



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 29 APRIL 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:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Mr Alain Werner
Ms Shyamala Alagendra
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Tuesday, 29 April 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:24 5 PRESIDING JUDGE: Good morning, counsel. Good morning,
6 Mr Witness. I would note that appearances are as yesterday,
7 Ms Alagendra?

8 MS ALAGENDRA: Good morning, your Honours. That is
9 correct.

09:30:39 10 PRESIDING JUDGE: Mr Anyah?

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. That is correct.

13 PRESIDING JUDGE: Thank you. Before I remind the witness
14 of his oath and check if there are any other preliminary matters
09:30:49 15 I would just remind the parties, as they are already aware, that
16 tomorrow and the day following are public holidays in the
17 Netherlands and, as shown on the website of the Special Court, 2
18 May is also observed as an official holiday in the Special Court
19 at The Hague. Accordingly when we rise this afternoon we will
09:31:10 20 not be resuming hearing until Monday, I think 5 May.

21 If there are no other preliminary matters I will remind the
22 witness of his oath? No. Mr Witness, I again remind you this
23 morning, as I've done on other mornings, that you have taken a
24 solemn declaration to tell the truth and that that solemn
09:31:36 25 declaration continues to be binding upon you. You must answer
26 questions truthfully. Do you understand?

27 THE WITNESS: Yes, my Lord.

28 PRESIDING JUDGE: Thank you. Please proceed.

29 MR ANYAH: Thank you, Madam President.

1 WITNESS: TF1-334 [on former affirmation]

2 CROSS-EXAMINATION BY MR ANYAH: [Continued]

3 Q. Good morning, Mr Witness.

4 A. Good morning, my Lord.

09:32:00 5 Q. At the close of day yesterday we were considering one of
6 your statements, or rather the notes from a meeting between you
7 and the Office of the Prosecutor in the year 2007. I would like
8 to go back to the paragraph we were considering to give you an
9 opportunity to respond to its contents. The tab number is tab 13
09:32:30 10 and it's page 4, ERN number 00032139. Mr Witness, at the end of
11 the first full paragraph there was a sentence put to you
12 yesterday which starts:

13 "Witness states that the Liberian who he knows were sent
14 from Liberia between 1998 - 1999 were the Liberians he had
09:33:12 15 earlier referred to that became known as STF. He is not aware of
16 any other Liberians that were sent."

17 Do you recall us addressing this particular sentence
18 yesterday?

19 A. Excuse me.

09:33:34 20 Q. Yes, let me take you back to it, Mr Witness. At the top
21 right-hand corner you'll see a number of the page in black. It
22 says "00032139". Do you see that, Mr Witness? Yes?

23 A. Yes, my Lord.

24 Q. Now that first full paragraph, if you move towards the end
09:33:51 25 there is a sentence that starts, "Witness states." Do you see
26 that, Mr Witness?

27 A. Yes, yes, yes.

28 Q. Yes. Can you read that sentence and the following one to
29 yourself, Mr Witness.

1 A. Yes.

2 Q. The question I had posed yesterday and which you were in
3 the process of answering is this. These are notes taken
4 following a meeting between you and the Office of the Prosecutor
09:34:24 5 on 8 May 2007, and the notes have you telling the Office of the
6 Prosecutor that the Liberians you referred to who became known as
7 the STF were the only Liberians that you are aware of that were
8 sent to join your fighting forces between 1998 and 1999. Do you
9 see that, Mr Witness?

09:34:52 10 A. Yes, my Lord.

11 Q. This indicates that there was no mention of this additional
12 set of Liberian fighters that you've described as comprising the
13 Red Lion battalion; about 20 of them you said. Do you agree that
14 that's what this suggests?

09:35:14 15 A. I disagree.

16 Q. Are you saying that what I have read to you can also be
17 read to mean that there were additional Liberian fighters
18 fighting with your fighting forces?

19 A. Well according to the interpretation I gave is that the
09:35:40 20 Liberians who came over who were fighting along with us they were
21 all named as STF, but like when they came to Colonel Eddie Town
22 like I said it was O-Five who introduced them during the muster
23 parade and he did say that these are the ones who came and they
24 were former NPFL fighters and they were the ones who came to
09:36:04 25 reinforce Superman in Koinadugu. So, they were all referred to
26 as STF. That was what I said here. I said all of them who came.
27 The group was not divided, they were not distributed in different
28 subgroups, but it was during the muster parade when he introduced
29 them that he said - told Gullit that these were the fighters who

1 came to reinforce Superman in Koinadugu.

2 Q. Two questions from that. Your evidence now is that at the
3 muster parade O-Five referred to all of these fighters as STF.

4 Is that your evidence today, Mr Witness?

09:36:44 5 A. I said we were referring to them as STF when they came.

6 All the Liberians, we referred to them as STF.

7 Q. Then is it your testimony that you - when you say "we" I'm
8 assuming you and your fellow fighters - referred to all the
9 Liberians that came as STF? Is that what you're telling us

09:37:06 10 today?

11 A. Well that was what used to happen, like I said, in the
12 camp. I said the STF came, but it was during the muster parade
13 when O-Five was introducing them to Gullit. That was what I

14 said. He said these are the STF, they are about 30 and he said
09:37:26 15 the 20 others are the Liberians who came over to reinforce. They
16 came - Superman went and collected them from Mosquito. They came
17 to reinforce us in Koinadugu.

18 Q. Now, you're making two distinctions. First you're saying
19 before the muster parade you and your fellow fighters referred to
09:37:43 20 all of the Liberians who were present with you as STF, correct?

21 A. I said when they came --

22 Q. Yes or no? Before O-Five addressed Gullit and delineated
23 the distinctions between these fighters as some being STF and
24 some being former NPFL, you and your fellow fighters referred to
09:38:06 25 them collectively as STF, yes?

26 A. Yes, because when they came we did not know any other name
27 for them. That was what we knew.

28 Q. That is your testimony to the Court today. Last week you
29 testified in reference to this same set of fighters that some of

1 them were former NPFL. Do you recall telling the Court that last
2 week?

3 A. Yes, my Lord.

4 Q. And you have the statement from the Office of the
09:38:33 5 Prosecutor in front of you which says that you did not mention
6 these distinctions, STF as distinguished from former NPFL. You
7 simply said all of them between 1998 and 1999 were STF, true?

8 A. Well, yes, according to the statement that you read to me
9 here this morning, like I said, I said the interpretation I gave
09:38:59 10 to the Prosecution when I was explaining to them, because
11 somebody was writing I said those Liberians - just like I
12 explained a few minutes ago, they were Liberians.

13 Q. Then that would be that the Office of the Prosecutor did
14 not accurately write down what you told them. Is that your
09:39:14 15 evidence, Mr Witness?

16 A. Well, as I have stated here, the interpretation I gave as I
17 am sitting here now, when I was talking, when I was interpreting
18 it they were writing it. That was what I told them. I don't
19 know the way you interpret it here and this is my interpretation
09:39:31 20 and that was what I continued to say whilst my lawyer was going
21 along with me. Yes, I said it.

22 Q. I am not going back to discover or ascertain what exactly
23 you told them. We're now focusing on what's in the print in
24 front of you. The question is this. Are you saying that that
09:39:54 25 print accurately reflects what you told the Office of the
26 Prosecutor on 8 May 2007?

27 A. My Lord, just as I told you, I said the interpretation I
28 gave. It depends on the one who was writing. The interpretation
29 I gave, I still stand by it. I said the STFs that I refer to,

1 when they came, when we went to receive them, they referred to
2 them all as STF, but it was during the muster parade, when O-Five
3 was introducing them, that he explained who and who and who he
4 came with. It was from that point that I knew that these people
09:40:32 5 were former NPFL fighters and I even stated it to the Court that
6 when they came most of them, they were not used to us and we were
7 not used to them. They did not even know the terrain that much.
8 I said it.

9 Q. You remember we considered the entries in two pages before
09:40:52 10 the page we are reviewing now. We considered that yesterday and
11 if you flip two pages before from the same interview - and the
12 ERN number at the top of that page is 00032137. Mr Witness, are
13 you at that page?

14 A. Yes, my Lord.

09:41:28 15 Q. Do you remember the first sentence of that page which
16 reads:

17 "Witness states that there were no NPFL soldiers with the
18 group at that time. There were only Special Task Force fighters
19 who came from Liberia. They were initially members of the NPFL
09:41:43 20 fighters who break away from NPFL and became known as Special
21 Task Force."

22 Do you recall that statement, Mr Witness?

23 A. Yes, my Lord.

24 Q. You also told the Office of the Prosecution this in the
09:41:59 25 same meeting, right?

26 A. Yes.

27 Q. And we considered and you agreed that that statement
28 differed from what you said in court yesterday as far as the
29 origins of the Special Task Force, correct?

1 A. Well, as you've come to this other additional page you will
2 see the difference and you will see the interpretation that was
3 within the past page that we came to. When I tried to clarify, I
4 did some clarification in this area.

09:42:33 5 Q. Mr Witness, this statement I have just read to you
6 indicates you told them the STF fighters derived from the NPFL.
7 Yesterday when we considered President Kabbah's statement to the
8 Truth and Reconciliation Commission, it was clear and you
9 conceded that the STF fighters derived from ULIMO, yes?

09:43:03 10 A. Yes, part of them came from ULIMO. Part of them came from
11 ULIMO. But, like I said, this statement is not clear. This is
12 the first statement that I gave, but when you look at the third
13 area you will see that I said some - I said something - a
14 broadening [sic], I gave a broader picture of it there. So if you
09:43:24 15 look at it you will see that that is what I said.

16 Q. The interview notes, Mr Witness, in several instances
17 differ from the account you have given in court. Yesterday, on
18 the same page we are looking at, in the middle of the page where
19 it says, "The witness states that Superman formed his own
09:43:47 20 battalion comprising of the STF fighters and became known Red
21 Lion battalion", you said that was an error, it should be Gullit
22 and not Superman, yes? Do you recall saying that?

23 A. Yes, my Lord because all the statements and my
24 cross-examination that I have gone through, you have never heard
09:44:11 25 me say that Superman was member of Red Lion battalion. That was
26 why I said this was my statement.

27 Q. Superman was Liberian, right? He was a Liberian, yes?

28 A. Yes, my Lord.

29 Q. You told us that much on Tuesday last, the 22nd.

1 A. Yes, Superman is a Liberian.

2 Q. Yesterday you heard me read evidence that was given to this
3 Court by Perry Kamara, among others, yes?

4 A. Yes, my Lord, I heard it.

09:44:48 5 Q. And you heard that evidence indicate that the Red Lion
6 battalion derived from Superman's bodyguard unit as well as the
7 bodyguard unit of Komba Gbundema, yes?

8 A. Yes, I heard that yesterday.

9 Q. Mr Witness, if there were Liberian fighters among your
09:45:27 10 group, you say they are approximately 20 in number, separate and
11 distinct from the STF fighters, are you aware whether or not they
12 were Superman's bodyguards, Mr Witness?

13 A. Well, like you have said, all what I know is that the
14 commander who brought the troops, it was his introduction during
09:45:58 15 the muster parade to the brigade administration where Gullit was
16 present, that is the statement I am talking about. He said that
17 was the introduction. It was the introduction that he did. It
18 was not King Perry who did the introduction. He was just an
19 ordinary radio man. He was not the commander. So if you are now
09:46:22 20 stating that King Perry had said that Red Lion battalion came

21 from Superman, I am saying that I don't dispute that fact,
22 whether they had that kind of thing in Koinadugu. I did not know
23 about it, but I said the people who came, Gullit formed the Red
24 Lion battalion and in that case when O-Five was doing his
09:46:47 25 introduction he introduced them that these are STF and he said
26 these are former NPFL fighters that Superman brought from
27 Kailahun.

28 Q. Mr Witness, do you recall that the second person whose
29 evidence I read yesterday was also a radio operator, Foday K

1 Lansana, in connection with the Red Lion battalion?

2 A. Well, he was a radio operator.

3 Q. Yes.

4 A. He had a limited area where he operated. He was in
09:47:20 5 Koinadugu. He did not tell you that he came to Colonel Eddie
6 Town.

7 Q. Mr Witness, would you say that these radio operators, by
8 virtue of monitoring RUF communications, had a better sense of
9 what was going on around all of Sierra Leone than you who did not
09:47:37 10 monitor communications regularly?

11 A. Well, this one that you are talking about now, in case of
12 radio communication you don't just have one person. You have
13 different, different people. Sometimes you will sit there for
14 some time and then you move out, maybe you will be on duty. Then
09:47:59 15 if you are out of there some other person will come and relieve
16 you. So you will not tell me that it was all things that a
17 communication man knew about because he is not the only person
18 that normally sits there.

19 Q. Did you listen to my question, Mr Witness? I am not
09:48:13 20 suggesting to you that radio communicators knew everything. I am
21 asking compared to you, compared to you, would you agree that
22 they had access to more information about what was going on
23 around all of Sierra Leone than you did during the period from
24 1997 through 2000?

09:48:34 25 A. Yes, they had access to communication, but if it was me, my
26 position and where I was attached, I also had access to
27 communication for me to know about the things that went on,
28 because I worked with somebody who was member of the brigade
29 administration and whenever something was going on in terms of

1 monitoring or so, he got the details, so I also got the details
2 through the man with whom I was with.

3 Q. You got the details, but you're the same person who told us
4 that from March 1998 up until Lome in June/July 1999 you had no
09:49:15 5 idea about the whereabouts of Johnny Paul Koroma, yes?

6 A. Like I said, yes.

7 Q. Mr Witness, I go back to my question: Would you agree that
8 Foday K Lansana, CO Nya, his alias, as well as King Perry Kamara,
9 as radio men for the RUF, had more access to information about
09:49:45 10 what was going on in all of Sierra Leone between 1997 and 2000
11 than you did?

12 A. Well, they had limited areas in which they did that and I
13 disagree. They had their own area, like I said. It was not just
14 one person that normally sits there to say that there was only
09:50:11 15 one communication man who normally sits there, of course they had
16 vast idea about the things that happened, I am not disagreeing
17 with that fact, but they had people who monitored them. They had
18 commanders who - there were commanders that strictly monitored
19 them. If you were in the jungle you will see that there were
09:50:30 20 times that a radio man was beaten because of the kind of
21 information. We saw all of those things in the jungle. So I am
22 not disputing the fact.

23 Q. You are not disputing the fact they had access to
24 information, yes?

09:50:48 25 A. No, I am not disputing the fact, but, like I said, I also
26 had access to information.

27 Q. Yes, but you see the problem we are faced with, Mr Witness,
28 is you are the same person who told us, over the last nine or ten
29 days that you've been before the Chamber, that you were

1 frequently in the front lines fighting, yes?

2 A. Yes, my Lord, I said that.

3 Q. And it was not always you were accompanied by a radio man
4 when you were at the front lines fighting, correct?

09:51:20 5 A. Yes, my Lord, you are correct.

6 Q. Indeed, you told us that at one particular point the radio
7 man that was assigned to Gullit fled and there was a break in
8 communication for several months, yes?

9 A. Yes, my Lord.

09:51:38 10 Q. Meaning that the group to which you were assigned at a
11 particular point was out of touch with the rest of the RUF and
12 SLAs, yes?

13 A. Yes, my Lord.

14 Q. It was only when Alfred Brown came along that you had what
09:51:56 15 you would call a more permanent radio man in the lead up towards
16 the Freetown invasion, yes?

17 A. No. I told you that when we were in Rosos, before we left
18 we discovered a mic that we fixed on our radio communication and
19 we resumed communication.

09:52:18 20 Q. I recall that, Mr Witness. That is not in dispute. You
21 resumed communication. I remember that, Mr Witness. The point
22 is there were certain people that were designated as radio men on
23 a full-time basis. The two you have mentioned during the course
24 of your evidence is Alfred Brown and King Perry Kamara, yes?

09:52:43 25 A. Yes, my Lord.

26 Q. I go back to what started all of this, which is to make the
27 point do you think it's a coincidence that both King Perry Kamara
28 and Foday K Lansana, two radio men, are saying that these
29 Liberians that made up the STF - rather these Liberians that made

1 up the Red Lion battalion were Superman's bodyguards? Where do
2 you think they got that information from?

3 A. Well, like I said, they had their own area of
4 responsibility in Koinadugu, but they did not lead the troop to
09:53:22 5 go to Colonel Eddie Town. The person who led the troop, that was
6 O-Five. He was the person who gave report during the muster.

7 Q. You're also aware that Foday K Lansana, CO Nya, and I
8 believe Alfred Brown, correct me if I'm wrong - CO Nya, let's
9 start with him. CO Nya is a Liberian, yes, Mr Witness?

09:53:55 10 A. Well, like I said, yes, I came to know that when we were in
11 prison, because when they brought him there later I knew that in
12 the prison, yes, that he was a Liberian.

13 Q. Yes. Is Perry Kamara a Liberian, Mr Witness?

14 A. Well, I don't have details about his nationality actually.

09:54:18 15 Q. Is Alfred Brown Liberian, Mr Witness?

16 A. I don't have anything about his nationality. I only knew
17 that he was there and he was an RUF when he came.

18 Q. One Liberian radio operator, CO Nya, speaking about Denis
19 Mingo, also a Liberian, in the context of Liberian fighters,
09:54:42 20 saying Mingo's bodyguards made up the Red Lion battalion. You
21 disagree with that, yes, Mr Witness?

22 A. I have told you that clearly that I have not disputed the
23 fact that what CO Nya said about the Red Lion battalion on that
24 side was different. He might have said it in his own way. Maybe
09:55:08 25 he limited his own information in court. He said what he knew.

26 Q. Mr Witness, you also mentioned this fellow KBC. Do you
27 remember telling us about KBC, Mr Witness?

28 A. Yes, my Lord.

29 Q. What is this person's full name?

1 A. I have actually forgotten, but that was his popular name.
2 If you go around now, if you ask for him in Freetown, you ask for
3 KBC, you will see him. We were all there. They came to
4 reinforce us.

09:55:39 5 Q. And they came to reinforce you in the vicinity of Kabala.
6 Is that fair to say, Mr Witness?

7 A. No, I said Newton. When we were down Newton, KBC name.

8 Q. But from Newton you went towards Kabala. Is that fair to
9 say, Mr Witness?

09:55:53 10 A. My God, you have taken me back to - you are now talking
11 about the intervention when they left us in Kabala and crossed
12 over to Guinea, because he was no longer with us in the jungle.
13 Like I said, I said when he went to Guinea, according to his
14 explanation, he said because they were arresting SLAs in Guinea
09:56:15 15 and whosoever they knew that he was an AFRC collaborator he -
16 then he decided to move to Liberia. So, it was when they went to
17 Liberia that Charles Taylor organised them and from there he sent
18 them through Mosquito for them to come and reinforce us. I said
19 that clearly.

09:56:33 20 Q. I am not disputing your account about them going to Guinea
21 and being chased away from Guinea and heading to Liberia to seek
22 safe haven and being sent back. You said "reorganised by
23 Charles Taylor" I think was the words you used. This was on
24 Wednesday, the 23rd, you testified about this. Did you say they
09:56:51 25 were reorganised by Charles Taylor, these SLAs who went to Guinea
26 and you said they were sent back to join your fighting forces,
27 yes?

28 A. Yes, I said that was what KBC said. He said it was there
29 that they organised and when we went to Liberia Charles Taylor

1 also confirmed it to us. He told us that in a meeting. He said
2 he helped our brothers, he organised them and he ensured that
3 they went. He said that to us.

09:57:23 4 Q. Yes, we have considered that meeting and what was said in
5 court versus what was said in OTP statements, but let's talk
6 about this KBC and these people. In your evidence you said at
7 least the number of men you saw with KBC were eight in number,
8 correct?

9 A. Yes, my Lord.

09:57:38 10 Q. You said the eight actually included KBC himself, yes?

11 A. Yes, my Lord.

12 Q. Now this was on the morning of the 24th, last week, of
13 April. You said there were two SBUs out of the eight, yes?

14 A. Yes, my Lord.

09:58:04 15 Q. There were two RUF, yes?

16 A. Yes, my Lord.

17 Q. And you said there were four SLAs including KBC, right?

18 A. Yes, my Lord.

09:58:23 19 Q. And you went to some lengths to say those were the ones he
20 brought to where you were at Newton and that there were others
21 that were elsewhere that did not accompany him to Newton, yes?
22 Do you remember that?

23 A. Yes, my Lord, I said that.

09:58:37 24 Q. Let's focus on this eight. This eight were sent as
25 reinforcements to you. Is that your evidence, Mr Witness?

26 A. According to KBC, he said when they came they came as far
27 as Kono and they came and captured Kono and it was the time he
28 moved with those men to come and reinforce us. So he came, he
29 moved to serve as reinforcement to us, because he said he tried

1 to convince some other men, but he said they were unable to come
2 and join us there. He said some men stopped in Makeni and some
3 men stopped with Akim there, because he said --

09:59:20

4 THE INTERPRETER: Your Honours, the last bit of the
5 witness's statement was not very clear to the interpreter.

6 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
7 the last part of your answer. Please pick up after the
8 following, where you said as follows, "He said some men stopped
9 in Makeni and some men stopped with Akim there". Please continue
10 from that point.

09:59:37

11 THE WITNESS: According to KBC he said some stopped with
12 Akim and they stayed with Akim, but he knew that because he knew
13 that we were with Bomb Blast and we were all together in Freetown
14 they decided that they should come and join us there in the
15 Freetown area.

09:59:57

16 MR ANYAH:

17 Q. Four SLAs came to join you, right?

18 A. Yes.

19 Q. Mr Witness, these four SLAs would you say participated in
20 the invasion of Freetown with your fighting forces?

10:00:13

21 A. No, no, I said at that time we had withdrawn to Newton.
22 All of us went to West Side and we formed the West Side.

23 Q. I see. After the invasion they came to reinforce you?

10:00:42

24 A. The invasion was on. They had come to Kono and to Makeni,
25 as I said. At that time we had been dislodged from Freetown and
26 they were coming and fighting. As they were fighting, they were
27 deploying. He said he was deployed. That is why he was delayed
28 to meet us, because he said he was delayed. He said he even
29 wanted to come with Rambo because he was deployed elsewhere,

1 because as they were attacking while coming so the other men were
2 deployed. That was why he did not meet us early. He would have
3 met us in Freetown. He said that to us.

10:01:22 4 Q. The 20 Liberians you referred to as former NPFL who came
5 and met you at Colonel Eddie Town that you said were members of
6 the Red Lion battalion, you testified that they participated in
7 the 6 January invasion of Freetown. Is that fair to say,
8 Mr Witness?

10:01:40 9 A. Yes, all of us went. All of us left Colonel Eddie Town and
10 went to Freetown together.

11 Q. So 20 of those fighters, former NPFL, also Liberians, took
12 part in the invasion of Freetown, and upon your retreat to Newton
13 you are reinforced by four fighters, SLAs, that you link to
14 President Charles Taylor in Liberia. Mr Witness, on the basis of
10:02:13 15 your evidence, are you suggesting to the Court that the
16 contribution of Charles Taylor as far as fighters are concerned
17 to the invasion of Freetown was limited to let's say 20 to 30-odd
18 men? Is that your evidence?

10:02:36 19 A. My Lord, it is not a matter of suggestion. I am not
20 suggesting. According to KBC, the reinforcement that came to
21 Kailahun was much. It was because of this advance, the advance,
22 some of them were deployed elsewhere so --

23 THE INTERPRETER: Your Honours, can the witness slow down
24 his pace.

10:02:55 25 PRESIDING JUDGE: Mr Witness, sorry, you've speeded up
26 again. The Interpreter needs to keep up with you. Please
27 continue your answer from the point where you say, "The advance
28 of some of them were deployed elsewhere", and continue.

29 THE WITNESS: I said there was delay in the advancement,

1 because they were areas where ECOMOG forces were deployed. While
2 this reinforcement was coming there were targeted areas in Kono,
3 Matotoka, Magburaka, up to Makeni. Some areas when they would
4 fight there they would leave some manpower behind there for any
10:03:44 5 counter attack by the ECOMOG forces. That was the reason why the
6 reinforcement troop was delayed to meet us, apart from the Red
7 Lion troops and KBC who came to reinforce us.

8 THE INTERPRETER: Your Honours, the witness is still fast.

9 PRESIDING JUDGE: Slower. Pause after each sentence,

10:04:14 10 Mr Witness. That will give the interpreter a chance to keep up
11 with you.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE: You were explaining about a delay and you
14 said the following, "So that was the reason why the reinforcement
10:04:27 15 troop was delayed to meet us, apart from the Red Lion troops and
16 KBC who came". Continue from there and pause at each sentence.

17 THE WITNESS: I said according to KBC he said that was what
18 caused the delay, because his own determination was to meet us in
19 Freetown. He wanted us to know that he had not run away; that he
10:04:52 20 was determined. He said because of those delays that were
21 happening that was why he was able to meet us in Newton.

22 MR ANYAH:

23 Q. Mr Witness, even when reinforcements came, factoring in the
24 delay and all these explanations you have given, you are talking
10:05:16 25 about only four SLA men that came. Is that your evidence,
26 Mr Witness? Four SLA men came to reinforce you on your retreat
27 from Freetown?

28 A. We had retreated because as I said, but according to KBC he
29 said a strong manpower had come from Liberia when they mobilised

1 and came.

2 PRESIDING JUDGE: Mr Witness, listen to the question. The
3 question was are you saying that only four SLA men came to
4 reinforce you on the retreat from Freetown? That's the question.

10:05:52 5 THE WITNESS: Yes, at that time when we retreated from
6 Freetown they were the ones that joined us, apart from Red Goat
7 and others who had come.

8 MR ANYAH: I see. Madam President, yesterday as an issue
9 of procedure I did not request that certain documents I put to
10:06:16 10 the witness be marked for identification. With leave of the
11 Court, if it please the Chamber I would like to have some of them
12 marked now before I put additional documents to him today and I
13 could direct the Chamber if it would assist the process.

14 PRESIDING JUDGE: Please refer us.

10:06:41 15 MR ANYAH: Yes. The first one was a map from the World
16 Food Program that was displayed to the witness. I will check
17 with the Registry, the CMS. I think we're up to 32 and so the
18 next one should be 33, but I will wait for the indication.

19 MS IRURA: That's correct, MFI -33.

10:07:23 20 PRESIDING JUDGE: A one page document, a map headed
21 "Liberia demobilisation sites 22 November 1996 - 12 February
22 1997" is marked for identification MFI-33.

23 MR ANYAH: Thank you, Madam President. The second one was
24 part of the statement by President Ahmad Tejan Kabbah to the
10:07:54 25 Sierra Leone Truth and Reconciliation Commission.

26 PRESIDING JUDGE: That is a six page document with a cover
27 sheet entitled "Appendix 2: Submissions to the TRC and with a
28 following statement by His Excellency the President Alhaji
29 Dr Ahmad Tejan Kabbah". That will be MFI-34.

1 MR ANYAH: Thank you, Madam President. And the third one
2 and the final one is an article from the New York Times, dated 13
3 May 1998.

4 PRESIDING JUDGE: That's this document, Mr Anyah?

10:08:48 5 MR ANYAH: Yes, Madam President.

6 PRESIDING JUDGE: I've seen the date now, you're quite
7 right. This is a two page document with a subheading "The New
8 York Times" and beneath that the date 13 May 1998 and a heading
9 "US reportedly backed British mercenary group in Africa", it
10 becomes MFI-35.

10:09:10

11 MR ANYAH: May I proceed, Madam President?

12 PRESIDING JUDGE: Please do so.

13 MR ANYAH:

14 Q. Mr Witness, can you give us the names of some of the 20
15 former NPFL members, as you call them, who formed the Red Lion
16 battalion. What are the names, Mr Witness?

10:09:41

17 A. My Lord, their names were not to my knowledge, as I said,
18 because their names were strange and I cannot recall their names.
19 They were not Sierra Leonean names that I can recall.

10:10:03

20 Q. Their names were strange and you cannot recall their names.
21 Are you saying because they had Liberian names you cannot recall
22 the names?

23 A. Yes, my Lord, because they were not saying their names,
24 they just introduced them as this or that and the military
25 administration that we were in, only the brigade administrator,
26 who was FAT Sesay, was the one who was doing that, getting names,
27 and when they introduced them that was his own duty, but if I
28 tell you I can tell you the names, no, even the fighters with
29 whom we were fighting. It was most of the SLAs and senior

10:10:24

1 commanders that I can name.

2 Q. Going to the four SLAs who came to reinforce you at Newton,
3 separate and distinct from KBC, can you name the other three
4 SLAs?

10:10:58 5 A. No.

6 Q. I see. Madam Court Officer, can you assist me, please.
7 Mr Witness, can you remember the names of any of the STF, or
8 Special Task Force, fighters that you fought with?

9 A. Yes, I can recall about two of their names, two of their
10:12:03 10 names.

11 Q. Madam Court Officer, please don't publish that yet, or to
12 the witness. Thank you. I will get to it in a minute. You said
13 you can recall two of their names, Mr Witness?

14 A. Yes.

10:12:15 15 Q. Which two can you recall from the Special Task Force?

16 A. One was Washington. I knew him be a Special Task Force.
17 Dukulay, those two I can recall.

18 Q. One's last name you said was Washington, is that what you
19 just said, Mr Witness?

10:12:40 20 A. Washington, yes, that was what they used to call him. That
21 was his name.

22 Q. The second one's last name was what?

23 A. Dukulay.

24 PRESIDING JUDGE: Have we had a spelling of Dukulay,

10:12:56 25 Mr Anyah?

26 MR ANYAH:

27 Q. Mr Witness, can you kindly spell Dukulay for us?

28 A. Well, it should be D-U-K-U-L-A-Y.

29 Q. Any others, Mr Witness?

1 A. No, I can't recall some actually, but they had other names.
2 I can't recall them, but I can recall Washington, Dukulay, I can
3 recall those two names.

10:13:42 4 MR ANYAH: Madam Court Officer, can we give this document
5 to the witness. Actually we should show it to learned counsel
6 opposite first. It is from the Prosecution, disclosed to us.

7 PRESIDING JUDGE: Ms Alagendra?

8 MS ALAGENDRA: Yes, your Honours, I'd like to raise an
9 issue of trial practice, your Honour, because I recall that there
10:15:41 10 is an agreement between parties that all documents that would be
11 used during cross-examination, the Prosecution would be given
12 advance notice of those documents at the commencement of the
13 cross-examination and, as far as this witness is concerned, we've
14 been provided with documents as and when it's going to be shown
10:15:59 15 to the witness. So if perhaps there are any more documents that
16 are going to be used by counsel, if we could have copies of those
17 documents at this stage as well.

18 PRESIDING JUDGE: Mr Anyah, that appears to be a matter
19 between counsel. It's not binding on the Bench, but what is your
10:16:16 20 response to the request for notice of these documents?

21 MR ANYAH: A number of responses and the first instance is
22 the formal response. I was present at the trial management
23 meeting in December when this issue was raised. Ms Hollis
24 represented the Prosecution and at that time a dispute arose
10:16:36 25 between the parties and we the Defence took the position that it
26 was only on the day of the cross-examination we would make the
27 documents available to the Prosecution. That's our formal
28 response through the legal officers to the Chamber.

29 Counsel is right, as a matter of a professional courtesy we

1 should. We attempt to do so by providing the bundles of
2 documents we do at the beginning of the examination, but your
3 Honours will appreciate the fact that during the course of
4 evidence the information is fluid, we go back at the end of the
10:17:10 5 day and do research and occasionally I will come to court with
6 new documents on the basis of the prior day's testimony and it is
7 not always that one does provide it immediately when we come to
8 court. So the concern is noted and we will make every effort
9 from now on to provide them with such documents at the start of
10:17:32 10 the day of the examination, but we do attempt to fulfil that
11 obligation with the bundle of documents, even if incomplete,
12 because of changing circumstances.

13 PRESIDING JUDGE: Thank you. I have noted that.

14 MS ALAGENDRA: Your Honours, there's just one issue. Just
10:17:48 15 to remind counsel, on 25 April when counsel was using a document
16 from the Sierra Leone Web he did state before the Court, and I
17 quote counsel, he says, "I printed this myself a few days ago."

18 PRESIDING JUDGE: Ms Alagendra, there is no ruling in this
19 court as to when documents of this nature are revealed to the
10:18:11 20 Prosecution, or another party. Counsel is entitled to put
21 matters in cross-examination and he has stated now as a matter of
22 courtesy and professionalism he will disclose this as soon as
23 possible.

24 MS ALAGENDRA: I appreciate that, your Honour. Thank you.

10:18:29 25 MR ANYAH: I will just add one other thing. I have a whole
26 stack of documents here, Madam President, and on the basis of
27 this discussion I suspect I'm obliged to now tender them to
28 counsel, but it's often the case I don't --

29 PRESIDING JUDGE: I have not made a ruling that you are

1 obliged to do that. I have noted your undertaking, that is all.

2 MR ANYAH: I will just say it's often the case that I, in
3 the middle of the examination, decide not to use something again
4 and so --

10:18:57 5 PRESIDING JUDGE: Mr Anyah, you are running your
6 cross-examination.

7 MR ANYAH: Thank you, Madam President:

8 Q. Mr Witness, could you move over to the overhead. I did not
9 bring enough copies so we will all have to share so the Bench can
10:19:10 10 see the document that we are referring to. Mr Witness, let me
11 allow you to take a look at the document first. This is a
12 document disclosed to us by the Office of the Prosecutor in
13 connection with one of your interviews. It's in connection with
14 interviews that were conducted with you about six months ago, not
10:20:14 15 even perhaps, November and December last. 16 November 2007 and
16 again on 3 December 2007. It's from General David Livingstone
17 Bropleh, commander of the STF, Special Task Force. Do you see
18 that, Mr Witness?

19 A. Yes, my Lord.

10:20:42 20 Q. His title is listed as, "Senior military advisor, SLP, CG
21 (STF) high command, to all concerned". Do you see the names
22 listed on that document, Mr Witness?

23 A. Yes.

24 Q. All Special Task Force members on or about the date of this
10:21:11 25 document. Do you see the date in the stamp with General
26 Bropleh's name on it? At the top corner there's a stamp there
27 and at the bottom again. Do you see that?

28 A. Yes, my Lord, I've seen it.

29 Q. The stamp on the top corner suggests the date of this

1 document as 13 March 1999, yes?

2 A. Well, it's not too clear.

3 Q. Are you looking at the stamp, Mr Witness, the round stamp
4 at the top of the document?

10:21:41 5 A. Yes.

6 Q. You see a date there, do you not?

7 A. Yes, my Lord.

8 Q. Now, of all these names here, Mr Witness, you tell us today
9 - well, let me be fair to you. You have not said it in that

10:21:59 10 form. I asked you about the names of the Special Task Force
11 members and you gave us two names: Washington and Dukulay, yes?

12 A. Yes, my Lord.

13 Q. And you said about 30 Special Task Force members formed the
14 Red Lion battalion with whom you fought, right?

10:22:26 15 A. Yes, my Lord.

16 Q. And only two names you can remember?

17 A. Yes.

18 Q. I see a Major Washington Waylee listed in that document.
19 Do you see that name, Mr Witness?

10:22:47 20 A. Yes, my Lord.

21 Q. Is that the same Washington you were trying to tell us
22 about, Mr Witness?

23 A. Well, the name that I knew him for was Washington. It was
24 Washington that everybody called him. I cannot deny that that is
10:23:08 25 his name, Washington Waylee, because we were in the battle. It
26 was only the brigade administrator who was entitled to get
27 details about any fighter who came, who was FAT.

28 Q. Are you saying you're not sure whether this is the same
29 Washington to whom you are referring, Mr Witness?

1 A. No, I said I'm not denying the fact. What I knew him for
2 was Washington. I am not denying the fact that he's Washington
3 Waylee and that he was a task force member. I'm not denying
4 that.

10:23:46 5 Q. Well, I don't want to be the one putting it to you in this
6 context, I just want to be sure we are talking about the same
7 person. Is it possible we are talking about two different
8 people, Mr Witness? You are saying Washington and this document
9 says Washington Waylee?

10:24:03 10 A. No, I am not disputing the fact. That's what I said. He
11 could be the Washington that I know, because it is the only
12 Washington that came with us. I said I do not know the other
13 name. He was Washington and I believe that he's the one.

14 Q. Do you see the name Major Hassan Dukalay above
10:24:26 15 Washington's? Do you see that, Mr Witness?

16 A. Yes, my Lord.

17 Q. That's the Dukalay you were trying to tell us about, is it,
18 Mr Witness?

19 A. Yes, my Lord.

10:24:42 20 JUDGE SEBUTINDE: The two names are spelt differently,
21 Mr Anyah. The witness said "Dukalay". This is Dukalay.

22 MR ANYAH: Yes, Justice Sebutinde, you are correct:

23 Q. Mr Witness, you heard what Justice Sebutinde said. When
24 you spelt Dukalay for us, did you mean Dukalay, Mr Witness?

10:25:08 25 A. Well, actually Liberian names, that was what we used to
26 call him, Dukalay. I don't know, maybe some people were calling
27 him Dukalay, but that was what we used to call him, Dukalay. So,
28 I don't know. Maybe it's the way I pronounced it and that was
29 the way I spelt it.

1 Q. Was his first name Hassan, the person you have referred to
2 as Dukulay?

3 A. Well I don't know that first name, but I believe he is the
4 one because he was the only STF who was among us, Dukulay.

10:25:45 5 Q. Mr Witness, take a look at that list again. Take a close
6 look at it again and let me know when you are done. Are you
7 done, Mr Witness?

8 A. Yes, my Lord.

9 Q. Do you see the last name, or one of the last names there,
10:26:27 10 Fayah Foyoh? Do you see that, Mr Witness?

11 A. Yes, my Lord.

12 Q. Have you discussed that person before with the Office of
13 the Prosecutor, Mr Witness?

14 A. Well, the only Foyoh I spoke about was the Foyoh who came
10:26:47 15 with O-Five to Colonel Eddie Town and he was an SLA.

16 Q. What was that Foyoh's other name, or did he only have the
17 name Foyoh?

18 A. We were calling him Cambodia. That was the name that we
19 were calling him, Cambodia. His name was Foyoh, he was an SLA,
10:27:05 20 he was at West Side and he was heading the Cambodia battalion at
21 West Side.

22 Q. You were shown this document before by the Office of the
23 Prosecutor. Do you remember that, Mr Witness?

24 A. Yes, I do believe that. Yes.

10:27:33 25 Q. Can I read you what you told them when you were shown this
26 document last Fall, between November and December? Do you see
27 the blue tab in front of you, Mr Witness, that binder to your
28 right, and if you went to tab number 16?

29 PRESIDING JUDGE: This is the same bundle we have,

1 Mr Anyah, isn't it?

2 MR ANYAH: Yes, Madam President. Yes:

3 Q. Mr Witness, these are records of interviews with you on 16
4 November and 3 December 2007 retained by the Office of the
10:28:47 5 Prosecutor and we will look at paragraphs 1 and 2, the first
6 page. Do you see paragraph 1, Mr Witness?

7 A. Yes, my Lord.

8 Q. It says, "The witness was shown a copy of a document
9 containing a list of names of combatants." It gives an ERN
10:29:09 10 number there, the ERN number 00025520, and when you look at the
11 document from General Bropleh - Madam Court Officer, could you
12 show him the document from General Bropleh - it has the name ERN
13 number being referred to on this page. Do you see the document
14 from Bropleh? The ERN number there is 00025520. Do you see
10:29:41 15 that, Mr Witness?

16 A. Yes, my Lord.

17 Q. So, when they showed you this document from General David L
18 Bropleh it says:

19 "The witness was shown a document containing a list of
10:29:58 20 names of combatants ... the witness knew the following names on
21 this list: Hassan Dukalay, Washington Waylee, Richard Kemah and
22 Junior Fahnbulleh".

23 Do you see that, Mr Witness?

24 A. Yes, my Lord.

10:30:14 25 Q. "The witness said that as indicated on the document all of
26 them were STF soldiers", yes?

27 A. Yes, my Lord.

28 Q. Today in evidence you can only recall Washington and
29 Dukalay, yes, Mr Witness?

1 A. Yes, I remember them.

2 Q. Paragraph 2:

3 "Hassan Dukalay, Richard Kemah and Junior Fahnbulleh came
4 to Freetown after the beginning of the Freetown invasion in

10:30:45 5 January 1999 with a group led by Idriss Kamara whose nickname was
6 Rambo Red Goat", yes?

7 A. Yes, my Lord.

8 Q. You remember testifying about SLA Rambo, also known as
9 Rambo Red Goat, and when he came with these reinforcements and

10:31:06 10 how excited you folks were to see him, right?

11 A. Yes, my Lord.

12 Q. You remember saying the men were well armed, right,
13 Mr Witness?

14 A. Yes, my Lord.

10:31:21 15 Q. You had been expecting these reinforcements for a long
16 time, right, Mr Witness?

17 A. Yes, my Lord.

18 Q. And these STF members, Dukalay, Kemah and Fahnbulleh, came
19 with Rambo Red Goat, yes?

10:31:40 20 A. Yes, my Lord.

21 Q. And in court you cannot remember either Fahnbulleh, or
22 Kemah?

23 A. Well as I said, yes, my Lord, because when these names were
24 put to me I said, "Oh, yes, Fahnbulleh". I said, "Oh,

10:32:02 25 Fahnbulleh, when they came with Red Goat those were the names
26 they were calling, Fahnbulleh". Even when I was sitting here,
27 it's just that they told me to move. I wanted to point at that
28 name, Fahnbulleh, and the other name I saw, Ritchie. I wanted to
29 point to them to say I spoke about them.

1 Q. When you say "Ritchie", who are you referring to? Are you
2 referring to Richard?

3 A. Well, there is one Ritchie whose name I saw here. It's
4 among this group, or so. The name should be here. Ritchie.

10:32:33 5 Ritchie something. They used to call him Ritchie.

6 Q. Ritchie Kemah? Major Ritchie Kemah, yes? Is that who
7 you're referring to, Mr Witness?

8 A. Yes, he too was one of the names I recalled that came with
9 Red Goat.

10:32:57 10 Q. Do you see number 3, "The witness met Washington Warley for
11 the first time at Colonel Eddie Town"? Do you see that,
12 Mr Witness?

13 A. Yes, my Lord.

14 Q. And it says, "When Warley came with a group led by Col.

10:33:15 15 05", yes?

16 PRESIDING JUDGE: Mr Anyah, I note that the "Warley" is
17 spelt differently, so this again raises the perennial question of
18 whether they're the same person.

19 MR ANYAH:

10:33:31 20 Q. Mr Witness, this Warley is spelt W-A-R-L-E-Y and the Waylee
21 in the document from General Bropleh is spelt W-A-Y-L-E-E. Is it
22 fair to say we're talking about the same person you know as
23 Washington, Mr Witness?

24 A. Yes, my Lord.

10:33:53 25 Q. Well, this is interesting, Mr Witness. It says you first
26 met Washington at Colonel Eddie Town. Is it fair to say at
27 Colonel Eddie Town the other persons you remember, Ritchie Kemah,
28 Junior Fahnbulleh and Hassan Dukalay, were not at Colonel Eddie
29 Town?

1 A. No, I can't remember them. As I said, when Rambo Red Goat
2 came he came with some of these people. I said Washington was
3 the only person whom I could recall that came with O-Five when
4 all of them came to Colonel Eddie Town.

10:34:30 5 Q. Yes, that's what I was getting at. So, O-Five came with
6 Washington?

7 A. Yes, he was one of the STFs who was in O-Five's group.

8 Q. And you are saying that - was it Allen Town that Rambo Red
9 Goat met you with the reinforcements?

10:34:57 10 A. Yes, my Lord.

11 Q. You are saying that at Allen Town Rambo Red Goat, SLA
12 Rambo, showed up with STF. Is that what you're saying,
13 Mr Witness?

14 A. I think you've taken me in another direction. I said Rambo
10:35:15 15 RUF called that he was releasing reinforcements which would be
16 brought by Rambo Red Goat. Rambo RUF did not come. They were at
17 Hastings. It was Rambo RUF - Red Goat that moved in with the
18 team.

19 Q. I thought I said SLA Rambo, also known as Rambo Red Goat.
10:35:35 20 I didn't mention RUF Rambo. We're speaking of Idrissa Kamara,
21 SLA Rambo, Rambo Red Goat. Rambo Red Goat came and reinforced
22 you at Allen Town?

23 A. Yes, my Lord.

24 Q. The question is this --

10:35:52 25 A. That was where we received him.

26 Q. The question is this, because this is suggesting that he
27 came also with a group of Special Task Force members because
28 Ritchie Kemah is said to be a Special Task Force member here,
29 right?

1 A. Well, yes, because all that he said was that they were RUF
2 men. But as I'm telling you they were RUF men, but he said he
3 had come with reinforcement which comprised some SLAs and RUF
4 members, but the commander would be an SLA who was Rambo Red
10:36:27 5 Goat. So when he came, as I said, Fahnbulleh was one of the
6 persons whose name was called. Fahnbulleh. Fahnbulleh.
7 Everybody was calling him Fahnbulleh.

8 Q. Up until this time you have told us that the reinforcements
9 that SLA Rambo came with were SLAs, were RUF and that's where you
10:36:52 10 stopped. Did you add Special Task Force? No, you did not.

11 A. Yes, my Lord. My Lord, I did not do that.

12 Q. Yes. So how do you explain this now, that in statements
13 you are suggesting that reinforcements came that also included
14 Special Task Force and in court you are saying there were no
10:37:14 15 Special Task Force members with the group that came with SLA
16 Rambo, Rambo Red Goat?

17 A. Well, as I said, when Rambo RUF was talking he said he
18 would send reinforcement that comprised RUF and SLA and so it was
19 best known to them how they had organised themselves, but those
10:37:39 20 of us - when they came we knew that Fahnbulleh was an STF man,
21 but if you're present in the jungle we had a lot of problems that
22 we were facing in the jungle that concerned names. All they were
23 saying was that we were fighting one cause. We were all RUF.
24 That was what they claimed. We were subjected to that. It
10:38:03 25 happened to us in Kono. So, I couldn't dispute that they were
26 not subjected to the order when they were subjected to the RUF in
27 that area that you would not claim yourself as STF. All of them
28 were saying that they were RUF. We only had that resistance when
29 we were saying that we were - we were to be maintained as SLA, so

1 when that man was sending his report he said RUF and SLA were
2 coming to reinforce us. It was when Fahnbulleh and others came.
3 That was when we realised that they had STF among them.

4 Q. Mr Witness, are you making this as we go along, Mr Witness?
10:38:47 5 Are you saying one thing at a particular time when you add STF to
6 one group in connection with O-Five and Colonel Eddie Town?

7 A. My Lord, I don't have any reason to make up anything. How
8 would I sit here and make up something? As I told you, as I sit
9 here, as I said before, you ask me questions and as I go along

10:39:15 10 and remember what had been happening in the jungle I will explain
11 to the Court, because I am here to say the truth so I will
12 explain so that they will know some details of what was going on,
13 so that everybody will be aware, the Court will know that what
14 I'm saying is not a lie, that so and so manipulations were going

10:39:34 15 on. As I said, RUF Rambo called that reinforcement was coming to
16 meet us that comprised SLA and RUF. That was what they told us.
17 When they came and when we saw Fahnbulleh and others we realised
18 that they had STF men among them who came to reinforce us
19 together with SLA Rambo who was Red Goat.

10:39:57 20 Q. I see. Let's see what Charles Taylor has to say about
21 Liberians fighting in Sierra Leone. Madam Court Officer, can you
22 show him the document I've passed out today, the news archives
23 document. Mr Witness, news archives documents of what was going
24 on in the lead up to the Freetown invasion, 31 December 1998.

10:40:47 25 There are three pages to this document. The first page
26 summarised, you hear reports, or delineated there are reports
27 about fighting between ECOMOG troops and the rebels, fighting at
28 Hastings, Waterloo and in different locations in Sierra Leone.
29 You move to page 2, the middle of the page you see the West

1 African countries grappling with the developments in Sierra
2 Leone, trying to find a solution. In the middle you see Nigeria.
3 It says, "Nigeria sent further reinforcements to Freetown on
4 Thursday." Do you see that, Mr Witness?

10:41:41 5 A. Yes, my Lord.

6 Q. Next paragraph, "His Excellency President of The Gambia,
7 Yahya Jammeh", you have his secretary of state for foreign
8 affairs, Dr Mohamed Lamin Sedat Jobe speaking about the role of
9 The Gambia. The Gambia is claiming here that as part of the
10 Committee of Six of ECOWAS they are going to take charge in
11 mediating the peace. Do you see that, Mr Witness?

10:42:09

12 A. Yes.

13 Q. In the context of Nigeria it is speaking of ECOMOG and you
14 know ECOMOG is part of ECOWAS, yes, Mr Witness?

10:42:32

15 A. Yes.

16 Q. The next paragraph, President Jammeh's secretary of state
17 for foreign affairs is speaking of the Committee of Six. You see
18 reference to the Committee of Six. That is ECOWAS. Are you
19 aware of that, Mr Witness?

10:43:03

20 A. Yes.

21 Q. And then the last paragraph, a press conference held by the
22 President of Liberia, Charles Taylor, for all the world to hear
23 his views about Sierra Leone and Liberians fighting. It reads:

24 "Liberian President Charles Taylor has offered to put
25 pressure on RUF leader Corporal Foday Sankoh to help restore
26 peace in Sierra Leone. Sankoh is currently in jail in Freetown
27 appealing his conviction and death sentence on treason charges."

10:43:23

28 Then you see the words in quotation marks:

29 "'With our knowledge of Sankoh we may be able to exert some

1 pressure to bring about peace', Taylor said in a press
2 conference. 'Sankoh is part of the problem in Sierra Leone and
3 should be part of the solution.' He added that Sankoh is better
4 alive than dead, because if he were to die in jail the war in
10:44:13 5 Sierra Leone might continue for a long time. Taylor called on
6 the US special envoy to Africa Reverend Jesse Jackson to help
7 find a peaceful solution to the Sierra Leone crisis. He said,
8 'We believe Reverend Jackson can bring a whole lot of credibility
9 to the process of solving the problem in Sierra Leone', he said.
10:44:42 10 Taylor said his government 'supports and recognises the
11 government of President Ahmad Tejan Kabbah and we do not support
12 the rebel activities against President Kabbah in Sierra Leone in
13 any shape or form, but we still believe that the way forward is a
14 ceasefire on all sides and for President Kabbah to dialogue with
10:45:07 15 the rebels rather than continue to fight them.'"

16 Do you see that, Mr Witness?

17 A. Yes, my Lord.

18 Q. It continues, "Taylor denied any Liberian involvement in
19 the Sierra Leone conflict, but he acknowledged" --

10:45:27 20 JUDGE SEBUTINDE: Mr Anyah, it's Liberian government
21 involvement.

22 MR ANYAH: Yes, I will be careful about that:

23 Q. "Taylor denied any Liberian government involvement in the
24 Sierra Leone conflict, but he acknowledged that there were
10:45:39 25 Liberians fighting alongside the rebels."

26 Do you see that, Mr Witness?

27 A. Yes, my Lord.

28 Q. Now he is quoted as saying this:

29 "'It is very clear and factual that there are Liberians in

1 Sierra Leone fighting', he said. 'Liberians have been used as
2 mercenaries in Sierra Leone for a long time by all governments of
3 Sierra Leone', he said. 'They have always been there, about
4 3,000 of them, but they are there on their own.' "

10:46:20 5 Do you see that, Mr Witness?

6 A. Yes, my Lord.

7 Q. We went through yesterday the Special Task Force and
8 Bropleh. You confirmed for us they were made up of Liberians,
9 yes?

10:46:37 10 A. Yes.

11 Q. You confirmed for us they were part and parcel of the
12 Sierra Leone Army having been issued ID cards, yes?

13 A. Yes.

14 Q. Receiving salaries, yes?

10:46:50 15 A. Yes, my Lord.

16 Q. Since the time of Valentine Strasser and the NPRC regime in
17 1992, yes?

18 A. Yes, my Lord.

19 Q. You've confirmed for us that Denis Mingo was a Liberian,
20 yes?

10:47:09 21 A. Yes, my Lord, but he was not in the Sierra Leone Army. He
22 was never in the Sierra Leone Army.

23 Q. One of the top RUF commanders, yes, Mr Witness? I'm
24 referring to Denis Superman Mingo, yes?

10:47:26 25 A. Yes, but he was neither in the Sierra Leone Army nor the
26 STF.

27 Q. I did not say that. We are talking about Liberians
28 fighting in Sierra Leone. Denis Mingo, one of the top RUF
29 commanders, was a Liberian, yes, Mr Witness?

1 A. Yes, but the reference that you are making now, you are
2 talking about these Liberians whom Taylor is referring to that
3 they were fighting alongside the Sierra Leoneans who had been
4 incorporated into the army and when you are mentioning Denis
10:48:01 5 Mingo I am saying no, Denis Mingo was neither an STF nor part of
6 the Sierra Leone Army at that time.

7 PRESIDING JUDGE: Mr Witness, I think counsel has moved on
8 from members of the army to the individual. He's not putting --

9 THE WITNESS: Yes. Thank you, my Lord.

10:48:18 10 PRESIDING JUDGE: I think that is correct, Mr Anyah?

11 MR ANYAH: Yes, Madam President:

12 Q. We've talked of radio operator Foday K Lansana, Liberian,
13 fighting in Sierra Leone for the RUF, yes, Mr Witness?

14 A. Yes.

10:48:31 15 Q. Are you aware Isaac Mongor is Liberian, Mr Witness?

16 A. Yes, I am and even Rambo, RUF, he too was a Liberian, but
17 all of them were neither part of the Sierra Leone Army nor the
18 STF and there was a small - I have something to say.

19 Q. Mr Witness, please let me ask the questions. I'm done with
10:49:03 20 the exhibit. Counsel for the Prosecution will have the chance to
21 ask you questions. I'm sorry, Mr Witness?

22 A. You brought this document to me and I saw an area that
23 talks about Charles Taylor and I want to make a comment about
24 that because you brought that to establish your case, so when you
10:49:32 25 brought it and I saw something I want to talk about --

26 PRESIDING JUDGE: Mr Witness, if there is a matter that
27 your counsel for the Prosecution considers relevant it will be
28 picked up in re-examination, but for the moment counsel has
29 questioned you on this document.

1 MR ANYAH:

2 Q. Mr Witness, the point is this: Both within the Sierra
3 Leone Army, where you had the Special Task Force, and both
4 without, as far as the rebels, the RUF, are concerned, Liberians
10:50:07 5 were fighting in Sierra Leone in ample numbers, yes?

6 A. As I said, there were the STF, they were fighting, yes,
7 that's true.

8 Q. Yes, so it was no hidden secret that Liberians were in
9 Sierra Leone participating in this conflict, yes?

10:50:37 10 A. Yes, but there was a time frame for everything. There was
11 a time when they had logistical support from the army, but after
12 the intervention we went into the jungle, this time it was a
13 different scenario, different thing than the past when the NPRC
14 was supporting and right up to the SLPP government days.

10:51:07 15 Q. But do you recall President Kabbah in what I read yesterday
16 saying that even after the intervention period the STFs were
17 still up until then part of the Sierra Leone Army? Do you wish
18 for me to read it to you again, because I can? It's MFI-34.

19 A. Well, I referred to it yesterday.

10:51:39 20 Q. The relevant part reads, President Kabbah's statement I
21 read yesterday and it's MFI-34, the first full page with text on
22 it, paragraph 55 - actually paragraph 62 is what I'm looking for,
23 the second full page of text. Do you see what paragraph 62 says?
24 It is the President of Sierra Leone speaking and he says:

10:52:24 25 "General Bropleh and his STF followers fled together with
26 other AFRC junta personnel when the ECOMOG-led force removed the
27 junta from Freetown in February 1998. Together they played an
28 active role in all the attacks that displaced ECOMOG and
29 government troops in such places as Koidu, Makeni, Kamakwie and

1 Lunsar. After intervention ...", it says here, Mr Witness, and
2 this is me adding this commentary, to quote what President Kabbah
3 says, "... they supported the 6 January 1999 attack on Freetown.
4 On the recall of all military personnel in 2000 after the
10:53:16 5 granting of the amnesty in the Lome peace agreement 1999 the STF
6 resurfaced with General Bropleh still at the helm of the force."

7 Do you see that, Mr Witness? President Kabbah is saying
8 whether during the intervention, whether during the J6 invasion,
9 up until the reintegration and the amnesty, the STF was still
10:53:43 10 part and parcel of the military infrastructure of Sierra Leone.

11 Do you agree, Mr Witness?

12 A. Yes, my Lord.

13 MR ANYAH: Madam President, I would perhaps like that
14 document, the news archives document, marked for identification,
10:54:09 15 if it please the Chamber.

16 PRESIDING JUDGE: This three page document with a heading
17 "Sierra Leone News Archives - December 1998 - Sierra Leone Web"
18 with a subtitle "News archive 31 December 1998" becomes MFI-36.

19 MR ANYAH: Thank you, Madam President:

10:54:50 20 Q. Mr Witness, let's go back a little bit in time and let us
21 perhaps trace some of the history between the SLAs and the change
22 to the AFRC and also the RUF. In 1991 Joseph Saidu Momoh is in
23 power, yes, Mr Witness?

24 A. Yes, my Lord.

10:55:23 25 Q. And at that time you told us you had not yet joined the
26 military in Sierra Leone, correct?

27 A. Yes, the time I stated, 1991, when Charles Taylor went over
28 the air I had not joined the army yet, but it was the same year,
29 September '91, that I joined the army.

1 Q. And you told us what prompted you to join the army. You
2 said Charles Taylor went over the air and I take it you meant the
3 BBC, right, Mr Witness?

4 A. Yes, my Lord.

10:56:06 5 Q. And you said that Charles Taylor said that Sierra Leone
6 will taste the bitterness of war, yes, Mr Witness?

7 A. Yes, he said that, which made the whole of Freetown to be
8 panic stricken.

9 Q. I recall you saying in my notes, correct me if I'm wrong,
10:56:27 10 that this announcement was made in the early part of the year
11 1991?

12 A. Well, yes, before the start of the war in Sierra Leone,
13 March '91 or so, before the first invasion in Sierra Leone,
14 Charles Taylor went over the air and said that - he said that as
10:56:53 15 long as Sierra Leone had established an ECOMOG base in Freetown
16 we would taste the bitterness of war.

17 Q. I thought so. I thought you said about March 1991 and
18 indeed the war came to Sierra Leone about March 1991, yes,
19 Mr Witness?

10:57:12 20 A. Yes, my Lord.

21 Q. And you said that having heard this statement by
22 Charles Taylor you were inspired to join the Sierra Leone Army,
23 yes?

24 A. Yes, because the President went over the air asking for
10:57:28 25 patriotic Sierra Leoneans to join the army to push the enemy
26 forces, which was the NPFL, which had come in, because that was
27 what we were told that the Liberians had attacked. After
28 Charles Taylor had made that statement, patriotic Sierra Leoneans
29 should join the army to fight and that was when I went and joined

1 the army.

2 Q. The President to which you referred is Joseph Saidu Momoh,
3 yes?

4 A. Yes, my Lord.

10:57:56 5 Q. Are you aware other witnesses have come before this Court
6 who have said something about hearing this announcement on the
7 BBC about the bitterness of war made by Charles Taylor?

8 A. Well except when you are saying it now, but I'm not aware
9 of that.

10:58:21 10 Q. Are you aware that they have given a different time frame
11 for when they heard this announcement over the BBC?

12 A. I will not dispute their time frame. That's why I said
13 before the start of the war in Sierra Leone, before - the war
14 started on 23rd of March. In fact, when this announcement went
10:58:53 15 on there was training going on. I think it was March 23 1990,
16 1990 or so, when the invasion happened. From there the recruits
17 who were in Benguema and Daru, they were the ones who went to
18 counter attack the forces. They said they came from the Bomaru
19 end. If I'm not making mistakes about the year, but I know it
10:59:22 20 was March 23rd. I don't know whether it was 1990, or 1991.

21 Q. Mr Witness, Momoh's party was the APC, right, Mr Witness?

22 A. Yes, my Lord.

23 Q. The All People's Congress, correct?

24 A. Yes, my Lord, it's correct.

10:59:50 25 Q. And you said you joined the army in September 1991, yes?

26 A. Yes, my Lord.

27 Q. Is it fair to say that when Momoh was in power, SLA
28 soldiers, members of the Sierra Leone Army, were very poorly
29 paid, Mr Witness?

1 A. Well it depended on the country's economy, because when I
2 was there I had got my salary that was paid to me. I got my
3 salary. That is true. Everybody was there by levels. The
4 officers had their level. Other ranks, like private, corporal,
11:00:25 5 had what they received as salary.

6 Q. But there was a reason why Captain Valentine Strasser
7 overthrew the Momoh government. Would you agree, Mr Witness?

8 A. These were reasons that he proffered maybe as a way to
9 justify his taking over power.

11:00:52 10 Q. It is the case, Mr Witness, that Valentine Strasser claimed
11 that the military was poorly treated under Momoh, had no respect,
12 poorly paid and neglected, yes?

13 A. Yes, this was the statement he offered to the public and
14 the world.

11:01:20 15 Q. 29 April 1992, Strasser comes into power. Strasser does
16 some things for the military when he comes into power. He
17 increased the salaries, yes, Mr Witness?

18 A. Yes, it happened.

19 Q. Yes. He increased what you call risk allowance, gave you
11:01:47 20 medications, gave you uniforms, yes, Mr Witness?

21 A. Yes, it happened. That is true.

22 Q. And for the next four years up until when Julius Maada Bio
23 takes over in January 1996 the military was doing fairly well
24 under Captain Strasser, correct, Mr Witness?

11:02:19 25 A. Yes, but there were some people who were still nagging.
26 Some were grumbling against the Strasser administration.

27 Q. But those people who were grumbling, they were grumbling
28 primarily because they wanted to see a civilian administration in
29 power and not a military administration, yes? They were not

1 soldiers grumbling against Strasser, that's what I'm getting at?

2 A. I'm happy that you were not on the ground. There were
3 people who were grumbling from even within the military, some in
4 the war front were grumbling that they had abandoned them, it was
11:03:03 5 only the soldiers who were in the city that were enjoying. So
6 people were grumbling.

7 Q. Well, if they grumbled, and let's accept for the sake of
8 argument that you are right that there was some grumbling,
9 despite all you have acknowledged Strasser did for the military,
11:03:20 10 things became significantly worse for the military of 29 March
11 1996 when President Kabbah took over, correct?

12 A. Well, President Kabbah did not take over. Maada Bio
13 overthrew Strasser and afterwards he called for democratic
14 elections. The people demonstrated, asking that as long as Maada
11:03:50 15 Bio had overthrown and - overthrown Strasser, he should conduct
16 elections. Because they thought that Strasser wanted to hold on
17 to power and if he had overthrown Strasser he should conduct
18 elections, so they held the Bintumani II conference and agreed
19 that they should conduct elections and later President Kabbah won
11:04:19 20 the elections.

21 Q. Mr Witness, let's not play with semantics. Let's not play
22 this. We know that Maada Bio took over 16 January 1996 and he
23 was in power for three months through 29 March 1996. We know
24 that. We know Kabbah was elected. The issue is how were the
11:04:37 25 military treated under Kabbah and I'm putting it to you that,
26 compared to the administration of Strasser, when Kabbah took over
27 the military fared poorly under Kabbah's administration. True
28 or false?

29 A. My Lord, the question you first brought to me, now you are

1 digressing from the point.

2 JUDGE SEBUTINDE: Mr Witness, just answer the question that
3 has been asked of you, please.

4 THE WITNESS: Oh my God.

11:05:13 5 JUDGE SEBUTINDE: It is the lawyer asking the questions,
6 you answer the questions that are asked.

7 THE WITNESS: Yes, I agree with you my Lord, but initially
8 he brought me to a point and now he's going to another point.

9 JUDGE SEBUTINDE: He's entitled to do that.

11:05:24 10 THE WITNESS: Yes, I know, my Lord, but I was trying to
11 explain exactly what --

12 JUDGE SEBUTINDE: Don't explain, just answer the question,
13 please, otherwise we'll be here until next year. It will make
14 life very easy for everybody if you just simply answer the
11:05:40 15 questions that are asked. If you're not able to answer, or if
16 you don't understand that's a different matter.

17 THE WITNESS: No problem, my Lord. It's okay.

18 MR ANYAH:

19 Q. Mr Witness, let me try and break it down. When Kabbah took
11:05:56 20 over the monthly rice quota that the military personnel of the
21 SLA had was reduced, yes?

22 A. Yes, that is true.

23 Q. When Kabbah took over people in the military were retired
24 without any pension or provisions made for their benefits and
11:06:17 25 upkeep when they retired, right?

26 A. No, that was not to my knowledge, because I know that they
27 gave benefits to those who were retired, only that they were
28 grumbling that the amount was small.

29 Q. Well, the rice was being given to the military to

1 supplement low salaries, is that fair to say, Mr Witness?

2 A. That is true, but it was changed. Well, the rice was
3 replaced by money. So they gave them money instead of rice now.
4 Because they said some of the officers had 50 or 60 bags of rice.
11:07:04 5 When that was replaced by money they decided not to give rice any
6 more so they added - they gave equivalent in money, they added
7 that to the salary.

8 Q. During Kabbah's administration, this is before 25 May 1997
9 when the coup happened, is it fair to say, Mr Witness, that many
11:07:30 10 SLA soldiers were humiliated in battle by the Kamajors and had no
11 respect generally speaking?

12 A. Yes. Yes, that is true.

13 Q. In fact before 25 May those in the know within the SLAs
14 knew a coup was coming. They could sense that a coup was coming,
11:07:53 15 yes, Mr Witness?

16 A. Yes, yes. That is true.

17 Q. Now prior to 25 May 1997 you will agree with me that there
18 was no collaboration or joint actions between the AFRC and the
19 RUF, yes, Mr Witness?

11:08:17 20 A. Yes, before the coup we hadn't any contact because at that
21 time we were fighting.

22 Q. Yes, I thought so. And then the coup happens on 27 May
23 1997 and you will agree at that point in time it was the AFRC who
24 overthrew the Government of Sierra Leone, yes, Mr Witness?

11:08:45 25 A. Yes, my Lord.

26 Q. This is before they invited the RUF. There was no RUF
27 involved in this coup d'etat, yes?

28 A. Yes, that is true.

29 Q. Then from, is it Cote d'Ivoire or Nigeria, Foday Sankoh is

1 on the air, over the BBC, speaking of the People's Army and how
2 the RUF should go and join the AFRC in Freetown, yes?

3 A. Yes, my Lord.

4 Q. Yes and this is the first time you have the two groups
11:09:25 5 joining together, so to speak, to carry out operations, yes?

6 A. Yes, my Lord.

7 Q. You described for us what happened during the junta period.
8 The Prosecution showed you a document with the Supreme Council of
9 the AFRC, MFI-20. Do you recall seeing that, Mr Witness?

11:10:00 10 A. Yes, my Lord.

11 Q. It had Foday Sankoh's name beneath Johnny Paul Koroma's
12 name, yes?

13 A. Yes, my Lord.

14 Q. We're now at the junta period, about eight months before
11:10:15 15 the ECOMOG intervention in February 1998. When ECOMOG intervenes
16 in February 1998 the two groups still had distinct leadership
17 structures, would you agree? Shall I repeat the question,
18 Mr Witness?

19 A. Yes, my Lord.

11:10:37 20 Q. In February 1998, during the retreat, Johnny Paul Koroma
21 was still head of the AFRC, right?

22 A. Yes, my Lord.

23 Q. And the overall leader of the RUF at the time, even though
24 he was in prison, was still Foday Sankoh, yes?

11:11:01 25 A. Yes, my Lord.

26 Q. So they still had two different leadership structures, you
27 will agree, right?

28 A. Yes, my Lord.

29 Q. And you folks retreated to Kono, you said, yes?

1 A. Yes, we went to Kabala - oh, yes, okay, we went through in
2 stages to Kono, yes.

3 Q. We know you passed through different places on the way
4 back, but you ended up in Kono, yes?

11:11:33 5 A. Yes, my Lord.

6 Q. Now, later that year, in 1998, something interesting
7 happened around October of 1998 regarding some SLA soldiers and a
8 court-martial, yes?

9 A. Yes, my Lord.

11:11:54 10 Q. These are some of the events that would lead to the 6
11 January invasion, but let's take our time. Let's talk of that
12 October incident. 24 SLA soldiers were court-martialled and
13 sentenced to death, right, Mr Witness?

14 A. Yes, my Lord.

11:12:12 15 Q. The pronouncement of the condemnation, that is the death
16 sentence, was on 12 October 1998. Do you agree, Mr Witness?

17 A. Yes, my Lord.

18 Q. The executions were actually carried out on 19 October
19 1998. Do you agree, Mr Witness?

11:12:34 20 A. Yes, my Lord.

21 Q. Let's take a look at some documents. Let's start with this
22 Prosecution's exhibit MFI-20 and then I have some other ones to
23 hand out. Madam Court Officer, I might just as well give you all
24 of them because I will be going from document to document. This
11:13:25 25 is one set. Mr Witness, MFI-20 on page 2, the second page of
26 that document, with ERN number 00007712, lists members of the
27 Armed Forces Revolutionary Council and I suppose this would be
28 their secretariat, or something of that nature, the senior
29 members of the council at that point in time in any event. Do

1 you see that, Mr Witness, you went through this with counsel
2 opposite, yes?

3 A. Yes, my Lord.

11:15:53

4 Q. If you go to number 14 on that list you have squadron
5 leader Victor L King, do you see that?

6 A. Yes.

7 Q. In the military when they use "squadron leader" that's an
8 air force title, is it, yes?

9 A. Yes, my Lord.

11:16:03

10 Q. He was in the AFRC air force, right?

11 A. Yes.

12 Q. Did something happen to Victor King in relation to flying
13 on a helicopter to Liberia at some point in time?

11:16:26

14 A. I was in the jungle, we had gone into the jungle. After
15 the intervention in Freetown he moved with the helicopter. We
16 didn't know his location, because I was in the jungle. We didn't
17 know anything about him.

18 Q. But this King fellow, Victor King, ended up becoming
19 secretary of state of the AFRC, yes?

11:17:00

20 A. Yes, he was a member of the council and, as I said, when we
21 were in the bush we only heard that Victor King had been arrested
22 in Liberia, the ECOMOG forces had brought him back to Freetown.
23 Later we heard that he was among the 24 officers who were
24 executed, who were tried in Freetown, according to how we got the
25 news.

11:17:25

26 MR ANYAH: Madam Court Officer, if you go to one of these
27 truth and reconciliation documents, the one with the photograph,
28 not MFI-20, the one with the picture in the front, and you open
29 to what is on that document page number 64. The pages are at the

1 bottom right-hand corner:

2 Q. Yes, do you see the name Major Victor L King? Do you see
3 that, Mr Witness, in the middle of the page?

4 A. Yes, my Lord.

11:18:23 5 Q. Do you see this document lists the AFRC high
6 command/Supreme Council. Do you see that, Mr Witness?

7 A. Yes, my Lord.

8 Q. Victor King was secretary of state attached to the office
9 of the AFRC chairman. Do you see that, Mr Witness?

11:18:40 10 A. Yes, my Lord.

11 Q. Victor King was executed on 19 October 1998, yes?

12 A. Yes, my Lord.

13 Q. If we go to the next document I handed out, it's also to
14 the Truth and Reconciliation Commission, it is from the director
11:19:05 15 of prisons of Sierra Leone. I will wait for the Chamber.

16 Mr Witness, this other document we are going to look at, it's a
17 letter from the director of prisons to the commissioners of the
18 Truth and Reconciliation Commission for Sierra Leone, dated 12
19 July 2003. His name is Mr Conteh, yes, FS Conteh was the
11:20:07 20 director of prisons, might still be, but this says he was.

21 A. Yes.

22 Q. You see in the second page of the document he gives us some
23 names, first some ten names, and I will wait for you to catch up.

24 A. Yes, yes, yes.

11:20:28 25 Q. Above those ten names it reads, "The undermentioned ten
26 officers were sentenced to life imprisonment by the court-martial
27 court", and then it gives us ten names. Do you see that,
28 Mr Witness?

29 A. Yes, my Lord.

1 Q. The last sentence on that page reads, "On 12 October 1998
2 24 male, including one female, were condemned to death by firing
3 squad, namely" - and then you flip over to the next page, it
4 gives you 24 names. Do you see that, Mr Witness?

11:21:08 5 A. Yes.

6 Q. Name number 21 is SL 448 squadron leader Victor King,
7 right?

8 A. Yes, my Lord.

9 Q. All 24 of these people, all of them, were SLA members, yes?

11:21:27 10 A. Yes.

11 Q. No RUF members amongst them, right?

12 A. Yes, my Lord.

13 Q. This was Kabbah's government doing this to them, right?

14 A. Yes.

11:21:43 15 Q. Are you aware that civil rights groups throughout the world
16 over condemned the legal process through which these men and
17 women were killed as being flawed and unfair?

18 A. Well, I am not aware. I was not in Freetown when that
19 happened. I was in the jungle.

11:22:05 20 Q. Nonetheless they were killed on 19 October, yes?

21 A. Yes. Yes, my Lord.

22 Q. Do you remember where you were when you heard they were
23 killed, Mr Witness?

24 A. Yes.

11:22:24 25 Q. You were playing volleyball, right?

26 A. Yes, in Colonel Eddie Town.

27 Q. In Colonel Eddie Town you were playing volleyball and you
28 remember what happened when the news came. Solomon, AJ Musa,
29 that's his name, is it not, Solomon, right?

1 A. Yes.

2 Q. The person we've been calling SAJ Musa. SAJ Musa called a
3 meeting immediately, yes?

4 A. Yes.

11:22:52 5 Q. Let me read you what you said SAJ Musa said during this
6 meeting about the executions of these 24. From the bundle of
7 documents the Defence handed out I will be reading from tab 3 and
8 I will be reading from page 24. The ERN number of that page is
9 00100362 and I will read on into the next page which ends with
11:24:06 10 ERN 0363. Mr Witness, I will wait for you to catch up.

11 A. Yes.

12 Q. Are you at page 24, Mr Witness?

13 A. Yes, my Lord.

14 Q. Bottom of the page, line 24 says:

11:24:28 15 "Q. What happened when SAJ Musa came?

16 A. When SAJ Musa came he summoned a meeting and said there
17 was no time to waste, that we should head straight for
18 Freetown. Two days after the arrival of SAJ Musa, we were
19 playing volleyball when we heard a radio announcement that
11:24:57 20 24 military officers have been executed in Freetown. The
21 whole troop was summoned to a meeting and SAJ Musa had to
22 address the troop. He told us in that meeting, saying that
23 as we are SLA members and that they have started executing
24 soldiers in Freetown, we should not sit by and see this
11:25:23 25 happening. He told us that we are coming to Freetown to
26 reinstate the army. I don't know what was in his mind, but
27 that was what he was telling us and everybody was happy
28 when he said that."

29 Do you see that, Mr Witness?

1 A. Yes, my Lord.

2 Q. This was a call to arms to go and invade Freetown, in large
3 measure because of the execution of these 24 soldiers, yes,
4 Mr Witness?

11:25:58 5 MS ALAGENDRA: Your Honours, I object to this.

6 PRESIDING JUDGE: Just pause, Mr Witness.

7 MS ALAGENDRA: Your Honours, the proposition put by counsel
8 does not seem to be in line with what was read from the
9 statement. The statement that was read says as soon as he came

11:26:12 10 SAJ Musa called a meeting and said the group should head to
11 Freetown. It was two days later that the news of the 24 soldiers
12 being executed came up. So it was heading to Freetown first
13 before ever hearing about the 24 soldiers.

14 MR ANYAH: Madam President - I'm sorry, I'll let the
11:26:43 15 Chamber address the issue first. The objection, frankly I do not
16 know what the complaint is. It seems to be that counsel quarrels
17 with what I've read. I am entitled to put my propositions to the
18 witness, which he can of course deny and counsel can re-examine
19 upon which. But the important point is this: Even if counsel's
11:27:03 20 argument is correct that there was a suggestion that Freetown be
21 attacked, there is a sentence there that says two days after the
22 arrival, when they were playing volleyball, the radio
23 announcement comes and then you see a second meeting is summoned.
24 On line 4, page 25, the whole troop was summoned to a meeting.
11:27:23 25 This is in response to the killing of the 24 and there's an
26 exaltation at that point again to attack Freetown and that's what
27 I'm focusing on.

28 PRESIDING JUDGE: Very well. I overrule the objection.
29 Please proceed:

1 MR ANYAH:

2 Q. Mr Witness, you were about to say here when the objection
3 came which is - correct me if I'm wrong, you were about to say
4 that this was part of the reason for the invasion of Freetown.

11:27:49 5 Is that what you were going to say?

6 PRESIDING JUDGE: Let the witness answer the question,
7 Mr Anyah. What is your answer, Mr Witness?

8 THE WITNESS: As I said, well, this thing happened, this
9 was one of the reasons when SAJ Musa said - in fact added to
11:28:10 10 that, on that particular day when the government went on the air
11 talking about the executions Mosquito too went over the air
12 saying they did not accept that execution. He said the troops
13 would move as far as Freetown. If you can check the web, because
14 you are good at that, you will see that area too. You will see
11:28:30 15 that, when Mosquito went on the air, that day of the execution.
16 So it was through that that all of us said when SAJ made a
17 statement that we're not going to waste any time. I said in the
18 statement I did not know what was in SAJ Musa's mind, but he said
19 that we were going to reinstate the army.

11:28:55 20 MR ANYAH: Madam President, I will not respond to the
21 witness's remark about me being good at searching the web. I
22 will stay above his level.

23 PRESIDING JUDGE: I have warned both of you about facetious
24 remarks and I remark again to the witness, answer the question
11:29:10 25 and don't be making asides.

26 THE WITNESS: Yes, I'm sorry, madam. I'm sorry.

27 MR ANYAH:

28 Q. The point is, Mr Witness, this was part of the reason for
29 the invasion of Freetown by the SLAs, true or false?

1 A. Well, yes, because they had executed some SLAs and we heard
2 that there were even some more executions that were to be done
3 and in fact there were even some RUF.

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

11:29:42 5 THE WITNESS: [Indiscernible] detainees.

6 PRESIDING JUDGE: Indeed. Did I hear the witness say
7 something about detainees? I'm not sure what the witness said.
8 Please repeat it because the record is not clear, Mr Witness.

9 THE WITNESS: I said there were detainees at Pademba Road
11:29:57 10 which comprised RUF and some other political detainees who were
11 with the AFRC. They were at Pademba Road. Even Foday Sankoh was
12 there.

13 PRESIDING JUDGE: Thank you, Mr Witness. That completes
14 the witness's answer and as you correctly note it is now time for
11:30:13 15 the midmorning break. Mr Witness, we are going to take our
16 normal half hour midmorning break and we will resume court at 12
17 o'clock. Please adjourn court until 12 o'clock.

18 [Break taken at 11.30 a.m.]

19 [Upon resuming at 12.00 p.m.]

11:59:32 20 PRESIDING JUDGE: Mr Anyah, please proceed.

21 MR ANYAH: Thank you, Madam President:

22 Q. Mr Witness, before the break we were considering some of
23 the possible factors that contributed to the SLA invasion of
24 Freetown and I want to propose a second factor in addition to the
12:00:08 25 execution of the 24 SLAs and that second factor being SAJ Musa
26 and others wanted to reinstate the army upon the invasion of
27 Freetown, correct?

28 A. Yes, my Lord.

29 Q. Indeed, in the same paragraph I just read to you that we

1 were at before the break, in the Defence bundle of documents, tab
2 3, specifically page 25, he - well, I will wait until you get
3 there. The ERN number ends in 0363. You see between lines 7 and
4 8 you were quoted as telling the Prosecution what SAJ Musa said.
12:01:27 5 You said, "He told us that we are coming to Freetown to reinstate
6 the army." Do you see that, Mr Witness?

7 A. Yes, my Lord.

8 Q. You told the Prosecution this in November of 2003, yes?

9 A. Yes, yes, my Lord.

12:01:46 10 Q. Shall we go to tab 11 and a statement you gave them in the
11 year 2005, tab 11, and I will give you the page indication soon,
12 but tab 11 contains notes from a number of meetings they had
13 between the months of March and April in the year 2005, starting
14 on 16 March and then 31 March and then you get to the 1st, 4th,
12:02:44 15 15th, 19th and 20 April 2005, and if you go to page 12 of their
16 notes about these meetings - the ERN number on page 12 is
17 00017084. Are you there, Mr Witness?

18 A. Yes, my Lord.

19 Q. If you look at paragraph 88 on that page this is what they
12:03:30 20 have you telling them. It reads:

21 "After the announcement on the radio about the arrest of 24
22 SLA officers in Freetown, SAJ called a meeting after that with
23 all commanders. He said that since they had executed the 24
24 officers, we should move directly to Freetown and reinstate the
12:04:00 25 army."

26 That is what you told the Prosecution in March and April
27 2005, correct?

28 A. Yes, my Lord.

29 Q. So here again we see two objectives or reasons for the

1 invasion of Freetown as directed by SAJ Musa: 1, instigated by
2 the execution of these 24 officers; and, 2, to facilitate the
3 reinstatement of the army. Yes, Mr Witness?

12:04:41 4 A. Well, that was the word that he told us. He said we should
5 go and reinstate the army. He said we should go with these
6 words, then we will get support from the people.

7 Q. We know what words he used. We are trying to get at the
8 meaning of those words and at the time those words meant that was
9 a reason, amongst others, to go and invade Freetown, yes?

12:05:05 10 A. Yes, my Lord.

11 Q. Yes. None of this had anything to do with the RUF, did it,
12 either the execution of the 24 officers, or the reinstatement of
13 the army?

14 A. It had something to do with them, my Lord.

12:05:28 15 Q. Tell us what it had to do with the RUF?

16 A. Well, in the execution you see the 24 officers, but you
17 will see the names of other people, including Foday Sankoh who
18 was in prison there, and then also, like I said, you have some
19 names of political detainees who were there who were also part of
12:05:54 20 the AFRC, who had come together with the RUF and the SLA, that
21 formed the AFRC. So it also had something to do with them.

22 Q. Mr Witness, the two documents I have just read to you are
23 your own words and they focus on 24 SLA officers and their
24 execution. Do you hear mention there of Foday Sankoh being in
12:06:18 25 jail as a factor for the Freetown invasion?

26 A. But what I am trying to say is that when this happened and
27 when Mosquito went over the air, he commented and he said it. He
28 said, "Our men will march into Freetown. We will ensure that our
29 men March into Freetown, as long as they are executing our

1 members", and it happened at the time that we were fighting. We
2 were together with them. I said this was one of the things that
3 SAJ Musa said. I did not know what was in his mind, but he said
4 as long as those officers have been executed we should move at
12:06:57 5 once to go and reinstate the army.

6 Q. I have heard you say what Sam Bockarie or Mosquito said.
7 That is not my focus. My focus is this: The reasons given by
8 SAJ Musa regarding why Freetown should be invaded had nothing to
9 do with the RUF. Do you agree?

12:07:20 10 A. I disagree, my Lord. It had something, because we were
11 together. We were all operating by the same aims and objectives
12 and we wouldn't have just moved without their support and that is
13 if we left Colonel Eddie Town with the intention to advance to
14 Freetown and we did not weaken the other areas, like in Kono, the
12:07:43 15 ECOMOG would have squeezed and finished us in Freetown. So it
16 had something to do with them. Like I said, it was an organised
17 advance. It just happened that that hastened our push and our
18 advance, and so that led us to advance earlier than we would have
19 done.

12:08:13 20 Q. Mr Witness, let's look a little bit at the movements you
21 and the troops took in the advance to Freetown. Let's start at
22 Camp Rosos. There were not many RUF, if any, with you at Camp
23 Rosos, yes?

24 A. They were there. They were still there. They were not as
12:08:35 25 many as we were, but they were there.

26 Q. You told the Prosecution on 24 November 2003, you said,
27 "Actually at Camp Rosos there were no RUF senior commanders in
28 our midst because it was only at Camp Eddie Town that we had some
29 RUF commanders when they brought in O-Five", yes?

1 A. Yes, my Lord, it is correct.

2 Q. Yes, and for counsel's purposes, if they wish to refer, I
3 am at tab 6 of the Defence bundle, page 17. You went on to say,
4 "In fact, after the infighting at Koinadugu there was the issue
12:09:25 5 that they should all be arrested, but then we decided against
6 that and they let them be free", yes?

7 A. Yes, that was what SAJ Musa said when he came. He said
8 because Superman fought against him.

9 Q. So at Camp Rosos little or no RUF commanders amongst your
12:09:47 10 numbers, true?

11 A. No, no, no, no, that was why I stated that in my statement,
12 that we had, but we did not have senior commanders from amongst
13 them, but he had RUF that he brought.

14 Q. When you went to Colonel Eddie Town who were the senior RUF
12:10:08 15 commanders amongst your group?

16 A. We did not have them. It was when 0-Five came with the
17 reinforcement that Captain Stagger and others came. They came to
18 reinforce our group.

19 Q. Mr Witness, you said it was only when Captain Stagger came
12:10:42 20 that you had senior RUF members in your group. Is that what you
21 just said?

22 A. Yes, well, he was one of the senior commanders that came
23 with the RUF group.

24 Q. Who else came that was a senior commander and joined you at
12:10:58 25 Colonel Eddie Town? I am speaking of the RUF now.

26 A. Well, they had lieutenants amongst them, some men were
27 second lieutenants and there were lieutenants that came. Some
28 were RSM. They were all officers that came, but amongst that
29 group Stagger was the most senior.

1 Q. Yes, the most senior RUF officer to join you at Colonel
2 Eddie Town in the advance towards Freetown was a captain, right?

3 A. Well, yes, he came, because he was sent ahead. SAJ Musa
4 and Superman sent them ahead to come.

12:11:48 5 Q. As you made your way towards Freetown you went through
6 Mange Bureh, yes?

7 A. Yes, my Lord.

8 Q. You called the place Maraykula, or something like that?

9 A. Maraykula, yes.

12:12:12 10 Q. Near Lunsar in Bombali District, yes?

11 A. Yes, my Lord.

12 Q. Any senior RUF commanders with you at this time?

13 A. No, they were not there.

14 Q. Just Captain Stagger?

12:12:27 15 A. Alfred Brown, Captain Stagger, they were all there. Alfred
16 Brown, I think he was a major when he came. He was with us.

17 Q. But only a radio operator, yes, not a fighter?

18 A. Yes, but he was part of the fighting force.

19 Q. Alfred Brown did not command any ground troops in fighting,
12:12:47 20 did he?

21 A. Yes, my Lord, but there are certain fighting that take
22 place, he normally goes with the radio set and so he will be part
23 of it. Normally when we went we will need to communicate so he
24 would go. So normally we refer to them all as part of the
12:13:07 25 fighting force.

26 Q. We know what you normally refer to them as. My question
27 focused on whether he commanded. Did he command any of the
28 fighting troops, yes or no?

29 A. Well, he was with the headquarters. He was with the

1 headquarters.

2 PRESIDING JUDGE: Mr Witness, answer the question.

3 THE WITNESS: I did not see him command groups, but he was
4 moving with the fighting force. Most times he will be at the
12:13:34 5 front, sometimes he will go back to the headquarters.

6 MR ANYAH:

7 Q. So we have a major, a radio operator, Alfred Brown, we have
8 Captain Stagger. Please tell us which other senior RUF command
9 was amongst your number when you were in the vicinity of Lunsar
12:13:52 10 in Bombali District on the way to Freetown, December 1998?

11 A. I said, like I said, Stagger was the most senior who was
12 with the squad, but this was a preparation that they sent ahead.
13 It was just because of the infighting between SAJ and Superman
14 that caused that, but he was the most senior man that was sent
12:14:17 15 ahead.

16 JUDGE SEBUTINDE: Mr Witness, you were asked which other
17 RUF commander? Which other? We have heard about Stagger. Tell
18 us about another if one exists.

19 THE WITNESS: I have said that, my Lord. I said there were
12:14:32 20 some other lieutenants, there were some who were second
21 lieutenants, some were RSM, they were amongst, and some of them
22 were sergeants.

23 MR ANYAH:

24 Q. The point is none of them were higher than Stagger who was
12:14:49 25 a captain, right?

26 A. Well, just for the fighting area, yes, but Alfred Brown was
27 senior to Stagger, but in the case of the fighting area you had
28 lieutenants, second lieutenants, captains, but he was the most
29 senior captain amongst the group.

1 Q. When you went through Mile 38, Magbuntoso - I am not
2 pronouncing that right, but you will correct me if I am wrong.

3 A. It is okay that way.

4 Q. And you went through Newton and on to Waterloo. Was there
12:15:29 5 any RUF commander higher than Captain Stagger amongst your number
6 at this time?

7 A. No, these were the senior commanders that we still had.
8 Those were the ones we still went ahead with. Those commanders,
9 Stagger and the other RSM captains and also lieutenants and
12:15:50 10 second lieutenants who were in the squad, they were the ones that
11 we still went ahead with.

12 Q. RSM stands for what, Mr Witness? Royal what?

13 A. It is regimental sergeant major.

14 Q. Sergeant major, yes. When you got the Benguema barracks
12:16:09 15 where there was this explosion and Solomon, also known as SAJ
16 Musa, was killed, was there anybody higher than a captain from
17 the RUF amongst your number, Mr Witness?

18 A. No, my Lord. Like I said, this team continued to be with
19 us.

12:16:31 20 Q. Yes. Gullit, Alex Tamba Brima, took over after SAJ Musa
21 passed, right?

22 A. Yes, my Lord.

23 Q. It was Gullit who gave the green light, or the final
24 command to march into Freetown, yes?

12:16:55 25 A. Yes, as he had communicated with the other senior
26 commanders at the rear.

27 Q. Can you tell me the first time in the lead up to the
28 invasion, through all these places your troops were moving, that
29 Gullit radioed an RUF commander to send reinforcements?

1 A. Yes, Hastings was one area after the death of SAJ, he did
2 that. The mountains around Hastings, he did it.

3 Q. Was Hastings the first area you recall him asking for
4 reinforcements?

12:17:43 5 A. That should be the second area, but he first did it around
6 Koba Water, like I said, after we had completed the attack at the
7 peninsula and we came back, that was the first area where he
8 called and it was around the Hastings-Waterloo Highway - I mean
9 hills, he also called and he was still waiting for the
10 reinforcement.

11 Q. You told us SAJ Musa died on the 24th, on the morning of 24
12 December 1998, yes?

13 A. Yes, my Lord.

14 Q. On what date were you in the Hastings Hills area between 24
12:18:23 15 December and 6 January 1999?

16 A. Well, from the 25th after SAJ's death we had started -
17 because after the death of SAJ we all went to the mountains. We
18 were still there. We celebrated Christmas in the mountains. We
19 continued to be there, like I said, until the 1st, 2nd or 3rd
12:18:47 20 when we came around the Hastings area and we started attacking
21 and pushing towards Freetown.

22 Q. The record has you saying that it was at Bo Water that he
23 first called for reinforcement. That is an error. Can you spell
24 the place that you were before you went to Hastings Hills when he
12:19:05 25 first called for reinforcement?

26 A. I said Koba Water, Koba Water area, around the Koba Water
27 area. When we went inside there is a hill around there and it
28 was around that area that he first made his call. Koba Water,
29 K-O-B-A.

1 Q. And to whom did he call?

2 A. Well, it was Mosquito that he first called.

3 Q. And he said you were heading towards Freetown and he needed
4 reinforcements, yes?

12:19:41 5 A. He called him and told him that, "Now the troops are
6 prepared and now I am preparing to enter Freetown, but I want
7 reinforcement so that we will be able to push the ECOMOG so that
8 we enter Freetown." He called for reinforcement.

9 Q. When he called from the Hastings Hills area did he also
12:20:03 10 call Mosquito, also known as Sam Bockarie, Mr Witness?

11 A. Yes, he called Issa and Mosquito around that area also. He
12 made another call.

13 Q. No reinforcements had arrived by then, yes?

14 A. Yes, because they were also pushing from the Kono area and
12:20:25 15 the others were coming from the Daru side and they said Gullit
16 should hold on to the troops so that they will come, and whilst
17 they were coming they said they were encountering some obstacles
18 on the way, but that they were pushing to meet us so that we
19 enter Freetown.

12:20:44 20 Q. When next did he call for reinforcement after Hastings
21 Hills?

22 A. Well, like I said, he also did that whilst we were in
23 Freetown. He also did it at State House. He called for another
24 reinforcement. He still called for reinforcement to come.

12:21:06 25 Q. Who did he call? Was it Sam Bockarie as well?

26 A. Yes, he spoke with Sam Bockarie and also Issa. He called
27 Sam Bockarie and he talked to the other commanders at the rear.

28 Q. You had secured the State House by the first week of your
29 entry into Freetown, correct?

1 A. Yes, my Lord.

2 Q. Yes. You were in dire need, or desperate need of
3 reinforcements, correct?

4 A. Yes, my Lord.

12:21:44 5 Q. And yet no reinforcements had arrived, yes?

6 A. Yes, because they said they had some delay on the way
7 because, like I said, they were trying to clear Makeni and when
8 they came again they encountered a target around Masiaka, because
9 as they were approaching they told us about the target areas they

12:22:04 10 had and they said as long as they were able to clear those areas
11 then they would come, because they never wanted, as they went
12 along clearing, the ECOMOGs came after that to hold on to that
13 area. So anywhere they cleared they would deploy manpower there
14 before they penetrate to reinforce us, so that nobody will come

12:22:27 15 from the back to attack us.

16 Q. You lost the State House?

17 A. Yes, my Lord.

18 Q. Was that during your second week in Freetown?

19 A. Yes, my Lord.

12:22:39 20 Q. One of the primary reasons you lost it was that there was
21 no reinforcements, correct?

22 A. Yes, and then we were also running out of ammunition.

23 Q. At this time when you lost the State House, was there any
24 RUF commander higher than a captain amongst your number?

12:23:03 25 A. Yes, at that time we now had Gibriil Massaquoi and some
26 other commanders that we met in Pademba Road. Gibriil Massaquoi
27 too was there.

28 Q. But you had to free him from Pademba Road Prison, right?
29 He was in custody in Freetown, yes?

1 A. He was in jail. That was what I said. He was in jail, but
2 when we came and freed him and immediately he became the most
3 senior commander for all the RUF who were there. He was in jail,
4 but when we freed him at that time, during 6 January,
12:23:35 5 automatically he became one of the most senior commanders amongst
6 the RUF at that time.

7 Q. Yes, but this man did not accompany you to Freetown. He
8 was part of the group of persons your fighting forces freed from
9 jail once in Freetown, yes?

12:23:55 10 A. Yes, my Lord, and you asked me who was the most senior
11 commander amongst them. I said this man.

12 Q. Who was the most senior RUF commander who accompanied you
13 into Freetown?

14 A. Like I said, it was Captain Stagger who was the most senior
12:24:20 15 amongst them.

16 Q. Yes. While you were in Freetown with Gibril Massaquoi and
17 Captain Stagger, was there any senior RUF commander that came and
18 joined you while you had custody of the State House?

19 A. No, no.

12:24:40 20 Q. Yes, I didn't think so. I withdraw that, Madam President.
21 I mean the last comment after the question, not the question.

22 PRESIDING JUDGE: I understood what you meant, Mr Anyah.

23 MR ANYAH: Thank you:

24 Q. Mr Witness, when did the reinforcements finally arrive?

12:25:03 25 A. Well, it was almost towards the third week when we had been
26 moved from State House, we were pushed out of State House, that
27 the reinforcement came. We were around Eastern Police and that
28 was where we were when the reinforcement came.

29 Q. Is it fair to say you were on the verge of your retreat

1 from Freetown when the reinforcements arrived?

2 A. Well, we had withdrawn from State House. We were alert for
3 any further withdrawal, that is true, because the ECOMOG were
4 pushing. They were penetrating our areas.

12:25:52 5 Q. Did you go to receive the reinforcements yourself?

6 A. Yes, my Lord, I said that. Myself and Colonel Eddie we
7 went to receive them.

8 Q. Was it in the vicinity of Allen Town?

9 A. Yes, my Lord.

12:26:09 10 Q. And Jui bridge, perhaps?

11 A. Yes, around Jui and then they crossed over. They came and
12 joined us at Allen Town.

13 Q. All 50 men of them? Were they 50 in number, approximately?

14 A. I did not understand. Is it 15 or 50?

12:26:34 15 Q. Let me be clear. Were they 50, 50, approximately in
16 number?

17 A. Yes, my Lord.

18 Q. That is all the reinforcement you received to hold on to
19 Freetown. Is that your evidence, Mr Witness?

12:26:50 20 A. Yes, my Lord, and as we were fighting in the battlefield 50
21 men or 30 men were a very good reinforcement.

22 Q. These reinforcements came in the person of Rambo Red Goat
23 as their leader, yes?

24 A. Yes, my Lord.

12:27:19 25 Q. Rambo Red Goat was SLA, yes?

26 A. Yes, my Lord.

27 Q. Same as SLA Rambo, right?

28 A. Yes, my Lord.

29 Q. You recall at the close of evidence on, I think it was

1 Tuesday last, the 22nd, you made reference to there being fear of
2 SAJ Musa and counsel came back the next day to ask you about it.
3 Let's read first what you said at the end of Tuesday 22nd, the
4 transcript, the last page of the transcript, Tuesday 22nd, the
12:28:08 5 page in question is 8302. There was a question from counsel at
6 line 3 and I will go slowly. I have been warned by the
7 interpreters to be careful about how fast I go. The question
8 was:

9 "Q. And how do you know about this communication?

12:28:33 10 A. Well, like I said, I was there at the headquarters at
11 State House when Gullit mounted the set and called Rambo
12 and Rambo said that they had come as far as Hastings and
13 they were preparing to reinforce us, but he said they had
14 some fear in them regarding SAJ. They said they had heard
12:29:05 15 rumour that SAJ was dead, but they did not still believe
16 that."

17 Do you recall giving that response, Mr Witness?

18 A. Yes, my Lord.

19 Q. On the following day, Wednesday 23rd, I learned counsel
12:29:22 20 opposite seized on this response and asked you a follow up
21 question. This is the transcript from the 23rd. This is when the
22 clarification was being attempted between the various Rambos that
23 we now know: SLA Rambo, RUF Rambo, Rambo known as Leather Boot
24 and the like. The transcript of the 23rd, page 8323.

12:29:54 25 MS ALAGENDRA: Your Honours, there was no Rambo that was
26 known as Leather Boot.

27 PRESIDING JUDGE: I remember a different name. I think
28 Idri issa Kamara was Leather Boot.

29 MR ANYAH: One of the Rambos was also Idri issa Kamara.

1 Perhaps that is where the confusion comes on my end.

2 THE WITNESS: Yes, Red Goat.

3 MR ANYAH:

4 Q. Page 8323 of the transcript of the 23rd, line 5, there was
12:30:22 5 a question posed. Further down, on line 7 your Honours, you say:

6 "A. He said they had some fear in them regarding SAJ.

7 Q. Who had the fear regarding SAJ?

8 A. According to Rambo he said they had a fear because
9 there was some confusion between SAJ and Superman. They
12:30:53 10 had a fear, because SAJ was still in the group, that maybe
11 some infighting could occur again, but in spite of that
12 they will still release some men to join us in Freetown.

13 Q. What do you mean by 'in spite of that they will still
14 release some men to join us in Freetown'?

12:31:14 15 A. According to Rambo they had a fear that SAJ was still
16 with the group, so that was why there was some delay. They
17 said despite that even they will still send a team because
18 they said they had an information that SAJ had died, but
19 that they will still send a team to reinforce us in
12:31:35 20 Freetown.

21 Q. Despite what would they send reinforcement?

22 A. They said even though they had the fear that SAJ was
23 still present there, they will still send the reinforcement
24 that the operation would continue."

12:31:51 25 These were your responses last week, yes?

26 A. Yes, my Lord.

27 Q. Yes. Is it fair to say, Mr Witness, that the amount of
28 persons that came as reinforcement with SLA Rambo was quite small
29 in number because a large number of others who might have been

1 waiting to come along were afraid that SAJ Musa was still alive?

2 A. Yes, my Lord. Despite that, as I said, reinforcement came.

3 Q. We know they came. I am focusing on the amount of people
4 who came. The question: Is it fair to say that there were fewer
12:32:42 5 than would otherwise have been the case if they did not have this
6 fear of SAJ Musa still being alive?

7 A. Well, as I said, it was Rambo RUF that said this to Gullit,
8 so that might have been his own thoughts that he had. I do not
9 know whether he was thinking about the other troops, because he
12:33:07 10 still had SLAs and other troops that they all came.

11 Q. Mr Witness, do you know this issue of reinforcement is
12 important because you have claimed that SLA Rambo came with RUF
13 reinforcements, right?

14 A. Yes, my Lord.

12:33:31 15 Q. Have you previously told the Prosecution that SLA Rambo
16 never made it into Freetown with reinforcements?

17 A. No, no, no, no, no, I never told them that.

18 Q. Are you sure, Mr Witness?

19 A. Yes, I am sure, because I am sure of that.

12:34:03 20 Q. Was it possible that you told the Prosecution that SLA
21 Rambo showed up all by himself and when you asked him why he was
22 all alone he said the others refused to come because they were
23 afraid SAJ Musa was still alive?

24 A. No, from what I told them I said Rambo - after Rambo RUF
12:34:30 25 had spoken when --

26 THE INTERPRETER: Your Honours, can the witness kindly
27 repeat and go more slowly.

28 PRESIDING JUDGE: Mr Witness, the interpreter can't keep up
29 with you. Again, slow down and again pick up your answer, "I

1 said Rambo - after Rambo RUF had spoken when," and continue from
2 there.

3 THE WITNESS: I said after Rambo RUF had called and told
4 Gullit about this issue, when Rambo Red Goat came with his
12:35:02 5 reinforcement he said he should have come with more manpower, but
6 they were afraid that SAJ Musa was still alive because of the
7 problem that had erupted between him and Superman, because they
8 thought that another infight would ensue, but they had another
9 manpower that they could have come with and I said it was RUF
12:35:23 10 Rambo that did not come. He was still in Hastings. That was
11 what I told you.

12 MR ANYAH:

13 Q. Oh, now you are pointing out that RUF Rambo - well, maybe
14 not now, you claim you have said it before, that RUF Rambo was
12:35:36 15 the one that did not come and stayed at Hastings, right?

16 A. It is not now. This was what I told them, yes.

17 Q. I am not focussed on RUF Rambo. Let's stay with SLA Rambo,
18 the fellow known as Red Goat. I am asking you if you have told
19 the Prosecution before that you were expecting reinforcements and
12:35:57 20 only him showed up and he said that the rest of the men did not
21 accompany him because they were afraid SAJ Musa was still alive?

22 A. No, I can't recall telling the Prosecution that, that Rambo
23 came alone. I never said that. I can't remember that.

24 Q. Have you told the Prosecution before that it was only when
12:36:23 25 you and your fighters retreated to Waterloo that you saw the men
26 that were supposed to have come with Rambo Red Goat?

27 A. My God, I told them that the men whom we saw with Rambo, it
28 was at the time that we saw most of them who had come to
29 reinforce us. Issa, RUF Rambo, all that squad were in Waterloo

1 up to Hastings. I said it was at that time that we saw them, but
2 I never told them that Rambo Red Goat did not enter Freetown. If
3 you look through all my statements you will see that I spoke
4 about Rambo Red Goat and we all retreated together from Freetown.

12:36:59 5 Q. Rambo Red Goat is the one you said is also a born again
6 Christian. He is a chaplain in some army you said, right?

7 A. Yes, my Lord, he is a chaplain now.

8 Q. Yes, I thought so. Let's look at one of your statements,
9 Mr Witness, on this issue. This is, your Honours, in the Defence
12:37:29 10 bundle of documents. I will start with the interview notes under
11 tab 6. I will start with page 21. The ERN number for that page
12 is 00100469 and I will move on to page 22 which ends in 0470.
13 Actually I just need to start at page 22 which ends in 0470. I
14 apologise.

12:38:47 15 Mr Witness, these are notes transcribed by the Office of
16 the Prosecution in relation to a meeting with you on 24 November
17 2003. Page 22, line 4, there was a question posed to you. It
18 reads:

19 "When you were on your way advancing towards Freetown, did
12:39:10 20 Issa Sesay call you guys to inform you that he too was on
21 his way to reinforce you?

22 A. Yes, yes. He kept on informing, but then later on he
23 told us that he and his troops were hesitant to actually
24 join up en masse on the attack on Freetown because they
12:39:38 25 were afraid of SAJ Musa, and when we were retreating we
26 found them at Waterloo. To prove this, we planned a fresh
27 attack through Tombo to come and attack Freetown from the
28 west end again."

29 Do you see that, Mr Witness?

1 A. Yes, my Lord.

2 Q. That is suggesting that when you retreated from Waterloo
3 you saw the troops you were expecting. Do you agree?

4 A. Yes, part of the troop, because that was the reinforcement.

12:40:18 5 This was part of the troop that was to go to Freetown, when we
6 met them in Waterloo, Issa and others.

7 Q. Yes, and it is only when you met them you decided to plan
8 an attack to retake Freetown because now you had reinforcements,
9 yes?

12:40:34 10 A. Yes, yes, that is what happened, my Lord.

11 Q. Shall we go to another statement of yours on this issue? I
12 am referring to a document in tab 4, page 11. The ERN number is
13 00100377 and onto the next page, 00100378. Mr Witness, I will
14 let you catch up first.

12:41:20 15 A. Yes. Yes, my Lord.

16 Q. Notes from 7 November 2003, your meeting with the Office of
17 the Prosecutor. At page 11 there is a long response you give to
18 a question from the preceding page, but I want to start on line
19 19, on page 11. It reads - and this is you talking as recorded
12:41:56 20 by the Office of the Prosecutor:

21 "We again started retreating and the ECOMOG forces were
22 piling the pressure on us. We continued to retreat up to Ferry
23 Junction area. At Ferry Junction, we got an information that we
24 were expecting reinforcement from the RUF to come and join us."

12:42:21 25 Do you see that, Mr Witness?

26 A. Yes, my Lord.

27 Q. I will continue reading:

28 "Our morale was high again, thinking that the RUF was
29 coming to join us so that we can attack the ECOMOG forces. We

1 sent some of our troops to Jui, in order to collect the RUF
2 forces to come and join us."

3 Here is the part that is interesting, it reads:

4 "But when they returned we only saw one Colonel Rambo, also
12:43:08 5 called Red Goat. He is now the chaplain in the army. He came
6 back with the troop. Colonel Rambo informed us that the other
7 men he came with are afraid to come to join us because they have
8 got an information that SAJ was still with us, and before they
9 came, they had had a problem with SAJ Musa. Therefore, most of
12:43:37 10 them stayed in Hastings area, going towards the provinces."

11 Do you see that, Mr Witness?

12 A. Yes.

13 Q. You sent men to go to the Jui bridge area and they ran into
14 one Colonel Rambo, also known as Red Goat, and most of the men he
12:44:00 15 had had stayed behind, yes?

16 A. Yes, yes. Yes, I am listening to you, my Lord.

17 Q. That is what you told the Prosecution on 7 November 2003,
18 right?

19 A. You are right. I said we saw one Colonel Rambo. It does
12:44:22 20 not mean that when I say one Colonel Rambo, that he led the
21 troop. Look at the thing. One Colonel Rambo whom I later called
22 Red Goat, he led the troop that came. I did not say - I did not
23 name other men. I said one Colonel Rambo who came, who led the
24 troop that came. Read it again. Read it again so that you can
12:44:40 25 get it. If I had said one man then you would have seen it
26 clearly, but one Colonel Rambo who came, who led the troop.

27 Q. I read it and I understood it. I don't need to read it
28 again.

29 A. [Overlapping speakers].

1 Q. Let me finish my question, Mr Witness.

2 PRESIDING JUDGE: Mr Witness.

3 THE WITNESS: No problem, madam.

4 MR ANYAH:

12:45:04 5 Q. The issue is not whether they saw one Colonel Rambo. We
6 know they saw Colonel Rambo. We know they saw SLA Rambo, also
7 known as Red Goat. The issue is the reinforcements, these RUF
8 men. The point being they stayed away because they were afraid
9 of SAJ Musa. Do you agree, Mr Witness, that that is what
10 happened?

11 A. I disagree, my Lord.

12 Q. Do you still maintain that these 50 men made their way with
13 SLA Rambo into Freetown to reinforce you, yes?

14 A. Yes, I maintain that, my Lord. I maintain that.

12:45:42 15 Q. Where did you meet Issa Sesay and the troops he was with?

16 A. It was when he retreated, as I said, from Freetown and went
17 to Benguema and, as I said, Gullit informed us that Issa came
18 around, but they are had gone and they will come back and later
19 Issa came, when we held the meeting to retake - I mean to retake
12:46:10 20 Freetown using the Tombo axis.

21 MR ANYAH: Madam Court Officer, could you assist me,
22 please. Madam Court Officer, you may give it to the witness and
23 if you could kindly publish one for the public at home:

24 Q. Another document from the Truth and Reconciliation
12:47:49 25 Commission, Mr Witness. This one lists or delineates the high
26 level commanders or leadership of the RUF. On the document the
27 page number in question would be page 48. If you were to open
28 the document up until where it says page 48, it says the RUF high
29 command. Are you there, Mr Witness?

1 A. Yes, my Lord.

2 Q. Do you see all the names starting with Foday Saybana
3 Sankoh?

4 A. Yes, my Lord.

12:48:39 5 Q. When I call a name tell me if that person was in Freetown
6 during the 6 January invasion with you and your fellow SLA
7 fighters: Foday Saybana Sankoh, John Kargbo, Rashid Mansaray,
8 Patrick Lamin, Mohamed Tarawalli, also known as Zino, Abu Kanu,
9 Mike Lamin, Sam Bockarie, also known as Mosquito, Gibri I
12:49:18 10 Massaquoi.

11 A. Yes, he came.

12 Q. He didn't come. He was freed from Pademba Road, yes?

13 A. Yes, but he obtained - he maintained his command.

14 Q. The question was he did not come into Freetown with you, he
12:49:37 15 was freed by you while he was a prisoner of Pademba Road, yes?

16 A. Yes, my Lord.

17 Q. The next person: Issa Hassan Sesay. To the next page. Do
18 see the caption there "Senior RUF battalion commanders and
19 influential ground commanders". Was Dennis Mingo, the Liberian
12:50:11 20 also known as Superman, was he in Freetown during the 6 January
21 1999 invasion?

22 A. No.

23 Q. Peter Borbor Vandi, was he there?

24 A. No.

12:50:25 25 Q. Morris Kallon, was he there?

26 A. No.

27 Q. Komba Gbundema, was he in Freetown with you, Mr Witness?

28 A. No.

29 Q. Boston Flomo, also known as Rambo?

- 1 A. No.
- 2 Q. Momoh Rogers, Mr Witness?
- 3 A. No.
- 4 Q. The man you shared the house with in The Hague, Isaac
12:50:57 5 Mongor, was he there with you, Mr Witness?
- 6 A. No.
- 7 Q. Abu Bakarr Jalloh, alias Bai Bureh, was he there,
8 Mr Witness?
- 9 A. No.
- 10 Q. Was Monica Pearson there, Mr Witness?
12:51:14
- 11 A. No.
- 12 Q. Sherri f Parker, also known as Base Marine, was he there?
- 13 A. No.
- 14 Q. How about Augustine Gbao?
- 12:51:31 15 A. No, no.
- 16 Q. Let's go to the administrative cadre. Moigboi Kosia, was
17 he in Freetown?
- 18 A. I don't know him.
- 19 Q. Would the answer be you don't know?
- 12:51:50 20 A. I don't know this man so I wouldn't know whether he was
21 there, but I don't know this man. Those I know I will tell you.
22 Like those whom you called, I know some of their faces, but this
23 one I don't know him in person, so I do not know whether he was
24 part of the team. I do not know him.
- 12:52:06 25 Q. That is fair enough. Patrick Beindu, was he in Freetown?
- 26 A. I don't know him.
- 27 Q. Jonathan Kposowa, was he in Freetown?
- 28 A. I don't know him.
- 29 Q. Joseph Brown. Do you Joseph Brown, Mr Witness?

1 A. I don't know who is Joseph Brown. I don't know him.

2 Q. Do you know a Prince Taylor, Mr Witness?

3 A. No, my Lord, I didn't meet with them. I do not know
4 whether they were part of the team, but I can remember them.

12:52:46 5 Q. What of SYB Rogers, Solomon YB Rogers, was he in Freetown,
6 Mr Witness?

7 A. I can't recall. I don't know him.

8 Q. And let's look at the "RUF spokespersons and miscellaneous
9 figures of seniority and/or influence (at various points in the
10 evolution of the RUF movement)". Eldred Collins, was he in
11 Freetown when you were there, Mr Witness?

12 A. No.

13 Q. Omrie Golley?

14 A. No.

12:53:20 15 Q. Philip Palmer?

16 A. I don't know him.

17 Q. Ibrahim H Dean Jalloh?

18 A. I don't know him.

19 Q. And your namesake, Alimamy Sankoh, was he there,
12:53:38 20 Mr Witness?

21 A. I don't know him, my Lord.

22 Q. None of these people, top brass RUF, were present with your
23 SLAs in Freetown. Do you agree, Mr Witness?

24 A. Yes, my Lord.

12:53:54 25 Q. Yes. Last week when you testified you mentioned something,
26 a dispute between SAJ Musa and Sam Bockarie. Do you recall
27 saying that?

28 A. Yes, in two radio communications because of the advance
29 that we were making when Mosquito went over the air and spoke

1 about that.

2 Q. And it got to the point where SAJ Musa referred to Mosquito
3 as an SBU compared to him, right?

4 A. Yes, my Lord.

12:54:31 5 Q. That was a pejorative or an insulting comment, right?

6 A. Well, they had those things over the set. It is an insult.
7 They had the way they were talking. They had the way they
8 insulted each other. That was what SAJ Musa was referring to.
9 That was SAJ Musa told him that word and an argument ensued

12:55:00 10 between them.

11 Q. SBU, he said Sam Bockarie was a Small Boys Unit compared to
12 him. That is what he was saying to him, right?

13 A. Well, that was what he said. He said because he was a
14 trained man, the man cannot be saying things just like that.

12:55:18 15 Q. Sam Bockarie was maybe what, 26 years old at this time,
16 yes?

17 A. Well, I can't tell you his age, except you tell me, but I
18 don't know his - I didn't know his age at that time. All I knew
19 was that he was a big man in the movement.

12:55:35 20 Q. Well, I won't go to the page, but you told the Prosecution
21 of what Sam Bockarie said when those 24 men were executed and you
22 said something to the effect that he said he was 26 years old and
23 he was going to fight until his death. Do you remember telling
24 them that and saying he was about 26 years old?

12:55:55 25 A. Yes, yes, yes, I talked about that. That he was a young
26 man and he can continue fighting up to the time he is 40. He
27 will continue fighting.

28 Q. You see, I got the 26 from reading your statements,
29 Mr Witness, since I was not there.

1 A. Okay.

2 Q. Now this disagreement between Sam Bockarie and SAJ Musa,
3 are you aware that Bockarie said that he would not take any
4 orders - rather, let me rephrase that. Are you aware that SAJ
12:56:38 5 Musa said he would not take any orders from Sam Bockarie after
6 this conversation?

7 A. Well, yes, from their communication he said that. Despite
8 that the troop advanced.

9 Q. Are you aware that Sam Bockarie in turn said that he will
12:57:00 10 not send any reinforcements to SAJ Musa?

11 A. Well, I won't dispute that fact, because there was
12 communication between the two people, except I recollect, but I
13 won't dispute that fact.

14 Q. Yes. And upon your retreat when you encountered Issa Sesay
12:57:26 15 - and I think you said in the vicinity of Benguema, correct?

16 A. Yes, my Lord.

17 Q. There was still distinct lines of leadership between the
18 RUF and the AFRC or SLAs, yes?

19 A. No. Well, Gullit was there in Benguema, but there was
12:57:52 20 cordiality. Cordiality was restored because we were able to
21 organise, I said despite the differences that existed, but at
22 that time we were able to come together. We reorganised in
23 Benguema.

24 PRESIDING JUDGE: Witness, the question was: Was there
12:58:06 25 still distinct lines of leadership between the RUF and the AFRC
26 or SLA. Please answer that question.

27 THE WITNESS: Yes. Yes, my Lord.

28 MR ANYAH:

29 Q. Issa Sesay was not necessarily reporting to Gullit, yes?

1 A. Well, in my presence he did not report. He went and said
2 we should organise a meeting to prepare to attack and Gullit
3 said, "No problem, sir." So that brought the preparations. He
4 had command over Gullit.

12:58:44 5 Q. Yes, but it would be fair to say that at this point in time
6 these were essentially two groups working together because they
7 had one enemy in common, the government of Ahmad Tejan Kabbah,
8 yes?

9 A. Yes, my Lord.

12:59:02 10 Q. Yes. Let's talk briefly about diamonds, Mr Witness.

11 A. Yes.

12 Q. You mentioned at some point during your evidence last week
13 about stocks that Superman was responsible for. Can you tell me
14 again what those stocks you were referring to were?

12:59:31 15 A. Well, I said whenever mining would have gone on and when
16 they were reporting, when they brought the diamonds, if they
17 didn't put it in a bottle they would have an envelope and they
18 would put it in there. Whatever diamonds they had, that was
19 where they put them. From there they would take the diamonds to
12:59:51 20 Superman. I said at one time Superman, whatever was happening,
21 he would call Bazzy to show them to him. He said all this was
22 going to Sam for them to prepare to get more ammunition and
23 logistics for the troops.

24 Q. Did you ever see what happened?

13:00:14 25 JUDGE SEBUTINDE: Who is Sam?

26 MR ANYAH:

27 Q. Yes, Mr Witness, did you mean --

28 A. Sam Bockarie, sorry. Sam Bockarie, Mosquito.

29 Q. Mr Witness, all of these were told to you by Superman. Is

1 that fair to say?

2 A. Yes, my Lord, because he showed Bazzy and others whatever I
3 said and Bomb Blast. He showed them to them. He said whatever
4 stock came, he will call them and show them to them.

13:00:47 5 Q. Did you ever accompany any stocks to Buedu to be handed
6 over to Sam Bockarie?

7 A. No. No, my Lord.

8 Q. Do you know what Sam Bockarie did with the stocks that he
9 received?

13:01:06 10 A. As I said, Superman said it was in preparation to get arms
11 and ammunition for us to be able to continue the fighting. He
12 did not tell me - I did not know any other thing that was going
13 on, but according to Superman.

14 Q. And last week you added a little bit to that information.
13:01:29 15 You said you knew through Superman that Mosquito would get the
16 arms and ammunition through Liberia?

17 A. That was what Super said, that this was what I am preparing
18 to send to Liberia to get arms and ammunition through the
19 President in Liberia. He said that.

13:01:53 20 Q. Yes, you told us this on Friday, the 18th. Did you ever
21 hear any conversations between Superman, or Mosquito Sam Bockarie
22 and the President of Liberia?

23 A. No.

24 Q. So this is secondhand information; Superman telling you
13:02:17 25 what Mosquito does with these stocks, yes?

26 A. Yes.

27 Q. And we confirmed with you last week as far as Johnny Paul
28 Koroma is concerned, you confirmed there were no diamond
29 transactions between Johnny Paul Koroma and Charles Taylor, yes?

1 A. Up to the time I did not confirm that. I did not say that.
2 I said what I know is that since Johnny Paul left us and went to
3 that Kailahun we had no communication with him. I said I do not
4 know about any diamond transaction whether it happened or did not
13:02:55 5 happen between them.

6 Q. Well, time permitting, perhaps over the lunch break, I will
7 find you your statement. I do recall you saying that. In any
8 event, you told the Prosecution in a statement that there were no
9 diamond transactions that you knew of between Charles Taylor and
13:03:16 10 Johnny Paul Koroma. Do you agree, Mr Witness?

11 A. Well, it was not to my knowledge. I can agree to that. It
12 was not to my knowledge, from what I know. It is not to my
13 knowledge.

14 Q. Okay, I thought so. That's fair enough. Mr Witness, how
13:03:43 15 many people - I am speaking of civilians now - would you say
16 you've killed between 1991 when you joined the army and you said
17 you left in 2006? How many civilians did you kill?

18 A. My Lord, if I can - if I can recall that I killed civilian
19 it could be after we went into the bush, that was in 1998 to '99,
13:04:18 20 and to my knowledge I really killed - I think I killed more than
21 16 civilians. I did that.

22 Q. Only 16?

23 A. More than that. More than that. Because there were
24 certain areas where we went I was unable to count because some
13:04:33 25 were in some places where we went, we would just open fire and I
26 wouldn't know who and who my bullets will kill, but I believe
27 that I did more than that from 1998/99.

28 Q. Let's start perhaps with '97. You know the AFRC junta was
29 in power, you told us. They took over 25 May 1997. You said

1 somewhere about August there was a demonstration for three days
2 by a collective group of university students who demanded that
3 the junta forces leave power. Do you recall telling us that?

4 A. Yes, my Lord.

13:05:13 5 Q. And you said that there was a demonstration by the
6 students, yes?

7 A. Yes.

8 Q. The ruling military junta headed by the AFRC decided to
9 suppress this demonstration, yes?

13:05:31 10 A. Yes, the two teams, the AFRC/RUF, they suppressed the
11 demonstration because it was a combined team.

12 Q. And you were part of the AFRC team, yes?

13 A. Yes, my Lord.

14 Q. And this was a brutal suppression; you really took it to
13:05:53 15 the students. Would that be fair to say?

16 A. Yes. Yes, according to information that came and we had
17 our own area where we went.

18 Q. Why are you now saying according to the information? Are
19 you now disassociating yourself with the actions on the ground?

13:06:15 20 A. No. I said according to the information that was given to
21 us that the students were armed. I am not excluding myself. The
22 students were armed. So it was according to that information
23 that we prepared ourselves well armed to go and meet them.

24 Q. I see. And when you encountered the students you were
13:06:38 25 among the soldiers who opened fire, as in shot at the students,
26 yes?

27 A. Yes, I shot, because where they were, they were throwing
28 stones at us and I was with the commander. I didn't go alone. I
29 was with the commander who was with us.

1 Q. Did any students die as a result of your shooting?

2 A. Well, I was not the only person who shot. With my
3 colleagues, I said that, our own area, about two students died
4 within that area. That instant area where we went, I said two
13:07:13 5 students died there.

6 Q. You told us that women were also raped, yes?

7 A. Yes, I said when we went back to Cockerill I heard my men -
8 many of them saying that they went to the nursing schools, school
9 of nursing, and they were saying some girls were making whatnot
13:07:33 10 and what we did to them and when we went to Cockerill that was
11 what they were saying.

12 Q. Did you rape any women, Mr Witness?

13 A. I did not do any raping there, because at that time - I did
14 not do any raping during that particular day. I did not do any
13:07:53 15 raping.

16 Q. What other days might there be that you did raping, please
17 tell us?

18 A. Well, when I was in Kono, the woman I had, actually I did
19 not marry her. I captured her. So she was taking my command.
13:08:11 20 So we would go and sleep together because she was under
21 captivity. It was against her will. I was using her against her
22 will. So I was taking it that I was raping her, because I was
23 carrying on and she had to agree to what I said. If I say, "Let
24 us lie down", she will lie down.

13:08:27 25 Q. You called her a woman. Was she a girl in fact,
26 Mr Witness? Was she about 16?

27 A. Yes, she was a young girl. I am speaking Krio when I say
28 woman. She was a young girl that I had.

29 Q. You referred to her previously as your bush wife, correct

1 me if I am wrong?

2 A. Yes, my Lord. That was what we called them, bush wives.

3 Q. Besides this young lady did you rape any other women,
4 Mr Witness, during the time you were with the SLAs?

13:09:09 5 A. The time frame you are talking about I do not understand
6 because this happened during the jungle days. If you are talking
7 about the SLA days, I did not do any raping during my SLA days.
8 I did not do any raping because I was strictly under the
9 surveillance of the government. I did not do any raping. I had
13:09:29 10 no charge. Go and look at my military record. I had no charge.

11 PRESIDING JUDGE: Just pause, Mr Witness. I think it's the
12 use of the term "SLA", Mr Anyah.

13 MR ANYAH: Yes, I can narrow the question down:

14 Q. Mr Witness, between 1997 and 2000, 6 June, when you went
13:09:46 15 into Pademba Road did you rape any women besides this 16 year old
16 girl, Mr Witness?

17 A. Well, when we came to Freetown I had another girl that I
18 was with. I captured her too. She was a young girl. She was
19 with me. We captured her and we had sex, yes.

13:10:12 20 Q. How old was this girl, Mr Witness?

21 A. She was around 15/16. She was a young girl. She was tall
22 though, but she was young.

23 Q. Mr Witness, you used to train SBUs, young boys about ten
24 years of age, yes?

13:10:37 25 A. Yes, my Lord. Even in Freetown everybody knew. I had some
26 even that were training to be drivers that were with me.

27 Q. In several places including Rokulan, Camp Rosos, Royanka,
28 you made these young boys amputate people's arms, yes,
29 Mr Witness?

1 A. Yes, we had orders from the commander. We received orders
2 from the commanders. He will say if you go here or there you
3 should do this, so I passed on the command.

13:11:25 4 Q. I am not asking if you received orders from commanders. I
5 am asking you what you did. Did you make these small boys cut
6 people's hands, chop them off, Mr Witness?

7 A. Yes, according to the commands that we received.

8 Q. You opened fire on civilians in mosques, yes, Mr Witness?

9 A. Yes, my Lord.

13:11:53 10 Q. In one particular incident in Bombali District in the
11 vicinity of Kamagbengbe you personally participated in the
12 burning of eight people in a house in Karina, yes?

13 A. Yes, my Lord.

14 Q. When you were testifying all of last week about people in
13:12:25 15 houses that were burning, counsel always asked you the question,
16 "Do you know if there were any persons in the houses" and you
17 said - you would say you did not go to look. Do you recall
18 saying you did not go to look to see whether there were people in
19 the houses, Mr Witness?

13:12:49 20 A. I said so, yes, but I also said we heard them screaming in
21 the houses.

22 Q. Yes, but in one of your statements as to Karina, your
23 statements to the Office of the Prosecutor, it specifically says,
24 "Witness said that he personally participated in the burning of
13:13:06 25 eight people in a house as happening in Karina."

26 A. Yes, my Lord.

27 MR ANYAH: I can give counsel the reference if they need
28 it.

29 MS ALAGENDRA: No, your Honours, it's just that he has

1 agreed to that already, the burning of the eight people.

2 PRESIDING JUDGE: I think that was a different incident.

3 One is Karina and one is another place.

4 MS ALAGENDRA: I see. I apologise, your Honour.

13:13:32 5 PRESIDING JUDGE: That's all right.

6 MR ANYAH: Well, I can clarify because there might be a
7 point to counsel's interjection:

8 Q. Mr Witness, let's break it down. Did you burn people in
9 houses in Kamagbengbe?

13:13:46 10 A. No, I said it was in Kamagbengbe that we prepared when
11 Gullit gave the order to go and invade - to go and attack Karina.

12 Q. But when you got into Karina is when you burned these eight
13 people in a house, right?

14 A. Yes, because Bazzy was with us there and he gave us the
13:14:14 15 order. We did it.

16 Q. In Karina you abducted about 30 women, yes?

17 A. Yes, my Lord.

18 Q. One of those women had a baby that was snatched from her
19 and was killed, yes?

13:14:34 20 A. Yes, as we were moving with the troops, yes, it happened in
21 Karina.

22 Q. What did you feel when all of this was happening? When
23 these civilians were being tormented in this nature, what did you
24 feel?

13:14:55 25 A. Well, I not feeling good, but it was an order. It will not
26 tell you a lie. I was not feeling good, but it was an order.
27 Minus you plus you. If you refused to go by the order you faced
28 the consequences from the commander. I was not happy, but we had
29 to execute the order.

1 Q. In a place called Kukuna you personally opened fire on
2 civilians, killing some of them, yes?

3 A. Yes, because we went there firing heavily. I too was
4 firing. We killed people there.

13:15:38 5 Q. You used to go on food finding missions yourself,
6 Mr Witness?

7 A. Yes, my Lord.

8 Q. You used to take the property of civilians without their
9 consent, yes, Mr Witness?

13:15:54 10 A. Yes, my Lord.

11 Q. Your words were they could not refuse because you had the
12 barrel. That's what you would say, right?

13 A. Yes.

14 Q. And by barrel you are referring to weapons, yes?

13:16:11 15 A. Yes, the AK, the SMG, whatever weapon you had in your
16 hands.

17 Q. You participated in Operation Pay Yourself, yes,
18 Mr Witness?

19 A. Yes, when we were retreating from Freetown Operation Pay
13:16:29 20 Yourself. I was not alone. Together with the commanders. Like
21 Makeni, Lunsar, we looted there to get ourselves prepared.

22 Q. You also participated in Operation Spare No Soul, right?

23 A. Yes, Operation Spare No Soul, after Collins went over the
24 air and declared it, yes.

13:16:56 25 Q. Were you ever stationed in Kurubonla, Mr Witness?

26 PRESIDING JUDGE: Just a minute, Mr Anyah. Ms Alagendra?

27 MS ALAGENDRA: Your Honours, I apologise for my late
28 interjection. I am just looking at the record. I heard the
29 witness use the phrase "minus you plus you" but I don't seem to

1 see it in the record.

2 PRESIDING JUDGE: Mr Witness, did you refer to "minus you
3 plus you"?

4 THE WITNESS: Yes, my Lord.

13:17:22 5 PRESIDING JUDGE: Yes, my learned colleagues also heard it.
6 That's not in the record and please ensure that it is recorded.
7 Continue, Mr Anyah.

8 MR ANYAH:

9 Q. Mr Witness, at a particular point in time you were based in
13:17:42 10 Kurubonla, correct?

11 A. No, I cannot recall that I was based in Kurubonla. I said
12 we withdrew from Kono, we came to Mansofinia and we went and met
13 SAJ at Mongo and later we moved. But I was never based in
14 Kurubonla.

13:18:06 15 Q. Was there a time when you were supposed to be executed for
16 killing a woman, Mr Witness?

17 A. No, no, no, I cannot recall that there was any time that
18 they were to execute me. I cannot recall anything like that,
19 that I killed a woman and they were to execute me, no, no, no.

13:18:35 20 Q. Mr Witness, did you kill one of the wives that you had by
21 beating her to death and stripping her naked?

22 A. No, that is wrong.

23 Q. Mr Witness, did you at any point in time insert an AK-47
24 into the vagina of a young lady?

13:19:01 25 A. No, it never happened.

26 Q. But did you kill a wife of yours for which you were
27 accused?

28 A. Nobody accused me. I can explain that.

29 Q. Yes, please do.

1 A. When we withdrew from Freetown and came to Newton, while we
2 were within that area, this wife of mine whom I brought confessed
3 that she was a witch and where I was Keforkeh was the commander
4 for me. So he arrested her and arrested about six of them and
13:19:43 5 they confessed to being witches and Keforkeh said they were to
6 take them to headquarters. At that time Gullit was at Newton,
7 went there and informed them. When Keforkeh came he said they
8 had ordered the execution. They had nothing to do, so they
9 executed them and Keforkeh said you should not participate. It
13:20:04 10 is witchery and the lady was talking about your movement through
11 witchcraft. This one is above you. The commanders said we
12 should execute them, about six of them. So they executed them.
13 But to say that I had participated in the execution, no, I
14 wouldn't have. If I had done that I would have said it here.
13:20:26 15 They executed them. My wife whom I brought from Freetown, yes,
16 they executed them there. It happened. Keforkeh did the
17 execution.

18 Q. Let's take it slowly and break it down. First I just wish
19 to establish she was your wife, yes?

13:20:44 20 A. She was my bush wife. I caught her - I captured her in
21 Freetown and if you are with somebody everybody will say well,
22 she's your wife.

23 Q. She was your bush wife, yes, Mr Witness?

24 A. Yes.

13:20:59 25 Q. How old a girl was she?

26 A. As I said, she was around 15/16 when she was with me.

27 Q. You are telling this Court she was killed because of
28 suspected witchcraft? Is that your evidence, Mr Witness?

29 A. I said she confessed. She confessed partaking of witchery

1 and she even named other people and when they reported them to
2 the commanders Gullit said they didn't want to see them and
3 Keforkeh himself did the execution. If I had participated in
4 that I would not have feared telling the Court. I would have
13:21:44 5 said the Court - I would have told the Court here.

6 Q. The fact is, Mr Witness, that you stripped this young lady
7 naked and you inserted the nozzle of an AK-47 in her vagina,
8 pressing the trigger. Do you agree?

9 A. I don't agree, my Lord. If I did it I would have said it
13:22:00 10 to the Court. Other things that I did, I have been saying it,
11 but I did not do that. It did not happen like that. I did not
12 do it.

13 Q. The fact is that you killed her because you suspected her
14 of having an affair with another soldier; true or false?

13:22:18 15 A. It's a lie. This particular act that I have explained to
16 you that came from in Newton, Keforkeh did the execution. If I
17 did it I would have told the Court without fear. Even if I had
18 done what you are accusing me of now I would have told you yes, I
19 did so, but it did not happen that way.

13:22:41 20 Q. The fact is that once this incident happened SAJ Musa sent
21 a message to all AFRC checkpoints that you should be executed;
22 true or false?

23 A. This is a big lie. I am talking about the withdrawal from
24 Freetown where this execution occurred. I was never in Kurubonla
13:23:04 25 where SAJ Musa was. I was at Colonel Eddie Town. How could SAJ
26 Musa have sent information to kill me?

27 Q. The fact is --

28 A. You see --

29 Q. The fact is, Mr Witness, that you escaped from the location

1 where this incident happened and you went to join Gullit and
2 Five-Five and Bazy between the Makeni -Freetown Highway; true or
3 false?

13:23:34

4 A. I would want you to state the period. I can't remember
5 that. State the time, please.

6 Q. I asked you the question. It's a true or false question.
7 Can you answer it true or false?

13:23:54

8 A. It never happened. As I said, as I have been explaining to
9 the Court, I was never based in the same place as SAJ Musa. It
10 was when he came to Colonel Eddie Town, I was with Bomb Blast
11 right up to when we went to Kono and we went to Kurubonla I met
12 SAJ Musa, Mongor, we came to Colonel Eddie Town, SAJ Musa met us
13 and we went to Freetown. I was never based where SAJ Musa was.
14 So this fact that this person brought is a big lie.

13:24:20

15 MS ALAGENDRA: Your Honours, can I just make a request as
16 to the place where counsel is saying this occurred and also a
17 time period?

13:24:34

18 MR ANYAH: Madam President, with respect, this is not
19 direct examination. The witnesses don't have to agree with us
20 when we put our case to them. I started out asking a question
21 about Kurubonla and the witness denied he was there. We can
22 later on bring witnesses to establish that. I don't have to lay
23 this foundation in cross-examination.

13:24:50

24 PRESIDING JUDGE: I am unclear about the time, because the
25 witness has referred to an incident on the retreat to Freetown
26 when someone was executed for witchcraft. You are putting a
27 proposition to do with SAJ Musa sending an order for his
28 execution. Now those two time periods do not tie in together.
29 So I would like to be clear what time period you're referring to.

1 However, I do not uphold the other part of the - I do not uphold
2 the objection, but I would like to be clear on that point myself.

3 MR ANYAH:

13:25:26

4 Q. Mr Witness, this incident involving this young wife of
5 yours you said took place on the retreat from Freetown?

6 A. Yes, my Lord, when we were retreating from Freetown.

7 Q. Were you ever based in Kurubonla, Mr Witness?

8 A. No, my Lord, I was never based in Kurubonla.

13:25:48

9 MS ALAGENDRA: Your Honours, just to be clear, there were
10 two retreats from Freetown. One was at the intervention and
11 there is another one after the invasion. But if your Honours
12 please I can clarify the date during re-examination.

13 PRESIDING JUDGE: I think that might be appropriate,
14 Ms Alagenda.

13:26:00

15 MS ALAGENDRA: Okay, your Honour. Thank you.

16 MR ANYAH:

17 Q. Mr Witness, you stand by your evidence that you did not
18 personally kill a wife of yours, beating her and shooting her to
19 death?

13:26:14

20 A. I stand by that. It never happened and, as I said, except
21 the retreat from Freetown when we were coming and we were based
22 at the Newton area when my wife confessed witchcraft and they
23 said they were to be executed, six of them.

24 Q. What was the highest rank you attained in the army,

13:26:38

25 Mr Witness?

26 A. I retired as a sergeant.

27 Q. In 2006?

28 A. Yes, my Lord, 2006 was when we were finally paid off from
29 the army. We were given our benefits and I still get my pension.

1 I receive pension from the army.

2 Q. During your evidence you told us at various points in time
3 when Gullit restructured the SLAs that were with him, right?

13:27:18

4 A. That is the jungle time. You were talking - you asked me
5 what was my highest rank when I retired from the army and I told
6 you sergeant. That was official retirement that was done by the
7 government. In the jungle I was a major. That was the highest
8 rank I got to that I attained in the jungle.

13:27:36

9 Q. I was going to get to that question, but you anticipated
10 it. You were a major when you were with the SLAs, right?

11 A. Yes, in the jungle.

12 Q. Yes. You have also told us that you were the - is it ADC
13 or aide-de-camp of Hassan Papa Bangura, yes?

14 A. Yes, my Lord.

13:27:58

15 Q. You have said in connection with Bomb Blast that you
16 accompanied him to essentially everywhere he went to, yes?

17 A. Yes, my Lord.

18 Q. And right before the 6 January invasion of Freetown Gullit
19 again restructured the battalions, right?

13:28:21

20 A. Yes, my Lord.

21 Q. You said you had the fighting name of Ice T, yes,
22 Mr Witness?

23 A. Yes, my Lord.

13:28:35

24 Q. And that name was given to you because of your bravery in
25 fighting, right?

26 A. Yes, and it was a comparison that they made to myself and
27 an American artist called Ice T, that I was a brave man. Actor,
28 sorry, I said artist before.

29 Q. Mr Witness, do you know what I am trying to figure out is

1 at any point in time did Gullit make you a commander of troops on
2 a permanent basis, not on one mission or other mission. Did you
3 have a command position in the SLA during the jungle period as
4 you call it?

13:29:17 5 A. Well, as I said, in the army you have what is called
6 appointment supercedes rank. There are certain missions that I
7 would go on even though I would be RSM, but I would still have --

8 PRESIDING JUDGE: Mr Witness --

9 THE WITNESS: Yes, your Honour.

13:29:34 10 PRESIDING JUDGE: -- answer the question.

11 THE WITNESS: Yes, I had been part of operations where I
12 had command.

13 PRESIDING JUDGE: Mr Anyah, I note the time and this is the
14 normal lunchtime adjournment. If it's appropriate we will

13:29:52 15 adjourn now.

16 MR ANYAH: That's fine, Madam President.

17 MS ALAGENDRA: Your Honours, if we just have one minute I
18 would like to make a short request to my learned counsel.

19 PRESIDING JUDGE: To counsel on other side?

13:30:04 20 MS ALAGENDRA: Yes, your Honour, but through the Court.

21 PRESIDING JUDGE: I see.

22 MS ALAGENDRA: There is a matter which arose during
23 cross-examination which we would like to raise in re-examination,
24 but we want some clarification as to the pages of the transcript.

13:30:16 25 PRESIDING JUDGE: I have no doubt you can arrange that
26 between you.

27 MR ANYAH: I would be happy to oblige opposing counsel.

28 MS ALAGENDRA: Thank you, your Honour.

29 PRESIDING JUDGE: Please adjourn court until 2.30.

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

2 [Upon resuming at 2.30 p.m.]

3 PRESIDING JUDGE: Mr Anyah, ready to proceed.

4 MR ANYAH: Thank you, Madam President:

14:30:18 5 Q. Mr Witness, one of the issues we discussed before the break
6 was this question of whether or not certain wives, one of whom
7 you said was yours, was alleged to have participated in
8 witchcraft. Do you recall that, Mr Witness?

9 A. Yes, my Lord.

14:30:43 10 Q. And I had put to you an allegation of you having killed one
11 of your wives, right?

12 A. Yes, I heard that.

13 Q. Well, I have obtained certain permissions from my
14 investigator during the break and I can now revisit that issue so
14:31:04 15 let's try and do that. At some point in your advance to
16 Freetown, Mr Witness, the late part of 1998, was there some
17 infighting between Superman and SAJ Musa?

18 A. Yes, it happened, but I was not present. We heard it.

19 Then when SAJ came over to Colonel Eddie Town he said that.

14:31:33 20 Q. But there was indeed some communication about fighting or
21 infighting between SAJ Musa and Superman, yes?

22 A. Yes, my Lord.

23 Q. And some of the reasons for this fight between the two of
24 them had to do with who was supposed to command who amongst
14:31:58 25 themselves, right?

26 A. I did not know any further detail about what happened. The
27 only thing, they told us that there was a problem between SAJ and
28 Superman regarding an RUF who was executed and he was accused
29 of --

1 THE INTERPRETER: Your Honours, can the witness repeat.

2 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
3 repeat something. Please go back to the bit where you said,
4 "Regarding an RUF who was executed and he was accused." Please
14:32:31 5 continue from there.

6 THE WITNESS: I said according to the information one RUF
7 killed an SLA and SAJ later reacted and killed the RUF. That was
8 the infighting. That was why the infighting happened and
9 Superman attacked him.

14:32:50 10 Q. Yes, and this infighting took place in Kurubonla, correct?

11 A. Yes, around that area Koinadugu, in Koinadugu Town.

12 Q. And indeed Superman ordered his RUF troops to open fire on
13 SLA soldiers, correct?

14 A. They were a mixed group, according to the information. It
14:33:22 15 was one team. So those who were on the side of SAJ, they opened
16 fire on them.

17 Q. Now, before this opening of fire ordered by Superman, one
18 of these RUF soldiers - or the RUF soldier you referred to who
19 was killed was killed for raping somebody, correct?

14:33:46 20 A. I said I don't have any further information. They just
21 said that SAJ Musa killed an RUF who had killed an SLA, so that
22 was why SAJ killed the RUF.

23 Q. Where were you when this infighting between SAJ Musa and
24 Superman was taking place in the Koinadugu District area?

14:34:14 25 A. I was in Colonel Eddie Town. I was there, Colonel Eddie
26 Town.

27 Q. And before Colonel Eddie Town you were at Rosos, is that
28 fair to say?

29 A. Yes, we were in Rosos. From there we went to Colonel Eddie

1 Town.

2 Q. And you were at Colonel Eddie Town through December 1998,
3 yes?

4 A. Yes, my Lord.

14:34:44 5 Q. During this time period in your advance towards Freetown,
6 the late part of 1998, were you accused of having killed one of
7 your wives, Mr Witness?

8 A. No accusation of that nature was ever done against me.
9 They accused us because there was an ambush where some of our men
14:35:09 10 were killed and we were the officers and several of us, about
11 seven of us, were demoted. Our promotion was reprimanded, asking
12 us that we should prove to be worthy of our promotions.

13 Q. At any time before SAJ Musa's death in Benguema, leading up
14 to his death, did he order your execution for committing murder
14:35:34 15 or killing one of your bush wives?

16 A. It never happened. Right up to the time SAJ Musa died, as
17 I said, it never happened.

18 Q. Have you heard of somebody by the name of Andrew Kainbay,
19 K-A-I-N-B-A-Y?

14:35:54 20 A. Yes, at Pademba Road I knew him, Kainbay. When we went to
21 Pademba Road I knew him there.

22 Q. Was he a prisoner with you at Pademba Road? Is that what
23 you're saying, Mr Witness?

24 A. Yes, he was one of the RUF whom I met at Pademba Road.

14:36:20 25 They had been there before, before me.

26 Q. Andrew Kainbay was an RUF radio operator, yes, Mr Witness?

27 A. Well, I cannot recall seeing him anywhere else. As I told
28 you, we met each other in the prisons. He worked under me even
29 as a deputy pastor in the prisons.

1 Q. My question was did you know him ever to be an RUF radio
2 operator?

3 A. No, I knew him as an RUF, but I did not know him as an RUF
4 operator.

14:37:04 5 Q. Did you have any discussions with Andrew Kainbay while you
6 were at Pademba Road, Mr Witness?

7 A. Yes, as I said, we discussed some issues relating to church
8 affairs. There was a time when we had a revelation in the
9 church, which was about the execution of my wife, and they said -
14:37:36 10 he said, "That wife of yours, you were directed by God. If she
11 had not been executed, she would have killed you". Somebody had
12 a revelation and it was - the revelation was made known to the
13 church in the prisons.

14 Q. Shall we clarify this answer.

14:37:52 15 JUDGE SEBUTINDE: Mr Interpreter, was that revelation, or
16 revolution?

17 THE INTERPRETER: Revelation. Revelation. When it came
18 out with the revelation

19 MR ANYAH:

14:38:03 20 Q. Mr Witness, let me slow you down for a minute. We are now
21 in the setting of Pademba Road, with you and Andrew Kainbay, and
22 you are suggesting that there was a revelation in church about
23 the killing of your wife. Can you explain this slowly for me to
24 understand. Which wife was this revelation about, Mr Witness?

14:38:25 25 A. The one that happened when we were withdrawing from
26 Freetown relating to the witchcraft, because the young man said,
27 "There was somebody whom you were with who was a witch", and he
28 was not in the jungle and he knew that. He said, "If that had
29 not happened, you would have died in the jungle even". He was

1 not there and he got the revelation.

2 Q. Are you saying to the justices that during service someone
3 was moved by the spirit and he had a vision of an event that
4 happened to you while you were with the SLA?

14:39:05 5 A. Yes, at the time of our withdrawal. He was a small boy who
6 got this revelation. He said it.

7 Q. Are you sure this vision, or revelation, was not about you
8 killing one of your bush wives around December 1998 on the way to
9 Freetown?

14:39:29 10 A. I never killed a bush wife in 1998, as I told you. It was
11 during our withdrawal from Freetown 1999 that this incident
12 happened, when this bush wife of mine whom I was in love with
13 confessed of witchcraft and I said Keforkeh did the execution.
14 If I had done it, I would not have fear telling the Court.

14:39:54 15 Q. If Andrew Kainbay were to come before this Court and were
16 to say that SAJ Musa ordered your execution because you killed
17 one of your bush wives, would he be lying to this Court?

18 A. That is a big lie. I never fought together with Kainbay
19 even, that is the first thing, and now you are talking about SAJ
14:40:16 20 Musa. This incident happened after 6 January. SAJ Musa had died
21 even before 6 January. So, that is a big lie he will tell here
22 if he says that here. It is a lie.

23 Q. You understand that there is a dispute between us as to
24 whether this incident happened? I said it did and you say it did
14:40:39 25 not. Do you understand we have this difference of opinions,
26 Mr Witness?

27 A. Well, I said it did not happen and I told you about the
28 time frame that an incident of such nature happened. I said the
29 wife with whom I was confessed witchcraft - about six of them -

1 and Keforkeh made the report to Gullit and Gullit said they were
2 to be executed and Keforkeh came and did the execution and that
3 was in 1999 when we had withdrawn from Freetown. So, I don't
4 know where Kainbay had his revelation. Maybe he wanted money,
14:41:22 5 that is why.

6 Q. If Andrew Kainbay comes before this Court and says you
7 killed this young lady having suspected her to have had an affair
8 with a junior officer, would he be lying to this Court?

9 A. Yes, he would be lying and Kainbay did not even come with
14:41:43 10 us in Freetown. He was never in the battle line where we were
11 fighting, so he would be lying.

12 Q. If Andrew Kainbay came before this Court and said he was a
13 radio operator for the RUF, would he be mistaken, Mr Witness?

14 A. No, I will not dispute that fact because a lot of people
14:42:04 15 trained, but if you say SAJ Musa wanted to execute me for my
16 wife, no, that would be a lie.

17 Q. Thank you, Mr Witness. Mr Witness, shall we go to your
18 blue binder of documents. Your Honours, this is the Defence
19 bundle of documents. I will be referring to tab 23 - rather 22,
14:42:49 20 I am sorry, your Honours.

21 MS ALAGENDRA: Your Honours, I am sorry to interrupt the
22 proceedings, but I had forgotten to introduce Mr Bangura who
23 joined the Prosecution team.

24 PRESIDING JUDGE: My apologies, Mr Bangura. You were out
14:43:06 25 of my line of vision, but I will note your appearance.

26 MS ALAGENDRA: I apologise, your Honour.

27 MR ANYAH:

28 Q. Mr Witness, tab 22 contains records of money, or
29 disbursements that were expended or spent on your behalf by the

1 Office of the Prosecutor. Do you see the reference to TF1-334 at
2 the top left-hand corner near the logo of the Special Court?

3 A. Yes, my Lord.

14:43:52 4 Q. If you look at the bottom of the page, there is a
5 page number given at the bottom of the page. It says "Page 1 of
6 17". Do you see that, Mr Witness?

7 A. Yes, my Lord.

8 Q. 17 pages delineating money spent on your behalf since 11
9 November 2003, which is entry number 1. Are you looking at entry
14:44:16 10 number 1?

11 A. Yes, my Lord.

12 Q. Yes. It says on 11 November 2003 you were given the sum as
13 lost wages of 5,000 leones. Do you agree with that, Mr Witness?

14 A. Yes.

14:44:40 15 Q. And if you look at tab 1 of our bundle of documents, you
16 will see the dates upon which you met with the Office of the
17 Prosecutor. We have documented 31 meetings on the basis of
18 records disclosed to us by the Office of the Prosecutor, so
19 kindly hold open tab 1 as we look through tab 22. We see 11
14:45:07 20 November 2003 they interviewed you. Do you see that on both
21 documents, Mr Witness? Entry number 4 in tab 1 shows --

22 A. Yes.

23 Q. -- you were interviewed on 11 November 2003, yes?

24 A. Yes.

14:45:28 25 Q. We go to entry 2 on tab 22. It speaks of Monday, 24
26 November 2003, and it says for medical you were given the sum -
27 well let me rephrase that, because you may not have been given
28 this sum. It says the sum of 20,000 leones was spent for
29 purposes of medical on your behalf. Do you see that, Mr Witness?

1 A. Yes, my Lord.

2 Q. The reason it says, "Funds required to facilitate the
3 attendance of witness at the Special Court for interview
4 process." Do you see that?

14:46:12 5 A. Yes, my Lord.

6 Q. And we can confirm from tab 1 that you were in fact
7 interviewed on 24 November 2003.

8 A. Yes, my Lord.

9 Q. Do you agree they spent this 20,000 leones on you on that
14:46:31 10 day, Mr Witness?

11 A. Yes. Yes, my Lord.

12 Q. Also, on the same day they bought you lunch. I am speaking
13 of entry number 3 now. It says, "Lunch was provided for witness
14 while he attended for witness reconfirmation process", the sum of
14:46:52 15 10,000 leones. Did they buy you lunch during the interview,
16 Mr Witness?

17 A. Yes.

18 Q. You see the entry on entry number 4 speaks of 10 April
19 2004? Do you see that, Mr Sesay? You are looking at the wrong
14:47:21 20 tab, if I might suggest that. It is the last entry on page 1.

21 A. Yes.

22 Q. The category is transport, it is a Saturday, 10 April, and
23 it says, "Payment to witness for transportation: 5,000 leones".
24 We have no record of you being interviewed on 10 April 2004.

14:47:55 25 Mr Sesay, what were they paying for your transportation for on
26 that day?

27 A. Well, as far as I can recall, I was in the prisons.
28 I think this date they took me, but they did not conduct an
29 interview and they said there was not even much time and so

1 I returned. So, they gave me this money for transportation.

2 That happened. I was in prisons. They will go and collect me,

3 I will be escorted by prison officers, the Special Court people

4 will go and pick me and at times they will interview me.

14:48:36 5 Q. Mr Witness, are you saying they gave you money to pay your
6 way back to the prison?

7 A. I did not request for money. They will say this is an

8 allowance. I never requested for money. They will bring some

9 document to me, they will say, "This is your transport

14:48:55 10 allowance", and I will sign. I did not request. They will bring
11 the document and I will sign. To say that I requested that they
12 should give me money, no.

13 Q. In fact, Mr Witness, you have told us you were not released
14 until 21 August 2004, right?

14:49:14 15 A. Yes, my Lord.

16 Q. So this category of transport it was actually an allowance
17 they were giving you because you were being transported under
18 guard to and from the Special Court premises, right?

19 A. Well, yes. I don't know, this is their own provision that
14:49:38 20 they made. Even though I was under escort, it is - I don't know
21 whether it is the procedure put in place by the court. I will
22 sign for the money, they give it to me and I will take it.

23 Q. And they have the category as "Transport" while you are a
24 prisoner being transported under guard. You see that,

14:50:00 25 Mr Witness?

26 A. As I said, I did not request for this and I met that
27 procedure in the court. The court had its principles put in
28 place, so when I went I will sign and then they will give it to
29 me and say, "This is transport allowance".

1 Q. Mr Witness, the next page, entry number 5, pertains to 19
2 May 2004. We do not have any records of you being interviewed on
3 19 May 2004, yet it says they paid you 5,000 leones for meals.
4 Do you see that, Mr Witness?

14:50:49 5 A. Yes, my Lord.

6 Q. Were you interviewed on that day, Mr Witness?

7 A. My Lord, this one is a very long time. This thing happened
8 long ago. Sometimes I will go to the court and they will say,
9 "No interview", and then I will return. Sometimes I will go and
10 they will say, "No, we are not going to conduct an interview",
11 and then I will return. If I am there, they will buy a meal for
12 me.

13 Q. Mr Witness, my question was were you interviewed on that
14 day? You can say "Yes", you can say "No", you can say you don't
14:51:28 15 recall. Which is it, Mr Witness?

16 A. I don't recall that I was interviewed. I don't recall. In
17 2003, I was in prisons. To say that I will recall everything
18 when they were going to take me from the prisons and come, no.

19 Q. You just said 2003 and the records speak to 2004,
14:51:49 20 Mr Witness. The next day, 20 May 2004, were you interviewed on
21 20 May 2004? Entry number 6, Mr Witness.

22 A. As I continue to tell the Court, whenever I will go to the
23 Court they had their documentation. I will not just get up and
24 go into the Court building. When they needed me they will go and
14:52:18 25 pick me up and they will bring me to the Court. When they will
26 bring a document - if, for example, they will go and buy the
27 meal, they bring the document and I sign. They will say this one
28 is for meals and I will sign the document.

29 Q. I ask you again: 20 May 2004, were you interviewed on that

1 day, Mr Witness?

2 A. As I said, I can't recall. I don't remember. Many of
3 these occasions I cannot recall now.

14:52:53

4 Q. Do you remember receiving the sum of 7,000 Leones on 20 May
5 2004?

6 A. I cannot dispute that, yes, but because whenever I will go
7 to the Court, as long as they took me from the prisons they will
8 make some provision for me for my lunch and, if possible,
9 transportation.

14:53:11

10 Q. Friday 1 October 2004 entry number 7, "Payment made to
11 witness to facilitate his attendance at the Special Court for
12 medical attention as well as return transportation to his
13 residence. Category, transport. 5,000 Leones." Mr Witness,
14 were you taken to the Special Court for medical attention on 1

14:53:39

15 October 2004? You don't have to tell us what kind of medical
16 issue, but just say yes or no?

17 A. Yes, whatever that is in this document I cannot dispute it,
18 but I was not writing. I did not keep records of these payments.

14:54:03

19 Q. But you would remember if you received 5,000 Leones on the
20 day you were taken for medical attention to the Special Court,
21 yes?

22 A. I am saying I am not disputing the content of the document,
23 yes.

14:54:23

24 Q. Five days later, entry number 8, Wednesday 6 October 2004,
25 "Payment made to witness for meal incurred while attending the
26 Special Court." Do you see that, Mr Witness?

27 A. Yes, my Lord.

28 Q. For both the record in entry number 8 and the record in
29 entry number 7, all in October 2004, there are no records of you

1 being interviewed on either date. Were you interviewed on either
2 date, Mr Witness?

3 A. I don't recall any of these issues. I am telling you I am
4 not disputing the contents of this document that is coming from
14:55:03 5 the Office of the Prosecution or any of the disbursements. As
6 long as they invited me, then they may be correct. I would not
7 just get up and enter the Special Court premises, they would have
8 to call me first.

9 Q. Mr Witness, we go to page 3 of the document, entries 9, 10
14:55:26 10 and 11. Entry 9, 1 March 2005. Entry 10, 31 March 2005. Entry
11 11, 4 April 2006. Almost a whole year between entry number 10
12 and entry number 11. Do you see that, Mr Witness?

13 A. Yes, my Lord.

14 Q. Mr Witness, did you receive 15,000 Leones from the Office
14:56:16 15 of the Prosecutor for lunch and transportation on 1 March --

16 A. Yes.

17 Q. May I finish. On 1 March 2005?

18 A. Yes, my Lord. I told you I am not disputing anything that
19 is on this document, because any time I went to the Court as long
14:56:35 20 as I was invited by the Prosecution they will give me
21 transportation.

22 JUDGE SEBUTINDE: Mr Witness, a simple answer yes will do.

23 MR ANYAH:

24 Q. Mr Witness, indeed we do see that you were in fact
14:56:50 25 interviewed on 1 March - are you laughing at the Justice's
26 admonition to you, Mr Witness?

27 THE WITNESS: Oh my God, my Lord, that is the way I am.
28 I can smile, I can laugh. I am not laughing at them. I just
29 smiled.

1 MR ANYAH:

2 Q. Mr Witness, we do have records of you being interviewed on
3 1 March 2005. We also have records of you being interviewed on
4 31 March 2005 which is entry number 10. Did you receive 35,000

14:57:29 5 Leones on that day, Mr Witness?

6 A. Yes, my Lord.

7 Q. That was to cover transport costs to come down from the
8 provinces to meet with the Prosecutor, right?

9 A. Yes, my Lord.

14:57:49 10 Q. Mr Witness, I want you to look at tab 1 because now we come
11 to some area that the Chamber might wish to have clarification
12 about. If you look at that chart about your meetings with the
13 Prosecution, if you look at entry number 21, that will be row 21,
14 it has the date there 12 May 2005. Do you see that, Mr Witness?

14:58:18 15 A. Yes, my Lord.

16 Q. 12 May 2005. Row number 22, the next date we have records
17 of you meeting with the Prosecution is on 8 May 2007. Do you see
18 that, Mr Witness?

19 A. Yes, my Lord.

14:58:37 20 Q. No records whatsoever of you meeting with them in the
21 entire period of the year 2006. Do you see that?

22 A. Yes, my Lord.

23 Q. Now let's go back to tab 22 and look at the amounts paid to
24 you and the dates. Let's count how many times they paid you
14:59:12 25 money, or spent money on your behalf in the year 2006 when we
26 have no records of you meeting with them. Entry number 11, the
27 date 4 April 2006. Do you see that, Mr Witness? Can you see
28 entry number 11? Do you see that, Mr Witness?

29 A. 4 April, yes, 2006.

1 Q. If we go from entry number 11 to entry number 12, to the
2 next page entry number 13, to the next page entry number 14, to
3 entry number 15, to entry number 16, entry number 17, entry
4 number 18, entry number 19, entry number 20, entry number 21,
15:00:17 5 entry number 22, entry number 23, entry number 24, we are now up
6 to page 7 of the document, entry number 25, 26, 27, 28, entry
7 number 29, entry number 30, entry number 31, entry number 32,
8 entry number 33, entry number 34, entry number 35, entry number
9 36, entry number 37, entry number 38, entry number 39, entry
15:00:55 10 number 40, we are now in September 2006, entry number 41, entry
11 number 42, entry number 43, entry number 44, you can count up to
12 entry number 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,
13 58, 59, 60, all the way up to - I should have stopped on 58,
14 entry number 58, page 15.

15:01:43 15 From entry number 11 through entry number 58 all payments
16 made in the year 2006 and we don't have one record - one record
17 of you having been interviewed for any of those dates. Do you
18 understand what I am saying, Mr Witness?

19 A. Yes, my Lord.

15:02:11 20 Q. What were they meeting with you about for all these
21 meetings and spending all of this money on you in the year 2006?

22 A. My Lord, just as I said, I was under their control. So any
23 time I was at my house they will call me say Bobby, you come. We
24 need this, or we need this, or maybe they can say we want this
15:02:40 25 direction or that, so I would help. And they used to call me
26 constantly and I was under their control. They had relocated me
27 for my protection. I did not go anywhere. Any time they needed
28 me, I will go there. They will call me say we want you to
29 enlighten us on this, we want you to do this for us then I will

1 do it. But to say that I want to dispute the contents of this
2 document, no, that's not what I am saying. Most of the times
3 they will go and pick me up and when I will come back they will
4 say, "No, we don't need you now" and I will return. They will
15:03:14 5 give me transport allowance and if I am there for some time,
6 spend some time with them, they will give me money for meal.

7 Q. 40 something entries, about 47 I have counted, we don't
8 have one interview note from any of those 47 events. Shall we
9 take one, for example, and look at it. Let's look at entry
15:03:35 10 number 13. See entry number 13, Mr Witness, top of page 4, it
11 has there 8 June 2006. Do you see that, Mr Witness? Madam Court
12 Officer could you assist him?

13 A. Yes.

14 Q. Has there 8 June 2006. Category, information. Amount in
15:04:21 15 question, 15,000 leones. Let's look at the dates and the reason.
16 Reason, "Paid for three days meals" and it gives the dates 6
17 June, 7 June and 8 June. This entry corresponds to 8 June.

18 Let's flip back a page and see if you had anything to do with
19 them on 7 June. No record for 7 June. What we see in entry
15:04:52 20 number 12 is that you are paid for breakfast for 6 June, 5,000
21 leones. Do you see that, Mr Witness?

22 A. Yes, my Lord.

23 Q. And when we flip the page to entry 13, on 8 June, despite
24 the fact they paid you 5,000 leones for breakfast on the 6th they
15:05:24 25 give you money for three days meals, including 6 June, including
26 7 June when they are not even meeting with you at all, and then
27 for the day in question 8 June. Do you see that, Mr Witness?

28 A. Yes, my Lord.

29 Q. Were they giving you money to feed you on days that you

1 were not meeting with them, Mr Witness?

2 A. No. As long as they called me to the office and I went
3 there they will make transportation - provision for
4 transportation. Whatever information I was called for, I was in
15:06:02 5 their hands. Whatever they needed, information or anything,
6 I will go there. If they invited me I will honour their
7 invitation.

8 Q. Yes, Mr Witness, I understand that, but you see what is
9 happening. On 6 June they gave you 5,000 leones for breakfast.

15:06:25 10 On 8 June they are giving you money for three days meals
11 including the 6th that they have already given you 5,000 leones
12 for. Do you see something wrong with that, Mr Witness?

13 A. I don't see anything wrong with that. As I said, I will be
14 at my house and they will say Bobby, get ready, maybe you will
15:06:46 15 come or we will come to pick you. I cannot dispute the fact.

16 Q. You remember when we started with your cross-examination on
17 the 17th, I recall, or perhaps it was not the 17th, but whenever
18 it was, some time last week, Thursday last, we started out with
19 the document in tab 23. If you flip over one page you will see
15:07:13 20 that document. That is by the Witnesses and Victims Section, or
21 rather if you flip over one tab. Do you see that it says that
22 you were brought under the protection of the court - I am reading
23 from paragraph 2 now of that document - on 14 March 2005? Do you
24 see that, Mr Witness?

15:07:39 25 A. Yes, my Lord.

26 Q. The money the WVS, or Witnesses and Victims Section, spent
27 on you is distinct and different from the money spent on you by
28 the Office of the Prosecutor. Are you aware of that, Mr Witness?

29 A. Well according to the document, yes.

1 Q. So since 14 March all your expenses - and you see the
2 categories in the document in tab 23, rent, child care, all of
3 that was being taken care of by the Witnesses and Victims
4 Section. What we are speaking about in tab number 22 are
15:08:17 5 payments by the Office of the Prosecutor and they are paying you
6 twice for meals for the same day. Do you understand the records
7 in entry number 13 and entry number 12, what they say,
8 Mr Witness?

9 A. Yes, yes, yes.

15:08:54 10 Q. Do you understand that there is something unusual about
11 paying someone 5,000 for breakfast on 6 June and then on 8 June
12 you give him additional money for meals on 6 June which has just
13 passed?

14 A. Well this document states it clearly, June 6, 7 and 8, and
15:09:26 15 in particular they knew that I had to go and they will engage me
16 that day, the following day and the day following that. They
17 will give me the money in advance, because they will say, "We
18 don't want to be disturbing you every now and then to be signing
19 documents". At times they will call me, they will want me to go
15:09:46 20 with them to see areas where we were fighting and I will go with
21 them. Places like Hastings, I will go there and show the place
22 to them. I am not denying this fact.

23 Q. Do you see the next entries for 12 June? They are entries
24 14, 15 and 16 on the same page we were looking at.

15:10:05 25 A. Yes, my Lord.

26 Q. Do you see for entry number 14 they gave you 5,000 leones
27 on Monday, 12 June for lunch? Do you see that, Mr Witness?

28 A. Yes, my Lord.

29 Q. Now look at entry number 16, also pertains to 12 June,

1 Monday. They gave you another 5,000 for meals. Do you see that,
2 Mr Witness?

3 A. Yes, my Lord.

15:10:36

4 Q. Same day, one payment for lunch and another payment for
5 meals, yes?

6 A. Yes, because if I went there in the morning they will
7 provide money for breakfast, they will go and buy it for me and
8 if I will be there until lunch they will provide money for lunch.
9 They did the buying. They will buy it and when they come they
10 bring the document and I will sign.

15:10:56

11 Q. Twice paid for food for the same day.

12 A. That is what I have just told you. I said if I will be
13 there in the morning they will provide breakfast. They will pay.
14 In that courtroom it is that everything they bought there it is
15 expensive. As long as I spent time there, they will provide
16 feeding.

15:11:18

17 Q. Mr Witness, entry number 15 says you were paid 10,000
18 Leones for transport and lost wages, reason "Transportation for
19 witness to go home and report at the SCSLP" the following day, 13
20 June 2006. Do you see that, Mr Witness?

15:11:40

21 A. Yes, my Lord.

22 Q. What kind of work were you doing in the year 2006,
23 Mr Witness?

15:12:01

24 A. Well, I was still with my church and apart from that I had
25 some business run by my brother and my sisters. I helped that
26 and I monitored that. Apart from that, as I said, at times the
27 court will call me that somebody had come and they want to visit
28 this and that area, so I will come there and go to the place and
29 I will ask them to pay for my transport fare because I will not

1 go there taking money from my own pocket. At times they send
2 vehicle for me, but when I will be returning they give me
3 transport fare.

4 Q. My initial question was what sort of work were you doing.

15:12:34 5 Are you saying you were employed by your church, Mr Witness?

6 A. Yes, my church employed me. I used to get salary from
7 Flaming. Even where I am now, I get salary from that.

8 Q. And you said you were doing some business on the side
9 through your family, yes?

15:12:58 10 A. Yes, and in fact I have a whole house and they pay rent to
11 me and every year I get 3.5 million. Two apartments: the one
12 downstairs 3.5 and the other one upstairs, where my brother was,
13 they pay the money to me directly. My sister sends money for me
14 every month. I will not tell you a lie.

15:13:24 15 Q. That is okay.

16 A. Okay.

17 Q. How much did you make on average between your church and
18 all these other ventures on the average day in 2006?

19 A. Well, I would have some other businesses. I had some other
15:13:46 20 ways to get money. Every month I had other means to get money,
21 apart from the church. The church used to give me 150,000
22 monthly. The pastor pleaded with me to accept that and I said,
23 "Okay, no problem". Apart from that, I have my own investment.
24 I have some money in the bank which was paid to me by the army.

15:14:07 25 I have the documentation. 5 point something million. I went and
26 bought Treasury bearer bonds. I get interest from that.

27 Q. At this time, though, you were already living --

28 JUDGE SEBUTINDE: Mr Interpreter, what was that last thing
29 you said?

1 THE INTERPRETER: Profit from that. I have - I bought
2 Treasury bearer bonds.

3 MR ANYAH:

15:14:36

4 Q. Mr Witness, by this time, 12 June 2006, you were living in
5 accommodation provided by the Special Court, correct?

6 A. Yes, my Lord, that is correct.

7 Q. You did not have to pay rent whatsoever, right?

8 A. Yes, my Lord.

15:14:59

9 Q. Yes. The Special Court was feeding you in the place where
10 you were staying, right?

11 A. Well they were not feeding me directly, but I had my weekly
12 allowance that they gave to me and I did not trust them. They
13 asked me to be relocated and they used to give me allowance.

15:15:25

14 Q. When we look through these records and we see meals and
15 breakfast, these sums being given to you they are in addition to
16 the weekly allowance they used to give you when you were in this
17 house, right?

15:15:48

18 A. No, as I said, this department that you are referring to,
19 if they called on me and if I went there they will give me my
20 transportation fare. That happened. Because there were times
21 I would be in the church and they will call me. They will just
22 say, "Pay and when you come we will refund your money".

15:16:06

23 Q. Mr Witness, let's not focus on transportation. Let's focus
24 on the issue of feeding, meals. It is correct, is it not, that
25 the Witness and Victims Section gave you feeding allowance while
26 you were housed by them in Freetown, correct?

27 A. Yes, weekly allowances. Yes.

28 Q. And my point is separate and distinct from that whenever
29 the Office of the Prosecutor would get you for interviews, or

1 meetings, they also gave you money for food, yes?

2 A. As long as I went there, they provided my feeding. As long
3 as they invited me to the office and I went there, they provided
4 my feeding and transportation cost.

15:16:48 5 Q. And that was in addition to what WVS was giving you on a
6 weekly basis for food, yes?

7 A. Well I did not request for this, as I said.

8 Q. I didn't ask if you requested for it, Mr Witness. I didn't
9 ask if you requested for it. It might be a gift, for all you
10 knew. I am just asking if it was in addition to what the
11 Witnesses and Victims Section was giving you for food on a weekly
12 basis?

13 A. No, no, when they invited me I will go there. They will go
14 and pick me up and I will come. They will give me my
15 transportation cost. The food, they used to buy it. They will
16 go and buy it. I didn't know how much they bought it and I will
17 sign for it on the document.

18 Q. Yes, well let's break it down. When you would go to the
19 Special Court premises you are telling us they would buy you
20 food, right?

21 A. Yes, my Lord, they will go and bring food from the canteen.
22 When they will bring it they will say this is 5,000 and they will
23 ask me to sign. Whatever, they will ask me to sign on a document
24 and I did.

15:18:01 25 Q. On the dates when you did not go to the Special Court
26 premises and you stayed in the house that was being provided for
27 by the Witnesses and Victims Section you used to eat based on the
28 allowance they gave you, right?

29 A. Yes.

1 Q. So the allowance you were receiving for food from the
2 Witnesses and Victims Section was different from money spent on
3 you for food whenever you went to the Special Court premises,
4 right?

15:18:38 5 A. It was different. As long as they invited me to that
6 office that you are referring to - not the WVS, this prosecution
7 - if the investigators wanted to see me they provided my
8 transportation cost. When once they provided transportation they
9 would bring the document and I will sign.

15:18:57 10 Q. Mr Witness, if you look at entry number 11 where we started
11 with, 4 April 2006 - do you see that?

12 A. Yes, my Lord.

13 Q. And if you go all the way to the end of the page you see
14 the page number is "Page 3 of 17"? Do you see that, Mr Witness?

15:19:32 15 A. Yes, my Lord.

16 Q. All of the entries from entry number 11 all the way to
17 page 15 - actually, it is even worse. All the way up to page 16
18 of this document, entry number 63. From entry 11 through entry
19 number 63. Entry number 63 speaks of the date 6 November 2007.

15:20:11 20 Do you see that, Mr Witness?

21 A. Yes, my Lord.

22 Q. For all of those entries, the dates between lines 11 and
23 63, none of those dates correspond to any interview dates of
24 yours that we have records of. From pages 3 through pages 16, we
15:20:36 25 don't have any records of you meeting with them on any of those
26 dates. And what the Chamber would like to know, I suspect, is
27 what were you doing with them during all of these meetings? What
28 was going on?

29 A. My Lord, just as I said, I will be at my house and they

1 will invite me. At times they will ask me to go and show them a
2 particular place, or they will ask me - they will call me and ask
3 me, "Do you know this person?", I will say, "No", or maybe they
4 will want to get information from me or somebody else. I was in
15:21:17 5 their hands. At times they will call me, or they will take me
6 and ask me that I should take them to West Side. Maybe somebody
7 else wanted to see the West Side. So, mostly that was why they
8 took me. They would say they had a visitor who wanted to see
9 West Side and I will say, "Okay, let's go. No problem". I will
15:21:37 10 just take an excuse from my pastor, but I will tell them and say,
11 "Be prepared for tomorrow. We will go to the place", and we will
12 go there.

13 Q. Mr Witness, look at the entry in entry number 63. As of 64
14 - entry 64, 16 November, we know you were interviewed on that
15:22:03 15 day, but the preceding entry, entry number 63, it says you were
16 given the sum of 60,000 leones and the category is "Information".
17 The reason you were given this money is "Purchase of
18 information". What information were they buying for 60,000
19 leones, Mr Witness?

15:22:23 20 A. It was not to buy something. At times they will call me
21 and they will tell me we want you to go to this and this place.
22 Maybe it is in the provinces, I will ask them to give me
23 transportation and I will go. If they wanted information from
24 me, there were many areas, at times Karina and some other places,
15:22:49 25 I would go there. I had taken people there who wanted to see
26 some places and if you want to see places like those it will cost
27 you money, it will cost you transportation. So they would give
28 me the money.

29 Q. Why doesn't it say money for transportation. It says,

1 "Purchase of information." What information were they having you
2 buy or did they buy from you? Can you explain it, Mr Witness?

3 A. As I said, the information would lead to the
4 transportation. If you want information from a particular area
15:23:19 5 you would have to give me transportation fare before I will go
6 there. It depends on what information you wanted. If it was a
7 long distance you would give me the proportional transportation,
8 or the --

9 PRESIDING JUDGE: Mr Witness, the question was what
15:23:38 10 information were they having you give, really. It doesn't seem
11 to be transcribed correctly, but it's the information counsel is
12 asking about, not the transport.

13 Q. Mr Witness, do you see the record says that they bought
14 information. It says, "Purchase of information" and we are
15:24:00 15 trying to ascertain what information this pertains to. What was
16 purchased, Mr Witness, on this day to the tune of 60,000 leones?

17 A. Well, they did not buy anything from me. They did not buy
18 anything from me. For example, they will call me, Bobby, if you
19 know this and this commander in this and this place. I will say,
15:24:31 20 "Yes, I know this person, but I will go and check if he is still
21 there" and that will cost them transportation. You see, some
22 information that they called me for to seek.

23 Q. We have seen other records specified by using the word
24 "transportation". This one says "information". Have you ever
15:24:48 25 given them information and they gave you money just because you
26 provided the information?

27 A. Well, my Lord, I cannot recall ever giving me money for
28 information, except that they requested that they send me to a
29 particular place to get information, then I will ask them for

1 transportation. But to say that I give information to the Court
2 and they give me money in turn, no, that has never happened.

3 Q. Mr Witness, look at entry number 47. Are you there,
4 Mr Witness?

15:25:33 5 A. Yes, my Lord.

6 Q. It speaks to Monday, 2 October 2006. We don't have any
7 record of you being interviewed in 2006 at all, but this says you
8 were given the sum of 30,000 leones and the reason it provides,
9 it says, "Meals provided to witness during clarification

15:26:00 10 interviews for 30 October through 2 September." Do you see that,
11 Mr Witness?

12 A. Yes, my Lord.

13 Q. It says for three days of interviews. Now perhaps there is
14 a typographical error there. Maybe they meant 30 October to 2
15 November. We do not know. Do you recall receiving 30,000 leones
16 on 2 October 2006, Mr Witness?

15:26:20

17 A. My Lord, as I said, I am not disputing the fact, yes.

18 Q. And you see it refers to meals provided to witness during
19 clarification interviews on 30 October through 2 September.

15:26:50

20 Let's start with 30 October, Mr Witness. There is no record in
21 this book of you being interviewed on 30 October 2006. What were
22 they paying you money for on 30 October 2006?

23 A. My Lord, as I said, they did not pay me money, but whenever
24 they will call me to that Court, like for prosecution, or

15:27:23

25 whosoever, if they invite me to the Court they will provide my
26 transportation, because I will tell them that I had some other
27 things to do. As long as I am abandoning other things to do at
28 home, then they will provide my transportation. They were not
29 paying me.

1 Q. Mr Witness, my question was were you interviewed on 30
2 October 2006?

3 A. My Lord, I am not disputing that fact because they used to
4 call me constantly. They will call me for some interview, or ask
15:28:14 5 me this or that. Many times they called me. So I am not denying
6 that fact.

7 Q. Well, let's give them the benefit of the doubt. Let's
8 assume that this is a typographical error and perhaps they meant
9 30 August through 2 September. Let's see if you were interviewed
15:28:34 10 on 30 August. Mr Witness, if you go back to entry number 32 and
11 33 we only see you were interviewed on 31 August. We see no
12 reference to 30 August and any interaction between you and them.
13 Page 8 is the page I am looking at, Mr Witness, entry 32 says 2
14 August 2006. Do you see that, Mr Witness?

15:29:06 15 A. Yes, my Lord.

16 Q. If you go to the next page, entry number 33 speaks of
17 Thursday, 31 August?

18 A. Yes, I see.

19 Q. There is no record for 30 August, Mr Witness, right?

15:29:32 20 A. Yes.

21 Q. So I am going back to the issue in entry 47. How is it
22 they are paying you for meals for three days and we do not have
23 records of these interviews? Meals for three days of interviews.
24 Can you explain that, Mr Witness?

15:29:49 25 A. That could be to their own knowledge, but, as I said, if
26 they need me for example for three days, they will call me and
27 give me the money in advance because they wouldn't want me to
28 delay because I had some other things to do. That is to their
29 own knowledge.

1 Q. On certain occasions they will provide you with a new
2 mobile telephone, right, Mr Witness?

3 A. Mobile telephone?

4 Q. They will provide you with a new phone, portable or
15:30:26 5 cellular phone, whatever you wish to call it. Yes, Mr Witness?

6 A. I cannot recall. I will know they will top up my credit.
7 I requested for that and they will do it. And whatever they did,
8 I will sign for them. But I cannot recall them buying mobile
9 phone.

15:30:50 10 Q. Do you want to take a look at entry number 52, Mr Witness?

11 A. Yes.

12 Q. Entry 52 page 13 of 17 says, "Communication, 145,000
13 leones." Do you see that, Mr Witness?

14 A. Yes, my Lord.

15:31:10 15 Q. Do you see the reason given, Mr Witness?

16 A. Yes, my Lord.

17 Q. "At request of senior trial attorney witness was provided
18 with new mobile telephone." Do you see that, Mr Witness?

19 A. Yes, my Lord.

15:31:27 20 Q. It says, "Existing phone was constantly faulty/unreliable
21 and Prosecutions require to be in contact of witness in view of
22 in depth clarification interviews." Do you recall receiving this
23 new phone from them, Mr Witness?

24 A. Yes, my Lord, I recall that.

15:31:52 25 Q. Mr Witness, if we go to page 17, the last page, there is a
26 grand total of all these payments made to you, Mr Witness. Do
27 you see the sum of 1,037,000 leones, Mr Witness?

28 A. Yes, my Lord, I have seen it.

29 Q. For a total of 64 payments, yes?

1 A. Yes, my Lord, I have seen it.

2 Q. When we started cross-examination last week you agreed that
3 if one went to downtown Freetown, Siaka Stevens Street and one
4 sought to change money, 1 US dollar has the street value of
15:33:04 5 approximately 3,000 Leones, right?

6 A. Yes, that's correct.

7 Q. If you divide this 1,037,000 Leones they spent on you it
8 comes up to about 345 US dollars. Would you agree, Mr Witness?

9 A. Yes, my Lord, I agree.

15:33:24 10 MR ANYAH: Madam Court Officer, could you assist me,
11 please:

12 Q. Mr Witness - I'm sorry, I will wait for you to get the
13 document. Mr Witness, this document is from the internet. It is
14 a UN document from the United Nations. At the top you see the UN
15:34:30 15 logo. It has the title, "Social indicators" and on pages, you
16 start with Afghanistan and you move downwards, countries are
17 listed. And you go all the way to the last page and it speaks of
18 per capita GDP, gross domestic product, and each column has a
19 title above it. So if you start at page 1, the first page,

15:35:10 20 Mr Witness, you see on the left country or area, yes?

21 A. Yes, my Lord.

22 Q. In the next column you see year and it has the year 2006,
23 yes, Mr Witness?

24 A. Yes, my Lord.

15:35:24 25 Q. And then you have per capita GDP in US dollars. Do you see
26 that column, Mr Witness?

27 A. Yes, my Lord.

28 Q. The next column you have adult 15 plus. Underneath you
29 have total. Do you see that, Mr Witness?

1 A. Yes, my Lord.

2 Q. Next to total you have men and next to men you have women.

3 You see that, Mr Witness?

4 A. Yes, my Lord.

15:35:55 5 Q. Above those set of information where it says adult 15 plus
6 you see it says last update December 2007. Do you see that,
7 Mr Witness?

8 A. Yes, my Lord.

9 Q. Let's find Sierra Leone on this, Mr Witness. Turn over the
15:36:14 10 first page, the second page, the third page and you will see
11 Sierra Leone above Singapore, Mr Witness, and I have a question
12 after all of this for you. Do you see Sierra Leone?

13 A. Yes, my Lord.

14 Q. Below the Seychelles islands and you move across, you see
15:36:41 15 2006, Mr Witness?

16 A. Yes, my Lord.

17 Q. Do you see the figure 318 US dollars there, Mr Witness?

18 A. Yes, my Lord.

19 Q. This is saying that the gross domestic product, that is the
15:37:00 20 purchasing power of the average Sierra Leonean in 2006 was 318
21 United States dollars. Are you aware of that, Mr Witness?

22 A. Well, no, this is not my area. I am not aware of that.

23 PRESIDING JUDGE: Ms Alagendra?

24 MS ALAGENDRA: Your Honours --

15:37:21 25 PRESIDING JUDGE: Ms Alagendra?

26 MS ALAGENDRA: Can we first find out whether the witness
27 understands the document, or the terminology in the document,
28 your Honour?

29 MR ANYAH: I can ask him another question:

1 Q. Mr Witness, what do you say on the basis of having lived in
2 Sierra Leone the average Sierra Leonean would make, or made, in
3 the year 2006? Let me rephrase that. I withdraw that
4 phraseology. If you took the average Sierra Leonean on the side
15:37:58 5 in 2006 and you asked how much the man on the street made that
6 year, would it add up to about 300 United States dollars,
7 Mr Witness?

8 A. Well I cannot judge for people, because everybody has his
9 own way of getting money. I cannot judge for even the least.
15:38:23 10 I was not - some people are businessmen, so everybody had his own
11 way of getting his living.

12 MR ANYAH: My colleague, Mr Munyard, just reminds me that
13 I should make a formal request to the extent there are any
14 records of interviews with this witness for the dates mentioned
15:38:47 15 that we do not have, all of the year 2006, we would like to
16 request them formally on the record.

17 PRESIDING JUDGE: Ms Alagendra?

18 MS ALAGENDRA: Your Honours, I was going to raise it in
19 re-examination, but I can respond briefly. This witness
15:39:02 20 testified in the RUF trial between 5 to 10 July 2006 and there
21 was preparation work that was going on with this witness for that
22 purpose. Unfortunately, we don't have a formal record of it.

23 MR ANYAH: Madam President, the Chamber will note that the
24 dates I canvassed exceed and go beyond July 2006 into - they go
15:39:30 25 into as far as December. I have records up to 6 December 2006.
26 They start in April of 2006 and they go through December 2006.
27 Several meetings in October of 2006, in September of 2006 several
28 meetings and we have nothing from April through December 2000
29 and - we have nothing for 2006.

1 PRESIDING JUDGE: Ms Alagendra, you have heard counsel. He
2 says that - the dates you have quoted are 5 to 10 July 2006?

3 MS ALAGENDRA: That was the date on which he testified in
4 the RUF trial.

15:40:09 5 PRESIDING JUDGE: Yes.

6 MS ALAGENDRA: So, preparation work was going on before
7 that.

8 PRESIDING JUDGE: Yes, and counsel has now raised the
9 period after.

15:40:17 10 MS ALAGENDRA: Yes, your Honour, and in relation to that
11 Mr Koumjian will address you.

12 PRESIDING JUDGE: Mr Koumjian?

13 MR KOUMJIAN: I don't have any personal information, but we
14 recognise counsel has made the request for any interviews and we
15 understand the disclosure obligations.

15:40:30 16 PRESIDING JUDGE: Yes, and the disclosure obligations you
17 will therefore as requested make the appropriate enquiries.

18 MR KOUMJIAN: I personally will double check what I know
19 about any interviews of this witness and what I can find out
20 during the dates stated.

15:40:51 21 PRESIDING JUDGE: Very well.

22 MR ANYAH: Thank you. We appreciate the response and the
23 self-undertaking to double check. Thank you, counsels.

24 Madam President, there are a number of documents I have put
15:41:10 25 to the witness that I have not requested to be marked for
26 identification. With the leave of Chamber, I would like to do
27 so.

28 PRESIDING JUDGE: Just before we move on to that, have we
29 completed the questions relating to this United Nations

1 Statistics Division? Because the witness has said, "It is not my
2 area", I think those are the words he used, but then you asked
3 some questions about the average man in the street and I am not
4 sure if you have completed that line of questioning.

15:41:36 5 MR ANYAH: I will seek an answer to that question, but it
6 would not be fair to him, I suspect, to pursue this document with
7 him:

8 Q. So, Mr Witness, let me just get the answer you were about
9 to give. I asked you a question about what you would say the
10 average Sierra Leonean made in the year 2006. Can you complete
11 your response, Mr Witness.

12 A. In this area, I cannot say I have studied all the average
13 Sierra Leoneans what they used to earn. There are some people
14 who are business people. They get profit at the end of the
15 month. I know what I used to earn personally as an average
16 Sierra Leonean, but I know what I used to earn. But some things
17 were okay for them, but I cannot say now this is what average
18 Sierra Leoneans used to earn, you see? I cannot make any comment
19 on that, my Lord.

15:42:34 20 Q. Thank you, Mr Witness.

21 Madam President, I think one of the first documents was the
22 document by General David L Bropleh that was shown to the
23 witness. I don't think I handed out copies to the Chamber and so
24 you may not have it before you, but --

15:43:01 25 PRESIDING JUDGE: That is a series of names in lines?

26 MR ANYAH: Yes, Madam President. Perhaps Madam Court
27 Officer could give your Honour the document? Thank you. I think
28 we stopped at MFI-36, Madam Court Officer?

29 PRESIDING JUDGE: Yes, I think that is correct. So, the

1 first document you are seeking to have marked for identification
2 is this document here?

3 MR ANYAH: Yes, Madam President.

4 PRESIDING JUDGE: Very well. It is a two page document.

15:43:43 5 The first page is headed "Sierra Leone People's Army" and under
6 that "SLPA" a stamp over it. There appears to be virtually very
7 little written on the second page. That will be marked for
8 identification MFI-37.

9 MR ANYAH: The next document, Madam President, would be the
15:44:12 10 AFRC command structure as per the Truth and Reconciliation
11 Commission report.

12 PRESIDING JUDGE: That is a six page document with a cover
13 sheet pictured called "Witness to the Truth" and the page 3
14 therein refers to - just a moment, I may have the wrong one.

15:44:55 15 Justice Sebutinde has pointed out that you are talking about -
16 I think I am talking about the AFRC one and you are talking about
17 the RUF one.

18 MR ANYAH: No, I am speaking also of AFRC. We got to the
19 RUF also, but it was last in the sequence I suspect.

15:45:08 20 PRESIDING JUDGE: Well, am I correct then it is the third
21 page - in fact, it is the fourth page that has names of AFRC
22 leadership? Is that the document you are referring to, Mr Anyah?

23 MR ANYAH: Yes, Madam President.

24 PRESIDING JUDGE: Very well, then I confirm that that is a
15:45:20 25 six page document with a cover sheet "Witness to the Truth" and
26 it becomes MFI-38.

27 MR ANYAH: The next document was a letter from Mr Conteh,
28 the Director of Prisons, also from the Truth and Reconciliation
29 Commission.

1 PRESIDING JUDGE: This is also a six page document. The
2 cover sheet states "Appendix 2: Submissions to the TRC" and the
3 third page therein close to the bottom has "Submission on the
4 1998 detention trials and executions" and is dated 12 July 2003.

15:46:11 5 That becomes MFI-39.

6 MR ANYAH: Thank you, Madam President. And then there
7 would be the document referred to by Justice Sebutinde, which is
8 the RUF command structure also from the Truth and Reconciliation
9 Commission report.

15:46:44 10 PRESIDING JUDGE: This is a six page document with the same
11 cover sheet headed with a picture and "Witness to Truth". The
12 fourth page therein starts at paragraph 165 and close to the
13 bottom is "Names of RUF Leadership". That becomes MFI-40.

14 MR ANYAH: Thank you, Madam President. May I have moment,
15:47:13 15 your Honours?

16 MS ALAGENDRA: Your Honours, I think there is one document
17 from the Sierra Leone Web.

18 PRESIDING JUDGE: Witness - sorry, excuse me.
19 Ms Alagenda, counsel has not sought to have it marked and
15:47:23 20 therefore --

21 MR ANYAH: I would be grateful - perhaps counsel is trying
22 to assist me. I thought I had it marked.

23 PRESIDING JUDGE: I have one that is "News Archives" dated
24 December 1998, MFI-36.

15:47:38 25 MR ANYAH: Yes, that is what I have marked as 36.

26 MS ALAGENDRA: That is my mistake. I am sorry, your
27 Honours.

28 PRESIDING JUDGE: That is quite all right.

29 MR ANYAH: Thank you, counsel. May I have a moment?

1 PRESIDING JUDGE: Yes.

2 MR ANYAH: Thank you. Yes, thank you, Madam President.

3 I would tender the witness at this point.

4 PRESIDING JUDGE: Thank you. Ms Alagendra, re-examination?

15:49:37 5 MS ALAGENDRA: I have some questions, your Honour, thank
6 you.

7 RE-EXAMINATION BY MS ALAGENDRA:

8 Q. Mr Witness, during cross-examination you were referred to
9 your statement dated 7 November 2003. That is at tab 4, page 35.

15:50:40 10 Witness, learned counsel for the Defence read this paragraph to
11 you, but I am going to read it back to you again and ask you some
12 questions. Do you understand?

13 A. Yes, my Lord.

14 Q. The paragraph reads:

15:50:55 15 "We went back to the hotel after the closed-door meeting to
16 wait for further instructions. Later, some vehicles were sent to
17 take Johnny Paul Koroma to meet President Charles Taylor in the
18 Mansion. We went together with Johnny Paul Koroma to the Mansion
19 and we had some discussion with Charles Taylor. Charles Taylor
15:51:20 20 told us in that meeting that the RUF and the SLA should come
21 together so that we can fight for what we want."

22 Do you recall that, witness?

23 A. Yes, my Lord.

24 Q. Now during this interview, and especially in relation to
15:51:43 25 this part of the statement, do you recall if the investigators
26 who were conducting this interview asked you what you meant by,
27 "We had some discussion with Charles Taylor"?

28 A. No, my Lord. They did not ask me to elaborate.

29 Q. Now, during the interview were you asked what else was

1 discussed with Charles Taylor?

2 A. No, my Lord.

3 Q. Pause, witness. Besides him asking, or him telling you
4 that the RUF and SLA should fight for what you want, were you
15:52:29 5 asked if anything else was spoken?

6 A. No, my Lord, they did not ask me.

7 Q. Witness, in your testimony in court - your Honours, I am
8 referring to page 8595, lines 22 to 26, you were asked if
9 Charles Taylor was a mediator between the AFRC and the RUF and in
15:52:58 10 your response you said - I am going to read you a part of your
11 response. You said, "It was because he had hands in the AFRC/RUF
12 fighters. That's why we were taken to Liberia." Do you recall
13 that answer?

14 A. Yes, my Lord.

15:53:18 15 Q. Later you explained --

16 MR ANYAH: I am sorry to interrupt. I know counsel gave
17 the page indication. I have the same transcript, but the date
18 would help.

19 MS ALAGENDRA: I think it was yesterday, but I will check
15:53:34 20 that and get back.

21 JUDGE SEBUTINDE: Apparently it was on 25 April

22 MR ANYAH: Yes, I have it. It was Friday. Thank you,
23 Justice Sebutinde.

24 MS ALAGENDRA: Thank you, your Honour:

15:54:09 25 Q. Witness, so this is 25 April which was Friday. So in your
26 answer you said, "It was because he had hands in the AFRC/RUF
27 fighters. That's why we were taken to Liberia." Later on that
28 same day you said:

29 "No, what I am saying is that if you are saying that it was

1 a peace mediator, that even Ghana would have mediated, because
2 they would have even said, 'Well, now that you are fearing for
3 RUF we will send you to Ghana so there will be no RUF there'.
4 But it was because they knew Charles Taylor had direct hands in
15:54:47 5 the RUF/AFRC, that's why they suggested Liberia."

6 Now, witness, I would like you to clarify for the Court
7 what do you mean when you say Charles Taylor had direct hands in
8 the AFRC/RUF?

9 A. Well, as I said, to me what I meant was that the 23rd, as
15:55:16 10 I said, of 1990 or 1991 when Charles Taylor went over the air and
11 said as long as Sierra Leone had established an ECOMOG base, an
12 ECOMOG base there, then Sierra Leone would have to taste the
13 bitterness of war. After this they attacked Sierra Leone. So
14 indeed this clearly showed that his word has come to pass and the
15:55:43 15 fighting started.

16 So when we went back to the jungle, as I said, we lost all
17 communications. There was no food. There were no ammunition,
18 but since we went to Kono, in that Kono area, when Mosquito
19 called and confirmed to us that we have received ammunition and
15:56:04 20 we should go and receive them and things have started coming in,
21 that showed to me - and Mosquito also spoke to Superman and said
22 that he has received ammunition from Liberia. This clearly
23 showed to me that, yes, he had direct links directly. And KBC
24 who came from that Liberia border - in Liberia, sorry, also came
15:56:26 25 and explained to us exactly what had happened in Liberia. So it
26 clearly showed to us. And the discussion which we had with him
27 in Liberia, he told us clearly there. So this confirmed to us
28 that he had hands and he was the only person who will be able to
29 mediate between the two parties.

1 Q. When you say "clearly showed to us", what did it clearly
2 show you?

3 A. Well, as I said, one, when we were in Kono, as I said, we
4 had run out of - we had run out of ammunition completely. Then
15:57:11 5 Mosquito called us to go and receive ammunition that he has
6 received from Liberia. So when this incident happened at the
7 West Side all of us concentrated on that and we said he was the
8 only person who had helped us to push ECOMOG a little in Kono and
9 we have come up to the West Side. We have tried to call Johnny
15:57:36 10 Paul and Johnny Paul has called us also and told us that
11 Charles Taylor has sent to come and pick him up, so we confirmed
12 that indeed this man will be able to mediate and he was the only
13 person who at least - who had direct control over men in the West
14 African region.

15:57:59 15 Q. Can you remind us, he was mediating between two parties,
16 what do you mean?

17 A. The RUF and the SLA fighters who went into the bush and who
18 were fighting.

19 MS ALAGENDRA: Your Honours, can I ask the witness to be
15:58:20 20 shown Defence exhibit MFI-28, specifically the second page,
21 please:

22 Q. Witness, this article in front of you, do you recall the
23 Defence counsel read this to you during his cross-examination?

24 A. Yes, my Lord.

15:59:16 25 Q. Do you recall the fourth paragraph under the heading
26 "Fought together" being read to you?

27 A. Yes, my Lord.

28 Q. In particular the part which says:

29 "But it was the AFRC which came very close to gaining

1 control of the capital once more in an attempted insurrection in
2 January."

3 Witness, do you recall that after learned counsel read this
4 article to you, especially this part, a series of questions were
16:00:08 5 put to you about whether you agreed that the invasion of Freetown
6 on 6 January 1999 was exclusively an AFRC affair?

7 A. Yes, I remember.

8 Q. And in your response you said you disagreed with what was
9 in that article.

16:00:35 10 A. Yes, my Lord.

11 Q. Witness, I am going to show you another article. Your
12 Honours, can I ask for the witness to be shown a BBC article
13 dated 6 January 1999, titled "World: Africa, Battle for Sierra
14 Leone." This is a document which I had provided to Madam Court
16:01:15 15 Attendant this morning.

16 PRESIDING JUDGE: It's not an exhibit or a marked document,
17 is that what you're saying?

18 MS ALAGENDRA: Not yet, your Honour, yes:

19 Q. Witness, do you see this article in front of you?

16:01:41 20 A. Yes, my Lord.

21 Q. I am going to read to you the third paragraph - starting
22 from the third paragraph I am going to read to you and I am going
23 to ask you some questions about this article. It reads:

24 "In an interview with the BBC, rebel leader Sam Bukari said
16:02:12 25 his troops numbered around 5,000 men. Asked what it would take
26 to stop the fighting he said he wanted to ask the Nigerian
27 government to hand back other rebel leaders."

28 Below that:

29 "Earlier Gibril Massaquoi, a senior rebel leader,

1 telephoned the BBC to give the rebels's view of the conflict. He
2 said rebel armed forces and the Revolutionary United Front of
3 Sierra Leone were in complete control of the city and taking over
4 the reins of government."

16:03:02 5 Witness, first do you know who this Sam Bukari is?

6 A. Yes, my Lord.

7 Q. Who is it, witness?

8 A. This was Mosquito. Someone we called Mosquito. He was an
9 RUF senior commander at that time.

16:03:26 10 Q. When he said, "His troops numbered around 5,000 men", do
11 you know who he was referring to as his troops?

12 A. Yes, I said that. Yes, my Lord.

13 JUDGE SEBUTINDE: Is this different from Bockarie? Is this
14 different from Sam Bockarie?

16:03:49 15 MS ALAGENDRA: It is the spelling, your Honour, that seems
16 to be different.

17 JUDGE SEBUTINDE: But I mean is this person different from
18 Sam Bockarie? I am asking the witness. Is this Sam Bukari, is
19 he different from Sam Bockarie? You said you know Sam Bukari?

16:04:13 20 THE WITNESS: Well, it might be that they changed the
21 spelling, because most people have the way they pronounce
22 Bockarie, you know. It's a traditional name. They have a way
23 they pronounce it. Some people, the way they pronounce it, it's
24 the way they spell it.

16:04:30 25 JUDGE SEBUTINDE: Yes, but the question I asked is he one
26 and the same person according to you?

27 THE WITNESS: Yes, it's the same person.

28 MS ALAGENDRA:

29 Q. Witness, when Sam Bockarie said his troops numbered around

1 5,000 who was he referring to, do you know, when he said his
2 troops?

3 A. Yes, my Lord.

4 Q. Who was he referring to?

16:04:56 5 A. He was referring to the joint forces of the SLA and the RUF
6 who took over Freetown.

7 Q. Do you recall who was commanding those troops at that time
8 in Freetown?

9 A. Yes, my Lord.

16:05:15 10 Q. Who?

11 A. You had Tamba Alex Brima who was the commander whom we used
12 to call Gullit.

13 Q. Witness, Gibril Massaquoi, did you know who he was?

14 A. Yes, my Lord.

16:05:36 15 Q. Who was he?

16 A. He too was one of the senior RUF commanders.

17 Q. Do you agree with what Gibril Massaquoi has said in this
18 article?

19 A. Yes, because he was close to Gullit, Tamba Alex Brima, at
16:06:02 20 the State House.

21 MS ALAGENDRA: Your Honours, can I ask that this document
22 be marked for identification. I think it's number 41.

23 PRESIDING JUDGE: I have misplaced my copy. Ms Alagenda,
24 is it three pages in that document?

16:06:26 25 MS ALAGENDRA: That is correct, your Honour.

26 PRESIDING JUDGE: No, I know where it is. Yes, this is a
27 three page document headed, "BBC News/Africa/Battle for Sierra
28 Leone." It is dated Wednesday, 6 January 1999 and becomes
29 MFI-41.

1 MS ALAGENDRA:

2 Q. Witness, I am going to refer you to your testimony of
3 yesterday. You were asked a question - and, your Honours, I am
4 referring to page 8675, lines 10 onwards. You were asked a
16:07:26 5 question:

6 "Mr Witness, I am going back to the existence of the NPFL.
7 At any time from 25 May 1997, the junta period when it began, the
8 AFRC coup up until your arrest on 6 June 2000, did you encounter
9 any soldier who said he was currently a member of the NPFL?"

10 That was the question posed to you. Your answer was:

11 "Well we were mixed in Freetown, like I said. We had the
12 RUF who had people with them, but they all said they were RUF."

13 Witness, when you say in answering this particular question
14 about the NPFL, "The RUF who had people with them, but they all
16:08:21 15 said they were RUF", what do you mean?

16 A. Well, as I said, when we went to Freetown they were under
17 the RUF who had come to reinforce us, so they were all referring
18 to themselves as RUF. They are not trying to distinguish
19 themselves as NPFL, or RUF, but they were referring to themselves
16:08:45 20 as RUF and we were referring to ourselves as SLA. That is what
21 I was saying. All of them who came were referring to themselves
22 as RUF, that they were part of the team who came, but they were
23 ex-NPFL fighters, but they were referring to themselves as RUF
24 because they had come from down in Kailahun up to our point.

16:09:06 25 Q. And when you say, "They were referring to themselves as
26 RUF", just clarify what is "they", or who you are referring to as
27 "they"?

28 A. I am talking about the STF. They also were referring to
29 themselves thus. The former NPFL fighters were also referring to

1 themselves as RUF.

2 Q. Further down in your answer you said:

3 "All of those that came to reinforce the AFRC at that time,
4 they were many. They were different, different people who were
16:09:43 5 mixed, but I did not get in touch with any whom I would say that
6 they identified himself he was NPFL."

7 Who are you referring to that came to reinforce the AFRC at
8 the time?

9 A. Well at the time that the RUF came, as I said, when they
16:10:05 10 came to reinforce us when the AFRC took over, they had people who
11 were mixed with them. As I said, I was not able to get in touch
12 with all of them. One of them actually told me he was NPFL, but
13 I said that the people were mixed. All of them came with the
14 name that they were all RUF, but they were mixed.

16:10:29 15 Q. Witness, I am going to refer you to another issue that you
16 testified about. Your Honours, I am going to be referring to
17 page 8701 of yesterday's testimony, lines 7 to 12. Witness, you
18 were asked some questions in relation to the arms and ammunition
19 shipment that came to Magburaka in 1997.

16:10:54 20 A. Yes, my Lord.

21 Q. Now, the question you were asked was, "Where did you
22 understand these arms to have come from, Mr Witness?", and you
23 answered, "Well, my Lord, we had so many talks. Some said it
24 came from Ukraine, some said from Liberia, so people were giving
16:11:13 25 different versions. Some said from Ukraine, some said from
26 Liberia."

27 Witness, those people who told you that the ammunition had
28 come from Liberia, did they tell you where or who in Liberia was
29 responsible for this ammunition coming in?

1 A. Well, they were saying that, "It was Charles Taylor who has
2 supported us - who has supported us. He was the only man who
3 really likes us. Now that we have run out of ammunition, he is
4 the one who sent ammunition for us". Some people said, "Oh, this
16:11:50 5 is from the Ukraine".

6 Q. Witness, you were questioned about the quantity of
7 ammunition that arrived in Koidu Geiya from Kailahun --

8 A. Yes, my Lord.

9 Q. -- and you testified that it was loaded into one vehicle?

16:12:10 10 A. Yes, my Lord.

11 Q. And this was the ammunition you said came in boxes which
12 was marked "AFL", "Armed Forces of Liberia".

13 A. Yes, my Lord.

14 Q. Do you recall how many boxes of ammunition were loaded onto
16:12:30 15 that one vehicle?

16 A. Well, as I said, we had some few boxes of mortar bombs,
17 boxes of RPG bombs and some few boxes of HMG rounds and AK
18 rounds. I said that was what came and that was what we unloaded
19 into the vehicle.

16:12:56 20 Q. Do you remember how many boxes there were in total?

21 A. It was more than 12 boxes that came. They were large boxes
22 that were unloaded into the vehicle.

23 MS ALAGENDRA: Your Honours, is the statement file in front
24 of the witness?

16:13:22 25 PRESIDING JUDGE: Are you referring to the Defence bundle,
26 Ms Alagenda?

27 MS ALAGENDRA: Yes, your Honour.

28 PRESIDING JUDGE: Yes. I don't think the witness has it,
29 no.

1 MS ALAGENDRA: I think he does, your Honour.

2 PRESIDING JUDGE: Oh, he does.

3 MS ALAGENDRA:

4 Q. Witness, you were referred to your statement at tab 4, this
16:13:42 5 is your statement dated 7 November 2003, to page 2. Learned
6 counsel read to you lines 1 to 12 and it was put to you that
7 there was no mention of what was written on the boxes of
8 ammunition. Witness, during this interview do you recall if the
9 investigators asked you where the ammunition that Mosquito was
16:14:39 10 sending from Kailahun came from?

11 A. No, my Lord, they did not ask me.

12 Q. Witness, you were asked questions about where the
13 ammunition that Issa Sesay brought for the attack on Tombo came
14 from and your answer was that there were rumours that it came
16:15:16 15 from Kailahun?

16 MR ANYAH: Madam President, I will be grateful for an
17 indication of the page number.

18 MS ALAGENDRA: It is at page 8734, lines 24. I apologise.

19 PRESIDING JUDGE: Continue, Ms Alagenda.

16:15:35 20 MS ALAGENDRA:

21 Q. What did you mean when you said there were rumours that it
22 came from Kailahun?

23 A. Well, as I said, I was in Macdonald when they came. The
24 soldiers and the RUF that came with them were saying that, that
16:15:59 25 "Bra has taken this thing from behind", and so that was what they
26 were saying.

27 JUDGE SEBUTINDE: Ms Alagenda, did you say that the rumour
28 was that it came from Kailahun? The record says from Liberia.
29 I mean the transcript says it was from Liberia, but you said

1 Kailahun.

2 MS ALAGENDRA: I beg your pardon, your Honour:

3 Q. Witness, I will re-ask you that question.

4 A. Yes, my Lord.

16:16:31 5 Q. Your answer to that question in relation to the ammunition
6 that Issa Sesay brought was that there were rumours that it came
7 from Liberia. Can you explain what you meant by rumours?

8 A. Well, we were - as I said, I was at the battlefield. When
9 the men came with this ammunition everybody was happy saying,
16:17:00 10 "Well, you see, this ammunition had come from Liberia. It is our
11 Bra who has sent this ammunition for us. Now we are going back
12 to retake Freetown." That was the rumour that was going around
13 that Charles Taylor has sent ammunition to Kailahun, that
14 Mosquito had sent, that Issa picked up in Makeni. That is what
16:17:22 15 they brought.

16 Q. Do you know who they were referring to as "Bra"?

17 A. Yes, sometimes they say, "Papay has sent". They were
18 referring to Charles Taylor as Papay. Sometimes in our language
19 we say "Bra". They called him "Papay". We said, "Bra has sent".
16:17:45 20 RUF. They will say "Papay".

21 Q. Witness, further down that same page - your Honours, I am
22 referring to lines 26 to 29 - you continued on to say, "People
23 were saying that because we had no other place to get
24 ammunition." What did you mean by that?

16:18:10 25 A. Well we, the mixed forces that were in that area, the RUF,
26 the SLA who were together as I said with the other men, we were
27 talking about that; that we have no other place where we get
28 ammunition from now that this has happened except from that area,
29 from Liberia, because Guinea was out of it.

1 Q. Witness, you were asked questions yesterday in answer to
2 which you said that the AFRC used to receive rice into Freetown.
3 Do you recall that?

4 A. I only recall saying that during the AFRC reign a shipment
16:19:07 5 of rice came. I don't know if that is what you are referring to?

6 Q. Yes, that is what I am referring to. Did you know where
7 this rice was coming from?

8 A. No, my Lord, I didn't know, but the shipment came. I did
9 not know where this rice came from that came to Water Quay.

16:19:29 10 Q. Now, witness, you were asked a question yesterday. The
11 question was, "I am speaking of Striker. Are you familiar with
12 someone with that fighting name, Mr Witness?", and your answer
13 was, "I am not too familiar with that name. I don't want to lie.
14 Striker, we had so many men. If I call some names here you will

16:19:54 15 run." When you said, "If I call some names here you will run",
16 in answer to learned counsel for the Defence, what did you mean?

17 A. Some men had some names. When you call them in public,
18 they are bad. They had bad names. Some people would look at
19 themselves and give themselves bad names; names that I heard.

16:20:26 20 That is why I said some of those names as a gentleman, a gentle
21 person, you will run. For example, we had one that they called
22 Bastard. That was one name that we used to call ourselves as
23 fighters. Some people had their own names that was not good for
24 public hearing. That was what I was talking about yesterday;

16:20:48 25 that if you hear some names you will run away because they are
26 not good for public hearing.

27 Q. Witness, later you said or you answered - your Honours, at
28 page 8739, lines 1 to 4:

29 "My Lord, if I say - if I would have to say everything that

1 happened in Sierra Leone I don't think you will be ready to
2 listen to them, because some of them if you hear them you
3 yourself would be unhappy."

4 What did you mean by this answer?

16:21:23 5 A. Well, just like I said in my statement, I never mentioned
6 that we were marking these boys "SLA" and "RUF" in their chests.
7 I did not say all of those things, but it happened in my
8 presence. When we were marking some of these boys on their chest
9 so they wouldn't escape "SLA/RUF", it happened in Freetown. It
16:21:46 10 happened in the areas we were in Kono. I said all of those
11 things I have not mentioned and there are other things that
12 happened that I have not mentioned, but I said if I said them
13 now - but that happened but I did not talk about it, but there
14 are certain things that we did not talk about.

16:22:03 15 Q. Who were marking these boys on their chest?

16 A. We, the SLAs and the RUFs, were doing that to the small
17 boys, most of them. They had "SLA/RUF" on their chests.

18 Q. And how were these markings done?

19 A. With a blade.

16:22:27 20 JUDGE SEBUTINDE: Ms Alagendra, are you now leading fresh
21 evidence of crimes, or are you simply asking what the witness
22 meant?

23 MS ALAGENDRA: Your Honour, this is arising out of his
24 answer.

16:22:37 25 JUDGE SEBUTINDE: It seems to me like you're raising new
26 evidence.

27 MS ALAGENDRA: Your Honour, this is evidence that came out
28 as a result of cross-examination, your Honour. I stand guided.

29 JUDGE SEBUTINDE: Continue, since the Defence has not

1 objected.

2 MR ANYAH: Sorry, Justice Sebutinde, I woke up after
3 hearing your Honour's comments. I think your Honour is on point.
4 Counsel is trying to lead fresh crime base evidence. I don't
16:23:05 5 think in chief - it all depends on if the jurisdiction is one
6 where there is a wide open rule as in cross-examination can - or
7 redirect examination can exceed the scope of cross-examination
8 and I propose it isn't, meaning that counsel's questions would
9 only necessarily be relevant if they go to clarifying the issues
16:23:23 10 that were raised on cross-examination. So I register an
11 objection.

12 MS ALAGENDRA: Your Honour, in responding to Judge
13 Sebutinde I think I also addressed the objection.

14 JUDGE SEBUTINDE: Please just address the objection.

16:23:44 15 MS ALAGENDRA: Your Honours, these are matters I submit
16 that came out of cross-examination and the issues that are
17 arising now are due to clarifications from this witness's
18 previous answer.

19 MR ANYAH: With respect to learned counsel, Madam
16:24:06 20 President, if the primary --

21 PRESIDING JUDGE: There is no right of reply, Mr Anyah.
22 The witness gave an example in answer to a question that arose in
23 cross-examination. This line of questioning has now gone beyond
24 the field of clarification and is not permissible in
16:24:58 25 re-examination.

26 MS ALAGENDRA: Thank you, your Honour. I will move on to
27 another topic:

28 Q. Witness, you were asked a question today - your Honours,
29 I am referring to page 42 line 20 for me. The question was, "Are

1 you aware Isaac Mongor is Liberian, Mr Witness?" You said, "Yes,
2 I am, and even Rambo RUF, he too was a Liberian, but all of them
3 were neither part of the Sierra Leone Army, nor the STF and there
4 was a small" - and then you said, "I have something to say."

16:25:47 5 What did you have to say in relation to what you were answering?

6 A. Well, as I said, just as I had said, these men --

7 THE INTERPRETER: Your Honours, can the witness take his
8 answer again.

9 PRESIDING JUDGE: Mr Witness, the interpreter hasn't heard
16:26:06 10 you. Please start your answer again.

11 THE WITNESS: As I said, the only thing was that Isaac
12 Mongor and others who were Liberians, I did not know them within
13 the Sierra Leone Army when they joined the STF. They were
14 different from the STF, or the Liberian guys whom we were
16:26:33 15 referring to who joined the Sierra Leone Army. They were not
16 part of the Sierra Leone Army, when those who were brought into
17 the Sierra Leone Army. That was what I was trying to talk about.

18 MS ALAGENDRA:

19 Q. Witness, when talking about the crimes that you committed
16:26:53 20 you used the phrase "Minus you plus you", do you recall that?

21 A. Yes, my Lord.

22 Q. What did that mean?

23 A. Well, as I said, this was Gullit, when we were leaving
24 Mansofinia this was the order he gave. That is if we failed to
16:27:15 25 obey the order, whatever the commander had said and you failed to
26 obey you could be liable to execution, or they will give you a
27 task where you will die or shot on the leg. And if you obey then
28 you were part of the group. Minus you plus you, that is with you
29 the movement can go on, without you if you disobey and anything

1 is done to you the movement can still go on. That was what he
2 was referring to, minus you plus you.

3 Q. Who is the "you" you are referring to?

16:27:54

4 A. That is you who will disobey. For instance, if the
5 commander says you should do it this, you who would disobey -
6 whosoever disobeys, you are the one you are referring to; minus
7 you plus you.

8 Q. Witness, when you say that if you failed to obey an order
9 you would be executed, who is the "you" you are referring to?

16:28:11

10 A. You the soldier or the RUF who has been given a command and
11 you failed to obey that command. You can either be executed or
12 given a task that you cannot achieve and you will die there or
13 given a heavy punishment.

16:28:35

14 MS ALAGENDRA: Your Honours, I have my eye on the time.
15 Perhaps it would be an appropriate time to adjourn.

16 PRESIDING JUDGE: How many questions do you have?

17 MS ALAGENDRA: I have about five more, your Honour.

16:29:02

18 MR ANYAH: Your Honour, I apologise to interfere with the
19 Chamber's discussions. I was simply going to propose the
20 Defence's position that we would have no objections if the
21 Chamber wished to have the tape changed and we were to finish
22 this examination before the recess.

16:29:27

23 PRESIDING JUDGE: In the light of the few questions we will
24 deal with that. We will see how it goes. Continue, Ms
25 Alagenda. I believe there is three minutes or so left.

26 MS ALAGENDRA: Can I ask that the witness be shown document
27 MFI-36. The third page specifically:

28 Q. Witness, I am going to read to you from the portion which
29 starts, "Taylor said his government." Have you found that?

1 A. Yes, my Lord.

2 Q. "Taylor said his government supports and recognises the
3 government of President Ahmad Tejan Kabbah and we do not support
4 the rebel activities against President Kabbah in Sierra Leone in
16:31:04 5 any shape or form."

6 Do you agree with that statement by President Taylor,
7 witness?

8 A. I disagree. I disagree, my Lord.

9 Q. I am going to skip the next sentence and read you the next
16:31:25 10 one:

11 "Taylor denied any Liberian Government involvement in the
12 Sierra Leone conflict, but he acknowledged that there were
13 Liberians fighting alongside the rebels. 'It is very clear and
14 factual that there are Liberians in Sierra Leone fighting', he
16:31:42 15 said. 'Liberians have been used as mercenaries in Sierra Leone
16 for a long time by all governments of Sierra Leone', he said.
17 'They have always been there, about 3,000 of them, but they are
18 there on their own'."

19 Do you agree with what President Taylor states there?

16:32:02 20 A. No, my Lord.

21 MS ALAGENDRA: Your Honours, can I ask that the witness be
22 given a Prosecution --

23 JUDGE SEBUTINDE: Ms Alagenda, is that all you are asking?
24 We would like to know why and how he disagrees with these
16:32:16 25 statements you are putting to him.

26 PRESIDING JUDGE: And I would further add that there is
27 more than one proposition.

28 MS ALAGENDRA:

29 Q. Witness, you said you disagree with Taylor's statement when

1 he says his government supports and recognises the government of
2 President Ahmad Tejan Kabbah. Why do you disagree?

3 A. Well, as I said, in the first place he had gone over the
4 international media and declared that Sierra Leone - sorry,
16:32:47 5 Sierra Leone will taste the bitterness of war.

6 PRESIDING JUDGE: We are not talking about that,
7 Mr Witness. We are talking about the fact that Liberians were
8 being used as mercenaries for a long time and other matters.
9 I am just being advised that the tape has to be changed. So
16:33:09 10 I will keep quiet.

11 MS IRURA: Sorry, your Honour, the tape needs to be
12 changed. It will take five minutes to do so.

13 Your Honour, the tape has been changed.

14 PRESIDING JUDGE: Thank you. Mr Witness, I was directing
16:36:09 15 you to the question asked which refers to a statement concerning
16 Liberians being used as mercenaries and being in Sierra Leone.
17 You should direct your answer to that particular quotation,
18 please.

19 THE WITNESS: Yes, my Lord.

16:36:26 20 PRESIDING JUDGE: Sorry, have I got it incorrect? I
21 apologise. In the circumstances I think it would be more
22 sensible if you put the question again, Ms Alagendra.

23 MS ALAGENDRA: I will do so, thank you:

24 Q. Witness, it says in this document:

16:36:44 25 "Taylor said his government supports and recognises the
26 government of President Ahmad Tejan Kabbah."

27 This part of what he states, do you agree with this?

28 A. No, my Lord.

29 Q. Why not?

1 A. Because during that time in the jungle I saw support from
2 Liberia - from Kailahun that came in the form of ammunition which
3 was - on which it was written "AFL Liberia", "Armed Forces of
4 Liberia". This clearly showed that he was supporting us who
16:37:25 5 were fighting - the junta forces who were fighting - and when we
6 also went to Liberia he confirmed it to us. So, I disagree with
7 this statement.

8 Q. The next statement President Taylor states:

9 "We do not support the rebel activities against President
16:37:44 10 Kabbah in Sierra Leone in any shape or form."

11 Was President Taylor speaking the truth when he said that?

12 MR ANYAH: Objection.

13 PRESIDING JUDGE: Yes, he cannot say. He can only give his
14 view. He cannot say whether the man was being truthful, or

16:38:03 15 otherwise.

16 MS ALAGENDRA: I will rephrase, your Honour:

17 Q. Do you agree with that statement?

18 A. No, my Lord, I disagree with this statement.

19 Q. Why do you disagree?

16:38:16 20 A. Well, as I said, I was at the battlefield and I had spent
21 time with the RUF and I saw the support that he was giving to the
22 troops in the form of ammunition and, as I said, also when we
23 went to Liberia he confirmed it and so I disagree with this
24 statement.

16:38:34 25 Q. Witness, I am going to go further down, I think it is the
26 second last sentence, where President Taylor states:

27 "Liberians have been used as mercenaries in Sierra Leone
28 for a long time by all governments of Sierra Leone. They have
29 always been there, about 3,000 of them, but they are there on

1 their own."

2 Do you agree with this statement by President Taylor that
3 the Liberian mercenaries in Sierra Leone were there on their own?

16:39:15

4 PRESIDING JUDGE: Pause, Mr Witness. Mr Anyah, I saw you
5 on your feet, but I see your microphone is switched off.

6 MR ANYAH: Yes.

7 PRESIDING JUDGE: Please put the question.

8 MS ALAGENDRA:

16:39:26

9 Q. Witness, do you agree with what President Taylor states
10 there that the Liberian mercenaries in Sierra Leone were there on
11 their own.

12 A. I can agree to part of it, but the rest I will disagree
13 because the Liberian mercenaries whom I knew, like Isaac Mongor,
14 Nya and others, Rambo, these were mercenaries who came in -
15 Superman, who came in as Liberian mercenaries from Liberia. The
16 others as I said who were fighting alongside, they supported the
17 APC and later they supported the NPRC government to fight and
18 push the RUF and the NPFL who came to attack in those days, in
19 the early 1991, 1992.

16:40:20

20 Q. Witness, can you be clear as to what is it that you don't
21 agree with what I read to you?

16:40:50

22 A. Well what I am not agreeing to here is that they were there
23 on their own; that last part that these Liberians were there on
24 their own. It did not happen that way. The Liberians who were
25 under the Sierra Leone Government were under control, that is it
26 was the Sierra Leone Government that was taking care. Those who
27 came with the RUF it was he, Charles Taylor, who sent them, Isaac
28 Mongor and others.

29 MS ALAGENDRA: Your Honours, can I ask that the witness be

1 shown a document which is provided by --

2 JUDGE SEBUTINDE: Sorry, I need to understand this.

3 Mr Witness, are you saying that Charles Taylor sent Isaac Mongor
4 and the other people you have named, including Superman and
16:41:27 5 Rambo, Nya? These Liberian mercenaries you are saying that
6 Charles Taylor sent them?

7 THE WITNESS: Yes, they themselves confirmed that to us and
8 they were not Sierra Leoneans.

9 MS ALAGENDRA: Your Honours, I would like the witness to be
16:41:47 10 shown a document from Sierra Leone News Archives, Sierra Leone
11 Web, of 29 April. This was a document that the Prosecution
12 provided this morning.

13 MR ANYAH: I have a document from August.

14 JUDGE SEBUTINDE: Is it an MFI already?

16:42:12 15 MS ALAGENDRA: No, your Honour, it is a new document. It
16 is 29 April 1998.

17 MR ANYAH: I have the document, Madam President.

18 PRESIDING JUDGE: Yes.

19 MS ALAGENDRA: Thank you, your Honour:

16:42:41 20 Q. Witness, I want you to have a look at the last paragraph.

21 I am going to read this paragraph to you, Mr Witness, and ask you
22 some questions:

23 "On 29 April 1998 ECOMOG task force commander Colonel
24 Maxwell Khobe has said that close to 100 Liberian mercenaries
16:43:18 25 have been captured in the last week either in combat or in towns
26 and villages in the interior where AFRC/RUF rebels are still
27 fighting. He said 50 fighters from Liberia's former ULIMO-K
28 militia and 20 from the NPFL were being detained at Pademba Road
29 Prison in Freetown. This is enough evidence to show you that the

1 Liberian leader and his ex-rebels are helping the deposed junta
2 in its military campaigns in Eastern Sierra Leone, Khobe said."

3 I am going to stop there for now, Mr Witness. Do you agree
4 with what commander Colonel Maxwell Khobe is saying?

16:44:16 5 PRESIDING JUDGE: Where does this arise from
6 cross-examination?

7 MS ALAGENDRA: This is in relation to the Liberian
8 mercenaries, your Honour, the issue that I just read out from the
9 Defence exhibit.

16:44:25 10 PRESIDING JUDGE: I see.

11 MR ANYAH: Well, Madam President, I will register an
12 objection to this on a number of reasons. Number 1, I received
13 this I see it on 29 April. I take counsel's representation that
14 the year she said was - because I don't see the year on the
16:44:48 15 document.

16 MS ALAGENDRA: It says 1998 on top. Right on top.

17 MR ANYAH: Okay, I see April 1998, but more so
18 fundamentally is the passage in question that counsel is reading
19 and whether or not this is beyond the scope of my
16:45:04 20 cross-examination. I am registering an objection that the
21 substance of this discussion is beyond the scope of my
22 cross-examination.

23 PRESIDING JUDGE: Ms Alagenda, your reply?

24 MS ALAGENDRA: Your Honour, I think this matter comes very
16:45:21 25 directly out of cross-examination. Firstly it is a denial that
26 the Liberian Government, or the President at the time, had
27 anything to do with the Liberians in Sierra Leone and, secondly,
28 Defence also put newspaper articles saying that it was only the
29 AFRC - that it was an exclusive AFRC operation in Freetown.

1 PRESIDING JUDGE: Did he put anything about Colonel Maxwell
2 Khobe giving an interview?

3 MS ALAGENDRA: No, your Honour, but the issue that Maxwell
4 Khobe is talking about is the same issue.

16:46:50 5 PRESIDING JUDGE: By a majority decision, Justice Sebutinde
6 dissenting, we uphold the objection and do not allow the
7 question. Please proceed.

8 MS ALAGENDRA: Thank you, your Honour. Your Honour, can
9 I ask that the witness be shown document Defence exhibit MFI-40.
16:47:16 10 This was the list of RUF commanders named in the Truth and
11 Reconciliation report:

12 Q. Witness, you were shown this document by learned Defence
13 counsel during cross-examination and you were asked about the
14 presence of these commanders during the 6 January invasion of

16:48:01 15 Freetown. Do you recall that?

16 A. Yes, my Lord.

17 Q. Now, witness, you testified that Gibril Massaquoi, when he
18 was released from Pademba, you said he maintained command?

19 A. Yes, my Lord.

16:48:23 20 Q. What did you mean by "maintained command"?

21 A. As soon as we got him out of Pademba Road, he resumed. He
22 was a colonel. He became one of the - he was one of the senior
23 commanders who had manpower. He had some boys who had been
24 released from Pademba Road who were with him. So, he maintained
16:48:47 25 his command as colonel and he had men under his control in
26 Freetown.

27 Q. Witness, in your testimony before this Court --

28 JUDGE SEBUTINDE: Could I seek clarification. Mr Witness,
29 are you saying that he was commanding the prisoners? Those other

1 prisoners that were released from Pademba? That is what Gibril
2 Massaquoi was doing, is that what you are saying?

3 THE WITNESS: No, my Lord. When he was released from
4 prison and they came, some of the RUF who were in Pademba Road
16:49:22 5 were under him and those whom he met also were also under him.
6 He was the senior commander who was among the RUF, including
7 those who were released from Pademba Road.

8 MS ALAGENDRA:

9 Q. Witness, in your testimony before this Court you said at
16:49:41 10 the time Gullit was in Freetown he was reporting to Mosquito.

11 A. Yes, my Lord.

12 Q. And you also testified that Mosquito had given orders to
13 burn Freetown.

14 MR ANYAH: Madam President, I would object to the initial
16:50:00 15 question that Gullit was reporting to Mosquito. I believe the
16 witness's evidence was that there was constant communication and
17 briefings about the developments, not necessarily that he was
18 reporting.

19 PRESIDING JUDGE: I think the word "communication" was
16:50:12 20 used.

21 MS ALAGENDRA: Your Honours, I recall a very specific
22 question who Gullit was reporting to and he said Sam Bockarie.
23 I can find the transcript, if your Honours will give me time?

24 MR ANYAH: I do not recall use of the word "reporting".

16:50:26 25 I had asked the witness a question today whether Issa Sesay and
26 Gullit were reporting to each other. This was during the retreat
27 and not during the 6 January invasion. I would be happy to be
28 referred to the transcript. I believe the witness has said all
29 along there was constant updates from Gullit to various RUF

1 commanders at various points, but I don't believe this
2 specificity as to chain of command was established by use of the
3 word "reporting".

16:50:58 4 MS ALAGENDRA: Your Honours, I maintain the question asked
5 to this witness was, "Who was Gullit reporting to?", and he said,
6 "Sam Bockarie".

7 JUDGE SEBUTINDE: Ms Alagenda, wouldn't it be easier if
8 you actually referred us to the transcript in question? This
9 would put an end to this debate.

16:51:12 10 MS ALAGENDRA: I will, your Honour. I was just looking at
11 the time involved, but I will do so.

12 PRESIDING JUDGE: Ms Alagenda, can I remind you that you
13 said you had five or six questions and we can only sit here for a
14 limited time.

16:51:24 15 MS ALAGENDRA: Your Honours, I am willing to continue when
16 we resume the next session.

17 PRESIDING JUDGE: Have you got this transcript?

18 MS ALAGENDRA: No, I don't, your Honour. It will require
19 me to go through days of transcripts.

16:51:34 20 PRESIDING JUDGE: It could only be in cross-examination.
21 You must not bring up stuff that you brought out in
22 examination-in-chief.

23 MS ALAGENDRA: No, your Honour. This document came out of
24 cross, your Honour, and it is the matters arising on this
16:51:47 25 document that I want to put to the witness.

26 MR ANYAH: Yes, but the question you are referring us to,
27 are you - well, I withdraw asking counsel a question without the
28 Chamber's intervention, but I believe Madam President is saying
29 that counsel is proposing that this question was asked not during

1 cross-examination, but during her examination and then the
2 Chamber would be precisely right in questioning why we are
3 revisiting questions asked during the direct examination.

16:52:21 4 MS ALAGENDRA: Your Honours, if I can explain that I wanted
5 to refer to the witness's previous testimony and ask him
6 questions in relation to a Defence exhibit that was introduced in
7 cross.

8 PRESIDING JUDGE: You can ask questions on a Defence
9 exhibit brought up in cross-examination. You cannot bulk it out
16:52:33 10 by - or refer to examination-in-chief. Put the matter that came
11 in cross-examination.

12 MS ALAGENDRA: Your Honours, if I can have a moment to
13 consult, please:

14 Q. Witness, do you see the name Sam Bockarie in this list of
16:53:20 15 the RUF high command?

16 A. Yes, my Lord.

17 JUDGE SEBUTINDE: Ms Alagenda, can I ask this, page 8289,
18 I'm not sure about the lines, but page 8289 might be what you are
19 looking for. You can just jot it down and you can take it from
16:53:40 20 there.

21 PRESIDING JUDGE: Ms Alagenda, I regret that we are
22 limited as to how long we can remain in this Court and that
23 limitation is just upon us. If this is the last question then we
24 can deal with it, if it is not then we cannot and regretfully we
16:54:01 25 must stand the matter over. We have made an effort to complete
26 this witness.

27 MS ALAGENDRA: Your Honour, I will do my best to limit my
28 questions.

29 PRESIDING JUDGE: Yes.

1 MS ALAGENDRA:

2 Q. Witness, the name that you see in the list in front of you,
3 Sam Bockarie alias Mosquito, do you know if he had any role in
4 the 6 January invasion of Freetown?

16:54:26 5 A. Yes, my Lord.

6 Q. What was his role?

7 A. Well, he was the one who gave Gullit the command for us to
8 start burning down Freetown, strategic areas in Freetown, when he
9 went over the international media and called through the set to
10 confirm with Gullit the burning down of Freetown. I said that.

16:54:47

11 Q. Witness, you see the name Issa Hassan Sesay?

12 A. Yes, my Lord.

13 Q. Do you know what role, if any, he had in the 6 January
14 invasion of Freetown?

16:55:03 15 A. Yes, my Lord.

16 Q. What was it?

17 A. Well, he too had constant communication and the
18 reinforcements came from him whereby RUF Rambo came with them
19 towards Hastings and the other SLA Rambo to go and reinforce us
20 in Freetown. It was Issa Sesay who came with the reinforcement.

16:55:28

21 Q. Witness, if you turn over the next page, the name RUF Rambo
22 that you have just called, do you see his name there?

23 A. Yes, my Lord.

24 Q. Can you direct the Court to it, please? Can you tell us
25 which number it is on this list?

16:56:07

26 A. Number 5.

27 MS ALAGENDRA: Your Honour, for the record the witness
28 pointed to the name Boston Flomo alias Rambo.

29 Q. Witness, do you see the name Denis Mingo alias Superman on

1 that list?

2 A. Yes, my Lord.

3 Q. Do you know what role, if any, did he have in the 6 January
4 invasion of Freetown?

16:56:45 5 A. Yes, he was in constant --

6 THE INTERPRETER: Your Honours, can he take the answer
7 again, it's not clear.

8 PRESIDING JUDGE: Mr Witness, repeat your answer, please.

9 THE WITNESS: Yes, my Lord. I said he was in constant
16:57:02 10 touch with us.

11 MS ALAGENDRA:

12 Q. Did he have any other involvement?

13 A. Well, as I said, he and SAJ Musa released the reinforcement
14 that met us in Colonel Eddie Town and we all advanced to
16:57:19 15 Freetown.

16 Q. Witness, do you see the name Morris Kallon in that list,
17 alias Bilal Karim?

18 A. Yes, my Lord.

19 Q. Do you know what role, if any, he had in the 6 January
16:57:31 20 invasion of Freetown?

21 A. No, I don't have any idea of his role that he played in
22 Freetown, although he too was a senior commander who was in
23 communication, but I don't have any further role that he played
24 in terms of manpower.

16:57:50 25 MS ALAGENDRA: Your Honours, I have no further questions.

26 PRESIDING JUDGE: Thank you, Ms Alagenda. We do not have
27 any questions for the witness. In the light of the restrictions
28 I propose that we release the witness and deal with any tenders,
29 if any, when the Court resumes on Monday morning.

1 Mr Witness, that is the end of your evidence - excuse me,
2 I am not speaking clearly. Is that proposal acceptable and can
3 the matters, if any I stress, be tendered in the absence of the
4 witness?

16:58:35 5 MS ALAGENDRA: Yes, your Honour, certainly.

6 MR ANYAH: Certainly, your Honour, the witness may be
7 excused if it please the Chamber.

8 PRESIDING JUDGE: Thank you. Mr Witness, we thank you for
9 your evidence and the time you have given us here in the Court.

16:58:46 10 That is the end of your evidence. You are now at liberty to
11 return and we wish you a safe journey.

12 As you are aware from the various announcements there are
13 official holidays and the Court will resume on Monday morning at
14 9.30. We will deal with any other matters arising from this
16:59:06 15 witness's testimony. I wish you all a pleasant break. Please
16 adjourn court.

17 [Whereupon the hearing adjourned at 5.00 p.m.
18 to be reconvened on Monday, 5 May 2008 at
19 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-334	8784
CROSS-EXAMINATION BY MR ANYAH	8784
RE-EXAMINATION BY MS ALAGENDRA	8911