



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 24 MARCH 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah
Mr Silas Chekera
Ms Kathryn Hovington

1 Wednesday, 24 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.00 a.m.]

08:59:00 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Kathryn Howarth and our case manager, Maja Dimitrova.

09:02:59 10 MR MUNYARD: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence, myself Terry Munyard, Silas
12 Chekera and our legal assistant, Kathryn Hovington.

13 Madam President, I know that you will be anxious to give
14 the - remind the witness that he is under oath and so on. May I,
09:03:20 15 before we commence the evidence, raise one matter? It is
16 something that I overlooked when I addressed the Court on Monday
17 when the witness was about to give evidence. I addressed the
18 Court in his absence. I don't think that I need to ask for him
19 to be absent over this.

09:03:38 20 What it was I raised on Monday was the question of
21 protective measures under which he had previously been. He was
22 willing to waive those and, as we all know, has given evidence
23 quite openly. I am grateful to my learned friend opposite for
24 pointing out to me that I forgot to mention that he had also been
09:03:57 25 under a like protective measure order from Trial Chamber I.
26 Exactly the same, no disclosure of his identity, and I should
27 have asked you to revoke that order also. It was exactly the
28 same order. I can quote to you from proceedings in Trial Chamber
29 I in April 2008 and indicate to you what it was.

1 PRESIDING JUDGE: Mr Munyard, if the witness gave evidence
2 in a prior trial, how is that binding on us? These are different
3 proceedings. If he has chosen to waive the protective measures
4 that we gave him for this trial, we don't even know that he gave
09:04:45 5 evidence in another trial or what he said in that other trial.
6 That has not risen as an issue.

7 MR MUNYARD: I had understood the way this Special Court
8 for Sierra Leone works, that once one Trial Chamber makes a
9 protective measures order, it remains in perpetuity until such
09:05:06 10 time as either it, or another Trial Chamber, revokes it. It is
11 for that reason - I was intending to raise it on Monday, and I am
12 afraid it simply slipped my mind. The important thing was, as
13 you know, that Mr Ngebeh was perfectly prepared to give evidence
14 openly. Once we got over our Trial Chamber's original order, I
09:05:28 15 should have then gone on to mention this to you, in my view.

16 PRESIDING JUDGE: Very well then. So the position is he
17 has also waived the protective measures in the previous trial?

18 MR MUNYARD: Yes.

19 PRESIDING JUDGE: Well, that doesn't really raise any
09:05:43 20 issues for me.

21 MR MUNYARD: Well, I am very grateful.

22 PRESIDING JUDGE: That's fine. We take note of the
23 waivers.

24 MR MUNYARD: I'm very concerned that I don't fail to
09:05:51 25 observe the niceties of the rule and procedures of the entire
26 Court, not just this Trial Chamber.

27 PRESIDING JUDGE: So now I may remind the witness. Good
28 morning, Mr Ngebeh.

29 THE WITNESS: Good morning, my Lord. Yes, my Lord.

1 PRESIDING JUDGE: Before a new morning of proceedings. So
2 in any event, I remind you that you are still under your oath to
3 tell the truth this morning as you continue with your evidence --

4 THE WITNESS: Yes, my Lord.

09:06:28 5 PRESIDING JUDGE: -- by counsel from the Defence side.
6 Mr Munyard, please.

7 WITNESS: DCT-146 [On former oath]

8 EXAMINATION-IN-CHIEF BY MR MUNYARD: [Continued]

9 Q. Good morning, Mr Ngebeh.

09:06:41 10 A. Good morning, my Lord.

11 Q. Will you tell the Court if at any time during the day you
12 need a break for any reason?

13 A. I will do that, my Lord.

14 Q. When we finished yesterday we were discussing who SAJ Musa
09:06:58 15 was, and I am just looking at the transcript of yesterday where
16 you told the Court - your Honours, counsel opposite, the page I
17 am looking at is transcript for 23 March 2010, page 37892
18 onwards. You told the Court --

19 A. Yes, my Lord.

09:07:37 20 Q. -- this, and I am looking at line 26: "After the AFRC had
21 overthrown Pa Kabbah, he then came." "He" being SAJ Musa. On
22 the following page, you said that he was a former soldier, a
23 former NPRC member. "He was an authority in the NPRC. He was a
24 captain and he was a Supreme Council member of the NPRC." Do you
09:08:11 25 remember telling the Court that?

26 A. Yes, my Lord.

27 Q. You then went on to say that Brigadier Mani was an old man,
28 just an ordinary adviser to SAJ Musa, but it was SAJ Musa who was
29 in control of all the AFRC soldiers when he retreated.

1 A. Yes, my Lord.

2 Q. That was where we ended yesterday.

3 A. You are correct, my Lord.

09:08:58 4 Q. Do you know what, if any, position SAJ Musa held under the
5 AFRC; that is, the junta that took power in May 1997?

6 A. My Lord, I only knew SAJ Musa's position after we had
7 retreated when he became a leader for the AFRC in Kurubonla, but
8 at the time of the government I did not know his position in the
9 government - in the AFRC.

09:09:28 10 Q. So when did you first get to know about SAJ Musa's position
11 in the AFRC? You say it was after you retreated, but when after
12 you retreated did you first learn that he was the man who was in
13 charge of the AFRC troops?

14 A. In 1998 at Kurubonla.

09:10:01 15 Q. Kurubonla has been spelt before, so I don't propose to
16 offer any spelling today.

17 And when was it that you got to Kurubonla?

18 A. 1998.

09:10:22 19 Q. Yes, I am sorry, I should have made that clearer. When in
20 1998? Are you able to tell us when?

21 A. It was during the dry season.

22 Q. And what was at Kurubonla when you got there?

23 A. Kurubonla is a town that is between Guinea and Sierra
24 Leone. We did not meet enemies there. Civilians were there.

09:10:58 25 Q. What happened when you got to Kurubonla? Did you stay
26 there?

27 A. I did not stay there for a long time. I left and I went to
28 Kono.

29 Q. Who else was at Kurubonla when you got there? Which other

1 forces - fighting forces?

2 A. Well, since the Tamaboros had been dissolved and the Kapras
3 also were dissolved, in those areas they had Kapras and the
4 Donsos. Those are the Civil Defence Forces who were there during
09:11:53 5 the normal days, but after the coup they did not exist there. No
6 enemies were there. There were only civilians dwelling there.

7 Q. And of the retreating forces, the junta forces, AFRC and
8 RUF, who was there with you in Kurubonla?

9 A. The adviser that I had named was there, Brigadier Mani was
09:12:24 10 there, and SAJ Musa too was there. They were the senior
11 authorities who came from the AFRC and who were based in
12 Kurubonla. That was then in 1998.

13 Q. And what about RUF fighters? Were any of them there?

14 A. All the commanders of the RUF who were senior authorities,
09:12:50 15 they left Makeni and they went straight to Kono. No senior
16 authorities were present there at the time I was retreating. I
17 was the only person there. I was the only senior authority there
18 at that time whilst we were retreating.

19 Q. Where was Superman at that time, do you know?

09:13:10 20 A. Superman had moved from Makeni to go and attack the
21 Kamajors in Kono. That was while we were retreating. He was in
22 Kono.

23 Q. So you said you didn't stay long in Kurubonla. Just how
24 long were you there?

09:13:32 25 A. I spent three weeks.

26 Q. And while you were there, did you get involved in any
27 fighting?

28 A. No.

29 Q. So what was it that you were all doing during those three

1 weeks in Kurubonla?

2 A. I was trying to know if our men had entered Kono. I left
3 to inquire to know whether the RUF were based in Kono. That was
4 the reason why I left Kurubonla.

09:14:07 5 Q. So where did you go after Kurubonla?

6 A. Well, after I have known that Superman had captured Kono
7 from the Kamajors, I left Kurubonla and I went to Kono to join my
8 RUF brothers.

9 Q. Where in Kono did you join your RUF brothers?

09:14:42 10 A. In Koidu Town itself. The town Koidu, that was where I
11 joined my brothers, my RUF brothers.

12 Q. And was it just your RUF brothers that you joined there or
13 were any AFRC fighters there also?

14 A. AFRC fighters were there too.

09:15:10 15 Q. What was the proportion of AFRC fighters to RUF fighters
16 there? Were they equal in number or was one group larger than
17 the other group?

18 A. The RUF had more manpower than the AFRC, because the
19 heaviest manpower of the AFRC went through Kabala. They did not
09:15:46 20 go to Kono. So in Kono the RUF were - the manpower was heavier
21 than the AFRC.

22 Q. What was the position as regards arms and ammunition? Did
23 the RUF have arms and ammunition with them in Kono then when you
24 got there?

09:16:11 25 A. Yes, my Lord.

26 Q. Where had they got that from?

27 A. The ammunition with which we had retreated from Freetown.

28 Q. So how long did you stay in Kono?

29 A. Well, I was in Kono and I later left Kono in December.

1 That was 20 December. After we had captured Kono. It was
2 December 20 that I left Kono. So you can estimate it from the
3 dry season to 20 December and you will know how many months.

09:17:10 4 Q. Well, I won't do the estimate as I am notoriously bad at
5 numbers, but when you say the dry season, can I just clarify, do
6 you mean the dry season in the early part of 1998, before the
7 rains came towards the middle part of 1998? Is that what you
8 mean by the dry season?

9 A. The early dry season.

09:17:33 10 Q. So what was happening in Kono while you were there?

11 A. Well, after the ECOMOG jets had disturbed us in Kono by
12 conducting air raids, we had civilians in Kono, later they
13 attacked us. We could not withstand the attack so we decided to
14 withdraw to the Guinea Highway. We went and based at the Guinea
09:18:07 15 Highway. The AFRC, including the RUF and all civilians who were
16 under our control, we retreated with them all to the Guinea
17 Highway. Yes, my Lord.

18 Q. When you say you went to the Guinea Highway, did you go to
19 a particular place on the Guinea Highway?

09:18:29 20 A. Yes. It was a village Tewe. Tewe. That was where we were
21 based. It's few miles away from Koidu Town. But we refer to all
22 those areas as Guinea Highway.

23 THE INTERPRETER: Your Honours, could the witness be asked
24 to repeat the name of the two places last called.

09:19:00 25 PRESIDING JUDGE: Please, Mr Witness, can you repeat the
26 two names of the villages you last called. Repeat your evidence
27 in those two villages.

28 THE WITNESS: Yes, my Lord. Jagbwema Fiama was the
29 district headquarters. It was the chiefdom headquarters.

1 Jagbwema Fiama that I have referred to. That is the road leading
2 from Koidu going towards Guinea. That's the last chiefdom. The
3 next chiefdom that shares border with Guinea. But from Koidu to
4 Jagbwema Fiama, that was where the Tewo was. It's a small
09:19:44 5 village and we refer to there as Superman Ground. Thank you, my
6 Lord.

7 MR MUNYARD: Madam President, I have a spelling for Tewo.
8 It's T-E-W-O. That's phonetic, but that's the spelling I have.
9 You are looking puzzled, if I may say so. It may be that I have
09:20:09 10 got the wrong spelling.

11 PRESIDING JUDGE: Mr Interpreter, do you have any clue how
12 this place is spelt?

13 THE INTERPRETER: Your Honours, that's the correct
14 spelling.

09:20:19 15 PRESIDING JUDGE: Thank you.

16 MR MUNYARD: The other village that was mentioned, the
17 chiefdom headquarters, Jagbwema Fiama, I think has been mentioned
18 several times before and I am not going to attempt to spell that:
19 Q. So you went to this particular place on the Guinea Highway
09:20:46 20 and did you give the place that you went to a name?

21 A. Yes, my Lord.

22 Q. And what was that name?

23 A. Superman Ground. That was the code name.

24 Q. Was there more than one ground that your fighters
09:21:15 25 established in that area? Was there another ground in addition
26 to Superman Ground?

27 A. Yes, my Lord.

28 Q. And what was the other ground called?

29 A. We had Konowa Ground. In fact, it was only the Koidu Town

1 itself that was in the hands of ECOMOG, but the entire chiefdoms,
2 all other areas in the Kono District, we had deployments there.
3 We had one at Tombodu, we had one at Gandorhun. All over.

09:22:16 4 Q. And where exactly were you based? When you talk about
5 being on the Guinea Highway, were you actually on or close to the
6 highway or were you in the bush somewhere?

7 A. Yes, my Lord. The highway that we refer to as Superman
8 Ground was along the main highway going towards Jagbwema Fiama.
9 From Koidu Town going towards Jagbwema Fiama. That was where we
09:22:44 10 were based. And it was the headquarters for the entire areas
11 where we had deployments. It was the headquarters, Superman
12 Ground, in 1998.

13 Q. Did Superman Ground consist of one camp or more than one
14 camp?

09:23:00 15 A. All the other camps in those areas had their headquarters
16 which was Superman Ground. We had so many camps. We had one at
17 Jagbwema Fiama, we had Konowa Ground. We had the deployment at
18 Gandorhun. But they were all under Superman Ground.

19 PRESIDING JUDGE: Mr Witness, I will remind you to speak a
09:23:23 20 little slowly, okay?

21 THE WITNESS: Yes, my Lord.

22 MR MUNYARD:

23 Q. You say that you were driven out of Kono by ECOMOG. Did
24 you get involved in battles with ECOMOG before you were driven
09:23:41 25 out of Kono?

26 A. When they first attacked us we retreated. We could not
27 challenge them.

28 Q. So did you use up any of your arms or ammunition in Kono in
29 trying to resist the ECOMOG forces who drove you out of there?

1 A. Yes, my Lord.

2 Q. What proportion of your arms and ammunition did you use in
3 trying to resist the ECOMOG forces at Kono? In other words, how
4 much did you have left by the time you got to Superman Ground?

09:24:35 5 A. The weapons with which we retreated from Freetown, we had a
6 shaker, we had one twin barrel, we had anti-aircraft one. Those
7 were the heavy weapons that we had with us when we retreated from
8 Freetown. Thank you.

9 Q. When you retreated from Kono, did you still have those same
09:25:05 10 weapons?

11 A. Yes, my Lord.

12 Q. What about the ammunition that you had retreated from
13 Freetown with, did you still have all of that, most of it, only
14 part of it or what?

09:25:26 15 A. We had all those ammunition that we retreated with.

16 Q. While you were at Superman Ground, did you receive any
17 other arms or ammunition?

18 A. Yes, my Lord.

19 Q. Where did you receive it from and what was it?

09:25:54 20 A. Those ammunition came from Sam Bockarie in Buedu for us to
21 conduct the Fitti-Fatta mission.

22 Q. How much material did Sam Bockarie send to you from Buedu?

23 A. He sent AK-47 boxes, RPG, GPMG, and some morale boosters.

24 By morale boosters I mean some rum - the things that the soldier
09:26:44 25 could use to make him look happy for us to attack. He sent five

26 boxes of AK rounds. He sent five boxes of RPG bombs. All the

27 weapons that he had retreated with from Freetown and he had

28 packed them in Buedu, those were the ones he sent. Although we

29 had ammunition but we just needed those as addition for us to

1 attack Kono. Thank you.

2 PRESIDING JUDGE: Mr Munyard, I think I heard the witness
3 say - explaining morale boosters as meaning rum, the drink, which
4 appears as "wrong" on the LiveNote transcript.

5 MR MUNYARD: I was just going to ask him a bit more about
6 morale boosters, so perhaps we can spell it out again:

7 Q. You have mentioned morale boosters and I am sure everybody,
8 including the stenographers, know that you used the word "rum".
9 That's the drink. Were you sent any other items to boost the
09:27:50 10 morale of the troops?

11 A. Yes, my Lord.

12 Q. Can you tell us what they were?

13 A. He sent food, medicines. Those were the things he sent as
14 morale boosters, including some combats.

09:28:15 15 Q. In the food, did you get things such as Maggi, for example?

16 A. Yes.

17 Q. When you had retreated from Kono, were you able to bring
18 supplies such as food and so on with you? Did you have enough
19 food when you got to Superman Ground?

09:28:43 20 A. Yes, my Lord.

21 Q. And how many of you were at Superman Ground? I am talking
22 about the whole movement from Kono to that place on the Guinea
23 Highway of troops and civilians.

24 A. We had a large number anyway. I cannot tell you a specific
09:29:09 25 figure, but we were around 500 - 500 combatants.

26 Q. I didn't get the last word. What did you say after "500"?

27 A. I said 500 combatants, including the AFRC and the RUF. It
28 was up to 500.

29 Q. Did you have civilians with you as well?

1 A. Yes.

2 Q. How many civilians roughly?

3 A. Roughly we had about 300. 300.

4 Q. And why did you have civilians with you?

09:30:05 5 A. Well, they ran away because they said if they had stayed,
6 they would have deemed them to be AFRC supporters. So they were
7 our sympathisers, they decided to join us there to save their
8 lives.

9 Q. You have told us that Sam Bockarie sent you materials from
09:30:33 10 Buedu. Do you know where he got those materials from?

11 A. Yes, my Lord.

12 Q. Yes, would you like to tell us, please?

13 A. Yes, my Lord. After the coup and when we were asked to go
14 to town, the ammunition that JP used to give - JP Koroma, the
09:31:07 15 chairman for the AFRC - for us to fight the Kamajors, those were
16 the ammunition that Sam Bockarie used to store in Buedu because
17 he knew that the government was not going to - was not going to
18 stay long in power. So for that reason, he used to keep the
19 ammunition. The ones they used to give us - which the government
09:31:25 20 used to give for us to fight against the Kamajors were the ones
21 that he was keeping in Buedu. Those were the ones we used to
22 attack Kono in 1998.

23 Q. Thank you. Can I ask you, Mr Ngebeh, to remember to try to
24 speak slowly. You will have an opportunity to say everything
09:31:45 25 that you want to in answer to a question, but try to remember to
26 take it slowly because other people who you can't see are
27 actually having to write it down.

28 A. Yes, my Lord.

29 Q. Now, you mentioned earlier the Fitti-Fatta operation. What

1 are you referring to there?

2 A. Yes, my Lord. This Fitti-Fatta operation was a code name
3 for us to re-attack Kono and re-take Kono. Fitti-Fatta means
4 everything should be enough. Manpower was enough; there was
09:32:42 5 enough food; there was enough ammunition for us to re-attack
6 Kono. That was why we refer to it as Fitti-Fatta. Thank you, my
7 Lord.

8 Q. And what happened in the Fitti-Fatta operation?

9 A. Yes, my Lord. The Fitti-Fatta operation, since everything
09:33:18 10 was enough, that was the same way the AFRC and RUF lost enough
11 men. We lost over 21 AFRC and RUF fighters and so many others
12 were wounded. Yes, my Lord.

13 Q. Can you be a little bit more detailed about that, please?
14 First of all, when did you start the Fitti-Fatta operation?

09:33:48 15 A. That was the first mission after our retreat. That was our
16 first attack on Kono in 1998 during the dries.

17 Q. During the dry season --

18 PRESIDING JUDGE: During the what?

19 THE WITNESS: During the dry season after we had retreated

09:34:14 20 MR MUNYARD:

21 Q. I just want to make sure we are dealing with the right time
22 sequence here. You have told us that you were in Kono from the
23 dry season in 1998 to December in 1998, when ECOMOG drove you
24 out. Do you remember telling us that? And you invited us to
09:34:36 25 calculate the number of months.

26 A. Yes.

27 Q. Now, can we just be clear. You first get to Kono in 1998
28 in the dry season, correct?

29 A. Yes.

1 Q. When does the Fitti-Fatta operation take place?

2 A. That was just after we had retreated from Koidu. I think I
3 can estimate it at one month. Just after we had moved from Kono,
4 that was our first attack.

09:35:24 5 Q. So you get there in the dry season, that is to say, the
6 earlier part of the year, and then you move from Kono during that
7 same dry season. Is that right?

8 A. Yes, my Lord.

9 Q. And the Fitti-Fatta operation is, from what you have just
09:35:50 10 told us, during that same dry season, yes?

11 A. You are right.

12 Q. Now, earlier, Mr Ngebeh, you told us that you were there in
13 Kono until December. Do you remember telling us that a little
14 while ago this morning?

09:36:09 15 A. Yes, my Lord.

16 Q. If you are driven out in the dry season and you attempt to
17 re-take it in Fitti-Fatta in the same dry season but retreat
18 again, do you re-take Kono at all after the Fitti-Fatta - after
19 the attempt in the Fitti-Fatta operation in 1998?

09:36:40 20 A. Yes. We recaptured Kono in December 1998.

21 Q. And the recapture of Kono in December 1998, did that
22 operation have a name, or not?

23 A. That operation was not given a name. Even if it had a code
24 name, I don't know any code name for that operation. It was just
09:37:22 25 for us to push ECOMOG out of Kono District. We pushed them
26 finally. But to say it had a nickname, I don't know. Our target
27 was to remove ECOMOG from Kono town.

28 Q. Well, we will come back to that in a moment. I hope that I
29 haven't been the cause of the break in the sequence, but let us

1 try to follow the timeline. After the Fitti-Fatta operation
2 fails, where do you go?

3 A. All of us retreated back to Superman Ground. The AFRC,
4 including the RUF, went back to our former base, the Superman
09:38:12 5 Ground.

6 Q. And how long are you at the Superman Ground in 1998 after
7 Fitti-Fatta fails in the dry season?

8 A. I, Charles Ngebeh, I was at Superman Ground since the time
9 of that operation up to December when we re-attacked Kono and
09:38:36 10 finally pushed ECOMOG out of Kono. That was where I was based.

11 Q. Very well. So how many months were you personally based at
12 Superman Ground?

13 A. I spent some months there. I was there up to the rainy
14 season and approaching December when we re-attacked. I was there
09:39:12 15 for a long time, but I was not there up to one year. From the
16 dry season to the rainy season, I was at Superman Ground.

17 Q. Very well. What was happening while you were at Superman
18 Ground during those months between the end of Fitti-Fatta and
19 December, when you attacked Kono again?

09:39:35 20 A. Thank you. After the Fitti-Fatta mission had failed,
21 Superman decided to leave us there and he went to Kurubonla to
22 join SAJ Musa. It was at that time that he took some AFRC
23 personnel and some RUF personnel to go and meet SAJ Musa. Whilst
24 we were at Superman Ground, we had some men at Konowa Ground; we
09:40:14 25 had some men at the Gandorhun Highway; we had some other men at
26 Jagbwema Fiama. All those areas were within the Kono District.
27 RUF occupied all those areas. It was only Koidu Town that was
28 under ECOMOG. We used to conduct food-finding missions and
29 conduct defensive --

1 THE INTERPRETER: Your Honours, could the witness be asked
2 to complete - to say the last thing he said.

3 MR MUNYARD:

4 Q. Certainly. I interrupted to try to slow you down,
09:40:46 5 Mr Ngebeh. Please remember to speak in just a couple of
6 sentences at a time. Now, what was the very last thing you said?

7 A. We were on defensive for us to re-capture Kono once and for
8 all. Whilst we were on the defensive, we engaged in food-finding
9 missions because the entire Kono District, it was only Koidu that
09:41:14 10 ECOMOG were based, but all the other chiefdoms were under the RUF
11 and the AFRC. Thank you.

12 Q. You mentioned Superman going off with some AFRC and RUF
13 personnel to meet SAJ Musa at Kurubonla. Do you remember saying
14 that?

09:42:03 15 A. Yes, my Lord.

16 Q. Can you help the Court with the numbers? Were they in
17 equal numbers AFRC and RUF, or was there more of one group than
18 the other?

19 A. Repeat that question once more.

09:42:24 20 Q. The fighters that Superman took to join SAJ Musa at
21 Kurubonla, were they equal numbers of AFRC and RUF, or were there
22 more of one group than the other?

23 A. The AFRC had a larger manpower than the RUF that Superman
24 took with him to Kurubonla in 1998.

09:42:49 25 Q. Was it a bit larger or a lot larger manpower than the RUF?

26 A. They were much larger. He only had few RUF bodyguards with
27 him, but the majority of them were AFRC.

28 Q. Did you yourself ever go there after Superman went with
29 those fighters?

1 A. Since the time I retreated from Kurubonla, I never went
2 there again.

3 Q. Now you mentioned various groups in the Kono area, the Kono
4 District. What were your various fighters doing in those
09:43:40 5 different areas that you mentioned?

6 A. Everybody was on defensive for us to be able to get Kono so
7 that we will be able to secure the entire chiefdoms. We were on
8 the defensive.

9 Q. What do you mean by we were on the defensive in order to
09:44:05 10 secure the entire chiefdoms?

11 A. We were defending ourselves on how we could be able to take
12 Kono once and for all from the ECOMOG. We were preparing, that
13 is what I mean by defensive, to re-attack Kono.

14 Q. And how were you being attacked during that time in those
09:44:31 15 various parts of Kono District?

16 A. Well, it was only the jets that was giving us hard times,
17 including the helicopter gunship. But to say the ECOMOG had -
18 they had troops that conducted searches outside Koidu Town, no.
19 They were only concentrated in Koidu Town. They never attacked
09:45:02 20 us at Superman Ground. They only conducted air raids over us.
21 The jets, the helicopter gunship, they were giving us tough
22 times.

23 Q. Just before we move on to your attack on Kono town in
24 December, do you know --

09:45:25 25 JUDGE DOHERTY: Mr Munyard, over the course of the
26 evidence, most of this morning, we appear to be using - it
27 appears to me there is a use of Kono and Koidu Town. I wouldn't
28 say interchangeably, but at times there is a reference to Koidu
29 Town and there's times there's a reference to Kono town. My

1 understanding of the evidence is that the ECOMOG were in one
2 place, i.e. Koidu Town. For example, line 18 of page 22 is a
3 reference to Kono town. It is only one place, isn't it?

09:46:06 4 MR MUNYARD: As far as - well, I don't want to give
5 evidence. My understanding is the same understanding that you
6 have, but we should get it from the witness:

7 Q. Mr Ngebeh, when you talk about Koidu Town and Kono town,
8 are you talking about one place with two different names or two
9 places?

09:46:28 10 PRESIDING JUDGE: Koidu. Koidu is a different --

11 THE WITNESS: Yes, my Lord. Let me clarify this to you.
12 Kono is the name of the district. Koidu is the headquarters.
13 It's just like we say Holland, The Hague. That is it. If I say
14 Kono, I mean the entire Kono District. When I say Koidu, I mean
09:46:51 15 the district headquarters. Thank you.

16 MR MUNYARD: Thank you.

17 PRESIDING JUDGE: When you say Kono town, what do you mean?

18 THE WITNESS: When I say Kono, it's the entire Kono
19 District, the whole district.

09:47:05 20 PRESIDING JUDGE: When you say Kono town, what do you mean?

21 THE WITNESS: I mean the district. Kono and Koidu, Koidu
22 is the district headquarters. Kono is the name referred to the
23 whole district. If I say Kono town, it might have been a
24 mistake. I should say Kono District and then Koidu Town. Koidu
09:47:29 25 is the town. I am sorry about that.

26 PRESIDING JUDGE: So ECOMOG was in Koidu Town, was based in
27 Koidu Town?

28 THE WITNESS: Yes, my Lord.

29 MR MUNYARD:

1 Q. Do you know why it was that Superman went off to Kurubonla
2 with those fighters that you were telling us about very briefly
3 this morning? Was there a particular reason why Superman went?

09:48:22

4 A. Yes. There are reasons. There were two reasons. One, the
5 Fitti-Fatta operation on which we did not succeed and we lost a
6 lot of manpower and we had series of injured fighters; Sam
7 Bockarie blamed him for that. He said he was responsible for our
8 failure to recapture Koidu Town where the ECOMOG were based. So
9 for that reason he wanted to arrest him. Those were the two
10 reasons for which Superman left us at Superman Ground and went to
11 Kurubonla. They wanted to arrest him because we failed during
12 the Fitti-Fatta mission, so they said he was responsible for
13 that. Thank you.

09:48:50

14 Q. Very well. We can now move to your attempt to regain Koidu
15 Town in December. What happened then?

09:49:16

16 A. Well, all during those times we were on defensive, we were
17 preparing ourselves to retake Koidu Town from the ECOMOG on
18 December 18. But even before December 18, we received Issa on
19 the Guinea Highway. He said that Sam Bockarie said we should try
20 and get all the manpower from the various areas, he said Tombodu
21 should provide some manpower and there Komba Gbundema was. He
22 said Gandorhun too should send their manpower. He said Konowa
23 Ground should send their own manpower for us to be able to
24 re-attack Koidu. We were on that arrangement on the 15th, the
25 16th, the 17th. We moved to go and re-attack Kono - Koidu Town,
26 rather. And that was while Short Bai Bureh was supposed to set
27 an ambush between Kono and Njaiama Nimi koro, between that area,
28 he was supposed to set an ambush there so that the ECOMOG would
29 not be able to escape with any materials from that town when we

09:49:58

09:50:27

1 shall have attacked them on the 18th. And fortunately for us, on
2 that 18 December 1998, we were able to flush the ECOMOG out of
3 Koidu Town. And whilst they were retreating back to Masingbi,
4 that is in the north, they fell in Bai Bureh's ambush, the arms
09:51:23 5 and ammunition that they had with them in their convoy, Bai Bureh
6 was able to capture everything from them. Thank you.

7 Q. Now, I am looking at page 25 line 7 on my font. Did you,
8 when you started that answer then say, "Unfortunately for us on
9 the 18th we were able to flush the ECOMOG out of Koidu Town"?

09:51:52 10 A. Yes.

11 Q. Did you mean unfortunately?

12 A. Fortunately. Fortunately for us. Not un. I said luckily
13 for us.

14 Q. You said there was an ambush by Bai Bureh in which he was
09:52:16 15 able to capture everything from the retreating ECOMOG troops,
16 arms and ammunition. Was there anything else that he was able to
17 capture from those retreating ECOMOG troops?

18 A. Yes, my Lord.

19 Q. What else?

09:52:35 20 A. Combats. Combats. Food. Yes, my Lord.

21 Q. Anything else that they were taking in their retreat that
22 your troops were able to seize from them?

23 A. They could not seize anything from us.

24 Q. No, did your troops seize anything else in addition to
09:52:59 25 materials, combats and food?

26 A. I said it was a military escort, soldiers were retreating.
27 All the military equipment they had with them with which they
28 wanted to retreat, they left everything in that ambush.
29 Everything.

1 Q. What sort of combats were these?

2 A. Nigerian combats.

3 Q. What was done with the Nigerian combats?

4 A. We were using them.

09:53:36 5 Q. How many of you were using the Nigerian combats?

6 A. So many AFRC, including the RUF, we were using them. I too
7 had a suit of it.

8 Q. Now that was the ambush of a retreating convoy. What
9 happened when you actually got into Koidu Town?

09:54:11 10 A. We captured shaker in Koidu Town, the same shaker that they
11 had been using against us. We captured two from them. We
12 captured one missile and enough ammunition, enough ammunition.

13 But most of those materials were artillery ammunition. They were
14 heavy weapon materials. But we were able to get G3 rounds and

09:54:42 15 RPG bombs. Because mostly the Nigerians used G3 and RPG. They
16 were not used to using AK. So we were able to get those
17 ammunition, including the tanks. All the heavy weapons they had

18 been using against us, we were able to capture all, including the
19 ammunition. It was now then that we got two shakers. We had

09:55:05 20 captured one in the bush and now we captured another. So we now
21 had two shakers.

22 Q. In addition to arms and ammunition that you captured in
23 Koidu Town, did you capture anything else of value to the RUF and
24 the AFRC?

09:55:24 25 A. Yes.

26 Q. What was that?

27 A. The day we attacked ECOMOG was the day they were paid. We
28 captured so many US dollars from them. Including food. And all
29 the things we had looted from Kono, they could not move with

1 anything. We captured all those properties from the Nigerians.

2 PRESIDING JUDGE: Did the witness say it was the day that
3 they were paid?

4 MR MUNYARD: To be paid I think he said.

5 PRESIDING JUDGE: No, the day that ECOMOG was paid.

6 MR MUNYARD: Yes.

7 PRESIDING JUDGE: Mr Witness, yes?

8 THE WITNESS: Yes, they were paid on the 17th according to
9 one ECOMOG soldier. They were paid on the 17th and on the 18th
09:56:16 10 we attacked them. They all had their salaries with them and we
11 got the US from them.

12 MR MUNYARD:

13 Q. Have you any idea how many US dollars were captured?

14 A. The US dollars became government property. In fact all the
09:56:39 15 Nigerian soldiers who surrendered to us, they called on them and
16 they asked them which soldier captured them. If the soldier
17 pointed at a person they would ask how many dollars you had with
18 you. If the soldier answered a thousand dollars, if you who
19 captured him did not pay the money then they would deal with you.
09:56:58 20 The amount of dollars we captured from ECOMOG, I can't tell the
21 exact amount, but it became a problem for us. They said it was
22 government property.

23 Q. Did you yourself capture any dollars in the course of that
24 operation?

09:57:20 25 A. Yes.

26 Q. How many did you capture?

27 A. \$1,000.

28 Q. And what did you do with that?

29 A. I presented it to Issa.

1 Q. And from how many people did you capture the thousand
2 dollars? Was it from one person or more than one person?

3 A. Well, to my understanding, I saw that we captured ten
4 ECOMOG soldiers, and each of them said they had \$1,000 with them,
09:58:11 5 and most of them were able to show the person who captured them.
6 But some of them again were not able to show the person who
7 captured them, so some of the people who captured them were able
8 to conceal the monies. But they said the monies are government
9 property. I saw ten ECOMOG soldiers, Nigerians. Yes, my Lord.

09:58:30 10 Q. I don't want to spend much time on this, but I just want to
11 know. You personally captured \$1,000, you've told us. Did you
12 personally get that money from one captured soldier or more than
13 one? Did you take it off one person or more than one person?

14 A. The \$1,000 that I had with me, I was not the person who
09:58:59 15 captured the Nigerian - the Nigerian myself. It was one other
16 RUF soldier who captured the man and I met him searching him.
17 After he took the money from him, then I asked him to hand the
18 money over to me. I said, "It's government property." I took
19 the money from the RUF soldier. From then I presented it.

09:59:16 20 PRESIDING JUDGE: How can you give evidence that way? Do
21 you think anybody can write at the speed with which you are
22 speaking? And how many times have I requested you to slow down?

23 THE WITNESS: Yes, my Lord.

24 PRESIDING JUDGE: Nothing you have said has been written
09:59:34 25 down. What is the use? Because you are running. The
26 interpreters can't keep up with you; the transcribers can't keep
27 up you; and we certainly don't understand what you are saying.
28 Now for one final time, please slow down.

29 THE WITNESS: Okay.

1 PRESIDING JUDGE: Now, Mr Munyard, you can look at the
2 record and see whether you need to repeat those questions or you
3 can skip what he said and continue. It's up to you.

4 MR MUNYARD:

10:00:08 5 Q. Although it may not appear on the LiveNote record, is it
6 right that you have just told the Court that you saw one of your
7 fighters searching a Nigerian soldier, he took \$1,000 from that
8 Nigerian soldier, and you took it away to present to Issa?

9 A. You are correct.

10:00:33 10 Q. Very well. I don't need to spend any more time on that.
11 Now, you have recaptured Koidu Town. How long do you
12 personally stay in Koidu Town then?

13 A. Two days.

14 Q. Where did you go after those two days?

10:01:03 15 A. We headed to go towards Masingbi.

16 Q. And did you get to Masingbi?

17 A. Yes.

18 Q. When did you get to Masingbi?

19 A. On 21 December.

10:01:34 20 Q. Were there any battles on the way to get there?

21 A. Before I reached there, Bai Bureh had already reached
22 there. I met some RUF and AFRC at Masingbi. I did not meet any
23 fighting going on there.

24 Q. What happened when you got to Masingbi?

10:02:00 25 A. I met - some Civil Defence Forces had surrendered to the
26 RUF. They were there. I met a lot of them. They surrendered to
27 the RUF and AFRC at Masingbi.

28 Q. How long did you stay at Masingbi?

29 A. I just passed a night there, and the following morning I

1 I left on the 22nd.

2 Q. Where did you go to from there?

3 A. Matotoka.

4 Q. How long were you at Matotoka?

10:02:45 5 A. Two days. The third day we left to go to Makeni.

6 Q. What happened when you got to Makeni?

7 A. There was fighting going on in Makeni on 23 and 24
8 December. I met them on fighting - the AFRC and RUF fighting
9 against ECOMOG on 24 December.

10:03:20 10 Q. And were you able to take Makeni in the course of that
11 fighting?

12 A. Yes, my Lord.

13 Q. When did you actually capture Makeni?

14 A. 25 December.

10:03:44 15 Q. What happened when you captured Makeni?

16 A. Repeat that question once more.

17 Q. I will put it another way. Once you captured Makeni, what
18 did you do there?

19 A. Well, we had to organise ourselves. Superman came, he
10:04:12 20 joined us there, and in Makeni we went in search of government
21 property, arms and ammunition in the barracks. So we were able
22 to get a lot of ammunition and arms from the barracks from the
23 ECOMOG, so we decided to advance to go to Lunsar.

24 Q. Which barracks are these in Makeni that you got a lot of
10:04:33 25 arms and ammunition from?

26 A. There is a barracks in Makeni, a military barracks.

27 Q. What's its name?

28 A. Teko.

29 Q. Then you say you went to Lunsar - you decided to go to

1 Lunsar.

2 A. I said the RUF and the AFRC decided to go to Lunsar.

3 Q. Pause there are for a moment.

4 A. Yes.

10:05:14 5 PRESIDING JUDGE: Mr Munyard, did you hear someone whisper
6 "Teko Barracks" before the witness actually answered?

7 MR MUNYARD: No, I didn't.

8 PRESIDING JUDGE: I did. So did my colleagues.

9 Mr Interpreters, we would appreciate if you would not suggest
10:05:31 10 answers to anybody. I think the whisper came from one of you.

11 THE INTERPRETER: Well, I can't speak for the other people
12 over there, but from us here, nobody said anything except the
13 interpreter.

14 PRESIDING JUDGE: [Microphone not activated] from that kind
10:05:52 15 of conduct. It's not commensurate with your oaths. Please
16 proceed.

17 MR MUNYARD: I can't comment because even with the
18 earphones on, I am still deaf.

19 Q. Did you get to Lunsar?

10:06:17 20 A. Yes. Superman went to Lunsar. I was in Makeni.

21 Q. You told us earlier that Superman had gone off to join
22 SAJ Musa at Kurubonla because he was concerned that he was going
23 to be arrested by Sam Bockarie. When was it that you then meet
24 up again? When is the next time you personally see Superman?

10:06:47 25 A. I saw Superman on 24 December in Binkolo. That is 7 miles
26 from Makeni.

27 Q. When your fighters were heading to Lunsar, what arms and
28 ammunition did they have with them? Where had they got it from?

29 A. The ammunition that we captured from Teko Barracks from the

1 Nigerian troops, those are the same ammunition that we used and
2 the arms when we entered Lunsar by Superman. He was the
3 commander.

4 Q. And so do you know the date that you entered Lunsar?

10:07:44 5 A. At that time it was after 1999. It was 1999.

6 THE INTERPRETER: Your Honours, can he kindly repeat this
7 answer.

8 PRESIDING JUDGE: Mr Interpreter, the witness has repeated
9 his answer. We didn't hear your [microphone not activated].

10:08:13 10 THE INTERPRETER: That's because he has said something
11 that's not clear and he's going on. I don't want to fall into
12 that same trap of saying something, then --

13 PRESIDING JUDGE: [Microphone not activated] because when
14 you do that, we don't hear either of you. Now, I want you to
10:08:33 15 repeat your entire answer that you gave, which the interpreter
16 didn't get. Perhaps you can start from the question that
17 Mr Munyard asks again.

18 MR MUNYARD:

19 Q. I will ask the question again. Do you know the date that
10:08:47 20 you entered Lunsar?

21 A. Yes.

22 Q. [Microphone not activated]

23 A. In January 1999.

24 Q. Do you know when in January 1999 you entered Lunsar?

10:09:14 25 A. It was in January, but it could be within the two weeks
26 from the 1st to the 14th. Within those dates, from the 1st to
27 the 14th.

28 Q. From Lunsar where did you then go?

29 A. We decided to go to Masiaka. There was a road going to

1 Freetown and one going to Bo.

2 Q. Where was this place where there was a road going to
3 Freetown and one going to Bo?

4 A. Masiaka.

10:10:14 5 Q. Very well. And how long did you stay at Masiaka?

6 A. In Masiaka - anyway, I did not go on that operation. I was
7 still in Makeni. When our men reached at Masiaka, I was still in
8 Makeni but they sent a message to us that they have arrived in
9 Masiaka. From there they said they were going to advance to

10:10:46 10 Waterloo. I joined my men in Waterloo.

11 Q. And when did you join your men in Waterloo?

12 A. Well, our men entered in Waterloo at the end of January.
13 At the end of January.

14 Q. When did you enter Waterloo yourself?

10:11:16 15 A. The first week of February 1999.

16 Q. Now, before that, did you hear anything about an invasion
17 of Freetown in January 1999?

18 A. Well, yes. Yes, sir.

19 Q. First of all, where were you when you heard something about
10:11:44 20 an invasion of Freetown?

21 A. I was in Makeni.

22 Q. How did you hear something about an invasion of Freetown?

23 A. They said the AFRC had re-entered Freetown. They have
24 overthrown Pa Kabbah in 1999.

10:12:10 25 Q. Who said that?

26 A. I heard it over the media, the BBC.

27 Q. Can you remember which particular programme on the BBC you
28 heard it on?

29 A. Yes, my Lord: Focus on Africa.

1 Q. And when you heard that broadcast, was it on the day - the
2 first day of the invasion or sometime afterwards?

3 A. The first day.

10:13:10

4 Q. Before you heard that on the BBC, did you have any
5 knowledge of any plan by the AFRC to enter Freetown in early
6 January 1999?

10:13:40

7 A. No. In 1998 the AFRC and the RUF - that infighting in
8 Kurubonla between Superman and SAJ Musa caused us to fall apart.
9 We had no communication any longer until we heard that they were
10 in Freetown in 1999.

11 Q. And why was it that on 1 February 1999 you yourself went to
12 Waterloo?

10:14:12

13 A. By then our men had captured Waterloo. CO Rambo was there.
14 He sent for me because he was the commander in Waterloo. He said
15 I should join them. That was why I went there.

16 Q. Do you know if CO Rambo had another name?

10:14:47

17 A. CO Rambo, since I knew him in 1991 that was the name I knew
18 for him. Short Rambo. We always called him Short Rambo. We had
19 many Rambos, but he was Short Rambo. He may have another name,
20 but that was the name I knew for him. Yes.

21 Q. Just help us please with where you went between Makeni and
22 your arrival on 1 February 1999. First of all, when did you
23 leave Makeni to head towards Waterloo?

24 A. February, the first week. February.

10:15:21

25 Q. I am going to try that again. You told us you arrived in
26 Waterloo on 1 February. Is that correct?

27 A. You are right.

28 Q. So when did you leave Makeni at the beginning of your
29 journey between Makeni and Waterloo?

1 A. That same February 1999.

2 Q. So you mean you made it from Makeni to Waterloo in just one
3 day?

4 A. Yes, I went with a vehicle.

10:16:00 5 Q. Had any of your troops left Makeni before you and headed in
6 the direction of Waterloo?

7 A. Yes.

8 Q. Did any of your troops obtain any arms or ammunition when
9 they left Makeni before you?

10:16:26 10 A. Repeat that question.

11 Q. Did any of your troops who left Makeni before you heading
12 towards Waterloo capture any arms and ammunition?

13 A. The ammunition which we had captured on 25 December in Teko
14 barracks, that was the ammunition that we divided. Some stayed
10:16:53 15 and we took along some. The one we captured was that one that
16 was with us.

17 Q. Those troops who left Makeni before you, on their way to
18 Waterloo did they capture any additional weapons or any
19 additional ammunition?

10:17:14 20 A. Yes. They were capturing arms. They captured Gberi
21 Junction. They met some ECOMOG troops there. They attacked them
22 and got some ammunition from them. In Masiaka as well.

23 Q. Pause there. I think Gberi Junction has been spelled
24 before. What did they capture there?

10:17:44 25 A. Well, they told me that they captured RPG bombs, AK-47s and
26 GT rounds at Gberi Junction. That is a route that goes to Port
27 Loko and the other going to Masiaka and the other to Lunsar.
28 That was where they called Gberi Junction.

29 Q. Did your troops capture any other weapons on the way

1 between Makeni and Waterloo?

2 A. Yes.

3 Q. Tell us what they captured and where.

10:18:34

4 A. Masiaka, it was the Guineans who were there. They attacked
5 them. They captured ammunition from them, like RPG, GPMG, LAR
6 and some few materials, ammunition. You know that Guineans were
7 not using AK-47s, only G3 and LARs. That was what we used to get
8 from them most times. They retreated with the heavy weapons to
9 Waterloo. Thank you.

10:19:07

10 Q. Who retreated with what heavy weapons to Waterloo?

11 A. The Guinean troops.

12 Q. And what were their heavy weapons?

13 A. War tank, armoured cars, and 40 barrel - one 40 barrel and
14 some GPMGs and RPGs. They retreated with them to Waterloo.

10:19:39

15 Q. What happened to the Guineans' 40 barrel?

16 A. After CO Rambo had been based in Waterloo in that same
17 1999, the Guineans were based in Lumpa, the road leading to
18 Benguema, at one school. That was where they were deployed, on
19 top of a hill. There were there. CO Rambo was attacking them in
20 the daytime and in the nighttime. This attack caused them a lot
21 of trouble. They decided to go to Port Loko. They decided to

10:20:15

22 leave Lumpa to go to Port Loko. All the materials which the
23 Guineans had in Lumpa, including the 40 barrel, the war tanks,
24 the armoured cars and all the property they had looted, they
25 decided to go with them to Port Loko. They created a very long
26 convoy. As this was going on --

10:21:06

27 Q. Pause there for a moment.

28 A. Yes.

29 Q. The way you are answering this question now, pausing and

1 telling it slowly, is the way to do it, but before we lose one
2 point I want to ask you about it. You said, "All the property
3 they had looted, they decided to go back with them to Port Loko."
4 Who had looted property?

10:21:45 5 A. The Guineans troops.

6 Q. And looted it from who?

7 A. From Sierra Leone.

8 Q. From who in Sierra Leone?

9 A. From the civilians.

10:22:05 10 Q. Thank you. I interrupted you at that point where you said:
11 "All the materials the Guineans had in Lumpa, including the
12 40 barrel, the war tanks, the armoured cars and all the property
13 they had looted, they decided to go with them to Port Loko and
14 created a very long convoy."

10:22:25 15 Please continue with your answer after, "They created a
16 very long convoy." Tell us what happened then.

17 A. When they had prepared this convoy to set off for Port
18 Loko, the RUF and the AFRC, we were deployed at Lumpa and
19 Waterloo - some part of Lumpa and Waterloo. We had soldiers at
10:23:03 20 Masiaka, that is the AFRC and the RUF. At Gberi Junction, the
21 road leading to Lunsar and Port Loko and another going towards
22 Masiaka, we had AFRC and RUF soldiers in deployment there. We
23 had soldiers in Lunsar.

24 Q. Pause there, please.

10:23:33 25 A. Yes.

26 Q. I asked you what happened to the 40 barrel. Did the
27 Guineans end up keeping the 40 barrel or did somebody else get
28 the 40 barrel?

29 A. That is the point I am getting to now.

1 Q. Moving you forward, if I may, to that point. Did somebody
2 else get the 40 barrel or did the Guineans keep it?

3 A. They fell into our ambush in Lumpa, Waterloo. They came
4 from Lumpa, they came to Waterloo.

10:24:18 5 Q. I don't need to know --

6 A. Yes.

7 Q. -- the movements of all the people. "They fell into our
8 ambush at Lumpa", and what happened to the 40 barrel?

9 A. Finally --

10:24:39 10 THE INTERPRETER: Your Honours, can the witness kindly
11 repeat this answer slowly.

12 PRESIDING JUDGE: Please pause, Mr Witness. Repeat your
13 answer. The interpreter didn't get your answer at all. Repeat.

14 THE WITNESS: The ambush which we had set for the Guineans,
10:24:57 15 they fell into this ambush in Waterloo and Lumpa. Through the
16 firing that we were doing against the 40 barrel, the vehicle
17 developed a problem. They moved the 40 barrel out of our ambush.
18 Where they left it was towards - after the RDF. They had just
19 gone past the RDF. That was where they abandoned the weapon, the
10:25:30 20 40 barrel.

21 MR MUNYARD:

22 Q. They abandoned the 40 barrel. What happened to it?

23 A. They abandoned it there, including a 24 feet trailer. This
24 trailer contained all the military equipment. They left it right
10:25:56 25 in the ambush in Waterloo.

26 Q. What happened to the abandoned 40 barrel?

27 A. RUF had captured the 40 barrel. We called Sam Bockarie and
28 told him that we had captured the 40 barrel, including bombs.

29 Q. And what did he tell you?

1 A. He told us to drive the vehicle and park it at Makeni ,
2 together with the bombs.

3 Q. And what did you do --

4 PRESIDING JUDGE: What vehicle?

10:26:46 5 MR MUNYARD: He had mentioned a transporter earlier when I
6 was trying to move him forward. He mentioned a large
7 transporter. Was it a trailer, your Honour? Yes, I am calling
8 it a transporter. Trailer.

9 PRESIDING JUDGE: I would be happier if the witness told us
10:27:08 10 what he meant by vehicle. Everybody seems to have their views of
11 what the vehicle was.

12 MR MUNYARD: I will ask him certainly.

13 PRESIDING JUDGE: Mr Witness, what vehicle are you
14 referring to?

10:27:19 15 THE WITNESS: A DAF 25 feet trailer. It was a DAF truck.
16 But it was a trailer. 24 feet trailer.

17 MR MUNYARD:

18 Q. So did you take it and park it in Makeni?

19 A. No. The engine had a problem.

10:27:49 20 Q. Where did the 40 barrel go? We don't need to know all the
21 details about engine trouble. Just tell us what happened to the
22 40 barrel after you had spoken to Sam Bockarie about it.

23 A. Well, we took the 40 barrel, brought it to Makeni. From
24 Makeni we took it to Manowa ferry.

10:28:22 25 Q. Why did you take it to Manowa ferry?

26 A. We wanted to cross it over to take it to Sam Bockarie in
27 Kailahun.

28 Q. What happened at the Manowa ferry?

29 A. The vehicle was unable to cross over because the ferry was

1 not in good working condition.

2 Q. And what happened then to the 40 barrel?

3 A. We had to keep it there.

4 Q. Did it ever cross the river or not at any time in the
10:29:05 5 future?

6 A. We never crossed it over.

7 Q. Did it remain there?

8 A. Yes. Yes.

9 Q. Do you know what happened to it in the end?

10:29:27 10 A. Yes.

11 Q. Very briefly, please, just tell us what became of the 40
12 barrel.

13 A. A jet bombed it, an ECOMOG jet. It damaged the barrels.

14 Q. Were you ever able to use it after that?

10:29:56 15 A. No.

16 Q. And what happened to it in the end?

17 A. After everything, the Guineans took it away. After we had
18 disarmed, they came and took it away.

19 Q. Who gave it to them to take it away?

10:30:24 20 A. Well, I can't explain that. I don't know.

21 Q. Very well. So that's the 40 barrel. Tell us, please,
22 about what happened when you got to Waterloo on 1 February 1999?

23 A. We were in Waterloo when we understood that the AFRC had
24 been dislodged from Pa and they were on their way coming. We
10:30:59 25 stopped at Waterloo. They used a bypass and they joined us in
26 Waterloo.

27 Q. When you say "the AFRC had been dislodged from Pa", what do
28 you mean?

29 A. The AFRC that entered Freetown, they were overthrown again.

1 ECOMOG removed them and brought Pa Kabbah again.

2 Q. Did you yourself meet any of the AFRC when they were
3 dislodged by ECOMOG?

4 A. We only met in Waterloo after they had been dislodged.

10:31:58 5 Q. Did you do anything to them when they got to Waterloo?

6 A. Yes. An order came from Sam Bockarie. He said that all
7 those men who had gone to Freetown, that is, the AFRC, had caused
8 a blunder. They were to be searched for government property. CO
9 Rambo created a gate and started searching them. Those who had
10 dollars, they took the dollars from them. Yes, that was what
11 they did.

12 Q. How long did you remain in Waterloo?

13 A. I was in Waterloo. After all of them had retreated from
14 Freetown, the AFRC men, I decided to go and rest in Makeni. I
10:33:06 15 returned to Makeni.

16 Q. And do you know when you got back to Makeni?

17 A. I think it was during the first week of March 1999. That
18 was when I returned to Makeni.

19 Q. And how long did you yourself stay in Makeni then?

10:33:37 20 A. I stayed in Makeni up to the time Foday Sankoh came and
21 joined Pa Kabbah. Then later he met us in Makeni. I was there
22 for the disarmament and everything. But I used to go to Kono and
23 return, but Makeni was my headquarters.

24 Q. When you say "the time Foday Sankoh came and joined
10:34:07 25 Pa Kabbah", what are you referring to there?

26 A. At that time they've brought Pa Foday Sankoh for him to
27 join Pa Kabbah for them to bring the war to an end. At that time
28 he was in Freetown. He used to leave Freetown to come to us.
29 Sam Bockarie was still in Buedu, 1999.

1 MR MUNYARD: Could your Honours give me just a moment? I
2 may be able to wrap this up very briefly, if you will just bear
3 with me for a moment.

10:35:38

4 Q. Did you remain as the RUF armourer up to the time of
5 disarmament?

6 A. You are right, my Lord.

10:36:07

7 Q. During the whole of the time that you have been talking
8 about, you have told us in the early stages of the war in Sierra
9 Leone that there was some cooperation between the NPFL and the
10 RUF. After that early stage, as far as you are aware did the RUF
11 ever receive any assistance from Charles Taylor?

10:36:51

12 A. Just after that infighting in Kailahun District between the
13 RUF and the NPFL in 1991, there has been no assistance from
14 Mr Taylor. From '92 to the year 2001 it was a self-reliant
15 struggle.

16 MR MUNYARD: Thank you very much. Those are my questions.

17 PRESIDING JUDGE: Ms Hollis.

10:37:26

18 MS HOLLIS: Yes, Madam President, I will be conducting the
19 cross-examination. I do have an application to make to the
20 Court, and I would like to make it in the absence of the witness.

21 [Trial Chamber conferred]

22 PRESIDING JUDGE: Can I ask Madam Court Officer to have the
23 witness escorted out momentarily.

10:38:18

24 Mr Witness, we are going to deal with some administrative
25 matters which don't concern you, so you can take a break now.

26 THE WITNESS: Yes, my Lord.

27 [In the absence of the witness]

28 PRESIDING JUDGE: Yes, Ms Hollis.

29 MS HOLLIS: Thank you, Madam President. Madam President,

1 the application is this: The Prosecution requests that
2 your Honours order the Defence to disclose statements from this
3 witness. And by "statements", the Prosecution includes interview
4 notes, transcripts of audio or video recordings, signed or
10:39:17 5 adopted statements that this witness has made to this Defence
6 team, and the same definition of statements from the Defence team
7 in the RUF in which this witness appeared. He appeared as a
8 witness for Morris Kallon in the RUF case. So the summary that
9 we have been given - and I have copies --

10:39:41 10 PRESIDING JUDGE: Sorry, Ms Hollis, please pause. Are you
11 saying you want - what do you mean, "the same definition"?

12 MS HOLLIS: Would apply to any statements that were given
13 in the RUF case to the RUF Defence which this Defence team is in
14 possession of.

10:40:06 15 PRESIDING JUDGE: And the assumption is that everybody
16 knows what you are talking about?

17 MS HOLLIS: As I explained, this witness did appear as a
18 witness for Morris Kallon in the RUF case. To the extent that
19 statements as I have just defined them, that is to say,
10:40:28 20 statements which have been signed or adopted by the witness,
21 interview notes or transcripts of audio or video recordings of
22 interviews with this witness, to the extent those existed from
23 the RUF case and were given to this Defence team, we would
24 include that in the request we are making as well.

10:40:54 25 I do have copies for your Honours of the summary that was
26 provided to the Prosecution for this witness, should your Honours
27 be assisted by having such copies, because it is the inadequacy
28 and inconsistencies in this summary that the Prosecution basis
29 its request upon. So I do have them available if your Honours

1 wish them. This is the summary we were provided, version 4, 29
2 January 2010. It is page 86 of that filing of the annex.

3 MR MUNYARD: Can I just ask for one piece of assistance
4 from my learned friend who was good enough to tell me yesterday
10:41:44 5 that she was going to make this application. I want to make sure
6 we are all looking at the same document when she refers to a
7 summary. I simply would like to be shown it on its way to
8 Your Honours so that I am looking at the same one.

9 MS HOLLIS: I also have copies for the Defence.

10:41:58 10 MR MUNYARD: I am grateful. I don't need to hold you up in
11 that case.

12 PRESIDING JUDGE: Ms Hollis, I have my own page 86 in front
13 of me. I have had it all the while while the witness was
14 testifying. What inconsistencies are you referring to?

10:42:12 15 MS HOLLIS: Well, if I could, first of all, provide
16 Mr Munyard with a copy so that he can follow. And if any of
17 your Honours need it, I do have them available.

18 PRESIDING JUDGE: Ms Hollis, everybody has the page, page
19 86 that you're referring to.

10:43:10 20 MS HOLLIS: Thank you, Madam President. We have three
21 bases for this request. The first basis is that the summary
22 itself is internally inconsistent. For example, if we look at
23 the first paragraph, it indicates that Foday Sankoh received no
24 arms from Charles Taylor from 1992 to 1996. So this is a
10:43:33 25 qualification. If we look at the second paragraph, it indicates
26 that the witness will testify that no arms and ammunition were
27 coming from Liberia and Charles Taylor. There is no time period
28 on that, so that is an unqualified assertion. If we look at the
29 third paragraph, you will see, "The witness will testify the RUF

1 received arms and ammunition from Gibril Massaquoi and not from
2 Charles Taylor." And we suggest that these are internal
3 inconsistencies in the document itself.

4 Beyond that, the summary is inconsistent with the witness's
10:44:18 5 testimony. If we look again at paragraph 1 of the summary, it
6 indicates that the witness will testify that Charles Taylor and
7 Foday Sankoh fell out in 1992 and again refers to the fact that
8 Foday Sankoh did not receive arms from Charles Taylor from 1992
9 to 1996. In court the witness has testified that this falling
10:44:46 10 out occurred in 1991, not in 1992, and in court the witness has
11 indicated that Foday Sankoh, the RUF, did not receive arms from
12 Charles Taylor from 1992 through 2001. So that is an
13 inconsistency between the summary and the testimony.

14 If we look at the second paragraph, where it indicates that
10:45:19 15 there were no arms and ammunition coming from Liberia and
16 Charles Taylor, this is again inconsistent, this is not a
17 qualified statement, and it is inconsistent with the witness's
18 testimony that in 1991 there was assistance from Charles Taylor's
19 NPFL to the RUF, and that this assistance continued in 1991, but
10:45:48 20 that it ended in 1991. His testimony in court in that regard is
21 also inconsistent with the third paragraph that indicates that
22 the RUF received arms and ammunition from Gibril Massaquoi and
23 not from Charles Taylor. So that's another inconsistency between
24 the testimony of the witness and the summary that we were
10:46:12 25 provided.

26 The third basis which justifies an order to provide us with
27 the statements of this witness is that much of the witness's
28 testimony is simply not even referred to topically in this
29 topical outline. It is not referred to. It is not included at

1 all in this outline. For example, the details of how this
2 witness along with others was forced to carry looted goods to
3 Liberia and of how this witness came to be a part of the RUF, of
4 the witness meeting Morris Kallon in Liberia and coming back to
10:46:58 5 Sierra Leone after that; it is simply not topically even referred
6 to in this outline.

7 The evidence of the witness as to what his training was in
8 the RUF, an advanced training that he received and what the
9 components of that training were is not mentioned even topically
10:47:19 10 in this outline. The composition of the force at the time that
11 he came into the force is not mentioned. There is no mention in
12 the outline that the witness would testify about the ideology of
13 the RUF, which indeed he was asked questions about and he did
14 testify to.

10:47:39 15 There is nothing in this outline even topically that
16 relates to the witness's testimony of markings that he and others
17 were given to protect them, yet this witness testified about
18 that. Nor does the summary tell us that the witness would
19 testify as to the command structure and areas of assignment in
10:48:06 20 various periods, and yet much of this witness's testimony related
21 to that. Nor does the outline, the summary, indicate to us that
22 there was a reorganisation in the RUF after most of the Liberians
23 left, according to this witness, in 1991. It is simply not
24 covered. Nor is there anything in the outline about the NPRC
10:48:35 25 coup or of an acquiring radios and how they were acquired. Nor
26 is there anything about being pushed to the border and some
27 people pushed into Liberia in 1993.

28 There is also nothing in the outline even topically that
29 relates to the witness's testimony about groups fighting inside

1 Sierra Leone to include ULIMO. That was a question that was
2 asked. It is not included in the outline even topically. Nor is
3 there anything about Zogoda and the fall of Zogoda. Nor is there
4 anything about the events surrounding the disappearance of CO
10:49:18 5 Mohamed or the relations between Sam Bockarie and CO Mohamed.
6 Nor is there anything in this summary even topically that alerts
7 us to the testimony about the RUF receiving arms and material
8 from ULIMO, from Guinea, or that an airstrip was built to receive
9 material from Libya, and yet all of this is in the testimony of
10:49:45 10 this witness.

11 Nothing in the summary alludes to the talks between Foday
12 Sankoh and Maada Bio and the ceasefire agreement supposedly
13 between Foday Sankoh and Maada Bio. Nor the peace talks in Ivory
14 Coast. Nor does the summary include events about the retreat
10:50:09 15 from Freetown after the intervention. To the extent that such
16 testimony related to capturing weapons or taking weapons, we can
17 see that would be included. But none of the other testimony
18 about that retreat is topically even included in the summary.
19 Nor about the witness going to Makeni and then on to Kabala and
10:50:37 20 the movements of the witness making his way to Kono after the
21 intervention. Nor is there anything in the summary that would
22 alert us to the capture of Nigerian soldiers and the taking of US
23 dollars that your Honours heard about today.

24 These are just a number of the areas this witness testified
10:51:01 25 about that were obviously thought to be significant, because he
26 was asked about them, that are not included in the summary even
27 topically. The Prosecution therefore is unable at this time to
28 cross-examine this witness because of the inadequacy of the
29 summary. We are unable to achieve the purpose of

1 cross-examination, which is to test the evidence for the benefit
2 of the fact finders. That is, for the benefit of your Honours.
3 That's why cross-examination is allowed and that's why it's so
4 important.

10:51:37 5 We believe it is in the interest of justice to order the
6 Defence to provide to us the statements of this witness, nor
7 would it be a violation of the accused's rights to order such
8 disclosure. It certainly wouldn't violate the accused's right
9 not to present any evidence because the accused has chosen to put
10:52:03 10 this witness on the stand and once the witness is on the stand
11 the opposing party has the right of access to materials to enable
12 it to effectively cross-examine. There is no right to protect
13 the accused or a witness from effective cross-examination based
14 on sufficient information. Nor is there a right to protect the
10:52:27 15 accused or the witness from having Defence evidence confronted
16 with inconsistencies if they do exist.

17 We would, for all these reasons, request that your Honours
18 order the Defence to provide these statements as I have indicated
19 the definition of these statements. And also that the
10:52:47 20 Prosecution be given time to review the statements before
21 conducting this cross-examination so that we are able to
22 formulate our cross-examination to conduct an efficient and
23 effective cross-examination. Thank you, Madam President.

24 PRESIDING JUDGE: Mr Munyard, could we have your response,
10:53:11 25 please?

26 MR MUNYARD: Certainly, your Honour. Can I start with the
27 position of principle first of all, which is where we should
28 begin. In our submission, it's of some interest that although
29 Ms Hollis in the conclusion of her application has listed a whole

1 series of rights that don't exist, and I take no issue with her
2 on that, she doesn't draw the Court's attention to the
3 fundamental test that you must apply in determining an
4 application of this sort: Namely, the Prosecution have to show
10:53:51 5 that there is undue or irreparable prejudice to them if they do
6 not get sight of the various statements, et cetera, that they
7 request.

8 The test is not merely that it is in the interests of
9 justice, although that of course is itself an important
10:54:09 10 conjunctive test. They have to show that they will be unduly or
11 irreparably prejudiced by a failure to have these statements
12 disclosed to them.

13 In fact, what they are complaining about is a filling in of
14 the detail by this witness of the way in which the RUF, and to
10:54:37 15 some extent the AFRC also, obtained arms and ammunition
16 throughout the course of the civil war. If one had to summarise
17 his evidence in a nutshell, that, in our submission, is what it
18 really all boils down to. Evidence which in fact is already to a
19 very great extent before this Court in the form of testimony,
10:55:00 20 both evidence-in-chief and cross-examination, from a whole litany
21 of Prosecution witnesses.

22 Now that is the principle that the Court, in our
23 submission, has to apply when considering this application. When
24 one turns to the particular summary that was disclosed, and I
10:55:30 25 believe from what my learned friend said to me yesterday, we had
26 disclosed a number of summaries but this is the one on which the
27 application is based.

28 First and foremost, it is a summary. I would certainly
29 concede that this particular summary is not the most elegantly

1 written document on the face of it. Of course, to somebody who
2 is conducting the most minute etymological analysis of the
3 paragraphs of this summary, there might appear to be some sort of
4 contradiction between paragraphs 1 and 2. But reading it as a
10:56:12 5 matter of commonsense, paragraph 1, "The witness will testify
6 that Charles Taylor and Foday Sankoh fell out in 1992 and that
7 Foday Sankoh did not receive arms from Charles Taylor from 1992
8 to 1996", obviously implies that he may well have received arms
9 from Charles Taylor before falling out.

10:56:36 10 So when one goes to the second paragraph where it says,
11 "The witness will testify about arms and ammunition being
12 captured from various enemy forces throughout the conflict on
13 many occasions and no arms and ammunition coming from Liberia and
14 Charles Taylor", that obviously has to be read subject to the
10:56:55 15 first paragraph.

16 Now, going through the particular bases of my learned
17 friend's application, she says also that there is an internal
18 inconsistency between those two paragraphs and paragraph 3. "The
19 witness will testify that the RUF received arms and ammunition
10:57:19 20 from Gibril Massaquoi and not Charles Taylor", well, again, one
21 has to read back to paragraph 1 to make sense of that.

22 My learned friend says that the witness's testimony in
23 court has been inconsistent because he said in court that the
24 breakdown in the relationship between Foday Sankoh and
10:57:44 25 Charles Taylor occurred in 1991, not 1992. I concede that. No
26 one is suggesting that - nobody else has suggested that the
27 breakdown in the relationship was 1991. The important thing is
28 though that this witness has given an account that's wholly
29 consistent with Prosecution witnesses about the involvement of

1 Liberian NPFL fighters with the RUF in 1991, and in the case of
2 those other witnesses, and part of '92. He has given an account
3 which is wholly consistent with the fact that a series of Tap
4 operations took place involving fighting between the two groups
10:58:31 5 and an account that's wholly consistent that Mr Taylor then
6 withdrew his NPFL fighters from Sierra Leone after those
7 operations. The fact is that he is clearly got the date wrong,
8 but the evidence as a whole is completely consistent with what we
9 know from Prosecution witnesses. And to say that because he has
10:58:54 10 got the date wrong the Prosecution should therefore see the
11 statement is, in our submission, a completely unfounded basis for
12 that application.

13 Paragraph 2 my learned friend says is inconsistent with his
14 testimony. He said in his evidence that they did get assistance
10:59:20 15 from Mr Taylor up to that point after the Tap operations where
16 the Liberians were withdrawn. If that is a valid complaint, then
17 in our submission it certainly does not demonstrate undue or
18 irreparable prejudice to the Prosecution. To say that he has now
19 disclosed something which on the face of it would be to the
10:59:43 20 prejudice of the accused, that that in itself would justify sight
21 of the statements, there is no irreparable or undue prejudice
22 caused to the Prosecution by that. The prejudice, if any, in
23 that inconsistency is to the Defence and not to the Prosecution.

24 Now, the third basis of Ms Hollis's objection, and I am
11:00:13 25 looking at the time because I see on the computer it says it's
26 11 o'clock. I have got quite a bit more in my response. Would
27 you wish me to stop at this point rather than embark at the
28 beginning of a new topic?

29 PRESIDING JUDGE: Madam Court Officer, where do we stand

1 tape wise, because I would rather we finish the submissions
2 before retiring.

3 MS IRURA: Your Honour, we have two minutes on the tape.

11:00:47

4 MR MUNYARD: I can't do it in two minutes. I suspect I
5 might be nearer to 22 than two.

6 PRESIDING JUDGE: Is it necessary to submit for 20 minutes,
7 Mr Munyard?

8 MR MUNYARD: Nearer doesn't mean will be 22, your Honour.
9 I am just saying it's going to be more than two or three minutes.
10 I think I will probably be about ten minutes, because my learned
11 friend has referred to a great deal of the evidence and I have
12 got to obviously respond to that.

11:00:59

13 PRESIDING JUDGE: Madam Court Officer, please arrange a
14 changing of the tape. We will sit here and wait. When the tape
15 is done, Mr Munyard will continue with his submissions.

11:01:22

16 MS IRURA: Your Honour, the tape has been changed, but I
17 would have to confirm that the stenographers have had a
18 successful changeover before we can continue. Your Honour, I'm
19 informed they are ready. The stenographers are ready.

11:05:53

20 PRESIDING JUDGE: Right. Mr Munyard, please finish your
21 submissions.

22 MR MUNYARD: Thank you, your Honour. Yes, I was moving on
23 to what Ms Hollis characterised as the third basis of her
24 application. She says that much of the testimony was not
25 referred to topically and then she gives as her first example
26 that this witness was forced to carry goods, how he joined the
27 RUF and how he met Morris Kallon and came back to Sierra Leone.
28 Well, my goodness, how on earth can a witness tell their story
29 without fleshing out the details that do not and never would

11:06:14

1 appear in a summary of the essence of their evidence? And I ask
2 that question rhetorically, but it is a very important point to
3 remember.

4 There is a huge difference between this piece of paper,
11:06:59 5 this summary that is supplied, and the narrative that the witness
6 then goes into in the witness box. It would be wholly artificial
7 to expect every "I" to be dotted and every "T" to be crossed in
8 the course of the witness's testimony. It would be unreasonable
9 and artificial to expect to see that in the summary.

10 In fact, what Ms Hollis is asking for in these
11 circumstances is not for a summary to be supplied before the
12 witness gives evidence, but their statement. That's what that
13 boils down to, in our submission.

14 How on earth is he meant to start his account of his
11:07:43 15 involvement with the RUF of which he became armourer and how on
16 earth is he expected to tell you where they captured arms and
17 ammunition from without giving the chronological narrative that
18 includes those important pieces of information? We did not make
19 reference to his training and advanced training in the summary.
11:08:11 20 Very true. We did not spend a huge amount of time on his
21 training in the course of his evidence. We did not mention the
22 composition - I made a rather brief note, I'm afraid of that, but
23 the composition of the forces and the ideology of the RUF which
24 he talked about briefly in the course of his evidence. He was
11:08:34 25 fleshing out the way in which he came to join the RUF and how
26 that led to him being trained in arms and ammunition, how it led
27 to him being trained as an armourer.

28 It was perfectly possible for us of course to miss out
29 those sort of details in the course of his testimony, but again,

1 in our submission, it would be quite artificial just to go to the
2 absolute essence of what's in the summary when the witness is
3 giving evidence. Markings were not mentioned. No, they weren't.
4 And I ask another rhetorical question which is this: So what?
11:09:17 5 How does the absence in the summary of an account that's again
6 completely consistent with Prosecution witnesses' evidence about
7 markings being meant to protect fighters from bullets, how does
8 the absence of that create undue or irreparable prejudice to the
9 Prosecution?

11:09:41 10 So, in our submission, details sought such as that would
11 never be expected to be in a summary. The issue of markings does
12 not go to the nub of this case. Are the Prosecution really
13 saying that they are unable to cross-examine this witness because
14 they didn't have an indication that he might mention
11:10:07 15 witchdoctor-type markings in the course of his evidence?

16 Then she says the command structure and the areas of
17 assignment. Well, how is the witness supposed to tell the story
18 about what he was doing in the RUF and where they captured arms
19 and ammunition from if he doesn't talk about the overall
11:10:33 20 structure of the organisation?

21 The NPRC coup wasn't mentioned. No, it wasn't mentioned.
22 But if you are giving a chronological account of where you were,
23 what happened when, then who was in power at a particular time,
24 who took power at a particular time, what coups happened when, is
11:10:54 25 a very helpful indicator as to where we are in time. You will
26 appreciate that many witnesses are much more able to give you
27 time references by reference to events rather than dates.

28 May I give just one example from a number of Prosecution
29 witnesses. When asked when did such-and-such a thing happen in

1 1998, many of them would say to your Honours, "It was either
2 before or in some cases after Sani Abacha died." There is an
3 example of witnesses who rely on events to guide them as to when
4 things happened rather than specific dates.

11:11:36 5 Radios and how they are required. Well, I think we
6 mentioned the capture of one radio. Sorry, when I say "we
7 mentioned" I mean the witness mentioned in his evidence the
8 capture of a radio.

9 There was no mention of when they were pushed to the border
11:11:54 10 and into Liberia. No, there wasn't. But, again, that doesn't go
11 to the material elements of the witness's evidence. The material
12 elements, in our submission, are there. The material elements
13 are, in our submission, threefold: The relationship between
14 Charles Taylor and the RUF; where the RUF got its arms and
11:12:20 15 ammunitions from throughout the conflict; and the breakdown in
16 the relationship, the infighting between the RUF and the AFRC.
17 That's the essence of what this witness has told you about in his
18 evidence-in-chief.

19 My learned friend quite rightly makes no complaint about
11:12:43 20 the fifth paragraph of the summary: "The witness will testify
21 about infighting between the RUF and the SLA which led to
22 SAJ Musa advancing to Freetown in January 1999 without the RUF."
23 Those first five paragraphs encapsulate, in our submission, what
24 this witness has given evidence about in chief.

11:13:15 25 No mention of groups fighting in Sierra Leone, including
26 ULIMO. Again, ULIMO is mentioned on a number of occasions partly
27 as an enemy and partly as a trading partner for arms and
28 ammunition. But the importance of ULIMO in this witness's
29 evidence is in relation to arms and ammunition. It is important

1 to remember that ULIMO were an enemy of the RUF, on his evidence
2 and indeed that of some Prosecution witnesses, and so there's no
3 prejudice to the Prosecution in us not mentioning that.

4 Zogoda and the fall of Zogoda. He is talking about the
11:13:58 5 timeline when he talks about Zogoda. It would be wholly
6 artificial to talk about Zogoda without saying when he got there
7 and when it closed down when they were driven out of Zogoda. Is
8 he really not to mention when Zogoda fell because we haven't put
9 it in the summary? Wholly artificial.

11:14:29 10 CO Mohamed and Sam Bockarie. Was he not supposed to
11 mention that there was tension between those two because we
12 hadn't put it in the summary?

13 The RUF arms and ammunition from ULIMO and Guinea. Well,
14 if you look at the second paragraph of the summary: "The witness
11:14:51 15 will testify about arms and ammunition being captured from
16 various enemy forces throughout the conflict on many occasions."
17 I repeat: ULIMO was an enemy of the RUF at one stage. The
18 Guineans were the enemies of the RUF on and off throughout the
19 conflict as members of ECOMOG.

11:15:17 20 My learned friend complains that there was no reference to
21 the airstrip built to receive weapons Libya. Well, what did he
22 say about that? They were told to build an airstrip to receive
23 weapons from Libya and they never got anything. Beginning and
24 end of that story. Where is the irreparable prejudice in not
11:15:38 25 having included that in the summary?

26 The ceasefire between Foday Sankoh and Maada Bio. That is,
27 again, this witness's event by which he is able to tell
28 your Honours the time at which things happened.

29 Events after the intervention. My learned friend I think

1 by that probably means that the witness has told you about the
2 places he went to after the intervention. She quite correctly
3 says that she does not include in that complaint all the evidence
4 he gave about the capturing of weapons in events after the
11:16:18 5 intervention. How do you describe when and where and what
6 weapons you captured after the intervention without telling the
7 Court where you went, what these events were in the course of
8 which you captured the weapons?

9 So with great respect, Ms Hollis has actually undermined
11:16:44 10 that complaint by referring the Court to what she would call the
11 exception, and she's underlined that that was actually what that
12 evidence was all about. Not so much where they went, but what
13 they got on that journey. And I include in that her penultimate
14 complaint of Makeni and Kabala movements and the movement to Kono
11:17:11 15 were not included. Well, again, it's all part of the same
16 narrative of what they got by way of arms and ammunition from
17 enemy troops.

18 The capturing of Nigerian soldiers. Well, yes, he
19 mentioned that they got arms and ammunition from those Nigerian
11:17:30 20 soldiers. That's included in the summary. The fact that they
21 were Nigerians wasn't. Well, they were the enemy. They were
22 ECOMOG. So there is no substance in a complaint that identifying
23 the particular enemy as Nigerian somehow exposes the Prosecution
24 to irreparable prejudice.

11:17:53 25 And as for the capture of United States dollars, well,
26 where is that going to prejudice - how is that going to prejudice
27 the Prosecution? The fact that in order to put the whole picture
28 of what they obtained in Kono when they captured all those
29 weapons and ammunition they also captured a lot of United States

1 dollars.

2 Your Honours, in summary, it is not appropriate, in our
3 submission, to dissect the witness summary that was submitted
4 under the rules, to dissect line by line, word by word. The test
11:18:43 5 for the Court to determine is whether the Prosecution have
6 demonstrated such undue prejudice that it is in the interest of
7 justice to disclose the statement. In other words, what the
8 Prosecution is saying is, without the statement, we can't
9 reasonably proceed to cross-examination. In our submission, of
11:19:06 10 course they can reasonably proceed to cross-examination. Almost
11 everything that the witness has said in the course of his
12 evidence in describing the narrative about which my learned
13 friend complains is either completely ancillary material or is
14 entirely consistent with material put before this Court week
11:19:30 15 after week, month after month as part of the Prosecution case.
16 They are fully in a position to cross-examine this particular
17 witness after his evidence and bearing in mind the summary that
18 they received.

19 The summary is not there to capture detail; it is there to
11:19:49 20 give everybody the essence of what the witness will talk about,
21 and that is precisely what his evidence has done. He's talked
22 about the issues laid out in the summary.

23 PRESIDING JUDGE: Mr Munyard, before you conclude, on the
24 issue of the statements that you may or may not have from the RUF
11:20:15 25 case, could you say a word about that.

26 MR MUNYARD: I'm very grateful, because I'll deal with
27 that, and what I was going to say to your Honours is this: If
28 the Court were against me and in favour of Ms Hollis, we would
29 invite the Court to say this, that it may be that there are some

1 topics which for some reason the Court decides the Prosecution
2 haven't had sufficient notice of. You know that's not our
3 position, but if that was what the Court were to find, then it
4 would only be appropriate for the Court to order the disclosure
11:20:53 5 of material in the statements we have - all the material we have
6 from this witness on those particular topics.

7 You may recall that a Prosecution application was made last
8 week not to see all the statements, just those parts of them that
9 related to a particular topic. We say, of course, none of these
11:21:15 10 topics warrant that, but that is, if you like, our fall-back
11 position.

12 Now, I think, Madam President, what you were getting at is
13 what have we got? We've certainly got nothing from any other
14 Defence team in any other case, so we haven't got anything to
11:21:30 15 disclose there. We have an interview from 2006 and an interview
16 2009 and proofing notes of mine from last week - or the week
17 before last, I think it was. That is it.

18 Does that answer your Honour's question?

19 PRESIDING JUDGE: Yes, indeed it does.

11:22:00 20 MR MUNYARD: Those are my submissions.

21 PRESIDING JUDGE: It's now 20 past 11, and we will retire
22 to consider. We will merge this consideration with what would be
23 the morning break.

24 MR MUNYARD: And can you tell us, when you say you'll merge
11:22:20 25 it, what would have been the morning break will finish in about
26 eight minutes.

27 PRESIDING JUDGE: Well, I don't think so. Because what
28 would have been the morning break is half an hour usually.

29 MR MUNYARD: That's what I'm getting at. Are you saying

1 we'll be back in half an hour?

2 PRESIDING JUDGE: Yes, hopefully we will try and be back by
3 12 o'clock. Or else we will let you know if we need a moment
4 longer than 12 o'clock.

11:22:46 5 MR MUNYARD: Thank you, your Honours.

6 PRESIDING JUDGE: Thank you.

7 [Break taken at 11.22 a.m.]

8 [Upon resuming at 12.48 p.m.]

9 PRESIDING JUDGE: Yes, Mr Munyard.

12:49:08 10 MR MUNYARD: Madam President, can I record a change in
11 representation. On the Defence bench we are now joined by Morris
12 Anyah.

13 PRESIDING JUDGE: Mr Anyah is welcome to the Court. And
14 Ms Hollis.

12:49:20 15 MS HOLLIS: And likewise with the Prosecution. We have
16 been joined by Mr Koumjian.

17 PRESIDING JUDGE: Mr Koumjian is welcome to the Court. The
18 following is the ruling of the Court upon an application by the
19 Prosecution for the disclosure of the witness statement and
12:49:39 20 interview notes pertaining to witness DCT-146, Ngebeh. I will
21 not recount the submissions which are already on the record.
22 I'll just give you the ruling itself.

23 As the Chamber has held before, there is no blanket right
24 for the Prosecution to see the witness statement of a Defence
12:50:05 25 witness. In each case the Trial Chamber retains the discretion
26 to order a disclosure of the witness statement depending on the
27 circumstances of each case. The test for the Court to determine
28 is whether the Prosecution has demonstrated such undue or
29 irreparable prejudice that it is in the interest of justice to

1 disclose the statement.

2 Now, a summary is not meant to be a complete statement of
3 what the witness will attest to. But it must at least provide a
4 reasonable indication, however brief, of the evidential areas to
12:50:52 5 be covered by the witness in his sworn evidence.

6 The Trial Chamber finds in this particular instance that
7 the summary pertaining to witness DCT-146 falls far short of
8 doing that and, without discussing each and every shortcoming as
9 enumerated by the Prosecution, we find that the summary is not
12:51:20 10 adequate so as to properly enable the Prosecution to
11 cross-examine the witness on all of the evidence he has given in
12 chief.

13 Having said that, however, the Trial Chamber is of the view
14 that although the summary is inadequate, what little there is of
12:51:44 15 it is not necessarily inconsistent with the witness's testimony
16 given in chief. The Trial Chamber therefore finds that the
17 proper remedy for the Prosecution complaints is to allow the
18 Prosecution some time, if they so require the time, to prepare
19 its cross-examination of the witness in respect of those parts of
12:52:09 20 his testimony that were not contained in his summary.

21 Further, the Trial Chamber finds that the Prosecution has
22 not made out a case for an order that the Defence disclose the
23 witness statement and that the Prosecution application fails and
24 is dismissed to that extent.

12:52:33 25 Now, Ms Hollis, having held that you are entitled to some
26 time if you so require, I would like to hear from you whether in
27 fact you do require some time.

28 MS HOLLIS: Yes, Madam President, we do require some time.

29 PRESIDING JUDGE: And if so, how much time?

1 MS HOLLIS: It is of course at your Honours' discretion.
2 What we would propose is that the next witness be called to
3 testify and once the next witness has concluded their testimony,
4 we conduct the cross-examination of this witness.

12:53:08 5 PRESIDING JUDGE: You want the next witness to complete
6 their evidence-in-chief?

7 MS HOLLIS: We think that would be the most efficient
8 rather than break up that evidence as well. Examination-in-chief
9 and cross-examination.

12:53:24 10 PRESIDING JUDGE: To complete the whole of the next
11 witness?

12 MS HOLLIS: That is correct, Madam President.

13 PRESIDING JUDGE: Of course what I do also have in mind is
14 the upcoming recess. We have the rest of this week and a bit of
12:53:39 15 next week. So that must be borne in mind when we're making these
16 propositions.

17 MS HOLLIS: I believe we have basically a full week plus
18 half an hour of our regular weeks before we've been jumbled
19 about.

12:53:54 20 PRESIDING JUDGE: In any event, I think I've understood the
21 nature of your request. Mr Munyard, could we have your response
22 on the time required.

23 MR MUNYARD: Madam President, it seems to us that the
24 appropriate way to proceed now is to ensure that at least one
12:54:11 25 witness can be dealt with and so I would support my learned
26 friend's application that the next witness be dealt with in full.
27 It will be very unsatisfactory if we end up, as is conceivably
28 possible but not very likely - it would be very unsatisfactory if
29 we ended up at the Easter break with two witnesses both part

1 heard.

2 PRESIDING JUDGE: In any event, Mr Munyard, you are ready
3 to call your next witness perhaps after the luncheon break or
4 even now?

12:54:43 5 MR MUNYARD: We're not having a luncheon break today,
6 your Honour. Well, we are but it's going to be a rather long
7 one. It's going to be the whole of the rest of the day and
8 tonight.

9 Can I just remind the Court the position we're in at the
12:54:55 10 moment is we finish at 1.30 today. Tomorrow we have a similar
11 sitting, 9 to 1.30. Friday we have a full day 9.30 to 4.30.
12 We're not sitting next Monday.

13 PRESIDING JUDGE: There is a possibility that we might sit
14 half a day on Monday. I wasn't going to say anything about it
12:55:21 15 because it's not yet certain.

16 MR MUNYARD: We've had an email. During your absence in
17 your deliberations we've had an email from Mr Gregory saying that
18 the ICC have informed us that the Court is not available.

19 PRESIDING JUDGE: Thank you very much for that information.

12:55:32 20 MR MUNYARD: I raise that now because I anticipated you
21 hadn't heard that in the light of what you said about next week.
22 So next week we have Tuesday, Wednesday and Thursday as what I
23 will call ordinary full sitting days 9.30 to 4.30. Therefore if
24 we're going to embark on a witness now, I would have thought that
12:55:55 25 Ms Hollis's suggestion is the better one, that we try and at
26 least finish that witness in the time we have. I anticipate that
27 we will finish that witness, but I am not taking that witness
28 myself. Mr Anyah will be taking that witness.

29 PRESIDING JUDGE: In view of the fact that we're sitting

1 half a day today and that we have at least an hour and a half to
2 go --

12:56:29 3 MR MUNYARD: I think, your Honour, this time it's you who
4 has got the timing wrong. Yesterday it was me. We've got 35
5 minutes today. I knocked an hour off yesterday and you are
6 adding an hour on today.

7 PRESIDING JUDGE: I do beg your pardon. Just give me a
8 moment, please.

12:57:07 9 Firstly, we will grant Ms Hollis's application for an
10 adjournment for the duration of the next interposed witness's
11 testimony, the whole of that person's testimony, before she can
12 cross-examine DCT-146.

13 Now, Mr Anyah, you are taking the next witness. Are you
14 ready to call that witness in now?

12:57:31 15 MR ANYAH: Yes, Madam President, I am prepared to call the
16 next witness. There are some preliminary matters to deal with.
17 I have an application to make in respect of protective measures
18 and also I would be grateful to be allowed some time to switch
19 seats with Mr Munyard. I prefer to face the witness more
12:57:54 20 directly if possible. That shouldn't take long and we should be
21 able to proceed this afternoon.

22 PRESIDING JUDGE: No, not this afternoon - yes, of course
23 it's this afternoon. While you are switching seats with
24 Mr Munyard, it occurred to me that we cannot just leave DCT-146
12:58:12 25 to disappear behind the scenes. If the witness could be brought
26 back, Mr Ngebeh, because I need to explain to him what has
27 happened and to caution him as to the usual orders of Court.

28 MR MUNYARD: I would be very grateful if, Madam President,
29 you remind him that we are unable to speak to him now that he is

1 in the course of his testimony. He may not fully appreciate
2 that.

3 PRESIDING JUDGE: By the way, Mr Anyah, who is the next
4 witness in terms of DCT number?

12:59:39 5 MR ANYAH: Yes, Madam President, the DCT number for the
6 next witness is 215. The witness will testify in Liberian
7 English. The witness proposes to be sworn on the Bible.

8 MR MUNYARD: Madam President, might I also raise with you
9 for your consideration giving the witness, who is about to become
10 part heard, an indication that he might not be reached before the
11 Easter vacation starts. I don't know what his personal
12 arrangements are back home in Sierra Leone. It may be that he
13 would need to go back there and come back again. I just don't
14 know. But we were anticipating of course when we called him that
13:01:49 15 he was - he would be one of those who would be gone by the Easter
16 vacation.

17 PRESIDING JUDGE: Mr Munyard, I don't know what you want me
18 to say or do, but other than to direct that WVS produce the
19 witness later. Are you asking for the Prosecution to indicate
13:02:23 20 when they would finish their cross-examination, or what?

21 MR MUNYARD: That would always be helpful to know. I don't
22 think whether Ms Hollis is in a position to help us with that at
23 the moment.

24 PRESIDING JUDGE: Because, really, what the Prosecution has
13:02:39 25 asked for is for the completion of DCT-215.

26 MR ANYAH: Yes.

27 PRESIDING JUDGE: Until DCT-215 finish their testimony, and
28 that I think is in your hands, Mr Munyard.

29 MR MUNYARD: Ours collectively as the Defence, yes.

1 PRESIDING JUDGE: Well, collectively.

2 MR MUNYARD: Yes.

3 PRESIDING JUDGE: That is in your hands.

4 [In the presence of the witness]

13:03:19 5 PRESIDING JUDGE: Good afternoon, Mr Ngebeh.

6 THE WITNESS: Yes, good afternoon, ma'am.

7 PRESIDING JUDGE: Mr Ngebeh, your testimony is not yet
8 over. After you've been asked questions from the Defence side,
9 the Prosecution is also entitled to ask you some questions.

13:03:39 10 However, in your absence the Prosecution has asked for a bit of
11 time to prepare their questions for you. In other words, they
12 are not ready to ask you questions today. The Court has granted
13 them some days, at least a few days, in order to prepare their
14 questions for you, which means in the meantime we're going to ask

13:04:04 15 you to go and have a rest, perhaps go back to Sierra Leone, I
16 don't know, and come back again, or stay in The Hague, but come
17 back. This might take a week. It may take two weeks, depending
18 on the preparations of the Prosecution.

19 But I'm also directing the Witness and Victims Services,
13:04:29 20 which is the department of the Court that is responsible for your
21 welfare, to ensure that they produce you in court later to finish
22 your testimony. In other words, you don't need to come back
23 tomorrow to the court, not even on Friday, and certainly perhaps
24 not next week, Monday, Tuesday, Wednesday or Thursday. We're
13:04:55 25 going to interpose the testimony of another witness in your
26 absence, because that will then allow the Prosecution to prepare
27 their questions for you.

28 Now, I don't know what arrangements the department of WVS
29 has made for your transportation, but you can talk to them and

1 make arrangements. Whether you want to go back to Sierra Leone
2 and come again or you want to be around and finish your testimony
3 before you finally go, that will be between you and that
4 department.

13:05:28 5 Now, the more important thing is this, that while you are
6 gone, whether here or at home, you are not to discuss your
7 evidence at all with anybody. That is very important. Do you
8 understand that? Thank you.

9 THE WITNESS: Yes, my Lord.

13:05:51 10 PRESIDING JUDGE: Do you have any questions about what I've
11 said?

12 THE WITNESS: I just want to thank you --

13 THE INTERPRETER: Your Honours, can he kindly repeat? He
14 was very fast.

13:06:10 15 PRESIDING JUDGE: Can you please repeat what you said. The
16 interpreters didn't get it for us.

17 THE WITNESS: The advice that you have given to me that I
18 should not disclose my testimony to any of my colleague
19 witnesses, I'll never do. What I've said here will remain here.
13:06:30 20 Thank you.

21 PRESIDING JUDGE: Actually, I said not just disclose but to
22 discuss, to debate it, to say, "Oh, I went. I said this. I said
23 that. I shouldn't have said this, or I hope to say that." That
24 is what I don't want you to do, to discuss. Okay, thank you.

13:06:50 25 THE WITNESS: Okay, my Lord.

26 PRESIDING JUDGE: Please escort the witness out. And
27 before we call the next witness in, I think I will hear from
28 Mr Munyard - sorry, from Mr Anyah. There was an application you
29 wanted to make. Please go ahead.

1 MR ANYAH: Yes, Madam President, the application is with
2 respect of the protective measures that currently obtain with
3 respect to this witness. Your Honours recall your decision from
4 27 May last year, 2009. The CMS number is 782. That decision
13:07:33 5 provided certain measures, in particular the use of a pseudonym
6 in respect of certain categories of Defence witnesses. The
7 witness that is being brought before your Honours falls within
8 one of those categories.

9 The relevant categories are in the last part of the
13:07:54 10 decision, in particular on page 13 of the decision. The CMS page
11 number for that page is 25245. And this witness, in our
12 submission, falls under category 1, as an insider or ex-combatant
13 who fought for or was closely associated with some of the listed
14 warring factions in that subparagraph. And your Honours, going
13:08:29 15 over to the next page of that decision in the part of the
16 decision where you pronounce your orders, subsection (b), that
17 section reads that the names or any other identifying information
18 of these witnesses, that is, the protected witnesses, those who
19 fall within the relevant categories, "shall not be disclosed to
13:08:50 20 the public or the media and this order shall remain in effect
21 after the conclusion of the proceedings."

22 The Defence reads that paragraph to mean that your Honours
23 have accorded this witness the use of a pseudonym up through the
24 conclusion of the proceedings. The witness has arrived in
13:09:11 25 The Hague. We have since met with him. We have explained the
26 mechanisms in place for his protection and the witness wishes to
27 testify openly, and so I respectfully make an application that
28 your Honours' order be rescinded to that extent. Thank you,
29 Madam President.

1 PRESIDING JUDGE: Does the Prosecution have any response to
2 these objections?

3 MR KOUMJIAN: No, your Honour. No objection.

4 PRESIDING JUDGE: Yes. We've noted the submissions of
13:10:03 5 Defence counsel in relation to witness DCT-215 and the fact that
6 he has now waived his protective measures as contained in
7 paragraph B of the order of the Court of the protective measures
8 decision of 27 May 2009. The order is rescinded with respect to
9 that witness. Please call the witness in.

13:11:00 10 WITNESS: DCT-215 [Sworn]

11 EXAMINATION-IN-CHIEF BY MR ANYAH:

12 Q. Good afternoon, Mr Vincent.

13 A. Yes, good afternoon.

14 Q. I'm going to ask you a number of questions and the purpose
13:13:04 15 for which - that you provide answers to the judges, but you will
16 notice that when I ask you a question, another voice will be
17 heard on your headset and there will be an interpretation of my
18 question to you in Liberian English. When this occurs, can I ask
19 that you wait until the interpreter finishes interpreting what I
13:13:28 20 say before you respond. Do you understand that?

21 A. I understand very well.

22 Q. And it is also important to keep your voice up when you
23 speak so that the judges and everyone here present will be able
24 to understand you. Do you appreciate that?

13:13:45 25 A. Yes. I heard it clearly.

26 Q. Can you tell the Court your full name, and please spell all
27 aspects of your name for the Court.

28 A. Yes, I am John Blamah Vincent. J-O-H-N B-L-A-M-A-H
29 V-I-N-C-E-N-T.

- 1 Q. Thank you, Mr Vincent.
- 2 PRESIDING JUDGE: Is Vincent the surname?
- 3 THE WITNESS: Yes.
- 4 MR ANYAH:
- 13:14:28 5 Q. How old are you, Mr Vincent?
- 6 A. I'm 44 years old.
- 7 Q. Can you tell the Court where you were born?
- 8 A. I was born in Vincent Town, Bomi County.
- 9 Q. When you say Vincent Town, is that spelled the same way as
- 13:14:48 10 your last name Vincent?
- 11 A. Yes, it's the same Vincent. That's my grandfather's town.
- 12 Q. Of which country are you a citizen or national?
- 13 A. I'm from Liberia.
- 14 Q. And in which country do you currently reside where you
- 13:15:11 15 maintain a home?
- 16 A. I reside in Liberia.
- 17 Q. Do you belong to any ethnic or tribal group in Liberia?
- 18 A. Yes, I'm from the Gola ethnic group.
- 19 Q. What languages, if any, do you speak?
- 13:15:37 20 A. I speak Liberian English, I speak Gola and I understand a
- 21 little bit of Vai and a little bit of Krio.
- 22 Q. Do you speak either Krio or Vai?
- 23 A. I understand a little bit. I do understand but not too
- 24 much.
- 13:16:00 25 Q. I believe Vai is spelled on the record previously but if
- 26 not the spelling is V-A-I. Mr Vincent, do you go by any other
- 27 names or have you ever gone by another name besides John Blamah
- 28 Vincent?
- 29 A. Yes, I used other names but it was a code name given to me

1 by the RUF.

2 Q. When you say RUF, what does RUF stand for?

3 A. Revolutionary United Front.

13:16:39

4 THE INTERPRETER: Your Honours, could the witness be asked
5 to repeat that.

6 PRESIDING JUDGE: Mr Witness, can you please repeat your
7 answer.

8 THE WITNESS: Yes, I am saying the code name given to me by
9 the RUF/SL.

13:16:50

10 MR ANYAH:

11 Q. Your answer was in relation to what the RUF stands for.

12 Can you repeat what you were saying?

13 A. Revolutionary United Front of Sierra Leone.

14 Q. And what code name was given to you by the RUF?

13:17:13

15 A. I was called Stone One.

16 Q. That's Stone regular spelling and One, O-N-E. Mr Vincent,
17 are you married?

18 A. Yes, I'm married. I'm married.

19 Q. Do you have any children?

13:17:36

20 A. Yes, I have three children.

21 Q. Can you tell us how far you went in school?

22 A. Well, I went - I stopped at the 12th grade.

23 Q. What made you stop school?

13:18:00

24 A. Well, I stopped school because of financial constraints. I
25 had to leave school, go and do some work before going back to
26 school.

27 THE INTERPRETER: Your Honours, could the witness be asked
28 to slow down his pace.

29 PRESIDING JUDGE: Mr Witness, please pause. You are going

1 to repeat your answer a little slowly because of two things:
2 There is someone trying to interpret what you are saying and
3 there is another person trying to write down everything you say
4 so you need to speak slower than you normally would speak. Now
13:18:28 5 please repeat your answer.

6 THE WITNESS: Yes, I will do that. I said I stopped school
7 because of financial constraints and that I had to leave school
8 to start doing some work and then later go to the next school. I
9 was in the senior class when the Liberian civil war started so
13:18:52 10 that was where my schooling stopped.

11 MR ANYAH:

12 Q. And when did the Liberian civil war commence or start?

13 A. The civil war started in Liberia in 1989, December 24.

14 Q. Are you currently employed, Mr Vincent?

13:19:19 15 A. I am not employed but I live on a contract basis.

16 THE INTERPRETER: Your Honours, could the witness be asked
17 to speak slowly and then raise up his voice.

18 PRESIDING JUDGE: Mr Witness, you are being requested by
19 the interpreters to speak slowly but to raise your voice. I
13:19:37 20 think they are having difficulty hearing you. So you speak
21 slowly, giving them time to interpret what you are saying,
22 please. Now start again your answer.

23 MR ANYAH: Madam President, may I suggest if it's possible
24 that the chair of the witness be moved closer to the microphone:

13:20:16 25 Q. Mr Vincent, your last answer as recorded by the Court
26 stenographers on the LiveNote has you saying that, "I am not
27 employed but I live on a contract basis." What do you mean by
28 you live on a contract basis?

29 A. Yes, I said I live on a contract basis means I'm a plumber.

1 I only live by getting contracts before I do my job and when I do
2 my job, I leave it, I go to my farm and do cassava and rice
3 farming. That is where I earn my living.

4 Q. You remember Madam President saying you should slow down.
13:20:59 5 I still hear you going very fast, so just bear that in mind,
6 please. Mr Vincent, have you ever served in any armed group?

7 A. Yes.

8 Q. Can you tell us what if any armed group you've served in
9 before?

13:21:22 10 A. Yes, at first I started with the NPFL as a single barrel
11 man and it was later that I was taken to a training base. That
12 is one. Number two, I served with the RUF. Three, when I came
13 back to Liberia I served with the AFL. And, lastly, I served
14 with the Special Security Services.

13:21:53 15 Q. You mentioned you served with the NPFL. Can you tell us
16 what NPFL stands for?

17 A. National Patriotic Front of Liberia.

18 Q. You said you served with the RUF. Is that the same RUF you
19 referred to previously as the Revolutionary United Front of
13:22:14 20 Sierra Leone?

21 A. Yes.

22 Q. You said you served with the AFL. Can you tell us what AFL
23 stands for?

24 A. AFL is the Armed Forces of Liberia.

13:22:30 25 Q. You said you served with the Special Security Services.
26 Does it go by an acronym or an abbreviation, that Special
27 Security Services?

28 A. Yes.

29 Q. What is that acronym or abbreviation?

1 A. What do you mean? Because I said Special Security
2 Services.

3 Q. Do they call it by another name in Liberia, Mr Vincent?

4 A. There is no other name beside John Vincent.

13:23:10 5 Q. No, I'm not asking whether they call you by another name.

6 This Special Security Services, on the streets of Monrovia do
7 they call it the Special Security Services or do they call it by
8 another name?

9 A. No, it is just SS.

13:23:26 10 Q. Is it SS or is it SSS?

11 A. Triple S. But for short they just say, "Oh, this man is an
12 SS personnel." They do not have to pronounce the triple S.

13 Q. Thank you, Mr Vincent. Now, can you tell us the highest
14 rank, if any, you attained in any of those groups you mentioned?

13:23:49 15 A. Well, I got my highest rank in the RUF and I extended to
16 the rank of a colonel.

17 Q. And during what period of time were you with the RUF?

18 A. I served the RUF from September 1990 up to 2000, when I
19 left there and I came back home in 2001.

13:24:29 20 Q. You mentioned Vahun. Incidentally, Madam President, I
21 heard the witness mention Vahun but I didn't hear it in the
22 interpretation.

23 PRESIDING JUDGE: Mr Interpreter, did the witness say
24 Vahun?

13:24:41 25 THE INTERPRETER: Your Honours, could the witness be asked
26 to repeat it.

27 PRESIDING JUDGE: [Overlapping speakers] I came home,
28 right?

29 THE WITNESS: Yes.

1 MR ANYAH: That's fair enough:

2 Q. Mr Witness, when you said you came home, to which country
3 are you referring?

4 A. Well, I came home to Liberia because I'm a Liberian.

13:25:03 5 Q. And you came home to Liberia from where?

6 A. From Sierra Leone.

7 Q. And in what year did that happen?

8 A. Well, it happened at the end of 2000 to 2001, around that.

9 Q. You mentioned being with the NPFL and you gave us some
13:25:24 10 indication of when you joined. Can you tell us the period of
11 your membership in the NPFL?

12 A. Well, when the NPFL came, like I said previously, I was
13 working and I was going to night school.

14 Q. We just need to know the period - the months that you were
13:25:45 15 with the NPFL?

16 A. From June 1990 to September 1990.

17 Q. Thank you, Mr Vincent. With respect to the AFL can you
18 tell us the period as in months and years when you were with the
19 AFL?

13:26:12 20 A. Yes. I came back home and I entered the AFL just for one
21 year and from there I was recruited into the Special Security
22 Services.

23 Q. And during what year was it that you worked for the AFL?

24 A. 2001.

13:26:36 25 Q. And with respect to the Special Security Services, what
26 year were you employed by the Special Security Services?

27 A. It was in 2002.

28 Q. And for how long did you stay with that organisation or
29 entity?

1 A. I served from 2002 to 2004, when I was deactivated.

2 Q. You mentioned being in school on 24 December 1989 when the
3 Liberian civil war broke out, yes?

4 A. Yes, in 1989. When the civil war broke out in 1989, that
13:27:26 5 was the year that I got my promotion to the senior class and I
6 started going to school in the senior class. That was in 1990.
7 When the war came finally I had to stop, but I was in school when
8 where I was working in Bomi was captured by the NPFL.

9 Q. Mr Vincent, let's go through that again and break it up
13:27:52 10 into bits and pieces. You said you were in school. You were in
11 your senior class. You said that was 1990. And when the war
12 came you finally stopped. Where were you going to school at? I
13 mean which city or town in Liberia were you going to school at?

14 A. I was going to school in Bong Mines and I was attending --
13:28:19 15 THE INTERPRETER: Your Honours, could the witness be asked
16 to repeat the name of the school.

17 PRESIDING JUDGE: Mr Witness, did you say Bong Mines?

18 THE WITNESS: Bong Mines, yes.

19 PRESIDING JUDGE: Yes, but, Mr Interpreter, you also need
13:28:32 20 to speak clearly. You said a word like Bomye [phon].

21 Mr Witness, you need to speak clearly for the interpreter to
22 hear.

23 MR ANYAH:

24 Q. Mr Vincent, you said I was going to school in Bong Mines
13:28:49 25 and then you were cut off. Now can you complete your answer.
26 Let me ask you this: Bong Mines is in which county in Liberia?

27 A. Bong Mines is in Bong County. Am I still not clear?

28 Q. You are clear. Thank you. What is the seat or capital of
29 Bong County in Liberia?

1 A. The capital of Bong County is Gbarnga.

2 Q. Now, the county in which you were born is what?

3 A. The county in which I was born is called Bomi County. That
4 is spelled B-O-M-I.

13:29:42 5 Q. Now, when you were in Bong Mines going to school, you said
6 you had to stop in 1990 when the war came. How was it that the
7 war came to Bong Mines? Can you explain for us.

8 A. Yes. That particular month I stated that we were at work
9 and by then I was working with a concentration department. And
13:30:16 10 that afternoon the NPFL forces entered Bong Mines where I was
11 working, and they asked us to come out and we came out with all
12 our hands raised up. We walked from the mining plant to the bus
13 stop in Bong Mines. That was how Bong Mines worked. But the
14 NPFL did not shoot any gun, because when they got there, the AFL
13:30:46 15 who were there had escaped.

16 THE INTERPRETER: Your Honours, ask the witness to slow
17 down.

18 PRESIDING JUDGE: In fact, there's something you said that
19 was not complete. You said that was how Bong Mines did what?

13:30:56 20 THE WITNESS: That was how Bong Mines was captured.

21 PRESIDING JUDGE: Now, continue from there and repeat your
22 answer.

23 THE WITNESS: Well, I said I was at work on that afternoon
24 of June when the NPFL entered Bong Mines without shooting. We
13:31:19 25 were at work. They called us out of the plant and our hands were
26 raised up in the air. We walked to the bus stop. And that was
27 how Bong Mines was captured, like I said.

28 MR ANYAH:

29 Q. Thank you, Mr Vincent. We'll come to that.

1 Madam President, there is something on the record that is
2 incomplete. Your Honour had asked for the name of the school the
3 witness attended and we never provided the answer. I heard him
4 say the answer, but perhaps as my last question, can I ask him to
13:31:49 5 repeat the name of the school he said he was attending.

6 Can you tell us the name of that school, Mr Vincent.

7 A. Yes. It was Zeweata High School, Zeweata.

8 MR ANYAH: That is spelt Z-E-W-E-A-T-A. And I take note of
9 the time.

13:32:14 10 PRESIDING JUDGE: Yes. Mr Witness, we have come to the end
11 of today's proceedings in this Court. We've now started on your
12 testimony and this is to let you know that you are not to discuss
13 your evidence with anyone now that you've started giving
14 testimony until you've finished all your evidence. You will
13:32:37 15 return to Court tomorrow.

16 The proceedings are adjourned to tomorrow at 9 o'clock.

17 [Whereupon the hearing adjourned at 1.32 p.m.

18 to be reconvened on Thursday, 25 March 2010 at

19 9.00 a.m.]

20
21
22
23
24
25
26
27
28
29

I N D E X

WITNESSES FOR THE DEFENCE:

DCT-146	37897
EXAMINATION-IN-CHIEF BY MR MUNYARD	37897
DCT-215	37958
EXAMINATION-IN-CHIEF BY MR ANYAH	37958