



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 6 MARCH 2008

TRIAL
9.30 A.M.

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Thursday, 6 March 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:13 5 PRESIDING JUDGE: Good morning. I note appearances are -
6 no, a slight variation in appearances on the Prosecution Bar.

7 MS ALAGENDRA: Good morning, your Honours. For the
8 Prosecution is Ms Julia Baly, Mr Mohamed Bangura, myself,
9 Shyamala Alagendra, and Maja Dimitrova. Thank you, your Honours.

09:30:35 10 PRESIDING JUDGE: Mr Munyard, your appearances are as
11 yesterday?

12 MR MUNYARD: They are, Madam President: Myself, Terry
13 Munyard, Morris Anyah and Fatiah Balfas.

14 Madam President, may I raise, very briefly I hope, an oral
09:30:54 15 application? The Court will be aware that the Prosecution filed
16 a motion, or notice, under Rule 92 bis for the admission of
17 evidence related to, amongst other things, the district of Kenema
18 and they filed that on 29 February, but we were served with it on
19 3 March. Yes, 29 February this year was a leap year.

09:31:29 20 PRESIDING JUDGE: I am not at all worried about that. I am
21 just puzzled why it has taken four days to serve you.

22 MR MUNYARD: I don't know, but the point is that this is a
23 motion that involves the consideration of some 900-odd pages of
24 material. The Court will be aware that in the past, I think
09:31:51 25 towards the latter end of last year, we had two motions that
26 comprised a huge volume of material and we applied for and were
27 given, perfectly reasonably, an extension of time to consider our
28 response. We are asking today because I believe that under
29 Rule 92 bis we only have five days from receipt of the notice,

1 under the rules, to respond to such a motion.

2 PRESIDING JUDGE: We are just looking. It is ten days
3 notice to - sorry. Five days, yes.

4 MR MUNYARD: Objection to [overlapping speakers] must be
09:33:01 5 within five days, thank you. That is Rule 92 bis (C). We are
6 conscious of the fact that the Easter vacation is soon to be upon
7 us. Today is Thursday, a week tomorrow we understand this Court
8 will rise, in accordance with the vacation periods for the
9 Special Court for Sierra Leone. Clearly nothing will happen
09:33:26 10 during the two weeks of the Easter vacation, as far as the Court
11 is concerned, so we would ask the Court for an extension of time
12 to serve our response to the Prosecution's motion by the end of
13 the first week after the Easter vacation.

14 PRESIDING JUDGE: I don't have a diary with me.

09:33:48 15 MR MUNYARD: We return on 31 March and so, by my
16 calculations, it would be 3 or 4 April.

17 PRESIDING JUDGE: The Friday.

18 MR MUNYARD: I am hoping somebody else has a calendar to
19 hand.

09:34:05 20 MS MUZIGO-MORRISON: It will be 4 April, your Honour.

21 MR MUNYARD: I am grateful, Madam Court Officer.

22 PRESIDING JUDGE: Thank you.

23 MR MUNYARD: I don't believe that our application is
24 opposed. We did raise it with our learned friends last night and
09:34:25 25 again this morning.

26 PRESIDING JUDGE: I will seek a reply.

27 MR MUNYARD: Thank you, Madam President.

28 PRESIDING JUDGE: Who is replying on behalf of the
29 Prosecution?

1 MR BANGURA: Myself, your Honours. Good morning, your
2 Honours. Your Honours, the Prosecution does not oppose the
3 application by the Defence. Thank you.

09:35:16

4 PRESIDING JUDGE: Thank you, Mr Bangura. We note the
5 application and we note that it is not opposed, and by consent we
6 extend the period provided in Rule 92 bis for the Defence to file
7 objections, if any, to Friday, 4 April 2006 [sic] at close of
8 business. In the event that we have the date incorrect, it is
9 the Friday immediately following resumption of court. Close of
10 business is, to the best of my knowledge, 4.30.

09:35:54

11 MR MUNYARD: We were corrected last time that was raised by
12 Madam Court Officer who said it was 5 o'clock.

13 PRESIDING JUDGE: You have another 30 minutes more than
14 I thought.

09:36:08

15 MR MUNYARD: Given the sitting times of the Court, that is
16 always quite helpful. In any event, we are very grateful to the
17 Court for extending the time.

09:36:28

18 MS ALAGENDRA: On behalf of the Prosecution there is an
19 application I would like to make, but I seek the indulgence of
20 the Court to permit me to raise this application in the absence
21 of the witness and in private session, your Honours.

22 PRESIDING JUDGE: Do you wish to make it now, prior to
23 hearing the witness's evidence?

24 MS ALAGENDRA: Yes, your Honour, if it is possible.

09:36:41

25 PRESIDING JUDGE: Are the Defence aware of this?

26 MR MUNYARD: We are and we have no difficulty with this.
27 We don't anticipate that it will take a very long time.

28 PRESIDING JUDGE: In the circumstances, I would ask that,
29 first of all, the witness is escorted from the Court and

1 provisions are made for a private session, so that it is not --

2 MR MUNYARD: Madam President, can I just correct the
3 record. You gave us until Friday, 4 April 2006 at close of
4 business and I gather that the record is correct.

09:37:35 5 JUDGE LUSSICK: 2008 it was, Mr Munyard.

6 MR MUNYARD: I am told by several people around me that it
7 was 2006 that was said. In any event, we all understand it, but
8 the record at the moment says 2006.

9 PRESIDING JUDGE: Please correct that record. I just don't
09:37:53 10 know what I was thinking of. I wrote 2008 in my notebook if it
11 is any assistance.

12 MR MUNYARD: If it helps you, I didn't hear the year,
13 I just heard the date.

14 JUDGE LUSSICK: I have checked the record, it was
09:38:06 15 erroneously stated as 2006.

16 MR MUNYARD: Thank you.

17 MS MUZIGO-MORRISON: Your Honour, just for the record,
18 filing stops at 4 o'clock. It can continue up to 5 o'clock, but
19 anything filed after 4 o'clock is served the following day and
09:38:26 20 that being a Friday, it will be served the following Monday, so
21 4 o'clock and after 4 o'clock, if 5 o'clock it will be the
22 following Monday.

23
24 [At this point in the proceedings, a portion of
09:38:39 25 the transcript, pages 5389 to 5391, was
26 extracted and sealed under separate cover, as
27 the proceeding was heard in private session.]

28

29

1 [Open session]

2 WITNESS: TF1-337 [On former oath]

3 PRESIDING JUDGE: Now, Mr Witness, we are going to resume
4 your evidence and first of all I remind you, as I have done
09:45:57 5 previously, that you are still under oath and you are obliged to
6 answer questions truthfully. You understand?

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: Mr Munyard, you were in the midst of your
9 cross-examination.

09:46:14 10 CROSS-EXAMINATION BY MR MUNYARD [Continued]:

11 MR MUNYARD: Thank you, your Honour:

12 Q. Mr Mansaray, we were talking yesterday about the records
13 that you made of complaints, reports that you put in about the
14 conduct of members of the RUF towards civilians. I want to ask
09:46:36 15 you just a little bit more about that, please. You told us at
16 the end of yesterday that you yourself kept duplicate copies of
17 reports that you sent to your superiors, so that one day Foday
18 Sankoh could read them if he wished to. Do you remember saying
19 that?

09:47:00 20 A. Yes, I said that yesterday.

21 Q. You also told us that there were a series of different IDU
22 officers in different parts of the country. Do you remember
23 saying that?

24 A. Yes.

09:47:19 25 Q. Can you tell us how many different IDU officers' offices
26 there were? How many places were the IDU based in?

27 A. Well, I cannot explain to you exactly about the various
28 parts there were in the RUF operational zones. All the brigades
29 had IDU commanders, battalion IDU commanders, company IDU

1 personnel s.

2 Q. So is this what you are saying: That there were a number
3 of different places where the IDU were, but you couldn't give us
4 a total figure for the different IDU groupings in different parts
09:48:25 5 of the country?

6 A. I cannot give you an exact number of IDU commanders, or
7 personnel. I can only explain the structure of the IDU in the
8 RUF organisation.

9 Q. Can you give us a rough idea of the numbers of IDU
09:48:59 10 commanders?

11 A. Yes, I can try that.

12 Q. Please try.

13 A. We had an overall IDU commander who was Augustine Gbao. We
14 had four brigades in the RUF. There were IDU commanders who were
09:49:36 15 brigade commanders. Each brigade had four battalions. Each
16 battalion had four companies. Then from the brigade to the
17 battalion and companies, they had IDU workers under those
18 commanderships in those positions. So was the structure of the
19 IDU.

09:50:16 20 Q. Was there a central registry, or a central office, to which
21 all IDU reports were meant to be sent?

22 A. It didn't happen that way.

23 Q. Is this the position: That individual IDU commanders sent
24 their reports off to their immediate superiors and if they wanted
09:50:56 25 to keep a copy of their reports they would keep it themselves,
26 wherever they were located?

27 A. Well, the IDU - if the report was prepared by the company
28 commander, that report would be sent to the battalion IDU
29 commander. Then the battalion commander would send that to the

1 brigade IDU commander. Then the brigade IDU commander will send
2 that to the overall commander. That was the way we operated.

3 Q. Do you know what the overall commander did with the actual
4 physical reports that he received? Did he keep them in one
09:51:54 5 particular place, do you know?

6 A. Well, that I can't say because he was an overall commander.
7 I couldn't say whether he kept them, or he gave them to any other
8 person.

9 Q. You told us yesterday that you kept duplicates of the
09:52:28 10 reports that you sent off. Where did you keep those duplicate
11 reports?

12 A. I kept them with me where I was at the time.

13 Q. For how many years were you keeping these duplicate reports
14 in the belief that Foday Sankoh might one day want to read them?

09:52:58 15 A. From November 1996 I kept duplicate records. Of the time
16 I was working as an IDU, I kept duplicate records of reports
17 from - up to July 2000.

18 Q. So for nearly four years you kept copies of all the reports
19 you sent off?

09:53:44 20 A. Yes.

21 Q. Where did you keep them?

22 A. I kept them in the house where I was residing. They were
23 with me.

24 Q. We know you moved to various places during those years.
09:54:05 25 Did you take the reports to each new place you moved to?

26 A. Yes, they were with me.

27 Q. So what happened to them, all these duplicate reports?
28 Where did they end up?

29 A. Well, after - when Issa Sesay, Morris Kallon and my former

1 commander took the law into their own hands and held UN
2 peacekeepers and killed them - so when they too came to rescue
3 their personnel in Pendembu and Kailahun, during the ensuing
4 scuffle everything was bombed.

09:55:11 5 Q. Sorry, during what ensuing struggle?

6 A. That was the time when the UN peacekeepers came to rescue
7 their colleagues in Kailahun and Pendembu, so when they came, the
8 order given by Issa to fight with them, they too came shooting
9 guns. They had helicopters overhead of us shooting at us, so

09:55:55 10 I was unable to retrieve those documents. So, the house was put
11 on fire and everything got burned. That was in the year 2000.

12 Q. So you are blaming the United Nations for the destruction
13 of all of these duplicate records that you had kept so carefully
14 for four years. Is that what you are telling us?

09:56:23 15 A. No, I am not blaming the United Nations. I will blame my
16 very commanders Issa Sesay, Morris Kallon and Augustine Gbao,
17 because they took the law into their own hands. They went and
18 gathered fighters together and started killing the UNs, arrested
19 them, took their vehicles. So they too, Issa Sesay said they
09:56:53 20 should not be provided food, so what they did was to come and
21 rescue their colleagues. So the blame will be on my commanders,

22 not the United Nations peacekeepers, but my commanders: Issa
23 Sesay, Morris Kallon and Augustine Gbao. They are the people
24 I will blame. They gave the cause for those documents to be
09:57:16 25 destroyed.

26 Q. Mr Mansaray, did you really keep duplicate copies, for the
27 better part of four years, of these reports, or is that something
28 that you have just made up?

29 A. That is not an idea. I have been saying this before coming

1 to this Court to say this. I kept them because I was once
2 somebody - the work I was doing, I was so much interested in it,
3 the IDU work I was doing, so I kept documents. I am not just
4 saying it out of my mind, but I kept documents.

09:58:01 5 Q. You told us yesterday that IDU members could fight if they
6 wished to. Do you remember saying that?

7 A. Yes, I said that to you.

8 Q. Did IDU members always get issued with a weapon?

9 A. Well, we had weapons that were there to secure our lives
09:58:35 10 and the documents we had. We had weapons.

11 Q. So you carried a weapon while you were in the IDU?

12 A. Yes, we had weapons.

13 Q. Before you joined the IDU, what was it that you were doing
14 from 1991 onwards, within the RUF I mean?

09:59:07 15 A. I was a fighter. I used to go to the front line to fight.

16 Q. Did you carry on - did you go to the front line at all
17 whilst you were in the IDU, from 1994 to January 2001?

18 A. It did happen when instructions were given, or commands
19 given to me from the commanders I used to work for to go with the
09:59:45 20 mission to observe the situation. I used to carry a weapon to
21 secure my life and the documents that were - that used to be in
22 my possession.

23 Q. You told us yesterday also that there were occasions on
24 which you yourself looted people's property. Do you remember
10:00:05 25 saying that?

26 A. Yes, I said that yesterday.

27 Q. Can you give us some examples of where you looted people's
28 property?

29 A. Well, let me say this to you: From April 1991 up to the

1 time of the disarmament in 2001 we had lived on looted
2 properties. All the RUF fighters, senior commanders, we had
3 lived on looted items.

4 Q. So you yourself looted property in Qui va, is that right?

10:01:17 5 A. Right.

6 Q. You were then working as part of the IDU, weren't you?

7 A. Yes.

8 Q. Did anyone make a report about your looting of civilian
9 property in Qui va, for example?

10:01:44 10 A. Well, that one, I don't know whether somebody wrote about
11 that, but I too used to write the report. I will include in that
12 that we had looted property and, in fact, sometimes when we
13 attacked we forced the people to leave their places, so whatever
14 thing we come across, we loot that one.

10:02:12 15 Q. You are saying you looted people's property when you were
16 in Qui va and you made a report complaining of your own behaviour
17 in looting. Is that what you are telling us?

18 A. Yes.

19 Q. You knew nothing was going to happen as a result of
10:02:33 20 reporting yourself, didn't you?

21 A. Well, that is what happened, because the commanders told us
22 that they don't have something to pay us, so what we come across
23 is what we are to survive from. So, if we were in the front line
24 we had survived from what we loot.

10:03:02 25 Q. Mr Mansaray, I am asking you about the reports that you
26 wrote. You just told us that you reported yourself for looting
27 property. It is right, isn't it, that you knew that absolutely
28 nothing would happen as a result of you writing a report about
29 your own misbehaviour?

1 A. About the looting? Nothing happened.

2 Q. You knew that nothing was going to happen if you made such
3 a report, didn't you?

4 A. Yes.

10:03:44 5 Q. Writing reports such as that about yourself, or indeed
6 anybody else, was a completely paper exercise, wasn't it? If you
7 want me to explain what I mean by paper exercise, I will, but
8 I suspect you know. It was a completely paper exercise, wasn't
9 it?

10:04:12 10 A. Well, we were not writing those things on the paper for
11 nothing. There were crimes we included that needed some form of
12 action to be taken.

13 Q. But you knew that no action was going to be taken on any of
14 these reports, certainly from November 1996, didn't you?

10:04:43 15 A. That pertains to looting, action was not taken.

16 Q. You knew that from November 1996 no action was going to be
17 taken on any of your reports, did you not?

18 A. What year are you talking about?

19 Q. From November 1996 onwards you knew that nothing was going
10:05:15 20 to be done about your reports, didn't you?

21 A. That was the way it happened.

22 Q. Are you agreeing with me that you knew that nothing would
23 happen as a result of writing reports from November 1996 onwards?

24 A. Well, yes, because they did not act on them from November
10:05:56 25 1996.

26 Q. When you left the IDU and you went to work in the mines,
27 did you either yourself mistreat prisoners, or order your men to
28 mistreat prisoners?

29 A. What prisoners? What do you mean?

1 Q. Sorry, I meant civilians. I will correct myself. When you
2 left the IDU and were working in the mines, did you yourself
3 mistreat civilians?

4 A. Well, I specifically did not do that, but the order that
10:07:07 5 the overall mining commander used to give to me, in the presence
6 of the other mining commanders, I used to pass the order on to
7 them.

8 Q. It is right, isn't it, that you would order your men to
9 bring civilians at gun point to the government mines to mine for
10:07:31 10 the RUF?

11 A. That was how it happened. That was the instruction I got
12 from the overall mining commander: To order my personnel to do
13 that.

14 Q. Sometimes you saw your men beating the civilians if they
10:07:56 15 refused your order to come and mine for the RUF; that is right,
16 isn't it?

17 A. Yes, I saw my personnel, who were under my command, I saw
18 them beating civilians who were mining for the RUF.

19 Q. And you knew that that was in breach of the RUF's rules and
10:08:23 20 regulations, didn't you?

21 A. Yes, that is true.

22 Q. You didn't stop that, did you?

23 A. Well, I used to stop my men for them not to maltreat them,
24 but that was an order given to me by the overall mining
10:08:48 25 commander, but yet I used to make some effort for them not to do
26 what exactly the overall mining commander was doing, but we tried
27 to do - they did - even though I said that, they did what the
28 overall mining commander was telling us to do.

29 Q. Mr Mansaray, sometimes you did not stop your men beating

1 the civilians brought to the mines, did you?

2 A. Yes, it used to happen at that time when I was not present.

3 At times they would beat civilians, or meet that - but when

4 I would come I would go and assist the civilians and I will tell

10:09:41 5 the personnel to stop beating the civilians, so the civilians

6 would continue to do their work.

7 Q. And sometimes you didn't tell them to stop beating the

8 civilians, did you?

9 A. No, it was not like that. When I would be present, I would

10:10:10 10 not allow any confrontation between the personnel and the

11 civilians to continue, I will not allow that, but in my absence,

12 if I sent them to go and bring them, they would go and beat them.

13 Q. Mr Mansaray, you have been interviewed by the Office of the

14 Prosecutor on more than a dozen occasions about these events,

10:10:38 15 haven't you?

16 A. Yes, they had interviewed me about what we were discussing

17 now relating to the mining.

18 Q. Are you aware that the Prosecution have to give us, the

19 Defence counsel, copies of the notes of those interviews with

10:11:03 20 you?

21 A. I don't know about that.

22 Q. I am not suggesting that you would necessarily remember

23 every date on which you were interviewed, but can you remember

24 being interviewed in October of 2007? That is last year.

10:11:36 25 A. Yes, I can recall.

26 Q. On the 4th, on the 8th and on 15 October, an interview that

27 went on over several days. Can you remember that?

28 A. Yes.

29 Q. Can you remember, in the course of that interview in

1 October, saying to the Prosecution interviewers that sometimes
2 you would intervene to stop your men beating and sometimes you
3 will not stop the beating?

10:12:42 4 A. Yes, that happened. That was when I was not very close to
5 them. That was when they would be doing the beating and at times
6 if I saw that the tension was getting high, the civilians were
7 more than us in number, so if I saw that the tension was getting
8 high I would move from the place and the fighting between each
9 other would continue.

10:13:04 10 Q. Do you agree that there were, therefore, occasions on which
11 you did see your men beating civilians but you did nothing to
12 intervene?

13 A. Yes, you are saying the truth because even the personnel
14 who were working under me, they too were fighters, so they too
10:13:41 15 would take the law into their hands. It could get to a stage
16 where I would be annoyed with them. They would beat the
17 civilians and maltreat them and I regret it at times.

18 Q. You told us yesterday that you made a report that you sent
19 to Francis Musa talking about someone called Alhaji Put More
10:14:15 20 killing 25 or so civilians. Do you remember saying that?

21 A. Yes.

22 Q. I want to suggest to you that you never sent such a report
23 to Francis Musa. What do you say about that?

24 A. I sent the report to Francis Musa. Francis Musa came and
10:14:40 25 met me in Segbwema and told me that he had received the report
26 and also said that the killing that Alhaji Put More had done, he
27 was not in favour of it. He himself, Francis Musa, came to make
28 sure that it was correct and he too made it - he was then told
29 and he verified it, that it was correct, in Segbwema.

1 Q. Can you think of any reason why Francis Musa would say that
2 he never received any report from you about Alhaji Put More?

3 A. I have already told you that Francis Musa received the
4 report. He came and met me. We sat together. He told me he had
10:15:43 5 received the report about Alhaji Put More.

6 Q. I may not have made the question that I just asked
7 completely clear. Can you think of any reason why Francis Musa
8 is now saying that he never received any report from you about
9 Alhaji Put More?

10:16:08 10 A. I said Francis Musa told me that he received the report.
11 He came and confirmed to me that - confirmed to me that the
12 report that I sent against Alhaji Put More was correct.

13 Q. You also said yesterday that you sent Francis Musa a report
14 about Sam Bockarie getting arms and ammunition from Liberia. Do
10:16:33 15 you remember saying that?

16 A. No. I told you yesterday that Francis Musa gave the report
17 about the arms and ammunition that Sam Bockarie took from Liberia
18 from the ex-President Charles Ghankay Taylor, so he gave me the
19 report and I travelled with it to Makeni, to Augustine Gbao.

10:17:04 20 Q. Francis Musa was your IDU superior, wasn't he?

21 A. Yes.

22 Q. He would have to report IDU complaints to Augustine Gbao,
23 wouldn't he?

24 A. Yes.

10:17:25 25 Q. And that is the kind of report that he would send to
26 Augustine Gbao, complaints about breaches of RUF rules and
27 regulations.

28 A. Yes.

29 Q. Francis Musa would not have to report to Augustine Gbao

1 about the supply of arms and ammunition, would he?

2 A. Well, the report that I am talking about is like if an
3 activity had taken place, or bad thing had happened. It was our
4 place, IDU, to take record of daily activities. It was
10:18:26 5 information about the daily activities, the movement of
6 commanders, fighters, or what was happening. It didn't just mean
7 that it was only when commanders will kill civilians, or do bad
8 things, not just that. Whatever happened within the RUF
9 organisation, it was our place to take record of daily

10:18:48 10 activities. That is what I am telling you. The movements that
11 Sam Bockarie was making from Buedu, Liberia, meeting with the
12 ex-President Charles Ghankay Taylor, when Francis Musa was at
13 defence headquarters, he will give the information to Augustine
14 Gbao.

10:19:09 15 Q. I am going to ask you about this expression that you keep
16 using "ex-President Charles Ghankay Taylor", or on occasion
17 "ex-President Dankpannah Charles Ghankay Taylor". You have used
18 that almost entirely throughout your evidence, ex-president.
19 Even when you were talking about what he was doing in 1997, 1998,
10:19:39 20 2001 when he was still president. Do you remember using that
21 expression in the course of your evidence yesterday and the day
22 before?

23 A. Yes. If you can recall well, I started from 1991, I used
24 the expression "NPFL leader". When he became a president, that
10:20:12 25 was during those years. That is why I am using the expression
26 "ex-president".

27 Q. Has somebody suggested to you that whenever you mentioned
28 him in the course of your evidence you should call him
29 ex-president?

1 A. No, I can always recall the year he became president. That
2 is the time I used the expression "ex-president", but when he was
3 a leader I used the expression "NPFL leader".

10:20:56

4 Q. You have never used the expression "ex-NPFL leader", have
5 you?

6 A. What I have been using - what I was using from 1991, 1992,
7 I told you it was "NPFL leader". I knew then that he was no
8 longer in that position, since 1997 he had become president, so
9 I knew he was not a leader anymore for NPFL. He was president in
10 his country.

10:21:31

11 Q. Are you aware that you are not the first witness in this
12 case to use the expression "ex-President Charles Taylor" when
13 giving evidence about his activities whilst he was president?
14 Are you aware that other witnesses have referred to him in

10:21:51

15 exactly that same way?

16 A. Well, I don't know if any other witness had come here.
17 I know about mine.

18 Q. Yes. How long have you been in The Hague?

19 A. I left Freetown 12 February and got here on 13 February
20 2008. That would be around 25 - if I am not mistaken it will be
21 around 25.

10:22:30

22 Q. So you have been here about three weeks?

23 A. You could be correct, maybe three weeks or more.

24 Q. And have you been staying in a place with other people who
25 have been giving evidence in this trial?

10:23:01

26 A. I cannot tell you that. I really only know about myself.

27 MS ALAGENDRA: As a precaution, could the witness be
28 advised not to call out any names because he is in open session,
29 if he is going to, he be advised not to.

1 PRESIDING JUDGE: I didn't hear the answer properly
2 unfortunately. Have you any objection to that caution being
3 given to the witness, Mr Munyard?

4 MR MUNYARD: I have an objection to the suggestion that all
10:23:50 5 names should be kept from being mentioned. Obviously there are
6 some that he is able to mention and there are some that he
7 shouldn't. I, in fact, was going to tread as carefully as
8 I could in dealing with this, but at the moment I was not
9 proposing asking for any names, but I am quite happy for him to
10:24:15 10 be told that unless he is asked about specific names then he
11 shouldn't mention names.

12 PRESIDING JUDGE: Very well. I will put it in those terms.
13 I think that covers the Prosecution's concerns.

14 Mr Witness, when you are answering this question do not
10:24:29 15 name individual people.

16 THE WITNESS: Okay.

17 PRESIDING JUDGE: If you would be so good as to put the
18 question again so we can get the record fluently.

19 MR MUNYARD: Certainly. It has just gone from the top of
10:24:55 20 my screen, but I will try and do it from memory:

21 Q. Were you staying in a place in The Hague with other people
22 who were giving evidence in this trial, either who have already
23 now given evidence, or who are yet to give evidence?

24 A. The place where I stayed, I am staying there with people
10:25:25 25 who are staff of the Special Court for Sierra Leone.

26 Q. And who else?

27 A. They are the only ones I see around me who would go to
28 serve me. They say there are staff. They said they are working
29 at the Witness Victims Section, WVS. Those are the only people

1 I see.

2 Q. Mr Mansaray, are you saying that you are staying in a place
3 with a number of other people, but they are all Witness and
4 Victim Service staff and only victim and witness service staff?

10:26:17 5 A. Yes, they are there, but they are not many. They are not
6 that much, but they are there with me. They lodged me where I am
7 currently.

8 Q. When you have your meals, do other people, other people who
9 are giving evidence, or have given evidence in this case, have
10:26:43 10 meals with you?

11 A. Well, I don't see any other person. I don't know if the
12 WVS had been giving evidence, I don't know, but I used to see the
13 WVS staff and they are the people who serve me.

14 Q. Have you spent any time, since you have been in The Hague
10:27:14 15 over the last three weeks, with any other person who is a witness
16 in this case?

17 A. No.

18 Q. Is that a completely truthful answer?

19 A. I am telling you the truth. Those whom I see around me,
10:27:48 20 they refer to themselves as WVS people. They work for the
21 Special Court.

22 Q. I don't want you to mention any names, but have you spent
23 any time at all, since you have been in The Hague, with a woman
24 who is a witness in this case?

10:28:19 25 A. No. The only women I used to see, these are the cooks.
26 They cook in the kitchen and they used to give us food to eat.
27 I don't know if there is any other woman who too is a witness.
28 I don't know.

29 Q. The place in which you are staying, is there enough room

1 for other people to stay in it apart from victim and witness
2 service staff?

3 A. Yes, there are some other rooms and these rooms are
4 occupied by the WVS. I am in the middle apartment and the WVS
10:29:09 5 staff are in the other rooms.

6 Q. So this idea to keep continuously referring to Mr Taylor as
7 ex-President Taylor, even though you are talking about a time
8 when he was the president, is entirely your own idea, is it?

9 A. Yes, that is what I used to hear. That is what - when
10:29:47 10 somebody was a president and after his tenure people refer to him
11 as ex-president, so that is why I referred to him as
12 ex-president.

13 Q. Right, I am going to ask you to go back to the beginning of
14 your evidence, please, and I want to ask you about the
10:30:06 15 circumstances in which you came to belong to the RUF. How was it
16 that you came to belong to the RUF? What made you join them?

17 A. They captured me in my home town and took me to the
18 training base to fight.

19 Q. So you didn't join them voluntarily?

10:30:41 20 A. No, because I was even afraid of them, but I had no option
21 to go anywhere else, so I was captured forcefully to join them.

22 Q. Well, I have already asked you about an interview that took
23 place over several days in October last year. Can you remember
24 the interviewers who interviewed you on the 4th, 8th and 15th
10:31:10 25 September [sic] last year?

26 A. Repeat the question.

27 Q. Can you remember who the people were who interviewed you
28 over three days in October last year, presumably somewhere in
29 Sierra Leone?

- 1 A. Yes, October - you mean October 2007?
- 2 Q. I do mean that, Mr Mansaray, and you are very good on
3 dates, aren't you?
- 4 A. Yes, I can try. I am not perfect, but I can try.
- 10:31:57 5 Q. Who interviewed you on those occasions?
- 6 A. What date are you referring to? Can you please repeat it.
- 7 Q. The 4th, 5th, 8th and 15 October. Four days, not three.
- 8 A. What year?
- 9 Q. Not that long ago.
- 10:32:43 10 A. October 2007 you mean?
- 11 Q. I do mean that.
- 12 A. What? I did not get that clearly.
- 13 Q. I am referring to October last year.
- 14 A. Okay, yes, I can recall I was interviewed.
- 10:33:04 15 Q. Can you recall who you were interviewed by?
- 16 A. I can recall, yes.
- 17 Q. Who were the interviewers?
- 18 A. I saw a white man and a Sierra Leonean.
- 19 Q. Can you remember the Sierra Leonean's name?
- 10:33:37 20 A. Yes.
- 21 Q. What was his name?
- 22 A. It was one Mustapha Koroma.
- 23 Q. He had interviewed you before, hadn't he?
- 24 A. Yes.
- 10:33:52 25 Q. So he was somebody who you knew by October of last year?
- 26 A. Yes.
- 27 Q. Had you ever met the white man before?
- 28 A. No, that was the first time I saw him.
- 29 Q. His name is Christopher Santora. Have you seen him since

1 you got to The Hague?

2 A. No.

3 Q. I want to ask you something that you said to those two when
4 they were interviewing you on 5 October, the second day of the
10:34:35 5 interview. You said to them that you voluntarily went to Zimmi
6 Makpele to join the RUF. Do you remember saying that to them?

7 A. I told them that, because at that time I had been captured,
8 there was nothing I could do, so I just gave up and went with
9 them at the training because if I had refused they would have
10:35:08 10 killed me.

11 Q. Well, if you had refused they would have made you carry
12 loads on your head, wouldn't they?

13 A. Yes.

14 Q. Not killed you.

10:35:21 15 A. No, they were to kill me because that was what they did to
16 other young men in the area. When they saw them, they wanted to
17 capture them. If they attempted to escape, they will shoot them.
18 I was not really willing to go, but there was no way I could do
19 and they were in the whole area where we were, Pujehun District.

10:35:55 20 Q. When you joined the RUF did you believe in what the RUF was
21 doing?

22 A. At the time I joined them, what the leadership said gave me
23 some courage, but I did not believe that because it was not even
24 too long after that the Liberians who came, they were many, more
10:36:37 25 than the Sierra Leoneans, they did a lot of bad things, killing
26 people, burning houses, so within myself I did not trust them
27 that much.

28 Q. Well, I want to ask you about the Liberians. There was a
29 big split between the RUF and the Liberians in 1992, wasn't

1 there?

2 A. Yes, it happened, it happened.

3 Q. And all Liberian fighters, or certainly anyone connected
4 with the NPFL, were withdrawn from Sierra Leone by May of 1992,
10:37:19 5 weren't they?

6 A. Yes, it happened that way. It is correct.

7 Q. There was a big disagreement between Foday Sankoh and
8 Charles Taylor in 1992, wasn't there?

9 A. Well, they were the leaders. I cannot say anything on
10:37:45 10 that. I only knew about the fighters and we who were trained.
11 I knew about ours.

12 Q. But you knew that the RUF separated, broke all connection
13 with the leadership of the NPFL some time in 1992, didn't you?

14 A. Yes, it happened.

10:38:11 15 Q. You knew also that in Liberia the NPFL were being fought by
16 ULIMO. You knew that, didn't you?

17 A. Yes, I do.

18 Q. And that from 1993 onwards ULIMO controlled the western
19 part of Liberia, cutting off the NPFL from Sierra Leone. You
10:38:47 20 knew that too, didn't you?

21 A. Yes, it happened. It is correct.

22 Q. And that until he was made president, Charles Taylor was
23 actually fighting ULIMO in his own country. You knew that,
24 didn't you?

10:39:15 25 A. Yes, I learned about it.

26 Q. I want to ask you then about where you in the RUF were
27 getting your arms, your weapons, because after 1992 and the split
28 between the RUF and the NPFL leadership, the RUF were getting
29 arms from ULIMO themselves, weren't they?

1 A. Yes, we used to get arms and ammunition from ULIMO-K. That
2 happened.

3 Q. When did that happen?

10:40:16

4 A. That was the time I came to Buedu. 1996, January,
5 February. We used to get arms and ammunition from ULIMO-K.

6 Q. You used to get arms and ammunition from ULIMO-K in 1995,
7 didn't you?

8 A. No, no. I don't know about that.

10:40:44

9 Q. Well, can you remember telling interviewers from the Office
10 of the Prosecutor, as far back as November 2003, that in November
11 1995 Foday Sankoh visited you in the field and at that time you
12 had run short of ammunition. Can you remember saying that to the
13 Prosecutors? It is a long time ago.

10:41:21

14 A. 1995? Yes, that was it. We didn't get ammunition from
15 Liberia.

10:41:43

16 Q. I am not asking about Liberia generally, I am asking you
17 about ULIMO in particular. Can you remember saying to the
18 Prosecutors, the very first time that we are aware you were
19 interviewed, in November 2003, that Foday Sankoh visited you in
20 1995 and then he went on to Zogoda and he visited you and at that
21 time you had run short of ammunition?

22 MS ALAGENDRA: Your Honours, can I just make an
23 observation?

24 THE WITNESS: Well --

10:42:07

25 MS ALAGENDRA: It is the practice, I think, for witnesses
26 to be shown their previous statements that counsel is referring
27 to and for the Court to be provided with the same.

28 PRESIDING JUDGE: Do you mean there is a practice
29 direction?

1 MS ALAGENDRA: No, your Honour, just a practice within the
2 Court procedurally, not any formal practice direction.

3 PRESIDING JUDGE: We have been getting them in the past,
4 but I don't know of any rule or regulation that says they must be
10:42:38 5 in writing.

6 MS ALAGENDRA: I am not stating that. Just for the
7 convenience of the proceedings and also so the witness can also
8 have his statements in front of him that he is being referred to.

9 JUDGE LUSSICK: The thing is, Ms Alagenda, if the witness
10:42:53 10 says that he doesn't remember saying that then the statement then
11 can be presented to him, but there is no point referring him to a
12 statement if he remembers saying the words anyway.

13 MR MUNYARD: Can I make it clear. My position, at any
14 rate, is not to overburden everybody with reams of paper. Quite
10:43:20 15 apart from the financial waste that that involves, but I am
16 trying to do exactly what Justice Lussick has just indicated and
17 I have already put to him material from an interview that he
18 accepted, eventually, that he had said. It is for that reason
19 that I am trying to avoid - I am not criticising anyone for doing
10:43:42 20 it, but I am trying to avoid burdening everybody with great piles
21 of paper, only one or two lines of which we are looking at in any
22 particular interview. I will certainly give the witness an
23 opportunity to look at anything that he challenges and indeed it
24 would be in breach of my professional obligations, domestic and
10:44:07 25 international, not to give him that opportunity. If I can go
26 back now to the question:

27 Q. Mr Mansaray, you, as we know, have been interviewed over a
28 dozen times by the Prosecution in this case. I am asking you
29 about their record of what you said to them the very first time,

1 we are told, that you were interviewed by them in November 2003,
2 at least four years ago, and that is why I am suggesting you
3 might need a little bit of time to think about it, because it is
4 a while back since that interview. Do you remember saying to the
10:44:54 5 Prosecutor who was interviewing you, or the person employed by
6 the Office of the Prosecution, that in November 1995 Foday Sankoh
7 visited you, he then went on to Zogoda, he came back and visited
8 you later and at that time you had run short of ammunition. Then
9 in the very next sentence you are recorded as saying, "We used to
10:45:25 10 get our ammunition from ULIMO-K. We used to purchase the
11 ammunition with money. At that time they were also on
12 disarmament process."

13 Now, let me try and take it in stages. Forget what you
14 told the interviewers for a moment. Is it right that you used to
10:45:46 15 buy ammunition from ULIMO-K with money?

16 A. It used to happen, but that was in 1996, not 1995.

17 Q. When in 1996?

18 A. That was from January, February 1996.

19 Q. Right at the beginning of 1996 you were getting - you were
10:46:14 20 buying ammunition from ULIMO-K, yes?

21 A. Yes.

22 Q. Where did you get the money from to buy that ammunition?

23 A. Well, the time Foday Sankoh came, November 1996, he said it
24 in a muster parade that he had given money to Sam Bockarie to pay
10:46:45 25 his way to collect some RUF fighters who had crossed Pujehun
26 District into Liberia. According to Sam Bockarie, that was the
27 money we were using to buy arms and ammunition from ULIMO-K. At
28 the same time, from March to April, when he stopped the people
29 from selling cocoa, coffee and kola nut, the proceeds the RUF

1 contractors were selling, whatever we got from that was what was
2 used to buy arms and ammunition from ULIMO-K in 1996.

3 Q. Where else was Foday Sankoh getting money from to buy arms
4 and ammunition, either from ULIMO, or from Guinea?

10:47:53 5 A. Yes, it happened, I went to Guinea together with my former
6 commander. I saw them brought ammunition in 1996. That happened
7 in my presence.

8 Q. Who were you buying the ammunition from in Guinea?

9 A. Well --

10:48:36 10 Q. Sorry, I said ammunition. Arms and ammunition.

11 A. Guinea I saw ammunition, not arms.

12 Q. Limit it to what you saw. Who was it being bought from?

13 A. I saw the ammunition, but I didn't really know where the
14 commanders bought the ammunition, but I saw them cross over with
10:49:07 15 it in the canoe.

16 Q. I think we may need a spelling.

17 PRESIDING JUDGE: [Microphone not activated].

18 JUDGE SEBUTINDE: Mr Interpreter, what did you say?

19 THE INTERPRETER: C-A-N-O-E, your Honour.

10:49:30 20 MR MUNYARD:

21 Q. So you brought the ammunition across a river in a canoe,
22 from Guinea?

23 A. The people brought it. They crossed over with it.

24 Q. Did you not ask your commanders, "Well, who are we getting
10:49:56 25 this from?"

26 A. I did not ask him.

27 Q. You told us earlier this morning that it was part of your
28 duty in the IDU to write daily reports about, amongst other
29 things, supplies of arms and ammunition. Where were they buying

1 this ammunition from in Guinea? Were they buying it from arms
2 dealers, or were they buying it from Guinean troops?

3 A. I didn't know the people from whom they were buying the
4 ammunition because at that time my commander was with me, so
10:50:56 5 I knew he will do all of that because he was the commander.
6 I just took record of it, that ammunition was coming from Guinea
7 into the RUF zone, but my commander was there and he was the
8 overall IDU commander, so I hope he has more details than I do.

9 Q. Now, there was a time, wasn't there, when ECOMOG were
10:51:29 10 patrolling the Sierra Leone and Liberian border? Can you
11 remember that?

12 A. Please repeat the question.

13 Q. Can you remember a time when ECOMOG forces were patrolling
14 the Sierra Leone and Liberian border?

10:52:04 15 A. I cannot answer that question because I don't know what
16 patrol you are talking about, whether it was by land or by air.

17 MS ALAGENDRA: Your Honours, there is a burnt smell coming
18 from this side of the courtroom.

19 JUDGE LUSSICK: I can smell something like that too.

10:52:34 20 PRESIDING JUDGE: I heard a voice. It is being checked.

21 MR MUNYARD: I don't think anything has reached this side.
22 Well, it is not just my hearing, but my sense of smell as well.
23 It has gone apparently. Mr Anyah can smell something:

24 Q. Mr Mansaray, don't worry about whether it was by air, or
10:53:03 25 land, or canoe. Can you remember a time when ECOMOG forces were
26 patrolling on the border between Sierra Leone and Liberia?

27 A. Well, patrolling the border, I cannot recall that.

28 Q. Can you remember telling the Prosecution, in that very
29 first interview in November 2003, about an incident when your

1 group had captured two Kamajors who were sent across the river to
2 the Liberian side of the border. I am not going to ask you about
3 the incident. I am just asking you, does that jog your memory?

4 A. Yes, I can recall that.

10:54:11 5 Q. You told the Prosecutors that ECOMOG forces were on the
6 other side of the river, that is to say the Liberian side. Can
7 you remember that?

8 A. Yes, I can recall that.

9 Q. When was that?

10:54:30 10 A. It was in 1997.

11 Q. Right. Did you ever get arms from ECOMOG?

12 A. No, we did not get any arms from ECOMOG, nor did we get
13 ammunition from them.

14 Q. I am not suggesting that you necessarily bought arms from
10:55:30 15 ECOMOG, but did you ever seize arms from ECOMOG?

16 A. No. If it happened - even if it happened, I was not
17 present. I was not in the area where it could have happened, so
18 I don't know about that.

19 Q. Mr Mansaray, you have given lots of evidence over the last
10:55:55 20 two days about events that you were not present at. That has not
21 stopped you giving evidence about things that you have heard, or
22 things that people have told you. Has nobody ever told you about
23 the RUF successfully attacking and seizing arms and ammunition
24 from ECOMOG?

10:56:20 25 A. Yes, it happened. We attacked them, but you asked if we
26 got arms from them. Yes, we fought them and we got arms from
27 them.

28 Q. So why did you tell me moments ago, when I asked if you
29 ever seized arms from ECOMOG, "No. If it happened - even if it

1 happened, I was not present ... so I don't know about that"? In
2 the space of two minutes you have given two completely
3 contradictory answers, haven't you?

4 A. No, it was the expression that you used. You said
10:57:02 5 "seized". If you had made it clear that we attacked ECOMOG and
6 took weapons from them I would have answered the question right
7 there, but now that you are saying it clearly, yes, it happened.
8 We fought with them and they too fought with us and we took
9 weapons from them. It happened.

10:57:18 10 Q. What else does the expression "seized" mean if it doesn't
11 mean taking from somebody?

12 A. When you said "seized", to me it meant we just went and
13 took it from them, but if you had said that it was during an
14 attack, yes, I would have said, yes. We attacked them.

10:57:41 15 Q. We agree on one thing: That you did get arms from ECOMOG
16 without paying for them, yes?

17 A. Yes, when we attacked them we got arms from them when we
18 were fighting, yes.

19 Q. And ammunition?

10:58:05 20 A. It happened. While we were attacking them, when we
21 attacked the ECOMOG we captured arms and ammunition from them.

22 Q. And you captured heavy weapons and artillery.

23 A. Yes, we captured artillery from the ECOMOG. It happened.

24 Q. That was in 1998?

10:58:38 25 A. Yes.

26 Q. And 1999?

27 A. Yes, it happened.

28 Q. Because you were looking anywhere for arms because you
29 desperately needed them from all over the place, didn't you? You

1 being the RUF.

2 A. Please repeat this question.

3 Q. The RUF was getting arms from all sorts of places because
4 it was not getting one supply only from one particular source,
10:59:29 5 was it?

6 A. That is correct. We were not just getting supply from one
7 person, or one angle. We got it from other areas like the
8 ECOMOG, like what you mentioned. When we attacked them we used
9 to get arms and ammunition from them, when we would have fought
10:59:53 10 with them.

11 Q. You bought arms from Guinea, either with money, or trading
12 coffee and cocoa, et cetera. Do you agree with that?

13 A. We got ammunition.

14 Q. You only know about ammunition, all right. You got arms
11:00:15 15 from Burkina Faso, didn't you?

16 A. Well, even if it happened I am not aware of it.

17 Q. Let's try that one again. Are you aware of an arms
18 shipment coming by air to Magburaka, bringing arms from Burkina
19 Faso?

11:00:49 20 A. No, I don't know.

21 Q. Are you seriously saying that nobody ever told you about an
22 arms shipment from Burkina Faso landing at Magburaka?

23 A. No.

24 Q. Were you aware of Ibrahim Bah doing arms deals for the RUF
11:01:23 25 with the government of Burkina Faso?

26 A. I did not know about that. Maybe some other people knew
27 about it, but I didn't know.

28 Q. None of these people that you ever met, like Sam Bockarie
29 and the others that you met at the house that you were telling us

1 about yesterday, none of them ever mentioned an arms shipment
2 coming by air from Burkina Faso. Is that your evidence?

3 A. Yes. What Sam Bockarie used to tell us, he only used to
4 tell us about ex-President Charles Dankpannah Ghankay Taylor, but
11:02:14 5 for the other people he did not tell me anything like that and he
6 heard that from him. Maybe he told some other people, but for me
7 he did not tell me that.

8 Q. He didn't tell you anything about getting arms from
9 President Taylor, as he then was, did he?

11:02:37 10 A. Please repeat the question.

11 Q. He didn't tell you anything about getting arms from
12 President Taylor, did he?

13 A. He told us about that many times. Sam Bockarie used to
14 tell us that he got arms from ex-President Charles Dankpannah
11:03:02 15 Ghankay Taylor.

16 Q. Another country from which Foday Sankoh got money for arms
17 was Libya, wasn't it?

18 A. I cannot tell because he did not tell us anything about
19 Libya relating to arms and ammunition.

11:03:25 20 Q. He may not have told you personally, but you knew that the
21 RUF was being funded, that is to say getting money from Libya,
22 from the start, didn't you?

23 A. I was not aware of that. They did not tell me about arms
24 from Libya.

11:04:17 25 Q. Well, are you aware of any contact at all between the RUF
26 and Libya?

27 A. The only thing I knew about that had to do with RUF and
28 Libya was the people who introduced themselves to us that they
29 were the Special Forces, they had their training in Libya. That

1 is what I know.

2 Q. Yes. Did the people who were introduced to you as having
3 been trained in Libya say anything about Libya funding the RUF,
4 helping out with money?

11:05:05 5 A. No, they did not tell me about that. They only told me
6 about the training they had in Libya, but that they told me that
7 RUF was getting money from Libya, or arms and ammunition, no.

8 Q. Right, I want to ask you about something else now. On 6
9 January 1999 you were nowhere near Freetown, were you?

11:05:42 10 A. No.

11 Q. Where were you?

12 A. I was in Segbwema at that time.

13 Q. What were you doing in Segbwema at that time?

14 A. At that time I was there as IDU commander in Segbwema.

11:06:18 15 Q. What was the RUF doing in Segbwema?

16 A. At that time we were in control of Segbwema, the RUF and
17 the AFRC. We were based there.

18 Q. Is this right, Mr Mansaray, that at that time you were
19 preparing to launch an attack on Kenema?

11:06:48 20 A. Yes, that is true.

21 Q. And you had no idea about any planned invasion of Freetown
22 in January 1999, did you?

23 A. Well, I was not aware.

24 Q. You got no information about any plan to attack Freetown in
25 January 1999, did you?

11:07:26 26 A. I did not get information about that.

27 Q. You were, at that time, completely unaware of anyone
28 planning to attack Freetown on 6 January 1999; is that right?

29 A. I did not get an idea about it. I did not know.

1 Q. On the contrary, you were taking part in preparations for
2 an attack on Kenema at that time, weren't you?

3 A. Please repeat the question.

11:08:45

4 Q. Around the time of 6 January 1999 you were part of an RUF
5 group planning an attack on Kenema, weren't you?

6 A. No.

7 Q. Well, what were you doing around 6 January 1999?

8 A. I was just there in Segbwema working as IDU.

11:09:23

9 Q. We know what your role was, but the RUF at that time were
10 preparing to launch an attack on Kenema, weren't they?

11 A. Yes, that is true.

12 Q. Indeed, you told the Prosecution that in that first
13 interview. Can you remember saying, in answer to the question,
14 "Did you get any information about a plan to attack Freetown in

11:09:47

15 January 1999?":

16 "A. No, at that time we were preparing to launch an attack
17 on Kenema, but for Freetown I was never told."

18 MS ALAGENDRA: Your Honours, can I get some assistance as
19 to some page references for the statement my learned friend is
20 referring to?

11:10:06

21 MR MUNYARD: I have to say --

22 PRESIDING JUDGE: I understand it was a record of an
23 interview. Are you talking about a transcript, or an interview,
24 Ms Alagenda?

11:10:15

25 MS ALAGENDRA: The interview my learned friend is reading
26 to the witness.

27 JUDGE LUSSICK: Why don't we hear the witness's answer. If
28 he remembers saying it, what is the point of looking back at the
29 record of interview?

1 MS ALAGENDRA: Simply, your Honour, so that we can be sure
2 that that was, in fact, what was stated in the interview.

3 MR MUNYARD: Can I intervene here? Yesterday and the day
4 before, while this witness was being taken through his
11:10:38 5 evidence-in-chief, I had to wade through a mass of papers because
6 his evidence in this courtroom is extracted bit by bit from all
7 over this host of pages of different interviews, a dozen or more,
8 as you know. I didn't ask, at any stage, for my learned friend
9 to identify which particular bit of which interview he was giving
11:11:00 10 evidence about. What I am now being asked to do is assist the
11 Prosecution in helping them to find the bits of the interviews
12 that I choose to refer to. It is not my job in this Court to
13 assist the Prosecution in that way. If the witness agrees that
14 he said that, that is an end of the matter. If the witness
11:11:22 15 disagrees that he said that, then I am duty bound, as has already
16 been discussed, to put it in front of him so that he and
17 everybody else can see what he is referring to. Other than that,
18 my duties are limited to putting the questions.

19 PRESIDING JUDGE: We are aware of the procedure,
11:11:41 20 Mr Munyard. It has been going on ad infinitum and we are not
21 asking you to identify pages.

22 MR MUNYARD: Thank you:

23 Q. Mr Mansaray, can you remember saying to the Prosecution in
24 November 2003, in the very first interview, when you were asked,
11:12:10 25 "Did you get any information about a plan to attack Freetown in
26 January 1999?", "No, at that time we were preparing to launch an
27 attack on Kenema, but for Freetown I was never told"? Can you
28 remember now saying either that, or words to that effect?

29 A. Yes, I can remember about that.

1 MS ALAGENDRA: The statement that I am looking at, which is
2 an answer to the question being quoted here, is not what
3 my learned friend says it says. That is the reason, your Honour,
4 I am asking that my learned friend at least points out to us
11:12:46 5 which part of the statement he is reading from. There is no
6 prejudice in him doing that.

7 PRESIDING JUDGE: Are you quoting ad verbatim from a record
8 of interview?

9 MR MUNYARD: I am.

11:13:02 10 PRESIDING JUDGE: You are now being challenged on the
11 wording, as I understand Ms Alagendra's objection.

12 JUDGE LUSSICK: I note also that the witness has testified
13 that he does remember saying words to that effect.

14 MR MUNYARD: I don't imagine that the witness would have,
11:13:21 15 at this stage, a precise recollection of exactly what he said
16 and, as Justice Lussick has just pointed out, in answer to my
17 question "or words to that effect", the witness has agreed. As
18 far as I am concerned, that is an end of this matter. The
19 Prosecution have a right of re-examination. If they want to put
11:13:41 20 some other part of this interview to him, they can. The witness
21 has agreed that he said words to that effect. I will, for one
22 last time, put exactly what I am reading from the page, exactly
23 as it appears to him.

24 MR BANGURA: May it please your Honours. If my learned
11:14:04 25 friend is reading from a statement and the text, or the context,
26 the portion of that statement which he is reading is being
27 objected to on the basis that it is not correct - in line with
28 what we have, your Honours I think it might be misleading if
29 counsel is putting that piece of evidence to the witness. It

1 might be misleading. Besides, your Honours, we think it is a
2 matter of courtesy, between counsel, if counsel is referring to a
3 portion of the statement of a witness, or previous testimony, to
4 refer to that portion as we have often done and at their request
11:14:47 5 we have often done that.

6 JUDGE SEBUTINDE: Mr Munyard, if you have a statement in
7 front of you, why would you ask a witness if he said "words to
8 that effect", instead of reading what the statement actually
9 accurately says?

10 MR MUNYARD: Because for the past 25 years it has been my
11 practice, when questioning witnesses about answers they gave in
12 the past and, in particular, up to four years ago, it has always
13 been my practice to put to them what I understand they have said,
14 or words to that effect, for the simple reason that they are very
11:15:28 15 unlikely indeed to remember exactly what they said. So, I put it
16 to him in that way to be fair to him, with great respect.

17 JUDGE SEBUTINDE: With respect, Mr Munyard, you are putting
18 a prior witness statement. It is important that you put the
19 prior witness statement, which only you have a copy of. The
11:15:49 20 Bench doesn't have a copy and what you are reading is what goes
21 into the record. There is now a dispute between yourselves and
22 the Prosecution. Do you not think it is only right and fair to
23 the witness that you read accurately, rather than "words to the
24 effect" --

11:16:06 25 MR MUNYARD: With great respect --

26 JUDGE SEBUTINDE: -- putting a spin on an interpretation,
27 or paraphrasing?

28 MR MUNYARD: I am not putting a spin on anything. Where
29 I come from a spin is a pejorative term. With great respect,

1 your Honour, what I did was I put the exact words first of all
2 and then to assist the witness I said to him "or words to that
3 effect", for the reason I have already explained. How can he be
4 expected to remember now what he said to somebody in November
11:16:35 5 2003? He can, however, be expected to remember the gist of it,
6 the nub of it. I will do it one more time and to satisfy
7 everybody I will tell my learned friend exactly where I am
8 reading from and I will read it again, exactly as I read it
9 before. It is on page 16.

11:17:01 10 Can I correct something that my learned friend Mr Bangura
11 said. He referred to this being a statement. There are no
12 statements in this case. This is a record of an interview.
13 There is no indication that the record was ever given to this
14 witness to sign as a statement.

11:17:25 15 MR BANGURA: Whatever the case, your Honours, we say that
16 whatever is being read to the witness, which is a document that
17 we have a copy of, we should be shown that what is being put to
18 the witness is accurate enough and simply give us the reference.

19 PRESIDING JUDGE: The witness does not seem to be
11:17:40 20 experiencing any problem in answering these questions and until
21 he indicates to us that he is being misled, or misunderstood,
22 then the procedure that has been adopted was the procedure that
23 was adopted in the past. But Justice Sebutinde has asked that it
24 be read in its correct wording and record and that is being done
11:18:05 25 now.

26 JUDGE LUSSICK: Mr Bangura, just for my own satisfaction,
27 I cannot understand why the Prosecution is creating all of this
28 fuss when the witness has said yes, he does remember saying that.
29 Is the Prosecution intimating that the witness may not be telling

1 the truth when he says yes, he remembers that?

2 MR BANGURA: No, your Honours. It may be that the witness
3 recalls an incident which is similar to what has been put to him
4 and he answers "yes". It could be misleading, your Honours.

11:18:40 5 PRESIDING JUDGE: Mr Bangura, there has been a ruling on
6 this and I would only add to endorse what my learned colleague
7 has said, which is that the witness was given a date and did not
8 quibble about that date.

9 MR BANGURA: We are bound by the ruling, your Honours.

11:19:08 10 MR MUNYARD: Madam President, looking at the record, you
11 indicated, I think to Mr Bangura, "But Justice Sebutinde has
12 asked that it be read in its correct wording and record and that
13 is being done now." I maintain that I always read the correct
14 wording and I am going to read it with a quote.

11:19:30 15 PRESIDING JUDGE: Mr Munyard, for the purposes of record
16 maybe I didn't quite choose my words correctly, but I noted on
17 the record and I noted in my notebook there are inverted commas
18 round the words you used and, for my personal observation,
19 I understood that to be an ad verbatim quotation. I say that for
11:19:50 20 purposes of clarification.

21 MR MUNYARD: Thank you, your Honour. Indeed, you did say
22 that to me earlier. For the last time I am now going to read
23 from the record of page 16:

24 Q. You may remember this, Mr Mansaray, because it is exactly
11:20:08 25 what I asked you about 20 minutes ago. Do you remember being
26 asked a question, "So did you get any information about a plan to
27 attack Freetown in January 1999?", and giving the answer, "No, at
28 that time we were preparing to launch an attack on Kenema, but
29 for Freetown I was never told"? Do you remember saying that,

1 Mr Mansaray?

2 A. Yes, I can remember. I can remember.

3 Q. I don't imagine now that you remember the exact words that
4 you used in November of 2003, but that is, broadly speaking, what
11:21:07 5 you were telling the Prosecutors then, is it not?

6 A. Repeat this question.

7 Q. I will move on. You were interviewed again. At the end of
8 the interview on 20 November 2003, the interviewer, a Mr Dafae -
9 I hope I am pronouncing his name correctly. Can you remember
11:21:51 10 Mr Dafae, the first person who interviewed you?

11 A. Yes, I can remember.

12 Q. At the end of that interview, which lasted almost three
13 hours, he said to you, looking at the record, "Okay, this
14 interview has come to an end. It is now 12 o'clock and we thank
11:22:20 15 you very much, Mr Mustapha, and we hope to see you again for some
16 follow up questions." They did see you again, on 24 March 2004,
17 some four months later. Can you remember being interviewed again
18 in March 2004?

19 A. Yes, yes.

11:22:45 20 Q. Do you remember this question and then your answer, "About
21 the 6 January 1999 invasion of Freetown, you said you didn't have
22 much knowledge on that one", and the answer you gave was, "Yes".
23 Can you remember?

24 A. Yes, I didn't have any idea about the January operation in
11:23:17 25 Freetown.

26 Q. Finally, I am just going to ask you about this matter one
27 more time. One of the interviews that was conducted with you in
28 2006 was on 14 January 2006. Do you remember being interviewed
29 in 2006, several times?

1 A. I can remember.

2 Q. I think the first time you were interviewed in 2006 was on
3 14 January and can you remember saying to the Prosecutor that it
4 was during the time that you were in Pendembu that you learned
11:24:45 5 about the 6 January invasion of Freetown?

6 A. Well, if I told them that, maybe it was a mistake, but
7 I was in Segbwema when the January invasion took place. It could
8 be a mistake.

9 Q. I don't think you quite understood. I am not talking about
11:25:15 10 when the invasion of Freetown took place. I am talking about
11 where you were when you learned about that invasion?

12 A. I was in Segbwema.

13 Q. Can you tell us how long after 6 January it was when you
14 heard about the invasion of Freetown?

11:25:52 15 A. The very day the fighting was going on, January 6, I heard
16 that RUF and AFRC fighters were in Freetown. I got the
17 information.

18 Q. Who did you get the information from?

19 A. I got it from BBC. Even our radio communication sets,
11:26:19 20 I got the announcement from there.

21 Q. Well, I just want to explore this a little bit further with
22 you. The first time you were asked about this in November 2003
23 you were asked, "Did you know about any plan that was made for an
24 attack on Freetown in 1999?" The answer that it is recorded that
11:26:53 25 you gave is this, "No, I did not get any information about that
26 because, as far as I know, the people who attacked Freetown in
27 January 1999 were the fighters who were based in the northern
28 part of Sierra Leone, that is Dennis Mingo and others." Do you
29 remember saying that?

1 A. Yes, I can remember that I said so.

2 Q. When did you learn that it was Dennis Mingo and others, or
3 when were you told by somebody that it was Dennis Mingo and
4 others?

11:27:41 5 A. RUF had radio operators with Dennis Mingo, so they were
6 communicating with our own radio operators who were at Segbwema.
7 They were communicating. That is how I knew that RUF and AFRC
8 did the attack. It was through the radio communication.

9 Q. Well, let us go then to the interview on 14 January 2006.
11:28:17 10 This is called a proofing and it is headed "Additional
11 Information Provided by Witness" and it gives a number for you
12 that we know as your identification.

13 PRESIDING JUDGE: Mr Munyard, I am just watching the time.
14 We have about one minute left. Will this be a long question?

11:28:52 15 MR MUNYARD: It will because I am afraid I am going to have
16 to quote directly from the page and it is quite a long section.

17 PRESIDING JUDGE: Perhaps, in the circumstances, it would
18 be wise to defer that. I would just let everyone know that we
19 have had a message saying that the burning smell that was causing
11:29:09 20 some concern is from construction work outside.

21 Mr Witness, we are now going to take the mid-morning break
22 and we will resume at 12.00. Please adjourn the Court.

23 [Break taken at 11.30 a.m.]

24 [Upon resuming at 12.02 p.m.]

12:01:11 25 PRESIDING JUDGE: I note a change at the Prosecution Bar,
26 Ms Alagenda.

27 MS ALAGENDRA: Your Honours, for the Prosecution now is:
28 Mr Nicholas Koumjian; Mr Mohamed Bangura; myself, Shyamala
29 Alagenda; Mr Alain Werner; and Maja Dimitrova. Thank you, your

1 Honours.

2 PRESIDING JUDGE: Thank you, Ms Alagendra. Mr Munyard, I
3 see your Bar remains as before.

4 MR MUNYARD: We do, your Honour.

12:01:56 5 PRESIDING JUDGE: Please proceed with your questions.

6 MR MUNYARD: Thank you:

7 Q. Mr Mansaray, you told us this morning that you were in
8 Segbwema when you heard about the January 6th invasion of
9 Freetown, and you also told us this morning that you heard it

12:02:20 10 both on the BBC and also by radio communications that you either
11 looked at, or listened to. What is it you are telling the Court
12 about radio communications? I don't mean the BBC. I mean your
13 own internal radio communications.

14 A. What I meant was it was a communication and fighters were
12:03:02 15 trained to be radio operators and they communicated between
16 themselves, so whatever message was available they would discuss
17 that and then later they explained to us.

18 Q. Well are you saying you heard radio communications about
19 the invasion of Freetown on 6 January 1999 as it was happening,
12:03:36 20 or later?

21 A. On that very day when the attack was taking place, January
22 6th 1999, when the RUF/AFRC started fighting on that day so the
23 communication was going on from those who were at the rear. So,
24 they communicated.

12:04:10 25 PRESIDING JUDGE: I don't think that actually answers your
26 question, Mr Munyard, does it?

27 MR MUNYARD: No, it doesn't, but I am not going to try
28 again:

29 Q. Why didn't you tell the investigators this when they asked

1 you questions about the attack on Freetown in November of 2003,
2 in March of 2004 and in January of 2006?

3 A. Well, maybe I was not asked a question about that. That is
4 the reason why I did not explain that to them.

12:04:59 5 Q. Well, in March of 2004 you were asked this question, "About
6 the January 6th 1999 invasion of Freetown you said you didn't
7 have much knowledge on that one?", and the answer you give is,
8 "Yes"?

9 A. That is true, because I was not with them. I heard it from
12:05:31 10 the communication. So I was not there when they were planning
11 it, but I got the information that RUF/AFRC fighters entered
12 Freetown on 6 January and so I hoped the information I gave to
13 the investigation - investigators was enough. I told them, "I
14 heard about the attack, but I was not there", so I hope the
12:06:03 15 information they got was enough.

16 Q. Well, let us look at what the investigators recorded you
17 saying in January of 2006 in something called a proofing.
18 Unfortunately we are not told who the investigators were who
19 interviewed you on 14 January 2006, but this is what they have
12:06:37 20 recorded you as saying. And, Mr Mansaray, it is going to take a
21 moment or two for me to read it, because I want to put it in
22 context. I want to put it in the right time frame. And so if
23 you will bear with me while I read it, I will then ask you
24 several questions about it. This is what is recorded:

12:07:00 25 "In February 1998 we received from Rogers the order to
26 retreat to Daru and I stayed there two or three months as IDU
27 Officer Commissioner in charge of a team with Lieutenant Colonel
28 Mohamed Lukulay (also known as Manawa) as my commander. Around
29 May 1998 we moved to Qui va where I stayed five months and

1 reported to Manawa, whose boss was Augustine Gbao based in
2 Kailahun Town. We successfully attacked Segbwema under the
3 command of CO Gaddafi and seized arms and ammunition from ECOMOG.
4 I did not carry a gun as I was IDU officer on this attack, which
12:07:57 5 took place about five days after the final attack by the RUF
6 against Koidu Town. After the attack we stayed two months in
7 Segbwema. Gaddafi was reporting to Francis Musa, who himself was
8 reporting to Augustine Gbao".

9 Now before I go on to the next sentence, I am just going to
12:08:22 10 take you through that sequence so that we can work out the time
11 period. In February 1998 you receive an order to retreat to Daru
12 and you stay there for two or three months which takes us to May
13 of 1998, do you agree?

14 A. No, I would not agree to that.

12:08:53 15 Q. February is the second month of the year, yes?

16 A. Yes.

17 Q. Two to three months after February brings us to the fourth
18 or fifth month of the year, do you agree with that?

19 A. Yes. In the year, yes.

12:09:15 20 Q. And the fifth month of the year is May, do you agree with
21 that?

22 A. Yes.

23 Q. So, you agree with me after all?

24 A. No, it is not everything I will agree to. It is the month
12:09:35 25 that you are indicating that goes with the year. It is not the
26 statement that you have made that I will agree to.

27 Q. Mr Mansaray, the very next words supposed to be from you
28 are as follows, "Around May 1998 we moved to Qui va", so it is
29 correct, isn't it, that you remained in Daru until around May,

1 yes?

2 A. I don't think it is correct.

3 Q. This is what we are told by prosecuting investigators that
4 you told them in January of 2006. Are you saying they have got
12:10:25 5 this wrong?

6 A. Well it is possible, but the dates you have mentioned I
7 don't think that was the way it happened.

8 Q. Well, we will move on. The next sentence in full reads:

9 "Around May 1998 we moved to the Qui va where I stayed five
12:10:51 10 months and reported to Manawa, whose boss was Augustine Gbao
11 based in Kailahun Town".

12 Now May is the fifth month of the year and, if you stay
13 there for five months, that brings us to around the tenth month
14 of the year, doesn't it? October, do you agree?

12:11:16 15 A. The month that you have called I will agree to that, but to
16 say the man you have called Augustine Gbao was his commander I
17 would disagree with that.

18 Q. Well, you are the one who is supposed to have told this to
19 the prosecuting investigators on 14 January 2006. Do you
12:11:43 20 understand that I am not putting something to you that we have
21 come up with? I am putting something to you that the Prosecution
22 say you said, do you understand that?

23 A. I am getting you clearly what you are saying.

24 Q. In any event that would bring us to October of 1998,
12:12:11 25 wouldn't it? I think you have agreed with that. I will move on.

26 A. I want you to read and ask me the question again. It is
27 not very clear to me.

28 Q. All right, I will do it again. Do you want me to start
29 back at the beginning in February 1998, or are we all right to

1 start from May?

2 A. Start from May.

3 Q. Right:

4 "Around May 1998 we moved to Qui va where I stayed five
12:12:48 5 months and reported to Manawa, whose boss was Augustine Gbao
6 based in Kailahun Town. We successfully attacked Segbwema under
7 the command of CO Gaddafi and seized arms and ammunition from
8 ECOMOG".

9 Pausing there, is that right that you did successfully
12:13:11 10 attack Segbwema under the command of CO Gaddafi and seize arms
11 and ammunitions from ECOMOG?

12 A. Well the way you put your question I don't think it is
13 correct, because you are always referring to Manawa being a
14 commander to Augustine Gbao, but I think from the start of my
12:13:42 15 statements I have never mentioned that.

16 Q. So the investigators have got the record of what you told
17 them wrong, have they?

18 A. Well I don't know if they gave you that report, because
19 what I have been telling them they will always write it and then
12:14:14 20 read it to me, but I have never said Manawa was a commander to
21 Augustine Gbao. Manawa was a fighter and Augustine Gbao was an
22 administrator.

23 PRESIDING JUDGE: Mr Interpreter, I am a little concerned
24 as to what the witness has heard, because I am looking at what
12:14:34 25 counsel put which was quote, "... reported to Manawa, whose boss
26 was Augustine Gbao based in Kailahun", and the witness appears to
27 think that it was put to him that Manawa was Augustine Gbao's
28 commander, the other way round, and the witness is challenging
29 that. What exactly was said to the witness?

1 THE INTERPRETER: The question that was asked by counsel
2 was put correctly to the witness.

3 MR MUNYARD: I don't know if you are - ah.

12:15:25

4 PRESIDING JUDGE: Well the interpreter says it was put
5 correctly, but --

6 MR MUNYARD: Shall I try again?

7 PRESIDING JUDGE: I think it would be, because I am quite
8 clear that you have not put it in the order that the witness is
9 responding in.

12:15:35

10 MR MUNYARD: All right. I will just try again:

11 Q. Mr Mansaray, that report that I am reading, which is
12 supposed to be what you told Prosecutors in January 2006, says
13 that you reported to Manawa and his boss was Augustine Gbao based
14 in Kailahun Town. First of all, did you tell them that?

12:16:03

15 A. No, I did not tell them that, that Manawa's commander was
16 Augustine Gbao.

17 Q. So, they have got that completely wrong?

18 JUDGE SEBUTINDE: Mr Interpreter, why do you keep using the
19 word "commander" when counsel said "boss".

12:16:23

20 THE INTERPRETER: Your Honour, the witness used the word
21 "commander". We are not using "commander". We are using "boss".
22 It is the witness that is using "commander". We are using
23 "boss".

12:16:38

24 MR MUNYARD: I think that is right, actually. I am getting
25 a little bit of what the witness is saying and I think he does
26 say "commander":

27 Q. Let us just explore that a little further, if we can. Did
28 you report to Manawa?

29 A. You mean talk to Manawa?

1 Q. Mr Mansaray, did you report to Manawa, Lieutenant Colonel
2 Mohamed Lukulay?

3 A. Yes.

4 Q. And whose boss was Augustine Gbao?

12:17:32 5 A. Well, I don't know about a boss.

6 Q. Very well. I will move on to the next sentence. Did you
7 successfully attack Segbwema under the command of CO Gaddafi and
8 seize arms and ammunition from ECOMOG some time between May and
9 October of 1998?

12:18:14 10 A. We attacked Segbwema under the leadership of Gaddafi and
11 then we captured some arms and ammunition from the ECOMOG that
12 were based there. We did attack them and captured arms and
13 ammunition from them.

14 Q. So they have got that right when they have recorded you as
12:18:39 15 telling them that, do you agree?

16 A. The attack and the name of the commander I will agree to,
17 but the month mentioned there I would disagree.

18 Q. When do you say it happened?

19 A. That was in December, when that happened, in 1998.

12:19:13 20 Q. It then reads:

21 "I did not carry a gun as I was IDU officer on this attack,
22 which took place about five days after the final attack by the
23 RUF against Koidu Town".

24 Did you tell the investigators that?

12:19:37 25 A. Yes, when we went there I was not carrying an arm to fight.

26 Q. And did the attack take place about five days after the
27 final attack by the RUF against Koidu?

28 A. Well I can't say the exact fine period the attack took
29 place in Kono and Segbwema, but I know Kono was first attacked

1 before we went to Segbwema.

2 Q. This is - according to this, you go to Segbwema after the
3 final attack against Koidu Town. Does that sound right?

4 A. Yes.

12:20:44 5 Q. Right. Now the next sentence reads, "After the attack we
6 stayed two months in Segbwema". Is that right?

7 A. Well, it is not correct.

8 Q. They have got that wrong? Mr Mansaray, are you saying that
9 you gave the investigators information that is wrong, or are you
12:21:13 10 saying that they have wrongly recorded what you told them?

11 THE INTERPRETER: Your Honours, can I learned counsel please
12 repeat the question slowly?

13 THE WITNESS: Please repeat your question. I did not
14 understand it.

12:21:28 15 MR MUNYARD:

16 Q. You have just told us that the date is wrong there. Are
17 you saying that the Prosecutors who were interviewing you have
18 mistaken what you told them, or are you saying that you have told
19 them something which you now think is wrong?

12:21:55 20 A. No, maybe the way you are asking me your question is wrong.
21 What I am saying is I mentioned more than two months in my
22 statement, but I don't know if it is you or the statement taker
23 that gave that, but I mentioned more than two months.

24 Q. Mr Mansaray, you can rest assured that if it is me someone
12:22:25 25 will jump up and object that I am not reading accurately and will
26 then read out what they say the accurate version is. In the
27 absence of any such objection, you can take it that I have read
28 correctly from this document. I am going to move on. The next
29 sentence is this, "Gaddafi was reporting to Francis Musa, who

1 himself was reporting to Augustine Gbao". Did you tell them
2 that?

3 A. I did not tell them that. Gaddafi was a combatant and
4 Francis Musa was an administrator. I did not mention that in my
12:23:10 5 statement or in interview they did with me.

6 Q. So, they have got that wrong?

7 A. Well, I don't know.

8 Q. Well they must have it wrong if they have recorded you as
9 telling them that, mustn't they?

12:23:35 10 A. That was not what I told them. I did not tell them that
11 Gaddafi gave reports to Francis Musa.

12 Q. The next sentence reads, "I was then called with five
13 others by Augustine Gbao at Matotoka and stayed there one week
14 before going to Pendembu to visit my family". Did you tell them
12:24:05 15 that?

16 A. Yes.

17 Q. When was it, therefore, that you went to Pendembu to visit
18 your family?

19 A. Well, that was around May to June in 1999.

12:24:41 20 Q. Right. The next sentence reads, "It is during the time in
21 Pendembu that I learnt about the January 6th invasion of
22 Freetown". Did you tell them that?

23 A. That wasn't what I told them. I told them that I was - I
24 was at Segbwema, but I did not tell them that I was in Pendembu.

12:25:20 25 Q. Can you think of any reason why they have got that so
26 wrong?

27 A. Well, perhaps it was a mistake in the dates. It is
28 possible it is a mistake.

29 Q. You have never told the Prosecutors in any of the dozen or

1 more interviews that you heard about the invasion of Freetown
2 either on the BBC, or on your own organisation's radio
3 communications network, have you?

4 A. I believe I did so.

12:26:11 5 Q. You believe you have told the Prosecutors that, is that
6 what you are saying?

7 A. I believe I told them that I got the information through a
8 communication.

9 Q. Now just before we move off the account that is recorded
12:26:34 10 from you on 14 January 2006, can I ask you to tell us when it is
11 you say you moved to Qui va? We have here, I have just read out
12 to you, that it says, "Around May 1998 we moved to Qui va where I
13 stayed five months". When - is that right? Did you move to
14 Qui va around May and stay there until around October?

12:27:15 15 A. I was there in October, but I believe it was around March
16 to April in 1998.

17 Q. Do you agree that you left Qui va in October?

18 A. Well, please repeat the question.

19 Q. Do you agree that you left Qui va in October?

12:28:07 20 A. I don't believe so.

21 Q. Because here in this account, although you say they have
22 got it wrong when it reads, "Around May we moved to Qui va", you
23 agree that you were there in October. And do you see - do you
24 remember from me reading out this account that it says, "We
12:28:36 25 successfully attacked Segbwema and after the attack we stayed two
26 months in Segbwema"? And if you were in Qui va for five months,
27 including October, then you will have been in Segbwema for the
28 last two months of 1998, won't you?

29 A. That was not the way it happened.

1 Q. How do you say it happened?

2 A. Well, I believe it was in December 1998 we launched an
3 attack on Segbwema.

4 Q. When do you say you went to Matotoka?

12:29:53 5 A. It was around May to June 1999.

6 Q. So if you are in Qui va until December and then you attack
7 Segbwema in December, do you agree that they have got - you have
8 already agreed they got this right that "after the attack we
9 stayed two months in Segbwema"?

12:30:24 10 A. Yes, that would be correct. It could be more than two
11 months.

12 Q. Mr Mansaray, it is either correct or it is incorrect. It
13 says "after the attack we stayed two months in Segbwema". That
14 would take you to January or February of 1999, wouldn't it?

12:30:52 15 A. I was in Segbwema during the dates you have just mentioned.

16 Q. It goes on to say, "I was then called with five others by
17 Augustine Gbao at Matotoka and stayed there one week", so that
18 would take you to Matotoka in February, wouldn't it?

19 A. Augustine Gbao was not in Matotoka when he called us. He
12:31:28 20 was in Makeni.

21 Q. I am not interested in where he was when he called you. I
22 am interested in what has been recorded here that you agreed with
23 about 15 minutes ago, "I was then called with five others by
24 Augustine Gbao at Matotoka and stayed there one week". Is that -
12:31:51 25 did that happen?

26 A. No.

27 Q. So, why did you tell us a little while ago that the
28 investigators have correctly recorded you as saying that in
29 January of 2006?

1 A. The dates you are giving, the time period you are
2 indicating, that was not the way it happened when you say we were
3 there for a week.

4 Q. Mr Mansaray, you agreed they had got this bit of your
12:32:32 5 interview correct when I asked you about it within the last
6 half-hour. Why are you now changing your story and saying that
7 they have got that wrong?

8 A. Well it is the way you are asking your question, because
9 the first question you asked you did not mention about a week.
12:32:56 10 It is only now that you are adding a week there. That is why I
11 am denying.

12 Q. I am very sorry, but I did read out the whole sentence to
13 you which includes the words "and stayed there one week"?

14 A. No.

12:33:17 15 Q. You must be aware after what happened earlier this morning
16 that if I have read anything incorrectly objection is taken. In
17 fact it is even taken when I have read things correctly, but you
18 will be aware objection is taken if anyone thinks I have got it
19 wrong. Do you understand?

12:33:45 20 A. Yes, I am understanding what you are saying.

21 Q. And so far I have got nothing wrong of what I have read out
22 at to you from the Prosecution written accounts of what you have
23 told them. Do you understand that? I have been putting it
24 correctly.

12:34:01 25 A. The way I am getting the question, the first question and
26 the second question you have asked there are differences. That
27 is the reason why I disagree with you.

28 Q. Well, let us not worry too much about that. Let us just
29 concentrate on what is written here. Did you stay at Matotoka

1 one week?

2 A. No, I did not spend a week in Matotoka.

3 Q. How long did you stay there?

4 A. It was just a day that I spent there.

12:35:02 5 Q. And then where did you go from Matotoka?

6 A. I went to Makeni and later I went to Magburaka and then I
7 went back to Kailahun.

8 Q. Would it be right to say that after staying at Matotoka you
9 then went to Pendembu to visit your family?

12:35:37 10 A. No.

11 Q. So, let us just summarise this. The Prosecution
12 investigators have got it completely wrong that you did not stay
13 in Segbwema two months from around October to December? They
14 have got that completely wrong, is that what you are saying?

12:36:14 15 A. Well maybe it is a mistake, but when I was in Segbwema I
16 spent more than two months. That could be a mistake.

17 Q. All right. So, they have got that wrong. They have also
18 got wrong who Gaddafi was reporting to, yes?

19 A. Well the way you asked your question when you said Gaddafi
12:36:52 20 reported to Francis Musa, I did not give them that sort of
21 statement.

22 Q. So, they have got that wrong?

23 A. That was not what I said in the statement. Gaddafi didn't
24 report to Francis Musa.

12:37:13 25 Q. And they have got wrong completely you going from Segbwema
26 to Matotoka and staying there one week and then going on to
27 Pendembu? They have got that totally wrong?

28 A. That was not what I said, that I was in Matotoka for a
29 week, because I told them from Matotoka I went somewhere else

1 before returning.

2 Q. I am going to move on to something else. May I make it
3 clear though, Mr Mansaray, if you want to look at any of these
4 documents then you are more than welcome to do so, but I think
12:38:09 5 you appreciate from the fact that nobody has objected that I have
6 been quoting accurately what was recorded by the Prosecution
7 investigators. Do you understand that?

8 A. Yes.

9 Q. Right, but please say if you want to see any of these
12:38:28 10 documents. Now I want to go back in time, please, first of all a
11 little way back and then a long way back. Between May of 1997
12 and February of 1998, the RUF and the AFRC were in government in
13 Sierra Leone. You agree with that?

14 A. Please repeat the question.

12:38:59 15 Q. The junta was in power in Sierra Leone between May of '97
16 and February of 1998. That is right, isn't it?

17 A. Yes.

18 Q. And when ECOMOG forces threw out the junta and the AFRC and
19 the RUF and indeed the SLA, the Sierra Leone Armed Forces, left
12:39:29 20 Freetown in February 1998, they took a great deal of arms and
21 ammunition with them, didn't they?

22 A. Who took the arms and ammunition?

23 Q. The retreating members of the junta?

24 A. Yes, we retreated with arms and ammunition.

12:40:00 25 Q. And help us with this. Were arms and ammunition stored in
26 places other than Freetown, in other parts of the country in
27 Sierra Leone, during the period of the junta?

28 A. No, we did not store arms in any other area. The area I
29 was, I did not know whether arms were stored in any other area.

1 Q. Right. So, you are not in a position to say whether or not
2 there were arms stored anywhere else?

3 A. Well I wouldn't be able to say because I did not know about
4 other areas, but the area where I was I was not sure.

12:41:10 5 Q. Right. I want to ask you a little more, please, about your
6 early experiences in the RUF and in particular about things that
7 you saw or heard about happening in the RUF. You told us that at
8 one stage quite early on you in the RUF were driven out of Sierra
9 Leone and into Liberia and you were in the Bomi Hills area of
10 Liberia. Do you remember telling us that?

11 A. Yes, I could recall.

12 Q. And you said that at some time when you were in the Bomi
13 Hills there was a meeting that was addressed by Foday Sankoh and
14 also by Charles Taylor. Do you remember that?

12:42:14 15 A. Yes.

16 Q. Now I want to suggest to you that you are wrong and that,
17 whatever Foday Sankoh may have done in the Bomi Hills, Charles
18 Taylor was never there in the Bomi Hills addressing you in
19 November 1991. Do you accept that you have got that wrong?

12:42:41 20 A. I would disagree with you.

21 Q. In November of 1991 the NPFL were fighting in Liberia,
22 weren't they?

23 A. Yes.

24 Q. ULIMO, were they also fighting in Liberia then?

12:43:03 25 A. Yes.

26 Q. ECOMOG, were they also in Liberia then?

27 A. Well, I wouldn't say because I don't know about it.

28 Q. All right, so you don't know about ECOMOG. Do you know who
29 was in control of Monrovia in November 1991?

1 A. No, I can't say.

2 Q. Well did you not hear either when you were in the camp in
3 the Bomi Hills who was in control of the capital, or have you not
4 heard later since you left Liberia who was in control of the
12:43:44 5 capital throughout the early 1990s?

6 A. Well, I don't want to lie. I did not get that sort of
7 information.

8 Q. Mr Mansaray, have you ever been told that Charles Taylor
9 was able to get into Monrovia in 1990, or '91, or '92, or '93, or
12:44:19 10 '94? Have you ever heard anyone suggest that the NPFL were able
11 to move into Monrovia in the first half of the 1990s?

12 A. No, nobody ever told me that.

13 Q. How did you get from the Sierra Leone border to your camp
14 in the Bomi Hills?

12:44:53 15 A. First we crossed the Mano River through York Island. That
16 was where we crossed.

17 Q. And how did you physically get to the camp in the Bomi
18 Hills?

19 A. Well, my visit to Bomi Hills it was just a day and I
12:45:24 20 returned to Bomi.

21 Q. What, you went on a day trip to the Bomi Hills, did you?

22 A. Yes.

23 Q. From where?

24 A. From Tiene.

12:45:40 25 Q. And how far is it from Tiene to the Bomi Hills?

26 A. It was far a little and it was my first time to make such a
27 trip. I used a vehicle, I did not walk, but it was a far
28 distance.

29 Q. You used a vehicle. Does that mean you went on roads?

1 A. Yes.

2 Q. Proper paved roads?

3 A. The road was good the way I felt while I was in the
4 vehicle. It was good.

12:46:27 5 Q. Now, do you know where Mr Taylor was based in November
6 1991?

7 A. What I heard about where he was based, I heard about
8 Gbarnga.

9 Q. Yes. And do you know how you get to Bomi Hills from
12:46:52 10 Gbarnga?

11 A. No.

12 Q. Are you aware that in order to get by road from Gbarnga to
13 Bomi Hills you have to go into Monrovia?

14 A. Well I don't know, because I have not been in the area. I
12:47:44 15 have not used that route yet.

16 Q. And that the only road from Gbarnga to Bomi Hills takes you
17 down into Monrovia, which was then controlled by the government
18 of Liberia reinforced by ECOMOG. From what you have told us
19 earlier, you were completely unaware of that. Is that right?

12:48:15 20 A. Yes, I did not know about the condition of the road. I
21 said it was my first time to travel to that town. I did not know
22 the route.

23 Q. And are you able to tell us how far Tiene is from the
24 Sierra Leone border? From the Mano River?

12:48:43 25 A. Well, it could be around seven to nine miles.

26 Q. Right. So, that is on the other side of Monrovia?

27 A. No.

28 Q. The other side from - Gbarnga is on the eastern side and
29 Tiene is on the western side, yes?

1 A. I cannot tell you now anything about the geographical
2 location about the place, because I don't have any understanding
3 about that.

4 Q. Well that is my point, Mr Mansaray. There was no way that
12:49:25 5 Mr Taylor could have travelled from Gbarnga in a vehicle to get
6 himself to Bomi Hills to address a large crowd of you and your
7 comrades, so I am suggesting you have got that completely wrong?

8 A. Well, I am telling you that during that muster parade I was
9 not the only person there. There were many other RUF people.
12:50:13 10 What I am saying is what happened when I saw him. That is what
11 happened.

12 Q. Help us with some of the names of these RUF people who you
13 know who you say were there at this muster parade addressed by
14 Charles Taylor and Foday Sankoh in November of 1991?

12:50:36 15 A. I was there with some other RUF. I knew one senior
16 vanguard, he was called Rambo, he was there, and some other
17 junior RUF fighters together with whom were all together. Sorry,
18 your Honours, together with whom were there. We were together at
19 the place with one Mohamed Koroma. He had lived in Liberia
12:51:04 20 before. I was there as well with one junior fighter. He was
21 called Kafala. We called him Mabututu [phon]. Then the Liberian
22 fighter whom I knew was one BZT Nya and I knew one Tom Sandy. He
23 was also present at that parade. Then there was another NPFL
24 fighter who was called Sando, then later I saw General One Man
12:51:52 25 One.

26 Q. And as far as you are aware, are any of these people still
27 alive?

28 A. The one I met with after the disarmament was one Mohamed
29 Koroma, but he was with the revolution right up to the

1 disarmament. I believe that he is still alive, but I don't know
2 for the other Liberians. The other one whom I called Kafala, he
3 is dead now. I don't know about General One Man One, Sando, or
4 BZT Nya, whether they are alive, I don't know.

12:52:48 5 Q. Right. I want to ask you about something else now. You
6 have told us about your time in the RUF as a fighter and then
7 later on you become a member of the IDU, and you told us that
8 women were taken forcefully to become the wives or taken
9 forcefully for the purposes of sexual intercourse with the
10 soldiers. Do you remember saying that to us?

11 A. Yes.

12 Q. Did any women voluntarily become the wives of the fighters,
13 in your experience?

14 A. Yes, some were willing to live with the fighters. Some
12:53:46 15 were not willing.

16 Q. Right.

17 JUDGE SEBUTINDE: I am sorry, Mr Munyard, but the question
18 you asked was "Did any women voluntarily become ..." and that to
19 me would suggest their initial becoming wives. The answer the
12:54:19 20 witness has given was, "Some were willing to live with the
21 fighters. Some were not willing".

22 MR MUNYARD: I see the distinction, your Honour, and I will
23 pursue it.

24 JUDGE SEBUTINDE: So I am personally wondering what does
12:54:32 25 this establish; that these women were not initially voluntarily
26 captured against their will?

27 MR MUNYARD: I will find out:

28 Q. Was it your experience, Mr Mansaray, that occasionally
29 women - some women - would align themselves with the soldiers?

1 Would volunteer when soldiers were in the area to go and live
2 with them as their wives?

3 A. I cannot tell you that, that women were coming voluntarily
4 to be with the soldiers. The only thing I can tell you is it is
12:55:20 5 after their capture some were willing to stay with the men. Some
6 were not willing to stay with those who captured them.

7 Q. I see. So, in response to Justice Sebutinde's question,
8 you are saying that the only women that you were aware of who
9 were willing to stay with men were women who had been already
12:55:46 10 captured? Is that what you are saying?

11 A. Yes, some. After they had been captured, some would be
12 willing and others were not.

13 Q. Now, why was it that you went from being an IDU commander
14 to being an IDU clerk?

12:56:16 15 A. Well, it was a change of command. If I got a command, I
16 just had to obey it.

17 Q. Was it a demotion?

18 A. No.

19 Q. So, you are saying that a clerk is the same rank as a
12:56:42 20 commander?

21 A. In fact about the clerical job that one has more
22 appointment than the battalion commander, because the brigade is
23 above the battalion.

24 Q. So, it was a promotion?

12:57:12 25 A. Yes.

26 Q. All right. When you went to work in the mining area, did
27 you ever see anyone executed for trying to escape from the mines?

28 A. That happened at many places. It happened.

29 Q. I asked you, "Did you ever see anyone executed for trying

1 to escape from the mines?" You yourself, did you ever see that?

2 A. Yes.

3 Q. Where?

4 A. It used to happen many times at Kai sambo mining area,

12:58:11 5 Number 11 mining area.

6 Q. No, I am not asking you if it happened. I am asking you

7 did you ever see it happen?

8 A. Yes.

9 Q. You are quite sure of that, are you?

12:58:24 10 A. Yes, yes.

11 Q. How many times do you say you personally saw people

12 executed for trying to escape from the mines?

13 A. Well, this happened many times. I cannot just tell you now

14 the exact dates, but it happened.

12:58:49 15 Q. Mr Mansaray, I am not asking you for an exact date. I am

16 asking you roughly how many times did you see people executed for

17 trying to escape from the mines. Was it five, ten, one hundred

18 that you saw?

19 A. It could be more than five times that I saw.

12:59:11 20 Q. A lot more?

21 A. It could be above that.

22 Q. You give us your rough estimate of how many times you saw

23 people executed for trying to escape?

24 A. It could be up to ten times even.

12:59:40 25 Q. So, why did you tell Prosecution investigators on 3 May

26 2006 that you never saw anyone executed for trying to escape from

27 the mines?

28 A. Well I don't think I mentioned that, because at the

29 beginning of my statement I told them that they were killing

1 civilians who tried to escape.

2 Q. Yes, you certainly told them that you heard about killings
3 at mines, but do you remember saying to the Prosecution
4 investigators in May of 2006 that you never saw anyone executed
13:00:28 5 for trying to escape?

6 A. I don't think I gave them that sort of statement, because
7 it happened. They killed civilians who attempted to escape.

8 Q. Mr Mansaray, you know what I am asking about. I am not
9 asking, "Did it happen?" I am asking did you see it? You know
13:00:57 10 perfectly well that is what I am asking about, don't you?

11 A. Yes.

12 Q. So, don't keep telling us that it happened.

13 A. I have --

14 Q. You can see the document if you wish to, but I will read to
13:01:23 15 you what it says word for word. Again, this might take a couple
16 of minutes. Let me read all of it to you and then I will ask you
17 questions about it:

18 "The witness was asked to clarify comments about forced
19 mining and the punishment of those who escaped/refused to
13:01:48 20 participate. He stated that during the early period of the
21 revolution Foday Sankoh did not have total control of the
22 fighters as many were Liberian. He only managed to gain complete
23 control when the Liberians left. He did see people being forced
24 to mine, but never saw anyone executed for trying to escape. He
13:02:14 25 heard about killings/mutilations at mining sites, Kasambo ...",
26 which you later corrected to Kaisambo, "... and Number 11 plant
27 in Kono some time during the dry season in 1998".

28 Now, not only did they record what you told them in May of
29 1996. You were asked later about what you had said in that

1 interview and you were taken through this interview and you
2 corrected --

3 PRESIDING JUDGE: Mr Mansaray [sic], I want to clarify the
4 date. It says here that "you told them in May of 1996".

13:03:06 5 MR MUNYARD: Oh, I am so sorry. I meant 2006 in the
6 interview.

7 PRESIDING JUDGE: Excuse me, I misnamed you. I apologise.

8 MR MUNYARD: Oh, I don't mind that. I would rather be
9 corrected than have a - I don't mind. Let me start again. The
10 interview was in May of 2006 and - well, I see Ms Alagendra on
11 her feet.

12 PRESIDING JUDGE: Ms Alagendra, you are on your feet.

13 MS ALAGENDRA: Yes, your Honours. I just wanted to make
14 something clear, which is that the witness's testimony in-chief
15 about civilians being killed who refused to mine were limited to
16 during the time period when he was a mining commander, which was
17 around 2001, but this paragraph seems to relate to another time
18 period. And not only that, but he seems to be talking --

19 MR MUNYARD: I am sorry to interrupt my learned friend. If
13:03:53 20 she is going to give evidence about what this witness is or isn't
21 saying, then the witness should not be in the room while that
22 happens. That is a basic proposition of procedure in any
23 jurisdiction, including international courts.

24 MS ALAGENDRA: Your Honours, I am merely reading from the
13:04:09 25 paragraph my learned friend is.

26 PRESIDING JUDGE: Yes, but this is something that counsel
27 has not put. I merely referred to a date that I thought was
28 inadvertently stated, but you are now going further and you are
29 putting a record that the witness is allegedly - has allegedly

1 said and that cannot be done.

2 MS ALAGENDRA: No, your Honour, I am talking about his
3 testimony from yesterday. That is on record.

13:04:43

4 PRESIDING JUDGE: Well, let me make sure. You are putting
5 a record of interview, Mr Munyard, aren't you?

6 MR MUNYARD: That is all, yes.

13:05:00

7 PRESIDING JUDGE: Yes. Counsel can be permitted to put a
8 record of the previous statement given to the OTP. If you are
9 saying that what was said by the witness in this Court on a
10 previous occasion is different then that is a matter for
11 re-examination, Ms Alagendra.

13:05:15

12 MS ALAGENDRA: Your Honours, my understanding of what
13 counsel was putting to the witness is there was - there is a
14 contradiction between what he testified in Court yesterday and
15 between this statement and I just wanted to --

16 MR MUNYARD: No, I am not.

17 PRESIDING JUDGE: Well, he is entitled to do that.

18 MR MUNYARD: In fact, I am not.

13:05:26

19 MS ALAGENDRA: Well, he is not and so that is fine, your
20 Honour.

21 MR MUNYARD: I am not. All I am doing is putting to him
22 what he said today - not yesterday - and comparing it to a
23 document from 2006.

24 PRESIDING JUDGE: [Microphone not activated].

13:05:36

25 MR MUNYARD: And indeed if my learned friend wishes to
26 re-examine on the point, obviously she can.

27 PRESIDING JUDGE: We have all spoken over each other, so
28 maybe if you could re-put the question to the witness as he may
29 have lost track of it and I am beginning to lose track of it.

1 MR MUNYARD: Yes:

2 Q. Mr Mansaray, in May of 2006 you were interviewed by
3 investigators from the Prosecution and you were asked to clarify
4 certain matters that you had told the Prosecution about in
13:06:34 5 earlier interviews. You had been interviewed by then some three
6 times before you were asked to clarify points in May of 2006. Do
7 you remember being asked in May of 2006 to go back over some of
8 the answers - some of the material that you had given to the
9 Prosecution in previous interviews?

13:07:20 10 A. Yes, I can recall.

11 Q. No-one will expect you to remember the precise date,
12 although in fact in your case you might remember the precise
13 date, but at some time in the middle of 2006 you were being asked
14 to clarify matters that you had previously talked about. You had
13:07:44 15 previously talked about forced mining and the punishment of those
16 who escaped or refused to participate and we will go back to the
17 previous information that you had given the Prosecution about
18 forced mining and the punishment of those who refused to
19 participate in it in due course, but when you were asked about it
13:08:21 20 again, this time in May 2006, it is recorded that you told the
21 Prosecutors that you did see people being forced to mine, but you
22 never saw anyone executed for trying to escape. You also went on
23 to say that you heard about killings and mutilations at mining
24 sites, Kaisamba and Number 11 plant in Kono, some time during the
13:08:54 25 dry season in 1998. Now you were being asked in that interview
26 in May of 2006 about the question of forced mining generally,
27 weren't you? You were being asked - I will put it to you another
28 way?

29 A. Yes, they asked me about that.

1 Q. Yes. You weren't being asked in May of 2006, "Tell us what
2 you know about forced mining in 1998 only", were you?

3 A. Yes.

13:09:37

4 Q. By "yes" you are agreeing with me that you were asked
5 generally and not just about one month?

6 MS ALAGENDRA: Your Honours, it is not clear whether that
7 is what the witness meant by "yes".

8 MR MUNYARD: No, I am trying to clarify that now.

9 PRESIDING JUDGE: [Microphone not activated].

13:09:49

10 MR MUNYARD: Well, let us start again:

11 Q. You have agreed with me already that you were being asked
12 about forced mining generally, yes? You have already answered
13 yes to that and so we can move on from there. When you were
14 telling them in May of 2006 about forced mining and killings, you
15 were being asked about the whole of your experience of forced
16 mining, weren't you?

13:10:15

17 A. Yes, they asked me about the mining, how it was going on.

18 Q. You knew about mining - forced mining - both from your time
19 in the IDU and from your time as a mining commander, didn't you?

13:10:49

20 A. Yes, I knew about mining activities that were taking place
21 during the RUF time.

22 Q. And they were asking you about the whole of your experience
23 of forced mining during the RUF time, weren't they?

24 A. Yes, I can remember during - I can remember the mining
25 activities that took place during the RUF time.

13:11:25

26 JUDGE SEBUTINDE: Mr Munyard, obviously you were
27 misunderstood. I don't think that is what you asked.

28 MR MUNYARD: No, it wasn't. I am afraid I will just have
29 to keep trying:

1 Q. Let us take it in stages, please. In 2003 and in 2004, and
2 in January of 2006, you had been interviewed by Prosecution
3 investigators, hadn't you?

4 A. Yes, yes.

13:12:21 5 Q. I am going to have to turn to those parts of those
6 interviews where you dealt with forced mining, so that we can
7 understand what you were being asked to clarify in May of 2006
8 and I am sorry to have to do this, but it seems to be the only
9 way to make the point clear. If you will bear with me for a
13:12:51 10 moment I will just get my references to the issue in the first
11 three interviews. I think in the first interview you dealt
12 mainly with people being made to work on farms. In the second
13 interview you were asked again about people working on farms and
14 you were also asked about mining.

13:14:13 15 MS ALAGENDRA: Your Honours, he was also asked about mining
16 in the first interviews.

17 MR MUNYARD: I am grateful to my learned friend. I have
18 obviously missed that one, but I hadn't intended to undertake
19 this exercise at all and I wonder if my learned friend would like
13:14:26 20 to tell me where in the first interview so we can deal with it.

21 PRESIDING JUDGE: Is that an invitation, or an application?

22 MR MUNYARD: Oh, at this stage it is purely an invitation.

23 PRESIDING JUDGE: I will leave it up to counsel.

24 MR MUNYARD: Otherwise it will take me about ten minutes to
13:14:51 25 find it.

26 MS ALAGENDRA: No, your Honours, I wouldn't want to take up
27 that invitation. Thank you.

28 MR MUNYARD: I did mention earlier that I am deaf and even
29 with the earphones I am afraid I didn't hear that. Am I being

1 told what page it is?

2 MS ALAGENDRA: No, I said I wasn't taking you up on the
3 invitation.

4 MR MUNYARD: All right. I can come back to that, I am
13:15:13 5 afraid after lunch, because at the rate we are going we are still
6 going to be on this subject unhappily. I will deal with the
7 second interview:

8 Q. You are asked in the second interview about mining and you
9 are asked about people that were brought in and forced to mine,
13:15:46 10 and I will read the questions and answers about forced mining. I
11 am afraid they are quite lengthy in the second interview. You
12 were asked in the second interview about the year 2000,
13 Mr Mansaray:

14 "Q. Let us talk about the year 2000. Well, actually you
13:16:18 15 said there was mining going on and that Colonel Amara
16 Peleto was in charge of mining in Koiindu?

17 A. Yes."

18 You corrected Koiindu to Koidu in a later correction
19 interview that we haven't even touched on yet. The next question
13:16:36 20 is:

21 "Q. The mining was carried out for the RUF by Peleto. He
22 handed over proceeds to Issa. You said Issa Sesay was
23 staying in a place called Lebanon?

24 A. Yes, yes."

13:16:48 25 Then you deal with diamonds being handed over from Peleto
26 to Sesay and the next question is:

27 "Q. How about those that were brought in and forced to
28 mine? Do you know anything about the people that were
29 brought to the mines and forced to mine diamonds for the

1 RUF?

2 A. Oh yes, in fact the whole people that were staying with
3 us in Kono, they were forced to mine for the RUF, the
4 majority I can say, and they are producing a lot of
13:17:15 5 diamonds to Peleto and Peleto used to hand over the
6 diamonds to Issa Sesay."

7 Then you were asked, "So how was the first mining going on?
8 Were there armed men standing around maintaining guard over these
9 people that had been brought to mine the diamonds?" You answer,
13:17:29 10 "Yes, like Number 11, which was the main mining base, that was
11 well fortified by armed men." May I make it clear at this point,
12 in order to speed up I am going to miss out irrelevant material
13 and just concentrate on killings:

14 "Q. If anyone refused to take part in the forced mining
13:17:52 15 what happened to them?

16 A. He would be executed.

17 Q. Do you know of any individual who was executed for
18 failing to, or refusing to mine for the RUF?

19 A. Well, really Peleto, before I ever came to stay in
13:18:07 20 Koidu Town, I heard about this information. By then I was
21 still in Makeni. He used to kill people.

22 Q. Which year was this?

23 A. That was the year 2000.

24 Q. 2000?

13:18:23 25 A. Yes, he used to do it. He used to harass people. He
26 used to torture them.

27 Q. People who refused to mine?

28 A. For the RUF."

29 And then:

1 "Q. How about those who stole diamonds, if you sneak
2 with a piece of diamond and then you are caught?

3 A. If you are caught, no mercy, you will die.

13:18:48

4 Q. You will die, okay, and do you know of any specific
5 person who lost his life in this way?

6 A. Well, I know some people, but I cannot remember their
7 particular names.

8 Q. Their names?

9 A. Yes.

13:19:00

10 Q. Can you mention the instances, the places where these
11 executions took place?

12 A. Like Kasabo Terrace."

13 You have corrected that, in a later interview, to Kaisambo
14 Terrace and you identified where that is. Then you say:

13:19:23

15 "A. Amara Peleto used to play some havoc to people which
16 were not good.

17 Q. Like what?

18 A. Like killing them, torturing them and doing any other
19 punishments to them.

13:19:34

20 Q. Because they failed to mine?

21 A. To mine for the RUF and then some planned to escape
22 with diamonds, so a lot of these reports came in."

23 Then you deal with reports.

13:19:52

24 "A. Also to those who were customers to buy diamonds, we
25 called them jewellers, Amara Peleto used to threaten them

26 and also Issa Sesay was having one notorious man who he

27 used to send to these jeweller men to go and harass them to

28 take their money, to take their diamonds from, by the name

29 of one Sahr Quee."

1 Then I think it is right we then move off that whole area.
2 Now, that is the second interview. You were not saying in that
3 second interview, Mr Mansaray, that you personally saw people
4 executed, were you?

13:20:44 5 A. It is now that I am getting your question clearly. I
6 thought you had asked if I knew where they were killing the
7 people. I understood that they were killing people, but the way
8 you have read it from my statement, that was what happened
9 exactly. They were killing people.

13:21:09 10 Q. Can I try and short cut it completely. This is right,
11 isn't it: You heard about them killing people, both before and
12 while you were a mining commander, but you never actually saw any
13 executions yourself? Am I right to put it in that way?

14 A. Yes, you are right.

13:21:46 15 Q. Thank you. You have just saved us a good half-hour of
16 Court time with that answer. When you were asked in May of 2006
17 to clarify what you were saying about forced mining and
18 executions, you made it plain that although you had heard about
19 these you had never actually seen any yourself. Do you agree?

13:22:23 20 A. I would like you to tell me the year you are talking about.

21 Q. On 3 May in 2006 you were asked to clarify comments, about
22 forced mining and the punishment of those who refused to mine, in
23 your previous interviews. Mr Mansaray, do you agree that in your
24 previous interviews you had talked about what you had heard
13:23:01 25 before you were a mining commander and also what you had seen
26 both before you were a mining commander and when you were a
27 mining commander?

28 A. The time I became a mining commander people lost their
29 lives. I myself was there, but when I was not a mining

1 commander, I only got the information that people died.

2 Q. When you were a mining commander you didn't ever see anyone
3 executed for trying to escape, did you?

4 A. I saw them kill people when they attempted to escape.

13:24:02 5 Q. So, why in 2006 did you tell the investigators that you did
6 see people being forced to mine, but never saw anyone executed
7 for trying to escape? Why did you tell the investigators that?

8 A. Well, you know it could be a mistake, but at the time when
9 I was a mining commander I saw people - I saw people losing their
13:24:41 10 lives. People were killed.

11 Q. So you are saying that you made a mistake, are you, when
12 you told the investigators, many years later, that you had never
13 seen anyone executed even though you had heard about it? Are you
14 saying it is your mistake in 2006?

13:25:11 15 A. Yes, at that time when I was working as a mining commander,
16 when they interviewed me and I did not tell them that I did not
17 see people being killed, it was a mistake, because human beings
18 can make mistakes.

19 Q. You had forgot in 2006, had you, that you had seen people
13:25:31 20 being executed for refusing to mine? Is that what you are
21 telling this Court?

22 A. Yes.

23 Q. Mr Mansaray, that is completely untrue, isn't it, that you
24 forgot, when they asked you specifically in May of 2006 to
13:25:58 25 clarify what you had previously told them about people being
26 killed for not mining, you forgot to tell them that you had seen
27 people being executed for refusing to mine?

28 A. Yes, I forgot to mention that, but I used to tell them that
29 people lost their lives, either because they attempted to escape,

1 or they refused to work, but I forgot to mention that.

2 Q. Do you understand that you were not being asked just to
3 tell a story in 2006. You were being asked specifically to
4 explain what you meant when you had previously told the
13:26:50 5 Prosecution about people being killed for refusing to mine? Do
6 you understand that is what you were being asked in 2006, "Tell
7 us what you mean when you say people were killed for refusing to
8 mine"?

9 A. Well, this morning I explained that even the area where I
13:27:22 10 was working, that they were killing people and when I came I met
11 dead people and even in my presence it happened. People lost
12 their lives. That was what I was trying to tell you.

13 Q. How can you remember that in 2008, but two years ago
14 completely forget - not just forget to tell them, but actually
13:27:50 15 tell the investigators, "I never saw anyone executed for trying
16 to escape"? You see you didn't forget, Mr Mansaray. You were
17 asked a question that led to you saying, "I never saw anyone
18 executed for trying to escape."

19 A. I don't think I told them that, because I told them that
13:28:25 20 people lost their lives while they were attempting to escape. I
21 told them that, but it was not put to me clearly as you have done
22 now. But they asked me if people lost their lives while
23 attempting to escape from the mining and I responded "yes".

24 Q. Let us return to it after the lunch break.

13:28:51 25 PRESIDING JUDGE: Thank you, Mr Munyard. If that is a
26 convenient point we will take the adjournment. Mr Witness, we
27 are now going to adjourn for lunchtime. We will resume at 2.30.
28 Please adjourn Court.

29 [Lunch break taken at 1.30 p.m.]

1 [Upon resuming at 2.30 p.m.]

2 PRESIDING JUDGE: Just before we recommence I notice

3 Mr Werner is not at the Prosecution bar, Ms Alagendra.

4 MS ALAGENDRA: That's correct, your Honour.

14:29:45 5 PRESIDING JUDGE: I will note that appearance accordingly.

6 Mr Munyard, if you're ready to proceed, please.

7 MR MUNYARD: Thank you, Madam President:

8 Q. Mr Mansaray, I'm going to go through the various occasions

9 when you have mentioned forced mining and the consequences of

14:30:10 10 refusing to mine and may I start by pointing out that I was

11 correct when I said there was nothing in the first interview

12 about forced mining which indeed is why I had no note about it.

13 There is in the first interview on pages 23 to 24 some - you did

14 give the Prosecution some information about diamond mining

14:30:44 15 activity but you don't mention forced mining there, you just talk

16 about mining being carried out and who the diamonds were handed

17 to, but you do not mention forced mining as far as I can see on

18 those pages. I will obviously be corrected if I'm wrong.

19 In your second interview which took place in March of 2004

14:31:18 20 you do mention people being forced to mine and this is what you

21 said - and again I'm missing out anything that is irrelevant or

22 indeed anything I've already dealt with this morning. So I will

23 summarise. I think I've dealt with this one this morning, I

24 don't want to waste time over it. But, Mr Mansaray, in your

14:31:49 25 second interview you talked about people being brought in and

26 forced to mine, you talked about the mining base being fortified

27 by armed men and that anyone who refused to partake in the forced

28 mining would be executed and you were asked: "Do you know of any

29 individual who was executed?" You said, "I heard about this

1 information. Peleto, he used to kill people in the year 2000".
2 You go on to say, "If you are caught, no mercy, you will die",
3 followed by a question, "You will die, okay. Do you know of any
4 specific person who lost his life in this way?" You say, "Well,
14:32:43 5 I know some people but I can't remember their particular names"
6 and at the end of that passage you say, "Amara Peleto used to
7 play some havoc to people which were not good, like killing and
8 torturing them and doing any other punishments to them" and you
9 are asked, "Because they failed to mine?" You say, "To mine for
14:33:07 10 the RUF and then some planned to escape with diamond so a lot of
11 these reports came in". In other words you got reports of that
12 but you didn't ever claim in that second interview that you had
13 seen anyone executed.

14 In the third interview which is now January of 2006 you
14:33:30 15 said:

16 "Forced mining was going on in Kailahun District. Patrick
17 Bangura was appointed by Sam Bockarie to be mining commander
18 there. I went there one time in 1998 and saw civilians working
19 there. I spoke with Patrick Bangura and he told me the civilians
14:33:47 20 were not paid for that work".

21 You mention mining going at Jojoima and that's all you say
22 about that in the third interview.

23 The fourth interview is where you are then asked -
24 paragraph 13 you were asked the passage that I started off this
14:34:08 25 line of cross-examination with this morning and I'm not going to
26 read it all over again, but you are asked in paragraph 13 to
27 clarify comments about forced mining and the punishment of those
28 who escaped or refused to participate. In other words you're
29 asked to clarify those passages I've just read to you and you

1 say: "He did see people being forced to mine but never saw
2 anyone executed for trying to escape. He heard about killings
3 and mutilations at mining sites" and you give an example, or you
4 give two examples, and indeed in October of 2007 you're taken
14:35:01 5 back to that passage and you correct the spelling of one of the
6 places.

7 Then for the sake of completeness we will look at the other
8 interviews where you talked about forced mining in October of
9 2007 and I'll get you the exact date. On 15 October 2007 you're
14:35:33 10 again - you're in something called a prepping interview or
11 prepping session and it says this: "Witness was asked about his
12 involvement in diamond mining in Kono between 1998 and 2000".

13 Now between 1998 and 2000 you were still in the IDU, weren't you?

14 A. Yes.

14:36:02 15 Q. "Witness clarified the following", you were appointed to
16 work with Peleto after the UN peacekeepers were released around
17 June 2000, you were assigned at Ngaiya section in Yengema Town in
18 Kono as a mining commander. "Witness confirmed everything he
19 said about diamond mining in Kono on his previous". I'm actually
14:36:31 20 reading accurately from the statement even though the grammar is
21 bad. Now that presumably means in his previous statements and we
22 know that you mentioned Kono - yes, you mentioned Kono in that
23 paragraph 13 of the interview on 3 May 2006 when you said you'd
24 never seen any anyone executed.

14:37:39 25 You then provide further information about mining
26 activities in Kono 1998 to 2000 and you clarified that you saw
27 Sahr Quee who worked for Issa Sesay at Ngaiya beating civilians,
28 Fullah men and put them under gunpoint and took their money and
29 you say Peleto more than many times going to Ngaiya, arresting

1 civilians, placing them in vehicles and taking them to mining
2 sites at No. 11 Plant in Koidu.

3 MS ALAGENDRA: Your Honours, can I just clarify what
4 statement my learned friend is reading from. He's referred to
14:38:20 5 two statements now, 2006 and --

6 MR MUNYARD: I've actually referred to rather more than
7 two, but the one I'm reading from at the moment is - it's on 15
8 October 2007 and it's paragraphs 56 onwards:

9 Q. Now I'm just going to read you the whole of what you said
14:38:43 10 about forced mining in that interview. I've taken you so far to
11 Peleto placing civilians in vehicles and taking them to the
12 mining sites in Koidu. You're then asked about your own personal
13 mistreatment of civilians when you were appointed as mining
14 commander at Ngaiya in 2000 and you said you will send your men
14:39:09 15 to bring civilians at gunpoint to the government mines to mine
16 for the RUF.

17 "The witness explained that sometimes his men will beat
18 civilians if they refuse the witness's order to come and do
19 mining for the RUF. Sometimes the witness will intervene to stop
14:39:25 20 the beating and sometimes he will not stop the beating".

21 You stated that you yourself did not physically take part
22 in the beating of civilians and you feel regret about where your
23 men were treating civilians at the Ngaiya mining site and you
24 went on to say that when you first took up your position of
14:39:45 25 mining commander before you started Amara Peleto went to his mine
26 in Ngaiya and told you that you had to recruit the civilians and
27 their mining tools when the government mining day comes.

28 Now, Mr Mansaray, what did you mean by the expression that
29 you had to recruit the civilians and their mining tools when the

1 government mining day comes?

2 A. I will answer your question, but the year mentioned, 2000,
3 that was not the year that I spoke about that mining. You see
4 what I meant, when we were prepared to undertake the mining the
14:40:50 5 shaker and the shovel that the civilians used to do the mining,
6 we tasked them to bring them along for them to wash the gravel
7 for the RUF movement. That was what I meant.

8 JUDGE SEBUTINDE: Just a minute. Did you say "tax them" or
9 "task them"?

14:41:13 10 THE INTERPRETER: The witness said task, tasked,
11 T-A-S-K-E-D.

12 MR MUNYARD: It's come out on the transcript as "tax" as in
13 England Revenue, but I suppose on one interpretation of the
14 English word tax it is appropriate here because you can be taxed
14:41:36 15 to do a job, but there we are. I'm grateful for Justice
16 Sebutinde clarifying that:

17 Q. What did you mean - can you use another word apart from
18 either task or tax to tell us what you meant, Mr Mansaray?

19 A. Yes. We forced them to do the work.

14:42:10 20 Q. Pausing with this statement at the moment, it's clear from
21 this statement that if the investigators have correctly recorded
22 what you were telling them that you were telling them in October
23 of 2007 that you started your mining commander's job in around
24 June of 2000 and not January of 2001 which is what you've told
14:42:37 25 this Court. Did you start your mining commander's job in June
26 2000 as the Prosecution recorded you saying in October of 2007 or
27 did you start it in January of 2001 as you've told this Court in
28 your evidence?

29 A. Well, it was on 14 January 2001 when Amara Peleto appointed

1 me as mining commander.

2 Q. So whose got it wrong in October of 2007 in this interview
3 transcript, or notes I should say, where it suggests that you
4 started that job in around June of 2000? Do you think you got it
14:43:35 5 wrong in telling them the date or do you think they got it wrong
6 in recording what you were saying?

7 A. I cannot recall, but the actual date I have called is the
8 corrected one.

9 Q. The date that you have given in evidence in this Court, you
14:44:00 10 mean?

11 THE INTERPRETER: Sorry, your Honours, is the correct one.

12 THE WITNESS: 14 January 2001 is the correct date that I
13 started my job as mining commander in Ngaiya.

14 MR MUNYARD:

14:44:22 15 Q. All right. I'm going to now look at the next time when you
16 say anything about forced minings, et cetera. Between - well, on
17 24, 25 and 28 January this year you were seen by members of the
18 Prosecution team and in the course of those interviews this is
19 recorded and I'd like you to listen to this carefully, please:

14:45:04 20 "With reference to paragraph 13 of statement dated 3 May 2006",
21 and if I pause there that is the first document that I read from
22 when I began this particular series of questions, that is the
23 paragraph where you say you never saw anyone executed.

24 "With reference to paragraph 13 witness knew about the
14:45:36 25 killings and amputation in Kono because at the time he was based
26 in Segbwema and was called by Augustine Gbao to come to Makeni to
27 meet him. Witness travelled through Kono and visited the
28 Koakoyima IDU office. There he was told that some civilians had
29 been killed at the Kaisambo and No. 11 mining sites because they

1 had refused to mine for the RUF. He was also told that a large
2 number of civilians had their limbs amputated by the RUF based in
3 Kono".

4 Now it goes on to say in that same interview, same
14:46:39 5 interview record I should say, "Between 2000 and 2001 witness was
6 assigned as mining commander in Kono".

7 Now, Mr Mansaray, these are notes taken by people who
8 interviewed you as recently as six weeks ago, on 24, 25 and 28
9 January 2008, and they have recorded something very similar to
14:47:23 10 what I read out from that previous record that is dated October
11 2007. Namely, that you were appointed mining commander some time
12 in 2000 or thereabouts, between 2000 and 2001. Are you saying
13 that this batch of Prosecution staff have also inaccurately
14 recorded the time that you told them that you were appointed
14:48:03 15 mining commander?

16 A. Well, perhaps the mistake is from me to indicate a
17 particular time, but now that I've recalled I now know the exact
18 time. Perhaps I made the mistake.

19 Q. It goes on to say: "He was in charge of mining activities
14:48:33 20 in six areas within Kono" and you list them as indeed you listed
21 them the other day when Ms Alagenda was asking you questions
22 based on this particular set of notes presumably. And it says
23 there were about 200 mining pits in these six areas, as mining
24 commander you were responsible for mobilising civilians to do the
14:49:00 25 mining, civilians were gathered at gunpoint and taken to mining
26 fields to mine diamonds, civilians who refused to mine or
27 attempted to escape were beaten and some killed, witness himself
28 ordered the beating of civilians for refusing to mine, witness
29 was ordered by Amara Peleto to beat or kill civilians who did not

1 want to work for the RUF in the diamond mines, Amara Peleto was
2 the mining commander in Kono reporting to Issa Sesay, more than
3 50 civilians were killed in Kono for refusing to mine or trying
4 to escape from doing the mining for the RUF. Then you go on to
14:49:46 5 deal with the two pile system of diamond mining. You don't say
6 in that interview that you saw anyone executed for refusing to
7 mine, do you?

8 A. Well, from the start of my statement I did mention that
9 there were people in the RUF who killed others because of the
14:50:20 10 mining.

11 Q. Mr Mansaray, we know that you've said that. We have never
12 disputed that you've said that. What we are talking about is the
13 difference between the evidence that you have given in court to
14 the Learned Judges that you saw people being executed and the
14:50:39 15 whole stream of occasions on which you've been interviewed in the
16 past by members of the Prosecution office in which you have
17 neither said that you did see anyone being executed and indeed
18 said that you never saw anyone being executed. I am trying to
19 explore why it is that you've given this Court an account that is
14:51:07 20 so different from the account that you have given many times in
21 the past to the Prosecution. Do you follow?

22 A. Yes, I'm listening to you.

23 Q. Putting it bluntly, I'm suggesting that in your evidence on
24 this matter you are embellishing your account and if you don't
14:51:39 25 understand embellishing let me put it in another way, you are not
26 telling the whole truth?

27 A. Well, if you have read the statement, you yourself have
28 been reading it, I mentioned about the punishment that the
29 civilians - that were meted to the civilians. I told you that

1 was the law that Amara Peleto who was the overall mining
2 commander passed on to us, the time I joined them. I mentioned
3 that, the punishment that should be meted out to civilians if you
4 refuse to work. But if you are saying that I did not mention
14:52:27 5 that I want to believe you are not going to according to the
6 statement that you yourself have been reading.

7 Q. Mr Mansaray, what I'm suggesting is that for whatever
8 reason by the time you've got into the Courtroom you're now
9 adding to and making up things that you saw that you have never
14:52:49 10 previously claimed to have seen. That's what I'm suggesting,

11 that you've invented a bit of evidence. What do you say to that?
12 A. What I have been telling the people who obtained statement
13 from me, I believe it's the same statement that I'm giving to the
14 Court. I am not making up any new statement to give to the
14:53:27 15 Court.

16 Q. I'm suggesting that you're unreliable in the evidence that
17 you have given because of exaggerations or lies that you have
18 told in the course of your evidence. Do you understand?

19 A. I'm listening to you, but I am telling you that all what I
14:54:00 20 have said here is the truth. I am not just making it up. These
21 were things that were happening. It's reality.

22 Q. Does the expression gilding the lily mean anything to you?
23 If it doesn't, say so and I'll try another one.

24 THE INTERPRETER: Can counsel please go over that word
14:54:28 25 again.

26 MR MUNYARD: I'll try another one. That's why I ended up
27 with embellishment before, but that didn't work:

28 Q. Mr Mansaray, nobody disputes that people were killed for
29 refusing to carry out RUF orders on occasions. All I am

1 suggesting is that you have not told the truth to the Judges when
2 you say that you yourself saw people executed for refusing to
3 mine. And I am correct in saying that, aren't I, you've not been
4 telling the truth on that bit?

14:55:18 5 A. Well, I believe I said the truth, because I gave an example
6 even about the area where I was working. From yesterday I told
7 you that there were killings where I was working and I even got
8 information about killings in other areas. I told the Court this
9 even before now. I told them that civilians died, killings took
14:55:47 10 place because they refused to work for the RUF. So I believe I
11 am not hiding the truth, I am speaking the truth. And indeed
12 civilians lost their lives because they refused to mine for the
13 RUF.

14 Q. For the sake of completeness I'm also going to deal with
14:56:09 15 the last occasion on which you were asked by Prosecution
16 investigators about forced mining and that appears in notes from
17 what's called a proofing session on 19 and 21 February this year.
18 In other words, about three weeks ago. Then there you said - or
19 this is what's recorded as you having said: When you were based
14:56:43 20 in Ngaiya as mining commander you were told by Pa Kosi a that Issa
21 Sesay had killed some recruits at the Yengema training base.

22 I'm sorry, that does not appear to relate to mining. It
23 doesn't appear that you said anything further after the interview
24 in January of this year about mining.

14:57:14 25 Can I move on to something else. I want to ask you a
26 little more about the United Nations peacekeepers who were
27 seized. You were asked in the very first interview in November
28 of 2003 about Indian United Nations troops. Do you remember
29 telling the Prosecution investigators then about the capture of

1 Indian troops?

2 A. Yes, I said something about that.

3 Q. And do you remember saying this, or words to this effect to
4 the Prosecution investigators:

14:58:45 5 "One night in 1999 we saw Issa Sesay, Augustine Gbao and
6 Morris Kallon, they were together with UN troops, a lot of UN
7 troops from Magburaka and Makeni and they were crossing them to
8 Kailahun area, but before they came Issa Sesay had sent a message
9 to the commander who was based at Qui va called Manawa".

14:59:17 10 Do you remember saying that to them?

11 A. Yes, I told them that.

12 Q. You explained that you had an instruction from your
13 commander Denis Lansana to bring some other men and go and
14 receive Issa Sesay and the UN troops. Do you remember saying

14:59:34 15 that to them?

16 A. Yes, I said that.

17 Q. These were troops, you explained, who were under arrest.
18 In other words, they'd been captured. Remember saying that?

19 A. Yes.

14:59:52 20 Q. And you were asked when the peacekeepers were captured,
21 what time was that and you said again it was in 1999?

22 A. Yes, I can remember the date that I gave to them, it was
23 not correct. Later when I thought about the correct date then I
24 gave it to them.

15:00:36 25 Q. Well, you said it was in 1999. You were asked what month
26 that was and you said, "It was some time in July because it was
27 now raining". Do you remember saying that to them, explaining
28 that's how you worked out it was July because it was the rainy
29 season?

1 A. Well, I don't think that I said it that way. I remember
2 the year, the month. When I recalled the month and the year that
3 the arrest took place I told them and it was corrected.

15:01:24 4 Q. Mr Mansaray, I completely accept that you corrected the
5 year and the month, but I want to explore with you the incorrect
6 year and incorrect month that you first told the investigators
7 this happened. Do you agree that you said that it was some time
8 in July because it was now raining?

15:02:02 9 A. I don't believe I mentioned a time in July. I can recall
10 that initially the year that I gave to them was wrong and later I
11 recalled the correct year and I gave it to them and it was
12 corrected. That was a mistake on my part.

13 Q. Were they tape recording this particular interview, the
14 very first time you were interviewed?

15:02:25 15 A. Yes, the very day I was called by the Special Court to take
16 a statement from me it was recorded.

17 Q. Yes, because it's perfectly plain, I suggest, from the
18 language in this transcript that it is a transcript of a tape
19 recording of the actual questions and actual answers on that day.
15:02:59 20 So when it has this: Question, "When you say 1999 which month
21 was that?" Answer, "It was some time in July because it was now
22 raining", that's you saying that directly picked up by the tape,
23 isn't it?

24 A. They were doing the recording in my presence but I cannot
15:03:31 25 recall telling them that it was in July because the time the
26 Special Court needed me to come to them for the first time, at
27 that time I could not recall everything exactly, until after that
28 time when I returned then I started recalling some of the other
29 things that I had forgotten. For the first one I was not that

1 very specific about things.

2 Q. Well, I'll be corrected again if I'm wrong, but I think I'm
3 right in saying that the first interview is the longest. In any
4 event do you accept that the transcript, the written account of
15:04:25 5 the tape recording, is likely to be an accurate account of what
6 the transcriber has listened to on the tape?

7 A. Well, on that day it couldn't be that way because I made
8 some mistakes, until later when I came back to them and I
9 effected some corrections.

15:04:55 10 Q. Nobody is disputing that, Mr Mansaray. I'm simply trying
11 to demonstrate through this series of questions and answers that
12 your memory is not as good as you claim it to be. Do you
13 understand?

14 A. Yes.

15:05:22 15 Q. The next question after you say, "It was some time in July
16 because it was now raining" is:

17 "Q. I want you to think properly because the time Foday
18 Sankoh was arrested was after May the 8th, 2000 incident,
19 probably you were talking 2000?"

15:05:41 20 A. I was just confused a bit. Yes, I've just forgotten a
21 bit but I think it was some time in April or May that the -
22 early May in the year 2000 that those abductions took
23 place.

24 Q. So are you now telling us that it was in May 2000 that
15:06:01 25 Foday Sankoh was arrested?

26 A. Yes, I now recall it.

27 Q. And the UN troops who were arrested were arrested in
28 either mid April or late April 2000, not so?

29 A. Yes, the UN troops were captured first before Foday

1 Sankoh was arrested."

2 So although 2003 is much nearer to the events than we are
3 today that you were talking about, you were talking about events
4 three and a half years before when you were being questioned in
15:06:40 5 November 2003 and your memory then wasn't entirely correct, was
6 it?

7 A. I don't understand the question. I'd like you to repeat
8 it.

9 Q. When you were asked about this by the Prosecution
15:07:06 10 investigators in 2003 you were being asked to remember events
11 just three and a half years earlier, do you agree, events of
12 April or May 2000?

13 A. Yes.

14 Q. And do you find that your memory becomes less reliable as
15:07:35 15 more time passes?

16 A. Yes, I believe that.

17 Q. And would you agree that trying to remember in March of
18 2008 events that took place in the 1990s, your memory now is
19 likely not to be as good as it was in 2003, 2004, 2005 and 2006?
15:08:22 20 Do you agree with that?

21 A. I don't understand this question. Repeat it.

22 Q. Do you think that your memory of events is more reliable
23 the nearer to the events, the time of the events that you're
24 being questioned? Let me give you an example. If you're being
15:08:52 25 questioned in 2003 about something that happened in 2000 do you
26 think your memory is likely to be more accurate in 2003 than if
27 you're asked questions again about those events in 2006 or 2008?

28 A. Yes, that is true. That's why I cannot recall everything
29 that happened in those years. I can only say the things that I

1 can recall at a particular point.

2 Q. Mr Mansaray, nobody's criticising you for failures of
3 memory. I'm simply trying to establish that although you claim
4 to have a very good memory for dates and times and even days of
15:09:53 5 the month, your memory is not entirely accurate about a number of
6 events that you've been talking about, is it?

7 A. It could be. That is true. I cannot recall everything. I
8 cannot store everything in my brain. Some of the things I can
9 recall at some point and some others I cannot. I cannot keep
15:10:37 10 everything in my brain at the same time.

11 Q. And I'm going to suggest to you that on a number of
12 occasions when you have said in answer to questions from me that
13 the Prosecution investigators have written down the wrong
14 account, that that is more likely - that it is more likely that
15:11:01 15 they have written down accurately what you've told them than that
16 they have written down the wrong version of events you were
17 telling them. Do you agree with that?

18 A. I disagree with you.

19 Q. Can I ask you - I don't want you to mention any names at
15:11:37 20 all, but can I ask you did you know a person who was the training
21 commander in Yengema?

22 A. Yes, the time I was at Ngaiya I knew the person who was at
23 Yengema as training commander.

24 Q. I don't want a name and I don't want you to tell us what
15:12:11 25 gender that person was, whether they were a man or a woman, but
26 you knew that person, yes?

27 A. Yes, I knew the person.

28 Q. Did that person have a reputation for being particularly
29 cruel?

1 A. Well, I cannot say that I knew that person as a wicked
2 person because the time I knew the person I did not hear anything
3 that the person had involved in any wicked act before I could
4 meet - even before I could meet the person at Yengema I had not
15:13:24 5 heard anything about that person.

6 Q. What about since then?

7 A. When we were together from 1992 I did not hear anything
8 that was wickedness relating to that person. In fact at that
9 time the person was --

15:13:53 10 THE INTERPRETER: Your Honours, the witness has named the
11 gender of the person. Can I go ahead?

12 MR MUNYARD: We'd be grateful if that's not mentioned.
13 Just refer to the person as "that person".

14 PRESIDING JUDGE: Did you understand that, Mr Interpreter?

15:14:13 15 THE INTERPRETER: Yes, your Honour, so can the witness
16 repeat the last answer because I was just cautious.

17 PRESIDING JUDGE: Yes, we appreciate that. Mr Witness, can
18 you please repeat the last answer?

19 THE WITNESS: I said that person who was at Yengema
15:14:30 20 training the recruits, I knew the person in 1992. The person
21 used to visit where we were at the front lines, but I did not
22 know the person - that that person was wicked.

23 MR MUNYARD:

24 Q. And have you heard anything since that suggests that that
15:15:06 25 person has a reputation of being wicked?

26 A. Once, that was in Kailahun 1998, I heard about a case
27 relating to that person, Joint Security unit in Buedu
28 investigated that person, but I understood that the person got
29 free, the person was acquitted and not found guilty.

1 Q. I'm asking you about this because you were working in the
2 IDU at the time, weren't you?

3 A. Yes.

15:16:10

4 Q. And that person ended up imprisoned in a dungeon, didn't
5 they, because an allegation was made against them of wicked
6 cruelty against another individual?

7 A. That was the information I got.

8 Q. And they were in the dungeon until they were released
9 because of that person's connection with a senior commander.

15:16:34

10 That's right, isn't it?

11 A. Well, for that - that was not what I obtained. What I
12 learnt later, after the person had left the prison I understood
13 that that senior commander wanted to have connection with that
14 person and it was a way of punishment that that senior commander
15 wanted to punish that person. I want to ease myself.

15:17:11

16 PRESIDING JUDGE: Madam Court Attendant --

17 THE WITNESS: I want to ease myself.

18 PRESIDING JUDGE: We're arranging that, Mr Witness.

19 [In the absence of the witness]

15:18:45

20 MR KOU MJIAN: Perhaps to take advantage of this time I
21 wanted to let the Court be aware the Prosecution has a change in
22 witness order. We anticipate - there are some final arrangements
23 being made but we expect those to be completed today and as of
24 tomorrow we are prepared to call a witness that the Court had
25 previously denied a request for closed session, but due to some
26 new developments we're working on seeing if the witness will
27 testify openly. We believe that will be our next witness and I
28 just wanted to give the Defence a chance to respond because it is
29 a change in order for them.

15:19:11

1 PRESIDING JUDGE: Have they been alerted to this?

2 MR KOUMJIAN: We just are finalising the details now and I
3 just told counsel just as we began this session. I just received
4 a phone call just during the break.

15:20:11 5 PRESIDING JUDGE: Mr Munyard?

6 MR MUNYARD: Madam President, I haven't seen any reference
7 to the number, the neutral identification of who this witness is.
8 I think you ought to be told first of all before I respond.

9 MR KOUMJIAN: It's TF1-399 as I did tell counsel during the
15:20:33 10 break.

11 MR MUNYARD: My learned friend told us when we came back
12 into court. Well, I can't now be sure. I think it was when we
13 came back into court just before we resumed at half past two, so
14 we have had - in terms of time to think about it or do anything
15:20:53 15 about it we've had really no more time than the Court themselves
16 has.

17 You will know that on 26 February the Trial Chamber gave an
18 oral decision refusing the application for protective measures or
19 further protective measures, whatever it may have been, for this
15:21:16 20 particular witness. My learned friends opposite certainly know
21 and I believe that the Trial Chamber knows that this is a witness
22 who Mr Griffiths has prepared for and is planning to deal with.

23 PRESIDING JUDGE: I was not aware of that. I was not aware
24 of that.

15:21:35 25 MR MUNYARD: In that case I'm wrong on that, but let me
26 explain further if I may why I assumed that the Court knew that.
27 Because as you know Mr Griffiths is involved in a retrial in --

28 PRESIDING JUDGE: I didn't know that either, but I accept
29 what you say.

1 MR MUNYARD: Madam President, I informed the Court of that
2 on the Thursday afternoon that he left, which is now a couple of
3 weeks ago, but I explained that it was because it was a retrial
4 that he had to do it. It had also arisen before he took on this
15:22:08 5 brief and that he was absenting himself to deal with that with
6 the consent of the accused. I did explain all of that very
7 briefly and quickly on the day that he left, because he was
8 expecting to come back in the afternoon but I learned that his
9 flight had been changed and had to go before the lunch
15:22:28 10 adjournment finished and so I did the explaining as to his
11 absence.

12 Now certainly my learned friends opposite know that this
13 witness who is a significant witness is one that Mr Griffiths is
14 planning to deal with. After the oral decision of the Court on
15:22:53 15 26 February - would you bear with me for a second, I might be
16 misquoting again. A slight misunderstanding between myself and
17 Mr Anyah.

18 That witness was originally scheduled to come on a
19 particular date. That date was changed at very short notice. I
15:23:49 20 can tell you what days of the week we're talking about. On a
21 Friday afternoon when the Court had risen for the weekend and
22 when normally all of those of us on this side of the Court would
23 disperse unusually and uniquely I and Mr Anyah decided to have
24 lunch in the canteen downstairs on a Friday afternoon. I'm sorry
15:24:21 25 to go into the detail, but it's important. We never normally do
26 that on a Friday. When we got down to the canteen, and by now
27 we'd already spent some time closing our little corner of the
28 corridor on the second floor and so on, by the time we got down
29 there it was getting on for 2 o'clock and by chance I happened to

1 walk past Mr Koumjian who was clearly just finishing his lunch
2 and he caught my attention and informed me that the Prosecution
3 were now going to be calling that same witness out of turn, in
4 other words not in the order that we had been told, and so I
15:25:06 5 telephoned Mr Griffiths at the Old Bailey at the Central Criminal
6 Court in London and informed him of this change of plan on the
7 part of the Prosecution. He then flew here on the Monday and I
8 think I'm right in saying that it was on the Tuesday morning that
9 you then gave your oral decision. As a result of that oral
15:25:28 10 decision that witness dropped out of the running order as fast as
11 he had been put into the running order the previous Friday and
12 Mr Griffiths spent a few more days here and then went back to his
13 retrial.

14 [In the presence of the witness]

15:25:51 15 Now I know that that retrial is still going on because I
16 speak to him everyday. I know that it is possible for him to
17 come some time next week. We were not anticipating this at all,
18 but because of my daily discussions with him I know that it's
19 possible for him to come some time next week.

15:26:12 20 But he has had conduct of that particular witness. The
21 Trial Chamber I'm sure appreciates that certainly in the case of
22 two of us we have been involved in the preparation of this
23 particular trial several years less than members of the
24 Prosecution team opposite, because many of them have been
15:26:37 25 involved in the investigation and indeed interviewing of these
26 witnesses back in 2004, 2005, 2006 and so on. We've been
27 involved in this case since July of last year. So it is
28 particularly important in terms of Defence preparation that those
29 who have, I think the American expression is, carriage of a

1 witness concentrate on their witnesses and not on every single
2 witness who is likely to come up. It's not only common sense,
3 the time constraints of our involvement in the case force us to
4 divide our work up in that way and I'm explaining all of this
15:27:23 5 because again I am confident that the Trial Chamber will
6 understand that we have to organise ourselves in accordance with
7 the running order that's proposed by the Prosecution, properly
8 proposed by them in advance.

9 As it happened that particular weekend when they parachuted
15:27:43 10 the witness in we were able to get Mr Griffiths back here for the
11 Tuesday morning when it was anticipated the witness would
12 unexpectedly early give his evidence. I don't know if we can do
13 that tomorrow. I'm fairly sure we can't because of where his
14 current trial is, but it may be that it's possible to do it some
15:28:04 15 time next week. All I can say at the moment is I'm going to have
16 to ask the Court's indulgence and we will have to make our
17 inquiries. We couldn't make any inquiries before now because we
18 only got the information as we came back in to resume the rest of
19 this witness's testimony.

15:28:23 20 Can I add one other thing. I know Mr Koumjian is anxious
21 to respond, but can I add one other thing. I can remember the
22 time even though I can't remember the date, at 4.33 p.m. on that
23 Friday afternoon that I've been telling you about when this
24 witness was brought forward we were sent an email by Kirsten
15:28:49 25 Keith or Leigh Lawrie, I think it was Leigh Lawrie, informing us
26 formally of the change in the running order. Now that was after
27 everyone on the Defence side would normally have left the
28 building, the office and, in some cases, the country for the
29 weekend.

1 We know that the day before on the Thursday, I believe it
2 was the day before, that that witness was brought into the
3 building for a court familiarisation session. We know that. We
4 weren't told who it was, we were just told we had to get out of
15:29:33 5 the Courtroom very quickly because an important - this is how it
6 was put to us, "An important witness is being brought in for a
7 court familiarisation session". That was the first indication
8 that we had and I have to say, naively and innocently, you may
9 think, but we didn't actually appreciate that that meant that the
15:29:57 10 Prosecution were going to put that witness in as quickly as the
11 following week. It was only on the Friday lunchtime by chance
12 that we were told that and formally told it at 4.33. I think I'm
13 right in the time that we were officially informed.

14 May I give way to Mr Koumjian. There is something else
15:30:27 15 that I might have to raise, but if I can have permission to do
16 that after Mr Koumjian has spoken.

17 MR KOUMJIAN: Your Honours, the witness was originally
18 scheduled to testify on 11 February, the week of 11 February. So
19 there may have been a change in order because some things have
15:30:49 20 gone slower than we expected and the witness may have been
21 advanced over others, but in any event this recent information
22 that has just come in has changed the order. We hope to do this
23 before the break and I think this is the only chance.

24 We do understand that Mr Griffiths had prepared for this
15:31:08 25 witness and, if it's agreeable with your Honours, we don't have a
26 problem with accommodating him until Monday. We understand this
27 is very late to say the witness is coming tomorrow, but I will
28 leave that to your Honours, but the Prosecution does not object
29 to starting the witness on Monday.

1 PRESIDING JUDGE: Assuming that this particular witness
2 before us now is completed of course.

3 MR ANYAH: Yes, Madam President, Mr Munyard has kindly
4 asked me to respond to one particular issue. The Prosecution
15:31:47 5 filed a confidential motion and the date of the filing was 14
6 January and it implicated this particular witness. Now they did
7 not tell us when they filed this motion that a precondition to
8 him giving evidence was that the protective measures they were
9 seeking would be granted and that motion, like I said, was filed
15:32:11 10 on 14 January. Then we come to the week of the 11th and they
11 reordered or reshuffled the order of witnesses. We come to the
12 week of the 19th and Mr Griffiths flies in and they wait until
13 the Court pronounces its oral decision and then they advise us
14 open court that, oh, by the way, to the extent that this witness
15:32:37 15 was not granted his protective measures that he would not be
16 testifying and then we asked him after that is this the last
17 we've heard of this witness and they said, well, we're not sure.

18 Indeed I recall asking Mr Koumjian at the office whether
19 there was a high likelihood that the witness would come back and
15:32:54 20 he told me it's unlikely he will come back if he does not get
21 granted these measures. That's the last we heard of this
22 witness.

23 PRESIDING JUDGE: Mr Koumjian has indicated that the
24 witness will not be called until Monday. Mr Munyard has made it
15:33:14 25 plain that he cannot really know Mr Griffiths's situation as of
26 now. So this leaves me in something of a dilemma. So I was
27 going to suggest that (a) we're not sure when this witness will
28 finish, of course I'm not going to speculate, and you have at
29 least this evening to make inquiries and see if there could be a

1 realistic assessment, Mr Munyard, and in the circumstances I
2 think it would be wise to defer this until you've done so and we
3 see how this witness's cross-examination proceeds.

4 MR MUNYARD: Yes, with respect, I agree completely. I will
15:34:05 5 obviously speak to Mr Griffiths as soon as we come out of court
6 and he comes out of court and we'll see what we can do, but I
7 don't need to repeat any of the submissions I've already made.

8 PRESIDING JUDGE: The situation is quite clear to myself
9 and my learned colleagues I'm sure.

10 MR KOUMJIAN: Your Honour, I just would like to respond if
11 your Honours don't mind to Mr Anyah's last submissions. That is
12 first of all when witnesses ask for protective measures they're
13 indicating to us that that's what they require to testify. So we
14 don't then tell Defence counsel, well, we're asking for closed
15:34:45 15 session, they should expect that the witness will not testify.
16 That's what they've told us. And we do go back to witnesses and
17 ask them and try to reassure them and also many of these
18 witnesses I should say are not talked to about the measures
19 originally by us but by the Victims and Witnesses Section.

15:35:05 20 Secondly of course we didn't know until the Court made its
21 ruling about the closed session. So we informed - that was
22 announced the day that the witness was scheduled to testify. So
23 that's the reason why counsel did not have further notification.

24 PRESIDING JUDGE: I think that's a valid observation,
15:35:23 25 Mr Anyah, in fairness to Mr Koumjian and his colleagues but I can
26 understand why you made the observations you made. Will you be
27 able to overnight in the course of this evening be able to get a
28 realistic assessment from Mr Griffiths, Mr Munyard?

29 MR MUNYARD: I'm quite sure I can, yes.

1 PRESIDING JUDGE: Perhaps then we'll deal with this matter
2 first tomorrow morning.

3 MR MUNYARD: Certainly, yes.

15:36:04

4 PRESIDING JUDGE: May we proceed on now with the
5 cross-examination of the witness before us.

6 MR MUNYARD: Yes, I'm hoping someone will remind me what my
7 last topic was.

15:36:21

8 PRESIDING JUDGE: Well, actually something arises from it.
9 I'm just looking at my notes and you were asking about a person
10 who ended up in a dungeon because - and the question was about
11 the information that came to him in his capacity as an IDU.

12 MR MUNYARD: Yes, I think I'd finished with that person.
13 I'm not sure if Justice Sebutinde has --

15:36:47

14 JUDGE SEBUTINDE: I'm trying to scroll back. These days I
15 know how to scroll back the transcripts. Yes, just before the
16 witness rose to excuse himself we were talking about this person,
17 this unnamed individual, and the fact that this person had been
18 accused or allegations had been made against this person of being
19 wicked and cruel to another individual and that this person had
20 been put in a dungeon for some time but because of that person's
21 connection with a senior commander that person had then been
22 released and you were asking the witness if he was aware of that.
23 If you'd look at page 118, lines 1 and following.

15:37:35

24 MR MUNYARD: Yes. His reply was:

15:38:00

25 "Well, for that that was not what I obtained. What I
26 learnt later after the person had left the prison, I understood
27 that that senior commander wanted to have connection with that
28 person and it was a way of punishment that the senior commander
29 wanted to punish that person".

1 JUDGE SEBUTINDE: Exactly.

2 PRESIDING JUDGE: Just before you start again I have one
3 small matter to resolve with my colleagues.

4 Sorry for that interruption, Mr Munyard. Please proceed.

15:38:44

5 MR MUNYARD:

6 Q. Just one point on your last answer, Mr Mansaray, about what
7 the senior commander wanted. When you said, "I understood that
8 senior commander wanted to have connection with that person" what
9 do you mean by connection with?

15:38:59

10 MS ALAGENDRA: Your Honours, can I just say that any
11 further explanation on that issue may compromise the identity of
12 the persons being spoken of.

13 MR MUNYARD: These days that is a sexist assumption.

15:39:24

14 PRESIDING JUDGE: I don't quite understand what you're
15 saying, Ms Alagenda.

16 JUDGE SEBUTINDE: Ms Alagenda, don't you think you're
17 being a little bit paranoid in these circumstances, because
18 nobody's said anything, and even if they were to mention a gender
19 - and, as Mr Munyard rightly observes, the gender has nothing to
20 do with it.

15:39:46

21 MS ALAGENDRA: I probably am being paranoid, your Honour.

22 MR MUNYARD: I might give up on that line and move on to
23 something else.

15:40:04

24 PRESIDING JUDGE: I don't think the question has been put,
25 possibly for purposes of ensuring that the interpreter has a
26 chance to interpret it we can read it again, please, Mr Munyard.

27 MR MUNYARD: Yes:

28 Q. Mr Mansaray, when you said that you understood that senior
29 commander wanted to have connection with that person, what did

1 you mean by wanted to have connection with?

2 A. What I mean and what I learnt from the person who was under
3 punishment told me that --

4 THE INTERPRETER: Your Honours, the witness is saying
15:40:48 5 something that can definitely release the - that I can call the
6 gender of both people.

7 PRESIDING JUDGE: Just pause, Mr Witness.

8 MR BANGURA: I think there was a legitimate point being
9 made by my colleague here about the answer which the witness was
15:41:05 10 going to give to this question. I think we're clearly edging too
11 close. We have had pointers already suggesting certain things
12 about the identity of this person, and not necessarily the name,
13 but there are already clearly answers from which we could form -
14 somebody outside there could form an opinion - get a clue as to
15:41:36 15 who we're talking about, especially if they had been in the
16 organisation.

17 MR MUNYARD: Might I suggest that Justice Sebutinde
18 explains to Mr Bangura that the point that I was trying to
19 incapsulate with just a few words when I intervened in response
15:41:53 20 to Ms Alagendra.

21 JUDGE SEBUTINDE: Mr Bangura, whatever this word "wanted to
22 have connections with" means, and I think I know what it means
23 but I may be mistaken, anybody can have connections with anybody
24 these days regardless of the gender. So assuming that the
15:42:15 25 witness is able to answer without mentioning the gender to tell
26 us what the meaning of this word connections is I don't see what
27 the problem is. And in any event this commander's base has
28 already been named together with the period, the time frame in
29 which this individual was a commander at Yengema. Are we not

1 being paranoid here really?

2 MR BANGURA: I am not so sure, your Honour, but I wonder
3 whether your Lordships heard the interpreter saying that he was
4 not going to say exactly the answer that the witness had given.

15:42:50 5 JUDGE SEBUTINDE: Mr Witness, are you able to answer the
6 question, explain to us what you meant by connection without
7 mentioning the gender of this person? Are you able to do that?

8 THE WITNESS: Yes, I can try.

9 PRESIDING JUDGE: Mr Witness, please try.

15:43:22 10 THE WITNESS: That the person was saying that the other
11 person was telling the first person for them to have sexual
12 intercourse and the other boss to whom the case was reported
13 released the first person because the boss understood then what
14 was playing underneath.

15:43:54 15 MR MUNYARD:

16 Q. Right, I'm now going to move on to a different subject and
17 I want to ask you about the interviews that you've had with the
18 Office of the Prosecution. As I've already indicated, you've
19 been interviewed on more than 12 occasions. The first occasion
15:44:20 20 we all know was on 20 November 2003. How was it that the Office
21 of the Prosecutor and you got together on that date?

22 A. I don't understand, sir. Repeat the question.

23 Q. What led to your being interviewed on 20 November 2003 by a
24 Prosecution investigator from this Court? What brought that
15:44:54 25 about?

26 A. Well, I got a message where I was that the Special Court
27 for Sierra Leone wanted me to come and give a statement for them.
28 That was why I came to Freetown and met with the investigators in
29 the room where they were and I gave a statement to them.

1 Q. Who was it who told you that the Special Court
2 investigators wanted you to give a statement?

3 A. It was one police officer who was in Magburaka, the officer
4 called me from Magburaka that --

15:45:58 5 THE INTERPRETER: Your Honours, can the witness specify the
6 gender of the police officer.

7 PRESIDING JUDGE: Mr Interpreter, why do you need that?

8 THE INTERPRETER: He is using a term that could be he or
9 she and I don't know.

15:46:17 10 PRESIDING JUDGE: I understand. Mr Witness, the
11 interpreter requires you to say whether this was a male or a
12 female police officer so he can interpret your answer correctly.

13 THE WITNESS: It was a male police officer, Officer Conteh.
14 He was the OC crime in Magburaka. He called me in his office and
15:46:42 15 told me that the Special Court for Sierra Leone wanted me in
16 Freetown to give them a statement.

17 MR MUNYARD:

18 Q. Now was this the first time anyone had ever suggested to
19 you that you might give a statement to the Special Court
15:47:00 20 Prosecution?

21 A. Yes, it was the first time he told me and just after he
22 told me I did not even return home, I boarded the Land Rover he
23 had and he brought me to Freetown. I was even surprised. He was
24 the first person to tell me.

15:47:34 25 Q. I don't need to know any great detail, but did you have
26 family that you were living with in November of 2003? I don't
27 need ages and names, I just want to know did you have a family
28 that you were living with on that date?

29 A. Yes.

1 Q. A wife and children?

2 A. Yes.

3 Q. And did you have a job?

4 A. At present when I left Freetown for here I don't have a
15:48:20 5 job, but in 2004 I had a job, but for now I am not employed.

6 Q. I was asking you about 2003 in fact, Mr Mansaray?

7 A. No, at that time I was not employed.

8 Q. At the time that this police officer put you into his Land
9 Rover and drove you across the country to Freetown did you have
15:48:45 10 time to go home and tell your wife and children that you were
11 disappearing off to Freetown?

12 A. I did not have the opportunity to go and tell her again. I
13 only sent a message to her.

14 Q. So is this the position: This police officer told you that
15:49:08 15 you had to come with him that day, there and then, all the way to
16 Freetown?

17 A. Yes.

18 Q. Did you feel that you had any choice or did you think you
19 had to go with the police officer?

15:49:35 20 A. I don't understand the question. I'd like you to repeat
21 it.

22 Q. Was this the same day that you were interviewed or was it
23 the day before?

24 A. When I came together with the police officer I passed the
15:49:58 25 night and the following morning I was interviewed.

26 Q. We know that the interview started at 9.17 in the morning
27 because we have the transcript of the tape. So the day before on
28 Wednesday 19 November 2003 the police officer told you that he
29 was going to take you to Freetown to see the Prosecutors from the

1 Special Court, did he?

2 A. No, he did not inform me on that day. I mean, yes, the
3 19th when we were moving in the morning, he told me in his office
4 in the morning the 19th when we came and passed the night and the
15:50:52 5 following day a statement was obtained from me.

6 Q. What I'm trying to find out, Mr Mansaray, is this: Did the
7 police officer say to you, "You have a free choice either to come
8 with me to Freetown and give the Prosecutors a statement or not,
9 it's entirely up to you" or did he say to you, "You have got to
15:51:18 10 come with me to Freetown because you're going to be interviewed
11 by the Office of the Prosecution"?

12 A. What he told me was that the Special Court has sent a
13 message to him to go with me, so when he called me into his
14 office he asked me if I would be ready to go with him and he told
15:51:44 15 me it was the Special Court, if I had any fear in my mind, if I
16 didn't want to go with him and I said no, I said I will travel
17 with him. So I had the opportunity to refuse. If I said I was
18 not going to go with him I would have gone back home. So I was
19 willing to travel with him.

15:52:13 20 Q. But he didn't even give you a chance to go home and tell
21 your wife and children that you were going off to Freetown for
22 two days?

23 A. Well, that one - he did not do it that way because in the
24 evening they left a message at the house to me and so in the
15:52:38 25 morning I met him in the office and they were ready to come to
26 Freetown and he asked me if I would be able to go with him and I
27 said yes, I was ready. So I was there and I sent a message to my
28 wife that I had travelled to Freetown.

29 Q. When after that first interview in November of 2003, when

1 did you first - when did you next have a job for which you were
2 paid wages or from which you earned money?

3 A. Well, I had a job in 2004 October. I was working at that
4 time. I was paid.

15:53:33 5 Q. But you didn't have any form of earning money between
6 November 2003 and October 2004. Is that what you're telling us?

7 A. Yes.

8 Q. Now how did the second interview come about, that's on 24
9 March 2004? Did the same thing happen, did you get a message
10 from the police officer that he wanted to take you back to
11 Freetown or what?

12 MS ALAGENDRA: Your Honours, if I can object to this line
13 of questioning and I rely on your Honours' decision of 15 June
14 2005 which limits the scope of questioning on the area of
15 pre-testimony meetings between Prosecution staff and witnesses,
16 your Honour. The limitation is that such questions are only
17 permissible to determine the date of the meetings, the duration
18 of the meeting and the number of times the witness and
19 Prosecution staff met.

15:54:33 20 JUDGE LUSSICK: Isn't that decision predicated on the
21 assumption that the Defence is going to ask this witness matters
22 of privilege, lawyer-client privilege, and when that happens that
23 decision that you've just quoted limits what can be asked of the
24 witness, but here there doesn't seem to be that situation. Are
15:55:18 25 you submitting that there is?

26 MS ALAGENDRA: No, your Honours, we have not interpreted
27 the decision in that way. What we see, the limitation there is
28 that such questioning should be limited unless there is a
29 specific allegation of misconduct that is being made. That's the

1 exception that we see. Other than that we submit that questions
2 of this nature ought to be limited.

3 PRESIDING JUDGE: Mr Munyard, your reply?

4 MR MUNYARD: Your Honours, I have the decision myself and
15:56:03 5 what is clear is that even the Prosecution - I'm looking at page
6 2 of the decision, section III, Submissions of the Parties, even
7 the Prosecution say there in their submissions that: "Questions
8 relating to pre-testimony meetings between a Prosecution lawyer
9 and a witness ought properly to be limited to the number, the
15:56:34 10 dates and their duration save in exceptional circumstances,
11 examples", plural, and not exhaustive, "of such exceptional
12 circumstances are" --

13 THE INTERPRETER: Your Honours, could counsel please read
14 the text slowly so that I can interpret it.

15:56:53 15 MR MUNYARD: I'll go slowly.

16 "Questions relating to pre-testimony meetings between a
17 Prosecution lawyer and a witness ought properly to be limited to
18 the number of such meetings, the dates of the meetings and their
19 duration save in exceptional circumstances, examples", plural, my
15:57:11 20 word, "of such exceptional circumstances are: (A) where an
21 allegation of misconduct or mala fides on the part of the
22 Prosecution is substantiated. That is where there is a prima
23 facie case for misconduct or mala fides", there's a grammatical
24 error here but I'll read it as it should read. "That is where a
15:57:36 25 prima facie case for misconduct or mala fides is made out by the
26 Defence.

27 (b) Alternatively where the Defence is aware whether
28 through the Prosecution or the witness in answer to questions of
29 any modification of the disclosed statements, whether original,

1 supplemental or interview or proofing notes made in the course of
2 a pre-testimony meeting".

3 I'm not even dealing yet with the decision of this Court,
4 but that was the Prosecution's submission when they filed their
15:58:09 5 motion. They do not seek to limit the range of circumstances
6 when questions wider than the dates and times can be raised, but
7 in the second example they give they make it plain that where we
8 are aware of a modification of disclosed statements made in the
9 course of a pre-testimony meeting then we are clearly in that
15:58:35 10 situation here because this witness has modified many of his
11 disclosed statements original, supplemental, interview, proofing
12 and prepping statements that I've been quoting to him today. So
13 we are clearly in the very field that the Prosecution themselves
14 anticipated as opening the gateway to further questions going
15:59:08 15 beyond merely the dates and times.

16 Can I also make it clear at the moment I'm not proposing to
17 go very much further in any event with this line of questioning,
18 but it clearly seems on the face of the Prosecution's own
19 submissions to this Court in the AFRC case that we are - on their
15:59:31 20 own arguments we're entitled to pursue this a little bit further
21 than I've already gone.

22 MS ALAGENDRA: Your Honour, just to respond very briefly.
23 We can only rely on the decision of this Court and not previous
24 submissions by the Prosecution on a particular matter. That's
15:59:48 25 what we're doing, to rely just on the decision.

26 JUDGE SEBUTINDE: Ms Alagendra, when Mr Munyard was
27 cross-examining the witness regarding the first interview he
28 asked the exact same question and I didn't hear the Prosecution
29 object. The question being: How did the interview come about

1 and did you get a message from the police officer? Now the
2 Prosecution didn't object when that question was put with regard
3 to the first interview and, looking at the transcript, Mr Munyard
4 is asking the exact same question with regard to the second
16:00:24 5 interview, namely:

6 "Now how did the second interview come about, that is on 24
7 March 2004. Did the same thing happen, did you get a message
8 from the police officer that he wanted to take you back to
9 Freetown or what."

16:00:39 10 Now how can that be objectionable? He hasn't asked
11 anything about the content of an interview, he's merely asking
12 how the interview was initiated. How can that be objectionable
13 and how can our decision apply to that set of circumstances?

14 MS ALAGENDRA: Your Honours, the question that was posed by
16:00:59 15 my learned friend was what led to you being interviewed on 20
16 November 2003 and it was the witness's response that went into
17 communications between Prosecution staff and himself which is not
18 what I expected the answer to proceed on. So when the question
19 was asked again I just highlighted the decision of this Court.

16:01:25 20 JUDGE SEBUTINDE: Ms Alagendra, we're probably talking
21 about different things. I am looking at page 138 lines 5 to 8
22 which is the question that you stood up to object to.

23 MS ALAGENDRA: Yes, your Honour, but I'm referring to the
24 first time this issue was touched upon. The question was, "What
16:01:41 25 led to your being interviewed on 20 November 2003" and I assumed
26 that the answer was going to be about how he came to meet with
27 the Prosecution, but instead the witness went on to give details
28 of communications. Although that did not directly answer the
29 question or went beyond the answer he should have given, that's

1 what came out of the witness. So I was taking preemptive steps
2 when it came to the question that was re-asked on the same issue
3 but on a different date.

16:02:21 4 JUDGE SEBUTINDE: Ms Alagendra, I've just read the question
5 as it's reflected in the transcript and at the point at which you
6 then stood up and objected to that line of questioning. Now if
7 it went beyond that then I take back what I said.

8 PRESIDING JUDGE: We consider that the question is
9 admissible and overrule the objection. Please proceed.

16:03:12 10 MR MUNYARD: Sorry, I'm back in the same position as I was
11 before. I've forgotten the precise terms.

12 PRESIDING JUDGE: My learned colleague has got it
13 highlighted very nicely.

14 JUDGE SEBUTINDE: The question is this:

16:03:24 15 "Now how did the second interview come about, that's on 24
16 March 2004? Did the same thing happen, did you get a message
17 from the police officer that he wanted to take you back to
18 Freetown or what?"

19 That was the question.

16:03:40 20 MR MUNYARD: I'm very grateful for Justice Sebutinde's
21 recital of the question:

22 Q. Can you answer that question, please, Mr Mansaray?

23 A. At that time when I was going for the second interview the
24 Special Court staff met me in Magburaka at my house. They gave
16:04:04 25 me a date when I was to meet them in Freetown. That was in 2004,
26 March. So they gave me transport fare to meet them in Freetown
27 to be interviewed.

28 Q. Right. Did they give you anything else apart from the
29 transport fare in March of 2004?

1 A. No, it was only transport fare that they gave to me.

2 Q. Well, the previous time you'd had to stay overnight, hadn't
3 you?

4 A. Yes.

16:04:49 5 Q. And I'm sorry to go back, but on the previous occasion when
6 you spent the night in Freetown who paid for your accommodation
7 in Freetown?

8 A. It was the Special Court staff, those who wanted me to come
9 to Freetown, they lodged me.

16:05:15 10 Q. So in March of the following year they gave you a date and
11 the money to get there and was it just a one day trip or did you
12 have to stay overnight on that occasion?

13 A. I think I was there for about - for up to five days in
14 March. Maybe it could be above that, but it was around five
16:06:01 15 days.

16 Q. Right. Let me just try and help you because we have a
17 taped transcript of that interview as well. It appears to start
18 at 3.05 in the afternoon. It's a 15 page transcript which says
19 that, "We're stopping at 3.30 p.m. and we hope to continue again
16:06:41 20 tomorrow". I might have missed something but it seems to be
21 rather longer than a transcript of just 25 minutes. Are you
22 saying that you stayed about four days in Freetown in March of
23 2004 in order to have the second interview with the Office of the
24 Prosecutor? I only want the dates and times of the meetings,
16:07:11 25 Mr Mansaray.

26 A. It was in March 2004, the second time we met.

27 Q. Yes, are you saying that that took about four days? Up to
28 five days. Did you spend up to five days in Freetown in
29 connection with that particular interview?

1 A. Yes.

2 Q. And again were you accommodated by the Special Court?

3 A. Yes, they accommodated me.

16:07:56 4 Q. In other words did you stay in a guesthouse or hotel that
5 they paid for?

6 A. It was a guesthouse.

7 Q. I don't need to know the details, I just need to know what
8 you were provided with. Did you get any money in your hand on
9 that second occasion apart from the money for the transport?

16:08:24 10 A. They gave me transport fare again for my return.

11 Q. You had to eat during those five days. Did they give you
12 money to eat?

13 A. They brought the food for me. The food that I ate, they
14 brought it for me.

16:08:52 15 Q. Did they give you any other assistance?

16 A. No, apart from the transport fare that they gave to me they
17 didn't provide any other assistance to me.

18 Q. I don't want to be unfair either to you or to them. We
19 only have an interview on one day, 24 March in 2004. Are you
16:09:22 20 quite sure that you spent up to five days in Freetown on that
21 second occasion when the Office of the Prosecution interviewed
22 you?

23 A. Yes.

24 Q. Thank you. And what were you doing after 24 March when
16:09:44 25 they'd tape recorded an interview with you? What else were you
26 doing with them when they were accommodating you and bringing you
27 your meals? By that I mean were you having any more
28 conversations, any more interviews with them?

29 A. No, I was not getting any other conversation with them.

1 Q. So do you know why you were still there up to five days
2 after you'd been interviewed on the afternoon of 24 March?

3 A. I only understood that I went there for an interview.

4 Q. Did they explain to you why they needed to keep you there
16:10:41 5 for another four days?

6 A. They did not explain to me.

7 Q. Just dealing with those first two interviews, 2003 and
8 2004, by the time of the first interview you knew, did you, that
9 - I'm going to try and use general language. You knew, did you,
16:11:21 10 that charges had been laid against Charles Taylor by this the
11 Special Court for Sierra Leone?

12 A. Yes, I --

13 Q. You presumably heard it on Voice of Africa?

14 PRESIDING JUDGE: Focus on Africa.

16:11:53 15 MR MUNYARD: I'm so sorry. It's late in the day:

16 Q. Is that right, Mr Mansaray, did you hear it on Focus on
17 Africa, the BBC program?

18 A. Yes, I heard that. I heard the announcement.

19 Q. And when you went for the first interview was it made clear
16:12:11 20 to you that the Prosecution wanted to know of any dealings you
21 had with Charles Taylor and if you want me to explain what
22 dealings means I will?

23 A. Explain before I could answer the question.

24 Q. Was it made clear to you that the Prosecution wanted to
16:12:41 25 know if you had ever seen Charles Taylor or done anything for
26 Charles Taylor?

27 A. No, it did not happen that way. The Special Court
28 investigators only told me to explain whatever I knew since I
29 joined the RUF right up to the time I disarmed, whatever I knew

1 happened I should tell them. That was what they told me even
2 before I started giving them my statements. But they did not
3 point out any particular person to explain about that person, no.
4 Q. You didn't really need them to tell you that, did you? You
16:13:35 5 didn't need them to say, "Tell us everything you know about
6 Charles Taylor", because you knew that they would be interested
7 in Charles Taylor, didn't you?

8 A. Well, I cannot decide that they had ideas to explain to me
9 something about Charles Taylor. They only said whatever I knew.
16:14:05 10 They didn't tell me to say what I was - what I am to say. They
11 only asked me to explain what I knew.

12 Q. And in the first interview, and I'm not going to go over it
13 again - in the first interview you told them about your history
14 of joining the RUF, didn't you?

16:14:28 15 A. Yes.

16 Q. And you told them in the first interview, did you, about
17 going into Liberia?

18 A. Yes, I explained what I knew. On that day I explained that
19 to them. When I travelled to Liberia, I explained that.

16:15:35 20 Q. Well, you told them in that first interview that
21 Charles Taylor was in control of Liberia or a large part of
22 Liberia, didn't you?

23 A. Yes, I told them that Charles Taylor was in Liberia.

24 Q. And you told them in that first interview that
16:16:05 25 Charles Taylor was staying in a place called Bomi Hills, didn't
26 you?

27 A. Yes, I told them that.

28 Q. In the second interview you were asked questions by the
29 investigators about certain things that you'd told them during

1 the course of the first interview and you simply answered the
2 questions that they asked you about the first interview, didn't
3 you?

16:17:05 4 A. Yes, I gave them answers. I was asked questions and then
5 answers given.

6 Q. And the second interview in which they said that they
7 wanted to clarify some points with you, they mainly asked you
8 about events from 1996 onwards, didn't they?

9 A. I did not get the question clearly.

16:17:34 10 Q. The second time you were interviewed the Prosecution
11 investigators started the interview by telling you they wanted to
12 clarify some of what you had told them in the first interview.
13 That's correct, isn't it?

14 A. Yes.

16:17:57 15 Q. And they only asked you questions about events later than
16 1996 in the course of the second interview. Do you remember that
17 now? Mr Mansaray, if you don't remember say so. No one will
18 criticise you in 2008 for not remembering the detail of an
19 interview in 2004.

16:18:34 20 A. I want you to repeat the question.

21 Q. Do you remember that in the second interview all that
22 happened was the Prosecution investigators asked you questions to
23 clarify some of the matters you'd talked about in the first
24 interview but they only asked you about events in 1996 and
16:18:52 25 onwards, they didn't ask you about events earlier and so you
26 didn't talk about events earlier in the second interview?

27 A. Well, for that I cannot say. I cannot tell you that they
28 considered a particular year during the interview. They only
29 interviewed me on what I had told them. I cannot just recall

1 whether they considered only 1996.

2 Q. I'm sure we all appreciate that you may not remember now
3 the detail, but if I've put my question to you wrongly you will
4 also realise I'll be corrected. The third interview doesn't take
16:19:53 5 place until almost two years after the second interview. The
6 third interview took place in January of 2006 and can you help us
7 with how the third interview came to happen?

8 A. The third interview, I was met in my home Pujehun. There
9 they met me with a vehicle, Special Court staff.

16:20:36 10 Q. They met you in your home. We don't need to know any
11 details of where your home was but do you mean that they actually
12 came to your premises and interviewed you in your home or in your
13 home town?

14 A. Well, when they met me there I was taken to Bo. The
16:21:07 15 following day we came down to Freetown. It was in Freetown the
16 third interview was conducted.

17 Q. I understand. Right. And how many days did the third
18 interview take, or let me put it this way: How many days were
19 you aware for the third interview?

16:21:38 20 A. I did not understand the question. I want you to repeat
21 it.

22 Q. You've told us that they came to meet you at your home,
23 they then took you from there to Bo and then they took you from
24 Bo to Freetown. When they took you from your home to Bo was that
16:21:58 25 all in the course of one day?

26 A. Yes, the day they met me in my home town I was taken to Bo
27 where we passed the night and then the following day we came down
28 to Freetown.

29 Q. And did you pass any more nights in Freetown?

1 A. Yes.

2 Q. How many nights did you pass in Freetown?

3 A. I think it was about a week.

4 Q. And when you were in Freetown for that week did they
16:22:58 5 accommodate you again?

6 A. Yes. At the Special Court they provided me accommodation.

7 Q. Did you go alone with them to Bo and then on to Freetown?

8 A. Yes, I was alone with them, together with two staff
9 members.

16:23:29 10 Q. And at that time, January 2006, were you in work then or
11 were you earning a wage then?

12 A. I had the work at the time.

13 Q. And what was your work then?

14 A. At the time I was a learner facilitator. I was working
16:24:04 15 under the UNDP teaching people how to cultivate a farm.

16 THE INTERPRETER: Your Honours, I did not get the last part
17 of the witness's answer.

18 PRESIDING JUDGE: Mr Witness, the interpreter didn't hear
19 the very last part of your answer. It's the bit after you were
16:24:26 20 working under the UNDP teaching people how to cultivate a farm.

21 THE WITNESS: We taught people how to cultivate a farm and
22 then also how to work with the local government. That was what I
23 was doing. We prepared them how to work with the local
24 government to development their communities.

16:25:06 25 MR MUNYARD:

26 Q. Right. And so were you given compensation for loss of
27 earnings? Well, let me put this another way. You were working
28 for the UNDP then if I've understood you correctly, is that
29 right?

1 A. Yes.

2 Q. When you are taken away by Special Court for Sierra Leone
3 investigators to give a statement for the Prosecution the UNDP
4 would continue to pay you your wages, wouldn't they?

16:25:51 5 A. Yes, I was paid.

6 Q. So you didn't lose any wages by being taken from one United
7 Nations organisation to another organisation set up by the United
8 Nations, is that right?

9 A. Yes.

16:26:18 10 Q. So you didn't lose any earnings as a result of going for
11 the third interview for that week?

12 A. I didn't lose the money I used to receive.

13 Q. No. Now the fourth interview took place on 3 May 2006
14 about four months after that third interview. Were you surprised
16:27:20 15 to be asked to go for yet another interview just a few months
16 after the third interview?

17 A. Well, I was not surprised because it is their job, when
18 they met me I never knew much about what they were doing so when
19 they came back to me it was not a surprise to me.

16:27:50 20 PRESIDING JUDGE: Mr Munyard, I'm watching the time. We've
21 had an indication there's only a couple of minutes left so either
22 a very short question or is this a convenient point?

23 MR MUNYARD:

24 Q. In the fourth interview do you remember being asked about
16:28:09 25 your knowledge of Charles Taylor and the RUF?

26 A. Yes, I was asked questions during that interview.

27 Q. You didn't tell them in that interview that you had seen
28 Charles Taylor in the Bomi Hills in November 1991, did you?

29 A. Well, I knew that was in my statement.

1 Q. Yes, in your fifth interview, not your fourth interview,
2 Mr Mansaray. In the fourth interview you agree you were asked
3 about Charles Taylor and the RUF but you didn't tell them, did
4 you, that you'd seen him in the Bomi Hills in that fourth
16:29:08 5 interview?

6 A. I am saying the first statement I gave to them indicated
7 that I knew somebody who introduced himself at Bomi Hills. I
8 cannot just recall whether the other interviews I was asked
9 question about that.

16:29:33 10 PRESIDING JUDGE: I'm afraid, Mr Munyard, we've run out of
11 time.

12 MR MUNYARD: I do have something to say about Mr Griffiths.
13 I know the tape isn't running but I think it's probably to
14 everybody's advantage to hear it but would you like to release
16:30:11 15 the witness first?

16 PRESIDING JUDGE: We will do that. Let me remind the
17 witness of his oath. Mr Witness, we are now going to adjourn the
18 Court until tomorrow morning at 9.30. I again remind you as I've
19 done on previous occasions that you must not discuss your
16:30:24 20 evidence with anyone until all your evidence is finished. Do you
21 understand?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: You're at liberty to leave.

24 MR MUNYARD: Through the wonders of modern science we've
16:31:06 25 actually been able to communicate with Mr Griffiths, not through
26 a medium but through some form of email, and the message that we
27 have received back is that he will only know about his
28 availability next week at around 3 o'clock tomorrow afternoon.
29 Now I have to say that is consistent with what he'd been saying

1 to me earlier this week, that by Friday afternoon he'd have a
2 clear idea of where the witnesses were in the retrial.

3 Of course 3 o'clock in England - if it's 3 o'clock in
4 England it's 4 o'clock here and if it's 3 o'clock here we've
16:31:50 5 already risen in any event, unless you want us to sit on longer
6 but I'm not suggesting that. So I'm afraid that is the position.
7 I will of course speak to himself my tonight and get, if I can, a
8 clearer picture. That's the message that we've had so far and I
9 suspect it's probably been done by a combination of emails or
16:32:12 10 text messages.

11 PRESIDING JUDGE: Mr Koumjian, I have in mind to wait until
12 tomorrow morning but please --

13 MR KOUMJIAN: Of course our position would be that there
14 should be some flexibility in the Defence as to who conducts the
16:32:25 15 examination and we certainly have no problem with putting it over
16 to Monday to accommodate Mr Griffiths, but if lead counsel cannot
17 be available for extended periods of time I think the trial must
18 go on as the saying goes.

19 PRESIDING JUDGE: We will defer this until tomorrow
16:32:43 20 morning.

21 MR MUNYARD: We don't have any problem with the trial going
22 on. It's a question of which witness goes on. Can I say I'm
23 told it's 3 p.m. our time. Now that means 2 p.m. in England.
24 The courts do not normally sit between 1 and 2 p.m. in England
16:33:00 25 and so it looks as though he will come out of court at 1 p.m.
26 English time, 2 p.m. our time. If we're sitting until half past
27 one in the usual way then - well, I don't know if we will be, if
28 we were then it may be possible to get him out half an hour early
29 to speak on the telephone. I'll speak to him tonight and give

1 you a comprehensive account of his expectations of his movements
2 tomorrow morning.

3 PRESIDING JUDGE: Thank you, Mr Munyard. Adjourn court.

4 [Whereupon the hearing adjourned at 4.35 p.m.

16:33:44

5 to be reconvened on Friday, 7 March 2008 at

6 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

TF1-337 5392

CROSS-EXAMINATION BY MR MUNYARD 5392