

Case No. SCSL-2003-01-T

THE PROSECUTOR OF THE SPECIAL COURT V.

## CHARLES GHANKAY TAYLOR

THURSDAY, 4 SEPTEMBER 2008 9: 30 A. M. TRI AL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis Mr Mohamed A Bangura Ms Leigh Lawrie

For the accused Charles Ghankay Mr Terry Munyard Taylor: Mr Morris Anyah

1 Thursday, 4 September 2008 2 [Open session] [The accused present] 3 [Upon commencing at 9.30 a.m.] 4 PRESIDING JUDGE: Good morning. I notice some changes of 09:21:32 5 appearance. Ms Hollis? 6 7 MS HOLLIS: Good morning Madam President, your Honours, opposing counsel. Today for the Prosecution: 8 Mohamed A Bangura, 9 Leigh Lawrie and Brenda J Hollis. PRESIDING JUDGE: Thank you, Ms Hollis. Mr Munyard? 09:30:03 10 MR MUNYARD: Good morning Madam President, your Honours, 11 12 Ms Hollis and counsel opposite. This morning it is myself Terry 13 Munyard and Morris Anyah representing the defendant. 14 PRESIDING JUDGE: Thank you, Mr Munyard. I will remind the 09:30:45 15 witness of his oath. Mr Witness, I again remind you this morning that you have taken the oath to tell the truth and the oath 16 17 continues to be binding upon you. You must answer questions truthfully and I would also remind you of the need to speak 18 19 slowly so that the interpreters and those recording your evidence 09:31:06 20 can get it down correctly. You understand? 21 THE WITNESS: Yes, sir. 22 PRESIDING JUDGE: As we are in open session, I remind you of what Ms Hollis, Mr Munyard and myself have said concerning 23 24 your own security. Please proceed, Mr Munyard. 09:31:18 25 WITNESS: TF1-338 [On former oath] 26 MR MUNYARD: I am afraid I am going to have to ask for us 27 to go into private session because I want to revisit briefly a 28 couple of matters from yesterday. MS HOLLIS: The Prosecution supports that request. 29

1	PRESIDING JUDGE: For purposes of record and the rules if
2	anyone is in the public gallery or monitors we are going into
3	private session for reasons of security of the witness.
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5	[At this point in the proceedings, a portion of
6	the transcript, pages 15407 to 15440, was
7	extracted and sealed under separate cover, as
8	the proceeding was heard in private session.]
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	1	[Open session]
	2	MS IRURA: Your Honour, we are in open session.
	3	PRESIDING JUDGE: Mr Witness, we are now in open session
	4	again and I remind you to take care not to reveal anything that
11:04:43	5	would identify you.
	6	MR MUNYARD:
	7	Q. Mr Witness, was it Issa Sesay's objective to disarm after
	8	the Lomé Peace Accord and in the years 2000 and 2001?
	9	A. It was his objective, his own objective.
11:05:13	10	Q. Thank you. And did you have a problem achieving that
	11	because of a number of occasions when RUF people were attacked by
	12	pro-government forces?
	13	A. Yes, we were about getting problems in Kono, but it was
	14	later amended because they resolved that the disarmament of the
11:05:40	15	RUF should be concurrent with the disarmament of the Kamajors on
	16	the Kono axis.
	17	Q. And is it right that the RUF were worried that if they
	18	disarmed unconditionally they might still be attacked by armed
	19	groups such as the Kamajor militias?
11:05:59	20	A. Yes, some commanders within the RUF were worried about
	21	that.
	22	Q. Is it also the case that in 2000 and 2001 the Government of
	23	Liberia had a number of rebel forces invading their country?
	24	A. Yes, the Government of Liberia, within 2000 and 2001 there
11:06:29	25	were rebels invading their country and they were referred to as
	26	the LURD.
	27	Q. And indeed you spent almost the whole of 2001 in Foya from
	28	January to November of that year assisting the Liberian
	29	government to repel the rebels?

1 Some people stayed there who did not even disarm. Α. Some 2 remained there and they did not even come for disarmament, 3 because when they were attacked from Foya and they entered the 4 forest they were cut off. They did not have a way to enter Sierra Leone to disarm. 11:07:07 5 PRESIDING JUDGE: Mr Witness, the question is about where 6 7 you spent most of 2001, not a general question. MR MUNYARD: 8 9 0. Mr Witness, I am just confirming something that you said to 11:07:27 10 us earlier. I think you agree that you spent almost the whole of 2001 based in Foya, from January to November of that year, is 11 12 that right? 13 I spent six months in Foya whilst I was there as commander Α. 14 and Issa later immediately called me for me to go to Kono, Koidu Town. 11:07:54 15 But it is right that you were in Foya from January to 16 Q. 17 November of 2001, isn't it? 18 I was in Foya at that time. Α. 19 Thank you. And did the Government of Liberia ask the RUF, 0. 11:08:20 20 "If you're going to disarm, lay down your arms, would you give 21 them to us so that we can fight the rebels in our country, rather 22 than handing them over to anybody else"? Is that right? 23 Α. He did not request that if we were disarming we should hand 24 over our weapons to them, but he requested that the arms he gave 11:08:49 25 to us we shouldn't disarm to the government troops of Sierra 26 Leone. We shouldn't hand them over to the government troops of 27 Sierra Leone. He said we should return them to him. 28 Q. Did Charles Taylor ever suggest that you should delay 29 di sarmi ng?

1 A. He did not suggest that we should delay the disarmament,

2 but he told us not to disarm to the SLPP government and not even3 the UNAMSIL.

4 Q. Could I ask you to look at tab 1, please. It is page 11 of 11:09:37 5 tab 1.

6 A. I am there.

Q. Thank you. I am going to ask you to start at line 9. This8 is an answer given by you:

9 "Then thereafter Superman have died they appoint another
11:10:17 10 commander to go there to be there to handle the situation. From
11 there the disarmament process came in. The disarmament process
12 came in, Charles Taylor is still pressing us that we should not
13 allow for us to disarm because the United Nations is still trying
14 to capture us. They are petting us. For us to disarm they are
11:10:35 15 petting us."

16 Did you say that?

A. I did say that, but that was not after the death of
Superman. They called on Superman to go on an operation in
Freetown. That was the time they sent another commander to take
care of his position. He had not yet died by then.
Q. So are you saying that you have made a mistake there, or

22 that they have made a mistake in recording what you were telling 23 them?

A. I want the believe that the mistake came from the typing, because I was talking orally whilst they were typing and as I was talking they were typing.

> 27 Q. Now you were asked on line 15, "What do you mean by 28 petting?" Your answer is, "To encourage you for to do

28 petting?" Your answer is, "To encourage you for to do

29 something". Then the interviewer says, "Pushing you to?" You

1 say, "Not pushing by force, but talk to you, pet you, encourage you to do the thing". Did you say all that? 2 I did say that. 3 Α. 4 Q. Thank you. Then, "After Superman have died now we still in reliance not to disarm". Did you tell them that? 11:11:50 5 Yes, after the death of Superman. Α. 6 7 "Gibril Massaquoi came and he said Charles Taylor said we 0. should not disarm. Well, we have to disarm to give the people 8 9 peace, so they all support that. Let us disarm to give the people peace, but yet still we don't want to disarm earlier in 11:12:11 10 Kono so we decide to hold on in Kono." 11 12 Did you say that? 13 Α. Yes, I said that. 14 Q. Last line on that page: "Charles Taylor said if you are 11:12:29 15 going to disarm then try to take some ammunition and send it to Liberia". Did you say that? 16 17 Yes, I said that. Α. 18 "Then they take some ammunition with some manpower and they Q. 19 send them to Liberia. The manpower they used to infiltrate in 11:12:52 20 Gui nea. The manpower they used they infiltrate in Guinea so the 21 Guinean war was there now." 22 Did you say that? 23 Yes, I said that. Α. 24 Q. So you agree that you did tell them Charles Taylor said, "If you're going to disarm then try to take some ammunition and 11:13:12 25 26 send it to Liberia"? 27 The arms that he gave to us, because he gave us arms for Α. 28 the Guinea mission for us to infiltrate Guinea. He said we 29 should assemble the manpower so he will support us with arms and

1 ammunition, so the support came. He sent the arms - he sent the 2 arms to us and we supported with the manpower. That is what I am trying to talk about here. 3 4 Q. Tab 10, please, paragraph 88. It's on page 23 of that particular tab, Mr Witness. Now this is where you're dealing 11:14:27 5 with the meeting on 26 July 2000 where you had met the West 6 7 African Presidents, two of them French speakers, one of them President Yahya Jammeh from The Gambia and one of them President 8 9 Obasanjo, and then you told us later on that same day you go and have a meeting with Mr Taylor. Do you remember telling us about 11:15:25 10 that? Just before I take you to the document, I am just 11 12 summarising. 13 Yes, I remember I said that. Α. Can you see the last two lines - well, actually we will 14 Q. start from the last three lines: 11:15:48 15 "Charles Taylor, he said he was ready to give them all the 16 17 support they needed. He told them they shouldn't disarm to anybody. Charles Taylor said that whenever the UN says they 18 19 should disarm they would just agree, but would delay." 11:16:09 20 Yes? 21 We will just agree, but we shouldn't allow it to happen. Α. 22 0. And the reason for delaying was what? 23 That is to say we should deny them. We shouldn't - we Α. 24 shouldn't allow them to disarm us. That is to say we should 11:16:38 25 accept in their presence, but we would not agree to do it. 26 Why were people concerned that you should delay disarming? Q. 27 What was the problem that would prevent you from disarming 28 immediately? 29 I did not know what the problem was, but the problem he Α.

told us was that those Presidents were British elected Presidents
and he said the UNAMSIL, that is the UN, they will talk to us
today and tomorrow they refuse us. So he said we shouldn't allow
to disarm to them. That was what he said, but I did not know
actually what he had in mind about that.

6 Q. What do you mean by, "They would talk to us today and7 tomorrow refuse us"?

What I meant was that today they would encourage us and 8 Α. 9 they will tell us that if we disarm they will not do - nothing would go wrong with us, nothing would happen to us, but at the 11:18:00 10 end of the day if we did - if we did - if anything happened to us 11 12 they will deny us. Because for instance we did not even know 13 about the Special Court. We did not know whether the Special 14 Court was going to be established at that time. So, like I said, they will encourage us today, accept us today and tomorrow after 11:18:20 15 16 all they deny us.

Q. What do you mean by "deny us"? What was this problem thatwas going to happen to you?

A. I have just given you an example. What I mean by the
denial is that they will encourage us today and say, "Disarm, we
will come to your amnesty, nobody will do anything wrong to you,
we will talk to the Tejan Kabbah government, you will live
peacefully with them, nobody will do you anything".

But like I gave the analogy of the Special Court. We did not know about the Special Court. We did not know whether after the disarmament there was going to be a Special Court. But deep into the disarmament whilst we were completing the disarmament we later came to know that the Special Court was coming and that it had already been established in fact. So that is just an

example. It's just an analogy that initially they said nothing
 will happen to us and we accepted to disarm, but at the end of
 the day the Special Court came. That is what I am talking about
 "deny".

- Are you saying that the RUF were worried because of their 11:19:30 5 Q. history with the Kabbah government that if they did disarm to the 6 7 UN the next thing their fighters would be arrested? No, I did not say that the RUF was worried because if he 8 Α. 9 was worried he wouldn't have refused the instruction given to him by Charles Taylor. I did not think he was refused. 11:20:00 10 We had different commanders in the RUF at different times at different 11 12 points in time, but I don't want to believe that under the 13 command structure of Issa he had any problem or worries about 14 di sarmament.
- 11:20:17 15 Q. But he didn't disarm until 2002, did he? What was the 16 reason for him delaying disarming?

A. Not in all areas. He started the disarmament at the end of
2001 going to 2002, but in certain areas he delayed the
disarmament because of certain things that were happening in
11:20:45 20 those particular areas.

21 Q. Such as what?

22 Like, for instance, in the northern area, that is around Α. 23 Kambia, he refused to disarm early in Makeni because of the 24 operation that was going on at Pamelap. And in the Koinadugu 11:21:09 25 area also he refused to disarm early because of the mission that 26 was going to take place in Kissidougou. And in Kailahun also he 27 refused to disarm early because of the operation that was going 28 to take place from Foya to Guéckédou. These were some of the 29 reasons why in certain areas he delayed the disarmament in 2002.

1 Q. Right. In some areas they delayed because they were 2 assisting the Government of Liberia in repelling rebels attacking that country, yes? 3 4 Α. Yes, according to the instruction, because it was according to instruction that we decided to infiltrate there. 11:21:51 5 Q. Yes. You received a request and you agreed to it, yes, to 6 help the Government of Liberia to deal with its rebels? 7 Α. Yes. 8 9 0. Give us examples of why the RUF did not disarm earlier in 2001 because of its concerns of what might happen to its fighters 11:22:18 10 if it did. 11 12 Α. I have told you that if Issa was concerned actually that 13 something bad was going to happen to his fighters he wouldn't 14 have refused to carry out the instruction given to him by Charles 11:22:46 15 Taylor, because by then he had all the powers to refuse disarmament at that particular time, but in my opinion I don't 16 17 think he had any problems with disarmament at that particular time, whether he was worried that something was going to happen 18 19 to his fighters if they disarmed. The only thing was that in 11:23:08 20 certain areas he delayed the disarmament because of certain 21 reasons. 22 Right. It's the case, isn't it, that the RUF on one 0. occasion gave back to the United Nations weapons that they had 23 24 seized from the United Nations back in 1998? That's right, isn't 11:23:33 25 it? 26 Α. It was not in 1998 that the weapons were given. The issue 27 of the weapons happened in 2000. 28 Q. I am not suggesting that the weapons were given back in ' 98. I am suggesting that weapons the RUF seized from the UN in 29

1 1998 were given back voluntarily by you, weren't they? 2 In 1998, I don't recall that the RUF seized weapons from Α. 3 the UN in 1998. I don't recall that. 4 Q. Whatever the year, do you recall the RUF agreeing to give back to the United Nations weapons they had seized from UN 11:24:26 5 troops? 6 7 Α. Yes. 8 And on whose advice did the RUF return those weapons to the Q. UN? 9 Well, the decision came from Issa, because a meeting was 11:24:46 10 Α. convened in Magburaka. 11 12 Q. And did Issa get advice from anybody as to the returning to 13 the United Nations of its weapons? 14 Α. Issa did not tell me whether he got advice from anybody and I too do not believe that he got advice from anybody that we 11:25:18 15 should return the materials to the UN besides the release of the 16 17 UN personnel. 18 MR MUNYARD: Your Honour, I am conscious of the time, but I 19 think I can tie this one up now: 11:25:38 20 Q. Tab 5, please. Thank you, Mr Witness. Have you got tab 5 21 there? Yes? 22 Yes, sir. Α. 23 Paragraph 2, you clarified that: 0. 24 "Weapons that had been taken from the United Nations troops 11:26:06 25 in 1998 were turned back to the United Nations through General Opande who was the ECOMOG force commander first disarmament. 26 27 They were turned back by Issa Sesay from orders from Charles 28 Tayl or. " 29 Did you tell the Prosecution that?

1 Α. I did not tell them anything concerning the weapons, but I 2 told them something concerning --3 THE INTERPRETER: Your Honours, there is something the 4 witness referred to that was not very clear to the interpreter. PRESIDING JUDGE: Mr Witness, the interpreter did not hear 11:26:47 5 you clearly. Please repeat your answer from the point where you 6 7 say, "I told them something concerning --" Continue from there, 8 pl ease. 9 THE WITNESS: Concerning the fighters, the force, that is the individual persons, but I did not tell them about weapons and 11:27:06 10 I did not give them that particular date that it was in 1998 11 12 because in 1998 we did not know about the UN, but we knew about 13 the ECOMOG. 14 MR MUNYARD: 11:27:23 15 Q. Well, I think that - sorry, if the time is running out. PRESIDING JUDGE: I think the time is up. 16 17 MR MUNYARD: Well, I can't finish then. In the light of that answer I have got to pursue it. I will do it after the 18 19 break, your Honour. 11:27:38 20 PRESIDING JUDGE: I understand that. Mr Witness, we are now taking the mid-morning break. We will resume court at 12 21 22 o'clock. Please adjourn court until 12. 23 [Break taken at 11.30 a.m.] 24 [Upon resuming at 12.00 p.m.] 11:56:07 25 PRESIDING JUDGE: Please proceed, Mr Munyard. 26 MR MUNYARD: Thank you, Madam President: 27 Q. Mr Witness, before we broke we were looking at tab 5, 28 paragraph number 2, in which the Prosecutors have recorded you saying that weapons that had been taken from UN troops in 1998 29

1 were turned back to the UN through General Opande, turned back by 2 Issa Sesay on orders from Charles Taylor. You are now saying, 3 are you, that you never told them that the weapons were seized in 4 1998 and you never told them that it was on Charles Taylor's instructions that they were returned? 12:00:54 5 I am talking in terms of the weapons. Yes, I did not tell Α. 6 7 them that. PRESIDING JUDGE: Mr Witness, what exactly do you mean "in 8 9 terms of the weapons"? THE WITNESS: What I mean is that if Issa had any advice 12:01:21 10 from Charles Taylor to release the weapons to UNAMSIL, I did not 11 12 tell them that, and it was not in 1998 that the weapons were 13 rel eased. 14 PRESIDING JUDGE: Perhaps it is me, but my understanding of that sentence is that the weapons were taken in '98, not returned 12:01:55 15 in '98. Could we clarify that, please, Mr Munyard. 16 17 MR MUNYARD: That is clearly what is said here, that the weapons had 18 Q. 19 been taken from the UN troops in 1998. Did you tell the 12:02:13 20 Prosecutors that? I did not tell them that weapons were taken from the UN 21 Α. 22 troops in the 1998. 23 JUDGE SEBUTINDE: Mr Witness, is your point that you - is 24 your contravention with the year 1998, or with the description of 12:02:45 25 the troops being UN troops? What is wrong with that sentence? 26 THE WITNESS: The thing that is wrong with that sentence is 27 that they did not take any advice from Charles Taylor to return 28 the weapons and again it was not in 1998. Those are the two 29 things.

1 JUDGE SEBUTINDE: What was not in 1998? 2 THE WITNESS: It was not in '98 that the weapons were seized from the UN troops. 3 MR MUNYARD: 4 Right. Can you tell us what year the weapons were seized 12:03:22 5 0. and then tell us what, if anything, you told the Prosecutors on 6 7 13 March 2006 when you were interviewed as a result of which these notes were typed up? 8 9 JUDGE SEBUTINDE: Mr Munyard, I think what would help is one question at a time. One question at a time would really 12:03:44 10 hel p. 11 12 MR MUNYARD: Your Honour, I suppose you must be right. I 13 was hoping he might be able to cope with those two fairly simple 14 ones, but we will deal with it one at a time: 12:03:59 15 Q. What year were the weapons seized from the UN? They seized the weapons at the beginning of 2000. 16 Α. 17 Q. What year did you tell the Prosecutors when they interviewed you on 13 March 2006 that the weapons were seized? 18 19 When they interviewed me I told them that the weapons were Α. 12:04:30 20 seized in 2000. That was when the weapons were seized. And they 21 ended up returning them at the end of 2001 to 2002. 22 PRESIDING JUDGE: Mr Munyard, "They interviewed you on 13 23 March 2006. " I have 20 March 2006. 24 MR MUNYARD: Your Honour, I think I erroneously referred to 12:04:57 25 it as 20 March because that's the date that the document was 26 sent. If you look at the first paragraph --27 PRESIDING JUDGE: I can appreciate your point now. Thank 28 you, Mr Munyard. 29 13 March. I think I was responsible for MR MUNYARD:

1 spreading the error, as it were: 2 Q. So you told the Prosecutors the weapons were seized in 2000 3 and they ended up returning them at the end of 2001 to 2002. 4 What did you tell them, if anything, about Charles Taylor's role in getting these weapons returned to the United Nations? 12:05:30 5 We did not talk about Charles Taylor's role that he played 6 Α 7 in the return of the ammunitions, but we spoke about the role he 8 played in the release of the UN peacekeepers. Maybe it was that 9 they misunderstood that they wrote that everything was the same. I spoke about the release of the UN peacekeepers, not the 12:05:58 10 ammunition. 11 12 Q. There is nothing in this paragraph about the peacekeepers, 13 is there? 14 Α. Yes, there is nothing here that talks about peacekeepers or 12:06:38 15 peacekeeping forces. So I am going to ask you again for the last time: What did 16 Q. 17 you tell them, if anything, about Charles Taylor's involvement in 18 returning the weapons to the United Nations? 19 I cannot recall talking with them regarding the return of Α. 12:07:06 20 weapons to the UN. I cannot - I don't recall telling them that 21 in my statement. 22 Well, can you think of anything that you said to them when 0. 23 you were telling them on that date about UN weapons that involved 24 Charles Taylor that has led to them recording you as saying he 12:07:27 25 gave the instructions to return the weapons? 26 I was talking about UN weapons to them, because they asked Α. 27 me how the UN weapons were returned. They asked me how they were 28 released and that coincided with when I was explaining about how 29 the UN peacekeepers were released. They asked me the two

1 questions together, so I explained together. Maybe it was during 2 the explanation they did not get it clearly that they 3 misunderstood the answers, so they swapped both about Charles 4 Taylor. They asked me about who advised the release of the UN peacekeepers and the weapons. Maybe while I was answering they 12:08:12 5 misunderstood the Charles Taylor role there. 6 7 You read English. Just tell us where in that paragraph 0. 8 there is any mention of UN peacekeepers. 9 Α. I am telling you that in the paragraph they did not talk 12:08:37 10 about UN peacekeepers. It states weapons. That is what I am 11 telling you, that I did not tell them that anybody gave them instructions to release the weapons. Issa did that on his own 12 13 accord. 14 Q. Did you have a chance to read over this interview at the time, the notes of this interview? 12:09:01 15 Like this note, this current note that I am reading, I am 16 Α. 17 just reading it now for the first time. 18 I am sorry, are you saying you have never before been shown Q. 19 the notes of this interview before this morning? 12:09:38 20 Α. They gave me a lot of notes to read, but at that time I was 21 not that very patient enough to read paragraph by paragraph, 22 okay? Not like now. They will just tell me to browse through 23 and I will sign. So I would browse through them and I'd sign because of time and at that time I also had something to do 24 12:10:02 25 because I needed to earn my living, so maybe I will spend two 26 hours or two hours and 30 minutes. I will do it quickly because 27 I would want to go and do my job. I was a security then. So I 28 will just come and browse it and where I thought this is what to 29 correct I will do, then I will go quickly to do my job.

1 Q. Were you taking your responsibility as a witness seriously? 2 Α. I took it seriously that, yes, they had met me to obtain 3 statement from me. 4 Q. So why didn't you very carefully look through these accounts of what you are said to have told them, rather than just 12:10:50 5 browsing through them as you're telling us today? 6 7 I am telling you that the first time that the Special Court Α. 8 came, they will just invite you. When they heard about someone 9 they would invite the person and they would obtain statement from you and they will give you a time when they will call you again 12:11:13 10 to go over your statement and during those times I too was 11 12 working. 13 So any time they would invite me I will tell them that I 14 was not going to spend much time, I will spend maybe one or two 12:11:30 15 hours then I will go back to do my job. So whatever they will give to me I will just read well to the best of my understanding 16 17 and what I would see that was not as correct I would correct that, but I did not read it step by step as carefully as I have 18 19 done now here now. I did not. At that time I was working and 12:11:55 20 they did not --21 0. Mr Witness --22 Α. Yes. 23 Sorry, I didn't mean to interrupt you. Carry on, if you 0. 24 want to. 12:12:04 25 Α. No, you can go ahead. 26 Q. All right. I will ask my question. Just browsing through 27 and looking quickly is not taking your responsibility as a 28 witness seriously, is it? 29 I took it seriously. I took it seriously that I was Α.

working with the Special Court. That means I was giving them a
 statement and they had to cross-check that, so I took it
 seriously.

4 Q. Right. Let us look at the number of occasions you have had the chance to look through this particular set of notes. You are 12:12:44 5 interviewed on 13 March 2006. Did they read back to you what 6 7 they had written on that day, can you now remember? 8 It was not every day that they will read it. It was not Α. 9 that very day that they would interview me that they would read it back to me. They will give me some time when I go back home 12:13:10 10 because they will tell me they were going to type it out and 11 after that they will call my some other day, I will come and I 12 13 will read it and they will ask me to sign and I sign. 14 Q. Did they always follow that procedure? They would just 12:13:27 15 send you away at the end of the interview and tell you, "We'll call in you when we've typed it up", or were there occasions when 16 17 they read back to you the handwritten notes they had taken before you left their office so as to ensure they had recorded 18 19 everything correctly? Were there any such occasions? 12:13:52 20 They did not take their time to do that. I repeat it. Α Any 21 time I came they never read the handwritten statement to me. ALL 22 the statements that were obtained from me that they read to me 23 were typed out. 24 Q. Let us be clear. Are you saying they never, ever read back 12:14:13 25 the interview notes to you on the day of the interview? 26 Yes, on that date that they did an interview to me they Α. 27 will never go over it. As I said to you, as I spoke they will 28 just release me to go.

29 Q. Right. So when after 13 March 2006 were you invited to

1 read over the typed up notes of that interview? 2 They used to invite me, maybe after the interview it will Α. 3 take about a month, or maybe within that same month that they had 4 interviewed me maybe at the end of that month they will call me back to go through the interview, but I did not take records 12:15:00 5 that, okay, this was this particular month that I read this 6 7 document except when they asked me to sign. Then when I signed I 8 will date it. So I will not say I can recall exact months 9 actually. I hadn't any diary where I wrote down the number of times or the dates that I visited the Special Court. No, I 12:15:22 10 hadn't a diary to do that. 11 12 Q. I am going to stop you there. I am going to stop you 13 No-one would criticise you for not being able to remember there. 14 how long after a particular interview they asked you to come in. 12:15:38 **15** I am not suggesting there is anything wrong with not being able to remember that. In fact, I suggest it would be very strange 16 17 indeed if you could remember a specific date of an interview two years ago. I want to know from your recollection of how these 18 19 things generally were conducted how long after the interview you 12:15:59 20 think you were called in to go over the notes. You have said you 21 think it may have been in the same month, yes? 22 Α. At times it would be in the same month at the end of the 23 month, or maybe it would be one, two or three months before they 24 could invite me back, because I was not the only person they were 12:16:24 25 dealing with.

Q. All right. And when you were invited back to look over the
notes is this when you say you would quickly browse through
because you were too busy to actually check with any real degree
of accuracy what they had recorded?

	1	A. Yes, because during that time, '96/'97, I was working with
	2	a security agency and I was working at night. I was running
	3	nightshifts and in the morning I was to rest. So that was when
	4	they invited me - maybe two hours to the start of my shift they
12:17:03	5	would invite me and when I would go I would just tell them, "I
	6	just have two hours to start my shift". And they said, "Okay,
	7	just go through it briefly and tell us the mistakes" and I will
	8	go through it and indicate the mistakes and they would ask me to
	9	sign and I would sign and date it and I would leave the place.
12:17:21	10	Q. I think that maybe a slip of the tongue. You used '96/'97.
	11	You meant 2006/2007, is that right?
	12	A. 2006/2007, yes.
	13	Q. So when you were left to do it by yourself you did it in a
	14	rather slipshod way, is that right?
12:17:47	15	A. Yes, because there were times when they did it they had a
	16	small room in the court, they will just put me in that room,
	17	there would not be any staff there and they will put the
	18	documents and the papers in front of me. And to me I said,
	19	"Okay, if that is the case, well, let me just browse through it".
12:18:04	20	Maybe there were times I did not even stop reading it and I would
	21	just stop where I had read up to that point and then I will say,
	22	"Well, let me go".
	23	Q. Right. That wasn't taking your responsibility as a witness
	24	seriously, was it?
12:18:22	25	A. I took my responsibility seriously because I answered their
	26	calls.
	27	Q. In May of last year we saw the declaration this morning
	28	that you had signed saying that you had been through this
	29	particular statement. Your Honours, the wrong date is given, but

1 there is no dispute I'm sure that the date of 20 May is - it's 2 just taken from the face of the document. You were taken through by the investigators at the end of May this year - taken through 3 4 that particular statement, weren't you? May 20, I think that they went through, because I cannot 12:19:13 5 Α. recall the particular month, but I knew I was going there often 6 7 to go through my statements and sign. And those that needed corrections, I made them and I signed. 8 9 0. All right. And you didn't make any corrections on that statement in May of 2007, did you? 12:19:37 10 I am still telling you that this particular statement, I 11 Α. 12 have only seen it for the first time the day. This particular 13 paragraph, I have seen it for the first time today. 14 Q. We hear what you say. In addition to being taken through 12:20:03 15 these statements in May, you were also taken through this statement again in September of last year. We know that from the 16 17 second document that was put on the screen this morning. Did you make any amendments as a result of being taken through it again 18 in September? 19 12:20:29 20 Any time they would invite me to talk about a statement Α. 21 that they had obtained from me, because it was not only one 22 statement that they obtained from me, they obtained various statements - so whenever they did that I will make sure that I 23 24 will make corrections and I will point out those corrections to 12:20:47 25 them. And the man who would come to collect the statement from 26 me, I will tell him that this was the correction, these were the 27 corrections, and he will tell me that, "Okay, were going to 28 effect the changes that you have made now, but that I will do 29 later".

Q. Are you saying that in May and September last year when
 these different gentlemen took you through these statements that
 you didn't read the paragraph number 2 that we have been looking
 at which you claim you have only seen for the first time this
 12:21:21
 morning?

I am telling you that this particular paragraph that says Α. 6 7 release of arms, or weapons, for the UNAMSIL, I am coming across 8 it for the very first time today. This particular paragraph, 9 today is my first time to come across it, because the statements 12:21:48 10 were too many, because whatever we discussed they would pen that down and I would go over it. At times I will come and see a 11 12 bunch of documents and they will ask me to read it. There are 13 times I will concentrate and read and there were times I will 14 just browse through to see the mistakes.

If I detected - if I saw mistakes I will correct the 12:22:06 15 mistakes, because I was thinking that when it would come to time 16 17 for me to testify they will ask me - we will go through everything before coming to the Court, but they were doing it 18 19 after the statements that they did in Freetown. When they 12:22:30 20 obtained the statements from me in Freetown one month or two 21 months they will call me to go through that particular statement 22 and I will tell them the mistakes that I had seen. Then they say, okay, they will effect the corrections. 23

24 Q. But this paragraph you have never seen before this morning, 12:22:46 25 yes?

A. I did not come across it, except this morning that I have
seen it, because the statements were too many. Even if I came
across this one maybe I cannot recall now, because there were too
many, because I am sure that I did not discuss such a thing with

	1	them.
	2	Q. Tab 17, please. Could you turn please to tab 17,
	3	Mr Witness. Before you look at it, can you tell us where you
	4	were on 25 February this year?
12:23:51	5	A. February 25 this year I was in The Hague here.
	6	Q. Thank you. And were you taken through your statements when
	7	you were here in The Hague in February?
	8	A. They invited me to read it and - but I did not complete
	9	reading it and they told me that I was not to testify, so I went
12:24:27	10	back.
	11	Q. And who are we talking about when you say, "They invited me
	12	to read it"? Who are "they"?
	13	A. Those who brought me.
	14	Q. Who are "they"? Give us the names?
12:25:00	15	A. It was just one lawyer who brought this statement for me to
	16	read.
	17	Q. And who was that lawyer?
	18	A. According to her she said her name was Melrose.
	19	Q. Right. Did she give you any other name?
12:25:27	20	A. No, that was the name she gave to me.
	21	Q. Did she
	22	PRESIDING JUDGE: Mr Interpreter, could you please repeat
	23	the name that the witness gave? I don't recall it as recorded.
	24	THE INTERPRETER: The witness, your Honour, said Melrose.
12:25:49	25	PRESIDING JUDGE: Thank you, Mr Interpreter. Please
	26	proceed.
	27	MR MUNYARD:
	28	Q. How many statements did she go through with you, this lady
	29	called Melrose?

1 JUDGE LUSSICK: Was it a lady? 2 MR MUNYARD: "She said her name was Melrose", your Honour. JUDGE LUSSICK: Yes, thank you. 3 MR MUNYARD: On the face of it it's a lady. 4 THE WITNESS: It was --12:26:11 5 THE INTERPRETER: Your Honours, can the witness repeat this 6 7 whole bit. PRESIDING JUDGE: Mr Witness, the interpreter cannot get 8 9 you clearly. Please repeat your answer. You said, "It was --" 12:26:26 10 Please proceed from there. THE WITNESS: It was the first statement that was obtained 11 12 from me in 2003 that was brought to me to read, but I did not 13 read up to ten papers. That was when I got the information that 14 I was not going to testify and I was to return. 12:27:04 15 MR MUNYARD: Well, let's have a look at what is in tab 17. Can I just 16 Q. 17 confirm, because I think there is a slight chronological error with the ordering of the tabs here. Does everybody have in tab 18 19 17 "Corrections provided by this witness on 25 February 2008"? 12:27:30 20 Can I confirm that that's what is in the Court's bundle, thank Justice Sebutinde seems not to have it. 21 you. 22 PRESIDING JUDGE: I don't have a date on tab 17, but it is headed "For authorised distribution, et cetera, corrections 23 24 provided by witness". it has just been pointed out to me, "While 12:27:57 25 reviewing his statements on February 25th, 2008". Sorry, I 26 didn't read far enough. 27 MR MUNYARD: Thank you. I only mentioned it now because I 28 realise it follows tab 16 which is June and July of 2008. I think I have slipped up with my order of getting everything in 29

1 the right chronological order, but as long as we are all on the 2 same page: Now, Mr Witness, this lady called Melrose, she asked you to 3 Q. 4 make corrections in two statements, didn't she? Can you remember? 12:28:35 5 She told me that while I was reading whatever mistake I saw Α. 6 7 I should write it down and she would effect the corrections. THE INTERPRETER: Your Honours, the witness is using a term 8 9 that could mean either he or she. Can he clarify. MR MUNYARD: That brings Justice Lussick's question back 12:28:53 10 into play: 11 12 Q. Is Melrose a man or a woman? 13 Α. A woman. 14 Q. How did she go about this exercise? Did she read out your statements line by line and ask you to interrupt her if there was 12:29:09 15 anything wrong, or did she give you the documents for you to 16 17 study so that you could then point out to her anything that was wrong? 18 19 She put it in front of me to read it and she told me that Α. 12:29:31 20 whenever I come across a mistake I should write against that 21 mistake and tick it. 22 Right. Well look, please, at the first one that is headed 0. 23 "Statement of 7 March 2006" and don't worry about all the page 24 numbers that follow after that. You went through a statement dated 7 March 2006 and you changed four things. One in paragraph 12:29:50 25 26 2 of a page ending in 76, another in paragraph 8 on page ending 27 77, another in paragraph 10 on page ending 77, and another in 28 paragraph 11 on page ending 78. Do you remember going through very carefully statements and picking out different bits that you 29

	1	wanted to change? Do you remember that?
	2	A. I can recall going over it carefully and I changed some of
	3	the things that were there.
	4	Q. Yes, because that was your task then. You are in The
12:30:43	5	Hague, you are not about to go on nightshift and you have got all
	6	the time in the world to carefully review these statements,
	7	haven't you?
	8	A. Yes.
	9	Q. And, indeed, it was the job of the lady called Melrose to
12:31:00	10	make sure that you did carefully review these statements, wasn't
	11	it?
	12	A. Yes.
	13	Q. Just before we go on, have you ever seen Melrose since that
	14	occasi on?
12:31:17	15	A. Well, I have not seen her from that time.
	16	Q. Statement of 13 March 2006, halfway down the page. Again,
	17	don't worry about the numbers that follow that date. And for the
	18	benefit of the Court you will appreciate that this is a third set
	19	of numbering, but there is no argument, I am sure, about the fact
12:31:40	20	that it is the contents of tab 5. Now, the first paragraph
	21	there, it gives a page number and then paragraph 2, "General
	22	Opande was the UN force commander, not the ECOMOG force
	23	commander". Did you tell Melrose that there was an error in that
	24	statement in paragraph 2 because it gave the wrong title to
12:32:16	25	General Opande in the original?
	26	A. I ticked it and changed it, but I did not tell him.
	27	Q. Pardon?
	28	A. I ticked it, because she told me that whatever I saw I
	29	should tick it.

	1	Q. What do you mean by that?
	2	A. That is to tick it. That means to underline it and write
	3	what you think was correct, you write it on top of it.
	4	Q. Right. Well, let us see what it was that you were writing
12:33:05	5	on correcting on the actual page. Turn back, please. Keep your
	6	finger in tab 17, but turn back please to tab 5. Have you got
	7	tab 5 now?
	8	A. Yes, I have got it. I have got it.
	9	Q. It has a date on it of 20 March 2006 where it says date
12:34:13	10	then below that let's go to paragraph 2. Is General Opande
	11	mentioned in paragraph 2?
	12	A. Yes, it is - he is mentioned by the weapons.
	13	Q. Is General Opande mentioned in paragraph 2 is what I asked.
	14	Don't worry about the weapons. Is he mentioned?
12:34:44	15	A. Yes, that is what I am telling you, that he is mentioned.
	16	Q. And in paragraph 2 how is General Opande described?
	17	A. They said ECOMOG force commander.
	18	Q. Who said ECOMOG force commander?
	19	A. The writer.
12:35:09	20	Q. And the writer is writing down whose information?
	21	A. He was writing my information.
	22	Q. Yes. Was it you who said back in March of 2006 when you
	23	were giving this account that General Opande was the ECOMOG force
	24	commander?
12:35:35	25	A. That is why I said that maybe the writer got me wrong, or
	26	maybe while I was explaining he was not listening.
	27	Q. No, just answer the question, please. Was it you in March
	28	of 2006 who described General Opande as the ECOMOG force
	29	commander?

1 I am still telling you that I did not tell him that. Α. 2 Q. So they got that wrong in March of 2006 and then in Right. 3 February of 2008 you carefully read through that paragraph and 4 point out the error, yes? Yes, I read it and pointed out the mistakes. I read it. I 12:36:22 5 Α. came across it and I told them that he was not ECOMOG force 6 7 commander. Thank you. So you read that paragraph at the very least on 8 Q. 9 25 February this year, yes? 12:36:49 10 Α. I read it and I made the correction. 11 Q. So it is complete nonsense to suggest that you have never 12 read that paragraph before you saw it this morning, isn't it? 13 Α. Maybe General Opande's name would be in some other 14 paragraph or some other statement, because they took various 12:37:13 15 statements - obtained various statements from me. What I am telling you, this weapons advice or arms advice from Charles 16 17 Taylor, I did not tell them that any advice was obtained from Charles Taylor to return weapons in '98. 18 19 You are telling lies about this statement, aren't you? 0. 12:37:29 20 Α. I am not telling lies. I am telling you my understanding 21 and what I told them. 22 Now at some earlier stage in my questioning of you we 0. 23 looked at paragraph 5 of tab 5 where it is recorded that on 24 2001/04/20, in other words, 20 April 2001, "Witness was given 12:38:05 25 3,500 pieces of diamonds." I am pausing here because I am 26 concerned that we are in open session so I am not going to 27 mention any names at this stage. Witness was given 3,500 pieces 28 of diamonds by somebody to be taken somewhere and given to 29 someone else. Do you realise I am just omitting the names at the

1 moment, Mr Witness? Do you realise why I am reading it out in 2 that way? I don't know why you are reading it that way. 3 Α. 4 Q. It is for your personal security. Will you just confirm that without reading out any names that that is what the first 12:38:58 5 sentence of paragraph 5 of this interview reads, that on the date 6 7 I have mentioned that you were given 3,500 pieces of diamonds by 8 someone to be taken somewhere and given to someone else? Do you 9 agree that is what it says? Yes, I have seen it. Α. 12:39:25 10 Right. Yesterday you said you'd never told them that it 11 Q. 12 was - no, in fact I think it was today. You said you'd never told them it was 3,500 pieces of diamonds, it was 350 pieces of 13 14 di amonds. Do you remember telling us that this morning? 12:39:53 15 Α. I remember telling you that it was 350 carats, then 3,500 pieces of diamonds. I can remember telling you that. 350 carats 16 17 and 3,500 pieces. In any event, you told me this morning they had got that 18 Q. 19 wrong in the March interview, didn't you? March 2006. 12:40:21 20 They got it wrong when they said it was 3,500 carats. Α. That's why I said they got it wrong. 21 22 0. Tab 17 again, please. This time we are going to go to the 23 next correction that you made on this statement. Do you see on 24 the left-hand side of this page of tab 17 there are paragraph 12:41:04 25 numbers going from 1 to 7? Do you see that? 26 Yes, I have seen that. Α. 27 I would like you to look, please, at paragraph 6. It says Q. 28 there - it gives the page and it's referring to what we have been 29 looking at in tab 5 and it says:

1 "Para 5" - that's the one we have just been looking at -2 "Witness changed the first sentence to read on 2001/04/20", in other words the same date, "The witness" - and then it says 3 4 another person and a third person - "Took 3,500 pieces of diamonds to" - and it names another person. 12:41:54 5 So you reviewed paragraph 5 of the interview of March 2006 6 7 that we are looking at and you changed the people by adding 8 people and by including one of them as a member of the party who 9 you had previously said wasn't a member of the party that took the diamonds to the other person. Do you see that? I am leaving 12:42:34 10 out the names. You have made a correction, haven't you, in 11 12 February of this year to the interview or the statement that is 13 dated the 20th but is an interview on 13 March, two years ago? 14 Do you see that? 12:43:07 15 Α. I see it, but I cannot recall making such a correction. Well, it's perfectly plain you don't recall making the 16 Q. 17 correction because it's different from the evidence that you have been giving in this Court, isn't it, this correction? 18 19 I don't remember making a correction like this. If they Α. 12:43:29 20 can bring where I wrote, if they can bring my handwriting as a proof, then that would be better. 21 22 0. You mean you are not prepared to accept that in February of this year you told Melrose that on 20 April 2001 you and two 23 24 other people together took 3,500 pieces of diamonds to another 12:43:57 25 person? 26 I am still telling you that I don't remember making this Α. 27 correction, except if my handwriting could be brought, because I 28 wrote it with pen. Is it right what is in this correction, that you went with 29 Q.

1 two other people named there to see the third party and that the 2 three of you took 3,500 pieces of diamonds to give to them? The thing that is wrong here is that the two other people 3 Α. 4 that you are referring to, we did not go together to give that amount that you are now referring to, that quantity that you are 12:44:44 5 referring to, to give to that person. 6 7 So you are now correcting your correction, is that right? 0. I am not correcting my correction. That's why I said I did 8 Α. 9 my correction using pen, so would you please request for that handwriting form of the correction that I made - the handwritten 12:45:07 10 form that I corrected? 11 12 Q. You haven't changed the 3,500 pieces of diamonds in that 13 correction, have you? 14 Α. The 3,500 pieces, I travelled with it. I travelled with it, but it was not - I did not travel together with these two 12:45:33 15 16 people on that occasion. 17 MR MUNYARD: Would your Honours give me a moment? I am not sure if I have correctly recalled what the witness said earlier 18 19 about the 3,500. 12:45:56 20 JUDGE LUSSICK: Mr Munyard, take a look at page 5 and round 21 about line 18. 22 MR MUNYARD: Page 5, your Honour? JUDGE LUSSICK: Yes, of this morning's testimony. 23 24 MR MUNYARD: Yes, I have to go to page 5. I am very 12:46:22 25 grateful to your Honour. I don't propose going over it with the 26 witness again. I think we have been round the houses on this one 27 sufficiently often: 28 Q. What is your latest version of events then? Give us the final version of the story, please. How many people - sorry, 29

1 what did you take first of all on that date? 2 What date - which day are you talking about? Α. The one on the page in front of you. It is written 3 Q. 4 backwards, but it is 20 April 2001. I do not recall this month, but what I am trying to tell 12:47:25 5 Α. you is that I took this particular 3,500 pieces to 6 7 [Redacted] 8 9 and I recall that I said it in one of my statements. 12:47:50 10 PRESIDING JUDGE: Mr Witness, pause. Ms Hollis? 11 12 MS HOLLIS: Yes, when he begins to get into the specifics 13 as the whom he took it to, who was with him, where he went and 14 what happened after that, I think we need to redact that out of 12:48:08 15 the public version. Now I don't know what it is on your screen, but on mine I'm on page 75. It would be line 14 for me, 16 17 beginning, he says, "3,500 pieces to ..." So it would be from the name of that person all way down to on mine 17 where he names 18 19 a transport and a location and then he says "... and I recall". 12:48:42 20 I know we have a difference with pages and lines, but those are 21 the lines on my screen. 22 PRESIDING JUDGE: Mr Munyard, you have heard counsel. MR MUNYARD: I don't have a difficulty with that. 23 24 [Trial Chamber conferred] 12:49:34 25 PRESIDING JUDGE: That application is granted. There will 26 be a redaction and, Madam Court Officer, you have heard the 27 pertinent lines. If there are members of the public or monitors 28 listening to this evidence, the parts referred to by counsel for the Prosecution are not to be repeated in public or disseminated 29

1 in any way. Mr Munyard? 2 MR MUNYARD: While we are on the subject of corrections, I 3 think I am now going to deal with corrections generally so we 4 might be moving from subject to subject, but I think since we have now become quite embedded in this issue I will deal with it 12:50:43 5 as a whole at this stage: 6 7 Mr Witness, you have talked a great deal about how you have 0. 8 corrected various accounts that the Prosecution have wrongly 9 recorded you saying and I am going to go through your corrections, the ones that are relevant to the evidence you have 12:51:15 10 given, in just a moment, but I want to deal first of all with 11 12 your interviews in December 2003. 13 Your Honours, can I clarify something that my learned 14 friend, Ms Hollis, very kindly drew to my attention during the 12:51:57 15 mid-morning break. You will recall me saying yesterday that I had many duplicates of the material supplied to us I had filleted 16 17 it out of my file and that's how those two declarations of 18 Mr Saffa and the other investigators came to be in a different 19 Ms Hollis has pointed out to me - and it's entirely my pl ace. 12:52:23 20 error - that the reason I had so many different copies is that in 21 fact on some of them and attached to those declarations were 22 copies of the December 2003 interviews with some corrections on 23 them. Madam Court Officer has helpfully reproduced the bundle 24 12:52:43 25 with the handwritten corrections on them. I haven't had a chance 26 to go through them, but I am not asking for time to do that. 27 What I propose to do is to go to areas where there are 28 corrections that seem to me to be relevant to the evidence the

29 witness has given and deal with those and then of course it is

1 entirely open to my learned friend to raise any corrections that 2 I haven't touched on and I say that simply because I haven't 3 looked at them until now. I got the bundle as we came back into 4 court just before 12. These corrections appear to follow from the meeting between 12:53:25 5 Mr Saffa and the witness on 19 September 2007. That was the 6 7 second declaration that was on the screen earlier this morning and I am literally going to turn the pages as we have them in 8 9 front of us and when I come across a correction that appears to be relevant I will deal with it. 12:54:02 10 Well, in fact I would like to start, if I may, by dealing 11 12 with something that isn't corrected by this witness. However, it 13 deals with material that potentially identifies him and I fear 14 therefore we will have to go into private session for this part 12:54:44 15 of the evidence. PRESIDING JUDGE: Ms Hollis, you have heard the 16 17 application. MS HOLLIS: We support that application. 18 19 [Trial Chamber conferred] 12:55:07 20 PRESIDING JUDGE: For purposes of record and the rules and 21 those members of the public the Court will go into a private 22 session to adduce evidence for reasons of the security of the witness. Please implement that. 23 24 12:55:18 25 [At this point in the proceedings, a portion of 26 the transcript, pages 15473 to 15536, was 27 extracted and sealed under separate cover, as 28 the proceeding was heard in private session.] 29

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12	[Whereupon the hearing adjourned at 4.30 p.m.
13	to be reconvened on Friday, 5 September 2008 at
14	9.30 a.m.]
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