



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 28 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 Mohamed A Bangura
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambrick

1 Wednesday, 28 April 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.34 a.m.]

09:27:59 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, Brenda J Hollis, myself Mohamed A Bangura, Kathryn
09:34:44 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, Silas Chekera and
14 Michael Herz. Madam President, your Honours will notice the
09:35:06 15 absence of Mr Taylor from court. May I address the Court on that
16 issue?

17 PRESIDING JUDGE: Yes, please.

18 MR ANYAH: Mr Taylor telephoned me this morning at about
19 8.41 a.m. and he telephoned to indicate that he might not be in
09:35:20 20 court on time, that he was willing to come to court today but
21 that a circumstance arose at the ICC detention centre regarding
22 his mode of transportation to court to which he objected and that
23 that could cause a delay in his appearance today.

24 The circumstance to which he alluded was this, and it has
09:35:42 25 occurred previously, in fact within the last six months: The ICC
26 detention centre personnel typically would move Mr Taylor from
27 his jail cell and hand him over to the Dutch security service
28 responsible for his transportation to the courthouse. They
29 followed the typical practice today. He was handed over. He was

1 handcuffed. He was placed in a vehicle and this is where the
2 problem arose. He was left in that vehicle for, in his
3 estimation, 10 to 15 minutes, while the detention centre
4 personnel went to transport or bring another detainee from
09:36:26 5 upstairs to another waiting vehicle to be transported to the same
6 courthouse.

7 Now, this circumstance arose on 12 January this year and I
8 have the transcript before me. It was almost identical to this
9 and Mr Taylor and the other detainees had as of 12 January lodged
09:36:50 10 complaints six months before with the detention centre personnel
11 regarding this particular mode of transportation. They find it
12 to be demeaning and undignified to have somebody handcuffed,
13 sitting in a tinted van, waiting in the past for as long as 30
14 minutes while another detainee is brought from upstairs merely
09:37:14 15 because it is wished that they be transported in what would be
16 called the same convoy.

17 And so this is where we find ourselves today. The accused
18 is willing to come to court. He has given us, the Defence, his
19 consent, that we proceed in his absence, but the manner in which
09:37:32 20 he is being transported to court is, with respect, clearly
21 undignified. We know from everyday experience and indeed human
22 nature that when you permit or condone allowing someone to sit in
23 a van for 10 minutes one day, the next day it adds up to about 30
24 minutes and before you know it we will have people sitting in
09:37:56 25 vans waiting for 45 minutes.

26 Now, I don't know the modalities of the security
27 arrangements and why it is that they cannot transport Mr Taylor
28 at the exact moment when he enters the van and bring him to the
29 courthouse. Maybe they are short of personnel and other

1 facilities, I do not know. But what we do know and what we
2 submit objectively speaking is unnecessary and is disrespectful
3 is to have the accused sit in a van, waiting for several minutes
4 while he is handcuffed.

09:38:27 5 Now, Madam President, your Honours spoke about this on
6 January when it happened. 12 January. The relevant page for
7 that transcript is 33239. I don't remember who was presiding
8 then but the President of the Court said at line 11 - the Court
9 expressed its consent that close to an hour, 55 minutes, had been
09:38:55 10 completely wasted because the accused Mr Taylor had been not
11 produced to Court. The Court added this:

12 "But in fairness to security, we haven't heard their side
13 of it so we will direct the Acting Registrar through the head of
14 The Hague sub-office to provide a report on exactly what happened
09:39:13 15 this morning and ways to avoid it in the future."

16 For us the significant portion is the last sentence, "ways
17 to avoid this in the future."

18 I recall from memory that the report was prepared and
19 submitted. I haven't been able to find it in the short period of
09:39:30 20 time since I received this call, but I don't know what
21 suggestions were made by the Registry as to how to avoid this in
22 the future. It keeps repeating itself. We submit on its face
23 it's not acceptable and so, again, we are in the Court's hands as
24 to how to proceed. The client is ready for us to go forward, but
09:39:52 25 your Honours may have to address this issue more vigorously so
26 that it doesn't reoccur. Thank you.

27 PRESIDING JUDGE: Thank you, Mr Anyah, for your
28 submissions. Now, as you know, normally issues that pertain to
29 the detention of the accused or accused persons in the ICC

1 detention centre fall under the purview of the Registrar of the
2 Special Court and the Registrar of the ICC. Any complaints or
3 concerns from the parties, especially from the Defence, regarding
4 the conditions of detention, and in this case transportation of
09:40:41 5 Mr Taylor, should and must be addressed to the Registrar.

6 However, in this case I note that the absence of course of
7 Mr Taylor or his coming late to court has a direct impact on the
8 proceedings in the court. For that matter and that matter alone,
9 I am going to direct that the Registrar of the Special Court once
09:41:08 10 again look into this issue of the transportation of the accused
11 and find ways and means of this problem not occurring again, and
12 not interrupting the proceedings, and to address this issue as a
13 matter of urgency.

14 Now, having said that, I do take note of your submissions,
09:41:32 15 Mr Anyah, that you have Mr Taylor's permission to proceed in his
16 absence and, hoping that he will come at some stage of the trial,
17 we will proceed in his absence pursuant to Rule 60(B) of the
18 Rules of Procedure and Evidence.

19 MR ANYAH: Thank you, Madam President.

09:41:55 20 PRESIDING JUDGE: Mr George, good morning. We are going to
21 continue with your evidence this morning, I think in
22 cross-examination again, and I remind you that you are still
23 under your oath to tell the truth. That oath is still binding on
24 you.

09:42:13 25 Mr Bangura, please continue.

26 MR BANGURA: Thank you, Madam President.

27 WITNESS: DCT-062 [On former oath]

28 CROSS-EXAMINATION BY MR BANGURA: [Continued]

29 Q. Good morning, Mr Witness.

1 A. Good morning, Mr Bangura.

2 Q. [Microphone not activated] your testimony this morning.

3 You will recall that yesterday when we broke off we were looking
4 at the document which, on the face of it, stated that it was

09:42:43 5 prepared by Issa Sesay and it was addressed to Sam Bockarie. Do
6 you recall?

7 A. Yes, I remember that yesterday.

8 Q. [Microphone not activated] was pointing out to you a number
9 of quantities of material which Issa Sesay had been supplied with
10 from Buedu for the operation in Kono. Do you recall that?

09:43:09

11 A. Yes, yes.

12 THE INTERPRETER: Your Honours, that was not very clear to
13 the interpreter.

14 MR BANGURA:

09:43:22

15 Q. That whereas you had told this Court that the material
16 which he used for the operation in Kono were brought by Abu
17 Keita, and that included 20 boxes of AK rounds, in the case of
18 the material which Issa Sesay brought for the Kono operation, we
19 had 30 boxes of AK rounds. Do you recall that?

09:43:49

20 A. Yes, I said Abu Keita brought 20 boxes of AK rounds and
21 five boxes of RPG rockets.

22 Q. Apart from AK rounds and RPG rockets, which you said were
23 the material that Abu Keita brought and which were used for the
24 Kono operation, we have Issa Sesay mentioning a whole list of
25 other material. Do you recall?

09:44:19

26 A. I saw the list. I saw the list yesterday when you showed
27 it to me.

28 Q. Now, Issa Sesay had - in addition to AK rounds and RPG, he
29 had bazookas. Do you recall?

1 A. You spoke about all these materials that were listed.

2 Q. [Microphone not activated] he was also supplied with mortar
3 gun. You did not see Abu Keita come with a mortar gun to Buedu,
4 did you?

09:45:16 5 A. No. I spoke about AK rounds and RPG rockets. I never
6 spoke about bazooka.

7 THE INTERPRETER: Your Honours, could counsel be advised
8 again to wait for the interpretation.

9 PRESIDING JUDGE: [Microphone not activated] you are not on
09:45:32 10 channel 1, Mr Bangura, I am sure. And kindly wait for the
11 translation.

12 Now, start again, Mr Bangura.

13 MR BANGURA:

14 Q. You did not see Abu Keita come to Buedu with bazookas, did
09:45:49 15 you?

16 A. I never saw a bazooka in the materials that Abu Keita
17 brought.

18 MR ANYAH: Madam President, with respect, if we are to be
19 accurate, the document did not say "bazooka". It said "bagoosa"
20 or something like that, Prosecution exhibit 93.

21 JUDGE LUSSICK: It said "bazooga".

22 MR ANYAH: Yes, that's what it said.

23 MR BANGURA: Your Honour, I will endeavour to pronounce it
24 the way it is spelled here, and that's the best pronunciation
09:46:21 25 I've given, bazooka, that's what I said [indiscernible] --

26 PRESIDING JUDGE: Mr Bangura, if you are having problems
27 remembering what's written, then have the document put out again
28 for everybody to see.

29 MR BANGURA: Your Honour, I will do that, but I can --

1 PRESIDING JUDGE: Otherwise, please be accurate in the
2 questions you put.

3 MR BANGURA:

09:46:48 4 Q. Mr Witness, you did not see Issa Sesay - you did not see
5 Abu Keita come with a mortar gun, did you?

6 A. I said yes, I spoke about ammunition. I never spoke about
7 mortar guns. We had all those materials. We had mortar guns, we
8 had bazookas. It was not Abu Keita who brought those. I talked
9 about AK rounds and RPG rockets.

09:47:08 10 Q. You did not see Abu Keita come with chasers, did you?

11 A. No.

12 Q. You did not see him come with GPMG rounds, did you?

13 A. I said no.

09:47:39 14 Q. Now, the fact is, Mr Witness, when you say that Abu Keita
15 came with these material, with 20 boxes of AK rounds and three
16 RPGs, you are merely guessing and you did not - you were not
17 there when this meeting occurred, the meeting that you talked
18 about where you said Abu Keita brought these materials?

09:48:07 19 A. I am not guessing. I was at the meeting, and I never spoke
20 about three RPGs. I said five box of RPG rockets and 20 boxes of
21 AK. I never spoke about three RPG rockets. I said five boxes
22 and 20 boxes of AK, and the material were shown to us during the
23 meeting by Sam Bockarie.

09:48:32 24 Q. Mr Witness, did you know that about this time that you are
25 referring to, Issa Sesay - I'm sorry, Sam Bockarie had travelled
26 to Burkina Faso just before this meeting? Did you know that?

27 A. Whether he travelled to Burkina Faso, that I don't know. I
28 don't know about his travelling to Burkina Faso. And no message
29 was sent to us saying that Sam Bockarie travelled to Burkina

1 Faso. He called us to attend the meeting in Buedu, and he never
2 spoke about his travelling to Burkina Faso.

3 Q. And did you know, Mr Witness, that on that trip to Burkina
4 Faso, Sam Bockarie came back with a huge quantity of fighting
09:49:16 5 material, ammunition of different sorts?

6 A. No.

7 Q. And you do not know that Abu Keita - on this trip that Sam
8 Bockarie had gone to, Abu Keita went to meet Sam Bockarie on the
9 way to bring this material into Buedu; you don't know that, do
09:49:45 10 you?

11 A. Abu Keita was not with the RUF. He was with ULIMO. He was
12 not with RUF. He was not a member of RUF. He was with ULIMO -
13 Alhaji Kromah's ULIMO. So how would he have gone to help Sam
14 Bockarie to bring material?

09:50:02 15 Q. You do not know that Abu Keita came to Buedu in the absence
16 of Sam Bockarie, that is to say, when Sam Bockarie had left to go
17 to Burkina Faso. You do not know that, do you?

18 A. No. I met Sam Bockarie and Abu Keita in Buedu.

19 Q. So you were not in a position to say that Abu Keita met Sam
09:50:30 20 Bockarie at Foya and they together came with this material that
21 Sam Bockarie had got from Burkina Faso. You are not in a
22 position to say that?

23 A. I cannot say that, because he never told us that Abu Keita
24 met him in Foya. What he told us during the forum was that Abu
09:50:50 25 Keita brought material that I have just named, and I saw Abu
26 Keita in Buedu. And from there all of us went on the operation,
27 and he never went back until the end of the war in Sierra Leone.

28 Q. Mr Witness, you said you were at the meeting in Buedu where
29 the material that Abu Keita brought was distributed.

1 A. I never --

2 Q. [Microphone not activated]. You were at the meeting when
3 Abu Keita - the material that Abu Keita brought was distributed.

09:51:41

4 A. I was in Buedu when Sam Bockarie showed us the materials
5 and for it to be taken to Kono. We did not share the material in
6 Buedu. The material were taken to Kono for the operation that I
7 had referred to. They were not shared in Buedu.

8 Q. Your testimony to this Court is that Abu Keita came along
9 with the material up to Kono. Do you recall that?

09:52:02

10 A. I said Abu Keita brought the material to Buedu and all of
11 us went on the operation along with Abu Keita. I never said that
12 Abu Keita took the material to Kono. I said he brought them to
13 Buedu to Mosquito, and Mosquito invited us to the forum and
14 introduced Abu Keita to us, that he brought the materials. That
15 was what I said in my statement.

09:52:23

16 Q. Mr Witness, did Abu Keita come to Kono for the operation in
17 December?

18 A. Abu Keita came to Kono. From there we went to Hangha and
19 up to Kenema, and then he returned to Buedu.

09:52:42

20 Q. Now, who brought the material to Kono, the material which
21 was supplied to you at Buedu for the Kono operation?

22 A. The person who brought the material, I can recall, was
23 Morris Kallon. He was the senior man who left Kono, and he went
24 on - to that particular meeting in Buedu, and I can recall it was
25 Morris Kallon. I was at the crossing point when the material
26 were brought to the Manowa crossing point. That was where we
27 crossed them.

09:53:06

28 Q. Mr Witness, you are telling this Court that the material
29 which Issa Sesay is reporting that he was supplied with and which

1 he brought to Kono is different from the material which you said
2 were brought by Abu Keita. Is that your evidence?

3 A. I am telling you - I am telling the Court that the material
4 that I saw during the meeting when Mosquito introduced Abu Keita
09:53:52 5 to us that he brought the materials, those materials were moved
6 to Kono. They were moved to Kono. That is the material I am
7 talking about. I told you that we had material, but they were
8 merely for defensive and just for defensive, and they were not
9 enough. But the material I am talking about were five boxes of
09:54:16 10 RPG and the rocket I am talking about, those material were taken
11 to Kono.

12 Q. Mr Witness, you had a target or an area of operation called
13 Sengama, didn't you?

14 A. Yes, we had a target Sengama, but Sengama was around the
09:54:38 15 Moa at the crossing point and officers were deployed there. I
16 know Sengama. That was where we crossed.

17 Q. [Microphone not activated] supply from this material that
18 was brought by Issa Sesay, did you not?

19 A. Well, I cannot tell whether they got supply from that
09:54:56 20 material, but I know that those particular material that they
21 gave us were transferred to Kono for that particular operation
22 that I have spoken about.

23 Q. Mr Witness, Issa Sesay - you have told this Court that
24 after you came from Buedu there was a meeting in Kono - Koidu
09:55:13 25 before the operation to take Koidu. Do you recall - to take
26 Kono?

27 A. Yes, it was the last meeting after the material - after
28 that, the materials were taken to Kono. That was after the
29 meeting we held at the Guinea Highway for the mission.

1 Q. And you have told this Court that Issa Sesay was the most
2 senior officer on the ground for this operation in Kono. Do you
3 recall?

09:55:45

4 A. Yes, exactly so. He was the most senior officer on the
5 ground. He was in charge.

6 Q. And that meeting that you attended, was it not chaired by
7 Issa Sesay?

09:56:02

8 A. He was the senior officer. He chaired the meeting. He was
9 in the Kono Jungle. He chaired the meeting for us before the
10 mission.

11 Q. And Issa Sesay came to that meeting with a delegation, did
12 he not?

13 A. The delegation you are talking about was where the other
14 soldiers who left Buedu. It was not the ones with Abu Keita --

09:56:22

15 THE INTERPRETER: Your Honours, could the witness be asked
16 to slow down.

17 PRESIDING JUDGE: Mr Witness, you need to slow down again
18 and to repeat your answer. You said, "The delegation you are
19 talking about". Now continue from there.

09:56:38

20 THE WITNESS: I said the delegation you are talking about
21 was - the most strange person that was among that group was Abu
22 Keita and his few men. But that besides, they were all members
23 of RUF, some of whom were residing in Buedu. They had all left,
24 and they came and joined us in the jungle, and those were the
25 ones that we went with.

09:57:00

26 Q. Mr Witness, we considered some names yesterday that came
27 with Issa Sesay when he came from Buedu. Do you recall
28 Morrison Kallon as being part of that group?

29 A. You can call the list and if he was part of the group, then

1 I can tell you. But you cannot keep the list somewhere and ask
2 me whether this person was part of the group.

3 Q. [Microphone not activated] I am asking you: Do you recall
4 Morrison Kallon being a member of that group?

09:57:34 5 A. I recall Morrison Kallon, I recall Jabba, I recall the
6 bodyguard to Issa.

7 Q. Now, you have mentioned Jabba. Do you recall Jabba being
8 the adjutant to the battlefield commander? Do you recall that?

9 A. Jabba was the adjutant to the field commander, but he was
09:58:01 10 residing in Buedu with Mosquito. Jabba was not in the Kono
11 Jungle with us.

12 Q. So what you are saying, Mr Witness, is that you were not
13 part of this group that moved to - that came to Kono from Buedu
14 after the meeting in Buedu? You were not part of the group, were
09:58:23 15 you?

16 A. I was part of the group. I was part of that particular
17 group. Maybe you never saw my name there, but it was not
18 everybody who went for the meeting whose names are on the list.
19 Some people's name does not appear there. They only named few
09:58:40 20 people. Some people's names are not there just to make it sweet,
21 but I was part of that group and I took part in the meeting,

22 Q. Mr Witness, either you were not there or you are merely
23 guessing all of this and you just did not know what happened;
24 which is the truth?

09:59:02 25 A. How would I guess if I was in the Kono Jungle. I was not
26 anywhere else. From Woama to Koidu Town is just about 7 miles,
27 and you pass through my route before going to Gandorhun and to
28 take the route to Kailahun. How would I guess? I am not
29 guessing.

1 Q. If you say you were there, how could you not remember that
2 Issa Sesay came with all this material from Buedu?

3 A. I cannot say that all those materials, Issa Sesay brought
4 them from Buedu. I can't agree to that because I did not see
09:59:43 5 them. The one I saw is what I am talking about. You cannot ask
6 me to agree about those materials because I did not see them, and
7 these particular things that I am talking, Issa would never
8 receive materials and send them without signature --

9 THE INTERPRETER: Your Honours, could the witness be asked
10:00:00 10 to slow down his pace.

11 PRESIDING JUDGE: Mr Witness, what you said could not be
12 interpreted because you are talking too fast.

13 THE WITNESS: Sorry, ma'am.

14 PRESIDING JUDGE: Now, you said something Issa not
10:00:14 15 receiving something and not signing for it. Can you continue
16 from there and repeat your answer slowly.

17 THE WITNESS: Yes, ma'am. I said the material that I spoke
18 about, the 20 boxes of RPG - I mean, the AK boxes and the five
19 boxes of RPG rockets were the ones I knew about. And the
10:00:35 20 material you are talking about that Issa received from Mosquito,
21 I am saying by rights if it were Issa who sent that report,
22 normally what he did was to sign, and he will sign for the
23 material that he received. You are talking about a large cache
24 of material. You cannot just say he received it or sent it,
10:00:56 25 because there was no signature. Normally once Issa sent a
26 report, he would sign. Normally when I send a report to Issa, I
27 will sign to ensure that yes, it is a report from Martin so that
28 nobody will deny it later. So that was how we used to do.

29 MR BANGURA:

1 Q. Witness, it's not a question of signature at this point.
2 The point is if you were there, you would have seen this material
3 or you would have known about this material which Issa Sesay
4 brought - and that's the point - and that question has not been
10:01:27 5 answered.

6 A. I was there and I know the material that Issa Sesay - I
7 mean, Morris Kallon brought. But the one that you are adding to
8 that, I said they were not part of the material. That is what I
9 am telling you. And now you are saying they were added to it. I
10:01:43 10 am saying they were not added to.

11 Q. Mr Witness, there was a Lieutenant Colonel Foday Lansana in
12 that group that came; do you recall?

13 A. I recall Foday Lansana, Pa Fembeh. I said it yesterday. I
14 said yes, Pa Fembeh was part of the meeting. You brought the
10:02:05 15 list. I said yes, Pa Fembeh was part of the meeting, and he
16 entered with us in Kono.

17 PRESIDING JUDGE: The question related to Lansana - Foday
18 Lansana.

19 THE WITNESS: I said yes. I told him yesterday. I said
10:02:15 20 yes, I remember that name. We were many officers at that
21 meeting.

22 PRESIDING JUDGE: Meeting; that is the question.

23 THE WITNESS: Yes, he was at the meeting and he went to
24 Kono with us.

10:02:28 25 MR BANGURA:

26 Q. Mr Witness, remember in your testimony before this Court, I
27 believe yesterday and perhaps even before yesterday, you have
28 been asked about the name Foday Lansana and whether you knew
29 anyone known as Foday Lansana. This was in the context of

1 discussing CO Nya, remember?

2 A. That is what I told you. I said I did not know that name
3 for CO Nya. CO Nya was not called by the name Foday Lansana. We
4 had the original Foday Lansana in the RUF, not Nya. Nya is not
10:03:05 5 Foday Lansana. We had a Foday Lansana - a colonel by the name of
6 Foday Lansana who was a fighter. It's just in this Court that I
7 have heard that Nya was called Foday Lansana, but I did not hear
8 that name when he was fighting for the RUF. That is what I said
9 in my statement.

10:03:23 10 Q. Mr Witness, did you not categorically deny that you knew
11 anyone by the name Foday Lansana?

12 A. I never denied. I said I did not know CO Nya to be Foday
13 Lansana. I do not know him by that name. That is what I said.
14 I said the original name I know for him is Nya. He did not carry
10:03:48 15 a Foday Lansana name. It is here that I heard that Foday Lansana
16 name. That is what I say. I said I did not know him by that
17 name. That is what I said yesterday.

18 Q. Who was Lieutenant Colonel Foday Lansana?

19 A. We had one junior commando by the name of Lieutenant
10:04:06 20 Colonel Foday Lansana, yes. We had a junior commando who was
21 called Foday Lansana. That is his full name. Nya never carried
22 Foday Lansana name.

23 PRESIDING JUDGE: So, Mr Witness, are you saying that the
24 Foday Lansana referred to in this document, exhibit P-93, is the
10:04:30 25 junior commando?

26 THE WITNESS: He was a junior commando, not Nya. Nya did
27 not carry Foday Lansana name.

28 PRESIDING JUDGE: And this junior commando, you say, was
29 the one who was in the meeting?

1 THE WITNESS: He was at the meeting with us, and all of us
2 went to Kono on that operation. And this Foday Lansana man, he
3 was in Buedu. Those are some of the delegates who went along
4 with the material. When Nya - we, Nya, and others, left
10:05:07 5 Freetown, most of us were based in Koindu in the Koidu Town in
6 the township of Kono. He was not based in Buedu.

7 MR ANYAH: Madam President, and also to be fair to this
8 witness, when I examined him in chief, I did not ask him if
9 another name for CO Nya was Foday Lansana. I have the transcript
10:05:29 10 here. We only spoke of CO Nya. You can check the transcripts
11 from the 21st, the 22nd, the 23rd. The question was never posed
12 to this witness: Were Foday Lansana and CO Nya one and the same
13 person? The relevant page from 22 April's transcript is 39694,
14 and the question I posed to the witness at line 21:

10:05:54 15 "Q. Have you heard of someone named CO Nya?

16 A. Yes, I know Nya.

17 Q. Who is Nya?"

18 The witness explains, and then the last question on that
19 page:

10:06:10 20 "Q. And in what year do you say Nya made his way through
21 to the RUF?

22 A. I am talking about 94 when Nya met us in Kailahun."

23 You will not find "Lansana" referred to there.

24 PRESIDING JUDGE: Yes, but during cross-examination I think
10:06:27 25 this question was asked.

26 MR ANYAH: Yesterday.

27 PRESIDING JUDGE: I don't think Mr Bangura is referring to
28 the testimony in chief.

29 MR ANYAH: Well, if it's referring to cross-examination,

1 then Mr Bangura is right. He raised it yesterday with the
2 witness. But if the suggestion is that the witness denied in
3 chief that --

10:06:47 4 PRESIDING JUDGE: I am looking - Mr Anyah, I am looking at
5 page 18, and Mr Bangura's comment relates to the testimony of the
6 witness yesterday and maybe the day before. This is
7 cross-examination.

8 MR ANYAH: Madam President, I appreciate that, but my
9 hearing of the way the question was posed - and I am trying to
10:07:04 10 find learned Counsel's question.

11 PRESIDING JUDGE: It is on page 18, line 17 onwards. It
12 has nothing to do with his evidence-in-chief.

13 MR ANYAH: Yes. But before that if you go up,
14 Madam President, and you go above, there are two areas where it's
10:07:21 15 covered. I use a 12-point font, and the first question
16 Mr Bangura asked - this is at my line 17 of page 18:

17 "Mr Witness, remember in your testimony before this Court,
18 I believe yesterday and perhaps even before yesterday, you had
19 been asked about the name Foday Lansana - whether you knew anyone
10:07:43 20 known as Foday Lansana."

21 This is in the context of discussing CO Nya. So it is
22 suggested that perhaps even before yesterday this issue was
23 raised with the witness. And if I pull yesterday's transcript in
24 particular and I show your Honours where this question was
10:07:59 25 addressed by counsel opposite with the witness, you will see that
26 yesterday as well the suggestion was made that the witness lied
27 in chief or disagreed in chief with the proposition that CO Nya
28 and Foday Lansana were one and the same person.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: In any event, I think we are just
2 splitting hairs here. As far as I am concerned, the question may
3 be put to the witness in the form that it's put.

4 Mr Bangura, if you can come up with a transcript where the
10:08:35 5 witness said whatever he said, that would be preferable. But I
6 think the witness is quite capable of answering this question
7 without any assistance from anybody. Please proceed, Mr Bangura.

8 MR BANGURA: Thank you, your Honour:

9 Q. Mr Witness, this group that came - the delegation that came
10:08:59 10 to Kono from Buedu, they did not come straight to Kono, did they?
11 They came through Sengama and some other locations before they
12 eventually got to Kono. Isn't that right?

13 A. Yes, that's correct. That's the route that you take from
14 Buedu. Even from Kono going to Buedu, that's the road you use
10:09:27 15 before you get there. From Buedu before going to Koidu, you pass
16 through all those places before you get to Koidu.

17 Q. They passed through Guinea Highway; isn't that right?

18 A. Before you get to Guinea Highway, you pass Sengama,
19 Gandorhun, Woama, before you get to Guinea Highway, and I was
10:09:53 20 based in Woama. And whilst they were going to the Guinea
21 Highway, I stopped at Woama. That is the road you take before
22 you go to the Guinea Highway.

23 Q. Mr Witness, do you recall you mentioned the name Vanicious
24 Varney before in your testimony, and you said that this person is
10:10:10 25 also known as Kailondo?

26 A. Yes. I can remember that name and I called that name.

27 Q. Mr Witness, how many Kailondos or persons by the name of
28 Kailondo did you have commanding officers or commanders did you
29 have in the RUF?

1 A. I know Vanicious Varney who was called Kailondo. We had
2 two Bai Burehs and one Kailondo that I know about.

3 Q. I did not ask you about a Bai Bureh; I am asking you about
4 Kailondo.

10:10:56 5 A. I know about one Kailondo who is Vanicious Varney.

6 Q. Was there not somebody called Kailondo Banyas - Kailondo S
7 Banyas, who was also a colonel?

8 A. The name Kalando [phon] is not Kailondo. You are talking
9 about Kalando. I am talking about Kailondo. I did not say

10:11:21 10 Kalando. I said Kailondo.

11 Q. If you listen carefully, you will note that I called out
12 the name Kailondo. And the question is again: Wasn't there
13 somebody in the RUF called Colonel Kailondo S Banyas?

14 A. No. Banyas never had a Kailondo name. I knew Banyas very
10:11:50 15 well. He never had a Kailondo name. It was Vanicious Varney who
16 carried the name Kailondo.

17 Q. Now, Mr Witness, you yourself as a commander did - at some
18 point made reports - wrote reports and sent to your superiors,
19 didn't you?

10:12:15 20 A. Yes, I used to make my monthly report.

21 Q. And did you have to write up those reports yourself?

22 A. I had my adjutant. He wrote the reports. He read through
23 it, I sign before sending it.

24 Q. So when you wanted to do a report, you would tell the
10:12:34 25 adjutant what to write and the adjutant would prepare your report
26 which after being prepared you would then sign and send, correct?

27 A. I would not tell him what to write. When I am talking
28 about report as brigade commander, I get reports from different
29 battalions and then I put everything together for the situation

1 that fits my brigade before sending the report. I cannot just --

2 THE INTERPRETER: Your Honours, could the witness be asked
3 again to slow down.

4 PRESIDING JUDGE: Please do slow down again and you have to

10:13:05 5 repeat part of your answer where you said, "I put everything
6 together for the situation that fits my brigade before sending
7 the report." Continue from there. You said, "I cannot just --"

8 THE WITNESS: I said I can't just call the adjutant and
9 say, "Come and write a report. I am short of rice on the front

10:13:30 10 line", or, "I am short of Maggi on the front line", and then he
11 just write report and then I send it. No. I get reports from
12 the various battalions under my brigade. When this battalion
13 send its report and this one sends its report I compile
14 everything. I take the main points and then I write my report.

10:13:49 15 That was how I used to write my report.

16 MR BANGURA:

17 Q. Mr Witness, it was just simply normal practice for
18 commanders to have their adjutants write reports for them which
19 they then sign and send off. Wasn't that the case?

10:14:06 20 A. Repeat your question.

21 Q. It was normal practice within the RUF for commanders to
22 have their adjutants prepare reports which they then signed and
23 sent off to whoever it was addressed to?

24 JUDGE LUSSICK: Mr Bangura, make it clear who you are
10:14:26 25 alleging signs the report. You say "which they signed". Who is
26 "they"?

27 MR BANGURA: Commanders, your Honour:

28 Q. It was normal practice for commanders to have their
29 adjutants prepare reports for them. Isn't that the case?

1 A. It was the order. When you write reports, sometimes you
2 can make a mistake. That was why we decided not to write reports
3 for ourselves. So we had adjutants to write the reports.

10:15:04 4 Q. It's a simple yes or no question. Was it a normal
5 practice? Was it or was it not? Was it normal practice for
6 commanders to have their adjutants write them reports?

7 A. Yes.

8 Q. Mr Witness, the material which was brought by Issa Sesay
9 was distributed to various commanders in Kono. Isn't that the
10:15:59 10 case?

11 A. Yes, that was what happened.

12 Q. And this was after the meeting that you - during the
13 meeting that was held in Kono that Issa Sesay chaired. Do you
14 recall?

10:16:28 15 A. Repeat your question.

16 Q. This distribution was during the meeting that Issa Sesay
17 chaired. The distribution of material to the various commanders
18 was done during the meeting that Issa Sesay chaired. That's the
19 question. Wasn't that the case?

10:16:47 20 A. The meeting he called, that was when the material was
21 shared and everybody took their own position. It was just after
22 the meeting that the materials were shared out to different
23 commanders. From there everybody went on your own assignments
24 and a time was agreed on for the operation to kick off.

10:17:12 25 Q. To your knowledge there was a Lieutenant Colonel Akim who
26 was at that meeting, wasn't there?

27 A. Oh, yes, Akim was there. He was in the meeting. We all
28 shared ideas together. He was at the meeting.

29 Q. He was one of the commanders who received his share of the

1 material, correct?

2 A. Yes. Akim took part in the attack and he was the commander
3 on the other side. Kailondo was commander on another side. And
4 Boston Flomo was another commander on another side. But every
10:17:58 5 one of them received materials and they left for their various
6 points.

7 Q. Now, Akim that I have just referred to, Lieutenant Colonel
8 Akim, he was from the AFRC, wasn't he?

9 A. Exactly so. That is the Akim I know. That's the only Akim
10:18:17 10 I know.

11 MR BANGURA: Now, your Honours may the witness be shown
12 exhibit P-372:

13 Q. Mr Witness, on the screen is a document dated 14 December
14 1998. It is titled "Materials issued to the 2nd Brigade
10:19:46 15 commander on 13 December 1998 as seen below". If you look at the
16 first section there, there are four items listed and it says the
17 first one is 13 boxes of one tin AK rounds. Do you see that?

18 A. 13 boxes of what?

19 PRESIDING JUDGE: It's "13 boxes and".

10:20:34 20 MR BANGURA: Thank you, your Honour:

21 Q. "13 boxes and one tin AK rounds". Do you see that?

22 A. I have seen it.

23 Q. If you go to this next section, "Distribution of material
24 to various commanders." So what we have - what we have just
10:20:53 25 looked at is materials issued to the 2nd Brigade commander. So
26 he got 13 boxes and one tin AK rounds. If we go to the second
27 section it says, "Distribution of material to various commanders"
28 and then we see there Lieutenant Colonel Akim. The first item
29 there is three boxes of AK rounds. Do you see that?

1 A. I am seeing it.

2 Q. Now, if we go to the next section, it says Lieutenant
3 Colonel Boston Flomo and then Lieutenant Colonel KS Banyu. First
4 item there is five boxes of AK rounds. Do you see that?

10:21:47 5 A. Carry on. I am seeing it.

6 Q. Next section it says S/Captain Junior. Now, just before I
7 go on, did you have a position within the ranks of the RUF known
8 as staff captain?

9 A. Yes.

10:22:10 10 Q. So would this be Staff Captain Junior?

11 A. The document is in front of you. I don't know about this
12 document. The document was given to you. The names that are
13 there, you just call them. If I know them I will say yes.

14 Q. Mr Witness, I simply asked you whether S/Captain means
10:22:32 15 staff captain. It's either yes or no?

16 A. I said yes. I said yes. We had staff captain.

17 Q. And you see that the first item there says two boxes of AK
18 rounds? Do you see that?

19 A. I am seeing everything.

10:22:48 20 Q. And then if we look across from there we see Major Victor,
21 three boxes of AK rounds, first item. Do you see that?

22 A. I am seeing everything.

23 Q. Now, Mr Witness, if you put together- you add these
24 numbers of AK boxes, they are far more than 20, are they not?

10:23:18 25 A. More than 20, but did I tell you that we never had
26 ammunition for our defensive before receiving those ammunitions?
27 Did I tell you that we never had ammunition for our defensive?

28 Q. You are not here to ask questions. You are here to answer
29 questions.

1 A. Okay.

2 JUDGE LUSSICK: Mr Bangura, I could have this list wrong
3 but I think that question of yours is unfair. If you look at the
4 first entry, that's the total materials issued, 13 boxes and one
10:23:54 5 tin of AK rounds. And then it deals with the distribution of
6 those 13 boxes and one tin. And if you add up all the boxes of
7 AK rounds that have been distributed to the various commanders,
8 it adds up to exactly 13 boxes and one tin. You were putting to
9 the witness that it adds up to much more than 20 boxes and I
10:24:20 10 think on the strength of this document that's an unfair question.

11 MR BANGURA: I take the point, your Honour. I take the
12 point:

13 Q. Mr Witness, in addition to material, the AK round boxes
14 that we see distributed here, do you know that some more rounds
10:24:54 15 of AK boxes were distributed at Sengama. Do you recall that?

16 A. I told you that I do not know about AK rounds given at
17 Sengama. Sengama did not receive supply line from Kono. They
18 got it from Mosquito and they were closer to him. And if they
19 got it from there, I cannot tell you where they got it from and I
10:25:19 20 can't tell you that, yes, they were given it.

21 Q. Thank you. Now, let's talk about the meeting at Buedu.
22 You say you were at this meeting and you mentioned a number of
23 names of persons who were present at the meeting. One of the
24 persons you mentioned is Superman. Do you recall saying that
10:25:50 25 Superman was at that meeting in Buedu?

26 A. I do not recall telling you that Superman was at the
27 meeting. I never called the name of Superman as being at that
28 meeting. I said Morris Kallon. Morris Kallon.

29 Q. Did you not also tell this Court that Superman was also

1 involved in the attack on Kono, the December attack on Kono?

2 A. Yes, yes. Superman was fully involved in that attack
3 because all of us were based in Kono when that arrangement went
4 on. He took part fully in the attack.

10:26:40 5 Q. And where had Superman been before the attack on Kono?

6 A. He was at his ground, the Superman Ground. He had his
7 ground. You see the name on that ground, Superman Ground. When
8 we left Koidu Town, he established a ground by the name of
9 Superman Ground. His name is on it. You hear the name. That

10:27:02 10 was where we left and went on the Fitti-Fatta and he was still
11 based there, so he had a ground by the name of Superman Ground.

12 Q. Mr Witness, we are talking of the attack on Kono in
13 December, and you say that Superman was at Superman Ground about
14 this time. Is that your evidence?

10:27:22 15 A. That is what I am saying. Each and every one of us, where
16 we had established ourselves was where we were when we took part
17 in the attack. No one changed Jungle to say you move from one
18 Jungle to the other. All of us just allotted ourselves, and we
19 all moved on Kono before we got Kono.

10:27:41 20 Q. Mr Witness, in your recollection had Superman left Kono
21 since he came to Kono along with the rest of the RUF after you
22 were moved from Freetown? Had he ever left Kono to go anywhere?

23 A. Yes. He left - he went somewhere and later came back.

24 Q. Where did he go to?

10:28:18 25 A. He went towards the Kabala end. He went towards the Kabala
26 end. That was - I think it's the place where SAJ Musa and others
27 were based, and he later came back to Kono.

28 Q. Mr Witness, I suggest to you that Superman was never - he
29 was not at - in Kono during the operation to take Kono in

1 December 1998.

2 A. I am saying Superman was there. That is what I am saying.
3 And I saw him. He was at the meeting with us. We all shared
4 ideas during the meeting.

10:28:57 5 Q. Now, at the meeting in Buedu, you had Brigadier Sam
6 Bockarie who was the - he chaired the meeting, correct?

7 A. Yes, in Buedu.

8 Q. Did you also have SYB Rogers at that meeting?

9 A. Yes, Mr Rogers was there.

10:29:23 10 Q. Did you have Colonel Issa Sesay at the meeting?

11 A. Colonel Issa Sesay was in Kono. It was Morris Kallon who
12 went to represent him, Morris Kallon. You just showed me
13 documents saying that Issa received the materials from Mosquito
14 from Buedu. He was not at the meeting. He was in Kono when the
10:29:52 15 materials got to him in Kono.

16 Q. Now, just to be clear, Mr Witness, about what time in
17 December did this meeting take place?

18 A. I cannot actually recall the month, but it took place in
19 December and it was in December that we captured Kono. I recall
10:30:14 20 that we spent Christmas in Kono right at Bumpe.

21 Q. But when you say you do not recall the month and you have
22 given us Kono, you are saying you do not recall the date. You
23 have given us December. Are you saying you do not recall the
24 date --

10:30:30 25 A. I said the date. The date. I called the month. It was in
26 December. But I am saying I do not know the date that the
27 meeting took place, but I recall that I spent Christmas in Kono
28 in December. There is a town in Kono that they call Bumpe, right
29 on the tarmac road. That was where I spent my Christmas.

1 Q. Was there Major Lawrence Womandia at the meeting?

2 A. Yes, Lawrence was at the meeting. Those were the senior
3 officers who were close to Mosquito. Because when it came to the
4 issue of sharing ideas, all of us shared ideas.

10:31:09 5 Q. Was Colonel Edward Kanneh at the meeting?

6 A. Eddie Kanneh. Eddie Kanneh was at the meeting because he
7 was assigned with Mosquito. He was at the meeting, Eddie Kanneh.

8 Q. This Eddie Kanneh was originally an AFRC officer, wasn't
9 he?

10:31:30 10 A. Yes.

11 Q. Do you recall some of the things that were discussed at
12 this meeting, Mr Witness?

13 A. The most important thing that I know was discussed at that
14 meeting was how to go about to capture Kono. That was the most
10:32:03 15 important thing, really, that I can remember. It was not just
16 Kono. To even advance as far as Makeni and even beyond that.
17 Those were the most important things that we discussed, actually,
18 that I can remember.

19 Q. Mr Witness, this meeting took place just after Sam Bockarie
10:32:25 20 had returned from a trip to Burkina Faso, correct?

21 A. I said no. I don't know about that, and he never told us
22 that he went to Burkina Faso. He did not explain anything like
23 that to me. And I did not hear anything like that, something
24 concerning about his travel to Burkina Faso, no. If he told me,
10:32:48 25 I will say yes. I don't have any problem with that. I will say
26 yes.

27 Q. In this meeting a report was given about the trip made by
28 Sam Bockarie, wasn't there?

29 A. I'm saying no. I never heard it. The most important thing

1 that he called the meeting for was how to recapture Kono and to
2 advance beyond. That was the most important thing that I heard
3 at the meeting. I did not hear about any trip, whether he went
4 on a trip, no. I did not hear about that and he never told me
10:33:20 5 about that.

6 Q. Did SYB Rogers speak at that meeting?

7 A. Well, I do not remember. I don't recall.

8 Q. Did Eddie Kanneh speak at the meeting?

9 A. Yes, Eddie Kanneh spoke. And he also spoke about the same
10:33:38 10 attack - how best we could attack and advance, he spoke. Because
11 Sam Bockarie was his body, he was with him.

12 Q. You said Morris Kallon - did Morris Kallon attend this
13 meeting?

14 A. Yes, Morris Kallon attended the meeting.

10:34:01 15 Q. Did he speak during the meeting?

16 A. Yes, he spoke. He said something. Because he was at the
17 front line with us and he knew the difficulties we are faced
18 with, so he needed to express the views concerning the combatants
19 on the front line. Yes, he did.

10:34:21 20 Q. [Microphone not activated] Mike Lamin at this meeting?

21 A. I do not remember.

22 Q. Mr Witness, this meeting that you are referring to you said
23 was a general forum which was attended by all commanders. Do you
24 recall?

10:34:45 25 A. They were not just commanders. We had fighters who were
26 based in Buedu, other bodyguards for other commanders who were at
27 the meeting. It was not just meant for commanders. Buedu was
28 the headquarters. It was not just meant for commanders. We had
29 other junior officers with whom we shared the meeting. We had

1 women at the meeting.

2 Q. Was there any other meeting held in Buedu in December,
3 apart from this one which we are discussing now which you have
4 talked about?

10:35:18 5 A. After this meeting, I was not there. Just after the
6 meeting, I went back to my assignment ground. So whether another
7 meeting was held in Buedu after that, it did not happen in my
8 presence and I was not informed about it, so I cannot say a
9 meeting took place again after that. So I only knew about this
10:35:37 10 one.

11 Q. In fact, this meeting was just a few days before - or about
12 a week or so before you came back to Koidu and had another
13 meeting regarding the attack on Kono. Isn't that so?

14 A. I can remember I passed two nights in Buedu and --

10:36:08 15 THE INTERPRETER: Your Honours, could the witness be asked
16 to repeat that last bit.

17 PRESIDING JUDGE: Mr Witness, you need to repeat your
18 evidence. You said you spent two nights where? Continue from
19 there slowly.

10:36:13 20 THE WITNESS: I said I spent two nights. After I left Kono
21 I spent two nights in Buedu, and on the third day I went back to
22 my assignment area. And the meeting that we held there did not
23 last for two weeks, not even a week.

24 MR BANGURA:

10:36:31 25 Q. Mr Witness, within a week after the meeting you had the
26 other meeting which we have already discussed in Kono - in Koidu,
27 which was the meeting where you planned to - where the
28 distribution of material took place, correct?

29 A. Yes, that was the last meeting we had in Kono before the

1 operation. That was the last meeting we had.

2 Q. And you say that Issa Sesay was not at the meeting in
3 Buedu?

4 A. Issa was not at the meeting. He was in Koidu.

10:37:13 5 Q. Your Honours, may be witness be shown exhibit P-63.

6 Mr Witness, on the screen is a document which at the heading
7 there says "Revolutionary United Front of Sierra Leone Defence
8 Headquarters" and it's dated 2 December 1998. It says "Forum
9 With the External Delegates Led by the" - and there's perhaps

10:38:36 10 something missing - "Led by the of Defence Staff". Mr Witness,
11 this is what I call a report of a meeting that was held on 2
12 December, and I will just point to you certain parts of this
13 report or minutes. I will read just the opening part of it, and
14 then I will take you through some areas:

10:39:12 15 "This meeting was summoned by the high command Brigadier
16 Sam Bockarie (CDS-RUF/SL) in order to acquaint members present
17 with report on the external mission they went on. Venue -
18 Waterworks. Time: 1323 HRS, GMT.

19 In attendance: Brigadier Sam Bockarie; Mr SYB Rogers;
10:39:45 20 Colonel Edward Kanneh; Major Lawrence Womandia; Major Junior
21 Vandii; Major Mohamed S Banya; Lieutenant Colonel Rashid Sandy -
22 external delegate; Colonel IH Sesay BFC; and members of various
23 units were also in attendance. The meeting was opened with short
24 Muslim and Christian prayers."

10:40:17 25 Mr Witness, do you see that at this meeting held on 2
26 December 1998, in addition to most of the other persons whom you
27 have agreed were present at that meeting, Colonel IH Sesay BFC,
28 who I believe is Issa Sesay - do you agree that this person is
29 Issa Sesay, Colonel IH Sesay?

1 A. It's Issa Sesay's name that I am seeing on this paper.
2 That is his full name.

3 Q. You see that he was present at the meeting. Do you see
4 that?

10:41:04 5 A. That is what the document is saying, but I am saying that
6 he was not present at the meeting. That is what the document is
7 saying, but he was not there. He was represented by
8 Morris Kallon.

9 Q. Now let me read to you the next paragraph. If Issa Sesay
10:41:19 10 was not there, can you tell this Court why this record or report
11 of the meeting would include his name as being present?

12 A. I don't know why. It can happen. You cannot be present
13 somewhere and someone puts your name there. There is a document
14 that I saw my name in. Like that signal book, I saw my name.

10:41:44 15 And the way I expected my name to appear was not the way it
16 appeared. So would you say that I was there when they were
17 writing my name? I can't say. But he was not there for the
18 meeting, but his name is there.

19 PRESIDING JUDGE: Mr Anyah, the witness has answered in the
10:41:59 20 manner that he has answered. I do not know whether you have an
21 objection.

22 MR ANYAH: I have an observation vis-a-vis what meeting is
23 being suggested or discussed by the witness verses the question
24 being posed. At page 37, line 16 of the LiveNote I learned counsel
10:42:20 25 opposite asks the question, "You see that he was present at the
26 meeting. Do you see that?" The witness responds that he was not
27 present at the meeting.

28 Now, given the exchanges leading up to this document, the
29 witness had asserted that Issa Sesay was not present at the

1 meeting in Buedu. This document is speaking of a meeting that
2 took place apparently on 2 December 1998 at Waterworks. So there
3 is some confusion on the record, as far as I can see, regarding
4 which meeting counsel has in mind and perhaps which meeting the
10:42:59 5 witness has in mind. It might be helpful to ask the witness as
6 to each meeting whether Issa Sesay was present or not.

7 PRESIDING JUDGE: Yes, Mr Bangura, it is your duty to
8 clarify which meeting you are talking about and what meeting the
9 witness is talking about. If you are talking about different
10:43:18 10 meetings, this is not useful.

11 MR BANGURA:

12 Q. Mr Witness, you recall in your earlier testimony before
13 this Court being asked about a meeting which was held at the
14 Waterworks. Do you recall?

10:43:33 15 A. Yes, I remember and that is the only meeting that I know
16 about that we and Mosquito shared.

17 Q. And you recall telling this Court that in fact the
18 Waterworks location is somewhere close to the crossing point,
19 Dawa crossing point. Do you remember that?

10:43:54 20 A. I said when you leave Buedu going towards the Dawa crossing
21 point. I did not say it's closer to the Dawa crossing point. It
22 is going towards the Dawa crossing point. Waterworks is not far
23 from Buedu where Mosquito was based. Mosquito was based on the
24 Dawa Road where they do their trading. That is where the
10:44:17 25 Waterworks is. It's not far off from Buedu. That was where we
26 had the meeting, the meeting that Mosquito called for.

27 Q. Waterworks is in Buedu, isn't it?

28 A. Exactly so. It's not far off from Buedu.

29 PRESIDING JUDGE: Mr Bangura, the issue was was this

1 meeting held on 2 December or is 2 December merely the date of
2 these minutes. Have you agreed with the witness upon a date that
3 this meeting happened?

10:44:54 4 MR BANGURA: Your Honour, the witness's testimony is that
5 there was a meeting in December 1998 and he could not recall the
6 date, but he definitely knows that there was a meeting in
7 December 1998.

8 PRESIDING JUDGE: And you are sure there was not more than
9 one meeting?

10:45:12 10 MR BANGURA: I have put it to the witness about whether
11 there was another meeting apart from the one that he attended
12 before the Kono operation and the witness has said no, to his
13 knowledge there was no other meeting.

14 PRESIDING JUDGE: Okay. Then proceed.

10:45:23 15 THE WITNESS: I said I don't know about any other meeting
16 besides the meeting that Mosquito called us to. If there was any
17 other meeting, I said I don't know about that besides this
18 particular meeting that he has called us.

10:45:37 19 PRESIDING JUDGE: Mr Witness, if you continue like that
20 nobody is going to understand what you say. You have reverted
21 back to your running. I don't know where you're running to, but
22 in this Court we take slow evidence that is written and recorded.

23 Now, Mr Bangura, please continue.

24 MR BANGURA:

10:45:54 25 Q. Mr Witness, the paragraph after members are introduced
26 reads:

27 "The chairman CDS Brigadier Sam Bockarie welcomed everyone
28 who attended the forum. He told us all that the forum was
29 intended to brief us on the mission they had gone through. The

1 CDS appointed Mr SYB Rogers to give a salute report about the
2 mission. "

3 Now I will take you to the next page, seven lines down from
4 the top:

10:46:43 5 "Pa SYB Rogers noted with profound gratitude the effort
6 applied by our host government on the other side for granting us
7 the inlet and exit facilities even with escort."

8 Do you recall, Mr Witness, SYB Rogers talking about being
9 granted facilities in and out of another country? Do you recall
10:47:34 10 these sort of matters being discussed by SYB Rogers?

11 A. I can't remember.

12 Q. And when he says "by our host government on the other
13 side", who is he referring to?

14 A. I don't know who he is talking about. I can't remember
10:48:00 15 saying that and I don't know who he is referring to. I don't
16 know.

17 Q. He is referring to the government of Charles Taylor on the
18 other side, meaning Liberia, correct?

19 A. I cannot say yes, nor would I say no because I don't know
10:48:19 20 who he is referring to. On the other side it might be ULIMO, the
21 side of - the ULIMO side. On the other side might be the
22 government troop side. So I cannot say it is the
23 Charles Taylor's side he is talking about.

24 Q. In that location where you were, where Sam Bockarie was, if
10:48:35 25 he was travelling out of Buedu or out of Sierra Leone, where
26 would be logically the country through which he would go at that
27 point?

28 A. Since I was - since I had been in Sierra Leone I never saw
29 Mosquito travel to another country, so I cannot say he went to

1 Burkina Faso or Guinea, no. I cannot tell you that. I can't
2 tell you that, that he used to travel to Liberia or Burkina Faso.
3 No, no, I cannot tell you that.

10:49:36 4 Q. I go on further. Another six or seven lines down, the
5 sentence: "According to Pa Rogers, both the CDS and himself paid
6 a courtesy call on His Excellency CGT." Now, CDS there is
7 referring to Sam Bockarie, correct?

8 A. Yes, it refers to Sam Bockarie.

10:50:07 9 Q. And CGT is referring to Charles Ghankay Taylor. Isn't that
10 so?

11 A. I have not heard that name. I only know about Sam
12 Bockarie's name that you have just called. So whether
13 Charles Taylor had that name, I don't know about it. So you see
14 the place that I was talking about, so I cannot tell you anything
10:50:25 15 about Charles Taylor and Sam Bockarie. I was a front line
16 officer. I was not sitting at the rear. I was ahead. So I
17 cannot be in Kono and tell you about things that happened in
18 Buedu.

19 PRESIDING JUDGE: Mr Witness, who asked you where you were
10:50:39 20 or what you were doing? The question was simply do the letters
21 CDT referring to Charles Ghankay Taylor? Simple question.

22 THE WITNESS: I don't know.

23 MR BANGURA:

10:51:01 24 Q. Mr Witness, I take you down to five lines further from
25 there, or maybe six lines. It says:

26 "The mission extended to Burkina Faso where the (delegates)
27 were warmly received and attended to. All discussions with the
28 Burkinabe authorities were highly fruitful."

29 Did you see that?

1 A. I am seeing it on the document, but I never saw it with my
2 eyes.

3 Q. And you do not recall that this was discussed at the
4 meeting?

10:51:34 5 A. I can't remember whether it was discussed. If I know about
6 it I will say yes. RUF is no longer existing, why must I lie? I
7 will say the truth. If I knew about something, why can't I say
8 it?

9 Q. Mr Witness, I move down to the last three lines of the
10:51:54 10 second page:

11 "Pa Rogers concluded by thanking Colonel Issa Sesay, the
12 BFC/AG, CDS and all authorities who held the ground and front
13 lines strongly while the CDS and delegates were out."

14 Did you recall Issa Sesay being thanked for holding the
10:52:25 15 ground while Sam Bockarie was away?

16 A. Issa Sesay was in charge of Kono. So whether Sam Bockarie
17 was away, I don't know. Issa Sesay was with us in Kono.

18 THE INTERPRETER: Your Honours, the witness was not very
19 clear there.

10:52:51 20 PRESIDING JUDGE: Please repeat your answer. You said,
21 "Issa Sesay was with us in Kono", and then you said something
22 else. What did you say?

23 THE WITNESS: I said he was with us in Kono. That was
24 where he was based with us. So they could tell him thanks for
10:53:08 25 taking care of us in Kono, but it was not Mosquito who left him
26 in charge in Buedu to go out. I do not recall Issa leaving Kono
27 to go and be based in Buedu for one month, abandoning the front
28 line, no.

29 MR BANGURA:

1 Q. Mr Witness, it was in fact the practice within the RUF that
2 whenever Sam Bockarie was going to be away, he would get Issa
3 Sesay to come up from the front line and be based in Buedu to
4 take care of business until his return. Wasn't that the case?

10:53:45 5 A. I never saw that and I never witnessed it because I never
6 saw Sam Bockarie take any steps to go anywhere else and asking
7 Issa to come over and take over. Mosquito was always based in
8 Buedu as the defence headquarters. If he wanted to see a
9 commander he will send for you. And if he wanted to see some
10:54:11 10 other person he will send for you. And after discussing with you
11 he will send you back. He was always based there.

12 Q. Mr Witness, in this case Issa Sesay is being thanked just
13 for that; for being there and taking care of business from Buedu
14 while Sam Bockarie was away. Isn't that why he is being thanked
10:54:33 15 in this letter - in these minutes?

16 A. I don't know. I don't know whether he was thanked. That
17 was not in my presence. If they did say thanks to him for taking
18 over command because Mosquito went to Libya, that is not to my
19 knowledge. It's not at all to my knowledge.

10:54:56 20 Q. Next page, first sentence: "Next to speak was Colonel
21 Eddie Kanneh (SLA rep)." You have indeed told this Court that
22 Eddie Kanneh was there at the meeting and did you say that he
23 spoke as well?

24 A. I said he spoke on how to attack Kono. That was the main
10:55:26 25 reason for which the meeting was called. And we had SLA with us.
26 So that was the main point that we were discussing about, how to
27 get the materials. So all these things that you are talking
28 about, they are going there and coming here, I did not here about
29 mission to Burkina Faso, how Sam Bockarie travelled to somewhere

1 else. No, that was not disclosed to me during the meeting. So
2 all of the things you are reading on this paper, that is why I'm
3 saying I don't know, because I don't know about them.

4 Q. We go down further on that page, ten lines from the bottom:

10:56:20

5 "The CDS made hasty preparation and returned back to the
6 brothers as to launch offensive against the government of Tejan
7 Kabbah for the release of our leader. The CDS congratulated
8 Colonel Jungle and General Abraham for their sincerity and
9 honesty in delivering the parcels that were given to them for our
10 father across."

10:56:48

11 You have told this Court that Jungle - somebody called
12 Jungle was present at that meeting. He was one of those who had
13 come, according to your testimony, with Abu Keita. Do you
14 recall?

10:57:08

15 A. Yes, and I said that was the only Jungle that I knew. He
16 was introduced during the meeting that we held with Mosquito in
17 Buedu.

18 Q. And you had told this Court that in fact there was a third
19 person who was called Leo. Jungle and Leo were with Abu Keita,
20 so the three of them were the ones who were introduced to you;
21 isn't that correct?

10:57:27

22 A. That's my statement. Those were the names of the two
23 officers that I called, Abu Keita, Colonel Leo and Jungle, and
24 Jungle was in Magburaka.

10:57:45

25 Q. And you do not recall Colonel Jungle and General Abraham
26 being congratulated for taking parcels across to our father -
27 somebody referred to as the father of the RUF?

28 A. Repeat your question.

29 Q. You do not recall that Colonel Jungle, who you said was

1 introduced in that meeting, was congratulated for taking parcels
2 across to the father of the RUF?

3 A. Colonel Jungle was not praised and he was not thanked. The
4 only person who was praised and thanked was Abu Keita, because he
10:58:37 5 was the senior officer who came along with those materials.

6 Q. And do you know the person referred here as General
7 Abraham?

8 A. No, I don't know about general Abraham. I only know about
9 General Abu Keita and Leo and Jungle that I met in Buedu.

10:58:59 10 Q. And when the RUF say "our father across", they are
11 referring to Charles Taylor, are they not?

12 A. RUF never said "our father across". We only knew our
13 father was Foday Sankoh, who was in detention. That was the
14 father we knew for the RUF; not Charles Taylor.

10:59:23 15 Q. And when they talk about parcel here, "delivering parcel to
16 our father across", they are talking about parcels of diamonds
17 delivered to Charles Taylor. Isn't that the case?

18 A. I cannot tell whether that was the case because I don't
19 know the meaning of that parcel. I can't say yes or no. I don't
10:59:49 20 know the meaning of parcel. I cannot just conclude by saying
21 yes, that's the case. I don't know about parcel. All those
22 things you are saying were not discussed at that meeting for me
23 to hear. No, I never heard it. Maybe it was a meeting that was
24 a last meeting that happened in my absence that they spoke about
11:00:08 25 that. But I know that the meeting that I took part in in Buedu
26 is the last meeting that I know about.

27 Q. Next page, 4, nine lines from the top. This is Pa Rogers -
28 this is the CDS speaking, that is, Sam Bockarie:

29 "He warned that now is the time to work together to secure

1 the release of our leader and to avoid funny things like gossip
2 that will lead to disunity among us."

3 This was Sam Bockarie talking. And do you recall that at
4 this meeting you have told this Court that what you discussed
11:01:20 5 generally was about how to attack Kono? And do you recall Sam
6 Bockarie talking about working together to secure the release of
7 Foday Sankoh, who at this time was in prison?

8 A. Foday Sankoh was in prison. I said it in my statement. He
9 was in prison in Nigeria. He spoke about how best we could
11:01:51 10 regain our position - how best we could regain our position.
11 That means it was about engaging our enemies. That was the most
12 important thing that I heard in that meeting. Because we were in
13 the bush, there was no microphone. People were just talking all
14 over.

11:02:14 15 Q. Mr Witness, in 1998 --

16 PRESIDING JUDGE: Mr Bangura, you keep just moving on, even
17 when questions are not answered.

18 Mr Witness, the question asked to you was this - and you
19 haven't answered it: "And do you recall Sam Bockarie talking
11:02:30 20 about working together to secure the release of Foday Sankoh, who
21 at this time was in prison?" What is your answer to that? Do
22 you recall Sam Bockarie talking about that?

23 THE WITNESS: No. I did not hear that in the meeting.
24 Even if he said it, then I do not recall.

11:02:54 25 PRESIDING JUDGE: Thank you.

26 MR BANGURA:

27 Q. Second paragraph:

28 "The battlefield commander - Colonel Issa Sesay - thanked
29 the delegates. He promised that we shall put our efforts

1 together to consolidate our strength for victory. We are to
2 strike for the release of our leader and the victory of our
3 movement."

11:03:26 4 Mr Witness, do you see again here that Colonel Issa Sesay
5 is also talking about fighting or working for the release of the
6 leader? Do you see that?

7 A. I said Colonel Issa was not at the meeting in Buedu. We
8 left him in Kono. He was not at the meeting - that I know
9 about - which we shared in Buedu. He was not there.

11:03:52 10 Q. Mr Witness, you said that Foday Sankoh was in prison in
11 Nigeria in December 1998. Was he in prison in Nigeria at this
12 time?

13 A. I can remember that he was in prison in Nigeria. From '96
14 he went to Abidjan. He moved from there, he went to Nigeria. He
11:04:22 15 was arrested. We knew he was in prison in 1998 when - I can
16 remember when the President who was there passed away, the one
17 who arrested him. We were happy, yes.

18 Q. Mr Witness, you were not at this meeting in Buedu, and you
19 have only been guessing about events that occurred in Buedu.

11:04:50 20 A. I was at that meeting in Buedu. I am not guessing. I
21 can't guess. I do not guess. I am saying what I know. I will
22 not say what I do not know. I was at the meeting in Buedu. I
23 was there.

24 Q. If you were at the meeting in Buedu, then, Mr Witness, you
11:05:07 25 have forgotten much of what happened during the meeting, correct?

26 A. I will not forget what happened at the meeting, because I
27 knew exactly what I went there for. I cannot forget. But all of
28 these things that you are saying on this paper did not happen in
29 my presence, so I cannot say it happened. I can't say it

1 happened. Foday Sankoh is not alive; Sam Bockarie is not alive.
2 If it happened at all, I can say it happened. So and so things
3 happened. But I cannot deny that they happened when it did not
4 happen.

11:05:48 5 Q. Mr Witness, if you say that you haven't forgotten anything
6 about what happened at that meeting, then what you are telling
7 this Court is not true. Your evidence, your testimony about the
8 events of that meeting is just not true.

9 A. I am telling you that I am speaking the truth. You saw my
11:06:14 10 name in some document that some other Prosecution witness brought
11 here and said something about me, the position I held in the RUF.
12 That will tell you that I am speaking the truth. I am not saying
13 anything that I took from anybody.

14 Q. Mr Witness, you told this Court that after the attack on
11:07:02 15 Kono, you then moved to towards Tongo while others were moving
16 towards Makeni and Lunsar. Do you recall your evidence?

17 A. Yes, that's my statement.

18 Q. And you captured Tongo?

19 A. Yes.

11:07:21 20 Q. You were with Akim, correct?

21 A. Exactly so.

22 Q. The AFRC commander, correct?

23 A. I worked with Akim in Tongo.

24 Q. You denied that any mining took place in Tongo by the RUF.

11:07:45 25 A. You never asked me about mining taking place by the RUF in
26 Tongo. He never asked me, so don't say I deny it. You did not
27 ask me any question like that.

28 Q. Mr Witness, you were asked by counsel on the other side
29 about whether the RUF did any mining in Tongo after you had taken

1 Tongo. Do you recall that?

2 A. Yes, I said after we had captured Tongo, no mining
3 activities went on at that time because we had just captured the
4 ground. That is what I said in my statement.

11:08:22 5 Q. It is true in fact that the RUF did mine diamonds in Tongo
6 after you captured Tongo. Isn't that so?

7 A. After we had captured Tongo, after certain times RUF
8 started mining together with civilians. It was not just the RUF.
9 Both civilians and RUF alike were mining in Tongo.

11:08:46 10 Q. And this was before you left Tongo to come back to Kono,
11 correct?

12 A. There was no mining going on when I left Tongo, and it was
13 after a long time that they organised mining in Tongo. Mining
14 went on in Tongo. Both the RUF and the civilians alike were
11:09:13 15 mining in Tongo, but it did not just happen after we had just
16 captured the ground, no. No mining activities took place at that
17 particular moment.

18 Q. Did you go back to Tongo after you came to Kono? You said
19 you took a pass to come and see your family, and did you go back
11:09:33 20 at all?

21 A. Yes, I went back to Tongo. After certain time Issa sent me
22 to Tongo. There was a misunderstanding there, so he sent me
23 there.

24 Q. And when you went back to Tongo, mining was now going on?

11:09:50 25 A. Exactly so. Mining was seriously going on.

26 Q. And Sam Bockarie came to Tongo at some point, did he not?

27 A. When I went there, I never saw Sam Bockarie. Maybe he went
28 there in my absence, but I never saw him there. I think Banya
29 and Peleto had a misunderstanding, so that was what I was sent

1 there to go and resolve.

2 Q. Mr Witness, you gave evidence in this Court about the
3 abduction of peacekeepers in Kailahun. Do you recall?

4 A. Yes, I remember.

11:10:35 5 Q. And in your testimony you explained to this Court how you
6 went about executing the instructions of Colonel Issa Sesay by
7 arresting the Indian peacekeepers who were with you - or who were
8 based in Kailahun; do you recall that?

9 A. Yes, I remember that. That's my statement.

11:11:02 10 Q. Your testimony is that you found it a little difficult to
11 carry out Issa Sesay's instructions initially when he instructed
12 you to arrest the peacekeepers there. Do you recall?

13 A. Yes, because we were all used to one another, so --

14 THE INTERPRETER: Your Honours, the witness was not clear
11:11:28 15 in his last bit.

16 PRESIDING JUDGE: Please repeat your last bit, Mr Witness.
17 You said you were all used to one another, and then what?

18 THE WITNESS: I said when I received the instruction to
19 arrest them, we - all of us had been friendly now, so I found it
11:11:46 20 difficult to arrest them.

21 MR BANGURA:

22 Q. Indeed, you mentioned the name of two of the commanders who
23 you said would normally come and visit you before these
24 instructions were given. Do you recall?

11:12:03 25 A. Yes. I remember all of those statements.

26 Q. [Microphone not activated] of them you said is Colonel
27 Puni a. Am I pronouncing correctly?

28 A. Not colonel. It's Major Puni a. I said Major Puni a and
29 Major Nai r.

1 Q. Thank you. You said eventually that you invited - these
2 peacekeepers had also asked you to disarm, you and your men, but
3 they asked you as the commander to disarm first. Do you recall
4 telling the Court that?

11:12:57 5 A. Yes, I said the men said I should disarm first and that way
6 prove to them that we were serious for the disarmament in
7 Kailahun. That was what they told me.

8 Q. So to be able to carry out the instructions of Issa Sesay,
9 you had your adjutant write a letter to these peacekeepers
11:13:19 10 inviting them to a meeting and you got them arrested during that
11 meeting. Isn't that your testimony?

12 A. That was just what I said and I still stand by it. That's
13 my statement.

14 Q. Now, how many peacekeepers did you arrest on that day?

11:13:48 15 A. If I am not mistaken, it should be 13.

16 Q. And these 13 peacekeepers, I am not putting an exact
17 figure, I understand that you may not be quite accurate - these
18 peacekeepers, 13 or so, that you arrested, were they all Indians
19 or were they all from the Indian battalion?

11:14:21 20 A. They were all peacekeepers with the Indian group, but I
21 don't know whether they were different people. But they were all
22 white.

23 Q. There were also in Kailahun at the time a unit or a group
24 of military people different from the Indian battalion. They
11:14:44 25 called them the MILOBs. Do you recall that?

26 A. Yes.

27 Q. And you also arrested some MILOBs personnel, didn't you?

28 A. Yes.

29 Q. How many of them do you recall that you arrested on that

1 day?

2 A. The number went to 13. I did not check how many of them
3 came from one point or how many of them came from the other side.
4 I just checked the total number. That was why I gave you the
11:15:15 5 number 13.

6 PRESIDING JUDGE: Mr Bangura, what is that word you said?
7 MI LOBs?

8 MR BANGURA: Yes.

9 PRESIDING JUDGE: Standing for what?

11:15:30 10 MR BANGURA: My understanding is it is military observers:

11 Q. Mr Witness, in your understanding, these people called
12 MI LOBs, were they military observers?

13 A. They were military observers.

14 Q. Apart from men, did you capture anything else?

11:16:09 15 A. Capture something like?

16 Q. Did you capture any material?

17 A. No. Yes, those who came, the other commander from the
18 Indian fighting force that came, their bodyguards had arms and
19 those ones were taken from them.

11:16:30 20 Q. Was it just arms that took from these bodyguards?

21 A. Arms and a video camera that they took with them to
22 videotape me. That one I took them from.

23 Q. You also arrested on that day a helicopter, did you not?

24 A. Exactly so.

11:16:54 25 Q. And it had crew - four crew and two civilians?

26 A. It had two whites and two blacks. I don't know whether
27 they were civilians.

28 Q. And these were different from the MI LOBs and the Indian
29 battalion personnel, correct?

1 A. I can't say they were different because they used to visit
2 them, they used to come to them. They were coming to them. I
3 cannot say they were different.

4 Q. I probably phrased the question not very well. You talked
11:17:33 5 about 13 or so Indian personnel that you arrested. My question
6 is: These crews and the crews that you say you arrested were not
7 included in the number of Indian personnel, were they?

8 A. No, because just after two days I was instructed to release
9 them and I simply released them.

11:18:04 10 Q. Just remind us again, who gave the instructions for you to
11 release them?

12 A. I received instruction from Foday Sankoh to release them
13 and I did.

14 Q. And Issa Sesay was not happy about this, was he?

11:18:19 15 A. Not the crew. It was the UN Indians that I released that
16 he was not happy about. I am not talking about the crew that
17 came on board the helicopter. That instruction came to me
18 directly from Foday Sankoh to release them, because after I
19 arrested them I sent my report to them. He said I should take
11:18:43 20 care of them, I shouldn't harass them. And he said after two
21 days I will hear from him and after two days he gave me
22 instruction to release them.

23 Q. Mr Witness, on Foday Sankoh's orders you release the MILOBs
24 and the Indian battalion personnel. Is that what you're telling
11:19:11 25 the Court?

26 A. I said no. The MILOBs were the ones Foday Sankoh asked me
27 to release after I had arrested them. And that was after two
28 days that I was instructed to release them and that I did.

29 Q. You still had with you the Indian personnel, correct?

1 A. That's correct.

2 Q. As well as the helicopter crew?

11:19:48

3 A. I released them. Foday Sankoh instructed me to release
4 them and I did. After two days, he gave me instruction and I
5 released them. They went back to Kenema.

6 Q. Just to be clear, you released the Indian personnel and the
7 helicopter crew on the instructions of Foday Sankoh. Is that
8 your testimony?

11:20:08

9 A. That is not what I am saying. I told you that I released
10 the crew upon receiving instruction from Foday Sankoh. And that
11 I did. I did not tell you about the Indians. I am telling you
12 about the crew, the helicopter crew that came. That is what I am
13 talking about.

11:20:22

14 PRESIDING JUDGE: I think something is being lost in
15 translation here because I also am very confused by the questions
16 and the answers we are getting. We have three groups of people.
17 We have the MILOBs, we have the Indian contingent and we have the
18 helicopter crew. Three groups, all of whom were arrested by the
19 witness and his men. Now, could you please establish the
20 circumstances of the release of any or all of these people.

11:20:53

21 MR BANGURA:

11:21:21

22 Q. Mr Witness, on the orders of Foday Sankoh you did release
23 the air crew, the helicopter air crew, as well as which other of
24 the two groups remaining that you released? Can you tell the
25 Court?

26 A. I said after I had arrested the helicopter crew I informed
27 Foday Sankoh and he told me to take care of them. And after two
28 days he instructed me to release the helicopter crew that I had
29 arrested and I released them. They went back to Freetown. That

1 was the first group that I released.

2 Q. You then continued to hold on to the MI LOBs officers and
3 the Indian personnel, correct?

4 A. Yes, they were still with me.

11:22:01 5 Q. When you eventually - when all these people were eventually
6 released, you kept on to the material that had been seized from
7 them, did you not?

8 A. Which material?

9 Q. The video camera, the vehicles and the radio set. You did
11:22:23 10 not hand them back to them, did you?

11 A. I never took a radio set from them. I never took a radio
12 set from them.

13 Q. You did not hand over the vehicles, did you?

14 A. No. I was told to use the vehicle.

11:22:41 15 Q. You did not hand over the video camera, did you?

16 A. No. I gave it to Issa Sesay.

17 Q. You took a satellite phone from them. You did not hand it
18 back, did you?

19 A. The satellite phone was taken away from me by Issa Sesay.

11:23:03 20 Q. You had other smaller radio handsets that you seized from
21 them which you did not release, correct?

22 A. All the things I took from them, I was asked to give it
23 back to them. I did not take a radio set. I know that the arms
24 that I arrested, I took from them, they were given back.

11:23:38 25 Q. Thank you. Mr Witness, you told this Court that you stayed
26 in Sierra Leone after disarmament and until the RUF turned itself
27 into a political party. Do you recall?

28 A. Yes.

29 Q. And you said that you took part in the elections. You

1 voted in the elections that the RUF contested in 2002. Do you
2 recall that?

3 A. Yes, I said it.

11:24:23

4 Q. Can you tell this Court how you qualified to vote in that
5 election? You are a citizen of Liberia, are you not?

6 A. But we are not talking about citizenship. We are talking
7 about partisanship. I was a member of the RUF and there was an
8 election, so I had the right to vote. They allowed me to vote,
9 so I voted. And most people voted in Liberia. It depends if you
10 are allowed to vote.

11:24:45

11 PRESIDING JUDGE: Did the witness said most people voted in
12 Liberia?

13 THE WITNESS: Yes. Most Sierra Leoneans, when the election
14 was done in Liberia, they voted if they were allowed to vote
15 because we had a lot of Sierra Leoneans based there. They had
16 gone there before, they have got children there, they have assets
17 there. They do vote. Nobody stops them.

11:25:00

18 PRESIDING JUDGE: But the question related to voting in
19 Sierra Leone.

11:25:14

20 THE WITNESS: Yes. That is what I am telling him. I said
21 they allowed me to vote because I was for a party, for the
22 movement, and we went into an election. So I was allowed to
23 vote. They allowed me and I voted.

24 MR BANGURA:

11:25:27

25 Q. Mr Witness, when you registered to vote in that election,
26 did you indicate that you were a Liberian? The registration
27 before the voting I am talking about.

28 A. The only name that I have a Martin George. I said, yes, I
29 am a Liberian. I speak Mende, but I did not say my name is

1 called Ngor Boakei because I don't have a family there. I said I
2 am Martin George and I was allowed. I voted.

3 PRESIDING JUDGE: What was that name that you mentioned?
4 Your name is called what?

11:26:01 5 THE WITNESS: I was not given any other Sierra Leonean
6 name, like Ngor Boakei to make myself a Sierra Leonean. I said
7 no, I took my Martin George name to them and that was what I was
8 registered with and I voted under that name.

9 PRESIDING JUDGE: Mr Interpreter, can you assist us with a
11:26:24 10 spelling?

11 THE INTERPRETER: N-G-O-R B-O-A-K-E-I.

12 MR BANGURA:

13 Q. Mr Witness, you did not tell your correct nationality when
14 you were asked during the registration process, correct? Not so?

11:26:52 15 A. I gave them my full nationality as a Liberian. If not,
16 then why wouldn't I have said I was Mende? I cannot say I am
17 Mende because I am not a Sierra Leonean. People know me to be a
18 Liberian. So if I told people I was Sierra Leonean, they will
19 laugh at me. And since inception I never took a Kono name, nor a
11:27:16 20 Kono name, nor a Temne name or Mende name. My name is Martin
21 George and that was the name that I was dealing with and that is
22 my full name.

23 Q. Mr Witness, I suggest to you that if you had given your
24 true nationality you would not have been registered to vote
11:27:33 25 because non-Sierra Leoneans are not by law - do not by law have
26 the right to vote in an election in Sierra Leone. I put it to
27 you.

28 A. That is what you are saying. But I gave my full name to
29 the registrar. I gave my full name. Martin George. And if you

1 check my background, I do not have any --

2 JUDGE DOHERTY: Counsellor is asking you about nationality,
3 not about name.

4 THE WITNESS: If my name is not Martin George? Please
11:28:10 5 repeat your question.

6 MR BANGURA:

7 Q. I suggest to you that you did not tell the registration
8 officials of the elections your true nationality because if you
9 had done that you would not have been allowed to vote, you would
11:28:31 10 not have had the right to vote. What do you say to that?

11 A. I said I gave my full background and it was - I was not the
12 only person who knew my own background. People in Magburaka knew
13 that I was Liberian and I voted, and that was where I was
14 staying. I gave them my full name, Martin George, and they
11:28:57 15 allowed me to vote. I gave my full name. I cannot hide away
16 my -

17 PRESIDING JUDGE: Did you tell the electoral authorities
18 that you were a Liberian? Did you tell them that fact?

19 THE WITNESS: Yes. Yes, ma'am. Yes, because they knew
11:29:18 20 that I can say I was the only Martin George in the RUF. I was
21 not speaking Mende to them. I was speaking English. I was not
22 speaking Krio.

23 PRESIDING JUDGE: [Microphone not activated] I asked. I
24 didn't ask you about what name you used or what language you
11:29:32 25 spoke or didn't speak. I asked you a simple question: Did you
26 tell the electoral authorities that you were a Liberian before
27 you voted?

28 THE WITNESS: Yes, I told them. And those of us who were
29 on the line, most of them knew that I was Liberian. They asked

1 me and they say, "Where are you from?" I told them the country I
2 am coming from. And the voting ID card with which I was issued
3 bared the name Martin George. I was not the only person who knew
4 that I was Liberian. People in Magburaka knew.

11:30:11 5 MR BANGURA:

6 Q. I put it again to you, Mr Witness, and you can just simply
7 agree or disagree, the laws of Sierra Leone do not permit
8 non-Sierra Leoneans to vote in a national elections. Do you
9 agree or do you not?

11:30:30 10 A. Oh, yes, that's the law. I agree. But I was lucky to
11 vote. I do agree, that's their law. I am not disputing the fact
12 that it's not the law. But I called my name, where I was from,
13 and they gave me the card and I voted on that particular day.

14 Q. So, Mr Witness -

11:30:54 15 PRESIDING JUDGE: Mr Bangura, you have time for one
16 connected question or not?

17 MR BANGURA: That would have been a connected question,
18 yes, your Honour.

19 PRESIDING JUDGE: You will take it up after the tea break.

11:31:06 20 We are going to have a break of half an hour. We'll
21 reconvene at 12 noon.

22 [Break taken at 11.31 a.m.]

23 [Upon resuming at 12.05 p.m.]

24 PRESIDING JUDGE: Mr Anyah.

12:05:28 25 MR ANYAH: Yes, Madam President. I rise to advise the
26 Court by way of an update regarding the whereabouts of Mr Taylor
27 at this hour of the day. Your Honours have already issued an
28 order directing the Registrar to respond to the issue that arose
29 this morning essentially resulting in his absence from court

1 during the start of the proceedings.

2 At this hour, which is slightly five minutes over 12,
3 Mr Taylor is still not here. During the midmorning break I spoke
4 with Mr Taylor. I also spoke with Mr Townsend, the head The
12:06:06 5 Hague sub-office for the Special Court and this is what we now
6 know: Mr Taylor is still dressed. He is still at the detention
7 centre. He is still hoping that he will be transported to court
8 today. He has spoken with the chief custodial officer, also
9 known as the chief of detention, and that person told Mr Taylor
12:06:26 10 that as far as today is concerned, the entity of the Dutch
11 government responsible for his transportation does not have
12 another team available to transport him to court today. It is a
13 part of the Dutch security services and I believe the acronym is
14 DV&O. This group of persons DV&O have only one team of escorts
12:06:56 15 to transport persons to this courthouse today. So, as far as we
16 know, Mr Taylor will not be brought to court today despite being
17 ready, willing and able to attend the proceedings.

18 We are told also that the chief custodial officer added
19 that as far as tomorrow is concerned, the same modalities of
12:07:18 20 transportation that were in place today would also recur
21 tomorrow. Meaning that the likelihood for a recurrence of what
22 has happened this morning is quite increased in relation to
23 tomorrow.

24 Now, Mr Taylor called Freetown and spoke with Ms Claire
12:07:40 25 Carlton-Hanciles, the Principal Defender of the Special Court and
26 told her what has been transpiring today. Ms Hanciles has in
27 turn spoken with the Registrar of the Court, Ms Mansaray. I am
28 told that Ms Mansaray made a telephone call to The Hague ordering
29 that Mr Taylor be brought to court today. Apparently that has

1 not been sufficient to necessitate his appearance here today.

2 During the break I also spoke with Mr Gregory Townsend and
3 Mr Townsend confirmed that indeed there is only one team of
4 security agencies or agents available to transport persons to the
12:08:18 5 courthouse today and that he was about to send an email to that
6 effect. Unfortunately we did not have the opportunity to develop
7 the conversation or conclude it.

8 In sum and substance, Mr Taylor is ready to come to Court.
9 He is unable to be here at this hour because there is nobody to
12:08:37 10 transport him to court. The Registrar has apparently made an
11 order by telephone that he be brought to court. That order has
12 not been implemented.

13 The likelihood that this will repeat tomorrow is very real.
14 Mr Taylor though will be here tomorrow, he has told us to advise
12:08:55 15 the Court as such, regardless of what modalities of
16 transportation are in place tomorrow. He cannot afford to
17 continue to miss the proceedings. He will come tomorrow but he
18 will be doing so without waiving any rights due him to remedy
19 these modalities of transportation which we find to be inhumane
12:09:18 20 and degrading. People should be brought to the courthouse with
21 some measure of integrity and not left in a van handcuffed for
22 10, 15 and sometimes more minutes than those. So that's where
23 things stand right now.

24 While I'm on my feet, and I think this is appropriate for
12:09:37 25 your Honours pursuant to Rule 54, it is the case that matters
26 dealing with the conditions of detention are usually raised with
27 the President but, as Madam President observed this morning,
28 where it interferes or disrupts the proceedings before your
29 Honours you have the inherent discretion and authority under Rule

1 54 to issue orders about such matters.

2 So I make an application that your Honours issue an order
3 directing the Registry to produce Mr Taylor to the courthouse
4 today. We have an hour and 20 minutes left in this session and
12:10:13 5 we have two hours left in the afternoon session. If an accused
6 is dressed, is ready, willing and able to come to court this
7 Court should order that the accused be produced.

8 JUDGE LUSSICK: I'm just wondering at the commonsense of
9 such an order when the Registrar has in fact already ordered that
12:10:34 10 he be produced. What else could we order the Registrar to do?
11 Personally go to the detention facility and pick him up herself?
12 She has already issued the order.

13 MR ANYAH: Well, your Honour, with respect, it is a matter
14 of significance when a court issues an order versus the
12:10:53 15 administrative process that is available through the Registrar.
16 Your Honours have inherent powers that of course the Registry
17 does not have. So I think it is significant and a matter of
18 symbolic importance that an order to the extent you find it
19 appropriate be issued.

12:11:13 20 JUDGE DOHERTY: Mr Anyah, in a similar vein can I ask who
21 or what organisation you are seeking the Court to issue an order
22 to. I bear in mind that basic premise of law that a court should
23 not issue an order that cannot be fulfilled. I look to the facts
24 that you have put before us.

12:11:41 25 MR ANYAH: Justice Doherty, we're in the Court's hands. A
26 circumstance has arose where your orders could be directed to any
27 number of persons. Your orders could be directed in the first
28 instance to the Registrar. The Registrar would then be armed
29 with an order from the Court that could be forwarded to the

1 relevant parties in the Dutch government.

2 I mean, it is one thing for the Registrar to make a phone
3 call and it's another thing for the Registrar to forward an order
4 from the Court saying we entered into some kind of headquarters
12:12:09 5 agreement with the Dutch government whereby they agreed to
6 transport detainees of the Special Court to the courthouse. Here
7 is an order from the Court saying do so. And to the extent that
8 the relevant component of the Dutch government does not follow
9 your orders there are appropriate mechanisms. There are other
12:12:31 10 agencies and branches of the Dutch government that will respond
11 to your orders.

12 PRESIDING JUDGE: Mr Anyah, let us not speak as if what
13 happened this morning was that Mr Taylor was ready to come and
14 the Dutch authorities failed to turn up. These were not the
12:12:51 15 circumstances. The circumstances were, as you informed us and as
16 we've established in due course, that the Dutch authorities did
17 turn up to transport Mr Taylor to the Court and it is Mr Taylor
18 who, upon being requested to wait for another accused person so
19 that they could travel in convoy, declined and returned to his
12:13:17 20 cell; declining to wait for the reasons that you have stated.

21 And so let us not have any pretences here that the Dutch
22 authorities reneged on their duties under the memorandum of
23 understanding. That is not so. So I wanted to make that one
24 clear before I consult my colleagues on this application you have
12:13:44 25 made.

26 [Trial Chamber conferred]

27 Obviously this is not a pleasant matter for the Chamber to
28 be considering, or even talking about, but we're of the view that
29 the circumstances are that the Dutch police happen to have this

1 one team that is ready and available to escort the various
2 accused persons that need to be brought out every morning from
3 the detention centre, including Mr Taylor. Mr Taylor is not the
4 only accused person that leaves the premises of the detention
12:14:56 5 centre to come to court. There are other accused persons, and
6 the authorities responsible have a schedule that they observe
7 that is beyond the control of the Trial Chamber and that I think
8 should be respected as well.

9 Now, in our view, unanimously, we do not think that what
12:15:17 10 happened this morning, whereby the authorities requested
11 Mr Taylor to wait for some 15 minutes - and I don't know whether
12 he actually waited 15 minutes or less - that that was necessarily
13 an unreasonable request given the circumstance that there was
14 that one team ready to bring a number of accused persons.

12:15:40 15 Secondly, it is common knowledge that Mr Taylor is not the
16 only accused person standing trial in the past few months and
17 that these various accused persons have been transported in
18 similar manner from the same detention centre together, perhaps
19 in convoy in the same way. Now, this problem apparently arose
12:16:02 20 only this morning. We've not heard a complaint in the recent
21 past that this is now a constant problem for us to warrant this
22 kind of order that you are asking us to make.

23 Now, I made an order in the morning to the Registrar asking
24 the Registrar to ensure that this problem is resolved and that it
12:16:25 25 does not impact the trial again. And this is what I expect to
26 happen tomorrow. The matter is in the able hands of the
27 Registrar in liaison with her counterpart in the ICC and probably
28 the chief of detention of the detention centre and I think we'll
29 just leave it at that and see what happens tomorrow.

1 Of course, we will expect Mr Taylor to respect the
2 conditions of the detention centre and the transportation regimes
3 unless they are so grossly inhumane in which case you would take
4 it up then with the President of the Court or the Registrar. We
12:17:09 5 do not think that in the premises these circumstances are so
6 grossly inhumane as to cause alarm or to cause us to make order,
7 and we will expect to see Mr Taylor here when the transportation
8 allows. In the meantime, we will proceed with the trial pursuant
9 to Rule 60(B) of the Rules of Procedure and Evidence.

12:17:32 10 Mr Anyah?

11 MR ANYAH: Yes, we appreciate your Honours' deliberation
12 and your consensus on this. I just need the record to be clear.
13 It is not the case that this has not happened before. It is not
14 the case that assurances have not been given to the detainees
12:17:48 15 that this would not be the manner in which they would be
16 transported. This event or these circumstances arose on
17 12 January this year. They had arisen last year, several months
18 before. Assurances were given to the detainees they wouldn't be
19 transported in those terms. The reason for the difficulties
12:18:10 20 during --

21 PRESIDING JUDGE: The terms being what exactly? That they
22 would not be transported in convoy or what?

23 MR ANYAH: No, the terms being that one person would not be
24 left waiting in one vehicle while they go upstairs and handcuff
12:18:24 25 and place a bulletproof vest on another person, take him down to
26 another waiting car. This arose during the winter, your Honours,
27 when the weather is cold and someone is in a van waiting for 10,
28 15, 20 minutes for another person to be brought from upstairs.
29 They were given assurances it wouldn't happen. So that's the

1 first matter of record we need to make known.

2 The second issue is: Are those circumstances inhumane or
3 degrading? We submit they are.

12:18:58

4 PRESIDING JUDGE: In which case, Mr Anyah, we as the
5 judges, this morning - I'm not talking about other circumstances
6 - this morning we do not think that a wait of 10 to 15 minutes is
7 inhumane given the circumstances that the team was only one that
8 was coming and they had to escort a number accused persons here.

9 MR ANYAH: When --

12:19:16

10 PRESIDING JUDGE: And I have said that in the event that
11 you think or reckon that the circumstances are so inhumane as to
12 prevent Mr Taylor to come to court, you know what to do.

13 MR ANYAH: Yes.

12:19:31

14 PRESIDING JUDGE: To take that matter up with the relevant
15 authorities.

12:19:46

16 MR ANYAH: Had we known this morning that there was only
17 one team of Dutch security personnel available, my submissions
18 might have been different. Had they explained that to Mr Taylor,
19 most of this might not have occurred. Nobody knew this morning
20 that they had only one set of transportation personnel. And
21 perhaps that's the source of the problem today. But we will see
22 what obtains tomorrow.

12:20:04

23 PRESIDING JUDGE: Yes, Mr Anyah, I think we're just taking
24 time up for nothing. Everything relevant is on the record.
25 We've made the relevant directives to the Registrar. Let the
26 Registrar handle this as ably as she can and then we'll take it
27 from there.

28 MR ANYAH: And to the extent we are dissatisfied, we will
29 come with the relevant applications.

1 PRESIDING JUDGE: Mr Bangura, please continue with your -
2 the questions.

3 MR BANGURA: Thank you:

4 Q. Mr Witness, you testified that you were able to vote
12:20:36 5 despite the fact that you were a non-citizen, non-Sierra Leonean,
6 correct?

7 A. Yes.

8 Q. In fact, you lied to the election officials and that was
9 what enabled you to vote, is that so?

12:20:58 10 A. No. I never lied to him.

11 Q. You lied to them just as you have been lying to this Court
12 about your testimony. Isn't that the case?

13 A. That's not it. I can't lie. If I lie, what would I get
14 out of it? I wouldn't achieve anything.

12:21:23 15 MR BANGURA: Your Honours, at this point I wish to apply
16 for the Court to move into a brief session of private - private
17 session to deal with the - I'm dealing with testimony of a person
18 - it's the testimony of this witness but relating to his wife,
19 and my concern is that the details that may come out from his
12:21:55 20 testimony may affect in some ways the privacy of that person. I
21 so make this application to protect the privacy of the witness's
22 wife. I do not anticipate that this will take more than 15
23 minutes.

24 PRESIDING JUDGE: We think that this is a reasonable
12:22:31 25 request. For the members of the public, we are going to go
26 briefly into a private session to hear evidence relating to
27 another person whose privacy, in our view, should be protected.

28 Madam Court Officer, please.

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[At this point in the proceedings, a portion of the transcript, pages 40210 to 40216, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

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

3 MR BANGURA:

4 Q. Mr Witness, you told this Court that back in Naama you had
12:35:04 5 boys who were within the ages of nine, ten and - within the range
6 of nine and ten years that were members of the RUF, correct?

7 A. Yes.

8 Q. You told this Court that there was a unit called the SBU,
9 correct?

12:35:29 10 A. We had four small boys. They were small, between the ages
11 of nine and ten.

12 Q. And is it the case that these small boys were called SBUs
13 or were in a unit called SBUs?

14 A. They were not in a unit. Four men could not form a unit.
12:35:56 15 They were not in a unit called SBU. They were just four small
16 boys among us.

17 Q. When you came into Sierra Leone it was the practice for
18 commanders to have small boys under them. Isn't that the case?

19 A. Repeat your question.

12:36:14 20 Q. When you came into Sierra Leone - when the RUF came into
21 Sierra Leone and were now in Sierra Leone, it became the practice
22 for commanders to have small boys under the age of 15, much lower
23 than that, under their control. Isn't that so?

24 A. To do what? To fight or what? We had civilians with us.
12:36:44 25 They had their children, small boys. They were with us. But
26 they were not fighting. We had small children. Not only me.
27 There were other commanders too, even down to Issa. They had
28 small boys where they lived.

29 Q. [Microphone not activated] small boys that you had were

1 below the age of 15, weren't they?

2 A. They were below the age of 15. Some of them were above 15,
3 18, yes.

4 Q. And these small boys that you had were sent to do quite a
12:37:18 5 number of things for the commanders, isn't that so? Sent on
6 chores for the commanders?

7 A. Yes, they were living with the commanders. They were
8 living with them. They sent them to do other things, but not to
9 go and fight. If some of them sent them to go and fight, I never
12:37:36 10 saw that. Mine that I had with me, when I want to send them to
11 do something for me, for instance to fetch water, yes.

12 Q. You had as many as three small boys with you, did you not?

13 A. If I had three in number? Repeat your question.

14 Q. You had as many as three small boys with you below the age
12:38:06 15 of 15?

16 A. I had more than three small boys. Because I was taking
17 care of them. I provide food, we shared that together. I had
18 them --

19 THE INTERPRETER: Your Honours, can he kindly repeat his
12:38:21 20 answer.

21 PRESIDING JUDGE: Mr Witness, please repeat your answer.
22 The interpreter didn't get you.

23 THE WITNESS: He asked me whether I had more than three
24 small boys. I said yes, I had more than four small children that
12:38:38 25 were staying with me where I was living and they were not there
26 to fight. I provided food for them and some of them were there
27 with their families.

28 MR BANGURA:

29 Q. You had boys with you when you were in Pujehun, correct?

1 A. No, I never had small boys with me in Pujehun. I started
2 bringing people around me when I was serving as brigade commander
3 up to security commander. When I was serving as a lieutenant I
4 never had small boys with me, no. But from the rank of brigade
12:39:17 5 commander, okay, I started bringing crowd around me.

6 Q. And what was the number of boys that you had as a brigade
7 commander?

8 A. I can't give you the number now because I can't remember.
9 I can't remember the number of boys that I had. If you're
12:39:37 10 talking about the bodyguards unit, I had a bodyguard unit 19, 20.
11 They were a fighting force. Whenever I was going on a mission I
12 went with them. But the small children, I can't give you their
13 number.

14 Q. Now, Mr Witness, back in Pujehun you served with Tonkara.
12:40:11 15 You told this Court that. And Tonkara had with him a group of
16 boys who belonged to an SBU, Small Boys Unit, isn't that so?

17 A. Tonkara never had a Small Boys Unit with him in the jungle.
18 He never had Small Boys Units with him in the jungle. We were
19 all matured. He never had small boys with him.

12:40:34 20 Q. Now, do you recall being involved in the attack on Peyama
21 yourself?

22 A. Repeat your question.

23 Q. Do you recall being involved in the attack on Peyama?

24 A. You mean Peyama?

12:40:51 25 Q. Exactly, Mr Witness.

26 A. No, I can't recall. I never took part in Peyama attack I
27 can swear. I never took part in Peyama attack.

28 Q. Mr Witness, the small boys that commanders had with them
29 were often used to carry looted properties. Wasn't that the

1 case?

2 A. More people had their ways of sending small boys. More
3 people had their ways of sending small boys. I would be going on
4 a mission and I will tell you, "Take care of my backpack", yes.

12:41:35 5 That was how I trained my children. I can't talk about somebody
6 else's own.

7 Q. Some of the commanders had small boys carrying fighting
8 material, didn't they?

9 A. Oh, yes, some commanders were in the habit of doing that.
12:41:54 10 But I never did it.

11 Q. And these small boys were also members of the RUF, weren't
12 they?

13 A. As long as you were RUF, you just had to be a member. You
14 cannot say you are not a member. When an enemy captured you, you
12:42:16 15 cannot say you are not a member of the RUF. You can't deny that.
16 So we considered them to be members of RUF.

17 Q. And when necessary they would take part in fighting. Isn't
18 that the case?

19 A. I said no. We never had a special SBU unit to fight. We
12:42:39 20 never had SBU unit to fight. We had a lot of manpower,
21 grown-ups, who were not tired of fighting. Why would you use a
22 small soldier or a child soldier?

23 Q. Mr Witness, you have throughout your testimony denied
24 knowledge of a number of things that happened within the RUF.
12:43:07 25 You have denied that the operation called Fitti-Fatta mission
26 never had sufficient quantities of ammunition and fighting
27 material. Do you recall that?

28 A. When you are talking about fighting materials, you should
29 distinguish what you are talking about. We had arms. We were

1 not looking for arms. We captured them. I'm talking about we
2 never had sufficient ammunition. The little that we had we put
3 in defensive. So Fitti-Fatta, you cannot have materials
4 according to them plenty and you go about wasting them on an
12:43:56 5 enemy. I said it never happened. We went to test the strength
6 of the enemy and we didn't succeed. That was what I said. I
7 can't tell lies about what I know.

8 Q. You've also denied that the men who fought against RUF
9 soldiers in Kailahun during the Top 20, Top 40 and Top Final were
12:44:26 10 NPFL soldiers based in Kailahun at the time. You've denied that,
11 haven't you?

12 A. I never saw it. I said I don't know. If I saw them based
13 there I would have said I saw them. But I went there and did not
14 see them. Should I say yes, they were there? I never saw them
12:44:47 15 so I can't say yes. You see something before you say it. I'm
16 not denying it but I never saw it, so I said I don't know.

17 Q. You have denied also before this Court that the RUF never
18 had more than 20 boxes of ammunition, AK rounds, for the December
19 1998 attack on Kono. You've denied that, haven't you?

12:45:23 20 MR ANYAH: Madam President, I object to that question. The
21 witness never said that separate and apart from what he alleges
22 Abu Keita brought, 20 boxes of AK rounds and five rockets, that
23 the RUF had no other source of ammunition. I mean, the question
24 as posed is: "You have denied also before this Court that the
12:45:44 25 RUF never had more than 20 boxes of ammunition, AK rounds, for
26 the December 1998 attack on Kono?" His evidence is not that that
27 was all and the only amount of ammunition or rounds they had.

28 PRESIDING JUDGE: Besides, Mr Bangura, you must watch
29 grammar. You're actually stating the opposite of what the

1 witness has said. When you use the word "deny", you must always
2 state the factual situation. It's not a double negative here.
3 When you use a double negative, it's the exact opposite of what
4 you are saying. So please do rephrase your question.

12:46:29 5 MR BANGURA:

6 Q. You deny that the RUF had supplies of ammunition in
7 December 1998 brought by Sam Bockarie. You denied that, haven't
8 you?

9 A. I'm not denying it. I never saw it. I never saw Sam
12:46:50 10 Bockarie bringing ammunition from Burkina Faso. I saw Sam
11 Bockarie showing us ammunition that was brought by Abu Keita.
12 That's what I know about. If you tell me that the ammunition Abu
13 Keita brought was more than the 20 boxes that I spoke about, then
14 you can tell me that. But I know about 20 boxes.

12:47:10 15 Q. Mr Witness, the reason why you deny these facts is that you
16 had no knowledge about some of the matters that you have
17 testified to before this Court. You've merely been guessing.
18 Isn't that the case?

19 A. That's not the case. That's what you are saying. But
12:47:34 20 that's not the case. You asked me some questions and I answered
21 you rightfully. What I knew about I said, yes, it happened.
22 Yes, it happened. So if you're asking me for something that I do
23 not know, you want me to say it happened just to satisfy you? Is
24 that what you want me to do? If I don't know I'll tell you I
12:47:57 25 don't know.

26 MR BANGURA: Your Honours, that will be all for the
27 witness.

28 PRESIDING JUDGE: Thank you. Mr Anyah, any re-examination?

29 MR ANYAH: Yes, I do, Madam President. Thank you.

1 RE-EXAMINATION BY MR ANYAH:

2 Q. Good morning, Mr George.

3 A. Good morning, Mr Anyah.

4 Q. Well, it is afternoon.

12:48:29 5 A. Good afternoon.

6 MR ANYAH: Madam President, I did not indicate when this
7 session started that there's been a change of representation at
8 the Defence bar. We've been joined by Ms Logan Hambrick:

9 Q. Mr George, a couple of questions about your wife, and I
12:48:48 10 don't want you to mention her name. You told us during
11 cross-examination that you met your wife when you were assigned
12 at Ngolahun Vaama, yes?

13 A. Yes.

14 Q. Now, when you met your wife, was she a civilian or was she
12:49:13 15 at that time a member of the RUF?

16 A. When I entered Ngolahun Vaama, I met her as wives. She had
17 been trained as wives in Ngolahun Vaama.

18 Q. Did you say wives or did you say WACs? What did you say?
19 She had been trained --

12:49:34 20 A. I'm talking about someone who had been trained. She had
21 already been trained when I met her in Ngolahun Vaama. She had
22 been trained. Sorry about the name. She had been trained when I
23 met her. She was not a civilian based in the zoebush. She was
24 in the zoebush where the soldiers were when I met her. We were
12:49:56 25 all residing. She used to take part in formations. She was
26 taking part in all other activities.

27 Q. She had been trained in what? Trained as what? A fighter?
28 Trained as a house help? Trained as a wife? Trained as what?

29 A. She was trained to become RUF wives. I told you that we

1 had a WACs commander by the name of Memunatu Sesay. She had her
2 own unit for cooking in the combat camp. Sometimes in the ambush
3 they cook food and they take that food for people. They were not
4 there fighting, but they had other things to do.

12:50:45 5 Q. This name you mentioned, WACs, what is a WACs commander?

6 A. The WACs commander means the person who was in charge of
7 all the women - who was in charge of all the women. For
8 instance, in the battalion headquarters, there was some WACs in
9 the battalion headquarters. The WACs commander was responsible
10 to take - send these WACs --

12:51:20

11 THE INTERPRETER: Your Honour, can he kindly repeat his
12 answer slowly.

13 PRESIDING JUDGE: Mr Witness, you are running again.

14 MR ANYAH:

12:51:27 15 Q. Mr George, just slow down a bit. You were saying that the
16 WACs commander was responsible to send who to where and for what?

17 A. She was responsible for sending them on assignment. If
18 there were five WACs, Company A1, she was responsible for sending
19 five WACs to Company A. For what purpose? Do the cooking for
20 the men in the ambush. Just like that, that was how they were
21 distributing the WACs. Even Pa Sankoh had WACs in Zogoda with
22 him. Some of them were doing typing and others were involved in
23 different unit.

12:51:58

24 Q. Mr George, a couple of questions flowing from this. We're
25 getting to the issue of your wife and we will continue with it,
26 but I need some clarification about this WACs business. This
27 WACs, do you know how to spell it? Is it W-A-X or is it W-A-C-S?

12:52:19

28 A. WACs. WACs. That's the pronunciation, WACs. They are
29 WACs. Those who are trained.

1 Q. Do you know what the acronym WAC stands for? Do you know
2 what the W stands for, for example?

3 A. The WACs? I don't know what that letter stands for, but
4 they were a women unit - a women's unit.

12:53:07 5 Q. Yes.

6 PRESIDING JUDGE: Mr Anyah, for the record, the record at
7 page 88, my line 82 says - shows the witness as having said:
8 "She was trained to become RUF wives." I don't think the witness
9 said RUF wives.

12:53:27 10 THE WITNESS: No, no, no, no.

11 PRESIDING JUDGE: Let me finish. I think the witness said
12 RUF WACs.

13 MR ANYAH: Yes:

14 Q. Mr George, your wife was trained to become an RUF what?
12:53:42 15 Wife or WACs?

16 A. WACs. She was trained to become a WACs. RUF WACs, not
17 wife. WACs.

18 Q. Thank you. The lady's name you mentioned, Memunatu Sesay,
19 what nationality is she?

12:54:02 20 A. She is a Sierra Leonean. A Temne by tribe.

21 Q. This Memunatu Sesay, did you know her before you entered
22 Sierra Leone? That is, did you know her when you were still in
23 Liberia?

24 A. I knew her during the normal days when she was in Liberia
12:54:23 25 attending before she joined the RUF, Memunatu Sesay. I knew her
26 during the normal days in Gbarnga.

27 Q. Was she with you at Camp Naama when you were there?

28 A. Yes, she was with us in Naama. She was the WACs commander
29 in Naama.

1 Q. Is it the case that there was a WACs unit when you were in
2 Crab Hole in Camp Naama?

3 A. We had few WACs. They were not up to a platoon because a
4 platoon makes a unit, but we had few of them. She was their
12:55:01 5 commander. And later when we entered Sierra Leone, they made her
6 overall WACs commander.

7 Q. What is the size of a platoon? That is, how many persons
8 make up a platoon?

9 A. The size of a platoon is 62. 62 men make a platoon.

12:55:25 10 Q. And when you say they were not up to a platoon, you are
11 referring to the WACs not being up to a platoon. Short of 62,
12 approximately how many members did the WACs unit at Crab Hole
13 have?

14 A. If you can give me chance to call the WACs, some of the
12:55:51 15 WACs that were on the base, if I'm not mistaken their names, let
16 me call a few, maybe you will get the number. But I can try to
17 call few of their names so you can get the number and the one
18 that remains would know, because for long I had known some of
19 their names, most of them.

12:56:09 20 Q. Well, we don't want to take up too much time, but give us a
21 few names that you recall.

22 A. Memunatu Sesay, Nyepan Weawea, Florence Kallon.

23 Q. [Microphone not activated] continue, please.

24 A. Memunatu Sesay, Nyepan Weawea, Florence Kallon, Fatou
12:56:39 25 Gbembo, Fatou Kallon, Krio Mammy, Musu Kallon, Monica Pearson.

26 THE INTERPRETER: Your Honour, can he kindly repeat this
27 last name.

28 PRESIDING JUDGE: What is the name after Monica Pearson?

29 THE WITNESS: Kuma.

1 MR ANYAH:

2 Q. That's sufficient, Mr George. If the number did not rise
3 up to 62, can you give us an approximate number of how many
4 persons made up that unit at Crab Hole?

12:57:45 5 A. Please say that again.

6 Q. Were the members of the WACs unit at Crab Hole up to 30,
7 for example? Did they reach 30 in number?

8 A. If I'm not mistaken, they would be above 15. They would be
9 above 15.

12:58:04 10 Q. Thank you, Mr George.

11 Madam President, some spellings. Florence Kallon, that
12 should be straightforward. Musu Kallon, Musu will be M-U-S-U and
13 Kallon, the regular spelling. This person Kuma I would spell
14 phonetically, K-U-M-A. Memunatu Sesay, we have the spelling of
15 Memunatu on the record from other parts of the trial and I see
16 it's spelt correctly. There was the name Nyepan Weawea. Nyepan
17 phonetically I would spell N-E-P-A-N; Weawea, W-E-A-W-E-A. Fatou
18 Gbembo is on the record. Krio Mammy I would spell K-R-I-O,
19 M-A-M-I-E. I think those are the spellings:

12:58:53 20 MR ANYAH:

21 Q. Mr George, this lady, Memunatu Sesay, was she a WACs
22 commander in the vicinity of Ngolahun Vaama when you met your
23 wife?

24 A. No, she was not a WACs commander in Ngolahun Vaama. She
12:59:08 25 was in Kailahun. They passed through Kailahun. She went to
26 Kailahun and she was there as the WACs commander. Florence
27 Kallon was the WACs commander for us in Zimmi.

28 Q. Fair enough. I'm focusing now on your time at Ngolahun
29 Vaama when you met your wife. It is the case that there was a

1 WACs unit there when you met your wife, true?

2 A. Yes, they had a WACs unit there.

3 Q. Besides cooking food for the fighters, besides activities
4 like typing, because I remember you saying members of the WACs

12:59:45 5 unit would type, were they used as fighters for the RUF, members
6 of that unit?

7 A. They were not used to fight. When men go to the front
8 line, they bring food and they pound the rice. They pound rice
9 and cook.

13:00:06 10 Q. When you met your wife, was she under the age of 17,
11 Mr George?

12 A. She was above 17. I said 18 to 19 years old. She was not
13 a small woman that I'm talking about.

14 Q. When you approached her to become your wife and when she
13:00:30 15 did become your wife, was that voluntarily on her part? That is,
16 did she agree out of her own free will? Did she choose to join
17 you to become your wife?

18 A. She was willing and before I approached her I consulted one
19 of my friends called Bai Bureh. I consulted Short Bai Bureh. I
13:00:52 20 said I have seen one girl by the name of --

21 THE INTERPRETER: Your Honours, he has just called the name
22 of the wife.

23 THE WITNESS: The name has already been called, so there is
24 no problem.

13:01:04 25 PRESIDING JUDGE: No, we called it in private session where
26 nobody else would hear.

27 THE WITNESS: If we call it, there will be no problem.

28 PRESIDING JUDGE: I don't think that the interpreter put it
29 on the record in any event. So please continue.

1 MR ANYAH: Very well.

2 Q. Mr George, just remember not to call your wife's name,
3 okay? Now, I was asking you whether her decision to become your
4 wife was free and voluntary, whether she agreed to it, and you
13:01:34 5 were telling us about having sought consultation with Short Bai
6 Bureh before you you approached her to become your wife. Can you
7 continue from there. What did you consult Mr Bai Bureh about?

8 A. I saw this lady and I wanted her. I asked her and she told
9 me she didn't have anybody, so I consulted my friends and my
13:02:02 10 friends talked to her and she agreed. She was not forced. In my
11 life in the RUF I never forced any woman. Not because I am
12 handsome. I am an intelligent human being. I don't do that.
13 It's against RUF Rules. When you rape, you have the
14 consequences, so I didn't do that.

13:02:26 15 She agreed and we fell in love. We managed our lives and
16 God gave us a child and we have that child between us. She was
17 not forced. If she had been forced I don't think she was going
18 to spend that much time with me. She had the right to report me
19 to any big man if I had forced her. She had the right to make
13:02:44 20 her own decision.

21 Q. Would there have been any consequence or penalties to this
22 woman if she had refused to become your wife?

23 A. There would be no punishment against her because there were
24 lots of women. She was not the only women among us. If she had
13:03:09 25 said no I would have found another choice that I liked. There
26 were many. There were women on the base - I mean on the ground.
27 But I saw her and I liked her and she liked me and we fell in
28 love.

29 Q. Before you asked her to become your wife, did you have the

1 authority, that is the power, to make her become your wife
2 regardless of what answer she was going to give you?

13:03:46 3 A. I never had that power. She had her own thoughts. She had
4 the right to say no. When you say no - if she had said no I
5 wouldn't have forced her. And if I did, Foday Sankoh would have
6 taken the rank that they had given me. I would have been
7 demoted. I never had any right to force her to say, "Since I
8 have said to you that I love you, you should love me." I never
9 did that in my life.

13:04:05 10 Q. Now, you told us you met her in 1994 in Ngolahun Vaama and
11 you said the two of you remained married, so to speak, until 2003
12 when she left. Is that a fair summary of what you said in that
13 regard?

13:04:30 14 A. What I said is true. She was with me throughout.
15 Throughout the struggle that we went through she was with me.
16 When I was in Woama she was with me. When we went to town - even
17 in Bo she was with me. Morris Kallon knows. We were all staying
18 in Bo. She was not forced. She used to cook for Morris Kallon
19 before. Issa knows her very well. I never forced her.

13:04:57 20 Q. Yes, you've anticipated some of my questions which is that
21 period of time, almost nine years, 1994 through 2003, did you at
22 any point in time force the person that was your wife to remain
23 with you, to stay as your wife during that nine-year period of
24 time?

13:05:18 25 A. No, I never forced anyone. If I had forced her at the time
26 that the brother brought that letter that the parents wanted to
27 see her, if I was someone who forces people I would have said she
28 wouldn't go anywhere. I could have said she wouldn't go
29 anywhere. But I thought that since that was the case I didn't

- 1 have money to go with her, she can go. She can go with the
2 children. You see? I released her easily and she went. If I
3 wanted to force her I would have told her, "You're not stepping
4 out. You're not going anywhere." But I used my second thoughts
13:05:51 5 and said, "Okay, your brother is here and the parents want to see
6 you for the ceremony. You can go with your brother", and I did.
7 Q. You told us of a time period when you were assigned near
8 Tongo under Colonel Akim and you asked for leave to go back to
9 Kono to see your family. Do you recall telling us about that?
- 13:06:15 10 A. Yes.
11 Q. So there was a time when you and your wife were not
12 together during your time with the RUF?
13 A. When I asked Akim for the pass, it was that particular
14 woman that I wanted to go and see in Kono. It was that
13:06:32 15 particular woman that I went to in Kono.
16 Q. [Microphone not activated] Mr George, I understand how it
17 is you may have misunderstood my question. When I said you and
18 your wife were not together, I'm not saying the two of you were
19 no longer husband and wife. I'm saying there was a distance
13:06:47 20 between the two of you at some point. That is, at one point you
21 were in Tongo?
22 A. Yes.
23 Q. And she was in Kono, yes?
24 A. Yes. She was in Kono whilst I was in Tongo.
13:06:59 25 Q. And when she was in Kono, she was in Kono with the children
26 the two of you had together, the two children, yes?
27 A. Yes, she had my girl child. The girl child is the first
28 child. 2002, April we had the boy child.
29 Q. So when you were in Tongo, this woman, your wife, could

1 have left you if she wanted. She could have gone somewhere from
2 Kono and you would not have been able to stop her, yes?

3 A. No, I would not stop her. At that time we were in the town
4 there were many women all over. If she had said she didn't want
13:07:40 5 me I wouldn't have stopped her. I would have found another women
6 that liked me and she wouldn't have had problems with me. When a
7 woman says she does not want the person, they won't force you.
8 You go and look for a man that you want and the man will go and
9 look for a woman that he wanted. It was just like that.

13:07:59 10 Q. The fact that she remained with you until you left Tongo
11 and returned to Kono, was that her choice to stay with you,
12 Mr George?

13 A. It was her choice to stay with me. She was not forced.
14 She knew how I had been used to taking care of her. I was not
13:08:24 15 rough with her. I cared for her. She knows that. If I didn't
16 care for her there was no reason for her to stay with me for all
17 that period. I used to care for her.

18 Q. You said you were still in telephone contact with your
19 wife. Is that contact regular? That is, from time to time but
13:08:44 20 consistent?

21 A. Not all the time. Like, when I left Liberia for how many
22 months now I am here there is no communication between us. But
23 when I am in Liberia I communicate with her.

24 Q. Do you provide any kind of financial support to either your
13:09:07 25 former wife or your children in Sierra Leone?

26 A. No, I can't lie to you. I never sent money to her, but
27 when I ask her she tells me the children are getting on fine
28 and --

29 THE INTERPRETER: Your Honour, can he kindly repeat his

1 answer slowly.

2 MR ANYAH:

3 Q. Mr George, we were following you and then we couldn't keep
4 up. You said you would not tell us a lie, that you did not send
13:09:38 5 money to her, but when you asked she tells you that the children
6 are getting on fine and that's where we couldn't keep up. Please
7 continue from there.

8 A. I said each time I ask her about the children she will tell
9 me the children are fine. And up to now my father is after me
13:09:57 10 saying that he wants to see the children. But I don't have the
11 chance now. But when I have money it is not my wish to be in
12 Liberia whilst my children are being taken care of by somebody
13 else in a different place. No, they are supposed to be used to
14 me. They are my children. They should get used to my ways, not
13:10:15 15 somebody else's ways.

16 Q. When she asked to leave you in 2003 or when the time came
17 when she left you did you attempt to force her not to leave?

18 A. No. I never thought of that even. If I'm lying, what I'm
19 looking for under the sun let me never get it. I never thought
13:10:42 20 of that. They brought the letter and they told me where she was
21 going and I said, "Yes, you can go with the children." If I
22 never wanted her to go I would have told her, "You can go and
23 leave the children." But I didn't do that. You should know now
24 I allowed her to take the children. That means I wanted her to
13:11:04 25 go.

26 Q. Thank you, Mr George. On Monday this week, the 26th, you
27 were asked some questions about how the troops moved from Crab
28 Hole toward Bo Waterside. In particular, you were asked
29 questions about how your 2nd Battalion moved from Crab Hole to Bo

1 Waterside. Do you remember a question arose about the type of
2 truck that was used to transport you and others to the Gola
3 Forest or thereabouts? You remember telling us it was a
4 four-tyred truck, yes?

13:11:40 5 A. Yes, I can remember. I said four-tyred truck, Toyota
6 four-tyred truck. I can still remember my statement.

7 Q. Then an issue arose about the feasibility or possibility
8 that one truck would carry the number of people that went. How
9 was it that all of you were able to fit in the truck, Mr George?

13:12:12 10 A. Every one of us because it's not the 381 that went into the
11 truck. The 381 was divided into two. Our own truck, the
12 manpower, we all fit - we all were able to fit into that truck.

13 We got to Fassama safely. We passed Fassama. We left the truck
14 and started our journey. We fitted in the truck. We never made

13:12:37 15 two trips. We went together. We did not have any pick-up with
16 us. We only had that truck, that one truck that carried us.

17 Q. Can you describe this truck. That is, the front part and
18 the back part, describe it for us?

19 A. The truck had a bucket. I said a Toyota truck. It had a
13:13:01 20 long bucket. We were not sitting down in the truck. We were

21 standing and some people were hanging on it. Some people - you
22 know the way commandos sit, some people hang on the sides and it
23 carried us safely. They didn't make two trips.

24 Q. Thank you, Mr George. There is something that appears on
13:13:21 25 the record that I thought I heard you say something different
26 than what is here and I want to ask you about that. This is the
27 transcript from Monday, 26 April, the relevant page being page
28 39956. I will start at line 13. Mr George, there's a part of
29 this response that we have on the record that I want

1 clarification about. The question was asked at line 13:

2 "Q. And you have told this Court that your journey was a
3 very long one. And how long was it before you got to the
4 point of disembarkation? How long were you on the truck
13:14:09 5 before you disembarked?

6 A. Somewhere before Grand Cape Mount."

7 Listen carefully to what the record said you answered:

8 "I told this Court that we passed through Fassama and after
9 passing through Fassama we got to the Belle Forest - I mean the
13:14:31 10 Gola Forest. That was what I said. And then we alighted from
11 the truck and the truck went back and we started walking on the
12 road."

13 That's the part I found confusing. The part that said we
14 "started walking on the road". Did you say you started walking
13:14:53 15 on the road or did you say you were walking by line? What did
16 you say to this Court when you gave that response?

17 MR BANGURA: I do not see where the second aspect of
18 counsel's question comes in here.

19 PRESIDING JUDGE: Mr Anyah, what do you mean by walking by
13:15:12 20 line?

21 MR ANYAH: I withdraw that part. Let me ask the witness to
22 just tell us what he said.

23 Q. When you alighted from the truck, what kind of surface did
24 you walk on? Was it a road? Was it grass? What did you walk
13:15:26 25 on, Mr George?

26 MR BANGURA: I do not see any difficulty in the witness's
27 answer to warrant the question - particular question which
28 counsel is asking now. I think the testimony is very clear about
29 where they were walking. Barring the word which does not seem I

1 believe clear to counsel --

2 PRESIDING JUDGE: Why don't you --

3 MR BANGURA: -- [i ndi scerni ble] walking on the road.

4 PRESIDING JUDGE: Mr Anyah, I don't know what the issue is.

13:15:54 5 MR ANYAH: There is a difference between troops walking
6 openly on the road when they are trying to be circumspect versus
7 walking in the forest.

8 PRESIDING JUDGE: I don't know what the issue is here. Is
9 it with the word "starred"?

13:16:07 10 MR ANYAH: That is problematic, but I wish to pursue and I
11 believe I'm entitled to have the witness explain where they
12 walked after they got out of this truck.

13 MR BANGURA: Only if there is some ambiguity in the answer
14 given by the witness, and from my reading of this testimony,
13:16:29 15 there is no ambiguity. If counsel points out the word that does
16 not seem to make sense and wishes clarification of that word, I
17 understand that and I accept. But the context, the sentence over
18 all does not seem to have any ambiguity, especially as regards
19 the movement and the - mode of movement.

13:16:51 20 MR ANYAH: Madam President, you remember this is the same
21 case where we had the phrase "business leader", we had the phrase
22 "business leader" put to the witness in connection with Mammy
23 Iye, Mammy Kallon, and the witness said he said "business lady".

24 PRESIDING JUDGE: That is why, Mr Anyah, I asked you what
13:17:15 25 the issue is. Is the issue with the word "starred walking"?

26 MR ANYAH: No. The issue is, when this witness spoke,
27 those of us on the Defence bar heard the witness say something
28 different than what is on the record, just like when he spoke
29 before and he referred to Mammy Iye as a business lady and the

1 record now says she was a business leader.

2 PRESIDING JUDGE: Did you hear him say that he was walking
3 on a different surface?

4 MR ANYAH: Yes.

13:17:41 5 PRESIDING JUDGE: Than what is written here?

6 MR ANYAH: Yes.

7 PRESIDING JUDGE: Walking on the road.

8 MR ANYAH: Yes. And that's why I'm asking him these
9 questions.

13:17:51 10 PRESIDING JUDGE: Why didn't you bring it up when the issue
11 arose? Because it's a matter of an incorrect record, if that's
12 what you are saying, that you heard something different. Why
13 didn't you rise up and say, "We heard this and the record says -
14 shows something else"? It's hardly a matter for re-examination.

13:18:13 15 MR ANYAH: Well, one of the purposes of re-examination is
16 to clarify things that --

17 PRESIDING JUDGE: Okay. Let's see how far he goes, but do
18 not ask in a leading manner.

19 MR ANYAH: I understand.

13:18:22 20 PRESIDING JUDGE: I want to understand what question you
21 are going to ask. Mr Bangura, hold your horses, please.

22 Mr Anyah, please ask the question. I want to hear.

23 MR ANYAH:

24 Q. Mr George, when you and the others got to the Gola Forest
13:18:38 25 and you alighted from the truck, on what did you walk when you
26 stepped out from the truck?

27 MR BANGURA: Your Honour, I object to the question.

28 PRESIDING JUDGE: No, Mr Bangura, please. I want to hear
29 what the witness says.

1 THE WITNESS: When we alighted from the truck, I said we
2 were walking on the road. We walked on the road. We were
3 walking on the road.

4 PRESIDING JUDGE: Thank you, Mr Witness.

13:19:13 5 MR ANYAH:

6 Q. Very well. Thank you, Mr Witness. You were asked a
7 question or series of questions in cross-examination regarding
8 which of the two groups at Crab Hole left first. Was it the 1st
9 Battalion or your 2nd Battalion? Do you remember being asked
10 those questions?

11 A. Yes.

12 Q. Now, did you know about the precise time of departure from
13 Crab Hole of the 1st Battalion, the battalion that went towards
14 the Kailahun axis?

13:19:56 15 A. No. We left them on the base. We moved ahead. We left
16 them on the base, so I can't tell the hour they left or when they
17 left. But we went ahead. We left them on the base. After
18 Foday Sankoh had escorted us, he came back to them. At that time
19 we had gone already, so I don't know the hour they left or the
13:20:22 20 day they left, no.

21 Q. Do you know when it was that the 1st Battalion that went
22 towards Kailahun crossed into Sierra Leone?

23 A. No. Because from where we were to Kailahun, it's a
24 distance, and at that time we never had a communication set. We
13:20:52 25 had just started entering, so I can't tell you how they entered.

26 Q. Do you know whether those who went towards Kailahun
27 received any kind of assistance from NPFL members to make their
28 way into Sierra Leone?

29 A. No, I don't know.

1 Q. Thank you, Mr George. A number of questions were asked to
2 you about Black Kadaffa, and you recall what you said about your
3 own Black Kadaffa experience, the group of persons with whom you
4 said you formed Black Kadaffa. Now, this person, King Perry, was
13:21:43 5 he part of the group you called Black Kadaffa when you testified
6 in examination-in-chief, your own group that was referred to as
7 Black Kadaffa?

8 A. My own group, the Black Kadaffa, King Perry was not part of
9 that group. I think you can remember King Perry's statement. He
13:22:05 10 said he was a recruit on the base. When Foday Sankoh took them,
11 they were 12 in number in the signal corps. He was not part of
12 that group. All of us retreated together to Tiene, but he was
13 not part of that group when we joined our Black Kadaffa in
14 Pujehun with Tonkara. I heard him talking about Kakata and our
13:22:29 15 own Black Kadaffa never took part in Kakata. We were in Pujehun,
16 Malema engaging, so I don't know where he joined his own Black
17 Kadaffa. But my own Black Kadaffa that I joined with Tonkara, we
18 were based in Sierra Leone.

19 Q. Yes, you remember very well King Perry's evidence. Let's
13:22:51 20 consider it in a little bit more detail. You mentioned Kakata
21 and you've clarified that your group was not in the vicinity of
22 Kakata. How about this place called Senge? You remember King
23 Perry said that there was a meeting with Charles Taylor, General
24 Devon and General Pepper or somebody called Pepper in Senge.

13:23:19 25 This is at page 3032 from the transcript of 4 February 2008.
26 Mr George, did your group, the Black Kadaffa, go to the vicinity
27 of Senge as you made your way from Liberia back to into Sierra
28 Leone?

29 A. No. When we crossed from Zimmi to Tiene, I stopped at

1 Tiene. I never went beyond Tiene to go to Senge. I never passed
2 that far. We stopped at Tiene and we regrouped ourselves again.

3 Q. You remember King Perry said that he was in Liberia in
4 relation to Black Kadaffa from 1991 to 1992. This is at page
13:24:06 5 3034 from the transcript of 4 February 2008. Mr George, when -
6 that is, what year and month did your group the Black Kadaffa
7 move from Tiene back into Sierra Leone?

8 A. When we crossed in '92, we didn't even spend a month. I
9 can't even talk about a week because of the maltreatment. In
13:24:38 10 fact, we were accused that we were heading ULIMO, that we were
11 bringing ULIMO into Liberia by the NPFL soldiers. What we did
12 was that we mobilised ourselves, our armed group, and we passed
13 through York island and joined Tonkara in Sulima. Whether they
14 formed Black Kadaffa in Liberia that were fighting, I do not know
13:25:09 15 about that. Whether King Perry and others formed Black Kadaffa
16 in Kakata, I don't know because I never reached Kakata. I only
17 stopped in Tiene. I did not get to Senge.

18 Q. Now, what I'm focusing at, Mr George, is the time period
19 when you and your group retreated into Liberia and then back into
13:25:31 20 Sierra Leone. Was it the late, middle or early part of 1992?

21 A. It was - I really can't remember, but we never crossed
22 twice. It was the first crossing from Sierra Leone. Then we
23 came to Tiene, then from Tiene we went back. But we never
24 crossed back from Sierra Leone to come to Liberia. We only
13:25:59 25 crossed from Sierra Leone to Tiene, and from there we crossed
26 back into Sierra Leone. We never crossed back again, Tonkara and
27 others and I. From there I found my way into Kailahun.

28 MR ANYAH: Madam President, I misspoke. I gave the Court
29 inaccurate information about the page a few minutes ago. I said

1 page 3034. This is King Perry's evidence or Perry Kamara's
2 evidence. That was in relation to the period of time Perry
3 Kamara said he was in Liberia. It is actually the previous page,
4 page 3033, and Perry Kamara made that assertion at lines 24 to 25
13:26:41 5 that he was in Liberia from 1991 to 1992.

6 Q. Now, Mr George, you were read Mr Taylor's evidence about
7 Black Kadaffa and you heard mention of names like Oliver Varney,
8 Yegbeh Degbon, Anthony Mekunagbe. Were any of those persons
9 members of the Black Kadaffa that you know?

13:27:15 10 A. My own Black Kadaffa, none of them was a member of a Black
11 Kadaffa. My Black Kadaffa never spent a month in Liberia. Maybe
12 it's the Black Kadaffa in which King Perry and others were.

13 Q. Is it possible in your opinion, Mr George, that there were
14 other units called Black Kadaffa in the early years of the RUF
13:27:46 15 war?

16 A. Please repeat your question.

17 Q. Yes. If King Perry is speaking about the unit called Black
18 Kadaffa, and if Charles Taylor speaks about another unit called
19 Black Kadaffa, and you say you were part of a unit called Black
13:28:06 20 Kadaffa, is it possible that at different times during the
21 beginning part of the war more than one unit in the RUF had the
22 name Black Kadaffa?

23 A. We only had one Black Kadaffa in the RUF.

24 Q. Do you know whether the NPFL had a unit called Black
13:28:30 25 Kadaffa?

26 A. Well, if they had a unit called the Black Kadaffa I can't
27 tell, because I wasn't in Liberia. I was fighting in Sierra
28 Leone. If they are talking about having a Black Kadaffa in
29 Liberia, I can't talk about a Black Kadaffa that was in Liberia.

1 I don't know much about that Black Kadaffa. Because one of the
2 commanders - they called one commander's name by the name of Pele
3 Boy. We only had one Black Kadaffa, so I have no reason to say
4 yes or this or that. I don't know about that other Black
13:29:02 5 Kadaffa. I only know about the Black Kadaffa that was controlled
6 by Tonkara.

7 Q. Thank you, Mr George. A few minutes ago you were asked
8 questions about SBUs, the use of small boys by the RUF, and you
9 remember telling us that when you were brigade commander in Kono,
13:29:21 10 you had around yourself small children?

11 A. Yes, I had small children with me.

12 Q. And you also had small children with you when you were
13 chief security officer in Kailahun Town?

14 A. Yes.

13:29:41 15 Q. In either place, Kono or Kailahun Town, did you use the
16 small children that were with you to engage in fighting, combat,
17 for the RUF?

18 A. No. For instance, in Kailahun when I got there there was
19 no fighting. There was no fighting in Kailahun. How would I use
13:30:03 20 the children to fight? And before that I had men. I had
21 manpower that were assigned to me for fighting. I used them so.
22 I can't be brave to send small children to the front line to go
23 and fight. Never did I send small children to the front line to
24 fight.

13:30:19 25 MR ANYAH: I see the time, Madam President.

26 PRESIDING JUDGE: Yes, Mr Anyah, we will take the luncheon
27 break and reconvene at 2.30.

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

29 [Upon resuming at 2.32 p.m.]

1 MR ANYAH: Thank you, Madam President:

2 Q. Good afternoon, Mr George.

3 A. Good afternoon, Mr Anyah.

4 Q. Now, before the luncheon adjournment we were speaking about
14:33:14 5 the small children you had in your company when you were a
6 brigade commander in Kono as well as when you were chief security
7 officer in Kailahun. Do you recall that, Mr George?

8 A. Yes.

9 Q. Now, with respect to either location and with respect to
14:33:32 10 these children, when you were in either Kono or Kailahun did you
11 send these small children on reconnaissance operations, that is,
12 to go and scout out where the enemy was?

13 A. No, I never used any of those children to take part in
14 attacks or even to go and spy where the enemies were. No, they
14:34:01 15 were only with me in my compound where I was living.

16 Q. Did you use any of these small children to transport
17 materials or goods that were looted from others by the RUF?

18 A. No, at that time I had a car. I did not use small soldiers
19 to carry my material or my goods or ammunition. I had car with
14:34:27 20 which I was moving up and down.

21 Q. Did you use any of these small children to carry arms or
22 ammunition to or from the front lines?

23 A. I said no. I never used any of mine to carry arms or
24 ammunition to the front line where I was in Kailahun. Especially
14:34:51 25 there, there was no war going on, so they were just with me in
26 the compound.

27 Q. When you were in Kono as brigade commander, it is the case
28 that you were there with your wife and children, yes?

29 A. Yes.

1 Q. Were the children in your compound or those that you were
2 taking care of that were not your blood children, were they
3 treated differently than you treated your own children?

4 A. Every one of them was treated equally, because we ate the
14:35:28 5 same food Wuyata cooked for us to eat. We all ate the same food.
6 They did not eat different food or me eat different food.

7 THE INTERPRETER: Your Honours, could the witness be asked
8 to slow down.

9 PRESIDING JUDGE: Mr Witness, you were explaining a little
14:35:48 10 too fast. You said, "We all ate the same food," and then you
11 said something else after that. What did you say, slowly.

12 JUDGE DOHERTY: May I add that I think the wife of the
13 witness has been named again.

14 THE WITNESS: Yes.

14:36:07 15 PRESIDING JUDGE: Please, I think it's okay about the cook,
16 it doesn't matter, but please repeat what you said when you said.
17 When you said, "We all ate the same food", and then you said
18 something else we didn't get.

19 MR ANYAH:

14:36:24 20 Q. Mr George, on the record it reads you as saying, "They did
21 not eat different food or me eat different food", and that is
22 where the record stops. What were you saying in that regard?

23 A. I said the same food I ate, the same rice I ate was the
24 same rice they ate. If I was eating cassava, every one of us
14:36:48 25 will eat cassava. I will not eat rice whilst I give them bulgur
26 wheat to eat. I shared with them throughout. And most of them,
27 their parents were with me. We shared everything together.
28 Nobody was taken special than the other.

29 Q. Remember to go slowly, Mr George. I was going to ask you

1 next how it is that these children came to be in your company.

2 So, perhaps, answer that first before I go to another question.

3 How is it that these children ended up with you?

14:37:33 4 A. It happened this way: When boys went on patrol - because
5 after we hit enemies and we retreat, people will be in the
6 bushes. When the boys went on patrol, they will bring them from
7 out of the bushes. When they brought them, I would take care of
8 them. They were children. So that was how I started getting
9 some of those small soldiers they called SBUs around me.

14:37:53 10 Q. You just said "when the boys went out on patrol". The use
11 of the word there "boys", are you referring to children or are
12 you referring to RUF fighters that were of age of maturity, that
13 is, adults?

14 A. I am talking about my bodyguards who were assigned with me.
14:38:14 15 The boys that were assigned with me. The bodyguards. When they
16 went on patrol, if they met civilians in the bush and other
17 people or other soldiers, they brought them to me and then I took
18 care of them. That was what I was doing until after the war,
19 everybody dispersed.

14:38:34 20 Q. And your bodyguards in question, were they adults or were
21 they children themselves?

22 A. They were big people. I said from 19, 20, upwards. They
23 were fighting men. They were not 17, 15 years old. They were
24 fighting men, like me.

14:38:53 25 Q. Earlier on in one of your responses the record has you
26 saying that the parents of these children were with you. Is it
27 the case that the parents of these children were also with you?

28 A. Yes, they were with me, because where I was based was where
29 all of them were based. They were with me. They did not live in

1 a separate area and I live in a separate area. They were with me
2 and I monitored their activities.

3 PRESIDING JUDGE: Mr Anyah, the witness said something I
4 didn't quite understand when he says at line 17 of page 113 -
14:39:35 5 well, he said in two different places. On page 113, he first
6 said, "So that is how I started getting some of those small
7 soldiers they called SBUs around me." Then later he says, a few
8 lines down the page, "When they went on patrol" - meaning his
9 bodyguards - "if they met civilians in the bush and other people
14:40:09 10 or other soldiers, they brought them to me and I took care of
11 them." So who are these small soldiers or other soldiers that
12 they brought to him?

13 MR ANYAH:

14 Q. Mr George, you understand the question. Can you answer it,
14:40:23 15 please?

16 A. Yes, I can answer that very clearly. I mean my bodyguards
17 went along with other soldiers on a patrol. Not that my
18 bodyguards captured other soldiers on the patrol. My bodyguards
19 went on patrol with other soldiers. That is what I mean.

14:40:47 20 PRESIDING JUDGE: And who are the small soldiers that
21 you're referring to?

22 THE WITNESS: I said when they went on patrol, they brought
23 civilians from the bush, the small children whom they now
24 referred to as small soldiers, SBUs. That was how I got them to
14:41:02 25 take care of them, when they brought them from their patrols.
26 That was how I got them around me, because that was how they were
27 calling them, SBUs, small boy soldiers. So that is why I
28 referred to them - that that was the way I got the people whom
29 they called small soldiers around me.

1 PRESIDING JUDGE: Who referred to them as small soldiers?

2 THE WITNESS: I can remember Mr Bangura asking me about
3 SBUs, whether we had SBU units. That is why I just - I'm just
4 saying that those people that he referred to as SBU, that was how
14:41:39 5 I got mine. Because my boys went around, they got them from the
6 bush and they came, they lived with me. Because he asked me that
7 question, whether I had SBUs with me and if I sent them to the
8 front line.

9 PRESIDING JUDGE: Thank you, Mr Witness.

14:41:54 10 MR ANYAH:

11 Q. Mr George, the people you refer to as SBUs, were they
12 soldiers or civilians?

13 A. The ones who were around me, the ones I had with me, they
14 were not trained. They were very small. They were not trained.

14:42:12 15 So I don't call them soldiers.

16 Q. And these ones that were around you, were they the ones
17 your bodyguards, for example, would find in the bushes and bring
18 back to you?

19 A. Very good. Yes, when my bodyguards went on patrol, those
14:42:34 20 small children who were around me, those were the ones they found
21 with their parents, they brought them. And when they brought
22 them, are I gave them place, all of us would live together in my
23 compound in Kono.

24 PRESIDING JUDGE: Except I would like to know, Mr Witness,
14:42:48 25 what became of those children later? Are you still with them
26 now?

27 THE WITNESS: No.

28 PRESIDING JUDGE: What happened to them?

29 THE WITNESS: What happened was, Foday Sankoh released an

1 order to us the commanders that whosoever had small children with
2 them, he said their parents wanted them back. He said we should
3 give them back to their parents. And that order was implemented.
4 People who had their children came for them and every one of them
14:43:26 5 was turned over. Like in Bumpe, every one of them went back to
6 their parents before the end of the war. That was a standing
7 order from Foday Sankoh asking that all those who have small
8 children with them, they should send them back to their parents.
9 And their parents were passing through the IDU unit and then
14:43:45 10 someone would come say, "Oh, this commander has my son or my
11 daughter." They will come and meet you and then you would give
12 them back their child and then they go.

13 MR ANYAH:

14 Q. Mr George, when you were chief security officer in Kailahun
14:44:05 15 District and you say you had these small boys in your company,
16 was it the case that not far from where you were were UN officers
17 such as the MILOBs and the Indian battalion or contingent from
18 the United Nations?

19 A. That was in the same Kailahun Town that I was living and
14:44:30 20 that was where the UN too were living.

21 Q. And you told us previously of interacting with the UN
22 officials such as playing volleyball with them, yes?

23 A. Exactly so. It happened.

24 Q. So when these children were around you, not far from where
14:44:49 25 you were were UN observers, yes?

26 A. Repeat your question. Observing what?

27 Q. Well, not far from the place where you were based with
28 these children was the base where there were UN observers, that
29 is, MILOBs, and also the Indian contingent. Is that fair to say,

1 Mr George?

2 A. From where the Indians were living and to where I was
3 living, it was a distance, but we were living in the same town.
4 From my place you can stand there and see where they were living.
5 In that same town you can stand there and see where they were
6 living, because they were living on top of the hill. That was
7 where they were living.

8 Q. But these Indians, on occasion, would come to your compound
9 or your camp, yes?

14:45:47 10 MR BANGURA: Your Honour, I object to the line of
11 questioning in re-direct. Counsel is more or less putting the
12 answers to the witness and getting the witness to confirm and
13 that should not be the purpose there.

14 MR ANYAH: I am leading the witness. These are not matters
14:46:06 15 in dispute at this point. The witness has mentioned on several
16 occasions that members of the Indian battalion came to his
17 premises and that's how they were arrested. I can ask him again
18 to --

19 PRESIDING JUDGE: Mr Anyah, it does not give you a licence
14:46:19 20 to lead, really. You can ask this question again in a manner
21 that is not leading, that's not suggestive.

22 MR ANYAH: Very well:

23 Q. Mr George, were there any times when members of the Indian
24 battalion visited you at your premises when you were CSO in
14:46:38 25 Kailahun?

26 A. Yes, I said it in my statement. I said, before the
27 instruction was given to me, they used to pay me visits and we
28 used to discuss together. But after that discussion, whilst the
29 fighting was going on in Makeni, they stopped coming around me.

1 Q. On any occasion when they would come and visit you, were
2 any of these small children you referred to before in your
3 compound when the visits took place?

14:47:18 4 A. Repeat your question. Is it whether the small boys I was
5 talking about were with me in my compound? Is that what you
6 mean?

7 Q. Yes, when you were visited by members of the Indian
8 battalion. Were any of these small boys in your compound or
9 premises when you would receive such visitors?

14:47:32 10 A. Yes, because we were all living together in Kailahun in the
11 same house. I was not living in a separate area. When they came
12 to me, Major Puni a and Major Nair, we would spend a few minutes
13 and then they would go back.

14 Q. Thank you, Mr George. You remember being asked questions
14:47:55 15 about the meeting that took place in December 1998 before Kono
16 was attacked by the RUF?

17 A. Yes, I remember asking question and I remember that there
18 were three meetings that we held before the Kono incident and the
19 first one was concerning defensive.

14:48:18 20 Q. My question was whether you remember both yesterday and
21 today Mr Bangura asking you questions about those meetings, one
22 of which took place in Buedu?

23 A. Yes, I remember. He asked me about the meeting - whether a
24 meeting took place in Buedu. I said, yes, Sam Bockarie called
14:48:44 25 for a meeting in Buedu.

26 MR ANYAH: Could Mr George be shown, once again,
27 Prosecution exhibit P-93, please. Could you, Madam Court
28 Officer, first just give him the entire document to look at the
29 back page and the front page and familiarise himself with it:

1 Q. Mr George, I know what you said about reading and writing,
2 but I just want you to look at it. Look at the signature page as
3 well, which is the last page. Thank you. Now, Madam Court
4 Officer, could it be displayed, starting with the cover page,
14:50:06 5 please. Mr George, you were shown this document by learned
6 counsel opposite which purports to go to Major General Sam
7 Bockarie, chief of defence staff, from Brigadier Issa H Sesay,
8 battlefield commander, with the subject matter being
9 "Comprehensive report" and the date appears to be either 20 or 26
14:50:40 10 January 1999. Now, Mr George, before you came into court, had
11 you seen this document before?

12 A. It's right in this courthouse that I saw this document.

13 Q. Do you know who prepared this document?

14 A. I don't really know, but I can see Issa's name on this
14:51:14 15 document, but I don't know whether he himself prepared this
16 document.

17 Q. Have you in the past during your membership of the RUF ever
18 seen a document bearing Issa Sesay's signature?

19 A. Yes.

14:51:34 20 Q. May we go to the last page. Mr George, this is the last
21 page of the document. Do you see anything there that you
22 recognise as being Issa Sesay's signature?

23 A. I have not seen any signature here that resembles Issa
24 Sesay's signature. The signature that I see here, it was, I
14:52:09 25 think, the adjutant that signed it. That is why I have problem
26 with this document. I don't think it was a report from Issa
27 Sesay to Mosquito. If it were Issa Sesay, his signature should
28 have been on this document to prove that the material itself, he
29 received.

1 Q. Have you known --

2 A. And it was not foodstuff, but that it was a material.

3 Q. Have you known of reports to be issued by RUF commanders
4 that they did not sign?

14:52:42 5 A. No. Any report that an RUF commander sent to, more
6 especially, the overall commander, it had to be signed by the
7 commander that was sending that report for posterity.

8 THE INTERPRETER: Your Honours, could the witness be asked
9 to slow down.

14:53:08 10 MR ANYAH:

11 Q. The interpreter did not hear what you said in the last part
12 of your response, and you were saying that:

13 "Any report that an RUF commander sent to, more especially,
14 the overall commander, it had to be signed by the commander that
15 was sending that report for posterity?"

14:53:23 16 And then you said something that the interpreter did not
17 hear. What were you saying?

18 A. I again said that that particular document had to be signed
19 by you, the commander, for future reference. But if you did not
14:53:43 20 sign the document, if they show it to you tomorrow you will deny.
21 "It's not my document because my signature is not on it," and who
22 will be blamed for that? So you, the commander, had to sign it.
23 That was the daily routine we had in the RUF.

24 Q. Do you recognise the signature you're looking at? Can you
14:54:05 25 tell whose signature that is on the last page of that document?

26 A. The one that is in front of me, I cannot even tell you that
27 this is Jabba's signature or Issa Sesay's signature, but I'm
28 seeing a signature. But where it says signature is supposed to
29 be, it's not there.

1 Q. Now, with regards to the contents of the report, counsel
2 opposite went through the report with you and discussed the
3 various amounts of rounds of AKs and RPG bombs and the like. You
4 remember that exercise that was undertaken yesterday afternoon?

14:54:55 5 A. Yes, I can remember.

6 Q. And during the course of your testimony you attempted to
7 make a distinction between being able to defend yourselves
8 defensively versus offensively. What do you mean when you say
9 you had enough weapons to defend yourself defensively? What does
10 that mean?

14:55:26

11 A. What I meant that we had weapons, it means we had arms but
12 we never had sufficient ammunition - I think that is in my
13 statement - to carry out an offensive, but the ammunition we had
14 was to put up a defensive. That was what I said in my statement,
15 talking about bazooka, this is or that, 32 millimetres. All
16 those weapons, we had them. It was not any other weapon that
17 came from a different country. Most of these weapons we captured
18 from ECOMOG. We had them.

14:55:57

19 Q. Was it the case that without the ammunition you say Abu
20 Keita brought, the RUF would not have been able to undertake an
21 offensive in Kono in December 1998?

14:56:25

22 A. I never said we were not going to take over Kono, but we
23 were happy when the ammunition came so we used that chance to
24 overrun Kono. That was guerilla tactics by getting arms and
25 ammunitions from the enemies, and that we used to do before. But
26 whilst we were putting on defensive, we were called to collect
27 this ammunition and then we used it to overrun the enemies, to
28 capture other materials from them and we started advancing. That
29 was how it happened.

14:56:51

1 Q. Was the ammunition you say Abu Keita brought important to
2 the RUF in being successful in re-taking Kono?

3 A. Oh, yes, when he brought them, we added to the one that we
4 already had for defensive. It was important because it helped us
14:57:29 5 to capture more ammunition and we move on to Tongo, Magburaka,
6 Makeni, as far as Lunsar. So it was helpful to us.

7 MR ANYAH: Thank you, Mr George. Madam President, I have
8 no further questions of the witness.

9 PRESIDING JUDGE: I'll just inquire of my colleagues if
14:57:54 10 they have questions. One of the questions that Judge Doherty has
11 needs to be asked in private session for the protection of
12 another person.

13 [At this point in the proceedings, a portion of
14 the transcript, pages 40255 to 40257, was
15 extracted and sealed under separate cover, as
16 the proceeding was heard in private session.]

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1 [Open session]

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

3 JUDGE DOHERTY: Thank you. Mr Witness, my other question
4 was in the course of your evidence today you referred to a junior
15:04:18 5 commander called Lieutenant Colonel Foday Lansana. Did that
6 Lieutenant colonel have another fighting name or another alias?

7 THE WITNESS: The Foday Lansana that I know, I don't know
8 him by any nicknames, the Lieutenant Colonel Foday Lansana. It
9 was that Lieutenant Colonel Foday Lansana that was assigned in
15:04:49 10 Tongo. I don't know him by any nicknames.

11 JUDGE DOHERTY: Thank you. Those were my only questions.

12 PRESIDING JUDGE: Any questions arising from that question?

13 MR ANYAH: None from the Defence, thank you.

14 MR BANGURA: None from Prosecution, your Honour.

15:05:03 15 PRESIDING JUDGE: Then, Mr George, it remains for me to
16 thank you for your testimony. You've now come to the end of your
17 testimony, and we wish you a safe journey home on your return.

18 THE WITNESS: Thank you, Madam President.

19 PRESIDING JUDGE: The witness will be escorted out and,
15:05:25 20 Mr Anyah, you will advise the Court as to your next witness.

21 MR ANYAH: Madam President, the Defence's next witness is
22 DCT-131. That witness will be led in chief by Mr Silas Chekera.

23 MR BANGURA: Your Honours, for the record I will continue
24 to be in the driving seat. I have conduct of the
15:06:01 25 cross-examination of this witness.

26 PRESIDING JUDGE: Mr Chekera, whilst the other witness is
27 being brought in you could advise us on the language, the
28 religion, and any protective measures that are applicable.

29 MR CHEKERA: Indeed, your Honour. The witness will be

1 testifying in Gio and I think he will swear on the Bible. The
2 witness is subject to protective measures pursuant to a decision
3 of 27 May 2009, decision on urgent defence application for
4 protective measures for witnesses and for non-public materials,
15:06:49 5 paragraphs A and B of the operative part of that decision, which
6 relates to the use of a pseudonym and non-disclosure of
7 identifying data. We wish to apply for those protective measures
8 to be rescinded.

9 While I'm on my feet, I might advise the Court that the
15:07:14 10 witness has a physical condition that will require that she has
11 constant recourse to the bathroom and if you could indulge him in
12 that respect.

13 PRESIDING JUDGE: In effect, you are saying that the
14 witness wishes to testify openly.

15:07:37 15 MR CHEKERA: Yes, your Honour.

16 PRESIDING JUDGE: And the decision you cited was the
17 decision of the Trial Chamber dated 27 --

18 MR CHEKERA: May, 2009. Paragraphs 8 and 9 are the
19 operative part of that decision.

15:08:02 20 PRESIDING JUDGE: Does the Prosecution have any objections?
21 I guess not.

22 MR BANGURA: No, your Honour.

23 PRESIDING JUDGE: Then, accordingly, the application by the
24 Defence to rescind the protective measures referred to in our
15:08:15 25 decision of 27 May 2009, in particular paragraphs 8 and 9 of that
26 decision, in relation to witness DCT-131 are rescinded and the
27 witness may testify openly.

28 MR CHEKERA: Sorry, your Honour, it looks like it is
29 paragraphs A and B, not 8 and 9.

1 PRESIDING JUDGE: My order is amended accordingly.

2 WITNESS: DCT-131 [Sworn]

3 PRESIDING JUDGE: Could I just inquire if there is a Gio to
4 English translator out there?

15:12:10 5 THE INTERPRETER: Yes, your Honour.

6 PRESIDING JUDGE: Because we didn't hear you translating
7 what the witness was saying. Is everything okay? Do we have
8 translators in both booths?

9 THE INTERPRETER: Yes, your Honour.

15:12:31 10 PRESIDING JUDGE: And I hope you speak in a voice clearer
11 than what I just heard.

12 THE INTERPRETER: Yes, your Honour.

13 PRESIDING JUDGE: Now, Mr Translator from Gio to English,
14 did this witness take an oath? Because we don't know if he took
15:13:08 15 an oath. You didn't translate to us what he said. Did he take
16 an oath?

17 THE INTERPRETER: Your Honour, he did, but the interpreter
18 was on his way to the booth.

19 PRESIDING JUDGE: Okay. We are going to do this again. We
15:13:26 20 are going to start from the beginning.

21 I apologise, Mr Witness, but the judges need to hear you
22 take this oath in a language that we understand.

23 [Witness resworn]

24 MR CHEKERA: Your Honour, just to confirm that the
15:14:42 25 interpreters in Gio are at Channel 1? They are on channel 1,
26 Madam Court Officer?

27 MS IRURA: Your Honour, it is the participants in the
28 courtroom who are on Channel 1. With regard to interpretation,
29 the consoles work differently. I presume they are on the correct

1 channel .

2 PRESIDING JUDGE: Yes, Mr Chekera, your earphones should be
3 on Channel 1, then you will receive the English translation.

4 MR CHEKERA: That's what I meant. Thank you. May I
15:15:22 5 proceed?

6 PRESIDING JUDGE: Yes.

7 EXAMINATION-IN-CHIEF BY MR CHEKERA:

8 Q. Mr Mineh, could you please state your full names for the
9 record?

15:15:34 10 A. My name is Mineh.

11 Q. Would you like to spell for us your second name?

12 PRESIDING JUDGE: What was the first name?

13 THE WITNESS: My name is Karnah Edward Mineh.

14 PRESIDING JUDGE: Now, Mr Interpreter, you're going to have
15:16:01 15 to do better than that. We did not get the first name or the
16 second name in English. Not in Liberian English, not in Gio.
17 What were the names?

18 THE WITNESS: Your Honour, let me repeat. My name is
19 Edward Mineh.

15:16:26 20 PRESIDING JUDGE: Thank you.

21 MR CHEKERA:

22 Q. And can we have a spelling for your second name?

23 A. Yes.

24 Q. Could you please spell it for us?

15:16:46 25 A. M-I-N-E-H.

26 Q. And how do you pronounce that name?

27 A. Mineh.

28 PRESIDING JUDGE: Mr Interpreter, spell that again.

29 THE WITNESS: My name is Edward Mineh.

1 PRESIDING JUDGE: Mr Witness, when I'm not talking to you,
2 you don't talk to me. I spoke to the interpreter to spell your
3 name again. Can you spell your name, Mr Witness, your surname
4 again, please?

15:17:34 5 THE WITNESS: M-I-N-E-H.

6 MR CHEKERA:

7 Q. And it's pronounced Mineh as if there was an L after the M?

8 PRESIDING JUDGE: Mr Witness, do you know how to spell your
9 surname or you don't know? Perhaps he can be given a piece of
15:18:07 10 paper to write it. It may be easier that way. Can you write
11 your name?

12 THE WITNESS: Yes, I will write, though I do not know how
13 to read and write, but I will try.

14 PRESIDING JUDGE: Please show this to Mr Chekera.
15:19:58 15 Mr Chekera, is that what you have in your records?

16 MR CHEKERA: Actually, it is, and I'm trying to establish
17 how it's pronounced and I would spell it because the way it's
18 spelt is not the way it's pronounced. That's what I'm trying to
19 establish without leading evidence.

15:20:16 20 PRESIDING JUDGE: So, for the record, what the witness has
21 written is what in terms of his surname?

22 MR CHEKERA: M-I-N-E-H. That is how the name is spelt.

23 PRESIDING JUDGE: Mr Interpreter, we thought we heard a
24 name beginning with K?

15:20:48 25 Mr Witness, what did you say your middle name was?

26 THE WITNESS: Karnah.

27 PRESIDING JUDGE: Sorry, Mr Interpreter, again.

28 THE INTERPRETER: Karnah.

29 MR CHEKERA: I have the spelling, if it may assist. The

1 spelling is K-A-R-N-A-H.

2 PRESIDING JUDGE: N-A-H or N-E-H?

3 MR CHEKERA: I have N-A-H.

4 PRESIDING JUDGE: And how do you pronounce it, Mr Witness?

15:21:35 5 How do you say your name, the K name?

6 THE WITNESS: Karnah.

7 PRESIDING JUDGE: Now, Mr Chekera, please clarify the names
8 of this witness. If it is that his name is written one way but
9 pronounced another, we need to ascertain that.

10 MR CHEKERA: I will endeavour to do that.

11 PRESIDING JUDGE: If it is that he doesn't know how to
12 write his name, we also need to establish that.

13 MR CHEKERA: I will endeavour to establish that:

14 Q. Now, Mr Mineh, you've spelt your name - your second name,
15:22:24 15 that is, your surname M-I-N-E-H?

16 A. Yes.

17 Q. How do you pronounce that name?

18 A. My name is Mineh.

19 Q. And your second name, Karnah, do you know how to spell that
15:22:47 20 name?

21 A. I cannot spell my name because I'm not educated.

22 Q. What level of education do you have? How far did you go in
23 school?

24 A. I did not complete elementary.

15:23:14 25 Q. How far did you go?

26 A. I graduated from fifth grade and did not go anywhere.

27 Q. Can you read and write?

28 A. What should I do?

29 Q. Can you read and write?

1 A. No, no.

2 Q. Now, are you married?

3 A. Yes, I'm married.

4 Q. Do you have children? Do you have children?

15:24:05 5 A. Yes, I have children.

6 Q. How many children do you have?

7 A. I have six.

8 Q. And do you remember your date of birth?

9 A. Yes.

15:24:27 10 Q. When were you born?

11 A. February I was born.

12 Q. Yes, February of what year and what date?

13 A. February 12, 1952.

14 Q. And what tribe are you?

15:24:51 15 A. I speak Dan.

16 Q. Is that your tribe, or that's the language you speak?

17 A. [Microphone not activated] my language. That's my dialect.

18 Q. Where do you come from?

19 PRESIDING JUDGE: Mr Chekera, can you understand that

15:25:15 20 interpretation?

21 MR CHEKERA: Dan.

22 PRESIDING JUDGE: No, what did the interpreter say? You

23 just keep cruising along when the record is not clear.

24 Mr Interpreter, did the witness say, "That is my dialect"?

15:25:51 25 THE INTERPRETER: My language. My language.

26 PRESIDING JUDGE: Madam Court Officer, I think we have

27 problems.

28 MS IRURA: Your Honour, I will liaise with the chief of

29 languages to ensure what is transpiring.

1 Your Honours, there seems to have been a button which was
2 on which was not supposed to be on which led to us hearing the
3 interpreter translating into the courtroom. We hope this has now
4 been rectified and we can proceed smoothly.

15:30:16 5 PRESIDING JUDGE: Mr Chekera, you said this witness speaks
6 Gio but he says he speaks Dan. What are we listening to, Dan or
7 Gio?

8 MR CHEKERA: I might have to check with the witness, at the
9 risk of leading evidence:

15:30:33 10 Q. Mr Witness, what language are you speaking in right now in
11 Court?

12 A. I say I speak Dan.

13 Q. The language you just responded in, is that Dan or it's
14 another language?

15:30:54 15 A. I speak Dan.

16 Q. Is Dan different from Gio?

17 A. Gio is English word.

18 Q. English word for what?

19 A. Dan. You say Gio, then it means Dan in Liberia.

15:31:29 20 Q. So just to be clear, Gio and Dan are the same language?

21 A. Dan is the vernacular. Then Gio is the English word for
22 Dan in Liberia.

23 PRESIDING JUDGE: Mr Chekera, how do you spell the name of
24 that dialect?

15:31:58 25 MR CHEKERA: I would enlist the assistance of the
26 interpreters, because until now I did not realise Gio had another
27 name. So through you, if I may seek the assistance of the
28 interpreters.

29 PRESIDING JUDGE: Mr English, interpreter, do you know how

1 to spell the word Dan?

2 THE INTERPRETER: Yes, your Honour, Dan is D-A-N.

3 MR CHEKERA:

15:32:35

4 Q. And when I asked you what tribe you were, your answer was
5 "Dan". Is Dan also a tribe other than a language?

6 A. Yes.

7 Q. And it's also referred to as Gio in English?

8 A. I'm Dan. The English word for Dan is Gio.

15:33:20

9 Q. You've just told the Court that you went up to the fifth
10 grade with your schooling. After school what did you do for a
11 living?

12 A. Well, I'm a farmer.

13 Q. So after school did you go into farming?

14 A. Yes, I was just a farmer.

15:33:37

15 Q. And in 1971 what were you doing?

16 A. Repeat.

17 Q. In 1971 what were you doing?

18 A. Oh, I joined the Armed Forces of the Republic of Liberia.

19 Q. And did you receive any military training?

15:34:13

20 A. Yes, I took training.

21 Q. How long did you take training for, if you remember?

22 A. I underwent the training for six months.

23 Q. And do you remember who was the President of the country in
24 1971 when you joined the Armed Forces of Liberia?

15:34:37

25 A. Who was the President?

26 Q. Yes.

27 A. Which President? Could you explain?

28 Q. In 1971 when you joined the Armed Forces of Liberia, do you
29 remember who was the President of Liberia?

- 1 A. Yes.
- 2 Q. Who was the President?
- 3 A. William V S Tubman.
- 4 Q. And after your training, your six months' training, did you
15:35:20 5 take up any assignment?
- 6 A. Yes.
- 7 Q. Where did you take up assignment?
- 8 A. I took assignment in Monrovia.
- 9 Q. What were you doing in Monrovia?
- 10 A. I was in the armed forces as a personnel.
15:35:32
- 11 Q. Were you assigned at any particular place?
- 12 A. Yes.
- 13 Q. Where were you assigned and what were your duties?
- 14 A. The area that I was assigned when I joined the armed forces
15:36:00 15 newly was Grand Gedeh County.
- 16 Q. Do you recall how long you were in Grand Gedeh County for?
- 17 A. I was there as one of the commanders.
- 18 PRESIDING JUDGE: That does not answer the question you
19 asked. You asked how long he was there for. It's a period of
15:36:35 20 time.
- 21 MR CHEKERA:
- 22 Q. Do you understand the question? The question was how long,
23 the number of years or months, you were assigned in Monrovia for?
- 24 PRESIDING JUDGE: Grand Gedeh County.
- 15:36:51 25 MR CHEKERA:
- 26 Q. Sorry, Grand Gedeh County.
- 27 A. I went - I stayed long in Monrovia. I think about ten
28 years.
- 29 PRESIDING JUDGE: Mr Witness, you say you were assigned for

1 ten years in Grand Gedeh County?

2 THE WITNESS: No, I said I spent ten years in Monrovia.

3 MR CHEKERA:

15:37:30

4 Q. Do you remember the years that you were in Monrovia? Do
5 you remember what time it was in terms of years? What year was
6 it that you were first assigned in Monrovia?

7 A. Yes, I remember.

8 Q. What year was it?

15:37:53

9 A. I was in Monrovia in 1971. After I graduated I have
10 remained in Monrovia.

11 Q. And you said you were there for almost ten years?

12 A. Yes. Yes. In the army, after you have stayed too long,
13 they can assign you from one battalion to another.

14 Q. And from Monrovia, where were you assigned to?

15:38:17

15 A. In Grand Gedeh.

16 Q. And do you recall --

17 PRESIDING JUDGE: Wait, Mr Chekera. Mr English

18 interpreter, you need to wait a little bit before you start your

19 interpretation, until the witness has said everything, because

15:38:42

20 when you come in too quickly, part of your first answer, we don't
21 hear it.

22 THE INTERPRETER: Yes, your Honour.

23 PRESIDING JUDGE: Mr Chekera, please ask again.

24 MR CHEKERA: Thank you, Madam President:

15:38:56

25 Q. Do you recall for how long you were in Grand Gedeh for?

26 A. Two years in Grand Gedeh.

27 Q. And do you remember where you were posted next from Grand
28 Gedeh?

29 A. They sent me to Sinoe.

1 Q. In 1983 where were you?

2 A. When I left Sinoe I went to Nimba County.

3 Q. What were you doing in Nimba County?

4 A. I was assigned there as army personnel.

15:39:55 5 Q. Were you assigned to any particular branch of the army or
6 to any particular individual?

7 A. I was working with one of the top officials in Sanniquellie
8 when they sent him there.

9 Q. Who was - what was the name of the official you were
15:40:17 10 assigned to, the senior official?

11 A. His name is Joseph Fangalo.

12 Q. Now, I'll go back to my question. Where were you in 1983,
13 if you remember?

14 A. 1983 I was in Sanniquellie. 1983 I went to Sanniquellie.

15:40:52 15 Q. Which county is Sanniquellie?

16 A. Sanniquellie is the headquarter of Nimba County.

17 Q. And was that the time that you were assigned to Joseph
18 Fangalo?

19 A. Yes, there I was. That was the time I was sent there.

15:41:23 20 Q. Do you remember anything happening in 1983 when you were in
21 Nimba County?

22 A. Yes.

23 PRESIDING JUDGE: I'm sorry, I did not understand the
24 answer. You asked the witness: "And was that the time that you
15:41:37 25 were assigned to Joseph Fangalo?" The answer is either yes or
26 no.

27 MR CHEKERA: From my transcript the answer is: "Yes, there
28 I was. That was the time I was sent there."

29 PRESIDING JUDGE: Sent where?

1 MR CHEKERA: Let me ask again. I would have thought that
2 was clear enough, but I'll ask again:

3 Q. In 1983 when you were in Nimba County, was that the time
4 you were assigned to Joseph Fangalo?

15:42:19 5 A. Yes. I was there as his bodyguard.

6 Q. Bodyguard to who? You were bodyguard to who? Is that
7 Joseph Fangalo?

8 A. Yes.

9 Q. What was Joseph Fangalo's position at that time?

15:42:40 10 A. He was general in the Armed Forces of Liberia at the same
11 time as superintendent of the county.

12 Q. And you were about to tell us what happened in Nimba County
13 in 1983. What happened in Nimba County in 1983?

14 A. Am I able to narrate?

15:43:11 15 Q. Please narrate for the Court what happened.

16 A. What happened in Nimba County was, when I was in Nimba,
17 some brothers took arms, took arms to go to Sanniquellie to break
18 the bank and they killed Charles Taylor's son and the Krahn
19 speaking tribe turned against us. And so the entire citizens of
15:43:58 20 Nimba County, they decided to arrest all of us in the armed
21 forces and they put us behind bars.

22 Q. Let's just pause there for a while and just try to clear
23 this up. You said "when I was in Nimba County, some brothers
24 took arms". When you say "some brothers", who do you refer to?

15:44:24 25 A. They were some personnel from the Armed Forces of Liberia.
26 There were some armed brothers who decided to go to Yekepa and
27 burst open the bank and break down the money that was in the bank
28 and decided to run away, and so we were arrested.

29 Q. Some soldiers in the army go and rob a bank and they run

1 away. And who was arrested as a result?

2 A. Who were arrested? Me? Those who did the act were not
3 arrested, but we, the innocent, were arrested.

4 Q. When you say "we" who --

15:45:26 5 PRESIDING JUDGE: Sorry, sorry, Mr Interpreter, repeat.
6 Repeat your interpretation. It was not captured on the record.
7 What did the witness say when they asked me who was arrested as a
8 result? What did he say?

9 THE WITNESS: When the thing happened, the Krahn soldiers,
15:45:51 10 they decided to arrest we, Richard Miller, or Yarsuo Dorlea, DK
11 Wonsehlea, Harry Nyuan, we all were arrested and put behind bars.

12 MR CHEKERA: Just a minute, Madam President. I'm just
13 trying to check on the spellings and see if I'm able to assist:

14 Q. Could we have the names again after Richard Miller? You
15:46:34 15 said Richard Miller and who else?

16 A. DK Wonsehlea.

17 MR CHEKERA: Mr Interpreter, are you able to assist us with
18 that name? I can't hear it properly and I can't, for the life of
19 me, pronounce it.

15:46:56 20 THE WITNESS: DK Wonsehlea, Yarsuo Dorlea, John Nuah; we
21 were the ones that were arrested and put behind bars.

22 PRESIDING JUDGE: Now, Mr Witness, can you please keep
23 quiet while we get the spellings of these names.

24 MR CHEKERA: It looks like they've been properly spelt.
15:47:19 25 We've endeavoured to provide the languages unit with the
26 spellings that we anticipated and I can confirm that the names
27 have been properly spelt:

28 Q. Now, why were you, including the individuals you've
29 mentioned, why were you arrested?

1 A. It was I'm from the Dan tribe and those who went - those
2 who went to Yekepa, they killed Charles Julu's son, so therefore
3 we were arrested.

15:48:13 4 Q. Mr Witness, let's start again and get this clear. You've
5 talked about soldiers who robbed a bank and you've just now
6 mentioned about people - you haven't clarified, I'm going to ask
7 you that - who killed Charles Julu's son. Who killed Charles
8 Julu's son?

15:48:44 9 A. Those who did the act, that was Arthur and others, and
10 after they had committed the act, they came and arrested us. One
11 of the reasons we were arrested was because we and Quiwonkpa are
12 from the same tribe. That's the reason why they arrested us.

13 PRESIDING JUDGE: I thought the witness interpreted at
14 first as saying they killed Charles Taylor's son and now it is
15:49:11 15 Charles Julu's son.

16 THE WITNESS: No, I said Charles Julu.

17 PRESIDING JUDGE: Mr Interpreter, you're going to have to
18 speak clearly. We are not going to have to deal with you and
19 start asking you what did you say.

15:49:27 20 THE INTERPRETER: Yes, your Honour.

21 PRESIDING JUDGE: Are you able to speak English properly?

22 THE INTERPRETER: Yes, your Honour.

23 PRESIDING JUDGE: Speak clearly so that we can understand
24 you.

15:49:36 25 THE INTERPRETER: Yes, your Honour.

26 PRESIDING JUDGE: Do not speak in Liberian English. You
27 speak in English English.

28 THE INTERPRETER: Yes, your Honour.

29 MR CHEKERA:

1 Q. Mr Witness, I'm going to draw you backwards because there
2 are a lot of things that are not clear on the record. Let's
3 start from where some of the soldiers go and rob a bank. What
4 happened after that?

15:50:02 5 A. After that they came and arrested us.

6 Q. You've mentioned the individuals who were arrested. Why
7 were you arrested?

8 A. The reason for which I was arrested, the reason was, number
9 one, because of Quiwonkpa's sake. Quiwonkpa is from the Gio or
10 Dan tribe.

11 Q. Yes. And what did Quiwonkpa have anything to do with the
12 robbing of the bank?

13 A. The reason is he was the commanding general of the Armed
14 Forces of Liberia and his assignment was changed. So he was
15 transferred to his village because he was to his village and the
16 scene of the accident - of the crime was near a village, so
17 therefore they incriminated us.

18 Q. At the time of the robbery of the bank, where was
19 Quiwonkpa?

15:51:38 20 A. After he has been dismissed from the armed forces?

21 Q. Wait a minute. Sorry. I'm saying at the time that some of
22 the soldiers robbed the bank, you said Quiwonkpa was in charge of
23 the - he was the commanding general of the Armed Forces of
24 Liberia. Where was he at the time that the bank was robbed?

15:52:09 25 A. To his village. That's the time that occurred.

26 Q. Did he play any part in --

27 PRESIDING JUDGE: Stop. Stop. Stop. Mr Interpreter, I
28 warned you to speak clearly. Did you say "to a village" or "to
29 his village"?

1 THE INTERPRETER: I said at his village. At his village.
2 He went at his village. At his village.

3 PRESIDING JUDGE: And there's something else you said that
4 doesn't make sense to us. This is what you said. I'm going to
15:52:45 5 read to you what you said. They asked the witness at the time of
6 the robbery of the bank, where was Quiwonkpa? And the witness
7 answered - no. Wait. They asked the witness:

8 "What did Quiwonkpa have anything to do with the robbing of
9 the bank?"

15:53:22 10 The witness answers in the way:

11 "The reason is he was the commanding general of the Armed
12 Forces of Liberia and his assignment was changed. So he was
13 transferred to his village because he was to his village and the
14 scene of the accident - of the crime was near a village, so
15:53:39 15 therefore they incriminated us."

16 What does that mean? Is that what the witness said?

17 Mr Chekera, I ask you: What does that mean?

18 MR CHEKERA: That is exactly what I'm trying to clarify.

19 PRESIDING JUDGE: No, but you keep galloping on. You don't
15:53:58 20 clarify.

21 MR CHEKERA: I'm trying to clarify from different angles.
22 As you can imagine, we have lost the killing of Charles Julu's
23 son, we're now on Quiwonkpa, and it's all mixed up in that --

24 PRESIDING JUDGE: No, but you are in charge of this
15:54:08 25 witness. You were privy to his statements and whatever he said.
26 You have the responsibility to guide him through all the
27 interpretation and make sure the evidence makes sense. I'm not
28 going to sit here and keep intervening.

29 MR CHEKERA: Respectfully, your Honour, that's what I'm

1 trying to do. And short of leading evidence, I would try to do
2 that from so many angles until I hopefully succeed. I've - if
3 you look at the entire page - been trying to resolve all those
4 issues from one angle to the other, and I'll keep trying until I
15:54:45 5 clarify the record. As you rightly point out, it is my evidence
6 and my responsibility, and I will endeavour to do so. With your
7 permission, I will attempt again to clarify the issues, which are
8 compounding, that are not clear:

9 Q. Mr Witness, you mentioned the robbery of a bank, and you
15:55:13 10 indicated that at the time of the robbery, correct me if I'm
11 wrong - at the time of the robbery, Quiwonkpa was the commander
12 of the Armed Forces of Liberia and he was in Nimba County. Is
13 that a correct summation of your evidence?

14 A. Yes, after they had dismissed him he was in Nimba County
15:55:47 15 episode because he hailed from Nimba County, so therefore after
16 the act they decided to suffer us for nothing. But Quiwonkpa was
17 never there with us. This is how the Nimba raid came about.

18 Q. Mr Witness, I'm going to take you back again right to the
19 beginning, and I want you to explain very slowly and very
15:56:15 20 carefully, and please try to follow my questions and answer
21 precisely. There was a robbery of a bank by some soldiers in the
22 AFL, Armed Forces of Liberia, as a result of which you and four
23 others that you've named were arrested. Do you follow that part
24 so far?

15:56:40 25 A. If they arrested other people?

26 PRESIDING JUDGE: Mr Chekera, I'm going to give you some
27 piece of advice. We are dealing with a difficult language and
28 difficult interpretation. Keep your statements short and precise
29 to assist this witness to understand you and to assist the

1 interpreters to interpret. In small portions. If you ask
2 convoluted questions, we are going to get headaches here.

3 MR CHEKERA: I will try again, Madam President:

4 Q. Can you remind the Court once again why you were arrested?

15:57:34 5 A. Yes.

6 Q. Why were you arrested?

7 A. I was arrested. They said I was involved in a robbery in
8 Yekepa - in the bank robbery in Yekepa. That's why they arrested
9 - that's the reason why I was arrested.

15:58:04 10 Q. Besides you and the four other - the three other persons
11 that you mentioned who were arrested, were any other people also
12 arrested as a result of the robbery?

13 A. Those who did the act, they were arrested and put behind
14 bars.

15:58:32 15 Q. And why were you targeted when you did not take part in the
16 robbery?

17 JUDGE LUSSICK: I don't think he answered your question,
18 did he, Mr Chekera?

19 MR CHEKERA: Let me try again:

15:58:56 20 Q. Besides you and the other people that you mentioned, were
21 other people arrested as a result of the robbery of the bank?

22 A. Yes. There were many that were arrested.

23 Q. Do you know why those people were also arrested?

24 A. The people were arrested because - the people behind bars
15:59:39 25 was they were followers of Qui wonkpa. Qui wonkpa being dismissed,
26 this is the reason why they decided to bank rob so that they can
27 have support. That's why they arrested them.

28 PRESIDING JUDGE: They decided to do what, Mr Interpreter?

29 THE INTERPRETER: Rob the bank.

1 MR CHEKERA:

2 Q. Mr Witness, would you like to repeat the answer you gave
3 why those other people were arrested? And if you could repeat
4 slowly so that everything you say is captured on the record and
16:00:44 5 also interpreted.

6 A. Yes, the reason they arrested the people was - what
7 happened is too long to explain. It was a conflict between Doe
8 and Quiwonkpa.

9 Q. Okay. Let's start talking about that conflict. What was
16:01:11 10 the conflict between Doe and Quiwonkpa?

11 A. The whole episode is when Doe PRC regime have overthrown -
12 it was Quiwonkpa and Doe that overthrew the government. It was
13 Doe who dismissed Quiwonkpa from the armed forces. It was the
14 beginning of the conflict, and it was why Quiwonkpa left and went
16:01:45 15 into his village and decided that they would come also to
16 overthrow Doe. That is why they decided to go to Yekepa to rob
17 the bank. Then Doe sent a huge troop and decided to arrest
18 everyone and put them behind bars. Then I went, I saw them
19 behind bars. That was how it occurred.

16:02:13 20 Q. Just pause there. It looks like we are making a
21 breakthrough. If we could just try to tie that up. Quiwonkpa
22 and Doe, you say they took part - did they take part together to
23 overthrow the PRC regime?

24 A. It was the Krahn people that decided to dismiss Quiwonkpa
16:02:40 25 from the PRC government, so therefore instead they decided to go
26 to Yekepa to rob the bank. That was how the conflict started.

27 Q. Just wait, Mr Witness. Let's go back, and I want you to
28 listen to my question very carefully. When the PRC regime
29 overthrew the government, was Doe and Quiwonkpa working together?

1 A. Yes, they were working together. They were all operating
2 together.

3 Q. So Quiwonkpa and Doe took part in the coup together?

16:03:35

4 A. Yes, they were together. Yes, they were NPRC. Yes, after
5 the conflict before they were divided.

6 Q. Yes, just pause there and just answer directly to my
7 question. And when Doe and Quiwonkpa overthrew the government,
8 did Quiwonkpa get any position in the Doe government?

9 A. Yes, he was commanding general of the armed forces.

16:03:56

10 Q. And did Doe [sic] remain in that position during the Doe
11 regime?

12 A. Doe removed him.

13 Q. Do you know why he was removed?

16:04:24

14 A. They said he was from the Dan tribe, so therefore he must
15 be removed.

16 Q. And when he was removed, where did he go?

17 A. He went at his village.

18 Q. And was that the village where there was a bank robbery?

19 A. No, the bank was robbed in Yekepa.

16:04:47

20 Q. And which part of Liberia did you say Yekepa is? Which
21 county is Yekepa?

22 A. Yekepa is Yekepa. It's Sanniquellie. It's in Nimba
23 County.

24 Q. Is Yekepa a county?

16:05:13

25 A. It's a mining area.

26 Q. Is Yekepa in Nimba County?

27 PRESIDING JUDGE: That is what he has said.

28 THE WITNESS: Yes.

29 MR CHEKERA: I did not get the translation but I noticed,

1 Madam President, it's on the record. I just wanted to be sure
2 that's what he said:

3 Q. Now, during the time that Quiwonkpa is in his village, was
4 that the time that the bank robbery occurred?

16:05:48 5 A. No, they tried, but they were not successful. In fact,
6 because his dismissal is the beginning of the conflict.

7 PRESIDING JUDGE: How does that answer your question?

8 MR CHEKERA: I'm actually looking that record to see what's
9 been recorded and just try to clarify that.

16:06:12 10 PRESIDING JUDGE: Yes, but you can listen to the answers.

11 MR CHEKERA: Sometimes I would double check with the
12 record, Madam President, just to be sure:

13 Q. I will ask the question again, Mr Witness, and I want you
14 to listen very carefully and assist us. During the time that

16:06:34 15 Quiwonkpa was in his village, was that the time when there was
16 the bank robbery that you talked about?

17 A. Yes, they went purposely to rob the bank, but they were not
18 successful.

19 Q. Now, who went to rob the bank?

16:06:58 20 A. Akwa Dolo, Moses Teah and others.

21 Q. And you said these were members of the Armed Forces of
22 Liberia?

23 A. Yes, they were in the Armed Forces of Liberia.

24 Q. Do you know what tribe they belonged to?

16:07:28 25 A. They belonged to the Dan tribe and Mano.

26 PRESIDING JUDGE: Mr Chekera, the record has this witness
27 as saying, including himself in those that went to rob. Now, if
28 you don't put this straight, that is how it will remain. If you
29 look at page 152. "Now, who went to rob the bank?" You see the

1 response he's given.

2 MR CHEKERA: Yes, I appreciate the observation. Thank you:

3 Q. Mr Witness, were you part of the group that went to rob the
4 bank?

16:08:21 5 A. No, I was never there. They only arrested me.

6 Q. Don't worry about the arrest. We'll come to the arrest.
7 You were not part of the group that went to rob the bank,
8 correct?

9 A. I was never there, but I was arrested.

16:08:44 10 Q. And those who went to rob the bank, did they have any
11 connection with Quiwonkpa?

12 A. I was not there, but I believed that because after they
13 have dismissed him, that's the reason why those who went there
14 went to rob the bank.

16:09:13 15 Q. What did you understand to be the reason or what do you
16 believe to be the reason why they went to rob the bank?

17 A. Yes, it is because they have dismissed Quiwonkpa, so
18 therefore they decided - they decided to rob the bank. They were
19 unable to rob the bank.

16:09:43 20 Q. Why were they robbing the bank?

21 A. Search for cash and money, but they were not able to see
22 any.

23 Q. And do you know why they wanted cash when they went to rob
24 the bank?

16:10:07 25 A. No, they did not tell me anything. They only told me that
26 they went to search for money, but they were not able to get. So
27 we all were arrested along with them.

28 Q. Okay. And, again, would you tell us the reason why you
29 along with them were then arrested as a result of the failed bank

1 robbery attempt?

2 A. Hear me?

3 Q. The question was: Why were you arrested along with those
4 who robbed the bank?

16:11:04 5 A. They arrested us because we hailed from the Dan tribe as
6 well as being friendly with Thomas Quiwonkpa.

7 Q. And why were they targeting those who hailed from the Dan
8 tribe and associated with Quiwonkpa?

9 A. It was because they wanted to arrest them to be killed.
16:11:38 10 That was the reason why they were searching for us and hunting
11 for us and so they arrested us.

12 Q. Why were they targeting you so that they would kill you?

13 A. It is because of Quiwonkpa's sake.

14 Q. Was Quiwonkpa any threat to them? I will ask you in a
16:12:06 15 minute what them is.

16 A. Quiwonkpa was one powerful personnel in the armed forces of
17 the Republic of Liberia.

18 Q. And who wanted to eliminate Quiwonkpa?

19 A. It was the Krahn tribe elements decided to kill Thomas
16:12:31 20 Quiwonkpa.

21 Q. So explain to us again, if you could go slowly - you were
22 arrested along with other people that you've mentioned - what
23 happened?

24 A. They carried us and judged us and set others free.

16:13:09 25 Q. Where were you carried to?

26 A. They carried me to Post Stockade.

27 Q. Sorry, the name again?

28 A. In Monrovia in BTC.

29 Q. Did you say Post Stockade?

1 A. I said Post Stockade.

2 Q. And when you were arrested, what happened to Qui wonkpa?
3 Was he also arrested?

4 A. No, they did not arrest him. He escaped.

16:13:55 5 Q. Do you know where he went to?

6 A. He went to America.

7 Q. Now, when you were taken to Post Stockade or Stockade, as
8 you pronounce it, what happened?

9 A. They were flogging us, they flogged us, they urinated on
16:14:19 10 us, they treated us inhumanely. After the investigation, they
11 set us free.

12 PRESIDING JUDGE: Mr Interpreter, did you say after
13 investigation they set us free?

14 THE WITNESS: Yes, after the investigation and we were
16:14:48 15 acquitted.

16 MR CHEKERA:

17 Q. Who was flogging you and urinating on you?

18 A. The Krahn ethnic elements in the armed forces.

19 Q. Were all of you investigated and set free or acquitted?

16:15:19 20 A. Those who were found guilty were killed and those of us
21 that were not guilty were set free.

22 Q. Would you recall how many people were killed?

23 A. Those that they killed, one of them Akwa Dolo, Wilfred
24 Sineh, David Dolo.

16:15:55 25 Q. Only those three, or you can't remember the names of the
26 others?

27 A. Yes, those I can remember now.

28 Q. Were these the only persons who were killed or those are
29 the only ones you remember?

1 A. Those that they killed, they were many, but those I can
2 remember are those I have named.

3 Q. And what happened to you when you were released?

4 PRESIDING JUDGE: Mr Chekera, I'm going to ask you every
16:16:30 5 time names are named, we would appreciate either that you check
6 the record and ensure that they're properly spelt or you come up
7 with a proper spelling before you move on.

8 MR CHEKERA: Yes, Madam President. I was banking on the
9 fact that we had provided to the best of our ability spellings
16:16:53 10 before --

11 PRESIDING JUDGE: That does not exonerate you from checking
12 to ensure, because sometimes we can't even hear the pronunciation
13 that's coming through the translation. So I can imagine even the
14 transcribers are having difficulty.

16:17:10 15 MR CHEKERA: I will check:

16 Q. Mr Witness, the persons you remember who were killed, you
17 mentioned three names. Could you go back to those persons and
18 name them again and pronounce the names clearly so the
19 translators could get the name clearly and possibly translate to
16:17:32 20 us clearly as well?

21 A. I said Akwa Dolo.

22 Q. Akwa Dolo, is that correct?

23 A. Yes.

24 MR CHEKERA: I will attempt the spelling of Akwa and
16:18:00 25 pronounce it and spell it phonetically. A-K-W-A, D-O-L-O,
26 subject to any further changes when we do get the proper
27 spelling:

28 Q. Besides Akwa Dolo, who else was killed?

29 A. David Dolo.

1 Q. Sorry, the name again?

2 A. David Dolo.

3 Q. And the third person?

4 A. Wilfred Sineh.

16:18:47 5 Q. Sorry, I did not get the name at all.

6 A. Wilfred Sineh.

7 MR CHEKERA: Through you, Madam President, I would enlist
8 the assistance of the interpreters in spelling that name because
9 I cannot get it either from the translators or let alone spell
10 it.

16:19:15

11 PRESIDING JUDGE: Mr English translator, can you spell that
12 last name?

13 THE INTERPRETER: Yes, your Honour. It is W-I-L-F-R-E-D,
14 Wilfred.

16:19:46

15 PRESIDING JUDGE: Wilfred who?

16 THE WITNESS: Sineh.

17 PRESIDING JUDGE: Spell the surname, Mr Interpreter.

18 THE WITNESS: S-I-N-E-H.

19 MR CHEKERA:

16:20:13

20 Q. Mr Witness, the question before we went into the spellings
21 was: What did you do after you were released? Where did you go?

22 A. Released me from in jail, I was in Monrovia. Then
23 Quiwonkpa came - when he came, then he went on radio to say that
24 he has come to overthrow Doe and everyone was rejoicing. After
16:20:53 25 he has failed, then the army decided to witch-hunt the Gio or Dan
26 tribal people. So I was one of those 101 that they removed from
27 the front line, and so they said, said Quiwonkpa has come and he
28 has failed, I decided to also go in exile.

29 Q. Just pause there and let's just clarify and seek to clear

1 the record. After the investigations you were acquitted and you
2 were in Monrovia. Did you take up any assignment in Monrovia?

3 PRESIDING JUDGE: Now, that is not clarifying. You're
4 moving on.

16:21:46 5 MR CHEKERA: I'm going back to the time he took up
6 assignment in Monrovia after he was released.

7 PRESIDING JUDGE: Yes, but why don't you clarify what he
8 has just said which appears as indiscernible first.

9 MR CHEKERA: I was starting where I am, Madam President,
16:22:06 10 and I will beg your indulgence to start when he's released in
11 Monrovia:

12 Q. Mr Witness, when you came out of jail in Monrovia, did you
13 take up any assignment in the army?

14 A. Yes, after I was released from the prison I remained in
16:22:30 15 army.

16 Q. Where were you posted?

17 A. I said they transferred me to Grand Gedeh and Sinoe.

18 Q. And were you still in Grand Gedeh or - sorry. Grand Gedeh
19 - did you move from Grand Gedeh to Sinoe, or you were in both
16:22:59 20 places - going between the two places?

21 A. After they have transferred me, Quiwonkpa came in Monrovia
22 and failed.

23 Q. Just stop there. We are not - we haven't yet got into the
24 time Quiwonkpa got to Monrovia. You were transferred to Grand
16:23:28 25 Gedeh. From Grand Gedeh did you go anywhere else? Were you
26 posted anywhere else?

27 A. Yes, they sent me to Sinoe County.

28 Q. When Quiwonkpa came to Monrovia, where were you posted or
29 where were you assigned?

1 A. After Quiwonkpa have come and failed, I was arrested and
2 they carried me.

3 Q. Just pause there. That does not address the question.
4 When Quiwonkpa came to Monrovia, where were you assigned?

16:24:16 5 A. That's why I said. When he came to Monrovia, when he
6 brought this, then they arrested me.

7 Q. Where were you when you were arrested?

8 A. They arrested me in the Monrovia. Then they put me in
9 prison and they decided to carry me in to kill me. I escaped.

16:24:42 10 Q. After Sinoe, were you posted to Monrovia?

11 A. Yes, I came to Monrovia. Then Quiwonkpa invaded.

12 Q. When you were in Monrovia at the time that Quiwonkpa
13 invaded, what was your assignment?

14 A. I had no assignment.

16:25:10 15 Q. Where were you reporting for work?

16 A. I reported to BTC.

17 Q. Now, explain to us what happened when Quiwonkpa invaded
18 Monrovia?

19 A. Okay. After Quiwonkpa have come and broadcast, everyone
16:25:45 20 was jubilating. So after he turned outside then all Gio - all
21 Dan people were being arrested and some of them were being
22 killed. So therefore after they arrested me they killed many
23 people in - Sam Bonah came and took me from the line, then I
24 decided to escape.

16:26:13 25 Q. Just pause there. Again we need to clarify a number of
26 issues, because you are running ahead with your evidence and
27 there are quite a number of issues that are not clear. When
28 Quiwonkpa came and broadcast everyone was jubilating. Quiwonkpa
29 came to Monrovia and he broadcast, what did he broadcast?

1 A. He said Doe was ill-treating the citizens, so therefore he
2 has come to overthrow Doe so he can establish a democratic rule.
3 So therefore those who jubilated were then witch-hunted and
4 arrested.

16:27:08 5 Q. Did Quiwonkpa actually overthrow Doe after the broadcast?

6 A. He was unable to overthrow, so therefore when Doe had
7 resumed power, he decided to revenge.

8 Q. And who was he revenging against?

9 A. His friends, even those who were declared as enemies to
16:27:46 10 Doe, were all those that had been witch-hunted.

11 Q. Were there any particular people or group of people that
12 was being witch-hunted?

13 A. Yes. There were many people from Nimba that were being
14 arrested.

16:28:09 15 Q. Did you know why people from Nimba were being arrested
16 following the failed coup by Quiwonkpa?

17 A. Yes, the reason is Quiwonkpa hailed from our tribe;
18 therefore, anyone who speaks the same dialect from the tribe were
19 all enemy to Doe.

16:28:37 20 Q. Do you know what happened to Quiwonkpa following this coup
21 attempt?

22 A. They arrested him and killed him.

23 Q. And what happened to you - and I refer to you
24 individually - following this failed coup attempt?

16:29:01 25 A. I was arrested and carried to Sugar Beach and they killed
26 12 persons before. Then while I was on the line, Sam Bonah came
27 and took me from the line, and that's how I escaped.

28 PRESIDING JUDGE: Was the witness taken to Post Stockade or
29 this other place, Sugar Beach, or something?

1 THE WITNESS: Sugar Beach.

2 PRESIDING JUDGE: Is this now a second time, or what? I
3 thought he said he was carried to Post Stockade.

4 MR CHEKERA:

16:29:48 5 Q. When you were arrested in Monrovia following Quiwonkpa's
6 failed coup, where were you taken to?

7 A. I said they carried me to Sugar Beach to be killed.

8 Q. Do you recall the year when this coup happened that you are
9 talking about?

16:30:22 10 A. Yes, it was in '85. 1985.

11 Q. And was this a different incident from the one you referred
12 to in 1983 in Nimba County?

13 A. Nimba County was called the Nimba raid. What happened in
14 Nimba was called Nimba raid. So there were two occurrences.

16:30:52 15 PRESIDING JUDGE: Mr Chekera, we'll have to leave it at
16 that. I was hoping that you would clear that indiscernible, but
17 you have failed. Nonetheless, we will adjourn to tomorrow.

18 Mr Witness, you going to continue your evidence tomorrow.
19 In the meantime, you are not to discuss your evidence with
16:31:17 20 anybody. Do you follow?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Thank you. The Court adjourns to
23 tomorrow at 9.30.

24 [Whereupon the hearing adjourned at 4.31 p.m.
25 to be reconvened on Thursday, 29 April 2010 at
26 9.30 a.m.]

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