



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 9 NOVEMBER 2010  
9.00 A.M.  
TRIAL

TRIAL CHAMBER II

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**Before the Judges:**

Justice Richard Lussick, Presiding  
Justice Teresa Doherty  
Justice El Hadji Malick Sow, Alternate

**For Chambers:**

Mr Artur Appazov

**For the Registry:**

Ms Rachel Irura  
Mr Alhassan Fornah

**For the Prosecution:**

Mr Nicholas Koumjian  
Mr Mohamed A Bangura  
Ms Kathryn Howarth  
Ms Maja Dimitrova

**For the accused Charles Ghankay  
Taylor:**

Mr Terry Munyard  
Mr Morris Anyah  
Ms Logan Hambrick

1 Tuesday, 9 November 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.03 a.m.]

09:03:58 5 PRESIDING JUDGE: Good morning. We'll take appearances,  
6 please.

7 MR KOUMJIAN: Good morning, Mr President, your Honours.  
8 Good morning, counsel. For the Prosecution this morning, Mohamed  
9 A Bangura, Kathryn Howarth, Maja Dimitrova and we are joined by  
09:04:21 10 Gil Shefer, an intern in our office.

11 PRESIDING JUDGE: Thank you. Welcome, Mr Shefer. Yes,  
12 Mr Munyard.

13 MR MUNYARD: Yes, good morning, Mr President, your Honours,  
14 and counsel opposite. I think Mr Koumjian actually forget to  
09:04:42 15 mention his own name, so I'll introduce him. For the Defence  
16 this morning, myself, Terry Munyard, Morris Anyah and Logan  
17 Hambrick. And good morning, Mr Kolleh.

18 PRESIDING JUDGE: Thank you.

19 Mr Kolleh, just to remind you that you've given an oath to  
09:04:58 20 tell the truth and you are still bound by that oath.

21 THE WITNESS: Yes, sir.

22 WITNESS: DCT-102 [On former oath]

23 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

24 Q. Mr Kolleh, when we broke off we were talking about your  
09:05:15 25 affidavit. And, your Honour, I would like that brought to the  
26 witness but this should be treated, because of upcoming pages,  
27 confidentially, because the name of a protected witness is  
28 mentioned. So if the witness could just be given a copy of it  
29 without the affidavit being put on the screen.

1 Now, Mr Witness, you said the person that you identified as  
2 David Crane told you to tell the truth and nothing but the truth,  
3 correct?

4 A. Yes, sir.

09:06:18 5 Q. Had you seen David Crane's photograph before?

6 A. No.

7 Q. Had you seen him at Outreach activities for the Court?

8 A. I saw him in person when I arrived in the conference room,  
9 that was my first time I met him.

09:06:40 10 Q. Okay. And you've described him as a white man with white  
11 glasses. What else can you tell us about him?

12 A. I say I met him, he was sitting and he had white glasses on  
13 the face.

14 Q. Yes. Can you describe him further, please?

09:06:55 15 A. No, sir.

16 Q. There's nothing else you can tell us about his appearance?

17 A. No, because he was sitting. If he was standing I was going  
18 to describe.

09:07:16 19 Q. Did he have black hair? Was he bald like me? What colour  
20 was his hair?

21 A. The condition I was under, I could not actually watch him  
22 to really admire or remember his full appearance, because no  
23 sooner I sat he told me to spin the chair around.

24 Q. Now, you said that he gave you a card. Is that correct?

09:07:40 25 A. Yes, I say he sent a card to me and I took it.

26 Q. What do you mean when you say he sent it to you?

27 A. He did not walk to give me, he sent the card to me. He  
28 said, "You can have that card."

29 Q. When you say he sent it you mean he mailed it to you? What

1 so you mean when you say he sent it to you?

2 A. He just chucked it to me. That's what I'm saying. He  
3 chucked it to me and I took it.

4 Q. Okay. And, sir, this card is not very important to you  
09:08:14 5 now; you said that we can keep it, correct? You don't mind that  
6 the Court keeps this card?

7 A. The Court told me that they would keep the card until after  
8 my evidence they can give it back to me. I said I don't have  
9 problem with that.

09:08:31 10 MR KOUMJIAN: Could I please have the MFI-5, please.

11 Q. Mr Kollah, there's an article - there's something written  
12 on the card, you recall, a message to kids. Is that right?

13 A. Yes.

14 Q. And did that scare you?

09:08:48 15 A. Yes.

16 Q. A message to kids that if they don't obey their parents  
17 you'll have to deal with me, that scared you?

18 A. Yes.

19 Q. Why did it scare you?

09:09:03 20 A. They are telling me - he asked me if I want to see Issa. I  
21 said, "I did not come to see Issa Sesay." And he asked me, "Then  
22 I need nothing from you but the truth." That was the time  
23 he sent the card to me. So everything that was said to me was  
24 said under harsh condition and then that's why I say I was under  
09:09:30 25 tension.

26 Q. And you were afraid to tell the truth. Is that right?

27 A. What I knew is what I told them. But what they were  
28 telling me to say, I never knew about that, so that's why we did  
29 not hold.

1 Q. Actually, that's not true. You didn't tell them what you  
2 knew. You lied to them. Isn't that right?

3 A. The question they asked me about diamond to Liberia,  
4 Liberia to Sierra Leone, I never knew about that. They were  
09:09:57 5 asking me question.

6 Q. Well, let's first start off with your name. Did you tell  
7 them your true name?

8 A. I told you earlier that it was because of fear I have to  
9 change my name. I have said this to you over three different  
09:10:11 10 times since Wednesday you begin to talk - Thursday you started  
11 talking to me I told you since.

12 Q. Okay. Thank you. You're correct. So you did lie, you  
13 lied about your name, correct?

14 A. I say I changed my name because of fear, yes.

09:10:25 15 Q. Okay. So you lied about your name and you lied about the  
16 fact that you were trained in Liberia, correct?

17 A. Yes.

18 Q. And you lied about the fact that you were captured by the  
19 NPFL, correct?

09:10:41 20 A. They did not ask me about capturing by NPFL. They did not  
21 ask me that question.

22 Q. Sir, didn't you tell them that you were abducted by Tonkara  
23 as you had told them in earlier interviews?

24 A. I had told you earlier I was captured by Tonkara.

09:10:58 25 Q. Well, you didn't tell me that. You lied to the  
26 investigators and you told them that you were captured by Tonkara  
27 in Sierra Leone, correct?

28 A. I changed my address, yes, because of fear.

29 Q. Well, Mr Kollah, you keep saying you changed your address.

1 The issue is did you tell the truth that you were captured by an  
2 NPFL - well, let me rephrase the question. You lied in all of  
3 your interviews with the Prosecution, all three of them, by  
4 saying not the truth, which was that you were captured by an NPFL  
09:11:41 5 soldier in Liberia, but rather a lie saying that you were  
6 captured by Tonkara in Sierra Leone. That's right, isn't it?

7 A. I told you because of fear I changed the time I joined the  
8 RUF. I told you since Thursday. I say I have to change how I  
9 joined the RUF. I changed my name also. I told you because of  
09:12:00 10 fear.

11 Q. So you were willing to lie to the Prosecution and you did  
12 lie to the Prosecution, correct?

13 A. Please be specific on the question, sir.

14 Q. Well, I think it's quite specific. You were ready and  
09:12:16 15 willing to lie and you did lie to the Prosecution. Isn't that  
16 true?

17 A. I was willing to change my address to the Prosecution  
18 because of tension, fears, information that we were going to be  
19 arrested, senior officers. So I told you earlier that I changed  
09:12:37 20 my address for this reason, I told you since.

21 Q. You didn't tell the Prosecution that the vanguards,  
22 including you, were trained at an NPFL base in Liberia. You  
23 never told them that, did you?

24 A. I never.

09:12:54 25 Q. And that would protect the sponsor of the vanguards,  
26 Charles Taylor, wouldn't it?

27 A. No, that was not the reason.

28 Q. Now, sir, why did you hold on to this card which you now  
29 say you don't need any more, for the last - since 2003 until now?

1 Why have you kept this card for seven years?

2 A. It was in my bag. All of those addresses were in my bag.

3 Q. In what bag?

09:13:44

4 A. My personal travelling bag. I always have my documents in  
5 the bag. My important documents I have in the bag.

6 Q. Did you consider this an important document?

7 A. Oh, yes, something that I went through - a condition that I  
8 went through, what I experienced, you keep those things for  
9 remembrance. I kept it for remembrance.

09:14:04

10 Q. So you kept it as a memory, like someone keeps a photograph  
11 of their high school class. Is that right?

12 A. Yes, I told you they were important to me so I have to keep  
13 them as a remembrance.

09:14:27

14 Q. So, sir, when you spoke to the Defence, you said you first  
15 spoke to them in - why don't you remind me, which year did you  
16 first speak to the Defence?

17 A. I think it was 2009. I don't remember the main time, sir,  
18 I told you yesterday. I don't actually remember the main time.

09:14:59

19 Q. Well, sir, I'm not talking now, of course, about your  
20 conversations with John Vincent. When is the first time you met  
21 Mr Gray or Prince Taylor or Gus? What year was that?

22 A. I'm sure it was in 2009 early or 2008 ending. I don't just  
23 remember the main time, sir.

09:15:34

24 Q. Okay. So when you spoke to them, you had already told  
25 Vincent about your contacts with the Prosecution, correct?

26 A. I told you I did not tell Vincent about Prosecution.

27 Q. Do you want to repeat that? You're saying now you did not  
28 tell John Vincent about your contact with the --

29 A. Defence. Defence. Sorry. Defence. I did not tell

1 Vincent about Defence, sorry.

2 Q. You did tell John Vincent about your contacts with the  
3 Prosecution. Is that correct?

4 Why can't you answer the question, sir?

09:16:25 5 A. I am trying to recall, sir. You first asked me about  
6 Defence for Vincent and I said no, I did not.

7 Q. Sir, didn't you tell us previously that you told John  
8 Vincent about your contacts with the Prosecution; that you had  
9 been interviewed by the Prosecution?

09:16:52 10 A. I'm forgetting a bit, but --

11 Q. Sir, are you forgetting because you're making it up?

12 A. No, no, no.

13 Q. You told us on 4 November, Thursday, that you first talked  
14 to Vincent when the Prosecution met you in 2003. So you told  
09:17:42 15 Vincent about meeting the Prosecution, correct?

16 A. Yes, that's what I was saying. I said I was forgetting a  
17 bit. Because I was thinking between the Defence and the  
18 Prosecution. But for Defence I did not talk to Vincent about  
19 Defence, sir. That's what I told you, I was forgetting a bit.

09:18:04 20 Q. So, sir, when you spoke to the Defence, you told them,  
21 that's Gus and Gray and Prince Taylor - you told them also about  
22 your conversations with the Prosecution, correct?

23 A. Yes.

24 Q. Did you tell them about how David Crane made you feel  
09:18:29 25 threatened by giving you a card?

26 A. Yes.

27 Q. Well, if we could look again at the summary of your  
28 evidence that was filed. I believe that was MFI-14. We will  
29 see, sir, at the top that this is filed on 12 May 2010. And you



1 actually, as we saw - or perhaps we haven't. You've told us  
2 before that you were scheduled to testify in April. I'd also  
3 like to now distribute a document, filing 940 of the Defence  
4 witness order for 26 to 30 April.

09:20:13 5 Sir, in the summary that the Defence filed in May, even  
6 after you were originally scheduled to testify, as I count it, 12  
7 paragraphs about your anticipated evidence, there's nothing about  
8 you having contacts with the Prosecution or being threatened or  
9 offered bribes by the Prosecution. That's because you never had  
09:20:50 10 said anything to the Defence, at least through 12 May 2010 when  
11 this was filed, about this story that you've made up about being  
12 threatened and offered bribes by the Prosecution. Isn't that  
13 true?

14 A. I made a statement, sir. I said I was threatened by the  
09:21:13 15 Prosecution.

16 Q. Well, sir, all we have to rely on is a summary that the  
17 Defence is required to file of the important statements of facts  
18 that you are going to testify about. And what this summary is  
19 quite lengthy in comparison to other summaries we've received, 12  
09:21:37 20 paragraphs, says absolutely nothing about you being threatened or  
21 bribed by the Prosecution. That's something you've made up  
22 since May, as this case has gotten more and more desperate for  
23 the Defence; isn't that true?

24 A. I did mention, I told you. I did mention.

09:22:02 25 Q. Well, do you have any document that you can point to that  
26 shows that you told anybody about this before May 2010? I'm  
27 waiting for your answer. Do you have any document, sir?

28 A. I don't have any documents.

29 Q. Sir, there's another document I'd like you to look at now,

1 it is filing 940, and it has CMS pages 28569 to 28573. It's the  
2 Defence witness order for the week of 26 through 30 April, 2010.

3 JUDGE DOHERTY: Mr Koumjian, did you intend to give us a  
4 copy of the witness statement for this witness that you have just  
09:23:04 5 referred to in cross-examination?

6 MR KOUMJIAN: The summary?

7 JUDGE DOHERTY: Yes. I have the summary MFI-14 that you  
8 gave yesterday but you have just referred to an earlier one.

9 MR KOUMJIAN: Well, I'm --

09:23:19 10 JUDGE DOHERTY: Did you intend us to see that?

11 MR KOUMJIAN: I don't have any --

12 JUDGE DOHERTY: I see. That's all right. As long as I  
13 know, because it's not in this document that's just been handed  
14 to us.

09:23:30 15 MR KOUMJIAN: Correct. Just to be clear, we made a  
16 motion - just to remind everyone, for the witness statements,  
17 which was denied prior to the witness taking the stand.

18 Q. Mr Witness, in this witness order --

19 MR MUNYARD: It was denied at the end of  
09:23:49 20 examination-in-chief. And I think, Justice Doherty, you weren't  
21 actually in court then. It wasn't before he took the stand. It  
22 was at the usual and appropriate time.

23 MR KOUMJIAN: Correct. Thank you.

24 JUDGE DOHERTY: Thank you for that clarification.

09:24:05 25 MR KOUMJIAN:

26 Q. Sir, going to annex A, on page 4 of this document, we see  
27 that the witness listed is only a single witness, DCT-102, and  
28 Mr Kollah, that is you. And it's anticipated your direct  
29 examination would take three days.

1 If you turn the page, sir, the anticipated exhibits for you  
2 consists of letters from the Prosecution to the Defence and the  
3 Defence to the Prosecution. There's no card. There's no cards  
4 of Chris - there's certainly no card of Don Ray listed as an  
09:25:12 5 exhibit.

6 Q. Now, Mr Witness, had you told the Defence about these  
7 threats and offers of bribery before May? The date of the filing  
8 of the summary was 12 May - 12 May 2010.

9 JUDGE DOHERTY: Mr Koumjian, I just want to be clear. This  
09:25:45 10 document's dated 12 April. Is there another one?

11 MR KOUMJIAN: No, that was a summary. Summary is dated  
12 12 May.

13 Q. Well, before 12 April or 12 May, had you told the Defence  
14 about these alleged threats and offers of bribes to you?

09:26:04 15 A. I told the Defence about this threat from the Prosecution,  
16 I did somewhere in 2010. I don't just remember the main dates,  
17 sir, I think it was after this April, sometime like that.

18 Q. Sometime in 2010?

19 A. Yes.

09:26:25 20 Q. This year. Now, you said you spoke to the Defence, I  
21 believe, at 2008, you said you first spoke to Mr Gray, Prince  
22 Taylor and Gus. So you never said anything to them for  
23 two years, is that right, about these alleged threats and offers  
24 of bribery?

09:26:51 25 A. Not for two years, sir.

26 Q. I'd like another document distributed. It's actually two  
27 documents I'd like distributed now. One is a newspaper article  
28 and the other's a letter.

29 And before I do that, could the filing of the Defence

1 witness order for 26 to 30 April, including annex B, which  
2 includes the anticipated exhibits, be given an MFI number,  
3 please.

4 PRESIDING JUDGE: That document is marked MFI-16.

09:28:06

5 MR KOUMJIAN:

6 Q. Now, Mr Kollah, in 2002 and 2003, you were in Kailahun,  
7 correct?

8 A. Yes, sir.

09:28:24

9 Q. And you still had friends who were ex-RUF in that area, is  
10 that correct?

11 A. Yes, sir.

12 Q. You also said you spent a lot of time, if I'm - correct me  
13 if I'm wrong, at the Pakistani battalion headquarters, is that  
14 right?

09:28:39

15 A. A lot of time to - I was with them in Kailahun, they were  
16 the peacekeepers. I were close to them as somebody who disarmed  
17 before, so we all used to go there, sometimes we get food to eat,  
18 we all come down.

09:28:58

19 Q. And did you have contact with civilian police, the CIVPOLs,  
20 the UN CIVPOLs?

21 A. Yes.

22 Q. I'm showing you, first - I'd like to first show the witness  
23 the document with the title, "Mountie Perplexed".

09:29:32

24 Sir, do you recognise the man with the uniform in the  
25 photograph?

26 A. No, sir.

27 Q. Okay. We see the caption under it, it says, "RCMP Corporal  
28 Don Ray, stands near Sierra Leone's border with war-torn Liberia.  
29 Ray is in Sierra Leone to help police restore law and order after

1 that country's civil war." And perhaps - I hope not to have to  
2 read all of this but I'll read a bit of it on the record. It  
3 says:

09:30:12 4 "One of the biggest differences between policing in Slave  
5 Lake and in Sierra Leone is that in small town Africa, you don't  
6 always need a jail to keep the prisoners in one spot. Slave Lake  
7 Mountie Corporal Don Ray is in the Sierra Leone town of Kailahun  
8 helping the local police restore law and order to the  
9 West African state after ferocious civil war."

09:30:29 10 And then:

11 "'In Sierra Leone you have 100 per cent compliance from  
12 everyone who deals with the police,' he told The Sun. 'This  
13 Kailahun station doesn't have cells at the present time so  
14 prisoners are asked to sit on a bench in an open room with no  
09:30:51 15 doors or bars and told to wait until they either sober up or are  
16 replaced. Amazingly, they do. Could you imagine the EPS or the  
17 RCMP expecting the same thing? No way.'"

18 Skipping a paragraph. "'The people in every town I've  
19 lived in have treated me as one of their own and Kailahun is no  
09:31:15 20 different. Of course the people in Kailahun have their own way  
21 of showing appreciation for a job well done. In Alberta, you  
22 might get a handshake and a slap in the back. In Africa, you get  
23 livestock. Talk about nice people,' said Ray. One of the local  
24 chiefs recently presented him with a goat as a gift."

09:31:38 25 That's all I'm going to read at this point in the article.

26 May the article be marked next in order, please, your  
27 Honour.

28 PRESIDING JUDGE: Yes, that article is marked MFI-17.

29 MR MUNYARD: My learned friend has asked Mr Kolleh if he

1 recognises the man in the picture. But I do inquire, is there  
2 any purpose in reading out all that material? Is there any  
3 question going to come from it or is that it?

09:32:20

4 MR KOUMJIAN: Well, the document, of course, is relevant to  
5 this witness's testimony as to where he got the card.

6 PRESIDING JUDGE: Well, I was anticipating that these  
7 arguments would be put when you seek to tender the document,  
8 Mr Koumjian, and I am presuming that you are going to tender it.

9 MR KOUMJIAN: Yes.

09:32:36

10 PRESIDING JUDGE: I haven't heard anything from the witness  
11 that would make this document relevant. He didn't under - this,  
12 as I say, is more appropriately considered when you attempt to  
13 tender. At the moment I've simply marked it for identification  
14 so we can identify the document we're talking about when the  
15 arguments start. But all I heard the witness say is that he  
16 didn't recognise the person in the photo. I can't see any other  
17 link to the witness in this article.

09:32:57

18 MR KOUMJIAN: Very well.

19 Q. Mr Witness, you lived in Kailahun in 2003, correct?

09:33:14

20 A. Yes, sir.

21 Q. And in 2002, is that also correct?

22 A. Yes.

23 Q. You had contact with the civilian police, isn't that right?

09:33:28

24 A. I didn't have special contact with civilian police. For  
25 the matter of fact that we were disarmed and they were the people  
26 in charge of disarmament, that's how we were working hands to  
27 hands but I did not know any of them personally.

28 Q. So you were working hand in hand with civilian police in  
29 Kailahun, correct?

1 A. Yeah, they were in charge of the disarmament also with  
2 others.

3 Q. So, sir, can you say whether or not you had contact at some  
4 point with Don Ray?

09:34:02 5 A. I didn't know Don Ray.

6 Q. Can you say whether or not your colleagues, someone like  
7 your adjutant, Stephen Jusu Moriba, had contact with Don Ray?

8 A. No, sir.

9 Q. It certainly is possible that your friends, such as Stephen  
09:34:19 10 Jusu Moriba, had contact with Don Ray in Kailahun, isn't it?

11 A. No, sir, not to my knowledge.

12 Q. Well, why is it not possible?

13 A. It is not possible. Stephen Jusu Moriba was my adjutant  
14 during the time of operation. When everything was ceased, we  
09:34:42 15 were on our own, doing our cold water time selling and other  
16 things. We never had much time with Interpol or what have you,  
17 we sometimes go to Pakistan when we were called along with  
18 civilians for food supplies. That's what I know of. I did not  
19 send Jusu, or Jusu did not go to Interpol. For what purpose?

09:35:04 20 Q. Well, sir, you talked about your own contacts with Interpol  
21 in your affidavit. Are you now saying you did not have any  
22 contacts with any police - international? Sir --

23 A. You are talking about contacts. I did not go to any  
24 Interpol for personal contacts, for direct conversation on the  
09:35:20 25 relationship, no. It is from when I was taken to the police  
26 station and then up to the contingent headquarters, that was the  
27 time I went. The person I met, it was the person that I talked  
28 to. They were all police. I did not go to somebody I knew  
29 personally, with a special name that I knew. I did not go to

1 somebody that I was used to. Whomsoever I met, I confronted.

2 Q. Well, sir, so you confirm that you had personal contact  
3 with international police?

09:35:53

4 A. It is not - the language should not be personal, sir. I  
5 mean, I talked to a police that I met. I contacted him to  
6 explain what I'm passing through. That's what I'm saying. If  
7 you talk about personal contact, it's like you have a direct  
8 friend within the MILOBs or the Interpol and that did not happen,  
9 sir.

09:36:09

10 Q. Well, sir, I didn't say anything about a friendship. I  
11 said "personal contact". You don't understand what that means?

12 A. Personal contact could also mean a relationship, on the  
13 purpose of relationship. Because meaning that you are used to  
14 that person and you always have a link with that person. That's  
15 how I understand it to be.

09:36:24

16 Q. Since you don't understand the word, let me make it clear.  
17 Personal contact means you have met them, you perhaps have had a  
18 conversation with them, you perhaps shook their hand, they  
19 perhaps exchanged anything with you. All of that is personal  
20 contact.

09:36:41

21 A. Yes, but there was no handshaking because I was frustrated  
22 when I met the first person I got in contact with. I only tried  
23 to explain what was happening to me. I was under complete  
24 frustration.

09:36:56

25 Q. Well, sir, if you had no prior dealings before the time you  
26 went, according to your affidavit, to speak to your Interpol, I  
27 think you call it, connections, why would you trust them? Why  
28 did you go to them?

29 A. You are talking about military observers and I could not go



1 to the armed men. These people were police. Police, nothing  
2 about police. Police mainly deal with issues regarding security.  
3 So that's why I went with them, to consult. I did not have to go  
4 to armed soldier to tell him this is what happening. You have to  
09:37:36 5 go to the police. Normally even when something happen the police  
6 have to intervene.

7 Q. So the police that you went and talked to after being  
8 visited by the Special Court were not people you knew before.  
9 Or, excuse me, you went to see MILOBs or you went to see the  
09:38:01 10 police, which was it?

11 A. I consider all of these people MILOBs, Interpol, anyone.  
12 They people were in the same compound. They lived there apart  
13 from the armed men. So I did not actually know this is the  
14 function of the MILOBs and this is the function of the police,  
09:38:19 15 but I know they all lived together in the compound.

16 Q. So who did you go to see to speak to after you said the  
17 Special Court contacted you?

18 A. I said I went to Interpol. They all lived together.  
19 Whosoever - the first person I met from that compound was the  
09:38:35 20 person I talked to. This is what I'm saying.

21 Q. And were these people you knew before?

22 A. Yes, we worked together before. This is what I'm saying.

23 Q. Okay, Mr Kolléh --

24 A. But when you are talking about knowing somebody, I --

09:38:47 25 Q. Mr Kolléh.

26 A. Yes, sir.

27 Q. Please wait for the question. Do you consider working with  
28 someone having personal contact?

29 A. Personal contact with what, sir?

1 Q. Sir, you were just trying to say you had no personal  
2 contact with any police and it was not possible for Stephen Jusu  
3 Moriba to have had personal contact with the police. You worked  
4 with the police, international police, isn't that true?

09:39:13 5 A. Yes, I worked with them during disarmament.

6 Q. So you did have personal contact with them. Isn't that  
7 true?

8 A. I talked to one of them for issues that was going around  
9 me. This is what I'm saying. But for Stephen Jusu Moriba is not  
10 to my knowledge.

09:39:29

11 Q. Well, you didn't just talk to one person one time. You  
12 worked with them in disarmament. Isn't that correct?

13 A. Yes, I worked with them during disarmament.

14 Q. Other RUF that you knew worked with the civilian police in  
15 disarmament, correct?

09:39:49

16 A. I don't know how to answer that question, but once we were  
17 disarming, these people, we all worked with them. I did not  
18 earmark somebody directly to say he was working again with the  
19 people. We were not divided that way. Once order dropped to  
20 disarm, these people were there to monitor and to make sure that  
21 we gave the arms.

09:40:11

22 MR KOUMJIAN: I have another document and I believe counsel  
23 has it already, and this is a letter addressed to me from  
24 Sergeant Don P Ray of the Royal Canadian Mounted Police,  
25 dated November 2, 2010.

09:40:35

26 Q. Sir, this letter indicates in the first line that Don Ray  
27 served in Sierra Leone as a UNAMSIL CIVPOL mentor team leader  
28 from April 30, 2003 to the end of his mission on February 2,  
29 2004. It says during that time he was stationed in the eastern

1 town of Kailahun, Sierra Leone, and I'll read the entire letter  
2 since it doesn't take long:

3 "As a result of being in a remote location of Sierra Leone,  
4 I was often called upon to assist the Special Court on logistical  
09:41:23 5 matters and on one occasion conducted an interview on an  
6 individual who had been a house boy for a subject of interest.  
7 While in Freetown I met Chief Prosecutor David Crane several  
8 times on an informal basis in a group setting. This would  
9 involve members of my Canadian contingent going for dinner at  
09:41:41 10 places like Mamba Point. I never had any discussion with  
11 Mr Crane about the Special Court's ongoing investigations, nor  
12 did I ever provide him with one of my police cards.

13 The police card I am talking about has a picture of me on  
14 the front where I am in working uniform and standing in front of  
09:41:59 15 a jail cell. As a police mentor in Kailahun I was very involved  
16 in community relations. It is in this capacity that I handed out  
17 several hundred of these police cards. They were provided to  
18 citizens and police officers of Sierra Leone as well as the  
19 different AFL and LURD rebels that I came across during my  
09:42:22 20 duties.

21 Insofar as Sam Mustapha Koroma is concerned, I have had an  
22 opportunity to look at the two pictures of him provided to me and  
23 I do not recognise Mr Koroma. I am confident I have never spoken  
24 to him and I am certain I have never had any investigational or  
09:42:40 25 covert dealings with him. Should the Court require any further  
26 information, I am at your disposal."

27 And it indicates it's sworn before a Commissioner of Oaths.

28 Mr Kollah, I'm putting it to you that hundreds of these  
29 cards that you provided the Defence apparently sometime

1 after May of 2010 - hundreds of these cards were in circulation  
2 in Kailahun. You didn't get this card from David Crane, did you?

3 A. I got this card from David Crane, sir.

4 Q. And according to you, you got the card from David Crane,  
09:43:26 5 kept it even from your move from Sierra Leone to Liberia,  
6 correct?

7 A. Come again?

8 Q. You moved from Sierra Leone to Liberia in 2005. Is that  
9 right?

09:43:38 10 A. Yes.

11 Q. And you kept the card, correct?

12 A. Yes, all along I've been having the card.

13 Q. Your house, or one of your houses, was burnt down in 2004,  
14 correct?

09:43:49 15 A. Yes, sir.

16 Q. The card survived that, this card. Is that right?

17 A. Come again?

18 Q. But this card was not destroyed in that fire, correct?

19 A. I was not staying in the house, sir, so it did not get  
09:44:04 20 destroyed. I was not staying in the house. I rent the house to  
21 NGOs and they kept gasoline and it burnt. I was not staying in  
22 the house.

23 Q. Sir, when did you give this card to the Defence?

24 A. I remember I gave this card I think early 2010. This 2010  
09:44:31 25 I think, sir. I don't just remember the main date.

26 Q. Before you came to The Hague?

27 A. Yes.

28 Q. Well, when in 2010 did you give it to them, do you recall?

29 A. No, sir.

1 Q. I want to go back for a moment to your affidavit. Excuse  
2 me, your Honour. May the letter be marked next in order.

3 PRESIDING JUDGE: That letter from Don P Ray to Nick  
4 Koumjian, dated 2 November 2010, is marked for identification  
09:45:32 5 MFI-18.

6 MR KOUMJIAN:

7 Q. Now, sir, I want to go back to this for a few moments, to  
8 what you've written here. First, after the last conversation, I  
9 want to re-read paragraph 6 of what you wrote in the affidavit.

09:46:13 10 You said:

11 "After they had left", meaning Chris Bomford and other  
12 members of the Prosecution, "I went to see some members of  
13 Interpol that I had worked with during disarmament to ask what  
14 was happening. I should hasten to add that by then I had already  
09:46:37 15 appeared and given evidence before the TRC in Kailahun. People  
16 from the TRC had come to me three times before I went to give  
17 evidence. I understood from a person who worked for the TRC in  
18 Kailahun that if I did not cooperate they would have me arrested.  
19 This was the time I first understood the term 'sweeping'."

09:47:02 20 So, Mr Kolleh, you're alleging that you were threatened  
21 into giving evidence before the TRC. Is that correct?

22 A. Yes, the TRC --

23 Q. Of Sierra Leone, that is.

24 A. Yes, the TRC.

09:47:15 25 Q. How about the TRC of Liberia? Did you testify before them?

26 A. No, sir.

27 Q. They asked you to, didn't they?

28 A. No, sir. I have never been contacted by Liberia TRC, sir.

29 Q. Well, I have another document to distribute about that

1 then, sir. Have you ever heard that the Liberian TRC wanted you  
2 to appear to give a statement?

3 A. No, sir, I told you earlier I did not fight war in Liberia,  
4 so information about Liberia, I'm far from that, sir. Liberia

09:47:57 5 TRC, no, sir.

6 Q. Mr Kolleh, this is a document I'm about to show you that is  
7 from the website of the Truth and Reconciliation Commission of  
8 Liberia and it's entitled "List of persons of interest to the TRC  
9 inquiry process who are required to appear before the TRC because

09:49:33 10 of their unique experiences and knowledge of the events of the

11 past - covering the period 1979 to 2003", and it's dated

12 7 December 2008. It also says in the following paragraph that

13 the persons are required to call the TRC offices between 9.00 and

14 6.00 between December 1 and December 17, 2008 and it gives the

09:50:03 15 phone numbers.

16 The third page in, which it says at the top 5 of 6, it's  
17 listed in alphabetical order, so if we look five names up, it's  
18 your name, Sam Kolleh. So, Mr Kolleh --

19 A. That's not my name, sir. Look at the name again, please.

09:50:29 20 Just look at it thoroughly.

21 Q. How is it not your name, sir?

22 A. That's what I say. Look at it again on the screen. Look  
23 at it thoroughly. Look at the spelling. It is not my name, sir.

24 Q. How is it different than your name, sir?

09:50:44 25 A. You are talking about up, the first name on the first

26 number, that's why I said no. But if you come down and see the

27 name there, I mean but I did not attend TRC in Liberia. If

28 anybody tells you that I attended the TRC, then --

29 PRESIDING JUDGE: I think the issue before us at the moment

1 is what is different between the name shown on this document and  
2 what you say is your name?

3 THE WITNESS: My name is Sam F Kolleh. And he told me  
4 first to look at the first name on the list where I saw  
09:51:34 5 K-O-L-L-E-N I think A-H. I said that was not my name and he told  
6 me to come down. I have come down.

7 PRESIDING JUDGE: No, listen to me, Mr Kolleh. You've got  
8 the question completely wrong. Will you repeat your question,  
9 Mr Koumjian.

09:51:44 10 THE WITNESS: Thank you.

11 MR KOUMJIAN:

12 Q. I indicated that this was in alphabetical order and you've  
13 told us, you're in college, university, for the second time.  
14 Five names up I told you from the bottom, you see the name Sam  
09:51:59 15 Kolleh. It's spelt Kolleh, K-O-L-L-E-H, and if we look at how  
16 you spelt your name on 1st November in your testimony before this  
17 Court, that's exactly how you spelt your last name at page 48366.

18 So, Mr Kolleh, didn't you hear that the TRC was looking for  
19 Sam Kolleh?

09:52:28 20 A. No, sir, I, Sam F Kolleh, no, I did not attend TRC in  
21 Liberia. I'm always telling you I'm far from Liberia issues. I  
22 don't know how there's a Sam Kolleh there. I, Sam F Kolleh, I  
23 did not attend TRC in Liberia.

24 MR KOUMJIAN: Your Honour --

09:52:49 25 PRESIDING JUDGE: What is the witness saying? What are you  
26 saying, Mr Witness, that the Sam Kolleh in this list is a  
27 different person from Sam F Kolleh?

28 THE WITNESS: Yes, sir. I am not the one. I did not  
29 attend TRC. If you check those that attended TRC, again, in

1 Liberia and go through the document, I did not.

2 MR KOUMJIAN:

3 Q. So you would always --

09:53:16

4 JUDGE DOHERTY: Mr Witness, I understood counsel to ask you  
5 was the TRC looking for you. Looking for you.

6 THE WITNESS: Come again, ma'am, please.

7 JUDGE DOHERTY: Mr Koumjian, would you put your original  
8 question, please, so that I also hear it.

9 MR KOUMJIAN:

09:53:33

10 Q. Mr Kolleh, you are aware that you were summoned by the TRC  
11 of Liberia, you were a person that they wanted to appear before  
12 them. You knew that, didn't you?

13 A. No, sir.

14 Q. None of your friends told you that?

09:53:47

15 A. Nothing, sir.

16 Q. And you're saying that the name is different because you  
17 are Sam F Kolleh and not Sam Kolleh. That Sam Kolleh's different  
18 than Sam F Kolleh, is that right?

09:54:02

19 A. Yes, sir, the name on that particular document. There was  
20 no TRC involving any RUF fighter inside Liberia, it was never.

21 MR KOUMJIAN: May this document, the three-page TRC  
22 document, be marked next in order. We actually only need the  
23 first page and page, what would be - what's marked 5 of 6, so  
24 pages on the top 3 of 6 and 5 of 6.

09:54:42

25 PRESIDING JUDGE: Yes. The document titled, "List of  
26 persons of interest to the TRC inquiry", pages 3 of 6 and 5 of 6,  
27 is marked for identification, MFI-19.

28 MR KOUMJIAN:

29 Q. Now, Mr Kolleh, another document has been distributed to



1 you. This is a letter dated 22 of February - excuse me, this  
2 should not be put on the screen, this is confidential. And,  
3 in fact, I'm not going to be able to show it to the witness. It  
4 should be taken away from the witness. We could, if necessary,  
09:55:25 5 we can print a redacted version.

6 Mr Witness, what this shows is that the Defence disclose  
7 the names of 10 potential witnesses to us and you appear, or  
8 number 7 is DCT-102, Sam Kolleh, alias NA, not applicable. Many  
9 of the other names have an alias, in fact, of the ten, all but  
09:56:01 10 four have an alias.

11 So, sir, did you tell the Defence that your name was Sam F  
12 Kolleh or did you tell them your name was Sam Kolleh.

13 A. Sam F Kolleh. Sam Kolleh, most people can call me Sam  
14 Kolleh, Sam F Kolleh.

09:56:18 15 Q. And, sir, let's go back to your affidavit that you signed  
16 in this case in September. While that's being done, could this  
17 two-page document, the letter of 22 February 2010 be marked  
18 confidentially?

19 PRESIDING JUDGE: That document is marked MFI-20 and will  
09:56:50 20 be classified confidential.

21 MR KOUMJIAN:

22 Q. Sir, we see here this affidavit that you signed for the  
23 Defence making these very serious threats - very serious  
24 accusations of being threatened and offered bribes by the  
09:57:11 25 Prosecution. It is, what I say, full of lies. The first  
26 sentence says "I am Sam Kolleh". It doesn't say Sam F Kolleh.

27 So, sir, were you lying when you said in the first sentence "I am  
28 Sam Kolleh"?

29 A. My name is Sam Kolleh. I told you there was no RUF

1 fighting in TRC in Liberia. It was never. That was never. It  
2 did not ever happen.

3 Q. Sir, a moment ago you told us your name was not Sam Kolléh,  
4 it was Sam F Kolléh?

09:57:40 5 A. I told you I am Sam F Kolléh. I said it's Sam Kolléh I'm  
6 seeing there. I did not attend TRC in Liberia. I keep saying  
7 this. Most people call me Sam Kolléh, I am Sam F Kolléh. Most  
8 people call me Sam Kolléh. Most often in Africa when you are  
9 called, perhaps they may not just address the middle name, they  
09:57:56 10 may call just your first and your last name. But I told you,  
11 that name I saw there, no RUF was invited in the TRC in Liberia.  
12 I did not fight in Liberia, how can I be involved in TRC?

13 Q. Sir, the document we just looked at that had the name Sam  
14 Kolléh that was disclosed to us by the Defence with no alias,  
09:58:19 15 when did you tell the Defence that you talked to the Prosecution  
16 under a false name, Mustapha Koroma?

17 A. I don't remember the main date, sir.

18 Q. Did you tell them that living for years in Kailahun under  
19 that false name, under that alias?

09:58:44 20 A. No.

21 Q. No? Did you tell them that you testified before the TRC  
22 under a false name?

23 A. I was not asked questions pertaining to TRC at that time.

24 Q. So the answer is no, you did not tell them that you  
09:59:02 25 testified under a false name.

26 A. I used the name on the TRC as Sam Koroma, Sam Mustapha  
27 Koroma, and the Prosecution. I did admit that last week, sir.

28 Q. Mr Kolléh, if we both talk at the same time the Court  
29 reporter can't write it down. So wait until I finish the

1 question. I'll try to do the same. I'll wait until you finish  
2 the answer.

3 Sir, did you tell the Defence that you disarmed under a  
4 false name, Mustapha Koroma or Sam Mustapha Koroma?

09:59:27 5 A. Yes.

6 Q. When did you tell the Defence that?

7 A. I am forgetting the time, sir.

8 Q. Well, it was before you came here to The Hague?

9 A. Yes.

09:59:38 10 Q. Do you know why the Defence never told us that that was  
11 your alias?

12 A. Come again?

13 Q. Do you know why the Defence, for example, in the document I  
14 just showed you, or just talked to you about, the - well, I

09:59:57 15 didn't show it to you. In the document from February where your  
16 name was given as Sam Kolléh, why the Defence didn't tell us that  
17 you had another name, an alias?

18 A. Please ask your question again, sir.

19 Q. Sir, you never told the Defence that you were using that  
10:00:17 20 alias, did you?

21 A. I told the Defence that I used that name to disarm.

22 Q. Sir, in this --

23 A. For the Prosecution and during disarmament, sir. I said  
24 it. You asked me last week. I did answer that question to you.

10:00:37 25 Q. Sir, in this affidavit of affirmation that you signed, you  
26 discuss in detail what you say your dealings with the Prosecution  
27 were. You never say that you used a false name, do you?

28 A. I say I used different name, which was Sam Mustapha Koroma.

29 Q. Well, sir, is the affidavit of affirmation before the

1 witness? Can you show me where you say that in this, sir.

2 A. I don't know whether it's recorded there. But I told  
3 yourself, I told you when you asked me last week; I said  
4 disarmament, TRC and Prosecution. You asked me the question last  
10:01:19 5 week; I told you, yes, I used Sam Mustapha Koroma. This is the  
6 third question you're asking me.

7 Q. What do you mean, sir, when you say you did not know - you  
8 do not know if it was recorded? Who wrote this?

9 A. I told you, Gus, Gray, John Gray.

10:01:46 10 Q. Thank you. Yesterday you told us Logan. So that wasn't  
11 true. Gus and Gray wrote this?

12 A. You told me after I talked with Gus and Gray, did I ever  
13 talk with any other person. I said, yes, I talked with Logan.  
14 You asked me the question yesterday, I said it.

10:02:02 15 Q. Well, we'll look that up, sir. You are saying that you  
16 never said that Logan wrote this affidavit for you?

17 A. You're asking me?

18 Q. Yes.

19 A. Please repeat.

10:02:17 20 Q. Did you tell us yesterday, or Friday, that Logan wrote the  
21 affidavit?

22 A. You told me after I talked with Gray and Gus, did I ever  
23 talk with any other person, I say yes --

24 Q. Sir, answer the question. The question was; did you tell  
10:02:38 25 us Logan wrote the affidavit?

26 A. Yes.

27 Q. But it actually was Gus and Mr Gray, correct?

28 A. Those were the first two persons I started with.

29 PRESIDING JUDGE: Mr Witness, who wrote the affidavit?

1 THE WITNESS: This document, I started talking with Gray  
2 and Gus, later Logan, sir. That's what I'm saying.

3 PRESIDING JUDGE: You only spoke with Gus and Mr Gray but  
4 Logan wrote the affidavit for you, is that what you're saying?

10:03:12 5 THE WITNESS: Yeah, Logan took statement from me also and  
6 Gus also. From the - the first people I met was Gus and Gray.

7 PRESIDING JUDGE: Look, I'm trying to understand what  
8 you're saying, Mr Kollah, and I can't understand what you're  
9 trying to tell the Court.

10:03:28 10 THE WITNESS: Uh-huh.

11 PRESIDING JUDGE: Who wrote the affidavit? I'm not asking  
12 you who you spoke with or who took statements from you. The  
13 simple question is; who wrote that affidavit that you signed?

14 THE WITNESS: Logan.

10:03:42 15 MR KOUMJIAN:

16 Q. Sir, you said you signed the affidavit in Mr Supuwood's  
17 office, correct?

18 A. I don't know whether it is his office. I said he was  
19 there. I don't know whether it is his office.

10:03:55 20 Q. Were you there when this document actually was written or  
21 did someone hand it to you to sign?

22 A. It was handed over to me to sign.

23 Q. Who was there when the document was handed to you to sign?

24 A. Gus was there.

10:04:15 25 Q. Anybody else?

26 A. Gray was there also.

27 Q. And this was at Supuwood's office?

28 A. I told you, I say I don't know whether that was his office.

29 Q. It was a place where Supuwood was also there then, correct?

1 A. Yes.

2 Q. So the three of them, is that right?

3 A. Yes, sir.

4 Q. No one else, correct?

10:04:38 5 A. Silas.

6 Q. Okay. Thank you. Because, sir, if we look at yesterday's  
7 transcript, please, page 48963. You say - going to the bottom of  
8 the page. I was asking you about the affidavit. And line 26, I  
9 said:

10:06:05 10 "Q. And, sir, who gave it to you to sign?

11 A. It was given to me by the Defence to sign.

12 Q. Who, sir, who gave it to you to sign?

13 A. It was given to me by Logan to sign."

14 Sir, just now you named Gus, Gray, Supuwood and, finally,

10:06:35 15 Silas, as being present when the document was handed to you to  
16 sign. Why can't you keep your story straight about this  
17 affidavit?

18 A. You did not ask me who gave me to sign. You told me who  
19 were present. I told you yesterday that Logan gave me that  
10:06:50 20 document to sign. You told me in the presence of whom? I said  
21 Gus, Gray and Silas. I told you. You were asking me who were  
22 present when the document was handed to you to sign. And these  
23 people were around. That's what I'm saying. The question you  
24 ask me is how I answer.

10:07:11 25 MR MUNYARD: Mr President, it's page 35 and in my font the  
26 question appears at line 19:

27 "Q. Who was there when the document was handed to you to  
28 sign?"

29 That is the question that the witness was asked in as

1 simple a way as that and he's been giving a straightforward  
2 answer.

3 MR KOUMJIAN: Yes.

10:07:37

4 Q. And you've mentioned all the people being there, you  
5 mentioned Gus, you mentioned Gray, you mentioned Supuwood and  
6 Silas, but you never mentioned Logan.

7 A. You told me in the presence of whom? Who all were present  
8 when this document was handed? You did not ask me who handed the  
9 document to you to sign, but you asked me who were around?

10:07:52

10 That's why I tried to name these people.

11 Q. Sir, the Defence attorney Mr Munyard correctly pointed out  
12 exactly what my question was. I don't want to waste too much  
13 time. I'll read it to you one more time. And the question was:  
14 "Who was there when the document was handed to you to sign?"

10:08:21

15 That was the question.

16 MR MUNYARD: Asked and answered, to quote Mr Koumjian on  
17 many a previous occasion.

18 MR KOUMJIAN: I appreciate it. I agree. The witness has  
19 just misstated what I asked him.

10:08:32

20 Q. It was asked and it was answered and you did not include  
21 Logan in that answer, Mr Witness. So, Mr Witness, let's move on.  
22 Now, you've testified that the Prosecution kept asking you about  
23 the RUF and Taylor's involvement in diamonds, correct?

24 A. Yes, sir.

10:09:09

25 Q. And that also appears in paragraph 16 of your affidavit  
26 where you say:

27 "I went into the next room where my statement was audio  
28 recorded and typed. There were about four people. They asked me  
29 questions on a number of issues relating to the RUF, including

1 the command structure. They also asked me about the RUF and  
2 Taylor's involvement in diamonds."

3 Sir, I'd like now to look at the actual interview, which is  
4 tab 6 of the Defence bundle. Mr Witness - and I'm going to, at  
10:10:06 5 the end, be moving to admit this into evidence. Mr Witness, this  
6 is a typed document of an interview that it says occurred on  
7 18 November 2003 and it begins that it's Mr Dafaie, I don't know  
8 if I pronounced that directly, D-A-F-A-E, who says he's in the  
9 room with Sam Koroma, Nancy and Roni. Sir, in this entire 173  
10:10:42 10 pages there are many questions asked to you about people who are  
11 in detention at the Special Court; Augustine Gbao, Morris Kallon  
12 and Issa Sesay. Isn't that true?

13 A. Please repeat, sir.

14 Q. During that interview they asked you a lot of questions  
10:11:02 15 about three people who were then detained by the Special Court;  
16 Augustine Gbao, Morris Kallon and Issa Sesay?

17 A. They asked me about the command structure and I explained  
18 to them.

19 Q. Well, I put it to you, Mr Witness, and I'm going to give  
10:11:20 20 the citations for the record, that they asked you about Gbao 18  
21 times: On page 16 at lines 13 and 19; page 34 lines 12 to 13;  
22 page 64 line 22; page 66 line 20; page 69 line 6; page 82 line  
23 20; page 85 line 21; page 87 line 22 and 8; page 88 line 21 to  
24 22; and then again on line 22; page 89 line 18; page 92 line 19;  
10:12:04 25 page 93 two times, 24 and 11; page 150 line 12; and page 108 line  
26 12.

27 I'm going to continue with Sesay and Kallon and to save  
28 time I'm not going to give the line numbers.

29 PRESIDING JUDGE: Well, you've put it to the witness and he



1 hasn't answered whether he accepts that proposition or not.

2 MR KOUMJIAN:

3 Q. They asked you many times, about 18 times, about Augustine  
4 Gbao. Isn't that correct?

10:12:33 5 A. Yes, I was asked but I'm saying they were in the command  
6 structure question that were asked.

7 Q. Okay. They asked you many questions about the command  
8 structure of the RUF and trying to understand how the RUF was  
9 structured during the war and various times of the war, correct?

10:12:49 10 A. Yes, sir.

11 Q. They asked you about Morris Kallon about 11 times. Isn't  
12 that true?

13 A. They asked me about Morris Kallon. I don't know the  
14 number they were asking me.

10:13:01 15 Q. And they asked you about Issa Sesay 25 times approximately.  
16 Isn't that true?

17 A. I can't tell whether it was 25, but I was asked.

18 Q. They asked you a lot of questions about Issa Sesay,  
19 correct?

10:13:11 20 A. I said yes, but the number you are calling, I don't know  
21 whether it was 25.

22 Q. Well, Mr Witness, I put to you that they asked you zero  
23 questions about Charles Taylor. There's not a single question in  
24 here about Charles Taylor. So when you say they kept asking you  
10:13:30 25 about Charles Taylor, that's a lie, isn't it?

26 A. The question they asked me about diamonds to Liberia and to  
27 Sierra Leone, they were asking me. I did not explain anything.  
28 For the command structure I was asked to explain command  
29 structure of the RUF, but at certain stage I was only asked if I

1 say I don't know this, they can't - they will stop, they will  
2 say, "No, say this." I said, "I cannot go beyond that because I  
3 am not aware. I carried diamond but not into Liberia." I tried  
4 to show how they went.

10:14:04 5 Q. Well, sir --

6 PRESIDING JUDGE: Look, just before you go on, I'm having  
7 a lot of trouble understanding your answers, Mr Kolleh.

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: It was put to you that - no, no, listen  
10:14:25 10 to the question, please. I'm just looking at what you were  
11 asked.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: It was put to you that in your interview  
14 you were not asked about Charles Taylor. So when you say they  
10:14:38 15 kept asking you about Charles Taylor, that's a lie, isn't it?

16 Now, are you saying that they did not mention Charles  
17 Taylor but only diamonds, or what are you saying?

18 THE WITNESS: I was asked about Charles Taylor, sir. I was  
19 asked.

10:14:58 20 MR KOUMJIAN:

21 Q. Mr Witness, I'm not going to read the 173 pages, but I'm  
22 sure Defence counsel has the opportunity on re-direct to point  
23 out any place in this interview where the name Charles Taylor is  
24 mentioned. It's not. When it comes to diamonds, Mr Witness, you  
10:15:18 25 mentioned about diamonds being taken from Gullit and Johnny Paul  
26 Koroma. You did tell them about that, correct?

27 A. Yes.

28 Q. And then, and I believe it's page 157, if we could turn to  
29 that, please, and put that on the screen. This is an example of

1 how helpful you were to the Defence - to the Prosecution. What  
2 you say, beginning on line 6:

3 "A. The only people you referred to as people who have  
4 sensitive information were Rashid, Mohamed Tarawali.

10:16:24 5 These are people who know most about Foday Sankoh and who  
6 know where the war was planned. These are people who could  
7 tell you but, sorry, they are not alive.

8 Q. Sure.

9 A. Yeah, the two of them died and even Patrick Lamin  
10:16:42 10 himself died. That's - when Patrick Lamin died I went to  
11 Kailahun. He was one of the main man to Foday Sankoh."

12 So, Mr Witness, you told the Prosecution of some people  
13 with knowledge of events and you told them, "Sorry, they're all  
14 dead." Is that right?

10:16:54 15 A. Yes.

16 Q. And then the --

17 A. That was the command structure system I was giving, sir.

18 Q. Thank you.

19 A. Yes.

10:17:01 20 Q. And then we see on line 17 that the investigator said to  
21 you:

22 "Q. Okay, is there anything else I haven't asked you that  
23 you would like to tell me?

24 A. Yes, because when you people came the last time you  
10:17:18 25 tried to ask - your first question posed to me was  
26 diamonds.

27 Q. Yes.

28 A. You forgot to ask me today.

29 Q. Uh-huh."

1 Then you begin to talk and you say:

2 "A. During the AFRC period - sorry, from the beginning of  
3 RUF from '91 to '97 there was no mining. To be very frank  
4 with you, there was no mining business. But people like  
10:17:42 5 Faya Musa, Deen-Jalloh, those people arrested during  
6 Mosquito time before Foday Sankoh could come from the  
7 Guinean border with the Guinean ambassador - sorry, with  
8 the Sierra Leone ambassador to Guinea during the time of  
9 the war whenever money was captured this money was given to  
10:18:01 10 Faya Musa and others."

11 So, Mr Witness, you weren't asked about diamonds and the  
12 only discussion about diamonds in the entire interview is when  
13 you say diamonds were taken from Gullit and Johnny Paul Koroma in  
14 the entire 173 pages. Isn't that true?

10:18:21 15 A. No, sir. The question they were asking me about diamonds  
16 from the RUF to Taylor and arms from Taylor to the RUF, they were  
17 only asking me that question. And when I said no, they would  
18 stop. They would not even write, neither type. Then after we  
19 stop there I was taken to the hotel. That was the time again I  
10:18:40 20 received Chris Bomford. But the next day I asked them, I said,  
21 "But you did not ask me about diamonds, the issue in Kailahun."  
22 Meaning that how I took it to the river, that was not their  
23 interest. They were only concerned how I was taking it to  
24 Liberia. That's what I asked in that question. I said, "Today  
10:18:58 25 you forget to ask me about diamonds the last time from the RUF  
26 towards the riverbank." And they did not even want to write  
27 that, but that was not their focus point. That's what I said. I  
28 told you - I think two days ago you asked the question on the  
29 same diamond issue, I told you that they were only typing. I was

1 only asked a question. When they say this, if I say this they  
2 will stop. They say, "No, you say this." I say, "No, I can't  
3 pass there, sir, because I'm not aware."

10:19:33 4 Q. Sir, since you were willing to lie to them about what you  
5 call your address, about not being captured in - that you lied to  
6 them about the fact that - saying that you were captured in  
7 Sierra Leone instead of Liberia, if they had have been asking you  
8 to lie, why didn't you, since you already were willing to lie?

10:19:57 9 A. I would not lie to them. That identical system. I would  
10 not lie to them because once I were traced by Chris Bomford,  
11 that's how he came to my house. He knew me, I was a transporter.  
12 He knew. That's how he traced me.

13 Q. Sir, I just want to go through a few points on this  
14 interview quickly.

10:20:15 15 Page 105, please. You were talking about the junta period  
16 and the period of the intervention. You said, beginning on line  
17 25 and that's at the top of the page because of the way these  
18 pages are, the fifth line down:

10:20:54 19 "A. But after Johnny Paul Koroma overthrown, within one or  
20 two weeks, attacks started going on from the CDF because the CDF  
21 and the army, they also had its place. So attacks started going  
22 on small small, small small until it developed. When it  
23 developed it was the time Mosquito went to Johnny Paul. What  
24 they arranged, Mosquito went back to Kailahun. The material he  
10:21:12 25 left there he began - he begin to use to attack. That's what I  
26 mean. So obviously we knew that maybe the government was out of  
27 ammunition, that's what I'm saying."

28 Q. You mean the AFRC government?

29 A. Yes."

1           So it's the case, isn't it, that during the junta time the  
2 AFRC government, from your understanding, needed ammunition?

3           A.     Yes.

4           Q.     Okay. Thank you. Let's go to page 129. And if we go to  
10:22:03 5 the very bottom of the page, the last four lines, you were being  
6 asked about Johnny Paul Koroma's living arrangements:

7           "He was living, he could not do otherwise. If I come here,  
8 if you slap me, even if I make sore I just have to keep sitting  
9 with you. Because Johnny Paul could not go to Guinea and he  
10:22:22 10 could not go to Liberia because of fears."

11          Sir, Guinea was an enemy of the junta, correct?

12          A.     Yes.

13          Q.     Why was it that Johnny Paul Koroma could not go to Liberia  
14 because of fears?

10:22:41 15          A.     I don't know, but his movement was restricted not to go to  
16 the two borderlines. He could go to Buedu. I don't know why he  
17 was restricted.

18          Q.     Let's go to page 135, please. And just beginning at the  
19 third line down. You were talking about Johnny Paul Koroma and  
10:23:13 20 in order to understand that, we might have to look at the  
21 page before, where we see on line 16, you said:

22          "Whilst JPK was at Kailahun, not Kailahun Town itself but  
23 Kangama."

24          So then going back to page 135, you said:

10:23:35 25          "Before the convention when he used to go to Buedu,  
26 soldiers go and speak to him. He talk to his soldiers to  
27 collab - corroborate with the RUF, he said it."

28          And then - is that true, Mr Witness, did you hear that  
29 Johnny Paul Koroma told his soldiers to work with, collaborate

1 with the RUF?

2 A. Yes, sir. Soldiers that were with him in Kangama.

3 Q. Uh-huh. And then one more, page 165, please. You're  
4 talking about Issa Sesay. Excuse me, 163. You're talking about  
10:24:38 5 Issa Sesay after Sam Bockarie left Sierra Leone. And beginning  
6 at line 2:

7 "A. That was the thinking from Issa Sesay. So all the  
8 time, 'Tomorrow I will be coming to Kailahun. Tell the  
9 people I will come.' He don't come. 'I will be coming to  
10:24:55 10 Kailahun this week, we have to do this.' He don't come, it  
11 was not easy."

12 And then skipping down some lines you said, you were  
13 eventually asked, line 13:

14 "Q. When Bockarie was expelled he" - meaning Issa - "was  
10:25:11 15 not frequently visiting Kailahun."

16 A. It was not easy. He only came on a few occasions maybe  
17 one, two, three hours."

18 And then you explained:

19 "A. Yes, sir. Then when he took over he transferred the  
10:25:24 20 headquarters to Makeni. So this more or less caused most  
21 of the people again to go against the RUF when he  
22 transferred the headquarters from Kailahun to Makeni.  
23 So when it came to politics the people of Kailahun were  
24 convinced to change from RUF to SLPP."

10:25:41 25 And then your next answer was:

26 "A. That was one of the reasons because when he took over  
27 he moved to Makeni. He transferred the headquarters to  
28 Makeni, he was not frequently in Kailahun."

29 Issa Sesay was afraid to go to Kailahun after Bockarie

1 left. Correct?

2 A. I can't tell, sir. He was only promising to come. He  
3 would not come. I can't tell why he would not come, whether he  
4 was afraid. I can't tell, sir.

10:26:09 5 Q. Well, I missed something. So let's go back to page 162. I  
6 started reading too late. And your answer began describing  
7 Bockarie, line 21.

8 "A. Half Kissi, half Mende so obviously you just have to  
9 think. I think you have to agree with this. If Mosquito  
10:26:33 10 is a native of Kailahun and he happened to be forced to  
11 leave the movement then Issa Sesay takes over and he's a  
12 northerner so he will be afraid to go to Kailahun."

13 So you told the Prosecution Issa Sesay was afraid to go to  
14 Kailahun, correct?

10:26:48 15 A. I told them that Issa, perhaps he was afraid to come to  
16 Kailahun. But he could not tell anybody why he was not coming to  
17 Kailahun. His absence from Kailahun caused the people to change  
18 to the SLPP; that's when I told the Prosecution.

19 Q. Sir, you told us some things about Sam Bockarie's  
10:27:10 20 personality. He was very boastful, he was arrogant, and would  
21 you agree, he was revengeful, he would take revenge?

22 A. I did not tell you that Sam Bockarie was arrogant, I did  
23 not tell you that, sir.

24 Q. Okay. How would you describe Sam Bockarie?

10:27:27 25 A. I told you, he was somebody who followed news, who liked  
26 bluffing, or more or less full of flamboyancy. I did not tell  
27 you about arrogant.

28 Q. If Sam Bockarie came back after having been replaced from  
29 Issa Sesay, he was a threat to Issa Sesay's life. He would have



1 been a threat to Issa Sesay's life, isn't that true?

2 A. I can't tell, sir whether he was --

3 Q. Issa Sesay was a very careful person, afraid for his own  
4 safety, that's why he didn't go to Kailahun, isn't that true?

10:28:02 5 A. Come again.

6 Q. Issa did not go to Kailahun because he was afraid for his  
7 own safety. You said that in this interview; isn't that true?

8 A. I did not talk about safety. I said Issa usually promise,  
9 he don't come to Kailahun. I said perhaps he was afraid. He

10:28:16 10 transferred the headquarters to the north. He promised, he don't  
11 come. This is what I say, sir.

12 Q. Okay.

13 MR KOUMJIAN: I'd like this, your Honour, Mr President, the  
14 interview of 18 November to be marked next for identification.

10:28:52 15 PRESIDING JUDGE: That interview is marked MFI-21.

16 MR KOUMJIAN:

17 Q. Sir, I now want to ask you, and hopefully finish with my  
18 questions about this affidavit, about something in paragraph 22.

19 I'm not going to read it because it contains the information that  
10:29:24 20 the Court has ordered to remain confidential. So he should not  
21 have it, please. I'm sorry. The witness can have it. He wrote  
22 the affidavit. The witness can have it.

23 Sir, if we look at this, paragraph 22, you say at the end:

24 "I even heard that" - someone, I'm not going to say the  
10:30:53 25 name - "got 10,000 dollars from testifying but I do not have  
26 personal knowledge of that".

27 Now, Mr Witness, it's important not to say the name. But  
28 you said that name in a private session. So don't say the name  
29 out loud now. And in the private session you testified here in

1 court that the witness told you they got the money. So which is  
2 true; the version you told in court where you say this witness  
3 volunteered to you, "I got paid this money," or what you say in  
4 the affidavit that you have no personal knowledge of it?

10:31:33 5 A. I did not see the money with her but that's what she told  
6 me.

7 Q. Why didn't you put in the affidavit that the witness told  
8 you she got money? Instead it says, "but I do not have" - it  
9 says, "I even heard that the witness got money from testifying  
10:31:54 10 but I do not have personal knowledge of that". Why didn't you  
11 put in the affidavit or tell the Defence that the witness told  
12 you that?

13 A. She told me that that was given to her. I did not see the  
14 money perhaps. But she told me.

10:32:11 15 MR KOUMJIAN: Your Honour, I'm finished with the affidavit  
16 but I would like this affidavit of - to be marked, I believe it's  
17 four pages, confidentially because of that paragraph 22.

18 PRESIDING JUDGE: That affidavit is marked MFI-22 and  
19 confidential.

10:32:54 20 MR KOUMJIAN:

21 Q. Now, Mr Witness, I want to briefly go over a couple of  
22 other statements that you made. So the first time you talked to  
23 the Prosecution was on 9 October 2003, and that is in the Defence  
24 bundle. I believe it's tab 4. If that could be shown to the  
10:33:32 25 witness.

26 First, sir, the name which is written at the top above the  
27 black line, Koroma, Sam Mustapha, and the date of birth in the  
28 first line, and the place of birth in the first line, all of  
29 those are false, correct?

1 A. I told you on Thursday, I say -

2 Q. Sir, you can answer yes or no.

3 A. Yes, I told you on Thursday, yes, sir.

4 Q. Thank you. Also in this affidavit you also lie about being  
10:34:33 5 captured in Sierra Leone and you do not tell them that you  
6 trained at Naama, correct?

7 A. Yes, sir.

8 Q. Now, I want to go to that third full paragraph, the  
9 sentence four lines up, just above Alhaji Kromah a sentence above  
10:35:20 10 that the sentence begins "he" - meaning you - "could not go to  
11 Liberia because you had a Mandingo name - Mandingo-sounding name,  
12 Koroma". Sir, why was it that Mandingos were in danger in  
13 Liberia at that time? That was because of the NPFL, correct?

14 A. I told you the information I gave here was because of fear,  
10:35:50 15 that's why I changed my name and date of birth here, sir.

16 Q. And did you pick a Mandingo name because it was clear that  
17 Mandingos would not be associated with Charles Taylor at that  
18 time? Is that why you picked a Mandingo name?

19 A. No, I changed my name there because of fear during the  
10:36:10 20 interview with the Prosecution.

21 Q. Let's go to the third page. The top sentence. They did,  
22 of course, ask you about diamonds and arms in this interview,  
23 correct? The investigators asked you about your knowledge about  
24 diamonds and arms, correct?

10:36:35 25 A. Yes.

26 Q. And, sir, you said you were an investigator and an MP for a  
27 while, that's exactly what you would expect a competent law  
28 enforce the officer to do; to ask witnesses about their knowledge  
29 of important events, correct?

1 A. Please repeat, sir.

2 Q. You would expect a competent investigator to ask a former  
3 RUF about their knowledge of arms and ammunition and about  
4 diamonds. Wouldn't you expect that, sir?

10:37:03 5 A. When I was investigator, you mean, please?

6 Q. Based on your experience as an investigator, wouldn't you  
7 expect someone investigating the war in Sierra Leone to ask about  
8 diamonds?

9 A. No.

10:37:17 10 Q. Sir, Charles Taylor told a newspaper in France that the war  
11 in Sierra Leone was a war about diamonds. Doesn't it make sense  
12 to you, sir, to ask what was happening to the diamonds of Sierra  
13 Leone during the war?

14 A. I can't tell you about statement from Charles Taylor to the  
10:37:37 15 RUF about diamonds. What I know is what I'm telling you, sir.

16 Q. And doesn't it make sense to you, sir, to ask where the  
17 arms and ammunition were coming from?

18 A. I don't know why they were asking me. For me, I was under  
19 fear and the question was being posed to me. I don't know why  
10:37:57 20 the question was asked, whether it was important to them or not.

21 Q. Okay. And because you were under fear you gave this  
22 answer, that's at the top sentence:

23 "Diamond trade and procurement of arms and ammunition was  
24 not disclosed in public. It was top military secret. Only top  
10:38:15 25 military commanders knew about these things."

26 So you told them you knew nothing about diamonds and arms,  
27 correct?

28 A. Yes, during the course of the war we were fighting in the  
29 war, that's what I told them. When they asked me, I told them, I

1 said diamond were a top secret. Even arms business, those are  
2 top secret. They were writing their statement. I did not  
3 actually know how they were framing it. But I made them to  
4 understand that diamonds, that something can be placed in your  
10:38:42 5 pocket, even in your mouth, you move with it, nobody can know.  
6 So those are top secret about diamonds. That's what I told them,  
7 sir.

8 MR KOUMJIAN: May this three-page document, the interview,  
9 statement, date 9th October 2003, be marked next for  
10:38:56 10 identification.

11 PRESIDING JUDGE: That document is marked MFI-23.

12 MR KOUMJIAN:

13 Q. Now, sir, let's look briefly at your second - the next  
14 interview with the Prosecution. I want to go down to the third  
10:39:22 15 paragraph where you said this:

16 "The witness states that Sam Bockarie received a shipment  
17 of arms just prior to the junta coup by the AFRC. This was at  
18 Baiima, just prior to the BBC announcement."

19 Sir, Baiima, B-A-I-I-M-A, is a town in Bo District,  
10:39:46 20 correct?

21 A. Please repeat that question, sir.

22 Q. Sir, Baiima, spelled B-A-I-I-M-A, it's a town in Bo  
23 District, correct?

24 A. I don't know a town in Bo District called that. We are  
10:40:03 25 talking about Mosquito. Mosquito was not in Bo District,  
26 Mosquito was in Kailahun. Talking about Bo District, Baiima, I'm  
27 not aware, sir.

28 Q. Do you know a Baiima in Kono spelt with one I?

29 A. No, sir.

1 Q. Sir, did you tell the Prosecution that at Baiima, just  
2 before the coup, that Sam Bockarie received a shipment of arms?

3 A. Yes, but I did not talk about Baiima in Bo or in Kono, no,  
4 sir.

10:40:39 5 Q. Then you say:

6 "The receipt of arms from Liberia was top secret. It was  
7 not easy to ascertain information about such shipments."

8 Is that what you told them?

9 A. Yes, that was specifically asked during the course of the  
10:40:52 10 war, they were asking me. But that area was explained later. I  
11 told them the only arms received was from Liberia, from the ULIMO  
12 forces. They were asking me prior to that time. That was the  
13 time I told them it was not possible.

14 Q. Let's go to the next sentence:

10:41:10 15 "The witness states that the NPFL and the RUF had an  
16 extremely good relationship. It was an open programme under  
17 which Sam Bockarie regularly crossed the border to Liberia."

18 That's true, isn't it?

19 A. The RUF and ULIMO, from the early stages at the borderline,  
10:41:34 20 we were friends. That's what I was trying to tell the  
21 Prosecution.

22 Q. Well, the sentence says --

23 A. [Overlapping speakers] Sam Bockarie went to Liberia during  
24 days of ULIMO. But during the war Sam Bockarie cannot leave the  
10:41:43 25 front line and retreat while Foday Sankoh is in the midst of  
26 Kailahun Town itself. When Sam Bockarie is passing from the  
27 front line to go to Liberia. Commanders, you have to be at the  
28 front line. That is how our command structure was like, sir.

29 PRESIDING JUDGE: You still haven't answered the question.

1 THE WITNESS: I answered the question.

2 PRESIDING JUDGE: No, you didn't. Ask it again,  
3 Mr Koumjian.

4 MR KOUMJIAN:

10:42:04 5 Q. Sir, I'm going to break it down sentence by sentence. Did  
6 you tell the Prosecution that the NPFL and the RUF had an  
7 extremely good relationship?

8 A. Yes, sir.

9 Q. Did you tell them that it was an open programme under which  
10:42:16 10 Sam Bockarie regularly crossed the border to Liberia?

11 A. That statement did not join together when remember I told  
12 them that crossing to Liberia was not a secret. The relation  
13 between the RUF and the NPFL at the borderline was not a secret.  
14 That's what I was trying to say.

10:42:33 15 PRESIDING JUDGE: Look, will you answer the question,  
16 please, Mr Witness. Did you tell them that or not?

17 THE WITNESS: I said it. I said there was relation between  
18 the NPFL and the RUF. I said it, sir.

19 MR KOUMJIAN:

10:42:46 20 Q. Sir --

21 PRESIDING JUDGE: Did you tell them in your statement that:  
22 "It was an open programme under which Sam Bockarie regularly  
23 crossed the border to Liberia"?

24 THE WITNESS: That is the statement I have problem with.

10:43:00 25 PRESIDING JUDGE: What problem are you having?

26 THE WITNESS: That combined statement there.

27 PRESIDING JUDGE: Just that sentence I asked you now, did  
28 you tell the interview people that or not?

29 THE WITNESS: I told them. I told them, sir.

1 MR KOUMJIAN: Thank you.

2 Q. Let's go to page 2. I'm trying to move quickly.

3 Mr Kolleh, the end of the first paragraph there, the last  
4 sentence says that you add that most of the Anti-Terrorist Unit  
10:43:34 5 by Charles Taylor was comprised of Sierra Leoneans. You told  
6 them that, correct?

7 A. They asked me question. Yes, I told them.

8 Q. Although you denied knowing that most of the ATU was  
9 Sierra Leonean in your testimony here?

10:43:49 10 A. Yes, I said it. The question was asked in this way: Are  
11 there Sierra Leone in the Liberian forces? And I said before  
12 this time 1985 there was a crossover and Sierra Leonean in  
13 Liberia they are in numbers. So they could easily join the  
14 national force. From Vahun you have the Mende tribe. I'm saying  
10:44:10 15 I'm a Mende, I can join the force. I said it. But we were not  
16 specifically talking about Mosquito crossing to Liberia and the  
17 RUF that crossed they were so close in the ATU, sir. That was  
18 not what I was trying to say.

19 MR KOUMJIAN: May this document, the interview of  
10:44:28 20 5 November comprising three pages, be marked next for  
21 identification.

22 PRESIDING JUDGE: That document is marked MFI-24.

23 MR KOUMJIAN:

24 Q. Now, sir, I'd like another document distributed - two  
10:45:16 25 documents, please. Before we leave the last document, MFI-24,  
26 could the witness be shown that for a moment. Sir, on page 2,  
27 the third paragraph up - on page 2 the third paragraph begins:

28 "Witness adds that SAJ Musa was power hungry and did not  
29 show respect to Johnny Paul Koroma."



1 Is that true?

2 A. Yes, sir.

3 Q. So I want to go back for a moment and ask you a little bit  
4 about Gullit. If we could have P-134 shown, please. Sir, P-134,  
10:48:14 5 the title is "Minutes of the family reunion aimed at reconciling  
6 chairman Foday Saybana Sankoh and chairman Johnny Paul Koroma,  
7 held at the office of the Deputy Minister of Labour, Social  
8 Security and Industrial Relations, New England, on 7 April 2000".

9 There's a list of attendees and I want to go through them quickly  
10 with you. Number 1, Idrissa Hamid Kamara, an honourable. That's  
11 Leather Boot, correct?

12 A. Come again.

13 Q. That is Leather Boot, number 1, Idrissa Hamid Kamara,  
14 correct?

10:48:54 15 A. I never knew his actual name. I knew Leather Boot, sir.

16 Q. And was Leather Boot an honourable?

17 A. Yes.

18 Q. Number 3, Shiekh Ibrahim Fofana, did you know him?

19 A. No.

10:49:11 20 Q. Did you hear of the killing of Shiekh Ibrahim Fofana when  
21 Issa Sesay was going to Liberia?

22 A. No, sir.

23 Q. Okay, sir. In the interests of time, let me just go to  
24 page 8210. And I want to read a bit from the contribution of

10:49:34 25 Brigadier General TAB Yaya:

26 "Brigadier General Yaya, the next speaker as designated by  
27 the chairman, first and foremost availed himself of the  
28 opportunity to commend the initiator and promoters of the meeting  
29 and thanked all present for making it a point of duty to attend

1 the meeting he felt was long overdue. He expressed his personal  
2 delight and satisfaction for the holding of such a meeting, aimed  
3 at bringing us back under the same umbrella as we solemnly and  
4 unanimously agreed to do so in 1997. He recalled that when the  
10:50:18 5 marriage took place in 1997 between the two bodies we worked  
6 together without any serious problem under the chairmanship of  
7 the former AFRC chairman Lieutenant Johnny Paul Koroma. He said  
8 things continued going fine even while in the jungle, but  
9 confessed that he was shocked when he returned to Freetown  
10:50:37 10 in November to observe that the demon of strife has won the  
11 hearts of once united people to achieve a noble cause. He  
12 re-echoed the adage 'unity is strength'."

13 And, again, this is dated April 2000. Sir, unlike SAJ Musa  
14 who you said did not respect Johnny Paul Koroma, Gullit - TAB,  
10:51:10 15 Alex Tamba Brima - he did respect Johnny Paul Koroma. Isn't that  
16 true?

17 A. I can't tell, sir.

18 Q. Well, if we look at the next page, the first full  
19 sentence --

10:51:24 20 PRESIDING JUDGE: I couldn't find that last page you  
21 referred to, 8210. Where is the numbering?

22 MR KOUMJIAN: It's the ERN number on the top, of mine on  
23 the top right.

24 MR MUNYARD: Your Honour, it's also on mine in the exhibit.

10:51:47 25 MR KOUMJIAN: On the top right, a black stamped ERN number.  
26 There may be some confusion because we had two copies of this  
27 document. One was more legible but incomplete and the other was  
28 complete but not as legible. But this should be P-134.

29 PRESIDING JUDGE: Yes, I probably got a different copy.

1 MR KOUMJIAN: Apparently you did. There's A and B. This  
2 is 134A.

3 PRESIDING JUDGE: Mine starts with an ERN number 0009974.

4 MR KOUMJIAN: That's my error. I should have said P-134A.

10:52:28 5 Would your Honour like me to go back to that?

6 PRESIDING JUDGE: No, I've got P-134A, that's the one you  
7 were reading from?

8 MR KOUMJIAN: Yes, sir.

9 PRESIDING JUDGE: All right. No, you continue on,

10:52:44 10 Mr Koumjian.

11 MR KOUMJIAN:

12 Q. Going to the next page, 8211, I just want to read the first  
13 sentence, full sentence:

14 "General Yaya underscored the fact that chairman Sankoh and  
10:52:58 15 chairman Lieutenant Colonel Johnny Paul Koroma must be looked  
16 upon as our father and our elder brother respectively. A father  
17 can wrong a younger brother and vice versa. Brigadier Yaya fine  
18 but it's left to us, their commanders and close collaborators, to  
19 remedy the situation."

10:53:20 20 So Gullit worked with the RUF much more than SAJ Musa and  
21 saw the advantages of unity, isn't that correct, Mr Witness?

22 A. Please repeat your question, sir.

23 Q. Gullit was much easier to work with for the RUF than SAJ  
24 Musa, correct?

10:53:39 25 A. I don't know. The time I saw Gullit was the time Gullit  
26 came to me to complain. I did not actually know his strong  
27 association with the AFRC before going to town, sir. I couldn't.

28 MR KOUMJIAN: Some other documents should have been  
29 distributed from the Sierra Leone TRC. And the first one should

1 have, that I want shown to the witness, is entitled "Witness to  
2 Truth, Volume 3B, report of the Sierra Leone Truth and  
3 Reconciliation Commission".

4 Q. And, sir, there are several cover pages, I'm just showing  
10:55:01 5 you one. If we could go to page 3643, the first page of text.  
6 And paragraph 88 and 89. We see that the paragraph - we see that  
7 the heading above paragraph 88 is: "Perpetrators who refuse to  
8 acknowledge responsibility" and the paragraph the first sentence  
9 of paragraph 88 says: "While the above examples clearly show the  
10:55:55 10 willingness of some perpetrators to acknowledge their actions  
11 during their - during the conflict and seek forgiveness from  
12 their communities, there were many others who were not so willing  
13 to acknowledge their wrongdoing."

14 And then skipping to the next paragraph which is headed  
10:56:11 15 "hearing in Kailahun District 14 May 2003. The next example is  
16 drawn from a closed hearing in Kailahun on 14 May 2003. Mustapha  
17 Sam Koroma was with the RUF vanguards Kailahun District. He was  
18 a security commander, although he claimed he did not make any  
19 decisions while in command. He also claimed he never went to the  
10:56:36 20 war front, which he subsequently contradicted. Due to the  
21 significance of the role he seemed to have played with the RUF in  
22 Kailahun, he was not welcome in the area." And that's all I want  
23 to read from this.

24 Mr Witness, you testified in a closed hearing, on 14 May  
10:56:58 25 2003, in Kailahun, correct?

26 A. Yes, sir.

27 Q. And you used the name Mustapha Sam Koroma, correct?

28 A. Yes, sir.

29 Q. Now, if we could then go to your testimony, which is the

1 next document, appendix 3, transcripts of TRC public hearings.  
2 First, perhaps, I should mark the document I just referred to,  
3 volume 3B, page 463. If that could be marked for identification,  
4 just the cover page and page 463.

10:57:30 5 MR MUNYARD: Can I suggest that we wait until we've looked  
6 at the two together, because they do seem to fit together and  
7 they could then be A and B.

8 PRESIDING JUDGE: It's not a bad idea.

9 MR KOUMJIAN: No problem.

10:57:48 10 Q. Witness, this is going to take us beyond the break, I'm  
11 afraid, but we'll begin.

12 PRESIDING JUDGE: Well is there enough that you can ask  
13 before the break or do you want to commence after the break?

14 MR KOUMJIAN: I think I can commence after the break. It  
10:58:05 15 would make more sense.

16 PRESIDING JUDGE: Okay. We'll take the morning break and  
17 we'll resume at 11.30.

18 [Break taken at 10.59 a.m.]

19 [Upon resuming at 11.32 a.m.]

11:32:24 20 PRESIDING JUDGE: Go ahead, Mr Koumjian.

21 MR KOUMJIAN: Yes, if the witness could be shown the  
22 appendix 3 transcripts of TRC public hearings.

23 Q. While that's being brought to you, Mr Witness, you told us  
24 that you are studying at the university now. How do you support  
11:32:42 25 yourself?

26 A. I support myself at the university.

27 Q. Yes, sir, the question is how do you do that? Are you  
28 employed?

29 A. I do it by myself. I don't understand what you mean by how

1 you do it. I support myself.

2 PRESIDING JUDGE: The question is how.

3 MR KOUMJIAN:

4 Q. Where does your money come from?

11:33:19 5 A. Sometime it come from my brothers, sometime it come from  
6 myself. I have to sell other small small items in Monrovia  
7 before I pay my school fees.

8 Q. So can you briefly tell us how you make money?

9 A. Before I run a motorcycle as a transport to transport  
11:33:44 10 people around and then I generate money. I pay my school fees  
11 when I come from school. If I have three classes in the week I  
12 have to schedule myself. When I come from school if there is no  
13 time, if I have class only Tuesday and Thursday I go around  
14 Monday, Wednesday and Friday to transport people over motorcycle.

11:34:06 15 Q. Okay, I'm going to move on. Sir, I'm now going to go over  
16 the testimony that you gave on 14 May 2003 to the Truth and  
17 Reconciliation Commission of Sierra Leone in Kailahun. If you  
18 look at page 262 of this appendix of transcripts of testimony, it  
19 indicates right below the name Mustapha Sam Koroma and the name  
11:34:39 20 of the presiding commissioner and then the bishop and then the  
21 leader of evidence, it says:

22 "My name is Mustapha Sam Koroma, the witness swore on the  
23 Bible. The oath was administered by commissioner Professor  
24 Kamara."

11:34:54 25 Did you swear on the Bible before you testified before the  
26 TRC, sir?

27 A. I don't remember swearing on Bible to the TRC. That was  
28 behind closed doors when I was taken inside. I don't actually  
29 recall that time. There was - there was kind of a fear and then

1 I was taken behind close doors, so I don't remember.

2 Q. You keep mentioning that you were taken behind closed  
3 doors. How does that affect you remembering whether or not you  
4 were sworn on the Bible? Does that affect that in some way?

11:35:31 5 A. I am forgetting, sir, because I did not talk publicly. I  
6 was taken behind closed doors, sir. I am actually forgetting in  
7 between there.

8 PRESIDING JUDGE: And what is the fear you're talking  
9 about?

11:35:44 10 THE WITNESS: I was a bit confused. They did not allow me  
11 to talk publicly. I was taken into another room to talk to the  
12 people where the door was closed and only few people went in  
13 there with me, sir.

14 PRESIDING JUDGE: But what were you afraid of?

11:36:03 15 THE WITNESS: I said the way in which, because the public  
16 hearing was held publicly but I, for me, I did not talk publicly.  
17 I taken into another room on an extra day after the public  
18 hearing. This is what I'm saying. I did not confess or I did  
19 not say anything publicly when the general programme was held. I  
11:36:24 20 was just scheduled on another day extra and I was taken into  
21 another room to talk to, but when the public hearing was going on  
22 I was not allowed to talk there, I don't know why.

23 PRESIDING JUDGE: Well, how did that make you afraid?

24 THE WITNESS: That's what I say. I don't know why they did  
11:36:39 25 not allow me to talk publicly. I was taken into another room to  
26 talk. It was an extra day. That was not even a day of public  
27 hearing. The TRC took me to another room to talk to me. If you  
28 follow up the story of the TRC, I did not talk publicly.

29 MR KOUMJIAN:

1 Q. Mr Witness, it was your choice to speak in a closed session  
2 rather than publicly. Isn't that true?

3 A. It was not my choice.

11:37:12

4 Q. You're saying you wanted to - you're telling these judges  
5 that you wanted to testify publicly but the Truth and  
6 Reconciliation Commission insisted that you testify behind closed  
7 doors?

8 A. No, sir, that's not what I'm say trying to say. I'm saying  
9 I don't know why I was not allowed to testify publicly.

11:37:31

10 Q. Who told you you were not allowed to testify publicly?

11 A. I said I don't know why I was not allowed. They only  
12 scheduled me on the extra day. That's what I'm saying. I was  
13 scheduled on another day. That was not the day of public  
14 hearing. The commissions, the people that were spearheading the

11:37:51

15 programme in Kailahun.

16 Q. You've told us previously that you did not contact the  
17 commission, they contacted you and you were summoned to the  
18 testimony. Correct?

11:38:08

19 A. That's not the commission. The person who was spearheading  
20 the TRC in Kailahun was quite different from those who were the  
21 commissioners. The commissioners that I knew were Bishop Humper  
22 and in the public hearing hall, we attended Bishop Humper, a  
23 certain Jalloh and one Nigerian fellow. Those are the three  
24 people I remember as commissioners on the TRC.

11:38:29

25 Q. Okay, sir, my question is you did not go to the TRC. The  
26 TRC summoned you, someone came to your house and told you they  
27 wanted to speak to you, correct?

28 A. Yes.

29 Q. Let's go through what it says after indicating that you



1 were sworn on the Bible. The testimony begins - I'm not going to  
2 read it all, it's about 8 pages so I'm going to skip to different  
3 parts and if Defence counsel wants to cover other parts he can in  
4 re-direct. It begins:

11:39:03 5 "At one time in Monrovia, my father called me and told that  
6 the names Koroma and Kanneh were the names the Liberians didn't  
7 want to hear. If you were in Liberia and you carried any of  
8 those names, you would be killed."

9 You told that to the Truth and Reconciliation Commission,  
11:39:19 10 correct?

11 A. I can't remember saying this. I remember they asked me  
12 about my stepfather name Koroma, whether it's a Mandingo or a  
13 Mende. I said it's a Mende and that's what I told them. I don't  
14 remember saying whether you are like this you would be chased and  
11:39:38 15 killed. I don't remember saying that, sir.

16 Q. You don't remember whether or not you said it. Is that  
17 correct?

18 A. No, sir.

19 Q. And then going down a few lines, I'll just begin reading  
11:40:01 20 from the middle of the fifth line:

21 "I went very close to the border. We could not go back to  
22 Liberia because of our name. We remained within that area until  
23 one Thursday morning when there was an attack and we were  
24 captured by one Tunkara."

11:40:20 25 This of course is the story that you told the TRC, you told  
26 them this, correct?

27 A. Yes, I told you earlier.

28 Q. And this is not true, correct?

29 A. This is not true. I told you earlier I changed my name and

1 my date of birth because of fear. This is my fourth time  
2 answering this question to you.

3 Q. And you were not captured by Tonkara. You were captured by  
4 Arthur, an NPFL soldier, correct?

11:40:49 5 A. Yes, sir.

6 Q. Sir, going down the page, you talk about in six lines up  
7 you say at one time my own assignment was a jungler. What is a  
8 jungler?

9 A. That English is not correct over there. My assignment was  
11:41:13 10 jungle. I said jungler, so these are some of the things I'm  
11 saying about the statement put forward there that I am not aware  
12 of some. I said jungler, meaning that I was a transporter. I  
13 moved from Kailahun to the Zogoda. From the Zogoda to Kailahun.  
14 That's what I told them, sir.

11:41:30 15 Q. And then after you gave your statement you were asked some  
16 questions, which begins on page 263. The Bishop began by  
17 thanking you and explaining that we want to know the truth and  
18 then questions began. And the Bishop asked you which of the  
19 groups you belonged to. He asked you which groups existed and  
11:42:00 20 you said Special Forces, vanguards and junior commanders. And  
21 then he asked which group you belonged to and you said vanguards.  
22 And then the Bishop asked were you involved in fighting, looting,  
23 killing or destroying properties in any way? And you answered:  
24 "I never went to the warfront. I took up an assignment. 28  
11:42:24 25 lives were killed among themselves."

26 Mr Witness, that's not true that you never went to the  
27 warfront, is it?

28 A. Bishop Humper was asking me in a closed door session  
29 between '91 and before 1996. That's what I told him, I said no,

1 I was not a front line soldier in between that time.

2 Q. Well, you contradict that in the next sentence, the next  
3 question. And then the Bishop asked you: "Mustapha, did you  
4 ever go to the warfront?" And you said: "My first time of going  
11:42:59 5 to the front line was when Zogoda was dissolved."

6 So you did go to the warfront when Zogoda was dissolved,  
7 correct?

8 A. Yes, I told you the last time that when we retreated to the  
9 borderline and our headquarter Giema was attacked, we all went to  
11:43:17 10 the front line that time. That was the day that the AFRC  
11 announced that SLPP has been overthrown and we should go to town.  
12 So I told you beginning of the war prior to 1996, that was the  
13 time I was speaking and that's what I'm saying, sir.

14 Q. When was Zogoda dissolved, according to you?

11:43:32 15 A. Zogoda was dissolved 1996 and that was not the front line  
16 time now for me. We retreated to Pujehun District where Mike  
17 Lamin and others had already crossed. I took the jungle again to  
18 Kailahun. This is what I was saying, sir. I was not fighting.  
19 I was retreating.

11:43:51 20 Q. So you did go to the front line after 1996, correct, or in  
21 1996, correct?

22 A. At Giema, we all went at Giema when the enemy forces  
23 attacked.

24 Q. You're saying when you invaded Sierra Leone in 1991 you  
11:44:10 25 never were at the front line. Is that your testimony?

26 A. Yes, sir, I was assigned at Gofor as an MP commander,  
27 military police?

28 Q. And then the Bishop asked:

29 "Mustapha, did you ever go to the warfront?" And you said:

1 "My first time of going to the warfront was when Zogoda was  
2 dissolved. I was injured and admitted for nine months." You  
3 were then asked:

4 "Can you tell us some of the atrocities your people  
11:44:40 5 committed?" And then you said:

6 "From the time I came here in '94 even the information they  
7 gave you yesterday, I came here after that time."

8 Sir, I don't understand how that answers the question about  
9 atrocities that you were asked. Did you answer the question

11:45:00 10 about atrocities that you knew of that were committed by the RUF?

11 A. No, sir. He was asking me about my personal participation  
12 in the war, if I ever committed atrocity. I said no, on no  
13 occasion. That's what I told him, I am in Kailahun here and I  
14 remain here, you came and saw me. If I knew I was wrong, I told  
11:45:19 15 him I was going to change my location either to go to Freetown or  
16 go to Makeni. But I told him I was pleased with myself within  
17 the people of Kailahun, that's why I stayed there, sir.

18 Q. The chairman Bishop Humper then asked you:

19 "Let me help you. Was your group involved in killing?"

11:45:35 20 And you answered:

21 "For as long as you fight in the front line you will always  
22 kill."

23 Mr Kolleh, why didn't you tell the Bishop about the  
24 killings you knew of, such as Luawa Giehun, the involvement of  
11:45:53 25 Mosquito, Sesay and Mohamed Tarawalli in those killings?

26 A. He was asking me about my personal participation, sir.  
27 That's what I answered. He did not ask me about Giehun and what  
28 have you. He did not ask me about that. He asked me my personal  
29 participation. That's why I told him, no.

1 Q. Sir, what's written here in the transcript is the question  
2 was:

3 "Was your group involved in killing?"

4 Now, do you understand that question to mean was your group  
11:46:22 5 involved to mean your personal participation only?

6 A. Yes, I understood it because I was the MP, my group as  
7 military police, I said no. That was what he was stretching at  
8 to me. My personal participation.

9 Q. Well you answered on the next page:

11:46:36 10 "For as long as you fight on the front line you will always  
11 kill." So were you answering then, since you understood the  
12 question to be your personal participation, were you answering  
13 about your personal participation?

14 A. No, sir, this time round he was asking me he said what  
11:46:50 15 about the front line, I said at the front line once you fight  
16 there you might kill because you fire, bullet might hole somebody  
17 by mistake or the bullet my hole somebody in the cross fire. I  
18 said at the front line it's obvious these things can happen.

19 Q. So now you understand the question to not be your  
11:47:09 20 participation when you answer you will always kill. That's -  
21 you're not talking about yourself?

22 A. He asked me what about at front line, those who fight  
23 there. I was just trying to answer that question to him. Asking  
24 me what about those who fight at front line. I say it might  
11:47:24 25 happen.

26 Q. Let's go down to the questions of Professor Kamara. He  
27 asked in the beginning:

28 "You were in Liberia and my guess is that you are Liberian,  
29 am I correct?" You said: "No, sir." You did lie to the

1 Commission and tell them you were not Liberian, correct?

2 A. I told you earlier, yes.

3 Q. And then the professor asked:

4 "You said people with the names Koroma and Konneh would be  
11:47:52 5 killed in Liberia" and you said, "Yes", correct?

6 A. I don't remember saying that to the TRC.

7 Q. Well, were people with the names Koroma and Konneh killed  
8 in Liberia?

9 A. I'm not aware of that.

11:48:03 10 Q. In fact, Mr Witness, you know because you were a Liberian,  
11 you were there during the war the NPFL was killing Mandingos and  
12 people with those names, correct?

13 A. No, sir I told you from campus to base to Sierra Leone.

14 Q. Well, you told us from the campus you went to Bong County  
11:48:22 15 to Gbarnga and you were captured by an NPFL soldier and you were  
16 with him for one to two months. Did you forget that?

17 A. Yes, but not in Gbarnga Town. Yes, sir.

18 Q. Now, do you remember that I asked you about atrocities  
19 committed in Operation Stop Election?

11:48:47 20 A. Yes, sir.

21 Q. On page 265, going down to the third question from  
22 Commissioner Kamara, he asks you about atrocities. That means  
23 you had to commit atrocities. And you answered:

24 "During that period, especially in 1996, when the peace  
11:49:12 25 before election failed a lot of atrocities were committed by  
26 rebels and soldiers."

27 And that's true, isn't it?

28 A. I don't remember saying that, sir. All questions that I  
29 was asked about my personal participation when I was taken behind

1 closed door, I don't remember saying atrocities were created by  
2 RUF. No, I don't remember saying this.

3 Q. Sir, are you saying that this is recorded incorrectly.  
4 That you did not say that you knew about atrocities?

11:49:42 5 A. No, sir. That mission you talk about, election fail, no.

6 Q. Are you saying you don't remember what you said because it  
7 was behind closed doors or are you saying you are sure --

8 A. I don't remember saying this, sir.

9 Q. Well, let's look for a second at what you said on 4  
11:49:58 10 November at page 48758. You were asked about the ninth line:

11 "Q. Mr Witness, didn't you know that atrocities were  
12 committed by rebels and by army during operation stop -  
13 during the elections?

14 A. I didn't know, sir. I was under treatment."

11:50:36 15 So what's recorded that you told the Court here is that you  
16 didn't know anything about atrocities but what's recorded you  
17 told the TRC is that you did know about atrocities during the  
18 election.

19 A. I did not.

11:50:57 20 JUDGE DOHERTY: Mr Koumjian, I find that answer somewhat  
21 ambiguous.

22 When you say, "I did not", do you mean you did not tell the  
23 TRC that or you did not tell the Court that? What do you mean?

24 THE WITNESS: It's the TRC he's asking me. That's what I  
11:51:16 25 said no. He asked me about the TRC, I said no, I never.

26 PRESIDING JUDGE: So are you saying somebody from the TRC  
27 made up all of this stuff and just put it in a statement with  
28 your name on it?

29 THE WITNESS: Yes, here he is asking me about the

1 information here, I said I was in the hospital. He is not  
2 actually specific about the year. Then on the other side from  
3 the TRC he's asking me whether I did mention that, I said no. On  
4 the other document he asking me that I was in the hospital and  
11:51:48 5 this is 2008 I was in the hospital. Then this is 2003 document  
6 he's reading again, he's combining whole thing to me. That's why  
7 even yesterday I told him he should be specific when he's  
8 addressing the question, sir.

9 PRESIDING JUDGE: Once again, I don't understand what  
11:52:05 10 you're saying but we'll move on.

11 Go ahead, Mr Koumjian.

12 MR KOUMJIAN:

13 Q. Mr Witness, I want to ask you about what's recorded about  
14 an answer you give further down the page. And that was the one  
11:52:19 15 second from the bottom answer and begins: "It was a movement we  
16 all belonged to." They were asking you about the  
17 misunderstanding between Mosquito and Sam Bockarie - excuse me,  
18 Mosquito and Foday Sankoh. And you said:

19 "It started from gossip to the leader. When Sankoh was  
11:52:43 20 away he told Mosquito he should put his feet in his shoes. When  
21 Sankoh came back, the people complained to him that Mosquito  
22 harassed them a lot. Sankoh called Mosquito and told him that he  
23 was not coming to Kailahun again. He told Mosquito that he  
24 should go to Liberia to go and train, but Mosquito refused and  
11:53:07 25 alleged that Sankoh wanted to kill him."

26 Did you tell the TRC that Sankoh told Sam Bockarie that he  
27 should go to Liberia to train?

28 A. No, during the confusion between Sankoh and Bockarie and  
29 Mosquito, no, that was not said by Sankoh. That time was just a



1 confusion continuously, sir.

2 Q. So, again, sir, you have this, I hope, this page in front  
3 of you. You're saying that the transcript that the TRC  
4 published, that they made up what you said, what's recorded here?

11:53:44 5 Is that what you're saying?

6 A. This is not what I said, sir. During the confusion of  
7 Mosquito and Sankoh there was no statement from Sankoh, "Go and  
8 train." No. That was not said by me.

9 Q. Let's go a few more pages to page 267. In the middle of  
11:54:10 10 the page there's a question from the leader of the evidence, just  
11 above the middle, where he says: "While in Liberia Sierra  
12 Leoneans were arrested by Charles Taylor. Sankoh convinced  
13 Charles Taylor to release those people. Do you know about that?"

14 A. I'm not aware of that. I told you earlier. I'm not aware  
11:54:30 15 of that.

16 Q. Sir, the answer you gave the TRC was: "Other people gave  
17 us the message that those people were dead."

18 A. No, sir.

19 Q. First of all, did you tell the TRC that?

11:54:43 20 A. No. I again say no, sir.

21 Q. And, sir, you were a vanguard in Naama you told us for  
22 about five months, correct?

23 A. Yes.

24 Q. Training in Naama?

11:54:52 25 A. Yes, sir.

26 Q. And, sir, didn't you know that Jonathan Kposowa, Morris  
27 Kallon, Prince Taylor, Philip Palmer, and others were arrested by  
28 the NPFL and released and that's how they got to Camp Naama, that  
29 Sankoh brought them from NPFL jails?

1 A. I'm not aware, sir. No, sir.

2 Q. You never heard that?

3 A. No.

4 Q. Let's go to the next page. You were being asked about  
11:55:31 5 Rashid Mansaray's killing. And I'm just going to read from the  
6 first full sentence of your answer at the top of page 268.  
7 "Rashid had told the commander at Daru that by 8 o'clock he  
8 should use of the light to talk to his men, but he should not use  
9 it too much. No sooner had the men left than they launched the  
11:56:01 10 attack and the body of Rashid was torn into pieces."

11 Did you tell the Commission that the body of Rashid  
12 Mansaray was torn into pieces?

13 A. No, sir. I carried Mosquito - sorry, Rashid, hand him over  
14 to Issa and Mosquito took Rashid from Issa. That's what I said  
11:56:20 15 earlier.

16 Q. That is what you said in the testimony. And then were you  
17 there, sir, when the trial took place of Rashid?

18 A. No, once Mosquito took him I left, I went back to Sankoh.  
19 I was not there when the trial started or the trial continued. I  
11:56:36 20 was there when he took Rashid from Issa. That's what I told you  
21 earlier.

22 Q. The next question from the leader of the evidence to you at  
23 the TRC 2003 was: "Were you there when the trial of Rashid took  
24 place."

11:56:51 25 You answered: "Yes, sir."

26 And then you said:

27 "I never saw the people who killed Rashid. Sankoh said  
28 they should carry the man to the front line."

29 And then you were asked, "Which front line was Rashid sent

1 to?"

2 You said to Mano, Sierra Leone highway. And then you were  
3 asked was he sent to a front line headed by Mosquito and you said  
4 yes. Is that recorded correctly? Is that what you told the TRC?

11:57:15 5 A. It's not correct here. Even the area they spell here is  
6 also wrong, so to tell you that the information I don't know  
7 about some, there's no Mano on the highway I told you earlier it  
8 was Kpandebu that I carried Rashid to Issa and Mosquito took  
9 Rashid from Issa. There is no Mano. So to tell you that there  
11:57:36 10 are mistakes on this document.

11 Q. Sir, when you went through the TRC after the closed hearing  
12 you actually went through a public ceremony where kola nuts were  
13 broken and basically the community was forgiving you. Is that  
14 correct?

11:57:54 15 A. Yes, we were told to talk with the public for our  
16 wrongdoing and then I said for my being in the RUF, I say today I  
17 bow down to the public to ask them for clemency and then I went  
18 down, the chief put their hands on my back and he told me you can  
19 be with us here as long as you wish. From today we can be here.

11:58:18 20 Q. Because the idea, sir, of the TRC was that to bring people  
21 back together that those who had done wrong would admit it to the  
22 community and that there could be forgiveness for those who had  
23 done wrong, correct?

24 A. Yes, but in my case it was never like that, sir. From the  
11:58:44 25 beginning of the TRC to the end nobody ever mentioned my name. I  
26 sat there until everything went on.

27 Q. Sir, did you admit to any atrocities, being involved in any  
28 atrocities, any crimes, before the TRC?

29 A. No, sir.

1 Q. Did you ever tell the community about the crimes of the RUF  
2 that you were sorry about?

3 A. No, the problem was we should beg the community for our  
4 wrongdoing. Whether in the RUF, or you committed or you did not  
11:59:16 5 commit, but for the fight that you are RUF you have to apologise  
6 to the civilians who died, if you want to stay in Kailahun you  
7 can be forgiven and that's the process we all went through, not  
8 only I alone.

9 Q. Sir, did you tell, Mr Kollah, the TRC, or the people in the  
11:59:33 10 community in Sierra Leone the truth? That you came with the war  
11 from Liberia, that it was from Liberia that you were trained,  
12 that the RUF were recruited in Liberia and you brought the war to  
13 them from Liberia?

14 A. At that point, no, sir.

11:59:53 15 Q. Did you tell them who was sending you the ammunition and  
16 war materials that you needed all those years to carry out your  
17 fighting, including all the fighting in 1998, late 1998 to early  
18 '99, the taking of Kono, Makeni, Waterloo, all the way down to  
19 the Freetown peninsula? Did you tell them about that?

12:00:24 20 A. You are combining your question, sir. Please repeat. In  
21 the beginning of the war to a certain stage and from there again  
22 to another stage, you are combining the information. How do you  
23 expect me to answer, sir?

24 Q. Okay, let me break it down for you, sir. Did you tell them  
12:00:40 25 who promoted the war?

26 A. No, sir.

27 Q. Sir, I'd like to show you a clip of testimony before I ask  
28 you final questions about your TRC testimony.

29 A. Yes, sir.

1 Q. And that would be testimony that this Court heard, it's  
2 very short, from 1 October 2008. This is the testimony of a man  
3 named Patrick Sheriff.

4 [Video clip played to the Court]

12:02:59 5 MR KOUMJIAN: There should be a translation.

6 Q. Mr Kolléh?

7 A. Yes, sir.

8 Q. The war in Sierra Leone was promoted by the man who set up  
9 Camp Naama, the man who brought the recruits to train there, who  
10 armed them and sent them to inflict the bitterness of war on  
11 Sierra Leone. The man who sent you ammunition during critical  
12 times, and particularly in 1998 before the offensive that led to  
13 the taking of Kono, Makeni and Freetown. You know who that man  
14 was and it was Charles Taylor. Isn't that true?

12:04:23 15 A. No, sir.

16 Q. Sir, Mr Sheriff said that God will bring judgment on those  
17 that promoted the war. Let's read what you said about the war.  
18 Page 269. You said: "I'm appealing to the commission. The war  
19 was not made by human beings. It was made by God." Mr Kolléh,  
20 it was human beings that killed Sierra Leoneans in the war.

12:04:56 21 Isn't that true?

22 A. It was human being that fought the war, sir.

23 Q. It was human beings that took children and separated them  
24 from their parents, it was RUF leaders that did that. Isn't that  
12:05:18 25 true?

26 A. Yes, it was RUF.

27 Q. And it was the RUF that cut the heads off victims and put  
28 them on sticks, that took young girls as bush wives, that burned  
29 houses with people inside them alive. All that was done by human

1 beings. Isn't that true?

2 A. I am not aware of those crime you are talking about, sir,  
3 please.

12:06:01

4 Q. And, sir, it was a human being, Charles Taylor, that made  
5 all of that possible. Isn't that true?

6 A. No, sir.

12:06:24

7 MR KOU MJIAN: Thank you. I have no further questions. I  
8 would ask that the transcript of the TRC as requested by  
9 Mr Munyard, we have two documents. I believe the first, the  
10 shorter one, TRC volume 3B be marked next in order and then the  
11 appendix 3 with the transcript of Mr Mustapha Sam Koroma's  
12 testimony be marked B, the same MFI number.

13 PRESIDING JUDGE: Yes, those two documents will be marked  
14 respectively MFI -25A and 25B.

12:06:55

15 Thank you, Mr Koumjian. Mr Munyard, do you have some  
16 questions in re-examination?

17 MR MUNYARD: I do, thank you, Mr President.

18 RE-EXAMINATION BY MR MUNYARD:

12:07:16

19 Q. Mr Kolleh, dealing with one aspect of this document you've  
20 just been shown I wonder if MFI-25B is still on the desk, I can't  
21 tell from here. If it could just be shown to the witness. I  
22 simply want to clarify something about this document. He may be  
23 able to help us. Mr Kolleh, do you see that document in front of  
24 you, it's headed appendix 3 transcripts of TRC public hearings.  
25 Do you see that?

26 A. Yes, sir.

27 Q. And then it says below that:

28 "This appendix transcripts of TRC public hearings held in  
29 Freetown and the district headquarter towns."

1 And then if you turn it over, the first page behind it is  
2 number 262, do you have that?

3 A. Yes.

12:08:20

4 Q. And does it say, "Closed hearings held on 14 May 2003 in  
5 Kailahun"? At the very top of that page?

6 A. Yes, yes, yes.

7 Q. Yes?

8 A. Yes, sir, on the heading I have seen it.

12:08:47

9 Q. Very well. Did you give evidence in a public hearing or in  
10 a closed hearing?

11 A. I gave evidence in a closed hearing.

12:09:07

12 Q. Thank you very much. I'm not sure therefore, Mr President,  
13 whether this is the right front cover. That's simply why I  
14 raised that. It may be that my learned friend can clarify that  
15 later. I don't want hold the proceedings up but it did strike me  
16 as rather odd that we've got two contradictory headings on the  
17 first and the second page. I'll move on and that can be  
18 investigated hopefully in the next little while by those  
19 opposite.

12:09:26

20 Now some time ago you were asked a question by Mr Koumjian  
21 for the Prosecution if you could remember ever having killed  
22 anyone and I want you to consider that question again.

23 Mr Kolleh, have you yourself ever killed anyone?

12:09:53

24 A. I said I don't remember that. If I was directly involved  
25 in killing somebody, I don't remember that. I have never.

26 Q. In what circumstances - were there any circumstances in  
27 which you were involved in the course of which people were  
28 killed?

29 A. Yes, when I served as investigation for the military

1 police, yes, killing took place in Giehun.

2 Q. I may have asked a question that wasn't altogether clear.

3 You've told us recently today that there was an occasion when you  
4 were at the front line. Is that right?

12:10:42 5 A. Come again?

6 Q. You've told us this very morning that there was an occasion  
7 when you were at the front line, the battlefield?

8 A. I'm not still getting you, sir.

9 Q. A little while ago when you were being asked questions by  
10 counsel for the Prosecution you said that there did come a time  
11 when you were at the battlefield and I think it was after the  
12 fall of Zogoda that you explained?

13 A. Yes, sir, I said Giema.

14 Q. All right. Were you involved in fighting at that time in  
15 which people were killed?

16 A. No, sir.

17 Q. All right. Very well.

18 A. Once the attack was repelled and we were called to town.

19 Q. Could you please be shown MFI-6 I think it is. Yes, MFI-6.  
12:13:05 20 Before you look at it I'm going to ask you a preliminary  
21 question. You mentioned in your evidence this morning, you  
22 talked about an NGO or NGOs. What do you mean by an NGO?

23 A. They were non-governmental organisations that worked during  
24 UNAMSIL.

12:13:32 25 Q. Have you heard of an NGO that calls itself Global Witness?

26 A. No, sir.

27 Q. Have a look, please, at MFI-6. The front page, it's a  
28 document headed: "Briefing document: Liberia's logs of war:  
29 Underpinning conflict" and it's a press release dated 3 May 2002.



- 1 Now, we have just seen an extract from your evidence to the Truth  
2 and Reconciliation Commission closed hearing on 14 May 2003,  
3 that's a year after this press release. I'm going to ask you,  
4 please, to look at page 6 of MFI-6, the paragraph that we saw in  
12:14:35 5 your cross-examination. Now, do you see three paragraphs down  
6 there's a sentence that starts, "A Liberian by the name of Sam  
7 Kolleh, a close associate of President Charles Taylor, is now in  
8 Sierra Leone and has changed his name to Sam Koroma to appear  
9 Sierra Leonean." Do you see that?
- 12:15:16 10 A. I am seeing it, sir.
- 11 Q. Now, do you accept that you are a Liberian by the name of  
12 Sam Kolleh who has changed his name, certainly in 2002, 2003, to  
13 Sam Koroma?
- 14 A. Yes.
- 12:15:38 15 Q. Thank you. Were you ever at any time a close associate of  
16 President Charles Taylor?
- 17 A. No, sir.
- 18 Q. Have you ever met President Charles Taylor?
- 19 A. No way in my life, please.
- 12:15:56 20 Q. Have you ever spoken to President Charles Taylor?
- 21 A. No, sir.
- 22 Q. Have you ever worked for any agency of the government of  
23 President Charles Taylor?
- 24 A. No, sir.
- 12:16:11 25 Q. But you accept that an NGO called Global Witness, as far  
26 back as 2002, knew that you, Sam Kolleh, were using the name Sam  
27 Koroma?
- 28 A. I am not aware of that information, sir.
- 29 Q. Well, let me ask the question in a slightly different way.

1 You've already agreed that you are Sam Koll eh and that back in  
2 2002 and 2003 you were using the name Sam Koroma, yes?

3 A. Yes, sir.

12:16:56

4 Q. And so do you agree that, at least in terms of the names  
5 that were being used, this NGO has correctly identified you as  
6 Sam Koll eh going by the name of Sam Koroma in 2002?

7 A. I did not know any NGO by that name.

12:17:24

8 Q. No, I'm not asking you about the NGO as such, but do you  
9 agree that this NGO has correctly identified you as Sam Koll eh  
10 using the name Sam Koroma?

11 A. Yes, sir.

12 Q. Right. So this little organisation knew that you, Sam  
13 Koll eh, in 2002 was using the name Sam Koroma, yes?

12:17:47

14 A. I can't tell. I didn't know about the NGO. I can't tell  
15 whether they knew that name - they knew that name, Sam Koll eh. I  
16 can't tell, sir, but they called me by that name.

17 Q. By what name did Eric Quor Senesie know you in 2002?

18 A. Usually he call me CO Sam, CO Sam, that was how they used  
19 to call me, but he knew my full name Sam Koll eh.

12:18:15

20 Q. He knew your full name, Sam Koll eh?

21 A. Yes, sir, he knew my name.

22 Q. How long had he known you by 2002?

23 A. Eric Quor Senesie knew me since the war, especially --

24 Q. Since when? Since what period of the war?

12:18:35

25 A. This was 1995/6, starting from '95 through until  
26 disarmament, sir, I started to know Eric Quor Senesie.

27 Q. Right. So he knew you as Sam Koll eh?

28 A. Yes, sir.

29 Q. Did he know that you had changed your name by - certainly

1 by 2003 when you told us he brought a Special Court investigator  
2 to your house?

3 A. I don't know if he had taken notice of the changing of my  
4 name, but he brought somebody to my house.

12:19:09 5 Q. So a little NGO knows that Sam Kolleh is Sam Koroma in  
6 2002, your colleague from the RUF, going back as far as 1995/'96  
7 know whose you are, Sam Kolleh, and where to find you in Kailahun  
8 in 2003, yes?

9 A. Yes, sir.

12:19:36 10 Q. And by what name did the man that Eric Quor Senesie brought  
11 to your house first call you, this is the man from the Special  
12 Court, Chris Bomford?

13 A. Sam. He knew the Sam Kolleh name. That is how he was  
14 directed to my house.

12:19:59 15 Q. No, by what name did he call you when he first spoke to  
16 you?

17 A. When he entered my house he said, "Oh, Sam Kolleh, how is  
18 it?"

19 Q. Yes, thank you. Just for the avoidance of doubt, can I ask  
12:20:36 20 one further question. We don't need the document any longer,  
21 thank you. I now can't remember what you told us about that  
22 name, but why was it you chose the name Sam Koroma, Sam Mustapha  
23 Koroma?

24 A. I told you, because of fear I have to change my name.

12:21:04 25 Q. Yes, why did you choose the particular name Sam Mustapha  
26 Koroma?

27 A. The name Sam Mustapha Koroma, why I chose the name?

28 Q. Yes, that was the question. Can you now answer it?

29 A. It's the name of my stepfather.

1 Q. Yes, and what nationality was your stepfather?

2 A. A Sierra Leonean.

3 Q. Thank you. Now, I want to take you, please, to the  
4 affidavit that you swore this year, MFI-22.

12:22:04 5 MR KOUMJIAN: Just a reminder that there is some - marked  
6 confidential.

7 MR MUNYARD: Thank you. I won't have it on the screen,  
8 I'll just have it given to the witness.

9 Q. Mr Kollah, you're going to be given a paper copy and will  
12:22:23 10 you look at the paper copy, please. Now, before I ask you  
11 anything about the detail of what's in the affidavit, I want you  
12 to tell the judges how this came about that you signed this  
13 affidavit. First of all, it is dated, we know, 23 September  
14 2010, just over a month ago. About six or seven weeks ago. Who  
12:23:01 15 did you see before this affidavit was signed by you?

16 A. I saw Logan.

17 Q. Anybody else with Logan?

18 A. Gus, John Gray, Silas.

19 Q. Right. And when you saw Logan, Silas, Gus and John Gray,  
12:23:33 20 did they - did any of them ask you any questions about what had  
21 happened when you'd had dealings with people from the Special  
22 Court?

23 A. Yes, they asked me if I ever gave a statement to the  
24 Special Court. I said yes.

12:23:53 25 Q. Who asked you that?

26 A. Silas.

27 Q. Was anybody writing down your answers?

28 A. Yes, he himself wrote down.

29 Q. "He" being?

1 A. Silas.

2 Q. And when I say write down, I mean either by hand on a piece  
3 of paper or type on to a computer.

4 A. Yeah, Logan was typing.

12:24:17 5 Q. Logan was typing and what was Silas doing?

6 A. He was talking to me, at the same time writing with his  
7 hand.

8 Q. Right. So he was writing notes, Logan was typing?

9 A. Yes, sir.

12:24:33 10 Q. And can you remember now how long that process went on for?

11 A. No. You mean for that day?

12 Q. Yes.

13 A. We were there for hour or so.

14 Q. For an hour or so, all right.

12:24:57 15 JUDGE DOHERTY: Mr Munyard, it sounded a bit like to me  
16 like four hour or so. It wasn't at all clear.

17 THE WITNESS: For. F-0-R, for.

18 MR MUNYARD: It's an ambiguous word and I understand, thank  
19 you, your Honour.

12:25:16 20 Q. For an hour or so, and what happened at the end of that  
21 hour or so?

22 A. Please repeat.

23 Q. At the end of that hour or so, were you given anything to  
24 look at? Was anything either handed to you to read or were you

12:25:37 25 asked to look at any document and read over it?

26 A. No, not at that time.

27 Q. Did that happen at any other time?

28 A. Yes, another time it happened.

29 Q. Right, well tell us what happened.

1 A. The document was brought finally for me to sign, but that  
2 day of talking to me at that time they were taking statement and  
3 Silas was writing. On another time was a time they came for me  
4 to go over here and sign, and I sign.

12:26:19 5 Q. All right. On that other occasion what happened then?

6 A. I signed the document.

7 Q. Well, did you read through it before you signed it to make  
8 sure that they had correctly recorded what you'd told them in the  
9 course of the earlier interview?

12:26:46 10 A. Yes, I went through it, sir.

11 Q. Did you make any corrections to it or changes to it?

12 A. I don't actually remember now, sir. I don't remember.

13 Q. Very well. Were you satisfied before you signed that  
14 document --

12:27:17 15 A. Yes, sir.

16 Q. -- that Silas and Logan had correctly recorded what you had  
17 been telling them?

18 A. Yes.

19 Q. And was the contents of that document the truth? That  
12:27:37 20 affidavit that you signed, was it true?

21 A. Yes, sir.

22 Q. Thank you. Well, I'd like you to look, please, at a couple  
23 of matters in it that have either been touched on in your  
24 evidence or when you were being shown the affidavit earlier in  
12:27:56 25 cross-examination. Now I want you to look, please, at paragraph  
26 6. I had better briefly summarise the preceding history. It's  
27 paragraph 5. I'm not going to deal with the introductory  
28 paragraphs. Paragraph 5, does it read:

29 "My first contact with members of the Prosecution was in

1 early 2003 in Kailahun. One Chris Bomford approached me through  
2 another former RUF member by the name Eric Quor Senesie. I still  
3 have Chris Bomford's card."

4 Did you tell them that?

12:28:58 5 A. Yes, sir.

6 Q. And is that true?

7 A. Yes, I have the card.

8 Q. And is all of that true, that Chris Bomford approached you  
9 through Eric Quor Senesie?

12:29:12 10 A. Yes, sir.

11 Q. Thank you.

12 "I also have a picture on myself in the centre and Eric  
13 Senesie far right and some members of the Pakistani members of  
14 UNAMSIL deployed in Kailahun. Initially when Chris came to see  
15 me, I refused to discuss anything with him, I was so annoyed with  
16 Eric for bringing Chris to my house."

17 Did you tell them that?

18 A. Yes.

19 Q. "This was the time that Issa Sesay had been arrested and  
12:29:43 20 there was general fear that all senior RUF members would be  
21 arrested."

22 Did you tell them that?

23 A. Yes, sir.

24 Q. Pausing there for a moment. You have described yourself in  
12:29:59 25 your evidence as a senior member of the RUF. Why were you a  
26 senior member of the RUF? What gave you that position?

27 A. It was by an appointment, sir.

28 Q. And what was the appointment?

29 A. Chief security officer of Kailahun District.

1 Q. All right. Before you were chief security officer were you  
2 regarded as a senior member of the RUF and, if so, why?

3 A. I was regarded as senior member of the RUF because I was a  
4 vanguard.

12:30:37 5 Q. Thank you. And so did your status as a senior member of  
6 the RUF stem from being a vanguard regardless of what particular  
7 assignment you had?

8 A. Please repeat.

9 Q. Did your position as a senior member of the RUF flow from  
12:31:02 10 the fact that you were a vanguard, rather than any particular  
11 assignment that was given to you?

12 A. Please repeat, sir. I'm not still getting that.

13 Q. Let me put it another way. Were all vanguards regarded as  
14 senior members of the RUF?

12:31:20 15 A. Yes, sir.

16 Q. And it didn't matter what their assignment was, the fact  
17 that they were a vanguard gave them that position?

18 A. Yes.

19 Q. Thank you. Now, moving on to paragraph 6, I want to see if  
12:31:42 20 this is correctly recorded:

21 "After they had left I went to see some members of  
22 Interpol, international police, that I had worked with during  
23 disarmament to ask what was happening. I should hasten to add  
24 that by this time I had already appeared and given evidence  
12:31:58 25 before the Truth and Reconciliation Commission in Kailahun."

26 Is that correct?

27 A. Yes, sir.

28 Q. And when the expression is used there "Interpol", was that  
29 the name that you used to describe the international police that



1 you'd been to see?

2 A. Yes, sir.

3 Q. And where did you get that name from, Interpol?

4 A. It was on the uniform. It was on the badges, Interpol.

12:32:34 5 Q. All right.

6 A. International police.

7 Q. Moving on:

8 "People from the Truth and Reconciliation Commission had  
9 come to me three times before I went to give evidence. I

12:32:50 10 understood from the person who worked for the TRC in Kailahun  
11 that if I didn't cooperate they would have me arrested. This was  
12 the time I first understood the term 'sweeping'."

13 Did you tell them that?

14 A. Yes.

12:33:08 15 Q. And you dealt with what you mean by sweeping on Wednesday  
16 of last week.

17 A. Yes, sir.

18 Q. Paragraph 7, please:

12:33:26 19 "My Interpol connections assured me that in relation to the  
20 Special Court I should not be afraid and should cooperate. They  
21 told me if I did not cooperate I would be subject to this same  
22 sweeping system. They said that if I agreed to talk to the  
23 Prosecution, even if all I spoke was foolishness, then they  
24 didn't have any power to use this sweeping power to arrest me but  
12:33:46 25 if I refused to talk then I would be arrested."

26 Did you tell them that?

27 A. Yes, sir.

28 Q. Paragraph 8, over the page, look at the document in front  
29 of you, please:

1 "I understand that Augustine Gbao, an RUF convict before  
2 the Special Court, was arrested under this sweeping system after  
3 he refused to cooperate with the Prosecution against Foday  
4 Sankoh."

12:34:05 5 Did you tell them that?

6 A. Yes, sir.

7 Q. And when had you learned about Augustine Gbao's arrest?

8 A. It was in the same process this time I knew that Gbao was  
9 arrested under sweeping condition.

12:34:24 10 Q. When did you first learn that?

11 A. That was the time the Interpol tried to give me an example  
12 of what happened to Gbao that if you fail, same will be applied  
13 to you. It happened to one of your senior officer, Gbao.

14 Q. Then paragraph 9, I'm just going to summarise paragraph 9.

12:34:52 15 If anyone objects to the way I summarise it then I'm happy to  
16 read it all out, but I hope to speed things up by summarising it.  
17 Did you tell the two people taking your affidavit down that you  
18 went to the local police station and then eventually you went to  
19 the UNAMSIL headquarters and met Chris Bomford, Sharan Parmar and  
12:35:14 20 Yusef Dafaee?

21 A. Yes, sir.

22 Q. All from the Special Court. Very well. Paragraph 10:

23 "Following this incident, I was flown --

24 MR KOU MJIAN: Excuse me. First I would indicate that the  
12:35:31 25 Prosecution is going to move this document into evidence and the  
26 witness has already said he signed it. Just simply reading or  
27 summarising it and asking him is that what you said is leading  
28 and I also think it's unnecessary because the document is coming  
29 in. I'm going to move it into evidence if there's no objection.

1 MR MUNYARD: Well, he has been questioned very thoroughly  
2 about the way in which this document was created and also about  
3 the accuracy or otherwise of the information in there. I'm  
4 trying to concentrate only on areas where he's been, broadly  
12:36:07 5 speaking, challenged either as to the way it was made or the  
6 material in it and I'm not going through every paragraph line by  
7 line.

8 PRESIDING JUDGE: Well, on that basis continue then,  
9 Mr Munyard.

12:36:21 10 MR MUNYARD: Thank you, your Honour.

11 Q. Now, paragraph 11 and again I'll summarise it, did you tell  
12 Silas and Logan that at the Special Court when you arrived  
13 somebody contacted David Crane by walkie-talkie and you heard  
14 David Crane on the other end of the walkie-talkie say, "Is the  
12:36:58 15 perpetrator here? Bring him in."

16 A. Yes, sir.

17 Q. Now, how did you know that it was David Crane speaking on  
18 the other end of the walkie-talkie?

19 A. After he spoke I was taken straight into the conference  
12:37:13 20 room and --

21 Q. Pause there. When you got into the conference room did you  
22 meet David Crane?

23 A. Yes.

24 Q. And when you met David Crane did he speak to you?

12:37:22 25 A. Yes.

26 Q. And how did his voice compare with the voice that you'd  
27 just heard on the other end of the walkie-talkie outside of the  
28 conference room?

29 A. The same, sir.

- 1 Q. Thank you. Paragraph 12, you've already told us the  
2 information in that. You've said that you were asked to sit in a  
3 chair in the centre of a group of people. Paragraph 13, someone  
4 asked you in a threatening manner to swing your chair round and  
12:38:03 5 face him and that was David Crane who introduced himself then.  
6 When you say he introduced himself, how did he introduce himself?  
7 What words did he use?
- 8 A. After I spin the chair around --
- 9 Q. No, just tell us what words he used, Mr Kolley?
- 12:38:32 10 A. He said do you know who is talking to you? I said no. He  
11 said this is David Crane.
- 12 Q. Did he say who David Crane was?
- 13 A. Yes, he told me this is David Crane, the Chief Prosecutor.
- 14 Q. Thank you. Paragraph 14:
- 12:38:57 15 "Crane then asked me if I had come to see Issa or to join  
16 him. As I've already indicated, Issa by this time had been  
17 arrested by the Special Court. Crane then told me that if I did  
18 not want to join Issa I should tell them the truth about the RUF  
19 sending diamonds from the RUF to Charles Taylor. I later got  
12:39:20 20 I learn that they had prior information about my involvement as  
21 diamond courier in the RUF under Foday Sankoh."
- 22 Now, did you tell them that?
- 23 A. Yes, sir.
- 24 Q. Was David Crane the first person from the Special Court to  
12:39:40 25 ask you about diamonds from the RUF to Charles Taylor or had  
26 anybody else already ask said you about that subject?
- 27 A. Chris Bomford first asked me in Kailahun.
- 28 Q. I'm not going to deal with paragraph 15, you've already  
29 dealt with that. This is about being given the card of a man

1 called Don Ray. Paragraph 16:

2 "I went into the next room where my statement was audio  
3 recorded and typed. There were about four people in the room.  
4 They asked me questions on a number of issues related to the RUF  
12:40:27 5 including the command structure. They also asked me about the  
6 RUF and Taylor's involvement in diamonds."

7 You say you went into the next room where your statement  
8 was audio recorded and typed?

9 A. Yes, sir.

12:40:47 10 Q. When did those people ask you about the RUF and Taylor's  
11 involvement in diamonds? Was it while the statement was being  
12 audio recorded and typed or was it some other time?

13 A. That was the time, sir. They were only asking, if I say  
14 something that they did not want they would not type, they would  
12:41:10 15 stop.

16 Q. Pause there. Let me ask the question again. Did they ask  
17 you about the RUF and Taylor's involvement in diamonds as they  
18 were recording and typing, or at some other time?

19 A. Yes, they asked me. When I said I did not know, they  
12:41:28 20 stopped me to go and rest, the next day to come back. That was  
21 that night Chris Bomford came to me --

22 Q. Pause there, please. It may be me, I may not be asking the  
23 question clearly enough. I want you just to concentrate on the  
24 time that you were asked this question. Did those people ask you  
12:41:51 25 about the RUF and Charles Taylor's involvement in diamonds as  
26 they were recording and typing your statement or at some other  
27 stage when you were in that room with them?

28 A. Yes, when I was in the other room with them.

29 Q. I'm going to have one final attempt. This paragraph says

1 you went into the next room where your statement was audio  
2 recorded and typed. Is that correct?

3 A. Yes, sir.

12:42:35

4 Q. It also says that the people asked you about the RUF and  
5 Taylor's involvement in diamonds, yes?

6 A. Yes, sir.

7 Q. First of all, did they ask you about the RUF and Taylor's  
8 involvement in diamonds in that room where the statement was  
9 taken?

12:42:50

10 A. They did ask me, sir.

11 Q. In that room?

12 A. Yes, sir.

13 Q. Yes, all right. And did they ask you those questions while  
14 they were recording and typing, or at some time when the  
15 recording and typing wasn't going on?

12:43:07

16 A. When the recording and typing was not going on they asked  
17 me.

18 Q. Right. Was that before or after the recording and typing  
19 of the statement?

12:43:21

20 A. That was after they have typed what I said first and then  
21 asked about the diamond, when I said no, they stopped, they did  
22 not type.

23 Q. So they asked what about the diamonds?

12:43:44

24 A. Diamonds from the RUF to Taylor and arms to the RUF. That  
25 was the question they were asking me.

26 Q. And when did they ask you that question?

27 A. The day they were talking to me in the room.

28 Q. Yes, was it during the typing and recording of the  
29 interview?

1 A. No. When they stopped they would ask a question, if I  
2 answer before they type. But if it is not going down well with  
3 them, they don't type, they would ask me to change the topic.

12:44:16 4 Q. All right. Paragraph 17 you tell them - and I don't need  
5 to go through this because you've just said you knew nothing of  
6 any diamond transactions between Taylor and the RUF.

7 Paragraph 18, I'm summarising, simply to move on, they  
8 adjourned the interview and asked - ordered you to go and rest  
9 and reconsider.

12:44:39 10 A. Yes, sir.

11 Q. Paragraph 19:

12 "I was sent back to the hotel where Chris came over to meet  
13 me. Chris felt that I was hesitant to cooperate so he came to  
14 convince me. Chris re-emphasised that they wanted to know about  
15 the diamonds to Charles Taylor and that I should cooperate.

16 Chris assured me there was nothing to be afraid of. He told me  
17 they could even distort my voice so that no one would know that I  
18 was the one who was talking."

19 Now, did you tell them that?

12:45:09 20 A. Yes, sir.

21 Q. And did you give any reply at that point to what Chris was  
22 saying?

23 A. Yes, I gave reply.

24 Q. And what was your reply?

12:45:24 25 A. I told Chris, I said I can't be a criminal. If I'm saying  
26 I did this, I should stand openly to admit, but if my voice is  
27 distorted, how can I prove it? I did not carry diamond to  
28 Liberia, so I can't prove that. If you want to arrest me, you  
29 can carry on, but I don't know about diamond from the RUF from me

1 into Liberia. And he was telling me no, Sam, just if you say  
2 this once were known for this if you say this it's what we will  
3 abide by.

12:45:58 4 Q. All right. Paragraph 20, Chris told you of two people who  
5 are cooperating with them and were enjoying the benefits.

6 A. Yes, and he told me you don't have anything to worry on,  
7 one of your colleagues, Gibril Massaquoi, is here, we give him a  
8 cook and everything is being done by people, he relax, he only  
9 stand by for the same mission, even Abu Keita, but you are a  
10 primary evidence in this case, we really need you, so, please --

11 Q. Pause there. Did you see either of those people at any  
12 time during the period when you were in Freetown, having been  
13 flown there, before you were flown back to Kailahun in this  
14 United Nations' helicopter?

12:46:43 15 A. Please repeat, sir.

16 Q. Did you see either of those two people who you'd been told  
17 were getting benefits for cooperating with the Prosecution while  
18 you were there in Freetown?

19 A. No.

12:46:58 20 Q. Paragraph 21:

21 "Chris said that if I cooperated they could even take me  
22 to America. Furthermore, if I agree to say what they want me to  
23 say and I testify they would open a bank account and they would  
24 deposit \$90,000 for me. He told me that the major issue of the  
25 whole case was the diamond issue and since I have been involved  
26 in transporting diamonds for the RUF I was a primary witness."

27 Now, did you tell them that?

28 A. Yes, sir.

29 Q. Was anything said to you about which bank you should use to



1 open a bank account?

2 A. No.

3 Q. Did you at that time have a bank account of your own?

4 A. No, sir.

12:47:38 5 Q. Paragraph 22:

6 "I'm aware that some people ended up cooperating with the  
7 Prosecution because they could benefit out of it" and you've talk  
8 offend two people there who were released from jail because they  
9 agreed to testify in favour of the Prosecution and someone else  
10 about whom you had heard, though you had no personal knowledge  
11 of, getting \$10,000 from testifying.

12:48:04

12 Now, do you know why the two people who were released from  
13 jail because they agreed to testify for the Prosecution, why they  
14 had originally been sent to jail?

12:48:31

15 A. I don't know why they were originally sent to jail, but  
16 they were arrested.

17 Q. And how did you learn that those two people had been  
18 released from jail because they'd agreed to testify for the  
19 Prosecution?

12:48:47

20 A. Well, for the first time I knew from Nyan himself because  
21 he was also my colleague so he talked to me over the phone to  
22 connect his family.

23 Q. And the other one was Isaac Mongor. How did you know that  
24 he was released from jail for agreeing to testify for the  
25 Prosecution?

12:49:05

26 A. One other boy was staying with him, he came to Liberia,  
27 Jakar, I knew him, he told me Isaac was already released and Nyan  
28 told me he was released along with Isaac too.

29 Q. Can we have a spelling of Jakar?

1 A. J-A-K-A-R, Jakar.

2 Q. And then, finally, paragraph 23:

3 "When the Prosecution realised I would not say anything  
4 more about diamond transactions between the RUF and Taylor, they  
12:49:40 5 then flew me back to Kailahun."

6 How long after you had arrived in Kailahun were you flown  
7 back?

8 A. Please repeat, sir.

9 Q. How long did you spend in Kailahun before the Prosecution -  
12:49:55 10 sorry, in Freetown, before the Prosecution flew you back to  
11 Kailahun?

12 A. I was there for two days.

13 Q. Can I just ask you, please, to have a look at the  
14 transcript of 4 November this year, page 48702, lines 10 to 15.

12:51:10 15 Now, here, this is a separate issue, I want you to have a look -  
16 you were being questioned on a number of occasions about when and  
17 where you spoke to John Vincent, and I should start really at  
18 line 4. You were asked by Mr Koumjian:

19 "Q. Mr Kolleh, why did you tell us just a little while ago  
12:51:44 20 when I asked you about John Vincent, you said, yes, you saw  
21 him in 2003 after speaking to the Prosecution in Monrovia?

22 A. No. After the Prosecution talked to me in 2003, I went  
23 to Liberia 2005. 2006, on the inauguration, I enter  
24 Monrovia, I met Vincent because he was curious to know if  
12:52:09 25 myself was arrested and those that were arrested, how are  
26 they. That's how I decided to get into conversation with  
27 him. I did not talk to Vincent 2003. I was not in Liberia  
28 in 2003."

29 Now, can we just be clear, please. We know you spoke to

1 the TRC in 2003, we know you spoke to the Prosecution in 2003.

2 Did you, at any time in 2003, go to Liberia?

3 A. No, sir.

4 Q. Did you at any time in 2004 go to Liberia?

12:52:55 5 A. No, sir.

6 Q. And can you remember now when it was in 2005 that you went  
7 to Liberia?

8 A. Yes, I went to Liberia 2005.

9 Q. Yes, when in 2005?

12:53:11 10 A. Late 2005, during the election time I went, but not in  
11 Monrovia during that time.

12 Q. Right. Now, can we have a look, please, at the interview  
13 you gave to the Prosecution in 2003. That's the long one on 18  
14 November 2003, and this is MFI-21. Yes, I'd like you, please, to

12:54:50 15 go to page 101 of that interview. Mr Koumjian asked you  
16 questions earlier this morning about Johnny Paul and the AFRC  
17 needing ammunition. Do you remember being asked about that?

18 A. Yes, sir.

19 Q. And he referred you to a passage on page 105. I'd like  
12:55:15 20 you, please, to look at the same subject where it actually  
21 started on page - starting on page 101. And you'd been dealing  
22 on the previous page with Sam Bockarie getting materials from  
23 ULIMO, and so at the top of page 101 it starts line 21, your  
24 answer:

12:55:48 25 "So we got the message that he had come back. Then he  
26 brought the information that the ULIMO forces have accepted  
27 his relationship. I don't know how he arranged with them,  
28 what he told them, what assurances he gave them or he made  
29 to them. Then they allow him to get more material. When

1 this material came, RUF kept this material, trying to  
2 arrange to attack. It was the time the army overthrew,  
3 1997, May 25. The army overthrow and call us in Freetown  
4 here. That material was the one that just in the two or  
12:56:27 5 three days trying to arrange to attack was the time the  
6 army intercepted they call us.  
7 Q. So did the RUF use those materials to come to Freetown?  
8 A. Yes.  
9 Q. Was this some of the material they used to come to  
12:56:39 10 Freetown?  
11 A. Yes. Mosquito used some to travel."  
12 And although the next line starts with a Q it's obvious, I  
13 would submit, that it's actually an A. It's an answer, if  
14 the sense I suggest makes it clear it's an answer:  
12:56:56 15 "A. Okay, then when we came and joined the army there was  
16 fighting between the CDF and the RUF, so this material were  
17 used.  
18 Q. To fight the CDF?  
19 A. To fight. To fight the Bo Waterside road, to fight to  
12:57:09 20 Koidu, to fight to Tongo, to fight between Bo and Kenema,  
21 to fight between Kenema and Daru, to so many other places.  
22 By you know, when we were here in Sierra Leone, you know,  
23 fighting was all over. At the time of Johnny Paul Koroma,  
24 fighting was all over.  
12:57:28 25 Q. Yes.  
26 A. He told Mosquito he overthrew, but there not enough  
27 material in ordnance to carry on any attack so some of  
28 these materials were used by Mosquito to mobilise people to  
29 help Johnny Paul to attack.

1 Q. Okay. How did you know that Johnny Paul Koroma spoke  
2 to Mosquito and telling him that even though they have  
3 seized power, they didn't have sufficient arms and  
4 ammunition to sustain the fighting?"

12:58:04 5 And then you went on to explain that this was information  
6 that wasn't open but you said it was a military secret rather  
7 than a civil secret. So you explained then on more than one  
8 occasion to the interviewers that some of this material obtained  
9 from ULIMO you ended up giving to Johnny Paul to help him to  
12:58:31 10 attack. And, Mr Kolleh, when you say help - this was used by  
11 Mosquito to mobilise people to help Johnny Paul to attack, to  
12 attack who?

13 A. The CDF.

14 Q. So was this before or during or after the AFRC coup, 25 May  
12:59:02 15 1997?

16 A. This was after the coup.

17 Q. Right, thank you. And we see there at the top of page 102  
18 the reference to there not being enough material in ordnance. I  
19 think you told us the other day that the ordnance was located in  
12:59:21 20 Murray Town on the western side of Freetown. Is that correct?

21 A. Yes, sir.

22 Q. And you told us it was near the barracks there, if I  
23 remember correctly. Now I want you please to look next at page  
24 157. You were asked questions about this this morning.

13:00:08 25 Two-thirds of the way down page 157 you were asked:

26 "Q. Is there anything else that I haven't asked that you'd  
27 look like to tell me.

28 A. Yes, because when you people came the last time you  
29 tried to ask your first question posed to me was diamonds.

1 Q. Yes.

2 A. You forgot to ask me today.

3 Q. Uh-huh".

4 And you then go on to talk about diamonds. At any stage in  
13:00:41 5 that interview was it ever suggested to you by anyone from the  
6 Prosecution that the first question the Prosecution people had  
7 asked you when they came to you in Kailahun was about diamonds?  
8 Did anyone say no, you're wrong, we never mentioned diamonds?

9 A. No.

13:01:05 10 Q. Or no, that wasn't our first question when we came to see  
11 you in Kailahun. Did anyone ever suggest that to you?

12 A. No.

13 Q. Now if we look at what you say about diamonds, you talk  
14 about diamonds on that page, you say from the beginning - line  
13:01:30 15 24.

16 "From the beginning of the RUF from 1991 to 1997 there was  
17 no mining. To be very frank there was no mining business. But  
18 people like Fayia Musa, Deen-Jalloh, those people arrested during  
19 Mosquito time," and this is a passage I'm not going to read out  
13:01:47 20 in full because you were asked about this earlier. You said -  
21 well, what were you trying to convey when you were telling them  
22 about Fayia Musa and Deen-Jalloh?

23 A. You mean I should explain what I was trying to say?

24 Q. Yes.

13:02:13 25 A. I was trying to tell them that diamonds were captured in  
26 ambushes and they were reported to Foday Sankoh and then he will  
27 call me from Kailahun District, I will come to receive it to Issa  
28 and to Fayia Musa, Deen-Jalloh and Phillip Palmer.

29 Q. Then if we look further down page 158, line 19 you were

1 asked about money captured in the ambush in the preceding lines.

2 You say:

3 "Yes, sir. Then you come to the diamond. In 1997 there  
4 was a mining that took place. Myself was in Tongo, Tongo Field.

13:02:53 5 But by then the mining took place only the government of AFRC.

6 The diamonds were collected and kept by youth commander  
7 recommended by the town council, the town people called Mopel eh."

8 Over the page you talk about - you describe Mopel eh and you  
9 say line 4, "over a thousand pieces were collected, given to him  
10 to keep."

13:03:20

11 And then further down, line 17 you say:

12 "That young man kept that diamond. After one week going to  
13 two weeks. At one time Mosquito grumbled. He said this man just  
14 keeping the diamond. People say you know him. Some people say

13:03:39 15 yeah, please, sir, we know the man. We know that man, nothing

16 will happen. All of a sudden the man hide with the diamonds. He  
17 went through Guinea. From that time he never went back to  
18 Kenema. He remained in Tongo. Overnight he moved to Guinea.

19 When he went to Guinea, that was the end of that diamond up to  
20 today."

13:03:57

21 So how many diamonds were lost as a result of that young  
22 man going off to Guinea?

23 A. You are asking me, sir?

24 Q. Yes, do you know how many diamonds were lost?

13:04:16 25 A. It was over 1,000 pieces of diamond.

26 Q. And if you go over the page, line 7, you're in the middle  
27 of an answer here. You say:

28 "So that's what I know about the diamond. The one I  
29 really make sure that I think it happened that is what I'm

1 telling you but in Koidu any diamond that was dropped there I  
2 cannot tell you. Then if you come to mining of the RUF, this  
3 really took place after 1999. The middle of 1999, mining took  
4 place. By then Mosquito was in Buedu, maybe two or three months.  
13:04:59 5 After two or three months that was the time the peace accord was  
6 signed in July, Lome, for the final peace. Foday Sankoh came  
7 from Togo from Nigeria to Monrovia to Kailahun. But before he  
8 could come mining took place after the peace accord within three  
9 months' time."

13:05:17 10 Pausing there, where did that mining take place? What area  
11 are you talking about where there was mining from the middle of  
12 1999?

13 A. Koidu.

14 Q. Koidu?

13:05:33 15 A. Koidu.

16 Q. Thank you. Was there any diamond mining going on in 1999  
17 in Tongo?

18 A. I am not aware, sir.

19 Q. I'd like to ask you, please, about one of the other  
13:06:01 20 interviews that took place in Kailahun. This was the second  
21 interview in Kailahun. This is MFI-24. The interview on 5  
22 November 2003. Do you have that in front of you?

23 A. Yes, sir.

24 Q. I want you to look at the third paragraph, please, that  
13:07:02 25 starts:

26 "Witness states that Sam Bockarie received a shipment of  
27 arms."

28 Sorry, fourth paragraph. They both start with the same  
29 three words. The fourth paragraph, please:



1 "Witness states that the NPFL and the RUF had an extremely  
2 good relationship."

3 When did the RUF and NPFL have an extremely good  
4 relationship?

13:07:33 5 A. At the initial stage of the war, '91, '92.

6 Q. Right. Did that change?

7 A. Yes, it's changing. Once ULIMO took over to Lofa it  
8 change.

9 Q. And then the next sentence reads:

13:07:51 10 "It was an open programme under which Sam Bockarie  
11 regularly crossed the border to Liberia."

12 When was it that Sam Bockarie was regularly crossing the  
13 border to Liberia?

14 A. This was ULIMO time now, 1996, he was the commander in  
13:08:05 15 charge, he would go anywhere.

16 Q. Now I want to ask you about something completely different.  
17 MFI-3 which is a photograph you showed us on, I think, Monday of  
18 last week, 1 November.

19 I wonder if the Court Officer could just hold up the  
13:08:58 20 photograph so I make sure I've asked for the right one. If you  
21 could just hold it up so I can see it. Yes, I've seen enough. I  
22 have asked for the right one, thank you. Could you have that put  
23 on the overhead, please.

24 Now, it's a bit blurry but you've already identified  
13:09:20 25 yourself there in the middle between two men in uniform. The man  
26 on the right-hand side in what looks to me like an African top  
27 you've identified as Eric Quor Senesie. Do you see him,  
28 Mr Kollah?

29 A. Yes, sir.

1 Q. Go to the other end of the group. There's a man in a red  
2 or pink striped top at the other end of the group. Can you see  
3 him?

4 A. Yes, sir.

13:09:56 5 Q. Who is he?

6 A. He was Abel.

7 Q. Sorry?

8 A. Abel, a medic.

13:10:12 9 Q. Who is the man next to him in a white- or beige-coloured  
10 short-sleeved shirt?

11 A. He was my adjutant, Stephen Jusu Moriba.

12 Q. Stephen Jusu Moriba, right. And it is Stephen Jusu Moriba  
13 the same person as someone called Pa Moriba or are these two  
14 completely different people?

13:10:33 15 A. Two different people, sir.

16 Q. And you've told us that Stephen Jusu Moriba used to work  
17 for the Special Court?

18 A. Yes, indeed.

13:10:52 19 Q. Do you remember now whether he worked for the Court itself  
20 or for the Prosecution or for a Defence team?

21 A. He only told me he was working with the Special Court now  
22 in Freetown.

23 Q. So are you saying you don't know which section or which  
24 function of the Special Court that he worked for?

13:11:12 25 A. No, sir.

26 MR MUNYARD: Mr President, there's one final matter that I  
27 do want to address with this witness and I'm not sure if we've  
28 actually notified the Court officers. I think we have. From my  
29 peripheral vision I'm getting a nod. Map S-7, please.

1 Q. Now, I'd like you, please, to have a look at this map  
2 that's going to be put on the overhead and I hope that you will  
3 have a coloured copy. Yes, good. I want you, first of all,  
4 please, Mr Kolleh, to look at the - it may be best if you sit in  
13:12:42 5 the seat next to you so that you can point on the actual map on  
6 the overhead projector. Can you just move over there, please.  
7 Now, looking at that map, you can see lines in green. Do you see  
8 big, thick green lines?

9 A. Yes, sir.

13:13:17 10 Q. I hope I can lead on this, that's the international  
11 boundary, and Mr Koumjian can tell me I can't if he doesn't want  
12 me to --

13 MR KOUMJIAN: I believe it's more accurate to say that's  
14 the district boundary, because it also has borders with other  
13:13:36 15 parts of Sierra Leone.

16 MR MUNYARD: If it can go back on I'll have a look. Oh,  
17 right.

18 Q. Well, in any event, if you look at the green lines on the  
19 right-hand side, do you see the arm I'm holding out, Mr Kolleh?  
13:13:58 20 If you look over here, Mr Kolleh. If you take this arm, your  
21 arm, the arm with the pen in it, and go to that side, the  
22 right-hand side of the map where the big green line is. Can you  
23 just indicate the green line on the right-hand side of the map,  
24 so we know. Yes. Follow that up. Just follow that line up,  
13:14:22 25 please. Yes, keep going. Keep going to the top. Right. Pause  
26 there.

27 Can you indicate where Koindu is? Thank you.

28 And if you want to go from Koindu into Liberia, do you have  
29 to cross any kind of river or waterway?

1 A. No, sir.

2 Q. Thank you. Come down the green line a little bit and tell  
3 us - show us where Buedu is. Thank you.

4 And can you see to the east, that's to say to the right of  
13:15:14 5 there, across the other side of the green line, Foya? Can you  
6 see Foya?

7 A. Yes, sir.

8 Q. And just point to it. Right.

9 We know that Buedu's in Sierra Leone, Foya's in Liberia.  
13:15:29 10 If you want to go from Foya to Buedu, do you have to cross a  
11 waterway or a river?

12 A. No, sir.

13 Q. Thank you. Now, can you go across from Buedu and show us  
14 where Kailahun Town is, please. Thank you.

13:15:55 15 And can you go from Kailahun Town and show us where Manowa  
16 Ferry is. Keep going. Keep going. Right, thank you. You've  
17 got Manowa Ferry and we've already established that that's on the  
18 other side of the Moa River from Kailahun. If you want to go  
19 from the Kailahun side to the Kono side, do you have to cross  
13:16:55 20 water?

21 A. Yes, sir. I said yes, sir.

22 Q. Thank you very much. And are you able to, just on that  
23 map, trace from Manowa Ferry - can you trace the Moa River as it  
24 goes down the map from Manowa Ferry. Thank you very much.

13:17:41 25 And now can you do the same exercise going up the map.  
26 Where does it go from Manowa Ferry up? Keep going. Follow it  
27 all the way.

28 A. Into Guinea.

29 Q. Yes, thank you. Very well.

1 Mr President, I'm in the Court's hands. I don't know if  
2 you want those items marked on this map. I would have thought by  
3 now both in the light of the evidence and the maps we've got that  
4 it's probably unnecessary, but if anyone wants the witness's  
13:18:12 5 identification of those places marked, then he could be given a  
6 felt tip pen and mark them.

7 PRESIDING JUDGE: I agree with you, Mr Munyard. I don't  
8 think it's necessary after all the evidence we've heard.

9 MR MUNYARD: Quite, yes.

13:18:29 10 Q. Now, I've got one other question for you please, still with  
11 the map. By the time of disarmament in Sierra Leone where were  
12 the international forces stationed in the Kailahun District?

13 A. They were stationed at Daru.

14 Q. All right and just show us where Daru is. I think you  
13:19:01 15 might have been pointing at it then, or thereabouts. Right. All  
16 right.

17 And we saw a map the other day that had indicated on it  
18 various international forces along the border with Liberia and  
19 are you able to help us now with this map where they were or not?

13:19:26 20 A. On the map, no, sir.

21 Q. On this map no, all right. But how big a contingent was  
22 based at Daru?

23 A. They were large force. Heavy force was deployed there.

24 Q. And is Daru on the Moa River?

13:19:50 25 A. Yes.

26 Q. Which side of it is - which side of the river is Daru? Is  
27 it the Kono side or the Kailahun side?

28 A. Well, they have two Daru, the barrack and the town, so the  
29 town is at both side, the barrack is behind. If you cross the

1 river to go to Kenema or to go to Koidu. Daru is across the Moa  
2 River if you came from Kailahun way.

3 Q. Very well. So the barracks is on the other side but the  
4 town itself is on both sides of the river?

13:20:19 5 A. Yes, sir.

6 Q. And how do you cross the river at Daru?

7 A. It's a bridge, concrete bridge.

8 Q. All right. Thank you very much.

9 Would your Honours give me just a moment. I think that's  
13:20:34 10 all my re-examination.

11 Thank you, those are my questions in re-examination. And  
12 do your Honours have any questions of the witness?

13 PRESIDING JUDGE: Thank you, Mr Munyard. Justice Doherty  
14 has a few questions.

13:21:23 15 JUDGE DOHERTY: Mr Kolleh, you told us in evidence on 1  
16 November that you were captured by Arthur. When looking for food  
17 you were intercepted by NPFL fighters and captured. And I note  
18 in your interview with the OTP you said there were others with  
19 you. Is that the occasion when there were a total of seven  
13:21:46 20 people captured?

21 THE WITNESS: Yes, sir.

22 JUDGE DOHERTY: Was that common practice for the NPFL to  
23 capture people and forcibly recruit them?

24 THE WITNESS: I did not actually monitor whether that was  
13:22:00 25 in their routine, but once I was captured, from then I went with  
26 him. So I was not always with him at front line to know that  
27 activities.

28 JUDGE DOHERTY: Also yesterday you stressed that your name  
29 is Sam F Kolleh, but you did not use that name when you swore the

1 affi davi t that we have looked at this morning. Why did you not  
2 use that name?

13:22:41 3 THE WITNESS: I said my name is Sam F Kolleh, most people  
4 call me Sam Kolleh. My name is Sam F Kolleh, even on my student  
5 identification ID.

6 JUDGE DOHERTY: That doesn't answer my question, Mr Kolleh.  
7 You swore an affi davi t which was presented to the Court.

8 THE WITNESS: Yes, si r.

13:22:56 9 JUDGE DOHERTY: And in it you said I am Sam Kolleh, and  
10 earli er on it says Sam Kolleh duly sworn. Why did you not say  
11 Sam F Kolleh when today or yesterday you insisted that is your  
12 proper name?

13 THE WITNESS: That is my name, ma'am. It is my name, Sam F  
14 Kolleh, I did call. You asked me about my name for them, I  
13:23:13 15 called my name, I said my name as Sam F Kolleh.

16 JUDGE DOHERTY: But you chose not to use it in that  
17 affi davi t. Is that what you mean?

18 THE WITNESS: Not that I chose not to use it, it is my  
19 name. Once I talk to you I will show you identification to tell  
13:23:30 20 you that this is my name.

21 JUDGE DOHERTY: My last question relates to an answer you  
22 gave to Mr Koumjian this morning. Mr Koumjian asked you if you  
23 knew that heads of victims were cut off and put on sticks, that  
24 young girls were taken and made into bush wives and people were  
13:23:51 25 burnt alive and your answer was that you were not aware of those  
26 crimes that Mr Koumjian spoke of. Did you see young girls  
27 brought to RUF camps?

28 THE WITNESS: Yes, women, men, yes.

29 JUDGE DOHERTY: And what happened to them?

1 THE WITNESS: They were taken to the G5. I said it earlier  
2 that people captured were to be taken to the G5. That was the  
3 responsibility of the G5. They were concerned with civilian.

13:24:29

4 JUDGE DOHERTY: And then what happened to them after they  
5 were taken to the G5?

6 THE WITNESS: They know what to do. They have to do their  
7 own investigation. They have to take care of these people --

8 JUDGE DOHERTY: Mr Kolley, answer the question. What  
9 happened to those young girls after they were taken to the G5?

13:24:41

10 THE WITNESS: The G5 took care of them.

11 JUDGE DOHERTY: How did they care of them?

12 THE WITNESS: They were in their care?

13 JUDGE DOHERTY: How were they?

13:24:55

14 THE WITNESS: I can't tell you, ma'am. That was their own  
15 office. The civilians - they were fully responsible for  
16 civilians and I can't tell you what they did to them. These  
17 people were taken care of by the G5. It is a unit within the  
18 revolution. That was their complete concern to deal with those  
19 people, not armed men.

13:25:10

20 JUDGE DOHERTY: So were these young girls sent home to  
21 their parents?

22 THE WITNESS: They were with the G5. When you are captured  
23 with your parent, everybody to the G5. That is --

24 JUDGE DOHERTY: So, in fact, they remained with the RUF.

13:25:24

25 THE WITNESS: Oh, yes. If you capture anybody from the  
26 front lines you have to send them to the rear to the G5 who were  
27 concerned with civilian. You don't have to do your own thing at  
28 the front line. It was not possible in the RUF.

29 JUDGE DOHERTY: I didn't hear part of your answer.



1 THE WITNESS: You don't have to take care of a civilian.  
2 You have an arm, you fighting at the front line. If you hold  
3 civilian or capture you don't have to keep them there. It was a  
4 serious law. Send them to the G5 to the rear.

13:25:52 5 JUDGE DOHERTY: But, Mr Kolleh, you told us you weren't at  
6 the front line.

7 THE WITNESS: Come again.

8 JUDGE DOHERTY: You said you weren't fighting at the front  
9 line?

13:26:02 10 THE WITNESS: 1996 I was at headquarter when the CDF  
11 attacked us.

12 JUDGE DOHERTY: So and other times you were at the front  
13 line?

14 THE WITNESS: To do what?

13:26:13 15 JUDGE DOHERTY: That's why I'm trying to clarify. Your  
16 answers are confusing.

17 THE WITNESS: No, I talk about front line when the CDF  
18 attacked Giema and that day the army overthrew and called us in  
19 Freetown. All along I have been in the office from the initial  
13:26:27 20 stage of the war to 1996 I was in the office. I served as MP  
21 operation, I served as investigator, I served as a transporter.  
22 This is what I said.

23 JUDGE DOHERTY: The point I'm making, you weren't at the  
24 front line, you were in the office. You must have seen what the  
13:26:45 25 G5 did with these civilians.

26 THE WITNESS: The G5 was not at front line. The G5 was  
27 always at the safety zone of the RUF, especially where Foday  
28 Sankoh was deployed. That was where we considered to be the  
29 headquarter. You cannot deploy G5 at front line.

1 JUDGE DOHERTY: So, Mr Kolley, you are telling me and my  
2 fellow judges that you did not know what happened to those  
3 civilians that were captured?

4 THE WITNESS: The civilian that were captured, they were  
13:27:14 5 turn over to the G5. Only G5 can tell you what actually  
6 happened, but in no sense like something bad happening to them in  
7 that sense, no. That was their office. The soldiers only  
8 concerned with front line and MP is concerned with the soldiers,  
9 between soldiers and civilian if there is a misunderstanding.  
13:27:34 10 But if a civilian is directly captured, turn them over to the G5.  
11 That is how the command structure was like.

12 JUDGE DOHERTY: I have no further questions.

13 JUDGE SOW: I have one question, please.

14 THE WITNESS: Yes, sir.

13:27:55 15 JUDGE SOW: To understand better your testimony, on 1  
16 November you said that changing your name was suggested to you by  
17 Chris Bomford and I want to understand this part of your  
18 testimony. Did you change name because it was suggested to you  
19 by Chris Bomford who said that he had no problem with you  
13:28:21 20 changing your name?

21 THE WITNESS: Yes.

22 JUDGE SOW: Or did you change it just because you were  
23 afraid and you were hiding.

24 THE WITNESS: I was afraid and --

13:28:29 25 JUDGE SOW: Or both of them.

26 THE WITNESS: Yes, sir, then he told me I don't have  
27 problem with you, you change your name, even we are going to  
28 distort your voice, nobody will know whether you are the one  
29 talking, you will be safe, we are going to defend you in all

1 cases, but tell me this, this is only what I need from you.

2 JUDGE SOW: The problem is - was that even Yusef Dafaе, all  
3 of them knew your real identity.

13:28:58

4 THE WITNESS: Yes, when I enter at the compound of the  
5 Pakistan contingent, Yusef Dafaе spoke to me and said, "Sam, how  
6 are you?" And I said, "I'm not Sam Kollеh, I'm Sam Mustapha  
7 Koroma." Then Chris said, "No, no, no, no. Don't bother, the  
8 name he gave you, take it, I'm satisfied with that."

9 JUDGE SOW: Okay, thank you very much.

13:29:15

10 THE WITNESS: Yes.

11 PRESIDING JUDGE: Mr Witness, I've just got one question or  
12 perhaps two and they stem from what Justice Doherty asked you a  
13 little while ago.

14 THE WITNESS: Yes, sir.

13:29:25

15 PRESIDING JUDGE: You remember you said that if a civilian  
16 is captured at the front line they are sent back to G5 to look  
17 after them.

18 THE WITNESS: Yes, sir.

13:29:43

19 PRESIDING JUDGE: Well, my question is in combat why would  
20 you capture civilians?

21 THE WITNESS: When the war was going on if you attack and  
22 capture that place, if the government forces or the enemy forces  
23 flee the town, you were asked who in the town? People come out.  
24 And when these people come out you take them to your safety zone.

13:30:04

25 Those were instruction from Foday Sankoh to front-line  
26 commanders, to front-line soldiers. Don't ever keep civilian at  
27 front line. As you capture them, once you lay hands on them send  
28 them back to the rear. If you attempted you would be the worst  
29 enemy to Foday Sankoh. That was how his own administration went

1 on, sir. And when you bring them you have to hand them over to  
2 those concerned to deal with those people. Once you talk about  
3 the G5, they were purely civilians.

13:30:39

4 PRESIDING JUDGE: Mr Munyard, anything arising from the  
5 questions the judges have asked?

6 MR MUNYARD: Mr President, just one, please, and it arises  
7 out of Judge Sow's question.

8 Q. Mr Kolléh, when did you first use the name Sam Mustapha  
9 Koroma?

13:30:54

10 A. The disarmament. Then the TRC.

11 Q. Then the TRC?

12 A. Then the Prosecution.

13 Q. Right. Very well. And you used it, first of all, for what  
14 reason?

13:31:09

15 A. For fear, because of fear.

16 MR MUNYARD: Thank you. Mr President, that's my only  
17 question arising, thank you.

18 PRESIDING JUDGE: Thank you. Mr Koumjian, I'm sure we must  
19 be just about out of tape now.

13:31:26

20 MR KOUMJIAN: No further questions.

21 PRESIDING JUDGE: Well, gentlemen, do we bring the witness  
22 back after lunch or can we send him away now? I'm aware that  
23 there are quite a few documents to be tendered.

13:31:42

24 MR MUNYARD: I see no reason to keep the witness here for  
25 the tendering process which can be done after lunch and it may be  
26 that we - I don't know the timing, it's possible that the witness  
27 could be on his way home today. I think it's increasingly  
28 unlikely but I can't rule it out. So the sooner he goes, the  
29 better.

1 MR KOUMJIAN: We don't need the witness for the tendering,  
2 thank you.

3 PRESIDING JUDGE: Thank you. Mr Witness, that completes  
4 your testimony. I'd like to thank you for coming along to the  
13:32:10 5 Special Court to give evidence and we wish you a very safe  
6 journey home.

7 THE WITNESS: Thank you, sir.

8 PRESIDING JUDGE: Now I'm sure we're out of tape but we'll  
9 adjourn now for one hour and resume at 2.30.

13:32:57 10 THE WITNESS: Thank you, sir.

11 [Lunch break taken at 1.33 p.m.]

12 [Upon resuming at 2.33 p.m.]

13 PRESIDING JUDGE: Well, I understand there are some  
14 documents to tender. We'll start with the Defence, seeing that  
14:33:13 15 the last witness was a Defence witness.

16 MR MUNYARD: Thank you, Mr President. It's the first five  
17 of the tendered documents; the photograph MFI-1, the cover page  
18 and relevant page of the Sierra Leone Truth and Reconciliation --

19 PRESIDING JUDGE: Could I just get you to halt there,  
14:33:49 20 please, Mr Munyard. I've got it now, yes. Please proceed.

21 MR MUNYARD: MFI-1 I've dealt with, the photograph. MFI-2,  
22 an extract from the Sierra Leone TRC. MFI-3, another photograph.  
23 And then 4A, B and C are calling cards of members of the Special  
24 Court Prosecution staff. MFI-5 is the calling card of a  
14:34:14 25 corporal in the Royal Canadian Mounted Police.

26 Can I just make one very technical and nit-picking  
27 amendment to MFI-5. It says calling card of Corporal Don P Ray,  
28 Northwest Inn, Slave Lake camp, RCMP. Northwest Inn is actually  
29 an advert stuck on to the card. No doubt the Northwest Inn paid

1 for these cards, but Northwest Inn is not part of its title.  
2 Other than that, I've nothing to say except to invite Mr Koumjian  
3 to comment on them. I'm tendering them all.

14:34:59

4 PRESIDING JUDGE: Just for the sake of the record, I  
5 understand that the originals of the calling cards have now been  
6 returned to the witness by consent of both parties. Is that  
7 correct?

8 MR MUNYARD: Yes, that's right.

14:35:12

9 PRESIDING JUDGE: All right. Yes. Thank you. Yes,  
10 Mr Koumjian?

14:35:36

11 MR KOUMJIAN: Your Honour, first, I would indicate we have  
12 no objection to the admission of the Defence documents 1 through  
13 5, including the three-part MFI-4. I would just say that, except  
14 for the calling card, or business card of Chris Bomford, I'm not  
15 sure that that word "calling card" is descriptive of the other  
16 items, but that again is just simply the description, the  
17 documents speak for themselves.

18 MR MUNYARD: We could use "address", but I think that would  
19 only confuse people.

14:35:52

20 MR KOUMJIAN: I think as long as we all understand - the  
21 originals are here and we all understand what they are, or at  
22 least the copies are here.

14:36:09

23 The Prosecution would move into evidence all the remaining  
24 MFIs, from MFI-6 through MFI-25B. I could go through them  
25 individually or perhaps the Defence could indicate where they  
26 have objections.

27 MR MUNYARD: Yes. MFI-6 we don't object to. Would your  
28 Honour give me just a moment while I lay my hands on the  
29 photographs because - photograph 1 is accepted. Photograph 2,

1 the witness identified one of the people certainly. Photograph  
2 3, he identified one but not the main person. Now, photograph 4,  
3 he identified one person. Photograph 5, was - photograph 5  
4 wasn't included in the end. Photograph 6, he identified weapons  
14:37:28 5 in that photograph but no people. Photograph 7, he identified  
6 the weapon again. And I don't think we - I don't think - MFI-7G,  
7 I'm not sure what that is from the list of MFIs, because it says  
8 "photograph marked, signed and dated by DCT-102". But I wonder  
9 if anyone could assist me. I've got continuing numbered  
14:38:02 10 photographs.

11 PRESIDING JUDGE: Is that the photograph of Mosquito in a  
12 suit?

13 MR KOUMJIAN: Yes.

14 MR MUNYARD: Well, if that's this one --

14:38:14 15 MR KOUMJIAN: Correct.

16 MR MUNYARD: -- with the caption. No, that's MFI-7G(1).  
17 7G is the black-and-white one I think.

18 MR KOUMJIAN: I could perhaps assist. 7G is smaller in  
19 size than the other photographs but it was in fact a - so it's a  
14:38:37 20 smaller photograph and then 7G(1) is the smaller photograph with  
21 the caption included from the web page "Rebels Gallery" part of  
22 that article "The other war" from the Washington Post.

23 MR MUNYARD: Yes. Well, the witness did not purport to  
24 identify Mosquito in either of those two photographs.

14:39:16 25 PRESIDING JUDGE: How does that translate? You are  
26 objecting to those because --

27 MR MUNYARD: I'm objecting to that because there is no  
28 connection of any sort, through this witness, of those two  
29 photographs. He says, no, he doesn't recognise that as Mosquito.

1 The photograph --

2 PRESIDING JUDGE: Well, let's deal with these objections as  
3 we go to them. What do you say to that, Mr Koumjian? And let's  
4 quite be clear on this. The photographs you are objecting to are  
14:39:47 5 7G(1), is that correct?

6 MR MUNYARD: 7G and 7G(1). I think they're both the same  
7 photograph but one's got a caption.

8 PRESIDING JUDGE: And one's contained in an article?

9 MR MUNYARD: Yes, that's right, yes. And, Mr President,  
14:40:07 10 your Honours, the reason that we object is that the Appeals  
11 Chamber of this Court in its decision in this case on Prosecution  
12 notice of appeal and submissions concerning the decision  
13 regarding the tender of documents, succinctly put, on  
14 6 February 2009, in paragraphs 40 onwards, says that:

14:40:36 15 "When determining the relevance of document the Trial  
16 Chamber must require the tendering party to lay a foundation of  
17 the witness's competence to give evidence in relation to that  
18 document."

19 And paragraph 41:

14:40:51 20 "In the instant case another document had earlier been  
21 shown to the witness and had been tendered as an exhibit. The  
22 witness had personal knowledge of that document. With regard to  
23 the document at issue in this appeal, the Trial Chamber held the  
24 witness had no personal knowledge of it. He, therefore, had no  
14:41:06 25 connection or link with the document and, consequently, no  
26 foundation had been laid. Without a connection to the document  
27 the witness is only capable of offering opinion evidence."

28 And so here, there is no connection laid - there's no  
29 foundation laid in relation to those two photographs because the



1 witness has not identified the person in it that the Prosecution  
2 are seeking to identify.

3 They've done it, curiously, in photograph number 3, which  
4 is MFI-7C. They've identified one person. They have the  
14:41:55 5 photograph in, because the witness did identify one person in it;  
6 namely, the man in camouflage uniform. But what the Prosecution  
7 are seeking to do, through this witness, in effect, is to put in  
8 the caption saying this is Mosquito. The witness says, no, it  
9 isn't. And it's for that reason that we object.

14:42:18 10 PRESIDING JUDGE: Just before you say anything,  
11 Mr Koumjian, my recollection is that the witness did identify  
12 somebody in both photographs. Did he not identify Mosquito's  
13 bodyguard in both photographs?

14 MR MUNYARD: Yes, your Honour, it's the same photograph.  
14:42:41 15 That one we're not objecting to because he's identified a  
16 bodyguard, the man in camouflage uniform. We object to the later  
17 ones, G and G(1), or G1, because what the Prosecution are seeking  
18 to do with those photographs is put in the caption as evidence  
19 that this is Mosquito. Now, they're seeking to do that through  
14:43:04 20 this witness who has said, no, it's not Mosquito.

21 PRESIDING JUDGE: This is my fault; I obviously haven't  
22 marked these documents correctly, these photographs correctly.  
23 There's a small photograph, which is the same one which I have  
24 marked as MFI-7C(1).

14:43:48 25 MR MUNYARD: Oh, yes, yes. Your Honour is right. Yes,  
26 somehow I managed to confuse that with - I've got my Cs and Gs  
27 mixed up. Well, we object to 7C(1), for the reasons I've just  
28 said.

29 The whole point of 7C(1) and then the later exhibit, which

1 includes the text of the article, even though the Prosecution  
2 don't rely on the text, is to put in the caption.

3 PRESIDING JUDGE: I get your point. But let's make this  
4 clear then. What you're objecting to is MFI-7G(1) and MFI-7C(1).

14:44:40 5 MR MUNYARD: Yes.

6 PRESIDING JUDGE: And you're objecting to the caption.

7 MR MUNYARD: Yes. And may I get some assistance from  
8 everybody as to, therefore, what MFI-7G is, because, I'm afraid,  
9 I didn't mark on my copy and I thought it was the same as G(1).

14:45:05 10 But that turns out to be C(1).

11 PRESIDING JUDGE: Well, I think 7G is the same as G(1).  
12 It's a small - it's a small, coloured version.

13 MR MUNYARD: Right. If that's the case, we're talking  
14 about the same photograph in each of those three exhibits.

14:45:21 15 PRESIDING JUDGE: When I say the same, it's the same  
16 photograph but 7 G does not have any caption.

17 MR KOUMJIAN: If the Court manager could please assist me  
18 by giving me a copy. I think I'm missing one of these right now  
19 in my records. But the photograph that was marked and - this is  
14:45:46 20 7G, if I could have 7C also. 7C, I believe, is the large  
21 photograph of Sam Bockarie in a suit with two people to the sides  
22 of him. 7G is Sam Bockarie in a suit. However, the person to  
23 his left is a man in a beret and a red shirt.

24 Your Honour, in the decision of the Appeals Chamber that  
14:46:24 25 counsel read, the test is; is the witness capable of giving  
26 relevant evidence. Obviously, for a photograph the witness  
27 doesn't have to have been present, doesn't have to know the  
28 circumstances the photograph was taken. This witness, his  
29 credibility is very much at issue. And these are photographs, we

1 submit, clear photographs of the man who was leading the RUF  
2 for years, who was at Camp Naama, training with this witness in  
3 1990, and who he now claims, looking at a clear photograph, he  
4 can't recognise. So we feel his failure to admit that this is  
14:47:08 5 Sam Bockarie is itself relevant to his credibility. And the  
6 Court has other photographs that other witnesses have identified  
7 Sam Bockarie in that we can compare - the Court can compare the  
8 photographs to see that this is, in fact, the same person;  
9 Sam Bockarie.

14:47:30 10 The captions, of course, are hearsay. But hearsay's  
11 admissible under Rule 89, it goes to the weight. And the  
12 articles that this [sic] are taken from, both make clear that  
13 these are photographs of Sam Bockarie. Which again, is further  
14 corroborated by the other photographs that other witnesses have  
14:47:50 15 identified of the same person.

16 So it's relevant evidence that that witness claims not to  
17 identify Sam Bockarie. And in both photographs, I'd point out,  
18 in both photographs he recognised Johnny, the bodyguard of  
19 Sam Bockarie, the person he said was the bodyguard of  
14:48:08 20 Sam Bockarie standing next to the man in the suit, who we say is  
21 Sam Bockarie.

22 PRESIDING JUDGE: Pardon me, I'll confer.

23 [Trial Chamber conferred]

24 MR KOUMJIAN: Johnny, in both pictures, is in camouflage  
14:48:43 25 next to Sam Bockarie.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: Well, we overrule Mr Munyard's objection  
28 to those two documents - photographs, actually - on the basis  
29 that we are of the view that the Prosecution has established that

1 the witness's competence - is competent to give evidence in  
2 relation to those documents. Not only because of his evidence of  
3 his experience in the war but the fact that he was able to  
4 identify, from both photographs, Sam Bockarie's bodyguard. Now,  
14:50:04 5 the captions are pure hearsay and it's a matter of what weight,  
6 if any, the Court will give to them. But for those reasons, we  
7 will admit those photographs - those - I refer to them as  
8 photographs, in fact, the photos with captions are actually  
9 documents.

14:50:30 10 Yes, continue, please, Mr Koumjian.

11 MR KOUMJIAN: Well, your Honour, we've moved all the  
12 Prosecution exhibits into evidence and I think perhaps I suggest  
13 the best procedure is Mr Munyard simply identify if he has  
14 further objections, then we address them.

14:50:49 15 PRESIDING JUDGE: Yes, we were doing that, in fact, yes,  
16 Mr Munyard.

17 MR MUNYARD: Yes, I thought we were midway through that  
18 process, but there we are.

19 MFI-8A, 8B, and MFI-9 and MFI-10, no objection taken to  
14:51:11 20 those.

21 MFI-11A, B and C, no objection.

22 MFI-12A, B and C, we object to those.

23 I made an objection, you may have thought it not at the  
24 appropriate time, but I made an objection two or three days ago  
14:51:33 25 when it was sought to introduce those photographs of Rokel creek.  
26 The date either from 2006 or from 2010 and, therefore, absolutely  
27 no indication of what the terrain was like during the civil war.  
28 The witness was completely unable to identify any element of  
29 those photographs. And did not agree, in any event, with the

1 proposition that was being put forward that this would not be  
2 suitable terrain for the RUF to store weapons or hide weapons, I  
3 think that was the point.

4 And really for the reasons that I mentioned when these were  
14:52:26 5 first put in and, Mr President, you may recall Her Honour Judge  
6 Sebutinde's comments at the time with which I respectfully agree;  
7 that there was absolutely nothing in these photographs that the  
8 witness was able to assist with. And the photographs, as I've  
9 already said, are from a different date and time and we've no  
14:52:55 10 idea what the landscape looked like. And it's also impossible to  
11 tell from looking at those photographs what the topography is, we  
12 can't tell whether there's hills, slopes or whatever there.

13 PRESIDING JUDGE: Yes, Mr Koumjian. You're still pressing  
14 the tender of those photographs?

14:53:14 15 MR KOUMJIAN: Well, your Honour, I'm still moving and I  
16 don't want to repeat my arguments. I would point out that when  
17 it comes to terrain of battlefields, historians still walk  
18 battlefields like Gallipoli, or Normandy, or Gettysburg, long,  
19 long after the battles in order to understand what went on during  
14:53:36 20 the battles. This witness made very clear statement in his  
21 testimony that the RUF was at a disadvantage with heavy weapons  
22 in open terrain and the photographs are relevant to show the  
23 terrain. Now, Mr Munyard said, well, the terrain might have  
24 changed. Well, there's no evidence of that but that of course is  
14:53:56 25 something that goes to weight, absent other evidence, the date  
26 that the photographs were taken. The fact that the witness  
27 refused to give an opinion, he avoided a lot of questions, but he  
28 clearly had said in his evidence that the RUF would not choose  
29 open terrain in order to fight a battle because of the Alpha Jets

1 and the advantage of heavy armaments that the Guineans had in  
2 particular.

3 I also would add, this is a minor point, because in any  
4 event, although Issa Sesay said this is the point that the RUF  
14:54:32 5 would take to stop reinforcements to stop coming from Conakry,  
6 from Guinea to Freetown, he in fact admitted that the RUF  
7 attacked Port Loko trying to go to Lungi at the same time. But  
8 still, it's a small point but relevant to Sesay's credibility on  
9 that issue.

14:54:52 10 MR MUNYARD: Can I just add one thing I forgot to mention.  
11 I think the witness said he didn't know this area in any event.  
12 I'm pretty certain he said that. He wasn't familiar with this  
13 area so he couldn't comment one way or the other, which is also  
14 relevant to the Prosecution's attempt to admit these photographs  
14:55:10 15 through this witness.

16 [Trial Chamber conferred]

17 PRESIDING JUDGE: We uphold the objection to these  
18 photographs. We agree with the Defence submissions. The witness  
19 in this case, was unable to identify the terrain in these  
14:56:07 20 photographs and could not give any relevant evidence in relation  
21 thereto. They are the reasons why we uphold the objection.

22 Yes Mr Money.

23 MR MUNYARD: Thank you, your Honour. We now go on to --

24 PRESIDING JUDGE: Turn your microphone on, please.

14:56:28 25 MR MUNYARD: I'm so used to it being switched off by Judge  
26 Sebutinde that I hardly put it on these days because she switches  
27 mine on and off at her discretion.

28 Can I then go on to MFI-13, the Association for the Legal  
29 Defence of Charles G Taylor, 24 April 2008, two pages. Again,

1 the witness was completely unaware of this document, of this  
2 association, and of any of the contents of it. And, again, to go  
3 back to the principles laid down by the Appeals Chamber in the  
4 decision I cited; the Trial Chamber has to require the tendering  
14:57:14 5 party to lay a foundation of the witness's competence to give  
6 evidence in relation to this document. What they want to know if  
7 he has any personal knowledge of it or any connection or link  
8 with the document. Those are the guiding principles.

9 This witness could tell us nothing about this document. It  
14:57:34 10 was, in effect, a back-door process by which the Prosecution were  
11 seeking to do what one would normally expect to be done by Rule  
12 92 bis, the introduction of a document in evidence. They can't  
13 do it through this witness because he has no connection with it  
14 and no knowledge of it.

14:57:56 15 PRESIDING JUDGE: Mr Koumjian.

16 MR KOUMJIAN: Well, your Honour, it's relevant certainly  
17 for us to ask the witness what his knowledge and association with  
18 this organisation is. Furthermore, there was evidence in this  
19 case, although the witness denied it, a witness, open witness,  
14:58:17 20 John Vincent, said he was referred to the Defence by this  
21 witness, although this witness denies it.

22 One of the roles of the association, according to the  
23 document MFI-13, is to recruit witnesses and to conduct  
24 investigations. So we believed it's relevant for that reason and  
14:58:39 25 I submit it.

26 [Trial Chamber conferred]

27 PRESIDING JUDGE: Yes, we uphold the objection to this  
28 document. The reason being that the witness, in his evidence,  
29 knew nothing about the organisation, nothing about the contents

1 of this document, and is, therefore, not competent to give  
2 evidence in relation to it.

3 Yes, Mr Munyard.

14:59:46

4 MR MUNYARD: Thank you. MFI-14, 15, 16, no objection to  
5 those.

6 MFI-17, we do object to. Sorry. Let me just recover my  
7 composure. "Mountie perplexed by perfect prisoners, Paul Cowan,  
8 staff writer". Two pages.

15:00:15

9 Well, the witness says that he never met this man, Don P  
10 Ray, and all that happened was that he was given Mr Ray's card by  
11 somebody else. And, therefore, he can say nothing whatsoever  
12 about Mr Ray. Mr Ray is, in effect, a symbol for the witness.

15:00:48

13 He's a symbol of someone holding open a prison cell door. That  
14 was the burden of the message that he was telling the Court  
15 about, and no more than that. And so, a short biography of  
16 Mr Ray's time in Kailahun doesn't assist the Court in determining  
17 whether or not the witness was intimidated by being handing, by a  
18 completely different person, Mr Ray's calling card.

19 PRESIDING JUDGE: Mr Koumjian?

15:01:12

20 MR KOUMJIAN: Your Honour, of course the Prosecution  
21 position is that no one from the Special Court Office of the  
22 Prosecutor, not David Crane or anyone, gave this card, which has  
23 a message for kids to obey their parents basically, to this  
24 witness. This document, the article is relevant because we need  
25 - we wish to explain how easy it would be for this witness to  
26 obtain this card. A card we'd also point out was only brought  
27 forward when the Defence made their motion for contempt but was  
28 not listed as an exhibit when the witness was scheduled to  
29 testify in April. So the inference is that this card came to



1 light sometime since April 2010.

2 What the article says is that this man, Don Ray, was a  
3 CIVPOL, civilian police officer for the United Nations, in  
4 Kailahun District, the same district that this witness testified  
15:02:21 5 he was living in all the way up to 2005.

6 And just going on briefly to the next document - in the  
7 next document, the letter, although this Don Ray says he does not  
8 - he says he did not meet the witness, he said he handed out  
9 hundreds of these cards. And the fact that the witness has a  
15:02:47 10 card from Don Ray, we say, proves nothing, given that Don Ray was  
11 a CIVPOL officer in Kailahun. This witness sometimes called them  
12 Interpol. This witness says he had many interactions with - he  
13 said sometimes Interpol, sometimes he called them MILOBs,  
14 sometimes he called them civilian police. And the article is  
15:03:14 15 relevant to understand how does this witness get the card of a  
16 Canadian police officer from Canada? He got it because this  
17 officer was assigned to Kailahun, where he was, from 2002 to 2003  
18 and handed out hundreds of those cards.

19 MR MUNYARD: Your Honour, before you decide on that.  
15:03:33 20 Mr Koumjian has taken us now into two exhibits. Maybe I should  
21 have dealt with the two together.

22 The Moutie perplexed article doesn't tell us anything  
23 about Mr Ray's visiting cards or who he handed them out to or  
24 what, so that, in my submission, takes us absolutely nowhere  
15:03:53 25 through this witness. That's MFI-17.

26 As far as MFI-18 is concerned, this is the letter written  
27 by Mr Ray to Mr Koumjian on Tuesday of this week - sorry, last  
28 week, in which he sets out - I don't need to repeat it. He sets  
29 out the circumstances in which he gave out his visiting card.

1 That is as far as that goes.

2 It is right to say that he identifies himself as CIVPOL and  
3 the witness did talk about meeting people who you might think  
4 were CIVPOL officers, and it is also right that the witness  
15:04:35 5 received one of his visiting cards. And so to that extent we  
6 don't object to the letter. But we do object to the article that  
7 adds nothing further to the case - the newspaper article, 17.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: Yes, in relation to MFI-17, we uphold the  
15:06:16 10 objection by the Defence. I recall that the witness was not able  
11 to identify the person shown in this article or anything in it.  
12 So for those reasons, the objection is upheld. And we note  
13 there's no objection to MFI-18.

14 MR MUNYARD: MFI-19, there's no objection to.

15:06:49 15 MFI-20, no objection to.

16 MR KOUMJIAN: Can I just remind everybody that that should  
17 - oh, it is marked confidential.

18 MR MUNYARD: Yes, it is. MFI-21, no objection.

19 MFI-22, no objection. MFI-23, likewise, no objection.

15:07:14 20 Same, 24. And 25A and B, no objection to those. And I think  
21 that concludes the exhibits in this witness's case.

22 PRESIDING JUDGE: That's correct, Mr Munyard. I'll just  
23 give them exhibit numbers now.

24 Madam Court Manager, what's the next exhibit number,  
15:07:35 25 please?

26 MS IRURA: Your Honour, for the Defence the next exhibit  
27 number is D-470 and for the Prosecution P-599.

28 PRESIDING JUDGE: D-470?

29 MS IRURA: That's correct, your Honour.

1 PRESIDING JUDGE: And P-599?

2 Well, using the list provided by Madam Court Manager, MFI-1  
3 is now admitted into evidence as exhibit D-470.

4 MFI-2, is admitted as D-471.

15:08:33 5 MFI-3, is admitted as D-472.

6 MFI-4A is admitted as D-473A and the other documents under  
7 that MFI number will be admitted as MFI-473B and C.

8 MFI-5 is admitted into evidence as exhibit D-474.

9 Just to correct what I said, the exhibit numbers for the  
10 last exhibit are D-473A, B and C.

15:09:44 11 MFI-5 is now admitted as D-474.

12 [Exhibits D-470 to D-474 admitted]

13 We come now to the Prosecution documents tendered.

14 MFI-6, will be admitted into evidence as Prosecution

15:10:03 15 exhibit P-599.

16 MFI-7A, B, C, C(1), MFI-7D, MFI-7E, and MFI-7F, MFI-7G, and  
17 MFI-7G(1) will be admitted into evidence as Prosecution exhibits  
18 600A, B, C, C(1), D, E, F, G, and G(1).

19 MFI-8A and 8B will be admitted into evidence as Prosecution  
15:11:16 20 exhibit P-601A and B.

21 MFI-9 is admitted into evidence as P-602.

22 MFI-10 is admitted as P-603.

23 MFI-11A to C is now admitted into evidence as exhibits  
24 P-604A to C respectively.

15:11:59 25 MFI-14 is admitted as exhibit P-605.

26 MFI-15 is admitted as P-606.

27 MFI-16 is admitted as P-607.

28 MFI-18 is admitted as P-608.

29 MFI-19 is admitted as P-609.

1 MFI-20 is admitted as P-610.

2 MFI-21 is admitted as P-611.

3 MFI-22 is admitted as P-612.

4 MFI-23 is admitted as P-613.

15:12:59 5 MFI-24 is admitted as P-614.

6 And MFIs 25A and B are admitted as exhibits P-615A and B

7 respectively.

8 [Exhibits P-599 to P-615B admitted]

9 Well, it's still the Defence case, Mr Munyard. I gather  
15:13:29 10 that's your last witness?

11 MR MUNYARD: That's correct, your Honour.

12 You will recall that the scheduling order in relation to

13 this stage of the case said that - if you'll give me a second

14 I'll quote it precisely. Said that we were to conclude soon

15:13:52 15 after the last witness and by 12th November in any event. We

16 don't propose calling any more witnesses. We note that I think

17 there are two decisions still outstanding, I think I'm right in

18 saying two.

19 PRESIDING JUDGE: Well, there's one decision.

15:14:09 20 MR MUNYARD: Sorry.

21 PRESIDING JUDGE: And there's the reasons for the second

22 decision.

23 MR MUNYARD: Yes. And so in the circumstances, we are in a

24 position today to close our case. I don't know if the Court

15:14:25 25 thinks it would be tidier if we were to do that after - after

26 we've had the reasons and the decision in the two outstanding

27 motions or before those are handed down.

28 PRESIDING JUDGE: Well, I think it would be tidier. I

29 haven't heard from Mr Koumjian yet. But what I was going to

1 suggest is that the deadline we've given of 12 November falls on  
2 this Friday.

3 MR MUNYARD: Yes.

15:14:59

4 PRESIDING JUDGE: And we adjourn to Friday morning and,  
5 hopefully, both parties will then be able to consider the  
6 ramifications, if any, of our two decisions.

7 MR MUNYARD: Yes, exactly.

8 PRESIDING JUDGE: Would you be agreeable to that?

15:15:14

9 MR MUNYARD: Absolutely. It's very much in line with what  
10 I was suggesting.

11 PRESIDING JUDGE: And Mr Koumjian?

12 MR KOUMJIAN: Yes, your Honour.

13 PRESIDING JUDGE: All right. We'll do that then. We'll  
14 adjourn now and we'll adjourn to Friday morning, November 12th at  
15 9 a.m.

15:15:24

16 MR MUNYARD: Thank you.

17 MR KOUMJIAN: I suggest ten.

15:15:40

18 PRESIDING JUDGE: Well why not, we're not running any other  
19 witnesses. Ten is a bit more sensible, we'll make it Friday in  
20 the morning, 10 a.m.

21 [Whereupon the hearing adjourned at 3.16 p.m.

22 to be reconvened on Friday, 12 November at

23 10.00 a.m.

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## I N D E X

### WITNESSES FOR THE DEFENCE:

DCT-102	48976
CROSS-EXAMINATION BY MR KOUMJIAN	48976
RE-EXAMINATION BY MR MUNYARD	49044

### EXHIBITS:

Exhibits D-470 to D-474 admitted	49097
Exhibits P-599 to P-615B admitted	49098