LUSSICK: Well, the Court has yet to rule on  
15:16:53 20 Mr Santora's present application and I am sure Mr Santora made  
21 that application possibly not taking into account our oral  
22 decision earlier today --

23 MR SANTORA: Just to clarify, I know it's confusing, my  
24 colleague Mr Werner made this present application.

15:17:10 25 JUDGE LUSSICK: Yes, of course.

26 MR SANTORA: But it is from the Prosecution Bench.

27 JUDGE LUSSICK: Well, I will change what I said to include  
28 Mr Werner's name instead of Mr Santora. But, in any event, we  
29 haven't ruled on it and, as my learned colleague has just said,

1 we have handed down an oral decision that in fact dismisses any  
2 application for recision on the grounds that it would be  
3 redundant in that the witness is not covered anyway by the 2004  
4 decision. So the sum total of the present position is that this  
15:17:51 5 witness will now testify without any protective measures.

6 Now, before calling on Mr Werner who I take it is now going  
7 to lead evidence from the back seat instead of the front, I take  
8 it --

9 MR WERNER: I was going to make an application to be  
15:18:14 10 promoted to the front seat.

11 JUDGE LUSSICK: Promotion granted. I note that - let me  
12 see if I can get the application here. Mr Munyard you hadn't  
13 quite got around to making any application with regard to annex G  
14 but you did mention you had something --

15:18:37 15 MR MUNYARD: Your Honour, it's not an application as such.  
16 I wanted to simply point out that on my copy it's marked annex F,  
17 the F is crossed out quite rightly because we already got an  
18 annex F, but it says TF1-206's statement dated 4 July 2008 and  
19 adopted in 3 September 2005. That clearly also needs to be  
15:19:05 20 amended.

21 I wanted to clarify with my learned friends opposite that  
22 the only documentation put forward under Rule 92 bis in relation  
23 to this witness are his previous trial transcripts and that one  
24 statement of 4 July which is accompanied by an adoption  
15:19:28 25 declaration dated 3 September 2008. I am not taking a point on  
26 the 2005 or 2008, I am sure that is what it refers to, but in  
27 light of other documentation I have I just want to be absolutely  
28 clear that there is only the one statement in addition to the one  
29 transcript.

1 MR WERNER: That is correct.

2 MR MUNYARD: I am very grateful. That makes me understand  
3 clearly where the Prosecution are.

4 Can I indicate I have very little for this witness by way  
15:20:02 5 of cross-examination. I hope by saying that it will be helpful  
6 to those behind the scenes who may well wish to bring another  
7 witness or have another witness close by. I know there is one  
8 other witness, 197 I think, who is yet to give evidence and is  
9 likely to give evidence today.

15:20:21 10 MR WERNER: Your Honours, just to be clear, when we say one  
11 transcript it's indeed one transcript covering two days.

12 JUDGE LUSSICK: Well, thank you, Mr Munyard. Those  
13 comments are in fact helpful. Mr Werner, we will call the  
14 witness now. Madam Court Manager.

15:20:44 15 MR WERNER: For the assistance of your Honours he will  
16 testify in Krio.

17 WITNESS: ALHAJI TEJAN COLE [Sworn]

18 EXAMINATION-IN-CHIEF BY MR WERNER:

19 Q. Good afternoon, Mr Witness.

15:22:55 20 A. Yes, good afternoon.

21 Q. Mr Witness, what is your name?

22 A. My name is Alhaji Tejan Cole, sir.

23 Q. Are you able to spell your name for this Court?

24 A. Yes, sir.

15:23:17 25 Q. Please do so.

26 A. A-L-H-A-J-I T-E-J-A-N C-O-L-E.

27 Q. What is your date of birth, Mr Witness?

28 A. It is 21 November 1975.

29 Q. And what is your place of birth?

1 A. Freetown, Scotland Street.

2 MR WERNER: I do not think we need to spell Scotland. I  
3 think it's correct on the transcript - on the LiveNote:

4 Q. Do you belong to any tribe, Mr Witness?

15:24:09 5 A. Yes, sir.

6 Q. What is your tribe?

7 A. Well, I can speak Krio and Temne.

8 Q. And are you from the Krio ethnic group, Mr Witness?

9 A. Yes, sir.

15:24:43 10 JUDGE SEBUTINDE: Mr Werner, I don't think Krio is a tribe.

11 It's a language.

12 MR WERNER: I take that point:

13 Q. What is your level of education, Mr Witness?

14 A. Well, I did not go that far. I stopped in Class 7.

15:25:10 15 Q. Mr Witness, --

16 A. Yes, sir.

17 Q. -- do you remember on 28 and 29 of June 2005 in Freetown in  
18 Sierra Leone giving testimony in the case Prosecutor v Brima,  
19 Kamara and Kanu, the AFRC trial? Do you remember that?

15:25:40 20 A. Yes, sir.

21 MR WERNER: Could I ask for a transcript to be first shown  
22 to my learned friend. That is the transcript of this witness in  
23 the case Prosecutor v Brima, Kamara and Kanu, 28 and 29 June  
24 2005, CMS pages 19663 to 19739, 77 pages:

15:26:48 25 Q. Mr Witness, has this transcript been recently read to you  
26 in a language that you can understand?

27 A. Yes, sir.

28 Q. And do you adopt this transcript as your prior testimony?

29 A. Yes.



1 MR WERNER: Your Honours, we would request this transcript  
2 to be marked for identification.

3 JUDGE LUSSICK: Yes. The transcript of the evidence given  
4 by this witness on 28 and 29 June 2005 in the trial of Prosecutor  
15:27:35 5 v Brima, Kamara and Kanu, known as the AFRC trial, pages 19663 to  
6 19739, a total of 77 pages, is marked for identification MIF-1.

7 MR WERNER:

8 Q. Now, Mr Witness, did you give a statement to the Office of  
9 the Prosecutor to two persons called Umaru Kamara and Shyamala  
15:28:14 10 Alagenda this summer on 4 July 2008. Do you remember that?

11 A. Yes, sir.

12 MR WERNER: Could I have the three pages shown to the  
13 witness and they are the statement and the adoption, three pages  
14 CMS numbers 19741 to 19743:

15:28:57 15 Q. Mr Witness --

16 A. Yes, sir.

17 Q. -- was this statement dated 4 July 2008 read to you in a  
18 language that you could understand?

19 A. Yes, sir.

15:29:10 20 Q. And did you sign a document saying that it was read to you  
21 in the Krio language and that you adopted the statement?

22 A. Yes, sir.

23 MR WERNER: Your Honours, we would request those three  
24 pages to be marked for identification.

15:29:32 25 JUDGE LUSSICK: The witness's statement dated 4 July 2008,  
26 page numbers 19741 to 19743, is marked MIF-2 for identification.

27 MR WERNER: We tender the witness at this point, your  
28 Honours.

29 JUDGE LUSSICK: Thank you, Mr Werner. Mr Munyard?

1 MR MUNYARD: Thank you, your Honour.

2 CROSS-EXAMINED BY MR MUNYARD:

3 Q. Mr Cole, I'm going to ask you just a very few questions.

4 A. Yes, sir.

15:30:12 5 Q. And if I ask you a question that you do not understand,  
6 will you let me know so that I can ask it in another way to try  
7 and make it clearer?

8 A. Yes, sir.

9 Q. You told us that you were born in 1975?

15:30:26 10 A. Yes, sir.

11 Q. So in 1992 you were 17, weren't you?

12 A. Yes, sir.

13 Q. Now, where were you living when you were aged 17?

14 A. I was in Kono.

15:30:49 15 Q. Did you become aware that the government in Freetown had  
16 been overthrown in a coup when you were about 17 years old and  
17 somebody called Captain Valentine Strasser, an army man, became  
18 President?

19 A. Yes, sir.

15:31:16 20 Q. And at that time the country, Sierra Leone, had begun to  
21 experience a civil war. Were you aware of that, whether or not  
22 it had reached you in Kono?

23 A. Yes, sir.

24 Q. And did you learn later in 1993 or '94, thereabouts, that  
15:31:42 25 Captain Strasser, the head of government, had recruited a group  
26 of Liberian soldiers called the Special Task Force to help him in  
27 his fight with the rebels?

28 A. Well, I'm not aware about that.

29 Q. But were you aware that there were Liberian mercenaries in

1 Sierra Leone from the mid-1990s?

2 A. Yes, we heard about that.

3 Q. And you yourself had some experience of hearing the  
4 Liberian language because you had spent some time in Zimmi, a

15:32:46 5 town near the Liberian/Sierra Leone border. Is that correct?

6 A. Yes, sir. Yes, sir.

7 Q. And Zimmi is in which country?

8 A. Well, I can say it's Sierra Leone.

9 Q. Right. But were there a lot of Liberians living in Zimmi

15:33:15 10 at the time that you were there?

11 A. There were many.

12 Q. And were any of those Liberians that you met or heard about  
13 in Zimmi also mercenaries - soldiers of fortune?

14 A. Well, it was a mixed group.

15:33:42 15 Q. Do you mean by that that some of the Liberians that you met  
16 or heard about in Zimmi were indeed mercenaries and some weren't?

17 A. Yes.

18 Q. Thank you. And when was it that you spent time in Zimmi?  
19 Was it one particular period of time, or more than one occasion?

15:34:04 20 A. Well, I used to visit there frequently --

21 Q. Can you help us with --

22 THE INTERPRETER: Your Honours, can the witness kindly  
23 repeat that.

24 JUDGE LUSSICK: Would you repeat that answer, please,

15:34:24 25 Mr Witness. Do you need the question again, or can you remember  
26 what the question was?

27 THE WITNESS: Like what question?

28 JUDGE LUSSICK: Perhaps, Mr Munyard, ask it again.

29 MR MUNYARD: Yes:

1 Q. Did you visit Zimmi on more than one occasion?

2 A. Yes, sir.

3 Q. And can you help us with which years you went to Zimmi in  
4 the 1990s?

15:35:07 5 A. I went there in '94, in '95 and even in 2002 I went there  
6 again.

7 Q. I'm just interested in the 1990s. You went in '92 and '94.  
8 Any other visits to Zimmi after '94, but before 2000?

9 A. No, except in 2002.

15:35:39 10 Q. What was the purpose of your visits to Zimmi? I don't need  
11 a great deal of detail, but just give us in broad terms why you  
12 went to Zimmi?

13 A. Well, I heard one of my bosses. He was a driver. He took  
14 me there.

15:36:00 15 Q. Right. And when you were in Zimmi and you came across  
16 Liberians, were you able to communicate with them? Were you able  
17 to speak to them in a common language?

18 A. Well, I was not speaking the Liberian language fluently and  
19 so I just spoke it - well, I just spoke it little by little.

15:36:33 20 Q. So you understood a bit of Liberian English, is that what  
21 you're saying?

22 A. Yes.

23 MR MUNYARD: Yes, thank you very much. Those are my  
24 questions.

15:36:50 25 JUDGE LUSSICK: Thank you, Mr Munyard. Do you have any  
26 re-examination, Mr Werner?

27 MR WERNER: I do not, your Honour.

28 JUDGE LUSSICK: Thank you.

29 MR WERNER: Your Honour, we have two documents marked for

1 identification. MFI-1, which was the 77 pages of the transcript  
2 Prosecutor v Brima, Kamara and Kanu, 28/29 June 2005, we would  
3 seek to tender that document.

4 MR MUNYARD: No objection.

15:37:24 5 JUDGE LUSSICK: Thank you, Mr Munyard. The document marked  
6 for identification MFI-1, which is a transcript of the witness's  
7 evidence given in the AFRC trial on 28 and 29 June 2005, pages  
8 19663 to 19739, will be admitted into evidence as exhibit P-202.

9 [Exhibit P-202 admitted]

15:38:00 10 MR WERNER: And the second document marked for  
11 identification MIF-2 was a statement of 4 July 2008, adopted on 3  
12 September 2008, three pages. We would seek to tender those  
13 documents.

14 JUDGE LUSSICK: Mr Munyard, any objection to that?

15:38:20 15 MR MUNYARD: No objection to that either.

16 JUDGE LUSSICK: Thank you. The witness's statement of 4  
17 July 2008, previously described as MIF-2, will now be admitted  
18 into evidence as exhibit P-203.

19 [Exhibit P-203 admitted]

15:38:40 20 Mr Witness --

21 THE WITNESS: Yes, sir.

22 JUDGE LUSSICK: -- thank you very much for coming into  
23 court. That's the end of your testimony and you'll be allowed to  
24 leave the court now.

15:39:16 25 MR MUNYARD: Your Honours, may Mr Taylor be excused for the  
26 usual reasons?

27 JUDGE LUSSICK: Yes, certainly. If he can be allowed to  
28 leave, thank you.

29 MR MUNYARD: Thank you. Can I indicate, as you can

1 appreciate the order of witnesses has been moving around, it has  
2 been rather fluid of late. We also, both sides, have been  
3 awaiting the Court's decision on motions relating to the 92 bis  
4 application - on notices relating to the 92 bis application. For  
15:39:43 5 our part on the Defence bench we are going to try and review the  
6 next batch of witnesses with a view, possibly, to being able to  
7 indicate to the Prosecution that we won't have any  
8 cross-examination for some and hopefully therefore obviating the  
9 need for them to travel.

15:40:03 10 We've already indicated by an email I have sent this  
11 afternoon in relation to one witness that we will make a decision  
12 tonight and that should give them time to prevent that witness,  
13 if that's the right way to put it, travelling on either Friday or  
14 Saturday of this week. So we are doing what we can, but we have  
15:40:23 15 been slightly hamstrung by the speed with which the order of  
16 witnesses has been changing.

17 JUDGE LUSSICK: Yes, I understand. Thank you for that  
18 information, Mr Munyard.

19 Are you calling another witness now?

15:40:42 20 MS HOLLIS: Mr President, in light of your decision on the  
21 Rule 921 bis motion that you gave us orally at the beginning of  
22 this session we do have TF1-197 available for cross-examination.  
23 I would note that in our motion we had indicated that should  
24 cross-examination be allowed it would have been our preference to  
15:41:14 25 call this witness live.

26 This witness in fact has been ill since he has been here  
27 and we have had difficulty in having a Kono interpreter, so for  
28 those reasons if you wish to go forward today - and we certainly  
29 are willing to do that - we would bring the witness for

1 cross-examination purposes. The witness would testify in Kono  
2 and there have been limited Kono interpreters, so he would be  
3 available for cross-examination this afternoon.

15:41:55 4 JUDGE LUSSICK: But, Ms Hollis, do I understand from that  
5 that your previous intention to call this witness viva voce is  
6 not being pursued in view of the witness's illness?

7 MS HOLLIS: That's correct. It has basically been overcome  
8 by events, Mr President. We have been unable to spend sufficient  
9 time with the witness. In fact Kathryn Howarth, who will lead  
15:42:15 10 the witness, she has just joined us in court and I would note  
11 that she is here. The reason she wasn't here at the break is  
12 that we had just been able to get a Kono interpreter so that we  
13 could finish the witness's review of his prior testimony, so he  
14 has reviewed it and on that basis we would be prepared to proceed  
15:42:37 15 to bring him for cross-examination.

16 JUDGE LUSSICK: Thank you. We will proceed on that basis.  
17 Mr Griffiths?

18 MR GRIFFITHS: Mr President, it seems to us that through  
19 no fault of their own the Prosecution have suffered a  
15:42:50 20 disadvantage in that had they had the opportunity they would like  
21 to have spent some time with the witness and asked the witness  
22 some questions in-chief and we are not inclined to deny them that  
23 opportunity if it is still possible, depending of course on the  
24 witness's position. If it is still possible for them to speak to  
15:43:14 25 the witness, then I for one wouldn't want to deny them the  
26 opportunity of having time with the witness to be able to examine  
27 the witness in-chief.

28 JUDGE LUSSICK: Well thank you for that, Mr Griffiths.  
29 Ms Hollis, in view of what Mr Griffiths has just said, are

1 you maintaining that you will still call the witness for  
2 cross-examination, or would you ask for a little time?

3 MS HOLLIS: If your Honours were inclined to give us until  
4 tomorrow morning, we would call the witness live. If your  
15:43:59 5 Honours wish the witness to be called now, we would call him for  
6 cross-examination.

7 JUDGE LUSSICK: Well there has been an application for an  
8 adjournment until tomorrow morning, Mr Griffiths. I take it you  
9 would have no objection to that?

15:44:13 10 MR GRIFFITHS: I certainly have no objections to that. We  
11 are talking about losing 45 minutes and, given the benefits which  
12 might accrue to the Prosecution, I don't think it would be fair  
13 to deny them that application.

14 JUDGE LUSSICK: Thank you, Mr Griffiths.

15:44:29 15 Ms Hollis, we also think that is a reasonable application  
16 and so we are going to adjourn court now until 9.30 tomorrow  
17 morning to give you a chance to get some instructions.

18 MS HOLLIS: Thank you, Mr President.

19 [Whereupon the hearing adjourned at 3.50 p.m.  
15:48:26 20 to be reconvened on Thursday, 16 October 2008  
21 at 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

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### EXHIBITS:

Exhibit P-199A admitted	18425
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