



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 27 APRIL 2010
9.34 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 Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:
Mr Morris Anyah

1 Tuesday, 27 April 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.34 a.m.]

09:27:51 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR BANGURA: Good morning, Madam President. Good morning,
8 your Honours and counsel opposite. For the Prosecution this
9 morning, Nicholas Koumjian, myself Mohamed A Bangura, Kathryn
09:34:41 10 Howarth and Maja Dimitrova. Thank you, your Honours.

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. Good morning, counsel opposite. Appearing for the
13 Defence this morning are myself Morris Anyah and Mr Michael Herz.

14 Madam President, your Honours will notice the absence of
09:35:02 15 Mr Taylor from the courtroom today. It is for the same reasons
16 that he was absent last week and he will be joining the
17 proceedings at 12 noon.

18 While I am on my feet, at a time convenient for
19 your Honours I would like to raise an administrative issue
09:35:18 20 vis-a-vis how long the Prosecution might continue with the
21 cross-examination of the current witness, but I will wait for an
22 appropriate time for your Honours.

23 PRESIDING JUDGE: First of all, is it okay to presume that
24 the accused has given his consent for the proceedings to continue
09:35:41 25 in his absence?

26 MR ANYAH: That is the case, Madam President, yes.

27 PRESIDING JUDGE: Yes. The Trial Chamber is aware of the
28 reasons why the accused is absent and we are satisfied that the
29 proceedings may proceed in his absence in the presence of Defence

1 counsel pursuant to Rule 60(B) of the Rules of Procedure and
2 Evidence.

3 Now, as relates to the inquiry made by Defence counsel,
4 Mr Bangura, are you able to say how long you will take for this
09:36:19 5 cross-examination, or to estimate?

6 MR BANGURA: Your Honour, I anticipate that I may be on for
7 the rest of the day today. It will be difficult to say whether I
8 might go on until tomorrow. I will be able to make that decision
9 by about the lunch break.

09:36:37 10 PRESIDING JUDGE: Perhaps you could revisit your response
11 at the end of the day.

12 MR BANGURA: Yes, certainly.

13 MR ANYAH: We appreciate the indication. I merely raise
14 the issue because it allows us to know whether we need to have
09:36:50 15 another witness present at the courthouse at a particular time.
16 So we will wait for further indications from counsel opposite
17 this afternoon. Thank you.

18 PRESIDING JUDGE: Okay. Now, Mr George, good morning.

19 THE WITNESS: Good morning, Madam President.

09:37:08 20 PRESIDING JUDGE: We are continuing with your testimony and
21 I remind you as I normally do of your oath to tell the truth,
22 which oath binds you still today. Now please remember to speak
23 slowly, as I always remind you to speak slowly so that the
24 interpreters and the transcribers can keep up with you.

09:37:34 25 WITNESS: DCT-062 [On former oath]

26 CROSS-EXAMINATION BY MR BANGURA: [Continued]

27 Q. Good morning, Mr Witness.

28 A. Good morning, Mr Bangura.

29 Q. We continue with your testimony this morning. You will

1 recall that yesterday when we broke off we were considering - we
2 were looking at events that had occurred when the RUF were
3 attacked in Pujehun and had been pushed across the border into
4 Liberia and following that you talked about the formation of a
09:38:20 5 group called the Black Kadaffa. Do you recall that?

6 A. Yes, I recall that.

7 Q. Those were the matters that we had at hand and we were
8 considering the testimonies of witnesses who had talked about
9 Black Kadaffa. Do you recall?

09:38:37 10 A. Yes, I recall about yesterday.

11 Q. Now, this morning I am going to continue with the testimony
12 of a witness that I was dealing with yesterday. That is,
13 TF1-360, King Perry, who gave us his own account of what had
14 happened after he crossed into Liberia. Do you recall?

09:39:07 15 A. Yes, that was the topic we covered yesterday.

16 MR BANGURA: Your Honours, I will ask that the transcript
17 for 4 February 2008, that is of TF1-360, be put up, page 3032:

18 Q. Mr Witness, I will be reading - let's go back to line 10 of
19 that page and I'll read from there. Mr Witness, just before I
09:40:47 20 get on with this testimony, you recall that this witness, that is
21 King Perry, had told us that they, himself and others, who had
22 crossed into Liberia were formed into this group called Black
23 Kadaffa and they were provided with material and they were coming
24 across the border into Sierra Leone to try and regain possession
09:41:15 25 of territory which had been taken from them. Do you recall that?

26 A. Yes, I recall that in King Perry's statement he said that.

27 Q. [Microphone not activated].

28 THE INTERPRETER: Your Honours, could counsel be advised to
29 wait for interpretation before he continues.

1 PRESIDING JUDGE: Mr Bangura, the interpreters have asked
2 you to please wait for interpretation of what the witness has
3 said before you pick up, otherwise what you said is not captured.
4 So please repeat what you were about to say.

09:41:53 5 MR BANGURA: I was refreshing your memory, Mr Witness,
6 about the matters that King Perry had told this Court which I had
7 read to you yesterday, and I did mention that King Perry had told
8 this Court that after himself and others went across the border
9 to Liberia, they were armed and they were - and they then started
09:42:22 10 coming across again into Sierra Leone trying to regain territory
11 which they had lost. I believe you do recall that testimony; do
12 you.

13 A. Yes, I remember that testimony from King Perry.

14 PRESIDING JUDGE: Are you on channel 1, Mr Bangura?

09:42:48 15 MR BANGURA: I am sorry, your Honours, I am not.

16 Q. We'll take it from there. Reading from line 10, the
17 question was - this question was asked of the witness:

18 "Q. And what was the focus of this, the fighting that you
19 engaged in at that time?

09:43:09 20 A. Well, we were fighting to regain the areas we were
21 before we were pushed across the border. Then also he said
22 if we fight very strongly he will come with ammunition for
23 us to continue our war in Sierra Leone. That is the reason
24 why we keep fighting inside and then going back.

09:43:34 25 Q. Mr Witness, when you say 'he' who are you referring to?

26 A. It was a message from Charles Taylor through General
27 Devon and General Pepper, then after some time he too
28 visited us.

29 Q. When you say 'he too' visited you, who visited you?

1 A. Mr Taylor visited us at Senge.

2 ...

3 Q. You just mentioned Senge. Where is Senge?

09:44:27

4 A. Senge is along the highway from Bo Waterside, going to
5 Monrovia.

6 Q. You said Mr Taylor visited you at Senge, is that
7 correct?

8 A. Yes.

9 Q. What happened during that visit?

09:44:39

10 A. This time around Mr Taylor came along with ammunition.
11 By then we were all together. General Devon was there,
12 General Pepper was there, together with some of the
13 authorities.

14 Q. Was anything said at the meeting?

09:45:01

15 A. Yes, Taylor stood before us and said this ammunition he
16 had come with was to fight very strongly and to push ULIMO
17 out of Liberia, so that the other ammunition he brought was
18 for we, the RUF. There were some arms that was written on
19 it 'RUF'. He brought them. It was - they distributed them
20 to the RUF.

09:45:29

21 ...

22 Q. Now, apart from this occasion that you say Mr Taylor
23 visited you, did you get to see him again at any other
24 time.

09:45:57

25 ...

26 Q. Mr Witness, you mentioned that you had been captured in
27 April 1991. You also mentioned that you spent two months
28 in training, guerilla training, and another month in
29 training as a radio operator. Now, can you give the Court

1 an idea what time we are talking of now that you were
2 crossing Liberia?

3 A. I was in Liberia from 1991 to 1992 and what I am saying
4 now is from 1991."

09:46:59 5 Now, Mr Witness, does this give you an idea of what the
6 witness is talking about?

7 A. The only idea I know about this is that the time I crossed
8 in 1992 - when we crossed in '92 we stopped at Tiene, and from
9 there we mobilised ourselves and we went back and joined Tonkara.
09:47:31 10 I never went to Tiene, so I don't know anything about Tiene. I
11 cannot, therefore, say anything about Tiene. No, I mean, sorry,
12 Senge.

13 Q. Let us see what the witness says, again reading from line
14 26 of that page:

09:47:51 15 "Q. Mr Witness, my last question was whether you had, on
16 any other occasion, seen Mr Taylor while you were in
17 Liberia?

18 A. Yes, the other time, which was in 1992, I saw Mr Taylor
19 at Kakata in Liberia.

09:48:10 20 ...

21 Q. What was the occasion?

22 A. Well, at that time we had been pushed out. Some of our
23 brothers had returned and entered Sierra Leone. They were
24 in the Pujehun area when we were in Kakata."

09:48:32 25 So you see, Mr Witness, he says some of their brothers were
26 in the Pujehun area and he was - he himself and others were in
27 Kakata. Do you appreciate now that there were RUF members in
28 Liberia while some others remained in Sierra Leone?

29 A. I told you that some of the RUF soldiers and civilians

1 stayed in Tiene, and because of the maltreatment meted on us,
2 those of us who could not bear it up, we decided to cross over
3 and we joined our brothers who had stayed in Pujehun. So those
4 who went to Kakata, I cannot say much about them. Those who were
09:49:20 5 in Senge, I cannot say much about them. I was focused on
6 Pujehun. Together with Tonkara I'm fighting there. So I don't
7 know about Kakata, nor do I know about Senge.

8 Q. Mr Witness, did you not learn or did you not know that
9 there were RUF members as well as NPFL members who were fighting
09:49:44 10 at the time that you had crossed - according to your testimony,
11 you had crossed over to Sierra Leone from Tiene? Did you not
12 learn that there were RUF members who came - who kept fighting
13 across the border trying to regain territory from ULIMO and the
14 government forces?

09:50:03 15 A. When I crossed into Liberia - I mean, Sierra Leone, in my
16 statement I did say that when we crossed, we met Tonkara and we
17 engaged Goufor to get ammunition. And after capturing ammunition
18 from the enemy, some of us made our way to Kailahun. So I
19 wouldn't have been in Kailahun and know about those who were
09:50:34 20 fighting in Kakata or in Senge or in Tiene. When I entered
21 Pujehun - I mean, Sierra Leone, I did not go back until 2005,
22 April 7. So I cannot tell you about anybody who was fighting in
23 Kakata, nor can I tell you about Margibi, no.

24 Q. Mr Witness, the fighting that this witness talks about in
09:51:01 25 Pujehun District, the fighting across the border, was pretty much
26 in the same interest and for the same purpose that you and your
27 group were also fighting for. Isn't that the case?

28 A. No. It was not in the interest of what he is talking
29 about. My interest was to go back and meet my men and to see how

1 we could connect and to get to our leader Foday Sankoh in
2 Kailahun. It was not in the interest of what he is talking
3 about.

09:51:39 4 Q. So your testimony is that you did not hear at all or learn
5 at all about a group of RUF fighters - let's keep it to RUF for
6 the moment - fighting their way back from Liberia into Sierra
7 Leone - making incursions into Sierra Leone and going back; you
8 never heard about that?

09:52:03 9 A. No. The group that crossed back into Sierra Leone from
10 Tiene was not fighting back and forth into Liberia and Sierra
11 Leone. Maybe they had their own group. Like I said, I can't
12 tell because I was already in.

13 Q. And about the NPFL, you never heard that the NPFL was
14 involved in any fighting across the border with RUF fighters, did
09:52:26 15 you?

16 A. I am saying no. I never heard that. I was in. I never
17 heard communication with them to say I was monitoring their
18 activities. No, I never heard that from anybody, nor did I hear
19 it from any of the men with whom I was based in the jungle, no.

09:52:46 20 Q. Now, you said that you went to - you eventually made your
21 way to Kailahun in January 1993. Is that correct?

22 A. Exactly so. I went to Kailahun in 1993, exactly so.

23 Q. Can you describe in terms of numbers how many of you were
24 able to make it to Kailahun at this time from the Pujehun axis?

09:53:13 25 A. Yes. I think it's in my statement. I said we were 15 in
26 number and I called the names of some people who went with me.
27 We were 15 in number. Martin Neway [phon], Martin George,
28 Mohamed Small Voice, Augustine Koroma and others. It's in my
29 statement.

1 Q. Now, when you get to Kailahun, did you learn at any point
2 that there had been fighters who were brought back from Liberia
3 who had been caught up in Liberia after they had been pushed from
4 Pujehun? Did you learn about that at all?

09:53:54 5 A. Repeat your question.

6 Q. When you got to Kailahun, were you informed or did you
7 learn from any other means that fighters who were pushed from
8 Kailahun into Liberia had been brought back into Sierra Leone
9 into Kailahun? Did you learn about that?

09:54:15 10 A. No. When we entered Kailahun we met Foday Sankoh, and we
11 told him the way we were pushed from Pujehun, and the way we
12 managed to make our way to join Tonkara back in Pujehun, and the
13 way we made our way to go and meet him in Kailahun.

14 Q. While you were there in Kailahun, did you see - this is
09:54:41 15 after you had arrived in Kailahun - did you see RUF fighters
16 returning from Liberia into Sierra Leone to Kailahun?

17 A. I said no. No, I never saw any RUF fighters returning into
18 Sierra Leone, no.

19 Q. Now, let us see what this witness tells us about what
09:55:11 20 happened --

21 JUDGE DOHERTY: Mr Bangura, before you move to that, can I
22 clarify? The witness referred to "small boys". Is small boys a
23 nickname of one person, or were they actually small boys? On my
24 LiveNote font it is page 12, line 12. The witness was reciting
09:55:30 25 names of people who had accompanied him.

26 THE WITNESS: I said Mohamed Small Voice. Small Voice. He
27 was a man with small voice.

28 JUDGE DOHERTY: Thank you for that.

29 MR BANGURA:

1 Q. Thank you, Mr Witness, for the clarification. So let's see
2 what this witness tells us about what unfolded --

3 PRESIDING JUDGE: Mr Witness, was "Small Voice" part of his
4 name - nickname?

09:55:56 5 THE WITNESS: Yes. Mohamed was his name, but I did not
6 know his last name, and that name Small Voice was his popular
7 name by which he was known. He was called Mohamed Small Voice.
8 He was called Mohamed, but he had a small voice because he spoke
9 slowly, so that was why we gave him the name Small Voice.

09:56:28 10 MR BANGURA:

11 Q. Now, this witness says they were at Kakata and on another
12 occasion Mr Taylor had come to see them, and the question at page
13 3034, line 2:

14 "Q. What was the occasion?

09:56:44 15 A. Well, at that time we had been pushed out. Some of our
16 brothers had returned and entered Sierra Leone. They were
17 in the Pujehun area when we were in the Kakata.

18 Q. When you say you had been pushed, pushed by who?

19 A. That was the ULIMO that pushed us. We retreated to
09:57:01 20 Kakata.

21 Q. And what happened on this occasion that you saw
22 Mr Taylor at Kakata?

23 A. Well, Mr Taylor gave a message to one of his major
24 commanders, who was Isaac Musa. He was in Kakata as a
09:57:17 25 commander.

26 Q. What was the message?

27 A. What he told Isaac was that he should bring all the RUF
28 together that were in Kakata and the surrounding villages.
29 He said Foday Sankoh will collect all of them and take them

1 to Sierra Leone, they have a very big mission.

2 Q. Was he alone when he passed this message to Isaac Musa
3 at the time?

09:57:56

4 A. Well, we were on that parade ground when Foday Sankoh
5 himself came with a convoy from Sierra Leone. He,
6 Mr Taylor, had his commanders who were there together with
7 his bodyguards.

09:58:17

8 Q. Now, just before we move on further you earlier said, I
9 believe it was in your first meeting, that the arms that
10 Mr Taylor had brought for you at Senge were distributed.
11 To whom were those arms distributed?

12 A. Well, these guns, many of it was given to the RUF
13 because some of the NPFL had guns.

09:58:41

14 Q. Also you have mentioned that Mr Taylor gave a message
15 to Isaac Musa to tell you that you were going to have a big
16 mission in Sierra Leone. What did he say, or what did you
17 understand by that statement, a big mission? Was it
18 explained?

09:58:58

19 A. From that point in time I didn't understand a thing
20 except when we came to Sierra Leone I was able to
21 understand that that was the mission.

22 Q. Now, you were telling us about the arrival of Foday
23 Sankoh during that meeting. Can you continue, please?

09:59:18

24 A. When Foday Sankoh arrived at the meeting we were happy
25 because it had taken some - it had taken a long time
26 without seeing him and now we he had requested for us to go
27 back to Sierra Leone, so they brought trucks. These trucks
28 had arms and ammunition covered with bags.

29 Q. When you said they brought trucks, who brought the

1 trucks, or could you tell under whose orders the trucks
2 were brought?

3 A. Those trucks, it was Mr Taylor who gave Foday Sankoh
4 together with the ammunition. The ammunitions were taken
09:59:54 5 from Harbel, there they got the ammunition from, because in
6 the meeting Mr Taylor said Sankoh had gone to collect
7 ammunition from Harbel, so therefore we should be on
8 stand-by to move.

9 Q. Did anything happen?

10:00:19 10 A. Yes, it was not long. After two hours we saw the
11 trucks. Initially we saw two trucks that came. We boarded
12 the trucks, together with the arms and ammunition, and
13 moved to Gbarnga. By then Gbarnga was the headquarter of
14 Mr Taylor in 1992.

10:00:38 15 Q. Which month in '92 are we talking about, Mr Witness?

16 A. I believe it was around November, early November.

17 Q. Did you travel to Sierra Leone?

18 A. Yes, I travelled to Sierra Leone and I was not alone.

19 Q. With whom did you travel?

10:00:58 20 A. I travelled together with many members of the RUF,
21 including another high command of the RUF, who was Rashid
22 Mansaray, including some Liberians."

23 Mr Witness, this group, according to the testimony of King
24 Perry, arrived or left Liberia about November, so they must have
10:01:28 25 arrived in Kailahun before you arrived there and you say you had
26 no knowledge and you were not informed at all about this group,
27 correct? Is that what you are saying?

28 A. I am telling you I don't know anything about any group. I
29 left Pujehun - the man is talking about November. I cannot be in

1 Kailahun and be thinking about Kakata and how they brought
2 ammunition, no. I entered Kailahun and nobody told me that so
3 and so group left Liberia and entered. I don't know anything
4 about that. I only know the way I made my way from Pujehun to
10:02:10 5 Kailahun. Those who made their way, if anybody made their way at
6 all from Liberia to Sierra Leone on that side I cannot say
7 anything about it. I was not there, so I can't give any answer
8 about that.

9 Q. The witness mentions the name Isaac Musa as one of the
10:02:27 10 commanders of Charles Taylor. Do you know that name?

11 A. I only know Isaac Mongor. I don't know Isaac Musa. I know
12 Isaac Mongor who is RUF and who was former RUF member. That is
13 the only Isaac I know about, but I don't know Isaac Musa.

14 Q. He also mentions that Rashid Mansaray was one of the
10:02:57 15 commanders who came back from Liberia with them. Did you at any
16 point know or learn about Rashid Mansaray being in Liberia? I am
17 talking about after all of you people left Naama initially.

18 A. That's the funny part of this whole thing that I don't
19 actually know, because Rashid Mansaray went to Kailahun and I
10:03:23 20 went towards the Pujehun area. So if you are saying that Rashid
21 Mansaray took them back to Sierra Leone, so I don't know whether
22 Rashid came back to Liberia to collect them but I know that from
23 the time we left the base Rashid went along with the other group
24 into Kailahun.

10:03:37 25 Q. Let me ask you, Mr Witness. Paul Vaye, was he a member of
26 the Black Kadaffa that you formed in Pujehun?

27 A. The Paul Vaye man that you are talking about was not a
28 member of the Black Kadaffa.

29 Q. When you say the Paul Vaye that I am talking about, do you

1 know of another Paul Vaye other than the one that you have
2 already discussed in your evidence before this Court?

10:04:16 3 A. I know another Paul Vaye that was trained on the base. I
4 am not talking about any other Paul Vaye, but we had Paul Vaye on
5 the base. I think I made mention of that in my statement. If
6 you check my statement clearly you will see his name there. I
7 mentioned his name regarding certain issues.

8 Q. Just to be a bit clear, you say you know another Paul Vaye.
9 How many persons do you know that go by the name Paul Vaye?

10:04:37 10 A. I never told you that I know another Paul Vaye. I told you
11 that I know Paul Vaye that went with us and trained in
12 Camp Naama. I did not tell you that I know another Paul Vaye. I
13 only know about one Paul Vaye with whom we were trained. That
14 was the Paul Vaye that I spoke about when I said he, I and
10:04:57 15 Vincent went to visit Monica. That is the Paul Vaye that I am
16 talking about.

17 Q. Thank you. What about Sam Kolleh, was he a member of the
18 Black Kadaffa group that you formed in Pujehun?

19 A. Sam Kolleh was in Kailahun. He was not a member of the
10:05:19 20 Black Kadaffa. I told you we had Jackson Samba and other people.
21 Tonkara was the commander. Monica too was a member of the Black
22 Kadaffa and she went with me when we were making our way through
23 to Kailahun. I said that.

24 Q. Thank you. Now let's move on to another subject. Remember
10:05:48 25 yesterday we talked about recruitment for the mission in Sierra
26 Leone, I mean recruitment by the RUF in Liberia, and you had said
27 that all of you who went to the base were recruited by Pa Morlai
28 and that there was no other person who was involved in recruiting
29 people. Do you recall saying something to that effect?

1 A. That's my statement. I cannot forget that. That came out
2 from my mouth.

3 Q. So you said you went to the base and there were already
4 quite a number of people there, correct?

10:06:39 5 A. Yes.

6 Q. And to your knowledge all of those persons were recruited
7 by Foday Sankoh?

8 A. Yes.

9 Q. And do you know how he recruited these other people that
10:06:57 10 were at the base?

11 A. The same way I was recruited when I was taken to the base
12 and underwent training. That was the same way they were
13 recruited. They were not recruited to say they were on stand-by
14 waiting for other recruits before they took them to the base, no.

10:07:20 15 All of us were trained until the time we left the base. There
16 was nobody on stand-by to say he was waiting for other people for
17 them to join them before they start the training. No, all of us
18 took the physical training before we left the base.

19 THE INTERPRETER: Your Honours, could the witness be asked
10:07:35 20 to slow down.

21 MR BANGURA:

22 Q. Mr Witness, the question was simply about --

23 PRESIDING JUDGE: Mr Bangura, I just want to caution the
24 witness. Mr Witness, when you talk very fast what you say is not
10:07:48 25 translated to us, what you say is not written, so I ask you what
26 is the use of what you say when you speak so fast? You see. I
27 did ask you to try. I know it's not in your nature to speak
28 slowly, but this is evidence that you are giving.

29 THE WITNESS: Okay, ma'am.

1 PRESIDING JUDGE: It's important that you speak slowly like
2 we all speak slowly.

3 Now, Mr Bangura, you can see from the transcript. I don't
4 know if you need to repeat any question or whatever, but you can
10:08:27 5 see what the witness has said.

6 MR BANGURA: I'll try and get him to - he was actually
7 moving slightly away from the question I had asked, but I will
8 try and see if we can --

9 THE WITNESS: Yes, you can repeat your question. Repeat it
10:08:44 10 and I will answer it the best way possible.

11 MR BANGURA:

12 Q. The question simply, Mr Witness, was whether you knew how
13 the other persons at the base had been recruited.

14 A. Yes. They were recruited by Foday Sankoh. He took them to
10:09:09 15 the base, but he was trained by Rashid Mansaray, Mike Lamin and
16 Mohamed Tarawalli. Those were the people who trained those
17 people. And even me sitting here, I was trained by those same
18 people.

19 Q. And what do you say to the suggestion that other persons
10:09:31 20 also recruited, it was not just Foday Sankoh who was recruiting
21 people for the RUF?

22 A. It was Foday Sankoh who brought the manpower to the base.
23 He recruited people. He persuaded people. He spoke to people
24 and brought them to the base. But when he brought them to the
10:09:59 25 base, it was Rashid Mansaray, Mike Lamin and Mohamed Tarawalli
26 who were responsible for training them. He was the only person
27 who brought recruits to the base. No recruits brought other
28 recruits, no.

29 Q. A witness came to this Court and said that in fact he was

1 recruited to the RUF by somebody else other than Foday Sankoh.

2 [Overlapping speakers] be telling a lie?

3 A. Well, maybe, but I don't know. But all I know is that
4 Foday Sankoh recruited people. He spoke to people. He persuaded
10:10:41 5 people. If you were willing, you will join him. But no recruits
6 brought recruits to the base. No. Maybe some recruits were
7 joined together with others and they all came together, but it
8 was Foday Sankoh who went in search of the manpower. He looked
9 out for them. He spoke to them. He persuaded them and then
10:10:59 10 brought them to the base. But no recruit recruited another
11 recruit. But how could a recruit recruit another recruit, in
12 fact? It was not possible.

13 Q. I have not said that a recruit recruited another recruit.
14 But I have said that somebody --

10:11:15 15 A. But --

16 Q. -- other than Foday Sankoh recruited somebody else in this
17 case in the person of Rashid Mansaray. Was it possible that
18 other persons were recruiting apart from Foday Sankoh?

19 A. Even if people were recruiting apart from Foday Sankoh,
10:11:37 20 then I don't know about that. But I know that the recruitment
21 was done by Foday Sankoh. He looked out for his men and he took
22 them to the base, and they were trained by the instructors whose
23 names I have just called. That is what I know.

24 Q. Mr Witness, the message keeps coming up that you should
25 slow down your pace, so please endeavour to speak a little
26 slowly?

27 Now, did you at any point learn that Sierra Leoneans were
28 held in prisons in Liberia about the time that you were
29 recruited?

1 A. No. I never knew about any Sierra Leoneans who were in
2 jail in Liberia, no.

3 Q. And did you learn from those that you met at the base -
4 your colleagues that you met at the base, whether any of them had
10:12:46 5 been recruited from a prison in Liberia?

6 A. Nobody ever told me about somebody who was recruited from
7 prisons. Some of the Sierra Leoneans whom I met, they told me
8 that because we were all mixed together and we shared the same
9 rooms. When you get to the base, you sometimes explain to your
10:13:16 10 friend the way you got to the base, and some did say that they
11 were in Liberia before the war. They had left Sierra Leone, they
12 came to Liberia and they are working, and Foday Sankoh met them
13 and explained to them about the Sierra Leone war, and that was
14 how they were recruited and taken to Camp Naama base. But none
10:13:35 15 of them told me that they were either in jail or recruited by
16 someone else, no.

17 Q. Mr Witness, let's consider what two witnesses told this
18 Court about the recruitment process, about how it went. We know
19 clearly that Foday Sankoh was recruiting, but let's see what
10:13:56 20 these witnesses tell us about other persons being involved or how
21 the process went.

22 Your Honours, I refer to transcript of 25 March 2010, page
23 37984. This is the testimony of DCT-215. I am reading from line
24 17. The question asked of the witness at line 17 is:

10:14:54 25 "Q. You said you remained at the checkpoint until 8
26 September 1990. What happened on 8 September 1990?

27 A. September 8 was the day when I was at my post. I saw a
28 man whom I had been working with in the company, John
29 Kargbo. He met me and I saw him later that day. It was

1 the very day that I saw him. He came up to me and said
2 that he knew me very well and I said, 'Yes, I know you.
3 We've been working together.' And he said, 'Okay, now is
4 the time that I want you to join me', that we were going to
10:15:45 5 carry the revolution to my home. Then I said, 'Where? He
6 said, 'Sierra Leone.'"

7 Mr Witness, just for your information, 215 is John Vincent.
8 So the witness John Vincent testified, and this testimony is what
9 he gave us, okay?

10:16:11 10 A. John Vincent went to the base along with Foday Sankoh.

11 Q. [Microphone not activated]. I have not really asked a
12 question. Wait until --

13 A. Okay.

14 Q. I move on to the next page, which is 37985:

10:16:31 15 "Q. You were telling us how this fellow John Kargbo said
16 that they were going to carry the revolution to his home,
17 and you said Sierra Leone. Can you continue from there and
18 do so slowly?

19 A. Yes, he said they were taking the revolution to their
10:16:52 20 home. Then I said, 'But what do you want me to do?' Then
21 he said, 'Oh, I already know you. You are going with me
22 and you are going to be a Special Forces.' And I said,
23 'Special Forces for what?' "He said, 'You see how the
24 Special Forces have power in Liberia? If you join me, when
10:17:18 25 you get we get down there you will also be the same. The
26 way they are here, you are going to be a senior man who
27 will pass command and people will take your command.' So
28 he tapped my head.

29 ...

1 Q. This person John Kargbo, you said you knew him before.
2 From where did you know him?

3 A. We were working at Bong Mines.

4 Q. And his nationality was what?

10:17:59 5 A. He was Sierra Leonean.

6 Q. When you met him on 8 September 1990, where were the
7 two of you physically when you had this discussion?

8 A. He met me at the checkpoint and called me aside. That
9 was where we had this conversation.

10:18:18 10 Q. And what did you understand him to be requesting of
11 you? What was he asking you to do?

12 A. He was asking me - he was telling me that they were
13 going to stage their own revolution in Sierra Leone and
14 that I was to be part of that revolution.

10:18:37 15 Q. Were any promises made to you by him in order for you
16 to be part of that revolution?

17 A. Yes. The premise was that I was going to become a
18 Special Forces. That's the first one. And, secondly, when
19 or if the revolution succeeds, I will work with their
10:19:01 20 government that they will set up. Those are the promises
21 that he made to me. But I did not take him seriously until
22 he told me his head was within there in Bong Mines."

23 Now, eventually we know that John Vincent became recruited
24 through this process and became a member of the RUF and joined
10:19:36 25 the trainees at Camp Naama. So, Mr Witness, this is just one
26 example that you have seen where somebody else other than Foday
27 Sankoh was recruiting for the revolution or for the mission in
28 Sierra Leone. Do you agree now that there were other persons
29 involved in this process other than Foday Sankoh?

1 A. I cannot tell you that I agree to the fact that someone was
2 recruiting people. John Vincent went to the base with Foday
3 Sankoh. So should I sit here and say yes, somebody else was
4 recruiting for Foday Sankoh, then I will be lying because I did
10:20:18 5 not see it with my eyes. Then I will be lying to the people.
6 But I saw John Vincent at the base who came with Foday Sankoh,
7 and he introduced him to the other recruits. It was not Kargbo
8 introduced John Vincent. So if I sit here and say that somebody
9 else other than Foday Sankoh was recruiting people and bringing
10:20:38 10 them to the base, then I will be lying.

11 Q. Mr Witness, let's see what further this witness tells us
12 about other ways that people were recruited. Your Honours, I
13 refer to page 38000, and I'm reading from the last line on that
14 page, line 29:

10:21:08 15 "Q. While you were at Crab Hole did the person you
16 referred to as Pa Morlai stay there with you at that
17 location?

18 A. Yes, he was with us throughout. He will just go out,
19 return, go and come. But he was with us throughout. He
10:21:31 20 slept with us; he ate with us. Everything we did together
21 at that time.

22 ...

23 Q. You said Pa Morlai would go out and come back. Do you
24 know to where he was going when he would go out?

10:21:53 25 A. Well, I told you that Pa Morlai had his adviser at
26 Firestone. He used to go there. And then when he got
27 around there, those areas that he saw Sierra Leoneans or
28 other people who were arrested and put in jail, he would go
29 and negotiate for their release and that was how he was

1 doing his recruitment. Any time he went out, when coming
2 back, he brought with him two or three men. Sometimes he
3 went, four or five men he brought with them, and that was
4 how he was doing his operation.

10:22:36 5 Q. You said that when he went to those areas that he saw
6 Sierra Leoneans or other people who were arrested and put
7 in jail, he would go and negotiate for their release. To
8 whom are you referring when you refer to persons arrested
9 and in jail?

10:23:01 10 A. Mmm, I remember that a few Sierra Leoneans whom he
11 brought to us, he explained the condition under which they
12 were arrested and put in jail, and he said some of them
13 were suspected of being enemies or collaborators or other
14 things. So he would go, negotiate for their release and he
10:23:18 15 brought them to the base to join us. One Augustine, he
16 had - Augustine Gbao was released that same way. He had
17 Lawrence Womandia who was released that same way, and some
18 other people he negotiated for their release and he
19 recruited them, and he would tell them that it will be safe
10:23:48 20 for them to join a particular area - to stay in a
21 particular area because if they are suspected of being
22 spying - of spying or other things, and if they were found
23 out, they were going to see them to be other people. So he
24 said they were supposed to be restricted in particular
10:24:07 25 areas. That was how he brought most of them to us."

26 So, Mr Witness, John Vincent told this Court that there
27 were people who were - who Foday Sankoh recruited from jail. Do
28 you have a reason to challenge that testimony?

29 A. I have a reason to say that I don't know and I am simply

1 telling you that Foday Sankoh's recruitment that he did, I was
2 not with him moving from place - one place to the other, no. He
3 brought manpower to the base. Like in the case of
4 Augustine Gbao, Augustine Gbao was not in jail. Lawrence
10:25:01 5 Womandia was not in jail. Most of those people were working
6 before the revolution entered Liberia. Like in the case of
7 Jonathan Kposowa, he was a teacher in Harbel when Foday Sankoh
8 met him and brought him to the base. That was how I knew about
9 the coming of those people to the base. But I don't know about
10:25:22 10 whether there were Sierra Leoneans jailed for spying or that they
11 came as reconnaissance, no, I don't know about that. I never
12 heard at the base that this man was in jail, that Foday Sankoh
13 went and asked for his freedom from there. No. I did
14 not - maybe those things happened, but I never heard that on the
10:25:49 15 base.

16 Q. Mr Witness, when you say this was how you learnt about how
17 these people were recruited and you never heard this on the base,
18 or this was what you heard on the base - or at the base, now,
19 tell us or tell this Court how did you learn about these things?
10:26:10 20 Tell us in what way would you get by such information?

21 A. I learnt about the way Issa Sesay was brought to the base.
22 I learnt about how Jonathan Kposowa came to the base and became
23 member. Augustine Gbao. Myself, the way I got to the base. But
24 we were not told that a particular group was in jail and Foday
10:26:53 25 Sankoh freed them to come and join us. We were told that he was
26 looking for his men and anywhere wheresoever he could get
27 manpower that he would be able to persuade, then he would bring
28 them. That was how he got us.

29 But if Vincent said that that was what Foday Sankoh told

1 him, then I was not present at that time. But I know how some of
2 these people came to the base. Like for Issa Sesay, he was in
3 Abidjan. Youssoufu Sillah was in Abidjan. Keifa Wai was in
4 Abidjan. He brought them from Abidjan to join us, to join us at
10:27:31 5 the base. That was how he brought those people, so I know about
6 those people. But I don't know about anybody else who was in
7 jail and who was freed by Foday Sankoh to come and join us.

8 Q. Mr Witness, the point was just simply: Did you learn about
9 the way in which others were recruited mainly by discussion with
10:27:56 10 your colleagues on the base, was it simply by casual discussion,
11 a little gossip here and there on the base? Was this how you
12 learned the circumstances of recruitment of some of your
13 colleagues?

14 A. At the base, people did not even gossip. I told you that
10:28:18 15 we all shared the same rooms, because if you gossip you go
16 against the rule. We were all sleeping, sharing the same room.
17 You know, if you eat together and you all sleep at the same
18 place, you share ideas. So you will be able to know how some
19 people were brought to the base. Even Foday Sankoh told us -
10:28:39 20 anytime he came to the base he explained to us. When he brought
21 someone he told us how he - where he got the person from and how
22 he brought the person to the base, so it was through that that we
23 were able to know about one another.

24 Q. Your testimony is that Augustine Gbao came to the base as a
10:28:57 25 spy or, rather, he was suspected to be a spy. He just happened
26 to have breached your security and was within the base. Wasn't
27 that your testimony?

28 A. Yes, Augustine Gbao came as a spy to spill over information
29 about us at the because.

1 Q. So what John Vincent tells this Court about how
2 Augustine Gbao was recruited is not true, is that what you are
3 saying?

4 A. I know how John - no, how do you call it in fact, how
10:29:40 5 Augustine Gbao was recruited. I know and that is the right story
6 I am giving to you. Maybe that is his own story that he is
7 giving - he had given to you, but I know about the correct story
8 about how Augustine Gbao was recruited because I was working
9 directly with --

10:30:00 10 THE INTERPRETER: Your Honours, could the witness be asked
11 to repeat that last bit.

12 PRESIDING JUDGE: Pause, Mr Witness. You got lost where
13 you said, "I know the story about how Augustine Gbao was
14 recruited because I was working directly with", then we didn't
10:30:18 15 hear the rest of your testimony. Can you repeat from that point.

16 THE WITNESS: I can repeat from there. I said I know the
17 way Augustine Gbao was arrested on the base when we were
18 recruited because I was an MP on the base, a military police. I
19 know how he entered the base and he was arrested. From there the
10:30:40 20 investigation took place before he was allowed to join us to
21 become a recruit.

22 MR BANGURA:

23 Q. Mr Witness, in your earlier testimony you had mentioned
24 Foday Sankoh making an ultimatum, giving an ultimatum to the
10:31:03 25 Government of Sierra Leone. Do you remember you said you heard
26 that ultimatum given and this was in February 1991. Do you
27 recall that?

28 A. Repeat your question.

29 Q. You talked about an ultimatum which Foday Sankoh gave to

1 the Government of Sierra Leone. This was before you left the
2 base to attack Sierra Leone. He gave the government an ultimatum
3 to step down, I believe. Do you recall that?

10:31:39 4 A. Yes, I recall that and he gave the government 90 days to
5 step down. It was not before that that that we moved. And it
6 was after giving that ultimatum that we moved in in March.

7 Q. I simply want to find out how you heard this ultimatum.
8 How did Foday Sankoh make the ultimatum, if I may rephrase the
9 question?

10:32:06 10 A. We were on the base when he said that he has given the
11 Momoh government 90 days to step down. He was at the base and he
12 told us that he has given Joseph Momoh 90 days to step down.

13 Q. You said when you heard. How did you hear this, that's the
14 question?

10:32:30 15 A. From his own mouth. He said that he gave Momoh 90 days to
16 step down. He told us this from his own mouth. It was not that
17 we were standing by, then he was giving information to Momoh
18 saying that, "Oh, Momoh, I have given 90 days to step down." No.
19 But he did tell us that he gave Momoh 90 days to step down before
10:32:57 20 we took off in March.

21 Q. Did he tell you, I mean all of you at the base, how he had
22 made this ultimatum?

23 A. He never told me. He never told us the procedure he used,
24 but he said he gave Joseph Momoh 90 days to step down. That was
10:33:17 25 what he told us.

26 Q. Did you hear that this ultimatum was in fact given by - or
27 there was some radio broadcast about this ultimatum on BBC? Did
28 you hear that?

29 A. I was at Crab Hole and hadn't access to radio. I was in

1 Crab Hole. He only told me - he only told us that he had given
2 Joseph Momoh 90 days to step down. That was what he told us.

3 Q. Thank you. Mr Witness, do you recall telling this Court
4 that you first heard about ULIMO being in training at Towama base
10:34:52 5 in Kenema, that is in late 1991 into 1992? Do you recall that?

6 A. Yes, that's my statement. I said it.

7 Q. And shortly after this ULIMO then started attacking your
8 positions?

9 A. Yes, they started attacking us from Pujehun.

10:35:12 10 Q. Now I just want read to you the testimony of Mr Taylor
11 about the period that ULIMO actually, according to his testimony
12 - that ULIMO started threatening - started operating from Sierra
13 Leone and threatening Liberia. I will just read that testimony
14 to you and we will see how that sits with what you have told this
10:35:45 15 Court. Okay?

16 Your Honours, I refer to the testimony of 20 July 2009,
17 page 24794.

18 Now, Mr Witness, I will just read for you the testimony of
19 Mr Taylor relating to the time frame that he says ULIMO was
10:37:10 20 involved in preparing and - from Sierra Leone to attack Liberia
21 and then threatening their positions. Line 19:

22 "Q. Which invaders?

23 A. From Sierra Leone, the ULIMO invaders. Remember I
24 mentioned here about intelligence and I say it was
10:37:33 25 confirmed those invaders - those captured verified to us
26 that in fact they were getting training, arms and
27 ammunition from the Government of Sierra Leone and
28 they - and Guinea, that the material was coming through
29 Guinea into Sierra Leone and down to their support. With

1 this information - and I think this information is also
2 verified through testimony - through testimony before this
3 Court about the arming and training by Prosecution
4 witnesses. They verified that. We then took the decision
10:38:15 5 to contact the RUF, or whoever they were across the border,
6 to see if we could put together a programme that would help
7 me to protect my border and fight the common enemy that now
8 is ULIMO. ULIMO is fighting them; ULIMO is fighting us.
9 So the point here now is to see if we can come together to
10:38:46 10 secure the border. I then begin the investigation to find
11 out who knew Sankoh. We got to know that our Special
12 Forces, some of them knew him. I asked for him to be
13 contacted and to come and see me, and he did in August of
14 1991."

10:39:16 15 Further down on that page, line 19.

16 "Q. And this, you say, was in or about August of 1990 --

17 A. August of 1991, yes."

18 Line 22:

19 "A. Sankoh arrived in Gbarnga. So Sankoh arrived in
10:39:42 20 Gbarnga in August 1991 regarding the threat that ULIMO was
21 causing not just to the RUF in Sierra Leone, but also the
22 NPFL in Liberia."

23 Now, I move on to the next page, 24796. Reading from line
24 5, this is in the middle of an answer that Mr Taylor is giving
10:40:16 25 and he says:

26 "And so I then said to him that I had sent for him to
27 discuss this border problem and ULIMO coming in Liberia."

28 The "him" there is referring to Foday Sankoh who he has
29 invited to Liberia.

1 "He said, 'Oh, but even ULIMO is fighting us.' So for him
2 this was a welcome development to come into Liberia to meet
3 me and for me to talk about this common - this common plan
4 to protect the border that ULIMO would not cut behind him.
10:40:57 5 Because his concern was as he was advancing his revolution,
6 ULIMO in Liberia was trying to close him in. And so he was
7 very, very happy to come to discuss this common border
8 security that I had asked him to put into place.

9 Q. And what was agreed between the two of you?

10:41:22 10 A. Well, it was agreed that we would protect the border;
11 but that he did not have the manpower to protect the border
12 and to block ULIMO; that if I had the manpower, I could
13 send the manpower to the border, and the manpower could
14 stay at the border and even a little way inside Sierra
10:41:43 15 Leone to prevent ULIMO from carrying on these operations.
16 So I agreed to that."

17 So, Mr Witness, as you can see, this is the testimony of
18 Mr Taylor, and he is making an initial effort, accord to him, in
19 - August 1991 is when he realises that ULIMO is becoming a threat
10:42:40 20 and they were not only attacking Sierra Leone - RUF in Sierra
21 Leone, but also becoming a threat to the NPFL across the border.
22 Your testimony, as we have already noted, is that you learnt
23 about ULIMO being in training about late 1991 into early 1992 and
24 that they actually started attacking your positions sometime
10:43:05 25 later in 1992. Isn't that the case.

26 A. That was what I said. Where I was based in Pujehun, it was
27 at that particular time that the attack took place by ULIMO
28 authorities. That's what I know about.

29 Q. When Mr Taylor tells this Court that ULIMO's threat started

1 as far back as August 1991, what is your comment about that?

2 A. Let me tell you one thing. He talks about meeting Foday
3 Sankoh in Gbarnga, isn't that so? I was not there during that
4 arrangement. I was fighting. Where I was residing the time that
10:43:57 5 ULIMO attacked us, that's what I am talking about.

6 Q. I just want you to - not so much about the meeting with
7 Foday Sankoh in Liberia, but to address the question of time
8 frame that Mr Taylor has given about when ULIMO started posing a
9 threat not only to the RUF, but also to the NPFL across the
10:44:18 10 border. That's the area that I have invited your comment on.

11 A. That's the area I am talking about, on my own side. The
12 point at which ULIMO started attacking me, that's the point I am
13 taking about in my statement. That's what I know about in
14 Pujehun.

10:44:36 15 Q. And at this time that ULIMO started threatening your
16 position in Pujehun, they hadn't started threatening the position
17 of the RUF in Kailahun, had they?

18 A. I can't tell you that. I can't tell you yes or no, because
19 I was not in Kailahun. I was in Pujehun. If you look, if you
10:44:59 20 heard my statement, I can't be in Pujehun and reporting on
21 Kailahun.

22 Q. But, Mr Witness, you had established communication now in
23 Pujehun. Remember you set up the communication base in Potoru
24 and you were now in communication with your - with the other
10:45:18 25 group in Kailahun and you would share information generally,
26 wouldn't you?

27 A. But we never shared - they never told us that ULIMO was
28 attacking them in Kailahun. They never told us that. The radio
29 station was based in Potoru. They never told us that ULIMO was

1 attacking them. We had the pressure from Harbel all the way to
2 Pujehun.

3 THE INTERPRETER: Your Honours, can he repeat the name of
4 the place where the attack was coming from.

10:45:57 5 PRESIDING JUDGE: Mr Witness, can you repeat the name of
6 the place where the attack was coming from.

7 THE WITNESS: Dandabu. There was a town going towards Bo,
8 it's called Dandabu.

9 PRESIDING JUDGE: Mr Interpreter, can you spell that for
10:46:12 10 us?

11 THE WITNESS: D-A-N-D-A-B-U.

12 MR BANGURA:

13 Q. Mr Witness, so in fact there was no such information at all
14 that there had been a threat by ULIMO to Kailahun by the time
10:46:44 15 that they started attacking you in Pujehun, correct?

16 A. I said I don't know. I was in Pujehun. I cannot give
17 account of Kailahun. Nobody told me anything about that.

18 Q. Mr Taylor told this Court that in fact that threat had been
19 - had begun since as far back as 1991 - August 1991. He would
10:47:13 20 not have been very truthful to this Court, would he?

21 A. I am truthful to the Court about the dates ULIMO attacked
22 me. That's what I am saying.

23 Q. [Microphone not activated] about Mr Taylor. I am not
24 talking about you this time. If we believe your evidence, it
10:47:30 25 means that Mr Taylor's timing on this point would not have been
26 correct.

27 PRESIDING JUDGE: Mr Bangura, to be fair to the witness, he
28 has not proved or disproved this other evidence. He is simply
29 saying he can't comment on it because he wasn't there. He has

1 not refuted the evidence. He is simply saying he is not in a
2 position, and for you to press, you are simply compounding the
3 argument. It's not helpful.

10:48:04

4 MR BANGURA: I take the point, your Honour. I will leave
5 that --

6 THE WITNESS: He wants to put words into my mouth.

7 MR BANGURA:

8 Q. Mr Witness, you have made this statement quite a few times
9 about putting words into your mouth.

10:48:15

10 A. Yes, that's what you are doing. When I said I don't know,
11 you still insist.

12 PRESIDING JUDGE: Mr Witness --

13 THE WITNESS: Sorry, ma'am.

14 PRESIDING JUDGE: -- I am the one that settles the issues.

10:48:24

15 THE WITNESS: Sorry, ma'am.

16 MR BANGURA: [Microphone not activated] was just going to
17 point that out to, Mr Witness, that there are judges here and on
18 the other side there is a lawyer who - if you like to call it
19 counsel on the other side --

10:48:36

20 PRESIDING JUDGE: Mr Bangura, I am the one that settles the
21 issues. Please move on.

22 MR BANGURA:

23 Q. Mr Witness, you made a statement to the Defence before you
24 came to testify, correct?

10:48:57

25 A. Can you please repeat the statement I made to the Defence?
26 I want to know the statement before I can say yes.

27 Q. I am simply asking you did you make a statement to the
28 Defence before you came to testify in court?

29 A. Yes, I made a statement and the statement, I think, I have

1 gone through it. If you look at the statement and ask me
2 questions, I will be able to answer you in the best way.

3 Q. And the Prosecution was provided with a summary of a
4 statement which you made, and certain facts were stated in that
10:49:43 5 statement which you were expected to testify on in court. One of
6 the facts which you were - we were told you would testify on,
7 which is basically a matter that is contained in your statement,
8 was that ULIMO attacks across the border from Sierra Leone was
9 one of the reasons why the - I don't want to misquote you, so I
10:51:07 10 am just trying to read exactly what this summary says --

11 JUDGE LUSSICK: Would you be quoting the witness by
12 referring to the summary?

13 MR BANGURA: Not exactly, your Honour.

14 Q. The reason why the RUF came over to Sierra Leone was to
10:51:35 15 forestall attacks by ULIMO across the border into Liberia. One
16 of the reasons why the RUF came over to Sierra Leone was to
17 forestall these attacks by ULIMO - I see counsel on his feet --

18 PRESIDING JUDGE: Yes, Mr Anyah.

19 MR ANYAH: Let me allow the counsel to finish his question.

10:51:56 20 MR BANGURA: Unless the objection is to the question --

21 PRESIDING JUDGE: No, Mr Bangura, you said you are quoting
22 from the summary.

23 MR BANGURA: The summary, that's right.

24 PRESIDING JUDGE: Where? Can you refer us to the part that
10:52:10 25 you are quoting from? I have before me pages 40, 41, 42, up to
26 43 that contains the summary of this witness. Which page are you
27 referring to?

28 MR BANGURA: [Indiscernible]. I am referring to page
29 26962 - this is the CMS page number - and the second paragraph on

1 that page at the middle of that paragraph:

2 "At the time of invasion, ULIMO was training in Kenema and
3 NPFL wanted to weaken their strength by 1991".

10:53:15

4 Just that sentence is the point I am trying to put to the
5 witness. At the time - a time - not really at the time - at time
6 of invasion, ULIMO was training in Kenema and NPFL want to weaken
7 their strength. That's the line I wanted to pursue with the
8 witness.

9 PRESIDING JUDGE: Then please ask your question.

10:53:35

10 MR BANGURA:

11 Q. Mr Witness, did you tell counsel or the Defence that at the
12 time that the RUF invaded Sierra Leone, ULIMO were training in
13 Kenema and that the NPFL wanted to weaken their position; that
14 was one of the reasons that you attacked? Did you say that? Did
15 you tell counsel that?

10:54:03

16 MR ANYAH: Madam President, with respect, the question
17 posed, especially the last part regarding whether that was one of
18 the reasons for the attack, is not consistent with the summary.
19 A question may be posed based on this summary regarding the basic
20 fact or question of whether or not ULIMO was training in Kenema
21 and that the NPFL wanted to weaken their strength. But to say
22 that that was one of the reasons for the invasion, that cannot be
23 deduced or inferred, in our submission, from this summary.

10:54:22

24 PRESIDING JUDGE: Yes, I think you are right, counsel.

10:54:41

25 Mr Bangura, please break down your question so that it logically
26 flows from what is written in the summary.

27 MR BANGURA: [Microphone not activated]

28 Q. Did you tell counsel that at the time that you invaded
29 Sierra Leone, which is March 1991, ULIMO was training in Kenema?

1 A. Yes.

2 Q. Now, your testimony before this Court is that ULIMO were
3 training in Kenema about late 1991 into 1992. Isn't that the
4 case? Isn't that your testimony before this Court?

10:55:38 5 A. I said yes, ULIMO was training in Kenema in a town
6 called Towama. In the late 1991 to 1992 they started attacking
7 our position from Dandabu Highway. They were trained in Kenema.
8 Yes, they were trained in Kenema.

9 Q. Thank you. And you also said that the NPFL wanted to
10:56:29 10 weaken the position of ULIMO, and that was - was that one of the
11 reasons why you attacked - why the RUF attacked?

12 A. I never said that the reason RUF - that was the reason RUF
13 attacked Sierra Leone. RUF had a mission from Foday Sankoh.
14 When we entered, that was the time ULIMO was training to push us
10:56:59 15 out of Sierra Leone to come and attack Charles Taylor. That was
16 what I said, but I never told you - I never said in my statement
17 what you said. RUF had a mission to go to Sierra Leone and when
18 we entered, ULIMO was training to come and attack Charles Taylor.
19 And we were the first group that they encountered. They said we
10:57:22 20 were an obstacle to them, that was why they were attacking us
21 together with the government forces. That's my statement.

22 Q. Mr Witness, you entered in March 1991 and it was not until
23 about late 1991, which is possibly six, seven months, eight
24 months down the line, before you heard about ULIMO training in
10:57:46 25 Kenema. Isn't that the case?

26 A. Repeat your question.

27 Q. You entered Sierra Leone in March 1991 and it was not until
28 late 1991, possibly seven or eight months down the line, that you
29 heard about ULIMO training in Kenema.

1 A. Yes, late. 1991 to '92, ULIMO was - in '91 they were
2 training and in '92 they started attacking us. They said we were
3 a blocking force for them, they wanted to come into Liberia to
4 fight. So the government supported them, that is Momoh.

10:58:38 5 PRESIDING JUDGE: You are veering off the point that you
6 are being asked. You have already told us all that. The
7 question put to you was very narrow and I think you even missed
8 it. You missed it in your zeal to tell us the rest of the story.

9 MR BANGURA:

10:58:58 10 Q. So why did you say or why did you tell the Defence that at
11 the time you invaded, which is March 1991, NPFL wanted to weaken
12 the strength of ULIMO? Why did you say that?

13 A. How can NPFL weaken the strength of ULIMO when NPFL was not
14 in Freetown? We were in Freetown, Sierra Leone. We were the
10:59:27 15 ones ULIMO first met before coming to Liberia. We were the
16 blocking force, according to them. And they were backed by the
17 government to push us.

18 Q. Mr Witness, I asked the question because that's what came
19 up in what we were provided with by counsel in your summary; that
10:59:46 20 NPFL wanted to weaken their strength, the strength of ULIMO at
21 the time that you attacked Sierra Leone, which was March 1991.

22 PRESIDING JUDGE: Mr Bangura, is your issue the timing of
23 the testimony or the fact that the NPFL was ever involved? What
24 is the issue with the witness?

11:00:15 25 MR BANGURA: It's about timing, your Honour.

26 PRESIDING JUDGE: Then make it clear that it's the timing
27 you're questioning.

28 MR BANGURA: Your Honour, I think I have made the point. I
29 will let the witness confirm his position clearly.

1 PRESIDING JUDGE: I don't know. I am not sure that the
2 witness has seen your point. If you think he has answered, then
3 move on.

4 MR BANGURA: I believe the transcript indicates clearly
11:00:42 5 that they attacked in March and he learnt about the training --

6 PRESIDING JUDGE: In which case, Mr Bangura, please move
7 on.

8 MR BANGURA: Thank you, your Honour:

9 Q. Mr Witness, you told this Court that Mike Lamin was
11:01:06 10 arrested for executing an NPFL soldier. Do you recall?

11 A. Yes, that's my statement.

12 Q. And he was kept in jail in Bomi for three months, correct?

13 A. Right.

14 Q. Your testimony is that after that time you never saw him
11:01:34 15 again until in 1994, correct?

16 A. Yes.

17 Q. And when you saw him next, it was at Zogoda, correct?

18 A. Correct.

19 Q. And he had just come back and was being - was coming to
11:02:04 20 join the RUF again. Is that right?

21 A. Correct.

22 Q. Foday Sankoh then asked that he be taken around to
23 different front lines so that he is introduced to the fighters
24 and so they know that he was one of - a member of the RUF because
11:02:28 25 he had been forgotten for quite some time. Do you recall that?

26 A. I remember all of that statement. That's my statement.

27 Q. And you further told this Court that later when Zogoda was
28 attacked, which is in 1996, he was among RUF fighters who moved
29 towards Pujehun and retreated from Zogoda when Zogoda was

1 attacked. Do you recall that testimony?

2 A. Yes.

3 Q. I just want to show you the testimony of a witness who came
4 to this Court and mentioned Mike Lamin coming back to the RUF at
11:03:19 5 a different time. I just want your comment, okay?

6 Your Honours, transcript of 13 April 2010, page 38889. I
7 will read the question at line 14:

8 "Q. Okay, fine. That's all. Forget that topic now.

9 Let's move on. Does the name Mike Lamin mean anything to
11:04:35 10 you?

11 A. Yeah.

12 Q. Was he a vanguard?

13 A. Mike Lamin was a vanguard, I used to hear.

14 Q. Same question: What kind of a man was he?

11:04:50 15 A. Mike Lamin is a very cunning person.

16 Q. Was the word you used 'cunning'?

17 A. I said he is a very cunning person.

18 Q. Why do you say that?

19 A. Mike Lamin, when he met me - when he met me in Danane,
11:05:10 20 I took him back to Foday Sankoh. Because according to him,
21 he wanted to go back to Foday Sankoh after leaving the
22 revolution, the movement, from 1991. He met me in '96 in
23 Danane.

24 Q. Was that the first time you'd met him?

11:05:35 25 A. That was the first time in my life in Danane.

26 Q. Danane?

27 A. Yes."

28 Mr Witness, this witness says, as you have heard, that Mike
29 Lamin left the movement in 1991, which, according to your

1 testimony, is true. Isn't that so?

2 A. My testimony says Mike Lamin left us in 1992.

3 Q. '92.

4 A. I never told you '91.

11:06:14 5 Q. [Microphone not activated] he was arrested?

6 A. Exactly so.

7 Q. So what do you say about his testimony here that Mike Lamin
8 had not come back to the movement since 1991 until then, which
9 was in '96? Is that a correct statement of the facts as you know

11:06:36 10 them?

11 A. I know that my statement is correct. I cannot talk about
12 that man's statement. I knew the time that I saw Mike Lamin in
13 Zogoda. It was in 1994 when I saw him. He even met me in
14 Ngolahun Vaama when he went to talk to my boys, the soldiers who
11:06:57 15 were assigned under me. I know the year. Mike Lamin is not a
16 stranger to me.

17 Q. Indeed, Mr Witness, your testimony was in fact confirmed by
18 the testimony of another witness whose testimony was read to you
19 in court here. That is, 045, Augustine Mallah. Do you recall
11:07:19 20 that, that Mike Lamin came back to Zogoda in '94? That was
21 confirmed by Mallah's testimony. Isn't that the case? Do you
22 recall?

23 A. I said Mike Lamin came back to the RUF in 1994 when I met
24 him in Zogoda. I said it.

11:07:43 25 Q. And to the best of your knowledge, he continued to remain
26 with the RUF until Zogoda fell when he moved across through
27 Pujehun. Is that correct?

28 A. Yes. When Pujehun he fell - sorry, when Zogoda fell, he
29 found his way to Pujehun. From Pujehun, he was --

1 THE INTERPRETER: Your Honours, can he kindly repeat his
2 answer clearly.

3 PRESIDING JUDGE: Mr Witness, can you repeat what you just
4 said. When Zogoda fell, what happened?

11:08:17 5 THE WITNESS: When the enemy pushed Mike Lamin and others
6 from Zogoda, he found his way to Pujehun. There was no way in
7 Pujehun, so he crossed into Liberia into ULIMO territory, that is
8 Alhaji Kromah's ULIMO, at the border from Tiene all the way. So
9 that was where he found himself. At the time I was in the
11:08:41 10 Northern Jungle.

11 MR BANGURA:

12 Q. Mr Witness, you told this Court that there was no
13 cooperation between the NPFL and the RUF in Kailahun in an effort
14 to fight off ULIMO. You remember I just referred to your
11:09:04 15 testimony on that point?

16 A. That's my statement. I said I don't know about any RUF
17 fighting alongside NPFL to push ULIMO. That was what I said. I
18 don't know.

19 Q. Well, let's see whether it's a question of you not knowing
11:09:26 20 or whether it's a question of that did not happen at all. Your
21 testimony is - your Honours, I refer to testimony from 22 April
22 2010, page 39681, line 7:

23 "Q. Was there ever a time when your group with the RUF was
24 cooperating with the NPFL to fight ULIMO?

11:10:24 25 A. No. Where I was, no, because we were already in."
26 I will go on to the next page. That's at page 39682,
27 reading from line 14:

28 "Q. What of the Kailahun group? Did you hear of any
29 cooperation between them and the NPFL to fight ULIMO?

1 A. No. Because I was far away from them and when I went,
2 they never told me that some men went to fight with the
3 NPFL in Liberia."

4 Now, in fact, Mr Witness, we have evidence already before
11:11:35 5 this Court which I read to you earlier, that Mr Taylor had struck
6 an agreement with Foday Sankoh to provide support for fighting
7 ULIMO. Do you recall that testimony?

8 A. I remember it, and I answered that I don't know because I
9 wasn't there. Isn't that so?

11:12:00 10 Q. So you are saying that you never knew anything about any
11 cooperation whatsoever between the NPFL and the RUF to fight off
12 ULIMO?

13 A. That's what I am telling you. I don't know about any
14 arrangement. No arrangement was set up in my presence. I was
11:12:17 15 not there for any arrangement in relation to any fighting between
16 ULIMO and the RUF, no.

17 Q. Mr Witness, you talked about Operation Stop Election. Do
18 you recall that?

19 A. Yes.

11:12:43 20 Q. And you talked about the activities of the RUF in trying to
21 stop the election process from going on. Do you recall that?

22 A. I remember all of that statement. It's my statement.

23 Q. You were asked about orders which Foday Sankoh gave to chop
24 off hands of civilians or fingers during the operation if they
11:13:18 25 went out to vote. Do you recall being asked a question about
26 whether Foday Sankoh gave certain orders?

27 A. I remember that I was asked that question and I said no, he
28 never gave that order to any combatant.

29 Q. I just want to show you evidence - testimony of a witness

1 who came to this Court and testified about that operation and
2 about orders which Foday Sankoh gave, okay?

3 Your Honours, I refer to testimony of 11 March 2010.

4 Mr Witness, this is the testimony of a witness that came to
11:14:30 5 this Court and was asked about Operation Stop Election --

6 PRESIDING JUDGE: Could you indicate the page number,
7 please?

8 MR BANGURA: Page 37084, reading from line 8:

9 Q. The witness is asked a question and he answers:

11:14:58 10 "A. Yes, I heard.

11 Q. Tell us about Operation Stop Elections.

12 A. I have no idea about operations because I did not
13 participate. I was not a combatant.

14 Q. What did you hear about what the RUF did? First of
11:15:21 15 all, what was the RUF - you said Sankoh was threatening war
16 because he wanted elections. What was the RUF's position
17 about the 1996 elections?

18 A. The RUF position was that the election should be very
19 democratic.

11:15:45 20 Q. Sir, did the RUF boycott the elections and oppose the
21 holding of an election in 1996?

22 A. Because they knew it was not going to be democratic.

23 Q. So the RUF opposed the elections in 1996?

24 A. Yes, that is true.

11:16:31 25 Q. And they opposed it violently, correct?

26 A. Yes, because we were fighting an armed struggle.

27 Q. In that election, those who cast ballots had their
28 thumbs marked with ink, correct?

29 A. That's what we were hearing.

1 Q. Why are you smiling about that?

2 A. Pardon?

3 Q. And did you hear about the RUF amputating the thumbs or
4 hands of those who had ink on their thumbs?

11:17:20 5 A. Yes, I heard it."

6 I move on to another page reference. This is testimony of
7 14 April - this is the same witness testifying at a later date -
8 page 39016, line 21:

9 "Q. Now, when the elections did in fact go ahead before
11:18:11 10 peace, did Sankoh give any orders in relation to that?

11 A. Yes. I was told that he was persuading Maada Bio to
12 work together to stop the elections, and what I heard again
13 was that Maada Bio told him if you can do it - if you can
14 do it, then I will be with you if you can stop the

11:18:34 15 elections. If you can do what you can to stop the
16 elections, I will be with you. But I have given the people
17 of Sierra Leone my word. It's difficult for me to renege
18 on that one. So if you do it I will be with you, because
19 that will mean that that will have to remain in power. So
11:19:00 20 that was the first thing he told Maada Bio. He then told
21 his boys to do everything possible to make sure the
22 election did not take place.

23 Q. He told his boys?

24 A. Mosquito and the one boy called Ful a Mon Ami. There
11:19:23 25 was a Malian, a young man called Ful a Mon Ami -

26 Q. How do you spell that name?

27 ...

28 Q. To do whatever they could do to stop the elections.

29 And what, in practical terms, did that involve?

1 A. Well, we learned later on that in practical terms, that
2 actually involved cutting people's hands and burning
3 polling booths and so on.

4 Q. Burning what?

11:20:02 5 A. Polling booths.

6 Q. And who gave the orders to do that?

7 A. Foday Sankoh did that one.

8 Q. Where was Foday Sankoh when he gave that order?

9 A. By then Foday Sankoh was still in Zogoda.

11:20:24 10 Q. So Sankoh came out of Zogoda?

11 A. After.

12 Q. After the elections?

13 A. Yeah."

14 I move on to the testimony of the same witness on a
11:20:41 15 different date at 16 April, page 39219. The same witness is
16 testifying. He is in the middle of an answer. I read from line
17 9:

18 "Q. In that meeting Corporal Sankoh launched Operation
19 Stop Elections and appointed Sam Bockarie and Mohamed
11:21:10 20 Jallow as the mission commanders to Kenema and Bo
21 respectively. Do you agree with that?

22 A. Yes, I do."

23 Actually, that is - your Honour, I just realised --

24 MS IRURA: Your Honour, this appears to be a private
11:21:29 25 session transcript.

26 MR BANGURA: I just realised that I am reading portions of
27 a transcript of a document which was admitted in private. I will
28 leave that and I will take the final part of this witness's
29 testimony. I think we will still get the facts in that document

1 from the witness more directly.

2 Q. Testimony of the same witness, 19 April, page 39260, line
3 28:

4 "Q. So, sir, another thing you told us in your testimony
11:22:23 5 was that you were aware of Operation Stop Elections and you
6 yourself had Foday Sankoh give an order to terrorise people
7 by cutting off the hands of those who went to vote. Isn't
8 that true?

9 A. Yes.

11:22:40 10 Q. Sir, what message do you think that sends when you
11 amputate the hand of someone? Do you think that causes
12 terror in those around them?

13 A. Yes, it does."

14 I just end there. Mr Witness, I could go on to a little
11:23:02 15 more detail and give you more specifically what this witness said
16 he heard Foday Sankoh say to the commanders, but what we have
17 already from what I have read, it's clear that this person - this
18 witness, was - is aware and knows that Foday Sankoh gave the
19 orders to cut off the hands of those who went to vote during
11:23:33 20 Operation Stop Elections. Do you have a reason to dispute this
21 testimony?

22 A. I have a reason because I was not far off, I was in the
23 meeting of Operation Stop Election. The operation was sent by
24 Foday Sankoh because Tejan Kabbah wanted elections before peace
11:24:08 25 and we were crying for peace. He, Kabbah, said: No. Elections.
26 So Foday Sankoh said, Okay, since you have said election before
27 peace, that peace would not hold. I would make sure I corrupt
28 that election. He called for a forum. We, the jungle
29 commanders, went to Zogoda. He called for a formation and we

1 went to that formation. He said, We are asking for peace. Tejan
2 Kabbah says no peace. He wants elections, and we want peace
3 before elections. If that is the case, Morris Kallon, you have
4 to go to Kenema. Boston Flomo, alias Van Damme, you go to Bo.
11:25:19 5 You are the commander. Go and stop the elections. Attack the
6 various polling centres. Yes, he said that. Because there were
7 soldiers who were guarding the centres. So if you attack the
8 soldiers at these centres, there will be no election. Then they
9 would know that we are serious about peace. That was the
11:25:47 10 instruction that Foday Sankoh gave in my presence.

11 Q. So you do not agree that he specifically ordered that
12 thumbs be cut off of those who went to vote?

13 A. He never gave that instruction to Morris Kallon or to
14 Boston Flomo. Never. How would he cut people's hands? And who
11:26:17 15 would vote for you in future? He never gave that instruction.

16 Q. [Microphone not activated] say you were at the meeting
17 where Foday Sankoh gave instructions about this operation,
18 correct?

19 A. Quite correct. I said it's correct. Because from Ngolahun
11:26:36 20 Vaama to Zogoda, any meeting, more especially in relation to
21 operations, he used to call the various commanders. I was at
22 that meeting. I was not far off from the meeting. I was right
23 in the meeting.

24 MR BANGURA: Your Honours, I would need to put to the
11:26:57 25 witness a much more detailed, a much more direct evidence about
26 the order. This is contained in a private session testimony. I
27 see the time. I believe I should be able to deal with this in
28 the last five minutes that we have before the break. Probably
29 it's a convenient time to apply that we go into a closed session

1 to deal with this testimony.

2 PRESIDING JUDGE: Right. We are going to go into a very
3 brief private session because we are going to consider testimony
4 of a protected witness that should not be out in the public. For
11:27:31 5 the members of the public sitting, you will be able to see but
6 not hear what is going on in court.

7 Madam Court Manager, please.

8 [At this point in the proceedings, a portion of
9 the transcript, pages 40061 to 40066, was
10 extracted and sealed under separate cover, as
11 the proceeding was heard in private session.]

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1 [Open session]

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

3 MR BANGURA:

4 Q. Mr Witness, again we're still on the question of Operation
12:11:37 5 Stop Elections on the matters we've needed to deal with in
6 private were dealt with. But you in your testimony said that you
7 would not deny that civilians did not get injured during the
8 process of RUF trying to stop the elections from going on. Do
9 you recall that testimony?

12:12:00 10 A. I said yes. I will not deny that civilians were not
11 injured because it was an exchange of fire. Bullet could touch
12 any one of them. But Foday Sankoh did not pass any orders to
13 chop off their hands. That was what I said.

14 Q. Did you in fact learn that civilians got injured during
12:12:28 15 this period?

16 A. Those who went on the operation, when they came back I said
17 in my statement that I was not present when they were giving
18 their reports. I went back to my grounds, that was Ngolahun
19 Vaama. So I was not there when Morris Kallon was giving his
12:12:47 20 report to Foday Sankoh, so I cannot say whether Morris Kallon
21 gave report about civilians who were injured.

22 Q. Apart from learning this from the report - which you said
23 you were not there when it was given, so you would not know -
24 apart from that context, did you hear at all about civilians
12:13:10 25 getting injured on that day that elections were held?

26 A. No, I never heard it from anyone.

27 Q. Did you learn or did you hear about civilians having their
28 hands chopped off at polling stations or - who had gone out to
29 vote?

1 A. I said no, I never got it from anybody. I never heard any
2 information like that from anybody. That was what I said. I
3 said no, I did not get such a report from anybody.

12:14:00

4 Q. Thank you. Mr Witness, do you recall your testimony about
5 the period when there was a Top 10, Top 20 and Top Final in the
6 RUF? Do you recall that testimony?

7 A. Yes, I remember.

12:14:27

8 Q. Do you recall telling this Court that you were told that a
9 certain group of men came from the NPFL who crossed into Kailahun
10 and they were harassing people. Do you recall that?

11 A. I said it. I said some members of the NPFL crossed into
12 Kailahun and they started harassing civilians, raping civilians.
13 I said it.

12:14:52

14 Q. Do you recall saying that you knew that they raped women as
15 well and they forced people to carry loads?

16 A. I have just said that. I said yes, I said it.

17 Q. Your testimony is that these were NPFL soldiers who had
18 crossed from Liberia. About what time did you learn that these
19 NPFL soldiers crossed from Liberia to perpetrate these acts?

12:15:23

20 A. When I arrived in Kailahun, that was the time I learnt that
21 there was Top 20 and Top 40.

22 Q. Now, your testimony is that you arrived in Kailahun on 1
23 January 1993, correct?

24 A. Exactly so.

12:15:45

25 Q. When were you told that these NPFL soldiers had crossed
26 over into Sierra Leone and had conducted themselves in the way I
27 have just pointed out?

28 A. It was the same time that I arrived in 1993 that - 1992,
29 '93 I was told that NPFL soldiers crossed into Kailahun and they

1 were harassing people. That was the same month that I was told.
2 I was not there, but when I arrived there I was informed by
3 civilians and other soldiers that the civilians who bore the
4 pains from the NPFL soldiers explained to me.

12:16:41 5 PRESIDING JUDGE: Mr Witness, I'm going to remind you again
6 to slow down. So far you've been trying and you are doing well,
7 but please continue to slow down in your testimony. Don't speed
8 up.

9 THE WITNESS: Okay, ma'am.

12:16:55 10 MR BANGURA:

11 Q. Were told about what time in 1992 that the NPFL soldiers
12 had crossed the border to commit these acts?

13 A. I never told you the exact time that NPFL soldiers crossed
14 into Kailahun. I was not there, so I cannot tell you about time.

12:17:17 15 I said I was informed when I got there. They told me that some
16 NPFL soldiers crossed into Kailahun across the border and they
17 were harassing peaceful civilians, raping them, looting their
18 properties and forcing them to carry loads.

19 Q. If I understand your testimony well, Mr Witness, you're
12:17:36 20 saying that this was a situation where the NPFL came across to
21 Sierra Leone only for this purpose, perpetrated these acts, and
22 they left and went across to Liberia again. Is that correct?

23 A. I don't think you are getting me. I don't think you are
24 getting my statement right. I told you that when I arrived
12:18:02 25 there, the people in Kailahun - the men I met in Kailahun, they
26 said that a few group of NPFL crossed into Kailahun District and
27 they were harassing people, looting people's property, raping
28 people and forcing civilians to forcefully carry their loads.

29 Q. Mr Witness, in fact these NPFL soldiers that you're talking

1 of who were doing all these bad things were based in Kailahun at
2 the time; they had not just crossed over the border. I'm putting
3 that to you. Do you agree?

12:18:46 4 A. I disagree, because I was not there. When I went, what
5 they told me is what I'm saying. So you cannot tell me to answer
6 to that. I was not there in Kailahun Township. When I got there
7 in Kailahun Township I did not see any NPFL soldiers, but when I
8 got there, what I was told is what I am telling you about.

12:19:09 9 Q. So you had no knowledge that the NPFL had forces - soldiers
10 in Kailahun before you got there in 1993? You had no knowledge
11 about that; is that what you're telling the Court?

12 A. Exactly. That is what I'm telling the Court. I did not
13 meet any NPFL soldiers there. I did not meet any NPFL soldiers
14 based in Kailahun. I met RUF soldiers based in Pendembu,
12:19:32 15 Kailahun, Mobai and some other places where they were deployed.

16 Q. Now, let us see what other witnesses have told this Court
17 about the events that we're discussing now; the Top 20, Top 40,
18 Top Final.

19 Your Honours, I refer to the testimony of 20 February 2008,
12:20:02 20 page 4371. This is testimony of TF1-274.

21 I will read from line 18:

22 "Q. Do you know why this instruction was issued?

23 A. Yes. Based on the information we used to have and the
24 confusion that always took place amongst the NPFL
12:20:49 25 commanders and the vanguards of the RUF, which resulted in
26 too much fighting amongst them, was the reason for the
27 instruction of the NPFL troops going back to Liberia.

28 Q. You stated that there was confusion taking place --

29 A. Yes.

1 Q. -- between the NPFL commanders and the vanguards of the
2 RUF.

3 A. Yes.

4 Q. What do you mean by 'confusion'?

12:21:26 5 A. There was a power struggle in which the vanguards of
6 the RUF thought that the leadership of the RUF should be
7 directly under their command and that the NPFL should be
8 exempted, or removed, from all other appointments within
9 Sierra Leone. At that time the NPFL commanders, like
12:21:57 10 Anthony Mekunagbe, Francis Mewon, Dopoe Menkarzon, were
11 fully in control of supplies and monitoring and dispatching
12 of everything that went on in Sierra Leone. That resulted
13 to infighting between the NPFL fighting troops and the RUF
14 vanguards in a series that was referred to as Top 20, Top
12:22:28 15 40 and Top Final. It was serious bloodshed that took place
16 during those times."

17 Mr Witness, just before we consider somebody else's
18 testimony, did you hear what this witness had to say about the
19 events of Top 20, Top 40 and Top Final?

12:23:01 20 A. I have heard it. I've heard what he said.

21 PRESIDING JUDGE: Mr Bangura, if I may intervene for the
22 record to note that Mr Taylor has walked into court. Please
23 proceed.

24 [The accused present]

12:23:21 25 MR BANGURA:

26 Q. Mr Witness, this witness has told the Court that there was
27 infighting in the RUF between NPFL commanders and RUF vanguards.
28 Do you dispute that?

29 A. I am telling you what I know. I told you that when I

12:24:11 1 crossed, what they told me was - I was not there when they were
2 fighting. But they told me that a certain group of NPFL crossed
3 and they were harassing civilians, looting their properties, and
4 forcefully telling them to take their properties to Foya. That
5 brought about the Top 20, Top 40 and Top Final, and our brother
6 vanguards in the RUF did the Top Final to drive them out of
7 Kailahun. That was what I told you, and it's in my statement and
8 that was what I learnt. I was not there when all those fighting
9 were going on. I was not on the ground.

12:24:33 10 Q. Mr Witness, this witness mentions the name of some of the
11 NPFL commanders on the ground at this time. Anthony Mekunagbe; I
12 think that name has already come up during your testimony. Did
13 you know that there was an NPFL commander by this name in
14 Kailahun?

12:24:56 15 A. If you check my statement and if you see any Anthony
16 Mekunagbe there, I never saw any Anthony Mekunagbe. I never met
17 him in Kailahun. I never saw any of these people that you are
18 calling - you are naming now in Kailahun. So if you are giving
19 me a question, talk about what is in my statement. But if you
12:25:25 20 are asking me about an Anthony Mekunagbe that I don't know, I did
21 not meet him there.

22 PRESIDING JUDGE: Mr Witness, when you're asked a question,
23 please try and answer as directly as possible, okay, with either
24 "yes" or "no" or "I don't know". There is no need to protract in
12:25:46 25 an argument with counsel who is asking you. He's doing his work.
26 He's supposed to ask you these questions, okay? He doesn't know
27 how you will answer. So just answer as directly as possible and
28 do not take offence at the questions put to you.

29 MR BANGURA:

1 Q. Mr Witness, another name that this witness gave to this
2 Court as an NPFL commander was Francis Mewon. Have you heard
3 that name before?

4 A. No.

12:26:18 5 Q. Dopoe Menkarzon; did you hear that this person was an NPFL
6 commander?

7 A. I don't know that name.

8 Q. Mr Witness, this witness tells us that one of the reasons
9 for this infighting was that the vanguards did not want to
10 continue to be commanded by the NPFL commanders who were in
11 charge of everything; supplies, administration and so on.

12 A. What I learnt did not go that way because they told me
13 about harassment, looting and raping. That was what brought
14 about the Top 20, Top 40 and Top Final. But I never knew about
15 power sharing. Nobody told me about power sharing, whether NPFL
16 was in control of power there. No, I don't know about that. But
17 I was told about harassment.

18 Q. Mr Witness, you in fact told this Court that you had a
19 commander in Pujehun who was called Tonkara, correct?

12:27:40 20 A. Exactly so.

21 Q. And Tonkara was a Sierra Leonean, correct?

22 A. Yes.

23 Q. Mr Witness, is it not the case - is it not true that in
24 fact Liberians refused to serve under Sierra Leonean commanders
25 at this time? Isn't that not the case?

26 A. Where do you mean? In Kailahun?

27 Q. Within the RUF generally, Kailahun, Pujehun, wherever you
28 were. Wasn't that the case?

29 A. Where I was in Pujehun, we never had any conflict with any

1 NPFL soldiers because we never had any NPFL soldiers with us.
2 Our command structure was covered by we the RUF. We did not have
3 any conflict with anybody for power greed. We did not have any
4 different people amongst us who wanted to share power with us.

12:28:38 5 Those of us who were in Pujehun, we shared the power, those of us
6 who went. So we did not have such difficulties with anybody
7 there, and I was not in Kailahun about this thing that you are
8 talking about when it was going on.

9 Q. Mr Witness, when you say that you were told - when you went
12:28:59 10 to Kailahun you heard that it was NPFL soldiers that crossed from
11 Liberia, who told you this? How did you learn this?

12 A. I told you that I was informed by civilians and also
13 soldiers who suffered from the weight of the incident that I am
14 talking about. I met Kailondo in Koindu as commander. He was my
12:29:29 15 friend. He told me. He told me about the NPFL soldiers who
16 crossed into Kailahun and how they were harassing, how they were
17 looting. He told me about it and other civilians told me.

18 Q. Mr Witness, this event, even if we have to go by your
19 version, was a very - was something that many members of the RUF
12:29:57 20 did not forget easily. Do you agree?

21 A. Yes, I agree because it happened in their presence. But I
22 was not there, so I cannot say that I agree that it happened. I
23 can only agree to something that happened in my presence because
24 I'm under oath here. But I cannot not agree with something that
12:30:20 25 happened in my presence and then I say, yes, it happened. But
26 I'm saying I was told. I heard it, but I never saw it with my
27 own eyes.

28 Q. The experience that most members of the RUF had from these
29 events were very negative, not so?

1 A. I'm telling you that they experienced it, but I was not
2 there. I was told. Had I been on the scene, I would have said,
3 "Yes, it happened. I saw it." But I was not there, so how can I
4 say that it happened, yes? I said I did not see it with my eyes.

12:31:04 5 Q. Now, let me read to you what another witness says about Top
6 20, Top 40, Top Final. Transcript of 14 July 2008, witness
7 TF1-388, page 13668. I will read from line 15:

8 "Q. So are you saying that you yourself didn't have any
9 personal experience of Top 20, or Top Final?

12:32:07 10 A. For the experience that I had like in the Top 20,
11 really it was a time that these so-called Special Forces,
12 who came from Liberia under the NPFL as they were
13 introduced to us, they came angry with the Sierra Leoneans
14 they met that the Sierra Leoneans had become frisky and
12:32:39 15 they were calling their authorities by even standing up
16 against them for most of the bad deeds that they were
17 doing, or more or less the Sierra Leoneans had condemned
18 them that they didn't want to see them and so they started
19 conducting" --

12:33:04 20 Your Honours, I will abandon that transcript. I will just
21 abandon that. I will not question based on the contents of that.

22 But, Mr Witness, the testimonies we've heard before this
23 Court clearly point to NPFL men who were based in Sierra Leone
24 and who were part of the fighting in Sierra Leone being in
12:33:32 25 conflict with the vanguards, the RUF vanguards, and nobody told
26 you that, you say.

27 A. No vanguard I knew told me that they had conflict with
28 NPFL. Nobody told me that the name of the people you are
29 calling, the Special Forces you've called, were based in

1 Kailahun. Neither did I see them in Kailahun at the time I went
2 there, no.

3 Q. Mr Witness, in your testimony in chief, do you recall you
4 were asked by counsel about somebody called CO Nya? Do you
12:34:16 5 recall?

6 A. Yes, I know Nya.

7 Q. And let's call up your testimony and see what your answer
8 was about CO Nya. Your Honours, the reference is transcript of
9 22 April 2010, page 39694. I will read from line 21 on that
12:35:12 10 page. The question asked of you, Mr Witness, by counsel is:

11 "Q. Have you heard of somebody called CO Nya?

12 A. Yes, I know Nya.

13 Q. Who is Nya?

14 A. Nya was a former NPFL soldier assigned in Lofa County
12:35:33 15 in '94, and when they were overrun by ULIMO by attacking
16 their positions he could not go back to Gbarnga, so he made
17 his way through to the RUF. That was how I got to know
18 Nya.

19 Q. And in what year do you say Nya made his way through to
12:35:59 20 the RUF?

21 A. I am talking about '94 when Nya met us in Kailahun.

22 Q. This fellow Nya, was he a radio operator to your
23 knowledge?

24 A. Well, when he got there I did not know whether he was a
12:36:23 25 radio operator, but I knew him to be a fighter, and later
26 he was assigned with a radio."

27 Now, Mr Witness, this person that you remember called Nya,
28 you said he, when he came in '94, was a fighter and later he was
29 given a radio. When you say he was a given a radio, what do you

1 mean? Or was assigned a radio, actually.

12:37:21 2 A. When Nya met us, he never crossed with a radio and he never
3 told us that he was a radio operator. He said he was a fighter.
4 He came to us because he had no means to get on to his friends,
5 so he said he came to join us. Issa accepted and all of us
6 accepted. We were all together and we were all fighting
7 together. It was later that I saw Nya operating a radio. At
8 that time he and the late Alfred were in Makeni. I saw Nya
9 operating a radio. That was how I came to know that Nya was a
12:38:10 10 radio operator.

11 Q. Mr Witness, when you say the late Alfred, can you give the
12 full name of this Alfred you are referring to?

13 A. I'm talking about Alfred Brown, the late Alfred Brown.

14 Q. It's the same Alfred Brown that you have referred to in
12:38:31 15 your testimony in this Court as a senior RUF radio operator,
16 correct?

17 A. Yes.

18 Q. When did you see Alfred Brown and CO Nya operating a radio
19 in Makeni, you said?

12:38:48 20 A. I am talking about 1999, 2000, yes, because Nya was based
21 in Makeni and Alfred was based in Makeni and I was based in Kono,
22 but I used to do some trips to Makeni, Magburaka and wherever RUF
23 soldiers were assigned. That was the time I saw Alfred and Nya
24 based in the same place. They were living together. And that
12:39:28 25 was how I saw Nya with a radio. But at the time he crossed over
26 to us, he never had a radio and he did not tell us he was a radio
27 operator. He said he was a fighter. That is what I know about
28 Nya.

29 Q. So is it your evidence that since Nya crossed over, the

1 only time that you knew that he was a radio operator was when you
2 saw him operating a radio with Alfred Brown in Makeni? Is that
3 your evidence?

12:40:04 4 A. I am telling you, when he came in, he never told us he was
5 a radio operator. He said he was a fighting, a front line
6 soldier. But at the time he joined Alfred Brown in 1999, 2000, I
7 saw him operating a radio because Alfred knew the radio, he knew
8 about radio and he was a senior operator. That is what I am
9 telling you.

12:40:25 10 Q. Mr Witness, you have not quite answered the question I
11 asked. Was it the first time when you saw Nya in Makeni with
12 Alfred Brown operating a radio, was this the first time that you
13 knew that he was a radio operator?

14 A. That was the first time I knew that Nya was a radio
12:40:49 15 operator.

16 Q. At this time in 1999 were you based in Makeni yourself or
17 were you based elsewhere and was only in Makeni for a different
18 purpose?

19 A. I was based in Kono, but I had access to go to wheresoever
12:41:13 20 the RUF soldiers were based because I had my friends, my
21 colleagues. I would go and spend sometimes a week or two with
22 them and I go back to my assignment. That was how Nya, too, and
23 others used to go to Kono and then go back to their base, to
24 their assignment. We never had a demarcation line to say that,
12:41:33 25 no, you can't go there or you can't go over there. No.

26 Q. Now, you spent some time in Kailahun when you got there in
27 1993, correct?

28 A. Yes. When I got there in 1993, I spent some times.

29 Q. And while you were there you must have been familiar with

1 the names of radio operators that were in Kailahun or within the
2 RUF, generally, right?

3 A. I would know that but I cannot know every one of them
4 because we had different assignments. We did not just have
12:42:15 5 Alfred Brown as a radio operator. We had different boys who were
6 trained by Alfred Brown. And it was not only one radio that we
7 had. I can recall Daf, Kawa, King Perry, High Command and some
8 other boys. But it's not every one that I can remember.

9 Q. And you do not recall the name Nya, CO Nya, as an operator
12:42:38 10 in Kailahun or within the RUF before 1994?

11 A. I never came across that name Nya sending a radio message
12 to any front line. I never came across that name. I knew Nya to
13 be a soldier, a fighter. It was later, '99 - '92 that I saw Nya
14 operating radio, to be frank with you.

12:43:10 15 Q. Let's see what some witnesses have said to this Court about
16 CO Nya. Your Honours, transcript of 2 July 2008, testimony of
17 TF1-567, page 12829. I'm reading from line 3 on that page:

18 "Q. How long did you serve as a mansion guard?

19 A. We were there as mansion guards for a long time.

12:44:27 20 Q. During what year or years were you there as a mansion
21 guard?

22 A. In '91.

23 Q. During the time you were there as a mansion guard, was
24 Foday Sankoh doing any travelling away from Pendembu?

12:44:49 25 A. Yes, during the time I was there as mansion guard Foday
26 Sankoh sometimes left us there and travelled.

27 Q. Do you know where he went?

28 A. He told us that he was going to Gbarnga in Liberia."

29 I'll just skip that and go down to line 25 on the same

1 page:

2 "Q. And at this time to your knowledge who was in control
3 of the front line areas?

4 A. Well, it was the NPFL commanders.

12:45:33 5 Q. If you know, at this time how many NPFL commanders were
6 in Sierra Leone?

7 A. Well, there were many. I cannot tell the number.

8 Q. If you know, at this time how many Sierra Leonean RUF
9 personnel were in Sierra Leone?

12:45:54 10 A. There were also many.

11 Q. At the time that you were assigned to the mansion --"
12 Then the interpreter comes in. At line 17 on the same

13 page:

14 "Q. Mr Witness, at the time you were assigned to the
12:46:20 15 mansion as a guard were any other people assigned to the
16 mansion?

17 A. Yes.

18 Q. Who else was assigned to the mansion?

19 A. That was the Liberian securities who were with Foday
12:46:37 20 Sankoh.

21 Q. Anyone else?

22 A. Yes, the radio operator was there. They used to call
23 him CO Nya. Foday Sankoh also had a woman called
24 Catherine.

12:47:00 25 Q. Did you say Catherine?

26 A. Yes.

27 Q. And what was her position at the mansion?

28 A. Well, she was - Foday Sankoh told us she was his wife
29 and so she used to cook there.

1 Q. You mentioned CO Nya. Do you know him by any other
2 name?

3 A. We used to call him Foday Lansana.

4 Q. Do you know his nationality?

12:47:36 5 A. Well, he was a Liberian.

6 Q. Do you know what group he was with?

7 A. Well, when I was at the mansion I was made to
8 understand that he was part of the NPFL at the time that I
9 joined the RUF."

12:47:59 10 I will skip and go down further to line 22 on the same
11 page:

12 "Q. Mr Witness, you were talking about CO Nya who was also
13 known as Foday Lansana. You said he was a Liberian and I
14 asked you if you knew what group he was with. Can you tell
15 us the answer to that, please?

12:48:25 16 A. When I was at the mansion, CO made me to understand
17 that he was part of the NPFL and later he joined the RUF
18 and came to Sierra Leone as a radio operator.

19 Q. You mentioned that Foday Sankoh also had Liberian
12:48:51 20 securities. What was the job of these Liberian securities?

21 A. Well, they were bodyguards to him."

22 I'll just stop there. Mr Witness, what I've just read to
23 you is the testimony of TF1-567, a witness that testified before
24 this Court. This witness, as you can see, told this Court that
12:49:26 25 in 1991 he saw or worked with CO Nya at the mansion with Foday
26 Sankoh. Do you know where the mansion is?

27 A. Yes, I know where the mansion was in Kailahun. Yes, in
28 Kailahun going towards the Pendembu area. There was a house very
29 close to the Waterworks. That was where Foday Sankoh was based.

1 That was the mansion.

2 Q. When you say "mansion", what's the full name actually?

3 A. I mean where he was staying. That was the ground. We used
4 to call it the ground, where he was staying. That is the place
12:50:20 5 that I know about. That is the Mansion Ground. That was where
6 we used to meet him. When I went, that was where I met him. And
7 people from the front line, when they come, that is where they
8 meet him. That was where they went and discussed with him. That
9 was where he was residing.

12:50:36 10 Q. And the name "mansion" is obviously drawn from the full
11 name Executive Mansion, correct? When you say the mansion, it's
12 part of a full name, which is the Executive Mansion, correct?

13 A. Yes, Executive Mansion. Yes, that is the name.

14 Q. And that refers to the place where the leader resides. Is
12:51:01 15 that correct?

16 A. Exactly so.

17 Q. Mr Witness, do you know where else this name Executive
18 Mansion is used to refer to the place where the leader resides?

19 A. If I know where the name came from? Repeat your question.

12:51:27 20 Q. Well, apart from hearing and knowing that Executive Mansion
21 referred to the place where Foday Sankoh, as leader, stayed
22 within the RUF, do you know whether that name Executive Mansion
23 is used anywhere else - anywhere else in the world - to signify
24 the place where the leader of that place lives?

12:51:59 25 A. Oh, yes. Normally in a country, that is where the
26 President lives. In Liberia we have our mansion where the
27 President works this or that. That is the mansion. In Liberia
28 we have that name there. We call it a mansion yard where the
29 staff go to job and in the evening they go back home. We call it

1 a mansion. We have it in Liberia. That is where Madam Ellen is
2 working at present with her staff. That is the mansion yard.

3 Q. Presently the Executive Mansion that we're talking of and
4 that you referred to is in Monrovia, correct?

12:52:48 5 A. Oh, yes.

6 Q. Was there an Executive Mansion in Gbarnga?

7 A. I was not in Gbarnga, so I cannot tell you about the
8 Executive Mansion. I only know about Kailahun where Foday Sankoh
9 had his mansion. Where he was living, where he was stopping was
10 where we called the Mansion Ground. I don't know about Gbarnga
11 because I was not in Gbarnga.

12 Q. Mr Witness, you were recruited in Gbarnga, weren't you?

13 A. My recruitment in Gbarnga has nothing to do with mansion
14 because we have nowhere to call mansion. I never heard that name
15 in Gbarnga, the Mansion Ground, at the time I was training, no.

12:53:33

16 Q. It's a simple question. You were recruited in Gbarnga,
17 weren't you?

18 A. Yes, I was recruited in Gbarnga.

19 Q. You grew up in Gbarnga, didn't you? You were born and you
20 grew up in Gbarnga; isn't that the case?

12:53:50

21 A. Yes, I grew up in Gbarnga. I was born in Gbarnga and I
22 lived in Gbarnga for some time before I took off.

23 Q. At the time that you were recruited, you have told this
24 Court that the NPFL were in control of Gbarnga. Isn't that the
25 case?

12:54:09

26 A. Yes, the NPFL was in control of Gbarnga.

27 Q. And the NPFL, being in control of Gbarnga, did have a point
28 - a place from where they conducted their affairs, correct?

29 A. Even if it happened, I don't know because I was in Naama.

1 But I know that NPFL was in control of Gbarnga. They were
2 controlling Gbarnga. But what I know about is that they had the
3 MP office. But besides the MP office, there was another office
4 where they used to issue passes. But apart from that, I don't
12:54:54 5 know about Mansion Ground.

6 Q. So your testimony is there was no Executive Mansion in
7 Gbarnga as far as you know?

8 A. There was no Executive Mansion in Gbarnga that I know about
9 during the days of NPFL, and in normal days we never had NPFL -
12:55:12 10 the Executive Mansion Ground. At the time - during normal days
11 there was a place called palace when the President visited where
12 he used to lodge. That is all I know.

13 PRESIDING JUDGE: Did the witness say "and in Naama days we
14 never had NPFL"? Did you say that? Did you see in "normal" days
12:55:36 15 or did you say in "Naama" days?

16 THE WITNESS: I said normal days. We never had a Mansion
17 Ground in Gbarnga. We had a palace. And when the President
18 visited from Monrovia where he lodged with his staff, his
19 ministers, we had it, a palace, we had it in Gbarnga, but we
12:55:59 20 never had a Mansion Ground in Gbarnga.

21 MR BANGURA:

22 Q. So if we had a witness who came to this Court and said that
23 there was an Executive Mansion in Gbarnga in '91, would that
24 person be telling this Court a lie?

12:56:17 25 A. I cannot say he would be lying, but I'm telling you that I
26 don't know and I never heard about a Mansion Ground. I am
27 telling you about a palace. We never had a Mansion Ground there,
28 and even Charles Taylor's days before I left there, I never heard
29 about Mansion Ground. Maybe it happened in my absence, but

1 before I left there was no Mansion Ground. Before the war we
2 never had a Mansion Ground. We had a palace where the President
3 used to lodge.

12:56:54 4 Q. Do you know how Foday Sankoh got the name Executive Mansion
5 or where he got it from?

6 A. Well, I don't know, and I cannot tell you how he got it or
7 where he got it from.

8 Q. Let's come back to what this witness was telling us about
9 CO Nya. So this witness was working as - or worked with CO Nya
12:57:19 10 in the Executive Mansion where Foday Sankoh lived in 1991. Do
11 you have a reason to dispute that?

12 A. Yes, because I saw Nya in 1994 when he crossed and now he
13 is telling us that he was living with Foday Sankoh in 1991. I
14 don't believe it. I saw Nya cross over to us in 1994 under
12:57:46 15 tension. So how can someone say he lived with Foday Sankoh in
16 1991? So it's conflicting. I know the time he entered. But if
17 someone is telling the Court that he entered there in 1991, it's
18 conflicting to me because I know the exact time he entered.

19 Q. Let's just quickly look at what you say. In 1994 CO Nya
12:58:12 20 comes to Kailahun. Was there fighting in Lofa? Is that what
21 you're telling the Court?

22 A. That was what I said to the Court. There was fighting
23 going on in Lofa. They were overrun by ULIMO. ULIMO overran
24 them. So they did not have the chance to follow his own men, so
12:58:43 25 he manoeuvred and he got to us. That is my statement.

26 Q. Was this person that you say was CO Nya that came over to
27 you, was he the only one that came over at this time?

28 A. They were three in number that came. There was another guy
29 by the name of AB. His name - he was the man who had a very nice

1 neck, so we used to call him AB Ring on Neck.

2 Q. Mr Witness, let me read to you the testimony of another
3 witness who tells us about CO Nya being with the RUF at a much
4 earlier time than what you have indicated to the Court. Your
12:59:41 5 Honours, I refer to the testimony of TF1-275 of 20 February 2008,
6 page 4356. I'm reading from line 22 on that page:

7 "Q. Can you tell the Court the circumstances of your
8 departure from Foya?

9 A. Yes. I was in Foya for over three to four weeks. One
13:00:41 10 evening there was an instruction from Gbarnga from the
11 overall signal commander of the NPFL, Mr Victor --"
12 Line 29 of the first page, the Presiding Judge asks:
13 "PRESIDING JUDGE: Please pause, Mr Witness. Can you
14 repeat the name of Mr Victor for the interpreter?"

13:01:22 15 At line 4 the witness says, "Victor Gensei." And the
16 witness continues at line 8:

17 "Mr Victor Gensei, the overall signal commander of the
18 NPFL, sent a message through his deputy Mr Galakpalah that
19 Roosevelt Nyameleyan and some of the crew of Foya should proceed
13:01:58 20 with Anthony Mekunagbe to Kuwait for a smooth operation."

21 At line 21:

22 "Q. And what did the message say exactly? Are you aware
23 what the message said?

24 A. Yes, the message said that Roosevelt along with some of
13:02:33 25 the radio operators in Foya should join Anthony Mekunagbe
26 in Sierra Leone for a smooth operation."

27 Page 4358 at line 11:

28 "Q. What happened as a result of this message, if
29 anything?

1 A. Yes. Roosevelt asked Moses Gargue, myself Foday
2 Lansana to join him in a truck to go to Sierra Leone.

3 Q. Mr Witness, there is one name that I would like you to
4 spell for the Court."

13:03:23 5 A matter of spelling is dealt with, and further down the
6 page at line 26 the witness is answering:

7 "A. There were five of us at the station. Three left for
8 the operation in Sierra Leone."

9 Page 4359, line 14:

13:03:56 10 "Q. Do you know approximately how many you travelled with?

11 A. No. We travelled with a truck load and a pick-up van.

12 Q. When you say a truck load what kind of truck to do you
13 mean, can you describe it?

14 A. Yes. A big DAF truck. It was loaded with manpower and
13:04:24 15 Mekunagbe was using another pick-up for himself and his
16 bodyguards.

17 Q. From Foya where did you proceed?

18 A. From Foya we went to Sierra Leone at the borderline in
19 a town called Koindu."

13:04:42 20 Line 28:

21 "Q. Describe what happened when you came to Koindu?

22 A. Upon our arrival at Koindu we got to Koindu about at 12
23 midnight. We spent the night in Koindu and the next
24 morning we were taken to a formation ground where there was
13:05:03 25 a large crowd of civilians and recruits who were at the
26 base in Koindu. There we saw Mr Foday Saybana Sankoh
27 addressing the civilians as well as the recruits in Sierra
28 Leone. And after the formation he sent for us individually
29 and he started interviewing us and he introduced himself to

1 us individually and he explained to us the purpose of us
2 being in Sierra Leone. After that --

3 Q. Witness, before you go on can you just roughly remember
4 when was this, when did this occur, when you came to
13:05:40 5 Koindu, in terms of year and month?

6 A. We left - I think it was in July going to August. We
7 entered Koindu in the month of July going to August.

8 Q. Of what year?

9 A. 1991."

13:06:00 10 Page 4361, line 19:

11 "Q. Now I want to pick back up where you said that Sankoh
12 introduced himself to you individually. Can you explain
13 exactly what happened?

14 A. What I meant is that out of the three persons who went
13:06:25 15 as radio operators he called us individually and he
16 interviewed us. After that he also gave us instructions
17 for us to go and install the radio at his ground.

18 Q. Who were the three individuals he spoke with?

19 A. The operators starting with Roosevelt, Moses Gargue and
13:06:46 20 myself Foday Lansana.

21 Q. What exactly was the content of his conversation with
22 you?

23 A. We went as operators and he welcomed us. He made us to
24 understand that we would stay there as operators at the
13:07:11 25 radio site and then he told us where we should install the
26 radio and then we went straight there to install the radio
27 and we knew that we were going there to install a radio
28 set."

29 I think I will end there on this witness's testimony.

1 Mr Witness, this is the person that you have told this Court you
2 only came to know in 1994 when he crossed over into Sierra Leone.
3 This is CO Nya himself. I believe in questions asked of you by
4 counsel, he also asked you whether you knew the name Foday
13:07:58 5 Lansana. Do you recall being asked about the name Foday Lansana?
6 Were you asked that?

7 A. They asked me about Foday Lansana and I said if - should I
8 even remember that person, but I can't recall now. But Nya, I
9 know him. But the Foday Lansana I don't know. Over there when
13:08:23 10 he was operating the radio his name was Nya. The Foday Lansana
11 name, it's only in here that I have heard it. And frankly enough
12 nobody ever called him Lansana until the time I left Sierra
13 Leone. He was always called Nya throughout.

14 Q. Thank you, Mr Witness. I only mentioned that to help you
13:08:42 15 understand that the person - as I was reading the name Foday
16 Lansana came up, but the person mentioned there as Foday Lansana
17 is the same person as CO Nya. I hope that is understood.

18 A. Yes, I get you clearly.

19 Q. You see that Foday Lansana himself gives a clear account of
13:09:02 20 when he came to Sierra Leone and the circumstances under which he
21 came to Sierra Leone. Do you appreciate his testimony?

22 A. No, because I know how he got there. He did not get to
23 Kailahun unknowingly to me. I know how Nya got over there. Nya
24 never came there as an operator. I have said it. He entered
13:09:29 25 under tension because enemies attacked their position and he was
26 unable to advance. So he retreated and came over to us and we
27 received him. That was how we took him to be an RUF member.
28 People know the story. More people know about the story. But
29 that was what he came here and said, but for those of us who know

1 the story, we know the story.

2 Q. Mr Witness, talking about people knowing the story, from
3 the evidence which this Court has heard so far about CO Nya,
4 there is consistency regarding the fact that he came to the RUF
13:10:08 5 in 1991 and not 1994 as you're saying.

6 MR ANYAH: Madam President, I object. I object to that
7 question. I don't think counsel can cite all the references,
8 including evidence by people like TF1-584 Alice Pyne, and others,
9 regarding the precise year when Foday Lansana came to the RUF and
13:10:39 10 say that there is consistency between all the evidence of all
11 these other witnesses. It misstates the facts in the record.

12 PRESIDING JUDGE: Mr Bangura, what is your response, in all
13 earnest?

14 MR BANGURA: Your Honour, I take the point. I will narrow
13:10:59 15 myself.

16 PRESIDING JUDGE: Then rephrase your question.

17 MR BANGURA: I will narrow myself:

18 Q. Mr Witness, I've read to you the testimonies of least two
19 witnesses who have come before this Court, including Foday
13:11:12 20 Lansana himself, who have told the Court a consistent story about
21 when Foday Lansana came to Sierra Leone in 1991. You still
22 maintain your story that this is not true?

23 A. I still stand by my word to say that it is false. It's
24 false. I know Nya. Let me not call him Foday Lansana because I
13:11:41 25 don't know that name. I know Nya very well. I knew the time he
26 entered Kailahun. I knew him in Makeni, Magburaka, Kono. I know
27 him very well. Nobody ever called him Lansana. He entered in
28 1994 under tension. So, really, that 1991 issue you are talking
29 about now, I don't believe it. I don't believe it because it

1 happened in my presence when he entered.

2 Q. Thank you. We'll move on, Mr Witness. Do you recall your
3 testimony about the attack on Sierra Rutile in 1994? You were
4 asked whether you knew about this attack by counsel, and you gave
13:12:33 5 testimony to the effect that this attack did take place. Do you
6 recall that testimony?

7 A. Yes, that is what I said in my statement.

8 Q. And your testimony is that this attack took place about
9 mid-1994. Is that correct?

13:12:55 10 A. Yes. It's correct.

11 Q. You admit that this attack was ordered by Foday Sankoh,
12 correct?

13 A. Correct.

14 Q. However, you told this Court that there was no burning of
13:13:17 15 houses in Rutile or surrounding towns when this attack took
16 place. You denied that there was any burning of houses in Rutile
17 or any other surrounding towns. Do you recall that?

18 A. I said there was no instruction given by Foday Sankoh to
19 burn down villages or towns.

13:13:42 20 Q. You denied, in fact, that there was any killing of
21 civilians at Rutile. Do you recall that?

22 A. I said Foday Sankoh never said they should kill civilians
23 that they met on the highway whilst going to Sierra Rutile. I
24 said he never gave such an instruction.

13:14:02 25 Q. We shall soon come to your testimony. In fact, your
26 Honours, I refer to the testimony of this witness of 22 April
27 2010 at page 39726. Mr Witness, I'll read your testimony on page
28 39726 and I will just take it from line 16:

29 "Q. Do you know whether outside your presence such an

1 instruction was given to any other RUF fighter that you do
2 not know about? Well, I will withdraw the question. I
3 will rephrase it. Besides yourself, do you know whether
4 any other RUF fighter was instructed as such, that is, to
13:15:44 5 burn down Sierra Rutile, either by Foday Sankoh, Mohamed
6 Tarawalli or anyone else?

7 A. No. In fact, I don't think they burnt Sierra Rutile
8 because it's a company. If you had told me that we stopped
9 the government operation there, yes, I would have said yes.
13:16:10 10 But Foday Sankoh did not instruct anyone to go and kill
11 civilians on the way or burn down the places. No, we did
12 not get that kind of instruction from him. Not at all."

13 So, Mr Witness, you were asked about instructions but you
14 did not stop at answering that question. You went on to say
13:16:35 15 beyond that that you did not think there was any burning at
16 Sierra Rutile, it was a company, and they could not have burnt
17 the company. That is your answer?

18 A. Yes, that was the answer I gave, because it was not the
19 instruction that Foday Sankoh gave to Mohamed Tarawalli and
13:16:55 20 Mohamed Tarawalli was the field commander at that time. He knows
21 if he did anything wrong, he would answer questions for it.

22 Q. Now, counsel then read to you the testimony of a witness
23 who testified before this Court, TF1-045. That is Augustine
24 Mallah. Do you recall the person you recognised as OG? Do you
13:17:24 25 recall that?

26 A. Augustine Mallah's statement and everything else, I know
27 about it and I heard it.

28 Q. And in his testimony, the account which counsel read to
29 you, he was giving you Augustine Mallah's own account of what

1 happened regarding orders to go and attack Rutile. This is what
2 counsel said - I'm referring again to testimony of the same date,
3 page 39728. At line 10:

4 "PRESIDING JUDGE: Mr Witness, repeat the last bit when you
13:18:37 5 said 'and we capture Rutile'. What would happen?

6 THE WITNESS: He said when we capture Rutile we will stop
7 the government - the government's plans, because they were
8 getting minerals from that particular place to buy arms to
9 further fight against us. But he did not say we should
13:18:59 10 capture the workers or whites who were there. No. The
11 mission was to capture Rutile was supporting the
12 government's plan."

13 Now, actually this is not you telling the Court this,
14 Mr Witness, if I understand this clearly.

13:19:17 15 MR ANYAH: It was the witness.

16 MR BANGURA:

17 Q. You're the witness, okay. Right. This is what you said to
18 the Court, and this was in discussing the testimony of 045, that
19 is, Augustine Mallah. After some portions of his testimony was
13:19:33 20 put to you, you were then asked this, okay - Mr Witness, you were
21 also asked about a case called Monkanji, do you recall, Sieromco?

22 A. Yes.

23 Q. And again the testimony of Augustine Mallah, 045, was put
24 to you and your response or your comments were invited by
13:20:03 25 counsel. Do you recall?

26 A. Yes, I recall. About Monkanji, I did say that I did not
27 know much about Monkanji because - I said I knew about Rutile and
28 about what went on in Rutile, who and who went and captured
29 Rutile, I know about that. And the instruction that was given

1 about Rutile and Matru Jong, I know about that. But I don't know
2 about Monkanji and I think if you checked my record, you would
3 see that there.

13:20:40

4 Q. In fact, Augustine Mallah had talked about atrocities that
5 were committed along - on villages or towns along the way as they
6 went on the attack on Rutile. Do you recall that? And you said
7 you did not know about the existence of those towns and villages
8 along the route to Rutile. Do you recall?

13:21:03

9 A. Yes, Augustine Mallah said that in his statement, but I
10 said that such an instruction was not given to anyone to carry
11 out that kind of destruction by Foday Sankoh. That was what I
12 said.

13 Q. Let's see how this testimony unfolded. At page 39730, line
14 4:

13:21:29

15 "Q. Do you know where a place called Monkanji is?

16 A. No, my patrol never went that far.

17 Q. I'm not asking if your patrol went that far. Have you
18 ever heard of a town or village called Monkanji in Sierra
19 Leone?

13:21:47

20 A. Yes, I heard about Monkanji but I did not know there.

21 Q. Is that far or close to Sierra Rutile, if you know?

22 A. Well, I don't want to lie to you. I don't know that
23 area.

13:22:15

24 Q. Now, the villages I mentioned a few moments ago, Njala,
25 Kambaima, Sumbuya, were they involved or affected by the
26 attack on Sierra Rutile to your knowledge?

27 A. Call the names of the villages again.

28 Q. Kambaima. To your knowledge, was that village part of
29 the Sierra Rutile operation in '94?

1 A. Well, I don't actually know because I did not go on the
2 operation. I cannot say it was - they talked about Sierra
3 Rutile. So whether men went to Kambaima or to some other
4 places around there, that one I don't know."

13:22:54 5 Mr Witness, do you agree or do you accept that during the
6 attack at Rutile burning took place there at the Sierra Rutile
7 mining company? Do you accept that?

8 A. I cannot accept that because I was not there and the
9 instruction was not given to anybody. So how can I say that? I
13:23:30 10 was not at the scene.

11 Q. Do you accept or do you agree that there was killing of
12 civilians when Rutile was attacked?

13 A. I never went on the attack, so you cannot ask me whether I
14 agree that civilians were killed. I told you I never took part
13:23:55 15 in the attack, but I took part in the meeting and I know the
16 instruction that was given by Foday Sankoh about the Rutile
17 attack. So I cannot tell you that, yes, people were killed or
18 that towns were burnt.

19 Q. And when you say you know the instructions that Foday
13:24:18 20 Sankoh gave, what instructions did he give, if you want to remind
21 this Court?

22 A. The instruction was that Zino, who is CO Mohamed Tarawalli,
23 should attack Rutile and should capture Rutile because it was
24 Rutile that the government was getting support from. And that
13:24:45 25 Rutile, it was not diamond that was mined there. It is rutile
26 that is mined in that particular place. It's a dredge that is
27 operated in that particular place. And Mohamed captured Rutile
28 and he captured 16 people in Rutile, 3 whites and 13 blacks, and
29 they were sent to Foday Sankoh.

1 PRESIDING JUDGE: Mr Witness, the question asked to you was
2 what instructions did Sankoh give, please remind the Court. Now,
3 you're going beyond that.

4 MR BANGURA:

13:25:26 5 Q. So do you dispute that in the course of going to attack
6 Rutile the RUF did not commit atrocities along the way in towns
7 and villages along the way? Are you disputing that?

8 A. I don't know. I was not with the attack, so I cannot tell
9 you whether they did it or not.

13:25:57 10 Q. Now, you said Foday Sankoh's orders were to go and attack
11 Rutile and to halt operations at the mines, basically. Did those
12 orders imply doing other things else, like capturing civilians?

13 PRESIDING JUDGE: Really, Mr Bangura, what kind of a
14 question is that?

13:26:25 15 MR BANGURA: I'm sorry, your Honour. I'll rephrase it.
16 It's kind of vague:

17 Q. Did not those orders imply doing something else, like
18 capturing civilians, attacking whoever they found at the mines?

19 A. The order Foday Sankoh gave was to go and attack Sierra
13:26:53 20 Rutile. And after attacking Sierra Rutile, I saw - I heard
21 Mohamed Tarawalli giving report about those that he captured at
22 Sierra Rutile. That is all I know.

23 MR BANGURA: Your Honours, may I request that the document
24 in tab 3 of the bundle of documents to be distributed be
13:27:29 25 distributed.

26 MR ANYAH: I will wait for your Honours to receive the
27 document. I do have an objection.

28 PRESIDING JUDGE: We have the documents.

29 MR ANYAH: I do have an objection to this document.

1 PRESIDING JUDGE: Please raise it.

2 MR ANYAH: The objection in sum and substance is that this
3 is fresh evidence, that the Prosecution has a burden to meet in
4 respect of a decision your Honours issued on 30 November 2009,
13:28:04 5 that the Prosecution has not met that burden and indeed I would
6 submit further that they cannot meet that burden and I will
7 elaborate on my objection.

8 Your Honours will recall when Mr Taylor was giving evidence
9 last year that the Prosecution sought to introduce several
13:28:22 10 documents as fresh evidence during his cross-examination. Your
11 Honours issued a decision which I have referred to. The CMS
12 number is 865, dated 30 November 2009, decision on Prosecution
13 motion in relation to the applicable legal standards governing
14 the use and admission of documents by the Prosecution during
13:28:46 15 cross-examination. In the first instance I would submit that
16 this decision governs the use of "fresh evidence" above and
17 beyond the testimony of Mr Taylor. It applies with equal force
18 to the testimony of other Defence witnesses.

19 What your Honours determined as a definition of fresh
13:29:11 20 evidence you drew from the Prlic decision of the Appeals Chamber
21 of the ICTY, essentially saying that fresh evidence is any
22 document that the Prosecution did not introduce during its case,
23 with no limitations as to when and how it became available to the
24 Prosecution.

13:29:27 25 Now in paragraph 27 of that decision your Honours outlined
26 the manner in which fresh evidence may be used by the Prosecution
27 in this case. You enunciated various standards that govern the
28 use of fresh evidence.

29 In this case we submit that this information from the Truth

1 and Reconciliation Commission report of Sierra Leone is fresh
2 evidence. Your Honours' decision is a decision that focuses on
3 the content of the document. To the extent that it is fresh
4 evidence the Prosecution must show if the document implicates the
13:30:04 5 guilt of the accused, that is has any components to it that are
6 probative of guilt, the Prosecution must show in the first
7 instance that it is in the interests of justice before the
8 document could be used. In the second instance they must show
9 that the use of the document during cross-examination will not
13:30:25 10 undercut or vitiate the fair trial rights of the accused.

11 Now, after they've made both showings, a preliminary
12 requirement being that they disclose the document, and I've
13 indicated I got that document in court today, before the document
14 may be admitted they must make a third showing of exceptional
13:30:44 15 circumstances. Now those are the guidelines your Honours have
16 put forth to us in this case.

17 Now let's look at the document. I see the time, Madam
18 President. I don't know if you wish for me to continue with my
19 submissions.

13:31:00 20 PRESIDING JUDGE: It's a pity because we could have
21 resolved this during the lunch break if only we knew which
22 particular parts of the document you have issue with.

23 MR ANYAH: I have issue with several parts of the document.
24 I cannot finish in the few minutes left. I wish to take your
13:31:19 25 Honours through the document.

26 MR BANGURA: Your Honours, if it helps I can give an
27 indication of the paragraphs that we're referring to and that
28 might help.

29 PRESIDING JUDGE: Please do indicate. Do indicate,

1 Mr Bangura, which paragraphs you intend to refer to.

2 MR BANGURA: 118, 119, 123, 124, 125, 127, 128.

3 PRESIDING JUDGE: And, Mr Anyah, you have issue with those?

4 MR ANYAH: With all of them, each and every one of them.

13:32:12 5 PRESIDING JUDGE: Then we will have to take this matter up
6 after the luncheon break. It's too long to consider now. We
7 will adjourn until 2.30.

8 [Lunch break taken at 1.32 p.m.]

9 [Upon resuming at 2.33 p.m.]

14:30:18 10 PRESIDING JUDGE: Good afternoon. Mr Anyah, I think before
11 we broke you were in the middle of an application that you were
12 making.

13 MR ANYAH: Thank you, Madam President. Yes, the
14 application was in the form of an objection to the use by the
14:34:19 15 Prosecution of this document that we were disclosed today. Now,
16 before the luncheon adjournment, learned counsel opposite
17 indicated the relevant paragraphs of the document that the
18 Prosecution wishes to use in the cross-examination of the current
19 witness DCT-062, paragraphs 18, 19, 23, 24, 25, 27 and 28.

14:34:53 20 Actually, Madam President, I may have misspoken. Those are
21 paragraphs 118, 119, 123, 124, 125, 127 and 128.

22 Let's start with the first paragraph. I would ask your
23 Honours to bear in mind two things, with respect; one, the
24 applicable standards that I advised the Court about before the
14:35:20 25 luncheon adjournment, namely, your decision from 30 November
26 2009; and two, our submission that these paragraphs cannot be
27 looked at in isolation. It is the cumulative effect of eliciting
28 information about each and every one of these paragraphs that we
29 submit is both contrary to the interest of justice and to the

1 fair trial rights of the accused.

2 Now, paragraph 118, first part reads:

3 "On 19 January 1995 the RUF attacked two important mines in
4 Moyamba and the Bonthe Districts. One was a bauxite mine owned
14:36:06 5 by Sieromco a subsidiary of a Swiss aluminium company of Zurich.
6 The second mine was owned by Sierra Rutile Limited, the wholly
7 owned subsidiary of Nord Resources of the United States. Sierra
8 Rutile was then the largest producer --

9 JUDGE LUSSICK: Mr Anyah, you are reading these things on
14:36:28 10 to the record when say you object to them.

11 MR ANYAH: Yes, but your Honours have the discretion not to
12 consider things on the record. I am merely explicating the
13 portions of what is in each paragraph and why it is relevant to
14 my objection. I will no longer read it if that's an issue.

14:36:48 15 I will just point out, the first paragraph gives the date
16 for these attacks. That's important. The Prosecution has called
17 91 witnesses in this case. I read to the current witness the
18 testimony of TF1-045 Augustine Mallah. The witnesses in this
19 case, we submit, have struggled with the dates for these attacks.
14:37:13 20 And as the record stands now, in our submission, it is not
21 entirely clear the precise date and year when these alleged
22 attacks took place.

23 To have the Prosecution in the cross-examination of a
24 single Defence witness use such a document to establish the date
14:37:33 25 of the attack, I submit, is contrary to the interest of justice
26 and vitiates the fair trial rights of the accused, again bearing
27 in mind this first paragraph 118 in conjunction with the other
28 paragraphs and the information contained therein.

29 This is a case where it is alleged that one of the purposes

1 of the joint criminal enterprise was usurpation of the mineral
2 resources of Sierra Leone. We have here in paragraph 118 the
3 statement that Sierra Rutile was then the largest producer of
4 rutile or titanium ore in the world with a 25 per cent share of
14:38:21 5 the global market. A significant part of this case is the
6 allegation that Mr Taylor and others combined acted in concert
7 with each other to usurp the mineral resources of Sierra Leone.
8 So we object on that ground that it implicates core aspects of
9 the case.

14:38:36 10 And then you have the locations that are mentioned, Moyamba
11 and Bonthe Districts. You recall the evidence I read of TF1-045.
12 Now, I am not entirely sure whether all of the villages that
13 Mr Mallah mentioned fall within these districts, but I submit to
14 you that it is more likely the case and it is clearly the case
14:39:07 15 that reference to these districts in the global sense implicates
16 villages that Mr Mallah did not mention. And so we have through
17 this paragraph alone an attempt to suggest the date on which the
18 attacks took place, to suggest that mineral resources may have
19 been implicated in these attacks, and locations where the attacks
14:39:29 20 are said to have taken place are provided.

21 We go to the next paragraph, paragraph 119. A key aspect
22 of that paragraph --

23 PRESIDING JUDGE: I'm sorry, Mr Anyah, I'm going to
24 interrupt you for this reason: I'm looking at the decision of 30
14:39:48 25 November 2009, and for me or for us here on the Bench, the
26 relevant submissions we want to hear you on relate to the holding
27 that "where a document containing fresh evidence probative of the
28 guilt of the accused is being tendered, it is subject to
29 disclosure and it will not be permitted during cross-examination

1 unless, A, it is in the interest of justice and, B, it does not
2 violate the fair trial rights of the accused." The key words are
3 "probative of the guilt of the accused".

4 MR ANYAH: Yes.

14:40:32 5 PRESIDING JUDGE: Not necessarily implicating anybody else
6 but the accused. So what I would like to hear you on regarding
7 your objection is which of these paragraphs that counsel opposite
8 quoted you reckon contains information that is probative of the
9 guilt of the accused --

14:40:58 10 MR ANYAH: That is --

11 PRESIDING JUDGE: -- first and foremost,

12 MR ANYAH: Yes. I understand --

13 PRESIDING JUDGE: I haven't heard you yet on that. What
14 I've heard you say is that it is generally - it goes - I think
14:41:11 15 the words you used were - let me quote you accurately. The words
16 you used were - you said it implicates core aspects of the case.
17 Core aspects of the case? That is not our holding. Core
18 aspects, that is not our holding. We didn't say where the
19 evidence implicates core aspects of the case or goes to key
14:42:01 20 points in the indictment. That was not our holding. The holding
21 is where fresh evidence is probative of the guilt of the accused.
22 Now, kindly address us in light of that holding regarding your
23 objections.

24 MR ANYAH: May I proceed?

14:42:20 25 PRESIDING JUDGE: Yes, of course.

26 MR ANYAH: Thank you. I have been attempting to address
27 your Honours in respect of that holding. My submission is that
28 when a paragraph contains information about the date of an
29 incident, the locations of the incident, with the suggestion that

1 mineral resources played a role in the attacks, it is probative
2 of the guilt of the accused in this case in the context of a case
3 that is part and parcel of a joint criminal enterprise.

4 That is what paragraphs 118 and 119 are. To say in an
14:43:00 5 indictment that Mr Taylor acted in concert with Foday Sankoh and
6 others, and then in paragraph 119 to say that Foday Sankoh gave
7 the order or instruction for this attack directly is probative of
8 the guilt of Mr Taylor. That is what I am submitting. And that
9 is what is in paragraph 119; that Mohamed Tarawalli was acting
14:43:21 10 under the instructions of Foday Sankoh. Well, Foday Sankoh is
11 part of this joint criminal enterprise. The entire RUF is part
12 of the joint criminal enterprise. All of these, in our
13 submission, is probative of the guilt of Mr Taylor.

14 The next paragraph the Prosecution wishes to use - and I've
14:43:40 15 addressed paragraph 119 - is paragraph 123. The document speaks
16 of two victims of the attacks and what they claimed, that the
17 attacks were carried out by a combination of RUF and SLA
18 fighters. Well, those RUF fighters are part of this joint
19 criminal enterprise, so are the SLA fighters, bearing in mind the
14:44:06 20 Prosecution's indictment and the second amended case summary. We
21 see in the excerpted portions of that paragraph 123 there is
22 reference to what these victims said; 27 houses set fire to, some
23 people were captured, they opened fire on us. This is an attempt
24 to prove the events that occurred that other witnesses in this
14:44:37 25 case have come and testified, including Augustine Mallah, that
26 the instruction to attack Sierra Rutile came from Mr Taylor.

27 If you have oral evidence before your Honours from a
28 Prosecution witness saying Mr Taylor gave the instruction to
29 attack Sierra Rutile and then they introduce a document with

1 victims that we cannot cross-examine when Mr Taylor has a right
2 under Article 17(4)(e) to confront witnesses against him, to
3 cross-examine those witnesses, we are getting victim information
4 through the TRC report, I propose that that implicates the guilt
14:45:13 5 of Mr Taylor and is probative of that guilt and so we object to
6 it.

7 Same thing with paragraphs 124 and 125. 125 suggests a
8 possible reason for the Sierra Rutile attack. I note the
9 Prosecution doesn't wish to introduce 122, but again when I
14:45:33 10 started my submissions I said these paragraphs should be reviewed
11 collectively. 124 proposes an attempt to gain international
12 notice as one plausible reason for the attack on Sierra Rutile.
13 This is another attempt to buttress oral evidence that your
14 Honours have heard from witnesses.

14:45:57 15 The Prosecution cannot use the cross-examination of this
16 particular witness to introduce evidence it otherwise should have
17 introduced in its case and we submit that this is not proper. If
18 they wish to challenge this witness's evidence they can do so
19 with the testimony of what their witnesses have said. If this
14:46:16 20 witness denies that there were burnings or killings during the
21 attack on Sierra Rutile, the Prosecution can refer to transcripts
22 confirming testimony that their witnesses gave to the contrary
23 and that's how they should challenge this witness's evidence.
24 They cannot just go and bring a report from the TRC after calling
14:46:37 25 91 witnesses, after over 400 and something Prosecution exhibits
26 and they seek to use it at this point in our case. So we object
27 to paragraph 124.

28 125 again I submit to your Honours implicates the fair
29 trial rights of Mr Taylor. We cannot confirm or challenge the

1 evidence of these young women who say they were turned into bush
2 wives. The allegation of bush wives features prominently in the
3 indictment. You have here the commission hearing testimony from
4 villagers in the districts of Bonthe and Moyamba regarding
14:47:11 5 atrocities committed by co-conspirators of the RUF. And this is
6 said to be permissible to impeach this witness. We object to
7 that paragraph.

8 Paragraph 127, also paragraph 128. 127 again implicates
9 Article 17. Villages there are named that the Prosecution could
14:47:34 10 not extract from its witnesses. Mr Mallah and others did not
11 name some of these villages that appear in paragraph 127 as
12 having been victimised during the attacks of either Sierra Rutile
13 or this Sieromco, the other company in question.

14 128 speaks about the core aspect of this case; terror.

14:48:03 15 After all the arguments in this case about joint criminal
16 enterprise we heard in an amended case summary I believe on 4
17 August 2007 after the opening statement in this case that
18 terrorising the civilian population was one of the primary
19 purposes or common purposes of the alleged joint criminal
14:48:27 20 enterprise. Paragraph 128 speaks of terror. It speaks of
21 forcing civilians to become members of the RUF. It speaks of
22 abductions. The attack at the Sierra Rutile plant itself was
23 described by an employee as tense, fearful and bloody. This is
24 what terror is about. And that is not quoted there of course,
14:48:54 25 but I submit that that paragraph deals with the element of
26 terror. And that, in our submission, is probative of the guilt
27 of Mr Taylor bearing in mind the allegations in this case.

28 So I reiterate what I said when I started my submissions.
29 We cannot look at these paragraphs, with respect, in isolation.

1 Looked at collectively the Prosecution has not and cannot
2 demonstrate the standard in your 30 November 2009 decision that
3 it is either in the interests of justice and it does not vitiate
4 the fair trial rights of the accused that any of these paragraphs
14:49:30 5 should be put to this witness. Thank you.

6 PRESIDING JUDGE: Mr Bangura, please respond.

7 MR BANGURA: Thank you, your Honour. Your Honour, the
8 Prosecution submits that the document intended to be used with
9 this witness is simply a document intended to impeach the
14:49:58 10 witness's credibility. And to that extent, your Honour, the
11 Prosecution submits that the standard to be met is limited only
12 to the first limb of your decision on 30 November 2009.

13 Your Honours, the portion of the witness's evidence which
14 the Prosecution intends to impeach is found in his testimony -
14:50:36 15 and I think I read that earlier - of 22 April 2010 at page 39726
16 where he is asked about orders for the attack on Rutile. The
17 witness, after answering that he did not know of any such orders,
18 and the orders related to burning, went on to say that there
19 could not even have been burning at Rutile.

14:51:11 20 Your Honour, in addition to that the witness was asked
21 other questions about towns along the way, nearby towns which
22 were attacked, and the witness's testimony is that he did not
23 know about the orders and, in effect, denying that these events
24 occurred.

14:51:35 25 Your Honour, the Prosecution submits that the purpose here
26 is simply to impeach the witness's credibility on his answers
27 that he gave to questions put by the witness. The portions of
28 the document which the Prosecution is relying on that have been
29 listed or mentioned to the Court, your Honours, do not contain

1 any information or material that mentions the name Charles Taylor
2 or the NPFL or implicates the accused in any way, and it is
3 certainly not the case that the Prosecution intends to use this
4 material to bring in evidence that it otherwise could not have
14:52:23 5 brought in during the Prosecution's case. This is a situation
6 that simply has arisen from the testimony of a witness called by
7 the Defence whom the Prosecution wish to impeach.

8 Your Honours, there's no reason to consider the other limbs
9 of your ruling except, as has rightly been pointed out by Madam
14:52:46 10 President, the question of whether the material is probative of
11 guilt. I would invite your Honours to consider this in light of
12 the fact that the witness is challenging or is denying facts -
13 the fact that there was in fact burning that took place in Rutile
14 or that there were attacks on other villages on the way.

14:53:12 15 Your Honours, that said, as pointed out in that decision of
16 yours, it is within your discretion to consider whether such
17 evidence can be allowed to be used for purposes of impeaching the
18 credibility of the witness, and I submit that your Honours make
19 that consideration. Thank you.

14:55:37 20 [Trial Chamber conferred]

21 PRESIDING JUDGE: The Trial Chamber is unanimously of the
22 view, having heard from both sides, that there is nothing in
23 these paragraphs cited, namely, paragraphs 118, 119, 123, 124,
24 125, 127 and 128; there is nothing in those paragraphs. I have
14:56:08 25 left out 129 because that was not a paragraph that the
26 Prosecution indicated they were going to refer to. But, in any
27 event, there is nothing, in our view, in those paragraphs that
28 implicates Mr Taylor. The fact that the RUF or individuals
29 allegedly belonging to the RUF is implicated in the content of

1 the paragraphs does not necessarily link that to the accused,
2 Mr Taylor, and so the objection is overruled and the Prosecution
3 is allowed to use this document.

4 MR BANGURA: Thank you, your Honour:

14:56:51 5 Q. Mr Witness, regarding the events at Sierra Rutile, the
6 Sierra Leone TRC, Truth and Reconciliation Commission, came up
7 with certain findings about what happened at Sierra Rutile, and I
8 would like to show you at this time some aspects of the findings
9 of the TRC that relates to Sierra Rutile. Okay? The first
10 paragraph there, paragraph 118, reads:

11 "On 19 January 1995, the RUF attacked two important mines
12 in Moyamba District. One was a bauxite mine owned by SIEROMCO, a
13 subsidiary of Swiss aluminium company of Zurich. The second mine
14 was owned by Sierra Rutile Limited a wholly owned subsidiary of
15 Nord resources of the United States. Sierra Rutile was then the
16 largest producer of rutile, or titanium ore, in the world with 25
17 per cent share of the globe market. SRL employed 2,000 people
18 and produced 150,000 tons of rutile per year. The company was
19 the largest private employer in Sierra Leone before the attack.
14:58:28 20 The two mines accounted for 63 per cent of export earnings in
21 1994 (with 48.7 per cent for SRL and 14.5 per cent for SIEROMCO),
22 which represented US \$13 million of revenue for the government.
23 The impact on the economy of these attacks was therefore
24 disastrous."

14:59:07 25 Mr Witness, you clearly have mentioned, haven't you, that
26 Sierra Rutile - one of the reasons that Sankoh ordered that
27 Sierra Rutile be attacked was so that you could gain some amount
28 of international attention? Isn't that the case?

29 A. I told you that Sierra Rutile was attacked because that was

1 where the government was getting support from to fight against
2 the RUF.

3 Q. We clearly see here that this was an important mining
4 concern contributing to government revenues. Isn't that so?

15:00:21 5 A. It's there on the document. I said that was the purpose;
6 they were mining there. People were mining there, that was why
7 Foday Sankoh said it should be attacked so that they can stop
8 getting income to buy arms and ammunition to fight against us.

9 Q. Just to be clear, Mr Witness, was it ever the intention of
15:00:45 10 the RUF to take and operate the mines and get proceeds from the
11 mines? Was that ever the intention of the RUF?

12 A. If it was the intention of the RUF, Foday Sankoh never told
13 us during the formation. He said we should sabotage the place so
14 that the government would not get support from there to fight
15:01:14 15 against us.

16 Q. Paragraph 119:

17 "Most of the employees of Sieromco and Sierra Rutile" --

18 Just before I read that, Mr Witness, you see there's also
19 mention of Sieromco, which is another company which is - which
15:01:32 20 was involved in mining in Sierra Leone. Do you recall that you
21 were asked about Monkanji and you said you knew Monkanji but you
22 did not know about an attack on Monkanji or Sieromco? Do you
23 recall that?

24 A. I never told you that I knew about Monkanji. I said I
15:01:54 25 heard about Monkanji, but I've never been there before. I heard
26 about no operation there.

27 Q. Paragraph 119:

28 "Most of the employees of Sieromco and Sierra Rutile were
29 evacuated but the RUF took several foreigners hostage. The

1 attack at Rutile was led by Mohamed Tarawalli who was the RUF
2 battle group commander at the time. He was acting under the
3 instructions of Foday Sankoh and is said to have communicated
4 with him by telephone from the Sierra Rutile office."

15:02:33 5 So this is consistent with what you have told us already,
6 isn't that the case, Mr Witness?

7 A. I told you that that particular place was attacked by
8 CO Mohamed.

9 Q. You also told this Court that there were some foreigners
15:02:49 10 taken hostage or captured there. Isn't that the case?

11 A. Yes. I said 16 of them, 3 whites and 13 blacks. It's in
12 my statement. I said that.

13 Q. Move on to paragraph 123.

14 JUDGE LUSSICK: So far, Mr Bangura, I haven't seen anything
15:03:11 15 in the paragraphs you have read already that would impeach the
16 credibility of this witness. I understood you to say that's why
17 you wanted to use this document.

18 MR BANGURA: Your Honour, the impeaching credibility will
19 come from a question that I put to the witness. I'm coming to
15:03:31 20 atrocities. These give further foundation or background to the
21 crimes that were committed. The point about impeaching the
22 witness's credibility had to do with crimes. And this witness
23 told the Court that not only did he not hear --

24 JUDGE LUSSICK: Let's confine ourselves. Perhaps I'm
15:03:53 25 missing something, but confine ourselves to the two paragraphs
26 you've just read. Point to me something that impeaches the
27 witness's credit in those two paragraphs.

28 MR BANGURA: Your Honour, these two paragraphs do not in a
29 direct way --

1 JUDGE LUSSICK: Let's move on. You move on to the next
2 paragraph and I might have something else to say at the end of
3 your reading of all of these paragraphs.

4 MR BANGURA:

15:04:26

5 Q. Paragraph 123:

6 "Two victims of the attack claimed that the attacks were
7 carried out by a combination of RUF and SLA fighters acting
8 together in the looting of civilian properties and the burning of
9 houses: 'The RUF rebels who were controlling the Sierra Rutile
10 company used the route from Sierra Rutile through our village
11 Moselolo. They opened fire on us and all of us abandoned the
12 village. They set fire to 27 houses and some people were
13 captured, all of our belongings were looted and some burnt down.
14 The RUF rebels and SLA combined themselves to attack us.'"

15:05:31

15 Paragraph 124:

16 "The attacks and the subsequent hostage taking were
17 certainly part of a strategy to gain international notice. The
18 RUF simultaneously demanded the cessation of British military
19 help to the NPRC regime. The hostage taking was widely reported
20 in the western press as European nationals were among the
21 abductees. The negotiations for the release of the hostages also
22 resulted in the Sierra Leonean conflict receiving international
23 attention some four years after it had started. The hostage
24 taking sent a message to international aid workers that the
25 country was not safe and that they should pull out."

15:06:14

26 I move on to 125:

27 "The attacks on the two companies resulted in the
28 disruption of community life in the areas close to the mines.
29 The commission has received testimony from villagers of Moyamba

1 and Bonthe Districts describing the violations committed against
2 them by the RUF as including looting of property, abduction,
3 including of young children, summary executions and the burning
4 of houses. These violations resulted in extensive displacement
15:07:11 5 of civilians, as they fled to neighbouring villages and to the
6 bush, trying to escape the attacks. Young girls were abducted
7 and turned into 'bush wives'."

8 Then we have the testimony of a witness. It goes:

9 "We were captured on Wednesday, 25 May 1995 and taken to
15:07:36 10 Kpetema where we stayed for about a month. An RUF rebel who
11 apprehended me forcefully took me for his wife. I was 15 years
12 of age by then."

13 127:

14 "The towns of Rutilé and Mokañji were specifically
15:08:01 15 targeted, being closer to the mines. The commission collected
16 testimony regarding the looting and burning of the villages of
17 Mata Galema, Moselolo, Victoria and Nyandehun and Mokeleh during
18 the months following the attacks at the mines. Civilians were
19 displaced from these villages, sometimes for several months. The
15:08:27 20 RUF conducted sporadic attacks, making it difficult for the
21 population to return to the villages."

22 Last paragraph 128:

23 "The attack at the Sierra Rutilé plant itself was described
24 by an employee as 'tense, fearful and bloody'. The same employee
15:08:48 25 witnessed the killing of many people, including his supervisor.
26 After the attacks, several Rutilé abductees were forced to become
27 members of the RUF. The first contacts to secure their release
28 were made with the help of the ICRC and the head office of
29 Sieromco in Freetown, Fred Marrafono, a British citizen, was

1 hired as a consultant by Sieromco to negotiate with the RUF. The
2 contacts were made by telephone with RUF officers and the
3 hostages were finally released."

15:09:38 4 Now, Mr Witness, you see that in the paragraphs I've read
5 there was in fact burning of houses in and around Rutile -
6 villages and towns around Rutile. Do you see that?

7 A. I've seen it, but I was not there.

8 Q. You've seen that the attack on the plant itself is
9 described as being tense and fearful and bloody. Do you see
15:10:04 10 that?

11 A. It's on the paper. I've seen it as you are reading it.

12 Q. Your testimony is that the order was simply to go and
13 attack the plant and put a stop to operations there, but this is
14 not exactly what happened. It went beyond that. Do you see
15:10:27 15 that?

16 A. I have seen it. If it went beyond that, that's not my
17 responsibility. I was not responsible for that.

18 Q. I am not asking you or I'm not saying that that was your
19 responsibility. I'm simply pointing out to you that in this
15:10:47 20 attack on Sierra Rutile, which we have been discussing, there was
21 in fact - it was not just a case of attacking the plant or the
22 mining location and taking control over it. It also involved a
23 whole number of atrocities including burning.

24 PRESIDING JUDGE: Is there a question in there?

15:11:21 25 MR BANGURA:

26 Q. Do you agree with that, Mr Witness?

27 PRESIDING JUDGE: Does he agree with what?

28 MR BANGURA: With the statement I made that the attack on
29 Rutile - or, rather, the instructions to go and attack Rutile --

1 THE WITNESS: Is that a question I should answer?

2 MR BANGURA: [Microphone not activated]:

3 Q. The attack on Rutile did not only involve taking control of
4 the location, the mining location, but it also involved the
15:11:49 5 commission of other atrocities including burning. Do you agree?

6 A. I don't think that question is for me. I told you I was
7 not there. The instruction that was given by Foday Sankoh, it
8 was not to execute. So you cannot - that was not why you brought
9 the document, so you cannot ask me if I should agree with the --

15:12:14 10 THE INTERPRETER: Your Honours, can he kindly repeat his
11 answer slowly.

12 MR BANGURA:

13 Q. Mr Witness, I merely asked you this question based on the
14 document that I've read in this Court. If you do not agree,
15:12:28 15 that's fine.

16 JUDGE LUSSICK: But I thought you were going to impeach
17 this witness's credit by using that document. So far you haven't
18 impeached anything. You've just got him to agree with what the
19 document says.

15:12:41 20 MR BANGURA: Your Honour, at the end of the day it is for
21 your Honours to come to an evaluation of the evidence, but the
22 point I have tried to make here is to show to the witness that
23 contrary to his testimony before this Court that there was not in
24 fact - there was no burning, there could not have been burning
15:13:05 25 takings place in Rutile --

26 PRESIDING JUDGE: Mr Bangura, this is precisely the crux of
27 this exercise we're doing. It is not contrary to his testimony.
28 You are seeking to contradict his testimony, but it is not
29 contrary to his testimony because what is his testimony? One,

1 what you are reading doesn't go to the instructions that he
2 heard. What you are reading goes to what happened on the ground.
3 He has said he doesn't know what happened on the ground because
4 he wasn't there. So what are you contradicting?

15:13:36 5 MR BANGURA: Your Honour, the point is he went beyond
6 saying that he did not know what happened on the ground. He went
7 beyond that and I've read that from his testimony over and again.
8 I again go to the page of his testimony where he says --

9 PRESIDING JUDGE: Perhaps let me put this another way,
15:13:58 10 Mr Bangura. Throughout this trial we've spent a lot of time in
11 this kind of exercise where we permit parties to bring fresh
12 documentation, spending time listening to arguments back and
13 forth as to whether the document should be put before the witness
14 or not. We've made rulings believing that you are actually going
15:14:22 15 to use the document to impeach the credit of the witness in
16 question. Now, when we see at the end of the day that having
17 spent almost an hour and we don't see you do that, we are
18 concerned. We are concerned because then you are not using the
19 document for the purpose for which you asked it to be used.

15:14:50 20 MR BANGURA: Your Honour, I could ask more questions but
21 the point is I've read to the witness and I've pointed out to the
22 witness that there was in fact burning that took place in and
23 around Rutile at this time and the witness has denied.
24 Your Honour, the purpose of this document --

15:15:04 25 PRESIDING JUDGE: No, the witness did not deny, Mr Bangura.
26 This is precisely the point. The witness simply said he doesn't
27 know because he wasn't there. That's not the same as saying I
28 know for sure it didn't happen. It's not the same.

29 MR BANGURA: But, your Honour, that may be his answer, but

1 the fact is that I have brought before this Court evidence from a
2 different source which suggests that in fact a point in his
3 earlier testimony which he made is different from the source that
4 I have consulted and I've put to him.

15:15:40 5 PRESIDING JUDGE: All I can say, Mr Bangura, is that when
6 you do that, you do it one time, ten times, 100 times, you are
7 talking at cross-purposes with the witness. The witness is
8 talking about what he saw or what he didn't see and what he heard
9 by way of instructions. Whereas you are talking about what
15:15:59 10 actually happened on the ground. You are totally at
11 cross-purposes and the exercise of so-called impeachment is not
12 happening. So you may quote 100 paragraphs to him, his answer
13 will consistently be: "I wasn't there. I'm sorry, I can't help
14 you." Where is that going to take us? Now this is what we are
15:16:20 15 going to do, Mr Bangura: You are going to move on. You are
16 going to move on to something else.

17 MR BANGURA: I am moving on, your Honour:

18 Q. Mr Witness, just again generally on the question of the
19 attack on Rutile, your testimony about the towns which were
15:16:46 20 mentioned was that you did not have a knowledge of the location
21 of some of these towns near Sierra Rutile, towns that were
22 mentioned in the testimony of Augustine Mallah. Do you recall
23 that?

24 A. Yes, I said because my patrol didn't go that far. I didn't
15:17:08 25 go on that side during my patrol, so I do not know most of the
26 villages you are talking about.

27 Q. Just to be clear, the towns that were mentioned or villages
28 included Tikonko, do you recall that name?

29 A. In my statement or in Mallah's statement?

1 Q. Mallah's statement, you were being given the account of
2 Mallah about the attack on Sierra Rutile and in that account
3 Mallah mentioned towns that were attacked on the way to Rutile.
4 And your answer or your comment in response to Mallah's account
15:17:53 5 is that you did not know of the existence of these towns and
6 villages in that vicinity. That is the point. Do you recall
7 that testimony?

8 A. Yes, I said I did not know whether they were around Sierra
9 Rutile at this particular time that Mallah is talking about
15:18:14 10 because I had not been there before. So I can't say that I know
11 there. That's what I told you.

12 Q. [Microphone not activated] simply just recounting the names
13 of some of these locations that were mentioned. In Mallah's
14 testimony he mentioned Tikonko. Do you recall that name?

15:18:32 15 A. Yes, I heard the names in his statement Tikonko.

16 Q. [Microphone not activated] Sumbuya?

17 A. I heard the name in his statement.

18 Q. And of course you yourself had mentioned Matru as one of
19 the areas that was close to the Sierra Rutile, correct?

15:18:55 20 A. Yes, I talked about Matru and Sierra Rutile. They are the
21 two big towns I talked about in my statement.

22 MR BANGURA: Your Honours, I wish to show the witness a map
23 that shows some of these locations and just point out to him that
24 they were in fact locations close to the vicinity of Sierra
15:19:20 25 Rutile. A few pages from the map book.

26 PRESIDING JUDGE: Mr Bangura, is this fresh evidence
27 impeaching the credit of the witness or what? What is this?

28 MR BANGURA: Your Honour, this is simply to help the
29 recollection, if at all, of the witness about the locations that

1 were closer to his location - or to Sierra Rutile which Augustine
2 Mallah has said were attacked. Let's not forget Augustine Mallah
3 is a witness of the Prosecution who testified before this Court.
4 His testimony was put to this witness and this witness
15:20:30 5 contradicted so much of what Augustine Mallah had said in his
6 testimony.

7 PRESIDING JUDGE: The point, Mr Bangura, is this: You are
8 forgetting that the Prosecution closed their case and that every
9 single document you pull out you should think twice, if it's
15:20:48 10 fresh evidence, what category it falls into. This is not a time
11 for you to start adducing fresh evidence without limit.

12 MR BANGURA: I appreciate the point, your Honour.

13 PRESIDING JUDGE: So when you pull out a fresh document you
14 need to satisfy the judges what it is you are doing, what kind of
15:21:06 15 evidence is this.

16 MR BANGURA: Your Honour, I was going to ask the witness --

17 PRESIDING JUDGE: Is this an existing exhibit? In which
18 case I have no problem with you pulling out existing exhibit.
19 But as long as it's new you have a duty to satisfy the Bench,
15:21:21 20 before a document is put before the witness, what kind of
21 document this is.

22 MR BANGURA: Your Honour, I was going to refer to the map
23 book which has been circulated in court and for use by the
24 parties and normally indications on the map book, as I understand
15:21:38 25 it, would go into the record, but not that the book itself or
26 pages of the map book would be admitted as exhibits.

27 PRESIDING JUDGE: Also, is it necessary? This is also what
28 you should ask yourself. In the interests of an efficient and
29 expeditious trial, are some of these documents necessary? You

1 say you wish to refresh the mind or memory of the witness. Has
2 he said he has forgotten?

3 MR BANGURA: Your Honour, he is a commander who operated in
4 this area. He has been shown testimony of a witness who talks
15:22:21 5 about events that occurred in that area. He has said that he
6 does not recall that the locations which that witness told this
7 Court about existed in the area where he was.

8 Your Honour, this is a matter that could go to his
9 credibility. He is a commander. He may not have said in this
15:22:46 10 Court before that - maybe I used the wrong word in talking about
11 refreshing his memory, but it may help him to recollect that
12 these may be the locations that are being referred to in the
13 testimony of Augustine Mallah.

14 PRESIDING JUDGE: Very well. Mr Witness, can you read a
15:23:06 15 map?

16 THE WITNESS: No, except he reads it for me.

17 PRESIDING JUDGE: If a map was put before you, can you read
18 it? Can you locate a location? Can you find a location on a
19 map?

15:23:23 20 THE WITNESS: No, but I think from Rutile - I mean from
21 Matru to Rutile, if he brings out the map you will look at the
22 map, you will know the distance that I'm talking about from Matru
23 to Rutile. He knows the place, but I don't know what he really
24 is talking about. But he knows the distance from Rutile to
15:23:42 25 Matru, Matru to Rutile. I don't read map.

26 PRESIDING JUDGE: Mr Bangura, put the document before the
27 witness if you so wish to.

28 MR ANYAH: Madam President, I hesitate to rise but I think
29 what is at issue as we see it is what this witness said in chief

1 and I'm reviewing his testimony now. I called the names of five
2 villages that Mallah referred to. The witness had heard of at
3 least one of them. This is from the transcript of the 22nd, page
4 39730. Before that page I called about five villages. I then
15:24:31 5 asked the witness - I asked him, "Have you ever heard of a town
6 or village called Monkanji in Sierra Leone?" Mr George
7 responded, "Yes, I heard about Monkanji but I don't know there."

8 So he's saying he's heard of the place and when you read
9 his answers continuing he says essentially he hasn't been there.
10 I'll read his responses. The next question was:

11 "Q. Is this place Monkanji - is it far or close to Sierra
12 Rutile if you know?

13 A. Well, I don't want to lie to you. I don't know that
14 area."

15:25:09 15 Q. Now the villages I mentioned a few minutes ago, Njala,
16 Kambaima, Sumbuya, were they involved or affected by the
17 attack on Sierra Rutile to your knowledge?

18 A. Call the names of the villages again.

19 Q. Kambaima. To your knowledge was that village part of
15:25:32 20 the Sierra Rutile operation in 1994?

21 A. Well, I don't actually know because I did not go on the
22 operation. I cannot say it was. They talked about Sierra
23 Rutile, so whether men went to Kambaima or to some other
24 places around there, that one I don't know."

14:41:46 25 The witness is not necessarily saying that these places do
26 not exist around Sierra Rutile. He's saying, one, he didn't go
27 for the operation. Whether those places were affected, he
28 doesn't know. And in the case of at least one of the villages,
29 he's heard of the place but he didn't go there. Now, if this

1 exercise is to point to a witness who has said he cannot read and
2 write places around Sierra Rutile on a map and ask him, "Do you
3 see this? Do you see this? Do you see this?" He hasn't said
4 his memory is exhausted. He simply said as a matter of fact he
15:26:24 5 doesn't know some of them. So the utility of this exercise, as
6 we see it, more likely than not will confuse the witness or
7 pressure the witness to speculate about something he doesn't
8 know.

9 PRESIDING JUDGE: Although I don't believe this witness is
15:26:47 10 capable of being pressured - but, Mr Bangura, you've heard the
11 submissions of Mr Anyah. In all wisdom and fairness, you still
12 want to go ahead with this exercise? If you do, I will give you
13 the permission to do so.

14 MR BANGURA: [Microphone not activated] I make the point
15:27:09 15 again that saying that he did not know that these locations
16 existed in the area where he operated as a commander,
17 your Honour, to the Prosecution, to my mind, suggests that he may
18 not be forthcoming with the truth. And to show the witness
19 locations on the map would be an effort to help him perhaps
15:27:42 20 change his answer, if you like, or say that definitely he does
21 not know that these locations existed close to where he operated.
22 Let's not forget his testimony about the fact that these troops
23 who were going to the attack passed through his area and that
24 they - when they returned they came back passing through his
15:28:07 25 area.

26 THE WITNESS: Excuse me.

27 MR BANGURA: And perhaps should have, in my view, local --

28 THE WITNESS: Excuse me, ma'am.

29 PRESIDING JUDGE: Yes, Mr Witness.

1 THE WITNESS: I want to say something.

2 PRESIDING JUDGE: [Microphone not activated] interrupt. Do
3 you want to be excused or you want --

4 THE WITNESS: Okay.

15:28:21 5 PRESIDING JUDGE: You can't interrupt when the lawyer is
6 talking, please.

7 THE WITNESS: Okay.

8 MR BANGURA: Sorry, your Honour. So that would be the
9 reason why I would like to proceed with the - with this process.

15:28:40 10 PRESIDING JUDGE: Now, madam --

11 MR BANGURA: If he says he doesn't - I'm sorry to cut --

12 PRESIDING JUDGE: I don't want you to go so far as to lead
13 the witness. Now, Mr Witness, a map is going to be put before
14 you and questions are going to be asked of you. I want you to,

15:28:58 15 without losing your temper --

16 THE WITNESS: No, I won't be angry.

17 PRESIDING JUDGE: -- to try and answer the questions to the
18 best of your ability. Please put the map before the witness.
19 Perhaps even preferably - do you want the map on the overhead?

15:29:14 20 MR BANGURA: [Microphone not activated].

21 PRESIDING JUDGE: Why do you keep switching off your
22 microphone?

23 MR BANGURA: I'm sorry. I'm just trying to check to be
24 sure that the slide that I need is the one which I have been
15:29:32 25 informed is in fact an exhibit of the Court. I'm just trying to
26 be sure. I don't think it is.

27 PRESIDING JUDGE: The Court Manager has a number of maps in
28 her hand. Which part of these maps do you wish her to display?

29 MR BANGURA: I'm going to be using S3C and S3E. Maybe

1 alphabetically we start with S3C.

2 PRESIDING JUDGE: Mr Bangura, we on the Bench don't have
3 this map, so we're going to depend on you to look at what's on
4 the overhead to confirm that that's what you want on the
15:30:59 5 overhead.

6 MR BANGURA: I have a bit of difficulty in the sense that
7 the maps are truncated and every part of it is just large enough
8 to fit into the overhead projector. So what I really would like
9 is to have the witness look at two parts at the same time so that
15:31:20 10 he is able to get a broader picture of the area.

11 PRESIDING JUDGE: How is that possible? Can you zoom out
12 or in, as the case may be? Mr Bangura, what is this a map of?

13 MR BANGURA: This is a map of - part of a map of Sierra
14 Leone, your Honour. The SE - S3E has the key to the map and it's
15:32:49 15 got the name Sierra Leone at the left-bottom corner of it.

16 PRESIDING JUDGE: You could not find a map that can fit on
17 the overhead?

18 MR BANGURA: There are maps, but we're talking about the
19 particular locations and I have for instance S2, which is
15:33:12 20 definitely not easily usable because it's just not usable. Your
21 Honours, if this is posing a bit of a difficulty, I can have this
22 whole process suspended for the time being and proceed with the
23 testimony of the witness and I'll work out a more efficient way
24 of dealing with this.

15:33:40 25 PRESIDING JUDGE: We would appreciate that very much.

26 MR BANGURA:

27 Q. Mr Witness, we will at some later time come to look at that
28 map again, okay?

29 THE INTERPRETER: Your Honours, can he repeat what he said?

1 It's very fast.

2 PRESIDING JUDGE: Can you please repeat what you said,
3 Mr Witness?

15:34:32

4 THE WITNESS: I said, yes, whatever way you come with it,
5 I'm ready.

6 MR BANGURA:

7 Q. Mr Witness, we talked about being involved in operations in
8 Kono, in Kono Districts, do you recall?

9 A. Yes, I said it.

15:34:54

10 Q. After the intervention in which the AFRC government and the
11 RUF were removed from office in Freetown, you said that you - a
12 number of you retreated and went to Kono. Do you recall that?

13 A. Yes. We retreated to Kono at the time with Johnny Paul. I
14 said it.

15:35:21

15 Q. You occupied Koidu and surrounding towns for a while and
16 you were then pushed out of these areas by ECOMOG. Is that
17 correct?

18 A. Exactly so.

19 Q. And after you were pushed out, you went into the jungle,
20 that is, the surrounding jungle within Kono.

15:35:43

21 A. Yes. I was based in Woama.

22 Q. And one of the places where the RUF was based at this time
23 is Superman Ground, correct?

24 A. Exactly so.

15:36:05

25 Q. And you told this Court about meetings that you held at
26 Superman Ground and later on in Buedu which were intended to plan
27 - which were for planning to retake Kono and other places. Do
28 you recall that?

29 A. Yes, I recall that. That's my statement.

1 Q. Your testimony is that there were about three meetings held
2 at Superman Ground and a fourth meeting was held in Buedu,
3 correct?

4 A. I said the first meeting we had in Superman's Ground. We
15:36:52 5 had three meetings not four. The first meeting was how to set up
6 a defensive. The third meeting - the second meeting was when
7 Mosquito called us to Buedu. The third was when we entered into
8 the jungle and how we were to go back to attack Kono.

9 Q. And then you had another meeting at Buedu which you said
15:37:23 10 was in December 1998, correct?

11 A. Exactly so.

12 Q. Now, just remind us. These three meetings that you had in
13 - at Superman Ground, about what time were they held?

14 A. The first meeting was --

15:37:48 15 MR ANYAH: I apologise for interrupting. I don't believe
16 the witness agrees that three meetings were held at Superman
17 Ground. I think that issue was just raised. A question was
18 asked at my line - page 132 of the LiveNote, line 4 using a
19 12-point font:

15:38:14 20 "Your testimony is that there were about three meetings
21 held at Superman Ground and a fourth meeting was held in Buedu."

22 Then the witness said: "We had three meetings, not four."
23 One of which he then goes on to say was held in Buedu and then
24 later on a question is posed.

15:38:45 25 PRESIDING JUDGE: Mr Anyah, the objection you have is that
26 the three meetings were not all held at Superman Ground. Is that
27 the objection?

28 MR ANYAH: That the witness has not said that's the case,
29 because, again, a question is posed: These three meetings that

1 you had in Superman Ground, and the witness a few minutes ago
2 said there was one meeting in Buedu and two meetings. He doesn't
3 confirm that even those two are in Superman Ground.

4 PRESIDING JUDGE: So your objection is to the words

15:39:09 5 "Superman Ground".

6 MR ANYAH: Yes.

7 PRESIDING JUDGE: I think, Mr Bangura, you should rephrase.

8 MR BANGURA: Fair enough:

9 Q. Mr Witness, there were three meetings before you had the
15:39:20 10 meeting in Buedu, correct?

11 A. I told you no. There were two meetings. The first meeting
12 was how to set up a defensive. The second meeting was --

13 Q. [Microphone not activated] interrupt you, Mr Witness. I'm
14 not just talking about the purpose of these meetings. Just tell
15:39:42 15 us where these meetings were held at this point in time so that
16 we are clear whether there were two or three meetings. Did you
17 have two meetings at Superman Ground?

18 A. Two meetings on Superman Ground and one in Buedu. That was
19 the one that Mosquito called for at Waterworks.

15:40:05 20 Q. Now, your testimony is that - I had asked you before, the
21 meetings that you held at Superman Ground, can you tell the Court
22 about what time that these meetings were held?

23 A. These meetings took place in 1998. They took place in
24 1998, but I can't remember the exact month. The last meeting
15:40:34 25 took place in Buedu 1998 in December. The second meeting in
26 Buedu in December. Then we came back to Kono and we had the last
27 meeting to discuss how to engage the enemy in Kono in that same
28 December.

29 Q. Mr Witness, you are getting these meetings a little

1 confused. Now you talk about the second meeting in Buedu. Did
2 you have - did the meetings in - at Superman Ground all take
3 place before you had the meeting in Buedu?

4 A. No, we had the first one. That was after ECOMOG had pushed
15:41:20 5 us out of Kono Township. We had that first meeting.

6 Q. And after that?

7 A. After that we had the second meeting in Buedu when Mosquito
8 called for the overall meeting.

9 Q. Thank you. Now, your testimony is that at the meeting in
15:41:45 10 Buedu you were introduced to somebody called Abu Keita, correct?

11 A. I was not introduced to someone. Abu Keita was introduced
12 to us at the meeting.

13 Q. Thank you. Sorry, my mistake. And you told the Court that
14 Abu Keita had come with a quantity of material for you - for the
15:42:15 15 RUF, correct?

16 A. Yes, I saw the material that he brought to Buedu.

17 Q. And in fact this was the material that was used by you to
18 attack Kono in December 1998, correct?

19 A. That was the material that we used, not just me. It was
15:42:38 20 the RUF that used it to recapture Kono.

21 Q. Now, this meeting in Buedu was in December just before the
22 attack on Kono. Is that correct?

23 A. Repeat your question.

24 Q. The meeting in Buedu which preceded your attack on Kono,
15:43:01 25 was this meeting held in December 1998?

26 A. It was held in 1998 December. That was the second meeting.
27 The third meeting before the operation was held in Kono where we
28 had set up our defensive. That was our last meeting.

29 Q. Now, Mr Witness, just before we look at the events that

1 unfolded after these meetings, that is in December 1998, was
2 there any other activity - apart from this December attack that
3 you undertook, was there any other activity that the RUF
4 undertook after you had been pushed into the jungle?

15:43:51 5 A. What activity? Come out and tell me so that I'll know
6 exactly what you mean.

7 Q. Do you know about the Fitti-Fatta mission?

8 A. Yes, I know about Fitti-Fatta. I was in Woama. I know
9 about Fitti-Fatta.

15:44:12 10 Q. What do you know about the Fitti-Fatta mission?

11 A. After ECOMOG had pushed us out of Kono and we had given
12 them chance, we were not attacking them any longer, when we
13 planned to go and attack --

14 THE INTERPRETER: Your Honour, can he repeat this last part
15:44:39 15 clearly.

16 PRESIDING JUDGE: Sorry, Mr Witness, can you repeat your
17 answer? The interpreter didn't get you. Repeat your answer,
18 please.

19 THE WITNESS: I said after they had pushed us out of Kono,
15:44:58 20 where we had encountered ECOMOG, we gave them chance for them to
21 forget. We had the operation called Fitti-Fatta and this
22 Fitti-Fatta was the first test to try ECOMOG, but we never
23 succeeded. There was a heavy shelling and heavy launching. We
24 were not able to enter the township of Kono. We withdrew and
15:45:25 25 came back and returned to our normal assignment ground.

26 MR BANGURA:

27 Q. Mr Witness, this Fitti-Fatta mission, did it take place
28 before you started having the meetings that you have just talked
29 about here? Did you have the Fitti-Fatta mission and then after

1 that when you failed you started having the meetings, or was it
2 the other way around?

3 A. This Fitti-Fatta mission, we had the first meeting by
4 setting up a defensive. It took a long time before we could
15:46:04 5 carry out the Fitti-Fatta. I told you the second mission was in
6 Buedu and the last one was to overrun Kono.

7 Q. Mr Witness, your testimony before this Court is that when
8 you planned the December 1998 attack and when you had that
9 meeting in Buedu, and you say Abu Keita brought some material for
15:46:32 10 you, weapons and ammunition, that was a welcome relief because
11 the RUF did not have sufficient. It was good - it was not
12 sufficient for you but it helped for the mission. Do you recall
13 that?

14 A. I never said that. I never said that.

15:46:55 15 Q. I may have paraphrased you a little wrong, but at the time
16 that these materials came to Buedu, your testimony is that the
17 RUF were low in material. You didn't have the material in
18 sufficient quantity to engage in the December 1998 operation.
19 Isn't that your testimony?

15:47:22 20 A. I said we never had enough ammunition to engage the enemy.
21 So during that period Abu Keita brought ammunition for us and
22 they called us to Buedu for the forum at Waterworks.

23 Q. Now let us look at what the Fitti-Fatta mission was. If
24 you recall, the word Fitti-Fatta, do you know what the meaning
15:47:51 25 was? Did you ever find out what the meaning was?

26 A. Fitti-Fatta is something like running away. You hit
27 someone and you're not able and they chase you and they start
28 running away, when the enemy suppresses you. That is what
29 Fitti-Fatta means to my own understanding. Fitti-Fatta.

1 Q. Mr Witness, many other witnesses have come before this
2 Court and have told this Court that the meaning of Fitti-Fatta is
3 when you have something in abundance. Do you have a reason to
4 dispute that testimony?

15:48:37 5 A. When you have something in abundance, something like what?

6 Q. [Microphone not activated] in plentiful supply, but in this
7 case with the RUF it had to do with the supply of material that
8 was to be used for the mission. Fitti-Fatta meant that they had
9 plentiful of supply of ammunition for that mission?

15:49:03 10 A. No, I don't know about that particular Fitti-Fatta. The
11 Fitti-Fatta that we carried out was that the Fitti-Fatta meant
12 that we hit the men, we hit them but the force was heavy for us.
13 They suppressed us with firing and we started running away
14 helter-skelter, everybody retreating to their various assignment
15:49:27 15 area. That was what we called Fitti-Fatta that I know about. In
16 fact that was the first time that ECOMOG pushed us. That was the
17 first test that we undertook to test our strength, but we started
18 running away because of the suppressive firing.

19 Q. Mr Witness, for this operation there was a plentiful
15:49:49 20 supplying of ammunition and fighting materials generally,
21 correct?

22 A. I said no. That was the first test for ECOMOG. We wanted
23 to test ECOMOG's strength. If we had enough material we should
24 have captured the ground before Abu Keita brought the material,
15:50:12 25 but can you imagine they hit us and we gave them chance to forget
26 before we could touch them again.

27 MR BANGURA: Your Honours, may I refer to the testimony of
28 DCT-306, Fayia Musa. Transcript of 24 March 2010, page 37907.

29 PRESIDING JUDGE: We have the page in front of us.

1 MR BANGURA: Your Honour, I've been corrected here about
2 who gave that testimony. It's not Fayia Musa. It's John
3 Vincent:

15:52:05 4 Q. Mr Witness, this is testimony of a Defence witness who came
5 to this Court and testified about the Fitti-Fatta mission and
6 this is what he had to tell the Court. It's not Fayia Musa.
7 This is John Vincent. And for the records it's not DCT-306.
8 It's DCT-215. I'm reading from line 2:

15:52:34 9 "A. Yes, my Lord. This Fitti-Fatta operation was a code
10 name for us to re-attack Kono and retake Kono. Fitti-Fatta
11 means everything should be enough. Manpower was enough;
12 there was enough food; there was enough ammunition for us
13 to re-attack Kono. That was why we refer to it as
14 Fitti-Fatta. Thank you, my Lord.

15:52:56 15 Q. And what happened in the Fitti-Fatta operation?

16 A. Yes, my Lord. Fitti-Fatta operation, since everything
17 was enough, that was the same way the AFRC and the RUF lost
18 enough men. We lost over 21 AFRC and RUF fighters and so
19 many others were wounded. Yes, my Lord.

15:53:23 20 Q. Can you be a bit more detailed about what happened,
21 please? First of all, when did you start the Fitti-Fatta
22 operation?

23 A. That was the first mission after our retreat. That was
24 our first attack on Kono in 1998 during the dries.

15:54:06 25 Q. During the dry season?

26 ...

27 A. During the dry season after we had retreated."

28 Then it continues. I'll just end there. Mr Witness, this
29 witness, a Defence witness, is just one of several witnesses who

1 have testified before this Court about Fitti-Fatta operation.
2 And the general understanding that we have - or I have about what
3 Fitti-Fatta means is that there is an abundance or plentiful
4 supply of material. Do you still hold the view or hold the
15:54:56 5 position that there was not enough material for this operation?

6 A. There was not enough material. If there was enough
7 material we wouldn't have lost manpower that he's talking about,
8 that we lost 20 something manpower. How could you have gotten
9 material and lose that much manpower? We never had enough

15:55:19 10 ammunition. We overlooked the strength of the enemy. We took a
11 large group to carry and test them and we were unable. They
12 chased us. They launched long range and short range. If we had
13 enough material we would have overcome them, but there was not
14 enough material. That was the first attack, as I said. You

15:55:40 15 yourself heard it. That was the first attempt on them. We did
16 not have enough material.

17 Q. Mr Witness, did you yourself take part in that operation?

18 A. I said I was in Woama, yes, with Vanicious Varney where he
19 was at Yellow Mosque after you've passed kimberlite. Isaac
15:56:03 20 Mongor, all of us passed through kimberlite.

21 Q. How long did this operation last to your recollection?

22 A. This operation, it did not last for a whole day. In fact
23 it was in the evening because the jets used to give us a hard
24 time, so we used to engage these men in the evening hours. The
15:56:23 25 operation did not last for three hours. Then we found our way
26 back. I came back to Woama and the other people went to Superman
27 Ground. Those who were supposed to go to Gandorhun went to
28 Gandorhun and I stayed at my ground in Woama because that was
29 where I was based.

1 Q. So, Mr Witness, did you continue in this state or in this
2 situation where the RUF did not have sufficient material or
3 weapons to take on the - on ECOMOG in Koidu until you went into
4 the December meeting? Is that what happened?

15:57:02 5 A. We had arms. I think if you look at my statement I told
6 you that we never ran short of arms, but we're talking about
7 material. We had enough arms, but what were we to put in the
8 arms? We're not lacking in arms, but we're talking about
9 material. We had material - so we never had material so we could
15:57:24 10 put up a defensive. We did not have material to go on offensive.
11 Then we got that consignment.

12 Q. So this shortage of material continued then until you had
13 Abu Keita bringing in some ammunition for you, correct?

14 A. Exactly so. The material we had we used to put up a
15:57:50 15 defensive.

16 MR BANGURA: Your Honour, sorry for the confusion on the
17 records. I've just been again informed that the testimony that I
18 read regarding Fitti-Fatta is not in fact that of John Vincent.
19 It's the testimony of Charles Ngebeh, DCT-146. Just for the
15:58:26 20 records. It's DCT-146.

21 THE WITNESS: But that Charles Ngebeh was not on the
22 forefront. He was a man that used to take our arms. He was in
23 the rear. He put our arms together. He was not in the
24 forefront. We were facing it.

15:58:49 25 MR BANGURA:

26 Q. Mr Witness, let's look at the amount of material that you
27 say Abu Keita brought for you which you used for the December
28 operation.

29 Your Honours, I refer to the testimony of this witness on

1 23 April 2010 at page 39777.

2 Mr Witness, this is what you told Court about the material,
3 just to remind you:

4 "Q. What did Bockarie say about the person who was
15:59:54 5 introducing Abu Keita?

6 A. Sam Bockarie told us that the operation to recapture
7 Kono, that the ammunition for that was got from Abu Keita.

8 Q. Did he say what kind of ammunition this was?

9 A. Yes. He told us how many boxes Abu Keita had brought
16:00:15 10 to him. How many boxes of RPG. He told us everything.

11 Q. Well, please tell us. What amount of ammunition and
12 types of ammunition did Abu Keita bring to Sam Bockarie?

13 A. Abu Keita brought 20 boxes of AK in Buedu.

14 Q. 20 boxes of AK. Is this a weapon? Is this ammunition?
16:00:44 15 20 boxes of AK what?

16 A. 20 boxes of AK rounds, AK bullets, let's put it that
17 way.

18 Q. Besides the 20 boxes of AK bullets, was there any other
19 form of ammunition brought by Abu Keita to Sam Bockarie in
16:01:06 20 Buedu?

21 A. Yes. He also brought five boxes of RPG rockets.

22 Q. Was that all he brought?

23 A. Yes, that's what I know about.

24 Q. The 20 boxes of AK and five boxes of RPG rockets, were
16:01:27 25 those a significant or large amount of ammunition at that
26 time for the RUF?

27 A. The place that we were at the time, the situation in
28 which we were, to have gotten that 20 boxes of AK, it was
29 plenty for us. Those 20 boxes can give us how many rounds

1 of AKs? Yes, because we trusted ourselves."

2 Mr Witness, this is your testimony suggesting that you were
3 in a dire situation, basically, in your preparation for the
4 December attack; you did not have sufficient ammunition. Is that
16:02:13 5 correct?

6 A. I keep saying yes. I said we were in defensive. The
7 ammunition we had could not take us on offensive until we got
8 that ammunition from Abu Keita.

9 Q. Mr Witness, we have had testimonies of other witnesses in
16:02:37 10 this Court who have told this Court that in fact - they have told
11 this Court something different from what you are saying about the
12 amount of material or ammunition that you had for this operation,
13 and I'm going to show you some of the testimonies or some of the
14 evidence that this Court has obtained from witnesses, okay?

16:03:02 15 Your Honours, may the witness be shown exhibit P-93.

16 Mr Witness, just before we discuss this document, your
17 testimony is that the amount - the quantity of material,
18 ammunition, brought by Abu Keita was what you used to capture
19 Kono, correct?

16:04:10 20 A. I said yes. I keep saying yes. And after we had captured
21 Kono, we captured some other materials that took us as far as
22 Makeni, Lunsar.

23 Q. Let's consider this document, which is a report given by -
24 prepared and sent to Sam Bockarie by Issa Sesay. This is a
16:04:36 25 document which was prepared on 26 December 1999. It's called a
26 comprehensive report. This is how it's described. I'll read.
27 It says:

28 "Dear sir, on 6 December 1998, I left the defence
29 headquarters on your instructions for assignment and mission to

1 attack Koidu, the 2nd Brigade RUF/SL axis.

2 The below enumerated materials and items were then handed
3 over to me for said mission:

4 1. AK rounds - 30 boxes.

16:05:30 5 2. G3 rounds - 16 boxes.

6 3. RPG bombs - 2 and a half boxes.

7 4. Drugs - one medium and one small carton.

8 5. Diesel - 1 drum.

9 6. Petrol - 2 five-gallon tins.

16:06:05 10 7. Mortar gun - one.

11 8. Bazooka - one full set with rocket and TNT.

12 9. Fifty calibre rounds - 25 belt fed.

13 10. Chasers - two magazines with five fuses.

14 11. GPMG rounds - 20 boxes but after checking at Sengama,

16:06:39 15 two of the boxes were discovered to be BZT rounds.

16 12. GMG rounds - one. A GMG British calibre, one.

17 13. Rice - 17 bags.

18 14. Salt - 19 bags.

19 15. Big battery - two cartons.

16:07:08 20 16. Ronson cigarettes - three cartons.

21 17. 555 cigarettes - 30 grosses.

22 18. Mampo Maggi - four big cartons.

23 19. Cane juice - six five-gallons rubber.

24 20. Acid - two gallons.

16:07:35 25 21. Stationery - two cartons.

26 22. Engine oil - seven gallons.

27 The below listed materials and items were also given to me
28 for Sengama target."

29 So the first portion that we've just read of this letter,

1 the first part of it, a report and the materials that we've just
2 - I've just called out were for the Koidu axis, 2nd Brigade.
3 Now, he says he was given additional material for Sengama target.
4 That's another location."

16:08:17

5 "1. AK rounds - two boxes.

6 2. G3 rounds - one box.

7 3. Mampo Maggie - six packets.

8 4. Ronson cigarette - five grosses.

9 5. Salt - one bag.

16:08:38

10 6. RPG bombs - half box.

11 7. GPMG rounds - two boxes but after opening they were
12 discovered to be BZT rounds."

13 Mr Witness, let's just pause there and consider the
14 quantities of material that Issa Sesay in this report is telling
15 us that he received from defence headquarters on 6 December 1998
16 for purposes of attacking Koidu. Now, you said that you had
17 this --

16:09:05

18 MR ANYAH: Madam President, I hesitate to rise, but to be
19 fair to this witness the reference was made before this report
20 was read that it was a report prepared by Issa Sesay. I'm
21 referring to the reference made by counsel opposite. And again
22 just now there's been reference to the fact that this was
23 something Issa Sesay was conveying to Sam Bockarie. Now, the
24 document is in evidence. It's an exhibit. What weight to attach
25 is left to your Honours. But of the bottom of the document
26 doesn't show Issa Sesay's signature. It shows an adjutant's
27 signature. And, in fact, the part where it is to be --

16:09:52

28 THE WITNESS: Because I want to ask.

29 MR ANYAH: [Microphone not activated] battlefield - I don't

1 know whose voice that was, but I heard a voice in my headset as I
2 was speaking.

3 The portion where it says "battlefield commander", the last
4 page of the document, is not signed. So to keep paraphrasing or
16:10:29 5 suggesting to the witness that this was something prepared by
6 Issa Sesay may not be being entirely candid with the witness.
7 I'm not saying it's intentional. I'm just saying the document on
8 its face does not necessarily show that Issa Sesay was the one
9 either writing it or preparing it.

16:10:57 10 PRESIDING JUDGE: Mr Bangura?

11 MR BANGURA: Your Honour, I invite counsel to look at the
12 first page of this document and it clearly says at the top there
13 that the document is addressed to Major General Sam Bockarie, the
14 chief of defence staff, RUF/SL, and it is coming from Brigadier
16:11:15 15 Issa H Sesay, battlefield commander, RUF/SL. Your Honours --

16 PRESIDING JUDGE: And you reckon that the fact that the
17 letter is not signed by the battlefield commander and is instead
18 signed by someone described as the adjutant has no bearing on the
19 document?

16:11:36 20 MR BANGURA: Your Honour, at the end of the day, as counsel
21 pointed out rightly, it would be for your Honours to evaluate the
22 weight of the evidence that this document contains.

23 PRESIDING JUDGE: The point is what you put to the witness
24 now. You are putting this document to the witness in a certain
16:11:58 25 way. And the objection is that you are misstating the factual
26 situation.

27 MR BANGURA: I could rephrase. I could rephrase in a
28 sense:

29 Q. Mr Witness, this is a document which is - on the face of it

1 it states that it was prepared by Issa Sesay and it was sent to
2 Sam Bockarie. It's a report. Okay? So just have that at the
3 back of your mind. On the face of it it is said to be prepared
4 by Issa Sesay to Sam Bockarie.

16:12:36 5 MR ANYAH: With respect, and it's late in the day and I
6 don't mean to just interrupt without cause. This document on its
7 face does not say it was prepared by Issa Sesay. If anything,
8 you could conclude that it was prepared at the request of Issa
9 Sesay. But he did not prepare it.

16:12:56 10 I say this because this witness is a former military man.
11 When he hears a document was prepared by someone that was his
12 former battlefield commander it's a different reaction you get
13 from a military man than you would a civilian. So to say that
14 this was prepared by Issa Sesay on its face, it just suggests
16:13:15 15 that it is purportedly from Issa Sesay. But it's not signed by
16 Issa Sesay.

17 PRESIDING JUDGE: Mr Anyah, it is purportedly from
18 Brigadier Issa Hassan Sesay. Purportedly. There is nothing
19 inaccurate about that. And we have all agreed that it is not
16:13:33 20 signed by Issa Sesay. The witness understands that. But I can
21 not ignore the heading which says "from Brigadier Issa Hassan
22 Sesay." It purportedly comes from him and I don't see anything
23 wrong with Mr Bangura saying this letter on the face of it
24 appears like it came from. So I don't think there's merit in the
16:13:57 25 objection. Please continue, Mr Bangura.

26 MR BANGURA:
27 Q. Mr Witness, the document as you have seen and as I've
28 enumerated has got a whole list of material which far exceeds the
29 quantities that you have told this Court were brought by Abu

1 Kei ta. Do you note that?

2 A. Yes, I am seeing a lot of names of materials here. I don't
3 know if that was what Abu Kei ta brought, if that was what was
4 used. This paper looks strange to me. If Issa Sesay gave this
16:14:42 5 document or report it should be signed. Not the name or the
6 heading that would cause one to know that it was Issa Sesay
7 reporting. Issa Sesay has a signature. He didn't just sent a
8 message or a report without a signature.

9 Q. What this document says in fact is that just for the Koidu
16:15:02 10 operation 30 boxes of AK rounds were given to Issa Sesay. Do you
11 see that?

12 A. I have seen it but I don't believe it. I don't believe it
13 because the material that I saw with my own eyes was not 30
14 boxes. If we had 30 boxes before we were not going to wait for
16:15:32 15 Mosquito to call us for a meeting. We should have gone ahead
16 with our operation.

17 Q. You can see also, Mr Witness, that RPG bombs there were -
18 that item 3 on the first page, there were two and a half boxes.
19 Do you see that?

16:15:51 20 A. I have seen it, but I am telling you about six boxes of RPG
21 - I mean five boxes of RPG. That was what I saw in Buedu and
22 that was what he showed to us, those of us who went to the
23 meeting. I am seeing two and a half boxes here. I never talked
24 about two and a half boxes. I talked about five boxes of RPG
16:16:15 25 rockets. So I can't be convinced about what is on this
26 particular paper in relation to what I saw or what I was shown.

27 Q. In relation to the 30 boxes which Issa Sesay obtained for
28 the Koidu operation, he also obtained - that is AK rounds I'm
29 talking about, he also obtained two boxes for the Sengama target.

1 Do you see that? That's on the second page?

2 A. I am not denying that it was not issued for Sengama.

3 Sengama is close to Kailahun. We were as far as Kono. So the 30
4 boxes were carried straight to the Guinea Highway. That

16:16:53 5 material, nothing was taken from it. Everything reached with
6 morale booster, cigarettes as well. Everything arrived safely at
7 the Guinea Highway. That was where the final decision was taken.

8 It was not shared on the highway. They took it directly to him.

9 Sengama supply used to come from Kailahun directly from Mosqui to

16:17:18 10 because Sengama is close to the Moa. It's a crossing point.

11 Q. Mr Witness, let's go further into this document. We're on
12 the second page and after we have seen the list of materials that
13 were supplied to - for the Sengama target the document goes on to
14 say:

16:17:43 15 "Members of the delegation included myself as head and
16 Colonel Morrison Kallon, BFI, RUF/SL; Lieutenant Colonel Foday
17 Lansana; Major Edward Fembeh; Major Samuel F Jabba adjutant;
18 Major Victor Kamara, security commander to me; S/Captain Mohamed
19 Kamara; Captain Morie Jibao; Captain Abdoulie Massalay; Captain
16:18:28 20 Musa Vandi, including other soldiers and NCOs."

21 Now let us just pause there, Mr Witness. There is a list
22 of names here, ten including the purported writer of this
23 document, Issa Sesay. He lists nine other names here. Let's
24 consider these names. First of all Issa Sesay you have already
16:18:51 25 told us was the most senior person on the ground for the Kono
26 operation. Do you recall that testimony?

27 A. I remember that.

28 Q. And he says that members of his delegation, he mentions
29 Morrison Kallon. Do you know this person?

1 A. Yes, I know Morris Kallon. All of us went for the meeting
2 in Buedu. I know him. We were all in Kono and we left Kono for
3 the meeting. I know Morris Kallon very well.

16:19:28 4 Q. [Microphone not activated] Foday Lansana, Lieutenant
5 Colonel Foday Lansana?

6 A. Foday Lansana, yes, I can remember that name.

7 Q. [Microphone not activated] also part of this group?

8 A. I'm seeing it on the document.

9 Q. [Microphone not activated] asking your knowledge of events
16:19:41 10 now?

11 A. Whether I was part of the group in the forum?

12 Q. [Microphone not activated] first yes?

13 A. We were many. We were many. I saw Morris Kallon in the
14 forum. And other officers in that forum. Even the adjutant that
16:19:59 15 they are talking about, the bodyguard that they mention here.
16 What is his name here? Every one of them was at that forum.

17 Q. [Microphone not activated] later in Kono - in Koidu?

18 PRESIDING JUDGE: See whom?

19 MR BANGURA: Lieutenant Colonel Foday Lansana.

16:20:17 20 THE WITNESS: Repeat your question, please.

21 MR BANGURA:

22 Q. The question is did you see Lieutenant Colonel Foday
23 Lansana later in Koidu? We been talking about seeing him at the
24 forum in Buedu. Did you see him later in Koidu?

16:20:34 25 A. My God. After the forum everybody went back. Those that
26 were assigned to Koidu went back to Koidu. Every one of us who
27 came from Koidu went back. Foday Lansana went back. He was an
28 officer from Kono. We all went back.

29 Q. What about Major Edward Fembeh?

1 A. I said every one of us went back. Fembeh, every one of us.
2 I am saying it. All those of us who came from Kono went back.

3 Q. Mr Witness, I'm more concerned here with the names listed
4 in this document as members of this delegation that came to Koi du
16:21:11 5 from Buedu?

6 A. If that is the case my name has to be on this list.

7 PRESIDING JUDGE: Mr Bangura, are you asking the witness
8 whether these individual names were in the forum or are you
9 asking him whether they returned to Kono? What is the question?

10 MR BANGURA: It's the latter part of your question,
11 your Honour. Because the witness has said there were many of
12 them in the forum in Buedu and I'm not particularly concerned
13 with Buedu. This document says this is the delegation that came
14 to Koi du and that's the purpose - that's the reason why I'm
16:21:51 15 seeking to --

16 PRESIDING JUDGE: Then ask clearly. Maybe one-by-one. Ask
17 clearly.

18 MR BANGURA: Your Honour, that's what I'm endeavouring to
19 do:

16:22:01 20 Q. Mr Witness, what about Major Samuel F Jabba, the adjutant?
21 Did you see him among a delegation that came back to Buedu - to
22 Koi du?

23 A. Jabba was not assigned to Koi du. I never saw him. Jabba
24 was assigned to Kai lahun with Mosquito. He was not assigned to
16:22:25 25 Koi du. So I saw him in Buedu but not in Koi du. He was not in
26 the Koi du convoy.

27 Q. What about Major Victor Kamara, security commander to Issa
28 Sesay?

29 A. Yes, because Issa was assigned to Kono, so Victor a

1 bodyguard commander was supposed to go back with the convoy. He
2 went back.

3 Q. [Microphone not activated] Kamara?

4 A. Not everybody's name that is written here that I know.

16:22:55 5 Those who I know I can say yes, they went back. Whether they
6 went back I don't know. But the particular ones that you are
7 talking about Victor, yes, Morris Kallon, they went back. Not
8 all these names on this paper that I know.

9 Q. Mr Witness, it would have been more helpful if you simply
16:23:08 10 look through the list and tell us which names you did not see in
11 Koidu, but I'm not sure about whether you could do that, so
12 that's the reason why I'm going through the names one after the
13 other?

14 A. Yes, when you read it, the ones that I know about I'll tell
16:23:23 15 you that this person went back to Koidu. That's what I'm saying.
16 I told you that Jabba was in Buedu. I don't know him for Kono.
17 We met him in Buedu as an adjutant to Mosquito. Isn't that so?

18 Q. Let me go on. Mr Witness, just before I move on, the items
19 that were brought for the use of the brigade in Koidu included
16:23:48 20 item number 19, cane juice. Do you know what that is?

21 A. It was a morale booster for the soldiers. I told you that
22 they brought morale boosters, including cigarettes, for the
23 soldiers. I didn't need to call it one after the other. It's a
24 liquor.

16:24:09 25 Q. It's a liquor. What kind of liquor is this? Is it --

26 A. Oh, no. It's a liquor to drink.

27 Q. Do you know where it's made or manufactured?

28 A. I saw it at the front line. I did not know where they made
29 it. I was not in Buedu. I only went there for a meeting for one

1 or two days. How would I know where they are processing liquor?

2 I don't know.

3 Q. Mr Witness, cane juice is a very popular local drink in
4 Liberia, isn't it?

16:24:37 5 A. My brother, just ask your question. I'm not sure these are
6 questions that you should refer to me. I'm only concerned about
7 the ammunition. What do I want to know about cane juice? It's a
8 morale booster for soldiers to be active at the front line. I
9 don't think this is a question you should be asking me.

16:25:00 10 Q. Mr Witness, the question is simple. Cane juice is a very
11 popular --

12 A. It's not simple.

13 Q. [Microphone not activated] in Liberia, isn't it?

14 A. It's not simple. Even if it was a popular liquor in
16:25:13 15 Liberia, there are other people - civilians who are transacting
16 business at Dawa, so they had access to get cane juice from Dawa,
17 so it doesn't mean anything. Is that correct?

18 Q. Mr Witness, is the answer yes or no?

19 A. I said it's a morale for the soldiers. Whether they got it
20 or whether it's popular in Liberia, as long as I saw it on the
21 front line, it was for the soldiers. You want me to say, yes, it
22 was from Liberia? Is that what you want me to say? Yes, it's
23 from Liberia. Are you okay?

24 Q. Mr Witness --your Honours, I have --

16:26:00 25 A. You are forcing me with questions. You are forcing me with
26 questions that I'm not expecting you to do.

27 PRESIDING JUDGE: Mr Witness, please.

28 Mr Bangura, what are you saying.

29 MR BANGURA: I find the witness's emotions a little

1 unfriendly [indiscernible].

2 THE WITNESS: Well, you are asking me some questions --

3 MR BANGURA: [Microphone not activated].

4 PRESIDING JUDGE: First of all, let me say this. The day
16:26:23 5 is quite spent and I think we should all be - we should all cool
6 down. Mr Bangura, if you have one or two questions left before
7 the - we just have a few minutes left to the end of the day, and
8 then we should be done for today.

9 MR BANGURA: Yes, your Honour. I have a few. I may not be
16:26:49 10 done with this document today.

11 Q. Mr Witness, I'll just read further to the document. It
12 says:

13 "December 7, 1998, we made a cross to Sengama, materials
14 and items were handed over to the commander in charge. We then
16:27:13 15 arrived at Wuwama, where we spent the night.

16 December 9, 1998, we arrived safely at Guinea Highway, 2nd
17 Brigade headquarters. We were 100 per cent welcomed by the
18 commander, Colonel Boston Flomo (alias Rambo) including his
19 adviser, Lieutenant Colonel Peter B Vandi and others. Materials
16:27:44 20 and items as mentioned above were turned over to the commander.

21 December 11, 1998, the commander then called a general
22 forum at his headquarters. Battalion and unit commanders were
23 then invited to this forum. At 11 a.m. the forum commenced and
24 mostly centralised on the mission given to me by you to attack
16:28:19 25 and capture Koidu including Yengema and the airfield for quick
26 transportation of our materials by air.

27 The brigade commander, Colonel Boston Flomo, thanked us for
28 said mission and promised to cooperate on the mission together
29 with his men."

1 Mr Witness, just pausing there briefly, you have already
2 informed this Court that Boston Flomo was the brigade commander
3 in the 2nd Brigade, correct?

16:29:03 4 A. Did I tell you about Boston Flomo becoming a brigade
5 commander?

6 Q. It's a simple question. Did you say so or did you not?
7 It's a simple question.

8 A. We --

16:29:17 9 THE INTERPRETER: Your Honours, can he take his answer
10 slowly and more clearly.

11 MR BANGURA:

12 Q. Mr Witness --

13 PRESIDING JUDGE: [Microphone not activated] the
14 interpretation of this. Please repeat your answer.

16:29:33 15 THE WITNESS: I said Kono had not been captured. How could
16 Boston Flomo be a brigade commander for Kono when we were
17 planning to attack Kono? When Kono was captured, Boston Flomo
18 never stayed there as a brigade commander. He passed through to
19 Makeni.

16:29:51 20 MR BANGURA:

21 Q. Mr Witness, the question here about Boston Flomo - and I
22 believe this came from your testimony - is whether at the time
23 that you were preparing to attack Kono, whether Boston Flomo was
24 the commander of the brigade - the 2nd Brigade. If it is not the
16:30:13 25 case, please simply say so.

26 A. Boston Flomo was the head for some of the areas that we
27 attacked in Kono. For instance, he went with the first troops to
28 Lebanon. He moved with the first troops.

29 PRESIDING JUDGE: Mr Bangura, I think we'll have to take it

1 from there tomorrow. We've come to the end of the day's
2 proceedings.

3 And Mr Witness, as I usually do: You are not to discuss
4 your evidence. You continue tomorrow. Court adjourns to
16:30:47 5 tomorrow at 9.30.

6 [Whereupon the hearing adjourned at 4.30 p.m.
7 to be reconvened on Wednesday, 28 April 2010 at
8 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

DCT-062	40015
CROSS-EXAMINATION BY MR BANGURA	40015