



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 22 JANUARY 2008  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

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**Before the Judges:**

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

**For Chambers:**

Mr William Romans  
Ms Doreen Kiggundu

**For the Registry:**

Ms Rosette Muzigo-Morrison  
Ms Rachel Irura  
Mr Vincent Tishakwa

**For the Prosecution:**

Mr Mohamed A Bangura  
Mr Alain Werner  
Ms Leigh Lawrie

**For the accused Charles Ghankay  
Taylor:**

Mr Courtenay Griffiths QC  
Mr Terry Munyard  
Mr Morris Anyah

1 Tuesday, 22 January 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:28 5 MS IRURA: The Special Court for Sierra Leone is sitting  
6 for a hearing in the case of the Prosecutor v Charles Ghankay  
7 Taylor, Justice Teresa Doherty presiding.

8 PRESIDING JUDGE: Good morning. As there are no  
9 preliminary matters, I will remind the witness of her oath and we  
09:29:54 10 will continue. Good morning, Ms Dufka. I will remind you that  
11 you took the oath yesterday. That oath is still binding on you  
12 and you should continue to answer truthfully.

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE: Mr Bangura?

09:30:09 15 MR BANGURA: Good morning, your Honour. You mentioned that  
16 there are no preliminary matters, but in fact there is an issue  
17 that I wish to raise. Can I go back and revisit an issue that  
18 came up yesterday in relation to the report that was tendered;  
19 the report which was tendered without a witness actually  
09:30:29 20 appearing in Court.

21 PRESIDING JUDGE: I see.

22 MR BANGURA: That is the report of Jessica. Your Honours,  
23 it is more or less to have the record straightened up on an issue  
24 that arose between the Prosecution and Defence as regards the  
09:30:42 25 question of whether in fact there had been any indication to the  
26 Defence that the Prosecution was going to read a portion of that  
27 report in Court. The records clearly do indicate that Mr Munyard  
28 said that he had not been, or the Defence had not been informed.

29 PRESIDING JUDGE: Well in actual fact, Mr Bangura, it was a

1 decision of the Court. Whether notice was given or not, that is  
2 a matter of courtesy between counsel and at the end of the day  
3 the Court made a decision.

09:31:20 4 MR BANGURA: I do realise that, your Honour, but it is just  
5 a matter of having the record straight.

6 PRESIDING JUDGE: I think we will avoid having too many  
7 disputes between counsel brought into the public arena, but I get  
8 the implication of what you are saying.

9 MR BANGURA: Thank you, your Honour.

09:31:36 10 MR MUNYARD: Madam President, can I just inform the Court  
11 that despite my best efforts I am not logged on to LiveNote. I  
12 am going to manage without until the morning break.

13 PRESIDING JUDGE: If there is a problem please advise us,  
14 Mr Munyard, and we will do our best to help.

09:31:59 15 MR BANGURA: Your Honours, just again before we proceed, I  
16 did mention some authorities yesterday and there was some  
17 confusion about one of them. I have handed in - I handed out a  
18 version that was not in fact the one that I intended to rely on.  
19 Your Honours directed that I did provide the correct copies to  
09:32:23 20 the staff of chambers, which I have done this morning, and I have  
21 also included one other authority which was not referred to  
22 yesterday but has been provided to the Defence.

23 PRESIDING JUDGE: And those are with our legal team?

24 MR BANGURA: Yes, your Honour.

09:32:40 25 PRESIDING JUDGE: Ah, yes. Our Senior Legal Officer has  
26 indicated that he has them and we will ensure that they are  
27 distributed in the break. Thank you.

28 MR BANGURA: Thank you, your Honour.

29

1 WITNESS: CORINNE DUFKA [On former oath]

2 EXAMINATION-IN-CHIEF BY MR BANGURA: [Continued]

3 Q. Good morning, Ms Dufka.

4 A. Good morning.

09:32:51 5 Q. We shall continue with your evidence, but just before we go  
6 on I want to touch briefly on a matter or an issue that was  
7 widely discussed yesterday in your evidence and that was the  
8 issue of young men being abducted and in many cases the  
9 recruitment of young people - boys, in some cases girls. What we  
09:33:22 10 did not seem to get from you was an indication as to what ages  
11 especially of the boys that were abducted and forced into  
12 recruitment. Did you - in the course of your investigations and  
13 your research, did you get any evidence which suggested the ages  
14 in the different situations in which this phenomena occurred?

09:33:47 15 Did you get any indication of the ages of the boys or girls that  
16 were forcefully recruited?

17 A. Are we referring specifically to Sierra Leone, or to Sierra  
18 Leone, Liberia - and Liberia?

19 Q. In this case it is Sierra Leone especially, because we were  
09:34:02 20 dealing with the atrocities that were committed in Sierra Leone  
21 yesterday, am I correct?

22 A. Yes, that is correct.

23 Q. Yes, go on please.

24 A. No, in general for the events which I documented and with  
09:34:16 25 which I am familiar with respect to the 1998 events following the  
26 dislodging of the RUF and the AFRC from political power, in terms  
27 of those offensives and attacks I would say the ages of  
28 recruitments were from a very young age. I have documented cases  
29 of recruitment probably from age - well, first let's clarify

1 recruitment for use in armed forces in fighting forces, or for  
2 use within the rebel camps? There were people of all ages from  
3 five years old, even younger, of children who were abducted with  
4 their parents. Obviously those children that young couldn't  
09:35:07 5 work, but they were nevertheless abducted. But in terms of into  
6 the fighting forces, I would say young. I mean, 12, 13, 14 was  
7 not uncommon.

8 Q. Thank you. Now --

9 A. And sorry to - one more point I wanted to add, if I may.

09:35:27 10 There were also children of that age working within the rebel  
11 camps doing other types of jobs, if you will, washing, and  
12 cooking and shining shoes and cleaning and this type of thing,  
13 and so those are known within UNICEF as children associated with  
14 war.

09:35:53 15 Q. Thank you. Now, we left off at a point where we were still  
16 looking at the atrocities that had been committed against  
17 civilians in Sierra Leone. Is that correct?

18 A. That is correct. May I have access to my report?

19 MR BANGURA: Your Honours, may the witness be assisted with  
09:36:13 20 MFI-1?

21 THE WITNESS: Thank you. Thank you, go ahead.

22 MR BANGURA:

23 Q. Right. So, we were - and we were also discussing the  
24 various documents that had been produced to depict these  
09:36:40 25 atrocities that were committed against civilians in Sierra Leone.  
26 Is that correct?

27 A. That is correct.

28 Q. Now amongst the material that you produced yourself,  
29 researched and produced, was one that covered exclusively the

1 phenomenon of sexual violence. Is that correct?

2 A. Yes, Human Rights Watch produced three documents that  
3 specifically focused on sexual violence against girls and women  
4 in Sierra Leone. One of those I researched and wrote myself, the  
09:37:22 5 second one was researched and written by an emergency researcher  
6 that came in to cover the events in May 2000 and the third one  
7 called "'We'll Kill You If You Cry'" was quite a long report  
8 written by a consultant and researched by myself and that  
9 consultant.

09:37:48 10 Q. Would you like to identify which, by the name of the  
11 documents, you yourself produced and those that were produced by  
12 the expert that worked with you?

13 A. Yes. Yes, the report produced by the consultant was "We'll  
14 Kill You If You Cry" and it was released in - the full title was  
09:38:19 15 "We'll Kill You If You Cry, Sexual Violence in the Sierra Leone  
16 Conflict". It was released in January 2003.

17 MR BANGURA: Your Honours, we are referring here to  
18 documents in tab number 7:

19 Q. Yes, go on please.

09:38:34 20 A. Okay. And then the document that I researched and wrote  
21 was entitled "Sierra Leone --" - "Sexual Violence within the  
22 Sierra Leone Conflict" and was released - it was a briefing  
23 paper, which is a shorter document, usually less than 15 pages,  
24 which was released on 26 February 2001.

09:38:57 25 MR BANGURA: Your Honours, we are referring here to the  
26 document in tab number 8.

27 THE WITNESS: And then in addition there was a press  
28 release. I don't recall the title of that press release. That  
29 was released somewhere around mid/late May 2000. That referred

1 specifically to sexual violence committed in that particular  
2 period around the events of May 2000.

3 MR BANGURA:

09:39:23

4 Q. And that press release is not listed in the documents that  
5 are attached?

6 A. No.

7 Q. That you have referred to in your report?

8 A. No, it is not.

09:39:33

9 MR BANGURA: Your Honours, may the documents in tab 7 and 8  
10 be shown to the witness.

11 THE WITNESS: Yes, tab 7 is indeed "We'll Kill You If You  
12 Cry".

13 MR BANGURA:

14 Q. That is the report?

09:40:00

15 A. That is a long report that was released in 2003.

16 MR BANGURA: Your Honours, may I respectfully ask that this  
17 document be marked for identification?

09:40:24

18 PRESIDING JUDGE: The document entitled "We'll Kill You If  
19 You Cry, Sexual Violence Within the Sierra Leone Conflict" is  
20 marked for identification MFI-10.

21 MS IRURA: That is correct, your Honour.

22 PRESIDING JUDGE: Thank you.

23 MR BANGURA:

09:40:33

24 Q. And the second document shown to you would be the press  
25 release - the briefing paper that you said you produced yourself.  
26 Is that correct?

27 A. That is correct.

28 MR BANGURA: Your Honours, may I ask that this document  
29 also be marked for identification?

1           PRESIDING JUDGE: The document headed "Sexual violence  
2 within the Sierra Leone conflict", four pages, is marked for  
3 identification MFI-11.

4           MR BANGURA: Thank you:

09:41:00 5           Q.    Ms Dufka, the report "We'll Kill You If You Cry", could you  
6 tell the Court what period of the conflict it covers? The period  
7 it features?

8           A.    Uh-huh. That report reflects the experiences of girls and  
9 women with respect to the sexual violence they suffered  
09:41:28 10 throughout the Sierra Leonean war; that is from 1991 until the  
11 end of when the research was conducted which was in 2002.

12          Q.    Could you give the Court an idea as to how extensive were  
13 the interviews that were conducted for the production of that  
14 report?

09:41:46 15          A.    Yes, there were scores of interviews with girls and women  
16 of all ages and all ethnic groups that were conducted and formed  
17 the basis of this report. Those interviews were conducted by  
18 myself and by the consultant with whom - the consultant who  
19 authored this report.

09:42:08 20          Q.    Now, as you have pointed out, the report covers the whole  
21 period that the war lasted in Sierra Leone and there were various  
22 phases of the war in Sierra Leone. Is that correct?

23          A.    It covers the entirety of the war, yes.

24          Q.    And there were various phases of the war in Sierra Leone.  
09:42:28 25 Is that correct?

26          A.    Yes.

27          Q.    Now, are you able to state whether there were any  
28 detectable patterns in which the offences - the sexual violence  
29 offences - were committed during the course of the war?



1 A. Well, in terms of detectable patterns, the report noted  
2 that the majority - the vast majority - of incidents of sexual  
3 violence against girls and women were committed by members of the  
4 rebel factions. It noted that there were some instances of  
09:43:08 5 sexual violence by other factions, but they were not many in  
6 number. It documents sexual violence committed in the course of  
7 rebel attacks, as well as after girls and women were abducted and  
8 returned to rebel bases. It covers various different categories  
9 of sexual violence, including individual and gang rape, sexual  
09:43:43 10 slavery, rape with foreign objects like wood and weapons and  
11 umbrellas and pistols and other types of weapons, as well as  
12 other types of sexual violence, but it focuses on the rebel  
13 offences and primarily also on the issue of abduction and the  
14 types of abuses women and girls were subjected to whilst being  
09:44:15 15 held in rebel camps, being forced to work, being subjected to  
16 extraordinary brutality both during the attacks as well as within  
17 the rebel camps.

18 Many of the girls it notes went on to become combatants  
19 themselves, who were subsequently "married" in quotes to the  
09:44:42 20 rebel combatants, bore children from them. You know, it  
21 chronicles the extreme hardship that these girls went through, as  
22 well as the difficulties they had in terms of their physical  
23 well-being and then the difficulties they had during  
24 reintegration back into their families and communities.

09:45:06 25 Q. Thank you. Now you have mentioned that one group is - was  
26 principally identified as being responsible, but other groups  
27 also bore some responsibility for these crimes. Is that correct?

28 A. That is correct.

29 Q. Could you comment on the extent to which the different

1 groups bore responsibilities for the crimes?

2 A. It - the report documented a number of cases involving  
3 civil defence militias, as well as I believe a few involving the  
4 UN personnel. I don't believe it documented any sexual violence  
09:45:43 5 by the ECOMOG peacekeepers.

6 Q. Thank you. And is there any indication as to any  
7 particular area where this practice was much more rampant than  
8 others?

9 A. It covers all different time frames of the war and all  
09:46:04 10 different physical locations of the war, but these abuses were  
11 concentrated in rebel held areas and so there were numerous  
12 incidents documented in Kailahun, in Kono District, in Makeni, in  
13 Lunsar, and then there is obviously - reiterating some of what I  
14 discussed yesterday with respect to the January 6th offensive

09:46:27 15 there are numerous examples that occurred during that time. The  
16 report makes some inferences also to the effects that this sexual  
17 violence had on girls and women, the intent to terrorise them, to  
18 humiliate them, both them and their families, and it also  
19 discusses that abuses against girls and women were not committed,  
09:46:57 20 or were often committed in association either preceding or  
21 followed by various serious - by other very serious war crimes  
22 committed against the girls and women and their families.

23 Q. Thank you. Now back to your report, pages 21 through to 23  
24 discloses human rights conditions - I am sorry, the latter bit of  
09:47:29 25 the latter part of that page.

26 A. I am sorry, Mohamed. Can you please repeat the page?

27 Q. No, I need to take you to page 18, I am sorry. Page 18.  
28 Page 18 through to 23 discusses crimes committed against  
29 civilians in Liberia, is that correct?

1 A. Yes, that is correct.

2 Q. Now you indicate in your report that a wide range of - you  
3 conducted interviews of a wide range of persons involved in the  
4 conflict in Liberia. Is that correct?

09:48:23 5 A. That is correct.

6 Q. And what period did you cover?

7 A. Well the interviews were conducted in 2000, 2001 and 2002,  
8 so that was the period. What we refer to as the second armed  
9 conflict in Liberia started in earnest in 2000, but in 1999 there  
10 were a number of cross-border attacks into Liberia.

09:48:47

11 Q. And when you say cross-border attacks, cross-border between  
12 which - with which country?

13 A. Well, in 1999 it would have been from Guinea and Sierra  
14 Leone into northern Liberia.

09:49:05

15 Q. Okay. And you conducted something in the region of 300  
16 interviews for this - over this period. Is that correct?

17 A. Something like that. Those interviews were primarily  
18 conducted in Sierra Leone within refugee camps in Sierra Leone  
19 and also in refugee camps in Guinea.

09:49:30

20 Q. Now, could you comment on the --

21 MR MUNYARD: Madam President, I am concerned. As you know  
22 from my intervention yesterday when I got the page numbering  
23 wrong, I am concerned about the relevance of this section of this  
24 witness's report. This tribunal is trying charges of war crimes  
25 against the accused against the population of Sierra Leone. We  
26 have now moved into Liberia and it is perfectly plain from the  
27 witness's report that she is dealing with the Liberian - I will  
28 call it the Liberian civil war, for want of a better term, in  
29 which Liberian forces were pitted against - Liberian government

09:49:49

1 forces were pitted against rebels, primarily the LURD and MODEL  
2 groups, some of whom were fighting with Sierra Leonean fighters,  
3 but this is on Liberian soil and it is about the Liberian  
4 conflict. It is not about the conflict that this tribunal is  
09:50:29 5 concerned with.

6 PRESIDING JUDGE: Mr Bangura, your reply please?

7 MR BANGURA: Your Honours, the Prosecution submits that  
8 this evidence, this part of the evidence, is relevant to the - to  
9 its case in that it goes to bolster the material that we need to  
09:50:53 10 produce to show one of the modes of liability which we have -  
11 which we say the accused - by which we say the accused is  
12 responsible for the crimes that we have charged.

13 Your Honours, the common - the CPE, common purpose or  
14 common plan, or common enterprise if you like, requires us to  
09:51:22 15 show to a certain extent how the intent, participation and  
16 perhaps foreseeability and we do - and there has been evidence  
17 before the Court already indicating that there had been  
18 association by the accused with rebels in Sierra Leone and that  
19 association was not only limited to the presence of those rebels  
09:51:50 20 within Sierra Leone, but also while they were outside Sierra  
21 Leone in Liberia.

22 And there has been also evidence before the Court and we  
23 make the point that it is important to be able to understand the  
24 dynamics of the conflict in Sierra Leone you would need to also  
09:52:08 25 understand the conflict that was going on in Liberia, because  
26 there is every evidence that Sierra Leoneans were also included  
27 and also were involved in that evidence. We have heard from the  
28 witness already that there cross-border attacks and obviously  
29 those attacks would have involved troops staging attacks - moving

1 from Sierra Leone and staging attacks outside Sierra Leone. And,  
2 your Honours, all of that effort had to be co-ordinated, or was  
3 co-ordinated by somebody, and so in my submission and the  
4 Prosecution's submission this evidence is relevant to show who  
09:52:50 5 and to what extent the persons who were associated with the  
6 rebels were involved in this plan.

7 PRESIDING JUDGE: Thank you, Mr Bangura. These matters  
8 will go to weight at the end of the evidence and we overrule the  
9 objection and the cross-examination and evidence - excuse me,  
09:53:22 10 examination-in-chief and evidence can continue. The question  
11 should be answered.

12 MR BANGURA: The question again was - let me just go back,  
13 your Honours.

14 PRESIDING JUDGE: Mr Bangura, you were referring to  
09:53:39 15 interviews in refugee camps.

16 MR BANGURA: Yes:

17 Q. How widely did you conduct the interviews that you have  
18 referred to?

19 A. Yes, I had said that I conducted these interviews in  
09:53:56 20 refugee camps in both Sierra Leone and Guinea.

21 Q. Now you have said that the period you were interested in in  
22 this coverage was from 1999, is that correct, through to 2002?

23 Is that correct?

24 A. Yes.

09:54:12 25 Q. Now in 1999, just to be clear, what sort of situation  
26 existed?

27 A. At that time the LURD, the Liberians United for  
28 Reconciliation and Democracy, a rebel group which had formed in  
29 probably late 1998/1999, were in the process of organising

1 themselves to launch an attack to attempt to - or launch an armed  
2 conflict to attempt to unseat then President Charles Taylor. My  
3 understanding was that that was going to be a multi-pronged  
4 offensive from a number of different countries. There were  
09:54:59 5 cross-border attacks in 1999 in August I believe, and perhaps  
6 later in that year, which signaled - from as I mentioned Sierra  
7 Leone and Guinea at that point, which signaled the beginning of -  
8 the very beginning of that armed conflict. It later intensified  
9 in 2000 and developed into quite a serious armed conflict that  
09:55:31 10 went on until 2003.

11 It was our understanding in terms of background that the  
12 LURD and later MODEL - some years later they separated from the  
13 LURD and formed a second rebel movement that was based primarily  
14 in southern Liberia - was in response to numerous grievances from  
09:55:56 15 primarily the Mandingo and Khran ethnic groups in Liberia and in  
16 response to reports of repression and misrule and other similar  
17 problems in Liberia.

18 So we became involved in 2000 after refugees from primarily  
19 Lofa County, L-O-F-A, which is located in northern Liberia along  
09:56:32 20 the border with Guinea and Sierra Leone, began coming into Sierra  
21 Leone. I began receiving reports of very serious atrocities that  
22 had been committed by pro-government troops in 2000, as I  
23 mentioned, and went down to the refugee camps and began  
24 conducting interviews at that time with - in 2000, 2001 and that  
09:56:58 25 continued into 2002 with refugees who related to me numerous  
26 accounts of very serious atrocities which had been committed at  
27 that time.

28 As in the Sierra Leonean conflict and most conflicts,  
29 abuses are committed by both sides and that was clearly the case

1 in the second armed conflict in Liberia. We have said and  
2 provided documentation to support the fact that the majority of  
3 those abuses were committed by pro-government forces from the  
4 armed forces of Liberia, from the anti-terrorist unit (ATU) and  
09:57:47 5 from the special security services as well as some of those  
6 militias which I mentioned yesterday. However, there were also  
7 very serious war crimes and atrocities committed by Liberian  
8 rebels as well.

9 Q. Thank you. You mentioned Lofa as a location in Liberia  
09:58:11 10 where some of this fighting was taking place. Is that correct?

11 A. That is correct.

12 Q. Now in terms of proximity, if your geography is good enough  
13 to say - in terms of proximity, how close or how far away would  
14 that region in Liberia be to the closest point in Sierra Leone  
09:58:32 15 along the border?

16 A. Lofa County borders Sierra Leone and borders parts of  
17 Guinea, and we believe that Lofa was the centre of many of these  
18 atrocities because it was strategically a very important place  
19 for both the Sierra Leone - I am sorry, for both the Liberian  
09:58:58 20 pro-government forces as well as the Liberian rebels. At that  
21 time the Liberian rebels were receiving logistical and other  
22 support from Guinea, according to our research, and so for the  
23 Liberian rebels it was key for them to maintain control over that  
24 area and for the same reason it was an area which the Liberian  
09:59:24 25 pro-government forces wanted to control.

26 So we identified patterns between the military operations  
27 and the human rights abuses, and those patterns reflected or were  
28 as a result of the frequent changing of hands of a number of  
29 towns and villages in Lofa County that went from one force to the

1 other and back and forth. It was an area of a great deal of  
2 armed conflict.

3 We again noted the very common pattern of collective  
4 punishment against Lofa based ethnic groups, primarily the  
10:00:10 5 Gbandis - that is G-B-A-N-D-I - who fought, or many of whom who  
6 fought with the LURD, and so much of this abuse was committed in  
7 the form of collective punishment against primarily Gbandi towns  
8 and villages. The Mandingos also, of which there are many in  
9 Lofa County, were also targeted.

10:00:36 10 Q. Thank you. To your recollection, or based on the reports  
11 you have produced, which factions or which forces were involved  
12 in the fighting at this time?

13 A. I have mentioned those from the LURD and from the rebel  
14 side, the rebel - the only rebel faction involved in those  
10:00:58 15 operations were the LURD who were, as I mentioned, trying to hold  
16 on to Lofa County. On the part of the Liberian pro-government  
17 forces, there was the AFL, the ATU, the SSS and a number of these  
18 divisions: the army division, the marine division and the jungle  
19 fire unit were involved in fighting in Lofa County.

10:01:32 20 Q. Now, you mentioned further on in the report that is dealing  
21 with Liberia that Human Rights Watch did produce some documents  
22 relating to this situation of violation - human rights violation  
23 situation. Is that correct?

24 A. Yes.

10:01:50 25 Q. And these reports, were they brought to the attention of  
26 the government of Liberia at the time?

27 A. I believe we followed the same process which we always do;  
28 that is dissemination to the diplomatic missions in Washington  
29 and the United States and then also dissemination - wide



1 dissemination - through international and national press.

2 Q. And one of the reports which I believe you have already  
3 identified which was produced covering these events is "Back to  
4 the Brink". Is that correct?

10:02:32 5 A. That is correct.

6 MR BANGURA: Your Honours, I am referring to MFI-3:

7 Q. Was there any publication that came out from Human Rights  
8 Watch covering these events as well?

9 A. Yes, there were a number of press releases in which we  
10:02:58 10 highlighted our findings. One - let me see if they are in the  
11 list here. "Back to the Brink" was a report that we produced and  
12 then I am looking to see if I can identify another one of the  
13 documents we produced. We also produced a letter and press  
14 release on 29 July 2002 called Liberia - "Deteriorating Human  
10:03:29 15 Rights Situation in Liberia", and then with respect to --

16 MR BANGURA: Your Honours, that has been identified already  
17 as MFI-5.

18 THE WITNESS: Okay. And then we also produced "Liberian  
19 Refugees in Guinea", the refoulement.

10:03:46 20 MR BANGURA: That has been identified as MFI-4.

21 THE WITNESS: And I believe there were a few other press  
22 releases and perhaps letters that we produced at that time  
23 detailing our findings and concerns about the very serious  
24 patterns of human rights abuses committed.

10:03:59 25 MR BANGURA:

26 Q. Now, you mentioned in your report that there were in fact  
27 some reaction from the government of Liberia in relation to the  
28 publication of the report and the press releases that you did at  
29 the time. Is that correct?

1 A. Yes.

2 Q. And you have made the point that this is an indication that  
3 there was some notice. Is that correct?

4 A. Yes.

10:04:33 5 Q. Now can I refer you to appendix 3 of your report, which  
6 says "News Articles Wherein Liberian Government Officials Deny  
7 Human rights Watch Accusations, Thereby Proving Their Knowledge  
8 of Human Rights Watch's Work". Is that correct?

9 A. That is correct.

10:05:03 10 Q. Would you like to discuss these documents in turn?

11 A. There were a number of wire service reports from Reuters,  
12 Associated Press and Agence France-Presse which reflect the  
13 statements of Liberian officials, including Reginald Goodridge  
14 and in one case I believe Charles Taylor as well and Monie Captan

10:05:41 15 as well, I believe the then Minister of Foreign Affairs if I am  
16 not mistaken.

17 Q. And these were all Liberian officials - Liberian government  
18 officials - at the time?

19 A. Yes, that is right, and they denied the - or they didn't  
10:05:58 20 concur with our findings as indicated by their statements in  
21 these press releases.

22 JUSTICE SEBUTINDE: Mr Bangura, could we have the spelling  
23 of this official, Captain somebody or other?

24 MR BANGURA: Monie Captan. It is somewhere in the report,  
10:06:23 25 but I will attempt to spell it. I think it is M-O-N-I-E

26 C-A-P-T-A-N:

27 Q. And I think you did mention Reginald Goodridge?

28 A. Yes, that is right.

29 Q. I think that is - Goodridge is G-O-O-D-R-I-D-G-E. So, all

1 of the documents in appendix 3 of your report basically make the  
2 point that there was some reaction from the government of Liberia  
3 at the time. Is that correct?

4 A. That is correct.

10:06:58 5 Q. Thank you. Let me take you to part 3 of your report and  
6 that is from pages 27 through to 30. Now, in this section you  
7 discuss Liberia's involvement in the Sierra Leonean armed  
8 conflict. Is that correct?

9 A. That is correct.

10:07:40 10 Q. And you basically give a historical context in showing the  
11 Liberian element, or Liberian involvement, in the war in Sierra  
12 Leone right through - from the beginning right through to the  
13 end. Is that correct?

14 PRESIDING JUDGE: Mr Bangura, I am going to caution you  
10:08:05 15 again about leading questions. You may recall there has been a  
16 directive yesterday.

17 MR BANGURA: I will abide, your Honour.

18 PRESIDING JUDGE: I have let the past ones go in the light  
19 of the fact that you are putting past evidence, but please.

10:08:18 20 MR BANGURA: I will abide, your Honour:

21 Q. Can you - looking at part 3 of the report, can you say  
22 generally what you have tried to present in that part of the  
23 report?

24 A. Yes, what I have tried to present is the indications that  
10:08:39 25 we obtained in the process of our research of the Liberian  
26 involvement, or the involvement of Liberians we should say, in  
27 various different episodes of the Sierra Leonean armed conflict.  
28 The first part of the report addresses or is derived from  
29 interviews I conducted in the course of my research with the -

1 the research on the phenomena of mercenary activity in West  
2 Africa. It is based on a few interviews I conducted with former  
3 combatants who had knowledge of the very early involvement of  
4 Liberians in the armed conflict in Sierra Leone, primarily in  
10:09:28 5 Kailahun District. Those combatants, there are two which I  
6 mention in my report, one - both of whom were civilians at that  
7 time and later became combatants with one of the - with the RUF.

8 The first one was from the village of Bomaru, the venue of  
9 the first attack by the RUF in Sierra Leone on 23 March 1991, and  
10:09:59 10 he details, or his testimony is notable for the - with respect to  
11 the high percentage of Liberians among the attackers. He notes  
12 that there were about 20 Liberians and only three Sierra Leoneans  
13 involved in that attack.

14 The second combatant I interviewed then also gives some  
10:10:24 15 indication of that same attack, or of that same time period, and  
16 also notes the very high involvement and later how the  
17 involvement of Liberians decreased due to a few factors. One of  
18 them was that the RUF had embarked on a - or the RUF, involving  
19 Liberians and Sierra Leoneans, embarked on a very aggressive  
10:10:48 20 recruitment campaign, which then swelled the ranks of the RUF  
21 much fuller with Sierra Leoneans, as well as incidents involving  
22 acrimony that developed between the sierra Leonean components of  
23 the RUF and the Liberian components. That revolved around the  
24 very frequent, as they described, attacks by - on the Sierra  
10:11:17 25 Leonean population by Liberian combatants, who then tried to and  
26 managed to expel a good number of them from Sierra Leone.

27 Q. Now, these accounts that you have just discussed are  
28 contained on pages 27 and 28. Is that correct?

29 A. That is correct.

1 MR BANGURA: Your Honours, with your leave I would like to  
2 have the witness read through these portions of the report:

3 Q. Can I ask you to read the accounts that you have indicated  
4 that you have included in the report?

10:11:55 5 A. Okay. The entirety of the account?

6 Q. Yes, there are two pages and so you read the first account  
7 and then go on to the next one.

8 PRESIDING JUDGE: Mr Bangura --

9 MR MUNYARD: Madam President, I am sorry, I was just about  
10:12:07 10 to object to that, but if you have a matter that you wish to  
11 raise I will defer to you.

12 PRESIDING JUDGE: [Microphone not activated] I was going to  
13 - let me hear your objection, Mr Munyard.

14 MS IRURA: Their Honours' microphone is not on.

10:12:21 15 MR MUNYARD: I think you intended it not to be on at the  
16 moment. The purpose of this witness preparing the report is not  
17 to then come and sit at the witness desk and read the whole thing  
18 out. It is absolutely basic and, if that were the case, then  
19 there would be no need for her to sit there at all. The Court,  
10:12:41 20 or the Prosecution, could read it out.

21 PRESIDING JUDGE: I was intending actually to say something  
22 to the similar effect. You put it more succinctly, Mr Munyard.

23 The report has been marked for identification. There is no  
24 need to read it all out into the record. Thank you, Mr Bangura.

10:12:58 25 MR BANGURA: Thank you, your Honour:

26 Q. You move on from that stage of the conflict in Sierra Leone  
27 and go on to indicate further instances where Liberians were  
28 involved. Is that correct?

29 A. Yes, that is correct. The first two interviews that I

1 include in this report are of, as I mentioned, former combatants,  
2 so they reflect one experience and a certain set of knowledge  
3 that would come from - well, they were victims at this point and  
4 then they became protagonists within one of the warring factions.

10:13:35 5 The other instances in which I heard of Liberians being  
6 involved were from victims; from the numerous victims that I  
7 interviewed over the years. These included at least - and these  
8 included mentions of the involvement of Liberians in the  
9 commission of atrocities, or who were victims of atrocities in  
10:14:04 10 Sierra Leone in one case.

11 These included nine victims and witnesses whom I  
12 interviewed in relation to the January 6th offensive who noted  
13 the presence of Liberians among their attackers. They believed  
14 that they were Liberians in some cases because the individuals  
10:14:30 15 identified themselves as Liberians and other times because they  
16 spoke with a Liberian accent. They were - the alleged Liberians  
17 were women, men and children, primarily men, male combatants  
18 above the age of 18, and the crimes that they were involved in  
19 included the massacre - a massacre of seven civilians on  
10:15:02 20 January 9th, the burning alive of a four-year old girl and an  
21 87-year old woman in Kissy on January 20th and the killings which  
22 took place in the Rogbalan Mosque on January 22nd - I have noted  
23 in my report on January 20th, but that is a typo and it should  
24 have been January 22nd as I have noted a few times earlier - and  
10:15:28 25 then three separate incidents of limb amputation on January 21st,  
26 25th and February 1st.

27 The second example of Liberian involvement was a testimony  
28 that I took from a militia man with the civil defence forces, who  
29 was interviewed in 2000 and who described having witnessed the

1 brutal killing of a female Liberian commander that his unit  
2 perpetrated. This was in the area of Tongo Fields, T-O-N-G-O,  
3 and that killing took place in 1996. This combatant said that  
4 the woman was about 25 years old and that she was a Liberian, but  
10:16:16 5 fighting with the RUF and indeed an RUF commander.

6 And then a third victim was a 50-year old woman from Port  
7 Loko District who witnessed the killing of 12 people during a  
8 rebel attack in 1999, and she noted that one of the rebels  
9 present during this killing spoke with a Liberian accent and she  
10:16:42 10 overheard him saying - criticising the other rebels for this  
11 killing and she overheard him saying, "We don't do this in my  
12 country", which indicates that indeed he is not a Sierra Leonean.  
13 He is a Liberian. So, those are the instances that - sorry, go  
14 ahead.

10:17:03 15 Q. Now, you also make mention of the fact that a senior RUF  
16 commander did in fact move to Liberia at some point. Is that  
17 correct?

18 A. I am sorry, can you clarify?

19 Q. You make the point - showing the connection with Liberia,  
10:17:21 20 you make the point that - specifically it is Sam Bockarie. You  
21 make the point that he in 1999 --

22 MR MUNYARD: Well if that is not leading, what is?

23 MR BANGURA: Your Honours, the report is before your  
24 Lordships and before the Court and I am merely drawing the  
10:17:42 25 witness's attention to an issue in the report.

26 PRESIDING JUDGE: Yes. You are either - it is either  
27 before the Court and we absorb it and it is unnecessary to repeat  
28 it, or you are leading. Now, the name you mentioned has never  
29 arisen in the course that I recall and that is definitely

1     Leading.

2             MR BANGURA: I shall withdraw the question.

3             PRESIDING JUDGE: Refer us to the section, but don't lead.

4             MR BANGURA: I shall withdraw the question, your Honour:

10:18:10 5     Q.     You do make reference to further connections between -  
6     well, further instances of Liberian involvement in the war in  
7     Sierra Leone. Is that correct?

8     A.     Yes, myself and other researchers. I have noted my own, or  
9     I have noted the instances in interviews that I conducted in  
10:18:35 10    which there was some reference to Liberians taking place in those  
11    operations. I have just noted that. Also, other reports that  
12    Human Rights Watch has published and other documents that Human  
13    Rights Watch has published that I did not necessarily write in  
14    their entirety, or research in their entirety, also noted the  
10:18:57 15    presence of Liberian combatants, or those believed to be Liberian  
16    combatants, involved in the commission of atrocities.

17    Q.     I was going to draw your attention to a portion of your  
18    report where you make an indication that at some stage there was  
19    some problem within the leadership of the RUF. Is that correct?

10:19:20 20    A.     Yes, that was - yes, and at that point we would have had  
21    the movement of Liberians into Liberia. I am sorry, of Sierra  
22    Leoneans into Liberia. That occurred during a fall out in 1999  
23    between Sam Bockarie, otherwise known as Mosquito, and Foday  
24    Sankoh in December 1999, at which point some it has been  
10:19:49 25    estimated 500 RUF combatants moved over into Liberia and then  
26    were incorporated into other units, as far as we understand,  
27    including the anti-terrorist unit.

28    Q.     Now these various accounts and instances that you have  
29    referred to in this part of your report, are they contained in



1 earlier reports that Human Rights Watch had produced?

2 A. Which ones are you referring to?

3 Q. You have referred to a situation where you had an interview  
4 with a Civil Defence Force person, you have referred to a  
10:20:31 5 situation where a commander - a fighter did say that they did not  
6 do that sort of thing in their country and you have referred to  
7 even the instance about a fracas within the leadership of the  
8 RUF.

9 A. I can say that several of the instances of those nine  
10 atrocities committed during the January 1999 rebel offensive are  
11 in my report, but not all of them. With respect to the CDF  
12 militia man, I do not think that is in one of my reports.

13 Q. Thank you.

14 A. We can't include every single, or a reference to every  
10:21:22 15 single testimony that I take in our reports. There are simply  
16 too many. I believe that the account of the 50-year old woman  
17 from Port Loko District is in one of my reports, but I can't say  
18 for sure.

19 Q. Now, let me take you to part 4 of your report which runs  
10:21:40 20 from page 31 through to page 33. Now you had earlier started  
21 discussing the subject of this part of your report, but not in  
22 detail. The subject there is joint cross-border attacks on  
23 Guinea by the RUF and Liberian government. Now --

24 MR MUNYARD: Again, Madam President, I object to this  
10:22:16 25 section of the report on exactly the same basis as I objected to  
26 the Liberian section. In our submission, this goes beyond the  
27 scope of the indictment. Not only does it go beyond the temporal  
28 scope of the indictment, but it also goes beyond the geographical  
29 scope of the indictment. In our submission, this does no more

1 than demonstrate that hostilities were taking place across the  
2 border in Guinea and that the Guinean government was supporting  
3 the LURD and that that is what this is concerned with. This is  
4 the Liberian civil conflict, as supported by an outside  
10:23:01 5 government or governments, essentially on Liberian soil with some  
6 responses back across the border into Guinea. It does not  
7 concern this case.

8 MR BANGURA: Your Honours, the Prosecution makes the point  
9 that it goes beyond just the fact that these were attacks across  
10:23:21 10 the border from Liberia into Guinea. It goes to show involvement  
11 of Sierra Leonean RUF fighters in these attacks, it goes to show  
12 control of these fighters by whoever their commander was and we  
13 make the point that in this case the accused had command. It  
14 goes to show his association with these forces. It goes to show  
10:23:53 15 that he was part of a common plan which was executed by these  
16 forces.

17 Your Honours, the fact that these incidents occurred  
18 outside the geographical territory of Sierra Leone in my  
19 submission does not preclude this Court from hearing the evidence  
10:24:23 20 which helps this Court to understand how we say that the accused  
21 is part of a common criminal enterprise.

22 MR MUNYARD: Madam President, on a point of law the common  
23 criminal enterprise that this evidence demonstrates, if it  
24 demonstrates any such common enterprise at all, relates to the  
10:24:45 25 civil conflict in Liberia/Guinea. It does not relate to the  
26 issues that this Court is trying, namely an alleged common plan  
27 or enterprise in relation to Sierra Leone. It is patently beyond  
28 the scope of the indictment and there is no legal basis for  
29 suggesting that it is within the scope, either temporal or

1 geographical .

2 JUDGE LUSSICK: Mr Bangura, I don't think you answered Mr  
3 Munyard's objection that the incidents referred to are outside  
4 the temporal scope of the indictment. What do you say to that?

10:25:28 5 MR BANGURA: Your Honours, they may very well be outside  
6 the temporal scope of the indictment, but your Honours we seek to  
7 bring this sort of evidence to show - to be able to prove certain  
8 contextual elements of some of the elements of the offences that  
9 we have charged. But more importantly, your Honours, we see in  
10:25:53 10 these acts, in these activities, we see the role of the accused  
11 as a commander and that helps to satisfy the element of command  
12 responsibility. The evidence suggests that there were RUF  
13 fighters who were fighting at the behest, at the orders, or upon  
14 the orders of the accused. Our submission is that this - to be  
10:26:24 15 able to establish that command responsibility, the evidence to be  
16 looked at does not necessarily have to be restricted to events  
17 and activities within Sierra Leone. I mean, it is conduct --

18 JUDGE LUSSICK: Well, you are talking about the  
19 geographical scope. Mr Munyard also referred to the temporal  
10:26:46 20 scope; in other words, the incidents that you seek to ask this  
21 witness about did not occur during the time frame of the offences  
22 charged in the indictment.

23 MR BANGURA: Your Honours, the time frame depends on - what  
24 we are talking about for the time frame which we cover, or  
10:27:05 25 generally the indictment covers, is from 1996 through to  
26 January 2000. It is clear that we have limited the scope of some  
27 of the offences that we have charged. But, your Honours, the  
28 events which we refer to here are events which occurred right up  
29 until 2001.

1 JUDGE SEBUTINDE: That is precisely the point. We don't  
2 see the point that you are trying to make. Clearly part 4 deals  
3 with the time frame September 2000 to March 2001, or even beyond  
4 to 2004. How is that related to the indictment period?

10:27:56 5 MR BANGURA: Your Honours, I believe I have made the point  
6 that even if these matters that occurred outside the time frame  
7 of the indictment are not themselves directly matters which go to  
8 specifically prove the elements of the offences that we have  
9 charged, your Honours, we submit that they go to show that - they  
10:28:22 10 go to show - firstly they go to help to show the context in which  
11 a lot of these crimes were committed. It gives a contextual  
12 background to the commission of crimes within the indictment and  
13 that is important for the Court to understand.

14 PRESIDING JUDGE: We uphold the objection and we do not  
10:29:04 15 allow that question.

16 MR BANGURA: Your Honours, if I understand your Lordships,  
17 there is quite a lot that is covered within this part of the  
18 report and is the point that that particular question cannot be  
19 asked, or is it that --

10:29:28 20 PRESIDING JUDGE: It cannot be asked because, on the  
21 grounds as clearly put before the Court, it is outside the  
22 temporal scope of the indictment and is not admissible.

23 MR BANGURA:

24 Q. Ms Dufka, you did indicate earlier that in an effort to  
10:30:00 25 understand the dynamic of conflict in Sierra Leone, Liberia and  
26 other parts of West Africa you did conduct several interviews  
27 with combatants - former combatants. Is that correct?

28 A. Yes. As a part of that research which was published in  
29 "Youth, Poverty and Blood" I interviewed some 60 former

1 combatants, including those who had participated in those attacks  
2 in September 2000 and 2001 only.

3 Q. And these would be combatants in what countries?

10:30:35

4 A. They were from Liberia and Sierra Leone and a few Guineans,  
5 but primarily those from Liberia and Sierra Leone - the bulk,  
6 maybe two or three Guineans among.

7 Q. And what did the indications - what indications did you get  
8 as regards the role of Sierra Leoneans in some of these  
9 conflicts?

10:30:55

10 A. They were - some half of those that I interviewed were  
11 Sierra Leoneans who had fought in Liberia at various different  
12 times, who had fought in Cote d'Ivoire and who had fought in  
13 Guinea as well.

10:31:16

14 Q. Was there any indication as to - was there any indication  
15 as to the purpose for which they were fighting in these - Sierra  
16 Leoneans fighting in Liberia? Was there any indication as to the  
17 purpose for which they were fighting in Liberia at the time?

10:31:39

18 A. Well, most of them had been recruited. Of course, it is  
19 different. Each different situation has their own idiosyncratic  
20 dynamics. I can say, if I am not going beyond answering the  
21 scope of the question, that the armed conflicts in Liberia and  
22 Sierra Leone and Cote d'Ivoire have been marked by a regional  
23 dynamic where the governments of the region have shown a  
24 potential to involve themselves in trying to destabilise one -  
25 destabilising a neighbouring country. At each - at any given  
26 time you had one group who was participating in supporting a  
27 proxy group whose intention was to overthrow, or destabilise, a  
28 neighbouring country. So, with respect to Sierra Leonean  
29 involvement it took place at various different times and in

1 support of various different Liberian, Guinean and Cote  
2 d'Ivoirean armed factions.

3 Q. Now, one of the situations which you identify where Sierra  
4 Leone RUF fighters took part in fighting in Liberia is the Lofa  
10:32:51 5 situation. Is that correct?

6 A. That is correct.

7 Q. Now, did you get any indication from the persons you  
8 interviewed as to how they got involved in that conflict?

9 A. In a few different contexts. One of them were, as I  
10:33:11 10 mentioned previously, the RUF who joined or who were integrated  
11 into Liberian pro-government factions after commander Sam  
12 Bockarie fell out with Foday Sankoh in December 1999. Prior to  
13 that, they were - the RUF factions based in Kailahun District  
14 were also involved in responding to the April 1999 fighting in  
10:33:42 15 Lofa County, which is commonly known as the Mosquito Spray  
16 operation, and then these cross-border attacks into Guinea in  
17 September 2000 and through March 2001 which appeared - which  
18 clearly appeared in my research to be a joint and co-ordinated  
19 effort to punish Guinea for the support that they were rendering  
10:34:08 20 to the Liberian rebels.

21 Q. Was there any indication as to who they were taking command  
22 from in these operations? In this operation, especially the Lofa  
23 one?

24 A. In the Lofa, I was not able to ascertain that.

10:34:22 25 Q. And what about the Guinea one?

26 A. Well, according to the seven combatants - former combatants  
27 - that I interviewed they noted a number of commanders. Our  
28 research did not intend to identify the chain of command in that  
29 operation. Of the seven ex-combatants that I interviewed all but

1 one I believe of them noted and characterised it as a joint  
2 operation, which suggested a fair amount of co-ordination between  
3 Liberian pro-government and Sierra Leonean rebel groups. Nearly  
4 all of them, if not all, identified punishing Guinea for their  
10:35:18 5 involvement as I mentioned in supporting Liberian rebel groups as  
6 the motive for that attack. There were a number of commanders  
7 that were mentioned, including - I don't know if I should name  
8 them? They are in my report.

9 Q. Please do.

10:35:35 10 A. There was - Mosquito was mentioned and Benjamin Yeaten, I  
11 will just get the spelling, Y-E-A-T-A-N, was mentioned. He is a  
12 Liberian commander I believe of the SSS at that time. A Sierra  
13 Leonean RUF commander named Peleto, P-E-L-E-T-O, was mentioned.

14 MR MUNYARD: Just for my assistance is the witness

10:36:08 15 referring to her report to the Court, in which case on which  
16 pages, or otherwise is she referring to the "Youth, Poverty and  
17 Blood" document?

18 THE WITNESS: I would be referring to - not all of the  
19 testimonies in my report are in "Youth, Poverty and Blood". As I  
10:36:29 20 mentioned, the research was done for that. If - so, I can't  
21 recall which ones in my report to the Court were in my report for  
22 "Youth, Poverty and Blood", but it is easy enough to check.

23 MR BANGURA:

24 Q. Now, you made the point that you mentioned Mosquito having  
10:36:49 25 forces in Liberia and he would have been involved in these  
26 conflicts. Is that correct?

27 A. That is correct.

28 Q. Is there any indication about other RUF or rebel forces who  
29 would have been involved in these operations who came from Sierra

1 Leone, not from the group that was with Mosquito?

2 A. Well they talked about RUF being mobilised from a number of  
3 different places in Sierra Leone, including Tongo Field was one  
4 of the ones that they mentioned and I believe Kailahun. I will  
10:37:26 5 have to review. There were mentions of meetings that took place  
6 both in Liberia and Sierra Leone, in advance of this operation,  
7 in which orders were given to the combatants who would  
8 participate in those cross-border attacks.

9 There was one mention from one of those that I interviewed  
10:37:54 10 - and I cannot recall whether this one was included in my "Youth,  
11 Poverty and Blood" report - of one combatant saying that he had  
12 spoken with his commander who received orders from Charles  
13 Taylor. That is one mention. A few of them mentioned Benjamin  
14 Yeaten as having given them orders, and I think what was  
10:38:15 15 important from our point of view as Human Rights Watch was that  
16 there were quite explicit orders given to commit human rights  
17 abuses against the Guinean population and that is the reason why  
18 I conducted these interviews and included this section in my  
19 report in "Youth, Poverty and Blood". It was within a section of  
10:38:39 20 that report which dealt with issues of human rights abuses and  
21 the extent that the warring factions tried to mitigate those  
22 abuses, and this section was included in that report with respect  
23 to a time when there were explicit orders given to commit human  
24 rights abuses which occurred in Guinea and which we documented.

10:39:05 25 PRESIDING JUDGE: Mr Bangura, I am not entirely clear of  
26 the time frame that this particular last part of the evidence  
27 relates to, but I would just remind you of the ruling concerning  
28 the temporal scope of the evidence.

29 MR BANGURA: Your Honours, the time frame has been



1 basically focused on Lofa and then we went on to talk about the  
2 incident in Guinea. The Lofa incidents have been identified as  
3 having occurred:

4 Q. Can you tell the Court, please?

10:39:36 5 A. There might have been some confusion that 2004 was in there  
6 because that is when the research was conducted, but the  
7 cross-border attacks into Guinea took place from September 2000  
8 to February/March 2001.

9 Q. Thank you. Now, I am going to take you back to a few  
10:40:03 10 issues that we have already covered. In discussing the  
11 atrocities that were committed against civilians in Sierra Leone  
12 you did mention the case of amputations. Is that correct?

13 A. Uh-huh.

14 Q. And you document much of - some of the incidents of that in  
10:40:35 15 one of your reports. Is that correct?

16 A. That is dealt with in a number of Human Rights Watch  
17 documents, yes, from 1998.

18 Q. And in addition to - well, in the course of your  
19 investigations of these crimes you of course did - you did give  
10:40:59 20 interviews as well. Is that correct?

21 A. Yes. Giving interviews to the national and international  
22 press is a central part of our advocacy and dissemination of our  
23 information, so, yes.

24 Q. And there were photographs taken as well of some of the  
10:41:15 25 victims. Is that correct?

26 A. That I took?

27 Q. Yes.

28 A. Yes.

29 MR BANGURA: Can the witness be shown the documents in tab

1 number 12, please:

2 Q. Now, the document you have been shown incorporates two  
3 photographs. Is that correct?

4 A. Yes.

10:42:25 5 Q. Could you give the Court a background to - and these are  
6 photographs that you yourself shot?

7 A. Yes.

8 Q. Could you give the Court some background to the situation  
9 that these photographs depict? Can we talk about the first one  
10:42:44 10 and then go on to the second one?

11 A. Yes, the first one was a 12-year old, as it says, young  
12 girl, who had suffered an amputation I believe in the Kambia  
13 District, but I am not certain, in May 2000. She was certainly  
14 living within an area under RUF control, I am almost sure it was  
10:43:11 15 Kambia, and I interviewed her in one of Freetown's hospitals and  
16 then took this picture of her.

17 Q. And the second one?

18 A. This is a - she was probably 13. She was one of three  
19 adolescent girls who were rounded up from Kissy by a group of  
10:43:31 20 rebels in late January, around the 20th to the 22nd January, if I  
21 am not mistaken, and taken up to a hill and had their hands  
22 amputated - in this case both hands. She was I think about 13.  
23 Her account is in my report and it was in a section which focused  
24 on the particular targeting of - or the commission of crimes  
10:44:06 25 against children and in one section which if I am not mistaken  
26 deals with children actually being targeted out for abuse,  
27 because she was in her house and according to her testimony when  
28 people were asked to come out by the rebels they particularly  
29 picked out these three adolescent girls and amputated them.

1 MR BANGURA: Your Honours, I respectfully move that this  
2 document be marked for identification. The two photographs.

3 PRESIDING JUDGE: There are two pictures and a preface. So  
4 picture number 1 will be marked for identification MFI-12A, that  
10:45:00 5 is of a 12-year old victim, and the second photograph of a  
6 13-year old victim will be MFI-12B.

7 MR BANGURA: Thank you, your Honour:

8 Q. May I take you - you mentioned - just a short while ago you  
9 did say that you conducted and gave interviews in the course of  
10:45:25 10 your research. Is that correct?

11 A. That is correct. On a variety - a wide variety - of  
12 subjects related to the human rights conditions in Sierra Leone.

13 Q. Okay. I would like to show you a short footage, three  
14 short footages of video footages, and you probably then will be  
10:45:46 15 questioned on what we view.

16 A. Yes.

17 MR BANGURA: Your Honours, may I respectfully ask that  
18 document - well, not documents. The clips in this case, video  
19 clip which is --

10:46:03 20 MR MUNYARD: Madam President, we have in our bundle a  
21 transcript of the video clips. We don't have the video clips and  
22 I had assumed that that was for the reason that the Prosecution  
23 were seeking to rely on what is called "unofficial transcript".  
24 I will just - it is in tab 6.

10:46:26 25 MR BANGURA: Yes.

26 PRESIDING JUDGE: The tab 6 in my bundle is a transcript.  
27 I don't see a video - any form of CD.

28 MR BANGURA: Your Honour, the transcript --

29 PRESIDING JUDGE: We have no record of receiving one.

1 MR BANGURA: Your Honour, may I confer for a moment?

2 MR MUNYARD: Can I indicate what the Defence position is on  
3 this. I have no objection to those parts where this witness is  
4 quoted or can be seen, but what I do object to is a voice over  
10:48:17 5 from someone who is apparently a reporter and then in the later  
6 part there is somebody called "Narrator" and then there is  
7 someone else called Yearsley. I know who he is, but he is not a  
8 witness in this case. In fact, the whole of the second part of  
9 the transcript does not actually feature this witness.

10:48:43 10 Now this is in contradistinction to the clips that you saw  
11 on the first day I think of this case, where the witness himself  
12 did appear in the film. This witness is perfectly capable of  
13 dealing with her contributions to it and that is why I have to  
14 say I assumed that we had been given the transcript rather than  
10:49:06 15 the video itself. There appear to be two videos here: one from  
16 the Mark Corcoran broadcast, he is the reporter, broadcast 28  
17 August 2000; and the other one is a programme in December 2006  
18 which may or may not be the programme that you saw clips from  
19 before. I don't know.

10:49:38 20 MR BANGURA: Your Honours --

21 PRESIDING JUDGE: Mr Bangura, you were going to respond.

22 MR BANGURA: Your Honours, I was just going to say that the  
23 video - and I believe my learned friend has been referring to the  
24 full length of that video, but they are just clips in it that we  
10:50:14 25 were going to show. But we have disclosed this and we have given  
26 and handed that video to the Defence quite a while - for quite a  
27 while now.

28 MR MUNYARD: I am sorry, I don't want to interrupt. I want  
29 to try and compromise. I don't have difficulty with the first

1 one, because this witness appears in it and therefore I am happy  
2 for that to be dealt with and either played or read out. It is  
3 the second one in which the witness does not feature at all that  
4 I object to.

10:50:45 5 PRESIDING JUDGE: I was clear on that point, Mr Munyard.  
6 Thank you.

7 MR BANGURA: Your Honours, the second one if I am right is  
8 a clip which is already in evidence, that is P-16, exhibit P-16,  
9 and the purpose here is to have the witness, since it is a  
10:51:08 10 document, since it is material in evidence, to have the witness  
11 view it and comment on it in light of the evidence that she has  
12 given to this Court. So, in fact for that one the transcript is  
13 that which was provided to this Court at the time that that video  
14 was first introduced in evidence.

10:51:34 15 MR MUNYARD: Well if the witness is going to be asked to  
16 comment on a piece of evidence that is already before the Court,  
17 we want to know on what basis she is going to comment on it.

18 MR BANGURA: Your Honours, the witness has been testifying  
19 to matters of human rights violations in Sierra Leone.

10:51:59 20 PRESIDING JUDGE: Please allow us to make a decision,  
21 Mr Bangura.

22 MR BANGURA: Thank you.

23 PRESIDING JUDGE: This is a ruling on an objection by the  
24 Defence. It has been conceded by the Prosecution that the words  
10:53:15 25 of Mr - I presume it is a gentleman - Mark Corcoran are not  
26 admissible and are not to be read into the record. The second  
27 part is an extract from an exhibit that is already before the  
28 Court and it is our view that the witness can be asked questions  
29 on that exhibit.

1 MR BANGURA: Thank you, your Honour.

2 MR MUNYARD: Can I indicate I did not object in my  
3 compromise to the whole of the first transcript going in.

4 PRESIDING JUDGE: Yes, I haven't forgotten that.

10:53:52 5 MR BANGURA: May I ask that the first of these clips, that  
6 is the video clip of "Soldiers of Fortune" aired on ABC 2000, be  
7 played for the witness?

8 MS IRURA: Could everybody please switch to PC1 on the  
9 external panel next to your computers to be able to see the  
10:54:39 10 clips.

11 Counsel, you are referring to video clip 1?

12 MR BANGURA: Yes. When you say 1, I am referring actually  
13 to the excerpts and they come in three clips from the documentary  
14 "Soldiers of Fortune" aired on ABC in 2000.

10:54:57 15 MS IRURA: The folder I have has clip 1, 2 and 3.

16 MR BANGURA: Yes, clip 1, 2 and 3, that is correct. Yes,  
17 it is clip 1 of that.

18 Your Honours, I must say that I am having difficulty  
19 getting into the mode on the screen for video.

10:55:55 20 PRESIDING JUDGE: Mr Bangura, I notice it says at the top  
21 that the total time is 32.25. We have only got four minutes  
22 before 11 o'clock and so I am not sure how long this clip will  
23 be.

24 MR MUNYARD: Madam President, this is just under two  
10:56:12 25 minutes, but this is an issue on which I find myself in agreement  
26 for once with Mr Bangura. I haven't got anything on my screen  
27 either.

28 MS IRURA: I will play the clip.

29 MR BANGURA: I am not sure how much time we will have for

1 questioning after the clip.

2 PRESIDING JUDGE: Let us play the clip and see what  
3 happens.

4 MR BANGURA: Right.

10:56:35 5 [Video played to the Courtroom]

6 MR BANGURA: Thank you:

7 Q. You viewed that --

8 PRESIDING JUDGE: I am sorry, Mr Bangura. I didn't intend  
9 to speak over you. I note the time and this appears to be a  
10:58:42 10 convenient time to take the normal mid-morning break. So, we  
11 will adjourn until 11.30 please.

12 MR BANGURA: Thank you.

13 [Break taken at 11.00 a.m.]

14 [Upon resuming at 11.30 a.m.]

11:28:50 15 PRESIDING JUDGE: Yes, Mr Bangura, please proceed.

16 MR BANGURA: Thank you, your Honour. Your Honours, the  
17 clip that was shown has not yet been identified. May I  
18 respectfully apply that it be marked for identification?

19 PRESIDING JUDGE: The clip itself will be marked for  
11:29:17 20 identification as MFI-13. And there is a transcript. Is it  
21 intended to only do the clip?

22 MR BANGURA: The transcript goes with the clip and I would  
23 respectfully also ask that the transcript also be identified --

24 PRESIDING JUDGE: The transcript, we will assume it's an  
11:29:46 25 accurate one for the purposes of this, will become MFI-13A.

26 MR BANGURA: I'm just wondering how your Lordships intend  
27 to proceed with the other clips that come in this video, and  
28 there are two more coming, and this is - we've marked this  
29 MFI-13A and the transcript is 13B. One is 13 and the other is

1 13A.

2 PRESIDING JUDGE: Yes. Do you say that there are more  
3 clips coming?

4 MR BANGURA: Yes, in this video, two more clips.

11:30:27 5 PRESIDING JUDGE: But they're all part of the same --

6 MR BANGURA: Of the same video.

7 PRESIDING JUDGE: I understand.

8 MR BANGURA: Thank you, your Honour.

9 Q. Ms Dufka, you have seen the clip MFI-13, correct? Could  
11:31:05 10 you comment on - first of all, when was that interview conducted?

11 A. I believe it was in 2000. I don't recall the month.

12 Q. And by whom?

13 A. By an Australian journalist Mark Corcoran, I believe his  
14 name is, who worked for Australian Broadcasting Corporation, I  
11:31:30 15 believe.

16 Q. And where was that video shot?

17 A. The video was shot in the Murray Town war wounded camp  
18 which is located in the Murray Town neighbourhood of Freetown.  
19 This is, or was at the time, a camp for several hundred war  
11:31:52 20 wounded of various different classes of injuries including  
21 amputations, gunshot wounds and others. It was a place I visited  
22 frequently in the course of my research. Indeed I've interviewed  
23 a number of the wounded individuals who are shown in that video.

24 Q. Could you spell Murray Town for the benefit of the Court,  
11:32:19 25 please?

26 A. M-U-R-R-A-Y.

27 Q. And in the clip you were interviewed and you made certain  
28 comments about - you made certain comments. Is that correct?

29 A. Yes. The context of that interview, the reason for - that



1 I was asked to be interviewed by this journalist was to comment  
2 on the recruitment process that was taking place at that time in  
3 2000 and later continued for the new Sierra Leonean Army which  
4 has since been formed and is now named the Republic of Sierra  
11:33:11 5 Leone Armed Forces.

6 Human Rights Watch was concerned about a few things with  
7 respect to that process. Number one, that there appeared to be  
8 no effective vetting of potential recruits for past abuses that  
9 they had been allegedly implicated in. Number two, based on our  
11:33:35 10 research we had started to receive reports of newly trained SLA  
11 recruits being involved in some misconduct at best and crimes at  
12 worst. So we were expressing our concern about those two issues  
13 and, as noted, the media is an effective way for us to be able to  
14 make known our concerns and our recommendations.

11:34:05 15 Q. And there is a transcript which has been marked MFI-13A.  
16 Can the witness be shown that document. I basically just want to  
17 know whether it reflects the discussion we heard on the video?

18 A. Yes, this appears to be the script for the - or the  
19 document that reflects what was said on the video, yes.

11:35:00 20 MR BANGURA: Your Honours, may I ask that the next clip on  
21 the video be shown - played for the benefit of the Court.

22 JUDGE SEBUTINDE: Mr Bangura, is this an existing exhibit?

23 MR BANGURA: No, your Honour.

24 JUDGE SEBUTINDE: Not yet.

11:35:32 25 MR BANGURA: We're dealing with three clips on this video.

26 JUDGE SEBUTINDE: New clips?

27 MR BANGURA: New clips.

28 [Video played to the Courtroom]

29 MR BANGURA: Your Honours, may I also ask before I put

1 questions to the witness that the transcript that covers this  
2 clip be shown to the witness.

3 THE WITNESS: Yes.

4 MR BANGURA:

11:37:43 5 Q. Do you see that document?

6 A. Yes.

7 Q. Does it reflect the discussions that you've - we've just  
8 heard over in the clip that was shown to you?

9 A. Yes.

11:38:00 10 MR BANGURA: Your Honours, may I ask that these two  
11 documents be marked for identification, first the clip then the  
12 transcript.

13 PRESIDING JUDGE: The clip that we've seen will be MFI-14A  
14 and the transcript will be MFI-14B.

11:38:23 15 MR BANGURA:

16 Q. Could you just comment again on the background to that  
17 interview?

18 A. We used this forum of this interview to discuss another  
19 aspect of our research at that time which was in 2000 which was  
11:38:45 20 the - what we defined as indiscriminate use of the government's  
21 helicopter gun ship, the Mi-24 I believe was the mark that was  
22 shown there, which according to us had caused numerous civilian  
23 casualties within rebel held areas. We had previously discussed  
24 and I believe admitted into evidence one of the press releases

11:39:11 25 that we issued reflecting our research and concerns and  
26 recommendations with respect to those attacks. Those were  
27 attacks by the Sierra Leonean government helicopter gun ship on  
28 rebel held positions which resulted in numerous civilian  
29 casualties.

1 Q. Now the background there, the location of the interview,  
2 would be the same as the previous --

3 A. Yes, yes.

4 PRESIDING JUDGE: You're leading again, Mr Bangura.

11:39:47 5 THE WITNESS: Yeah, the background was Murray Town camp.  
6 It was in the same place.

7 MR BANGURA: Your Honours, counsel on the other side had  
8 said he had no objection to this going in and I take the view  
9 that it would be easier to get the document in --

11:40:00 10 PRESIDING JUDGE: There is a ruling of the Court, please  
11 conform with it. Continue.

12 MR BANGURA: I abide, your Honour.

13 Q. Now you have in various parts of your report indicated the  
14 groups that were principally responsible for the atrocities that  
11:40:22 15 were committed against civilians but you've also in other parts  
16 shown other groups being responsible. How does this reflect your  
17 approach to showing responsibility for crimes [indiscernible] in  
18 this video?

19 A. Its balance, objectivity, neutrality in reporting on the  
11:40:42 20 human rights development which occurred within an armed conflict  
21 is central to Human Rights Watch's mandate. So the research that  
22 we did with respect to violations by the Sierra Leone government  
23 is entirely consistent with our mandate.

24 MR BANGURA: Thank you. Your Honours, may the witness be  
11:41:05 25 shown the third clip?

26 PRESIDING JUDGE: Yes.

27 [Video played to the Courtroom]

28 MR BANGURA: Your Honours, may I ask that the transcript  
29 that goes with this clip be shown to the witness as well.

1 Q. Do you see the document shown to you?

2 A. Yes.

3 Q. Does it reflect the discussions that we've just heard on  
4 the clip that was shown?

11:42:37 5 A. Yes.

6 MR BANGURA: Your Honours, may I ask that the clip as well  
7 as the transcript be marked for identification.

8 PRESIDING JUDGE: Yes. Clip number 3 will be marked for  
9 identification MFI-15A and the transcript identified by the  
10 witness will be marked for identification MFI-15B.

11 THE WITNESS: Can I comment on the content?

12 MR BANGURA: Yes, I am just going to come to that.

13 Q. Could you again give us a background to the clip that we  
14 viewed a short while ago?

11:43:28 15 A. Well, I can comment on the content. There were - I was -  
16 from my own point of view expressing concerns about the lack of  
17 international engagement or the concerns if there was a  
18 diminishing of that international engagement. This was in 2000,  
19 after the May 2000 crisis in Sierra Leone.

11:43:55 20 Q. And where was this?

21 A. In which some 500 United Nations peacekeepers had been  
22 taken hostage by rebel forces. So there were a number of  
23 dynamics going on there. The new army was being formed, there  
24 were concerns about the viability of the peace process, there  
11:44:13 25 were concerns about there being some kind of a return to armed  
26 conflict. So I think my last comment reflected that, certainly  
27 given reflecting concerns of the relatively recent rebel  
28 offensive against Freetown.

29 I also wanted to comment on the reporter's what I would

1 characterise as inaccurate portrayal of a number of things here.  
2 First of all the three year old - this is a case I'm familiar  
3 with. According to our own information while tragic this little  
4 girl did not lose her arm by a drug crazed rebel, I don't know  
11:44:57 5 how they would have been able to know whether the rebel was drug  
6 crazed anyway, even though there was a lot of drug use within the  
7 Sierra Leonean armed conflict, but according to our research this  
8 little girl lost her arm after her grandmother who was carrying  
9 the little girl on her back was shot as she was trying to flee,  
11:45:22 10 shot by rebel forces in the January offensive.

11 Also at that time, this is 2000, people were not being  
12 butchered and mutilated every day. The incidents of mutilation  
13 had come down drastically by 2000, even though there were still  
14 occasional cases of it

11:45:41 15 Q. If I understand you rightly the comments or clarifications  
16 you have made are in relation to the clip that we have just  
17 viewed, is that correct?

18 A. That's correct.

19 Q. And can you again say where this clip was shot?

11:45:56 20 A. Yes, that was - that was shot at the Murray Town war  
21 wounded camp in Freetown.

22 Q. And when?

23 A. In 2000.

24 JUDGE SEBUTINDE: Mr Bangura, I just need clarification. I  
11:46:10 25 don't understand how a grandmother's being shot would lead to the  
26 little girl losing her hand. I don't understand that.

27 MR BANGURA: Your Honours, we could get the witness to --

28 THE WITNESS: The baby was strapped on her back, the  
29 grandmother was trying to flee and she was shot from behind.

1 MR BANGURA:

2 Q. And you're speaking from the information you gathered in  
3 the course of investigations --

4 A. Yes.

11:46:34 5 Q. -- that you conducted?

6 A. Yes and the grandmother was killed in the incident as well.

7 MR BANGURA: I hope that - I'm not sure whether that --

8 JUDGE SEBUTINDE: When you say she was shot from behind are  
9 you referring to the little girl or her grandmother?

11:46:58 10 THE WITNESS: Both of them. A little girl is strapped on  
11 the back of her grandmother, the grandmother is running trying to  
12 flee, the rebels opened fire on them, one of the bullets clipped  
13 the arm of the little girl and another one entered the body of  
14 the grandmother and killed her.

11:47:18 15 MR BANGURA:

16 Q. So your position is that the image shown there has been  
17 wrongly characterised - not the image itself but the description  
18 of that image has wrongly characterised what was the cause of the  
19 injury?

11:47:31 20 A. According to our information and the testimonies I took at  
21 that time, yes.

22 MR BANGURA: Your Honours, at this stage might I ask that  
23 the video in Exhibit P-16 be shown to the witness.

24 PRESIDING JUDGE: All of it, Mr Bangura?

11:47:55 25 MR BANGURA: Yes, your Honour.

26 PRESIDING JUDGE: Are you referring to a clip within it?

27 MR BANGURA: It's clip 6, I think.

28 PRESIDING JUDGE: Very well.

29 [Video played to the Courtroom]

1 MR BANGURA:

2 Q. Ms Dufka, you viewed that clip. In your earlier evidence  
3 to this Court you have indicated that your investigations, your  
4 research into violations of human rights spanned throughout - the  
11:52:11 5 period throughout the war, from the start of it right to the end.  
6 Is that correct?

7 A. Well, my own personal involvement in investigations was  
8 from 1999 and Human Rights Watch's investigations began in 1998.

9 Q. Okay, thanks. I probably did not put the question  
11:52:31 10 properly. You focused - even though your investigations - your  
11 involvement in investigating human rights violations started much  
12 later, but your interest was focused on violations right from the  
13 beginning of the war through to the end. Is that correct?

14 A. Yes.

11:52:48 15 Q. And in the video that we have just viewed there - do you  
16 identify any particular incident of atrocities that you have  
17 spoken of in the course of your testimony here?

18 A. Yes. In general the video presents information about two  
19 particular classes of violations that I have done a great deal of  
11:53:20 20 research on. One is the phenomena of amputation which in many  
21 ways has become what is known as the signature atrocity of the  
22 Sierra Leonean armed conflict.

23 MR MUNYARD: I'm sorry, but the witness isn't answering the  
24 question that she was asked. She was asked by Mr Bangura, "Do  
11:53:40 25 you identify any particular incident of atrocities that you've  
26 spoken of having viewed the clip."

27 MR BANGURA: Your Honours, I do not understand my learned  
28 friend's objection because the witness is in the process of  
29 answering the question put to her. She has not completed.

1           PRESIDING JUDGE: No, she's talking about the signature of  
2 the rebels. You asked for particulars, this is a general answer.  
3 The question goes to the particular.

4           MR BANGURA: Yes, your Honour. I will lead the witness on  
11:54:12 5 that.

6 Q. Did you - in the course of your investigations of abuses of  
7 human rights over time did you yourself investigate this sort of  
8 abuses that you have viewed in this clip?

9 A. Yes, and I heard "incidents", I'm sorry. I don't - to  
11:54:34 10 clarify, I don't identify any particular incidents as in  
11 particular attacks on particular places. The mention of Tombodu,  
12 of course this is a place that was noted in our 1998 report of  
13 "Sowing Terror." This woman mentioned 1997. We have documented  
14 atrocities committed there in 1998. Anyway, I will return now to  
11:55:06 15 my general description, if I may.

16 Q. Yes, I think the question was not requiring you to say  
17 where specifically it was, it was just generally for you to say  
18 whether in the course of your investigations you had known about  
19 cases of a similar nature as the ones we've seen on the video?

11:55:28 20 A. Right. So I will return to my line of response which was  
21 talking first of all about the phenomena of limb amputation. I  
22 took scores of interviews of victims of this atrocity, those who  
23 had suffered a completely severed extremity, usually fingers,  
24 hands or arms, to a lesser extent ears and feet.

11:56:07 25           And also I conducted research to try to understand the  
26 entirety of that problem, of that atrocity, in Sierra Leone. I  
27 obtained medical records from a number of sources to try to  
28 ascertain the numbers of individuals who suffered purposeful limb  
29 amputation and I can say that it's quite difficult coming up with



1 a precise number, primarily because the number of those who have  
2 lost a limb as a consequence of a purposeful amputation with a  
3 knife or an axe are not disaggregated in the statistics between  
4 those or from, rather, those who have lost a limb as a  
11:57:03 5 consequence of a gunshot wound, of a laceration associated with a  
6 rocket propelled grenade or indeed from a laceration associated  
7 with a helicopter gun ship attack.

8 Also, as I've noted before, a good number of victims died  
9 from their injuries or from tetanus if they weren't able to get a  
11:57:28 10 tetanus shot quickly enough. But I would say, and it has been  
11 noted by others who have done this type of research,  
12 organisations helping handicapped and so on, that the number is  
13 around 1,000 victims who suffered this atrocity. It could be  
14 more, it could be less. Anyway, it's an horrific atrocity that  
11:57:51 15 has left these individuals obviously scarred for the rest of  
16 their life and that affected men, women and children.

17 With respect to the other violation that is addressed in  
18 this clip, that is an issue which has received less attention and  
19 which our report "We'll Kill You If You Cry" tried to assist in  
11:58:16 20 elevating the profile and that is sexual abuse committed during  
21 the context of Sierra Leone's armed conflict which was more of a  
22 silent crime because of the nature of the crime but affected  
23 thousands and thousands of Sierra Leonean girls and women of all  
24 ages and was marked by similar brutality.

11:58:37 25 Q. Would you say then that the crimes - the atrocities that  
26 are viewed in this clip are consistent with what you experienced  
27 in your investigations?

28 A. Yes, I would.

29 MR BANGURA: Thank you. Your Honours, I have no further

1 questions for this witness. The witness is tendered.

2 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard, I  
3 take it you're cross-examining the witness.

4 MR MUNYARD: Thank you, Madam President, I am.

11:59:48 5 CROSS-EXAMINATION BY MR MUNYARD:

6 Q. Ms Dufka, can I ask you first of all, please, about your  
7 qualifications and the areas in which you claim expertise. You  
8 have academic qualifications in the form of a bachelors degree  
9 and a masters degree in social work. Is that right?

12:00:05 10 A. Yes, that is correct.

11 Q. And indeed you have worked as a social worker. Is that  
12 right?

13 A. Yes, for some 11 years and in various different countries  
14 and capacities, yes.

12:00:27 15 Q. Yes, we're going to look at those in just a moment. You  
16 don't, as I understand it, have any qualifications in  
17 anthropology. Is that correct?

18 A. Yes, as stated, my bachelors degree and masters degree are  
19 in social work.

12:00:45 20 Q. Sorry, you said your doctor's degree?

21 A. My bachelors degree and masters degree, as noted in my CV,  
22 are in social work, not in anthropology.

23 Q. You have no qualifications in sociology?

24 A. As I noted, my bachelors degree and my masters degree are  
12:01:06 25 in social work, but of course part of that curriculum for both  
26 the bachelors and to a lesser extent includes courses in  
27 sociology, psychology, anthropology and a number of other fields.

28 Q. Yes, courses but not a complete degree?

29 A. Yes, as noted in my --

1 Q. We have noted what your degrees are in and I mean you no  
2 disrespect at all when I say that. I'm simply wanting to  
3 establish the limitations of your expertise. Do you understand?

4 A. Sorry.

12:01:45 5 Q. You have no qualifications in history?

6 A. As I've noted, my bachelors and masters are in social work.  
7 I have done no further studies as I established in the  
8 examination.

9 Q. Yes, forgive me, we do know what your bachelors and masters  
12:02:05 10 are in and I repeat again all I'm trying to do is establish the  
11 limits of your areas of expertise?

12 A. But when you ask me about my qualifications are you not  
13 referring to a degree from a university?

14 Q. Well, I'm going to be referring to all manner of things,  
12:02:23 15 but at the moment I'm concentrating on university degrees or  
16 diplomas or matters of that sort?

17 A. Okay.

18 Q. In particular you have no qualifications in African  
19 history?

12:02:41 20 A. I don't have a degree in African history, no.

21 Q. Or a diploma?

22 A. Yes, my bachelors and masters, as I've noted, is in social  
23 work and social welfare.

24 Q. Right, yes, we know that. And in particular you have no  
12:02:58 25 qualifications relating to West Africa?

26 A. No, but of course that doesn't preclude me from doing a  
27 great deal of reading about the area of my interest and study  
28 which I have done over the years.

29 Q. Ms Dufka, it doesn't disqualify anyone from doing a great

1 deal of reading and we'll come on to that in due course. I'm  
2 taking it stage by stage, if I may?

3 A. Sure.

4 Q. Have you ever worked as a clinical psychologist?

12:03:32 5 A. No, I'm not a psychologist by training. However, I can say  
6 that with a masters in social work some of the jobs that one does  
7 are quite similar or bear some similarity to jobs that  
8 psychologists will do, not in terms of educational or other types  
9 of testing but in terms of counselling and indeed some of the  
12:03:59 10 training is very similar.

11 Q. Well, how long did the masters in social work take you to  
12 do? You received it in May of 1984.

13 A. Yes, it's a two year degree.

14 Q. Thank you. Can I ask you, please, to turn to the large  
12:04:22 15 exhibit, the exhibit bundle, I'm afraid it's not before you at  
16 the moment. I will refer you to the specific tab in a second.  
17 It's tab 5. It's the report "Sowing Terror" issued by Human  
18 Rights Watch in July of 1998 and I'm going to ask you to look  
19 first of all at page 39 of that report and then at page 40.

12:05:24 20 JUDGE SEBUTINDE: That would be MFI-2, Mr Munyard.

21 THE WITNESS: Sorry, 39 and 40, you said?

22 MR MUNYARD: Yes.

23 THE WITNESS: Okay.

24 MR MUNYARD:

12:05:42 25 Q. Now if we look at the foot of page 39 we see the  
26 acknowledgments section saying that the report was based on  
27 findings from a mission to Sierra Leone in June of 1998 and was  
28 written by Scott Campbell and Jane Lowicki, consultants to the  
29 Africa division of Human Rights Watch. Does that mean that they

1 weren't employees of Human Rights Watch?

2 A. That's right.

3 Q. But they were taken on temporarily to do that particular  
4 report?

12:06:15 5 A. Yes, that is a practice that is quite widely used by Human  
6 Rights Watch so that we may more adequately cover what we  
7 classify as human rights emergencies or indeed get areas of  
8 particular specialisation and expertise.

9 I would like to add that those consultants go through  
12:06:38 10 training in New York or Washington or one of Human Rights Watch's  
11 major centres before they go out and they are chosen on a  
12 competitive basis to ensure that they meet the requirements for  
13 conducting research that Human Rights Watch holds and this - I'm  
14 sorry.

12:07:00 15 Q. Go on?

16 A. This individual Scott Campbell who wrote this is at  
17 present, as noted in my report to the OTP, now works for the  
18 office of the High Commissioner for Human Rights I believe as the  
19 head of the entire Africa division.

12:07:15 20 Q. Right, so he has oversight of all those working for the  
21 UNHCR on African matters?

22 A. No, not UNHCR, the Office of the High Commissioner for  
23 Human Rights, OHCHR.

24 Q. I missed out an H, I'm sorry?

12:07:37 25 A. That's okay, it sounds similar.

26 Q. Jane Lowicki, what can you tell us about her?

27 A. I actually don't know her and don't know anything about her  
28 background. It's my understanding that the bulk of the research  
29 and certainly the writing was done by Scott Campbell.

1 Q. And do you know how many people these two individuals  
2 interviewed in order to produce that particular report?

3 A. I don't know the precise number, no.

4 Q. If you turn back for a moment to page 11 of the report,  
12:08:12 5 halfway down the page under the large heading "Human Rights  
6 Abuses Committed Against Civilians" we see in the first sentence  
7 of the text: "Human Rights Watch took testimony from dozens of  
8 survivors and witnesses of gross violations of human rights."  
9 Yes?

12:08:29 10 A. Yes.

11 Q. Dozens is a very imprecise term. Is it the practice of  
12 Human Rights Watch when preparing a report such as this to  
13 document the precise number of individuals from whom they took  
14 testimony?

12:08:42 15 A. Well, we take - we do different types of interviews,  
16 interviews in individual interviews which tend to be much longer  
17 and detailed, we also do interviews in groups, sometimes with,  
18 you know, small groups from three to five, seven people. So we  
19 don't - we wouldn't necessarily afford the same amount of, how  
12:09:18 20 can we say, detail and information obtained in a group setting as  
21 that obtained in an individual interview. It's hard to know - at  
22 any rate to give a precise number of the amount of individuals  
23 interviewed for this particular report. Again I wasn't involved  
24 in it. I can be more or have more information about my own  
12:09:44 25 reports.

26 Q. I'm coming on to your own reports in due course but I want  
27 to know about Human Rights Watch practice generally and I don't  
28 think, with respect, that you answered my question. Is it the  
29 practice of Human Rights Watch when preparing a document such as

1 this to note down the precise number of individuals from whom  
2 they took testimony is what I asked you?

3 A. Yeah, no.

4 Q. It isn't?

12:10:11 5 A. Not always.

6 Q. So we don't know what dozens mean. It could of course mean  
7 24, it could mean 48, it could mean 96, couldn't it?

8 A. It could.

9 Q. And you are unable to tell us from this report how many  
12:10:27 10 individuals were interviewed and how many groups of people were  
11 interviewed?

12 A. Well, I suppose we could go back to the footnotes and try  
13 to glean that, but, no, I'm unable to tell you precisely how  
14 many.

12:10:42 15 Q. When it comes to taking testimony from groups of people  
16 there is an inherent difficulty with that, isn't there, in that  
17 one person hearing what another person in the group is saying may  
18 be tempted to adapt or follow the allegations, the testimony if  
19 you like, of people who've spoken first?

12:11:09 20 A. Yes, absolutely and that is one of the things that we  
21 receive training on when - or I and others upon joining Human  
22 Rights Watch receive training on. Group interviews are often  
23 very good for obtaining leads. You get a number of people  
24 talking in a group and they start coming up with various  
12:11:28 25 difficult incidents and at times you can see and glean from that  
26 the number of different villages in which abuses have taken  
27 place. That's normally how I have used group interview because I  
28 agree with you entirely that confidentiality is an issue, detail  
29 is an issue and, as you noted, the whole notion of influencing

1 one victim to another is an absolute concern.

2 Q. Yes, Ms Dufka, I haven't mentioned confidentiality so far  
3 so you're not agreeing with me on that. I think, however, you  
4 take the point that there is an inherent danger of interviewing  
12:12:10 5 groups of victims or indeed witnesses to any alleged criminal  
6 offence because the dynamic of the group is likely to produce  
7 false testimony. Would you agree?

8 A. Yes, and I avoid doing any group interviews in my own work,  
9 although sometimes it's inevitable or, like I said, you can use  
12:12:30 10 it for other purposes like I mentioned, in obtaining leads.

11 Q. And is there anywhere in this report "Sowing Terror", the  
12 first report that Human Rights Watch did on Sierra Leone, that  
13 indicates whether or not the testimonies referred to in the body  
14 of the report arose out of group interviewing sessions?

12:12:50 15 A. I would doubt it. Your question was whether --

16 Q. Was there any indication in the report of that?

17 A. No. However, I would say that because confidentiality is  
18 one of the guiding principles of our organisation that any  
19 interview with a victim of sexual abuse according to our  
12:13:15 20 established practice would have been done with the interviewer  
21 and possibly with an interpreter.

22 Q. I understand that and I understand the reason for that.  
23 While we're on this page 39 can I ask you about someone whose  
24 name appears in the acknowledgements. It's the last name on that  
12:13:46 25 page Binai fer Nowrojee, I hope I've pronounced her name  
26 correctly?

27 A. Nowrojee, that's close enough.

28 Q. You pronounce it for me?

29 A. Nowrojee.



1 Q. Thank you. Counsel to the Africa division. That's the  
2 Africa division of?

3 A. Of Human Rights Watch and Binai fer was also at that time  
4 our Liberia researcher. She was indeed the person with whom I  
12:14:09 5 conducted research for "Back to the Brink."

6 Q. She has been described as a human rights lawyer and scholar  
7 with expertise on gender related crimes in situations of armed  
8 conflict. Have you heard her described as that?

9 A. Yes, I believe that was a description that was used when  
12:14:35 10 she gave expert testimony - not expert testimony, when she made a  
11 submission the Truth and Reconciliation Commission in Sierra  
12 Leone.

13 Q. In fact I'm quoting from a case before the International  
14 Criminal Tribunal For Rwanda that was cited before this Court  
12:14:51 15 yesterday, Prosecutor v Karemera and others when her purported  
16 expert evidence was not accepted by the Court and this was the  
17 way in which she was described. She has been a lecturer at  
18 Harvard University since 1992, hasn't she?

19 A. Yes, she isn't now, but she was.

12:15:16 20 Q. [Overlapping speakers] don't know?

21 A. No, I do know and she isn't at present but she's a guest  
22 lecturer probably now.

23 Q. And there she was teaching human rights advocacy and  
24 supervising students engaged in human rights clinical projects,  
12:15:34 25 yes?

26 A. Yes.

27 Q. And as you say she'd conducted human rights research in  
28 Africa I think in Kenya, South Africa and Rwanda during the years  
29 1993 to 1996?

1 A. Yes and Liberia.

2 Q. Thank you, yes. If we turn over the page on page 40,  
3 almost at the end of the page, this page deals mainly with Human  
4 Rights Watch and the Africa division in particular and it tells  
5 us in the - it's really the final paragraph of the text before we  
6 get to addresses at the bottom that the "Africa division was  
7 established in 1998 to monitor and promote the observance of  
8 internationally recognised human rights in sub-Saharan Africa"

9 and then it sets out the staff and on the staff we see the name  
10 of Binai fer Nowrojee and also in the penultimate line of that  
11 paragraph Alison DesForges is a consultant. Do you know Alison  
12 DesForges?

13 A. Yes, but she's no longer a consultant, she's now full  
14 staff.

15 Q. That's all right, I just want to know if you know her.

16 A. Yes.

17 Q. She has particular expertise in African history. She has  
18 academic qualifications in African history, doesn't she?

19 A. Yes, she's a specialist in Rwanda.

20 Q. Well, she's a specialist in the region of the African Great  
21 Lakes?

22 A. Yes.

23 Q. Which goes beyond Rwanda, doesn't it?

24 A. Yes, point taken.

25 Q. Including the recent history of human rights abuses, ethnic  
26 violence, political instability and genocide in Rwanda. And she  
27 has published and given evidence on matters pertaining to the  
28 Great Lakes region and Rwanda in particular?

29 A. Yes, she has.

1 Q. And she was another of the proposed experts whose evidence  
2 the trial chamber in the International Criminal Tribunal For  
3 Rwanda rejected as unnecessary as we heard yesterday?

4 A. Well, she's testified on numerous occasions.

12:18:20 5 MR BANGURA: Your Honours, may I take an objection at this  
6 stage. First of all I don't think the matters that my learned  
7 friend is putting to the witness where so put before this Court  
8 yesterday as far as I recollect. My learned friend did refer to  
9 a case, handed out copies of a decision and that was it.

12:18:41 10 MR MUNYARD: I gave the Trial Chamber the opportunity to  
11 read it in full and I have to say I observed all of the learned  
12 judges reading it in full and I'm assuming therefore that the  
13 Court noted all of these - these are two very small passages from  
14 that judgment.

12:18:58 15 MR BANGURA: Your Honours, in the first place I do not  
16 think it is a proper - it is proper for this Court to be  
17 proceeding on such assumptions.

18 PRESIDING JUDGE: Mr Munyard, you appear to be more making  
19 an observation than asking a question of the witness and I'm not  
12:19:13 20 sure that the observation is appropriate when it's referring to  
21 another court case.

22 MR MUNYARD: Your Honour, can I then direct my remarks or  
23 my questions rather about these two individuals to the witness?

24 PRESIDING JUDGE: Yes. If there is a question of relevancy  
12:19:31 25 it will be dealt with if and when it arises.

26 MR MUNYARD: Certainly.

27 Q. In the case of Ms Nowrojee she is a person who has  
28 particular expertise in the area of - I'll say in very general  
29 terms in the area of sexual offences. Would you agree with that?

1 A. That's one of her areas of expertise, yes.

2 Q. I'm not excluding any others, I'm just focusing on that.

3 And would you say that she has more experience in that area than  
4 you do?

12:20:09 5 A. Yes, and she also has - I am not a lawyer so she has the  
6 legal background that she can put to use in conducting that  
7 research. In fact I've consulted with her on a number of  
8 occasions with respect to my own research.

9 Q. Equally in the case of Ms DesForges, she is an African  
12:20:33 10 historian, albeit specialising in a particular area of Africa in  
11 the Great Lakes region, does she, as far as you know, have any  
12 expertise in West Africa, on West African history?

13 A. No, not to the best of my knowledge.

14 Q. Very well. Now I'm still dealing with the questions of the  
12:20:55 15 methodology of the report writing by Human Rights Watch. You've  
16 mentioned confidentiality as one of the issues that the  
17 researchers will be very concerned with. Confidentiality plays a  
18 role in the way in which you draw up your reports, in particular  
19 to disguise, in some cases completely, the identity of the  
12:21:30 20 individuals who are being interviewed, doesn't it?

21 A. Yes and the reason that that is important to us is because  
22 of the fear of reprisal from one or another armed groups were  
23 these individuals to be known to be criticising and condemning  
24 the acts by these - by the respective armed groups.

12:21:53 25 Q. The difficulty with that position is that in a court of law  
26 of course it means that the accused has no way of knowing the  
27 identity and therefore the reliability of their accuser, doesn't  
28 it?

29 A. I could see that would be an issue and that would therefore

1 put the onus on me as the researcher to be able to speak to the  
2 credibility of the information obtained in these interviews.

3 Q. But it doesn't remove the problem of the accused not  
4 knowing who it is, and in particular instances whether they may  
12:22:35 5 have an axe to grind, who is making the allegations that are  
6 being used against him or her. That's right, isn't it?

7 A. Well, yes, but I don't think any of these save one  
8 mentioned the accused in particular. They may speak about  
9 Liberia and about Liberian forces. The issue of confidentiality  
12:23:03 10 is key to Human Rights Watch and other international and national  
11 human rights organisations being able to do their job and that  
12 doesn't necessarily reflect upon the accuracy of that information  
13 obtained.

14 Q. It may not reflect on the accuracy of part of the  
12:23:20 15 information but it doesn't give you any idea as to whether or not  
16 that individual has some motive or background reason for either  
17 lying outright or exaggerating what has happened to him?

18 A. You're referring to the dynamic of bias which is something  
19 that again we receive training in how to tease out, and certainly  
12:23:48 20 the interviews that we do take that into consideration, certainly  
21 of trying to identify whether one or the other witnesses that  
22 we're interviewing has some kind of bias or hidden agenda in  
23 talking to us.

24 Our interviews are aimed at and are designed to solicit a  
12:24:11 25 great deal of detail and when possible we try to corroborate  
26 incidents through the testimony taken from other witnesses as  
27 well. But clearly the issue of bias is something that we're well  
28 aware of and that we attempt to address with every interview. In  
29 fact that's one of the first questions we ask when we're

1 interviewing a victim or witness is whether they could have some  
2 kind of a bias or hidden agenda in talking to us.

3 Q. And if they do they're extremely unlikely to say yes,  
4 aren't they?

12:24:44 5 A. But also it's important to keep in mind that they don't  
6 come looking for us, we come looking for them. So I think that's  
7 a key issue as well. These are people in hospital beds and often  
8 people in - frightened refugees who have come over the border  
9 that we find. Sometimes they're a bit reluctant to talk to us  
10 for fear of reprisals and it is the issue of commitment of  
11 confidentiality that helps them - ease them and helps them feel  
12 free to talk to us.

13 Q. Yes, but the commitment of confidentiality can also act as  
14 a spur to dishonesty, can't it, because the witness knows that  
15 their true identity is never going to be revealed by you?

16 A. Yes, it's a concern that we're very, very well aware of.

17 Q. All right. Can I ask you please to look again at page 11  
18 of the report that you didn't write that we're looking at?

19 A. I don't have it, sorry.

12:25:40 20 Q. Sorry, this is MFI-2?

21 JUDGE SEBUTINDE: It is MFI-2.

22 THE WITNESS: Yes.

23 MR MUNYARD:

24 Q. Now there's a footnote, in fact nearly half the page is  
12:26:04 25 taken up with a footnote there and I just want to ask you to look  
26 at footnote 1, the second sentence in footnote 1 that begins,  
27 "Abdul Koroma." Do you see that?

28 "Abdul Koroma in 'Sierra Leone: The Agony of a Nation'  
29 (Andromeda Publications 1996) reports that during one of their

1 first attacks in 1991 in eastern Kailahun district the RUF  
2 decapitated civilian leaders and placed their heads on sticks."

3 Now have you ever read that particular publication by  
4 Mr Koroma?

12:26:48 5 A. No, I have not.

6 Q. Have you ever read any other publication that casts doubt  
7 on that particular allegation that it was the RUF in Kailahun who  
8 decapitated people and put their heads on sticks?

9 A. Let me just read it, okay.

12:27:04 10 Q. Certainly.

11 A. I don't recall any of the publications that I've read on  
12 the war in Sierra Leone speaking particularly to that incident.  
13 They might have, but I don't recall it particularly.

14 Q. So if that turned out to be inaccurate that would be a flaw  
12:27:36 15 in this report, wouldn't it?

16 A. Well, she's stating the source to it. She's not saying  
17 that she was the one who obtained that information, right?

18 Q. I think she is he in this case, isn't it, Mr Scott  
19 Campbell?

12:27:58 20 A. Yes.

21 Q. But you're just not in a position to say whether or not  
22 this particular report is accurate, are you --

23 A. No, I didn't say that.

24 Q. -- because you didn't write it. No, I'm not suggesting you  
12:28:13 25 did, I'm asking you a question. Do you follow? You're not able  
26 to say whether or not this report is accurate?

27 A. As I've said earlier in my testimony that this report is  
28 written by a consultant with well established credentials who is  
29 someone who we as Human Rights Watch entrusted to embark on this

1 research mission and wrote this report. He followed the same  
2 methods under lied by the same principles that all researchers at  
3 Human Rights Watch follow and this report went through the same  
4 rigorous vetting exercise that all of our reports go through. So

12:28:53 5 I think that's far - I therefore disagree with your statement.

6 Q. Well, let us just consider a little more, please, the role  
7 of Human Rights Watch. Human Rights Watch is essentially an  
8 advocacy organisation, isn't it?

9 A. It's a research and advocacy organisation. Research is the  
12:29:12 10 method, advocacy is the --

11 Q. The aim?

12 A. Exactly. No, the aim is changing behaviour. Advocacy is  
13 the vehicle that we use in order to achieve the aim.

14 Q. Very well. But it is essentially a campaigning  
12:29:27 15 organisation to establish observance of human rights throughout  
16 the world, isn't it?

17 A. I suppose broadly you could say that.

18 Q. Thank you.

19 A. But it's grounded - if I may say, it's a bit different than  
12:29:40 20 Amnesty International which has a public component of campaigns.  
21 Ours is much more focused on the component of in depth research.  
22 That is the backbone of everything we do.

23 Q. Yes, but the object is the same, isn't it?

24 A. Sure.

12:29:55 25 Q. And the object is to campaign to change the world in order  
26 to ensure that human rights are observed universally?

27 A. That's right.

28 Q. And I want to ask you now please a little bit more about  
29 your involvement in Human Rights Watch, how you came to be



1 involved in Human Rights Watch. You were working, we know, for  
2 some years as a social worker and then you left the United States  
3 and you went to work in which country first of all?

4 A. El Salvador, but I'd worked in other Latin American  
12:30:44 5 countries at intervals.

6 Q. And you were working there as a social worker initially, is  
7 that correct, and then you became a photographer or did the two  
8 overlap?

9 A. Yes, there was a brief interval between working as a social  
12:30:57 10 worker with the Lutheran church where I worked with a local human  
11 rights organisation in El Salvador, it was a brief one year  
12 transition until I started working as a photojournalist.

13 Q. And so when did you become full time with Human Rights  
14 Watch and for what reason?

12:31:21 15 A. You mean why did I want to join Human Rights Watch or why  
16 did I want to stop being a photojournalist?

17 Q. No, why did you join Human Rights Watch?

18 A. First of all I joined Human Rights Watch in 1999 after I'd  
19 been working as a photojournalist for some 11, 12 years. I  
12:31:39 20 wanted to join Human Rights Watch. It was an organisation that I  
21 hold a great deal of respect for and I was interested in working  
22 for in promotion of human rights and the reasons why Human Rights  
23 Watch exists in the first place which is to protect and promote  
24 human rights.

12:32:08 25 Q. During your time working for Human Rights Watch you  
26 eventually took a sabbatical, I suppose it was, in 2002 to 2003  
27 to work for the Office of the Prosecutor in this tribunal?

28 A. That's correct.

29 Q. And the work that you did working for the Office of the

1 Prosecutor here included interviewing witnesses. That's correct,  
2 isn't it?

3 A. That's right.

12:32:41

4 Q. Interviewing witnesses who were going to give evidence in  
5 this case?

6 A. I can't say whether any of the witnesses that I interviewed  
7 are giving evidence in that case. That's privileged information  
8 which --

12:32:51

9 Q. Well, without naming any names or numbers we know that you  
10 interviewed at least 18 of the witnesses who are listed to give  
11 evidence in this case?

12 A. Okay, I didn't know that.

12:33:14

13 Q. And when you were interviewing those witnesses you were  
14 doing so with a view to them being used as witnesses in  
15 prosecutions by this tribunal, weren't you?

16 A. Yes.

17 Q. And you were playing an active role in gathering together  
18 evidence which you knew was likely to be used in prosecutions?

19 A. That is correct. That's the role of an investigator.

12:33:28

20 Q. Yes, including the prosecution of this particular accused?

21 A. Yes. He had been indicted.

22 Q. And in taking up that particular position you knew that you  
23 were aligning yourself with a particular party in any possible  
24 prosecution of the accused, didn't you?

12:33:57

25 A. Well, the only party I was aligning myself is - if it could  
26 be considered that, would be the pursuit of justice.

27 Q. Ms Dufka, you were working for the Prosecution?

28 A. You meant the party in the Court, okay.

29 Q. Yes. I'm sorry if I wasn't clear.

1 A. Yes, as I said and stated in my CV I was working for the  
2 Office of the Prosecutor, that's right.

3 Q. And that made you one of the protagonists in the case,  
4 didn't it, or part of one of the protagonists in the case?

12:34:31 5 A. How do you define protagonists?

6 Q. One of the parties, one of those on opposite sides?

7 A. Well, I wouldn't put it that way. I was working as an  
8 investigator for the Office of the Prosecutor. We were compiling  
9 evidence to be used in the various different cases. I worked in  
10 compiling evidence for - probably for all of the cases in this  
11 Court.

12 Q. And therefore you were compiling evidence to be used by one  
13 side against the other or others. Would you agree with that?

14 A. Yes.

12:35:06 15 Q. And so can I go back to my earlier question. You were  
16 working for - playing a part in one of the protagonists in this  
17 case, weren't you?

18 A. Yes.

19 Q. Thank you. And the object of working for the Office of the  
12:35:35 20 Prosecution is ensure the conviction of the accused, isn't it?

21 A. The conviction was not my business. I was compiling  
22 evidence, I think that it is only the judges who address the  
23 issue of conviction or innocence. I was compiling - in the  
24 process of compiling evidence. How that evidence is used or was  
12:35:55 25 used by the Prosecution was not something I was engaged in. I  
26 was in the process of advising the Court on historical and other  
27 matters of the Sierra Leone armed conflict and, in the process,  
28 interviewing numerous witnesses as well.

29 Q. At the moment I'm concentrating on your work as an

1 employee, consultant or otherwise - as an employee of the Office  
2 of the Prosecution between 2002 and 2003. I'm not referring at  
3 this stage to your report that you've prepared for this  
4 particular case?

12:36:30 5 A. I wasn't either.

6 Q. When you were working for the Office of the Prosecutor you  
7 know perfectly well that the purpose of the Office of the  
8 Prosecutor was to secure convictions before this Court, don't  
9 you?

12:36:42 10 A. Yes.

11 Q. And therefore in collecting - in interviewing witnesses you  
12 were playing an active and an important part in attempting to  
13 secure the conviction of those accused who came before this  
14 Court. That's right, isn't it?

12:36:59 15 A. Well, not necessarily this Court. Like I said, I worked in  
16 collecting evidence for the trial of others who have stand  
17 accused and some who have been since convicted.

18 Q. Ms Dufka, we know that you interviewed at least 18 of the  
19 witnesses being used in this particular trial?

12:37:20 20 A. Okay. Like I said, I didn't know that. So that's  
21 information to me.

22 Q. But you knew --

23 MR BANGURA: Your Honours, may I object at this stage. I  
24 believe counsel has put this question to the witness, perhaps  
12:37:32 25 this may be the third or fourth time and there has to be  
26 finality. The witness has said that she does not disagree that  
27 she interviewed a certain number of witnesses as put to her by  
28 counsel, but she would not at that stage have known for which  
29 particular trial of the several trials that this tribunal has

1 been conducting. I think there has to be finality, your Honours,  
2 to the point.

3 MR MUNYARD: Well, I'm getting different answers each time  
4 I put the question. The question is actually about the purpose  
12:38:06 5 of her role in the Office of the Prosecutor and what the object  
6 of the Office of the Prosecutor was and the witness has already  
7 given me different answers to the question as I've rephrased it  
8 and it's important that I'm allowed to pursue this. This goes to  
9 the very heart of her partiality or impartiality as now being put  
12:38:29 10 forward as an expert before this Court.

11 PRESIDING JUDGE: There have indeed been different answers,  
12 I have noted them myself, Mr Bangura, and counsel is entitled to  
13 clarify those answers. However, counsel is also aware of his  
14 limitations.

12:38:45 15 MR MUNYARD: Yes, thank you, Madam President. I am indeed.  
16 I don't want to labour a point on which I'm getting the same  
17 answer. It's only because of the variation in the answer that  
18 I'm pursuing it.

19 Q. I'm going to ask you one last time, please, Ms Dufka, you  
12:39:00 20 knew perfectly well that the object of the Office of the  
21 Prosecutor in the Special Court for Sierra Leone was to secure  
22 the conviction of persons before the Court, didn't you?

23 A. Sure, yes.

24 Q. You were one of the people who campaigned for a Special  
12:39:20 25 Court to be set up, weren't you?

26 A. Human Rights Watch and myself, yes.

27 Q. Yes, you yourself are on record, on public record, urging  
28 the creation of this Court, aren't you?

29 A. Yes.

1 Q. And the purpose of your urging the creation of this Court  
2 was to secure the conviction of persons who you personally, and  
3 Human Rights Watch as an organisation, believed to be responsible  
4 for human rights violations in Sierra Leone?

12:39:53 5 A. Yes, for them to be held accountable. We're also on record  
6 of course for insisting upon those who are deemed most  
7 responsible having a fair trial in accordance with fair trial  
8 standards, but yes.

9 Q. Yes, but I'm concentrating also on the Office of the  
12:40:14 10 Prosecutor. The purpose of the Office of the Prosecutor is to  
11 secure convictions, isn't it?

12 A. Yes.

13 Q. And I think you eventually agreed with me that in your role  
14 as a witness interviewer for the Office of the Prosecutor you  
12:40:32 15 were playing an important part in the process of securing  
16 convictions by this Court. I think you agreed me with earlier on  
17 that. Do you accept that?

18 A. I wouldn't say I played any more of an important part than  
19 anyone else. I played a part in performing my duties as an  
12:40:51 20 investigator with the Office of the Prosecutor, yes.

21 Q. You are also on record, aren't you, as describing this  
22 particular accused as being at the epicentre of violence in West  
23 Africa, in the region?

24 A. I don't recall that, but I may have said that.

12:41:12 25 Q. Does it sound familiar to you?

26 A. Vaguely.

27 Q. Yes. You're on record also, are you not, of saying that  
28 other African leaders with blood on their hands may have reason  
29 to be concerned about the indictment of this particular accused?

1 A. Yes, I recall saying something like that.

2 Q. So in your view this particular accused had blood on his  
3 hands?

4 A. Is that the question, sorry?

12:41:47 5 Q. Yes.

6 A. In our view - we have been consistent in all of our  
7 background sections and in numerous interviews I and others have  
8 given about West Africa - we have been consistent in noting the  
9 implication of the accused in serious violations of international

12:42:08 10 humanitarian and human rights law. That information comes from  
11 background reading and other reports from the United Nations,  
12 from the panel of experts, from numerous other sources that are  
13 well known by now to this Courtroom and are well known, or I

14 would imagine, and are well known that I have read, that others  
12:42:35 15 have read, of his involvement in fomenting and supporting rebels  
16 from not only Sierra Leone but also for cross-border raids into  
17 Guinea and also through two rebel groups into Cote d'Ivoire, into  
18 Ivory Coast. So I do not apologise and do not hide the opinion  
19 that this individual has a case to answer.

12:43:04 20 Q. Your view, if you're being completely honest with this  
21 Court, is that this accused is guilty of human rights violations  
22 and war crimes, isn't it?

23 A. No, it is not.

24 Q. Are you seriously saying to this Court that that is not  
12:43:20 25 your settled view?

26 A. What I have said is that this individual has a case to  
27 answer, not I alone. The fact that there is an 11 count, I  
28 believe, indictment by the UN backed Special Court for Sierra  
29 Leone, the fact that we're all here today indicates that there is

1 sufficient information and evidence against this individual to  
2 suggest that he has a case to answer for very serious - for the  
3 most serious crimes committed.

4 So I am saying that he has a case to answer and that he  
12:43:56 5 should see, as he is, his day in court so that justice for  
6 victims be done. I don't think that is saying that he is guilty.  
7 We're saying that he deserves his day in court, that he has been  
8 implicated in serious abuses and that he should be held  
9 accountable for those abuses if indeed he is found by the judges  
12:44:18 10 to be guilty.

11 Q. But you think he is guilty, don't you?

12 A. My opinion is not relevant in this case.

13 Q. It is because it goes to the question of your impartiality  
14 as a proposed expert witness. Please answer the question?

12:44:32 15 A. I don't see why I should answer that question.

16 MR BANGURA: Your Honours, I am constrained to stand up  
17 again and object. My learned friend is - the question of whether  
18 or not the accused is guilty is a legal issue for this Bench to  
19 decide at the end of the day.

12:44:51 20 PRESIDING JUDGE: I must disagree on that interpretation of  
21 the question, Mr Bangura. This question goes to the impartiality  
22 of the witness and I consider that counsel is entitled to ask it  
23 and therefore the question is to be answered.

24 THE WITNESS: I feel that this individual has a serious  
12:45:12 25 case to answer before this Court, that he is implicated in  
26 serious crimes. I am very uncomfortable pronouncing the guilt or  
27 innocence of this person. I can have a personal opinion about  
28 this, I don't feel like --

29 MR MUNYARD:



1 Q. The fact, Ms Dufka, that you have a personal opinion does  
2 go to the question of your impartiality, as does the fact that  
3 you have worked with the very body that has been seeking his  
4 conviction?

12:45:48 5 A. Well, when we speak of the case or the issue of  
6 impartiality I think that my work, the trajectory of my work, has  
7 shown that we do not only report on abuses on one side. I mean I  
8 think that's one of the points that the - that I have tried to  
9 make repeatedly and in my report a good portion of it addresses  
12:46:10 10 abuses committed by opposing warring factions.

11 Q. That is not the point of my question. My question isn't  
12 directed to who did what, it's directed to your view of this  
13 particular accused in the light of all the reports that you have  
14 produced, the press notices you've put out, the comments you've  
12:46:28 15 made to the world's press and the fact that you worked for a  
16 whole year with the organisation that is seeking his conviction  
17 demonstrates, does it not, that you already concluded that he was  
18 guilty. Yes or no?

19 A. What is the difference between being implicated in crimes  
12:46:48 20 and being guilty?

21 Q. I'm not here to answer questions, I'm here to ask them. I  
22 will ask you for the last time, yes or no?

23 A. I feel that Mr Taylor has a case to answer and that he is  
24 implicated in serious crimes.

12:47:03 25 Q. Implicated means has committed, doesn't it?

26 A. So you have defined it, yes.

27 Q. Thank you. In one of your reports you refer to the sources  
28 from whom you gather your information as including the  
29 intelligence services. Do you agree?

1 A. Yes.

2 Q. Which intelligence services have you obtained information  
3 from --

4 A. Well, what I meant --

12:47:35 5 Q. -- in preparing your reports?

6 A. What I meant by that is intelligence branches of various  
7 different armed factions - I wouldn't call it a faction, various  
8 different armies and bodies, and all of them, as you know, have  
9 an intelligence unit designed to do that, obtain, you know,  
10 deeper information and intelligence about the events in question.  
11 So those are the types of reports that I've obtained.

12 Q. Ms Dufka, we all know what intelligence services means in  
13 this day and age. Which other intelligence services have you got  
14 information from apart from those involved in the armed factions  
12:48:17 15 in this particular conflict?

16 A. You had asked me to define it and that's what I did. I  
17 haven't obtained information from any other intelligence service  
18 besides those that are associated with the various different  
19 armies that have been fighting. Perhaps I could have been more  
12:48:32 20 specific on that within my report.

21 Q. Have you ever worked for any intelligence service of any  
22 country directly or indirectly?

23 A. No.

24 Q. Now I want to turn, please, to the specifics of the reports  
12:49:05 25 and the various documents that you have put before this Court.  
26 Madam President, if you'll give me just a moment to re-organise  
27 myself here.

28 Yes, I want to ask you first of all, please, about a matter  
29 that you touched on in your evidence which is that when Human

1 Rights Watch puts out reports or press notices about a particular  
2 country it is your practice to contact the governments concerned  
3 and to also contact the diplomatic missions of the governments  
4 concerned?

12:50:02 5 A. I don't think I used the word contact. I said to ensure  
6 that the report reaches them. So that's a contact, not a  
7 personal contact as in having a meeting, but it's --

8 Q. No, I don't think we're at odds here.

9 A. Okay, fine.

12:50:19 10 Q. You notify may be the more appropriate expression to use  
11 that you were at pains to tell the tribunal yesterday that you  
12 always - Human Rights Watch always sends out its report to the  
13 diplomatic missions of the countries involved as well as  
14 attempting to notify those governments directly?

12:50:39 15 A. Yes and you'll recall I explained that that is not  
16 something that I was in a position to do from Sierra Leone, but  
17 that would have been done and is typically done from our New York  
18 and Washington offices.

19 Q. Can you show us in the report that you've done for this  
12:50:57 20 Court, MFI-1 I think, where you mention the contacting of the  
21 diplomatic missions?

22 A. Yes, page 10, I believe. It's noted two times; page 10  
23 generally and then with respect to Liberia towards to end.

24 Q. Yes, sorry, where on page 10?

12:52:07 25 A. Page 10 in distribution.

26 Q. Read it out?

27 A. Distribution of HRW reports?

28 Q. Yes.

29 A. Yes.

1 Q. Could you just read out where you mention contacting the  
2 diplomatic missions?

3 A. You want me to read from my own report?

12:52:25

4 Q. No, I want you to identify where on page 10 you refer to  
5 the reports being sent to diplomatic missions?

6 A. The second paragraph.

7 Q. Yes?

12:52:37

8 A. "We routinely distribute our publications to journalists,  
9 individual governments, regional and government bodies and so  
10 on."

11 Q. No mention there of diplomatic missions, is there?

12:52:48

12 A. Well, individual government, I would assume that a  
13 diplomatic mission is part of an individual government so  
14 therefore it's included. For the purposes of brevity I didn't  
15 want to go into so much detail in this report.

16 Q. With great respect to you, you went into a great deal of  
17 detail about this particular issue yesterday. You don't mention  
18 it at all in your report, do you?

12:53:03

19 A. Well, as I've just clarified, when we say individual  
20 governments it implies diplomatic missions. I didn't think that  
21 would have - had we included all of that we could have gone into  
22 - for the United Nations, for example, we could have said UNHCR,  
23 OHCHR, WHO, the UN secretariat and so on. So we summarise by  
24 saying United Nations. Similarly with respect to individual  
25 governments that is what is implied.

12:53:26

26 Q. Have a look at page 21, please, "Distribution of Human  
27 Rights Watch Reports to Charles Taylor." You make it plain on  
28 pages 21 and 22 that you were not able to send your reports or  
29 publications about human rights conditions in Sierra Leone and

1 Liberia to Mr Taylor when he was president?

12:54:07 2 A. I don't see the contradiction there because the heading is  
3 "Distribution of Human Rights Reports to Charles Taylor." We're  
4 not addressing the issue of the diplomatic missions, I think  
5 that's where you're going, isn't it?

6 Q. I'm going to ask you another question. If you look over  
7 the page on page 22 you mention three reasons why you didn't send  
8 the reports directly to President Taylor in Liberia. The  
9 national postal system, the lack of fax and indeed telephone  
12:54:25 10 calls and no email contact. Then you say, "However we believe  
11 that because we received wide media coverage of our reports in  
12 Liberia and internationally" - in other words wide media coverage  
13 internationally and in Liberia, "President Charles Taylor was put  
14 on constructive notice of the contents of our reports."

12:54:52 15 Now you don't say there when you're dealing specifically  
16 with how Mr Taylor will have heard of your reports, you don't  
17 mention for one moment, do you, that you sent your reports to his  
18 diplomatic missions in the United States, the United Kingdom or  
19 the United Nations headquarters at New York, do you?

12:55:09 20 A. Yes, that is an omission. You're right.

21 Q. Well, it's a rather major omission, isn't it?

22 A. Well, seeing as that we included it earlier in the report -  
23 but you're right, it would have been a more accurate description  
24 of our distribution process and the effort we made had we  
12:55:27 25 included it here.

26 Q. You didn't include it earlier in your report. There is no  
27 mention on page 10 of diplomatic missions being a vehicle for  
28 notification to governments. We've already established that. I  
29 don't want to go back over it?

1 A. I have said that that is the general practice and I also  
2 said during my testimony earlier that I could not say with  
3 certainty that we sent or that those reports were sent. I'm  
4 saying it is the practice and it was then and it is now to send  
12:55:53 5 those reports to diplomatic missions and UN missions.

6 Q. And yet you choose in this particular paragraph (g) on page  
7 22 to say that you believed it was because of wide media coverage  
8 in Liberia and internationally, not because of the widespread  
9 distribution of your reports to Liberia's diplomatic missions,  
12:56:17 10 that Mr Taylor is supposed to be on, and I would suggest this is  
11 the ultimate issue for the Court to decide - is supposed to be on  
12 constructive notice of the abuses being carried out in the name  
13 of his government in Sierra Leone?

14 A. As I've noted, that is an omission in my report. I should  
12:56:39 15 have included noting that we sent the report, or as per our usual  
16 practice it would have been sent to diplomatic missions and that  
17 that would have contributed to notice - constructive notice of  
18 our reports being given.

19 Q. Now I've already asked you about the first report that  
12:57:11 20 Human Rights Watch did, MFI-2, and I want to ask you please about  
21 your work on the second report of Human Rights Watch and if  
22 you'll bear with me for just a moment, this is tab 2 your  
23 Honours, this is the report "Getting Away With Murder, Mutilation  
24 and Rape" that you were involved in producing, in fact you  
12:58:00 25 produced and researched?

26 A. And wrote, yes.

27 PRESIDING JUDGE: I think that's MFI-7.

28 MR MUNYARD: I'm sorry, I'm slightly out of order. Yes, I  
29 think in fact it came into testimony quite a long time before it

1 got an MFI number, that's why it's such a high one. Now I don't  
2 know if the Court bundle is paginated. I suspect it might be.  
3 In this report it might be handwritten pagination at the top of  
4 the page. My isn't, so I hope we can work this out together.

12:58:43 5 PRESIDING JUDGE: We do not have page numbers from the  
6 Court. I do notice that there are some page numbers at the  
7 bottom.

8 MR MUNYARD: One of and then it gives the total number.

9 PRESIDING JUDGE: Yes, but there's at least three  
10 sequences.

11 MR MUNYARD: Very well. Well, we're all working from the  
12 same numbering.

13 Q. Can I direct you to page 1 or 7. Before we start I think  
14 you told us yesterday that this report came out in June of 1999.

12:59:24 15 If we look at the top of it on the very first page, the cover  
16 page, it says July 1999, but that is the report we're talking  
17 about, isn't it?

18 A. Yes, it is. The internet version for some reason has July  
19 but it actually came out in June.

12:59:39 20 Q. The third page of the report, 1 of 7, bottom right-hand  
21 corner. Part of your training at Human Rights Watch of course is  
22 into questions of the laws of war, humanitarian law and so on?

23 A. Yes.

24 Q. And when we look at the first paragraph of the summary here  
13:00:10 25 we can see in the second sentence there's a reference there to  
26 the battle of Freetown - "The battle for Freetown and the ensuing  
27 three week rebel occupation of the capital was characterised by  
28 the systematic and widespread perpetration of all classes of  
29 atrocities against the civilian population."

1           Where do you get the expression systematic and widespread  
2 from?

3 A.       Well, they're legal definitions.

4 Q.       Exactly.

13:00:37 5 A.       Systematic could be widely described as that suggesting a  
6 plan or pattern and widespread I understand to mean numerous  
7 attacks perpetrated within days or weeks of each other within a  
8 relatively - you know, within the area of control of that armed  
9 group.

13:01:03 10           Again, like I mentioned, I am not a lawyer and the draft  
11 that I wrote is - and indeed my findings were discussed and then  
12 reviewed with the legal and policy division of Human Rights Watch  
13 to ensure that my characterisations are accurate with respect to  
14 legal characterisations.

13:01:22 15 Q.       But the use of that particular phraseology there is  
16 intended to direct readers of this report to the issue of  
17 international criminal offences, isn't it?

18 A.       Well, it could also just be - well, not necessarily, yeah.

19 Q.       [Overlapping speakers] specific. That is one of the  
13:01:42 20 purposes of putting in that phraseology, isn't it?

21 A.       Well, it has become a way of describing the occurrence -  
22 the rate of occurrence and the process that underlies them in  
23 human rights reporting.

24 Q.       Now I want to ask you please to turn to page 4 of 7. I  
13:02:21 25 think this is the first time that you mention - it's in the third  
26 paragraph down - that you mention receiving hearsay evidence from  
27 victims that some of their assailants were from Liberia. Now you  
28 told this Court that you were told by some of those that you  
29 interviewed that their assailants had Liberian accents?



1 A. Yes, I said that nine of those that I interviewed described  
2 the presence of one or more individuals whom they believed to be  
3 Liberian by virtue of the fact that they identified themselves as  
4 being Liberian.

13:03:14 5 Q. I'm asking you about accents only at the moment?

6 A. Accents, yes, sorry.

7 Q. When you refer to nine are you talking about this  
8 particular report or later report?

9 A. Just this report.

13:03:18 10 Q. How familiar are you with the accents of people who live  
11 either side of but close to the border between Sierra Leone and  
12 Liberia?

13 A. Yes, I'm aware that people who live on the border do speak  
14 with an accent that is very similar to Liberian accent.

13:03:41 15 Q. Yes, so the fact that one of the victims you're  
16 interviewing says that they believe their assailant was Liberian  
17 because of their accent is by no means conclusive that the  
18 assailant was Liberian, is it?

19 A. Yes, I think I noted that even in my testimony.

13:03:59 20 JUDGE SEBUTINDE: Mr Munyard, I don't know if that is yes  
21 it is an indication, or no it isn't.

22 MR MUNYARD: Your Honour, I took it as a, yes, that is  
23 because the witness appeared overall to be agreeing with me, but  
24 I'll clarify it.

13:04:16 25 THE WITNESS: I'll try be more precise, sorry.

26 MR MUNYARD:

27 Q. I think you're agreeing with me, is that right, Ms Dufka?

28 A. Yes, sorry.

29 Q. Thank you. Now I want you to turn please to a later

1 section of the report. It's numbered 1, 2, 3 and 4 of 4 and I  
2 would estimate that it's about 12 or 13 pages in.

3 A. The background section, is it?

4 Q. Yes, it is. It's the background section, thank you.

13:05:06 5 A. Okay.

6 MR BANGURA: Can we have the numbering again, please.

7 MR MUNYARD: It's 3 of 4 in background and the first words  
8 on the page at the top are, "Had negligible forces of its own,  
9 relied on ECOMOG to stay in power." This is the reference to the  
10 Kabbah government.

13:05:22

11 Q. Do you see that? Can I just confirm that everybody has the  
12 correct page?

13 A. Okay.

14 Q. I'm going to ask you about the first full paragraph there,  
15 please?

13:05:43

16 A. Okay.

17 Q. Four lines down in the first full paragraph you say:

18 "The 1992 to 1996 military regime, Captain Strasser's  
19 National Provisional Ruling Council, contracted the South African  
20 based private security firm Executive Outcomes in 1995 to protect  
21 the major diamond mining areas and they remained in Sierra Leone  
22 until President Kabbah terminated their contract in 1996 as a  
23 condition of the 1996 Abidjan Peace Accord."

13:05:59

24 Now Executive Outcomes described by you as a private  
25 security firm, you've also told this Court that you did a report  
26 on the phenomenon of mercenary activity. Executive Outcomes is a  
27 mercenary organisation, isn't?

13:06:23

28 A. Yes, it is.

29 Q. And it was also involved in human rights abuses within

1 Sierra Leone, was it not?

2 A. In some, yes.

3 Q. What sort of human rights abuses?

13:06:58

4 A. We actually documented very few human rights abuses by the  
5 members of Executive Outcomes, but that is primarily because when  
6 they were active Human Rights Watch had not yet started  
7 conducting research in Sierra Leone. I heard hearsay reports of  
8 some things, summary executions of rebel combatants. I heard  
9 hearsay --

13:07:18

10 Q. All your reports are hearsay reports, aren't they?

11 A. No.

12 Q. Yes. If you're hearing them from somebody else and giving  
13 them to this Court they're all hearsay?

13:07:34

14 A. Well, hearsay is as defined as a rumour as opposed to a  
15 first-hand detailed report.

16 Q. No, it's not, Ms Dufka, with respect. We'll avoid  
17 definitions at the moment and carry on, but I suggest that you're  
18 quite wrong on hearsay. Can we go back to Executive Outcomes?

13:07:53

19 A. Yes, as I was saying, hearsay evidence, that is a rumour of  
20 a third, fourth, fifth, sixth party, as opposed to a first-hand  
21 account, a first-hand detailed witness account of an atrocity, I  
22 see that as being very different.

23 Q. Well, we as lawyers don't, with respect to you?

24 A. I find that hard to believe, but anyway.

13:08:09

25 MR BANGURA: Counsel is being argumentative with the  
26 witness.

27 PRESIDING JUDGE: Yes, let's not keep this argument going.  
28 There's a legal definition of hearsay and perhaps in the  
29 circumstances, Ms Dufka, it would be best if you could try and

1 avoid the use of the word.

2 MR BANGURA: May I make the point that the witness is  
3 testifying within the context of her knowledge of the  
4 [overlapping speakers].

13:08:32 5 PRESIDING JUDGE: Yes, we're not disputing that,  
6 Mr Bangura, we're just quarrelling over the interpretation of a  
7 word.

8 THE WITNESS: Okay, so I'll go back to answering the  
9 question about the abuses that we had knowledge of with respect  
13:08:46 10 to Executive Outcomes. Like I said, we did no focused research  
11 on Executive Outcomes. The majority of their engagement with  
12 Sierra Leone was prior to our beginning work there. So we don't  
13 have any actually detailed accounts of abuses by Executive  
14 Outcomes. We have heard rumours of a number of accounts  
13:09:16 15 including execution of rebel combatants as well as, in one case,  
16 throwing people out of a helicopter. Again we have no factual  
17 basis to base that on.

18 MR MUNYARD:

19 Q. And can you just help us with this: We saw in one of the  
13:09:37 20 video clips this morning a reference to a man called Neil Ellis,  
21 I think his name was?

22 A. Yes.

23 Q. Was he involved with Executive Outcomes?

24 A. Yes, he was originally involved with Executive Outcomes but  
13:09:48 25 later he was contracted by the Sierra Leonean government to fly  
26 their Mi-24 helicopter gun ship.

27 Q. What can you tell the Court about his involvement with  
28 Executive Outcomes? Was he a director of the company?

29 A. I don't know.

1 Q. Was he - did he hold a senior position with the company?

2 A. I don't know. He's a pilot and he was - that's all I know.  
3 I don't know what level of authority he had within the operations  
4 of Executive Outcomes.

13:10:20 5 Q. You go on to say that - you mention further on in this  
6 paragraph that after Captain Strasser the leadership of the  
7 government of Sierra Leone changed, you make reference to it, and  
8 Brigadier Bio became head of government. Have you heard of the  
9 STF, the Special Task Force, employed by the government of Sierra  
13:10:55 10 Leone, I can't say whether it was under Strasser or Bio, but  
11 during the time of the National Provisional Ruling Council?

12 A. Yes.

13 Q. And the Special Task Force was a group of something in the  
14 region of 3 or 4,000 Liberian fighters employed by the government  
13:11:20 15 of Sierra Leone in effect as a mercenary force or a special  
16 combat unit fighting against the RUF, weren't they?

17 A. Yes. Not only fighting against the RUF, that was a bit of  
18 a symbiotic relationship.

19 Q. I'm sorry, but you've lost me with the word symbiotic?

13:11:45 20 A. Okay, I was just about to explain if I may. As far as I  
21 understand the STF were comprised primarily by members of ULIMO -  
22 well, they weren't ULIMO yet, they were members of the Khran  
23 ethnic group, many of whom had been part of the armed forces of  
24 Liberia who had fled Liberia after the killing of then President  
13:12:11 25 Samuel Doe. They'd gone into Sierra Leone and from there were  
26 allowed to stay by the government of Momoh, I believe, if I'm not  
27 mistaken. From there they performed two functions which is where  
28 the symbiosis comes in. They allied themselves with the Sierra  
29 Leonean army to assist in their fight against the RUF and then

1 Sierra Leone gave them - allowed them to use Sierra Leone as a  
2 staging area to launch attacks into Liberia.

13:12:58 3 Q. So they were a combination, in other words, of a mercenary  
4 group used by the government of Sierra Leone and yet another  
5 opposition group later on to President Taylor?

6 A. Yes. Yes, I've interviewed a number of individuals who  
7 were part of that group.

8 Q. And what human rights abuses by the STF, the Special Task  
9 Force, have you documented?

13:13:20 10 A. Well, I didn't - that was before my engagement, like I  
11 said, but in the course of my research on the phenomena of  
12 regional warriors I interviewed a good number of individuals who  
13 were both with the Sierra Leonean army and had knowledge of STF  
14 abuses as well as from the STF. They were involved in looting,  
13:13:43 15 they were involved in some killings, cases of rape. Again those  
16 were - that was second-hand information from the former  
17 combatants that I was interviewing. We haven't done any targeted  
18 research specifically on that period, though. And they then used  
19 Sierra Leone as a staging ground to go - to launch attacks into  
13:14:05 20 Liberia which is part of an ongoing pattern in West Africa as  
21 I've said.

22 Q. But in fact the report you did on to mercenaries and your  
23 predecessor's report in 1998 both purport to go back over ground  
24 much earlier than 1998 onwards, don't they?

13:14:27 25 A. Well, mine does but with a particular focus and my  
26 colleagues' from 1998 includes background information, both  
27 immediate background to the events which preceded the offensives  
28 in 1998 as well as general background on the armed conflict in  
29 Sierra Leone.

1 Q. And as far as you're aware how long did the STF remain as  
2 an active force operating out of Sierra Leone?

3 A. Let me consult with my report, if I may? I have a brief  
4 characterisation of them in "Youth, Poverty and Blood." I'm  
13:15:43 5 happy to read that if that would help clarify their involvement.

6 Q. If you would just direct us to the page in that. It's  
7 behind tab 23 and it has an MFI number.

8 A. There's an annex to "Youth, Poverty and Blood" which  
9 details the various different types of involvement by state and  
13:16:02 10 non-state actors in supporting armed groups across border. I  
11 could refer you to that if I could get that report.

12 JUDGE SEBUTINDE: This is MFI-6.

13 THE WITNESS: It was around 1991 until when - probably  
14 1995, I think. Something like that. I don't have the exact  
13:16:29 15 dates.

16 MR MUNYARD:

17 Q. Sorry, what was around 91 to 95?

18 A. I think STF - the Khran - elements of the Khran military  
19 started coming over in probably the early 90s. Let's take a  
13:16:42 20 look.

21 Q. But the STF was a specific unit, wasn't it?

22 A. The Special Task Force, yes, and then they later went to  
23 Liberia.

24 Q. They became LURD in effect, didn't they?

13:16:52 25 A. Yes, elements of them.

26 Q. Could you just tell us where in your report MFI-6 we see  
27 reference to them?

28 A. I don't refer to the Special Task Forces, I refer to them  
29 as the Special Forces. Let's see here.

1 Q. And why do you refer to them as the Special Forces if their  
2 name was Special Task Force?

3 A. Hold on just one moment, please.

4 JUDGE SEBUTINDE: Mr Munyard, could you let the witness  
13:17:24 5 answer one question at a time. Right now you've asked her to  
6 refer us to a portion, if she could do that and then we can  
7 continue from there.

8 MR MUNYARD: Certainly, your Honour.

9 THE WITNESS: Okay, on page 73 of the annex of my report  
13:17:40 10 "Youth, Poverty and Blood" I talk about the role that Sierra  
11 Leone government played in allowing Sierra Leonean territory to  
12 be used to support a group that launched war against another  
13 country. So I'll just read it to clarify:

14 "Sierra Leone government used Liberian ULIMO rebels to  
13:18:02 15 fight the Sierra Leone government's battle with the RUF. In  
16 exchange for its assistance ULIMO used Sierra Leone as a back  
17 base for its war against the NPFL and on several occasions were  
18 joined by Sierra Leone Army soldiers (SLA) who accompanied them  
19 on military operations into Liberia."

13:18:20 20 Now those elements were part of the elements of the Special  
21 Task Force. Although they were - you know, the names are quite  
22 fluid because they weren't - when they first came over these  
23 individuals weren't calling themselves ULIMO, they were former  
24 members of the armed forces of Liberia.

13:18:42 25 Now when they became Special Task Force - I'm not clear on  
26 that actually, which year. I can say I am also aware that  
27 members of the STF, some of them formed - later formed part of  
28 the Kamajor militias. They went into Monrovia in 1997 after the  
29 AFRC coup and from there they received training --



1 MR MUNYARD:

2 Q. I think you meant Freetown rather than Monrovia?

3 A. No, they went to Monrovia.

4 Q. I see. [Overlapping speakers]?

13:19:13 5 A. That's another aspect of history. They went to Monrovia in  
6 1997 and they started training there at a place called the Ricks  
7 Institute and then from there helped, together with ECOMOG,  
8 retake political power from the AFRC/RUF.

9 Q. But will you just confirm for me that you don't actually  
13:19:32 10 refer to the Special Task Force in any of your reports?

11 A. No.

12 Q. And is that because you weren't aware of the existence of a  
13 specific group called the Special Task Force led by a particular  
14 brigadier general?

13:19:51 15 A. I was aware of them. I think they think that's general -  
16 Brigadier General Bropleh.

17 Q. Yes, David Bropleh, yes?

18 A. I have met with that individual as well. Many elements of  
19 the STF, like you mentioned, did form the backbone of the LURD as  
13:20:11 20 well as elements of the Kamajor militias.

21 Q. That's all I want to ask you about your 1999 report. Can I  
22 ask you, please, about your report "We'll Kill You If You Cry"  
23 issued in January 2003 and I have it somewhere but not to hand,  
24 the MFI number - I'm sure Justice Sebutinde will be able to help  
13:21:11 25 me with that.

26 JUDGE LUSSICK: It's MFI-10.

27 MR MUNYARD: I'm grateful.

28 Q. If we go to the end of this report, page 75, this report  
29 was written by Louise Taylor, another consultant for Human Rights

1 Watch, on the basis of interviews conducted in Sierra Leone from  
2 February to June 2002. It is also based on testimonies collected  
3 by you from 1999 to June 2002 and a third person Ellen Vermeulen,  
4 a consultant, from February 2000 to April 2001. Are you able to  
13:22:31 5 identify which parts of this report rely on material collected by  
6 you?

7 A. I would probably be able to recognise the testimonies that  
8 I have taken, yes, but I can't say with certainty because I took  
9 a great number of testimonies, but usually I can remember which  
13:22:58 10 ones I took from the details.

11 Q. I know we're coming up to the lunch adjournment in a few  
12 minutes and I'm not going to ask you to go through the report now  
13 but I'd be grateful if over the lunch adjournment you could look  
14 at it and assist us with the proportion of it that relies on your  
13:23:17 15 specific interviews?

16 A. Sure.

17 Q. Louise Taylor was a consultant to Human Rights Watch. What  
18 is her - in very short terms what's her background of  
19 qualifications?

13:23:32 20 A. She has a masters in international law and she had worked  
21 for many years as - with aid agencies and with the United Nations  
22 I believe, UNHCR, commissioners for refugees and with a number of  
23 different human rights and women's organisations. I can't give  
24 you details about her background though, sorry.

13:24:01 25 Q. I wanted in general terms. Do you know if she's ever  
26 worked for the Office of the Prosecutor in this Court?

27 A. Yes, she has. She has worked for the Office of the  
28 Prosecutor.

29 Q. In what role?

1 A. She worked as an investigator and she specialised in gender  
2 issues.

3 Q. She was interviewing potential witnesses, like you. Is  
4 that right?

13:24:22 5 A. She was interviewing potential witnesses, yes. We operated  
6 - we were doing similar things, yes.

7 Q. I mean in the OTP, in the Office of the Prosecutor?

8 A. Yes.

9 Q. And over what period of time was she employed by the Office  
13:24:37 10 of the Prosecutor?

11 A. I can't be specific on that.

12 Q. Did you overlap?

13 A. Yes, we overlapped for some months.

14 Q. But you're not able at the moment to give us --

13:24:47 15 A. No, I'm sorry.

16 Q. All right, we can clarify that elsewhere. Thank you.

17 While we're dealing with the authors, Ellen Vermeulen, what are  
18 her qualifications and has she ever worked for the OTP?

19 A. No, she's never worked for the OTP and she worked with us  
13:25:09 20 very briefly for a few months in 2000 and then 2001. She  
21 conducted very few interviews with this report, but of course we  
22 always want to credit all of those who assisted us.

23 Q. If we turn to page 10 of this report I want to ask you two  
24 questions about page 10. One in the first paragraph, six lines  
13:26:01 25 or so from the bottom of the first paragraph, working backwards  
26 in other words, you refer to, "The violence and looting or  
27 jah-jah, especially by the Liberian mercenaries within the RUF,  
28 was sanctioned by Sankoh." You based that expression "Liberian  
29 mercenaries" on information that there were individual Liberians

1 working as mercenaries with the RUF as opposed to Liberians who  
2 were part of the NPFL. Is that right?

3 A. Well, that is cited to Ibrahim Abdullah's "African  
4 Guerillas", is it not?

13:26:40 5 Q. Yes.

6 A. Yes, so I would have to read - I don't - you know, that is  
7 characterising - their characterisation.

8 Q. But are you able to help us? Did you read the book in the  
9 footnote?

13:26:56 10 A. Yes.

11 Q. Does that reflect what I'm putting, that you're talking  
12 there in your report about individual mercenaries rather than  
13 NPFL fighters?

14 A. Let me just read it again. I read that book, paying  
13:27:21 15 particular attention to the chapter on the RUF. I cannot really  
16 say, like I said, what the book characterises. From my own  
17 experience - yeah, I can't speak to that particular statement.

18 Q. Don't worry. If you can't speak to it then don't.

19 A. Yeah, I can't.

13:27:37 20 Q. I think I've got time for one more question. In fact it's  
21 simply a clarification. In the third paragraph we get the answer  
22 to the question that I posed to you whether it was under Strasser  
23 or Bio that Executive Outcomes, the South African mercenaries,  
24 were brought in and your report suggests that it was in March  
13:28:01 25 1995 while Captain Strasser was still head of government in the  
26 NPRC?

27 A. Mm-hm.

28 MR MUNYARD: Thank you. Your Honour, I've reached the end  
29 of that page of questioning and I see that we're about a minute

1 off the lunch adjournment. Would that be a convenient moment?

2 PRESIDING JUDGE: I think that would be an appropriate time  
3 to adjourn. We will therefore adjourn to 2.30 and I remind you  
4 again, Ms Dufka, of the caveat on discussing your evidence.

13:28:33 5 THE WITNESS: The Defence wanted me to have a look at this  
6 report with a view --

7 PRESIDING JUDGE: Discuss as opposed to - what I'm saying  
8 is not to discuss with other people.

9 THE WITNESS: Yes, but I just wanted to make sure that I  
13:28:43 10 could take this?

11 PRESIDING JUDGE: Yes.

12 THE WITNESS: Okay.

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

14 [Upon resuming at 2.30 p.m.]

14:29:05 15 PRESIDING JUDGE: Mr Bangura, you are on your feet.

16 MR BANGURA: Your Honours, just on the matter of  
17 representation. May I ask that the bench note the presence of.  
18 Mr Alain Werner who has joined the Prosecution for this  
19 afternoon. Thank you.

14:29:22 20 PRESIDING JUDGE: Thank you, Mr Bangura.

21 MR MUNYARD: Likewise, Madam President, Mr Morris Anyah is  
22 also present on the Defence side of the Court.

23 PRESIDING JUDGE: Thank you, Mr Munyard. I will note  
24 those.

14:29:40 25 MR MUNYARD:

26 Q. Ms Dufka, I think there is one matter about your 1999  
27 report that I didn't deal with if you will bear with me for a  
28 second

29 A. Certainly.

1 Q. Yes, I think this is a question that arises in a number of  
2 places where you have done reports, either for this Court or  
3 Human Rights Watch reports. Is this the position: That on the  
4 basis of the people that you interviewed you concluded that the  
14:30:18 5 invasion of 6 January 1999 was something that was done primarily  
6 by the RUF, Revolutionary United Front, forces?

7 A. When I wrote RUF, and referred to RUF, it was referring to  
8 the all of the rebel factions fighting at that time, so it would  
9 be the RUF and AFRC, the West Side Boys, to the extent that they  
14:30:51 10 were functioning at that point, and any other forces that might  
11 have been working with - essentially it was the AFRC, the RUF and  
12 then the West Side Boys.

13 Now, you have probably noted that in our previous report,  
14 the 1998 report, we refer to them as RUF/AFRC. I had referred to  
14:31:15 15 them as RUF and dropped the AFRC specifically because at that  
16 time, when the report was being researched and written, there was  
17 a negotiation process occurring in Lome, Togo, in which the - all  
18 of the rebel factions were being represented and referred to by,  
19 or as, the RUF. So you will have noted in the report that on  
14:31:42 20 numerous occasions some of the victims, even verbatim, describe  
21 an attack by an SLA, sometimes I believe they say sobel, or  
22 junta, or other names for these forces, so it is assumed to be  
23 all of those groups together.

24 Q. My point is that it was essentially an attack orchestrated  
14:32:08 25 by AFRC and Sierra Leone Army dissidents and rebels, rather than  
26 the RUF. What do you say about that?

27 A. Well, in terms of the, how can I say, the orchestration and  
28 the design of that offensive, that level of the investigation  
29 I was unable to ascertain at that time. I have come to learn

1 something since then, but, of course, I never would have included  
2 that in my report because this report was reflecting my work with  
3 Human Rights Watch.

14:32:50

4 Q. Yes and how many people did you interview prior to doing  
5 that particular report?

6 A. Which report, sorry?

14:33:09

7 Q. The 1999 report. I am talking about the 1999, 6 January  
8 attack. You wrote a report that came out in paper form in June,  
9 on the internet in July, and that dealt in particular, and in  
10 great detail, with some of the incidents of the January 1999  
11 events.

12 A. Yes, that report was based on interviews with - I said a  
13 few hundred witnesses. That includes victims, witnesses and the  
14 numerous other sources which I have noted several times.

14:33:30

15 Q. Are you able to tell us how many witnesses and victims?

16 A. I would say probably something like 150, something like  
17 that.

14:33:52

18 Q. Now, you will accept, I imagine, that the Sierra Leone  
19 Truth and Reconciliation Commission, I will call it the TRC,  
20 interviewed a much greater number of witnesses and victims than  
21 you did?

22 A. Of course.

14:34:08

23 Q. And would you defer to the conclusions of the TRC on who  
24 was primarily responsible for the attack on Freetown on 6 January  
25 1999?

26 A. They did a great deal of research for that report. I don't  
27 know to what extent they interviewed insiders and people who had  
28 the most in depth detailed and intimate knowledge of such things  
29 as the planning and logistical support for an operation. I don't

1 know to what extent they interviewed those individuals, so  
2 perhaps the view, or the findings, from insiders, or former  
3 participants who fought in that offensive, might have added some  
4 more detail.

14:34:54 5 PRESIDING JUDGE: Ms Dufka, that is not really an answer to  
6 the question.

7 MR MUNYARD: Thank you, Madam President.

8 A. Okay, ask me the question and I will try to give a more  
9 direct answer.

14:35:06 10 Q. I am sorry, I have the screen in such a position that I  
11 can't look at the words.

12 PRESIDING JUDGE: My notes are, "Would you defer to the TRC  
13 on who was responsible?" "To the conclusions of," my learned  
14 sister is correct.

14:35:19 15 MR MUNYARD: Thank you. I am just trying to get the exact  
16 question from the LiveNote:

17 Q. Would you defer to the conclusions of the TRC as to who was  
18 primarily responsible for the attack on Freetown on 6 January  
19 1999? Justice Sebutinde wrote it down, apparently, absolutely  
14:35:41 20 correctly.

21 A. And "not necessarily" would not be an answer? I would say  
22 no.

23 Q. You would not defer to the TRC?

24 A. Not necessarily.

14:35:48 25 Q. That is different from no, isn't it?

26 A. Okay, not necessarily. I wasn't sure if I needed a yes or  
27 no answer.

28 Q. The TRC spent years rather than months going into these  
29 issues, didn't they?



1 A. I don't know if it went as far as years. There were  
2 numerous stages to the TRC operations and the investigation stage  
3 was - I think it was about a year, perhaps a little bit more.

4 Q. All right. A very much greater length of time than you  
14:36:24 5 spent in your work producing the report in June and July of 1999?

6 A. Yes, I agree, but, as I said, I don't know to what extent  
7 they relied on insiders.

8 Q. Can I ask you about something in your report to this Court,  
9 still on the 1999, in fact 1999 January incidents, you may not  
14:36:47 10 even need to look at your report. You may know the answer to  
11 this.

12 A. Okay.

13 Q. You have documented some atrocities by the ECOMOG force and  
14 the Civil Defence Force, and the Sierra Leonean police force, in  
14:37:02 15 the course of that month. Are you aware of the place in Freetown  
16 called Aberdeen Bridge?

17 A. Yes, I did a great deal of my research around that bridge.

18 Q. And are you aware of a large number of bodies being found  
19 below, or in the area of, Aberdeen Bridge, some 40 or more bodies  
14:37:25 20 being found there, who were said to have been executed by ECOMOG,  
21 or other pro-government forces?

22 A. Yes, I am.

23 Q. I am going to, as far as possible, follow the line of  
24 questioning in your evidence-in-chief for the other matters that  
14:37:59 25 I wish to ask you about this afternoon. It doesn't necessarily  
26 follow that they will always be in chronological, or thematic  
27 order as a result.

28 A. Okay.

29 Q. I want to ask you, please, about something that appears on

1 pages 18 and 19 of your report to this Court, MFI-1. This is all  
2 part of section E. Actually, no, we may have moved on a section.  
3 Yes, section E. Under the heading on page 18 "Documentation,  
4 Crimes Against Civilians in Liberia", you say, on page 18, the  
14:39:31 5 last paragraph, that you conducted at least 300 in-depth  
6 interviews with witnesses and victims in Liberia and over the  
7 page, about - well, counting the first few lines as a paragraph  
8 it is three paragraphs down and you say in the third sentence  
9 there, "I took at least 61 testimonies from victims of war crimes  
14:39:55 10 in Lofa County." What does it mean when you use the expression  
11 "at least" and in particular when you use the expression "at  
12 least 61", because 61 is a very precise figure?

13 A. Yes, so the 300 - let me answer the first question because  
14 those are the ones that I physically counted when I was preparing  
14:40:21 15 this report and there were interviews that I conducted in a  
16 number of - for a number of other publications, but I probably  
17 should have said at least 60, or 61. There are always a few  
18 interviews that I forget to include that I filed in - for  
19 example, in my filing system I have one section on war crimes and  
14:40:51 20 crimes against humanity in Liberia, say, and then I have a  
21 separate file on crimes, sexual and violent crimes. Sometimes,  
22 when I have had to, when I have counted the number of interviews  
23 I have done I have forgotten to include a few that I have in  
24 another folder, so that is why I said "at least 60", but it  
14:41:14 25 probably would have been more precise to say "some 60".

26 Q. In either event it is a little imprecise.

27 A. Yes.

28 Q. That is what you agree?

29 A. Yes.

1 Q. This section here, from page 18 onwards up to three  
2 quarters of the way down page 21, is all about incidents in  
3 Liberia.

4 A. Yes.

14:41:39 5 Q. And some of it is about matters after January 2002.

6 A. Yes, 2003, yes.

7 Q. The last point I referred you to, "I took at least 61  
8 testimonies", follows your comment that you had done interviews  
9 with victims and witnesses in relation to matters in and around  
10 Lofa County during 2001 and 2002.

14:42:10

11 A. Yes, those interviews that I note at the end are actually  
12 not in Lofa County. They are in Grand Bassa and the capital,  
13 Monrovia. In 2003 they correspond to abuses by the Liberian  
14 rebel factions.

14:42:30 15 Q. Just let me get a note of that. They are in Monrovia and  
16 Bassa County in 2003?

17 A. Yes.

18 Q. So why have you put down here that they are in Lofa County  
19 during 2001 and 2002?

14:42:42 20 A. No, I just shouldn't have included them in that section,  
21 I guess that is the point. I should have perhaps - let us see.

22 Q. So it is not just the Australian Broadcasting Corporation  
23 who make errors?

24 A. I am sorry, I was missing a page there. I am just a bit  
14:43:05 25 confused about your question now. What is the issue that you are  
26 taking?

27 Q. The question was: These are all matters that took place  
28 inside Liberia and they include matters that took place after  
29 January 2002.

1 A. In my report, what starts on page 19, correct, on, "The  
2 basis of my knowledge comes from interviews I conducted with  
3 victims"?

4 Q. Yes.

14:43:29 5 A. "61 from Lofa County and some 10 combatants who served in  
6 Lofa County with the pro-government force." Okay, then I go on  
7 to describe those. The last paragraph is, "Many of these attacks  
8 appeared to indiscriminately target specific groups." Okay, none  
9 of those refer to attacks I saw in Lofa County.

14:43:46 10 Q. So what was the correction that you were seeking to make to  
11 your report a moment ago when I was only asking you about those  
12 few lines a third of the way down page 19?

13 A. I am confused. Sorry, I am confused about the question.  
14 I had accidentally referred to page 21 instead of page 20. Let

14:44:12 15 us start again. Tell me what it is you need clarification on.

16 Q. All of this section, which is 18 to 21 -

17 A. Yes.

18 Q. - are dealing with matters that took place inside Liberia.

19 A. Yes.

14:44:24 20 Q. And some of them took place after January of 2002.

21 A. Yes.

22 Q. You agree with that?

23 A. Yes.

14:44:42 24 Q. Right, so they are both outside the geographical scope of  
25 the indictment and some outside the temporal, the time scope, of  
26 the indictment.

27 MR BANGURA: Your Honours, I wonder whether the witness is  
28 able to say that matters contained in this report are within or  
29 outside the scope of the indictment.

1 MR MUNYARD: She worked for the Office of the Prosecutor  
2 [overlapping speakers].

3 A. Yes, I know what the -

4 MR BANGURA: Could you hold on, please.

14:45:06 5 PRESIDING JUDGE: Let Mr Bangura finish. I think you have  
6 finished. This is a practical point, Mr Munyard. I do not know  
7 if the witness is aware of all the times in each of the counts so  
8 please let her answer that point first and then we can rectify  
9 the situation if necessary.

14:45:25 10 A. Yes, but when I was asked to prepare this report I wasn't  
11 instructed to only include issues within the time of the temporal  
12 jurisdiction of this Court. I was asked to include information,  
13 my information, about war crimes and crimes against humanity  
14 committed in Liberia, so that is what I included.

14:45:46 15 MR MUNYARD:

16 Q. I see. The next half of my question is: Were you aware of  
17 the scope of the indictment, both in terms of time and place?

18 A. Yes, I have read, yes.

19 Q. Now, can we move on to the - I think we will have a look  
14:46:28 20 now if we can, following the way in which you were questioned in  
21 chief, at tab 15, please, which is MFI-3 I believe.

22 JUDGE SEBUTINDE: That is correct, MFI-3.

23 MR MUNYARD:

24 Q. Can I enquire, does the witness have MFI-3?

14:47:41 25 A. Yes, thank you.

26 Q. This is a report from Human Rights Watch, again on Liberia  
27 not on Sierra Leone. I think on page 11 you touch on Sierra  
28 Leone and the Liberian conflict, but actually what you say on  
29 page 11 in relation to Sierra Leone and the Liberian conflict is

1 that there is a growing number of Liberian refugees and  
2 combatants crossing into Sierra Leone, "The LURD are  
3 clandestinely recruiting and establishing a supply line along the  
4 Sierra Leone/Liberia border." That, of course, is for the LURD  
14:48:30 5 to invade Liberia, not the other way round, yes?

6 A. Yes.

7 Q. And then you go on to mention the fact that, as of February  
8 2002, the United Nations High Commission for Refugees had  
9 registered 10,000 Liberian refugees in Sierra Leone in camps.

14:48:54 10 A. Yes.

11 Q. And then in the next paragraph you give an example of  
12 something that happened in February 2002 and that is as far as  
13 you go, effectively, in touching on Sierra Leone, but the whole  
14 of this particular report is about Liberia and if we turn over  
14:49:14 15 the page to page 12 of the report, - I am sorry, page 13. You  
16 have a heading "US Military Assistance to Guinea" and in here you  
17 say:

18 "The US, the United States, now has an important role to  
19 play vis-a-vis Guinea's support for the LURD. The United States  
14:49:43 20 is about to begin a long delayed training programme for the  
21 Guinean military focussing on border security. In June 2001 the  
22 Bush administration notified congress of its intention to provide  
23 3 million United States dollars in non-lethal training and  
24 equipment to the Guinean military to assist that country in  
14:50:06 25 defending against the de-stabilising activities of the RUF and  
26 Charles Taylor in Liberia."

27 So there we are talking about events in Guinea and also, of  
28 course, in Liberia.

29 A. Mmm.

1 Q. And it goes on. Further down in that paragraph it refers  
2 to:

3 "State Department sources further state that the United  
4 States has urged President Conteh" - of Guinea of course - "to  
14:50:37 5 curtail his support for the LURD and that if he doesn't do so  
6 then the United States training programme will be cut off."

7 So this is effectively about Liberia and Guinea?

8 A. Well, yes. The whole report isn't about that but that  
9 particular section is, yes.

14:51:03 10 Q. Yes, the whole report is about events in Liberia, isn't it?

11 A. Yes.

12 Q. And insofar as it strays to any significant degree, it  
13 strays over into Guinea not Sierra Leone. You only mention  
14 Sierra Leone in the context of this report - sorry, in this

14:51:18 15 report in the context of refugees, really, and supply lines for  
16 people invading Liberia.

17 A. That is quite an important thing I would think.

18 Q. I am not disputing that it is important, but my point is  
19 that it is not about incursions into Sierra Leone, this report.

14:51:35 20 A. Yes, I agree. This report is not about incursions into  
21 Sierra Leone. The focus is Liberia.

22 Q. And the focus is in particular about what is happening,  
23 particularly in 2002.

24 A. Yes.

14:51:58 25 Q. I don't dispute there is material from 2001, but it is  
26 particularly - it is trying to be a contemporaneous report about  
27 what is happening in the year of its publication, it having been  
28 published in May 2002.

29 A. Yes.

1 Q. Thank you. Are you aware of the provision of training of  
2 Guinean forces by United States marines?

3 A. Yes.

4 Q. At around that time.

14:52:42 5 A. Yes, very much.

6 Q. Now, can I ask you, please, to look at tabs 4 and 5 which  
7 are respectively MFI-21 and 20.

8 PRESIDING JUDGE: I don't think we got as far as MFI-20,  
9 Mr Munyard.

14:53:22 10 MR MUNYARD: I am sorry. I have my MFIs and my tabs in the  
11 wrong order. Tab 20 curiously has turned out to be MFI-5 and tab  
12 21, MFI-4, which may explain why I am getting my order slightly  
13 wrong.

14 THE WITNESS: Okay.

14:53:50 15 MR MUNYARD:

16 Q. Tab 21 is the first one you were asked about. That is  
17 about Guinea again, Liberian refugees in Guinea. For the benefit  
18 of anybody who doesn't know what it means, what is this word  
19 "refoulement"? I will just explain where it appears. The title  
14:54:21 20 of your report is "Liberian refugees in Guinea, refoulement,  
21 militarisation of camps and other protection concerns."

22 A. Yes. Refoulement refers to the sending back of individuals  
23 who have crossed as refugees, seeking refuge into another  
24 country, who are sent back from that country to the country from  
14:54:50 25 which these individuals sought to flee because of a feeling they  
26 were under personal danger, when they felt their life or freedom  
27 would be threatened.

28 Q. Yes, and again if we turn to page 10 of that report we see  
29 a section headed "LURD Links to Guinea". Some of the people



1 trained in Guinea by the United States marines became part of the  
2 LURD, didn't they?

3 A. I have no evidence of that, but I would not be surprised.

14:55:41

4 Q. This report is published in November 2002 and it is  
5 essentially dealing with matters - I say essentially, it is  
6 broadly dealing with matters in 2002, some references to 2001,  
7 but on most pages what we are dealing with is the situation as it  
8 applied in 2002, aren't we?

14:56:06

9 A. Yes, because there had been increased fighting in Lofa  
10 County so there were therefore more individuals seeking refuge in  
11 Guinea.

12 Q. That was tab 21. If we go back to tab 20, which is MFI-5,  
13 you are dealing there again essentially with events in 2002,  
14 aren't you?

14:56:43

15 A. Mostly, yes.

16 Q. And in the last paragraph, on the second page of that tab,  
17 we see:

14:57:12

18 "Human Rights Watch also expressed concern about the fate  
19 of five nurses from the Liberian humanitarian organisation,  
20 Merci, who were abducted on June 20, 2002 from the Sinje camp  
21 area by the Liberian rebels. The Liberians United for  
22 Reconciliation and Democracy (LURD) rebels have admitted holding  
23 the nurses in their northern stronghold of Voynjama. In  
24 addition, Human Rights Watch continues --", and it goes on to  
25 comment on it receiving credible reports of continued forced  
26 conscription of civilians, including children, by the LURD.  
27 Again this is all 2002, isn't it?

14:57:31

28 A. Yes, 2002.

29 Q. Right. I think you were then taken back to your report for

1 this Court, so put down the exhibits for a moment. Pages 24 to  
2 26 you were asked about.

3 A. I am sorry, 24 to 26 you said?

14:59:03

4 Q. Yes, of your report. Towards the bottom of the page, under  
5 the heading "State and Non-State Actors Which Supported Armed  
6 Movements in West Africa from 1989 - 2003", you summarise - you  
7 start on that page and you summarise all sorts of different  
8 groups. Over the page on page 25, two-thirds of the way down the  
9 page you refer to the MODEL, the Movement for Democracy in

14:59:37

10 Liberia, 2002 to 2003. Again that is an organisation that  
11 doesn't emerge onto the scene in that form until 2002, does it?

12 A. Yes, that is why I put 2002. They were a splinter off from  
13 LURD, as you know.

15:00:02

14 Q. But they don't - that is not an organisation who were  
15 formed or appeared in that particular categorisation during the  
16 period of the indictment, MODEL. It is beyond January 2002.

17 A. Yes.

15:00:28

18 Q. Thank you. At the foot of the page you deal with the:  
19 "Government of Liberia 2002-2003: Shortly after the  
20 September 2002 coup attempt against the government of Cote  
21 d'Ivoire by the MPCI, the Liberian Government --", et cetera. In  
22 other words, you are saying the Liberian Government and others  
23 gave support to the creation of two rebel groups to fight in Cote  
24 d'Ivoire?

15:00:55

25 A. That is correct.

26 Q. That again, of course, is after the scope of this  
27 indictment.

28 A. Yes.

29 Q. Then you are asked about patterns of behaviour and I think

- 1 you were taken at that point to MFI-6, tab 23, your report  
2 "Youth, Poverty and Blood". In fact it may be simpler - before  
3 Madam Court Manager puts that in front of you, it may be simpler  
4 to deal with it through the way in which you have summarised it  
15:02:12 5 in your report for the Court.
- 6 A. Okay.
- 7 Q. I am looking, therefore, at page 34 of your report.
- 8 A. Okay.
- 9 Q. Halfway down the report you come to - you set out four  
15:02:35 10 bullet points about the origins of various militias and the first  
11 point you make is that:  
12 "The populations of Liberia and Sierra Leone have for  
13 decades suffered from a vicious cycle of bad governance, economic  
14 decline, political upheaval, conflict related violence, and  
15:03:01 15 impunity"?
- 16 A. Yes.
- 17 Q. Now all of those propositions apply to a number, or applied  
18 to a number, of governments in that region and in Africa and in  
19 many other parts of the world, didn't they?
- 15:03:16 20 A. Yes, indeed.
- 21 Q. Yes. So there is nothing unique about that combination of  
22 factors unique to Liberia and Sierra Leone?
- 23 A. I would not go that far. I mean of course there are things  
24 that are unique about every country and every region, but broadly  
15:03:41 25 I would agree with you, yes.
- 26 Q. Yes.
- 27 A. And they are not the only two countries which have suffered  
28 cycles of violence and armed conflict as well.
- 29 Q. Now I am going to ask you in fact to look at tab 23, MFI-6,

1 specifically for certain points in that report. This is "Youth,  
2 Poverty and Blood" published in March 2005 and based on  
3 interviews with 60 individuals. Is that correct?

4 A. Yes.

15:05:03 5 Q. 60 individuals from a range of countries?

6 A. No, from three countries. The vast majority of them were  
7 from Liberia and Sierra Leone. There were perhaps two or three  
8 from Guinea.

9 Q. Right. Anybody from Cote d'Ivoire?

15:05:19 10 A. Not originally.

11 Q. Meaning?

12 A. I don't believe any of them were actually born in Cote  
13 d'Ivoire. Some of them lived right along the border, sometimes  
14 on one side and sometimes on the other side.

15:05:36 15 Q. Can you turn to page 13 of that report, please. Do you  
16 have that?

17 A. Yes, I do. Thank you.

18 Q. In the final paragraph you say:

19 "Since 1989, thousands of these fighters are estimated to  
15:06:06 20 have participated as armed protagonists in the regions  
21 conflicts'. The vast majority is believed to be Liberian or  
22 Sierra Leonean nationals, but fighters from Burkina Faso, Gambia,  
23 Ghana, Nigeria, Senegal and Guinea have also been involved."

24 And then you say:

15:06:25 25 "Anecdotal accounts from ex-combatants interviewed by Human  
26 Rights Watch corroborate reports from academic and official  
27 sources on the numbers involved: these estimates suggest that at  
28 least 500 NPFL and a similar number of ULIMO fighters took part  
29 in Sierra Leone's armed conflict, while a combined force of at

1 least one thousand RUF and Liberian government troops  
2 participated in the 2000-2001 cross-border attacks on Guinea",  
3 and then you give some further figures for 2002 to 2003 armed  
4 conflict in Cote d'Ivoire. First of all, where do you get these  
15:07:13 5 anecdotal accounts from? Is this from the 60 people you  
6 interviewed?

7 A. Well from interviews with military personnel, and also  
8 I interviewed in Sierra Leone the Sierra Leonean former Kamajor  
9 force who was involved in recruitment and had kept a record of  
15:07:37 10 how many Kamajors had gone over to fight with the LURD.

11 Q. I see. So that helps us with the LURD, but where do you  
12 get the figures from in relation to the NPFL and ULIMO taking  
13 part in Sierra Leone's armed conflict?

14 A. That would be from interviews with combatants who describe  
15:08:04 15 the numbers coming across. Once I have all my interviews in  
16 front of me, I sort of look at them and can take the most  
17 reliable and reasonable accounts of those numbers involved taking  
18 in consideration the tendency to exaggerate.

19 Q. What are the academic and official sources on numbers  
15:08:26 20 involved? There is no footnote here.

21 A. Yes, you are right.

22 Q. There is a footnote over the page, footnote 7, which seems  
23 to relate to the Ivorian conflict, but there is no footnote  
24 substantiating your assertion that I have been reading out.

15:08:44 25 A. Yes, you are right. That is not footnoted and so - yes, go  
26 ahead.

27 Q. ULIMO fighters were fighting against the Liberian  
28 government and the NPFL in particular?

29 A. That is right, but earlier I had noted that they had also

1 come over and helped the Sierra Leone Army in fighting against  
2 the RUF in the earlier years as well. In the early '90s.

3 Q. And what is it you are saying about this figure of 500?  
4 Are you saying that that is the total number involved over the  
15:09:18 5 whole period of the conflict, or what?

6 A. I am just reading it. Just give me a moment. Yes, I would  
7 say it is a conservative estimate, again based on interviews that  
8 I had conducted, and I didn't specify obviously. It wasn't the  
9 task of this section to actually specify how many numbers were  
15:10:05 10 involved. It was to try to get a sense of - a general sense of  
11 the numbers of people involved in one country, or the other. The  
12 specific - the numbers were a bit more specific later on, because  
13 of course it was closer to the time that I was doing the research  
14 and people actually had some more well-grounded estimates of  
15:10:26 15 these things.

16 Q. So, would it be appropriate to describe that figure there  
17 as an informed guess?

18 A. Yes, that is probably fair.

19 Q. Thank you. Page 37, please.

15:10:57 20 A. I would add that again the point of this report was to look  
21 at a phenomena and not - I had not done particular research on  
22 trying to specify the numbers, if that is what you are trying  
23 to --

24 Q. I am grateful for that clarification, thank you. If we  
15:11:13 25 look at page 37, the last paragraph, dealing with the LURD you  
26 say here:

27 "Previous research conducted by Human Rights Watch during  
28 the 1999-2003 Liberian war suggested that, while the LURD was  
29 responsible for serious human rights violations, including rape,

1 summary executions, forced recruitment of boys and young men, and  
2 forced labor, such incidents were less widespread and systematic  
3 than those committed by Liberian government forces."

4 The forced recruitment of boys and young men is something  
15:11:51 5 that we see not just amongst the rebel groups and the government  
6 forces in both Sierra Leone and Liberia and not just during the  
7 1990s and the early part of this century but across recent and  
8 indeed further history in Africa generally, isn't it?

9 A. Yes.

15:12:11 10 Q. Thank you. And then - yes, before I move completely off  
11 the numbers issue, and I know that you were not specifically  
12 researching that, when you say 500 are they NPFL, or are they  
13 Liberians, and are you able to help the Court in distinguishing  
14 between the two?

15:12:51 15 A. Well, one of the points of this research - I am going to  
16 answer your question if I can just preface it with a few  
17 qualifying sentences. While we describe in this report the  
18 individual motivations for combatants crossing borders and  
19 fighting in one conflict or another, we also describe the use  
15:13:17 20 of - the organised use by one country or another to achieve some  
21 kind of an objective in a neighbouring country, be it some kind  
22 of personal vendetta, carrying out a personal vendetta for  
23 resource exploitations reasons, for military reasons, among  
24 others. Also, we note that people don't go individually. They  
15:13:42 25 have gone, according to our research, after they have been  
26 recruited and the recruitment often involves a payment of some  
27 kind of money.

28 Now, I have previously noted in this Court two testimonies  
29 of individuals that described a Liberian presence. They

1 described - one of them described being recruited in Liberia and  
2 then recruitment and organised efforts going on, so my sense is  
3 that it was an organised effort as opposed to individuals coming  
4 over.

15:14:16 5 Q. And now can you answer the question?

6 A. Yes. You asked if they were individuals, or whether it was  
7 organised. My sense is that --

8 Q. No, I asked were they - do you distinguish between the NPFL  
9 on the one hand and Liberians - individual Liberians - on the  
10 other?

11 A. No, I was referring to NPFL.

12 Q. Right. And lastly would you look at page 42, please, of  
13 this same report. Do you have page 42?

14 A. Uh-huh.

15:15:05 15 Q. It is headed "VI. Current Theaters: Guinea and Cote  
16 d'Ivoire" and you have a section there that runs to page 47. All  
17 of that, I think I am right in saying, deals with events in 2003  
18 and 2004 and possibly 2005. Is that right?

19 A. Yes, correct.

15:15:38 20 Q. So at a time beyond the scope of this indictment and  
21 dealing with countries beyond the scope of this indictment?

22 A. Yes.

23 PRESIDING JUDGE: Ms Dufka, are you feeling all right?

24 THE WITNESS: Yes. I am just taking a break, thank you.

15:17:05 25 MR MUNYARD:

26 Q. The logistics, I am afraid, of moving from file to file  
27 will involve a little pause which you will no doubt welcome,  
28 I would imagine.

29 A. It is okay. It is a lot of documents.



1 Q. Are you able to tell us anything at all about the West Side  
2 Boys, which is a name that we have heard of but haven't heard a  
3 great deal about?

4 A. Yes, the West Side Boys was a splinter group of the Armed  
15:18:08 5 Forces Revolutionary Council. It also included some elements of  
6 the RUF, but primarily it was members of the AFRC originally and  
7 then in the process of their operations they increased the  
8 numbers within their faction through the process of forced  
9 recruitment of boys and men and women as well. My understanding  
15:18:40 10 is that they split off from the RUF in 1999 and they took up base  
11 in the Okra Hills area of Freetown, which is between Freetown and  
12 Masiaka, some 30 kilometres - excuse me, 30 miles from Freetown.  
13 We documented numerous atrocities committed by them. My  
14 understanding was that in May 2000 - this is not based on our own  
15:19:17 15 research, but through interviews with diplomats and other sources  
16 - that they were briefly used by the government of President  
17 Tejan Kabbah in May 2000 to help defend Freetown from an expected  
18 rebel advance in May 2000. They were eventually coaxed out of  
19 the Okra Hills and disarmed in 2001 or 2002, I believe.

15:19:52 20 Q. They appear to have been in effect a mercenary group in the  
21 sense that they sold their services to either side?

22 A. Well, they were - a mercenary group usually I think of as  
23 fighting in a country that is not one's country of origin, but  
24 perhaps you could describe their behaviour in that way, yes.

15:20:16 25 Q. Right, thank you. Have you heard of a group called the  
26 Black Revolutionary Guards?

27 A. Yes, but I can't tell you from where. Maybe my memory  
28 needs to be jogged.

29 Q. I am not proposing to jog it.

1 A. Okay.

2 Q. I simply wanted to know if you could tell us what you know  
3 about a group under that name, if anything. Now, I just want to  
4 make sure I am going to refer you to the right tab and MFI

15:21:01 5 number. Yes, it is tab 8, which is MFI-11. This is dealing with  
6 sexual violence within the Sierra Leone conflict and on page -  
7 well, it is the second page of the report, page 2 of 4. About  
8 halfway down the page you have got a heading "Perpetrators Rebel  
9 Forces", and the second paragraph there gives examples of the RUF  
10 making occasional efforts to declare rape a crime within its  
11 areas of control and publicly executing its own members after  
12 they had been convicted of rape.

13 A. Yes.

14 Q. I don't think we have heard about that before. You said in  
15:22:55 15 your evidence that there was a pattern of sexual violence in that  
16 the vast majority of them were - vast majority of incidents of  
17 sexual violence were committed by rebel soldiers. That is not a  
18 pattern. That is an incidence, isn't it?

19 A. No, I don't think of incidence as defined that way. The  
15:23:20 20 pattern is you have four groups, or three groups, RUF, AFRC and  
21 West Side Boys, who during their numerous operations perpetrate  
22 numerous acts of sexual violence. I see that as a pattern.  
23 Perhaps it is a semantic difference, I don't know.

24 Q. Well, a pattern would be the same kind of thing that was  
15:23:45 25 done. What you are talking about is it is the same category of  
26 people who were doing that. Do you accept that distinction?

27 A. Yes.

28 Q. You also say - I don't know whether it was in your  
29 evidence, or one of your reports - that sexual violence is a

1 weapon, it is an act of violence targeted against an individual's  
2 sexuality in war, but that is true of all sexual crimes in war,  
3 or in peace, is it not?

4 A. Well I suppose it wouldn't be called a weapon if it weren't  
15:24:18 5 in the context of war, if that is what you mean?

6 Q. An act of violence targeted at somebody's sexuality, that  
7 is what sexual crimes are, war or peace?

8 A. Yes, yes, and we would refer to it as a weapon of war  
9 because we see that it has another purpose which is humiliating,  
15:24:34 10 terrorising and ultimately trying to control the civilian  
11 population, which could have a military objective.

12 Q. Can I take you to tab 7, MFI-10. In fact, that is where  
13 the quote is that I have just put to you, "Rape in war time is an  
14 act of violence that targets sexuality". Rape in peace time is  
15:25:08 15 also an act of violence that targets sexuality. I think you  
16 would agree with that?

17 A. Okay, yes

18 Q. Now you also said in your evidence, "I don't think that in  
19 the case of ECOMOG any sexual assaults were documented". That  
15:25:17 20 was the evidence you gave this morning and I would like you to  
21 look also at page 4 of MFI-10.

22 A. Sorry. Are you going to bring that back, sorry? This is  
23 MFI-7. We documented numerous cases of sexual exploitation by  
24 ECOMOG. Okay, I am looking at which page?

15:25:54 25 Q. You are looking at page 4, second paragraph.

26 A. Page 4, second paragraph, of 7?

27 Q. It is the report, "We'll Kill You If You Cry", and the  
28 second paragraph reads as follows:

29 "Human Rights Watch has documented several cases of sexual

1 violence by peacekeepers within the United Nations Mission in  
2 Sierra Leone (UNAMSIL)."

3 Now pausing there, that was the force that took over from  
4 ECOMOG, yes?

15:26:24 5 A. That is right.

6 Q. Primarily again Nigerian soldiers?

7 A. Yes.

8 Q. I am not singling them out for that reason, but were they  
9 the same soldiers as ECOMOG, who were primarily Nigerian, but  
10 under a different hat? Literally under a different hat, in this  
11 case called blue berets?

12 A. Yes, some of them had been re-hatted. You are right.

13 Q. Yes, thank you. So whether they are UNAMSIL or ECOMOG  
14 doesn't matter for these purposes, does it? It is the same - it  
15 is broadly speaking the same peacekeeping force?

16 A. Well, part of them. I think they were about half Nigerian,  
17 if I am not mistaken, and the other half Pakistani, depending on  
18 when.

19 Q. Exactly.

15:27:09 20 A. Yes.

21 Q. Now, I would like to ask you something about your report  
22 again.

23 A. Which one?

24 Q. Your report for the Court.

15:27:32 25 A. Oh, okay.

26 Q. In my case it is the smaller and more manageable of the  
27 reports. About notice to the Liberian Government and I think it  
28 is on page 21. Yes, 21, 22. On page 22, about halfway down the  
29 page, it reads:

1 "An internet search of open press sources for official  
2 responses from the Liberian government to Human Rights Watch  
3 reports on Liberia revealed that between May 2001 and July 2002  
4 our work on Liberia was on several occasions directly cited by  
15:28:29 5 Charles Taylor and senior members of his government including" -  
6 the two who you have already mentioned, Mr Goodridge and  
7 Mr Captan, "I believe this demonstrates that Human Rights Watch  
8 was successful in bringing its reports on rights violations to  
9 the attention of the government. Relevant excerpts from these  
15:28:49 10 articles are below."

11 Then the three excerpts that you give are all in 2002.

12 A. There is one on the second page.

13 Q. Yes, that is 2002.

14 A. Yes, I think that was a typo. I meant to say May 2002 to  
15:29:04 15 July 2002.

16 Q. Thank you, I am very grateful for that clarification  
17 because that was the point that I was about to make.

18 A. Yes, that was a typo.

19 Q. Dealing very briefly with them, there is an article by a  
15:29:21 20 journalist called Alfonso Toweh that says published on 22 July  
21 "in Reuters". What does "in Reuters" mean? Reuters is a press  
22 agency that sends out reports.

23 A. Yes.

24 Q. Do we know where this one appeared?

15:29:37 25 A. This was an internet search through Factiva, so it was  
26 published by the Reuters news agency. I don't think there is any  
27 way of -

28 Q. In other words, Reuters put this out on the wireless, as we  
29 used to say before the internet.

1 A. Yes.

2 Q. And there is no way of knowing how accurate this particular  
3 quote is, is there?

15:30:06

4 A. I suppose Reuters has their own method for assuring  
5 accuracy.

6 Q. No doubt the Australian Broadcasting Corporation has its  
7 own method for assuring accuracy as well?

15:30:23

8 A. Having worked at Reuters I can say that they pay special  
9 attention when it comes from a government official, but I can't  
10 speak to this particular case at all.

11 Q. You don't know from that quote to what President Taylor was  
12 responding. You don't know what the question was that he was  
13 responding to.

15:30:42

14 A. Well, it says, "President Charles Taylor responded to Human  
15 Rights Watch's letter to the UN."

16 Q. Yes, but you don't know what the question - you don't know  
17 where that response came from, you don't know whether it was in  
18 an official press release, or whether it was answers to a  
19 journalist, a telephone call to him, or what, do you?

15:30:56

20 A. It doesn't say in this quote. Maybe the entirety of the  
21 article might include some clarification.

22 Q. Yes, it might, but it is not here, is it?

23 A. Let us see. I have the article, it is 9726 in the corner.

15:31:36

24 Q. In that case you definitely have the advantage over me  
25 because - is that handwritten?

26 A. This was part of my report.

27 Q. Right.

28 A. It was one of the four articles referred to.

29 JUDGE SEBUTINDE: This is at appendix 3, it is part of

1 appendix 3 to MFI-1.

2 MR MUNYARD: Does it have a stamped number beginning with  
3 three zeros as well as a handwritten number?

15:32:37

4 PRESIDING JUDGE: No, it doesn't. The number referred to  
5 by Ms Dufka is up in the right-hand corner and is handwritten.

6 MR MUNYARD: Mine doesn't have the handwritten numbers.

7 JUDGE SEBUTINDE: There is a very big heading, "Reuters",  
8 at the top.

9 MR MUNYARD: Yes, I think I have got it now.

15:32:48

10 Q. Yes, this is the reason I asked you the question.  
11 President Taylor was being asked questions it would appear from  
12 this Reuters report, wouldn't it?

15:33:21

13 A. Yes, it doesn't specify if this was obtained through a  
14 telephone, or individual interview with him, or a written  
15 response to a query, so I have no way of clarifying that. But  
16 Reuters is a very reputable news agency so I would hope they  
17 would have some kind of a procedure to monitor the accuracy of  
18 these types of quotes, especially from a Head of State.

15:34:05

19 Q. Can you show us where, in the document you have just  
20 referred us to, it talks about President Taylor's response to the  
21 Human Rights Watch's letter to the UN Security Council?

22 A. It is right at bottom.

15:34:36

23 JUDGE SEBUTINDE: Mr Munyard, I notice it has been blacked  
24 out in the copy you are holding, but if you look at the screen,  
25 the one on the screen, it is right there.

26 MR MUNYARD: Your Honour, that explains my mystification,  
27 thank you:

28 Q. My question remains the same. I am not asking you to  
29 repeat your answer, but we just don't know.

1 A. Agreed.

2 Q. Then you deal with two other government spokesmen:

3 Mr Goodridge on 19 July and Mr Captan on 20 July. Again, we  
4 simply don't know how reliable these reports are and we certainly

15:35:27 5 don't know whether or not either President Taylor, or the two

6 other government ministers, ever actually were given a copy of

7 the reports to comment upon. That is right, isn't it?

8 A. Yes, that is right.

9 Q. It was all as the quote is. The information is completely

15:35:48 10 lacking.

11 A. At that time the reports would have been available on the

12 internet. The fact that they are calling them a lie would

13 suggest that they actually did read them, so perhaps they read

14 the reports via the internet, or were briefed on them from their

15:36:05 15 diplomatic sources.

16 Q. Or, more to the point, the journalists might have put a bit

17 of the report to the individuals and asked them a question. It

18 would be standard practice, wouldn't it?

19 A. I would imagine, as the foreign minister or Head of State,

15:36:19 20 one would want to be duly briefed about the entirety of the

21 contents of a report, but I can't say that for sure.

22 Q. No, and you can't say whether the reference to the report

23 came only in the press conference, or in the interview, from the

24 journalist which then produced the response from the minister or

15:36:40 25 president concerned?

26 A. Mmm.

27 Q. There is, in other words, far too little contained in those

28 reports and the information you have behind them to assume that

29 any of those individuals had had a copy of the report, would you



1 agree?

2 A. That cannot be assumed.

3 Q. Thank you. I think, for the benefit of Justice Sebutinde,  
4 I think that answer is agreeing with my proposition.

15:37:08 5 A. Thank you for interpreting.

6 Q. I just want to ask you a couple more questions, please.  
7 Are you aware, from any of Human Rights Watch's researches, or  
8 any of your own work, of the consequences of the disagreements  
9 between RUF fighters and NPFL Liberian fighters in late 1992?

15:37:44 10 You touched on this matter briefly in your evidence. Are you  
11 aware of what the consequence was of those disagreements?

12 A. Yes, I believe that was referred to in one of the  
13 testimonies that is included in my report, that the disagreements  
14 resulted in an operation called "Top 20", I believe it was, to  
15 expel from Sierra Leone the NPFL combatants who were involved in  
16 misconduct and the perpetration of some abuses in Sierra Leone.

15:38:08

17 Q. Have you any idea what became, or what was the state of  
18 relations between the RUF and the NPFL after that?

19 A. Immediately after that I think there was perhaps  
20 disagreement obviously. Subsequent to that there was further  
21 engagement in Sierra Leone, but in 1992, as noted, there was  
22 acrimony between the two groups, between that is the NPFL and the  
23 RUF.

15:38:40

24 MR MUNYARD: Would your Honour give me just a moment.

15:39:31

25 Q. There is another element, of course, in the picture at that  
26 stage, isn't there, another fighting force?

27 A. Is that -

28 Q. That is a question.

29 A. I don't understand the question, sorry. Can you clarify?

1 Q. Well, you have the RUF, the NPFL and who else was active as  
2 an armed force at that stage in Sierra Leone and Liberia?

3 A. Well, you had the former AFL, turned ULIMO. You had the  
4 Sierra Leonean army which was also committing acts of looting and  
15:40:16 5 other acts, together with the rebels, to the point where they  
6 were called sobels. Is that what you were getting at?

7 Q. Yes, let us concentrate for the moment on ULIMO because  
8 ULIMO became the strongest of those groups, did it not?

9 A. Yes.

15:40:31 10 Q. And ULIMO effectively took control of Lofa County?

11 A. Later and committed numerous very, very serious abuses  
12 which we documented as well.

13 Q. I am not, for these purposes, concerned with that. I am  
14 more concerned with territorial control.

15:40:47 15 A. Okay.

16 Q. There was in effect a complete buffer between the NPFL in  
17 Liberia, on the eastern side of Lofa County, and the RUF in  
18 Sierra Leone during the period of time that ULIMO controlled Lofa  
19 County and other parts of the border areas between those two  
15:41:06 20 countries. That is right, isn't it?

21 A. I can't speak to the military situation on the ground at  
22 that time.

23 Q. There is Cape Mount County as well, below Lofa County and  
24 slightly further to the west.

15:41:21 25 A. Yes, I can't speak to the military - the extent of military  
26 control of one force or the other at that point, particularly in  
27 Liberia.

28 MR MUNYARD: Your Honour, I think that is all my questions,  
29 but in the light of the fact that there is a lot of material in

1 front of me I would be grateful for just a moment to make sure  
2 that I have not missed something that I would like to ask this  
3 witness.

4 PRESIDING JUDGE: Yes, please do so, Mr Munyard.

15:43:28 5 MR MUNYARD: I think that is it, but if I may take direct  
6 instructions for a moment. Yes - I can do this without the  
7 earphones - those are my questions. Thank you very much.

8 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura, have  
9 you questions in re-examination?

15:43:50 10 MR BANGURA: I have no questions in re-examination, your  
11 Honour.

12 PRESIDING JUDGE: Thank you.

13 MR BANGURA: Your Honours, may I seek, at this stage, to  
14 have admitted the various documents which I had introduced in --

15:44:24 15 PRESIDING JUDGE: Proceed on, please, Mr Bangura.

16 MR BANGURA: Yes, I was saying I would like to introduce  
17 into evidence the various documents that had been referred to and  
18 marked for identification by this witness. If your Honours will  
19 I will proceed in the order in which they had been marked for  
15:44:48 20 identification. Your Honours, the Prosecution moves that the  
21 document marked MFI-1, which is the report of Corinne Dufka be  
22 tendered in evidence as an exhibit.

23 MR MUNYARD: Your Honour, the Defence object to the  
24 tendering into evidence of this witness's report fundamentally  
15:45:23 25 because, for the reasons that I outlined yesterday, we object to  
26 this witness being put forward as an expert, particularly for two  
27 reasons: In our submission her testimony which consists for the  
28 most part of the gathering together of witness testimonies does  
29 not amount to expertise.

1           Secondly, and this is another fundamental objection, the  
2 fact that she has worked for the Office of the Prosecutor for as  
3 long as a year, directly involved in obtaining evidence for the  
4 Prosecution of this accused and bearing in mind her evidence  
15:46:11 5 about not just her role in that, but also what you know of her  
6 attitude to the accused, it cannot possibly be said that this  
7 witness has the appearance, as always must be the case for an  
8 expert - that this witness has the appearance of impartiality.

9           One asks the question not entirely rhetorically, what on  
15:46:38 10 earth must it appear, or how on earth must it appear to the  
11 outside world, in particular to the people of West Africa, that a  
12 former member of the Prosecution team should be put forward in  
13 this trial as an expert witness giving impartial testimony on  
14 issues that go directly to the questions that this Court has to  
15:47:06 15 decide?

16           It is said and it has been said by my learned friends  
17 opposite during the course of this trial so far, "Well, in  
18 international tribunals you can have this sort of evidence and  
19 that sort of evidence" and it is certainly right to say that the  
15:47:22 20 rules applicable to these tribunals are much wider and much more  
21 lax than many of the domestic jurisdictions from which many of us  
22 here come and I accept that of course in this tribunal we are  
23 bound by those rules and the jurisprudence of these tribunals.

24           Nevertheless in one of the authorities that was cited  
15:47:49 25 yesterday, Karemera and others from the Rwanda tribunal, it is  
26 clear that that tribunal and that trial chamber took a position  
27 on expertise that is very similar to the position that is taken  
28 in most common law jurisdictions.

29           I am aware of other decisions, including a decision of this

1 very Trial Chamber, that in our submission considerably dilutes  
2 the definition of expert and expertise. It is obvious that there  
3 is a considerable body of jurisprudence from within the  
4 international tribunals, not all of which fits comfortably  
15:48:33 5 together on the question of experts and expertise.

6 We submit, as a matter of great significance, that the more  
7 serious the charge, the more cautious the tribunal must be in  
8 applying definitions of experts and expertise and there could not  
9 be more serious charges than those that this accused faces.

10 It is our submission that before the Court decides to rule  
11 on this particular issue and the admission of this evidence and  
12 the use of this witness as an expert, that it would be  
13 appropriate, as this Trial Chamber and others in other  
14 international tribunals have done, to receive submissions from  
15:49:21 15 both parties in writing on the question of this witness - of  
16 expertise generally, this witness in particular and the reports  
17 and exhibits that are sought to be tendered through her.

18 That is the submission that I would make this afternoon as  
19 to procedure, but we register our concern first of all that she  
15:49:49 20 doesn't qualify as an expert and, secondly, that her evidence  
21 must be seen to be tainted in the light of her previous  
22 experience working for the Prosecution.

23 There were other objections that I raised yesterday that go  
24 to the question of her reports and her evidence in some cases  
15:50:12 25 going to the ultimate issue. I don't resile from those but I am  
26 not going to develop them now.

27 PRESIDING JUDGE: If you can just pause and let me consult  
28 on the question of the procedure you are proposing.

29 MR MUNYARD: Certainly, Madam President.

1           PRESIDING JUDGE: Mr Bangura, I am not asking you to reply  
2 to the submissions. I am merely asking you your views on the  
3 procedure proposed by Mr Munyard to put submissions in writing  
4 concerning (a) whether the witness is an expert and, which  
15:51:49 5 follows on from that, the tendering of these documents.

6           MR BANGURA: Your Honour, thank you. The proposal put  
7 forward by my learned friend is one that is not new to these  
8 tribunals, I must say, and if at end of the day the submissions  
9 made before your Lordships in oral submissions made are not  
15:52:12 10 sufficient to convince your Lordships as to which direction to go  
11 in terms of accepting the evidence of the witness then that would  
12 be a proper way to proceed.

13           PRESIDING JUDGE: Thank you. Mr Munyard, we are minded to  
14 agree to the procedure that you propose and that Mr Bangura has  
15:53:27 15 not objected to. We are also in mind of the need to move both  
16 expeditiously and fairly, so can you give us an idea of what time  
17 you will require to file these. There are time limits in Rule 7  
18 but we are minded to abridge them, a shorter period than an  
19 ordinary motion.

15:53:56 20           MR MUNYARD: You are going to have to remind me of what the  
21 time period in Rule 7 is.

22           PRESIDING JUDGE: It is 10 days for a response and five  
23 days for a reply but this is an interlocutory - they are all  
24 interlocutory motions. How long is it going to take you to  
15:54:12 25 prepare your submissions?

26           MR MUNYARD: We are now at the end of Tuesday. I would  
27 certainly - well, for personal reasons the weekend will be  
28 difficult for me. I was going to propose submitting them by the  
29 weekend, but if you were to say by close of business on Monday,

1 Monday next, that would give us sufficient time to do so.

2 Can I say that I don't think that it would require the  
3 witness returning because these are purely legal arguments and  
4 the witness can be released. Can I add one further thing, that  
15:54:51 5 obviously we will address in our submissions the other areas that  
6 I outlined yesterday where we say that the evidence either should  
7 not go before the Court or shouldn't go before the Court in full.

8 PRESIDING JUDGE: Yes, we are assuming that all the points  
9 you raised will be covered in the submission.

15:55:09 10 MR MUNYARD: Certainly.

11 MR BANGURA: Your Honours, given the indication which  
12 your Lordships have made about the need to expedite filings  
13 I wonder whether there will be a need - first of all, I don't  
14 know whether there is going to be abridgement in terms of what  
15:55:32 15 time the Prosecution will respond and whether in fact there would  
16 be a need for a reply given that we are going to address  
17 ourselves to very specific issues here.

18 PRESIDING JUDGE: Mr Munyard, it would appear to us to be  
19 four working days that you are proposing, today being Tuesday.  
15:56:54 20 Wednesday, Thursday, Friday, Monday.

21 MR MUNYARD: Yes. If you want to give us more we would be  
22 happy to take it.

23 PRESIDING JUDGE: I thought you would, but I didn't offer  
24 it to you. I am just doing a calculation because I don't happen  
15:57:09 25 to have a calendar with me. In fairness to the Prosecution we  
26 would give them the same amount of time to file the response.

27 MR MUNYARD: I am conscious of the fact that we don't want  
28 this trial to slow down, however this particular argument is  
29 going to have to take place at some point. In the meantime other

1 witnesses can come and indeed I know that there is one available  
2 now, so in that sense, although I am not saying put it off for  
3 ages --

4 PRESIDING JUDGE: Mr Munyard, you can take it from me that  
15:57:40 5 when I said this it is on the assumption that there will be other  
6 witnesses interposed because that has been the practice of this  
7 Court and that is what I am assuming and it is on that basis that  
8 I am giving you - not I am giving you the time, the Bench is  
9 considering it.

10 MR MUNYARD: Well, Madam President, I am not entirely sure  
11 where we are. I have proposed close of business next Monday.

12 PRESIDING JUDGE: Yes, have you got a date for next Monday?  
13 I think it is the 28th.

14 MR MUNYARD: Yes.

15:58:07 15 PRESIDING JUDGE: And giving a response then will be Friday  
16 29th. I think is right, isn't it?

17 MR MUNYARD: No, if Monday is the 28th, Friday isn't the  
18 29th.

19 PRESIDING JUDGE: 1 February, I'm grateful.

16:00:30 20 We grant the application by the Defence to have the  
21 submissions in this matter and we do note the comprehensive  
22 submissions in the light of the various issues raised. The  
23 motion to be filed by close of business on Monday 28th. The  
24 response by the Prosecution to be filed by close of business on  
16:01:23 25 Friday, 1 February and a reply, if any, by close of business on  
26 Thursday 7 February.

27 I believe our filing time, Madam Court Manager, is  
28 4 o'clock.

29 MS IRURA: 5 o'clock.



1           PRESIDING JUDGE: You have an extra hour, Mr Munyard and  
2 Mr Bangura.

3           Ms Dufka, thank you for your evidence. We have no further  
4 questions. Any issues are of a legal nature and you are at  
16:01:58 5 liberty to leave and we are grateful for your time.

6           THE WITNESS: Thank you.

7           PRESIDING JUDGE: Mr Bangura, your next witness is  
8 available?

9           MR BANGURA: Yes, your Honour. My colleague Nick Koumjian  
16:02:35 10 will be leading the next witness.

11           PRESIDING JUDGE: Just before the witness comes in  
12 Mr Koumjian, is there an issue of - pause, Madam Court Attendant,  
13 please. Is this a protected witness? What is the situation? Do  
14 we need to take any measures?

15           MR KOUMJIAN: No, this witness will testify openly, your  
16 Honour. The witness will be testifying in Liberian English.

17           MR ANYAH: Good afternoon, Madam President. I will be  
18 undertaking the examination for the Defence.

19           PRESIDING JUDGE: Thank you.

16:04:31 20                           WITNESS: ABU KEITA [Sworn]

21                           EXAMINATION-IN-CHIEF BY MR KOUMJIAN:

22 Q. I just want to verify that the witness is getting the  
23 interpretation in Liberian English? Mr Keita, can you hear me in  
24 Liberian English?

16:05:50 25 A. Yes.

26 Q. Thank you. Sir, would you please state your name?

27 A. My name is Abu Keita.

28 Q. Where were you born?

29           PRESIDING JUDGE: Spelling, please.

1 MR KOUMJIAN: The spelling: First name A-B-U, family name  
2 K-E-I-T-A.

3 Q. Sir, where were you born?

4 A. I was born in Zorzor, Lofa County.

16:06:37 5 Q. Did you grow up in the same place, or a different place?

6 A. I grew up in Grand Cape Mount County.

7 Q. Do you consider yourself a member of a particular tribe or  
8 ethnic group?

9 A. I am Mandingo.

16:07:00 10 Q. Sir, did you go to school at all?

11 A. I did not go too far in education. I stopped in the  
12 8th grade.

13 MR KOUMJIAN: Sorry, Mr Interpreter, was that first grade?

14 THE WITNESS: I stopped in the first grade.

16:07:22 15 MR KOUMJIAN: Thank you.

16 Q. Sir, have you ever been a member of the military?

17 A. Yes, I am member of the AFL.

18 Q. When did you first join the AFL?

19 A. I joined the AFL in 1990.

16:07:46 20 Q. Just to be clear, by AFL you mean the armed forces of  
21 Liberia?

22 A. I mean the AFL, the National Armed Forces of Liberia.

23 Q. Thank you. About how old were you when you joined the AFL  
24 in 1990?

16:08:08 25 A. I was 17 years old.

26 Q. Did you receive any training?

27 A. I was trained by the AFL.

28 THE INTERPRETER: Your Honours, could the witness come back  
29 in that area?

1 MR KOUMJIAN:

2 Q. Sorry, could you please repeat your answer?

3 A. I said I was trained in Bomi Hills, 6th infantry battalion.

16:08:44

4 Q. Were you involved in any fighting after your training with  
5 the AFL?

6 A. Yes, sir.

7 Q. Can you tell the judges what your - what happened to you  
8 then?

16:09:00

9 A. My first operation, they took us to Nimba County where we  
10 attacked Ganta and Karnplay.

11 Q. Who were you fighting against at that time?

12 JUDGE SEBUTINDE: Please spell these places.

13 THE WITNESS: I was fighting against the NPFL.

16:09:18

14 MR KOUMJIAN: Your Honour, I will go back. Let me just get  
15 that on LiveNote. For some reason my LiveNote is not working.

16 JUDGE SEBUTINDE: Ganta and Karnplay or places like that.

17 MR KOUMJIAN: Ganta, your Honour, is G-A-N-T-A and Karnplay

18 I believe is C-A-M-P-A-L-I-A-N but, your Honour, I don't profess

19 to be certain of that and I don't think it will be helpful to ask

16:09:56

20 the witness for any spellings. I am assisted by my colleague.

21 K-A-R-N-P-L-A-Y.

22 Q. Sir, who were you fighting against at that time?

23 A. We were fighting against the NPFL.

24 Q. What happened to you then, did you remain in the AFL?

16:10:35

25 A. We fought until we realised we could not make it so we  
26 retreated.

27 Q. Where did you retreat to?

28 A. We retreated back to Sierra Leone at the Daru barracks.

29 MR KOUMJIAN: And Daru is D-A-R-U.

1 Q. Sir, when you got to Daru in Sierra Leone did you have any  
2 contact with the military of Sierra Leone?

3 A. We are disarmed by the Sierra Leonean Government.

4 MR ANYAH: I apologise, Madam President, for interrupting  
16:11:17 5 but perhaps we can get a foundation for the date and timeframe or  
6 the year perhaps.

7 MR KOUMJIAN:

8 Q. What year was it, sir, when you retreated into Sierra  
9 Leone?

16:11:29 10 A. It was in 1990, sir.

11 Q. After being disarmed by the Sierra Leone Army, did you ever  
12 rejoin a fighting force while you were in Sierra Leone?

13 A. Yes.

14 Q. Can you explain what force you joined?

16:11:52 15 A. I joined the LUDF, Liberians United Defence Force.

16 Q. Can you explain to us to the judges briefly what the LUDF  
17 was?

18 A. LUDF was founded by Albert Karpeh who was our leader to  
19 fight against the RUF that were attacking Sierra Leone.

16:12:24 20 MR KOUMJIAN: Your Honours, that is Albert, the normal  
21 spelling, and Karpeh, KARPEH.

22 Q. Did the LUDF receive any weapons from anyone?

23 A. Yes.

24 Q. Who did you receive weapons from?

16:12:47 25 A. We received weapons from the Sierra Leone Government, sir.

26 Q. Who were you fighting against when you were a member of the  
27 LUDF?

28 A. We were fighting against the RUF in Sierra Leone.

29 Q. In what parts of Sierra Leone were you fighting at that

1 time in 1990 and in 1991?

2 A. At first we attacked Gbaima behind the Daru barracks and  
3 the second one, they took us to Golahun Tonkia going towards  
4 Zimmi that is close to the Liberian border, sir.

16:13:37 5 MR KOUMJIAN: I believe the witness said Gbaima, which is  
6 G-B-A-I-M-A. I believe he also said Kolahun.

7 THE WITNESS: No, no, Golahun Tonkia.

8 MR KOUMJIAN:

9 Q. I'm sorry, sir, is that the place you were fighting?

16:14:06 10 A. Yes.

11 MR KOUMJIAN: Our best guess at the spelling is  
12 G-O-L-A-H-U-N. I believe he said Tonkia, T-O-N-K-I-A.

13 PRESIDING JUDGE: I think I also heard Zimmi close to the  
14 border.

16:14:31 15 MR KOUMJIAN: I believe that is Z-I-M-I. Two Ms, excuse  
16 me.

17 Q. Sir, at some time did LUDF change into another organisation  
18 with a different name?

19 A. Yes, it later changed to ULIMO.

16:14:55 20 Q. Was that after something happened to the leader of LUDF?

21 A. Yes, our leader was assassinated in Kenema.

22 Q. Did you then join the ULIMO organisation?

23 A. The LUDF, the name was changed to ULIMO because Alhaji  
24 Kromah now became the leader.

16:15:23 25 MR KOUMJIAN: Alhaji Kromah is A-L-H-A-J-I K-O-R-O-M-A.

26 Q. When you were with ULIMO did ULIMO at some time split into  
27 two different organisations?

28 A. Yes, it split into ULIMO-K and ULIMO-J.

29 Q. Who was the leader of ULIMO-J?

1 A. It was Roosevelt Johnson.

2 Q. Who was the leader of ULIMO-K?

3 A. It was Alhaji Kromah.

4 Q. At some point, sir, did you fight as part of - excuse me.

16:16:15 5 Which of the two factions were you a member of, ULIMO-J or  
6 ULIMO-K?

7 A. I was a member of ULIMO-K.

8 Q. Were the members of ULIMO-K predominantly from a particular  
9 tribe or ethnic group, or tribes and ethnic groups?

16:16:42 10 A. No, they were from all tribes.

11 Q. You mentioned that you were Mandingo. Did Mandingos tend  
12 to belong to one of the two factions more than another?

13 A. The Mandingo, the leader was Mandingo, therefore there were  
14 more Mandingos in the ULIMO-K, but there were all other tribes in  
16:17:18 15 ULIMO.

16 Q. When you say the leader you mean Alhaji Kromah?

17 A. Yes, Alhaji Kromah, sir.

18 Q. When you were a member of ULIMO-K were you involved in any  
19 fighting, any battles in Monrovia?

16:17:36 20 A. Yes.

21 Q. Who were you fighting against and who were you fighting  
22 with - I will take those one at a time. In that battle can you  
23 explain who the different sides were in the battle in Monrovia?

24 MR ANYAH: Objection, your Honour. Again there was no  
16:17:56 25 foundation as to when ULIMO split between K and J. We are now in  
26 Monrovia. We are not aware of the year and who the fighting is  
27 taking place with.

28 PRESIDING JUDGE: Mr Koumjian, you will need to lay that  
29 foundation.

1 MR KOUMJIAN: Your Honour, that we will come to if I can  
2 just get in the order.

3 Q. But, sir, when did the battle occur in Monrovia? Can you  
4 tell us that?

16:18:25 5 A. The fighting started in - it was in 1995, sir.

6 Q. Okay, when did ULIMO split? You mentioned it was after the  
7 assassination of the leader - sorry, please wait until the  
8 interpreter finishes the question. When was that?

9 A. It happened in 2004, sir. In Bomi Hills, sir.

16:18:54 10 Q. Sir, you said 2004?

11 A. 1994, sir.

12 Q. Thank you. Do you know when this battle occurred in  
13 Monrovia?

14 A. The fighting took place on 6 April, sir.

16:19:22 15 Q. Do you remember which year that was?

16 A. 1995, sir.

17 Q. To the best of your recollection it was 1995. Can you tell  
18 us who - what caused that particular battle in Monrovia at that  
19 time?

16:19:47 20 A. Yes, at that time we had transitional government and  
21 Roosevelt Johnson killed another [indiscernible] man and then  
22 Charles Taylor and Alhaji Kromah, they said Johnson must be  
23 arrested.

24 Q. So at that time Roosevelt Johnson, the leader of ULIMO-J,  
16:20:12 25 was one of the parties to that battle. Is that correct?

26 A. We fought against him, sir. Yes, sir.

27 Q. Who were the allies of ULIMO-K of your force in that battle  
28 in Monrovia on 6 April?

29 A. We joined forces with the NPFL to fight, sir.

1 Q. Sir, how long did you remain a member of ULIMO-K?

2 A. I remained a member of ULIMO-K until we were disarmed in  
3 Liberia, sir.

4 Q. Do you remember what year the disarmament was?

16:21:01 5 A. The disarmament took place in 1996, sir.

6 Q. While you were a member of the ULIMO-K what rank did you  
7 achieve, what was the highest rank you held?

8 A. I was a general, sir. Deputy chief of staff, sir.

9 Q. As deputy chief of staff can you tell the judges what your  
16:21:30 10 responsibility was?

11 A. I was the second man in command in the military structure,  
12 sir, ULIMO.

13 Q. Who did you report to?

14 A. I reported to my commander who was Jungo Jibba.

16:21:57 15 MR KOUMJIAN: Jibba is J-I-B-B-A. I believe Jungo is spelt  
16 J-U-N-G-O in the spelling I have seen.

17 Q. When you had been a member of the AFL what was the highest  
18 rank you held with the AFL before joining the LUDF?

19 A. I was a private soldier, sir.

16:22:30 20 Q. Can you tell us why - can you give us any explanation for  
21 how you advanced so quickly as a member of ULIMO to reach the  
22 rank of general?

23 THE INTERPRETER: Your Honour, can counsel go over that  
24 question again?

16:22:46 25 MR KOUMJIAN: Let me restate the question.

26 Q. Can you tell us how you were promoted so quickly to reach  
27 the rank of general in ULIMO-K?

28 A. Okay. I was a private soldier when we were in LUDF when we  
29 started attacking the RUF and NPFL until we crossed into Liberia



1 and because there was a split between the ULIMO-J and ULIMO-K and  
2 then I was a front line commander, therefore I was promoted.  
3 That was how I came to get that promotion.

4 Q. As a front line commander did you have any successes?

16:23:38 5 A. Yes, I had deputies.

6 Q. No, sir, I am sorry. I am not sure how my question came to  
7 you, but did you have any success as a commander of forces in  
8 battle? Did you win any battles?

9 A. That was the reason why I got the promotion. I was a  
16:24:07 10 commander who attacked Tubmanburg in Bomi County where I was  
11 trained in. I was the commander who attacked Zorzor in Lofa  
12 County and I was the first commander that crossed over the  
13 St Paul Bridge into Bong County. So those were how I got my  
14 elevations and promotions.

16:24:31 15 MR KOUMJIAN: Bong County is B-O-N-G. St Paul, S-T  
16 P-A-U-L. Zorzor, Z-O-R-Z-O-R. Tubmanburg, T-U-B-M-A-N-B-U-R-G.

17 Q. Now, sir you mentioned disarmament. Did you personally  
18 disarm in 1996?

19 A. Yes, sir.

16:25:07 20 Q. Did anyone order you to disarm?

21 A. I was ordered by the leader of ULIMO-K who was Alhaji  
22 Kromah to disarm, sir.

23 Q. Did Alhaji Kromah give that order just to you or others  
24 also?

16:25:29 25 A. To the whole command structure of ULIMO, sir.

26 Q. Sir, at the time of disarmament when you disarmed was there  
27 an interim government in Liberia?

28 A. Yes, there was interim government.

29 Q. And who was the leader of the interim government?

1 A. It was Ruth Sando Perry, sir.

2 MR KOUMJIAN: Your Honour, actually this is an appropriate  
3 time for me to break. I have a document that will take a little  
4 bit of time to show and the next series of questions.

16:26:09 5 JUDGE SEBUTINDE: Could you spell this last name before we  
6 break?

7 MR KOUMJIAN: Ruth R-U-T-H, Samuel S-A-M-U-E-L --

8 MR ANYAH: Madam President, I believe it is Ruth Sando,  
9 S-A-N-D-O.

16:26:37 10 MR KOUMJIAN: Sorry.

11 PRESIDING JUDGE: Mr Witness, we are now going to adjourn  
12 until tomorrow morning at 9.30. You have taken the oath and  
13 sworn to tell the truth. Between now and the time all your  
14 evidence is finished you must not discuss your evidence with  
16:26:59 15 anyone else. Do you understand?

16 THE WITNESS: Yes, sir.

17 [Whereupon the hearing adjourned at 4.30 p.m.  
18 to be reconvened on Wednesday, 23 January 2008  
19 at 9.30 a.m.]

15:44:23 20

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## I N D E X

### WITNESSES FOR THE PROSECUTION:

CORINNE DUFKA	1821
EXAMINATION-IN-CHIEF BY MR BANGURA	1821
CROSS-EXAMINATION BY MR MUNYARD	1867
ABU KEITA	1946
EXAMINATION-IN-CHIEF BY MR KOUMJIAN	1946