



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 19 JANUARY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Mr Stephen Rapp
Ms Brenda J Hollis
Mr Christopher Santora
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Monday, 19 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:42 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MR SANTORA: Good morning, Mr President, your Honours,
8 counsel opposite. For the Prosecution this morning is the
9 Prosecutor Stephen Rapp, Brenda J Hollis, Maja Dimitrova and
09:31:47 10 myself Christopher Santora.

11 PRESIDING JUDGE: Thank you.

12 MR GRIFFITHS: Good morning, Mr President. Firstly we
13 welcome you to your new role and for the Defence today it's
14 myself Courtenay Griffiths Queen's Counsel, my learned friends
09:32:03 15 Mr Terry Munyard and Mr Morris Anyah. Can we also welcome
16 Ms Jessica Feinstein who is a new intern with the Defence team.

17 PRESIDING JUDGE: Thank you, Mr Griffiths. I was just
18 about to say welcome to the Court, Ms Feinstein.

19 MR GRIFFITHS: Mr President, whilst I am on my feet can I
09:32:26 20 mention one other matter. It's a question of timing. On Friday
21 the 30th of this month Mr Taylor has asked me to indicate that
22 for personal reasons he will not be in attendance in Court.
23 However, he is content for the proceedings to continue in his
24 absence. So that is Friday, 30 January.

09:32:53 25 PRESIDING JUDGE: Yes. Well, that won't be any problem,
26 Mr Griffiths. I will make a note that Mr Taylor won't be here on
27 30 January.

28 Just before we begin, I just wanted to note for the record
29 this is my rotational period again as Presiding Judge and I

1 wanted to record my thanks to Justice Doherty for her hard work
2 over the year and her patience and also the courtesy with which
3 she has conducted the proceedings, I hope to be able to do the
4 same.

09:33:50 5 Before we begin, Mr Witness, I will just remind you, as you
6 have been reminded many times before, you have taken an oath and
7 you are bound by that oath still. Is that understood?

8 THE WITNESS: Yes, your Honour.

9 WITNESS: HASSAN BILITY [On former oath]

09:34:12 10 CROSS-EXAMINATION BY MR GRIFFITHS: [Continued]

11 Q. Mr Bility, what remains is for me to put Mr Taylor's case
12 to you. Now, if I understand your evidence, you claim to have
13 been brought before Mr Taylor and interrogated by him on more
14 than one occasion, don't you?

09:34:34 15 A. Yes, counsel.

16 Q. I suggest that the only occasion on which you were brought
17 before Mr Taylor, following an arrest, was on 24 June 2002.
18 That's the truth, isn't it?

19 A. No, sir, that's not the truth.

09:34:53 20 Q. It is accepted that there were other occasions when you
21 were arrested by security officials. That is accepted. However,
22 on none of those occasions were you held for more than 48 hours,
23 save for the occasion when you were arrested on 24 June. That's
24 the truth, isn't it?

09:35:23 25 A. No, sir.

26 Q. Because it's right, isn't it, that under Liberian law a
27 suspect can only be held for 48 hours without charge? Isn't that
28 right?

29 A. Yeah, that's correct.

1 Q. Are you aware that Saah Gbolie who arrested you on - was it
2 more than one occasion?

3 A. Is that a question, sir?

4 Q. Yes, it is.

09:35:58 5 A. Yes, sir. He participated in my arrest on more than one
6 occasion.

7 Q. He is now a member of the Liberian Senate, isn't he?

8 A. No, sir, that's inaccurate.

9 Q. What is his public role now?

09:36:15 10 A. I believe he is in the Liberian House of Representatives.

11 Q. Very well. Now, the second matter I must put to you is
12 this: Following your arrest in June 2002 it's right, isn't it,
13 that you were visited on two occasions by representatives from
14 the US embassy?

09:36:42 15 A. On two occasions I did see the representatives of the
16 United States embassy. One was a visit, one was my release.

17 Q. No, what I'm suggesting is they visited you twice whilst
18 you were in custody prior to your release?

19 A. No, sir. Prior to my release, no. They visited me once.
09:37:05 20 That was in September.

21 Q. And it's right, isn't it, that when you met with officials
22 from the US embassy whilst in custody at no time did you suggest
23 to them that you had been tortured. That's the truth, isn't it?

24 A. Well, I am not really sure if our conversation went that
09:37:31 25 far because, counsel, I was very suspicious that if I said
26 anything it will be used against me once they left. As I said
27 earlier there was a sort of divider in the room, so I did not
28 know who was behind that. So our conversation focused on their
29 efforts to negotiate with the Liberian government then to release

1 me.

2 Q. But surely that would have been the perfect opportunity to
3 bring to the notice of the public the fact that you had been
4 subjected to torture?

09:38:07 5 A. Counsel, there were other ways that I thought I would be
6 able to do that which I, of course, did. You know, counsel,
7 you - many people aren't aware of what was actually obtaining of
8 what was actually happening. If I said something like that, and
9 someone behind the divider heard me, I would have been subjected
09:38:31 10 to even more torture than I had been subjected to. In that
11 respect I thought it was necessary if I didn't go into details,
12 but I'm not sure specifically if I did mention that.

13 What I did do was, I had a friend whom I knew prior to my
14 arrest and who at times would bring small portable radio to me to
09:38:58 15 listen to. I would write down - and he would bring paper and pen
16 and I would write down communications and give it to him which he
17 would slip in his pants and take it out and I would ask him to
18 take it to a particular human rights organisation so that the
19 rest of the world would be able to know what was going on. I
09:39:17 20 believe it is in that respect that the rest of the world was able
21 to know that I was being tortured.

22 Q. But, Mr Bility, surely by making the fact public it could
23 act as a deterrent to any further mistreatment?

24 A. Counsel, not with the government we were dealing with in
09:39:38 25 that specific case. This was a government that didn't really
26 care. This was a government that did even far more horrible
27 things than just torturing my physical body. This was a
28 government that did murder people. So I was very much aware of
29 that and I chose to hold my cards very close to my chest.

1 Q. So you accept then that you made no mention of torture to
2 any representative from the US embassy who visited you?

3 A. I am not sure on September - I am not exactly sure if it
4 was 25 September, it must have been on a Friday, I am not
09:40:21 5 specifically sure about that, but on that occasion I am not very
6 sure the specific lines of the conversation I did have with US
7 embassy officials other than focusing my attention on their
8 request. They asked me that I should accept to go into exile as
9 a condition for my release from the government and I said no, I
09:40:45 10 thought I wanted to go to Court to challenge the government's
11 evidence against me. That's what I vividly and clearly remember,
12 counsel.

13 Q. Very well. One other matter. Is it your position that
14 President Taylor held a certain animosity towards you because you
09:41:09 15 were a Mandingo?

16 A. It is my belief that the government of President Charles
17 Taylor held - I mean, considered many journalists whom they
18 thought reported on instances that they did not want the rest of
19 the world to know as quote unquote enemies. It is my position
09:41:35 20 that President Charles Taylor and his government also viewed
21 Mandingos and Krahn's with some high level of suspicion. It is my
22 position that President Charles Taylor's government was very much
23 intolerant of free speech and as such did not want --

24 Q. I asked you about Mandingos. Don't give us a lecture,
09:41:58 25 thank you. So your position is he was anti-Mandingo?

26 A. I'm saying that I believe he was very suspicious of
27 Mandingos.

28 Q. So help us with this: Is it right that you were invited to
29 a Christmas party at his address?

- 1 A. Personally, not as --
- 2 Q. Were you invited to a Christmas party at his address?
- 3 A. The Analyst newspaper was invited to a Christmas party at
4 his address.
- 09:42:29 5 Q. And did you attend?
- 6 A. I did.
- 7 Q. Were you also offered a job in his government?
- 8 A. Directly from him, no.
- 9 Q. No, no, listen to my question. Were you offered a job in
09:42:42 10 his government, yes or no?
- 11 A. Yes, sir.
- 12 Q. Thank you. Is it not also right that there were many
13 Mandingos in his government?
- 14 A. There were Mandingos in his government.
- 09:42:59 15 Q. One of them being your uncle Musa Cisse?
- 16 A. Yes, sir, counsel.
- 17 Q. Also Musa Cisse's brother?
- 18 A. Yes, sir, counsel.
- 19 Q. Also a man called Bangali who was a prominent Mandingo?
- 09:43:15 20 A. Bangali. I don't know who Bangali is.
- 21 Q. Fofana.
- 22 A. Yes.
- 23 Q. Dr Fofana Bangali.
- 24 A. Right, correct.
- 09:43:25 25 Q. He was a member of his government as well, wasn't he?
- 26 A. Yeah, he was.
- 27 Q. And he too was a Mandingo?
- 28 A. He was.
- 29 Q. Papa Kuyateh was also a member of his government?

1 A. Yes, sir. Papa Kuyateh did work with the Liberian national
2 police.

3 Q. And prior to working for his government Papa Kuyateh had
4 been aide-de-camp to Alhaji Kromah?

09:43:53 5 A. That's accurate.

6 Q. Thank you. Also there were many other Mandingos integrated
7 into the army and the other security forces?

8 A. If you give me names. I don't want to make a
9 generalisation.

09:44:05 10 Q. Well, are you saying --

11 A. I do know, counsel, that there were Mandingos in the Armed
12 Forces of Liberia which is the official army of the Liberian
13 government and which was of course, we understand - remained the
14 official government's army, but which was largely inefficient and
09:44:31 15 neglected. I do understand that.

16 Q. And also is it not right that Mr Taylor had a traditional
17 wife who was a Mandingo by the name of Fatimata?

18 A. I do know clearly, counsel, that President Charles Taylor
19 did have - I'm sorry, I don't want to say a concubine. I'm not
09:45:03 20 sure there was an official wedding, but he did have a female
21 associated with him referred to as his wife and called Mrs Hadiya
22 Fatimata Taylor, correct.

23 Q. And was she a Mandingo?

24 A. Yes, sir.

09:45:18 25 Q. Is it not also right that Mr Taylor annually sponsored up
26 to 200 Muslims to attend the Hajj to Mecca?

27 A. Counsel, I do understand that --

28 Q. Did he, yes or no?

29 A. I don't know. 200. You said 200, so I don't know the

1 answer to the question 200.

2 Q. All right, forget the figure. Did he sponsor individuals
3 to go on the Hajj, yes or no?

4 A. The Liberian government --

09:45:49 5 Q. Did he sponsor individuals to go on the Hajj, yes or no?

6 A. Yes, but --

7 Q. Thank you.

8 A. I would like to expand on that.

9 Q. No, thank you, a yes will do.

09:46:01 10 A. Okay.

11 Q. And for the most part those who benefitted from that
12 government largesse were Mandingos, weren't they?

13 A. Yeah.

14 Q. Thank you. One final matter. How many times did ECOMOG
09:46:19 15 facilitate a visit by you to Sierra Leone?

16 A. I have mentioned one, counsel.

17 Q. Listen to the question. How many times did ECOMOG
18 facilitate a trip by you to Sierra Leone?

19 A. ECOMOG facilitated my trip on their helicopter once.

09:46:51 20 Q. And that was after you became editor of The National in
21 August 1997?

22 A. That's accurate.

23 Q. And that's the only time, is it, that ECOMOG facilitated
24 your visit to Sierra Leone?

09:47:11 25 A. Facilitated, yeah.

26 Q. Mr Bility, when then did you tell us last Monday - and I am
27 quoting from page 22378 of the transcript:

28 "I had been to Sierra Leone through the instrumentality of
29 ECOMOG to witness the removal of the RUF and the reinstatement of

1 the Tejan government as a reporter?"

2 Now, that event cannot be in 1997. So when was this other
3 occasion when ECOMOG facilitated a trip to Sierra Leone?

09:48:03

4 A. Which occasion? I do not understand that question,
5 counsel.

6 Q. On Monday last week at 19 minutes past 3 in the afternoon
7 you told these judges that there was occasion when, through the
8 instrumentality of ECOMOG, you had been to Sierra Leone to
9 witness the removal of the RUF and the reinstatement of the Tejan
10 Kabbah government. Now, that must have been in 1998?

09:48:32

11 A. Correct.

12 Q. A separate occasion from '97. So, help us. How many times
13 did ECOMOG facilitate a trip by you to Sierra Leone?

09:48:57

14 A. As I said, counsel, ECOMOG did facilitate my trip to Sierra
15 Leone once.

16 Q. So what about this other occasion you were telling the
17 judges about last Monday?

18 A. Which occasion? I did mention one occasion.

09:49:16

19 Q. No, no, no. You said last Monday that they helped you to
20 go to Sierra Leone for the reinstatement of the Tejan Kabbah
21 government. Now, bear in mind he had been kicked out in May
22 1997 --

23 A. Right.

24 Q. -- and he didn't return until after February '98.

09:49:31

25 A. Correct.

26 Q. So, help us. If you were there for his reinstatement that
27 must have been 1998?

28 A. Correct.

29 Q. Separate from when you went in '97. So I will ask you

1 again: How many times did they facilitate a trip by you to
2 Sierra Leone?

3 A. ECOMOG did facilitate a trip by me to Sierra Leone once and
4 I would like to specifically look at the transcript, counsel,
09:49:57 5 that you are referring to, because is that specific instance as
6 such ECOMOG that I am referring to?

7 Q. Very well. Can we put on the screen page 22378.

8 A. What line?

9 Q. Line 4. Take your time to read it through:

09:50:27 10 "I had been to Sierra Leone though through the
11 instrumentality of ECOMOG to witness the removal of the RUF and
12 the reinstatement of the Tejan Kabbah government as a reporter."

13 That must be a separate occasion from when you went in '97,
14 so help us: How many times did ECOMOG help you to go to Sierra
09:50:59 15 Leone?

16 A. Once, counsel.

17 Q. So what were you telling these judges last Monday?

18 A. What I was telling the judges is specifically that one
19 instance.

09:51:07 20 Q. No, no, no. This instance must be, on the facts, a
21 separate occasion, because you say quite specifically --

22 A. Correct.

23 Q. -- to witness the reinstatement of Tejan Kabbah. So, help
24 us. How many times, Mr Bility?

09:51:26 25 A. ECOMOG facilitation of a trip, my trip to Sierra Leone -
26 ECOMOG facilitation was once.

27 Q. Did they facilitate a trip by you to witness the
28 reinstatement of the Tejan Kabbah government?

29 A. Yes, sir.

1 Q. If they facilitated such a trip, do you not agree it must
2 be a separate occasion from when you went?

3 A. No, I believe it was not a separate occasion. It was a
4 specific occasion that I've mentioned.

09:52:06 5 Q. No, no. But, on the occasion you told us about, you had to
6 be slipped across the line of the AFRC forces in order to enter
7 Freetown. So that cannot be on the occasion when Tejan Kabbah
8 was reinstated; we've got to be talking about two separate
9 things. Mr Bility for once give us a truthful answer. How many
09:52:36 10 times did ECOMOG facilitate a trip by you to Sierra Leone?

11 A. ECOMOG did facilitate a trip for me to Sierra Leone once.

12 Q. So what were you telling these judges about last Monday?

13 A. It's specifically, counsel, that trip that I'm referring
14 to.

09:52:56 15 Q. So what happened to the first one?

16 A. That was - I was not - you asked me a specific question,
17 how many times did ECOMOG. ECOMOG there in that question is the
18 key, based on my understanding. So ECOMOG did facilitate my trip
19 to Sierra Leone on one occasion. That is the occasion that
09:53:18 20 you've mentioned. That is in direct response to the question
21 that you've posed to me, counsel.

22 Q. So which occasion are you talking about here in the
23 transcript when you went to witness the reinstatement of
24 President Kabbah. Which occasion is this?

09:53:35 25 A. It's the occasion which I went to watch the removal of the
26 RUF from Freetown. So it's clear in the transcript, isn't it,
27 counsel.

28 Q. Mr Bility, it cannot be, because you told us last week that
29 when you went to Freetown you had to be smuggled across the line

1 in order to get to Freetown.

2 A. Correct.

3 Q. Don't you remember telling us that?

4 A. I do remember that.

09:54:00 5 Q. So, help me. That means the AFRC must have been still in
6 power?

7 A. Correct.

8 Q. But here you're talking about the reinstatement of Tejan
9 Kabbah, which was 1998. It's a different year completely,

09:54:16 10 Mr Bility.

11 A. 19 --

12 Q. Do you appreciate the difference between 1997 and 1998?

13 A. I do.

14 Q. So how can you be there in two separate years and still be
09:54:33 15 blatantly trying to tell these judges that it's the same
16 occasion? How?

17 A. I'm saying - the question is this, and I am very sure that
18 the judges understand that: How many times did ECOMOG, key
19 ECOMOG, facilitate my trip to Sierra Leone. I said once. So are
09:54:57 20 you telling me that I'm suggesting that ECOMOG did facilitate
21 another trip to Sierra Leone? I'm not saying that. I'm saying
22 specifically that ECOMOG did facilitate my trip to Sierra Leone
23 once.

24 Q. I suggest you are a liar, Mr Bility. I have no further
09:55:17 25 questions.

26 A. I respect your view, counsel, but you did not pose a
27 question, "How many times did you go to Sierra Leone?" I clearly
28 understand that you said that ECOMOG - the question is focusing
29 on ECOMOG's facilitation. It's possible there are other means,

1 there were other means, but ECOMOG's facilitation and I maintain,
2 counsel, once. Thank you, your Honour.

3 PRESIDING JUDGE: Any re-examination, Mr Santora?

4 MR SANTORA: Thank you, Mr President.

09:55:59

5 RE-EXAMINATION BY MR SANTORA:

6 Q. Good morning, Mr Witness.

7 A. Good morning, counsel.

8 Q. Mr Witness, I have some questions for you based on some of
9 the questions and responses that you gave during the course of
10 Defence counsel's cross-examination. So I'm going to ask you
11 some questions now and I would like you to listen carefully. If
12 you don't understand the question just please inform me. Do you
13 understand?

09:56:30

14 A. Correct. I do understand.

09:56:44

15 Q. On Friday Defence counsel - I believe it was on Friday -
16 alerted you to some printouts of purported emails that were sent
17 to an address called info_bh_monrovia@yahoo.com. Do you remember
18 Defence counsel asking you about the printouts of these purported
19 emails?

09:57:12

20 A. Correct, I do remember that.

21 Q. Were these emails ever sent to?

22 A. Never ever. These emails were never sent to me and I know
23 absolutely nothing about these emails.

09:57:31

24 Q. You also said with relation to these emails - and, counsel,
25 for your reference purposes this reference comes out of 15
26 January, page 22748. I will just give you a brief moment. It's
27 just one quick reference. Now, counsel was asking you about this
28 email address that I've just referred to, again
29 info_bh_monrovia@yahoo.com, and you said - in response whether or

1 not that was your email address you said, "Absolutely wrong. I
2 did hear that." And then you went on to give - to respond with
3 your actual email account. But this particular email account,
4 info_bh_monrovia, what did you hear about this email account?

09:58:25 5 A. When I was in prison, as I said earlier in my testimony,
6 there was a friend of mine who was one of the security guards of
7 the National Bureau of Investigation. He would bring in portable
8 radios. So some of the things I heard as being attributed to me
9 were that, one, the government had specific emails that I had
09:58:54 10 either allegedly sent or that had been sent to me and I
11 specifically listened to the email address and I was completely
12 surprised because those weren't my emails. As I said, my email
13 then was chesando. Basically, I had no knowledge absolutely
14 regarding that and I thought, well, that's simple, anybody can
09:59:18 15 create two email addresses in five minutes and then write
16 something from one to the other. But those were at no point
17 emails created by me or sent by me or communications received
18 through them, you know, by me. Not at all.

19 PRESIDING JUDGE: Mr Santora, this could already been on
09:59:43 20 the record but he has mentioned his email was chesando. Could we
21 get some spelling of that.

22 MR SANTORA:

23 Q. You mentioned the email. Just go ahead and state the
24 actual email address again?

09:59:57 25 A. My actual email address at the time was chesando. That was
26 my actual email address. That was, in fact, my first, first
27 ever --

28 PRESIDING JUDGE: I'm sorry, that already is on the record.
29 Thank you.

1 THE WITNESS: Okay.

2 MR SANTORA: Counsel, the next reference for your purposes
3 is from 15 January, the page is 22684, lines 21 to 28:

10:00:46

4 Q. Mr Witness, on Thursday I believe it was, if my dates are
5 correct, counsel was asking you about the occasion when you
6 testified in the trial here in the Netherlands and in relation to
7 statements that you gave to the Dutch police in Boston at the
8 office of the homeland security department. Do you recall that?

9 A. Yes, sir, I do.

10:01:16

10 Q. And counsel asked you, put it to you, stating - and this
11 was - before I quote counsel, this was in relation to questions
12 that then he put to you, Defence counsel put to you, about the
13 sequence and timing and dates of your respective arrests that you
14 testified to. Do you remember that?

10:01:42

15 A. I do.

16 Q. Counsel said to you:

17 "You were then interviewed on three separate days, 19, 20
18 and 21 April, by the Dutch police and that same month you were
19 then asked to give evidence before Dutch judges, so wouldn't you
20 agree that you had had ample opportunity to wrack your brain and
21 put together a consistent account of what happened to you? So,
22 help us. How did you come to misspeak yet again on this
23 occasion? How?"

10:02:08

24 Now in what I quoted to you counsel put two questions to
25 you. The first question, "So wouldn't you agree you had ample
26 opportunity to rack your brain and put together a consistent
27 account of what actually happened to you?" you didn't respond to.
28 Now I would like to have the witness be shown tab 6. Counsel has
29 referred in that question counsel has referred to three dates,

10:02:32

1 19, 20 and 21 April, prior to you giving testimony.

2 Within tab 6, so counsel and the Bench can follow on, there
3 are several statements within the same tab of different dates.

4 The first statement I'm pointing the witness to is on 19 April.

10:03:28 5 It consists of seven pages, front and back. In this tab 6 are
6 variously dated statements, 19th, 20th and 21st. The first
7 statement I would like the witness to be pointed to is the
8 statement recorded from 19 April 2006. It runs from page 1 to
9 page 7 within Defence counsel's page numbering. The actual

10:04:05 10 questions with respect to that interview start on page 2. Now, I
11 would like first of all the witness to be pointed to page 3 of
12 that interview. I will try to make this as simple as possible.

13 Now, Mr Witness, just for completeness sake, on page 3 you
14 will notice a question that is the third question down, that

10:04:38 15 states, "When you were arrested in 2002 where did you stay after
16 that until you left Liberia?" Do you see that question?

17 A. Correct. I do.

18 Q. Okay. Now I would like you to examine the entire statement
19 now and find out within that statement anywhere, any of the
10:04:55 20 questions, just the questions, are there any questions related to
21 your arrests? I would like him to be shown the entire 7 page
22 statement and have him look at the questions.

23 A. Which --

24 Q. Don't worry, Mr Witness, Mr Court Attendant is going to
10:05:12 25 show you the 7 page statement from 19 April and I would just like
26 you to look at the questions put to you and if you see any
27 questions related to my arrest.

28 A. Which of my arrests?

29 Q. Any of the arrests aside from the one I just pointed to

1 you, any questions related to any of your arrests.

2 A. Okay.

3 Q. And you are going to be handed the 7 page statement
4 momentarily. You don't need to read the entire thing, just the
10:05:44 5 questions. You can remove page 2 from the screen and obviously
6 give that to him as well because that is part of the statement.

7 A. So my understanding is I'm starting on page 4.

8 Q. No.

9 A. Page 5?

10:06:04 10 Q. No. You are starting where the questions start within that
11 interview, page 2. Just look at the questions and see if there
12 are any questions aside from the one I pointed to you related to
13 your arrest. Were there any statements related to your arrest in
14 that?

10:07:56 15 A. No, I don't see that so far, any question regarding that.
16 No, counsel.

17 Q. I'm sorry, I meant to ask were there any questions related
18 to your arrest. You didn't see any?

19 A. Yes, sir, I didn't see any.

10:08:10 20 Q. Okay. Now I would like the witness to be shown the
21 interview record from the statement of 20 April 2006 which is
22 again behind tab 6 and it's 11 pages in length, from Defence's
23 pagination running from page 8 to 18.

24 A. This is page 1.

10:08:36 25 Q. Okay, is that page 1 of 20 April? Okay.

26 A. Right.

27 Q. The questions start on page 2 of that, okay?

28 A. Okay.

29 Q. Now I want you to look through there and tell me if you see

1 any questions - just look at the questions - related to your
2 arrests. Have you had sufficient time to review that document?

3 A. Yes, I have.

4 Q. During the course of that did you see any statements
10:10:52 5 related to your arrests?

6 A. Other than 2002, no.

7 Q. No, this one. Did you see any questions related to your
8 arrests?

9 A. No. Questions, no.

10:11:01 10 Q. Okay. Now I would like the witness to be shown again what
11 is behind tab 6, which is the Dutch recorded statement of 21
12 April 2006. This runs on Defence's page numbers, 19, 20 and 21,
13 with the questions actually starting on page 20. Can you take a
14 moment to review that document, Mr Witness. I would just like
10:11:28 15 you to look at the questions and after reviewing the questions -
16 after you have reviewed the questions go ahead and indicate that
17 you are done reviewing them.

18 A. What I am checking for? Something --

19 Q. I would like you to look to see if you can see any
10:11:47 20 questions related to your arrest. I'm sorry, he should be
21 stopped at where the statement ends, 21 April 2006. That's the
22 only statement I want him looking at right now. Have you
23 reviewed the questions with relation to the statement taken on 21
24 April 2006?

10:12:55 25 A. Yes, sir, counsel. I have.

26 Q. Did you see any questions relating to your arrests within
27 the questions of that statement?

28 A. I believe I did not.

29 Q. Okay. Now the next document within that tab to be shown to

1 the witness --

2 MR GRIFFITHS: Mr President, I have an objection to the
3 questions just asked by my learned friend because they leave a
4 completely misleading position because if one looks behind
10:13:30 5 divider 6 in our bundle at page 2 handwritten number, you will
6 see right at the bottom of the page in italics, "You say in your
7 written statement that you drew up at our request in preparation
8 for this hearing", and again on page 11 behind that tab, the
9 second question, "In your statement you write that you spoke on
10:14:05 10 both perpetrators and victims".

11 Now, the point is this: Prior to those interviews and
12 incorporated into those interviews was a statement prepared by
13 Mr Bility which your Honours have behind tab 5. Now if one goes
14 to page 4 of that tab, at paragraph 9, on page 4 behind tab 5, at
10:14:31 15 the end of the first paragraph there is a clear reference to
16 seven arrests. So effectively over the course of those three
17 days of interviews this statement had been incorporated into the
18 questioning.

19 So it's quite clear that the witness had turned his mind to
10:14:54 20 the seven arrests and that that reference was part of what he was
21 being asked about over those three days. Yet my learned friend
22 is trying to make the point that somehow, because no questions
23 had been asked specifically on this topic, the witness had not
24 had an opportunity of thinking about this aspect of his account
10:15:16 25 when, quite clearly, he had been.

26 PRESIDING JUDGE: Yes.

27 MR SANTORA: First of all, I would like to address my
28 learned colleague's concerns. I was coming to the written
29 statement. That was the next portion that was going to be put to

1 the witness. I was certainly not going to omit the statement
2 that occurred prior to these interviews and I was going to bring
3 the witness's attention to it. I did point out that I was
4 pointing out that on those particular interview days, 19th, 20th
10:15:48 5 and 21st - and it was put to him that he had ample opportunity to
6 address the issue of arrests on those dates and I was simply
7 pointing out that the questions that were asked of him on those
8 dates did not concern his arrests. I was not going to omit the
9 statement. Just to assure counsel, the statement was the next
10:16:08 10 portion I was going to put to him related to this issue.

11 PRESIDING JUDGE: Well, in view of that, Mr Griffiths, you
12 still maintain your objection?

13 MR GRIFFITHS: No, I don't.

14 PRESIDING JUDGE: Yes, go ahead, Mr Santora.

10:16:24 15 MR SANTORA: Just to note, because I understand the
16 statement is in tab 5, this is counsel's bundle. In tab 6 the
17 statement is the last portion of tab 6. Now I am not sure if
18 that was inadvertent, but tab 6 contains the statement and it is
19 the - just to make sure I am correct. Yes. It's the last -
10:16:49 20 starting on Defence counsel's pagination, page 22. That's where
21 the statement starts and that's why I proceeded in the order that
22 I did. It is in tab 5 as well but just to simplify things I went
23 to tab 6 and went according to Defence counsel's own documents.

24 PRESIDING JUDGE: Yes, Mr Santora. Well, the objection has
10:17:15 25 been withdrawn.

26 MR SANTORA: Okay. Can the witness be shown what is behind
27 tab 6, which was Defence pages 22 to 28:

28 Q. Mr Witness, this is a statement that you gave - it is
29 undated here but before speaking in the interviews that I've just

1 referred to on 19, 20 and 21 April 2006. Do you understand that?

2 A. No, please, can you please repeat that.

3 Q. Can you look at that document quickly. Just examine it.

4 A. Okay.

10:18:06 5 Q. Do you agree that this is a typed version of a statement
6 you gave to the Dutch police prior to your interviews on 19, 20
7 and 21 April 2006?

8 A. When you say typed version, of course the general aspect
9 here, yeah.

10:18:25 10 Q. Do you recognise this as a statement that you gave to the
11 Dutch police?

12 A. Yeah, I believe generally.

13 Q. Was it in written form?

14 A. I'm not specifically sure. I do remember - I do know that
10:18:40 15 the aspect that falls under general, yeah, that was in a written
16 form. I'm trying to figure out whether these ones were direct
17 questions or, you know, I wrote them. That's what I'm trying to
18 figure.

19 Q. Do you recall giving responses to questions - to these
10:19:03 20 questions in some format, whether written or typed?

21 A. I believe, yeah.

22 Q. Now I would like you to look at question 9. I'm sorry,
23 that is within that statement, it's on page 23 of Defence
24 counsel's pagination.

10:19:22 25 A. Correct.

26 Q. You will notice the question and during the course of your
27 response - in the response six lines down. Do you see that?

28 A. Right. Page 23, question 9?

29 Q. Yes and I will read the question for you, the question was:

1 "If so, to what extent was it publicly known in Liberia in
2 the years 1999 to 2003 that government troops and pro-government
3 militias were involved in these kinds of crimes?"

4 Do you see that question?

10:20:00 5 A. Yeah, I do.

6 Q. During the course of your response you put in parentheses
7 and you see starting six lines down: "For example, I was
8 arrested and jailed seven times and branded as anti-government
9 editor. I was also beaten several times. See US country reports
10 on human rights practices 1999-2003."

10:20:22

11 Do you see that?

12 A. Correct.

13 Q. Now I would like you to look now to the rest of that
14 document, the questions within the rest of that document, and
15 indicate if there are any questions related to arrests?

10:20:31

16 A. No, counsel.

17 Q. You are saying no to what?

18 A. I did not see any question relating to my arrest.

19 Q. Okay. Now I would like the witness to be shown the

10:22:33

20 document behind tab 7. Now, Mr Witness, this document,
21 specifically page 21 of this document - do you recall Defence
22 counsel asking you questions in relation to the portion - to this
23 document specifically with relation to this page, in terms of
24 your arrests, sequence, dates and events?

10:23:07

25 A. Correct, I do.

26 JUDGE SEBUTINDE: Mr Santora, perhaps for the record you
27 could state what the document is.

28 MR SANTORA: I'm sorry. I apologise. You are correct,
29 Justice Sebutinde. This was a document that was previously shown

1 to the witness behind Defence counsel tab 7. That is, according
2 to the document's first page, translator's notes with relation to
3 a proceeding - I certainly don't want to speak to what - it
4 doesn't actually - I know what it is, but it doesn't actually
10:23:44 5 indicate and I would stipulate that this is a proceeding related
6 to a Dutch trial here in the Netherlands of an individual named
7 Gus Kouwenhoven and I don't see it actually indicated on here.

8 MR GRIFFITHS: Maybe I can assist. If one looks at the
9 second page of the document, line 3 makes clear "Record of the
10:24:04 10 Court proceedings".

11 MR SANTORA: I apologise. I understand.

12 MR GRIFFITHS: And what we have on the first page is merely
13 notes made by the person who translated the record of the Court
14 proceedings from Dutch into English, indicating particular ways
10:24:22 15 in which he conducted that process of translation.

16 MR SANTORA: Thank you, counsel.

17 JUDGE SEBUTINDE: Mr Santora, whilst we are still on this
18 document, I would like to know - I had a bit of a problem with
19 this, understanding the nature of this document. Is this a full
10:24:41 20 record of the Court proceedings of 24 April, or is it a summary
21 of a translation of the Court proceedings which were in Dutch, or
22 what is it?

23 MR SANTORA: This is - we did not - this is not our
24 document. I should note that this was - actually the first time
10:25:01 25 the Prosecution has seen this document was in Court. This was a
26 document that was provided to us by the Defence, so I do not know
27 the answer to that. I am going to ask the witness one question
28 with relation to that very topic and then perhaps, if further
29 inquiry is needed, we can proceed from there:

1 Q. Mr Witness, can you take a look at that document?

2 A. Page 21?

3 Q. No, just at the document in its entirety. You have already
4 looked at it. I just want you to have it again to examine. Now,
10:25:32 5 during the course of Defence counsel's questioning he referred on
6 several occasions to the document in front of you as a transcript
7 of evidence you gave before the Dutch judges. Do you remember
8 that?

9 A. Yes, sir, I do.

10:25:45 10 Q. Can you look through that document and see anywhere where
11 it's noted that this is a transcript?

12 A. No, sir, I don't see that.

13 Q. See what?

14 A. That it is - I do not see any recording or reference or
10:27:54 15 anything written that says that it is a transcript.

16 Q. Thank you. That can be put away. The next document -
17 maybe just wait one moment, I may refer to the tab one more time.
18 Not this tab, another tab.

19 JUDGE SEBUTINDE: Mr Santora, sorry to harp on this. I
10:28:14 20 still have not understood what this document is. I am reading it
21 especially in relation to the first page which says the witness
22 gave his testimony in English which was interpreted in Dutch and
23 that the Registrar's record is sometimes a summary rather than a
24 verbatim report. Now there is a note that follows which says, "I
10:28:37 25 have maintained this convention in the translation".

26 The document that we have before us is some kind of
27 translation by somebody that we don't yet know, but we are just
28 wondering is this an official translation from the Dutch
29 authorities, or from Dutch to English, or what is it?

1 MR SANTORA: To answer your Honour's question, we don't
2 know what the document is because it's not our document. It's a
3 document that was provided to us in the course - in these tabs by
4 Defence counsel. I have not seen this document until coming into
10:29:17 5 Court and Defence provided it to us, so I don't want to speak to
6 what this document is. I just simply wanted to clarify, because
7 Defence counsel has said in the course of his questioning - he
8 referred to it as a transcript and looking at the document -
9 that's why I asked the question that I did to the witness,
10:29:36 10 because there is no indication it's a transcript.

11 JUDGE SEBUTINDE: Perhaps let me address this question to
12 the witness who actually testified in this trial. Mr Witness,
13 when you look at this document, is this an accurate reflection of
14 what actually happened in Court as you testified?

10:29:56 15 THE WITNESS: Your Honour, I wouldn't be able to say
16 because I'm just viewing the document without specifically
17 reading them, but, generally it appears to be, but I'm not sure
18 with respect to the specifics.

19 JUDGE SEBUTINDE: What do you mean you are reviewing the
10:30:16 20 document without reading it?

21 THE WITNESS: For example, if a document is handed to me
22 and I am asked to look for questions posed to me so I look at the
23 questions

24 JUDGE SEBUTINDE: Can you please show the witness the
10:30:29 25 document, because I want him to answer this question.

26 THE WITNESS: Well, your Honour, this would take time for
27 me to specifically read because in that case I would want to read
28 them line-by-line and see specifically if it accurately
29 represents what I believe obtained.

1 JUDGE SEBUTINDE: Because, you see, you were asked certain
2 questions in cross-examination and certain inconsistencies were
3 pointed out.

4 THE WITNESS: Correct.

10:30:51 5 JUDGE SEBUTINDE: That is the reason - you don't need to
6 read it again. There were inconsistencies that you yourself
7 conceded --

8 THE WITNESS: Correct.

9 JUDGE SEBUTINDE: -- during cross-examination arising out
10:31:03 10 of this statement.

11 THE WITNESS: Correct.

12 JUDGE SEBUTINDE: Now all that I want to know is is this a
13 translation of a Dutch - is it a translation? Is it a summary?
14 What is it?

10:31:13 15 THE WITNESS: Counsel, I don't know what this is. This is
16 my very first time looking at this document. I do remember the
17 trial - participating in the trial and providing testimony, but
18 as far as this being qualified as a translation or as a
19 transcript, I do not know specifically.

10:31:31 20 JUDGE SEBUTINDE: Okay. That's good enough for me. Thank
21 you.

22 MR SANTORA: The next reference for counsel's sake is 14
23 January 2009, page 22610, and this is in reference to lines 9
24 through 11:

10:32:03 25 Q. Mr Witness, Defence counsel during the course of his
26 cross-examination was asking you questions about an interview
27 note that was taken by Alan White and Randy Neely in New York in
28 November 2003. Do you remember him asking you questions about
29 that note?

1 A. Yes, sir.

2 Q. Counsel was also asking you about the opportunity to review
3 that note when you testified in Freetown in the trial, the RUF
4 trial, and your opportunity to review that note prior to
10:32:42 5 testifying in 2004. Do you remember when Defence counsel was
6 asking you about that?

7 A. Correct, I do.

8 Q. And specifically Defence counsel asked you, line 9:

9 "Q. Did you have the opportunity of reading through the
10:32:54 10 record of what you had said to Randal White in November
11 2003?

12 A. In part."

13 What did you mean by that?

14 A. What I meant by "in part" was that it was my understanding
10:33:17 15 the trial in Freetown was going to be focused on the RUF and not
16 on Mr Charles Taylor, so I specifically tried to look at the
17 aspects that had to do with the RUF. So that's what I meant by
18 that.

19 Q. Okay. Now, for completeness, you later were interviewed by
10:33:44 20 the Office of the Prosecution on 18 August 2008 by Peter McLaren
21 and myself. Do you recall that?

22 A. Yes, sir.

23 Q. And during the course of that interview it is recorded that
24 you said - I'm sorry, I should just give the Defence counsel the
10:34:04 25 proper tab. I apologise. This is Defence counsel tab 11. If
26 the witness can be shown tab 11, please. This is page 1 of that
27 interview.

28 A. Correct.

29 Q. Now, during the course of this interview, just take a look

1 at it for a moment and then you can --

2 A. Look at the document in its entirety?

3 Q. Just look at the first page. I am referring you
4 specifically to paragraph 2. Can you look at paragraph 2?

10:34:54 5 A. Okay.

6 Q. And paragraph 2 says, for the record, it is recorded that
7 you said:

8 "The witness stated that in many parts of his first
9 statement taken by Dr Alan White are recorded in a confusing or
10 erroneous manner. This included a reference to working for The
11 Prospective. As he has stated he was arrested first while
12 working for The National. The interview note also does not
13 accurately account for all of his arrests and detentions or
14 employment history as outlined below."

10:35:29 15 Do you recall saying that in the interview of 18 August
16 2008?

17 A. Yes, counsel, I do.

18 Q. Thank you. That can be taken away from the witness at this
19 point. Mr Court Attendant, I will not be referring to the tabs
10:35:50 20 any more. Now, the next reference for counsel is 14 January,
21 22539. The response on lines 5 to 6 is particularly the
22 reference. Now, Mr Witness, you were being asked by Defence
23 counsel about your writing for the All Liberian Coalition Party.
24 Do you recall being asked about that by Defence counsel?

10:36:28 25 A. Correct.

26 Q. And during the course of your responses, you said, with
27 relation to your professional writing, this is lines 5 to 6 - you
28 said: "I did professional writing for them and other parties as
29 well". Do you recall saying that?

1 A. Correct.

2 Q. What other parties were you referring to?

3 A. I did professional writing for other organisations,
4 businesses, what is it called - organisations and businesses, I
10:37:08 5 did professional writings for those. I actually wrote - correct.

6 Q. Such as, can you give some examples?

7 A. Right. Business organisations in the line of promotion and
8 in the line of other civic organisations. Say, for example, I
9 think it was specifically the - well, the ex-President is called
10:37:38 10 Saa Philip-Joe. I'm trying to remember - I think it's the Mano
11 River Union something. Its head then or one of its heads then
12 was Saa Philip-Joe. So I did professional writing so at that
13 level for that organisation. I think it was the Mano River Union
14 Civil Society Movement. It is along that line. So --

10:38:02 15 Q. Okay.

16 A. Right.

17 Q. Just to clarify for the record, did you say Saa Philip-Joe?

18 A. Yeah. S-A-A, that's Saa, P-H-I-L-I-P and dash Joe.

19 Q. Okay. Now, the next reference is 15 January 2009. I

10:38:37 20 apologise for jumping around a bit here. The reference is page
21 22736 and I am particularly focusing on the witness's response at
22 lines 22 to 23.

23 Mr Witness, during the course of the cross-examination
24 Defence counsel was asking you about an article that was written
10:38:58 25 by you that stated that Liberians and some Sierra Leoneans were
26 being sent to Libya for training.

27 A. Correct.

28 Q. Do you recall being asked about that?

29 A. Correct. I do recall.

1 Q. And you were being asked whether or not you knew that was a
2 fact or not?

3 A. Correct, I do recall him asking that.

4 Q. During the course of your response you said, and the
10:39:23 5 question was - and I will put the question to you that Defence
6 counsel asked you.

7 "Q. If you - do you know for a fact whether they were
8 trained in Libya or not?

9 A. My understanding of the word 'fact' in this context,
10:39:39 10 then I will say no, and I could explain what I understand
11 by fact."

12 Do you remember saying that?

13 A. Correct, I do.

14 Q. Can you explain what you mean by fact?

10:39:51 15 A. What I meant, in that context, was did I have firsthand -
16 was I in a position to be able to see the guys - the 500 persons
17 actually physically trained, you know, on training camp in Libya.
18 That was one fact I was referencing.

19 Whether was the government in position to admit that, yes,
10:40:19 20 indeed, we're sending these individuals to Libya for training.
21 That was something also in that instance I considered as fact.

22 Did any specific individual from amongst the group - was in
23 position, say their leaders, you know, their training commandants
24 or whatever the reference may be - was in position to say, yes,
10:40:47 25 we are unofficial, officially. Yes, we are going to train these
26 guys in Libya.

27 Those were the factual understanding I was deducing from
28 the counsel's question. However, journalism doesn't work like
29 that. It doesn't mean that the fact that a government or a

1 party --

2 Q. Well, before you explain with respect to how journalism
3 worked, what information did you have?

4 A. I had information from a Liberian who had come from Libya
10:41:24 5 who was fully aware of the situations and had brought pictures
6 that we published. I also information from other inside sources
7 who wouldn't want their names to be - who wanted to - who
8 preferred to remain anonymous.

9 Q. Okay. Thank you. Then I'm not going to ask you any
10:41:44 10 further on. The last reference here is actually from the first
11 day of cross-examination, 13 January 2009. This is in - I will
12 be actually pointing the witness to two passages first before
13 putting a question to him. The first passage occurs on page
14 22411 and it's starting with lines 8 to 19.

10:42:21 15 Now, Mr Witness, when Defence counsel first started asking
16 you questions on last Tuesday, I believe, he was asking you about
17 Decree 88A. Do you recall that?

18 A. Yes, counsel.

19 Q. And during the course of that questioning he was asking
10:42:36 20 you, starting at line 16:

21 "Q. Was it repealed?

22 A. The government announced that it has - that it repealed
23 it.

24 Q. So it was repealed?

10:42:50 25 A. In theory, yes, sir."

26 I am now taking you to another reference. You were again
27 being asked about issues related to the media in Monrovia at the
28 time Mr Taylor became President and this is reference 22551 and
29 this is starting at lines 7 through to 15. Counsel asked you:

1 "Q. Now, would you also agree that in Monrovia at that
2 time there were a number of newspapers published?

3 A. Yes, sir.

10:43:38

4 Q. And would you also agree that it was a somewhat lively
5 print media environment?

6 A. What period is this, sir?

7 Q. We're talking about round about July/ August '97. It
8 was pretty lively, wasn't it?

9 A. Correct."

10:43:53

10 Do you remember saying that?

11 A. Yes, sir.

12 Q. Okay. Now taking you back to the first reference, when you
13 were referring to Decree 88A and you were asked if it was
14 repealed and you said, "In theory, yes, sir", what did you mean
15 when you said in theory?

10:44:08

16 A. What I meant was that the government at the time seeking -
17 hungry for trying to publish - I mean to polish its image was
18 trying to make - was making pronouncements that would soothe the
19 international community, because one of the demands from the
20 international community for cooperation with the new government
21 then was press freedom; you know, freedom of opinion. So the
22 government was making pronouncements. Meanwhile, in practice
23 it's actions were diametrically opposed to its pronouncements.

10:44:31

24 The government's actions were diametrically opposed to the
25 government's pronouncements. That's what I meant when I said in
26 theory, because it was saying one thing and actually doing quite
27 the contrary.

10:45:03

28 Q. Taking you to the second reference I referred to, and just
29 to remind you, you were asked about the media environment, the

1 print media environment?

2 A. Correct.

3 Q. And you counsel asked you whether or not it was lively and
4 you asked what period and he said, "July/August '97. It was
10:45:41 5 pretty lively, wasn't it?" And you said, "Correct". Do you
6 remember saying that?

7 A. I do.

8 Q. What about after that period?

9 A. The media began to be suffocated. It began to lose its
10:45:58 10 life. It began to lose its agility, its liveliness. Now one
11 reason I said yes was that the Liberian media had become used
12 generally to being able to report what it wanted to. That was
13 beginning 1990, when Dr Amos Claudius Sawyer became interim
14 President. From that point on, interim administrations generally
10:46:26 15 were tolerant of what was written in the media. There were
16 occasions where, you know, there were frictions here and there,
17 but generally they were tolerant. So this is July and August and
18 the freedom of expression that the Liberian media had been
19 accustomed to was still alive by the time Mr Charles Taylor was
10:46:56 20 elected President. So its life - it was still full of zeal.
21 People were - journalists were still excited about the prospect
22 of press freedom continuing even after the elections of President
23 Taylor. But of course that was not to happen, as we began to
24 learn very soon.

10:47:17 25 MR SANTORA: I have no further questions.

26 PRESIDING JUDGE: Thank you, Mr Santora. I think there are
27 probably some items marked for identification that are going to
28 be tendered. Do you need the witness here for that or will we
29 discharge the witness?

1 MR SANTORA: There is an issue related before the witness
2 is discharged, so perhaps we should do the MFIs first and then
3 perhaps the witness should be here.

10:48:00

4 PRESIDING JUDGE: Yes, of course. Yes, Mr Santora. Were
5 they any of yours?

6 MR SANTORA: Yes. If there are no questions then the
7 Prosecution will move what is marked currently as MFI-1 into
8 evidence. This is a copy of a newspaper article from the
9 Liberian newspaper, The National entitled "Who is the Judas in
10 ECOWAS?" dated 14 October 1997 which was behind Prosecution's tab
11 6.

10:48:23

12 PRESIDING JUDGE: Is there any objection, Mr Griffiths?

10:48:40

13 MR GRIFFITHS: Mr President, can I indicate there are two
14 items marked for identification by the Prosecution in respect of
15 this witness. We have no objections to either of them being
16 exhibited.

17 PRESIDING JUDGE: Thank you. Well, the document marked
18 MFI-1 which has been described in the evidence will be admitted
19 into evidence as exhibit is it P-270.

10:49:12

20 [Exhibit P-270 admitted]

21 Mr Santora, you had one more, did you?

10:49:29

22 MR SANTORA: Yes, the Prosecution also, on the
23 understanding there is no objection, would move what is currently
24 marked what as MFI-2 into evidence which is a copy of a news
25 article from the Liberian newspaper The National entitled "In
26 Sierra Leone: Whom is the government supporting, junta or
27 democracy?" dated 14/10/97.

28 PRESIDING JUDGE: Yes, that document has already been
29 identified as MFI-2 and it will be admitted into evidence as

1 exhibit P-271.

2 [Exhibit P-271 admitted]

3 MR GRIFFITHS: At this time, Mr President, we move that
4 items MFI-3A through F, the various email messages submitted, be
10:50:11 5 admitted as exhibits.

6 PRESIDING JUDGE: Do you have any objection, Mr Santora?

7 MR SANTORA: No objection.

8 PRESIDING JUDGE: The documents marked for identification
9 and identified on the record as MFI-3A through 3F will

10:51:11 10 correspondingly be admitted into evidence as exhibit D-80A
11 through D-80F.

12 [Exhibits D-80A to D-80F admitted]

13 MR GRIFFITHS: Can I make the same application in respect
14 of MFI-4A through F.

10:51:31 15 PRESIDING JUDGE: Mr Santora?

16 MR SANTORA: The Prosecution does object to the admission
17 of these in their entirety being admitted based on relevance. If
18 you want me to go and explain, or if it's appropriate for --

19 PRESIDING JUDGE: I'm just taking it, Mr Santora, that you
10:51:50 20 are saying there is some material in those newspapers that is
21 irrelevant material.

22 MR SANTORA: That's correct, Mr President. It has been the
23 practice in this Court for the counsel to identify the portion of
24 the document that is relevant to be admitted or, if need be,
10:52:10 25 explain the relevance of - if the entire document is - if it is
26 submitted that the entire document should be accepted then
27 counsel should explain the relevance of that particular document
28 in its entirety. So that's the objection.

29 PRESIDING JUDGE: Well, I could be wrong but I think I

1 remember Mr Griffiths saying that the newspaper extracts were put
2 in in their entirety just for the sake of completeness and I
3 didn't take it that he was relying on the whole of the newspapers
4 as part of his case. But, anyway, we will hear from

10:52:50 5 Mr Griffiths.

6 MR GRIFFITHS: I am certainly not relying on the whole of
7 each newspaper as part of our case, Mr President. We made
8 specific reference to only certain articles within those
9 newspapers; those articles setting out in detail the period

10:53:09 10 immediately after the incarceration of this witness on 24 June
11 2002. So, whilst not relying on the balance of the articles
12 reported in those newspapers, it seems to us that no damage is
13 done by the whole of the newspapers being put before the Court,
14 bearing in mind that your Honours have a clear note of what

10:53:38 15 aspects of these newspapers we are relying on, because we went
16 through them in detail.

17 JUDGE SEBUTINDE: On the relevance? Did we hear you on
18 relevance; the issue of relevance?

19 MR GRIFFITHS: We say that the particular articles to which
10:53:54 20 we referred which detailed the incarceration of this defendant,
21 and other articles touching upon other aspects of his evidence,
22 inter alia reference to Liberian troops in Sierra Leone - we say

23 all of these articles are directly relevant to the evidence of
24 this witness and we have identified during the course of our
10:54:27 25 cross-examination which of those articles we deemed to be so
26 relevant, those being the only articles to which we referred.

27 PRESIDING JUDGE: Yes, well we will admit the whole of the
28 documents as tendered. The Court is perfectly able from
29 reference to the record of deciding what is relevant and what

1 isn't. The documents already identified as MFI-4A to MFI-4F will
2 be admitted into evidence correspondingly as exhibits D-81A to
3 through to D-81F.

4 [Exhibits D-81A to D-81F admitted]

10:55:41 5 Now there is one other matter outstanding, Mr Griffiths,
6 and that is that if you recall there was an issue - I am just
7 trying to look at my notes - where the witness has claimed
8 privilege in relation to your question requiring him to reveal
9 his sources and the Court has already ruled that that should be
10:56:18 10 the subject of a formal application. Now, I take it you are
11 still pursuing that?

12 MR GRIFFITHS: I am still pursuing it, Mr President, but
13 can I indicate that our pursuit of that issue is not dependent on
14 this witness remaining within the jurisdiction.

10:56:42 15 PRESIDING JUDGE: By saying that do you mean that at some
16 stage, once the Court decides on the formal motion, you would
17 require the witness back for further cross-examination?

18 MR GRIFFITHS: I doubt it, because we could deal with that
19 matter by other means, once that information is to hand, without
10:57:00 20 having the witness return.

21 PRESIDING JUDGE: So you have no objections if the witness
22 is released at this stage?

23 MR GRIFFITHS: I have no problem with the witness being
24 released at this stage.

10:57:12 25 PRESIDING JUDGE: Thank you.

26 MR SANTORA: Thank you, counsel. There is one small issue
27 that still I think should be raised with relation to this
28 witness. During the course of this debate, and perhaps
29 inadvertently, it was portrayed to the witness that the

1 Prosecution were somehow representing his interests. For the
2 record the witness should be, in our submission, advised that he
3 may wish to contact an attorney on his behalf in relation to this
4 issue. The Prosecution obviously is not the witness's attorney
10:57:49 5 and is not in the same situation of interest.

6 I think it was said - Defence counsel again stated that the
7 witness can't be a lawyer for himself. He has got his own
8 lawyer. The Prosecution is certainly not the lawyer's witness.
9 Now, these statements may have led the witness to believe that
10:58:10 10 the Prosecution is his lawyer and somehow acting on his legal
11 interests. It's the Prosecution's submission that this is of
12 course not the case and that he should be instructed as such with
13 regards to this matter.

14 PRESIDING JUDGE: I am sure the witness has taken into
10:58:27 15 account what you've just said, Mr Santora, but the only
16 outstanding matter in relation to this witness at the moment is a
17 formal motion. I don't take it from what you've said that you
18 are going to ask him to get an independent lawyer to file a
19 response to that motion. The Prosecution is going to respond to
10:58:50 20 that motion, is that correct? That is what we are interested in
21 at the moment.

22 MR SANTORA: The Prosecution will be responding to that
23 motion as soon as it arrives, yes.

24 PRESIDING JUDGE: Thank you. You heard what Mr Santora
10:59:03 25 said, Mr Witness?

26 THE WITNESS: Yes, I did hear, your Honour.

27 PRESIDING JUDGE: All right. Well, we would like to thank
28 you for coming to Court and giving your evidence and it's now
29 completed. You are free to leave.

1 THE WITNESS: Thank you so much, your Honour.

2 PRESIDING JUDGE: I understand Mr Rapp is taking the next
3 witness. Is that correct?

4 MR RAPP: Yes, Mr President, your Honours. The next
11:00:32 5 witness will be Tariq Malik and if you give us a moment we can
6 change our seating.

7 PRESIDING JUDGE: All right, certainly. What is the TF1
8 number of this witness?

9 MR RAPP: Because the witness has never sought protection,
11:02:47 10 he doesn't have one, sir.

11 PRESIDING JUDGE: Oh, I see.

12 MR RAPP: His name is Tariq Malik, T-A-R-I-Q M-A-L-I-K.

13 PRESIDING JUDGE: Well, has the Court Usher gone to get
14 that witness?

11:03:14 15 MS IRURA: Your Honours, the Court Usher has gone to get
16 that witness.

17 PRESIDING JUDGE: Just before Mr Malik is sworn, Justice
18 Doherty has something to say.

19 JUDGE DOHERTY: Yes, I consider it is proper that I put on
11:05:03 20 record that, as may already be known to the parties, I organised
21 an informal walking group in Freetown over the several years I
22 was there. Mr Malik was an occasional walker. On those
23 occasions when he did walk with us there were always other people
24 present, on one occasion up to 40, and sometimes it included
11:05:26 25 Special Court staff and in particular my close protection was
26 always there. We definitely did not speak about work, I had no
27 idea that Mr Malik would be called as a witness in this trial and
28 the walking in no way influenced my attitude to this or the
29 previous trial, or to Mr Malik as a witness, and I wish that to

1 be formally noted.

2 PRESIDING JUDGE: Just one moment. Thank you, Mr Munyard.
3 It doesn't end there. Before I ask either counsel to respond, if
4 they wish, I would also add that I think each one of the judges
11:06:12 5 on the Bench has been at one time or another on the same
6 interview panel as Mr Malik. This is in regard to appointing
7 other officers of the Special Court. Again, nothing was ever
8 discussed regarding any court case.

9 Now I will just call on perhaps the Defence first, because
11:06:41 10 it's a Prosecution witness. Is there anything you wanted to say
11 along - in view of what's just been disclosed to you, Mr Munyard?

12 MR MUNYARD: Mr President, and indeed Justice Doherty and
13 all the judges, we have no concerns by the issues that you have
14 just raised. We hope the walks were enjoyable and that the
11:07:03 15 appointments were successful.

16 JUDGE DOHERTY: Thank you, Mr Munyard. My one thought was
17 getting to the top of the mountain.

18 PRESIDING JUDGE: Yes, Mr Rapp?

19 MR RAPP: Thank you. Of course we have no concerns and we
11:07:17 20 thank learned counsel, Mr President and your Honours. Let me
21 turn to the witness. Good morning, witness.

22 THE WITNESS: Good morning.

23 PRESIDING JUDGE: I am sorry, I haven't had the witness
24 sworn yet.

11:07:32 25 MR RAPP: Exactly. I am sorry, your Honour.

26 WITNESS: TARIQ MALIK [Sworn]

27 EXAMINATION-IN-CHIEF BY MR RAPP:

28 Q. Mr Witness, for the record would you state your name?

29 A. Tariq Malik.

1 Q. And how are you presently employed, Mr Malik?

2 A. I'm chief of the Section for Evidence and Post-Archival
3 Access - Section for Evidence, Archives and Post-Operational
4 Access. Your Honours, if I may say so, the feedback in my
11:08:39 5 headphones is extremely loud and I cannot really - okay, thank
6 you.

7 Q. Is that better? And that section, where and in what
8 organisation is it located?

9 A. This is a section on its own in the Office of the
11:09:02 10 Prosecutor at the Special Court for Sierra Leone.

11 Q. When did you begin working with the Office of the
12 Prosecutor of the Special Court for Sierra Leone?

13 A. April 2003.

14 Q. And for the record, before we get into your position at the
11:09:17 15 Special Court, could you briefly tell us about your education?

16 A. I received my early education in Pakistan, after which I
17 went to the United States and graduated from the University of
18 California in anthropology. I then returned to Pakistan and
19 obtained a Masters in History from the University of Punjab in
11:09:44 20 Pakistan.

21 Q. Would you briefly describe your career path before coming
22 to the Special Court for Sierra Leone?

23 A. After I had graduated from the University of California, I
24 came back to Pakistan and did a number of different things,
11:09:58 25 including working as an assistant editor in one of the
26 newspapers. I then sat for the civil service exam in Pakistan
27 and was recruited as an assistant superintendent in the police
28 service of Pakistan, which is a federal managerial quarter of
29 Pakistan police which is an otherwise provincial subject and

1 organised along provincial lines. I first worked in the North
2 West Frontier Province and then in the Sindh Province in Karachi
3 city. I first was an assistant superintendent of police and
4 eventually promoted as superintendent of police. I also worked
11:10:55 5 in Bosnia in a variety of capacities for the United Nations
6 mission in Bosnia and Herzegovina. In 1998 I joined the
7 International Criminal Tribunal for Former Yugoslavia as an
8 investigator where I worked for five years until 2003, which is
9 when I joined the Special Court.

11:11:15 10 Q. Before we proceed you have a piece of paper in front of
11 you? Is there - what is the purpose of that or is there anything
12 on it?

13 A. No. There are some blank sheets of paper and the purpose,
14 I have it in front of me so if your Honours allow me I can - I
11:11:34 15 have a numbers of things that I understand I will be asked about
16 and it would assist me to answer questions so that I know that I
17 have answered the questions asked fully and therefore I jot down
18 and I tick things off as I speak about them.

19 Q. You said you'd worked at the ICTY for a number of years,
11:11:54 20 what did you do there?

21 A. At the ICTY I had a wide variety of duties. ICTY had
22 massive holdings from work done by, performed by different teams
23 which were often very compartmentalised, so I did a lot of
24 research and analysis of what the ICTY already held in relation
11:12:16 25 to the cases that I was working on. I interviewed a very large
26 number of people. These included victims and witnesses, suspects
27 as well as accused in custody. I worked with sensitive sources.
28 This was in relation to tracking the whereabouts of indictees at
29 large, as well as identifying location of mass graves in

1 Northwest Bosnia. I also participated in search and seizure
2 missions and - where we seized large amount of evidence.

3 I spent a lot of time on behalf of the team dealing with
4 witnesses. There was - there were also occasions when I was
11:13:02 5 asked to contribute some portions to - to legal documents such as
6 final pre-trial briefs or final trial briefs. This would be in
7 relation to factual matters that I was aware of.

8 There would be also occasions when I was asked to testify
9 publicly as well as appeared before the judges in - in camera ex
11:13:40 10 parte proceedings so there really was a wide variety of tasks
11 that I was asked to perform when I was at ICTY.

12 Q. Let us just limit it for a moment. You did mention some
13 work in evidence searches and seizures; did you have a formal
14 position in any kind of evidence unit at the ICTY?

11:14:02 15 A. No, your Honours, I wasn't member of the evidence unit but
16 it just so happened that I was involved in exhumations. We had a
17 number of mass graves in relation to the cases that we were
18 working on and each of those mass graves yielded a large amount
19 of evidence and on behalf of my team I had to liaise with the
11:14:18 20 evidence unit and process the vast amount of material that would
21 come in. So I was still an investigator working for one of the
22 investigative teams but I worked closely with the evidence unit
23 in that capacity.

24 Q. But before we go on to your career at the Special Court.

11:14:35 25 Just if we can double back for a second to when you were with the
26 Pakistan police did you do anything in regard to evidence there?

27 A. At that time, at any given time when I was working there
28 there would be more than one police station under my command. I
29 was not directly involved in handling the evidence on a

1 day-to-day basis but as the senior officer it was my
2 responsibility to supervise people who did handle evidence and
3 each of those police station of course were mandated to seize and
4 store the evidence. So I had, in my supervisory capacity,
11:15:20 5 dealings with people who were managing evidence under me.

6 Q. Let's move forward to your time at the Special Court for
7 Sierra Leone. You said you began in April of 2003. I think you
8 also told us what your current position is. What was your
9 position in the Special Court for Sierra Leone back in 2003?

11:15:39 10 A. I was chief of the evidence unit.

11 Q. When your employment commenced as - at the Special Court
12 for Sierra Leone - in what division of the Office of the
13 Prosecutor was that unit located?

14 A. At the time Office of the Prosecutor was divided into the
11:15:58 15 Prosecutions division and the investigations division with an
16 independent legal operation section. My unit was situated within
17 the investigations division.

18 Q. Did that change at any time?

19 A. Around April 2007, the Prosecutor expanded the mandate and
11:16:18 20 the responsibilities of the erstwhile evidence unit and
21 reconstituted it as - it was taken - my unit was taken out of the
22 investigations division and it was reconstituted as a section on
23 its own. And henceforth to be called section for evidence
24 archiving and post-operational access, SEAPA. It was felt that
11:16:50 25 SEAPA, something like along those lines must be created so that
26 the Office of the Prosecutor could meet its completion strategy
27 needs and address post-operational and residual issues that the
28 OTP is facing. It was created out of the core of the evidence
29 unit. So far as evidence management is concerned, that capacity

1 was retained within SEAPA in order to continue to support trials
2 and appeals.

3 Q. Well, let's go back to 2003 to your arrival in the Special
4 Court for Sierra Leone Office of the Prosecutor evidence unit.

11:17:27 5 When you arrived do you know how many persons had been indicted
6 at the Special Court?

7 A. Your Honours, I think nine persons had been indicted at
8 that time, although only eight of them publicly. Mr Taylor's
9 indictment hadn't yet been made public. Of the other eight, two
11:17:52 10 were at large; Sam Bockarie and Johnny Paul Koroma, and the other
11 six were in custody. Within a few months, within a couple of
12 months after my arrival another three persons would be indicted
13 and transferred into the Special Court's custody and the last
14 public indictment to have come out of the OTP happened about six
11:18:13 15 months after my arrival.

16 Q. What were your duties as chief of the evidence unit?

17 A. In line with the Rule 41(A) of the Rules of Procedure and
18 Evidence, it is my duty on behalf of the Prosecutor to ensure
19 that all evidence and information in possession of the OTP is
11:18:40 20 kept in a credible, secure and retrievable manner, so that the
21 OTP can conduct its Prosecutions in an efficient way, using the
22 best possible evidence, and also meeting its disclosure
23 obligations at the same time.

24 Q. Were you given assignments other than those that dealt with
11:19:04 25 the evidence unit?

26 A. There were several such occasions. OTP was a small office
27 and I had had - come in with a certain investigative experience,
28 so, on occasion I was asked to do things which were not within
29 the mandate of my post as chief of evidence unit. A couple of

1 these related to two of the indictees which were at large - I've
2 just mentioned them, then at large, Sam Bockarie and Johnny Paul
3 Koroma.

11:19:40

4 I was asked to organise the arrangements in relation to
5 receipt of Sam Bockarie's body from Monrovia Liberia, and in line
6 with the work that I had done with mass graves in Bosnia, I was
7 asked to obtain DNA samples through qualified professionals and
8 then tried to ascertain the identity of the body.

11:20:07

9 In relation to JPK, the OTP had a sub-unit in late 2004 and
10 2005 which was then called the section - the special
11 investigations unit - and did - the job of the special
12 investigations unit was to track the whereabouts of Johnny Paul
13 Koroma, and I was made chief of that and I served in that
14 capacity from around December 2004 to the middle of 2005 when the
15 section was reorganised and the unit was disbanded.

11:20:33

16 Q. At some point I think you referred to JPK, I presume?

17 A. I apologise, I was referring to Johnny Paul Koroma, who was
18 a publicly indicted accused within the Special Court.

11:20:53

19 Q. Were you familiar with the staffing of the investigation
20 division outside your unit?

21 A. Broadly speaking, the OTP, or specifically the
22 investigations division had three kinds of staff members, and I
23 leave aside the general category staff who were always locally
24 recruited so, leaving them aside, three kinds of staff were
25 working in the investigations division.

11:21:21

26 One were the - one group would be people like myself, who
27 were internationally recruited regardless of their nationality.
28 The other group would be international secondees. We had several
29 of them, mostly from Canada, RCMP police officers, and the third

1 group was Sierra Leoneans, several of them. And almost all of
2 them were police officers, either former or present, and many of
3 them, I believe, were working as secondees. And I think the
4 third group probably was the most numerously - the Sierra Leonean
11:22:00 5 police officers would be perhaps the largest number.

6 JUDGE SEBUTINDE: Mr Malik, did you refer to the second
7 category as RCP?

8 THE WITNESS: Your Honours, I was referring to RCMP, these
9 are Royal Canadian Mounted Police officers, although that is not
11:22:18 10 always strictly true. We have many Canadians, secondees, and
11 some of them are not RCMP officers but we happened to often lump
12 them into one RCMP label. But anyway, they were all
13 international seconded and most of them were from Canada.

14 MR RAPP: Thank you very much, your Honour:

11:22:36 15 Q. Would you generally describe your level of conduct or
16 contact, if I could put it that way, contact with personnel in
17 the investigation division outside of your evidence unit?

18 A. OTP is a very small office and investigations division is
19 smaller still so on a day-to-day basis one necessarily comes
11:22:59 20 across almost every colleague who works in that office so, on a
21 day-to-day basis I would see almost every one of them. In
22 particular, I would have opportunity to see and work with
23 investigators because they would bring in evidence to the
24 evidence unit and thereby one would have a chance to interact
11:23:18 25 with them.

26 Q. Did you take responsibility for any staff outside your
27 unit?

28 A. I was a member of the staff association, from late 2005 to
29 spring 2008, and for about 18 months within that period I was the

1 president. As your Honours mentioned, in that capacity, I worked
2 - interacted with staff and participated in recruitment, et
3 cetera.

4 Q. Let me get back to your formal duties. From your
11:23:56 5 observation how was evidence handled before your arrival at the
6 evidence unit in the Office of the Prosecutor?

7 A. When I arrived, there was no evidence unit as such. There
8 had been a large amount of evidence collected by the Office of
9 the Prosecutor by that time, especially following the arrests of
11:24:28 10 several accused in March and April 2003, and I quickly realised
11 that as things stood at the time the OTP did not have the
12 capacity to process and manage the evidence, the volume of
13 evidence at hand.

14 Q. Well, what did you do to change things, if anything?

11:24:56 15 A. I took a number of steps and I had to act quickly. First
16 thing I did was, I made a detailed assessment of what was
17 required. I wrote a couple of lengthy memos for the Prosecutor
18 apprising him of what the requirements were and what needed to
19 be - in order to get moving. So after that initial assessment I
11:25:26 20 quickly moved to establish, to physically have constructed - I
21 had the court construct an evidence vault which would have some
22 sort of climate control. Humidity was a big problem, as you
23 know. At the time unfortunately, the Court premises were not
24 ready. The OTP was located in an off-site facility and I was
11:25:47 25 quite concerned that the evidence might suffer on account of high
26 humidity in Freetown. So I had an evidence vault quickly
27 constructed with air conditioning, et cetera.

28 I ordered specialised supplies for evidence storage which -
29 along the lines of things, of materials employed by other

1 tribunals, so I - after I had the specialised supplies I also set
2 up a database. I had a database consultant fly in from the
3 United States. Before I came the database had already been
4 purchased but it had not yet been developed so I got the
11:26:32 5 consultant to come in and work with me for a couple of months, or
6 at least about a month, and we set up a database so the evidence
7 could be managed.

8 We didn't have the equipment to process the evidence.
9 Things like stamps and scanners, so I arranged for those. I also
11:26:59 10 put in a system so that audiovisual material - and we had quite a
11 bit of it at the time - so that it could be digitised, again like
12 papers, audiovisual magnetic media tends to deteriorate in
13 tropical conditions, so I set up a system for digitising. I set
14 up some procedures as to how the evidence would be submitted.

11:27:26 15 People needed to supply certain information and needed to bring
16 in the evidence in a uniform way. I also carried out some
17 limited training, both for my own evidence unit staff so they
18 could process the evidence properly and for end-users in terms of
19 database I worked with lawyers and some investigators, explaining
11:27:46 20 to them how to access the database and in general I also made
21 available guidance, if anybody sought any, in terms of how to
22 gather evidence and how to then submit it to the evidence unit.
23 So these are some of the things that I did, which helped move
24 things along at that time.

11:28:08 25 PRESIDING JUDGE: I think we will take a break there. We
26 are just about out of tape. So the Court is going to adjourn now
27 for half an hour and we will resume at 12 o'clock.

28 [Break taken at 11.30 a.m.]

29 [Upon resuming at 12.00 p.m.]

1 MR RAPP:

2 Q. When we left off at the break we were discussing the
3 situation in the evidence unit, or the evidence storage system,
4 that you confronted when you arrived and how you changed that. I
12:02:15 5 did want to ask you from what you were able to observe when you
6 arrived how was the evidence organised in the Office of the
7 Prosecutor prior to your arrival?

8 A. As I explained, there was no evidence unit as such that
9 existed at the time. Evidence would be brought in and it would
12:02:41 10 be taken custody of by the criminal intelligence analyst. He was
11 a person who had other responsibilities, but because there was no
12 designated person who had responsibility for handling evidence he
13 was doing this double duty. To be fair the Office of the
14 Prosecutor had made attempts to bring in a person who would be
12:03:10 15 responsible for evidence sooner, but somehow due to various
16 administrative problems that didn't take place. I myself was
17 supposed to have come in January, but did not manage to come
18 until April. So it was an interim arrangement and the criminal
19 intelligence analyst, apart from doing his own full-time job, was
12:03:32 20 sort of able to hold the fort so to speak.

21 MR RAPP: With the Court's permission, excuse me, I see
22 that our appearances are changed and I neglected to mention that.
23 I would seek the Court's indulgence to put that on the record at
24 this time. We now have Nick Koumjian present on the Prosecution
12:03:52 25 side. Present for the Prosecution is the Prosecutor Stephen
26 Rapp, Nick Koumjian and the case manager Maja Dimitrova.

27 PRESIDING JUDGE: Thank you, Mr Rapp.

28 MR RAPP:

29 Q. We were talking about the criminal intelligence individual

1 handling the evidence at that time. Were you able to observe how
2 he handled the evidence?

3 A. Well, essentially it amounted to receiving the evidence and
4 storing them in cabinets and empty rooms, et cetera.

12:04:21 5 Understandably he made no effort to and was in no position to
6 institute any detailed system of evidence management and
7 handling, so all that was left to the person who would eventually
8 take responsibility for this and that was myself.

9 Q. You mentioned a numbering system. Was there a numbering
12:04:42 10 system in place at that time before your arrival?

11 A. In a rudimentary way, yes, but the convention has been at
12 ICTY - and I understand ICTR, although I'm not personally
13 familiar with the procedures there - that the way the evidence is
14 handled in these international tribunals is that each page of the
12:05:05 15 evidence that comes in is stamped with its own unique number,
16 called the evidence register number or ERN for short, and that
17 allows to - that allows for tracking and individually being able
18 to manipulate each piece of evidence. However, that was not the
19 case at that time. He had a rudimentary numbering system, but it
12:05:34 20 was not the one that I instituted when I took over.

21 Q. Well, we'll talk about the system that you instituted, but
22 before we go there what about security of the storage system that
23 - what kind of system, if any, was in effect prior to your
24 arrival?

12:05:51 25 A. Well, the evidence was very secure. The offices of - the
26 evidence room was where the rest of the offices of the OTP were
27 located, which as I've explained earlier was on a different side
28 from where the Special Court is located. So the evidence was
29 certainly secure, it was kept in locked rooms and no unauthorised

1 person had any access to it, but there were the other issues as
2 I've explained in terms of management and in terms of having
3 climate control, et cetera, which needed to be upgraded and we
4 did that.

12:06:35 5 Q. And when you mentioned the rudimentary numbering system
6 that this individual had who worked in this area before your
7 arrival, how was that - how were documents numbered?

8 A. Essentially each document would be assigned one number, so
9 even if it was a hundred page document it would get assigned one
12:06:52 10 six digit number and so on and so forth, and so you had
11 essentially documents being numbered as opposed to pages within
12 the documents which is what practice that let's say the ICTY
13 approve.

14 Q. Well, let's talk about what kind of numbering system you
12:07:13 15 introduced. What did you do?

16 A. I essentially - I had known from my experience at ICTY that
17 it had to change its own systems several times because the
18 evidence that came in outgrew the system that had been put in
19 place to manage it, so I decided to essentially start with things
12:07:42 20 in a way that we would end up not having to make any changes down
21 the road. I realised that it was a short-term tribunal with a
22 limited mandate, but still I wanted to make sure that our system
23 would not have to be upgraded. So I instituted an eight digit
24 numbering system, whereby each page would be stamped with a
12:08:05 25 unique eight digit alphanumeric number, and each document would
26 be known by a 16 digit range. What that means is that the
27 document - each page of the document is numbered, the first page
28 of the document followed by the last page of the document
29 together they comprise what is called the range - a document

1 range - and then in the database, the evidence database, that
2 document is listed by that 16 digit document range. This system
3 allowed for sufficient capacity for the OTP to process no matter
4 how much evidence were to come in.

12:08:50 5 Similarly within the system there were various
6 subdivisions, so although it was an eight digit number in some
7 cases the first number could be replaced by a letter in order to
8 identify a particular kind of evidence which was being referred
9 to. For example, if it was a video cassette then the number
12:09:16 10 might start with a "V" and that would denote that this is a video
11 cassette. Things like that.

12 Also it was necessary sometimes to set aside specialised
13 numbers for specialised collections and so the numbering system
14 ordinarily would simply go from a lower number to a higher number
12:09:43 15 and as each new document came in I would assign the next
16 available number. So the numbers generally go in an ascending
17 order in time. So what that means is that a higher number
18 generally refers to a document which was processed later in time
19 as compared to a document which bears a lower ERN.

12:10:01 20 However, in order to attend to special needs, sometimes
21 chunks, blocks of ERN would be set aside for a particular
22 project. For example, if a particular organisation or some
23 special kind of evidence were to come in, so I could set aside a
24 block of 10,000 ERNs or 20,000 ERNs and then those ERNs would
12:10:27 25 only be assigned to that kind of evidence. So we had to work
26 within this system on making sure that we were able to meet our
27 needs in the way that was most convenient and efficient for us.
28 Q. Okay. Well, how would you compare the system of evidence
29 management that developed at the Special Court for Sierra Leone

1 Office of the Prosecutor with that that you'd seen at the Office
2 of the Prosecutor at the ICTY?

3 A. Your Honours, in 2003, ICTY and Special Court were at very
4 different stages in their life cycle. After years of its own
12:11:09 5 very significant teething troubles ICTY by that time had evolved
6 a very sophisticated evidence management system. It was - it
7 employed a very large number of personnel and was extremely
8 resource intensive. It had scores of custodians and data
9 inputters and indexers and there were teams developing
12:11:33 10 specialised software for it.

11 At one time there was a document and video indexing system
12 - document and video indexing unit in the ICTY which that unit
13 alone employed over a hundred person. Of course they had very
14 large collections to deal with so it was necessary for them to
12:11:56 15 have that.

16 The Special Court on the other hand had none of that. All
17 we had was essentially one person managing this evidence and as
18 I've explained he was just holding the fort and did a great job,
19 I'm very thankful to him, he made my job quite easier. Without
12:12:10 20 him it would have been even more difficult.

21 But once the unit had been set up I tried to install
22 procedures which were similar to what was practised at the ICTY.
23 For example, I have described a numbering system which allowed us
24 to track each individual piece of evidence that was in the
12:12:34 25 evidence library and I would say that once the evidence unit
26 became functional we were providing services which were not too
27 dissimilar to what was being offered at the ICTY.

28 Now Special Court has always been created - has always been
29 seen and the Office of the Prosecutor in particular has sought to

1 run a very lean and efficient organisation and given that, you
2 know, the Special Court evidence unit has provided services which
3 have been adequate to the task, using a tiny, tiny fraction of
4 the resources that have been put into the corresponding setup at
12:13:17 5 the ICTY I think is a creditable achievement and I regard it as
6 one of the successes of the OTP.

7 Q. Under the system of evidence storage that you developed how
8 do personnel in the Office of the Prosecutor access documentary
9 evidence?

12:13:38 10 A. Once I have processed the evidence, scans of it are placed
11 in a database which is on the network. Each individual staff
12 member is able to log onto their own computers on their own desk
13 and access the database on the network, whereby using the ERNs if
14 they're known or other search criteria they're able to find the
12:14:03 15 document and then see an image of the document on their own
16 computer screens, and if they so want they can print the document
17 and use it for whatever purposes that they may need it.

18 Q. What if they need to see an original?

19 A. Originals are stored in the vault at the office and we try
12:14:26 20 to handle them as little as possible because every time you
21 handle evidence, any paper, it deteriorates slightly. But if
22 there is a need then they let us know when and which particular
23 document they want to see, and we make that available for their
24 inspection and occasionally if necessary we can also check out
12:14:46 25 this evidence to them so that they can work with it.

26 Q. Do you have originals of all your documents?

27 A. Well, whatever evidence is available within the OTP we ask
28 that the best possible form of that evidence be submitted to the
29 evidence unit so we can process it and then keep that as original

1 and that's how it is done. However, occasionally we only have
2 photocopies and in those cases it's possible that the original
3 may be with somebody outside the OTP or may not be known who has
4 the original of that document or it may have been destroyed. Any
12:15:30 5 number of possibilities. So in those cases we process the
6 photocopy and when we - whatever document we process in the
7 evidence unit we stamp it with a red ink which distinguishes it
8 from copies which may be printed off printers, et cetera, which
9 usually come out in black. In any case you can tell the
12:15:52 10 difference through physical inspection.

11 So in cases where a true original is not available and only
12 a photocopy is provided to the evidence unit then we stamp the
13 photocopy with the red ERN and treat that as original and
14 maintain that in our evidence vault.

12:16:08 15 Q. And as far as these originals, are they all kept in
16 Freetown?

17 A. Until recently, or until relatively recently, all the
18 originals were in Freetown. However, with the transfer of the
19 Charles Taylor trial to The Hague it had become - it became
12:16:30 20 necessary to have a facility here in The Hague to maintain
21 evidence and to that effect I trained two persons so that they
22 could act as evidence custodians here in The Hague.

23 This was necessary, one, to actually take custody of the
24 evidence that was being created here, it was being generated here
12:16:56 25 because attorneys or investigators may be taking witness
26 statements, et cetera, here in The Hague, proofing notes. And,
27 two, these evidence custodians would then keep the evidence in a
28 secure and credible manner which had been brought here from
29 Freetown. So to that end I came - I travelled to The Hague

1 during the year 2007 and I trained Ms Dimitrova, Maja Dimitrova
2 and Ms Ruth Mary Hackler as evidence custodians.

3 Of course these two are part of the trial team, but given
4 the mandate of the Special Court, in terms of keeping our
12:17:42 5 organisation lean and efficient, it was felt that at this stage
6 of the Court's life cycle it was - it would be appropriate for
7 these two people to sort of double hat, to sort of perform dual
8 duties. So since that time Ms Dimitrova and Ms Hackler work as
9 evidence custodians and act as suboffice of SEAPA in The Hague
12:18:10 10 and so far as their evidence related duties are concerned they
11 report to me rather than to the trial team.

12 Q. And dealing with your entire collection, whether it's in
13 Freetown or The Hague, what kind of material do you have in that
14 collection?

12:18:25 15 A. There is a fairly wide variety of materials we have. Of
16 course we have numerous witness statements taken by investigators
17 and attorneys. We have material received from other governments,
18 other agencies. We have a lot of material from the United
19 Nations. We have material from human rights organisations. Some
12:18:55 20 of this material, for example from the United Nations, is under
21 Rule 70, given to us under Rule 70 which restricts the uses that
22 we can put to it and in any case cannot be disclosed to anyone
23 without prior consent.

24 Other material is public source material or it's open
12:19:14 25 source, anyone can access it, it can be retrieved from various
26 websites, various other publications. We have books, diaries.
27 We have a lot of material from the various warring factions in
28 Sierra Leone and also Liberia. We have of course broadcasts,
29 some audiovisual material, et cetera. So we have a broad range

1 of materials. We also have some artefacts.

2 Q. Who brings documents or other evidence to your unit in
3 SEAPA?

4 A. It's largely the investigators who are tasked with
12:20:02 5 collecting evidence. Also attorneys, sometimes case managers
6 bring in a lot of evidence because often they're given possession
7 of the evidence by attorneys and then case managers submit it to
8 the evidence unit. Sometimes other people working in the office,
9 consultants, interns, et cetera. Any number of people can be
12:20:25 10 tasked by their supervisors to bring in evidence to us.

11 Q. When is evidence brought to the unit in comparison to when
12 it might have arrived in the OTP?

13 A. Well, that varies. There is no fixed rule. What happens
14 is that whenever any person, any OTP staff member takes
12:20:47 15 possession of evidence they then submit it to their own unit. So
16 an investigator might take a statement and then they will bring
17 and show it to their chief of investigation or investigations
18 commander, et cetera.

19 Similarly, it might be showed to the attorneys and then it
12:21:06 20 is - eventually it makes its way to the evidence unit to SEAPA.
21 This is especially true. It's perhaps not so much with the
22 evidence - with the witness statements which end up in the SEAPA
23 fairly quickly after being taken, but in case of other evidence,
24 documentary evidence, often an assessment is necessary. Often
12:21:31 25 the Prosecutor feels that an assessment is necessary to determine
26 whether in fact it is potentially evidence or not. So materials
27 may come into the office, it may be brought in and then it may be
28 days or weeks or sometimes longer before an analysis is completed
29 and it is submitted to the evidence unit.

1 Also at times evidence has come in and it has been felt at
2 the time that it was not relevant to the cases or prosecutions at
3 hand, but perhaps a year later or two years later it was decided
4 that, in fact, that evidence had now become relevant and
12:22:11 5 therefore they chose to submit that evidence to the evidence unit
6 or SEAPA at that time. So it is no general rule that applies to
7 the situation.

8 JUDGE SEBUTINDE: Mr Malik, what is SEAPA?

9 THE WITNESS: Your Honours, this is the successive unit
12:22:28 10 section which was created out of the evidence unit and this
11 stands for Section For Evidence Archiving and Post-Operational
12 Access. So in line with what the evidence unit was doing
13 earlier, this section continues to process evidence, to manage
14 evidence. It does everything that evidence unit used to do, but
12:22:48 15 now in addition has other responsibilities and tasks which have
16 to do with the completion strategy and with residual issues in
17 terms of what will happen to the evidence after we physically
18 close down and what needs there may be in terms of future access
19 by any residual mechanism that will come in place.

12:23:12 20 MR RAPP:

21 Q. Mr Malik, you spoke of the personnel being able to access
22 images of the documents on their computer and even print them.
23 Aside from being able to obtain these images of documents, what
24 other kind of information, if any, can personnel of the OTP
12:23:31 25 obtain from the evidence unit?

26 A. A document is not always self-speaking in terms of how it
27 has been created. Sometimes that information is available and
28 sometimes that information is not there. So every time an
29 evidence comes to the evidence unit we ask the person bringing

1 the evidence to supply some other alternate information,
2 sometimes called meta data, as to who had given the document to
3 OTP, when had it been collected, where had it been collected, if
4 it was seized material or not, if they knew who the originator,
12:24:13 5 et cetera, was in relation to the document. Unfortunately, that
6 information is not always available, but we ask and if that
7 information is provided to us then we attach that information to
8 the record for that document. If someone were to ask us a year
9 later, say, "Can you tell me who gave this document to the OTP?",
12:24:33 10 or, "Where was this document collected?", et cetera, then if the
11 information has been provided to us in the first place we're able
12 to give them that and that kind of information and data.

13 Q. Has there been a recent request, if any, for information
14 about documents in the possession of your unit?

12:24:55 15 A. Yes, a few weeks ago I received a request from the trial
16 team, Charles Taylor Prosecution's trial team in the Taylor
17 trial, that was accompanied by a list of approximately 55 ERNs
18 and I was asked to provide - to prepare an affidavit explaining
19 as to what I knew, or what the unit knew, as to the source of
12:25:26 20 these documents. So pursuant to that request I have looked at
21 the documents that were listed and found out as to what their
22 source was and when we received them, et cetera.

23 Q. Now, just one thing. You referred to 55 ERNs. Does that
24 mean 55 pages, or does it mean something else?

12:25:58 25 A. No, it means 55 documents and each document may comprise
26 more than one page.

27 Q. And for your own purposes did you do any division of these
28 documents?

29 A. Yes, essentially I was asked to look for the source of

1 these documents as to where the documents had come from, so when
2 I looked at the - when I analysed as to where the material had
3 come from I was able to make four distinct categories depending
4 on the source. So I've divided these 55 documents into four
12:26:37 5 broad categories, and these are just categories that I have
6 labelled for my convenience and they reflect the research that I
7 have done. The first category I have called Sankoh house
8 documents, the second category I've referred to as RUF office
9 documents, the third category would be Liberia search documents
12:26:59 10 and the fourth is the Justice and Peace Commission documents. So
11 those are the four categories into which I've divided the 55
12 documents referred to me by the Prosecution trial team.

13 Q. Now before this recent request had you previously been
14 involved or asked to obtain information, or been involved in the
12:27:22 15 process of obtaining information, about the source of any of
16 these groups of documents?

17 A. Yes, in 2005 I had been part of an exercise which concerned
18 itself with one of these four groups.

19 Q. And which group was that?

12:27:42 20 A. That was the Sankoh house documents. What happened was
21 that Chris Santora, an attorney with the Office of the
22 Prosecutor, provided me with a list of 37 documents and asked me
23 to make those documents available for inspection by a couple of
24 investigators in the office. Because I held custody of the
12:28:08 25 documents I was asked to participate, and during that exercise
26 the two investigators informed Mr Santora as to what they knew
27 where the documents had come in. Of course I was present there
28 in my capacity as the person in charge of the evidence, holding
29 the evidence, so I too was able to learn what the investigators

1 told Mr Santora.

2 Q. And who were these investigators, if you know?

3 A. One was Mr Alfred Sesay and the other is Mr Thomas Lahun.

4 MR RAPP: I think we do have a spelling list for the court
12:28:48 5 reporter, but if we don't obviously Alfred Sesay is spelled like
6 every other Alfred Sesay, those names, but Thomas Lahun, the last
7 name is spelled L-A-H-U-N:

8 Q. Let's deal first with Mr Sesay. Do you know him?

9 A. Yeah, I worked with him for several years in the Office of
12:29:07 10 the Prosecutors.

11 Q. And what do you know about the positions that he held in
12 the Office of the Prosecutor?

13 A. Within the Office of the Prosecutor, within the
14 investigation division there are three or four sub-units and one
12:29:23 15 of them is the witness management unit and another is sort of a
16 more generic investigations team and there is a lot of crossover
17 between the two. Some people who work for the witness management
18 unit also do investigative work and some people who work in the
19 investigative unit may be asked to do witness related missions.
12:29:46 20 Now, I believe Mr Sesay originally worked in the witness
21 management unit and later on seemed to work more in the
22 investigations part of the team - of the division.

23 Q. Did you have any contact with him on a professional level
24 other than this occasion of being present for this exercise?

12:30:09 25 A. Yes, of course I would see him in the office on a day to
26 day basis, but he would bring in evidence because he would take
27 witness statements, et cetera, and he would bring them to the
28 evidence unit and so I would get to interact with him quite
29 regularly.

1 Q. Do you know if he's still employed at the Office of the
2 Prosecutor?

3 A. No, in early 2007 he left the Office of the Prosecutor I
4 believe to pursue a higher degree in Britain.

12:30:35 5 Q. Let's just talk about this process as you conducted it with
6 Investigator Sesay. How was that process conducted?

7 A. I wouldn't say that I conducted the process. I would say
8 Mr Santora conducted the process, but I was a part of it. As I
9 suggested, Mr Santora had provided me a list beforehand and so I

12:31:01 10 had pulled out that group of documents. Mr Santora would call
11 out the ERN of each of the documents on the list and I would put
12 the document before Mr Sesay, he would look at it and then make
13 his comments to Mr Santora and after which that document would be
14 put aside and Mr Santora would then call out another document.

12:31:24 15 That's how we went through the 37 documents on Mr Santora's list.

16 Q. Do you recall what portion of the documents - what number
17 out of 37 - he was able to identify?

18 A. I think all but one, 36. There was some confusion with
19 numbering, because after that - for the purposes of this exercise
12:31:44 20 I've read Mr Sesay's affidavit which followed. I just make that
21 point now because the number of documents has been mentioned.

22 One document was duplicated in Mr Chris Santora's list and it
23 wasn't really clarified at the time and that duplication also
24 made its way into Mr Sesay's declaration. So I believe there

12:32:05 25 were 37 documents - 37 unique documents - and out of that 36 were
26 identified by Mr Sesay.

27 Q. Now, you just mentioned an affidavit from Mr Sesay. What
28 are you referring to there?

29 A. Following the exercise which took place in May 2005,

1 Mr Sesay prepared an affidavit essentially as to what had
2 happened, how he had been shown the documents in my presence by
3 Mr Santora and how he had identified certain documents out of
4 that group. So that's the affidavit that I referred to. I'm not
12:32:43 5 sure exactly what the date is, but I believe 8 July or
6 thereabouts 2005.

7 Q. Did you obtain any other information from Mr Sesay in
8 regard to the origin of these documents other than your presence
9 at this exercise and that affidavit that you referenced?

12:33:03 10 A. I would say perhaps in two ways. One was through informal
11 contact, because I did use to see Mr Sesay at that time quite
12 regularly, and also you earlier asked me about my involvement
13 with the investigations sections other than strictly within the
14 mandate of the evidence unit. So that would be the period in
12:33:25 15 early 2005 when I had slightly enhanced contact with some
16 investigators and in that - in that way I was able to interact
17 with Mr Sesay off and on and I knew from him that he had handled
18 these documents before coming to the OTP. So that was one - that
19 would be one way in which I got some information from him.

12:33:59 20 The other would be the cross-examination - the testimony
21 that Mr Sesay provided in RUF trial about a year after this
22 exercise. Mr Sesay appeared as a 92 bis witness for the
23 Prosecution in the RUF trial, he was called for cross-examination
24 by the Defence and I have read the testimony given by Mr Sesay
12:34:20 25 and that has also provided me with some information in relation
26 to what Mr Sesay - how Mr Sesay handled these documents.

27 Q. You mentioned also Mr Lahun involved in a process like
28 this. First of all, let me ask you do know Thomas Lahun?

29 A. Yes, Mr Lahun is one of the longest working serving members

1 of the OTP. He has been with the OTP since I believe August
2 2002. So since I've been here for a number of years now I know
3 him fairly well in that I've been working with him in the same
4 office for a number of years.

12:35:01 5 Q. And is he still employed in the OTP?

6 A. He is.

7 Q. And let me ask you this. Based upon the information that
8 you've obtained, what did you learn about who was involved in
9 obtaining the documents and specifically these 37 documents that
10 were placed before Mr Sesay and Mr Lahun?

12:35:23

11 A. There were a number of people and I'll mention their names,
12 but I will not try to - I will try to limit my answer to what you
13 have said, although I would need to explain further before you
14 could understand what their role was. Just in terms of names of
15 the people who were involved, I would start with a number of CID
16 officers at SLP. One is Samuel Sanni Sesay.

12:35:47

17 MR RAPP: If we can stop for a moment. On the name we have
18 it on the spelling list, but it's Samuel, the conventional
19 spelling, but the middle name Sanni is S-A-N-N-I and the last
20 name is Sesay in the conventional spelling:

12:36:05

21 Q. Who else?

22 A. There was somebody called Albert Conteh, who was also a CID
23 officer.

24 MR RAPP: Just to clarify the spelling there, it is the
25 conventional spelling of Albert and the surname of Conteh is
26 C-O-N-T-E-H.

12:36:25

27 THE WITNESS: And then Mr Thomas Lahun, who we have spoke
28 of - we've spoken of just now.

29 MR MUNYARD: I'm sorry to interrupt, but is it an Alfred or

1 Albert? We've got both first names here.

2 THE WITNESS: Your Honour, it is Alfred. I have always
3 been referring to Alfred.

4 MR MUNYARD: Thank you.

12:36:54 5 MR RAPP:

6 Q. I believe we have an Albert Conteh, however?

7 A. I apologise. Yes, it's Alfred Sesay and Albert Conteh.

8 Q. Let's just deal with those three individuals and go back to
9 their involvement, if any, with these documents. Can you

12:37:09 10 describe what it was?

11 A. Having read a number of statements given to the OTP and
12 including these declarations and Mr Sesay's testimony and also
13 having spoken to the investigators off and on, I believe this is
14 what happened. On 8 May 2000 there was a shooting incident at

12:37:33 15 Foday Sankoh's house off of Spur Road in Freetown, following
16 which Mr Sankoh fled the house. The next day, on 9 May, there

17 was a meeting at CID Headquarters where Mr Lahun worked as one of
18 the directors. The senior leadership at the CID directed

19 Mr Samuel Sanni Sesay and Albert Conteh to go visit the scene of
12:38:05 20 the incident at Mr Sankoh's house. Together with some other CID

21 officers, these two gentlemen went to the location and then
22 reported from there to their superiors that the house had been
23 ransacked and that there were a number of bodies lying there and
24 a large number of documents were strewn across the compound.

12:38:30 25 They were told to secure whatever documents they could and
26 to seize them and to bring them back to the CID office.

27 Mr Samuel Sanni Sesay and Albert Conteh and others collected the
28 documents and brought them back to the CID headquarters where
29 they were passed on to Mr Alfred Sesay's custody by Mr Thomas

1 Lahun. Mr Thomas Lahun was a superior of Mr Alfred Sesay at that
2 time and he instructed Mr Alfred Sesay to take possession of
3 these documents and to keep them in his custody under lock and
4 key.

12:39:13 5 Later in 2000, the year 2000, some United Nations personnel
6 are reported - said to have visited the CID office and examined
7 the documents. Also around that time the Attorney General's
8 office asked that the documents be brought to the Attorney
9 General's office so that they could be photocopied, so Mr Sesay
12:39:39 10 took these documents from the CID office to the Attorney
11 General's office where copies of a certain number of documents
12 were made.

13 Also around this time Mr Sesay himself examined the
14 documents. Subsequently, in 2002, after the Special Court had
12:39:57 15 been established Mr Lahun came to work for the Special Court and
16 a few months after having joined the Special Court he returned to
17 CID office and asked Mr Sesay to provide him with some of the
18 documents in his possession, which Mr Sesay did.

19 Also late in 2002 another OTP investigator, Corinne Dufka,
12:40:23 20 went to Mr Sesay and obtained some other documents from the same
21 collection and there was one other incident when - one other
22 instance when another OTP investigator returned to the CID late
23 in 2004 and obtained yet some more documents from the same
24 collection.

12:40:43 25 These documents, over the years, were brought to the OTP
26 and in 2004 all of these documents - at various times in 2004 all
27 of these documents were submitted to the evidence unit for
28 processing and from that time on they have been in our
29 possession. We have processed them. We have assigned ERNs to

1 them and they are either in our vault or here in The Hague.

2 Q. Just a clarification. I think you have covered it there,
3 but there was a - you mentioned CID. What does that stand for?

12:41:21

4 A. CID is one of the main departments within the Sierra Leone
5 police and it stands for Criminal Investigations Department and
6 has - generally has the mandate for investigating crimes.

12:41:42

7 Q. And I believe the only name that was new in that list was
8 Corinne Dufka, who I think whose name appears here on the record
9 as a prior public witness, so I won't spell that. You mentioned
10 the examination of these documents by other entities like the
11 Sierra Leone - well, the United Nations and copies being obtained
12 by the Attorney General of Sierra Leone. Do you know anything
13 about how these documents were secured or if they were secured
14 during the time that they were at the CID?

12:42:07

15 A. According to Mr Sesay, he kept the documents in a cabinet
16 in his office under lock and key and that he had the only key to
17 the cabinet, and therefore anyone who wanted to access the
18 documents would have to go through him and the documents were
19 kept in a secure manner all through the period that Mr Sesay had
20 custody of them in the CID.

12:42:27

21 Q. Now, you mentioned these various groups that - let's say
22 these outside groups that were involved in coming to him about
23 the documents. Do you know why the Sierra Leone Attorney General
24 requested copies or why they obtained copies?

12:42:49

25 A. I don't know for a fact. I think there are some obvious
26 explanations but I don't have any personal knowledge, direct
27 knowledge.

28 Q. And do you know why the United Nations accessed them, or,
29 as you said, examined them?

1 A. No, I don't know that.

2 Q. And do you know why Mr Sesay examined them?

3 A. Yes. Mr Sesay has been asked as to why he examined them

4 and he explains that he was economy crime - he was a

12:43:21 5 non-commissioned officer in charge of economy crimes or economic

6 crimes and he felt that some of the documents may be of interest

7 to state prosecutions. He believes, he states that a number of

8 documents related to diamond transactions, et cetera, which would

9 be of interest so, therefore, he chose to examine them, which to

12:43:45 10 me makes sense because in fact there were prosecutions that

11 happened in relation to AFRC earlier and also I believe Mr Sankoh

12 was in custody at that time as well. So any Sierra Leonean

13 police officer who had such documents in his possession would

14 surely - would want to review it or ought to have reviewed it for

12:44:15 15 possible use in some of these prosecutions.

16 JUDGE SEBUTINDE: Mr Rapp, before you proceed, could I just

17 interrupt. At page 77, the witness stated: These documents over

18 the years were brought to the OTP and in 2004 all of these

19 documents at various times were submitted to the evidence unit.

12:44:33 20 Is the witness able to say who brought them to the OTP and who

21 submitted them to the evidence unit?

22 THE WITNESS: Yes, your Honours. What I meant - when I

23 said over the years I meant from the period 2002 to 2004 because

24 the first time the documents were brought to the OTP was in 2002

12:44:56 25 when Mr Thomas Lahun went to CID and obtained a certain number of

26 documents and brought them to the OTP. Then later in 2002

27 Ms Dufka did the same thing, she went to the CID, spoke to

28 Mr Sesay and obtained some of these documents and brought them to

29 the OTP.

1 Then in 2004 another investigator working in the Office of
2 the Prosecutor at the time, her name was Mandy Caldwell, she went
3 to the CID office, obtained some of these documents and brought
4 them to the Office of the Prosecutor. So those would be the
12:45:31 5 three occasions over a period of two to three years when these
6 documents were brought in and they were also brought in in
7 roughly two or three consignments to the evidence unit. So that
8 would be in the summer of 2004 and then some documents were
9 brought in later in 2004, around November.

12:45:59 10 MR RAPP:

11 Q. Witness, you mentioned several times Thomas Lahun and what
12 did he say, to your knowledge, was his role in handling these
13 documents?

14 A. Well, Mr Lahun has also given an affidavit and I've
12:46:15 15 reviewed that affidavit. Mr Lahun states that he was one of the
16 directors at the CID headquarters when the incident took place in
17 May 2000 and he states - in his affidavit he speaks in a
18 collective - in a plural noun, he's speaking collectively for the
19 leadership. He says "we" instructed Samuel Sanni Sesay and
12:46:42 20 Albert Conteh to go to the scene of the crime and then he says
21 they told us and so we spoke to them and we told them to seize
22 documents as best as they could.

23 Then, when the documents were brought back from Sankoh's
24 house to CID headquarter by Mr Conteh and by Mr Samuel Sanni
12:47:02 25 Sesay, Thomas Lahun says that he had a quick look at them, he
26 examined them in a very brief manner and realised that these were
27 important documents and therefore he instructed his subordinate,
28 his junior colleague Mr Alfred Sesay, to maintain custody of the
29 documents. He was also of course involved in subsequently

1 bringing these documents - some of these documents from CID to
2 the OTP in 2002.

3 Q. And you, I think, indicated as well that he was involved in
4 this exercise where 37 documents were placed before him. Would
12:47:36 5 you describe what happened in that exercise with Mr Lahun?

6 A. Mr Lahun was able to identify only two documents that he
7 thought he had brought, so his recollection was far more limited
8 than Mr Sesay's.

9 Q. Do you recall what kind of documents those were that he did
12:48:01 10 identify?

11 A. I believe those were logs, communication logs, but I may
12 not be precise here.

13 Q. You had, as we began to talk about specific documents, you
14 mentioned this exercise or this request by the Taylor Prosecution
12:48:16 15 team for information on 55 documents, and I believe you told us
16 you divided them into four categories, and then I asked you about
17 the first category, the group that you had referred to yourself
18 as the Sankoh house documents. In this group of 55 how many were
19 in this subgroup that you called Sankoh house documents?

12:48:38 20 A. 14 documents.

21 Q. And how would you relate these 14 documents with the 37
22 documents that were shown to investigator Sesay?

23 A. These 14 were part of the 37 that were shown to Mr Sesay.

24 Q. And aside from being present when these documents were
12:49:02 25 identified, have you done anything with them yourself personally
26 in the time since 2005?

27 A. In relation to this particular exercise which I've been
28 asked to undertake by the Prosecution team, I have looked at
29 those documents again. I have reviewed the records which are in

1 my unit in relation to those documents and I have familiarised
2 myself with those documents to the extent that now I can identify
3 them and when I look at them I know which document is which and I
4 can now say where that document came from.

12:49:38 5 Q. And in terms of the content of the documents, did you
6 examine the content?

7 A. No, I was not - that's not part of my ordinary duties, to
8 examine the contents of the documents that are submitted to
9 evidence unit or SEAPA. And nor was I asked by the Prosecution
12:49:57 10 team in this particular request to familiarise or learn about the
11 contents of each document, so I would not be able to assist you
12 in relation to contents of any of these documents.

13 Q. But based upon your looking at them, what kind of documents
14 were included within the group of 14?

12:50:16 15 A. I could divide them in three broad ways. There were some
16 notebooks, about three of them. There were some internal RUF
17 documents and there were some documents related to AFRC, the
18 Armed Forces Revolutionary Council.

19 Q. Well, let's deal first with this category of notebooks.
12:50:47 20 What did they look like?

21 A. Well, the three notebooks, and two of them were rather
22 large in size, or mid-level, medium size, one of them says
23 "Supra" on the top outside cover. Another one says "Conquerent",
24 something like that, I might have the spelling slightly wrong,
12:51:17 25 but the second one had that written on the title cover. The
26 third notebook was smaller than the first two and that one said
27 Peace, I believe, on the top and it had a name written on the
28 outside in hand that said "Captain Bukundu" B-U-K-U-N-D-U, I
29 believe, and it said "RUF mining unit" on the cover as well.

1 Q. Well, let's just deal with these one by one now that you've
2 described them. If I could ask, with the assistance of the
3 Registry, we prepared a binder here for the benefit of everybody
4 else in the Court but with these documents that are not - that
12:52:06 5 are already in evidence, we would be asking the Registry to place
6 a document that's in evidence, the actual admitted thing in front
7 of you, and the others of us can look at the binder. So if we
8 could direct everyone's attention behind tab number 1, but then I
9 would ask the Registry to place before the witness what I believe
12:52:29 10 is P-264.

11 JUDGE SEBUTINDE: Mr Rapp, is this an exhibit in this
12 trial?

13 MR RAPP: Yes.

14 JUDGE SEBUTINDE: Already. So it's a Prosecution exhibit.

12:53:25 15 MR RAPP: Just with the Court's permission, of the
16 documents that I'll be placing before the witness, I think 17 are
17 in evidence already but part of the same group, and we submit
18 that we want to do this from the point of view of the fact that
19 they were admitted for relevance and evidence regarding the
12:53:44 20 weight to which they could be given for authenticity and
21 reliability can be provided by the witnesses, so we want to be
22 able to do that as well with admitted exhibits:

23 Q. Have you placed P-264 in front of you?

24 A. I do.

12:54:16 25 Q. What is this document, witness, if you know?

26 A. This is the notebook that I was referring to a moment ago.
27 This is one of the three notebooks.

28 Q. And to your knowledge what's the source of this document?

29 A. This is one of the documents which the CID seized from

1 Foday Sankoh's house and was subsequently given to the OTP.

12:54:54 2 Q. Let me have you put that aside and then ask the Registry to
3 place before you - and I'd ask that the Registry pull a series of
4 admitted documents here and hopefully we can move quickly. The
5 next document that I would ask to be placed before you would be
6 Defence exhibit D-3 and it's - we believe a copy of that document
7 appears in the tab, for the benefit of the others in the room,
8 behind tab 2. Now, witness, I see that I believe that a document
9 is before you. Is something labelled Defence exhibit D-3 before
10 you?

11 A. Yes, I have a notebook before me.

12 Q. And does it appear to have a --

13 A. I don't see the Defence exhibit number, but the cover sheet
14 has that.

12:56:01 15 Q. And what is this document?

16 A. This is the other of the three notebooks that I described
17 as having been reviewed by me. This is one of the documents
18 included in the list that was provided to me by the Prosecution.
19 I've looked at an image of this document and I've found out,
12:56:21 20 according to my records, as to what the source was. This is also
21 one of the documents seized from Sankoh's house, then kept in
22 custody at CID and subsequently given to the OTP.

23 Q. I have no further questions in regard to that item. The
24 next one is behind tab 3 and I would ask that Defence exhibit
12:56:48 25 D-54 be placed before the witness.

26 PRESIDING JUDGE: Mr Rapp, just for my own edification, the
27 documents shown just a few moments ago to the witness are already
28 exhibits. I'm just wondering where you're going with this. Is
29 this to explain the evidence handling process in the OTP?

1 MR RAPP: Thank you, your Honour, for your question. The
2 documents that we'll be presenting in this first group of 14, ten
3 of them are admitted, four of them are not and in a moment we'll
4 reach exhibits that aren't yet admitted and ask that they be
12:58:00 5 marked for identification. But it is our position in the Office
6 of the Prosecutor, and as your Honours have stated in your own
7 jurisprudence in the prior trial, that evidence comes in under
8 Rule 89 based upon relevance and that questions about the weight
9 to which it can be given are to be determined as it's connected
12:58:23 10 up by a variety of witnesses and other evidence. We think it's
11 appropriate that this witness identify information that he has
12 about the source of this information - the source of these
13 documents - as additional evidence in support of their weight.
14 So it will be quite quick about these items that are already in
12:58:46 15 evidence, but we simply want to include them all in a group and
16 make sure that we're not just dealing only with those that aren't
17 yet before the Court.

18 PRESIDING JUDGE: Yes, I understand. Thank you.

19 MR RAPP:

12:59:07 20 Q. Now, witness, do you have Defence exhibit D-54 before you?

21 A. I do.

22 Q. What is this document?

23 A. This is the third notebook that I mentioned a few moments
24 ago; the third of the three notebooks. It's a small notebook
12:59:26 25 with the word "Peace" on it. It has the name "Captain Joseph K
26 Bakundu", I think B-A-K-U-N-D-U, written on it and below that it
27 says "RUF mining unit".

28 Q. And to your knowledge what's the source of this document?

29 A. This is also one of the documents that were seized from

1 Sankoh's house by CID officers and subsequently given to the OTP.

2 Q. Nothing further with that item. Let me move to the next
3 group of kind of documents that you described. I believe you
4 indicated three categories. One were notebooks and then you
13:00:12 5 talked about internal RUF reports. What do they look like?

6 A. Sort of a miscellaneous bunch. There's operational
7 reports, there is one report - many of these reports are
8 addressed to Foday Sankoh, who of course is addressed as either
9 The Leader or sometimes by name. There is a Black Guard report,
13:00:38 10 one page report, addressed to Foday Sankoh dated 2 September
11 1998. There is another report by Sam Bockarie, again written to
12 Foday Sankoh, and that would be September '99, about a year
13 later. There is one report titled "Suggestions and Advice" and
14 then another would be something titled like "Information Report".

13:01:20 15 I believe it's information from Colonel Stevens. Then yet
16 another report is called "Situation Report". So those would be
17 the kinds of reports which are bunched in this particular
18 category of operational reports. There is also something called
19 "A proposal for greater integration of RUF in army and political
13:01:55 20 circles", I believe, and then there is one nominal roll - RUF
21 nominal roll. So I think it's about seven documents that would
22 fall into this miscellaneous category, or RUF internal documents
23 category.

24 Q. Witness, you mentioned a document dated - and you actually
13:02:16 25 have a date - 2 September '98 to The Leader. Let me ask the
26 Registry to place before you P-84, which is an admitted exhibit
27 but a copy of which I believe is at tab 4 of our binders.
28 Witness, do you have P-84 in front of you?

29 A. I do.

1 Q. And what is this document?

2 A. This is the one page report dated 2 September 1998 that I
3 described to you earlier. It's titled "Information" and it is
4 addressed to The Leader RUF and is from the Black Commander.

13:03:20 5 Q. And to your knowledge what's the source of this document?

6 A. This is one of the documents that was seized by CID at
7 Foday Sankoh's house on 9 May 2000, year 2000, and subsequently
8 given to the OTP.

9 Q. Nothing further with that document. If we can then go to
13:03:38 10 tab 6 and then ask the Registry to place before you the last -
11 excuse me, I misspoke. Tab 5 is the next tab and it's exhibit
12 D-9. Okay, witness, is exhibit D-9 in front of you?

13 A. It is.

14 Q. And what is this document?

13:04:37 15 A. Your Honours, this is the report by Sam Bockarie, the
16 salute report that I referred to a moment ago, from September
17 1999. It is addressed to The Leader of the Revolution and this
18 is also one of the documents that I have examined recently and
19 found that it was seized by CID at Foday Sankoh's house in the
13:05:02 20 year 2000 and then subsequently given to the OTP.

21 Q. Nothing further with that one. Then if we could proceed to
22 a document that is not in evidence. I believe the Registry
23 should have to show to the witness the best copy or the original
24 of this document, but for the rest of us it's in the binder - a
13:05:29 25 copy is in the binder at tab 6. Witness, you referred to
26 communications to The Leader. Let me put in front of you another
27 that at least on the top says "To: The Leader RUF" and ask you
28 if you can tell us what that is?

29 A. Yeah, this is a - also I spoke about this a moment ago.

1 This is the report titled "Suggestion and Advice". It is
2 addressed to The Leader RUF and From Jackson Ray Swarray, Black
3 Guard Commander, dated 25 September 1999. I have looked at this
4 document recently and found out that this was collected by the
13:06:22 5 CID at Sankoh's house and given to the OTP in 2002.

6 Q. And for the record let me ask you what ERNs appear on this
7 document, or evidence record numbers as you referred to them
8 earlier?

9 A. Yes, the evidence register number on this document, it is a
13:06:47 10 three page document and so the first number on the first page is
11 00009489 and then the number on the last page is 00009491. So
12 it's a three page document and the document range goes from
13 00009489 to 00009491.

14 MR RAPP: Your Honour, Mr President, I would ask that this
13:07:19 15 document of three pages be marked for identification for this
16 witness. I believe it would be MFI-1.

17 PRESIDING JUDGE: Yes, thank you. This document will be
18 marked for identification MFI-1.

19 MR RAPP: Thank you very much, your Honour. Just for the
13:07:40 20 sake of the record, because some of these are attached to motions
21 that are pending before the trial court and depending on what
22 happens here that may affect what the status will be of the
23 subject matter of those motions. So just to be the clear this
24 three page document actually contains a CMS number in court
13:08:06 25 records, which of course is a different kind of number, and if I
26 can read those out just so the record is clear it's 22048 to
27 22050 for this document:

28 Q. Then if we could proceed --

29 PRESIDING JUDGE: Just before you move off that, Mr Rapp,

1 is the document that has just been marked for identification the
2 subject of any formal motion before this Court at the moment?

13:08:47 3 MR RAPP: That's correct, your Honour. Obviously if - and
4 to be very clear there are of course several documents. If
5 you're asking me a question about how this relates and how this
6 testimony relates, these four groups are each subject of a
7 separate motion for admission under 89(C). There are, however,
8 other documents, UN resolutions, BBC broadcasts, other things
9 that this witness is not speaking to today, that are also subject
13:09:12 10 to motions, but obviously depending on what happens here we'll
11 have to make a determination about whether those motions remain
12 at issue.

13 PRESIDING JUDGE: Well, I take it that the issue in the
14 motions is the admissibility of the document. Is that correct?

13:09:29 15 MR RAPP: The issue was specifically this issue which your
16 Honours are familiar with, whether documents can come in under
17 89(C) without a physical witness presenting them and that's
18 obviously a position that the Prosecution has taken in the past
19 and it's the subject of a current interlocutory appeal certified
13:09:53 20 by your Honours that that issue - whether to pursue that or not
21 obviously depends upon whether this witness can provide
22 sufficient foundation for the admission of these documents.

23 If he does then I would suspect at least those four motions
24 would be moot or moot in part, but obviously, given the place
13:10:12 25 where we are at this stage of the trial, hoping to finish the
26 Prosecution case in the near future and having this witness
27 available, we thought to pursue with him the ability to present
28 foundation testimony that could provide the basis for the
29 admission of documents and see where it goes.

1 PRESIDING JUDGE: Yes. Thank you, Mr Rapp.

2 MR RAPP:

3 Q. Witness, we're now I think ready for tab 7, and I'm not
4 sure whether a document has been placed before you. I don't
13:10:48 5 believe so. You had mentioned to us communications to The Leader
6 and at tab 7 there appears to be a document that begins with that
7 heading and I'd like the Registry to place that document at tab 7
8 before you and then ask you to your knowledge what is that
9 document?

13:11:11 10 A. This is the information report I have spoke of - I've
11 spoken of just a few moments ago - and this is also one of the
12 documents that was collected by CID at Sankoh's house and
13 subsequently given to the OTP.

14 Q. And what is the ERN that's contained on this document?

13:11:40 15 A. It's a two page document and so the ERN goes from 00007736
16 on the first page to 00007737 on the second and the last page.

17 Q. And you indicated the source, according to your knowledge.
18 We would ask that this document be marked for identification as
19 MFI-2.

13:12:06 20 PRESIDING JUDGE: Yes, that document is marked MFI-2.

21 MR RAPP: Thank you very much, your Honour. Again for the
22 sake of record, those two pages appear as CMS number 22052 and
23 22053:

24 Q. Then if we can go now to another document which is in fact
13:12:26 25 in - appears to be in evidence and ask the Registry to place
26 before you P-67 which is at tab 8 and appears to be another
27 document addressed to The Leader. Is exhibit P-67 in front of
28 you, witness?

29 A. It is.

1 Q. And what is this document?

2 A. This is a handwritten document. It's titled "Situation
3 report". It is addressed to The Leader from Black Revolutionary
4 Guards. I mentioned this a few moments ago. It has the ERN
13:13:37 5 00009672 on the first page and the ERN on the last page is
6 00009681. So it appears to be a ten page document and this is
7 one of the documents I have recently looked at as part of this
8 exercise and it is a document collected by the CID at Sankoh's
9 house in the year 2000 and given to the OTP subsequently.

13:14:07 10 Q. Thank you very much. Let's pass that document from the
11 table and ask the Registry then to place before you the document
12 at tab 9. You, I believe, referred to documents about the
13 integration of the People's Army or the RUF with the national
14 army and ask you if you can look at the document that is at tab 9
13:14:43 15 and tell us what that document is?

16 A. This is a two page typed document signed by Sam Bockarie.
17 This is - it's titled - it is addressed to Johnny Paul Koroma who
18 was then head of the AFRC, head of the state, and it's dated 13
19 August 1997. It's titled "Proposal for the tentative integration
13:15:12 20 of the People's Army into the national army and the political
21 circle". It's a two page document with the ERN 00007769 on the
22 first page and 00007770 on the second and the last page. This is
23 one of the documents that I have familiarised myself with
24 recently as part of the exercise undertaken and following
13:15:42 25 Prosecution's request, and I know that this document was
26 collected by the CID and given to the OTP. It was collected at
27 Foday Sankoh's house in the year 2000 and given to the OTP
28 subsequently.

29 MR RAPP: With that testimony, your Honour, we would ask

1 that this document be marked as MFI-3.

2 PRESIDING JUDGE: Yes, MFI-3.

3 MR RAPP: For the record again, if I could reflect the fact
4 that this document is CMS number 21952 and 21953:

13:16:19 5 Q. Now, let me ask the Registry to place before you tab 10, a
6 similar document regarding - to those that you've described and
7 if you could tell us what this document is?

8 A. Your Honours, this is a typed document, six page document.
9 I spoke of a nominal role, RUF nominal role. This is the
13:17:10 10 document I was referring to. It has the ERN 00007802 on the
11 first page and the last page bears the ERN 00007807. This is a
12 document that I have looked at recently and found out, on the
13 basis of information I have, that CID collected this document
14 from Foday Sankoh's house in May 2000 and provided it to the OTP
13:17:38 15 subsequently.

16 MR RAPP: Your Honour, we would ask that this document be
17 marked for identification as MFI-4.

18 PRESIDING JUDGE: Yes, that's marked MFI-4.

19 MR RAPP: Again, regarding CMS numbers, it may have been in
13:17:58 20 three parts there but they are all contiguous. The CMS numbers
21 for this document of six pages is 22055 to 22060:

22 Q. Now, passing from documents relating to the RUF
23 specifically, you mentioned that there are documents that appear
24 to relate to the AFRC. What do these documents look like?

13:18:35 25 A. There are four documents in this category. Of the 14 that
26 we are speaking of four documents fall into what I call AFRC
27 related documents. First is a proclamation by the AFRC. It's
28 dated 28 May in relation to the AFRC coup on 25 May 1997. Then
29 there is another document called "Minutes of an emergency

1 meeting". I believe that's 11 August 1997. Then there is a
2 letter written by Johnny Paul Koroma to President Charles Taylor
3 dated 3 October 1997. And there is one other AFRC document,
4 which escapes my mind, but perhaps in a moment I will be able to
13:19:42 5 recall that.

6 Q. Well, let's deal with the first three then. You talked
7 about this proclamation. Let me ask the Registry to place before
8 you a document already in evidence, it's P-100, that's at tab 11
9 of the binders, and ask if you can identify this document.

13:20:33 10 Witness, could you identify that document?

11 A. This is the proclamation dated 28 May 1997 that I spoke of.
12 The copy that I have examined recently is slightly different in
13 that some of the markings on that copy have been blacked out here
14 in the copy that's before me. Otherwise it's the same document
13:21:03 15 and it's a public proclamation of the taking of power of AFRC in
16 May 1997.

17 Q. And do you know the source of this document?

18 A. Yes. This is one of the documents that was seized from
19 Foday Sankoh's house and brought by the CID to CID headquarters
13:21:27 20 where it was kept in custody until it was given to the Special
21 Court.

22 Q. Well, that will conclude our questioning on that document.
23 Let me then ask the Registry, if we can, to place before you
24 another document which I believe is in evidence as P-134B and you
13:21:50 25 mentioned some minutes and I will ask you if these were the
26 minutes that you were referring to. Yes?

27 A. Yes, this is the document that I was - actually, I did not
28 refer to this document. When I spoke of minutes, that was in
29 relation to the meeting on 11 August 2000, 11 August 1997, but I

1 have examined this document, I am familiar with it. This is a
2 document titled "Minutes of the family reunion", then part of the
3 text is not readable but apparently it's aimed at reconciling
4 chairman Foday Sankoh and chairman Johnny Paul Koroma and these
13:23:06 5 are minutes of the meeting.

6 I have looked at these documents recently. This was
7 included in the Prosecution's list of 55 documents. It is one of
8 those documents that CID received or seized at Foday Sankoh's
9 house and was subsequently passed on to the OTP and do you - I
13:23:30 10 believe you don't need me to read the ERN.

11 Q. No, for admitted documents, witness, I'm not putting to you
12 the question about the ERN because they're in evidence. So that
13 will conclude my questioning as far as P-134B is concerned. Then
14 let me ask the Registry to place before you P-61 and you said a
13:23:56 15 few moments ago there were minutes that weren't the document that
16 was P-134B of a meeting of 3 October '97 and let me ask you if
17 the document that is in evidence as exhibit P-61 is the document
18 you were referring to.

19 A. I think that would be 11 - minutes of the meeting on 11
13:24:20 20 August. The letter is dated 3 October. The minutes of the
21 meeting are from 11 August.

22 Q. Okay.

23 A. No, 16 August. Yes, this is a meeting - this is one of the
24 copies. This is the second of the 41 copies of this document.
13:24:41 25 It says "Minutes of emergency council meeting of the AFRC held at
26 State House on Monday, 11 August" and the document was prepared
27 on 16 August. This is a document that I have recently examined.
28 It is included in the Prosecution's list of 55 documents and the
29 CID seized this document from Foday Sankoh's house in May 2000

1 and subsequently it was given to the OTP.

2 Q. Thank you, witness. There is one final document in this
3 group, a Defence exhibit D-4, but I will just ask you again, you
4 weren't sure what the fourth document was, do you know what the
13:25:31 5 nature of the documents, of the remaining document may have been?

6 A. If, your Honours if I may clarify, the document that I did
7 not recall initially was the second document presented to me.

8 Those are the minutes of the meeting aimed at reconciling Foday
9 Sankoh and RUF. When you presented that document to me then I

13:25:49 10 was able to recall that that was the missing document. So I
11 think there may have been some confusion, because there are two
12 documents, both of which are minutes of different minutes.

13 So if I can just for the record clarify again. One
14 document - there is one AFRC proclamation dated 28 May 1997 which
13:26:13 15 you've shown to me. There is another - the minutes of the
16 meeting which aimed at reconciling, you've also shown that to me,
17 I've recognised that document. Then there are minutes of an
18 emergency AFRC council meeting which happened on 11 August and
19 you have also shown that to me and I've recognised that and I
13:26:35 20 think the fourth document which has not been shown to me is the
21 letter written by Johnny Paul Koroma to Charles Taylor and that
22 was dated 3 October 1997 and I believe that will be the document
23 that will be put to me now.

24 Q. Yes. Let me ask the Registry to place before you Defence
13:26:59 25 exhibit D-4. You tell me whether this is the document that you
26 just described and anything else you know about it?

27 A. Yes, your Honours. This is the document that I was
28 referring to. It's a document which is an original. It says
29 "State House, Freetown, Republic of Sierra Leone" on the

1 letterhead. It is dated 3 October 1997 and it is addressed His
2 Excellency Charles Taylor, Charles G Taylor, President of the
3 Republic of Liberia, Monrovia, Republic of Liberia. It's a three
4 page document and it's signed at the end Major Johnny Paul
13:27:38 5 Koroma, Chairman Armed Forces Revolutionary Council and Head of
6 State of the Republic of Sierra Leone. That's the document that
7 I was referring to and I'm familiar with it. This document was
8 given to the OTP by CID who have collected this, seized this, at
9 Foday Sankoh's house following the incident in May 2000.

13:28:01 10 Q. Thank you very much. Your Honour, that concludes the first
11 group of 14 documents. Is this a convenient place to take our
12 break?

13 PRESIDING JUDGE: Yes, we will take the lunch break now,
14 Mr Malik. We'll resume at 2.30.

13:28:14 15 THE WITNESS: Thank you, your Honours.

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

17 [Upon resuming at 2.30 p.m.]

18 PRESIDING JUDGE: Yes, Mr Rapp?

19 MR RAPP: Thank you very much, Mr President, your Honours:

14:31:44 20 Q. Witness, let me proceed where we left off. We had finished
21 the group of 14 documents that you had, in your division, given
22 for purposes of reference the term Sankoh house documents. You
23 mentioned at the beginning of that exercise three other groups
24 and let me go to the next group which you had for purposes of
14:32:05 25 reference called the RUF office documents. How many documents in
26 this group?

27 A. 22.

28 Q. And what kind of information, if any, did you access to
29 answer the requests that you received as to the source of this

1 group of documents or how these documents were collected?

2 A. One, I looked at the documents themselves and I looked at
3 the records within my section in relation to these records. I
4 also remember when these documents were brought in to the OTP in
14:32:43 5 2005 so I drew upon my own memory of what happened at the time
6 and more significantly I was able to access four OTP witness
7 statements which OTP investigators took at the time the documents
8 came in and those four witness statements described what each of
9 those four witnesses had done in relation to handling of these
14:33:10 10 documents. So drawing upon all of these three or four sources of
11 information, I have formed a picture as to how these documents
12 came to be with the OTP.

13 Q. Witness, you indicate four statements and that they were
14 taken by the Office of the Prosecutor. Do you know who was
14:33:34 15 involved in taking those statements?

16 A. It was, your Honours, an investigator named Jusu Yarmah.

17 Q. Let me just check here whether his name is - yes, he is on
18 the spelling list J-U-S-U, Jusu, surname Yarmah, Y-A-R-M-A-H. Do
19 you know what positions he held in the Office of the Prosecutor
14:34:01 20 during the course of its work?

21 A. He also - he was a serving SLP officer. I believe he was
22 on secondment at the time. He worked in the investigations
23 division mostly on the investigative side, though he may also
24 have done work for the witness management unit which is within
14:34:24 25 the investigations division.

26 Q. Did you have any contact with him on a professional level?

27 A. Yes. As with all of the investigators I worked with him on
28 a day-to-day basis. I saw him every day and he would come to the
29 evidence unit with evidence - new evidence periodically.

1 Q. And where is he now?

2 A. He left the ICTY I believe in 2006 when he was offered a
3 position at the ICTY, the International Criminal Tribunal for the
4 Former Yugoslavia, as an investigator and he is still there.

14:34:55 5 Q. Just in terms of his background you indicate he is a Sierra
6 Leonean that came out of SLP?

7 A. That is right, he is a serving Sierra Leonean police
8 officer. He was at time when he was with the court. I am not
9 sure of what his status is but he has been a Sierra Leone police
14:35:10 10 officer for some time now.

11 MR MUNYARD: Mr President, I think the witness made a slip
12 of the tongue there when he said he left the ICTY to go to the
13 ICTY. I am assuming he meant he left the SCSL.

14 THE WITNESS: I apologise your Honours. I misspoke. I did
14:35:26 15 mean that he left the Special Court. He is in fact with the ICTY
16 as we speak.

17 MR RAPP: Thank you very much, counsel:

18 Q. Thank you, witness. You indicated that four statements
19 were taken. Do you know from which individuals, or from whom
14:35:41 20 these statements were taken?

21 A. Yes. Three of these four witnesses or persons who spoke to
22 the OTP are SLP officers. The first one was, or one of them was
23 Aiah Ansumana; another is George Cuffy and the third one is
24 Ibrahim Bangura. The fourth officer, fourth person spoken to, is
14:36:11 25 Joseph Poraj-Wilczynski. He was at the time officer in charge of
26 security at the Special Court.

27 Q. Okay. To move matters along in terms of these four names
28 and their spellings, we have a spelling list but Aiah Ansumana,
29 first name Aiah A-I-A-H, surname Ansumana A-N-S-U-M-A-N-A, George

1 Cuffy, conventional spelling for the given name, Cuffy is
2 C-U-F-F-Y, Ibrahim Bangura, spelling I-B-R-A-H-I-M, surname,
3 conventional spelling of Bangura, and then Joseph
4 Poraj-Wilczynski, conventional spelling for Joseph, second name
14:37:04 5 is hyphenated P-O-R-A-J hyphen Wilczynski, according to our
6 spelling list, we have W-I-L-C-Z-Y-N-S-K-I. Now, witness, let me
7 go to the first of these individuals, Mr Ansumana. Do you know
8 what positions he held during the time that these documents were
9 handled?

14:37:37 10 A. Your Honours, at the time, this was in 2001, he was a
11 representative of the special branch in Kono. Special branch is
12 one of the Sierra Leone police departments or wings and it's
13 headquarters is in Freetown and Mr Ansumana represented the
14 special branch in Kono.

14:38:01 15 JUDGE SEBUTINDE: Mr Rapp, I suppose SLP means Sierra Leone
16 Police?

17 THE WITNESS: That's right, your Honours, SLP, Sierra Leone
18 Police.

19 MR RAPP: Thank you, your Honour:

14:38:12 20 Q. The second individual you mentioned was George Cuffy. What
21 do you know about the positions he held during the time that his
22 documents were handled?

23 A. Apparently there is a post in the special branch in the
24 Sierra Leone police known as source manager, so Mr Cuffy, in late
14:38:30 25 2001, was serving as source manager in the special branch of the
26 Sierra Leone police.

27 Q. And Ibrahim Bangura, do you know what positions he held
28 during the time these documents were handled?

29 A. Yes, your Honours. He replaced George Cuffy as the source

1 manager in the special branch in the Sierra Leone police.

2 Q. And just to be clear, I think you said Mr Ansumana was
3 working in Kono. Where were Mr Cuffy and Bangura working?

14:39:13

4 A. Mr Cuffy and Mr Bangura both were posted in Freetown,
5 although Mr Cuffy at the time of handling of these documents
6 travelled to Kono on official business, but otherwise the regular
7 place of posting was Freetown.

8 Q. Now, do you know any of these three gentlemen personally?

9 A. No, I do not.

14:39:29

10 Q. Let me go to the fourth individual, Mr Poraj-Wilczynski.
11 What do you know about the positions he held during the time that
12 these documents were handled?

14:39:52

13 A. Mr Poraj-Wilczynski was a British ex-military man who at
14 the time in 2005 was working as officer in charge of the Special
15 Court for Sierra Leone - officer in charge for security in the
16 Special Court for Sierra Leone. At some point he replaced his
17 predecessor as the regular chief of security, but I'm not sure
18 precisely what his status was in early 2005, but he served at the
19 Special Court for a few years starting in I think 2004 to 2006
20 approximately.

14:40:18

21 Q. Did you have contact with him on a professional level?

22 A. Yes, from time to time when matters arose which
23 necessitated my meeting him I would meet him. More often I would
24 just meet him in the Special Court, passing him by off and on.

14:40:36

25 Q. Based upon the information that you obtained, what did you
26 learn about who was involved in obtaining and handling these 22
27 documents?

28 A. The four persons we have just mentioned were the four
29 primary persons who have handled these documents since they have

1 been - since they were seized in Kono some time in the year 2001.

2 Q. And would you be precise and tell us what you know about
3 the movement of these documents and the role of each of these
4 individuals in that movement since their seizure?

14:41:26 5 A. Some time at some point in 2001 Mr Ansumana was working as
6 a special branch representative in Kono which is the name of the
7 district and Koidu is the name of the town. At some point some
8 officers from CID who were also in Kono at the time, they,
9 together with Mr Ansumana, searched a facility known as RUF
10 mining office at a place called Koakoyima. During that search
11 this police party came across a number of documents and
12 Mr Ansumana seized those documents and brought them to his office
13 which was in Tankoro police station which is also, I understand,
14 near Koidu which is in the Kono District.

14:42:23 15 Mr Ansumana then kept these documents with him in his
16 office apparently in a rice bag for some time. He went through
17 these documents and he realised that some of these were important
18 and therefore in December of that year his boss, overall head of
19 the special branch, one Mr Jalloh, visited Kono from Freetown.
14:42:53 20 He discussed the documents with him or told him about the
21 documents. Mr Jalloh on that visit was accompanied by his source
22 manager, Mr George Cuffy, and Mr Jalloh instructed George Cuffy
23 to take custody of the documents from Mr Ansumana. Mr Cuffy then
24 brought these documents to Freetown with him around 2001, end of
14:43:20 25 2001, December 2001, and kept them in his custody until he was
26 transferred from his post and replaced by Mr Ibrahim Bangura.

27 Mr Ibrahim Bangura again looked at the documents and when
28 he was in the process of reviewing the documents another
29 gentleman by the name of Mr Philip King happened to come by and

1 when he learned of those documents he informed the Special Court
2 about them. Mr Philip King was a consultant, a security
3 consultant, who had been working as an advisor with the special
4 branch and Sierra Leone police.

14:44:14 5 Mr Philip King met Mr Joe Poraj at the Special Court, or at
6 some other location, and mentioned the existence of these
7 documents and asked him if the Special Court would be interested
8 in looking at them and Mr Joe Poraj -Wilczynski said that yes, and
9 asked for the documents to be brought to the Special Court so
14:44:36 10 they could be looked at and assessed.

11 With the permission of Mr Jalloh, the head of the special
12 branch, Ibrahim Bangura took those documents and together with
13 Philip King brought them to the Special Court where Philip King
14 handed those documents to Mr Wilczynski. Mr Wilczynski, who is
14:44:57 15 not part of the OTP, then contacted the deputy chief of the
16 investigations in the OTP and handed him the documents. This
17 apparently happened in early - well, this happened in early 2005,
18 after which the OTP analysed these documents over a period of
19 time and selected some documents which were then submitted to the
14:45:26 20 evidence unit in August 2005 and we processed them and made them
21 available for use by all the trial teams.

22 The balance documents, that is those documents which were
23 not selected by the OTP at that time, were then returned to SLP
24 and about a year later persons within the Office of the
14:45:55 25 Prosecutor again requested that those other documents which had
26 not been retained during the initial analysis be brought back to
27 OTP, which happened. Then during a second review in the year
28 2006 the OTP selected further documents from that same original
29 collection and submitted those documents to the evidence unit

1 which I processed and marked with ERNs. Those documents have
2 been submitted to me over a number of months in the year 2006.

3 So that is roughly the chronology of these documents which
4 were seized in an RUF office in Kono District in 2001 and they
14:46:43 5 were submitted to the OTP in 2005 and then again in 2006.

6 Q. Before we go on with substance, let me just deal with some
7 spelling. At least according to the declaration of the
8 individuals involved, the town in Kono is spelled
9 K-O-A-K-O-Y-I-M-A on our spelling list and the Jalloh that we
14:47:15 10 mentioned has the Sierra Leone spelling of Jalloh, J-A-L-L-O-H.
11 I believe you mentioned a Mr Philip King and his name is spelled
12 in the conventional way.

13 So, witness, can you tell us anything about the storage of
14 these documents during the period of time they were at CID
14:47:37 15 according to the information that you received?

16 A. I think they were at special branch. I understand that
17 mister - they were kept in rice bags all along because perhaps
18 that was the most conveniently available container available to
19 Mr Ansumana.

14:48:06 20 JUDGE SEBUTINDE: Sorry, rice bags where?

21 THE WITNESS: Your Honours, in Kono when Mr Ansumana was -
22 had collected the documents and had wanted something to put those
23 documents in, in his statement he says that, "I put them in a
24 rice bag".

14:48:22 25 JUDGE SEBUTINDE: Yes, I understand that, but the rice bags
26 were where? Stored where?

27 THE WITNESS: That is not - that information is not made
28 known, but that's what Mr Ansumana - that is what Mr Ansumana was
29 able to find perhaps within the office, although that information

1 is not explained any further.

2 MR RAPP:

3 Q. And just to follow up on the judge's question, when the
4 documents were moved from the Kono District from the Tankoro
14:48:53 5 police station to the special branch office at SLP in Freetown,
6 do you know in what medium they were stored at SLP, Freetown?

7 A. They continued to be stored in one or more rice bags, but
8 it is not necessarily clear from the information made available
9 by the individuals if it necessarily was the same rice bag or
14:49:17 10 whether it was divided into further smaller containers or bags.

11 But, anyway, consistently starting from Kono all the way to
12 Freetown and then to the OTP the materials did travel in rice
13 bags.

14 Q. You say that these documents or the information you
14:49:40 15 received indicated they came from this RUF office in Koakoyima in
16 Kono. Is there any other source location given in any of the
17 information that you received from these officers or anyone else
18 suggesting any other source of these documents?

19 A. Yes. Among the four statements Mr Ansumana and George
14:50:08 20 Cuffy, they are unequivocally clear that the documents came from
21 Kono and made no mention of any other location. However,
22 Mr Ibrahim Bangura says in his declaration that the documents
23 came from both Kono and Makeni and Mr Poraj-Wilczynski also talks
24 of documents having quote unquote originated in Makeni.

14:50:36 25 However, I think the evidence is quite clear that the
26 documents in fact did come from Kono and not from Makeni and I
27 base that conclusion on the fact that the person who actually
28 collected the documents was posted in Kono and has said so, that,
29 "I collected them from this particular place in Kono".

1 Mr Cuffy, the second person who brought the documents from
2 Kono also makes, you know, no other mention - does not talk of
3 Makeni.

4 Mr Ibrahim Bangura who really was not on the scene when the
14:51:18 5 documents were actually collected many years ago, he came along
6 only in 2004, he does not have direct evidence and in fact he
7 merely quotes George Cuffy as having told him that the documents
8 came from both Kono and Makeni. Since we have spoken to George
9 Cuffy and he has made no such reference, so I think Mr Bangura is
14:51:43 10 probably mistaken on this particular point.

11 Similarly, although Mr Poraj-Wilczynski speaks of the
12 documents having originated in Makeni, he is apparently referring
13 to the fact that the letterheads on many of the documents talk of
14 the letter having been drafted or prepared or the orders having
14:52:08 15 been originally made at the RUF headquarters in Makeni, and that
16 may well be true and that is apparently true on the face of it,
17 but that does not in any way undermine Mr Ansumana and Mr Cuffy's
18 evidence that the documents were physically seized in Kono. So
19 that just merely means that the documents originated or were
14:52:35 20 originally issued in Makeni and then subsequently they were
21 seized by SLP, or by special branch, in Kono.

22 Q. Witness, speaking of this group of 22 documents, have you
23 done anything with them yourself personally since they were
24 stamped into the evidence unit?

14:52:56 25 A. This is part of this recent exercise, this request that I
26 have received. I have reviewed these 22 documents and I have
27 looked at what information is available to me as regards the
28 source of these documents and I have included that information in
29 my analysis.

1 Q. Now, could you describe what type of documents we are
2 talking about here within this group of 22?

3 A. Again these are sort of artificial categories that I have
4 made for sake of convenience, but they help see the document -
14:53:32 5 help group the documents together. One category I have called
6 administrative records, about six records in that. Another is
7 complaints, or investigations. Another would be documents
8 relating to operations or operational reports. One
9 classification would be RUF documents relating to RUF contacts or
14:54:03 10 dealings with other entities. And then there are a few notebooks
11 as well; three, to be precise.

12 Q. Okay. Now, let's first go to this group on administrative
13 matters. You mentioned potentially six documents that you had
14 classified within that category. What do these documents look
14:54:24 15 like?

16 A. One document is a report by a General Bropleh which is
17 titled "Postings". Another document is titled
18 "Promotions/officers". Yet another document is titled "Minutes
19 of the meeting of administrative board at Waterworks". Then
14:54:52 20 there are three documents relating to stocks of materials. I
21 think all of them relate to the 2nd Brigade, but a couple of them
22 mention Waterloo, another mentions Buedu, I believe. So those
23 would be the six administrative documents.

24 Q. Let me ask the Registry now to place before you a document
14:55:19 25 that is already in evidence as a Defence exhibit D-29. It is a -
26 a copy of it is displayed after tab 15 in the binder for the
27 reference of others. Now, witness, you mentioned a letter from
28 General Bropleh and let me ask the Registry to place this D-29
29 before you and indicate whether that is the letter from General

1 Bropleh that you were - that you mentioned?

2 A. Yes, it is. This is the document that I have recently
3 reviewed. It is a document that was included in the
4 Prosecution's list of 55 documents that they wanted me to speak
14:56:07 5 to source of and it is a document that according to the
6 information I have reviewed was seized in Kono by special branch
7 and CID officers in the year 2001 and subsequently provided to
8 the OTP in 2005.

9 Q. I have no further questions about that document and then if
14:56:37 10 the Registry can take that one aside - put that one aside and we
11 could then turn to the tabs for the next five documents that are
12 not in evidence. If I could ask the Registry then to place
13 before you the contents after tab 16. Witness, you referred to a
14 document relating to promotions. You now have before you a
14:57:19 15 document from tab 16. Could you tell me what that document is?

16 A. This is the document that I have reviewed. It is a
17 document titled "Promotions/officers". It is from the War Office
18 and Brigade Headquarters Buedu, it is dated 20 July 1998. It is
19 partly typed and partly written in hand. It says "Restricted" at
14:57:47 20 the end and it bears - it is a one page document. It bears the
21 ERN 00025669 and a this is one of the documents seized by SLP/CID
22 at the RUF office in Kono District and then given to the OTP in
23 2005.

24 Q. Now, you said CID, was that?

14:58:16 25 A. I said that because as I have explained at the beginning
26 that the party - the police party which went to the RUF office
27 comprised both of special branch officers, Mr Ansumana, and some
28 CID officers, but it is Mr Ansumana who actually took custody of
29 the documents so I suppose it would suffice for me to refer to

1 this as having been seized by special branch.

2 Q. Witness, I am not sure if I heard the ERN number. Did you
3 provide that for this document?

4 A. I did. Would you like me to repeat it?

14:58:47 5 Q. Yes, if you would, thank you?

6 A. That would be 00025669. It is a one page document.

7 Q. Okay. Thank you very much, witness. With that we would
8 then identify - we would then ask that this particular document
9 be marked for identification as I believe MFI-5.

14:59:09 10 PRESIDING JUDGE: Yes, that document is marked for
11 identification MFI-5.

12 MR RAPP: Thank you very much, Mr President. And again,
13 this document is - has a CMS number and other filings in court as
14 22246 as a one page document:

14:59:29 15 Q. With that, I would then turn to a similar document of
16 administrative matters in the RUF, or apparently administrative
17 matters, and that would be the document behind tab 17, if I could
18 ask the Registry to place that document before you. Witness,
19 could you tell us about this document?

15:00:12 20 A. Yes, your Honour. This is one of the three documents that
21 I mentioned was - which spoke of materials or stocks et cetera
22 and all of them I suggested appear to involve the 2nd Brigade and
23 this is one of those documents. It is dated I believe 15
24 November or February 1999 and it is a two page document. The
15:00:48 25 first page bears the ERN 00025545 and the second page bears the
26 ERN 00025546 and this is one of the documents that I have
27 recently reviewed and learned that it was provided - it was
28 seized by special branch in Kono at an RUF office and
29 subsequently given to the OTP in 2005.

1 Q. Just to be clear, witness, is there a third page in this
2 document?

3 A. Yes, you are right. There is a third page. It is actually
4 the back of the second sheet, but it has its own ERN because
15:01:37 5 there is information that is written on the back and so in fact
6 the ERN of the last page is 00025547 so this is a three page
7 document.

8 Q. And, witness, when we were talking about the month or the
9 date of the document, the document may speak for itself, but I
15:01:58 10 thought perhaps at one point you said November and then you said
11 February. What month and date does the document appear to have
12 been issued?

13 A. It is February. 15 February is written in a less than
14 clear way, but, well, I apologise. It is 15 February.

15:02:17 15 MR RAPP: Your Honour, at this point we would ask that this
16 document be marked for identification as MFI-6, I believe.

17 PRESIDING JUDGE: Yes, that document is marked MFI-6.

18 MR MUNYARD: Mr President, the date on the first page is
19 rather confusing in the way it is written, but the date is much
15:02:34 20 clearer on the second page for the benefit of anybody checking
21 it. The way I originally read the date on the first page was 15
22 September because the 2 looked like a 9, but it is clearly meant
23 to be a 2, if you look at the second page where it appears twice.

24 MR RAPP: I thank learned counsel.

15:02:57 25 PRESIDING JUDGE: Thank you, Mr Munyard.

26 MR RAPP: Thank you, your Honour. Again, in terms of
27 identifying where this is document may be elsewhere in the
28 records before the Court it appears at CMS numbers 22267 through
29 22269:

1 Q. Now, let me ask then the Registry to place before you a
2 document that is behind tab 18, and you mentioned documents
3 regarding administrative matters. Let me ask if this is a
4 document that you described and then tell us what it is.

15:03:48 5 A. This is another of the administrative documents that I have
6 spoken of and within the administrative documents I spoke of
7 three documents which refer to stocks et cetera, materials, and
8 this is the second of those documents. It is dated 14 December
9 1998 and again relates to 2nd Brigade, Kono District. It has the
15:04:19 10 heading "Materials issued to the 2nd Brigade commander on 13
11 December 1998". It is - it appears to be a one page document,
12 but because the writing sort of seeps through to other side so,
13 in an abundance of caution, the evidence unit stamped the back
14 page as well. This is deliberate and done in conformity with
15:04:48 15 practices elsewhere, so the ERN for this document would be
16 00025700 and the ERN on the back page, backside of that one
17 sheet, would be 00025701. This is one of the documents that I
18 have familiarised myself with recently and it was seized from
19 Kono by special branch and given to the OTP in the year 2005.

15:05:22 20 Q. Thank you very much, witness. If we could then ask that
21 this document be marked for identification. I believe now we are
22 ready for MFI-7.

23 PRESIDING JUDGE: That document is marked MFI-7.

24 MR RAPP: And for the sake of the record I think it should
15:05:39 25 be noted that the CMS document which contains the material part
26 of it is in as one page 22255, being the front page and not the
27 seeped through on the back page:

28 Q. Then let me ask the Registry to place another document that
29 appears to be administrative in nature before you that is behind

1 tab 19.

2 A. This is another document relating to the 2nd Brigade. It
3 also speaks of materials. This is the third of such documents
4 within this category of administrative records. The headline -
15:06:36 5 well, the subject is "Report of materials issued out". It is
6 issued by Revolutionary United Front of Sierra Leone 2nd Brigade
7 Headquarters Kono District and the date is 12 December 1998. The
8 ERN on this - on the front part of this document is 00025706 and
9 the back side is also stamped for the reasons that I explained in
15:07:08 10 connection with the previous document and the ERN on the back
11 side is 00025707.

12 MR MUNYARD: Mr President, on this document we have two
13 different dates. The witness has chosen to give the one at the
14 top of the page on the right-hand side, but if you look at the
15:07:28 15 signature at the bottom on the left-hand side you will see a date
16 of 14 December 1998.

17 THE WITNESS: I agree, your Honours.

18 MR RAPP:

19 Q. And again you have provided us with information on the
15:07:43 20 source of this document, I think.

21 A. This is one of the documents that I have reviewed and it is
22 the document given to the OTP in 2005 by special branch and they
23 had seized it from an RUF office in Kono District in 2001.

24 MR RAPP: Your Honour, we would then ask that the document
15:08:05 25 after tab 19 be marked for identification as MFI-8.

26 PRESIDING JUDGE: Yes, it does appear the correct date is
27 14 December 1998, but in any event that document will be marked
28 MFI-8.

29 MR RAPP: Thank you very much, your Honour, and again this

1 document is - there is a CMS number reflecting only the front
2 page contents rather than the reverse image that seeped through
3 and that CMS number is 22253:

15:08:52 4 Q. Then let me ask the Registry to place before you a document
5 at the next tab - do we have a document at tab 20? Okay. And
6 you mentioned administrative matters. This document makes
7 reference to some kind of administrative board potentially.
8 Would you tell us what this document is and what you know about
9 it?

15:09:21 10 A. Yes. Your Honours, this is one of the documents I referred
11 to. It is titled "Minutes of forum held with RUF/SL
12 administrative board at Waterworks compound" and it's a four page
13 document and the ERN on the first - it is dated 4 December 1998
14 and it is one of the documents that I have recently reviewed. It
15:09:56 15 was given to the OTP by special branch in 2005 and they seized it
16 in Kono in 2001. The ERN on the first page of the document is
17 00015509 and the ERN on the last page of the document is
18 00015512. It is a four page document.

15:10:30 19 Q. Thank you very much, witness. Your Honours, I would then
20 ask that this document be marked for identification as MFI-9.

21 JUDGE SEBUTINDE: Mr Rapp, is there a better copy than we
22 have of this, a more legible copy?

23 MR RAPP: The best that we have is the one that is in the
24 file here. Perhaps your Honours could take a look at that and
15:10:49 25 determine - it may be possible to make a better copy, but the one
26 that we have in this file here presented to the witness is the
27 best.

28 PRESIDING JUDGE: We will mark that document MFI-9.

29 MR RAPP: Your Honours, when we proceed at the end and your

1 Honours decide in terms of offers and acceptance of these
2 exhibits there are some of these exhibits where we have originals
3 even for exhibits that are previously put into evidence and it
4 may be that we will want to substitute better copies if that's
15:11:28 5 your desire, but we will try to make sure that the best copies
6 are available for your deliberations.

7 MR MUNYARD: Can I inquire of my learned friend if what the
8 Court has just been shown, which is the document bearing the red
9 ERN number on it, is itself accepted to be a copy or an original?

15:11:53 10 It appears on the face of it to be a copy because it has
11 copies of where a hole has been punched, but there isn't actually
12 any hole on those pages. So I wonder if there is another more
13 original version within the evidence unit than what we have been
14 shown.

15:12:13 15 MR RAPP: Since I am asking questions now, let me just put
16 that question:

17 Q. Is there a more original document to your knowledge,
18 witness, in the collection by your evidence unit?

19 A. No, your Honours. As I explained earlier, some of the
15:12:30 20 quote unquote originals in the evidence unit are in fact copies
21 and this is one of those, so this would be the best copy that we
22 have in the Special Court.

23 Q. Okay, witness, let's now pass to another potential subgroup
24 of documents. You referred to there being operations reports.

15:12:55 25 What do these operations reports look like?

26 A. In this group there are a couple of those. One of them is
27 a comprehensive report about attack on Kono and another is about
28 ammunitions, ammos, et cetera, weapons having been transferred to
29 Kono. Those are the two operational reports I have seen in this

1 group.

2 Q. Okay. Well, let me ask the Registry to place before you a
3 document that is already in evidence as P-93 and in the subject
4 line refers to itself as a comprehensive report. That is a
15:13:34 5 document that is behind tab 21 in the binder. Witness, if that
6 document is now in front of you, could you tell us what it is?

7 A. Yes. Your Honours, this is the report that I mentioned
8 regarding the attack on Kono. It is written by - it's from
9 Brigadier Issa Sesay to Major General Sam Bockarie. It is a five
15:14:34 10 page document and it is dated 24 January 1999. It's typed. It's
11 a document that I have recently seen, or image of it, and I am
12 aware that this was given to the Special Court in 2005 by special
13 branch who themselves seized it from an RUF office in Kono in
14 2001. The ERN on the first page is 00025503 and the ERN on the
15:15:20 15 last page is 00025507. Although the document is from Brigadier
16 Sesay, it's not signed by him, but it's signed by an adjutant.

17 MR RAPP: Your Honour, I believe this document is already
18 in evidence as P-93, so I will ask the witness to put it aside
19 and ask the Registry then to place before the witness --

15:15:46 20 JUDGE DOHERTY: Perhaps before you do that, Mr Rapp, I
21 notice a cover sheet compiled by the Registry says it is a report
22 from Major Sam Bockarie to Brigadier Sesay when in fact it is the
23 other way round.

24 MR RAPP: Thank you for the correction. I presume the
15:16:03 25 Registry can amend the cover.

26 MS IRURA: Your Honour, that has been noted.

27 JUDGE DOHERTY: Thank you.

28 MR RAPP:

29 Q. We are, I think, up to tab 22 and you had talked about

1 operations reports and you were describing a memorandum. I would
2 like to ask the Registry to place before you the contents of the
3 document behind tab 22. Witness, could you tell us what this
4 document is?

15:17:06 5 A. Yes, your Honours, this is the report that I described a
6 few moments ago regarding transport of materials to Kono, weapons
7 and ammunitions, et cetera. It is a document that has got
8 various dates on it, but the last date or the latest date is 1
9 February 1999, although the date on the top of the document
10 header says 22 January 1999. It's a two page document with most
11 of the contents on the front page. It is a document that I am
12 familiar with. It has been with the Special Court since 2005 and
13 was given to the Special Court by special branch who seized it in
14 the year 2001. The ERN on the front page is 00026072 and on the
15:18:07 15 rear is ERN 00026073.

16 Q. Witness, you said they seized it in 2001. From your
17 knowledge, from where did they seize it?

18 A. From Kono. They seized it in 2001 from the RUF office in
19 Kono.

15:18:31 20 MR RAPP: With that, your Honours, we would then ask that
21 the document after number 22 in the binder be marked for
22 identification as MFI-10.

23 PRESIDING JUDGE: Yes, that document is marked MFI-10.

24 MR RAPP: And I believe in terms of CMS record, the cover,
15:18:49 25 the first page of that with the contents of the report, is CMS
26 number 22257:

27 Q. Now, let's pass to another subcategory. I think you talked
28 about documents relating to potential RUF contacts or
29 relationships with other entities. What do those documents look

1 Like?

2 A. There are six documents which are placed in that category
3 and those include one document which speaks of a forum with
4 external delegates and defence staff. There is another which
15:19:41 5 refers to a visitation by Foday Sankoh and external delegates.
6 Yet another one is like a pass or asking that certain individuals
7 be - certain individuals including people from outside apparently
8 from Sierra Leone be allowed to pass without hindrance. The one
9 document which speaks of instructions given to one of the
15:20:16 10 commanders in relation to support to forces attacking Freetown in
11 January 1999. Another document is a letter by Kposowa to Charles
12 Taylor informing him that Gibril Massaquoi was no longer part of
13 the external delegation. So I think I have covered all six,
14 otherwise if I have left something I can --

15:20:48 15 Q. Okay, well, let me first turn to an item that is already in
16 evidence, P-63, and that is exhibited after tab 23, and ask the
17 Registry to place before you P-63 as it had been admitted into
18 evidence. Witness, could you tell us what that document is?

19 A. This is one of the documents that I have mentioned - the
15:21:43 20 first document that I mentioned in my list of documents from RUF
21 relating to other entities. It is titled "Forum with external
22 delegates led by the of defence staff", that seems to be a
23 typographical error, but it is or appears to be a five page
24 document. It is dated 2 December 1998, although again the date
15:22:21 25 it was signed was 4 December. This document is among the
26 documents that I have recently reviewed and learned that it was
27 given to us by SLP in 2005 and the special branch of the SLP
28 seized it from an RUF office in 2001 in Kono District. The ERN -
29 would you like me to give the ERN?

1 Q. No, this item is in evidence, so I think with those we
2 needn't repeat the ERNs. Put that aside. We have another
3 document that is admitted in evidence as P-149 that is at tab 24.
4 If we can ask that to be shown to the witness. You referred to a
15:23:13 5 document in regard to a memo about Freetown and the attack on
6 Freetown and I would ask you to look at that document and tell me
7 what you know about it?

8 A. Your Honours, before I speak on this, one document that I
9 did not mention just now when I was giving a list of documents
15:23:36 10 relating to RUF's contact with other entities was apparently a
11 meeting which talks of downplaying differences. There is a
12 document which relates to efforts to downplay the differences
13 between the RUF and the army, so I just wanted to mention that
14 before the document was presented to me.

15:24:00 15 This document before me now is one of the documents that I
16 referred to earlier and this is dated 21 January of 1999 and it
17 is written to Brigadier Sesay, the battlefield commander, and it
18 is sent by the overall intelligence officer, commander and Black
19 Guard adjutant. This is a document which speaks of instructions
15:24:31 20 given in relation to forces attacking - in relation to supporting
21 forces attacking Freetown. It's a document that I have seen,
22 it's an image I have recently seen and it is among the documents
23 given to the Special Court in 2005 by special branch who seized
24 it in Kono District at an RUF office in 2001.

15:25:02 25 Q. And that document is already in evidence as P-149 so I will
26 ask you to set that aside and then ask the Registry to place
27 before you a document that is behind tab 25. I think you talked
28 about records of forums or meetings that were held and I will ask
29 you then to look at this item behind 25 and tell us what you know

1 about this document?

2 A. Yes, your Honours. This is one of the documents I just
3 mentioned. It is - it talks of downplaying the differences
4 between SLA and RUF and it is dated 12 February 1999. It is a
15:26:13 5 four page document starting with the ERN 0015513. This is one of
6 the documents that SLP provided to the Special Court in 2005,
7 having been seized from Kono - an RUF office in Kono District in
8 2001 - by special branch.

9 MR RAPP: With that, your Honours, we would ask then I
15:26:45 10 think we are ready for MFI-11 for this document.

11 PRESIDING JUDGE: Yes, that document is marked MFI-11.

12 THE WITNESS: I apologise, did you want the ERN number for
13 this?

14 MR RAPP:

15:26:59 15 Q. I think you had given us the opening ERN number.

16 A. Yes.

17 Q. And then told us it was four pages, and I think rather than
18 having you cite all the digits I think we can conclude that the
19 sequence would then lead up to where it did?

15:27:12 20 A. Okay.

21 Q. So, let me also say, Mr President, that this document is
22 another of those that is in the CMS records, all four pages, at
23 22259 to 22262. Okay. We then would ask the Registry to place
24 before you the document that follows tab 26. I think you may
15:27:40 25 have referred to some kind of communication or something signed
26 by a Colonel Kposowa, if I am not mistaken, and I would like to
27 ask you if that is the document that you were talking to us
28 about?

29 A. Yes, that is the document that I mentioned. It is a letter

1 addressed to His Excellency Dr Charles G Taylor, President of
2 Republic of Liberia, it is dated 14 November and as I indicated
3 earlier it speaks of Colonel Gibril Massaquoi having been quote
4 unquote impeached from the external delegation. It is a one page
15:28:32 5 document.

6 Q. Who is it signed by?

7 A. It is signed by Colonel Jonathan Kposowa, chief of admin
8 RUF and it is also signed by Brigadier General Issa Hassan Sesay,
9 acting chairman RUF-P.

15:28:51 10 Q. I know the document has the information. For the benefit
11 of the court reporter Kposowa is spelled K-P-O-S-O-W-A. While I
12 was looking at that spelling I guess, with the Court's
13 indulgence, I wasn't sure about the source of the information on
14 this document. Did you provide that to us?

15:29:12 15 A. It was one of the documents seized by special branch in
16 Kono at an RUF office in 2001 and it was given to the Special
17 Court in 2005.

18 MR RAPP: With that, your Honour, we would ask that this
19 item be marked for identification as I believe we are ready now
15:29:38 20 for MFI-12.

21 PRESIDING JUDGE: That document is marked MFI-12.

22 MR RAPP: And again, this is a document that is contained
23 in other court records as CMS 22287:

24 Q. Witness, you referred to a document in regard to the
15:30:01 25 visitation by Corporal Sankoh and representative of the
26 international communities and ECOMOG. Let me ask the Registry to
27 place before you a document that is after tab 27 and ask you if
28 that is the document that you described and then to proceed, if
29 you wish, to tell us what you know about that document?

1 A. Yes. This document is titled "Visitation of the Leader
2 Corporal Foday Saybana Sankoh, Representatives of the
3 International Communities and ECOMOG Securities". It is a four
4 page document and appears to be dated 22 November 1999 and this
15:31:13 5 is one of the documents that I have recently seen and it is in
6 the collection - in the group given to the Special Court by SLP
7 in 2005 having been seized in an RUF office - seized at an RUF
8 office in Kono District in 2001 by the special branch.

9 MR RAPP: With that, your Honour, we would ask that this
15:31:37 10 document be marked as identification - for identification as
11 MFI-13.

12 THE WITNESS: And the ERN for this --

13 MR RAPP: Before I ask that, let me strike that request and
14 let us get the ERN if we can. Sorry.

15:31:53 15 THE WITNESS: The ERN on the first page is 00015502 and it
16 goes up to 05. It is a four page document.

17 MR RAPP: Okay. With that, your Honours, then I would ask
18 that we mark this one as MFI-13.

19 PRESIDING JUDGE: Yes, that document is marked MFI-13.

15:32:12 20 MR RAPP: Okay. And again this document is otherwise in
21 CMS records as 22276 through 22279:

22 Q. Now, witness, you had referred also to something about
23 someone being given a travelling pass. Let me ask the Registry
24 to place before you a document that - a copy of which is behind
15:32:38 25 tab 28, for everyone else, and I will place the original before
26 you if we have it. Witness, could you tell us what this document
27 is?

28 A. Yes, this is the pass that I was talking about. This
29 document comprises two pages. The subject is "Clearance" and it

1 is from the offices of the acting chairman RUF/SL General Issa
2 Sesay and it is addressed to all functional areas. The first
3 page is dated 21 January 2001 and the second one - second page,
4 which is in relation to another person, is dated 31 January 2001.

15:33:48 5 Both are from the office of the - well, one is from the office of
6 the acting chairman and the other one is from the office of the
7 special assistant to acting chairman. This document is among the
8 documents that I have recently examined. They were included in
9 the group of documents given to the OTP by special branch in
10 2005. They seized it at an RUF office in Kono in 2001. The ERN
11 on the first page is 00025653 and on the last page is 00025654.

12 MR RAPP: Thank you very much witness. With that, we would
13 ask this two page document be marked for identification. I
14 believe we are ready now for MFI-14.

15:34:40 15 PRESIDING JUDGE: Yes, document marked MFI-14.

16 MR RAPP:

17 Q. Then finally, witness, you indicated that I think there is
18 a notebook or something of that sort within this group of RUF
19 documents. What did that - what did that item look like?

15:34:58 20 A. Well, I believe there are three notebooks in that one
21 notebook is titled "UNICEF", it says "UNICEF" on the outside,
22 United Nations Fund for Children, another one is titled
23 "Composition" and yet a third one has the cover which says
24 "London Pupil's Notebook".

15:35:26 25 MR MUNYARD: Mr President, before we move off MFI-14, can I
26 enquire if there is a CMS number in relation to that particular
27 document, the one that we have just moved away from behind tab 8.

28 MR RAPP: Right. Thank you very much, counsel. The MFI
29 number of that is 22314 through 22315.

1 PRESIDING JUDGE: I think you meant to say the CMS number.

2 MR RAPP: Did I - okay. The CMS document number for MFI-14
3 is 22314 through 22315. Thank you, your Honour:

4 Q. Okay. Then you were describing these various notebooks or
15:36:21 5 booklets and you mentioned a document that looked like a UNICEF
6 exercise booklet of some kind. Could we ask the Registry to
7 place before you an item that is already in evidence as P-51.
8 That is at tab 29 of our binder. The last item in this first
9 binder. Witness, can I ask you what is that document?

15:37:08 10 A. It is a document - it is a notebook which - a blue notebook
11 with the word "UNICEF United Nations Children's Fund" on the
12 outside. It is 28 - 26 page - apparently 26 page document. It
13 appears to be a list of RUF personnel starting with the name
14 Denis Mingo, and it is among the documents that I have recently
15:37:42 15 examined and determined that it came from the special branch to
16 the Special Court in 2005, having been seized at an RUF office in
17 Kono in 2001 by special branch.

18 Q. And that document is already in evidence as P-51, so we
19 would ask that the Registry take that back and then place before
15:38:03 20 you the document that is at tab 30, if we can go to the second
21 binder. I think you referred to a document that referred to
22 composition of - some kind of composition book on its cover and
23 ask the Registry to place before you the document after tab 10.

24 MS IRURA: Your Honours, we do not appear to have tab 30.
15:38:44 25 Is it a document already admitted into evidence?

26 MR RAPP: No, it is - we have tab 30 in our booklet here.

27 MS IRURA: We would be able to avail a copy of the tab 30
28 document, but we don't have the original.

29 MR RAPP: I see, but you do have a copy of it before you

1 because we believe we provided the original, but let's move
2 forward with a copy, if we can, to at least identify it:

3 Q. Witness, could you identify this document?

4 A. This is one of the notebooks that I spoke of. It has got a
15:40:08 5 cover. The original has a greenish cover, I believe. It says
6 "Composition book" on the top and then says "Black Guards admin
7 mine". It is one of the documents that was given to the Special
8 Court by special branch in 2005, having been seized at Kono at
9 RUF office in 2001 by special branch. The first ERN - the ERN on
15:40:41 10 the first page is 00025608 and the ERN on the last page, what
11 would be the back cover, is 00025648.

12 JUDGE SEBUTINDE: The witness referred to a greenish cover.
13 Is he looking at the original?

14 THE WITNESS: No, your Honour I am not, but I recall having
15:41:10 15 looked at it some time in the past, so that's my--

16 JUDGE SEBUTINDE: So where is it?

17 MS IRURA: Your Honours, tab 30 is actually exhibit P-83
18 which has been admitted into evidence.

19 JUDGE SEBUTINDE: Well, if you have it then show it to the
15:41:24 20 witness.

21 MR RAPP: I think the confusion we have here is that only
22 one page of P-83 is in evidence now and what the Registry has, is
23 that all the pages or just one page? Okay, there we are.

24 JUDGE SEBUTINDE: So the whole book has been placed before
15:41:47 25 the witness.

26 MR RAPP:

27 Q. Witness, you now have the whole book in front of you and I
28 can see where our confusion is that only one page of it, the page
29 that is 25639 according to my records, out of what is a 41 page

1 document is the only item in evidence and so obviously I think we
2 want to now deal with this entire document and probably --

3 JUDGE SEBUTINDE: And is the cover greenish?

4 THE WITNESS: Your Honours, it is more black than greenish,
15:42:12 5 but I had handled this when I had processed it, so it's a dark
6 cover.

7 MR RAPP:

8 Q. Witness, again taking a look at that document itself, you
9 have obviously just a moment ago looked at a copy. Would you
15:42:33 10 just review that document and assure us that that's what you were
11 talking about when you were looking at the copy?

12 A. Yes, it is the same document. It has the title
13 "Composition book" on the first page, "Black Guards admin" and the
14 first ERN on the front page is 00025608 and the ERN on the last
15:43:00 15 page is 00025648.

16 Q. And you provided us the information of the source as well?

17 A. Yes, this is one of the documents that was seized by
18 special branch in Kono at an RUF office in 2001 and was given to
19 the OTP in 2005.

15:43:24 20 MR RAPP: Your Honours, at this point we would I think ask
21 that this whole document be marked as MFI-30, one page of it
22 alone having been exhibited. We now wish to exhibit the entire
23 document and it may be that when it comes to time number it the
24 Court may consider a different numbering, but, just so that we
15:43:47 25 know what we're talking about based upon this witness's evidence,
26 we would ask that it be MFI-30.

27 PRESIDING JUDGE: Yes, for the present it will be marked
28 MFI-15.

29 MR RAPP: Right, thank you. I misspoke, I was referring to

1 the tab number. MFI-15. And then of course with the CMS we have
2 CMS page numbers 22319 through 22356:

3 Q. Now, witness, you also mentioned a London Pupil's Notebook.
4 I would ask the Registry to place before you a document that
15:44:34 5 follows tab 31 and, witness, would you identify this document?

6 A. This is one of the notebooks that I have looked at recently
7 as part of my exercise and this document is among the documents
8 given to the OTP by special branch in 2005. It has a cover which
9 says "London Pupil's Notebook", it has a picture of what would
15:45:25 10 appear to be Buckingham Palace guards, it has a picture of Big
11 Ben. It was a document seized in Kono by SLP in 2001 and given
12 to the OTP in 2005. The ERN on the first page is 00026048 and
13 the ERN on the back page is 00026071.

14 MR RAPP: We would then ask that this document be marked
15:46:03 15 for identification as MFI-16 I think now.

16 PRESIDING JUDGE: The document is marked MFI-16.

17 MR RAPP: We have CMS numbers here because this is an MFI.
18 Those were 22289 through 22312:

19 Q. Then the final sort of classification for these documents
15:46:29 20 that you had referred to as RUF office documents you indicated as
21 having to do with investigations and complaints. What do those
22 documents look like?

23 A. I think there are about five of those documents. One
24 document is like a general complaint by high command against
15:46:52 25 local commanders for failure to obey and carry out their orders.
26 I think that was initiated by the public relations officer.
27 There is a report against some Major Blackman who is said to be
28 in contact with one James of - a journalist named James from The
29 Guardian. There is a statement from John Petters in relation to

1 an investigation against him which also appears to refer to
2 Morris Kallon as an accused at some point. And then there is a
3 document relating to Colonel Gaylay, an investigation against
4 Colonel Gaylay. Then there is a document from one of the
15:47:50 5 paramount chiefs of Bombali District which is forwarded with a
6 cover letter and that also speaks of some problems. So those are
7 the I believe five complaints which I came across in this group
8 of documents.

9 Q. Well, let's start with the one that's behind binder 32,
15:48:16 10 tab 32 in the binder. You mentioned something regarding a
11 Mr Gaylay or Colonel Gaylay. Could we ask the Registry to place
12 before you the document that follows tab 32. Could you tell us
13 what this document is, witness?

14 A. This is the document that I was referring to in relation to
15:48:49 15 Lieutenant Colonel Gaylay. It is a one page document and it is
16 dated 15 February 1999. It is signed by Lieutenant Colonel
17 Augustine Gbao. The heading or the subject line says
18 "Information on charges against Lieutenant Colonel Gaylay
19 forwarded to the joint security for investigation". It is one of
15:49:17 20 the documents given to the OTP by special branch in the year
21 2005, the document itself having been seized in Kono at an RUF
22 office in 201 by the special branch and the ERN on this page is
23 00025482.

24 MR RAPP: With that, your Honours, we would ask that that
15:49:39 25 document be marked for identification as MFI-17.

26 PRESIDING JUDGE: Yes, the document is marked MFI-17.

27 MR RAPP: The CMS number - it's a single number - is 22271:

28 Q. Moving along, you mentioned something regarding a Major
29 Blackman. Let me ask the Registry to place before you a document

1 that is displayed behind tab 33. Witness, could you describe
2 that document?

3 A. Yes, this is the document in relation to Major Blackman.
4 It is an intelligence report and it - as I said, it, among other
15:50:54 5 things, seems to say that Major Blackman is in touch with
6 international journalists, et cetera. It's dated 2 May, I
7 believe. 2 April actually, your Honours. 2 April 2001. It's
8 one of the documents that was given to the OTP in 2005 by SLP,
9 special branch having obtained this document from RUF office in
15:51:33 10 Kono in 2001. The ERN on this one page document is 00025524.

11 Q. Okay. Thank you very much, witness. With that we would
12 ask that this be marked for identification as MFI-18.

13 PRESIDING JUDGE: The document is marked MFI-18.

14 MR RAPP: Thank you.

15:52:00 15 PRESIDING JUDGE: Did that have an CMS number?

16 MR RAPP: Thank you very much, Mr President. It does have
17 a CMS number. It is 22317.

18 PRESIDING JUDGE: We may as well clear up the remaining
19 absence of CMS numbers. I think you have only missed one other
15:52:26 20 and that was the document behind tab 20. Either you have missed
21 it or I have missed it.

22 MR RAPP: I thought I had provided that, but if I had not
23 that document after tab 20, which in terms of MFIs would be MFI-9
24 was 22248 through 22251.

15:52:56 25 PRESIDING JUDGE: Thank you, Mr Rapp. That was probably my
26 error, not yours.

27 MR RAPP:

28 Q. So let me go now to the document behind tab 34 and ask if
29 you could describe that document and whether that document is in

1 this group?

2 A. This is the document that I refer to as sort of a generic
3 document which the high command has complained that local
4 commanders are not obeying their orders et cetera and this is
15:53:54 5 issued by the public relations officer and signed by Eldred
6 Collins, a spokesman. It is also signed by Bockarie and the date
7 on the document as given on the front page is 20 February 1999.

8 This is a document that I have recently reviewed and learned that
9 it was given to the OTP in 2005 by SLP, Sierra Leone Police,
15:54:26 10 special branch having seized this document at an RUF office in
11 Kono in 2001. It is a two page document. The ERN on the first
12 page is 00025534 and 00025535 on the second and last page.

13 Q. Thank you very much, witness. We would then ask that this
14 item, I believe we are ready for MFI-19 would be marked - would
15:55:00 15 be so marked.

16 PRESIDING JUDGE: The document is marked MFI-19.

17 MR RAPP:

18 Q. Witness, you mentioned - excuse me, I have run into
19 trouble. The CMS number 22273 to 22274. Now, witness, you
15:55:29 20 mentioned a document relating to a Morris Kallon. I would ask
21 that the Registry place before you the document that follows tab
22 35 and ask you to tell us what you know about that document?

23 A. Your Honours, this is a five page document and it is part
24 of an investigation. It is a statement of - a caution statement
15:56:35 25 of Colonel John Petters and this investigation also at some point
26 lists Morris Kallon as an ex - I apologise. It also lists
27 Brigadier Morris Kallon as an accused at some point. So this is
28 the same investigation that - reference I made to Morris Kallon
29 is on the fourth page which would be just the last page

1 effectively. This is a document which has several dates on it
2 actually, but the very first page carries the date 1 November
3 2000, but then as you move through the document there are
4 different dates like 5 November 2000 is when Major Frank N' dovo,
15:57:46 5 who did the investigation, that is the date that he signed the
6 statement. So this is one of the documents that I have seen. It
7 is a document given to the Special Court by SLP, special branch,
8 and special branch seized this document in the year 2001 at an
9 RUF office in Kono. And the ERN on this document go from
15:58:17 10 00025708 on the first page to 00025712 on the last.

11 PRESIDING JUDGE: Mr Witness, are you looking at the
12 original there?

13 THE WITNESS: Yes, your Honour, it appears to be an
14 original.

15:58:32 15 JUDGE SEBUTINDE: And is it fully legible, because some of
16 our pages are totally illegible?

17 THE WITNESS: Your Honours, the typing is quite faint but I
18 believe it is legible. Faint, but legible.

19 PRESIDING JUDGE: Tell me, Mr Witness, just looking at the
15:58:48 20 original, is page 00025710, is that simply a blank page with
21 "Colonel John Petters' statement" written on it, or is there
22 something else on it?

23 THE WITNESS: No, your Honours, that is all there is on
24 that. That is all. The rest - everything else you see is just
15:59:16 25 the type print seeping in from the other side.

26 PRESIDING JUDGE: I see. My copy, the last page 00025712,
27 is that supposed to be blank as well with --

28 THE WITNESS: No, your Honours, that page carries the words
29 "Colonel John Petters' statement".

1 PRESIDING JUDGE: That is all that is on it?

2 THE WITNESS: That is all there is. Yeah. The rest is
3 just typing coming in from the other side.

4 PRESIDING JUDGE: I see. Thank you.

15:59:57 5 MR RAPP: With that, your Honours, we would ask that the
6 document after tab 35 be marked for identification. I think
7 MFI-20 is the next number.

8 PRESIDING JUDGE: Yes, that document is marked MFI-20.

9 MR RAPP: And the Court Management system numbers or
16:00:13 10 service number is in sequence 22281 through 22285:

11 Q. Finally, witness, in this group, you have mentioned a
12 document that discussed or came from an acting paramount chief.
13 I would ask the Registry to place before you the document that
14 appears after tab 36. Witness, could you tell us what you know
16:01:11 15 about this document?

16 A. Yes, your Honours. This is the document that I mentioned
17 with reference to the paramount chief. It is a document - the
18 paramount chief appears to have written the letter on 12 February
19 1999 and then a certified true copy of it is sent with this cover
16:01:37 20 letter which is dated 13 February. The subject line says "Report
21 from the acting paramount chief, Pa Alimamy N' Soila Koroma,
22 Bombali Seborra Chiefdom" and it is signed on the front page. The
23 name of the officer is not clear, but it is 2nd Brigade 5G
24 commander and it is signed in an original - this is an original
16:02:09 25 document. This is one of the documents I have seen and it is a
26 document that was given to the Special Court in 2005 by special
27 branch which seized it at an RUF office in Kono in 2001 and this
28 is a two page document. The ERN on the first page is 00026007
29 and the ERN on the last page is 00026008.

1 MR RAPP: With that, your Honours, we would ask that this
2 exhibit or that this document of two pages be marked for
3 identification as MFI-21.

4 PRESIDING JUDGE: Yes, document marked MFI-21.

16:02:56 5 MR RAPP: And for the record this document has the CMS
6 number 22264 and 22265:

7 Q. Okay, witness, let's pass - we have passed through those 22
8 documents in the second group now and you mentioned that there
9 was a third group of documents as to which you were asked for
10 information on source which, for purposes of reference, you
11 called the Liberia search documents. How many documents in that
12 third group?

13 A. The short answer is 11 although, your Honours, actually
14 there were ten documents and one document has been split into two
16:03:46 15 by the Prosecution because they wished to submit it as two
16 separate exhibits. So I would refer to them, for the purposes of
17 this testimony, as 11 documents.

18 Q. And first, what kind of information, if any, did you access
19 to answer the request as to information relative to the source of
16:04:08 20 this group of documents?

21 A. I was working at the Special Court when searches in Liberia
22 took place. I did not myself go to Liberia for this - for
23 participating in this. However, I do recall from memory some of
24 the things which happened so that my memory of these vents is one
16:04:36 25 source of knowledge and information for me.

26 I have also reviewed some available OTP correspondence, as
27 well as have consulted my colleague, Ms Ruth Mary Hackler, whom I
28 see - converse with on a day-to-day basis as she has been
29 involved in obtaining some of these documents for the OTP. I

1 have also reviewed her affidavit and I have also briefly spoken
2 to a couple of investigators who were present in Monrovia - in
3 Liberia in 2004 when the searches took place. So they would be -
4 all these would constitute my source of information.

16:05:26 5 Q. And who did those investigators work for?

6 A. For the Special Court for Sierra Leone. They were OTP
7 investigators who happened to be - who were in Monrovia at that
8 time.

9 Q. Did you obtain any information from anyone - any
16:05:42 10 investigators outside the Special Court?

11 A. No.

12 Q. Okay. And how about any Liberian officials? Were any
13 Liberian officials --

14 A. Right. I have not directly obtained any information from
16:05:56 15 them but I have read affidavits prepared by certain persons who
16 were involved in this. Firstly, in the searches themselves and
17 then also in making some of this information available to the
18 OTP.

19 Q. And who were those individuals, if you recall?

16:06:14 20 A. One of them would be Sheriff Fofie Kamara, sheriff of
21 Monrovia and another is Captain Sumo who is a Liberian police
22 official.

23 Q. And in terms of spellings, Kamara is spelt K-A-M-A-R-A and
24 you said his first name is Fofie or --

16:06:38 25 A. I have seen two versions Fofie and Fofia, but I believe his
26 affidavit carries the word Fofie, F-O-F-I-E, so I have used that.

27 Q. Okay. So the spelling F-O-F-I-E?

28 A. Yes, I believe that is the correct one.

29 Q. And THE other individual's name?

1 A. Captain Sumo, that would be S-U-M-O.

2 Q. And any knowledge of his given name?

3 A. No, I do not know that. It is referred to I understand, on
4 the affidavit, as Captain Sumo, but perhaps we could double
16:07:11 5 check.

6 Q. And do you - I think you may have indicated, but just as a
7 point of clarity, have you ever met these gentlemen?

8 A. No, I have not.

9 Q. And you have obviously mentioned the role of Ms Hackler
16:07:25 10 within your unit and her role in these events, but you also
11 mentioned that there were two - perhaps two investigators from
12 the Special Court of Sierra Leone that you talked to in regard to
13 these events. Who were those investigators?

14 A. One of them is named Joseph Saffa. He is an OTP
16:07:45 15 investigator who works in Freetown. The other is Mr Jusu Yarmah.
16 I brought up his name earlier in relation to the RUF documents.
17 He no longer works at the Special Court. He is at ICTY these
18 days.

19 Q. And he is the same gentleman we talked about earlier, the
16:08:01 20 one going on to ICTY?

21 A. That is correct.

22 Q. And Joseph Saffa, what is his specific position?

23 A. Joseph Saffa is another long-time investigator who has been
24 at the Special Court from the very beginning. I think he came
16:08:16 25 over like Mr Thomas Lahun in August 2002 and is still with us.
26 He in fact at the moment occupies an international investigator's
27 position.

28 Q. Now, based upon the information that you obtained, what did
29 you learn about who was involved in obtaining and handling these

1 documents?

2 A. Some of the names we have mentioned, it was the Prosecutor
3 originally who initiated the request. The searches were
4 conducted by the Liberian officials themselves and so they are
16:08:57 5 the ones who originally handled the documents and from the
6 beginning the documents have been in the possession of Sheriff
7 Fofie Kamara. Subsequently OTP investigators have been given
8 limited access at which time they have obtained copies of some of
9 these documents. So Ms Hackler was able to do so in 2007, which
16:09:23 10 is when the copies or photographs of some of the documents were
11 obtained and brought back to the OTP, printed off and submitted
12 to the evidence unit which I then processed and stamped with the
13 ERNs.

14 Q. I think we need some more precision here. When, if you
16:09:48 15 know, was the assistance of Liberian authorities requested for
16 this search?

17 A. On 1 March 2004 the Prosecutor wrote to the Liberian
18 authorities asking that competent Liberian authorities conduct
19 lawful searches at a number of locations of interest to the OTP,
16:10:22 20 including Charles Taylor's former residence at Congo Town, White
21 Flower - called White Flower. Subsequently the Liberian
22 authorities, pursuant to a search warrant, conducted searches and
23 a certain amount of documents, et cetera, were seized at White
24 Flower.

16:10:52 25 Q. Before we proceed, search warrant. Do you know where the
26 search warrant was issued? Was it by a Sierra Leonean court or
27 by some other authority?

28 A. It was issued by Liberian authorities. The process, as I
29 understand it, was completely carried out by Liberian officials

1 and no-one from outside at any time was directly involved,
2 although there were in fact in the area - OTP personnel were in
3 the area because in the original request of the Prosecutor it had
4 been said that searches should be conducted in the presence of
16:11:28 5 OTP personnel. So when the warrants were executed which was on 5
6 March, I believe, OTP personnel were present. However, they did
7 not seize anything and the Liberian authorities conducted the
8 searches as well as these materials.

9 Q. And you said items were seized from White Flower, the
16:11:57 10 former residence in Congo Town. Where were these items then kept
11 after the date of their seizure?

12 A. They were kept by Sheriff Fofie Kamara at the Temple of
13 Justice.

14 Q. And where is it that OTP had access to the documents?

16:12:26 15 A. OTP had made a number of requests for these materials to be
16 turned over to the Special Court. However, as of now that has
17 not happened. So at times there have been - on a few occasions
18 OTP has been granted access to view or to copy the documents and
19 I believe the OTP investigators have gone to the Temple of
16:12:54 20 Justice and, with the permission of the authorities, viewed these
21 documents. However, in order to obtain photocopies of some of
22 these documents Liberian authorities have permitted some of these
23 materials to be taken to the UNAMSIL office where photocopying
24 facilities were available. However, Captain Sumo that I
16:13:24 25 mentioned earlier escorted Ms Hackler when some of the documents
26 were taken to UNAMSIL in order to be photocopied and, as per her
27 affidavit and other information, documents remained in custody of
28 Mr Sumo and the Liberian authorities at all times.

29 Q. You have mentioned UNAMSIL which I think is in the record

1 here in this trial as meaning the United Nations Mission to
2 Sierra Leone. Is that the mission where they were taken?

3 A. I have spent too many years with UNAMSIL, I apologise.
4 This would be UNMIL in Monrovia, because we are talking of
16:14:01 5 Monrovia, Liberia. That would be the UN Mission in Liberia.

6 Q. Did you ever obtain an inventory of all of the documents
7 that were taken as a result of the search or searches?

8 A. I do not believe that Liberian authorities have ever
9 provided the Office of the Prosecutor with an inventory of all
16:14:17 10 the documents that were seized.

11 Q. Are you aware of any request ever for the originals of
12 these documents?

13 A. Yes, the OTP - I am not aware of the details, but OTP has
14 made, I understand, several or certainly more than one request
16:14:32 15 for these materials to be given to the OTP, but the OTP has not
16 been given custody of these documents.

17 Q. Now, in regard to the 11 documents, or ten documents if
18 there are to be combined as one of them is a single document,
19 these particular documents, what form are they in and how was the
16:14:59 20 image of the document obtained?

21 A. Well, I believe some are photocopies and some are
22 photographs. Essentially an OTP investigator, or in this case
23 she was not strictly-speaking an investigator, Ms Hackler, I
24 believe she was working as a contractor at the time. They went
16:15:24 25 with a digital camera and took digital photographs and then that
26 film was downloaded into - those files were downloaded into a
27 computer and then prints were made from it and those physical
28 hard copies, papers, were submitted to the evidence unit. And in
29 some cases they have made actual photocopies from a photo

1 machine.

2 Q. Thank you. And when did these documents come into the
3 possession of the evidence unit?

16:16:03

4 A. I have to break that up. That would be in two different
5 parts. Some of the documents - well, let me start again. These
6 documents were photographed or photocopied on 28 February 2007
7 and subsequently a few weeks later, I believe on 26 March, these
8 documents were submitted to the evidence unit for processing. So
9 approximately three weeks after the copies were obtained the
10 documents were submitted to SEAPA, or at that time the evidence
11 unit.

16:16:37

12 Q. And that works for both kinds, both photos and sort of
13 Xerox copies if we can call them that?

16:16:54

14 A. Yes, I make no distinction. For me it's - for our purposes
15 - because we were given hard copies. Even when photographs were
16 taken, what came to the evidence unit was a paper because the
17 photograph had then been printed and a hard paper copy submitted
18 to us. So, yes, regardless of how the original image was taken,
19 either through a machine or through a camera, the hard copy
20 photos were submitted to us on 26 March 2007.

16:17:15

21 Q. And what did you do with them in the evidence unit?

22 A. As with any other evidence we logged them, we stamped them,
23 we scanned them and made them available to anyone who needs them.

16:17:34

24 Q. And could you tell us did you personally do anything with
25 the documents after they were stamped and scanned and made
26 available broadly?

27 A. For the purposes of this exercise I have looked at those
28 documents, I have determined, having looked at the source, when
29 they came in and who brought them in and what date the OTP

1 obtained possession and in that respect I have familiarised
2 myself with them. That's for this particular exercise.

3 Q. And can you describe the type of documents that are within
4 this group?

16:18:12 5 A. I have divided these 11 documents into three categories.
6 One I have called documents relating to civil war in Liberia and
7 there are three documents in that. Another would be Charles
8 Taylor's external activities and then lastly there are a couple
9 of notebooks, or more specifically I think there is one notebook
16:18:44 10 and one entry from another notebook. So that would make it 11.

11 Q. Okay, witness, talking about these that relate to the civil
12 war in Liberia, what do these documents look like?

13 A. The first one would be it is a salute report from General
14 Varney I think dated 1994. It is addressed to Charles Taylor.
16:19:21 15 The second document is a ATU, that is Anti-Terrorist Unit, report
16 called "Deployment". It is addressed to Charles Taylor Junior as
17 commander I believe. And the third report - third document -
18 it's a handwritten paper which appears to deal with immunity for
19 actions or crimes committed during the civil war in Liberia from
16:20:10 20 1989 to August 2003. That would be the three documents that I
21 would place in this first category.

22 Q. Then we would ask the Registry to place before you the
23 document that follows tab 37 which you said was - one of these
24 documents was a report from a General Varney. His name appears
16:20:41 25 therein. Let me ask you then whether this is that document and
26 what you know about it?

27 A. Yes, this is one of the documents I was referring to. I
28 may have called it salute report. It is a situation report and
29 it is addressed to Charles Taylor, Chairman and CIC, commander in

1 chief, NPFL, Republic of Liberia. It is from Lieutenant General
2 Samuel G Varney, Senior Military Advisor, Armed Forces of the
3 NPFL, Liberia. It is dated 30 September 1994 and originated from
4 Headquarters National Patriotic Front of Liberia, Gbarnga city,
16:21:46 5 Bong County, RL, which is Republic of Liberia. This is one of
6 the documents that I have recently seen. It is a document that
7 was seized by Liberian authorities in 2004, 5 March 2004, and a
8 copy of it was made by Ms Hackler on 28 February 2007. It is a
9 two page document and on the first page it has the ERN 00028870
16:22:29 10 and the last page has the number 00028871.

11 Q. Witness, you said it was seized I think 5 March 2004. Do
12 you know from your information from what location it was seized?

13 A. Well, as per the affidavit of Fofie Kamara, the documents
14 were seized at White Flower and so that is the source of my
16:23:01 15 information. Otherwise OTP has no other - as I have said
16 previously, we have not been provided with an inventory of any
17 sort. So it was seized from White Flower on 5 March 2004 as per
18 the affidavit.

19 Q. Again, I think you have mentioned Fofie Kamara as being
16:23:28 20 involved. What is his rank again or what is his position?

21 A. He is sheriff of Monrovia. He is also sometimes written as
22 police magistrate. He was the person to whom the warrant was
23 issued. The rate of - the search warrant issued on 5 March 2004
24 was issued in Fofie Kamara's name and he is the one who conducted
16:23:55 25 the searches and he is the one who has maintained custody of all
26 the materials that were seized on that day.

27 JUDGE SEBUTINDE: Mr Witness, I just need to know this.
28 You say, Mr Witness, that no inventory was provided. Did you or
29 did the Special Court request for an inventory and it was denied?

1 THE WITNESS: I couldn't be absolutely sure, your Honours,
2 but my general belief is that the OTP was interested in obtaining
3 the documents themselves. I don't know whether the OTP has
4 requested an inventory.

16:24:35 5 MR RAPP: At this point, your Honour, I think we are at
6 tab 37 and we would ask that this document be marked for
7 identification. I believe we are ready for 22.

8 PRESIDING JUDGE: That is correct, Mr Rapp. This document
9 will be marked MFI-22.

16:25:00 10 MR RAPP: And this has a CMS number, two page document,
11 22577 through 22578. Thank you.

12 MR MUNYARD: Mr President, I wonder if I can raise
13 something now before the tape runs out as I am aware it is going
14 to within the next five minutes. This witness has referred
16:25:23 15 several times in his evidence today to having had sight of
16 various other people's affidavits about where they found what and
17 when.

18 All we have been supplied with is a copy of a solemn
19 declaration by this witness himself. I would be grateful if,
16:25:43 20 hopefully before we ourselves leave the building, we can be
21 provided with copies of those affidavits that he has been
22 referring to. I don't include his own solemn declaration as we
23 already have that, but I wonder if that could be set in train so
24 that no time is wasted tomorrow in seeking it and that I can look
16:26:03 25 at these things overnight.

26 PRESIDING JUDGE: Mr Rapp?

27 MR RAPP: Your Honour, yes, by way of record I believe and
28 I have asked several times that each of these affidavits to which
29 you refer have previously been included in disclosure and have

1 been in the possession of the Defence for several months. Rather
2 than argue about that let us check the records here when we
3 proceed to adjournment and make sure that that is the case and if
4 you don't have the copies that we provided we will provide
16:26:33 5 additional ones.

6 PRESIDING JUDGE: Well, does that satisfy you for now at
7 least, Mr Munyard?

8 MR MUNYARD: Mr President, I am perfectly content with
9 that. I don't need to go over the history of what may or may not
16:26:45 10 have been provided. We know that sometimes when announcements of
11 that sort are made it turns out they weren't. Sometimes it turns
12 out they were. So let's forget the history and just get on the
13 with practicalities tonight, if possible.

14 PRESIDING JUDGE: All right. Thank you. I think this is
16:27:02 15 an appropriate time to adjourn now, Mr Rapp. We are just about
16 out of tape. Mr Witness, we are going to adjourn court until
17 9.30 tomorrow morning and you are ordered in the meantime not to
18 discuss this case with anyone at all. Do you understand that?

19 THE WITNESS: I do, your Honours. Thank you very much for
16:27:22 20 your guidance.

21 PRESIDING JUDGE: Thank you. We will adjourn court now,
22 Madam Court Manager.

23 [Whereupon the hearing adjourned at 4.30 p.m.
24 to be reconvened on Tuesday, 20 January 2009 at
16:27:41 25 9.30 a.m.]

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27
28
29

I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY	22876
CROSS-EXAMINATION BY MR GRIFFITHS	22876
RE-EXAMINATION BY MR SANTORA	22887
TARIQ MALIK	22914
EXAMINATION-IN-CHIEF BY MR RAPP	22914

EXHIBITS:

Exhibit P-270 admitted	22908
Exhibit P-271 admitted	22909
Exhibits D-80A to D-80F admitted	22909
Exhibits D-81A to D-81F admitted	22911