



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 18 SEPTEMBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Thursday, 18 September 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:26:25 5 PRESIDING JUDGE: Good morning. Appearances, Ms Hollis.
6 Good morning.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. Appearing for the Prosecution this morning,
9 Alain Werner, Maja Dimitrova and myself, Brenda J Hollis.

09:28:49 10 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Munyard?

11 MR MUNYARD: Good morning, Madam President, your Honours
12 and counsel opposite. For the Defence this morning Courtenay
13 Griffiths QC, myself, Terry Munyard, Morris Anyah and today for
14 the first time another of our interns Carlin Rosengarten.

09:29:09 15 PRESIDING JUDGE: Thank you, Mr Munyard, and we welcome
16 Mr Rosengarten to the Court and trust he finds the work
17 experience of benefit to him. If there are no other matters I
18 will remind the witness of her oath. No.

19 MR MUNYARD: Is anyone else having hearing problems because
09:29:28 20 I am not - I mean I am. I am unable to hear.

21 JUDGE LUSSICK: My microphone is not working. I can't
22 hear.

23 PRESIDING JUDGE: Madam Witness, can you hear what we are
24 saying?

09:29:46 25 THE WITNESS: Yes.

26 PRESIDING JUDGE: You can hear me?

27 THE WITNESS: Yes, I can hear you.

28 PRESIDING JUDGE: Very good. Madam Witness, I want to
29 remind you that yesterday you took the oath to tell the truth,

1 the oath is binding upon you and you must continue to answer
2 questions truthfully. Do you understand?

3 THE WITNESS: Yes, I understand.

4 PRESIDING JUDGE: Ms Hollis, before I ask you to proceed we
09:30:08 5 will just check on this technical matter to ensure everyone can
6 hear.

7 MR MUNYARD: I can't hear a thing, Madam President.

8 MS IRURA: Your Honour, I have contacted the AV booth. The
9 English channel is 1, but they are sending a technician into the
09:30:25 10 booth to check what the problem could be.

11 PRESIDING JUDGE: Madam Court Attendant, I know it is not
12 your job but I think in future these things should be checked
13 before we come into court if one of the technicians - you can
14 request that one of the technicians do that in future.

09:30:47 15 MS IRURA: I am much obliged, your Honour.

16 PRESIDING JUDGE: Madam Witness, there is a technical
17 problem. We are going to wait briefly.

18 JUDGE LUSSICK: My hearing has been restored. I can hear
19 perfectly now, so it sounds as though somebody has just flipped a
09:31:04 20 button.

21 MR MUNYARD: Mine is now back.

22 PRESIDING JUDGE: Ms Hollis, is yours on?

23 MS HOLLIS: Yes.

24 PRESIDING JUDGE: I am not sure mine is back, but I can
09:31:21 25 hear everybody quite clearly. I will just check with my learned
26 colleagues.

27 MS HOLLIS: Shall I say something to see if you can hear?

28 JUDGE SEBUTINDE: Yes, thank you, I can.

29 PRESIDING JUDGE: Yes, please proceed.

1 MS HOLLIS: Thank you, Madam President.

2 WITNESS: TF1-189 [On former oath]

3 EXAMINATION-IN-CHIEF BY MS HOLLIS: [Continued]

4 Q. Good morning, Madam Witness.

09:31:49 5 A. Yes, good morning.

6 Q. Madam Witness, yesterday you testified that after you had
7 left Superman's compound you later learned that other people in
8 the compound had been killed and for opposing counsel I am
9 referring to page 16520 of yesterday's transcript. Now when you

09:32:11 10 learned that these other people had been killed, did you learn
11 who had killed them?

12 A. No.

13 Q. Did you learn how many people had been killed?

14 A. I was told that all of them that were living in that hall
09:32:33 15 were killed.

16 Q. And did you learn why they were killed?

17 A. No.

18 Q. You also testified yesterday that when you and the hundreds
19 walked from Koidu to Kailahun Town a young boy, about 12 years
09:32:55 20 old, was carrying a box of ammunition and he had to stop. You
21 testified that a rebel ordered him to move on and he could not,
22 so a rebel killed him and that is at page 16522. How did you
23 know about this killing of this young boy?

24 A. It happened in front of my eyes.

09:33:23 25 Q. Now when we finished the day yesterday you were talking
26 about having gone to Kailahun Town and you talked about two times
27 you went out of the place you were staying and explained the
28 circumstances of those two trips. Other than those two trips,
29 did you ever go outside that place again while you were in

1 Kailahun Town?

2 A. No.

3 Q. While you were in Kailahun Town, did you ever try to
4 escape?

09:33:54 5 A. No.

6 Q. Why not?

7 A. I was afraid because of the first time I tried to do it I
8 was warned that the next time it will not be good for me. If I
9 tried to do the same the next time it would not be good.

09:34:18 10 Q. Now you testified that this place you stayed in Kailahun
11 Town there were other people there with you, you said they were
12 captives. Did any of those other people ever go out from this
13 place?

14 A. No.

09:34:39 15 Q. While you were in Kailahun Town, did you ever learn about
16 other captives in the town other than those at the place you were
17 staying?

18 A. Yes.

19 Q. And what did you learn about other captives in the town?

09:34:51 20 A. I learned that there were other captives in Kailahun Town
21 who are with the - who are with the rebels.

22 Q. And did you learn how many other captives were in Kailahun
23 Town at this time?

24 A. No.

09:35:14 25 Q. Did you learn anything about where these other captives
26 were from originally?

27 A. Yes, all over the country that the rebels had formerly
28 attacked.

29 Q. Did you learn what duties, if any, these other captives

1 performed while they were in Kailahun Town?

2 A. I only learnt the duty that was performed by us that were
3 staying in the same location.

09:35:56

4 Q. While you were in Kailahun Town, did you learn any of the
5 names of commanders who were present in Kailahun Town?

6 A. Yes.

7 Q. And what names did you learn?

09:36:33

8 A. Superman, old Ma Fatty, Colonel Mike Lamin, Issa Sesay and
9 Akim. Also CO Gogomeh was also there because we were staying
10 with him.

11 Q. Now when you learned the name of old Ma Fatty, I think you
12 said, could you spell that? Could you spell Fatty for us?

13 A. F-A-T-T-Y.

14 Q. And who was old Ma Fatty?

09:36:58

15 A. I was told by the rebel lady that she is the wife to one of
16 their commanders.

17 Q. Did she say which commander?

18 A. Yes, Colonel Issa.

09:37:18

19 Q. Now you mentioned just now Colonel Issa and you said before
20 Issa Sesay?

21 A. Colonel Issa Sesay.

22 Q. Did you learn what group Colonel Issa was with?

23 A. Yes.

24 Q. What group?

09:37:26

25 A. RUF rebel.

26 Q. And you mentioned Mike Lamin. Did you learn what group
27 Mike Lamin was with?

28 A. Yes, he was an RUF rebel.

29 Q. You also mentioned the name Akim. Did you know him by any

1 other name than Akim?

2 A. No.

3 Q. Did you learn what group Akim was with?

4 A. Yes.

09:37:52 5 Q. What group was that?

6 A. AFRC junta.

7 Q. You testified yesterday that you remained in Kailahun Town
8 until September.

9 A. Yes.

09:38:17 10 Q. Why did you leave at that time?

11 A. I was ordered to leave.

12 Q. Were you told why you were leaving?

13 A. Yes.

14 Q. And what was the reason given?

09:38:37 15 A. They said the jet is disturbing them so we have to move out
16 of the town.

17 Q. And did they say whose jets these were that were disturbing
18 them?

19 A. Yes, they said the ECOMOG jets.

09:38:55 20 Q. Now, without giving us the name of the location you went
21 to, could you tell us in what district you were moved to? The
22 location was in what district?

23 A. It was in Kailahun District.

24 Q. And how did you travel from Kailahun Town to this location?

09:39:16 25 A. We travelled on foot.

26 Q. How many people travelled to this location?

27 A. 40. 40 captives and a rebel. One rebel.

28 Q. These 40 captives, what was the gender of these captives?

29 A. Male and female.

1 Q. And what were the age groups?

2 A. 12 years to 30 years. As old as 30 years.

3 Q. When you made this move from Kailahun Town to this other
4 location, did anyone try to escape during this move?

09:40:03 5 A. No.

6 Q. Why did you not try to escape?

7 A. For me personally I was warned. And the other reason is
8 that where can I go? I don't know the place. I don't know
9 Kailahun District properly.

09:40:28 10 Q. And this other location that you went to, how long did you
11 remain at this location?

12 A. I was at that location until next year of July. The other
13 year of July.

14 Q. So when you say "next year" and "the other year", can you
09:40:57 15 tell us what year that was?

16 A. 1999.

17 Q. While you were at this location with these other captives,
18 some 40 other captives, did you learn how they came to be with
19 you there at that location?

09:41:21 20 A. I learnt about a few of them.

21 Q. And what did you learn?

22 A. That they were all abducted from different parts of Sierra
23 Leone.

24 Q. While you were in this location did you perform any duties?

09:41:35 25 A. Yes.

26 Q. What duties did you perform?

27 A. We do the cooking, cleaning up, washing of their clothes,
28 we - they ordered us to make a farm. We had to work at a farm.

29 Q. Now when you say you washed their clothes, whose clothes

1 were you washing?

2 A. The woman I was staying with, I had to wash her clothes and
3 her son's clothes also.

4 Q. Now, Madam Witness, you talked about 40 captives and a
09:42:57 5 woman and a son. In addition to these individuals, were there
6 other people at this place that you were staying until the next
7 year?

8 A. Yes.

9 Q. And these other people, what was their status? Were they
09:43:14 10 civilians or members of an armed group?

11 A. I was staying with RUF - there were RUF rebels at the
12 location, the SLA junta and we, the captives.

13 Q. Now was there anyone who was in command or in charge of
14 this location while you were there?

09:43:51 15 A. Yes.

16 Q. And this person, what was his status or her status? Were
17 they a civilian or a member of an armed group?

18 A. He was an RUF rebel.

19 Q. While you were in this location, did you hear any news
09:44:12 20 about events in Freetown?

21 A. Yes.

22 Q. And what did you hear?

23 A. I heard that the rebels have attacked the city again.

24 Q. And do you recall the date that the attack took place?

09:44:36 25 A. Yes, yes, it was in January, 6 January 1999.

26 Q. And how did you hear about this attack?

27 A. I heard it over the news.

28 Q. What news was this?

29 A. It was on international news, the BBC.

1 Q. Did you learn anything over the news about treatment of
2 civilians during this attack?

3 A. Yes.

4 Q. And what did you learn?

09:45:16 5 MR MUNYARD: I am sorry, before we go further with this
6 line of questioning, if this is what she is learning from the BBC
7 then what does it add to her evidence? If it's a radio report,
8 how can that possibly assist the Court in relation specifically
9 to this witness?

09:45:36 10 PRESIDING JUDGE: Ms Hollis?

11 MS HOLLIS: Witnesses testify about matters that are
12 relevant to various elements. Notice is one of the elements in
13 this case; awareness, knowledge going to intent. So the fact
14 that international channels are carrying this information is
09:45:53 15 relevant to that and the fact she heard it is thus relevant.

16 PRESIDING JUDGE: Yes, I will allow the question.

17 MS HOLLIS:

18 Q. Now, Madam Witness, what did you hear about treatment of
19 civilians during this attack?

09:46:09 20 A. I heard that the rebels were burning houses, they were
21 killing people, maiming of the people's arms and legs and
22 abducting people also. They were raping women also.

23 Q. Madam Witness, while you were in this location did you ever
24 travel from this location to any other place?

09:46:44 25 A. Yes.

26 Q. And how often did you travel from this location to other
27 place or places?

28 A. I travelled out of this location on three occasions.

29 Q. And why did you travel from this location on those three

1 occasions?

2 A. I had to accompany a lady to shop to get some food items.

3 Q. And where did you go on these three occasions?

4 A. We went to Kangama.

09:47:20 5 Q. And when you went to Kangama, can you tell us where Kangama
6 was located?

7 A. It was located after Buedu, Buedu Town.

8 Q. And when you went to Kangama, did you pass through Buedu
9 Town?

09:47:42 10 A. Yes.

11 Q. When you went to Kangama, would you rest or stay at any
12 place before travelling back to your location?

13 A. Yes.

14 Q. And where was that?

09:47:54 15 A. In Buedu Town.

16 Q. While in Buedu, did you learn of any commanders in Buedu?

17 A. Yes.

18 Q. And who did you learn of in Buedu?

09:48:20 19 A. I learned about Sam Bockarie, CO Mosquito as they used to
20 call him.

21 Q. And how did you learn about Sam Bockarie, CO Mosquito?

22 A. The lady went together with me, I accompanied her. She
23 said she is going to greet him.

24 Q. And how did you know his name?

09:48:46 25 A. She addressed him as CO Mosquito.

26 Q. Did she tell you who he was, other than his name?

27 A. She said he is their commander, their overall commander.

28 Q. The overall commander for who?

29 A. For the RUF rebels.

1 Q. Now while you were at this location that you stayed at
2 until 1999, were any of the people at your location ever taken
3 away, any of the captives who were there with you?

4 A. Yes.

09:49:32 5 Q. Who was taken away?

6 A. 20 of the captives were taken away.

7 Q. And what were the ages of these people taken away?

8 A. 12 to 18 years.

9 Q. What was the gender of the people who were taken away?

09:49:55 10 A. They were male and female.

11 Q. Were these people taken away before or after you heard the
12 news about the attack on Freetown?

13 A. It was after.

14 Q. And why were these people taken away?

09:50:13 15 A. It was learned that they were taking them to the base - to
16 the training base.

17 Q. Did you learn what kind of training they were receiving at
18 this base?

19 A. Yes.

09:50:30 20 Q. What did you learn?

21 A. I learnt that they tell them to jog, to - they learned them
22 how to use the guns, how to fire them, and they have to crawl
23 under a barbed wire.

24 Q. Did you ever learn who was in charge of this training base?

09:51:03 25 A. Yes.

26 Q. Who was that?

27 A. CO Monica.

28 Q. And did you learn anything about CO Monica's conduct as the
29 person in charge of this training base?

1 A. Yes.

2 Q. What did you learn?

3 A. I learnt that she - she is a tall woman, very fearful, red
4 eyes and a heavy voice.

09:51:46 5 Q. And did you learn anything about her conduct toward the
6 trainees?

7 A. Yes.

8 Q. What did you learn?

9 A. I learnt that if she ordered you to do something and you
09:51:59 10 refused, she will beat you up.

11 Q. Now, other than this conduct by CO Monica, did you learn
12 anything else about what was done to the trainees at this
13 training base?

14 A. No.

09:52:19 15 Q. Did you learn what happened or what was done with these
16 people after they were trained?

17 A. They were sent to the war fronts.

18 Q. Now you have testified that you were at this location until
19 I believe you said July of 1999. Is that correct?

09:52:44 20 A. Yes.

21 JUDGE SEBUTINDE: Ms Hollis, before you leave the
22 information regarding this training base, would it be possible to
23 establish the location of this training base, and also the source
24 of her knowledge, if that's possible.

09:53:00 25 MS HOLLIS: Yes, I will ask about the location and the
26 source of the knowledge will be when I will ask to go back into
27 private session.

28 JUDGE SEBUTINDE: Okay.

29 MS HOLLIS:

1 Q. Madam Witness, I believe you heard Justice Sebutinde's
2 question. Did you learn exactly where this training base was
3 located?

4 A. Yes.

09:53:19 5 Q. Where was that?

6 A. It was on the route to Buedu Town, but you have to take
7 another route that - the base is not on the main route to Buedu
8 Town. It's inside, but the location I cannot tell. I cannot
9 tell.

09:53:46 10 Q. Did you ever learn a name for this training base?

11 A. No.

12 Q. And did you learn about any other training bases in that
13 area?

14 A. No.

09:53:59 15 Q. Now why did you leave your location in July of 1999?

16 A. I was told that they have signed the Lomé Peace Agreement,
17 that they are going to free us.

18 Q. And where did you go after you learned this?

19 A. We went back to Kailahun Town and from Kailahun Town to
09:54:35 20 Koidu Town.

21 Q. How many of you went from this location to Kailahun Town?

22 A. We were many. About hundreds of people.

23 Q. I am speaking of your particular location to Kailahun Town
24 itself, how many?

09:54:54 25 A. 20.

26 Q. When you went from your location to Kailahun Town, were you
27 on your own or were you escorted?

28 A. We were escorted by one rebel also.

29 Q. Now when you reached Kailahun Town, what happened there?

1 A. We had to spend two nights there and we were told to go
2 back - to come back to Koi du Town.

3 Q. During the time you were in Kailahun Town, how many other
4 captives were there in Kailahun Town, if you know?

09:55:40 5 A. We were many.

6 Q. And where did you captives stay in Kailahun Town?

7 A. The town has something like a hut that we all spent the
8 night there. We were all gathered there that we were supposed to
9 wait, we are not supposed to go anywhere. They will tell us when
10 to leave.

09:56:07

11 Q. Now you testified that after you spent these two nights in
12 Kailahun Town you went to Koi du Town. How did you travel from
13 Kailahun Town to Koi du Town?

14 A. We travelled on foot.

09:56:26

15 Q. And how many of you were travelling from Kailahun Town to
16 Koi du Town?

17 A. Hundreds of people. Hundreds. We were many.

18 Q. Now this group that was travelling, what was the
19 composition of the group?

09:56:45

20 A. Civilians and rebels.

21 Q. How long did you remain in Koi du Town?

22 A. We were there less than a month.

23 Q. And where did you captives stay while you were in Koi du
24 Town?

09:57:07

25 A. We stayed at the - they divided us into groups, so we
26 stayed at different, different locations.

27 Q. And how many people were with you at your location?

28 A. We were 20 captives and the rebels were five.

29 Q. Now these 20 captives, were these different than the people

1 that were with you at the previous location, or were they the
2 same people with you at the previous location?

3 A. They were the same people.

09:57:51

4 Q. While you were in Koidu Town, were you able to talk with
5 any of the other captives who were being held at other locations?

6 A. Yes.

7 Q. And did you learn where these other captives were
8 originally from?

9 A. Yes.

09:58:02

10 Q. Where?

11 A. From - one was from the training base and the other one was
12 from Kangama.

13 Q. Where did you go after Koidu Town?

14 A. We went to Makeni.

09:58:24

15 Q. And why did you go there?

16 A. They told us to go to Makeni.

17 Q. Who told you that?

18 A. The rebels.

19 Q. How many people travelled to Makeni?

09:58:39

20 A. We were many. We were many, more than 20 captives. We
21 were many.

22 Q. And what was the composition of the group that travelled to
23 Makeni?

24 A. Both male and female.

09:58:54

25 Q. And were they all captives, or were there others?

26 A. We were - there were others. The rebels accompanied us.

27 Q. What happened when you arrived in Makeni?

28 A. We were placed in - we were also divided into groups.

29 Q. And did you have any meetings while you were in Makeni?

1 A. Yes.

2 Q. What meetings did you have?

3 A. They told us - we had this meeting and they told us that
4 the war is over now and that we are free, but they will tell us
09:59:47 5 when to leave finally.

6 Q. And who was telling you this?

7 A. The rebels and together with the SLA juntas.

8 Q. Now did you learn the names of any of the people who were
9 speaking to you at that meeting?

10:00:06 10 A. Yes.

11 Q. Who was that?

12 A. CO Monica was present at that meeting, Morris Kallon,
13 Eldred Collins, Tamba Brima.

14 Q. Now how did you learn the names of these people?

10:00:38 15 A. Before the meeting started they introduced themselves to
16 us.

17 Q. Did you learn what group Morris Kallon was with?

18 A. I have forgotten his group.

19 Q. Now you mentioned a Collins. Could you tell us again his
10:01:01 20 first name?

21 A. Eldred Collins.

22 Q. Did you learn what group he was with?

23 A. Yes.

24 Q. What group was that?

10:01:08 25 A. The SLA junta.

26 Q. And you mentioned a person Tamba Brima. Did you know him
27 by any other name?

28 A. Gullit.

29 Q. Did you learn what group he was with?

1 A. Yes.

2 Q. And what group was that?

3 A. The SLA junta.

4 Q. Now after this meeting, did you see any of these

10:01:43 5 individuals you have just named again after that meeting?

6 A. Yes.

7 Q. Who did you see?

8 A. CO Monica.

9 Q. And how did that happen?

10:01:55 10 A. She came to our location and we greeted her, but she was

11 furious that she did not like the way we greet her that when we

12 see her we should stand up and greet her, so she had to fire this

13 gun that she was holding that we must all stand up. So we all

14 stand up and it was so scary.

10:02:38 15 Q. Did she explain to you why you had to stand up when she

16 came?

17 A. Yes.

18 Q. What did she say?

19 A. She said she is not like us, we are not the same, so when

10:02:57 20 we see her we should observe her presence by standing up and

21 greet her.

22 Q. Did she explain what she meant that she was different from

23 you, that you were not the same?

24 A. No.

10:03:15 25 Q. Did she say anything else to you at this meeting?

26 A. Yes.

27 Q. What did she say?

28 A. She said she is not coming to Freetown, that she is going

29 to Yengema.

1 Q. Did she say why she was going to Yengema?

2 A. She said she is going to set up a training base at Yengema.

3 Q. Now how long were you in Makeni?

4 A. Less than a month. Less than a month.

10:03:52 5 Q. And why did you leave Makeni?

6 A. We were freed.

7 Q. Did you say you were freed?

8 A. Yes.

9 MS HOLLIS: Madam President, your Honours, at this time I
10:04:18 10 would ask that we go into private session so that we can
11 establish particulars of victims and bases of knowledge.

12 PRESIDING JUDGE: I see. Mr Munyard, you have heard the
13 application.

14 MR MUNYARD: We have no problem with that.

10:04:31 15 PRESIDING JUDGE: Thank you.

16 [Trial Chamber conferred]

17 We grant that application and we will go into private
18 session, Madam Court Attendant. For purposes of the rules and
19 the public and monitors who may be in the public gallery, the
10:04:49 20 Court will now go into private session. People may be able to
21 see into the Court, but they will not hear what is being said.
22 This is for purposes of the security of the witness. Madam
23 Witness, did you understand what was said?

24 THE WITNESS: Yes, I understand.

10:05:06 25 PRESIDING JUDGE: You will be able to answer questions more
26 freely because no-one else will hear what is said and it will not
27 be broadcast.

28 THE WITNESS: Okay.

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[At this point in the proceedings, a portion of the transcript, pages 16545 to 16565, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: Thank you. Please proceed, Mr Munyard.

4 MR MUNYARD: Thank you, Madam President:

11:06:09 5 Q. Madam Witness, I am hoping to be able to ask you only a
6 small number of questions and detain you for only a short period
7 of time further in the witness box. If there is anything I ask
8 that you don't understand, would you please indicate to me that
9 you don't understand my question and I will try to put it in a
11:06:29 10 way that is more easy to understand.

11 I am going to ask you first of all about an incident that
12 happened to you in a place that I have no need to name where you
13 say that you were the victim of a rape by a number of people.
14 For the benefit of my learned friends opposite and the Court, I
11:07:03 15 am looking at yesterday's transcript at page 16510. In fact, it
16 is 16511. It starts towards the end of that page. You have told
17 us that there were five rebels present and looking at page 16512
18 you told us that - you told us that this happened in the living
19 room, is that right?

11:08:16 20 A. Yes.

21 MR MUNYARD: I have slightly lost the reference, but I know
22 clearly that it was a reference to the living room and the
23 witness has confirmed that:

24 Q. And so there were five of these men who did this thing to
11:08:36 25 you and you were in the living room of - was it your house, or
26 the house that you were staying in at the time that this
27 happened?

28 A. The house that we were staying at that time.

29 Q. Right. Yes, I was correct actually. It was on page 16510,

1 lines 22 onwards and it goes on to page 16512. And it may sound
2 an odd question, Madam Witness, but are you quite sure that this
3 happened in the living room of the house that you were staying
4 in?

11:09:16 5 A. Yes.

6 Q. Can you remember ever having told Prosecutors when you were
7 interviewed that this rape happened not in the house, but in the
8 bush?

9 A. No.

11:09:40 10 MR MUNYARD: Madam President, I haven't produced bundles
11 for everybody because I don't anticipate making reference to more
12 than a few passages in previous interviews. I have given a
13 master copy to Madam Court Officer. I don't believe that there
14 is any need for this document to be broadcast to the public. If
11:10:03 15 it can be shown on the monitors within the courtroom without it
16 being broadcast to the public that's fine. Otherwise, I can
17 simply have it put in front of the witness so that she can
18 confirm what is recorded in the interview.

19 PRESIDING JUDGE: I do recall on a previous occasion it was
11:10:38 20 shown within the Court but not broadcast. Can that be
21 implemented on this occasion?

22 MS IRURA: Your Honour, the AV booth will implement that.

23 PRESIDING JUDGE: Very good. Please put it on display.

24 MR MUNYARD: Thank you very much:

11:11:01 25 Q. Now, Madam Witness, I am just going to confirm with you
26 that you were interviewed on a number of occasions by the
27 Prosecution. Is that correct?

28 A. Yes.

29 Q. And you may not now remember the dates, but the date of the

1 first interview that we have is 18 February 2003 and then you
2 were interviewed again about three weeks later on 7 March 2003.
3 Can you remember being interviewed on those two occasions in
4 2003?

11:11:32 5 A. Yes.

6 Q. Thank you. And for the sake of completeness, you were then
7 asked to look over those interviews - in fact go through those
8 interviews in some detail in February of this year, on 18
9 February, and go through and correct anything in those
10 interviews. Can you remember doing that?

11 A. I did not understand the question.

12 Q. All right. You were interviewed twice in 2003 and then
13 earlier this year, on 18 February this year, you were given those
14 interviews to go through to check and to correct if there was
15 anything wrong with them. Can you remember doing that earlier
16 this year?

17 A. Yes.

18 Q. Thank you. And do you agree that you did make one change
19 to one page of one of the interviews? You changed a name. The
20 spelling was slightly wrong of a name. I don't think there will
21 be any danger. You changed the spelling of a name from Yei to
22 Fei, can you remember that?

23 A. Yes.

24 Q. And you made no other changes to either of these
25 interviews, do you agree?

26 A. Yes.

27 Q. Thank you. And indeed you signed a declaration that the
28 contents of the interviews were true to the best of your
29 knowledge and belief?

1 A. Yes.

2 Q. Thank you. Then you were also interviewed on three - well,
3 on a number of other occasions over the period 26 March to 1
4 April this year. Do you remember being interviewed again about
11:13:36 5 the contents of the interviews from 2003?

6 A. Yes.

7 Q. And during that period of time you made 89 statements of
8 clarification to the first interview from 2003 and some 203
9 clarifications to the second interview from 2003. I don't

11:14:13 10 imagine you remember how many clarifications you made, but do you
11 remember being asked an awful lot of questions about the two
12 earlier interviews?

13 A. Yes.

14 Q. Thank you. And then finally you were seen on Sunday and
11:14:26 15 Monday of this week and you made a further eight points. There
16 were a number of other clarifications that you made. Is that
17 correct?

18 A. Yes.

19 Q. Thank you. I would like you, please, to look at the first
11:14:43 20 interview which runs to 102 pages. The numbering is a small
21 number at the top right-hand corner of each page, but there is
22 also large numbers and page 52 is also marked with the number
23 00046138. Do you have that in front of you on the screen, Madam
24 Witness?

11:15:37 25 A. Page 52?

26 Q. Yes.

27 A. Yes.

28 Q. On the previous page you had been dealing with the fact
29 that you were disguised as an old woman, but they then made you

1 take your head tie off and realised you were a young woman. Do
2 you remember telling them that?

3 A. Yes.

11:15:57

4 Q. And then page 52 they ask - the previous page you had also
5 said you were ill and they gave you a tablet of Caffeinol. Do
6 you remember telling them that?

7 A. Yes.

11:16:11

8 Q. Then over the page, the one we are looking at, they ask you
9 if you are okay, you said you still weren't feeling well. They
10 wanted to take you to the room. Your mother was there. They
11 slapped her and she then left and your uncle was there and he
12 told them not to take you away and they shot a gun between his
13 feet. Do you remember telling them all that?

11:16:41

14 A. No, not all of them. I never remembered telling them that
15 they took me to a room, my mother was there and they slapped her,
16 but I can remember that I told them that --

17 Q. Right.

18 A. -- my uncle had wanted to prevent them not to take me away.

19 Q. Yes.

11:16:55

20 A. And they threatened to kill him.

21 Q. Yes. You were being interviewed by somebody called
22 Ms Taylor?

23 A. Yes.

24 Q. Do you remember her? Do you remember her first name?

11:17:13

25 A. Louise Taylor.

26 Q. Louise Taylor, exactly. She also had an interpreter with
27 her, Cecilia Williams?

28 A. Yes.

29 Q. And there was another lady called Joanna Cross who was

1 recording everything, all the questions and all the answers. Can
2 you remember her being there?

3 A. Yes.

4 Q. And this is what she, Joanne Cross presumably, has recorded
11:17:33 5 what we are looking at on page 52. You say that first answer
6 that we have just looked at, you can remember telling them part
7 of it but you don't remember telling them some other parts?

8 A. Yes.

9 Q. If you go on then to the next answer at line 10: "And my
11:17:51 10 uncle followed until we left the end of the village. And they
11 drew a line, that if my uncle passed that they would kill him"
12 and you told him to go. Can you remember telling them that?

13 A. I told my uncle to go.

14 Q. Yes, pause for a moment.

11:18:08 15 A. For them not to kill him.

16 Q. Pause for a moment. All I am asking you at present is do
17 you remember telling the Prosecutors this when you saw them for
18 the first time in that lengthy interview in February 2003?

19 A. Yes.

11:18:23 20 Q. Thank you. And then the middle of the page, line 15: "I
21 told my uncle to go, let them not kill him. And when we went,
22 they took me into the bush, the nearby bush of the village. They
23 then" - I will miss out the detail, but you go on to say, "And
24 they started raping me in the bush, one after other. There were
11:18:48 25 four". Do you remember telling the Prosecution that?

26 A. I cannot remember telling them this one, no.

27 Q. Now I am going to pause there. You do not, unless I am
28 mistaken - and my learned friend Ms Hollis will correct me if I
29 am mistaken, and I am happy to be corrected if that's the case.

1 You don't ever mention in this interview or any subsequent
2 interview that your rape took place in the house, in the living
3 room. You only talk about it happening in the bush in this
4 passage that we are looking at here and then later on.

11:19:30 5 Can you assist us with this: When you were asked to look
6 through the statement on 18 February this year and sign a solemn
7 declaration that the contents were true, and indeed you did
8 change the spelling of a name, do you recall reading carefully
9 through these interviews to see if everything in there was
10 correct?

11 A. Yes.

12 Q. And you clearly haven't changed anything here, you?

13 A. No. On this page?

14 Q. That's right, on this page.

11:20:17 15 A. No.

16 MR MUNYARD: Madam Court Officer, I hope that in the bundle
17 there is the - is this interview duplicated at the back end of
18 the interview? If it's not it doesn't matter, because I have got
19 the copy that the witness marked:

11:20:46 20 Q. I am just going to show you this that you marked on 18
21 February this year. This is page 47 of that same interview that
22 we have been looking at and can you see on the screen there that
23 you have changed a name - you have changed the spelling of a
24 name?

11:21:16 25 A. Yes.

26 Q. And you have initialled and dated that change, haven't you?

27 A. Yes.

28 Q. So you agree that you obviously were carefully reading
29 through these interviews?

1 A. Yes.

2 MR MUNYARD: Thank you. We can take page 47 off now:

3 Q. Would you agree that your recollection of some of these
4 events, quite possibly because they were so dreadful, has
11:21:50 5 affected the reliability of your memory?

6 A. Pardon me, please.

7 Q. Do you want me to explain that in another way?

8 A. Yes.

9 Q. Would you agree that your recollection of the things that
11:22:07 10 happened to you isn't terribly reliable perhaps because of the
11 awful impact that these things had on you?

12 A. Yes.

13 Q. Thank you. Now do you remember telling us in evidence
14 yesterday --

11:22:34 15 JUDGE SEBUTINDE: Mr Munyard, I am sorry to interject.
16 Madam Witness, are you telling the Court that your memory is not
17 reliable?

18 THE WITNESS: I have a reliable memory.

19 JUDGE SEBUTINDE: This is exactly what the lawyer asked you
11:22:47 20 just now. He has asked you whether your memory is not reliable
21 given the painful experiences you passed through and your answer
22 was yes. Is that your answer?

23 THE WITNESS: I answered yes, but it's because I did not
24 understand the way he posed the question on me. I have a very
11:23:09 25 reliable memory.

26 JUDGE SEBUTINDE: What did you mean by yes? What were you
27 answering yes to?

28 THE WITNESS: I was thinking that he was asking me of not
29 going through the statement correctly. I was not going through

1 the statement correctly. That was why I have to - I have to skip
2 that part of the statement, not correcting it. That was what I
3 understand by his question.

4 MR MUNYARD: Well, I am going to have to try a little
11:23:55 5 further in the light of those answers:

6 Q. Madam Witness, I am not suggesting that some terrible
7 things did not happen to you. What I am suggesting is that
8 because you have given the Prosecutors one account of where this
9 thing happened and how many people were involved that is
11:24:20 10 different from the account of the location where it happened and
11 how many people were involved that it's likely that your
12 recollection of some events in the past is not terribly reliable.
13 Would you agree?

14 A. No.

11:24:36 15 Q. So are you able to help us with why you didn't change what
16 we can see on page 52 of that first interview?

17 A. Yes.

18 Q. Why do you think that when you read that you didn't
19 immediately change it to say this happened in the living room?

11:25:05 20 A. Maybe it is because I did not pass through that page. I
21 was not able to see that page, because if I had - if I had seen
22 it I would have changed it.

23 Q. Well, you got as far as page 47, didn't you?

24 A. I don't know what is on page 47.

11:25:33 25 Q. Page 47 is the one we looked at a moment ago where you
26 changed the name?

27 A. Yes.

28 Q. So you were clearly looking at page 47 and looking at it
29 carefully enough to see that the letter "Y" should be replaced by

1 the letter "F". Do you agree?

2 A. Yes.

3 Q. And do you agree that that suggests you were giving these
4 pages very careful scrutiny?

11:26:14 5 A. Yes.

6 Q. I wonder if I can just read to you the terms of the
7 declaration that you signed when you were looking at these
8 interviews. Madam Court Officer, I don't know if it's there? It
9 is dated 18 February 2008. Yes, tab 6, if there are tabs there.

11:26:59 10 Could you just look at that, please, Madam Witness. Does that
11 document headed "Adoption of statement by witness" - does it have
12 your signature towards the bottom of the page, the first of two
13 signatures?

14 A. Yes.

11:27:18 15 Q. Signature/thumbprint of witness, your signature dated 18
16 February 2008, and if we go back to the top of it underneath
17 "Adoption of statement by witness", does it read:

18 "I" - and then it gives your name - "affirm the information
19 contained in" - then it gives the statement of 18 February 2003
11:27:41 20 and the statement dated 7 March 2003 - "are true to the best of
21 my knowledge and belief, subject to the handwritten corrections
22 noted on them by me or the investigator, which corrections are
23 marked for identification purposes by my initials and date, or
24 thumbprint and date. Unless otherwise stated, I have personal
11:28:05 25 knowledge of all events in the above statements. I have read the
26 statements or I have had them read to me in the English language
27 or translated to me in the English language and they are true to
28 the best of my knowledge and recollection."

29 Can you remember now in February of this year were these

1 statements read back to you by somebody, or were they given to
2 you to read through carefully and then correct?

3 A. They were given to me to read carefully.

11:28:36

4 Q. Thank you. And you knew how serious a matter this was,
5 didn't you?

6 A. Yes.

7 Q. The giving of a statement in a criminal trial of this
8 magnitude?

9 A. Yes.

11:28:44

10 Q. And you took that responsibility very seriously, I presume.
11 Is that correct?

12 A. Yes.

13 Q. And you carefully went through every page to ensure that
14 the Prosecution had correctly recorded what you had told them.

11:29:01

15 Is that correct?

16 A. I did not understand what you said.

17 Q. Did you carefully read each page to make sure that the lady
18 who took a note of the questions and answers in your interviews
19 had correctly recorded them?

11:29:21

20 A. Yes.

21 Q. Right. I am going to move on. There were a number of
22 people that you mentioned and things that happened to them and
23 one thing that you talked about was two girls who were taken
24 away. And for the benefit of my learned friends and the Court,

11:30:10

25 page 16508 line 20. Can you remember telling us yesterday that
26 two girls who were taken away, I think they were sisters, they
27 may well have been - one of them may well have been the person
28 whose name you corrected.

29 A. Yes.

1 Q. Do you remember telling us they were aged 14 and 18 at the
2 time?

3 A. Yes.

4 Q. Can you remember telling the Prosecution that they were
11:30:39 5 aged 18 and 20 when you saw the Prosecution back in 2003?

6 A. Yes.

7 Q. And I am not suggesting it is a major point, but do you
8 agree that it is easy to get people's ages mixed up as time goes
9 by?

11:31:11 10 A. I cannot tell their correct age. I am just giving a sort
11 of estimation.

12 Q. Right, all right. If we go back to page 49 of that first
13 interview, ERN 46134, in the middle of the page at lines 16 and
14 18 you give the ages of those two sisters as 18 and 20. So
11:31:48 15 rather older than your recollection when you were giving evidence
16 yesterday, do you agree?

17 A. Yes.

18 PRESIDING JUDGE: Mr Munyard, I am just noting the time and
19 I am conscious of two things. First that you gave us an
11:32:01 20 indication that your cross-examination may not be lengthy.

21 MR MUNYARD: Yes.

22 PRESIDING JUDGE: Secondly, I am aware too that the parties
23 and Mr Taylor in particular may have routines that are built into
24 time breaks.

11:32:14 25 MR MUNYARD: Yes.

26 PRESIDING JUDGE: So in the light of those two matters can
27 you indicate to us first of all, if you think you could complete
28 it, how long, and if we were to sit on would it affect
29 particularly your client's routines?

1 MR MUNYARD: I think it would affect Mr Taylor's routine
2 certainly. I will probably actually be about ten to 15 minutes
3 longer, so I was a little optimistic I'm afraid.

4 PRESIDING JUDGE: Do you mean you will complete in ten or
11:32:45 5 15 minutes or 10 or 15 minutes longer than your original
6 estimate?

7 MR MUNYARD: The answer to that actually is both, because
8 my original estimate is I thought I would finish around now.

9 PRESIDING JUDGE: You did say that.

11:32:58 10 MR MUNYARD: So, I am sorry, but I am, as so often, a
11 little longer than I was anticipating and I think it probably is
12 appropriate to have the mid-morning break now at the usual hour.

13 PRESIDING JUDGE: In the circumstances, Madam Witness, we
14 had hoped to have been able to do everything at once, but there
11:33:18 15 are certain routines the Court has to follow and therefore we
16 will take the mid-morning break now and we will resume at 12
17 o'clock. Please adjourn court until 12.

18 [Break taken at 11.35 a.m.]

19 [Upon resuming at 12.00 p.m.]

11:54:35 20 PRESIDING JUDGE: Mr Munyard, please proceed.

21 MR MUNYARD: Thank you, Madam President:

22 Q. Madam Witness, I am going to move on to another issue now
23 if I may and that is a person - I just want to know about a
24 person whose name begins with A and whose - that is his nickname
12:00:22 25 begins with A and whose name you gave us today, his full name.
26 His first name is Michael and I am not going to repeat the second
27 name so that there can be no question of that causing any
28 problems, but you gave that person's full name this morning in
29 evidence. And you say that that person, whose proper name and

1 family name you gave us this morning, is the same person as the
2 one whose name begins with A, yes?

3 A. Yes.

4 Q. Could you have a look, please - Madam Court Officer I would
12:01:03 5 be grateful - at the first interview in 2003 on 18 February and I
6 am going to ask you to start at page 54, also ERN 46140. Do you
7 have page 54 on the screen in front of you, Madam Witness? Can
8 you let me know if you can see it?

9 A. Yes, I can see it.

12:01:50 10 Q. You are talking about a number of people and if you go to
11 line 10 do you see the numbers in the left-hand margin? Do you
12 see in line 10 there is a name that begins with A and that's the
13 person I am asking you about?

14 A. Yes.

12:02:08 15 Q. You mentioned him and you say further on that he was under
16 Gibril Massaquoi?

17 A. Yes.

18 Q. And then line 18 you say the other one was called Michael.
19 Do you see that?

12:02:24 20 A. Yes.

21 Q. And you are asked, "Michael?" And you say yes. Then you
22 are asked more questions about the person whose name begins with
23 A on the remainder of that page and then if we go over on to page
24 55 you confirm in line 3 that that is his nickname and you go on
12:02:48 25 to say you've never heard his real name. Do you see that in line
26 5?

27 A. Yes.

28 Q. Then on line 11 onwards you are asked to give a description
29 of that person. Do you see that?

1 A. Yes.

2 Q. I am not going to take you right through all that page, but
3 you describe what he looks like and distinguishing marks?

4 A. Yes.

12:03:14 5 Q. And then if you turn over to page 57, because you continue
6 to describe the person beginning with A in the intervening pages,
7 page 57, first question:

8 "Q. What about Michael? Was that his real name?

9 A. Yes.

12:03:33 10 Q. Does he have a family name? Did you ever hear his
11 family name?

12 A. No, they don't call their full name."

13 Then line 10 you deal with a third person called C0. Do you
14 see that?

12:03:47 15 A. Yes.

16 Q. And do you remember telling the prosecuting investigators
17 all of this?

18 A. Yes.

19 Q. Thank you.

12:03:55 20 A. And excuse me.

21 Q. Yes, certainly.

22 A. I can remember that I told the Prosecution that the person
23 named A was the same person that was called M.

24 Q. Right. We are going to come on to that in due course.

12:04:14 25 Don't worry, I am going to deal with that in a moment. You then
26 deal with line 10 with a third person, this person was called C0,
27 and then in line 13 you are asked what about the fourth person
28 and you say you don't know his name. These were the four people
29 that you said had been involved with you earlier. And then you

1 are asked in line 15 what language did Michael and CO speak and
2 you told them what languages they spoke and then at the bottom,
3 line 24, you are being asked who they are with and you say that
4 the person beginning with A is with one commander and Michael and
12:05:04 5 CO are with another commander. Do you see that?

6 A. Yes.

7 Q. And did you say all that to them?

8 A. Yes.

9 Q. Now you went through those interviews in February of this
12:05:22 10 year and you didn't make any changes to any of that information
11 there. We know that because there is no corrections apart from
12 the one we looked at earlier on, page 47, but there came a point
13 in either March or April this year when you were being proofed
14 when you finally said what you've just told us. This appears,
12:06:03 15 Madam Court Officer, in tab number 5. It's the first page of tab
16 number 5 and I am not going to read out any names, but at
17 paragraphs 6 and 7 you say that Michael who you'd previously
18 described as a totally different person is actually the same
19 person as person A and then in paragraph 7 you give Michael's
12:06:34 20 full name. Do you see that?

21 A. Yes.

22 Q. Can you help the Court with why it was when you were first
23 being asked a lot of very detailed questions about these people
24 in 2003 you made it perfectly plain that A and Michael were two
12:06:50 25 different people, you made it perfectly plain that you didn't
26 know A's real name at all and you made it perfectly plain that
27 you didn't know Michael's family name? How is it that suddenly
28 in either March - in late March or the beginning of April this
29 year, suddenly you merge those two people into one and you know

1 the full name including the family name? How did that happen?

12:07:59 2 A. Yes, that interview in 2003, I was very confused, depressed
3 at that time and with proper counselling and psychological help I
4 was able to comprehend properly what really happened to me. That
5 was about the adjustment.

6 Q. Now you went on in that interview in 2003 that we've been
7 looking at to describe a brief period of time in one house,
8 Superman's house, before you were taken to another house nearby.
9 Can you remember telling the Prosecutors that?

12:08:21 10 A. Yes.

11 Q. And I am not proposing to take you through all the pages
12 where you detailed what and who you saw in the first house, but
13 do you agree that in that interview in 2003 you never said
14 anything at all about seeing a woman being put up against a wall
15 and shot?

12:08:47 16 A. Pardon? Pardon me, please.

17 Q. Do you agree that in the interview in 2003, when you went
18 into quite a lot of detail over several pages about the period of
19 time you spent in Superman's house, you never mentioned seeing
12:09:09 20 anybody being shot?

21 PRESIDING JUDGE: I think it is Superman's compound. It
22 may not be a big point, but there is - it may assist the witness
23 to understand.

24 MR MUNYARD: Certainly:

12:09:24 25 Q. Madam Witness, you have heard Her Honour clarifying. We
26 may - when I use the word "house" maybe I should be using the
27 word "compound." In fact, in your interview - and I am looking
28 at page 58 - you say, "They took me to one house", and then over
29 the page you use the word "house" throughout?

1 PRESIDING JUDGE: Well, then, in that case I withdraw the
2 comment, Mr Munyard.

3 MR MUNYARD: Yes, it is quite all right.

12:09:54

4 Q. Let's be clear. You go to Superman's compound, is that
5 right?

6 A. Yes.

7 Q. And you go into a house on the compound?

8 A. Yes.

12:10:04

9 Q. And then you are taken by somebody to another house, that
10 person's own house, which is not in that same compound, is that
11 right?

12 A. If I can explain better?

13 Q. Certainly.

12:10:26

14 A. I tried to escape from that house to go back where they
15 took me from and I was taken out in that vehicle and they brought
16 me back to another house.

17 Q. Right, let's just see if we understand that then. You are
18 taken first of all to Superman's house, yes?

19 A. Yes.

12:10:45

20 Q. You try to escape from Superman's house and a man in a
21 vehicle sees you in the bush and brings you back?

22 A. Yes.

23 Q. Back to the town?

24 A. Yes.

12:10:57

25 Q. And then locates you in a different house, different from
26 Superman's house?

27 A. Yes.

28 Q. Yes. Now, have I understood that that is what you are
29 trying to tell the Court this morning?

1 A. Yes, yes.

2 Q. Well, in that case we will have to look at page 58 onwards.

3 I just want to try and deal with this as quickly as I can. Can
4 you look at page 58, please, of that first interview. Do you see

12:11:37 5 line 3 of that - that page? You give an answer, "When they took
6 me to Koidu Town they are living in Superman's place." Do you
7 see that?

8 A. Yes.

9 Q. And going further down to line 20, "They took me to one
10 house", and line 22 --

12:11:57 10

11 A. Yes.

12 Q. -- "They took me to that place, that same house, so I met
13 different girls there"?

14 A. Yes.

12:12:08 15 Q. Over the page, page 59, you say, "We were all sitting when
16 one of the rebels came and told us Superman say that he don't
17 want to see any young lady. The influx of young ladies is too
18 much in Koidu Town. The rebels are not doing their work. They
19 are just behind women and then they said that Superman's coming
12:12:29 20 to kill all of us." Yes?

21 A. Yes.

22 Q. Then you go on to say, "Then that ...", and you name a
23 person, "... took me to one - because of that news that person
24 took me to one - his own house." Do you see that?

12:12:48 25 A. Yes.

26 Q. And then you're asked, "I just have to ask you more
27 questions about this house now", and you give the address, the
28 street that it is in, and then you describe further down, line
29 20, what the house is like?

1 A. Yes.

2 Q. It has a parlour and there are plenty of girls in there.
3 Over the page you deal with the age of the girls on page 60 and
4 your own age. I am not concerned with that.

12:13:17 5 A. Uh-huh.

6 Q. Then page 61 is more about the girls. Page 62, line 14,
7 you are still dealing with the description what went on in that
8 house. Line 14, "Okay. And when you - how long did you actually
9 stay in this house for?", and you say, "For just one - for just
10 that night". Line 18, "I was taken to another place because of
11 the news that Superman would kill us - is going to kill all of
12 the women"?

13 A. Yes.

14 Q. Do you see that?

12:13:52 15 A. Yes.

16 Q. And then over the page you deal with the same issue about
17 being moved because of what Superman was going to say. Then page
18 64, line 4, "That person ...", the interviewer - sorry, the
19 interviewee, that's you, "That person took me away and took me to
20 a small room. I think it was his room staying in the house of
21 another commander. You go on to describe later on - in the
22 following pages you go on to describe running away from that
23 second house and into the bush.

24 Do you agree that when you saw the Prosecutors in 2003 you
12:14:52 25 said you first go to Superman's house, then you are taken to
26 another house and it is from that second house that you escaped
27 into the bush but were found by the man with the vehicle? Madam
28 Witness, I will be corrected with pleasure if I have put anything
29 to you that's inaccurate about the contents of these interviews.

1 Do you agree that you've given a different account this morning
2 when you say it was the first house that you ran off into the
3 bush from, that that's different from the version that you were
4 giving in 2003?

12:15:37 5 A. Yes.

6 Q. Thank you. And would you agree that that's because you
7 probably over time had difficulty remembering with accuracy what
8 went on at that time probably because of the awful things that
9 happened to you?

12:15:58 10 A. Yes, it was probably of the awful things as I have just
11 said.

12 Q. Thank you.

13 A. At that time I was confused and depressed.

14 Q. Right. You told us yesterday, at page 16515, line 29, that
12:16:19 15 when this man came along and found you in the bush and took you
16 back to the town that he had four people in the vehicle with him.
17 Do you remember telling us that?

18 A. He was with - he and the - there were four of them.

19 Q. Yes.

12:16:42 20 A. He and three others.

21 Q. Yes. Well I am going to ask you to look, please, at page
22 69 of the interview. You're in the middle of describing that
23 particular event and at the very top of that page you've told him
24 your name and he says, "I know your father". Do you see that?

12:17:18 25 A. Yes.

26 Q. Thank you. And then you go on to describe this man who
27 knew your father and we go over the page where his description
28 continues. Then at line 18 you're asked:

29 "Q. Were there other rebels in the car?"

1 A. Just the driver.

2 Q. Just the driver?

3 A. Mm-hm, the other driver. Okay, the man, the driver.
4 and we drove up to Koi du Town".

12:17:52 5 Do you remember telling the interviewers, back in 2003,
6 that there was just the man and the driver in that vehicle?

7 A. Yes.

8 Q. Not four people?

9 A. Yes.

12:18:10 10 Q. And again, do you think you're simply getting things mixed
11 up partly because of what happened to you and partly because of
12 the passage of time?

13 A. Partly because of what happened to me.

14 Q. Right. And do you think also because of the passage of
12:18:28 15 time?

16 A. "Passage of time", can you --

17 Q. Because of how long ago these events now are?

18 A. At that time I was getting the statement mixed up because
19 of what happened to me. Now I can properly comprehend into
12:18:57 20 detail of what happened to me.

21 Q. Right. There's one matter I said I would deal with that I
22 forgot to and that is that you have, indeed, told the Prosecution
23 that one person was shot in Superman's compound, but you didn't
24 tell them that until either Sunday or Monday of this week. Do
12:19:24 25 you agree?

26 A. Yes.

27 Q. That's the first time you ever mentioned that, despite
28 giving two lengthy interviews in 2003 and looking over in detail
29 both of those interviews and signing a declaration in February of

1 this year. Do you agree that you didn't add in that detail until
2 you were seen last Sunday, or this Monday?

3 A. This - I can tell you that this year, this February that I
4 was interviewed, I can remember I mentioned it.

12:20:00 5 Q. Sorry, in February you mentioned it?

6 A. Yes.

7 Q. Again, I will be --

8 A. But --

9 Q. Sorry, I didn't mean to interrupt you. Do go on.

12:20:10 10 A. I mentioned it. I explained my statement properly in
11 February.

12 Q. Well I will be corrected if I've got that wrong, but as far
13 as I can see the first time you mention it is this week?

14 A. Okay.

12:20:30 15 Q. Now, would you agree that your memory of events - and
16 you're talking about events in 1998 and 1999 - that your memory
17 of those events would be better in 2003 than they are
18 five-and-a-half years later at the latter end of 2008?

19 A. As I have been telling you it was really difficult for me
12:21:11 20 at that time to even talk properly, in 2003, because everything
21 was just fresh of me. It was hard for me to say things, but with
22 the help of my support officers, family and others I can now tell
23 you properly what happened to me.

24 Q. Well, can you remember telling the Prosecutors that old Ma
12:21:53 25 Fatty was Sam Bockarie's wife when you were interviewed back in
26 2003 and today you've told us that she is Issa Sesay's wife? Can
27 you remember that?

28 A. Yes.

29 Q. And can you remember now which one it is?

1 A. I don't know exactly, but what the rebel lady told me is
2 what I am telling you now. She told me she is Issa Sesay's wife.

3 Q. Right. But do you agree that you said that she was
4 Sam Bockarie's wife when you were interviewed on the second
12:23:05 5 occasion in 2003?

6 A. Yes.

7 Q. Thank you. Now again I will be corrected if I've got this
8 wrong, but you mentioned Tamba Brima - Gullit - today in your
9 evidence. Can you recall mentioning him as one of the commanders
12:23:31 10 that you saw?

11 A. In Makeni?

12 Q. I think it was. Meeting at Makeni, yes, that's right. Do
13 you remember telling us that today?

14 A. Yes.

12:23:47 15 Q. Is there any reason why you've never mentioned his name
16 before in all of the interviews, in the prepping sessions, in the
17 review of your statements and up to and including your sessions
18 with the Prosecution on Sunday and Monday of this week?

19 A. There is no reason.

12:24:08 20 Q. Would it be forgetfulness?

21 A. Yes, I think.

22 Q. Yes. Right.

23 A. Yes.

24 Q. Right. Now I am going to ask you about a different topic
12:24:17 25 now, but the same issue of mentioning names. When you were
26 interviewed originally in 2003, do you agree that on many
27 occasions in the course of those interviews you described who the
28 rebels were that you had contact with?

29 A. Yes.

1 Q. And --

2 A. Excuse me.

3 Q. Do go on.

4 A. I think I described them - two people, two rebels.

12:24:56 5 Q. I am not talking about their personal names. I am talking
6 about the groups that they belonged to.

7 A. Yes.

8 Q. I maybe didn't make myself clear.

9 A. Yes.

12:25:04 10 Q. Do you remember many times you told the Prosecution which
11 groups these various people belonged to?

12 A. Yes.

13 Q. Yes. And I am going to give some brief - I hope brief
14 examples. If we look at the first interview - and, Madam Court

12:25:21 15 Officer, start with page 9 if you would. At the very foot of
16 page 9 in line 20 onwards you said you went to a place south of
17 Yengema to seek refuge. Line 23:

18 "Q. And what were you seeking refuge?

19 A. Hiding from the incoming Sierra Leonean soldiers."

12:26:07 20 Do you remember telling them that?

21 A. Yes.

22 Q. I am just looking at the names that you gave, that's all.

23 A. Yes.

24 Q. Then if we go over to page 11, the top of that page you
12:26:22 25 describe what was happening, the panic, that was caused.

26 "Doing all sorts of things. Everybody was leaving the
27 town. Everybody was running for their lives, so my mother asked
28 us to go to leave the town."

29 Then the interviewers, Louise Thomas, says, "Can I just

1 enter you here. You said it was the AFRC". In fact, Madam
2 Witness, you haven't mentioned the AFRC thus far in that
3 interview. Louise Taylor, I should say, not Louise Thompson.
4 And you say, "Yes". Then she says:

12:26:59 5 "Q. Was it only AFRC rebels?

6 A. They were mixed. They were mixed because --

7 Q. So it was the AFRC. Who else was there?

8 A. The AFRC and the rebels.

9 Q. Which rebels.

12:27:14 10 A. Sankoh rebels and Mosquito rebels.

11 Q. Did they have a name for this group?

12 A. RUF."

13 Do you see all of that?

14 A. Yes.

12:27:25 15 Q. And do you agree you said all of that?

16 A. Yes.

17 Q. Over the page, page 12, second line from the bottom, "the
18 soldiers and the rebels because they're mixed". Do you agree you
19 described soldiers and rebels mixed when describing them to the
12:27:50 20 Prosecution then?

21 A. Yes.

22 Q. At page 20, please, line 12 - I am sorry, do you see line

23 12:

24 "Q. How do you know that they were RUF rebels?

12:28:17 25 A. They identified themselves."

26 Line 20, "They said no, they said they are Gibril
27 Massaquoi's boys". Do you see all of that?

28 A. Yes.

29 Q. Do you agree that you said that, you described them in that

1 way?

2 A. In that village?

3 Q. Yes.

4 A. That they entered?

12:28:38 5 Q. Yes.

6 A. The fourth time.

7 Q. I am simply asking you to confirm that you were describing
8 the rebels in the way they identified themselves.

9 A. Yes.

12:28:48 10 Q. I am not so concerned about where.

11 A. Okay.

12 Q. I just want to know or we just want to look at the
13 occasions on which you attributed the rebels to particular
14 groups, do you follow?

12:29:01 15 A. Okay.

16 Q. Page 22, line 21, "He said we are the boys of Gibril
17 Massaquoi". Do you see that?

18 A. Yes.

19 Q. And I am sure you will agree with me that you described
12:29:35 20 them saying that that was who they were on more than one occasion
21 in the course of that interview, would you agree?

22 A. Yes.

23 Q. Page 37, middle of the page, line 15:

24 "Q. Could you see if they were RUF or AFRC?

12:30:06 25 A. They were mixed. We don't know.

26 Q. Mixed AFRC and RUF?

27 A. Yes."

28 Do you see yourself describing them there, saying that's
29 who they were? Do you remember saying that?

1 A. Yes.

2 Q. Thank you. Madam Witness, at no time in 102 pages of the
3 first interview or in - I am sorry, I haven't calculated the
4 numbers of the second interview, but nor in the lengthy second
12:30:57 5 interview --

6 A. Sorry, okay.

7 Q. Is all well at the moment? Thank you. At no time in 102
8 pages of the first interview, nor - and I am having trouble doing
9 the maths but I think it is 50 pages of the second interview, nor
12:31:40 10 in 89 clarifications to the first interview and 203

11 clarifications to the second interview, nor when you reviewed
12 these interviews in February of this year, nor indeed when you
13 were seen by the Prosecution as recently as Sunday and Monday of
14 this week, have you ever suggested that any rebels called

12:32:16 15 themselves Charles Taylor's rebels. Do you agree?

16 A. Can you repeat that question.

17 Q. Certainly. Neither in 102 pages of the first interview, 50
18 pages of the second interview, 203 corrections to the second
19 interview and 89 corrections to the third interview - sorry, to
12:32:55 20 the first interview, corrections or clarifications, nor when you

21 looked through these interviews and made a solemn declaration
22 that the contents were true when you looked at them in detail in
23 February, nor even when you saw the Prosecution on Sunday and
24 Monday of this week have you ever claimed to have heard anyone

12:33:24 25 describing themselves as Charles Taylor's rebels. Do you agree?

26 A. No.

27 Q. You know from what I have been saying that if I have got
28 that wrong I am very happy for my error to be corrected. Do you
29 understand that?

1 A. Yes.

2 Q. And you understand that I am going on papers supplied to us
3 by the Prosecution, notes of your interviews, notes of your
4 proofing and so on. Do you understand that?

12:34:02 5 A. Yes.

6 Q. And you understand that if I am putting something
7 inaccurate to you that my learned friends opposite are duty bound
8 and no doubt would be very willing to correct me?

9 A. Yes.

12:34:23 10 Q. And I have not seen any reference in any of these
11 interviews to you mentioning rebels identifying themselves as
12 Charles Taylor's rebels. You have never mentioned that before
13 you gave evidence yesterday, have you?

14 A. I mentioned it in - when I was talking to my Prosecutor.

12:34:53 15 Q. When?

16 A. On Monday.

17 Q. Which Prosecutor?

18 A. Brenda Hollis.

19 Q. Anybody else?

12:35:09 20 A. No.

21 Q. We have a note of all matters that were discussed with you
22 on Sunday and Monday. Tab 7, Madam Court Officer. Look at that
23 page, please, Madam Witness.

24 A. Yes.

12:35:51 25 Q. There are eight paragraphs on it. Can you see any
26 reference in any of those paragraphs to the words "Charles" or
27 "Taylor" separately or together?

28 A. No, I can't.

29 Q. Who has suggested to you that at this extremely late stage

1 in the day you should mention Charles Taylor's name in your
2 evidence?

3 A. Nobody suggested that. I said it because of the - because
4 I heard it from the rebels. They used to brag in different,
12:36:42 5 different kinds of ways.

6 Q. So why not mention that in 2003 in interview number 1, or
7 interview number 2?

8 A. It escaped my memory at that time.

9 Q. Madam Witness, we have gone through some but by no means
12:37:09 10 all of the examples in interview one where you constantly
11 identified the rebels by the names they gave themselves. Do you
12 agree?

13 A. Yes.

14 Q. How could you possibly have forgotten that some of them
12:37:28 15 were claiming to be the Charles Taylor rebels both in 1992 and,
16 for that matter, 1998, from what you told us in your evidence
17 yesterday? Take your time if you need more time to answer the
18 question and ask me to put it again if you haven't understood it?

19 A. Yes, put it again.

12:38:18 20 Q. How is it that you forgot to mention that, that extremely
21 important piece of information, rebels on more than one occasion
22 in more than one year describing themselves as Charles Taylor's
23 rebels, when you were interviewed at great length and you told
24 the interviewers time and again who these people identified
12:38:41 25 themselves as, how have you forgotten to mention them saying

26 "We're Charles Taylor's rebels"?

27 A. I forgot at that time because --

28 Q. How?

29 A. How?

1 Q. How did you forget?

2 A. Because I was depressed. I cannot --

3 Q. Sorry, go on.

12:39:22

4 A. I cannot comprehend - remember fully at that time all what
5 happened, because I was so confused.

6 Q. But you remembered all of the other groups. You remembered
7 who they described themselves as, didn't you?

8 A. Yes.

12:39:50

9 Q. And Charles Taylor wasn't a Sierra Leonean, was he? Do you
10 agree?

11 A. Pardon?

12 Q. Charles Taylor was not a Sierra Leonean, was he?

13 A. No.

12:39:59

14 Q. And so if these rebels were claiming to be rebels belonging
15 to someone from another country that would stick in your mind,
16 wouldn't it?

17 A. Yes.

12:40:20

18 Q. So how is it that you have forgotten on every single
19 occasion when records were taken of your saying who these rebels
20 described themselves as, how is it that you have forgotten the
21 groups that were calling themselves Charles Taylor's rebels?

22 A. I am telling you exactly what happened.

12:40:51

23 Q. I am not asking you what happened. I am asking you about
24 your memory. Now go back to the question, please. How is it
25 that you have forgotten such a significant group of people
26 identifying themselves both in 1992 and in 1998?

27 A. As I keep telling you, I was depressed at that time.

28 Q. Right. Move to 2008. In 2008 in February, as we have
29 seen, you signed a solemn declaration that you had gone through

1 all of the contents of your previous interviews and indeed
2 corrected where something was wrong. You had an opportunity then
3 to mention Charles Taylor's rebels, didn't you?

4 A. Then? No, I cannot remember I mentioned.

12:41:51 5 Q. No, you didn't. That's what I'm saying.

6 A. Yes.

7 Q. You had an opportunity in February of this year to mention
8 the fact that some of these groups were calling themselves
9 Charles Taylor's rebels and you didn't, did you?

12:42:05 10 A. Yes.

11 Q. Why not?

12 A. It escaped my memory.

13 Q. You had an opportunity in March and April of this year when
14 you gave nearly 300 clarifications of those interviews of 2003.

12:42:29 15 Why didn't you mention then in March and April of this year that
16 some of these groups were calling themselves Charles Taylor's
17 rebels?

18 A. As I said, I cannot remember that time.

19 Q. In March and April of this year, you were waiting to come
12:42:58 20 to this Court to give evidence, weren't you?

21 A. Yes.

22 Q. You knew you were coming to The Hague to give evidence in
23 the trial of Charles Taylor, didn't you?

24 A. Yes.

12:43:10 25 Q. That name must have loomed large in your mind in March and
26 April of this year, yes?

27 A. Yes.

28 Q. So how is it that as you went painstakingly through all the
29 detail of the two previous interviews and added and clarified and

1 corrected, how is it that we don't see a clarification or an
2 addition that says, "And some of these rebels, not only in '92
3 but also in '98, were calling themselves Charles Taylor's
4 rebels"? How come you didn't mention that fact just a few months
12:43:58 5 ago when you knew perfectly well the entire object of the
6 exercise was to connect somehow to Charles Taylor?

7 A. If at that time I would have been here I would have
8 definitely tell you exactly what happened.

9 Q. Madam Witness, I suggest to you that when you gave that
12:44:24 10 evidence yesterday either you thought of it yourself on the spur
11 of the moment, or somebody put you up to it, but it was an
12 invention. Do you agree that you made up that piece of evidence
13 about rebels describing themselves as Charles Taylor's rebels?

14 A. I can never make up a story.

12:44:50 15 Q. At the very best - I'm sorry, I didn't mean to interrupt
16 you.

17 A. Yes, I can never make up a story. I can never make up what
18 I did not see or heard.

19 Q. Madam Witness, you have confused a dreadful episode of
12:45:12 20 rape. You have confused it taking place in the living room of
21 the house, or in the bush outside the village, haven't you?

22 A. Yes.

23 Q. And that is something I think you would agree is an
24 extraordinary difference, isn't it; not being able to remember
12:45:40 25 whether you were raped inside the living room of a house or in
26 the bush outside the village, would you agree?

27 A. I can remember vividly. It happened to me and I can
28 remember that it was done in the living room of the house we were
29 living.

1 Q. And you have made up, or at the very best misremembered,
2 rebels describing themselves as Charles Taylor's rebels, haven't
3 you?

4 A. I have never made up or misremember.

12:46:19 5 MR MUNYARD: Madam President, I have no other questions of
6 the witness.

7 PRESIDING JUDGE: Thank you, Mr Munyard. Ms Hollis, have
8 you re-examination of the witness?

9 MS HOLLIS: Very briefly, Madam President.

12:46:31 10 RE-EXAMINATION BY MS HOLLIS:

11 Q. Madam Witness, at one point in cross-examination Defence
12 counsel drew your attention to page 11 of your statement that was
13 given on 18 February of 2003 and he pointed there to a question
14 by the interviewer saying, "So it was AFRC and who else was
15 there?" And you answered, "The AFRC and the rebels"?

16 A. Yes.

17 Q. And he indicated that you had never said AFRC before. Now
18 if we could look at page 10 of that same interview and if we
19 could look at lines 20 to 24. You are answering a question and
12:47:02 20 you said:

21 "Yes, when the ECOMOG soldiers came to Freetown, they were
22 - when the ECOMOG soldiers came to Freetown they dislodged the
23 soldiers. They jumped the soldiers, so all them run. They run
24 away. So they, when they reached Kono, they were shooting every
12:48:04 25 artilleries, they were burning houses, they were raping girls."

26 Now when you said in that interview that the ECOMOG
27 soldiers came to Freetown and dislodged the soldiers, what did
28 you mean? Who were the soldiers that were dislodged?

29 A. The AFRC soldiers, the junta SLAs.

1 Q. Now, Madam Witness --

2 A. It was the RUF rebels. They were mixed.

3 Q. The Defence counsel also asked you questions about your
4 attempt to escape from Koidu and asked you questions about the
12:48:50 5 number of people it was who captured you and he made references
6 again to your statement of 18 February of 2003. Now I would ask
7 you to look at page 68 of that statement, lines 4 through 20, and
8 starting at 4 you say:

9 "And when the vehicle which decide I was hiding, maybe
12:49:29 10 because of the bush shaking, and they - they stopped closer and
11 they were shooting in the air."

12 Now when you say "they were shooting in the air", how many
13 people were shooting in the air?

14 A. I mean all four of them.

12:49:50 15 Q. And you go on further down to say:

16 "And I came and I said I'm not an ECOMOG soldier. I begged
17 I want to go home and they said, 'Where are you going this night?
18 How can you go home?'"

19 Now how many of them were saying this to you?

12:50:11 20 A. All of them, the four of them.

21 Q. Now when these people were saying this, were they inside
22 the vehicle or outside the vehicle?

23 A. They were outside the vehicle.

24 Q. And were there any individuals in the vehicle at that
12:50:25 25 point?

26 A. No, no.

27 Q. Where was the driver at this point?

28 A. All of them come - they came down from the vehicle. All of
29 them were out of the vehicle.

1 Q. Defence counsel also asked you questions about where you
2 were when these five men raped you at the location, whether you
3 were in the living room or you were in the bush, and again
4 referred you to your statement of 18 February of 2003. Now I
12:51:06 5 would ask that we look at page 52 of that statement and this is
6 the page that was referred to by Defence counsel, but I would ask
7 you to look at lines 2 through 6 of that statement and again it
8 is your answer. You say:

9 "They asked me whether I am okay and I said I am not still
12:51:32 10 feeling well and they - they took me. They told me that let me
11 come, they will make me well and they took me to - to the - they
12 want to take me to the room and my mother get up and told them to
13 leave me and they - they slapped my mother and mummy left then."

14 Now, when you say here, "They took me to - they want to
12:52:00 15 take me to the room", what room are you referring to?

16 A. I am referring to the living room.

17 MS HOLLIS: I have no further questions.

18 MR MUNYARD: Well, your Honours, I have made this kind of
19 objection before, not in relation to Ms Hollis, but in relation
12:52:17 20 to one of her colleagues. To only put part of what is a clear
21 narrative to the witness and to take out of context one element
22 of it creates a false impression and I would invite the Court to
23 read for itself the whole of both the previous page, page 51, and
24 page 52 which makes it quite plain that this witness is saying
12:52:52 25 that she was raped in the bush.

26 She never mentions living room and indeed she never
27 mentions anything happening in a room apart from her mother being
28 slapped and leaving and her uncle telling them not to take her
29 away which they then do and then, to quote line 16, "They then

1 took me into the bush". And line 18, "And they started raping me
2 in the bush". "They started raping me in the bush", having made
3 her take her clothes off or some of her clothes off.

4 It is quite improper in my submission for my learned friend
12:53:33 5 to leave a wrong impression hanging in the course of
6 re-examination by taking something out of context.

7 PRESIDING JUDGE: Ms Hollis?

8 MS HOLLIS: Defence counsel did not read what I read on
9 page 52 and he read portions. You do not have to read an entire
12:53:51 10 interview. He read those lines that he just referred you to on
11 page 52, so you had them before you, and that was the lines 16 to
12 19. He read that to you. He did not read all of 2 to 6.

13 And if we look at page 51, he says there is no mention
14 there. If we look at page 51 and we look at page 10 and 11, the
12:54:18 15 answer, "I am not an old woman and they - they took me into - in
16 the room". She does say four of them and she begins to cry. So
17 she does talk about being taken into a room. We did not take
18 anything out of context and we don't have to recite everything if
19 the Defence counsel has already put it in his cross-examination.

12:54:45 20 [Trial Chamber conferred]

21 PRESIDING JUDGE: We have read the entire record and we
22 will hear submissions in due course when the evidence is
23 completed in this matter. Madam Witness, that is the end of your
24 evidence. We thank you for coming to court - just a moment. Any
12:55:11 25 applications?

26 MS HOLLIS: Yes, Madam President, we do have one document
27 that has been marked for identification. I believe it was MFI-1.

28 PRESIDING JUDGE: Yes.

29 MS HOLLIS: And it is a copy of a map of Kono, an enlarged

1 section, and the witness did mark on that. We would ask that it
2 be admitted into evidence and we would ask that it be
3 confidential.

4 PRESIDING JUDGE: Mr Munyard, your reply to that
12:55:45 5 application, please?

6 MR MUNYARD: We agree.

7 PRESIDING JUDGE: We note that the witness has not signed
8 or dated this document and in the circumstances, since it's to be
9 admitted as marked, it may be appropriate, as we have done with
12:56:17 10 other witnesses, to have it as it is going to be confidential.

11 MS HOLLIS: Of course, Madam President. I apologise for
12 the oversight and I would ask that the witness be allowed to sign
13 it.

14 PRESIDING JUDGE: Madam Witness, you recall marking a
12:56:32 15 document yesterday. I am going to ask you to sign that document.
16 It will not be seen by other persons.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE: Please show it to counsel.

19 [Trial Chamber conferred]

12:59:24 20 Mr Munyard, your consent to the admission of this document
21 stands now it has been signed, may I take it?

22 MR MUNYARD: Yes, certainly. I believe it is going to be
23 Prosecution exhibit 171.

24 PRESIDING JUDGE: This is a one page document, a map of the
12:59:46 25 Koidu district as marked by the witness. It becomes Prosecution
26 exhibit 171 and by consent that document will be confidential.

27 [Exhibit P-171 admitted]

28 There has been submissions by both parties concerning the
29 record of interview pages 51 and 52. At the appropriate time the

1 parties may wish to make submissions in relation to those
2 documents in the light of the evidence, the cross-examination and
3 the re-examination and statements made. The Bench notes that
4 whilst the parties have those documents the Bench does not have
13:00:33 5 those documents.

6 MR MUNYARD: Madam President, if you would like it to be
7 done then we can certainly ensure that the Bench does have those
8 documents. I think the Court will probably appreciate why I
9 wasn't on this occasion at pains to reproduce hundreds and
13:00:52 10 hundreds of pages.

11 PRESIDING JUDGE: I am not challenging that at all. I am
12 talking about the evidentiary matters.

13 MR MUNYARD: Yes, I am happy to ensure they are supplied to
14 the Court.

13:01:02 15 MS HOLLIS: In fact what the Prosecution would ask is that
16 those pages of that interview be marked as an exhibit -
17 cumulative exhibit - and be entered into evidence. That would be
18 page 51 and 52 of the 18 February 2003 interview. If you need a
19 clean copy of that we can provide that.

13:01:26 20 PRESIDING JUDGE: The application is now to have them
21 admitted as exhibits. Mr Munyard, you have heard the
22 application.

23 MR MUNYARD: Yes, I would suggest that in the light of my
24 learned friend's submission, given that the purpose of my
13:01:39 25 cross-examination was to demonstrate the unreliability of the
26 witness's memory, that it would be appropriate for all the
27 passages I referred to be exhibited including those two pages.

28 MS HOLLIS: Defence counsel would have to list those as an
29 exhibit. If that is done the Prosecution would ask that in

1 addition to these two pages - we would ask that page 10 of the
2 interview be put into evidence and that page 68 of the interview
3 be put into evidence and we think this could be a cumulative
4 exhibit.

13:02:18 5 MR MUNYARD: I am quite content to do that.

6 JUDGE LUSSICK: Mr Munyard, where does that leave us? Are
7 you going to prepare a list of pages in that interview that you
8 want to tender at some stage?

9 MR MUNYARD: Yes, your Honour, and I'd certainly undertake
13:02:58 10 to do that today. I don't have in front of me right now an
11 immediate list of them, but it won't be difficult for me to use
12 the transcript and go back to refer to the various pages and put
13 together a list of those pages for the Court and for my learned
14 friends opposite.

13:03:16 15 JUDGE SEBUTINDE: Mr Munyard, I am a little concerned.
16 These must and should be pages that the witness has attested to
17 in court in cross-examination.

18 MR MUNYARD: Yes.

19 JUDGE SEBUTINDE: Not additional - not each and every
13:03:28 20 apparent contradiction.

21 MR MUNYARD: No, I have never suggested I am putting in
22 material I haven't put to the witness. That would be bizarre,
23 frankly. In fact, I have to say I have raised objections before
24 based on context and the Court has heard them and we have not
13:03:46 25 gone down this particular road of exhibiting the material, but I
26 am perfectly happy to exhibit the material and I will do as I
27 have indicated. I will have it done by the close of business
28 today, hopefully possibly even earlier.

29 PRESIDING JUDGE: Well, I will admit them now and give them

1 a number, but I normally recite for purposes of record the number
2 of pages, et cetera, to ensure a proper record is kept.

3 MR MUNYARD: Yes.

4 PRESIDING JUDGE: So I am not sure how I am going to do
13:04:22 5 that.

6 MR MUNYARD: Madam President, nor am I. I am afraid I can't
7 be more helpful than I have tried to be.

8 MS HOLLIS: Perhaps the Prosecution can be of assistance.

9 What we would request is that at this time the pages that we did
13:04:37 10 refer the witness to, the page 10, 51, 52 and 68, and we include
11 52 because of Defence counsel's remarks - we would ask that those
12 four pages be entered into evidence as a Prosecution exhibit.

13 Then when Defence counsel provides you with the pages those could
14 be entered in as a Defence exhibit.

13:05:04 15 PRESIDING JUDGE: Yes, that sounds a practical way of
16 handling it. Mr Munyard, I have just remarked that that appears
17 to be a practical way of handling it and it does not preclude you
18 from making an application for a Defence exhibit.

19 MR MUNYARD: Madam President, either we could do that, or
13:05:23 20 we could just go through the record now of the pages I put to the
21 witness. I am in the Court's hands. I can get our exhibit in by
22 close of business today.

23 PRESIDING JUDGE: That I think would be the best way to do
24 it. It would allow you to ensure that you have checked and are
13:05:39 25 satisfied.

26 MR MUNYARD: Yes.

27 PRESIDING JUDGE: In the meantime I will now deal with the
28 four pages which have been tendered by the Prosecution. These
29 are four typed pages of a record of interview taking place on 18

1 February 2003 with the persons named therein and they are pages
2 10 and the 9 which is not admitted, but is in the record, the
3 other page 50 - no, it is not tendered, but 51, 52 and 68 will
4 become cumulatively Prosecution exhibit P-172. For purposes of
13:06:27 5 record I note that on the back of those pages are other extracts
6 of the same record of interview. Those other pages are not
7 admitted.

8 MS HOLLIS: We can provide you single sided copies of those
9 pages.

13:06:48 10 PRESIDING JUDGE: That might help ensure that there is no
11 confusion later. I will give them - in the light of that, I will
12 give them also A, B and C numbers which is our normal procedure.
13 So page 10 will be A, 172A, 51 will be 172B, 52 will be 172C and
14 68 will be 172D and confidential.

13:07:16 15 [Exhibit P-127A to P-172D admitted]

16 MS HOLLIS: I have these now, if you don't mind, hole
17 punched holes.

18 PRESIDING JUDGE: It has just been pointed out to me that
19 maybe it is clearer if I record this as a record of interview
13:07:58 20 with witness TF1-189.

21 MR MUNYARD: Can I say that the only reason, Madam
22 President, that you have got writing on the back of the page was
23 because we were trying to do our little bit to save the planet by
24 doing double sided printing rather than single sided.

13:08:26 25 PRESIDING JUDGE: Admirable, Mr Munyard, and fully
26 appreciated it. If there are no other matters I will discharge
27 the witness. Madam Witness, that is all of your evidence. You
28 are now at liberty to leave the Court and we thank you for coming
29 to the Court and giving your evidence and we also wish you a safe

1 journey back. Now I would like you to sit where you so that the
2 curtains may be brought down so that you can then leave secure
3 that no-one can see you.

4 THE WITNESS: Okay.

13:09:00 5 PRESIDING JUDGE: Please implement that. Ms Hollis, before
6 I ask about your next witness, my understanding is that some
7 interpreters have to be sworn in and perhaps I can interpose
8 them, if they are available.

9 MS HOLLIS: That sounds like a very practical solution.

13:10:00 10 PRESIDING JUDGE: Pardon?

11 MS HOLLIS: That sounds like a very practical solution.

12 PRESIDING JUDGE: Yes, and whilst they are brought in we
13 will open the court.

14 [Interpreters sworn]

13:12:41 15 Thank you. And we look forward to working with you in
16 future. We welcome you to the Court. Ms Hollis, your next
17 witness please.

18 MS HOLLIS: Madam President, your Honours, the next several
19 witnesses that the Prosecution will call are being brought in
13:13:00 20 accordance with this Court's order of 15 July 2008, the decision
21 on the Prosecution notice under Rule 92 bis for the admission of
22 evidence related to inter alia Kenema District. The next witness
23 is witness TF1-122 who is covered by the disposition that your
24 Honours gave in this order - this decision - wherein you ordered
13:13:31 25 that the prior trial transcripts and related exhibits would be
26 admitted into evidence pursuant to Rule 92 bis provided that the
27 Prosecution shall make the said witnesses available for
28 cross-examination by the Defence. TF1-122 is here to be made
29 available for cross-examination.

1 Now, Madam President, your Honours, we have not done this
2 before. What we propose is the following. Your Honours have
3 said that the testimony and exhibits will be admitted if they are
4 here for cross-examination. We propose that what we do now is
13:14:09 5 offer into evidence the testimony and exhibits of TF1-122.

6 JUDGE LUSSICK: Yes. Ms Hollis, in one of my previous
7 courts the way we used to do it - and this is a suggestion. I am
8 not saying to you that this is the way you have to do it because
9 obviously you know your witness and we don't. But the way we
13:14:37 10 used to do it is you would call your witness first and get his
11 personal particulars and then you would show him the transcript
12 and refer him to, "Is this a transcript of evidence you gave on
13 such-and-such a date and to your knowledge and belief is that
14 true and correct?", and then tender the witness for
13:14:59 15 cross-examination, tender the transcripts and then turn the
16 witness over for cross-examination. That is just one way of
17 doing it.

18 MS HOLLIS: If your Honours choose, we can do it that way.
19 We offer/propose this way because you have stated that the
13:15:16 20 testimony and exhibits would be admitted should they be here for
21 cross-examination, but we are in your hands. We can do it
22 whatever way your Honours choose.

23 JUDGE SEBUTINDE: Could I perhaps - I do agree with Justice
24 Lussick, but perhaps just add that when you do what Justice
13:15:35 25 Lussick has proposed and at the stage where you wish to tender
26 these exhibits to the Court perhaps you would do it first as
27 MFIs, as we normally do, allow the Defence to cross-examine and
28 then finally tender them, you know, as exhibits in this trial,
29 because I am sure they are exhibits in another trial.

1 MS HOLLIS: They are testimony from another trial and
2 related exhibits. When you are speaking of exhibits, Madam
3 Justice, are you referring to both the testimony and actual
4 exhibits?

13:16:11 5 JUDGE SEBUTINDE: Yes, if there are any. I don't know.

6 MS HOLLIS: We are very happy to do it that way and the
7 further procedure that we would recommend is that the witness be
8 called and that the Prosecution elicit the identifying - the
9 personal information. Now, if your Honours wish, at that time we
13:16:35 10 would also ask them if the transcripts have been read to them, or
11 they have read them, if they are their transcripts and they are
12 true and accurate to the best of their recollection, then they
13 could be marked for identification and the witness would be
14 handed over for cross-examination.

13:16:50 15 PRESIDING JUDGE: That seems an appropriate procedure and -
16 Mr Anyah, you are on your feet.

17 MR ANYAH: Yes, good afternoon, Madam President. Good
18 afternoon counsel, good afternoon your Honours. May it please
19 the Chamber, I would be undertaking the cross-examination of this
13:17:06 20 witness for the Defence. I do have some preliminary observations
21 in light of the comments by the Chamber and by counsel opposite.
22 We do agree with the proposal by Justice Lussick. We think it is
23 appropriate to proceed in that way. It is important that the
24 witness attest to their prior statements and to their prior trial
13:17:30 25 transcripts and if you will adopt them before they are formally
26 tendered to the Chamber.

27 I would seek clarification to this extent, which is will
28 each and every prior transcript be given a different TF1 - a
29 different MFI number and would the same apply to each and every

1 prior statement? We would propose, indeed, that each and every
2 prior transcript and statement be exhibited in relation to this
3 witness's evidence. I don't know if that is the specific
4 proposal.

13:18:06 5 PRESIDING JUDGE: Is there more than one transcript, are
6 you saying? Is there more than --

7 MR ANYAH: Well, there are transcripts from two prior
8 proceedings and there are also statements that have been given by
9 the witness. I am going to pull up the provisions of 92 bis.

13:18:31 10 JUDGE LUSSICK: But why don't we just mark them as we go
11 along, as we go through the evidence?

12 MR ANYAH: Yes.

13 JUDGE LUSSICK: Mark them for identification and then they
14 can be tendered separately or together, whichever is the most
15 appropriate.

13:18:42 16 MR ANYAH: Yes, that would be fine with us. The other
17 observation I wish to make, your Honours, is in respect of the
18 witness's protective measures. At least to us it does appear
19 that an order was entered by a previous Trial Chamber in respect
13:18:56 20 of this witness and that order is dated 5 July 2004. Just to be
21 clear, so that I don't exceed any orders that have been issued in
22 respect of this witness, I need to confirm whether or not that
23 order still obtains and what measures apply to this witness. I
24 have them as pseudonym and screen and if that is the case, if it
13:19:30 25 is the case that the order from Trial Chamber I of 5 July 2004
26 still obtains in respect of this witness, I have a further
27 observation to make with respect to the protective measures
28 afforded this witness and I don't know if your Honours wish to
29 hear that now, or at another time?

1 PRESIDING JUDGE: What other time would we hear it if - I
2 am not sure what - you are being a little obtuse, Mr Anyah, but
3 if you are saying there should be changes to the protective
4 measures that must be dealt with before the witness is called.

13:20:07 5 MR ANYAH: I would first be grateful for confirmation if
6 the measures are still in place and what measures specifically
7 apply to this witness. Am I accurate, if counsel could correct
8 us, in saying that what we have as applicable to this witness is
9 pseudonym and screen?

13:20:32 10 MS HOLLIS: The measures currently in effect for this
11 witness, and the measures that were applied to the witness's
12 prior testimony in both trials, do include the use of a pseudonym
13 and screen.

14 PRESIDING JUDGE: That's been confirmed, Mr Anyah.

13:21:00 15 MR ANYAH: Then I would make an application, Madam
16 President, and that is in respect of the disclosures we've
17 received from the prior proceedings. All the disclosures I have
18 read have been in open session; that is this witness's evidence.
19 They were held in open session even though the witness was
13:21:15 20 afforded anonymity. I wasn't present at the time to know whether
21 or not a screen was used, but there is an interesting exchange
22 between counsel opposite, Mr Alain Werner, and the Presiding
23 Judge in Trial Chamber I regarding this witness's measures.

24 I point that out because it is clear from reading the
13:21:35 25 witness's evidence that enormous detail was delved into during
26 examination-in-chief regarding the witness's place of work, line
27 of work, people with whom he reported - people with whom he
28 worked, people to whom he reported, places that he was at,
29 including specific dates and times, and as the Presiding Judge in

1 Trial Chamber I observed at one point he intervened and asked
2 counsel opposite whether or not they were not going into too much
3 detail.

4 Just to be accurate, I will read the exchange between
13:22:15 5 counsel opposite and the Presiding Judge of Trial Chamber I. This
6 is from a proceeding dated 7 July 2005 and Presiding Judge - for
7 counsels' purposes I am reading from page 53 of the transcript of
8 that proceeding. A question was posed by counsel opposite,
9 Mr Werner. The question was, "What was your position in this
13:22:48 10 department?", and the witness gave an answer. The Presiding
11 Judge interjected saying, "Sorry, Mr Witness, aren't you going a
12 bit too far if you want to protect the identity of this witness?
13 I don't know." Mr Werner replies, "I think that we have an
14 agreement with the witness", and then the Presiding Judge says,
13:23:10 15 "That is fine", and then Mr Werner proceeds in open session to go
16 into tremendous detail about specific places where this witness
17 worked, activities, people with whom he dealt and so on.

18 I make this observation simply to say that when granted the
19 latitude, or afforded the latitude to cross-examine this witness,
13:23:30 20 I intend to cover terrain to the same extent that was covered on
21 both proceedings during which he testified in open session.

22 MS HOLLIS: Perhaps we could have saved a lot of time if we
23 had understood what they were talking about. In terms of the
24 points made about this particular witness, it is our
13:23:57 25 understanding - we may be wrong, but it is our understanding that
26 those sections were subsequently redacted from the public record.
27 Nonetheless, as with all witnesses, we talk with witnesses and
28 this witness has indicated that he wishes to waive those
29 protective measures for this proceeding. That was going to be

1 our next application to your Honours, so that these issues for
2 this witness are moot.

3 But I do have a concern and that is in terms of the
4 adopting the testimony, tendering the testimony, that is all
13:24:32 5 fine, but if a witness is not being called and is purely 92 bis
6 we don't intend to call them to adopt their testimony before that
7 goes before the Court. 92 bis does not require it. 92 ter
8 certainly does not, but 92 bis does not.

9 Further we think this panel has already determined that
13:24:52 10 these transcripts and exhibits would come in and we would not
11 anticipate an argument at this point that they should not come
12 into evidence, but we are certainly happy to follow the procedure
13 that your Honours have outlined.

14 So, as we understand it, we would call the witness, we
13:25:08 15 would be allowed to go through personal information with the
16 witness, we would tender or have the witness indicate that he has
17 read or had read to him his prior testimony and has reviewed the
18 exhibits and that it is his prior testimony and it is true and
19 accurate to the best of his recollection and that those exhibits
13:25:29 20 were exhibits that were used with him. Then we would mark those
21 for identification. We have no preference one way or the other
22 as to whether his entire prior testimony in both trials would be
23 marked as one MFI, or different MFIs. That is for your Honours
24 to direct us.

13:25:50 25 PRESIDING JUDGE: So for purposes of record and
26 clarification, the witness will not seek a screen and will give
27 his evidence in open court?

28 MS HOLLIS: That is correct, using his name.

29 PRESIDING JUDGE: Using his own name, thank you.

1 Mr Anyah, did I see you getting to your feet?

2 MR ANYAH: Yes, I just wanted to follow up on the remark by
3 counsel. This is why I invited counsel and the parties opposite
4 to confirm whether or not the protective measures were still in
13:26:40 5 place.

6 Be that as it may, I just looked at 92 bis and I just want
7 to point out something. 92 bis speaks in terms of both written
8 statements and transcripts. Counsel made the remark that there
9 may not be in theory the necessity under 92 bis for the witness
13:26:59 10 to adopt the prior transcripts, but the oath the witness took on
11 the prior proceeding is binding in respect of that proceeding but
12 a new oath has to be administered today before this Chamber.

13 Secondly, 92 bis also contemplates the admission of
14 statements, and in our submission it would be advantageous to the
13:27:22 15 Chamber to have the totality of the witness's evidence to have
16 statements given to the Office of the Prosecutor also admitted in
17 respect of this witness. I am referring to non-transcripts and I
18 am referring to out of court written statements that the witness
19 adopts before this Chamber.

13:27:37 20 [Trial Chamber conferred]

21 PRESIDING JUDGE: Mr Anyah, you can be assured that I
22 wouldn't dream of having a witness that wasn't sworn before this
23 Court. We will have the witness brought into court and sworn and
24 matters of statements et cetera we can deal with them as they
13:28:16 25 arise.

26 What language will the witness speak? I am just noticing
27 the time. It may be an exercise in futility to have the witness
28 called now, sworn et cetera and then immediately adjourn because
29 we are approaching the lunchtime. We are one minute from the

1 Lunchtime.

2 MS HOLLIS: I think it would be, Madam President. The
3 witness will testify in English and Mr Werner will be having
4 carriage of the witness for the personal information and other
5 matters.

13:28:43

6 PRESIDING JUDGE: Very well. We will take the lunchtime
7 adjournment now. Immediately on resuming court we will have the
8 witness brought in, sworn and the matter will proceed. Please
9 adjourn court until 2.30.

13:29:08

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

11 [Upon resuming at 2.30 p.m.]

12 PRESIDING JUDGE: Ms Hollis, I see we're missing a witness
13 there.

14 MS HOLLIS: Perhaps before we call the witness, just one
15 matter. A lot of issues were being discussed before the lunch
16 break. There was an application that the pseudonym and the use
17 of the screen be rescinded, but I'm not clear as to whether there
18 was actually a granting of that application by the Trial Chamber.

14:30:38

19 PRESIDING JUDGE: Indeed my learned sister had pointed out
20 that we hadn't made that clear, because one of the reasons is I
21 had looked at the decision Mr Anyah referred us to and we could
22 not - I could not find and I don't think my learned sister could
23 find the witness in question, so I am not sure under what order
24 this witness was granted it so that I can properly record a
25 decision.

14:31:21

26 MS HOLLIS: It is this order. This has been an issue
27 before the Court before in relation I think to TF1-215. Your
28 Honours determined that indeed that witness was not covered by
29 that order. We had a contrary view of the order and in fact this

1 witness did testify with those protections in the RUF and the
2 AFRC. So it is an order that has been discussed in this court
3 before and your Honours have found as to one that that person was
4 not covered, which is currently the subject of pleadings.

14:31:59 5 PRESIDING JUDGE: Indeed. I will announce the decision in
6 more generic terms in that case. I note that the application to
7 rescind is not opposed and the protective measures granted by
8 Trial Chamber I are rescinded in accordance with the application
9 made by the Prosecution. Yes, of course that applies only to
14:32:20 10 this Trial Chamber in this trial. We cannot vary another Trial
11 Chamber's orders.

12 Mr Anyah, I have a feeling you're going to get to your
13 feet.

14 MR ANYAH: Yes, Madam President. I will be brief. As
14:32:45 15 counsel alluded to, this matter is pending before the Court and I
16 do recall the arguments that ensued when TF1-215 was sought to be
17 called by the Prosecution. I just merely wish to state that we
18 did not concede our position in respect of the prior witness and
19 the reading of the order from the RUF Trial Chamber dated 5 July
14:33:10 20 2004. Thank you.

21 PRESIDING JUDGE: I suppose strictly in the light of our
22 own ruling I didn't need to make the ruling I've just made, but
23 for elimination of doubt and for purposes of record I have done
24 so. I don't wish to say anything further as the indications are
14:33:34 25 that it may be sub judice. I will ask that the witness be called
26 and I will just check that we do not require an interpreter, but
27 that the other persons are in the booth ready to broadcast.
28 Mr Interpreter, this witness will be speaking English, but your
29 colleagues are ready to proceed? Nobody there.

1 MR WERNER: Yes, your Honour, good afternoon. Good
2 afternoon, counsel opposite. Yes, he will testify in English and
3 the Prosecution is calling TF1-122.

4 WITNESS: TF1-122 [Sworn]

14:35:40 5 PRESIDING JUDGE: Please proceed, Mr Werner.

6 EXAMINATION-IN-CHIEF BY MR WERNER:

7 Q. Good afternoon, Mr Witness.

8 A. Good afternoon.

9 Q. Mr Witness, could you give your name for this Court?

14:35:53 10 A. I am Alex Sheku Bao.

11 Q. And could you spell the family name?

12 A. Bao, B-A-O. Bao.

13 Q. And, Mr Witness, what is your date of birth?

14 A. My date of birth is 25 December 1959.

14:36:28 15 Q. Mr Witness, what is your place of birth?

16 A. My place of birth is Badasuma Barri Chiefdom, Pujehun
17 District.

18 Q. Could you for this Court spell Badasuma?

19 A. Badasuma, B-A-N-D-A-S-U-M-A. Badasuma.

14:36:49 20 Q. And you said that Badasuma is in Barri Chiefdom. Could
21 you spell Barri for the Court?

22 A. Barri, B-A-R-R-I. Barri.

23 Q. Now, Mr Witness, do you belong to any tribe?

24 A. Yes, my Lord.

14:37:06 25 Q. Which tribe do you belong to?

26 A. I belong to the Mende tribe.

27 Q. And what is your level of education?

28 A. My level of education is Form 5.

29 Q. And which language, or languages, do you speak?

1 A. I speak English, Krio and Mende.

2 Q. Now, Mr Witness, have you testified previously in the AFRC
3 trial?

4 A. Yes, my Lord.

14:37:42 5 MR WERNER: I would ask that this bundle is put in front of
6 the witness. Your Honours, we are using the copies that were
7 filed with the 92 bis application and consequently there is a
8 filing page number on the top - on the top right of the pages.

9 JUDGE SEBUTINDE: Mr Werner, AFRC is an abbreviation for
14:38:17 10 something.

11 MR WERNER: Sorry, your Honours, do you want me to ask the
12 question of the witness, or is it a question for me?

13 JUDGE SEBUTINDE: No, no, it's a question for you. I'm
14 just concerned for the record.

14:38:35 15 MR WERNER: I'm going to rephrase. I'm going to rephrase:

16 Q. Mr Witness, did you testify in the Armed Forces
17 Revolutionary Council trial?

18 PRESIDING JUDGE: That wasn't actually the name of the
19 trial.

14:38:44 20 MR WERNER:

21 Q. Mr Witness, did you testify in a in Trial Chamber number II
22 in Freetown?

23 A. Yes, my Lord.

24 Q. Now if you look at the bundles, the first pages are dated
14:39:01 25 24 June. Do you see that, Mr Witness?

26 A. Yes, my Lord.

27 Q. Could you look at the first block of pages. Do you see a
28 yellow sticker?

29 A. Yes, my Lord.

1 Q. Could you flip through, please.

2 A. Yes, my Lord.

3 PRESIDING JUDGE: We still don't have the name of that
4 trial, Mr Werner.

14:39:26 5 MR WERNER: Yes.

6 PRESIDING JUDGE: Just pause, Mr Witness. Mr Anyah, you're
7 on your feet.

8 MR ANYAH: Yes, Madam President, just a matter of protocol.

9 It would be courteous if we could see what is being shown to the
10 witness before it is shown to the witness. I'm assuming it's a
11 transcript, but I would perhaps like to see it.

12 MR WERNER: While that is done I will - for the sake of
13 clarifying, I will ask again the question to the witness:

14 Q. Mr Witness, did you testify in Freetown in the trials of
15 the Prosecutor versus Brima, Kamara and Kanu?

16 A. Yes, my Lord.

17 Q. Now, Mr Witness, have you - sorry. Your Honour, the pages
18 numbered for the Prosecutor versus Brima, Kamara and Kanu are
19 14985 to 15113.

14:41:05 20 JUDGE SEBUTINDE: Are these on different dates?

21 MR WERNER: No, it's the same --

22 JUDGE SEBUTINDE: This is the one transcript?

23 MR WERNER: Yes, your Honour, same date.

24 JUDGE SEBUTINDE: On one day?

14:41:12 25 MR WERNER: Yes, 24 June 2005.

26 MR ANYAH: And just to be more precise, if it please the
27 Chamber, the numbers given by counsel are to the CMS numbers used
28 in these proceedings and so there is a primary CMS number that
29 went with the motion or the notice under 92 bis. That should be

1 on the record, I hope.

2 MR WERNER: The number is 429.

3 PRESIDING JUDGE: Is that an ERN number, Mr Werner?

4 MR WERNER: Just can I have one second?

14:41:53 5 PRESIDING JUDGE: Yes, please.

6 MR WERNER: Your Honour, that is the CMS number of the
7 motion.

8 PRESIDING JUDGE: It is the number of the pages.

9 MR ANYAH: Madam President, what is happening here is there
14:42:12 10 are three sets of numbers being discussed. A notice was filed by
11 the Prosecution under 92 bis, the CMS staff stamped it with a
12 registry number and that CMS number is what counsel has just
13 given us. He says it was 429.

14 Separate and distinct from that are the page numbers that
14:42:32 15 CMS puts to transcripts that are appended to a notice. That's
16 what he gave us previously, the five digit number, and that's in
17 reference to the Brima et al trial. There is also the third
18 pagination sequence, which is the original pagination sequence of
19 the transcripts in question as done by the transcribers in
14:42:52 20 Freetown, and all of this has to be clarified for the record.

21 MS HOLLIS: If I may address this procedure, these
22 transcripts were filed by the Prosecution with the Rule 92 bis.
23 They were marked uniquely as part of that filing. We have copied
24 that so that there is no doubt that we are offering anything
14:43:18 25 other than what was provided in the Rule 92 bis filing and was
26 determined by your Honours that would be admitted into evidence.
27 Now, the Prosecution does not believe it is necessary to give
28 page numbers in addition to the very unique identifiers of the
29 CMS numbers for these transcripts which were submitted as part of

1 our 92 bis motion.

2 PRESIDING JUDGE: Yes, I agree with you, Ms Hollis, that we
3 are dealing with a 92 bis situation and a witness being tendered
4 for cross-examination. So, as I asked earlier, this is the ERN
14:43:56 5 number following the filing of the 92 bis?

6 MS HOLLIS: Madam President, it is the CMS number that they
7 give for filings.

8 PRESIDING JUDGE: Oh, I see. The CMS number.

9 MR WERNER: Can I proceed, your Honours?

14:44:18 10 [Trial Chamber conferred]

11 PRESIDING JUDGE: Mr Werner, in the light of Ms Hollis's
12 explanation, please put the question again to the witness using
13 the appropriate CMS numbers so that we are all ad idem as to what
14 we are dealing with.

14:46:47 15 JUDGE LUSSICK: Well, the witness could end up getting
16 confused here because the CMS numbers wouldn't mean anything to
17 him. All he'd be able to identify is the transcript of the trial
18 in which he gave evidence, wouldn't he? So the CMS numbers would
19 be some extra information that you could provide to the Court
14:47:10 20 yourself, Mr Werner.

21 MR WERNER: That's what I was trying to do, but probably I
22 didn't do that correctly, and so I'm going to establish with the
23 witness and then I will provide to you the relevant numbers:

24 Q. Mr Witness, have you reviewed this material recently?

14:47:29 25 A. Yes, my Lord, I have already done that.

26 Q. And, Mr Witness, do you adopt this as your prior testimony
27 in that trial?

28 A. Yes, my Lord, I do adopt it.

29 MR WERNER: Your Honours, for the record the numbers once

1 again are 14985 to 15113.

2 JUDGE LUSSICK: Now, just to be a hundred per cent clear
3 I'm quite clear on it, but just for the record, Mr Werner, those
4 numbers you just gave are the numbers of the pages of the
14:48:03 5 transcript that you're seeking to adduce into evidence.

6 MR WERNER: Yes, your Honour.

7 JUDGE LUSSICK: And they were the numbers given in the
8 original 92 bis application.

9 MR WERNER: Exactly, your Honour.

14:48:13 10 JUDGE LUSSICK: All right, that's perfectly clear. Thank
11 you.

12 MR WERNER: Can I request, your Honours, that this would be
13 marked for identification at this stage?

14 PRESIDING JUDGE: I'm trying to do some arithmetic here,
14:48:38 15 Mr Werner. Maybe you will already be able to tell me the number
16 of pages.

17 MR WERNER: The number of pages, yes, your Honours. It's
18 pages 128. 1 to 128.

19 PRESIDING JUDGE: The total is 128. I've just done some
14:48:54 20 quick arithmetic.

21 MR WERNER: Yes, your Honour.

22 PRESIDING JUDGE: That then will be a bundle of pages, a
23 transcript from a former trial totalling 128 pages, numbered from
24 14985 to 15113 and it will become MFI-1.

14:49:10 25 MR WERNER: And, your Honour, because there was a large
26 bundle we are just marking that because there was --

27 PRESIDING JUDGE: Yes.

28 MR WERNER: Yes, your Honours, thank you:

29 Q. Now, Mr Witness, have you testified as well in Freetown in

1 the case Prosecutor versus Sesay, Kallon and Gbao?

2 A. Yes, my Lord, I have given that testimony in Freetown.

3 MR WERNER: And could I ask again that the transcript be
4 shown to the witness.

14:49:52 5 PRESIDING JUDGE: Has Mr Anyah seen it?

6 MR ANYAH: Yes, I have, Madam President. I have.

7 MR WERNER: So for the record, your Honour, the CMS page
8 numbers are 15114 to 15303:

9 Q. Can you look at it briefly, Mr Witness.

14:50:25 10 A. Yes.

11 Q. Have you reviewed recently this material?

12 A. Yes, my Lord, I have reviewed it.

13 Q. And do you adopt this material as your prior testimony in
14 that trial?

14:50:51 15 A. Yes, my Lord, I do adopt it.

16 MR WERNER: Your Honour, at that stage we will request for
17 an MFI to be given to those pages.

18 PRESIDING JUDGE: This is a bundle of documents, being a
19 transcript from a prior trial, and I think it is 189 or 190
14:51:16 20 pages. It will become MFI-2.

21 JUDGE LUSSICK: Just further for the record, what was the
22 date of that transcript?

23 MR WERNER: Yes, your Honours. Yes, the dates were - it
24 was two days, 7 July 2005 and 8 July 2005. Madam Court

14:51:50 25 Attendant, could I ask for something else to be put in front of
26 the witness, please.

27 PRESIDING JUDGE: Mr Anyah?

28 MR ANYAH: Yes, I would be grateful to see what else is
29 being put before the witness.

1 MR WERNER: I apologise for that:

2 Q. Mr Witness, were you shown - have you seen - have you look
3 - sorry, just have a look at the --

14:53:44

4 JUDGE SEBUTINDE: Mr Werner, what is the witness looking at
5 now?

6 MR WERNER: I am going to ask him.

7 JUDGE SEBUTINDE: No, no, no, before you ask him we want to
8 know.

14:53:52

9 MR WERNER: That's fine, your Honour. This was an exhibit
10 which was adduced in the two trials in Freetown. In the trial
11 Prosecutor versus Brima, Kamara and Kanu it was exhibit 24, and
12 in the trial Prosecutor versus Sesay, Kallon and Gbao it was
13 exhibit 31.

14:54:30

14 MR ANYAH: Madam President, I am aware of the nature of the
15 document in question and I'm not certain whether this is the
16 appropriate time to raise an issue in respect of that document
17 and that pertains to the location of the original, because what
18 is being presented to the witness and what I suspect they will
19 seek to have marked for identification is a copy and, your
20 Honours, we would have no objection to you examining the document
21 now for yourselves. In going through the prior trial

14:54:50

22 transcripts, there arose an issue with respect to the location of
23 the original of this document and I don't know if the Prosecution
24 intends to adopt the course of conduct that they have done in
25 other cases which is to seek leave of the prior Trial Chamber to
26 obtain the original that was placed in evidence in that case to
27 be brought before your Honours in this case.

14:55:13

28 JUDGE LUSSICK: Well, is the original relevant here? I'm
29 presuming that the copy that you're seeking to tender now was the

1 copy that was included in the Rule 92 bis application.

2 MR WERNER: Yes, your Honour.

3 JUDGE LUSSICK: Well, the Court gave leave for those
4 documents to be admitted into evidence subject only to

14:55:46 5 cross-examination. We're not talking about originals here.

6 MR WERNER: And it's a certified copy as well, can I add.

7 MR ANYAH: Well, your Honour, with respect I appreciate the
8 point and we weren't seeking to suggest that we are entitled to
9 the original. We merely raise the issue and it's for your

14:56:10 10 Honours' consideration whether or not you would prefer to see the
11 original.

12 JUDGE LUSSICK: No, I appreciate your point too, Mr Anyah,
13 but I think this is a matter that can be raised by you at a more
14 appropriate time. At this stage we're simply getting the witness
14:56:22 15 to adopt the documents so that you can cross-examine on them, the
16 documents that he's adopting are the documents that were the
17 subject of the 92 bis application and of course the copy of that
18 document that you're talking about was included in the 92 bis
19 application, not the original.

14:56:43 20 MR ANYAH: I certainly accept the point. I only rose
21 merely because included in this process of having him adopt it is
22 the request that it be marked for identification, meaning once
23 that number is given to this document it will be this version
24 that the Prosecution will seek to have exhibited before your
14:57:04 25 Honours and that's merely why I raised it at this point.

26 PRESIDING JUDGE: Well, as my learned colleague has pointed
27 out, at the appropriate time and the appropriate time, if you're
28 going to raise any issues, will be at tender.

29 MR WERNER: Your Honour, I have to correct myself. I made

1 a mistake. I told you that this diary was an exhibit in AFRC -
2 in the trial Prosecutor versus Brima, Kamara and Kanu and the
3 Prosecutor versus Sesay, Kallon and Gbao. That's not correct.
4 It was an exhibit only in the Prosecutor versus Brima, Kamara and
14:57:42 5 Kanu and the exhibit number was 24. I apologise for that
6 mistake.

7 JUDGE SEBUTINDE: P-24, right, or D-24?

8 MR WERNER: Yes, P-24:

9 Q. Now, Mr Witness, were you shown that diary in the case
14:58:07 10 Prosecutor versus Brima, Kamara and Kanu?

11 A. Yes, my Lord.

12 Q. And were you shown that diary as well in the case
13 Prosecutor versus Sesay, Kallon and Gbao?

14 A. Yes, my Lord.

14:58:25 15 Q. And have you reviewed this diary recently?

16 A. Yes, my Lord, I have already reviewed it.

17 MR WERNER: At that stage, your Honour, we would request
18 that an MFI would be given to that diary and if I can have the
19 diary back and I will be able to tell you the pages.

14:58:49 20 PRESIDING JUDGE: Very well.

21 MR WERNER: So, your Honour, the relevant pages are 15507
22 to 15707. Your Honour, for the benefit of Defence counsel this
23 diary was disclosed several times and I have the dates. We have
24 some spare copies, if that is necessary.

14:59:29 25 PRESIDING JUDGE: This is a bundle of documents totalling
26 approximately 200 pages and it will become MFI-3.

27 MR WERNER: Now, I would request that this map will be
28 shown first to my learned friend.

29 JUDGE SEBUTINDE: Perhaps you could tell the Court what

1 exhibit that was.

2 MR WERNER: Yes, your Honour, I was going to do it right
3 now. So this map was an exhibit in the trial versus Sesay,
4 Kallon and Gbao, and it was the exhibit - I have exhibit 31, but
15:00:21 5 it was P-31. Sorry, I'm told by my case manager that it was
6 exhibit 31 in that trial. 31.

7 JUDGE SEBUTINDE: It was a Prosecution exhibit, or what?

8 MR WERNER: I am told that, yes, it was a Prosecution
9 exhibit. I'm told that it was not "P" on the transcript. It was
15:00:43 10 exhibit 31:

11 Q. Now, Mr Witness, could you look at that map and have you
12 marked that map in the trial versus Sesay, Kallon and Gbao?

13 A. Yes, my Lord, I've done that.

14 Q. And could you indicate which marking was it?

15:01:28 15 A. It's right here in Tongo Field area, Lower Bambara
16 Chiefdom.

17 MR WERNER: Your Honour, we can put it on the screen if
18 that's convenient for everybody to see it?

19 THE WITNESS: See here.

15:02:01 20 JUDGE LUSSICK: I don't know whether this is really
21 necessary, Mr Werner. All you're doing is producing the witness
22 and the documents associated with him and the questions are to be
23 asked by the other side, aren't they?

24 MR WERNER: That's fine. So we - at that stage we would
15:02:18 25 apply for that document, that map, to receive an MFI.

26 JUDGE SEBUTINDE: Mr Werner, could the witness show us what
27 he attested to. He was about to show us where he marked, please.

28 MR WERNER: Yes, your Honour:

29 Q. Mr Witness, could you maybe move and look at the - move to

1 the projector and look at the map?

2 A. Yes.

3 Q. Mr Witness, just move yourself.

4 A. To the screen?

15:03:24 5 Q. No.

6 A. To the map itself?

7 Q. Yes.

8 A. Okay.

9 MR WERNER: Maybe the witness could be provided with a --

15:03:55 10 JUDGE SEBUTINDE: We're not asking him to mark.

11 MR WERNER: No, no, just to point.

12 PRESIDING JUDGE: [Overlapping speakers] mark, but
13 something to indicate with, yes.

14 JUDGE LUSSICK: Well I still say all he has to do is say,

15:04:15 15 "This is the map I marked".

16 MR WERNER: Your Honours, I'm in your hands.

17 JUDGE SEBUTINDE: Just show us the markings, please. Just
18 show us the markings that you put. We can't see them so far.

19 THE WITNESS: I marked right here, Tongo Field. Tongo
15:04:29 20 Field is in the Lower Bambara Chiefdom, Kenema District. You can
21 see here Tongo Field and then Lower Bambara is below. That is
22 the chiefdom.

23 MR WERNER: I will ask for the record that the witness
24 indicated a green circle around Tongo and I would request at that
15:04:52 25 stage that this map would be marked for identification.

26 PRESIDING JUDGE: That is a map of part of Sierra Leone as
27 marked by the witness. It becomes MFI-4.

28 MR WERNER: And at that stage we are tendering the witness
29 for cross-examination.

1 PRESIDING JUDGE: Thank you, Mr Werner. Mr Anyah, I
2 understand you have carriage of this witness.

3 MR ANYAH: Yes, Madam President. Thank you, Madam
4 President.

15:05:19 5 CROSS-EXAMINATION BY MR ANYAH:

6 Q. Mr Witness, good afternoon.

7 A. Good afternoon.

8 Q. When did you arrive in The Hague?

9 A. On Saturday morning.

15:05:53 10 Q. Saturday 13 September, yes?

11 A. Yes, my Lord.

12 Q. On Sunday 14 September you met with the Prosecution, yes?

13 A. No.

14 Q. Well we were given a document a few days ago by the Office
15:06:19 15 of the Prosecutor, a document saying that you gave them
16 additional information during the course of proofing on 14
17 September 2008. Did you meet with the Prosecution on 14
18 September 2008 here in The Hague?

19 A. Yes, that is Sunday. Sunday in the afternoon I met with
15:06:36 20 the Prosecutor, yes.

21 Q. My question a few minutes ago was, "On Sunday 14 September
22 you met with the Prosecution, yes?", and you answered, "No." Did
23 you understand the question, Mr Witness?

24 A. I did not get the question clearly. I met with the
15:06:54 25 Prosecution on Sunday 14 September in the afternoon hours.

26 Q. Was that when you went over your statements in the prior
27 trial that you've just looked at?

28 A. Well, that day I just gave an additional statement.

29 Q. When did you go over the transcripts that you were just

1 shown by the Prosecution in court?

2 A. I started doing that on Monday.

3 Q. Monday the 15th, this week?

4 A. Yes, my Lord.

15:07:30 5 Q. So you met with them again on Monday, or did they give you
6 the transcripts to review at your place of residence?

7 A. I met with them on Monday and I was given the transcripts
8 on the same Monday, so I reviewed them on Monday.

9 Q. Did you meet with them on Tuesday this week?

15:07:48 10 A. Yes, my Lord.

11 Q. Did you meet with them on Wednesday, the 17th?

12 A. Yes, my Lord.

13 Q. Before you entered the witness box today, did you meet with
14 them this morning?

15:08:03 15 A. Yes, my Lord.

16 Q. So every day you've been in Holland, save for the day of
17 your arrival the 14th, rather the 13th, on every single day,
18 Sunday the 14th, Monday the 15th, Tuesday the 16th, Wednesday the
19 17th and before you took the stand today you met with them, yes?

15:08:26 20 A. Yes, you are correct.

21 Q. Did they tell you what to anticipate in court when you
22 would testify today?

23 A. No, I know how to anticipate in court what to testify.

24 Q. Well, I'm not asking you if you know what to anticipate.

15:08:40 25 My question is, listen, did the Prosecution, the persons from the
26 office with whom you met, tell you what you could anticipate in
27 court today?

28 A. Not at all. I know what to do.

29 Q. Did they tell you whether or not the Defence would be

1 asking you questions today?

2 A. Not at all, but I knew the Defence is going to ask me
3 questions.

4 Q. Did they tell you whether or not they --

15:09:09 5 A. Not at all.

6 Q. Mr Witness, if I could finish my questions before you give
7 your responses. I think we are both speaking English.

8 A. Okay, then. Go ahead.

9 Q. Okay, I'll repeat my question. Did the Prosecution tell
10 you that they would be asking you questions in court today?

11 A. No.

12 Q. Did they bring you to the courtroom to see how it looked?

13 A. That has been --

14 MR WERNER: Your Honours, I object. Who brought him to
15:09:44 15 court?

16 MR ANYAH: That's fair enough. I can clarify. I
17 appreciate the point:

18 Q. Mr Witness, did somebody from the Special Court bring you
19 to this courtroom to show you around before you took the witness
15:09:57 20 stand today?

21 A. You are quite correct, yes.

22 Q. Was that somebody from the Witnesses and Victims Section,
23 if you know?

24 A. Somebody from the Witness Protection Unit.

15:10:15 25 Q. You're a police officer by training, yes?

26 A. Yes, of course. You are correct.

27 Q. Are you still with the police forces in Sierra Leone?

28 A. Yes, my Lord.

29 Q. How long have you been a police officer?

- 1 A. This is my 27 years.
- 2 Q. And you're a man of 49 years of age?
- 3 A. Yes, of course.
- 4 Q. What is your current rank in the police force?
- 15:10:38 5 A. I am a sergeant.
- 6 Q. Have you been a police officer consistently for the 27
- 7 years you've been in policing?
- 8 A. Yes, my Lord.
- 9 Q. Same Sierra Leone police force?
- 15:10:56 10 A. Yes, my Lord.
- 11 Q. And your rank now is sergeant?
- 12 A. Sergeant, you're correct.
- 13 Q. In 2000 - rather in 1997, you were a station sergeant then,
- 14 yes?
- 15:11:17 15 A. You are correct, yes.
- 16 Q. And we're in 2008?
- 17 A. Yes, and up to now I'm still a sergeant.
- 18 Q. Mr Witness, the transcripts they showed you from the prior
- 19 two proceedings, your evidence in those cases took place in the
- 15:11:39 20 year 2005. Is that correct?
- 21 A. Repeat your question, please.
- 22 Q. Yes, I will. The transcripts that you were shown a few
- 23 minutes ago in respect of evidence that you gave to the Court in
- 24 Freetown, Sierra Leone, date from the year 2005, yes?
- 15:12:06 25 A. I really want you to break this question down so that I can
- 26 be able to digest it properly.
- 27 Q. In the case of Alex Tamba Brima, Gullit, AFRC, you
- 28 testified in that case on 24 June 2005, yes?
- 29 A. Okay, you are correct.

1 Q. And in the case of Issa Hassan Sesay, Morris Kallon and
2 Augustine Gbao, you testified in that case on two days, 7 July
3 the same 2005?

4 A. Yes, the same 2005. You are correct.

15:12:41 5 Q. And also 8 July 2005, yes?

6 A. Yes, my Lord.

7 Q. That's over three years ago, yes?

8 A. Yes.

9 Q. Your first meeting with the Prosecution, the meeting when
15:12:54 10 they took a statement from you, took place on 30 January 2003,
11 yes?

12 A. You are correct.

13 Q. And you wrote that statement with your own hands, true?

14 A. No.

15:13:08 15 Q. Did you sign any statement on 30 January 2003?

16 A. Yes, my Lord.

17 Q. So since 2003 until now, 2008, you've had some dealings or
18 association with the Special Court, yes?

19 A. Yes.

15:13:28 20 Q. After you finished testifying in the Sesay trial, 8 July
21 2005, when next did you hear from the Special Court, Mr Witness?

22 A. I cannot remember the date off head.

23 Q. Was it in the same 2005?

24 A. Yes, my Lord.

15:13:52 25 Q. Do you recall which month in 2005, Mr Witness?

26 A. No, I cannot.

27 Q. Where were you on 29 March 2006, Mr Witness?

28 A. Well, I cannot remember.

29 Q. Where were you on the day Charles Taylor was transferred to

1 the Special Court of Sierra Leone, 29 March 2006?

2 A. I was in Sierra Leone.

3 Q. Did you hear of Charles Taylor's transfer to the Special
4 Court on that day?

15:14:24 5 A. Yes, of course.

6 Q. You heard it on the news, right?

7 A. Yes.

8 Q. It was important news, yes?

9 A. Yes, it was important.

15:14:32 10 Q. Did you hear from the Special Court shortly after
11 Charles Taylor was taken into custody?

12 A. Not shortly.

13 Q. When did you hear from the Special Court in relation to 29
14 March 2006?

15:14:51 15 A. After some time. I cannot actually show the specific date,
16 but after some time.

17 Q. Some time means what? One month, two months, a few weeks?
18 Tell us, Mr Witness.

19 A. I can even say after a year before ever I heard from
15:15:09 20 Special Court.

21 Q. So Mr Taylor is taken into custody on 29 March 2006 and
22 you're suggesting to us that it took about a year into the year
23 2007 for you to be contacted by the Special Court. Is that your
24 evidence?

15:15:26 25 A. Of course.

26 Q. Who contacted you from the Special Court?

27 A. The Witness Protection Unit contacted me in Kenema. That
28 is Sierra Leone.

29 Q. Did you understand that person to be from the Office of the

1 Prosecutor?

2 A. Yes, of course.

3 Q. Did they tell you they were an investigator for the Office
4 of the Prosecutor?

15:15:55 5 A. Well, they did not tell me that.

6 Q. Was this a man or a woman that contacted you, Mr Witness?

7 A. Man as well as a woman.

8 Q. And what are their names?

9 A. I cannot remember their names.

15:16:10 10 Q. You were in Kenema, you said?

11 A. Yes.

12 Q. Did they have you come to Freetown at some point?

13 A. Yes.

14 Q. And when you came to Freetown did you meet with a lawyer

15:16:21 15 from the Office of the Prosecutor?

16 A. Not at all.

17 Q. At some point you did meet with a lawyer from the Office of
18 the Prosecutor, yes?

19 A. In Freetown?

15:16:29 20 Q. Yes.

21 A. No.

22 Q. Was it in The Hague here that you met for the first time
23 with a lawyer from --

24 A. Yes.

15:16:37 25 Q. May I finish my question. Was it here in The Hague that
26 you for the first time met with a lawyer from the Office of the
27 Prosecutor concerning the Charles Taylor case?

28 A. Yes.

29 Q. Before coming to The Hague, did you speak on the telephone

1 with a lawyer from the Office of the Prosecutor about this case?

2 A. No.

3 Q. When you met with them here in The Hague, apart from Sunday
4 the 14th when you gave them additional information, on Monday the
15:17:07 5 15th, Tuesday the 16th, or Wednesday the 17th did you give them
6 any additional information about this case, separate and apart
7 from just reviewing transcripts?

8 A. It was on Sunday I gave them additional statement. Apart
9 from Sunday, I only went through my transcripts.

15:17:32 10 Q. Mr Witness, can I ask you how much you make a year in your
11 line of work?

12 A. Repeat that question, please.

13 Q. Can you tell us what is your yearly salary?

14 A. We don't normally disclose our salaries. It is our own
15:18:13 15 private official business and so we don't really disclose it in
16 an open court, so I'm sorry about that please.

17 PRESIDING JUDGE: Mr Witness, you should answer the
18 question. If there is some reason that it's in some way
19 privileged then you must tell us, but to say it's your private
15:18:34 20 business is not sufficient.

21 THE WITNESS: Salary including all allowances is 230,000
22 Leones. 230,000 Leones.

23 MR ANYAH:

24 Q. Mr Witness --

15:19:00 25 JUDGE SEBUTINDE: Is that monthly, or annually?

26 THE WITNESS: Monthly.

27 MR ANYAH:

28 Q. You said 230,000 Leones per month?

29 A. Yes.

1 Q. Since you started giving evidence, starting with the AFRC
2 trial, did you receive money from the Special Court, Mr Witness?

3 A. From the Special Court?

4 Q. Did you understand my question?

15:19:30 5 A. Repeat your question, please.

6 Q. Yes. Since your involvement with the Special Court have
7 you received any funds - money - from the Court?

8 A. Yes.

9 Q. Do you know the approximate amount that you have received
15:19:48 10 from the Special Court?

11 A. No.

12 MR ANYAH: Your Honours, if it please the Chamber may I
13 have the assistance of Madam Court Officer. Just like Mr Munyard
14 did in respect of the prior witness, I do not have bundles for
15:20:02 15 the entire court. I have a set of documents for the Court
16 Officer and I also have a copy for counsel opposite and, unless
17 there are objections, I propose that they be published through
18 the overhead projector. Our intern will hand us the documents.

19 MR WERNER: Your Honours, we have no objection. We would
15:20:24 20 appreciate if we could have a copy.

21 MR ANYAH: Yes, we have a copy for the Prosecution. I
22 would refer Madam Court Officer to the document in tab number 9.
23 Actually, Madam Court Officer, it might be the first - it should
24 be a document that should be the first one. Yes, that one:

15:21:53 25 Q. Mr Witness, you can look on your screen and you will be
26 able to follow us. This is a document kept by the Witnesses and
27 Victims Section of the Special Court. It has a number on the
28 subject line where it says "Witness expense policy - expenses
29 made on TF1-122". I will stand to be corrected by counsel

1 opposite, but that number TF1-122 pertains to you and if you look
2 at number 2 it says, "Witness arrived on 1 April 2005. To date
3 he has been paid a total of ...", and it gives some figures,
4 Mr Witness. At the end it comes to a grant total of 2,206,000
15:22:49 5 Leones.

6 Mr Witness, I ask you this. Looking at those amounts and
7 their delineations, for witness attendance allowance 1,216,000
8 Leones, medical 120,000 Leones, transportation 460,000 Leones and
9 miscellaneous 410,000 Leones, do you agree that this amount
15:23:09 10 sounds about right regarding what has been spent on your behalf
11 by the Special Court since 1 April 2005?

12 A. They are correct, yes.

13 Q. 2,206,000 Leones, yes?

14 A. Yes, you are correct.

15:23:36 15 Q. If you go on the streets in Freetown and you try to change
16 Leones into dollars you will agree with me that it generally goes
17 for 1 dollar equals 3,000 Leones, yes? Mr Witness, did you hear
18 the question?

19 A. You may be correct. I don't deal in dollars, I deal in
15:24:02 20 Leones, and so I don't know the exchange rate at all.

21 Q. Well, in any event, given your monthly salary of 230,000
22 Leones, the amount in question --

23 MR WERNER: Your Honour, it was monthly.

24 PRESIDING JUDGE: Yes, that is what counsel said and the
15:24:20 25 witness said.

26 MR ANYAH:

27 Q. Well given your monthly salary of 230,000 Leones, this
28 amount is almost ten times your monthly salary, yes?

29 PRESIDING JUDGE: Do you agree with that, Mr Witness, or

1 are you going to - you haven't recorded a reply?

2 THE WITNESS: Let him work the arithmetic.

3 MR ANYAH:

15:25:10

4 Q. Well if I told you that it was 9.5 times your salary, would
5 you agree, Mr Witness?

6 A. Well, most probably.

7 Q. And so the Special Court has provided an extra source of
8 income for you. Would you agree with that statement, Mr Witness?

9 A. They are supposed to.

15:25:24

10 Q. They are supposed to?

11 A. Yes.

12 Q. Why? Tell us why, Mr Witness?

13 A. It's a very big risk I'm taking, so I mean they just have
14 to take care of my welfare.

15:25:36

15 Q. And they compensate you for the risk you're taking in
16 money. Is that the only compensation you feel is appropriate,
17 money?

18 A. I'm not doing this for money.

15:25:54

19 Q. Then why do you feel entitled to be taken care of because
20 of the risk you're taking?

21 A. Of course.

22 Q. Did you understand my question?

23 A. Yes.

15:26:05

24 Q. You just told us a few minutes ago that you feel they ought
25 to take care of you because you're taking certain risks and I'm
26 asking you why do you feel entitled to money as compensation for
27 the risks you're taking?

28 A. I'm not taking a sort of compensation as you are rightly
29 saying there.

1 Q. Here is your response to questions just posed. For
2 everyone's benefit, page 131 starting at line 12 and I'm using a
3 12 point font.

15:26:46 4 "Q. So the Special Court has provided an extra source of
5 income for you. Would you agree with that statement,
6 Mr Witness?

7 A. They are supposed to.

8 Q. They are supposed to?

9 A. Yes.

15:26:56 10 Q. Why? Tell us why, Mr Witness.

11 A. It's a very big risk I'm taking, so I mean they just
12 have to take care of my welfare."

13 "They just have to take care of my welfare". Tell us why
14 the Special Court has to take care of your welfare?

15:27:14 15 A. To leave my country, Sierra Leone, for The Hague, I mean
16 that is their responsibility to take care of my welfare.

17 Q. Well, you only came to The Hague on the 13th. They started
18 taking care of your welfare 1 April 2005. What justification do
19 you have for them taking care of your welfare in 2005 and 2006?

15:27:32 20 A. I was also taking the risk moving from Tongo Field, Kenema,
21 to Freetown on the highway every now and then back and forth, so
22 it's a very big risk. Suppose I involve into an accident I would
23 die on the spot, so they are supposed to take responsibility.

24 Q. Well it may be fair that they ought to pay for your
15:27:52 25 transportation, but the document I just showed you said they paid
26 for your medical. Are you claiming to be entitled to having your
27 medical care provided for by the Special Court because you are a
28 witness in this case?

29 A. At the time the Court engaged me, yes, of course.

1 Q. Beyond medical welfare, would you be entitled to your
2 electricity being provided by the Special Court because you were
3 engaged as a witness?

4 A. No, not at all. Not at all.

15:28:16 5 Q. What's the difference between medical care and electricity?

6 A. I pay my electricity bill in Kenema where I stationed, but
7 if I leave Kenema for Freetown and I'm with them then I happen to
8 sick then they have to take care of that. If I am in Kenema I
9 take care of myself. I am a well to do man. I don't depend on
10 Special Court.

15:28:41

11 Q. Are you finished?

12 A. I'm finished.

13 Q. You're a police officer. You take risks by nature, do you
14 not, Mr Witness? It comes with part of your job, yes?

15:28:54

15 A. I just have to take the risk. It's part of my job.

16 Q. And this is not the only amounts you have received from the
17 Special Court, yes? A section within the Office of the
18 Prosecutor has given you amounts before, yes?

19 A. Not to my knowledge.

15:29:21

20 MR ANYAH: Madam Court Officer, the next documents in that
21 tab will explicate this:

22 Q. Mr Witness, the Office of the Prosecutor also keeps records
23 of money paid to you. This is distinct from what the Witnesses
24 and Victims Section give you. The records you're looking at you
15:29:48 25 have entry number 1 as a sum of 10,000 Leones given to you on 13
26 January 2004, so this was even before the Witnesses and Victims
27 Section started giving you money on 1 April 2005, and they have
28 it down here that they gave you the sum of 10,000 Leones. It
29 says, "Funds required to facilitate the attendance of witness at

1 the Special Court field location for the reconfirmation process."

2 Do you see that, Mr Witness?

3 A. Yes.

4 Q. And you have entry number 2 for 40,000 Leones; entry number
15:30:34 5 3 for 40,000 Leones; entry number 4, over to the next page, up
6 until 25 May 2007 entry number 6 for 20,000 Leones. Does this
7 sound about right to you, Mr Witness, that they have given you
8 money starting from 13 January 2004 through 25 May 2007?

9 A. You are quite correct.

15:30:59 10 Q. And the total on the second page is for 160,000 Leones,
11 yes?

12 A. Quite correct.

13 Q. And for six events with the Office of the Prosecutor you've
14 earned half of what you earn a month, yes?

15:31:18 15 A. Yes, I have no problem with that.

16 MR ANYAH: Thank you, Madam Court Officer:

17 Q. Are you residing in Kenema right now, Mr Witness?

18 A. Yes, right now I'm staying in Kenema.

19 Q. On 24 May 1997 you left Kenema for Freetown, yes?

15:31:42 20 A. You are correct.

21 Q. And on the next day, 25 May, something happened in
22 Freetown, yes?

23 A. Yes.

24 Q. Tell us what happened, Mr Witness.

15:32:01 25 A. Well, that day I was woken up at 5.30 a.m. with sporadic
26 gun firing all over the city of Freetown. I was confused. I
27 didn't know what happened. So later in the day I made to
28 understand that some junior military officers have overthrown the
29 democratically elected government of President Dr Ahmad Tejan

1 Kabbah, so I went to town to find out for myself I met the
2 central bank, that is the Bank of Sierra Leone, on fire. I also
3 moved to the treasury building. I also met that building on
4 fire. There was shooting all over the place, so I was unable to
15:33:14 5 penetrate further into the city. For fear of my life, I have to
6 return home.

7 Q. And home was Kenema, yes?

8 A. No, at where I lodged in Freetown. That is Kissy.

9 Q. The language you just used in your response, you said this
15:33:43 10 is the enquiry you made on the 25th after you heard sporadic gun
11 fire and you said you were made to understand that some junior
12 military officers have overthrown the democratically elected
13 government. When you say "junior military officers", you are
14 referring to persons of the Sierra Leone Army or the AFRC, yes?

15:34:04 15 A. That is persons from the Sierra Leone Army. The person
16 that I heard on the radio was Corporal Gborie. Corporal Gborie.
17 That was the name I heard over the radio that they, the junior
18 officers, have overthrown the Government of Sierra Leone.

19 Q. These officers, Corporal Gborie included, were members of
15:34:35 20 the Sierra Leone Army at the time, yes?

21 A. Yes.

22 Q. They later became what's known as the Armed Forces
23 Revolutionary Council, AFRC, yes?

24 A. Yes.

15:34:43 25 Q. You left - well let me ask you about that, Mr Witness. You
26 see, when you testified in Freetown, when you testified in the
27 AFRC trial, this question was posed to you, "Who overthrew the
28 SLPP government?" Before the AFRC Bench --

29 MR WERNER: Your Honour, I would be grateful if we could be

1 provided with page references of the AFRC transcripts.

2 MR ANYAH: Yes, yes, I appreciate the point. This is on
3 the AFRC transcript of 24 June and it's on page 4, lines 14
4 through 15. Well, it starts at line 11 and ends at 15:

15:35:34 5 Q. They asked you a question there and in answering that
6 question you told the Court - these three Justices that you're
7 testifying to, or testifying before, you told them that it was
8 the AFRC that overthrew the democratically elected government.
9 The question was posed by Mr Werner:

15:36:00 10 "Q. Could you tell this Court what happened?

11 A. Yes. May 25th, 1997 I was in Freetown when I heard a
12 sporadic gun firing at about 5.30am. I later made to
13 understand that the AFRC have overthrown the democratically
14 elected government."

15:36:24 15 That's what you told this Court then and it's what you've
16 told us now in court. When you went before the RUF Trial
17 Chamber, you added something to that response. You said, "AFRC
18 and RUF", and the page number is RUF trial, 7 July, page 54. I
19 will wait for counsel to find the reference.

15:36:55 20 JUDGE SEBUTINDE: Mr Anyah, are you referring to MFI-2 now?

21 MR ANYAH: Yes, Justice Sebutinde.

22 JUDGE SEBUTINDE: Because that is I think 8 July. I may be
23 wrong.

24 MR ANYAH: It's supposed to be - perhaps it wasn't
15:37:06 25 specified on the record, but that transcript is supposed to be
26 inclusive of 7 and 8 July 2005.

27 MR WERNER: Yes, your Honour, that's correct.

28 MR ANYAH:

29 Q. Now when you went before the RUF Trial Chamber you gave the

1 same response, but you added RUF rebels as being responsible for
2 overthrowing the government. Let me read you what you told them,
3 a slight distinction but important. Question posed by Mr Werner
4 again, almost identical to the question on the AFRC case:

15:37:38 5 "Q. Could you tell this Court what happened?

6 A. Yes, on 24 May 1997 I left Kenema for Freetown on an
7 official assignment. Kenema was quiet and calm. On 25 May
8 1997 around 5.30 a.m., that is in the morning hours, I woke
9 up by a sporadic gun firing all over Freetown city. I
10 later in the day heard an announcement that the army
11 officers and the RUF rebels have overthrown the
12 constitutional Government of Sierra Leone."

13 Let me ask you why did you add "RUF rebels" in Issa Sesay's
14 trial to your response about who was responsible for overthrowing
15 the legitimate Government of Sierra Leone?

16 A. That was well-planned and coordinated by the RUF and the
17 junior military, because on the very day I was travelling from
18 Kenema to Freetown some RUF rebels and some junior military
19 officers boarded a vehicle which I was travelling in and there
20 were so many of them in the street. We came together with them
21 and they were speaking in Liberian dialect. That morning, after
22 the overthrow, we saw all of them in the street, the RUF as well
23 as the young soldiers. They were all dancing in the street. I
24 saw them very well with my own eyes. I have some of my
25 schoolmates. I even advised them to go and surrender. Some went
26 and surrendered. Some military also, they are my schoolmates, I
27 advised them to go and surrender and they went and surrendered.
28 They are there today. They are alive. Those who never listened
29 to my advice, they perished.

1 Q. Well, let's forget --

2 A. The RUF and the junior army did it together. I came
3 together with them in Freetown and they do the thing together so
4 that is why I'm trying to say the RUF and the junior military
15:39:36 5 officers are responsible. It is well-planned and coordinated by
6 them. There is no question about it. Everybody knew about that.

7 Q. Well let's focus on what you know, forgetting what
8 everybody else knew. You say to us in court - you've just given
9 us a narrative saying a number of things. (1) you travelled to
15:39:55 10 Freetown in the company of RUF rebels?

11 A. Yes.

12 Q. Did you tell the Chamber - this Chamber - when you
13 testified before them on 24 June 2005, did you tell them - may I
14 finish my question? Did you tell them you went to Freetown in
15:40:09 15 the company of RUF rebels, yes or no?

16 A. That is why I have already given my particular statement.

17 Q. Yes or no, did you tell this Court - this Bench of three
18 Justices you're facing this afternoon, did you tell them when you
19 met them or testified before them in June 2005 --

15:40:20 20 A. That did not --

21 Q. -- you went to Freetown in the company of RUF rebels? Yes
22 or no, did you tell them?

23 A. That did not occur to me and so I never told them.

24 Q. Did you mention to these Justices that the RUF rebels were
15:40:38 25 responsible for overthrowing the SLPP government when you
26 testified in June 2005, yes or no?

27 A. They are responsible, yes. Both the RUF and the junior
28 militaries, they are responsible.

29 PRESIDING JUDGE: Mr Witness, the question was concerning

1 your evidence, whether you said certain things, not who was
2 responsible.

3 MR ANYAH:

15:41:04

4 Q. Did you understand the question by Her Honour, the
5 Presiding Justice? My question was did you tell the Justices
6 when you appeared before them on 24 June 2005 that the RUF rebels
7 were responsible for overthrowing the SLPP government, yes or no?

8 A. I cannot remember.

15:41:20

9 Q. Well, I just read your response. Did you hear any
10 reference to RUF rebels in the transcript I read you from 24
11 June? Do you want me to read your response again?

12 A. Go over it again.

13 Q. Yes, I will. Your response to the question posed, line 11,
14 page 4, AFRC transcript, 24 June:

15:41:38

15 "Q. Could you tell this Court what happened?

16 A. Yes. May 25th 1997 I was in Freetown when I heard a
17 sporadic gun firing at about 5.30am. I later made to understand
18 that the AFRC have overthrown the democratically elected
19 government."

15:42:02

20 Did you mention RUF rebels when you testified before this
21 Court then?

22 A. I cannot remember that anyway.

23 Q. I see. In any event after the coup took place, a few weeks
24 later, perhaps 5 June, you left Freetown for Kenema, yes?

15:42:24

25 A. I took about a week in Freetown before I left for Kenema.

26 Q. Well, let's be specific. You left on or about 5 June?

27 A. I took about a week in Freetown before I left for Kenema.

28 Q. Page 55, 7 July 2005, RUF trial, Mr Werner asked you the
29 question:

1 "Q. Off the top of your head do you know the date of your
2 return to Kenema?

3 A. That is supposed to be around June the 5th."

4 Now, you left for Kenema around 5 June, yes?

15:43:23 5 A. That is supposed - that is why I'm saying I spent about a
6 week in Freetown before I left for Kenema. It's a very long time
7 so I don't have to be precise with dates, you know?

8 Q. But you said 5 June when you last testified under oath?

9 A. I suppose. That is why I'm saying I took about a week in
15:43:39 10 Freetown before I left for Kenema.

11 Q. In any event, when you got to Kenema you went to the
12 Criminal Investigations Department of the Sierra Leone Police in
13 Kenema Town, yes?

14 A. You are correct. That is my office.

15:44:00 15 Q. At the time in question you were a station sergeant, yes?

16 A. Quite correct.

17 Q. And you were responsible for the supervision or welfare of
18 about 54 police officers, yes?

19 A. Correct.

15:44:19 20 Q. When you got to Kenema, Kenema had been overrun by --

21 PRESIDING JUDGE: Mr Witness, are you all right?

22 THE WITNESS: Yeah, I'm just trying to readjust my belt.

23 PRESIDING JUDGE: I see. Proceed, Mr Anyah.

24 MR ANYAH:

15:44:39 25 Q. Tell us what happened when you got to Kenema? What did you
26 see?

27 A. In Kenema? When I arrived in Kenema - when I returned to
28 Kenema from Freetown I met the RUF rebels, the AFRC juntas spread
29 all over Kenema Town. They were on looting spree, shooting all

1 over the place. The place was very chaotic. Putting everybody
2 under panic, you know, just like that.

3 Q. At the time, Mr Witness, it is fair to say that there were
4 several different warring factions in the vicinity of Kenema,
15:45:24 5 yes?

6 A. Well, as far as I am concerned the RUF rebels and the AFRC
7 juntas were on top of the situation, those two factions, and they
8 were operating together.

9 Q. Yes. May I ask you this: You've heard of the Kamajors
15:45:49 10 before, have you not?

11 A. The Kamajors were on the side of the military.

12 Q. My question is this: Have you heard of the Kamajors
13 before?

14 A. Of course, yes.

15:46:00 15 Q. The Kamajors are synonymous with the Civil Defence Forces,
16 yes?

17 A. Yes, of course.

18 Q. And you just said they were on the side of the military.
19 You mean the Kamajors were on the side of --

15:46:13 20 A. The military.

21 Q. May I finish? The Kamajors were on the side of the
22 legitimate Sierra Leone Army, yes?

23 A. Yes.

24 Q. As to be distinguished from the AFRC, former Sierra Leone
15:46:24 25 Army members, yes?

26 A. Of course.

27 Q. You've also heard of ECOMOG, right?

28 A. Yes.

29 Q. So it is fair to say, correct me if I'm wrong, in the

1 vicinity of Kenema there was what you call the AFRC junta, yes?

2 A. Yes.

3 Q. There was what you call the RUF rebels, yes?

4 A. Yes.

15:46:48 5 Q. The Kamajors were around, they had been driven out by the
6 AFRC, yes?

7 A. Yes.

8 Q. ECOMOG had also been driven out by the AFRC, yes?

9 A. Yes.

15:47:00 10 Q. But both ECOMOG and the Kamajors were looking for a way
11 back into Kenema, yes? Yes, Mr Witness?

12 A. Well, at the initial stage they didn't just drive them away
13 like that. They were there, we were all there together. Later
14 on a fight - heavy fight broke out between them so the Kamajor
15 and the ECOMOG went away.

16 Q. Let me understand what you're saying. What you're saying
17 is that, shortly after you arrived on or about 5 June 1997,
18 you're telling us that the Kamajors were still present in Kenema
19 Town?

15:47:43 20 A. Of course.

21 Q. You are telling us that ECOMOG was still present in Kenema
22 Town?

23 A. Of course. Of course.

24 Q. And please let me finish my question. It's a simple
15:47:51 25 courtesy and I will afford you the same, okay? Now, you're also
26 saying to us that at some point in time both the Kamajors and
27 ECOMOG were driven out of Kenema Town by the AFRC junta forces,
28 yes?

29 A. Yeah.

1 Q. When you got to Kenema it would be fair to say you were
2 then a relatively senior police officer in Kenema Town, yes?

3 A. I am non-commissioned officer. I'm not even a junior, not
4 alone a senior. Non-commissioned officer.

15:48:34 5 Q. You are what they call a civil police officer?

6 A. In short, NCO; non-commissioned officer. Not even the
7 junior police, not alone senior police officer. So let us drop
8 the whole "senior." Very, very, very junior. Down there on the
9 ladder.

15:48:50 10 Q. Well, you've told courts before that you are what is called
11 a civil police officer; is that a fair characterisation,
12 Mr Witness?

13 A. Yes, I'm a civil police officer.

14 Q. Okay, fair enough. Now these junta forces, AFRC and RUF,
15:49:19 15 the AFRC was based at brigade headquarters near the reservation,
16 yes?

17 A. You are correct.

18 Q. The RUF rebels, in particular Sam Bockarie, alias Mosquito,
19 was based on Dama Road at the NIC compound, yes?

15:49:43 20 A. You are quite correct.

21 Q. "NIC" stands for what, National Insurance Company, yes?

22 A. Yeah.

23 Q. And there was a secretariat the AFRC had on 14 Hangha Road,
24 Kenema Town?

15:50:02 25 A. 14 Hangha Road. That is both the AFRC and the RUF. They
26 used that building as a sort of administrative building and they
27 incorporate some civilians who were working with them.

28 Q. We'll get to that. Hangha, H-A-N-G-H?

29 A. G-H-A.

- 1 Q. G-H-A.
- 2 A. H-A-N-G-H-A. Hangha Road.
- 3 Q. Hangha Road.
- 4 A. 14 Hangha Road.
- 15:50:22 5 Q. Issa Sesay was based on 31 Hangha Road, yes?
- 6 A. Of course, yes.
- 7 Q. Brigade headquarters, this was a former base for the Sierra
8 Leone Army, yes?
- 9 A. Yes.
- 15:50:41 10 Q. Head of the AFRC junta forces, the big man in charge, was
11 Eddie Kanneh, yes?
- 12 A. Correct.
- 13 Q. He was what you call the SOS East, Secretary of State for
14 the Eastern Region, yes?
- 15:50:58 15 A. Yeah.
- 16 Q. Based out of brigade headquarters, yes?
- 17 A. He was in charge of the secretariat.
- 18 Q. Head of the RUF rebels was Sam Bockarie, alias Mosquito,
19 yes?
- 15:51:09 20 A. Yeah.
- 21 Q. Based out of the NIC compound, yes?
- 22 A. He was based at the NIC compound.
- 23 Q. Yes. So although you say these two forces were working
24 together, it is clear, is it not, that they had different
15:51:25 25 commanders in charge of their respective groups, yes?
- 26 A. Yes, they had different commanders.
- 27 Q. They also dressed differently, did they not? The AFRC wore
28 full military uniform, yes?
- 29 A. Yeah.

1 Q. RUF rebels did not wear uniforms, right?

2 A. You are correct.

3 Q. Yes. It is fair to say that they were two groups that were
4 fighting one common enemy, namely the Kamajors, yes? Yes,

15:52:05 5 Mr Witness? Well, let me ask you this: Both groups during the
6 time you were there were always singing and dancing, celebrating
7 when they caught somebody saying the person was a Kamajor
8 supporter, yes?

9 A. Let me just ease myself, please.

15:52:32 10 PRESIDING JUDGE: Please assist the witness. Mr Anyah, if
11 you wish to have a seat.

12 [In the absence of the witness]

13 MR ANYAH: Madam President, if your Honours please, may
14 Mr Taylor be excused to use the washroom?

15:53:22 15 PRESIDING JUDGE: Yes, he may be escorted out.

16 MR ANYAH: Thank you.

17 [In the presence of the witness]

18 PRESIDING JUDGE: Mr Witness, are you all right now?

19 THE WITNESS: Yes, of course I'm all right, my Lord.

15:56:58 20 PRESIDING JUDGE: Thank you. Please proceed, Mr Anyah.

21 MR ANYAH:

22 Q. Mr Witness, I asked you a question before you had to take

23 leave, and my question was this: The AFRC junta forces and the
24 RUF rebels could be described accurately as being two separate

15:57:23 25 groups that were fighting a common enemy, namely the Kamajors, in
26 Kenema Town, yes?

27 A. I don't really want to agree with you.

28 Q. Well, it's either you agree or you don't or there is an in
29 between. Are you taking the in between position?

- 1 A. No. All what I was seeing there is killing civilians,
2 stealing their property, burning down their houses. Most of the
3 people were not Kamajors, they just go around, brand you as
4 Kamajor, they kill you, burn your house, loot your properties,
15:58:10 5 you know. I don't really take it to be fighting Kamajors.
6 Fighting civilians.
- 7 Q. Mr Witness --
- 8 A. Yes, go ahead.
- 9 Q. -- you were telling the Court you don't really take it to
15:58:30 10 be fighting Kamajors?
- 11 A. But civilian.
- 12 Q. May I finish my question? You're suggesting to the Court
13 that civilians were unfairly branded as Kamajors. Is that what
14 you're suggesting?
- 15:58:40 15 A. Of course. Of course.
- 16 Q. Set that aside for a moment. What I'm asking you is this:
17 In all the instances when you saw or heard them attacking
18 civilians they did so suggesting that that person or persons were
19 Kamajors, yes?
- 15:59:00 20 A. That was their presumption.
- 21 Q. Yes, that is the point I'm trying to make. These two
22 groups were after Kamajor collaborators or sympathisers, alleged
23 Kamajor collaborators or sympathisers, yes?
- 24 A. Well, that was what they were presuming.
- 15:59:18 25 Q. But that is what their actions demonstrated; they sang and
26 danced saying someone was a Kamajor when they caught the person,
27 yes?
- 28 A. That was what they were saying.
- 29 Q. Yes. You testified about several different incidents that

1 you heard about or witnessed - well, let's stay with heard about.
2 That you heard about occurring during the junta period in Kenema
3 Town. Do you remember a Mrs Dowi, yes?

4 A. Yes.

15:59:54 5 Q. They killed her husband, yes?

6 A. Yes.

7 Q. They thought he was a Kamajor supporter, yes?

8 A. No, no, no, no.

9 Q. No? Okay.

16:00:02 10 MR WERNER: Your Honours, we would be grateful if we could
11 be provided with a page number.

12 MR ANYAH: Well, reference to Mrs Dowi: AFRC trial
13 starting at page 27 and RUF trial starting at page 75. Shall I
14 do this for every single incident I say from the top of my head?

16:00:38 15 I mean, I would expect that they know the record as well as I do.

16 PRESIDING JUDGE: Is that a facetious remark, Mr Anyah, or
17 you're asking me for a direction?

18 MR ANYAH: I withdraw that. I simply make the observation
19 that the fluidity of my examination will grind to a halt if after
16:00:57 20 every question I have to give a page reference for every incident
21 the witness testifies about. I apologise if that remark could be
22 branded or was facetious.

23 MR WERNER: Your Honours, just for the second one I would
24 ask page 75, is it 7 or 8 July?

16:01:25 25 MR ANYAH: It's 7 July.

26 MR WERNER: Thank you.

27 MR ANYAH:

28 Q. Well, Mr Witness, in both trials RUF and AFRC you testified
29 about the killing of somebody named Bonnie Wailer, yes?

1 A. Yes, of course.

2 Q. And one of the reasons given for Bonnie Wailer's killing
3 was that they suspected him to be a Kamajor, or to assisting the
4 Kamajor?

16:01:55 5 A. No, no, no.

6 Q. You deny that in respect of Bonnie Wailer?

7 A. Completely. Completely. I will explain that.

8 Q. The death of BS Massaquoi, one of the reasons for his
9 killing was that he was a Kamajor supporter, true or false?

16:02:20 10 A. That was what they claimed, but they were telling a blatant
11 lie.

12 Q. It wasn't whether what they were saying was true, or false.
13 My question is they gave that as a reason for killing BS
14 Massaquoi, yes?

16:02:34 15 A. That is their flimsy excuses, but it's a blatant lie. That
16 is what I'm saying. A blatant lie.

17 Q. They killed a fat man you testified to about? A man that
18 was large in size, yes?

19 A. Yes.

16:03:02 20 MR WERNER: Sorry, your Honour, could we have a page
21 number.

22 MR ANYAH: Yes, AFRC trial page 33:

23 Q. This is a man you saw lying down motionless?

24 A. Of course.

16:03:15 25 Q. The rebels, or the AFRC juntas, were dancing and singing
26 aloud that they have captured and killed the Kamajor boss, yes?
27 That's what you told this Chamber on 24 June 2005?

28 A. That was how they were singing, but even that they were
29 telling a blatant lie. The man is no Kamajor. When they want to

1 kill innocent people, they brand you as Kamajor. That man was
2 just a peaceful citizen.

3 Q. They burnt down a house on Mambu Street, yes? That's
4 M-A-M-B-U, yes?

16:03:57 5 A. Of course, you are correct.

6 Q. Page 64, AFRC trial, you told this Court that the rebels
7 and the juntas were singing that they have driven the Kamajors
8 out of that area?

9 A. You are correct.

16:04:15 10 Q. So they used the presence of Kamajors in that area as a
11 reason for burning down this house, yes?

12 A. Yes, and Kamajors were based there. I have to say the
13 fact. Kamajors were based there. That was why they burnt down
14 that house. That was one of their bases.

16:04:41 15 Q. In reference to Operation No Living Thing, something you
16 say that occurred January/February 1998 --

17 A. Just go ahead, I'm with you.

18 Q. Yes. They were accusing people of being Kamajors, and for
19 counsel this is at page 33, 24 June 2005. This is the

16:05:10 20 justification they gave for Operation No Living Thing as conveyed
21 by you to this Court on 24 June 2005, starting at page 32. You
22 said:

23 "Around December, late December, they launched. The RUF
24 rebels and the AFRC juntas launched an attack on us in Kenema
16:05:32 25 Township which they described as Operation No Living Thing.

26 During the daytime they parade the streets of Kenema accusing
27 people of being Kamajor, entering into the homes of poor
28 civilians, harassing them, looting their property with the
29 allegations that they are having Kamajors in their houses. They

1 can also search you in the street, take whatever you have in your
2 pocket and they will allege that you have Kamajor in your pocket.
3 They were doing that for the rest of the day. They were shooting
4 all over the air."

16:06:07 5 These were people obsessed with Kamajors, were they not?

6 A. Around that time there was not a single Kamajor in Kenema,
7 but because they wanted to kill and steal from people they lie
8 that you are hosting Kamajors in your house, or in your pocket.
9 How can you put a Kamajor in your pocket? How can you do that?

16:06:34 10 Q. That was not my question. My question was not whether or
11 not the Kamajor --

12 A. That was what they were saying.

13 Q. May I finish my question, Mr Witness. I accord you the
14 latitude of finishing your answer. Please allow me to finish my
16:06:51 15 question. My question is this.

16 A. Go ahead.

17 Q. The reason given by the rebels and the junta forces for the
18 attacks you say they undertook against civilians was that the
19 civilians were Kamajor assistants, yes?

16:07:02 20 A. That was what they were saying, but these are all flimsy
21 excuses just for them to steal and kill people, innocent people.

22 Q. Of all the things you testified to in the prior two trials,
23 of all the killings you testified to that are referred to in your
24 transcripts, you only saw one with your own eyes, the killing of
16:07:25 25 Bonnie Wailer. True, or false?

26 A. You are correct.

27 Q. Of all the burnings of houses and property you testified to
28 in all those transcripts, you only saw one with your own eyes --

29 A. Yes, and --

1 Q. May I finish it? You witnessed one with your own eyes and
2 that's a burning on Blama, B-L-A-M-A, Road, yes?

3 A. Yes.

4 Q. So one burning and one killing?

16:07:55 5 A. Yes.

6 Q. That's all you saw with your own eyes?

7 A. Yes, but I also find so many dead bodies in the street and
8 I saw a lot of houses on fire, but this one I was there when they
9 put the house to blaze.

16:08:05 10 Q. The question was you only saw one, right, Mr Witness? One
11 burning of one house, yes?

12 A. Yes, but I did see so many houses on fire again and so many
13 dead bodies in the street.

14 Q. You saw so many houses on fire again. How is it that you
16:08:30 15 told the Prosecution --

16 A. I was there when they set the Blama Road house ablaze.

17 Q. May I finish my question, Mr Witness?

18 A. The others --

19 Q. Mr Witness, Mr Witness, okay, are we on the same page?

16:08:45 20 Only the Blama Road house you were present for its burning, yes?

21 A. When they set the house to blaze I was there. The others I
22 was not there, but I visited the scene and I saw the houses on
23 fire.

24 Q. Well, let's read your words. Madam Court Officer, may I
16:09:10 25 have your assistance, please. This would be a document in tab
26 number 3. It starts at page 3 and we've paginated it at the
27 bottom right-hand corner and it goes on to page 4. Paragraph 17
28 at the bottom of that page - actually, I'll read from 16 because
29 this speaks to something I asked you a few seconds or minutes

1 ago. Paragraph 16. Mr Witness, the Prosecution keeps notes of
2 what you say to them in interviews. These are notes from an
3 interview they had with you on 25 November 2004. Page 3,
4 paragraph 16:

16:10:04 5 "The only killings I saw with my own eyes were those
6 persons they killed at the police station, Bonnie Wailer and the
7 others."

8 We agree on that, yes?

9 A. There is no question about that. You are correct.

16:10:18 10 Q. Paragraph 17, this is what you told them:

11 "There was a certain house burned on Blama Road because it
12 was supposedly hosting Kamajor initiations. Nobody was killed
13 because the owner had a warning and everyone fled. There was a
14 fight at the house because there actually were Kamajors in the
15 house. The house was eventually burned, but there was a battle."

16:10:45 16 We are now on page 4 and here is the final sentence, "This
17 was the only burning I saw with my own eyes."

18 That's what you told the Prosecution, yes? Yes,

19 Mr Witness?

16:11:16 20 A. You are correct. That is the only burning I was at present
21 when they set the house to fire, but there were others I was not
22 at present but I visited the scene when the houses were on fire.

23 Q. Mr Witness, you are trying to make a distinction - and this
24 is important. You are trying to suggest to us that there is a
16:11:41 25 difference between seeing something set on fire and seeing
26 something burning. You're saying to us in court that this was
27 the only house you saw them set on fire. Is that what you're
28 trying to tell us?

29 A. In my own presence, but like at the house at Mambu Street I

1 met it on fire.

2 Q. Then why did you tell the Prosecution, "This was the only
3 burning I saw with my own eyes"?

4 A. If you look at my statement, you can really find out that I
16:12:02 5 told the investigator that at Mambu Street I met the house on
6 fire.

7 Q. You're a police officer. You've been a police officer 27
8 years. You know about evidence gathering, yes, Mr Witness?

9 A. Why not? Of course.

16:12:16 10 Q. You know the difference between seeing something burning
11 and seeing something set on fire, yes, Mr Witness?

12 A. Yes.

13 Q. Why didn't you tell them this was the only house you saw
14 set on fire? Why did you use the phrase the only time you saw a

16:12:29 15 burning? Tell us?

16 A. Well, that could be a mistake. I saw several houses on
17 fire, but this particular one I was there when they put it on
18 fire.

19 Q. That could be a mistake. Are there any other mistakes -
16:12:55 20 well, I withdraw that. This Sunday, 14 September, you added some
21 new information about somebody named Mohamed Fityia. A man you
22 said was killed, yes?

23 A. Yes.

24 Q. You did not see this man being killed, yes?

16:13:29 25 A. At all.

26 Q. Mohamed Fityia, at least what you told the Prosecution is
27 that he was a businessman, yes?

28 A. Yeah.

29 Q. A businessman based in Kenema Town, yes?

1 PRESIDING JUDGE: Mr Anyah, have we a spelling of the
2 surname of the gentleman concerned?

3 MR ANYAH: Yes, this poses a dilemma because the spelling
4 used in the statement I have differs from a spelling previously
16:14:01 5 given to the Court. There is a spelling of it on the record.

6 PRESIDING JUDGE: I will ask the witness if he can assist
7 us by spelling the surname.

8 THE WITNESS: F-I-T-Y-I-A.

9 PRESIDING JUDGE: Thank you.

16:14:14 10 MR ANYAH: Just for your Honour's benefit, that differs
11 from a previous spelling given of this same before this Chamber.

12 PRESIDING JUDGE: I wasn't aware it was on record, but in
13 any event we have the witness's spelling.

14 THE WITNESS: That Fityia is just a nickname. We don't
16:14:29 15 know his surname. We used to call him Mohamed Fityia, just a
16 nickname.

17 MR ANYAH:

18 Q. But that is what you called him, right?

19 A. Yes, of course.

16:14:40 20 Q. You told the Prosecution during the junta period, and the
21 period to which you refer is from 25 May 1997 through the end of
22 somewhere in February 1998, would you agree with that as being
23 the junta period?

24 A. Yeah.

16:14:55 25 Q. Fityia, Mohamed Fityia, businessman, you said hired two
26 SLAs and two RUF rebels to go and harass a Lebanese man, yes?

27 A. That was alleged.

28 Q. Well, actually, the word you used was to harass a diamond
29 dealer --

- 1 A. Yeah.
- 2 Q. -- called Shekuna, S-H-E-K-U-N-A?
- 3 A. Yeah.
- 4 Q. These SLAs and RUF fighters you said held Shekuna at
16:15:41 5 gunpoint, yes?
- 6 A. So it was alleged, yes.
- 7 Q. Alleged by whom, Mr Witness?
- 8 A. By people in Kenema.
- 9 Q. And you saw it fit to tell the Prosecution this allegation?
16:15:53 10 You told them about it, did you not?
- 11 A. Yes, I did.
- 12 Q. Believing it to be true, yes?
- 13 A. Yeah, because I visited the scene after all and I saw the
14 body with my own eyes.
- 16:16:12 15 Q. You said the hired SLA and RUF fighters, those hired by
16 Mohamed Fityia, a businessman, held Shekuna at gunpoint and
17 Shekuna ended up giving them a large sum of money, yes?
- 18 A. That was what it was alleged, yes.
- 19 Q. And then you said Sam Bockarie heard about this and he
16:16:34 20 ended up killing Fityia, yes?
- 21 A. That is how it was alleged, yes.
- 22 Q. And this you were told by several people, yes?
- 23 A. Yes.
- 24 Q. And you ended up seeing Fityia's corpse?
16:16:48 25 A. I went there and saw Fityia's body, yes.
- 26 Q. Mr Witness, do you know somebody by the name of Karmoh
27 Kanneh, Karmoh S Kanneh? K-A-R-M-O-H K-A-N-N-E-H?
- 28 A. Karmoh Kanneh?
- 29 Q. Yes.

1 A. Yes, I supposed to know him.

2 Q. When you say you supposed to know him, is it that you know
3 him or is it that you do not know him?

16:17:57

4 A. You see, the duration - the duration, I must skip some of
5 these people, you see.

6 Q. You must keep some of these people, what does that mean?

7 A. Skip. Skip.

8 Q. You must skip. What do you mean you must skip some of
9 these people?

16:18:09

10 A. I mean to forget their names and to even forget about them.

11 Q. Well, it's a simple question: Do you know somebody called
12 Karmoh Kanneh, yes or no?

13 A. Well, I suppose to know him, if you go - if you delve into
14 the topic maybe I will catch up.

16:18:29

15 Q. Are you saying you need me to give you more information for
16 you to know whether or not you know him?

17 A. Of course.

18 Q. But mention of the name doesn't ring a bell to you, does
19 it?

16:18:44

20 A. Just delve into the matter, probably I will know him.

21 Q. That's not my question. Without me saying more, do you
22 recognise that name, yes or no?

23 A. I supposed to actually. Just delve into the matter.

24 Q. What do you mean you --

16:19:00

25 PRESIDING JUDGE: Mr Witness, the question is do you
26 recognise that name?

27 THE WITNESS: I do. I do, my Lord.

28 MR ANYAH:

29 Q. How do you recognise it?

1 A. Supposed to be one of the initiators, Kamajor initiators.

2 Q. A Kamajor initiator?

3 A. Yes.

4 Q. Meaning he was a member of the Kamajors?

16:19:24 5 A. Kamajor initiators. If you are calling the name Karmoh
6 Kanneh, Karmoh, that means Kamajor initiators.

7 Q. What is a Kamajor initiator, Mr Witness?

8 A. Those who initiate the Kamajors into their society. They
9 are the Kamajor initiators. They carries that name, Karmoh.

16:19:51 10 Q. When you say those who initiate the Kamajors into their
11 societies, you mean people who welcome or integrate Kamajors into
12 their communities, is that what you mean?

13 A. Those who initiate them into their society. I am not a
14 Kamajor so I cannot tell you much about that.

16:20:07 15 Q. What society are you talking about?

16 A. The Kamajor society.

17 Q. So is this name Karmoh a Kamajor name?

18 A. Yes, that is initiator. When you say Karmoh, yes.

19 Q. When we speak of Kamajors now are we speaking of it in the
16:20:24 20 context of a tribe, Mr Witness?

21 A. Civil Defence Forces.

22 Q. A group?

23 A. All Civil Defence Forces are Kamajors.

24 Q. I understand that. You're speaking of a name Karmoh as
16:20:39 25 being synonymous with a group, that somebody named Karmoh is a
26 Kamajor, and I'm asking you in this context are you referring to
27 Kamajor as a tribe or ethnic group?

28 A. No.

29 Q. Then can you say that somebody with the name Karmoh is a

1 Mandingo; would that be a correct analogy, Mr Witness?

2 A. It can be any tribe, Karmoh can be any tribe, as long as
3 you are an initiator you can be any tribe.

4 Q. Then very well. There is no significance to the name
16:21:16 5 Karmoh itself?

6 A. No significance on ethnical basis.

7 JUDGE SEBUTINDE: Mr Witness, what did you say?

8 THE WITNESS: We don't take Karmoh's name into ethnical
9 basis. It can belong to any tribe.

16:21:31 10 JUDGE SEBUTINDE: Are you saying it is a title?

11 THE WITNESS: Exactly.

12 MR ANYAH:

13 Q. So Karmoh is someone who initiates Kamajors, yes?

14 A. You are correct, yes.

16:21:43 15 Q. Now when I add the last name Kanneh, do you recognise who
16 this person is?

17 A. I do, yes.

18 Q. From where do you recognise this person?

19 A. Kenema.

16:22:06 20 Q. Kenema. Was he a member of the CDF or Kamajors?

21 A. He was one of the initiators, yes.

22 Q. Not to be confused with a member of the RUF rebels?

23 Mr Witness, this Karmoh Kanneh was not an RUF member, is that
24 your evidence?

16:22:37 25 A. He was not.

26 Q. This Karmoh Kanneh was not a member of the AFRC junta, is
27 that your evidence, Mr Witness?

28 A. He was not.

29 Q. Well, there was a Karmoh Kanneh who was in Kenema during

1 the junta period who testified before this Court on 9 May of this
2 year, TF1-571. Karmoh Kanneh told this Court about one Mohamed
3 Fityia. Open session, page 9409, 9 May 2008. There was a
4 question posed to Karmoh Kanneh:

16:23:30 5 "Q. What do you mean by the first one happened? What
6 first one?

7 A. Well, he killed another man even before this incident
8 in the same Kenema.

9 Q. Who was that man?

16:23:44 10 A. He was called Mohamed Fityia.

11 Q. Who was Mohamed Fityia?

12 A. He was a businessman.

13 Q. And why was he killed, if you know?

14 A. Well, that day - that particular day we were in Kenema,
16:24:04 15 Kamajors attacked us and when we were attacked we pushed
16 them out and some people started looting."

17 Mr Witness, do you see that Karmoh Kanneh is saying that
18 the Kamajors attacked them, he's not speaking as though he were a
19 Kamajor? Did you hear what I've just read?

16:24:25 20 A. Yeah, I've heard what you just read.

21 Q. Is it possible you were mistaken when you say Karmoh Kanneh
22 was a Kamajor?

23 A. Well, you see, that was why I was a bit skeptical about
24 that question but you emphasised on the same question asking over
16:24:36 25 and again. When you say Karmoh, that is an initiator, it's a
26 title, you see, but you're trying to push me to the wall. If I'm
27 a bit skeptical about a question don't emphasise on it. I don't
28 want to tell lies to this honourable Court. I want to put the
29 truth to this Court.

1 Q. But you're a man of almost 49 and you say I'm pushing you
2 to the wall. You can say no if you don't know, right?

3 A. And what is about that?

4 Q. Mr Witness, you can say no if you don't know the answer to
16:25:05 5 something. You know that, don't you? Yes? Reading on about
6 Mohamed Fityia, Karmoh Kanneh states, page 9409: "After that
7 soldiers went and commandeered his vehicle." He's saying
8 soldiers went and took over Mohamed Fityia's vehicle. Are you
9 hearing that, Mr Witness, yes?

16:25:41 10 A. Well, that is a different story. I also got a different
11 story. That was what I supplied to the Special Court. I didn't
12 see with my own eyes. Everything was alleged. I heard it by
13 rumour and I visited the scene and I saw the body of Mohamed
14 Fityia lying in the street of Sombo Street, so all I want to
16:26:03 15 confirm to this honourable Court is that Mohamed Fityia was
16 killed by Sam Bockarie. That is all.

17 Q. All you heard was what was alleged?

18 A. Yes.

19 Q. And all you are telling this Court, to be fair to say, are
16:26:24 20 rumours and allegations, yes?

21 MR WERNER: Your Honour, could we have a spelling for the
22 street because it's not correct on the transcript. This is Sombo
23 Street.

24 THE WITNESS: S-O-M-B-O. Sombo. S-O-M-B-O. Sombo.

16:26:35 25 PRESIDING JUDGE: Thank you, Mr Witness.

26 MR ANYAH: I will repeat my question.

27 PRESIDING JUDGE: Yes, please do so.

28 MR ANYAH:

29 Q. Mr Witness, all you are telling this Court are what amount

1 to rumours and allegations, yes?

2 A. It's based on fact. It's no rumour and allegation. It's
3 based on fact. If you look at the circumstances surrounding the
4 scene --

16:26:54 5 Q. Mr Witness, may I ask you a question. You just told us a
6 few minutes ago, in response to a question you gave the answer at
7 page 165, starting at line 7:

8 "Well, this is a different story. I also got a different
9 story. That is what I supplied to the Special Court. I didn't
16:27:30 10 see with my own eyes. Everything was alleged. I heard it by
11 rumour and I visited the scene and I saw the body of Mohamed
12 Fityia lying in the street of Sombo Street."

13 That's what you told us.

14 A. Yes.

16:27:47 15 Q. That they were allegations, they were rumours, yes? That's
16 what you just told us, Mr Witness, and I am asking you if most of
17 what you are telling us, save for the killing of Bonnie Wailer
18 that you saw and the burning of Blama Road, are all based on
19 rumour and allegations. Do you agree, Mr Witness?

16:28:06 20 A. Those were done in my presence.

21 Q. Those two were done in your presence. The others that
22 weren't done in your presence, your information is based on
23 rumours and allegations, yes?

24 A. It's based on fact due to the circumstances surrounding the
16:28:19 25 issue. It's based on facts.

26 Q. Then why did you just tell us in respect of Mohamed Fityia
27 that they were allegations and rumours?

28 A. You can get facts from allegation.

29 Q. But you are a police officer. You know about giving

1 evidence before, don't you?

2 A. Of course. Circumstantial evidence is very important in
3 court.

4 Q. Then why did you call it allegations and rumours?

16:28:45 5 A. Yeah, it is possible. It is possible. It was alleged that
6 this happened and when you visited the scene as an investigator,
7 if you look at the circumstances surrounding that issue, you will
8 come to a conclusion that, yes, indeed this is based on fact and
9 reality.

16:29:00 10 Q. But you're saying it is possible?

11 A. It's possible, yes.

12 Q. So you report what is possible, not what you know for
13 certain?

14 A. It's fact. That guy was a vicious killer. It's fact.

16:29:13 15 Q. We know he's dead, Mr Witness.

16 PRESIDING JUDGE: Which guy are we talking about that was a
17 vicious killer?

18 MR ANYAH:

19 Q. Mr Witness, who was a vicious killer? You mean Sam
16:29:25 20 Bockarie, don't you?

21 A. Sam Bockarie.

22 Q. Yes.

23 A. Mosquito.

24 Q. We know Mohamed Fityia is dead, don't you? We know he's
16:29:27 25 dead, we agree on that?

26 A. He's responsible for his death.

27 Q. The question is how did he die? How did he die?

28 A. They said he shot him.

29 PRESIDING JUDGE: Who?

1 MR ANYAH: Madam President, I can clarify this tomorrow. I
2 see the time.

3 PRESIDING JUDGE: Yes. Mr Witness, this is now the normal
4 time for the Court to adjourn for the day. We will resume court
16:29:51 5 tomorrow at 9.30. As I'm sure you have been reminded in the
6 past, now that you are under oath you should not discuss your
7 evidence with anyone else and we will resume - please adjourn
8 court until tomorrow at 9.30.

9 MR MUNYARD: Madam President, I have three copies of the
16:30:06 10 exhibit that I undertook to provide before the close of business.
11 I did ask for a further copy for the Prosecution and, if they'd
12 like a copy, I'll ensure that they get one in the morning. I see
13 Ms Hollis nodding and I'll ensure that the gremlins that
14 prevented their copy arriving are dealt with tomorrow, but I can
16:30:26 15 hand in three copies now of the exhibit which is the Defence
16 referred to pages of the last witness's interviews.

17 PRESIDING JUDGE: Are you intending to tender these as an
18 exhibit, because I would like that done properly on record if
19 that is your intention?

16:30:41 20 MR MUNYARD: Yes.

21 PRESIDING JUDGE: Perhaps then we should defer that until
22 tomorrow morning when the record can properly reflect it.

23 MR MUNYARD: Madam President, I'm unlikely to be here
24 tomorrow morning, but can another member of the Defence Bar deal
16:30:54 25 with that?

26 PRESIDING JUDGE: That will not be a problem.

27 MR MUNYARD: Thank you.

28 [Whereupon the hearing adjourned at 4.30 p.m.
29 to be reconvened on Friday, 19 September 2008

1 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-189	16529
EXAMINATION-IN-CHIEF BY MS HOLLIS	16529
RE-EXAMINATION BY MS HOLLIS	16599
TF1-122	16618
EXAMINATION-IN-CHIEF BY MR WERNER	16618
CROSS-EXAMINATION BY MR ANYAH	16630

EXHIBITS:

Exhibit P-171 admitted	16603
Exhibit P-127A to P-172D admitted	16607