



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 16 APRIL 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Alain Werner
Ms Shyamala Alagendra
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah

For the Office of the Principal
Defender:

Mr Silas Chekera

1 Wednesday, 16 April 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:23 5 PRESIDING JUDGE: Good morning. Good morning, Ms Hollis.

6 It appears your Bar is as yesterday, am I right?

7 MS HOLLIS: That is correct, Madam President.

8 PRESIDING JUDGE: And I think the Defence is also as

9 yesterday.

09:31:38 10 MR ANYAH: That is correct, Madam President. Good morning.

11 PRESIDING JUDGE: Good morning. Yes, Ms Hollis.

12 MS HOLLIS: Good morning, Madam President, your Honours. I
13 remain on my feet to make a request of the Prosecution that we be
14 allowed to present an urgent oral motion in private session and

09:31:56 15 in the absence of the witness. The oral motion is based upon
16 matters that arise from the Defence request for extension of time
17 relating to the request for investigation. The private --

18 PRESIDING JUDGE: Just pause a moment, Ms Hollis. I want
19 to be clear what exactly you're asking me at the moment because,
09:32:16 20 as you're aware, the provisions of Rule 73(A) provide that the

21 Trial Chamber shall rule on such motions based solely on the
22 written submissions of the party, unless it is decided to hear
23 the parties in open court. Are you seeking --

24 MS HOLLIS: I am requesting that we be allowed to make oral
09:32:38 25 submissions, as was requested by the Bench yesterday, because of
26 the urgency of the Defence request. We do ask it in private
27 session because it relates to matters that were filed
28 confidentially.

29 PRESIDING JUDGE: Let me deal with the private session

1 matter first and then we'll deal with the leave matter to make
2 the oral submissions.

3 MS HOLLIS: Thank you, Madam President.

09:33:08

4 PRESIDING JUDGE: Mr Anyah, you've heard the application
5 first for a private session.

6 MR ANYAH: Yes, Madam President. I cannot discern the sum
7 and substance of what will take place and what the nature of the
8 discussion is. I'm in the Court's hands.

09:34:35

9 PRESIDING JUDGE: Thank you. Ms Hollis, we'll deal with
10 the matter of whether this can be entertained as an oral
11 application in open court and then decide on - following the
12 ruling, whatever appropriate action will be required we'll
13 consider. So if you proceed on with your 73(A) application.

09:34:56

14 MS HOLLIS: Your Honour, we request that the matter be
15 considered in private session. This is consistent with the
16 procedure that was followed yesterday relating to the same
17 matters. It deals with matters that were filed confidentially.
18 We request that it be made orally in court because it is an
19 urgent motion and this is also consistent with the Trial

09:35:20

20 Chamber's disposition of the Defence urgent request for an
21 extension of time, when yesterday the Trial Chamber determined
22 that it would have oral arguments on these matters so that it
23 could expeditiously reach a decision. We believe there is a
24 proper basis for both the oral application and the private
25 session.

09:35:40

26 PRESIDING JUDGE: Thank you. Mr Anyah, we're dealing only
27 with the matter as to whether 73(A), if this should be
28 entertained as an oral motion.

29 MR ANYAH: Certainly the matter is in the Court's

1 discretion, but given the comprehensive nature of submissions
2 that were made yesterday and to the extent that this application,
3 whatever nature it might take, relates to issues that were
4 addressed yesterday, I don't see why the Chamber should exercise
09:36:19 5 its discretion in favour of reconsidering or revisiting these
6 issues. We've addressed the issues in their totality yesterday,
7 the Chamber has rendered its ruling, the Defence abides by that
8 ruling and I frankly do not see why during everyday session we
9 have to seek the Chamber's indulgence to entertain motions orally
09:36:45 10 when the presumption is that motions should be undertaken in
11 writing.

12 JUDGE SEBUTINDE: Ms Hollis, I just want to understand you
13 properly. You allude to the Chamber's disposition yesterday,
14 but, as I recall, yesterday when the Chamber requested the
09:37:08 15 parties to respond orally it was on the premise that there were
16 already written motions pending before the Trial Chamber and in
17 respect of which the Trial Chamber thought it, or deemed it fit
18 that given the urgency of the motions oral responses on either
19 side should be received and the Chamber thereby gave the parties
09:37:35 20 a bit of notice for them to give their oral responses in the
21 afternoon. Now, I don't know what you allude to when you say it
22 was in the disposition of the Chamber yesterday to entertain oral
23 applications. We did not entertain oral applications yesterday.

24 MS HOLLIS: [Microphone not activated].

09:37:56 25 JUDGE SEBUTINDE: In essence that's what your saying
26 because yesterday's matters were all grounded, or founded in
27 written motions and that was consistent with Rule 73(A).

28 MS HOLLIS: The motion itself was a written motion. The
29 Prosecution received it late afternoon, the day before we were

1 called upon to respond orally in court. We never filed a written
2 response.

3 Secondly, your Honour, this is a matter of urgency. It
4 arises directly from the Defence written motion for extension of
09:38:37 5 time and as it is a matter of urgency we believe it is within the
6 Court's discretion to allow it to proceed. It is a matter not
7 only of urgency, it's not a frivolous matter, it is a matter of
8 considerable consequence, in the Prosecution's view, and the
9 longer that we wait for it the longer it will take for

09:38:57 10 disposition. Now, we can file it within probably three hours,
11 but we see this is a technical issue that really should be
12 overcome by the urgency of the motion that we will be making and
13 the significance of the matters that are raised.

14 We do not seek also - we understand fully the decision that
09:39:21 15 was made yesterday. Contrary to Defence counsel's assertions,
16 this matter was not decided yesterday. What the Court decided
17 yesterday was that it was inappropriate to raise a secondary
18 issue at that time and accordingly did not allow the application.
19 Defence counsel is on notice of exactly what we're going to raise
09:39:44 20 because at 17.05 yesterday we sent an e-mail notifying Defence
21 counsel that we would be seeking to do this and what we would be
22 seeking to request from the Court.

23 MR ANYAH: Madam President, just to clarify, I did not
24 receive the e-mail. I am suspecting it was sent to Lotus Notes,
09:40:07 25 which is the UN account, and we've been on record on several
26 occasions saying that we, the Defence Bar, do not have remote
27 access outside the office to our UN accounts. I will check my UN
28 account now in court to see if there was an e-mail sent by
29 opposing counsel, but I can state on record I did not receive an

1 e-mail yesterday.

2 I wanted to correct the record about this e-mail, because
3 I've looked at my Lotus Notes and I do see an e-mail from
4 Ms Hollis and the only other person copied is Mr Romans, the
09:49:56 5 senior legal officer. I do recall last evening before leaving
6 the office clicking on this e-mail and apparently I have my dates
7 mixed up. I thought this e-mail was about the issues raised
8 yesterday in court and not about the new issue.

9 PRESIDING JUDGE: I see, very well.

09:50:23 10 We have considered the Prosecution's oral application
11 pursuant to Rule 73(A). We decline to hear further applications.
12 The orders sought are already contained in a written Prosecution
13 motion pending before this court. The Trial Chamber has given
14 the Defence an extension of time to respond to all matters in
09:50:45 15 that motion and that decision will stand accordingly. The
16 current application is refused.

17 I will remind the witness of his oath. Mr Witness, I
18 remind you again that you have taken the oath to tell the truth.
19 That oath is still binding on you and you must answer questions
09:51:09 20 truthfully.

21 THE WITNESS: Okay.

22 WITNESS: TF1-516 [On former oath]

23 PRESIDING JUDGE: Mr Anyah, proceed.

24 MR ANYAH: Thank you, Madam President.

09:51:24 25 CROSS-EXAMINATION BY MR ANYAH [Continued]:

26 Q. Good morning, Mr Witness.

27 A. Good morning, sir.

28 Q. When we left off yesterday we were trying to ascertain
29 whether during the period of time when you were in Liberia Sam

1 Bockarie was also present in Liberia. Do you recall that,
2 Mr Witness?

3 A. Yes, sir.

4 Q. And I believe you answered the question, yes, that he, Sam
09:51:42 5 Bockarie, was at some point in time in Liberia during your stay
6 in Liberia, correct?

7 A. Yes, sir.

8 Q. When exactly - I'm referring to a month and a year - was
9 Sam Bockarie in Liberia during the period of time when you were
09:51:59 10 also there?

11 A. I think we are talking about the city, Monrovia, that we
12 met.

13 Q. And when did you meet him in Monrovia?

14 A. In the year 2000.

09:52:20 15 Q. And what month, if you recall?

16 A. I met him in Monrovia in the year 2000. That was about
17 December that I saw him. I saw him in Monrovia to Benjamin D
18 Yeaten's house, but I had seen him in Lofa but that is also
19 Liberia, but not Monrovia the city.

09:52:57 20 Q. So you arrived Monrovia, or Benjamin Yeaten assigned you to
21 Monrovia, in December 1999, yes?

22 A. Not permanently assigned.

23 Q. Yes, but --

24 A. I'm saying I was with him whenever he went to Monrovia and
09:53:14 25 coming back to the front line I said I was with him. At certain
26 point in time I told him that I was fed up with the gun sound,
27 that I needed to time to rest and he gave me the authority to
28 stay in Monrovia for some time, yes.

29 Q. Yes. So I want to know when he gave you this authority to

1 stay in Monrovia for some time, was it the period of time where
2 he allowed you to reside or live in the room that is within his
3 compound?

4 A. Yes, that was in 2000. The year 2000.

09:53:46 5 Q. And what month in 2000 was that?

6 A. I cannot recall the exact month, anyway.

7 Q. Was that before the operation in Kolahun - rather was that
8 before the operation in Vahun where Sam Bockarie joined the RUF?

9 A. Not Vahun. I did not say Sam Bockarie joined RUF in Vahun.

09:54:16 10 Q. Well, there were two places. One was Voijnjama, correct?

11 A. Yes.

12 Q. And the second was Kolahun, right?

13 A. Fine, yes.

14 Q. Now when you started residing in Yeaten's compound was that
09:54:27 15 before either of those operations, either the one in Kolahun or
16 the one in Vahun?

17 A. After. After the operations in both Kolahun and Vahun.

18 Q. I see. Sam Bockarie, you told us, arrived Monrovia in
19 December 1999. This was public information, right?

09:54:50 20 A. I said he crossed into Liberia. He crossed into Liberia in
21 the year 1999.

22 Q. In the month of December, true?

23 A. Yes.

24 Q. And your evidence is from the month of December, when Sam
09:55:05 25 Bockarie entered Liberia, the first time you met him in Monrovia
26 was in December 2000 at Benjamin Yeaten's house, right?

27 A. Yes.

28 Q. Sam Bockarie was your former commander at this time, right?

29 A. Yes.

1 Q. He was the person to whom you were assigned as radio
2 operator, right?

3 A. Before. Before.

4 Q. Yes, in Buedu?

09:55:37 5 A. Yes.

6 Q. Yes. And you worked for him, or you worked under him, for
7 several months, right?

8 A. Yes, sir.

9 Q. Extending up to a year, right?

09:55:49 10 A. I served him. I worked under him, yes.

11 Q. But for up to a year, right?

12 A. Yes.

13 Q. And at no time when he was in Liberia from 1999, December,
14 did you encounter him in Monrovia until December 2000, yes?

09:56:28 15 A. No.

16 Q. "No" means what, Mr Witness?

17 A. I only saw him and indeed had talk with him in the year
18 2000.

19 Q. You gave us the month of December, right?

09:56:42 20 A. Yes, but before that time I had seen him. I saw him in
21 Kolahun and Voinjama before going to Monrovia.

22 Q. Do you see what I'm asking, Mr Witness? I gave you a map a
23 few days ago to show us where the house Sam Bockarie lived in
24 was. You said it was not on the map, but you told us that he
09:57:06 25 lived in Monrovia, correct?

26 A. Yes.

27 Q. This is after he had left Sierra Leone, yes?

28 A. I said he crossed into Liberia in the year 1999. That is
29 true.

1 Q. Now you have also testified about being in Monrovia
2 frequently, going to the Executive Mansion, right?

3 A. Yes.

09:57:36

4 Q. And actually spending nights in Benjamin Yeaten's compound,
5 true?

6 A. Yes.

7 Q. Now, I want to know how is it that you do not see Sam
8 Bockarie when he's in the same general area that you are in for
9 almost a year?

09:57:49

10 A. But I have stated that I was not all along staying in
11 Monrovia. When 50 went to Monrovia I went with him. When he was
12 on the front line in Lofa, far away from Monrovia, I was with
13 him.

14 Q. We understand that, but you did spend nights in Monrovia,
15 yes?

09:58:13

16 A. Yes.

17 Q. You have told us about Issa Sesay, Sam Bockarie himself,
18 Gibril Massaquoi, Eddie Kanneh, all visiting Benjamin Yeaten's
19 residence, right?

09:58:32

20 A. Yes.

21 Q. Is your evidence that the first time Sam Bockarie visited
22 Yeaten's residence when you were present was in December 2000?

23 A. Was in the year 2000. In 2000.

09:58:45

24 Q. A few minutes ago you said December. Was it in December
25 2000?

26 A. Yes.

27 Q. So we get back to my question: Can you explain how it is
28 you did not come across Sam Bockarie while he resided in
29 Monrovia, given how much time you have told us you spent in

1 Monrovia?

2 A. I was not staying throughout in Monrovia. I have stated
3 this one so many times. I said --

4 PRESIDING JUDGE: Mr Witness, we understand that quite
09:59:18 5 clearly, but there were times when you were in Monrovia and
6 counsel's saying during those times how come you did not come
7 across Sam Bockarie? Those were the words that counsel used.

8 THE WITNESS: I can only talk about the time I saw him and
9 the time in 2000 I started staying - I mean spending long time in
09:59:44 10 Monrovia, that was the time I used to see him almost to Yeaten's
11 place every day.

12 MR ANYAH:

13 Q. You just said, "I can only talk about the time I saw him
14 and the time in 2000 I started staying - I mean spending long
10:00:09 15 time in Monrovia, that was the time I used to see him" - I think
16 you said "almost to Yeaten's place every day." Is that what you
17 said, Mr Witness?

18 A. Yes, sir.

19 Q. So are you now saying in the year 2000 you saw Sam Bockarie
10:00:23 20 frequently?

21 A. Yes.

22 Q. At Benjamin Yeaten's place?

23 A. Yes, sir.

24 Q. December is the last month of 2000, right?

10:00:36 25 A. Yes.

26 Q. Why did you say the first time you saw him at Yeaten's
27 place was in December? Are you saying all the times you saw him
28 in 2000 were in December 2000? Am I confusing you, Mr Witness?

29 A. Yes, the statement is confusing somehow.

1 Q. Let me break it apart. When I first asked you when the
2 first time you saw Sam Bockarie in Monrovia was you said December
3 2000, true?

4 A. Yes.

10:01:05 5 Q. You have just said now, and I've read you your response,
6 that when you started spending more time in Monrovia you used to
7 see him frequently and that was in 2000, right?

8 A. Yes.

9 Q. So we're speaking of the same year, the year 2000, correct?

10:01:20 10 A. Yes.

11 Q. You understand you said the first time you saw him in
12 Monrovia was in 2000, so I want to know whether all the other
13 times you're referring to seeing him in 2000 are limited to the
14 month of December?

10:01:33 15 A. Not limited to the month of December. I said it was in
16 December I went together with 50 and he was hospitalised to
17 Harbel and I stayed in his - I mean in the radio room right to
18 his compound there and during that period I would see him almost
19 every day and this is true, this is what I saw.

10:01:59 20 JUDGE SEBUTINDE: Mr Witness, these times that you say you
21 saw Sam Bockarie at Harbel, were all these times confined to the
22 month of December 2000?

23 THE WITNESS: That was the time 50 got sick.

24 JUDGE SEBUTINDE: Can you answer my question: Were these
10:02:14 25 times in the month of December 2000?

26 THE WITNESS: Yes, yes. Frequently seen, yes.

27 JUDGE SEBUTINDE: That is all we're asking.

28 THE WITNESS: Yes, the frequent period seeing him to
29 Yeaten's place, yes.

1 MR ANYAH:

2 Q. Mr Witness, did you see him at all in Monrovia before
3 December 2000, not just limited to Yeaten's place, anywhere in
4 Monrovia? Did you see Sam Bockarie in Monrovia before December
10:02:41 5 2000?

6 A. I cannot remember.

7 Q. You cannot remember. I see. Now, we have agreed without
8 dispute that you arrived in Liberia around June 1999, yes?

9 A. Yes.

10:03:09 10 Q. Do you know, or have you ever heard about the Lome Peace
11 Accord?

12 A. Yes.

13 Q. This was a peace agreement signed between the RUF, right?

14 A. Yes.

10:03:26 15 Q. And the Government of Sierra Leone, right?

16 A. Yes.

17 MR ANYAH: Your Honours, I will merely point the Chamber's
18 attention to a judicially noted fact at this point, entered by
19 the Chamber. It is fact number W for William and it reads, "On 7
10:03:48 20 July 1999 the Government of Sierra Leone signed a peace agreement
21 with the RUF in Lome, Togo":

22 Q. Mr Witness, this Court has ruled that it is a fact that on
23 7 July 1999 there was an agreement signed in Lome between the RUF
24 and the Government of Sierra Leone. Now, do you know if after
10:04:17 25 you crossed into Liberia whether Johnny Paul Koroma was ever
26 present in Liberia during the time you were there?

27 A. I cannot tell because when I went I was concentrating more
28 in Lofa where fighting was going on.

29 Q. Do you know if between September and October 1999 Johnny

1 Paul Koroma was present in Liberia as a consequence of the Lome
2 peace agreement?

3 A. I cannot tell.

10:05:06

4 Q. Would it be fair to say that during the latter part of 1999
5 that is when disputes between Sam Bockarie and Foday Sankoh began
6 to arise?

7 A. Some time in 1999, late, yes.

10:05:33

8 Q. Thank you, Mr Witness. Now, Mr Witness, you told us you're
9 a school teacher so perhaps this is a fair question: Have you
10 ever heard of ECOWAS, the Economic Community of West African
11 States?

12 A. Yes, sir.

10:05:58

13 Q. Are you aware that between 1999 and 2000 ECOWAS had
14 something called a Committee of Five made up of five countries:
15 Nigeria, Ghana, Ivory Coast, Guinea and Liberia?

16 A. I cannot recall.

10:06:20

17 Q. Are you aware that the Heads of State of ECOWAS
18 specifically directed President Charles Taylor to facilitate the
19 resolution of conflicts in Sierra Leone?

20 A. I cannot remember that.

21 Q. Did you ever see Johnny Paul Koroma in Liberia during the
22 period when you were in Liberia?

23 A. At some point in time I heard that he was making a trip,
24 but I did not see him.

10:06:48

25 Q. You heard he was making a trip?

26 A. Yes.

27 Q. When you say "at some point in time", what point in time
28 was this?

29 A. I think that was in 1999.

1 Q. The same year you got there, right?

2 A. Yes.

3 Q. The same year of the Lome peace agreement, right?

4 A. I cannot recall the exact month of the Lome peace
10:07:13 5 agreement, but I can remember getting information that Johnny
6 Paul, together with some of the other RUF members, were to travel
7 to Monrovia and again I can remember getting information that
8 Victor Foh, Walter Nickels [phon] and some other people who were
9 released from Pademba Road prison and sent to Buedu were
10:07:43 10 travelling to Monrovia, were to cross into Liberia and travel to
11 Monrovia. I heard that.

12 Q. Are you aware of the fact that it was after Liberia was
13 joined in the ECOWAS Committee of Five that this RUF guesthouse
14 was opened in Monrovia?

10:08:08 15 A. I cannot tell. I started visiting the RUF guesthouse in
16 Monrovia in the year 2000.

17 Q. Well, let me ask you this: Do you know whether Foday
18 Sankoh and Johnny Paul Koroma travelled together to Lome, Togo,
19 for this Lome peace agreement?

10:08:28 20 A. I do not know.

21 Q. But you were an RUF and Foday Sankoh was your leader,
22 right?

23 A. Yes, I was on the front line on the other side.

24 Q. When you say "other side" what do you mean?

10:08:42 25 A. I had long said that when we were in Sierra Leone, when we
26 said the other side we meant Liberia and so also in Liberia when
27 we said the other side we meant Sierra Leone.

28 Q. Are you aware that Foday Sankoh and Johnny Paul Koroma
29 travelled together to Sierra Leone after Lome?

1 A. I do not know.

2 Q. Were you monitoring the RUF radio networks during this
3 time, Mr Witness?

4 A. I was on the front line, across.

10:09:13 5 Q. Could you hear what the RUF organisation was saying in its
6 radio communications during this time, Mr Witness?

7 A. I cannot recall. I cannot recall specifically.

8 Q. Do you know if after July 1999, you already being in
9 Liberia in June 1999, whether Foday Sankoh entered Liberia after
10 Lome?

11 A. I cannot tell. I cannot recall that.

12 Q. You never heard any communication saying Foday Sankoh was
13 in Liberia after 7 July 1999?

14 A. I cannot remember.

10:09:57 15 Q. Can you remember anything about Foday Sankoh's movements
16 from listening to radio communications in the year 1999?

17 A. I was so - I mean somebody contacted me, I asked about
18 situation in Sierra Leone and I was told that Corporal Sankoh was
19 released from Freetown to Buedu and that they were celebrating
10:10:28 20 that occasion: That Corporal Sankoh was in Buedu. After having
21 spent some time in Abuja he was sent to Freetown and he came to
22 Buedu, but I was not there myself. I did not go there. I was
23 not there at all.

24 Q. Did you say after having spent some time in Abuja, Nigeria?
10:10:52 25 Is that what you said just now, Mr Witness?

26 A. Yes, because he was arrested there and spent some time, I
27 think more than a year or so, and I received information that he
28 was to travel to Buedu and indeed he came to Buedu.

29 Q. Were you in Liberia when you received this information?

1 A. Yes.

2 Q. Do you know that as of October 1998 Foday Sankoh was
3 already in Sierra Leone at Pademba Road facing a treason trial?
4 Mr Witness, do you know that this Court has found - and I'll
10:11:33 5 refer the Chamber to judicially noted fact (W) which reads:

6 "In July 1998, Foday Sankoh was transferred from the
7 custody of the Nigerian government to the custody of the Sierra
8 Leonean government."

9 Mr Witness, this Court has found as of July 1998 --

10:11:55 10 MR BANGURA: Your Honours, may we have the reference again?
11 My learned friend said (W), but --

12 MR ANYAH: Well, I just said (U). (W) was for Lome and I
13 said "judicially noted fact (U)" and I will give you the --

14 MR BANGURA: Oh, (U). Okay, I heard (W).

10:12:15 15 PRESIDING JUDGE: We all heard (W) in fact.

16 MR ANYAH: Oh, I may have misspoken. I'm sorry, counsel.
17 It's (U) and the CMS number for the submission, or the Chamber's
18 decision on the Prosecution motion for judicial notice, is
19 CMS-370 and it's on page 9:

10:12:39 20 Q. Mr Witness, I was asking you about information you heard
21 regarding Sankoh's movements in 1999. You said you heard that
22 Sankoh had just returned from Abuja and I'm telling you that this
23 Court has found that as early as July 1998 Sankoh was already
24 back in Sierra Leone. What do you say to that, Mr Witness?

10:13:05 25 A. Let me explain what I know. All I knew at that time was
26 that from the time he left and in the year 1996 that - was it
27 1996? No, '97. That '97 he was arrested in Nigeria. He was
28 arrested in Nigeria. And from that time until the time I went to
29 Liberia I knew he was not with the RUF directly giving command as

1 he used to do, but that he was under detention. That I knew of.
2 Whether he was taken from one point to another, that was not to
3 my knowledge since there was not any direct communication link
4 between us.

10:14:02 5 Q. I was not asking you if there was a direct communication
6 link between you and I was not asking you the circumstances when
7 he was taken to Nigeria. I asked you a question about 1999. You
8 said when you were in Liberia - this must be after June 1999 -
9 you were told, or you heard, that Foday Sankoh had just made his
10:14:23 10 way back to Sierra Leone from Abuja. You just said that in court
11 this morning, yes?

12 A. Okay. To cut a long matter short, in Liberia I knew, I was
13 told, that Corporal Sankoh had come to Buedu after the
14 information that he was arrested and detained in Nigeria.

10:14:44 15 Q. But I thought you said as far back as when you were in
16 Zogoda and we discussed the issue of Martin Moinama, you knew
17 Sankoh was in Nigeria because Sankoh had sent Moinama back with
18 you said is it \$200 to buy - he had sent him back to Buedu so
19 that Sam Bockarie could buy arms from ULIMO-K. Do you remember
10:15:17 20 that discussion, Mr Witness?

21 A. Yes, sir, but let's make one part clear. At that time he
22 was not in Nigeria.

23 Q. Who was not in Nigeria?

24 A. Sankoh was not in Nigeria at that time. At that time I'm
10:15:26 25 saying that Martin Moinama came with money to Sam Bockarie in
26 Buedu to buy ammunitions. At that time Corporal Sankoh was still
27 in --

28 Q. Yamoussoukro, right?

29 A. Okay, La Cote d'Ivoire.

1 Q. La Cote d'Ivoire.

2 A. And it was even Moinama who told me in Liberia - I mean in
3 Buedu, I'm sorry in Buedu, that there was a pending trip and that
4 Corporal Sankoh was just awaiting his return and that after his
10:15:54 5 return they were to make that trip to Nigeria.

6 Q. Mr Witness, I recall your evidence now and you are correct
7 about Sankoh being in La Cote d'Ivoire when you say he sent
8 Moinama back with money. I want to go back to my question about
9 1999 and what you knew or did not know about Sankoh's movements.

10:16:16 10 You have told us you monitored the RUF radios and I asked you a
11 question. I said, "Can you tell us anything about Sankoh's
12 movements in 1999?", and you said the only thing you recall is
13 that there was information about his arrival from Abuja and I
14 just read you a fact that says he arrived in Sierra Leone in 1998
10:16:39 15 and not in 1999. What do you say to that, Mr Witness?

16 A. Yes, I have made that part clear. That whether he came
17 from Abuja to Buedu or Freetown to Buedu, the fact of the matter
18 is from the time I learnt and I knew he was arrested in Nigeria I
19 did not see him and I did not get any information of him coming
10:17:02 20 to the RUF held territory at that time, but at certain time in
21 the year 1999 whilst across I got information that Corporal
22 Sankoh was in Buedu; that he had arrived in Buedu.

23 Q. Did you hear anything else whatsoever about where Sankoh
24 was in 1999?

10:17:32 25 A. That he was under detention. That was all I knew, that he
26 was under detention.

27 Q. Where? Where was he under detention?

28 A. He went to Nigeria and he was arrested and that he was
29 under detention.

1 Q. Are you saying to the Court that in 1999 the information
2 you were hearing about Foday Sankoh related to two years back,
3 1997? Is that what you're saying, Mr Witness?

4 A. I did not understand that question.

10:18:02 5 Q. Yes, yes, let me try and break it into two. Will you agree
6 that Sankoh was in Nigeria between 1997 and 1998, Mr Witness?

7 A. I learnt that he was arrested in Nigeria and he was to be
8 brought back to be handed over to the Sierra Leone government.

9 Q. Okay.

10:18:31 10 A. But the time he arrived I do not know.

11 Q. Will you agree with this Court which has said, "In July
12 1998, Foday Sankoh was transferred from the custody of the
13 Nigerian government to the custody of the Sierra Leonean
14 government"? Would you agree with that? This Court has found
10:18:51 15 that as a fact.

16 A. Yes.

17 Q. So, before July '98 he was in the custody of the Nigerian
18 government. Would that be fair to say, Mr Witness?

19 A. All I know is that he was arrested in Nigeria some time in
10:19:12 20 1997.

21 Q. Okay, let's accept that and back to my question about 1999
22 and what you knew about where Sankoh was. You have said on the
23 basis of communications you monitored in 1999 what you can tell
24 us about Sankoh's movements is that he was in custody in Nigeria,
10:19:37 25 right?

26 A. Yes, that he was arrested in Nigeria and from that time
27 there was no direct communication between the people on the
28 ground with Corporal Sankoh.

29 Q. What was Martin Moinama doing with Sankoh in Nigeria? We

1 read the transcript of Martin's testimony, right?

2 A. According to information was that Martin Moinama travelled
3 together with Corporal Sankoh when Corporal Sankoh was arrested.

4 Q. But Martin was a radio operator, right?

10:20:12 5 A. When he was arrested, communications ceased.

6 Q. My question was Martin was a radio operator, right?

7 A. Yes, sir. Before he was a radio operator, yes.

8 Q. Proude, also known as Memunatu Deen, was a radio operator
9 for Sankoh in La Cote d'Ivoire, right?

10:20:34 10 A. Yes, they took off from Jui Koya. That was around Zogoda.
11 Memunatu Deen, there was another woman called Matilda with one
12 other woman that was in fact Waco-Waco's wife, yes.

13 Q. So, Foday Sankoh was travelling --

14 MR BANGURA: Your Honours, just a spelling issue here. The
10:20:56 15 witness called a name. I see it come up as Martina, but I'm not
16 so sure what --

17 THE WITNESS: Matilda.

18 MR BANGURA: Can we have --

19 THE WITNESS: Matilda.

10:21:06 20 MR ANYAH:

21 Q. Mr Witness, can you spell Matilda for us, please?

22 A. M-A-T-I-L-D-A. Matilda.

23 Q. Thank you, Mr Witness.

24 A. Those girls, Matilda was captured in Sierra Rutile and
10:21:22 25 brought to Zogoda and trained as a radio operator. The other
26 batch that trained together with Matilda were Proude, Memunatu
27 Deen --

28 PRESIDING JUDGE: Mr Witness, just limit yourself to the
29 question asked.

1 THE WITNESS: Okay.

2 PRESIDING JUDGE: Proceed, Mr Anyah.

3 MR ANYAH:

4 Q. Mr Witness, what I'm getting at is once Sankoh left Sierra
10:21:42 5 Leone at everywhere where he went he had a radio operator with
6 him. Would that be fair to say, Mr Witness?

7 A. Yes, but when he was arrested there was no more
8 communication. He hadn't any particular radio operator
9 operating.

10:21:56 10 Q. But he had one with him, right?

11 A. He was arrested and everything relating to communication on
12 the radio that used to go on ceased automatically.

13 Q. Well he came back to Sierra Leone July 1998, right? You
14 just heard that. This Court has found that, right?

10:22:21 15 A. At that time he was under custody.

16 Q. Well, he came back to Sierra Leone. He was in Sierra
17 Leone. That's the point, right?

18 A. Yes, today I have learnt that on that date Corporal Sankoh
19 returned to Liberia - I mean, Sierra Leone.

10:22:32 20 Q. I go back to my question about 1999. What else did you
21 hear about Foday Sankoh's movements or location in 1999 when you
22 were monitoring RUF radio sets?

23 MR BANGURA: Your Honours, the question has been asked and
24 answered several times. What else did the witness know or heard
10:22:51 25 about Sankoh's movement in 1999 has been asked one too many
26 times, your Honour.

27 MR ANYAH: I would not ask it if there was an answer.

28 PRESIDING JUDGE: Mr Bangura, unfortunately I don't recall.
29 Could you refer me to it?

1 MR ANYAH: I have asked it, Madam President, several times.
2 I am proceeding because --

3 PRESIDING JUDGE: He's saying answered.

4 MR ANYAH: -- I have not had an answer. That's the issue.

10:23:20 5 MR BANGURA: Your Honours, I leave the matter in the
6 Court's hands, but to my recollection the witness has given
7 answers as many times as the question has been asked.

8 MR ANYAH: We have digressed. The question initially
9 started as posed and then we digressed into the issue of whether
10:23:37 10 it was a contemporaneous information or not, because he was
11 talking about 1997.

12 PRESIDING JUDGE: Just a moment. I've got some record here
13 about Foday Sankoh crossing into Liberia. I'll allow the
14 question, because I haven't got a full answer.

10:23:54 15 MR ANYAH:
16 Q. Mr Witness, you have told us during evidence last week on
17 several occasions that even while you were with Unit 50, Benjamin
18 Yeaten, General 50, moving from Monrovia to the front lines in
19 Vahun, in Voinjama, you were still able to listen to the RUF
10:24:14 20 radio communications, true?

21 A. Yes, I was still in touch with the RUF. I used to
22 communicate and I used to remain there and I would receive
23 message from commanders in the RUF across Sierra Leone. That is
24 true.

10:24:31 25 Q. Yes, precisely. And all I want to know is what, if
26 anything, did you hear about Foday Sankoh's movements or
27 whereabouts once you crossed over to Liberia in 1999?

28 A. All I knew from the time he was arrested in Nigeria was
29 that he was under custody and there was no communication. Let's

1 say the radio he used to operate, the operator who was operating
2 his radio, all I learnt from there was that everything was taken
3 away from him, he hadn't any direct communication with the RUF
4 and from that time I knew that he was under detention. I only
10:25:14 5 heard of him in Buedu was in 1999; that he had arrived in Buedu
6 and that he was in Buedu to talk to the people.

7 Q. Mr Witness, are you aware of the fact that after the Lome
8 peace agreement Foday Sankoh arrived in Monrovia, spent an entire
9 week there meeting with various people, including Johnny Paul
10:25:46 10 Koroma, all in Monrovia?

11 A. I was not in Monrovia, I cannot tell, and again --

12 PRESIDING JUDGE: If you cannot tell, that's --

13 THE WITNESS: Okay, I cannot tell.

14 MR ANYAH:

10:26:00 15 Q. Okay, that's fair enough. Are you aware that in October of
16 1999, in Monrovia, there was an elaborate official ceremony
17 during which Foday Sankoh and Johnny Paul Koroma left Monrovia
18 for Freetown after Lome?

19 A. I cannot tell. I cannot recall.

10:26:27 20 Q. Where were you in October of 1999, Mr Witness?

21 A. I've told you I was across, across Liberia, on the front
22 lines going to the border. There was a town called Sakonedu.

23 Q. Can you spell that for us, Mr Witness?

24 A. S-A-K-O-N-E-D-U. That is the - in fact, we can say a custom
10:26:58 25 post between Liberia and Republic of Guinea. I spent a number
26 of --

27 PRESIDING JUDGE: You were asked to spell it, you've spelt
28 it. That's it.

29 MR ANYAH:

1 Q. So this is where you were in October, near Guinea. May I
2 finish my question, Mr Witness. I'm trying to find out exactly
3 where you were October 1999. You said you were in Sakonedu,
4 right?

10:27:32 5 A. I said I was in Lofa on the front line and at that time
6 fighting still going around Voijnjama and I can remember one town
7 called Sakonedu, 50 used to take me on board the vehicle, drive
8 to that place and back to Voijnjama, get to Sakonedu and back to
9 Voijnjama. At times in the morning the insurgents would attack
10:27:53 10 that position and in the morning, sometimes in the evening, 50
11 also would regroup, put his men together to attack that same
12 position. So they spent so long gambling over that particular
13 position and sometimes the insurgents would take bypass leaving
14 the forces within that area and attack Voijnjama and retreat. So
10:28:20 15 it was fighting that was going on within Voijnjama, so I was more
16 concentrated on the front line.

17 Q. I understand that, Mr Witness. You were in the front line.
18 There was fighting going on in the vicinity of Voijnjama.

19 A. Yes.

10:28:30 20 Q. You were there with Benjamin Yeaten?

21 A. Yes.

22 Q. October 1999. The question is you still could monitor the
23 radio sets, right?

24 A. Yes.

10:28:40 25 Q. Foday Sankoh was still part and parcel of the RUF, right.
26 He was still somebody of stature within the RUF, right?

27 A. At that point in time I knew that he was in custody and it
28 was Sam --

29 Q. That's not my question. My question is not whether he was

1 in custody. We've been through that. Was he somebody that
2 members of the RUF respected?

3 A. He was in custody and whilst in custody somebody acted in
4 the capacity as the leader of RUF, but that person again hadn't
10:29:19 5 any direct communication with Corporal Sankoh.

6 Q. You've said that. My question is this: Whether he was in
7 custody or not, was he somebody that was still respected by the
8 rank and file of the RUF in 1999?

9 PRESIDING JUDGE: Do you understand the question?

10:29:41 10 THE WITNESS: Yes. Let me narrate one other incident.

11 PRESIDING JUDGE: No. Do you understand the question?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Please answer the question.

14 THE WITNESS: Even when he was under detention his
10:29:54 15 leadership was still respected. In relation to that --

16 MR ANYAH:

17 Q. Mr Witness, you've answered my question. That respect for
18 his leadership continued through 1999, right?

19 A. Yes.

10:30:06 20 Q. Right through and past Lome, right?

21 A. Yes.

22 Q. So while you were in the vicinity of Voinjama is it fair to
23 say you heard nothing, nothing, over the RUF communication
24 networks concerning the whereabouts of Corporal Sankoh?

10:30:26 25 A. I was really concentrating on the front line. My life was
26 at stake at that time. I cannot really remember.

27 Q. Did you hear Yeaten say anything about Sankoh being in
28 Monrovia in October of 1999.

29 A. I cannot remember.

1 Q. Did you hear Yeaten say anything about Johnny Paul Koroma
2 being in Monrovia - Mr Witness, can I finish, please. Did you
3 hear Yeaten say anything about Johnny Paul Koroma being in
4 Monrovia in late 1999?

10:31:04 5 A. I cannot remember.

6 Q. I see.

7 PRESIDING JUDGE: Yes, Mr Witness, what's the problem?

8 THE WITNESS: I had wanted to explain something really in
9 support of what I said, that even when Corporal Sankoh was under
10:31:22 10 custody in detention away from the RUF his leadership was
11 respected.

12 PRESIDING JUDGE: Yes, we heard and understood that answer.

13 Thank you.

14 THE WITNESS: Okay. I had just wanted --

10:31:35 15 PRESIDING JUDGE: Mr Anyah, please continue.

16 MR ANYAH:

17 Q. Thank you, Mr Witness. Mr Witness, are you aware of the
18 fact that this ceremony I've described that took place in
19 October, after Lome, when Johnny Paul Koroma and Foday Sankoh
10:31:52 20 left Monrovia for Freetown, are you aware that Benjamin Yeaten
21 was present for the official ceremony, Mr Witness, in Monrovia?

22 A. I cannot remember that particular incident.

23 Q. You never left the front lines in October 1999 to return to
24 Monrovia with Yeaten. Is that your evidence, Mr Witness?

10:32:19 25 A. I have stated that even on the front line I used to make
26 trip with him to Monrovia and back, but when we went to Monrovia
27 I was engaged in the radio room. I was on set. Sometimes in
28 Monrovia there were other sets on the front line that I used to
29 communicate with to get information.

1 Q. We know you used to make trips back and forth. We know
2 when you were in Monrovia you used to stay in the radio room. We
3 know that there were other sets. My question is this: October
4 1999, did Yeaten go to Monrovia to the best of your knowledge?

10:32:51 5 A. I cannot remember. I said --

6 Q. But you were with Yeaten, you told us?

7 A. Yes.

8 Q. You were in the front lines with Yeaten?

9 A. Yes.

10:32:58 10 Q. I'm putting it to you he was in Monrovia in October
11 attending a ceremony with Foday Sankoh and Johnny Paul Koroma.
12 What do you say to that?

13 A. That might be true, but --

14 Q. It might be true?

10:33:14 15 A. Yeah, because when we arrived in Monrovia I was not taken
16 to any conference. I have said even when we went to White Flower
17 I remained in the vehicle, I did not enter. So he was a big man,
18 somebody respectable. I was never - even I said when I went to
19 Gbarnga he went on a conference, I did enter the conference hall
10:33:42 20 myself, but I was with him, I went together with him.

21 Q. So you are now making a distinction between things that you
22 were present for and things that you hear about?

23 A. I had long made that.

24 Q. Well, let me ask you this: You now said it's possible he
10:33:59 25 was in Monrovia in October 1999, yes, but that perhaps you were
26 not present when the conference took place, but it's possible he
27 was there? Is that what you just said, Mr Witness, yes?

28 A. Yes.

29 Q. I see. Is it possible Johnny Paul Koroma was in Monrovia

1 in October 1999, Mr Witness?

2 A. I did not take note of those dates, so I said it is
3 difficult for me to ascertain, to tell exactly, and that is not
4 to my knowledge.

10:34:35 5 Q. I see. You said you first went to the RUF guesthouse in
6 the year 2000, correct?

7 A. Yes, that was the time I started paying visit to that
8 place.

9 Q. Where was it located at, Mr Witness?

10:34:48 10 A. Okay, let's say you are moving from the Executive Mansion
11 Ground, approaching White Flower on your right-hand side.

12 MR ANYAH: Shall we go through this map again, this map,
13 and I have copies for everybody now. I will just indicate to the
14 Court I had shown the witness the same map before, he had made
10:35:13 15 some scribbles on it, I didn't ask for it to be marked for
16 identification. I have given him the same map, a clean version
17 without any scribbles, if that's acceptable, I still have the old
18 one, depending on what the Chamber prefers:

19 Q. Mr Witness, do you see the map?

10:36:36 20 A. Yes.

21 MR ANYAH: I wonder if the witness could be brought to the
22 overhead so that he could indicate on the map if he chooses.

23 Madam Court Officer, I don't know if the resolution is the best
24 we can get as far as zooming the map on the overhead is

10:37:18 25 concerned. Yes, thank you. That's fine. Thank you, Madam Court
26 Officer:

27 Q. Mr Witness, do you see where it says Executive Mansion next
28 to Capitol Hill? Let me ask you do you see Barclay Training
29 Centre as you go towards the north west portion of the map?

1 A. Yes.

2 Q. Then you come south east, do you see Executive Mansion next
3 to Capitol Hill?

4 A. Yes.

10:38:22 5 Q. Do you see that, Mr Witness?

6 A. Yes.

7 Q. Can you take that pen - do you have a pen with you?

8 A. Yes.

9 Q. Can I ask you this, Mr Witness: Can you kindly circle
10:38:33 10 where it says Executive Mansion for us. Just draw a circle on
11 it.

12 PRESIDING JUDGE: What's the problem, Mr Witness?

13 THE WITNESS: This map is difficult really to point at the
14 particular area because there are certain visible --

10:38:47 15 PRESIDING JUDGE: Just go through it bit by bit as counsel
16 asks you. He's asked you to circle Barclay's, is it, Mr Anyah?
17 Please remind me.

18 MR ANYAH: No, the Executive Mansion.

19 PRESIDING JUDGE: Please circle that.

10:39:03 20 MR ANYAH:

21 Q. Mr Witness, can you kindly circle the Executive Mansion for
22 us. Draw a circle around it. Thank you. Now we come down, as
23 we go south east, to the University of Liberia and City Hall,
24 right, do you see that? Do not circle it, but do you see it?

10:39:19 25 A. Yes, sir.

26 Q. Then you see where it says Tubman Boulevard, right?
27 Tubman, William Tubman. Tubman Boulevard.

28 A. Yes.

29 Q. Would you agree that Tubman Boulevard, now known as UN

1 Drive, is the main thoroughfare crossing through Monrovia?

2 A. Yes.

3 Q. From one end to the other, right?

4 A. Yes.

10:39:41 5 Q. Now, you're coming backwards towards Congo Town on Tubman
6 Boulevard. Do you see that, Mr Witness?

7 A. Yes, sir.

8 Q. And the first big area you reach is generally Sinkor,
9 right?

10:39:57 10 A. Yes.

11 Q. You see you go past areas near the Zairean Embassy, right?

12 A. Yes.

13 Q. Guinean Embassy, right?

14 A. Yes.

10:40:07 15 Q. Where along this stretch would you say was the guesthouse
16 for the RUF?

17 A. Which one are we taking, this line or this other line?
18 This and this, which one?

19 Q. If you go upwards to where it says Guinean Embassy, keep
10:40:31 20 going upwards, yes?

21 A. I'm at this point, this is the Guinean Embassy.

22 Q. And then you see where it says Tubman Boulevard next to the
23 Guinean Embassy. It is written there, the road. There's no
24 rush, Mr Witness, take your time. Take your time.

10:40:45 25 A. I'm seeing Tubman Avenue within here.

26 Q. Okay, let's say Tubman Avenue. That's what the map says,
27 okay?

28 A. Yes, sir.

29 Q. Now if you take your pen and you move downwards from Tubman

1 Avenue from where we have seen it, yes?

2 A. Yes.

3 Q. Keep going in the south east end direction, stop and then
4 go left - yes, keep going, yes - where is that leading to? The

10:41:08 5 Sierra Leonean Embassy, do you see that there?

6 A. Yes.

7 Q. Right?

8 A. Yes.

9 Q. At the end?

10:41:12 10 A. Yes.

11 Q. Do you know where the RUF guesthouse was?

12 A. Let's say if you are walking this direction on your right,
13 because from the main road --

14 Q. When you say - I am sorry.

10:41:25 15 A. From the main road you are going right. You go and take
16 the direction right-hand side.

17 Q. Okay, it would be on your right-hand side. Is that what
18 you're saying?

19 A. Yes.

10:41:35 20 Q. And would it be on the same street we have described,
21 Tubman Boulevard?

22 A. If that is the street, because I used to travel from
23 Yeaten's house past White Flower and then move not too far.

24 There was a structure there called the Nigerian House. After

10:41:54 25 that there was a road. That was the guesthouse. There I used to
26 meet Osman Tolo, Memunatu Deen and at some point in time I met
27 Gibril Massaquoi there and even --

28 PRESIDING JUDGE: We're not dealing with those you met,

29 Mr Witness. We're dealing with this map.

1 THE WITNESS: Yes, sir. That is the location.

2 MR ANYAH:

3 Q. So, Mr Witness, your best estimate is that it is near the
4 Nigerian House?

10:42:19 5 A. Yes.

6 Q. How many --

7 A. Around there.

8 Q. Yes. How many - let's use a football field as an
9 approximate distance. Is it within a football field of the

10:42:32 10 Nigerian House?

11 A. The permanent structure around that area was the house they
12 referred to as the Nigerian House and this house I'm talking
13 about was painted in white.

14 Q. Not the colour. I want to know the distance between the
10:42:49 15 RUF guesthouse and the Nigerian House, not the colour of the RUF
16 guesthouse?

17 A. Not too far, anyway.

18 Q. Now, we are using --

19 A. Not even up to a mile.

10:42:58 20 Q. Okay. It's within a mile, right?

21 A. It's not up to that distance. It's not up to that.

22 Q. And I want to know was it as close as a football field,
23 because a mile is --

24 PRESIDING JUDGE: Mr Anyah, not all of us are football
10:43:20 25 enthusiasts.

26 MR ANYAH: Oh, I see. I'm sorry, Madam President.

27 PRESIDING JUDGE: You're going to have to give me the
28 distance of a football field.

29 MR ANYAH: Yes:

1 Q. Mr witness, would you agree that a football field is about
2 a quarter of a mile? It's about a block, right? A quarter of a
3 mile?

4 MR BANGURA: Your Honours, I --

10:43:43 5 MR ANYAH: Well, I can change that. Two football fields is
6 a quarter of a mile.

7 PRESIDING JUDGE: Yes, Mr Bangura?

8 MR BANGURA: I would rather that counsel gives us figures,
9 rather than estimations and equivalents of those estimations
10 without figures. I think it will be quite confusing for myself
11 as well.

12 MR ANYAH: Should I Google the length of a football field?

13 THE WITNESS: In fact, in front of the house when you leave
14 the street it was a water log area. A water log area.

10:44:09 15 PRESIDING JUDGE: We're looking at the distance,
16 Mr Witness.

17 THE WITNESS: I'm saying it was not too far from the
18 Nigerian House, but the Nigerian House was situated in front,
19 going towards White Flower.

10:44:25 20 MR ANYAH:

21 Q. Let me ask you this. If you were to walk - that is W-A-L-K
22 - from the Nigerian House to the RUF guesthouse, how long would
23 it take you, Mr Witness?

24 A. Maybe seven, or five to seven minutes.

10:44:43 25 Q. Five to seven minutes?

26 A. Yes.

27 Q. Okay. And you told us yesterday - I recall it was
28 yesterday, or perhaps the day before that - to walk from White
29 Flower to the place where you say Sam Bockarie resided, or lived,

1 took over 30 minutes. Do you recall saying that?

2 A. Did I say over 30 minutes?

3 Q. Or about 30 minutes. No, correct me if I'm wrong,
4 Mr Witness. What did you tell us?

10:45:14 5 A. I said that was the estimated number of minutes if you are
6 to walk.

7 Q. How many minutes did you estimate it to be, can you tell
8 us?

9 A. I said about 30.

10:45:25 10 Q. Okay, that's where I started. So, what is the distance
11 between the RUF guesthouse and the structure where Sam Bockarie
12 was staying?

13 A. From the RUF guesthouse you have to walk to White Flower,
14 you have to cover a distance to White Flower, and from White
10:45:50 15 Flower you now walk that distance I estimated yesterday to Sam
16 Bockarie's place.

17 Q. What is the distance from the RUF guesthouse, now not
18 concerning the Nigerian House, to White Flower?

19 A. We have got again to estimate the distance from White
10:46:17 20 Flower to the guesthouse, and really from the street when I used
21 to leave Benjamin Yeaten's house and arrived at the junction I
22 used to pay \$5 to travel to --

23 Q. Not how much you paid. Let me ask you this. If you were
24 to walk from the RUF guesthouse to White Flower how long would it
10:46:40 25 take you, Mr Witness?

26 A. About 40 or 45 - 40 minutes.

27 Q. 40 or 45 minutes?

28 A. 40 minutes.

29 Q. 40 minutes?

1 A. Yes.

2 Q. And then you would add another 30 minutes from White Flower
3 to where Sam Bockarie was staying, yes?

10:47:08

4 A. I have estimated from White Flower to the guesthouse I
5 spoke about, that is the estimate if you are walking from that
6 point.

7 Q. I understand that and we have you down saying about 40
8 minutes, yes?

9 A. Yes.

10:47:23

10 Q. And then you told us before that someone would have to
11 start at the guesthouse, walk to White Flower and then in order
12 to get to where Sam Bockarie was you would have to add about 30
13 minutes. Do you remember telling us that?

14 A. Yes.

10:47:34

15 Q. Okay. So 40 minutes from the guesthouse to White Flower on
16 foot and then another 30 minutes - and this is an estimate - from
17 White Flower to where Sam Bockarie was, right?

18 A. Yes.

10:47:51

19 Q. So if someone were walking the entire distance they would
20 walk for about 70 minutes, or one hour and ten minutes, right?

21 A. Yes, that is what we have estimated.

22 Q. And the guesthouse was operational during the same period
23 of time when Sam Bockarie was in Monrovia, yes?

10:48:14

24 A. Yes, but at that time I paid a visit to that guesthouse he
25 was not at the guesthouse.

26 Q. You've seen a photograph before shown to you by the Office
27 of the Prosecutor that you claim to be the inside of the
28 guesthouse, right?

29 A. At that guesthouse, yes.

1 Q. You recall them showing you a photograph, right?

2 A. Yes.

3 MR ANYAH: Madam Court Officer --

4 THE WITNESS: I stated that --

10:48:40

5 MR ANYAH:

6 Q. May I show you the photograph and then we'll talk about it?

7 A. Okay.

8 MR ANYAH: Madam Court Officer, if you can show it to mR

9 Bangura and to the Bench:

10:50:04

10 Q. Mr Witness, have you seen that photograph before?

11 A. Yes.

12 Q. What is it a photograph of?

13 A. I was asked to identify the people in this particular
14 photo.

10:50:22

15 Q. What is it a photograph of, Mr Witness?

16 A. This man, the man with the white cup, is Osman Tolo.

17 Q. There are two men with cups?

18 A. No, the one on the left.

19 Q. Can you go to the overhead, if you don't mind, Mr Witness,

10:50:42

20 so everybody can see what you're pointing at.

21 A. [Indiscernible].

22 MR ANYAH: Well, I think he may not know that he has to
23 move to the overhead.

24 PRESIDING JUDGE: Just pause before you do anything. Are

10:51:16

25 you in that photograph, Mr Witness?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Well do not identify yourself in that
28 photograph and, if it's being broadcast, that broadcast of that
29 photo should not proceed.

1 MR ANYAH: Shall we remove it from the overhead?

2 PRESIDING JUDGE: Yes, please do so.

3 MR ANYAH: Please remove it from the overhead.

4 MR BANGURA: Your Honours, I'm not so sure whether the
10:51:38 5 witness quite understood that question. Can he be asked again
6 whether he is in the photograph?

7 THE WITNESS: I am not.

8 PRESIDING JUDGE: Oh, you're not in the photograph. I just
9 had in mind the witness's security.

10:51:48 10 MR BANGURA: I understand your Honour's concern.

11 MR ANYAH: I did not understand him to be in the
12 photograph, your Honour.

13 PRESIDING JUDGE: Thank you for that. I'm satisfied now.

14 THE WITNESS: This person - this - is Osman Tolo. I can
10:52:01 15 recognise him to be Osman Tolo, radio operator of the RUF.

16 MR ANYAH:

17 Q. And he was in Monrovia at this time, right?

18 A. It was a photo that was shown to me.

19 Q. Okay, I appreciate that.

10:52:16 20 A. And I was asked to identify those in the photo.

21 Q. Okay, I appreciate that. Was Osman Tolo ever in Monrovia
22 at the time when you were there?

23 A. Yes, sir, I met him at that guesthouse several times.

24 Q. And he was an RUF radio operator?

10:52:35 25 A. Yes.

26 Q. Now who else, if anyone, do you recognise in that
27 photograph?

28 A. Rashid.

29 Q. Also with a cup?

1 A. Yes.

2 Q. And who is Rashid?

3 A. Rashid was a bodyguard to Corporal Sankoh and he was in
4 Monrovia permanently based in that guesthouse.

10:52:56 5 Q. So, today Sankoh's bodyguard was in Monrovia. Do you know
6 the circumstances under which Rashid was in Monrovia?

7 A. I did not discuss that with him.

8 Q. Okay. Anybody else in the photograph you recognise,
9 Mr Witness?

10:53:10 10 A. Yes. This one - this - his name I can remember. We knew
11 him by the name called Freedom Ray.

12 Q. Which man?

13 A. This one.

14 Q. He's holding something that looks like a sandwich?

10:53:27 15 A. Yes, and also a cup. He was at some point in time detained
16 in Pademba Road Prison.

17 Q. You called him Freedom?

18 A. Yes, that was --

19 Q. Also known as Ray?

10:53:40 20 A. Ray. His actual name I cannot recall.

21 Q. So you've told us about who, Rashid, right?

22 A. Yes, this is the Rashid.

23 Q. Yes, and you've told us about Osman Tolo?

24 A. This is Osman Tolo. This is Rashid. This is Freedom Ray.

10:54:05 25 His actual name I cannot recall.

26 Q. Do you recognise anyone else there?

27 A. Yes.

28 Q. Who?

29 A. This one also was a bodyguard to Corporal Sankoh, but I

1 have forgotten his name, and this other person I really do not
2 know. This, I cannot recognise him.

3 Q. Do you recognise anything else about the picture? What
4 premises, or compound --

10:54:39 5 PRESIDING JUDGE: You haven't let the witness answer the
6 last question.

7 MR ANYAH: Oh, I am sorry.

8 PRESIDING JUDGE: Is there anything else in that picture
9 that you recognise, Mr Witness?

10:54:48 10 THE WITNESS: And this wall it resembles that guesthouse.
11 This one.

12 MR ANYAH:

13 Q. The wall. What of the blinds and the curtains and the
14 window on the other side?

10:55:00 15 A. No.

16 Q. Does that remind you of the guesthouse?

17 A. No, this particular area - this one - I take this one to be
18 the dining room.

19 Q. Of the RUF guesthouse?

10:55:12 20 A. Yes, I assume it is there.

21 Q. Can you do this for me, Mr Witness, please, can you take
22 the pen, draw an arrow from Rashid and write "Rashid", draw an
23 arrow from Osman Tolo and write "Osman Tolo" - yes, on the
24 photograph. Draw an arrow from Freedom, also known as Ray. Your
10:56:03 25 Honour, if it please the Chamber I would like the document to be
26 marked for identification.

27 PRESIDING JUDGE: Once the witness finishes marking it as
28 asked, we will deal with that.

29 MR ANYAH: Thank you, Madam President:

1 Q. Mr Witness, you don't have to write your name on that. You
2 can just put TF1-516. Mr Witness, are you writing descriptions
3 beneath the names, or are you just writing the names?

4 A. Yes, sir. Yes. The person in between here is unknown to
10:57:59 5 me so I have not drawn any arrow.

6 PRESIDING JUDGE: Please show it to counsel.

7 THE WITNESS: Bring me that.

8 MR ANYAH: Wait, Mr Witness.

9 THE WITNESS: Yes, I have recalled the name of that slim
10:59:20 10 fellow.

11 PRESIDING JUDGE: Very well. I think I heard the witness
12 say he has recalled the name of the slim fellow, Mr Anyah.

13 MR ANYAH: Yes, I would like him to indicate the name:

14 Q. Mr Witness, first of all, tell us orally what is this name,
10:59:36 15 who is this person?

16 A. Jabbati.

17 Q. Can you spell it for us?

18 A. J-A-B-B-A-T-I.

19 MR ANYAH: Can you kindly, Madam Court Officer, when the
10:59:52 20 Bench is finished with the document, hand it back to the witness:

21 Q. Mr Witness, who was Jabbati, was he a bodyguard also?

22 A. Yes.

23 Q. To who?

24 A. To Corporal Sankoh.

11:01:34 25 PRESIDING JUDGE: Now that that has been marked we will
26 deal with the marking for identification. It's a photograph
27 marked in handwriting by the witness and it will be MFI-23.
28 Incidentally, I recall you directing the witness to put
29 "TF1-516", did you do that?

1 MR ANYAH: I don't think he has, but we would like that
2 because it can then be attached to his evidence in case we show
3 it to other witnesses that come before the Chamber in the future
4 to confirm.

11:02:28 5 MR BANGURA: Your Honours, I believe the practice is to
6 have him sign - mark his TF, sign and date it.

7 PRESIDING JUDGE: Yes.

8 MR ANYAH: Yes.

9 PRESIDING JUDGE: Not your signature, Mr Witness, we stress
11:02:45 10 that. Just TF1 - the number.

11 MR ANYAH:

12 Q. TF1-516, Mr Witness. Madam Court Officer, can we leave the
13 photo on the overhead for a moment. Mr Witness, do you have your
14 bundle of documents in front of you, Mr Witness?

11:03:13 15 A. Yes, sir.

16 Q. Can you go to tab 6, page 24. Page 24, bottom right-hand
17 corner of tab 6. Are you there, Mr Witness?

18 A. Yes.

19 Q. It ends in ERN 5035. Do you see that, Mr Witness?

11:04:17 20 A. Yes.

21 Q. If you go down to paragraph 6, there, Mr Witness, it says
22 that you were shown a photo. Do you see that, Mr Witness?

23 A. Yes.

24 Q. Now, there's an ERN number there. I will wait for all
11:04:31 25 members of the Bench. Tab 6, page 24. Now, do you see an ERN
26 number there, Mr Witness, on that page? Do you see it,
27 Mr Witness?

28 A. Yes, 0045035.

29 Q. That's the ERN number of this page. The paragraph I'm

1 referring to is paragraph 6. It has an ERN number on it.

2 A. Yes.

3 Q. Let me read paragraph 6 to you?

4 A. Yes.

11:05:01 5 Q. It says:

6 "The witness was shown photo on page 84, ERN 000627, and
7 identified the individual on the left as Osman Tolo, the
8 individual fourth from the left as Rashid and the individual on
9 the far right as a bodyguard to Foday Sankoh. He does not

11:05:23 10 recognise the other two individuals. The witness recognises the
11 house in the photo as the RUF guesthouse in Monrovia."

12 Do you see that, Mr Witness?

13 A. Yes, sir.

14 Q. Okay. That ERN number in that paragraph says 000627. When
11:05:41 15 you look at this photo you're looking at, Mr Witness, at the top
16 there's a red number. If you look at the one on the overhead.
17 That number also says ERN number P0000627, right?

18 A. Yes.

19 Q. Okay, so this is one and the same photo we're talking
11:05:59 20 about, right?

21 A. Yes.

22 Q. When you were shown this photograph you will see that tab 6
23 are interview notes from meetings with the Office of the
24 Prosecutor six months ago, in October 2007, right?

11:06:12 25 A. Yes.

26 Q. Is that a yes, Mr Witness?

27 A. Yes.

28 Q. In October of 2007 you did not say somebody named Freedom,
29 or Ray, was pictured in this photograph, right?

1 A. I said it. I said this person, the one with the cup, I
2 knew him to be somebody called Freedom and Ray, but his actual
3 name I cannot remember.

11:06:36 4 Q. Why is it not written in the Prosecution's notes that you
5 said someone in that photograph had the name of Freedom, or Ray?
6 Please tell us.

7 A. I stated it and I was asked to identify the people in this
8 photo and that was what I did. I was not writing.

9 Q. Okay, so the Prosecution did not write what you told them.
11:06:54 10 Is that fair to say under the circumstances? You've told us you
11 told them, it's not on the page, so is it fair to say they did
12 not write it down, Mr Witness? Mr Witness?

13 A. Yes.

14 PRESIDING JUDGE: Do you understand the question?

11:07:31 15 THE WITNESS: Yes, that was what I stated. I said this
16 person is Freedom, Ray, but his actual name I do not know.

17 MR ANYAH:

18 Q. That is what you told the Office of the Prosecutor in
19 October last, yes?

11:07:45 20 A. Yes.

21 Q. It is not on this page, so I'm asking you is it fair to say
22 they did not write all that you told them?

23 A. It is not written here.

24 Q. I see.

11:08:01 25 A. And like even for this --

26 Q. Mr Witness, may I ask you the questions, please.

27 A. Yes.

28 Q. You just told us the person you called "the slim fellow" -
29 first you said he was a bodyguard to Foday Sankoh, then you added

1 his name. You asked for the photograph back, you said his name
2 is Jabbati, right?

3 A. Yes, I was thinking really to know his name. He's somebody
4 I know, I had lived with for some time. The only thing it has
11:08:29 5 taken almost four or five years without seeing him, so I had to
6 really think.

7 Q. I see. You lived with Jabbati for some period of time. Is
8 that what you just said, Mr Witness?

9 A. Yes, sir.

11:08:41 10 Q. A few days ago I was asking you a question about somebody,
11 either Daf or Zedman, Daf, and you said you lived with Daf, Dauda
12 Fonnie, for a short period of time. Am I right? Correct me if
13 I'm wrong.

14 A. I did not say for a short period of time. No. Daf is
11:08:58 15 somebody I know. I met him in the game. We were together. I
16 have lived with him, communicated with him for many --

17 Q. Exactly. You even told us that one of the exhibits the
18 Prosecution is seeking to admit is actually, as you recalled it,
19 Daf's notebook, right?

11:09:14 20 A. Daf --

21 Q. Prosecution exhibit P --

22 A. The handwriting was what I was asked to really talk about.

23 Q. Yes, but it came out during the examination you said, as I
24 recall, Daf and you lived together. Now you and Jabbati lived
11:09:33 25 together, right?

26 A. We lived together for some time in Zogoda. I knew him in
27 Zogoda.

28 Q. Did you live with any other person pictured in this
29 photograph?

1 A. Yes.

2 Q. Who else?

3 A. This Freedom, Ray. That was the name we used to call him
4 by, Freedom or Ray. In fact, he travelled together with Corporal
11:09:49 5 Sankoh to Abidjan.

6 Q. Freedom or Ray. The name you're mentioning for the first
7 time - well, you say it's not the first time in court. You said
8 you said it in October last year. So you lived with both Freedom
9 and Jabbati, yes, Mr Witness?

11:10:06 10 A. Freedom, Jabbati, Rashid and Osman Tolo. The person
11 here --

12 Q. We can't see what you're pointing at. You may have to
13 point on the other screen, Mr Witness. Can the mic be turned on,
14 please?

11:10:37 15 A. I lived with this man in Zogoda.

16 Q. You lived with Freedom in Zogoda?

17 A. We all lived together in the same camp.

18 Q. For how long did you live with him?

19 A. From the time I got there until the last day he left me for
11:10:50 20 the peace talk in Yamoussoukro.

21 Q. And you told us before - well, we established you got to
22 Zogoda in December 1994. So from December 1994, for almost a
23 year and a half, to the Abidjan peace talks in mid-1996 you lived
24 with Freedom, right?

11:11:10 25 A. I am not saying - I said I knew him. I knew him from that
26 time.

27 Q. You just told us you lived with him.

28 A. I lived with him from that time I entered Zogoda until the
29 last day he left together with Corporal Sankoh for Yamoussoukro.

1 Q. Okay, we have established that. That is fair enough.

2 A. Okay.

3 Q. Who else did you live with and for how long?

4 A. Rashid. I lived with Rashid in Zogoda also until the time
11:11:36 5 he left together with - no, he did not leave with Corporal
6 Sankoh. He left with, I think, Mohamed Tarawalli. I don't want
7 to talk much about him. The fact of the matter is I know him. I
8 had known him. I met him in Zogoda.

9 Q. Who else did you live with in that photograph, Mr Witness?

11:11:54 10 A. Osman Tolo. Osman Tolo was one of the senior radio
11 operators. He came from western jungle and, of course, he
12 travelled together with Mohamed Tarawalli through northern jungle
13 to western jungle. That is the Malal Hill. Osman Tolo.

14 Q. Let me slow you down, Mr Witness. We appreciate your
11:12:26 15 response, but you have to listen to the question.

16 A. Okay.

17 Q. I asked you the question simply who else did you live with,
18 live, reside with in the same compound or house --

19 PRESIDING JUDGE: He has said they lived in the same camp,
11:12:38 20 "we all lived together in the same camp."

21 MR ANYAH: I'm satisfied with that. I just --

22 PRESIDING JUDGE: I'm just making sure that the witness and
23 you are on the same wavelength.

24 MR ANYAH: Please stop writing, Mr Witness.

11:12:53 25 THE WITNESS: No, I just want to make former --

26 PRESIDING JUDGE: That's been marked for the Court.

27 MR ANYAH: It has been marked.

28 PRESIDING JUDGE: Mr Witness, that has been marked for the
29 Court. You cannot --

1 THE WITNESS: No, the spelling is just what I want to
2 correct, please.

3 PRESIDING JUDGE: Leave it.

4 MR ANYAH: Please leave it. Mr Bangura can raise that with
11:13:09 5 you at the appropriate time:

6 Q. Mr Witness, we have discussed Freedom, the person farthest
7 to the right, and you've told us you lived with him in Zogoda.
8 We've discussed Rashid, the person also with a white cup, not
9 Osman Tolo, and now you've just discussed Osman Tolo. You've
11:13:28 10 said you lived with him in a camp, okay?

11 A. Yeah, we all lived together.

12 Q. I understand. Where was this camp at?

13 A. Zogoda.

14 Q. Now let's go to the person directly to the left of Osman
11:13:38 15 Tolo who you just identified this morning as Jabbati, Foday
16 Sankoh's bodyguard. Did you ever live with Jabbati?

17 A. Yes.

18 Q. Where did you live with him?

19 A. Also in Zogoda.

11:13:55 20 Q. So four out of the five persons pictured here you lived
21 with?

22 A. We all --

23 Q. May I finish my question, please. So four out of the five
24 persons pictured here you lived with in Zogoda at some point in
11:14:11 25 time?

26 A. Yes, we all lived in that camp.

27 Q. You all lived in that camp?

28 A. Yes.

29 Q. Six months ago the Prosecution showed you this photograph.

1 Is your memory better now than it was six months ago, Mr Witness,
2 about this photograph?

3 A. I've been thinking really. I've been thinking.

11:14:37

4 Q. You had to think about the people you lived with, you
5 couldn't remember their names? Is that your evidence,
6 Mr Witness?

7 A. For so long, yes, it happens. It happens.

8 Q. You could not remember Jabbati's name when you spoke with
9 the Prosecution six months ago?

11:14:48

10 A. No, I hadn't really the ability.

11 Q. What do you mean by that, you hadn't the ability?

12 A. I thought, I thought. I really tried to have his name in
13 my mind, but I could not and I even stated, I said, "I know that
14 fellow, but his name I cannot remember." Even today it happened,

11:15:06

15 I had to really sit for a while before his name could run into my
16 mind.

17 Q. Mr Witness, I'm putting it to you that you were lying when
18 you said that person is Jabbati. You are making up the names.
19 Do you agree?

11:15:17

20 A. No.

21 Q. Mr Witness, why does the Prosecution have you here saying,
22 "He does not recognise the other two individuals in the
23 photograph"?

24 A. This person I said I did not recognise, but that man I
25 said, "His name I have forgotten."

11:15:34

26 Q. Do you see what the paragraph I've just read you suggests?
27 It is saying two out of the five people you do not recognise. Do
28 you agree that's what that paragraph is saying?

29 A. That is what it is stated there, but as far as I can really

1 identify this photo, these are the people I know.

2 Q. That paragraph is saying at no time in October did you
3 mention the name Jabbati. Do you agree?

4 PRESIDING JUDGE: I think he's answered that point,

11:16:07 5 Mr Anyah.

6 MR ANYAH: We can take the document from the witness.

7 Thank you, Mr Witness. You can have your seat.

8 Q. Mr Witness, you spent a lot of time with Benjamin Yeaten
9 during the period you were in Liberia, correct?

11:16:36 10 A. Yes.

11 Q. Benjamin Yeaten you tell us was head of the SSS, did you
12 say that, Mr Witness?

13 A. He said he was the director.

14 Q. Director of the SSS?

11:16:47 15 A. Yes, sir.

16 Q. Can you tell us who was his deputy? Who was the deputy
17 director of the SSS when you were with Benjamin Yeaten?

18 A. I cannot remember.

19 Q. Can you tell us the names of any SSS employees when you
11:17:09 20 were with Benjamin Yeaten?

21 A. Yes.

22 Q. Please give me some names, if you don't mind?

23 A. I knew of one Njalah.

24 Q. Can you spell it for us?

11:17:32 25 A. N-J-A-L-A-H.

26 Q. Male or female?

27 A. A male.

28 Q. Liberian or not?

29 A. Liberian.

1 Q. Military ranked or not?

2 A. I cannot tell. I cannot remember his rank.

3 Q. How high was he in the SSS?

4 A. I only used to see him around, or he used to move with 50
11:18:03 5 sometimes, back to Monrovia.

6 Q. Besides Njalah who else do you know, from the period you
7 were with Benjamin Yeaten, to have been an SSS member?

8 A. I cannot remember their names.

9 Q. Just one person, that's all you can remember, Mr Witness?

11:18:34 10 A. Yeah, he was a man in that team, in that particular group
11 that 50 used to move with and I saw.

12 Q. Have you ever heard the name Ernest Eastman, Mr Witness?

13 A. I cannot remember.

14 Q. Who was Musa Cisse, Mr Witness? Cisse as in C-I-S-S-I-E.

11:18:56 15 A. Musa Cisse was the man Proude was living with, the radio
16 operator, that - Proude lived with Musa Cisse. He was a protocol
17 officer.

18 Q. For President Charles Taylor, right?

19 A. Yes.

11:19:26 20 Q. Do you know who Joe Montgomery was?

21 A. No.

22 Q. First name Joseph, regular spelling. Montgomery,
23 M-O-N-T-G-O-M-E-R-Y.

24 A. No, I cannot remember.

11:19:44 25 Q. Was Joe Montgomery a member of the SSS?

26 A. I cannot remember.

27 Q. Was Joe Montgomery deputy director of the SSS?

28 A. I cannot remember.

29 Q. Do you know who Adolphus Taylor is, Mr Witness?

1 A. I cannot remember.

2 MR BANGURA: Your Honours, can we have the spelling for
3 Adolphus?

4 MR ANYAH: Adolphus, A-D-O-L-P-H-U-S. Taylor, T-A-Y-L-O-R.

11:20:26 5 THE WITNESS: There was one man called Peanut Butter. He
6 used to come to 50 in Vahun.

7 MR ANYAH:

8 Q. Adolphus Dolo [phon], General Peanut Butter, not Adolphus
9 Taylor.

11:20:42 10 A. Okay, I think. Okay.

11 MR BANGURA: Can we be clear what counsel is putting to the
12 witness. We have Adolphus Taylor before, now we have counsel
13 saying Adolphus Dolo and we are not so sure --

14 THE WITNESS: One Peanut Butter used to come to 50 in
11:20:56 15 Vahun, he had Adolphus name, but the end I really do not know.

16 MR ANYAH:

17 Q. Mr Witness, what is the ATU? What do you know the ATU to
18 stand for?

19 A. It's an anti-terrorist unit.

11:21:10 20 Q. Was it operational when you were in Liberia with General
21 50?

22 A. Yes.

23 Q. Who was the head of the ATU when you were in Liberia?

24 A. I knew the head of ATU to be Bulldog.

11:21:28 25 Q. To be what?

26 A. Bulldog. Bulldog. I knew him to be the head of the ATU at
27 the time I knew of the leadership of - or let's say the high rank
28 of that particular armed group. Bulldog.

29 Q. What was Bulldog's real name?

1 A. Momoh Gi bba.

2 Q. Li berian?

3 A. Li berian, yes. In fact the very first time we met, or I
4 met him, he told me that he was a Si erra Leonean and he described
11:22:05 5 the village he came from and the village is not far away from my
6 own village. It's not even up to four miles.

7 Q. Who else in the ATU do you recall being a member - I will
8 rephrase the question. What other names can you tell me were
9 members of the ATU at the time when you were in Liberia?

11:22:28 10 A. I can remember I met Keimokai.

11 Q. You have spelt that for us before, yes?

12 A. Yes. Baba Tarawalli, commonly called Bab-Teet.

13 Q. Yes?

14 A. Jabbati.

11:22:49 15 Q. Is that the same Jabbati in the photograph we've seen?

16 A. No.

17 Q. That's another Jabbati?

18 A. Yes.

19 Q. Is that Jabbati Li berian?

11:22:59 20 A. These are all Si erra Leoneans.

21 Q. All Si erra Leoneans, members of the Li berian Anti -Terrorist
22 Uni t?

23 A. Yes, but those people crossed into Li beria together with
24 Sam Bockarie, but were later trained as ATU. I used to see them.

11:23:19 25 Q. Was Benjamin Yeaten, to your knowledge, also in charge of
26 the ATU?

27 A. He told me he was a director for the SSS, but whilst on the
28 front line all the members of the different armed groups used to
29 honour him.

1 Q. Have you ever heard of the name Emmanuel George?

2 A. I have forgotten.

3 Q. What do you mean you have forgotten?

4 A. I cannot remember.

11:24:06 5 Q. Have you ever heard of the name Solomon Grey?

6 A. I cannot remember.

7 Q. When you were in Liberia who were you reporting to,
8 Mr Witness?

9 A. I was still under the command of General Benjamin D Yeaten.

11:24:28 10 Q. Did you ever report, or receive orders from Issa Sesay
11 while you were in Liberia?

12 A. Yes, I received information messages from Issa Sesay and
13 reported the message to 50, Benjamin D Yeaten.

14 Q. What I mean by that is was there any time when you were
11:24:49 15 ordered back to Sierra Leone by an RUF commander, except for the
16 time involving General Matthew Barbue?

17 A. I received a message from 50 at some point in time, from
18 General Issa, that 50 was to move and they were to meet at the
19 ferry, Manowa ferry and indeed we travelled to that location,
11:25:22 20 that ferry, and the ferry was in Sierra Leone, Manowa ferry.

21 Q. Was there any time when either Issa Sesay or Sam Bockarie
22 ordered you back to Sierra Leone?

23 A. No.

24 Q. Can you tell us how it came to be that you left Liberia?

11:25:47 25 A. Yes.

26 Q. Please tell us.

27 A. In Vahun, I think we came from Monrovia, not too long, and
28 there was a news going around that they heard a Sierra Leonean
29 voice communicating with Kamajors on their radio net, so the news

1 was circulating around and my mind reflecting back to the death
2 of Superman, I thought it wise to leave the position otherwise I
3 was going to be killed.

4 Q. When was this, Mr Witness?

11:26:20 5 A. That was late 2001.

6 Q. Was this in November 2001, Mr Witness?

7 A. Around that time. Around really, yes.

8 Q. Would it be fair to say that you left without the consent
9 of Benjamin Yeaten?

11:26:44 10 A. Yes, but when I arrived at Pendembu I called him and I

11 indeed tell him that I was in Pendembu, but I did not return.

12 Q. You called him. Once you arrived in Pendembu you called
13 Benjamin Yeaten to say you were now back in Sierra Leone. Is
14 that your evidence, Mr Witness?

11:27:05 15 A. Yes, but I did not come alone. I joined some other
16 officers who were assigned in Buedu fighting in Lofa way. They
17 were still coming to Buedu and a vehicle was to travel, so I had
18 to join that vehicle to travel.

19 Q. We understand that you had to join other officers who were
11:27:27 20 returning back to Buedu, or assigned to Buedu. That's not the
21 issue, how you drove back in the vehicle. I want to know about
22 your communication with Yeaten. You just told us you called
23 Yeaten from Pendembu to tell him you were now back in Sierra
24 Leone, correct?

11:27:46 25 A. That I was calling from that location.

26 Q. You were calling from that location. Did you tell him you
27 were not returning to Liberia?

28 A. I did not.

29 Q. You did not tell him that?

1 A. No.

2 Q. Did he ask you why you were at Pendembu?

3 A. At some point in time I had stated to this Court that in
4 Buedu I was going to Liberia and back and in Vahun again still I

11:28:12 5 used to travel with the officers back to Sierra Leone to Voinjama
6 - I mean, I'm sorry, to Vahun, to Sierra Leone. So I was just
7 moving like that: In and out, in and out.

8 Q. That was not my question. I will read my question to you
9 again. Mr Witness, the question was, "Did he ask you why you
10 were at Pendembu?"

11:28:36

11 A. It was usual. He did not ask me. It was usual that I was
12 in Sierra Leone and in Liberia. He knew of that. In fact,
13 sometimes he called me to meet him in Vahun for my - for some
14 other condiment, he used to send Maggi and salt. He would come
15 on the radio and say, "Come and collect this one. I know you are
16 over there, things are hard." I said, "Yes, sir", and I would
17 join the vehicle with Amphibian Father to get to Vahun and
18 collect whatever he had for me.

11:29:00

19 Q. If he was not going to be upset before you left, why did
20 you not get his permission before you left?

11:29:17

21 PRESIDING JUDGE: I'm not clear. Are you saying that the
22 witness would know how he would react?

23 MR ANYAH: Well, the witness said he left because Sierra
24 Leoneans were under suspicion. I can come back to this after the
25 break.

11:29:40

26 PRESIDING JUDGE: I'm just noticing the time so I think
27 it's appropriate to adjourn now. We will adjourn, Mr Witness,
28 for the midmorning break. We will reconvene at 12.00. Please
29 adjourn court.

1 [Break taken at 11.30 a.m.]

2 [Upon resuming at 12.00 p.m.]

3 PRESIDING JUDGE: Mr Anyah, please proceed.

4 MR ANYAH: Thank you, Madam President:

12:00:00 5 Q. Mr Witness, before the break I was asking you questions
6 about the circumstances under which you departed from Liberia and
7 I want to read you an answer you gave to us before we broke. I
8 will be reading from page 63, the question and answer series
9 appears on lines 13 through 23 and I am using a 12 point font.

12:00:32 10 Here is what I asked you, it reads - just give me a minute. It
11 says:

12 "Q. That was not my question. I will read my question to
13 you again, Mr Witness. The question was did he ask you why
14 you were at Pendembu?

12:00:52 15 A. It was usual. He did not ask me. It was usual that I
16 was in Sierra Leone and in Liberia. He knew of that. In
17 fact sometimes he called me to meet him in Vahun for my -
18 for some other condiment. He used to send Maggi and salt.
19 He would come on the radio and say, 'Come and collect this
12:01:14 20 one. I know you are over there. Things are hard' - it
21 says "heard" in the transcript, but you probably meant
22 things are hard. "I said, 'Yes, sir' and I will join the
23 vehicle with Amphibian Father to get to Vahun and collect
24 whatever he had for me."

12:01:32 25 That's what you said right before the break, right?

26 A. Yes.

27 Q. So after you have left Liberia would it be fair to say you
28 were still on good terms with Benjamin Yeaten?

29 A. Yes.

1 Q. Let me read to you what you told the Prosecution about how
2 you left Liberia in an interview.

3 A. Yes.

4 Q. Do you have your bundle of documents, Mr Witness?

12:01:58 5 A. Yes.

6 Q. I am referring to tab 2, page 13. If you go down to the
7 middle of the page there is a big paragraph there. It says, "At
8 this time witness was concerned about his security."

9 A. The ERN number, please?

12:02:33 10 Q. Yes, the ERN number is 00022006, tab number 2, bottom
11 right-hand corner it says page 13.

12 A. Yes, I am there.

13 Q. Let me read it to you. This is the record of your
14 interview with the Prosecution on 19 July 2006. It says:

12:02:56 15 "At this time witness was concerned about his security. At
16 this time there was also talk of disarmament in Sierra Leone.
17 There was a rumour of a Sierra Leonean communicating with LURD
18 and Yeaten told witness not to be by the radio as before. Rather
19 he would let witness know if and when he wanted to send a
12:03:22 20 message. Yeaten had witness contact Issa Sesay to 'put the 21
21 on'. So witness passed information to Elevation, but there was
22 no response from Elevation nor did Sesay call on the phone. This
23 happened twice and witness felt insecure. So in November 2001
24 witness took a helicopter to Vahun. From there witness slipped
12:03:59 25 across border into Sierra Leone and went to Pendembu. He did
26 this without Yeaten's knowledge or consent."

27 Do you see that, Mr Witness?

28 A. Yes.

29 Q. Let's look at that paragraph closely. There are a few

1 words I want to call to your attention. Do you see where it says
2 that "witness felt insecure"? Do you see those words,
3 Mr Witness?

4 A. Yes.

12:04:27 5 Q. And the reason you felt insecure, at least one of the
6 reasons, was this sequence of events you have described where you
7 contacted Issa Sesay, Issa did not call on the phone, it happened
8 twice and you felt insecure, yes? Yes, Mr Witness?

9 A. Yes.

12:04:50 10 Q. It was also the same time Sierra Leoneans - at least one
11 Sierra Leonean was being suspected of communicating with LURD,
12 right?

13 A. Yes.

14 Q. LURD were fighting the government of Liberia, yes, at the
12:05:04 15 time?

16 A. Yes, and it was alleged that Kamajors were fighting
17 alongside the LURDs.

18 Q. Okay, the question was about LURD, not Kamajors.

19 A. Yes.

12:05:15 20 Q. LURD was fighting the Government of Liberia, right?

21 A. Yes.

22 Q. You have told us of several battles that you and Yeaten
23 went to towards Voinjama and Vahun because of LURD, right?

24 A. Yes.

12:05:26 25 Q. I see. Do you see the word there where it says, "So in
26 November 2001 witness took a helicopter to Vahun. From there
27 witness slipped across." Do you see the words "slipped across"?

28 A. Somebody was writing. I did not use that word. That was
29 what he thought wise or fit to be used in that context.

1 Q. But he was writing descriptive terms you were giving to him
2 about how you left, correct?

3 A. Yes.

4 Q. Does that word suggest to you that you sneaked into Sierra
12:05:57 5 Leone, Mr Witness?

6 A. Yes.

7 Q. Does that word suggest to you that you were afraid to be
8 caught when you were crossing into Sierra Leone, Mr Witness?

9 A. Yes, I thought it wise because my security was shaky at
12:06:08 10 that time and I came across with intention not to get back there
11 again.

12 Q. Exactly. Exactly.

13 A. And I heard of disarmament. In fact there was an
14 announcement made about disarmament and all other areas had
12:06:26 15 disarmed. It remained only with Kailahun.

16 Q. We see. So now you're in Pendembu. You told us before the
17 break you actually called Yeaten, it was not unusual. Do you see
18 the last sentence of that paragraph?

19 A. Yes.

12:06:41 20 Q. It says, "He did this without Yeaten's knowledge or
21 consent", yes?

22 A. Yes.

23 Q. When you put it in the context of the entire paragraph does
24 it suggest that you were running away from Benjamin Yeaten,
12:06:53 25 Mr Witness?

26 A. I was not running, but I thought it wise not to be in that
27 particular location at that time.

28 Q. You also thought it wise not to tell Yeaten you were
29 leaving, right?

1 A. Yes, because --

2 Q. Exactly.

3 A. Because accusation was going on that they heard a Sierra
4 Leonean voice and, I being the only operator within that area at
12:07:18 5 that time on the front line, it was not good for me.

6 Q. Mr Witness, I am putting it to you that this whole episode
7 you told us before the break of calling Yeaten from Pendembu and
8 Yeaten telling you to come and take salt, Maggi, or any other
9 condiment, you were lying when you told us about all of that?

12:07:37 10 A. I was not at all lying. I was not telling any lie.

11 MR BANGURA: Your Honours, the previous answer before this
12 that the witness gave - he used a word, I probably heard him say
13 "accusation" but his pronunciation made the word come up
14 differently really. I think it's spelt as he pronounced, but I
12:08:01 15 understood him to say "accusation".

16 PRESIDING JUDGE: I note it is line 3 of page 69,
17 Mr Bangura. Perhaps I could ask Madam Court Attendant to note
18 that. Thank you.

19 MR ANYAH:

12:08:11 20 Q. I think the witness was just about completing an answer to
21 a question when this transcript issue arose and so I want to read
22 back my question to him because it is --

23 PRESIDING JUDGE: He answered. He said, "I am not telling
24 any lie. I was not at all lying." I heard it said, yes.

12:08:30 25 MR ANYAH:

26 Q. Mr Witness, is it your evidence that Benjamin Yeaten and
27 you continued to have conversations after you left Liberia?

28 A. Yes.

29 Q. Is it your evidence that you were not at all concerned that

1 Benjamin Yeaten could harm you after you sneaked out of Liberia?

2 A. I did not understand your question, please.

3 Q. Were you concerned at any point after you sneaked out of
4 Liberia that Benjamin Yeaten could harm you?

12:09:13 5 A. After the accusation --

6 Q. What accusation? The accusations against Sierra Leoneans,
7 right?

8 A. Yes, specifically operators, that they heard a Sierra
9 Leonean voice communicating with the Kamajors who were fighting
10 alongside the LURD and I was an operator there and so I felt
11 insecure within myself.

12 Q. Were you insecure --

13 JUDGE SEBUTINDE: Mr Anyah, I want to understand. What are
14 you accusing the witness of lying about exactly?

12:09:44 15 MR ANYAH: I am accusing the witness of lying about being
16 on good terms with Yeaten after he left Liberia, specifically I
17 am saying he is lying when he says Yeaten offered him condiments
18 such as Maggi and salt.

19 JUDGE SEBUTINDE: But if you look at the transcript where
12:10:03 20 he mentions being offered Maggi and salt, that is given as an
21 example of what routinely used to happen. In fact, sometimes -
22 this is what the witness says according to the transcript, "In
23 fact, sometimes he called me to meet him in Vahun for some
24 condiment. He used to send Maggi and salt. He would come on the
12:10:27 25 radio and say, 'Come and collect this one, you are here, things I
26 have heard'", et cetera. He is giving this as an example of the
27 kind of relationship that was between them before he slipped
28 over.

29 MR ANYAH: I understood it as after, because we have all

1 been focused on what happened after and that is why before the
2 break --

3 JUDGE SEBUTINDE: No, no, Mr Anyah. If you look carefully
4 at the answer he was giving, you asked him, "Did Yeaten know why
12:10:57 5 you were at Pendembu?", and he says, "It was usual. He did not
6 ask me." In other words, "it was usual for Yeaten to know that I
7 would sometimes be in Sierra Leone and sometimes in Liberia." He
8 continues to then explain that this was the relationship between
9 them, he would sometimes call him and say, "Come and pick
12:11:18 10 condiments", et cetera. This is all said within the same
11 explanation.

12 MR ANYAH: Madam Justice Sebutinde, I understand the point
13 your Honour is making, but if you go before the lines ahead of
14 that series of questions - and I read the paragraph in question.
12:11:33 15 It was page 63, starting at line 13. If your Honour goes ahead
16 to when I started this episode, or this line of questions, it
17 clearly started with the question of how he left Liberia and we
18 continued from there. If your Honour starts from page 61, line
19 21, the question was:

12:11:59 20 "Q. Can you tell us how it came to be that you left
21 Liberia?

22 A. Yes.

23 Q. Please tell us."

24 He then gave an explanation of how he left Liberia:

12:12:09 25 "Q. When was this, Mr Witness?

26 A. That was late 2000.

27 Q. Was this in November 2001, Mr Witness?

28 A. Around that time. Around really, yes.

29 Q. Would it be fair to say that you left without the

1 consent of Benjamin Yeaten?"

2 This is where this line of questioning starts to go and
3 that is when he says even after he had left Yeaten sent him salt
4 --

12:12:35 5 JUDGE SEBUTINDE: No, I am afraid that is where you and I
6 part in agreement.

7 MR ANYAH: I can clarify.

8 JUDGE SEBUTINDE: But obviously if the transcript is
9 capable of more than one meaning, I think you should clarify.

12:12:45 10 MR ANYAH: Yes, Justice Sebutinde:

11 Q. Mr Witness, when you told us before the break - the
12 paragraph I read to you and if you want I can read it again,
13 where you said, "It was usual that I was in Sierra Leone and in
14 Liberia. He knew of that. In fact, sometimes he called me to
15 meet him in Vahun for my - for some other condiment, he used to
16 send Maggi and salt. He would come on the radio and say 'Come
17 and collect this one. I know you are over there, things I
18 heard.' I said, 'Yes, sir', and I would join the vehicle and
19 Amphibian Father to get to Vahun and collect whatever he had for
12:13:02 20 me." That period of time when Yeaten would call and offer you
21 condiments, like salt and Maggi, is that after November 2001 when
22 you left on the helicopter to Vahun?

23 A. That is not the time.

24 Q. When is the time?

12:13:40 25 A. Fine. When we retreated from Foya to Buedu he commanded me
26 to stay with General Matthew Barbué. That was 2001. That is in
27 the rainy season.

28 Q. April 2001, right?

29 A. Fine. Through that time I used to go into Liberia and

1 back, into Liberia and back. He said I should work with Barbue.
2 When Barbue left for Makeni, Amphibian Father came and he also
3 told me to work with Amphibian Father. During this period he
4 would come on the radio and call me to meet him in Vahun and I
12:14:15 5 would go to Vahun and return, but the last movement to Sierra
6 Leone about that November 2001. I did not return there again
7 though we had communication still.

8 Q. Okay, that is the point now. You are confirming for us
9 that after you left Liberia in or about November 2001 you still
12:14:37 10 had communication with Benjamin Yeaten, yes?

11 A. Correct. Correct. Until - even after disarmament we used
12 to communicate with their radio stations.

13 Q. When was the last time you saw Benjamin Yeaten, Mr Witness?

14 A. In Vahun about that late 2001.

12:14:54 15 Q. When was the last time you spoke to Benjamin Yeaten,
16 Mr Witness?

17 A. When we came from the DDR camp I trained on the frequency
18 and it was High Command, a Sierra Leonean boy who was on the set.

19 Q. When was the last time you spoke with Benjamin Yeaten?

12:15:17 20 MR BANGURA: Your Honours, the witness is attempting to
21 answer the question which counsel has asked and counsel is not
22 allowing the --

23 PRESIDING JUDGE: But he is not really answering it at all,
24 Mr Bangura.

12:15:26 25 MR BANGURA: I understand the witness is trying to go back
26 to that time by recalling the circumstances.

27 MR ANYAH: He can answer. It is not a problem. I mean the
28 Chamber --

29 PRESIDING JUDGE: Very well. Continue, Mr Witness.

1 THE WITNESS: About late 2001.

2 MR ANYAH:

3 Q. Was the last time you saw him?

12:15:50

4 A. From the time I left, I crossed into Sierra Leone, I did
5 not see him again and I have not seen him until this date.

6 Q. And is it also about late 2001 the last time you spoke to
7 him?

8 A. Yes.

12:16:05

9 Q. Under what circumstances did you speak to him? Was it in
10 person, or over a radio set?

11 A. Over a radio set.

12 Q. But your evidence still is, and correct me if I am wrong,
13 that after this episode where you flew on a helicopter to Vahun
14 and then crossed into Pendembu, while you were in Sierra Leone

12:16:26

15 you were still in communication with Benjamin Yeaten?

16 A. Yes.

17 Q. Would you describe your communications with him as being on
18 friendly terms during that period of time, Mr Witness?

12:16:47

19 A. At this time there was not any particular operational
20 messages transmitted, but about security situation: "How is it
21 over there?" "It is fine. We are enjoying the peace." "Okay,
22 you have to be careful about your security." I say, "Yes, sir."

23 Q. Would you describe that as friendly terms? There was no
24 dispute between you and him after you left without his consent?

12:17:16

25 A. What is the question, sir?

26 Q. Mr Witness, here is what I am trying to get at --

27 A. Yes.

28 Q. -- you are on record telling the Prosecution that Sierra
29 Leoneans were suspected for working with LURD. May I finish my

- 1 question. I let you finish your answer. You are on record as
2 telling the Prosecution that you slipped across the border
3 between Liberia and Sierra Leone without Yeaten's knowledge, or
4 consent. You are telling us in Court now that you and Yeaten
12:17:51 5 still spoke after that?
- 6 A. Yes.
- 7 Q. Mr Witness, did Benjamin Yeaten tell you he was upset that
8 you left without his consent?
- 9 A. No.
- 12:18:03 10 Q. He never mentioned that?
- 11 A. No.
- 12 Q. Did he ever ask you why you left Liberia when you took that
13 helicopter to Vahun and then walked over, or crossed over to
14 Pendembu?
- 12:18:21 15 A. What is the question? I did not understand.
- 16 Q. Did Benjamin Yeaten ever ask you, once you were in Sierra
17 Leone, did he ever say to you, Mr Witness, "How come you took
18 that helicopter and left Liberia, landing in Vahun first and then
19 crossing over to Pendembu?" Did he ask you why you left?
- 12:18:39 20 A. No.
- 21 Q. Once you arrived in Pendembu did you report to Issa Sesay,
22 or some other RUF general, or commander?
- 23 A. Commanders were in that area, but General Issa Sesay was
24 not there.
- 12:18:58 25 Q. When you arrived in Pendembu were you still functioning as
26 an RUF radio operator?
- 27 A. Yes.
- 28 Q. For whom were you functioning as an RUF radio operator?
- 29 A. The commander on the ground was the battalion commander

1 Eagle.

2 Q. What is Eagle's real name?

3 A. Something Karmoh.

4 Q. Can you spell that for us, Mr Witness?

12:19:20 5 A. K-A-R-M-O-H, Karmoh. That is just all I know about him and
6 besides the Eagle's name I know.

7 Q. Did you have any belongings still in Liberia when you
8 crossed to Sierra Leone?

9 A. Yes, I can remember leaving my bag at Base 1.

12:19:43 10 Q. You were in a hurry when you left, right?

11 A. Yes, and --

12 Q. Mr Witness, you were in a hurry when you left, right?

13 A. Yes, I left my radio set with operator Life. He never gave
14 me that radio. I left my solar panel in Liberia. That was never
12:20:02 15 given to me.

16 Q. Mr Witness, when we spoke of Monrovia there was one thing I
17 forgot to ask you about. You told us previously that you had -
18 and we have been through this twice before, but just to lay
19 foundation. You told us previously that you had been in the
12:20:20 20 vicinity of White Flower in a vehicle, but you never went into
21 White Flower, right?

22 A. I said I stopped at the gate. I did not enter.

23 Q. We tried, but unsuccessfully, to estimate the distance
24 between Yeaten's compound and White Flower, right?

12:20:37 25 A. Yes.

26 Q. Would you say White Flower is within a mile of Benjamin
27 Yeaten's compound?

28 A. That particular structure they showed me it was White
29 Flower, no, it is not up to that distance.

1 Q. Oh, that is what I meant. It is shorter than a mile,
2 right?

3 A. It is shorter than even a quarter of a mile.

4 Q. Exactly. It is very close to White Flower, right?

12:21:05 5 A. Yes.

6 Q. And you never went to White Flower?

7 A. I did not enter the fence itself.

8 Q. But Yeaten frequently went inside White Flower, correct?

9 A. Yes.

12:21:17 10 Q. Mr Witness, you are the same person that Yeaten took on a
11 tour of the President's farm in Gbarnga, correct?

12 A. Yes.

13 Q. You are the same person that Yeaten allowed to take
14 photographs of the President's farm in Gbarnga, correct?

12:21:32 15 A. Yes.

16 Q. You are the same person that Yeaten allowed to go to room
17 306 of the Executive Mansion in Monrovia, right?

18 A. Yes.

19 Q. You are the same person who flew on several helicopter
12:21:45 20 rides with Benjamin Yeaten, right?

21 A. Yes.

22 Q. But not once were you allowed to - not once did you go into
23 White Flower. Is that your evidence, Mr Witness?

24 A. Yes, sir.

12:22:00 25 Q. Do you know why you weren't allowed, or do you know why you
26 never went into White Flower, Mr Witness?

27 A. I do not know.

28 Q. Were you allowed to go into White Flower, Mr Witness?

29 A. He told me to stay in the vehicle each time we went there.

1 Q. I see. Do you interpret that to mean he did not want you
2 to go into White Flower?

3 A. It is difficult to tell really.

12:22:30

4 Q. But the point is in all the time you spent in Monrovia, you
5 never went inside White Flower, right?

6 A. I did not, sir.

7 PRESIDING JUDGE: [Indiscernible].

8 MR ANYAH:

12:22:55

9 Q. Mr Witness, at no time did you see Benjamin Yeaten, or any
10 other high ranking Liberian dealing with diamonds, true?

11 A. I made mention of Benjamin D Yeaten receiving Eddie Kanneh
12 from Sierra Leone and before his arrival a message was
13 transmitted to the effect that he was travelling with diamonds to
14 meet Benjamin D Yeaten and indeed I saw him at Benjamin D

12:23:25

15 Yeaten's residence right in Congo Town. I think I have said
16 this.

17 Q. Well, let's go to tab 2, page 17. The ERN number,
18 Mr Witness, is 00022030, bottom right-hand corner page 17. If
19 you go down to the second full paragraph, notes from your
20 interview with the Prosecution on 20 July 2006, it says, "witness
21 never saw Yeaten or very high ranking Liberian dealing with
22 diamonds." Do you see that, Mr Witness?

12:24:07

23 A. I saw it.

24 Q. You saw what, Mr Witness?

12:24:24

25 A. The statement and what I have said is that I saw Eddie
26 Kanneh at Yeaten's residence in Congo Town, Monrovia and before
27 his arrival a message was transmitted about his movement that he
28 was travelling with diamonds to meet Yeaten and indeed I saw him
29 enter Yeaten's residence.

1 Q. We know you say you saw him. Did you see him with diamonds
2 in Yeaten's residence? Can you answer that, Mr Witness? When
3 you saw Eddie Kanneh at Yeaten's residence did you see diamonds?

12:25:03

4 A. When Eddie Kanneh came he went to Yeaten's house. They
5 entered to Yeaten's house. All I knew about his movement was the
6 message transmitted and that message was delivered to Benjamin D
7 Yeaten.

8 Q. Did you understand the question? I am talking about what
9 you saw. We know you saw Kanneh. Did you see diamonds when you
10 say Kanneh?

12:25:18

11 A. I was not at present when --

12 PRESIDING JUDGE: Mr Witness, it's a straightforward
13 question. Did you see diamonds when you saw Eddie Kanneh?

14 THE WITNESS: I did not see it.

12:25:33

15 MR ANYAH:

16 Q. Do you agree with this statement I just read to you, what
17 the Prosecution has you as telling them, you never saw Yeaten or
18 very high ranking Liberians dealing with diamonds. Do you agree
19 with that, Mr Witness?

12:25:48

20 A. I was not at present when Kanneh entered - I mean they
21 entered --

22 PRESIDING JUDGE: Mr Witness, we have moved on from Eddie
23 Kanneh. We are now referring - you are being asked do you agree
24 with what you told the Office of the Prosecutor investigators
25 when you said the words, "Never saw Yeaten or a very high ranking
26 Liberian dealing with diamonds"? Did you say those words?

12:26:06

27 That's the question, isn't it, Mr Anyah?

28 MR ANYAH: Yes.

29 THE WITNESS: It is written here, but I was not at present

1 when Kanneh handed over let's say diamonds to Yeaten, but the
2 message was sent.

3 JUDGE SEBUTINDE: Mr Witness, you have read the sentence in
4 front of you.

12:26:33 5 THE WITNESS: Yes.

6 JUDGE SEBUTINDE: It says that you never saw Yeaten or very
7 high ranking Liberians dealing with diamonds. Did you say that
8 to the investigators?

9 THE WITNESS: This same explanation --

12:26:47 10 JUDGE SEBUTINDE: No, I don't want an explanation. The
11 words that I have just read to you, did you say that to the
12 investigators, what is written here that I have just read? Did
13 you say it to the investigators or did they make it up?

14 THE WITNESS: Yes, the explanation I gave --

12:27:07 15 JUDGE SEBUTINDE: No, I am not interested in the
16 explanation. We are focusing on the words we have read. Is this
17 what you said to the investigators?

18 THE WITNESS: No.

19 MR ANYAH:

12:27:22 20 Q. So they have it down wrong, Mr Witness? Is that your
21 evidence?

22 A. My explanation was --

23 Q. Mr Witness, if it is not what you told them what is on that
24 paper is an error, right? Right, Mr Witness?

12:27:46 25 A. Yes.

26 Q. Can we go down a few lines, Mr Witness, on the same page.
27 Do you see where it says, "Witness not aware of any directives by
28 Charles Taylor or Benjamin Yeaten regarding the Freetown invasion
29 of January 1999." Do you see that, Mr Witness?

1 A. Yes.

2 Q. Did they have it down right this time, or is it also an
3 error, that sentence?

4 A. Messages were not transmitted through the radio.

12:28:28 5 Q. My question is not how messages were transmitted. It's a
6 simple question. What I have just read to you, "Witness not
7 aware of any directives by Charles Taylor or Benjamin Yeaten
8 regarding the Freetown invasion of January 1999", does the
9 Prosecution have what you say right on that page; yes or no?

12:28:55 10 A. The way it is written, I made explanation that
11 communications were going on on the satellite phone and
12 thereafter Sam Bockarie would come on the radio to give
13 instructions. But directly to say messages or directives were
14 received on the radio, I did not. I did not receive messages on
12:29:17 15 the radio stating do this, do this directly on the radio. I said
16 instructions - I mean communications were going on through the
17 satellite phone and thereafter Sam Bockarie would come on the
18 radio to issue instructions to the front lines that he had talked
19 - I mean he had spoken to the chief.

12:29:37 20 Q. I have heard your explanation, but I will go back to my
21 question. You are entitled to your explanation. I am entitled
22 to an answer to my question. It's a simple question. You can
23 either agree with what's on the page or you can disagree with it.
24 I am asking you do are you agree with this sentence, "Witness not
12:29:56 25 aware of any directives by Charles Taylor or Benjamin Yeaten
26 regarding the Freetown invasion of January 1999"?

27 A. On the radio. On the radio. On the radio. I think it is
28 written here even.

29 Q. Do you agree with that sentence, Mr Witness; yes or no?

1 Mr Witness, did the Prosecution get it wrong when they wrote it
2 like that, Mr Witness?

3 A. The statement, we have to complete it. Let me read, "He
4 says top military plan involving battlefield commander and battle
12:30:54 5 group commander, et cetera, were done by satellite phone, not on
6 radio." That is, the instructions, the communication they had,
7 was through the satellite phone. That was what they asked me.

8 JUDGE LUSSICK: Mr Witness, even if it was on the satellite
9 phone, that statement does not say that you were aware of any
12:31:13 10 directives. It says you were not aware of any directives,
11 whether satellite phone or radio or anywhere else. Now all you
12 are being asked is does that accurately record what you told the
13 Prosecution?

14 THE WITNESS: Okay.

12:31:27 15 MR ANYAH: Exactly:

16 Q. Do you understand --

17 JUDGE LUSSICK: How about an answer, Mr Witness? We have
18 been fooling around with this one question far too long and it's
19 a simple question. Did you tell the Prosecution or not?

12:31:42 20 THE WITNESS: Yes.

21 MR ANYAH:

22 Q. Thank you, Mr Witness. Mr Witness, you told us about Dopee
23 Menkarzon, Zigzag Marzah and Jungle, right?

24 A. Yes.

12:32:03 25 Q. These were the people you saw frequently bringing arms and
26 ammunition from Liberia into Sierra Leone, correct?

27 A. Yes.

28 Q. Indeed, the first time you met with the Office of the
29 Prosecutor you told them about Jungle, right?

1 A. Yes.

2 Q. The first meeting. You describe him - I think you just
3 gave them at that point the name Jungle. Tab 1, page 2. All it
4 says is, "Knew Zigzag and Dopoe Menkarzon and Jungle and of them
12:32:47 5 taking supplies to Sierra Leone." Can you go to tab 2, page 18,
6 Mr Witness?

7 A. Yes.

8 Q. The ERN number ends in 2031. If you go towards the end of
9 that page do you see the name Daniel Tamba there, Mr Witness, on
12:33:21 10 page 18?

11 A. What paragraph is that?

12 Q. Towards the end, right above the name Memunatu Deen?

13 PRESIDING JUDGE: The one before the last.

14 THE WITNESS: Okay, okay.

12:33:33 15 MR ANYAH:

16 Q. Do you see the sentence that reads, "Daniel Tamba was a
17 Liberian soldier in the ATU. Witness doesn't know him by any
18 alias. Tamba was subject to 50." Do you see that, Mr Witness?

19 A. We have made this correction.

12:33:49 20 Q. Mr Witness --

21 A. Yes, sir.

22 Q. Mr Witness, we will get to corrections. Just answer that
23 question. Do you see that sentence, Mr Witness?

24 A. Yes.

12:33:57 25 Q. Did you tell the Prosecution that in July, specifically 20
26 July 2006?

27 A. I saw it written like this and I said, "No, Daniel Tamba is
28 the same as Jungle" and they are said I do not know him by any
29 alias. I stated, "No, that was not what I said", but I saw it

1 written like this and I --

2 Q. Okay, we will get to it in a second, Mr Witness. Let us
3 go, Mr Witness - since you say you told them Daniel Tamba was the
4 same as Jungle, let us go to the same tab, just the next page,
12:34:35 5 page over, Mr Witness, page 19. Could you turn to page 19,
6 Mr Witness?

7 A. Yes.

8 Q. Are you there? ERN number 00022032. If you go down just a
9 little bit on the page do you see where it has in parentheses
12:35:01 10 "Jungle Jim". Do you see that, Mr Witness?

11 A. What page?

12 Q. You will have to move towards the top of the page,
13 Mr Witness, and then you count four paragraphs, there are dashes
14 next to each paragraph and you will get to a paragraph where it
12:35:20 15 starts with quotation marks "Jungle Jim". Do you see that?

16 A. Yes.

17 Q. It says or, rather, it reads: "'Jungle Jim' was another
18 name for Colonel Jungle." Do you see that, Mr Witness?

19 A. Yes.

12:35:36 20 Q. I see. So Colonel Jungle and Jungle Jim were the same
21 person. That's what you told them here, right?

22 A. Yes.

23 Q. Shall we go to tab 10, page 1. This is the notes from your
24 last interview. You had 20 meetings with them. 20. When you
12:36:12 25 were here in The Hague, the month of March 2008, last few days of
26 the month of March, March 27, 28, 29 and 31, you met with them.
27 They started going over all the other statements again. Can you
28 see the first paragraph on page 1, Mr Witness?

29 A. Yes.

1 Q. It says, it reads, rather:

2 "With regard to the references Tamba and Jungle on pages 18
3 and 19 respectively marked ERN 00022031, 00022032 the witness
4 stated that it is incorrect that Tamba did not have an alias as
12:36:59 5 he was also known as Jungle and that Jungle was a different
6 person than Jungle Jim."

7 Do you see that, Mr Witness?

8 A. This --

9 Q. First of all, let's say some things. Do you see that,
12:37:15 10 Mr Witness?

11 A. Yes.

12 Q. Do you understand what I have read to you, Mr Witness?

13 A. Yes, this statement is referring to the statement which
14 meant that Jungle was referring to a different person and that
12:37:28 15 clarification is what this statement is about. I read in one of
16 the statements that Jungle and Jungle Jim, as it was stated, they
17 were two different names.

18 Q. Well, I just read you the paragraph, Mr Witness. Do you
19 see what this is saying, Mr Witness? This is saying that last
12:37:48 20 month you told them two things. One, you said Daniel Tamba also
21 goes by the alias Jungle. That's what this is saying, right?

22 A. Yes.

23 Q. This is also saying you told them last month that Jungle
24 and Jungle Jim are two different persons, right? Right,

12:38:12 25 Mr Witness?

26 A. I did not tell them that. That was what I saw written and
27 I tried to make the clarifications, the corrections, and in this
28 sentence they are referring to that clarifications, that in a
29 particular statement they had Jungle Jim differently written and

1 Jungle - Jungle taken as a different person and that those are
2 not two separate people, but just a single person. I think that
3 is what this sentence is about.

12:38:47 4 Q. But of all the three of those people Dopoe Menkarzon,
5 Jungle and Zigzag Marzah, you had known Jungle for quite some
6 time, correct, Mr Witness?

7 A. Yes.

8 Q. Indeed, of all --

9 JUDGE SEBUTINDE: Mr Anyah, if you look carefully at
12:39:00 10 paragraph 1 on that page that you just read, the witness may have
11 a point because there is a whole sentence in quotation marks, you
12 see?

13 MR ANYAH: Are we in tab 10?

14 JUDGE SEBUTINDE: Yes, tab 10, page 1, paragraph 1. You
12:39:20 15 see it says, "With regard to the references to Tamba and Jungle,
16 on pages 18 and 19 respectively, the witness stated that it is
17 incorrect that Tamba did not have an alias as he was also known
18 as Jungle and that Jungle was a different person than Jungle
19 Jim." All that is incorrect.

12:39:42 20 MR ANYAH: My purpose in putting this, your Honour, with
21 respect, is merely to demonstrate that something different was
22 said before and it is only in the last interview that what other
23 witnesses have testified before this Chamber is being
24 corroborated, which is that Jungle Jim - I mean that Daniel Tamba
12:40:01 25 is the same as Jungle. I am merely making a temporal point that
26 it is only during the last interview that this connection is
27 being made and the Chamber can draw any inferences from that.

28 JUDGE SEBUTINDE: Okay, I thought you were trying to show
29 that what the witness said previously in previous interviews is

1 different from what he is now saying in this interview.

12:40:38 2 MR ANYAH: As well, as well. I can go back and repeat the
3 process, because in tab 2, page 19, the witness clearly says that
4 Jungle and Jungle Jim are the same person. That was what was
5 said in tab 2, page 19.

6 JUDGE SEBUTINDE: And he maintains that stance now.

7 MR ANYAH: Yes, but in this paragraph it says - I see your
8 point as to that last part. The word "incorrect" is the point of
9 this.

12:40:58 10 JUDGE SEBUTINDE: Exactly. That is what the witness is
11 belabouring to put across.

12 MR ANYAH: I still let the record speak for itself as to
13 the other aspect of the purpose of putting this to the witness
14 and I still, with respect to the issue of whether he knew the
12:41:11 15 alias for Daniel Tamba, let the record speak for itself and the
16 reference I have made to tab 2, page 18:

17 Q. Mr Witness, I was at the point where I was asking you of
18 the three who you knew the longest, right: Dopoe Menkarzon,
19 Zigzag Marzah and Daniel Tamba, now known as Jungle?

12:41:38 20 A. Dopoe Menkarzon first.

21 Q. And after him you knew Colonel Jungle next, right, better
22 than you knew Zigzag Marzah, correct?

23 A. Yes.

24 Q. Indeed you had known Dopoe Menkarzon and Colonel Jungle
12:41:55 25 even before 1998, true?

26 A. Yes.

27 Q. How is it that it is until March 2008 you are telling the
28 Prosecution the person you mean to be Colonel Jungle is the same
29 as Daniel Tamba? Can you tell me why?

1 A. I don't know.

2 Q. Fair enough. Mr Witness, have you been given any money for
3 expenses, or items of such nature, by the Office of the
4 Prosecutor in this case?

12:42:53 5 A. Come up with that question again.

6 Q. Can you go to tab 11, Mr Witness, of your bundle. Tab 11,
7 if you look at that document, on the upper left-hand corner - I
8 wonder if counsel opposite will have any objection to this being
9 displayed on the overhead projector for the public? I do not see
10 - well, mine is also a redacted version and I think previously
11 Justice Sebutinde had pointed out that it could be displayed and
12 that there was nothing in this material that could disclose the
13 identity of the witness. I invite counsel opposite to comment.

12:43:27 14 MR BANGURA: Your Honours, may I just take another look
15 again before I --

16 PRESIDING JUDGE: Please do so.

17 MR ANYAH:

18 Q. Mr Witness, are you there?

19 A. Yes.

12:44:31 20 Q. Tab 11 contains --

21 PRESIDING JUDGE: Just a moment. Mr Bangura is checking.

22 MR ANYAH: Oh, I am sorry. My apologies.

23 THE WITNESS: What was the question?

24 PRESIDING JUDGE: There has not yet been a question,
12:44:43 25 Mr Witness. Please wait.

26 THE WITNESS: Okay.

27 MR BANGURA: The Prosecution would not object to the
28 document being shown on the projector.

29 PRESIDING JUDGE: Very well. Madam Court Attendant, if you

1 could please facilitate that. Mr Anyah, please proceed.

2 MR ANYAH: Thank you, Madam President:

3 Q. Mr Witness, this document contains records provided, or
4 kept rather, by the Office of the Prosecutor of payments made to
12:45:09 5 you from July 2006 until the present time. Do you see on the
6 upper left-hand corner it says TF1-516? That number refers to
7 you. At the top of the page it says, "Special Court for Sierra
8 Leone, all disbursements for witness." Mr Witness, we have been
9 through the first one before. Do you remember, Mr Witness?

12:45:33 10 A. Yes.

11 Q. I recall it might have been Friday 11th we touched on that.
12 You said there was an extra 40,000 Leones given to you in
13 addition to the total of 130,000 Leones, right?

14 A. For transport, yes.

12:45:48 15 Q. Okay. Let's go to number 2, Mr Witness. The date in
16 question: Wednesday, 20 September 2006. Do you see the category
17 there, Mr Witness, it says "Lost wages/meal". Do you see that,
18 Mr Witness?

19 A. Yes.

12:46:06 20 Q. It says you were given the sum of 20,000 Leones, right?

21 A. Yes.

22 Q. Do you recall being given that money on that day,
23 Mr Witness?

24 A. I can recall.

12:46:19 25 Q. Can you go to tab 13, Mr Witness, and leave open tab 11 if
26 you can.

27 A. I am at tab 13.

28 Q. Tab 13 is the delineation of the interviews the Office of
29 the Prosecutor had with you. Do you see whether it says you were

1 interviewed by them on 20 September 2006? Does that list of
2 dates on which you met with the Prosecution show 20 September
3 2006, Mr Witness?

4 A. Let me check. I have not seen September.

12:47:28 5 Q. You have not seen 20 September rather, right?

6 A. No.

7 Q. I see. What were they paying you for lost wages? What
8 were you doing for the Prosecution on 20 September if we have no
9 record of an interview between you and them?

12:47:42 10 A. I was in Freetown asking me a sort of investigation and I
11 was explaining, they were writing. At some point in time I was
12 given the document to read and make corrections, but some other
13 documents I am seeing today were never given to me to go through.
14 Those I went through, I had my signature on them. I can

12:48:05 15 remember.

16 Q. So let's be clear. I am not challenging what you did for
17 them, or whether you went through documents. I merely want to
18 confirm that on the date in question you met with them. So you
19 are confirming that on 20 September 2006 you were in Freetown
20 meeting with the Prosecution, right?

12:48:25 20

21 A. 20 September - I cannot recall the dates I have been going
22 to Freetown. I can really not recall, because I was not taking
23 note of those dates.

24 Q. Yes, but we went through this before, Mr Witness.

12:48:40 25 PRESIDING JUDGE: Mr Anyah, I find some ambiguity in his
26 answer, "I was in Freetown for the Prosecution. I was given
27 documents." To me that could mean that he was not actually at
28 their office meeting them, but reading documents at home, or some
29 other place.

1 THE WITNESS: No, what I had wanted to say is that when at
2 certain time I gave evidence and they wrote those statements on
3 paper, I was given the statements to go through and make
4 corrections and those areas I made corrections I was allowed to
12:49:16 5 sign.

6 MR ANYAH:

7 Q. Were you allowed to take the documents home to make
8 corrections, or did you make the corrections --

9 A. Right in the office.

12:49:24 10 Q. Exactly.

11 A. Right in the office.

12 Q. Exactly.

13 PRESIDING JUDGE: Maybe that clarifies it, Mr Anyah.

14 MR ANYAH: Yes, Madam President:

12:49:32 15 Q. So on 20 September 2006 were you at the Special Court in
16 Jomo Kenyatta Road in Freetown?

17 A. What I am saying here is that I cannot recall exactly the
18 dates that I met the investigators in Freetown at the Special
19 Court. I cannot really come up with the exact dates.

12:49:52 20 Q. But you will recall the days you were given money, right?

21 A. A number of times I have stated this one. Each time I came
22 to the Special Court, asking me about what I knew about the war
23 and explaining, I was given money to travel to Freetown and back.
24 That is true.

12:50:14 25 Q. You see this one says for lost wages and for meals. What
26 kind of work were you doing in 20 September 2006?

27 A. If I am living on my own I walk around to find something,
28 even if I am not employed.

29 Q. The question was not whether you were working. The

1 question was what sort of work were you doing, Mr Witness? Were
2 you in communications, were you gardening, were you farming?
3 What were you doing 20 September 2006?

12:50:47 4 A. I was not employed really, but I used to work. I had a
5 farm. I used to go to my farm to do work. If I am taken away
6 from that work and doing any other work, somebody had to
7 compensate me for that.

8 Q. Can you go to entry number 3, Mr Witness. That is in your
9 tab 11. Madam Court Officer, we are now back to the schedule of
12:51:09 10 payments. Mr Witness, the Prosecution's records say on 18
11 January 2007 you were given the sum of 20,000 leones, yes? Do
12 you see that, Mr Witness?

13 A. Yes.

14 Q. Were you given that sum on the day in question? That was
12:51:53 15 the day you met with them by the way, Mr Witness?

16 A. Before coming to this place the team from the Special Court
17 used to meet me in Kailahun, talk to me, sometimes two or three
18 hours. I gave them statement and then before leaving they will
19 give me money before going. They say, "We have spent it - we
12:52:17 20 have taken your time." Yes, they would give me money.

21 Q. Did you understand the question? We know they would give
22 you money. I want to know if the amount corresponds to what I
23 have just read for 18 January 2007. Was it 20,000 leones they
24 gave you on that date, Mr Witness?

12:52:34 25 A. I have said that I cannot remember those dates and the
26 amount of money paid to me.

27 Q. Does it sound about right, Mr Witness?

28 A. I was not taking a record of the date and as well the
29 amount of money that I received from them. The thing was

1 whenever I was to travel they would give me money that would
2 facilitate my movement from where I was to their office there in
3 Freetown.

12:53:09 4 Q. Shall we go to number 4, Mr Witness. It pertains to 27
5 January 2007 and shows that for transport and for lost wages and
6 for meal 45,000 Leones was given to you. Do you see that,
7 Mr Witness?

8 A. Yes.

9 Q. Do you recall this amount being given to you on this date?

12:53:30 10 A. I have said it, that a number of times I met with the team
11 from Freetown, the Special Court, and I spoke with them, they
12 gave me money for taking time and also they give me money for
13 meal, they gave me money for transport and when we were in
14 transit they would give me money for lodging.

12:53:53 15 Q. Mr Witness, that was a Saturday, 27 January 2007. You had
16 met with them the day before, Mr Witness. Actually I withdraw
17 that now that I look at it. You never met with them around that
18 time, Mr Witness. You did not - we don't have records of you
19 meeting with them on 27 January and they say you met with them.
12:54:27 20 Did you meet with them, Mr Witness?

21 A. I cannot remember. I really cannot remember. I did not
22 take note of those dates.

23 Q. Does the reference to lost wages or meal or transport
24 refresh your recollection, Mr Witness?

12:54:43 25 A. Yes.

26 Q. So what do you recall happening on that day?

27 A. I cannot remember exactly.

28 Q. Okay, let's go to the next page, Mr Witness. Entries
29 number 5, 6, 7 and 8, all pertaining to dates on which we have no

1 records of you meeting with the Office of the Prosecutor. If you
2 look at tab number 13 and the list of interviews, 16 April 2007,
3 that's line 5, we have no records of you meeting with them. Do
4 you recall meeting with them on that day, Mr Witness?

12:55:31 5 A. I think I have said this one repeatedly, that I cannot give
6 or I cannot come up with any exact date because I was not taking
7 note. I was not taking record of the dates and of course the
8 amount of money I was given to facilitate my movement from one
9 point to the other.

12:55:50 10 Q. Okay, to be fair to you I see the reference there to
11 passport photos required. Did somebody come to take a passport
12 photograph of you on that date, Mr Witness?

13 A. I cannot remember the date, but I can remember somebody
14 asking me in Freetown - I mean in Kailahun and --

12:56:07 15 Q. Asking you what?

16 A. To present a passport photograph.

17 Q. Was that person a member or employee of the Office of the
18 Prosecutor?

19 A. I knew him to be a member of - I mean somebody working for
12:56:21 20 the Special Court.

21 Q. Okay. Did he give you money to go and take passport
22 photographs or did he accompany you to a photograph place to take
23 the photograph?

24 A. I met a photographer and he said automatic for two cards
12:56:37 25 that would be the cost.

26 Q. Okay, okay. The next entry there, the same day, Monday, 16
27 April 2007, the day you took the photograph they paid you for
28 having missed work, right, Mr Witness? Do you see where it says,
29 "Lost wages, 10,000 Leones"? Did they pay you for having missed

1 work to take the photographs on that day, Mr Witness?

2 A. I cannot remember.

3 Q. Line 7, 20 April 2007, the reason for being given or the
4 reason for expending 40,000 Leones on your behalf, it says,
12:57:26 5 "Affidavit and birth certificate." Do you remember something
6 pertaining to those two documents, Mr Witness?

7 A. They asked me about my birth certificate and somebody said
8 he was going to have it reproduced.

9 Q. Okay. Was money given to you or did the person go and do
12:57:43 10 that?

11 A. No, I was not given money for that.

12 Q. I see. Fair enough. Fair enough. The last entry on that
13 page, page 8, 1 June 2007, lost wages, 10,000 Leones. Did you
14 receive 10,000 Leones from them on 1 June 2007?

12:58:07 15 A. Yes.

16 Q. And why did you have to miss work on that day, Mr Witness?
17 We have no record of you being interviewed by them on that day,
18 Mr Witness, so why are they paying you money?

19 A. Most of the times they met me they asked me questions and I
12:58:40 20 explained, then thereafter they would give me money to return, to
21 take back home, to take bike to travel back home.

22 PRESIDING JUDGE: Mr Witness, that is not the question.

23 The question is did you miss work on that date?

24 THE WITNESS: Yes, because asking me --

12:59:04 25 PRESIDING JUDGE: Because there's no record of interview
26 for that date.

27 THE WITNESS: Any time we met and they were asking me, time
28 --

29 PRESIDING JUDGE: We are not talking about any time, we are

1 talking about that date.

2 MR ANYAH:

3 Q. Can you answer the question, Mr Witness. Did you miss work
4 on that date?

12:59:24 5 A. All the time they met me or every other time they had met
6 me --

7 PRESIDING JUDGE: Mr Witness, answer the question. I have
8 warned you before about this prevaricating. Do you need the
9 question put again?

12:59:46 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: Please put it again, Mr Anyah.

12 MR ANYAH: Yes, Madam President.

13 Q. Mr Witness, you told us a few minutes ago you recall being
14 given the sum of 10,000 leones on 1 June 2007, right? Right,
15 Mr Witness?

16 A. I have said that --

17 Q. Mr Witness, right? That's what you told us a few minutes
18 ago, right?

19 A. The dates. The dates. The dates - I am not - I have said
13:00:11 20 over and again that I cannot remember those dates exactly.

21 PRESIDING JUDGE: Very well. That is your answer.

22 Proceed, Mr Anyah.

23 JUDGE SEBUTINDE: Mr Anyah, do not misquote what the
24 witness has said before as you have just done. That's not what
13:00:33 25 the witness said.

26 MR ANYAH: Madam Justice Sebutinde, I will repeat the
27 question I posed to the witness initially and the answer he gave
28 and that is to be found - I am reading from page 99, line 5
29 through 7. Actually let me start from line 4 through 7 of page

1 99 and I am using a 12 point font. The question I asked him:

2 "Q. I see. Fair enough. Fair enough. The last entry on
3 that page, page 8, 1 June, lost wages, 10,000 leones, did
4 you receive 10,000 leones from them on 1 June 2007?

13:01:24 5 A. Yes."

6 JUDGE SEBUTINDE: I do beg your pardon, Mr Anyah. You are
7 absolutely right. That is what the witness said.

8 MR ANYAH:

9 Q. Mr Witness, did you miss work on that day, 1 June 2007?

13:01:48 10 A. Yes.

11 Q. How long did you spend with the Prosecution on that day?

12 A. I cannot remember.

13 Q. You missed work for the entire day though, correct?

14 A. Yes.

13:02:04 15 Q. Where did you meet with them on 1 June 2007?

16 A. I think in Kailahun.

17 Q. In Kailahun?

18 A. Yes.

19 Q. Thank you, Mr Witness. We go to the next page, page 3.

13:02:31 20 Four entries of amounts paid to you. All of these four entries
21 pertain to dates of which we have no records of you meeting with
22 them. None. The first one in line 9, 3 October, we don't have
23 any records of any meetings. Line 10 also on 3 October, no
24 records. 4 October in line 11 and also 4 October in line 12 no
13:03:05 25 records of meetings with you.

26 Let's start with the top one, line 9, it says you were paid
27 the sum of 10,000 leones. It says, "Payment made to witness for
28 one day meal." Do you see that, Mr Witness?

29 A. Yes.

1 Q. About six plus months ago in October 2007. Did you meet
2 with them on that day, Mr Witness?

3 A. I cannot remember. I really cannot remember.

4 Q. Would it jog your memory if you looked at entry number 10
13:03:40 5 which appears to say that you and your family travelled from
6 Kailahun to Freetown? Do you see reference in entry number 10?
7 Don't say anything about your family that might disclose who they
8 are, but go ahead, Mr Witness?

9 A. I have never moved with my family from any point to another
13:04:04 10 during this time meeting with the personnel from the Special
11 Court.

12 Q. Okay.

13 A. I can remember, this particular day, meeting with one of
14 the personnel from the Special Court and she told me I was going
13:04:20 15 to spend almost ten days with them in Freetown. Then I suggested
16 that, "Okay, no, I know, but please let me not just leave my
17 people behind like that" and she gave me 70,000 leones and
18 provided me a receipt to sign and that I signed.

19 Q. Yes, thank you for that explanation, Mr Witness. It
13:04:42 20 coincides with the information on the page which says, "Payment
21 made to witness for family welfare whilst travelling from
22 Kailahun." This means you left your family and went from
23 Kailahun to Freetown, right?

24 A. Yes.

13:04:57 25 Q. And they gave you money to take care of your family while
26 you were gone, right?

27 A. Yes.

28 Q. And the amount was 70,000 leones, right?

29 A. Yes.

1 Q. The next entry, the 11th, entry number 11, says the next
2 day, 4 October 2007, it says, "Payment made to witness for
3 transportation/meals and communication." Do you see that,
4 Mr Witness?

13:05:19 5 A. Yes.

6 Q. 35,000 Leones, right?

7 A. Yes.

8 Q. Did you receive that money?

9 A. Yes.

13:05:24 10 Q. The day after you received 70,000 Leones?

11 A. Yes.

12 Q. The last entry on that page speaks to accommodation paid
13 for one evening at motel. Do you see that?

14 A. They did not give me money to pay for myself.

13:05:44 15 Q. That's fair enough. Is it possible that they paid for your
16 hotel stay?

17 A. Yes.

18 Q. Okay, thank you. If you go to the next page, page 4, it
19 has the dates in line 13, 10 October. That coincides with an
13:06:04 20 interview date we have on record for you. 27 November, that's
21 line 14, that coincides with an interview date we have records
22 for.

23 A. Yes.

24 Q. The next day, 28 November in lines 15 and 16, that also
13:06:20 25 coincides with dates about which we have records regarding
26 interviews between you and the Office of the Prosecutor. Let's
27 look at entry 13. Were you paid the sum of 130,000 Leones, the
28 reason being, "Cell phone required to maintain communication with
29 SCSL authorised by Chris Santora and SIM card"?

1 A. I was not given the money. They gave me the cell phone
2 itself.

3 Q. Okay, fair enough. Line 14, 20,000 Leones, "Meals that he
4 had to pay out of his own pocket while in Freetown." Do you see
13:07:07 5 that, Mr Witness?

6 A. Yes.

7 Q. Did you receive that sum on 27 November 2007?

8 A. I cannot remember the dates, but I was given money and each
9 time I got in touch with them, that's true.

13:07:23 10 Q. Entry 15, 50,000 Leones for meals and accommodation. The
11 next day, 28 November, entry 16 also pertains to the same day for
12 communication, 30,000 Leones. Did you receive a total of 80,000
13 Leones from the Office of the Prosecutor on 28 November 2007,
14 less than six months ago?

13:07:48 15 A. I did not receive the physical cash, but I was given what
16 you call top-up. That was up to 1,000 units and it's equivalent
17 to the 30,000 Leones. I was given the top-up itself, yes.

18 Q. Did they pay for your meals and accommodation on that day?

19 A. Yes.

13:08:07 20 Q. To the tune of 50,000 Leones?

21 A. I think what we are talking about here is they paid travel
22 to and from for the 50,000. The communication we are talking
23 about 30,000.

24 Q. Okay. Don't tell us where you travelled to or from. Let's
13:08:26 25 look at what it says about the 50,000. I am focusing on the
26 amount in question, Mr Witness. Were you given that money for
27 transportation then instead of meals and accommodation? What do
28 you say?

29 A. This is another separate date and we are talking about

1 communication below, 16.

2 Q. They have the same date, Mr Witness, 15 and 16. It is the
3 same day: 28 November 2007. Do you say the records are
4 mistaken, or in error?

13:09:04 5 A. I think the 50,000 Leones was transport and when I arrived
6 I was given the top-up card for communications.

7 Q. Both were given to you on the same day, right, both the 30
8 and the 50,000?

9 A. I am saying the date the same and sometimes I only got on
13:09:26 10 board the vehicle and we got to Freetown. I was not given the
11 physical cash to pay.

12 Q. I understand, but let's focus on this date. Were the two
13 amounts given to you on the same day?

14 PRESIDING JUDGE: Mr Anyah, I recall the witness saying
13:09:40 15 that he wasn't given - "I did not receive the physical cash. I
16 was given a call top-up." That is in relation to the 30,000.

17 MR ANYAH: Yes, and I was focusing on the 50 and I had not
18 received an answer.

19 PRESIDING JUDGE: I see.

13:09:54 20 MR ANYAH:

21 Q. Mr Witness, do you recall being given 50,000 Leones for
22 transportation, as you say, on 28 November 2007?

23 A. I got on board the vehicle and we arrived at a particular
24 location. I did not pay for myself. They paid for me.

13:10:11 25 Q. Was that on the date 28 November 2007?

26 A. This is what I am seeing written in front of me.

27 Q. But did you understand the question? We know you are
28 seeing it. We can all see it. Do you recall from memory whether
29 on this day they paid for your transportation, not giving you the

1 money yourself? Do you recall if it was 28 November 2007?

2 A. I have stated before that the dates, I really cannot recall
3 exactly what happened on those dates. I was not taking record.

4 Q. Shall we go to the next page, Mr Witness?

13:10:45 5 A. Yes.

6 Q. The same day we have been talking about, when the top-up
7 cards were given to you, or 30,000 was given to you for
8 communication, the same date, 28 November 2007, we have just
9 spoken about, where you clarified that it was transportation

13:11:02 10 regarding which 50,000 was spent on your behalf, do you see there
11 they said, "Lost wages for 12 days of prepping while in
12 Freetown", they gave you 120,000 Leones. Do you see that,
13 Mr Witness? Entry number 17.

14 A. Yes.

13:11:32 15 Q. Were you paid for missing 12 days of work, less than six
16 months ago, the sum of 120,000 Leones, Mr Witness?

17 A. Yes.

18 Q. Do you see entries number 18, 19 and 20 all occurred in
19 2008, about a month or so before you were sitting in that witness
13:11:52 20 chair, Mr Witness?

21 A. Yes.

22 Q. 5 March 2008, 30,000 Leones for communication. Do you see
23 that, Mr Witness?

24 A. Yes.

13:12:01 25 Q. Were you given that amount of money on that day,
26 Mr Witness?

27 A. I was given top-up. They gave me - I think it is three
28 times they have given me that scratch card.

29 Q. Was the amount 30,000 Leones?

1 A. For each card they gave me contained 1,000 units and 300
2 unit is worth four - I mean 100 units is worth for 3,000 units,
3 so if you multiply 3,000 by ten you are getting 30,000.

4 Q. That is what you were given, right?

13:12:36 5 A. I was given the scratch card, yes.

6 Q. Were you given 30,000, Mr Witness?

7 A. I received the scratch card worth that price.

8 Q. Thank you, my mistake. Entry number 19, 12 March 2008,
9 "Travel to SCSL Freetown for witness prepping and top-up card",
13:12:59 10 transport is the category, 53,000 Leones. Was that given to you,
11 or did they pay for your transportation, Mr Witness?

12 A. They paid for my transportation.

13 Q. Thank you. 3 March 2008, 110,000 Leones "to cover the cost
14 of witness travelling" from such and such to such and such,
13:13:24 15 "included is cost of sending funds to witness through MoneyGram."
16 They sent you 10,000 Leones. Is that fair to say, Mr Witness, on
17 that day?

18 PRESIDING JUDGE: I am not sure about your arithmetic. It
19 says the cost of the MoneyGram is 10,000 and the amount is
13:13:45 20 110,000.

21 MR ANYAH: I see. I see. Thank you, Madam President:

22 Q. Mr Witness, how much did they give you 3 March 2008?

23 A. Before travelling I received a message that I should travel
24 to Kenema and collect money, 100,000 Leones.

13:14:05 25 Q. Okay.

26 A. When I arrived at Kenema it was not possible. I paid for
27 myself from where I took off on to Freetown, so when I arrived in
28 Freetown the money was then collected and handed over to me.

29 Q. Was it the same amount, 100,000 Leones, Mr Witness?

1 A. Yes, sir.

2 Q. Can you go to the next page, page 6, Mr Witness. Actually
3 page 6 appears to be a total figure - appears to be an indication
4 of the total amount of payments made to you. It says 20 as

13:14:55 5 number of payments and then it has an amount, but I just recall
6 that they gave us some additional documents behind page 6. Go to
7 page 7 and page 8. This was after the totals in page 6 have been
8 arrived at. On page 7, less than a month ago, 19 March 2008, it
9 says, "Paid for Celtel top-up card in order to make contact with
13:15:28 10 WMU. Communication, amount 30,000 Leones." How dispersed?

11 Cash. Were you given cash amounting to 30,000 Leones less than a
12 month ago, 18 March 2008, Mr Witness?

13 A. Talk about communication all the time it was the top-up
14 itself I was given.

13:15:57 15 Q. Okay, fair enough, but why does it say here "cash"? It
16 says here --

17 JUDGE LUSSICK: Maybe they paid cash for the top-up.

18 MR ANYAH: Yes, that is possible, of course:

19 Q. Mr Witness, the next page. The date in question is Friday,
13:16:17 20 21 March 2008. Do you see that, Mr Witness?

21 A. Yes.

22 Q. It says, "Payment made to witness for meals." How
23 dispersed? Cash. Were you given 10,000 Leones on 21 March 2008
24 for meals, less than a month ago?

13:16:49 25 A. I was given food.

26 Q. They bought the food for you. Would that be fair to say?

27 A. Yes.

28 Q. So we go back to page 6 and these total figures,
29 Mr Witness. Let me ask you this, Mr Witness?

1 A. Yes.

2 Q. In Freetown, if you go to downtown Freetown near Siaka
3 Stevens Boulevard and you wanted to change Leones to dollars,
4 would it be fair to say today that if you went there that one
13:17:28 5 dollar would equal 3,000 Leones?

6 A. I have not exchanged a dollar in Freetown.

7 Q. You have never exchanged --

8 A. I really don't know.

9 Q. I see. So you don't know what the street value of one
13:17:45 10 dollar is in Leones, right?

11 A. No, I cannot tell.

12 Q. Well, this total suggests that the amount of money given to
13 you through 20 payments by the Office of the Prosecutor, not
14 counting the two on pages 7 and 8, is 998,000 Leones. Do you see
13:18:08 15 that, Mr Witness?

16 A. Yes.

17 Q. Does that sound about right, Mr Witness?

18 A. If you calculated all the amount of money paid at different
19 periods of time, if your mathematics is good, yes.

13:18:25 20 Q. Okay. To be fair to you I said the amount of money given
21 to you. It actually should be the amount of money spent on your
22 behalf, right, including what was given to you and what they paid
23 elsewhere, right?

24 A. I did not understand that part.

13:18:41 25 Q. Yes, not all of this money was given to you, right? Some
26 of it they spent, for example they paid for your meals or your
27 transportation, right?

28 A. Sometimes, yes, for my transportation, yes.

29 Q. But you do not quarrel with this total amount? It sounds

1 right to you, correct, Mr Witness?

2 A. Why do I have to quarrel?

3 Q. I see, thank you, Mr Witness. Shall we go to tab 12,

4 please, Mr Witness. Mr Witness, there is another unit at the

13:19:24 5 Special Court that is called the Witnesses and Victims Unit, or

6 section, and they also keep records of the money, or amounts they

7 spend on witnesses. This document was provided by them. It has

8 a TF1 number, 516, on it. Do you see TF1-516 where it says,

9 "Subject: Witness expense policy, expenses incurred on TF1-516"?

13:19:53 10 Do you see that, Mr Witness?

11 A. Yes.

12 Q. These records say - I am reading from paragraph 2 where it

13 says, "Witness attendance allowance", "Witness first arrived on 4

14 October 2007. To date he has been paid a total of 432,000 as

13:20:20 15 witness attendance allowance." Do you see that, Mr Witness?

16 A. Yes.

17 Q. Have you received money from the Special Court amounting to

18 432,000 Leones since 4 October 2007?

19 A. Apart from the receipts signed?

13:20:58 20 Q. It doesn't matter whether you signed for them or not. I am

21 just asking have you received that amount since then?

22 JUDGE SEBUTINDE: Mr Anyah, I think to be fair you need to

23 make the distinction between the payments we have just gone

24 through. They too were made by the Special Court.

13:21:15 25 MR ANYAH: Yes, your Honour.

26 JUDGE SEBUTINDE: And these payments.

27 MR ANYAH: That's correct.

28 JUDGE SEBUTINDE: These would appear to be separate.

29 MR ANYAH: Yes:

1 Q. Mr Witness, you heard what Justice Sebutinde just said?

2 A. Yes.

3 Q. And I am sure you understood it, right?

4 A. Yes.

13:21:29 5 Q. Separate and apart from the payments we have just gone
6 through in tab 11 - as distinct from those did you receive the
7 sum of 432,000 Leones - yes, Mr Witness?

8 A. I think with reference - I mean reference to what you have
9 just displayed, if you take them into three - I mean by three

13:21:54 10 categories for transportation, for each of those dates if you
11 calculated the amount then it would be 331,000, then --

12 Q. Mr Witness, I'm sorry. Mr Witness, these records - and I
13 am saying this to you - are not related to the prior records we
14 have just looked at and if your memory says I am incorrect please

13:22:18 15 tell us so. These records are saying there is another office in
16 the Special Court, not the Office of the Prosecutor, called the
17 Witness and Victims Section who gave you money and it has nothing
18 to do with the records in tab 11. To you agree with that?

19 A. Okay, let me make something clear please. Does that mean
13:22:39 20 the grand total - and the grand total we had are from the
21 different receipts produced would be added together?

22 Q. Yes, exactly. They are not included amongst each other.

23 A. I wonder if that is what this document is talking about.

24 JUDGE SEBUTINDE: Mr Anyah, if you look carefully at this
13:22:57 25 paragraph 2 it describes this sum of 432,000 as witness
26 attendance allowance.

27 MR ANYAH: Yes.

28 JUDGE SEBUTINDE: This has not been put to the witness.

29 MR ANYAH: I will, thank you, and that might help. It

1 Likely will:

2 Q. Mr Witness, did you hear what Justice Sebutinde said?

3 A. Yes.

4 Q. Each time you attended a formal Special Court session or
13:23:19 5 interview or something did they pay you money?

6 A. For lost wages. That is what you had stated. For each day
7 you have a particular amount of money fixed.

8 Q. Yes, okay, exactly. Thank you, Justice Sebutinde.

9 Mr Witness, to your recollection from October last year until now
13:23:38 10 the total amount you have received in this category as witness
11 attendance allowance, does it add up to 432,000 leones, if you
12 recall?

13 A. I cannot recall, but the fact of the matter is each time I
14 travelled to Freetown I was given money for meal and transport to
13:24:02 15 and from, that is true, and for the number of days I spent in
16 Freetown.

17 Q. Do you see the category transportation, Mr Witness?

18 A. Yes.

19 Q. 331,000 leones, does that sound about right to you,
13:24:16 20 removing the amounts in tab 11?

21 A. But one thing I want to know, have we accepted the fact
22 that the receipts they gave me and those I signed, the amount of
23 money stated on those receipts are still what they are referring
24 to here?

13:24:41 25 Q. Mr Witness, let me ask you this: On every occasion when
26 they gave you money did they have you sign a receipt?

27 A. Yes.

28 Q. Every single time?

29 A. Yes.

1 Q. Do you recall being given money by someone not a member of
2 the Office of the Prosecutor?

3 A. There was another station called WWS.

4 Q. Okay.

13:25:08 5 A. That is you spent let's say five days with the
6 investigators, on the day of departure it is WWS that really had
7 the responsibility to calculate and of course multiply the number
8 of days you have spent.

9 Q. So when I mentioned Witnesses and Victims Section a number
13:25:31 10 of times previously you knew what WWS meant, right?

11 A. Yes.

12 Q. Okay. I'm saying to you that the records in tab 12 are
13 from WWS and not from the Office of the Prosecutor, okay, and I
14 want to find out how much WWS gave to you. Now for

13:25:47 15 transportation does it sound right that WWS has given you a sum
16 amounting to 331,000 Leones, Mr Witness?

17 A. Yes.

18 Q. For miscellaneous, a category called miscellaneous, not
19 specific, would the amount of money WWS have given you amount to
13:26:09 20 216,000 Leones, Mr Witness?

21 A. I am saying I have not been taking record of the amount of
22 money that was given to me for a particular purpose.

23 Q. How about accommodation? That's a specific purpose. Would
24 you say the amount of money WWS has spent on your behalf is up to
13:26:37 25 40,000 Leones, Mr Witness, since October of last year?

26 A. Any time I came to Freetown - each time I came to Freetown
27 I was provided lodging accommodation by WWS.

28 Q. That's fair enough. You didn't have to pay for yourself,
29 right?

1 A. No.

2 Q. Do you see the grand total amount there, Mr Witness? It
3 combines the witness attendance allowance and all these three
4 categories, transportation, miscellaneous and accommodation. It
13:27:19 5 is there said that the total is 1,019,000 leones spent on your
6 behalf by WWS. Does that sound about right to you, Mr Witness?

7 A. Yes.

8 Q. Thank you, Mr Witness.

9 A. Thank you, sir.

13:27:37 10 MR ANYAH: May I have a moment, Madam President? Madam
11 President, I tender the witness. I have no further questions.

12 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Bangura, I
13 notice it's only a matter of maybe one to two minutes. If it's
14 convenient maybe we can have re-examination - perhaps I should
13:28:12 15 first ask if you have re-examination?

16 MR BANGURA: I do, your Honour.

17 PRESIDING JUDGE: Perhaps it would be - if it's convenient
18 start it after the lunchtime adjournment.

19 MR BANGURA: Certainly, your Honour, thank you.

13:28:22 20 PRESIDING JUDGE: So we will adjourn now, but just before
21 we do so whilst I myself remember I would remind the parties that
22 there is a special swearing in tomorrow which we will attend and
23 notice has been given of the revised times for tomorrow's
24 sitting. I understand that was done some weeks ago. Mr Anyah,
13:28:43 25 you look very puzzled.

26 MR BANGURA: And myself, your Honour.

27 PRESIDING JUDGE: That makes two of you. There is a
28 swearing in of the --

29 MR BANGURA: I am corrected. I probably should speak for

1 myself, but I am corrected that the Prosecution is informed about
2 the event.

3 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Anyah, it was
4 done on our behalf by our legal officer. We will sit until
13:29:14 5 10.15, attend the swearing in and recommence and I am trying to
6 remember now, I think it is at 11.15. I will ask our office to
7 check the times.

8 MS IRURA: Your Honour, we were informed 11.30 and an
9 e-mail was circulated to the parties to this effect.

10 MR ANYAH: We are now informed. Thank you, Madam
11 President.

12 PRESIDING JUDGE: Thank you, Mr Anyah. We will adjourn now
13 until 2.30. Please adjourn the Court.

14 [Lunch break taken at 1.30 p.m.]

14:23:54 15 [Upon resuming at 2.30 p.m.]

16 PRESIDING JUDGE: Mr Bangura, you indicated you had some
17 re-examining.

18 MR BANGURA: Yes, your Honour. Good afternoon, Madam
19 President. Good afternoon, your Honours. Your Honours, before
14:31:45 20 I proceed I just wish to inform the Court that the Prosecution
21 has put together a book of maps, some of which have already been
22 in use during the course of this trial and some obviously will be
23 introduced in evidence as the trial continues. This is for the
24 convenience of all parties. They have been distributed to the
14:32:11 25 Bench as well as my colleague on the other side.

26 PRESIDING JUDGE: That is indeed very helpful. I am most
27 grateful for that, Mr Bangura.

28 MR BANGURA: Thank you:

29 RE-EXAMINATION BY MR BANGURA:

1 Q. Good afternoon, Mr Witness.

2 A. Good afternoon, sir.

3 Q. I am going to ask you some questions which relate to
4 matters that have been asked of you by counsel on the other side.

14:32:36 5 A. Yes, sir.

6 Q. Now, Mr Witness, in cross-examination counsel asked you -
7 he showed you a statement which you had made to the Prosecution
8 and I am referring to the document in tab 1 of the Defence
9 bundle. Can the witness be shown this document. Tab 1, page 1,

14:33:37 10 the ERN of that page is 00020299. Do you see that?

11 A. Yes, sir.

12 Q. Now at line 3 it is stated that you were captured by RUF in
13 early 1991. Do you see that?

14 A. Yes, sir.

14:34:10 15 Q. And then continuing on line 4 it says, "Joined the RUF in
16 the rainy season '91."

17 A. Yes, sir.

18 Q. Do you see that?

19 A. Yes, sir.

14:34:21 20 Q. Now counsel put those two lines to you in
21 cross-examination. I want to ask you this: When it says,
22 "Captured by the RUF in early 1991", when was it in 1991? Was it
23 the rainy season or the dry season?

24 A. I think in the dry season. I stated about March.

14:34:47 25 Q. Thank you. Now what do you mean in the next line, that is
26 line 4, where it is stated, "Joined the RUF in the rainy season
27 '91"? What is meant by that?

28 A. That is I was taken to the front line where the RUF was
29 fighting against the government forces, but the question they put

1 to me maybe I did not understand was that captured in the rainy
2 season and that came up. Then I said whoever had written that
3 I was captured in the rainy season, they got it wrongly.

14:35:37 4 Q. Thank you. You testified before that some - I am finished
5 with that document, Mr Witness.

6 A. Yes, sir.

7 Q. You testified before that some codes were different when
8 Issa Sesay took over as commander of the RUF. Is that correct?

14:35:58 9 A. I said we used to change codes. We used to - the codes
10 used to undergo changes.

11 Q. Okay.

12 A. Whenever there was a security threat within a particular
13 area, that affected the entire code system of the RUF, another
14 code had to be established.

14:36:14 15 Q. Thank you. Was there a code system when Sam Bockarie was
16 commander of the RUF?

17 A. There was a code system, yes.

18 Q. Was the code system different from when Issa Sesay became
19 commander of the RUF?

14:36:36 20 A. It was the same code system. What came in was the
21 codification of certain words, like two letter words and three
22 letter words which later it came up that it was creating
23 insecurity, that is using just two letter words - using the code
24 to codify just two letter words or three letter words was
14:37:04 25 creating insecurity.

26 Q. Okay. So when was it two letter words and when did it
27 become three letter words?

28 A. I think I stated that after, after --

29 Q. I mean under whose leadership was it two letter words and

1 when did it change to three letter words?

2 A. After AFRC called on the RUF, so in the town operating
3 together with the SLAs we came together to understand that they
4 were monitoring most of our messages. We used to see the copy of
14:37:46 5 the messages we were transmitting. We used to see it with them.
6 So, we decided after we retreated we decided to have that system
7 put in place. That was in the year 1998.

8 Q. Thank you. And at this time --

9 PRESIDING JUDGE: Before you move off that subject,

14:38:06 10 Mr Bangura. When you say AFRC and SLA do you mean AFRC and the
11 Sierra Leone Army, or are you talking - is the witness talking of
12 the same organisation?

13 THE WITNESS: The AFRC; that is the SLAs and the RUF
14 allied.

14:38:15 15 MR BANGURA:

16 Q. And at this time who was the leader when this new system
17 was introduced? The RUF leader I am talking about.

18 A. It was General Issa. Issa Sesay. First when we retreated
19 it was Sam Bockarie and later General Issa Sesay.

14:38:44 20 Q. Thank you. Now, counsel showed you a document which had
21 already been introduced in evidence before and that is MFI-17
22 which you described as your operational book. Do you recall?

23 A. Yes, sir.

24 Q. Now in --

14:39:06 25 MR ANYAH: Madam President, I am sorry to interrupt. Did
26 he say "already introduced into evidence", or, "marked for
27 identification"?

28 MR BANGURA: I actually said "introduced into evidence",
29 but your Honours I can rephrase the statement.

1 PRESIDING JUDGE: Please do, yes.

2 MR BANGURA:

3 Q. Counsel showed you a book which has been marked for
4 identification and introduced through you. Is that correct?

14:39:32 5 A. Yes, sir.

6 Q. And that book you described as your operational book. Is
7 that right?

8 A. Yes, sir.

9 Q. Now, what do you mean when you refer to this book as your
14:39:43 10 operational book?

11 A. I was trained as a signal operator. I had my note in that
12 book that gave me all pieces of information as how best the
13 operation of the radio should be done. That is one aspect.

14 I again used that book to receive messages and have them
14:40:11 15 decoded/transcribed relating to operations when I was within -
16 I mean, operating under the RUF. I was still in the hands of the
17 RUF operating under command.

18 Q. Did you use it for any other purposes?

19 A. Sometimes I received instructions. Like for example
14:40:37 20 certain part of that book, when it was approaching to disarmament
21 in Kailahun General Issa Sesay ordered that all RUF operators
22 sent in their particulars that he was going to provide facility
23 for the operators to be educated and we were asked to supply
24 information: date of birth, place of birth and some other pieces
14:41:03 25 of information about the operators. I made mention of that and
26 I had it transmitted. It was copied in that book.

27 Q. Thank you. Now apart from the operational book, you
28 variously made mention to the following. You said or you used
29 the word code book, you used the word log book and you used the

1 word message book. Do you recall?

2 A. Yes, sir.

3 Q. Now, what is a message book?

4 A. The message book, in two different categories I explained
14:41:42 5 that there was a message book for outgoing and the message book
6 for incoming. That procedure was maintained at the headquarter
7 station wherein you had so many messages coming in, unlike the
8 situation in the substation.

9 Q. Now, who kept the message book? Where was the message book
14:42:07 10 kept normally?

11 A. In the station and the book would be kept along with the
12 radio. It should be kept in the radio bag.

13 Q. And you say unlike the substations. What happened in the
14 substations?

14:42:23 15 A. In the substation wherein you don't expect too much of
16 messages coming in, you are dealing with maybe one station at a
17 time, you have one message book. You sometimes divide it into
18 two; one part for the incoming and the other part for the
19 outgoing.

14:42:44 20 Q. Thank you. Now, what about the log book? What do you mean
21 when you say log book?

22 A. The log book was meant to take jottings. For example,
23 I have received message from one other station this morning on so
24 and so date and the time the message was received. You are going
14:43:05 25 to state the time you received that message, the date you
26 received that message and you summarise the content of that
27 message and then you sign. That is the log book.

28 Q. Was the log book different from the message book?

29 A. The message book different from the log book, yes.

1 Q. What about the code book?

2 A. Code book was also different. The code book - well, there
3 was no restriction. Sometimes we went out of papers to write.
4 Messages were even written in code books and even sometimes the
14:43:43 5 log book had to be used as a book to copy messages like that.

6 Q. But when you say a code book as distinct from a log book
7 and a message book, what do you mean?

8 A. The log book is talking about a summary of the message and
9 of course the date and the time, so also the message you have in
14:44:06 10 the message book must coincide with the detail written in the log
11 book.

12 Q. Thank you. Now you testified before that BZ4, that is the
13 call sign for a radio which was at Buedu, was the call sign in
14 fact of Sam Bockarie's radio. Is that right?

14:44:33 15 A. Yes, sir.

16 Q. You also in answering questions put by counsel for the
17 Defence said that BZ4 was also referring to the location where
18 the radio was. Is that right?

19 A. Yes, sir. We could refer to Buedu as BZ4, the location of
14:44:59 20 that particular station, yes.

21 Q. And if I recall rightly you said the radio base?

22 A. Yes, sir.

23 Q. Those were your words?

24 A. Yes, sir.

14:45:08 25 Q. Now, what do you mean when you say that BZ4 was also the
26 name of the radio base apart from being the call sign?

27 A. Okay. For example in code if I were to move from one
28 location to the other I would tell the operator that I am
29 travelling to BZ4 and not necessarily that station, but the

1 station in which - I mean the location, the particular town, or
2 let us say camp, in which that radio with that call sign is
3 assigned, could as well be referred to as BZ4. Let us take, for
4 example, I was going to Buedu. If I were to move to Buedu then
14:45:52 5 I will tell the operator in the distance that I was going to BZ4
6 and, knowing fully well that BZ4 was located in Buedu, then that
7 person will know that I was going to Buedu.

8 Q. Thank you. Now, your testimony is that the call sign BZ4
9 changed at some point in time. Is that correct?

14:46:12 10 A. Yes, sir.

11 Q. And it changed to Marvel, or Planet 1 and Marvel. Is that
12 right?

13 A. Yes, sir.

14 Q. Now, what about the --

14:46:24 15 MR ANYAH: I rise to interpose an objection, because that
16 is not my recollection of the testimony before that the call sign
17 BZ4 changed to Planet 1 and Marvel. I recall the evidence being
18 that after two vehicles were secured from Voinjama there was one
19 mobile set called Marvel and another one called Planet 1.

14:46:50 20 MR BANGURA: Your Honours, I will probably have to go into
21 the records, but this evidence was established first in-chief and
22 as far as my recollection goes was not challenged and I am only
23 using these as a basis to get on to a matter which was put to the
24 witness.

14:47:09 25 PRESIDING JUDGE: There was quite a lot of evidence in
26 cross-examination concerning one being mobile and one not being
27 mobile and like you I would have to go into the detail, but there
28 is a distinction between BZ4 and the two vehicles that came in
29 with mobile radios. They could be driven around in the morning,

1 charged and they could be mobile or they could be stationary.

2 MR BANGURA: That is correct, your Honour. It is a matter
3 of change that occurred at a particular point in time and, as
4 I say, this evidence was clearly firmly established in-chief and
14:47:43 5 was not, to my recollection, challenged. Instead, my learned
6 friend went on other matters that I am at the moment trying to
7 deal with.

8 PRESIDING JUDGE: Sorry, I was going to allow the question,
9 Mr Anyah, but I see you are on your feet.

14:48:07 10 MR ANYAH: Well, I will take my seat and we will continue.

11 PRESIDING JUDGE: Thank you.

12 MR BANGURA:

13 Q. Mr Witness, the question actually was going to be after
14 the - you said at some point you had two vehicles, one was Planet
14:48:25 15 1 and the other was Marvel. Is that right?

16 A. Yes, sir.

17 Q. Now, after that time you have already said that the name
18 BZ4 was also used for the location where this radio was?

19 A. Yes, sir.

14:48:40 20 Q. After that time was the name BZ4 still used for that
21 location, not as a call sign?

22 A. No, the radio call sign was not in existence, but we could
23 still refer to that surrounding as BZ4.

24 Q. That was after the Planet 1 and Marvel came into existence?

14:49:06 25 A. Yes.

26 Q. Thank you.

27 A. But calling on the radio net, calling on the air, we were
28 now using the call signs Marvel and the Planet 1, but still
29 located in the same place, operating for one single person. Some

1 messages that came for Sam Bockarie was received from Marvel
2 instead of Planet 1. Marvel would receive the message, the
3 message would be received from one operator using Marvel for Sam
4 Bockarie, using Planet 1 for Sam Bockarie.

14:49:39 5 Q. Now when the radio was call sign BZ4, which commanders
6 communicated from that radio?

7 A. General Sam Bockarie communicated and at some point in time
8 General Issa also was there. He used to use that radio.

9 Q. Now when it became Planet 1 and Marvel, which commander
14:50:08 10 communicated from that radio - those radios, or one radio - those
11 radios with one call sign?

12 A. General Sam Bockarie and Issa Sesay. Of course, at that
13 time General Issa Sesay was not a general. I am sorry.

14 Q. Now, in what circumstance - you said General Sam Bockarie.
14:50:31 15 Now, at what time did you have Planet 1 and Marvel as call signs
16 for a radio in Buedu?

17 A. Those radios came at the time operation in Voinjama came
18 into existence and those vehicles were captured in Voinjama and
19 brought to Buedu. I think I went on patrol somewhere. When
14:50:58 20 I came, I met those vehicles on the base.

21 Q. Do you recall what year?

22 A. That was in 1999.

23 Q. Do you recall the month? Was it early 1999?

24 A. Not too early. Not too early.

14:51:28 25 Q. Was it in the middle?

26 A. After ECOMOG intervention I think some months.

27 Q. Okay. Now, who was the leader at the time that the radio -
28 that the call signs - that call sign came into existence?

29 A. General Sam Bockarie.

1 Q. In what circumstances would - you have said that General
2 Issa, even though he was not general by rank at that time, but
3 you said that he would also communicate from those radios. Is
4 that right?

14:52:00 5 A. Yes, sir.

6 Q. In what circumstances would General Issa communicate from
7 the radios Planet 1 or Marvel?

8 A. At times instructions were issued by General Issa on Sam
9 Bockarie's instructions. Sometimes on the same base in Buedu Sam
10 Bockarie would go to Liberia and leave General Issa Sesay on the
11 ground and he would make use of those radios to communicate with
12 commanders on the front lines.

13 Q. Thank you. Now you have testified about the location of
14 the radio room in Sam Bockarie's house at Buedu. Do you recall?

14:53:06 15 A. Yes, sir.

16 Q. Your testimony yesterday I believe was that the radio room,
17 the room which was called the radio room, was used for storage of
18 radios which were not in use, is that correct?

19 A. Yes, sir. At the time I was there. At the time I was
14:53:46 20 there, yes, sir. Because before they were using the other house
21 by Sam Bockarie's structure and of course at some point in time
22 they used his veranda as the radio room, but the jet bomber was
23 flying over Buedu. So it was not safe to have radios maintained
24 in the house. Instead they went under those trees. If you went
14:54:14 25 to Buedu you would agree with me that there were trees behind Sam
26 Bockarie's house. Under those trees they used to take a
27 concealment, what we call cover and concealment, and I stated
28 I did not just take assignment in Buedu but I spent some time in
29 Sengema before coming to Buedu.

1 Q. Now when you say that the radio room sometimes would be -
2 the veranda would be used as a radio room, what do you mean?

3 A. They operated the radio under cover for the rest of the
4 day. During the night they would come to the veranda and use
14:54:56 5 that facility as well to communicate.

6 Q. And the part of the veranda that they used as - which you
7 call a radio room was it an enclosed part - was it enclosed?

8 A. No, sir. No, sir.

9 Q. Now you have said also that sometimes the radio would be
14:55:20 10 operated from under the trees, away from the house, is that
11 correct?

12 A. Yes, sir.

13 Q. Now was this a regular occurrence, or was it only when the
14 jet was threatening your position?

14:55:36 15 A. Yes. When the jet was threatening our position we had to
16 even create what they call zorbush. We spent the rest of that
17 day in the zorbush then in the night we come to the town.

18 Q. If the jet was not threatening your position normally where
19 would the radio be?

14:55:57 20 A. There was another house. There was a house by Sam
21 Bockarie's house. People were not occupying that house. It was
22 a sort of an empty structure and the radio - the radio that was
23 used during the time it was Bravo Zulu 4, it was not in existence
24 again, it was in that room. The radio was placed in that room
14:56:29 25 together with the satellite phone and the computer.

26 Q. Now you said that the radio would be brought to the veranda
27 at night. Was it only at night that you would use the radio in
28 the veranda?

29 A. In the night - sometimes when the jet came, operated almost

1 for the rest of the day, people would abandon the town. They had
2 to go into hiding. In the night the radio would be brought to
3 the veranda.

14:57:03 4 Q. So the question is was it only at night that they would use
5 the radio in the veranda? Would they use the radio in the
6 veranda at other times?

7 A. Yes, when security was favourable, when there was no jet
8 bomber flying. Because at that time stations were located to the
9 front line and when the jet bomber was on the air they would call
14:57:19 10 and have all the stations informed and people would go into
11 hidings.

12 Q. And did you yourself, as an operator, use the radio in the
13 veranda at any time during the day?

14 A. Yes, sir, we used to manoeuvre with the radio, today we
14:57:42 15 operate the radio here, tomorrow we take it over there, then the
16 other day we will take it elsewhere for security reasons.

17 Q. Now counsel questioned your evidence about Marvel, the
18 radio Marvel, one of the radios that was at Buedu. Your evidence
19 was that Marvel was a fixed radio and sometimes it was used as a
14:58:08 20 mobile radio. Do you recall that?

21 A. Yes, sir.

22 Q. And counsel for the Defence questioned you on this. Do you
23 recall?

24 A. Yes, sir.

14:58:18 25 Q. Is there any occasion when you recall Marvel being used as
26 a mobile radio?

27 A. Yes, sir. The point of clarification was the time we
28 crossed into Liberia with the Marvel vehicle was not during the
29 time of the 6 January invasion. I can remember driving on board

1 Marvel to Foya to collect materials which were in bales. We only
2 knew in fact those bales contained ammunition when we crossed
3 into Sierra Leone back to Buedu and the G4 commander was called
4 to come and collect the materials to the warehouse. Those bales
14:59:09 5 were opened into and what we saw were materials, ammunitions, and
6 they were handed over to Captain Felix and taken to the ammo dump
7 in Buedu.

8 Q. Thank you. Do you recall when you made this trip on board
9 the vehicle with Marvel to Foya?

14:59:26 10 A. I really cannot recall because what I stated last was
11 really just - it was a mistake really, because at the time
12 I stated those vehicles were present in Buedu the mission - the
13 operation in Freetown had long been undertaken.

14 Q. Now you were asked about names by which you go and let me
15:00:04 15 caution you before you get to answer the questions I am going to
16 ask you shortly.

17 A. Yes, sir.

18 Q. Do not call out any name by which you go.

19 A. Yes, sir.

15:00:14 20 Q. Right. Answer the questions without calling out names.

21 A. Yes, sir.

22 Q. You were asked about names by which you go other than your
23 actual name. Do you remember?

24 A. Yes, sir.

15:00:25 25 Q. And you talked about code names which were different from a
26 call sign that you go by. Do you recall?

27 A. Yes, sir.

28 Q. Now what is a code name?

29 A. A code name is a sort of a nickname given to somebody

1 rather than his real name.

2 Q. When you say somebody normally --

3 A. The operator. Like all operators in the RUF had names
4 different from their actual names.

15:00:58 5 Q. Okay. When would those code names be often used?

6 A. On the radio and sometimes even when we met among
7 ourselves, they still call me by those names even today.

8 Q. Now what is a call sign?

9 A. A call sign is a name given to a radio assigned in a
15:01:22 10 particular location. That's what we call a call sign. That is
11 there is what you call NIS, net identification sign. So that is
12 what you use to identify you speaking on the air, that you are
13 talking but from a particular location.

14 Q. Was it common for operators to be referred to by their call
15:01:48 15 signs instead of their code names?

16 A. No. No, sir.

17 Q. Thank you. You were asked by counsel about your assignment
18 in Liberia. Do you recall?

19 A. Yes, sir.

15:02:05 20 Q. Now just for clarity can you tell this Court when you were
21 assigned to Liberia, what year and what month?

22 A. I said it was in 1999 in the rainy season and we agreed,
23 myself and the investigator, he say, what month, because you talk
24 about rainy season, it starts from somewhere and somewhere. I
15:02:36 25 said June.

26 Q. Now do you recall when you finally left Liberia, the last
27 time you finally left Liberia and moved back into Sierra Leone?

28 A. That was in 2001, late.

29 Q. I recall this morning you gave a month. You agreed with

1 counsel on the other side to a month, do you recall?

2 A. November.

3 Q. Now while you were assigned to Liberia are you able to
4 recall the number of times that you crossed over into Sierra
15:03:21 5 Leone?

6 A. I returned to Sierra Leone many other times because I had
7 stated that when we were overtaken I was with Superman with Foya
8 - General 50 left me in Foya together with Superman. When that
9 position was captured by LURD we had to retreat to Buedu.

15:03:47 10 I spent time in Buedu, but still in Buedu I used to go to Liberia
11 and return. I used to go to Liberia and back to Sierra Leone.

12 Q. We have had that. All I am trying to have from you, if you
13 can, is to see if you can put a number. If you cannot then we
14 will leave it there, but can you give a number?

15:04:12 15 A. I cannot really estimate and this is where I have been
16 getting difficulties. The date and the number of months or weeks
17 or days that I spent within a particular area because it
18 happened - this occurred quite so long. One cannot really be
19 precise in giving the dates since they were not put on paper.

15:04:35 20 Q. Thank you. Now where were you first based when you were
21 assigned to Liberia?

22 A. Kolahun - I was not based in one particular area. I have
23 stated this one. I was travelling, moving from place to place.
24 Spent 72 hours here today, move on target. It was fighting that
15:05:03 25 was going on.

26 Q. Your evidence is that at some point you moved to Monrovia,
27 is that correct?

28 A. Yes, sir.

29 Q. And when was this?

1 A. When I crossed into Liberia at first I used to go to
2 Monrovia and back, fly by the helicopter, go to Monrovia one day
3 and return, sometimes 72 hours and return.

4 Q. Did you go to stay in Monrovia for some time?

15:05:41 5 A. Yes, in the year 2000. 2000.

6 Q. About what time in the year 2000?

7 A. It was approaching Xmas time.

8 Q. When you say Xmas, what do you mean?

9 A. Christmas.

15:06:04 10 Q. Now how long were you in Monrovia on this occasion that you
11 went to stay?

12 A. I remained there until 2001 some time, I think in February.
13 I came back when the Guinea operation was about to commence.

14 Q. Do you recall when that operation commenced actually?

15:06:30 15 A. It was early 2001.

16 Q. Apart from this period that you were in Monrovia did you go
17 and stay in Monrovia again for any other period?

18 A. Yes, sir.

19 Q. When was this?

15:07:06 20 A. Even 2001. From 1999, 2000, 2001, I have said I used to go
21 there, spend time and return. Come to the front line, spend time
22 and return.

23 Q. You have told us of the period that you spent there from
24 about December 2000 to about February 2001?

15:07:30 25 A. Yes, sir.

26 Q. You have also said that you used to go there, spend time
27 and return.

28 A. Yes, sir.

29 Q. On the other occasions that you were there in Monrovia,

1 what was the time period that you spent there?

2 A. Sometimes spent one month, sometimes 72 hours, sometimes
3 two weeks, sometimes three weeks. Like for instance I sometimes
4 spent one month. When I returned to the front line for 72 hours
15:08:04 5 I again returned for another 72 hours and returned just like
6 that.

7 Q. Thank you. Now, you testified that on your way in 1997 you
8 were asked to go and collect battery acid in Kono by your
9 superior. This was Mohamed Kabbah. Is that correct?

15:08:33 10 A. Yes, sir.

11 Q. And on your way you passed through Kenema and then Makeni.
12 Is that right?

13 A. Yes, sir.

14 Q. Now counsel put to you that the person to whom you went, or
15:08:49 15 you were sent to go and collect the acid battery, that is King
16 Perry, was not based in Kono at this time. Do you recall? Do
17 you recall?

18 A. Yes.

19 PRESIDING JUDGE: Just pause, Mr Witness.

15:09:05 20 MR ANYAH: I am sorry to interrupt, but perhaps the witness
21 might clarify this. I recall the witness testifying that he was
22 going to collect the battery from CO Nya, but he was interrupted
23 by King Perry. That is my recollection.

24 PRESIDING JUDGE: Wasn't it battery acid?

15:09:27 25 MR BANGURA: Battery acid.

26 PRESIDING JUDGE: There was quite a thing about that. You
27 have heard Mr Anyah's objection, Mr Bangura.

28 MR BANGURA: Your Honours, that is the whole matter that
29 I wish to clarify because his evidence was something else before,

1 but I will go by the --

2 PRESIDING JUDGE: Well, if that is what you are doing - no,
3 if you are putting it to clarify then please do so.

4 MR BANGURA: Thank you:

15:09:48 5 Q. Your evidence when counsel cross-examined you was that you
6 met with King Perry in Makeni and you both travelled to Kono. Is
7 that correct?

8 A. Yes, sir.

9 Q. And first of all what is the distance between Makeni and
15:10:08 10 Kono?

11 A. It is over 60 miles.

12 Q. How long would you cover that distance?

13 A. We were travelling by vehicle.

14 Q. I am sorry, how much time do you take to cover that
15:10:20 15 distance?

16 A. Sometimes four hours, because the road network is not good.

17 Q. Was it normal to go to Kono and return the same day from
18 Makeni?

19 A. Fighting was going on somewhere around Sewafe. The
15:10:39 20 Kamajors used to ambush that road and so sometimes we got to
21 Masingbi and we had to wait.

22 Q. Your evidence is that King Perry would commute between Kono
23 and Makeni. Do you recall that?

24 A. Yes, sir.

15:10:54 25 Q. My question is was it normal at that time to commute
26 between those two distances within the same day?

27 A. Yes, sir.

28 Q. Thank you. Now, counsel showed you a statement which you
29 had made before relating to communications on behalf of the AFRC.

1 Let me just get to the part of the statement. (Your Honours,
2 I have the exact line written out on a different paper and I do
3 not have to go to the text. I can just read that to the
4 witness.) Now, the point that was put to you by counsel is that
15:12:13 5 you had said in your statement that you did not transmit or
6 receive messages on behalf of members of the AFRC/RUF. Do you
7 recall that?

8 MR ANYAH: I am sorry, Madam President. That is not my
9 recollection of - it is in tab 6, page 3. That is not my
15:12:39 10 recollection of this issue. There was no mention of RUF.

11 MR BANGURA: My error, your Honour. It is AFRC, not RUF:
12 Q. Do you recall - I will read again the portion of your
13 statement which counsel put to you.

14 A. Yes, sir.

15:13:01 15 Q. That you never received or transmitted messages on behalf
16 of any AFRC people. Do you recall that part of the statement
17 which was put to you?

18 A. That is the time in Kono.

19 Q. Do you recall that part of the statement?

15:13:19 20 A. Yes, sir.

21 Q. Now, what did you mean when you said this?

22 A. At the time of the AFRC in Kono they did not give me any
23 kind of message to transmit. In fact I only came to send message
24 to Buedu for Gullit when it was time for us to retreat, that was
15:13:47 25 ECOMOG intervention, but whilst in Kono I had no dealings with
26 those authorities, the soldiers. In fact, in many occasions they
27 raided our pit where Perry sent me to keep watch. They went
28 there, removed the working tools and took them to the
29 headquarter. We had to go there and talk to the commanding

1 officer.

2 Q. Thank you. Now, also yesterday counsel showed you - can
3 the witness be shown document MFI-22, please. Counsel showed you
4 a document, a TRC report - a part of a TRC report. Do you recall
15:14:50 5 that document?

6 A. Yes, sir.

7 Q. And he pointed your attention to a list of names at page 6.
8 Can you go to page 6 of that document?

9 A. Yes, sir.

15:15:04 10 Q. At that page you identified a name which you said was your
11 name. Is that right?

12 A. Yes, sir.

13 Q. Now, first of all do you know how this document was put
14 together - was compiled? This list of names, do you know how it
15:15:27 15 was compiled?

16 A. I was surprised when I saw this one and really having my
17 name, but what I can recall is that when I returned to school,
18 the Methodist secondary school, I can remember having some kind
19 of - I cannot refer to it as workshop. TRC personnel paid a
15:15:57 20 visit to our school. They told us there was going to be a video
21 show that we should go there and watch. There was a sort of
22 handout distributed to explain what sort of problem, or let us
23 say difficulty, that you encountered during the war and the
24 principal had those handouts distributed and we were to fill in
15:16:23 25 certain areas. They asked questions and, if you knew you had
26 such a problem, then you write the particular problem you knew -
27 you encountered during the period of the war.

28 Q. Now if you go to page 5, Mr Witness, the first paragraph
29 there, paragraph 1, do you see it?

1 A. Yes, sir.

2 Q. Counting four lines down in that paragraph the sentence
3 which starts with "In total", do you see that?

4 A. Yes, sir.

15:17:05 5 Q. Can you read that sentence for us?

6 A. "In total 1,012 victims of these violations were named in
7 TRC statements. The Commission's second list excludes those in
8 the first, giving the names of the persons who suffered all other
9 violations recorded in the conflict. In total this second list
10 contains 11,991 victims named in TRC statements."

15:17:34

11 Q. Thank you. Now, let me take you back to the beginning of
12 the portion you have read. It says, "In total ..." - I am
13 reading the first sentence which you read. "In total 1,012
14 victims of these violations were named in TRC statements." Now,

15:17:58

15 does it say that you were interviewed by the TRC? Does that
16 sentence say that you were interviewed at all by the TRC?

17 A. I think fill in forms.

18 Q. Just listen to the question. Listen to the question. Does
19 that sentence say that you were interviewed by the TRC?

15:18:17

20 A. No, sir.

21 Q. What does it say about these 1,012 names that are listed?
22 What does it say?

23 A. That:

24 "The Commission has compiled two lists of victims placed
15:18:37 25 based on the statement it collected. In line with the
26 requirement in its mandate to pay specific attention to the
27 experiences of women and children, the Commission has devoted its
28 first list to victims of sexual violence and forced
29 conscription."

1 Q. So, it says that 1,012 victims are named. Is that right?

2 A. Yes, sir.

3 Q. It also talks about another list of 11,991 victims who were
4 named. Is that right?

15:19:05 5 A. Yes, sir.

6 Q. Now, does it say that you were interviewed - these victims
7 were interviewed at all? Does it say that? In your
8 understanding, does it say that these names of victims --

9 PRESIDING JUDGE: Mr Witness --

15:19:27 10 JUDGE LUSSICK: Well I am sorry to interrupt, Mr Bangura,
11 but are we wasting our time here? We can read what it says. If
12 you wanted to ask him was he actually interviewed that is
13 something else, but just asking him to tell us what this says, we
14 all read English very well.

15:19:45 15 MR BANGURA: Thank you, your Honour. I think I have asked
16 the question about whether he was interviewed and I have gone
17 past that point. Thank you:

18 Q. Now, this morning in your testimony about Sam Bockarie
19 being in Monrovia counsel asked you when was the - well, he asked
15:20:19 20 you - one of the questions was when was the first time you saw
21 Sam Bockarie in Monrovia. Do you recall that?

22 A. Yes, sir.

23 Q. And your answer was that this was when you moved to
24 Monrovia in December of 2000. Is that right?

15:20:33 25 A. Yes, sir.

26 Q. Now, you said further that this was at the time that
27 Benjamin Yeaten was sick and was in hospital and you mentioned
28 the name Harbel. Is that right?

29 A. Yes, sir.

1 Q. Now this is just to clarify, because I believe there was a
2 question by Her Lordship Justice Sebutinde to clarify your answer
3 and the answer you gave was not so clear. Where did you see
4 Bockarie? Was it at Harbel, or in Monrovia?

15:21:09 5 A. In Monrovia. In Monrovia at 50's house.

6 Q. Thank you. Now counsel asked you questions about distances
7 between locations in Monrovia, locations - these locations are
8 White Flower and Sam Bockarie's house, White Flower and Nigeria
9 House where you - which you said you recognised as a landmark and
10 also the guesthouse where you lived to White Flower. Do you
11 recall these series of questions --

12 A. Yes, sir.

13 Q. -- about distances?

14 A. Yes, sir.

15:21:54 15 Q. Now, you gave certain estimations of walking - of time that
16 you would take to walk these distances. Do you recall?

17 A. Yes, sir.

18 Q. Did you actually walk the distance between White Flower and
19 Sam Bockarie's house? Did you ever walk that distance yourself?

15:22:12 20 A. Yes, sir. I walked from 50's house and 50's house is
21 behind White Flower. From 50's house, coming on the street where
22 White Flower is, you are climbing the hill. You move from that
23 junction and coming towards there was a place written on the sign
24 board called "My Uncle's Place". It was a sort of pub.

15:22:38 25 Q. Thank you, Mr Witness. I just wanted you to say whether
26 you actually walked the distances that were mentioned.

27 A. Yes, sir. Yes, sir, I used to walk.

28 Q. So, you covered the distance as well between Nigeria House
29 and White Flower? You have walked that distance at some point,

1 have you?

2 A. Yes, sir. From - when you talk about Nigeria House, that
3 is you are going towards the guesthouse, the RUF guesthouse
4 I spoke about. That is if you are going to the guesthouse

15:23:07 5 I spoke about, from that junction White Flower is on your
6 right-hand side and going to that guesthouse you have to pass by
7 one restaurant called Grooves. After Grooves you are going to
8 the Nigeria House. From the Nigeria House not too far on your
9 left-hand side you are going to that guesthouse.

15:23:30 10 Q. Okay. Thank you. Now you mentioned earlier this morning
11 counsel asked you about - you mentioned that at the Executive
12 Mansion you met some members of the ATU who were Sierra Leoneans.
13 Do you recall?

14 A. Yes, sir.

15:23:53 15 Q. And you mentioned a few names?

16 A. Yes, sir.

17 Q. Keimokai?

18 A. Keimokai. Baba Tarawalli, alias Bab-Teet.

19 Q. And Jabbati.

15:24:08 20 A. Jabbati. And I am remember one Jinnah Kpegbevai.

21 Q. Can you spell that name for the Court?

22 A. J-I-N-N-A-H K-P-E-G-B-E-V-A-I.

23 Q. Your evidence is that these people who were RUF had been
24 trained and were - had been trained by the ATU and were part of
15:24:36 25 the ATU, is that correct?

26 A. Yes, sir.

27 Q. How did you know this?

28 A. I used to talk with them. They used to tell me and I knew
29 those were the men who crossed into Liberia together with Sam

1 Bockarie.

2 Q. Now also this morning counsel asked you - just before the
3 lunch break there were questions about payments that had been
4 made on your behalf by the Court, is that correct? Do you recall

15:25:19 5 those questions?

6 A. Yes, sir.

7 MR BANGURA: Can the witness be shown the bundle of
8 documents, Defence documents, tab 11:

9 Q. Now do you see the documents shown under tab 11?

15:26:13 10 A. Yes, sir.

11 Q. You can leaf through them if you like.

12 A. Yes, sir.

13 Q. Then also tab 12, there is a one page document there. Do
14 you see it?

15:26:27 15 A. Yes, sir.

16 Q. Now these documents, as you already have been informed by
17 counsel for the Defence, they show payments. Do you recall that?

18 A. Yes, sir.

19 Q. And they are stated as payments made to you or on your
20 behalf. Do you recall that?

15:26:44 21 A. Yes, sir.

22 Q. Now did you yourself create any of these records?

23 A. No, sir.

24 Q. Did you make any entry into these records as they are, as
25 you have seen them in court?

15:26:58 26 A. No, sir.

27 MR BANGURA: Thank you. I am done with those. Your
28 Honours, that will be all for the witness in re-examination.

29 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Witness,

1 I have one question. I want to fully understand the system of
2 receiving coded messages by radio. I understand they came in by
3 code, you transcribed them and they were recorded.

4 THE WITNESS: Yes.

15:27:46 5 PRESIDING JUDGE: Did each commander have his own book in
6 which the messages for that commander were recorded?

7 THE WITNESS: Yes, we had a book for a particular station,
8 yes.

9 PRESIDING JUDGE: And each commander within the station had
15:28:00 10 his own book.

11 THE WITNESS: Yes.

12 PRESIDING JUDGE: Thank you. That was my only question.
13 Questions arising, counsel?

14 THE WITNESS: Let me make something clear. We had books,
15:28:14 15 we used books to have those messages processed because they did
16 not --

17 PRESIDING JUDGE: Yes, I understood that. I am talking
18 about the final transcribed message. Thank you, Mr Witness.
19 Questions arising, counsel?

15:28:27 20 MR BANGURA: None, your Honour.

21 MR ANYAH: None, Madam President.

22 MR BANGURA: Your Honours, I will at this stage move to
23 tender documents which were marked for identification.

24 PRESIDING JUDGE: Yes. Please proceed.

15:30:00 25 MR BANGURA: Your Honour, I respectfully move that the
26 document marked MFI-16 be tendered as an exhibit. That is a --

27 PRESIDING JUDGE: A handwritten one page document.

28 MR ANYAH: I only have - can I see the document again?
29 I have us starting from MFI-17.

1 PRESIDING JUDGE: 16 is the document which the witness
2 himself wrote.

3 MR ANYAH: Okay, I see.

4 MR BANGURA: Your Honours, there are two --

15:30:41 5 PRESIDING JUDGE: Yes indeed, Mr Bangura, there were two.
6 The first and then he made a better copy.

7 MR BANGURA: Yes, your Honour, and may I ask that they be
8 marked A and B of whatever exhibit number that will be assigned
9 to them.

15:30:55 10 PRESIDING JUDGE: Yes, Mr Anyah?

11 MR ANYAH: I have no objection.

12 MR BANGURA: Your Honours --

13 PRESIDING JUDGE: Just a minute. Are you moving on to the
14 next one?

15:31:04 15 MR BANGURA: No on this one, may I ask that they be kept
16 confidentially, your Honour.

17 MR ANYAH: No objection, Madam President.

18 PRESIDING JUDGE: Prosecution number?

19 MS IRURA: It will be P-95 your Honour.

15:31:22 20 PRESIDING JUDGE: So those two pages we will ascribe an A
21 and a B to each of them, they will become Prosecution exhibit 95A
22 and 95B. They will be made confidential.

23 [Exhibit P-95A and P-95B admitted]

24 MR BANGURA: Your Honours, I respectfully ask that the
15:31:52 25 document marked MFI-17 be tendered as an exhibit. Your Honour,
26 in respect of this document there is a redacted as well as an
27 unredacted copy and the Prosecution asks that the unredacted copy
28 be kept confidentially while the redacted copy is put in the
29 public record.

1 JUDGE SEBUTINDE: Mr Bangura, are you saying that the Court
2 marked for identification two separate documents?

3 MR BANGURA: No, your Honour. The Prosecution after
4 matters came to the attention of this Court that names were in
15:32:53 5 that document that could reveal the identity of the witness
6 indicated to the Defence that we would be marking parts of that
7 document, or redacting parts of that document and be asking this
8 Court to admit that redacted version of the document in
9 confidence while the unredacted version be put in the public
15:33:22 10 record. Your Honours, there has been that communication with the
11 Defence and, I stand corrected, they have no objection to that.

12 JUDGE SEBUTINDE: Yes, but did you ask - did you submit to
13 the Bench your redacted version?

14 MR BANGURA: Your Honours --

15:33:47 15 JUDGE SEBUTINDE: Because if we are going to admit two
16 documents we need the two documents in front of us. We have only
17 one unredacted version.

18 MR BANGURA: I need to check again.

19 PRESIDING JUDGE: [Microphone not activated].

15:34:12 20 MR ANYAH: Madam President, I will confirm for the record
21 there was correspondence between the two sides. We the Defence
22 understood the dilemma with which the Prosecution was faced. We
23 have consented to them requesting of the Chamber to admit two
24 versions of the same document, not necessarily that we consent to
15:34:34 25 it going into evidence. I think what is causing the problem is,
26 as Justice Sebutinde has rightly pointed out, the ultimate
27 decision makers of course are the Chamber and no leave has been
28 sought before to present a second version of the document.

29 PRESIDING JUDGE: Yes, this is where we are puzzled. We

1 don't know about this. You are going to give us a second
2 version, Mr Bangura, I understand?

3 MR BANGURA: Your Honours, if I may ask your Lordships'
4 indulgence that I move onto other documents while we internally
15:35:10 5 address - I don't know how this might leave the records, but
6 while we sort out the question of copies that have to be provided
7 to your Lordships.

8 PRESIDING JUDGE: Very well. To save time we will come
9 back to it. So please proceed on.

10 MR BANGURA: Your Honours, I move that document marked
11 MFI-18 be tendered as an exhibit.

12 PRESIDING JUDGE: Mr Anyah?

13 MR ANYAH: Thank you, Madam President. MFI-18, I think
14 this is the composition book that the witness indicated contained
15:35:54 15 code messages during the time when Issa Sesay had come into the
16 leadership of the RUF. I make two observations in the first
17 instance.

18 A few weeks ago, and this is about this code book - a few
19 weeks ago during the evidence of TF1-275 excerpts from this same
15:36:23 20 book, in particular page number ERN 00010009 - that page was
21 marked for identification during that witness's evidence as
22 MFI-17. We objected when the Prosecution attempted to move that
23 page into evidence. This was on 21 February 2008. The Chamber
24 sustained our objection as to that particular page and I am
15:37:09 25 looking at the printout from the Court Management as was kindly
26 done by Madam Court Officer here present and the description
27 there of the document was "Excerpt from a code book of personal
28 signs on the RUF radio network." So your Honours have already
29 sustained an objection as to excerpts from this document.

1 PRESIDING JUDGE: But this is moving it through another
2 witness.

3 MR ANYAH: Yes, I just said I make two observations. This
4 is an observation about this document.

15:37:43 5 JUDGE SEBUTINDE: On what grounds did we reject or uphold
6 that objection?

7 MR ANYAH: Off the top of my head I cannot remember, but
8 I do recall it had to do with the fact that the Prosecution had
9 not gone through the names and clarified whether the witness knew
15:38:03 10 some of the names that were listed on the relevant page in
11 question. That in my recollection appears to be the basis. But
12 that is one observation.

13 The second observation would be that even assuming the
14 standard of admissibility that the Prosecution has advanced
15:38:21 15 recently and that they have maintained vociferously that is the
16 applicable standard, one of relevance and not reliability,
17 I would propose to the Chamber there are instances where the
18 reliability of a document is so wanting that admitting it on the
19 basis of relevance does not assist the trier of fact if it is so
15:38:50 20 wanting in reliability and I do respectfully propose that this is
21 one such document.

22 I say that on the basis of evidence given by this
23 particular witness about this document. Your Honours will recall
24 that it came out on cross-examination for the first time that the
15:39:04 25 witness said that - and I am pointing now to a page where
26 I remember Justice Lussick asking the witness if the handwriting
27 in question he maintained was the same as the case letters in the
28 document. The page is page - the ERN number ends in 0013.
29 Justice Lussick put that question to him after the witness had

1 said he recognised the writing on this book to be that of his
2 room mate, a fellow radio operator by the name of Daf, Dauda
3 Fonnie. We went through the first part of the document, the ERN
4 number on page 1 ending 9992, and we compared the handwriting on
15:39:52 5 that page to what the witness referred to as the Gothic letters,
6 the capitalised letters, in the rest of the book and then Justice
7 Lussick pointed to page 0013 and asked the witness if it was the
8 same writing. The witness said as to all three it was the same
9 writing and it was the writing of his room mate Daf.

15:40:16 10 I am proposing to the Chamber that just looking at the
11 document and considering the evidence that it was on cross for
12 the first time he said he knew who the author of this document
13 was, there is a significant question as to its reliability, that
14 even assuming for the sake of argument that it is admissible as
15:40:37 15 being relevant it would not assist the trier of fact to receive
16 this document and so I register an objection to it.

17 PRESIDING JUDGE: Just before I invite you to reply,
18 Mr Witness, are you all right? You seem to be --

19 THE WITNESS: First I had code messages and --

15:40:56 20 PRESIDING JUDGE: No, we are not talking about the
21 evidence. That's finished. I am talking about your physical
22 wellbeing. Mr Bangura, your reply?

23 MR BANGURA: Your Honours, my learned friend has indeed
24 made the point that the standard for admissibility is one of
15:41:15 25 relevance and my submission is that the Prosecution has gone even
26 beyond relevance and has gone into the realm of reliability in
27 introducing this document through this witness.

28 Your Honours, on the question of relevance this witness has
29 testified that he was a radio operator and he has testified to

1 the manner in which the system, radio network, was organised
2 within the RUF. He has testified to the system, coding system,
3 that operated during his career or his period as a radio operator
4 within the RUF.

15:42:03 5 Your Honours, this document, albeit it's a document which
6 the witness did not himself create or produce, is one which the
7 witness recognised as being consistent with the system of coding
8 that was applicable at the time that he was an operator and at
9 time that he was an operator within the RUF.

15:42:32 10 Your Honours, there can be no better showing of relevance
11 than the matters which we have shown to this Court. One, the
12 witness's position and his duties vis-a-vis the purpose for which
13 this book was used at the time. Your Honours, over and above
14 that the Prosecution has shown the witness's knowledge of the
15:42:58 15 content of this book and the very page which my learned friend
16 refers to, that is 00 --

17 PRESIDING JUDGE: Yes, I saw the page, thank you.

18 MR BANGURA: Is a page which the witness went through
19 amongst other pages and the witness clearly identified names on
15:43:16 20 that page and if my learned friend says - I am not drawing
21 parallels here, but if he says that the basis on which this
22 page was not admitted with another witness was because names in
23 that page were not shown to be known by the witness, your
24 Honours, this witness has shown that he knew those names and has
15:43:39 25 gone far beyond that. If anything, the only point that could be
26 held against the witness was that he pointed out he did not
27 recognise just about two names out of a list of four names, your
28 Honours.

29 In the Prosecution's submission we have met the standard

1 for admissibility which is relevance and we say that there is
2 some addition of reliability as well. I rely on Rule 89(C).

3 PRESIDING JUDGE: Thank you, Mr Bangura. We consider that
4 the document is relevant and admissible and we admit it as an
15:44:23 5 exhibit. It will be P-96.

6 [Exhibit P-96 admitted]

7 MR BANGURA: Thank you, your Honour. Your Honour, the
8 Prosecution next moves that the document marked MFI-19 be
9 admitted as an exhibit.

15:44:54 10 PRESIDING JUDGE: I have just been reminded that I didn't
11 read out the full description of the last document. I know we
12 read it out when we had it as an MFI. It is a book, handwritten,
13 the front title is, "Monitoring Book", I think it's a misspelling,
14 and its composition and it is - you did tell us how many pages.

15:45:24 15 21 I think it was, Mr Bangura?

16 MR BANGURA: Yes, your Honour. Let me be more --

17 PRESIDING JUDGE: I am sure Madam Court Attendant will
18 count them much more diligently than me. MFI-19 is a coloured
19 map - this is the document you are referring to?

15:45:47 20 MR BANGURA: No, your Honour. 19 is a handwritten --

21 PRESIDING JUDGE: Yes. Yes, Mr Anyah, MFI-19.

22 MR ANYAH: Yes, I recall it is written by the witness, he
23 said he wrote it. We take no objection to its relevance, but do
24 not necessarily concede its weight.

15:46:11 25 PRESIDING JUDGE: Matter for submission, Mr Anyah. MFI-19,
26 a one page handwritten document with various words and figures
27 will become Prosecution exhibit number 97.

28 [Exhibit P-97 admitted]

29 MR BANGURA: Thank you, your Honour.

1 JUDGE SEBUTINDE: Mr Bangura, that signature that appears
2 at the bottom of this exhibit, are you happy with it that way?
3 It is really not my place to interject, but we might save
4 ourselves a motion or two if you took a second look.

15:46:55 5 MR BANGURA: I will, your Honour. I take the point, your
6 Honour. Your Honour, we could deal with it by way of providing
7 another copy which can show a redaction of that signature and in
8 which case we may then have --

9 JUDGE SEBUTINDE: Actually I had in mind admitting it as
15:47:51 10 confidential.

11 MR BANGURA: I was going to avoid - but, your Honours, let
12 me make that application and see what my learned friend says
13 about it. May I then apply that this document be admitted
14 confidentially?

15:48:04 15 MR ANYAH: No objection, Madam President.

16 PRESIDING JUDGE: Very well, exhibit P-97, which I have
17 already referred to as a handwritten document, one page, with
18 various figures and words is P-97 confidential.

19 MR BANGURA: I am grateful to my learned friend.

15:48:24 20 PRESIDING JUDGE: Sorry, 97, handwritten document, is a
21 confidential document. Continue, Mr Bangura.

22 MR BANGURA: Your Honours, the Prosecution moves that the
23 document marked MFI-20 be admitted as an exhibit.

24 PRESIDING JUDGE: Mr Anyah?

15:48:54 25 MR ANYAH: No objection to admissibility, Madam President.

26 PRESIDING JUDGE: Thank you. A coloured map headed "Main
27 radio bases while TFI-516 was at Planet One (Buedu) and Base One
28 (Liberia)" is admitted as Prosecution exhibit P-98.

29 [Exhibit P-98 admitted]

1 MR BANGURA: Thank you, your Honour. Your Honour, may
2 I ask for a moment, please.

3 PRESIDING JUDGE: Mr Bangura, we still haven't dealt with
4 MFI-17.

15:50:01 5 MR BANGURA: Your Honours, I will be dealing with that
6 momentarily.

7 PRESIDING JUDGE: I see.

8 MR BANGURA: Your Honours, may I ask that the Madam Court
9 Manager distribute these copies. If I may address the situation
10 we have at hand. We do not have enough copies of the redacted
11 version of this document to go around and we do apologise for
12 this to your Lordships. Your Honours, we are only dealing with
13 four pages of the document which was initially introduced as
14 MFI-17 and those four pages, as consented to by the Defence, are
15 the pages that we will redact and those would be the pages that
16 would be on the version of documents that is for public - for the
17 public record would be the redacted versions. I shall give the
18 number of those pages to your Lordships.

15:52:22 15
19 JUDGE SEBUTINDE: Mr Bangura, don't you have even one
20 complete copy?

21 MR BANGURA: I do have one copy with me at the moment which
22 is complete, your Honour.

23 JUDGE SEBUTINDE: One complete copy that looks like a
24 redacted version at least for the Court to admit?

15:52:58 25 MR BANGURA: Which is redacted. Exactly, your Honour.
26 I have that here.

27 PRESIDING JUDGE: Mr Anyah?

28 MR ANYAH: Yes, Madam President. Your Honours will recall
29 that we spent a significant amount of time going over the

1 contents of this book with the witness. This is the book that
2 the witness claims to be his code book and we recall the
3 questions and answers given regarding a certain Rebecca who is
4 said to have copied the information from a previous code book
15:54:31 5 onto this book.

6 Your Honours in the first instance will recall that when we
7 counted the amount of pages in this book it came out on
8 cross-examination and the witness admitted that the book ought to
9 contain 96 pages and by the witness's count I think he said it
15:54:45 10 was about 44 pages. By the Prosecution's count, it was about 46
11 pages.

12 This is another instance where we register an objection on
13 the basis that even if a witness testifies that he recognises
14 information contained in the book, or adopts information
15:54:59 15 contained in the book as having been written by him, or known to
16 him, that the reliability is so much in doubt that even if it met
17 the standard of relevance vis-a-vis admissibility that it would
18 not in any way assist the trial of fact.

19 Your Honours will recall the witness acknowledging that
15:55:24 20 they had different handwritings in this book. Your Honours will
21 recall the specific questions about the two pages alleged to
22 contain messages by - messages between Issa Sesay and Benjamin
23 Yeaten which the witness claims he relayed, and when the whole
24 book is considered in its totality from the front cover with the
15:55:51 25 indication of 96 pages to the back cover where we pointed out
26 that it was purportedly - well we pointed out that it says it was
27 specially made in Liberia, when your Honours consider all of that
28 I think I would propose to you that, even if it is relevant under
29 the relevant standard, its reliability is significantly in

1 question and it would not assist your Honours in the
2 determinative process. Thank you.

3 PRESIDING JUDGE: We will not invite a reply, Mr Bangura,
4 because the unanimous view of the Bench is this is relevant and
15:56:46 5 admissible. We note that you are now moving to have what I will
6 describe as two versions --

7 MR BANGURA: Yes, your Honour.

8 PRESIDING JUDGE: -- for want of a better term. That is
9 the original and one version with four pages redacted. For
15:57:04 10 purposes of record, I will note that the four pages that are
11 redacted are 19176, 19181, 19182 and 19183. The original
12 document which is headed "Composition Book" and with handwriting
13 which says among other things something "Benjamin D Yeaten SSS
14 Director" on the cover will be admitted as an Exhibit P-98 - 99,
15:57:42 15 excuse me, I have been correctly corrected - and with the four
16 pages redacted it will become P-99A. I have not said how many
17 pages there are because I have not counted them. Oh, sorry, A
18 and B. 99-A is the original and 99-B is the redacted. I only
19 said A because I notice you had "A" written on this, Mr Bangura.
15:58:13 20 It should be changed to "B" now.

21 [Exhibit P-99A and P-99B admitted]

22 MR BANGURA: I am grateful, your Honour.

23 PRESIDING JUDGE: And the document, the original which is
24 99A, will be filed as a confidential document.

15:58:32 25 MR BANGURA: I am grateful, your Honour. Your Honour, that
26 will be all for this witness.

27 PRESIDING JUDGE: Yes, Mr Anyah?

28 MR ANYAH: Yes, we did ask for certain documents. We did
29 ask for certain documents to be marked for identification,

1 specifically MFI-21, 22 and 23.

2 MR BANGURA: Your Honours, I notice the witness bowing.

3 I am not so sure whether he is --

4 PRESIDING JUDGE: Are you all right, Mr Witness?

15:59:03 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: Just a few minutes more, please.

7 THE WITNESS: Okay.

8 MR ANYAH: I would move for MFI-21 to be admitted as a

9 Defence exhibit, Madam President.

15:59:15 10 PRESIDING JUDGE: That is the photograph?

11 MR ANYAH: Yes, it is a photograph of a house with several
12 persons --

13 PRESIDING JUDGE: Yes, and several children outside.

14 MR ANYAH: Yes, Madam President.

15:59:26 15 PRESIDING JUDGE: Mr Bangura?

16 MR BANGURA: The Prosecution will not object.

17 PRESIDING JUDGE: That therefore will become a Defence
18 exhibit D --

19 MS IRURA: D-16, your Honour.

15:59:36 20 PRESIDING JUDGE: D-16, a photograph of a house with a few
21 adults and several children outside.

22 [Exhibit D-16 admitted]

23 PRESIDING JUDGE: Please proceed, Mr Anyah.

24 MR ANYAH: The next document would be MFI-22, which is

15:59:50 25 Volume 2 of the Truth and Reconciliation Commission's report and
26 it would be a confidential exhibit if admitted and I would move
27 for it to be admitted, Madam President.

28 PRESIDING JUDGE: Mr Bangura, you have heard the
29 application?

1 MR BANGURA: Your Honours, the Prosecution does not object
2 to this application - oppose the application.

3 PRESIDING JUDGE: Thank you. The Defence document which is
4 six pages, the first cover sheet with pictures and headed
16:00:27 5 "Witness to Truth: Report of the Sierra Leone Truth and
6 Reconciliation Commission" will become Exhibit D-17 and will be
7 filed as a confidential document.

8 [Exhibit D-17 admitted]

9 PRESIDING JUDGE: Mr Anyah, please proceed.

16:00:44 10 MR ANYAH: Thank you, Madam President. The last document
11 is a photograph from earlier today, MFI-23, and I would move that
12 it be admitted into evidence, Madam President.

13 PRESIDING JUDGE: Mr Bangura?

14 MR BANGURA: No objection, your Honour.

16:00:58 15 PRESIDING JUDGE: Very well. A photograph with handwriting
16 by the witness showing several adult males will become Defence
17 exhibit D-18.

18 [Exhibit D-18 admitted]

19 PRESIDING JUDGE: I think that is the - those are all the
16:01:13 20 marked for identifications?

21 MR ANYAH: Yes, that is correct, Madam President.

22 PRESIDING JUDGE: Thank you. As there are no other
23 matters, I will thank the witness for coming to court and for
24 spending the time and giving his evidence. We thank you,
16:01:26 25 Mr Witness.

26 THE WITNESS: Thank you.

27 PRESIDING JUDGE: We wish you safe journey back. Please
28 pause so as the curtains can be lowered to allow you to leave the
29 room.

1 THE WITNESS: Okay, just one or two words maybe. I just
2 want to get your names so I will keep it on record.

3 PRESIDING JUDGE: We will arrange to have that done.

4 THE WITNESS: Okay, thank you very much.

16:02:45 5 MR BANGURA: Your Honours, the next witness for the
6 Prosecution will be called by my colleague, Shyamala Alagendra,
7 who will be addressing the Court next.

8 PRESIDING JUDGE: Thank you. Ms Alagendra, please proceed.

9 MS ALAGENDRA: Good afternoon, your Honours. The next
16:03:06 10 witness is TF1-334 and by order of this Court the protective
11 measures for this witness has been rescinded in its entirety and
12 it is the order dated 14 April 2008, your Honour. He will
13 testify in the open session and he will testify in the Krio
14 language.

16:03:29 15 PRESIDING JUDGE: Do we have a Krio interpreter in place?

16 THE INTERPRETER: Yes, your Honours.

17 PRESIDING JUDGE: Very well, we are ready to proceed then.
18 Please proceed.

19 WITNESS: TF1-334 [Sworn]

16:05:43 20 JUDGE SEBUTINDE: Did the witness swear by the Bible, the
21 Qur'an, or what?

22 MS IRURA: Your Honour, he chooses not to swear on either.

23 PRESIDING JUDGE: Then there is a solemn declaration he
24 should take, not an oath.

16:06:12 25 JUDGE LUSSICK: Look, the solemn declaration reads in these
26 terms and this is what I want the witness to declare, "I solemnly
27 declare that I will speak the truth, the whole truth and nothing
28 but the truth."

29 [Witness makes solemn declaration]

EXAMINATION-IN-CHIEF BY MS ALAGENDRA

1
2 Q. Good afternoon, Mr Witness.

3 A. Good afternoon, my Lord.

4 Q. Can I just confirm with you whether you are getting a Krio
16:07:14 5 translation of what I am saying?

6 A. Yes, I am getting it.

7 Q. Thank you. Witness, can you state your full name for the
8 Court please?

9 A. I am Alimamy Bobson Sesay.

16:07:37 10 Q. Witness, can you spell that for the Court, please?

11 A. Alimamy is A-L-I-M-A-M-Y, Bobson is B-O-B-S-O-N, Sesay is
12 S-E-S-A-Y.

13 Q. Witness, do you go by any other name?

14 A. Yes.

16:08:21 15 Q. What other name do you go by?

16 A. Well, most times they called me Bobby, Pastor Bobson. Some
17 people call me Pastor Yapo Sesay.

18 Q. Can you pause. Can you spell Bobby for the Court, please?

19 A. B-O-B-B-Y, Bobby.

16:08:54 20 Q. You said Pastor Bobson or Pastor Yapo Sesay. Can you spell
21 Yapo for the Court, please.

22 A. P-A-S-T-O-R. Yapo is Y-A-P-O.

23 Q. Witness, other than these names were you previously known
24 by any other name?

16:09:25 25 A. Yes.

26 Q. What other name?

27 A. Well, during the days when I was fighting they used to call
28 me Ice T.

29 Q. Can you spell Ice T for the Court?

- 1 A. I-C-E and T.
- 2 Q. Witness, when were you born?
- 3 A. 20 September 1974.
- 4 Q. What is your nationality?
- 16:10:16 5 A. I am a Sierra Leonean.
- 6 Q. Which tribe do you belong to?
- 7 A. I am a Limba.
- 8 MS ALAGENDRA: Your Honours, that is spelt L-I-M-B-A:
- 9 Q. What languages do you speak, witness?
- 16:10:39 10 A. Well, Krio and English.
- 11 Q. What level of education do you have?
- 12 A. I stopped at Form 5 and sat to my GCE O-levels.
- 13 Q. In what language did you sit your GCE O-levels?
- 14 A. In English.
- 16:11:05 15 Q. Witness, how proficient are you in the English language?
- 16 A. Yes, I speak it very well.
- 17 Q. Are you able to read English?
- 18 A. Yes, my Lord.
- 19 Q. How well do you read English?
- 16:11:25 20 A. Very good.
- 21 Q. Witness, what is your current occupation?
- 22 A. Well, I am an evangelist.
- 23 Q. Can you describe what you do as an evangelist?
- 24 A. Well, I go out to proclaim the gospel to win souls for
- 16:11:54 25 Christ.
- 26 Q. What was your occupation before you became an evangelist?
- 27 A. Well, I was a member of the Sierra Leone Army.
- 28 Q. For how long did you serve with the Sierra Leone Army?
- 29 THE INTERPRETER: Your Honours, can he kindly repeat the

1 number of years, it is not clear?

2 PRESIDING JUDGE: Mr Witness, please repeat the number of
3 years for the interpreter.

4 THE WITNESS: One four, 14 years.

16:12:32 5 MS ALAGENDRA:

6 Q. Can you tell the Court from what year to what year you were
7 a member of the Sierra Leone Army?

8 A. 1991 to 2006.

9 Q. Is there any reason why you joined the Sierra Leone Army in
16:12:53 10 1991?

11 A. Yes, my Lord.

12 Q. What was the reason?

13 A. Well, in 1991 just after I had sat my O-levels I heard an
14 announcement when the ECOMOG had their base in Sierra Leone and
16:13:23 15 this announcement was over the international media. The former
16 NPFL leader, Charles Taylor, went over the air and said that
17 Sierra Leone will taste the bitterness of war. So the then
18 President in Sierra Leone at that time, that is former President
19 major - I mean former President Joseph Saidu Momoh, Major General
16:13:59 20 Saidu Momoh, went over the air and said he wanted citizens to
21 join the army to defend the nation of Sierra Leone. So that
22 prompted me to join the army to defend Sierra Leone.

23 Q. Are you able to recall when in 1991 you heard this
24 announcement by Charles Taylor?

16:14:22 25 A. Yes, I can remember the month, the month.

26 Q. Which month was it?

27 A. Well, it was in March 1991. Yes, March.

28 Q. Do you recall if anything happened in Sierra Leone after
29 this announcement?

1 A. Yes, my Lord.

2 Q. What happened?

3 A. Well, an attack took place from Bomaru up to the Daru axis.

4 Q. What attack took place?

16:15:02 5 A. Well, the government went over the air and said the NPFL
6 had crossed over and attacked the Sierra Leone territory.

7 Q. Witness, at the time you served with the Sierra Leone Army
8 did you have an army identification number?

9 JUDGE SEBUTINDE: Sorry, Ms Alagendra, I am sorry to
16:15:30 10 interrupt. You asked the witness what happened after this
11 announcement, I think. I am just wondering, there are two
12 announcements, one by allegedly Charles Taylor when he went over
13 the air and the other by President Momoh calling on the citizens
14 to join the army. Now which of these two do you refer to when
16:15:52 15 you asked the question and the witness answered?

16 MS ALAGENDRA: Your Honours, I was referring to the
17 announcement by Charles Taylor but I will re-ask the question to
18 the witness so it's clear:

19 Q. Witness, after the announcement by Charles Taylor did
16:16:06 20 anything happen in Sierra Leone?

21 A. Yes, my Lord.

22 Q. Can you state what happened?

23 A. Well, an attack took place from the Bomaru axis.

24 Q. What was this attack about?

16:16:27 25 A. Well, the President at that time, President JS Momoh, went
26 over the air and said the NPFL had crossed over from Liberia and
27 attacked Sierra Leone.

28 Q. Thank you, witness. Witness, at the time you served with
29 the Sierra Leone Army did you have an army identification number?

1 A. Yes, my Lord.

2 Q. Do you recall your number now?

3 A. Yes, my Lord.

4 Q. What was the number, witness?

16:17:04 5 A. SLA 18167351, Private Sesay AB.

6 Q. Witness, did you undergo any military training at the time
7 you joined the Sierra Leone Army?

8 A. Yes, my Lord.

9 Q. Can you very briefly tell the Court what kind of training
16:17:44 10 you underwent?

11 A. Well, I went through drills, field work, FIBUA, that is
12 fighting in a built-up area. They trained me in weaponry and
13 also tactics and also the basic - the rules of engagement in
14 battle.

16:18:25 15 Q. Did you undergo any theoretical training?

16 A. Yes, my Lord.

17 Q. What did that training include?

18 A. Like the FIBUA, we had those trainings that we went through
19 in writing and also in weaponry we had books in which we copied
16:18:51 20 and even the rules of engagement you had books to copy in.

21 Q. Witness, do you recall where you were between 6 June 2000
22 and 21 August 2004?

23 A. Yes, my Lord.

24 Q. Where were you?

16:19:15 25 A. I was in detention at the central prisons, Pademba Road in
26 Freetown, when Johnny Paul Koroma alleged that we wanted to
27 assassinate him. That caused us to be arrested, and including my
28 comrades, so we were detained at Pademba Road prisons in
29 Freetown.

1 Q. When you say we, witness, who do you mean?

2 A. Well, it included me, Bomb Blast and some other soldiers
3 with whom we were together.

4 Q. Witness, can you spell Bomb Blast?

16:20:06 5 A. Yes, my Lord.

6 Q. Please do.

7 A. B-O-M-B, Bomb, B-L-A-S-T, Blast.

8 Q. Witness, what or who is Bomb Blast?

9 A. Well, Bomb Blast was a member of the Sierra Leone Army and
16:20:39 10 later he became a member of the AFRC council and later he also
11 became a commander in the jungle.

12 Q. Did he have any other name?

13 A. Yes, my Lord.

14 Q. What was his name?

16:20:57 15 A. Hassan Papa Bangura.

16 Q. Witness, at this time when you were imprisoned in Pademba
17 you said you were with Bomb Blast and others. How many others
18 were imprisoned with you?

19 A. Well, my own group that I went with we were 14 in number,
16:21:25 20 but there were also other detainees who were in the prison who
21 were also members of the RUF.

22 Q. How did you come to be released from prison on 21 August
23 2004?

24 A. Well, since our detention when we were in safe custody we
16:21:57 25 were not charged, so the Sierra Leone Association of Journalists
26 pressed for our release. The Red Cross, the International Red
27 Cross visited us in prison. They also pressed for our release.
28 Also, the IMAT, they also agitated for our release from prison
29 because we were in safe custody. They didn't charge us, the

1 squad that I was with.

2 Q. Witness, when you say IMAT what do you mean?

3 A. This is a British international military training team, a
4 British training group that went to Freetown that was training
16:22:45 5 military men after the war.

6 Q. Now, you say these groups were pressing for your release?

7 A. Yes, my Lord.

8 Q. What do you mean by that?

9 A. Well they were working with LOCLA, which was a group that
16:23:09 10 represented people who were in detention. It is a group of
11 lawyers which represented people in detention, so they were
12 putting pressure on the Sierra Leonean Government so that they
13 can release us or charge us.

14 Q. And what happened as a result of the work that all these
16:23:26 15 organisations were doing on behalf of you and the others?

16 A. Well, to our surprise on 21 August 2004 they brought a
17 document at the Pademba Prison. They released us and took us to
18 the CID headquarters.

19 Q. How many of you were released at the same time?

16:24:01 20 A. Well, we were 14 in number - one four - the number that was
21 released and taken to the CID.

22 Q. Witness, where were you deployed in the year 1997?

23 A. In 1997 I was deployed at the Sierra Leone Military Police
24 Headquarters in Cockerill as a military police personnel.

16:24:34 25 Q. Can you spell Cockerill for the Court, please?

26 A. C-O-C-K-R-I-L-L [sic]. Double L.

27 Q. Witness, where is Cockerill located?

28 A. It is located at the Wilkinson Road in Freetown.

29 Q. Can you spell Wilkinson Road?

1 A. Yes, my Lord. W-I-L-K-S-O-N - sorry, can you help me with
2 a paper so that I will write it and so I will not spell it
3 wrongly.

16:25:43

4 PRESIDING JUDGE: Don't worry, Mr Witness. I think we know
5 that word.

6 THE WITNESS: Okay.

7 MS ALAGENDRA:

8 Q. Witness, what were your duties as a military police
9 personnel when you were in Cockerill?

16:25:59

10 A. Well, one was that I was responsible in that branch to
11 execute my duties in terms of disciplinary actions in terms of
12 discipline in the ranks - within the ranks of the army,
13 especially the other ranks. If they were involved in any
14 activity that had to do with indiscipline, it was our duty to
15 arrest them and charge them.

16:26:25

16 Q. How long did you hold this position?

17 A. I was in that position until the AFRC overthrew the Sierra
18 Leone Government at that time headed by President Ahmed Tejan
19 Kabbah.

16:26:47

20 Q. Witness, what does AFRC stand for?

21 A. The Armed Forces Revolutionary Council.

22 MS ALAGENDRA: Your Honours, the name President Ahmed Tejan
23 Kabbah is a name that the Court --

16:27:10

24 PRESIDING JUDGE: Yes, I think we know that one. Thank
25 you.

26 MS ALAGENDRA:

27 Q. What happened when the AFRC came into power?

28 A. Well they overthrew the government of the day at that time,
29 which was the government of President Ahmed Tejan Kabbah.

1 Q. Witness, what did your assignment change to at the time of
2 the AFRC?

3 A. Well, I was attached to the State House as an --

16:27:57

4 THE INTERPRETER: Your Honours, can the witness kindly
5 repeat the last bit of his testimony?

6 JUDGE SEBUTINDE: Witness, could you please repeat the last
7 bit of your testimony? The interpreter didn't get you.

8 THE WITNESS: I was attached to the State House when the
9 AFRC took over as an orderly corporal.

16:28:14

10 MS ALAGENDRA:

11 Q. When you say State House, what do you mean?

12 A. That was the office of the President.

13 Q. And what was your duties as orderly corporal at the State
14 House?

16:28:35

15 A. Well, I used to supervise the various guard posts and
16 monitor them.

17 MS ALAGENDRA: Your Honours, I am mindful of the time and
18 this would be a convenient place to stop.

16:28:55

19 PRESIDING JUDGE: Thank you for that, Ms Alagenda. In
20 that case, we will adjourn court now until tomorrow at 9.30.

21 Mr Witness, we adjourn at this time and we will start again
22 tomorrow. I wish to warn you that you have now taken the solemn
23 declaration to tell the truth and until the time that all your
24 evidence is finished you should not discuss it with any other
16:29:13 25 person. Do you understand?

26 THE WITNESS: Yes, my Lord.

27 PRESIDING JUDGE: Thank you. Please adjourn court until
28 9.30 tomorrow.

29 [Whereupon the hearing adjourned at 4.30 p.m.]

1 to be reconvened on Thursday, 17 April 2008 at
2 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-516	7711
CROSS-EXAMINATION BY MR ANYAH	7711
RE-EXAMINATION BY MR BANGURA	7808
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EXHIBITS:

Exhibit P-95A and P-95B admitted	7835
Exhibit P-96 admitted	7841
Exhibit P-97 admitted	7841
Exhibit P-98 admitted	7842
Exhibit P-99A and P-99B admitted	7845
Exhibit D-16 admitted	7846
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