



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 8 JANUARY 2008
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Mr Simon Meisenberg

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura
Mr Vincent Tishakwa

For the Prosecution:

Ms Brenda Hollis
Mr Mohamed A Bangura
Mr Alain Werner
Ms Maja Dimitrova

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munday
Mr Andrew Cayley

1 Tuesday, 8 January 2008

2 [Open Session]

3 [The accused present]

4 [Upon commencing at 9.00 a.m.]

09:00:50

5 PRESIDING JUDGE: Good morning. I call upon the
6 Prosecution to continue with the evidence of Ian Smillie. Is
7 there a change in appearances?

8 MR MUNYARD: Good morning Madam President. For the
9 Defence, Madam President, we have here myself, Mr Courtenay
10 Griffiths QC and Mr Andrew Cayley. At the moment, Madam
11 President, my LiveNote doesn't seem to be working. I don't know
12 if anybody else's is functioning. I gather that the system isn't
13 yet on.

14 JUDGE LUSSICK: We don't have it anyway on the Bench.

15 MR MUNYARD: Well, your Honour, I would like LiveNote to be
16 on if at all possible as I resume my cross-examination of the
17 witness.

09:00:57

18 PRESIDING JUDGE: Could I just request all parties involved
19 that use LiveNote in future to make sure you are in the well of
20 the Court at least five minutes before the proceedings begin so
21 that you check all these things and if adjustments need to be
22 done they are done before the Court begins.

09:01:16

23 MR MUNYARD: Madam President, we endeavoured to do that.
24 We have a difficulty on the Defence side in that our security
25 passes do not allow us through several of the doors as a result
26 of which our journey from our office on the second floor to this
27 floor is a much more convoluted one than it ought to be. We
28 ought to be able to come to the door adjacent to our office and
29 straight up two flights of stairs outside this courtroom.

1 We had a great deal of difficulty yesterday, a little less
2 so today, but it's still a convoluted and unnecessarily
3 convoluted journey.

09:01:46 4 PRESIDING JUDGE: Mr Munyard, we do appreciate the problem
5 because we ourselves are having problems going through security,
6 but I think what we have decided to do is we set out much earlier
7 than we would otherwise need to thereby ensuring that we go
8 through all the necessary security measures and are here in good
9 time. I would therefore urge you to do the needful and make sure
09:02:12 10 that you are in court at least five minutes before the proceeding
11 begin to check on all - and of course I want to also ask Court
12 Management, this is something that should be checked and verified
13 before the proceedings begin otherwise we take unnecessary time
14 out of the trial for these technicalities.

09:02:33 15 MR MUNYARD: Madam President, we were here yesterday at a
16 quarter to eight in order for LiveNote to be activated or
17 configured, whatever the language is, and so I don't think we
18 need to be reminded to be here in good time. We have been here
19 in good time, with great respect.

09:02:56 20 However, I don't know if the Court wishes to continue in
21 the absence of LiveNote. I mean, having said what I have said
22 earlier, I am willing to carry on. It's just rather difficult
23 for anybody who wants to check what has been said previously.

09:03:11 24 PRESIDING JUDGE: The Court Manager, can something be done
25 as the proceedings continue? Can something be done to restore
26 LiveNote, because we can do without LiveNote. Yesterday the
27 Bench did without LiveNote. We were hand recording. It's not
28 ideal, but the proceedings must go on.

29 MS IRURA: Your Honour, if the Court permits there is a

1 technician at hand who can come in to assist Mr Munyard.

2 PRESIDING JUDGE: [Overlapping speakers] not to interrupt
3 the proceedings. Must they come into the well of the Court? Can
4 this not be rectified somewhere in other some other room?

09:03:45 5 MS IRURA: Unfortunately each user has an individual log on
6 and they have to be assisted in their individual position.

7 PRESIDING JUDGE: I think we will have to do this during
8 the morning break. I am going to ask the indulgence of counsel
9 to please continue without LiveNote and ensure that during the
09:04:03 10 morning break, 10.30 to 11, any anomalies are rectified. That
11 means you cannot begin tinkering with the computers now.

12 MR MUNYARD: Madam President, I am grateful for the
13 technical help. I can deal without LiveNote for the time being.
14 It involved my having to log in which isn't necessarily an easy
09:04:28 15 task. It sounds simple, but I have to remember different
16 passwords and user names from the batch that I have already been
17 allocated, most of which tell me they change every two weeks in
18 any event. I will carry on, if I may.

19 PRESIDING JUDGE: Thank you, Mr Munyard. Okay, actually, I
09:04:50 20 think when we adjourned yesterday Mr Munyard was cross-examining
21 Mr Ian Smillie and therefore I invite you to continue.
22 Mr Smillie, I remind you that you are still on oath and so please
23 continue your testimony.

24 THE WITNESS: Yes, thank you.

09:05:09 25 WITNESS: IAN SMILLIE [Continued]

26 CROSS-EXAMINATION BY MR MUNYARD:

27 Q. Mr Smillie, can I just ask you a little more about the
28 membership of the Kimberley Process Certification Scheme. You're
29 one of the members. How many members are there all together?

1 A. The Kimberley Process is an intergovernmental arrangement
2 so there are different terms for the people who participate in
3 it. Members are governments, or in the case of the European
4 Union a collection of governments, and then there are observers.
09:05:56 5 Observers are the diamond industry and representatives of civil
6 society. Observers participate in the same way as members.
7 There's no - as participants. There is no voting in the
8 Kimberley Process. It is all done by consensus. There are I
9 think 46 governments represented in the Kimberley Process, plus
09:06:22 10 all of the governments that are covered by the European Union.
11 So it covers more than 70 governments.

12 Q. Right. And the representatives of civil society being who?

13 A. As I said yesterday, at the height of the negotiations
14 there were more than 200 NGOs involved in some parts of the
09:06:44 15 negotiation, but in recent years almost all of the civil society
16 representation has been done by Partnership Africa Canada and
17 Global Witness. At the most recent meeting we endeavoured to
18 bring civil society organisations from Africa and Latin America,
19 so there were 15 other civil society representatives at the
09:07:04 20 meeting in Brussels in November.

21 Q. The initial nearly 200 organisations that constituted the
22 civil society element of the process, were they all organisations
23 concerned with diamond mining or diamond miners, or not?

24 A. They were organisations that were concerned about the war
09:07:27 25 in Sierra Leone and the trafficking of diamonds which was
26 fuelling the war.

27 Q. Right. Nearly 200, you say?

28 A. I think at one stage there were more than 200. Some were
29 large, well-known NGOs and some were very small.

1 Q. Can I move on to something else. We saw some film clips
2 yesterday. Did you yourself have any personal knowledge of any
3 of the individuals who we saw on the film clip from the
4 television program who had suffered injury and mutilation?

09:08:06 5 A. No, I didn't know any of them.

6 Q. Did you yourself know any of the places that were shown in
7 the film clips?

8 A. Well, some were obvious, Freetown, but some were not named
9 so I don't know where those were taken.

09:08:22 10 Q. Right. And had you ever been to any of those places apart
11 from Freetown?

12 A. Well, I have travelled extensively in Sierra Leone. I
13 lived in Kono District. I have travelled widely historically and
14 recently and so I probably was in some of those areas, but, as I
09:08:42 15 said, I don't know where those areas were.

16 Q. Right. So you don't know whether or not you were in those
17 areas?

18 A. That's right.

19 Q. I would like to turn, please, to your report again. I
09:08:53 20 think it's MFI-9. Again, page 9, your Honour?

21 PRESIDING JUDGE: That's correct.

22 MR MUNYARD:

23 Q. These are the statistics that we looked at yesterday. I
24 would like you to be shown a copy of it, please?

09:09:16 25 PRESIDING JUDGE: Is it possible to put this page on the
26 monitor for the public to see, the table, at the same time or at
27 least another copy so that the public can follow as the witness
28 testifies?

29 MR MUNYARD: I am going to ask for page 28 of the report

1 which is annex 3 also to be shown and so perhaps that could be
2 brought out now. Thank you.

3 Q. Mr Smillie, if you look at the figures of Liberian diamond
4 imports, or so-called Liberian diamond imports as we now know
09:10:37 5 them to be, to Belgium in 1995 and 1996, and for the benefit of
6 the public who are watching the date above 1996 is recorded as
7 1994. That's an error and should read 1995. We have figures
8 there of 10 million odd carats and \$358 million worth in 1995, 12
9 million - more than 12 and a half million carats and more than
09:11:16 10 \$616 million worth in 1996.

11 Now if you turn then to page 28 of your report, which is
12 annex 3, what you have here is your table of periods of time
13 during which the RUF controlled both the Kono District, and that
14 is the mining area at Koidu, and Tongo Field, the other principal
09:11:55 15 mining area in Sierra Leone. You have said at the bottom that
16 all dates are approximate. Can you tell us first of all before
17 we look at the dates where you got those figures from, those
18 dates from?

19 A. Some of the dates were from the data and reports that were
09:12:17 20 given to us by government sources in Sierra Leone. Some of these
21 are on public record.

22 Q. What public records?

23 A. News reports.

24 Q. News reports from news organisations, individual
09:12:36 25 journalists? What sort of news reports are we talking about and
26 how reliable?

27 A. Well, most of the dates have come from Government of Sierra
28 Leone sources. We know that the RUF controlled the diamond
29 areas, at least Kono District, until the end of - until basically

1 the end of the conflict, so that was never in dispute. I don't
2 think these dates were in dispute by anybody.

3 Q. But you say you got them from the Sierra Leone government
4 and from news reports?

09:13:14 5 A. Yes.

6 Q. Yes, all right. Well, if we look at those dates, first of
7 all Kono District, according to these figures the RUF were in
8 control between the last quarter of 1992 and the first half of
9 1993; yes?

09:13:39 10 A. Yes.

11 Q. Then they appear not to be in control of the Kono District
12 for well over a year. They are in control again in late 1994 to
13 December 1995?

14 A. Yes.

09:13:57 15 Q. There is then a gap of about 17 months. They're not in
16 control again until May 1997 for about a year until mid-1998?

17 A. Yes.

18 Q. Then late 1998 until disarmament at the end of 2001?

19 A. Yes.

09:14:22 20 Q. That's Kono District. If we look then at Tongo Field, you
21 say here in the narrative that the RUF first attacked Tongo in
22 January 1994 but didn't hold the area, setting up a base camp
23 about 10 kilometres east and regularly attacked Tongo for two
24 years and they controlled the area completely from mid-1997 until

09:14:48 25 early 1998. So the picture up until early 1998 is continuous
26 attacks on Tongo Field, but not actually holding it until the
27 middle of 1997?

28 A. Yes.

29 Q. For about six months or so and then they lose it again and

1 they don't capture it again until January 1999, yes?

2 A. That's correct.

3 Q. Going back to your figures on page 9 of the report, the
4 biggest increase in so-called Liberian diamonds is in 1995 and in
09:15:31 5 particular 1996 where not just the carat value but the actual
6 monetary value of the diamonds is much higher, yes?

7 A. Yes.

8 Q. 1996, the RUF were not in control of Kono District from the
9 figures we have just looked at in annex 3 on page 28 and they are
09:15:58 10 not in control of Tongo Field. So on the face of it it's right,
11 is it not, that this huge increase in so-called Liberian diamonds
12 does not appear to be as a result of the RUF control of the
13 diamond mines in Sierra Leone?

14 A. We made the point in our PAC report, I made the point in
09:16:23 15 this report and we made the point in our United Nations report
16 that these figures didn't not bear any resemblance to the actual
17 figures of diamonds being mined in Sierra Leone or Liberia.
18 These figures are large figures that serve as an umbrella for all
19 that was going on in Liberia and Sierra Leone.

09:16:46 20 Q. But my point remains true, does it not, that on the face of
21 it these figures cannot be attributed to RUF control of the
22 diamond fields in Sierra Leone?

23 A. These figures, which I have pointed out are not reliable
24 figures, cannot be correlated with any mining in Liberia or in
09:17:10 25 Sierra Leone.

26 Q. And certainly can't be correlated with any mining by or on
27 behalf of the RUF?

28 A. Yes.

29 Q. Thank you. Now you talked about the report that you did as

1 part of the United Nations panel. Can you help us with again
2 with a little more detail about the membership of the United
3 Nations panel. I want to start first, please, with the chairman
4 of the panel who was a Ghanaian gentleman, I believe?

09:17:45 5 A. No, he was from Cameroon.

6 Q. I am sorry, Cameroon. What was his profession?

7 A. He was a Cameroonian diplomat and his most recent position
8 in the government of Cameroon had been in the office of the
9 President.

09:18:00 10 Q. Right. So that's Mr Ayafor?

11 A. Yes.

12 Q. What was his expertise?

13 A. I think he was appointed really to manage the team and to
14 be the diplomatic connection between the team and all of the
09:18:17 15 governments that we were going to be meeting. He didn't come
16 with a particular expertise.

17 Q. Right. So you couldn't call him an expert on diamonds or
18 arms?

19 A. That's right.

09:18:27 20 Q. The panel that was appointed pursuant to the Security
21 Council resolution 1306 of 2000 was a panel of experts on Sierra
22 Leone diamonds and arms, wasn't it, to give it its title?

23 A. Yes.

24 Q. The chairman, Mr Ayafor was not an expert on Sierra Leone
09:18:52 25 diamonds and arms, was he?

26 A. No.

27 Q. Or any diamonds and arms?

28 A. No, that's the way all of the expert panels have been - all
29 of the chairs have been generalists and usually diplomats.

1

2 Q. Right. Then we have Mr Bodian?

3 A. Yes.

4 Q. The next member on the list of the signatories that we saw
09:19:15 5 yesterday. Where was Mr Bodian from and what was his background
6 and expertise?

7 A. He's a citizen of Senegal. He had a background in air
8 traffic control in Senegal and internationally he had worked for
9 the International Civil Aviation Organisation.

09:19:35 10 Q. Do you know for how many years he'd done that?

11 A. I would say at least 20 years.

12 Q. So he's a qualified and trained air traffic controller in
13 the first place?

14 A. Yes.

09:19:46 15 Q. Then presumably he went into - after 20 years worth of that
16 work he will have been in management of air traffic control
17 systems and the like?

18 A. I'm sorry, I can't really tell you what his full CV is, but
19 he was certainly well-known in international civil aviation
09:20:05 20 services - circles.

21 Q. Right. That's something for which he will have had both
22 training and many years of practice --

23 A. Yes.

24 Q. -- in air traffic control matters?

09:20:15 25 A. Yes.

26 Q. And as far as you're aware is that the only work that he
27 had spent his last 20 years or so doing?

28 A. As far as I know, yes.

29 Q. Right. So he is an expert properly called in air traffic

1 control matters?

2 A. Yes.

3 Q. Right. Then Mr Peleman, where is he from and what's his
4 background and his expertise?

09:20:38 5 A. Johan Peleman is a Belgian citizen. He started and ran an
6 organisation called International Peace Information Services
7 which had done a great deal of work on international arms trade.
8 It was a research organisation based in Antwerp and it published
9 a lot of material on the international arms trade.

09:21:01 10 Q. Right. Did he himself have any military background or
11 personal expertise?

12 A. I'm sorry, I don't know.

13 Q. As far as you're aware, he was a member of an NGO?

14 A. Yes.

09:21:35 15 Q. Do you know for how long Mr Peleman had been working in the
16 field of arms and armaments?

17 A. I believe for about 10 years. I'm not entirely sure.

18 Q. But you aren't able to help us in any more detail with his
19 personal expertise in that area?

09:21:54 20 A. I know that he was very well informed. He knew a lot of
21 the players, a lot of the characters, he was called to testify in
22 various arms cases. He was and remains well regarded in this
23 field.

24 Q. Right. However, you have no idea what if any military
09:22:13 25 experience he has?

26 A. I don't.

27 Q. Or relevant scientific experience bearing on the question
28 of arms and armaments?

29 A. I don't.

1 Q. Then we have Mr Harjit Singh Sandhu who I think is an
2 Indian police officer you told us?

3 A. That's right.

4 Q. Of many years standing?

09:22:30 5 A. That's right.

6 Q. A professional police officer?

7 A. Yes.

8 Q. Who had been working in that a capacity for how many years
9 roughly?

09:22:38 10 A. I would say 25 years.

11 Q. Right. Also I think a man who has a doctorate, a PHD.
12 Were you aware of that?

13 A. Yes, I was aware of it.

14 Q. Right. Do you know what his doctorate was in?

09:22:57 15 A. I don't.

16 Q. Mr Sandhu, as an Indian police officer, whatever his first
17 language was will have been working in the English language in
18 his capacity as a police officer for all of his professional
19 life, won't he?

09:23:20 20 A. That's right, although he was - he had been seconded to
21 INTERPOL and had been working at INTERPOL headquarters in France
22 for some years, so there may have been some working in French,
23 I'm not sure.

24 Q. Right, but he is not somebody of whom it could be said he
09:23:33 25 didn't have a full grasp and fluent control of English?

26 A. That's correct.

27 Q. I think you described yourself yesterday as the only
28 English speaker on the panel?

29 A. I said the only native English speaker.

1 Q. Native English speaker?

2 A. Mr Ayafor for was essentially an Anglophone Cameroonian.
3 Cameroon is Anglophone and Francophone. There was nothing -
4 there was no problem with his English or with mister --

09:24:06 5 Q. Mr Sandhu's?

6 A. Mr Sandhu's or with Mr Pelleman's.

7 Q. Then there was yourself and we know that by the year 2000
8 when you were appointed to this panel you had been working on
9 this issue for about a year with PAC?

09:24:25 10 A. A little over a year and a half.

11 Q. Correct. You were appointed in the early to middle part of
12 the year?

13 A. August 2000.

14 Q. Right. You were the note taker, I think, is that right?

09:24:46 15 A. No, we all took notes. We all took extensive notes and we
16 all drafted things, but when it came to putting it altogether I
17 did a fair amount of the writing.

18 Q. Right. Now by the time that you were appointed to this
19 panel, we know that you'd already published the PAC report Heart
09:25:08 20 of the Matter, Diamonds in Sierra Leone?

21 A. Yes.

22 Q. The diamonds publication. You have told us a little about
23 the background of how that came about and you were involved with
24 a number of colleagues, academic colleagues, in Canada who were
09:25:23 25 discussing the whole question of the Sierra Leone civil war and
26 would it be fair to say, Mr Smillie, that the general consensus
27 amongst you and your academic colleagues, and particularly those
28 of you who wrote the PAC report, there was considerable hostility
29 towards President Charles Taylor?

1 A. When we began to write the report we had no idea that there
2 was any connection between the problem in Liberia - the problem
3 in Sierra Leone and Liberia. We started with no preconceived
4 notions about Liberia or about where the diamonds were going. We
09:25:59 5 weren't even sure at the beginning that diamonds were what we
6 came to discover that they actually were. We had no thoughts
7 about Liberia when we began the study.

8 Q. When you began the study. By the time you ended the study,
9 which was late 1999, it was published in early 2000, you had very
09:26:21 10 clear thoughts about Charles Taylor, didn't you?

11 A. We had very clear thoughts about the Liberian connection
12 and, since he was the President of Liberia, obviously we had
13 thoughts about him as well.

14 Q. Yes. Putting it in simple English, your group was
09:26:39 15 particularly hostile, that is to say those of you who wrote the
16 PAC report, particularly hostile to Mr Taylor by the time you
17 published that report, weren't you?

18 A. We were not hostile. We reported what we had learned.

19 Q. You had formed a view about his culpability, hadn't you?

09:27:00 20 A. We had formed a view about the way diamonds were being
21 moved from Sierra Leone into the international market through
22 Liberia.

23 Q. You had formed a view about Mr Taylor's culpability, hadn't
24 you? Yes or no?

09:27:15 25 A. It's - we didn't say that Mr Taylor was culpable. We said
26 that diamonds were moving through Liberia. He was the President
27 of Liberia and he had some responsibility therefore for what was
28 happening.

29 Q. One of the people who wrote the report you told us

1 yesterday, Mr Gberie, is a Sierra Leone national albeit he was
2 working in Canada at the time?

3 A. Yes.

09:27:48

4 Q. He has written extensively on Mr Taylor and the alleged
5 connection between Liberia and the war in Sierra Leone, hasn't
6 he?

7 A. Yes, he has subsequent - subsequent - to our first report.

8 Q. Yes. But Mr Gberie has expressed himself in very strong
9 language about Mr Taylor from time to time, hasn't he?

09:28:06

10 A. Yes, he has.

11 Q. Yes. And he was of that view back in 1999 and 2000 when
12 you published the PAC report, wasn't he?

09:28:19

13 A. I don't think that was the case. As I said, at the
14 beginning of our exercise we didn't - we didn't start with any
15 plan, we didn't start with any preconceived notions about
16 diamonds or about Liberia. Our conclusions are there in the
17 report and they were not conclusions that we invented or were
18 alone in coming to. They were widely, widely publicised by other
19 writers and in the media, but I wouldn't say that he or we were
20 hostile to Mr Taylor.

09:28:41

21 Q. By the time you went to Liberia in October 2000 as part of
22 the UN panel Liberia was already own under an arms embargo,
23 wasn't not?

24 A. Yes, it had been for nearly 10 years.

09:29:00

25 Q. Right. Your panel had interviewed a lot of people before
26 you went to Liberia, hadn't you?

27 A. Yes.

28 Q. And your panel had certain views about Mr Taylor's
29 involvement, didn't they, by the time you went to Liberia in the

1 first place?

2 A. We had a lot of information. By time we got to Liberia we
3 had a lot of information about the Liberian connection to the RUF
4 and diamonds and Mr Taylor's involvement. We had a lot of
09:29:33 5 information.

6 Q. When you attended the meeting firstly was that meeting a
7 scheduled meeting, was it part of the plan and the agenda that
8 you would meet the President of Liberia or was that something
9 that happened ad hoc at the end of the trip to Liberia in
09:30:00 10 October?

11 A. We hadn't decided whether we would request a meeting with
12 Mr Taylor and we were contemplating it when we were there and
13 then we received a notice that he would like to meet with us. So
14 it was not planned, but it was not completely unplanned, but the
09:30:19 15 initiative came from his office.

16 Q. You made two lots of notes about that meeting, one
17 handwritten and later typed notes. When did you make the
18 handwritten notes?

19 A. In the office when we were meeting with President Taylor.

09:30:43 20 Q. Did you make all of those notes in the office when you were
21 meeting with Mr Taylor?

22 A. Yes.

23 Q. The notes, the handwritten notes, are very densely written,
24 aren't they?

09:30:56 25 A. Yes.

26 Q. How long did the meeting last all together?

27 A. It was about an hour or perhaps slightly over an hour.

28 Q. Were you taking a note of everything that was said, or just
29 some of the things that were said?

1 A. Well, you know, there was a lot said in an hour and I only
2 wrote two pages of notes so I probably missed a fair bit.

3 Q. And do you think that you might have made any errors in the
4 course of what you wrote down in those notes?

09:31:24 5 A. I don't think so.

6 Q. But you accept that there is always that possibility?

7 A. Yes.

8 Q. I want to ask you about two particular parts of those
9 notes, please. First of all, you have recorded a slightly

09:31:44 10 different version in the typed notes from the - different from
11 the handwritten, haven't you?

12 A. When I went back to the hotel I typed - actually when I
13 went back to Freetown. We went back to Freetown immediately
14 after meeting Mr Taylor and then I typed out the notes from

09:32:11 15 memory and from my handwritten notes.

16 Q. Right. In the notes there is - certainly in the typed
17 notes there is a reference to the Lome agreement. It's on the
18 second page. Madam President, this is annex 2 of the report
19 MFI-9. It starts on page 25.

09:32:43 20 PRESIDING JUDGE: May we have that put up on the monitor,
21 please, for the public to see.

22 THE WITNESS: Your Honour, I wonder, if we are going to
23 compare my handwritten note with this, could I have a copy of my
24 handwritten note?

09:32:58 25 MR MUNYARD: Certainly.

26 PRESIDING JUDGE: Please ensure that the witness is looking
27 at the documents in question.

28 MR KOUMJIAN: Would your Honour like the Prosecution - and
29 it was disclosed to the defence, but we have a copy here in court

1 if the defence needs to borrow it.

2 MR MUNYARD: Of the?

3 MR KOUMJIAN: Handwritten notes.

09:33:23

4 MR MUNYARD: No, I have got the handwritten notes, thank
5 you, in front of me.

6 PRESIDING JUDGE: Court Manager, could you please put up
7 the various documents as they're referred to by counsel starting
8 with the typed notes.

9 MS IRURA: I'm sorry, we don't have the typed notes.

09:33:38

10 THE WITNESS: This is the typed notes. Your Honour, I have
11 a copy of the handwritten notes in my briefcase. If that would
12 make it easier I will take them out.

13 PRESIDING JUDGE: This is annex 2 at page 25 of the report
14 MFI-9?

09:34:03

15 MR MUNYARD: Yes, that's the typed notes.

16 PRESIDING JUDGE: Everybody has a copy within the well of
17 the Court, annex 2.

18 MR MUNYARD: Yes, that's the typed notes, Madam President.

09:34:13

19 THE WITNESS: But, your Honour, if we are going to compare
20 my handwritten notes with this I won't have a copy of my
21 handwritten notes.

22 PRESIDING JUDGE: Where can a copy be obtained?

23 THE WITNESS: I have a copy. I think the Defence has a
24 copy.

09:34:23

25 PRESIDING JUDGE: Then please supply one to the witness
26 firstly.

27 MR MUNYARD: Madam President, the page number on the Court
28 numbering is 00037295 to 296, if that assists anybody. These
29 were disclosed to us and I have to say I assumed that everybody

1 had the same disclosure.

2 PRESIDING JUDGE: Those are certainly not in our folders.

3 MR MUNYARD: Very well. Well, I think the Court ought to
4 have a copy. Mr Smillie has a copy in his brief case.

09:35:00 5 PRESIDING JUDGE: Where is the briefcase?

6 THE WITNESS: Here.

7 PRESIDING JUDGE: Please access your notes. Mr Munyard,
8 kindly proceed with your cross-examination.

9 MR MUNYARD:

09:35:53 10 Q. I want to ask you first of all about your note in your
11 handwriting about the Lome accord. Just so that everybody
12 understands, the Lome accord was in 1999, wasn't it?

13 A. Yes.

14 Q. It was - there was a meeting held in Lome, the capital of
09:36:14 15 Togo?

16 A. Yes.

17 Q. With a view to bringing an end to hostilities in the Sierra
18 Leone civil war?

19 A. That's correct.

09:36:22 20 Q. And various people from the government side - it's a little
21 over halfway down the page for the assistance of Court
22 Management?

23 A. Yes, there were.

24 Q. There were people from the government side and the RUF and
09:36:39 25 I think other diplomats and other interested parties at that
26 meeting --

27 A. That's correct.

28 Q. -- in Lome. Now you have recorded here in your handwritten
29 note about two-thirds of the was down the page: "T was

1 instrumental in the Lome accord", yes?

2 A. Yes.

3 Q. "He brought Johnny Paul and Foday Sankoh to go to Lome"?

4 A. Yes.

09:37:11 5 Q. When we look at your handwritten - sorry, your typed
6 version of those notes on page 26 of MFI-9, it's in the third
7 paragraph on that page - your typed version says, "He said that
8 he, Taylor, had been instrumental in the Lome agreement and that
9 he had taken Johnny Paul Koroma and Foday Sankoh to the meeting",
09:37:45 10 yes?

11 A. Yes.

12 Q. That is what you typed up when you got back to Freetown
13 from Monrovia?

14 A. That's what we - that's what I understood him to say.

09:37:52 15 Q. Right. Do you have any knowledge of who the individual
16 participants were at the Lome meeting that led to the Lome
17 accord?

18 A. No, this is a record of what President Taylor said to us.
19 It's not a description of the Lome accord.

09:38:12 20 Q. What I suggest President Taylor said to you was that he had
21 brought Johnny Paul Koroma to Liberia in order to help the peace
22 process that was then going to take place in Lome. That he never
23 said that he brought Johnny Paul Koroma to Lome?

24 A. That's your interpretation of what was said. You've got my
09:38:46 25 interpretation.

26 Q. I am putting forward, as you appreciate, Mr Smillie, my
27 client's instructions. If Johnny Paul Koroma was never at Lome
28 it would be ridiculous for somebody in the position of President
29 Taylor to claim that he had brought him to Lome, wouldn't it,

1 because everybody would know who was and who wasn't at Lome?

2 MR KOUMJIAN: Objection, argumentative.

3 MR MUNYARD: Let me put that in another way.

4 PRESIDING JUDGE: Overruled. Please proceed.

09:39:15 5 MR MUNYARD:

6 Q. President Charles Taylor of neighbouring Liberia would be
7 fully aware that the rest of the world who were interested in the
8 Lome accord would know who was and who wasn't a participant in
9 Lome, wouldn't he?

09:39:36 10 A. These were notes that I took at the meeting. They were not
11 intended to be a description of what happened at Lome. They were
12 a description of what I heard at the meeting.

13 Q. I'm suggesting that you have either misheard or misrecorded
14 in your effort to write down what was being said at the meeting
09:39:56 15 with Mr Taylor, to do you follow?

16 A. Yes, I do.

17 Q. That your notes, certainly the typed up version of your
18 notes, are inaccurate.

19 A. This particular point may be inaccurate.

09:40:08 20 Q. Thank you.

21 A. I doubt there are very many other inaccuracies.

22 Q. You see, all you have got down in the handwritten version
23 is, "He brought Johnny Paul and Foday Sankoh to go to Lome."
24 That doesn't say he brought Johnny Paul to Lome, does it?

09:40:29 25 A. No, it doesn't.

26 Q. No. It's actually shorthand in effect, isn't it, your
27 handwritten note?

28 A. Yes, it is.

29 Q. For perfectly understandable reasons?

1 A. Yes.

2 Q. Because you're trying to write down as things are being
3 said and it's right, isn't it, I think you have indicated
4 elsewhere, Mr Taylor was saying quite a lot at that meeting and
09:40:51 5 you inevitably wouldn't be able to get a fully verbatim note,
6 would you?

7 A. Right.

8 Q. Thank you. Can I ask you about a matter that appears on
9 page 25 of the typed note, MFI-9, and that's your reference to
09:41:16 10 what the US ambassador Charles Minor had told you earlier about a
11 meeting between the United States Under Secretary of State Thomas
12 Pickering and Mr Taylor on July 17th. First of all, can you help
13 us with where that appears in the handwritten notes?

14 A. In the first line of my handwritten notes I said - I wrote,
09:41:48 15 "Pickering did not present evidence to the President. Blatantly
16 untrue."

17 Q. Yes. And you told us yesterday that the "blatantly untrue"
18 was what Mr Taylor said to you?

19 A. Yes.

09:42:03 20 Q. About an allegation or about a matter that you put to him?

21 A. Yes.

22 Q. "Pickering did not present evidence to the President"?

23 A. That is what I understood President Taylor to say.

24 Q. Yes. Now you received secondhand information from the
09:42:22 25 American ambassador about this meeting between Under Secretary of
26 State Pickering and President Taylor, didn't you?

27 A. Yes.

28 Q. The Under Secretary of State, Mr Pickering, was he still
29 Under Secretary of State in October 2000?

1 A. I don't know.

2 Q. Which July 17th was it that the ambassador was telling you
3 about?

4 A. We understood it to be the month before we were there.

09:42:54 5 Sorry, the --

6 Q. You were there in October.

7 A. Sorry, the month before we were appointed.

8 Q. Right, you understood it to be then, but did he specify
9 that it was July 17th of the year 2000 or an earlier year?

09:43:09 10 A. He didn't specify.

11 Q. No. Did you clarify with him which year he was talking
12 about, or did you just assume he was talking about the same year
13 you were writing in?

14 A. We were not aware that there had been several meetings
09:43:24 15 between Mr Pickering and Mr Taylor. We assumed there was only
16 one. We were only told about one.

17 Q. Right. If it had been on July 17th 2000 then the
18 likelihood is that Mr Pickering was still the United States Under
19 Secretary of State, do you agree?

09:43:43 20 A. Well, it's a likelihood.

21 Q. Yes. Mr Taylor was telling you in that meeting in October
22 that he didn't agree with the version of events that you had been
23 given by the ambassador who was not present at the meeting with
24 Mr Taylor and Mr Pickering?

09:44:03 25 A. I don't know about whether the ambassador was present at
26 the meeting with Mr Pickering. I don't know whether he was
27 present at the meeting with Mr Pickering and Mr Taylor.

28 Q. Right. In any event what you did know was Mr Taylor was
29 disputing the version of events that you'd been given about his

1 meeting with Mr Pickering?

2 A. That's correct.

3 Q. So what did you do to clarify what exactly Mr Pickering had
4 said to Mr Taylor and what he Mr Taylor had said in response to
09:44:31 5 Mr Pickering?

6 A. I have to put this in a little bit of context. The morning
7 before we went to meet President Taylor the newspapers had
8 reported very negatively on our mission to Liberia. The United
9 Nations representative, and I think I have said this in my report
09:44:58 10 - the United Nations representative was extremely nervous and
11 warned us to be very careful how we addressed President Taylor.
12 He said that if he was in a bad mood we shouldn't ask him any
13 questions at all and if he was in a bad mood we would know, we
14 would know it.

09:45:13 15 When we went to the meeting we were on pins and needles.
16 In fact, it turned out that he was in a good mood, at least the
17 good mood that the UN representative had described to us, so we
18 were somewhat put at ease, but we had a lot to cover in a one
19 hour period and we didn't go into great detail on any of the
09:45:34 20 subjects that are covered here. We asked him the main covering
21 questions and that was about all we had time for.

22 Q. So the United Nations representative had been warning you
23 about Mr Taylor in effect, hadn't he?

24 A. The United Nations representative was very nervous about
09:45:51 25 President Taylor.

26 Q. Yes, and was warning you to watch out, watch what you say,
27 yes?

28 A. He warned us about angering him or if he was in a bad mood
29 that we shouldn't make it worse.

1 Q. And are you saying that your panel and you in particular
2 were not hostile to Mr Taylor by this stage?

3 A. I wouldn't say we were hostile. We were certainly nervous
4 about the entire visit.

09:46:18 5 Q. You weren't at all well disposed to Charles Taylor by
6 October 2000 when you went down to Monrovia to meet him, were
7 you?

8 A. I think all of the panel by that stage had a great deal of
9 information about what was going on in Liberia and Mr Taylor's
09:46:31 10 role in it.

11 Q. I didn't ask you about information, Mr Smillie. I asked
12 you about your attitude to Mr Taylor?

13 A. I think all of us, including me, were very suspicious.

14 Q. Yes. Not prepared to believe him or take what he said at
09:46:51 15 face value?

16 A. You know, I think the report that I wrote of the meeting
17 actually puts him in much better light than I would have expected
18 under the circumstances.

19 Q. You were doing him a favour; is that what you're saying?

09:47:09 20 A. No, no, I was trying to record faithfully what I thought he
21 was saying at the time.

22 Q. Right. Can you go back, please, to the question I asked a
23 few minutes ago. What did you do to confirm, qualify or correct
24 the account that the ambassador had given you of the meeting
09:47:29 25 between Mr Pickering and Mr Taylor?

26 A. When we were in Washington we met with government officials
27 at the state department and intelligence agencies and we asked
28 questions about the movement of diamonds, the movement of weapons
29 and that sort of thing and we were given a variety of

1 information.

2 Q. The state department is in Washington, isn't it?

3 A. Yes, it is.

4 Q. Did you go to the state department?

09:48:00 5 A. Yes, we did.

6 Q. Did you see Mr Pickering?

7 A. No, we didn't.

8 Q. Did you ask to see Mr Pickering's notes of his meeting with
9 President Taylor on 17th January, whichever year?

09:48:13 10 A. We asked - I don't recall whether we asked for it. We
11 asked for certainly a lot of information and we got some. We
12 didn't get others. We didn't get any notes of Mr Pickering's
13 meeting with Mr Taylor.

14 Q. Why didn't you pursue that very obvious and, I would
09:48:28 15 suggest, very simple way of determining where the truth lay about
16 the ambassador's comments to you?

17 A. The issue was not so much Mr Pickering's notes. The issue
18 was what information Mr Pickering had and what he had been given
19 by his department and we asked his department and others in the
09:48:49 20 United States for all the information that they had on these
21 subjects.

22 Q. According to your note, your typed note, which is rather
23 different from your handwritten note, your typed note says that
24 Mr Pickering told Mr Taylor he personally had seen evidence that
09:49:11 25 Mr Taylor was trafficking in stolen diamonds. That is very
26 important, isn't it?

27 A. We didn't say that that is what he had told him. What I
28 wrote was that that is what the US ambassador told us.

29 Q. Yes, we understand that. According to the US ambassador to

1 you, a much more senior figure in the United States government,
2 the Under Secretary of State, had personally seen evidence that
3 Mr Taylor was trafficking in stolen diamonds. That is extremely
4 important information, isn't it?

09:49:48 5 A. Yes.

6 Q. So, why didn't you approach the Under Secretary of State to
7 ask him what this evidence was that he had seen with his own
8 eyes?

9 A. We approached his department on this subject and we were
09:50:02 10 given information.

11 Q. But you never approached him?

12 A. No.

13 Q. Did you even ask for a meeting with Mr Pickering?

14 A. No, we didn't.

09:50:15 15 Q. Can I go back briefly to something that we talked about
16 yesterday. You told us yesterday that as part of your work on
17 the UN panel you investigated the background of some of the
18 Liberian diamonds and you went - you obtained eight invoices in
19 Antwerp, I think?

09:50:41 20 A. Yes.

21 Q. Out of hundreds you told us yesterday, hundreds possibly
22 thousands, of invoices you selected eight?

23 A. Yes, at random.

24 Q. At random, but just eight. That is hardly a scientific
09:50:57 25 study, is it?

26 A. No.

27 Q. It is more the work of an amateur sleuth than someone
28 preparing a professional analysis of what was going on with those
29 Liberian diamond invoices, isn't it?

1 A. Our mandate was to determine the relationship between
2 weapons and diamonds and the traffic between these two items in
3 Sierra Leone and in Liberia and to look at air traffic control
4 systems. We were not to look at every air traffic control
09:51:38 5 logbook for every flight. We certainly couldn't have done
6 anything like the scientific study that you are suggesting we
7 should have done where diamonds are concerned. We had a little -
8 our initial appointment was for under four months. We were given
9 an extension. We had very little time. What we were trying to
09:51:57 10 do was to make the connections and find out where the burden of
11 the traffic was and I think we did that.

12 Q. Mr Smillie, you were working for the United Nations. You
13 chose - with the resources of the United Nations you chose to
14 embark upon an exercise to look at Liberian diamond invoices.
09:52:26 15 Why did you do it in such an amateur way?

16 A. I wouldn't say it was amateurish. We spent quite a long
17 time with the Ministry of Economic Affairs in Antwerp. We had
18 long discussions with them about the Liberian figures. I asked
19 them to pull some files and give me some representative invoices
09:52:45 20 and we decided to check on those invoices and track them back to
21 Liberia if we could. It was a sample. It was no more than a
22 sample.

23 Q. How on earth could you say that eight out of thousands are
24 representative invoices? You would have to check far more before
09:53:01 25 you could reach that view, wouldn't you?

26 A. We - I suppose we could have done more and spent more time.
27 We were on a very tight schedule.

28 Q. Can I move you, please, to the photographs of the BAC111
29 aircraft that we saw yesterday. This is MFI-11, photographs A to

1 D, for the Court record. Where did you get - I am sorry, I don't
2 think you have got them yet. Where did you get these photographs
3 from?

09:53:58 4 A. The panel got these from a member of the crew of the
5 aircraft.

6 Q. And when was that member of the crew of the aircraft
7 contacted?

8 A. I think it was probably in October or November 2000. I
9 don't have the exact date.

09:54:25 10 Q. And was it a man, or a woman?

11 A. There are several people who supplied us with information
12 that were extremely frightened of giving us any information for
13 fear of retaliation, so we haven't named the individual involved.

09:54:49 14 Q. Well, are you able to help us do you know whether this
15 individual was a man, or a woman? Did you personally have any
16 dealings with them?

17 A. I did not. It was other members of the panel.

18 Q. Right. Presumably Mr Bodian, who was the air traffic
19 control expert, or can you say that now? Do you know?

09:55:06 20 A. Mr Peleman was involved. I don't know how many others of
21 the team were involved.

22 Q. Do you know when this person claimed to have taken these
23 photographs?

09:55:19 24 A. I understand that these were the - these were taken around
25 the time of the March flights, the March 1999 flights, from
26 Ouagadougou to Liberia.

27 Q. You understand that from who?

28 A. Well, as I said, I didn't meet - I didn't meet the crew
29 member and so it came from Mr Peleman and others, whoever else on

1 the team met with this individual.

2 Q. Yes. Was this individual a mercenary?

3 A. You will have to define mercenary. He was - well, now I
4 have given you his gender, but he was a crew member of an
09:55:53 5 aircraft. You will have to define mercenary for me.

6 Q. Well these are arms shipments, yes?

7 A. Yes.

8 Q. Was he a regular commercial - was he a pilot, or a member
9 of the crew? Was he a regular commercial employee flying planes,
09:56:12 10 civil aviation, or was he flying arms during civil wars on a
11 freelance basis? I think that probably meets the definition of
12 mercenary.

13 A. The aircraft was - I am not sure whether it was owned by
14 Leonid Minin, or whether it was rented by him, leased by him. I
09:56:36 15 am not sure what the ownership of the aircraft was. I assume
16 that anybody who required a licence to operate an aircraft would
17 have to have that. You certainly wouldn't be able to fly an
18 aircraft. So, again I am a little unclear about the term
19 mercenary. If he was breaking UN embargoes, and in this case he
09:57:01 20 certainly was, I suppose you would say, yes, he was a mercenary.

21 Q. Yes. Was he paid for the information; in particular the
22 photographs that he supplied to you?

23 A. No.

24 Q. How can you be sure of that?

09:57:12 25 A. We discussed payment of funding to anybody that we were
26 going to be meeting in the course of our work and we decided
27 clearly and absolutely we were not going to give money to anybody
28 for anything.

29 Q. Was there any documentary record connected with the

1 photographs that show when they were taken? If you have a look
2 on the back of the photographs, for example, is there any
3 indication there that would show when they were taken?

09:57:51 4 A. The writing on the back of the photograph says "March
5 1999". That is my handwriting.

6 Q. That is your handwriting, yes?

7 A. So, there is no indication of when those pictures were
8 taken.

09:58:01 9 Q. Do you know from what kind of camera, or with what kind of
10 camera, they were taken?

11 A. No.

12 Q. In particular, you don't know whether it was a digital
13 camera which would have some form of recording of the date when
14 the photographs were taken?

09:58:10 15 A. I am sorry, I don't know.

16 Q. No. So, you are going entirely on information from this
17 individual that these photographs were taken then?

18 A. Yes.

09:58:32 19 Q. Now you told us that you had information from various
20 intelligence sources, yes?

21 A. Yes.

22 Q. From which countries were these intelligence sources?

09:58:54 23 A. We talked to intelligence sources in - well, to British
24 intelligence sources, to American intelligence sources, to French
25 intelligence and perhaps because we were seeing Police officials
26 in Israel and a couple of other countries perhaps there was some
27 intelligence involvement there as well, but the main sources were
28 the US, the United Kingdom and of course Sierra Leone.

29 Q. Yes, predominantly the United States?

1 A. Not predominantly the United States.

2 Q. Predominantly the United States and Britain?

3 A. Yes.

4 Q. Yes. The same intelligence sources who sent us to war on
09:59:27 5 the basis of Saddam Hussein's weapons of mass destruction?

6 PRESIDING JUDGE: That is an inappropriate question, I am
7 afraid.

8 MR MUNYARD: I withdraw it:

9 Q. How could you be sure how reliable these intelligence
09:59:41 10 sources were?

11 A. We actually saw radio intercepts - very detailed radio
12 intercepts. There was a great deal of listening going on to the
13 RUF and to their operations in Sierra Leone and in Liberia. We
14 saw very detailed radio intercepts of communication between
10:00:05 15 people involved in all of this.

16 Q. Yes, and what else did you see?

17 A. We saw summary reports of various events as well.

18 Q. Summary reports by intelligence agencies?

19 A. Yes.

10:00:19 20 Q. Anything else?

21 A. Well, those were the written reports. We talked to a
22 number of individuals as well.

23 Q. Did you see any other photographic material?

24 A. We saw - as I recall, we saw a photograph of Sanjivan
10:00:40 25 Ruprah's Liberian passport and a passport in the name of Samir
26 Nasr.

27 Q. And the Liberian passport was a passport that is the same
28 sort of Liberian passport that many Greek shipping magnates have
29 who sail their vessels under the Liberian flag of convenience,

1 isn't it?

2 A. I don't know. I haven't seen any other passports.

3 Q. Right. Are you not aware that the Liberian Maritime Agency
4 will issue passports to ship owners and the like who use the

10:01:15 5 Liberian flag of convenience operated by a United States company?

6 A. No.

7 Q. Would you agree, Mr Smillie, that by the time you came to
8 write your UN report - and I think you said yesterday it was you
9 who did the drafting of the report?

10:01:38 10 A. I said that I did the actual typing. I didn't write it. I
11 did the typing. I wrote the diamond sections, the other people
12 contributed their bits and pieces and we concluded on all of the
13 points together.

14 Q. By that time do you accept that certainly you, and probably
10:02:03 15 some of your colleagues if not all of them, had formed views
16 particularly hostile to President Charles Taylor?

17 MR KOUMJIAN: Your Honour, my objection is that the word
18 "hostile" is vague as to what counsel means.

19 PRESIDING JUDGE: Overruled. Please answer the question.

10:02:23 20 THE WITNESS: We presented the facts as we had seen them
21 and as we understood them. I don't think there was any hostility
22 in the report. There wasn't any hostility intended.

23 MR MUNYARD:

24 Q. There may not have been any hostility in the report by your
10:02:39 25 definition, or any hostility intended, but do you agree that you
26 personally by that time were hostile to Charles Taylor? It is a
27 simple question?

28 A. Honestly, I am having trouble with the word "hostile". I
29 mean, we I think all developed very strong feelings about the

1 RUF. We were appalled by what we had seen. We were hostile
2 towards the RUF.

3 Q. Yes.

4 A. I think we were dismayed that there seemed to be so much
10:03:08 5 evidence pointing directly to Mr Taylor that he was involved in
6 both weapons and diamonds.

7 Q. And are you seriously saying in the light of that
8 information that you have just given us that you weren't hostile
9 to Charles Taylor by the time you wrote that report?

10:03:20 10 A. I think we were trying as much as we possibly could to be
11 objective and to present the facts objectively to the Sanctions
12 Committee and to the Security Council without adding any personal
13 views into it.

14 Q. Is that still your view, or would you accept that by now
10:03:39 15 you clearly are hostile to Charles Taylor?

16 A. Could I tell you an anecdote?

17 Q. Well, I would like you just to answer the question with a
18 simple yes or no?

19 A. You know, I think we felt sorry for him. I don't think it
10:03:58 20 was hostility. The truth is we felt sorry for him that he had
21 missed a huge opportunity in Liberia.

22 Q. Do you know anybody else who feels sorry for Mr Taylor?

23 A. I think all of our team came to the conclusion that he had
24 squandered his opportunity to turn Liberia from war to peace. We
10:04:20 25 felt sorry for Liberia and we felt badly that he had missed that
26 opportunity.

27 Q. It was not a question, Mr Smillie, of simply feeling sorry
28 for him, was it? You were as hostile to him as you were to the
29 RUF, I suggest. Would you agree?

1 A. Those are your words. They are not mine.

2 MR MUNYARD: I have no other questions, Madam President.

3 PRESIDING JUDGE: Thank you, Mr Munyard. Any re-exam from
4 the Prosecution?

10:04:49 5 MR KOUMJIAN: No, your Honour.

6 PRESIDING JUDGE: Mr Prosecutor, at this stage would you
7 like to reintroduce your application to tender?

8 MR KOUMJIAN: Yes, thank you, your Honour. The Prosecution
9 moves the Court to accept into evidence MFI-1 through MFI-15.

10:05:24 10 PRESIDING JUDGE: Thank you. If the Court Manager could
11 please remind me how many MFI-exhibits were there? MFI-1 until
12 MFI ---

13 MR KOUMJIAN: If it would please the Court, I could list
14 each one?

10:05:53 15 PRESIDING JUDGE: Is it until MFI-16?

16 MS IRURA: Your Honour, it is until MFI-15.

17 PRESIDING JUDGE: The best thing would be for counsel to
18 apply to tender one by one and so that I could hear from counsel
19 opposite what their views are on each exhibit individually. So,
10:06:25 20 MFI-1 is, if you could assist.

21 MR KOUMJIAN: That is the curriculum vitae of the witness,
22 Ian Smillie.

23 PRESIDING JUDGE: Mr Munyard, any objection?

24 MR MUNYARD: No, no objection.

10:06:46 25 PRESIDING JUDGE: So, the CV of Mr Smillie is admitted as
26 Prosecution exhibit ---

27 MS IRURA: Your Honour, it would be Prosecution exhibit
28 P10.

29 [Exhibit P10 admitted]

1 PRESIDING JUDGE: MFI-2.

2 MR KOUMJIAN: MFI-2, your Honour, is a clip from the video
3 "Blood Diamonds". Clip number 4.

4 PRESIDING JUDGE: Mr Munyard?

10:07:20 5 MR MUNYARD: Madam President, we object to all of the video
6 clips for reasons that were enunciated yesterday and I don't
7 think I need do much more today than to repeat in summary form
8 our objections to the video clips. These are for the most part
9 anonymous witnesses; anonymous in the sense that we don't know
10:07:41 10 any of the details of these witnesses. Many of them do not deal
11 with the question of diamonds. Insofar as any of those witnesses
12 do deal with the question of diamonds Mr Smillie is here, albeit
13 we will be submitting in due course that he doesn't meet the
14 qualification of expert for the Court's purposes.

10:08:06 15 In the video clips, there is a combination of material
16 diamond related and unrelated to diamonds. None of the material
17 that is unrelated to diamonds should go in through this witness,
18 or we would submit at all. There are other witnesses. As my
19 learned friend indicated yesterday, despite our offer at the
10:08:31 20 status conference in August of last year to try to reach
21 agreement so that victims of the conflict did not have to come
22 all the way to Europe to give evidence and that their evidence
23 could be agreed and read, the Prosecution nevertheless decided
24 they still wanted to call some of these individuals, then they
10:08:52 25 can prove the facts that they wish to prove through those
26 individuals, who can be properly tried and tested, rather than
27 small clips taken for all we know out of context from an American
28 television company programme.

29 As far as the diamond related aspects of the programme is

1 concerned, those elements are no more based on expertise than
2 that of Mr Smillie, and the Prosecution have got Mr Smillie here
3 to give such evidence as is necessary on that.

10:09:28

4 PRESIDING JUDGE: Mr Munyard, these are your comments with
5 regard to all the clips shown yesterday?

6 MR MUNYARD: Your Honour, yes.

10:09:47

7 PRESIDING JUDGE: So, in that regard [microphone not
8 activated] before I ask you to respond could we perhaps go
9 through all the clips, give the MFI-number of all the clips and
10 then I will ask you to respond or to reply to Mr Munyard's
11 objection.

12 MR KOUMJIAN: I will give the clips in the order that they
13 were given the MFI-number. As stated, clip number 4 is MFI-2.

14 PRESIDING JUDGE: Yes.

10:10:02

15 MR KOUMJIAN: Clip number 3 is MFI-5. Clip number 1, just
16 to remind your Honours, was a very short clip. It actually was
17 the first one I showed which talked about Sierra Leone being a
18 very poor country and depicted some of the scenery. That is
19 MFI-6.

10:10:23

20 Clip number 2 - and again to remind your Honours that was
21 the clip that was largely of Mr Fofana, a double amputee who was
22 speaking about his experience and his family who were burnt to
23 death in their homes - was MFI-7.

10:10:48

24 Clip number 5, which contained information and some scenes
25 of artisanal mining and was largely an account by a young man - I
26 am sorry, I don't recall his name, but it is given in the video -
27 who was subjected to forced mining and talked about the murder of
28 his friend, or his colleague. That is MFI-8.

29 The last clip shown, MFI-15, was clip number 6, which

1 included - if your Honours need reminding, that included an
2 account by several persons: an amputee, a woman who was sexually
3 assaulted with a stick and another victim in that case. That was
4 a woman whose husband's hands were amputated.

10:11:46 5 Your Honour, addressing all of these - thank you. First of
6 all, counsel said some of these have to do with diamonds and some
7 don't. Our position is all of these have to do with diamonds.

8 This is what our case is about and this is why we brought
9 Mr Smillie. A key link between Mr Smillie's expertise on
10:12:05 10 diamonds and this case and the relevance to this case was in the
11 last questions he answered on direct examination. He had told us
12 about how artisanal mining is labour intensive, the diamonds can
13 be moved over millions of years by rivers from a kimberlite and
14 an area can be covered with those and that, in order to exploit

10:12:28 15 those diamonds, it is very important for the person or group that
16 wants to exploit them to control the population. If you don't,
17 you get a situation like in 1955 when there were 75,000 miners -
18 independent miners - coming to Kono illegally and in the present
19 day there is 120,000. He gave an example of New Year's Day when
10:12:50 20 there was a mad rush in Kono because someone had found a diamond
21 and hundreds of thousands of people showed up shovelling dirt
22 into the backs of cars to take it away.

23 So all of these clips in our view have to do with diamonds
24 and, of the terrorism that is depicted very briefly in these
10:13:08 25 clips, only three of the clips depict victims and talk about
26 atrocities and those are clip number 2, clip number 5 and clip
27 number 6.

28 Those do have slightly less than nine minutes - eight
29 minutes and 53 seconds in total - that includes brief examples of

1 the terror that was inflicted. I presume that the Defence is
2 objecting to these nine minutes because it is distressing for
3 your Honours and all of us to watch it, and I certainly believe
4 for me it was distressing even though I have seen it many times
10:13:44 5 before. But, your Honour, it gives us all an insight and gives
6 your Honours an insight that, if we are distressed watching and
7 hearing an account of an amputation, of a sexual assault, of
8 being forced to mine for a year, we can imagine the terror of the
9 people at the time. We can get a small hint, thousands of miles
10:14:05 10 away and years away in the safety of this courtroom, of the
11 terror of the population.

12 So this testimony, just like the brief victim testimony,
13 illustrates the terror that is part of our case and these are
14 true accounts. This is not a Hollywood movie. The man who was
10:14:22 15 speaking with both arms amputated, this is not something that was
16 done for special effects. He is living without his hands for the
17 rest of his life.

18 The information about the diamonds is used as a visual aid
19 in this trial just as we might use a diagram of kimberlite. It
10:14:41 20 is simply in video form. It helps the Court to see how mining is
21 actually done. The video diagram is simply the same as if we
22 presented a series of diagrams showing how diamonds are formed in
23 the earth, how they are spread out, how it is retailed, how it is
24 sold and it just allows the Court in a very brief exhibit - the
10:15:02 25 total exhibit of all six clips together is less than 20 minutes,
26 slightly less than 19 minutes, and I believe all are relevant to
27 our case and I would ask the Court to admit all of them.

28 PRESIDING JUDGE: Thank you, Mr Koumjian. This is the
29 ruling of the Court in light of the application so far on the

1 clips. Pursuant to Rule 89 (C) of the rules of procedure of this
2 Court a chamber may admit any relevant evidence, and in our view
3 these clips do contain relevant evidence. However, the issues
4 raised by Mr Munyard are pertinent, but in our view they go to
10:16:04 5 weight rather than admissibility of these clips. As you know,
6 issues of weight are dealt with at the end of the trial when all
7 the evidence comes in, and we will then review these clips and
8 measure them up to the rest of the evidence and weigh them up at
9 the end of the case.

10:16:27 10 Therefore, I will admit these clips as follows: Clip
11 number 4, which is MFI-2, is admitted as exhibit P11; clip number
12 3, which was formerly MFI-5, is admitted as exhibit P12; clip
13 number 1, which was originally MFI-6, is admitted as exhibit P13;
14 clip number 2, which was originally MFI-7, is now exhibit P14;
10:17:17 15 clip number 5, originally MFI-8, is now exhibit P15; and clip
16 number 6, which was originally MFI-15, is now exhibit P16.

17 [Exhibits P11 to P16 admitted]

18 Now, Mr Koumjian, you wanted to continue with the admission
19 of certain other exhibits?

10:17:44 20 MR KOUMJIAN: Yes.

21 PRESIDING JUDGE: We are up to exhibit P16. Please
22 continue.

23 MR KOUMJIAN: The next exhibit is the Security Council
24 resolution that set up the panel and that is Security Council
10:17:54 25 resolution 1306, MFI-3.

26 PRESIDING JUDGE: Any objections?

27 MR MUNYARD: No objection to that, your Honour.

28 PRESIDING JUDGE: Then the Security Council resolution
29 MFI-3 - I am sorry, let me just get the proper citation of this.

1 Security Council resolution 1306 of 2000 is admitted as exhibit
2 P17. Prosecution exhibit 17.

3 [Exhibit P17 admitted]

4 MR KOUMJIAN: Thank you. The next exhibit is the report of
10:18:41 5 the panel of experts that was presented to the United Nations,
6 the panel of which Mr Smillie was part, and that is MFI-4.

7 PRESIDING JUDGE: Mr Munyard?

8 MR MUNYARD: Your Honour, we object to the admission in
9 evidence of this particular report for the reason essentially
10:19:05 10 that this is a report that is based only partly on expertise. It
11 is patently obvious that only some of those who contributed to
12 this report were experts in the true sense for reasons that I
13 have already dealt with this morning in my questioning of
14 Mr Smillie. The Chairman was not an expert and, for reasons that
10:19:33 15 I will deal with now and they will apply equally to Mr Smillie's
16 report, in our submission Mr Smillie is not an expert in the way
17 in which that word is understood in Court proceedings.

18 Mr Smillie's expertise, as the Court knows, is in
19 administration essentially. He has spent a lifetime in
10:19:58 20 administration and no doubt very effectively so. Indeed he has
21 been recognised for his role carrying out that kind of work and
22 no-one on the Defence side wishes to in any way detract from the
23 good work that he has done, but it is not work as an expert in
24 the field of the diamond industry.

10:20:23 25 You know from his evidence of the minimal experience that
26 he had in Sierra Leone by the time he published his report - I am
27 sorry, his organisation published its report in the year. By the
28 time he was appointed to the United Nations panel of experts in
29 August of that year and worked on that particular report until

1 December of that year, it cannot be said that his experience and
2 his knowledge and his understanding turned him from anything more
3 than at best a specialist into an expert.

4 It is interesting to note that in contrast to his
10:21:09 5 lifetime's experience as an administrator and organiser and
6 reviewer of projects and the work that he described yesterday,
7 that at least two members of the United Nations panel had a
8 lifetime of experience and expertise; the one in the field of air
9 traffic control and the other as a senior police officer. Well,
10:21:34 10 a police officer starting no doubt in the ranks and rising up
11 over a 20 year period.

12 Those - and in particular the air traffic controller - are
13 what any court of law would recognise as an expert. The very
14 best that Mr Smillie can do is to apply his undoubted
10:21:55 15 organisational skills to data that he and others have collected
16 and put together a report. That makes him no more an expert, in
17 our submission, than the makers of the television programme that
18 my learned friend has shown you clips of, or indeed a university
19 student who is reviewing material and doing perhaps some original
10:22:18 20 work and coming up with a dissertation in the course of their
21 degree.

22 It did not involve Mr Smillie in many, many years of work
23 in Sierra Leone, or in the diamond industry. He accepted also
24 the limitations of his knowledge of the diamond industry. He is
10:22:36 25 not a geologist. He has not worked in that industry in any other
26 capacity. He has gathered together as I have indicated an amount
27 of data, together with some colleagues, and put together a report
28 and that report may be accurate. It may not be. I am not
29 commenting on that. But it does not turn him into an expert.

1 For that reason, in our submission, neither the United
2 Nations panel of experts' report nor Mr Smillie's own report to
3 this Court, which relies of course heavily on his earlier writing
4 in the PAC report and the United Nations report --

10:23:17 5 PRESIDING JUDGE: We were actually dealing at this stage
6 with the panel's report.

7 MR MUNYARD: Yes, I am hoping to try to save time by
8 dealing with my objection overall. The two are inextricably
9 interlinked and that is why I have put it in this way. I won't
10:23:33 10 need to repeat what I say when I come on to Mr Smillie's report.

11 PRESIDING JUDGE: We prefer to do things in an orderly
12 manner, Mr Munyard, because these exhibits are tendered
13 individually.

14 MR MUNYARD: Very well. Well, Madam --

10:23:49 15 PRESIDING JUDGE: Mr Smillie's own report has not been
16 tendered in evidence.

17 MR MUNYARD: You have heard my submissions in relation to
18 the UN report.

19 PRESIDING JUDGE: In future, please respect the order that
10:23:54 20 the Presiding Judge would prefer. This is the way it will be;
21 exhibit by exhibit. Thank you.

22 MR MUNYARD: Madam President, I have made my submissions
23 about the UN report in that case.

24 MR KOUMJIAN: Your Honour, this morning counsel did a good
10:24:09 25 job going through the individual backgrounds and expertise of the
26 members of the panel. The report of the panel was a team effort.
27 The conclusions were agreed upon according to this witness and,
28 although he helped draft it, all of them discussed the material
29 that was presented. We had an expert in arms, a person with

1 great police experience, a person with air traffic control
2 experience and a senior diplomat all contributing to that report.

3 Your Honour, the report, although it contains some
4 opinions, the opinions I think are largely in the recommendations
10:24:44 5 which are not the portions of the report that are most important
6 to this case. What the report does generally is relate facts;
7 facts about how diamonds are produced, about statistics of
8 diamond production in Sierra Leone, about the quality of diamonds
9 and the capacity of production in Liberia, about Belgian
10:25:07 10 statistics which, while certainly we cannot rely upon to know
11 where those diamonds come from, clearly show from the Belgian
12 import statistics that diamonds that purportedly were coming from
13 Liberia far, far exceeded the capacity of Liberian production,
14 although these were from companies with addresses in Liberia to
10:25:29 15 be forwarded to the Liberian maritime agency.

16 In arms, we say the report relates facts about arms
17 shipments and specifically about six shipments in March 1999, a
18 key shipment in December of 1998 just before the Freetown
19 invasion - December 22nd 1998 - and other shipments of arms.
10:25:57 20 These are facts gathered by the panel and presented. They are
21 not opinions.

22 Furthermore, your Honour, the report was issued by the
23 United Nations during the Indictment period. The report also is
24 a fact in this case in that it provided further - yet again
10:26:15 25 further notice to the Accused of the crimes that were happening,
26 of the RUF diamond dealing, of the diamonds going through
27 Liberia. Although it is not our case that he needed that notice,
28 certainly this adds to the notice that he had of these
29 activities. Thank you.

1 PRESIDING JUDGE: The ruling on MIF-4, that is the report
2 of the panel of experts, is that this report is admissible -
3 Mr Koumjian, why are you on your feet? Shouldn't I rule on this
4 particular - do you have anything additional to say before I rule
10:27:31 5 on it?

6 MR KOUMJIAN: No, your Honour, just bad knees that creak
7 going up and down.

8 PRESIDING JUDGE: I am sorry. The report of the panel is
9 in our view relevant and therefore admissible under Rule 89 (C).
10:27:49 10 Again, the issues raised by Defence counsel are pertinent, but in
11 our view they go to the weight of this document and will be
12 considered in due course as any other weight matters are
13 considered. So, the document MFI-4 is admitted as exhibit P18.

14 [Exhibit P18 admitted]

10:28:34 15 PRESIDING JUDGE: Could you please proceed with your
16 applications to tender.

17 MR KOUMJIAN: The next document in order of MFI numbers is
18 MFI-9, the report of Mr Smillie for in Court "Diamonds, the RUF
19 and the Liberian connection", and we tender that into evidence.

10:28:57 20 PRESIDING JUDGE: And perhaps while you are still on your
21 feet you could comment by way of reply to Mr Munyard's comments
22 on this particular report.

23 MR MUNYARD: Madam President, I do propose to follow your
24 earlier direction and to address you on my learned friend's
10:29:14 25 application.

26 PRESIDING JUDGE: Mr Munyard, I thought you had exhausted
27 everything you had to say on this report.

28 MR MUNYARD: I took cognizance of what you directed me to
29 do and, in the light of that, I thought it appropriate to address

1 you even briefly individually on each of these matters. I am
2 seeking to follow the directions of the President of the Court.

3 PRESIDING JUDGE: Very well, Mr Munyard.

4 MR MUNYARD: Can I add very shortly to what I have already
10:29:41 5 submitted that it is important for this Court to bear in mind
6 that this is the first time that Mr Smillie has given evidence in
7 a Court of law purporting or seeking to do so as an expert. He
8 has not, in other words, previously been recognised by a Court as
9 an expert. That of course is a matter that is not binding on the
10:30:00 10 Court, but it is a matter of considerable significance and
11 relevance, and you will appreciate from your experience that many
12 persons who are put forward as experts have been recognised as
13 such in the past by Courts of various jurisdictions. That is not
14 the case with Mr Smillie.

10:30:21 15 His own report furthermore by his admission in evidence
16 cannot be seen as entirely reliable, and in particular that which
17 my learned friend has just touched upon - the Belgian import
18 figures. Mr Smillie agreed with me that the Belgian import
19 figures of Liberian diamonds are not worth the paper that they
10:30:47 20 are written on. There is absolutely no way of knowing the
21 provenance of those - sorry, the country of origin of those
22 diamonds and the evidence was quite clear from him that nobody
23 knows where they came from. His argument was that his estimates
24 and the estimates of others as to Liberian diamond production
10:31:09 25 were accurate, but they are estimates and estimates only. The
26 figures that have been produced in his report are patently and
27 obviously inaccurate.

28 Equally, I would add that invoices that he has referred to
29 - and this was more a matter of evidence, a gloss on the report,

1 on his own report - diamond invoices that he looked into
2 demonstrated further the lack of reliability of the Belgian
3 import figures from Liberia. So, the report itself is based on
4 figures that are patently inaccurate and a lack of any detailed
10:31:52 5 knowledge of the Liberian diamond mining industry.

6 Those are the further submissions I wish to make in
7 addition to what I drew the Court's attention to earlier.

8 PRESIDING JUDGE: Mr Koumjian, please.

9 MR KOUMJIAN: Thank you. Your Honour, in the subject that
10:32:09 10 we are dealing with in this trial I don't think we can find in
11 the world a person better qualified to give an opinion about the
12 role of diamonds in a conflict, particularly in the conflict in
13 Sierra Leone, than Mr Smillie. He is not a diamond appraiser,
14 but he is a person - one of the world's leading figures in
10:32:33 15 leading the fight against diamonds having a role in conflicts.

16 He began that study some years ago and it has taken him to study
17 the industry to very, very numerous discussions with members of
18 the industry, with producers, with retailers. He has
19 participated with the industry, he was one of the individuals
10:32:56 20 that initiated or worked for the initiations of the Kimberley
21 Process and the scheme that we now have today requiring
22 certification and he certainly had a connection to Sierra Leone
23 back from his first job, he has a knowledge of Sierra Leone, he
24 has studied in particular the diamond production in Sierra Leone
10:33:16 25 and how this war, this internal conflict or this conflict in
26 Sierra Leone, was fuelled by diamonds and by those outside the
27 country that wanted to exploit the diamonds in Sierra Leone.

28 In his report he reports numerous facts, including the
29 figures from Belgium which he indicates and indicates in the

1 report had to be wrong. That is what the report points out.
2 Obviously, Liberia did not have the capacity to produce the
3 diamonds that were being reported by the Belgian authorities as
4 being imported from that country. Thank you.

10:33:52 5 PRESIDING JUDGE: I have carefully listened to the
6 submissions on both sides regarding this particular report. We
7 are satisfied that Mr Smillie has - within the framework of the
8 statute of the Special Court and the rules, Mr Smillie has
9 exhibited special skills in the field - special skills and
10:34:21 10 knowledge in the field - of diamonds which qualify him as an
11 expert within the meaning of the word as envisaged in our statute
12 and rules.

13 Now as regards the reliability of his report, that again is
14 a matter of weight that will have to be assessed. We have of
10:34:43 15 course taken into effect or into consideration the
16 cross-examination throughout his testimony and this will be
17 weighed accordingly when the time comes. Therefore the report of
18 Mr Smillie, formerly MFI-9, is now admitted in evidence as
19 exhibit P19.

10:35:03 20 [Exhibit P19 admitted]

21 PRESIDING JUDGE: Mr Koumjian, I have my eye on the clock
22 and I think that, in view of the time, we could take a break now
23 and reconvene for the remainder of your applications at
24 five-past-eleven. So, Court will adjourn for half-an-hour.
10:35:40 25 Thank you.

26 [Break taken at 10.35 a.m.]

27 [Upon resuming at 11.05 a.m.]

28 PRESIDING JUDGE: Mr Koumjian, before the break you were
29 continuing with your applications to tender.

1 MR KOUMJIAN: Thank you. The next document in order is
2 MFI-10. This is a letter, the signatory is Sam Bockarie, "To
3 whom it may concern."

4 PRESIDING JUDGE: Mr Munyard?

11:04:56 5 MR MUNYARD: Thank you, Madam President, we object to the
6 admission of this primarily on the basis of its lack of
7 authentication. I raised this point when the letter was produced
8 yesterday when your Honour was concerned about the legibility of
9 it. In our submission a far more significant and important
11:05:16 10 aspect arises in relation to this letter: it has not been proven
11 to be from the author. There has been no proof of the signature
12 and indeed I think it is right to say that Mr Smillie wasn't even
13 sure where it came from. I hope I am doing justice to his
14 evidence on that, but that is certainly my recollection: that it
11:05:41 15 was that document that he couldn't say where it had been obtained
16 from. For those reasons, and they are very important reasons in
17 my submission, no proof of its provenance and even more
18 importantly no authentication of this particular document as
19 coming from the person it purports to come from.

11:06:05 20 MR KOUMJIAN: Your Honour, just to note, my recollection,
21 we would have to check the transcript, is he said it came from
22 the house of Foday Sankoh, although he could not say who had
23 picked it up, and in 2000.

24 MR MUNYARD: I accept that. The important point about it
11:06:21 25 was that is where he thinks it came from, but he doesn't know how
26 he got it.

27 MR KOUMJIAN: Just to continue, your Honour, in an
28 international tribunal the case law is consistent amongst
29 tribunals that authenticity of a document goes to the weight and

1 unlike national jurisdictions it is not necessary to establish an
2 elaborate foundation before a document is admitted. Many
3 documents are admitted with signatures without proving through an
4 expert testimony that that signature is the person who purports
11:06:56 5 to sign. Your Honour, the document has relevance in that it
6 shows the interest in mining.

7 Also I just point out that in the matter of signature the
8 Prosecution does anticipate submitting other documents signed by
9 the same person. We would submit the signatures look identical,
11:07:17 10 so the signature itself could have some evidentiary value in
11 relation to other documents at a later time. Thank you.

12 PRESIDING JUDGE: It is the majority view of the Chamber
13 that this document is relevant to the case. The question, or
14 issue, of its origin, or authenticity, in the majority's view go
11:09:26 15 to weight and these will be decided appropriately at the right
16 time so the document is admitted as exhibit P20. Was that the
17 end of your application, sir?

18 [Exhibit P20 admitted]

19 MR KOUMJIAN: No. The next documents, in order MFI-11 (a),
11:10:20 20 (b), (c) and (d), are the four photographs of the Minin plane and
21 one of the photographs of part of the airport.

22 PRESIDING JUDGE: Yes, Mr Munyard?

23 MR MUNYARD: Madam President, we object to those on the
24 basis again of a lack of proof of who they were taken by: an
11:10:48 25 anonymous source. We have no evidence of any objective nature as
26 to when they were taken and the very best that can be said about
27 that plane is that it was registered to Mr Minin. Mr Smillie
28 said this morning he didn't know even if the plane was owned by
29 him, it may have been leased by him, and in the circumstances the

1 evidence is tenuous at best and its relevance must be marginal in
2 our submission.

3 PRESIDING JUDGE: Mr Koumjian?

4 MR KOUMJIAN: Your Honour, my understanding is that the
11:11:29 5 correct term would be that the source was confidential rather
6 than anonymous. The witness did not reveal the name but
7 indicated that the panel had spoken to the person and obtained it
8 from a crew member. Regarding the relevance of these documents
9 these are photographs of a plane that the accused in this case
11:11:48 10 has acknowledged, in that meeting with the panel of experts, he
11 himself used. There are direct ties between Mr Minin and the
12 accused in this case and this plane -- which the accused used as
13 a executive jet and described the interior, said it wasn't laid
14 out for cargo, we have photographs and evidence from a member of
11:12:06 15 the crew, and other evidence that will be presented -- was used
16 to transport weapons, weapons that subsequently we will show went
17 to Sierra Leone.

18 MR KOUMJIAN: Your Honour, your microphones are on just so
19 you know.

11:13:40 20 PRESIDING JUDGE: Mr Koumjian, just a clarification, you
21 did apply for all four photographs to be exhibited?

22 MR KOUMJIAN: Yes.

23 PRESIDING JUDGE: It is the majority view of the Chamber
24 that these photographs are relevant. The issue of their origin
11:13:59 25 or authenticity goes to the weight to be attached to the evidence
26 and so the photographs are admitted and numbered as follows --
27 actually in order. MFI-11 (a) to (d) are now numbered as
28 prosecution exhibits 21 (a) to (d) respectively.

29 [Exhibit P21 A-D admitted]

1 MR KOU MJIAN: Thank you. The next document in order,
2 MFI-12, is United Nations Security Council resolution 1343 of
3 2001. This was a resolution taken by the Security Council after
4 receiving and considering the panel of experts' report of which
11:15:18 5 Mr Smillie was a part. It indicates in it --

6 MR MUNYARD: No objection. I can cut that short I hope.

7 PRESIDING JUDGE: Thank you. The resolution 1343 of 2001
8 is admitted in evidence as exhibit P22.

9 [Exhibit P22 admitted]

11:15:40 10 MR KOU MJIAN: The next document, MFI-13, is I believe --
11 I believe that is a copy of a letter from the accused to the
12 Security Council that was submitted just before the debate on the
13 panel of experts' report.

14 PRESIDING JUDGE: Mr Munyard?

11:16:20 15 MR MUNYARD: No objection.

16 PRESIDING JUDGE: The letter dated 24th January 2001,
17 formally appearing as MFI-13, is admitted in evidence as exhibit
18 P23.

19 [Exhibit P23 admitted]

11:16:46 20 MR KOU MJIAN: The next document, MFI-14, is a letter -- the
21 preliminary letters from the Charge d'Affairs of the Liberian
22 mission to the United Nations. It is a letter from the foreign
23 minister of Liberia.

24 MR MUNYARD: No objection.

11:17:10 25 PRESIDING JUDGE: The letter, formally MFI-14, is admitted
26 in evidence as prosecution exhibit 24.

27 [Exhibit P24 admitted]

28 MR KOU MJIAN: Thank you, your Honour. That concludes all
29 of the exhibits of the prosecution application.

1 PRESIDING JUDGE: Mr Smillie, I believe that concludes your
2 testimony before the court. I want to thank you for taking time
3 off and for your testimony. You are now free to leave.

4 A. Thank you very much.

11:18:28 5 MR BANGURA: Your Honour, the Prosecution calls the next
6 witness who is TF1-015.

7 PRESIDING JUDGE: This witness, if I recall properly, was
8 formerly a protected witness who has since waived his right to
9 testify in closed session, or under protection, so he will
11:19:02 10 testify in open court.

11 MR BANGURA: Correct, your Honour.

12 PRESIDING JUDGE: Okay. Sorry, Mr Prosecutor, could you
13 please remind me your name again?

14 MR BANGURA: Mohammed A Bangura, your Honour.

11:21:50 15 PRESIDING JUDGE: Out of curiosity I am wondering why it
16 takes so long for the witnesses to come into court. Is there a
17 good explanation for this length of time?

18 NEW SPEAKER: [Microphone not activated].

19 PRESIDING JUDGE: Madam Court Manager, could you shed some
11:22:13 20 light on why it takes witnesses so long.

21 MS MUZIGO-MORRISON: Your Honour, the witness waiting rooms
22 are located two floors from the court and it is the only possible
23 place where the witnesses can wait, so it takes a while to go
24 down the stairs and pick up the witness. That is the cause of
11:22:33 25 the delay, thank you.

26 PRESIDING JUDGE: Could the witness be sworn. Would the
27 witness please be upstanding, please stand up as you take the
28 oath.

29 WITNESS: TF1-015 [Sworn]

1 PRESIDING JUDGE: Thank you, please be seated. This
2 witness testifies in what language?

3 MR BANGURA: Your Honour, Krio.

4 MS MUZIGO-MORRISON: Could everyone move to channel 1 to
11:23:53 5 get the English translations. Could you switch to channel 1
6 please. Channel 1 on the microphones.

7 PRESIDING JUDGE: Channel 1 on the microphones.
8 Mr Bangura, please proceed examining your witness.

9 EXAMINATION-IN-CHIEF BY MR BANGURA:

11:24:41 10 Q. Good morning?

11 A. Good morning.

12 Q. Please state your name for the court?

13 A. Alex Tamba Teh.

14 Q. How old are you?

11:25:03 15 PRESIDING JUDGE: Mr Bangura, we could really use some
16 spellings if you can, spellings of these difficult names.

17 MR BANGURA: Tamba is T-A-M-B-A and Teh is T-E-H. Your
18 Honour, I guess Alex is as normal, A-L-E-X. Could you tell us
19 your age, please?

11:25:32 20 A. I'm 47 years now.

21 Q. Where were you born?

22 A. I was born Tombodu, Kamara chiefdom.

23 Q. Your Honour, Tombodu is T-O-M-B-O-D-U. Kamara is
24 K-A-M-A-R-A. That is in Kono District, correct?

11:26:04 25 A. Yes, sir.

26 Q. You presently reside in Sandor chiefdom in Kono District,
27 correct?

28 A. Yes, sir.

29 Q. Your Honours, Sandor is S-A-N-D-O-R. You are a clergyman

1 by profession, correct?

2 A. Yes, sir.

3 Q. Would you prefer that I referred to you as a reverend?

4 A. Yes, sir.

11:26:36 5 Q. Thank you.

6 PRESIDING JUDGE: Mr Bangura, hold on a moment. I am
7 sorry, we were having a problem with one of our receptacles, but
8 please continue.

9 MR BANGURA: Thank you. Where were you living in 1998,
11:27:16 10 reverend?

11 A. I was at Koidu Town.

12 Q. That is in Kono District, correct.

13 A. Yes, sir.

14 Q. In the early part of 1998 did any people come to Koidu
11:27:37 15 Town?

16 A. Yes, sir.

17 Q. Who were those people?

18 A. Kamajors.

19 Q. Do you know why they came to Koidu Town at this time?

11:27:51 20 A. Yes, they told me.

21 Q. Why did they come there?

22 A. They said they came to protect Kono from the rebels.

23 Q. And who did you understand the rebels to be at that time?

24 A. They were the people -- the rebels were people who used to
11:28:17 25 kill and burn down houses.

26 Q. Did you know them by any other --

27 PRESIDING JUDGE: Mr Bangura, we are not sure what the word
28 Kamajor is. It is not an English word. Perhaps the witness could
29 shed some light on this.

1 MR BANGURA: May I take you back, Mr Witness, reverend.

2 You said that these people who came to Koidu were Kamajors,

3 correct?

4 A. Yes, sir.

11:28:43 5 Q. Who were these Kamajors? Who were they? Can you describe
6 them for the court?

7 A. Kamajors, they were people who would go with native guns.

8 We used to call them hunters.

9 Q. Were they local hunters?

11:29:04 10 A. Yes, sir.

11 Q. Now, you were just -- my last question prior to this was
12 whether you knew of any other name for the rebels?

13 A. The only thing that I know is that the rebels were also
14 juntas, but those who went and met us at Kono at that time, they

11:29:36 15 referred to themselves as Kamajors.

16 Q. Let us be very clear, Mr Witness, the Kamajors came?

17 A. Yes, sir.

18 Q. To protect people of Kono, is that correct?

19 A. Yes, sir.

11:29:50 20 Q. Koidu.

21 A. Yes, sir.

22 Q. And they came to protect you from the rebels, is that
23 correct?

24 A. Yes, sir.

11:29:58 25 Q. Now, my question was did you know the rebels by any other
26 name?

27 A. I never knew the rebels by any other name.

28 Q. Mr Witness --

29 PRESIDING JUDGE: We cannot get the interpretation.

1 I don't know why. Just hold on, please. Please ask the question
2 again.

3 MR BANGURA: I am not sure how far back I need to go.

4 PRESIDING JUDGE: Just the immediately previous question.

11:30:53 5 MR BANGURA: The immediate past question was they came to
6 protect the people of Koidu, is that not the case, the Kamajors,
7 is that not the case?

8 A. Yes, sir. The Kamajors said they came to protect us in
9 Kono.

11:31:09 10 Q. I think the question after that was whether you knew the
11 rebels by any other name.

12 PRESIDING JUDGE: I am sorry, this is serious. If I can't
13 hear the interpretation we can't proceed. Mr Interpreter, can
14 you speak?

11:31:36 15 THE INTERPRETER: Yes, microphone testing, English channel.

16 PRESIDING JUDGE: I can't hear a thing.

17 THE INTERPRETER: Hello? Microphone testing, English
18 channel. Can you hear me?

19 PRESIDING JUDGE: Okay, please proceed.

11:32:16 20 MR BANGURA: Do I need to --

21 PRESIDING JUDGE: I apologise, Mr Bangura, I think you had
22 better start from the previous question.

23 MR BANGURA: Mr Witness, the question was: did you know any
24 other name for these rebels from whom the Kamajors had come to
11:32:34 25 protect you?

26 A. No, sir, I never knew any other name for them except that I
27 heard the word "rebel".

28 Q. Mr Witness, do you recall April of 1998?

29 A. Yes, sir.

1 Q. At this time were you still in Koidu Town?

2 A. Yes, sir.

3 Q. Do you recall anything that occurred during that month in
4 Koidu Town?

11:33:06 5 A. Yes, sir.

6 Q. What do you recall?

7 A. In the month of April I was fasting by then, I was praying.
8 At about 3 o'clock in the morning I heard sporadic gun firing and
9 I heard shelling. I heard shelling.

11:33:44 10 Q. Mr Witness, how long did this firing go on for?

11 A. The firing went on up to 6.30 in the morning.

12 Q. Now, at 6.30 in the morning the firing stopped, did it?

13 A. Yes, sir.

14 Q. Did anything happen that morning?

11:34:09 15 A. Yes, sir.

16 Q. What happened?

17 A. When the firing stopped I opened my door, I went outside.
18 As I went outside I saw a group of people running. They were
19 coming towards where I stood and they passed. I asked them --

11:34:45 20 NEW SPEAKER: Your Honour, the witness is responding
21 directly to the English question. I don't think he is getting
22 the Krio translation, or maybe he just wants to respond to the
23 English questioning.

24 PRESIDING JUDGE: Witness, shall I explain this to you?

11:34:55 25 You are supposed to listen to the English translation of the
26 question put to you. Sorry, the Krio interpretation and so
27 please wait for -- when the lawyer asks the question, wait until
28 you have heard the interpretation in Krio and then answer. Is
29 that understood?

1 MR BANGURA: Your Honour, can we also be sure that he is
2 actually getting the Krio feed from the interpreter's booth.

3 A. But my lawyer, I am not getting the Krio.

11:35:39

4 PRESIDING JUDGE: Can we now try -- do you now get the Krio
5 interpretation?

6 A. I have still not heard it.

7 JUDGE LUSSICK: Ask another question and perhaps we will
8 see if the witness receives that question in Krio.

9 A. Yes, I have got the Krio now.

11:35:59

10 PRESIDING JUDGE: So this is what I said, Mr Witness: when
11 the lawyer, this lawyer, asks you a question in English please
12 wait until you have heard the interpretation of that question
13 before you answer. Is that clear?

14 A. Yes, sir.

11:36:16

15 PRESIDING JUDGE: Thank you.

16 MR BANGURA: You said you saw many people moving along that
17 morning and you asked them what was happening. What was the
18 response you got?

19 A. Well, they told us that the people have come.

11:36:41

20 Q. Told you that the people had come. Did they tell you which
21 people, what people?

22 A. They only told us that the people have come.

23 Q. What was your reaction to this information that they gave
24 you?

11:37:05

25 A. Straight off I knew they were bad people and I rushed and
26 told my wife to collect all the children, all my children, and
27 join them with the other people who were running away.

28 Q. Did you yourself go anywhere?

29 A. Yes, just as I sent my wife and my children with the first

1 group, I also joined the second group and I went.

2 Q. Can you tell this court where you went to?

3 A. I went to a bush at Tongoro.

4 Q. Tongoro is T-O-N-G-O-R-O, Tongoro bush. How far away was
11:38:05 5 Tongoro bush from where you lived?

6 A. Well, it was far. It was a place that I had never been
7 before so I cannot give a measurement in my mind.

8 Q. Did you get there on the same day that you left your home?

9 A. Yes, sir.

11:38:32 10 Q. You obviously were not alone, you moved along with other
11 people, but did you get anybody with whom you were very close
12 during this journey?

13 A. I was moving with a group except when we reached -- got to
14 the particular place called Tongoro that I had somebody that we
11:38:59 15 all joined the thing together, but on my way I was not close to
16 anybody. It was Aiah Abu.

17 Q. Your Honours, Aiah is spelt A-I-A-H and Abu is A-B-U.
18 How long were you at Tongoro bush?

19 A. Well, we were there for about a week.

11:39:31 20 Q. Did anything happen at Tongoro bush while you were there?

21 A. Yes, sir.

22 Q. What happened?

23 A. We were there and we later saw some armed men who came to
24 arrest us in that particular bush, some gunmen.

11:39:59 25 Q. These gunmen that you saw, how many of them did you see?

26 A. Well, the people who came where we were they were five in
27 number.

28 Q. Could you describe how they were dressed?

29 A. Yes, sir.

1 Q. How were they dressed, please?

2 A. Some had uniforms on, some never had uniforms on, but they
3 had guns on them.

4 Q. Can you tell us what kind of uniforms they were wearing?

11:40:38 5 A. Yes, sir.

6 Q. Please do?

7 A. They had on military fatigues. They had soldier uniform.

8 Q. What kind of military fatigues?

9 A. Some had on soldier uniform of the Israeli military and
11:41:14 10 some had on ordinary trousers and maybe the soldier shorts on and
11 then they had guns, they had guns. At that particular time there
12 are not any writings on the uniform. They were just like the
13 uniforms that the Sierra Leone soldiers use.

14 Q. Let me ask you, while you were at Tongoro bush during this
11:41:39 15 period, did you receive any information about the situation in
16 Koidu?

17 A. Yes.

18 Q. What information did you receive?

19 A. Well, I heard at that time that ECOMOG had taken over Kono.

11:42:05 20 Q. Who were ECOMOG as far as you knew?

21 A. They were -- ECOMOG were Nigerian men. We used to call
22 them Ogah(?) people, Ogah men. They were Nigerians, soldiers.

23 Q. You said you were captured at Tongoro bush by these five
24 men. Were you the only one captured?

11:42:40 25 A. No, sir. When they came, the ones who captured us, the
26 gunmen they were five, but there were many in the bush. We were
27 many. They captured many of us. I was not alone.

28 Q. Can you describe for us the people that were captured,
29 yourselves. What sort of people were you, you and all the others

1 captured at this time?

2 A. We were civilians. All of us who were captured, we were
3 civilians.

4 Q. Were you led anywhere?

11:43:24 5 A. Yes, sir.

6 Q. Where were you led to?

7 A. They took us to a village called Kania.

8 Q. Did anything happen -- your Honours, I am sorry. Kania is
9 K-A-N-I-A. Did anything happen at Kania?

11:43:49 10 A. Yes, sir.

11 Q. What happened there?

12 A. Well, they put all of us in a line and they started
13 counting us so that we will not be missing, and when they counted
14 I heard, you know, the figure from them. They said we were 250.

11:44:18 15 Q. Did you move from Kania at all?

16 A. Yes, sir.

17 Q. Where did you go to from Kania?

18 A. They moved us again to a place called Sunna mosque.

19 Q. Where was Sunna mosque?

11:44:42 20 A. It was in Koidu.

21 Q. Sunna is S-U-N-N-A.

22 PRESIDING JUDGE: The other word was mosque?

23 MR BANGURA: Mosque, as in a place of worship.

24 Before you got to Sunna mosque in Koidu, did anything

11:45:08 25 happen along the way.

26 A. Yes, sir.

27 Q. Please tell the court.

28 A. When we moved from Kania, coming to Sunna mosque, we met
29 three people who were seated down but they had guns. As they saw

1 us they looked at us and they said to Aiah Abu, they said, "We
2 know this man. We have captured him once. He had escaped from
3 us once." The man who said this, he said that, "This man, I am
4 going to kill him", so at the time I caught up with them then we
11:46:02 5 were in the same line. He shot Aiah Abu twice.

6 Q. What happened to Aiah Abu?

7 A. Aiah Abu fell down and he was struggling to die.

8 Q. Mr Witness, you earlier mentioned that those of you who
9 were captured were all civilians, correct?

11:46:34 10 A. Yes, sir.

11 Q. Can you describe for the court the composition of this
12 group? They got you to Kania and they counted, they did a head
13 count and there were 250 of you. Can you help the court with the
14 composition of the group, that number of 250. Were you all male?

11:47:01 15 A. Well, when they captured us children were amongst the
16 group, women were amongst the group. Those of us who were much
17 old men were amongst the group. All of those put together, the
18 women, the men, the adult men and the children, all put together
19 went up to 250 people.

11:47:29 20 Q. Thank you, Mr Witness.

21 Now, you got to Sunna mosque. Did anything happen there?

22 A. Yes.

23 Q. Please tell the court what happened there.

24 A. Where we had now reached when Aiah Abu was shot, we met
11:48:00 25 some people who had on combats and they asked, "Who shot, who
26 fired the gun there?" From that point they attempted to run away
27 and as we went ahead, when they asked us to go ahead, we saw the
28 people who were in front of us having on military fatigue --
29 [overlapping speakers].

1 MR BANGURA: First of all, may I ask that you pace your
2 answers as you speak. What you say is being recorded and
3 interpreted as well.

4 Let me ask for some clarification here. You said that on
11:48:58 5 your way to Sunna mosque Aiah Abu was killed.

6 PRESIDING JUDGE: He didn't say Aiah Abu was killed. He
7 said he was shot and was struggling to die, whatever that means.

8 MR BANGURA: Sorry, yes, Aiah Abu was shot and he was
9 struggling to die and then you moved on.

11:49:22 10 A. Yes, sir.

11 Q. You have just mentioned that you saw people who wore
12 uniform. Where did you see these people that wore uniforms?

13 A. In the first place, Aiah Abu was struggling to die and he
14 finally died so before we went up to Sunna mosque, where they
11:49:49 15 told us to go, it was in front of there that I saw the people
16 with my own naked eyes who wore ECOMOG uniforms and with the
17 badges on the uniforms, and it was from that point that we moved
18 a little.

19 Q. Are we talking of the same place between where Aiah Abu was
11:50:12 20 killed and Sunna mosque?

21 A. Yes, sir.

22 Q. Thank you. These people who were wearing uniforms and who
23 you saw at the Sunna mosque, who you met at the Sunna mosque, can
24 you describe what sort of uniforms they were wearing?

11:50:34 25 A. Yes, sir.

26 Q. Please do.

27 A. The uniforms that they wore were military uniforms and they
28 had an ECOMOG badge by the shoulders and it was clearly
29 indicating they were ECOMOG, so that is the description I can

1 give so far.

2 Q. So as you approached these people did anything happen?

3 A. Yes, sir.

4 Q. What happened?

11:51:13 5 A. They had to welcome us.

6 Q. What did they say?

7 A. They said, "Yes, you are welcome now. Come now, you are
8 welcome now."

9 Q. From the way you speak, Mr Witness, you appear to be
11:51:33 10 imitating a particular style of speaking. Can you tell us what
11 style of manner of speaking were these people trying to welcome
12 you in, in what [microphone not activated]?

13 A. They were trying to tell us that, "You are welcome", but
14 then automatically I took their intonation, the tone of their
11:52:11 15 language, as Nigerians.

16 Q. After they welcomed you did anybody say anything to them?

17 A. Yes, sir.

18 Q. Who said it and what did they say?

19 A. The rest of the crowd --

11:52:44 20 PRESIDING JUDGE: Mr Witness, please go a little more
21 slowly when you are answering so the interpreter is able to
22 follow and the recorders are able to record what you are saying.
23 A little more slowly.

24 MR BANGURA: Continue, please.

11:53:03 25 A. So the whole group that I was with, that is my fellow
26 civilians with whom I was with, all started cheering. They all
27 started cheering, clapping for the soldiers telling them, "Thanks
28 to you, we are thanking you all."

29 Q. Did they say anything more than just saying thank you?

1 A. Yes, they said something else. They said, "Those dogs have
2 come here and burned down our houses", and they were saying, "We
3 say thanks to you all, you have saved our lives." I didn't say
4 anything.

11:54:09 5 Q. Did you do anything at that stage?

6 A. Yes, sir.

7 Q. What did you do?

8 A. At the time they were talking to us, welcoming us. In my
9 own experience I realised that these people were actually not the

11:54:29 10 people they are referring to, so I took out my documents as a
11 reverend and showed it to them and I told them, "I am a pastor."

12 Q. After showing your documents to these people did anybody
13 say anything to you?

14 A. Yes, sir, it was Rambo. He took the document from me.

11:55:01 15 He was looking at the documents and looking at my face, and he
16 asked me a question.

17 Q. What was the question?

18 A. He said, "You are saying that you are a pastor, but let me
19 ask you one question: ECOMOG or junta, which one do you support?"

11:55:33 20 Q. What was your response?

21 A. Because I had already got my suspicion in mind about them
22 and then I said to them, "If actually you are ECOMOG, but then at
23 the time the juntas captured me they didn't do anything bad to me
24 at all", so that was my answer to them.

11:56:00 25 Q. You mentioned that Rambo was the one who spoke to you. Who
26 was this person called Rambo?

27 A. Rambo, I later knew him as the brigade commander, but he
28 was the one that asked me and he was the one that I gave my
29 answer to directly.

1 Q. After this exchange with Rambo, did you go anywhere?

2 A. Yes, sir.

3 Q. Where did you go?

11:56:54

4 A. Well, after I had given my answer to them Rambo now said
5 that they should lead us to a particular secluded place, an
6 Igbaleh.

7 Q. Your Honours, Igbaleh is I-G-B-A-L-E-H. Where was this
8 Igbaleh?

9 A. The Igbaleh was Kamachende Street.

11:57:26

10 Q. Kamachende is K-A-M-A-C-H-E-N-D-E.

11 PRESIDING JUDGE: Counsel, is Igbaleh the name of a place,
12 or a thing?

13 MR BANGURA: It is the name of a place, as I understand it,
14 your Honour. I just spelt Kamachende.

11:57:51

15 How far away was the Igbaleh from Sunna mosque where you
16 were?

17 A. Well, from the Sunna mosque to the Igbaleh was about half a
18 mile.

11:58:24

19 Q. Did you observe anything on the way as you were led to
20 Igbaleh?

21 A. Yes, sir.

22 Q. What did you observe?

11:58:47

23 A. Whilst we were on our way going I saw corpses on the way.
24 I crossed over them. At first I thought it was a joke, but
25 I started counting the corpses.

26 Q. Up to what number did you count, of corpses?

27 A. I counted up to 50, but I later realised that there were
28 more and the circumstance under which we were now I stopped
29 counting.

1 PRESIDING JUDGE: Was that 50, 5-0, or 15?

2 MR BANGURA: He said 50.

3 Please go on.

4 A. When they took us to the Igbaleh Rocky had to say to us
11:59:46 5 that the SBU rebels must separate us, that they should put the
6 children separately, the women separately and the adult men
7 separately.

8 Q. Mr Witness, you just mentioned the name Rocky. Who was
9 this person?

12:00:15 10 A. Rocky also was a commander.

11 Q. Did you know his name at that time, just as you got to
12 Igbaleh?

13 A. No, sir. I never knew his name.

14 Q. You came to learn his name later, is that correct?

12:00:41 15 A. Yes, sir.

16 Q. After Rocky had ordered that you be separated, men, women
17 and children, did anything else happen?

18 A. Yes, sir.

19 Q. What happened?

12:01:04 20 A. That was when he, Rocky, came down and asked, "Where is the
21 pastor now, where is the pastor?"

22 Q. Yes, go on, please.

23 A. He said that expression thrice, but even when he said it
24 thrice I was unable to answer because he had asked for something
12:01:47 25 that was called Bargege. I thought they were going to kill me
26 and when I refused to answer one of his lieutenants called
27 Lieutenant Sylvester Kieh --

28 Q. Can I ask you to slow down a bit. I am hardly able to keep
29 the pace myself. If I may take you back to the point where you

1 said Rocky called out, or asked, three times, "Where is the
2 pastor, where is the pastor?", did you respond to his question?

3 A. Yes, sir.

4 Q. How did you respond?

12:02:56 5 A. [Not translated].

6 Q. You called a name Slyvester Kieh, is that correct?

7 PRESIDING JUDGE: We didn't get a translation of what the
8 witness just said. Please ask the question again.

9 MR BANGURA: You said one of the rebels asked you whether
12:03:16 10 you were not the one being referred to by Rocky, is that not so?

11 A. No, sir. That was not it. When Rocky called me three
12 times and asked, "Where is the pastor now?", three times, I did
13 not answer and it was that time that Sylvester Kieh, one of the
14 rebels, asked me, he said, "Are you not the one who said you are
12:03:46 15 a pastor?" Then I answered yes.

16 Q. Your Honours, Kieh is K-I-E-H. Did anything happen after
17 that?

18 A. Yes, sir.

19 Q. What happened?

12:04:04 20 A. It was at that time that he, the Rocky, told me that
21 I should pray for everybody.

22 Q. Did you mention previously that he had Bargege?

23 A. Yes, sir.

24 Q. Can you explain what that is? Your Honour, Bargege we
12:04:38 25 spell B-A-R-G-E-G-E.

26 A. Well, first and foremost I never knew what that meant
27 because it was a new thing to me, but when he asked them to bring
28 his Bargege.

29 Q. What did they bring him when he asked for his Bargege?

1 A. They brought him a gun that had a stand in the front of it.
2 I describe it a stand that stood two sided, one on -- each on the
3 ground.

4 Q. I am missing, or I didn't hear the interpreter.

12:05:39 5 PRESIDING JUDGE: Mr Interpreter, please keep up with the
6 interpretation. We sometimes don't get the interpretation.

7 THE INTERPRETER: Sorry, your Honours, the witness seems to
8 be running too fast.

9 A. The gun had a long belt that had bullets on it. The boy
12:06:04 10 that brought it wrapped the belt with the bullets all over his
11 body and he passed the gun itself on to Rocky.

12 MR BANGURA: At this point, Mr Witness, did anything
13 happen?

14 A. Yes, sir.

12:06:24 15 Q. What happened?

16 A. That was the time he said that, "Today those of you who
17 were saying thanks to us and you were saying thanks to ECOMOG,
18 now I want to tell you that we are not ECOMOG. We are the junta
19 rebels, we are here. Here belongs to us. Now I am sending all
12:07:03 20 of you to Ti anka(?) but to tell him that we are here and we own
21 here."

22 Q. After he had said this did he say anything else to you?

23 A. Yes, sir.

24 Q. What did he say?

12:07:23 25 A. He called me once again and he said, "Pastor, you come this
26 way", and he was demonstrating with his head telling me to pass
27 towards the right-hand side. He said that twice. The third time
28 the same Sylvester Kieh said again to me, "Are you even the
29 person they are talking to?" From that point I became nervous

1 and I took my steps once and I took the second step. At the time
2 I could make it three times then he fired the gun. I thought he
3 was shooting at me and all the adult men who were around at that
4 time, he shot them all to death.

12:08:41 5 Q. Did anything happen to you yourself?

6 A. I was nervous. I thought when he told me to pass on his
7 right-hand side I was going to be the first person he was going
8 to shoot at.

9 Q. Now, after this did anything happen?

12:09:10 10 A. Yes, sir.

11 Q. What happened?

12 A. After he had killed the civilians, who I referred to as my
13 fellow adult men, he gave an instruction that they should be
14 decapitated.

12:09:45 15 Q. Who gave this instruction and to who?

16 A. It was Rocky who gave the orders to the SBUs.

17 Q. And who were these SBUs that you just mentioned?

18 A. Well, what I used to hear, the ones who were referred to as
19 SBUs, they were small boys below the ages of 16, 15, right down.

12:10:32 20 They were small, small boys and those were the ones I saw them
21 called SBUs, SBUs.

22 Q. Can you describe them? Were they wearing any distinctive
23 outfit, or were they carrying anything?

24 A. Yes, they were in civilian clothing. That was what I saw
12:11:00 25 them wearing. Some had guns. Some could not even lift their
26 guns up except that they drag the guns on the ground. Some were
27 having cutlasses, machetes.

28 Q. On these instructions of Rocky, did the boys do anything,
29 the SBUs do anything?

1 A. Yes, sir.

2 Q. What did they do?

3 A. They decapitated all of those who were shot by Rocky to
4 death.

12:11:41 5 Q. Did anything happen after that?

6 A. Yes, sir.

7 Q. What happened?

8 A. If you see me call him Rocky today that was the time he
9 disclosed his identity to me.

12:12:02 10 Q. What did he tell you about himself?

11 A. He said he was Rocky, but his actual name was Emmanuel
12 Williams. He said he was from Liberia. He said he was a member
13 of the Bassa tribe.

14 Q. Bassa, I believe, is B-A-S-S-A. I stand corrected, Bassa.

12:12:45 15 PRESIDING JUDGE: What is the correction?

16 MR BANGURA: That is the way I know how to spell it, but
17 I am not sure.

18 PRESIDING JUDGE: B-A-S-S-A.

19 MR BANGURA: That is my best effort.

12:13:03 20 After he had introduced himself to you did anything happen?

21 A. Yes, sir.

22 Q. What happened?

23 A. Those small, small SBUs who had decapitated the dead men
24 already, they were the ones who now said that, "This particular
12:13:28 25 man is no extraordinary than the other people who have been
26 killed. We are going to kill you also."

27 Q. Did anything happen after that?

28 A. Right from that point, when Rocky heard that he had to take
29 off his bag and put the ropes on my neck.

1 Q. Did you go anywhere from there?

2 A. Yes, sir.

3 Q. Where did you go?

4 A. They led me back to Sunna mosque.

12:14:16 5 Q. Who led you back to Sunna mosque?

6 A. Himself, Rocky and his own subordinate who was with his --
7 who he had asked that they take me to Sunna mosque.

8 Q. Let me take you back briefly before we leave Igbaleh. At
9 the time that Rocky called for his Bargege and he called you

12:15:00 10 three times, were you asked to perform any duty at that time for
11 the people?

12 A. Yes, I have said it. I told you they asked me to pray.

13 Q. I probably missed that, thank you. So you got to Sunna
14 mosque again. What happened there?

12:15:31 15 A. Yes, my Lord, but before I go to Sunna mosque the things
16 that took place in the Igbaleh is what I want to speak about
17 first because they killed a boy.

18 Q. Thank you, Mr Witness. Can you tell us what else happened
19 at the Igbaleh?

12:15:58 20 A. Well, after the SBU boys had told me that, "You are no
21 better than your colleagues, we are going to kill you also",
22 Rocky had to hang his bag over my neck and then he asked his
23 subordinates to take me along. Before we moved I saw some other
24 SBU boys coming closer to me with another small boy and the boy
12:16:38 25 was crying, screaming, he was screaming. He asked them, "What
26 have I done?" They didn't say anything to him, but the boy was
27 screaming. At first they had to put his right arm on a log.

28 They took a machete and amputated it at the wrist. The boy was
29 screaming and shouting asking them, "What have I done that you

1 are doing this to me?" They took the left arm again and put it
2 on the same log and sliced it off. He was still screaming and
3 shouting. They took the left leg and put it on the same log and
4 cut it off at the ankle. At last they took the right leg again
12:17:56 5 and put it on the same log and cut it off with a machete. Some
6 held him by his hand at that time now and I am speaking about the
7 same SBU boys. They are the same people doing this. Some held
8 his other hand, legs. They were swinging the boy. They threw
9 him over into a toilet pit. I was there, I saw it myself. The
12:18:36 10 boy was screaming and shouting and crying. From that point CO
11 Rocky -- his own subordinates told me that we should go, "Let's
12 go, let's go", and it was from that point that we proceeded to
13 Sunna mosque.

14 Q. Thank you, Mr Witness. At the Sunna mosque did anything
12:19:04 15 happen there?

16 A. Yes, sir.

17 Q. What happened?

18 A. When we got to Sunna mosque I saw Rocky. He saluted Rambo
19 and gave him reports. He said to him, "Sir" -- he said, "I have
12:19:38 20 killed 101 people and they were men, except for this pastor who
21 is standing before you now. I did not kill him."

22 Q. Did Rambo respond at all?

23 A. Yes, sir.

24 Q. What was his response?

12:20:02 25 A. Rambo went angry and he said, "Rocky, I as your commander
26 have given you an instruction to do something and you refuse to
27 accomplish it." He turned over to me and said to me, "You are a
28 pastor, hey? It is this time that I believe God is going to
29 guide you." But Rambo went angry. In the very Sunna mosque

1 there were about 30 commanders. He told them, he said, "Now, as
2 Rocky has refused to carry out my instruction," he said they
3 should all put it into a vote for the pastor." That is myself.

12:21:19 4 Q. You said that there were commanders there and you said
5 there were 30 of them.

6 A. Yes, sir.

7 Q. Who did you know these were commanders and then the number,
8 how did you know the number? Did you know that immediately that
9 you got to Sunna mosque?

12:21:34 10 PRESIDING JUDGE: Please ask one question at a time.
11 Rephrase your question. It was two questions, in two.

12 MR BANGURA: Sorry. How did you know these were
13 commanders?

14 A. Well, I was able to know through Rambo because even as they
12:21:57 15 were seated down Rambo referred to them as, "You who are the
16 commanders." He made mention of that because I never knew them
17 before.

18 Q. Did you know their number at that stage?

19 A. Yes, sir.

12:22:15 20 Q. How did you know?

21 A. He Rambo himself said it and said, "We, the 30 commanders
22 who are here, including myself and Rocky, we total it up to 30,
23 we are going to vote for the pastor", so from that point I knew
24 there were 30 commanders.

12:22:44 25 Q. So what did he say to the commanders?

26 A. He said they should vote. He said he was one that wants me
27 to be killed. Any other person who wants Pastor Teh to be killed
28 they should come and stand on his own side and they should put
29 their fingers up. Those who are not in favour of Pastor Teh

1 being killed they should go on the side of Rocky.

2 Q. Did he say that those who did not want you to be killed
3 should go to Rocky's side? Why Rocky?

4 A. Because he had already given instructions to Rocky for him
12:23:59 5 to kill all of us who were civilians in that group, but since
6 Rocky refused to kill me it means he was not determined and
7 decided not to kill me, so he decided that those who never wanted
8 me to be killed should go to Rocky's side.

9 Q. What was the result of this invitation to vote on your
12:24:30 10 life?

11 A. Well, 14 people came towards his own position and put up
12 their fingers and he himself added to it, totalled it up to 15,
13 and on the side of Rocky 14 also went there, including Rocky,
14 which took it up to 15.

12:24:59 15 Q. 15 who wanted you to be killed and 15 who wanted you to be
16 spared.

17 A. Yes, sir.

18 Q. How was the situation resolved?

19 A. Well, as God could have it, it was like now 30/30.
12:25:27 20 Fortunately he, Rambo himself, saw Sylvester Kieh coming from the
21 other side and he was also a commander because he was also a
22 lieutenant.

23 Q. Sylvester Kieh is the person you mentioned earlier who was
24 at Igbaleh, is that correct?

12:25:49 25 A. Yes, sir.

26 Q. What happened when Sylvester Kieh came?

27 A. When Sylvester came Rambo had to address him. He said,
28 "Now you are here. We who are here, we are divided into two.
29 I and my own group have decided that the pastor should die.

1 Rocky and his own group have decided that the pastor must be
2 spared. Now we are 30/30. Now you are the only person who is
3 going to determine this case. If you decide to join anyone among
4 the two divided areas then we will decide the case that way."

12:26:55 5 Sylvester stood up and looked up at the sky and he had to put up
6 his hand that he wanted to say something. Then Rambo asked him
7 to shut up and he also turned his back against us and when he --
8 as he was speaking he was demonstrating with his arms and he was
9 saying that, "I do not want this man to die", and he was going
12:27:38 10 towards Rocky's part. Automatically the number went up to 16 as
11 against 15.

12 Q. So, Mr Witness, you were spared death, correct?

13 A. Yes, after the votes, because those people who were
14 interested in me not to die were up to 16 and those who wanted me
12:28:07 15 to die were 15, so the 16 people decided that I shouldn't die.

16 Q. What happened after this?

17 A. Yes, sir. From there Rambo said that, "Rocky I am going to
18 hand this man over to you. You are the person who said he
19 shouldn't die. I am going to hand him over to you until I tell
12:28:43 20 Mosquito about him, so you have to keep this man until I inform
21 Mosquito about him", and then he handed me over to him.

22 Q. You just mentioned the name Mosquito, who was this person
23 as far as you knew at that time?

24 A. At that particular moment I never knew the person who was
12:29:14 25 even referred to as Mosquito. That instantaneous moment I never
26 knew he was called Mosquito.

27 Q. You later came to know who this person was?

28 A. Yes, sir.

29 Q. We will come to that. After you had been handed over to

1 Rocky did anything happen?

2 A. Yes, sir.

3 Q. Please tell the court.

4 A. Well, Rocky was at Wondedu. That was his own deployment
12:29:58 5 area. That was what he told me.

6 Q. Your Honour, Wondedu is W-O-N-D-E-D-U. Now, where was this
7 Wondedu? Is it part of Kono District as well?

8 A. Yes, sir.

9 Q. Yes, so go on.

12:30:24 10 A. So Rocky had to take me to his own place called Wondedu.

11 Q. When you got to Wondedu did you observe anything there?

12 A. Yes, sir.

13 Q. Tell the court your observations.

14 A. I met other civilians there and I met other rebels there
12:30:57 15 also.

16 Q. The civilians that you met there, can you describe in what
17 condition they were there?

18 A. Yes, sir.

19 Q. Please go on.

12:31:12 20 A. Well, the civilians I met there at Wondedu were under
21 captivity. They were under captivity. They never did anything

22 on their own. They used them as manpower to do food finding.

23 They sometimes used them to cut palm nuts, palm fruits and

24 sometimes, in the case of the women, they used them as sexual
12:31:54 25 objects, with force.

26 Q. Can you be clearer about what was happening to the women?

27 A. Yes, sir.

28 Q. What exactly was happening to the women that you met at
29 Wondedu?

1 A. Well, the women at night they used to force to have sex
2 with them. Sometimes you hear them scream. Sometimes they said,
3 "Do you think this is the reason why you captured me? You
4 haven't married me, now you want to use me as your wife." Some
12:32:46 5 of these things when they happened, when they used to use those
6 women as sex slaves, these are the things that happened.

7 Q. How did you know that these were the cries from women? How
8 did you know?

9 A. Well, by then when they had brought me newly I was under
12:33:14 10 the same condition, but I used to overhear at night when they
11 were screaming, crying and in the morning I would ask some of
12 them. For example, there was a sister called Rebecca and I asked
13 her, "Why were you crying that much at night, shouting,
14 screaming?" That was the time she told me, she said, "Look,
12:33:46 15 don't mind these people. They think they have their guns just to
16 capture us, bring us, use us, use -- forcefully sex us. They
17 think we are their wives when we are not." That was the time
18 I realised that they were being raped.

19 Q. Mr Witness, you mentioned earlier, just a short while ago,
12:34:10 20 that civilians were not only held against their will but they
21 were also used as manpower. Can you be much more clear on what
22 exactly they were used for, what purposes they were used for as
23 manpower?

24 A. As I said: 1, they would send them on food finding.

12:34:40 25 Q. To find food for?

26 A. The rebels.

27 Q. Did they have any particular name that they would give to
28 the food that was found for these rebels?

29 A. Yes, yes, clearly.

1 Q. What was the name they called the food that was found for
2 rebels?

3 A. They said it was government property.

4 Q. What did that mean in Wondedu at the time?

12:35:32 5 A. You, as a civilian, when they tell you that, "This is
6 government property", you shouldn't go close to that particular
7 thing because they were the government, as they said in their own
8 words, and nobody shouldn't go closer to those properties.

9 Q. Were there any consequences if a civilian touched or used
12:35:57 10 government property?

11 A. Yes, sir, there was punishment.

12 Q. Can you tell the court what would be the consequences if
13 they did it?

14 A. They will shoot you to death.

12:36:18 15 Q. Can you say how far civilians had to go on food finding
16 missions?

17 A. Yes, sir.

18 Q. How far?

19 A. They used to go as far as Koronko area. Sometimes they
12:36:45 20 went up to 50 miles, or approximately 50 miles, sometimes even
21 beyond that.

22 Q. Koronko is K-O-R-O-N-K-O. Would that be within Kono
23 District?

24 A. No, sir. It is out of Kono District.

12:37:12 25 Q. Now, Mr Witness, I shall come back to food finding, but
26 apart from the fact that the civilians were held captive and
27 there were incidents of rape as you described, were there any
28 other things that you observed going on at Wondedu while you were
29 there?

1 A. Yes, sir.

2 Q. Please tell the court.

3 A. I was the only successful one that they never did that to,
4 but when they captured somebody they would take a razor blade, or
12:37:58 5 any other sharp object, a knife, or the zinc, and they would
6 write on your chest "RUF" and they would turn you and they will
7 carve on your back "AFRC". Those things I saw.

8 Q. Do you know why they did this to people that they captured?

9 A. Yes, that I knew because I had asked them. Because I am a
12:38:31 10 pastor I used to pray with them. I used to ask them and they
11 used to tell me.

12 Q. What did they tell you?

13 A. They said the people shouldn't escape and go to ECOMOG. In
14 fact they shouldn't escape and go, so with that carving if you go
12:38:53 15 to the side of the ECOMOG they will kill you, so you never had
16 anywhere else to go. So that was the answer they gave me.

17 Q. Major Rocky, or Rocky, that you went to at Wondedu, was he
18 there for long?

19 A. No, sir.

12:39:13 20 Q. How long was he there with you?

21 A. We were there for about a week. They had to transfer him.
22 He was transferred to Tombodu Town, Kamachende.

23 Q. We already have the spelling for Tombodu, your Honours.

24 Did anybody take his place, succeed him as a commander for
12:39:52 25 Wondedu?

26 A. Yes, sir.

27 Q. Which person?

28 A. It was Captain KS Banya.

29 Q. Your Honours, Banya is B-A-N-Y-A. Did you observe anything

1 else in Wonedu under the leadership of Captain Banyya?

2 A. Yes, sir.

3 Q. Please tell the court.

4 A. Well, it was at one time that he sent civilians on a food
12:40:46 5 finding mission and so they were there for some time and on their
6 way coming back -- in fact the day they were supposed to come
7 back I was seated at the back of the house when I heard him,
8 Captain Banyya, say, "When those men come from food finding
9 mission they should reach here. Tomorrow again we have to send
12:41:37 10 them to go on meat finding mission." That was in Guinea.

11 I overheard that, so in the evening my colleagues who had come
12 from the food finding mission, when they arrived they took all
13 the food to him, the commander, who was Captain Banyya. He didn't
14 give anything to them, so they came back to the house where
12:42:22 15 I was.

16 At night I had to call them. I said to them, "Do you know
17 what you are going to do? At the time that the cock crows very
18 early in the morning, at the time the Muslims go to the mosque,
19 you should go to the bush. You should go find a nice hiding
12:43:01 20 place and have a good rest because I feel sorry for you now
21 because I can see you have swollen legs now and swollen feet."
22 So I said to them that, "In the morning if they ask me I will
23 just say to them that when I woke up this morning I didn't see
24 you." Indeed, they agreed with what I said to them.

12:43:35 25 Q. So in the morning what happened?

26 A. So when I woke up in the morning Captain Banyya called me
27 and asked me, after they are gone for the period and after we had
28 done the prayers, and he asked, "Where are those men?" That is
29 he was now asking for the civilians. My answer was, "Myself,

1 I don't know. When I woke up this morning I didn't see them.
2 Maybe they are tired." I said, "Maybe some people want to have a
3 rest. Maybe they are resting. I didn't see them this morning."

4 Q. Did anything happen after that?

12:44:33 5 A. Yes, sir.

6 Q. Please tell the court.

7 A. Around 4 o'clock in the evening two of the men came out of
8 the bush and when they came Banya saw them. He called them. He
9 asked them, "Where have you guys been? Where have you gone to
10 this morning that you didn't say goodbye?" I was still sitting
11 behind the same house where I was when I overheard the first news
12 that I gave to them. They said to him that it was Pastor Teh,
13 "When we came last night it was Pastor Teh who told us that we
14 will have to be sent on meat finding mission again so he asked us
15 that we should go and hide somewhere and get some good rest."

12:45:46 16 Then Captain Banya sent somebody to call me. When I arrived he
17 asked me to stand outside and he was standing in the corridor at
18 the house where he was.

19 Q. And what happened?

12:46:16 20 A. He did not stay long, when the other civilians also came to
21 town and so he asked them the same question and it was the same
22 reply that they gave to him. The position where I found myself
23 at that point I wouldn't deny it and I wouldn't say yes to it.
24 That was the time he dipped his hand into his pocket and took out
12:47:00 25 his 12 rounds pistol and he pointed it at me. He said to me,
26 "Today you are going to die and nobody will be allowed to bury
27 you. You, as a pastor -- if you, as a pastor, if you rot, the
28 more we will get the bad smell of you, the more we will be
29 talking about you." Then the brigade adjutant, who was called

1 Alpha Momoh --

2 Q. Your Honours, Momoh is M-O-M-O-H. Alpha is A-L-P-H-A.

3 Continue please?

4 A. So that was the time that Banya pointed the gun against
12:48:08 5 somebody and he shouted, "Don't shoot", and indeed he did not
6 shoot. He still held the gun pointed at that person, but then he
7 was putting the gun down slowly, gradually, until the gun went in
8 between the two legs and then he shot right at the ground and the
9 earth moved up and then some even entered my eyes, went into my

12:48:49 10 eyes. From that point I stood there still. He told Captain
11 Banya that Rambo said to him that they should take me to Mosquito
12 because he wanted to see me.

13 Q. Let us get it a little clear. Alpha Momoh came who is --
14 did you say the adjutant?

12:49:23 15 A. Yes, sir, he was the brigade adjutant.

16 Q. He gave a message to Captain Banya. The purpose of that
17 message was that -- can you just say again what exactly was the
18 message?

19 A. He said Rambo told him that they should take me to Superman
12:49:56 20 Ground, from there to Buedu. At that time they referred to the
21 place as Burkina.

22 Q. Superman Ground is super as in the normal word "super" and
23 "man". Buedu is B-U-E-D-U. You said the other name --

24 A. That particular place was again referred to as Burkina.

12:50:35 25 It was Buedu that was referred to as Burkina.

26 Q. Spelt -- it is just the same as the way you spell the name
27 of the country Burkina Faso, Burkina.

28 So the message was for you to be taken to Superman Ground
29 from where you would be taken to Buedu, which is also called

1 Burkina, correct?

2 A. Yes, sir.

3 Q. At this point did anything happen?

4 A. Yes, sir. At that time that was the time that Alpha Momoh,
12:51:20 5 who was the brigade adjutant, went. I still stood there, that
6 same position, and then Banya said that, "You are a very lucky
7 man that I have been told not to kill you, but I will give you
8 something, I will do something to you that will remain with you
9 everlasting." He again took out the same 12 rounds pistol. He
12:52:00 10 took a flat stick which was like the shape of a ruler. He placed
11 it into my mouth. He placed the flat stick into my mouth. As
12 I am speaking now let everybody see it. It was with the barrel
13 of the pistol that he knocked off all my teeth. You can all see
14 it.

12:52:35 15 Q. The witness is showing the court the effect of what -- but
16 I think it is one step beyond what he has to say.

17 PRESIDING JUDGE: Let the record reflect that the witness
18 opened his mouth and showed some missing teeth on the lower jaw
19 and on the upper jaw.

12:52:57 20 MR BANGURA: Mr Witness, what did you take out of your
21 mouth just before you opened it to show the court?

22 A. This is false teeth, a plastic denture. This was prepared
23 for me by doctors.

24 Q. How did you come by this situation, this condition that you
12:53:24 25 have right now in your mouth? Please take your time to explain
26 it carefully.

27 A. Since then -- as I said, he took the flat stick, placed it
28 in my mouth, he held my lips, he raised it up and he knocked off.

29 Q. What was he using, Mr Witness, to knock your teeth?

1 A. He used the butt of the 12 round pistol he was having.

2 Q. As a result, what happened to you?

3 A. The teeth, all of the teeth fell into my mouth and I was
4 seriously bleeding, blood all over my mouth.

12:54:37 5 Q. Did you immediately get some attention?

6 A. No, sir.

7 Q. And the condition of your mouth as you have just shown it
8 to the court is what you suffered after this incident?

9 A. My head was swollen and from that time even my teeth -- if
12:55:15 10 I take a toothbrush now and put it into mouth to clean it then
11 all the teeth will go one-sided because they are not strong in my
12 mouth again. They are just there.

13 Q. How did you get that fitted denture that you are wearing
14 now?

12:55:34 15 A. In the year 2002 my elder brother came from Freetown and
16 when he saw me he cried. He took me straight to the hospital,
17 but by then he never had enough money so he could only afford the
18 cost of the three which -- and each cost 60,000 Leones. When
19 I remove it from my mouth, when you hear my voice you will
12:56:16 20 realise that my voice is quite different from when the denture is
21 in my mouth because my voice is not as clear. You see, as I am
22 talking now if I put it in my mouth you see it will roll out and
23 then fall down into my mouth, so that was the problem I had from
24 Captain Banya.

12:56:34 25 PRESIDING JUDGE: Mr Bangura, we are approaching the lunch
26 break. Find an appropriate time within the testimony when we can
27 adjourn.

28 MR BANGURA: I am cognisant of the time, your Honour, and I
29 think this is an appropriate time to have a break.

1 PRESIDING JUDGE: Thank you. We will now adjourn and have
2 our usual lunch break from 1.00 to 2.30.

3 Mr Witness, we are going to have a break but I would urge
4 you not to discuss your testimony with anyone during the lunch
12:57:05 5 break until such time as you have actually finished your
6 testimony. Is that understood?

7 A. Yes, sir.

8 PRESIDING JUDGE: Then we will adjourn the proceedings
9 until 2.30. Just a moment.

12:57:22 10 MR GRIFFITHS: Your Honour, I wonder if I could raise an
11 administrative matter with the court. We need not detain the
12 witness because it in no way affects, or concerns, his testimony.
13 It is a purely administrative matter.

14 PRESIDING JUDGE: What is the administrative matter?

12:57:42 15 MR GRIFFITHS: It is in relation to the sitting times of
16 this court, your Honour.

17 PRESIDING JUDGE: We thought that you would raise this
18 matter in the morning before the proceedings took off.

19 MR GRIFFITHS: I was waiting for a convenient moment to
12:57:52 20 raise it, your Honour, and I thought given the hour, we have five
21 minutes to the scheduled 1 o'clock start, it might be an
22 appropriate time. It will only take a matter of minutes.

23 PRESIDING JUDGE: What is the issue?

24 MR GRIFFITHS: The issue is merely this, your Honour, that
12:58:08 25 at present the court is scheduled to commence at 9 o'clock.
26 However, when we break at 1 o'clock the court adjourns for an
27 hour and a half as a luncheon adjournment. We are, as with all
28 parties to these proceedings, concerned to proceed as
29 expeditiously as possible and we are not requesting that the

1 sitting hours be reduced in any way, rather we are suggesting
2 that perhaps it might be more appropriate for us to commence in
3 the mornings at 9.30, conclude for the luncheon break at 1.00 and
4 return at 2.00.

12:58:51 5 The reason for that request, your Honour, is simply this:
6 my client, the former President of Liberia, has to get up at an
7 ungodly hour in order to get here to be transported from
8 Scheveningen to this court facility to be here in time to
9 commence at 9.00. Obviously, over the course of what inevitably
12:59:16 10 will be a extremely lengthy trial, that will no doubt have a
11 great strain upon his physical ability to concentrate during the
12 course of what must be for him an extremely long day.

13 But it is not limited to that, your Honour. We also could
14 use the time in the morning to discuss various matters with the
12:59:44 15 defendant in the hope that, as a consequence, we can save time
16 during the rest of the day because, as your Honours will
17 appreciate, it is inevitable in a trial of this kind that issues
18 may arise during the course of the proceedings which require the
19 taking of instructions from Mr Taylor. It may be that an
13:00:07 20 appropriate time for that matter to be dealt with would be first
21 thing in the morning, so we say that for a number of reasons it
22 may be appropriate to re-adjust the sitting hours in the way that
23 we suggest.

24 PRESIDING JUDGE: Will that be all?

13:00:28 25 MR GRIFFITHS: That is all, your Honour, yes.

26 PRESIDING JUDGE: What is the view of the prosecution in
27 this regard?

28 MS HOLLIS: Your Honour, we note that the proposal would
29 not reduce the amount of time that we are in court each day and

1 for that reason we do not oppose the proposal.

2 PRESIDING JUDGE: I would though like to hear from,
3 perhaps, our court management section, any views that might
4 affect the decision that we make because, as you know, the
13:00:57 5 current sitting times were more or less dictated to us by
6 circumstances within the ICC building and by the ICC
7 administration.

8 MS MUZIGO-MORRISON: Thank you, your Honour. We have been
9 informed by the technicians that we cannot sit between 2.00 and
13:01:19 10 2.30 for technical reasons, 2.00 to 4.30.

11 PRESIDING JUDGE: What are those technical reasons? Why
12 can't we sit -- which means it would result in a cutting of the
13 time, a reduction of the time, because the tapes run for only two
14 hours.

13:01:45 15 MS IRURA: We are further informed by the AV booth, your
16 Honour, that the tapes are just two hours.

17 PRESIDING JUDGE: Mr Griffiths?

18 MR GRIFFITHS: In light of that rather unhelpful
19 information that we have just received, your Honour, I wonder if
13:02:29 20 it might be sensible then to consider this as a possible
21 alternative: commencing at 9.30 as suggested, having the normal
22 break in the morning and then sitting through until 1.30 and then
23 we could have the luncheon adjournment from 1.30 to 2.30 which
24 would overcome the difficulty suggested by the technicians.

13:02:53 25 PRESIDING JUDGE: So in other words we start at 9.30, break
26 off at 11.00 until 11.30, recommence at 11.30 until 1.30, which
27 is two hours and then start at what, at 2.30?

28 MR GRIFFITHS: At 2.30.

29 PRESIDING JUDGE: So a one hour lunch break and then end at

1 4.30. That would be a two hour session in the afternoon. Does
2 court management have any issues or problems with that
3 arrangement?

13:03:40

4 MS MUZIGO-MORRISON: Your Honour, that wouldn't be a
5 problem but we are reminded that the cafeteria closes quite early
6 so we will have to improvise for lunch, but technically it is
7 possible. Thank you.

13:04:07

8 PRESIDING JUDGE: Let us allow ourselves this lunch break
9 to mull over this request and after the lunch break we will come
10 back with a concrete decision on any new court sitting hours that
11 may or may not be possible.

12 Mr Griffiths, I am just wondering what the impact of the
13 new proposed time would be on the luncheon arrangements for
14 Mr Taylor.

13:04:31

15 MR GRIFFITHS: What I will do, your Honour, is I will make
16 enquiries regarding that. As far as I am aware, it should create
17 no difficulties because it is a matter which is under discussion
18 as we speak, but as far as yesterday was concerned, and the
19 arrangements made for him then, I anticipate there shouldn't be
20 any difficulties if these new arrangements are put in place.

13:04:50

21 PRESIDING JUDGE: Could I suggest that you pass this
22 information over to the Chamber's senior legal officer some time
23 in the course of the lunch break so that by the time we return at
24 2.30 the judges are able to take a decision on this.

13:05:12

25 MR GRIFFITHS: Your Honour, given the various technical and
26 other logistical difficulties which have been raised during the
27 course of this application and given further that it is a matter
28 which maybe doesn't require an immediate decision that perhaps we
29 could allow ourselves some time and perhaps wait until next week

1 even to see if, with the assistance of further information, the
2 suggestions that we are making are indeed workable within the
3 constraints of this building.

4 PRESIDING JUDGE: I think that is a fairly good suggestion.
13:05:46 5 Then we will revisit this issue probably on Monday morning, next
6 Monday morning. So court adjourns until 2.30 this afternoon.

7 [Lunch break taken at 1.05 p.m.]

8 [Upon resuming at 2.30 p.m.]

9 PRESIDING JUDGE: Good afternoon. We will continue with
14:28:59 10 the testimony of witness TF-015. Mr Witness, I wish to remind
11 you that you are still under oath. Is that understood?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Thank you.

14 MR BANGURA: Your Honours, before we move on may I ask the
14:29:34 15 Court for the record to note the composition of the prosecution
16 team this afternoon. Myself, Mohamed Bangura, Brenda Hollis and
17 Alain Werner.

18 PRESIDING JUDGE: So noted.

19 MR BANGURA: Maja Dimitrova is the Case Manager.

14:29:56 20 PRESIDING JUDGE: Thank you, so noted.

21 MR BANGURA:

22 Q. Mr Witness, I would like us to go back and mop up on a few
23 issues before we continue with events at Wonedu, okay?

24 A. Yes, sir.

14:30:14 25 Q. Now you recall telling this Court that on the way from
26 Sunna mosque to Igbaleh you saw corpses and you counted as many
27 as 50 corpses, is that correct?

28 A. Yes, sir.

29 Q. Are you able to tell the Court the composition in terms of

1 gender of these corpses that you saw?

2 A. I can't recall that because the circumstance under which
3 I was, so really I can't recall that.

4 Q. How about their ages? You don't have to tell exact ages
14:31:09 5 but could you say what ages were they, young, old, children?

6 A. Like the ones I saw at the time we were captured they were
7 women, they were young ladies. I cannot tell their ages but in
8 the event of the children they were small small children. Some
9 were even babies. Some had not even started gripping yet.

14:31:50 10 Q. I hope we are clear about the people we are talking - the
11 case we are dealing with here. These are the corpses that you
12 saw on the way to Sunna mosque - on the way to Igbaleh,
13 I'm sorry?

14 A. Yes, I saw many people. I saw men, I see women, I see
14:32:14 15 children, they were small.

16 Q. You also told us about an incident in which a boy was
17 amputated - his hands and feet were amputated and his torso
18 thrown into a latrine pit, a toilet pit. Do you remember how old
19 this boy was?

14:32:48 20 A. Yes, sir.

21 Q. How old?

22 A. Well, I can't say that I know exactly, but I am also a
23 father and I know what age a child is so I can take it like for
24 16 years.

14:33:04 25 Q. Thank you. I will take you a little further. You
26 mentioned talking about Wonedu, that this was Rocky's place.
27 After the vote on your life you were handed over to Rocky to take
28 care of you and you said that he took you to Wonedu. You said
29 that was Rocky's place. What did you mean?

1 A. Rocky, that was his deployment area. That was Wonedu. He
2 sometimes goes out, he does some job and then he will come back
3 and pass the night there. That was what I meant. That was what
4 I meant by his deployment area which was Wonedu.

14:34:04 5 Q. Thank you. Mr Witness, you mentioned that civilians were
6 sent on food finding as far away as Koranko which is outside Kono
7 District, correct?

8 A. Yes, sir.

9 Q. Which district was Koranko, if you remember?

14:34:32 10 A. That was Koinadugu District.

11 Q. Koinadugu is K-O-I-N-A-D-U-G-U. One more, you mentioned the
12 names - you have mentioned the names of a number of commanders.

13 In fact you said that at Sunna mosque when you came back from
14 Igbaleh apart from Rambo there were 30 commanders there. Are you

14:35:17 15 able to name some of those commanders and maybe after that you
16 tell us which groups they belonged to?

17 A. Yes, sir.

18 Q. First of all let us have the names. Or if you can tell us
19 names and which group they belonged to that will be fine?

14:35:40 20 A. Yes, I can do that.

21 Q. Please?

22 A. Rambo, RUF.

23 Q. Yes, next?

24 A. You had Morris Kallon.

14:36:05 25 Q. What was he?

26 A. RUF.

27 Q. Continue, please?

28 A. They had Ranger.

29 Q. Go on?

1 A. RUF.
2 Q. Please continue.
3 A. Staff Al haji Bayoh.
4 Q. What group?
14:36:38 5 A. AF RC.
6 Q. Continue?
7 A. Kai londo.
8 Q. Yes?
9 A. RUF.
14:36:55 10 PRESIDING JUDGE: Counsel is that one word or two names?
11 MR BANGURA: It is one name, your Honour. It is
12 K-A-I-L-O-N-D-O. It's all one name. Just in case, Mr Bayoh is
13 B-A-Y-O-H.
14 Q. Continue, please?
14:37:18 15 A. Amara Peleto.
16 Q. Amara is A-M-A-R-A, Peleto is P-E-L-E-T-O. What was he?
17 A. RUF.
18 Q. Go on?
19 A. Amara Ambush Commander.
14:37:45 20 Q. What was he?
21 A. RUF.
22 Q. Continue?
23 A. Alpha Momoh.
24 Q. Yes?
14:38:02 25 A. RUF.
26 Q. Go on?
27 A. For now I think I can stop here.
28 Q. If I may remind you, you did mention Rocky. Can I ask you
29 what group he belonged to?

1 A. Rocky, that I can say he was RUF.

2 Q. You also mentioned Sylvester Kieh, the person who last
3 voted on your fate, commander who last voted on your fate. What
4 group did he belong to?

14:38:51 5 A. Sylvester Kieh, RUF.

6 Q. Any more that you still remember?

7 A. I don't know if I have made mention of Morris Kallon. If
8 ever so then I will stop there.

9 Q. Mr Witness, we were at Wondedu before we broke for lunch.
14:39:25 10 Now just before we move from that location do you remember
11 anything else happening in Wondedu while you were there?

12 A. Yes, sir.

13 Q. What do you recall?

14 A. I had said that they used to mark civilians with sharp
14:40:00 15 items like razors, zinc that is normally used to roof the house.
16 They used to carve RUF on somebody's chest and on the back AFRC.
17 That was what they used to carve on people's bodies.

18 Q. Apart from that, or in addition to that do you remember
19 anything --

14:40:21 20 PRESIDING JUDGE: Counsel, I am not sure who "they" refers
21 to?

22 MR BANGURA:

23 Q. Mr Witness, who do you refer to when you say they were
24 marking the letters RUF and AFRC on the bodies of civilians? Who
14:40:36 25 were they who were doing this?

26 A. It was the rebels who were carving on the civilians'
27 bodies, on their chests RUF and at the back AFRC. That was the
28 marks the rebels carved on the civilians' bodies.

29 Q. My next question is do you remember anything else that the

1 rebels did in Wondedu in addition to what you have told us? You
2 have told us about rapes, you have told us about --

3 A. Yes, sir.

4 Q. Go on, please?

14:41:24 5 A. At times when - because when I was there as a pastor
6 captain KS Banyia will call the SBUs and say to them, "You go and
7 light candles".

8 Q. When he gave the order to go and light candles what did he
9 mean?

14:41:51 10 A. At first I never knew what that meant, but later when I saw
11 the first action implemented I later knew that it meant for them
12 to go and burn down houses.

13 Q. Did you yourself witness this occurrence at all?

14 A. Yes, sir, I saw it.

14:42:24 15 Q. Where did you see this happen?

16 A. It was in Wondedu village.

17 Q. How did it happen? Can you describe what you saw?

18 A. Yes, sir. When he ordered the SBUs and what Captain Banyia
19 ordered the SBUs to go and light candles I used to see some of
14:43:00 20 the boys who would take batch sponges, some would take dry
21 grasses and will take kerosene, I never knew where they got it
22 from, they would wrap those things together, they tied it up with
23 a rope on a stick. They will scratch a lit match and put it on
24 the things that are tied together and then when there was fire on
14:43:36 25 it they will go and put it on the ceiling of the buildings and
26 when there was a lit fire on the houses, that particular house,
27 they will go to another house and put it there again. Some were
28 thatch houses, they will put it on the edge of the thatch house
29 and then you see lit fire everywhere. That is how I saw them

1 burning down houses.

2 Q. How many houses did you observe being torched like this?

3 A. I saw them burn down five houses. They burned them down.

4 Q. Now Captain Banya, I believe you have not told us which

14:44:30 5 group he belonged to. Can you tell us where he belonged to?

6 A. Captain Banya was AFRC.

7 Q. You said earlier that at the time when Captain Banya
8 pointed his pistol at you and was going to - he was telling you
9 that he would kill you Alpha Momoh came with a message from

14:45:15 10 Superman Ground; is that correct?

11 A. Yes, sir.

12 Q. And the message was that you were to be sent to Superman
13 Ground and then later to Buedu to see Mosquito; is that correct?

14 A. Yes, sir.

14:45:34 15 Q. Now where was Superman Ground?

16 A. It was in Kono, but commonly we used to call the area
17 Guinea Highway.

18 Q. What was at Superman Ground?

19 A. Well, that was where Superman resided. That was where

14:46:03 20 Rambo himself resided and that was where most of the top officers
21 and commanders resided. That was their area.

22 Q. Was this a camp?

23 A. Yes, of course, because I was made to understand that where
24 the brigade commander was the brigade headquarter, but it was a

14:46:34 25 camp like place.

26 Q. You mentioned Superman, who was he?

27 A. Well, Superman was RUF.

28 Q. What was he in the RUF?

29 A. I asked about him. They told me he was third in command.

1 Q. Did you then go to Superman Ground as you were ordered to
2 do?

3 A. Yes. I was escorted there. I didn't go there all by
4 myself, but Banya gave me to some of men, some of the subordinate
14:47:28 5 rebels, for them to escort me to Superman Ground.

6 Q. When you got to Superman Ground did you report to anyone?

7 A. Yes, because Banya had told them that when they escort me
8 there they should take me - present me to Colonel Rambo who was
9 the brigade commander and he was the person to whom they took me
14:47:51 10 directly, Colonel Rambo.

11 Q. And did anything happen when you got to see Colonel Rambo?

12 A. Yes, sir.

13 Q. What happened?

14 A. Well, Colonel Rambo had to hand me over to a few rebel
14:48:16 15 soldiers for them to take me to Buedu, which was called Burkina.

16 Q. What did he tell you? Did he say why you were going to
17 Buedu, Burkina?

18 A. He said Mosquito wanted to see me and that they were taking
19 me directly to Mosquito.

14:48:47 20 Q. Did you then go to Mosquito at Burkina?

21 A. Yes, sir.

22 Q. How did you go there?

23 A. We walked. I walked together with the escort, the people
24 who escorted me.

14:49:08 25 Q. How long did that journey last?

26 A. Well, it was not my wish to walk that kind of distance, but
27 when it was a mission with rebels it took us about 72 hours.

28 Q. Do you - from your knowledge of Sierra Leone do you know
29 what district Burkina was, Buedu?

1 A. Yes, sir.

2 Q. Which district was that?

3 A. It is in Kailahun District.

14:49:56 4 Q. When you got to - can you tell us what happened when you
5 got to Burkina after that three day journey?

6 A. Yes, sir.

7 Q. Please go on?

8 A. When we got there they presented me to the commanders.

9 When I was escorted the commanders who took me presented me to
14:50:22 10 Mosquito. At that point Mosquito was seated on a long bench and
11 he said to me, "Gentleman, stand over there." I stood there. He
12 said, "I heard that you are a pastor but from this point I have
13 Muslim imams here who have got promotions, they are now majors
14 and they have gone to the base and they have trained as rebels.

14:51:03 15 Now I want you to join this, my rebel revolution. I will make
16 you major."

17 Q. Did you respond to this offer?

18 A. I bowed down my head. I couldn't say anything.

19 Q. Did anything happen after that?

14:51:38 20 A. Yes, sir.

21 Q. Please continue?

22 A. After I had bowed down my head for some time when I never
23 had wanted to say anything he called on all the commanders who
24 escorted me and he handed me over to them again, to those
14:52:04 25 particular commanders, for them to take me back to where we came
26 from for two weeks and he said after two weeks he will call on me
27 again, he will call again for them to take me back to him.

28 Q. So where were you taken to then?

29 A. From there they took me back to Kono at the place where it

1 is called Superman Ground.

2 Q. How long did you stay in Superman Ground?

3 A. I was there and as the two weeks completed I heard again
4 that he has sent a message that I should prepare myself, we
14:52:58 5 should be leaving for Burkina very soon. They said Mosquito
6 wanted to see me again.

7 Q. Did you go on the journey again?

8 A. Yes, I went because they were only going to escort me.
9 I went. I wouldn't deny that.

14:53:25 10 Q. Can you tell the Court what happened when you got to
11 Burkina on this second occasion?

12 A. Yes, sir.

13 Q. Please go on?

14 A. The second time when they had escorted me to Mosquito those
14:53:50 15 who escorted me, and they were the rebel soldiers, as we were
16 going towards his house where he was residing they were now
17 giving him reports. He had something in his hand like a
18 satellite phone. I think he had a call because it was ringing
19 continuously and he had to put it over his ears. I never heard
14:54:19 20 what was coming out of the phone but I always heard him say,
21 "Yes, okay sir, yes, sir." Then he moved the phone off his ears
22 and he asked the men to take me back and then he said he had to
23 go on a trip to Liberia. He had a call from Liberia. From there
24 they took me back to Superman Ground in Kono.

14:55:01 25 Q. Mr Witness, let me take you back to the night that you
26 arrived at Buedu on the second visit. Did you get any
27 information that night about the whereabouts of Mosquito whom you
28 had gone to see?

29 A. Repeat that again once more.

1 Q. That night that you arrived in Buedu, that second visit,
2 was Mosquito there that night?

3 A. No, we didn't meet him there because I didn't ask. It was
4 the commanders who escorted me that asked. They used the word
14:55:58 5 Bra. They said - one of the commanders said, "No, he is not
6 here. He has travelled to Liberia." It was overnight that he
7 came and the next morning they presented me before him and he
8 again had a call. When he handed me over again to the people who
9 escorted me and told them that he had a call and that when he
14:56:26 10 comes back he will send a message for me to be brought to him
11 again. I was there and he said these words in my presence.

12 Q. Mr Witness, you mentioned just a short while ago that the
13 commanders or the soldiers who were taking care of you referred
14 to him as Bra, referred to Mosquito as Bra?

14:56:52 15 A. At that time, that particular moment, that was how they
16 called him when they were asking for him, because they were
17 speaking to their fellow commander and they asked him, "Where is
18 Bra?"

19 Q. Bra is spelled B-R-A. This is a Krio word, I suppose, is
14:57:15 20 that right?

21 A. Yes, sir.

22 Q. In your understanding what does it mean?

23 A. In my own Krio, my experience of Krio, somebody who is
24 senior to me I always call him Bra. Somebody who is ahead of me.

14:57:36 25 Q. So you were taken back after the second visit. Where were
26 you taken to?

27 A. They took me back to Superman Ground.

28 Q. And how long were you at Superman Ground on this stretch?

29 A. For two weeks again.

1 Q. But Mosquito said you were to go back for two weeks, is
2 that so?

3 A. Yes, sir.

14:58:14

4 Q. Did you spend all of that two weeks before anything else
5 happened?

6 A. Yes, sir because the commander who was Rambo said
7 I shouldn't go far away from him because according to him
8 Mosquito told him he would always need me so he shouldn't move
9 far from him.

14:58:35

10 Q. What happened at the end of that period?

11 A. I saw Rambo and he told me, he say, "Pastor, tomorrow you
12 are going to Buedu. I will give you some men to escort you.
13 Mosquito wants to see you."

14:59:01

14 Q. Now on this occasion were you the only one who went to
15 Buedu with your escorts?

16 A. No, sir.

17 Q. Were there other people travelling with you?

14:59:31

18 A. Yes, there were two groups put together as one because some
19 other civilians on our way going. I saw so many civilians, I saw
20 commanders, but for me I saw myself with commanders who had taken
21 me before, because if he hear me say two groups in one, there
22 were two groups but then put together, but I was also amongst
23 that same group whilst we were going.

14:59:59

24 Q. Where did these civilians and commanders come from that
25 formed your group?

26 A. Well, it was from Kono, this Superman Ground.

27 Q. So you were all coming from the same location going to
28 Burkina; is that correct?

29 A. Yes, sir.

1 Q. Can you tell this Court what happened when you got to
2 Burkina again on this occasion?

3 A. Yes, sir.

4 Q. Please go on?

15:00:40 5 A. At that time we met Mosquito. He said I should stand
6 before him. He had so many bodyguards together with some other
7 commanders and he said to me, "Gentleman, you said you are a
8 pastor and they have told me you are a pastor. The question
9 I asked you last, if you don't give me the answer today I will
15:01:18 10 kill you and nobody will bury you. The more you are there when
11 you rot the more will be blessed with the glory of God." So
12 I bowed down my head.

13 Q. Continue, please?

14 A. I bowed down my head and I took my head up again. I said,
15:02:01 15 "It is not the case that I don't want to join your rebel group,
16 but the idea is the position given to me is too small for me as a
17 man of God." He asked me, "What position do you want?" And then
18 I bowed down my head again. I told him I want him to make me
19 field marshal. He burst laughing. The whole group around him
15:02:46 20 burst laughing. They were all laughing in the whole area. Then
21 he moved from the bench where he was seated and came to the
22 ground, himself Mosquito. Later he was up again and he sat back
23 to his bench and he said, "No" and all the commanders answered
24 "Boots shaking" and everybody went into silence.

15:03:31 25 Q. What happened after that?

26 A. And then he turned around and told all of his commanders
27 that this man indeed we should free him. "You are saying that
28 I should make you field marshal when I am not yet a five star
29 general - a one star general, sorry. My boss Ghankay Taylor is

1 not yet a five star general. How can I make you field marshal?"
2 He said to them, "Please, leave that man. He doesn't even know
3 what he is talking about."

4 Q. After this exchange with Mosquito did anything happen?

15:04:35 5 A. Yes, sir.

6 Q. Please tell the Court?

7 A. From that point they took me and the other civilians and
8 they said we should go to Dawa. It was seven miles away from
9 Buedu which is called Burkina. They said we should go for arms
10 and ammunition.

15:05:10

11 Q. D-A-W-A. Mr Witness, before we get onto Dawa I want you to
12 give us a idea of what the atmosphere was at Buedu, Burkina, at
13 this time when you got there. You have said that you went with a
14 group of civilians who came from Superman Ground as well as
15 commanders. Did you meet any people in Buedu apart from Mosquito
16 whom you went to see?

15:05:37

17 A. Yes, sir.

18 Q. Can you describe the people that you met there?

19 A. Yeah, I met some other civilians who were taken from all
20 different areas.

15:06:06

21 Q. Do you know why they were there?

22 A. Yes.

23 Q. Why were they there?

24 A. Because they told all of us that we should go to Dawa for
25 arms and ammunition. For that reason I knew that that was why
26 they were there.

15:06:25

27 Q. And the civilians who came from Superman Ground, could you
28 say why they also came to Buedu on this occasion?

29 A. Yes.

1 Q. Why were they in Buedu, why were they brought to Buedu?

2 A. It was because of the same arms and ammunition.

3 Q. You say that you, along with many civilians, were ordered
4 to go to Dawa to go and collect arms and ammunition.

15:07:10 5 Approximately can you tell this Court how many civilians were in
6 that group that went to Dawa?

7 A. I cannot be too certain, but in my experience I think it
8 was more than 150.

9 Q. Can you tell this Court what happened when you got to Dawa?

15:07:35 10 A. Yes, sir.

11 Q. Please go on?

12 A. When we got - I never knew that place before, but they told
13 me it was a marketing place in our local parlance Krio we call it
14 a looma, that is where people meet to sell the different items,

15:08:01 15 but the place was clear and the next thing I saw was the
16 helicopter in that very Dawa.

17 Q. Your Honours, looma is L-O-O-M-A. Yes, you said what you
18 noticed was a helicopter?

19 A. Yes, sir.

15:08:20 20 Q. What did you notice about this helicopter?

21 A. It had already landed on the ground, but the only thing,
22 the propeller was still turning.

23 Q. What else did you observe about it?

24 A. They opened the rear, the rear of the helicopter, and they
15:08:57 25 started unloading it. I saw boxes unloaded from it and some were
26 metal boxes. They started pulling them out of it. I stood and
27 watched the helicopter. I saw it is Liberia, ALA. I said it in
28 my mind that this is Liberia ECOMOG.

29 Q. Mr Witness, can you go over that again? What did you see

1 on the helicopter, marked on the helicopter?

2 A. There was writing on it "Liberia". I can't recall
3 everything because I was under pressure at that time. I can't
4 recall everything that was on it, but I saw the helicopter
15:09:56 5 definitely with my naked eyes I saw.

6 Q. What of the writing on it do you recall? Let us get that
7 clearly please.

8 A. "Liberia Airways", something like that.

9 Q. You say boxes were unloaded from the rear of the
15:10:30 10 helicopter. Who unloaded these boxes?

11 A. It was the commanders that we went with. They unloaded the
12 particular helicopter, taking out the loads. I was standing
13 right by their side and we were in fact in line, we were queued
14 up.

15:10:53 15 Q. Those of you who went to Dawa, did you meet any persons
16 there, any people there by the helicopter?

17 A. Yes, I saw the pilot, I saw a pilot and the pilot actually
18 was a white man. I can say I saw a white coloured person, but
19 I don't know actually if he was a white man, but it was a white
15:11:24 20 coloured person, because I didn't speak with him.

21 Q. Now you said as the boxes were offloaded the civilians
22 stood in a line. What happened next?

23 A. We were queued up. When they completed the unloading, when
24 as you approach you just take a box, or you take two, depending
15:11:55 25 on your volume, that is how they gave you load to put to go
26 directly to Buedu and meet Mosquito. That was how they were
27 loaded and given to us.

28 Q. So all of you civilians carried loads?

29 A. Yes, sir, everyone of us who was a civilian, we carried

1 those boxes.

2 Q. Can you tell this Court what happened when you got back to
3 Buedu?

4 A. Yes, sir.

15:12:37 5 Q. Please go on.

6 A. When we went to Buedu we went directly to Mosquito's
7 residence. We put the things down and it was from that time that
8 I knew that they were ammunitions. I saw something very long.
9 When the Mosquito himself came closer he said this is a chaser.

15:13:08 10 He said this is the thing that we use to bring down the jets.

11 Q. Can you go a little slower when you speak. I am finding it
12 difficult to catch pace with you as well. Can you go over what
13 you have just described?

14 A. Yes, sir.

15:13:35 15 Q. Please go on?

16 A. When we got to Dawa and we collected the arms and
17 ammunitions and came back we brought them to Mosquito's house, we
18 had to put all the loads down at his residence. He watched them
19 all and it was at that time there was something, a long item, but
15:14:11 20 it had already something at the mouth and he said to us that this
21 is a chaser. He said, "This is the thing we normally use to
22 bring down a jet." In some areas where he made mention of where
23 there were two pistols, from there he said we should take them to
24 the war house and that was in the same Buedu. And then we took
15:14:50 25 all the ammunitions to the war house.

26 Q. Can you tell this Court what happened to the arms and
27 ammunition that you took to the war house after that?

28 A. Yes, sir.

29 Q. Please go on.

1 A. When we took the things to the war house it was from there
2 that they started sharing them. Those of us who came from
3 Superman Ground, they gave us our own share. Those who came from
4 other areas, they gave them all their own shares. That was how
15:15:35 5 they shared everything. So everybody took theirs.

6 Q. Who are they? Who was giving out these arms and
7 ammunition? You said they gave you your own share, those of you
8 who came from Superman Ground and the others who came from other
9 areas?

15:15:58 10 A. I mean the rebels. The rebels, Mosquito and his
11 commanders, they shared all the things, the arms and ammunition,
12 to all areas. From there our own commander - our own commanders,
13 they asked us to carry the loads on our heads.

14 Q. Can you remember who collected the supplies for Superman
15:16:28 15 Ground at that time?

16 JUDGE DOHERTY: Mr Witness, could you face us, please? You
17 have almost turned round completely. You are speaking to the
18 judges. Thank you.

19 THE WITNESS: Thank you.

15:16:49 20 MR BANGURA:

21 Q. My question again, Mr Witness, do you remember who
22 collected the supplies for Superman Ground where you came from?

23 A. Yes, sir.

24 Q. It was?

15:17:05 25 A. It was Issa Hassan Sesay.

26 Q. Who was Issa Hassan Sesay as far as you knew?

27 A. I knew him to be second in command to Mosquito.

28 Q. What did he do with the supplies that were given to the
29 Superman Ground group?

1 A. I didn't get it clear. Ask again.

2 Q. After receiving the supplies what did he do with them?

3 A. He gave us the loads, we the civilians, and some commanders
4 for us to carry them on our heads while he used the road to go to
15:18:02 5 the Superman Ground.

6 Q. And did you get to Superman Ground with the arms and
7 ammunition?

8 A. Yes, sir.

9 Q. And did anything happen at Superman Ground after you got
15:18:22 10 there?

11 A. Yes, sir.

12 Q. Please let the Court know?

13 A. So when Issa had reached he presented - and he was Issa
14 Hassan Sesay, what I heard and what I saw with my naked eyes, he
15:18:45 15 said he is the second in command and he was the BFC. That was
16 battlefield commander.

17 Q. Where did he say this? Where were you when he said these
18 words?

19 A. Well, they had a forum and I am a pastor, so they called me
15:19:19 20 and asked me to pray for them so I was there with them.

21 Q. When you say a forum, what do you mean?

22 A. That is a meeting. It is a meeting because he called all
23 the commanders to meet together in a place and discuss on issues.

24 Q. Apart from talking about himself was anything else
15:19:45 25 discussed at this meeting?

26 A. Yes, sir.

27 Q. Please tell the Court?

28 A. That was the time he presented the ammunition and he said,
29 "This is to attack Kono. To attack Kono and move out the ECOMOG

1 group."

2 Q. After this meeting and after the presentation did anything
3 happen?

15:20:37

4 A. They all had agreed to attack Kono and move ECOMOG out of
5 there. For now that is what I can recall.

6 Q. About what time was this, if you can remember, Mr Witness?

7 A. It was in the month of November. I can't recall the actual
8 dates because I was under pressure at that time, all was not well
9 with me. That is the month. I can only recall the month.

15:21:15

10 Q. What year, please?

11 A. It was in that same 1998.

12 Q. You have said that Issa Sesay informed the commanders
13 present that the arms and ammunition were to be used to attack
14 ECOMOG positions in Kono District. Did there come a time when
15 any fighting took place in Kono District after the arms and
16 ammunitions had been supplied?

15:21:47

17 A. Yes, sir.

18 Q. When was this?

19 A. That was - from that time it was coming towards January.

15:22:11

20 Freetown received it. They came from Kono, they captured Kono,
21 they moved ECOMOG out of Kono, they went towards the highway up
22 to January 6th when they entered Freetown.

23 Q. Let's limit ourselves to Kono for a start. What happened
24 within Kono District as far as you know?

15:22:37

25 A. They shared the guns to the rebels. They went and
26 attacked. They took me to move with them and to be praying for
27 them, but I did not go to the front so I cannot tell what
28 actually happened. I can't say this happened or that happened.
29 I only said to them that, "Please, if you come across a civilian,

1 please, pass the civilian on to me."

2 Q. Do you recall which parts of Kono District were attacked by
3 the rebels at this time?

4 A. It was Koidu Town.

15:23:33 5 Q. What happened in Koidu Town? What was the result of the
6 attack?

7 A. They killed some civilians, some escaped. And even the
8 ECOMOG, some were killed and some managed to pull out, they
9 escaped, because I saw corpses of ECOMOG soldiers. Seeing
10 corpses at that time was not actually a big deal because they
11 were there.

12 Q. Apart from Koidu do you know of other areas where fighting
13 took place in Kono at this time?

14 A. Yes. I never went there but information that reached me,
15:24:30 15 it says Tombodu, Small Sefadu, all of those areas. I mean
16 fighting took place there. While I said fighting took place
17 there, they went, they surrounded the whole area.

18 Q. After this fighting that you describe, who took control of
19 these areas?

15:25:01 20 A. I was not living in those areas. The only thing I can say
21 that in the case of Tombodu it was CO Rocky who was there. At
22 Banya Ground, that is Wonedu, because later he gave the name
23 that name. It was Captain KS Banya who was controlling there.

24 Q. What happened Koidu?

15:25:30 25 A. They captured Koidu. It was the rebels who did so.

26 Q. Did you mention earlier that fighting went beyond Kono
27 District after the supply of these weapons?

28 A. Yes, sir. Those are the same weapons they took up again
29 and fought with. They started fighting from Kono. They went

1 towards the city, that is towards Freetown.

2 Q. Mr Witness, do you know the accused in this case,
3 Charles Taylor?

4 A. I heard his name but I don't know him officially, but
15:26:38 5 I heard his name. I heard his voice and I heard about him.

6 Q. In what circumstances do you recall hearing his voice?

7 A. One, at the time the war started in Liberia the war went on
8 at that time but by then late President GS Momoh was the
9 president of Sierra Leone. At around 5.05 I was seated close to
15:27:29 10 my radio and I heard - and who was asking questions at that
11 particular time was Robin White.

12 Q. What station were you listening to?

13 A. BBC.

14 Q. Which particular program on BBC?

15:27:56 15 A. The area - that was the issue of Sierra Leone. I can only
16 tell you that the area I heard is what I am talking about.

17 Q. Continue, please?

18 A. That was when I heard live source when Charles Ghankay
19 Taylor said that, "President Momoh, if you allow Sierra Leone to
15:28:35 20 serve as ECOMOG base in 90 days Sierra Leone would taste the
21 bitterness of war."

22 Q. About what time was this? You say it was the beginning of
23 the war in Liberia. What year, can you recall?

24 A. I didn't understand that.

15:29:05 25 Q. What year, if you can remember? In what year did you
26 listen to this broadcast?

27 A. 1991.

28 Q. Did you at any other time hear the voice of Charles Taylor
29 on the radio apart from on this occasion?

1 A. Yes, sir.

2 Q. Which occasion was this?

3 A. During the time of intervention in Sierra Leone.

15:29:48

4 Q. And when you say the time of intervention in Sierra Leone
5 what period are you talking about?

6 A. That was the time the AFRC had overthrown the Momoh
7 government, that is the APC government. No, no, I'm sorry.

8 Q. [Microphone not activated] try and face the judges, please,
9 Mr Witness when --

15:30:16

10 A. Tejan Kabbah. During that time of Tejan Kabbah, that is
11 the time I am talking about when the intervention took place.

12 Q. When exactly in the rule of Tejan Kabbah did this
13 intervention take place?

15:30:58

14 A. I cannot recall that now. For now I can't recall that
15 because I never knew that I was going to be here in this Court
16 today.

17 Q. But what happened on this occasion that you recall?

15:31:33

18 A. Well, they had to ask Mosquito to over the BBC radio at that
19 particular time and again I listened to him 5.05. They said,
20 "Mosquito, where are you right now?" Mosquito said, "I am around
21 the hills of Freetown."

22 Q. Yes, anything more you heard?

15:32:26

23 A. Yes, sir. That was the time that Charles Ghankay Taylor
24 said, "If you push somebody to the wall he cannot pierce or
25 penetrate the wall. If he bounces back it will be very bad, it
26 will be dangerous."

27 Q. Do you recall what exactly was the context to this
28 statement?

29 MR CAYLEY: Your Honour, I am going to object at this

1 point. I think we have got to be extremely careful here, exactly
2 what the witness is saying, because the witness can certainly say
3 what he heard on a radio but if we are now asking for an
4 interpretation of that radio broadcast I think that that would be
15:33:10 5 inappropriate. The witness can say what he heard, but he
6 certainly can't give some enlightened interpretation as to what
7 was actually meant by that.

8 MR BANGURA: Your Honours, I concede the point.

9 PRESIDING JUDGE: [Overlapping speakers].

15:33:29 10 MR BANGURA:

11 Q. At this time, Mr Witness, what was happening in Sierra
12 Leone as far as you remember at the time this interview was
13 given?

14 A. It was serious fighting was going on, killing, it was all
15:33:50 15 over, I mean all over Sierra Leone.

16 Q. Who was fighting who?

17 A. Well, being that I was really not a force member I cannot
18 tell, but I know that forces from the government's side were
19 fighting against the rebels in Sierra Leone to push them out, but
15:34:29 20 I cannot tell you in definite terms that it was this particular
21 group or that particular group.

22 Q. Mr Witness, you have mentioned extensively the name
23 Mosquito who you say was a commander of the RUF at the time that
24 you met him. Do you know any other name for Mosquito?

15:34:58 25 A. Yes, sir.

26 Q. What name do you know for him?

27 A. Well, now I can tell the Court here that Mosquito was my
28 pupil. I taught him in class 4. His father was working at the
29 NDMC and his name was in my records and the name I had in my

1 records for him was Borbor Samai .

2 Q. Your Honours, Borbor is B-O-R-B-O-R, Samai is S-A-M-A-I.
3 When you met him in Buedu were you able to recall that he was
4 your former student?

15:35:52 5 A. No, no. I did not recognise him. He himself called my
6 attention - caught my attention and he asked me, "Do you know me
7 again?" I said no. He said to me, "Yes, sir, RC boys primary
8 Yengema. Were you not the teacher?" I said yes. Then he asked
9 me whether I know Borbor Samai . I watched him and he took off
15:36:26 10 his dark glasses from his face. I watched him and then I came to
11 realise that this was the Borbor Samai that I taught. It was
12 from that point that I was able to recognise him.

13 MR BANGURA: Thank you, Mr Witness. Your Honours, I have
14 no further questions for this witness. Thank you.

15:36:53 15 PRESIDING JUDGE: Would defence counsel please
16 cross-examine. Mr Witness, the counsel from the opposite side
17 will now ask you a few questions.

18 CROSS-EXAMINATION BY MR CAYLEY:

19 MR CAYLEY: Your Honour, if I may I would like to hand out
15:37:08 20 some bundles to the Court which I will be referring to. I will
21 give them to Rachel now. These are in fact the numerous
22 statements that the witness has made to the OTP and I will be
23 referring to them as we go along. It also contains a small
24 amount of transcript from the witness's prior evidence.

15:37:52 25 I will obviously direct the witness to the various portions
26 in order to expedite matters and I will certainly give him a copy
27 so that he has it in front of him, but I think it is probably
28 better that I read out the particular portions, he has it in
29 front of him so that he can see it and then I can ask him

1 questions.

2 PRESIDING JUDGE: Please proceed.

3 MR CAYLEY: Your Honours, the bundle is tabulated and
4 I will refer to the numbers as I go through so we can all follow.

15:39:48 5 Q. Sir, first of all, can I express to you on behalf of the
6 Defence our sympathy and understanding at the violence that you
7 have seen in your life and we can certainly inform you now that
8 it's not because of us that you have been brought here to speak
9 about these events that you observed nearly 10 years ago. Can
10 you hear me?

11 A. Yes, sir.

12 Q. Nevertheless there are a number of questions that I would
13 like to ask you and in particular about your evidence today and
14 the statements that you have previously made to the OTP over the
15 last five years. Do you understand?

16 A. Yes, sir.

17 Q. Now one thing I want to clarify with you at the beginning
18 of your cross-examination is the following: You say that you are
19 a pastor?

15:40:57 20 A. Yes, sir.

21 Q. Do you have a church in Sierra Leone?

22 A. Yes, sir.

23 Q. Whereabouts is that?

24 A. It is in Kono.

15:41:12 25 Q. And you have a congregation?

26 A. Yes.

27 Q. How many people are there in your congregation?

28 A. Well, it rises sometimes and sometimes it falls. Sometimes
29 I get hundred, sometimes 120, sometimes 60.

1 Q. That sounds like quite a large congregation. Who pays you,
2 your congregation?

3 A. It is from there that I get stipend.

15:42:00

4 Q. So the congregation makes contributions to the church and
5 you take your stipend from that?

6 A. It is the executives of the church that determine what
7 I should get.

8 Q. How long have you been a pastor in Koidu?

9 A. I have been a pastor for over 15 years now.

15:42:27

10 Q. And that's still what you are doing now in Koidu?

11 A. Yes, I am the pastor and at the same time I am teaching.

12 Q. Witness, I know it is slightly unnatural but can you look
13 at the judges. So just listen to me and as you answer the
14 questions look at the judges. Do you recall how many statements

15:43:01

15 that you have made to the Office of the Prosecutor of the Special
16 Court?

17 A. I just give my statements but I don't know, I don't know
18 all. I cannot tell you. I don't know.

19 Q. You have given more than one, haven't you?

15:43:29

20 A. Yes, sir.

21 Q. If you could open the document in front of you and if
22 Rachel could help you to look at that document. That, your
23 Honours, is tab 1 in the binder - in the bundle, sorry. That is
24 a statement dated 15th November 2002. Do you see that?

15:44:04

25 A. Yes, sir.

26 Q. Could you look at page 13 of that statement. In fact
27 page 14, the very last page, and just confirm that that is your
28 signature?

29 A. Yes, it's my signature.

1 Q. Now let's look at the document which is tab 2. There you
2 see you were interviewed again on 27th January 2004. Do you see
3 that?

4 A. Yes, sir.

15:44:58 5 Q. You can confirm that you were interviewed on that date by
6 officials from the Special Court?

7 MS IRURA: Please switch to document witness cam.

8 MR CAYLEY:

9 Q. Did you hear my question, witness?

15:45:20 10 A. I didn't get you.

11 Q. It's right to say that on 27th January 2004 you were
12 interviewed and you had nothing to add to the first statement
13 that you had given to the Office of the Prosecutor?

14 A. Yes, I said that, that I never had anything at that time in
15:45:52 15 the case that had to do with the rebels in Freetown Sierra Leone.
16 That was what they asked me about. I told them at that time that
17 I had nothing else other than that that I gave, but instead of
18 that they said I was going to come to the International Criminal
19 Court here and the particular issue did not go on in Sierra Leone
15:46:15 20 and for that particular area I told them I had nothing else to
21 add.

22 Q. To the statement that you had given in November 2002, the
23 first statement?

24 A. I want you to make it clear. Concerning the RUF in Sierra
15:46:42 25 Leone I said I never had anything to add again.

26 Q. You gave, I think, your next statement on 18th October 2004
27 which is tab 3A and in fact 3B. Your Honours, for some reason
28 that I don't understand there are in fact two statements of the
29 same date, but for the moment the content is not important. Do

1 you recall speaking to officials from the Court at Sierra Leone
2 on or before that date on 18th October 2004 and providing more
3 information?

4 A. Repeat that, sir.

15:47:37 5 Q. Do you recall speaking to officials of the Court on 18th
6 October 2004 or prior to that date and providing further
7 information to them?

8 A. Yes, concerning Wondedu. Just as I have given my testimony
9 now. Like I gave my evidence, it is in my statement file, it is
15:48:19 10 there up to now.

11 Q. Yes and I think you then testified, you will recall, in
12 January 2005. You probably remember that?

13 A. Yes, I know that there is 2005 there.

14 Q. Then if we could go please to tab 5. These are interview
15:48:59 15 notes from 21st May 2007 so that is just into the middle of last
16 year. Do you recall speaking to the Office of the Prosecutor
17 then and making a further statement?

18 A. Yes.

19 Q. Finally, tab 6, you then made another statement on 26th
15:49:48 20 June 2007 and this is the statement concerning your wife and
21 children, the bodies of your wife and children. Do you recall
22 making that statement?

23 A. Yes and it is in my first statement in fact.

24 Q. But this statement provides more detail?

15:50:31 25 A. Well, I mean they just had to ask me to say something about
26 my children and it didn't go further than that. Even myself,
27 I feel very happy to - I mean they talk about my family, because
28 when I think about them, the way they died ---

29 Q. So it's right to say you made five statements altogether?

1 A. The first statement - I don't know the way you want to take
2 it, Mr Lawyer, but I think the first statement during the days
3 of --

4 Q. Mr Witness, what I would like you to do is to actually
15:51:30 5 answer my question. All right? So the question I put to you is
6 simply this: Can you just confirm for me that you made five
7 statements. Then we will move on from there and I will have a
8 series of other questions to ask you. There's no tricks going
9 on, you understand. You made five statements to the Office of
15:51:49 10 the Prosecutor, yes?

11 A. My Lord, I think it was - they are continuations to my
12 first statement.

13 Q. Let's take a look at your first statement and if we can
14 look please at page 12. Now this is an issue that you didn't
15:52:29 15 address in your evidence this morning and I will read it to you.
16 This is again, your Honours, tab 1, page 12.

17 PRESIDING JUDGE: These pages are not numbered 1 to 12.

18 MR CAYLEY: Unfortunately, your Honour, there are several
19 different numbering systems. There is a ERN number. I think if
15:52:55 20 I give you the ERN number it is 1729. At the bottom of the
21 page some of the pages are numbered and some of them aren't.

22 PRESIDING JUDGE: Perhaps we could refer to the last four
23 digits of the Court Management numbering because, as you rightly
24 observe, some of the pages actually are not numbered. So page 12
15:53:35 25 in that case would be 1729.

26 MR CAYLEY: I will do that from now on, your Honour, yes.
27 It is a much more sensible system, I agree with you. Where there
28 is a ERN number I will use that. So for the purposes of the
29 record this is page 1729 of the statement of 15th November 2002,

1 tab 1 in the bundle. I will read a small section.

2 Q. Can you see that in front of you, witness?

3 A. Yes, sir.

15:54:09

4 Q. "From the time I was captured the RUF and the AFRC would
5 talk to me freely. That is how I knew they were RUF and AFRC,
6 because in fact often they would argue and some at AFRC would say
7 their leader was Johnny Paul, that they were trained soldiers and
8 more disciplined whilst the RUF were untrained and unruly."

15:54:43

9 Do you recall stating that in your statement of November
10 2002?

11 A. I recall that I made such a statement, yes, this particular
12 statement.

13 Q. It is referring to Johnny Paul Koroma?

15:55:11

14 A. Yes, I said something concerning Johnny Paul Koroma who was
15 the leader of the AFRC.

16 Q. And the AFRC said that the RUF were untrained and unruly.

17 A. I said that in my statement.

15:55:44

18 Q. When you observed matters wherever you were with the RUF
19 did you also see them to be untrained and unruly as you moved
20 from place to place?

21 A. This is something I heard other rebels saying because
22 I cannot tell, because I never went very close to them, because
23 they never took me on a specific mission for me to know whether
24 they were rude or untrained. I only stayed at Wonedu as a
25 captive. When if I want to go and ease myself I would have to
26 ask for permission for somebody to escort me. What I heard with
27 my ears is what I am saying.

15:56:21

28 Q. Did you know that there were individuals within the AFRC
29 that were former members of the Sierra Leonean army?

1 A. Yes, sir.

2 Q. And the Sierra Leonean army had been and was the national
3 army of Sierra Leone?

4 A. Yes, I said that the Sierra Leone soldiers were there and,
15:57:08 5 yes, indeed they were there. They were the people who were
6 called AFRC or junta. RUF and AFRC were two different groups
7 according to what they told me when I asked them.

8 Q. And the Sierra Leonean army was a professional army, wasn't
9 it?

15:57:30 10 A. Yes, sir.

11 Q. Let's look at another issue now. I want to ask you how
12 long you have been in The Hague for. How many days have you
13 spent here?

14 A. In fact, if it is not for the sake of this Court I have
15:58:07 15 even in fact never heard about The Hague. It is because of this
16 justice or trial that I have heard about The Hague.

17 Q. The question was how many days have you spent in The Hague?

18 A. Seven days. Today is Tuesday. I think today makes it
19 eight days from Freetown to The Hague.

15:58:33 20 Q. So you have spent seven days in The Hague waiting to give
21 your evidence?

22 A. Yes, sir.

23 Q. How much time have you spent speaking to members of the
24 Office of the Prosecutor in preparing to give your evidence here
15:58:52 25 today?

26 A. If I am not mistaken I think a day and a half.

27 Q. You have spent one and a half days talking about your
28 evidence with Mr Bangura?

29 A. I spent a day and a half with Mr Bangura.

1 Q. Did Mr Bangura take notes during the time that you were
2 speaking to him?

3 A. I cannot answer this area. This is an area for judges.
4 When they ask me a question then I will answer. I was seated far
15:59:49 5 away from him and he was asking me questions, then I answer. You
6 cannot ask me this kind of question, I don't know.

7 Q. How far away from him were you seated?

8 A. We were on the same table, a very big table.

9 Q. I will ask you the same question again. Was he taking
16:00:11 10 notes during the course of your discussions with him?

11 PRESIDING JUDGE: It's all right, you can answer that
12 question.

13 THE WITNESS: Yes, I saw him writing, but I cannot tell
14 whether he was taking notes on what I was exactly saying, but
16:00:30 15 then I saw him writing. When I answer questions I would see him
16 write, but I never knew whether he was taking notes.

17 MR CAYLEY:

18 Q. Let's look at page 13 which is in fact 1730 of tab 1 which
19 is your first statement. I will read this and it is from the top
16:01:16 20 of the page: "At Burkina I met Mosqui to who asked me to join
21 their movement or their force as a combatant but I told him I was
22 a pastor and a man of God, that I did not want to join as a
23 fighter. He asked me to pray for them."

24 Then it goes on: "That day I met a lot of RUF and AFRC.

16:01:46 25 There were thousands of them."

26 If we go over the page to tab 2, just to remind you, you
27 stated on 27th January 2004 that you had nothing to add to that
28 statement. Now the question that I have for you is this: You
29 did not mention, did you, in your first statement that you wanted

1 to be a field marshall in the RUF, did you?

2 A. I said it in my statement. I made mention of that.

3 Q. So you're stating that the investigator did not copy your
4 words down properly; is that what you're saying to the judges?

16:02:51 5 A. No, I cannot know that. The only thing, before I came here
6 to say anything I took an oath. I said to him that he should
7 only make me field marshall before I join his forces. I said it.

8 Q. Did you or did you not mention that you wanted to be a
9 field marshall when you gave your first statement to the Office
16:03:19 10 of the Prosecutor?

11 A. I said it. I said it and I said it.

12 Q. Then why on 27th January 2004 when the statement was read
13 back to you and you would have seen that this episode was not
14 mentioned did you not correct the statement? Do you understand
16:03:44 15 what I am saying?

16 A. I understand what you are trying to say. It could have
17 been that it was a typographical error done by the writer, but
18 I said it.

19 Q. The statement was read back to you. Why didn't you have it
16:04:08 20 corrected? You stated you had nothing to add. Why didn't you
21 correct the statement?

22 A. Mr Lawyer, I know that. It is now that I am understanding
23 this from you that in fact it is not in that of my statement, but
24 it was something I said. Surely I said it. I am living here by
16:04:47 25 my oath. I said it.

26 Q. Did Mr Bangura show you all your statements before you
27 testified?

28 A. Yes.

29 Q. So you had the opportunity to check those statements within

1 the last seven days to make sure that they were accurate, right?

2 A. The reason why I am here, that is the continuation - in
3 fact definitely that was why I paid more attention to it, because
4 I had already testified to them and we had started it from Sierra
16:05:27 5 Leone, so I was not that much bothered about what I had said. It
6 is the continuation. The annexes is what I am talking about.

7 Q. Witness, you've made five statements to the Office of the
8 Prosecutor. You had the opportunity this week over seven days to
9 check every one of those statements, right?

16:05:50 10 A. Well, I don't know because I don't know the laws of this
11 Court. Because I think what I had said at the Special Court in
12 Sierra Leone was going to be the same thing I was going to say
13 here, but I don't know what happened somewhere because I have
14 already testified.

16:06:19 15 Q. Did Mr Bangura show you all your statements?

16 A. Yes. I say yes. He showed me. He went to the file, he
17 put it down.

18 Q. Did you go through all your statements?

19 A. Yes, he read.

16:06:39 20 Q. Did you read, you read your statements?

21 A. I read some, not all.

22 Q. Did you read your first statement, the one that we are
23 talking about now?

24 A. Mr Lawyer, I have told you. This particular one you are
16:07:04 25 talking about, I didn't take it important. It is - the new
26 things that we are talking about here with regards the Charles
27 Taylor trial, it's what I am telling you about.

28 Q. Did you read your first statement in the last seven days?

29 A. No, because I could not read them all because myself and my

1 lawyer, who is the Prosecution lawyer, we only had time to meet
2 for about a day and a half.

3 Q. You are telling the judges that in over a day and a half
4 you didn't have the opportunity to look over all your statements
16:07:45 5 to check that they were accurate?

6 A. I am sure of my evidence. I am sure of the actions and the
7 things that happened to me. So I am completely sure. I stand by
8 my oath that indeed when I checked them or I didn't check them,
9 all the things they inflicted on me I will never forget them
16:08:22 10 except what somebody told me maybe I will forget that one, but
11 the things that they inflicted on me I will never forget in my
12 life.

13 Q. You state in your evidence today that you made three visits
14 to Mosquito. That's right, isn't it?

16:08:39 15 A. Quite correct.

16 Q. But in your statement you will see that you refer to a
17 single visit?

18 PRESIDING JUDGE: Are we still talking about the first
19 statement?

16:08:55 20 MR CAYLEY: We are still talking about the first statement,
21 your Honour, yes.

22 Q. Those first four lines, "At Burkina I met Mosquito who
23 asked me to join their movement or their force as a combatant but
24 I told him I was a pastor and a man of God, that I did not want
16:09:13 25 to join as a fighter. He asked me to pray for them."

26 Now it's right here, isn't it, that you are referring to
27 one visit?

28 A. No, Mr Lawyer. To walk from Superman Ground to Buedu was
29 not an easy journey and I did that thrice and with all my

1 experience in those - during those three journeys I saw the man
2 and I listened what he said. Most often when he was talking to
3 me I used to bow down my head. He sent me back to Superman
4 Ground the first time and the second time he asked me again.

16:10:07 5 They brought me before him and at that time I heard a call. He
6 did not sleep there and then the next time [overlapping speakers]

7 PRESIDING JUDGE: Mr Witness, we will take it a little bit
8 slower please.

9 MR CAYLEY:

16:10:30 10 Q. In your statement you refer to one visit, correct? The
11 statement that you signed?

12 A. No, sir.

13 MR BANGURA: Objection, your Honour. There is no reference
14 in the statement which my learned friend is referring to that
16:10:49 15 says that the witness only made one visit, if we look at the
16 language of that part of the statement [overlapping speakers]

17 MR CAYLEY: The statement refers to one visit. It's very
18 clear, your Honour.

19 PRESIDING JUDGE: Let one person speak at a time. I want
16:11:05 20 to hear what Mr Bangura's objection is.

21 MR BANGURA: Thank you, your Honour. The top of that page,
22 that's 13, says, "At Burkina I met Mosquito who asked me to join
23 the movement or their force as a combatant." It goes on and on.
24 It doesn't really say that he made one visit only.

16:11:29 25 PRESIDING JUDGE: I have not read the whole of this
26 statement but I just want to be fair to the witness in referring
27 to a certain context and maybe interpreting what the context
28 says. I do agree with Mr Bangura that the witness doesn't say in
29 this statement that I met Mosquito only once. He doesn't use the

1 words "only once". He is simply referring to this one time when
2 Mosquito asked him to join the movement which, in my
3 understanding, doesn't exclude other times and would depend on
4 the questions that the interviewer was asking him at the time.

16:12:10 5 MR CAYLEY: It doesn't refer to three visits either, your
6 Honour.

7 PRESIDING JUDGE: Yes, but it doesn't refer to one visit
8 either.

9 MR CAYLEY: No, but if you read it - as far as I understand
16:12:18 10 the English language I read it this and I read it as one visit.

11 PRESIDING JUDGE: Counsel, you are putting to the witness a
12 proposition of fact which isn't there. You are saying but you
13 are referring to one visit only, which is not necessarily true.
14 Maybe you can rephrase your question.

16:12:36 15 MR CAYLEY: I accept what you're saying.

16 PRESIDING JUDGE: You can say how come you did not ask, how
17 come you did not allude to the other visits in this statement.
18 Maybe the witness can answer that.

19 MR CAYLEY: I think, with the greatest of respect, that is
16:12:47 20 the same thing, your Honour, but I will do as you are asking me
21 to do.

22 PRESIDING JUDGE: It is really not the same. Do ask a
23 question that is fair and is in the context of what of what the
24 witness actually stated in his statement.

16:13:02 25 MR CAYLEY:

26 Q. Witness, you did not refer in your statement, did you, to
27 all three visits that you made to Mosquito?

28 A. I said it, that they took me to Mosquito three times. So
29 I made mention of that.

1 Q. That is not actually contained in the statement, is it,
2 three visits to Mosquito?

3 A. I said it. I stand by my oath here.

16:13:40

4 Q. You had the obligation, as I said to you previously - you
5 had the opportunity, rather, on 27th January 2004 to go over the
6 statement again and make any corrections and you didn't ask the
7 investigator to make the necessary changes to refer to the three
8 visits that you made to Mosquito, did you?

16:14:10

9 A. But, Mr Lawyer, I said this. It was not even a question.
10 I said it at the Special Court of Sierra Leone at the time I was
11 testifying there. It was something I said openly. I stand by
12 it.

16:14:33

13 Q. Lastly on this particular matter you stated today that in
14 this meeting, in the third meeting with Mosquito, that
15 Mr Charles Taylor was referred to. Now, looking at your
16 statement here now --

17 MR BANGURA: Point of correction, your Honour. I don't
18 recall the witness mentioning Mr Charles Taylor in the meeting
19 with Mosquito. I stand corrected by the records.

16:14:58

20 PRESIDING JUDGE: Let us just be certain, exactly. Do you
21 have your LiveNote with you?

22 MR CAYLEY: It is not actually working correctly.

23 MR BANGURA: We do not have the benefit of LiveNote, but my
24 recollection is that --

16:15:17

25 MR CAYLEY: He says, "My boss Charles Ghankay Taylor is not
26 even a five star general" during the conversation that Mosquito
27 and the witness had.

28 PRESIDING JUDGE: When he made the demand to be a field
29 marshall. Then I think was it Mosquito that laughed?

1 MR CAYLEY: Yes, you're right.

2 PRESIDING JUDGE: Along with his other generals. I think
3 that is the meeting [overlapping speakers].

4 MR BANGURA: It is a different situation I am looking at.

16:15:47

5 MR CAYLEY:

6 Q. Again, witness, and I don't in any way wish to be unfair to
7 you over this, there is no reference in your first statement to
8 Charles Taylor being referred to in this conversation with
9 Mosquito. You can check it if you wish, but there is absolutely
10 no reference to it at all, is there?

16:16:04

11 A. Mr Lawyer, I said it. I said it to Mosquito that I wanted
12 them to make me field marshal. Mosquito laughed and he dropped
13 to the ground and every one of them laughed. He got up again and
14 then he said, "You guys, leave this man. I am here myself. I am
15 not here to ask the general. My boss, Ghankay Taylor, is not a
16 five star general. How can I give you field marshal?"

16:16:37

17 Q. You are not answering my question. This is the evidence
18 you have already given, which I know and the judges know. What
19 I am putting to you is that the mention of Charles Taylor -- that
20 Charles Taylor is not mentioned in this final page of your
21 statement, is it, when you are discussing the meeting or meetings
22 with Mosquito?

16:16:58

23 A. I said it. He said that his boss Ghankay Taylor is not a
24 five star general, Ghankay Taylor.

16:17:29

25 PRESIDING JUDGE: Witness, let me also interrupt you.
26 Counsel opposite there is not questioning what happened in the
27 meeting, or what Mosquito said. He is simply asking you how come
28 that information is not contained in your first statement to the
29 Prosecutor, the handwritten statement we are looking at

1 currently? That information is not in that statement. Why is
2 that so?

3 A. Well, my Lord, I can't say that, but I don't know why he is
4 saying it is not there, but I am saying it is there and even when
16:18:11 5 I testified before the Special Court of Sierra Leone I said it,
6 I said it. That was, in fact, the time I was able to know the
7 identity of the very Mosquito: that he was my pupil.

8 MR CAYLEY: Is it your position that in November 2002 that
9 you in fact mentioned the former President of Liberia and that
16:18:35 10 the investigator didn't write down what you said? Is that your
11 position?

12 A. The position I have to take is that I said it and I even
13 testified to that before the Special Court of Sierra Leone and
14 whether the Prosecutor, or the investigators, took it down, that
16:19:03 15 is not really what I am looking at, but I know that I said it
16 before the Special Court.

17 Q. Well, sir, I am looking at that and I am going to ask you
18 the question again. Is it your position that in November 2002
19 you in fact mentioned Charles Taylor but that the investigator
16:19:23 20 did not copy Charles Taylor down properly into your statement?

21 A. This question I don't know. The only thing I testified at
22 the Special Court of Sierra Leone and I did say that Mosquito
23 said his boss, Charles Ghankay Taylor, is not a five star general
24 yet, "How can I make you?"

16:19:55 25 Q. You did not mention Charles Taylor, did you, in that first
26 interview with the Office of the Prosecutor?

27 A. I did so at the Special Court and I said Ghankay Taylor and
28 that is the same person.

29 Q. In fact the first time that you mentioned Mr Charles Taylor

1 was in 2005, wasn't it, when you gave evidence before the Court?

2 A. My good friend, the things I never said in my statement,
3 how can I go to court now and say that and there is somebody
4 guiding me that is my prosecution lawyer? I said it, indeed.

16:21:04 5 I said it.

6 Q. So the Prosecution is telling you what to say here today?

7 A. No. What is my statement to interview me -- it was my
8 prosecution lawyer that interviewed me from Freetown, Sierra
9 Leone, in the Special Court and I testified at that time. Now

16:21:27 10 I cannot testify to anything that is not in my statement,

11 Mr Lawyer. I testified to all the things I testified to in the
12 Special Court of Sierra Leone and even up to here should be in my
13 statement.

14 Q. Do you accept that the first time that you mentioned

16:21:44 15 Charles Taylor was in your evidence on 27 January 2005 before the
16 Special Court?

17 A. I testified before the Special Court on 31 January 2005 and
18 today in this particular court, international court of law, this
19 is my second time. This is my second time that I am saying that

16:22:16 20 Mosquito said that Charles Ghankay Taylor is his boss and he is
21 not yet five star general, "So how can I make you field
22 marshal?"

23 Q. I want to ask you a little bit about the episode involving
24 the helicopter that you saw in Dawa. Can you focus your mind on
16:22:57 25 that? How many helicopters did you see, witness?

26 A. Mr Lawyer, I did not tell you that I saw helicopters.
27 I said in this Court that I saw a helicopter. It was just one.
28 I said it in my statement. I am saying one, so don't say how
29 many helicopters that I saw.

1 PRESIDING JUDGE: Mr Witness, there is no need to lose your
2 temper, or cool, about this. The lawyer opposite is just doing
3 his job and when he asks a question if you don't understand the
4 question then ask for clarification, but if you do understand the
16:23:48 5 question please answer as truthfully and directly as you can
6 rather than have this exchange between you and the lawyer. Is
7 that clear?

8 A. Thank you, my Lord.

9 MR CAYLEY: Do you have -- in fact, your Honours, it is tab
16:24:14 10 5 and the last four digits are 2464. I will read out the last
11 three paragraphs in abbreviation, second line:

12 "The helicopters that delivered the weapons were Liberian.
13 The people onboard spoke Liberian English, that the helicopters
14 were yellow and red in colour."

16:24:59 15 So here we are referring to more than one helicopter, so
16 did you see one helicopter, or more than one helicopter?

17 A. The person who wrote this particular AER did a
18 typographical error. I never said that I saw helicopters that
19 were red and yellow in colour.

16:25:36 20 Q. So you are saying that here the investigator took things
21 down incorrectly?

22 A. No, Mr Lawyer, I would not say that. I said this
23 particular one that you are talking about the word "were" was a
24 typographical -- "were" is a typographical error. I saw only one
16:26:07 25 helicopter. That is what I am saying.

26 Q. Your position now is that the helicopter was not yellow and
27 red in colour?

28 A. Mr Lawyer, I am saying that what is in my statement is what
29 I am going by. I have never -- I didn't say those things, most

1 of those things, all by myself. All the things that are typed
2 here -- the pressure, I was under pressure, and if I am here
3 today the things that happen is what I am saying, I swear by the
4 Bible. I have taken an oath. All the things that happened to me
16:26:54 5 are the things I am talking about here, Mr Lawyer.

6 Q. Was the helicopter you saw red and yellow in colour?

7 A. I don't know. I told you just now that my memory cannot
8 serve me well on this. I was under pressure when most of these
9 things happened. There are so many things I cannot recall. It
16:27:27 10 is only because I have some strong memories, that is why I can
11 retain most of these things, but I tell you, honestly, I cannot
12 recall some of them. This particular area you are talking about
13 I cannot be able to give you much identification with regards
14 that. The only thing that I saw, Liberian Airways. If I tell

16:27:52 15 you that I can make a colour differentiation at this point in
16 time I would be lying in front of this Court and that I don't
17 want to do.

18 Q. So when you gave the statement to the investigator did you
19 state that the helicopter was red and yellow in colour? This is
16:28:11 20 the statement that you gave, in fact, on May 21 2007, so a mere 6
21 months ago?

22 A. I agree with that, that I said something about the colour,
23 but I have said that I cannot recall all of these, Mr Lawyer and
24 my Lords because I was under duress. I tell you most of the
16:28:45 25 things that happened to me at that time. As I am seated here now
26 maybe I can recall about certain things that happened to me at
27 that time that I had not recalled before even at the time I was
28 giving my statement and I tell you and I stand by my oath, so the
29 colour, I tell you, if I had said yellow and red to the

1 investigator, or if I had not said yellow and red to the
2 investigator, he would not have written it, but I can tell you
3 for certain that I was not all okay at the times when those
4 things were happening to me. I cannot recall everything.

16:29:20 5 Q. So in fact what you are acknowledging to their Honours is
6 that your recollection about many issues is not that good because
7 you were under such emotional and physical strain?

8 A. I think, Mr Lawyer, you would not want me to use the word,
9 I was traumatised. Do you want me to use that word?

16:30:00 10 Q. But your position is your recollection of events is not
11 that good because you were heavily traumatised by these things
12 you saw?

13 A. If you read through my statements and you see all the
14 struggles that I went through and as you said earlier that you
16:30:26 15 sympathised with me, if you go through my statements you should
16 know my position as at now.

17 Q. This may be the point where you may wish to finish for the
18 day.

19 PRESIDING JUDGE: You can't finish because the tapes are
16:30:44 20 finished apparently. How much longer do you intend to
21 cross-examine the witness for?

22 MR CAYLEY: A while longer, not very long, but I would like
23 to go on tomorrow for a short while, yes, thank you.

24 PRESIDING JUDGE: Okay. We are going to adjourn here,
16:30:58 25 Mr Witness. I want to thank you for today's testimony. However,
26 I want to caution you, when you retire to wherever you live, not
27 to discuss your testimony with anyone because you are still on
28 the witness stand and we will continue with this testimony
29 tomorrow. Court adjourns to 9 o'clock tomorrow.

1 [Whereupon the hearing adjourned at 4.30 p.m.
2 to be reconvened on Wednesday 9 January 2008 at
3 9.00 a.m]
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I N D E X

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