



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 4 DECEMBER 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:

Ms Sidney Thompson
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Ms Amina Graham

1 Thursday, 4 December 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:15 5 PRESIDING JUDGE: Good morning. Good morning, Mr Santora.

6 MR SANTORA: Good morning Madam President, good morning
7 your Honours, good morning counsel opposite. For the Prosecution
8 this morning is Brenda Hollis, Alain Werner, Maja Dimitrova and
9 myself, Christopher Santora.

09:29:50 10 PRESIDING JUDGE: Thank you. Good morning, Mr Munyard.

11 MR MUNYARD: Good morning Madam President, your Honours,
12 counsel opposite. For the Defence are Courtenay Griffiths QC,
13 myself Terry Munyard and Ms Amina Graham.

14 Madam President, before we commence, yesterday Mr Townsend,
09:30:08 15 who represents the Registrar in The Hague, spoke to us about
16 timetable issues and I thought it might be helpful to give an
17 indication to the Court as to how we see the timetable vis-a-vis
18 the present witness. You will recall that he started in-chief
19 first thing on Monday morning and he finished at about quarter
09:30:35 20 past 4, almost on the point of closing the court day yesterday.
21 That was in effect three full days.

22 I anticipate that my cross-examination will be no less than
23 the period of time taken in examination-in-chief and might even
24 be more. I would be very surprised if it was less and I wouldn't
09:30:58 25 be particularly surprised if it was more.

26 I am raising that now this morning so that the Court and
27 the parties can consider what is the most appropriate way to
28 proceed with the cross-examination of this witness, bearing in
29 mind we are not due to be sitting next week for reasons that we

1 all understand.

2 PRESIDING JUDGE: Clearly, I will need to consult with my
3 learned colleagues and I will do that during the mid-morning
4 break. However, Ms Hollis, do you wish to comment?

09:31:43 5 MS HOLLIS: Madam President, your Honours, it would
6 certainly be the Prosecution's preference that we finish this
7 witness before the break, so whatever that would involve that
8 would be our preference.

9 PRESIDING JUDGE: Thank you. I will take the opportunity
09:31:57 10 during the mid-morning adjournment to discuss this with my
11 learned colleagues. In the meantime, if there are no other
12 matters I will remind the witness of his oath.

13 Mr Witness, good morning.

14 THE WITNESS: Good morning.

09:32:19 15 PRESIDING JUDGE: You will recall that you took the oath to
16 tell the truth on Monday morning. That oath continues to be
17 binding upon you and you must answer questions truthfully. Do
18 you understand?

19 THE WITNESS: Yes.

09:32:33 20 WITNESS: DAUDA ARUNA FORNIE [On former oath]

21 PRESIDING JUDGE: Mr Munyard, please proceed.

22 MR MUNYARD: Thank you, Madam President. Would Mr Court
23 Attendant please produce the two photographs that we were looking
24 at at the end of yesterday.

09:33:32 25 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

26 Q. Now, Mr Witness, we were looking at those two photographs
27 yesterday afternoon and you were telling us about the person who
28 appears in both of them, who is you told us - sorry, a person who
29 appears in each of them. I should correct myself. You told us

1 yesterday that the individual in the first photograph was
2 somebody Kamara, also known or better known as Leather Boot. Do
3 you remember saying that?

09:34:22

4 A. Where is the picture? Can I see it? Can I see the two
5 photos?

6 Q. I thought it was in front of you. It should be given to
7 you now. That's the first photograph. Yes, it's MFI-8A, I
8 think, going on memory. Do you see Leather Boot there?

9 A. Yes.

09:34:59

10 Q. Now, at some point you have identified these people and the
11 person you identified them to has written their names on the back
12 of the photograph. We established that yesterday. Would you
13 turn over the photograph and tell us if "Leather Boot" is written
14 on the back of the photograph by any name, Leather Boot or any
15 other name that he may have gone by?

09:35:27

16 A. No, his name is not on the back.

17 Q. Have you ever identified that person to the Prosecution as
18 being Leather Boot before you gave evidence in Court yesterday?

19 A. Yes.

09:35:55

20 Q. Right. And I don't expect you to remember the date, but
21 when was it that you - roughly when was it that you identified
22 him as Leather Boot to the Prosecution?

23 A. Well, as indicated, it was 1 October and that is written on
24 the back of the photograph.

09:36:29

25 Q. All right. Would you put that photograph on one side and
26 take the other photograph, MFI-9A. Now, would you tell us what
27 names are written on the back of that photograph?

28 A. It's Junior Vandi, Josephine Tengbeh, Foday Sankoh, Daf,
29 Paolo Bangura --

1 Q. Is Frances Foyoh identified in writing on the back?

2 A. Yes, Frances Foyoh.

3 Q. Now, the person behind Josephine Tengbeh you identified to
4 us in Court yesterday as General Ibrahim?

09:38:02 5 A. Yes.

6 Q. Have you ever told the Prosecution that he, General Ibrahim
7 Kamara, also known as Leather Boot --

8 A. No, I have not told you about General Ibrahim Kamara.

9 Q. No, have you ever told the Prosecution that the person in
09:38:23 10 the photograph behind Josephine Tengbeh is called General Ibrahim
11 Kamara, also known as Leather Boot?

12 A. No, I told you that it was General Ibrahim and I even wrote
13 his name and that is indicated on the paper that I wrote on. I
14 said General Ibrahim.

09:38:51 15 JUDGE SEBUTINDE: Mr Witness, it's not what you said to
16 Court. The question was if you have ever told the Prosecution,
17 presumably in your interviews with them, that that person was
18 General Ibrahim Kamara, also known as Leather Boot?

19 THE WITNESS: I told the Prosecution that he was General
09:39:21 20 Ibrahim. It should be something like Ibrahim Bah, not Kamara.

21 MR MUNYARD:

22 Q. Now you are saying it's General Ibrahim Bah, are you?

23 A. Yes, now that I have recalled the surname that I know him
24 by.

09:39:43 25 Q. Right. You see, you didn't tell us that yesterday?

26 A. Yes, because it's not everything that I would recall after
27 a very long time now because most of those things I had put them
28 aside, I have not been thinking about them for a long time. But
29 for the past few days that I have been engaged with you, as we go

1 on discussing about them my memory recalls some of those things
2 and as I continue talking about them that is how they come
3 flowing in my mind.

4 Q. Right. So that is General Ibrahim Bah?

09:40:33 5 A. Yes.

6 Q. And you're quite sure of that, are you?

7 A. Yes.

8 MR MUNYARD: Madam President, I am now going to ask the
9 witness to have a look at a statement. I am going to have to ask
09:41:03 10 for the help of Mr Court Attendant to distribute the bundles.

11 PRESIDING JUDGE: Can the photographs be taken off the
12 projector, Mr Munyard?

13 MR MUNYARD: I think we should leave them on the desk. It
14 makes more sense actually logistically to leave them on the
09:41:23 15 overhead for the moment.

16 PRESIDING JUDGE: Very well. And this statement will be
17 put - is one copy for the witness?

18 MR MUNYARD: Yes, I have got the usual number. In fact, I
19 have got more than what is my usual number. I have got dozens of
09:41:37 20 copies. So I will ask for the assistance of Mr Usher to hand
21 them out:

22 Q. Now, before we look at any statement I just want to remind
23 you what you told us yesterday about General Ibrahim, the person
24 you identified in the second photograph. It's page 21646, lines
09:43:49 25 26 onwards. You said: "General Ibrahim was one of - he was one
26 of the liaison officers for the RUF". Do you remember saying
27 that?

28 A. Yes.

29 Q. But you didn't tell us that he was the General Ibrahim Bah

1 who you had spoken of earlier in your testimony, did you?

2 A. Well, I think I told you that just now and, in fact, there
3 are so many other things that I did not talk about during my
4 testimony, but maybe along the lines as we go on I will recall

09:44:35 5 some of them depending on the questions that you ask me and, due
6 to the questions you ask of me, my mind - I will think about some
7 of the things that I might have left out.

8 Q. Right. Would you turn, please, to tab 18 in that bundle.

9 There should be a statement behind tab 18 dated 21 November 2007,
09:45:16 10 ERN number 00044813. Do you see that, Mr Fornie?

11 A. Yes, I have seen the serial number. I've seen it.

12 Q. Right. It's headed "Interview notes" and is it dated 21
13 November 2007?

14 A. Yes.

09:45:54 15 Q. And is it an interview of you at the Special Court Office
16 of the Prosecution interview room conducted by an investigator
17 called Magnus Lamin?

18 A. Correct.

19 Q. Now, what language did Magnus Lamin talk to you in?

09:46:17 20 A. Krio.

21 Q. Did you ever have any difficulty in understanding him when
22 he was asking you questions?

23 A. No.

24 Q. Did he ever appear to you to have any difficulty in
09:46:34 25 understanding what you were saying when you were answering his
26 questions?

27 A. Well, I am not sure that he had difficulties because as I
28 was talking he was writing. He did not show any indication that
29 he was getting difficulties.

1 Q. Thank you. And as a trained and indeed experienced
2 investigator he presumably read back to you his notes of your
3 answers to him at the end of the interview. Is that right?

4 A. Yes.

09:47:20 5 Q. And did you have to correct anything in the interview? Can
6 you remember if you had to correct anything that he'd written
7 down wrongly?

8 A. I do not recall that.

9 Q. Let me make it clear that although this document headed
09:47:53 10 "Interview notes" is dated 21 November 2007, it's actually notes
11 of an interview on 28 September 2007. You will see in the first
12 line below the name Magnus Lamin it says in an interview
13 29/9/2007. We have had a letter from the Prosecution correcting
14 that date to the day before, 28/9/2007. He conducted an

09:48:27 15 interview with you at ten o'clock in the morning in which you
16 gave background information on various RUF insiders and produced
17 eight photographs. Now, do you remember giving him eight
18 photographs?

19 A. Yes. I provided up to eight pictures but not directly to
09:48:59 20 Magnus. I did not present them directly to him. And some of the
21 photographs I produced them by instalment.

22 Q. Well, here it says that in an interview on 28 September
23 last year you produced eight photographs. Is that right or is
24 that wrong?

09:49:29 25 A. All the eight photographs, I presented them.

26 Q. Right. Thank you. These were seized by Magnus Lamin with
27 your consent and are described by you as follows. I am going to
28 take you down to the bottom of that first page when it describes
29 photograph number 5 which is our MFI-8A and just tell us if he

1 has correctly recorded what you told him there. Do you see the
2 photograph numbered 5, it's the last paragraph on that page?

3 A. Yes, I've seen it.

09:50:28 4 Q. Did you tell him that going from left to right on that
5 first photograph there is you then Josephine Tengbeh, one of the
6 girl friends of Foday Sankoh. Did you tell him that?

7 A. Where is the photograph? The photograph that you are
8 referring to, can I see it?

9 Q. You can certainly be shown the photograph again.

09:50:46 10 A. No, this is not the photograph. It's not the one in front
11 of me.

12 MR MUNYARD: The first photograph, please, MFI-8A:

13 Q. Now, did you tell Mr Lamin that the people on that
14 photograph were as follows, going from left to right: Yourself
09:51:25 15 then Josephine Tengbeh, one of the girl friends of Foday Sankoh.
16 Did you tell him that? Mr Fornie, I'm asking you about the first
17 two names. Did you tell Mr Lamin those two names; yourself and
18 Josephine Tengbeh who you described as one of the girl friends of
19 Foday Sankoh? Did you tell him that or didn't you, yes or no?
09:52:05 20 Let's try and move on, please.

21 A. I told him.

22 Q. Next, Pa Kallon, who was an advisor to Foday Sankoh. Did
23 you tell him that?

24 A. Yes.

09:52:17 25 Q. Next one, Idrissa Kamara, also known as Leather Boot, in a
26 blue suit and faced side by the camera. Did you tell him that
27 the person in the blue suit with his face on the side by the
28 camera was Idrissa Kamara, also known as Leather Boot?

29 A. Yes.

1 Q. Did you tell him that sitting at the back of Pa Kallon and
2 Leather Boot are Paolo Bangura and Mike Lamin in a brown suit?
3 Did you tell him that?

4 A. Yes.

09:52:55 5 Q. On the back of that photograph there is no name related to
6 Idrissa Kamara, also known as Leather Boot, is there? It's not
7 written on the back. We have established that this morning.

8 A. Well, if at all that reflects in the transcript and it's
9 not on the back of the picture I don't think it should be my own
09:53:23 10 problem. It might have been the responsibility of the one who
11 typed it.

12 Q. All I'm trying to establish from you is that this
13 information in this statement must have come from you, do you
14 agree, the names of these people?

09:53:39 15 A. Yes.

16 Q. Thank you.

17 A. Thank you too.

18 Q. And you told us that that photograph was taken before the
19 signing of the Lome Accord when you were giving evidence
09:53:58 20 yesterday to the Prosecution. You also told us that the next
21 photograph was taken before the signing of the Lome Accord. I
22 would like you to look at that one now, please, 9A. And we will
23 turn over the page of the interview notes and go on to the second
24 page. I want you to look, please, at the last paragraph there,
09:54:32 25 number 8. This is the description that you gave to Mr Lamin of
26 the people in the second photograph and I want you to tell us if
27 he has correctly recorded it. Going from left to right, did you
28 tell him that the first two people are Junior Vandi, also known
29 as JR, in a tracksuit and Josephine Tengbeh. Did you tell him

1 that?

2 A. Yes.

3 Q. Then Foday Sankoh and Frances Foyoh. Did you tell him
4 that?

09:55:15 5 A. Yes.

6 Q. Did you tell him that Frances Foyoh was a Sierra Leonean
7 living in Spain who went as an observer on the peace talks?

8 A. Yes.

9 Q. So all this information has come from you and then you
09:55:33 10 identify yourself and Paolo Bangura, is that right?

11 A. I identified myself and Paolo Bangura, yes.

12 Q. And then it says, "Hidden back Josephine is General Ibrahim
13 Kamara, also known as Leather Boot". Did you tell him that?

14 A. No.

09:55:57 15 Q. So when he read this back to you, why didn't you correct
16 it?

17 A. I do not recall ever telling him about that.

18 Q. Yes, that may be so. Would you now answer the question I
19 asked you, please. Why didn't you tell him that he had got it
09:56:24 20 wrong and correct it?

21 A. I do not recall doing corrections since the time he
22 collected the first picture photograph from me and the time we
23 went through these things. They had never shown me the
24 transcript for me to do further corrections, not until I got
09:56:58 25 here.

26 Q. Mr Forni e, Magnus Lamin would not know the identity of
27 people like Frances Foyoh and where she had been living unless
28 you had told him, would he?

29 A. Yes. In fact, one thing that is clearly established here

1 is that I know that Leather Boot is not Ibrahim Kamara. He is
2 Idriisa. He is Idriisa. It is General Ibrahim that I know to be
3 Ibrahim Bah, so if there is anything like that here in the
4 transcript that must have been a mistake from either Daf, or the
09:57:48 5 interviewer.

6 Q. Well, he's got "General Kamara and also known as Leather
7 Boot". There was a General Kamara also known as Leather Boot,
8 wasn't there?

9 A. No, I never knew Leather Boot to be a general and Leather
09:58:13 10 Boot never got a promotion up to the rank of a general.

11 Q. The photo was taken after the signing of the Lome Peace
12 Accord in Lome. Did you tell him that?

13 A. I said it was during the Lome Peace Accord that we took
14 snapshots of these photographs. I do not recall --

09:58:43 15 THE INTERPRETER: Your Honours, could the witness be kindly
16 asked to repeat the last bit of his testimony and then do it
17 slowly.

18 PRESIDING JUDGE: Mr Witness, the interpreter did not catch
19 all that you said. Please repeat your answer from the point
09:58:57 20 where you say, "I do not recall". Continue from there, please.

21 THE WITNESS: I do not recall that I ever told the
22 investigator that this particular photograph was taken after the
23 signing of the Lome Peace Accord.

24 MR MUNYARD:

09:59:25 25 Q. Well he could have only got that information from you,
26 couldn't he?

27 MR SANTORA: Objection.

28 PRESIDING JUDGE: Just a moment, Mr Witness. What is your
29 objection, Mr Santora?

1 MR SANTORA: It calls for unfair, improper speculation from
2 the witness in terms of whether or not the investigator - how he
3 would have known something, or would have not known something.
4 He doesn't know the state of the investigator's knowledge in
09:59:52 5 relation to the individuals in this photograph, or the photograph
6 itself.

7 PRESIDING JUDGE: In the light of the witness's preceding
8 answers, I will allow this question because of the indications he
9 has already given as to how this information was put on the back
10:00:07 10 of these photographs.

11 MR MUNYARD:

12 Q. He could only have got that information from you, couldn't
13 he?

14 THE INTERPRETER: Your Honours, could counsel activate his
10:00:18 15 microphone.

16 MR MUNYARD:

17 Q. He could only have got that information from you, couldn't
18 he, Mr Fornie?

19 A. Well, by right he was only supposed to get information from
10:00:31 20 me pertaining those pictures.

21 Q. And he wouldn't have known when the photograph was taken
22 unless he had actually been with you there in Lome at the time it
23 was taken, would he?

24 A. Yes.

10:00:55 25 Q. So the time when the photograph was taken that information
26 also could only have come from you, couldn't it?

27 A. It was supposed to come from me.

28 Q. Yes, thank you. So do you think your memory now is less
29 accurate than it was a year ago, when you were sitting there with

1 Mr Lamin describing who was in these photographs and when the
2 photographs were taken?

3 A. Well it's not a matter of being less accurate, but these
4 were information that I gave to them of which I did not keep
10:01:49 5 record of them on a daily basis or to say I reviewed them later,
6 but I know that to the best of my knowledge I gave Mr Lamin what
7 I knew and what I knew was what I told Mr Lamin.

8 Q. Right. And so does it follow that what is written there in
9 that statement is likely to be more accurate than the evidence
10:02:14 10 that you have been giving here in Court yesterday?

11 A. Evidence pertaining what? Is it pertaining this
12 photograph? I have told you that it might be a typographical
13 error, because I have seen General Ibrahim and I said "General
14 Ibrahim" because I never knew Leather Boot by the title of a
10:02:41 15 general. So I wouldn't accept - I will never accept that I told
16 Lamin that it was General Ibrahim Kamara who was referred to as
17 Leather Boot. I would not be so - I would not be so careless
18 indeed to give such an information.

19 Q. Right. Can we put all of those on one side, please, and I
10:03:07 20 am going to go on to a completely different matter. Do you
21 remember saying on Tuesday, that is 2 December - and I am looking
22 at page 21500, lines 14 to 15, of the transcript. Do you
23 remember in answer to a question by Mr Santora about when you
24 made a recording - a tape recording - do you remember telling us
10:04:37 25 that, "It was around February to March 1999. Around February to
26 March 1999. That was after the Freetown invasion on 6 January by
27 the RUF"? Do you remember telling us that on Tuesday?

28 A. I recall that I spoke about a broadcast.

29 Q. No, forget the broadcast. I am simply putting the answer

1 that you gave in context. Do you remember telling us that this
2 was something you did after the Freetown invasion on 6 January by
3 the RUF? Do you remember that phrase falling from your lips,
4 "The Freetown invasion on 6 January by the RUF"?

10:05:52 5 A. I recall that I said that about one broadcast, but it is
6 the broadcast that you should identify to me.

7 Q. I am not interested in the broadcast, Mr Fornie. I am
8 interested in your assertion that the Freetown invasion on 6
9 January was by the RUF. Do you understand that's what I'm asking
10 you about?

11 A. Yes, it was the RUF that did it.

12 Q. Thank you. That is your position, is it, that the Freetown
13 invasion was something done by the RUF on 6 January 1999?

14 A. Of course. I did say that the RUF took part in the attack
10:06:40 15 in Freetown, but it was the RUF and AFRC.

16 Q. Why then did you describe it as, "The Freetown invasion on
17 6 January by the RUF", when you were giving your evidence to the
18 Prosecution?

19 A. I did repeatedly say "RUF/AFRC. RUF/AFRC". It's not
10:07:14 20 always that I think I was supposed to be referring to the names
21 at that time, but to put - make things specific that was why I
22 said so that the RUF took part in that activity; that is the 6
23 January 1999 invasion in Freetown.

24 Q. Has somebody made it clear to you that you have to create
10:07:41 25 the impression that it was the RUF who were behind the invasion
26 of Freetown on 6 January 1999?

27 A. Nobody. Nobody would give me that kind of impression that
28 I would take because, if you told me something that I didn't do,
29 I would not be able to defend that because I don't know about

1 that.

2 Q. You've not always claimed that it was the RUF who invaded
3 Freetown on 6 January 1999, have you?

4 A. Say again, please.

10:08:25 5 Q. You haven't always taken the position that it was the RUF
6 who invaded Freetown on 6 January 1999, have you?

7 A. Well, it's very clear in all my statements that the RUF,
8 together with the AFRC, invaded Freetown.

9 Q. So why not say that on Tuesday when you were giving the
10:08:57 10 evidence that I've just read out?

11 A. I am sure I said that repeatedly. I said that repeatedly
12 throughout my testimony. So if there is a specific time that I
13 only made mention of the RUF without making mention of the AFRC
14 and you have also spoken about the times that I made mention of
10:09:33 15 both forces, I think it's a matter of time. I don't think it's
16 something you are supposed to take up as an issue.

17 Q. If there is something I'm not supposed to take up as an
18 issue then first of all the learned judges will tell me that and,
19 secondly, Prosecution counsel will raise that. It is not for you
10:09:58 20 to tell counsel what issues they may or may not take up. Do you
21 understand?

22 MR SANTORA: I am going to object.

23 PRESIDING JUDGE: Why, Mr Santora?

24 MR SANTORA: It's not appropriate that counsel is
10:10:14 25 instructing the witness.

26 PRESIDING JUDGE: I think counsel --

27 JUDGE LUSSICK: Well, I will instruct the witness along
28 those exact lines. You don't go telling counsel what he can ask
29 you and what he can't ask you in cross-examination.

1 THE WITNESS: Thank you very much.

2 MR MUNYARD:

3 Q. You see, you, in your evidence, have committed yourself to
4 the notion that it was the RUF who were behind the invasion of
10:10:46 5 Freetown on 6 January 1999, haven't you?

6 A. I did say that the RUF was behind the invasion, but I did
7 not make mention of just the RUF.

8 Q. Right. Thank you. And do you remember yesterday, and I'm
9 looking at the transcript page 21555, at line 21 - do you
10:11:15 10 remember saying, "It was that attack which went on up to the time
11 for 6 of January when we entered Freetown". Do you remember
12 saying, "6 January when we entered Freetown", only yesterday?

13 A. Repeat your question, please.

14 Q. Do you remember as recently as yesterday telling the Court
10:11:44 15 these words: "Went on up to the time for 6 January when we
16 entered Freetown"?

17 A. I don't think you've put that question clearly to me. You
18 did not ask me about what went on up to that time, because I had
19 spoken about so many things that happened during 6 January.

10:12:10 20 PRESIDING JUDGE: Counsel is asking you do you recall
21 saying those words yesterday here in this Court?

22 THE WITNESS: Yes, I said such words repeatedly. I said
23 them many times.

24 MR MUNYARD:

10:12:25 25 Q. And you have never been part of the AFRC, have you?

26 A. I have been a part of the AFRC.

27 Q. You were part of the RUF, and at one time, for nine months,
28 they were involved in an unhappy marriage known as the junta, but
29 they were still RUF even in the junta, weren't they?

1 A. Well, I was part of the RUF, at the same time the AFRC.

2 Q. And when you used the phrase yesterday, "6 January when we
3 entered Freetown", you were again intending to convey that "we"
4 means the RUF, weren't you? Or "we" includes the RUF, yes?

10:13:43 5 A. Yes, at any time I talk about "we" in such a matter by then
6 I was talking about the RUF/AFRC.

7 Q. And who in the RUF do you say entered Freetown on
8 6 January?

9 A. Thank you very much. RUF is the Revolutionary United Front
10:14:16 10 of Sierra Leone, which was a movement led by the late Foday
11 Sankoh.

12 Q. I did not ask you for a speech about the RUF. I asked you
13 who in the RUF do you say entered Freetown on 6 January? Did you
14 understand the question?

10:14:35 15 A. Yes. The RUF, those are the fighters who entered Freetown
16 who took direct instructions from Sam Bockarie and Sam Bockarie
17 was the overall for the RUF and we referred to him as the CDS.

18 PRESIDING JUDGE: Mr Munyard, are you asking for sort of
19 specific names?

10:15:14 20 MR MUNYARD: Well, I am asking for as best he can identify.

21 PRESIDING JUDGE: Yes. Mr Witness, do you understand
22 counsel is asking you who, if you are aware - who in the RUF?

23 THE WITNESS: Yes, I understood when he asked who were the
24 RUF who entered Freetown. That was the reason why I told him
10:15:39 25 that those were the fighters who entered Freetown and who took
26 direct instructions from Mosquito and who always requested
27 Mosquito and who sent direct reports to Mosquito.

28 PRESIDING JUDGE: And who are these people you're talking
29 about? If you know names, say them.

1 THE WITNESS: Those people included Gullit, King Perry,
2 Alfred Brown, Five-Five, and others.

3 MR MUNYARD:

4 Q. So Gullit is a member of the RUF, is he?

10:16:30 5 A. Yes, yes. I am sure, yes.

6 Q. Thank you.

7 A. Yes.

8 Q. And Five-Five?

9 A. Yes.

10:16:44 10 Q. All right. Now, I'm going to put a series of propositions
11 to you and I'm going to ask you if you agree with them because,
12 of course, you say that you were in the RUF from just a month
13 after the revolution started in 1991 all the way up to peace
14 being declared in 2002. That's correct, isn't it?

10:17:20 15 A. Yes.

16 Q. And you've just told us that you were part of the AFRC
17 during the junta period, yes?

18 A. Yes.

19 Q. And I'm going to put some propositions to you about the
10:17:38 20 AFRC and the RUF and tell us if you agree and the first, number
21 one - the first proposition is this: That as the founders of the
22 AFRC belonged to the Sierra Leone Army, and therefore had been
23 fighting the RUF since 1991, the coalition between the two
24 factions following the 1997 coup was not based on longstanding
10:18:19 25 common interests. Do you agree with that proposition or not?

26 A. Please make that clear. I did not understand it.

27 Q. I will read it again. As, meaning because - as the
28 founders of the RUF belonged to the Sierra Leone Army, and
29 therefore had been fighting the RUF since 1991, the coalition

1 between the two factions following the 1997 coup was not based on
2 longstanding common interests. Do you agree with that?

3 A. I think if I understood very well what you are trying to
4 ask of me I can say - you are asking if I do accept that there
10:19:15 5 was a long or any former relationship between the RUF and AFRC
6 before the 1997 coup. Am I right?

7 Q. Before I repeat the proposition that I am putting to you
8 for you to comment on it I will explain, in broad terms, that
9 when the coup happened - sorry, I will explain the context in
10:19:41 10 broad terms. When the coup took place, the AFRC coup took place
11 in May 1997, very shortly after that they joined together with
12 the RUF, but the two groups had actually been fighting each other
13 as enemies since 1991. That's the context.

14 Now, bearing that in mind, do you agree with this
10:20:08 15 proposition: That as the founders of the AFRC belonged to the
16 Sierra Leone Army and therefore had been fighting the RUF since
17 1991, the coalition between those two factions following the coup
18 in 1997 was not based on longstanding common interests?

19 A. I'm not aware of any former relationship that they had
10:20:44 20 before but, like you said, I do agree with the first part that,
21 indeed, the AFRC had been fighting against the RUF or that the
22 two parties have been fighting against each other before that
23 time.

24 Q. Thank you. The former relationship between them was that
10:21:02 25 of enemies, wasn't it; the RUF on one hand and the soldiers of
26 the Sierra Leone Army on the other?

27 A. Yes.

28 Q. Proposition number two - and I will probably break it down
29 into several parts. From the earliest days, this is of the

1 coalition, AFRC and RUF, the junta - from their earliest days
2 there were tensions between the two factions, the AFRC and the
3 RUF, and relations between them deteriorated over time. Do you
4 agree with that?

10:21:48 5 A. Well, initially, during the early days, there was no
6 tension. It was after some time that tension heightened between
7 the two parties, the RUF and the AFRC.

8 Q. So for how long was there no tension?

9 A. Well, initially, initially, there was no tension. I cannot
10:22:31 10 give you any time line now because I recall, and I will be able
11 to justify that, there was no tension. Everything went on
12 smoothly wherein Mosquito, Superman and the other senior
13 officers, they gave responsibilities to different people at
14 different times within the government, within the same
10:23:02 15 government. And even those of us, the other combatants from the
16 RUF, the AFRC established a system wherein we were on payroll.
17 The AFRC was paying us. So that was one side of a cordial
18 relationship that had been well established between us, to say
19 that the two groups had been unified as one.

10:23:30 20 Q. So your boss, Sam Bockarie, regarded things as going
21 smoothly from the beginning. Is that what you're telling us?

22 A. Yes.

23 Q. So why was it that he left Freetown and went to Kenema?

24 A. Well, it was later that Sam Bockarie realised that some
10:24:04 25 conflict has started erupting. And that was the time Sam
26 Bockarie said the AFRC, by that I mean the AFRC soldiers - he
27 said after some time they started being indifferent to the RUF
28 fighters, saying that the RUF was not a formal army because we
29 had not obtained any standard training. So those were the petty

1 conflicts.

2 Q. The AFRC regarded you in the RUF as a bunch of ragtag boys,
3 didn't they?

4 A. I did not understand what you meant by that.

10:25:07 5 Q. It's a phrase that I've taken from the evidence of another
6 witness.

7 A. Well, I do not understand what you mean.

8 Q. Are you familiar with the expression "ragtag boys"?

9 A. Ragtag? No, I'm not familiar with that. Could you please
10:25:34 10 use another term that I would understand.

11 MR MUNYARD: For the benefit of the Court, going on numbers
12 now, I think the number of the witness was TF1-359 who used that
13 expression to describe the rebel RUF as ragtag boys:

14 Q. I assumed it was - is it not a Sierra Leonean expression,
10:25:56 15 Mr Fornie?

16 A. I said I am not familiar with that term, please.

17 Q. Well they certainly thought that you were very
18 unprofessional, didn't they, the AFRC?

19 A. Yes, yes, that is true.

10:26:23 20 Q. Right, let me see what you make of this, "In October 1997,
21 Johnny Paul Koroma ordered the arrest of two RUF leaders on
22 charges that they were plotting with the Civil Defence Forces to
23 overthrow the government". That's the junta government. Were
24 you aware of that?

10:26:53 25 A. I recall just one person who was a --

26 PRESIDING JUDGE: Mr Munyard, I think the question has been
27 answered.

28 MR MUNYARD: I am sorry, I thought he was going to come out
29 with a name. I was giving him time to come out with a name.

1 PRESIDING JUDGE: Oh, I see.

2 MR MUNYARD:

3 Q. Who was the one person?

4 A. That was Gibri I Massaquoi.

10:27:53 5 Q. Right. And not long after that incident Johnny Paul Koroma
6 also ordered the arrest of Issa Sesay, didn't he?

7 A. I do not recall that.

8 Q. Do you remember the Iranian Embassy in Freetown being
9 looted? Does that ring any bells?

10:28:24 10 A. Yes, it rings a bell to me.

11 Q. Do you remember Issa Sesay being ordered to be arrested for
12 his part in that?

13 A. At that time, no, I do not recall.

14 Q. What was your job during the junta period?

10:28:58 15 A. Before going to my job I want to tell you that my job was
16 as a radio operator, but the time you are referring to during the
17 junta period, about the Iranian Embassy, initially I was not in
18 Freetown. I was in Gorahun Tonkia in captivity. When I went to
19 Kenema, that was the time I knew. That was the time I heard that
10:29:32 20 as an information, so I did not follow up with the looting of the
21 Iranian Embassy.

22 Q. Mr Fornie, you told us in evidence a couple of days ago
23 that even before you were freed by Lieutenant Jusu you had heard
24 on the radio Foday Sankoh saying that the RUF should join with
10:29:59 25 the AFRC and, indeed, you were able to tell the soldier that that
26 call for unity had been broadcast. Do you remember telling us
27 that?

28 A. Yes.

29 Q. And upon you speaking to Lieutenant Jusu, he then arranged

1 for you to be released from Kamajor captivity. Do you remember
2 telling us that?

3 A. It was not Jusu who arranged for the Kamajors to set me
4 free. I did not tell you that.

10:30:37 5 Q. We are going to come back to what you claim was your period
6 of captivity with the Kamajors in some detail, but I'm just
7 trying at the moment to get some sense of when you say you were
8 in custody and when you say you were free in the light of the
9 evidence you gave to the Prosecution in this trial. Are you
10:30:57 10 saying that at the time of the looting of the Iranian Embassy you
11 were still in Kamajor captivity?

12 A. I do not have much knowledge about the Iranian Embassy. I
13 don't have much knowledge about that. I have told you I do not
14 recall much about the looting of that embassy. I did not make
10:31:23 15 follow ups about that.

16 Q. Very well. I simply want to understand though that, once
17 you were freed from Kamajor captivity and you went back to your
18 comrades in the RUF, what was your job?

19 A. My job was as a radio operator.

10:31:42 20 Q. And senior members of the RUF command were being ordered by
21 the head of state to be arrested. Is that not something that you
22 would have seen radio traffic about, particularly if you were
23 monitoring, as you seem to claim you did, for most of your
24 service with them?

10:32:09 25 A. Well I've told you that I don't recall because, even if you
26 are a radio operator, you would not be on the radio on a daily
27 basis. We were running shift. And the time that I went to
28 Kenema from captivity, when I arrived before I started full
29 fledged operation when Sam Bockarie assigned me, that is to him

1 directly, I was there for some months, I operated with other
2 operators like one Tiger and another who was called Tango Bravo.

3 Q. Well I don't want to get too side tracked on this, but I
4 just want to find out when you say you started - I am sorry,
10:33:16 5 restarted work as a radio operator after you had been released by
6 the Kamajors. Can you give us a month when you restarted that
7 work? A month and a year, of course?

8 A. I don't recall the exact month. I don't recall the month.

9 Q. Was it before Sam Bockarie left Freetown and went to
10:33:51 10 Kenema?

11 A. You mean to go there and be based permanently, because Sam
12 Bockarie used to go to Freetown and return to Kenema? He used to
13 go to Freetown and return, so I want to know if you are referring
14 to the time when he came back to Kenema to be based there

10:34:08 15 permanently?

16 Q. When he came back to Kenema to be based there. Were you
17 working for him before he went back to Kenema to be based there?

18 A. Yes.

19 Q. For how many months were you working for him when he was
10:34:31 20 based in Freetown following the coming together of the two groups
21 in the junta?

22 A. Well, I did not operate in Freetown. I worked with Sam
23 Bockarie in Kenema. I told you that I worked with Sam Bockarie
24 in Kenema. I never took assignment in Freetown.

10:34:58 25 Q. So you were working for him in Kenema, although he was at
26 that time still based in Freetown. Is that what you are telling
27 us?

28 A. Well, at that time he was not finally - he was not
29 permanently based in Kenema. He used to go to Freetown and

1 return to Kenema. Sam Bockarie - Sam Bockarie actually
2 permanently was based in Kenema after the Tongo attack.

3 Q. Well in that case tell us how many months before the Tongo
4 attack you were working for him, albeit you were based in Kenema?

10:35:40 5 A. About two - about two months was what I spent in Kenema
6 before we attacked Tongo and Sam Bockarie assigned me there.

7 Q. And you were monitoring radio messages then, were you,
8 albeit on shifts, not every day of the week?

9 A. We were running shifts.

10:36:14 10 Q. Did you become aware of the fact that the RUF stopped
11 attending joint meetings of the junta following Johnny Paul's
12 order that Issa Sesay be arrested for his part in the Iranian
13 embassy incident? Did you become aware of that?

14 A. I don't recall.

10:36:48 15 Q. Well the RUF was supposed to be the AFRC's partner in
16 government during the junta period, wasn't it?

17 A. Yes.

18 Q. And if one party to the marriage stops attending meetings
19 with the other to run the government, that is a very serious
10:37:09 20 breach that would be bound to be talked about in radio traffic,
21 wouldn't it?

22 A. Well, I don't ever recall such a message going through a
23 VHF radio.

24 Q. Or any radio, yes?

10:37:40 25 A. I never listened to that on the radio. I don't recall
26 that.

27 Q. The BBC, Deutsche Welle, Voice of America, did you ever
28 hear anything on those programmes about the fact that although
29 they were supposed to be running the government together the RUF

1 wasn't even going to meetings with the AFRC any more? Did you
2 ever hear anything at all to that effect?

3 A. Well, I've already told you that I did not follow up that
4 incident. I heard about the looting of the embassy as alleged by
10:38:22 5 Issa, but I did not follow the rest of the story.

6 Q. We've moved on from the Iranian Embassy. We've moved on to
7 a serious breakdown in the relationship between the two parties
8 and you say you don't know about that particular aspect, correct?

9 PRESIDING JUDGE: Mr Witness, the question is about the RUF
10:38:50 10 not attending meetings of the junta. Am I correct, Mr Munyard?

11 MR MUNYARD: Yes, they stopped attending joint meetings.

12 PRESIDING JUDGE: Were you aware of this?

13 THE WITNESS: I don't recall.

14 MR MUNYARD:

10:39:11 15 Q. Would you agree that in January 1998 Sam Bockarie, formally
16 the chairman of the AFRC government in Foday Sankoh's absence,
17 left Freetown for Kenema District because of his discontent with
18 the AFRC commanders?

19 A. Can you please come up with a time frame?

10:39:49 20 Q. In January 1998, Sam Bockarie left Freetown for Kenema
21 District because of his discontent with the AFRC commanders. Do
22 you agree with that proposition?

23 A. Yes, I agree that he was not happy.

24 Q. And are you - do you recall an occasion when Sam Bockarie
10:40:15 25 refused an instruction from Johnny Paul Koroma to attack Nigerian
26 soldiers arriving through Liberia and saying to Johnny Paul,
27 "No-one will tell me how to fight"? Do you remember that
28 incident?

29 A. No.

1 Q. So Sam Bockarie never told you that he stood up to Johnny
2 Paul and told him he wouldn't be told how to fight even by the
3 head of state. Sam Bockarie never told you about that. Is that
4 what you're saying?

10:41:01 5 A. I don't recall that. I don't recall him telling me that.

6 Q. And would you agree that although the RUF and the AFRC were
7 allied in one government, and worked together during the AFRC
8 junta period, the individual members continued to identify
9 themselves as either RUF or SLA and that at an organisational
10 level separate commanders for each group coexisted, that is
11 existed side-by-side, in the districts of the country? Would you
12 agree with that?

10:41:46 10

13 A. Well, I would not agree with that 100 per cent. I would
14 have something to say about that.

10:42:09 15 Q. This is proposition number three.

16 A. I --

17 Q. Just bear with me for a moment. I am going to let you
18 answer but I just want to make it clear. This is the third
19 proposition that I'm putting to you: That the two groups,

10:42:24 20 although they were allied in one government, the individual
21 members still identified themselves as either RUF or Sierra Leone
22 Army, and organisationally, they had separate commanders for the
23 RUF and the SLA alongside each other in the districts.

24 PRESIDING JUDGE: Mr Santora?

10:42:45 25 MR SANTORA: I am going to object that this should be
26 broken down into separate propositions. There are three
27 propositions - there are three different parts in this
28 proposition and I think it should be broken down for the witness.

29 MR MUNYARD: I am happy to do that. I thought actually,

1 although there are three elements to it, it's a fairly simple --

2 PRESIDING JUDGE: Well, there is the element of commanders
3 and the element of identification.

4 MR MUNYARD: Yes.

10:43:12 5 PRESIDING JUDGE: I think they are substantially different
6 to allow for two different questions.

7 MR MUNYARD: All right. I am content to break it down:

8 Q. Do you agree that although the two groups were joined in
9 the junta government, individual members continued to identify
10 themselves as either RUF members or SLA members?

11 A. Yes. I remember that.

12 Q. And do you agree that at an organisational level they had
13 separate commanders for each group, RUF or SLA, alongside each
14 other in the districts?

10:43:59 15 A. I would have a comment to make about that.

16 Q. Well, please make your comment now.

17 A. Yes, RUF had a commander everywhere there were fighters and
18 soldiers too would have a commander, but there would always be an
19 overall commander on a particular ground. That person would be
20 responsible for everything. The RUF and AFRC will report to that
21 person. Sometimes the person would be an RUF at that place or
22 that overall commander would be an AFRC at that place.

23 Q. Yes. Thank you. Next proposition - before I put it to
24 you, the Supreme Council consisted of who? I don't mean all the
10:45:01 25 names. Who were members of the Supreme Council of the junta?

26 A. I did not know everybody in the Supreme Council.

27 Q. Let me ask you this: Did the Supreme Council consist of
28 just military people or were there more than just military people
29 on it?

1 A. The Supreme Council comprised both the RUF and the
2 soldiers.

3 Q. The SLA, you mean?

4 A. Yes.

10:45:50 5 Q. And would you agree that the military retained its own
6 distinct chain of command and organisation?

7 A. Well, I don't know how the Supreme Council operated so I
8 wouldn't know structure of command in the Supreme Council.

9 Q. At the time of the intervention in February of 1998 you
10:46:33 10 were in Kenema, correct?

11 A. Yes.

12 Q. So you personally were not involved in any escape from
13 Freetown?

14 A. No.

10:46:51 15 Q. But you were presumably listening to radio traffic at that
16 time?

17 A. Yes.

18 Q. And would you agree that the retreat from Freetown by the
19 RUF and SLA was a completely uncoordinated effort without any
10:47:12 20 appearance of military discipline? Would you agree with that,
21 from what you saw of the radio traffic?

22 A. Well, to say that it was not coordinated - you know, the
23 question is two-pronged. If you say it was not coordinated I
24 would say yes, because they never planned that they were going to
10:47:44 25 retreat at this time or at that time and when they would be
26 retreating that would do this at this time or that at that time,
27 because they were in disarray. But one thing that I would like
28 to tell you or to make clear to you is that Superman was a man
29 who retreated. He secured Johnny Paul from Freetown, he

1 retreated with him from Freetown right up to the liberated zone.

2 Q. Now, at the end of February 1998 do you recall Johnny Paul
3 Koroma announcing that the soldiers, the SLA soldiers, would from
4 then on be subordinate to the command of the RUF?

10:48:49 5 A. Yes.

6 Q. I say the end of February, the date --

7 A. Some time around February, when we were in Buedu.

8 Q. And what was the reaction of SAJ Musa to that?

9 A. SAJ Musa did not agree to take command from Mosquito.

10:49:21 10 Q. And why didn't he agree to take command from Mosquito?

11 A. From what I knew was that SAJ Musa said Mosquito was not a
12 well trained military man so he wouldn't take command from him,
13 because he was a trained soldier. But other AFRC soldiers
14 adhered to what Johnny Paul said.

10:49:54 15 Q. He was furious, wasn't he, at Johnny Paul's instruction
16 that the soldiers should be under the command of the RUF?

17 A. That who was furious?

18 Q. SAJ Musa, he was furious at Johnny Paul's decision. Do you
19 agree?

10:50:21 20 A. Yes.

21 Q. SAJ Musa was the most senior soldier amongst the SLA group,
22 wasn't he?

23 A. I did not know SAJ Musa to be the senior most, but I knew
24 him to be one of the senior most.

10:50:49 25 Q. And SAJ Musa's entire mission was to make sure that the
26 army, the Sierra Leone Army, was reinstated in its proper
27 position within the country. Do you agree with that?

28 A. That was my understanding.

29 Q. And, indeed, SAJ Musa harboured thoughts of himself

1 becoming President, didn't he?

2 A. I don't know.

3 Q. Well, wasn't Sam Bockarie worried, around the time just
4 before the invasion of Freetown on 6 January, that the soldiers
10:51:39 5 were going to take the presidency for themselves if they managed
6 to get into Freetown?

7 A. Yes, some had such concerns. He even expressed that.

8 Q. And, until he was killed on the way to Freetown, SAJ Musa
9 was the most senior soldier, wasn't he?

10:52:08 10 A. Well, in the group where SAJ Musa was the head, he was the
11 head of that group. The group that was going towards Freetown,
12 SAJ Musa was the head of that group.

13 Q. And if anyone was going to be made President from amongst
14 the soldiers SAJ Musa would have had the first claim on that,
10:52:35 15 wouldn't he?

16 A. I wouldn't tell.

17 Q. All right. Now, I want to ask you what you can tell us
18 about the route that people took when they fled from Freetown.
19 You of course were monitoring the radio traffic. Help us,
10:53:08 20 please. Immediately after the intervention where did the various
21 members of the junta, AFRC or RUF, go to?

22 A. Well, I don't know the places. You are asking me two
23 different questions in one. I would like you to separate them so
24 I would be able to understand them and answer you in a proper
10:53:36 25 way.

26 PRESIDING JUDGE: Mr Munyard, there has actually been a
27 reference to two flights from Freetown. There is the one after
28 that you referred to in 1998 and then you talked about the
29 invasion of Freetown also. Which are you referring to?

1 MR MUNYARD: I did in the question, your Honour, say, "Help
2 us, please. Immediately after the intervention where did the
3 various members of the junta, the AFRC or RUF, go". I will make
4 it clear:

10:54:05 5 Q. The intervention, Mr Fornie, is the term commonly used in
6 this Court and elsewhere to mean when President Kabbah was
7 reinstated by ECOMOG and others in February of 1998; when the
8 junta was thrown out of power. Where did all the various members
9 of the junta go when they were thrown out of Freetown?

10:54:38 10 A. Well, among the ones who were in Freetown, many of them
11 went towards the RUF and towards Kono, Kailahun. Kono and
12 Kailahun Districts.

13 Q. And did any of them stay in Kono, or Kailahun?

14 A. Yes, many of them stayed.

10:55:08 15 Q. Who stayed in Kailahun?

16 A. Even Johnny Paul was one of the people who stayed in
17 Kailahun.

18 Q. Did he stay there voluntarily?

19 A. Well, Johnny Paul went to Kailahun voluntarily.

10:55:34 20 Q. Yes, but did he stay there voluntarily having gone there
21 voluntarily?

22 A. He went to Kailahun voluntarily.

23 Q. Yes, but I have asked you now twice did he stay there
24 voluntarily?

10:55:58 25 A. No.

26 Q. So tell us how come he stayed there? What happened to him?

27 A. Well, Mosquito - Johnny Paul suggested to Mosquito that he
28 wanted to go out of Sierra Leone, but I don't recall the country
29 now where he said he wanted to go, he said to see how best he

1 would be able to try and get some logistics. Mosquito asked him
2 to tell him what he already had at hand, so at least everybody
3 would know that that is what he had and so Mosquito and the other
4 senior officers would be able to plan what to do next.

10:56:50 5 Q. What caused him to stay in Kailahun against his will?

6 A. To be specific, Kangama via Buedu was where he stayed. It
7 was because of the question that Mosquito asked him and Johnny
8 Paul said he did not have anything that Mosquito decided to
9 search him. He gave orders to Issa and others to search Johnny

10:57:22 10 Paul. During that search Mosquito and others were able to
11 retrieve a lot of diamonds and some foreign currencies from
12 Johnny Paul, and Mosquito decided to send Johnny Paul to Kangama
13 to stay there.

14 Q. Well, if I may interrupt to shorten things. Johnny Paul
10:57:51 15 was put under arrest, wasn't he, and that is why he ended up
16 staying in Kailahun?

17 A. Yes.

18 Q. And Johnny Paul's arrest was just another example of the
19 discord between the SLA and the RUF following the intervention,
10:58:10 20 do you agree?

21 A. Yes, yes.

22 Q. Now, where did Gullit go when he fled from Freetown?

23 A. Gullit, it was after - after the Freetown invasion I did
24 not track his movement until around February that I was able to
10:58:37 25 locate him in - oh, okay. After the Freetown invasion, I can
26 recall Gullit came - I want to correct myself what I just said.
27 Gullit came towards Kailahun.

28 Q. Did he get to Kailahun?

29 A. You mean Gullit?

1 Q. Yes.

2 A. Yes.

3 Q. Did he see Bockarie there?

4 A. If Gullit saw Bockarie?

10:59:13 5 Q. Your boss, yes?

6 A. Yes.

7 Q. And what did Bockarie do to Gullit during the time that he
8 was in Kailahun?

9 A. I don't recall any specific incident between Gullit and
10:59:31 10 Bockarie in Kailahun at that time.

11 Q. Well were they cordial, or was there discord between them?

12 A. Well, the relationship at that time was cordial.

13 Q. The whole time that Gullit was in Kailahun?

14 A. Yes.

10:59:51 15 Q. Were you ever aware of Bockarie arresting Gullit and indeed
16 having him flogged at one point while he was in Kailahun?

17 A. I don't know about such an incident.

18 Q. When you say you don't know about such an incident you are
19 not saying it never happened, are you? You are saying you just
11:00:16 20 didn't know about it?

21 A. I don't know about Gullit being flogged by Mosquito. I
22 don't know about that.

23 Q. And you don't know about Gullit being arrested by Mosquito.
24 Is that correct?

11:00:31 25 A. Not at all.

26 Q. All right. What was it that caused Gullit to leave
27 Kailahun?

28 A. To the best of my knowledge, it was after Mosquito had
29 taken those diamonds from Johnny Paul that Gullit and some other

1 SLA soldiers said that Mosquito had molested Johnny Paul and so
2 they feared that maybe after that incident they would be the next
3 in turn to be treated as such. So that's why, to the best of my
4 knowledge.

11:01:26 5 Q. Right. So there was then discord between Gullit and
6 Mosquito to the extent that Gullit feared that Mosquito would
7 molest him, yes?

8 A. There was no specific problem between Gullit and Mosquito.
9 Gullit only feared what had happened to Johnny Paul that the same
11:01:55 10 would happen to him and others and he was their leader. He was
11 the leader.

12 Q. How do you know what Gullit feared?

13 A. Because even when Gullit went towards Kurubonla area, there
14 was some communication between him and Mosquito and those were
11:02:23 15 the things that Gullit expressed.

16 Q. So Gullit was actually saying, "I have gone to Kurubonla
17 area to get away from you so that you don't get a chance to
18 molest me", yes?

19 A. Well, it was from Kurubonla area that I listened to the
11:02:43 20 communication from Gullit. At that time Gullit was already in
21 the Kurubonla area, towards Koinadugu.

22 Q. Are you saying that Gullit was communicating that he had
23 gone to Kurubonla area to get away from Mosquito so that he
24 didn't have a chance to molest him?

11:03:02 25 A. I am not saying he used to communicate. He went there. At
26 the time that Gullit was going there, you know, he did not go
27 there officially. He went there on his own. Mosquito did not
28 send him to go there. And he - I don't know if he told Mosquito
29 that he was going to Kurubonla. He just feared. When he went

1 there there was communication flowing and that was not a good one
2 between the two men; that is Gullit and Mosquito. Gullit
3 attacked Mosquito verbally that Mosquito had disgraced Johnny
4 Paul and those were the things that he, Gullit, left the Buedu
11:03:45 5 area, or the Kailahun area.

6 Q. And it wasn't just Johnny Paul who was molested. Johnny
7 Paul's wife was molested as well, wasn't she?

8 A. Yes.

9 Q. How was she molested and by who?

11:04:01 10 A. I understood that Issa raped Johnny Paul's wife.

11 Q. How did Mosquito react to that information?

12 A. I did not see Mosquito take any action regarding that.

13 Q. Right, he didn't do anything, but did he say anything about
14 it to you, his radio operator, to whom he said so much?

11:04:36 15 A. I don't recall him saying anything about that to me. I
16 don't recall.

17 Q. It was a big incident, wasn't it, raping the wife of the
18 former head of state?

19 A. Yes, it was a big incident, but I would like you to also
11:04:57 20 understand that that incident took place on the ground where I
21 was with other radio operators and Mosquito did not need to tell
22 me what had happened already.

23 Q. Well I'm going to suggest that Mosquito didn't tell you
24 many of the things that you have claimed in your evidence he did
11:05:18 25 tell you, but would you agree that - I will come on to them
26 specifically in time, but would you agree that as a radio
27 operator you would not be part of the intimate circle of the
28 commanders?

29 A. I don't agree with you on everything that you said. I

1 don't agree on everything that you've said.

2 Q. I will get back to that. Now, when was it that Gullit fled
3 to Kurubonla?

4 A. It was around February that we were in Buedu, Kailahun
11:06:09 5 District. Around February, if my memory can serve me well, early
6 1998. Early 1998.

7 Q. So relations between the SLA and the RUF had broken down
8 badly by the end of February 1998, hadn't they?

9 A. Yes.

11:06:34 10 Q. Where was SAJ Musa at that time?

11 A. SAJ Musa was towards the northern area, around the
12 Koinadugu area. I cannot recall the exact town now.

13 Q. And what was he doing there in February 1998 and the months
14 following?

11:07:09 15 A. I did not track SAJ Musa's operations before that time,
16 because at that time it was only defensive that all of us were
17 on. We were not on any major operation. After we retreated
18 after the intervention, it was more defensive operations that we
19 were doing.

11:07:32 20 Q. Yes. Defending yourselves against ECOMOG and the Kamajors,
21 yes?

22 A. Say again.

23 Q. Defending yourselves against ECOMOG troops and the
24 Kamajors, correct?

11:07:54 25 A. Yes.

26 Q. And were you aware of SAJ Musa being engaged in a number of
27 military encounters with ECOMOG troops when he was up in the
28 Koinadugu District?

29 A. Well, what time are you referring to?

1 Q. The time that you told us that he was up in the
2 Koinadugu District.

3 A. At that time, yes, when he was there, that was what he was
4 mainly engaged in to fight against the ECOMOG.

11:08:41 5 Q. SAJ Musa was effectively the leader of the SLA at that
6 stage, wasn't he?

7 A. It was the Kurubonla area. Where they were SAJ Musa was
8 the leader, but the other SLAs decided not to work with SAJ Musa
9 and they worked with Bockarie to carry on the operations and they
11:09:07 10 were with the RUF until the Lome - until the end of the war.

11 Q. Which SLAs are these?

12 A. Like Akim, Leather Boot, Sammy and others. There were
13 other people.

14 Q. It is true, isn't it, that after the intervention, when the
11:09:40 15 junta is thrown out of Freetown, the two groups - both the RUF
16 and the SLA - began to divide into factions? Each of them split
17 into factions?

18 A. When we retreated, at some point was when the split
19 happened when Mosquito took those things away from Johnny Paul.

11:10:11 20 Q. Well, I don't - maybe I didn't make the question clear
21 enough. After the intervention the SLA split up into a number of
22 separate groups, didn't it?

23 A. Well, the SLA, at that time, I did not know about the
24 split, when they retreat took place initially.

11:10:35 25 Q. You didn't - well, I am saying after the retreat they split
26 up into several separate groups. Are you saying you weren't
27 aware of that?

28 A. Initially that did not happen. Initially. I know the time
29 that real split started creeping into the SLA.

1 Q. Well, you've told us that Gullit left your area because he
2 afraid Mosquito was going to molest him --

3 A. Well --

11:11:16

4 Q. Let me finish. He went to Kono and settled in Mansofinia,
5 didn't he?

11:11:40

6 A. I did not mention Mansofinia. I said towards Kurubonla
7 area. I don't know the exact town where he was based, but it was
8 in that Koinadugu area that they were. I don't know if it was
9 Mansofinia or where it was. And also I have explained why Gullit
10 went there and even the time that he went there, I have explained
11 it here.

12 Q. So he is somewhere - you don't know which town, but he is
13 somewhere in the Kurubonla area. SAJ Musa went to Kabala, were
14 you aware that?

11:12:03

15 A. Yes, I heard when SAJ Musa attacked Kabala once.

16 Q. And then went to Koinadugu. Were you aware of that?

11:12:36

17 A. I wouldn't recall the Koinadugu thing exactly, but I heard
18 about SAJ Musa's attacks. Most of the attacks in the north. SAJ
19 played active roles in attacking most of the towns in the
20 Koinadugu District that I cannot the recall the names of now, off
21 the top of my head.

22 Q. Right. Let's go to the RUF. You and Mosquito are in
23 Kailahun, in Buedu, yes? Where was Superman?

24 A. Well, at various times Superman was in various locations.

11:13:07

25 Q. But he wasn't in the same location as Mosquito, was he?

26 A. Yes, that's what I've said, yes.

27 Q. And that was because?

28 JUDGE SEBUTINDE: Mr Munyard, what kind of answer is that?
29 Were they or were they not in the same location?

1 MR MUNYARD: I understood him to --

2 JUDGE SEBUTINDE: What has he said?

3 MR MUNYARD: I understood him to be agreeing that they
4 weren't in the same location, but we will clarify that your
11:13:34 5 Honour:

6 Q. You agree that Superman was not in the same location as
7 Mosquito, don't you?

8 A. Yes. Superman was not in the same location as Mosquito.
9 They only used to meet seldom.

11:13:51 10 Q. Yes, and they did not get on at all, did they?

11 A. Well, there came a time when Mosquito and Superman had a
12 misunderstanding which made them to have some problems, but
13 initially there was no problem.

14 Q. When you say there came a time when they had a
11:14:27 15 misunderstanding, when was that time and what was the
16 misunderstanding about?

17 A. I would give the year, that is some time around - that was
18 approaching mid-1998. The main problem, even though there were
19 some minor problems, but the main factor was diamond that was
11:15:02 20 given to Mr Issa by Mr Mosquito to be taken to Mr Taylor in
21 Monrovia and Mr Issa came back and said that the diamonds had
22 gone missing.

23 Q. Mr Witness, the problems between Superman and Mosquito went
24 back at least as far as 1994. Were you aware of that?

11:15:41 25 A. Well, what we are talking about here now is related to
26 1998. Now that you are talking about 1994, well, we will talk
27 about that. I thought you asked me about 1998.

28 Q. I was and you say that the misunderstanding between them
29 came about in mid-1998. I've now suggested to you the

1 misunderstanding between those two men went back much further in
2 time. Were you aware of that?

3 A. Well, that was natural. It was not just between Super and
4 Mosquito or Issa and Mosquito. It happened between commanders.

11:16:31 5 There are times problems would crop up between them and later
6 they will be resolved and they will operate again together. That
7 used to happen, it was common. But what led to Superman and
8 Mosquito to be at loggerheads was, the reason - you asked me a
9 question and I told you that the main reason was because of the

11:16:54 10 incident in 1998. That was what I was telling you, I was about
11 telling you the reason. I am not denying the fact that there
12 used to be some minor problems between them before that, but that
13 never split the operations between Sam Bockarie and Super or that
14 would lead them to insult each other or will lead them to not be

11:17:23 15 on speaking terms with each other, no.

16 Q. That's your evidence, is it; that the disputes between them
17 were so minor that it never split operations between Sam Bockarie
18 and Superman or would lead them to insult each other?

19 A. I said these were minor problems. Sometimes when those
11:17:52 20 problems will crop up they will easily resolve them and they will
21 carry out operations and during the retreat from Freetown there
22 was no problem between Sam Bockarie and Superman.

23 Q. So why was it that Superman went to join SAJ Musa in
24 Koinadugu after the intervention?

11:18:18 25 A. It was because Mosquito had given diamonds to Issa and
26 those were the diamonds that they took from Johnny --

27 Q. I am going to stop you there. You say that was entirely
28 because of diamonds given to Issa Sesay, yes? That was the cause
29 of Superman going off to join SAJ Musa in Koinadugu, yes?

1 A. I was talking and you just cut me short. Issa misplaced
2 diamonds. He lost diamonds.

3 Q. Let me explain why I was cutting you short, because you
4 have already told us at some length about that incident. I am
11:19:07 5 simply trying to summarise rather than have you repeat everything
6 you have already said. We have heard what you said and no-one
7 stopped you saying it the first time, but we don't need to hear
8 it again in full the second time. Do you understand?

9 A. I don't really understand because I think what I was about
11:19:26 10 to talk had never been said in this Court. This particular
11 question you asked me that I was about to explain. I had never
12 said that in this Court, that Mosquito gave diamonds to Issa to
13 be taken to Charles Taylor and Issa lost the diamonds and that
14 led to a split between them. And Superman too. I don't think
11:19:52 15 I've ever said that in this Court, please.

16 Q. Well, I'm not going to refer the witness to the passage
17 above where he dealt with that. Are you aware then of any other
18 troubles between Sam Bockarie and Superman at any time?

19 A. You mean throughout the revolution? Is that what you are
11:20:24 20 talking about?

21 Q. Yes.

22 A. Okay. From the time I knew Mosquito and Superman, the
23 first problem that I observed between Mosquito and Issa was
24 during 1993, some time around 1993, at the time that Mosquito was
11:20:55 25 molesting one of the Special Forces and some of the Special
26 Forces like CO Mohamed, that is the late Zino, and Superman did
27 not accept those treatments. That is one of the major incidents
28 that I can recall cropped up between them.

29 But since that time when we started phase two those

1 problems had started quelling down. Superman and Mosquito used
2 to talk to each other, but I did not experience any physical
3 problem between them.

11:21:58 4 Q. Were you ever aware of an allegation made by Mosquito that
5 Superman embezzled a lot of money from the sale of a diamond? By
6 "embezzled" I mean took for his own purposes improperly?

7 A. Yes, I recall that.

8 Q. When was that incident?

11:22:33 9 A. It was around 1998. Around mid-1998. That was after Issa
10 had lost the diamonds, when Issa said that he had lost the
11 diamonds. That was the time Superman himself decided to hold on
12 to the other diamonds.

13 Q. Are you aware of any other disputes between them?

14 A. Physical problems, I don't recall now.

11:23:01 15 Q. I'm going to ask you please to look at exhibit D-8. Madam
16 President, we did alert the Court Management staff and the
17 exhibit is to hand.

18 Now, Mr Witness, I am going to ask for this document to be
19 put on the screen. It has already been made an exhibit in this
11:23:49 20 trial. It is a salute report from Sam Bockarie to the leader of
21 the revolution, RUF, Sierra Leone. It's dated 26 September 1999
22 and it's headed "Revolutionary United Front of Sierra Leone,
23 RUF/SL defence headquarters". Just look at the front page. Have
24 you ever seen anything like that before?

11:24:32 25 MR SANTORA: Your Honours, perhaps it's inadvertent but I
26 think counsel said that he's referring to a salute report from
27 Sam Bockarie and D-8 --

28 MR MUNYARD: I'm so sorry, I misread my numbers. It's D-9.
29 I'm terribly sorry. I am very grateful to my learned friend for

1 pointing that out. I can't read my own handwriting. I am going
2 to deal with D-8, but I want to deal with D-9 first. D-9,
3 please. Mr Santora is absolutely right, it was a slip on my
4 part:

11:25:28 5 Q. Mr Witness, you are going to see in a moment the first page
6 of a salute report. Have you ever seen a salute report before?

7 PRESIDING JUDGE: Mr Witness, did you hear the question?

8 THE WITNESS: Salute report? I know what a salute report
9 is and I have seen one before.

11:25:52 10 MR MUNYARD:

11 Q. You have seen one. Have you seen more than one?

12 A. Yes. Personally I myself prepared salute reports.

13 Q. All right. If you would put the first page on, please. I
14 will just identify this and then I think we will probably reach
11:26:17 15 the break. This is headed "Revolutionary United Front of Sierra
16 Leone, RUF/SL defence headquarters", dated 26 September 1999.

17 It's addressed to the leader of the revolution RUF/SL and it's
18 from Major General Sam Bockarie. Now, have you seen that before?

19 A. This particular one I don't recall.

11:27:09 20 Q. Can we turn over, please, to the second page which is ERN
21 number 9659. I hope I can get one point dealt with. Do you see
22 at the top of this page it reads:

23 "Meanwhile in Bradford in the Western Area jungle Superman
24 had killed two of Colonel Mohamed Tarawalli's bodyguards whilst
11:27:42 25 others had run for fear of being killed. Commanders from all
26 fronts were outraged by this act and were about to move to
27 Bradford to arrest the situation when the AFRC overthrew the
28 government of Tejan Kabbah on 25 May 1997 and called on us to
29 join them a few days later."

1 Were you aware of that incident in Bradford in the Western
2 Area jungle when Superman killed two of the bodyguards of his
3 colleague in the RUF, Mohamed Tarawalli, known as Zino?

4 A. Well, according to this transcript the time that this
11:28:28 5 happened was before the AFRC coup took place. At that time I was
6 not with the RUF. I was not with the RUF.

7 PRESIDING JUDGE: Mr Munyard, we are out of time,
8 unfortunately, so we will have to continue this line of
9 questioning after the break.

11:28:47 10 Mr Witness, we are now going to take the mid-morning break.
11 We will be resuming court at 12. Please adjourn court until 12.

12 [Break taken at 11.30 a.m.]

13 [Upon resuming at 12.00 p.m.]

14 PRESIDING JUDGE: Just before you resume your
12:00:36 15 cross-examination, Mr Munyard, my learned colleagues and I have
16 been able to consider what was said this morning by both yourself
17 and Ms Hollis concerning the cross-examination of the witness.
18 We will complete the cross-examination of the witness before we
19 rise to deal with other matters. We will proceed - for
12:00:56 20 elimination of doubt and for purposes of the ICC management, we
21 will adhere to our normal times, which means we will sit all day
22 today, tomorrow until 1.30 and then again on Monday until the
23 witness is completed.

24 MR MUNYARD: Well, obviously we don't seek to go behind any
12:01:20 25 decision of your Honours, but we had made arrangements within the
26 Defence team for a very considerable amount of movement, an
27 activity next week involving people coming from West Africa and
28 so on, on the basis that we were rising on Friday. It will cause
29 very considerable disruption to the plans of most of us in the

1 Defence team.

2 JUDGE LUSSICK: We would have taken that into account had
3 we been told.

4 MR MUNYARD: I'm sorry I didn't mention it earlier, your
12:01:56 5 Honour, but I was simply - when I started this morning I was
6 simply alerting everybody to the length of time that I was likely
7 to be.

8 PRESIDING JUDGE: Mr Munyard, there had been a preliminary
9 indication that a witness might need - a non-specified, I should
12:02:43 10 say, witness might need to be completed and the Bench did
11 indicate in a very general way that it would try and complete a
12 witness if it did not run very far into next week. So if that
13 was not communicated in those general terms then I regret that it
14 was not communicated in those general terms, but as my learned
12:03:07 15 colleague Justice Lussick has said, we were not aware of this
16 until you tell us now.

17 MR MUNYARD: No. Well, we didn't know until yesterday late
18 afternoon when the examination-in-chief was going to end and we
19 had of course all worked on the basis that next week the Court
12:03:27 20 would not be sitting. I am sorry I didn't tell you this morning
21 when I indicated that we had these plans. I have to say I was
22 working on the basis that the Court would understand that I would
23 not be likely to complete my cross-examination by the time it
24 finished for this year, tomorrow at 1.30. That was why I was
12:03:48 25 indicating to all parties what the situation was as far as my
26 anticipated length of cross-examination would be. Now that I
27 have given you that information, do you think the best thing is
28 for us simply to proceed with cross-examination?

29 PRESIDING JUDGE: Please proceed, yes. You are asking

1 about proceeding now this morning, aren't you, Mr Munyard?

2 MR MUNYARD: I am saying, although I have now given you
3 some further information, obviously we are not going to debate it
4 or discuss it here and therefore --

12:04:30 5 PRESIDING JUDGE: No, no. We are therefore inviting you to
6 continue, yes.

7 MR MUNYARD: Yes, certainly:

8 Q. Now, Mr Fornie, we were just looking at a passage in
9 exhibit D-9 where your boss, Sam Bockarie, was complaining to the
10 Leader, Foday Sankoh, about Superman's behaviour in the past and
11 we have seen the passage at the top of page 2 of this document.

12 I want to then briefly read the next two paragraphs simply to put
13 my next point in context. The second paragraph reads as follows:
14 "On receiving instructions" - actually, I don't think I completed
15 - yes, I did complete the first paragraph:

16 "On receiving instructions from the leader calling on the
17 RUF to join the AFRC I decided to put the Bradford issue to rest
18 until the return of the leader and instructed Superman to head
19 the advance team to Freetown from the Western Area jungle, later
20 to be joined by Colonel Isaac and others from Kangari Hills.

21 After ensuring that our security was paramount, Brigadier Issa
22 and I entered the city to implement your instruction to join the
23 AFRC and ensure that the security of the nation was paramount.

24 Thus began the marriage of uneven and unequal partners
25 between the AFRC and the RUF."

26 Now, pausing there, these are Sam Bockarie's words
27 describing the junta as an uneven marriage - sorry, as a marriage
28 of uneven and unequal partners. I want you to skip the next
29 paragraph and then concentrate on the second paragraph from the

1 bottom, "Sir, within the marriage" - and pausing there he is
2 obviously referring to the junta period from what I have read out
3 above:

12:06:46 4 "Within the marriage a diamond was sold by a Lebanese
5 businessman with a commission given to the government, out of
6 which an amount of nine million leones was given to Colonel
7 Superman for the entire RUF movement which he embezzled.

8 I decided to investigate him in my capacity as the
9 commander you left in charge. Superman deliberately refused my
12:07:07 10 order and went to the extent of challenging me. I was annoyed
11 but was advised by the War Council chairman Mr SYB Rogers to wait
12 for your return to the ground."

13 Now, that is the occasion on which he is talking about
14 embezzlement of money from the sale of a diamond. Nothing to do
12:07:28 15 with Issa Sesay, do you agree?

16 A. I do not agree with everything really, because it is a very
17 long statement. You have read a very long statement and, to
18 start with, talking about Superman killing somebody or some
19 people around Kangari Hills, I don't know. Please turn over to
12:08:02 20 the first area. I don't know if there is a place named Bradford
21 area, I don't know, and I don't know what you are talking about
22 when you say he - okay, CO Mohamed Tarawalli's bodyguards, at
23 that time I was not with the RUF. By then I was in captivity.
24 Like, I had initially established before this Court that I was in
12:08:29 25 captivity when AFRC took over and since the fall of Zogoda I was
26 not with the RUF, so I am unable --

27 Q. I am going to interrupt you. You have already made that
28 point just before we broke for the break and I have moved on to
29 another point.

1 A. Okay.

2 Q. And I read the two paragraphs about the founding of the -
3 about the AFRC coup simply to put in context the paragraph that
4 starts "Sir, within the marriage". I have moved on to the
12:09:08 5 question of Superman's embezzlement of nine million leones that
6 were the proceeds of sale of a diamond. Do you understand that
7 that is what I am asking you about now? And he says that was
8 within the marriage, in other words during the junta period, that
9 the diamond was sold.

12:09:37 10 A. Okay.

11 Q. Now, do you know about that incident? Not diamonds and
12 Issa Sesay, but the proceeds of sale of a diamond by Lebanese
13 businessmen who gave commission to the government?

14 A. No.

12:09:54 15 Q. Right. So Superman never made you aware of that incident -
16 sorry, Sam Bockarie never made you aware of that incident
17 involving Superman?

18 A. No. The reason why in fact I said no is because by then I
19 was not there. It was at the time that I went to Kenema that I
12:10:23 20 heard about that and that was not an official issue and I did not
21 follow up with a story, so I cannot justify anything about it.
22 It was just by hearsay. It is not an authentic information.

23 Q. Turn to page 5, please, of this document. It is ERN 9662.
24 Now, in the middle of that page just over halfway down there is a
12:10:58 25 paragraph that starts, "Back at headquarters I renewed my contact
26 with ULIMO." Do you see that, the paragraph that starts with
27 those words?

28 A. I have seen that.

29 Q. Thank you. I will read it to you and ask you about this:

1 "Back at headquarters I renewed my contact with ULIMO and
2 tried to secure materials from them. It was out of these
3 materials that I gave Superman a good quantity to attack and
4 capture Kono. This move I thought would pressure the government
12:11:31 5 into abandoning their mock trial against you and provide us with
6 the ground necessary to move the war and the movement forward.

7 Superman used the materials to attack Kono and was able to
8 control parts of Koidu Town. Though they were able to raise the
9 ammo dump, they then concentrated on looting and later withdrew
12:11:58 10 leaving the enemy to reoccupy the town. Even prior to that, all
11 instructions to maintain the ground were not implemented.

12 With the captured materials from Kono, Superman went to the
13 Kabala axis to join SAJ Musa. I instructed him to send some
14 materials to which he agreed. Later he refused to dispatch the
12:12:28 15 materials and refused to grant permission to the receiving
16 officer to return to me."

17 Now, were you aware that Sam Bockarie obtained materials
18 from ULIMO and sent a good quantity of them to Superman to attack
19 Kono with?

12:12:54 20 A. I wish you can help me with a time frame, because no time
21 frame has been made mention of - has been made mention of in this
22 particular area that you have read.

23 Q. Well, it is - I will help you if I can. Of course it is
24 your boss's account, it is not my account, but if you read on you
12:13:19 25 will see that he refers, in the third part of that paragraph,
26 "With the captured materials from Kono Superman went to the
27 Kabala axis to join SAJ Musa". So we know that it is after the
28 attack on Koidu Town and around the time that Superman went to
29 join SAJ Musa. Does that help you with the time frame?

1 A. Well, I think I would try to narrow down my response about
2 the time frame that we were in Buedu, because that was the time I
3 knew that Superman went and joined SAJ Musa and others in that
4 area, according to what has been stated here. I want to
12:14:16 5 establish here that at that time there was no ULIMO in existence.

6 Q. Are you aware that Sam Bockarie bought materials from
7 people who had been in ULIMO?

8 A. No, I said ULIMO was not in existence at that time. The
9 particular time - this time frame that you are talking about here
12:14:48 10 or that the document is referring to here - at that time
11 disarmament had taken place in Liberia and they had elected their
12 President, Mr Charles Ghankay Taylor, so I do not recall at that
13 time that --

14 Q. I am going to stop you here. Did you listen to my
12:15:07 15 question? I said "people who had been in ULIMO". Were you aware
16 of Sam Bockarie purchasing materials from people who had been in
17 ULIMO? Yes or no?

18 A. No.

19 Q. We will come back to that later. Are you aware that when
12:15:28 20 Superman attacked Kono that he and his troops concentrated on
21 looting and then withdrew from Koidu Town leaving the enemy to
22 reoccupy it which caused discord between him and Sam Bockarie?
23 Yes or no?

24 A. I do not recall any Kono attack bringing discord between
12:16:09 25 Sam Bockarie and Superman.

26 Q. Thank you.

27 A. I do not recall that there was - there was no time that the
28 Kono attack brought discord between them.

29 Q. All right. Are you aware that Sam Bockarie instructed

1 Superman to send some materials to him at the time that Superman
2 had gone to join SAJ Musa, but Superman not only refused to send
3 the materials but also refused to allow the receiving officer to
4 return back to your boss, Sam Bockarie? Are you aware of that?

12:16:51 5 A. No.

6 Q. Are you saying it never happened, or are you saying you
7 just don't know whether it happened or not?

8 A. I am an individual in the RUF and I think, according to all
9 the messages I monitored, I did not see such a message and it was
10 not possible for me to be part of all voice conversations that
11 went on between Mosquito, or whosoever, be it Super or anybody
12 else, about everything. But this particular incident that you
13 are referring to here is not to my knowledge. I am not refuting
14 the fact that it happened, but what I am telling you is that I
15 was never aware of such an activity.

12:17:40 16 Q. Right. The last paragraph on that page, please:

17 "A special forum of vanguards was held to brief them of
18 happenings since the Freetown retreat and other important issues.

19 It was in this forum that I learnt that Superman had a mixed
12:18:03 20 Lebanese girl with him who was deterring his concentration on
21 military issues. It was reported that she would sit on his lap
22 during meetings with officers and publicly flirt with one
23 another. This information concerned me greatly and in the
24 presence of all vanguards I instructed Superman to report for
12:18:29 25 briefing. I told him that he should not be moving with his woman
26 on a military operation such as the one he was on as it was
27 obvious that his priority was not his military duties. In this
28 light I instructed him to prepare within 72 hours and report to
29 district headquarters. He agreed to report but later sent a long

1 message denouncing my command and refusing to come to my call.
2 He said that he would stay where he was and would take no
3 instructions from me until the arrival of the leader."

4 Now, were you aware of any of that?

12:19:17 5 A. Well, I am aware of part of what you have read that
6 Superman had - that is what I am explaining - that Superman had -
7 Superman had a mulatto woman and Mosquito and others were not
8 happy with that, Mosquito, Issa and others were not happy with
9 that because they said - they had alleged that Superman had spent
12:19:57 10 so much money on that woman in Freetown before he left there and
11 also Mosquito said he received a report that Superman was
12 concentrating too much on that woman and putting aside the war.
13 That is what I am aware of. And I also recall that --

14 Q. Yes, carry on.

12:20:31 15 A. I recall that different types of forums were held in Buedu,
16 but the first that I recall having to do with the vanguards, when
17 we went to Buedu initially, when Mosquito invited all the
18 vanguards to come, was to discuss about how to put some
19 structures in place about the war to give some people --

12:21:05 20 Q. I am going to interrupt you at this point. Will you please
21 remember just to answer the question and not tell us about what
22 else was happening around that time. The question is: Are you
23 aware of the material in these paragraphs, or this paragraph,
24 that I have just read to you. Your answer is you were aware of
12:21:29 25 the concern of Mosquito and others about Superman's girlfriend,
26 but, as far as a forum of vanguards is concerned, where this was
27 discussed and an order was given to Superman, were you aware of
28 that particular incident happening at a forum? Yes or no?

29 A. I do not recall a forum where it was discussed - where

1 discussions were taking place about Superman about that. I do
2 not recall any specific forum called about Superman for that.

3 Q. No, it doesn't suggest it was called about that, but at a
4 forum Mosquito gave Superman an instruction that he shouldn't be
12:22:20 5 moving with this woman?

6 A. I am not aware of the instruction.

7 Q. Either he instructed him at the forum or at a report for
8 briefing, but you are not aware of either? Is that correct?

9 A. I am not aware about what you are talking.

12:22:45 10 Q. All right. "He agreed to report" - that's the report for
11 briefing - "but later sent a long message denouncing my command".
12 Now, you were a radio operator and monitor at this time, weren't
13 you?

14 A. If you say that was the time Super sent such a message, I
12:23:11 15 do not recall that it was for such an issue, this kind of issue.

16 THE INTERPRETER: Your Honours, could the witness be
17 advised to slow down again and repeat what he said.

18 PRESIDING JUDGE: Mr Witness, you have speeded up. The
19 interpreters are trying to keep up with you and those recording
12:23:24 20 your answer. Please answer the question directly and resume your
21 answer from where the point you said, "I do not recall that it
22 was for such an issue, this kind of issue".

23 THE WITNESS: The time I knew that Superman refused orders
24 from Mosquito for him to report to Buedu, the first time that I
12:23:58 25 ever recall was when they were in Kono and he left Kono, he went
26 towards the Koinadugu area, and that was the time Issa had got
27 the diamonds missing and Mosquito failed to take action against
28 Issa.

29 MR MUNYARD:

1 Q. Right. So you do not recall seeing a long message from one
2 of the commanders denouncing the leader, the acting leader,
3 Sam Bockarie. Is that correct?

12:24:48

4 A. I recall that Superman was condemning Mosquito. It was not
5 even once.

6 Q. How many times do you recall seeing messages in which
7 Superman condemned the military leader?

12:25:18

8 A. One specific time was the time Mosquito sent an instruction
9 to Superman for him to report in Buedu. He said he should come
10 over for them to sit and plan, but Superman refused the order.

11 But even before that, he had first said that Superman had
12 diamonds with him and that he should report to the diamonds and
13 Super said he did not have the diamonds. Superman said he did
14 not have diamonds with him. He said unless Mosquito asks Issa to
15 present the other diamonds that he had taken to Monrovia. So it
16 was such a message that I received. And besides Superman and
17 Mosquito spoke live on the radio and they were using invectives
18 against each other. Superman was condemning Mosquito on the
19 radio. I am aware of that.

12:25:41

12:26:12

20 Q. Next paragraph: "The War Council chairman" - pausing
21 there, that is SYB Rogers, isn't it?

22 A. Yes.

12:26:28

23 Q. Thank you: "The War Council chairman and other senior
24 officers joined me in trying to convince him to report but he
25 refused, resorting to molesting Pa Rogers and Brigadier Isaac on
26 set" - set referring to the radio, yes? Does set refer to radio
27 here?

28 PRESIDING JUDGE: Mr Witness, did you hear the question?

29 THE WITNESS: I think if I got him right he is trying to

1 say that Superman molested Pa Rogers and Brigadier Isaac over the
2 radio. Is that what you are trying to say?

12:27:08 3 MR MUNYARD: I hadn't even got that far. I just want to
4 establish when we read out the word "set" we are talking about
5 the radio. I hadn't finished the paragraph.

6 PRESIDING JUDGE: Yes, counsel is asking does the word
7 "set" mean a radio set?

8 THE WITNESS: Okay. Then please I want the Defence to be
9 asking very short questions. He shouldn't be asking very long
10 and lengthy questions so as to enable me to answer his questions
11 properly.

12 MR MUNYARD:

13 Q. Mr Fornie, I am reading out something that your former boss
14 wrote. When I have read it to you I will ask you some short
12:27:46 15 questions to which I would be grateful to have some short
16 answers. Now, I am going to carry on reading out this passage
17 and I am then going to ask you some questions about it. I had
18 better start again.

19 JUDGE LUSSICK: Mr Munyard, I don't think he answered your
12:28:05 20 other question, which was a very short question, does set mean
21 radio set. Oh, he did answer that.

22 MR MUNYARD: He said okay, and I said, but I think there
23 were voices over, I said I think that means yes.

24 JUDGE LUSSICK: Well, I have missed that.

12:28:18 25 MR MUNYARD:

26 Q. You do agree that "set" means radio set, Mr Fornie, is that
27 right?

28 A. Please read that same area once more.

29 Q. Is "set" in this context a radio?

1 A. Well, if you want to establish the fact that it's a radio
2 set, I would want to accept, because I was not the one who wrote
3 this and you are alleging that it was Mosquito who wrote it. But
4 if you establish the fact that indeed it was the radio set then I
12:28:57 5 will respond to you and then I will accept.

6 Q. I asked you a short question. I would like a short answer
7 this time. Does "set" mean radio set, yes or no?

8 A. I don't think you are supposed to be asking me if --

9 PRESIDING JUDGE: Do you know the answer or do you not?
12:29:22 10 Give an answer if you know it.

11 THE WITNESS: The set this man is referring to here, in the
12 RUF I only knew about the radio sets. Those were the ones we
13 used. Those are the ones we used to communicate.

14 PRESIDING JUDGE: That appears to be an answer in the
12:29:49 15 affirmative.

16 MR MUNYARD: I will move on:

17 Q. "The War Council chairman and other senior officers joined
18 me in trying to convince him to report but he refused, resorting
19 to molesting Pa Rogers and Brigadier Isaac on set, whilst all
12:30:11 20 stations were monitoring."

21 Now, did you hear about that in your capacity as a
22 monitoring radio operator?

23 A. I never heard Superman use invectives against Pa Rogers,
24 nor CO Isaac.

12:30:37 25 Q. Now, you told us earlier that you were on shifts, you
26 didn't work all day and every day and that's completely
27 understandable. But you also told us a day or two back that you
28 would go into the radio room and you would look through the daily
29 book to see what messages were in there. Do you remember telling

1 us that?

2 A. Yes, but according to what is written here - according to
3 what is stated here, he said Superman used invectives against Pa
4 Rogers and CO Isaac on the radio set, or on the set, and that
12:31:20 5 meant it was through a dialogue. It was through dialogue. It
6 has not been stated here that it was done in a message.

7 Q. No, but it says here, "Whilst all stations were
8 monitoring". Now, what does "monitoring" mean? It doesn't just
9 mean listening in, does it? Does it mean listening and taking
12:31:43 10 notes of what you are hearing?

11 A. Well, what is written here, that all stations were
12 monitoring, I think here they are referring to the conversation -
13 the conversation. We had two ways by which we monitored and
14 there are two ways in radio communication. We have verbal and
12:32:11 15 written. If it were written then it should be stated here - even
16 if it was Mosquito who wrote this, then it should be stated here
17 radio message. But to crown off everything, I want to tell you
18 that I was never aware of Superman using invectives against
19 neither Pa Rogers, nor CO Isaac.

12:32:41 20 Q. Mr Fornie, if Superman was molesting the War Council
21 chairman and an officer as senior as Brigadier Isaac Mongor on
22 the radio while all stations were monitoring, somebody would have
23 the duty in one of the monitoring stations to make a note of what
24 was being said and report this to the military leader, Mosquito,
12:33:08 25 wouldn't they?

26 A. It did not happen that way and, in fact, in respect of this
27 I would want to establish a fact, please, my Lord. At the time
28 we were travelling to Lome, I don't know whether that was the
29 time, and I do not even know when this was prepared, but I want

1 to make it very clear that when Pa Sankoh returned from prison
2 Mosquito alleged so many things against Superman and therein
3 Super too was alleging so many things against Mosquito.

4 So at the time Pa Sankoh took his time, sat down and went
12:34:00 5 through some of those things, Pa Sankoh realised that some of the
6 things that were alleged against Superman were actually not true.
7 So I wouldn't be able to confirm whether it was actually Mosquito
8 who wrote this or not. And, even if he was the one who wrote it,
9 I cannot confirm whether what is in here is the truth.

12:34:34 10 Q. But, in any event, you have agreed broadly that relations
11 between Superman and Mosquito after the intervention and before
12 the invasion of Freetown were not cordial. That's right, isn't
13 it?

14 A. Yes, at a point in time. At a point in time it was not
12:34:59 15 cordial, up to the time Pa Sankoh returned from prison.

16 Q. Right. Now, that is discord within the ranks of the RUF?

17 A. Yes, that was one of the discord.

18 Q. Can you have a look, please, now at exhibit D-8. And it
19 really is D-8 this time that I want to refer to. This is a
12:36:15 20 document headed "Unofficial translation". It is at page ERN
21 number 12955 and it is a translation of a verbatim report on a
22 recorded discussion between corporal Foday Sankoh and his cohorts
23 and it says, "On his return from detention at Nigeria in 1999
24 explaining their activities during his detention in 1996-1999
12:36:47 25 (specifically 6 January)". It consists of - if you turn to the
26 last page, Mr Fornie, you will see on page 12970 --

27 A. Please hold on for me.

28 Q. At the foot of the last page it says, "This discussion
29 which was recorded by the RUF (with all participants speaking in

1 the local Krio language) ended at this point." So it purports to
2 be a translation of a conversation in Krio between Foday Sankoh
3 and others?

4 A. I have not yet seen the area you are referring to, please.

12:37:43 5 Q. I am just explaining to you what it is. Having shown you
6 the first and the last page, it is an unofficial translation of a
7 conversation that was recorded rather like you recording your
8 conversations on tapes of hearing Foday Sankoh over the radio.

9 Do you follow? It is that sort of recording. I simply want to
12:38:04 10 establish that you understand what this document is. I would
11 like you to turn, please, to the second page of it, which is ERN
12 12956, and I want you to look at the second half of the page
13 under the heading "Brigadier Mike". Now, who is Brigadier Mike?

14 A. Mike Lamin.

12:38:46 15 Q. Right. This is a translation of what he is saying in the
16 course of this recording:

17 "Okay. Sir, just to reiterate what the chairman of the War
18 Council has just said" - and we can see the passage above is Pa
19 Rogers speaking - "what the chairman of the War Council has just
12:39:07 20 said we left Freetown and arrived at Kailahun via Kono where we
21 met Mosquito who virtually had nothing to feed the soldiers
22 especially the SLA brothers."

23 Pausing there, did you - were you aware of that, that
24 Mosquito had virtually nothing to feed the soldiers, especially
12:39:27 25 the non-RUF fighters, following the retreat from Freetown? Were
26 you aware of that?

27 A. No, I don't think Mosquito did not have food, because we
28 had food. We brought enough food from Kenema. I know that we
29 brought food from Kenema in trucks.

1 Q. Right. Well, this is Mike Lamin speaking to the leader
2 telling him that when he and others got to Kailahun Mosquito had
3 virtually nothing to feed the soldiers. Are you saying that Mike
4 Lamin is not speaking the truth here in this passage?

12:40:24 5 A. I don't know whether he is saying the truth or not, but
6 what I know is what I can testify to.

7 Q. You disagree with what he says here, is that right? Yes,
8 or no?

9 A. I disagree to the fact that there was food.

12:40:51 10 Q. It goes on:

11 "In fact Brigadier Issa and myself escaped with Johnny Paul
12 Koroma to Kailahun. Later, Mosquito, Brigadier Issa and myself
13 told Johnny Paul Koroma that since he was head of state, we
14 expected him to have some amount of money, which we can decide to
12:41:07 15 use for logistical support in a bid to organise the men. Johnny
16 Paul Koroma told them that Gullit, also known as Black Jar, had
17 some diamonds he had instructed him to mine in Kono. I then left
18 with Brigadier Issa to meet Gullit in Kailahun. I told him to
19 hand over all the diamonds he had in his possession and we
12:41:34 20 collected 115 pieces of diamonds from him which was valued at
21 15,000 US dollars. We returned with the diamonds to Mosquito the
22 same day."

23 Now, were you aware of Mosquito and others, including Mike
24 Lamin, telling Johnny Paul Koroma that they were looking to him
12:42:01 25 for money whereupon he told them that Gullit had some diamonds
26 that could - presumably could be used to raise money? Were you
27 aware of that?

28 A. I don't know whether or not it was Johnny Paul who told
29 Mosquito about that. I don't know about that.

1 Q. Mosquito never told you about this? Does it follow
2 Mosquito never told you about this?

3 A. No, he did not tell me about that.

4 Q. Right. Were you aware of any tensions between Gullit and
12:42:50 5 Mosquito because of Gullit being made to hand over \$15,000 worth
6 of diamonds?

7 A. Say again. Read that again.

8 Q. Are you aware of any tensions or discord between Gullit and
9 Mosquito because of Gullit being made to hand over \$15,000 worth
12:43:19 10 of diamonds to Mosquito following the retreat from Freetown?

11 A. I don't know about that.

12 Q. All right. I think that is the only passage I want to deal
13 with in that. Would your Honours bear with me for a moment? I
14 am trying to keep things chronological. There is another

12:44:01 15 passage, but I need to work out whether it falls within the same
16 time frame. Yes. Just have a look, please, at page 9 of this
17 particular document. Do you see page 9, about the middle of the
18 page where it says, "Foday Sankoh speaking: Does anybody have
19 anything to say against Superman" and another speaker who is

12:45:12 20 unidentified says, "Yes, sir. In your absence, I was assigned
21 with Brigadier Issa, until we moved from Buedu to Kono where we
22 launched an operation up to Waterloo. We met the brothers from
23 Freetown there. We were expecting them to give their SLA report
24 but they did not. On a certain day, CO Issa asked Barry, a newly

12:45:36 25 elected commander in the presence of Superman, Bra Issa, Gullit,
26 and Five-Five about the SLA operation report. They did not give
27 any SLA ops reports or present anything, nor did they give any
28 account about their manpower, and arms. There was confusion over
29 this issue."

1 Pausing there, by confusion, do you understand that to mean
2 there was a dispute or disagreement?

3 A. I don't understand please.

12:46:18

4 Q. The word confusion used in this context, do you understand
5 that to mean a disagreement?

6 A. It is the entire context that I am referring to.

7 Q. Well, I am simply pausing to ask you what you understand by
8 confusion here. Do you understand that to mean that there was
9 trouble between them?

12:46:46

10 A. It relates to the context and I want to have it in relation
11 to the context. You cannot just isolate the word and ask me to
12 give you a meaning.

13 Q. Well, I've just read out the context, Mr Fornie. That is
14 why I read the whole of that passage for you.

12:47:01

15 A. I said I don't understand it. Please, I wouldn't answer
16 about a word that relates to the entire context so let me have it
17 in context again, please.

18 Q. I am going to move on:

12:47:22

19 "At that moment we had plans to attack Tombo village after
20 Benguema. We went on that operation and returned the next day.
21 We had to follow up on the issue concerning the Freetown
22 operations. All they could tell us was that they had freed the
23 other brothers. Two or three days later, we arrested some SLAs
24 with 600 US dollars and 13 million leones. These money was taken
25 to Makeni with the SLAs. At night Superman attacked us in Makeni
26 and took away the money."

12:47:47

27 PRESIDING JUDGE: Mr Munyard, my reading of that word is
28 "attached" rather than "attacked".

29 MR MUNYARD: Your Honour is absolutely right. I have read

1 what appears to be the sense of it. It seems to be a
2 typographical error on the face of it. I will read it as it is
3 printed: "At night Superman attacked us in Makeni and took away
4 the money." Well, unless he took away the people then he clearly
12:48:20 5 wasn't attached to them any longer, so it seems that it is
6 attacked.

7 PRESIDING JUDGE: Yes.

8 MR MUNYARD:

9 Q. "During that period Issa was in possession of some diamonds
12:48:31 10 had from our mining activities at the Kambia axis." Now, there
11 is another complaint within the movement about Superman attacking
12 RUF troops, RUF fighters. Are you aware of that?

13 A. I am aware of the clash between Superman and Issa -
14 Superman against Issa, Rambo and others and Mosquito. It was a
12:49:10 15 gun battle. I can recall that.

16 Q. Right. Were you aware of what the problem was that led
17 Superman to fall out with SAJ Musa when they were both in
18 Koinadugu area?

19 A. I don't know why Superman and SAJ Musa fell out, because at
12:49:41 20 that time there was no direct communication between us and
21 Superman.

22 Q. Can you remember before the operation to recapture Kono
23 took place a dispute erupting over command and control issues
24 resulting in hostilities between the two factions, that is the
12:50:09 25 RUF and the SLA, and the deaths of several fighters?

26 A. Which area?

27 Q. Before the operation to recapture Kono?

28 A. What area was this fight between the RUF and the SLA before
29 the operation took place?

1 PRESIDING JUDGE: Mr Santora.

12:50:48 2 MR SANTORA: I am going to submit that the question is
3 confusing and only in this sense is that now counsel has put two
4 incidents on the table in terms of an effort - operation to
5 recapture Kono and the witness has testified about one particular
6 operation and then this morning referring - there was another
7 operation that was referred to again, an operation with relation
8 to Kono. So I would just simply ask that there be some
9 specification as to which operation counsel is referring to.

12:51:11 10 MR MUNYARD: I think I can deal with it compendiously:

11 Q. Are you aware of any dispute that led to the deaths of
12 several fighters between - a dispute between the RUF and the SLAs
13 that led to the deaths of several fighters before any operation
14 to recapture Kono?

12:51:47 15 A. Yes.

16 Q. Right. Thank you. And in fact SAJ Musa and a significant
17 number of AFRC troops loyal to him opted not to participate in or
18 support an operation to recapture Kono because of that
19 infighting. Are you aware of that?

12:52:23 20 A. If it was the final fall of Kono? In fact, SAJ Musa did
21 not have any contact. What I am aware of is the infighting
22 between SAJ Musa and Superman and the others, when they fought.
23 That's what I'm aware of. Apart from that, I am not aware of any
24 instruction from Mosqui to for SAJ Musa to go and attack Kono.

12:52:54 25 PRESIDING JUDGE: I don't think, counsel, you were asking
26 about SAJ Musa attacking Kono. You were saying, if anything, he
27 was not going to participate.

28 MR MUNYARD: Yes.

29 PRESIDING JUDGE: There seems to be a misunderstanding on

1 the part of the witness.

2 MR MUNYARD: All right, I will attempt to do that one
3 again:

12:53:33

4 Q. Mr Forni e, I think you have agreed that you were aware of
5 infighting between RUF and SLA combatants that led to the deaths
6 of several fighters at some point following the retreat from
7 Freetown and before the invasion on 6 January? I think you have
8 agreed that in broad term, yes?

9 A. Yes, with an explanation I can explain.

12:54:02

10 Q. I am not asking you for the explanation. I am just trying
11 to establish incidents of infighting. Are you aware that, as a
12 result of infighting leading to the deaths of several combatants,
13 that SAJ Musa and a significant number of AFRC troops loyal to
14 him opted not to take part in or support an operation to

12:54:32

15 recapture Kono?

16 A. No, I don't know about the infighting. That was not the
17 particular time. That is not the infighting that I know of where
18 the AFRC and the RUF fought. That is not the infighting that I
19 know of, the one that you are referring to.

12:54:57

20 Q. Very well. Now, staying with SAJ Musa, were you aware of a
21 meeting in the Koinadugu District of various AFRC commanders and
22 SAJ Musa to develop a new military strategy in which they agreed
23 that troops from Kono District should form an advance troop to
24 establish a base in the northwestern area in preparation for an
25 attack on Freetown?

12:55:37

26 PRESIDING JUDGE: Mr Munyard, are you reading from the
27 document D-8?

28 MR MUNYARD: No, no. Sorry, I have moved off D-8
29 al together.

1 THE WITNESS: Please repeat your question.

2 MR MUNYARD: Yes, it was a bit of a mouthful and I will try
3 and break it up:

4 Q. Were you aware of a time when SAJ Musa and various AFRC
12:56:02 5 commanders met together in Koinadugu and agreed on a new military
6 strategy which involved sending troops to form a base in
7 northwestern Sierra Leone in preparation for an attack on
8 Freetown? Were you aware of that?

9 A. No.

12:56:43 10 Q. Were you aware of a plan - a military strategy - by SAJ
11 Musa and the AFRC commanders loyal to him to restore the Sierra
12 Leone Army?

13 A. I know of that one.

14 Q. Right. The RUF was not involved in those discussions,
12:57:11 15 those deliberations, was it, that led to the decision to restore
16 the Sierra Leone Army?

17 A. Of course the RUF was not involved.

18 Q. And it was as a result of that decision by SAJ Musa and
19 AFRC or SLA troops that they established a base in Colonel Eddie
12:57:44 20 Town in or around September 1998 and made a number of attacks on
21 ECOMOG positions. Were you aware of that?

22 A. Say again, please.

23 Q. Right. That these AFRC troops, with their strategy to
24 restore the Sierra Leone Army, had a base in Colonel Eddie Town
12:58:12 25 from which they made a number of attacks on ECOMOG positions in
26 or around September 1998? Did you know about that?

27 A. I want to clarify it. I want to make something clear in my
28 answer that the RUF that was around that Kurubonla area, I don't
29 know how it was called. I don't know the name of the town that

1 you are calling now. It was operating within that north. It was
2 the group that Superman went with after he had said that he was
3 not going to take any instruction from Mosquito. So when he
4 went, he met SAJ and they started carrying out operations - I
12:59:13 5 mean Super and SAJ.

6 Q. May I just ask you about that. You say you don't know the
7 name of the town that I am calling now. Are you referring to
8 Colonel Eddie Town? You don't know that name?

9 A. I don't know Colonel Eddie Town.

12:59:34 10 Q. Have you never heard of Colonel Eddie Town?

11 A. I heard it. I have been hearing the name.

12 Q. Well, you have just said, "I don't know Colonel Eddie
13 Town". In what context have you been hearing the name Colonel
14 Eddie Town?

12:59:57 15 A. Over the radio. Over radio discussions, that is from
16 Super, Gullit and others. During the time they were in that
17 northern area we used to hear those names, but I don't know the
18 place and I cannot say much about Colonel Eddie Town.

19 Q. Well, what was Super saying to you about Colonel Eddie Town
13:00:27 20 over the radio?

21 A. Super was not sending any message to Mosquito about Colonel
22 Eddie Town, except sometimes when we monitored some of their
23 conversations.

24 Q. Well, when you were monitoring Superman's conversations,
13:00:46 25 what was he saying about Colonel Eddie Town?

26 A. Apart from the time that they went to attack Colonel Eddie
27 Town, which was successful, I don't know any other time. But I
28 know that they were based there for some time, for some period.

29 Q. Who went to attack Colonel Eddie Town and were successful?

1 A. Issa and Gullit and others; the troop that was based in the
2 Koinadugu District.

3 Q. Are you saying Issa went with Gullit?

4 A. Wrong. I am referring to Super. Super and the other SLAs.

13:01:39 5 Q. So you are correcting Issa and putting Superman in his
6 place, yes?

7 A. Yes.

8 Q. But Superman was involved in an armed clash with SAJ Musa
9 in October 1998, wasn't he, in the Koinadugu District?

13:02:01 10 A. I heard about that.

11 Q. Yes, and that was what led SAJ Musa to go to Colonel Eddie
12 Town. Were you aware of that?

13 A. I don't know where SAJ Musa went from that place from where
14 they fought. And the particular town where they fought, I only
15 knew that it was Koinadugu District, I don't know the particular
16 town.

17 Q. But are you saying that Superman went down to Colonel Eddie
18 Town and joined Gullit? Is that what you're saying?

19 A. Yes, Super and Gullit and others operated in the Colonel
13:02:56 20 Eddie Town area. Colonel Eddie Town and the environs.

21 Q. Well, did you ever hear Superman on the radio around
22 November 1998 saying, "Guess what, SAJ Musa has turned up in
23 Colonel Eddie Town"? Did you ever hear anything along those
24 lines?

13:03:30 25 A. I don't recall that.

26 Q. Well, try, Mr Forni e. You're the person who is monitoring
27 all of these conversations. Do you ever Superman ever suggesting
28 that he and SAJ Musa were together in Colonel Eddie Town?

29 A. I do recall during that the conversation, while King Perry

1 were talking amongst each other - when they captured the place,
2 that was the time that I knew. At that time they were carrying
3 out operations together.

13:04:05

4 Q. Superman and SAJ Musa together in Colonel Eddie Town. Is
5 that what you're saying?

6 A. That's what I know of and that's what I am talking.

7 Q. How do you know of it?

8 A. From the time they captured the place, the team that
9 captured there, they used to send messages to other stations
10 within their area.

13:04:30

11 Q. Yes, and how did you know about it?

12 A. I saw the message that was sent. It was Tiger who
13 monitored it.

14 Q. Right. What was this message about SAJ Musa and Superman
15 together in Colonel Eddie Town?

13:04:55

16 A. The message - he monitored a message from Superman that a
17 troop - he monitored a message with Superman --

18 THE INTERPRETER: Your Honours, can the witness repeat
19 this. He is talking disjointedly.

13:05:27

20 PRESIDING JUDGE: Mr Witness, the interpreters are having a
21 problem with what you are saying. Please start your answer again
22 and give your answer all together. They say you are breaking up.

23 THE WITNESS: The only message that I monitored pertaining
24 to the capture of Colonel Eddie Town was a message from the
25 commander who led the attack on Colonel Eddie Town and the report
26 was sent to Superman and SAJ. That is what I monitored.

13:05:52

27 MR MUNYARD:

28 Q. I asked you, "Were Superman and SAJ Musa together in
29 Colonel Eddie Town, is that what you're saying?" Your answer

1 was, "That's what I know of and that's what I am talking". Then
2 I asked you, "How do you know of it?" Your eventual answer just
3 there is that, "The only message I monitored pertaining to
4 capture of Colonel Eddie Town was a message from the commander
13:06:40 5 who led the attack on it and the report was sent to Superman and
6 SAJ". That doesn't mean that Superman and SAJ were together in
7 Colonel Eddie Town, does it?

8 A. No, Issa - sorry, Super and SAJ Musa, they spent some time
9 together. They spent a long time together right up to the time
13:07:05 10 they captured that town, Colonel Eddie Town. I can recall when
11 the place was captured by them and they - and received the
12 message together.

13 Q. But SAJ Musa was not the person who was involved in
14 capturing Colonel Eddie Town, was he? He doesn't go to Colonel
13:07:29 15 Eddie Town until two months after it has been captured, I
16 suggest.

17 A. Well, I wouldn't tell you how many months he spent there
18 before he was based there, but I know for the commanders - for
19 example, the commanders would be at a base and they would be
13:07:51 20 sending the fighters to go and attack various towns and with
21 time, maybe if the commander saw either it was necessary to base
22 in that particular town then they will turn that particular town
23 into a base. It does not mean that because it was Superman and
24 this other man - can you please help me with the name?

13:08:23 25 Q. Who have we just been talking about; Superman and somebody
26 else you claim were together in Colonel Eddie Town? Who was the
27 person?

28 PRESIDING JUDGE: Yes, Mr Santora.

29 MR SANTORA: Objection. Counsel has misstated the evidence

1 from the context of what has just been said about Superman and
2 somebody else in Colonel Eddie Town. The witness was talking
3 about commanders being sent to capture a location. I think it is
4 that misstatement in the context of the entire paragraph.

13:08:54 5 PRESIDING JUDGE: Mr Santora, he said "I wouldn't be able
6 to tell how many months he spent there before he was based
7 there", so we are talking about him being there.

8 MR SANTORA: Yes, but it was the - okay.

9 PRESIDING JUDGE: Please put your question, Mr Munyard.

13:09:14 10 MR MUNYARD: Well, I will tell him who it is we are talking
11 about.

12 THE WITNESS: I have got it now.

13 MR MUNYARD:

14 Q. Hold on a minute. I will tell you who we are talking about
13:09:29 15 since you seem to have forgotten that just a few minutes ago I
16 asked you, "Are you saying that Superman and SAJ Musa were
17 together in Colonel Eddie Town?", and you said "Yes, that's what
18 I know of and that's what I am talking about. How do you know
19 it? From the time they captured the place. The team that
13:09:54 20 captured there used to send messages to other stations within
21 their area." So, you claim to know that Superman and SAJ Musa
22 were together in Colonel Eddie Town from radio messages. Then
23 you reduce that down to one radio message that was sent to both
24 Superman and SAJ Musa. Are you making this up as you go along,
13:10:26 25 Mr Fornie, this business of SAJ Musa and Superman being together
26 in Colonel Eddie Town?

27 A. I just said an example. I tried to narrow it down to cite
28 an example to say that indeed communication used to flow from
29 Colonel Eddie Town from the beginning, right from the first

1 message that Tiger monitored, which I read. Then later Superman
2 and SAJ were there in the town.

3 Q. I see, all right. Who was the commander in Colonel Eddie
4 Town when it was first seized?

13:11:14 5 A. Initially I said here that I don't recall the commander who
6 led.

7 Q. Right. Are you able to help us with when it was that SAJ
8 Musa goes to Colonel Eddie Town with Superman?

9 A. The time that they were there was around '98 - 1998.

13:11:46 10 Q. Well, we know that. We are talking about 1998. When in
11 1998 did SAJ Musa and Superman go to Colonel Eddie Town?

12 A. It was late 1998; I don't recall the exact month.

13 Q. Well try to give us a bit more precision than that, if you
14 can?

13:12:16 15 A. There are too many events that occurred. I cannot recall
16 every little bit of event that occurred. I cannot be that
17 precise. Don't push me to lie before this Court that such an
18 incident happened on this date. I don't want to create a false
19 impression, please.

13:12:37 20 PRESIDING JUDGE: Mr Witness, if you don't know you should
21 just say so.

22 THE WITNESS: I don't know.

23 PRESIDING JUDGE: Very well. Please proceed, Mr Munyard.

24 MR MUNYARD:

13:12:46 25 Q. Now, when SAJ Musa was in Colonel Eddie Town, he made plain
26 his disenchantment with the RUF, didn't he?

27 A. Apart from Colonel Eddie Town, SAJ Musa's problem with the
28 RUF, he had made it clear ever since.

29 Q. Yes, and he stressed that it was vital that his troops -

1 SLA troops - arrived in Freetown before the RUF ever got there,
2 didn't he?

3 A. Yes.

13:13:45

4 Q. And he reorganised his own troops and began the advance
5 from Colonel Eddie Town to Freetown, do you agree?

6 A. Well, I don't know if it was from Colonel Eddie Town that
7 the operation started when they took off to go to Freetown
8 directly, but I knew they were moving from one place to another.
9 They did not just get up from Colonel Eddie Town and go to

13:14:11

10 Freetown directly. They used to change locations.

11 Q. Yes, I suggest they went through Mange, if I have
12 pronounced that correctly, Lunsar, Masiaka and Newton before they
13 arrived at Benguema in December 1998. Do you agree with that, or
14 are you unable to comment?

13:14:33

15 A. Well, that is what you have said. I wouldn't agree with
16 that, because my memory cannot - I cannot deny what you have said
17 or, but at the same time I will not accept. I am not going to
18 agree or disagree.

13:14:56

19 Q. That is quite all right. You simply don't know is the
20 answer. Is that correct?

21 A. Yes.

22 Q. And this was a supreme effort by SAJ Musa and the SLA to
23 get to Freetown by themselves without the RUF, wasn't it?

13:15:19

24 A. It was a supreme effort, but even there RUF was still with
25 them. There were RUF people among them.

26 Q. There might have been a smattering of individual RUFs, but
27 this was SAJ Musa's attempt to get the SLA into Freetown before
28 the RUF as such, wasn't it?

29 A. Yes.

1 Q. And although he was killed in Benguema, the objective - his
2 objective and that of the SLA was that they would be the ones who
3 took Freetown not the RUF as a body, do you agree?

4 A. Yes.

13:15:57 5 Q. Now, do you remember hearing Sam Bockarie at some point on
6 the BBC revealing the position of the AFRC, the SLA troops as
7 they were approaching Freetown, and claiming that these were
8 actually RUF troops?

9 A. Please make it clearer.

13:16:35 10 Q. I will put it in this way: Do you recall hearing on the
11 BBC an interview with Sam Bockarie in which he revealed the
12 position of the fighting forces, but said that it was RUF troops
13 who were there approaching Freetown? And when I say said it was
14 RUF troops I mean said wrongly that it was RUF troops. Did you
13:17:03 15 hear him say that on the BBC?

16 A. I recall in different broadcasts when Mosquito commented
17 about the attack on Freetown on the BBC and other radio stations
18 and he directly claimed that the RUF and the AFRC were the ones
19 which entered Freetown.

13:17:33 20 Q. No, Mr Fornie, I am talking about a time before SAJ Musa is
21 killed at Benguema, but when his troops are close to Freetown.
22 Do you remember - indeed did you record - Sam Bockarie being
23 interviewed by the BBC in which he said it was RUF troops and
24 gave away the location of those troops advancing on Freetown?
13:18:00 25 Did you either hear that or record it?

26 A. Well, I used to record many broadcasts. In fact, at that
27 time I used to record almost regularly so I don't recall now if
28 that particular broadcast was recorded by me.

29 Q. Let me try and jog your memory.

1 PRESIDING JUDGE: There are two parts to the question. Did
2 you hear it? That was the first part, Mr Munyard, and that has
3 not been answered. Did you hear this broadcast?

4 THE WITNESS: Yes, I heard such a broadcast.

13:18:39

5 MR MUNYARD:

6 Q. Right. Are you able to help us with how long before
7 fighters - and I will use a neutral term - how long before
8 fighters entered Freetown that broadcast was?

9 A. I don't recall the length of time.

13:19:01

10 Q. Was that - what you remember, was that before or after the
11 death of SAJ Musa?

12 A. Well, what I can recall is that after SAJ Musa's death
13 there was a broadcast by Mosquito in which he alleged that it was
14 the RUF and the AFRC that were heading for Freetown.

13:19:27

15 Q. All right. I am asking you about something before SAJ Musa
16 died; do you understand? Did you hear an interview with
17 Sam Bockarie before SAJ Musa died when he said it was RUF - and I
18 mean RUF, not AFRC/RUF - troops who were there and disclosed
19 their position?

13:20:00

20 A. If that is the particular broadcast that you are referring
21 to, no, I don't recall that.

22 Q. Well, let me try and jog your memory with a little more
23 information. Very shortly after that interview was broadcast
24 with Sam Bockarie revealing the location of the troops, ECOMOG
25 bombarded the area and SAJ Musa immediately contacted

13:20:21

26 Sam Bockarie and insulted him over the radio and told him he had
27 no right to claim that the troops approaching Freetown were RUF
28 troops. Now, do you remember any such exchange between SAJ Musa
29 and your boss, Sam Bockarie, shortly before the invasion of

1 Freetown?

2 A. No.

3 Q. Are you saying that you as one of the monitoring radio
4 officers - radio operators - never became aware of that clash
13:21:08 5 between those two men?

6 A. That particular problem before the death of SAJ Musa, the
7 broadcast you are referring to, as you are alleging that ECOMOG
8 bombed SAJ's location which made SAJ to insult Mosquito, I am not
9 aware of that.

13:21:36 10 Q. Are you aware of Sam Bockarie giving away the position of
11 SAJ Musa's troops shortly before they were planning to enter
12 Freetown?

13 A. I don't recall that.

14 Q. If that happened it would have been extremely treacherous
13:22:06 15 of Sam Bockarie, wouldn't it?

16 A. I don't recall that happening.

17 Q. We understand that. I am just asking you, do you agree
18 that if the RUF and AFRC were marching together to take Freetown,
19 if Sam Bockarie revealed the whereabouts of the troops over a
13:22:29 20 radio interview, that would have been extremely treacherous of
21 him, wouldn't it?

22 A. Yes, if Sam Bockarie did that it would have been a bad
23 thing.

24 Q. And it would have demonstrated powerfully, would it not,
13:22:46 25 that there was a very significant discord between Sam Bockarie
26 and SAJ Musa at that time?

27 A. Indeed there was a serious problem between Sam Bockarie and
28 SAJ Musa before SAJ Musa's death.

29 Q. And I suggest to you that it was the troops loyal to SAJ

1 Musa, the AFRC or SLA, whichever you want to call them, who
2 entered Freetown on 6 January 1999, and not the RUF as you said
3 in evidence two days ago, and not the RUF/AFRC as you have also
4 said in evidence. Do you agree?

13:23:41 5 A. No, I don't agree. And I will also make it clear to you
6 that the particular troop that SAJ led to enter into Freetown
7 subdued directly to Mosquito. They contacted Mosquito directly,
8 that is Black Jar, and informed Mosquito about their movement to
9 Freetown.

13:24:09 10 Q. Do you agree that even by the time the RUF reinforcements
11 arrived in Waterloo some time later, that those RUF troops were
12 either unwilling or unable to provide the necessary support to
13 the AFRC troops as a result of which they all had to retreat?

14 A. It was the distance that was far. That was why they did
13:24:44 15 not get there at the time that they spoke about. But I am
16 telling you that immediately after SAJ Musa died Gullit contacted
17 Mosquito and informed Mosquito that - he informed Mosquito that
18 SAJ Musa was dead and that was through King Perry that Gullit did
19 that.

13:25:09 20 From that point Mosquito told Gullit to wait for
21 reinforcement at Benguema before Gullit and others would enter
22 Freetown. But Gullit sent back a message to Mosquito responding
23 that at that time they were in an advantaged position because
24 ECOMOG was on the run and they should not be there idling, so
13:25:46 25 they should pursue them. That's why they decided to pursue the
26 ECOMOG. In fact, Mosquito gave instructions to Rambo through
27 Issa for Rambo to go and join Gullit and others immediately and
28 Gullit and Rambo coordinated their movement as to where and how
29 to meet.

1 Q. Mr Fornie, how many RUF troops do you say actually got into
2 Freetown during the invasion?

3 A. I cannot tell that. I cannot estimate that.

4 Q. Well, you would know, from monitoring and indeed receiving
13:26:29 5 these messages, the rough size of the RUF contingent that entered
6 Freetown on 6 January 1999, wouldn't you?

7 A. It is not possible. At that time it was not possible for
8 any commander to send a message that, "Oh, I am going with this
9 number of manpower to enter Freetown". Even apart from - apart
13:26:57 10 from just the RUF that you are referring to, even the entire
11 troops that entered Freetown - even the commander didn't know the
12 figure. He wouldn't know everybody that entered Freetown.

13 Q. Well, he would certainly be able to say if it was only half
14 a dozen or if it was 200, wouldn't he? You would have some
13:27:21 15 understanding of just how strong a force from the RUF entered
16 Freetown on 6 January, wouldn't you?

17 A. Well, I am telling you that there was no message stating
18 the number of manpower that entered Freetown directly at that
19 point in time.

13:27:47 20 Q. That is because it was not an RUF invasion either by
21 themselves as you seemed to suggest two days ago, or with the
22 AFRC/SLA. It was not an RUF operation, was it, the invasion on 6
23 January 1999?

24 A. I disagree with you because - no, I disagree with you
13:28:18 25 because even in Kono, Makeni, I couldn't estimate the number of
26 soldiers who attacked Kono and Makeni and the other areas. The
27 only thing that we requested for from commanders was after the
28 operation - was the number of casualties. And whenever we got
29 figures about the number of soldiers that were moving to send

1 reinforcement --

2 MR MUNYARD: I see the time and I am about to go on to
3 something else.

4 PRESIDING JUDGE: I am not entirely clear if the witness -
13:29:11 5 are you finished your answer, Mr Witness? That is the end of
6 your answer?

7 THE WITNESS: I saw you gesturing as if you wanted to talk.
8 That's why I wanted to listen to you.

9 PRESIDING JUDGE: No, I wasn't gesturing to you at all,
13:29:29 10 Mr Witness. We are approaching the lunch break, but if you have
11 not finished your answer you should do so, although I think in
12 fact you have addressed the question that Mr Munyard put.

13 THE WITNESS: Okay, no, I just want to clarify a point that
14 no commander would go to a front line to attack and send a
13:29:55 15 message to say, "I am going with 50 manpower" at that time, thank
16 you.

17 PRESIDING JUDGE: Thank you, Mr Witness. It is now our
18 usual lunchtime. We are going to be adjourning for one hour for
19 lunchtime and resuming court at 2.30. Please adjourn court until
13:31:20 20 2.30.

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

22 [Upon resuming at 2.32 p.m.]

23 PRESIDING JUDGE: Please proceed, Mr Munyard.

24 MR MUNYARD:

14:32:18 25 Q. Now, Mr Fornie, just a couple more questions, please, about
26 the relationship between the AFRC and the RUF when they were
27 together in the junta period. I'd like you, please, to go back
28 to D9, which is the salute report, and I simply want to ask you
29 yes or no did you know about the incidents that I'm going to show

1 you in here. I'm trying simply to understand if you knew about
2 these things. I don't want a long history of what happened.

3 Now can you have that document in front of you, please,
4 page 2. In the middle of the page is the passage that I read out
14:33:19 5 earlier to you, "Thus began the marriage of uneven and unequal
6 partners between the AFRC and the RUF", and do you see the very
7 next paragraph setting out the ministries that were assigned to
8 RUF senior officials? That whole paragraph is concerned with the
9 ministries given to RUF officials. Halfway down that paragraph,
14:33:56 10 after the words "Lieutenant Colonel Fabai", it says:

11 "I was offered the ministry of transport and communication,
12 but declined the appointment as I had not received any
13 instructions from the leader to accept a political appointment
14 and because I saw it necessary to concentrate on military
14:34:15 15 issues."

16 Did you know that Sam Bockarie had been offered the
17 ministry of transport and communication, but had turned it down?

18 A. Well I do not recall the exact ministry that was offered
19 Sam Bockarie, but I know that he was offered a ministry that he
14:34:48 20 refused to take.

21 Q. Now, just help us with this. You said at one stage this
22 morning that you didn't know about certain things because you
23 were in the custody of the Kamajors. Just tell us in relation to
24 the day of the AFRC coup, 25 May 1997, when were you released
14:35:10 25 from Kamajor custody? I just want the date. I will come back
26 later to the actual events when we go through your account
27 chronologically from '91 to 2000. Just tell us now when in
28 relation to the coup date were you released? Was it before, or
29 after?

1 THE INTERPRETER: Your Honours, the witness did not come
2 out clear with what he said.

3 PRESIDING JUDGE: Mr Witness, the interpreters did not hear
4 you clearly. Please repeat your answer for the interpreters.

14:35:50 5 THE WITNESS: It was after the coup that I was able to
6 escape from the Kamajors.

7 MR MUNYARD:

8 Q. Right. How long after the coup?

9 PRESIDING JUDGE: Did you hear the question, Mr Witness?

14:36:24 10 THE WITNESS: It was within the first two weeks, I recall.
11 Around that.

12 MR MUNYARD:

13 Q. And so when do you actually join Sam Bockarie? Was it
14 later in 1997, or was it not until 1998 that you joined him as a
14:36:50 15 radio operator?

16 A. It was in 1997.

17 Q. You joined Sam Bockarie as a radio operator in 1997. When
18 in 1997?

19 A. When I left Gorahun Tonkia and went to Kenema, I was with
14:37:13 20 Sam Bockarie for up to two months.

21 Q. Yes, I'm trying to find a date in 1997, not a place. Can
22 you help us with when in 1997 that was that you joined him as a
23 radio operator?

24 A. I do not recall the date.

14:37:40 25 Q. The month?

26 A. It was around mid-1997.

27 Q. All right. So from mid-1997 until the end of 1999 you were
28 working with him as a radio operator?

29 A. I worked with him, but not throughout.

1 Q. All right. Well, have you ever told anybody that you
2 worked with Sam Bockarie as a radio operator from mid-1997 to the
3 end of 1999, or from some time until the end of 1999?

4 A. I recall that to the best of my knowledge I stated in this
14:38:55 5 Court a few days ago that I had an assignment in Tongo. I was in
6 Tongo for some time until late 1997 when I rejoined Mosquito.

7 PRESIDING JUDGE: That's not actually the answer to the
8 question asked, I don't think, Mr Munyard. If you wish to put it
9 again, please do so.

14:39:20 10 MR MUNYARD: I'll deal with it, but not exactly by putting
11 it again:

12 Q. So is it the position that from mid-'97 until some other
13 date in '97 you work with him as his radio operator, you then
14 have an assignment in Tongo until late '97 and then you rejoin

14:39:38 15 Mosquito in late '97?

16 A. Yes.

17 Q. And are you with him then until the end of '99?

18 A. Not the end of 1999, but up to around April 1999.

19 Q. Yes, I'm sorry, because in April '99 you go to Lome, yes?

14:40:16 20 Is that right?

21 PRESIDING JUDGE: Did you hear the question, Mr Witness?

22 THE WITNESS: No, I did not get the tail end.

23 MR MUNYARD:

24 Q. In April '99 you go to Lome but you are still with Sam
14:40:37 25 Bockarie, are you, in Lome, or not?

26 A. In April 1999, is that what you mean?

27 Q. Were you with Sam Bockarie in Lome?

28 A. No, I was not with Sam Bockarie in Lome. I was with Sam
29 Bockarie in Buedu during April.

1 Q. I follow. Would your Honours give me just a moment while I
2 look at the reference. Could we have a look, please, at tab 5 in
3 the bundle that I handed out earlier. Do you have tab 5 there?
4 This is interview notes with you in relation to an interview that
14:42:17 5 takes place on 8 and 9 November 2006. The notes are typed
6 directly into Mr Kolot's laptop computer and Mr Kolot was
7 interviewing you. Can you remember being interviewed by
8 somebody, I think he might be called Chuck Kolot. I'm looking to
9 my learned friend opposites for confirmation. Do you remember
14:42:44 10 Mr Kolot? He might have introduced himself to you as Mr Chuck.
11 Do you remember such a person?

12 A. Yes.

13 Q. And you were interviewed on at least 28 occasions so I
14 don't imagine that you will remember this particular one, but he
14:43:05 15 was somebody who, unlike some of your other interviewers, typed
16 everything you were saying straight into his computer while you
17 were telling him things. Can you remember somebody doing - can
18 you remember him doing that?

19 A. Yes.

14:43:25 20 Q. Right. And when he'd done that did he read everything back
21 to you at the end of the interview to make sure it was all
22 correctly recorded? Either there and then or at some time
23 relatively close to the date of the interview?

24 A. He used to read it back to me.

14:43:55 25 Q. Did he read it back to you as he finished it, at the end of
26 the interview?

27 A. Yes.

28 Q. Would you look, please, at the last page of that tab. It's
29 ERN number 25048. And do you see - this is the very end of this

1 interview that took place over two days, 8 and 9 November - do
2 you see at the bottom of the text in the middle of the page
3 there's a line that reads, "Reviewed by Kolot and Fornie, 2006, 9
4 November." Do you see that?

14:44:43 5 A. Yes.

6 Q. So would it mean that Mr Kolot read everything back to you
7 at the end of the second day of that two day interview?

8 A. Yes.

9 Q. Right. Would you turn back, please, to page 4 at the
10 bottom right-hand corner of the interview, ERN number 25043.

11 You're dealing here with communications, and I'm going to come
12 back to all of this in detail later, but all I'm trying to do at
13 the moment is find out the period of time you worked for Sam
14 Bockarie and I'd like you to count four paragraphs down from the

14:45:31 15 top, please. Do you see the fourth paragraph on page 4 starts
16 with the words "SB was always near the radio"? Do you see that?
17 Do you see that sentence, "SB was always near the radio"? Hello,
18 Mr Fornie?

19 A. That is what I'm reading. That is what I'm reading. Do
14:46:06 20 you mean the second paragraph?

21 Q. No, I mean the fourth paragraph which starts with a six
22 word short sentence. Have you got that sentence, "SB was always
23 near the radio"?

24 A. Yes. Yes, yes.

14:46:25 25 Q. And it goes on: "The witness" - that's you - "worked
26 directly for SB from early 1998 to the end of 1999 when he left
27 the movement." Now, you had reviewed these notes with Mr Kolot
28 on 9 November 2006 and you haven't changed that, have you?

29 A. Well, it was at different locations and different times

1 that I worked directly with him. But there were changes, there
2 were breaks, between the times and durations. And like I made
3 mention of this during 1997, I said mid-97 I went to Tongo and
4 around April 1999 I had a break and went to Lome and from Lome I
14:47:38 5 returned to Buedu and I was again operating with him in Buedu.
6 So I was with him in Buedu until the time he arrested me and he
7 left me in the jail and went. That was in late 1999.
8 Q. Well, when I asked you a minute ago were you with him until
9 the end of 1999, you said no, not the end of '99 but up to around
14:48:11 10 April 1999. Now you're saying after the Lome agreement was
11 signed I came back and worked for another period for him. Yes?
12 A. Well, my memory has been refreshed by the document, and I
13 have made that very explicit to you, that for the most part the
14 times I worked with him were the ones I recalled.
14:48:43 15 Q. And this statement is wrong in that it says you worked
16 directly for him from early 1998 because you actually worked for
17 him on two periods in 1997. Correct?
18 A. I would say for three different periods.
19 Q. Three periods in 1997?
14:49:13 20 A. No, the time frame 1997 to 1999, within three different
21 periods.
22 Q. Now, now that we've established you worked for him in 1997
23 I want you, please, to look again at D-9, page 2, the last
24 paragraph on that page. Do you see - well, before I ask you
14:50:17 25 about this, was Sam Bockarie not very good at dates, do you know?
26 Did he have a tendency to get the year wrong from time to time?
27 A. I did not pick that from him.
28 Q. Last paragraph on this page starts:
29 "On 2 June 1996" - I'll come back to the date in a moment -

1 "our forces led by Superman captured over 300 Nigerian ECOMOG
2 soldiers and held them under the terms and conditions of the
3 Geneva Convention as prisoners of war. It was the hope of every
4 RUF officer and combatant that these prisoners of war would be
14:51:14 5 used to negotiate the release of the leader from Nigeria."

6 Well, pausing there, Mr Fornie, the leader wasn't arrested
7 in Nigeria until 1997, so it follows that Mr Bockarie has got the
8 year wrong when he says 2 June 1996, doesn't it?

9 PRESIDING JUDGE: Mr Witness, do you understand the
14:51:53 10 question?

11 THE WITNESS: Yes, that is what I'm looking at properly,
12 the sentence that I see written here.

13 MR MUNYARD:

14 Q. The leader was not arrested until 1997, was he? Don't
14:52:12 15 trouble yourself by looking at the document for the moment. Do
16 you agree the leader wasn't arrested in Nigeria until 1997?

17 A. The exact date on which they arrested the leader in Nigeria
18 I do not recall that, but I was in Gorahun Tonkia when he was
19 arrested. I was in Gorahun Tonkia when he was arrested.

14:52:46 20 Q. What year were you in Gorahun Tonkia?

21 A. I was there from the end of 1996 to the time the AFRC
22 overthrew.

23 Q. And if Mr Sankoh was arrested in Nigeria in March. It
24 would follow it must be March of '97, do you agree?

14:53:17 25 A. Well, that is what you have said, but I do not know the
26 exact date.

27 Q. Just help us with this before we look at the rest of the
28 paragraph. Was Sam Bockarie able to read and write?

29 A. Yes, Sam Bockarie was able to read and write.

1 Q. Was he able to read and write well or did he need
2 assistance?

3 A. One thing I know is that sometimes he wrote for himself,
4 but if there was anything official he had clerks. Apart from
14:54:01 5 that he had the adjutant general who was responsible for doing
6 official writings.

7 Q. All right. Let's move on through here:

8 "It was the hope of every RUF officer and combatant that
9 these prisoners of war would be used to negotiate the release of
14:54:18 10 the leader from Nigeria. To our dismay all 300 and some
11 prisoners of war were released without our consultation. This
12 followed meetings between the AFRC high command and the Nigerian
13 ECOMOG high command. On one occasion I was unwittingly in an
14 office in which a meeting between the above mentioned parties was
14:54:41 15 to be held and I was asked to leave the room as nothing
16 concerning me or the RUF were going to be discussed. To make
17 matters worse, no attention was paid by the AFRC to secure your
18 release from Nigeria."

19 Now, do you agree first of all that reading what is in that
14:55:02 20 paragraph makes it perfectly plain that this must have been June
21 1997 because the AFRC high command didn't exist before May of
22 1997?

23 A. Well, I would plainly put it to you that the time I heard
24 about the incident that took place, that is the fighting between
14:55:35 25 they and ECOMOG, when Superman captured the Nigerians, at that
26 time I was still in Gorahun Tonkia, but I later heard about it
27 after I had joined Mosquito and others in Kenema.

28 Q. Very well, so you heard about Superman capturing the
29 Nigerians. Did you also hear that the AFRC completely ignored

1 the RUF in negotiating the release of those prisoners of war?
2 Did you hear that that caused discord between the two parties to
3 this marriage at a very early stage?

14:56:33 4 A. Well I heard the grumble, but by then the incident had far
5 gone. They had already released the Nigerians. The AFRC had
6 already released the prisoners of war at the time I rejoined the
7 RUF.

8 Q. Yes, Mr Fornie, we understand that. I just want to know
9 from you what you knew about the discord between the two parties
14:56:51 10 to this marriage, the AFRC and the RUF. That's all I'm asking,
11 what you knew about it. The next paragraph on page 3 of this
12 report:

13 "I as the military high command of the RUF was left
14 floating without any military appointment as was the case of all
14:57:11 15 RUF senior officers."

16 Did you know that that was a complaint being made by Sam
17 Bockarie throughout the whole time of the junta and certainly
18 throughout the time that you were working with him during the
19 junta?

14:57:36 20 A. That is not what I know about Sam Bockarie exactly, but
21 what I know about Sam Bockarie is that he was given a political
22 appointment but he refused it. He said they gave him a political
23 appointment, but he refused to take up the appointment.

24 Q. We know that. We've already dealt with that. I'm asking
14:57:59 25 you about a military appointment for Sam Bockarie. Were you
26 aware that he was, to use your phrase, grumbling about not
27 getting a military appointment, either himself or any of the RUF
28 senior officers?

29 A. I am not aware about the grumbles pertaining military

1 appointment, to say he was not given an appointment so as a
2 result he was grumbling about it.

3 Q. Is that an honest answer, that you weren't aware that this
4 man you claim to have worked so closely with was offended that
14:58:41 5 neither he nor any of the other RUF senior officers had received
6 a military appointment in the junta?

7 A. Well, officially I did not hear that grumble from Mosquito
8 directly.

9 Q. Did you hear it from anybody?

14:59:07 10 A. I do not recall.

11 Q. I see. Next sentence, "I advised that we attack and remove
12 the enemy from Lungi and Jui but was instructed not to do so by
13 JP Koroma." Did you ever hear of that; Bockarie giving military
14 advice but being told by the head of state that it was not to be
14:59:34 15 done?

16 A. Yes, I heard about that.

17 Q. How did Bockarie react to that?

18 A. Well, Bockarie became annoyed when he was told that. In
19 fact, those were some of the reasons that made him more concerned
15:00:02 20 about his security. He said he was not going to be based in
21 Freetown, he said, as long as the ECOMOG were based in Jui. And
22 amongst other reasons those were some of the things that
23 contributed to him not settling in Freetown, so he decided to go
24 and be based in Kenema.

15:00:21 25 Q. Next paragraph:

26 "In Freetown I was met by Mr Steve Bio and Gibri I
27 Massaquoi who informed me that Mr Bio had been sent to me with
28 instructions from the leader and that he was to assume the office
29 of administrative head of the RUF. This request was denied by me

1 as I did not trust them and had begun to suspect a clandestine
2 bond between the two".

3 Were you aware of this meeting between Sam Bockarie and
4 Steve Bio with Gibri I Massaquoi?

15:01:03 5 A. Well in respect of that I was not there, but when I arrived
6 in Kenema I heard about it that such a thing happened.

7 Q. And was he vexed by that, Sam Bockarie?

8 A. Well the moment he was telling me about it, it had taken
9 some time since that happened and it was in Freetown that it
10 happened. By then I was in captivity in Gorahun Tonkia at the
11 time Steve Bio went with that message and it was when I went to
12 Kenema that I heard about that.

13 Q. Yes, you've already told us that. Was Sam Bockarie vexed
14 at what happened with Steve Bio, yes or no?

15:02:09 15 PRESIDING JUDGE: Mr Witness, did you hear the question?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: What is your answer?

18 MR MUNYARD:

19 Q. Mr Fornie, it doesn't help to keep reading, as you are
15:02:22 20 clearly. Your eyes are going backwards and forwards across the
21 page. Stop reading the document and just answer my question.

22 A. I am thinking. You asked me a question and I was not
23 present when the activity itself took place, so I need to take my
24 time in giving you an answer to that because I was not present at
15:02:48 25 the scene when this particular event took place.

26 PRESIDING JUDGE: You've had quite a bit of time, so please
27 answer.

28 THE WITNESS: Well, at the time I rejoined Mosquito for the
29 operations he did not stress too much on Steve Bio's - the issue

1 about Steve Bio during the time I spent with him in Kenema.

2 MR MUNYARD:

3 Q. Well he was still vexed about it in September 1999 because
4 he wrote all about it in this report, didn't he?

15:03:26 5 A. Well if he was the one who wrote - if he wrote it and he
6 did not grumble about it to me throughout when we were in Kenema
7 and until we left, he was no longer talking about the issue of
8 Steve Bio.

9 Q. Next sentence, please:

15:03:53 10 "Soon after I was summoned to the State House where JP
11 Koroma showed me an intelligence report alerting of a plot by
12 certain members of the RUF and SLA to overthrow his government.
13 He instructed me to investigate and arrest the situation.
14 Meanwhile unknown to either of us Steve Bio and Gibril went to
15:04:12 15 Kenema and tried to persuade Brigadier Issa to back them in
16 convincing me to support a coup led by Steve Bio."

17 Were you aware, Mr Fornie, that Steve Bio and Gibril were
18 trying to get Sam Bockarie on board a coup to overthrow Johnny
19 Paul Koroma? Did he ever tell you that story?

15:05:10 20 A. Sam Bockarie never told me that story and in fact at that
21 time I was in Tongo. I was in Tongo in fact at that time, but I
22 heard that.

23 Q. How do you know where you were if he didn't tell you that
24 story?

15:05:25 25 A. It was not Sam Bockarie who told me, but I heard when I was
26 in Tongo that Johnny Paul had passed an instruction for Gibril to
27 be arrested - Gibril and others - because he said they had
28 plotted to overthrow him.

29 Q. Next paragraph, please, "By this time there had been three

1 attempts on my life in Freetown." Were you aware that there had
2 been three attempts to kill Sam Bockarie in Freetown before he
3 left to go to Kenema?

4 A. Well, I was not with Mosquito in Freetown and at the time I
15:06:17 5 met him in Kenema he did not tell me anything about that.

6 Q. Mr Fornie, we know you weren't with him in Freetown. I'm
7 just asking you were you aware of these matters. Did he, or
8 anybody else, tell you about this?

9 A. No.

10 Q. Did he ever tell you there'd been three attempts to murder
11 him? You're saying he didn't?

12 A. No.

13 Q. All right. So either he didn't regard them as serious
14 enough to tell you about, or he didn't have those sort of
15:06:53 15 discussions with you, does that follow?

16 A. Well I do not know in what sense he regarded that, but he
17 actually did not discuss that with me and I never knew about it.

18 Q. The truth is that you were in a rather humble position in
19 relation to Sam Bockarie, weren't you? And I'm not insulting you
15:07:18 20 in saying that. I'm talking about the reality of the difference
21 in position between you and Sam Bockarie. Would you agree that
22 you were in a rather humble position in relation to him?

23 A. If you say that I was in a lower position I will not
24 dispute with that, but one thing I want to establish with you is
15:07:44 25 that at the time Sam Bockarie and others were in Freetown that
26 was a history. I was not present. He wouldn't have told me
27 everything whatsoever that they went through in Freetown at that
28 time. The one that I know about I will tell you that I know
29 about that and I will explain to you what I know about.

1 Q. Carrying on in that sentence:

2 "Our men were being killed without any action being taken
3 by the authorities and the enemy were reinforcing their positions
4 around the capital. In addition I have just been briefed by the
15:08:28 5 head of state that certain members of the RUF were planning to
6 overthrow his government. The last thing that I wanted was to be
7 arrested by the AFRC as it would have caused serious problems for
8 the RUF."

9 He then goes on to say, "I left Freetown and went to
15:08:49 10 Kenema". Were you aware that one of the reasons that Sam
11 Bockarie left Freetown and came to Kenema was because he wanted
12 to avoid any possibility of being arrested by the other party to
13 the junta, the AFRC?

14 A. Well, no.

15:09:19 15 Q. Turn over the page, please, to page 4. This starts with,
16 "On 31 January 1997 the late Abu Sankoh (PLO-1) and the late
17 Honourable Tamba Gborie looted the Iranian embassy at Murray
18 Town." Do you see that?

19 A. Yes.

15:09:51 20 Q. Now that date must be wrong as well, mustn't it, because
21 this is during the junta period? Do you agree this is during the
22 junta period, the looting of the Iranian embassy whoever did it?

23 A. Yes, it was during the junta period.

24 Q. So it can't have been January 1997, because the junta
15:10:30 25 weren't in power until 25 May that year. Do you agree the date
26 must be wrong?

27 A. I have told you that I wouldn't want to do any correction
28 on this particular document that is in front of me to say, "This
29 is right", or, "This is wrong", because I did not prepare it and

1 I was not present when it was prepared and I wouldn't want to
2 give you any --

3 Q. Mr Fornie, we don't need to know what you would or wouldn't
4 want to do. Just listen to the question. If he's writing about
15:11:07 5 the looting of the Iranian embassy on 31 January that must be a
6 reference to 31 January 1998, mustn't it, because it was during
7 the junta period? Do you agree?

8 A. Yes.

9 Q. Now, when I asked you about the Iranian embassy siege
15:11:41 10 earlier, I said Johnny Paul Koroma ordered the arrest of Issa
11 Sesay, and I'm just looking at page 25 of today's transcript. On
12 my font starting at line 9. I asked:

13 "Q. Do you remember the Iranian embassy in Freetown being
14 looted? Does that ring any bells?

15:12:17 15 A. Yes, it rings a bell to me.

16 Q. Do you remember Issa Sesay being ordered to be arrested
17 for his part in that?

18 A. At that time no, I don't recall."

19 Is that right?

15:12:30 20 A. Yes, I do not recall because I was not there when it
21 happened.

22 Q. And then further down on page 26 at my line 19:

23 "I don't have much knowledge about the Iranian embassy. I
24 don't have much knowledge about that and I've told you I don't
15:12:47 25 recall much about the looting of that embassy. I did not make
26 follow ups about that."

27 Do you remember saying that?

28 A. Yes.

29 Q. Turn to tab 16, please, in the big bundle. Now, Mr Fornie,

1 this document is called a proffer which probably means as little
2 to you as it does to me. Don't worry about the title of the
3 document. It has your identity number on top of the title
4 proffer and it's dated 1 October last year. Do you see the date
15:14:05 5 just above the body of the text? Mr Usher will show you if you
6 need it indicated.

7 A. Yes.

8 Q. Now, do you remember being seen by the Prosecution in the
9 beginning of October last year? Do you remember being
15:14:38 10 interviewed by them either at the very beginning of October or
11 the end of September? I'm asking you to think about the
12 question, not to read the document.

13 A. No, that is what I'm thinking about. You asked me, because
14 I took so many interviews with the Prosecution anyway.

15:15:05 15 Q. Well, we're going to look at those all in due course. Do
16 you remember telling them in paragraph 3 of this document:
17 "Fighters accompanied Issa Sesay to loot the Iranian embassy in
18 Freetown." Do you remember telling them that?

19 PRESIDING JUDGE: Mr Witness, you haven't answered the
15:15:52 20 question. Please answer.

21 THE WITNESS: I do not recall.

22 MR MUNYARD:

23 Q. Well, it would appear that late last year the Iranian
24 embassy incident rang bells for you, wouldn't it, from this
15:16:11 25 document here?

26 A. Yes, I remember that we discussed something about the
27 Iranian embassy when I even told the investigator that I did not
28 have much information about the Iranian embassy. The people who
29 would be able to have such information are people like Elevation

1 who was with Issa.

2 Q. I'm not asking you who would have information about it.
3 We're asking you what your knowledge of that incident was. Now
4 you said today you didn't have much knowledge of it and you
15:16:56 5 appeared today to be suggesting that you didn't know anything
6 about Issa Sesay's involvement in it?

7 MR SANTORA: Objection. The particular point that the
8 witness was asked is whether or not he knew who was arrested for
9 the incident, not who was involved in the incident, and counsel
15:17:20 10 made the reference himself to his passage, I think it was page
11 25.

12 PRESIDING JUDGE: The question is you have said today you
13 didn't know anything about Issa Sesay's involvement in it.

14 MR SANTORA: Exactly, and the witness never said that.

15 PRESIDING JUDGE: But what is the - the juxtaposition is
16 that in this proffer dated 1 October 2007 the witness is recorded
17 as having stated fighters accompanied Issa Sesay to loot the
18 Iranian embassy in Freetown. So there is a juxtaposition which
19 counsel is entitled to put to the witness.

15:18:06 20 MR SANTORA: I accept the ruling.

21 MR MUNYARD: Can I have a moment while I go back to the
22 answer that I got. I think the answer was about other people who
23 could tell us about that. I don't need to pursue this, I'm going
24 to move on.

15:18:32 25 PRESIDING JUDGE: Very well.

26 MR MUNYARD:

27 Q. Further down that paragraph on page 4 do you see a sentence
28 that starts, "Without any investigation into the issue JP Koroma
29 ordered that it be announced on national radio" --

1 THE INTERPRETER: Your Honour --

2 MR SANTORA: I think the witness is not on the right
3 document as well.

4 MR MUNYARD: All right. That will give me a chance to say
15:19:04 5 it again. Back to D-9, page 4:

6 Q. Now, Mr Witness, Mr Court Officer I hope will be able to
7 point you to the line in the middle of that top paragraph that
8 starts with the words "Without any investigation". If you point
9 with your pen on the document on the screen, Mr Court Attendant,
15:19:36 10 that will I hope appear on the witness's screen. Thank you. Now
11 do you see that part there, Mr Fornie?

12 A. Yes, I have seen that.

13 Q. "Without any investigation into the issue JP Koroma ordered
14 that it be announced on national radio that Brigadier Issa had
15:20:00 15 looted the Iranian embassy and that as a result he was suspended
16 from the Supreme Council of the AFRC. His arrest was ordered and
17 it was announced that the RUF had planned a coup. This situation
18 led to the heightening of tension in Freetown between the RUF and
19 the AFRC and an ultimate breakdown in its marriage."

15:20:29 20 Now, I'm going to ask you about some of those matters. Did
21 you hear an announcement on the radio, given your particular
22 penchant for listening to radio stations, that Brigadier Issa
23 Sesay had looted the Iranian embassy, had been suspended from the
24 Supreme Council of the junta, had been arrested and that the RUF
15:21:01 25 was planning a coup? Did you ever manage to catch any of that in
26 a radio broadcast?

27 A. Well, in fact during the AFRC the national radio - the
28 national radio was not received in all parts of Sierra Leone. It
29 was very difficult, so I do not recall that at all. I do not

1 recall ever listening to such a broadcast.

2 Q. Right. Did you ever get that information from any other
3 source such as an RUF radio station where you worked?

4 A. I do not recall.

15:22:01 5 Q. Well, I'm going to ask you to try a little more, please.
6 This is January of 1998, very close to the intervention when
7 you're all thrown out of Freetown and Johnny Paul Koroma is
8 having it announced nationally that the RUF were planning a coup
9 against his government and you are saying that you neither heard
10 it through national radio, nor was there any traffic on the RUF's
11 own radio stations that you managed to pick up on this issue?
12 Are you really saying that you never heard any of that from any
13 source?

14 A. I do not recall and I still insist to tell you that I did
15:22:58 15 not make follow ups on the issue of the looting of the embassy,
16 so I do not know how the incident itself took place. I did not
17 make follow ups, not at all. So I cannot say much about the
18 Iranian embassy incident.

19 Q. Don't worry about the Iranian embassy. I'm talking about
15:23:18 20 the junta imploding, about the junta dividing down the middle
21 with Johnny Paul announcing to the nation that your group, the
22 RUF, had been planning a coup against his government. That's all
23 I'm asking you about now and you are saying that despite being a
24 radio operator, a radio monitor and a man with a very keen ear
15:23:47 25 for listening to any radios, national and international, you
26 didn't hear a single thing about that. Is that your evidence?

27 A. I did not listen and you wouldn't expect me to listen to
28 every little information, though I was monitoring the radio since
29 the time I started listening to the radio.

1 Q. Right. Do you still maintain that relations were cordial
2 between the two parties to the junta at any time?

3 A. No, the relationship was not perfectly cordial.

4 Q. And it got worse after the intervention, didn't it?

15:25:02 5 A. Yes.

6 Q. And it never actually got any better, do you agree,
7 following the intervention all the way up to the time peace was
8 declared?

9 A. Well, during the intervention or prior to the intervention
15:25:31 10 there was some amount of cordial relationship that existed
11 between the AFRC and the RUF.

12 Q. But would you agree that at most that was just for a few
13 weeks at a time in different parts of the country between
14 different groups?

15:25:52 15 A. Well, that was nationwide and to even enter Freetown, since
16 the time SAJ Musa died and from Waterloo Gullit had contacted
17 Mosquito and communication was flowing between the other AFRC
18 commanders and RUF commanders. There was free flow of
19 communication.

15:26:19 20 Q. Just tell us this, Mr Fornie. On Christmas Day 1998, where
21 was Issa Sesay?

22 A. Christmas Day 1998 was an operation time. That was the
23 very day that Teko Barracks fell. I wouldn't tell you the exact
24 place where Issa Sesay was at that particular time, but he was on
15:26:56 25 his feet, he was at the front line.

26 MR MUNYARD: Madam President, could Mr Taylor be excused
27 for the usual reasons. We can carry on in his absence.

28 PRESIDING JUDGE: Very well. He can be escorted out.

29 Thank you.

1 MR MUNYARD:

2 Q. Issa Sesay was in Makeni on Christmas Day 1998, wasn't he?

3 A. I have told you that I do not know the actual town, but
4 Makeni was under attack and it was on Christmas Day that Makeni
15:27:50 5 was captured by the RUF and Issa was at the front line, so I did
6 not know which location he was because he was moving - shuttling
7 between towns. He would visit the Magburaka front line area, the
8 Makeni front line area, so on and so forth, so I wouldn't --

9 Q. After Christmas Day - sorry, I didn't mean to stop you if
15:28:17 10 you want to continue that reply. Do you want to continue what
11 you were saying?

12 A. No, I have completed that answer.

13 Q. After Christmas Day 1998 there were plenty of RUF troops
14 available in Makeni to send down to head to Freetown with Gullit
15:28:37 15 and could the RUF had really been interested in joining Gullit
16 and could in the invasion of Freetown, weren't there?

17 A. Please say again.

18 Q. Yes. After they'd seized control of Makeni the RUF had
19 plenty of troops who they could have sent along with Gullit and
15:29:06 20 his fighters into Freetown if they'd wanted to, do you agree?

21 A. Yes. And indeed, the RUF attempted doing that, just that
22 Gullit and others were very impatient to wait and I have stated
23 that here before.

24 Q. Well, I suggest that they didn't. The RUF don't send
15:29:31 25 anyone until Gullit is desperate for reinforcements and that's
26 when the RUF send people down who only ever get as far as
27 Waterloo, save for perhaps a handful who go on further. Do you
28 agree?

29 A. No. Well, I do not absolutely agree with what you have

1 said.

2 Q. I'm now going to go to the other end of your evidence,
3 please, so we can put away the document there. Madam President,
4 the witness may have a similar request.

15:30:30 5 PRESIDING JUDGE: Mr Witness?

6 THE WITNESS: I want to attend to nature.

7 PRESIDING JUDGE: Yes, please assist the witness.

8 MR MUNYARD:

9 Q. Mr Fornie, I'd said I was moving on to the other end of
15:34:48 10 your evidence. Just before we look at that I want to ask you
11 about one other matter about Freetown in January 1999. Did you
12 ever become aware of Gibril Massaquoi speaking to Sam Bockarie on
13 the telephone or on the radio from State House at the request of
14 Gullit pleading - this would be Gibril Massaquoi - pleading with
15:35:30 15 Sam Bockarie to send reinforcements to assist the AFRC soldiers?

16 A. I don't remember that communication.

17 MR MUNYARD: For the assistance of the parties, that is
18 evidence from the AFRC trial in the transcript for 10 October
19 2005, pages 6 to 9. Of course this relates to the time when
15:36:11 20 Massaquoi had been freed from Pademba Road Prison:

21 Q. So you never either overhead/monitored a radio or telephone
22 conversation and Sam Bockarie never told you that Gibril
23 Massaquoi came on line to him to plead with him for
24 reinforcements to help the AFRC at the request of Gullit? You
15:36:44 25 never heard a thing about that?

26 A. No knowledge.

27 Q. Thank you. Right. Now, I'd said we go to the other end of
28 your evidence. You are arrested in the first month - you're
29 captured, I should say, in the first month of the revolution in

1 Sierra Leone in April 1991 and you cross - with the RUF you cross
2 from Sierra Leone into Liberia in the rainy season of 1991 and
3 you stayed in Liberia until roughly when before you returned in
4 1992?

15:37:37 5 A. In Liberia, I stayed there until late 1992. I was in
6 Liberia.

7 Q. So you come back to Sierra Leone in late 1992?

8 A. Yes.

9 Q. It was the reference and I've temporarily lost it but we
10 don't need that. You've confirmed that. Now when you were
11 giving us your evidence about this on Monday you didn't say
12 anything at all about a series of operations that started with
13 one called Top 20. Were you aware of any operations starting
14 with the word Top?

15:38:04 15 A. I heard about that operation, Top 20.

16 Q. What did you hear about it?

17 A. Well, that's the reason why I didn't talk about it here,
18 because I did not know much - I did not know much about Top 20.
19 I just heard that Top 20, Top 40 and Top Final existed, but I was
15:38:26 20 not in Kailahun District at the time that Top 20 and Top Final
21 existed. By the time I got to Kailahun District Top 20, Top 40
22 and Top Final have all gone by. I never witnessed such.

23 Q. Right. You get to Kailahun District by late 1992. When
24 did you understand these Top operations to have taken place?

15:38:53 25 A. I do not know the months, but I heard that certain things
26 like those happened in Kailahun before we got there. I did not
27 find out the months that happened or when exactly they happened.
28 I did not dig that up.

29 Q. All right. And did you find out what they were?

1 A. I have told you that I can't say much about Top 20 or Top
2 whatsoever because I do not have much knowledge.

3 Q. You've got knowledge of the names of all of them without me
4 prompting you.

15:40:05 5 A. Yes. Knowing you does not know - does not mean I know
6 everything about you.

7 Q. Just tell us what you understood these operations to be,
8 you as a fighter at that stage and trained or trainee operator?

9 A. Top 20, Top Final or what they called it, when I got to
15:40:38 10 Kailahun with time, later, when we started settling down that's
11 when I started hearing about Top 20 or Top Final, that is when
12 the commandos were chasing one another. But I can't give you
13 details about Top 20 or Top Final. I am still repeating this to
14 you.

15:40:53 15 Q. When the commandos were chasing one another? What do you
16 mean by that, Mr Fornie?

17 A. Well, there was a misunderstanding among them and I did not
18 understand what it was. That means I did not know how it started
19 and how it ended. That is why I can't talk much about it.

15:41:28 20 Q. All right. And what happened in the course of this
21 misunderstanding when these combatants were chasing one another?

22 A. I do not know exactly because I was not there.

23 Q. No, we know you're not there, but you've given a great deal
24 of evidence about events that you weren't present at but that
15:41:51 25 people told you about. So I want to know what people told you
26 about these Top operations, do you follow?

27 A. I am still telling you that I did not have the patience to
28 find out about Top 20, Top 40 or Top Final, what they were all
29 about.

1 Q. Did you hear if anybody had been killed in these
2 operations?

3 PRESIDING JUDGE: Did you hear the question, Mr Witness?

15:42:42

4 THE WITNESS: I am thinking. I do not recall specifically
5 whether they killed, or not. I don't know.

6 MR MUNYARD:

15:43:01

7 Q. And when we're talking about "they", we're talking about
8 two groups of fighters who were supposed to be on the same side,
9 aren't we? The two lots who were fighting each other were
10 supposed to be fighting for the same cause, weren't they?

11 A. Well I have told you that Top 20, Top 40, I do not know up
12 to five per cent about Top 20. You want me to say something that
13 I cannot substantiate. Please, I do not have any knowledge. I
14 do not have much knowledge about Top 20, not at all.

15:43:36

15 Q. Well did you hear when you were in Liberia, or when you
16 returned to Sierra Leone, that Charles Taylor had issued an order
17 to his NPFL fighters who were fighting with the RUF in Sierra
18 Leone that they were all to withdraw back into Liberia and that
19 that was about May of 1992 or thereabouts? Did you ever learn
20 about that or hear about that in any messages, or transmissions,
21 or even conversations?

22 A. No, no knowledge about that.

15:44:06

23 Q. Well, there you were in Liberia until late '92. Were you
24 ever met by groups of returning NPFL fighters who'd been fighting
25 in Sierra Leone supposedly alongside the RUF, but actually
26 fighting them and indeed harming civilians? Did you ever meet
27 any returning NPFL fighters?

15:44:32

28 A. No.

29 Q. When you went back in late '92, did you become aware that

1 quite a lot of Liberians who'd gone to fight in Sierra Leone
2 alongside the RUF had stayed on in that country after these Top
3 operations and Mr Taylor's order to withdraw back to Liberia?

4 A. I was not aware about such instruction.

15:45:25 5 Q. No, you've told us that. Did you ever become aware that
6 quite a lot of Liberians had actually stayed on in Sierra Leone
7 in late 1992?

8 A. Yes, there were Liberians. Even my own commander, the
9 overall signal commander CO Nya, he was a Liberian.

15:45:54 10 Q. And he stayed on in Sierra Leone, is that right?

11 A. Yes.

12 Q. What about Denis Mingo, Superman?

13 A. He was another Liberian.

14 Q. Yes, and did he stay on in Sierra Leone?

15:46:14 15 A. Yes, he continued to stay in Sierra Leone --

16 Q. What about Jungle?

17 A. -- until at some point in time - until at a certain point
18 in time when he, Superman, was killed in Liberia.

19 Q. All right. What about Jungle? Did he come and stay in
15:46:39 20 Sierra Leone from Liberia?

21 A. You mean Colonel Jungle, the Liberian security?

22 Q. Yes. Just say if you know, or you don't know.

23 A. Jungle used to make visit trips to Sierra Leone at the time
24 that I was there.

15:46:58 25 Q. No, just tell us do you know if Jungle was one of the
26 Liberian fighters who stayed on in Sierra Leone around the end of
27 1992, yes or no?

28 A. No.

29 Q. And one of the reasons that the Liberian fighters - the

1 NPFL fighters - were able to be pushed back into Sierra Leone by
2 the RUF was because they ran out of ammunition. Did you hear
3 that?

4 A. Say that again.

15:47:43 5 Q. That the NPFL fighters who were having this confusion, I
6 think you would call it, with the RUF combatants, that they were
7 able eventually to be pushed back into Liberia because they ran
8 out of ammunition and could no longer maintain their skirmishes
9 against the RUF. Were you aware of that?

15:48:12 10 A. I have told you that I do not know about that.

11 Q. All right. You were aware of the NPRC coming into power,
12 weren't you? Captain Valentine Strasser and his coup in April
13 1992?

14 A. Yes.

15:49:03 15 Q. And his troops mounted a push to get rid of the RUF out of
16 Sierra Leone, didn't they, in that same year?

17 A. Yes.

18 Q. And yet more Sierra Leonean RUF fighters were pushed into
19 Liberia, pushed over the border, do you agree?

15:49:41 20 A. Yes.

21 Q. The NPRC government managed to recapture Koidu Town in
22 November 1993. Do you remember that, that they took Koidu Town
23 from the RUF in late 1993?

24 A. I can remember RUF - I mean the NPRC retook Kono from the
15:50:20 25 RUF in 1993, but I do not remember whether it happened in
26 November. I do not remember it happened in November.

27 Q. But in any event after that - and for many years after that
28 - the RUF no longer are in control of any urban centre, are they?
29 Any real sizable town?

1 A. Before that November 1993 that you are talking about, I can
2 remember Kailahun Town was still under the control of the RUF
3 before November 1993.

4 Q. And how long did the RUF control that town?

15:51:26 5 A. I do not know the exact date that the RUF captured Kailahun
6 Town, but I can remember that it was around mid-1993 that the
7 NPRC recaptured Kailahun from the RUF.

8 Q. Yes, I think in fact you're agreeing with me that after
9 November 1993 the RUF were no longer in control of any urban
10 centre - any real sizable town? I think you're now agreeing with
11 that, Mr Fornie?

12 A. That was not the first thing that you said. What you were
13 trying to say was that it was by November that RUF took Kono - I
14 mean that NPRC took Kono from the RUF and it was by November that
15 the NPRC took all the provincial headquarters where the RUF was
16 based, and I am telling you that it was in mid-1993 that the RUF
17 fell from Kailahun Town.

18 Q. All right. Well, I hear what you say. I'm suggesting that
19 you're not disagreeing with me. Now what happened to Sandeyalu,
20 Foday Sankoh's headquarters, in 1993?

21 A. Like because a lot of events took place in Sandeyalu, I
22 really want you to confine some of what was it that was in - do
23 you want me to talk about what was happening in Sandeyalu?
24 That's broad. That's a broad question.

15:53:34 25 Q. No, no, no, I don't want you to. I will put a specific
26 question to you. When did that fall? When was Sandeyalu
27 captured from the RUF and Foday Sankoh's headquarters fall?

28 A. It was during the rainy season.

29 Q. Of what year?

1 A. 1993.

2 Q. Thank you. Now, after that the RUF went into the bush
3 effectively, didn't they, in lots of different parts of Sierra
4 Leone? Do you agree?

15:54:08 5 A. Yes.

6 Q. And they were separate areas all around the country with
7 separate commanders, do you agree?

8 A. At what time are you talking about?

9 Q. Well from late 1993 onwards, from the time by which the RUF
15:54:33 10 no longer controlled any major urban centre?

11 A. To when?

12 Q. Well, certainly until 1997?

13 A. Yes, at that time we were all over the country.

14 Q. I'm going to ask you, please, to have a look at a map.

15:54:59 15 It's from the Prosecution map bundle. It's S1 or P5 and I'm
16 sorry I didn't alert the Court officers to this but there is the
17 map book.

18 PRESIDING JUDGE: Which country are we dealing with,
19 Mr Munyard?

15:55:29 20 MR MUNYARD: Sierra Leone, Madam President. Now, if that
21 map can be put on the screen, please:

22 Q. I'm going to ask you a general question or two first and
23 I'm then going to take you to specific areas and see if you can
24 help us. It's right, isn't it, that after the fall of Sandeyalu
15:56:45 25 and those two towns that you've mentioned in 1993, the RUF then
26 really was only based in the jungle? I think you've broadly
27 agreed with that. And generally in mountainous areas, would you
28 agree with that? Let me try and help you. In mountainous areas
29 with a view to --

1 MR SANTORA: It's just a small point. Can the map be put
2 on the screen that the relevant - that the bottom portion of the
3 country is shown because I think it's just going to make it
4 easier for everyone.

15:57:28 5 MR MUNYARD: I'm going to come to the map in a moment. I'm
6 just establishing in general first of all.

7 MR SANTORA: Okay.

8 MR MUNYARD:

9 Q. Mr Fornie, the bases in the jungle were often in
10 mountainous area for strategic reasons because that would allow
11 different combat units to be positioned at different heights on
12 the mountainside. Would you agree with that?

13 A. Yes.

14 Q. And groups lower down, groups of combatants lower down in
15 the foothills or on the plain would then be able to conduct
16 attacks on surrounding villages or organise ambushes on the
17 highways in the area. Do you agree?

18 A. Well, I do not really understand what you are talking
19 about, attack or who should go down. I have not got that
15:58:24 20 expression clearly.

21 Q. Well, that - I think you agreed that these jungle bases
22 were generally in mountainous areas with different combat groups
23 at different heights for strategic reasons. We'd already
24 established that. Do you agree that those combat groups on the
15:58:47 25 lower land, lower levels, would be used for attacks on
26 surrounding villages or ambushes on highways in the area? Yes or
27 no?

28 A. Well, not just fighters that were down or whatsoever. Not
29 just them. Even those in the forest as you can call it, in the

1 mountains, all of them used to come down in case any group was
2 getting ready to go on operations. Reinforcement used to come
3 from the main base and join those who would be there. If there
4 were any small groups, those small groups that are based around
15:59:33 5 the jungle were there for security purposes. They were there to
6 defend the main jungle.

7 Q. I don't disagree at all with what you say. Now, the
8 reality is that Foday Sankoh based himself for pretty well the
9 whole of the next two years at Camp Zogoda, didn't he?

15:59:57 10 A. Yes.

11 Q. And that was his headquarters, but many of the other
12 commanders were all over the country in different locations with
13 their own battalions, their own military groups under their own
14 control, subject to Foday Sankoh's oversight. Would you agree
16:00:25 15 with that?

16 A. Yes, that's true.

17 Q. Well, let us look then at where they were. Camp Zogoda we
18 know - we're not going to be able to see Zogoda on this map
19 because it's not in an easily identifiable place, but would you
16:00:41 20 agree that it was in the forest up on a ridge in the Kambui Hills
21 in Kenema, Kenema District?

22 A. Yes.

23 MR MUNYARD: I don't know if it would help but there is
24 another map that we could put on the screen. It's not a
16:01:17 25 Prosecution map, but we can put it on the screen briefly just to
26 identify where the Kambui Hills are.

27 THE WITNESS: Maybe if you bring the map I would help you
28 to find the location of Zogoda.

29 MR MUNYARD: Madam President, I see you've got that map.

1 It didn't have a number on it so I --

2 PRESIDING JUDGE: No, this one did not have a number. It
3 was - in fact to be honest I can't quite recall whether it was
4 from your side of the Court or from the Prosecution side.

16:01:55 5 MR MUNYARD: Whoever it came from it appeared when I wasn't
6 here which is why I didn't have it in my papers.

7 MR SANTORA: I know I used it before in a previous
8 examination but I'm not sure which side it actually came from.

9 MR MUNYARD: In any event, if we can just go briefly on the
16:02:12 10 screen and we'll identify where Zogoda was. I don't think it's
11 controversial. I think it's just - I simply want to establish as
12 accurately as possible where Zogoda was. The map should now be
13 on the screen, the lower half of the map, please:

14 Q. Do you see Kenema with a red label? It is going to have to
16:02:45 15 be magnified, I think. Do you see there on the right-hand side
16 of the screen towards the bottom with a red band across it the
17 name Kenema? Do you see that, Mr Fornie?

18 A. Yes.

19 Q. Then if you draw a line with your finger directly across
16:03:07 20 going left and you come to Blama, do you see Blama?

21 A. Yes.

22 Q. As you've taken your finger across there you've gone across
23 the words Kambui Hills forest reserve. Do you see that? It's
24 almost vertically written. Have you got it?

16:03:29 25 A. Put this pen down. Yes, I've seen it.

26 Q. The pen is there to show you where the Kambui Hills are.

27 A. Okay.

28 Q. Bring your finger in a straight line down from Blama and
29 somebody has written Zogoda in there with an X above a town which

1 you may be able to see or name more easily than I can. Can you
2 see the name of that town beginning with GO? And tell us if you
3 know what the name of that town is or village?

4 A. Well, it's not - the writing is not that clear. The
16:04:07 5 printing here - the printing is not too clear. It's too small.

6 Q. It's Govoi pahun. Govoi pahun.

7 A. Govoi pahun.

8 Q. Right. Thank you. That is where Zogoda is, isn't it, on a
9 ridge in the Kambui Hills, yes?

16:04:43 10 A. It's the Kambui Hills but I did not know that it was in
11 Govoi pahun that Zogoda was. It was around Bandawor area.

12 Q. But you were in Camp Zogoda, weren't you?

13 A. Yes.

14 Q. So you can confirm that it was there in the Kambui Hills,
16:05:03 15 yes?

16 A. Yes.

17 Q. A very difficult place to get to?

18 A. Yes.

19 Q. And that's why it was put there, so that it would be easy
16:05:21 20 to defend and difficult for the enemy to penetrate, yes? Yes,
21 will you agree with that or not?

22 A. You know, you are talking at this and you are answering at
23 the same time. That is why I want to listen to you now. At
24 least when you talk give me chance to answer but you are talking
16:05:48 25 and at the same time you are answering. I don't know what I
26 should say any longer.

27 PRESIDING JUDGE: Mr Witness, listen to the question and
28 then answer. Please don't go into a dialogue.

29 THE WITNESS: Okay.

1 MR MUNYARD:

2 Q. Now, was there also a place called Camp Lion?

3 A. Yes.

4 Q. How far from Camp Zogoda was Camp Lion?

16:06:16 5 A. Camp Lion, there were two different bases that became Camp
6 Lion. First, Jui Koya, the township itself, that was called Camp
7 Lion. Later - it was about seven miles, beyond seven miles,
8 something in that region. Then later Camp Lion went deep in the
9 forest itself.

16:06:54 10 Q. And how far away was it then? How far from Zogoda when it
11 went deep into the forest itself?

12 A. It was not up to ten kilometres. I am not sure it was up
13 to 10 kilometres, the distance.

14 Q. Who was in charge of Camp Lion?

16:07:19 15 A. The command used to change at Camp Lion.

16 Q. All right. Would you like to tell us who it changed from
17 and to? Just name any of the commanders that you can remember
18 who were based at Camp Lion?

19 A. I can remember one late Ajami Olia [phon] who was the
16:07:46 20 original commander there. Sometimes there was one Monica Pearson
21 who too was at Camp Lion as commander.

22 Q. Monica Pearson, was she a woman who had a reputation for
23 being very cruel?

24 A. I did not know Monica along that line that she was a cruel
16:08:17 25 woman.

26 Q. That's something you've never heard, is it?

27 A. No.

28 Q. Did you know her well?

29 A. Well, to the best of my own knowledge, somehow I really

1 knew Monica. I had known him for quite some time.

2 Q. He is a she, in fact.

3 A. She, she, sorry, your Honours.

16:09:02 4 Q. But you never heard from anybody that she had a reputation
5 for being particularly cruel? Is that what you're saying?

6 A. Yes.

7 Q. Did you know the Camp Charlie?

8 A. Camp Charlie? It's a name that is familiar to me, but I
9 can't remember it now.

16:09:34 10 Q. Do you now if Monica Pearson was ever there?

11 A. At Camp Charlie? I don't know.

12 Q. We'll move on from Camp Lion then. What about Cuba Base.
13 Do you remember something called Cuba Base near Peyima in the
14 more northerly reaches of the Kambui Hills?

16:10:08 15 A. Yes, I can remember.

16 Q. And who was in charge of Cuba Base?

17 A. Well, Cuba Base, the overall commanders used to change with
18 time. At first it was the late Papa, then Mosquito was the last
19 person at Cuba Base as commander. Apart from that, other
16:10:40 20 commanders served there.

21 Q. Thank you. And when was Mosquito the commander at Cuba
22 Base?

23 A. That was when Pa Sankoh - before Pa Sankoh went to the
24 Abidjan Peace Accord. I cannot remember the right month, but it
16:11:11 25 was in 19 - some time around 1996. Some time around 1996.

26 Q. Right, can I move on to Burkina Faso, or Camp Burkina. Do
27 you remember that one in Kailahun District?

28 A. Yes.

29 Q. And who was the leader of Camp Burkina?

1 A. At what time?

2 Q. At any time while it existed? Give us numbers of names, if
3 you know numbers of names?

4 A. Well, Mosquito served there as commander - I mean, the
16:11:56 5 overall - Issa served there and Peter Vandi served there, among
6 other commanders.

7 Q. And when was Issa there? And by Issa are we talking about
8 Issa Sesay?

9 A. Yes.

16:12:14 10 Q. Right. When was he in charge of Burkina Faso, Camp
11 Burkina?

12 A. Burkina, that's in the Kailahun District. Issa was a
13 commander at Burkina since 19 - early 1994.

14 Q. Until when?

16:12:48 15 A. I can say some time around that. Either late 1993 or early
16 1994, something around that.

17 Q. Yes, until when?

18 A. Up to some time in 1996.

19 Q. So that's where he is in charge, yes, for that period?

16:13:17 20 What about Kono jungle? Are you aware of a camp in Kono jungle?

21 A. Yes.

22 Q. And who was in charge there? Who was the commander there
23 at any period you're aware of?

24 A. The Kono jungle - from what I can remember, Kono jungle at
16:13:56 25 different times Mosquito served there as commander. CO Mohamed,
26 the late Zino, served in Kono as commander. Then Morris Kallon
27 served there as commander and Issa also served there as
28 commander.

29 Q. Well we know that Issa was at Burkina Faso from around the

1 beginning of '94 to some time in '96, so he can't have been
2 running Kono jungle then. When was Morris Kallon running Kono
3 jungle camp?

4 A. The time that I am talking about that Issa was in Kono
16:14:37 5 jungle as commander, in fact he led the attack on Kono. It was
6 Issa who organised the attack on Kono. He was the overall
7 commander in Kono.

8 Q. When was Morris Kallon in charge of Kono jungle camp?

9 A. It was that same 1998. 1998.

16:15:09 10 Q. Right. What about the northern jungle, the Kangari Hills?
11 Did you have a camp or a cluster of camps in the Kangari Hills
12 under a particular commander?

13 PRESIDING JUDGE: Was this not necessarily a training camp,
14 because you were mentioning training camps earlier?

16:15:31 15 MR MUNYARD: No, Madam President, I'm talking generally
16 about what happened to the RUF after they lose their urban
17 centres and Sandeyalu.

18 PRESIDING JUDGE: Yes, I appreciated that, Mr Munyard, but
19 I noted you were talking in particular at the beginning about
16:15:48 20 training camps.

21 MR MUNYARD: Oh, I touched on one because the witness
22 mentioned Monica Pearson, but I'm talking about camps generally.
23 I'm trying to establish where the RUF were once they'd lost urban
24 centres and what kind of warfare they were then indulging in and
16:16:05 25 indeed what kind of peace fare, but I'll come on to that:

26 Q. So we've got Zogoda, Cuba Base, Camp Lion, Burkina Faso,
27 Kono jungle and you're also in the Kangari Hills in the northern
28 jungle and Zino was there, wasn't he?

29 A. I was not at the Kangari Hills, but I knew about the

1 Kangari Hills jungle. Zino served there at one point in time and
2 he left and established another jungle in the Western Area.

3 There were other commanders serving there at Kangari Hills.

4 Q. And then also in the northern province in Bombali District
16:16:52 5 you had a camp in the Makundu Hills, not that far away from
6 Makeni. Did you know about that one?

7 A. I think that the entire northern province there was one
8 jungle that we referred to as the northern jungle, but it was not
9 permanent. They used to change locations. It was the same
16:17:25 10 northern jungle that went up the Kangari Hills. It was the same
11 northern jungle that you're still referring to that I knew.

12 Q. And indeed Camp Charlie was part of the Makundu Hills RUF
13 stronghold, is that right?

14 A. To the best of my knowledge the only Camp Charlie that I
16:17:53 15 have now remembered was by Mile 91, that which I knew of. That
16 other Camp Charlie that you're talking about, I do not know about
17 it.

18 Q. All right. Then what about Superman? Was he commander of
19 any of these camps, Denis Mingo?

16:18:26 20 A. Yes, Superman was a commander in the western jungle.

21 Q. Was he also in the Makundu Hills in Bombali District? Was
22 he a commander there, as far as you know?

23 A. Jungles used to move from one place to the other. Jungles
24 used to move from one place to another.

16:19:02 25 Q. I'm not suggesting that you're wrong when you say that he
26 was in the western jungle. I'm just asking if you're are aware
27 that he was also in the Makundu Hills?

28 A. Well I can't remember now if it was at Makundu Hills, or
29 which hill. I know about Kangari Hills, but I cannot remember

1 Makundu Hills really. This is what I'm trying to say.

2 Q. And as far as the southern province is concerned, you had
3 Camp Libya?

4 A. Yes.

16:19:31 5 Q. And also - and that was in the Pujehun jungle and it might
6 have been known also as Pujehun jungle. Do you know who was in
7 charge there?

8 A. At what time?

9 Q. At any time?

16:19:49 10 A. Libya, initially one Dixon Wolo was in charge. He was in
11 charge of Pujehun District in 1991. Later Rashid Mansaray took
12 over from him and then other commanders took over like Bonday
13 [phon] among others, really.

14 Q. And then also there was the Koribundu jungle. Can you
16:20:24 15 remember that?

16 A. Yes.

17 Q. Another camp there. And Matru Jong in Bonthe District.
18 Can you remember a camp there?

19 A. Yes.

16:20:41 20 Q. I'm not saying that these are the entire number of camps,
21 but these were the main camps, do you agree?

22 A. From time to time some of these areas used to become main
23 camps for the RUF at specific times.

24 Q. And over the years that the RUF was operating out of these
16:21:06 25 camps, it was effectively running a guerilla war campaign insofar
26 as it was conducting combat, do you agree?

27 A. Yes.

28 Q. At the same time - and even earlier - next door in Liberia
29 ULIMO was operating as a fighting force, wasn't it?

1 A. Yes.

2 Q. Starting actually coming into Liberia originally from
3 Sierra Leone in about 1991?

4 A. Please start everything - your last phrase.

16:22:07 5 Q. Let me remind you what you said on Monday, page 21334, line
6 8:

7 "A group emerged in 1991 from the Sierra Leone area which
8 was fighting against Mr Taylor, something like Liberians United
9 something. I cannot recall the exact name of the group which was
10 later called ULIMO."

16:22:29

11 Now, do you remember saying that to us on Monday?

12 A. Yes.

13 Q. In fact, Liberians United is the name of a much later group
14 that emerges in the late 1990s to fight Mr Taylor when he's
15 President. Do you recall that?

16:22:52

16 A. Well, I did not specifically put it that way. I said it
17 looks like that and then later they named it as ULIMO. Either
18 Liberians United or United Liberians, I think I stated something
19 like that. I did not specifically say that was the name that
20 they called it. I expressed some skepticism about it.

16:23:14

21 Q. Well, you simply couldn't remember?

22 A. I can still remember what I said in respect of that.

23 Q. Yes, right. And that group, ULIMO we'll call them - that
24 group together with the Sierra Leone Army was conducting
25 incursions - was engaging in combat in Liberia from the Sierra
26 Leone side of the border, weren't they?

16:23:47

27 A. Yes, that's in the Pujehun District to be specific. That
28 was what I was referring to, from the Pujehun District area.

29 Q. And they were also fighting against the RUF, weren't they,

1 ULIMO, alongside the Sierra Leone Army?

2 A. We were fighting against one another. We were fighting
3 each other: RUF and Charles Taylor, NPFL on the one side and
4 ULIMO and the SLA on the other side. So we were fighting.

16:24:51 5 That's how we were fighting.

6 Q. But actually later on the RUF and the ULIMO become trading
7 partners, don't they?

8 A. When did that happen?

9 Q. You told us about this in your evidence earlier, that Sam
16:25:20 10 Bockarie used to send people to the border area to obtain
11 ammunition from former ULIMO fighters and that they'd buried it
12 in the ground instead of handing it over during disarmament in
13 Liberia. Do you remember telling us that?

14 MR SANTORA: Objection. I don't have the reference right
16:25:47 15 in front of me, but the evidence was that Sam Bockarie would send
16 men over to purchase ammunitions from ex-fighters, not any
17 specific group was mentioned.

18 PRESIDING JUDGE: I actually have that here before me.

19 MR MUNYARD: I'm content to work for the moment on
16:26:08 20 ex-fighters and we'll deal with specifics tomorrow.

21 PRESIDING JUDGE: I have in my notes, if it's of any
22 assistance to counsel, ex-commanders in Voinjama.

23 MR MUNYARD: Yes, I'm content to use that expression for
24 the time being:

16:26:23 25 Q. That's right, isn't it, that Sam Bockarie sent people
26 including yourself to trade with ex-fighters from Liberia?

27 A. Not to trade. I did not go there to trade with ex-fighters
28 in Liberia but to collect materials from Sella. I just went
29 there to collect materials from Sella. I was not the one

1 carrying out the transaction.

2 PRESIDING JUDGE: Mr Witness, please listen to the
3 question. The question was - please repeat the question,
4 Mr Munyard.

16:26:59

5 MR MUNYARD:

6 Q. Yes. Sam Bockarie sent people including yourself to trade
7 with ex-fighters from Liberia. It doesn't mean you personally
8 handed over the money, but you were part of the group that was
9 sent by Sam Bockarie to buy ammunition, which I call trade, money
10 handed over in exchange for goods. That's right, isn't it?

16:27:18

11 A. No. The group that I was with, I never took along money to
12 buy ammunition.

13 PRESIDING JUDGE: Mr Munyard, with respect, I think there
14 are two elements, if I remember the evidence-in-chief. There's
15 the witness himself and there are other people.

16:27:41

16 MR MUNYARD: That's precisely, your Honour, why I've put it
17 in the way I've put it and I actually said to him words to the
18 effect: It doesn't mean you personally handed over the money.
19 He just hasn't understood the question either because I've made
20 it too complicated or because he hasn't listened. I'll have one
21 last go before we finish:

16:27:57

22 Q. Mr Fornie, you were sent by Sam Bockarie with other people
23 to buy ammunition from ex-fighters in Liberia, do you agree?

24 A. It did not happen exactly that way. I can't agree with
25 everything. I have an explanation in relation to that.

16:28:24

26 MR MUNYARD: It will have to wait until tomorrow.

27 THE WITNESS: You should quote exactly what I said. You
28 should give me chance. It's not a question that I should just
29 answer yes or no, my Lord.

1 MR MUNYARD: Well, we hoped it would have been, but we'll
2 ask it again tomorrow.

3 JUDGE SEBUTINDE: I think really to be fair to the witness
4 he has answered the part that he played.

16:28:51 5 THE WITNESS: Yes, yes.

6 JUDGE SEBUTINDE: In acquiring this ammunition.

7 MR MUNYARD: If your Honour is content with the answer as
8 an answer to the question I'm content with it too. It seemed to
9 be the witness who didn't think that he'd fully answered, because
10 he was trying to say it was more complicated than that. But I'll
11 come back to it briefly, I trust, tomorrow morning.

12 PRESIDING JUDGE: Very well. Mr Witness, it's now time for
13 the Court to adjourn for the day. We are adjourning until 9.30
14 tomorrow morning. I again remind you, as I've done on other
15 days, that you are under oath and you must not discuss your
16 evidence with anyone else. Mr Witness, are you listening.

17 THE WITNESS: Yes, ma'am. I'm listening, my Lord.

18 PRESIDING JUDGE: Very good. And you're going to conform
19 of course. Please adjourn court until 9.30 tomorrow.

16:29:54 20 [Whereupon the hearing adjourned at 4.30 p.m.
21 to be reconvened on Friday, 5 December 2008 at
22 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

DAUDA ARUNA FORNIE 21651

CROSS-EXAMINATION BY MR MUNYARD 21651