



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 28 AUGUST 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Alain Werner
Ms Ruth Hackler
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard

For the Office of the Principal
Defender:

Mr Silas Chekera

1 Thursday, 28 August 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:30 5 PRESIDING JUDGE: Good morning. Mr Koumjian, I note some
6 change of appearance on your bar.

7 MR KOUMJIAN: Yes. Good morning your Honours, Nicholas
8 Koumjian with Ruth Mary Hackler for the Prosecution.

9 PRESIDING JUDGE: Thank you. Mr Munyard?

09:29:55 10 MR MUNYARD: Good morning, your Honours. Good morning
11 counsel opposite. For the Defence it's Courtenay Griffiths QC
12 and myself Terry Munyard. Also present in court today is Silas
13 Chekera of the Office of the Principal Defender.

14 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no
09:30:17 15 other matters I will remind the witness of his oath. Mr Witness,
16 I again remind you this morning that you have taken the oath to
17 tell the truth. That oath is still binding on you and you must
18 answer questions truthfully. Do you understand?

19 THE WITNESS: Yes.

09:30:35 20 PRESIDING JUDGE: Please proceed, Mr Munyard.

21 WITNESS: TF1-375 [On former oath]

22 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

23 Q. I've done the volume rather than the on switched.

24 Mr Witness, can you help us, please, what can you buy in Sierra
09:31:16 25 Leone that comes in a jar apart from mayonnaise?

26 A. I'm unable to help you with that question. There are so
27 many jars. I don't know what kind of jar you are talking about.
28 There are mayonnaise jars, there are some jars in which you have
29 juice, so I don't know which type of jar you are talking about.

1 Q. I think you have answered the question in fact. You said
2 there are many jars. In other words, there's all sorts of
3 products that you can buy in Sierra Leone that come in jars. Is
4 that right?

09:32:03 5 A. Yes, but you said mayonnaise jar and in a mayonnaise jar
6 you only have mayonnaise inside. That is how I understood your
7 question.

8 Q. I wouldn't dispute that. Why is it that it is not until
9 the middle of June this year when you are involved in an
09:32:23 10 intensive prepping session with the Prosecution that you first
11 mention that diamonds that you had seen were contained in
12 mayonnaise jars of all jars?

13 A. Yes.

14 PRESIDING JUDGE: Mr Witness, I don't understand that
09:32:47 15 answer. You were asked why you said certain things to the
16 Prosecution, and you said yes. What do you mean yes? Or did you
17 understand the question?

18 THE WITNESS: I have not been able to understand the
19 question that much.

09:33:08 20 MR MUNYARD: I'll try again.

21 PRESIDING JUDGE: Mr Munyard, I accept indeed that you will
22 have to put it again but that's two questions he hasn't quite
23 understood. Mr Witness, are you having a problem with the
24 interpretation?

09:33:23 25 THE WITNESS: No.

26 PRESIDING JUDGE: Thank you. Mr Munyard, please proceed.

27 MR MUNYARD:

28 Q. How was it that it took until the middle of June this year
29 when you were being taken through all of your previous interviews

1 that you only mentioned that diamonds were in mayonnaise jars in
2 the middle of June and that you've never mentioned that in any of
3 the previous 23 interviews?

09:34:09 4 A. Because I think it was in June that they asked me about
5 diamond affairs and it was in June that they asked me about where
6 I saw them put the diamond. And for the exact place in which
7 they put the diamond, it was in June that they asked me that
8 question.

09:34:29 9 Q. Do you mean in June they asked you if the jars you had
10 mentioned previously were mayonnaise jars?

11 A. Yes, the position of the diamond that I saw. It was in
12 June that they asked me about it. They said where the diamonds
13 were placed.

09:34:54 14 Q. You mentioned diamonds a long time before June of 2008.
15 You mentioned diamonds back in 2006, didn't you, in interviews
16 then?

17 A. Yes.

18 Q. You never said they were in mayonnaise jars then, did you?

09:35:19 19 A. Yes, the first diamonds that I saw. The diamonds that I
20 made mention about in 2006 I did not make mention of mayonnaise
21 jars. They asked me about other diamonds that we got in Kono
22 from the bank and that was the time I made mention of mayonnaise
23 jars.

09:35:35 24 Q. You didn't mention mayonnaise jars until the middle of June
25 this year. I will be corrected if I'm wrong and I want to know
26 why it is that in the middle of June this year you suddenly say
27 that the jars the diamonds were in were mayonnaise jars?

28 A. Because I was talking about different diamonds and
29 different occasions. I talked about different diamonds on

1 different occasions and the ways I saw the diamonds. I spoke
2 about the diamonds in Kono that I saw them in mayonnaise jars,
3 they took them from Kono and they took them to Sam Bockarie in
4 Kailahun District. I say diamonds with Eddie Kanneh in Foya
09:36:25 5 placed in parcels. That was in Foya when we arrested Eddie
6 Kanneh. When we arrested Eddie Kanneh in Foya we got the
7 diamonds from him in Foya. I saw those in parcels, something
8 like envelopes in Foya. And I spoke about diamonds from Kono
9 that we got from the bank after we had broken into the bank. We
09:36:48 10 got the diamonds, we placed them in mayonnaise jars and we took
11 them to Sam Bockarie in Kailahun.

12 Q. Mr Witness, do you understand that I am suggesting on the
13 basis of all the interview notes that we've been supplied with
14 that you never mentioned mayonnaise jars until the middle of June
09:37:16 15 this year. Do you understand that?

16 A. I understood the question, but I think that was the time
17 they asked me about the diamonds that we took from Kono and the
18 place where we placed it. The time they did not ask me maybe I
19 did not remember any longer.

09:37:41 20 Q. I just want to be clear what it is you're claiming. Are
21 you saying that before June of this year you told the Prosecution
22 that you had seen diamonds in mayonnaise jars?

23 A. I don't recall exactly when I went for interview in June,
24 but we spoke about diamonds, but I can't remember.

09:38:03 25 Q. Did somebody ask you in June were the diamonds that you saw
26 contained in mayonnaise jars?

27 A. I can remember telling the Prosecution about a mayonnaise
28 jar, but I can't recall the exact time I talked about the
29 mayonnaise jar.

1 Q. Now go back to the question, please. Did somebody ask you
2 in June were the diamonds that you saw in mayonnaise jars?

3 A. I don't remember any more.

4 Q. You were interviewed in July of 2006, in fact the day after
09:39:06 5 Independence Day when originally you claim to have been sitting
6 at home all day and you mentioned diamonds in jars then, but you
7 never mentioned mayonnaise jars, I suggest. Are you saying that
8 you did?

9 A. I can remember that they interviewed me about diamonds, but
09:39:29 10 I can't recall what the interview was about except if you can
11 remind me.

12 Q. Did you hear Moses Blah's evidence before this Court
13 talking about mayonnaise jars? Did you pick that up on Focus on
14 Africa, or anywhere else?

09:39:50 15 A. No.

16 Q. Has nobody ever said to you that Moses Blah gave evidence
17 about diamonds in mayonnaise jars while you were waiting to come
18 to give evidence in this very trial?

19 A. No.

09:40:07 20 Q. So you would maintain it's pure coincidence that he says it
21 in April and you say it for the first time in June that the jars
22 were mayonnaise jars, is that right?

23 A. I said I saw diamonds in jars. I saw mayonnaise jars. You
24 are asking me about different types of jars. I saw them in
09:40:37 25 mayonnaise jars. When you say jar, I just think it's something
26 like a glass that has a cover. I saw diamonds in them, yes.

27 Q. This telephone number that you claim to have given us -
28 sorry that you've given us that you claim was Mr Taylor's cell
29 phone number, you've made that up, haven't you?

1 A. I was saying truth about it.

2 THE INTERPRETER: Your Honours, could the witness kindly
3 repeat the last bit of his answer.

4 PRESIDING JUDGE: Mr Witness, the interpreter asks that you
09:41:21 5 repeat part of your answer. Please pick up where you said, "I
6 was saying the truth about it", and continue from there.

7 THE WITNESS: I'm talking the truth and I used to
8 communicate with him directly on that number, that particular
9 number.

09:41:39 10 MR MUNYARD:

11 Q. That number that you've given us bears no relation
12 whatsoever to any telephone number of President Taylor, I
13 suggest. What do you say about that?

14 A. I don't have anything else to say about that, but I know
09:41:58 15 that that number has something to do with his telephone number.

16 Q. Who gave you President Taylor's personal cell phone number?

17 A. His bodyguard. His bodyguard commander, Sea Breeze
18 Senegalese.

19 Q. Do you remember telling us in evidence that you had his
09:42:30 20 number at the time, a direct number from him? Do you remember
21 saying that?

22 A. I don't understand the question, please.

23 Q. Do you remember telling us in evidence, "I had his number
24 at the time, direct number from him"?

09:42:54 25 A. Yes, I had the direct number to his satellite phone. I had
26 the direct number to his satellite phone at that time, but I said
27 I had forgotten his satellite phone number. I only recalled his
28 cell phone number on which we used to communicate, because most
29 of the time I used to communicate on his satellite phone number

1 too.

2 Q. You did not have his number direct from him even on your
3 own account, did you?

4 MR KOU MJIAN: Objection, there's two different numbers that
09:43:27 5 the witness has talked about. Perhaps it could be specified
6 whether it's the cell, or satellite.

7 MR MUNYARD: I've only asked about the cell phone number.

8 PRESIDING JUDGE: It is the witness who has referred to the
9 satellite phone, Mr Munyard.

09:43:39 10 MR MUNYARD: Yes, your Honour.

11 PRESIDING JUDGE: You said, "You did not have his number
12 direct from him, even on your own account", and it could be
13 either of those numbers really. He's now given us two accounts
14 of where he got two different numbers.

09:43:57 15 MR MUNYARD: Very well.

16 PRESIDING JUDGE: I should state more clearly that he's
17 given an account for each number.

18 MR MUNYARD:

19 Q. Where did you get the satellite phone number of Mr Taylor
09:44:10 20 from?

21 A. White Flower, at his residence.

22 Q. Who did you get it from?

23 A. I got the satellite phone number directly from him. He
24 wrote it on paper and gave it to me. He said I should be
09:44:29 25 contacting him directly on his satellite phone number because I
26 was having problems at the front line, and that was a Thuraya
27 phone.

28 Q. Did Mr Taylor - do you know if Mr Taylor's, President
29 Taylor's, satellite phone number and cell phone number were even

1 given to his cabinet ministers?

2 A. Maybe at that time his cabinet ministers were not - I don't
3 know what to say. Maybe by then his cabinet ministers were - he
4 did not take them seriously like those of us who were fighting
09:45:12 5 for him. Maybe they had it or they did not have it I don't know,
6 but I had it.

7 Q. Absolute nonsense, I suggest. You did not have his cell
8 phone number, or his satellite phone number.

9 MR KOUMJIAN: Is there a question pending?

09:45:37 10 MR MUNYARD: It starts with the words, "I suggest".

11 MR KOUMJIAN: In my understanding of English - and I don't
12 know what the witness's is - that doesn't necessarily mean it's a
13 question. It's a statement.

14 THE WITNESS: Yes, it's a statement.

09:45:51 15 MR MUNYARD: I will deal with it in another way:

16 Q. Even if - and I don't accept that you did. Even if you got
17 them, you certainly were not given them by him or with his
18 permission. What do you say to that?

19 A. I don't understand the question you are asking me.

09:46:12 20 Q. I suggest that he did not give you any number directly. Do
21 you agree?

22 A. You are suggesting, but I am saying he gave me the number.
23 You are suggesting and I am telling you that he gave me his
24 number. You are suggesting. Maybe you are here to suggest about
09:46:33 25 that.

26 Q. You told us in evidence, do you remember now, about an
27 incident involving somebody called Varney, Samuel Varney. Do you
28 remember telling us about that?

29 A. Yes. Yes, I think.

1 Q. That Samuel Varney, because of a personal dispute with Sam
2 Bockarie, went on the radio, yes?

3 A. Yes.

09:47:12

4 Q. Then you told us that you were given an order from the
5 President to get rid of Samuel Varney, yes?

6 A. I did not say I had direct orders from the President. The
7 order was directly from Benjamin Yeaten to get rid of him, yes.

8 Q. And are you saying that this was Benjamin Yeaten's idea and
9 not that of the President?

09:47:39

10 A. I cannot suggest that, because President Taylor did say
11 before that anything that comes from Benjamin Yeaten was from
12 him. He said - and he too told me that, "Any order that comes
13 from me is directly from the President", but the order was
14 directly from Benjamin Yeaten.

09:47:58

15 Q. Did Benjamin Yeaten ever say that he had discussed with the
16 President that you should get rid of Samuel Varney?

17 A. No.

18 Q. Are you quite sure about that?

19 A. Yes, he did not tell me that.

09:48:18

20 MR MUNYARD: Transcript for 24 June, please. Can I just
21 confirm that your Honours have that on your screen and I'll take
22 you to page 12637.

23 PRESIDING JUDGE: Madam Court Attendant, could that be put
24 on the screen, please, or can you tell us which button we have to
09:48:58 25 press?

26 MS IRURA: [Microphone not activated].

27 PRESIDING JUDGE: Yes, we have that.

28 MR MUNYARD: I'm grateful:

29 Q. You were asked a question on 24 June by Mr Koumjian and he

1 said this at line 3:

2 "So, Mr Witness, you explained to us about receiving the
3 order from Yeaten and you said that was an order. First of all
4 I let me ask you, you said that was an order from the President.

09:49:34 5 Why do you say that was an order from the President?"

6 Your answer from your lips is as follows:

7 "Benjamin Yeaten told me he had discussed that with the
8 President to get rid of Samuel Varney because Samuel Varney was
9 playing games with them."

09:49:56 10 Now you're telling us something that totally contradicts
11 that. Which, if either, of those two versions do you want the
12 Court to accept?

13 A. I think this particular area was misunderstood. Benjamin
14 Yeaten told me to get rid of Samuel Varney and they asked me
09:50:21 15 whether the President was aware of it and I said, "I think the
16 President was aware of it, because he had told us before that any
17 order that came from Benjamin Yeaten was from him." And if
18 Benjamin Yeaten sees something then he has seen it and if
19 Benjamin Yeaten heard something then he had heard it, so I think
09:50:40 20 he was aware of that and so that was why I put it that way.

21 Q. Do you realise what it was you said to this Court on oath
22 on 24 June? Are you aware that you told them, that's to say the
23 judges sitting in front of you, that Benjamin Yeaten told you he
24 had discussed that with the President?

09:51:06 25 A. I don't remember whether I said that.

26 Q. So whose was the misunderstanding?

27 A. I cannot actually tell where the misunderstanding came from
28 exactly.

29 Q. And what was the name of the man who had gone on national

1 radio and told the world that Sam Bockarie was living in Liberia?

2 What was his name?

3 A. Samuel Varney.

4 Q. Or was it Vandy?

09:51:48 5 A. Samuel Varney. I don't know how to pronounce it another
6 way. He was either a Gio or Mano man. I don't know how to
7 pronounce it that much.

8 Q. Tab 6, please. This is an interview on 30 August 2006, an
9 interview incidentally which you claim to have a recollection of
09:52:48 10 the precise questions you were asked during the interview, and
11 I'd like you to look at the second page of it, please, page
12 22378, the first paragraph, the first line:

13 "Bockarie then had an affair with the daughter of Samuel
14 Vandy, the Deputy Army Chief of Staff. Vandy lived very close to
09:53:22 15 Bockarie. Vandy got onto a Liberia commercial radio
16 station."

17 Then lower down:

18 "Nothing happened to Vandy because he had belonged to
19 Prince Johnson's faction, the Independent NPFL."

09:53:43 20 Why were you calling him Vandy in 2006 and Varney in 2008?

21 A. I think that was from the people who wrote the thing,
22 because everybody know him as Samuel Varney and not Vandy. I did
23 not call him Vandy. Maybe it was the way they spelt it in the
24 document, because I know him very well and so I cannot call him
09:54:09 25 Vandy and I don't think there is any Mano man or Gio man called
26 Vandy. I can't make such a mistake.

27 Q. Have you ever met someone called Lisa Vandy, a woman of
28 Sierra Leonean extraction?

29 A. No, I don't remember.

1 Q. Back to Samuel Vandy. In the numerous, numerous
2 corrections you have made to your interviews over the years you
3 have never corrected that one when it was read back to you, have
4 you?

09:54:50 5 A. I said Samuel Varney. Maybe they understood it to be
6 Vandy, but I said Samuel Varney. I know him and I know him very
7 well and I know his name very well, so I cannot call him Vandy.
8 I call him Varney, Samuel Varney. I cannot call him Vandy.
9 Maybe that was the way they thought they could spell it, but I
09:55:11 10 did not give a pronunciation like that.

11 Q. And do you agree that in that interview in August of 2006
12 you never said that Benjamin Yeaten had discussed with the
13 President and the President ordered that Vandy be attacked in
14 order to get rid of him?

09:55:38 15 A. I can't remember saying something like that exactly.

16 MR MUNYARD: I'd now like the witness to be shown - well,
17 in the classic way what was in front of me just a few moments ago
18 has now disappeared. Would your Honours give me just a moment?
19 It is the last matter I want to deal with. Ah, I think I've
09:56:30 20 found it. Could he be shown, please, Prosecution exhibit
21 0000012. It's a photograph and I can't now remember if he has
22 been shown it before. It can be put on the screen. I will
23 just --

24 MR KOUMJIAN: Excuse me, your Honours, it's an ERN number.
09:56:59 25 That's not an exhibit number. I don't know if counsel has the -
26 he indicated the Prosecution exhibit as an exhibit number.

27 MR MUNYARD: I'm very sorry, yes, my learned friend is
28 quite right. I'm calling it an exhibit when in fact it's not
29 yet. Well it may have been exhibited, but I'll put it in simply

1 on the basis that it's a Prosecution document, a photograph with
2 the number P and then 0000012.

3 PRESIDING JUDGE: In the current bundle so we can also ask
4 Madam Court Attendant to assist us in checking?

09:57:37 5 MR MUNYARD: Madam President, it was supplied to us as part
6 of the Prosecution bundle.

7 MR KOUJIAN: I don't think that's correct. I could be
8 wrong, but I don't believe that that was listed as a Prosecution
9 exhibit. It was provided to the Defence as part of the proofing
10 note, attached to a proofing note, the last proofing note.

11 MR MUNYARD: My learned friend may well be right.

12 MR KOUJIAN: In any event, if your Honours can live with
13 it on the screen I have no problem with it being exhibited and
14 put on the screen. It's not in your bundles.

09:58:11 15 JUDGE SEBUTINDE: It is.

16 MR KOUJIAN: It is? Okay. It's in the Defence bundles?

17 PRESIDING JUDGE: Mr Munyard, I have P0000012 at tab 17 of
18 the Defence bundle. Is that what we're talking about?

19 MR MUNYARD: Your Honour is absolutely right and I'm afraid
09:58:44 20 that I had assumed that it had also been put forward as part of
21 the Prosecution bundle. So we are now able all to look at this
22 document. Thank you:

23 Q. Mr Witness, have a look at that photograph, please. Who is
24 that?

10:00:12 25 A. Sam Bockarie.

26 Q. And have you been shown that photograph before?

27 A. I can't remember again that I have been shown this
28 photograph before. I can't remember.

29 Q. Tab 17, please, paragraph 40 on the very last page, 101094.

1 In June of this year during your proofing or prepping sessions
2 you were shown on a computer screen this photograph, asked if you
3 recognised the person and you said it was Sam Bockarie and the
4 photograph was taken during the autopsy of the body purported to
10:01:11 5 be Sam Bockarie and depicts the face of Sam Bockarie. Do you
6 remember seeing the photograph as recently as June?

7 A. Yes, yes, I remember now.

8 Q. And there's no M16 bullet wound in his forehead, is there?

9 MR KOUMJIAN: Objection, calls for an expert conclusion.

10:01:38 10 Your Honours, this photograph depicts part of the face.

11 JUDGE SEBUTINDE: Mr Koumjian, let the witness answer
12 because you are now suggesting to him how he cannot or why he
13 cannot. I suggest that you are suggesting to him what to say.
14 Let the witness answer, if he's able to answer this question.

10:01:57 15 Give him a chance. Mr Munyard, please put your question again.

16 MR MUNYARD:

17 Q. There is no M16 bullet wound in his forehead, is there?

18 A. The picture is black and white. I'm seeing a series of
19 spots. I cannot see bullet mark there, or whether I'm seeing
10:02:42 20 bullet mark there. I have not seen it and so I cannot be able to
21 identify that on this photograph right now.

22 MR MUNYARD: I have no further questions of this witness.

23 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Koumjian,
24 re-examination?

10:02:56 25 MR KOUMJIAN: Thank you, your Honours:

26 RE-EXAMINATION BY MR KOUMJIAN:

27 Q. Good morning, Mr Witness. I know you've been testifying a
28 long time and I think you're very close to finishing. I would
29 ask you to please listen to my questions and just answer the

1 question, but very slowly and clearly with pauses like I am doing
2 now so that the judges understand your answers.

3 I want to begin by asking you that there were some
4 questions in your cross-examination about when you became a
10:03:46 5 bodyguard of Sam Bockarie - excuse me, of Benjamin Yeaten.
6 Excuse me, Mr Witness. That was my mistake, my slip. The
7 questions were about when you became a bodyguard of Benjamin
8 Yeaten. Did you meet Benjamin Yeaten at the same time, the same
9 year, or before or after you began to work for him?

10:04:14 10 MR MUNYARD: He can't have met him after he began to work
11 for him.

12 MR KOUMJIAN: Point taken. The witness can answer the
13 question, I believe.

14 THE WITNESS: I met Benjamin Yeaten before in 1998 and
10:04:36 15 after that I returned and I later became bodyguard to him in
16 1999.

17 MR KOUMJIAN:

18 Q. So just to remind us, when you say you met him in 1998,
19 very briefly can you tell us where did you meet him?

10:04:56 20 A. I met him at the Presidential farm in Gbarnga, Bong County.

21 Q. And very briefly did you - when you returned to Sierra
22 Leone, did you take anything with you?

23 A. Yes.

24 Q. And what was that?

10:05:17 25 A. Ammunition.

26 Q. I want to go and ask you about something in yesterday's
27 transcript, page 14788. That's 27 August. Give me a moment to
28 find it. I have, I believe, the wrong page. One moment, your
29 Honours, I apologise. If we could go to tab 9 - excuse me,

1 14749. Let me first try that. I have a note to refer to that
2 page.

3 MS IRURA: Your Honours, the transcript can be viewed by
4 pressing PC1 on the panel.

10:07:06 5 PRESIDING JUDGE: Thank you, Madam Court Attendant.

6 MR KOUMJIAN:

7 Q. You were asked the following question. You were asked
8 about something in the notes, the handwritten notes, that were
9 taken of an interview that you had, and the question was, "They
10 were introduced to them here", quoting from the handwritten
11 notes, and then you were asked, "Well 'them' refers to Jungle and
12 Sampson Weah, doesn't it?", and you said, "Yes, Benjamin Yeaten
13 also."

14 Now if we can look at tab 9 to the typed version of those
10:08:01 15 notes in the Defence bundle tab 9, page 26462. It is page 7 with
16 the ERN ending 26462 and if that could be perhaps just to be safe
17 not put on the screen. The fifth full paragraph down I'm going
18 to read out loud to you, Mr Witness. Please read along. It
19 states:

10:08:53 20 "That the group spent the night in Gbarnga and the next day
21 they were introduced to Benjamin Yeaten, also present was
22 'Jungle' and Sampson Weah."

23 Is that what you told the Prosecution in the interview, the
24 investigators? Do you want me to read it again?

10:09:20 25 A. Yes, yes, yes.

26 Q. It says the group that you were in "spent the night in
27 Gbarnga and the next day they were introduced to Benjamin Yeaten.
28 Also present was" - that's grammatically incorrect, but don't
29 worry about that. "Also present was Jungle and Sampson Weah".

1 A. No, it was not that that I told the Prosecution. I told
2 the Prosecution that the very day we got to Gbarnga was the day
3 we met Benjamin Yeaten, Jungle, Sampson Weah and somebody who
4 came from President Taylor, and they did introduction to us and
10:10:06 5 after which they left together with Eddie Kanneh for Monrovia and
6 we slept on the farm.

7 Q. And my question for you is that time that you're talking
8 about, was that the first time you met Benjamin Yeaten, or had
9 you met him before?

10:10:23 10 A. It was the first time I met him.

11 Q. Thank you. You also talked yesterday about the Fitti-Fatta
12 mission. Can you remind us what was the Fitti-Fatta mission?

13 THE INTERPRETER: Your Honours, could the witness speak up
14 a bit and clearly.

10:11:02 15 PRESIDING JUDGE: Mr Witness, the interpreters need you to
16 speak more loudly and more slowly, so please do that.

17 THE WITNESS: The Fitti-Fatta mission - the Fitti-Fatta
18 mission was to go and take over Kono, Koidu Town.

19 MR KOUMJIAN:

10:11:28 20 Q. So, sir, on page 14788 of yesterday's transcript, beginning
21 line 23, you gave the following answer. You said:

22 "Yes, I told them that before the Kono invasion I was in
23 Liberia, but the first invasion, Fitti-Fatta, I was in Liberia
24 and I returned to carry out a mission in Sierra Leone".

10:12:08 25 This was your answer and my question for you, Mr Witness,
26 is was there any relationship between your mission and what you
27 brought back to Sierra Leone?

28 A. Yes.

29 Q. Your mission to Liberia and the Fitti-Fatta mission?

1 A. Yes, yes.

2 Q. Can you explain that?

3 A. Yes. After we had gone to Liberia and from Gbarnga we
4 brought ammunition to Buedu and from Buedu Sam Bockarie received
10:12:43 5 the ammunition and he gave us a large quantity of ammunition,
6 because we had a huge quantity for us to take it to Kono to Denis
7 Mingo, Superman, at Superman Ground. After that, that was the
8 same ammunition that we used to undertake the Fitti-Fatta mission
9 to capture Koidu Town in Kono.

10:13:03 10 Q. Thank you. Now I'd like the witness, please, to be shown
11 exhibit D-9 again. Sir, this is a document that you were asked
12 some questions about yesterday afternoon and you indicated that
13 you hadn't seen it before, so just to help you make sure you
14 understand it I'd like the first page just to be shown to you
10:13:38 15 briefly. Can you see at the top is written "Revolutionary United
16 Front of Sierra Leone Defence Headquarters" and it says it's "To
17 -- The Leader of the Revolution. From -- Major General Sam
18 Bockarie". I want to ask you a little bit about some contents of
19 that document that you weren't asked about before and I'd like to
10:14:13 20 start on page 11, at the bottom of that page. It has the ERN
21 number ending 9668. So the very last sentence on the second line
22 from the top begins - Mr Witness, I'm going to read it. If you
23 need me to stop, or slow down, let me know. In this report it
24 says:

10:14:50 25 "As mentioned earlier in my report, four mechanised
26 battalions of the Nigerian army were raised at Kono resulting in
27 the capture of a wide assortment of arms and ammunition as well
28 as armoured cars. War-tanks were also captured and burnt.

29 We successfully took the war from Kailahun to Freetown,

1 putting military pressure on the SLPP Government and the
2 International Community to effect your release.

3 Huge amounts of arms and ammunitions were also captured by
4 Brigadier Issa from the Guineans including a 40 Barrel Missile
10:15:56 5 and its bombs."

6 First, Mr Witness, I want to ask you about this bit by bit
7 and tell us whether the information - whether you know if it's
8 correct, or incorrect, or you don't know, okay? It says first
9 that "four mechanised battalions of the Nigerian army were raised
10:16:25 10 at Kono". Is that true?

11 A. Yes.

12 Q. What does it mean "raised"?

13 A. They pushed them out of Kono and the RUF took over Kono.

14 Q. It says that this resulted in the capture of a wide
10:16:42 15 assortment of arms and ammunition. Is that true?

16 A. Yes.

17 Q. And then in this report from Sam Bockarie it says, "We
18 successfully took the war from Kailahun to Freetown." Do you
19 understand what Sam Bockarie is talking about here?

10:17:06 20 A. I know what he exactly means, because the RUF headquarters
21 was in Kailahun. I understand that side of it. Because the RUF
22 headquarters was in Kailahun and any planning about the war or
23 anything about the war starts from Kailahun, so that was why he
24 said he took the war from Kailahun to Freetown.

10:17:28 25 Q. And when he said to Freetown, can you tell us what did he
26 mean about taking the war to Freetown?

27 A. Yes, we were fighting until we entered Freetown.

28 Q. Thank you. It goes on to say, "Huge amounts of arms and
29 ammunition were also captured by Brigadier Issa from Guineans

1 including a 40 Barrel Missile and its bombs." Do you understand
2 what Sam Bockarie is referring to here?

3 A. Yes, yes.

4 Q. Can you explain that to us?

10:18:10 5 A. Yes. When we moved from Makeni, Lunsar, up to Waterloo, we
6 met the Guinean forces in Waterloo. We tried to attack them from
7 - to push them out of Waterloo for us to go to Freetown. So the
8 Guineans troops forced their way to retreat towards Gberi

9 Junction, and that was the same route we took and because Issa
10:18:31 10 Sesay and Superman were there, but he was not on the front line
11 so I did not make mention of him there. We captured the 40
12 barrel missile between - we captured the 40 barrel missile
13 between Waterloo, Masiaka to Lunsar, together with the bombs, and
14 he was the one who was supposed to give the report on this. That

10:18:53 15 was why they mentioned his name because he was in command at that
16 time, but Rambo was the front line commander who captured the
17 missile and the bombs.

18 Q. Thank you. Just so we're clear, when you say, "He was
19 supposed to give the report on this", who do you mean?

10:19:13 20 A. He was the highest authority. He was the one who reported
21 when we captured everything and it was - they were by stages. It
22 will go to Issa Sesay and from Issa Sesay it will go to Sam
23 Bockarie. That was why Sam Bockarie captured Issa Sesay's name
24 here, but by then actually Rambo was the front line commander at
10:19:30 25 the time we captured the missile and the bombs.

26 Q. Thank you. Now let's go to page 6, please, with the ERN
27 number 9663. Starting at the very bottom of the page at the last
28 sentence, I will read slowly. If you don't understand, or want
29 me to repeat, please say so. I'm beginning where it says, "When

1 Rambo captured Makeni ".

2 "When Rambo captured Makeni, I convinced Brigadier Issa on
3 set to call on Superman to join in operations in order to ensure
4 that the objectives of the RUF were placed in priority."

10:20:39 5 Turning the page:

6 "As usual Brigadier Issa was supportive and I called
7 Superman on set and instructed him to join in the operations. I
8 told Superman that I had forgiven him and that the past was
9 behind us and that we were all brothers in arms."

10:21:12 10 Do you recall - do you have any knowledge of the
11 information that I've just read?

12 A. Yes.

13 Q. Can you please explain?

14 A. Yes. After we had come from the Binkolo area, Superman and
10:21:31 15 his group who came from the Binkolo area, Brigadier Issa Sesay
16 and Rambo of the RUF they came from the Kono area, Superman's
17 group was the first to attack Makeni Teko barracks, but we did
18 not succeed and so we retreated back to Binkolo. Rambo and Issa
19 Sesay's group that entered from Magburaka they took over Makeni
10:21:55 20 Town whilst ECOMOG still occupied the barracks, and because I was
21 at the back in the radio room they received call from Sam
22 Bockarie to call Superman in the radio room. When he called him,
23 I was there. When Sam Bockarie was talking he was talking aloud
24 and he said --

10:22:13 25 THE INTERPRETER: Your Honours, that last bit is not clear
26 to the interpreter.

27 PRESIDING JUDGE: Mr Witness, the interpreter is not clear
28 on the last part of your answer. Please pick up where you have
29 said, "when Sam Bockarie was talking he was talking aloud and he

1 said ..." Please continue from there.

2 THE WITNESS: I was there in Binkolo when Sam Bockarie
3 called Superman on the radio set. He was talking aloud on the
4 radio set. He was telling Superman that they should put the past
10:22:49 5 behind them and they should go and join Rambo in Makeni Town and
6 take over Teko barracks so that the RUF would be properly
7 structured again. That was what he said when I was there and
8 Superman did it.

9 MR KOUMJIAN:

10:23:05 10 Q. Mr Witness, reading the next sentence, the very next
11 sentence says, "Superman accepted the call and vowed to give his
12 fullest cooperation." Do you have any knowledge about whether
13 Superman and Sam Bockarie had such a conversation?

14 A. Yes, Superman he accepted. He cooperated with him, yes.

10:23:34 15 Q. I want to go now to the last paragraph --

16 MR MUNYARD: Well, before my learned friend moves off, it
17 would be quite improper to put that in as if it was the whole
18 story. You only have to read the following paragraphs down to
19 the gap just over halfway down the page to see that everything
10:23:56 20 that Superman agreed to do he then completely did not cooperate
21 with. For my learned friend to try to take part of a passage as
22 if that was the whole story is quite improper.

23 MR KOUMJIAN: Your Honours, this document is in evidence
24 with its full contents. This objection is argument. Reading
10:24:18 25 selected passages from this document is exactly what the Defence
26 did in their direct examination, excluding this important
27 information about Superman and Sam Bockarie communicating and
28 agreeing to cooperate. The whole document is before the Court in
29 evidence. There's no necessity for me to read the whole document

1 now, any more than there was for the Defence when they presented
2 passages to the witness.

3 MR MUNYARD: What I presented was an accurate reflection.
4 What this is doing is plucking out one tiny fragment and putting
10:24:53 5 it over as if it accurately reflects the flavour of what's on
6 that page. It is an inaccurate reflection of the contents of the
7 whole of that page.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: We uphold the objection. The Court is
10:26:18 10 obliged to determine the truth and therefore needs to have the
11 whole story before them. Please put the rest, Mr Koumjian.

12 MR KOUMJIAN: Very well. Do your Honours want me to read
13 the entire document?

14 PRESIDING JUDGE: Not the entire document, but as has been
10:26:36 15 pointed out and as I have read there is the preliminary part
16 which you put to the witness and which he agreed, there is then
17 subsequent events which shows that that person reneged on
18 something they had undertaken to do and that is the entire
19 picture. It's not the entire document, Mr Koumjian. It's about
10:26:53 20 three or four paragraphs down.

21 MR KOUMJIAN: Well, perhaps your Honours can point out
22 which you would like read into evidence. This is not what I've
23 selected, so --

24 JUDGE SEBUTINDE: Mr Koumjian, perhaps for your guidance I
10:27:13 25 might say this. You are re-examining the witness, your witness,
26 on issues that might have arisen in cross-examination. You are
27 not cross-examining your witness and you are not further
28 examining in-chief and raising new issues with your witness. Now
29 that should really narrow down your ambit of examining this

1 witness - re-examining this witness. If an issue did not arise
2 in cross-examination and you do not need to clarify then that is
3 not an issue for re-examination, but if you think that you want
4 to lead further evidence that was not touched in
10:28:00 5 cross-examination then you are opening examination-in-chief.
6 That should be able to guide you, Mr Koumjian, as to how far you
7 can ask and what you need ask. Even if the document is already
8 in evidence, that doesn't give you a licence to re-open
9 examination-in-chief regarding that document. That is how I
10:28:19 10 understand re-examination.

11 MR KOUMJIAN: Your Honours, this document I didn't present
12 in-chief, you will recall. This only was raised in Defence,
13 where selected portions indicating conflicts were read to the
14 witness and portions that indicated cooperation were not read to
10:28:38 15 the witness.

16 JUDGE SEBUTINDE: This is a document in evidence already,
17 isn't it?

18 MR KOUMJIAN: Yes, your Honour.

19 JUDGE SEBUTINDE: You see, this is what I mean. That even
10:28:46 20 if the Defence referred to it in cross-examination, which they
21 were entitled to do, right, if a matter was not raised that you
22 think you need clarification on I don't believe that you can open
23 examination-in-chief on an established document. That should
24 guide you on the straight and narrow, so to speak, as to what you
10:29:11 25 may ask, what you may not ask, and certainly you cannot take
26 things out of context.

27 MR KOUMJIAN: Absolutely. The entire document is before
28 your Honours and I presume your Honours - of course, it's in
29 evidence. I can read any parts of it. The entire document is in

1 evidence. If you would like me to read further portions just
2 please indicate to me those portions, or what I could do is read
3 the rest of the document.

10:29:37 4 PRESIDING JUDGE: Mr Koumjian, if you look at the second
5 paragraph of the page that you referred to, the one ending 9664,
6 you will see part of a sentence, "Superman took the opportunity
7 of diverting captured materials for his own use", and then
8 further down on paragraph 3 or paragraph 4, "Superman continued
9 to refuse." These are the points which contradict I might say,
10:30:10 10 or call in question maybe would be a better way of putting it,
11 the commitment in the first paragraph. Those are the points I
12 have in mind.

13 MR KOUMJIAN:

14 Q. Mr Witness, I'm going to continue to read selected portions
10:30:36 15 of this document, because the entire document is 13 pages, I
16 believe, excuse me 14 pages, so these portions I have been asked
17 to read to you are that:

18 "Whilst the Late Rambo was busy checking captured material
19 for proper accountability, Superman took the opportunity of
10:31:13 20 diverting captured materials for his own use.

21 Brigadier Issa who had taken supervised the Makeni and had
22 given instructions for the barracks to be put under full military
23 control whilst he was informed of the fact that Superman had
24 illegally taken materials from the barracks and was in possession
10:31:32 25 of these materials. When approached on the issue, Superman
26 claimed that I, General Mosquito and Brigadier Issa were using
27 Rambo against him with the aim of destroying him. Brigadier Issa
28 insisted that the materials be handed over as Superman had not
29 only misused large amounts of ammo in his failed attempt to

1 capture Kono but had also refused to give account of materials
2 captured during [sic] the Koidu Town ammo dump."

3 Excuse me, let me go back a bit because I made a mistake
4 reading:

10:32:21 5 "... give account of materials captured when the Koidu Town
6 ammo dump of ECOMOG was captured.

7 Superman continued to refuse and Brigadier Issa accompanied
8 by Brigadier Kallon entered his house and arrested all materials
9 found. He invited Superman to the headquarters in Makeni so as
10:32:47 10 to make plans for moving the operation to Lunsar. Superman asked
11 to enter his bedroom to prepare for the move and took that
12 opportunity to escape. Superman later returned and again was
13 allowed to join the operation."

14 So asking you about that last sentence, Mr Witness, was
10:33:11 15 Superman - no, sorry, I withdraw the question. I'm going to go
16 on and with your Honours' permission I'm skipping to the last
17 paragraph on page 7:

18 "Meanwhile the troops that entered Freetown had been cut
19 off from the rear and were being encircled leaving them no way
10:33:37 20 out. I was able to coordinate their operations over set and got
21 them to combine their forces and bulldoze from the side accessing
22 them to the mountains through which they took a bypass to join
23 our troops at Benguema and Waterloo as JOI" - spelt J-0-I - "was
24 occupied by ECOMOG. This is how the troops that entered Freetown
10:34:17 25 were able to retreat. Still they sustained heavy casualties
26 including Steve Bio, the SLPP Chairman Manakpaka and many
27 others."

28 Just one more paragraph, sir:

29 "On learning that Gibril Massaquoi had been rescued from

1 prison and had joined in the operation, I contacted him 'on set'
2 and gave him advice and encouragement for smooth operations."

3 Now, Mr Witness, were you - do you have any knowledge of
4 these communications by Superman to these forces in Freetown, or
10:35:06 5 those - well, sorry, let me ask you another question. First, can
6 you tell us what does this mean - sorry, just a part of the
7 sentence of what I read I want to read back and ask you - make
8 sure you understand it and can explain it to us. It says at the
9 bottom of page 7, three lines up, "Got them to combine their
10:35:33 10 forces and bulldoze from the side accessing them to the mountains
11 through which they took a bypass to join our troops at Benguema
12 and Waterloo."

13 What does it mean to bulldoze?

14 A. The understanding I had about bulldoze, when we use
10:35:57 15 bulldoze in the RUF or anywhere we were fighting, when we had
16 obstacles in front of us and if it's a strong obstacle it is to
17 force our way to pass through them. That was what I meant by
18 bulldoze, to go through the obstacles that were in front of you.
19 That was what was meant by bulldoze. At the time he was talking
10:36:20 20 about bulldozing our brothers that were in Freetown had obstacles
21 behind them, so I think they bulldozed their way and went up
22 Peninsula to get to us in Waterloo.

23 MR KOU MJIAN: I think I'm finished with this document.

24 JUDGE LUSSICK: Well, Mr Koum jian, I think you've missed
10:36:43 25 the point of the objection. What we want to hear is what did the
26 witness mean by telling us that Superman cooperated with Mosqui to
27 in view of what follows from the passage you first quoted to him.

28 MR KOU MJIAN:

29 Q. Did you understand the question, Mr Witness? The question

1 is that given - you said - I read a part of this report to you
2 and you said that Superman agreed to cooperate and I believe -
3 and then I also read parts where Sam Bockarie is complaining
4 about Superman's behaviour afterwards. Can you give us any
10:37:30 5 comments on that?

6 A. Yes. When Superman and Sam Bockarie were having the
7 dispute about the weapons that we captured from Kabala, they
8 hadn't good communication between them from Kabala all the way to
9 Binkolo. When we got to Binkolo we received a radio call from
10:37:52 10 Sam Bockarie from Kailahun telling Superman that they should
11 leave all the past behind them and join hands together to get
12 Makeni - to join Rambo in Makeni to get to the barracks and
13 control RUF in a proper manner. What I meant by Superman
14 cooperated, indeed Superman went to Makeni and joined Rambo to
10:38:15 15 attack Makeni Teko barracks and the attack was successful.

16 Superman - also later, when we were having problems, Superman
17 joined Rambo and Komba Gbundema and we advanced on Lunsar under
18 the same command of Sam Bockarie to Waterloo, so that's what I
19 meant that Superman cooperated with Sam Bockarie at the time
10:38:43 20 after that communication.

21 Q. Was there subsequent conflicts between them?

22 A. Yes, after that. After that something happened between
23 them again.

24 MR MUNYARD: Your Honours, I don't propose to pursue my
10:39:07 25 objection, but all I would invite the Court to do is for it
26 simply to make a note of the section on page 9664 that my learned
27 friend did not read out because that puts the Makeni and the
28 following operations into a more complete context and indeed for
29 the Court to make a note to read the whole of page 9665.

1 PRESIDING JUDGE: Obviously the whole document is before
2 us, Mr Munyard. It is already an exhibit.

3 MR KOUMJIAN:

4 Q. A couple of other matters to deal with in open session,
10:39:59 5 Mr Witness. Yesterday, and I'm referring to the transcript page
6 14758, you were asked the following question by Defence counsel.
7 I'm on line 5, "Superman had no choice but to take direct
8 instructions from Sam Bockarie, did he?", and you said, "Yes".
9 What did you mean by that?

10:40:25 10 A. When I said he had no choice, I think Sam Bockarie was his
11 commander at the time and he was not under any different faction.
12 He was under RUF at the time. He had no choice but to take
13 orders. Whether you were willing or not, you had to take orders
14 because your boss is your boss. Your boss is always right, so he
10:40:45 15 had no choice except to take orders from Sam Bockarie. And I
16 think that was the order that they took, that your boss is your
17 boss. You had no choice. Whatever your boss did to you, he is
18 the boss and the boss is always right in the RUF. So he just had
19 to take orders. He had no choice.

10:41:05 20 Q. Yesterday on page 14802 you talked about Senegalese, Sea
21 Breeze. You've mentioned him before, but first is this one
22 person or more than one person?

23 A. They had Senegalese Sea Breeze, bodyguard commander for
24 former President Taylor. Then they had Senegalese of the Special
10:41:31 25 Forces, ordinary Special Forces. Two people. We had two
26 Senegalese. One Senegalese Sea Breeze, bodyguard commander to
27 President Taylor, and Senegalese Sea Breeze - and the ordinary
28 Senegalese, Special Forces.

29 Q. Just so we're all clear, you said you got the number - the

1 cell phone number of Charles Taylor from someone. Which of these
2 people did you mean?

3 A. Senegalese Sea Breeze, bodyguard commander to former
4 President Taylor.

10:42:04 5 Q. And just to be clear, did you ever call that number?

6 A. Yes.

7 Q. Who did you speak to when you called that phone number?

8 A. I talked to the President.

9 Q. A name was mentioned and I just ask you if you know a
10 person referred to as Jungle Jim?

11 A. Yes.

12 Q. Just so there's no confusion, can you explain who is Jungle
13 Jim?

14 A. Yes.

10:42:45 15 Q. Who is or was Jungle Jim?

16 A. Jungle Jim was the chief diamond broker for President
17 Taylor based at Lofa Bridge.

18 Q. Do you know his real name?

19 A. I used to know his real name, but I've forgotten presently.
10:43:06 20 I knew his real name.

21 Q. Just so we're clear, is Jungle Jim the same person as
22 Jungle, Daniel Tamba?

23 A. No. They had Jungle, Daniel Tamba, then they had
24 Jungle Jim.

10:43:27 25 Q. A figure was mentioned of 400 million. My question for
26 you, Mr Witness, is in approximately the year 2003 do you know
27 approximately what the value in US dollars is of 400 million
28 Liberian dollars? Excuse me, 200 million Liberian dollars,
29 sorry. Can you tell me the value in US dollars of 200 million

1 Liberian dollars?

2 A. I can't tell now.

3 THE INTERPRETER: Your Honours, can he please repeat the
4 last bit.

10:44:12 5 PRESIDING JUDGE: Mr Witness, please repeat part of your
6 answer. The interpreter cannot hear you clearly. You said, "I
7 cannot tell now." Finish that sentence.

8 THE WITNESS: I cannot tell now the equivalent of 200,000
9 Liberian dollar in US dollars. I can't tell now, except I use a
10:44:34 10 machine.

11 MR KOUMJIAN:

12 Q. Mr Witness, I understand that. Mr Witness, do you remember
13 in the year 2003 how many Liberian dollars you would get for one
14 US dollar approximately?

10:44:50 15 A. At that time the war was on the rate used to drop. It used
16 to fluctuate, sometimes 45, 50, 52, 51, and so the rate was not
17 steady at the time. Sometimes it can rise up to 60 and sometimes
18 it will drop, so I can't estimate right now.

19 PRESIDING JUDGE: Mr Koumjian, I don't wish to be pedantic,
10:45:21 20 but the witness said, "At the time the war was on the rate used
21 to drop", and you referred to 2003. Is it not a recognised fact
22 that the war was over then?

23 MR KOUMJIAN: It depends on which war you're talking about.

24 PRESIDING JUDGE: Or what war are we talking about?

10:45:41 25 MR KOUMJIAN: Thank you, your Honour:

26 Q. Mr Witness, I'm asking specifically about the year 2003 and
27 just we're not sure whether your answer applies to that when you
28 said during the war, or other periods. During 2003, in that time
29 let me say 2002 to 2003, do you recall the approximate value of

1 one US dollar in Liberian dollars approximately?

2 A. That's exactly what I'm talking about because in 2003 we
3 had two seasons, the war season and the peace season, so I just
4 estimated on the war season. At the time the rate was 50, 52,

10:46:17 5 45, 60, the rate for US dollars to Liberian dollars.

6 Q. Thank you. Do you know any person named Liberian Mosquito?

7 A. Yes.

8 MR MUNYARD: Well, I don't know where this arose out of
9 cross-examination.

10:46:36 10 MR KOUJIAN: Yes, it did, and I'm trying to do it without
11 leading the witness. If your Honours give me a little bit of
12 leeway I can do it, or I could argue it now, but I think in my
13 next few questions it will become more obvious.

14 MR MUNYARD: I am not saying it didn't. I don't remember
10:46:44 15 that's all.

16 MR KOUJIAN: The name did not come up as far as I recall,
17 but it's not because of the name. I'm coming to the point in the
18 next question, or the next few questions.

19 PRESIDING JUDGE: Mr Munyard, are you withdrawing your
10:47:05 20 objection, or what is the situation?

21 MR MUNYARD: I'm waiting to find out what the question is,
22 but at the moment if my learned friend agrees with me that I
23 didn't mention that name then I don't think it's proper that that
24 should be pursued.

10:47:20 25 PRESIDING JUDGE: I don't recall it being mentioned in
26 cross-examination either, Mr Koumjian, so you will have to
27 approach it from - if it's a matter that arose in
28 cross-examination you will have to approach it in a different
29 way.

1 MR KOUMJIAN: That name did not come up. My point arose in
2 the closed session and so I'll deal with it when I go to closed
3 session.

4 MR MUNYARD: Well, I'm very concerned now that my learned
10:47:39 5 friend has in effect led the witness by presenting him with a
6 name for the purposes of re-examination; a name which was not
7 brought up in cross-examination. It amounts to a leading
8 question and we will have to argue it.

9 MR KOUMJIAN: The question does not suggest an answer.
10:47:59 10 It's a yes or no. It's the point I haven't gotten to yet and,
11 your Honours, I can't pursue --

12 THE INTERPRETER: Your Honours, can learned counsel please
13 raise his voice.

14 MR KOUMJIAN: Thank you. I can't pursue this further in
10:48:14 15 open session and so I will pass this for now:

16 Q. Mr Witness, you've spoken about militias in Liberia. Can
17 you explain to us the relationships between the militias and the
18 AFL, the Armed Forces of Liberia?

19 A. Yes. It was the militia and the relationship between the
10:48:50 20 militia and the AFL was close, because at the time the AFL, the
21 national army, the Armed Forces of Liberia, was not too strong,
22 and secondly some commanders from the AFL, the national army,
23 like Christopher Varmoh, Liberian Mosquito, he was one of the
24 battalion commanders in the 6th Battalion in Lofa County. At the
10:49:13 25 same time he was one of the chiefs of staff for the militia
26 forces, army division. Like the late Stanley, he was battalion
27 commander 7th Battalion Lofa County. He was one of the chiefs of
28 staff for the militia forces. So they had a cordial relationship
29 between them.

1 Q. Do you know how old Christopher Varmoh was let's just say
2 in relation to you? Was he older, or younger, and how much if
3 you know?

4 A. He's older than me.

10:49:58 5 MR MUNYARD: I am sorry, your Honours, but I do object to
6 this now because we are now exploring the very person whose name
7 or nickname was led to the witness by my learned friend and I
8 want to argue this if my learned friend insists on pursuing it
9 because I don't think that he has approached the matter in a
10:50:19 10 proper evidential way because of his leading question.

11 MR KOUMJIAN: Your Honours, if I could just briefly
12 respond, I think that the --

13 PRESIDING JUDGE: Would you also clarify where it arises
14 from cross-examination for my purposes, please.

10:50:34 15 MR KOUMJIAN: That was in closed session and so I will have
16 to deal with that in closed session. My point comes out of the
17 closed session, not the name.

18 PRESIDING JUDGE: We will go briefly into private session,
19 Madam Court Attendant, please. For purposes of --

10:51:35 20 MR KOUMJIAN: Actually I can just indicate, your Honour,
21 that the rest of my questions I can do in private session. There
22 are several areas that I need to cover all arising out of the
23 closed session cross-examination.

24 MR MUNYARD: If it helps, I don't mind my learned friend
10:51:48 25 moving on to anything else that he wants to deal with in open
26 session and then we'll deal with all of the closed session
27 including the argument in one fell swoop if that is of
28 assistance.

29 MR KOUMJIAN: Yes, and I think I've covered all that I can

1 in open session and so I'm ready to just move to the closed
2 session portions.

3 PRESIDING JUDGE: Very well. For those members of the
4 public and for purposes of broadcast, we are now going into a
10:52:16 5 brief private session because questions may affect the security
6 of the witness. Madam Court Attendant, please implement that.

7

8 [At this point in the proceedings, a portion of
9 the transcript, pages 14843 to 14853, was
10:52:35 10 extracted and sealed under separate cover, as
11 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: All right. Just for purposes of record
4 in open session, counsel for the Prosecution has completed his
11:14:29 5 re-examination of the witness. Mr Koumjian, please proceed.

6 MR KOUMJIAN: Thank you. Your Honours, there's two
7 exhibits marked for identification, both of them confidential. I
8 really only have an interest in the first one. I move that into
9 evidence. The second one arose during the Defence. I have no
11:14:51 10 objection if the Defence wants it, but if it is not put into
11 evidence I ask it be destroyed. If it is, I ask that both be
12 marked "Confidential". Thank you.

13 PRESIDING JUDGE: Mr Munyard, you've heard the application
14 and the tender.

11:15:07 15 MR MUNYARD: I completely agree with my learned friend that
16 the first item marked for identification should be exhibited
17 confidentially and, given that the witness did produce another
18 confidential document in the course of his evidence, I think it's
19 only right that that should be exhibited. Whatever weight the
11:15:22 20 Court wishes to attach to it is a matter for the Court, but I
21 think that there may be an issue that arises later. It's out of
22 an abundance of caution that I think it should be exhibited.

23 PRESIDING JUDGE: Very well. The first is a one-page
24 document written by the witness with a certain number on it. It
11:15:47 25 becomes a Prosecution exhibit, I think P-154. Madam Court
26 Attendant, could you assist me please?

27 MS IRURA: Your Honour, P-165.

28 PRESIDING JUDGE: P-165, yes, and that is to be a
29 confidential document under seal.

1 [Exhibit P-165 admitted]

2 The second is a Defence exhibit. It is a one-page document
3 with writing by the witness. It will be Defence exhibit D --

4 MS IRURA: D-56, your Honour.

11:16:23 5 PRESIDING JUDGE: Thank you, I'm most grateful, and it also
6 will be confidential and under seal. Sorry, the last one is
7 confidential only.

8 [Exhibit D-56 admitted]

9 It's just been correctly pointed out to me that the first
11:16:46 10 should only be confidential also, so both are confidential, Madam
11 Court Attendant.

12 MR KOUMJIAN: Can I just ask, sorry to express my
13 ignorance, I don't quite understand the difference between under
14 seal and not under seal. I can ask the legal officers later.

11:17:07 15 Thank you.

16 PRESIDING JUDGE: Mr Witness, that is the end of your
17 evidence and you're now free to leave the Court. We thank you
18 for coming to court on two occasions to give your evidence and we
19 wish you a safe journey back. I want you to remain where you are
11:17:24 20 until the curtains are lowered to allow you to leave the
21 courtroom.

22 THE WITNESS: I thank you too.

23 MR KOUMJIAN: Your Honours, given the changeover would your
24 Honours consider breaking now because there's also a little bit
11:18:11 25 of organisational matters in changing the witnesses?

26 PRESIDING JUDGE: I think that's a very practical
27 suggestion, Mr Koumjian. We will take the mid-morning break and
28 we will resume court at 11.50. Please adjourn court until 11.50.

29 [Break taken at 11.20 a.m.]

1 [Upon resuming at 11.50 a.m.]

2 PRESIDING JUDGE: Before I remind the witness of his oath,
3 I note some changes of appearance.

4 MR KOU MJIAN: Thank you, counsel and your Honours. Joining
11:49:52 5 the Prosecution is Brenda J Hollis and also Ruth Mary Hackler and
6 Nicholas Koumjian. Thank you.

7 PRESIDING JUDGE: Thank you, Mr Koumjian.

8 MR GRIFFITHS: Representation on the Defence bench is as
9 this morning, save that Mr Munyard is not with us until this
11:50:14 10 afternoon.

11 PRESIDING JUDGE: Mr Witness, we welcome you back to the
12 Court. I remind you that before the short break you took the
13 oath to tell the truth. The oath is binding upon you still and
14 you must answer all questions truthfully, do you understand?

11:50:37 15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Mr Griffiths, please proceed.

17 MR GRIFFITHS: I'm grateful, your Honour.

18 WITNESS: TF1-367 [On former oath]

19 CROSS-EXAMINATION BY MR GRIFFITHS: [Continued]

11:50:48 20 Q. Now I appreciate that being in that chair is a bit like
21 sitting in a goldfish bowl, but nonetheless you do appreciate,
22 don't you, the need to tell us the truth and that you've taken an
23 oath to do that? Do you appreciate that?

24 A. Yes.

11:51:09 25 PRESIDING JUDGE: Just before you proceed on, Mr Griffiths,
26 for purposes of record I note that it hasn't been noted on the
27 public record and LiveNote that another witness has taken the
28 stand and that his evidence is continuing, so for purposes of
29 record I will record that TF1-367 is back on the stand and is

1 being cross-examined. My apologies for interrupting.

2 MR GRIFFITHS: Not at all, your Honour:

3 Q. Now, what do you understand by the oath that you took to
4 tell the truth? What do you understand by that?

11:51:58 5 A. My understanding about that is my being in this court is to
6 tell you the truth, what I saw and what I heard.

7 Q. And tell me, do you respect the oath that you took to tell
8 the truth?

9 A. Yes, greatly.

11:52:20 10 Q. Very well. Now according to the information given to me
11 you first spoke to the Office of the Prosecution on 20 August
12 2004, is that right?

13 A. I can't recall the date, but I spoke to the Prosecution
14 within that time.

11:52:51 15 Q. Now, I know that that date was 20 August 2004. Now from
16 disarmament until that date, in what country were you living?

17 A. In Sierra Leone.

18 Q. And were you working during that period?

19 A. Yes.

11:53:22 20 Q. Were you during that period facing financial difficulties?

21 A. I was not a rich man, but what my family was supposed to be
22 living on I used to get that.

23 Q. Now when you came to speak to the Office of the Prosecution
24 in August 2004, did you go to see them voluntarily?

11:54:07 25 A. No, I did not know about them.

26 Q. Did they contact you, or did you contact them?

27 A. They contacted me.

28 Q. And said what to you?

29 A. That is what I have told you, for me to come and say the

1 truth what I saw during the RUF war and what I did during the RUF
2 war together with my fellow colleagues.

3 Q. Now I appreciate that you've told us that and I'll come
4 back to it in a moment, but what I want to know is the
11:55:01 5 circumstances which led to you speaking to the Prosecution. How
6 did that come about?

7 A. That is what I have told you. I said at the earlier stage
8 they met me and we discussed. That is what I have told you.

9 Q. So, you didn't go to them. They came to you?

11:55:36 10 A. Yes.

11 Q. And when they came to you did they tell you that they knew
12 your identity?

13 A. Yes.

14 Q. And did they tell you that they knew that you had been
11:55:52 15 quite a senior officer in the RUF?

16 A. Yes.

17 Q. And when they came to see you, why did you think they
18 wanted to speak to you?

19 A. It was because people must have already told them about me
11:56:23 20 and what I was doing in the RUF. People must have given that
21 information to them. I think that was the reason why they wanted
22 to see me.

23 Q. Now, do you have any idea who might have told them about
24 you?

11:56:47 25 A. No, they did not tell me about a particular person, but I
26 was not somebody hidden in the RUF. Everybody in the RUF knew
27 me, so there were people who knew me and they had been with them.

28 MR KOUMJIAN: I may be wrong, but I thought a name was
29 mentioned and I'd ask it not to be translated.

1 PRESIDING JUDGE: I think I heard the same name.

2 MR KOUMJIAN: I would ask that the broadcast in Krio be
3 redacted.

4 PRESIDING JUDGE: I think the name was started but not
11:57:24 5 completed, but we heard it. I also heard a name. Madam Court
6 Attendant, that name should be redacted.

7 MR KOUMJIAN: If the witness could just be asked not to
8 mention any of his own name, or names, or nicknames.

9 PRESIDING JUDGE: Mr Witness, you have heard Mr Koumjian
11:57:43 10 and you may remember that it is important that you also protect
11 your own security by not revealing names or other information
12 that could lead to your identification. Mr Griffiths, please
13 proceed.

14 MR GRIFFITHS: Thank you, your Honour:

11:57:59 15 Q. In any event, when they came to see you you appreciated the
16 need to tell them the truth, didn't you?

17 A. Yes, because they were after me to say the truth.

18 Q. Now, you began your account to this Court on Wednesday of
19 last week and let me just take a moment and remind ourselves of
11:58:33 20 what that account is. In 1990 you were living in Kakata in
21 Liberia, is that right?

22 A. Yes.

23 Q. When NPFL fighters attacked Kakata and captured you?

24 A. Yes.

11:58:54 25 Q. You managed to escape, is that right?

26 A. Yes, but there wasn't anywhere that I knew for me to go and
27 hide out, save in the township.

28 Q. In any event, for how long did you remain in the custody of
29 the NPFL following your capture?

1 A. The morning they captured the town we were in our houses
2 all day and the following day they were knocking at the doors for
3 us to open the doors. After that we were all under their control
4 that moment. We were not allowed to go anywhere else. We
12:00:00 5 actually were not in the houses any longer, we were outside, but
6 we were under their control up to the time I went to the RUF
7 base.

8 Q. Now, for how long did you remain under their control in the
9 way you've just described?

12:00:26 10 A. They captured Kakata and they were there for about one to
11 two months. By then they were now on the Monrovia Highway and it
12 was after that that the issue of RUF came to Kakata.

13 Q. Let's just take matters slowly, please. The NPFL arrive in
14 Kakata and you stay in your house that day. The next day you're
12:01:00 15 forced to leave your house, is that right?

16 A. Yes.

17 Q. Some time later you go to Camp Naama for training?

18 A. Yes.

19 Q. How long after the NPFL invaded Kakata did you go to Camp
12:01:29 20 Naama?

21 A. That is what I meant. I said at the time I was in Kakata
22 when Kakata was captured it was one month plus that I later went
23 to Camp Naama to undergo the training.

24 Q. Right. Now I want to concentrate, please, on that month or
12:01:51 25 so between the arrival of the NPFL and your departure for Camp
26 Naama. Do you understand me?

27 A. Yes.

28 Q. During that month or so period, where were you?

29 A. Say that again. Let me hear it clearly.

1 Q. In the month or so between the arrival of the NPFL and your
2 departure to Camp Naama, where were you?

3 A. I did not go to anywhere else. From Kakata I went to Camp
4 Naama. I did not go anywhere else. From Kakata they did not
12:02:40 5 take us to anywhere else.

6 Q. So for that month period you remained in Kakata, is that
7 right?

8 A. Yes, I did not travel to anywhere else because if you
9 hadn't a pass you were not allowed to go to anywhere else.

12:02:57 10 Q. Now, during that month long period were you in hiding?

11 A. No, I used to be in our house always because our house was
12 very close to the main road. I was always there.

13 Q. So were you in hiding at any time during that month long
14 period?

12:03:34 15 A. When we were released to come out I did not go anywhere
16 else, because when day breaks we would have to go and look out
17 for food to eat and if you were hiding at that time how would you
18 be able to get food to eat?

19 Q. The only reason I ask is this, you see? On Wednesday of
12:03:55 20 last week, when giving evidence to the gentleman sitting across
21 the Courtroom, you said this - well, this question was put to
22 you, page 14086, line 15, "Now, sir, you mentioned that after
23 hiding, going into hiding in Kakata, you spoke to your brother.
24 Who was this person that you spoke - used the word this morning
12:04:22 25 as your brother?", and you said that was Mike Lamin. Now had you
26 gone into hiding, or hadn't you?

27 A. By hiding what I meant by that is that, for instance, you
28 are in this Court and you don't have chance - the opportunity to
29 visit a neighbour, or to go out of where you are. That was what

1 I meant by hiding. But I did not actually have the opportunity
2 to either board a vehicle to go somewhere else, or - for
3 instance, if I am sitting here and I don't have the opportunity
4 to go to anywhere else or to visit a neighbour. That was what I
12:05:06 5 meant by hiding.

6 Q. Very well. In any event, how long after the arrival of the
7 NPFL in Kakata was it before you met your brother Mike Lamin?

8 A. I can't recall whether it was a day or two or in a week's
9 time, but after Kakata had been captured and the rebels had moved
12:05:45 10 towards the Monrovia area it was later after that that I saw him
11 come to our compound, but at that time we hadn't the opportunity
12 to walk around, except when somebody had a pass that you would be
13 able to do that.

14 Q. No, my question is very simple. How long after the arrival
12:06:06 15 of the NPFL in Kakata did you meet your brother Mike Lamin?

16 MR KOUMJIAN: Asked and answered.

17 THE WITNESS: Yes, I think it was about --

18 PRESIDING JUDGE: Mr Griffiths, you've heard counsel for
19 the Prosecution.

12:06:25 20 MR GRIFFITHS: And the witness was about to answer, your
21 Honour, having not to my mind given a proper answer to the
22 question.

23 PRESIDING JUDGE: He hasn't answered it clearly. Put the
24 question, please.

12:06:36 25 MR GRIFFITHS:

26 Q. How long after the arrival of the NPFL in Kakata was it
27 before you met Mike Lamin, your brother?

28 A. About two to three weeks, because they did not just capture
29 the place and I later see him immediately, but the particular day

1 I can't recall.

2 Q. But when you saw Mike Lamin he was a member of the NPFL, is
3 that right?

12:07:22

4 A. I did not ask him, but the way I saw him, yes, he hadn't
5 weapons with him because they were free and they were walking
6 around.

7 Q. Let me ask you again. When you first met Mike Lamin after
8 the NPFL attacked Kakata, he was already a member of the NPFL,
9 wasn't he?

12:07:44

10 A. Yes, but I did not see him with weapons, but he was part of
11 them and they were all going around together. He was with them.

12 Q. Let me remind you of what you told us on Wednesday, "Who
13 was Mike Lamin?" This is page 14086, evidence from Wednesday 20
14 August. "Mike Lamin was an NPFL soldier." Do you remember

12:08:18

15 telling us that?

16 A. That is what I mean. I said he did not have weapons, but
17 he was with the NPFL.

18 Q. Thank you. Now as a result of speaking to Mike Lamin, he
19 told you about someone called Foday Sankoh coming to Kakata and
20 the RUF. Is that right?

12:08:45

21 A. Yes, yes. It was through him that I even heard that name
22 because I did not know before who Foday Sankoh was.

23 Q. Now, help us with this. Bearing in mind of course what
24 you've told us, that it was some three weeks or so after the
25 attack on Kakata that you met up with Mike Lamin, was it on that
26 first occasion of meeting him that he mentioned Foday Sankoh and
27 the RUF?

12:09:09

28 A. Yes, it was at the first time that I met with him, but I
29 wouldn't have joined him to go because of where he was at that

1 moment. He told me that Foday Sankoh was going to visit us there
2 and I asked him who Foday Sankoh was.

3 Q. In any event he told you that Foday Sankoh would be coming
4 to Kakata and there would be a meeting at a local school called
12:10:01 5 St Augustine's, is that right?

6 A. Yes.

7 Q. And you went to that meeting?

8 A. Yes.

9 Q. Where you were told that a truck would be coming in due
12:10:21 10 course to take volunteers to Camp Naama for training, is that
11 right?

12 A. Yes, it was when we went to the meeting that he told us.
13 We did not just get up and say that - and do that. He told us
14 that he was going to dispatch a truck to get us.

12:10:43 15 Q. And in due course that truck arrived?

16 A. Yes, the truck arrived at the particular time he told us
17 that it was going to be there.

18 Q. Now bearing in mind what you've already told us, that it
19 was a month or so after the arrival of the NPFL that you went to
12:11:05 20 Camp Naama, bearing in mind also that you've told us that it was
21 about three weeks after the arrival of the NPFL that you met Mike
22 Lamin, how long after that meeting with Mike Lamin did you get on
23 the truck and travel to Camp Naama?

24 A. When I spoke with Mike Lamin he told me that the man called
12:11:39 25 Foday Sankoh would have to come and it was after a week and the
26 following week that Foday Sankoh himself came and spoke to us.
27 It was within the two weeks that he came and spoke to us.

28 Q. Very well. Now thereafter you spent some three months or
29 so training at Camp Naama, didn't you?

1 A. Yes.

2 Q. And whilst there received, amongst other things, ideology
3 training from Mike Lamin?

4 A. Yes.

12:12:22 5 Q. Thereafter there came a time when RUF forces invaded Sierra
6 Leone?

7 A. It was not the RUF fighters who initially invaded Sierra
8 Leone.

9 Q. Let me put the question differently then. There came a
12:12:46 10 time thereafter when Sierra Leone was invaded, is that right?

11 A. Yes, it came a time that Sierra Leone was invaded, but it
12 was not at first the RUF.

13 Q. How long after you completed your training did that
14 invasion take place?

12:13:21 15 A. I did not actually complete the training for which I was
16 there.

17 Q. So the invasion began before you had completed your three
18 month training, is that right?

19 A. It was as a result of the invasion that we did not complete
12:13:47 20 the training, because immediately after the invasion they came
21 and collected us from the camp and took us to the front line.

22 Q. Very well. So just so that we can get the time line
23 correct, three months after you went to Camp Naama Sierra Leone
24 was invaded and that brought an end to your training. Is that
12:14:12 25 right?

26 A. Yes, the invasion it made our training incomplete, so they
27 came and collected us and took us there.

28 Q. Now, you spent a little time in Sierra Leone before being
29 made ground commander at Foday Sankoh's mansion in Gbarnga. Is

1 that right?

2 A. Yes.

3 Q. How long did you spend in Sierra Leone before going to
4 Gbarnga in that role?

12:15:03 5 A. At the time we went to Sierra Leone I have forgotten the
6 date, but I spent six months in Gbarnga.

7 Q. How long did you spend in Sierra Leone before going to
8 Gbarnga to spend six months?

9 A. That is what I am trying to tell you. I have forgotten
12:15:29 10 that time and the date.

11 Q. Can you give me no idea? Was it a matter of weeks, months,
12 or what?

13 A. No, it was not a week. It was more than a month, but I
14 don't want to lie in saying the month or the dates.

12:15:54 15 Q. Very well. Were you involved in any fighting in Sierra
16 Leone during that period?

17 A. Yes.

18 Q. Where were you fighting?

19 A. I fought in Kailahun.

12:16:21 20 Q. Now there came a time in 1992 when you went to Kono, is
21 that right?

22 A. Yes.

23 Q. How long did you spend in Kono?

24 A. We spent about two months there and then we were flushed
12:16:46 25 out by the enemies. We were not there for a long period. We
26 were - I think it was about two months.

27 Q. Thereafter you returned to Kono in 1995, didn't you?

28 A. Yes, sir.

29 Q. For how long?

1 A. In Kono also and even there people stayed there for a long
2 time, but I did not stay there for long because it was just for
3 about two to three months when I went there and I left there
4 again and the enemies captured the place.

12:17:32 5 Q. Then, as you've told us, in late 1998 you were appointed
6 RUF mining commander in Kono, a post which you held until the
7 year 2000, is that right?

8 A. Yes, from '98 to the beginning of 2000.

9 Q. Now prior to that appointment you had been SO-1 in Freetown
12:18:11 10 during the junta period, is that right?

11 A. Yes.

12 Q. You had also been engaged, if I understand your evidence
13 correctly, in 1997 in bartering with the ULIMO fighters for arms
14 and ammunition. Is that right?

12:18:41 15 A. Yes.

16 Q. And am I right that that was 1997, or was it in fact 1998?

17 A. It was in 1997 and it was in '98 that I went to Kono.

18 Q. Did you go straight from that role as arms purchaser for
19 the RUF with ULIMO straight into the role of mining commander?

12:19:18 20 MR KOU MJIAN: Excuse me, that misstates the evidence. It
21 was not the arms that the witness testified he was bartering in
22 1997.

23 PRESIDING JUDGE: Mr Griffiths, I'm just trying to work out
24 this chronology that Mr Koumjian has raised.

12:19:40 25 MR KOU MJIAN: The witness had testified to purchasing arms
26 from ULIMO in I believe 1998, but he earlier if I'm not mistaken
27 had talked about a barter, as counsel correctly used the word
28 barter, trade that he was involved in at the border and that was
29 not arms as I recollect the evidence.

1 PRESIDING JUDGE: The question relates to the arms, doesn't
2 it?

3 MR KOUMJIAN: Yes, and I don't believe - that misstates the
4 evidence as far as '98 - excuse me, '97. The witness didn't
12:20:13 5 testify, as I recollect it, that the arms was the barter trade he
6 was talking about in '97. He named other items.

7 MR GRIFFITHS: I'm sure it's my fault, your Honour. I
8 really don't understand the objection, but I'll try to clarify
9 matters.

10 PRESIDING JUDGE: I'm just looking at an answer, "You had
11 also been engaged, if I understand your evidence correctly, in
12 1997 in bartering with ULIMO fighters for arms and ammunition?",
13 answer, "Yes". That's why I'm a little - I'm trying to clarify
14 the issue. But if you yourself, Mr Griffiths, are going to
12:20:46 15 clarify it, then I will allow you to do so.

16 MR GRIFFITHS: Yes, very well:

17 Q. Taking matters slowly so that we can all follow, there was
18 a time when you were engaged in purchasing arms and ammunition
19 from ULIMO. Is that right?

12:21:08 20 A. Yes, there came a time that we used to buy ammunition, not
21 arms, from ULIMO.

22 Q. Very well.

23 A. It came a time that that happened.

24 Q. Did you go straight from that role into the role of mining
12:21:26 25 commander in Kono in 1998?

26 A. Yes, in 1998. It was because Sam Bockarie trusted me that
27 he used to give me those positions. I used to buy ammunition
28 from the ULIMO in 1997, and from there when I came back he sent
29 me to Kono in 1998 for me to undertake mining there.

1 Q. Yes, can I emphasise the word "straight". Did you go
2 immediately from the role of purchasing ammunition from ULIMO
3 straight to the role of mining commander in Kono?

4 A. No, I did not just come and pass straight to the place.

12:22:30 5 Buedu was our headquarters. When you come first you will have to
6 stay there for some time and from there they will give you
7 another assignment.

8 Q. I'm just trying to get the timing, you see? That's why I'm
9 asking. Between the time when you concluded your role purchasing
12:22:48 10 ammunition from ULIMO, how long passed by before you moved on to
11 becoming mining commander?

12 A. When I returned from Liberia, Buedu was our headquarters.
13 I was there for some time, but I was not there for a long time.
14 The commander who was stationed in Kono he used to make some
12:23:21 15 blunders, so he decided to send me there to go and take over.
16 But actually I was in Buedu, but it did not take too long, but I
17 have forgotten now to tell you that it was either two or three
18 days or what, because by then we did not come maybe and answer to
19 roll calls or that a register was made.

12:23:45 20 Q. Was it a matter of days, weeks or months that you spent in
21 Buedu before taking up your new role in Kono?

22 A. It was more than a week, that is what I am telling you, but
23 I cannot tell you whether it was a month or two, but it was more
24 than a week and I don't want to lie. But anybody who came from a
12:24:14 25 particular mission, when you come first you will have to stay in
26 Buedu for some time because that was the headquarters and from
27 there they will send you to another assignment.

28 Q. Let me explain why I'm asking. You've told us that you
29 took up the role of mining commander in late 1998. What I'm

1 trying to discover is whether your ammunition purchasing
2 activities continued from '97 into '98, do you follow me? That's
3 why I'm pursuing this. So how long did you spend in Buedu after
4 you had returned from Liberia before going to Kono?

12:24:58 5 A. No, it was not from '97 to '98. I said after the retreat
6 in '98. It was in '98 that I was buying the ammunition. It was
7 not from '97 to '98. '97 I was in Freetown. I was as SO-1
8 logistics, so I was not doing ammunition business. It was in '98
9 that I was purchasing ammunition.

12:25:26 10 Q. Very well. So then as we know you become mining commander,
11 you're relieved of that role in the year 2000 and you're
12 succeeded in that post by Peleto. Is that right?

13 A. Yes.

14 Q. Thereafter you fought in Guinea, is that right?

12:25:55 15 A. Yes.

16 Q. Where you were wounded, is that right?

17 A. Yes, I was wounded.

18 Q. And you were not involved in any further fighting until
19 disarmament, is that right?

12:26:21 20 A. Yes.

21 Q. And that account which covers your career, that 11 year
22 period or so you spent in the RUF, is that account the truth?

23 A. Yes, what I know is what I have said.

24 Q. Good. Now let's move on and deal with another time line,

12:26:48 25 shall we? Now, we know from information with which we've been
26 supplied that you were first in contact with the Office of the
27 Prosecution on 20 August 2004. Now some 18 months after that in
28 February 2006 you were again seen by the investigators, weren't
29 you?

1 A. Did they say I contacted them?

2 Q. No, no, no, listen to the question, please. It's very
3 simple. Do you recall 18 months or so after your first contact
4 with the Prosecution that you were seen again in February 2006?

12:27:55 5 A. I will not deny the fact that they did not contact me or
6 that they did not see me, but I cannot remember that date any
7 longer that it was either on the Friday or what day or what day,
8 but actually they went and met me.

9 JUDGE SEBUTINDE: Mr Interpreter, you do not - he did not
12:28:20 10 deny that they did not contact him. What he didn't deny is that
11 they did contact him. I think you're saying the opposite of what
12 the witness is saying.

13 THE INTERPRETER: Your Honours, you are right, your
14 Honours.

12:28:36 15 MR GRIFFITHS:

16 Q. Now, do you recall that on that occasion you spent some
17 four days with investigators in a process called proofing? Do
18 you remember that?

19 A. Yes.

12:29:00 20 Q. Thank you. And do you also recall - this might help to jog
21 your memory - that you first received payment from the
22 Prosecution in that same month, February 2006? Do you remember?

23 A. Yes, because the time I was with them I started receiving,
24 but I can't recall the date because I was not recording. When
12:29:41 25 they came and gave me something I will just receive it, but I did
26 not record it.

27 Q. Now, there was a further proofing session about three
28 months later in June 2006. Do you recall that?

29 A. I don't remember that. There were times they would call me

1 and I would go there, but I don't recall the times.

2 Q.

3

4

5

6 [Redacted]

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13 Q. In fact prior to giving evidence against them you had
14 actually visited them in custody in Freetown, hadn't you?

12:31:33 15 A. Yes, they themselves called me, but I said I was not going
16 there, but they pleaded with me to go.

17 Q. Did you go and visit Augustine Gbao in the prison attached
18 to the Special Court in Freetown

19 [Redacted]

12:31:58 20 A. That is what I have told you. They called me and I said I
21 was not going there. Augustine said - Augustine Gbao said I
22 should go there, but I refused. It was to Augustine Gbao that I
23 was to go, but they called me and I refused. I said I was not
24 going there.

12:32:19 25 Q. Did you visit Mr Gbao in prison, yes or no?

26 A. Yes, I went to visit him. Him - I visited him.

27 Q. And whilst visiting Mr Gbao, did you also see Morris Kallon
28 and Issa Sesay in the prison?

29 A. Yes, I saw them there.

1 Q. And did you take your wife and family with you on that
2 visit?

3 A. No, I went alone. They called me. I went there alone.

4 Q. Did your wife and children not go with you?

12:33:11 5 A. Not at all. Not at all. I went there alone.

6 Q. In any event, when you went to the prison to visit those
7 men

8 [Redacted]

9

12:34:11 10 The question, please help
11 me understand.

12 Q. At the time you went to the prison to visit those men,

13

14 [Redacted]

12:34:29 15 A. No.

16 Q.

17 [Redacted]

18 A. It took a long time. It took a long time because the day I

19 left there I never went close to that area again.

12:34:56 20 Q.

21 [Redacted]

22 A. It took about seven to eight months that I did not go

23 around the Special Court in fact.

24 Q. [Redacted]

12:35:27 25 given

26 also that you'd first been in contact with the OTP in 2004, it

27 follows that you knew when you went to visit them that you were

28 already talking to the Prosecution. You knew that, didn't you?

29 A. No, no, no.

1 Q. Let's take it in stages and hopefully you can follow. You
2 first spoke to the Prosecution in 2004, is that right?

3 A. I don't recall the date now.

4 Q. Take it from me it was 2004.

12:36:26 5 [Redacted] and you've just told me that it
6 was [Redacted]
7 that you'd visited these men in custody. It follows then,
8 doesn't it, that when you went to visit them you'd already
9 started talking to the Prosecution. That's right, isn't it?

12:36:52 10 A. No, no, they were the first. In fact, by then the Special
11 Court had not even contacted me. I even had - I was even afraid
12 of going there. They had not contacted me. By then we were in
13 the RUF office. That was where in fact I used to sleep at that
14 time.

12:37:16 15 Q. Why had you gone to visit them?

16 A. At that time I was at the RUF office.

17 THE INTERPRETER: Your Honours, could the witness make that
18 area clear. It was not clear to the interpreter.

19 PRESIDING JUDGE: Which area are you talking about,

12:37:40 20 Mr Interpreter?

21 THE INTERPRETER: Where I exactly stopped, after that.

22 PRESIDING JUDGE: Mr Witness, the interpreter is having a
23 problem understanding what you're saying. Please pick up your
24 evidence where you said, "That was where in fact I used to sleep
12:38:00 25 at that time", and continue your answer.

26 THE WITNESS: Okay. At that time the RUF office was where
27 I was assigned, that was where I was, so that was where I was
28 when one of Issa's bodyguards called Eddie Bockarie who went to
29 the office - by then Kposowa was present - and he told me that

1 those people wanted to see me. He said Issa and others wanted to
2 see me. I asked what they wanted to see me for. He said they
3 said I should go there. They did not want to talk with me on the
4 phone. And at that time it was he, Eddie Bockarie, who took me
12:38:50 5 to the place because I did not want to go there, but it was
6 Kposowa also who advised me to go there to go and see the reason
7 why they are calling me because by then even the name Special
8 Court was not good in my ears and I did not even want to go
9 around the area.

12:39:08 10

MR GRIFFITHS:

11 Q. Did you in due course discover why they wanted to see you?

12 A. When I went there they did not tell me anything because I
13 did not want to go there. It was Eddie Bockarie, not from they
14 themselves. It was Eddie Bockarie. Later I asked him and he

12:39:37 15

16 told me that those men wanted something from him, but in fact I
17 quarrelled with him. I said I did not want anything from those
18 men, I did not even want to go around them, that area, and since
19 then I did not even speak with them.

19 Q. Let's try again, shall we? When you went to the prison did
12:39:54 20 you say to them, "What do you want to see me for"?

21 A. It was the one who called me that I asked. He told me - he
22 did not explain everything to me automatically, because by then
23 his wife was there, Issa's wife was there, Kallon's wife was
24 there. They were all sitting there. So at first when I had gone
12:40:32 25 there they had wanted to encourage me so that I will continue
26 visiting them, so they did not actually explain to me the reason
27 why they wanted to see me. They only suggested a time that Eddie
28 Bockarie should bring me back to them. So it was since then that
29 I refused to go there, so I never went there again.

1 Q. Very well. So after that visit did you say to the man
2 Bockarie, "What did they want to see me for?"?

3 A. Yes, I asked him. I asked him the reason why he took me
4 there, because I did not know anything about it.

12:41:16 5 Q. And what did he say?

6 A. He said those men - in fact, he also did not expose
7 everything broadly to me. He said they had something in mind
8 that they wanted to discuss with me. That was just what he told
9 me. So the time he told me that he was supposed to take me back
10 to the place I refused to go, so I never went there again. I
11 said I was not going there.

12:41:37

12 Q. Did you ask him, "What is it that they want to discuss with
13 me?"?

14 A. No, when he said those men wanted to discuss something
15 secretly with me, just between them and I, I did not actually ask
16 him to tell me into details what they wanted to discuss with me,
17 so what I told him also was that I was not going there any
18 longer. Kposowa wanted to talk to me again. I told him, "No, I
19 am no longer going there."

12:41:58

12:42:16 20 Q. But surely natural human curiosity would cause you to want
21 to find out what these men behind bars wanted from you? Surely?

22 MR KOUMJIAN: Asked and answered.

23 THE WITNESS: No, as long as I had said I did not want to
24 go there I would not go there because I did not want them to even
25 explain anything further to me. As long as I had said I was not
26 going there, I would not go there.

12:42:42

27 MR GRIFFITHS: Obviously the witness understood the
28 question, even if Mr Koumjian didn't.

29 MR KOUMJIAN: My objection was not that I didn't understand

1 the question. It was that it was asked and answered and
2 argumentative.

3 PRESIDING JUDGE: I was going to overrule it because it was
4 another aspect of the question. The witness has answered it and
12:43:07 5 we don't need any extra comments.

6 MR GRIFFITHS:

7 Q. So is it right then, are we to understand that until this
8 day you haven't got a clue why those three men wanted to talk to
9 you?

10 A. I had no idea about it, because the name Special Court I
11 did not understand in fact. I did not have any idea about those
12 things.

13 Q.

14 [Redacted]

12:43:56 15
16 A. Say that again. Let me hear it clearly.

17
18 [Redacted]

19
12:44:11 20 A. Yes, yes.

21 Q.

[Redacted]

22 in March of this year you
23 were seen again by investigators from the Special Court, weren't
24 you?

12:44:34 25 A. Yes.

26 Q. You were seen again in May of this year, in June and again
27 in July of this year, weren't you?

28 A. Please refer to the times again, the time that you referred
29 to, the first, second and third time.

1 Q. May, June and July of this year.

2 A. Yes, yes.

3 MR GRIFFITHS: At this time, your Honours, I have some
4 cross-examination bundles which I'd like to be handed out,

12:45:29 5 please. I apologise for the shopping bag, Madam President:

6 Q. Now just so that you understand, here we have copies of
7 notes taken by investigators during various meetings with you

8 [Redacted]

9 Now I'd

12:47:08 10 like, please, the witness to be shown first of all behind divider
11 1 and could we exercise some care because there is a name on that
12 page which I do not want to be broadcast, okay? I really see no
13 need for any of these documents to be broadcast because the
14 points to be made will be quite clear.

12:47:37 15 Now, Mr Witness, do you have any difficulty reading?

16 A. I can try a little bit.

17 Q. Now do you see your name at the top of that page?

18 A. Yes.

19 Q. Do you see a date, 20 August 2004? Yes?

12:48:10 20 A. Yes, I have seen it.

21 Q. Now let's start, please, at the first paragraph:

22 "In 1991 I was in Bo Gendema living with my uncle. I was
23 in the 7th grade at the Roman Catholic primary school Bo Gendema.

24 The RUF rebels came to the village and I fled with my uncle's

12:48:35 25 wife to Serabu near Pujehun. The rebels also came to this

26 location and seven of us young boys were abducted. My uncle was

27 killed. I knew the men were RUF because they wrote 'RUF' on

28 doors and walls of houses in Pujehun Town where we were first

29 taken to and then later to Zimmi. Some of the fighters were

1 Liberian and spoke Liberian English. There was also Sierra
2 Leoneans among the rebels. The commander of the group that
3 abducted me was known only as CO AB. He was Liberian."

4 Is any of that true?

12:49:33 5 A. Let me say something.

6 Q. Let's try and answer the question. Is any of what I've
7 just read out true? Yes or no will do.

8 A. This page that you've read

9 [Redacted] I told them that it was
12:49:56 10 not correct and I gave them a reason, so I cannot say it is true
11 here.

12 Q. It's right, isn't it, that what I've just read out is a
13 complete pack of lies, isn't it?

14 A. Not all of them. I said this page, what is on this page.
12:50:16 15 Earlier I told them when I gave my evidence that it was not
16 correct and I gave them a reason why I said that.

17 Q. Now, help me. You see, you told us that you were in Kakata
18 when the war broke out and yet here you're telling the
19 investigators that you were actually in Liberia [sic] in Bo
12:50:41 20 Gendema. Why did you tell them that lie?

21 A. That is what I have told you, that I knew my reason. If
22 you want me to tell you the reason I'll tell you that reason why
23 I said that.

24 Q. But you agree with me, don't you, that what I've just read
12:50:56 25 out is a pack of lies? It is, isn't it?

26 A. I am referring to this page, not everything. I said I know
27 my reason why I said that. If you give me some time I'll tell
28 you the reason.

29 Q. Is the paragraph I've just read out a complete lie, yes or

1 no?

2 A. That's what I've told you.

3 Q. Thank you, so it is a lie.

4 A. I said --

12:51:29 5 Q. Let's get a positive answer, shall we?

6 PRESIDING JUDGE: Let him answer, Mr Griffiths, because
7 he's referred to a page and you're referring to a paragraph. Let
8 us hone in on this paragraph.

9 MR GRIFFITHS:

12:51:42 10 Q. That paragraph I've read out it's a complete lie, isn't it?

11 A. The one which you read that I heard,

12 [Redacted]

13 that it was a reason why I said this.

14 PRESIDING JUDGE: Please answer the question as put.

12:52:04 15 MR GRIFFITHS:

16 Q. Is it a lie, yes or no?

17 A. Yes, this paragraph that you have read.

18 Q. All right. Let's continue then, shall we? "We were taken
19 to a training base near Zimmi." That's a lie, isn't it?

12:52:26 20 MR KOU MJIAN: Excuse me, your Honour, but there was a
21 question that was not answered. It's on page 82, lines 18, 19.

22 "Why did you tell them that lie?", and the witness has not
23 answered that. Page 81, lines 18 and 19. On my font it's page
24 81 on line 18, the last three words, and then it continues on
12:53:03 25 line 19, "Why did you tell them that lie?"

26 THE WITNESS: Okay, this is the reason --

27 PRESIDING JUDGE: Pause, Mr Witness, please. Mr Koumjian,
28 I'm looking at 18 and 19 and my font reads, "You agree with me,
29 don't you, that what I've just read out is a pack of lies, isn't

1 it?" And then the answer includes, among other things, "If you
2 give me some time I'll tell you the reason." For me that's part
3 of the --

12:53:38 4 MR KOUMJIAN: Okay, in my colleague's font it is page 81,
5 lines 11, 12. Perhaps she's on a line with your Honours.

6 PRESIDING JUDGE: I understand now, Mr Koumjian. I see it.
7 Thank you.

8 MR KOUMJIAN: Thank you. Thanks to my colleague.

9 PRESIDING JUDGE: Mr Griffiths, you asked a question,
12:54:00 10 you've got an answer, the answer did not directly answer the
11 question as put and you then moved on. You've heard
12 Mr Koumjian's comments if you wish to reply to that objection.

13 MR GRIFFITHS: I will ask the question again:

14 Q. Why did you tell the investigators the lies which you now
12:54:21 15 admit you did in that first paragraph?

16 A. It was one morning while I was at my house, but before then
17 after Special Court had arrested Issa Sesay and the other
18 brothers I had some fear in me so I wasn't going just anywhere,
19 because I thought because since I was a high commander, or a
12:54:56 20 senior commander, I thought I would be arrested too. So I was at
21 my house one morning and I saw a white woman with a black man. I
22 was surprised. Just when I got out on the veranda I saw them
23 out. My heart jumped a bit. In fact, I almost fainted. They
24 saw me and they asked me if I was --

12:55:22 25 THE INTERPRETER: Your Honours, the witness has --

26 PRESIDING JUDGE: Don't say your name, Mr Witness, please.

27 THE WITNESS: I'm sorry.

28 PRESIDING JUDGE: Continue with your answer, but please do
29 not say your name.

1 THE INTERPRETER: Sorry, your Honours, the witness already
2 mentioned his name in Krio. I don't know if that would help the
3 Court.

4 PRESIDING JUDGE: Thank you, Mr Interpreter, for that
12:55:50 5 information. It's not on record, but if it is recorded and could
6 be broadcast it will have to again be redacted. The relevant
7 part, Madam Court Attendant, please assist us.

8 THE WITNESS: So they said they wanted to see me at the
9 Special Court. There was no way for me to escape at that time.
12:56:14 10 I thought I had already been arrested at that point, so at that
11 time whatever question they asked me I was just telling them lies
12 just for them to release me so I would escape and go where I
13 would be safe. So that was why I told them that lie. I did not
14 tell them the exact truth because I just thought I had been
12:56:34 15 arrested at that time.

16 MR GRIFFITHS:

17 Q. Firstly, did anyone, either the white woman or the black
18 man, say to you, "You are under arrest"?

19 A. They did not tell me that, but that was my first time to
12:56:57 20 see them. The rumours that we had been having about the Special
21 Court that they said from the senior officers right to the
22 private soldier all of us were going to be arrested. The FM
23 radio stations and every other radio station used to say that.
24 The neighbours, the individual people, those of them who listened
12:57:18 25 to the news exaggerated the news, so we had fear in us. All of
26 us were afraid. In fact, that was why some of our colleagues
27 went to Liberia and some others went to Guinea. Even as I speak
28 to you some others are still in neighbouring countries. They've
29 not returned yet.

1 Q. So can I take it then that you took a deliberate decision
2 to lie to them?

3 A. Yes, I did not want to tell them any truth at that time.

12:57:57

4 Q. And you told them deliberate lies, if I understand what
5 you're telling us, because you were afraid that you might be
6 yourself arrested. Is that right?

7 A. Yes.

12:58:20

8 Q. So help us, please, and we'll take this in stages. How did
9 you think telling them the lies that you did in that first
10 paragraph would protect you?

12:58:59

11 A. The information - because where I had rented people knew
12 around that we were the ex-combatants, so there were people who
13 were not ex-combatants and so these people were exaggerating
14 things to us. Whatever information they got, they exaggerated it
15 to us. When they went to town and got anything, they would come
16 to us and exaggerate it. If they listened to the news - at times
17 we would listen to the radios and we - things are exaggerated.
18 So we had that fear in us, but I wouldn't have gone to Liberia
19 because my family was with me. I actually wanted to escape but
20 how would I have left my wife and my family behind? So that was
21 why I was afraid. I decided to stay.

12:59:19

22 Q. Let me try my question again and it's a simple one. How
23 did you think telling those lies would help you?

12:59:46

24 PRESIDING JUDGE: Mr Griffiths, I obviously do not wish to
25 put words in your mouth, but help him with what? Help him not to
26 be arrested? Help him to get a Liberia, et cetera? Perhaps a
27 little clarification.

28 MR GRIFFITHS: Very well:

29 Q. Now you told us that you had told these lies deliberately.

1 Now would you agree most people tell lies for a good reason.

2 Would you agree with that?

3 A. Yes, that was my own reason, to save me, maybe they would
4 release me.

13:00:19 5 Q. Right. You thought that telling lies would save you and
6 they would release you. So help me, how did you think telling
7 them the lies that you did in that paragraph would lead to your
8 release or would cause them not to arrest you? How?

9 A. The time they came to me, I thought if I told them what I
13:00:56 10 had just - what you had just read they would leave me and they
11 would go and after they might have left I would just escape and
12 go where I wanted to go so when they would come the other time
13 they would not see me.

14 Q. So you were actually thinking about avoiding them
13:01:12 15 all together?

16 A. Yes.

17 Q. Let's go on to the next paragraph, shall we? "We were
18 taken to a training base near Zimmi." That's a lie, isn't it?

19 A. That's what I've told you, yes.

13:01:35 20 Q. Because you're telling us now that you went to a training
21 base in Liberia called Camp Naama?

22 A. Yes, I only told them this when I later knew that I was not
23 going to be arrested so I spoke the truth to them, because they
24 told me then that they were not going to arrest me personally.

13:02:00 25 Q. Let's see how the account goes on, shall we:

26 "At this base we were given the RUF ideology, that is to
27 fight against corruption in government, and we received training
28 in the use of light weapons including the AK-47. There were more
29 than 50 of us at the training base. There were girls present as

1 well. The training commander was referred to as CO PI. He was
2 also Liberian. The training lasted for one month. After this
3 training an RUF commander, nickname Mon Ami, took me to his house
4 in Zimmi as house boy. He was Ivorian and spoke mostly French.
13:02:56 5 He also spoke some English and Krio. I stayed with Mon Ami up to
6 1994 when the RUF was forced across the border to Liberia by
7 government troops. Mon Ami was killed in battle. I moved with
8 his wife Fatumata to Kailahun in 1995 and stayed with her up to
9 1997 when the AFRC junta came to power."

13:03:28 10 Do you agree that all of that is a pack of lies?

11 A. This paragraph that you've read, that's what I'm talking
12 about. I said it's a lie. It was because they came to me
13 without being informed, so that's why I gave them false
14 information just for me to - just for them to leave me so I would
13:03:55 15 go where I want to go.

16 Q. Now if I understand what you've told us, their arrival on
17 your veranda came as a shock to you. Is that right?

18 A. Yes, because I had not seen them before. I never knew
19 them. They just came to me that way.

13:04:12 20 Q. Now would you agree that the account I've read out on this
21 page contains a lot of details, names, places and so on which is
22 quite complicated? Would you agree?

23 A. No, I have told you that this thing that is in this
24 paragraph that you've just read is different from the actual
13:04:43 25 truth that I spoke to them. The real one which I told them,
26 everything in there is correct.

27 Q. But the point I'm making is this. This complicated account
28 was given - this lying account by a man in shock who had not
29 anticipated that these people would be arriving on his doorstep,

1 yet you were able to lie quite convincingly in this way, weren't
2 you?

3 A. Yes, that's what I did for them to leave me so I will go
4 where I would want to go.

13:05:28 5 Q. Let's go over the page, shall we:

6 "Sam Bockarie was commander in Kailahun at the time. He
7 called the parade and announced that the soldiers in Freetown
8 headed by JPK had seized power and had invited the RUF to join
9 them in forming government. Most of the commanders in Kailahun
10 left for Freetown. I stayed in Kailahun. Foday Sankoh was out
11 of the country at this stage. I heard he was arrested in
12 Nigeria."

13 Apart from the fact that Foday Sankoh was indeed arrested
14 in Nigeria, is any of that true?

13:06:30 15 A. This one that you've started reading here everything is
16 correct, but the first one that you read was not correct, but
17 this one now that you've started reading is correct. From Sam
18 Bockarie, Foday Sankoh, that was how it happened.

19 Q. It then goes on:

13:06:46 20 "I first moved to Kenema and then on to Freetown. I stayed
21 with Eldred Collins at 7th Battalion, Goderich where he lived.
22 When the demise of the AFRC/RUF junta was imminent I left
23 Freetown for Kenema but Kamajors had started attacking RUF
24 positions around there so I left with some colleagues for
13:07:18 25 Kailahun where it was safer. A few weeks later ECOMOG removed
26 the AFRC/RUF from Freetown, Makeni, Kono and other areas."

27 Is that true?

28 A. Yes, it is true, but I did not say Kenema. I said Kono.
29 When I left Freetown I went to Kono, not Kenema.

1 Q. So they've written that down wrong, have they?

2 A. Yes.

3 Q. Did you stay with Eldred Collins at 7th Battalion?

13:08:06

4 A. Yes, when I came from Kailahun straight I went to Eldred
5 Collins's house. It was there Sam Bockarie sent me. The house
6 where Eldred Collins was, it was the first place I was sent.

7 Q. Did you live at that address with Eldred Collins?

13:08:35

8 A. Yes, when I went it was then that he rented another house
9 so he gave me that house. He left the house, because he had some
10 other people, many of them.

11 Q. So you did live with Eldred Collins, did you?

12 A. It was the house. The two of us were not living together.

13 When I went, the house where he was he asked me to live there.

13:09:02

14 He left the house and he went to some other house. I was in that
15 house, but he was not there living with me.

16 Q. So when it says, "I stayed with Eldred Collins at that
17 address", what it should have said was, "I stayed in Eldred
18 Collins's house", is that right? That's what it should have
19 said?

13:09:29

20 A. Yes.

21 Q. So they've written that down wrong as well, have they?

22 A. I was at Eldred Collins's house.

23 Q. But they've written it down wrong, have they?

24 A. You are reading. I am not reading.

13:09:53

25 Q. Are you not following what I'm reading?

26 A. I do hear everything that you're reading. I do hear what
27 you are reading.

28 Q. Now, a simple question. Have they written that part down
29 wrong, "I stayed with Eldred Collins"? Have they?

1 A. That's what I've told you. I met Eldred Collins at his
2 house, but when I came I came together with some other people and
3 he left the house and went to some other house. He left me there
4 with my people. He was there when I arrived, but when I arrived
13:10:43 5 he left me there and went elsewhere.

6 Q. Let's move on to the next paragraph:

7 "A large group of retreating AFRC/RUF men and women
8 subsequently arrived in Kailahun. I saw JPK, Five-Five, Gullit,
9 Adams, Issa Sesay and many more. Soon after the arrival of these
13:11:20 10 people a meeting was held and Sam Bockarie said that all the
11 RUF/AFRC fighters and commanders should not stay in Kailahun.
12 JPK together with his family and guards were taken to Kangama
13 near Buedu. Mostly SLAs were sent to Kono with the aim of
14 recapturing it from ECOMOG and another group was sent to Daru. I
13:11:50 15 remained in Kailahun under CO Isaac, a Sierra Leonean."

16 Is that true?

17 A. The one that you've read is true, but not Isaac. I was not
18 under Isaac. I was under Sam Bockarie.

19 Q. Why did you tell them that you remained in Kailahun under
13:12:15 20 CO Isaac?

21 A. Kailahun? CO Isaac was not in Kailahun. I was not under
22 him.

23 Q. Try my question. Why did you tell them that you remained
24 in Kailahun under CO Isaac?

13:12:44 25 A. CO Isaac was my former commander. First we were with him,
26 but Sam Bockarie was in command. Even if I was with him, Sam
27 Bockarie was the commander at that time.

28 PRESIDING JUDGE: Mr Witness, do you understand the
29 question?

1 THE WITNESS: Yes.

2 PRESIDING JUDGE: The question is why you said certain
3 things to the Office of the Prosecutor. That is what the
4 question is about.

13:13:15 5 THE WITNESS: Okay. CO Isaac was my former boss, just like
6 you'd live with your father, but Sam Bockarie was the overall
7 commander in Kailahun at that time, but formerly we were with CO
8 Isaac in that country even before we came here.

9 MR GRIFFITHS:

13:13:40 10 Q. Did you remain in Kailahun under CO Isaac, yes or no?

11 A. No, they were under the high command of Sam Bockarie.

12 Q. Did you remain in Kailahun under CO Isaac, yes or no?

13 A. No, I did not --

14 Q. So why did you tell the investigators that then?

13:14:13 15 A. CO Isaac was my boss.

16 Q. Why did you tell the investigators that then if it wasn't
17 true?

18 A. That's what I'm telling you. He was my boss, I was there
19 for him, but it was under the high command of Sam Bockarie.

13:14:30 20 PRESIDING JUDGE: Mr Witness, all these questions are about
21 why you said certain things to the Prosecutor, not what you said.
22 Why you said them.

23 PRESIDING JUDGE: Mr Witness, did you hear what I said to
24 you?

13:15:17 25 THE WITNESS: Yes, can you please repeat it.

26 PRESIDING JUDGE: These questions are about why did you say
27 certain things to the Office of the Prosecutor. Now why did you
28 say those things, if in fact you now say a different version?

29 THE WITNESS: The question - if they asked me a question

1 that is what I would respond to. The question they asked me, I
2 answered to it. It was not for any other reason that I said
3 that.

13:16:09 4 JUDGE SEBUTINDE: Mr Witness, are you deliberately avoiding
5 the question that counsel up there asked you? The question is
6 very plain regarding the sentence, "I remained in Kailahun under
7 CO Isaac." Now you've just told the Court that that sentence is
8 not true and the question is if it is not true why did you lie to
9 the Office of the Prosecutor? Please answer that question.

13:16:40 10 THE WITNESS: That is what I have told you, that the
11 initial statement that was obtained from me when we met at that
12 initial stage, I told you here from the beginning that some of
13 them were not correct because of the prevailing circumstances at
14 that time, which I have already explained to you. But afterwards
13:17:05 15 the other statement that was obtained from me, I gave them the
16 true events of things.

17 MR GRIFFITHS: I think I will move on, your Honours,
18 because I don't think we're going to make much progress here:

19 Q. But help us, up to the point we've reached in these notes
13:17:27 20 some parts you say are true, others are lies. So help us, why
21 did you choose to lie about certain things but not others?

22 A. That's what I have told you from the beginning. The two
23 people who met me, because I didn't want to have my hands in any
24 other problem where I was so when they met me whatever I felt
13:18:07 25 like telling them was what - just for them to leave me and I
26 would go where I wanted to go was what I told them. That's why I
27 told them these things, these pages that you're seeing now. But
28 later when I had confidence that nothing would happen to me, when
29 they met me I told them the truth, what I actually did from the

1 beginning in Liberia. But at the initial stage I did not tell
2 them the truth because I had a fear in me.

3 Q. Let me try my question again. Why did you choose to lie
4 about certain things but not others?

13:18:49 5 A. I did not choose. I was just talking just randomly. Even
6 when they were interviewing me I was not even comfortable sitting
7 there with them.

8 JUDGE SEBUTINDE: You obviously did not understand the
9 question. The question is why did you lie about certain things
13:19:07 10 and tell the truth about things? In other words, you were
11 picking and choosing where you would tell the truth and where you
12 would tell lies, according to this statement. The question is
13 why.

14 THE WITNESS: That's what I'm telling you, because when I
13:19:28 15 spoke the truth about some things [indiscernible] and some other
16 things I would just say anything that comes to mind, then that's
17 why I told lies because I was even tired. I wanted them to leave
18 me so I would go, so whatever came to mind was what I said at
19 that time.

13:19:45 20 MR GRIFFITHS:

21 Q. Let's go on, shall we.

22 JUDGE SEBUTINDE: No, I think there's even some words that
23 the interpreter himself was not clear on. I'm reading from line
24 22, page 95, the witness said: "That's what I'm telling you
13:20:01 25 because when I spoke the truth about some things [indiscernible]
26 and some other things I would just say anything that comes."
27 Mr Interpreter, what was that you said that we didn't catch?

28 THE INTERPRETER: Your Honours, I can't recall exactly now
29 what is indiscernible there.

1 THE WITNESS: Are you talking to me?

2 JUDGE SEBUTINDE: I was speaking to the interpreter but
3 perhaps, Mr Witness, can you repeat your answer? Can you explain
4 to the Court why sometimes you would tell the truth and sometimes
13:20:36 5 you would tell a lie?

6 THE WITNESS: Okay. If you ask me a question and if I
7 answer to some of them correctly and for some others I can just
8 say whatever that comes to mind. I was confused. I just wanted
9 them to leave me. I didn't want to tell them everything. I just
13:20:59 10 wanted them to leave me and I'll go.

11 MR GRIFFITHS:

12 Q. Next paragraph: "After the RUF had retaken Kono I went
13 there with some colleagues. I was not specifically ordered to go
14 to Kono". Is that true?

13:21:26 15 A. That's the same thing you are saying again. I think we've
16 discussed that.

17 Q. I'm sorry, I've not referred you to this passage before, so
18 can we have a look at it, please. "I was not specifically
19 ordered to go to Kono". Is that true?

13:21:53 20 A. No, it is not true.

21 Q. "Rather, my previous acquaintance with Issa Sesay prompted
22 me to go there". Is that true?

23 A. No, that is not true.

24 Q. "Issa had previously had an affair with the late Mon Ami's
13:22:23 25 wife, Fatumata". Is that true?

26 A. No.

27 Q. Pause there, please. Why are you telling that lie about
28 Issa Sesay and involving the wife of a dead man in the lie? Why
29 are you doing that?

1 A. Explain that part to me so that I can understand, Issa
2 Sesay and?

3 Q. Did Issa Sesay have an affair with Fatumata, the wife of a
4 dead man, Mon Ami? Did he, yes or no?

13:23:22 5 MR KOUMJIAN: It might be helpful, I believe that the
6 pronunciation --

7 THE WITNESS: No, she was our sister.

8 MR GRIFFITHS:

9 Q. So that is a lie, isn't it?

13:23:35 10 A. She was our sister.

11 Q. I'm sorry, my fault. I don't understand your answer.
12 Perhaps you could explain. Who was whose sister?

13 A. Issa Sesay, all of us, because Mon Ami was a French man and
14 we were Sierra Leoneans so she was our sister.

13:24:07 15 Q. Yes. Now, let's now try my question. Did Issa Sesay have
16 an affair with Fatumata?

17 A. No, he did not do that to her like you can take somebody as
18 a wife, no, but she was a friend to him.

19 Q. Let me put the question differently. That sentence is a
13:24:45 20 complete lie, isn't it?

21 A. No, they were just friends.

22 Q. That sentence is a complete lie, isn't it?

23 A. No, that is not a lie. They were friends. Even if you ask
24 him he would tell you.

13:25:08 25 Q. Did he have an affair with her, yes or no?

26 A. She was his girlfriend. She was not his wife.

27 Q. Did he have an affair with her, yes or no?

28 PRESIDING JUDGE: Mr Interpreter, I have heard you use the
29 word "affair". Please put it into proper Krio.

1 THE WITNESS: Yes, he used to go there at night. She was
2 his girlfriend.

3 MR GRIFFITHS:

4 Q. So he did have an affair with Fatumata?

13:26:00 5 A. If people are friends you would know, but I did not enter
6 together with them in the same room so I didn't know what
7 happened in the room, but if people are friends, boyfriend and
8 girlfriend, you would know.

9 Q. Well, I'm sure you weren't in the room.

13:26:22 10 JUDGE SEBUTINDE: Mr Griffiths, the word "affair"
11 apparently does not exist in Krio. It is synonymous with having
12 sexual intercourse it would appear. Mr Interpreter, am I right?
13 Well, Mr Interpreter, are you there?

14 THE INTERPRETER: Yes, your Honour, I thought the Krio
13:26:44 15 interpreter would respond, but that is correct, your Honour.

16 JUDGE SEBUTINDE: I am correct?

17 THE INTERPRETER: Yes, your Honour.

18 JUDGE SEBUTINDE: So perhaps, Mr Griffiths, you could
19 rephrase your question in a way that could be interpreted.

13:26:57 20 MR GRIFFITHS: Very well:

21 Q. Was Fatumata a sexual partner of Issa Sesay?

22 A. Yes, he did it but I was not with him in the room because
23 that was not something that people would be invited to witness.

24 Q. I'm sure you wouldn't be. I'm sure you wouldn't be, but
13:27:24 25 what makes you say that Fatumata was a sexual partner of Issa
26 Sesay?

27 A. All of us here, you know, most people here are either
28 married or have girlfriends or - you know, when you see two
29 people you can see the way they can play with each other, you

1 will know that they are boyfriends or girlfriends, you don't need
2 to go with them into the room.

3 Q. Very well. Let's carry on with the paragraph, shall we.
4 Let's try and conclude it before the luncheon adjournment.

13:28:05 5 "Issa often visited Fatumata when she was in Kailahun and
6 also while she was in Freetown during the junta period in 1997.
7 As a result, I came to know Issa Sesay personally."

8 Is that true?

9 A. Yes, I knew Issa Sesay personally and even Fatmata, I knew
13:28:32 10 her personally.

11 Q. Did you come to know Issa Sesay because of his relationship
12 with Fatumata?

13 A. No, it was not at that time that I knew Issa Sesay. I knew
14 him before then in Liberia.

13:28:52 15 Q. Exactly. You knew him according to the account you're now
16 giving from Camp Naama in Liberia. That's where you met Issa
17 Sesay. That's right, isn't it?

18 A. Yes, it was in Camp Naama that I met him.

19 Q. So you were lying then to the Prosecutors when you told
13:29:14 20 them that you met him effectively because of his relationship
21 with Fatumata. That was a lie, wasn't it?

22 A. Yes, I met him in Liberia, but when we were in Kailahun he
23 and that lady were in love so that was when we became friends,
24 but before then we were not really friends.

13:29:45 25 PRESIDING JUDGE: Mr Witness and Mr Griffiths, I note the
26 time. It's the normal lunch break. Mr Witness, we are now going
27 to take the lunchtime adjournment. We will be resuming court at
28 2.30. Please adjourn court until 2.30.

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

1 [Upon resuming at 2.30 p.m.]

2 PRESIDING JUDGE: Some change of appearances on both bars,
3 Mr Koumjian?

4 MR KOUMJIAN: Thank you, your Honour. For the Prosecution:
14:30:12 5 Brenda J Hollis, Alain Werner, Ruth Mary Hackler and Nicholas
6 Koumjian.

7 PRESIDING JUDGE: Thank you. Mr Griffiths, likewise?

8 MR GRIFFITHS: Madam President, Courtenay Griffiths and we
9 are now rejoined by Mr Munyard.

14:30:28 10 PRESIDING JUDGE: I think you have lost a member, have you.

11 MR GRIFFITHS: Mr Chekera has left us.

12 PRESIDING JUDGE: Thank you. Please proceed.

13 MR GRIFFITHS:

14 Q. I wonder if that document could be placed before the
14:30:43 15 witness again, please, and we were on the second page, two
16 paragraphs from the bottom of that page. Now in that second to
17 last paragraph we see this:

18 "In Kono I met Issa Sesay who was then the overall RUF
19 commander in Kono. Morris Kallon was there as second in command.
14:31:33 20 In late 1998 I was appointed as mining commander by Issa Sesay
21 and placed in charge of the mining site at Kokuima in Kono. I
22 succeeded another man named Mohamed Kamara."

23 Are the contents of that paragraph true?

24 A. There is some amount of truth in there, but at the
14:32:11 25 beginning of that really I did not meet Issa Sesay there. He met
26 me there.

27 Q. So can we put it this way: The first sentence is a lie, is
28 that right?

29 A. Yes, because he did not meet me there. I did not meet him

1 there. He met me there.

2 Q. But where it says, "Morris Kallon was there as second in
3 command", is that true or false?

4 A. Morris Kallon was there as second in command to Superman.

14:32:56 5 At the time we came from Freetown was the time he was second in
6 command, but not the time that Issa Sesay was there.

7 Q. So can we take it then that that sentence, "Morris Kallon
8 was there as second in command", can we take it that is a lie?

9 A. At the time I am talking about in this paragraph, I was
14:33:34 10 sent to Kono before Issa Sesay went there. That is what I am
11 trying to say. So when he went there he went there together with
12 Kallon, so they met me there.

13 Q. Simple question. That sentence, "Morris Kallon was there
14 as second in command", is it true or false?

14:33:59 15 A. Yes, in Kono he was there as second in command in Kono
16 under Issa Sesay.

17 Q. So that is the truth then, yes?

18 A. Yes, Kallon was second in command under Sesay.

19 Q. "In late 1998 I was appointed as mining commander by Issa
14:34:24 20 Sesay and placed in charge of the mining site at Kokui ma in Kono.
21 I succeeded another man named Mohamed Kamara."

22 Is that true?

23 A. What to you mean by succeed, that I succeeded a man?

24 Q. You took over from a man called Mohamed Kamara. Is that
14:34:53 25 true?

26 A. Yes, it was in 1988 - I mean 1998 that I took over from
27 Mohamed Kamara in the Kono jungle.

28 Q. And was that in late 1998?

29 A. Yes, the reason why I said late, it was not early 1998. It

1 was late 1998 that I took over.

2 Q. Very well. Now help us with this: Would you agree that
3 during the 11 years you spent in the RUF the most important role
4 that you played was as mining commander from 1998 until 2000?

14:35:49 5 Would you agree with that?

6 A. Yes, that was the time I became mining commander.

7 Q. Yes, I know that. Listen to the question, please. Would
8 you agree that during the 11 years you spent in the RUF your role
9 as mining commander was the most important role that you played?

14:36:22 10 A. No, that was not the most important role. There were other
11 roles that I played that are important too.

12 Q. But it was an important role, wasn't it?

13 A. Yes, that was one of the important roles, but it was not
14 the only important role.

14:36:42 15 Q. Because would you agree that what came to be one of the
16 most contentious issues in the Sierra Leonean conflict was the
17 whole idea of what people have come to call blood diamonds?
18 Would you agree?

19 A. Blood diamonds? I don't know about blood diamonds. We
14:37:11 20 were looking for diamonds.

21 Q. Or conflict diamonds. That has become a major issue about
22 the Sierra Leonean war, hasn't it?

23 A. Yes, when they were talking about Sierra Leone war they
24 included mining because we were mining for minerals, diamonds.

14:37:35 25 Q. Exactly. Now, bearing in mind that you were concerned
26 about being arrested and getting yourself in trouble, help us
27 with this: Why did you tell the truth about being a mining
28 commander, yet told so many other lies? Why did you do that?

29 A. Explain, because you have said two things. Explain to me

1 the last question that you asked.

2 Q. Very well. Let me try again. You were afraid - you were
3 frightened of being arrested at this time, weren't you?

4 A. Yes.

14:38:38 5 Q. And you have told us on more than one occasion it was that
6 fear that caused you to lie?

7 A. Yes, because I thought I was already in their hands and
8 that I had been arrested.

9 Q. Now, bearing that in mind, why admit that you were mining
14:39:03 10 commander and yet tell so many other lies?

11 A. The idea about the mining commander that I told you about,
12 the people did not just come to me. They had got information
13 about me that I did so and so thing, so when they went they asked
14 me whether I was the mining commander. And then I thought of it,

14:39:36 15 I said, "How did these people manage to know that I was the
16 mining commander?"

17 Q. Right. So the only reason why you told the truth about
18 this was because they told you that they knew that you had been
19 the mining commander? That's the only reason why you told the
14:39:57 20 truth about this, wasn't it?

21 A. The people already knew that that was a role I played, so
22 there was no need for me to lie.

23 Q. So you told the truth about that because you knew that they
24 knew the true position. That is right, isn't it?

14:40:23 25 A. Yes, the question they asked me was what I answered. They
26 asked whether I was the mining commander and I said yes. When
27 they asked me that I did not deny. I said yes.

28 Q. And, you see, the reason why you were forced to answer in
29 that way was this, wasn't it - can the witness please be shown

1 exhibit D-9 behind divider 1 in the bundle of exhibits to this
2 witness.

3 MR KOUMJIAN: Thank you. Your Honours, I believe this does
4 have the name --

14:41:03 5 MR GRIFFITHS: I don't want it up on the screen.

6 MR KOUMJIAN: Thank you.

7 MR GRIFFITHS: And your Honours will understand why in due
8 course:

9 Q. Now let's just take matters in stages, shall we? Look at
14:41:29 10 the first page of that document. Have you seen that document
11 before? It is behind divider 1 in your Honours' bundles.

12 PRESIDING JUDGE: Sorry, Mr Griffiths, I misheard which
13 divider.

14 MR GRIFFITHS: Divider 1:

14:41:54 15 Q. Have you seen that document before?

16 A. I am looking at it, except I read it. Unless I read it
17 before I understand.

18 Q. Just have a look at the title, "Revolutionary United Front
19 of Sierra Leone, Defence Headquarters, to the leader of the
14:42:17 20 revolution, from Major General Sam Bockarie, salute report, dated
21 26 September 1999". Have you seen this document before?

22 A. I have just seen it in this Court.

23 Q. For the first time?

24 A. I did not see it when I was in Sierra Leone. I saw it
14:42:52 25 here.

26 Q. When you say you saw it here, prior to me putting that
27 document before you had you seen it before?

28 A. It is here that I have seen it.

29 Q. Let me try again. Today, is it the first time you've seen

1 that document? Is there something about that question that you
2 don't understand?

3 A. No, I am reading it.

4 Q. No, listen to the question.

14:43:39 5 MR KOUMJIAN: Excuse me, your Honour. Can I just kindly
6 ask counsel to allow the interpretation to be completed before
7 the next question.

8 MR GRIFFITHS:

9 Q. Have you seen that document before it was placed in front
14:43:56 10 of you a couple of minutes ago?

11 A. Yes, this document, I did not see it in Sierra Leone, but I
12 saw it here and now in this Court today I have seen it here
13 again.

14 Q. Let me try one last time. Before it was placed in front of
14:44:25 15 you a couple of minutes ago had you seen that document before?

16 A. Yes.

17 Q. At last. Where?

18 A. I don't know if this is it, but I saw a similar document
19 like this during prepping. I don't know if this is the document,
14:44:59 20 but I saw a similar document like this.

21 Q. Where?

22 A. I said here, not in Sierra Leone.

23 Q. So, here in Holland?

24 A. Yes.

14:45:19 25 Q. Who showed it to you?

26 A. A similar one like this, it is not this. A similar one
27 like this.

28 Q. Who showed it to you?

29 A. I have told you it was during proofing. I don't think this

1 is it, but a similar one like this, I saw it with Sam Bockarie's
2 name written on it that when he gave --

3 PRESIDING JUDGE: Mr Witness, counsel is asking which
4 person showed it to you.

14:46:00 5 THE WITNESS: The lawyers who were there who were - during
6 proofing, they showed me. I don't think this is it, but they
7 showed me a similar one like this.

8 MR GRIFFITHS:

9 Q. What is the name of the lawyer?

14:46:25 10 A. It was Nicholas.

11 Q. Can you see him in court now?

12 A. Yes.

13 Q. Is he sitting over there?

14 A. Yes.

14:46:42 15 Q. At last.

16 A. This is not it.

17 Q. In any event, turn, please, to page 13. Do you see a
18 paragraph just above halfway:

19 "Proceeds from the sale of agricultural produce was used to
14:47:23 20 provide much needed rations and materials for soldiers and
21 civilians alike. With the diamond rich ground of Kono under our
22 control, a mining unit was set up headed by [you] who is in place
23 to give account of all proceeds from mining operations". Do you
24 see that?

14:47:51 25 A. Yes, I have seen the area.

26 Q. Now when the investigators came to you they told you, did
27 they not, "We know who you are. You were the mining commander in
28 Kono". They said that to you, didn't they?

29 MR KOUMJIAN: Objection, asked and answered.

1 PRESIDING JUDGE: I think the witness volunteered the
2 information. It wasn't put quite the way it's put now. I allow
3 the question.

4 MR GRIFFITHS:

14:48:28 5 Q. Did they not say that to you along those lines?

6 A. Yes, when they went they already knew that that was a role
7 I played, so they went there to ask me for me to talk.

8 Q. And so you knew that when it came to diamonds you had to
9 tell the truth?

14:48:59 10 A. Yes.

11 Q. Put that document to one side now, please, and let's go
12 back to the notes of the interview conducted with you on 20
13 August of 2004 and we were on the second page towards the bottom
14 of that page, last paragraph:

14:49:33 15 "My daily duties as mining commander included taking
16 possession of the diamonds which had been collected from the
17 miners by the respective site commanders. The site commanders
18 would come to the RUF office used for the diamond hand over each
19 afternoon. The site commanders would come with the day's find of
14:50:01 20 diamonds in order to turn them over to me and I would then carry
21 them personally to Issa Sesay at Issa's house around 5 p.m. each
22 day."

23 Is that the truth?

24 A. Yes, what is written here is true, but I did not do it
14:50:25 25 alone. Like you said they are personal, that personal is not
26 correct. I used to go with people.

27 Q. Right. So where it says on the last line, "I would then
28 carry them personally to Issa Sesay", that is wrong?

29 A. To say personal, I did not take diamonds alone. Just one

1 person would not take diamonds along to him. There must be
2 somebody there to serve as a witness.

3 Q. Very well, but nonetheless other than that that paragraph
4 is true, is it?

14:51:07 5 A. Yes.

6 Q. Over the page, please:

7 "Present at the diamond office during the hand over
8 procedure were the two evaluators. Their names were Pa Abdul and
9 Soidu Bampura. They used special instruments which we called

14:51:33 10 lip. These instruments were a type of magnifier held to the eye.
11 The evaluators at this stage merely sorted the clear white stones
12 from the coloured ones and divided them into clear and coloured
13 groups. Also present were Issa's security guards, the guard
14 detail was generally four in number. They were armed and were

14:52:06 15 rotated with other guards on an almost daily basis. A clerk was
16 also present for the process. During my time as mining
17 commander, the clerk was Mohamed Kanneh. Mohamed was responsible
18 for recording the numbers of stones and caratage in a register
19 kept for that purpose. These books were generally hard covered
14:52:39 20 exercise books which were kept by Issa."

21 Pause there. Is all of that correct?

22 A. Yes, that was what we used to do. When we came we will
23 sort them out, the coloured from the clear ones, and people who
24 knew about them, they will weigh them and then some people will
14:53:06 25 use - hold the lip to their eyes and then wash them nicely then
26 later - after which we will give it to him.

27 Q. So on this particular topic you chose to tell the
28 investigators the truth. Is that right?

29 A. Yes, this is true. What is in there is true. That was

1 what we used to do.

2 Q. "I was the diamond commander from about December 1998 for
3 about eight months to July/August 1999. Mining operations were
4 conducted on Monday to Thursday of each week. There were no
14:53:49 5 operations on Friday to Sunday. I would estimate that on average
6 approximately 40 to 50 stones were brought to the mining office
7 on each of the mining days."

8 Is that right?

9 A. Yes.

14:54:09 10 Q. So again you chose to tell the investigators the truth
11 about that?

12 A. Yes.

13 Q. And where we therefore see that you began that job in
14 December 1998, can we accept that as being the truth?

14:54:33 15 A. Yes, 1998 was the time I was given that job.

16 Q. Try my question. Can we take that date, December 1998, as
17 being the truth?

18 A. Like I told you earlier, the month and the date I don't
19 recall, but it was in 1998 that I was given that position.

14:55:04 20 Q. Did you lie to them about it being December?

21 A. No, the time I am telling you about is what I don't recall,
22 but it was at that time in 1998 that I was given that position
23 because it was in December that we captured Koidu Town.

24 Q. Thank you. So we can accept December 1998? I'm asking for
14:55:39 25 a very important reason. Is it December 1998?

26 A. Because the capture of Koidu Town was in 1998, but I am now
27 trying to recall the time I went there, but I told you initially
28 that it was in 1998 that I went there.

29 Q. Did you have any reason to lie to the investigators when

1 you gave them that particular date?

2 A. No, it was the way they asked me the question, because it
3 was not a date that I recalled. They only asked about the time
4 we captured Kono and I did not recall it. If I knew a date I
14:56:53 5 will say like maybe like today's date, but if I did not know at
6 all I will talk about certain events that coincided with that
7 date.

8 Q. Did you give them that month, December?

9 A. Yes, they asked me about Koidu Town and I told them that it
14:57:21 10 was in December that we captured Kono. Yes, in December.

11 Q. Thank you. Next paragraph, please:

12 "Issa Sesay had a house in Kono located in a part of town
13 known as Lebanon. The mining office was located just across the
14 bridge from Issa's house."

14:57:44 15 Is that the truth?

16 A. Yes, there was a swamp in between and the swamp had a
17 bridge over it. They were across the one side and we were across
18 the other side.

19 Q. And was that area of Kono called Lebanon because many
14:58:06 20 Lebanese diamond dealers lived there?

21 A. According to the Kono people, but at the time we were there
22 I did not see Lebanese people there, but when we were there they
23 told us that during normal times the Lebanese people were living
24 around there so that was why they referred to the place as
14:58:32 25 Lebanon.

26 Q. Let's continue:

27 "After the stones had been divided into the two groups, I
28 then packaged them in paper which I then wrapped tightly with
29 sticky tape. The packaged stones were then taken to Issa's house

1 where they were weighed. Manual scales were used for this
2 purpose. The weighing of the diamonds was always done at Issa's
3 house on a long wooden table in a small room off the front
4 veranda of the house. This room was also a communications room
14:59:14 5 housing a radio set. The weights were then recorded in the
6 register by Mohamed Kanneh. Sometimes Issa just took the
7 diamonds from me and they were not weighed. However, no-one ever
8 challenged Issa about this because it was dangerous to confront
9 Issa on such issues. He could beat or even kill you."

14:59:43 10 Is all of that true?

11 A. Yes, those were his behaviours and at the time we used to
12 weigh the diamonds where we were sometimes when we take it there
13 he will have to loosen the Sellotapes to see them, because maybe
14 he will think that we had put some other things in there, so he
15:00:07 15 would have to loosen it and look at them. So sometimes we will
16 just give them to him and then he will just look at them and then
17 repackage them. That was what he used to do, but not all the
18 time. Sometimes.

19 Q. But the details you give of the long wooden table, the
15:00:27 20 veranda and so on, all of that is correct, is it?

21 A. Yes, it was a table like this that was in the room. There
22 was a radio set in the corner. There was a big table there and
23 he had a chair in front of the table, so we did not used to sit
24 down, we would just stand up and look at him.

15:00:51 25 Q. And let's just remind ourselves, shall we, you are telling
26 the truth about diamonds, aren't you?

27 A. Yes.

28 Q. Let's continue:

29 "The procedure I have just described only related to the

1 government pits. Issa Sesay also controlled two private pits in
2 the Koidu Town area called Number 11 and Kaisambo. I don't know
3 anything about the operations in terms of the labour force or
4 diamond proceeds at these sites as they were kept secret. To
15:01:31 5 show any interest in these sites could result in a person being
6 killed."

7 Is all of that true?

8 A. Yes, at his personal place if you were not assigned there
9 you were not even supposed to go there.

15:01:52 10 Q. And then this:

11 "I don't know precisely what Issa Sesay did with the
12 diamonds I passed to him as mining commander other than to say
13 he, Issa, would tell me that he was going to Buedu. Sam Bockarie
14 was in Buedu at that time. Issa travelled to Buedu about twice
15:02:16 15 per month and would often return with food. I think Issa took
16 the diamonds to Buedu during these trips. I do not know anything
17 about what Issa may have received in exchange for diamonds."

18 Is that paragraph true?

19 A. Say that again.

15:02:53 20 Q. Let me read it again:

21 "I don't know precisely what Issa Sesay did with the
22 diamonds I passed to him as mining commander other than to say
23 that he, Issa, would tell me that he was going to Buedu.
24 Sam Bockarie was in Buedu at that time. Issa travelled to Buedu
15:03:20 25 about twice per month and would often return with food. I think
26 Issa took the diamonds to Buedu during these trips. I do not
27 know anything about what Issa may have received in exchange for
28 diamonds."

29 Is that paragraph true?

1 A. The paragraph where you are now, you yourself know that as
2 a mining commander when you held that position the diamonds that
3 you receive when you took them to him you should know, but at the
4 time they asked me I did not want to tell any other person where
15:04:07 5 the diamonds went to. I only told them that it was to Issa Sesay
6 that I gave the diamonds. I did not take diamonds to give to
7 another person directly. I did not want to involve any other
8 person in there, but I knew where the diamonds were supposed to
9 go to and I knew what they did with them.

15:04:35 10 Q. Is that paragraph true?

11 A. This paragraph is not true. Like I said, I knew where the
12 diamonds went to, but, like I said again, I did not want to
13 involve the name of any other person because it was to Issa that
14 I used to give the diamonds. That was why I called Issa's name.

15:04:58 15 Q. But you told us a moment ago that you were telling the
16 investigators the truth about diamonds, so why lie about this
17 aspect of the diamond trade? Why lie about that?

18 A. It is not a lie. I talked about the person I was giving
19 the diamonds to. That was the reason why I called his own name,
15:05:23 20 but I knew where he used to take the diamonds to, but they did
21 not ask me about that. What they asked me about was what I
22 answered. They did not ask me where the diamonds were going to.

23 Q. Yes, they did, because that's why you say, "I don't know
24 what precisely he did with them" and over the page, "I do not
15:05:50 25 know anything about what Issa may have received in exchange for
26 them". Why say that if you're telling the truth about diamonds?

27 A. That is what I have told you. The question they asked me
28 was to whom did you used to give the diamonds to. I said Issa
29 Sesay and I said in return he would take the diamonds to

1 Sam Bockarie in Buedu. But they did not ask me what Issa Sesay
2 used to do with the diamonds, but they asked me about Issa Sesay
3 and I spoke about him and he was not the overall boss, but they
4 did not ask me about any other person. That was why I stopped
15:06:37 5 there.

6 Q. At the time that you were speaking to the investigators did
7 you decide that you were going to limit the amount of information
8 you gave them about diamonds?

9 A. Yes, in my mind. Yes, in my mind. I did not say
15:07:10 10 everything.

11 Q. Why?

12 A. In my mind. The questions they asked me were the ones I
13 answered. The one that they did not ask me about, I cannot just
14 go ahead explaining things like that.

15:07:23 15 Q. Why did you decide to only tell them part of the story?

16 A. The ones they asked me were the ones I answered. I cannot
17 just go ahead explaining. Even in here you are not asking me all
18 the questions. The ones you ask me about are the ones I will
19 talk about. It is not everything that I am talking here.

15:07:53 20 Q. At the time that you were speaking to the investigators are
21 you telling us that you did know what Issa Sesay did with the
22 diamonds you gave him? At that time that you spoke to them did
23 you, on your account, know?

24 A. From the beginning of the assignment from the time they put
15:08:25 25 me there since the start of the war I knew about all the
26 diamonds. I knew where they all went to. But if someone did not
27 ask me about them I cannot just go ahead explaining things.

28 Q. Well, if you knew why did you use these words, "I don't
29 know precisely what Issa Sesay did with them"? Why say that?

1 A. That is what I have told you. I said it was not all the
2 information they asked me to explain about. I will tell you some
3 and about some if you did not ask me I cannot go ahead
4 explaining.

15:09:15 5 Q. Let's go over the page to the next paragraph, please:

6 "Towards the latter part of my eighth month as diamond
7 commander I recall two Lebanese men met with Issa Sesay at his
8 house in Kono."

9 Pause there. Is that right?

15:09:42 10 A. Yes, two Lebanese men came to Kono.

11 Q. Where had they come from?

12 A. The Lebanese men, according to the information I got, they
13 said they came from Liberia, they came through Sierra Leone and
14 then they went and met us there.

15:10:12 15 Q. Were they diamond dealers?

16 A. Yes.

17 Q. Did they come to purchase diamonds from Issa Sesay?

18 A. No.

19 Q. Let's continue with the paragraph: "These two men arrived
15:10:34 20 in a green jeep on two occasions. I don't know where they came
21 from." Pause there. I thought you told me a moment ago that you
22 knew they came from Liberia?

23 A. Yes, that was what I heard, but I did not travel together
24 with them. They said they came from Liberia, they came through
15:11:01 25 Sierra Leone, travelled all the way and met us there.

26 Q. But why tell me a moment ago - why are you telling them
27 there, "I don't know where they came from" and now you are
28 telling us, "Yes, I do know. They came from Liberia"? Why?

29 A. It was because I did not want to ask or say something that

1 would warrant me being asked too many questions. That was the
2 reason why there were so many things that I knew, but when they
3 did not ask me about them I pretended not to know.

15:11:58 4 Q. Well, I'm going to have to ask you beaucoup questions
5 because you won't give me a straight answer. Tell me, why did
6 you tell us a moment ago --

7 PRESIDING JUDGE: Mr Koumjian?

8 MR KOUMJIAN: I would ask that the examination be limited
9 to questions rather than arguing with the witness. If the
15:12:11 10 witness is not answering the question your Honours can direct him
11 to answer specific questions.

12 PRESIDING JUDGE: Put your question, Mr Griffiths.

13 MR GRIFFITHS:

14 Q. When you spoke to the investigators in August 2004, did you
15:12:30 15 know that these men came from Liberia?

16 A. Yes.

17 Q. So why did you tell the investigators, "I don't know where
18 they came from"?

19 A. That is what I have told you, that the investigators who
15:12:57 20 went to me, I did not want them to continue asking me so many
21 questions about those people's location where they came from and
22 I --

23 THE INTERPRETER: Your Honours, that last bit is not very
24 clear.

15:13:13 25 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
26 the end of your answer. It says --

27 THE WITNESS: Okay, I just told them that the people came
28 from Freetown and they went to visit us.

29 MR GRIFFITHS:

1 Q. Let's continue:

2 "Their second visit was about a week after the first and on
3 the second visit they brought a generator with them. I believe
4 the generator was taken to the Number 11 site and used at that
15:13:59 5 location."

6 What kind of generator was that?

7 A. It was a Lister machine. It was as green just as this
8 book.

9 Q. What is a Lister machine? You are going to have to help
15:14:18 10 me, because I don't know. What is it used for?

11 A. A Lister machine that provides electricity for the place.

12 Q. Now the Number 11 site, was that a mine?

13 A. Yes.

14 Q. So was the generator for use at a diamond mine?

15:14:47 15 A. Yes, even where they were staying for them to electrify the
16 place.

17 Q. So let's put that together. Two Lebanese diamond dealers
18 travelled from Liberia to Sierra Leone, bringing a generator with
19 them for use in a diamond mine, yet these two Lebanese men did
15:15:16 20 not come to Issa Sesay to buy diamonds. Is that all correct?

21 A. Yes, they did not come there to buy diamonds. They came to
22 mine for diamonds. That was what I saw them doing. They did not
23 come to buy, because if somebody was there buying diamonds they
24 would have been sitting in offices and buying diamonds, but I
15:15:42 25 used to see them go to mining sites and I used to see them there
26 myself and people were there working for them. So there is a
27 difference between buying and mining.

28 Q. So effectively the RUF was leasing out diamond mines to
29 Lebanese diamond dealers. Is that correct?

1 A. Those were the two places. Let me say just the one place,
2 Number 11, that they came and did mining there, that I saw those
3 Lebanese men come and do mining there, but I did not see any
4 other person come there save for those two men who were brought
15:16:25 5 by Issa.

6 Q. How long did the Lebanese men mine at Number 11 site?

7 A. They were not there for a long time. They just dug one big
8 pit and they washed the gravels and since then they left. When
9 they left I did not see them any more.

15:16:52 10 Q. How long were they there for?

11 A. About two months.

12 Q. Now --

13 A. Because they dug just a pit.

14 Q. Now remember at the beginning of that paragraph you say
15:17:15 15 this: "Towards the latter part of my eight months as diamond
16 commander" - let's remind ourselves that over the page you said
17 you began that role in December 1998. Consequently from what
18 you've just told us, the Lebanese diamond dealers would have been
19 in Kono some time round about May, June, July 1999. Would you
15:17:49 20 agree?

21 A. I have forgotten the date. That was why I told you that
22 they were there for about two months, but I don't recall the
23 months.

24 Q. They were there towards the later part of your eight months
15:18:07 25 as diamond commander?

26 A. Yes, when I was there that was the time. They were there
27 and they left whilst I was still commander and they went.

28 Q. Okay. Let's continue and finish this page, shall we?

29 "The government/RUF mining site at Kokuiima was at a single

1 location comprising several small pits where digging operations
2 were carried out manually. Labour force was comprised of 11
3 gangs of seven men. Each gang had a gang leader. When a diamond
4 was found it was handed to the gang leader who then gave it to
15:19:03 5 the site commander. The site commander, as I stated previously,
6 would then bring the diamonds to me at the office."

7 Is all of that true?

8 A. Yes, that was how we were working. There were people who
9 were in charge of the diamonds at the sites.

15:19:25 10 Q. Pausing there then. "The labour force was comprised of 11
11 gangs of seven men". So we are talking about a labour force of
12 about 77 men, yes? Is that right?

13 A. Yes, at Kokuima.

14 Q. "Some of the miners were happy to mine, but some were
15:19:51 15 forced." Is that right?

16 A. Yes.

17 Q. "I heard of people receiving beatings for trying to quit
18 work at the pit." Is that true?

19 A. Those who did not work - who did not want to work at the
15:20:11 20 place, they will be disciplined.

21 Q. They would be beaten?

22 A. Yes.

23 Q. And did that take place when you were mining commander?

24 A. Yes.

15:20:26 25 Q. Did you order people to be beaten for refusing to work at
26 the pits?

27 A. We had our discipline order at the place and at the site
28 there were people who were representing us in those positions and
29 we had disciplinary officers there and if there was somebody who

1 did not want to work they had somewhere to go and keep that
2 person, because for me personally I did not want them to beat
3 people because maybe they will be beating somebody and that
4 person might die.

15:21:14 5 THE INTERPRETER: Your Honours, could the witness slow down
6 his pace and take off from where I stopped.

7 PRESIDING JUDGE: Just pause, Mr Witness, please. The
8 interpreter needs to keep up with you.

9 THE WITNESS: Okay.

15:21:28 10 PRESIDING JUDGE: Good. Could you continue with your
11 answer from the point where you say, "They will be beating
12 somebody and that person might die". Continue from there,
13 please.

14 THE WITNESS: I said I told them to stop beating people.
15:21:46 15 Maybe they will be beating somebody and that person might die at
16 the end, so if somebody said he was not going to work we will
17 find somewhere to keep that person, but I said they should stop
18 beating people to prevent somebody dying.

19 MR GRIFFITHS:

15:22:03 20 Q. Let's go back to my question. Did you order anyone to be
21 beaten for refusing to work?

22 A. No, I did not tell them at any point in time to beat
23 somebody because somebody refused to work. Those were some of
24 the circumstances that I refused to go by for which I was removed
15:22:33 25 from that position.

26 Q. As mining commander you were the man in charge of mining,
27 weren't you?

28 A. Yes.

29 Q. Did you ever say to any of the disciplinary officers,

1 "Don't beat miners"?

2 A. Yes, the MPs. When I heard that - because my security who
3 was there as my representative, at one point in time he came and
4 told me that they were beating people there, so the MPs who were
15:23:14 5 in charge, I told them they shouldn't beat people and if somebody
6 refused to work they should go and keep the person, they
7 shouldn't beat people, to prevent somebody dying.

8 Q. Did you ever prevent someone being beaten?

9 A. That is what I have just told you. I said I stopped them
15:23:35 10 not to beat somebody to prevent somebody dying.

11 Q. "Armed guards were present at the Kokuima pit to prevent
12 stealing of diamonds and to prevent others from entering to take
13 the workers away to other sites. I know Issa brought in truck
14 loads of people to do the mining from areas such as Makeni and
15:24:01 15 Magburaka. However, I do not know if these people came to Kono
16 to mine voluntarily, or whether they were forced. Those who
17 attempted to steal were beaten by the guards. I personally
18 witnessed this during one of my visits to the site at Kokuima."

19 Pause there. When you witnessed that beating, what did you
15:24:28 20 do to stop it?

21 A. That is what I have told you. Maybe some other person will
22 come and explain to you what I was doing. Sometimes when I even
23 met them disciplining somebody I will ask them what the person
24 did and I will plead with them to forgive the person. At any
15:24:54 25 time I met them disciplining somebody I will stop them from
26 beating that person. I will advise them to jail that person,
27 because if somebody was in jail he will be there for some time,
28 but to continue beating somebody, if they did that somebody might
29 die. That was what I used to do.

1 Q. So can I take it then that you found the beating of miners
2 totally objectionable?

3 A. Yes, I told them to jail them than to beat them up, because
4 if you were to be jailed for an hour or two when you come out you
15:25:42 5 will advise yourself, but to beat somebody was not good.

6 Q. So tell me if you found it so objectionable why did you
7 stay in the job for so long?

8 A. Help me understand that English.

9 THE INTERPRETER: Your Honours, could counsel give chance
15:26:09 10 for the interpretation before he continues his cross-examination.

11 PRESIDING JUDGE: Mr Griffiths, I think you were talking
12 over the interpretation.

13 MR GRIFFITHS: My fault. My fault:

14 Q. If you found the beating of miners so objectionable, why
15:26:23 15 did you stay in the role of mining commander for so long?

16 A. Okay, that is what I am telling you. In fact the reason
17 why I stayed long in the position was because the first miners
18 who were with us, they were loyal, nobody used to beat them. If
19 you asked them to do something they would do it, so there wasn't
15:26:52 20 much problem.

21 But those who Kallon and Issa went and collected from
22 Magburaka and Makeni and other areas who were not under our
23 control, those were the ones who started the Rasta style. So
24 those were the ones who were beaten. So when I tried to stop
15:27:13 25 that they removed me from the job and replaced me with some other
26 person. They said I was not hard hearted. They said I was weak.

27 Q. The interpreters have missed a word. They started - did
28 you say "Rasta style"?

29 A. No, I did not say Rasta.

1 Q. What was the word you used?

2 A. I said they said I was too soft and that I was not harsh.
3 It was not Rasta. That I was not wicked. That was the reason
4 why I was removed and I was replaced with somebody who was iron
15:28:05 5 handed so that he would be able to take care of the people.

6 Q. The particular word that I am asking about came in this
7 context:

8 "Those who came from Magburaka and Makeni and other areas
9 who were not under our control, those were the ones who started
15:28:28 10 the" - something - "and those were the ones who were beaten."

11 What was the word you used?

12 A. Okay, that is what I mean. I said the ones whom they
13 brought from Magburaka and Makeni, when they brought them they
14 were not used to our own training. They had been living their
15:28:53 15 own life. Those were the ones who were beaten because they did
16 not - they did not go by the control. They were doing things the
17 way they wanted to do them. That is what I meant.

18 Q. Going back to the page:

19 "However, I did not go to the site often so I cannot say
15:29:15 20 much about what was happening there. I was sacked from my
21 position of mining commander after Issa Sesay's guards lied to
22 Issa that workers at the site had been stealing diamonds. I was
23 accused of being behind these thefts. I was beaten by Issa and
24 his guards before being dismissed. I then went to live in
15:29:45 25 Magburaka and had little to do with the RUF thereafter."

26 Is that true?

27 A. Yes, that was how it happened. They lied on me. They said
28 I had lost diamonds and that I had stolen diamonds and that was
29 not what happened, so Issa called me, the MPs went and

1 investigated me and he even told them to beat me up and those
2 were his boys, he asked them to beat me up. And later
3 Sam Bockarie called on me, but he found out later that it was not
4 true, so he asked me to forget about it.

15:30:23 5 Q. Listen to these words, "I was beaten by Issa and his
6 guards". Were you?

7 A. It was Issa who gave the command. They were the MPs.
8 Those are his boys. He did not hold a cane himself to beat me
9 up. It was his boys who beat me.

15:30:46 10 Q. Were you in fact beaten?

11 A. Yes, that is what I am telling you. I said they whipped me
12 up and I had a series of wounds on my body. Issa himself was
13 present, Kallon was there and Peter Vandi was there. All of them
14 were there when Issa gave the command for them to beat me up. In

15:31:13 15 fact they hang me over and by then they were sitting down
16 drinking and smoking.

17 Q. Now, listen to what follows: "I then" - that is after the
18 beating - "went to live in Magburaka and had little to do with
19 the RUF thereafter". Is that true?

15:31:44 20 A. That only happened when Sam Bockarie - that was the second
21 time when I went to Magburaka when Sam Bockarie sent me there.

22 Q. Did you following the beating go to live in Magburaka and
23 have little to do with the RUF thereafter?

24 A. No, that is the second page. After the beating

15:32:17 25 Sam Bockarie called me.

26 THE INTERPRETER: Your Honours, can the witness explain
27 what he means by "second page".

28 PRESIDING JUDGE: Mr Witness, please pause. The
29 interpreter needs some clarification. When you started your

1 answer you said, "That is the second page" and the interpreter
2 asks what that means.

3 THE WITNESS: When they found out that I was not guilty,
4 that was what I meant, second page, then Sam Bockarie sent me
15:32:47 5 back to do my job, I was reinstated, and from that time Issa had
6 grudge for me and he took me from the position again and sent
7 somebody else there.

8 MR GRIFFITHS:

9 Q. Did you following the beating go to Magburaka and have
15:33:07 10 little to do with the RUF thereafter?

11 A. No.

12 Q. Is that sentence a lie?

13 A. That sentence, that is what I have told you. I said
14 Sam Bockarie invited me even before I went to Magburaka.

15:33:32 15 Q. Mr Witness, is that sentence a lie, yes or no, please?

16 A. Yes, that other sentence, yes.

17 Q. It's a lie?

18 A. Yes, I went to Magburaka, but after. I did not say I did
19 not go to Magburaka, but it was after.

15:33:59 20 Q. And the bit about having little to do with the RUF
21 thereafter, that is a lie, given what you're telling us now,
22 isn't it?

23 A. When I was in Magburaka then I didn't have much to do with
24 RUF again when I went there to settle finally, because I had
15:34:26 25 already been removed from the job. In fact, I didn't go to Kono
26 any more.

27 Q. Following the beating - and let's just put it in context,
28 shall we? On what you were telling the investigators you began
29 the job in December 1988 [sic], you were beaten and your term of

1 office brought to an end eight months later, that's July 1999,
2 and according to this following that beating in July 1999 you
3 went to Magburaka and had little to do with the RUF thereafter.
4 Is that true or false?

15:35:21 5 A. That is what I have told you. That statement that you have
6 uttered going to Magburaka, it was after Sam Bockarie had sent me
7 back to the mining. It was at that time that I was dismissed and
8 I went to Magburaka finally. That's what I said. Maybe the
9 person wrote something else, but that's what I told the person.

15:35:47 10 Q. We will come to what was written down in a minute. Let's
11 just see if we can get to the bottom of this, please, and believe
12 me I will continue until you give me a straight answer. Did you
13 go to Magburaka in July or thereabouts 1999, yes or no?

14 A. No, I did not go to Magburaka in 1999.

15:36:20 15 Q. From 1999, July, up to disarmament did you have little to
16 do with the RUF for that two years or so?

17 A. From the time we were disarmed when I said I had nothing to
18 do with arms any more --

15:36:55 19 Q. Listen to the question, please. From 1999, July, until
20 disarmament would it be true to say that you had little to do
21 with the RUF?

22 A. Yes, I was an RUF at that time but I hadn't an assignment
23 at that time, so there wasn't much until I went to Magburaka. I
24 was in the RUF. If you asked me I would have told you I was an
15:37:22 25 RUF, but nothing much. Because I hadn't opportunity to go to the
26 government soldiers.

27 Q. Well, from what you're telling us and have told us last
28 week, you stayed on as mining commander, one of the most
29 important posts in the RUF, until 2000 and then went fighting in

1 Guinea. So it would be a lie to say that you had little to do
2 with the RUF thereafter, wouldn't it?

3 A. I think you deliberately don't understand what I am telling
4 you. I told you it was twice that I went for the mining. It was
15:38:07 5 during the last occasion when I was assigned there and that when
6 I left there finally I went for the Guinea war, I did not even
7 spend one month there and I came back and settled in Magburaka.
8 That's what I'm telling you. From that time I had less to do
9 with the RUF. In fact, for that Guinea war I did not even spend
15:38:31 10 up to one month there. When I went there I got injured and I
11 returned and I was based in Magburaka. That was where I was. I
12 did not go to Kono again to settle.

13 Q. Tell me, because we are almost at the end of these notes,
14 you go on to say:

15:38:46 15 "Amara Salia also known as Peleto replaced me as mining
16 commander. At the time of the UNAMSIL abductions in 2000 I was
17 living in Kono."

18 Now, firstly, did Peleto replace you as mining commander?

19 A. Yes, he was the one.

15:39:13 20 Q. Were you in Kono at the time of the UNAMSIL abductions in
21 2000?

22 A. Yes, that is what I have told you. I said I was there when
23 they were abducted, but it was not in Kono that they were
24 captured.

15:39:31 25 Q. I'm not saying it was. My question is very simple. Were
26 you living in Kono at the time they were abducted?

27 A. Yes.

28 Q. Now you appreciate, don't you, that in this statement
29 you've limited your role as mining commander to an eight month

1 period beginning in December 1998? You appreciate that, don't
2 you?

3 A. Yes.

15:40:15

4 Q. Do you now tell us that you were in fact mining commander
5 from '98 until 2000?

6 A. That's what I meant. I put the two times together, both.

7 Q. But help me, why in this statement did you limit or appear
8 to be limiting your role as mining commander to an eight month
9 period when now you are telling us it was more than twice that?

15:40:52

10 Why?

11 A. I spoke about two times. I said both times. The first one
12 when I was there it would be up to that, then I was removed and
13 later I was reinstated. So I spoke about the two times.

15:41:24

14 Q. No, you didn't, and I am going to ask you again. What you
15 were telling them here in August 2004 was, "I was mining
16 commander for eight months. Then they beat me and I left and
17 went to Magburaka to live and had little to do with the RUF
18 thereafter." That is the story in August 2004. The story today
19 in August 2008, four years later, is, "I was mining commander
20 from late 1998 to the year 2000." A simple question: Why the
21 difference?

15:41:53

22 A. I told them the two times, the first time and the second
23 time, because it was two times that I occupied the position.
24 Maybe what I said was not what was written, but I told them both
25 times. I did not just go to Magburaka like that. It was the
26 very last time when Issa removed me that I went to Magburaka and
27 after that again when I came from Guinea. I told them both
28 times.

15:42:23

29 Q. In reality, if what you are telling us is right, after that

1 paragraph, "I was beaten by Issa and his guards before being
2 dismissed" you should have continued by saying, "But guess what?
3 Sam Bockarie reinstated me in that role and I stayed in that role
4 until 2000." Why didn't you tell them that?

15:43:10 5 A. I said that, because I did not just say when they beat me
6 up I went to Magburaka. I said they took me to Buedu and it was
7 after Buedu that I was reinstated. It was the very last time
8 when I was removed then I went to Magburaka.

9 Q. Now you agree, don't you, that in this first meeting with
15:43:43 10 the Prosecution you told them a number of blatant lies? You
11 agree with that, don't you?

12 A. I have told you from the beginning, I said the first
13 meeting I had with them - in fact, I did not want to even talk to
14 them. I was not even willing, but I just said maybe if I had
15:44:10 15 said so they would arrest me, so I did not actually tell them
16 what they wanted that first time. It was on the second meet that
17 I told them the truth, because then I knew they were not going to
18 arrest me.

19 Q. So you agree with me that you told a number of blatant
15:44:28 20 lies?

21 A. You are just repeating the same question.

22 THE INTERPRETER: Your Honours, can counsel wait for the
23 interpretation.

24 THE WITNESS: That's what I have just told you. I said you
15:44:41 25 are just repeating the same question.

26 PRESIDING JUDGE: Mr Witness, you have not actually
27 answered the question. You have given an explanation, not an
28 answer.

29 MR GRIFFITHS:

1 Q. You have told some blatant lies, haven't you, in that
2 interview, yes or no?

3 A. Yes, the first interview. I did not say the second one,
4 but the first one. Some of them were lies, the first one, but
15:45:07 5 the remaining ones were all true.

6 Q. Do you remember on Thursday of last week, yes, I asked you
7 this question, page 14277 of the transcript:

8 "Q. Did you join the RUF voluntarily?

9 A. I joined the RUF to save my life.

15:46:05 10 Q. Let me try my question again. Did you join the RUF
11 voluntarily?"

12 At which point Mr Koumjian, Nicholas as you know him,
13 objected. And then you said:

14 "No, I did not join it on my own. Something made me to
15:46:28 15 join it.

16 Q. What was that?

17 A. The treatment that was given to us in Liberia, the
18 Sierra Leoneans, the Guinea civilians and the Nigerian
19 civilians."

15:46:41 20 Do you remember me asking you those questions?

21 A. Yes.

22 Q. Let me try it once more. Did you join the RUF voluntarily?

23 MR KOUMJIAN: Excuse me, could counsel read the complete
24 answer. He read back part of the witness's answer on that page,
15:47:00 25 but I think it would be fair to the witness to give the complete
26 answer he gave on Thursday.

27 PRESIDING JUDGE: Mr Koumjian, you have the benefit over
28 me. I don't have it before me, but if there was an answer given
29 it should be put completely, Mr Griffiths.

1 MR GRIFFITHS: Very well. I was merely seeking to be as
2 economical as possible:

3 Q. "A. The treatment that was given to us in Liberia, the
4 Sierra Leoneans, the Guinean civilians and the Nigerian
15:47:30 5 civilians. The treatment that was given to us made us to
6 fear. We had nowhere to hide. We just had to join them.
7 If we did not join them our lives would have been at risk,
8 so that's why I joined the RUF.

9 Q. Let me try my question differently. Did anyone force
15:47:51 10 you to join the RUF?"

11 Again Mr Koumjian objected and I asked it again:

12 "Q. Did anyone force you to join the RUF?"

13 A. No, nobody forced me. I said I went there to save my
14 life. Circumstances forced me to go there. If I had not
15:48:14 15 been there maybe I wouldn't have been talking here even."

16 Now, let me ask you one more time, did you join the RUF
17 voluntarily?

18 MR KOUJIAN: Asked and answered. The witness has given,
19 as we've just heard, a very detailed answer and it is really
15:48:36 20 arguing the semantics about what is voluntary given the witness's
21 answer.

22 PRESIDING JUDGE: Mr Griffiths?

23 MR GRIFFITHS: I am asking for a very good reason, your
24 Honour, because I'm about to challenge the witness with a
15:48:51 25 previous inconsistent answer to that same question. So that's
26 why I am asking it again.

27 PRESIDING JUDGE: Very well. Put the question. You must
28 answer the question, Mr Witness.

29 MR GRIFFITHS:

1 Q. Did you join the RUF voluntarily?

2 A. What do you mean by "voluntarily"?

3 Q. You volunteered to go of your own free will?

4 A. I did not just get up and go there. Something made me to
15:49:44 5 go there.

6 MR GRIFFITHS: Would your Honours give me a moment? Yes,
7 could we go, please, behind divider 8.

8 JUDGE SEBUTINDE: Is this in the Defence bundle?

9 MR GRIFFITHS: In the Defence bundle, your Honour:

10 Q. Now you should see interview notes for 25 and 26 March
15:50:42 11 2008. Do your Honours have that?

12 PRESIDING JUDGE: Yes, thank you, Mr Griffiths.

13 MR GRIFFITHS:

14 Q. Can we turn, please, to paragraph 10, second page. Could
15:50:59 15 you turn over to the page, please. Mr Witness, could you turn to
16 the second page, please, paragraph 10:

17 "Witness states that after Foday Sankoh's address a lot of
18 Sierra Leoneans agreed to join him to fight the war in Sierra
19 Leone. That day Foday Sankoh returned to Gbarnga promising to
15:51:26 20 return to Kakata in one week's time with a truck to pick up those
21 who had volunteered to join him so that they can be taken to the
22 training base to commence the military training. Witness states
23 that on this trip to pick up those volunteers he came with a
24 truck which was a six-tyre Toyota truck to Kakata. Most of the
15:51:56 25 Sierra Leoneans who had volunteered to join him had escaped.
26 Foday Sankoh then went to the detention centre where the Sierra
27 Leoneans were detained and requested for them. Witness states
28 that he was one of the persons that voluntarily joined him."

29 Do you see that?

1 A. This volunteer, I did not volunteer. This person who wrote
2 this word "volunteer", I did not volunteer. I went there because
3 of something. There were two reasons that made me to go there,
4 two reasons, important reasons that made me to go to that place.
15:52:41 5 I did not just get up like that and say let me go to that place.
6 I went to that place for two reasons.

7 Q. Help us, please. So whose fault is it that this word
8 "volunteer" appears all over those three paragraphs? Whose fault
9 is that?

15:53:02 10 A. The person who wrote the statement, but I did not say
11 volunteer. I said I went to that place for two reasons and even
12 now if you ask me I will tell you. There were two important
13 reasons why I joined them. I did not just get up like that and
14 say, well, I'm going to fight. I did not have the plan like
15:53:23 15 that.

16 Q. When we go over the page the investigator is a Mr Magnus
17 Lamin. Back a page to the first page. Back a page to the first
18 page. No, not that one. I wonder, Madam Court Officer, if you
19 could assist the witness. The first page of these interview
15:53:49 20 notes. You see that the investigator was one Magnus Lamin. Now
21 what are you saying, that you did not use the word "volunteer"?

22 A. No, I know this man, but I did not use - because I was
23 talking in Krio. I did not use the word "volunteer". We spoke
24 in Krio, the two of us. He wrote it in English, but I did not
15:54:21 25 speak English. I spoke Krio. I did not use the word
26 "volunteer".

27 Q. So it's his fault?

28 A. Well, what have you seen? He wrote it.

29 Q. So you told him, "I had two reasons for wanting to go and

1 join the RUF" and he has written down I volunteered. Is that it?

2 A. Yes. I did not tell him that I volunteered, no.

3 MR GRIFFITHS: I want to go on to another topic, please.

4 Your Honours, out of an excess of caution I think perhaps we

15:55:45 5 ought to go into private session for the next passage of my

6 cross-examination, because I want to ask the witness about a

7 particular individual who has given evidence in these

8 proceedings, but in closed session, and the nature of the

9 questioning is such that it may well disclose the identity of

15:56:10 10 that individual and I certainly don't want to trespass into that

11 area. So reluctantly I make the application.

12 PRESIDING JUDGE: Mr Koumjian?

13 MR KOUMJIAN: We appreciate the concern. No, we have no

14 objection to that.

15:56:31 15 PRESIDING JUDGE: We grant that application and, Madam

16 Court Attendant, please put the Court into private session. For

17 purposes of those members of the public who are listening the

18 next part of the evidence will be silent. You will be able to

19 see, but you will not be able to hear and this is for reasons of

15:56:48 20 security of a witness.

21

22 [At this point in the proceedings, a portion of

23 the transcript, pages 14931 to 14947, was

24 extracted and sealed under separate cover, as

25 the proceeding was heard in private session.]

26

27 [Whereupon the hearing adjourned at 4.40 p.m.

28 to be reconvened on Friday, 29 August 2008 at

29 9.30 a.m.]

I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-375	14808
CROSS-EXAMINATION BY MR MUNYARD	14808
RE-EXAMINATION BY MR KOUMJIAN	14821
TF1-367	14856
CROSS-EXAMINATION BY MR GRIFFITHS	14856

EXHIBITS:

Exhibit P-165 admitted	14855
Exhibit D-56 admitted	14855