



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 9 JUNE 2008
9.30 A.M
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Mr Alain Werner
Ms Leigh Lawrie

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Monday, 9 June 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:05 5 PRESIDING JUDGE: Good morning. Mr Werner, I notice some
6 change of appearances on your Bar.

7 MR WERNER: Madam President, your Honours, good morning.
8 For Prosecution this morning: Brenda J Hollis, Nicholas
9 Koumjian, Leigh Lawrie and myself, Alain Werner.

09:30:23 10 PRESIDING JUDGE: Thank you, Mr Werner. Mr Anyah, good
11 morning.

12 MR ANYAH: Good morning, Madam President. Good morning,
13 your Honours. For the Defence we have Mr Terry Munyard, myself,
14 Morris Anyah, and we have an intern with us in court for the
09:30:38 15 first time, her name is Shannon Torrens. Torrens spelt
16 T-O-R-R-E-N-S and Shannon is S-H-A-N-N-O-N. Thank you, Madam
17 President.

18 PRESIDING JUDGE: As in the river.

19 MR ANYAH: Yes.

09:30:53 20 PRESIDING JUDGE: Thank you, Mr Anyah. If there are no
21 other matters I will welcome Ms Torrens to the Court and I will
22 remind the witness of his oath.

23 Mr Witness, I again remind you that you have taken the oath
24 to tell the truth, the oath is still binding on you and you must
09:31:13 25 answer questions truthfully. Do you understand?

26 THE WITNESS: Yes, my Lord.

27 PRESIDING JUDGE: Mr Anyah, please proceed.

28 WITNESS: TF1-577 [On former oath]

29 CROSS-EXAMINATION BY MR ANYAH: [Continued]

1 MR ANYAH: Thank you, Madam President:

2 Q. Good morning, Mr Witness.

3 A. Good morning, sir.

4 Q. When we left off on Friday we were considering one of your

09:31:34 5 statements and I would kindly ask for the assistance of Madam

6 Court Officer. Mr Witness, the statement in question is dated 28

7 March 2007. It is to be found in page 4 of tab 1 of the Defence

8 bundle of documents. Mr Witness, when we considered this portion

9 of your statement it was in the context of the trips to Liberia

09:32:27 10 that you took from Sierra Leone. You had advised us during

11 direct examination that you had taken three trips in total from

12 Sierra Leone to Liberia. That was reaffirmed and confirmed by

13 you on cross-examination and you recall I put this paragraph to

14 you, the paragraph in the middle of the page which begins with,

09:32:54 15 "The witness never met Charles Taylor face to face", and then it

16 goes on to describe a trip that the Prosecution has you as saying

17 took place between 1996 and 1997, when you escorted Sam Bockarie

18 to Gbarnga. Do you recall the exchanges we had on Friday

19 afternoon, Mr Witness?

09:33:17 20 A. Yes.

21 Q. When this paragraph was put to you I confirmed from you

22 that it was in error in three respects: 1, the fact that it

23 mentions a trip to Gbarnga, where you say you went just once, and

24 this differs from the trip you mentioned you took with Foday

09:33:37 25 Sankoh to Gbarnga in 1992, I believe you said; 2, you said it

26 mentioned Sam Bockarie's name and that was an error; 3, of

27 course, was the year in question and the period 1996 to 1997 is

28 what's referred to here and your trip was said to be in 1992.

29 Now, Mr Witness, do you see, at the bottom right-hand

1 corner of that page, your signature?

2 A. Yes.

3 Q. And indeed in respect of every page of that statement you
4 signed it, yes?

09:34:21 5 A. Yes.

6 Q. And you put the date, 31 October 2007, yes?

7 A. Yes.

8 Q. When you signed that page did you point out to the Office
9 of the Prosecutor that that entire paragraph was in essence,
10 according to your testimony, a lie?

09:34:44

11 A. I said it here before we left this Court, that paragraph is
12 not what I said. Please, madam, can I see the paragraph? That
13 paragraph - it was I and Foday Sankoh who went to Gbarnga in 1992
14 before the NPRC coup. It was not Sam Bockarie and I before the
15 AFRC coup. You see the difference? It was Foday Sankoh and I
16 who went to Gbarnga in 1992 before the NPRC coup. It was not Sam
17 Bockarie. I never went to Gbarnga together with Sam Bockarie.
18 He sent me with a letter to Colonel Jungle, but the two of us
19 never travelled to Liberia. I said it here before we left.

09:35:18

20 Q. Mr Witness, my question was: Before you signed that page
21 and you went through your statement with the Office of the
22 Prosecutor, the date in question now being 31 October 2007, did
23 you point it out to them that that entire paragraph was a
24 fabrication?

09:35:44

25 A. That is not what happened and in fact that was not what I
26 said when my lawyer was asking me questions. I never mentioned
27 this in my statement. I said Foday Sankoh and I went to Gbarnga
28 together with CO Lion and Captain Ben, 1992, before the NPRC --

09:36:12

29 PRESIDING JUDGE: Just pause, Mr Witness. The question is

1 did you tell the people that took your statement that it was not
2 right?

3 THE WITNESS: I did not take note of this particular
4 paragraph in fact, because that was not what I said. I did not
09:36:54 5 take note of it.

6 MR ANYAH:

7 Q. So you are saying you did not point out to them any
8 mistakes in that paragraph?

9 A. Because I did not take notice of it, I did not say these
09:37:12 10 things in this statement. 1996 to 1997 we were engaged in crack
11 force mission in Kailahun and I said it here.

12 Q. Mr Witness, you've repeated it and we've heard you that you
13 did not take any notice of what was in that paragraph. My
14 question is this: Did you point out to them that the information
09:37:34 15 in that page was in error?

16 A. Well, that is the Prosecution, but I did not say it. Maybe
17 they were the ones who wrote it; instead of writing Foday Sankoh
18 they wrote Sam Bockarie. I did not say so. Even they
19 themselves, they know that I did not say this.

09:37:58 20 MR ANYAH: Madam Court Officer, with your assistance could
21 we go to page 8 of the same statement in tab 1:

22 Q. Mr Witness, this is the same statement in question and the
23 first full paragraph on that page I will read it to you. It
24 relates to the same discussion we were just having pertaining to
09:38:44 25 an alleged trip to Gbarnga with you and Sam Bockarie. The
26 sentence reads:

27 "The Witness was not privy to any meetings between
28 Charles Taylor and RUF/AFRC people, other than the trip he took
29 with Sam Bockarie to see Taylor at Gbarnga."

1 Do you see that, Mr Witness?

2 A. No, the page is not in front of me. I am not having the
3 page on my monitor.

09:39:22

4 MR ANYAH: Madam Court Officer, is that page 8 and does it
5 appear on the witness's monitor?

6 MS IRURA: Yes.

7 MR ANYAH:

09:39:45

8 Q. Mr Witness, do you see a document in front of you on your
9 screen? Madam President, I cannot see the witness's screen from
10 my vantage point, but the Court Officer suggests that --

11 THE WITNESS: It's not there.

12 MS IRURA: The document is displayed before the witness.

13 THE WITNESS: Which paragraph?

09:40:00

14 PRESIDING JUDGE: Could you just assist by indicating with
15 a pen the paragraph that the witness should look at.

16 MR ANYAH: It's the paragraph that starts with the
17 sentence, "The Witness was not privy to any meetings ..." It is
18 the first full paragraph.

19 THE WITNESS: Okay, okay.

09:40:16

20 MR ANYAH:

21 Q. Mr Witness, are you there?

22 A. Yes, sir.

23 Q. I will read it again.

24 A. Yes, sir.

09:40:21

25 Q. The paragraph reads:

26 "The Witness was not privy to any meetings between
27 Charles Taylor and RUF/AFRC people, other than the trip he took
28 with Sam Bockarie to see Taylor at Gbarnga."

29 Do you see it now, Mr Witness?

1 A. I have seen it.

2 Q. When you look at the bottom right-hand corner of that page
3 do you see your signature, Mr Witness?

4 A. Yes, sir.

09:40:52 5 Q. And you see the date 31 October 2007, yes?

6 A. Yes, sir.

7 Q. So two times during the course of your meeting with the
8 Prosecution on 31 October that information about an alleged trip
9 to Gbarnga with Sam Bockarie was repeated to you and on both
10 occasions you signed the page containing that information, yes?

09:41:19

11 A. I signed the page, but this statement does not correspond
12 to what I told them. I did not tell them this.

13 Q. So two pages from one statement, the two we have managed to
14 consider so far, you signed it as being accurate knowing that it
15 contained inaccurate information. Is that what you're telling
16 us, Mr Witness?

09:41:51

17 A. The statement I made to the Prosecution for them to write
18 was what I signed, but this particular thing that they are
19 referring to Sam Bockarie and I going to Gbarnga I have said it
20 here that I did not go to Gbarnga together with Sam Bockarie,
21 never or even in Liberia. He sent me. I did not go there
22 together with him.

09:42:16

23 Q. Mr Witness, let's consider your second trip that you say
24 you took to Liberia. You recall telling us about the trip you
25 took to Foya Tenga in Liberia, yes?

09:42:38

26 A. Yes.

27 Q. And what year did that trip take place again, Mr Witness?

28 A. It was in 1998.

29 Q. What part of 1998, Mr Witness?

1 A. I can't recall the month, but at that time I was in Koindu,
2 1998.

3 Q. Is it fair to say you went to Koindu in March of 1998,
4 Mr Witness?

09:43:20 5 A. I can't recall the exact month that I went to Koindu, but I
6 was in Koindu in 1998.

7 Q. Sam Bockarie you said gave you a letter to take to Jungle,
8 yes?

9 A. Yes.

09:43:38 10 Q. You were based in Koindu and Sam Bockarie was based in
11 Buedu, yes?

12 A. Yes.

13 Q. And you were called to Buedu to take the letter, yes?

14 A. Yes.

09:43:56 15 Q. What is the distance from Buedu to Foya Tenga?

16 A. I don't know the exact distance.

17 Q. And was this during the rainy season, or during the dry
18 season?

19 A. I can't tell now if it was the rainy season, or dry season.

09:44:33 20 Q. You said you were called because you had a motorcycle, yes?

21 A. Yes.

22 Q. What was your rank at that time, Mr Witness?

23 A. I was a captain.

24 Q. Before that time you had been posted to Peyama, yes?

09:45:06 25 A. Yes.

26 Q. And what was your rank in Peyama?

27 A. In Peyama I was a lieutenant.

28 Q. In 1998, in the vicinity of Koindu and Buedu, were you the
29 only RUF member with a motorcycle?

1 A. I can't tell. I can't tell that one, because there are
2 people who even had vehicles and some others had bicycles. I
3 can't tell for other people. I only know of mine.

4 Q. But there were RUF members with vehicles, right?

09:46:00 5 A. Yes, even Sam Bockarie had a vehicle.

6 Q. On the basis of your testimony, during this period of time
7 the RUF had the capacity to communicate via radio with Liberia,
8 yes?

9 A. I don't know because I was not at the headquarters. I
09:46:30 10 don't know if they were communicating. I was in Koindu.

11 Q. Are you telling us that there was no radio communication in
12 Koindu where you were based being used by the RUF in the early
13 part of 1998?

14 A. We had a radio communication set in Koindu.

09:46:57 15 Q. I just asked you a few minutes ago whether the RUF had the
16 capacity to communicate via radio with Liberia and you said you
17 did not know because you were not at headquarters. Are you
18 saying that it was only at headquarters where the RUF
19 communicated via radio with Liberia?

09:47:22 20 A. Yes, it was only the headquarters that had authority, Sam
21 Bockarie's place or whosoever was at the headquarters, but for us
22 at Koindu we had no authority to communicate outside of the RUF
23 without the high command's permission.

24 Q. But you were very good friends or close to the members of
09:47:46 25 Sam Bockarie's bodyguard unit, yes?

26 A. Yes.

27 Q. And indeed you told us on direct information of several
28 trips you took to Buedu because your family was based in Buedu,
29 yes?

1 A. Yes.

2 Q. And you told us how on occasion you would spend some time
3 with some of Sam Bockarie's security personnel when you went to
4 Buedu, yes?

09:48:21 5 A. Yes.

6 Q. And now you're telling us under cross-examination that you
7 do not know whether the RUF had the capacity to communicate with
8 Liberia through radio because you were not in Buedu. Is that
9 your evidence, Mr Witness?

09:48:39 10 A. Except if the securities told me that they communicated
11 today or yesterday, because I was in Koindu I wouldn't have
12 known.

13 Q. I'm not asking for a hypothetical answer, Mr Witness. I am
14 asking you yes or no, did the security tell you anything about
09:48:59 15 radio communications in existence between the RUF and Liberia in
16 March 1998?

17 A. Yes.

18 Q. Then why did you say you had no knowledge because you were
19 not in Buedu?

09:49:13 20 A. Because you asked me directly if I knew, but I was told by
21 the securities, that was how I came to know, and except the one
22 that Sam Bockarie himself did in my presence on my birthday in
23 Koindu.

24 Q. Well, let's continue with this line of questions. Sam
09:49:40 25 Bockarie calls from you Koindu to Buedu to hand you a letter to
26 take by motorcycle to Foya Tenga. This is your story? This is
27 your evidence, yes?

28 A. Yes.

29 Q. Do you know why you were chosen when other people had

1 vehicles that could travel as well to Foya Tenga?

2 A. Well I cannot tell you his mind, why he chose me
3 particularly.

09:50:16

4 Q. At the time you were under the command of Harris Momoh in
5 Koindu, yes?

6 A. Yes.

7 Q. Do you know why Sam Bockarie did not radio Jungle and tell
8 Jungle what he needed?

9 A. No.

09:50:43

10 Q. Shall we look at one of your statements and see when you
11 say this happened, Mr Witness? Madam Court Officer, it's tab 1
12 again, pages 4 through 5. Mr Witness, do you see anything
13 displayed on the monitor in front of you?

14 A. Yes.

09:51:38

15 Q. The last paragraph of that page reads:

16 "The witness went to Foya once at the command of Sam
17 Bockarie to take a letter to General Jungle. The witness thinks
18 that Jungle was a Gio tribesman and that he was Liberian, but he
19 does not know Jungle's real name. Bockarie told the witness to
20 take the letter on his motorcycle to Jungle in Foya very fast
21 because the RUF was under pressure, fighting pressure. Bockarie
22 told him that the letter was a request for ammunition. Bockarie
23 told the witness to deliver the letter to Jungle so that Jungle
24 could take it to Charles Taylor. Jungle asked the witness about
25 the situation and the witness told him that they were desperate.
26 Jungle was going to take a helicopter to Monrovia. The witness
27 returned immediately to Buedu and Jungle sent a jeep full of
28 ammunition with the witness. This was during the dry season and
29 he thinks it was before the AFRC overthrow of the Sierra Leone

09:52:15

09:52:44

1 government."

2 Did you hear what I just read, Mr Witness?

3 A. Yes.

09:53:32

4 Q. Can I ask you this: There is a distinction between Foya
5 and a place called Foya Tenga, is there not?

6 A. Yes.

7 Q. The statement we've just read speaks of Foya, yes?

8 A. Yes, but I went to Foya Tenga.

09:53:57

9 Q. The statement we've just read says you think it happened
10 before the AFRC overthrow of the Sierra Leone government, yes?

11 A. No.

12 Q. I'm not asking you whether you agree with it or not as you
13 sit there now, I'm asking you what the statement you're looking
14 at says. Does it say, "He thinks it was before the AFRC

09:54:18

15 overthrow of the Sierra Leone government", Mr Witness?

16 A. That is what the statement states.

17 Q. And that's an error in your view, yes?

18 A. Yes, because I have said it in this Court that I went to
19 Foya Tenga in 1998 and that was after the AFRC coup. It was not
20 in Foya and not before the AFRC.

09:54:46

21 Q. The statement says this happened during the dry season,
22 yes?

23 A. Yes.

24 Q. During the dry season, correct me if I'm mistaken, vehicles
25 could travel easily from Buedu to Foya, yes - rather Foya Tenga,
26 to be specific, yes?

09:55:05

27 A. Well, I can't tell because the road was bad, because even
28 when I was using motorcycle I used to strain a lot.

29 Q. You're telling this Court, having been in the vicinity of

1 Buedu, Koindu, been across that border in 1997 or 1998, you don't
2 know if a vehicle could travel from one place, Buedu, to Foya
3 Tenga during the dry season. Is that what you're saying?

4 A. Vehicles used to ply the route.

09:55:59 5 Q. Had you met Jungle personally, one on one, before that day,
6 Mr Witness?

7 A. I did not meet him personally, but I saw him, but that was
8 the very first day I met with him face to face and we spoke to
9 each other.

09:56:21 10 Q. At this time Sam Bockarie was head of the RUF, yes?

11 A. Yes.

12 Q. Did you go alone, or did you go with somebody, Mr Witness?

13 A. I went there alone.

14 Q. It was a pretty important assignment to take this letter to
09:56:52 15 Jungle, yes?

16 A. Yes.

17 Q. Is it typical for the head of the RUF to tell the messenger
18 what's in the contents of the letter, Mr Witness?

19 A. Well, yes, sometimes, yes, for you to hurry up, yes.

09:57:13 20 Q. And you are saying on this particular occasion Sam Bockarie
21 told you, "This is a letter requesting ammunitions from
22 Charles Taylor. Take it to General Jungle in Foya Tenga."
23 That's what you're telling us, Mr Witness?

24 A. Yes.

09:57:33 25 Q. And he could have sent any number of people from Buedu.
26 Rather than call you from Koindu with a motorcycle, he could have
27 sent any number of people to transport this letter to Foya Tenga,
28 that was possible, yes?

29 A. Yes, that could be possible, but that would delay the

1 operation.

2 Q. And you had never met Jungle, who this paragraph says you
3 referred to as General Jungle. You had never met him in person
4 face to face before that day, yes?

09:58:15 5 A. Yes.

6 Q. And this general had a conversation with you asking you
7 about the situation and telling you he was going to take a
8 helicopter to Monrovia. That's what you're telling us, this
9 conversation took place. Is that your evidence, Mr Witness?

09:58:39 10 A. Yes, Jungle told me that exact, yes. I met him in Foya
11 Tenga and was given the letter and he said, "I was expecting
12 somebody. I have been waiting for this letter, so I will be
13 going now on board a helicopter." Then I left.

14 Q. This event happened close to the event where you said Sam
09:59:05 15 Bockarie was in Koindu with a satellite phone, in a case or
16 pouch, calling Liberia, yes?

17 A. That event that Sam Bockarie was talking about had passed.
18 That was before we were attacked. That was when Sam Bockarie
19 spoke in Koindu. At this time we were under attack in Koindu, it
09:59:34 20 had passed. I can't tell you exactly how many months that it
21 took, but it had passed.

22 Q. Your birthday is on 23 April and last week you told us on
23 23 April 1998 you were present when Sam Bockarie came with his
24 security and a satellite phone and you were in the vicinity of
10:00:04 25 Koindu Town, yes?

26 A. Yes.

27 Q. Are you saying this trip to Foya Tenga was before or after
28 this 23 April episode when Sam Bockarie had the satellite phone?

29 A. Yes, it happened after the 23rd because on the 23rd we were

1 not under attack in Koindu. It was in June that we were attacked
2 in Koindu. So from June now I can't tell you the exact month
3 that I went, but it was after.

10:00:56 4 Q. So you are now telling the Court that your delivery of the
5 letter took place after April of 1998 and around the time of the
6 attack in June from Guinea. Is that your evidence?

7 A. Well, I cannot say it would be around the attack in June,
8 but it was during the course of the attack, from 16 June now
9 upwards. I can't tell you the exact month that I went, but it
10:01:27 10 was when the attack had taken place, then we were under attack
11 already.

12 Q. Are you saying that because of the reference in the
13 statement to being under pressure?

14 A. When I took the letter, yes, because we were under attack.
10:01:57 15 That was the time Sam Bockarie called me and gave me the letter,
16 but I don't know the exact month or date that I went on that
17 trip.

18 Q. Well, let's say your trip to Foya Tenga occurred in the
19 same 1998 which you have said it occurred. Sam Bockarie's
10:02:20 20 alleged satellite phone call took place 23 April and what we wish
21 to know is this: If Sam Bockarie has the ability to communicate
22 by satellite radio, or satellite phone, to Monrovia and you told
23 us Banya told you that Sam Bockarie was asking for clearance for
24 go and meet Charles Taylor during that conversation, why would
10:02:54 25 Sam Bockarie send a courier with a letter to Foya Tenga, to give
26 an intermediary, Jungle, and then Jungle will in turn take a
27 helicopter to Monrovia to hand the letter to Taylor? Can you
28 explain this sequence of events, Mr Witness?

29 A. Well, I said it once here in this Court that Jungle was a

1 man who used to come to the RUF territory and any time he would
2 come we would have information that he had either brought
3 materials for us, or some good information and he was a man who
4 was between the RUF and Charles Taylor. So if Jungle came to the
10:03:49 5 RUF territory, even if he was given a letter to go with to
6 Charles Taylor, Charles Taylor would then know that whosoever was
7 in charge had given him the letter.

8 THE INTERPRETER: Your Honours, can the witness repeat this
9 last bit.

10:04:11 10 PRESIDING JUDGE: Mr Witness, the interpreter is trying to
11 keep up with you. Could you repeat your answer starting from the
12 point you said, "Charles Taylor would then know that whosoever
13 was in charge had given him the letter", and speak a little more
14 slowly, please, too so the interpreter can keep up.

10:04:33 15 THE WITNESS: If Jungle took a letter - because
16 Charles Taylor himself used to send Jungle to RUF, so if RUF sent
17 Jungle to Charles Taylor, there would be no doubt. So at times
18 there will be monitoring over the air. You know, you cannot just
19 talk on the phone, maybe you were monitored, especially when
10:05:06 20 there was pressure there would be monitoring, so at times they
21 would send letters, but there would be other times that they
22 would communicate too. That was the reason that I know.

23 MR ANYAH:

24 Q. You told us during direct examination that Jungle would
10:05:25 25 frequent RUF territory off and on, with materials, during the
26 period of time you were with the RUF, yes?

27 A. Yes.

28 Q. You told us also of this satellite phone call from Sam
29 Bockarie to Monrovia on 23 April 1998, yes?

1 A. Yes.

2 Q. Mr Witness, can you explain how it is that Sam Bockarie did
3 not contact Monrovia directly via radio, rather than send you on
4 a motorcycle with the letter? Do you know why that didn't

10:06:20 5 happen?

6 A. That's what I've just explained. Maybe being that when RUF
7 would have pressure on them their net would be monitored, the RUF
8 media would be monitored, they will get our communications and
9 they would act on that, so maybe that's why. Maybe during that

10:06:49 10 time that was why he decided to write a letter instead, for that

11 particular material not to be monitored or the bringing of it,

12 that's why he wrote a letter and he signed it himself, so when

13 Jungle would take it to Charles Taylor, Charles Taylor would know

14 that, yes, it was from Sam Bockarie, or whosoever was in charge

10:07:18 15 that had written the letter and that it was from RUF, so that

16 nobody would monitor our movements, or any information would not

17 leak.

18 Q. When you got to Jungle you said he sent a pick-up truck, or

19 a jeep, or a vehicle filled with ammunitions to accompany you on

10:07:42 20 your return trip back to Buedu, yes?

21 A. No.

22 Q. Did he sent any materials, as you call them, after you

23 handed him the letter, back to Buedu within a day or so after you

24 met with him?

10:08:01 25 A. I don't know. I just gave him the letter and he said he

26 was going and I returned with my motorcycle to Buedu and told Sam

27 Bockarie that I had given the letter to Jungle and I went back to

28 Koindu, but I did not come with a vehicle from Foya Tenga. I

29 went there alone and returned alone with my motorcycle.

1 Q. Mr Witness, I just read you your statement. Madam Court
2 Officer, can you display the statement again. Yes, Madam Court
3 Officer, the page in question would be page 5, please, of the
4 statement at tab 1. Mr Witness, do you see the top of that page?

10:09:13 5 A. Yes.

6 Q. I just read this to you, Mr Witness. This is what you told
7 the Prosecution on 28 March 2007. It reads:

8 "The witness returned immediately to Buedu and Jungle sent
9 a jeep full of ammunition with the witness."

10:09:32 10 Do you see that, Mr Witness?

11 A. Yes.

12 Q. That is saying that after you gave him the letter he sent
13 ammunitions in a jeep with you back to Buedu, yes?

14 A. No, I returned alone. I did not come with a jeep. I did
10:09:52 15 not come with a jeep with ammunition. The only time that I went
16 in Liberia that I came with ammunition in a vehicle was when I
17 went to 50 and I said it and up until now I am saying it. It was
18 when I went to 50. We slept there and the next morning he gave
19 us two vehicles with ammunition. We travelled with that to
10:10:16 20 Buedu, but to Jungle I only give him a letter and he told me what
21 he was to tell me and I returned and he too went.

22 Q. And so again what is written on this page by the Office of
23 the Prosecutor being attributable to you is in error, yes?

24 A. Well it's a double information, because it's down in the
10:10:46 25 last paragraph for General 50 when I brought that ammunition.
26 Maybe that's what they were concentrating on when they put it
27 there. But to General Jungle, to Jungle I returned alone. I
28 went alone and I returned alone. I did not come with ammunition,
29 or material.

1 Q. Mr Witness, I am not asking you whether it's double
2 information, or whether the same page contains information about
3 two different meetings or trips to Liberia. I am asking you
4 whether what is written on the page is in error, yes or no?

10:11:20 5 PRESIDING JUDGE: Which part of the page, Mr Anyah?

6 MR ANYAH:

7 Q. The sentence that reads that Jungle sent a jeep full of
8 ammunition with the witness, is that a lie, Mr Witness?

9 MR WERNER: Your Honours, I would object to this.

10:11:36 10 Information can be not correct and not be a lie. I would object
11 to this --

12 PRESIDING JUDGE: I will allow the question. Repeat the
13 question.

14 MR ANYAH:

10:11:50 15 Q. Mr Witness, the part of that document you are looking at,
16 the top of the page, the sentence I have read on three occasions
17 now and now for the fourth time, "The witness returned
18 immediately to Buedu and Jungle sent a jeep full of ammunition
19 with the witness", that information is in error, yes?

10:12:09 20 A. I believe so. It should be an error, but I did not return
21 with ammunition. It was when I went to 50 that I returned with
22 ammunition. I came alone. I went alone and came back alone and
23 it's - the two pieces of information are on the same page. It
24 could be a double information. I did not return with ammunition
10:12:28 25 from Jungle. I said it here when Prosecution was asking me.

26 PRESIDING JUDGE: Mr Witness, counsel has only asked you
27 about whether it was an error and you've answered that question.
28 Continue, Mr Anyah.

29 MR ANYAH: Thank you, Madam President:

1 Q. Are you aware that in 1998 ECOMOG was still in Liberia,
2 Mr Witness?

3 A. Well, I did not know because I was not in Liberia. I don't
4 know.

10:12:59 5 Q. But you went into Liberia with your motorcycle, yes?

6 A. Yes.

7 Q. And Jungle was going to fly with a helicopter from Foya
8 Tenga to Monrovia, yes?

9 A. Yes, according to him.

10:13:19 10 Q. Do you know what it costs an African nation to fly a
11 helicopter from Foya Tenga to Monrovia?

12 A. I don't know. I can't tell, I don't know.

13 Q. How long did it take you to go from Buedu to Foya Tenga on
14 a motorcycle?

10:13:41 15 A. I can't exactly tell how many hours or minutes I took. I
16 don't know.

17 Q. When you testified last week about your alleged third trip
18 to Vahun - well rather to Liberia, in this case Vahun, you said
19 somebody gave you petrol to refuel your motorcycle. When you
10:14:01 20 went the second time to Liberia to Foya Tenga did you have to
21 refuel your motorcycle, Mr Witness?

22 A. No.

23 Q. One tank of petrol took you from Buedu to and fro from Foya
24 Tenga. Is that your evidence, Mr Witness?

10:14:24 25 A. Yes, my tank was full. If it's full it goes over a hundred
26 miles and it was an XL, but that distance was not over a hundred
27 miles.

28 Q. Until this day, 2008, as you sit there now you don't know
29 why Sam Bockarie chose you to be the messenger and courier of

1 this letter, do you?

2 A. I believe it was because of the pressure that we were under
3 in Koindu to fasten the ride, to go quickly and return.

10:15:11

4 Q. Were you one of the fastest motorcycle riders in the RUF at
5 the time?

6 A. Yes, and I had ridden a motorcycle even before the war.

7 Q. But there were others with motorcycles within the RUF at
8 the time, yes?

10:15:33

9 A. Yes. Most of them learned how to drive during the
10 movement, so they had accidents sometimes.

11 Q. Let's talk about your third trip that you say happened when
12 you went to Vahun in 2000 again to deliver a letter, this time to
13 General 50. What month did you go to Vahun, Mr Witness, in the
14 year 2000?

10:15:58

15 A. I can't remember the month.

16 Q. Was it before or after your assignment to Komende?

17 A. It was after the first disarmament, after we had left
18 Komende, after we had disarmed from Komende - from Komende and
19 gone to Daru to disarm and we were based in Segbwema at the time.

10:16:38

20 Q. You were based in Segbwema in Kailahun District until the
21 middle of 2000, yes?

22 A. Yes.

23 Q. And you say Issa Sesay gave you a letter. Well, let me
24 rephrase that just so there's no confusion. There was somebody
25 named Gbessay, Gbessay Ngobeh, yes?

10:16:57

26 A. Yes.

27 Q. And Ngobeh was the person who brought this letter to
28 Segbwema for you to take it Vahun, yes?

29 A. Yes.

1 Q. Where was Issa Sesay when he gave this letter to Gbessay
2 Ngobeh?

3 A. Issa was in Kono at that time.

10:17:44

4 Q. Had you ever served under Issa Sesay before that day,
5 Mr Witness?

6 A. No. I did not directly serve under Issa, no.

10:18:15

7 Q. In all the places you told us you went from Bunumbu to
8 Pendembu, to target C Bunumbu again, to Kailahun, to Jungle when
9 you were with Action Force, to Peyama and the Tongo jungle with
10 CO Papa, to Kenema bypass, your brief stint being trained as a
11 cadet in Zogoda, to Peyama again, to Kailahun Town under CO Denis
12 Lansana, to Koindu, to Segbwema, to Komende, not once did you
13 serve directly under Issa Sesay, yes?

14 A. Yes.

10:18:48

15 Q. And again this time you tell us Issa Sesay chose you to
16 take this letter because you had a motorcycle. Is that your
17 evidence, Mr Witness?

18 A. Well I do not know whether it was because I had a
19 motorcycle, but it was Gbessay Ngobeh who gave me the letter that
20 Issa Sesay said I should take that letter to Vahun to General 50.

10:19:07

21 Q. So as you sit there now you do not know why Issa Sesay
22 chose you to take this letter, true?

23 A. That's what I have said. It could either be for the
24 motorcycle, but I don't know. It was only a letter that Gbessay
25 Ngobeh gave to me that I should go. It was a command. They
26 could select anybody. Be it direct or not, they could select.
27 As long as it was an order for you, you were to go.

10:19:33

28 Q. We understand it was a command. The issue is why you? Why
29 you, Mr Witness? They could send anybody, right?

1 A. Yes.

2 Q. This was an important letter, was it not?

3 A. Yes.

4 Q. Do you know General 50's real name, Mr Witness?

10:20:12 5 A. I heard about Benjamin, but that was later, yes.

6 Q. At the time you did not know his real name, yes?

7 A. Yes, at the early stages I did not know. I did not know
8 his name.

9 Q. Has anybody mentioned the name Benjamin Yeaten to you since
10:20:35 10 then?

11 A. I think you mentioned it here last week in this Court, that
12 Yeaten, here.

13 Q. Mr Witness, was there a radio communication from Issa Sesay
14 to you before this letter arrived where you were, Segbwema?

10:21:19 15 A. Yes, there was a radio communication set in Segbwema. It
16 was with us in Segbwema.

17 Q. My question was before Gbessay Ngobeh brought this letter
18 to you, did somebody radio you to tell you the letter was coming?

19 A. Well, yes, I can recall the radio operator who was in
10:21:42 20 Segbwema told me that a letter was on its way. He said Gbessay
21 Ngobeh was coming; that somebody was coming with a letter to me
22 called Gbessay Ngobeh.

23 Q. Did you go by yourself, or you went with somebody,
24 Mr Witness?

10:22:03 25 A. I went with someone.

26 Q. Prince somebody, yes?

27 A. Yes.

28 Q. What was the last name? What was the last name of this
29 Prince fellow?

1 A. Kosi a.

2 Q. Prince Kosi a. So you and Prince, was he seated at the back
3 of your motorcycle, Mr Witness?

4 A. Yes, because I was riding.

10:22:34 5 Q. And who was your commander in Segbwema at the time?

6 A. Well, at that time - at that time that we had disarmed we
7 hadn't - they sent a commander from Kono whom they called Colonel
8 Amara. He met us in Segbwema. But when we disarmed and we were
9 there at that time there was not a single command, only we the

10:23:12 10 senior officers were putting things together, but later Colonel
11 Amara came to Segbwema and he stayed there until the final
12 disarmament.

13 Q. But it would be fair to say that you were reporting to the
14 same CO Denis Lansana who at the time was based in Pendembu, yes?

10:23:34 15 A. Yes, because he was the brigade commander, the 1st Brigade.
16 The 1st Brigade, we were reporting to him.

17 Q. What is the distance from Segbwema to Vahun in Liberia?

18 A. I don't know. It's a far distance.

19 Q. How long did it take you to get from point A to B:

10:23:58 20 Segbwema to Vahun in Liberia?

21 A. I think I took a long time on the way. I don't know the
22 exact hour, but I took a long time on the road. It's a far
23 distance.

24 Q. Did it take you up to a day to get there, Mr Witness?

10:24:22 25 A. Yes, because when I left in the morning I reached there in
26 the afternoon, yes.

27 Q. You left in the morning and you reached there in the
28 afternoon. Are you referring to the afternoon of the following
29 day, Mr Witness?

1 A. No.

2 Q. Was it the same day that you left that you arrived?

3 A. Yes.

4 Q. What was the purpose of Prince Kosi a going with you on this
10:25:06 5 mission, Mr Witness?

6 A. Well, Prince Kosi a was an IO so he said he should go with
7 me.

8 Q. Did anybody direct or order him to accompany you on this
9 mission, Mr Witness?

10:25:19 10 A. Well, when I received the letter it was Gbessay Ngobeh who
11 told me that I was going with Prince. That was what Gbessay
12 said.

13 Q. Do you know who asked Prince to go on this mission with
14 you, Mr Witness?

10:25:41 15 A. Only when Gbessay told me that I and Prince should go. I
16 do not know who told Gbessay, or how he came to tell Prince that
17 we should go together.

18 Q. Are you speculating when you say it was Gbessay who told
19 Prince that you should go together?

10:26:11 20 A. I'm not guessing. I said it was Gbessay who told me that I
21 should go with Prince. You said if I know if anybody told Prince
22 that we should go. That's what I'm saying. It was only Gbessay
23 who told me that I and Prince should go, so I did not know
24 whether it was a command that they gave to Gbessay to tell
10:26:33 25 Prince. I don't know.

26 Q. Let's break that answer down. First, do you know whether
27 it was Gbessay who told Prince to accompany you? Can you answer
28 that?

29 A. Well, no, I was not there when he and Prince spoke. He

1 just told me and I went and picked up Prince.

2 Q. I'm not asking you if you were there when they spoke. It's
3 a simple question. Was it Gbessay Ngobeh who told Prince to go
4 to Vahun with you, do you know?

10:27:11 5 A. No.

6 Q. You do not know who told Prince to go to Vahun, yes?

7 A. No, I told Prince that Gbessay says I and he should go.

8 Q. So you were the one who told Prince he should go with you,
9 but you do not know why Prince was supposed to go with you, yes?

10:27:41 10 A. Well, I know that being that Prince was an IO, that was why
11 I think Gbessay told me that I should go with Prince.

12 Q. IO means intelligence officer, yes?

13 A. Yes.

14 Q. IOs were part of the JSU, or Joint Security unit, right?

10:28:09 15 A. Yes.

16 Q. Are you saying he was being sent to keep watch over you,
17 Mr Witness?

18 A. Well, I don't know. I don't know.

19 Q. You have just told us that, putting two and two together,
10:28:28 20 you are of the view that he went with you because he was a member
21 of the IO. Why was it necessary for someone from the IO unit to
22 go with you on this mission, tell us?

23 A. Well, like in Vahun that was my first time of going there.
24 In fact, when Gbessay gave me the letter I told him that I have
10:28:49 25 never gone to Vahun and he told me that I would be going with
26 Prince. He said I should go and tell Prince so that the both of
27 us will go.

28 Q. In 1998, when you went to Foya Tenga, that was your first
29 trip to Foya Tenga, yes?

1 A. Yes.

2 Q. In 1998, when you went to Foya Tenga, the RUF had an
3 intelligence officer unit, yes?

4 A. Yes.

10:29:24 5 Q. But on that occasion in 1998 it is true no-one was asked to
6 accompany you, yes?

7 A. Yes.

8 Q. Had you ever met this fellow you call General 50 before the
9 time you met him in Vahun?

10:29:46 10 A. No.

11 Q. Do you know the contents of this letter you were being
12 asked to deliver to General 50?

13 A. No.

14 Q. Did somebody tell you what was in the contents of this
10:30:10 15 letter at some point in time, Mr Witness?

16 A. Well, except that General 50, after we had arrived and I
17 gave him the letter, when he read it he told me that he had
18 received it, he and Issa have spoken, so he called his soldiers
19 to accommodate us and told them by tomorrow we will leave. So in
10:30:39 20 the morning he presented the ammos to us. That was the content
21 of the letter, because in the morning we returned with materials.

22 Q. Shall we look at what you say in your statement about this
23 letter and about this trip to Vahun. Madam Court Officer, it
24 starts on page 5 of tab 1, through page 6. Thank you, Madam
10:31:24 25 Court Officer. Mr Witness, here is what you say in your first
26 statement:

27 "The witness went to Liberia a third time after the Lome
28 Peace Accord was signed. It was after Foday Sankoh was arrested
29 in May 2000 and the witness had initially disarmed."

1 Mr Witness, Foday Sankoh was arrested following the
2 incident at 56 Spur Road in Freetown on 7 and 8 May 2000,
3 correct?

4 A. Yes.

10:32:17 5 Q. That was when there was a disturbance at Spur Road and some
6 RUF members fired on civilians, yes?

7 A. Yes.

8 Q. So this trip you took, or claim you took to Vahun occurred
9 after 8 May 2000, right?

10:32:38 10 A. Yes.

11 Q. Continuing with the statement, it says:

12 "The witness thinks it was July 2000 because it was in the
13 rainy season. The witness was sent by Issa Sesay to Vahun,
14 Liberia, to take a letter to General 50."

10:33:01 15 Going down a few lines you give a description of General
16 50:

17 "The witness describes '50' as a short man and a Gio
18 tribesman who was one of the 'top authorities' or 'top guys' in
19 Charles Taylor's government."

10:33:33 20 And then to the next paragraph:

21 "The witness did not see or know the contents of the
22 letter, but he was there when General 50 opened it and read it.
23 General 50 told him that he had been in touch with Issa Sesay and
24 Charles Taylor concerning ammunition for the RUF. General 50
10:33:57 25 said he had just heard from 'the father', meaning Charles Taylor,
26 that Taylor had sent ammunition and medicine by helicopter to
27 Vahun for General 50 to give to the RUF."

28 Mr Witness, did you hear what I just read?

29 A. Yes.

1 Q. You are telling this Court that Benjamin Yeaten, General
2 50, someone who had never met you before that day, read a letter,
3 the contents of which you did not know, and after he read the
4 letter he first went on to tell you about his interactions or
10:34:41 5 communications with Issa Sesay, yes?

6 A. Yes.

7 Q. This same General 50, a top man in the government of
8 Charles Taylor, referred to his boss, Charles Taylor, as "the
9 father". Is that what you're telling us, Mr Witness?

10:35:02 10 A. Yes.

11 Q. He did not call him President Taylor, right?

12 A. No.

13 Q. He did not call him Charles Taylor, right?

14 A. No.

10:35:13 15 Q. He was referring to the President of Liberia as "the
16 father", that's your evidence?

17 A. Yes.

18 Q. This same general, who had never met you before, went on to
19 tell you that he had been in touch with Charles Taylor concerning
10:35:32 20 ammunition for the RUF. Is that your evidence, Mr Witness?

21 A. Yes.

22 Q. Was Prince Kosi a present when all of this was being said,
23 Mr Witness?

24 A. Yes.

10:35:51 25 Q. So 50 not only told you this, he told everybody in the
26 general vicinity what was going on. Is that your evidence?

27 A. Well, yes, Prince and I, when we went to him - because they
28 took us to him, the soldiers. They took us to him and handed us
29 over and they said, "These men have come from Issa Sesay." Then

1 I gave him the letter. Then they went. I do not know whether
2 they were around, or they were standing by, but we were standing
3 whilst he was sitting down. He told us, when he read it.

10:36:38 4 Q. And within a day of you arriving with the letter, the next
5 day a helicopter appears with ammunition and medicine, yes?

6 A. Yes, that was what he told me, that the next day a
7 helicopter was to come with medicines and materials for us.

8 Q. Did the helicopter in fact come on the next day?

9 A. Well, I don't know. Maybe it came and landed somewhere
10:37:08 10 else, but where we were, I did not see a helicopter there.

11 Q. As a consequence of this letter was any ammunition sent to
12 the RUF, Mr Witness?

13 A. Yes, we took along materials and medicines.

14 Q. And that was in the two vehicles you testified about,
10:37:38 15 right?

16 A. Yes.

17 Q. And you left or departed Vahun on the day after you
18 arrived, yes?

19 A. Yes.

10:37:51 20 Q. Were those ammunition and medicine being sent in response
21 to the letter, Mr Witness?

22 A. Yes.

23 Q. So within a day of your arrival in Vahun General 50 read
24 this letter and by the next day they had two jeeps full of
10:38:21 25 ammunition and medicine for you to take back?

26 A. Yes, two vehicles with ammunition in them and medicines
27 when we returned.

28 Q. Was it only ammunition, or was it arms and ammunition?

29 A. Well, there were materials. They contained ammunition,

1 medicines. I don't know, arms? Arms should have been in there
2 because later on we received arms from Segbwema.

3 Q. I'm not asking you to speculate and say, "Arms should have
4 been in there." Either you know arms were there, or you do not.

10:39:09 5 Were there arms in that shipment, Mr Witness?

6 A. We took along materials, ammunition and medicine.

7 Q. My question is were there arms in that shipment,
8 Mr Witness?

9 A. I did not see arms. I saw materials, ammunition.

10:39:33 10 Ammunition were in the vehicles when we returned.

11 Q. Your first statement to the Prosecution is still displayed.
12 Do you see any reference to Prince Kosi a, Mr Witness?

13 A. No.

14 Q. Did you tell the Prosecution when you met with them on that
10:40:01 15 occasion that Prince Kosi a went with you to Vahun?

16 A. They did not ask me with whom I went.

17 Q. Were you armed with any weapons when you went on this trip,
18 Mr Witness?

19 A. No.

10:40:19 20 Q. Who was supposed to provide the security for transporting
21 these weapons from Vahun to Bomaru?

22 A. The next day General 50 gave us two vehicles with materials
23 with their drivers and some few soldiers who were in them who
24 accompanied us to Bomaru. When we unloaded, they returned.

10:41:02 25 Q. Mr Witness, do you see your first statement and do you
26 notice that it only refers to ammunition and medicine and no
27 arms?

28 A. Yes.

29 Q. Do you see at the bottom of the page, second to last

1 sentence, it says, "The witness saw the ammunition and medicine
2 unloaded at the commander's house in Bomaru"? Do you see that,
3 Mr Witness?

4 A. Yes.

10:41:48 5 Q. Shall we go to tab 6, page 3. Mr Witness, this is another
6 statement of yours from the time while you have been here in The
7 Hague. Your Honour, may I have a moment, please. Yes, I have
8 found where I was. Tab 6, page 3, less than a month ago. The
9 top of the first page says that you gave this information to the
10 Prosecution on Tuesday 20 and Wednesday 21 May 2008, and on page
11 3, paragraphs 20 and 21, it speaks of this trip to Vahun and what
12 you said about it. Paragraph 20:

13 "Issa Sesay then sent Gbessay Ngobeh to Segbwema with a
14 letter for the witness to go to Vahun and deliver that letter to
10:43:46 15 General 50, aka Benjamin Yeaten."

16 Were you the one who told them his name was Benjamin
17 Yeaten, Mr Witness, or did they add that part, the Yeaten part?

18 A. I don't know.

19 Q. Well, you told us that it was only when I said Yeaten in
10:44:15 20 court that you knew his name was Benjamin Yeaten. You only knew
21 the first name Benjamin. So, who added the Yeaten to your
22 statement?

23 A. I don't know.

24 Q. It must have been the Prosecution, yes? They prepared the
10:44:37 25 document, yes, Mr Witness?

26 A. I don't know.

27 Q. Reading on: "The witness was chosen to take that letter as
28 he had a motorbike." Less than a month ago, Mr Witness, you told
29 them that you were chosen of all people in the RUF by Issa Sesay,

1 high command of the RUF, to take this letter because you had a
2 motorbike. Do you stand by that, Mr Witness?

3 A. They did not choose me because I had a motorbike. It was
4 for me to hasten up with my motorbike, that was why, and because
10:45:24 5 of the pressure that was exerted us on by the CDF in Segbwema. I
6 just received an order to go with my motorbike to Vahun.

7 Q. We go to paragraph 21:

8 "The witness spent the night in Vahun. The next day
9 Benjamin Yeaten ...", used again in your statement Benjamin
10:45:54 10 Yeaten, "... provided the witness with arms and ammunition in two
11 trucks to take to Bomaru. He did not see the two trucks being
12 loaded in Vahun."

13 Do you see the reference to arms there, Mr Witness? Did
14 you tell the Prosecution there was arms in that shipment?

10:46:21 15 A. The arms and the trucks - in fact, they were not trucks. I
16 said Land Rover Defender and a Hilux. Those were not trucks.

17 Q. I'm not asking you whether they were trucks, Hilux, Land
18 Rovers. I'm asking you about the reference to arms. That's the
19 focus. There are three issues: medicine, arms and ammunition.

10:46:45 20 In your first statement you spoke of only ammunitions and
21 medicine. In May of this year you speak of arms and ammunition
22 and no medicine. Which is it, Mr Witness? Was there arms in the
23 shipment?

24 A. It was medicines and ammunition. Medicines and ammunition.

10:47:08 25 Q. So again the reference to arms in your statement, just like
26 the reference to Yeaten, is an error, yes?

27 A. Well, that reference to arms should be medicines.

28 Q. Thank you for the correction, Mr Witness. Thank you, Madam
29 Court Officer. Madam Court Officer, I apologise, shall we go to

1 tab 1, page 13, the bottom of the page. Mr Witness, you know why
2 I was asking you about the distinction between arms and
3 ammunition is because it's an important one and your statement
4 here points to that issue. Last sentence on page 13 you told the

10:48:28 5 Prosecution this, Mr Witness:

6 "By the time the RUF linked up with the AFRC, the rebels
7 had enough weapons so the shipments of supplies thereafter
8 consisted of ammunition and other things, not arms."

9 Do you see that, Mr Witness? Yes?

10:49:01 10 A. Yes, yes.

11 Q. And the time of this link up you're referring to there was
12 the junta period, correct?

13 A. Yes.

14 Q. And your statements confirm therefore that from after the
10:49:25 15 junta period, with the intervention being in February 1998, any
16 supplies of materials you say came from Liberia consisted of only
17 ammunition and not arms, yes?

18 A. Yes.

19 MR ANYAH: Thank you, Madam Court Officer:

10:50:12 20 Q. Mr Witness, when Foday Sankoh left Zogoda and went to Ia
21 Cote d'Ivoire, where were you?

22 A. I was in Kailahun.

23 Q. But you knew somebody who knew Foday Sankoh was going to
24 Zogoda and somebody told you, yes?

10:50:41 25 A. I did not get that question clear.

26 Q. I am trying to ascertain how if you were in Kailahun you
27 knew Foday Sankoh in Zogoda was going to Ia Cote d'Ivoire. You
28 knew somebody who knew or had that information, right?

29 A. Yes.

1 Q. And who told you about this trip by Foday Sankoh to Ia Cote
2 d'Ivoire?

3 A. Foday Sankoh himself informed the whole of the RUF that he
4 was going to sign the Abidjan Peace Accord. We knew that he was
10:51:25 5 going.

6 Q. And you told us during direct examination of some of the
7 people who went with Foday Sankoh to Abidjan, right?

8 A. Yes.

9 Q. Can you tell us some of their names again, Mr Witness?

10:51:47 10 A. Well I recall Deen-Jalloh, Philip Palmer, Dr Barrie, a
11 radio operator that was called Gbessay and another man. I knew
12 they were five, but I have forgotten the name of the other man
13 whom I knew joined Foday Sankoh together with other people, but
14 those other people I don't know them.

10:52:27 15 Q. Well, let's be specific here. You know some people, the
16 other people you do not know, you know there were five. Were
17 there five people that went with Foday Sankoh, Mr Witness?

18 A. I cannot be exact about that number that they were actually
19 exactly five in number that went, but people went with him.

10:52:52 20 Q. But you have given us some names and so let's count them.
21 Philip Palmer went, according to you, right?

22 A. Yes.

23 Q. Deen-Jalloh went according to you, right?

24 A. Yes.

10:53:14 25 Q. You added today Dr Barrie went, according to you, right?

26 A. Even last week I said it in court that Dr Barrie was there.
27 Yes, he went.

28 Q. I stand to be corrected. You are correct. I see counsel
29 opposite nodding. You say a radio operator named Gbessay went,

1 according to you.

2 A. Yes.

3 Q. That's four names we have: Dr Barrie, radio operator
4 Gbessay; Philip Palmer and Deen-Jalloh. Anybody else,

10:53:59 5 Mr Witness?

6 A. Yes, yes.

7 Q. Who else?

8 A. Now I recall Fayah Musa. Fayah Musa, yes. Fayah Musa.

9 Q. Did he go with a radio operator to La Cote d'Ivoire?

10:54:28 10 A. Yes, Gbessay was a radio operator. She was a woman.

11 Q. Did any other male radio operators go with Foday Sankoh?

12 A. Well, I can't tell. I actually know that people went, but
13 I can't recall the names of the other people. But I only recall
14 Gbessay.

10:55:08 15 Q. This Gbessay that went, was she Sierra Leonean?

16 A. Yes.

17 Q. Have you ever heard of a radio operator by the name of
18 Memunatu Deen?

19 A. No, no.

10:55:40 20 Q. Never?

21 A. I don't recall that name, no. Maybe it was a nickname, but
22 I don't recall that name.

23 Q. Have you ever heard of a radio operator by the name of
24 Martin Moinama, Mr Witness?

10:56:08 25 A. I knew a radio operator by the name of Martin, but I don't
26 know whether his surname was Moinama.

27 Q. Have you ever heard of a radio operator by the name of
28 Zedman, Mr Witness?

29 A. Yes.

1 Q. What is Zedman's real name, Mr Witness?

2 A. I have forgotten his real name. Maybe I will recall it.

3 Q. Have you heard of a radio operator with the nickname The
4 Cat, Mr Witness?

10:56:55 5 A. No.

6 Q. Who exactly told you about this trip by Foday Sankoh and
7 the delegation that was going with him?

8 A. Well, the trip on which Foday Sankoh went was announced.
9 He announced it that he was going for a peace talk. We heard it,

10:57:19 10 but I can't recall the actual person that told me, or whether
11 somebody actually came and told me directly. But we all heard
12 it. We all knew that he was going for a peace talk in Abidjan.

13 Q. Do you know whether Foday Sankoh sent any communication
14 equipment from Abidjan back to the RUF?

10:57:53 15 A. No, no. I don't know.

16 Q. Have you ever heard of the name Pa Kallon?

17 A. Yes.

18 Q. Who is Pa Kallon?

19 A. Well, I knew a Pa Kallon that was with the RUF. Pa Kallon,
10:58:24 20 he was with the RUF.

21 Q. A witness testified before this Court on 14 April 2008,
22 TF1-516, and at page 7481 of the transcript he speaks of the
23 delegation that went to Abidjan. The question was to the
24 witness, "And who is Steve Bio?" The answer was:

10:59:20 25 "That he was also a man working in the interests of the
26 external delegation of the RUF and the external delegation of the
27 RUF comprises one Palmer - Captain Palmer, Deen-Jalloh and Fayia
28 Musa who was the spokesperson of the RUF at that time, Pa Kallon
29 and one other woman I don't know, Iye, something Iye. And Steve

1 Bio used to direct them, used to move with them, more especially
2 during the time the general adjutant of the RUF Kposowa had
3 communication link with the soldiers, the Sierra Leone soldiers."

4 Mr Bangura then asks, "Your Honours, the spelling - the
11:00:11 5 witness mentioned a name and again what comes up is 'eyes'." The
6 witness says, "Iye, I-Y-E."

7 That witness was saying that the name of the woman who went
8 with this external delegation, the name was I-Y-E. Have you heard
9 of such a woman before, Mr Witness?

11:00:35 10 A. No.

11 Q. Does what I've read refresh your memory regarding whether
12 or not Pa Kallon went on this delegation?

13 A. Well, that was the reason why I said that people went with
14 him that I have forgotten. People were present when he moved
11:00:59 15 from Sierra Leone, but I was not present at the time he moved.
16 So I cannot actually tell you all of the names, but I recall some
17 of those names that I have given you, they went.

18 Q. Let's see what this same witness, 516, says about Foday
19 Sankoh's radio operators in Abidjan. On the same transcript, at
11:01:29 20 page 7474, starting at line 15, this witness said in response to
21 this question - here was his answer, the question was:

22 "Q. So Martin Moinama went with Foday Sankoh to the Ivory
23 Coast, yes?

24 A. It was Sahr James who went with Corporal Sankoh to
11:02:06 25 Yamoussoukro, but later on Sahr James came back with a
26 satellite phone and a fax machine. Then Corporal Sankoh
27 asked for a replacement of Sahr James. It was at that time
28 Martin Moinama was appointed to go to La Cote d'Ivoire and,
29 after the departure of Martin Moinama, Corporal Sankoh

1 again requested for another radio operator to stay in
2 Danane and the radio operator who was appointed to go there
3 was Sergeant Eddie Murphy. Eddie Murphy was in Danane and
4 Martin, the Cat, was with Corporal Sankoh in Yamoussoukro."

11:02:57 5 Were you aware that both Sahr James and Martin Moinama went
6 to join Foday Sankoh in Yamoussoukro in La Cote d'Ivoire?

7 A. No.

8 Q. Were you aware that Foday Sankoh sent, or is claimed to
9 have sent a satellite phone and a fax machine back from La Cote
11:03:15 10 d'Ivoire?

11 A. No, I never heard that.

12 Q. So you only heard part of the story then about this
13 delegation to La Cote d'Ivoire, would you agree, Mr Witness?

14 A. Yes.

11:03:37 15 Q. As we sit here now, besides what you've told us in court
16 and what I've just read, there might be other aspects of this
17 story neither you nor I know about, correct?

18 A. Yes, there were some other events that I did not know
19 about, yes.

11:03:57 20 Q. We're not talking of some other events. We're talking
21 about this delegation to La Cote d'Ivoire. Is it possible,
22 Mr Witness, that someone else would come here and tell us
23 something else that you've not said and we are not aware of?

24 A. Yes, yes.

11:04:21 25 Q. So what you've told us in court about this trip is only
26 part of what may or may not have happened, right?

27 A. What happened - what I heard about that happened is what I
28 have spoken about. I did not hear about other events. Maybe
29 they happened, but I did not hear them, so I don't know.

1 Q. Mr Witness, how long did Foday Sankoh spend in La Cote
2 d'Ivoire?

3 A. I'm unable to tell exactly. I don't know.

4 Q. When he was in La Cote d'Ivoire he went on to Nigeria,
11:05:27 5 right?

6 A. Well, yes, because that was where he was when we heard
7 about his arrest and that was how I came to know that he went to
8 Nigeria.

9 Q. And from whom did you hear about his arrest?

11:05:48 10 A. It was an information that reached the RUF. We all heard
11 that Foday Sankoh had been arrested in Nigeria.

12 Q. I'm not asking what everybody else heard. I'm asking about
13 you. When did you hear about it and from whom, or how did you
14 hear about it?

11:06:19 15 A. The only way I heard about it and the only thing I heard
16 about it was that Foday Sankoh had been arrested in Nigeria, but
17 I don't know, I can't recall any specific somebody who told me
18 that Foday Sankoh had been arrested. It was a spread out news,
19 so --

11:06:42 20 Q. Who was said to be the leader of the RUF after his arrest?

21 A. At that time Zino had disappeared, so Sam Bockarie was in
22 charge.

23 Q. Would you agree Foday Sankoh was arrested in Nigeria - the
24 word rather is detained, perhaps, on 2 March 1997?

11:07:22 25 A. Well, I don't know the date. I can't tell. I don't know
26 the date he was detained. I can't tell.

27 Q. Did you hear any information over international radio
28 regarding the leadership of the RUF around the time Foday Sankoh
29 was detained in Nigeria?

1 A. No.

2 Q. Are you aware that others have said that Philip Palmer went
3 over the international radio and made certain announcements once
4 Foday Sankoh was arrested in Nigeria?

11:08:11 5 A. No, I was not aware. I was not aware.

6 Q. On 5 June last week you told us at page 11047 that you were
7 a senior officer of the RUF. You recall that, yes?

8 A. Yes.

9 Q. And you are telling us now that when your leader, Foday
11:08:45 10 Sankoh, was arrested you did not hear any information about who
11 was claiming to be the new leader of the RUF?

12 A. No, I did not hear. I did not hear that.

13 Q. You told us instead last week that this delegation that
14 constituted in part of Philip Palmer and Deen-Jalloh made some
11:09:17 15 representations that the remaining RUF members should lay down
16 their arms. Is that what you said last week, Mr Witness?

17 A. I did not get you clear.

18 Q. Last week you told us about the delegation who went to Ia
19 Cote d'Ivoire and how they were arrested on their way back, yes?

11:09:46 20 A. I did say that Philip Palmer and others who went with Foday
21 Sankoh for that peace talk had come and they were in Freetown,
22 and that was when Gbessay, the radio communicator, communicated
23 with RUF and they said that they wanted to talk with the RUF at
24 the Nongowa crossing point. That was what I said. And it was
11:10:13 25 when they came that the RUF abducted them at the riverside.

26 Q. You also added, Mr Witness, Palmer saying that Foday Sankoh
27 had been arrested and that people should lay down their arms. Do
28 you recall that, Mr Witness?

29 MR WERNER: Sorry, your Honour, can we have a page number

1 in the transcript, please?

2 MR ANYAH: I would first prefer that the witness be given
3 the opportunity to answer.

4 PRESIDING JUDGE: He's not having it put in front of him,
11:10:52 5 Mr Anyah. Counsel is merely asking for a page number, not that
6 the matter be put before the witness. If you could refer counsel
7 to a page number, please.

8 MR ANYAH: I am looking for it, your Honours, but my
9 question was to the witness and the witness can answer whether or
11:11:09 10 not he knows or recalls saying that Palmer made such a statement.

11 PRESIDING JUDGE: Sorry, Mr Anyah, are you going to give me
12 the --

13 MR ANYAH: Oh, sorry, Madam President. I'm looking for the
14 reference, but I will keep looking for it and I'll proceed. I'm
11:11:36 15 in the Court's hands.

16 PRESIDING JUDGE: I see, very well. While you are looking
17 for it, Mr Witness, did you hear the question?

18 THE WITNESS: I did say that Gbessay called the RUF that
19 Mr Palmer and others wanted to talk to the RUF and they came to
11:11:53 20 the Nongowa crossing point and it was there that they said that
21 they had gone to sign the peace and they had signed the peace,
22 that the war has ended, that everybody should lay down their
23 arms, but at that time Sam Bockarie and others abducted them and
24 arrested them and brought them over to the RUF zone. But I did
11:12:16 25 not hear that Philip Palmer at that time declared himself the new
26 leader. I did not hear that.

27 MR ANYAH: Madam President, the reference is from the
28 transcript of 4 June and the discourse begins on page 10995.

29 PRESIDING JUDGE: Thank you, Mr Anyah.

1 MR ANYAH:

2 Q. And, Mr Witness, these are the questions and answers given
3 in response to this issue by you last week on 4 June. Starting
4 at line 13 of that page, 10995, the question was:

11:12:57 5 "Well, Philip Palmer was a delegate together with
6 Deen-Jalloh ..."

7 I'm sorry, I'm reading your answer. At line 11 is the
8 question:

9 "Q. Again what did you know around that time about Philip
11:13:13 10 Palmer?"

11 A. Well, Philip Palmer was a delegate together with
12 Deen-Jalloh who went with Foday Sankoh to Abidjan for the
13 peace talks. They were sent by RUF as delegates to go to
14 Abidjan for the peace talks.

11:13:36 15 Q. And what if anything else did you learn about him
16 before the AFRC coup?"

17 And then you give the answer saying it was at the time
18 Foday Sankoh was in Nigeria under arrest, you speak of Palmer,
19 Deen-Jalloh, a radio operator named Gbessay, and you said you
11:14:01 20 understood that the Sierra Leonean -- .

21 MR WERNER: Your Honour, just I would add that the witness
22 here talked about Dr Barrie as well in the transcript.

23 MR ANYAH: It's clear I'm paraphrasing at this point,
24 because I don't intend to repeat the entire evidence and the
11:14:17 25 Chamber is aware of the transcript. I am not trying to impeach
26 him on the presence or absence of Barrie's name. The issue is
27 Philip Palmer and statements made to RUF personnel:

28 Q. It is there said by you, Mr Witness, and I will read from
29 line 23:

1 "So when they went what we understood was the Sierra Leone
2 government persuaded them to join them."

3 And what you meant by that, Mr Witness, correct me if I'm
4 wrong, is that somewhere from La Cote d'Ivoire on the way back to
11:14:56 5 Sierra Leone this delegation was persuaded by the Sierra Leonean
6 government to join the Sierra Leonean government, yes?

7 A. Yes.

8 Q. Your answer continues:

9 "They should leave the RUF. In fact, when they came from
11:15:18 10 Abidjan they did not go back to the RUF territory to report the
11 outcome of the peace accord and how it went. We just heard that
12 they were in Freetown, the capital city of Sierra Leone, with the
13 Sierra Leone government and that they had been lodged in a
14 hotel."

11:15:52 15 Then later on, going down, you said - well, I will just
16 read the paragraph for contextual reasons and it just starts, it
17 says:

18 "So this radio operator who had gone with them used one of
19 the Sierra Leone government radio sets and called the RUF radio,
11:16:25 20 one radio station, one of the RUF radio stations and contacted
21 Sam Bockarie that they had come but were in Freetown and that
22 they had something to tell the RUF, but they would want us to go
23 and meet in Guinea at the Nongowa crossing point I was talking
24 about, that they had a peace talk that they want to bring to us,
11:16:49 25 that we should forget about the war, everything was over, Foday
26 Sankoh had been arrested and that we were in the jungle and had
27 no means of getting supply or to get - so they have spoken with
28 the Sierra Leone government and the Sierra Leone government had
29 sent them to us as delegates to come and talk to us."

1 Do you remember telling us that, Mr Witness?

2 A. Yes.

3 Q. So this delegation was in essence asking the RUF to disarm.
4 Is that your evidence?

11:17:25 5 A. Well, that was what they said, that they had a peace talk
6 and they wanted to come and talk to the RUF and that they had had
7 a discussion with the Government of Sierra Leone and that Foday
8 Sankoh too had been arrested, so that was what they said, yes.

9 Q. Well, other witnesses have come before this Court and they
11:17:55 10 have confirmed that Philip Palmer was arrested, but he was
11 arrested for saying that he was the new leader of the RUF over
12 the Voice of America. Do you agree with that, Mr Witness?

13 A. Well, why then did they arrest the other four people,
14 including Philip Palmer, if they had spoken about leadership,
11:18:38 15 that they were leaders? All I know is that they went as
16 delegates from the RUF but they did not return to the RUF and
17 later they allowed themselves to be persuaded by the Sierra Leone
18 government and they went to the Sierra Leone government side. So
19 that was the reason why Sam Bockarie decided to arrest them. I
11:18:53 20 did not hear him declare himself a leader. Maybe he said it. I
21 am saying I personally did not hear it.

22 Q. The issue is not whether the others were arrested. The
23 issue is whether there was a communication over the Voice of
24 America, by Philip Palmer, proclaiming himself leader of the RUF
11:19:13 25 after Foday Sankoh was arrested. Are you aware of such an
26 announcement by Philip Palmer?

27 A. No, I said I did not hear it. I personally did not hear
28 that over the Voice of America like you said.

29 MR ANYAH: Your Honours, for the record the reference is to

1 evidence by TF1-371 from 25 January - and Madam Court Officer
2 please don't broadcast this - 2008, closed session, page 2285.

3 PRESIDING JUDGE: I'm a little confused as to your
4 instruction to the --

11:20:03 5 MR ANYAH: No, just in case the Chamber has some questions
6 about the foundational basis for putting this question to the
7 witness I am just giving a reference, since I do not wish to read
8 verbatim the transcript of a closed session proceeding, or put it
9 to the witness in open session:

11:20:33 10 Q. Mr Witness, do you know whether the RUF, at the time Foday
11 Sankoh was in Zogoda and subsequently Abidjan, was getting arms
12 and ammunition from anyone else?

13 A. I don't know.

14 MR ANYAH: Madam Court Officer, could you assist us in
11:21:06 15 showing the witness MFI-16, please:

16 Q. Mr Witness, you will remember this document from last week,
17 yes?

18 A. Yes.

19 Q. You remember telling us about the attack on Gaya and
11:21:52 20 Yengema, yes?

21 A. Yes.

22 Q. And can you tell us again who the Lions, Mr Witness?

23 A. It's Foday Sankoh.

24 Q. And you told us that this message matches your recollection
11:22:22 25 of communication from Foday Sankoh regarding the attacks on Gaya
26 and Yengema, yes?

27 A. Yes.

28 Q. In fact you told us that Gaya, I believe you said, was
29 burnt down completely after it was attacked, yes?

1 A. Yes.

2 MR ANYAH: Your Honours, this is from the Prosecution's set
3 of documents, their bundle of exhibits, and it was an additional
4 document not to be found in the tabbed documents, but they did
11:22:56 5 circulate it to everyone and the ERN number is 00008221:

6 Q. Mr Witness, you weren't there when this document was
7 created, right?

8 A. No.

9 Q. No means you were not there, yes?

11:23:21 10 A. Yes.

11 Q. You don't know whose handwriting this is, correct?

12 A. Correct.

13 Q. You don't know the date on which this document was actually
14 written, yes?

11:23:43 15 A. Yes.

16 Q. It says at the top 29 April 1995, but as you sit there now
17 it is possible that somebody wrote this document in 1999, yes?

18 A. I can't tell.

19 Q. But you agree that someone can write a document today and
11:24:05 20 put any date on it that he or she prefers, right?

21 A. Well, I can't tell.

22 Q. It's a simple question. If I gave you a sheet of paper now
23 and a pen, can you write a date that you pick arbitrarily, any
24 date at all? You can, can you not?

11:24:29 25 A. Yes.

26 Q. Foday Sankoh gave an order, a directive, that said:

27 "By my directive Gaya and Yengema should be burnt to the
28 ground level after the recapturing. You are not to even spare a
29 toilet building these two towns."

1 This is what it is said Foday Sankoh said, yes?

2 A. Yes.

3 Q. Are you okay, Mr Witness?

4 A. Yes.

11:25:18 5 Q. And what I've just read matches your memory of what Foday
6 Sankoh actually said during this time period, yes?

7 A. Yes.

8 Q. When we showed you the document you corrected the date on
9 which you recall hearing this information, rather the year. You
11:25:43 10 said it could have been in 1995, yes?

11 A. Yes.

12 Q. Foday Sankoh said they should burn down Gaya and Yengema.
13 The Lion said that. Mr Witness, in the RUF you received ideology
14 training, yes?

11:26:11 15 A. Yes.

16 Q. Are you aware that other witnesses have come here and have
17 said that Foday Sankoh was compassionate towards civilians?

18 A. I am not aware that they have been here and said that.

19 Q. Have you heard the phrase "People's Army", Mr Witness?

11:26:41 20 A. Yes.

21 Q. Who coined that phrase, "People's Army"?

22 A. It was Foday Sankoh.

23 Q. What do you understand People's Army to mean?

24 A. Well, to me at the time the AFRC overthrew, when he gave
11:27:08 25 instruction to join them that was the time he said the RUF and
26 the AFRC are the People's Army. That was the time he used the
27 phrase that I heard. So he said we should fight alongside the
28 AFRC as one army and that we were the army of the people of
29 Sierra Leone.

1 Q. That's right. The army of the people. Part of that was
2 this ideology training you received right from the beginning days
3 of the RUF, right?

11:27:45 4 MR WERNER: I object, your Honour. The witness testified
5 that he did not receive ideology in Pendembu at the beginning.

6 MR ANYAH: I can rephrase the question. I understand the
7 objection, so I withdraw the question. I respect the objection:

8 Q. Mr Witness, even if you didn't receive ideology training at
9 Pendembu, later on you did receive ideology training while in the
11:28:06 10 RUF, right?

11 A. Yes.

12 Q. And when was that?

13 A. When I went to Zogoda. When I went to Camp Lion for the
14 advanced cadet training.

11:28:23 15 Q. Yes. That was at the direct order or directive, as you
16 call it, of Foday Sankoh himself, right?

17 A. Yes.

18 Q. This was some time in 1995 or thereabouts, yes?

19 A. Yes.

11:28:44 20 Q. At the same time of this alleged directive by Foday Sankoh
21 that they should burn down Gaya and Yengema, yes?

22 A. Yes.

23 Q. Foday Sankoh was at that time asking for his senior
24 officers to go for advanced training, including ideology
11:29:09 25 training, correct?

26 A. Yes.

27 Q. And part of that ideology training called for you to
28 respect civilian lives, right?

29 A. Yes.

1 Q. And part of that ideology training called on you to respect
2 civilian property, right?

3 A. Yes.

11:29:47

4 Q. And yet you claim to have heard Foday Sankoh give an order
5 that Gaya should be burnt down. Is that your evidence,
6 Mr Witness?

7 A. He gave his directive. Nobody will object to that. He
8 brought his revolution.

9 MR ANYAH: I see the time, Madam President.

11:30:06

10 PRESIDING JUDGE: Thank you, Mr Anyah. In that case we
11 will adjourn now for the mid-morning break. Mr Witness, we are
12 going to take the mid-morning break. We will be resuming court
13 at 12 o'clock. Please adjourn court until 12.

14 [Break taken at 11.30 a.m.]

12:00:25

15 [Upon resuming at 12.00 p.m.]

16 PRESIDING JUDGE: Mr Anyah, please proceed.

17 MR ANYAH: Thank you, Madam President:

12:00:34

18 Q. Mr Witness, before the break we were considering the
19 document marked for identification MFI-16 and I would like to go
20 back to that document. You recall, Mr Witness, one of my last
21 questions before the break pertained to ideology training that
22 you were receiving in the vicinity of Zogoda around 1995 in the
23 same year when it is said this directive to burn down Gaya was
24 issued by Foday Sankoh. Now with respect to that ideology
25 training, the RUF had disciplinary procedures for persons who
26 acted contrary to some of those ideological trainings, right?

12:01:31

27 A. Yes.

28 Q. And if someone were to burn down a civilian building or
29 civilian village they could be subject to punishment under the

1 RUF disciplinary regime, right?

2 A. Yes.

3 Q. And the source or backdrop from which this ideological
4 training arose was the supreme leader of the RUF himself, Foday
12:02:27 5 Sankoh, correct?

6 A. Yes.

7 Q. Can you tell us your impressions of Foday Sankoh as a
8 leader in the context of how civilians were to be dealt with when
9 encountered by the RUF?

12:02:56 10 A. Well, RUF dealt with the civilians just the same way. It
11 secured them, if the time arose to secure them, and it sheltered
12 them too.

13 Q. Mr Witness, I am not asking you about the RUF. I am asking
14 about Foday Sankoh, the man. Foday Sankoh came up with an
12:03:27 15 ideological instruction for the RUF to follow in terms of how it
16 deals with civilians. What are your impressions about his
17 approach to dealing with civilians?

18 A. His approach to civilians was good.

19 Q. Meaning that he cared about civilians, correct?

12:03:53 20 A. Yes, he cared about civilians.

21 Q. Meaning that as far as is possible he wanted to minimise
22 the extent of harm caused to civilians, correct?

23 A. Yes.

24 Q. Meaning that as far as is possible he wanted to minimise
12:04:12 25 the extent of damage to civilian property, correct?

26 A. Yes.

27 Q. And it's the same Lion, the same Foday Sankoh, who said
28 burn down Gaya and Yengema, you recall hearing that?

29 PRESIDING JUDGE: Was it hearing or was it put to him as a

1 written document MFI-16? Are you saying he heard as well?

2 MR ANYAH: The witness testified that what is in this
3 document is consistent with what he heard and knew.

4 PRESIDING JUDGE: Thank you, Mr Anyah.

12:04:50

5 MR ANYAH:

6 Q. So, Mr Witness, this is the same Foday Sankoh, the same
7 Lion, that you heard give the instruction that Gaya and Yengema
8 should be burnt down?

12:05:07

9 MR WERNER: I would object, your Honours. We reviewed the
10 transcript and nowhere in the transcript the witness said that he
11 himself heard that communication, but he said - and I can refer
12 your Honours to page 10957 to 10961 and then more specifically to
13 10966 when the witness was very clear explaining that he was told
14 by Captain Ben about this communication. He never said he heard
15 himself the communication.

12:05:35

16 MR ANYAH: When I said "heard" obviously most of the
17 evidence is hearsay and I mean his knowledge. The witness - I
18 can be specific. I am sorry to interrupt counsel, please.

12:05:52

19 MR WERNER: Before the break the last question put to the
20 witness was, "You claim to have heard Foday Sankoh give an order
21 that Gaya should be burned." Point 16 it's 57, 12 and we object
22 to that because it was never, never said. The witness never said
23 that.

12:06:11

24 PRESIDING JUDGE: Are you objecting to a question that has
25 already been answered or to the current question, Mr Werner?

26 MR WERNER: No, I was just reacting to the comment of the
27 counsel saying that he didn't put that to the witness. Well,
28 indeed he put it just before the break and again we objected this
29 time because we had the impression it was the same question.

1 PRESIDING JUDGE: Counsel has said he is going to reword
2 the question in any event.

3 MR ANYAH: I appreciate the Prosecution's observation and
4 your Honours have heard the evidence and I can rephrase it and
12:06:38 5 will:

6 Q. Mr Witness, you knew from somebody or learned from somebody
7 that Foday Sankoh allegedly gave an order for Gaya and Yengema to
8 be burnt down, yes?

9 A. When they came from the attack in Gaya and were taking the
12:07:04 10 captured materials to him past Peyama and those who brought the
11 materials said they had captured Gaya and burnt it down, but I
12 did not hear Foday Sankoh himself say that over the radio.

13 Q. I didn't say you heard him, but you told us last week about
14 having knowledge through somebody that an order or directive was
12:07:29 15 given by Foday Sankoh to burn down Gaya and Yengema, correct?

16 A. I said Captain Ben told us that it was Gaya and Yengema
17 that they were going to attack. It was after the attack of those
18 two towns that when they were bringing the captured materials to
19 go with at Zogoda and they slept at our place and they told us
12:07:54 20 that they had captured Gaya and Yengema and burnt down. So when
21 I saw this message I said it corresponded with the word that I
22 heard people told me.

23 Q. But part of what people told you was an order or directive
24 given by Foday Sankoh to burn down these places, correct?

12:08:18 25 A. They did not tell me that Foday Sankoh gave them directive.

26 MR ANYAH: Now, your Honour, may I have a moment? I would
27 have to find the transcript.

28 PRESIDING JUDGE: Please do.

29 JUDGE LUSSICK: Mr Anyah, what exactly are you looking for?

1 MR ANYAH: The witness denies that he heard that the
2 directive to burn down Gaya and Yengema came from Foday Sankoh.

3 JUDGE LUSSICK: Well, Mr Werner not long ago gave a
4 reference of evidence given earlier today at page 57, line 12, I
12:10:21 5 think was his reference, and the witness there said that it was a
6 directive.

7 MR ANYAH: And that's the basis upon which I was
8 proceeding, but he now says it isn't. Well, I will let the
9 record speak for itself and I will not delay, although perhaps
12:10:51 10 during the course of this examination I might find it as we go
11 along.

12 JUDGE SEBUTINDE: This would be some time in the past where
13 MFI-16 was first referred to.

14 MR ANYAH: Yes, and I would read it - your Honour, I have
12:11:22 15 found a portion of the transcript that might elucidate and
16 clarify this. It's on page 10969 through 70 and the witness is
17 shown the document, ERN 00008221 and at line 24 of page 10969 the
18 question is posed by Mr Werner:

19 "Q. Now and have you seen that document before when you
12:12:05 20 were in the RUF?

21 A. No, sir.

22 Q. And if you look at the first six lines, the first sort
23 of paragraph, do you recognise what this is?

24 A. Yes, sir."

12:12:16 25 Over to page 10970:

26 "Q. What is that?

27 A. It is sent by his directive, Gaya and Yengema must be
28 burned down to the ground level after capturing there and
29 they should not spare even a toilet in those two towns.

1 Q. Now, Mr Witness, when you say a letter from the Lion,
2 who is the Lion?

3 A. That is Foday Sankoh.

4 Q. To Captain Ben. Who is Captain Ben?

12:12:46 5 A. That was the Black Guard security who was with Foday
6 Sankoh."

7 And then a question going down is posed about the date and
8 then on page 10971 in reference to the same document Mr Werner
9 poses the question:

12:13:16 10 "Q. Now, when you look at this message is this message
11 consistent with what you learned when you were in Peyama?"

12 And then the Presiding Justice poses a question and

13 Mr Werner rephrases it and the question becomes on line 16 of
14 page 10971:

12:13:42 15 "Q. Was this message consistent with what you had been
16 told by people coming back from the Gaya and Yengema
17 attack? Is that consistent with that?

18 A. Yes, sir, because when they brought the materials they
19 told us that they had burnt down Gaya and Yengema down to
12:14:03 20 ground level and I have seen ground level in this message.

21 Yes, sir, it is consistent."

22 That was the witness's response; that the message was
23 consistent with what he had been told about the attacks and that
24 is one of the bases upon which I was proceeding:

12:14:23 25 Q. Now, Mr Witness, when you say that this message was
26 consistent with what you were told, what you were told included
27 that Foday Sankoh gave this order for Gaya and Yengema to be
28 burnt down, correct?

29 A. No, that was not it. That was - that corresponded. Those

1 who came from Gaya and Yengema, when we asked them how the
2 mission was and they said they had captured Gaya and Yengema and
3 that they had burnt them down, but when they displayed this
4 message before me and they asked me a question whether what they
12:15:02 5 had said was in line with it, that Gaya and Yengema were to be
6 burnt down to ground level, I said yes, not that I admitted that
7 Foday Sankoh said so. It was those who came from Gaya and said -
8 what they told me was in line with what is on the monitor.

9 Q. Are you saying that the part of this message that says they
12:15:36 10 should burn down Gaya and Yengema may not have come from Foday
11 Sankoh?

12 A. I cannot say that, because he owned the revolution so I
13 don't know.

14 Q. Does that mean, Mr Witness? Are you saying as you sit
12:16:01 15 there now you have doubts whether Foday Sankoh ordered that Gaya
16 and Yengema be burnt down?

17 A. The point here is I did not see this message that Foday
18 Sankoh sent to Captain Ben and Captain Ben in turn never told me
19 that Foday Sankoh had given him directive to burn Gaya to ground
12:16:32 20 level. Captain Ben only told me that they were going to attack
21 Gaya and Yengema and it was after the attack those who came with
22 the materials told me that they had burnt Gaya down to ground
23 level. Before I even saw this message, that is what I meant. So
24 it is possible that Foday Sankoh gave Captain Ben the order, but
12:16:55 25 he did not tell me that.

26 Q. The question is not whether you have seen this message
27 before, Mr Witness. The question is whether or not, as you sit
28 there now, you know that Foday Sankoh gave an order for Gaya and
29 Yengema to be burnt down. Do you know whether he gave such a

1 directive, Mr Witness?

2 A. No, except when I have seen the message now.

3 Q. So it is only from this message that that aspect of your
4 evidence regarding the burning down of Gaya and Yengema suggests
12:17:35 5 that Foday Sankoh gave an order? I withdraw the question, Madam
6 President. I rephrase it.

7 Mr Witness, but for these few lines you have seen in this
8 message separate and apart from this message, you do not know
9 whether Foday Sankoh ever gave such an order, correct?

12:18:04 10 A. No, I don't know.

11 Q. Yes, thank you. And you also don't know who wrote this
12 down, right? I am referring to MFI-16.

13 A. No.

14 Q. Do you see the order that is immediately below the
12:18:26 15 directive we are talking about? It is dated 30 April 1995. Do
16 you see that portion of this document, Mr Witness?

17 A. Yes.

18 MR ANYAH: Your Honours, I would recall that the
19 Prosecution only marked the first six lines as MFI-16.

12:18:45 20 PRESIDING JUDGE: Yes, that is true.

21 MR ANYAH: And I am not seeking to have this marked yet,
22 but I am just putting it to the witness since it is on the same
23 page:

24 Q. Mr Witness, that is also a message from the Lion, or Foday
12:18:58 25 Sankoh, correct?

26 PRESIDING JUDGE: Is it before the witness, Madam Court
27 Attendant? Yes, very well. Please proceed, Mr Anyah.

28 MR ANYAH:

29 Q. This is also supposedly a message from the Lion, or Foday

1 Sankoh, correct?

2 A. According to the paper in front of me, because it is
3 written there from the Lion and he was the one we referred to as
4 the Lion.

12:19:25 5 Q. And you see it is directed to a Captain Michael and it
6 looks like Gborie, or Gborbe [phon], something like that, right?

7 A. Yes.

8 Q. Do you see the date, 30 April 1995?

9 A. Yes.

12:19:54 10 Q. It reads, "By my directive, you are to report to my
11 location with the grenade launcher today without fail", right?

12 A. Yes.

13 Q. Do you know whose signature appears beneath that message?

14 A. No.

12:20:21 15 Q. Do you know a Captain Michael Gborie, Mr Witness?

16 A. Well, I don't know this name, no.

17 Q. Do you see the reference there to grenade launcher,
18 Mr Witness?

19 A. Yes.

12:20:45 20 Q. This is suggesting that as of 30 April 1995 the RUF had a
21 grenade launcher. Do you agree, Mr Witness?

22 A. Yes.

23 Q. Do you know who the radio operator was who sent this
24 message, Mr Witness?

12:21:08 25 A. No.

26 Q. Do you know who Foday Sankoh's radio operator was in April
27 of 1995, Mr Witness?

28 A. No, I can't tell.

29 Q. Do you know if it was CO Nya at the time?

1 A. I don't know.

2 Q. Do you know if it was Zedman at the time?

3 A. I don't know.

4 MR ANYAH: Madam Court Officer, could we go to the
12:21:46 5 preceding page ending in ERN 20, also from the same set of
6 documents, and I am focusing on the message at the bottom of the
7 page:

8 Q. Mr Witness, do you see the message at the bottom of the
9 page?

12:22:31 10 A. Yes.

11 Q. Do you see the date, 29 April 1995, yes?

12 A. Yes.

13 Q. And you see it says to area commander 84, yes?

14 A. Yes.

12:23:00 15 Q. What does that mean, Mr Witness? Who was area commander
16 84?

17 A. In that 84 it was a code for the location where the area
18 commander was.

19 Q. What location was that, Mr Witness, if you know?

12:23:27 20 A. I don't know.

21 Q. Now, this is the same day, supposedly, that Foday Sankoh
22 gives the directive for Gaya and Yengema to be burnt down and
23 this reads:

24 "You are to report with one grenade launcher (functionable)
12:23:53 25 to my location as soon as possible for smooth operation at C/S ZS
26 location."

27 Do you see that, Mr Witness?

28 A. Yes.

29 Q. What does CIS mean?

- 1 A. It is not CIS. It is C/S.
- 2 Q. And what does that mean?
- 3 A. Call sign.
- 4 Q. And what is the other set of letters after it? Is that
- 12:24:33 5 "ZS"?
- 6 A. Call sign 25 location.
- 7 Q. And is that Zogoda?
- 8 A. I don't know.
- 9 Q. Reading on it says, "Tell me whether the me the grenade
- 12:24:52 10 launchers are functionable when ready to move. You can contact
- 11 me for last" - and perhaps it means instruction. Do you see
- 12 that, Mr Witness?
- 13 A. Yes.
- 14 Q. So you don't know who the area commander is that is
- 12:25:12 15 referred to here, right?
- 16 A. Yes.
- 17 Q. You don't know to which location C/S 25 means, yes?
- 18 A. Yes.
- 19 JUDGE SEBUTINDE: Mr Anyah, these answers I think should be
- 12:25:34 20 no.
- 21 MR ANYAH: Yes, Justice Sebutinde.
- 22 JUDGE SEBUTINDE: Meaning he doesn't know.
- 23 MR ANYAH:
- 24 Q. Mr Witness, you do not know who the area commander 84
- 12:25:45 25 referred to there is, correct?
- 26 A. I don't know.
- 27 Q. And you do not know the location to which they are
- 28 referring, correct?
- 29 A. I don't know.

1 Q. But you see that the RUF supposedly had grenade launchers
2 at the time, right?

3 A. Yes.

4 Q. In fact you told us, when I showed you the prior message on
12:26:09 5 the following page, that the RUF had grenade launchers at the
6 time, yes?

7 A. That they had a grenade launcher, yes.

8 Q. And this was in 1995, correct?

9 A. Yes.

12:26:27 10 Q. This was the time ULIMO had cut off the border from Liberia
11 and access to supplies, correct?

12 A. Yes.

13 Q. So let me ask you this: Did the RUF have another source of
14 arms and ammunition besides Liberia, Mr Witness, in 1995/1996?

12:26:55 15 A. Well, except through attacks when we captured, like what
16 happened in Gaya and Yengema.

17 Q. So you are saying the other source of arms and ammunition
18 for the RUF, in the days when ULIMO blocked the border between
19 Liberia and Sierra Leone, was what you captured following
12:27:17 20 successful attacks? Is that fair to say, Mr Witness?

21 A. Yes.

22 Q. Any other sources of arms and ammunition that you know of,
23 Mr Witness?

24 A. I don't know.

12:27:38 25 Q. Have you heard of somebody named MS Kennedy, Mr Witness?

26 A. MS Kennedy, no, I don't know that initial, MS.

27 Q. Do you know somebody by the name of CO Kennedy, Mr Witness?

28 A. Yes.

29 Q. CO Kennedy at some point was assigned to Koindu in the

1 vicinity of December 1996, correct?

2 A. Well, I don't know.

3 Q. In 1996, in December, you, Mr Witness, you were asked to
4 accompany CO Kennedy in taking diamonds to ULIMO-K in exchange

12:28:38 5 for ammunitions, correct?

6 A. No.

7 Q. Do you deny being ordered to accompany Kennedy to purchase
8 ammunitions from ULIMO-K in 1996?

9 A. Never did anybody order me to go with CO Kennedy anywhere
12:29:01 10 to buy ammunition. I never had that order. I am not just
11 denying it. I never got that order.

12 Q. Are you aware that CO Kennedy went to buy arms and
13 ammunition from ULIMO-K in 1996 and 1997?

14 A. I don't know.

12:29:24 15 Q. How do you know CO Kennedy, tell us?

16 A. I knew him as RUF vanguard.

17 Q. Is that all you know about CO Kennedy, Mr Witness?

18 A. I knew he was a vanguard. He was a senior authority in the
19 RUF, yes.

12:29:46 20 Q. Did you ever hear of the RUF purchasing arms and ammunition
21 from ULIMO-K?

22 A. I did not ever hear that and I don't know.

23 Q. You never heard that, Mr Witness. All the time you were in
24 the RUF you never heard that?

12:30:14 25 A. I did not ever hear that.

26 Q. Have you heard that while Foday Sankoh was in Ia Cote
27 d'Ivoire he sent somebody to come back to Buedu to buy arms and
28 ammunition from ULIMO-K?

29 A. I never heard that. I never heard that.

1 Q. Well, let me read you what TF1-516 told this Court about
2 that issue and this is from the transcript of 14 April 2008,
3 starting at page 7474 and I will wait for Madam Court Officer to
4 publish it. This is in relation to buying ammunitions from
12:31:51 5 ULIMO-K. At page 7474 on 14 April 2008 TF1-561 told this Court in
6 response to --

7 MR WERNER: I apologise, I think it's 516.

8 MR ANYAH: Yes. Yes, there is a difference. Thank you,
9 counsel:

12:32:21 10 Q. It's TF1-516. At line 27 the question is posed on page
11 7474:

12 "Q. Did Martin the Cat come back to Zogoda after he went
13 to Ia Cote d'Ivoire?

14 A. He came back to Buedu. He came back to Buedu. He was
12:32:43 15 given some amount of money to be taken to Sam Bockarie in
16 Buedu. At that time ECOMOG was carrying out disarmament in
17 Liberia and the ULIMO-K who were assigned along the Sierra
18 Leone-Liberian border used to cross into Buedu with
19 ammunitions and Sam Bockarie used to buy those ammunitions
12:33:08 20 from them.

21 Q. Were you in Buedu when Martin the Cat came back from Ia
22 Cote d'Ivoire with money to buy ammunitions from ULIMO-K?

23 A. I think that was early 1997."

24 Mr Witness, another witness is saying that Moinama was sent
12:33:34 25 with money to come to Buedu to buy ammunitions from ULIMO-K
26 because ULIMO-K used to cross the border into Buedu with
27 ammunitions. Were you aware of that when you were with the RUF,
28 Mr Witness?

29 A. I personally was not aware about that. I don't know.

1 Q. So you do not know of ULIMO-K being a source of arms for
2 the RUF at any time while you were with the RUF?

3 A. I don't know. I personally don't know about that. I never
4 heard it.

12:34:29 5 Q. But you do know about captured weapons such as the 40
6 barrel gun you spoke of the other day, right?

7 A. Yes.

8 Q. That was a weapon you said was captured from the Guineans,
9 yes?

12:34:46 10 A. Yes.

11 Q. So it would be fair to say that ECOMOG was a source of
12 weapons that the RUF used to the extent that they captured them
13 from ECOMOG, yes?

14 A. I don't know.

12:35:06 15 Q. Well, from whom did the RUF capture this 40 barrel gun you
16 told us about?

17 A. We heard that it was from the Guinean troops.

18 Q. And the Guinean troops in question were ECOMOG troops,
19 correct?

12:35:30 20 A. Well, maybe they were part of the force, but what I heard
21 was that it was from Guinean troops, but if they had said from
22 ECOMOG troops I would have also said that it was from the ECOMOG
23 troops, but what I heard was that it was from the Guinean troops.
24 So whether they were part of those, I don't know.

12:35:52 25 Q. So you do not know whether the Guineans in question were
26 part of ECOMOG. Is that your evidence, Mr Witness?

27 A. It was because the area the weapon was captured was very
28 close to the Guinean border, so I don't know whether that
29 contingent of them who were there were part of ECOMOG. I don't

1 know.

2 Q. But nonetheless this weapon was captured by the RUF and can
3 you tell us when it was captured, Mr Witness?

4 A. I only know that it was captured before the AFRC coup.

12:36:35 5 That is what I know, but I don't know the time or the date.

6 Q. And you would agree that the AFRC coup was on 25 May 1997,
7 correct?

8 A. Yes.

9 Q. You told us that this weapon was moved by the RUF to the -

12:37:02 10 I recall you saying the Manowa crossing point, right?

11 A. Yes, that was where they brought it.

12 Q. And the weapon was inoperable as in it was not functioning
13 correctly, right?

14 A. Well, yes, because they were trying to repair it.

12:37:28 15 Q. And you said repairmen or women were being sent from
16 Liberia to come and repair this weapon, yes?

17 A. I saw men who came who were sent to come and repair that
18 weapon.

19 Q. How many men were sent, Mr Witness?

12:37:59 20 A. I saw men working on the weapon trying to repair it,
21 including our own artillery men, so people were there.

22 Q. But they were not successful in repairing the weapon,
23 correct?

24 A. No, they were not successful.

12:38:28 25 Q. When exactly, what month and year, did you see these
26 Liberians trying to repair this weapon?

27 A. It was around late '99 going to 2000, yes, around that
28 time.

29 Q. And in which district is Manowa crossing point? Which

1 district of Sierra Leone, that is?

2 A. It is in Kailahun District.

3 Q. How far is it from Segbwema?

12:39:19

4 A. It is a little bit far. It's a long distance. It's a
5 little far.

6 Q. When you say it's a little far, how many miles are we
7 talking?

12:39:36

8 A. I cannot be exact about the mileage, but it is far, because
9 from Manowa you will have to go to Bunumbu first before going to
10 Segbwema and it's on the main highway. It's a little bit far.

11 Q. You said you saw this weapon yourself?

12 A. Yes.

13 Q. You say you saw the Liberians who were sent to repair it
14 yourself?

12:39:54

15 A. Yes.

16 Q. You were assigned to Segbwema at the time, right?

17 A. Yes.

18 Q. But you happened to be at the Manowa crossing point. Is
19 that your evidence, Mr Witness?

12:40:12

20 A. That is - yes, that is the road you use to cross the Moa
21 River to go to Pendembu, Kailahun, yes.

22 Q. How was this 40 barrel missile destroyed?

12:40:46

23 A. Well, it was on a particular day that we heard that a
24 helicopter gunship came around, because the river near which it
25 was placed was called the Moa River and the helicopter gunship
26 came around and assaulted the weapon and it pierced through most
27 of the barrels and damaged even the vehicle, the engine area. It
28 bust everything so they were unable to refix that - to refix it.

29 Q. And who sent the helicopter gunships, if you know?

1 A. Well, I don't know.

2 Q. And you told us how big this 40 barrel missile was. You
3 said it fitted on a big truck, or something like that?

12:41:46

4 A. It was mounted in the truck. I think the weapon itself was
5 permanent in that particular truck. It does not move from there.
6 It was that particular vehicle that carried it, a big vehicle.

7 Q. And it was stationed next to the river, the Moa River, at
8 the Manowa crossing point?

12:42:16

9 A. Yes, it was in the bush, because they moved it off the road
10 and took it to the bush and they stationed it there. You will be
11 - but if you are around it, or if you were close to the river,
12 you will not see, it will not be visible to you, because there
13 was a forest in between.

12:42:42

14 MR ANYAH: Madam Court Officer, could we show the witness
15 tab 2, page 5, please:

12:43:48

16 Q. Mr Witness, this is a statement by you, or the notes
17 recording statements made to the Office of the Prosecutor by you
18 from 31 October last year and again on 1, 2 and 6 November 2007.
19 At page 5, paragraph 24, it has you saying this about this truck,
20 or this 40 barrel missile:

12:44:19

21 "After the fall of Zogoda, but before the AFRC coup in May
22 1997, the RUF seized a 40 barrel missile in Kambia District from
23 the Guinean troops. The RUF tried to move that weapon, but could
24 not transport it beyond the Manowa crossing point in Kailahun
25 District. In 1999 or 2000 Charles Taylor sent several of his men
26 to repair the weapons. The RUF was told that after the repair
27 Taylor would send a woman called Martina to teach the RUF on how
28 to use the weapon. But it never happened as the weapon was
29 destroyed by a Guinean Alpha Jet during the time the Liberians

1 were working on repairing it."

2 Do you see that, Mr Witness?

3 A. Yes.

12:45:07

4 Q. A few questions, Mr Witness. It was in this 1999 or 2000
5 that you say you yourself saw Liberians working on this missile,
6 right?

7 A. Yes.

12:45:25

8 Q. And you see in your statement where you say that the RUF
9 could not move or transport it beyond the Manowa crossing point,
10 right?

11 A. Yes.

12:45:51

12 Q. So it is the case then that this weapon, which could not
13 function, sat at this Manowa crossing point from about the AFRC
14 coup time, May of 1997, all the way up to 1999 and 2000 waiting
15 for Charles Taylor to send repairers to repair it, right?

16 A. No, that is not what the statement says.

17 Q. Well, was the weapon at the Manowa crossing point for three
18 years? That is the question now.

19 A. No, that is not what is in the statement.

12:46:13

20 Q. I am not asking you what is in the statement now. To your
21 knowledge, that weapon was by the Manowa crossing point from the
22 time it was moved there in 1997 up until 2000, true or false?

12:46:44

23 A. It was after the AFRC coup, when the AFRC had taken over,
24 that they were able to move the weapon from the area where it had
25 been captured and they brought it to Manowa where I saw it during
26 1999 to 2000 and they started working on it, but they did not
27 just bring it over immediately the AFRC took over. It was at the
28 time the road was now open for them to be able to bring the
29 weapon. It was around 1999/2000.

1 Q. You mean that it took over three years from the date of
2 capture of this weapon for these repair folks to be sent from
3 Liberia to assist in repairing it, yes?

4 A. No.

12:47:25 5 Q. Well, right from when it was captured it was not
6 functioning, correct?

7 A. Yes.

8 Q. And you have told us of Sam Bockarie speaking by satellite
9 phone to Liberia in 1998, correct?

12:47:43 10 A. Yes.

11 Q. You have told us of your trip to Foya Tenga to deliver a
12 letter to Colonel Jungle in Liberia, correct?

13 A. Yes.

14 Q. And that also happened in 1998, yes?

12:48:06 15 A. Yes.

16 Q. So from 1997, when this weapon was captured, it was not
17 until almost 2000 that repair persons were sent from Liberia to
18 come and repair it. Is that your evidence, Mr Witness?

19 A. No, the RUF captured that weapon and it was in the RUF
12:48:29 20 territory in Kambia, but by then they were unable to move it and
21 that was around the time Zogoda had fallen and it was around the
22 AFRC coup time in 1997, and the weapon was already in Kambia
23 District. It was there. They could not make it to move it to
24 another location and they only moved it in 1999 to 2000, to the
12:48:58 25 Manowa crossing point in Kailahun, when it was stationed in that
26 bush and Charles Taylor sent his men to come and repair it.

27 Q. The question was not about when the RUF captured it. We
28 have established that. The question was not where it was
29 stationed any more. The question is how much time passed between

1 when it was captured and the arrival of these Liberians to
2 attempt to repair it? Over three years, correct?

3 A. When the weapon was captured and between that to the time
4 when the Liberians came, I said the weapon had been captured
12:49:42 5 earlier in Kambia, so it was during 1999 to 2000 that they
6 brought this weapon over and it was at that time that Charles
7 Taylor sent his men to come and repair the weapon at the Manowa
8 crossing point.

9 Q. Mr Witness, today you were telling us that - you just said
12:50:08 10 it. You said:

11 "So it was during 1999 to 2000 that they brought this
12 weapon over and it was at that time that Charles Taylor sent his
13 men to come and repair the weapon at the Manowa crossing point."

14 You are saying that the weapon was taken to the Manowa
12:50:25 15 crossing point in 1999 to 2000, yes?

16 A. Yes, that was the time that they brought the weapon down to
17 Manowa crossing point and it was within that time that Charles
18 Taylor sent his men to come and repair it, but we had heard
19 earlier that the weapon had already been captured earlier than
12:50:48 20 that time.

21 Q. On June 4, last week, you said something different. Let me
22 read the transcript from 4 June. It is at page 10990 and this is
23 4 June 2008, 10990, at line 2. The question was, "Now, you said
24 that this 40 barrel missile was brought to the Manowa crossing
12:51:43 25 point. When did that happen?" Your answer, Mr Witness, was as
26 follows:

27 "After the AFRC had overthrown and the roads had been
28 opened and we had joined together, the RUF had joined the AFRC,
29 the roads had opened from the north, from Makeni to Bunumbu, up

1 to Manowa. It was at that time that they brought the 40 barrel."

2 So just a week ago you told us that this 40 barreled
3 missile was taken to the Manowa crossing point during the junta
4 period.

12:52:32 5 MR WERNER: I object. It said after the AFRC had
6 overthrown. He didn't say during the junta period.

7 MR ANYAH: Madam President, it does say the time the RUF
8 joined the AFRC and your Honours know what that means.

9 PRESIDING JUDGE: The wording may not be precisely the
12:52:50 10 same, Mr Werner, but in a period of time, in my view, it amounts
11 to the same. I will allow the question as put.

12 MR ANYAH:

13 Q. Mr Witness, you told us last week, less than a week ago,
14 that this weapon was brought to the Manowa crossing point during
12:53:09 15 the time the RUF and the AFRC had joined together between May
16 1997 and before the ECOMOG intervention. Is that fair to say,
17 Mr Witness?

18 A. Yes, I did not show a particular month or date that the
19 weapon was moved, but it was at the time the AFRC and the RUF had
12:53:38 20 come together when the roads were now open. I have only stated
21 that it was in 1999/2000 that the weapon was brought to Manowa
22 where Charles Taylor sent his men to come and repair it, but it
23 was when the RUF and the AFRC had joined together and it was
24 after the junta period that that weapon was brought to that place
12:54:00 25 to be repaired and it was in 1999/2000 that Charles Taylor sent
26 his men to come and repair the weapon at the Manowa crossing
27 point.

28 Q. But what I have just read you from the transcript of last
29 week clearly has you as saying that it was after the AFRC had

1 overthrown and the roads had been opened and the RUF had joined
2 the AFRC. It was at that time that this 40 barrel weapon was
3 brought to the Manowa crossing point, true or false?

12:54:37 4 A. That was the time that they brought it. That was the time
5 they brought it, after the roads had been opened, after the AFRC.

6 Q. Well, going back to the primary point of this, Mr Witness,
7 the point is a weapon that was not functioning was captured by
8 the RUF as early as May 1997, correct?

9 A. I did not show any time or date. I did not say as early as
12:55:08 10 May like you are stating it, no.

11 Q. Mr Witness, going back to last week's transcript at page
12 10989, starting at line 27, Mr Werner posed the question,
13 "Mr Witness, can you clarify that, about the date when this 40
14 barrel missile was captured by the RUF?" You gave the answer,
12:55:58 15 "The RUF captured the 40 barrel before the AFRC overthrew the
16 Government of Sierra Leone." This is what you said last week.
17 True, or false?

18 A. That is true. It was before the AFRC. That is what I am
19 saying. It was before the AFRC that they captured the weapon,
12:56:18 20 but we were unable to bring it over because there were no open
21 roads for us and it was after the AFRC had taken over that the
22 roads were opened. That was the time they brought it over.

23 Q. So I go back to my question. I go back to my question.
24 The fact is RUF captured a weapon before the AFRC overthrew the
12:56:40 25 Sierra Leonean government and that weapon was inoperable when it
26 was captured, correct?

27 A. Correct.

28 Q. The fact is, according to your evidence, it was not until
29 three years later, about the year 2000, that you saw these men

1 from Liberia trying to repair this weapon, correct?

2 MR WERNER: Sorry to object, he said 1999/2000 over and
3 over again. 1999/2000.

12:57:18

4 PRESIDING JUDGE: Arithmetical point there, Mr Anyah. Two
5 to three years.

6 MR ANYAH: I will rephrase:

7 Q. Mr Witness, the fact is it was not until 1999 to 2000,
8 about two to three years after the weapon was captured by the
9 RUF, that these Liberians were apparently sent to repair the
10 weapon, yes?

12:57:32

11 A. The weapon was with the RUF even before the AFRC and it was
12 after everything that they brought it down. It was around 1999
13 that the Liberians came to repair it. We had captured that
14 weapon even the AFRC overthrew the government. It was within the
15 RUF territory.

12:57:55

16 Q. We are not quibbling over whether you had captured it. We
17 are not asking you in which territory it was held. We have
18 passed the question of whether it was before or after the AFRC.
19 The question is the year that the Liberians are said to have come
20 to repair it. It was about two to three years after its capture,
21 correct?

12:58:13

22 A. 1999 to 2000 was the time they came to repair the weapon.

23 Q. Is the answer to my question yes?

24 A. That it was in 1999 to 2000, yes, that was the time they
25 came to repair the weapon.

12:58:38

26 Q. Is the answer to my question that it was two to three years
27 after it was captured, yes?

28 A. Yes, we had captured the weapon. It was with us. It was
29 in 1999 to 2000 the Liberians came to repair it. The weapon was

1 already with the RUF, yes.

2 Q. Is the answer to the question --

3 PRESIDING JUDGE: Mr Witness, counsel is asking you what is
4 the period of time between the capture of the weapon and the
12:59:09 5 repair of the weapon and he is saying, putting it to you, it is a
6 two to three years gap. Do you agree, or do you not agree? Is
7 that a correct paraphrase?

8 MR ANYAH: Yes, Madam President, it is.

9 THE WITNESS: I don't know the exact time, but it had been
12:59:33 10 with us in the RUF territory. I don't know how many years
11 exactly it had been with us, but I knew that we had captured it.
12 But it was in 1999 to 2000 that the Liberians came to repair the
13 weapon at the Manowa crossing point in the bush. It was a
14 crossing point. Almost everybody that crossed there knew.

12:59:58 15 MR ANYAH:

16 Q. Mr Witness, let's do this: The weapon is captured before
17 the AFRC coup and we know that happens in May of 1997. May of
18 1997 to May of 1998 is one year, correct?

19 A. Yes.

13:00:18 20 Q. May of 1998 to May of 1999 is another year, correct?

21 A. Yes, it's correct.

22 Q. End of 1999 into 2000 is about six months, correct?

23 A. Yes, it is correct.

24 Q. So it would be fair to say that from its capture until the
13:00:43 25 time you say you saw the Liberians repairing it about two and a
26 half years expired, true?

27 A. Yes, it had been with us for a long time.

28 Q. Mr Witness, I asked you last week when Sam Bockarie left
29 the RUF and it was unclear at least to me when you say he left

1 and so I ask you again. When did Sam Bockarie leave the RUF for
2 good?

3 A. It was in 1999.

4 Q. In which month in 1999, Mr Witness?

13:01:43 5 A. I do not know the month.

6 Q. Was it the early part of 1999, the middle, or the end?

7 A. It was not the early part.

8 Q. Do you recall when Issa Sesay took command of the RUF,
9 Mr Witness?

13:02:10 10 A. Yes, it was around 2000.

11 Q. Do you know what month in 2000?

12 A. No.

13 Q. Can you tell us the circumstances under which Sam Bockarie
14 left the RUF?

13:02:34 15 A. Well, he and Foday Sankoh had a problem so he decided to
16 go.

17 Q. At some point did he attempt to return to the RUF?

18 A. That's what we used to hear.

19 Q. At that time were you in Komende on assignment?

13:03:01 20 A. Yes, we were around Komende, Segbwema, yes.

21 Q. You keep using the plural "we". I am asking you about you.
22 You were in Komende, correct?

23 A. Yes, I was around Komende and Segbwema, yes.

24 Q. How did Sam Bockarie attempt to rejoin the RUF after he
13:03:26 25 left? What did you hear about that, tell us?

26 A. Well, I heard that after Foday Sankoh had been arrested in
27 Freetown, that was when he was trying to come back to revenge for
28 Foday Sankoh.

29 Q. Who was trying to come and revenge for Foday Sankoh? What

1 do you mean by that, Mr Witness?

2 A. Sam Bockarie after Foday Sankoh had been arrested. That
3 was when he was trying to come back to fight back for the release
4 of Foday Sankoh.

13:04:13 5 Q. Who was he coming to fight back for the release of Foday
6 Sankoh?

7 A. The Government of Sierra Leone.

8 Q. And the arrest to which you refer is the same 56 Spur Road
9 incident between the 7 and 8 May 2000, correct?

13:04:39 10 A. Yes.

11 Q. But Sam Bockarie wasn't let back into the RUF if what you
12 say is true, right?

13 A. Yes, because we did not see him any more.

14 Q. Did Foday Sankoh to the best of your knowledge give Issa
13:05:13 15 Sesay any orders in connection with Sam Bockarie when
16 Sam Bockarie attempted to rejoin the RUF?

17 A. Personally, no, I don't have that idea.

18 Q. You do not know?

19 A. No.

13:05:38 20 Q. Why did you use the word "personally"? Did someone tell
21 you and they know but you do not know?

22 A. I don't know. That's what I mean. I did not hear.

23 MR ANYAH: Madam Court Officer, could you assist me,
24 please. I will be referring to a document in tab 1, page 14:

13:06:50 25 Q. Mr Witness, this is again your statement from 28 March 2007
26 to the Office of the Prosecutor. These are notes taken in
27 respect of that statement. You will see that in the bottom
28 right-hand conner you have signed the page and dated it. We have
29 been through this before. Now, the middle of this statement with

1 the brackets, it says: "[The witness recounted the ouster of
2 Sam Bockarie]". Do you see that, Mr Witness?

3 A. Yes.

13:07:26

4 Q. This is what the Prosecution has as you telling them about
5 the circumstances under which Sam Bockarie left the RUF, is that
6 fair to say, Mr Witness?

7 A. Yes.

13:07:57

8 Q. I want to go to the bottom part of that paragraph where it
9 says: "Bockarie sent over 100 men from Buedu to reinforce the
10 RUFs forces in Segbwema for the attack". Do you see that,
11 Mr Witness?

12 A. Yes.

13 Q. It goes on to say:

13:08:10

14 "Their commander was Big Darling. Bockarie also advised
15 that Charles Taylor was sending ammunition and manpower from
16 Liberia to augment the attack. Foday Sankoh monitored the
17 address by Bockarie and thereafter addressed all RUF stations".

18 What address by Bockarie are you referring to there,

19 Mr Witness?

13:08:46

20 A. Address? Make it clear to me? Which address do you mean?
21 What do you mean?

22 Q. There is reference in your statement to Sam Bockarie making
23 an address or announcement. What is that reference to,
24 Mr Witness?

13:09:08

25 A. At the time that Foday Sankoh signed the Lome Peace Accord
26 Sam Bockarie wanted the fighting to still continue. He monitored
27 Sam Bockarie sending a message to Segbwema to the commander who
28 was there for them to block the Daru-Kenema Highway before the
29 ECOMOG. So Foday Sankoh intercepted that message and said, no,

1 he had signed the Lome Peace Accord and he did not want fighting
2 any more in Sierra Leone.

3 So in fact he, Sam Bockarie, had already sent men to
4 Segbwema wherein Segbwema - I was in Komende but we came to
13:09:50 5 Segbwema and we captured them. It was Big Darling who was our
6 commander when they came. We captured them. It was they who
7 told - who said it was Sam Bockarie who told them to come and
8 join us in Segbwema, Komende, for us to block that route. In
9 fact, manpower and ammunition was coming from Liberia to join us
13:10:11 10 to fight, but Foday Sankoh, being that he was in Sierra Leone at
11 that time and he was the commander for the RUF, he intercepted it
12 that night. It was intercepted in Mohamed GMG's radio and he
13 said, no, it was based upon that. After that Foday Sankoh and
14 General Opande that I have spoken about flew to Segbwema to come
13:10:36 15 and reassure us in the camp that, no, we should not listen to
16 Sam Bockarie. That's what I mean. That was the address that he
17 addressed the situation.

18 Q. Well, let's take it bit by bit, Mr Witness. The first
19 question. This name Big Darling, you have told us about a Big
13:10:56 20 Darling before, right? You remember your commanders at Pendembu,
21 yes?

22 A. Yes.

23 Q. Almost ten years before this, about 1991/1992, yes?

24 A. Yes.

13:11:13 25 Q. One of their names was Big Darling, right?

26 A. Yes.

27 Q. And now we are close to the year 2000. In fact after the
28 year 2000, right?

29 A. It is not after the year 2000. It was during the year

1 2000. '99 to 2000. Not after the year 2000. We had not gone
2 past 2000 yet.

3 Q. Well, we know it is after Foday Sankoh's arrest for the
4 Spur Road incident, yes?

13:11:45 5 MR WERNER: I object. I think Defence counsel is talking
6 about before.

7 MR ANYAH: Mr Witness - I am sorry, Madam President.

8 PRESIDING JUDGE: I was just going to ask Mr Werner for
9 clarification, But if you're clear, Mr Anyah, please proceed.

13:12:00 10 MR ANYAH:

11 Q. Mr Witness, this incident when Sam Bockarie tried to rejoin
12 the RUF took place in the year 2000, correct?

13 A. Yes, after Foday Sankoh's arrest in Freetown. This
14 incident was before Foday Sankoh's arrest. That was why

13:12:20 15 Sam Bockarie left the RUF.

16 Q. And your training in Pendembu was in 1991, correct?

17 A. Yes.

18 Q. My question is this: The Big Darling who instructed you,
19 the Liberian instructor at Pendembu, was it the same man who was
13:12:43 20 sent by Sam Bockarie in the year 2000, nine years later?

21 A. Yes.

22 Q. Did you mention that in this part of your statement to the
23 Prosecutor that this was the same Big Darling?

24 A. The Prosecution? I do not remember if they asked me if it
13:13:12 25 was the same Big Darling, but you have asked me if it is the same
26 Big Darling. We did not have another Big Darling in the RUF, I
27 am not sure, but it's the same Big Darling, this one.

28 Q. Was Foday Sankoh in custody when Sam Bockarie allegedly
29 addressed all RUF stations?

1 A. No, at that time he was in Freetown when they gave him that
2 position when he was in Freetown. He was in Freetown at his
3 ground when Sam Bockarie was radioing Mohamed GMG, the commander
4 who was in Segbwema at that time. It was then that Foday Sankoh
13:13:59 5 intercepted that message. He was in Freetown. He was not under
6 arrest. He was at liberty at that time.

7 Q. You see the reference there to Charles Taylor sending
8 ammunition and manpower from Liberia to augment the attack, do
9 you see that?

13:14:19 10 A. Yes.

11 Q. This was after the Lome Peace Accord, right?

12 A. Yes.

13 Q. Are you aware that other witnesses have come before this
14 court that have spoken about the role Charles Taylor played in
13:14:35 15 facilitating the Lome Peace Accord?

16 A. I am not aware of that.

17 Q. Are you aware of something called the Committee of Five on
18 Sierra Leone, that Liberia was a member of and Charles Taylor was
19 a part of?

13:14:56 20 A. No.

21 Q. Does this suggest to you, Mr Witness, that Charles Taylor
22 was supporting the position taken by Sam Bockarie in connection
23 with this planned attack?

24 A. According to the commander who took the mission to
13:15:19 25 Segbwema, yes, because that is what he told us definitely, that
26 men were coming from Liberia with ammunition and manpower to join
27 us to block that road and attack Daru barracks. That was what
28 Big Darling said in Segbwema.

29 Q. And not just that they were coming, they were being sent by

1 Charles Taylor, right?

2 A. Yes, because they wouldn't just - no soldier would leave
3 Liberia and enter and start fighting in Sierra Leone without him
4 being sent by somebody, yes, and that was what Big Darling said,
13:15:56 5 that that is what big Sam Bockarie told him to tell us.

6 Q. It would be fair to say then that Charles Taylor was
7 supporting Sam Bockarie's effort to rejoin the RUF while Foday
8 Sankoh was against it, yes?

9 MR WERNER: I am sorry, I object. It is not Sam Bockarie's
13:16:15 10 effort to rejoin the RUF, because at that time Sam Bockarie had
11 not left the RUF and that is the evidence of this witness.

12 MR ANYAH: Madam President, the witness's evidence is that
13 Sam Bockarie left in 1999. The witness has confirmed that this
14 is the year 2000.

13:16:33 15 MR WERNER: Your Honour, we are talking about two things
16 which has been confusing. One is the problem between Foday
17 Sankoh and Sam Bockarie.

18 THE WITNESS: No.

19 MR WERNER: The other is [overlapping speakers] of
13:16:43 20 Sam Bockarie. It is not the same issue, but at that time
21 Sam Bockarie was still in the RUF and the witness made that very
22 clear.

23 PRESIDING JUDGE: I need to get this chronology clearly in
24 my mind, Mr Anyah. You are saying that Mr Werner's objection
13:17:08 25 relates to a time frame.

26 MR ANYAH: Madam President, the start of this paragraph
27 says the witness recounted the ouster of Sam Bockarie. That is
28 the first part of this whole answer that we are considering and
29 this relates to the departure of Sam Bockarie from the RUF.

1 PRESIDING JUDGE: You are now referring to page 14 of tab
2 1?

3 MR ANYAH: Yes, Madam President.

4 PRESIDING JUDGE: Have we not moved away from that, or are
13:17:39 5 you going back to that?

6 MR ANYAH: I am still on that document being displayed on
7 the overhead projector.

8 JUDGE SEBUTINDE: Mr Anyah, there is an earlier answer that
9 personally confuses me. If you look at the transcript where we
13:17:52 10 are at, page 90 on my screen, it starts from I think line 17.

11 The question was, "The incident when Sam Bockarie tried to rejoin
12 the RUF took place in the year 2000, correct?" The answer, "Yes,
13 after Foday Sankoh's arrest in Freetown. This incident was
14 before Foday Sankoh's arrest. That was why Sam Bockarie left the
13:18:22 15 RUF."

16 MR ANYAH: Exactly.

17 JUDGE SEBUTINDE: Now, to me this is - was it before, or
18 was it after? I think this is now the crux of the matter.

19 MR ANYAH: Thank you, Justice Sebutinde, it is and the
13:18:36 20 issue is why he left the RUF and who was supporting who:

21 Q. Now, Mr Witness, let me ask you that question. Did
22 Sam Bockarie leave the RUF before Foday Sankoh was arrested in
23 May of 2000?

24 A. Yes.

13:18:58 25 Q. When Sam Bockarie left the RUF he did try to rejoin the RUF
26 again, correct?

27 A. After Foday Sankoh's arrest in 2000 in Freetown, yes.

28 Q. And it was after Foday Sankoh's arrest in 2000 that he was
29 referring to receiving arms, or Charles Taylor sending ammunition

1 and manpower from Liberia, true or false?

2 PRESIDING JUDGE: Just to make sure --

3 THE WITNESS: No, no.

4 PRESIDING JUDGE: Mr Anyah, who is the "he" you are

13:19:48 5 referring to?

6 MR ANYAH: Yes, I will clarify:

7 Q. Is the reference to Charles Taylor sending ammunition and
8 manpower from Liberia to augment the attack an event that
9 happened after Sam Bockarie left the RUF?

13:20:11 10 A. No, no.

11 Q. When Sam Bockarie tried to rejoin the RUF, Foday Sankoh was
12 against it, correct?

13 A. At that time Foday Sankoh was in prison then. He had been
14 arrested.

13:20:28 15 Q. My question was: Was Foday Sankoh for or against
16 Sam Bockarie's return to the RUF?

17 A. Foday Sankoh was in prison then. I can't tell whether he
18 was for or against. He was in prison then. It was only
19 Sam Bockarie that was trying to come back, but Foday Sankoh was
13:20:50 20 in prison in Freetown.

21 Q. Was it before or after Sam Bockarie left the RUF that Foday
22 Sankoh ordered Issa Sesay to arrest Sam Bockarie?

23 A. It was before he left the RUF. This was the order that was
24 given Issa Sesay. That was why Sam Bockarie left the RUF during
13:21:20 25 1999, when he planned this attack on Segbwema, when Foday Sankoh
26 was in Freetown, under free will, working alongside the
27 Government of Sierra Leone. It was at that time that they
28 planned. That was one of the problems that was between him and
29 Foday Sankoh when Foday Sankoh gave an order to Issa for him to

1 arrest Sam Bockarie in Buedu, when he ran away and went to
2 Liberia with all his property, family and other soldiers. That
3 was before the arrest of Foday Sankoh.

4 Q. Mr Witness, let me ask you something about what is said in
13:21:59 5 tab 2, page 9. These are notes again from your meetings with the
6 Prosecutor late last year, from 31 October through 1, 2 and 6
7 November 2007. If you look at paragraph 39 I will read it for
8 you, Mr Witness. ERN number 00044008. It reads:

9 "In 2001, Issa Sesay and Charles Taylor broke ties after
13:23:00 10 the meeting mentioned in his previous statement when it was
11 decided by the RUF not to accept the return of Sam Bockarie in
12 Sierra Leone."

13 Do you see that, Mr Witness?

14 A. Yes.

13:23:17 15 Q. And you stand by that evidence, correct?

16 A. Yes.

17 Q. This means that Charles Taylor and the RUF broke ties from
18 2001 onwards, correct?

19 A. Yes.

13:23:38 20 Q. Thank you, Mr Witness. Mr Witness, would you agree that
21 other than the incident or instance you referred to in respect of
22 LURD, when you say Liberians and the RUF fought alongside, that
23 there were no other RUF collaborations, as in joining Charles
24 Taylor's Liberians to fight anywhere, or anyone else?

13:24:33 25 MR WERNER: Sorry, your Honour, I would request a time
26 frame.

27 MR ANYAH: I will rephrase it:

28 Q. Mr Witness, other than the RUF assisting Liberians with
29 fighting LURD in 2000 or 2001, at no other point did the RUF

1 assist forces of Charles Taylor's government to fight anyone any
2 place else?

13:25:14 3 A. Yes, after the final disarmament of the RUF in 2001 we did
4 not go anywhere else. The RUF did not go anywhere. At that time
5 everybody had become a civilian.

6 Q. That was not my question. My question is: Before 2000 and
7 2001 and the assistance in respect of LURD, or after 2000 and
8 2001 and the assistance of LURD, at no other time did the RUF
9 join forces with Charles Taylor's fighters to fight anybody
10 anywhere else, true or false?

11 A. Well, I don't know whether RUF joined any other side, but
12 after we had disarmed I did not hear about any other.

13 Q. Tab 1, page 8, the last sentence reads, "The witness
14 doesn't know of other RUF operations to assist Charles Taylor in
15 Liberia or elsewhere", and that statement was given in connection
16 to RUF troops going to Liberia to fight LURD in 2000 and 2001.
17 The statement may be displayed for the witness. Mr Witness, read
18 it and tell me if it is correct. It is page 8, the last full
19 paragraph. Have you read it, Mr Witness?

13:27:01 20 A. Yes, I have read it.

21 Q. Do you agree with the last sentence: That besides this
22 assistance in respect of LURD, you do not know of other RUF
23 operations to assist Charles Taylor in Liberia or elsewhere?

13:27:30 24 A. After 2001, yes, I did not know any other place after we
25 had disarmed.

26 Q. Are you suggesting that you know of some place else that
27 took place before 2001?

28 A. No, I don't know but --

29 Q. Did you say you don't know?

1 A. 2000 and 2001 RUF was with the Liberian government fighting
2 against the LURD in Liberia, in Lofa County. After our final
3 disarmament of the RUF in 2001, we did not join any other force.

13:28:16 4 Q. They could not possibly join after disarmament. The
5 question is: Before 2000/2001 tell us if you know where else
6 they fought with Liberians?

7 A. Well, fighting used to occur in Liberia alongside the
8 Liberian and Guinean border that we heard of. They used to go
9 and fight there, yes. The RUF used to join forces with the
13:28:41 10 Liberian government to fight at that Liberian-Guinean border up
11 to Guinea. We used to hear of that, yes.

12 Q. And that is separate and distinct from this whole
13 paragraph's reference to LURD and the year 2000 and 2001?

14 A. Well, it was the same operation that was going on in
13:29:12 15 Liberia. They were fighting the LURD and they were fighting at
16 that Guinean border, because we were hearing that the LURD were
17 leaving Guinea through there to come and attack, so they went
18 there to fight. At one time we heard fighting in Gueckedou when
19 the RUF and Liberian government went there. I heard of that, but
13:29:31 20 it was they went through Liberia.

21 Q. Your statement or your answer began by saying it was the
22 same operation that was going on in Liberia. You are referring
23 to this same LURD operation in 2000 and 2001, right?

24 A. It was in 2000 and 2001 that I used to hear of the RUF
13:29:54 25 fighting the LURD and fighting along that Guinean-Liberian border
26 into Guinea.

27 Q. A few more questions, Mr Witness.

28 PRESIDING JUDGE: Mr Anyah, I am noticing the time. Have
29 you just got one or two questions to complete this line of

1 cross-examination? Is that what you --

2 MR ANYAH: I will take my place and come back after lunch,
3 if it please your Honours.

13:30:22

4 PRESIDING JUDGE: Thank you. We will now adjourn for the
5 lunchtime break, Mr Witness. We will resume court at 2.30.
6 Please adjourn court until 2.30.

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

8 [Upon resuming at 2.30 p.m.]

9 PRESIDING JUDGE: Yes, Mr Anyah, please proceed.

14:30:20

10 MR ANYAH: Thank you, Madam President:

11 Q. Mr Witness, you mentioned at some point during your
12 examination-in-chief that during the course of the time you spent
13 with the RUF you were a radio operator, yes?

14:30:44

14 A. I was not a full-time radio operator. I just operated the
15 radio when the operator who was assigned at the station left.

16 Q. Where were you when you operated a radio on a part-time
17 basis?

18 A. I started it in Komende right up to Segbwema.

19 Q. Were you in Komende before or after you went to Segbwema?

14:31:19

20 A. I don't understand the question.

21 Q. Did you go to Komende before you went to Segbwema?

22 A. Yes.

23 Q. Are you sure of that, Mr Witness?

14:31:43

24 A. I was based in Komende. It was my deployment area. When
25 we dissolved there we came to Segbwema and we were based there.

26 Q. Did you tell us that you went to Komende in July 2000?

27 A. At that time we had left Komende. We were in Segbwema.

28 Q. For how long, how many months or years, were you a
29 part-time radio operator?

1 A. I can't tell now exactly because it was not a full-time job
2 that I was doing it on a daily basis, no. I can't tell now.

3 Q. Did you communicate with other radio operators during this
4 time? I am speaking of other RUF radio operators, Mr Witness.

14:32:43 5 A. Yes, I communicated at times with other radio operators
6 when I would switch on the radio.

7 Q. Was it an occasional communication, or were you in regular
8 communication with other RUF radio operators?

9 A. It was just occasionally when I will switch on the radio.

14:33:10 10 It was not regular that that was my assignment, no.

11 Q. Whenever you operated the radio during this period of time
12 did you have communications with any RUF commanders, Mr Witness?

13 A. Well, I did not communicate directly with RUF commanders,
14 but they spoke to us. If they needed us they will call us and

14:33:47 15 talk to us. But for me to switch on the radio and communicate
16 directly, no.

17 Q. Were there occasions when RUF commanders spoke with you in
18 the manner in which you have described, Mr Witness?

19 A. Yes.

14:34:03 20 Q. Can you give us examples of the commanders who spoke to you
21 in the manner you've described?

22 A. Like when we were in Segbwema like CO Denis used to talk to
23 us when we will switch on the radio.

24 Q. CO Denis is who, Mr Witness?

14:34:29 25 A. He was a brigade commander, 1st Brigade.

26 Q. Is it Denis Lansana or is it Denis Mingo? Who are you
27 referring to, Mr Witness?

28 A. Denis Lansana.

29 Q. Your answer was, "Like when we were in Segbwema like CO

1 Denis used to talk to us when we will switch on the radio." Were
2 you in Segbwema when you operated the radio, or were you in
3 Komende?

14:35:17 4 A. When I was in Segbwema I used to switch on the radio once
5 in a while and I spoke on it.

6 Q. I asked you a few minutes ago on page 100 of the
7 transcript, line 4, I am referring to the LiveNote transcript,
8 and a 12 point font, the question was:

9 "Q. Where were you when you operated a radio on a part-time
14:35:44 10 basis?

11 A. I started it in Komende right up to Segbwema."

12 Is it fair to say from that you operated the radio in both
13 Komende and Segbwema, Mr Witness?

14 A. Yes, I spoke on the radio from Komende to Segbwema.

14:36:07 15 Q. Did you speak with a radio operator named Daf at that time,
16 Mr Witness?

17 A. Yes, I spoke to Daf.

18 Q. Did you speak with a radio operator named Ebony,
19 Mr Witness?

14:36:25 20 A. Well, I can't recall now, but he was a full-time radio
21 operator, but I can't recall now. But I spoke with radio
22 operators, many of them, in the RUF.

23 Q. You spoke with a radio operator named Selasie, correct, the
24 one you mentioned on direct examination?

14:36:54 25 A. I can't recall, no. I can't recall. I can't recall.

26 MR ANYAH: Madam Court Officer, could we show the witness
27 notes from his interview to be found in tab 1, page 13. Could we
28 start at top. Yes, thank you, Madam Court Officer:

29 Q. Mr Witness, before you are notes taken by the Prosecution,

1 signed by you at the bottom right-hand corner, in respect of your
2 radio operation for the RUF. It reads, starting from the top of
3 the page, "The witness was his own radio operator from late 2000
4 around November until disarmament in July 2001." You would agree
14:38:09 5 with me, Mr Witness, that that covers a period of about seven to
6 eight months, yes?

7 A. Yes.

8 Q. Next paragraph, "The witness spoke to Issa Sesay, Morris
9 Kallon, Augustine Gbao and other key RUF people on the radio."
14:38:35 10 Did you hear what I just read, Mr Witness?

11 A. Yes.

12 Q. So above and beyond CO Denis, who you mentioned a few
13 minutes ago, the Prosecution has you as telling them you spoke
14 with other key RUF people on the radio, including Sesay, Kallon
14:38:54 15 and Gbao. Do you agree you spoke with those three, Mr Witness,
16 over the radio?

17 A. Yes, that is why I said I spoke to commanders. I cannot
18 recall all of them now, yes.

19 Q. The next sentence reads:

14:39:10 20 "He communicated regularly with RUF radio operators like
21 'Daf' (who was stationed at the control station in Kono), Kabba
22 (also based in Kono at the control station), 'Ebony' (based in
23 Kailahun; under Issa Sesay), 'Selasie' [phonetically spelt]
24 (based in Kamakwie) and 'Daddy Bock' (based in Segbwema)."

14:39:44 25 Do you see that, Mr Witness?

26 A. Yes.

27 Q. Your statement says you were regularly communicating with
28 these operators, yes?

29 A. Yes, that is what I said. I said I communicated with radio

1 operators, but I can't recall all of them, yes.

2 Q. And do you see the last or the next sentence there,
3 Mr Witness? Is it fair to say, Mr Witness, that in the seven or
4 so months when you operated the radio for the RUF, when you spoke
14:40:16 5 with top RUF personnel, when you spoke with other RUF radio
6 operators, that you never communicated with Liberia during that
7 period of time?

8 A. Yes, I did not communicate with anyone in Liberia.

9 Q. So that statement that says, "The Witness never
14:40:49 10 communicated with anyone in Liberia", is true, yes?

11 A. Yes, I did not go over the radio and call to Liberia and
12 communicate with anybody.

13 Q. The next sentence:

14 "The Witness cannot recall any specific communication
14:41:14 15 between Charles Taylor and Sam Bockarie in the period of the
16 ECOMOG Intervention, with the AFRC/RUF retreat from Freetown."

17 That statement is also true, yes?

18 A. Yes, when the retreat was on from Freetown, because I was
19 not there when they were retreating. I cannot recall Sam
14:41:40 20 Bockarie communicating across by that time the retreat was on,
21 because I was not there.

22 Q. Are you saying that because you were not there that you
23 cannot recall, as if to suggest there may have been
24 communication? Is that what you are telling us, Mr Witness?

14:41:59 25 A. I was not there. I don't know if they communicated during
26 that intervention when they were in Freetown and they were
27 coming, because I was not there. I was in Kailahun.

28 Q. The question is irrespective of whether or not you were
29 there. As you sit there now, are you suggesting that there may

1 have been communication?

2 A. I cannot suggest. I will not say maybe. I will not
3 suggest, but I did not witness it because I was not there.

14:42:43

4 Q. Where were you during the junta period, 25 May 1997 through
5 February 1998?

6 A. I was in Kailahun.

14:43:16

7 Q. When you first met with the Office of the Prosecutor on 28
8 March 2007, last year, a little over a year ago, did you tell
9 them that during the junta period you went to Freetown, posted at
10 Hastings and that you were fighting?

11 A. I was not posted at Hastings. I went to Freetown to
12 collect rations for the RUF soldiers who were in Kailahun
13 District. I did not go there to fight in Hastings.

14:43:37

14 Q. Well, it is possible I used the wrong terminology by saying
15 "posting". Let's forget about posting for a second.

16 Irrespective of how you got there, did you tell the Prosecution
17 when you first met with them that during the junta period you
18 were fighting in Freetown in the Hastings area?

14:43:59

19 A. I did not fight along the Hastings area, but there was
20 fighting going on there.

21 PRESIDING JUDGE: Mr Witness, pause. The question is not
22 whether you were fighting. The question is did you say these
23 words to the Prosecution? That is the question you should
24 answer.

14:44:17

25 THE WITNESS: I did not tell them that I fought in
26 Hastings.

27 MR ANYAH:

28 Q. During your first interview, 28 March 2007?

29 A. I can't recall that.

1 MR ANYAH: Madam Court Officer, could we show him page 3 of
2 the statement in tab 1:

3 Q. Mr Witness, what the Prosecution says are your words are
4 before you again. These are words they say you spoke on 28 March
14:45:08 5 2007. The second full paragraph of that page, with the sentence
6 that begins:

7 "The Witness was re-deployed to Kailahun Town in the period
8 of the Abidjan peace talks, which he believes was in mid-1996."

9 Then we skip a line, or rather a sentence, and we get to
14:45:38 10 the one beginning with:

11 "He was there for over a year and then the AFRC overthrew
12 the Sierra Leone government. Foday Sankoh told them to join the
13 AFRC so the Witness et al' came out of the jungle'."

14 Then it says, Mr Witness:

14:45:57 15 "The Witness went to Freetown in June. He was there for a
16 month. He was deployed at Hastings, fighting ECOMOG forces."

17 Did you tell them that, Mr Witness, when you met with them
18 the first time?

19 A. Maybe they made an error, but I did not tell them this.

14:46:23 20 I only went to Freetown twice to collect ration and brought it
21 back to Kailahun, but I did not go and fight in Hastings. I was
22 not ever deployed there. It is an error on their part, could be.

23 Q. Do you see your signature on the bottom right-hand corner
24 of that page with the date 31 October 2007?

14:46:47 25 A. Yes.

26 Q. You signed that page confirming its contents and now you
27 say a part of it is untrue. Can you explain that, Mr Witness?

28 A. Yes, because even when the Prosecution was asking me here
29 that how many times I went to Freetown I said twice during the

1 junta period and they asked me what I went there to do. I said
2 I went there to collect ration and brought it back to Kailahun
3 District, twice. That was the time he asked me those whom I saw
4 there and that was when I called the name of the commanders: CO
14:47:27 5 Lion, Mosquito and others. Those who were in Freetown - those
6 were in Kenema and the others were in Freetown, but I did not
7 fight in Hastings or even deployed there. I said it here.
8 I think it is in the transcript here.

9 Q. To be fair to you, Mr Witness, you did correct this error
14:47:49 10 after you signed the page and you did so about six months later,
11 in October 2007. That may be found in tab 2, page 3, to be fair
12 to you, and you said there you, "... went to Freetown in
13 July-August 1997 to get supplies and not to fight as indicated in
14 his previous statement." Do you recall changing your comments
14:48:30 15 about whether or not you fought in Freetown when you met the
16 Prosecution in October last year? It is in paragraph 11 of the
17 document being displayed. Have you seen it, Mr Witness?

18 A. Yes, sir.

19 Q. You agree with this account of your comments?

14:49:07 20 A. Yes, this is what I said. Even in court here that was what
21 I said. I said I went for a supply twice and returned, yes.

22 Q. Where were you during the 6 January 1999 invasion of
23 Freetown, Mr Witness?

24 A. I was in Koindu.

14:49:33 25 Q. You do not know what happened in Freetown during that
26 invasion, do you?

27 A. No, I don't know what happened there.

28 Q. Mr Witness, on 4 June, the very early part of your
29 testimony, you told us you were with the RUF from 1991 until

1 disarmament in 2001, yes?

2 A. Yes, I was with the RUF.

3 Q. That is a ten year period, yes?

4 A. Yes, yes.

14:50:10 5 Q. During those ten years, at any point in time did you
6 attempt to leave the RUF?

7 A. When I was at the base when I planned to escape and we
8 witnessed the other recruits being recaptured and they were
9 killed in our presence.

14:50:37 10 Q. That was a few weeks after your capture, correct?

11 A. Well I can't tell now whether it was a few weeks, but it
12 was during that period.

13 Q. That period was the year 1991, yes?

14 JUDGE SEBUTINDE: What base is this? There were several
14:51:02 15 bases. What base is that?

16 MR ANYAH:

17 Q. Mr Witness, this was the Bunumbu training base, yes?

18 A. When I attempted to escape from the RUF?

19 Q. Well, let me withdraw that. It was the Pendembu training
14:51:18 20 base, yes?

21 A. Yes, it was at the Pendembu training base.

22 Q. You were there for about two to three months, correct?

23 A. Yes.

24 Q. You were captured on 2 May 1991, yes?

14:51:35 25 A. Yes.

26 Q. And this attempted escape was also in 1991, yes?

27 A. Yes.

28 Q. Separate and apart from that episode when you attempted to
29 escape in 1991, in the remaining nine years when you were with

1 the RUF did you attempt to leave the organisation?

2 A. I can't recall. No, I can't recall.

3 Q. You cannot recall whether you tried to leave the membership
4 of the RUF. Is that your evidence to this Court?

14:52:27 5 A. Yes, I can't recall that.

6 Q. What was the highest rank you attained within the RUF,
7 Mr Witness?

8 A. It was major.

9 Q. Did you ever have a member of a Small Boy or Small Girls
14:52:54 10 Unit work for you, Mr Witness, in your ten years with RUF?

11 A. Yes, I had small boys in the areas where we operated, yes.

12 Q. Under your supervision, yes?

13 A. Yes, yes, I was always - yes.

14 Q. Did you send those boys to fight, Mr Witness?

14:53:23 15 A. No, I can't recall that.

16 Q. What did you have those boys do for you, Mr Witness?

17 A. They were with us and I used to take care of them.

18 Q. All you did was take care of them. Is that what you're
19 telling us?

14:53:55 20 A. Yes, I took care of them and they did domestic chores where
21 I was based.

22 Q. They also fought in the front lines according to what you
23 said in examination-in-chief, yes?

24 A. I did not send them to go and fight, but small boys used to
14:54:17 25 fight.

26 Q. The question was not whether you sent them. I am trying to
27 confirm what you said to this Court last week. You told us they
28 fought, true?

29 A. The small boys fought, yes.

1 Q. In your ten years with the RUF did you ever take civilian
2 property without the consent of the owner?

3 A. Yes.

4 Q. Where did this happen, tell us?

14:54:48 5 A. Like when we left Koindu in 1999 and we went on the advance
6 in Kenema, the Kenema operation that we ran. It was in Kenema.

7 Q. Only in Kenema, Mr Witness?

8 A. That I can recall, yes. Yes, that is what I can recall.

9 Q. Did you rape anybody when you were in the RUF, Mr Witness?

14:55:27 10 A. No, nobody ever reported me to any of the authorities in
11 the RUF that I raped.

12 Q. I am not asking you if you were reported. Someone can do
13 something and not be reported. I am asking you if you did
14 something. Did you rape anybody while you were with the RUF?

14:55:50 15 A. No, I did not rape anybody while I was in the RUF.

16 Q. Did you take any young girls as your wife while you were in
17 the RUF, Mr Witness?

18 A. Yes, I had a young girl with me. I had a wife with me.

19 Q. How old was this young girl, tell us?

14:56:13 20 A. She was almost an adult because she too was a soldier in
21 the RUF. She was a WAC's.

22 Q. How old was this young girl, please tell us?

23 A. She was above 24 when the two of us met.

24 Q. You say you took her as your wife, yes?

14:56:43 25 A. Yes.

26 Q. Did she have a choice to be or not be your wife,
27 Mr Witness?

28 A. Yes, she accepted to be with me. We were in love.

29 Q. You said because she was a WAC's. Are you saying because

1 she was a WAC's she agreed to be with you?

2 A. She was a WAC's and we were in love and she had lost her
3 former husband in the war, so she said she wanted to be with me.
4 That's what I meant and people knew about that and even now she
14:57:30 5 carries my name, even the way she is being referred to now.

6 PRESIDING JUDGE: Mr Anyah, I thought I heard the witness
7 say in answer to an earlier question "even now" as he has again
8 repeated, but it is not on the transcript. Did you hear that?

9 MR ANYAH: Yes, I did. I don't wish to pursue it. It
14:57:55 10 might be a Prosecution witness - may I have a moment, Madam
11 President?

12 PRESIDING JUDGE: Certainly.

13 MR ANYAH: Madam President, I tender the witness. I have
14 nothing further.

14:58:20 15 PRESIDING JUDGE: Thank you, Mr Anyah. Re-examination,
16 Mr Werner?

17 MR WERNER: Your Honour, we do have some questions.

18 PRESIDING JUDGE: Please proceed.

19 RE-EXAMINATION BY MR WERNER:

14:58:33 20 Q. Good afternoon, Mr Witness.

21 A. Good afternoon, sir.

22 Q. I just have a few questions for you. Mr Witness, just a
23 few seconds ago you spoke about a woman who became your wife and
24 you said that she was a member of the WAC's unit. Now,

14:58:55 25 Mr Witness, how did this young girl you took as your wife come to
26 be a member of the RUF?

27 A. I met her, she had already been trained as a soldier in the
28 RUF WAC's. She was under the WAC's unit. She had been trained
29 at the training base when I met her. She was a soldier in the

1 RUF.

2 Q. What, if anything, did you learn about how she came to come
3 to the training base?

14:59:35

4 MR ANYAH: Objection. I know I did ask the question about
5 how this woman became his wife. If counsel is trying to lead new
6 evidence about how she was taken into the RUF vis-a-vis consent
7 or no consent I would object on the basis that it goes beyond the
8 scope of cross-examination.

14:59:55

9 MR WERNER: Your Honour, we are just trying to follow-up on
10 that point only - they opened up, we are just trying to
11 follow-up. That came in cross-examination.

12 PRESIDING JUDGE: I will allow the question.

13 MR WERNER:

15:00:13

14 Q. Mr Witness, what, if anything, were you told about how this
15 young girl came to come for training in the RUF?

16 A. Well, she too told me that she was captured in Manowa Town.
17 She and some others, there were many. At that time they were
18 civilians and they were sent to the training base in Pendembu to
19 be trained.

15:00:38

20 Q. Now, Mr Witness, today you were asked about the attack on
21 Gaya and Yengema and last week you told us that Captain Ben led
22 this attack. To your knowledge, Mr Witness, what punishment, if
23 any, did Captain Ben receive for burning down Gaya and Yengema?

15:01:17

24 A. I didn't hear about any punishment meted out to anybody for
25 that particular operation that they ran.

26 Q. Mr Witness, last week you were asked about the treatment of
27 civilians by Defence counsel and the Defence counsel asked you
28 questions about statements that you had made about the treatment
29 of civilians by the RUF. Now Defence counsel went through

1 several paragraphs in the Prosecution investigative notes dated
2 31 October 2007, 1, 2, 6 November 2007 at Defence bundle behind
3 tab 2 and Defence counsel started at page 9 in these
4 investigative notes. Now you agreed that you told the
15:02:20 5 Prosecution all of these things about the treatment of civilians.
6 I am going to refer to the transcript page 11147, lines 15 to 29,
7 to 11150, lines 1 to 9.

8 So, Mr Witness, at page 11147 lines 21 to 28 the Defence
9 counsel read you that at paragraph 40:

15:02:52 10 "The RUF forced some civilians to mine diamonds in Kono
11 District after the first intervention. This continued until
12 disarmament. Some dug diamonds voluntarily in Kono District but
13 others did not want to do it and were forced by the RUF. In any
14 case no-one was trusted when it came to the mining of diamonds
15:03:20 15 and RUF armed guard in Kono always sat and watched the men
16 digging diamonds all day in case some diamonds were pocketed by
17 the civilians."

18 Now, Mr Witness, you stated that you told that to the OTP.
19 Is this information correct?

15:03:44 20 A. Yes.

21 Q. Now, Mr Witness, did the Sesay Defence investigation ask
22 you about this information?

23 A. About how the civilians were used to mine for diamonds in
24 Kono?

15:04:06 25 Q. About what I just read to you, yes.

26 A. Yes, the Sesay Defence asked me about how civilians mined
27 diamonds in Kono.

28 Q. What did you tell them?

29 A. I told them that the RUF used to take civilians to the

1 mining areas to dig for diamonds and some civilians mined for
2 diamonds willingly, because they were with the commandos, but all
3 of them were guarded by the RUF.

15:04:44 4 THE INTERPRETER: Your Honours, can the witness slow down
5 and repeat this.

6 PRESIDING JUDGE: Pause, Mr Witness. Mr Witness, you are
7 going too quickly for the interpreter. Please pick up your
8 answer where you said, "But all of them were guarded by the RUF."
9 Continue from there, please.

15:04:59 10 THE WITNESS: All the civilians who went to mine diamonds,
11 whether they were taken by RUF soldiers on their personal
12 behalves or they were to mine for the RUF because there was
13 manpower for RUF - there were manpower for individual soldiers
14 who mined for individual soldiers, not for the RUF. There were
15:05:28 15 RUF commanders who took civilians to mine diamonds for them, the
16 commanders, all of them. All of them were guarded by RUF armed
17 men for them not to escape with diamonds.

18 MR WERNER:

19 Q. Thank you, Mr Witness. Now on the next thing which was
15:05:46 20 read to you by Defence counsel - and the transcript is
21 page 11147, line 29 to 11148, line 3 and he read you paragraph 41
22 which reads as follows:

23 "You speak about food finding missions all forced.
24 Civilians could not move freely because there was a pass system,
15:06:12 25 you said. If a civilian moved without the pass he would be
26 interrogated and possibly be treated like a spy."

27 Now, Mr Witness, you stated you told that to the OTP. Is
28 this information correct?

29 A. Yes, there were civilians who came to the RUF territory who

1 had not been there before except you would be issued a pass. If
2 not you would be suspected to be a spy, yes.

3 Q. Did the Sesay Defence investigation ask you about this
4 information?

15:06:52 5 A. Yes, they asked me about civilians' movements, Sesay and
6 the civilians, yes.

7 Q. Now, Mr Witness, I will refer to page 11148, lines 4, 5 of
8 the transcript. You were at paragraph 42. Paragraph 42 you
9 speak of looting, how the RUF used to loot goods and foodstuff
10 from the civilians. Now, Mr Witness, you stated that you told
11 that to the OTP. Is this information correct?

12 A. Yes, RUF used to go and loot foodstuff and goods. They
13 used to go on food patrol and bring food from civilian zones.

14 Q. And did the Sesay Defence investigation ask you about this
15 information?

16 A. Yes, they asked me how Sesay used civilians for food
17 finding missions, except they cultivated farms for him. He paid
18 them personally.

19 Q. Now, Mr Witness, I will refer to page 11148 lines 6 to 12.
15:08:22 20 This part was read to you:

21 "We go to page 10, paragraph 43. You told the Prosecution
22 after the first intervention in February 1998 a lot of civilians
23 were abducted by the retreating AFRC and RUF troops. These
24 civilians were brought to Kono and Kailahun Districts. A lot of
15:08:44 25 women brought to Kono were raped by AFRC and RUF fighters and
26 forced to work for them. Some young boys were used in Kono by
27 AFRC and RUF commanders to work for their wives."

28 Now, you stated that you told that to the OTP. Is this
29 information correct?

1 A. Yes.

2 Q. And did the Defence investigation Sesay ask you about this
3 information? Mr Witness, did you hear my question?

4 A. Yes, yes, I heard your question. I am thinking about it.

15:09:32 5 Yes, they asked me about Sesay and civilians. How he treated
6 civilians, yes.

7 Q. Now, Mr Witness, the next one which was read to you was
8 page 11148, lines 13 to 16, and here is what you said:

9 "Paragraph 44, you talk of Colonel Savage and the massacre
15:09:52 10 of civilians in Tombodu. You were told about this, that Savage
11 committed massacres of civilians in Tombodu. This is when you
12 were based in Koindu."

13 Now I am going to read - because Defence counsel actually
14 summarised you I am going to read you the actual paragraph 44
15:10:10 15 which reads as follows, the entire paragraph:

16 "Colonel Savage, who was AFRC, was based in the village of
17 Tombodu in Kono District in 1998 after the first intervention.
18 At that time AFRC and RUF worked together in Kono and Kailahun
19 District. The witness, who was based in Koindu, was told that
15:10:32 20 Savage committed massacres of civilians in Tombodu."

21 Now, Mr Witness, you stated that you told the OTP that. Is
22 this information correct?

23 A. Yes.

24 Q. And did the Sesay Defence investigation ask you about this
15:10:50 25 information?

26 A. I don't recall that they asked me about Colonel Savage, but
27 if they had asked me I was going to give them the same
28 information, yes, because Colonel Savage did a massacre there
29 that the information was spread amongst all the RUF.

1 Q. And the next thing which was read to you was transcript
2 page 11148, lines 17 to 24, and it reads as follows:

3 "Paragraph 45, you speak of Kailahun District being a
4 stronghold of the RUF and under occupation for many years. Then
15:11:32 5 you add:

6 'At one point in time civilians were forced to work and
7 produce goods for the RUF in Kailahun District, but in 1998
8 onwards that was not the case any more as the civilians had been
9 with the RUF for so long and agreed to work for food.'

15:11:48 10 They worked for food."

11 Now, Mr Witness, you stated that you told that to the OTP.
12 Is this information correct?

13 A. Yes.

14 Q. And did the Sesay Defence investigation ask you about this
15:12:01 15 information?

16 A. Yes, they asked me about how Sesay used to make his farm in
17 Kailahun and then I told them.

18 Q. Thank you, Mr Witness. Now, the next thing that was read
19 to you was transcript page 11148, lines 25 to 28. It reads as
15:12:19 20 follows:

21 "Paragraph 46, you speak of old wives versus new wives and
22 how women were abducted after the first intervention, brought to
23 Kailahun District, distributed by the G5."

24 I am going to read to you - again, it was summarised by the
15:12:39 25 Defence counsel. I am going to read to you the actual complete
26 paragraph 46, which reads like this:

27 "The women abducted after the first intervention brought to
28 Kailahun District were distributed by the G5 amongst soldiers and
29 commanders. That created a lot of tensions and problems between

1 the old wives and the new wives in the RUF in Kailahun District
2 as in Kono District their new women had no choice and were
3 expected to work for the soldiers or commanders assigned to
4 them."

15:13:09 5 Now, Mr Witness, you stated that you told the OTP that. Is
6 this information correct?

7 A. Yes, I told the OTP that when the new women came some
8 commanders and soldiers went and signed for the women. They took
9 them from the G5 and they took them to their various homes and
10 they were there with them. They stayed with them. So, that
11 brought conflict between the old wives and the new wives in
12 Kailahun.

13 Q. And did the Sesay Defence investigation ask you about this
14 information?

15:13:43 15 A. They asked me about the information, yes. They asked me.

16 Q. What did you tell them?

17 A. I told them that they brought the women - the new women -
18 and the G5 was in charge of them. People used to go there and
19 sign for them, then collect them and take them to their houses,
20 but that brought dispute between the old women and the new women.

15:14:13 21 Q. Now, Mr Witness, in the passage I read to you you said,
22 "The women abducted after the first intervention ..." What did
23 you mean when you said "the first intervention"?

24 A. The retreat that took place from Freetown during the ECOMOG
15:14:43 25 intervention. That is what I mean.

26 Q. Now, Mr Witness, the next thing which was read to you - and
27 I will be referring to page 11149 line 18 to 26. It was
28 referring to paragraph 47:

29 "The witness knows that a lot of women had to have sex with

1 the commander or soldiers assigned to them and many of them had
2 little choice. However, the witness said that if any of these
3 women reported a case of rape to the G5, action would be taken
4 against the RUF man responsible. But the witness said that it
15:15:22 5 would have been difficult for a woman to complain about an RUF
6 important commander. The women who were not distributed to
7 anyone were left on their own and some of them were sexually
8 abused by several RUF men."

9 Now, you stated that you told the OTP that. Is this
15:15:41 10 information correct?

11 A. Yes. The new women that they brought, yes.

12 Q. And did the Sesay Defence investigation ask you about this
13 information?

14 A. I can't recall that I was asked that question.

15:16:04 15 Q. Now, Mr Witness, the next item read to you - and I will be
16 referring to page 11149, lines 27 to 29, and 11150, lines 1 to 5:

17 "It says:

18 'Some of the small boys who were abducted during the
19 retreat after the first intervention were brought in Kailahun
15:16:39 20 District and the strongest ones trained in Bunumbu training
21 camp."

22 And the next sentence:

23 "Some of the small boys were as young as eight years old
24 and many of the small boys were sent to fight after their
15:16:48 25 training."

26 Now, Mr Witness, you stated that you told the OTP that. Is
27 this information correct?

28 A. Yes.

29 Q. Now, did the Sesay Defence investigation ask you about this

1 information?

2 A. Yes, they asked me.

3 Q. What did you tell them?

4 A. I told them that the civilian boys, the small boys that
15:17:14 5 they brought who were not sent to the base, commanders went and
6 signed for them and they were taking care of them. They stayed
7 with them and they were taking care of them, those who did not go
8 to the base at all, those civilian small boys.

9 Q. Now, Mr Witness, I would like to ask precisely now about
15:17:35 10 the SBUs and I will be referring to the transcript at page 11166,
11 lines 26 to 29, and 11167, lines 1 to 7. The Defence counsel
12 asked you about that and he read you - there was one question he
13 asked you I am going to read to you. The question was:

14 "When the notes were transcribed, including notes from
15:18:06 15 another interview with you, and we go back to the paragraph
16 I read previously about SBUs, which is in tab 10, page 11, and
17 which ends with the sentence, 'Children were not forced to be
18 anywhere, or do anything', that is also a mistake, yes? When
19 Issa Sesay's team said you told them about children that is also
15:18:33 20 a mistake?"

21 Then you gave that answer. You said:

22 "Generally children who were in the revolution, those who
23 were trained at the base as SB unit, or those who were not
24 trained who were either under the G2 or the G5, commanders will
15:18:54 25 go and take them to be with them at home ..."

26 Now, Mr Witness, those children who were not trained and
27 who were either under the G2 or the G5 and commanders took them
28 to be with them at home, if you know what did those children do
29 at the commanders' homes?

1 A. Well, they used to do domestic work. They used to help
2 them do the housework, domestic works.

3 Q. Thank you, Mr Witness. Now, the next thing I would like to
4 ask you about is transcript page 11175, lines 19 to 22. The
15:19:49 5 Defence counsel asked you about your statement regarding a secret
6 meeting you attended and the Defence counsel referred to tab 2,
7 page 7, and he read to you the next three lines:

8 "Next paragraph, paragraph 33:

9 'During this meeting the situation of Issa Sesay who had
15:20:11 10 dropped diamonds in Liberia was discussed and it was decided to
11 send him to the front lines as a result.'

12 Now, Mr Witness, two matters here. Firstly the situation
13 of Issa Sesay who had dropped diamonds in Liberia, was this
14 discussed in the meeting?

15:20:36 15 A. They discussed the issue of Issa Sesay about the diamonds
16 that he dropped in Liberia.

17 Q. Thank you. Now, the second one, "... and it was decided to
18 send him to the front lines as a result", was that discussed at
19 the meeting?

15:20:58 20 A. No, I did not hear that being discussed in the meeting.

21 Q. Thank you, Mr Witness. Now concerning the date of the
22 secret meeting, I am going to refer to page 11175, lines 3 to 18.
23 Now, it was a question which was - a question asked to you and
24 I am going to read you the questions and then ask you myself a
15:21:34 25 question about that. So the question was:

26 "Well, let's look at tab 2 and your statement to the Office
27 of the Prosecutor. Your Honours, this is the same statement from
28 late last year and I will be referring to page 7. Mr Witness,
29 these are notes the Prosecution took, disclosed to us. On

1 page 7, paragraph 32, it reads:

2 'The witness attended shortly after his birthday in April
3 1998 a secret meeting that was held in the bush between Buedu and
4 Dawa. There was approximately 100 officers present.' "

15:22:13 5 Now, Mr Witness, my question is does that correctly state
6 the time period of this secret meeting?

7 A. Yes, the meeting took place after my birthday when we went
8 to Buedu.

9 Q. Thank you, Mr Witness. Now, I would like to ask you about
15:22:40 10 the number of items which were discussed in the secret meeting
11 between Buedu and Dawa. Now, you told us just before that the
12 issue of Issa Sesay dropping the diamonds in Liberia was
13 discussed. Now, I would like to ask you about another item and

14 I will be referring to page 11056, lines 6 to 8, talking about
15:23:11 15 what Jungle said and you said, "That he was advising that we try
16 and get hold over Kono because that was where we will get our
17 resources." Was that, Mr Witness, discussed in this meeting?

18 A. Yes.

19 Q. Now, you spoke about something else being discussed in the
15:23:36 20 meeting and I will be referring to page 11056, line 9 to 13,
21 again talking about Jungle and then you said:

22 "Then he also discussed the maintenance of an airstrip.
23 There was an airstrip that we were trying to construct behind
24 Buedu and he said we should also try as fast as possible to
15:24:05 25 construct that airstrip, because in case of any emergency landing
26 of materials, the aircraft will have to land there."

27 Was that, Mr Witness discussed in this meeting?

28 PRESIDING JUDGE: Mr Anyah?

29 MR ANYAH: I stand to be corrected, but I believe the

1 portions of the transcript counsel is now reading from from 5
2 June are from his own examination-in-chief, so he is reading his
3 own examination-in-chief and asking the witness if this was
4 discussed at the meeting.

15:24:39 5 MR WERNER: I will explain that, your Honours. At
6 page 11055, lines 4 to 8, it is our submission that Defence
7 counsel misstated the evidence and talked about two items being
8 discussed in the meeting and our recollection of the evidence of
9 the witness is there were actually five items discussed in that
10 meeting. So I am going through the items and asking simply the
11 witness to tell me that indeed this --

12 PRESIDING JUDGE: You should be putting what was put by
13 counsel for the Defence in cross-examination, not your own
14 examination-in-chief, if you say you put the question that
15:25:26 15 Mr Anyah put.

16 MR ANYAH: Madam President, the page he just cited, 11055,
17 is still counsel's opposite examination-in-chief. I don't see my
18 alleged misstatement of the evidence on that page.

19 PRESIDING JUDGE: Well, it would have to be a question you
15:25:44 20 asked. That's the point I am making, Mr Anyah, if in fact a
21 question you asked related to a question that arose in
22 examination-in-chief, but we will have to have your question.

23 MR WERNER: I am therefore just going to ask the witness
24 how many items was discussed and that will short cut the matter
15:26:06 25 hopefully:

26 Q. Mr Witness, how many items in this secret meeting were
27 discussed as far as you can remember?

28 A. We discussed about the issue of Issa Sesay and the
29 diamonds. We discussed about the airstrip. We discussed about

1 the relationship between the RUF and the AFRC and we discussed
2 the way forward, how to recapture our zones, like for instance
3 Kono, especially Kono zone, the mining area, for us to recapture
4 the Kono ground because of the diamonds.

15:26:48 5 Q. So, Mr Witness, I am going to read you - and I have the
6 correct portion now. I am going to read you a question that was
7 put to you by Defence counsel and I am referring to page 11135,
8 lines 4 to 12 and the question was:

9 "Mr Witness, the secret forum, as you prefer to call it,
15:27:14 10 and not meeting that took place in 1998 you said somewhere around
11 October or November somewhere between Buedu and Dawa at a secret
12 location called by Sam Bockarie, attended by Colonel Jungle,
13 attended by General Ibrahim, you told us there were two items on
14 the agenda. One was Issa Sesay and the missing diamonds and the
15:27:38 15 second one pertained to pressure on the RUF and AFRC by ECOMOG."

16 So, Mr Witness, again, how many items were discussed in
17 this secret meeting?

18 MR ANYAH: I am sorry to interrupt, but to be fair to
19 counsel, I posed that question to the witness, counsel opposite
15:27:57 20 should read his answer. He answered it yes, in the affirmative.

21 PRESIDING JUDGE: Mr Anyah, you have an advantage over me.
22 I don't have the transcripts in front of me. What is your
23 objection exactly?

24 MR ANYAH: My objection is this: Counsel is saying
15:28:10 25 I misstated the record by saying there were only two items
26 discussed. I put the question fair and square to the witness.
27 It was a leading question. The witness answered yes to the
28 question. So if counsel is saying I misstated the evidence and
29 he reads only my question, to be fair to me he should read the

1 witness's response to my question said under oath.

2 PRESIDING JUDGE: It will have to be both, Mr Werner.

3 MR WERNER: Okay:

4 Q. So your answer to this question was, "Yes", and that is why
15:28:41 5 now I am trying to clear that up and asking you, Mr Witness, to
6 your recollection how many items were discussed in that secret
7 meeting again?

8 JUDGE LUSSICK: Mr Werner, you are coming very close to
9 impeaching the credit of your own witness. He said very clearly
15:29:02 10 that he agreed to the proposition that two items were discussed.
11 Obviously your question is aimed at getting him to change his
12 mind.

13 MR WERNER: Your Honour, our position is that the question
14 of the Defence was compounded and confusing for the witness and
15:29:20 15 that is why we went and tried to clarify it.

16 JUDGE LUSSICK: Where does it say on that transcript that
17 he was confused by that answer that he gave a flat yes to?

18 MR WERNER: Yes, but, your Honour, our position is that
19 this question is seven lines and talks about several things and
15:29:38 20 that was not the same as he told us in examination-in-chief.
21 That is the reason we went to follow up and merely clarify it.

22 JUDGE LUSSICK: That is the purpose of cross-examination,
23 isn't it, to examine what was said in chief to see whether it is
24 true or not.

15:29:54 25 MR WERNER: Absolutely your Honour, but if we think that
26 the question was somehow confusing for the witness I think we
27 are --

28 JUDGE LUSSICK: That's if you think, but it seems to me
29 that the witness did not say that he was confused at all.

1 I think if he says yes when it's put to him that there were two
2 items on the agenda then isn't the Prosecution stuck with that
3 answer? You can't seek to cross-examine him or get him to change
4 his sworn testimony surely.

15:30:26 5 MR WERNER: Your Honour, the position is simply that we can
6 clarify. We can clarify when he said something --

7 JUDGE LUSSICK: We are disallowing that question,
8 Mr Werner. Move on.

9 MR WERNER: I will, your Honours:

15:30:40 10 Q. Mr Witness - I will be referring to page 11214, lines 27 to
11 29, and 11215, lines 1 to 25. That has to do with your
12 appearance as a witness. Mr Witness, I am going to read you
13 again some questions and answers between you and Defence counsel
14 and then I will ask you just one question. So the question asked
15:31:15 15 to you by Defence counsel:

16 "Q. Mr Witness, I asked you yesterday a question whether
17 you had been shopping to be a witness before the Special
18 Court and your answer was yes. Do you recall that?

19 A. No, I was not shopping. I was not willing to be a
15:31:34 20 witness for the Special Court. That's why I told them that
21 I had nothing to do with them and they said I should be a
22 witness for the Special Court after they had spoken to me,
23 but it was not that I went there voluntarily asking to be a
24 witness.

15:31:53 25 "Q. On page 11154 of yesterday's transcript starting at
26 line 9, I posed this question to you, Mr Witness:

27 'Q. When you met with Sesay's investigators first and then
28 met with Chuck Kolot in March of 2007 and then met again
29 with Sesay's investigators in June 2007, Mr Witness, can

1 I ask you were you shopping to be a witness in one of those
2 Special Court cases?

3 A. Yes.'

4 Line 14 question:

15:32:30 5 'Q. You wanted to be a witness in some proceedings before
6 this Court, right?

7 A. Yes.'

8 That's what you told us yesterday, Mr Witness, correct?

9 A. It is correct, after the Sesay Defence had spoken to me
15:32:45 10 they said they wanted me to be a witness because they had
11 met me, they had spoken to me, they had obtained statement
12 from me, so I was expecting that they would invite me to be
13 a witness, but I was not invited, right up until the time
14 the Prosecution spoke to me and they were talking to me and
15:33:07 15 he even gave me a number."

16 Now, Mr Witness, when you agreed on Friday that you wanted
17 to be a witness in some proceedings before the Special Court what
18 did you mean?

19 A. You mean for the Prosecution or the Sesay Defence? I want
15:33:33 20 to know which one.

21 Q. Just when you answered what I just read to you, Mr Witness,
22 on Friday, when you said that you agreed, you didn't specify.
23 You just said you agreed you wanted to be a witness in some
24 proceedings before the Special Court. What did you mean?

15:33:46 25 PRESIDING JUDGE: Pause, Mr Witness. Mr Anyah?

26 MR ANYAH: Counsel is saying that on Friday last, 6 June,
27 the witness agreed that he wanted to be a witness in some
28 proceeding before the Special Court. The transcript counsel has
29 just read refers to questions posed to him on Thursday the 5th.

1 His initial agreement with that proposition was on Thursday the
2 5th. On Friday the 6th he initially denied agreeing to that
3 proposition on Thursday the 5th and that's how this series of
4 questions came about. I think for purposes of clarification it
15:34:38 5 might be necessary to state that his agreement to that
6 proposition spans two days of evidence instead of just one.

7 MR WERNER: Your Honours, I have read exactly the entire
8 transcript. The transcript was referring to precisely the days
9 before. He agreed to shopping, but the second part was not
15:35:00 10 clear. We are merely trying to follow up and clarify.

11 PRESIDING JUDGE: I will allow the question.

12 MR WERNER:

13 Q. Mr Witness, when you agreed on Friday that you wanted to be
14 a witness in some proceedings before the Special Court, what did
15:35:19 15 you mean?

16 A. That is like when the Prosecution had confirmed to me they
17 had given me a TF number and they told me that I was going to
18 serve as a witness and that I have already been given a number
19 and I already knew that I was now going to be a witness I gave
15:35:45 20 them my word. I said, "Yes, you have given me a number. I am
21 ready to be a witness for you." That is what I mean.

22 MR WERNER: We have no further questions, your Honours,
23 thank you.

24 JUDGE SEBUTINDE: Mr Witness, were you disappointed when
15:36:17 25 the Sesay Defence did not call you as a witness?

26 THE WITNESS: Well, I can't refer to it as a
27 disappointment. Maybe my statement was not relevant to them, so
28 I can't refer to it as a disappointment.

29 JUDGE SEBUTINDE: What would you refer to it as?

1 THE WITNESS: Well, if you had selected somebody to serve
2 as a witness and if you knew that that person was going to do
3 what you wanted the person to do, you would have followed up with
4 that person. But I can't tell where the withdrawal came about,
15:37:05 5 the reason why they withdrew from me. And I did not get any
6 further contact from them until the Sesay Defence trial almost
7 completed. Since then I did not get any contact with them. They
8 did not call me. So since that moment I thought they did not
9 need me any longer and not until I received number from the
15:37:30 10 Prosecution and they told me that they were going to bring me
11 over here, I was ready to come with them.

12 PRESIDING JUDGE: Mr Witness, I have a question, maybe more
13 than one. Counsel, I am referring to the transcript of 4 June
14 2008, pages 10920 and to 10924. Mr Witness, in the course of
15:38:02 15 your answers you said that, "CO Lion arrived, he brought
16 ammunition", and among the things you said he brought were land
17 mines. What happened to the land mines?

18 THE WITNESS: Well, we used to set the land mines before
19 the Sierra Leone government soldiers. We used to set it.

15:38:32 20 PRESIDING JUDGE: Did any of them go off?

21 THE WITNESS: Yes, my Lord, it blew off.

22 PRESIDING JUDGE: You were also asked several questions by
23 counsel for the Defence concerning the two interviews you had
24 with - or two of the interviews you had with the Prosecution and
15:38:55 25 you have acknowledged that you signed them. Did you read them
26 yourself, or were they read back to you before you signed them?

27 THE WITNESS: Well, sometimes they read it to me.

28 PRESIDING JUDGE: In what language?

29 THE WITNESS: In English. They read it to me in English.

1 PRESIDING JUDGE: Questions arising from the questions from
2 the Bench?

3 MR WERNER: None, your Honours.

15:39:33

4 PRESIDING JUDGE: Thank you, Mr Werner. Mr Anyah,
5 questions arising?

6 MR ANYAH: Yes, just briefly.

7 PRESIDING JUDGE: Thank you, Mr Anyah. Please proceed.

8 FURTHER CROSS-EXAMINATION BY MR ANYAH:

15:39:46

9 Q. Mr Witness, when they read you back your statement in
10 English did you understand it?

11 A. Well even the Prosecutor told me that there are areas where
12 there might be errors, so as they read it back to me they asked
13 me that if there were areas with errors I should try and correct
14 them. That was what they told me.

15:40:08

15 Q. My question was did you understand what they were reading
16 to you in English?

17 A. Well I understood some, yes.

18 Q. Just some?

15:40:34

19 A. That was what the Prosecutor said. He read it back to me
20 and he told me that if there were errors because of time I should
21 spell it out whilst I am here because they were in a hurry.

22 Q. I am not asking you what the Prosecutor said. I am trying
23 to find out how much of what was read to you you understood.

15:40:57

24 When you say you understood only some of it, can you give us an
25 estimate? Did you understand up to 70 per cent of it,
26 Mr Witness?

27 A. Well, I cannot give you an estimate.

28 Q. Well, you remember I asked you questions about your
29 familiarity with English. You studied English in primary school,

1 or you were instructed in English in primary school, correct?

2 A. Yes.

3 Q. You were instructed in English in secondary school, true?

4 A. Yes.

15:41:28 5 Q. You were instructed in English at the Bunumbu Teachers
6 College, yes?

7 A. Yes.

8 Q. You were instructed in English when you attended SAIDAC,
9 yes?

15:41:43 10 A. Yes.

11 Q. You graduated from SAIDAC in 2007, the year this statement
12 was taken, true?

13 PRESIDING JUDGE: Mr Anyah, you have asked these questions
14 already. You are asking the same cross-examination again. Your
15:41:55 15 questions are directed to questions arising and that was whether
16 he understood what was in the record of interview.

17 MR ANYAH: Yes, thank you, Madam President. I would ask
18 that the witness be shown the first page of tab 2, page 1. Thank
19 you, Madam Court Officer:

15:42:38 20 Q. Mr Witness, this is your statement made to the Prosecution
21 on 31 October, 1 November, 2 November and 6 November last year.
22 Do you see the first few lines of that statement? You were asked
23 a few minutes ago by Madam President whether this statement was
24 read to you, or whether you read it, and you said it was read to
15:43:06 25 you. The Prosecution has this sequence of events taking place in
26 respect of your first statement to them which was given on 28
27 March 2007. It reads, "The witness was given his last statement
28 of [28 March 2007] to read." Do you see that, Mr Witness?

29 A. Yes.

1 Q. The Prosecution is saying that you read your statement,
2 yes?

3 A. Yes.

15:43:46

4 Q. And after you read your statement you made certain changes,
5 true?

6 A. Yes.

7 Q. This document reads:

8 "The witness made a few changes. All pages and changes
9 were signed by Kevin Bennett and the witness."

15:44:00

10 Do you see that, Mr Witness?

11 A. Yes, I have seen it.

12 Q. With respect to the land mines that you were asked about,
13 were there any victims of these land mine explosions you talked
14 about?

15:44:22

15 A. Yes, I am quite sure, because enemy trucks rode on top of
16 it. Sierra Leone government soldiers in vehicles. People died
17 there, yes.

18 Q. When you say you are quite sure, were there victims or were
19 there not victims?

15:44:48

20 A. There were. People died.

21 Q. Were you there when any of these land mines detonated?

22 A. No, we will just set it up and then move off from the area
23 and then after the explosion people will come and check. Most
24 times they will meet vehicles - they will meet vehicles destroyed
15:45:17 25 and sometimes they will see blood around all over the place.

26 Q. The victims of these explosions, are you saying that they
27 were Sierra Leone Army officials?

28 A. Yes, they were Sierra Leone soldiers.

29 Q. Are you saying that you yourself went to inspect the

1 Locations of these land mines after they detonated?

2 A. No.

3 MR ANYAH: Nothing further, Madam President.

4 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Werner?

15:46:00 5 MR WERNER: Your Honours, in view of the first question
6 asked by Defence counsel --

7 PRESIDING JUDGE: I thought you said you had no questions
8 arising.

9 MR WERNER: Well, before Defence counsel stood up.

15:46:15 10 PRESIDING JUDGE: I am sorry, questions arising are from
11 the Court's questions. I was asking you in relation to the -
12 there is two matters marked for identification. That is what
13 I had in mind.

14 MR WERNER: Yes, your Honours. The Prosecution moves to
15:46:35 15 admit what is currently marked as MFI-16 into evidence as the
16 next Prosecution exhibit.

17 PRESIDING JUDGE: Mr Anyah?

18 MR ANYAH: Yes, I object to the admission of this exhibit
19 to this extent. On cross-examination today, the witness was
15:46:57 20 questioned about it. He apparently, at least to us, disavowed
21 the consistent nature of the information in the document
22 vis-a-vis his recollection of information he received elsewhere.
23 That was not the case on direct examination. Today he disavowed
24 having knowledge that Foday Sankoh ordered the burning down of
15:47:20 25 Gaya and Yengema. He also confirmed today he doesn't know who
26 prepared the document. I am not sure what the witness --

27 PRESIDING JUDGE: Mr Witness, are you saying something?

28 THE WITNESS: Yes, it is because the Defence is saying
29 I proved that Foday Sankoh prepared the document. I told him

1 that I did not know about that message.

2 PRESIDING JUDGE: That is exactly what --

3 THE WITNESS: It was only when he showed me here that I saw
4 it.

15:47:54 5 PRESIDING JUDGE: That is exactly what counsel is saying.

6 MR ANYAH: Well I think the witness has put the issue to
7 the Court, thank you.

8 JUDGE SEBUTINDE: I think the interpretation must have come
9 out wrong. The Defence counsel is saying exactly what you are
10 saying. He is not disagreeing with you.

11 THE WITNESS: Okay.

12 PRESIDING JUDGE: Mr Werner, your response?

13 MR WERNER: Our submission is that the substance is still
14 completely relevant. The witness testified about attack on Gaya
15 and Yengema by Captain Ben. The witness testified that the towns
16 were burnt down. The witness testified that while Captain Ben
17 went on the - I am sorry, in Peyama he used - he had a radio set
18 and he communicated with Foday Sankoh and I am referring to
19 page 10968, lines 7 to 10. He testified about the content of the
15:48:24 20 message which is consistent with what he learnt about what
21 happened in Gaya and Yengema, and I am referring to page 10971,
22 lines 19 to 22. He testified that Lion was Foday Sankoh. He
23 testified that only the highest leader in the RUF could use a
24 directive. He testified that there was only one time Captain Ben
15:48:57 25 attacked Gaya.

26 Your Honours, the test is relevance and what the Defence
27 counsel said about the witness didn't prepare the exhibit it goes
28 to weight. Now, our submission is that the evidence supports the
29 admission of this document into evidence.

1 I would just add one thing. The Defence recently offered -
2 and your Honours admitted - an unsigned supposed statement of JPK
3 even if the witness to whom the Defence showed this document -
4 and it was shown to Prosecution witness TF1-597 - had never seen
15:50:12 5 that document and knew nothing about that document. That is our
6 submissions, your Honours.

7 JUDGE LUSSICK: Mr Werner, that last instance you have just
8 mentioned that was by consent, wasn't it? There was no
9 objection, or there was an objection?

15:50:30 10 MR WERNER: Your Honours, we said it was relevant, but
11 there was no foundation and that is just what we pointed out now.
12 I believe that Mr Koumjian --

13 JUDGE LUSSICK: But what I am asking is was it by consent
14 of the parties, or not?

15:50:49 15 MR WERNER: Yes, your Honours.

16 JUDGE LUSSICK: Well there is a distinction here, don't you
17 see? Why we are considering this is because it has been objected
18 to.

19 MR WERNER: Your Honours, our submission is that if a
15:51:11 20 foundation --

21 JUDGE LUSSICK: We have heard enough. Thank you,
22 Mr Werner.

23 [Trial Chamber conferred]

24 PRESIDING JUDGE: We admit the document. The objection
15:51:21 25 goes to weight. As I recall - and I want to ensure that
26 I recorded this correctly - the Prosecution indicated they would
27 eventually seek to admit the first six lines of the page.

28 MR WERNER: Your Honours, our submission is that we have
29 prepared a document where indeed - the first six lines plus the

1 ERN number, that is it. Alternatively our submission would be to
2 have the next exhibit a cumulative exhibit with the same page as
3 A, so this one only with the six lines, and then as B we would
4 have the entire page. But we are in the Court's hands and we
15:52:04 5 have the two possibilities prepared.

6 PRESIDING JUDGE: Mr Anyah, the Court is seeking to admit
7 this. Counsel for the Prosecution has indicated that they are
8 seeking to admit the first six lines of this page and has offered
9 as a practical solution a document that has recorded the first
15:53:38 10 six lines only. Have you any objection to that procedure?

11 MR ANYAH: No objection if it's only the first six lines as
12 the Court pronounced when this document was offered.

13 PRESIDING JUDGE: Very well.

14 MR WERNER: Your Honour, for convenience we put the ERN
15:53:54 15 number because it was referred to in court.

16 PRESIDING JUDGE: That number has been referred to. Have
17 you any problem about the number remaining? This is the printed
18 number.

19 MR ANYAH: I understand it, Madam President. The concern
15:54:11 20 is this: In the future, perhaps four or five months hence, when
21 it is said ERN page number such and such was admitted into
22 evidence are we going to be in a position to know that it was
23 only the first six lines of that page and not the entire contents
24 of the page?

15:54:28 25 PRESIDING JUDGE: It is on the record and I will read it
26 again when we come to give it a number so as there are no
27 questions.

28 MR ANYAH: Then no objection.

29 PRESIDING JUDGE: Very well. Just let me get the correct

1 number. Madam Court Attendant, if you can assist me with the
2 next Prosecution exhibit number, please.

3 MS IRURA: Your Honour, it is P-135.

15:55:00

4 PRESIDING JUDGE: This will be a one page document which is
5 an extraction of ERN number 00008221 and contains six handwritten
6 lines with the first line reading "From - the Lion subdirective"
7 and the five lines thereafter. That will become Prosecution
8 exhibit P-135.

9 [Exhibit P-135 admitted]

15:55:27

10 MR WERNER: Thank you, your Honour, Madam President. Your
11 Honours, the Prosecution move to admit what is currently marked
12 as MFI-17 into evidence as the next Prosecution exhibit.

13 PRESIDING JUDGE: Mr Anyah, you have heard the application?

14 MR ANYAH: No objection as to relevance, Madam President.

15:55:51

15 PRESIDING JUDGE: Thank you. Again we have two documents,
16 what I understand from the evidence is a copy of an original and
17 then a somewhat clearer version. Is there an original?

18 MR WERNER: Yes, your Honour, no, but it was said that it
19 is a clearer version that we would like to have marked.

15:56:14

20 PRESIDING JUDGE: Very well. This will become a
21 Prosecution exhibit P-136. It is a document headed
22 "Revolutionary United Front of Sierra Leone" with a date
23 19/11/98. P-136.

24 [Exhibit P-136 admitted]

15:56:41

25 I think those are the only - if there are no other matters
26 I will discharge the witness.

27 Mr Witness, that is the end of your evidence. We thank you
28 for coming to court and giving your evidence over the last few
29 days and we wish you a safe journey back. Thank you. You will

1 be assisted now to leave. Please assist the witness.

2 THE WITNESS: Thank you, my Lord, may God bless you.

3 MR WERNER: Your Honour, if we can be allowed to change
4 seats.

15:57:17 5 PRESIDING JUDGE: Yes, by all means. Mr Koumjian, you have
6 carriage of the next witness, is that correct?

7 MR KOUMJIAN: Yes, your Honour.

8 PRESIDING JUDGE: Could you give us the witness's name and
9 the language the witness will speak, please. Excuse me, his
10 identification number.

11 MR KOUMJIAN: Yes. It is a protected witness, yes.

12 TF1-539. Your Honour, the witness will speak in Sierra Leone
13 Krio.

14 PRESIDING JUDGE: It is a protected witness?

15:58:40 15 MR KOUMJIAN: Yes. This witness has protective measures,
16 was granted a pseudonym in a decision by the Trial Chamber on 22
17 January 2007 and also the witness was granted voice and face
18 distortion measures in a decision on 13 March 2008. So, your
19 Honour, there would be a need to have the witness brought in
20 screened. I also would ask to ask for a brief private session at
21 the beginning of the examination to ask information that would
22 otherwise identify the witness publicly.

23 PRESIDING JUDGE: So that is voice distortion and?

24 MR KOUMJIAN: Facial distortion, screening.

15:59:56 25 PRESIDING JUDGE: First things first, Madam Court
26 Attendant, have we got the appropriate distortion in position?

27 MS IRURA: Your Honour, with regard to voice distortion the
28 AV booth normally requires a period of 30 minutes to set up voice
29 distortion.

1 PRESIDING JUDGE: When you say normally, could you check if
2 that applies to this afternoon?

3 MS IRURA: Your Honour, the AV booth confirms that they
4 would require 30 minutes to set up voice distortion.

16:00:40 5 MR KOUMJIAN: What I could suggest - your Honours, there
6 are some questions that I have, I think it will take five or ten
7 minutes at the most, of personal information that could identify
8 the witness that I was going to request private session. So we
9 could do that in the next ten minutes and then apparently we
16:01:00 10 would have to break for the day.

11 PRESIDING JUDGE: First of all, who has carriage of the
12 matter for counsel for the Defence?

13 MR MUNYARD: Madam President, I do. I am aware of the
14 Trial Chamber's decisions on protective measures. We have
16:01:15 15 nothing to say about that and indeed the practical solution to at
16 least some of this afternoon's time loss that has been proposed
17 by my learned friend I agree with. Let's get on with what we can
18 do at this stage.

19 PRESIDING JUDGE: Counsel for the Prosecution has asked for
16:01:30 20 a private session. I am addressing that particular issue.

21 MR MUNYARD: So am I, your Honour.

22 PRESIDING JUDGE: Do I take it you have no objection?

23 MR MUNYARD: In the light of the Trial Chamber's decisions
24 already on this witness it would be I think pointless for me to
16:01:45 25 object to a private session to go into matters only of
26 identification which is what I am told this about.

27 PRESIDING JUDGE: We will therefore have a brief private
28 session. I should explain to members of the public that are
29 present that the Court will appear to close down in order for the

1 witness to be brought in so that he cannot be identified.
2 Thereafter for about ten or so minutes, according to counsel's
3 estimates, there will be no sound. This is for reasons of
4 security of the witness and the protections that are in place to
16:02:27 5 protect his security. So I would therefore ask that the curtains
6 are now closed and the witness is brought in.

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8 [At this point in the proceedings, a portion of
9 the transcript, pages 11372 to 11377, was
10 extracted and sealed under separate cover, as
11 the proceeding was heard in private session.]

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1 [Open session]

2 PRESIDING JUDGE: Are we back in public session?

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

4 PRESIDING JUDGE: Thank you. I should explain to members
16:21:00 5 of the public in accordance with our rules of procedure that we
6 had gone into private session in order to protect the security of
7 the witness, certain matters relating to his personal background
8 were being given. This particular witness has protective measure
9 of voice and face distortion. Regrettably that takes some time
16:21:20 10 to set up because of the broadcast and we will therefore be
11 adjourning eight minutes early this afternoon in order to have
12 those put in place. So the Court will be adjourning now until
13 9.30. Before I ask that the Court be adjourned please put the
14 curtains down so that the witness may be allowed to leave and we
16:21:44 15 will adjourn.

16 Mr Witness, it is my duty to remind you that you have now
17 taken the oath. Your evidence has started before the Court and
18 whilst you are under oath you are not allowed to discuss your
19 evidence with any other person. Do you understand this?

16:22:05 20 THE WITNESS: Yes, my Lord.

21 PRESIDING JUDGE: Thank you. Mr Witness, I want you to sit
22 where you are. Don't move, please, until the curtains are back
23 in place. In the meantime adjourn the Court until 9.30 tomorrow
24 morning.

16:22:22 25 [Whereupon the hearing adjourned at 4.22 p.m.
26 to be reconvened on Tuesday, 10 June 2008 at
27 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-577	11246
CROSS-EXAMINATION BY MR ANYAH	11246
RE-EXAMINATION BY MR WERNER	11342
FURTHER CROSS-EXAMINATION BY MR ANYAH	11361
TF1-539	11378
EXAMINATION-IN-CHIEF BY MR KOUMJIAN	11378

EXHIBITS:

Exhibit P-135 admitted	11368
Exhibit P-136 admitted	11368