



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 16 JANUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura
Mr Vincent Tishakwa

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Wednesday, 16 January 2008

2 [Open Session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

5 MS IRURA: The Special Court for Sierra Leone is sitting
6 for a hearing in the case of the Prosecutor versus Charles
7 Ghankay Taylor, Justice Julia Sebutinde presiding.

8 PRESIDING JUDGE: Good morning. If we could begin with the
9 appearances, please.

09:29:51 10 MS HOLLIS: Good morning, Madam President and your Honours.
11 Brenda J Hollis, Mohamed A Bangura, Christopher Santora and Maja
12 Dimitrova appear this morning for the Prosecution.

13 PRESIDING JUDGE: Thank you, Ms Hollis.

14 MR MUNYARD: Good morning, Madam President, and your
09:30:10 15 Honours. I, Terry Munyard, and Morris Anyah appear for
16 Mr Taylor.

17 PRESIDING JUDGE: Thank you. Mr Anyah, I think we were
18 going to proceed with the cross-examination of witness TFI-114, I
19 believe?

09:30:29 20 MR ANYAH: Yes, your Honour.

21 PRESIDING JUDGE: 114. Before you do go ahead, though.
22 Mr Witness, I just wish to remind you that we are going to
23 continue with your testimony this morning and that you took an
24 oath yesterday to tell the truth and so I am just reminding you
09:30:46 25 that you are under that obligation today. Is that clear?

26 THE WITNESS: Okay. Good morning to you all.

27 PRESIDING JUDGE: Good morning, Mr Witness.

28 MR ANYAH: Good morning, Mr Koker.

29 PRESIDING JUDGE: Please proceed.

1 MR ANYAH: Thank you, your Honour.

2 THE WITNESS: Thank you, chiefs.

3 WITNESS: TF1-114 [On former oath]

4 CROSS-EXAMINATION BY MR ANYAH: [Continued]

09:31:03

5 MR ANYAH:

6 Q. Mr Koker, yesterday when we left off I believe we were
7 going through some of the events in Koidu and I would briefly
8 like to revisit some of the issues we talked about yesterday
9 today. Speaking about Kono District and "Operation No Living
10 Thing", you mentioned yesterday, correct me if I am wrong, that
11 civilians were captured and you included boys and girls. Is that
12 correct?

09:31:27

13 A. Yes.

14 Q. And they were captured to undertake what you called
15 carrying of loads. True?

09:31:49

16 A. The adults were carrying the loads, not the children. That
17 is how it happened.

18 Q. There were other things you said happened to civilians
19 besides the carrying of loads, but I don't wish to trouble you
20 about that now. What I want to know is this. Was there a
21 command from some of the commanders above to the foot soldiers to
22 capture civilians?

09:32:14

23 A. What do you mean by commander and ordinary soldier? A
24 soldier is a commander. There are commanders amongst soldiers.
25 Commanders and soldiers as well go to the war front. I would
26 like to tell you that as you asked me yesterday to continue
27 saying the truth, that is what I am saying.

09:32:49

28 PRESIDING JUDGE: It appears there is a misunderstanding in
29 the interpretation. What you are responding to is not what

1 counsel asked. Counsel, would you please redirect your question.

2 MR ANYAH: Yes, your Honour.

3 PRESIDING JUDGE: And, Mr Interpreter, I am requesting you
4 again interpret accurately so that the witness can understand the
09:33:25 5 question, not misunderstand. Is that clear, Mr Interpreter?
6 Mr Interpreter?

7 THE INTERPRETER: Your Honours, the person interpreting
8 into Mende cannot talk to you because the mike is not channelled
9 that way. He cannot talk to you.

09:33:44 10 PRESIDING JUDGE: [Microphone not activated] you can
11 interpret so I can understand if he has understood.

12 THE INTERPRETER: Yes, your Honours, but it is not in the
13 same booth and I am not talking to the witness.

14 PRESIDING JUDGE: Please interpret what I have said to the
09:33:57 15 Mende interpreter, if you can.

16 THE INTERPRETER: I cannot, your Honours. He is getting
17 you, but I cannot get on to him and he cannot reply, your
18 Honours. That is the way the channels are.

19 PRESIDING JUDGE: Okay. Mr Anyah, please ask your question
09:34:11 20 again and let us see if we can progress.

21 MR ANYAH: Yes, your Honour:

22 Q. Mr Koker, my question is this.

23 A. Yes, sir.

24 Q. Was there a command from the higher-ups, the top people in
09:34:24 25 the RUF or AFRC in Kono, to the lower soldiers to capture
26 civilians?

27 A. Yes.

28 Q. Are you absolutely sure about that, Mr Koker?

29 A. I am sure.

1 MR ANYAH: Well, your Honours, I will be referring to tab
2 6, if it please the Court, and this is from the bundle of
3 documents that we tendered yesterday. The ERN number of the page
4 to which I will be referring is 00034391. It is otherwise
09:35:46 5 paginated as page 6 at the bottom right-hand corner and I will be
6 reading from the middle of the page where it starts out saying
7 "Paragraph 2 of 13 04 05":

8 Q. Mr Koker, you spoke - your Honour, may I proceed?

9 PRESIDING JUDGE: Yes, please.

09:36:26 10 MR ANYAH: Thank you, your Honour:

11 Q. Mr Koker, you spoke with the Prosecution on May, 21 2007
12 and they took notes of their conversation with you and I want to
13 read you some of that conversation. It says in the relevant
14 part:

09:36:46 15 "The witness said he saw civilians being captured by both
16 the RUF and AFRC soldiers. These civilians include men, women
17 and children. The ages of children were between 12 and 15 years
18 old. The witness states that the capturing of civilians took
19 place in Kono District; these incidents took place in the areas
09:37:17 20 occupied by the RUF and AFRC soldiers. This was the first week
21 of February 1998. The witness said these civilians were captured
22 to be used as labour to transport on their heads looted
23 properties of RUF and AFRC soldiers. The witness states that the
24 capturing of civilians was not an order he heard being given by
09:37:49 25 commanders. But it was a common practice by every fighter,
26 junior and senior commanders to capture civilians".

27 Mr Koker, that is what you said on 21 May 2007 to the
28 Prosecution, isn't it?

29 A. Yes, that is true and that is what happened.

1 Q. Thank you.

2 A. Yes, thank you too.

3 Q. Yesterday we spoke about events in Masiaka. Do you
4 remember that?

09:38:28 5 A. Yes.

6 Q. And in Masiaka as well yesterday you said civilians were
7 forcefully captured, is that true?

8 A. Yes.

9 Q. And you also said in respect of Kailahun District yesterday
09:38:45 10 that civilians were also forcefully captured, true?

11 A. Yes.

12 Q. For the record Masiaka is in Bombali District of Sierra
13 Leone, is it not?

14 A. Masiaka is not in the Bombali District. It is in the
09:39:10 15 Tokolili District.

16 Q. In which district of Sierra Leone is Makeni?

17 A. Makeni is Bombali.

18 Q. How far is Masiaka from Bombali? I am sorry, from Makeni?

19 A. I am not a driver. I cannot give you the distance.

09:39:36 20 Q. So, you do not know the distance. Is that your evidence?

21 A. Yes, sir.

22 Q. Thank you. I put it to you, Mr Koker, that with respect to
23 Kailahun District the capturing of civilians was also not
24 precipitated or caused by any order from any top commander. Do
09:39:56 25 you agree?

26 A. No, I don't.

27 Q. I will come back to that. Yesterday you spoke of being an
28 overseer of prisoners of war, did you not?

29 A. Yes.

1 Q. And this was when you were in Kailahun District in Buedu,
2 true?

3 A. Yes.

09:40:49

4 Q. And at a particular point in time there came to be some
5 Nigerian soldiers in your custody, correct?

6 A. Yes, that is true.

7 Q. And this was shortly after the Lome agreement in July of
8 1999, was it not?

9 A. I don't know about Lome agreement. I was in the bush.

09:41:20

10 Q. Did you give a statement to the effect that in July of 1999
11 Foday Sankoh came to Buedu?

12 A. Yes, Foday Sankoh came to Buedu. He said, "No more war".

13 Q. And you saw him with your own eyes?

14 A. Yes.

09:41:52

15 Q. And that was in July of 1999?

16 A. At that time I was not using a calendar, but I saw him.

17 Q. Well, in your statement I put it to you that you said Foday
18 Sankoh came in July of 1999. Isn't that true?

19 PRESIDING JUDGE: What statement are we referring to?

09:42:32

20 THE WITNESS: It was in the rainy season.

21 MR ANYAH: Your Honour, it is tab 1. I am trying to look
22 for the citation and I will find it in just a minute. The ERN
23 number, your Honour, it is in tab 1, is 00003598, and the
24 paragraph in question is the second full paragraph in the middle
25 of the page:

09:43:13

26 Q. Mr Koker, in your first statement to the Officer of the
27 Prosecutor on 26 March 2003 you made the following comments:

28 "Could remember sometimes in July 1999 when Foday Sankoh
29 went to Buedu to address them. Johnny Paul Koroma was also

1 present".

2 Do you recall making that statement to the Prosecutor?

3 A. Yes, in the rainy season. In the rainy season.

09:43:56

4 Q. But as a matter of fact you specifically mentioned July
5 1999, did you not?

6 A. I said it is the rainy season.

7 Q. Do you disagree that you did not use the word "July" when
8 you made those references?

9 A. It was in the rainy season.

09:44:27

10 Q. Okay. If I told you that Foday Sankoh was in jail in July
11 of 1999, would I be mistaken?

12 A. I know he went there in the rainy season. I don't know
13 when he was released from jail. I only saw him in Buedu.

09:45:05

14 Q. Going back to my original question about the ECOMOG
15 soldiers and Nigerians, there were 20 of them in your custody,
16 were there not?

17 A. There were 21.

18 Q. And at some point a delegation came from Freetown to Buedu
19 to secure the release of these prisoners, true?

09:45:40

20 A. Yes.

21 Q. And one of the members of that delegation was somebody by
22 the name of S Y B Rogers who is now deceased, a former member of
23 the RUF, correct?

09:46:03

24 A. I knew Paul Rogers, but I didn't know his initials. I knew
25 he was called Paul Rogers. I saw him.

26 Q. And he came from Freetown with a delegation to secure the
27 release of these Nigerian soldiers, correct?

28 A. Except when we were told that we should release them, he
29 did not come to me. He came to my Masters. They did the

1 arrangement.

2 Q. Thank you, Mr Koker. I was not asking if he came to you.

3 A. Thank you too.

09:46:44

4 Q. I was asking about his presence in Buedu. Your answer is,
5 yes, he was present in Buedu?

6 A. A crowd came to Buedu, but I did not see him. He came,
7 people came, but I did not see him. That is what I want you to
8 know. I will be at the office. I was not at Mosquito's house.
9 They used to go to Mosquito's house and there is a distance
10 between Mosquito and I.

09:47:15

11 THE INTERPRETER: Your Honours, can the witness slow down a
12 bit and repeat the last bit of his answer?

09:47:30

13 PRESIDING JUDGE: Mr Witness, I will request you again to
14 please speak slowly because the interpreters are trying to keep
15 up with you. Please repeat your answer.

09:47:55

16 THE WITNESS: I said people came, but I was at my office.
17 I was not a member of the Council which will receive members of
18 the delegation whenever a delegation would go there. I was not a
19 member of that Council. I just want to clarify that for you that
20 I was just at my office with the prisoners. I would not know
21 what would happen at the other end.

22 MR ANYAH:

09:48:11

23 Q. Thank you, Mr. Koker, I understand, but yesterday you were
24 close enough to Sam Bockarie to be present when arms were
25 delivered. You said so yesterday, did you not?

26 A. Yes, for security reasons as an MP.

27 Q. Going back to the Nigerian soldiers, one of them developed
28 tuberculosis whilst in custody, did he not?

29 A. Yes.

1 Q. And I put it to you, Mr Koker, that in respect of this one
2 Nigerian soldier you and your MP commander, Tom Sandy, executed
3 him in the dark of night and buried him. Isn't that true?

4 A. Repeat that.

09:49:07 5 Q. I am saying to you here and now that when that Nigerian
6 developed tuberculosis, you and your immediate superior, Tom
7 Sandy, took him out at night, killed him and buried him. Isn't
8 that true?

9 A. Tom Sandy and I? Tom Sandy and I? Are you talking about
09:49:38 10 Tom Sandy, or talking about me? You are saying Tom Sandy and I.

11 Q. The question, Mr Koker, is straightforward. You and Tom
12 Sandy killed a Nigerian POW when he developed tuberculosis.
13 True, or false?

14 A. For me, I did not do that. Me particularly I did not do
09:50:13 15 that. I don't know if Tom Sandy did, but I did not do it. I did
16 not do that.

17 Q. But you would agree with me, would you not, that one
18 Nigerian soldier died in your custody? True?

19 THE INTERPRETER: Your Honours, can the witness repeat
09:50:44 20 that?:

21 A. He was taken to Mosquito. I was not there. That is why I
22 said for me. I was not talking for Tom Sandy, I was talking
23 about the part that I played, but it was not in my presence. He
24 was taken from my place and I didn't even know where he was taken
09:51:11 25 to. They only said they were taking him to Mosquito's residence.

26 Q. [Microphone not activated] I missed the first part of his
27 response. There was no interpretation.

28 PRESIDING JUDGE: Mr Witness, can you please repeat your
29 full answer. The question was - what was the question again?

1 MR ANYAH: The question was that he and Tom Sandy executed
2 a Nigerian soldier who developed --

3 JUDGE DOHERTY: I am sorry, Mr Anyah, I should not really
4 correct you, but my record is your last question was, "One
09:51:47 5 Nigerian soldier died in your custody". You had moved away from
6 that point.

7 MR ANYAH: I don't write them down and so I can't repeat it
8 exactly.

9 JUDGE DOHERTY: We appreciate that.

09:51:58 10 MR ANYAH: Thank you.

11 Q. Mr Koker?

12 A. Yes, sir.

13 Q. Thank you. Mr Koker, I put it to you and you have agreed,
14 correct me if I am wrong, that one Nigerian soldier died while a
09:52:09 15 POW in Buedu, true?

16 A. That is not true. He did not die in our hands. We handed
17 him over to Mosquito. He did not die whilst he was in prison.
18 He did not die in prison. He did not die in custody. He did not
19 die in detention. That is why when you said the two of us, Tom
09:52:40 20 Sandy and I, no, I said I am talking for myself, not for Tom
21 Sandy. I did not see him die in the jail. Nobody ever died in
22 jail in that MP house and so that question is not correct.

23 Q. Well, let us reduce it to some basic elements. Did one
24 soldier die?

09:53:04 25 A. Okay.

26 Q. Irrespective of where he died, did one of those 21 POW
27 soldiers die?

28 A. Yes.

29 Q. And he was in the custody of the RUF when he died, correct?

1 A. Yes.

2 Q. Thank you, Mr Koker. Let us move to - actually I would
3 like to go back to Masiaka for a minute from yesterday and you
4 have told us it is in Tokolili District. I believe you said so.

09:53:50 5 Yesterday you told us that Masiaka was one of the places where
6 civilians were mistreated, correct?

7 A. Yes.

8 Q. Now, Mr Koker, we have counted about ten interviews --

9 A. Yes.

09:54:15 10 Q. That you have done about ten interviews with the Office of
11 the Prosecutor since you started testifying before the Special
12 Court and I want to propose to you - indeed, I put it to you -
13 that all the records about all your conversations with the Office
14 of the Prosecutor in all of them at no time did you say that

09:54:41 15 civilians were mistreated in Masiaka except for one time; that
16 time being your last interview this month on January, 5th. Am I
17 mistaken in saying that?

18 A. From the start of this war up to the end of it, if any
19 civilian says nobody did him any wrong in Masiaka then that means
09:55:20 20 I told a lie.

21 Q. Well, that was not my question. My question was when you
22 spoke with them on nine occasions from 26 May - I am sorry, from
23 26 March 2003 up until last year, I believe your last interview
24 was on 23 May 2007, in those nine interviews at no time did you
09:55:48 25 mention to them that civilians were mistreated in Masiaka, did
26 you?

27 A. Let me be honest with you. In my first statement I did not
28 say that, but in the last statement I said so. That is why I
29 said to you in Court that there are many things - many things

1 happened. If I say I want to explain everything, you would write
2 until you can write no more.

3 MR ANYAH: For the Court's edification, the first ten
4 statements to which I refer are in the firsts ten tabs of the
09:56:29 5 bundle:

6 Q. Now you said you did not make any references to civilians
7 being mistreated in Masiaka in your first statement on 26 March
8 2003, but after your first statement you had eight other
9 interviews with the Prosecution from 2003 through 2007 and I am
09:56:54 10 putting it to you at no time in the course of those eight
11 interviews did you say civilians were mistreated in Masiaka?

12 A. The mistreatment started in Freetown. I want you to
13 understand me. It continued up to Buedu even until the end of
14 the war. If I want to explain the mistreatment, you will write a
09:57:32 15 lot. If something happened and after a long time I spoke about
16 it, I don't think that one is bad. A lot of things happened.
17 You cannot talk about it at a single time. We just pick from
18 amongst them. You see things amongst the things that you knew,
19 so I don't think that is supposed to confuse you.

09:58:00 20 Q. Thank you. I am not confused. I simply put it to you that
21 you had nine different opportunities to tell the Prosecution that
22 civilians were mistreated in Masiaka and you failed to do so.
23 That is the case, is it not?

24 A. In fact, the nine chances you are talking about that was
09:58:30 25 small. As an MP, the nine chances you are talking about for me I
26 told the Court in Freetown twice and I am telling you as well
27 here. For an MP in a war, that is a small number of times. I
28 told you if I want to talk about mistreatments and the things
29 that happened in the war, no, that will be too much.

1 Q. Thank you, Mr Koker. I will take it that you do not wish
2 to --

3 A. Thank you very much, sir.

4 Q. I take it that you do not wish to answer the question. Let
09:59:04 5 us move on to Buedu, Kailahun District, Sierra Leone. Yesterday
6 you testified to a number of events in Buedu. Now, let me
7 attempt to lay some context here. When you were in Buedu you
8 said you got there in March of 1998, correct?

9 A. No.

09:59:43 10 Q. It was some time between February and March, wasn't it?

11 A. I went to Kailahun first before going to Buedu. I was in
12 Kailahun in March.

13 Q. When were you in Buedu?

14 A. When I left Jokibu.

10:00:11 15 Q. The question is what month was that?

16 A. I can't recall the month, because it is a long time now.

17 Q. How much time passed from when you were in Kailahun Town
18 until you got to Buedu?

19 A. It took a long time. A little bit long. I went to Jokibu
10:00:49 20 first before going to Buedu. That is why I said it took a little
21 long.

22 Q. When you were in Buedu, shall we agree it was in 1998?

23 A. Yes.

24 Q. When you were in Buedu there was RUF there, correct?

10:01:08 25 A. Yes.

26 Q. There was ECOMOG soldiers there, correct?

27 A. Yes.

28 Q. There were other peace keepers, what you would call
29 military observers, were there not?

1 A. At the time that I was in Buedu, there was no military
2 observer based in there.

3 Q. Were you in Buedu from 1998 until 2000?

4 A. I was there in 1998 to 1999. 2000 did not meet me there.

10:01:59 5 PRESIDING JUDGE: Yes, Mr Santora?

6 MR SANTORA: Your Honours, I would just request that while
7 the witness is not actually being referred to the binder that the
8 binder be shut so it is not open in front of him.

9 PRESIDING JUDGE: So ordered.

10:02:28 10 MR ANYAH:

11 Q. In addition to - may I proceed, your Honour?

12 PRESIDING JUDGE: Please proceed.

13 MR ANYAH:

14 Q. In addition to RUF and ECOMOG, when you were in Buedu

10:02:46 15 Kamajors were in Buedu as well, true?

16 A. It was a rebel zone, not a Kamajor zone.

17 Q. Then RUF - AFRC members were in Buedu, were they not?

18 A. Yes, you are correct.

19 Q. Have you ever heard of ULIMO?

10:03:17 20 A. Yes.

21 Q. And ULIMO stands for United Liberation Movement of Liberia
22 for Democracy, does it not?

23 A. No, I did not care about anything that had to do with
24 Liberia. I only cared about Sierra Leone. Libya is another
10:03:42 25 country. That is another country.

26 Q. Well, we are in agreement that ULIMO - you do know what
27 ULIMO is, correct?

28 A. I heard the name ULIMO, but I did not know what it meant.

29 It is a Liberian thing, not Sierra Leonean. I don't want you to

1 take me to Liberia. I was not in Liberia. I was in Sierra
2 Leone.

3 Q. Mr Koker, in fact you do not like Liberia, do you?

10:04:27

4 A. I like the Liberians. We are all West Africans, but he
5 should mind his own business. They should mind their business
6 and we should mind our own business in Sierra Leone too.

7 Q. Mr Koker, I put it to you that the border area between
8 Liberia and Sierra Leone in 1998 was controlled by ULIMO-K. True,
9 or false?

10:04:52

10 A. I am hearing that from you now, but I didn't care about it.

11 Q. Mr Koker, you are a military man, are you not?

12 A. Yes.

13 Q. In 1998 you were a military man with the RUF, a rebel
14 warring faction, true?

10:05:17

15 A. Yes.

16 Q. And in that capacity you were aware, were you not, of all
17 of the other warring factions in the area or vicinity of Buedu,
18 were you not?

10:05:45

19 A. No. The soldiers in Holland here cannot know the soldiers
20 in Sweden, or tell the number of battalions in Sweden.

21 Q. How far is Buedu from the Sierra Leone/Liberian border?

22 A. From Buedu to Dawa is seven miles.

23 Q. So when I asked you if you were aware of the presence of
24 ULIMO at that border, I am speaking of a distance of seven miles.

10:06:27

25 Were you aware that there were other fighters fighting for ULIMO
26 at that border in 1998?

27 A. There was no ULIMO there. There were Navy Rangers, Charles
28 Taylor's soldiers.

29 Q. And these are the same Navy Rangers to whom you referred

1 yesterday in relation to off-loading arms from trucks, is that
2 true?

3 A. Not ULIMO. They were Charles Taylor's people.

4 PRESIDING JUDGE: Mr Interpreter, in English.

10:07:27 5 THE INTERPRETER: Yes, your Honour.

6 PRESIDING JUDGE: We tend to lose part of your

7 interpretation. I don't know what is happening technically.

8 THE INTERPRETER: The last answer was, "Not ULIMO, but

9 Charles Taylor's people".

10:07:41 10 PRESIDING JUDGE: Yes, but please make sure your sentences
11 are complete. We lose part of what you are saying and then we
12 don't understand the response. We don't hear you fully. Please
13 proceed.

14 MR ANYAH: Thank you, Madam President:

10:08:00 15 Q. Correct me if I am wrong. Did you say you knew ULIMO to be
16 at the border between Sierra Leone and Liberia in 1998?

17 A. I did not say so and I did not know them. I used to know
18 the Navy Rangers. At that time it was Charles Taylor's
19 government.

10:08:36 20 Q. The Navy Rangers to whom you are just referring are the
21 same Navy Rangers that you meant yesterday when you said you saw
22 men wearing yellow Polo T-shirts with the words "NPFL" written on
23 them, true?

24 A. Yes, they are the ones.

10:09:02 25 Q. If I told you, Mr Koker, that the NPFL was no longer in
26 existence in 1998, would I be mistaken?

27 A. I saw them there. You were not there. I was there. That
28 is why I have said - that is why I am saying that they were the
29 ones I saw. Maybe they bypassed, but they were the ones I saw.

1 It is a war.

2 Q. I take it from your answer that you were a visitor to the
3 area - strike that. I take it from your answer that you did
4 visit the border area between Liberia and Sierra Leone at that
10:09:54 5 time, true?

6 A. Yes, I used to go there. As long as it borders with my own
7 country, I will go there. That is why I said the Navy Rangers,
8 that was the politician [sic] that they were in. They did not
9 say they were ULIMO. They said they were NPFL. That is why I
10:10:24 10 did not speak about ULIMO. I don't know about ULIMO.

11 Q. My question was, "You went to the border areas?", and you
12 have said, "Yes", correct?

13 A. Yes.

14 Q. Now those borders were not closed at that time meaning
10:10:41 15 people could move back and forth between Liberia and Sierra
16 Leone, isn't that true?

17 A. Yes.

18 Q. And whenever there would be conflicts in Sierra Leone, or
19 major outbreaks of violence, refugees would move from Sierra
10:11:05 20 Leone into Liberia, correct?

21 A. Yes.

22 Q. And whenever there were problems in Liberia, Liberian
23 refugees would move from Liberia into Sierra Leone, true?

24 A. All of that side was under the control of Liberia.

10:11:30 25 Q. My question is was it --

26 A. Yes.

27 Q. So, you are saying Liberians did move to Sierra Leone as
28 refugees? That is your statement, correct?

29 A. Yes.

1 Q. You spoke yesterday a little bit when you spoke of your
2 mother and her family history, about the languages in this
3 general area. Do you recall that?

4 A. Yes.

10:12:04 5 Q. And Buedu is in Kissi Tongi Chiefdom, is it not?

6 A. Yes.

7 Q. And the general language in that area is Kissi, am I
8 correct?

9 A. Yes.

10:12:22 10 Q. And adjacent on the Liberian side of the border is Lofa
11 County, correct?

12 A. Yes.

13 Q. And in that general area of Liberia you have the Golas,
14 true?

10:12:49 15 A. There is not one ethnic group there. There are Loma people
16 there. There are Kissi people there. The Gbandi people are
17 there.

18 Q. Thank you, Mr Koker. In that general border area between
19 the two countries, Liberian English is spoken quite frequently,
10:13:04 20 correct?

21 A. Yes.

22 Q. And that was the case back in 1998, was it not?

23 A. That one we were using Liberian currency in Kailahun
24 District. We were not using leones. That is why I said a while
10:13:27 25 ago that that area was under Liberia. They were not under the
26 Sierra Leone constitution. They were under Liberian
27 constitution. They were using the dollar. The Leewards had no
28 value there.

29 Q. Okay, Mr Koker, that is fine and I will agree with you that

1 they were using the Liberian dollar. We are in agreement about
2 that, correct?

3 A. That is true.

10:13:56

4 PRESIDING JUDGE: Mr Interpreter, again we are having
5 problems. Obviously, the question you put to the witness did not
6 relate to the use of language. Could you listen carefully to
7 what the lawyer is saying and make sure that is what you
8 interpret to the witness.

9 Mr Anyah, please ask your question again.

10:14:12

10 MR ANYAH: Thank you, your Honour:

11 Q. Mr Koker, I need a "yes" or "no" answer to this question.
12 Liberian English was spoken frequently in 1998 along the border
13 areas of Liberia and Sierra Leone, yes?

14 A. Yes.

10:14:38

15 Q. Now between the two countries there were several different
16 crossing points, were there not?

17 A. Yes.

18 Q. There was a border crossing point at Dawa, was there not?

19 A. Yes.

10:15:04

20 Q. There was a border crossing point at the place called
21 Baidu, correct?

22 A. Yes.

23 PRESIDING JUDGE: How do you spell that?

24 MR ANYAH: Yes, your Honour. For the record, it is spelt

10:15:22

25 B-a-i-d-u:

26 Q. There was also a border crossing point at a place called
27 Sapai, correct?

28 A. I don't know there.

29 MR ANYAH: For the record, Sapai is spelt S-a-p-a-i. There

1 was also a way to access another country, Guinea, through the Moa
2 River, correct?

3 A. Yes.

4 Q. So, there were different avenues through which people could
10:16:10 5 move back and forth between Liberia, Sierra Leone and Guinea.
6 Would that be fair to say?

7 A. It is not like that. There was security there. You don't
8 just go like that. There are many roads that you don't just go
9 through because the routes are many, no. The border was
10:16:39 10 protected.

11 Q. At this time there was no Sierra Leone army, correct?

12 A. That is true, it is not like that. There were Sierra Leone
13 soldiers there, but it is not on the Kailahun end.

14 Q. The question is was there an organised Sierra Leone army at
10:17:07 15 this time in Buedu?

16 A. No, we were all rebels now.

17 Q. Mr Koker, there were Sierra Leoneans within the - I am
18 sorry, strike that. There were Liberians within the RUF, were
19 there not?

10:17:44 20 A. Yes.

21 Q. In fact there were quite a number of Liberians in higher up
22 positions within the RUF, correct?

23 A. Yes.

24 Q. And one such person was a Brigade Commander for the RUF,
10:18:07 25 right there in Kailahun, Colonel Martin George, true?

26 A. Yes.

27 Q. And Martin regular spelling, George regular spelling. At
28 some point your supervisor, Tom Sandy, was actually replaced by a
29 Liberian woman, was he not?

1 A. Yes.

2 Q. Going back briefly to the issue of the border crossing
3 points, aside from official border crossing points there were
4 footpaths and other unofficial border crossing points, true?

10:19:16 5 A. That is not how it happened. There was no road you would
6 use that is not known by the government. The border was
7 protected. The RUF government protected the border on that side,
8 just so that no enemy would come through it.

9 Q. What you are saying to us is that the government knew every
10:19:42 10 single point of crossing between Sierra Leone and Liberia and had
11 somebody there. Is that your testimony?

12 A. I want you to break it down for me a little. What
13 government are you talking about? Kabbah's government, or RUF
14 government?

10:20:06 15 Q. Well, let us try with the RUF government. Are you saying
16 that there was no point within the border area of Sierra Leone
17 and Liberia that the RUF was not controlling?

18 A. RUF used to control it. Security was paramount there.

19 Q. But that particular area in terms of its topography is a
10:20:42 20 forest area, is it not?

21 A. Yes.

22 Q. And we are talking about thick, dense forest, are we not?

23 A. Forest. It is a forest range.

24 Q. Thank you, sir.

10:21:07 25 A. Thank you too.

26 Q. You know somebody by the name of Foday Kallon, do you not?

27 A. Yes, sir.

28 Q. Foday Kallon was a former member of the RUF, was he not?

29 A. Yes.

1 Q. In fact Foday Kallon, according to you, was killed by Issa
2 Sesay in September 1998?

3 A. Repeat that question so that I can understand properly.

10:22:09

4 Q. In 1998 when you were in Buedu, was one of your RUF
5 colleagues named Foday Kallon executed by Issa Sesay?

6 A. Yes. Issa Sesay killed him, but I can't remember the
7 month.

8 Q. He was killed by Issa Sesay because he was alleged to have
9 traded arms with ECOMOG, right?

10:22:46

10 A. They did not say he was selling guns. They said he had
11 conversation with ECOMOG. It was sheer hatred.

12 Q. The question is was he killed for engaging in any kind of
13 transaction, trading, something with ECOMOG?

10:23:19

14 A. The question you are asking me, the way you ask me that is
15 how I answer it. That is not how it happened. They had no gun
16 business with ECOMOG. They said he had had conversation with
17 ECOMOG, that ECOMOG had left Sierra Leone and gone to Guinea and
18 that he had gone to ECOMOG in Guinea to get conversation with
19 them. There was no gun business with them. Because you have
20 talked about gun, that is what I am saying. There was no gun
21 transaction. They just had conversation. That is what it was.

10:23:42

22 Q. Well, Mr Koker, there is a distinction between using the
23 word "trading" and saying someone had a conversation. I want to
24 put your statement to you.

10:24:02

25 A. Yes.

26 MR ANYAH: Your Honours, I will be referring to tab 4 and
27 it is on the second page, page 2, and it is the first paragraph:

28 Q. Mr Koker, you made this remark to the Prosecution on 13
29 April 2005. You said:

1 "In about September 1998 I saw Issa Sesay shoot Foday
2 Kallon. The allegation against Foday Kallon was that he had
3 traded with ECOMOG".

4 Did you make that statement?

10:25:17 5 A. I said that, but when because you said to trade in arms
6 that is why I said no, because there is no arms in the statement.
7 What is in this statement is what I have responded to. That is
8 true. You have added something that is not in that statement
9 that they traded in arms. There is no trade in arms there. That
10:25:37 10 is true.

11 Q. So, your testimony is that Foday Kallon was killed for
12 having conversations with ECOMOG. Is that your testimony?

13 A. Yes.

14 Q. When you told the Prosecution he was killed because he
10:25:57 15 traded with ECOMOG, what you meant by "traded" was a
16 conversation, true?

17 A. Yes, when he left to go and talk to them that was what I
18 meant and that is what happened. I was not there. I did not
19 hear what they said, but he told me. He said, "I had gone there
10:26:41 20 and spoken to them and they had arrested me and brought me".

21 Q. Do you recall around the time when you were in Buedu that
22 there were rumours that Ukrainians were bringing arms into Sierra
23 Leone?

24 A. I can't recall that. It is a long time now. I can't
10:27:19 25 recall that.

26 Q. Perhaps I could help you recall. Your Honours, I will be
27 going to tab 4, the same tab we just were at but this time it is
28 on the first page. These are the proofing notes between Mr Koker
29 and the Office of the Prosecutor from 13 April 2005. In

1 paragraph 1, the first sentence - and, Mr Koker, I want you to
2 consider this, whether you made this remark to the Prosecution -
3 it says:

4 "During the time when the Junta was in power in Sierra
10:28:09 5 Leone I heard rumours that Ukrani ans were bringing arms to Sierra
6 Leone".

7 Did you say that to the Prosecution?

8 A. Yes, I myself saw a ship in Freetown. A Ukrani an ship.

9 Q. So, one source of arms into Sierra Leone was Ukraine.

10:28:41 10 Would that be accurate?

11 THE INTERPRETER: Your Honours, can the witness be
12 instructed to kindly take that answer again?

13 PRESIDING JUDGE: Mr Witness, the interpreters did not hear
14 what you said. Please repeat from the beginning your answer.

10:29:07 15 THE WITNESS: In gun business - in gun business, just like
16 you have put it to me, that is what I want to clarify. A
17 Ukrani an would not just bring a gun from Ukraine if somebody - if
18 somebody is not transacting it with him.

19 MR ANYAH:

10:29:31 20 Q. But you have told us you saw a Ukrani an ship in Freetown
21 and is it fair to say that you assumed that that ship was
22 bringing arms to Sierra Leone?

23 A. At that time I did not see a gun, but I saw a ship. That
24 Ukrani an ship, maybe there was an agreement between the Ukraine
10:30:05 25 and the government. At that time it was Johnny Paul's
26 government, because Mosqui to and Johnny Paul were in agreement at
27 that time. That is why I said a Ukrani an would not take a gun
28 from Ukraine and bring it here. Even I myself would not take a
29 gun from elsewhere and bring it here if there is no argument

1 between myself and that government.

2 Q. Well I am not asking about agreements between Johnny Paul ,
3 or the AFRC and the Ukranians. Are we in agreement, do you
4 agree, that Ukranians were believed to be bringing arms into
10:30:40 5 Sierra Leone at that time?

6 A. The Ukranians? That is what I am telling you. That is
7 what I told you a while ago that if it is true I will tell you.
8 If I am telling lies I will tell you that I am telling lies. I
9 saw a Ukranian ship. I did not see them off-load guns. At that
10:31:15 10 time I used to see guns and the guns I saw were - did not belong
11 to our soldiers, but I want you to understand me.

12 Q. Let us move on. Let us move on to your evidence yesterday
13 about off-loading guns from trucks in the vicinity of Sam
14 Bockarie's place in Buedu. You told us yesterday that on two
10:31:43 15 occasions, as you recall, you personally assisted in off-loading
16 weapons from Liberia in Buedu, correct?

17 A. Yes.

18 Q. And the period in question was in July 1998, was it not?

19 A. Yes.

10:32:08 20 Q. And you gave us some indicia, or indications, about how you
21 knew these weapons came from Liberia. True?

22 A. Yes.

23 Q. And one way you knew was because the Liberian - or the men
24 who brought the weapons spoke Liberian English. That is what you
10:32:33 25 said, was it not?

26 A. Yes.

27 Q. You also claimed to have known because on some occasions
28 the Liberian men told you the weapons were from Liberia, true?

29 MR SANTORA: Your Honour, objection on mis-statement. We

1 are talking about the first shipment he observed.

2 MR ANYAH: I can partition the questions, if necessary.

3 MR SANTORA: I mean if we are referring to - I was just
4 wondering if he is being asked about the first shipment, because

10:33:15 5 it is my understanding that he was being asked --

6 PRESIDING JUDGE: Well, the witness has not said he has
7 misunderstood.

8 MR SANTORA: No.

9 PRESIDING JUDGE: If the witness has not misunderstood, let
10:33:24 10 counsel ask. If the witness misunderstands he will ask for
11 clarification.

12 Please continue, Mr Anyah.

13 MR ANYAH: Thank you, your Honour:

14 Q. Mr Koker, one of the ways you told us yesterday you knew
10:33:40 15 these weapons were from Liberia was because the men who brought
16 the weapons told you that the weapons were from Liberia, correct?

17 A. That is true, but what I am telling you you have confused
18 me in one area. When you are saying talking about "shipment", I
19 did not say "ship". I want you when you are asking me about the
10:34:03 20 guns that I talked about, don't talk about shipment. I did not
21 see a ship movement. It is the truck that brought them.

22 Q. I am speaking of the trucks. You mentioned yesterday in
23 the first incident or event that you assisted with that there was
24 a truck, a car and a jeep and seven people from Liberia. Isn't
10:34:32 25 that true?

26 A. Yes.

27 Q. And it was this first incident in July that you saw some of
28 the men wearing a yellow Polo T-shirt with the words "NPFL Navy
29 Rangers" printed on them, correct?

1 A. That is for the first time. It was the uniform. It was
2 not just worn by one person. Many of them on that side. It was
3 uniform.

4 Q. Well was it the first time, or the second time, that you
10:35:13 5 saw men with yellow Polo T-shirts with "NPFL" on them?

6 A. It was not at that time even. It was just when I went
7 there they were wearing a uniform. That Polo T-shirt is a
8 uniform. I want you to allow me to clarify so that everybody -
9 the whole world - can understand. I don't want to tell lies,
10:35:42 10 because if I tell lies it would be a sin. It is a uniform.

11 Q. So we are in agreement - and I would like you, if you
12 could, to answer this "yes" or "no" - that there were men wearing
13 T-shirts, or as you call them uniforms, that had printed on them
14 "NPFL Navy Rangers"? Yes, or no?

10:36:08 15 A. Yes, yes.

16 Q. And with respect to the second delivery of materials, as
17 you called them yesterday, you said you saw two big trucks, two
18 mini-vans and a Range Rover jeep, correct?

19 A. Yes.

10:36:34 20 Q. Now, Mr Koker, this might take some time, but I want to go
21 over briefly your previous statements to the Office of the
22 Prosecutor about arms shipments, or deliveries from Liberia, as
23 well as your testimony in the AFRC case in July 2005.

24 Your Honours, the first - your Honours, the first tab to
10:37:14 25 which I will be referring is tab 1 and that is the statement from
26 26 March 2003 and the ERN number ends in 97. It is 00003597.
27 The section of the page would be the third full paragraph, which
28 begins with "Witness", and I will be reading from five lines down
29 where it says, "Witness participated ..." Mr Koker, this is what

1 you told the Prosecution on 26 March. It says:

2 "Witness participated about four times in the offloading of
3 arms form [sic] DAF Trucks from Monrovia into a store at Gokodu R
4 at Buedu. He saw AK 47s RPGs, machine guns and other ammunition.

10:38:41 5 Knew the arms were from Liberia because those who brought them
6 were Liberian because they spoke the Liberian English. He was
7 also told by some of them whom he saw dressed in Liberian arm
8 uni forms".

9 This is what you said to the Prosecution in March 2003,
10:39:06 10 correct?

11 A. Yes, it is true.

12 Q. In that statement there is no mention of the name "Charles
13 Taylor", is there?

14 A. It was Charles Taylor's government.

10:39:25 15 Q. My question is in the statement I have just read you did
16 not mention Charles Taylor, did you?

17 A. It was Charles Taylor's country. It had come from Charles
18 Taylor's country. In our own country our constitution was not
19 like that.

10:39:44 20 Q. That statement does not mention wearing T-shirts with the
21 NPFL logo on it, does it?

22 A. They were uniformed people. They were Liberian soldiers.
23 They were wearing Liberian military uniforms and it was Charles
24 Taylor's government. It was not Mosquito's soldiers. They were

10:40:16 25 Charles Taylor's soldiers. I did not see Charles Taylor there,
26 but it was during his government. He extended his power there.

27 Q. Mr Koker, you have in front of you the excerpt from your
28 statement and I ask you again. What I have just read does not
29 mention any Liberian soldiers wearing NPFL T-shirts, does it?

1 A. Yes, they wore uniforms.

2 Q. You are saying that I just read you a paragraph that said
3 people wore uniforms that said "NPFL"? That is what you are
4 telling this Court?

10:41:06 5 A. They wore uniform. Some of them underneath the uniform
6 they would wear Polo T-shirts. I am not telling you lies here.
7 In the military, you would wear a jacket and a Polo T-shirt
8 underneath it. The Polo there would be writing on it. Like the
9 one I am wearing, some would have writings on them. The jacket
10:41:25 10 there would be no writing on it. They had the jacket and the
11 Polo T-shirt as well.

12 Q. I will take it that you do not wish to answer the question.
13 That statement I have just read you nowhere does it indicate that
14 some of the vehicles that brought these materials, as you call
10:41:45 15 them, were mini-vans or cars, correct?

16 A. The guns that came there did not walk on foot. The amount
17 of guns that came there did not walk on foot. If that is what
18 you are telling me, that I did not see a vehicle, then you are
19 telling lies. How could the guns come there? Did they come
10:42:21 20 there by magic?

21 Q. Mr Koker, I am saying yesterday you told us that one of the
22 jeeps was a Toyota Land Cruiser and the second one during the
23 second arms shipment was a Range Rover. You were very, very
24 specific yesterday and I am trying to be specific as well today.
10:42:47 25 When you gave the statement on 26 March, other than saying trucks
26 you did not mention jeeps, mini-vans or cars and you know the
27 difference between them, do you not?

28 A. There were no guns in the jeeps. Even in the Range Rover
29 there was no gun. They were in the trucks.

1 THE INTERPRETER: Your Honours, let the witness repeat. He
2 is talking too fast.

3 PRESIDING JUDGE: Mr Witness, please repeat your answer
4 slowly for the interpreters.

10:43:27 5 THE WITNESS: Okay. In fact, I am not saying it actually
6 even. I was there. He was not there. I want him to note that.
7 I am not telling a lie. I am talking for my God. The trucks had
8 the guns. The jeeps and the Range Rovers had human beings in
9 them. They were securing the guns to ensure that it got to us.
10:44:03 10 I don't know if you understand me now?

11 MR ANYAH:

12 Q. Mr Koker, I ask the questions and so I will ask you this
13 next. One of the ways you knew the guns came from Liberia in
14 that statement you said was because the men spoke Liberian

10:44:21 15 English, do you agree?

16 A. Yes.

17 Q. You also said you knew they came from Liberia because the
18 men told you the arms came from Liberia, correct?

19 A. Yes, they came from Liberia. They did not come from
10:44:54 20 Guinea. It was Liberia, that is true.

21 Q. Shall we go to tab 3, if it please the Court. This is a
22 one sheet summary of an interview of the Prosecutor and Mr Koker
23 on 4 February 2004 and I will be reading from the top part of the
24 document where it says, "I saw arms come to Buedu ..." Mr Koker,
10:45:38 25 this is what you told the Office of the Prosecutor on February,
26 4th.

27 A. Yes.

28 PRESIDING JUDGE: Yes, Mr Santora?

29 MR SANTORA: Your Honours, in fairness to the witness it

1 should be put the very first line of this statement that this is,
2 "... gave the following additions to his previous statement". In
3 fairness to the witness, that should be put to him.

4 PRESIDING JUDGE: Mr Anyah, that is in order. Put the
10:46:12 5 statement accurately to the witness.

6 MR ANYAH: Okay, I will do so, your Honour.

7 PRESIDING JUDGE: And this particular document we are
8 looking at is additions to his previous statement.

9 MR ANYAH: Yes, Madam President:

10:46:25 10 Q. Mr Koker, you were interviewed on 4 February 2004 and you
11 were interviewed for the purposes of making additional remarks to
12 a prior statement, correct?

13 A. Yes.

14 Q. And before 4 February 2004 you had made three or had three
10:46:58 15 prior interviews with the Office of the Prosecutor, correct?

16 A. Yes.

17 Q. On 4 February this is what you told them. You said:

18 "I saw arms come to Buedu passing through Dawa Crossing
19 Point at midnight in July 1998, the arms came from Liberia
10:47:25 20 because of the way the motorcar came from, also I was briefed by
21 Tom Sandy that they were expecting arms from Liberia".

22 This is what you said to the Office of the Prosecutor in
23 February 2004, true?

24 A. That is true.

10:47:52 25 Q. So on this occasion the source or basis of your knowledge
26 that these arms were coming from Liberia was the direction from
27 which the vehicles came, correct?

28 A. The road they used to come and the way I was briefed by my
29 Master, Tom Sandy, and I saw the guns. They did not come from

1 Guinea. They came from Liberia. That is the way I know they
2 came from Liberia.

3 Q. So it was because of what you saw, the direction from which
4 they came and Tom Sandy's information that led you to conclude
10:48:39 5 they came from Liberia, correct?

6 A. And I saw the guns myself. That is how I knew that it was
7 true. I saw the guns myself - the guns - and I listed them. If
8 I didn't see the guns, I would not have said it was true.

9 Q. Just so we understand, you are not saying that you can look
10:49:11 10 at a gun and know it is from Liberia, correct?

11 A. I will tell you that - I will tell you that I will see a
12 gun and tell you that it was produced in this country, because I
13 did some training in that as well. It is good for you to know
14 that I came from the military to join them. I know a little
10:49:40 15 about guns. I cannot be stupefied.

16 Q. What you are saying to us then is that you can look at a
17 gun and tell us from which country it was manufactured. Is that
18 your testimony?

19 A. Yes, because all the companies that make guns are licensed
10:50:06 20 companies. Whenever a gun is in the market it is licensed.

21 Beretta are made by the Italians and they are licensed. Even the
22 German 3 that I was talking about, German 3 is licensed. M16 is
23 licensed. AK Chinese is licensed. The Russians' AK is licensed
24 too. Maybe you don't know, but if we are talking about guns I
10:50:38 25 will tell you that if I see a gun I will tell you that it is
26 manufactured from this country. They will have to sign treaties.
27 They have to go through a lot of arrangements. It is not
28 anything that has to do with grouk [phon].

29 Q. The guns you saw were automatic weapons, were they not?

1 A. Yes.

2 Q. Can you tell us back in July 1998 what automatic weapons
3 Liberia was making?

4 A. Liberia does not make guns. Let me not even be angry about
10:51:26 5 this. Liberia does not make guns. If Liberia gets guns, they
6 will get it from the Americans. The type of guns that I knew
7 were many in Liberian army was the M16, but the guns that were
8 coming were from Russia, they are Russian guns, and I could not
9 have said that they came from Russia because I was doubtful. How
10:51:58 10 were the guns coming from Russia to Liberia? I cannot see an RPG
11 and say it was made in Liberia. There is no factory in Liberia
12 where they manufacture guns and they are not licensed to
13 manufacture guns.

14 Q. I think --

10:52:17 15 A. Thank you. Yes, sir.

16 Q. -- that you are saying that the guns you saw were
17 manufactured in Russia, correct?

18 A. Yes, they were manufactured in Russia, but how did they get
19 to Liberia? That was my surprise.

10:52:42 20 Q. Thank you.

21 A. Thank you very much, sir, and how they got to Sierra Leone
22 too.

23 MR ANYAH: If your Honours would go, if it please the
24 Court, to tab number 4 - we have been here before - and page 1,
10:53:07 25 paragraph 1. I will be reading from the part where it says, "I
26 saw the trucks arrive ...":

27 Q. Mr Koker, on 13 April 2005 you said this to the Office of
28 the Prosecutor:

29 "I saw the trucks arrive at Mosquito's house and was asked

1 to send some securities me to assist as the trucks arrive. I was
2 told from my men that Liberian personnel came with the trucks.
3 Arms came from Charles Taylor's men".

10:54:06 4 This is what you said to the Office of the Prosecutor, did
5 you not?

6 A. Yes, what is written here is what I said.

7 Q. So at that time one of the bases for your conclusion that
8 arms came from Liberia was what you were told by your men,
9 correct?

10:54:32 10 A. Yes, they came from his country to our country, and he was
11 the head of that country and so nothing could come from that
12 country without his knowledge because he had securities too.

13 Q. Reading slightly further along from where I stopped, it
14 says:

10:54:53 15 "From the time I was in Beudu [sic], Issa Sesay was deputy
16 to Bockarie and would go back and forth to Liberia to do business
17 and make these arrangements with Taylor's men. I know this
18 because of one incident where Sesay went to Liberia with 18 bags
19 of money from the bank in Kono and came back and said the money
10:55:22 20 was stolen".

21 That is what you said to the Office of the Prosecutor in
22 April of 2005, correct?

23 A. That is true.

24 Q. It is fair to say then, is it not, that another basis for
10:55:38 25 your knowledge or belief that arms were coming from Liberia, and
26 in particular from Mr Taylor, was because of this one incident
27 where you say Issa Sesay went to Liberia with 18 bags of money?

28 A. I cannot know this. I did not know what business Issa went
29 there to discuss. I only know that he went with money. I don't

1 know whether he went there to do gun business. He came back and
2 said he had been - he just went with the money.

3 PRESIDING JUDGE: Mr Interpreter, what was that you said?

10:56:34

4 THE WITNESS: He came back and said he just went with the
5 money.

6 MR ANYAH: Shall we go to tab number 5 and I will be
7 reading from the page with the ERN number that ends in 88, that
8 ERN number being 00034388. These are notes from an interview
9 with Mr Koker on 18 May 2007 and the apparent purpose of this
10 interview was to have Mr Koker review prior statements that he
11 had made to the Office of the Prosecutor on previous occasions.
12 Mr Koker - your Honours, on the page in question I will be
13 reading from the fourth full paragraph that starts, "The witness
14 states that relating to ...":

10:57:35

10:58:08

15 Q. Mr Koker, this is what you told the Office of the
16 Prosecutor on 18 May 2007:

17 "The witness states that relating to the arms shipments in
18 1998, the Liberians told him that the materials (Referring to
19 Arms and Ammunition) were from Charles Taylor's place in Liberia
20 and that the materials were given to them (Liberians) to be
21 transported to Buedu. The witness states that this information
22 about the weapons came from more than one conversation".

10:58:33

23 That is what you told the Office of the Prosecutor back in
24 July 2005, is that correct? Sorry, I withdraw that. That is
25 what you told the Office of the Prosecutor back in May 2007,
26 true?

10:59:01

27 A. That is true, but I have some objection. What they are
28 writing here "arms shipments", it was not a shipment. They were
29 trafficking it. It was not a shipment. They were not doing it

1 in the open. Yes, sir.

2 Q. [Microphone not activated] My mike, okay. Can we agree
3 that when you see "shipment" you should understand it to mean the
4 movement of arms by vehicles and not the sea?

10:59:54 5 PRESIDING JUDGE: Mr Witness?

6 THE WITNESS: Yes, I heard that.

7 PRESIDING JUDGE: Mr Witness, in the English language
8 "shipment", as used in this sense, does not mean carrying things
9 in a ship. It simply means a consignment being carried or

11:00:13 10 ferried from one location to another in a vehicle. That is all

11 it means. It does not in any way relate to the use of a ship.

12 So, this is just to put your mind at ease. Is that clear?

13 THE WITNESS: Okay.

14 MR ANYAH: Madam President, I see the time is almost break
11:00:35 15 time. With leave of the Court, may I kindly finish with two or
16 three more questions.

17 PRESIDING JUDGE: Go ahead, yes

18 MR ANYAH: Just this section, your Honour.

19 Q. Now, Mr Koker, when you made this statement to the
11:00:51 20 Prosecution you did not --

21 A. Yes, this is my statement. I am not telling a lie.

22 PRESIDING JUDGE: Mr Witness, just listen to the question
23 first, okay? Let the lawyer finish what he is asking.

24 THE WITNESS: Okay.

11:01:06 25 MR ANYAH:

26 Q. There is no mention in this statement, Mr Koker, of you
27 off-loading arms from trucks, correct?

28 A. Yes, I did not off-load guns. I recorded it.

29 MR ANYAH: Your Honour, nothing further for now, thank you.

1 PRESIDING JUDGE: Have you closed your cross-examination?

2 MR ANYAH: No, I have not. I meant before the break.

3 PRESIDING JUDGE: Okay. Mr Witness, we are now going to
4 break for a few minutes. Court will adjourn until --

11:01:56 5 THE WITNESS: I thank you.

6 PRESIDING JUDGE: Court will adjourn until 11.30.

7 [Break taken at 11.02 a.m.]

8 [Upon resuming at 11.30 a.m.]

9 PRESIDING JUDGE: Mr Anyah, please continue with your
11:29:33 10 cross-examination.

11 MR ANYAH: Thank you, Madam President.

12 Mr Koker, when we broke for the break we were speaking
13 about the issue of arms that you claim came from Liberia and
14 I would like to follow up on that. I would like to refer you to
11:29:55 15 your testimony before this Chamber on 18 July 2005 in the AFRC
16 case.

17 Your Honours, this is at tab 17, the last tab in the
18 packet, and I will be referring to page 58 and 59. I will
19 initially read from line 3 through line 10.

11:31:08 20 Q. Mr Koker, when you testified before the AFRC bench you were
21 asked these questions and you gave these responses:

22 "Q. These arms, they were coming from where?

23 "A. Well this, I didn't disclose the detail in my
24 statement but my own little investigation for this nation, these
11:31:35 25 arms were coming from China.

26 "Q. Not from Liberia.

27 "A. From China through Liberia.

28 "Q. From China through Liberia?

29 "A. Yes, sir."

1 Mr Koker, do you recall having made these responses to the
2 questions that were posed to you?

3 A. Yes, I said this that is in front of me. I said this and
4 they wrote it down.

11:32:17 5 Q. Moving down the line, or moving down the page, to line 16,
6 you were asked these series of questions and you gave these
7 responses:

8 "Q. How do you know they were coming from Liberia? How do
9 you know? You said a few minutes ago that you had no business
11:32:39 10 with Liberia. How do you know?

11 "A. Well, that is true. From my own intelligence as a
12 professional man. I'm not telling lies.

13 "Q. We are not saying you are telling lies.

14 "A. Yes, this is procedure took a long time, from China to
11:33:05 15 Nigeria, Nigeria to Ghana, Ghana to Liberia, Liberia, we receive
16 our own to Buedu.

17 "Q. And who took delivery of the arms that were brought
18 in? Who took delivery?

19 "A. Through my own counter-intelligence experience there
11:33:32 20 was a Chinese man" -

21 PRESIDING JUDGE: That was insurgence, counter-insurgence.

22 MR ANYAH: I am sorry, Madam President.

23 Q. "A. Through my own counter-insurgence experience there was
24 a Chinese man who is a wanted man in Asia by the name of Joseph
11:33:51 25 Wong."

26 Mr Koker, those were the answers you gave to the questions
27 that were posed to you on 18 July 2005, before this Chamber,
28 during the AFRC trial, true?

29 A. Yes, Joseph Wong, it is true.

1 Q. So we know from your testimony, today at least, that
2 Ukrainians were bringing weapons into Sierra Leone, true? Your
3 Honour, to be fair to the witness I can withdraw the question and
4 rephrase it because I believe perhaps I am not being fair to him.

11:34:47 5 PRESIDING JUDGE: Please ask the question.

6 MR ANYAH:

7 Q. Mr Koker, you said this morning that there were rumours
8 that Ukrainians were bringing arms to Sierra Leone, correct?

9 A. I said that in my statement that a Ukrainian ship arrived
11:35:08 10 during the AFRC period. I saw guns, new guns, when the ship was
11 off loaded.

12 Q. You also said this morning during testimony that you
13 inspected some of the weapons that arrived in Sierra Leone and,
14 on the basis of your experience as a military man, they were from

11:35:30 15 Russia, correct?

16 A. I am not sure I mentioned Russia. I said there were
17 Russian models among them, Russian models, Russian made guns.

18 Q. Well, I will let the record speak for itself, but going
19 back to the last few series of questions, you have confirmed for
11:36:05 20 us that at some time in the past you have told the Court that
21 weapons that made its way into Sierra Leone came from China,
22 correct?

23 A. Yes, they came from China, but they cannot just leave China
24 by themselves to reach that country. There will be somebody who
11:36:32 25 has hands in it.

26 Q. Mr Koker, I want to put it to you bluntly that when you
27 told this Court yesterday that weapons you saw in Sierra Leone
28 came from Liberia, and in particular from Charles Taylor, you
29 were lying.

1 A. Well, I am telling you that I am not telling lies, just
2 tell the news did say Sierra Leone would taste the bitterness of
3 war. It was over the BBC. At that time I had not joined the
4 military and, indeed, the war reached there.

11:37:13 5 Q. I put it to you, Mr Koker, that the basis for your
6 conclusion that these weapons you saw were coming from Liberia
7 was based on rumour, conjecture and your own personal research.
8 Do you deny that?

9 A. I disagree because you were not there. I saw it. I saw
11:37:42 10 guns, I saw the movement. That is why I said I disagree with you
11 because I saw it and you were not there. That is why I say
12 I disagree with you. Had I not seen it, I would have agreed with
13 you, but I saw it.

14 Q. I would go a step further, Mr Koker, and I would say to you
11:38:05 15 that this research that led you to this erroneous conclusion was
16 undertaken, or you did it, after the war was over.

17 A. I am telling you that when the war came to this country -
18 no, I did not wait for the war to be over. When Mosquito was
19 running away he left a lot of things in his house and we went
11:38:40 20 there and took those things. We saw a lot of documents,
21 pictures, a lot of things. He ran away. That is why I am
22 telling you that you were not there. If you were there, maybe
23 you would have agreed with me, but you were not there and all
24 these things that were happening, those that I saw are the ones
11:39:02 25 I am talking about in this Court. I am not saying anything here
26 for you to give me money, or to give me a position. I am doing
27 it for a permanent criminal court of justice, so that nobody
28 would bring any terrorist business in West Africa anymore, and
29 I am telling you that there are people who were harmed by this

1 war. In fact, these people have contact more than
2 Charles Taylor. They can tell you about Charles Taylor more than
3 I will, but only that they do not have the guts to come like
4 I have, but you don't know that. You are just defending him and
11:39:45 5 he has not told you everything.

6 PRESIDING JUDGE: Mr Witness, it would be very helpful if
7 you simply kept your answers short and direct. Let me make this
8 clear, that the lawyer who is standing in front of you, defending
9 Mr Taylor, is merely doing his job and that Mr Taylor has a right
11:40:06 10 to Defence counsel. He is not doing anything wrong by defending
11 the accused. He is simply doing his job. When he asks you a
12 question, please just answer as directly as you can and as
13 truthfully as you can and avoid this acrimony to and fro between
14 yourselves.

11:40:31 15 MR ANYAH:

16 Q. Mr Koker, yesterday you told us, this Court, that you knew
17 arms came from Liberia and you also knew they came from
18 Charles Taylor because you were there off loading the arms from
19 trucks, hearing the information from Liberians and seeing the
11:40:52 20 clothes, or uniforms, worn by the Liberians. Are you telling us
21 today that the basis for your conclusion that the weapons came
22 from Liberia was because you reviewed Sam Bockarie's set of
23 documents after he left Sierra Leone?

24 A. It was not just at that time, even during the war, during
11:41:29 25 the war and at that time because the war took many years.

26 Q. Well, let us move on. One last issue about Buedu and that
27 is the issue of forced labour. I believe you testified yesterday
28 that civilians were forced to work in the farms of some of the
29 commanders, including Morris Kallon and Sam Bockarie. We

1 confirmed this morning from you that there was Liberian dollar in
2 use at that time, correct?

3 A. Yes, that is it, it is true.

11:42:18

4 Q. Would it be fair to say that the people who had access to
5 currency were the commanders and not civilians, true?

6 A. That money was - everybody had the money. Even civilians
7 were using the money. We stopped using leones. We were using
8 it.

11:42:48

9 Q. I put it to you, Mr Koker, that during the time in question
10 in Buedu, between 1998 and 1999, transactions between civilians
11 were done by trading in goods. They were transactions in barter.
12 Do you agree?

13 A. It used to happen like that, but money too used to be
14 transacted.

11:43:20

15 Q. I put it to you that the civilians were not paid in money
16 because there effectively was no currency in use in the general
17 area at that time.

18 A. I used to see money called liberty. I did not put that in
19 my statement.

11:43:53

20 Q. Did people use this money for commercial transactions?

21 A. Yes, we used to change it and they used the money.

22 Q. And which country was the source of this money, was it
23 Sierra Leonean money?

11:44:29

24 A. It is not Sierra Leonean money. It is the Liberian dollar
25 called liberty.

26 Q. Now, the civilians in question you said were not paid, but
27 they were fed, were they not?

28 A. They used to feed them food for work, but they stopped them
29 from doing their own works. They would have to travel, but they

1 wouldn't give them fares.

2 Q. When the civilians fell ill they were also allowed access
3 to hospitals, were they not?

11:45:25

4 A. No, it was a self-reliant struggle. They did not treat
5 them. You would seek medicine for yourself.

6 Q. Your Honours, I would refer the Chamber to tab 1 in the
7 bundle of documents, to the page with the ERN number ending in
8 99. I will be reading from the second full paragraph that starts
9 with the words "The captives", and for the record this is

11:46:23

10 Mr Koker's statement, or transcription of it, from 26 March 2003.

11 Mr Koker, this is what you told the Office of the
12 Prosecutor on 26 March 2003:

11:46:49

13 "The captives or people who were forced to work on
14 Mosquito's farm or works according to" - I am sorry, "or other
15 works according to witness were not paid although they were fed.
16 He knows they did not have enough to eat because the workers told
17 him at times when they returned from work. When they got sick,
18 they were treated at the hospital in Buedu. The medical
19 commander was one Dr Fabai. Witness said the treatments given
20 were just a kind of first aid and not proper treatment."

11:47:21

21 Did you make those comments to the Office of the Prosecutor
22 on 26 March 2003?

11:47:50

23 A. Yes, they were given ordinary first aid. They will dress
24 the place up and they will give them injections. It was just
25 first aid, just to encourage them.

26 Q. Your Honours, I would also refer Mr Koker and the Chamber
27 to tab 14 and this is his testimony before the RUF trial on 28
28 April 2005 and the page in question is page 100. I will be
29 reading lines 7 through 10 briefly. Mr Koker, you confirmed for

1 the Court -

2 A. Yes, sir.

3 Q. - before the RUF trial that these captives were fed even if
4 not paid. The question was:

11:49:10 5 "Q. 'Captives or people who were forced to work on
6 Mosquito's farm or other works according to the witness were not
7 paid although they were fed.' Did you tell the Prosecution that?

8 "A. Yes, sir."

9 That was your testimony before the RUF trial, correct?

11:49:33 10 A. It is so.

11 Q. Lastly, your Honours, I would like to refer the Chamber and
12 the witness to tab 17 and the specific page in question is
13 pages 60 through 61. Starting at bottom of page 60, on line 28
14 the question was posed to you, Mr Koker:

11:50:33 15 "Q. So where would the people work?

16 "A. These people, they working in farms, farms of
17 commanders."

18 Page 61, line 1:

19 "Q. You said they were not paid when they worked?

11:50:55 20 "A. They were not using money. They used barter system.

21 "Q. So there was no currency available?

22 "A. Yes, sir."

23 Do you recall giving those responses to those questions
24 before the AFRC bench?

11:51:26 25 A. Yes, I would like to clarify this just so that the Court
26 can understand what I meant. There are some places - there are
27 some things you would not use money, for instance those towns
28 closer to the war front, but those that are close to the market,
29 like close to Dawa, they used money. But close to the war front

1 towards Daru, from the area where the government was they don't
2 use money in those areas. They exchange things. If you went to
3 the war front and got things you would come and exchange it with
4 the next person. If a person went to Dawa he will sell it and
11:52:10 5 obtain money and he would come and buy something, sometimes from
6 the Liberian end. That is what happened. That is why I said
7 when we arrived there I will clarify it, just so you would
8 understand what I meant.

9 Q. You could have if you wanted, Mr Koker, when you testified
11:52:25 10 before the Court previously, you could have mentioned that the
11 Liberian liberty was being used as currency at that time, but you
12 did not, did you?

13 A. At that time I did not record everything. This war lasted
14 11 years. I cannot in one day say everything that took 11 years
11:52:58 15 and to think about everything and explain it in one go. Like as
16 we are sitting down here now, we are explaining, there are things
17 I had forgotten that I can recall now. I want you to know that.
18 That is why I said I am not telling lies. I am doing it for
19 permanent criminal justice for everybody, just so that there will
11:53:20 20 be truth among us humans.

21 Q. Mr Koker, it is true, is it not, that sometimes you are
22 referred to by the nickname of Green Snake?

23 A. No, my name is not Green Snake.

24 Q. Do you deny being known as a person who has the nickname
11:53:48 25 Green Snake?

26 A. I am refusing that. You have asked me if it is a nickname.
27 If you ask me for my nickname, I will tell you, but you cannot
28 give me a nickname that I have not mentioned in my statement,
29 that I had a nickname. That is surprising to me today, that

1 I had a nickname Green Snake.

2 Q. If I told you, Mr Koker, that witnesses could be brought
3 who would confirm that your nickname is Green Snake, would I be
4 mistaken?

11:54:32 5 A. If my name is Green Snake then all that you said is true,
6 but if my name is not Green Snake then all that I have said here,
7 it is you who is trying to turn what I have said here into lies.

8 Q. Can I ask you this, Mr Koker: Is there a difference, from
9 your perspective, in your mind, between nickname and fighting
10 name?

11 A. There is a nickname and there is a war name. My name is
12 Warrior. My traditional name is Kugbe, Kugbe. That is my
13 traditional name, my family traditional name. My grandfather's
14 grandfather was a warrior. He was a Kugbe. That is why I said
11:55:45 15 I am surprised you are calling me Green Snake. There is a
16 difference between a war name and a nickname.

17 Q. Mr Koker, can you spell Kugbe for us if you please?

18 A. Yes, K-U-G-B-E.

19 Q. Thank you, Mr Koker. Have you ever heard the acronym, or
11:56:11 20 the initials, LURD, L-U-R-D?

21 A. I used to hear that name.

22 Q. In what context did you used to hear that name LURD?

23 A. I used to hear it when I was in Buedu.

24 Q. We now know the place where you heard LURD mentioned and
11:57:08 25 I want to know in what context. Did you understand LURD to be a
26 military group, for example?

27 A. Well, that one I did not have the idea.

28 Q. So what did you understand LURD to mean when you heard
29 others refer to it?

1 A. I am still telling you the time we were there we were
2 listening to Sierra Leone not Liberia. I did not care about
3 Liberia. I used to hear the word LURD, but I did not investigate
4 because I didn't care about Liberia. I only cared about Sierra
11:58:08 5 Leone because I wanted to know what was happening in Sierra
6 Leone, not in Liberia, because I came from Freetown to Buedu, so
7 I cared about Freetown.

8 Q. The question is what did you understand LURD to mean, yes?
9 I am sorry, strike that. The question is: What did you
11:58:28 10 understand LURD to mean? Please tell us.

11 A. That is what I am telling you. I cannot tell you what
12 I don't understand because even in English if somebody says LURD,
13 in the Bible we can say Lord, you see? That is what I am telling
14 you. The time that I was hearing names like those I was not
11:59:06 15 listening about that. I only cared about Freetown because I had
16 come from Freetown. I was not in a good condition. That was my
17 concern. I cannot say much about that, please.

18 Q. Mr Koker, you have told us you were in Buedu and we know
19 you are a military man, so if I told you that in 1999 through
11:59:32 20 2000 there was a military organisation called LURD, I would be
21 mistaken, would I not?

22 A. As you said it, but I am not saying that. You are saying
23 it. I am not saying it because I did not care about that.

24 Q. Do you know somebody by the name of Sekou Damate Conneh?

12:00:13 25 A. I have never heard that name except when you said it now.

26 Q. I believe we had the spellings yesterday, but for the
27 record Sekou is S-E-K-O-U, and there is an umlaut above the 'e',
28 and Damate is D-A-M-A-T-E. Conneh I believe yesterday was spelt
29 with a 'K', I propose the spelling of a 'C', C-O-N-N-E-H.

1 Mr Koker, do you know, or have you ever heard, the name
2 Mohammed Jumandy?

3 A. No.

12:01:13

4 Q. For the record Mohammed is M-O-H-A-M-M-E-D and Jumandy is
5 J-U-M-A-N-D-Y.

6 Mr Koker, I say to you here and now that you, Dennis Koker,
7 were a member of LURD. True or false?

8 JUDGE DOHERTY: Just a moment, Mr Anyah, did I hear an
9 answer to the question, "Do you know Mohammed Jumandy?"

12:01:43

10 MR ANYAH: Yes.

11 JUDGE DOHERTY: What was the answer?

12 MR ANYAH: I believe he said no. I will repeat my
13 question. I am saying to you, Mr Koker, in the presence of
14 everybody here, that you, Dennis Koker, were a member of LURD,
15 yes or no?

12:01:58

16 A. That is not correct.

17 Q. I put it to you, Mr Koker, that your nickname in LURD was
18 Green Snake. True or false?

19 A. That is not correct.

12:02:22

20 Q. I further submit to you, Mr Koker, that you were, in fact,
21 a mercenary for LURD. True or false?

22 A. That is not true.

23 Q. If any witnesses come before this Court in the future and
24 testify that you were a member of LURD they would be lying. Is
25 that your testimony?

12:02:48

26 A. This witness is just some bagging. They make up, make up.
27 They make up story.

28 PRESIDING JUDGE: Can you repeat the whole sentence,
29 Mr Interpreter. We didn't catch any of it.

1 THE WITNESS: Yes, it is just a make up story.

2 MR ANYAH:

3 Q. So your testimony is if somebody comes later on and tells
4 this Court that you are a member of LURD, they would be lying,
12:03:26 5 yes?

6 A. Yes.

7 Q. I want to change topics quickly and go back to when you
8 first started having interactions with the members of the Special
9 Court in 2004 and I want to ask you a series of questions
10 concerning payments you have received from the Special Court.

11 Your Honours, I will be referring to documents contained in
12 tabs 12 and 13. For the record, these are disbursement records.
13 At least starting with tab 12, those are disbursement records
14 from the Office of the Prosecutor to this witness, Dennis Koker.

12:04:39 15 In the section where you have the name P Sannoh on page 1 it
16 indicates that 10,000 leones were paid to Dennis Koker on 17
17 November 2004. That is the case, Mr Koker, is it not?

18 A. Yes, Special Court interview. When they interviewed me, at
19 the end of it they will give me a receipt to sign. Special Court
12:05:31 20 of Sierra Leone.

21 Q. And in the next section, section 4, it says on 1 July 2005
22 you were paid the amount of 10,000 leones again, correct?

23 A. Yes.

24 Q. On page 2, section 5, it indicates, Mr Koker, that you
12:05:59 25 received the sum of 35,000 leones, true?

26 A. Yes.

27 Q. And in section 6 it indicates that on 2 March 2007 you
28 received the sum of 15,000 leones, true?

29 A. Yes.

1 Q. Section 7 involves payments made on 26 April 2007 and it
2 says you received the sum of 55,000 leones, correct?

3 A. Yes.

12:07:20

4 Q. And the next one, section 8, says on 13 June 2007 you
5 received the sum of 25,000 leones, correct?

6 A. Yes, in Freetown.

7 Q. And if you go to the next page, page 3, section 9, it shows
8 that on 17 July 2007 you received the sum of 5,000 leones.

9 A. Yes, Wilberforce barracks.

12:08:00

10 Q. Lastly, section 10, dated 19 July 2007, shows that you
11 received the sum of 20,000 leones, correct?

12 A. Yes.

12:08:30

13 Q. Now, I have just read eight different payment entries. You
14 would agree with me, Mr Koker, that six of those entries all date
15 from February 2008 - sorry, February 2007 through July 2007. Can
16 we agree on that?

17 A. All the amounts that I see in front of me are correct.
18 I received that respectfully, not during war.

12:09:06

19 Q. And it is correct, is it not, that in all of 2007 you never
20 testified in any proceedings before the Special Court?

21 A. [Indiscernible]

22 THE INTERPRETER: It is not clear, your Honours. The
23 answer is not clear. It can be yes or no. Can the witness
24 repeat?

12:09:33

25 PRESIDING JUDGE: Mr Witness, what was your answer, yes or
26 no?

27 THE WITNESS: No.

28 MR ANYAH:

29 Q. By no you mean you did not testify before the Special Court

1 in the year 2007?

2 A. Yes, 2007 I did not testify.

3 Q. And it is also true that in the entire year of 2006, not
4 once did you testify before the Special Court, correct?

12:10:12 5 A. That is true. You are correct.

6 Q. I would move to tab 13. These are records from the Deputy
7 Chief of the witness and victims section of the Special Court
8 delineating payments made to Mr Koker. Mr Koker, separate -

9 A. Yes, sir.

12:10:48 10 Q. Separate and apart from the money you received from the
11 Office of the Prosecutor, you also received money from another
12 unit in the Special Court, correct?

13 A. Yes.

14 Q. They gave you money for medical issues, true?

12:11:16 15 A. Yes.

16 Q. And the amount we see here is 91,000 leones. Does that
17 sound about right, Mr Koker?

18 A. Yes, they are right.

19 Q. You were also given money for transportation, correct?

12:11:42 20 A. Yes.

21 Q. And the amount we see here is 435,000 leones, correct?

22 A. Yes.

23 Q. That sounds about right to you, does it not?

24 A. Yes, these are correct.

12:12:02 25 Q. And also correct is the listing for other expenses of
26 877,000 leones, true?

27 A. What year?

28 PRESIDING JUDGE: Is the witness looking at the page that
29 everybody else is looking at? Please can you ensure that that is

1 happeni ng.

2 MS IRURA: Yes, your Honour.

3 PRESIDING JUDGE: Because he is looking at the screen.

4 Okay, then, witness, please answer.

12:12:45 5 THE WITNESS: I have seen here written "other expenses".

6 I don't understand that. This one that I have accounted, the

7 money I have seen, I don't understand the occasion I was given

8 that other expenses, 877,000.

9 MR ANYAH:

12:13:02 10 Q. Mr Koker --

11 A. Yes.

12 Q. -- these figures are the total amounts you have been paid

13 by the Special Court victims and witnesses, or witnesses and

14 victims, section since 1 April 2005. So I ask you to look at the

12:13:22 15 figure that says "other expenses" of 877,000 and confirm, or

16 deny, that since 1 April 2005 you have received that total sum.

17 A. I did not receive this sort of amount in 2005, no, no,

18 2005. This sort of amount in bulk, no. I am talking for my God.

19 No, I did not receive that.

12:14:10 20 Q. If you add the amounts you received in 2005 with the amount

21 you received in 2006, with the amount you received in 2007, would

22 it add up to the 877,000 leones?

23 A. I want to know if you are asking me for the total of all

24 the money that I received because I did not receive the money on

12:14:50 25 one occasion and I did not record it. I will come and they give

26 it to me. Some other time they will meet me in Kailahun. Are

27 you asking me for grand total of everything that I received, this

28 877,000? I want the Court to enlighten me about it.

29 PRESIDING JUDGE: I think really, to be fair to the

1 witness, this total that is shown as other expenses, the witness
2 has already said he doesn't know what you mean by other expenses.
3 If you are asking him to do a mathematical sum, I think that also
4 is not very fair unless you want him to sit with a pen and
12:15:39 5 pencil, or calculator, and start to add.

6 THE WITNESS: 800? No, not a day did I ever receive
7 600,000 as a lump sum. Yes, sir.

8 PRESIDING JUDGE: Perhaps you can find a way to redirect
9 this question.

12:15:54 10 MR ANYAH: Yes, Madam President, I will.

11 Q. Mr Koker, let me ask you this: The total amount, for any
12 purpose, that you have received from the witnesses and victims
13 section since 1 April 2005, if I told you it was 2,459,000 leones
14 would that sound about right?

12:16:26 15 A. I don't believe it would be correct, I don't believe so.
16 I don't believe this at all, I don't. This part of the document,
17 I am confused about it. I don't want to tell lies on people so -
18 but if you can check my receipts and give me the total, maybe
19 I will know, but this one, other expenses 800, I don't know the
12:17:08 20 occasion that I received this other expenses: 800,000. I am
21 confused.

22 Q. Have you ever, Mr Koker, in the last ten years received any
23 kind of psychiatric treatment?

24 A. They have not treated me for that. They gave me a
12:17:51 25 treatment. My throat was swollen. They gave me the treatment
26 for that, 2007. That was when I reported sick. Ever since
27 I have been with this Court I was never sick. I have never been
28 sick. It was only in 2007. It was when Miss Wendy was - and
29 others were preparing for me to come here in the rainy season,

1 2007, when they were making preparations for me to come. At that
2 time they said they had adjourned the Court. I had a boil on my
3 throat. That was the time the Special Court treated me, but
4 never before then did I ever tell the Special Court. I was
12:18:34 5 bitten by a dog and I reported and they gave me an injection.

6 Q. Thank you, Mr Koker.

7 A. Yes, sir.

8 Q. Going back before 2007, let us actually go back as far as
9 when you left Kailahun in 1991. Between 1991 -

12:18:53 10 MR SANTORA: Just it may be a misstatement of the year,
11 your Honours. Did you mean 1991, or 1999?

12 MR ANYAH: Well, I believe the witness testified that, to
13 be corrected, it was in 1992 he left Mao barracks for Freetown
14 and that is the period to which I am referring.

12:19:16 15 MR SANTORA: I withdraw the objection. I understand now.

16 MR ANYAH:

17 Q. Mr Koker, going back to the time you left military training
18 in Kailahun District and moved to Freetown, and coming up until
19 today, have you ever received treatment, medical treatment, for
12:19:34 20 mental health issues?

21 A. Can you go over that again?

22 Q. Are you asking me to repeat the question?

23 PRESIDING JUDGE: Yes, that would be it.

24 MR ANYAH:

12:20:05 25 Q. Have you ever, Mr Koker, been treated for psychiatric
26 conditions since the time you joined the Sierra Leonean army?

27 A. No, I have never been treated for a psychiatric condition.

28 Q. Have you ever been a patient at a military hospital in
29 Freetown, in a unit called block 34?

1 A. I have never been sick and admitted there ever since I was
2 part of the military. I would go there for treatment, but at
3 that time I had a problem with my ears. My ears were aching, but
4 I have not been treated for any psychiatric condition.

12:21:09 5 Q. Just to be clear, you do understand what I mean by
6 psychiatric conditions, do you?

7 A. Yes. If I do - for example, I do something like someone
8 who - if I do things out of the way and as if I don't have my
9 senses with me, but I have never been treated for that.

12:21:42 10 Q. Do you know a doctor by the name of Dr Nahim?

11 A. I don't know.

12 Q. You deny knowing a Dr Nahim who is a psychiatrist, do you?

13 A. No, I don't know him. In fact, that Nahim name that you
14 are calling, I only know Nahim at Special Court. I do not know
12:22:16 15 who you are referring to. I am speaking for my God, I don't know
16 any Nahim.

17 Q. Have you ever been court martialled before, Mr Koker?

18 A. No, no.

19 Q. Was there -

12:22:40 20 A. Not a day.

21 Q. Was there a time, when you were in Buedu, when you were
22 court martialled at the order of PM Kaisamba?

23 A. Not a day in my life have I ever been court martialled, not
24 even when I was in the military.

12:23:07 25 Q. I put it to you, Mr Koker, that while you were in Buedu you
26 were court martialled for raping a woman prisoner. Do you deny
27 that?

28 A. Yes, I deny that. I will proudly say before this Court
29 that for all the time that the war was on I had nothing to do

1 with women.

2 Q. I put it to you, Mr Koker, that because you were found
3 guilty of that offence PM Kaisamba administered 150 lashes to
4 you. Do you deny that?

12:23:58 5 A. Yes.

6 Q. Your Honours, may I have a moment?

7 PRESIDING JUDGE: Yes, please.

8 MR ANYAH:

9 Q. Mr Koker, at any time during your service in Buedu were you
12:24:39 10 ever administered lashes at the orders of any commander?

11 A. Yes.

12 Q. Can you tell us when that was?

13 A. There was a time when Tom Sandy said he spoke and I spoke
14 too, so they beat me and sent me to an ambush around the Guinea
12:25:11 15 border. It was just because he said he had spoken and I spoke
16 too. He beat me up and I even cried. They sent me to that
17 ambush and they called me again to write on the vehicle "MP"
18 because they said I was useful, so they recalled me from the
19 ambush point and apologised to me.

12:25:35 20 Q. Would that be the only occasion on which you were beaten
21 up, or lashed, while you were in Buedu?

22 A. No, that other time again when Eldred Collins made me to be
23 lashed. Those were the two times.

24 Q. So if somebody came before the Chamber and said there was a
12:25:59 25 third occasion on which you were disciplined and lashed, that
26 person would be lying, true?

27 A. I can't remember it was three times. The third one was in
28 Kailahun when we got there, Eldred Collins story, the thing
29 between myself and Eldred Collins. I can remember three times.

1 Nobody ever reported me there. Three times, only three times.
2 If any other person comes and says something else - I had a wife
3 that was given to me by UN. I even have her picture here with
4 me.

12:27:00 5 Q. Your testimony is that the UN gave you a wife? Is that
6 what you are telling the Court?

7 A. Yes, they asked me to marry.

8 Q. Your Honour, I have nothing further for this witness.

9 I tender the witness.

12:27:29 10 PRESIDING JUDGE: Mr Santora, do you wish to re-examine?

11 MR SANTORA: I do, your Honour. Just give me a few seconds
12 to change microphones.

13 RE-EXAMINATION BY MR SANTORA:

14 Q. Mr Witness, I just want to ask you a few questions so
12:28:10 15 please just listen to the question.

16 A. Yes, sir.

17 Q. Now, yesterday, when Defence counsel was questioning you,
18 you stated - he was asking you about why you did not mention the
19 towns of Tombo and Fogbo in your statement, in your first
12:28:33 20 statement, when you travelled from Freetown to Masiaka. Is Tombo
21 between Freetown and Masiaka? If you are travelling from
22 Freetown to Masiaka, is Tombo between them?

23 A. Yes.

24 Q. And I meant to say is Tombo between them. Is Tombo between
12:29:00 25 Freetown and Masiaka?

26 A. Yes, sir.

27 Q. Is Fogbo between Freetown and Masiaka?

28 A. Yes, sir.

29 Q. Now, Defence counsel was just asking you about payments

1 that you received and he was specifically talking about payments
2 from the Office of the Prosecutor that you received in 2007 and
3 he asked you if you ever testified in 2007, and you stated you
4 did not testify in 2007. Did you ever give statements to the
12:29:43 5 Office of the Prosecutor in 2007?

6 A. I did not give a statement. They just tried to review my
7 statement to me. They read it back to me. I did prepping with
8 Miss Wendy.

9 Q. Did you have the occasion then to meet with somebody from
12:30:14 10 the Office of the Prosecutor in 2007?

11 A. Yes.

12 Q. And do you remember how many times you met with them in
13 2007, with the Office of the Prosecutor?

14 A. Three days, three days. I came there on two occasions.

12:30:56 15 Q. Now, yesterday during cross-examination Defence counsel was
16 asking you about your position, your job and its responsibilities
17 in Buedu, in the MP's office. If Defence counsel wishes I have
18 handed out a reference, but - okay. I am going to read you back
19 what you said to Defence counsel when he asked you about certain
12:31:22 20 responsibilities:

21 "Q. But notwithstanding all these people ahead of you, you
22 had some significant responsibilities, would you agree?

23 "A. Yes.

24 "Q. Indeed, nobody could - no civilian could come in or
12:31:37 25 leave Buedu, or that area, without you giving them a pass,
26 correct?

27 "A. Yes.

28 "Q. And you also issued" -

29 THE INTERPRETER: Your Honours, can I learned counsel kindly

1 --

2 THE WITNESS: That is true.

3 MR SANTORA:

4 Q. Then the question was, "And you also issued passes to the
12:31:57 5 warring factions, to the military soldiers who were fighting, did
6 you not?" You answered, "Yes"?

7 A. Yes.

8 Q. Then, "And besides issuing passes you were also responsible
9 for prisoners of war, were you not?" And you said, "Yes."

12:32:24 10 A. Yes, sir.

11 Q. And finally, finally, you said - the question was, "And in
12 addition to being responsible for prisoners of war, when people
13 who you referred to as manpower would come and go you would have
14 to count their number and verify the accuracy of their number,
12:32:45 15 true?" You said, "Yes, for security reasons, for security reason
16 even themselves, or their lives, just so that somebody may not
17 intimidate them, somebody may not bring mischief to them. We
18 were to protect them."

19 Mr Koker, my question is this: When you were describing
12:33:07 20 these responsibilities that you had, were you referring to you,
21 yourself only, or were you referring to the MP office at which
22 you worked?

23 A. I was referring to the MP office's work.

24 Q. Thank you. Now, the next question I have for you: In
12:33:34 25 response to Defence counsel, when he was cross-examining you, he
26 asked you about an individual named Martin George. Do you know
27 who Martin George is?

28 A. Yes.

29 Q. What was his position?

1 A. He was a colonel. He was a commander for the entire
2 Kailahun, the Kailahun area. He was the RUF commander based in
3 Kailahun Town.

4 Q. Yesterday during cross-examination you testified that
12:34:27 5 Liberian English was used frequently at the border between Sierra
6 Leone and Liberia. Who spoke Liberian English?

7 A. The Liberians and some of our brothers. They had been
8 changed. Even Martin George spoke Liberian in Kailahun in our
9 presence.

12:35:05 10 Q. Now, during this morning's cross-examination from Defence
11 counsel you were being asked about how you knew arms came from
12 Liberia and you were being asked about your prior statements and
13 the testimony you gave in this Court. You have listed - the
14 reasons you have said you knew were: The language that was being

12:35:37 15 spoken by those that were bringing the materials; you said
16 yesterday in court that because of the dress of the particular
17 individuals and the word "NPFL navy rangers" on yellow polo
18 shirts; you said in this Court, and in prior statements, because
19 of conversations and talking to the Liberians that came to Buedu;

12:36:07 20 you said in this Court, and also in prior statements, from the
21 direction which the vehicles came into Buedu; you said, in a
22 prior statement, from a conversation you had with Tom Sandy; and
23 you said, in a prior trial in Freetown, from your intelligence.

24 Are these all the reasons you know that these arms came from
12:36:35 25 Liberia?

26 A. Yes.

27 Q. I have no further questions, your Honour.

28 PRESIDING JUDGE: Mr Witness, I want to thank you for your
29 testimony. You are now free to leave. This is the end of your

1 testimony.

2 THE WITNESS: Okay. I will also want to thank you just for
3 you to help us in West Africa to end terrorism. I will pray for
4 you, so whosoever plans anything negative for you cannot be

12:37:42 5 successful. Thank you.

6 PRESIDING JUDGE: Thank you, Mr Witness.

7 THE WITNESS: Okay.

8 PRESIDING JUDGE: Mr Santora, are you still - are you going
9 to call another witness just now?

12:38:05 10 MR SANTORA: Yes, your Honour, and the next witness will be
11 led by my colleague: Mr Mohamed Bangura.

12 MR BANGURA: Your Honours, the next witness for the
13 Prosecution is Steven Ellis. He is characterised as an expert
14 witness.

12:40:17 15 WITNESS: DR STEPHEN ELLIS [Sworn]

16 PRESIDING JUDGE: Mr Bangura, please proceed.

17 MR BANGURA: Thank you, your Honour.

18 EXAMINATION-IN-CHIEF BY MR BANGURA:

19 Q. Good afternoon, sir.

12:41:44 20 A. Good afternoon.

21 Q. May I, before we start, just ask that when I ask questions
22 and you give your answers you should try not to speak too fast
23 because what you say is being recorded as well as interpreted.

24 A. Okay.

12:42:07 25 Q. For the record, sir, your name is Stephen Ellis?

26 A. Correct.

27 Q. And Stephen is spelt S-T-E-P-H-E-N?

28 A. That is correct.

29 Q. You carry the letters "Dr" preceding your name, correct?

- 1 A. Yes.
- 2 Q. And that is an academic title?
- 3 A. It is a Doctor of Philosophy from Oxford University.
- 4 Q. Thank you. You reside in the Netherlands?
- 12:42:37 5 A. That is correct.
- 6 Q. Could you state your age, please?
- 7 A. I am 54 years old.
- 8 Q. You are a senior researcher at the African Studies Centre
9 in the University of Leiden, correct?
- 12:42:52 10 A. That is correct.
- 11 Q. Now, the doctorate degree you hold, as you stated, is from
12 Oxford University, correct?
- 13 A. Yes.
- 14 Q. Which school at Oxford?
- 12:43:03 15 A. Well, it is in history. It is in the subject of history
16 and when I got the degree I was at St Anthony's College.
- 17 Q. Thank you. Would you like to discuss your academic career
18 with the Court at tertiary level, please?
- 19 A. At tertiary level?
- 12:43:29 20 Q. Correct.
- 21 A. Well, I took an undergraduate degree, that is a BA course,
22 in modern history in Oxford University which I finished in 1975.
23 After that I wanted to do a PhD and I particularly wanted to
24 study African history because I had lived in Africa previously,
12:43:55 25 in the country of Cameroon. So, for reasons that I won't go into
26 unless you require, I fixed on studying the history of Madagascar
27 and I wrote my PhD thesis on the history of Madagascar, which was
28 accepted in 1981 I think it was. It was - I did the examination
29 in 1980 and I think I formally was awarded the degree in 1981.

1 Q. Thank you, Dr Ellis. In addition to your academic studies
2 have you had any further training which prepared you for your
3 role as a researcher as you are at the moment?

12:44:50 4 A. Since I got my PhD I had a number of jobs in which I was
5 required to do research into African history and also current
6 affairs and, although I didn't do any formal training courses,
7 I felt I acquired skills from all those jobs I have done.

8 Q. Thank you. What do your duties entail as a senior
9 researcher at Leiden University?

12:45:15 10 A. I would say that on my own, or with others, I help develop
11 and implement research projects relevant to my subject and to the
12 interests of my centre, which is a Centre of African Studies.
13 I also teach an MA course and also I do a lot of general
14 lectures, occasional lectures. I am quite often asked to do
12:45:50 15 consultancies by one body or another and normally within the
16 field of current affairs in Africa.

17 Q. Now, is your interest in research - has your interest in
18 research been focused only on African affairs?

12:46:13 19 A. Well, I have done some research on international relations
20 and some research on comparative questions of history which take
21 me outside Africa, but Africa is, and has been for some time, my
22 primary research interest.

23 Q. Would you like to specify a case or two of research
24 undertaken outside the scope of - outside Africa?

12:46:34 25 A. Outside Africa. Well, the centre that I work for is
26 financed by the Dutch government and to a considerable extent by
27 the Ministry of Foreign Affairs, so therefore, for example,
28 I might be asked to give a lecture, or hold a seminar for the
29 ministry on a general subject such as problems with so called

1 "failed states", or problems of that nature which are fairly
2 general. For the purposes for more academic teaching I have done
3 some work on religious history, which has included research on
4 European history.

12:47:20 5 Q. Thank you. Would you like to discuss your employment
6 history with the Court up until this moment, up until the present
7 position?

8 A. Well, I am going to begin - with your permission I will
9 begin with when I got my doctorate, which, like I said, was in
12:47:39 10 1981 when I think I was formally awarded it, or do you want me to
11 start before that?

12 Q. Yes, I would rather that you start from after the award of
13 your undergraduate degree.

14 A. All right. Well, I got my undergraduate degree in 1975,
12:47:54 15 from the University of Oxford, in modern history. I then worked
16 for a year for the British Civil Service in the Ministry of
17 Agriculture for one year. It was not to my taste so I left and
18 went back to university to do my doctorate, which, as I said, was
19 in African history. While I was doing that doctorate I worked
12:48:21 20 for a year in the University of Madagascar as a lecturer, in 1979
21 and 1980.

22 In 1982 I got a job with Amnesty International, working in
23 the international secretariat in London as a desk officer and
24 there I was working on West Africa, mostly the French - since
12:48:52 25 I speak French I was mostly working on the French speaking
26 countries. That was until 1986.

27 In 1986 I left Amnesty International and I got a job as
28 editor of a newsletter called "Africa Confidential" and
29 I remained there until 1991. In 1991 I came to the Netherlands

1 and since then I have been employed by the African Studies Centre
2 in Leiden.

3 However, for one year, in 2003 and 2004, I had a leave of
4 absence when I was working for an organisation called the
12:49:32 5 International Crisis Group which does research on, and publishes
6 on, current affairs and I was director of the Africa programme at
7 the International Crisis Group during those - during that time,
8 2003/2004.

9 Q. Now, have you held the same position in your present job
12:49:59 10 since you joined the university?

11 A. No, I should say when I came to the Netherlands in 1991
12 I was - at first I was the director of the African Studies
13 Centre, in which I am now a senior researcher, and at a certain
14 point, I think it was in 1994/1995, I decided - because it was
12:50:22 15 overwhelmingly an administrative and managerial job, and my taste
16 was much more for research, I agreed with colleagues that I would
17 change from the director to become a senior researcher and since
18 then we have had two or three other directors, in turn, of the
19 centre and I have remained a researcher.

12:50:43 20 Q. When you were desk officer at Amnesty International you
21 said you had responsibility for a number of African countries,
22 mostly French.

23 A. Mostly French speaking.

24 Q. Would you like to specify some of these countries?

12:50:59 25 A. Well, this was from 1982 to 1986. I think I formally was
26 responsible for monitoring events and designing actions, in
27 conformity with the mandate of Amnesty International, in regard
28 to about 10 or 11 countries. The ones I remember working on
29 fairly intensively include Ghana, Sierra Leone, I remember doing

1 some work on Senegal, Madagascar. Madagascar, of course, is
2 rather an odd combination with West Africa, but that was for
3 linguistic reasons, because of my French I got Madagascar as well
4 and because I know Madagascar somewhat.

12:51:53 5 Q. So, in effect, your responsibilities also covered English
6 speaking countries, not just French speaking ones?

7 A. They covered - at that time they covered Nigeria, Ghana and
8 Sierra Leone, but not Liberia and not the Gambia, which are the
9 two other English speaking countries in West Africa.

12:52:13 10 Q. Now, do you hold membership of any professional body?

11 A. Well, for some years I was a member of the African Studies
12 Association of the United States and I have been a member of the
13 African Studies Association of the Netherlands and also of the
14 UK.

12:52:34 15 Q. Would you like to discuss how you became eligible for
16 membership of at least one of these ones?

17 A. The qualification for membership is really no more than
18 that you are interested in African affairs and you pay a moderate
19 subscription and it is really a fairly formal - it is a formality
12:52:57 20 really just to participate in the professional life of people
21 with an interest in African affairs, mostly in university
22 circles.

23 Q. Have you testified before in any court, or in any formal
24 proceedings?

12:53:15 25 A. Yes, I testified briefly in a case in the Netherlands last
26 year in front of a Dutch court as a witness, an expert witness.

27 Q. What case was that?

28 A. That was the case of Mr Gus Kouwenhoven.

29 Q. Your Honours, I believe that name has been - the spelling

1 is -

2 A. Would you like me to spell it?

3 Q. Could you, please.

4 A. The first name is normally spelt G-U-S and the second name
12:53:58 5 is K-O-U-W-E-N-H-O-V-E-N.

6 Q. What is your fluency with languages?

7 A. English is my mother tongue. I speak very fluent French
8 and also can write in French. I speak fluent Dutch, but my
9 written Dutch is not so good. I speak - when I was in Madagascar
12:54:31 10 I studied the Malagasy language which I can read, but not speak,
11 because as a historian my primary interest was in reading
12 documents. I speak little bits of a couple of other languages, a
13 little bit of Italian and so on.

14 Q. In the course of your professional career you have
12:54:51 15 published widely, correct?

16 A. Yes.

17 Q. Would you like to discuss some of your publications with
18 the Court, especially those relating to African affairs, I think.

19 A. Yes, well, the first book I published was my PhD thesis
12:55:12 20 which is on the history of Madagascar and that was published by
21 Cambridge University Press, which is a prestigious academic
22 publisher. Since then I have either written, or co-written, or
23 edited, or co-edited, eight other books regarding African
24 history, or politics. I am the author of a number of academic
12:55:42 25 articles, that is to say articles published in learned journals
26 dealing mostly with questions of African history and politics,
27 although to some extent I have gone outside into other questions
28 of - wider questions of - theoretical questions concerning
29 history, which might contain some other elements, European

1 history and so on.

2 Q. Your publications have been both in English and in French,
3 correct?

4 A. English, French and Dutch, yes.

12:56:17 5 Q. Now, you have attended conferences, symposia, fora to do
6 with your work as a researcher in the course of your profession,
7 correct?

8 A. Yes, it is very normal for somebody working in an academic
9 environment, such as mine, to attend conferences and seminars
12:56:43 10 very regularly for the purposes of academic debate.

11 Q. Now, is there any particular conference, or seminar that
12 comes to mind that has reference to African affairs of historic
13 interest, which is your area of interest?

14 A. Well, I attend a great number of seminars, or other
12:57:20 15 academic meetings which would be - many of which, or most of
16 which, would be relevant to African affairs which is my
17 professional field, or African history. Some, of course, are
18 more interesting, or useful, or relevant, for present purposes,
19 than others.

12:57:39 20 I should add that in 1997 and 1998 I worked for a while as
21 a researcher, with the permission, of course, of my employer.
22 I worked for a while as a researcher at the - for the Truth and
23 Reconciliation Commission in South Africa, which was a country on
24 which I had done some academic work, and I found that a
12:58:05 25 particularly interesting experience.

26 Q. In the course of your research work you have shown
27 particular interest in affairs relating to Liberia, correct?

28 A. Since 1994, yes.

29 Q. And to some extent Sierra Leone, is that right?

1 A. That is correct. I would not regard myself as ever having
2 specialised in the history of Sierra Leone. I did, as
3 I mentioned earlier, follow events in Sierra Leone when I worked
4 for Amnesty International between 1982 and 1986, and I first
12:58:42 5 visited Sierra Leone in that period. Since I became interested
6 in Liberia, in modern Liberian history, in 1994 I have also
7 visited Sierra Leone a number of times and, of course, Sierra
8 Leone's history and Liberia's history have long been, and still
9 are, closely intertwined.

12:59:06 10 Q. Let us leave Sierra Leone for a while and focus on Liberia.
11 Could you say whether there was any particular attraction, any
12 particular interest, that led you into being so focused on
13 Liberian affairs?

14 A. Yes, I became interested in Liberia for fairly precise
12:59:30 15 reasons in 1994. The situation was as follows: In 1994 I was
16 asked by the Secretary General of Amnesty International if
17 I would be part of a delegation to go to Liberia, which was a
18 country I had never previously visited. I was a former staff
19 member of Amnesty International and, therefore, knew the
12:59:59 20 organisation and its mandate well and for that reason Amnesty
21 International, from time to time, has requested me and still up
22 until quite recently has requested me to take part in a
23 delegation if they think I might be of service to the
24 organisation. So in this particular case I was asked to proceed
13:00:22 25 with one other person to Liberia to - which was, of course, in a
26 state of war at that time in 1994 - research and report back to
27 the organisation on various matters of interest to it.

28 Now, of course, since I was vaguely - more than vaguely,
29 I was aware that Liberia was in a troubled condition because that

1 had been widely reported in the press, but I had no first hand
2 knowledge of Liberia. When I went there in 1994 as a delegate of
3 Amnesty International I received very interesting information,
4 which I thought helped me personally to understand a little bit
13:01:17 5 more about what was happening in Liberia. I resolved to - when
6 I went back to Leiden to my research institute I resolved to do
7 further research on the war in Liberia with a view to
8 understanding better some historical questions about it.

9 Q. You have since gone back to Liberia quite a number of
13:01:46 10 times, correct?

11 A. Once - that is correct. Once I had conceived this research
12 project then I revisited Liberia on a number of occasions and
13 also later when I was working for the International Crisis Group.

14 Q. Are there any particular material that you published
13:02:09 15 relating to Liberia generally?

16 A. Yes, in 1999 I published a book called "The Mask of
17 Anarchy", which concerns the Liberian war of the 1990s.

18 Q. Now, apart from that book has there been any other
19 publication that you have done on Liberia?

13:02:34 20 A. I have also published a number of academic articles on
21 Liberia, but I would describe that book as the main publication,
22 the most important publication. I should add that there was a
23 second edition of the book that came out in 2007.

24 Q. The work on that book, "The Mask of Anarchy", is focused on
13:02:58 25 politics, cultural life, particularly on religious beliefs of
26 Liberia and covering a particular period, the war period,
27 correct?

28 A. Yes, I mean, broadly speaking, the purpose of my book was
29 to try and investigate the historical background which gave rise

1 to certain phenomena that became observable in the circumstances
2 of war in the 1990s. What I am particularly referring to here is
3 some of the atrocities which caused foreign journalists in
4 particular to - which seemed to mystify many foreign journalists
13:03:46 5 and, in my view, had caused them to misunderstand the nature of
6 the war and the nature of Liberia, so the purpose of my book was
7 really to investigate these things in historical context.

8 However, since Liberian history is not widely known, in order to
9 do that I also had to establish some of the key events of the
13:04:10 10 1990s and, therefore, the first part of the book is really, as
11 far as possible, a straightforward narrative of the war of the
12 1990s, just trying to tell a story about what had happened, who
13 the principal protagonists were and what some of the factors were
14 in the war, but the real purpose was the second half of the book,
13:04:32 15 which is to go into some of the history of Liberia to try and
16 investigate the antecedents of the war.

17 Q. Did you get any recognition for your work on that text?

18 A. The book was widely reviewed and discussed and is widely
19 quoted up until today. In 2000, in the year 2000, it was
13:05:01 20 shortlisted by the African Studies Association of the United
21 States for a literary prize known as the Herzkowitz Award and -
22 yes, I think I would leave it there.

23 Q. You mentioned earlier that even though your research
24 interest was in Liberia, but you could not have studied the
13:05:25 25 history or events in Liberia without having also been interested
26 in what was going on in Sierra Leone, correct?

27 A. Yes.

28 Q. Now, as far as Sierra Leone is concerned, how far does your
29 research interest go on issues relating to Sierra Leone?

1 A. I have done a little original research into Sierra Leone.
2 I have published a number of academic articles about Sierra
3 Leone. I think the first one was in 1988, but in recent years -
4 well, I observe events in Sierra Leone, but I have also been
13:06:02 5 interested in it in connection with Liberia.

6 Q. Have you visited Sierra Leone at all?

7 A. I first visited Sierra Leone, I think it was in 1984, but -
8 I think that is correct. Then I visited it again as a delegate
9 of Amnesty international, this time in 1998, and I have visited a
13:06:29 10 number of times since then.

11 Q. Have you produced any literature on Sierra Leone?

12 A. I mentioned already an academic article I wrote in 1988,
13 which was published in a French academic journal and I have
14 written some material on Sierra Leone more recently, or on Sierra
13:06:50 15 Leone and Liberia together.

16 Q. Now, you were asked by the Prosecution to prepare a report
17 for the purposes of this trial, correct?

18 A. That is correct.

19 Q. And that report is titled, "Charles Taylor and the war in
13:07:10 20 Sierra Leone", correct?

21 A. Yes.

22 Q. When did you write this report?

23 A. I wrote it in December 2006.

24 Q. Now, could the witness be shown document tab 1, please.

13:07:51 25 MR MUNYARD: Madam President, I am assuming this will be
26 MFI-1 for the purposes of this witness?

27 PRESIDING JUDGE: Not unless counsel opposite has actually
28 shown the document to the witness. After the witness recognises
29 it, then it will have - we will mark it for identification.

1 MR MUNYARD: Indeed, yes.

2 PRESIDING JUDGE: Could we have a copy for the public
3 screen as well? Is that possible, Mr Bangura?

13:08:42

4 MR BANGURA: I am not sure how much we could be assisted by
5 it.

6 PRESIDING JUDGE: Is a copy available for the Court Manager
7 to put up on the screen?

8 MR BANGURA: We do have copies, yes, your Honour.

9 PRESIDING JUDGE: That is what I mean.

13:09:15

10 MS IRURA: Your Honours, the document is in the binder for
11 the second week.

12 MR BANGURA: If I may, there is a corrigenda filed with
13 this document. I hope all parties can take note of that. It was
14 filed, but we do have extra copies here.

13:10:00

15 PRESIDING JUDGE: The copy on the file under tab 1 does
16 indeed have a corrigenda, so I would expect, Madam Court Manager,
17 that whatever document the lawyer, Mr Bangura, refers to it is
18 appropriately put up on the screen for the public to follow.
19 That is what I meant.

13:10:37

20 MR BANGURA: Can I --

21 PRESIDING JUDGE: Are we referring to the corrigendum, or
22 the report itself?

23 MR BANGURA: The report itself, including the corrigendum.

13:10:55

24 PRESIDING JUDGE: Madam Court Manager, could we have the
25 first page of this report up on the screen?

26 MR BANGURA:

27 Q. Dr Ellis, may I direct your attention to the document which
28 is being displayed now. Is that the report which you wrote for
29 the Prosecution?

1 A. It is.

2 Q. If we turn to - your Honours, the document, I wish to ask
3 that it be marked for identification?

13:11:33

4 PRESIDING JUDGE: I assume the Defence has no objection so
5 the document will be marked for identification as MFI-1.

6 MS IRURA: That is correct, your Honour.

7 MR BANGURA: Dr Ellis, I would like to refer you to the
8 last three pages.

9 A. The last three pages?

13:11:50

10 Q. Yes, of MFI-1, and continuing on to the corrigenda. Do
11 they correctly state your credentials as you have told them to
12 the Court this morning?

13:12:25

13 A. Yes, with two exceptions. One is that I now realise I made
14 a mistake informing the Court of the date of the second edition
15 of my book: "The Mask of Anarchy". I told you 2007 and I see
16 from my own CV that it was, in fact, 2006, so I apologise for
17 that.

13:12:45

18 I should also add that I have had another book now accepted
19 for publication, but which has not yet come out, because I said
20 I had written, or co-written, nine books and there is another one
21 which is not on this list yet.

22 Q. Thank you. Let us just understand what you are saying.
23 The second edition of your book came out in?

13:13:02

24 A. In 2006. I was in error when I said it was 2007. It
25 should have been 2006.

26 Q. That doesn't affect what -

27 A. Not at all, no.

28 Q. What was the mandate of the - or the terms of reference of
29 this report which you wrote? Were you given a specific mandate?

1 A. I was contacted by officers of the Special Court for Sierra
2 Leone who, as I have mentioned here in the introduction to this
3 document, made a fairly wide request to provide background
4 information concerning the political career of Charles Taylor and
13:13:48 5 particularly to examine his relationship to events in Sierra
6 Leone between 1997 and 2000 and after I had completed a first
7 draft I was subsequently asked to clarify further some questions
8 which are contained in this document, but it was a fairly broad
9 brief I would say.

13:14:22 10 Q. Under what terms did you agree to write this report?

11 A. Sorry, can you be a bit more -

12 Q. Were there any - did you specify any fees for writing the
13 report as an expert?

14 A. I can't remember if fees - how exactly the discussions
13:14:44 15 went, but I made it clear that I was prepared to do this without
16 payment.

17 Q. Could you state the reason why you were prepared to do it
18 without any payment?

19 A. Well, simply because I am employed by an institution which
13:15:00 20 is funded by the Dutch government and it is part of the mandate
21 of the institution that I work for that we are required to
22 perform services, as it were, in the public interest from time to
23 time, sometimes specifically at the request of the Ministry of
24 Foreign Affairs, sometimes not and I just felt it was
13:15:27 25 appropriate, in those circumstances, that this shouldn't be paid
26 employment.

27 Q. Thank you. Would you like to discuss the sources that you
28 consulted in preparing this report?

29 A. As I mentioned also - because there is a section in the

1 report where I deal with method - I approached the matter in the
2 way that is in conformity with my training as a historian and
3 that is broadly speaking to say, well, any - all sources of
4 material could be relevant, so to cast one's net very broadly,
13:16:11 5 but to make a distinction between primary sources and secondary
6 sources and I think it is the case, but you will correct me if
7 I am wrong, that the way in which a historian might habitually
8 use the expressions primary and secondary sources might not be
9 identical to how they be used in the legal profession.

13:16:37 10 But, broadly speaking, a historian like myself would regard
11 primary documents as those which are created by a person, or an
12 institution, in the course of their normal work, or existence,
13 and which have a bearing on the question under examination. For
14 a historian the normal example of a primary document is an
13:17:07 15 official - or it could be an unofficial, but an archive, so
16 normally as a historian, if you are investigating a question, one
17 of your first moves is to say, "Where can I find an archive of
18 documents that might - that would throw primary - would provide
19 primary evidence for what it is that I am seeking to
13:17:31 20 investigate?"

21 Secondary documents are those that are compiled by people
22 who have some distance from the events and are essentially
23 commenting with a greater or lesser degree of knowledge, so
24 I make that broad distinction.

13:17:47 25 Q. Would you like to specify which sort of documents, or which
26 sort of material, you have characterised as primary?

27 A. Yes, I mean I have worked in the Liberian national archives
28 on a number of occasions and I should say before I ever wrote
29 this report, or was asked to write this report, so some of the

1 material that I have found in the archives was useful in
2 compiling this report, but first of all the Liberian archives, as
3 you can imagine, are in a very poor state of conservation after
4 the troubled years Liberia has been through and, secondly, my
13:18:39 5 study in those archives preceded my being commissioned to write
6 this report, so, therefore, I couldn't necessarily get my hands
7 on the material I would have wanted.

8 Other material could also be regarded as primary documents,
9 including, for example, interviews that participants in the
13:19:03 10 events under examination - interviews they may have given with
11 newspapers and also other documents, including UN documents,
12 I would regard for my professional purposes as primary - or
13 certain UN documents I would regard as primary sources. Memoirs
14 also, in the sense that there are a number of published memoirs
13:19:30 15 by Liberians, and some non-Liberians, who lived through the
16 events of the 1990s and have then published a memoir concerning
17 those things. I would regard those as primary sources.

18 Q. As regards secondary sources, could you enlighten this
19 Court as to what sort of materials you consulted?

13:19:53 20 A. Well, of course, one can never consult it all, but
21 secondary sources includes all the great body of comment and
22 writing on the question under consideration by people who are, as
23 it were, considering it from afar and who are not producing these
24 documents as part of their professional, or personal,
13:20:19 25 interaction, such as academic historians, academic writers, for
26 example.

27 Q. Of course, there has been quite a lot of material, quite a
28 lot of written work on Liberia and you may not have consulted all
29 of them, you may have made a selection. Could you say what

1 guided your choice of material in the large number of material
2 that you got out there?

3 A. Well, the report covers aspects of both Liberia and Sierra
4 Leone and, as you say, particularly if you consider both

13:20:57 5 countries then there is a very large literature which I am fairly
6 conversant with, so really I was looking for questions of
7 relevance to the matter at hand and, to some extent, originality
8 in the sense that it is better to go to an original source where
9 you can, rather than another one that is developed on the basis
13:21:27 10 of an original.

11 Q. Now, how would you evaluate, or assess, the weight of these
12 different sources that you have dealt with in your report? You
13 talked about secondary sources, you talked about primary sources
14 and you have given examples of them. How would you evaluate, or
13:21:55 15 assess, their weight?

16 A. Well, that is not an easy one. I did attach, and still do
17 attach, a lot of importance to the various United Nations
18 reports, particularly those by a panel of experts that was
19 established at the request of the United Nations Security Council
13:22:16 20 to investigate - there were several panels really, but originally
21 to investigate violations of sanctions in force in regard to
22 Sierra Leone. I think these panels were, for me, very important
23 documents because of the exceptional access which the researchers
24 were able to have and also, of course, the authority of the
13:22:45 25 United Nations. But other important documents included things
26 like, for example, press interviews which I have seen over the
27 years given by Charles Taylor, President Taylor as he was from
28 1997 to 2003, and various other first hand accounts which I would
29 regard as being particularly authoritative.

1 Q. Just to move from that, in the course of your visits to
2 Liberia did you at any time meet with the accused who was
3 President of Liberia at the time?

4 A. Well, my first visit was in 1994 - the answer is I have
13:23:30 5 never met the accused. In my first visit in 1994, when he was
6 not yet President of Liberia, I tried to meet him, but it was a
7 difficult situation in the sense that Liberia was militarily
8 divided. I was in Monrovia and Buchanan, which at that time were
9 both areas under the control, the effective control, of an
13:24:00 10 international intervention force known as ECOMOG and it would
11 have required permission to travel to the place where Mr Taylor
12 was at that time, which was Gbarnga. Permission, I should say,
13 not so much from ECOMOG as from Mr Taylor's own associates.
14 I tried to get such permission. Notably I had a number of
13:24:32 15 contacts with a man called John T Richardson who was an official
16 working for Mr Taylor at that time, in as much as Mr Taylor was
17 the President of a quasi government, often called Greater
18 Liberia. In other words, I tried using the access that I could
19 to get permission at that time and I was unsuccessful. That was
13:24:59 20 the only time I ever tried.

21 Q. Coming back to sources that you referred to, used in
22 preparing your report on Sierra Leone -

23 A. Yes.

24 Q. Would you like to discuss some of the material that you
13:25:15 25 actually referred to?

26 A. Yes. Of course I have read a variety of books and articles
27 and newspaper articles regarding Sierra Leone, particularly in
28 the 1990s, but I should say I have paid particular attention in
29 this case to the report of the Truth and Reconciliation

1 Commission which was established in Sierra Leone because it has a
2 lot of relevant information in and because I would regard it as a
3 particularly authoritative document, because unlike many of the
4 other publications concerning the war in Sierra Leone, it had the
13:25:55 5 resources and the possibility to interview people from a wide
6 variety of different backgrounds, or different affiliations, if
7 I can put it that way, and it also had access to documents, so
8 I regarded it - and, of course, being the body it was, it was
9 attempting to steer an objective course, so I regarded that as a
13:26:22 10 very important document for Sierra Leone.

11 Q. Other than that, are there any other published sources that
12 you consulted?

13 A. There are certainly published sources, including memoirs by
14 a former Sierra Leonean cabinet minister and various other
13:26:38 15 documents of that sort, and secondary works by - mostly by
16 academics, or journalists, concerning Sierra Leone.

17 Q. You mentioned that you have paid a number of visits to
18 Sierra Leone prior to - you did pay a number of visits to Sierra
19 Leone prior to writing this report. They may not have been
13:26:56 20 visits focused on preparing yourself for writing the report, but
21 during those visits did you have cause to meet with and discuss
22 with any persons regarding the situation in Sierra Leone at the
23 time?

24 A. Yes, I would say the most important visit I made, and the
13:27:18 25 one that sticks in my memory, was in 1998 when I visited Sierra
26 Leone, again as a delegate of Amnesty International. This was at a
27 time when the military junta, which had been in power in Sierra
28 Leone for a bit less than a year, had been displaced by, again,
29 the intervention force known as ECOMOG. I went to Sierra Leone

1 in May and June 1998 and was able to meet a number both of
2 political actors and participants, military participants and
3 others, who I thought had interesting and relevant information
4 for the mandate of Amnesty International which I was at that point
13:28:16 5 being called upon to investigate.

6 I recall meeting, for example, General Maxwell Khobe, who
7 is the Nigerian general who was then the commander of the ECOMOG
8 force in Sierra Leone, although he also had, rather
9 paradoxically, the status of chief of the - Chief of Staff of the
13:28:42 10 Sierra Leonean armed forces at the same time.

11 PRESIDING JUDGE: I am sorry to interrupt, Dr Ellis.
12 Mr Bangura, I am advised that the recording tape is coming to an
13 end and I think we will just have to adjourn here for the lunch
14 break.

13:28:59 15 Dr Ellis, we will adjourn for the lunch break from now
16 until 2.30. I am required to request you not to discuss your
17 testimony outside of the Court, please, so court will adjourn for
18 an hour. Thank you.

19 [Lunch break taken at 1.30 p.m.]

14:22:46 20 [Upon resuming at 2.30 p.m.]

21 PRESIDING JUDGE: Good afternoon. Good afternoon,
22 Mr Ellis.

23 THE WITNESS: Good afternoon.

24 PRESIDING JUDGE: We will continue with your testimony. I
14:30:27 25 just wish to remind you that you're still under oath.

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Mr Bangura, please continue.

28 MR BANGURA: Thank you, your Honour.

29 Q. Good afternoon, Mr Ellis.

1 A. Good afternoon, sir.

2 Q. We shall continue from where we left off before the break
3 and I believe you were giving the Court an idea of your
4 experience in - during one of your visits in Sierra Leone?

14:30:52 5 A. This was in May and June 1998 when I was taking part - I
6 was a member of the delegation of two people from Amnesty
7 International and I was saying that I met a number of senior
8 officials. I mentioned General Khobe, the commander of ECOMOG.
9 I met, I think, three or four government ministers including the
14:31:16 10 foreign minister, the attorney general. I remember meeting Hinga
11 Norman who was the head of the Civil Defence Force.

12 I met some former fighters from the Revolutionary United
13 Front, the RUF. These were young people. I recall two or three
14 boys and a girl. I think the girl was probably about 14 and the
14:31:50 15 boys were 10, 11, 12 years old. It wasn't possible for me at
16 that time to meet any commanders of the RUF because of the
17 political and military situation.

18 I met some people - some victims of amputations who had
19 just recently suffered amputations and interviewed them about
14:32:15 20 their experiences. So I made a lot of very useful contacts at
21 that time.

22 Q. In what year are we talking about [overlapping speakers]?

23 A. 1998.

24 Q. What month?

14:32:24 25 A. May and June 1998.

26 Q. Now how widely have you travelled in Sierra Leone?

27 A. Well, I've been to most parts of the country in the sense
28 that I've been to Kenema, Bo, Koidu, Kabala, Makeni, those are
29 the main towns. But I don't - you know, I don't have much

1 experience of the rural areas of Sierra Leone.

2 Q. Thank you. Now just before we move on I would like to take
3 you back briefly to some points about your work history. You did
4 mention earlier that you worked with Africa Confidential in

14:33:06 5 London between 1986 and 1991?

6 A. Correct.

7 Q. As an editor?

8 A. Well, I was the editor of the publication. It was only a
9 small staff. So I was the editor.

14:33:19 10 Q. Could you describe some of your responsibilities during
11 this period?

12 A. Well, it was to commission and sometimes to myself
13 investigate and write stories for this specialised newsletter
14 which appears once every two weeks. It's a subscription only
15 publication which is very well known to, I would say, diplomats,
16 business people, to some extent academics, anybody with a strong
17 professional interest in African Affairs, and it's widely read by
18 people in politics and diplomacy in Africa or concerned with
19 Africa.

14:34:03 20 So as editor of course your fundamental obligation is
21 simply to make sure that the paper comes out every two weeks and
22 as far as possible to make sure that you're satisfying your
23 readers who are also your subscribers, which of course means that
24 you're also managing the paper in the sense of financially and so
14:34:23 25 on and that was my responsibility for that time for those five
26 years.

27 Q. In short to keep sufficient interest in the paper to ensure
28 it's continuity?

29 A. Yes, you have to ensure that - first of all that your

1 readers think that the paper is sufficiently interesting and
2 useful that they continue buying it and, secondly, that
3 irrespective of that, that the finances are such that the paper
4 keeps going and makes a profit. I mean, that's really what the
14:34:56 5 position of editor came down to. But we only had three staff so
6 the managerial side in terms of dealing with personnel and so on
7 was relatively minor.

8 Q. You also earlier mentioned, concerning your experience in
9 testifying in court before, you said that you testified in the
14:35:19 10 Gus Kouwenhoven case?

11 A. That's correct.

12 Q. As an expert?

13 A. Yes.

14 Q. What sort of expertise or what sort of expert evidence did
14:35:28 15 you give in that trial?

16 A. Well, I think it was - it was pretty minor in the sense
17 that I was simply asked by a magistrate what I knew about
18 Mr Kouwenhoven's activities in Liberia during the 1990s and I
19 think up to 2003, the basis on which I knew that, whether I'd
14:35:57 20 visited any of his commercial premises in Liberia at that time
21 and there wasn't really very much more than that. I mean I think
22 I was only giving testimony for something like two or three hours
23 in total. It was really quite short.

24 Q. And your testimony here today is based on your expertise as
14:36:20 25 a researcher on the affairs of Liberia, especially during the
26 conflict years 1997 to 2003 and its wider connection with the
27 events in Sierra Leone. Is that correct?

28 A. Yes, I mean the subject of my book was what turned out in
29 retrospect to be the first period of what you might call the

1 Liberian civil war. That is to say from 1989 to 1997. And the
2 book, as I mentioned before, was published in 1999. Now as
3 things turned out the war resumed in Liberia and lasted really
4 until 2003. So that's a period I've continued to follow events
14:37:11 5 in Liberia, I visited Liberia in 2003 and 2005, but it's not
6 something I have - that's covered in the book that I wrote
7 because that was published earlier.

8 Q. But your report covers the period 1997 --

9 A. Sorry, yes. The report which I wrote at the request of the
14:37:31 10 Special Court for Sierra Leone concentrates, at the request of
11 the Court, particularly on the period 1997 to 2000 and
12 particularly looking at the relationship between Liberia and
13 Sierra Leone.

14 MR BANGURA: May I ask that the witness be shown document
14:37:51 15 MFI-1 again.

16 Q. The first page - I believe the first paragraph of that
17 document spells out the scope of that report. Is that correct?

18 A. That's correct.

19 Q. Do you wish to correct yourself in terms of the scope that
14:38:29 20 this study covered?

21 A. No. I mean, in the sense that in those three paragraphs of
22 introduction that was - those were the terms of reference that I
23 was given and that's as I wrote them down and that was accepted
24 by the Court officials to whom I gave this document.

14:38:50 25 Q. So in effect the scope of your research was from 97 right
26 down to 2003?

27 A. Well, as I mentioned in the second paragraph here, I was
28 asked specifically to concentrate on the period 1997 to 2000, but
29 there is material in this report covering a wider period

1 including the whole presidency of Mr Taylor.

2 Q. And your testimony here today is based on the expert
3 knowledge which you acquired in the course of your research which
4 focuses on events in Liberia during the period - specifically for
14:39:34 5 the period 1997 to 2000 and its wider connection to events in
6 Sierra Leone?

7 A. That's correct.

8 Q. I would like to turn attention at this stage to some of the
9 content of the report, specifically the findings that you made in
14:39:57 10 the report. Could the witness be directed to page 3. I'm
11 specifically drawing your attention to the last paragraph and
12 that would read on probably until the next page, page 4. Here
13 you have made a sudden finding and more specifically you have
14 said - I'm reading from that paragraph. I read:

14:40:55 15 "It was during this time", that is between 1987 and 1989,
16 "that Charles Taylor became acquainted with Foday Sankoh, future
17 leader of Sierra Leone's RUF. Military training camps organised
18 by the Libyan government hosted people of many different
19 nationalities. By the end of 1989 Charles Taylor had succeeded
14:41:20 20 in organising an NPFL military force of over 100 trained men", I
21 think we now go on to the next page, "including not only
22 Liberians but also people of other West African nationalities.
23 The latter included Gambian veterans of a 1981 coup attempt in
24 Banjul as well as Ghanaian veterans of coup attempts whom Taylor
14:41:51 25 had met during his time in Ghana and this group was sometimes
26 represented as a pan-African revolutionary force."

27 Then you go on to say:

28 "Charles Taylor's association with armed conflict in Sierra
29 Leone can be traced back to his acquaintance with Sierra Leonean

1 revolutionaries whom he met in Libya or elsewhere."

2 Now I am more focused on the latter bit of that text where
3 you say that his association with the armed conflict can be
4 traced to his acquaintanceship with these revolutionaries.

14:42:30 5 Now would you say that this idea of a pan-African
6 revolutionary thinking which was hatched in the training camps in
7 Libya continued right through his association with the armed -
8 the people that he met within those camps, in that camp in Libya?
9 A. I think so, yes.

14:42:57 10 Q. Now would you say that there was at any point in time any
11 shift in focus in their relationship. Of course they had started
12 off on a bond of African revolutionary - in a bond of African
13 revolutionary spirit, but over time you would agree with me that
14 his relationship continued with some of these people that he
14:43:25 15 bonded with. Would you say that it was basically just that bond
16 that tied them together, especially in the case of the RUF
17 leadership?

18 A. If I may, I would just go back a little bit and say I think
19 there has been an idea among some Africans in general since maybe
14:43:51 20 the 1940s or the 1950s that it might be possible to liberate
21 African from colonialism in those days or neo-colonialism more
22 recently, by a pan-Africanist armed movement and the idea goes
23 back as least as far as President Nkruma who was president of
24 Ghana until 1966. I think that idea - that idea still exists. I
14:44:22 25 sometimes hear it expressed to this day.

26 To judge from what I have heard from people who were
27 present in the Libyan training camps or interviews that I've seen
28 done by other people with people who were present in those camps
29 that was very much the idea. That is to say, that this was going

1 to be a place where a pan-Africanist revolutionary force was
2 trained and that it would liberate various African countries from
3 colonial or neo-colonial governments.

4 I think it's the case that - if we assume that a war
14:45:03 5 started in Liberia in December 1989 I think it's the case that in
6 the early stages there was a significant number of people in West
7 Africa and elsewhere who might believe that there was - who might
8 have a sympathetic view to the idea that this was the start of a
9 wider West African revolutionary movement.

14:45:33 10 In as much as I knew people who were sympathetic to that
11 cause at that time, I think their sympathies dimmed over the
12 years, partly because the war in Liberia lasted such a long time,
13 but in particular I would say because as information became
14 available concerning the tactics adopted in the Liberian war and

14:46:03 15 in particular in the Sierra Leonean war. If I could put it
16 rather sort of basically, as information became known in the
17 wider world about some of the atrocities carried out by the RUF,
18 the Revolutionary United Front, in Sierra Leone, I think that
19 those people who might have been inclined to sympathise with the
14:46:24 20 movement on the grounds of revolutionary ideology became somewhat
21 disenchanted with it and I personally know people who were fairly
22 sympathetic to the RUF as it were from a distance, but who became
23 disenchanted. So I think in general I would say people who may
24 have had some sympathy with the political aspects of the wars in
14:46:46 25 Liberia and Sierra Leone became rather disenchanted as time went
26 by.

27 Q. Thank you. Now I would like to refer the witness to page
28 14. Reading from the paragraph with the rubric "Strategic
29 Command and Tactics." It's basically the first sentence there.

1 You say:

2 "Taylor's influence grew throughout the West African region
3 in the 1990s, and in light of the broad strategic vision that he
4 demonstrated."

14:47:35 5 Now how much of an influence and control would you say he
6 exercised over armed forces outside his country and territory?

7 A. Well, I will, if I may, make - start at the same point that
8 I did earlier and say let us assume that a war started in Liberia
9 at December 1989, because it was in that month that a force who
14:48:00 10 had been armed and organised outside the country and which we
11 later learned was called the National Patriotic Front of Liberia,
12 the NPFL, it attacked Liberia and within a few days - it was at
13 Christmas time so there wasn't - you know, it was not a good time
14 for communicating, as it were, you know, but within a few days it
14:48:27 15 became known that there was some sort of civil war that had begun
16 in Liberia as a result of this attack.

17 It was known, I later learned, of course I didn't know it
18 at the time - it was known to various people in West Africa,
19 including for example the Nigerian intelligence services, that
14:48:50 20 the group had support from Libya, the government of Burkina Faso,
21 certainly from senior circles in Cote d'Ivoire and that there
22 were people of different nationalities who were part of this
23 force and this caused the government of Nigeria in particular,
24 but also some other governments in the region, to be rather
14:49:16 25 nervous because they were unsure what this would lead to and they
26 had an idea indeed, as was mentioned earlier, that this might be
27 the start of some sort of attempt at a pan-Africanist revolution.
28 So it caused quite a lot of nervousness throughout the region.

29 Now me at that time, I was in London, I was the editor of a

1 newsletter which we've already discussed. At that stage I'd
2 never been to Liberia, so my interest was of course I had to find
3 people who would write for me about this conflict in Liberia, I
4 had to find people who would analyse it, I didn't know Liberia
14:49:53 5 well myself, but it did become fairly apparent that there was a
6 very serious war taking place, it became more apparent as the
7 months went by, and the fact of external support became pretty
8 apparent. Do you want me to continue?

9 Q. No, that's fine. You mentioned that Foday Sankoh was a
14:50:21 10 very popular person in the early stages of the war in Liberia, in
11 the early 90s in a camp of the NPFL. Correct?

12 A. No, I don't think I've ever said that he was popular person
13 in Liberia and, as far as I know, nor was he ever popular in
14 Sierra Leone in that sense. I think what I have written is that
14:50:45 15 from the evidence I have available that Mr Taylor and Mr Sankoh
16 appeared to have become acquainted with each other when they were
17 both in Libya before 1990 and that certainly by late 1990 Foday
18 Sankoh was living or spending at least a substantial amount of
19 his time in Liberia and that's the background from which we might
14:51:08 20 understand the opening of the war in Sierra Leone which was in
21 March 1991.

22 Q. Sorry, my mistake. I may have misstated the relationship
23 or the situation in which Foday Sankoh found himself. But then
24 that marked - that was the stage at which Foday Sankoh got
14:51:27 25 himself - launched his war into Sierra Leone. Correct?

26 A. Well, yes. The Revolutionary United Front - I mean I've
27 subsequently made what inquiries I can and there have been books
28 written which throw light on the origins of the Revolutionary
29 United Front and the role of Foday Sankoh therein and I have

1 I learned from that work and I could say something about that if
2 you want.

3 But if I understand your question correctly I think what's
4 - I mentioned already that a number of West African governments
14:52:10 5 from December 1989 when the war in Liberia started, they were
6 aware that the invading party included people of different West
7 African nationalities, some of whom had had some form of
8 ideological as well as military training in Libya or Burkina Faso
9 or both. So that caused a lot of nervousness and the presence,
14:52:34 10 for example, of these Gambians that I mentioned, a number of
11 Gambians that were veterans of a 1981 coup attempt in Gambia
12 which had been quite a bloody affair, this caused nervousness
13 throughout the region because people were worried that if a
14 revolutionary government was established in Liberia it might be
14:52:53 15 used as a basis to destabilise other countries in the region,
16 which in a sense is what happened. And I think it was in that
17 light that we might see the presence of Foday Sankoh in Liberia
18 in 1990 and we might throw light on the opening of the campaign
19 in Sierra Leone in 1991.

14:53:14 20 Q. Now the conflict in Sierra Leone, as has been noted in your
21 report, was notable for the atrocities that were committed by the
22 RUF. Correct?

23 A. Yes, it is - that is correct. However, if I may, I would
24 just like to add a couple of nuances to that. One is that the
14:53:44 25 atrocity which has most caught the attention of the world and
26 maybe of Sierra Leoneans included is the business of amputations,
27 particularly of hands and arms, which I witnessed myself in 1998
28 when I interviewed a number of people who'd very recently
29 suffered this particular form of mutilation.

1 I have tried as hard as I can to find out when this
2 practice started and who started it and why and I have to say
3 that it's not easy. I do know of cases in Sierra Leone of the
4 amputation of hands from as early as 1991 and 1992, but the
14:54:26 5 tactic doesn't seem to have become widespread until rather later.

6 Q. Okay, go on, please.

7 A. The people I interviewed in 1998 who'd had their hands
8 amputated, it wasn't altogether clear whether this was the work
9 of the RUF or of another body with whom it was associated, the
14:54:50 10 AFRC, the Armed Forces Revolutionary Council, and the two were
11 confused to some extent.

12 So what I'm saying is that although there's no doubt
13 whatsoever that the RUF did carry out this particular practice of
14 amputating hands and arms, it wasn't the only body in Sierra
14:55:10 15 Leone which did this. The AFRC did also at least and maybe some
16 other movements. Of course other forms of atrocity were carried
17 out by other groups as this Court is well aware. And it's also
18 not clear to me to this day precisely who encouraged this tactic
19 or organised it.

14:55:35 20 Q. Thank you. You referred earlier today - as one of your
21 sources you referred to the TRC report which was produced in
22 Sierra Leone and you have - in your report you have stated some
23 of the findings of that report, although you do not agree with
24 all of the findings that you have stated, but you have actually
14:56:05 25 indicated some of the findings of the report in your - of that
26 report in your report. Correct?

27 A. That's correct. I wouldn't say that I disagree with the
28 findings of the report of the Sierra Leonean Truth and
29 Reconciliation Commission. Simply I note the fact that at

1 certain points they might differ with other analyses.

2 Q. Of course one of those situations would be with regards to
3 - first of all let me just take you to - may the witness be
4 assisted again, please. First of all let me take you to page 14
14:56:45 5 of the report again. Reading from the last sentence of that
6 page.

7 A. Yes.

8 Q. You have said that:

9 "The TRC suggests that the brutality of the NPFL had a
14:57:13 10 foundational effect on the nature of the war in Sierra Leone."

11 A. Correct.

12 Q. You go on to say:

13 "Before it's intervention in its western neighbour, the
14 NPFL had already gained a reputation for atrocious behaviour,
14:57:27 15 including some major massacres, but also in the form of random
16 killings perpetrated at road blocks and the display of severed
17 limbs, skulls and human body parts as trophies."

18 A. Correct.

19 Q. Now of course you talk about other crimes that are
14:57:44 20 committed. You talk about rape, you talk about abduction of
21 civilians and so on. Now one of the areas where you - as you
22 have indicated you did not quite - I would not say agree, but you
23 found it difficult to agree really with the findings of the TRC
24 which was in the case of amputations. But what about the
14:58:11 25 recruitment of child soldiers?

26 A. Well, again I don't think I disagree with the findings of
27 the TRC in the respect that you've mentioned. It's just that I
28 note that it - it may differ from other analyses.

29 I don't recall that the TRC itself clearly says who or what

1 group of people developed this tactic of amputations and in what
2 circumstances and who organised this and how it was organised. I
3 don't recall reading that in the TRC report. It's clear that it
4 became known as, if I could use that phrase, the signature
14:58:55 5 atrocity, the typical atrocity of the RUF. That's the reputation
6 that the RUF gained. Although, as I've said, I think a lot of
7 amputations were probably carried out by AFRC soldiers,
8 particularly in that period after the overthrow of the AFRC
9 government in February 1998.

14:59:15 10 The aspect of the TRC report that most interested and to
11 some extent surprised me was the revelation by the TRC of the
12 extent of Liberian involvement in the first phase of the war
13 which the TRC defines as the period from 1991 to 1994.

14 Myself, I was aware that there - indeed that the war in
14:59:44 15 Sierra Leone was launched from Liberia and I was aware that NPFL
16 - that Liberian fighters loyal to the NPFL had taken part in that
17 - in the first campaigns because I'd met such people. But the
18 extent was a considerable surprise to me. I think, if I remember
19 well, the TRC reports as many as 3,000 Liberian fighters being
15:00:09 20 involved, which is a very large number. I'm not sure if I've

21 cited that figure correctly, but it's a very substantial number
22 Q. Now I mentioned earlier the issue - the question of the
23 recruitment of child soldiers. This was the practice which you -
24 from your research you established that it was common among NPFL
15:00:37 25 - within the NPFL and it also was a very common practice within
26 the RUF. What link were you able to draw between the two?

27 A. The first thing I would say is it's not clear what was the
28 full extent of recruitment of child soldiers in any of the
29 movements that were active in Liberia and Sierra Leone at the

1 time for a variety of reasons, partly just because of the
2 difficulty of getting accurate statistics in general, but partly
3 because people became associated, including children - became
4 associated with the various fighting groups in different
15:01:19 5 capacities.

6 I think it's useful to recall that at the beginning of the
7 war in Liberia in 1989/1990, particularly in Nimba County where
8 the heaviest fighting was in the earliest phase of the war, there
9 were a large number of orphans, children whose parents had been
15:01:41 10 killed or who had lost contact with their parents, and they
11 tended to attach themselves to various fighting groups. So I
12 think in the early phase of the war the NPFL to some extent found
13 itself with a lot of children or young adolescents attached to it
14 and things developed from there.

15 In terms of the proportions, I can't be precise because of
16 the absence of very reliable statistics, but I would say the
17 number of children who were actually armed and employed as
18 fighters as it were on the front line was probably lower in
19 Liberia than in Sierra Leone. Also because many of these
15:02:26 20 children who became attached to fighting groups, may have been
21 attached, for example, as scouts or as aids, as cooks or
22 something like that rather than as actual fighting forces.

23 But from what I've been able to learn about the RUF and
24 from what I saw myself in 1998 when I interviewed some children
15:02:48 25 who'd managed to escape from the RUF, I think there was a high
26 proportion of very young people, of children, in the RUF.

27 Q. Now looking at other crimes, what were your findings with
28 regards to rape as far as this practice was concerned between the
29 NPFL and the RUF?

1 A. I'm afraid to say I don't think I can really throw much
2 light on this. I have little doubt that rape was very extensive
3 both in Liberia and in Sierra Leone during the wars there. I'm
4 not aware of any really authoritative study of the subjects.
15:03:31 5 It's a difficult matter to get good information on for obvious
6 reasons.

7 When I was in Sierra Leone in 1998 my colleague from
8 Amnesty International who was a woman did interview a number of
9 women who had been raped to get testimonies from them, but of
15:03:47 10 course it's not easy to know how typical their stories were.

11 So I'm afraid I'm really not able to say very much about
12 the comparative extent of rape in both cases nor the degree to
13 which the use of rape as an instrument of war in Sierra Leone may
14 or may not have been learned from earlier precedents in Liberia.
15:04:10 15 I really don't think I can go into those subjects just through
16 lack of knowledge.

17 Q. You discussed abduction and hostage taking as practices
18 which were common which you identified with the NPFL and as well
19 later on with the RUF?

15:04:28 20 A. Yes. If I may I would like to make just a slight
21 distinction between abduction and hostage taking in the sense
22 that in both wars it became clear that people might join one or
23 other armed faction, because we must remember that there were a
24 large number of armed factions in existence, not exactly out of
15:04:54 25 their own free will.

26 Now what I mean by that is, for example, if a group came to
27 attack a particular area it could be that some people from that
28 area join out of some sort of sympathy. It could also be that
29 they join in order to protect themselves or their community or

1 their town from being attacked or burned or something like that.
2 Or it could be that they're more or less press ganged.

3 One thing that happened commonly was that all the fighting
4 forces needed porters because of course there was very little
15:05:32 5 mechanised transport and being forced to act as a porter for one
6 of these movements was a very onerous - because it means carrying
7 on your head, you know, large, heavy loads and there may be
8 people who would rather volunteer as a fighter than be forced to
9 act as a porter.

15:05:52 10 So when I say abductions I'm talking about people who more
11 or less under coercion found themselves, or with a certain degree
12 of coercion, found themselves becoming part of an armed forces.
13 For present purposes that's what I'm referring to as an
14 abduction.

15:06:13 15 The hostage taking that I'm referring to in this report, I
16 mean something rather different. I mean that from an early stage
17 in the Liberian campaign, when it became clear in particular that
18 the Nigerian government was sympathetic to the government of
19 Samuel Doe, President Doe as he then was, and particularly after
15:06:34 20 the intervention of the West African force known as ECOMOG in
21 August 1990 then hundreds of West Africans were deliberately
22 taken as hostages because it was hoped that by these means - by
23 the NPFL because it was hoped that by these means pressure could
24 be put to bear on their governments.

15:06:56 25 In other words the governments that had organised the
26 intervention force were being pressured by having their nationals
27 in Liberia taken hostage and in many cases maltreated or even
28 killed. So that hostage taking was a much more, as it were,
29 deliberate and politically oriented act than the abductions which

1 were taking place throughout the country almost as a social
2 phenomenon, if that distinction makes sense.

3 Q. In 2000 there was an abduction of UNAMSIL peacekeepers by
4 the RUF. Correct?

15:07:35 5 A. Yes, there was. The RUF had also throughout its existence
6 used - abducted people, particularly young people, to come and
7 belong to it and in some cases to become fighters. But the
8 taking of members of an international intervention force as
9 hostages in order to use them as political bargaining chips, that
15:08:02 10 was something that we particularly associate with I think the
11 events of early 2000, April/May 2000.

12 Q. Now coming to the role of the accused in the war in Sierra
13 Leone, you did state in your report that diamonds played a part
14 in fuelling the war in Sierra Leone. Did you not say so?

15:08:32 15 A. I did.

16 Q. And the extent - could you briefly comment on the extent to
17 which you would say that diamonds influenced or fuelled -
18 diamonds fuelled the war in Sierra Leone. To what extent would
19 you say that?

15:08:51 20 A. Well, the control and marketing of diamonds came to be a
21 very important factor in the war in Sierra Leone. But one thing
22 that I was at pains to emphasise in the report that I wrote for
23 this Court and which is before you now was that I disagree with
24 an analysis that I think we've all heard very often which is to
15:09:15 25 say that the Sierra Leonean war was about diamonds from beginning
26 to end.

27 I've often heard it expressed and read in the newspapers
28 that this was a war about diamonds and I must say I disagree with
29 that because I think it's clear that at the beginning of the war

1 it was not primarily about diamonds, it was about other matters,
2 political and social. However, as in many wars, as the years
3 went by the nature of the war changed and clearly by the late
4 1990s the control of diamonds was a key factor in the hostilities
15:09:50 5 in Sierra Leone and not least because some of the participants
6 were able to use the profits from diamonds to finance the
7 continuation of the war.

8 Q. Now by talking about using the proceeds of the sale of
9 diamonds to finance the continuation of the war you probably -
15:10:19 10 you probably are referring to the fact that arms were purchased
11 from the proceeds of diamonds. Am I correct?

12 A. That's correct.

13 Q. How would you characterise this phenomena where diamonds
14 became the main means by which the war was sustained in the sense
15:10:45 15 that diamonds were sold and the proceeds were used to buy arms
16 which then kept the war going?

17 A. Well, all wars have to be financed one way or another and
18 in the case of the Sierra Leone war at a certain point diamonds
19 became certainly the main means of financing the RUF. It was
15:11:16 20 also recorded that some other groups, including ECOMOG, would
21 occasionally try and control the flow of diamonds in order to
22 profit from it themselves for personal reasons or others and
23 therefore there seemed a risk at a certain point in the late
24 1990s that the war - the war could continue almost indefinitely
15:11:44 25 because it was about getting control of diamonds.

26 Now the point I've made in the report is that it wasn't
27 always that way, that the war changed in nature as the years went
28 by and I've tried to make that point clearly because it seems to
29 me that those analysts who claim that the war was about diamonds

1 from beginning to end are actually not characterising it
2 accurately.

3 Q. Now does your report indicate or make a finding as to what
4 means the diamonds that were extracted from Sierra Leone were
15:12:22 5 traded, how they were traded?

6 A. There's a long history in Sierra Leone of diamonds being
7 smuggled outside the country by intermediaries and sold on
8 various markets outside Sierra Leone and this goes back at least
9 to the 1950s or in fact even earlier than that. This was clearly
15:12:45 10 going on in the 1990s and into 2000. For me this was one of the
11 main points of interest of the investigations by particularly the
12 United Nations panel of experts which reported in December 2000,
13 because it provides a very detailed and, in my opinion, well
14 researched account of precisely how this was happening.

15:13:16 15 Q. You did in fact make reference to these - to the United
16 Nations Security Council resolution from which a panel of experts
17 was set up to consider the question of the diamonds and arms
18 factor in the war in Sierra Leone. Correct?

19 A. Yes, there was - in 1997 there was a military coup in
15:13:46 20 Sierra Leone, in May 1997, which led to the installation of a
21 military junta which was regarded by the United Nations as an
22 illegitimate government and therefore the United Nations imposed
23 sanctions on that government. The number of reports reaching the
24 Security Council that the sanctions were being broken through the
15:14:13 25 border with Liberia became so numerous that a pan of inquiry was
26 set up which was - the report of that panel of inquiry is what I
27 referred to in my previous response. I think, if memory serves
28 me well, that was in December 2000. As a result of that
29 investigation then further decisions and resolutions were taken

1 by the Security Council.

2 Q. And you do in your report rely on some of the findings -
3 you have quoted and sourced your report with some of the findings
4 of that panel's report. Is that correct?

15:14:46 5 A. That's correct because I regard that document as being a
6 very authoritative document because of the - well, the inherent
7 substance of what it reports, but also of course the nature of
8 the authority which published the document and the exceptional
9 degree of access which the researchers were able to achieve which
15:15:10 10 would be far greater than an individual such as myself who -
11 without the backing of the United Nations. But it's also
12 confirmed by various other sources, some of which I cite in the
13 document.

14 MR BANGURA: Can the witness be assisted at this stage -
15:15:29 15 may I ask that exhibit 18 be shown to the witness. That's the
16 panel report. Your Honours, I believe there is a copy of this
17 document in the binders provided for week one. In any event we
18 are not going into any detail.

19 PRESIDING JUDGE: If I could ask Madam Court Manager to put
15:16:13 20 the relevant page up on the screen for even the judges to follow.

21 MR MUNYARD: Madam President, could I also ask if there is
22 any other way in which this exhibit is identified in the bundle
23 that we put together from Prosecution disclosure. Which tab is
24 it behind, if my learned friend knows what tab we're working
15:16:36 25 from.

26 MR BANGURA: Sorry. It's in tab 2 of the current list of
27 documents to be used with this witness.

28 MR MUNYARD: My tab 2 deals with a report from the United
29 Nations concerning Liberia. I thought that the witness was

1 referring to the report of the United Nations concerning Sierra
2 Leone.

3 PRESIDING JUDGE: If you look at page 00004436 that would
4 be the document, I think, that we're referring to, isn't it?

15:17:16 5 This is the same document as exhibit P-18.

6 MR MUNYARD: This is the report concerning Liberia. I
7 wonder if the witness could clarify if he's talking about the UN
8 panel report on Liberia or on Sierra Leone. It may be only me
9 that's confused, but I would like clarification.

15:17:37 10 PRESIDING JUDGE: Mr Bangura, I think this is your witness,
11 it's your examination. Let us ask Mr Bangura to proceed.

12 MR BANGURA: Your Honour, I believe I particularly referred
13 to the document on Liberia - sorry, on Sierra Leone. That's the
14 first one, on Sierra Leone. That's what the witness talked

15:17:54 15 about.

16 PRESIDING JUDGE: For the record you've asked Madam Court
17 Manager to produce Exhibit P-18. Madam Court Manager, is Exhibit
18 P-18 the same document as the document ending 4436 in the bundle?

19 MS IRURA: Your Honour, I do not think it is.

15:18:25 20 PRESIDING JUDGE: Mr Bangura, you have both things before
21 you, don't you, both documents?

22 MR BANGURA: I do, your Honour.

23 PRESIDING JUDGE: Just guide us, are they one and the same,
24 Exhibit P-18 and this document entitled Report of the Panel of
15:18:40 25 Experts Pursuant to Resolution 1343 of 2001?

26 MR BANGURA: I'm sorry, your Honour.

27 PRESIDING JUDGE: Okay, since we cannot agree I will ask
28 Madam Court Manager to put up Exhibit P-18 on the screen for
29 everyone to follow from their screens.

1 MR BANGURA: Your Honour, if I may be clear, I am referring
2 to the panel report - the expert panel report on diamonds that
3 was admitted as Exhibit P-18, just in case there is some doubt.

15:19:28

4 PRESIDING JUDGE: That is what I am asking Madam Court
5 Manager to put up on the screen.

6 MR BANGURA:

7 Q. Dr Ellis --

15:19:51

8 PRESIDING JUDGE: Of course, as you can see, this is the
9 resolution 1306. It's a completely different document. Madam
10 Court Manager, please go to the content of the report, not the
11 note.

12 That is not the content of the report. That is a letter.
13 That is correct.

14 MR BANGURA:

15:20:26

15 Q. Do you recognise that document as the report produced by
16 the panel of experts on the diamonds issue and arms related issue
17 in Sierra Leone?

18 A. Correct. And that is the document I was referring to
19 before it was actually just presented to us by the Court manager.

15:20:45

20 Q. Thank you. That's the document which you - the findings of
21 which - some of which you have relied on in your report?

22 A. That's correct.

15:21:13

23 Q. Now you discuss at page 9 of your report - page 9 through
24 11 - I am not being very specific on any particular paragraph
25 now, but between pages 9 and 11 you discuss the involvement of
26 foreign persons, that is non-Sierra Leonean and non-Liberians, as
27 associated with the accused in diamonds and arms business. Some
28 of these names I will call out and I'll ask you to comment on
29 their roles as you have indicated in the report.

1 A. Okay, yes.

2 Q. You mention Colonel Frank Rindel?

3 A. It should be Fred Rindel.

4 Q. Fred Rindel. You also mention Leonid Minin?

15:21:58 5 A. Yes.

6 Q. You mention Colonel Hennie Blaauw?

7 A. Yes.

8 Q. Also you mention Carl Alberts?

9 A. Yes.

15:22:04 10 Q. Now if you would deal with them in turns starting with
11 Colonel Fred Rindel. What sort of role did he play in this whole
12 affair of diamonds and arms relating to the war in Sierra Leone?

13 A. Fred Rindel is a former colonel in the South African
14 defence force which of course were the armed forces of South
15:22:31 15 Africa before the elections in South Africa of 1994. In other
16 words, under the old National Party government of South Africa.
17 Colonel Rindel was somebody who had extensive experience of
18 guerilla warfare in southern Africa and at a certain point he
19 received a contract for work in Liberia.

15:22:59 20 According to another report of the United Nations, I don't
21 think it's this one, I think if memory serves me well it's a
22 later report, but I would need to just check that, but one of the
23 UN panels did actually interview Colonel Rindel who gave a full
24 account or gave an account, I should say, of his contract in
15:23:26 25 Liberia which dated from late 1998.

26 It was also at the time mentioned in some press reports
27 which I cite in my own report, I see on page 9 for example, and I
28 also received personally some confirmation in the sense that I
29 saw some correspondence concerning Colonel Rindel in the Liberian

1 state archives or, to be more exact, in the archives of the
2 Executive Mansion which is the presidential palace in Liberia,
3 and I received some confirmation from a South African general
4 whom I knew who had quite good contacts in some of these military
15:24:11 5 circles and he confirmed to me that South African mercenaries
6 were working in Liberia.

7 Q. And were there any known associations that he had with the
8 accused?

9 A. In one of these UN documents, I can't remember right now if
15:24:29 10 it's this one or another one, but Colonel Rindel does acknowledge
11 having received a contract - having signed a contract with the
12 Liberian government at the time when Mr Taylor was president.

13 Q. Can we go on to Leonid Minin. What did your research on
14 this issue of diamonds, arms deal indicate about him and his
15:25:01 15 association with the accused?

16 A. Well, Leonid Minin is a Ukrainian businessman, or I think
17 he has a number of passports of different nationalities but he is
18 of Ukrainian origin, who appears to be primarily an arms
19 trafficker, but clearly has interests in other fields including
15:25:30 20 diamonds and also seems to have some association with narcotics.
21 He had some business in Liberia which is investigated in some
22 detail in this report.

23 He was subsequently arrested in Italy and charged with a
24 number of offences. I believe that the trial was never
15:25:56 25 completed. But as a result of that there was quite a lot of
26 information in the press about Leonid Minin and his work in
27 Liberia.

28 Q. And any association with the accused specifically?

29 A. Yes, he was - it was documented by the UN panel that he was

1 transporting weapons to Liberia in contravention of a UN embargo.

2 Q. And should we move on to Colonel Hennie Blaauw?

3 A. Colonel Blaauw is another former officer of the South
4 African defence force who was working as a mercenary in Liberia
15:26:40 5 and I came across some information about him in a book by a South
6 African journalist specialising in military matters called Al
7 Venter.

8 Q. And any links with the accused as far as you know?

9 A. Well, he appears to have had a contract to work in Liberia
15:26:59 10 with Fred Rindel and others.

11 Q. And Carl Alberts?

12 A. The same.

13 Q. So these last three --

14 A. Carl Alberts I think was later arrested in Ivory Coast, in
15:27:14 15 Cote d'Ivoire, where he was also working as a mercenary at a
16 later date.

17 Q. Now you mentioned at page 9, and I will read from paragraph
18 1, and that starts right at the middle - can the witness be
19 assisted, please?

15:27:49 20 MS IRURA: Could counsel please repeat the page number.

21 MR BANGURA: Page 9, the paragraph starting in the middle
22 of that page.

23 THE WITNESS: Are you referring to the UN report?

24 MR BANGURA: No, I'm referring to your report. It's MFI-1.

15:28:06 25 THE WITNESS: Yes.

26 MR BANGURA:

27 Q. I will just read the first sentence there. It says:

28 "In addition to their commercial relationship, a political
29 and military relationship between the Liberian government and the

1 RUF also continued into 2000."

2 Now this was actually a finding of the report of the panel
3 of experts. Correct?

4 A. That's correct, yes.

15:28:28 5 Q. Did you find any evidence in support of this in your - from
6 other sources in your report?

7 A. Yes. As I said, I saw this in the report of the UN panel
8 which has just been referred to, this document S/2000/1195, but
9 it's also mentioned by some other sources including the book by

15:28:56 10 Al Venter that I mentioned and some other sources which I've
11 cited here, press sources and so on.

12 Q. Now at page 11 you make reference to another UN panel of
13 experts report and that's the report which came out pursuant to
14 resolution 1343 of 2001 and you have relied on that report as

15:29:37 15 well?

16 A. That's correct.

17 MR BANGURA: Your Honours, I refer to the document in tab 2
18 of the bundle of documents. Could the witness be provided with
19 this document, please? Just the first page of it will be enough
20 for now.

15:30:45 21 Q. That is the document, the report, which you referred to at
22 page 11, paragraph 1 of your report. Is that correct?

23 A. That's correct.

24 Q. And you refer to it as a source to support the view that
15:31:17 25 there was continuing connection between the accused and the RUF
26 in the deals in diamonds and arms. Is that correct?

27 A. Through to 2001, yes.

28 MR BANGURA: Your Honour, that document is identified as
29 MFI -2.

1 PRESIDING JUDGE: Do you have any objections, Mr Munyard?

2 MR MUNYARD: Your Honour, at the moment I do object, but
3 can we leave it again until the end of the evidence overall and
4 deal with it in the way that we dealt with it last week?

15:31:57 5 PRESIDING JUDGE: Not for admission, just marked for
6 identification.

7 MR MUNYARD: I have no problem with marking anything for
8 identification.

9 PRESIDING JUDGE: Okay. Then I will mark - the document
15:32:09 10 entitled "Report of the Panel of Experts Pursuant to Security
11 Council Resolution 1343 of 2001" is marked as MFI-2.

12 MS IRURA: That's correct, your Honour.

13 MR BANGURA: Could you show the witness page 11 of his
14 report, second paragraph.

15:32:49 15 Q. Now one of your findings in your report based on the
16 various sources that you considered states as follows, you say:

17 "The weight of the evidence suggests that President Taylor
18 paid close personal interest in relations with the RUF and that
19 he supervised the trade in diamonds from Sierra Leone to Liberia
15:33:15 20 notwithstanding his statements to the contrary. He also had a
21 contractual relationship with military operatives from South
22 Africa and elsewhere who were acting in support of the RUF. He
23 facilitated the import of weapons, some of which appear to have
24 been transmitted to the RUF to aid the latter's war effort."

15:33:39 25 Is that correct?

26 A. That's correct.

27 Q. Now the sources which you have cited in support of this
28 finding are numerous. How authoritative would you say that this
29 conclusion is based on these sources?

1 A. I would say that in my view this is an overwhelming
2 conclusion. In other words I really have no serious doubts about
3 it. There's one other source that we haven't yet mentioned but
4 which I do mention in my report and that is a book by a man
15:34:17 5 called Lester S Hyman. I'm going to refer you to the page just
6 in one moment where I first cite that. Sorry, if I can just find
7 it. Page 8, thank you very much whoever said that. Yes, I first
8 cite it at page 8.

9 Now the reason I attach some importance to this is that
15:34:50 10 Lester Hyman is a lawyer and he's also an influential member of
11 the Democratic Party in the United States and he was employed by
12 the Liberian government as a representative in the United States.
13 As he says in his own memoir, and as I discovered also from
14 various - from correspondence that I saw in the Executive Mansion
15:35:15 15 archives in Liberia - and Mr Hyman himself wrote, which I cite on
16 page 8:

17 "Despite his", and he makes it clear from the context he
18 means President Taylor's, "protestations to the contrary evidence
19 suggests that President Taylor took diamonds smuggled out of
15:35:39 20 Sierra Leone by the RUF, sold those diamonds on the international
21 market and used a portion of the proceeds to purchase weapons,
22 which he then supplied to the RUF."

23 In view of Lester Hyman's position I regard that also as an
24 authoritative source because he was clearly a very trusted
15:35:57 25 confidant of Mr Taylor and an employee at that time of the
26 Liberian government.

27 Q. Thank you. If I take you back to the question of - the
28 issue of atrocities that were committed by the RUF in the war,
29 your report, on page 17 of your report, I believe - can you show

1 the witness page 17. Here you specifically deal with the
2 invasion of Freetown in January of 1999 and about knowledge of
3 the scale of atrocities that were committed in Freetown at the
4 time, knowledge of these atrocities by the accused.

15:36:53 5 This is what you had to say, and I'm reading --

6 MR MUNYARD: Madam President, if my learned friend is about
7 to refer the witness to the first paragraph on page 17 of his
8 report then I object to that going into evidence because what he
9 does in that paragraph is he, the witness, addresses the issue
10 that is at the heart of the case against the accused and it's a
11 matter for this Court to resolve that question, not for the
12 expert.

13 PRESIDING JUDGE: Mr Bangura, what is your response?

14 MR BANGURA: Your Honours, the witness is basically
15 presenting to the Court as a researcher. He's presenting to the
16 Court material based on his research which he has put together in
17 a report. At the end of the day it is the question of - the
18 Bench will have to decide on whether or not to attach any amount
19 of weight to this material that is presented to the Court. The
20 witness is not and has not been presented to this Court as a
21 witness of fact and he is not at this stage giving an opinion and
22 he has sourced his report with a lot of material that he has
23 consulted in preparing it.

24 My view at this stage, your Honour, and my submission is
15:38:31 25 that the witness can properly present to the Court matters which
26 he has - findings that he's made based on his research.

27 PRESIDING JUDGE: Mr Munyard, really is there anything
28 further that you necessarily have to say or would you let us
29 confer?

1 MR MUNYARD: I would certainly let you confer, Madam
2 President.

3 PRESIDING JUDGE: It is the unanimous view of the Bench,
4 Mr Bangura, that your witness is presented as an expert witness
15:40:22 5 and, as you know full well, under the jurisprudence of this
6 Chamber his testimony should not go to the ultimate issues or to
7 the guilt or innocence of the accused.

8 Now without us telling you how to examine your witness we
9 just wish to let you know that if or when - if at all this report
15:40:46 10 is ever admitted in evidence we would be looking for the opinions
11 of the witness that do not go to the ultimate issue. So when you
12 are examining your witness you should be mindful to avoid asking
13 questions whose answers go to the ultimate issue; that is indeed
14 the guilt or innocence of the accused. So I do sustain the
15:41:16 15 objection.

16 MR BANGURA:

17 Q. Mr Witness, regarding the events in Freetown, the January
18 events in Freetown, there is material which you have --

19 JUDGE DOHERTY: Mr Bangura, January of which year?

15:41:43 20 MR BANGURA: Of 1999, your Honour.

21 Q. There is material which you have sourced in your report
22 which points to knowledge. Is that correct?

23 A. That's correct.

24 Q. Devoid of any findings of yours, there is material which
15:41:58 25 you have sourced in your report which suggests knowledge by the
26 accused of events that occurred in Freetown. Is that correct?

27 A. Yes, if I might just elaborate very slightly. The main
28 reason I've referred explicitly to the events of January 1999 is
29 because this was an attack by elements of the RUF and the AFRC,

1 that is to say the old military junta which had been displaced by
2 power, on Freetown. There was an attack on Freetown in January
3 1999 and it resulted in a great number of deaths and widespread
4 atrocities and I think it was the most, as it were, atrocious
15:42:40 5 event of the entire war in Sierra Leone and therefore it caused
6 particular reverberations in the country and indeed throughout
7 the word.

8 What I wanted to say at this point of my report was that I
9 find that the - those people who've reported or investigated the
15:43:02 10 organisation of that attack in January 1999 seemed to come to
11 some slightly differing conclusions. What I particularly noted
12 was some paragraphs in the report of the Truth and Reconciliation
13 Commission of Sierra Leone which suggested that the attack might
14 not have been very well organised. Now that somewhat surprised
15:43:24 15 me because it went contrary to certain other evidence and all I
16 wanted to point out was that there were these differing
17 interpretations.

18 Now of course - well, one can go further in interpreting
19 that, but that was my main intention, was to point out what the
15:43:44 20 leading sources say about this matter.

21 Q. In addition to the Truth and Reconciliation report you did
22 also - you have referred to some interview that the accused gave
23 in the press and I believe that - your Honours, I'm referring
24 here to documents in tabs 15 and 16. Could the witness be shown.
15:45:14 25 Dr Ellis, those two documents shown to you --

26 A. 15 and 16?

27 Q. Yes. They are --

28 PRESIDING JUDGE: Madam Court Manager, we have nothing on
29 the screen.

1 MR BANGURA:

2 Q. They are news articles from the newspaper Le Monde.

3 Correct?

4 A. Yes, that's right.

15:45:44 5 Q. Dated 15 November 2000?

6 A. Yes, and one of them is an interview --

7 Q. Of the accused?

8 A. That's correct, yes, and the other one is more of an
9 analysis by two journalists.

15:45:58 10 Q. Now in 15, document tab 15, the one that the contains the
11 excerpt of the interview --

12 A. Yes.

13 Q. If I just refer you to the third paragraph there and here
14 the accused as president was responding to questions by a

15:46:33 15 journalist and the question was: "What do you think of" --

16 PRESIDING JUDGE: Mr Bangura, we're just wondering for the
17 purpose of following there is an English translation, if you
18 could maybe refer to that. There's an English translation at
19 page - that follows immediately at page 43984.

15:46:58 20 MR BANGURA: There's a French version of it and an English
21 version of the same article.

22 PRESIDING JUDGE: Sorry?

23 MR BANGURA: There's a French version and an English
24 version of the same article.

15:47:09 25 PRESIDING JUDGE: You wish to examine on the French
26 version?

27 MR BANGURA: No, the English, your Honour.

28 PRESIDING JUDGE: That's what I'm saying. That's what I'm
29 saying. This is an English speaking court and we need to follow

1 the gist of the witness's evidence. Perhaps you could correlate
2 - you could correlate the two documents, the original version and
3 the interpretation for our understanding, okay, as you're
4 examining.

15:47:36 5 MR BANGURA:

6 Q. Dr Ellis, if I'm right there are two versions of the same
7 interview?

8 A. There's a French version and a translation into English,
9 yes.

15:47:45 10 Q. And I am referring you now to the English version and I
11 think the page there is - that's the ERN number I am referring
12 to. That's 00043984. Correct?

13 A. Yes.

14 Q. And I'm looking at the second paragraph where the
15:48:05 15 journalist poses a question and to the response given in the
16 first paragraph?

17 A. This is the question, "What do you think of the peace
18 efforts in Sierra Leone?"

19 Q. Yes, correct.

15:48:21 20 A. Yes.

21 Q. And the question goes on:

22 "Sometimes it seems you are treated as if you were to
23 restore peace, other times as if you were nothing more than
24 diamond traffickers"?

15:48:33 25 A. Yes.

26 Q. And then the response:

27 "It's unfortunate that by trying to demonise President
28 Taylor the war in Sierra Leone is reduced to a conflict which
29 Liberia is trying to get something out of. Does the fact that

1 young British soldiers go off to fight in the forests of Sierra
2 Leone and are doing so to stop Sierra Leoneans from killing one
3 another make any sense? No, it doesn't hold up. Yes, I think
4 the war in Sierra Leone is a war for diamonds. But not because
15:49:07 5 Liberia wants those diamonds. We already have diamonds."

6 MR BANGURA: Your Honours, I apologise. I should be
7 referring to another portion of this interview, not that portion.

8 Q. Let's go to page 00043985.

9 A. Yes.

15:49:31 10 Q. I think the question there is:

11 "Do you think the Revolutionary United Front must be part
12 of the peace process in Sierra Leone?"

13 His answer is:

14 "Only belligerents can resolve conflict. There is no way
15:49:51 15 peace can be made in Sierra Leone while excluding a party from
16 the peace process. As the African saying goes, you can't catch
17 anything with one finger, you need two fingers. The RUF
18 committed terrible atrocities. People will have to answer for
19 that. But the same people who are the cause of the problem have
15:50:12 20 to be part of the solution."

21 Now I am particularly interested in referring you to that
22 response where the accused says that the RUF committed terrible
23 atrocities. Would that be one of the - would that be one of the
24 sources to which you - which you consulted in coming to the view
15:50:37 25 that he had some knowledge of what was going on in Freetown in
26 1998?

27 A. Well, if I may, I could - I would put it slightly
28 differently. The reason I cited this was simply that I think
29 after the attack - particularly after the attack on Freetown in

1 January 1999 anybody in the world who pays any attention to
2 public events was aware that there was a particularly atrocious
3 conflict taking place in Sierra Leone because it was on all the
4 world's television screens and newspapers and my - the reason I
15:51:16 5 cited this interview was simply that President Taylor was
6 acknowledging that he too was aware of the terrible atrocities
7 that were taking place in the war in Sierra Leone.

8 MR BANGURA: Your Honours, may I move that the documents be
9 marked as MFI-3.

15:51:37 10 PRESIDING JUDGE: This particular document, Le Monde?

11 MR BANGURA: Yes, your Honour.

12 PRESIDING JUDGE: It is so ordered. This will be MFI-3.

13 MR BANGURA: Your Honours, just to make the point, the
14 original version of this article came out in French. As you
15:51:57 15 realise, it's a French newspaper.

16 PRESIDING JUDGE: It is the original French version that we
17 are marking for identification. If you like we can mark the
18 translation also.

19 MR BANGURA: I would like to ask that the translation be
15:52:10 20 marked as --

21 PRESIDING JUDGE: In which case the French version will be
22 MFI-3 A and the translation will be MFI-3 B.

23 MR BANGURA: Yes, your Honour. I'm grateful.

24 Q. Now at page 13 of your report, Dr Ellis, you mention - I'm
15:53:09 25 trying to refer to the portion where you mention that the RUF
26 became split into two rival factions. Sorry, your Honour, I
27 marked a different document from the one I'm using now.

28 PRESIDING JUDGE: Would you be referring to page 13 and
29 that second paragraph from the top, more or less in the middle of

1 it?

2 MR BANGURA: Yes, your Honour.

3 Q. You say:

4 "As the RUF became split into rival factions, President
15:54:04 5 Taylor's most important ally was increasingly the RUF field
6 commander Sam 'Moski ta' Bockarie, who relocated to Liberia with
7 his fighters in December 1999."

8 Correct?

9 A. That's correct.

15:54:23 10 Q. Are there any indications from your findings here as to the
11 level of trust that governed the relationship between the accused
12 and Sam Bockarie as far as your findings - as far as your
13 research goes?

14 A. I don't think I can say an awful lot about this except it
15:54:40 15 became clear to judge from the evidence I've been able to find.
16 Which includes a series of UN reports plus some news reports plus
17 some interviews I've made with Liberians who were members of the
18 government or close to the government at that time, that Sam
19 Bockarie became probably the most important commander of the RUF
15:55:07 20 having a direct relationship with President Taylor.

21 Q. And did your researches go to indicate what the
22 relationship was before this split and before he moved over to
23 Liberia?

24 A. Well, I think it's plain from a variety of sources, and
15:55:29 25 here I would again rely heavily on the report of the Truth and
26 Reconciliation Commission of Sierra Leone, that the war in Sierra
27 Leone changed in nature over time and also the RUF changed in
28 nature over time and I think a particularly important moment was
29 after the arrest of Foday Sankoh, the acknowledged - the historic

1 leader of the RUF, because he was arrested in Nigeria in 1996, if
2 memory serves me well, and he didn't - he was later transferred
3 to Sierra Leone and he was not released until 1999.

4 Now during his absence there were rivalries between
15:56:27 5 different factions and different commanders within the RUF and it
6 was an outcome of that that the faction - that Sam Bockarie
7 personally and the faction led by him became particularly close
8 to the government of Liberia.

9 Q. Now as you noted in your report Bockarie appears to have -
15:56:52 10 the accused appears to have benefitted somewhat from the fact
11 that Bockarie moved over to Liberia after the split within the
12 RUF. Is that correct?

13 A. That's correct. Sorry, I think I must have misspoken. I
14 think the arrest of Foday Sankoh was 1997, not 1996.

15:57:11 15 Q. Thank you. I was saying the accused somewhat benefitted
16 from the presence of Mosquito in Liberia after the split within
17 the RUF. Is that correct?

18 A. Yes.

19 Q. In what ways, according to your findings, did he benefit
15:57:32 20 from Mosquito's presence in Liberia?

21 A. Well, Sam Bockarie appears to have been integrated more
22 closely than before into the command structures under the direct
23 control of President Taylor and that was associated with the
24 marketing of diamonds as well.

15:58:01 25 Q. Now at various parts in your report you have mentioned, and
26 even from your testimony here today you have mentioned ECOMOG.
27 May I ask what did ECOMOG the name stand for?

28 A. That's the - well, there's a body called the Economic
29 Community of West African States which, as the name suggests, is

1 a regional cooperation body for economic matters and under
2 pressure of circumstances this body known as ECOWAS organised a
3 military force which became known as the economic - the ECOWAS
4 military observer group, so in short ECOMOG.

15:59:03 5 MR BANGURA: Now could the witness be shown the document at
6 tab 4. Just the front page will be okay.

7 THE WITNESS: Sorry, I see here that - sorry, just to
8 correct myself, I see here on page 6 that ECOWAS is described -
9 sorry, ECOMOG is described as the ECOWAS ceasefire monitoring
16:00:05 10 group. That's different to what I said, sorry. But it's
11 universally known as ECOMOG, sorry.

12 MR BANGURA:

13 Q. I think you probably pre-empted the question, but ECOMOG
14 was a body set up by ECOWAS; is that correct?

16:00:21 15 A. A difficult question, because, yes, but there are a lot of
16 people including some senior officials of ECOWAS who would say
17 that the procedure was rather abusive. So it was called the
18 Economic Community of West African States Group, ECOMOG, but the
19 decision to form ECOMOG was very much taken at the behest of one
16:00:46 20 member state, namely Nigeria.

21 Q. The document you have before you is a profile of ECOWAS
22 itself as an economic group of West African states. Is that
23 correct?

24 A. Yes.

16:01:02 25 MR BANGURA: Your Honours, I would move that this document
26 be marked for identification as MFI-4.

27 PRESIDING JUDGE: The document entitled "Profile: Economic
28 Community of West African States (ECOWAS)" is marked for
29 identification as MFI-4.

1 MR BANGURA:

2 Q. When was ECOMOG set out from your research?

3 A. In 1990. Really in August of 1990.

4 Q. What was the background to the setting up of this group?

16:01:40 5 A. As I've mentioned previously the war in Liberia started at
6 December 1989 and within quite a short time it was apparent that
7 this was a very serious conflict, that it was - in terms of the
8 numbers of people involved, and also that it was proving rather
9 divisive in West Africa as a whole, partly because governments
16:02:11 10 were aware that the invading force in 1989, namely the NPFL,
11 contained members and trained military operators of different
12 nationalities, Gambian, Ghanaian and so on, and partly because
13 that force had received backing from at least two West African
14 states, namely Burkina Faso and Cote d'Ivoire, and partly I would
16:02:41 15 say because of the previous close relationship between the then
16 military ruler of Nigeria, General Babangida, and the President
17 of Liberia, President Samuel Doe. So all these factors meant
18 that the Liberian war was not just a civil war among Liberians,
19 but was also causing shock waves throughout the region.

16:03:06 20 At a certain point the Nigerian government decided that it
21 wished to intervene directly and it believed that the most
22 appropriate way of doing so was to try and organise a
23 multinational intervention force and that was ECOMOG.

24 I was told by a very senior American source who I
16:03:31 25 interviewed some years later who told me that he thought the
26 expectation by everybody in the region was that the United States
27 government would intervene in some way or other to stop the
28 Liberian war, because Liberia had always been regarded as a very
29 close ally of the United States. However, the United States

1 government decided not to intervene and it was really when it
2 became clear that that was the case that the Nigerian government
3 took the initiative in organising ECOMOG and that was in August
4 1990.

16:04:05 5 Q. Are you aware of what the mandate of ECOMOG was when it was
6 set up originally?

7 A. Yes, I don't have the wording in my head, but it was set up
8 to try and enforce a ceasefire in Liberia which was a bit ironic
9 because really there was no effective ceasefire in Liberia.

16:04:30 10 Q. And what was the composition of this force at this time
11 given the complexities behind it's [overlapping speakers]?

12 A. It was overwhelming - it was put together very rapidly. It
13 was overwhelmingly composed of Nigerian soldiers but there were
14 elements from some other countries, Ghana, Sierra Leone and
15 Guinea.

16 Q. And this force was initially based in Freetown. Correct?

17 A. Yes, it was assembled in Freetown and it went from there to
18 Monrovia by sea.

19 Q. Now did your research indicate at all what was the kind of
16:05:11 20 reception that ECOMOG got at that stage from the NPFL?

21 A. Mr Taylor, who by that time was pretty much the
22 acknowledged leader of the NPFL, made it very clear that he was
23 hostile to the intervention of ECOMOG and he'd been hostile to
24 the Nigerian government in particular because it was known to be
16:05:37 25 close to President Doe, which was of course the president he was
26 trying to overthrow, and somewhat earlier in the year there were
27 reports which I believe to be correct, but I can't say with
28 absolute certainty, but they were pretty well founded reports, I
29 think, that the Nigerian government had been supplied President

1 Doe with weapons. So in other words Mr Taylor had really, I
2 suppose, good grounds for thinking that the Nigerian government
3 was opposed to him.

4 Q. Now the resentment towards ECOMOG was not only limited to
16:06:11 5 ECOMOG as a force but there was some feeling of hostility, if you
6 like, against Sierra Leone at that time by the accused. Is that
7 correct?

8 PRESIDING JUDGE: Sorry, you said feeling of what?

9 MR BANGURA: Hostility.

16:06:29 10 PRESIDING JUDGE: Hostility?

11 MR BANGURA: Yes, your Honour.

12 PRESIDING JUDGE: Okay.

13 THE WITNESS: Yes, I think that's correct. There was an
14 episode before the war when Mr Taylor I think in company with, if
16:06:43 15 I'm correct, three other people had gone to Sierra Leone to try
16 and get permission from the government there to launch the war in
17 Liberia from Sierra Leonean territory and that also is referred
18 to by various sources including the Truth and Reconciliation
19 Commission of Sierra Leone and other sources which I quote in my
16:07:00 20 report. And that was refused.

21 Now some people have suggested that Mr Taylor may have
22 borne a personal grudge against the government of Sierra Leone
23 for refusing to work with him in his enterprise to overthrow the
24 government of Liberia, but it's also the case that the ECOMOG
16:07:26 25 force which, as I've already said, he opposed was based
26 originally in Freetown and even when it became operational in
27 Monrovia which was in August 1990 the Nigerian air force
28 operating under the mantle of ECOMOG was able to use airfields in
29 Sierra Leone. So in other words the Sierra Leonean government

1 was giving active support to the ECOMOG force.

2 Q. And did that spark any reaction from the accused at the
3 time, to your knowledge?

4 A. It did. I mean I recall myself, and I've also read some
16:08:10 5 citations in various literature including I think the TRC report,
6 he made it very clear, including in radio broadcasts, that he was
7 very opposed to ECOMOG, he was very opposed to the government of
8 Nigeria in particular and to of course - to the various
9 governments, including the Sierra Leonean government, which were
16:08:33 10 lending their support to ECOMOG and he expressed this very
11 vociferously and it meant that when the ECOMOG force actually
12 landed in Monrovia it was from the beginning opposed militarily
13 by the NPFL.

14 Q. I believe somewhere in your report the statement made by
16:08:56 15 the accused to BBC warning of the circumstances against Sierra
16 Leone for allowing ECOMOG to use the country of Sierra Leone as a
17 base was made. Is that correct?

18 A. That's correct. There was a broadcast which, if memory
19 serves me well, was on 4 November 1990, a radio broadcast where
16:09:22 20 Mr Taylor threatened Sierra Leoneans that they would, as he put,
21 taste the bitterness of war and that phrase, I must say, is
22 recalled to this day by many Sierra Leoneans, I've often heard
23 people say that to me and it's referred to explicitly in the TRC
24 report.

16:09:41 25 But before that date the NPFL was already taking hundreds
26 of hostages, these were people of the various nationalities
27 associated with the ECOMOG force, particularly Nigerians, and
28 people - Nigerians in particular were being held hostage and
29 being abused by the NPFL even before the ECOMOG landing because

1 the Nigerian government was known to be hostile, but particularly
2 after the arrival of ECOMOG there were large numbers of hostages
3 taken and some of whom have written memoirs of their traumatic
4 experiences being maltreated and quite a few were killed I think.

16:10:24 5 Q. How would you characterise the relationship between the
6 accused and ECOMOG over the period that ECOMOG served in Liberia.
7 You could break this into various phases as it suits you?

8 A. Well, ECOMOG was in Liberia all together from 1990 to 1998
9 so that's a long time and, as maybe your question implies, the
16:10:52 10 relationship I'm sure changed over time. Mr Taylor - and that
11 was partly a reflection of the political and military situation,
12 it was partly a reflection of the personality and policies of the
13 individual ECOMOG commanders and it was partly a reflection of
14 who was in power in Nigeria, which of course changed over time.

16:11:20 15 But as we've discussed, at the beginning Mr Taylor was
16 extremely hostile to ECOMOG and I think the relationship was
17 mutual. There was quite heavy fighting between ECOMOG forces and
18 the NPFL in the latter part of 1990. There was then a period of
19 much better relations and some real contact between the two sides
16:11:48 20 and a period almost of - well, of a ceasefire really. There was
21 a flare up in 1992 with the campaign known as Operation Octopus
22 which was an attempt by the NPFL to conquer Monrovia militarily.

23 It became extremely complicated because not only was ECOMOG
24 a force with components coming from different West African
16:12:18 25 countries, but also ECOMOG from a relatively early stage was in
26 fact, although it was never officially said, sponsoring various
27 militias in Liberia and in Sierra Leone and each of these
28 militias of course had its own history and its own modus
29 operandi. So the situation became extremely complex.

1 One of the complexities which I would just like to point
2 out was it meant that the very countries which composed ECOMOG
3 and were sending their troops to Liberia as part of ECOMOG, those
4 same governments were very often supporting or patronising
16:13:04 5 various of the armed militias in Liberia and to some extent in
6 Sierra Leone. So it became extremely complex.

7 Q. How long was ECOMOG deployed in Liberia?

8 A. Until 1998.

9 Q. If we can focus on the last two years of ECOMOG deployment
16:13:27 10 in Liberia. There was a coup in Sierra Leone in 1997, correct?

11 A. That's correct.

12 Q. And there was some involvement of ECOMOG in Sierra Leone to
13 try and put down the coup and to try and restore - not to put
14 down the coup, but to try and restore legitimate government. Is
16:13:56 15 that correct?

16 A. Well, it is correct, but once again I would like to just
17 underline the confusion between the Nigerian government and
18 ECOMOG, because I think I'm correct in saying that there was
19 never a formal decision by ECOMOG, or ECOWAS I should say, which
16:14:11 20 was the political authority, there was never an official decision
21 by ECOWAS to deploy its troops in Sierra Leone for internal
22 purposes.

23 As we've already discussed, ECOMOG forces were deployed in
24 Sierra Leone in order to support their campaign in Liberia. In
16:14:34 25 addition, there was a bilateral understanding between the
26 government of Nigeria and the government of Sierra Leone from a
27 rather earlier date so that there were some Nigerian troops there
28 acting in a bilateral capacity. When the coup happened in 1997,
29 ECOMOG - the ECOWAS leadership, the political leadership, was

1 indeed - it didn't accept the change of regime in Sierra Leone
2 and to that extent was opposed to it. So, it meant that de facto
3 ECOMOG was now involved in a political and military conflict in
4 Sierra Leone.

16:15:12 5 But the point I'm getting at here is that - and this was
6 confirmed to me by a previous executive secretary of ECOWAS, who
7 said to me really that as far as he was concerned this was really
8 a Nigerian deployment in Sierra Leone and not an ECOWAS
9 deployment. So there was I would say a real confusion about
16:15:34 10 whether it was Nigerian forces operating under the banner of
11 ECOWAS - ECOMOG, or whether this was or the extent to which this
12 was a genuinely collective decision by the member states.

13 Q. So, in effect, following this coup there was an ECOMOG
14 deployment in Sierra Leone as well as in Liberia at the same
16:15:59 15 time?

16 A. Correct.

17 Q. And in 1998 the junta was removed from power, is that
18 correct?

19 A. Correct.

16:16:04 20 Q. And ECOMOG played a role in the removal of the junta?

21 A. Yes, it did. I mean Nigerian forces, ECOMOG forces,
22 overwhelmingly if not entirely Nigerian, forcibly removed the
23 military junta from power in Freetown in February 1998.

24 Q. Now in the wake of that intervention, which removed the
16:16:29 25 junta from power, many junta officials were in flight from
26 Freetown. Correct?

27 A. Yes, I mean the leading figures from the AFRC junta and
28 some people associated with it of course left Monrovia. Some of
29 them fled inland and some of them tried to escape by air to

1 abroad.

2 Q. Now, did your research indicate any particular situation
3 where some of those escaping junta officials tried to land in
4 Liberia?

16:17:07 5 A. That's correct. I remember - I remember the situation
6 fairly well. Some AFRC officials indeed tried to land in - at an
7 airport in Monrovia and there they were detained by ECOMOG
8 personnel who at that stage were still physically present in
9 Liberia.

16:17:34 10 Q. And do you know whether that sparked any reaction from the
11 accused, or his government, at the time?

12 A. Yes, because at that stage, we're referring now to February
13 1998, Mr Taylor was the duly elected president of Liberia. He
14 therefore claimed sovereign - control of the whole sovereign
15 territory, whereas ECOMOG was an international force dominated by
16 Nigeria which still had some components on Liberian territory.

16:18:01 17 I've really tried to find out what the agreement was and it's not
18 altogether clear to me. I think it was probably not altogether
19 clear to many of the protagonists, because there was a
20 disagreement as to the exact rights or obligations of the various
21 parties. So to cut a long story short, what we had was AFRC
22 officials escaping from an attack by Nigerian forces in Freetown,
23 escaping to Monrovia and then being arrested by Nigerian forces
24 on Liberian territory.

16:18:24 25 MR MUNYARD: Madam President, could the witness help us by
26 directing us to where he deals with this particular matter in his
27 report?

28 PRESIDING JUDGE: Mr Bangura, what is your response?

29 MR BANGURA: Your Honour, the witness makes various

1 references in his report to the role of ECOMOG. He has not
2 specifically dealt with the facts of this incident, but he has at
3 various points in his report made mention of the role of ECOMOG
4 in Liberia as well as in Sierra Leone. To the extent that some
16:19:31 5 of these incidents which have to do with the - that role that
6 ECOMOG played, to the extent that these incidents concern the
7 role of ECOMOG I think --

8 PRESIDING JUDGE: In other words this particular aspect is
9 not in the report per se, but it's part of the witness's --

16:19:53 10 MR BANGURA: Not specifically, but the incident - not the
11 incident.

12 PRESIDING JUDGE: The incident, yes, but is part of the
13 witness's testimony nonetheless?

14 MR BANGURA: Yes, your Honour.

16:20:02 15 PRESIDING JUDGE: Is that what your saying?

16 MR BANGURA: That is correct, your Honour.

17 PRESIDING JUDGE: Then we can't ask the witness to refer to
18 it. Please proceed.

19 MR BANGURA:

16:20:11 20 Q. After the removal of the junta in Sierra Leone, was there
21 any - there was further fighting in Sierra Leone as far as you
22 recall from your research?

23 A. Yes. The junta was removed in February 1998. I visited
24 Sierra Leone in May and June 1998. At that stage the main towns
16:20:47 25 were under the control of ECOMOG, or the restored democratic
26 government of Sierra Leone, but there was still violence
27 occurring in some areas of the country, particularly in the
28 north. And I remember very well interviewing the ECOMOG
29 commander, General Khobe, and asking him about this, and he

1 dismissed the matter as being of very little consequence, as
2 being just a few elements of the junta, or the RUF who were their
3 allies, who were still at large.

4 I found this rather disturbing, because I was meeting
16:21:39 5 people coming into Freetown every single day whose hands had been
6 amputated and so clearly this - these rebels, or remnants of the
7 AFRC joined with the RUF, whatever else they were doing they were
8 still able to perpetrate violence in this way and I was told that
9 they had an operation in course called "Operation No Living
16:22:11 10 Thing".

11 My interpretation at the time of course was very partial,
12 because I was not able to have access to RUF leaders or various
13 other sources, but it seemed to me that this was an effort by the
14 RUF and the AFRC - and I wasn't clear what the relationship
16:22:31 15 precisely was between them - that this was an effort to show that
16 they were still in existence and they still had the capacity to
17 inflict violence of this nature.

18 And this is, I think, still to some extent my personal
19 interpretation of why this campaign of amputating hands became so
16:22:56 20 major after that point. I have to say that there had previously
21 been cases of amputations of hands, but it seemed to me that it
22 accelerated at this point because the AFRC and RUF were trying to
23 make the point that they still existed, whereas General Krobe was
24 telling me and the general message from the Sierra Leonean
16:23:17 25 government and ECOMOG was to say, "The problem has been solved".
26 Clearly it hadn't been solved.

27 Q. And earlier in your testimony today [microphone not
28 activated] of weapons which was then used to fuel the war again
29 in Sierra Leone. Is that correct?

1 PRESIDING JUDGE: Mr Bangura, you will have to repeat that.
2 I'm not quite sure what you said. Something had gone wrong with
3 your microphone.

4 MR BANGURA:

16:23:52 5 Q. Earlier in your testimony today we did discuss the issue of
6 diamonds being sold from Sierra Leone which were - the proceeds
7 of which were then used to purchase arms to fuel the war again.
8 Is that correct?

9 A. Yes, we discussed that. Yes.

16:24:06 10 Q. Now, I want to refer you - and about what time - I think
11 based on the reports, panel of experts reports which we examined,
12 or which we identified, we did not go into the details, this
13 period, the peak period - what would you say was the peak period
14 of this activity of diamonds arms trade according to your
16:24:35 15 findings?

16 A. Well, it was clear that there was a diamond trade of sorts
17 in existence from the very beginning of the war. I said earlier
18 today that diamonds have been smuggled from Sierra Leone to
19 Liberia for many decades, so long before the war. I've also
16:24:51 20 found press reports of diamonds being smuggled by RUF rebels from
21 Sierra Leone into Liberia as early as 1991, so right from the
22 beginning of the war in Sierra Leone. From - there were phases
23 in the war in Sierra Leone. The TRC identifies three key phases
24 which it names as 1991 to 1994, 1994 to 1997 and then the period
16:25:26 25 after 1997.

26 Q. I would refer you to the period after 1997.

27 A. Well, that periodisation which is made by the TRC is of
28 course based on changing political and military situation. After
29 1997 the situation was such that clearly that was the period when

1 the diamond trade between Sierra Leone and Liberia was really
2 able to expand for a variety of reasons.

3 Q. And at this time - and we are talking about the period in
4 the wake of the removal of the junta from power in Freetown. At
16:26:07 5 this time there was increased capacity of the RUF to attack
6 government troops and ECOMOG in Sierra Leone. Is that correct?

7 A. Well, after - in February 1998 ECOMOG troops took control
8 in Monrovia - I'm sorry, let me - I misspoke. ECOMOG troops took
9 control in Freetown and took control certainly of the main
16:26:40 10 centres in Sierra Leone. They - RUF and AFRC forces were in some
11 relatively remote areas and they appear to have had fairly free
12 access to the border with Liberia, and of course by this stage
13 pretty much - well, all Liberian territory was under control of
14 the government of Liberia which by this stage was led by
16:27:13 15 President Taylor.

16 Q. Could the witness be assisted and be shown the document
17 marked MFI-1, his report? Page 10 of that.

18 PRESIDING JUDGE: As the report is being shown, Mr Bangura,
19 I'm advised there are less than three minutes to the end of the
16:27:33 20 tape.

21 MR BANGURA: I am conscious of the time, your Honour. I
22 will probably ask a couple of questions and then wrap it up for
23 today:

24 Q. Dr Ellis, you refer to some statement or rather an
16:27:56 25 accusation made by an ECOMOG commander in Liberia. I'm referring
26 to the first paragraph. It depends on how you read paragraph,
27 but I will read the first paragraph as that starting about a
28 quarter of the page up. About six lines down, five or six lines
29 down, do you see the name "General Felix Mujakperuo"?

1 A. Yes.

2 Q. And I think the sentence actually starts a line before
3 that. It says:

4 "The ECOMOG commander in Sierra Leone, General Felix
16:28:30 5 Mujakperuo, publicly accused President Taylor of supplying arms
6 to the RUF by means of Ukrainian-registered aircraft and crews."

7 Is that correct?

8 A. Yes.

9 Q. Now at this time the capacity of the RUF to mount attacks
16:28:49 10 against ECOMOG had significantly increased, is that not so?

11 A. Yes. As I've indicated, throughout 1998 ECOMOG - I mean,
12 the Sierra Leonean army had effectively ceased to exist at that
13 stage. What we had was ECOMOG forces, which were largely
14 Nigerian, and then the militia known as the Civil Defence Force.

16:29:20 15 PRESIDING JUDGE: Mr Ellis, I will have to intervene here.
16 Mr Bangura, the tape has come to an end. We are going to adjourn
17 now until tomorrow afternoon. We will not sit in the morning,
18 but we will reconvene at 2.30 tomorrow. In the meantime,
19 Mr Ellis, I would ask you not to discuss your testimony.

16:29:41 20 THE WITNESS: Thank you.

21 [Whereupon the hearing adjourned at 4.30pm to
22 be reconvened on Thursday 17 January 2008 at
23 2.30 p.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-114	1342
CROSS-EXAMINATION BY MR ANYAH	1342
RE-EXAMINATION BY MR SANTORA	1397
DR STEPHEN ELLIS	1401
EXAMINATION-IN-CHIEF BY MR BANGURA	1401