



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 5 NOVEMBER 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Julia Sebutinde, Presiding
Justice Richard Lussick
Justice El Hadji Malick Sow, Alternate

For Chambers:

Mr Artur Appazov

For the Registry:

Ms Rachel Irura
Mr Alhassan Fornah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Kathryn Howarth
Mr Nathan Quick

**For the accused Charles Ghankay
Taylor:**

Mr Terry Munyard
Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambri ck

1 Friday, 5 November 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.04 a.m.]

09:04:38 5 PRESIDING JUDGE: Good morning. We'll take appearances
6 first, please.

7 MR KOUMJIAN: Good morning Madam President, good morning
8 your Honours and counsel opposite. For the Prosecution this
9 morning, Kathryn Howarth and Nathan Quick with Nicholas Koumjian.

09:05:01 10 MR MUNYARD: Good morning, Madam President, your Honours,
11 counsel opposite and Mr Kolleh. This morning for the Defence is
12 myself Terry Munyard, Morris Anyah, Silas Chekera and Logan
13 Hambrick.

14 PRESIDING JUDGE: Mr Kolleh, good morning.

09:05:20 15 THE WITNESS: Good morning, ma'am.

16 PRESIDING JUDGE: We are going to continue with your
17 testimony in cross-examination this morning, and as usual I
18 remind you of the oath that you took to tell the truth and it's
19 binding on you today also.

09:05:33 20 THE WITNESS: Yes, ma'am.

21 WITNESS: DCT-102 [On former oath]

22 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

23 MR KOUMJIAN: Your Honour, just as a house-keeping matter,
24 order of business, I believe I failed to mark a document which
09:05:53 25 was the report from the web page Wiki Sierra Leone about the NPRC
26 junta and I'd ask that that be marked next in order.

27 PRESIDING JUDGE: Was that the only document that you
28 sought to mark?

29 MR KOUMJIAN: There are several others but I'm still

1 dealing with those, so I'll wait a moment to mark those.

2 PRESIDING JUDGE: That should be the report entitled "NPRC
3 junta, Sierra Leone Wiki, Sierra Leone" consisting of two pages.
4 That is marked MFI-10.

09:06:50 5 MR KOUMJIAN: Thank you. Now I would ask that the Court
6 Officer bring back to the witness the document, the Security
7 Council report S/2002/267.

8 Q. Mr Kolleh, if you recall yesterday I read from the Security
9 Council report S/2001/1195, that was dated 13 December 2001, and
09:08:56 10 I read to you about how in November Issa Sesay ordered a stop to
11 disarmament in Kailahun. That document indicated that it was
12 being resumed and it was expected to be completed in December,
13 mid-December. If we actually look at S/2002/267, paragraph 2, it
14 the second sentence says: "The disarmament of combatants of the
09:09:32 15 RUF and the CDF was completed on 11 January." Is that correct,
16 Mr Kolleh, that the disarmament was not completed until 11
17 January?

18 PRESIDING JUDGE: Mr Kolleh, did you understand the
19 question?

09:10:07 20 THE WITNESS: No.

21 MR KOUMJIAN:

22 Q. Sir, disarmament in Kailahun was not completed until the
23 beginning of January 2002, correct?

24 PRESIDING JUDGE: Mr Kolleh, what is the problem?

09:10:31 25 THE WITNESS: I'm reading.

26 PRESIDING JUDGE: No, you were asked a question. The
27 reading is long finished.

28 THE WITNESS: Yes, please repeat your question.

29 MR KOUMJIAN:

1 Q. Sir, yesterday we read how Issa Sesay ordered a stop to
2 disarmament in November and after further negotiations with the
3 UN it was resumed. Do you recall that happening, that Issa Sesay
4 ordered a stop to disarmament in November?

09:11:04 5 A. Yes.

6 Q. And this sentence I just read to you said the actual
7 process was completed 11 January 2002. Does that sound correct
8 to you?

9 A. I don't remember the main date but it was stopped for some
09:11:17 10 time.

11 Q. Okay. Now I want to ask you about another document and if
12 the witness - if I could have distributed another document,
13 Security Council report S/2001/228. And while that's being done,
14 I will just notify the Court Officer that I will also be using
09:11:46 15 P-590.

16 Sir, S/2001/228, dated 14 March 2001, is the ninth report
17 of the Secretary-General of the UN mission in Sierra Leone. And
18 what I'm interested in is on page 2, paragraph 6. Yesterday we
19 had some discussion about how many arms from UNAMSIL were
09:13:21 20 returned, the percentages, et cetera.

21 Mr Kollah, about 500 UN soldiers were captured in those
22 events in May 2000 by the RUF. Isn't that correct?

23 A. I'm not aware of that number.

24 Q. What we see in paragraph 6 - well, do you recall a whole -
09:13:48 25 I believe it was battalion, 300 Zambians being captured alone on
26 their way to Makeni, a company I guess that was of Zambians being
27 captured on the way to Makeni?

28 A. I was not there. There was an attack that took place but I
29 was not there. I can't tell you whether they were Zambian or

1 which nationalities.

2 Q. Mr Kolléh, didn't you play a role in transporting these
3 captives. Part of your assignment was to take them from one
4 place to another. Isn't that right?

09:14:23 5 A. I was at Manowa, yes, they passed through Manowa.

6 Q. And you took them to where?

7 A. They were only crossing to Manowa towards Pendembu.

8 Q. Did you take them to Liberia?

9 A. No, I was at Manowa.

09:14:39 10 Q. So you had nothing to do with it, you never escorted them.

11 Is that what you're saying?

12 A. No.

13 Q. My question perhaps wasn't clear. Did you have anything to
14 do with the transportation of the hostages?

09:14:52 15 A. I said no.

16 Q. Mr Kolléh, in paragraph 6, this is dated 14 March 2001, it
17 indicates:

18 "So far the RUF have returned to UNAMSIL 56 personal
19 weapons, 10 vehicles and 20 armoured personnel carriers which
09:15:24 20 were part of the weapons and equipment seized by RUF from UNAMSIL
21 contingents last year. However, these vehicles and armoured
22 personnel carries had been completely stripped of weapons and
23 equipment and were not in a useable condition."

24 Now, Mr Sesay, you told us yesterday about the difficulty
09:15:46 25 of crossing the river with a very heavy armoured vehicle,
26 correct?

27 A. I am not Mr Sesay, please.

28 Q. Sorry, thank you, sir. I apologise. Mr Kolléh. You told
29 us during your testimony over the last few days about the

1 difficult y in crossing a river with a heavy armoured vehicle,
2 correct?

3 A. Yes.

09:16:15

4 Q. This indicates that the weapons were stripped off the
5 vehicle. So when you take weapons, like heavy calibre machine
6 guns and canon off a vehicle, then they can be transported across
7 the river. Isn't that true?

8 A. No.

9 Q. Why not?

09:16:31

10 A. I am not aware of any weapon coming to cross the ferry area
11 because those are heavy weapon you talk about. Canoe cannot take
12 those weapon.

13 Q. Sir, weapons were stripped off the vehicles on the orders
14 of Issa Sesay. Isn't that right?

09:16:51

15 A. No, sir.

16 Q. Well, I'll come to it and read to you the testimony of a
17 witness who talked about that. Why do you say a large calibre
18 machine gun can't be taken across the river?

09:17:14

19 A. It's not possible. It cannot fit in the canoe. It's very
20 heavy.

21 Q. Sir, there were more than canoes and you can float with
22 drums and objects. An object floats if it displaces more water
23 than the weight of what it is carrying. Isn't that true?

24 A. I am not aware of that. No, sir.

09:17:29

25 Q. And if you put enough empty drums, you can float the weight
26 that's equal to the water displaced. Isn't that true?

27 A. I did not use drum. I don't know how to use the drum. I
28 know of canoe.

29 JUDGE LUSSICK: Mr Witness, are you saying that the only

1 method you had of getting objects from one side of the river to
2 another was a canoe?

3 THE WITNESS: The canoe.

4 JUDGE LUSSICK: Nothing else?

09:17:54 5 THE WITNESS: What I know of is the canoe.

6 JUDGE LUSSICK: You mean to say an army in the field could
7 not get anything across a river except by canoe?

8 THE WITNESS: Yes, except by canoe.

9 PRESIDING JUDGE: Did you not tell us on Monday,
09:18:14 10 Mr Witness, I may be mistaken, but did you not say in your
11 evidence that sometimes you would make a raft from pieces of wood
12 and tie drums on either side to get things across?

13 THE WITNESS: Yes, but I did not use it to cross weapon. I
14 used canoe. Canoe was what usually I - when I was to Manowa I
09:18:39 15 used canoe.

16 PRESIDING JUDGE: Mr Witness, the question that His
17 Lordship asked was not what you used. He was asking, and I also
18 am asking, about means of getting across the river. Not your
19 means, but any means of getting across the river.

09:18:53 20 THE WITNESS: Yes, a drum, you could tie drum together to
21 make a cross if the canoe was maybe destroyed or it was not
22 possible to cross, somebody could use drum. But I did use a drum
23 when I was at Manowa.

24 MR KOUMJIAN:

09:19:11 25 Q. Mr Witness, the last Defence witness who testified here,
26 finishing early September, 008, talked about ammunition being
27 sent in vehicles to the RUF. Are you saying a vehicle could not
28 cross from Liberia into Kailahun District?

29 A. No, sir.

1 Q. And, sir, witnesses have talked about trucks arriving,
2 including Issa Sesay, talked about a truck coming from Lofa
3 County. Are you saying that that's an impossibility?

4 A. It was not possible, sir.

09:20:23 5 MR KOU MJIAN: If the witness could be shown S-590, please.

6 PRESIDING JUDGE: What is S-590?

7 MR KOU MJIAN: S-590 is the 11th report of the
8 Secretary-General of the UN mission in Sierra Leone, dated - it's
9 S/2001/857, dated 7 September 2001.

09:21:00 10 PRESIDING JUDGE: Do we have that, Mr Koumjian?

11 MR KOU MJIAN: Yes, it came in during the testimony of Issa
12 Sesay.

13 MS IRURA: Could counsel please indicate the exhibit
14 number, if it's an exhibit.

09:21:13 15 MR KOU MJIAN: I apologise. I thought I sent an email last
16 night. S-590.

17 PRESIDING JUDGE: That is not an exhibit number.

18 MR KOU MJIAN: Excuse me. I'm reading a P, and I'm saying
19 S. P-590. S/2001/857, P-590.

09:22:11 20 Q. Sir, I'm reading from paragraph 7. If I could just have
21 one moment. In paragraph 7 it indicates:

22 "However, RUF has yet to return all the weapons and
23 equipment seized from UNAMSIL and the monitoring group (ECOMOG)
24 of the Economic Community of West African States (ECOWAS). No
09:22:41 25 further items have been returned since the issuance of my last
26 report. While the RUF leadership has indicated that they
27 expected most of the rifles and other weapons to turn up during
28 the disarmament exercise, so far only 31 UNAMSIL weapons and 148
29 ECOMOG weapons have been recovered during the disarmament

1 process."

2 Well, sir, you said you were in charge of collecting the
3 weapons in Kailahun during the disarmament. Nothing like 500
4 personal weapons were recovered by the RUF and turned over during
09:23:22 5 that disarmament, were they?

6 A. I am not aware of UNAMSIL weapon capture by the RUF in
7 Kailahun that I was in possession of and did not return.

8 Q. Sir, first of all, you're not going to tell us, are you,
9 that you're not aware that the RUF seized in May 2000 about 500
09:23:48 10 peacekeepers Zambians, Kenyans, UN military observers, in
11 addition to the group that Martin George captured, the Indians in
12 Kailahun. You know about all of that, don't you?

13 A. Please be specific with your question. If you talk about
14 Makeni I was not there, I cannot give you updates. If you talk
09:24:07 15 about Kailahun also I was not there. Martin George could best
16 answer that question or Issa Sesay could best answer the question
17 pertaining to Makeni events. I tell you of disarmament when I
18 took over Martin George from Kailahun.

19 Q. Mr Kolleh, you've told us at times that you were a senior
09:24:25 20 officer of the RUF, so are you saying now you aren't aware - you
21 never heard about the capture of these peacekeepers around
22 Makeni?

23 A. By your being senior officer does not mean that you have to
24 know everything to every point. Your being senior officer, you
09:24:46 25 were deployed to a specific area. So being senior officer is not
26 a crime that you should know everything or you are not forced to
27 know everything.

28 Q. Mr George, you're not answering my question.

29 MR MUNYARD: Mr Kolleh has --

1 MR KOUMJIAN:

2 Q. Mr Koll eh, I apologise. You were not answering my
3 question. My question is: Did you know about the capture of
4 peacekeepers in Makeni? Are you saying that you did not know
09:25:13 5 about the capture of the peacekeepers in 2000, May 2000?

6 A. I told you I heard of it but I don't know how it happened,
7 the total number, I don't know. Weapons captured I can't tell
8 you but I heard of attack in Makeni. I kept telling you this.

9 Q. So, Mr George, how many people did you hear were
09:25:37 10 captured --

11 MR MUNYARD: Mr Koll eh.

12 MR KOUMJIAN: I apologise.

13 Q. Mr Witness, I'm going to switch to that. Mr Witness, how
14 many persons did UNAMSIL or ECOMOG - were captured, as far as you
09:25:50 15 knew?

16 A. If you are talking about ECOMOG, you're talking about
17 UNAMSIL.

18 Q. I'm talking about both, in total.

19 A. I don't know.

09:26:04 20 Q. Now, you said you didn't know anything about the stripping
21 of weapons from vehicles.

22 Could we have the transcript, please, of 13 April 2010,
23 page 38783.

24 Explain to us again what exactly was your assignment in May
09:26:26 25 2000. When the peacekeepers were captured, when Foday Sankoh's
26 house was attacked in Freetown, Spur Road, what was your
27 assignment?

28 A. By that time I was around Bunumbu. From there I came to
29 Manowa. I was not assigned by that time yet and Martin George

1 was in Kailahun. By that time I was not yet assigned. I was an
2 officer, but I was not under specific assignment. After which
3 before I took over from Martin George from Kailahun.

09:27:14 4 Q. You're saying that in May 2000, before taking Martin
5 George's position, you were a senior officer but you had no
6 assignment? Is that what you're telling us?

7 A. Before that happened, yes.

8 Q. So you could just do whatever you wanted to do?

09:27:29 9 A. Once we were not fighting war and we were at peace by that
10 time, you could move around. When war was going on you don't
11 just move on your own.

12 Q. It just raises one question in my mind, Mr Kolleh. You
13 were captured, forced to train with the RUF, brought out of fear
14 to bring this war to Sierra Leone. So here you are in May 2000,
09:27:52 15 you've got no assignment, why didn't you go back to your own
16 country?

17 A. I could not go back. I was still with the RUF. I could
18 not go back.

19 Q. Why?

09:28:07 20 A. We were still with the RUF. I could not go back.

21 Q. Because if you cross the border you're in Liberia.
22 Charles Taylor was President in control of the country and you
23 knew that you were in Liberia, an RUF deserter, you would be in
24 danger of being arrested and turned over and killed just like
09:28:33 25 Fonti Kanu was. Isn't that true?

26 A. No, I was still with the RUF. I could not go.

27 Q. So with no assignment, nothing to do, you never went back
28 to Liberia. Now let's go and read the transcript of 13 April,
29 please, page 38783, line 15 please. The witness was asked; this

1 is Charles Ngebeh:

2 "Q. In May 2000 you took part in the attacks against the
3 United Nations peacekeepers.

4 A. No.

09:29:21 5 Q. And the heavy weapons that were taken from the United
6 Nations peacekeepers were handed over to you, weren't they?

7 A. You are correct. All the 17 armoured cars here parked
8 in my compound, you are right. Because I was the arms
9 specialist.

09:29:36 10 Q. And you removed some of the weapons that were mounted
11 on those armoured cars and put them on RUF pick-up trucks.
12 Isn't that right?

13 A. You are correct. That was what I did.

14 Q. And you were aware that these weapons had come from the
09:29:54 15 capture of the United Nations peacekeepers, weren't you.

16 A. Yes. But it was an instruction from Issa, and what
17 could I have done except that I accept the instruction from
18 him?"

19 So as being the person in charge of the disarmament in
09:30:19 20 Kailahun you must have known, Mr Witness, that the armoured
21 vehicles that were being turned over had been stripped of the
22 equipment. You knew that, didn't you.

23 A. No.

24 Q. Where did those weapons go to that Charles Ngebeh stripped
09:30:46 25 from the vehicles?

26 A. I don't know.

27 Q. They went to Liberia, to the armed forces of Liberia.
28 Isn't that true?

29 A. No, sir.

1 Q. Sir, in March of 1999 - well, I believe now I can ask to
2 have these UN Security Council reports marked for identification.
3 I presented three new reports. The last one that I just used,
4 and perhaps we can do them in chronological order and it may make
09:31:15 5 sense to mark them A, B, C, S/2001/228 and I referred to page 2,
6 then S/2001/1195, I referred to page 1.

7 MR MUNYARD: I think it was page 3.

8 MR KOUMJIAN: Thank you, page 3. And then S/2002/267, I
9 referred to page 1 this morning and yesterday I referred to page
09:32:09 10 3.

11 PRESIDING JUDGE: That is correct. I'm going to admit
12 the - rather to mark, to mark them as follows: The ninth report
13 of the Secretary-General on UNAMSIL dated 14 March 2001, that's
14 pages 1 - that's the cover page of course and page 2, and
09:32:39 15 secondly the twelfth report of the Secretary-General on UNAMSIL,
16 13 December 2001, it's the cover page 1 and page 3, and thirdly
17 the thirteenth report of the Secretary-General on UNAMSIL, 14
18 March 2002, pages 1 and 3, those will be marked MFI-11A, B and C
19 respectively.

09:33:09 20 MR KOUMJIAN:

21 Q. Now, Mr Witness, I'd like you to explain a bit of your
22 prior testimony. If we could have the transcript of 1 November?

23 JUDGE SOW: I'm sorry, Mr Koumjian, before we leave these
24 documents, I want to understand better your testimony, Mr Kolleh.
09:33:29 25 If we look at the Security Council report S/2001/1195, at the
26 back, the last page, Mr Kolleh.

27 THE WITNESS: Yes, sir.

28 JUDGE SOW: Do you see the map over there, the last page?

29 THE WITNESS: I'm not seeing anything before me. I am not

1 seeing anything here.

2 JUDGE SOW: Yes, hold on.

3 PRESIDING JUDGE: Madam Court Manager, if we could just put
4 this document before the witness, please.

09:34:42 5 JUDGE SOW: Maybe you can show him the map. You said that
6 it was impossible to take arms from Pendembu or Kailahun to
7 Liberia and you said that there were military observers and all
8 this UN personnel deployed across the border. When you see the
9 right of the map you see the Pakistani contingent, you see all
09:35:33 10 over. Is your testimony you cannot take weapons across the
11 border because there were all these military personnel there, or
12 because of the mode of transportation? Do you see the map.

13 THE WITNESS: I am seeing the map, sir.

14 JUDGE SOW: Okay. On your right when we look at the legend
09:36:09 15 you have these Pakistani contingents. Are you saying that
16 because of the presence of these military personnel you couldn't
17 take arms across the border?

18 THE WITNESS: Exactly so.

19 JUDGE SOW: Thank you so much.

09:36:32 20 JUDGE LUSSICK: Mr Witness, why didn't you say that before
21 instead of saying that you could not move heavy equipment except
22 in a canoe?

23 THE WITNESS: He's not asking me that. Manowa Ferry, he's
24 not asking me about river. He's asking me in my controlled area
09:36:46 25 he's showing me a border with Liberia, asking if I could not go
26 to Liberia with weapon because of the presence of these people.
27 That's what I say yes. And I have the pager for the MI LOBs
28 commander that worked with me to disarm in Kailahun. Adams is
29 here on the photo. It was impossible. These people were

1 monitoring all over.

2 JUDGE LUSSICK: You were asked, "Why do you say a large
3 calibre machine gun can't be taken across the river?" Now,
4 listen to me. Your answer was not that we were prevented by the
09:37:18 5 Pakistanis. Your answer was it's not possible, it cannot fit in
6 the canoe, it's very heavy. You made no mention of Pakistani
7 troops stopping you. Now why all of a sudden do you come up with
8 this answer that it was the Pakistanis and not the canoes?

9 THE WITNESS: Excuse me, sir. I am not talking about
09:37:40 10 Pakistani or this, he's asking me in Kailahun, he's showing me
11 the borderline with Liberia, the first question posted to me was
12 crossing arms from Kono that have been captured from UNAMSIL to
13 be transported to Liberia. I said it was impossible from their
14 evidence that they received - that I received and cross, we were
09:38:01 15 talking about crossing, this time round I'm talk about in
16 Kailahun, he's showing me the boundary with Liberia. Those are
17 two separate questions that have been posted to me, sir.

18 JUDGE LUSSICK: I don't know what you're talking about and
19 perhaps your counsel can straighten this out on re-examination,
09:38:16 20 but for now you carry on, Mr Koumjian.

21 THE WITNESS: If he can come back to his question maybe you
22 will get what I'm saying. He's particularly talking about
23 Kailahun.

24 JUDGE LUSSICK: You're under cross-examination. Go ahead,
09:38:29 25 Mr Koumjian.

26 MR KOUMJIAN:

27 Q. Mr Kolleh, you make one point that's pretty clear. It's a
28 lot easier to spot an armoured vehicle crossing the border than
29 weapons that have been stripped off the vehicle, radio equipment

1 that's been hidden in rice bags and behind other consumer goods.

2 Isn't that true?

3 A. No, sir.

4 Q. And again, Mr Kollah, are there bridges between Sierra

09:38:57 5 Leone and Liberia?

6 A. No.

7 Q. Well, you told us about bridges. You told us about the Bo
8 Waterside bridge on two occasions?

9 A. I am talking about between Sierra Leone and Liberia to

09:39:11 10 where I can controlled during disarmament. But earlier I told

11 you in my first day of information I told you that there's a wire

12 bridge between Liberia and Sierra Leone in the Pujehun District.

13 I told you earlier.

14 Q. So vehicles can be driven over the bridge from Sierra

09:39:30 15 Leone --

16 A. Yes.

17 Q. -- to Liberia?

18 A. In the Pujehun District, yes.

19 Q. Mr Witness, where were you in March 1999, a couple of

09:39:45 20 months after the Freetown invasion? Where were you assigned?

21 A. I was in Manowa.

22 Q. Did you go anywhere else? Were you going to Makeni and
23 other places?

24 A. I went Makeni before.

09:40:12 25 Q. When did you go to Makeni?

26 A. I went to Makeni by instruction from Issa, Issa Sesay, to
27 Morris Kallon.

28 Q. What was the instruction you got from Issa Sesay?

29 A. I should carry heavy weapon to Morris Kallon.

1 Q. So basically, you were instructed, in March 1999, to bring
2 the heavy weapons because of the conflict at that time between
3 Kallon and Sesay, on one side, and Superman and Massaquoi, on the
4 other, correct?

09:40:53 5 A. Yes.

6 Q. So you didn't just stay in Kailahun. You were at a
7 battlefield with a heavy weapon, correct?

8 A. I was asked from Manowa to escort the weapon from Bunumbu
9 to Issa's location. When I arrived there he told me, "Please
09:41:11 10 give this weapon to Kallon, he's in the siege." That's how I
11 carried and hand it over to him.

12 MR KOUJIAN: Could the witness be shown P-515, please.

13 Q. Mr Witness, I want to take advantage of your expertise in
14 heavy weapons and ask you about this photograph. First of all,
09:42:57 15 perhaps you could take it and look at it in your hands. Do you
16 recognise that kind of weapon?

17 A. Yes.

18 Q. What is it?

19 A. This is one barrel AA.

09:43:32 20 Q. Is this the kind of weapon that the ECOMOG had, UNAMSIL,
21 excuse me, or the ECOMOG? Did ECOMOG or UNAMSIL have this kind
22 of weapon?

23 A. I don't remember. We had this, this type of weapon, sir,
24 this type.

09:43:50 25 Q. Okay. And I don't know if you took a good look at the
26 person manning the gun. Perhaps you want to look again at that.

27 A. No, sir.

28 Q. Take the photograph in your hand again --

29 A. I don't remember anybody.

1 Q. Well, you say that without looking.

2 A. I don't remember.

3 Q. Sir, remember you mentioned in your testimony and you
4 spelled out a name, Nyallay. Now, I think you may have actually
09:44:23 5 used the wrong name at that time, but there was a Nyallay who was
6 a bodyguard for Morris Kallon, correct?

7 A. I did not know Nyallay as bodyguard to Morris Kallon.

8 Q. Well, the person you were talking about was Nya, a radio
9 commander, correct?

09:44:47 10 A. I said CO Nyan, a radio operator.

11 Q. He was a Liberian, correct, that you're talking about?

12 A. Yes.

13 Q. He had been with the NPFL, joined the RUF earlier on?

14 A. I did not know him before.

09:45:07 15 PRESIDING JUDGE: Mr Witness, what did you call him, CO
16 what?

17 THE WITNESS: Nyan.

18 PRESIDING JUDGE: Could you spell that.

19 THE WITNESS: N-Y-A-N, Nyan.

09:45:16 20 MR KOUMJIAN:

21 Q. Well, I believe earlier in your testimony you spelled it
22 Nyallay, N-Y-A-L-L-A-Y.

23 THE WITNESS: Nyallay was - this Nyallay was a Sierra
24 Leonean, I said Nyallay, Nyallay is different from Nyan.

09:45:40 25 PRESIDING JUDGE: I think the witness is right. He did
26 spell it this way before in the end.

27 MR KOUMJIAN:

28 Q. Sir, this Sierra Leonean in Nyan, who was he?

29 A. He was a radio operator.

1 Q. I want to make sure we're not confusing because I know my
2 pronunciation is not great. You talked about a Liberian. The
3 Liberian was the radio operator that you're talking about just
4 now, correct?

09:46:01 5 A. We had Nyallay and Nyan. Nyan was a Liberian, he was a
6 Liberian and he was a radio operator.

7 Q. And Nyallay, what was his assignment?

8 A. Nyallay was a radio operator too.

9 Q. Sir, most of Charles Taylor's ATU at the end of the war
09:46:26 10 were Sierra Leoneans. Isn't that true?

11 A. I can't tell, I was not there because most Sierra Leonean
12 were in Liberia, so I can't tell whether they were actually
13 composed of Sierra Leonean, but a lot of Sierra Leoneans in
14 Liberia, they live there before.

09:46:50 15 Q. A lot of RUF were put into Charles Taylor's ATU after
16 Bockarie left. Isn't that true?

17 A. I can't tell. I did not go with Sam Bockarie.

18 Q. Mr Witness, the RUF - you talked a little bit about
19 fighting in Guinea. I believe you said Matthew Barbue led troops
09:47:20 20 into Guinea in an attack, correct?

21 A. Yes.

22 Q. The truth is that the RUF combined forces with the Armed
23 Forces of Liberia at that time to attack Guinea. Isn't that
24 true?

09:47:36 25 A. No, I know of RUF attack into Guinea and again firing too
26 was from the Liberian side to Guinea, but we did not actually go
27 to sit to combine to fight. I'm not aware of that.

28 Q. You're not aware that they combined forces, the RUF and the
29 AFL?

1 A. No, they were not directly combined, but I know - I'm
2 aware, sorry, of attack in Guinea by the RUF.

3 Q. And you're also - aren't you also aware that the RUF,
4 following Taylor's orders, fought first Mosquito Spray and then
09:48:16 5 LURD rebels in Lofa County in Liberia? That happened, didn't it?

6 A. No, sir.

7 Q. Well, I want to read to you some bits of testimony. I hope
8 to go through this quickly. I'm not going to read to you every
9 bit of testimony we've had on this, but let's start with 6
09:48:38 10 February 2008, page 3273.

11 PRESIDING JUDGE: Mr Koumjian, I'm looking at that answer
12 that the witness gave to the question whether the RUF forces and
13 the Armed Forces of Liberia combined to attack Guinea. His
14 answer was: "No, they were not directly combined, but I know -
09:49:39 15 I'm aware of attack in Guinea by the RUF." And then you asked
16 him again: "And you're also aware that the RUF, following
17 Taylor's orders, fought first Mosquito Spray and then the LURD
18 rebels in Lofa County?" And he said: "No, sir."

19 Now, when he said they were not directly combined, does
09:50:10 20 that mean there's a possibility that they were indirectly
21 combined?

22 THE WITNESS: No, sir, we were not combined. We fought
23 enemies in Guinea, RUF in particular. But he's asking whether we
24 had a combined - we were combined. I said no.

09:50:26 25 PRESIDING JUDGE: Did you have - were you fighting a common
26 enemy, that is, the RUF and the AFL, were they fighting a common
27 enemy in Guinea, do you know?

28 THE WITNESS: Yes, I believe, because for the RUF we attack
29 Guinea, ma'am, but we were not under instruction from Liberia

1 leader or Liberia leader giving instruction go and do this, no,
2 sir, but we fought in Guinea. We fought the CDF and the Guinean
3 forces.

09:51:09

4 PRESIDING JUDGE: And as far as you're aware, the AFL were
5 fighting who in Guinea?

6 THE WITNESS: They were fighting in Guinea. They were
7 fighting their own enemies. They were fighting in Guinea, ma'am.

8 PRESIDING JUDGE: Okay, please proceed, Mr Koumjian.

9 MR KOUMJIAN:

09:51:29

10 Q. Mr Witness, I just want to ask you about something in your
11 answer to the Presiding Judge's question. She asked you if you
12 knew whether when you said indirectly - that they were not
13 combining forces directly, did they combine forces indirectly and
14 you gave your answer, and just like you're doing right now, you

09:51:51

15 put your head down, and you began your answer with your head
16 down, shaking your head. Mr Witness, where you come from, is it
17 known that when people lie they look away, they look down?

18 A. When you talk to me I have to listen to your question
19 carefully. Perhaps I have to take time to understand what you
20 are saying to me. You don't just pose question and just answer
21 you because I have to take time to understand what you said. I
22 am not putting my head down to shake it. Sometime I begin to
23 shake my head no, no, before I come to your answer.

09:52:12

24 Q. Mr Witness, I'm asking you about your answers.

09:52:26

25 A. Yes.

26 Q. Where you close your eyes or you look down at your feet.
27 Not when you're listening to the question. When you begin your
28 answers. Is that a habit you have when you're under stress
29 because you're lying?

1 A. No, sir.

2 Q. Let me read first from 6 February, page 3273. And towards
3 the bottom of the page, about line 15. Thank you, line 17, I'll
4 begin there. The witness said:

09:53:08 5 "A. Okay, sorry, let me make that area clear. After the
6 UN invasion Bockarie was not in Sierra Leone. It was
7 during Issa's command. Issa used to send manpower. And
8 before Bockarie left, Bockarie used to send manpower to go
9 and fight in Lofa. Lofa is an area that joins Sierra
10 Leone. This was an instruction from Mr Taylor."

11 By the way, Mr Witness, this is from a radio operator, King
12 Perry Kamara. You would agree that the strength of the RUF was
13 the radio operations, correct?

14 A. For the RUF, yes.

09:53:44 15 Q. And the people that know, have access to most of the
16 information about operations are the radio operators, correct?

17 A. Yes.

18 Q. And even you claim what you know about the Freetown
19 invasion you heard over the radio, correct?

09:54:00 20 A. Yes.

21 Q. So let's go on with his testimony. Skipping down a few
22 lines to the bottom of the page, the last three lines:

23 "And later again Taylor called for RUF senior officers'
24 meeting in Monrovia. He requested for a mission that was to go
09:54:18 25 and attack Guinea by Sierra Leone and also attack Guinea's
26 position by Liberia, Lofa County." He was asked another question
27 about when it was and he said it was in '99. He was asked when
28 Bockarie sent forces to go and fight inside Liberia and he
29 answered it was in 1999. "It was in '99. That was when we had

1 returned from Freetown, our fighting had quelled down a little.
2 That was the time. Because immediately after our men had
3 withdrawn from Freetown we were not fighting any more. So our
4 troops were going to fight in Liberia. That was under Sam
09:54:57 5 Bockarie's administration."

6 And then he was asked:

7 "Q. And when was it that Issa Sesay was asked to raise
8 manpower to help fighting inside Guinea?

9 A. That was the time when Issa Sesay was now the RUF
09:55:16 10 commander, and this was the time we had arrested and taken
11 away the UNAMSIL or United Nations weapon and ULIMO started
12 attacking Taylor from the border, so he requested for
13 Mr Sesay, so that Issa Sesay would send troops there
14 because of the route Issa Sesay would use to Liberia so
09:55:38 15 that that route should not be blocked. That went on until
16 the time he called again for a meeting to organise and
17 attack the Guinea position. Mr Taylor called this
18 meeting."

19 Now, I'm going to go to another date. If we could have
09:56:01 20 23rd January 2008, please. This is the testimony of Abu Keita,
21 page 2047.

22 While that's coming up on the screen, Mr Kolleh, did you
23 take - the RUF, did you take the 500 peacekeepers to Liberia by
24 canoe? Did they swim across the river? How did they get across
09:56:23 25 the river?

26 A. We transport them by the canoe from the Manowa Ferry.

27 Q. Okay, I believe it's up. So going to the last seven lines
28 of the page Mr Keita was asked:

29 "Q. Were there other units besides RUF that were fighting

1 together against Mosquito Spray?

2 A. Yes, they were the AFL whom I told you that their
3 commander was Colonel Stanley."

4 That's a name you mentioned, isn't it, Mr Witness?

09:57:28 5 A. Yes, I mentioned one Stanley.

6 Q. You saw him retreating with RUF troops, didn't you?

7 A. When the RUF retreated into the savannah, into Sierra
8 Leone, to the borderline, yes, I was asking Matthew Barbue, I
9 said, who is this other person. He said it's Stanley. That is

09:57:47 10 the only person I saw. Our men retreated and lot of people died
11 in river and that is a savannah, an open area.

12 Q. I'll just continue this:

13 "The battalion commander in Foya, that's Stanley, and the
14 police and the ATU. We all did the operation off Mosquito Spray
09:58:05 15 from Kolahun and Voijnjama."

16 And then going to the next page towards the last four
17 lines, I believe. The witness said:

18 "The next one, after releasing the peacekeepers which were
19 the Zambians and Kenyans, when Issa Sesay came with the 50 boxes
09:58:35 20 of ammunition we moved from Makeni to Kamakwie and then the
21 commander who was in Kamakwie, who was called Colonel - Did I
22 hear something?

23 MR MUNYARD: Mr Koumjian read Kamakwie twice. In fact the
24 second word is Kokui ma.

09:59:04 25 MR KOUMJIAN: Thank you. Thank you, Mr Munyard.

26 Q. "Then the commander who was in Kokui ma who is called
27 Colonel Komba Gbundema, he was the commander in Kamakwie. Then
28 we used the Kabbah ferry. We went to Madina Wola. We attacked
29 Madina Wola in Guinea and then in that attack we incurred more

1 casual ties."

2 He was asked when the peacekeepers were taken, he said that
3 was 2000. Mr Kolleh, you've talked about an attack in Guinea.
4 The RUF, you told us, a lot of people died in that attack. Isn't
09:59:40 5 that true?

6 A. Lot of people die in the river.

7 Q. And people were wounded, RUF were wounded, correct? How
8 about, sir, you're not answering my question but you're shaking
9 your head. Does that mean you don't know or does that mean no?

10:00:07 10 A. No, I don't know.

11 Q. Matthew Kennedy who was the mining commander earlier in
12 Kono, you knew him, correct? He's a vanguard?

13 A. Yes.

14 Q. He was wounded in that attack, correct?

10:00:16 15 A. I am not aware of that.

16 Q. Let's go to the bottom of that page, please, the last line.
17 He was asked.

18 "Q. Sir, did you receive any information, were you told
19 why RUF was going to Guinea, attacking Guinea at that time.

10:00:36 20 A. Issa Sesay said Charles Taylor informed him that we
21 should give him grounds in Guinea so that the time for the
22 had disarmament into Sierra Leone, some of the arms we had
23 would be crossed over into Guinea for safekeeping."

24 Then going down the page to about 10 lines up, the sentence
10:01:00 25 that begins "the next operation", the answer that begins "the
26 next operation".

27 "The next operation was Dennis Mingo, alias Superman.

28 When we moved from Kono we attacked Guinea closer to Kissidou."

29 Going to the next page in the middle of the page he was

1 asked at line 13:

2 "Q. Who were you fighting against in that operation?

3 A. We were fighting against the Guinea government.

4 Q. And how long do you think you were in Guinea that time?

10:01:48 5 A. We spent a month."

6 And then he was asked if he returned, and he said:

7 "We retreated to Sierra Leone."

8 His next answer is:

9 "We moved to Kono. From there Issa provided transport for
10:02:04 10 everyone of us and we moved to Liberia and we were in Foya where
11 we met Colonel Benjamin Yeaten and he said guys, everyone should
12 get ready for the operation. He said this time around we have to
13 take Gueckedou. So we used the Solomon crossing point. That is
14 the crossing point between Liberia and Gueckedou they call
10:02:23 15 Solomon."

16 First before I leave that, Mr Witness, who's Benjamin
17 Yeaten?

18 A. I don't know him.

19 Q. You were RUF all throughout the war and you tell us that
10:02:44 20 you don't know who Benjamin Yeaten is?

21 A. No.

22 Q. Thank you, sir. Let's go to the next page, the fourth line
23 down.

24 "It was a joint operation. The RUF, the AFL, the ATU, and
10:03:07 25 the police."

26 Going down about another 12 lines:

27 "The commander was Benjamin Yeaten. The field commander
28 was Superman and then we had different commanders. I was a
29 commander, Matthew Barbue was a commander."

1 That's the Matthew Barbue you mentioned, correct?

2 A. Yes, the Matthew Barbue I know retreated and went back to
3 Makeni.

4 Q. "Mark Gwon was a commander. Then I think the operation was
10:03:54 5 planned and signed by Issa Sesay and Benjamin Yeaten and then I
6 think I gave a copy of that to the Prosecution. I wish you can
7 help me with the copy to identify them to the judges."

8 And he produced an order or the Prosecution produced an
9 order he had been given. Mr Witness, you know about this
10:04:14 10 operation, the operation you talked about with Matthew Barbue,
11 the RUF combined forces with the Liberian troops loyal to
12 Charles Taylor. Isn't that true?

13 A. No.

14 Q. Let's just look briefly at another witness, 2 September
10:04:31 15 2008, page 15179. That witness was asked at about 10 lines
16 down - I'll wait till it's up. He was asked at line 10:

17 "Q. Now who was Matthew Barbue?

18 A. Matthew Barbue was an RUF vanguard, but he was a
19 Liberian.

10:05:27 20 Q. And who promoted him to major general?"

21 The answer from this witness who is TF1-338 was:

22 "A. The agreement was between Benjamin Yeaten and Issa.

23 The two of them joined together to promote him."

24 Can I just go down the page a bit, I want to see if I can
10:05:50 25 find - okay, I'll skip that and go to the next witness. If we
26 can have 18 November, please, 2008, page 20506. At the bottom of
27 the page, the last three lines the witness says, and this, sir,
28 is Augustine Mallah:

29 "I said the only time I went towards Guinean-Sierra Leone

1 border or the Liberian-Sierra Leone border was at the time Issa
2 Sesay sent me to go and join the NPFL soldiers at Mendekoma in
3 Liberia to fight against the LURD rebels, but I did not in fact
4 explain the other problem, but when you spoke about the Guinean
10:07:10 5 problem, and that was something that actually happened between
6 the two of us, he said I should go as a reinforcement to Guinea,
7 but I refused going."

8 I would now like the transcript, please, for 5 March 2008,
9 TF1-337.

10 PRESIDING JUDGE: Would you state the page, please.

11 MR KOUMJIAN: Sorry, 5 March 2008, 5337 is what I have.

12 Q. About 10 lines down, the witness said:

13 "At this time I was at Kamakwie Number 3 with Komba
14 Gbundema, when Issa Sesay, Morris Kallon and my former
10:08:28 15 commander, Augustine Gbao, came and met us at Kamakwie and
16 we all slept in the same house. Then the following morning
17 Komba Gbundema held a muster parade and Issa Sesay and
18 Morris Kallon addressed the fighters there to go and attack
19 the Guinean territory to oust Lansana Conte.

10:08:50 20 Q. Who spoke at this muster parade and said that?

21 A. Issa Sesay was the first person to talk to us. Later
22 Morris Kallon addressed us and I also saw a Guinean who
23 also addressed us a bit.

24 Q. What did Issa Sesay say when addressing this muster
10:09:12 25 parade?

26 A. Issa Sesay told us at the muster parade that
27 ex-President Charles Taylor had given him that mission to
28 launch an attack against Lansana Conte in Guinea."

29 Mr Witness, can we have 9 April 2008, please, page 7056.

1 JUDGE LUSSICK: Mr Koumjian, I'm just curious, are you
2 going to ask the witness any questions on these transcripts
3 you've been going through or are you formulating an address on
4 the evidence that perhaps would be better reserved until final
10:09:54 5 submissions?

6 MR KOUMJIAN: I plan to ask the witness about his evidence.
7 This is the last transcript I'll read before doing that.

8 JUDGE LUSSICK: I see. I'm just a bit concerned that if
9 you ask him about a specific transcript we'll have to go back and
10:10:11 10 open that transcript again.

11 MR KOUMJIAN: I'm asking about the general proposition of
12 the forces being combined for attacks on Guinea and Sierra Leone
13 and Liberia, Lofa County. This is the last transcript I'll read.
14 Q. Sir, five lines down, this witness TF1-516 said:

10:10:35 15 "After the insurgents took back Voinjama another attack was
16 organised, but that was now within the Armed Forces of Liberia
17 and Voinjama was captured. It spent so long and in 2000, the
18 year 2000, some time in 2000, Voinjama again fell into the hands
19 of the insurgents and this time Superman was called upon to come
10:10:55 20 and take care of that situation."

21 Then going down about 10 pages he said --

22 PRESIDING JUDGE: You mean 10 lines.

23 MR KOUMJIAN: Ten lines.

24 "Q. And the message was directed, the message was from
10:11:18 25 who?

26 A. From Benjamin D Yeaten.

27 Q. And directed to who?

28 A. To General Issa Sesay."

29 I'm going to skip that, but I would like to read - while

1 I'm looking for what I was looking for, I'd like to distribute a
2 document.

3 MR MUNYARD: May I inquire if this document is going to add
4 to the mass of evidence that's just been presented on this point
10:12:32 5 and whether or not there is going to be a question now about
6 this, or if the document is on a different issue, could we please
7 have the question that we've all been waiting for.

8 MR KOUMJIAN: Well, when the document has been distributed
9 I think counsel will find it apparent what I'm going to ask
10:12:59 10 about.

11 Q. Mr Witness, we've heard testimony just now from many
12 different Prosecution witnesses, talking about how the RUF
13 combined forces with Charles Taylor's Liberian armies, the AFL
14 and different other militias or police, SOD, in operations in
10:14:12 15 Guinea and in Lofa County. You know, don't you, that the RUF
16 combined forces with Charles Taylor's forces, the Liberian
17 forces, in that Guinea operation. Don't you know that?

18 A. No.

19 Q. Well, sir, we were given a summary of your evidence. Can
10:14:36 20 you tell us, first of all, when did you first speak to the
21 Defence? When did you first give an interview to the Defence in
22 this case?

23 A. I think 2008 ending.

24 Q. Who was that interview with?

10:15:00 25 A. I spoke with Gray, Gus.

26 Q. Who else? Anyone else?

27 A. And I spoke with - I spoke with Gus, I spoke with John Gray
28 and later I spoke with Logan.

29 Q. Okay. The first interview you told us was in 2008, and did

1 they write down what you said?

2 A. Yes.

3 Q. When were you interviewed by Ms Hambri ck, by Logan?

4 A. This was 2009.

10:16:21 5 Q. Do you recall the month?

6 A. I don't recall the month, sir.

7 Q. When was the next time you spoke to the Defence?

8 A. 2010.

9 Q. When was that? What month?

10:17:03 10 A. I think that was some part of - middle of 2009, I don't

11 remember the month, please.

12 Q. You just said 2010. Let me ask you this: Where was that
13 interview?

14 A. In Monrovi a.

10:17:32 15 Q. So all of the interviews you've told us about were in

16 Monrovi a, the three of them?

17 A. Not all of the interview. For the Prosecution it was in
18 Sierra Leone.

19 Q. All of your interviews with the Defence were in Monrovi a?

10:17:51 20 A. Yes.

21 Q. And, sir, on each of those occasions were notes taken of
22 what you were saying?

23 A. Yes.

24 Q. Have you met with anyone since you met with Logan Hambri ck,
10:18:07 25 Ms Hambri ck?

26 A. You mean after I met them if I have ever met anybody before
27 reaching here, please?

28 Q. Yes. Have you talked about the case since you talked to
29 Ms Hambri ck in Monrovi a, this third interview that you mentioned?

1 A. No, up to present I have not.

2 Q. When you came to The Hague - first of all, sir, we're very
3 happy to see you here testifying in November but you actually
4 were listed as being the Defence witness - we received notice you
10:18:46 5 would testify for the last week of April, that you would be the
6 only witness for the Defence that week. Why didn't you come here
7 in April, or did you? Did you come to The Hague in April?

8 A. I had a problem on my leg before, so my leg was swelled up.
9 I was in the hospital. Even up to now I told you if I haul my
10:19:10 10 trouser, you will know the difference from my leg, my left leg.

11 Q. So the same problem you have now you had in April, correct?

12 A. Ye.

13 Q. So why wasn't it you couldn't travel in April?

14 A. In April, I told you, I had this problem on my leg and then
10:19:29 15 the first time actually I was supposed to travel school was in
16 session. When we closed, just before closing, my leg again, the
17 moment I sit for one or two three hours my leg will begin to
18 swell up. If I gather right now you will know the difference.
19 It's beginning to swell up again.

10:19:50 20 Q. Okay, so you couldn't come in April with this problem but
21 you could come in October to testify in November. Sir, did you
22 hear, since you've been in The Hague, did you go over your
23 testimony, did you talk about happened in the war with Defence
24 counsel?

10:20:09 25 A. Pardon me?

26 Q. Did you speak to Mr Munyard or with any member of the
27 Defence team in preparation of your testimony here in The Hague?

28 A. No, sir.

29 Q. You didn't?

1 A. No.

2 Q. Well, Mr Koll eh, I got an email on Friday with some new
3 information from a proofing session with you, indicating the
4 Defence said that you were going to talk about some new areas.

10:20:37 5 Are you saying you didn't talk to the Defence since you've been
6 here?

7 A. I met them to discuss - I came, I saw them -- [overlapping
8 speakers].

9 Q. So you just lied to us when you just said that you didn't
10:20:49 10 talk to them here?

11 A. I saw the Defence.

12 Q. How many times?

13 A. One time.

14 Q. You only spoke to the Defence one time?

10:21:01 15 A. I saw them one time.

16 Q. When was that?

17 A. The second day of my arrival here.

18 Q. When did you arrive, sir?

19 A. I came here on Wednesday morning. We left from Sierra
10:21:17 20 Leone Tuesday.

21 Q. Sir, we received an email on Friday saying that there were
22 a couple of new topics and indicating that they were going to be
23 speaking to you over the weekend so there could be new
24 information. Did they speak to you over the weekend before you
10:21:32 25 testified?

26 A. No, sir.

27 Q. Mr Koll eh, are you lying?

28 A. I saw them but I was not briefed on anything.

29 Q. I see again you looked down as you began your answer.

1 A. No, that is how usually I behave.

2 Q. Mr Kolléh, what the summary said, that the Defence provided
3 to us, if you look on the last page, page 42 of 103 of these
4 summaries, the second to last paragraph, it says:

10:22:11 5 "He will give evidence on the departure of Sam Bockarie
6 from RUF to Liberia and his subsequent death." And then this is
7 more important, sir, listen, the summary of your anticipated
8 evidence is that you will, "Give evidence on the attacks in
9 Guinea by the RUF and the Armed Forces of Liberia. The witness
10:22:32 10 will say that the two combined forces to neutralise a common
11 threat."

12 So, sir, you did tell the Defence in your interviews that
13 in Guinea the RUF combined forces with the Armed Forces of
14 Liberia, didn't you?

10:22:54 15 A. No, sir.

16 Q. So this is false, what the Defence provided us was
17 incorrect, false information about your evidence?

18 A. I told the RUF attack Guinea but we were not directly
19 combined forces to go and fight into Guinea under any command
10:23:15 20 from Liberia.

21 Q. So just like you say the Prosecution didn't write down what
22 you said right, now you say the Defence didn't write down what
23 you said correct. Is that right? You're saying both of them got
24 it all wrong about what your evidence is, is that correct?

10:23:36 25 A. For what you are talking about Guinea, the RUF attack
26 Guinea. We were not under one command from Liberia. I told you,
27 no.

28 PRESIDING JUDGE: Mr Kolléh, the question you are now being
29 asked is did Defence counsel misquote you here in the summary

1 that they've written and disclosed? Because these are not the
2 words of Prosecution counsel; these are words from Defence
3 counsel; that you will give evidence on attacks in Guinea by the
4 RUF and the Armed Forces of Liberia and you will say that the two
10:24:14 5 combined forces to neutralise a common threat. These are words
6 written down by Defence counsel, emanating from an interview with
7 you.

8 THE WITNESS: Yes, ma'am, but I was asked previously
9 whether fighting was in Guinea from Liberia [overlapping
10:24:36 10 speakers].

11 PRESIDING JUDGE: Mr Witness - Mr Witness, let me stop you
12 right there. Answer the question I've asked you. We're talk
13 about the paper that is in front of us. We're not asking what
14 happened in Guinea or didn't happen. We are asking whether
10:24:47 15 Defence counsel wrote something inaccurate on this piece of
16 paper.

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: What is inaccurate about it?

19 THE WITNESS: That - what is inaccurate is we were
10:25:14 20 combined.

21 PRESIDING JUDGE: Mr Koumjian, there you have it.

22 MR KOUMJIAN:

23 Q. Mr Witness, you've also talked about your friend John
24 Vincent, who also testified for the Defence.

10:25:36 25 Could we have his transcript from 30 March 2010, page 382,
26 I believe it's 60.

27 JUDGE LUSSICK: Mr Koumjian, just before we leave, that I
28 think there might be a bit of misunderstanding in what the
29 witness just answered. You're saying that what is inaccurate in

1 what Defence counsel wrote down and sent to the Prosecution on
2 that summary that was read to you, you're saying what is
3 inaccurate is that we were combined. But are you saying that the
4 RUF and the Armed Forces of Liberia did attack in Guinea but that
10:26:30 5 they did not combine their forces, they attacked as separate
6 forces?

7 THE WITNESS: Yes, sir. I said it earlier. I said the RUF
8 attacked Guinea, at the same time the Liberian government forces
9 attacked Guinea and I was asked if they were fighting common
10:26:49 10 enemies, I said I believe but we, the RUF attacked Guinea.
11 That's what I said earlier.

12 JUDGE LUSSICK: And that's what you're saying that the
13 Defence got wrong when it wrote down this summary?

14 THE WITNESS: What I'm asked on is by combining to enter
10:27:07 15 into Guinea is what I'm saying I didn't say it.

16 MR KOUMJIAN:

17 Q. Mr Kolléh, you understand that the proposition of the
18 Prosecution, a key issue in this case, is that we say that the
19 evidence shows that the RUF was working for Charles Taylor and
10:27:26 20 following his orders all along. So you realise, don't you, it
21 would be very important whether or not the RUF was fighting in a
22 combined force with Charles Taylor in Guinea. You recognise the
23 importance of that issue, don't you?

24 A. No.

10:27:52 25 Q. Mr Kolléh, thank you for looking down again and shaking
26 your head. Mr Kolléh, what did the RUF gain in attacking Guinea?

27 A. We were always attacked from Guinea by Kamajors, so we
28 ourselves returned same to them in Guinea. Guinea had always
29 been used to attack by the CDF and the Guinean forces, so we

1 attacked them to put fear in them so that next time they don't do
2 same to us, when they have attacked on separate different
3 occasion twice.

10:28:31

4 Q. It was LURD, Charles Taylor's enemy, that was based in
5 Guinea?

6 A. No, sir.

7 Q. And LURD was threatening Charles Taylor. That's why you
8 attacked Guinea?

10:28:39

9 A. No, sir. The Kamajors had earlier attacked us, even the
10 Guinean forces have attack us before wherein the RUF captured
11 another war tank, it was sitting right closer to Koindu and that
12 was another time again we have to put another fear in them,
13 attacking Nongowa and between Nongowa and Gueckedou, Fangamadou.

10:29:02

14 Q. Sir, the Guinean forces, part of ECOMOG, you'd been
15 fighting them in Sierra Leone since 1991, isn't that true?

16 A. Yes.

17 Q. And you never invaded Guinea before, the RUF, until
18 Charles Taylor gave you the order to go after and punish them for
19 the LURD attacks. Isn't that correct? In 2000?

10:29:28

20 A. Yes, we did not do that before because the group that was
21 attacking us was ECOMOG forces, it was not specified as Guinean
22 directly and we used to trade with the Guineans, but to some
23 extent when the Guinean territory was used to attack the RUF,
24 that's how we ourselves began to do same. But from the beginning
10:29:46 25 we were doing business with Guinea but ECOMOG forces comprised of
26 so many African countries from West Africa.

27 JUDGE LUSSICK: Mr Koumjian, I've just got one other
28 question on that. Mr Witness, you've said in answer to a
29 question I asked that this is quoting you, "I said the RUF

1 attacked Guinea at the same time the Liberian government force
2 attacked Guinea." But my question is why would the RUF want to
3 attack Guinea if it already knew that the Liberian government was
4 attacking Guinea? Why bother?

10:30:34 5 MR MUNYARD: Before the witness answers your question,
6 Justice Lussick, it's predicated on the fact that the RUF did
7 know that the Liberians were attacking. I don't know if that's
8 been established in the evidence. I might be wrong.

9 JUDGE LUSSICK: I'm sure the witness is capable of clearing
10:30:53 10 that up in his answer, Mr Munyard.

11 MR MUNYARD: He may be but I think the question should be
12 fairly based on the evidence and the assumption behind the --

13 JUDGE LUSSICK: The question is based on an answer he gave
14 me. Now if there are any complications in that, the witness can
10:31:09 15 say that. He doesn't need any prompting.

16 MR MUNYARD: I'm not prompting.

17 JUDGE LUSSICK: All right then, allow the witness to answer
18 the question. Do you want me to ask that again, Mr Kolleh?

19 THE WITNESS: Yes, sir.

10:31:23 20 JUDGE LUSSICK: In answer to a question I asked, you said,
21 and I'll quote you again:

22 "I said the RUF attacked Guinea at the same time the
23 Liberian government force attacked Guinea. And I was asked if
24 they were fighting common enemies, I said I believe that we are
10:31:42 25 the RUF attacked Guinea".

26 Now my question is why would the RUF attack Guinea if the
27 Liberian government force was attacking Guinea?

28 THE WITNESS: I only know of the RUF attacking Guinea and
29 that was the first attack. It was the following day we begin to

1 hear another sound from Liberia direction. Fighting was not
2 going on in Guinea before the RUF could enter there. That is not
3 to my knowledge, sir.

4 JUDGE LUSSICK: I understand. Yes, Mr Koumjian.

10:32:17 5 MR KOUMJIAN:

6 Q. Mr Kollah, you've just mentioned you heard sounds coming
7 from Liberia and that's what you said I believe the first day of
8 your evidence, 1 November. Why would that make you think that
9 there was fighting of the AFL in Guinea if you heard sounds
10:32:38 10 coming from Liberia?

11 A. There's a narrow border there from Sierra Leone to Liberia
12 to Guinea, it is in a triangular form. So right there even when
13 somebody fire from Liberia you would know, you would get the
14 sound. And when the Guinean were shelling they were shelling in
10:32:52 15 both direction, all over. It is not a forest to say you will not
16 know. It's just an open desert - sorry, savannah. You can stand
17 and see into Guinea. You can stand and look into Liberia. That
18 part of Liberia and Sierra Leone and Guinea is comprised of
19 savannah land.

10:33:10 20 Q. So, sir --

21 A. Elephant grass.

22 Q. Sir, when you said there were sounds coming from Liberia
23 did you mean you heard that you were receiving artillery support
24 from the Liberian forces, they were firing into Guinea to support
10:33:26 25 you?

26 A. I was getting sound from Liberia between Liberia and Sierra
27 Leone - I mean, sorry, between Liberia and Guinea. That is the
28 border is very narrow as I told you earlier. They were not
29 giving support to the RUF but there was also a fighting existing

1 between Liberia and Guinea whereas same was existing between the
2 RUF and Guinea too.

3 MR KOUMJIAN: If we could have the transcript of 30 March
4 2010, 38260.

10:34:07 5 Q. The testimony of, Mr Witness, your friend John Vincent.
6 Fellow vanguard. He was on that attack, wasn't he, Mr Kolleh?
7 John Vincent took part in the attack in Guinea, didn't he?

8 A. I don't remember seeing Vincent.

9 Q. Let's look at his testimony, please, the bottom of the
10:34:33 10 page, 38260 from 30 March. He was asked:

11 "Q. And another main point you testified about was that
12 the RUF and the AFL, the Liberian armed forces, after the
13 Lome Accord, sometime later they joined forces to attack
14 Gueckedou and other towns in Guinea, correct?

10:35:07 15 A. Yes, you are correct."

16 So we see, Mr Witness, that the summary of your anticipated
17 evidence that we received from the Defence where it says that the
18 RUF combined forces with the AFL, it coincides not only with the
19 Prosecution witnesses, it coincides with Mr Vincent's testimony,
10:35:34 20 and that's because it's the truth, isn't it?

21 A. I can't tell you what Vincent said, that's what he said.
22 What I'm aware of is what I'm telling you here. I am not
23 Vincent.

24 Q. Sir, have you changed your testimony since April?

10:35:51 25 A. April when?

26 Q. When you were - when we were told you were coming to
27 testify the last week in April, did you change your testimony?

28 A. No.

29 Q. And how about - you talked about a leg problem. You were

1 able to travel in October, is that correct?

2 A. Yes.

3 Q. When did your leg problem clear up enough for your to
4 travel?

10:36:17 5 A. Come again?

6 Q. When were you able to travel?

7 A. I was able to travel in October. Even before that again I
8 was in the hospital. I just recovered.

9 Q. When were you in the hospital?

10:36:33 10 A. I was in the hospital October - sorry, September.

11 September ending to October. I recovered from the hospital from
12 I think 1st or 2nd of October. My leg was swell up, I have to go
13 for some taps and other antibiotics.

14 Q. Now, Mr Witness, you told us that you don't know where
10:37:04 15 ammunition for the RUF came from. If we could keep that page on
16 the screen, please. Except for this one ULIMO deal before the
17 AFRC coup. Is that correct? You don't know where the RUF got
18 its ammunition after that?

19 A. You mean after getting from ULIMO?

10:37:26 20 Q. Yes.

21 A. No, even in Freetown we received ammunition at Magburaka.

22 Q. And do you know of people coming from Liberia with
23 ammunition?

24 A. No, sir.

10:37:43 25 Q. You talked about Kissi, Jungle, he brought ammunition,
26 didn't he?

27 A. No.

28 Q. Let's look just while it's on the screen, the same page of
29 John Vincent, just above where I read, beginning line 21:

1 "Q. You also said you met Daniel Tamba in Buedu" - and I
2 believe, Mr Witness, there's no controversy in this case
3 that Daniel Tamba is a Kissi called Jungle - "and that
4 Daniel Tamba, known as Jungle, had a house in Buedu and he
10:38:20 5 would come and go to Liberia, bringing ammunition to the
6 RUF.

7 You didn't know that, Mr Witness?

8 A. I'm not aware, sir.

9 Q. And, Mr Witness, the last witness before you who testified
10:38:32 10 for the Defence, 008, said Jungle Daniel Tamba, a man named
11 Sampson, a Liberian security officer, and with Zigzag Marzah
12 brought ammunition from Liberia to Sierra Leone. You're aware of
13 that, aren't you?

14 A. No, sir.

10:39:06 15 MR KOUMJIAN: Could the witness be shown - and I think it
16 may take some time because it came up today so I haven't given
17 notice, D-123G. If that photograph could either be put on the
18 screen or shown to the witness.

19 PRESIDING JUDGE: Incidentally, whilst the picture is being
10:39:34 20 put on the screen, Mr Witness, you said this, you said in answer
21 to the question why was it necessary for the RUF to attack Guinea
22 if Liberia had already attacked, and you said that the RUF forces
23 went in one day without any knowledge of the Liberians attacking
24 and then the next day they heard gunshots and Liberia attacked.
10:40:02 25 This is what you said basically, correct?

26 THE WITNESS: Yes, I said I started hearing sound the next
27 day.

28 PRESIDING JUDGE: Did you participate in this particular
29 attack yourself?

1 THE WITNESS: No, sir. No, ma'am.

2 PRESIDING JUDGE: So what do you mean you started hearing
3 sounds the next day?

4 THE WITNESS: That is a Koindu - I was around Koindu. The
10:40:26 5 borderline is not far away from each other, ma'am. That
6 borderline just like a triangular formation. You stand, you look
7 inside Liberia, you stand and look inside Guinea. That's a wide
8 Savannah cover up to 10 to 15 miles on either side.

9 PRESIDING JUDGE: How did you know from just the sound of
10:40:47 10 hearing gunshots, how did you know who was attacking?

11 THE WITNESS: Because that sound was existing between
12 Liberia and Guinea and then when the shelling is coming from
13 Guinea with heavy artillery, was pounding into Liberia, pounding
14 into Sierra Leone as well. That's how I got to know.

10:41:03 15 PRESIDING JUDGE: So you're standing in Koindu and that's
16 how you knew who was attacking who?

17 THE WITNESS: That's how I knew the attack was going on
18 between Liberia and Guinea, and also between the RUF and Guinea
19 also, pounding was taken place inside Sierra Leone, rocket flying
10:41:21 20 into Liberia. The rocket was flying all over.

21 MR KOUMJIAN: Could the witness be shown this photograph,
22 please, it's D-123G.

23 Q. Mr Witness, this looks to me like a big gun. Would you
24 agree to that?

10:41:53 25 A. Yes.

26 Q. What is it?

27 A. I don't actually know the name of this weapon but it's a
28 weapon. It's a big weapon.

29 Q. It's a howitzer, some type of howitzer, isn't that correct?

1 Have you heard it called that?

2 A. Like what?

3 Q. The word howitzer, have you heard it called that?

4 A. No, sir.

10:42:35 5 Q. Okay, is this the kind of weapon you could take by canoe
6 across a river?

7 A. No, sir, it's not possible.

8 Q. Did the RUF take this weapon to Charles Taylor?

9 A. Not to my knowledge, sir.

10:42:46 10 Q. Well, Charles Taylor told us that they did, that he
11 received it from Foday Sankoh and the reference to that is his
12 testimony from 22 July 2009?

13 A. Yes, that's what he said but for me I did not see this
14 weapon.

10:43:00 15 Q. And just for counsel's benefit --

16 A. I never see it going.

17 Q. -- the page is 24999. You said - can trucks go on canoes,
18 Mr Witness?

19 A. Truck cannot go on canoe. If you knew canoe it's just
10:43:24 20 something 4 four, five, six, seven or ten persons sit in to
21 paddle. This cannot go in canoe.

22 MR KOU MJIAN: Could the witness be shown the testimony from
23 9 July this year, page 44128.

24 Q. Now, Mr Witness, I'm going to read to you some testimony
10:44:01 25 from Issa Sesay but I have to admit something to you. While I
26 believe part of this testimony, that a truck can cross a river,
27 you've already told us that Issa Sesay was in Luawa Giehun when
28 the massacres occurred, correct?

29 A. Yes.

1 Q. So when Issa Sesay came to this Court and said no, he was
2 in the hospital with a wound to his buttock, he was lying, wasn't
3 he?

4 A. I don't know. I can't tell.

10:44:35 5 Q. Issa Sesay also testified to us that from the time he came
6 back from losing the diamonds in April until the December attack
7 on Kono he was in Pendembu the whole time and you told us he was
8 never based in Pendembu, he would just come, he was based in
9 Kono, isn't that true, in '98?

10:44:54 10 A. No, sir.

11 Q. What's not true?

12 A. He was not just based there. I told you he used to come
13 and visit other family or some of his family and go back. I told
14 you earlier.

10:45:05 15 Q. He was based in Kono, correct?

16 A. Yes.

17 Q. So thank you for clarifying that Issa Sesay lied on those
18 two points, but I want to still read some of his testimony to
19 you. At page 44128, about 10 lines down Issa Sesay said - let me
10:45:36 20 just give you some context and if anyone believes I'm misstating
21 the evidence I'm sure they'll correct me. Issa Sesay claimed in
22 this trial that before the attack on Kono in December 1998 Sam
23 Bockarie brought ammunition from Lofa County, that he came from
24 Lofa County with the ammunition that was used to attack Kono and
10:46:00 25 then after that successful attack that ammunition was captured
26 and they moved on to Makeni and Waterloo trying to get to
27 Freetown and this is what he said --

28 PRESIDING JUDGE: It would be helpful if you could quote
29 the line from which you're reading.

1 MR KOUMJIAN: It's about line 10. Thank you, that's it.

2 Line 9.

3 Q. Mr Sesay testified:

10:46:37

4 "I said he said that he brought some of the ammunition from
5 the battalion commander in Voinjama and" --

6 MR MUNYARD: I hope I'm not being too nit-picking but
7 throughout this whole passage and the preceding lines the word is
8 "bought" rather than "brought". Now, I don't know at this stage
9 whether that's a mistranscription or whether that is correct.

10:46:57

10 But it is "bought" throughout.

11 MR KOUMJIAN: I'm sure I misread it, I apologise. I'm sure
12 the transcript is correct, he did say "bought". I recall that.

13 Q. So on line 9:

10:47:13

14 "I said he said he bought some of the ammunition from the
15 battalion commander in Voinjama and when he came he got
16 some other ammunition from Benjamin Yeaten in Kolahun that
17 he bought.

18 Q. And did Bockarie say whether or not these purchases
19 were with the knowledge and permission of Taylor?

10:47:29

20 A. No, Bockarie did not tell me that."

21 Then going down the page about 10 lines, he was asked:

22 "Q. And what was the quantity of the ammunition that was
23 purchased by Bockarie from these individuals?

10:47:53

24 A. You mean the quantity of the ammunition? Well, the AK
25 rounds were up to 40 boxes and the G3 rounds, I think it
26 was about 15 boxes and the HMG rounds were about 10 boxes.

27 Q. And how was this ammunition transported to Sierra
28 Leone?

29 A. They were in a truck.

1 Q. How big was this truck?

2 A. It was a civilian truck, a ten-wheel truck."

3 So, Mr Witness, a ten-wheel truck can come from Lofa County
4 to Buedu. It's happened many times. That's one thing that

10:48:34 5 Issa Sesay didn't lie about, a truck can come across the border.
6 Isn't that true?

7 A. Across the border from?

8 Q. Lofa County to Kailahun.

9 A. I told you earlier that in Lofa County there's a land, you
10:48:52 10 don't have to cross water into Sierra Leone. The crossing - the
11 bridge is Bo Waterside between Sierra Leone and Liberia. I kept
12 telling you.

13 PRESIDING JUDGE: Mr Witness, are you agreeing with the
14 question that counsel asked? Is your answer yes?

10:49:14 15 THE WITNESS: I'm saying yes. You can cross by land. It's
16 not a water.

17 PRESIDING JUDGE: The question was not whether you can
18 cross by land. The question related to a ten-wheel truck.

19 THE WITNESS: I am not aware of a ten-wheel truck.

10:49:28 20 PRESIDING JUDGE: So what is your answer yes or no?

21 THE WITNESS: Let him pose the question again, ma'am.

22 MR KOUMJIAN:

23 Q. A ten-wheel truck can come from Voinjama to Buedu and that
24 happened all the - often, isn't it true?

10:49:44 25 A. I'm not aware.

26 Q. Mr Witness, how deep is the river in the dry season?

27 A. The Moa River I know, where the ferry is, is always dark
28 throughout the dry season to rainy season, deep, because where a
29 ferry can cross it's a deep place.

1 Q. Mr Witness, I want to ask you a little bit more, I'll try
2 to do it quickly, about SBUs. Now you told me there were SBUs,
3 correct?

4 A. Yes.

10:50:44 5 Q. They were armed, correct?

6 A. No, if people were considered SBU, a small boys or small
7 children that could stay around commanders to help for domestic
8 affair. In the process of their height - sorry, some of them by
9 their height they were not considered SBU, they would go to front
10 line, but not at the battle zone. They will go to front line and
11 they would handle arms. But as far as RUF was concerned if you
12 talk about real SBU, those were someone who stays around a
13 commander in term of domestic issues. But for the matter of your
14 height you could take an arm, but we did not know their ages.

10:51:30 15 Q. They were small, small children, correct?

16 A. Yes, but that small children, a commander will always say,
17 "Small soldier, come closer to me," "Small soldier, give me water
18 let me drink," to encourage them to be part of you. But when you
19 talk about real SBU who were more or less with commander visiting
20 front line, they were people who were able-bodied, who were able
21 to run, based on their height, sir.

22 Q. So sir do you know the difference, can you tell the
23 difference between a 13 year old and an 18 year old, for example?

24 A. No, sir.

10:52:08 25 Q. A 13-year-old girl and an 18-year-old girl, can you tell
26 the difference?

27 A. The only difference I can tell is I compare height.
28 According to your height we can place you in a category.
29 According to your height you could always be placed in a

1 category.

2 Q. So a tall 13-year-old girl you could take for a wife?

3 A. For a what.

4 Q. You can't tell the age, you told us, you would just go by
10:52:36 5 the height. Would you take a tall 13-year-old girl as a wife?

6 A. We are not talking about wife. We are talking about SBU,
7 sir.

8 Q. Even the "Footpaths to Democracy" talks about the RUF
9 arming children, did you know that? Just for reference, I don't
10:52:50 10 think we need to show it, that's exhibit D-336 page 9737.

11 A. Please repeat your question.

12 Q. Sir, "Footpaths to Democracy", you know that document,
13 don't you?

14 A. Yes.

10:53:01 15 Q. It was written by Addai-Sebo, you know that, don't you?

16 A. By who.

17 Q. Dr Sebo, do you know Dr Sebo?

18 A. Yes, I indeed, I knew one Sebo.

19 Q. In fact you used to take hostages from him

10:53:19 20 A. I told you, I said, yes, indeed, I know him.

21 Q. Sir, yes, and I'm going to want you to explain a little bit
22 how you know him. You know him because you brought hostages that
23 had been taken from Sierra Rutile with Dr Sebo to the Guinea
24 border, correct?

10:53:33 25 A. What were brought from Sierra Rutile?

26 Q. Five white men and some other hostages that had been taken
27 in attacks on Sierra Rutile and other places?

28 A. Yes, some people were captured from Sierra Rutile, Dr Wai,
29 some foreigners, they were captured at Sierra Rutile and indeed I

1 escorted them along with Sebo. That was the time I served as
2 transporter '94, '95.

3 Q. In the document, and I don't think it's necessary to show
4 it again unless someone asks, D-336, "Footpaths to Democracy", it
10:54:13 5 says on page 9737 that the RUF trained a large number of men and
6 women, including the elderly, children, youths and the disabled.
7 That's true, isn't it? You trained and armed youths and
8 children?

9 A. We trained men and women, we trained children of various
10:54:41 10 heights. I told you by your height you can make categorised.
11 That's what I told you earlier.

12 Q. You've made that clear. So, sir, when the RUF captured a
13 town, those who had enough height, you took them away from their
14 parents to join the RUF. You separated them from their parents.
10:55:00 15 Isn't that true?

16 A. Whenever the RUF captured a place and captured these
17 people, civilians in particular, they will be taken to the rear,
18 the rear in the sense our safety zone and they would be handed
19 over to the G5 and it is the G5 who - that goes about to deal
10:55:20 20 with these people. In the process of somebody who wants to join
21 the RUF, then you can be taken to the base.

22 Q. Sir, you didn't want the older people. You separated the
23 children from their parents and you took the children with you.
24 That's the truth, isn't it?

10:55:34 25 A. No.

26 Q. You know the RUF anthem.

27 A. Come again?

28 Q. You remember the RUF anthem that would be sung at the
29 muster parades, correct?

1 A. Yes, but for now I'm forgetting a bit.

2 Q. Well, do you remember the line, "go and tell my parents
3 they will see me no more"?

10:55:58

4 A. Yes, that anthem was created on the base. It was created
5 on the base. Not because we captured people, so we told them to
6 sing that song. No, sir.

7 Q. Sir, I know it may be funny to think about singing but
8 never seeing your parents again is not very funny, is it?
9 Children being separated and being forced to -- [overlapping
10 speakers]

10:56:14

11 A. That was not the intention of that slogan or that song.
12 No, sir.

13 Q. Could we have the testimony, please, of 20 April 2010.
14 Mr Musa Faya.

10:56:32

15 A. You're asking me?

16 Q. I'm asking the Court Officer, sir. Just wait a moment.
17 I'm going to read to you the testimony of one of your fellow RUF
18 who testified for the Defence in this case. I don't know if I
19 gave you the page, page 39456. Around the middle of the page,
20 line 16. One of Charles Taylor's Defence witnesses, a senior
21 member of the RUF was asked:

10:57:27

22 "Q. Sir, did the RUF arm children?

23 A. You said?

24 Q. Did the RUF give weapons to children?

10:57:49

25 A. Yes, they did. They gave them weapons.

26 Q. How old were the children that were armed by the RUF?

27 A. They were children. Children. Children of child age.

28 Q. So from ten up; would you agree with that?

29 A. Yes, I do. They were arming them."

1 Then if we could have the testimony from 12 April, please.

2 MR MUNYARD: Which year, please?

3 MR KOUMJIAN: 2010.

4 Q. Another Defence witness, another one of your fellow RUF,
10:58:27 5 Charles Ngebeh. If we go to about the question beginning about
6 six lines down, page 38767.

7 MR MUNYARD: Madam President, it was in open session. I
8 have the feeling that the witness's name was not made public but
9 we'll check that.

10:59:05 10 MR KOUMJIAN: It definitely was, but please check.

11 MR MUNYARD: We'll check it in any event and I see the
12 time.

13 MR KOUMJIAN: Well, we had better check before we break if
14 there's any doubt but I'm quite certain he's an open witness.

10:59:23 15 PRESIDING JUDGE: You said the page was what again?

16 MR KOUMJIAN: Page 38767 but perhaps we just first resolve
17 this issue if any of the Court officers can confirm that the
18 witness on 12 April 2010, I don't have his DCT number --

19 MR MUNYARD: I'm looking at the transcript and it looks as
10:59:40 20 though he wasn't protected because I think I've referred to him
21 by name. So I don't think it's a problem, but I think we have
22 now reached --

23 MR KOUMJIAN: I'm in your Honours' hands.

24 MR MUNYARD: I don't think it's a problem. I'm not
10:59:57 25 pursuing that.

26 PRESIDING JUDGE: We'll take a midmorning break and
27 reconvene at 11.30.

28 [Break taken at 11.30 a.m.]

29 [Upon resuming at 11.40 a.m.]

1 PRESIDING JUDGE: I'm given to understand that the problems
2 that we had with LiveNote during the midmorning break have now
3 been resolved. So, Mr Koumjian, you may continue.

4 MR KOUMJIAN: May I have just one moment. Your Honour,
11:41:13 5 first, may I announce a change of appearance. For the
6 Prosecution we are joined by Mohamed A Bangura.

7 PRESIDING JUDGE: Thank you, Mr Koumjian.

8 MR KOUMJIAN: I am distributing a document but actually
9 there's a second document that I also want. Before I deal with
11:41:36 10 that, I'll just send an email. With permission of your Honours,
11 if someone from my office can bring that in to me, it's related
12 to the document I'm distributing later this morning, I'll
13 continue with my cross-examination. But if it's okay for someone
14 to walk in the door and hand us a document. Thank you.

11:42:07 15 Q. Sir, the point we were at, I was about to read to you from
16 the testimony of Charles Ngebeh.

17 PRESIDING JUDGE: Mr Koumjian, in view of the fact that we
18 cannot access our private record - previous record, could you
19 repeat the transcript reference, please.

11:42:35 20 MR KOUMJIAN: Yes. Just as a hint, you mean the prior
21 LiveNote? If you connect to the transcript that you had
22 previously open, you'll have the whole transcript. I have, but
23 anyway. The reference is 12 April 2010, page 38767.

24 Q. I'm reading from the testimony of Mr Ngebeh, just starting
11:43:50 25 at the first line. He said:

26 "Atrocities really happened in that country, Mama, I can't
27 deny that. It happened, RUF was marking people. We
28 ourselves who were captured, they marked us. We, the
29 soldiers, it happened. I can't deny that. It was done by

1 Sierra Leoneans."

2 And then he was asked:

3 "Q. And throughout the conflict, the RUF used children
4 under the age of 15 years, isn't that right?

11:44:18 5 A. Mama, all this that you're talking about, the whole
6 world knows about it. It happened. It happened, you're
7 right."

8 Mr Kollah, is it the case that the whole world, except for
9 you, knows about the RUF arming children under 15? Are you the
11:44:43 10 one who doesn't know that?

11 A. No, sir.

12 Q. Will you admit, sir, under oath, to this Court, you know
13 that the RUF was arming children under 15. That's true, isn't
14 it?

11:44:56 15 A. I told you, we had SBU, I cannot distinguish their ages,
16 please.

17 Q. So, sir, once again, when we talk about taking women,
18 girls, and giving them to fighters. If you can't distinguish
19 their ages, you would give a girl to a fighter not knowing their
11:45:19 20 age, is that right?

21 A. No fighter ever gave a girl to another fighter. That was
22 not done within the RUF. By you taking somebody to give this
23 person, "This is your wife." No, sir.

24 Q. It happened all the time and commanders had the first
11:45:39 25 choice; isn't that true?

26 A. Please repeat.

27 Q. It happened all the time and commanders had the first
28 choice; isn't that true?

29 A. No.

1 Q. Issa Sesay had a young girl, 13 or 14 years old, who was
2 later in the child care centre in Makeni as his wife; isn't that
3 true?

4 A. I'm not aware of that.

11:46:08 5 Q. Sir, you've had SBUs, correct? Where are you looking at
6 now, sir? May the record reflect that there was no answer for 20
7 seconds.

8 A. I did not have SBU, no.

9 Q. Let's take, for example, Musa. He was one of your SBUs,
11:46:41 10 correct?

11 A. I never had no Musa as SBU, sir.

12 Q. Do you know Musa?

13 A. I knew Musa when Musa with me he had body even than I do,
14 very huge, Musa, he was always with me whenever I was sent by
11:47:00 15 Foday Sankoh from Kailahun, Zogoda, Zogoda, Kailahun.

16 Q. How old is Musa now?

17 A. Musa is over 30-something years. He's huger than I do.
18 He's right now in Kailahun. If you go in Kailahun right now, you
19 ask in Sandiaru who is Musa, they will show you. I did not ever
11:47:22 20 travel with people in the bush, children, no, my assignment did
21 not call for children.

22 Q. So he's about 30 now?

23 A. He's between 30 to 35. He's not a small child. He might
24 be 35. Huge somebody, he had body than I do, taller than me.

11:47:41 25 Q. Well, if he was 30 and if you met him when you were in
26 Zogoda and when you were in Kailahun, you went to Kailahun in
27 '94, that's 16 years ago. If he was 30, he was 14 at the time.
28 But he's younger than 30, isn't he?

29 A. Musa is tall and huge. Right now if you compare the two of

1 us, you will find that he has body more than I do.

2 Q. Well, sir, right now, 2010, this is 17 years after 1993.

3 How big was he in 1993?

4 A. Which month you call 1993, sir. I did not know Musa in
11:48:30 5 1993.

6 Q. Let's say 1994. You were in Kailahun you said in 1994?

7 A. Yes.

8 Q. Going to Zogoda. 16 years ago. He was a small boy, wasn't
9 he?

11:48:39 10 A. No. You don't just go to Kailahun and just get a
11 bodyguard. How do you just get a bodyguard? Musa, I took Musa,
12 I took one Sahr, they were with me whenever I am travelling from
13 Kailahun to Zogoda whenever I was appointed as transporter. I
14 never travel with these people as people who would guard me
11:49:03 15 throughout. When going to Zogoda I move from Kailahun to Peyima,
16 the commander in charge would provide armed escort me to the
17 Zogoda; same would be done on my return. So I did not move
18 directly with a bodyguard without an escort.

19 Q. You took him from where?

11:49:21 20 A. From Giema.

21 PRESIDING JUDGE: Mr Witness, you said you took Musa and
22 who else?

23 THE WITNESS: One Sahr.

24 MR KOU MJIAN: Is that S-A-H-R, sir?

11:49:33 25 THE WITNESS: It could be S-A-R-H also, it could be
26 S-A-H-R. It could be S-A-A-R.

27 PRESIDING JUDGE: And who were these people Musa and Sahr?
28 What were they to you?

29 THE WITNESS: Whenever I move to the Zogoda they move with

1 me, they were with me.

2 MR KOUMJIAN: Why?

3 PRESIDING JUDGE: I asked you what they were doing with
4 you.

11:50:01 5 THE WITNESS: They were assigned with me when I'm carrying
6 a food items, like any clothing bought from Guinea like baby
7 diapers and other things to the Zogoda or Maggi cube. When I'm
8 carrying it they move with me. They have to help me. I needed
9 two persons to help me, that's why I took them from Giema. I was
11:50:23 10 not carrying on the front line to say they were direct bodyguard
11 or armed men to escort me to the front line, no, sir.

12 PRESIDING JUDGE: Were they assisting you in carrying loads
13 or what?

14 THE WITNESS: They were with me. Yes, in another sense,
11:50:38 15 they were with me. And when we are coming back again to Kailahun
16 they are with me. They were assigned with me, sir.

17 PRESIDING JUDGE: Assigned with you to do what?

18 THE WITNESS: If I'm making a movement to the Zogoda, we
19 move together. When we come back to Kailahun, we all are
11:50:53 20 together to the headquarters which was Giema.

21 PRESIDING JUDGE: You are not answering my questions. They
22 were assigned with you to do what exactly? What was their
23 assignment?

24 THE WITNESS: As bodyguards.

11:51:07 25 PRESIDING JUDGE: Why was that so difficult for you to tell
26 me?

27 THE WITNESS: As bodyguard, ma'am.

28 PRESIDING JUDGE: So they carried weapons to guard you
29 with?

1 THE WITNESS: One person carry weapon. Sahr carry weapons.

2 JUDGE LUSSICK: And the other one was a bodyguard without a
3 weapon?

4 THE WITNESS: No, sir, he never had a weapon.

11:51:38 5 JUDGE LUSSICK: And he was still a bodyguard?

6 THE WITNESS: Yes. Once I was with the MP first, these
7 people were part of the MPs. Once the assignment was changed to
8 go to the Zogoda and come, this is how I took them from the MP to
9 be with me.

11:51:53 10 PRESIDING JUDGE: And, Mr. Mr Witness, were Sahr and Musa,
11 were they both SBUs?

12 THE WITNESS: No. They were not SBU. Today if you see
13 them in Kailahun they will tell you that they were not SBU. Even
14 if you ask people who knew them.

11:52:14 15 PRESIDING JUDGE: I'm asking you. I'm not going to
16 Kailahun. I'm asking you. It's your testimony we're trying to
17 follow.

18 THE WITNESS: Okay, sir.

19 MR KOUMJIAN:

11:52:25 20 Q. What about Koroma? He was another SBU for you, wasn't he?

21 A. No.

22 Q. You know Koroma?

23 A. No.

24 Q. You don't know Koroma?

11:52:35 25 A. No.

26 Q. Mr Witness, in the summary that I read for you - from you,
27 it said that you would talk about the death of Sam Bockarie. So
28 I want to give you the chance to do that. What do you know about
29 Sam Bockarie's murder?

1 A. When I went back to Liberia, 2006, I enter Monrovia. I met
2 Pa Moriba one time who was also one of the vanguards of the RUF.
3 And I tried to ask him, how is the place and he told me where the
4 place we are here. Sam Bockarie is dead. And I asked him how he
11:53:40 5 die. He told me one time they were in the vehicle with Benjamin
6 Yeaten and Yeaten asked - he asked in parable and then he told
7 them, he say, gentlemen, if you have a crab - sorry, if there's a
8 law in the village that no one holds a crab, and then you want to
9 hold a crab and carry, all the time the crab is busting the leaf
11:54:15 10 that you are putting the crab in. What would you do to hide that
11 crab?

12 PRESIDING JUDGE: The what?

13 THE WITNESS: Crab.

14 PRESIDING JUDGE: You mean the crab, this creature with?

11:54:26 15 THE WITNESS: C-R-A-B. Crab.

16 PRESIDING JUDGE: Please continue.

17 THE WITNESS: And he say, according to Pa Moriba, you don't
18 want to answer. They say, no, sir, we don't know the answer.
19 And he said the only way you will hide a crab is to kill the crab
11:54:49 20 and carry into the town. That is the only way, nobody will know
21 that that is a crab. And so after that statement, he didn't stay
22 long. Benjamin Yeaten came and collected the wife, all the
23 family of Mosquito to the borderline, say, "Your husband wants to
24 see you" towards Ivory Coast border. And then they went. After
11:55:24 25 another two days, he heard that Mosquito had been killed with his
26 wife and children.

27 JUDGE LUSSICK: Mr Witness, did you say earlier in your
28 evidence today that you did not know Benjamin Yeaten?

29 THE WITNESS: Yes.

1 MR KOUMJIAN:

2 Q. So, Mr Witness, who is Benjamin Yeaten?

3 A. I don't know him. I am quoting what Pa Moriba told me.
4 I'm quoting to you here, sir.

11:56:03 5 Q. So when I asked you yesterday and today about Benjamin
6 Yeaten, why didn't you say I know he was the guy that killed
7 Sam Bockarie?

8 A. Come again?

9 Q. Why did you say, both yesterday and today, when I asked you
11:56:22 10 about Yeaten, you didn't know him?

11 A. I don't know him. This is information I am quoting to you
12 from Pa Moriba. But we used to call him Pa Moriba. I'm quoting
13 what he told me to you. I did not ever tell you I saw Benjamin
14 Yeaten or I know him.

11:56:39 15 Q. Mr Witness, Sam Bockarie left, you said, 16 December 1999.
16 He left with his wife, his children and his mother, isn't that
17 right?

18 A. He left with his family. I was not present when he left.

19 Q. Well, you were beaten by Issa Sesay because you were there
11:57:01 20 in Kailahun when Mosquito left. Why did Issa Sesay beat you?

21 A. I did not tell you I was beaten by Issa Sesay. I told you
22 I was arrested and taken to Pendembu and tied.

23 Q. Tied with your arms --

24 A. Yes.

11:57:16 25 Q. -- against your back, tie-bayed, correct?

26 A. Yes, after a few hours I was released.

27 Q. By the way, tie-bayed, it's like being beaten, isn't it?
28 It's extremely painful, isn't it?

29 A. You are terribly tied. In the process your hands can be

1 passed on your back and tied.

2 Q. Your elbows are tied together behind you, correct? It
3 hurts. I don't want to use profanity but it hurts a lot, doesn't
4 it?

11:57:51 5 A. Yes.

6 Q. Why? Why did Issa Sesay do that to you?

7 A. Issa Sesay came and he came with other officers and they
8 said I was close with Mosquito so they were not satisfied with
9 me. So that is how they ordered me to cross the Moa River,
10 because they came through Daru through ECOMOG deployments where
11 ECOMOG have give them material to come to raid Pendembu. So they
12 order me to cross over to them and that's how I told them, I say,
13 "I don't have different intention. I was here when Mosquito
14 left." They told me, "If you believe", they said, "cross." And
11:58:27 15 I got into the canoe, I crossed to them. That's how Morris
16 Kallon told him, "What should we do next?" And he said, "No, I
17 did not tell you to kill anybody. Tie the man and take him to
18 Pendembu."

19 Q. So when you got to Monrovia, you heard about Sam Bockarie,
11:58:42 20 his wife and his children being killed by Benjamin Yeaten?

21 A. That's what Pa Moriba told me.

22 PRESIDING JUDGE: Mr Witness, did you ever establish from
23 Pa Moriba who this Benjamin Yeaten that had killed Bockarie was?

24 THE WITNESS: No.

11:59:01 25 PRESIDING JUDGE: Why not?

26 THE WITNESS: I did not. I did not ask him.

27 PRESIDING JUDGE: Was Sam Bockarie not your close associate
28 and you didn't want to know who had killed him?

29 THE WITNESS: He has already mentioned somebody's name. He

1 told me what transpired. I didn't know him. I did not want to
2 go further than that. I didn't ask any question beyond that,
3 ma'am.

11:59:27

4 PRESIDING JUDGE: And my question to you, sir, is: Why
5 not?

6 THE WITNESS: I was not interested in knowing who killed
7 him in particular. Once he already narrated, there's where we
8 stopped.

11:59:36

9 PRESIDING JUDGE: Why were you not interested in finding
10 out who killed Sam Bockarie?

11 THE WITNESS: Nothing, ma'am. I didn't just want to ask
12 further than that. Nothing.

13 MR KOUMJIAN:

14 Q. Mr Witness, when did you first return to Monrovia?

11:59:50

15 A. I returned to Liberia, in particular Voinjama, in 2005 that
16 I took part in the election. Then after we carry on the process
17 of the election, then on the inauguration day 2006, January 16, I
18 enter Monrovia on the inauguration day of the President elect.

12:00:21

19 Q. When you say you took part in the election, you were
20 working in the election campaign? Is that what you were saying?

21 A. No, I worked with UNMIL NEC, National Election Commission,
22 as identification officer.

23 Q. What was the job of an identification officer?

12:00:50

24 A. He was placed - or that individual is placed on the table
25 where people stand on the line and they come in individually with
26 the voting cards and you have to open a book - you had a big book
27 wherein photos of all voters were placed inside. So whenever you
28 come across the identification officer, he will make sure that
29 your picture is in that book, then he can pass you on to the

1 inker, your nails will be inked and you can go through voting.

2 Q. What name were you using at that time?

3 A. Sam Koll eh.

4 Q. Now, Mr Koll eh, you said you talked to Pa Moriba about

12:01:39 5 Bockarie in 2006. Is that right?

6 A. Come again?

7 Q. When did you talk to Pa Moriba about the death - where you
8 learned about the death of Sam Bockarie?

9 A. He talked to me 2006 about the death of Pa Moriba - I mean
12:01:54 10 of Mosquito.

11 Q. Was that the first time you learned that Mosquito was dead?

12 A. No, I heard on BBC that Mosquito was dead in Sierra Leone.

13 Q. Well, when you say "in Sierra Leone", you mean you were in
14 Sierra Leone when you heard he was dead?

12:02:13 15 A. Yes, on BBC, because I was in Sierra Leone 2005.

16 Q. And you heard the Liberian government claim that he was
17 killed crossing the border?

18 A. I did not go further on the news. When I heard that he
19 died, I just left the radio. I kept on my own.

12:02:29 20 Q. As an RUF, when you talked about how RUF always asks about
21 whose been arrested, how people were doing, you heard about the
22 death of many of your RUF colleagues in Liberia, killed around
23 the same time as Sam Bockarie. Isn't that right?

24 A. No, sir.

12:02:49 25 Q. You don't know of any other RUF that were killed in
26 Liberia?

27 A. I did not know any other person in particular that was
28 killed, because I don't know who all went when he was leaving.

29 Q. Well, how many people went with him?

1 A. I can't tell you. I was not at Buedu when he was leaving.
2 I was at Manowa when Mosquito left on 16 December.

3 Q. By the way, Martin Koker is one of those who died in
4 Liberia, correct?

12:03:19 5 A. I don't know. Since I left Martin Koker or Martin Koker
6 left me when we were in Sierra Leone up to present I have not
7 seen him, so I don't know whether he die or he lives.

8 Q. Did you know Toasty?

9 A. No. No, sir.

12:03:39 10 Q. Now, Benjamin Yeaten, you've told - you have lived in
11 Liberia since 2005. Is that right?

12 A. Yes.

13 Q. And in the five years that you've lived there, you've heard
14 - never heard the name Benjamin Yeaten? You never heard about
12:03:57 15 who he was?

16 A. No.

17 Q. There was news a couple of years ago about an arrest
18 warrant being issued for Benjamin Yeaten for killing Sam Dokie
19 and his family and for killing, I believe, his girlfriend Baby
12:04:18 20 Girl. You read about that, didn't you?

21 A. I don't.

22 Q. Mr Witness, didn't you know that Benjamin Yeaten was the
23 chief security man for Charles Taylor?

24 A. I don't know, sir. I don't have much idea on that Liberia
12:04:37 25 operation, please.

26 Q. Who is Pa Moriba?

27 A. Pa Moriba was a vanguard.

28 Q. Is this the person you said was your adjutant?

29 A. No, sir. Stephen Jusu Moriba was my adjutant. I can't

1 call Stephen Jusu "Pa". I call him Stephen. He was my adjutant.
2 Pa Moriba was somebody older than I do, so we call him Pa Moriba.
3 Pa Moriba is different from Stephen Jusu Moriba.

4 Q. Pa Moriba is a Liberian vanguard?

12:05:21 5 A. Yes.

6 Q. When did he go back to Liberia, do you know?

7 A. He moved when Mosquito was going to Liberia, he told me.
8 Because I asked him. After we talk I said, "Well, how did you
9 come?" He said, "We all came into the group," meaning that he

12:05:42 10 left when Mosquito was leaving.

11 Q. Mr Witness, wouldn't it have been frightening news for all
12 of you Liberian vanguards to know that Sam Bockarie, the former
13 leader of the RUF, was killed, not only he, but his wife and
14 children were killed by Charles Taylor's top security man?

12:06:08 15 A. Come again?

16 Q. Didn't the news of Sam Bockarie being killed in 2003, it
17 spread quickly among the RUF and it sent a message to everyone
18 that you were in danger in Liberia. Isn't that true?

19 A. No, sir.

12:06:30 20 Q. That's why Issa - well, Issa - before the learning of the
21 death of Sam Bockarie, you had heard about Superman being killed,
22 correct?

23 A. Yes.

24 Q. And that was before Issa Sesay was arrested, correct?

12:06:48 25 A. Yes.

26 Q. Bockarie was killed in May 2003, two months after
27 Issa Sesay was arrested, correct?

28 A. I can recall the time, yes, but I don't remember the time.

29 Q. What did you hear about Superman's death?

1 A. Superman's death was also - the information was also given
2 to me by Pa Moriba again. He told me they were in Liberia one
3 time, Benjamin Yeaten, he Pa Moriba, with Superman, with some
4 bodyguards, they move towards Bomi Hill. But that was in the
12:07:58 5 night while they were going and then Benjamin Yeaten told his
6 driver, "Park the vehicle and halt the light." Pa Moriba said he
7 was a little bit afraid, why must he halt the light. Then he
8 said, "I say halt the light. I used to kill animal around here."

9 So when they all came down, then Benjamin Yeaten walk
12:08:27 10 ahead. When he walk ahead and he call Superman, he say, "Come
11 and see something." And that's how Superman went. That's how Pa
12 Moriba said he heard firing. In the process of the firing, Pa
13 Moriba came down from the vehicle, telling the driver, "Put the
14 lights on", and the driver said, "No, I was not ordered to put
12:08:51 15 light on." After some time the driver was called to carry the
16 vehicle further so that they can move. When he pointed the
17 light, the driver now, Pa Moriba in the vehicle saw Superman's
18 body. He said he got confused and he never even know what to
19 say. And then that's how Superman die.

12:09:16 20 Q. So, again, he was in the presence of Benjamin Yeaten,
21 correct?

22 A. Yes.

23 Q. I want to ask you a little bit about - you had spent time
24 as an MP and investigator --

12:09:32 25 PRESIDING JUDGE: Mr Koumjian, before you go ahead.

26 Mr Witness, even on this occasion you did not ask Pa Moriba, "Who
27 is this man, Benjamin Yeaten, that is involved in the killing of
28 RUF?" You still didn't ask?

29 THE WITNESS: I did not actually go to that level. When

1 someone is explaining something incident like that, I care to
2 listen to what he was telling me rather than to know who, or
3 where this or that. I did not ask. He told me that Benjamin
4 Yeaten from Vahun towards Bomi on the road he killed Superman.

12:10:09 5 That's what he told me, ma'am.

6 PRESIDING JUDGE: Why did Pa Moriba tell you this
7 information about Superman, about Sam Bockarie, being killed by
8 this one individual, Benjamin Yeaten? Why did he have to tell
9 you this?

12:10:25 10 THE WITNESS: I knew him, he knew me as a vanguard before.

11 PRESIDING JUDGE: Why was he telling you about the death of
12 these men?

13 THE WITNESS: Because he know me. That's why he told me.
14 He knew me. I was a vanguard just like him, so we were friends.

12:10:37 15 PRESIDING JUDGE: He was telling you about the death of
16 fellow vanguards?

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: Was this of interest to you?

19 THE WITNESS: Once we all have been friend, yes, he gave me
12:10:50 20 the information because he know I knew them.

21 PRESIDING JUDGE: And were you interested in knowing the
22 circumstances of their deaths?

23 THE WITNESS: No. We were just sitting, chatting. Just
24 sitting and having a lecture, that's all.

12:11:07 25 PRESIDING JUDGE: So you didn't care who killed Bockarie or
26 who killed Superman? You just didn't care?

27 THE WITNESS: No, sir. No, ma'am. I didn't just care to
28 know. He was just telling me --

29 PRESIDING JUDGE: Why didn't you care?

1 THE WITNESS: I didn't want to know. He was just giving me
2 information of what happened when he was there and now that I
3 have come, I met him, this is what happened to other friends that
4 we were together before. That's why he was telling me.

12:11:37 5 MR KOUMJIAN:

6 Q. Was Pa Moriba a commander, a bodyguard, what was his
7 position?

8 A. I never knew Pa Moriba's position. He was now in Liberia.
9 When they left, they went to Liberia, he was now living in
10 Liberia and I met him as a former friend.

11 Q. When he was in the RUF I'm asking. The last time you knew
12 him in Sierra Leone, what was he?

13 A. He was an adviser to Mosquito on the ground. He was
14 getting old, so sometime they would say, "Okay, you will be here
15 and be you will be helping sometimes to advise. You are old.
16 You don't go further." And he was in Buedu with Mosquito. He's
17 becoming old. Even right now he's almost getting paralysed.

18 Q. Sir, you talked in your direct examination when the Defence
19 attorney was asking you questions, you explained about the role
20 of the MP and you also talked about training in ideology at
21 Naama. And you said the training was to treat captives well, to
22 take care of them. And you said as an MP your role was to
23 investigate any misbehaviour, such as killings, by soldiers, they
24 would be investigated. Is that right?

12:12:53 25 A. Yes, but you are relating two questions to me. You are
26 talking about Naama, you are talking about the MP.

27 Q. Let's take them one at a time. At Naama am I correct in
28 how I described the ideology?

29 A. I earlier told you the ideology involve what to be done

1 during the course of the war. And when you are fighting the war
2 you have principles to abide by. If you went contrary to this or
3 laid-down laws or rules, you will be punished.

4 Q. One of the principles was to treat captives well?

12:13:26 5 A. Yes.

6 Q. Basically, that they obey the rule of law; people would be
7 arrested for crimes, investigated and get a fair trial, is that
8 right?

9 A. Yes.

12:13:37 10 Q. And that your role as an MP was to investigate and give
11 people a trial and others would decide on punishment, is that
12 right?

13 A. Yes.

14 Q. Killing your fellow human beings not in combat was not
12:13:51 15 allowed, correct? Is that what you told us?

16 A. Come again?

17 Q. Murdering people, not in combat, but killing people,
18 executing them, prisoners, that was not allowed, correct?

19 A. No.

12:14:05 20 Q. Now, I want to ask you a question based on your experience
21 at Camp Naama in Liberia and as an MP. There's testimony in this
22 Court --

23 PRESIDING JUDGE: Mr Koumjian, you just gallop along when
24 you ask a witness a question that's rather convoluted, the
12:14:32 25 witness gives you a rather ambiguous answer and you just move
26 along. Listen to the question you asked:

27 "Q. Killing people, executing them, prisoners, that was
28 not allowed, correct?

29 A. No.

1 Now, is the answer, no, you're wrong, or no, that was not
2 allowed?

3 THE WITNESS: That's what I told him. I say him he should
4 be specific with a question. Because he would double a question
12:14:53 5 from both left and right and push it. If indeed I say yes,
6 perhaps he will be taking it wrong. If I say no, he will say I
7 don't want to answer the question. That's what I told him. MP
8 cannot be related to Naama base. MP can be related when I was in
9 Sierra Leone already.

12:15:06 10 PRESIDING JUDGE: Mr Witness, can I address counsel.

11 THE WITNESS: Yes, ma'am.

12 PRESIDING JUDGE: My question was to counsel. And I think
13 he's got the point. Please clarify with the witness what it is
14 he meant by "no".

12:15:23 15 MR KOUMJIAN:

16 Q. Sir, the - you are correct that the problem is I asked you
17 a double negative. So let me ask the question in a clearer form.
18 In the RUF were you allowed to kill prisoners?

19 A. I said no.

12:15:39 20 Q. In your training in Liberia, the NPFL base, Camp Naama, but
21 specifically Crab Hole, were you told it was okay to murder
22 people not in combat?

23 A. We were not told.

24 Q. Now, let me explain something to you. You've given us
12:16:02 25 information about Benjamin Yeaten's involvement in two murders;
26 Sam Bockarie and his entire family and Superman. We've also
27 heard from President - former President Charles Taylor about the
28 death of Sam Dokie. And one of his witnesses, Annie Yeney, came
29 here and told us, President Charles Taylor told us that Sam Dokie

1 and his family were killed, their bodies burnt in a car. Annie
2 Yoney came and she told us that she told Charles Taylor that
3 Benjamin Yeaten and Zigzag Marzah had been involved in the arrest
4 of Sam Dokie. Charles Taylor also told this Court that in 2003
12:16:51 5 John Yormie and Isaac Vaye, two members of government, I believe
6 deputy ministers, were murdered and that Benjamin Yeaten told him
7 that he killed them. And when I asked Charles Taylor if he would
8 reappoint Benjamin Yeaten, if he came back to power today, he
9 said he would.

12:17:16 10 Now, is that in accordance with the ideology that you were
11 taught; that people that murder not only their opponents but
12 their families, are put into the position of the top security
13 commander in the country?

14 A. I am far from what you are saying. I can answer question
12:17:36 15 pertaining Sierra Leone. The ideology that was taught me on my
16 base, I can tell you. You are carrying me far off base.

17 PRESIDING JUDGE: Mr Koumjian, this time I have to agree
18 with the witness. Are you insinuating or suggesting that
19 Benjamin Yeaten was part of the RUF? I don't understand the
12:17:57 20 connection between RUF ideology and the involvement of Benjamin
21 Yeaten in certain murders. I don't get the connection.

22 MR KOUMJIAN: Your Honour, the connection is that Benjamin
23 Yeaten was the top security person for Charles Taylor. And it is
24 our position that Charles Taylor, from his own testimony, knows
12:18:21 25 Benjamin Yeaten was a murderer and would reappoint him to that
26 position. It's further our position that the RUF is simply an
27 entity created by Charles Taylor in the image of the NPFL. So
28 that's why I asked this witness a question. But I'll move on to
29 a different subject.

1 Q. Sir, I want to go on and talk to you about the invasion,
2 the January 6th invasion of Freetown. Where were you when you
3 first heard that troops had entered Freetown?

4 A. I was sitting by the radio, field radio.

12:19:09 5 Q. Where?

6 A. I was at Manowa.

7 Q. And were you listening to the internal - to the field
8 radio, to the high frequency communications?

9 A. Yes.

12:19:27 10 Q. Who was on the radio that you heard talk about that?

11 A. About what?

12 Q. Troops entering Freetown. Tell us what you heard, what
13 transmission did you hear? In other words, did you hear
14 Sam Bockarie talking to Issa Sesay? Who did you hear? Did you
15 hear King Perry talking to Sam Bockarie? What did you hear?

12:19:48

16 A. I heard Sam Bockarie talking to - to - to Issa to tell
17 Rambo to stop to where he is and return.

18 Q. Well, my question to you, sir, is: When did you hear that
19 troops had entered Freetown. So how was it in this conversation
20 you heard that troops had entered Freetown? Explain your story.

12:20:12

21 A. Well, information from King Perry relayed to - to
22 commanders in charge was general frequency, everybody monitor.

23 He was saying that he has been beaten and he was - they were
24 ordered or he has been ordered to retreat from behind the SLAs.

12:20:47

25 And SAJ Musa is saying that anyone who follows them to Freetown
26 is the enemy. And then he had dispatched from forces ahead
27 already in Freetown. But where they are now there's a serious
28 problem between SAJ - him and those who are coming from the RUF
29 trying to move into Freetown. So once he was ordered beating,

1 that's how he passed the information and then once the
2 information travelled to Mosquito, Mosquito ordered Issa Sesay to
3 order Rambo to stop the retreats.

12:21:37 4 Q. If I read your answer correctly, I still don't see where
5 you learnt the troops had gone into Freetown. Did you learn that
6 on the commercial radio first or on this communication?

7 A. On the radio - on the field radio. BBC could be also got
8 on the field radio frequency. If you put it there you can get
9 it.

12:21:54 10 Q. Do you remember saying that this day, the day the troops
11 entered Freetown, 6 January 1999, was a very important day?

12 A. Yes.

13 Q. And all the RUF were very interested in what was going on
14 in Freetown and all over the country you were listening to both
12:22:16 15 the BBC and to the field radios, correct?

16 A. Yes.

17 Q. So did you listen to the BBC on 6th January when the troops
18 entered Freetown?

19 A. Yes.

12:22:29 20 Q. And what did it say?

21 A. Robin White was asking Mosquito. He said, "What are you
22 saying?" He said, "My troops are in Freetown" and then
23 Robin White talked to Gullit and Gullit say, "We are not under
24 the same command. I am fighting under different command".

12:22:53 25 Q. Well, sir, it's been a long time, so maybe your memory on
26 what you heard is not so good. So let me remind you, by playing
27 for you the broadcast of Focus on Africa from 6 January 1999.
28 I'm going to play the portion of it that is exhibit P-262, I
29 believe. 262.

1 A. No, sir.

2 Q. Sir, the broadcast refers to the person leading the troops
3 as the PLO-2, TAB Yahya. That's Alex Tamba Brima, Gullit,
4 correct?

12:31:55 5 A. Yes.

6 Q. So, sir, contrary to what you said, the broadcast from
7 State House on 6 January, wasn't that for a separate force. It
8 was these are the combined forces of the AFRC and the RUF and
9 that the government that they were seeking to establish would be
10 the combined - the combination of the AFRC and the RUF. That's
11 what you just heard on the radio, correct?

12 A. This information I did not hear it from the radio. The
13 interview from Mosquito is what I listened to. Then another
14 response from Freetown from Gullit was we were not - or we are
15 not fighting under the same command. That I kept saying this.
16 But first what caused Robin White to get in contact with
17 Mosquito, I don't know. Maybe it is from this information, but I
18 am not aware. But from Mosquito, that was the time they went
19 back to Gullit and Gullit said they were fighting under separate
12:32:42 20 commands.

21 Q. Mr Witness, again, you are lying about that and you're
22 lying to try to avoid the responsibility of the RUF for the
23 Freetown invasion in which they, in fact, did everything they
24 could to assist once SAJ Musa was dead. Isn't that true?

12:33:05 25 A. No, the RUF did not go Freetown.

26 Q. And, sir, one of the things you said that's a lie - now,
27 maybe you didn't know it. You told us that the troops went into
28 Freetown before SAJ Musa died, that he sent them into Freetown,
29 correct? That's what you told us?

1 A. I told you SAJ had already sent his advance team and later
2 he die.

3 Q. Well, sir, I put it to you that that's just incorrect. SAJ
4 Musa died before any troops entered Freetown.

12:33:57 5 A. No, sir.

6 Q. Mr Kollah, if you were listening to the radio, you
7 certainly know that after SAJ Musa died conveniently in Benguema,
8 Gullit immediately contacted Sam Bockarie and asked for
9 reinforcements. That's true, isn't it?

12:34:16 10 A. No, sir. Gullit and Sam Bockarie were not friends at that
11 moment.

12 Q. Sir, Issa Sesay, among others, came to this Court and
13 testified that Gullit called Bockarie, asking for reinforcements.
14 Was that the truth or is that a lie?

12:34:31 15 A. That's what he said here. I'm not aware of that. But if
16 you can also quote - during the interview of Mosquito on the BBC
17 then you relay it to Gullit you will also know what I'm saying,
18 sir.

19 Q. Well, I think you're pretty correct in what you say about
12:34:48 20 Mosquito; he said he was his troops were in Freetown, correct?
21 That's what he said?

22 A. Yes, I said it. And Gullit disputed. He said, no, they
23 are fighting under separate command.

24 Q. Well, sir, do you have a copy of that broadcast?

12:34:59 25 A. I don't.

26 Q. Do you know anyone who has a copy of a broadcast where
27 Gullit says that he's not fighting with Bockarie?

28 A. No, sir.

29 Q. That's because, sir, it doesn't exist. Isn't that true?

1 A. I did not keep any document to that effect. We heard it on
2 the radio. The same BBC.

3 Q. Sir, among the other things that Issa Sesay talked about is
4 that immediately the RUF attacked Port Loko trying to go to

12:35:30 5 Lungi. You knew about that, didn't you?

6 A. I am not aware of that, Port Loko attack.

7 Q. You didn't hear about Superman attacking Port Loko?

8 A. No, sir.

9 Q. Now, in the broadcast you hear Robin White ask about Lungi.

12:35:48 10 And you hear the spokesperson, Colonel Sesay, say it's under

11 attack. If someone wants to control Freetown, it's very

12 important to take Lungi, isn't that true?

13 A. I did not listen to that broadcast, I told you. The
14 broadcast between Robin White getting to Gullit, I listened to

12:36:10 15 it.

16 Q. Sir, you just listened to it. I just played it for you.

17 I'm asking you about Lungi now. What they said in the broadcast,

18 Robin White asked him, "What about Lungi?" and the spokesperson

19 said, "It's under attack." My question for you, as a military

12:36:28 20 man, it's very important to control Lungi - excuse me, to control

21 Freetown, to take Lungi airport, isn't it?

22 A. No.

23 Q. No? There's no connection between Lungi airport and

24 controlling Freetown?

12:36:49 25 A. No, there's a big water.

26 Q. Sir, ECOMOG had helicopters, correct?

27 A. Yes.

28 Q. In fact, they used to attack you with helicopters, correct?

29 A. They had jet bombers.

1 Q. They also had Alpha Jet bombers. They had both. Isn't
2 that right?

3 A. I was not too aware of helicopters. It was in Freetown
4 that I saw helicopters at Mammy Yoko, but usually during the war
12:37:17 5 jet bombers.

6 Q. And the helicopters would go from Mammy Yoko to Lungi,
7 correct?

8 A. Helicopter used to move from Hastings to - to Cockerill and
9 then to Lungi, sir.

12:37:40 10 Q. And the airport at Lungi, of course, troops could land at
11 that airport and then they could be ferried, either by boat or by
12 helicopter, to Freetown, correct?

13 A. There's a ferry between Lungi airport and Freetown. There
14 was a transport system there, sir.

12:38:06 15 Q. So with Lungi airport in the hands of ECOMOG, ECOMOG would
16 be able to reinforce the troops in Freetown; flying in troops and
17 weapons and ammunition and taking it by helicopter or boat to
18 Freetown. Isn't that true?

19 A. I don't know.

12:38:29 20 Q. And, sir, there's a road from Port Loko going into Guinea.
21 It goes to the north all the way to Conakry. Isn't that true?

22 A. I'm not aware of that road. I'm not too used to that area.

23 Q. Well, Port Loko was a strategic target to control the
24 Western Area because it would cut off reinforcements coming from
12:38:55 25 Guinea, correct?

26 A. I'm not too used to that area. I don't want to answer any
27 question there, sir. I don't know that end too good.

28 Q. Okay. Could the witness be shown a document, it's already
29 in evidence, D-447, please.

1 Sir, I just want to go over some basic facts. If we can go
2 out a little bit on the map, zoom out. You see this is a map
3 from Magburaka in the east to Freetown in the west. Sir, one
4 basic point I just want to make with you: Troops in Lunsar
12:41:29 5 trying to attack and take Lungi airport would pass through Port
6 Loko, correct?

7 A. I don't know that end. Please, I kept telling you. I
8 don't know the northern province too good, so I don't want to
9 answer any question relating to that, please. I told you over
12:41:49 10 and over.

11 Q. So you can't see that on this map?

12 A. I can see the map. I can see names. I can see direction.
13 But I don't want to answer any question to you where I can't
14 prove it.

12:42:03 15 Q. Okay. Well --

16 A. I'm not too used to that end, please.

17 Q. If you don't know something, just say you don't know it.
18 You're the only witness I have, sir, so I'll ask the questions.
19 If you don't know the answer, say so.

12:42:15 20 A. I don't know, sir.

21 Q. Sir, coming from Port Loko and going to Freetown, one of
22 the routes you could take, as marked on this map, you pass a
23 bridge at Gberi Junction called Gberi Bridge. Is that correct?

24 A. I don't know that end, sir.

12:42:34 25 Q. Okay. I now would like to have some photographs
26 distributed.

27 Sir, our screens went blank for a moment but I think I can
28 proceed. I have no LiveNote or anything but I'll proceed for the
29 last 15 minutes without it.

1 I want to ask you a question, you may not be very familiar
2 with the area, but I want to ask you, based upon your experience
3 as an artillery adviser and as someone who handled heavy machine
4 guns. And it's - it concerns a bridge over the Rokel Creek. We
12:44:12 5 see in the first photograph, it should be a longer view, where
6 Port Loko appears at the top, I don't know if that's on the
7 screen.

8 MR MUNYARD: I just inquire. My friend has twice referred
9 to "photographs" plural, I've only been handed one. We were
12:44:32 10 given two copies but.

11 MR KOUMJIAN: I handed out three. Perhaps they haven't all
12 made it.

13 MR MUNYARD: I've just got this, for the benefit of the
14 Prosecution, that's the one I got.

12:44:45 15 MR KOUMJIAN: Unfortunately, I can't see that far.

16 MR MUNYARD: Ah, the others are on their way.

17 MR KOUMJIAN:

18 Q. If we are looking at the same document, I believe we are.
19 From Port Loko there's a road going south --

12:45:22 20 PRESIDING JUDGE: Does the witness have an actual picture
21 in front of him? Okay.

22 MR KOUMJIAN:

23 Q. There's a road going south and it goes over a small river
24 or creek. And it's labelled "Rokel Creek Sierra Leone". I'm
12:45:37 25 more interested, sir, I just wanted to place that, to look at the
26 next photographs and get your opinion about something. First,
27 the next photograph which has the body of water running from the
28 top left to the lower right. We see a road with a bridge over
29 the body of water. And it's labelled Rokel Creek Bridge. I want

1 you to look at both photographs before I ask you the question.

2 So look at that photograph, sir, and then there's another
3 photograph just with a different view labelled Rokel Creek Bridge
4 North.

12:46:39 5 Now, sir, one of the things you mentioned yesterday in your
6 testimony is that the heavy weapons - it was very important not
7 to have them in open terrain because of the advantage that ECOMOG
8 had with the Alpha Jets, correct?

9 A. Yes.

12:47:00 10 Q. If they were exposed in open terrain the jets could hit
11 them, correct?

12 A. Yes.

13 Q. Also it's true that the Guineans had more heavy weapons
14 than the RUF, they had more 40 barrels and artillery than the
12:47:22 15 RUF; isn't that true?

16 A. Yes, they were national forces from Guinea. They had
17 armament.

18 Q. Sir, so in that position, where you're fighting a force
19 that has the jets, the air power, and heavier weapons, the
12:47:41 20 defensive positions you want to take would be those with lots of
21 cover, either heavy jungle or a built-up area with lots of
22 buildings and structures for protection, correct?

23 A. Yes.

24 Q. You see these photographs of the bridge at Rokel? Would
12:48:05 25 this be a good position for the RUF to stand and defend
26 themselves against the Guineans or would you be exposed easily to
27 ECOMOG, to Alpha Jet attacks and to bombardment by superior
28 firepower?

29 A. I told you earlier, don't carry me to the north. I will

1 not answer a question there. I'm not familiar with the formation
2 of land there. But I told you that we - you asked me about Koidu
3 I said we could not use heavy weapon. Light weapon. That's what
4 I told you about light weapon. This area is far from where I was
12:48:45 5 used to. I can't tell you the land formation there. I kept
6 telling you, please.

7 Q. Thank you. That's why I'm showing you the picture, sir.
8 You can look at it. You see very few structures and it's open
9 terrain with very light tree cover. This is not the kind of area
12:49:01 10 you want to defend, is it?

11 A. I am not used to the area. I can't tell you if this is the
12 kind of area people fought hard to defend it or carry on attack.
13 Kailahun District is area I used to, perhaps around Kenema
14 District perhaps, please.

12:49:19 15 Q. Okay. Thank you.

16 MR KOU MJIAN: Your Honour, I would like to mark these for
17 identification. So there are three.

18 PRESIDING JUDGE: May I ask why?

19 MR KOU MJIAN: Yes. It relates to the testimony of
12:49:33 20 Issa Sesay, where he claimed there would be no reason to cut off
21 reinforcements coming from Guinea at Port Loko because the place
22 to defend was the Gberi Bridge. As these photographs show,
23 combined with the testimony of this witness yesterday, this is
24 open terrain and the RUF is a very poor defensive position. They
12:49:56 25 would be much better off taking Port Loko than defending at Gberi
26 Bridge. That's our position.

27 MR MUNYARD: I have to say at the moment on the photograph
28 that we've been presented with, there isn't any mention of Gberi
29 Bridge. They're all Rokel Bridge. Mr Koumjian's giving

12:50:41 1 evidence, it seems to me, from that side of the Court, about this
2 being something other than what's said here. And I note that
3 these Google Earth photographs have a copyright of 2010. "Image
4 2010". "Image 2010" on all of them. We've no idea what the
5 terrain was like during the course of the civil war.

6 PRESIDING JUDGE: Mr Koumjian, if I recall, Mr Sesay's
7 evidence, he spoke of Gberi Bridge. He was shown maps of Gberi
8 Bridge, is that the same bridge that we're talking about here?

9 MR KOUMJIAN: Yes. If one looks at the area marked by
12:51:03 10 Issa Sesay on D-447 and combine that with the photographs that
11 the Prosecution has provided, we can see, and he also said that
12 was over the Rokel, as I recall his testimony, over the Rokel
13 River or Creek, we can see that this is the bridge he was talking
14 about. This is exactly the spot.

12:51:31 15 PRESIDING JUDGE: I guess my query really is; these are
16 photographs that should have been put to Issa Sesay for admission
17 for marking. This witness has said he cannot speak to these
18 pictures at all. So why are we marking them?

12:51:54 19 MR KOUMJIAN: The witness can speak to, he said, to where
20 heavy weapons would be placed by the RUF and that they wouldn't
21 be in open terrain. And we believe they're relevant. And I
22 submit it.

12:52:27 23 Your Honour, I would add one other thing. Issa Sesay said
24 all this in redirect. The Prosecution did not have the
25 opportunity then to go back and question him. I can find the
26 quotations but Mr Chekera brought this, in detail, in redirect.
27 He talked about and had - D-447 was marked in redirect. The
28 Prosecution did not have a chance to cross-examine Mr Sesay on
29 that.

1 PRESIDING JUDGE: Mr Koumjian, you've asked me to mark
2 these pictures, photographs, through the testimony of the current
3 witness. Please convince me why I should do that, not in
4 relation to Mr Sesay, who has come and gone, but in relation to
12:53:34 5 this witness. I want to hear your reasons for asking me to mark
6 them as part of the testimony of this witness.

7 MR KOUMJIAN: This witness has given evidence as to the
8 type of terrain that the RUF would choose to use for heavy
9 weapons. He's given evidence on the advantage of the Alpha Jets
12:53:58 10 to ECOMOG. He talked about the Guineans having heavier artillery
11 than there was available to the RUF. So all of his evidence is
12 very relevant to the type of defensive position that the RUF
13 would choose to take in order to stop reinforcements coming to
14 Freetown.

12:54:20 15 PRESIDING JUDGE: What does any of that have to do with
16 Rokel Creek Bridge?

17 MR KOUMJIAN: Because relevant to other testimony in the
18 case, this is the testimony and redirect of Issa Sesay, the
19 preferable place, according to Issa Sesay, for the RUF to have
12:54:35 20 stopped the reinforcements, so this witness contradicts --

21 PRESIDING JUDGE: I'm asking about this witness.

22 MR KOUMJIAN: This witness's evidence, in our view,
23 contradicts Issa Sesay. His evidence contradicts Issa Sesay
24 because, as shown in these photographs, this is exactly the kind
12:54:50 25 of terrain this witness says the RUF would not choose to place
26 its weapons.

27 PRESIDING JUDGE: But that is - that is what you are
28 saying, Mr Koumjian. The witness has said nothing about these
29 pictures. He's refused to say anything because he simply cannot

1 say anything about these pictures. What - what is the evidence
2 in relation to this witness where these pictures are concerned?
3 Where is the connection between this witness's testimony and the
4 pictures I'm holding in my hand? Where's the connection?

12:55:23 5 MR KOUMJIAN: Well, in our view, we don't have to show that
6 obviously that this witness took the pictures or even has seen
7 them before or is familiar with this area. It relates - he said
8 he's - was with the RUF for 10 years, he handled the artillery
9 weapons, and the photographs show the type of terrain. Combined
12:55:44 10 with his testimony, there's a logical argument that we're making.
11 We need the photographs to be combined with this testimony, that
12 this is not the terrain, as Issa Sesay said they would have
13 chosen. This is not the terrain they would have chosen to defend
14 against an ECOMOG push south.

12:56:04 15 PRESIDING JUDGE: Did this witness argue with you to say
16 that this was or was not the terrain the RUF used heavy weapons
17 on? Did this witness say anything about the RUF, either having
18 weapons on Rokel Creek Bridge or not having weapons? Did this
19 witness say anything of the sort?

12:56:27 20 MR KOUMJIAN: No. In fact, the witness - the witness
21 basically didn't even want to look at the photographs. That's -
22 in our view, he doesn't have to have ever been there or to know
23 this particular terrain. The photographs speak to the terrain.
24 His testimony speaks to the tactics. The combination is the
12:56:47 25 inference that this would not have been a location the RUF would
26 have used.

27 PRESIDING JUDGE: Mr Munyard, what I'm going to do, for
28 now, I'm going to mark these photographs, and then when the time
29 comes for admission, perhaps the Defence may have arguments then.

1 MR MUNYARD: Yes. Well, with respect, your Honour, I have
2 no difficulty with that proposition. And you correctly
3 anticipate that we will have some submissions.

4 May I just make one point of clarification. I said the
12:58:14 5 images appear to be 2010. They are on these two, but on the one
6 marked "Rokel Creek Bridge facing north," it says, rather
7 confusingly, imagery dates November 26, 2006 to February 22,
8 2010, bottom left-hand corner. I'll leave any further
9 submissions until the appropriate time. I thought it best to
12:58:38 10 correct that now in relation to that one photograph.

11 PRESIDING JUDGE: Mr Koumjian, is it okay if I give these
12 one generic MFI?

13 MR KOUMJIAN: Please.

14 PRESIDING JUDGE: All right. These are three Google map
12:58:54 15 photographs, depicting the area known as Rokel Creek Bridge.
16 These will be marked MFI-12A, B and C.

17 MR KOUMJIAN: Thank you. If we have one minute left, two
18 documents have been given to the Court Officer and I would like
19 to have them marked for identification. Perhaps they should be -
12:59:25 20 I don't know if they've been distributed. They are
21 black-and-whites. Actually we had colour photographs of a person
22 that I put to the witness was Sam Bockarie. He said it was
23 Issa Sesay. And we've now photocopied off the website the
24 captions below the pictures, in order to give context. So I'd
12:59:49 25 like those distributed and marked for identification. I don't
26 know if the Defence has it yet.

27 PRESIDING JUDGE: What are you talking about? We have one
28 black-and-white photograph on a piece of paper.

29 MR KOUMJIAN: And then there was another one, with the full

1 article that I understood was printed and it's in court now.

2 PRESIDING JUDGE: We don't have that.

3 MR MUNYARD: None of it has been put to the witness, so how
4 can it possibly go in at all at this stage?

13:00:25 5 MR KOU MJIAN: Perhaps we can deal with this tomorrow.

6 MR MUNYARD: Hopefully not tomorrow but Monday.

7 PRESIDING JUDGE: Mr Koumjian, why do we have to mark these
8 pictures or whatever documents to which the witness has not
9 spoken yet? Why do we have to MFI them now?

13:00:42 10 MR KOU MJIAN: When we look at them, they are the same
11 picture that the witness spoke to. This is simply where they
12 came from, it's not a big colour, and it has the caption
13 underneath. So these are exactly the same photographs that were
14 shown to the witness but with the full web page with the caption.

13:01:05 15 PRESIDING JUDGE: That is not a reason for marking them.
16 You still haven't --

17 MR KOU MJIAN: Okay.

18 PRESIDING JUDGE: -- had the witness give a response.

19 MR KOU MJIAN: Okay. Then perhaps I'll wait until --

13:01:14 20 PRESIDING JUDGE: So this is something that can wait until
21 next week.

22 I am given to understand, reliably, that on Monday morning
23 the courtroom will be required by the STL. We are not able to
24 forecast at this stage how long the judges will be using this
13:01:33 25 courtroom and so I am proposing to adjourn the trial to Monday
26 afternoon instead, just to be on the safe side. But instead of
27 starting at 2.30, as we normally would have done, to start on
28 Monday at 2 o'clock.

29 So the proceedings are adjourned to Monday at 2 o'clock.

1 Mr Witness, the reason I'm adjourning to Monday afternoon
2 is because the judges of the Special Tribunal for Lebanon will be
3 using the same courtroom for other proceedings. In the meantime,
4 you are not to discuss your evidence with anyone.

13:02:17 5 THE WITNESS: Yes, ma'am.

6 PRESIDING JUDGE: Okay, thank you.

7 THE WITNESS: Thank you.

8 [Whereupon the hearing adjourned at 1.02 p.m.
9 to be reconvened on Monday, 8 November 2010 at
10 2.00 p.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-102 48835

CROSS-EXAMINATION BY MR KOUMJIAN 48835