



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

THURSDAY, 12 JUNE 2008  
9.30 A.M.  
TRIAL

TRIAL CHAMBER II

---

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg  
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian  
Mr Christopher Santora  
Mr Mohamed Bangura  
Ms Kirsten Keith

For the accused Charles Ghankay  
Taylor:

Mr Courtenay Griffiths QC  
Mr Terry Munyard

1 Thursday, 12 June 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:27 5 PRESIDING JUDGE: Good morning. I notice some changes of  
6 appearance. Mr Koumjian, your Bar is as before.

7 MR KOUMJIAN: Yes, your Honour: myself, Nicholas Koumjian,  
8 Christopher Santora and Kirsten Keith, thank you.

9 PRESIDING JUDGE: Thank you. Mr Munyard, I see some  
09:30:47 10 changes.

11 MR MUNYARD: Good morning, your Honours, counsel opposite.  
12 This morning on the Defence Bench is Courtenay Griffiths QC,  
13 myself, Terry Munyard, and Shannon Torrens.

14 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no  
09:31:02 15 other matters I will remind the witness of his oath.

16 Mr Witness, I again remind you that you have taken the oath  
17 to tell the truth. The oath is still binding on you, it  
18 continues today and you are to answer questions truthfully. Do  
19 you understand?

09:31:22 20 THE WITNESS: Yes, my Lord.

21 PRESIDING JUDGE: Very good. Please proceed.

22 WITNESS: TF1-539 [On former oath]

23 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

24 Q. Good morning, Mr Witness. Can I try and recap a little on  
09:31:56 25 the account you have given us of your flight from Sierra Leone  
26 once the junta was overthrown in the intervention by ECOMOG in  
27 February 1998. You told us that you went to Liberia, that it  
28 took you three months to get to Foya. Do you remember telling us  
29 that?

1 A. Yes, my Lord.

2 Q. And then it took you about another three months to get to  
3 Monrovia. So a total of six months from February 1998, which  
4 brings us to about August of that year. Do you agree?

09:32:44 5 A. Yes, my Lord.

6 Q. You've also mentioned your personal effects. What were you  
7 travelling with by way of personal effects?

8 A. I did not have any personal things like - any personal  
9 things as such.

09:33:20 10 Q. Well, what about the clothes that you had with you? Apart  
11 from the clothes that you were wearing as you made your way,  
12 presumably through the bush, did you have any other clothing with  
13 you?

14 A. Yes, I had a few trousers and shirts and footwears.

09:33:45 15 Q. How were you travelling with those?

16 A. I had a bag, a backpack, that I always strapped on my back  
17 and the other guys with whom I travelled also had bags with them.

18 Q. And just tell us how many clothes you had with you in your  
19 backpack?

09:34:22 20 A. The situation in which I was was not to travel with a lot  
21 of things, so I can recall I travelled with five khaki trousers  
22 with a waistcoat and about six to seven shirts.

23 Q. And footwear, spare footwear, in addition to what was on  
24 your feet?

09:34:54 25 A. Yes, I had like about two sneakers, two pairs of sneakers.

26 Q. How big was this backpack?

27 A. Those are usual military bags that you can pack few things  
28 in them and you can use for some time and at that time my problem  
29 was not more for clothing, I cared about saving my life.

1 Q. Well, I'm only interested at the moment in your clothing,  
2 not saving your life. Can we concentrate on your clothing,  
3 please. You have these various things in your backpack. What  
4 else was in the backpack apart from these shoes, trousers and  
09:35:51 5 shirts and waistcoats?

6 A. I can recall that I had things like my documents, like my  
7 military ID cards and my artillery documents.

8 Q. Yes and where were they kept in your backpack?

9 A. I had some other small bag that had a zipper. It was in  
09:36:38 10 that that I put those, put them into a plastic bag because I  
11 wanted it to prevent it from rain, then I put it into the  
12 backpack.

13 Q. Yes, I was coming on to the rains. You were travelling  
14 through Sierra Leone and Liberia for six months before you  
09:36:59 15 reached Monrovia. By the time you reach Monrovia it's the middle  
16 of the rainy season, isn't it?

17 A. Yes.

18 Q. You told us that you made your journey through both of  
19 these countries via back routes, so as to avoid being stopped.  
09:37:24 20 That's right, isn't it?

21 A. Yes, my Lord.

22 Q. So you were travelling through the bush, is that correct?

23 A. It was not through the bush as such. I used the main road,  
24 but whenever I would be nearer a road block then I will send one  
09:37:57 25 of my men, one or two of them, and they will go further and see  
26 whether there was any problem and they will observe the treatment  
27 that they were giving to other people, then they will come back  
28 and when I get the response we would always come close, then we  
29 used a bypass. We would bypass the road blocks for me to avoid

1 embarrassment.

2 Q. During those six months did you ever have to sleep rough?

3 A. What do you mean by sleeping rough?

4 Q. Did you ever have to sleep in the open, under the trees,  
09:38:52 5 under the stars?

6 A. Not at all.

7 Q. And just tell us how big this backpack is with all of your  
8 belongings in it?

9 A. First of all the training that I underwent I am capable of  
09:39:24 10 carrying 50 kilos for any movement that I could undertake, so it  
11 was a sizable backpack. It was not a very big one.

12 Q. Yes, tell us, please, how big it is?

13 A. It was a sizable backpack. I am not going to exaggerate  
14 the size. It was not very big. It was sizable. Normally  
09:39:55 15 usually when you see military men you see them carrying  
16 backpacks.

17 Q. Mr Witness, just give us some dimensions, please, of this  
18 backpack?

19 A. A sizable backpack that had straps that you can always use  
09:40:15 20 to strap them on your back. In fact, if you find yourself  
21 sleeping elsewhere that there is no pillow you can use that as a  
22 pillow.

23 Q. And did you use this as a pillow?

24 A. Yes, once in a while.

09:40:36 25 Q. Now there came a stage, you told us in your evidence, when  
26 you are - you leave to go to Buedu with Sam Bockarie and he told  
27 you to leave most of your personal effects behind and that either  
28 they'd be delivered later or you could collect them later. Do  
29 you remember telling us that?

1 A. It was not Sam Bockarie who told me that. It was Colonel  
2 Marzah who advised me that I should leave my things so when I  
3 would get to Buedu I would call him through the radio and he will  
4 send them for me. I just took few. I mean I took four pairs of  
09:41:28 5 khaki trousers and a T-shirt that I wrapped up and put into the  
6 small pack that I had, excluding what I had on.

7 Q. This is a smaller pack than the one you've just been  
8 describing, is it?

9 A. Yes, of course.

09:41:55 10 Q. Did you ever get the remainder of your personal effects  
11 that you had left behind with Zigzag Marzah?

12 A. I did not get them again from him.

13 Q. And what did those remaining personal effects include?

14 A. Well, they were more of the things that I had bought  
09:42:37 15 together with him at Carey Street. I was fortunate to pack some  
16 of my khaki trousers, including the one that I had which  
17 contained the photo. Those were the ones I packed into the  
18 handbag that I had at that time, but when I got to Buedu I called  
19 Zigzag Marzah on two occasions. He assured me that he will send  
09:43:06 20 them, but I never saw them until I left Buedu.

21 Q. So the fact that the khaki trousers with the photograph in  
22 it were in the small pack that you took with you to Buedu is just  
23 a coincidence, is it?

24 A. Yes, my Lord. Then - no, it was not a coincidence as such,  
09:43:42 25 because at that time the common things that you would wear were  
26 khaki trousers, because that you would use for some time, and  
27 that one was a very good khaki pair of trousers and it had  
28 pockets like side pockets similar to the one that I'm having now  
29 on. So that was why I took that, because I knew I was going to

1 fight and so I took that with me. I was going to the bush, not  
2 in the city or that I was going to play. That was why I packed  
3 that one.

09:44:25 4 Q. And did you fight in those trousers, the ones with the  
5 photograph in the pocket?

6 A. As I told you, when I went to Buedu there was a time when I  
7 was taking out my things to clean them. It was at that time that  
8 I took out the khaki trousers and when I was shaking it the  
9 picture fell off, so I kept the picture for future for  
09:45:00 10 remembrance.

11 Q. You kept this gruesome picture for remembrance, is that  
12 what you're telling the judges?

13 A. When I said for remembrance, when I always look at it and  
14 know that if it were not for God's blessings I would have ended  
09:45:30 15 up the same way. That was why I kept that picture, to be  
16 watching it and recall the things that I had gone through.

17 Q. And where did it fall on to when it fell out when you were  
18 preparing your trousers for cleaning?

19 A. It was in the room where I was lodged. I was shaking them  
09:46:06 20 for me to give them to a lady who was Major Victor Kemoh's wife  
21 for her to launder them for me, so when I had shaken them off so  
22 the photo fell off and I took it and put it somewhere where I  
23 thought it would be safe for it to be with me.

24 Q. And where is it you put it for it to be safe?

09:46:38 25 A. I had some books. You know, I liked reading books to pass  
26 time. It was in that book that I put the photo.

27 Q. Are you wearing trousers with the same kind of pockets as  
28 the pair that you claim you kept this photograph in? Are you  
29 wearing the same kind of trousers today?

1 A. Yes. Although it is not of the same colour, yes.

2 Q. The same kind of pockets that you're saying you kept this  
3 photograph in?

4 A. Yes, my Lord.

09:47:33 5 Q. Just show us, please, the pocket that you say you kept the  
6 photograph in?

7 PRESIDING JUDGE: Mr Witness, stay within the curtains when  
8 you stand up, please. Please stand up.

9 THE WITNESS: It's a similar pocket like this. You see  
09:47:59 10 this, it's an example of my own picture. This is another  
11 example. It's a family picture and it is the same size. It's an  
12 example. It's my family picture.

13 PRESIDING JUDGE: I will note for purposes of record that  
14 the witness stood wearing what I think are army type coloured  
09:48:46 15 trousers.

16 MR MUNYARD: These days they're high fashion, I think, your  
17 Honour.

18 PRESIDING JUDGE: It hasn't reached me yet, Mr Munyard, but  
19 wearing trousers with two side pockets at thigh level with Velcro  
09:49:02 20 from which he produced two photographs, one from each pocket.

21 MR MUNYARD: Yes, I would add closed Velcro.

22 PRESIDING JUDGE: Yes, closed by Velcro. Is that  
23 acceptable to - yes.

24 MR MUNYARD:

09:49:15 25 Q. Is it just coincidence that you've come in today wearing  
26 these trousers with a photograph in each pocket, or is that  
27 something you have been advised to do?

28 A. I never thought of that. It was this pair of trousers that  
29 I wore from Sierra Leone. You can ask those who picked me up



1 from the airport. I wore this particular pair of trousers from  
2 Sierra Leone to here and this one is my family photo, you know?  
3 I can recall it was when I left the service. It was my wife and  
4 three children. This was the pair of trousers that I wore from  
09:50:03 5 Sierra Leone to here.

6 Q. And the photographs that you've produced from those side  
7 pockets, how long have they been in those pockets?

8 A. I said it was the one I wore from Sierra Leone.

9 Q. So, they've been in those pockets a couple of weeks?

09:50:27 10 A. Yes.

11 Q. And those photographs are battered and bent and less than  
12 perfect, aren't they?

13 A. Well, let me show you. Maybe you can describe it better.

14 Q. When you shook your trousers so that the lady could look  
09:50:56 15 after them, how is it that the photographs fell out of a Velcro  
16 closed side pocket, Mr Witness?

17 A. I told you that I was searching the pockets to make sure  
18 that they were empty before ever I could give them to the lady.  
19 I was searching them because I didn't want to leave bills, money  
09:51:25 20 bills in it or important documents, because she was going to put  
21 them into water to launder them. That was why I searched them  
22 and I was fortunate to see that photo and I recall that, "Oh, I  
23 had put this photo into this pocket." So I took the picture and  
24 put it aside, and for it not to destroy I told you I had books in  
09:51:55 25 Buedu and so I took one of the books and put the photo into it.

26 Q. What you told us actually, you may have forgotten by now,  
27 is that you shook the trousers and the photograph fell out. Do  
28 you recall saying that within the last few minutes?

29 A. Mr Lawyer, I emptied the trousers at my own pace to ensure

1 that nothing was in it, because if anything was in it and it was  
2 put into water that thing would destroy. So, I took it out and  
3 searched into it and shook it to ensure that nothing was left in  
4 the pockets.

09:52:42 5 Q. How long after you secreted this photograph from the floor  
6 of the bar when Zigzag Marzah dropped it - how long was it from  
7 then until this moment when you shake it out of the pocket in  
8 Buedu? How many months or years had passed?

9 A. As I told you and according to what I have told this Court,  
09:53:26 10 you yourself can help me now to calculate. When I told you that  
11 I used it in Liberia and when I packed them to return to Buedu,  
12 it was around that time. It was when I returned to Buedu that I  
13 had time to --

14 Q. Can you give us --

09:53:49 15 A. No, I cannot, but it was from that time that I had taken  
16 off - I took it to Monrovia and I put it in and when I was in  
17 Monrovia I told you in my statement that I was fortunate to do  
18 some shopping. That's why I put the trousers aside. It was from  
19 that time when I thought that that was the appropriate trousers  
09:54:15 20 to go with to the jungle --

21 PRESIDING JUDGE: Mr Witness, I think counsel is asking how  
22 long between the packing in Monrovia and the shaking out in  
23 Buedu.

24 MR MUNYARD: Your Honour, I'm not. I'm asking how long  
09:54:32 25 from the moment it first goes into his pocket, at the bar in  
26 Monrovia, to Buedu.

27 MR KOUMJIAN: Your Honour, I just would like to note that  
28 at one point during the witness's answer counsel was talking at  
29 the same time and his question was not recorded. I believe it's

1 the point where the dash appears on the LiveNote and the witness  
2 says, "No, I cannot", but in the future someone reading the  
3 transcript would not understand his sudden change, the context of  
4 why he's suddenly switching his sentence, but there was a  
09:55:04 5 question which was not picked up because both the witness and the  
6 counsel were speaking at the same time.

7 PRESIDING JUDGE: Since I've interrupted as well, I was  
8 trying to direct the witness to the issue and in the light of  
9 Mr Koumjian's remarks please put the question again and let's  
09:55:24 10 concentrate --

11 MR MUNYARD: Your Honour was doing exactly what I was  
12 trying to do, which was to stop him telling us this story and try  
13 and get him back to the question:

14 Q. Just listen to the question, please, Mr Witness. How many  
09:55:42 15 months or years had passed from the moment that you secreted this  
16 photograph from the floor of the bar, where Zigzag had dropped  
17 it, until it fell out of your pocket in Buedu when you were  
18 giving your trousers to the lady to take care of?

19 A. Mr Lawyer, I have told you that according to the statement  
09:56:14 20 that I have made, I said from that time to the time that I went  
21 to Buedu, you yourself can help me calculate the time, but to say  
22 that I can give you now a specific period, I cannot calculate,  
23 no.

24 Q. I'm simply going to note your answer, Mr Witness, that  
09:57:08 25 you're not willing to give us an estimate of the time and I want  
26 to ask you this: Why is it, if you were so careful to preserve  
27 this photograph over at the very least seven and a half years,  
28 from early 1999, on one version that you've given us, to some  
29 time - I said seven and a half years, about seven years, to March

1 of 2006. Why is it that in the two years that have passed since  
2 2006 you have managed to lose it?

09:58:20 3 A. As I was telling you, I had a lot of things to do and where  
4 I was in Freetown, from that time to where I was, I had changed  
5 two addresses. I had changed two addresses and when you change  
6 an address you would have to move from one place to the other, so  
7 it could happen. I don't know.

09:58:44 8 Q. You changed two countries in the seven years that we're  
9 talking about and you fought in battles and you went hither and  
10 yon to Burkina Faso by plane, back again to Monrovia, to Buedu,  
11 in and out of a dungeon, back to Sierra Leone, into the arms of  
12 ECOMOG. You went all over the place for seven years and yet  
13 managed to hang on to the photograph, on your account, didn't  
14 you?

09:59:15 15 A. This was a photograph - like in Liberia, it just happened  
16 that I saw it in my pocket back when I returned to Buedu, but I  
17 did not keep it for this particular purpose that I have given it  
18 for now. I hadn't an intention like that.

09:59:45 19 Q. You have already told us this morning the purpose that you  
20 kept it for. Now, are you saying that the reason it's gone  
21 missing is that you have moved house twice in Freetown?

22 A. Yes, because I would not lose it deliberately, as I would  
23 like to keep it. If you keep a photo it can take a long time.  
24 It may get old, but it can stay long.

10:00:19 25 Q. I didn't suggest you'd lost it deliberately. Are you  
26 saying that somebody has suggested that you should deliberately  
27 lose it?

28 A. No, it was according to what you said.

29 Q. But do you agree that despite the fact that you were being

1 interviewed by two police officers, that this photograph that you  
2 gave to them, they handed back to you? Do you agree with that?

3 A. Well, that was where I told you that there is some doubt.  
4 I am a human being too and for those men to get me it was not  
10:01:19 5 easy, because I was engaged doing some other things other than  
6 just concentrating on --

7 Q. Mr Witness, answer the question only, please. Do you agree  
8 that they handed that photograph back to you, those two police  
9 officers who interviewed you, the man from the CID from Sierra  
10:01:37 10 Leone and the Canadian police officer?

11 A. I told you that, you know, I wouldn't want to say things  
12 here that I am not sure of because I have taken an oath. There  
13 is some doubt there, because I thought the picture was with them,  
14 but according to the lawyer he said he had sent a message there  
10:02:05 15 and the people said they had given the picture back to me. So  
16 I'm a little doubtful. That was what he said here yesterday, but  
17 I told him here that the picture should be with them.

18 MR MUNYARD: Your Honour, I'm now going to hand out some  
19 documents. I'm going to start at tab 1 and I understand that the  
10:03:53 20 tabs are numbered internally at the bottom right-hand corner of  
21 each page. So each one will start at page 1, bottom right  
22 corner.

23 PRESIDING JUDGE: It's just been pointed out to us,  
24 Mr Munyard, by Madam Court Attendant, that the witness's name  
10:04:31 25 appears, at least I see on the page 1 of tab 1, so some care will  
26 have to be exercised before that can be put on the screen.

27 MR MUNYARD: Yes, I hadn't appreciated that. Well, for the  
28 time being we won't put them on the screen and then we've got  
29 another hour and a half to go before the next break, but I hope

1 that at some stage during that break we can, in old fashioned  
2 terms, Snopake out his name.

3 MR KOUMJIAN: Your Honour, I believe the solution - and  
4 perhaps at the opportunity the court officer can check with the  
10:05:13 5 video booth - is they can simply not broadcast the document cam.  
6 That's not necessarily on the live feed, so they can make sure  
7 that it doesn't go out to the public.

8 MR MUNYARD: That seems a sensible solution. I think Madam  
9 Court Officer is just going to check that that can be done.

10:06:14 10 JUDGE SEBUTINDE: If it's not going to be broadcast there's  
11 no point putting it on the overhead, is there? The witness could  
12 simply read from his own copy, hard copy.

13 MR MUNYARD: Yes, your Honour.

14 JUDGE SEBUTINDE: There's no need to broadcast it, to put  
10:06:30 15 it on the overhead.

16 MR MUNYARD: Certainly. Those of us in court have all got  
17 copies, so there should be no difficulty and I am told, quite  
18 rightly, that I think his name appears actually on all of the  
19 documents. It's certainly on the first page of each of the tabs,  
10:06:49 20 so we will deal with that in due course. But for the time being  
21 nothing on the overhead screen, but the witness will obviously  
22 need to be assisted to make sure that he understands what I'm  
23 reading out:

24 Q. Let me remind you, Mr Witness, that what you have told this  
10:07:14 25 Court is that each time you were interviewed the interview was  
26 read back to you so that you could correct anything that was  
27 wrong, or add to it. Now, in the case of the interview that is  
28 dated 24 March 2006 --

29 JUDGE SEBUTINDE: Mr Munyard, sorry to interrupt, we need

1 to be sure that the witness can actually read and understand  
2 English.

3 MR MUNYARD: I'm going to - well, I had partly established  
4 that. I can establish it further in a moment by referring to one  
10:07:45 5 of the tabs, in fact straightaway.

6 JUDGE SEBUTINDE: Alternatively you could read and the  
7 interpreter interprets for him from the booth.

8 MR MUNYARD: Yes, but let me go, on that point, to tab 2, I  
9 think it is. Madam Court Officer, if you could turn up tab 2,  
10:08:07 10 which is a prepping session between the witness and attorney Nick  
11 Koumjian, using the witness statement dated 23 and 24 March 2006,  
12 and this prepping session is dated 6 August 2007. The interview  
13 starts at 1235 hours. The interview is in English. First  
14 paragraph gives the witness's date of birth, he attended school  
10:08:40 15 until the 6th grade and he is able to read and write both English  
16 and Krio:

17 Q. Do you remember telling that to Mr Koumjian, the lawyer who  
18 was asking you questions for the Prosecution?

19 A. Yes, my Lord.

10:08:58 20 Q. And is it true?

21 A. Say again.

22 Q. Is that true what you told him: That you can read and  
23 write both English and Krio?

24 A. Yes, my Lord.

10:09:24 25 MR MUNYARD: Justice Sebutinde, I hope that answers the  
26 question satisfactorily for you:

27 Q. We'll go back then to tab 1, please. Starting on page 1 of  
28 tab 1, this is an interview which was conducted on both 23 and 24  
29 March 2006 and I understand from what you told us in your

1 evidence that David Cunningham was one of the interviewers and  
2 Alfred Sesay was also taking part. Is that correct?

3 A. No, I spoke about Mr David who was a Canadian police.

4 Q. Yes, you also told us that Alfred Sesay, from the CID,  
10:10:26 5 Criminal Investigations Department, of the Sierra Leone police,  
6 took part in that interview. Do you remember telling us that?

7 A. Yes.

8 Q. And indeed we can see his name in the first paragraph of  
9 that interview, can't we, as assisting in the interview, yes?

10:10:52 10 A. Yes.

11 Q. Now, the second paragraph gives your history in the Sierra  
12 Leone Army and four sentences down in that paragraph it reads as  
13 follows, "He and other military personnel were then redeployed to  
14 the Liberian ECOMOG unit and served there until 1996." Is that  
10:11:28 15 right? Did you tell them that?

16 A. No, I told them there are some things here that are not  
17 correct.

18 Q. I'm asking you did you tell them that you were redeployed  
19 to the Liberian ECOMOG unit and served there until 1996? Did you  
10:11:50 20 tell them that, or not?

21 A. This is not correct. I did not tell them that.

22 Q. What's not correct about it?

23 A. About the time that is written here and I see again some  
24 other areas that I am not satisfied with. This one from --

10:12:21 25 Q. Witness, hold on a moment. Just concentrate on the part  
26 that I'm asking you about. Do not read on, because it will just  
27 take more time. We are going to go through this in due course.  
28 What have they recorded wrongly and you appear to have failed to  
29 have corrected in that short sentence I just read?



1 A. It is where it is stated that I served. There is no  
2 specific time, because 1996 it does not differentiate the times  
3 that I served in ECOMOG.

10:13:30

4 Q. What is wrong with it saying that you served there until  
5 1996?

6 A. Because I went there in 1996, but if you are saying that I  
7 worked there until 1996 that means I worked there even before  
8 1996.

10:14:00

9 Q. Are you saying that you didn't work there before 1996 in  
10 the ECOMOG force in Liberia?

11 A. If you are saying - if you are saying that I worked there  
12 until, that means - because it was from there I came - I was in  
13 Kenema when the AFRC took over.

10:14:24

14 PRESIDING JUDGE: Mr Witness, the question was are you  
15 saying that you did not work in the ECOMOG force in Liberia  
16 before '96?

17 THE WITNESS: No, I worked there. I worked there, but it  
18 doesn't specify the time that I went there. It just states that  
19 until 1996. That's what I'm saying.

10:15:07

20 MR MUNYARD:

21 Q. Mr Witness, a very simple question. Were you working in  
22 the ECOMOG force in Monrovia in Liberia before 1996 or not, yes  
23 or no?

24 A. Yes, yes.

10:15:29

25 Q. So, what's wrong with this sentence that says you were then  
26 redeployed to the Liberian ECOMOG unit and served there until  
27 1996?

28 A. Okay, nothing is wrong with it.

29 Q. So, why did you tell us yesterday that you were there

1 between February of 1995 until December of 1995?

2 MR KOUMJIAN: Can I have a citation on that, because I  
3 don't recall the witness giving months?

4 MR MUNYARD: Well, I can give you a citation:

10:16:04 5 Q. But not only do I recall it clearly, you said you were  
6 there eight months and February to December by my mathematics is  
7 10 months?

8 JUDGE SEBUTINDE: Yes, I recall that as well. He said that  
9 yesterday.

10:16:16 10 MR MUNYARD: I've got the transcript and so if it needs to  
11 be brought out then I will, but for the moment may I continue  
12 with my cross-examination? I can very easily find it, but I  
13 didn't think it was a matter in dispute.

14 THE WITNESS: Yes.

10:16:31 15 MR MUNYARD:  
16 Q. Now, what is it? Were you there in 1995 coming back in  
17 December 1995 as you told us yesterday, or were you there until  
18 1996?

19 A. 1996 I left ECOMOG around December. That's what I was  
10:16:55 20 saying. I said around December I had left ECOMOG and I was  
21 posted back to Kenema, 18th Battalion.

22 Q. December 1995?

23 A. 1996.

24 Q. Were you in Liberia at the time - were you in Monrovia at  
10:17:30 25 the time of the elections in 1996 in Sierra Leone?

26 A. Yes, it was just after the election that I came to Sierra  
27 Leone.

28 Q. And the elections finished in April of 1996. Is that  
29 correct?

1 A. No, I can't recall that now.

2 MR MUNYARD: Well the Court will know because I believe  
3 that that is a judicially noticed or agreed fact, but I am not  
4 going to recite it as such:

10:18:29 5 Q. So you're saying you were in Liberia until December 1996,  
6 or until just after the elections in 1996? Which one is it?

7 A. Well I was not in Sierra Leone for the elections, so I  
8 cannot say anything about that because I was not in Sierra Leone  
9 for the elections.

10:18:56 10 MR KOUJIAN: Your Honour, given what counsel asked about  
11 the judicially noticed fact, the Prosecution would stipulate, if  
12 the Defence wishes, as to the dates of the 1996 elections.

13 MR MUNYARD: I addressed the Court on that, not the  
14 witness.

10:19:13 15 MR KOUJIAN: Yes, well I'm asking the Defence if they want  
16 a stipulation so that the Court can have the dates.

17 MR MUNYARD: We'll deal with that in the absence of the  
18 witness. We're not feeding this witness dates, please.

19 PRESIDING JUDGE: Proceed, Mr Munyard.

10:19:31 20 MR MUNYARD: Thank you:

21 Q. Now while you were with the ECOMOG force in Monrovia, did  
22 you ever work at the mansion?

23 A. I have told this Court that I did not work in the mansion.

24 MR KOUJIAN: Your Honour, then I would like to - sorry,  
10:19:54 25 going back to the last question, counsel doesn't want to feed the  
26 witness dates, but actually the date he gave in open court was  
27 slightly incorrect and so I don't think that is fair either.

28 PRESIDING JUDGE: You did mention a month, Mr Munyard.  
29 Counsel for the Prosecution says that - is the month incorrect,

1 Mr Koumjian?

2 MR KOUMJIAN: Yes.

3 MR MUNYARD:

10:20:25

4 Q. Mr Witness, when do you say the elections took place in  
5 your home country of Sierra Leone when you were just next door in  
6 Liberia and no doubt listening to Focus on Africa?

7 A. Mr Lawyer, I cannot give you a specific time. I told you  
8 this even from yesterday.

10:21:16

9 Q. Tab 2, please. Page 3 of tab 2. It's 3 at the bottom  
10 right-hand corner next to some initials. Now, Mr Witness, these  
11 are the handwritten notes taken at the time of your interview at  
12 Lungi with Mr Koumjian, the attorney, and somebody called Shelley  
13 Birston. You told us yesterday there was a lady present. During  
14 the course of this interview, it's called a prepping session -  
15 during the course of this interview you were taken through your  
16 first statement, or the notes of your first interview, line by  
17 line, weren't you?

10:21:43

18 A. Even the lawyer who is sitting here will tell you that he  
19 met me on a pressing job, because I was representing the whole  
20 unit at the airport. We hadn't enough time for us to discuss for  
21 a long time, because I even expected that he would come back the  
22 following day.

10:22:08

23 PRESIDING JUDGE: Pause, Mr Witness. Mr Koumjian?

24 MR KOUMJIAN: I would ask that part of the answer be  
25 redacted as to I was representing.

10:22:31

26 PRESIDING JUDGE: Why is that?

27 MR KOUMJIAN: The witness was talking about his job and I  
28 would like that to be redacted, please.

29 PRESIDING JUDGE: Oh, I see.

1 MR MUNYARD: Well, we don't actually know. That is a  
2 completely vague expression. It doesn't tell us anything. He  
3 could be representing a unit of marching bandsmen who are at the  
4 airport, for all we know.

10:22:59 5 PRESIDING JUDGE: Mr Koumjian?

6 MR KOUMJIAN: I think it's absolutely clear and it's  
7 obviously in the interests of the Court's order as to the  
8 anonymity to redact that section, otherwise the measures that the  
9 Court has imposed become worthless.

10:23:22 10 [Trial Chamber conferred]

11 PRESIDING JUDGE: We are of the view that this is  
12 sufficiently vague and imprecise as not to convey any real  
13 meaning to an outsider. It certainly means nothing to us.

14 MR MUNYARD:

10:24:05 15 Q. Right, back to my question. Can you just stop  
16 concentrating on the page for a moment, Mr Witness, and look up  
17 from the page. Thank you. Now at --

18 JUDGE SEBUTINDE: Mr Witness, what could help, or would  
19 help is if you sat facing the Bench. Rather than skewing to face  
10:24:27 20 the Prosecution, please sit facing the judges. That would really  
21 help.

22 MR MUNYARD:

23 Q. Now, at this prepping session in August of last year your  
24 first interview notes were gone through line by line, weren't  
10:24:50 25 they?

26 A. Yes.

27 Q. After you had initially given them a bit more information  
28 about your history and it's that history that I'm now going to  
29 take you to, on page 3. It's in handwriting so I would ask Madam

- 1 Court Officer's assistance, at the side of the witness, just to  
2 make sure he's following. There are small dashes on the  
3 left-hand side of the text, commonly known as bullet points, and  
4 I want to take you to the sixth one that starts with the words,  
10:25:45 5 "In '95 sent to ECOMOG". Do you see that?
- 6 A. Yes.
- 7 Q. Who was your commander in the ECOMOG unit? Just look up  
8 and tell us from your memory.
- 9 A. Colonel Yapo Sesay.
- 10:26:16 10 Q. Well, now let us read this sentence, "In '95 sent to ECOMOG  
11 unit" - does that symbol mean under or with Yapo? You were under  
12 Yapo, yes?
- 13 A. I was under Yapo.
- 14 Q. "Yapo was his commander in Monrovia until '96." That's  
10:26:41 15 correct also, isn't it? You don't need to look at the page.
- 16 A. Until the entire contingent was withdrawn, he was a  
17 commander.
- 18 Q. No, this is you "in Monrovia until '96." That is correct,  
19 isn't it?
- 10:27:05 20 A. Yes.
- 21 Q. "Worked in headquarters and deployed in Monrovia". That is  
22 correct, isn't it?
- 23 A. The headquarters was in Monrovia.
- 24 Q. It is correct that you worked in the headquarters and were  
10:27:23 25 deployed in Monrovia, isn't it?
- 26 A. Yes.
- 27 Q. "Including mansion".
- 28 A. No.
- 29 Q. Do you see those words, "including mansion", on the page?

1 A. No, I did not tell them that. I can't recall telling them  
2 that. I told this Court that I worked in Monrovia and I named  
3 some of the areas where I worked.

10:28:04 4 Q. Right. Go back, please, to tab 1, page 1. Now, when you  
5 were reading ahead just a moment ago when we first looked at this  
6 page, you started to tell the learned judges that it was wrong  
7 what was written here, that you were deployed in Kenema when the  
8 AFRC took over. Do you remember saying that and I tried to bring  
9 you back --

10:28:35 10 A. I said I was - I said I had come to Kenema. I was there  
11 when the AFRC took over.

12 JUDGE SEBUTINDE: Mr Munyard, remember to switch on and  
13 off, please.

14 MR MUNYARD:

10:28:52 15 Q. You were reading paragraph 2 beyond the point about you  
16 being redeployed to the Liberian ECOMOG unit, weren't you? You  
17 read the next sentence, didn't you? "Was then posted back to  
18 Freetown until the AFRC took over in 1997." You read that,  
19 didn't you?

10:29:24 20 A. Except I read it now, but I wanted to look to read it when  
21 Madam President asked me to concentrate on the Bench.

22 Q. Do you not remember, when I was asking you about you being  
23 with the Liberian ECOMOG unit, saying, "They've got this wrong, I  
24 was in Kenema when the AFRC took over", just within the last half  
10:29:51 25 hour? Do you not remember saying that, Mr Witness?

26 A. I said the AFRC overthrow met me in Kenema.

27 Q. Well, you told these interviewers that you were in Freetown  
28 when the AFRC took over, didn't you?

29 A. No, I never told them that. Maybe they made a mistake.

1 Q. Right. When the AFRC were overthrown in the intervention,  
2 the army was disbanded by the democratically elected government,  
3 wasn't it?

4 A. I have told this Court that there were still some soldiers  
10:30:54 5 who were loyal to the democratic government. It was not  
6 everybody.

7 Q. Do you agree that the army was disbanded, yes or no?

8 A. I cannot totally agree with that. That was why I - through  
9 my explanation I told the Court that there were still some men  
10:31:19 10 who were loyal in the army to the then government and even the  
11 ADC to President Kabbah at that time was a military officer.

12 Q. Tab 1, page 8, please. It's handwritten again, Mr Witness.  
13 At the top we've got the date 23 March 2003 at 1202 hours and the  
14 notes open with these words:

10:31:56 15 "After when the democratically elected government was  
16 established in Sierra Leone, then the army was disbanded.  
17 Liberia was the safest place for army personnel to live at that  
18 time, 1998."

19 That's what you told the investigators right at the  
10:32:18 20 beginning of that interview, wasn't it?

21 A. Well, maybe they did not get me right, they just wrote it  
22 that way, but I have told this Court that it was not everybody in  
23 the army that was in favour of the AFRC. The army was split over  
24 the issue.

10:32:49 25 PRESIDING JUDGE: We understand that, Mr Witness. The  
26 question is directed at the actions of the government towards the  
27 army. Did the government disband the army, or did it not,  
28 regardless of loyal ties?

29 THE WITNESS: Yes, that was the President's statement.



1 MR MUNYARD:

2 Q. Page 1, paragraph 4, please, of tab 1, "Proceeded to Congo  
3 Town and stayed with a lady friend, Matilda Johnson." Now, you  
4 told them that, didn't you?

10:33:51 5 A. That is not a detailed account of what I meant, because I  
6 did not just go and stay with Matilda.

7 Q. Mr Witness, did you tell them that you proceeded to Congo  
8 Town and stayed with a lady friend, or lived with a lady friend,  
9 Matilda Johnson, yes or no? Did you tell them that?

10:34:18 10 A. No, it's not like that.

11 Q. In that case we have to go back to page 8, please, the  
12 handwritten notes. If one looks at the printed number, 18210,  
13 and go down six lines from there, the next sentence in  
14 handwriting reads:

10:35:09 15 "I went to live with a lady friend, Matilda Johnson, Congo  
16 Town, Monrovia. She was in charge of the security of Roberts  
17 International Airport."

18 Did you tell them that?

19 A. Like I told you, that is not a detailed account. I did not  
10:35:36 20 just go and live with her. The handwritten note is not a  
21 detailed account as I see it now.

22 Q. When you told them about Bamie did you tell them that he  
23 still had an office in Kenema and Kono and was dealing diamonds  
24 with the Russians?

10:36:01 25 A. It was in Kono that he still had an office. It was Mohamed  
26 Saleh who had a diamond office in Kenema and at a point in time I  
27 can recall Mr Sesay and Mr David went there.

28 Q. What, they went to the diamond officer in Kenema of Mohamed  
29 Saleh? Did they go with you?

1 A. Yes.

2 Q. Well, did you ever tell those investigators that Bamie had  
3 an office in Kono, Kenema and was still dealing diamonds with  
4 Russians?

10:37:01 5 A. As I am speaking here, he is still dealing in diamonds. As  
6 I am sitting here talking, he is still dealing in diamonds.

7 Q. So you still know him, do you?

8 A. Yes, I used to see him.

9 Q. Was he dealing diamonds with Russians?

10:37:25 10 A. As I am talking here now, he is still dealing in diamonds.  
11 He is still doing his diamond business. He has an office on the  
12 main Kai kondu Road in Kono.

13 PRESIDING JUDGE: Mr Witness, concentrate on the question.

14 The question was: Was, was, he dealing in diamonds with

10:37:51 15 Russians?

16 THE WITNESS: That was after the war had come to an end,  
17 but as I am speaking now, he is still doing the business.

18 MR MUNYARD:

19 Q. Page 9, please, of the same tab. Five lines from the top

10:38:23 20 we see Bamie was with a civilian, something about mining in Tongo  
21 between 1997 to 1998.

22 JUDGE SEBUTINDE: Probably that is in charge.

23 MR MUNYARD: In charge, thank you. I am looking also at  
24 the typed version of page 2 of this bundle. Paragraph 6 is the  
10:38:54 25 typed version on page 2:

26 Q. And he fled with SB to Liberia, Sam Bockarie to Liberia,  
27 during the ECOMOG intervention (February '98). Today he has an  
28 office in Kono - Kenema - still dealing diamonds with Russians."

29 This is from page 9 of the handwritten notes. Is that what

1 you told them, that Bami e fled to Liberia with Sam Bockarie and  
2 was still dealing di amonds with Russi ans?

3 MR KOUMJIAN: That's a compound question. One is asking  
4 about what appears to be two di fferent --

10:39:47 5 PRESIDING JUDGE: There are two questions there.  
6 Mr Munyard, there are two questions.

7 MR MUNYARD: Yes, I was deliberately putting the phrase  
8 together because that ties in who the person is who is still  
9 dealing di amonds with Russi ans, i . e. Bami e who fled to Liberia  
10 with Sam Bockarie. There is a reason for putting it in that way.

11 I'll break it up:

12 Q. Did you tell them that Bami e fled to Liberia with Sam  
13 Bockarie during the ECOMOG intervention in February 1998?

14 A. It was Bami e who was in charge of all the government  
10:40:30 15 di amonds in Tongo.

16 Q. Witness, answer the question please. Don't give us --

17 A. And during the intervention he ran away to Liberia, yes.  
18 Yes.

19 Q. Did you tell the investigators that he fled to Liberia with  
10:40:42 20 Sam Bockarie during the intervention?

21 A. Yes.

22 Q. And did you tell them that he was still dealing di amonds  
23 with Russi ans, the questi on Madam President asked you some five  
24 minutes ago now?

10:41:00 25 A. No, that was after the war. After the war.

26 Q. Back to page 2, please. Oh, I'm sorry. Yes, it is page 2.  
27 It's the same paragraph, paragraph6, but it's the second  
28 sentence:

29 "Bami e advised ...", thi s is advised you, "... that he did

1 not trust you because they have intelligence that Sierra Leones  
2 had come into Liberia to confirm if Charles Taylor was supporting  
3 the RUF and Bamie accused [you] of being a Kamajor spy."

4 Did you tell them that?

10:41:58 5 A. No.

6 Q. So they've got that wrong, have they? They've got that  
7 wrong, have they?

8 A. It's because it's not a detailed account. I have told you  
9 that it was Patricia who called Bamie, so whether they had such a  
10:42:25 10 feeling I did not know. It was not until Zigzag Marzah told me  
11 that it was because they alleged such a feeling against me that  
12 was the reason why he called for me.

13 Q. When did you first learn that Patricia thought that you  
14 were a spy?

10:42:50 15 A. It was when Zigzag Marzah told me during his introduction  
16 to me that the Sierra Leoneans that I met at Freeport alleged  
17 against me and that that was the intelligence they received.

18 Q. So I was right yesterday, was I, when I put to you that  
19 when Zigzag Marzah was talking to you in the back of the pub you  
10:43:24 20 knew then that Patricia believed you to be a spy?

21 A. That was what Marzah told me and that that was the reason  
22 why he came from the mansion to meet me.

23 Q. Yes. Yesterday when I put to you that you knew Patricia  
24 believed you to be a spy objection was taken and so I restricted  
10:43:50 25 myself to Bamie, but in fact when Zigzag was talking to you in  
26 the back of the pub he made it plain that both Bamie and Patricia  
27 thought you were a spy, didn't he?

28 A. That was what he told me.

29 Q. Just before we move on, can I go back to paragraph 5 on

1 page 1 of that bundle. Did you tell them this, that you  
2 proceeded to pay a visit to the former Sierra Leone contingent of  
3 ECOMOG at the headquarter or headquarters in Freeport, Monrovia?

4 A. Yes.

10:44:53 5 Q. Thank you. Now, back to page 2. We continue on with the  
6 account and I'm going to ask you about paragraph 9 and four lines  
7 up from the bottom of paragraph 9 it says, "Marzah then showed  
8 him a photo of a lady." Do you see that?

9 A. Yes.

10:45:37 10 Q. And her name is given there, isn't it, Isha?

11 A. I told you that Marzah told me that. Marzah told me that.  
12 It was Marzah who gave me the name, but I did not know the  
13 person.

14 Q. Yes, you told Mr Koumjian when he was asking you questions  
10:45:59 15 that you were not given the name of the person. Was that answer  
16 that you gave to the Prosecution lawyer wrong?

17 A. It was Marzah who gave me the name of the lady as Isha, but  
18 I did not know the person. Maybe he made a mistake.

19 Q. Who made a mistake?

10:46:38 20 A. The lawyer.

21 Q. The lawyer asked you if they told you who this person was  
22 and you said, "No, they didn't", or, "Marzah didn't". It was you  
23 who made the mistake, wasn't it?

24 A. Well, Marzah told me the name.

10:47:02 25 Q. Continue with that same sentence, please:

26 "... a lady Isha who had been murdered and mutilated for  
27 allegation of being a spy and photo was left with him, scanned  
28 and returned."

29 In other words the investigators are saying that they,

1 these two police officers, gave you back the photograph that you  
2 had so carefully kept for seven years. Do you agree with that?  
3 Did you get it back?

10:47:52 4 A. Well that is where the doubt is and, like I said, I had so  
5 many other things I was engaged with and I normally moved around,  
6 so I cannot actually tell whether I collected it from them or I  
7 left it with them.

8 Q. Now just pausing there at this point in your story, you are  
9 in Monrovia, you're looking for things to do, you've been there  
10:48:18 10 for a long time and you really want to go back to Sierra Leone  
11 after many months of being in exile, is that right?

12 A. I was not looking for something to do. I was only  
13 searching out for ways and means how I could survive and how I  
14 would be able to go back home.

10:48:44 15 Q. And then you meet these people and they threaten you with  
16 death for being a spy and you are not a spy, are you?

17 A. Yes, I was not a spy.

18 Q. And you're not in any way an important person, are you, at  
19 this stage in these events?

10:49:14 20 A. Well, I don't want you to say that because I was a  
21 commissioned officer and I know that I was important. It was  
22 just because of the kind of problem that was prevalent that I was  
23 there floating around.

24 Q. Can you look at paragraph 10, please, on that same  
10:49:43 25 page, "They waited for the arrival of Eddie Kanneh but when he  
26 didn't arrive Marzah and [yourself] departed and drove to the  
27 house in Congo Town where Eddie Kanneh was living."

28 Did you tell them that?

29 A. We did not drive. We walked. Maybe they made a mistake

1 there too.

2 Q. It goes on, "Eddie Kanneh met with Marzah outside of the  
3 residence." That's obviously the place where he was living. Did  
4 you tell them that?

10:50:20 5 A. It was at Marzah's house where Eddie Kanneh was. Yes, I  
6 told them that, that we met Eddie Kanneh in a jeep that just  
7 arrived.

8 Q. I thought you said you walked a moment ago. Did you walk  
9 or - are you saying you walked and didn't go --

10:50:42 10 A. Yes.

11 Q. Didn't go in a vehicle?

12 A. Yes, Marzah was not with a vehicle at that time and where  
13 the pub was it was not too far from Marzah's place.

14 Q. So, the investigators have got that wrong. You didn't go  
10:51:00 15 to Eddie Kanneh's residence and you didn't drive?

16 A. We did not drive to go there. We walked to go there.

17 Q. Now these two men, Eddie Kanneh and Zigzag Marzah, are both  
18 powerful people, aren't they? Important people?

19 A. Yes.

10:51:27 20 Q. And you're telling the investigators that they get into a  
21 heated argument and draw their weapons on each other all about  
22 you. Are you seriously saying that they took out their weapons  
23 and threatened to shoot each other all about you?

24 A. It was not for my sake as such, but it was the order that  
10:52:00 25 Eddie gave to Marzah and the question that he asked him. That  
26 was the reason why Marzah was angry and that was when he asked  
27 him why he brought me to see him and why he had not already  
28 executed me.

29 Q. Mr Witness, you are of absolutely no importance to these

1 people at this stage, are you? All that has happened is that  
2 they've accused you of possibly being a spy and you say given you  
3 a photograph, and the next thing two of them are threatening to  
4 shoot each other over you, yes?

10:52:49 5 A. Well, it was not for my sake as such that they took out  
6 their guns against each other. I told you that an argument  
7 erupted. A heated argument erupted between Eddie Kanneh and  
8 Marzah.

9 Q. Paragraph 11, please, same page, "They then proceeded to  
10:53:17 10 BY's residence at White Flower." Are you saying that BY,  
11 Benjamin Yeachen, lived at White Flower?

12 A. I was not taken there by both of them. I said after the  
13 argument Marzah did say that he would prove to Eddie Kanneh that  
14 here was Liberia.

10:53:43 15 Q. Are you saying --

16 A. Marzah and I went to BY's residence.

17 Q. Are you saying BY's residence, Benjamin Yeachen, is at  
18 White Flower?

19 A. I said in Congo Town, at the back of Charles Taylor's  
10:54:04 20 residence. He was living on the loop street that was down there  
21 behind there.

22 Q. Carrying on, two sentences on in that paragraph 11, you  
23 were asked many questions by Benjamin Yeachen and - I'm going  
24 over the page now - you told Benjamin Yeachen that you had fled  
10:54:29 25 to Liberia and you were presently living with Matilda Johnson.  
26 Did you tell the investigators that?

27 A. Yes.

28 Q. In fact you've only ever known her as Matilda. That's  
29 right, isn't it?



1 A. Say again.

2 Q. That lady you have only ever known by the name Matilda, is  
3 that right?

4 A. Matinda Johnson, yes.

10:55:08 5 Q. Carrying on, on that page --

6 MR KOU MJIAN: Excuse me, your Honour, since we have  
7 resolved previously that the LiveNote should respect the  
8 pronunciation, I don't believe that's the pronunciation the  
9 witness just used on line 14 of my LiveNote transcript. I

10:55:26 10 thought there was another consonant before the "T".

11 MR MUNYARD: Let's get him to spell it as we did yesterday.

12 MR KOU MJIAN: He did spell it yesterday. I'm saying that  
13 the way he pronounced it today, there was another consonant.

14 PRESIDING JUDGE: I will ask him to repeat the name as he  
10:55:42 15 said it just now. Mr Witness, pronounce the name - say the name  
16 again. Repeat what you said.

17 THE WITNESS: I said Matinda Johnson. Matinda.

18 MR MUNYARD: Now spell it.

19 MR KOU MJIAN: Before that happens I would like the LiveNote  
10:56:06 20 to reflect the pronunciation because it's my understanding we  
21 were asking the LiveNote of the way the witness pronounces these  
22 Liberian names to reflect --

23 PRESIDING JUDGE: Mr Koumjian, as far as my hearing went it  
24 is recorded on the LiveNote as the witness pronounced it.

10:56:21 25 MR KOU MJIAN: I see that we may disagree. I don't know if  
26 you want me to say it in open court, I won't, but I heard another  
27 consonant before what is recorded as the third consonant.

28 JUDGE SEBUTINDE: What did you hear?

29 MR KOU MJIAN: I heard clearly an "R".

1           PRESIDING JUDGE: Well, then you've one better than me,  
2 Mr Koumjian, because I heard it as recorded.

3           JUDGE SEBUTINDE: I heard it as recorded, but actually, to  
4 be fair, the witness says it slightly different from the  
10:56:55 5 interpreter. The witness has an "R" in there, but the  
6 interpreter hasn't an "R" in there. But in any event, it's  
7 neither here nor there.

8           MR MUNYARD:

9 Q. You've never known her as Martina, have you?

10:57:18 10 A. That is the same thing and it's the same individual, but  
11 that is my own pronunciation, Matinda Johnson.

12 Q. But you have never known this lady as Martina, have you?

13 A. That is the same individual.

14           PRESIDING JUDGE: Mr Witness, do you understand the  
10:57:43 15 question? The question is did you ever know this lady as  
16 Martina?

17           THE WITNESS: Well, everybody has his or her own way of  
18 pronouncing it. I call it Matinda Johnson and she used to answer  
19 to the name.

10:58:11 20           JUDGE SEBUTINDE: Mr Witness, why do you find it so  
21 difficult to answer a question put to you and you answer  
22 something different? It would really help if you listened  
23 carefully to the questions asked and restricted your answer to  
24 the question asked. There is a reason why these questions are  
10:58:25 25 asked, okay.

26           THE WITNESS: Okay, my Lord.

27           MR MUNYARD:

28 Q. Next sentence, "Benjamin Yeachen called the police  
29 director, Joe Tay, over the VHF radio and asked him to attend at

1 White Flower." Did you tell them that?

2 A. I told the Court that he was using the VHF set, which I  
3 thought all the authorities were monitoring. I did not know  
4 whether he called Joe Tay, but an individual came whom they told  
10:59:15 5 me was the police director.

6 Q. All I want to know from you, Mr Witness, is did you tell  
7 them what is written here. We're not asking you now what  
8 happened, just did you tell these investigators what is written  
9 down here?

10:59:34 10 A. No.

11 Q. So what didn't you tell them that they have invented, or  
12 got wrong?

13 A. That is at the point where you said he called an individual  
14 to come.

11:00:03 15 Q. Page 11, please. It's the same tab. It's the handwritten  
16 notes and I'm looking at the fourth paragraph down that starts  
17 with the sentence, "BY asked many questions". Now, did you tell  
18 them this, "BY asked many questions, where did he come from,  
19 where living, why did you come, et cetera"? Did you tell them  
11:00:54 20 that?

21 A. Yes.

22 Q. "And I told him I came to rescue myself and who I was  
23 living with (Matilda)." Did you tell them that?

24 A. Yes.

11:01:15 25 Q. "Then on VHF BY called for the police director", and then  
26 the name is given, Joe Tay. Did you tell them that?

27 A. I said BA was using the radio set, no.

28 Q. So did you tell them the name of the police director, or  
29 have they made that up?

1 A. I said an individual came with a police that --

2 Q. Hold on a moment.

3 A. Yes, that Zigzag Marzah --

4 Q. Answer the question. Did you tell them the name of the  
11:02:00 5 police director, or not?

6 A. Yes.

7 Q. So now you're saying you did tell them his name and a  
8 moment ago you were saying you didn't.

9 MR KOUMJIAN: Excuse me. That misrepresents the answer.

11:02:16 10 Which answer did the witness say he did not tell them the name of  
11 the police director? I saw one answer where he said, "I said BA  
12 was using the radio set" --

13 PRESIDING JUDGE: And then he said "no".

14 MR KOUMJIAN: He said, "I said BA was using the radio set,  
11:02:35 15 no." He did not say, "BA was using the radio set", as I  
16 understood the answer.

17 PRESIDING JUDGE: It conveyed the same impression to me as  
18 it did to the counsel for the Defence and, Mr Koumjian, that can  
19 be brought up in re-examination.

11:02:49 20 JUDGE LUSSICK: I might add that we could be saved all of  
21 this confusion if the witness would simply give a straight answer  
22 when he is asked a question.

23 MR MUNYARD: Your Honour, it is page 41 on my font, the  
24 answer that starts on line 19:

25 "I told the Court that he was using the VHF set, which I  
26 thought all the authorities were monitoring. I did not know  
27 whether he called Joe Tay, but an individual came whom they told  
28 me was the police director."

29 That was really what I was getting at. Anyway, we will

1 move on from there:

2 Q. "Matilda heard the conversation so she came to the  
3 residence of BY. She identified me to BY and that I was not a  
4 bad person." Did you tell them that?

11:03:42 5 A. Yes.

6 Q. "Then BY said that if what she said was true then for us  
7 both to leave and come back following day to continue the  
8 interrogation. We left. Following day brought back by Matilda  
9 at 10 a.m." Did you tell them that?

11:04:18 10 A. No.

11 Q. Are you saying that they have invented the fact that  
12 Matilda took you home and then brought you back the following day  
13 to continue the interrogation at 10 a.m.?

14 A. I did not tell them that.

11:04:47 15 Q. What part of it did you not tell them?

16 A. Where you said that Matilda, who had identified me, she  
17 took me home and brought me the following day, no, it did not  
18 happen that way. I was still there with BY and he handed me over  
19 to Zigzag Marzah.

11:05:16 20 Q. What part of that did you not tell them?

21 MR KOUMJIAN: Asked and answered.

22 MR MUNYARD: With respect, he hasn't answered it at all.  
23 He's said what happened. He hasn't said what he didn't tell  
24 them.

11:05:33 25 PRESIDING JUDGE: He's recited something that is not clear  
26 to me whether he's giving me fresh evidence, or he's saying what  
27 he told the investigators. I'll allow the question.

28 MR MUNYARD:

29 Q. I'm going to read the phrase again and you tell the learned

1 judges - Mr Witness, I'm sorry if this is boring you, but will  
2 you tell the learned judges what part of this phrase they have  
3 invented.

11:06:17

4 PRESIDING JUDGE: When you say "they" it might help if you  
5 say "the investigators".

6 MR MUNYARD: All right, yes, certainly:

11:06:37

7 Q. "Matilda heard the conversation so she came to the  
8 residence of BY. She identified me to BY and that I was not a  
9 bad person. Then BY said that if what she said was true then for  
10 us both to leave and come back following day to continue the  
11 interrogation. We left. Following day brought back by Matilda  
12 at 10 a.m."

13 What have the investigators invented in what I've just read  
14 out to you?

11:07:01

15 A. She did not go with me. That is what I'm trying to tell  
16 you. She did not go with me. Benjamin handed me over to Zigzag  
17 Marzah who later allowed me to sleep in the guard room in  
18 Benjamin's house.

11:07:25

19 PRESIDING JUDGE: Mr Witness, pause. We are concentrating  
20 on what you told the investigators. Now, the question is: Did  
21 you tell the investigators these words? We're not asking you for  
22 evidence of what happened that day. What did you tell the  
23 investigators?

11:07:52

24 THE WITNESS: Well, the reason why I am saying this, my  
25 Lord, maybe they did not get it clear. What I exactly told them  
26 is what I am telling you here, that --

27 PRESIDING JUDGE: Proceed, Mr Munyard.

28 MR MUNYARD:

29 Q. There is not a single word about Benjamin Yeachen's guard

1 room in this account that you gave to the investigators in March  
2 of 2006, is there? It might be easier if you want to look at the  
3 typed version on page 3 of the bundle. That's right, isn't it?

11:09:24 4 JUDGE SEBUTINDE: Mr Witness, what is your answer or  
5 comment? Did you hear what counsel asked?

6 THE WITNESS: No, I did not get what he said.

7 JUDGE SEBUTINDE: Can you please focus. We are conducting  
8 a trial. Focus on the questions being asked and answer, please.

9 MR MUNYARD:

11:09:45 10 Q. There was not a single word from you, when you were telling  
11 this story to the investigators in March 2006, about you being  
12 taken off to Benjamin Yeachen's guard room and kept there for one  
13 night and more, is there?

14 A. It is not in the script, but I am sure that I told them  
11:10:11 15 that.

16 Q. And when they read it back to you why did you not point out  
17 this glaring omission on their part?

18 A. To be frank enough, they did not read this back to me.  
19 They did not read this particular line to me the way you have  
11:10:41 20 read it. You can look at the lawyer over there.

21 Q. Sorry, what do you mean "look at the lawyer over there"?  
22 What is the lawyer over there doing?

23 A. I explained to him what I exactly went through, so I see no  
24 reason why I should say something that I did not go through.  
11:11:10 25 What exactly I went through is what I am explaining.

26 Q. We're going to look at what you told the lawyer over there  
27 in due course. Just tell me this: Have these investigators  
28 invented the fact that Matilda Johnson took you home that night  
29 at Benjamin Yeachen's suggestion and brought you back again at 10

1 o'clock the following morning? Have the investigators invented  
2 that?

3 A. Well, maybe they did not get me clear, but what I have seen  
4 written here was not what I told them.

11:11:55 5 Q. Did you tell them that Martina Johnson had overheard the  
6 radio communication between them?

7 A. I said the VHF radio, there were many people monitoring it  
8 and many people came, most of whom I did not even know.

9 Q. You have been reminded more than once by the learned judges  
11:12:27 10 to answer the question. Answer my question, please, about  
11 Martina Johnson - sorry, Matilda Johnson.

12 A. No.

13 Q. No what?

14 A. What is written here is not what I meant.

11:12:59 15 Q. Did you tell them that Matilda Johnson overheard their  
16 radio communication?

17 A. I said they were all monitoring the radio.

18 Q. One last time, please, Mr Witness. Did you tell the  
19 investigators that Matilda Johnson overheard the radio

11:13:32 20 communication?

21 A. Yes.

22 Q. Tab 4, please, page 2. Paragraph 14 of page 2. Now,  
23 Mr Witness, just so everybody understands what this document is,  
24 these are notes, supplied to us on Monday of this week, of your  
11:14:20 25 proofing session last Friday with the two lawyers over there,

26 Mr Koumjian and Mr Santora. You told us that it was those two  
27 gentlemen who you spent last Friday with going over your  
28 statements. Did you tell them what we see in paragraph 14: That  
29 paragraph 11 of your statement of 24 March, the one we've just



1 been looking at in typed form, is incorrect in that Martina  
2 Johnson did not overhear any radio communication. Did you tell  
3 those two lawyers that on Friday, or have they made that up?

11:15:12

4 PRESIDING JUDGE: Mr Munyard, there's two negatives in  
5 there. What exactly is he alleged to have said?

6 MR MUNYARD: Your Honour, it's pretty clear to me. The  
7 statement is incorrect in that Martina Johnson did not overhear  
8 any radio communication. That it's that's how it's incorrect,  
9 she didn't overhear what is said in paragraph 11 of the March  
10 2006 statement. Can I go back to the witness and remind him?

11:15:35

11 PRESIDING JUDGE: [Microphone not activated].

12 MR MUNYARD:

13 Q. Did you tell the lawyers over there, in your proofing or  
14 prepping session on Friday, that Martina Johnson did not overhear  
15 any radio communication?

11:15:58

16 A. No.

17 Q. So they've invented that, have they?

18 A. Well, maybe it was a mistake on their own part.

19 Q. Let us go to --

11:16:27

20 JUDGE SEBUTINDE: Mr Munyard, I need to understand.

21 Mr Witness, did Martina Johnson - Matinda Johnson - overhear the  
22 radio communication, or didn't she overhear the radio  
23 communication?

24 THE WITNESS: She heard it.

11:16:52

25 MR MUNYARD:

26 Q. Now, we've just been looking at the complete absence of any  
27 reference to you being taken off to Benjamin Yeachen's guard room  
28 in the statement - in the interview, rather, of 2006. You then  
29 had a prepping session, tab 2 of the bundle, in August 2007 and

1 you've already agreed that your earlier statement was gone  
2 through line by line in the course of that and indeed if one  
3 turns to page 4 of tab 2, which is the handwritten notes, it is  
4 obvious that that is what was happening because, Mr Witness, in  
11:17:50 5 the left-hand margin of page 4 we can see paragraph numbers.

6 MR KOUMJIAN: Excuse me, is that counsel testifying from  
7 the Bar about what happened, or is he asking the witness?

8 PRESIDING JUDGE: Yes, ask the witness, please.

9 MR MUNYARD: I've just got to get the right part:

11:18:26 10 Q. Can you see numbers in the left-hand margin on page 4? Do  
11 you see numbers there?

12 A. Yes.

13 Q. You're being taken through each paragraph of the notes of  
14 the interview of March 2006 and asked for your comments, aren't  
11:18:52 15 you? To assist you, you have already agreed that that's what  
16 happened within the last half hour.

17 A. That was not what happened. What happened exactly is what  
18 I am telling you.

19 Q. What you told us when I started asking you questions about  
11:19:29 20 this interview a little while ago was that the interview was gone  
21 through paragraph by paragraph. Do you not remember giving me  
22 that answer?

23 A. Well, I told you that anything that was doubtful to me -  
24 that that was in fact why I told you that I did not go through  
11:20:01 25 that.

26 MR MUNYARD: I'm just going to press on:

27 Q. Paragraph 13 of tab 1, on page 3 of tab 1, deals with you  
28 going to the Executive Mansion and meeting Charles Taylor. Do  
29 you agree? We're going to look at it in more detail in due

1 course, but do you agree that that issue is dealt with in  
2 paragraph 13?

3 A. Yes.

11:20:47

4 Q. Go back to page 4 of tab 2. In the left-hand margin the  
5 number 13 has next to it this:

6 "CT told the witness about himself. Said during this war a  
7 lot of people died because of allegations. Witness was lucky he  
8 was still alive."

11:21:14

9 You were commenting there to Mr Koumjian and Shelley  
10 Birston - you were amplifying what you were being shown in  
11 paragraph 13 of the original interview, weren't you?

12 A. Yes.

11:21:48

13 Q. Thank you. Just to illustrate the point further, 14 in the  
14 margin on page 4, "Foday Kallon also fled to Monrovia." If you  
15 go back to paragraph 14, on page 3 of tab 1, the first person  
16 that's mentioned in paragraph 14 in the original interview is  
17 Foday Kallon, yes?

18 A. Yes.

11:22:29

19 Q. 15 in the margin on page 4 of tab 2, "General Ibrahim was  
20 there, a Gambian." You were referring to the night that Sam  
21 Bockarie had arrived and you were taken to BY's residence by  
22 Marzah, weren't you, in paragraph 15 of your original interview?

23 A. Yes.

11:23:01

24 Q. Why didn't you tell Mr Koumjian, in August of last year,  
25 that in paragraph 11 of the original interview they've got that  
26 completely wrong, "Matilda did not take me home and I didn't come  
27 back the next morning. In fact what happened was I was carted  
28 off and imprisoned in Benjamin Yeachen's guard room"?

29 A. To be frank enough, all of those times that Mr Koumjian met

1 me I did not concentrate that much, but I am able to concentrate  
2 now as I see you separate them into paragraphs. But I did not  
3 actually concentrate at that time. Like I see you putting them  
4 into paragraphs now, I concentrate better now.

11:24:04 5 Q. [Overlapping speakers]

6 A. It is now that I see you separate them into paragraphs. At  
7 that time I only knew that I was explaining my experience, the  
8 things that I went through.

9 Q. Paragraph 12 on page 3 of tab 1, please. Did you tell them  
11:24:33 10 this, I'll just wait for Madam Court Officer to open it for you,  
11 "When they arrived back before BY" - this is the next morning at  
12 10 a.m.:

13 "When they arrived back before BY he advised them of a new  
14 development, that the troops had captured a 40 barrel missile  
11:24:59 15 artillery weapon and two armoured tanks, Panhard, from the  
16 Guinean contingent."

17 Did you tell them that?

18 A. I said the Panhard was from the Nigerians and the 40 barrel  
19 was from the Guineans. That was what he told me.

11:25:25 20 Q. Are you saying that in March of 2006 when you're giving  
21 this account, you told them then that the tanks were from the  
22 Nigerians and that they've not managed to put that in?

23 A. Yes, I told them because that was what he told me.

24 Q. I'm carrying on now, "BY stated they would require  
11:26:00 25 ammunition for these weapons. [redacted]" --

26 PRESIDING JUDGE: Please have that name redacted from the  
27 record.

28 MR MUNYARD: I will leave that whole section out. I  
29 apologise:

1 Q. Did Benjamin Yeachen say they would require ammunition for  
2 these weapons?

3 A. Yes, he said it was because our men captured the tanks  
4 without the ammunition and he said that was what he got from Sam  
11:26:46 5 Bockarie and that if I had any idea.

6 Q. Were the tanks and the 40 barrel missile in working order,  
7 apart from missing ammunition?

8 PRESIDING JUDGE: Are you asking the witness was he told?

9 MR MUNYARD: Was he told, yes:

11:27:09 10 Q. Were you told that they were in working order but they just  
11 needed ammunition?

12 A. He said Sam Bockarie said they wanted to make use of them,  
13 so I knew by then that it was in working order.

14 Q. And just give us, if you would, the time when this  
11:27:34 15 conversation is taking place between you and Benjamin Yeachen.  
16 Help us, if you can, with the month and the year when you say all  
17 this happened?

18 A. I can't give you a specific month, but when I was arrested  
19 I passed the night in the guard room and the following morning,  
11:28:15 20 that was now in the presence of Colonel Marzah.

21 Q. Mr Witness, the very next day, on your story, you get taken  
22 to the Executive Mansion and introduced to the President of  
23 Liberia. That's what you've been telling this Court, isn't it?

24 A. No.

11:28:43 25 Q. How long after do you say you were introduced to the  
26 President of Liberia?

27 MR KOUMJIAN: Excuse me, your Honour, I'm a little lost and  
28 I'm sorry if it's my fault, but I'm not sure how long after what  
29 the counsel is asking about. How long after the day he was

1 arrested, or after when? It's not clear to me.

2 MR MUNYARD: Well, actually they're all a matter of days,  
3 one day very much follows the other:

4 Q. Is this the story that you're telling the Court,

11:29:13 5 Mr Witness: You meet Bamie, the next day Bamie comes to your  
6 house, the day he comes to your house you're taken to the pub and  
7 meet Zigzag and that night you go to Benjamin Yeachen's house  
8 where you're detained overnight in his guard room? That is the  
9 sequence of events, isn't it, a matter of two to three days from  
11:29:48 10 you first meeting Bamie?

11 A. No, it did not happen the way you are explaining it. They  
12 did not take me immediately to see Yeachen, to see the chief. I  
13 first of all met with the protocol officer.

14 Q. I'm going to stop you there. I think we're running out of  
11:30:13 15 time. I'm not going to go over this because he has already given  
16 the evidence about the sequence of events.

17 PRESIDING JUDGE: Mr Witness, we are now going to take the  
18 mid-morning break. We will break for half an hour and we will be  
19 resuming court at 12 o'clock. Please adjourn court until 12.

11:30:29 20 [Break taken at 11.30 a.m.]

21 [Upon resuming at 12.00 p.m.]

22 PRESIDING JUDGE: Please proceed, Mr Munyard.

23 MR MUNYARD: Thank you, your Honour:

24 Q. Mr Witness, we were just discussing the time when you say  
12:00:26 25 all this happened, meeting Bamie, the next day meeting Zigzag,  
26 being detained overnight in his guard room, and then is it the  
27 following day that you say you go to the Executive Mansion for  
28 the first time ever in your life?

29 A. It was not the following day that Zigzag Marzah arrested

1 me. It took some time. That was after Benjamin and I had  
2 discussed about the new development. When Sam Bockarie came and  
3 the gems were sorted out, it was during that time that I was  
4 taken to the protocol officer in the President's waiting room  
12:01:34 5 that I saw with the President for the first time, yes.

6 Q. And you had never been in the mansion before?

7 A. Yes, my Lord.

8 Q. I think that's a yes that means a no. You are agreeing  
9 with the suggestion that I put to you that you say you had never  
12:02:02 10 been in the mansion before. Are you agreeing with that  
11 suggestion?

12 A. Yes.

13 Q. Now, during your time working for ECOMOG as peacekeepers,  
14 part of ECOMOG troops' duties was to provide security for members  
12:02:23 15 of the Council of State who were running Liberia in 1995 until  
16 the conclusion of the elections in 1996, weren't they?

17 MR KOUMJIAN: Objection, vague. Elections where in 1996?

18 MR MUNYARD: You're quite right. Elections in Sierra Leone  
19 when he comes back. I will break it up. I will do it again, if  
12:02:55 20 I may:

21 Q. You are there until the elections in Sierra Leone in 1996  
22 you have told us, yes?

23 A. Yes.

24 Q. Part of the job of ECOMOG peacekeepers in Liberia in 1995  
12:03:14 25 and the early part of 1996 was to provide security for members of  
26 the Council of State in Liberia, wasn't it?

27 A. Yes, but it was specific.

28 Q. And ECOMOG had an office at the mansion at the time, didn't  
29 they?

1 A. ECOMOG comprised different countries and contingents. It  
2 never had a responsibility.

3 PRESIDING JUDGE: Mr Witness, do you know if there was an  
4 office for ECOMOG at the mansion at the time you were --

12:04:01 5 THE WITNESS: No. No, my Lord.

6 MR MUNYARD:

7 Q. Right. Now --

8 JUDGE LUSSICK: That last answer, does the witness mean he  
9 doesn't know or there was no office?

12:04:24 10 What do you mean by that, Mr Witness? Do you mean to say  
11 that you don't know if there was an office there or there was no  
12 office there?

13 THE WITNESS: ECOMOG did not have an office at the mansion.

14 MR MUNYARD:

12:04:42 15 Q. And you are sure of that, are you?

16 A. Yes.

17 Q. Right. Let's carry on with the sequence of events. You  
18 have just told us that you don't go to the mansion until after  
19 Sam Bockarie has arrived and sorts out the diamonds. Do you  
12:05:08 20 remember saying that in the last five minutes?

21 A. Yes.

22 Q. Tab 1, page 3, paragraphs 12 and 13, please. We have  
23 already looked at part of paragraph 12 and I am going to ask you  
24 about the second half of it. Did you tell the investigators that  
12:06:14 25 you advised Benjamin Yeachen that you had knowledge of what was  
26 required for the 40 barrel missile weapon and that you could  
27 assist them in relation to that? Did you tell the investigators  
28 that's what you told Benjamin Yeachen?

29 A. Yes, and it was not just the 40 barrel. Even the Panhard I



1 said I had knowledge in them because that was the ammunition.

2 Q. Very well. You told the investigators that. Did you tell  
3 them that Benjamin Yeachen then immediately consulted with the  
4 commander-in-chief, Charles Taylor, via VHF radio?

12:07:15 5 A. I told them that Benjamin Yeachen told me that he would  
6 consult the commander-in-chief and then he will get back on to  
7 me. That was what I told them.

8 Q. Well, let's look at the whole of that last part of  
9 paragraph 12:

12:07:34 10 "Benjamin Yeachen immediately consulted with the  
11 commander-in-chief, Charles Taylor, via VHF. The voice on the  
12 other end replied for BY to bring him to him now."

13 Did you tell the investigators that?

14 A. No.

12:07:57 15 Q. What part did you not tell them that they have invented?

16 A. Would you agree for me to explain?

17 Q. What part have they invented that you didn't tell them?

18 A. That BY immediately consulted the CIC commander-in-chief,  
19 Charles Taylor, the VHF, the voice on the other end replied by BY  
12:08:43 20 to bring him now, no, that was not it. It did not happen that  
21 way. Maybe they made a mistake.

22 Q. I see that you are able to read what is written down here  
23 because you have just read out most of those two sentences. Just  
24 tell us which parts of those two sentences are things that you  
12:09:05 25 did not tell them, the investigators?

26 A. It is from where I read that I told you. It did not happen  
27 that way just like that, that he consulted him and he called for  
28 me, no. It did not happen that way. He told me that he will  
29 consult him and he will get on to me.

1 Q. Do you agree that what they have written down here suggests  
2 that you heard a conversation in which Benjamin Yeachen was  
3 speaking to Charles Taylor that night?

4 A. I have told you that maybe it was a mistake that they made.  
12:10:00 5 It did not happen that way. If you allow me, I will explain.

6 Q. If we look at the same tab, but at page 12, which is the  
7 handwritten note, it actually starts at the foot of the previous  
8 page, page 11:

9 "BY spoke immediately to the CIC (commander-in-chief

12:10:45 10 Charles Taylor) on VHF. BY called CIC and voice on other end  
11 said, 'Bring him to me now'."

12 That is what you were telling the investigators, was it, or  
13 not?

14 A. I told you that if you allowed me I would explain. That is  
12:11:13 15 not it.

16 Q. Back to tab 1, page 3, paragraph 13 now. Did you tell them  
17 that you were taken to the Executive Mansion by Marzah, directly  
18 to the security service director's office and then to the  
19 protocol office of Musa Cisse?

12:11:49 20 A. He did not take me directly like that.

21 PRESIDING JUDGE: Did you tell the investigators the words  
22 that counsel has read out?

23 THE WITNESS: What I told them is not in details here  
24 because it did not happen just immediately after.

12:12:29 25 MR MUNYARD:

26 Q. You say all this happens after Sam Bockarie appears and we  
27 have the business with the diamonds, don't you?

28 A. Yes, after he had gone.

29 Q. Well, let's just briefly go through the sequence of events

1 as recorded by the investigators. Paragraph 13 deals with your  
2 story about going to the Executive Mansion and meeting Charles  
3 Taylor, then leaving there with a gift of 1,500 US dollars and  
4 going shopping. Paragraph 14 deals with, whilst you were  
12:13:16 5 shopping in the market, you meeting Foday Kallon and you advising  
6 him to report to ECOMOG, or the American embassy.

7 Then at the end of paragraph 14 it says this, "Their  
8 meeting and discussion" - that is you and Kallon - "was cut short  
9 by Marzah and they departed and left for Sesay's residence where  
12:13:45 10 he was dropped off for the night."

11 A. Yes.

12 Q. Paragraph 15, that night you were awoken and advised that  
13 Sam Bockarie had arrived and you were taken to Benjamin Yeachen's  
14 residence by Zigzag Marzah, you were greeted by Sam Bockarie and  
12:14:12 15 it is not until after that, is it, that the diamonds come into  
16 the picture. Do you agree that that is the sequence that the  
17 investigators have recorded?

18 A. That is how they wrote it, but it was after Sam Bockarie  
19 had brought the diamonds that I was able to meet with  
12:14:40 20 his Excellency through the protocol officer.

21 Q. Did you tell the investigators that that was the correct  
22 order of events and have they got it wrong?

23 A. No, they did not ask me the way you are asking me now.

24 Q. Mr Witness, they did not know the story that you were going  
12:15:11 25 to tell them. I am asking it because I have already got the  
26 story in the interview notes, so they could only write down the  
27 account as you were giving it to them for the first time,  
28 couldn't they?

29 A. Yes.

1 Q. So do you agree that what they have written down is the  
2 sequence of events as you told them?

3 A. They made some mistakes.

12:16:00

4 Q. Let's move back, or on in your case, to your meeting at the  
5 Executive Mansion. Now, at this stage you have told us that  
6 people in Liberia were concerned that there might be spies trying  
7 to discover that - or trying to show that Charles Taylor's  
8 government was supporting the RUF, do you agree?

9 A. Yes.

12:16:35

10 Q. If Charles Taylor's government wanted to support the RUF  
11 they had plenty of trained artillery officers to help the RUF,  
12 didn't they?

13 A. I don't know if they had many trained artillery officers.  
14 I knew about Matilda. She was an artillery specialist, but she  
15 was in charge of the airport at that time.

12:17:14

16 Q. Yes, you knew Matilda was an artillery officer, didn't you?

17 A. Yes, she told me that.

18 Q. And a very senior one?

19 A. She was a general.

12:17:34

20 Q. So she could have put the Charles Taylor government in  
21 touch with any number of artillery officers, couldn't she?

22 A. She was never willing to come to Sierra Leone, she always  
23 used to tell me that, and this is about Sierra Leone. We were to  
24 use this equipment in Sierra Leone.

12:18:08

25 Q. Were you aware that at that time the Armed Forces of  
26 Liberia had many artillery officers trained in the United States  
27 with more than 20 years of experience? Did you know anything  
28 about that?

29 A. I don't know and at that time the AFL was not - it did not

1 seem that the AFL was operating well. It was the SSS.

2 Q. Well, let's go back to your story. You are someone who has  
3 literally come off the street into contact with Bamie and Zigzag  
4 Marzah, aren't you? They had no idea about you before you meet

12:19:02 5 Bamie down at Mammy Ellie's food store?

6 A. I told you that my artillery documents were in my  
7 possession. After that Marzah took it from me.

8 Q. Yes. Just to remind you what you said about that on 10  
9 June, page 11412, "I showed him some of these documents, that is

12:19:54 10 Marzah. He read through them and he returned them to me." So it  
11 is on the basis of an illiterate man's reading of your artillery  
12 documents that they take you to meet the President of Liberia and  
13 he then makes you a one star general in the Special Security  
14 Service on the strength of that. Is that what you are telling

12:20:22 15 these judges?

16 A. Marzah never gave me those documents. I told you he went  
17 with them. Right up until today, I last saw those documents when  
18 Benjamin Yeachen was interrogating me at that veranda. From that  
19 point I never saw the documents again. I don't know what they  
12:20:48 20 did with them.

21 Q. On your account you are an unknown quantity who turns up in  
22 Liberia with an artillery certificate and within a couple of days  
23 of meeting Bamie you are being walked into the Executive Mansion,  
24 greeted by the President and made a one star general in the  
12:21:19 25 Liberian Special Security Service. That is your story, isn't it?

26 A. Yes.

27 Q. And looking at paragraph 13 on page 3 of tab 1, your  
28 account there is that you are taken to the protocol office, the  
29 protocol officer then and Benjamin Yeachen then take you to

1 Charles Taylor's office and Charles Taylor tries to motivate you,  
2 saying, "You're lucky you're alive", that you were a very useful  
3 man, Liberia was a home for revolutionists and offers you a job  
4 with his forces and made you a one star general and gave you  
12:22:19 5 1,500 you United States dollars to purchase some attire. That's  
6 what paragraph 13 includes, isn't it?

7 A. There are some things in this sentence that are wrong,  
8 because he did not give me the money to me directly. It was  
9 Cisse Musa who gave me the brown envelope that contained the  
12:22:50 10 money.

11 Q. This alleged meeting with Charles Taylor I suggest is a  
12 complete tissue of lies. What do you say about that?

13 A. It is true and I can tell you that I was not the only  
14 Sierra Leonean who was ever promoted, or who was working. There  
12:23:21 15 were some other Sierra Leoneans whom I can name now who too had  
16 promotions in Mr Charles Taylor's force. I can tell you that.

17 Q. Mr Witness, by this stage you had not even proved that you  
18 knew one end of a missile from the other, had you? All you'd  
19 done was produced a piece of paper and yet on that basis you're  
12:23:46 20 being appointed a one star general in another country's Special  
21 Security Service, yes?

22 A. The way you are putting it, that is - it is because that is  
23 the way you want to put it, but I am telling you that I even met  
24 some other Sierra Leoneans that I can name to you now. Some of  
12:24:07 25 them were even two star generals.

26 Q. Let us move on through paragraph 13. After you had been  
27 made a one star general and you were advised to await the return  
28 of Sam Bockarie to Monrovia - did you tell them that, that you  
29 were then advised to await the return of Sam Bockarie to

1 Monrovi a?

2 A. Yes.

3 Q. So Sam Bockarie hadn't come back and done all that business  
4 with the mayonnaise jars of diamonds by this stage, had he?

12:24:49 5 A. Sam Bockarie had come before he went to get ready and hand  
6 his headquarters over for him to come back to Liberia. At that  
7 time I was with Cisse Musa at his house.

8 Q. Looking five lines from the bottom of paragraph 13, did you  
9 tell them that you were then handed over to Sesay, you returned  
10 to his office and then you and Zigzag Marzah went down to Broad  
11 Street market to shop for uniform, et cetera?

12 A. It was not for uniform. That's why I told you that there  
13 are some aspects of this sentence that are wrong. It was khaki  
14 and commando jackets that I went to shop for. They were not  
15 uniforms.

16 PRESIDING JUDGE: Again, Mr Witness, you are not  
17 concentrating on the question. The question was did you tell the  
18 investigators the matters that counsel has read out?

19 THE WITNESS: I told them that I went on shopping, but now  
12:26:13 20 you are writing here that I went to shop for uniforms and that  
21 was not it. It was not for uniforms.

22 MR MUNYARD:

23 Q. Well, did you purchase an infantry jacket in your shopping  
24 trip that day?

12:26:30 25 A. I bought a jacket and a boot and khaki trousers, yes.

26 Q. Did you purchase an infantry jacket?

27 A. I did not say infantry jacket. I said commando jacket with  
28 pockets.

29 Q. Well, we will take it in stages. Did you buy an infantry

1 jacket on that shopping trip?

2 A. It was not an infantry jacket, Mr Lawyer. I said I bought  
3 commando jackets.

12:27:10

4 Q. Did you tell the investigators that you bought an infantry  
5 jacket?

6 A. I did not tell them that I bought infantry jackets. I said  
7 I bought commando jackets and khaki trousers.

12:27:51

8 Q. Page 12 of tab 1, please. The very last line of page 12,  
9 and I'd make it clear that this is dealing with the matters we  
10 have been looking at, this page: "Purchased infantry jacket,  
11 civilian clothes, boots and toiletries." Did you tell the  
12 investigators that you purchased an infantry jacket, civilian  
13 clothes, boots and toiletries or have they made that up?

12:28:27

14 A. Well, this expression "infantry jacket", it is not  
15 inclusive. I told you I bought commando jacket and civilian  
16 clothing and some toiletries, yes.

17 Q. So they have invented infantry jacket, have they?

18 A. Well, maybe that was their interpretation of what I said,  
19 but that is not what I meant.

12:29:09

20 Q. In your evidence to the Prosecution on Tuesday you told us  
21 this: That Sam Bockarie came at 2 in the morning - and I am  
22 looking at page 11447, starting at line 25: "Sam Bockarie came  
23 at 2 a.m. in the morning and on his arrival Colonel Marzah called  
24 me to go with him" and then you explained the business of  
25 identifying Sam Bockarie from a distance?

12:29:40

26 A. Yes.

27 Q. Then you are asked at the foot of the following page where  
28 it was that you saw Sam Bockarie in Monrovia, at this time you  
29 are talking about. Answer: "At Benjamin Yeachen's house, that's



1 what I'm talking about." Over the next page:

2 "He came with three Leyland trucks captured from ECOMOG and  
3 a black Land Cruiser.

4 Q. What happened after you saw and identified  
12:30:12 5 Sam Bockarie?

6 A. After going to the veranda with Colonel Marzah, like I  
7 said, there was a plastic table at the centre of the  
8 veranda and Sam Bockarie, Benjamin Yeachen, Colonel Marzah,  
9 they sat in chairs and Colonel Marzah asked a man to bring  
12:30:30 10 a chair for me and I sat close by them."

11 And then you said: "The Lebanese man, Mohamed Saleh, who  
12 was a diamond businessman, came together with two Arab nationals  
13 that I never knew before" and then you described how the diamonds  
14 were brought out. Do you remember telling us all that a couple  
12:30:57 15 of days ago?

16 A. Yes.

17 Q. So all of this takes place at 2 a.m. in the morning and  
18 thereafter?

19 A. Yes.

12:31:14 20 Q. Just tell us this: From what were the mayonnaise jars of  
21 diamonds produced? Where did they come from?

22 A. From Sierra Leone. Sam Bockarie brought them. It was in  
23 his jeep.

24 Q. When Sam Bockarie first produced something containing the  
12:31:39 25 mayonnaise jars of diamonds, what was it that these jars of  
26 diamonds were in that night?

27 A. Sam Bockarie called somebody who was his bodyguard. He was  
28 the one who brought his suitcase and it was in that suitcase that  
29 he took the bottles, three of them.

1 Q. What sort of suitcase was it?

2 A. It was a brown suitcase.

3 Q. What kind of suitcase? Was it a flat suitcase? Was it a  
4 rigid suitcase?

12:32:32 5 A. It was not flat. It was a rigid suitcase.

6 Q. And what was it made of, could you tell? Was it just  
7 regular suitcase fabric, or something else?

8 A. I cannot tell you what it was made of, but I know and I saw  
9 it when he took it out. It was a brown suitcase with a handle.

12:33:27 10 Q. Paragraph 15 on page 3 of tab 1, please. I am going to  
11 read this out and I would like you to tell us if this what you  
12 told the investigators. I see you are reading it already,  
13 Mr Witness. Will you concentrate, please, on my question. I am  
14 asking you at the moment not what happened but simply is this  
12:34:02 15 what you told the investigators. Do you follow? It would help  
16 if you listened to the question rather than read the document  
17 while I am asking the question. Do you follow? I am only asking  
18 you at the moment is what I am about to read out what you told  
19 the investigators. Do you understand that?

12:34:34 20 JUDGE SEBUTINDE: Mr Witness, it would help if you would  
21 respond.

22 THE WITNESS: Yes, ma'am.

23 JUDGE SEBUTINDE: Either with a simple yes or no.

24 THE WITNESS: Yes, ma'am.

12:34:46 25 MR MUNYARD:

26 Q. Paragraph 15: That night you were awoken and advised that  
27 Sam Bockarie had arrived. You were taken to Benjamin Yeachen's  
28 residence by Marzah. Upon arrival you were welcomed by  
29 Sam Bockarie. Did you tell them that?

1 A. Yes, but I did not say it to them this way now that is  
2 written here.

3 Q. So what have they got wrong here?

4 A. Because Marzah and others wanted me to identify Sam  
12:35:43 5 Bockarie first and that was what I did first and that is not  
6 here. They wanted to know whether I knew him indeed.

7 Q. Did you tell the investigators on 23 and 24 March 2006 all  
8 this business about you being made to identify Sam Bockarie from  
9 a distance? Did you tell them that in that interview?

12:36:03 10 A. Yes, I can recall telling them, because that was what  
11 happened.

12 Q. Can you think of any reason why not only have they not  
13 written it down, but you haven't corrected them and made them add  
14 it in when they read it back to you?

12:36:27 15 A. Well, they did not ask me anything about this. I just  
16 thought that what I explained to them was what they wrote  
17 exactly.

18 Q. Let's move on:

19 "Upon arrival welcomed by Sam Bockarie who also said words  
12:36:46 20 to the effect, 'You are welcome', but the cause that Sam Bockarie  
21 was fighting for, if even his mother was against the cause that  
22 even she would not live to tell the story."

23 Did you tell them that?

24 A. No, Sam Bockarie did not tell me that. He just told me  
12:37:10 25 that even if his mother was against the cause that he was  
26 fighting, she would not live to tell the story, end.

27 Q. So you did tell them that? They have recorded that  
28 correctly, have they?

29 A. Yes.

1 Q. Right.

2 A. I told them this that I have just told you.

3 Q. "Sam Bockarie further stated that the President of Sierra  
4 Leone would not sit down and discuss peace with the rebels, then  
12:37:51 5 Sam Bockarie would force the President to do so."

6 Did you tell the investigators that Sam Bockarie told you  
7 that on this particular night?

8 A. Well, the way he told me is not the same way it is written  
9 here. If you can allow me, I will tell you what I told them.

12:38:23 10 Q. What did you tell them?

11 A. After he had told me about the cause, he told me that the  
12 Sierra Leone President said he will not sit together with rebels  
13 and talk peace talk, but he will force him to do so. That was  
14 what he told me.

12:38:52 15 Q. In fact, in evidence you told us that Sam Bockarie used  
16 that expression at a later meeting. Was this something that he  
17 was regularly saying?

18 A. That was what he told me when we met.

19 Q. You then list the people present at this meeting.

12:39:23 20 A. That was those they had already - those who had already  
21 given me their names and I knew their names and I told them that  
22 there were some of them whom I did not know and I did not care to  
23 ask.

24 Q. These are the paragraphs that Mr Koumjian and Ms Birston  
12:39:52 25 were taking you through, when they met you the following year in  
26 August, that we looked at earlier when we looked at tab 2 and I  
27 have lost the page number now. It was the handwritten notes. It  
28 will be tab 2, page 4, I believe, when we saw in paragraph 15 you  
29 added in that, "General Ibrahim was there, a Gambian."

1           While we are looking at that page, you didn't change  
2 anything in paragraph 16 of the original interview, but you did  
3 add to paragraph 17 of the original interview. Now, let's go  
4 back to paragraph 17 of the original interview because it says -  
12:40:59 5 well, to be fair to you I will complete 16 as well, just to deal  
6 with the sequence of events. You list the people present at this  
7 meeting. Do you then tell them, paragraph 16, that Sam Bockarie  
8 was aware of the fact that you were able to identify the  
9 necessary ammunition that he required and that Sam Bockarie asked  
12:41:23 10 you to the assist their cause and you agreed? Did you tell the  
11 investigators that?

12 A. Yes, that was when Sam Bockarie and I were discussing and,  
13 as I told you, he used to come to the fence and he knew I was  
14 dealing with weapons and I gave him the confidence that I would  
12:41:52 15 be in place to assist.

16 Q. So they have got that right. Then it says, "The others  
17 departed later and went out drinking", and Marzah drove you too  
18 and dropped you off at Sesay's residence. Did you tell them  
19 that?

12:42:12 20 A. Yes.

21 Q. Paragraph 17, "The following morning he was again taken to  
22 the residence of Benjamin Yeachen and after his arrival", you  
23 were joined by a Lebanese, Mohamed Saleh. Did you tell them  
24 that?

12:42:36 25 A. Yes, together with two Arabs and I told them that some of  
26 the men who were at Benjamin Yeachen's house had asked them why  
27 the two Arabs had weapons with them and he said those men were  
28 wanted men.

29 Q. But this is where you talk about the diamonds the following

1 morning, not in the middle of --

2 THE INTERPRETER: Your Honour, can counsel reactivate his  
3 mic.

4 MR MUNYARD:

12:43:09 5 Q. It is only the following morning, you told the  
6 investigators in 2006, that Sam Bockarie produces the diamonds?

7 A. No, I think it was this time when Mohamed Saleh brought  
8 those men that they took out the diamonds. That was the time I  
9 told them.

12:43:33 10 Q. You told us that this all happened in the middle of the  
11 night, at 2 a.m. and thereafter. Which one is it, Mr Witness?

12 MR KOU MJIAN: I am sorry, is the question whether it was  
13 the morning, or 2 a.m.? The choice is not clear. Is it whether  
14 he said the morning, or 2 a.m.?

12:43:55 15 PRESIDING JUDGE: The question is recorded as it all  
16 happened in the middle of night at 2 a.m. and thereafter. What  
17 is your precise objection?

18 MR KOU MJIAN: I withdraw the objection.

19 PRESIDING JUDGE: Thank you, Mr Koumjian.

12:44:14 20 MR MUNYARD:

21 Q. Which one is it, Mr Witness, if any of these accounts are  
22 true?

23 A. It was 2 a.m. in the morning, not midnight. The place was  
24 dark, but it was 2 o'clock in the morning.

12:44:34 25 Q. The diamond business happens at 2 in the morning, does it?

26 A. Yes.

27 Q. Page 14 of tab 1, please. At the top of that page:

28 "We drank together and then Marzah dropped me home and the  
29 others went out to drink at a club. The next morning Marzah came

1 and got me. We went to BY residence where SB had" - I can't read  
2 the next bit - "got that night. We were having breakfast  
3 together when the Lebanese Mohamed Saleh and another Lebanese  
4 with two Arab guys (Saudi Arabian) arrived."

12:45:54 5 Sorry, they were named on a CIA list and living in Monrovia  
6 and buying diamonds, yes? Do you see that?

7 A. No.

8 Q. Did you tell the investigators all that I have just read  
9 out?

12:46:21 10 A. My friend, you are now talking about two different things.  
11 You seem to be complicating everything. You are talking about  
12 two different things at the same time.

13 Q. Did you tell the investigators all that I have just read  
14 out from that page, or didn't you?

12:46:54 15 A. Now you are talking about two different things.

16 PRESIDING JUDGE: Mr Witness, what counsel has read is  
17 recorded on this page and appears as a record of interview with  
18 you. What counsel is asking you is did you tell the  
19 investigators all of those things he has read out? He is not  
12:47:19 20 making something up.

21 THE WITNESS: It is not correct. That is why I am  
22 objecting.

23 PRESIDING JUDGE: You are not answering the question,  
24 Mr Witness. The question is not whether it is correct. Is it  
12:47:39 25 what you told the investigators?

26 THE WITNESS: No, it was not that way, my Lord. The  
27 lawyers asked me questions regarding two different things.

28 MR MUNYARD: The witness is answering your Honour's  
29 question now.

1           PRESIDING JUDGE: Let me clarify. When you say "it was not  
2 that way", do you mean that the matter that is recorded and has  
3 been read to you were not the words you used, or are you saying  
4 that is not what happened? Which of those do you mean?

12:48:29 5           THE WITNESS: It happened that way, like I said, but he has  
6 now read out two different statements to me and at the time that  
7 Sam Bockarie and I were all present when this transaction took  
8 place between them and the Lebanese, now he has said that I had  
9 taken drinks with them - my Lord.

12:48:54 10          PRESIDING JUDGE: You did not say those words to the  
11 investigators, is that what you are telling me?

12          THE WITNESS: I said these words, but it was not at the  
13 time that he is now talking about here.

14          MR MUNYARD:

12:49:19 15          Q. You can't remember the story correctly, can you?

16          A. I recall and if you allow me, I will explain.

17          Q. Let us look through the rest of this account on page 12.

18 We have just dealt with the arrival of Mohamed Saleh, another  
19 Lebanese and two Saudi Arabian diamond buyers during the course  
12:49:54 20 of your breakfast and it carries on like this:

21           "Sam Bockarie went and picked up a leather bag. He pulled  
22 three parcels, cardboard boxes wrapped in tape. They were all  
23 the same size, but inside the boxes were diamonds which had been  
24 separated by three different sizes. Sam Bockarie opened the  
12:50:34 25 boxes. He removed the tape and lifted the tops off and all three  
26 boxes were full of diamonds. This was the first time I had ever  
27 seen diamonds of such a large quantity and quality. Jalloh, the  
28 other Lebanese, and the two Arabs started evaluating the  
29 diamonds. They used loops, electronic diamond scales, and they



1 started evaluating the diamonds individually. It was during this  
2 evaluation that I was told by Benjamin Yeachen to go and prepare  
3 for my travel to Burkina Faso. Marzah left with me and took me  
4 to Sesay's to get my effects. We were gone about two to three  
12:51:44 5 hours and then back to Benjamin Yeachen."

6 Now I am going to take it in stages. First of all, where  
7 are the mayonnaise jars?

8 A. The script that you have read to me is not recorded as I  
9 explained to the people who wrote - who wrote down these things.  
12:52:25 10 But like the mayonnaise jars you are asking about, they were in  
11 Sam Bockarie's suitcase. They were - and it was in a vehicle.  
12 He sent one of his securities to go and collect the suitcase from  
13 the vehicle where the mayonnaise bottles were.

14 Q. Did you tell the investigators that these diamonds were in  
12:52:52 15 mayonnaise bottles?

16 A. Yes, my Lord.

17 Q. Did you point out that they had recorded something  
18 completely different when they read back the interview to you?

19 A. They did not ever read this out to me. The one that is in  
12:53:25 20 front of me, they did not ever read it out to me. This is the  
21 first time that you are reading it to me. That is the reason why  
22 I am not in place to answer yes to some of the things that you  
23 are talking about. The things that I explained to me - that I  
24 explained to them, if you permit me I will be able to explain  
12:53:45 25 that again for the Court to understand clearly.

26 Q. What was read back to you, because you told us when I first  
27 started questioning you very carefully - you told us that every  
28 interview was read back to you, you had an opportunity to correct  
29 or add to it and indeed when Shyamala read back her interview at

1 your suggestion she scratched out some of the things that she had  
2 recorded. What was read back to you of this first interview in  
3 March 2006?

12:54:38 4 A. Mr Lawyer, as I am telling you, this was not read out to  
5 me, this particular one that I see here. That is why I am saying  
6 if you permit me I will explain exactly what happened.

7 Q. Tab 1, page 4, please, and I am looking at paragraph 17.  
8 This, Mr Witness, is the typed up version of the notes that I  
9 have just read out to you and it reads as follows:

12:55:30 10 "The following morning he was taken again to the residence  
11 of Benjamin Yeachen and after his arrival they were joined by a  
12 Lebanese Mohamed Saleh and another Lebanese with two Saudi  
13 Arabian men who [you] advised were named in a CIA wanted list and  
14 living in Monrovia and that this group were diamond buyers.  
12:55:53 15 Sam Bockarie retrieved three cardboard boxes that were filled  
16 with diamonds and sorted by size. The two Lebanese and the two  
17 Arabs started to evaluate the diamonds individually. At this  
18 time Sam Bockarie told him to go and prepare for a trip to  
19 Burkina Faso. He departed with Marzah and when they returned" -  
12:56:16 20 and you deal with what happened on your return.

21 Now, you told us that these interviews were read back to  
22 you after they happened. Was it the full account that I read out  
23 to you a little while ago in the handwritten notes, or was it  
24 this slightly shorter, more condensed version, the typed version,  
12:56:42 25 that was read back to you?

26 A. It did not happen like that immediately as it is here.

27 Q. When did it happen?

28 A. This was in the morning hours when Sam Bockarie had come  
29 and when I identified him.

1 Q. Stop, stop, stop.

2 A. That was the time when Mohamed Saleh, the other Lebanese --

3 Q. Stop. We are not asking you about what happened. I am  
4 asking you about when it was read back to you.

12:57:26 5 A. No, they did not read this particular paragraph back to me,  
6 because if they had read it back to me I would have explained to  
7 them exactly the way I explained it in the Court. Shyamala did  
8 not read it back to me.

9 Q. No, but Mr Nick read it back to you in August of the  
12:57:48 10 following year, 2007, didn't he? Tab 2, please. Page 4 of tab  
11 2, left-hand margin, halfway down the page, paragraph number 17  
12 in the margin.

13 PRESIDING JUDGE: Mr Koumjian?

14 MR KOUMJIAN: Your Honour, I really don't know how to deal  
12:58:40 15 with this and perhaps in retrospect I don't want to speak in  
16 front of the witness. The problem I have is when things are  
17 represented by counsel that I did and I don't know how to deal  
18 with that.

19 MR MUNYARD: The witness can say if this wasn't read back  
12:58:56 20 to him. It's a simple question that I put. The witness is more  
21 than capable of dealing with the question as simple as that. He  
22 has already told us that none of this big passage I read was ever  
23 read back to him by anyone the first time around. He is quite  
24 capable of saying no, by whatever title he knows Mr Koumjian --

12:59:18 25 PRESIDING JUDGE: I note, Mr Munyard, that at the beginning  
26 of tab 4, page 1, I don't see a name of the interviewing  
27 personnel.

28 MR MUNYARD: Tab 2, your Honour. We are dealing with tab  
29 2. Page 4 of tab 2, not tab 4.

1 PRESIDING JUDGE: My apologies.

2 MR MUNYARD: Two names, that of the investigator Shelley  
3 Birston and attorney Nick Koumjian.

12:59:50

4 PRESIDING JUDGE: Yes, I see what you are referring to now.  
5 Mr Koumjian?

6 MR KOUJIAN: I am just worried that - my concern frankly,  
7 your Honours, is that witnesses don't usually - probably don't  
8 realise the limitations I am under in court as to what I can say  
9 and that's why I don't want them to take - to be misled by my  
10 silence. That's the situation I'm in.

13:00:07

11 PRESIDING JUDGE: We appreciate the problem, or the point  
12 you're making, and I think counsel for the Defence is entitled to  
13 put these questions.

14 MR MUNYARD:

13:00:28

15 Q. Mr Witness, in the course of your being interviewed by  
16 Shelley Birston and Nick Koumjian in August of last year, they  
17 went through each paragraph of the notes of your interview from  
18 March of 2006, didn't they?

13:01:10

19 A. Mr Lawyer, as I have told you, it is through your  
20 cross-examination that I have been able to know that some of  
21 these things you have said are put down here happened this way,  
22 but with my common sense, if they were going to allow me I would  
23 have - if they had asked me about some of these mistakes I would  
24 have been able to explain to them exactly how things happened so  
25 that they will be able to sort out the mistakes.

13:01:34

26 Q. Tab 2, page 1:

27 "The following information was obtained during a prepping  
28 session between the witness and attorney Nick Koumjian using  
29 witness statement of 23/24 March 2006."

1 In other words, you were taken through the witness  
2 statement - the typed witness statement - that we have just been  
3 looking at, weren't you?

4 A. Like I told you, at the time the lawyer met me he met me  
13:02:34 5 busy with a pressing job. I was only able to spend a few times  
6 with him and it was - even during the interview I was called on  
7 later to continue with my job and I did not want the people for  
8 whom I was working know exactly what was going on.

9 Q. How long do you say that interview lasted?

10 A. We did not stay there too long, because by then I was  
11 working.

12 Q. How long?

13 PRESIDING JUDGE: Mr Witness, please don't tell any more  
14 about your work.

13:03:18 15 MR MUNYARD:

16 Q. And please answer the question. How long do you say this  
17 interview lasted?

18 A. It was not up to two hours, actually.

19 Q. If I suggested it lasted one and three-quarter hours, would  
13:03:34 20 you agree with that?

21 PRESIDING JUDGE: Did you hear the question, Mr Witness?

22 THE WITNESS: Well, I can't tell because I did not keep  
23 time of what was happening.

24 MR MUNYARD:

13:04:08 25 Q. Look again, please, at page 4. We will start with  
26 paragraph 15 in the left-hand margin which is referring back to  
27 paragraph 15 on page 3 of tab 1. What is written down in the  
28 handwriting that we're looking at, page 4 of tab 2, against 15 is  
29 written, "General Ibrahim was there, a Gambian." Do you see

1 that?

2 A. Yes, my Lord.

3 Q. Go back to paragraph 15 on page 3 of tab 1 which I have  
4 already read and I am not going to read out again, but in the  
13:05:00 5 course of that paragraph a number of people are mentioned as  
6 having been present at a meeting and you have added - sorry, hang  
7 on. Just listen to the question.

8 A. No, no.

9 Q. You have added a further person to the group who attended  
13:05:22 10 the meeting. Do you agree?

11 A. No, General Ibrahim was not there and I did not make  
12 mention with him with regards that meeting, because at that time  
13 I had not yet met with him and I had not even seen him at that  
14 time. And now I see it in the sentence here. By then I had not  
13:05:48 15 met with General Ibrahim. I only met with General Ibrahim when  
16 we were about to take the trip to Burkina Faso.

17 Q. Let me see if I understand the import of what you're  
18 saying; that where Ms Birston and Mr Koumjian have recorded you  
19 telling them in August 2007, last August, that General Ibrahim  
13:06:13 20 was there at that meeting, they have invented that? Is that what  
21 you're saying?

22 MR KOUMJIAN: Objection, because the counsel has not read  
23 anything that says that they were there at that meeting.

24 MR MUNYARD: I don't understand the objection.

13:06:42 25 PRESIDING JUDGE: Mr Koumjian, could you elaborate on your  
26 objection? Counsel for the Defence and my learned colleague are  
27 not clear exactly what you're saying.

28 MR KOUMJIAN: I see in the notes of the investigator that  
29 it says General Ibrahim was there. It's not clear to me when

1 that relates to.

2 PRESIDING JUDGE: What about the 15 listed beside, what  
3 does that refer to? I was mentally relating it to paragraph 15  
4 because the preface to this is, "Using witness statement dated  
13:07:29 5 2006-03- 23/24".

6 MR KOUMJIAN: I understand the logic of what you are  
7 saying, thank you. I have nothing else to add. I withdraw.

8 PRESIDING JUDGE: Oh, you are withdrawing it. I see.  
9 Please put the question.

10 MR MUNYARD: I have long forgotten it. Let me go back, if  
11 I may, to the LiveNote:

12 Q. Are you saying that when Ms Birston and Mr Koumjian have  
13 recorded you telling them, when they met you in August last year,  
14 that General Ibrahim was there at that meeting, referred to in  
13:08:39 15 paragraph 15, that they, Ms Birston and Mr Koumjian, have  
16 invented that, that you never told them and so they must have  
17 made it up? Is that what you are saying?

18 A. The area I made mention of General Ibrahim was after he had  
19 been introduced to me before we took the trip to Burkina Faso and  
13:09:12 20 I will also tell you, if you permit me, the people who were  
21 present during the first meeting at the time Sam Bockarie brought  
22 the diamonds.

23 Q. Could you have a try at answering the question that I asked  
24 you?

13:09:51 25 A. I wouldn't want to answer to the wrong thing. Things that  
26 happened are the ones that I would like to answer to.

27 Q. I will try one last time. We can see, clear as day, that  
28 against what logically must be a reference to paragraph 15 of  
29 your previous interview, Ms Birston and Mr Koumjian have recorded

1 you as saying General Ibrahim was there at the meeting described  
2 in paragraph 15.

3 PRESIDING JUDGE: Mr Koumjian?

13:10:38

4 MR KOUMJIAN: I believe the record that the counsel has  
5 before him indicates who the interview was completed by and it  
6 does not have my name and so it don't think it is correct to tell  
7 the witness that Mr Koumjian has recorded this.

13:10:55

8 MR MUNYARD: I am quite happy to have identification of the  
9 handwriting, but as it says all over the face of both the  
10 handwritten one and the typed one that the information was  
11 obtained during a prepping session between the witness and  
12 attorney Nick Koumjian, then I am assuming that Nick Koumjian is  
13 the person who elicited the answer that Ms Birston has written  
14 down.

13:11:12

15 MR KOUMJIAN: That is fine, but that is not what was stated  
16 earlier. I have stated just now I have no problem with it. It  
17 was the earlier statement. On page 2 of tab 2 indicates,  
18 "Statement completed by", and has a name.

13:11:33

19 PRESIDING JUDGE: Let me be clear on your objection,  
20 Mr Koumjian. Your name is recorded at --

21 MR KOUMJIAN: I am recorded correctly as being present and  
22 participating in the interview and the statement indicates on  
23 page 2 who it was completed by.

13:11:48

24 PRESIDING JUDGE: Now, are you saying that counsel for the  
25 Defence is putting the record of interview of 24 March 2006 and  
26 you are not there, or what are you putting? What are you  
27 objecting to?

28 MR KOUMJIAN: I just objected to the phrasing of the  
29 question: The information recorded by Ms Birston and



1 Mr Koumjian. It was the part where I was listed as the person  
2 who recorded the information that I am objecting to.

13:12:23 3 PRESIDING JUDGE: I see. That was a subtlety that I missed  
4 there, Mr Koumjian. Mr Munyard, please take care in the  
5 phraseology.

6 MR MUNYARD: Madam President, what concerns me far more  
7 than hair-splitting about who elicited the answer as opposed to  
8 who wrote it down, is this process of prepping sessions whereby  
9 counsel in the case effectively puts himself in the position of a  
10 witness, which is incompatible with the role of trial counsel.

11 That, I would suggest - and I am not going to pursue it now, but  
12 I am putting down a marker - is far more to the point than  
13 arguing the toss over who elicited the answer as opposed to who  
14 wrote it down. I will withdraw the suggestion that Mr Koumjian  
13:13:04 15 wrote it down, but it is plain as a pike staff that it was him  
16 who elicited the answer, I would suggest. Can I move on? This  
17 is really wasting an enormous amount of time:

18 Q. You told the investigator and Mr Koumjian in August last  
19 year that the Gambian, General Ibrahim, was present at the  
13:13:33 20 meeting referred to in paragraph 15 of your first interview,  
21 didn't you?

22 A. No, my Lord.

23 Q. So they have made that up, have they?

24 A. I told you that I can explain exactly the time I met  
13:13:54 25 General Ibrahim and I told the Court.

26 PRESIDING JUDGE: Mr Witness, there is writing here  
27 attributed to you as having said it and the counsel is asking  
28 where did that come from?

29 THE WITNESS: Well, maybe they made a mistake there.

1 MR MUNYARD:

2 Q. Very well. But they were clearly asking you who was  
3 present at the meeting that has been referred to in that  
4 paragraph of your first interview, weren't they? Do you agree  
13:14:33 5 with that?

6 A. No.

7 Q. Very well. 17 on page 4 of tab 2. 17, "Witness saw  
8 diamond men two to three times. Arabs were on a CIA list for  
9 assisting" - something spelt Al-Qeeda, presumably Al-Qaeda - "SB  
13:14:56 10 had a Liberian passport, General Ibrahim, Cisse Musa, Eddie  
11 Kanneh", and so on. Now, "Witness saw diamond men two to three  
12 times. Arabs were on a CIA list", against paragraph 17, that  
13 clearly refers back to paragraph 17 on page 4 of tab 1, doesn't  
14 it?

13:15:26 15 A. It was at one time that I saw the diamond men like I told  
16 you. It was one time.

17 Q. Why did you not tell Mr Koumjian, in this prepping session  
18 in August of last year, that the previous investigators had got  
19 the diamond story completely wrong, that they came out of three  
13:15:50 20 mayonnaise jars rather than three cardboard boxes? Why didn't  
21 you correct that error when he was asking you more questions  
22 about paragraph 17?

23 A. I recall that even during this prepping session I told  
24 Mr Koumjian that there was a card box in the suitcase that  
13:16:21 25 Sam Bockarie called for from the vehicle. It was in that card  
26 box in the suitcase that the mayonnaise bottles were, the three  
27 mayonnaise bottles. I told them that.

28 Q. Right. Well, I will be corrected if I am wrong, but I  
29 haven't seen any record of that in the notes of that interview.

1 Just help us with this, please. You can read English perfectly  
2 well. We have seen you read it out this morning. During the  
3 course of this prepping session when you being asked questions  
4 about notes of a previous interview, were you given a copy of the  
13:17:03 5 interview as well, to follow as you were being asked questions  
6 about it?

7 A. No.

8 Q. But you told him, Mr Koumjian, that in the cardboard box  
9 were mayonnaise bottles. That is what you have just told us,  
13:17:35 10 Mr Witness.

11 A. Yes, yes.

12 Q. And so there should be some record from August of last year  
13 of you saying mayonnaise bottles, do you agree?

14 A. That I said the mayonnaise bottle was what?

13:18:03 15 Q. If you told Mr Koumjian that in the cardboard boxes there  
16 were mayonnaise bottles, you would expect him, or his colleague,  
17 to have made a note of that, wouldn't you?

18 A. I told Mr Koumjian that in the box that Sam Bockarie sent  
19 for there were three sized mayonnaise bottles, all filled with  
13:18:36 20 diamonds.

21 Q. Tab 3, please. Now, this is another prepping session, this  
22 time just last month, in Freetown presumably, where you were  
23 interviewed by a lady you called Shyamala, yes? Do you remember?

24 A. Yes.

13:19:18 25 Q. Although at the top of the document that we are looking at  
26 on page 1 says the date 16 May 2008, in fact if you look below  
27 the immediate personal details, it says, "Witness made the  
28 following corrections and clarifications to his previous  
29 statements on 16, 19 and 21 May 2008." Do you remember being

1 prepped over three different dates just about three weeks ago?

2 A. Yes, and for you to know that like I was saying, it was  
3 only the ones that they showed me that I was able to correct.

13:20:12

4 Q. So they showed you the interviews on this occasion, did  
5 they, for you to read and correct?

6 A. Well, for some except that I am seeing them here. That was  
7 why I said some and the ones that they showed me, I will be able  
8 to identify them.

13:20:37

9 Q. You told us, when I first started asking you questions,  
10 that when Shyamala got something wrong, when she was reading back  
11 her notes of the interview, she scratched out what she had got  
12 wrong. Do you remember telling us that?

13 A. Yes and, as I said, that is the reason why as you are going  
14 through it, the one that did not happen I will tell you that I  
15 did not come across this one.

13:21:05

16 Q. We are going to deal with it in a moment. I just want to  
17 know was Shyamala writing things down with a pen or pencil on a  
18 piece of paper? When you said she scratched out, what do you  
19 mean by she scratched out?

13:21:29

20 A. Well, when she started reading, the ones that she read to  
21 me and if there were problems I will tell her that this did not  
22 happen this way and this did not happen this way. But, like I  
23 told, you even the time Shyamala used to call me I did not have  
24 much time at that time. I did not have much free time and there  
25 are times when I was working she will call me and I will come and  
26 work with her later and later she will call me again.

13:21:56

27 Q. Mr Witness, stop. Stop, please. When she scratched out a  
28 mistake, how did she scratch out a mistake?

29 A. With pencil. She drew a line across.

1 Q. Right. Somebody else was present at that interview called  
2 Idri ss Sesay. Do you remember that person being present?

3 A. Yes, he was translating.

13:22:50

4 Q. Right. He was translating. She was asking questions and  
5 writing down your answers. Is that right?

6 A. Yes.

7 Q. And she is writing with a pencil on sheets of paper, is  
8 she?

9 A. Yes.

13:23:15

10 MR MUNYARD: Well, I put the Prosecution on notice now that  
11 we have never had a single handwritten note from any prepping  
12 session. I have raised it before. We have been told very baldly  
13 before, "Oh, there aren't any such notes", but if this witness is  
14 telling the truth about this then clearly there are handwritten  
15 notes that we should have had disclosed to us. Indeed I would  
16 add it would be very surprising if there aren't handwritten notes  
17 from some of these prepping sessions.

13:23:34

18 PRESIDING JUDGE: Mr Koumjian, you will note the witness's  
19 evidence and if there are records they should be disclosed.

13:23:56

20 MR KOU MJIAN: My suggestion is that motion should be put in  
21 writing like other motions. I have spoken previously only of  
22 myself, but I think that that motion does merit a thoughtful  
23 response by all the parties in the Court.

13:24:13

24 MR MUNYARD: I can't imagine what there is to think about,  
25 but if need be then we will put something in writing, but I will  
26 now move on:

27 Q. Now, you are interviewed by Shyamala first of all on 16 May  
28 and then on the 19th and then on the 21st. If we turn to - sorry,  
29 I have not got the page number immediately to hand. It's this

1 same tab, tab 3. If we turn to page 4 of tab 3 and we look at  
2 paragraph 20, this is Shyamala asking you questions about the  
3 original interview notes and in paragraph - sorry, did I say 20?  
4 It is paragraph 21. In paragraph 21 of her interview notes it  
13:25:48 5 says:

6 "With reference to paragraph 17 of the statement witness  
7 states that the diamonds brought by Sam Bockarie were contained  
8 in three mayonnaise bottles and not in a cardboard box as stated  
9 in the paragraph."

13:26:08 10 Mr Witness, was it purely coincidence that this interview  
11 with you starts the day after Moses Blah told this Court on 15  
12 May about seeing diamonds in mayonnaise jars? Was that purely  
13 coincidence that he gave that evidence on 15 May and a day, or  
14 three, or four days, or six days after that you come out with  
13:26:49 15 mayonnaise jars for the first time?

16 A. I did not even follow up and I don't know whether - I did  
17 not follow up and I did not know what he said. I don't know  
18 about that.

19 Q. Did you not hear about that on Focus on Africa?

13:27:15 20 A. No, I did not hear it, because I told you I was busy.

21 Q. Did you hear that Varmuya Sherif who you mentioned for the  
22 first time in this prepping session just three weeks ago had also  
23 given evidence to this Court about diamonds in mayonnaise  
24 bottles?

13:27:43 25 A. I wouldn't want to say anything that this did not happen,  
26 or something I don't know about. I don't know about that, or I  
27 want to say I do not follow up such things because I have  
28 something to do. I have something engaged with. I have a task  
29 to fulfil and I want to fulfil that task.

1 Q. Your personal friend, Zigzag Marzah, were you aware that he  
2 mentioned diamonds in mayonnaise bottles on 14 March in this  
3 Court?

4 A. I don't even know whether Zigzag Marzah is still in  
13:28:23 5 existence.

6 Q. Is that an honest answer?

7 A. I don't know whether he is existing. You cannot force me  
8 to say something I don't know. I am not following up those  
9 things. I have a task that I always make follow up of.

13:28:44 10 Q. Did someone suggest to you that you should start putting  
11 the diamonds in mayonnaise jars after previously you had them in  
12 cardboard boxes?

13 A. No, I corrected Shyamala because - because it did not make  
14 sense when she told me that they were packed in cards. I said  
13:29:12 15 no, they were in the mayonnaise bottles and they were packed in  
16 the suitcase. I did not talk about a card box. And when she  
17 told me that I said, "No, they were in the mayonnaise bottles and  
18 they were packed in the suitcase".

19 Q. Did you say to her, "Why on earth didn't Mr Koumjian tell  
13:29:31 20 you that I told him in August of last year that these diamonds  
21 were actually in mayonnaise bottles?" Did you say that to her?

22 A. I think that was my statement that I made to them. I said  
23 they were in bottles and those bottles were brought from outside  
24 the suitcase and placed on the table.

13:30:05 25 MR MUNYARD: I see the time and I am moving on.

26 PRESIDING JUDGE: Very well. Mr Witness, we are now going  
27 to take the lunchtime adjournment. We will adjourn for one hour  
28 and we will be resuming court at 2.30. Please adjourn court  
29 until 2.30.

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

2 [Upon resuming at 2.30 p.m.]

3 PRESIDING JUDGE: Mr Munyard, when you are ready please  
4 proceed.

14:30:04 5 MR MUNYARD: Thank you, your Honour:

6 Q. Mr Witness, let us now go on the trip to Burkina Faso.  
7 When do you say this trip occurred? I am hoping for an answer to  
8 that question.

9 PRESIDING JUDGE: Did you hear the question that was put,  
14:30:47 10 Mr Witness?

11 THE WITNESS: Say again.

12 MR MUNYARD:

13 Q. When do you say you went on this aeroplane journey to  
14 Burkina Faso and back?

14:31:03 15 A. That was the last time Sam Bockarie came back together with  
16 Eddie Kanneh and Colonel Razak.

17 Q. Can you give us a month and a year, please?

18 A. It was at the same 1998, at the end of 1998. I cannot tell  
19 you the specific month, but it was at the end of the same 1998,  
14:31:52 20 after Marzah had arrested me, and that was two weeks later.

21 Q. And so Marzah arrested you towards the end of 1998, did he?

22 A. Yes, my Lord.

23 Q. Tab 1, please. Now, Mr Witness, just before we look at  
24 some of the contents of this particular document can you tell me  
14:32:58 25 this. You say that when you went on that trip you went with  
26 General Ibrahim, yes?

27 A. Yes, he was one of the people that went with me.

28 Q. And General Ibrahim had a vast knowledge of arms and  
29 ammunition, didn't he?



1 A. Yes, he also had his own experience.

2 Q. A vast experience in arms, so with his contribution you  
3 were able to identify some of the arms that you would make use of  
4 on the Panhard and the 40 barrel amongst other things, yes?

14:33:53 5 A. Yes.

6 Q. So they didn't need you along with them to identify the  
7 ammunition for the 40 barrel and the Panhard tanks, did they?  
8 General Ibrahim was perfectly capable of identifying that  
9 ammunition, wasn't he?

14:34:14 10 A. You cannot say that kind of word that you have said.

11 I don't agree with that. If they did not need me, they wouldn't  
12 have used me to be part of that trip.

13 Q. Well I can't say whether or not you went on that trip, but  
14 I am suggesting that in some of the evidence that you have given

14:34:40 15 you have been telling lies and so I ask the question did you  
16 actually go on a trip to Burkina Faso with General Ibrahim, who  
17 in your words that I have just quoted to you had such a vast  
18 experience in arms that with his contribution you could identify  
19 what was needed for the Panhard and the 40 barrel? Did you  
14:35:03 20 really go on such a trip with a man who knew so much about  
21 ammunition?

22 A. Yes, with my conscience I know that I am not going to lie  
23 before this Court.

24 Q. Did you really go and stay in the Liberian ambassador's  
14:35:26 25 residence?

26 A. Yes, the particular building to which I was taken was where  
27 I stayed with Colonel Razak until the return of Sam Bockarie and  
28 Eddie Kanneh.

29 Q. The Liberians did not have an embassy or an ambassador to

1 Guinea at that time - sorry, to Burkina Faso at that time,  
2 I suggest. What do you say about that?

3 A. Well except that you are telling me that now, but that was  
4 what Cisse Musa told me. He said there was - his brother was  
14:36:11 5 there by the name of Gibba Cisse and he said he was the  
6 ambassador and he told me he was a late man, except that you are  
7 telling me that now.

8 PRESIDING JUDGE: Mr Witness - Mr Interpreter, when you say  
9 "a late man" what do you mean? He didn't arrive on time, or he  
14:36:30 10 has passed on to another world?

11 THE INTERPRETER: Your Honours, I did not actually  
12 understand what the witness was saying. He only said, "He told  
13 me he was a late man."

14 PRESIDING JUDGE: Very well, Mr Interpreter. We will leave  
14:36:50 15 it up to - Mr Witness, what do you mean when you say "He was a  
16 late man"?

17 THE WITNESS: He told me that was Pa Cisse, because that  
18 was my first time to go on such a trip with them. He said his  
19 brother was the ambassador.

14:37:11 20 PRESIDING JUDGE: No, no, no, we understand that bit. When  
21 you use the expression in Krio "a late man", what does that mean?

22 THE WITNESS: He said he was dead.

23 MR MUNYARD: I am going to move on, if I may:

24 Q. What was Pa Cisse's brother's name, you say the ambassador  
14:37:32 25 to Burkina Faso?

26 A. I did not know him. He said Gibba Cisse.

27 Q. Yes. Gibba Cisse, Mr Witness, was indeed a Liberian  
28 ambassador to the Kingdom of Saudi Arabia. Were you aware of  
29 that?

1 A. Mr Lawyer, I will not come here to say something that I did  
2 not witness, or that I don't know about. I did not know about  
3 that. That was what Pa Cisse told me.

14:38:13 4 Q. This Colonel Razak you keep telling us about, is he  
5 actually called Colonel Rackson?

6 A. I knew that they used to call him Colonel Razak - Colonel  
7 Abdul Razak - and he was a Special Forces member.

8 Q. You also mentioned in your evidence that when you got to  
9 Burkina Faso you were greeted by a General Sammy or Sambi [phon].  
14:38:49 10 What was the name of the man? You said he was General Ibrahim's  
11 boss and he was a Gambian who had taken part in an invasion  
12 incursion into Gambia?

13 A. I said he went to receive us at the airport. He went to  
14 receive us at the airport.

14:39:10 15 Q. What was his name, please?

16 A. He said Sana [phon] Samba. General Sana Samba.

17 Q. Did he have any other name he was known by that you're  
18 aware of?

19 A. Well, they used to call him Koqwai. I don't know whether  
14:39:36 20 I pronounced it well.

21 Q. And you say that he asked you about Fonti Kanu. Is that  
22 right?

23 A. He was not the first person that asked me about Fonti Kanu.  
24 Even one of the pilots --

14:40:00 25 PRESIDING JUDGE: Did he ask you about Fonti Kanu or not?

26 THE WITNESS: Yes.

27 MR MUNYARD:

28 Q. Why have you never in all of the interviews you've had with  
29 the Prosecution ever mentioned this General Sania Samba at all?

1 A. I made mention of him. Maybe they did not get it clear,  
2 but I made mention of him since my first statement.

3 Q. Since your first statement? Is that true?

4 A. I know it is true.

14:40:44 5 Q. We are going to look at your first statement now. Just  
6 before we do, can you tell us this: Did you while you were in  
7 Burkina Faso ever stay in the presidential lodge?

8 A. Well, I don't know whether it was the presidential lodge,  
9 but where they took me to they said it was a building that  
14:41:10 10 belonged to the Liberian embassy.

11 Q. Well, if it belonged to the Liberian embassy it couldn't be  
12 the presidential lodge, could it?

13 PRESIDING JUDGE: Is that a question?

14 MR MUNYARD: Yes.

14:41:31 15 PRESIDING JUDGE: Answer the question please, Mr Witness,  
16 if you know.

17 THE WITNESS: Well, I don't know whether that was a  
18 presidential lodge, but what I know is that they told me that  
19 that was the Liberian embassy and the men who provided food for  
14:41:51 20 us spoke in Liberian tongues.

21 MR MUNYARD:

22 Q. Let's look at tab 1, page 4, paragraph 18. Now do you have  
23 that in front of you?

24 A. Yes.

14:42:16 25 Q. Did you tell the investigators that upon arrival at the  
26 protocol officer's office at the mansion you were told you would  
27 be making the trip with Sam Bockarie, Eddie Kanneh, General  
28 Ibrahim, Colonel Rackson and Cisse? Did you tell them that?

29 A. Yes, Cisse Musa told me that.

1 Q. So is he called Rackson or Razak, this colonel?

2 A. Razak. I said Colonel Razak.

3 Q. Did you tell the investigators that you were given a  
4 Liberian passport by Cisse at this time?

14:43:08 5 A. Yes, all of us --

6 Q. Thank you. We just want a simple answer to a simple  
7 question. Did you tell them that you proceeded - you all  
8 proceeded to Roberts airfield and were flown via a Boeing landing  
9 in Burkina Faso at the presidential airfield in Ouagadougou?

14:43:35 10 A. Well, I did not know the type of aircraft. I did not tell  
11 them about Boeing. I told them it was an aircraft.

12 Q. So they have invented Boeing, have they?

13 A. Well, I don't know if they made a mistake there.

14 Q. But you're clear you didn't tell them it was a Boeing, are  
14:44:02 15 you?

16 A. What I told them was that we used an aircraft and what  
17 happened is what I am saying here.

18 Q. Page 15, same tab, handwritten notes. It's I think about  
19 16 lines down. It's actually - if they are hole punched it is  
14:45:08 20 very near the top hole punch, the top hole. "All six of us went,  
21 including the" - and I can't quite read that. "On immediately  
22 reaching the airport the Boeing was already there." Did you tell  
23 them "the Boeing", or did they make that up?

24 A. I told them that I wouldn't know the type of flight, but  
14:45:51 25 I recall the logo that was on the flight and surely I don't even  
26 think that that was the first trip made by that particular flight  
27 to Burkina Faso.

28 Q. Has somebody been telling you about the number of flights  
29 this particular plane made to Burkina Faso, Mr Witness, in the

1 Last few weeks?

2 A. Well, it was as a result of the questions that they asked  
3 me. That was why I said I met with different people who asked me  
4 familiar questions about Fonti Kanu.

14:46:31 5 Q. Let's go back to paragraph 18 on page 4: "They were lodged  
6 at the presidential lodge and the following morning were taken to  
7 a military air base." Did you tell them that?

8 A. No, I did not tell them that.

9 Q. What is it that they have written down that you didn't tell  
14:47:04 10 them?

11 A. Because we were not --

12 Q. No, stop.

13 A. -- taken on the following morning.

14 Q. What is it you didn't tell them?

14:47:27 15 A. I did not tell them that we were taken to the place where  
16 the ammunition were the following morning.

17 Q. So they have made that up, have they?

18 A. Well, I don't know if it was a mistake.

19 Q. Now, did they give you any reason why they didn't fly their  
14:47:52 20 plane directly to the military air base, load up with the  
21 ammunition and fly back again to Monrovia from that military air  
22 base?

23 A. They did not give me any reason and I was under instruction  
24 because I have never made such a trip before.

14:48:18 25 Q. Did it surprise you that - well, first of all, can you tell  
26 us was it a military air base where these warehouses with  
27 ammunition were?

28 A. Well, I saw some old aircrafts parked there and there were  
29 some combat points where men were manning and I saw them carrying

1 guns, so I concluded it was not a civilian area.

2 Q. No, did you tell the investigators that this was a military  
3 air base; yes or no?

14:49:22

4 A. I told the investigators that there were old aircrafts at a  
5 place where we went to identify the ammunition.

6 Q. Page 15 again, please. This is near the second hole, the  
7 lower of the two holes punched in the page: "We were taken to a  
8 military air base. There were many large white warehouses."

14:50:12

9 Nothing there about telling them there were old aircraft in the  
10 place that you went to, is there?

11 A. Yes, but what I am telling this Court, like I have told you  
12 before, was what I experienced. What I saw is what I am telling  
13 the Court.

14:50:36

14 Q. Just to be absolutely clear, if we go three lines up from  
15 where we have just been looking at military air base, that  
16 sentence starts, "The next day we were taken to a base, six of  
17 us", and then Musa Cisse and Eddie Kanneh both speak perfect  
18 French. "We were taken to a military air base." Did you tell  
19 them that you were taken the next day?

14:51:01

20 A. I told you that I did not tell them that. I said we waited  
21 on Eddie Kanneh and Sam Bockarie, because Eddie Kanneh had told  
22 me that they were going to take a trip to France.

14:51:57

23 Q. Go back, please, to page 4. You deal in paragraph 19 with  
24 what is in the warehouses and then at the end of paragraph 19  
25 when you describe going back you say, "The time frame of this  
26 trip was approximately May 1998." Did you tell them that?

27 A. Like I told you, I did not specifically tell them about a  
28 date. I told them that I wouldn't recall the specific date, but  
29 I recall that it was in 1998.

1 Q. Page 16, please. I'm sorry, I should have started at the  
2 foot of page 15 because the sentence I want to read starts there.  
3 Second line from the bottom, did you tell them this, Mr Witness:

4 "I identified the necessary ammunition and in two days time  
14:53:17 5 the consignment was transported to the presidential airport and  
6 I did not witness the loading, but I saw all the ammunition and  
7 the only weapons were AK-47s and" - something - "MGs."

8 "HMGs" I think that might be, heavy machine guns. Did you  
9 tell them that?

14:53:44 10 A. I told them about the ammunition, the ammunition for AK-47.  
11 In that case I am referring to the 6.62 - no, the 7.62  
12 millimetre. I am not talking about the rifle itself.

13 Q. Now, you told us that the day on which the planes were  
14 loaded with the ammunition you took off back to Monrovia. That  
14:54:17 15 is not what you were telling these investigators, is it?

16 A. Yes, the day following the day the aircraft was loaded they  
17 called us again when General Samba sent for us to come to the  
18 airport and we all boarded and we returned to Monrovia. That was  
19 after Sam Bockarie and Eddie Kanneh had returned from France.

14:54:47 20 Q. What you said to the investigators, I suggest, is in  
21 paragraphs 18 and 19 that you arrived and were lodged at the  
22 presidential lodge, the following day taken to the air base,  
23 identified the ammunition and that was transported to the airport  
24 and loaded two days later, but the total extent of your stay was  
14:55:12 25 seven days because Sam Bockarie and Eddie Kanneh had gone to  
26 France to look for a property. That is what you said to the  
27 investigators, isn't it?

28 A. No, the way I meant it is not the way they put it here.

29 Q. Did you correct them when it was read back to you?



1 A. This area was not read back to me, no.

2 Q. Did you correct it at any time when it was later read back  
3 to you during any of these prepping sessions with any of the  
4 lawyers?

14:55:53 5 A. The way I explain in court here, the way it happened, was  
6 the way I think I explained to the lawyers.

7 Q. Now this plane was a Boeing cargo plane, wasn't it?

8 A. You have asked me this question and I have told you that  
9 I can't tell the type of plane, but that I will be able to  
10 identify the plane by the logo that it had on it. When I saw the  
11 plane, I picked up something on it that I will be able to use to  
12 identify it.

13 Q. We have dealt with Boeing. I have moved on to cargo now.  
14 It was a Boeing cargo plane, wasn't it?

14:56:54 15 A. Mr Lawyer, I can't tell you the type of plane as you are  
16 asking me now.

17 Q. Well, didn't you tell the investigators that it was a  
18 Boeing cargo plane back in March of 2006?

19 A. I made it clear to Mr - this lawyer that is sitting here  
14:57:28 20 during the prepping here that I am unable to identify that it was  
21 this type of plane or that type of plane, but by the logo it had  
22 on it I will be able to know that it was the plane because it was  
23 a passenger plane.

24 Q. You have told us that it was flown by two Russian pilots,  
14:57:58 25 yes?

26 A. They were the crew on board. They were two Russians. They  
27 were the crew on board. They were the ones who flew us go and  
28 then they flew us back.

29 Q. You told us in your evidence to the Prosecution that there

1 were only two others on the plane and they were Russians. Are  
2 they the two who flew the plane?

3 PRESIDING JUDGE: I think the witness said they were the  
4 ones that flew us.

14:58:32 5 MR MUNYARD: No, I am talking about some days ago now, your  
6 Honour.

7 PRESIDING JUDGE: Oh, I see. My apologies.

8 MR MUNYARD:

9 Q. Do you remember saying that?

14:58:45 10 A. Yes, they were two in the crew cabin.

11 Q. And they were Russians?

12 A. Yes.

13 Q. And you knew that because you had been trained by Russians  
14 in artillery, yes?

14:59:05 15 A. Yes, they trained me on amphibian tanks irrespective of the  
16 fact that I do not speak Russian, but I knew that they were  
17 speaking the Russian language.

18 Q. And in what language did they speak to you, these two  
19 Russian pilots?

14:59:31 20 A. The one I told you about that he had beard, the taller one,  
21 he spoke English a little bit. He was the one that asked me  
22 about Major Fonti Kanu, because he said he was his Sierra Leonean  
23 friend and I told him that I knew he was in Sierra Leone. That  
24 was the only thing I discussed with him.

14:59:54 25 Q. We are not interested in the conversation. I wanted to  
26 know the language he spoke to you in and you have answered that,  
27 English.

28 A. That is the one.

29 Q. This is the man with a beard and golden hair you told us

1 about, is it?

2 PRESIDING JUDGE: Mr Witness, did you hear the question?

3 THE WITNESS: No, my Lord.

4 PRESIDING JUDGE: Please repeat the question, Mr Munyard.

15:00:34 5 MR MUNYARD:

6 Q. This is the man with the beard and the golden hair that you  
7 told us about, is it?

8 A. Yes.

9 Q. Back to page 16, please. Where I broke off was on line 4  
15:01:12 10 "AK-47's and HMG's", but then "The plane was a Boeing cargo plane  
11 operated by Ukrainians." Did you tell the investigators that?

12 A. Well, maybe they did not get me clear. I knew that they  
13 were Russians and that was what I told them and even during my  
14 prepping that was what I told the lawyer.

15:01:48 15 Q. Which prepping?

16 A. That was the last one I got with Mr Munyard.

17 MR MUNYARD: I somehow doubt that there is another  
18 Mr Munyard - well I know there is another Mr Munyard, there are  
19 several, but I can't imagine that he was involved in your  
15:02:11 20 prepping. Mr Interpreter, is that the name that the witness  
21 actually used?

22 THE INTERPRETER: Yes, your Honours and counsel.

23 MR MUNYARD: Well there is another Terry Munyard, but he is  
24 a football referee in Queensland, Australia:

15:02:33 25 Q. Are you talking about prepping here in the Netherlands, or  
26 are you talking about prepping in Sierra Leone?

27 A. I am referring to the gentleman who is sitting in front of  
28 you, the Prosecution lawyer. He is the one I am referring to.

29 Q. So you told - well one gentleman, or both gentlemen?

1 A. Both of them conducted the interview with me.

2 Q. And you told them that these men were Russian?

3 A. Yes.

4 PRESIDING JUDGE: Continue, Mr Munyard.

15:03:46 5 MR MUNYARD: I am just looking to see if I have not noticed  
6 something in this document that arrived as recently as Monday.

7 Well, let me put it to the witness:

8 Q. You did not tell the gentlemen, the two lawyers opposite,  
9 on Friday last that these men were Russians, did you?

15:04:13 10 A. I said it even in court here when I was giving my  
11 testimony. I told the Court that. I still recall that.

12 Q. We heard you tell the Court that. I am suggesting that  
13 that is yet another change in one of the stories you have been  
14 giving us. You did not tell the lawyers last Friday in this

15:04:38 15 extensive prepping session that the men were Russian, did you?

16 A. I told them.

17 MR MUNYARD: For the benefit of the Court, tab 4 is that  
18 prepping session. If I have failed to notice it I will be

19 corrected, but I would suggest that there is nothing there to  
20 that effect:

15:04:59

21 Q. Did you tell anybody else that they were Russian at any  
22 another stage? Apart from the lawyers - sorry, apart from the  
23 investigators in March of 2006 and the lawyers just a few days  
24 ago, have you ever told anybody else that these men were Russian?

15:05:19

25 A. I did not have any other person to discuss that with,  
26 except the ones who met me and with my experience those whom  
27 I dealt with, and it was the truth that I told the Court.

28 Q. Tab 2, please. Page 2 of tab 2, paragraph 4 at the top of  
29 the page. This is the prepping session that was conducted last

1 August by Mr Koumjian, notes made by Ms Birston:

2 "The plane used to fly the witness from Roberts Airfield to  
3 Burkina Faso was a private plane that had Ukrainian pilots and  
4 crew, there were no female flight attendants ..."

15:06:59 5 Did you tell Mr Koumjian that back in August of last year?

6 A. No, they did not have any crew in there like I told the  
7 Court except the two Russians.

8 Q. Did you - can you stop for a moment. Did you tell  
9 Mr Koumjian what is written there, yes or no?

15:07:27 10 A. Maybe he did not get me clear, but what I told the Court  
11 was what I told him, that there were two Russians, and we did not  
12 even speak about crew.

13 Q. So, somebody other than you has invented the expression  
14 "Ukrainian pilots and crew". Is that what you are telling the  
15 Court?

15:08:00

16 A. Well, what I told the Court here is what I told them.  
17 I said there were two Russian pilots.

18 Q. Tab 3, please. Page 5 of tab 3. Paragraph 25, this is  
19 your prepping session with Shyamala on three days last month,  
15:08:52 20 last month, when you went through your statements with her and  
21 this is what's been recorded as you having told her: "Witness  
22 states that the flight they flew to Burkina Faso in was piloted  
23 by Ukrainian pilots." Did you tell her that?

24 A. Like I told you, I saw them to be the same people. The  
15:09:28 25 Russians. They are the same people.

26 PRESIDING JUDGE: Witness, again concentrate on the  
27 question. You are being asked did you tell Shyamala that the  
28 flight they flew to Burkina Faso in was piloted by Ukrainian  
29 pilots? Did you tell her that?

1 THE WITNESS: I said they were Russian pilots.

2 MR MUNYARD:

3 Q. "The flight was a cargo flight with the entrance at the  
4 tail end." Did you tell her that?

15:10:05 5 A. I said they had - it had two entries. One was by the side  
6 and the other was by the tail, by the rear, the part we used to  
7 alight.

8 Q. So she has failed to include the side entrance in her notes  
9 of what you told her. Is that what you're saying?

15:10:30 10 A. Well, I told him that. I don't know whether he failed to  
11 put it in there, but what exactly I saw was what I told him.

12 Q. But do you agree that you told her that the flight was a  
13 cargo flight?

14 A. I said it carried cargos but it had in passenger seats.  
15:11:03 15 That was what I told him and those were the ones we ended up  
16 using.

17 Q. Him is a her. Shyamala is a lady. Do you remember having  
18 a discussion with her?

19 A. Yes.

15:11:17 20 Q. Did you tell her the flight was a cargo flight, or did you  
21 tell her that the flight was - it carried cargos, but it had  
22 passenger seats? Which one did you tell her of those two  
23 options?

24 A. That was the same thing I told her when I was trying to  
15:11:42 25 describe the flight. I said it carried cargos, but it had  
26 passenger seats inside.

27 Q. Of course at that stage you'd only had the benefit of being  
28 shown one photograph of the outside of an aeroplane, hadn't you?

29 A. We had discussed even before I saw that picture there, so

1 that was not what I felt.

2 Q. You didn't mention anything in that passage there about a  
3 logo on the tail of the plane, did you?

4 A. I told her that. I told her that.

15:12:34 5 Q. You told her what?

6 A. That, one, I told her about the colours and, second, I told  
7 her about the logo that was on the tail. I said it appeared like  
8 something like a baseball and even before she brought out the  
9 pictures I had already described the aircraft that we used and  
10 I told her the way we loaded it.

11 Q. Well, she has not managed to write that down, has she, by  
12 the look of things?

13 A. Well, I don't know. I haven't seen it here, but what  
14 I told this Court was the same thing I told Shyamala.

15:13:31 15 MR MUNYARD: I wonder if the witness could be shown - if  
16 you will bear with me for a moment, your Honours. I have got the  
17 relevant exhibit here somewhere. It is the photograph - the sort  
18 of vivid pink photograph of two men and it is MFI-17:

19 Q. Do you see that photograph?

15:14:25 20 A. Yes.

21 MR MUNYARD: Do your Honours all have that photograph?

22 PRESIDING JUDGE: Yes.

23 MR MUNYARD:

24 Q. The man with the beard does not have golden hair, does he?

15:14:55 25 JUDGE SEBUTINDE: Mr Witness, we are waiting for an answer.

26 THE WITNESS: Yes, but this was the man that I said I saw  
27 who asked me about Fonti Kanu and I have described him even  
28 before I saw these photographs.

29 MR MUNYARD:

1 Q. You did indeed describe him to this Court as having a  
2 beard, described by Mr Koumjian as a goatee, and golden coloured  
3 hair and if anyone wants the reference I can dig it out of the  
4 transcripts that I have got.

15:15:42 5 PRESIDING JUDGE: I think - there has been no request for  
6 it, Mr Munyard. Please proceed.

7 MR MUNYARD: I am sorry, the headphones left me at that  
8 point. There has been no response, has there? Very well.

9 Q. Now I want to move on to something else, please,  
15:16:05 10 Mr Witness. Something that is in all of your interviews and  
11 proofing notes, but you weren't asked about in the course of your  
12 evidence-in-chief - in the course of your evidence to the  
13 Prosecution. When you go, you say, to Buedu with Sam Bockarie  
14 you go with arms and ammunition and gym equipment, is that  
15:16:38 15 correct?

16 A. Yes.

17 Q. Was anything else carried together with the arms,  
18 ammunition and gym equipment?

19 A. Fuel and engine oil. Drums of fuel, both diesel and  
15:17:09 20 petrol, and engine oil.

21 Q. Any documents carried along with those items?

22 A. Well, I saw one document that was signed by Cisse Musa  
23 which was for the gym materials. I saw that.

24 Q. What would you describe that document as?

15:17:44 25 A. I cannot describe it in any way, but I saw it. I saw that  
26 Musa Cisse's name was there and he signed underneath.

27 Q. Would you describe them as consignment papers?

28 A. No.

29 Q. Tab 1, please, page 5. At paragraph 27 at the foot of



1 page 5. Did you tell them that once the consignment was loaded  
2 you were given some papers to hold?

3 A. Yes.

15:19:28

4 Q. And did you tell them that some of the papers were for the  
5 physical equipment, the gym equipment, which was also loaded on  
6 board?

7 A. Yes.

15:19:47

8 Q. And did you tell them that on the papers, I am going over  
9 the page now to page 6, were the signatures of Charles Taylor,  
10 Mr Cisse and Benjamin Yeachen?

11 A. Well, it's where the other papers that were under, but  
12 I did not read those ones. It was the one that was on top of  
13 them, it was there that they wrote about the gym equipment.  
14 I did not read the others and that was what I told them about.

15:20:20

15 Q. Did you tell them that on the papers, and that's the papers  
16 generally, were the signatures of Charles Taylor, Cisse and  
17 Benjamin Yeachen or not?

18 A. I said the paper that was on top of the other documents,  
19 Musa had his signature on it, yes.

15:20:52

20 Q. Did you tell them Charles Taylor's signature was on the  
21 papers that you were given to hold?

22 A. No.

23 Q. Have you any explanation for why that appears in the notes  
24 of the interview that was conducted with you in March of 2006?

15:21:24

25 A. I did not tell them that. What I told them was that the  
26 consignment document that was on top of the others, it was Cisse  
27 Musa who signed that one, because his name was on it and his  
28 title was indicated on it. He signed it. That was what I told  
29 them.

1 Q. I will carry on:

2 "On the papers were the signatures of Charles Taylor, Cisse  
3 and Benjamin Yeachen. There were as well documents for the arms  
4 and ammunition with the above signatures on them as well."

15:22:00 5 Did you tell them that?

6 A. I told them that I did not turn over the other documents to  
7 look at them, but that the one that was on top of the others, it  
8 was Cisse Musa's name and his position that was indicated on it.

9 Q. Were you making up to these investigators that you'd seen  
15:22:31 10 Charles Taylor's signature on some arms documents?

11 A. I see no reason why I should make things up. What exactly  
12 I went through and what I saw is what I told this Court here.

13 Q. Were you telling them things you thought they would like to  
14 hear?

15:22:56 15 A. No need for that. What I went through, what I experienced  
16 and what I saw was what I told the investigators.

17 Q. So the only signature that you saw was Cisse Musa's, or  
18 Musa Cisse's as we have heard him described before?

19 A. You are right.

15:23:25 20 Q. Tab 2, please, page 2, paragraph 8. This is when you are  
21 being prepped by Mr Koumjian and Ms Birston last August, "The  
22 witness never actually saw any signatures on the consignment  
23 papers." Is that what you told them?

24 A. I told them that the document that I had in the file on the  
15:24:18 25 one that was on top of the others was the document that indicated  
26 about the gyming [sic] physical equipment. Cisse Musa signed his  
27 name underneath it.

28 Q. Did you tell Mr Koumjian and his colleague, Ms Birston,  
29 that you never saw any signatures on the consignment papers, yes

1 or no?

2 A. I told them that I saw Cisse Musa's signature.

3 Q. Let us look, please, at page 5 of tab 2 about one third of  
4 the way down the page, interestingly against the number 27 in the

15:25:13 5 margin, and if you go back to page 5 of tab 1 where the  
6 consignment papers and signatures are mentioned is in paragraph  
7 27 if that helps to jog your memory that you were being asked  
8 about the contents of paragraph 27. In handwriting there it  
9 says, "Witness never saw signatures on the consignment papers."

15:25:36 10 Do you want to reconsider your answer that you saw Musa Cisse's  
11 signature, but not Charles Taylor's or Yeachen's?

12 A. You cannot drag me into saying what I don't know about.

13 What I know about is what I am telling you and what I saw.

14 Q. Tab 3, please, page 6. This is when Shyamala is prepping

15:26:31 15 you about three weeks ago. Paragraph 35 at the foot of the page:

16 "The witness states that the consignment papers had the  
17 signatures of Benjamin Yeaten and Musa Cisse only. It is not  
18 correct that the signature of Charles Taylor was on the  
19 consignment papers as stated in paragraph 27 dated March 24, 2006  
15:27:05 20 ..."

21 Did you tell Shyamala that?

22 A. Yes, I told her that I did not see Charles Taylor's  
23 signature.

24 Q. Did you tell her that you saw the signature of Benjamin

15:27:24 25 Yeaten and Musa Cisse?

26 A. I said Musa Cisse, Musa Cisse's signature, because her  
27 title was indicated at the bottom of the paper underneath which  
28 he signed.

29 Q. Are you avoiding my question? Did you tell her - hold on.

1 Did you tell her that you saw the signature of Benjamin Yeaten  
2 and Musa Cisse?

3 MR KOUMJIAN: Counsel asked one question and the witness  
4 attempted to answer and then another question was interposed,  
15:28:03 5 "Are you avoiding my question?", and then he started his answer  
6 before it was withdrawn I guess. If the question is withdrawn,  
7 that is fine.

8 MR MUNYARD:

9 Q. Did you tell her that you saw Benjamin Yeaten's signature  
15:28:18 10 on those documents?

11 A. I said I saw Musa Cisse's signature on the document.

12 PRESIDING JUDGE: I thought I heard the witness say,  
13 "I told her." Mr Interpreter, did the witness say the words  
14 "I told her"?

15:28:39 15 THE INTERPRETER: Your Honours, the witness is referring to  
16 a gender that appears to be male. I don't know whether he is not  
17 listening well to the question. I can't tell.

18 PRESIDING JUDGE: Well in the circumstances, in the light  
19 of what the interpreter says, please put the question again,  
15:28:53 20 Mr Munyard.

21 MR MUNYARD:

22 Q. Did you tell Shyamala that you saw the signature of  
23 Benjamin Yeaten on the consignment papers; that is to say the  
24 documents that went with the consignment you were taking to  
15:29:08 25 Buedu?

26 A. I told her that I saw Musa Cisse's signature because his  
27 title was at the bottom of the document.

28 PRESIDING JUDGE: That is not the exact answer - question  
29 that was asked, Mr Witness. The question refers to Mr Yeaten's

1 signature on the consignment papers. Did you tell Shyamala that  
2 you saw that signature?

3 THE WITNESS: No.

4 MR MUNYARD:

15:29:50 5 Q. Did she read this back to you?

6 A. No.

7 Q. Are you quite sure about that?

8 A. Yes.

15:30:30 9 Q. Why is it, can you help us, that on the way to Buedu Sam  
10 Bockarie threatened to kill you?

11 A. He knew the reason best. I don't know why.

12 Q. Had you done anything to justify his anger and desire to  
13 kill you?

15:31:04 14 A. He addressed me as "We, the SLA". That means he was  
15 referring to the other SLAs, because at that time I don't think  
16 I did anything to him.

17 Q. Had anybody told Sam Bockarie not to kill you on this  
18 particular journey?

19 A. Yes.

15:31:32 20 Q. Who was that?

21 A. Not just one person: Colonel Sampson, Colonel Jungle and  
22 his bodyguards. I am talking about JR and Major Foday.

23 Q. Well, what was the reason that Sam Bockarie gave? If any  
24 of this is at all true, what was the reason he gave for wanting  
15:32:01 25 to kill you?

26 A. He said the SLAs were not working well with him.

27 Q. And therefore you should be shot, is that what you are  
28 saying?

29 A. Well, that was what he thought. He had his reason. That

1 was what he thought, but I know that nothing had happened.

2 Q. And the next thing you end up in an underground dungeon  
3 with a group of other people, is that right?

4 A. Yes.

15:32:40 5 Q. But between him threatening to kill you and locking you up  
6 in the dungeon he was actually in a good frame of mind, wasn't  
7 he?

8 A. Well I didn't know why he did that, but I knew I had a  
9 clear conscience that I had not done anything wrong. I don't  
15:33:14 10 know whether that was part of his procedures whether that was  
11 what he used to do.

12 Q. Mr Witness, did any of this make any sense to you? You  
13 have just done the movement a great service, you have identified  
14 ammunition for them, you have been promised an increase in rank  
15:33:30 15 from one star to two or three star general and 20,000 dollars and  
16 the next thing Sam Bockarie is about to shoot you dead until he  
17 is dissuaded from doing so. He then cheers up, you get to Buedu  
18 and he locks you up in an underground dungeon. Did any of that  
19 make any sense whatever to you?

15:34:01 20 A. That was his feeling. I cannot tell. I would not tell  
21 what he thought.

22 Q. When you are interviewed you say that it was tape recorded,  
23 yes?

24 A. Yes.

15:34:21 25 Q. Sorry, I mean interviewed by these people including - in  
26 the presence of Johnny Paul I think you said, is that right?  
27 Have I got that right?

28 A. Yes, that was in Kangama.

29 Q. You didn't tell the investigators in March 2006 when you

1 were telling them about this that this interview was tape  
2 recorded, did you?

3 A. I told them that.

15:34:58

4 Q. We will look at what you told them about that at tab 1,  
5 page 6, please, paragraphs - well this whole story starts at  
6 paragraph 29, but I am just going to summarise the paragraphs  
7 preceding 32. At 29 Sam Bockarie becomes annoyed and accuses you  
8 of collaborating and took out his revolver and cocked it and then  
9 others intervene and save your life, is that right? You told  
10 them that, did you?

15:35:39

11 A. Yes.

12 Q. Paragraph 30:

15:35:50

13 "Foday Sankoh was interviewed that day by the BBC and [Sam  
14 Bockarie] was in a good frame of mind after listening to the  
15 interview they departed to Buedu."

16 Did you tell them that?

17 A. Yes, I told them that.

15:36:08

18 Q. On arrival Sam Bockarie orders you to be taken to a holding  
19 area dug in the ground with other people. Did you tell them  
20 that?

21 A. Yes, I told them that.

22 Q. At paragraph 30 you are in the hole for four days and then  
23 eventually taken out of the hole?

24 A. Yes.

15:36:20

25 Q. Just tell us this. What happened to these belongings of  
26 yours while you were in this hole in the ground? All your pairs  
27 of trousers, including the one that happened to have the  
28 photograph in it, where are all of they?

29 A. I told you that the bag which I brought in which they were

1 I took everything and gave them to the MP commander, and even the  
2 clothes I had on I was asked to take them off and I took them off  
3 and gave them to them and after I was taken out they gave me back  
4 my clothes.

15:37:03 5 Q. Were you wearing the trousers with the photograph in when  
6 you were stripped and they were taken off you?

7 A. That was not the trousers I had on. I told you I had  
8 packed them. They were in the other bag that I had in my hand  
9 when I came, so I handed them over to the MP commander. He did  
10 not even search the bag. He gave it back to me, just the same  
11 way I gave it back to him, and the clothes I had on, and he asked  
12 me to wear them again.

13 Q. How do you know that you were wearing the trousers with the  
14 photograph in if it was only by chance later on when you handed  
15 them over for being looked after that the photograph fell out?

16 A. As I told you, that trousers was one of the four pairs of  
17 trousers that I had in the bag that I had which he asked me to  
18 hand over to the MP commander. He did not open the bag until  
19 when I took the bag again and those were not the trousers and  
20 shirts that I had on when I entered. It was always packed,  
21 folded.

22 Q. Folded?

23 A. Wrapped.

24 Q. The trousers were folded, were they? Were they?

15:38:45 25 A. Yes. What I meant by fold, I am not talking that - saying  
26 that it was rough. Like when you are packing your pants, it was  
27 not rough.

28 Q. I think you have got the point that I'm aiming at. Was the  
29 photograph creased in the course of all of these months and years



1 of it going around from Liberia to Sierra Leone via Buedu and the  
2 jungle and the rainy season and the rest of it?

3 A. As I told you, when we came from Kangama and came back he  
4 handed me over to Major Victor. It was only when I was at Major  
15:39:43 5 Victor's peacefully - because at that time I had fever. I was on  
6 medication and I was taking all the things that were there, those  
7 that were not clean, because I wanted them to be cleaned. That  
8 was when I saw the photo. So I took it and I put it in a book  
9 that I was reading - that I used to read.

15:40:02 10 Q. Paragraph 32, please:

11 "Was welcomed by JPK and met and discussed his situation  
12 with him. SB explained the intelligence they had received but he  
13 was defended by Johnny Paul Koroma who stated that he had been  
14 one of his officers. Johnny Paul Koroma and Sam Bockarie left  
15:40:19 15 the group and had a private conversation at that time. After the  
16 meeting they returned to Buedu and was turned over to Victor  
17 Kemoh and able to reside freely within the RUF HQ."

18 No mention of a tape recording of your discussions with  
19 Johnny Paul and Sam Bockarie in there, is there?

15:40:45 20 A. It was not only my discussion with Sam. The entire meeting  
21 was recorded. When tape was handed over to Colonel Jungle he  
22 said he was going to take it back to Liberia to His Excellency.

23 Q. The tape recording is only mentioned as recently as last  
24 Friday, I suggest. Do you agree?

15:41:10 25 A. I had told them that long ago because what I am telling  
26 this Court is exactly what happened. I see no reason to make up  
27 stories.

28 Q. At paragraph 33: "Two months passed and he moved to Kono,  
29 headquarters for Issa Sesay, and remained there for approximately

1 two to three months." Did you tell them that?

2 A. It is not two months. It was not up to two months.

3 Q. "Two to three" is what I read and what's written there.

4 Did you tell them that?

15:41:49 5 A. It was weeks, not two months. Not two to three months.

6 PRESIDING JUDGE: Mr Witness, did you tell the office of --

7 THE WITNESS: No, my Lord.

8 MR MUNYARD:

9 Q. What did you tell them that they have failed to put in  
15:42:05 10 there?

11 A. I told them that after three weeks when I was in Buedu  
12 Mosqui to promoted me and he himself signed it as the chief of  
13 defence staff before telling me that we were to move to Pendembu  
14 where we went and made the ferry.

15:42:32 15 Q. And are you saying that you told them all of this and they  
16 failed to put it in in this interview in March 2006?

17 A. That was what I told them. I don't know if it was a  
18 mistake, but I don't think I should tell a lie on them. I told  
19 them exactly what I went through. Maybe they made a mistake.

15:43:02 20 Q. "The infighting started at that time between the SLA and  
21 the RUF at Makeni." Did you tell them that?

22 A. I told them that, but it was not like that. That is not  
23 the way I said it.

24 Q. And, due to mounting pressure, one day you fled and made  
15:43:29 25 your way to an ECOMOG camp at Mile 91 and turned yourself in to  
26 them for your own safety. Did you tell them that?

27 A. Yes, I told them that.

28 Q. What date was that when you handed yourself in to the  
29 ECOMOG camp at Mile 91? Either a date if you have got a specific

1 recollection, or a month and certainly a year, please?

2 A. I can't recall the particular date, but I know it was after  
3 the Lome Peace Accord had been signed in 1999.

4 Q. Are you quite sure about that?

15:44:19 5 A. Yes, my Lord.

6 Q. Tab 2, please, page 5. This is the prepping session last  
7 August with Mr Koumjian and Ms Birston and against paragraph 33,  
8 which is the number that we see in the left-hand margin, is as  
9 follows: "98 dry season before rains." Was that when you went

15:45:11 10 to Kono and remained there for some time, in '98 in the dry  
11 season before the rains?

12 A. This is not very clear. It was just after the Lome Peace  
13 Accord was signed that I moved - I joined Issa to Kono.

14 Q. Did you tell the Prosecutors that it was in 1998 in the dry  
15:45:43 15 season before the rains that you went to Kono?

16 A. No, I did not give them any specific year. They did not  
17 ask me for that, but I know that it was after the last operation  
18 in Daru, two days after the Lome Peace Accord was signed.

19 Q. Can you think of any reason why "98 dry season before  
15:46:18 20 rains" is written down against the paragraph number reference 33  
21 of your original statement?

22 A. I did not give them any date. I am not saying it is not in  
23 my statement, but I know it was after the peace accord 1999 that  
24 I went to Kono and I can recall that the last operation in the  
15:46:51 25 east that we launched was in Daru before the Lome Peace Accord  
26 was signed.

27 Q. Mr Witness, you gave us a certain amount of evidence about  
28 the 40 barrel gun. Whatever happened to the 40 barrel gun?

29 A. As I told you, we did not use that 40 barrel gun. It was

1 there right up to the disarmament in Manowa.

2 Q. Was it ever destroyed by gunship fire causing the loss of  
3 life of people working on it?

15:47:51

4 A. It was not the gunship. It was the jet. It dropped a bomb  
5 around where the 40 barrel was parked in Manowa. It was the  
6 Alpha Jet that dropped cluster bombs, not the gunship.

7 Q. I may have got the wrong kind of weapon. Why didn't you  
8 tell us in your earlier evidence that the 40 barrel was destroyed  
9 by the Alpha Jet dropping cluster bombs on it?

15:48:22

10 A. It did not destroy it. It did not destroy it. It dropped  
11 a cluster bomb around there. It was the cluster bomb that killed  
12 some of the people who were around, but later during the  
13 disarmament we used it to disarm. ECOMOG ended up taking it.

15:48:48

14 Q. Has somebody told you that this Court has had evidence  
15 about the Alpha Jet attack on the 40 barrel gun?

16 A. It was not the 40 barrel gun that the Alpha Jet attacked  
17 because it was not used. I said people were around the crossing  
18 point. It was there that the Alpha Jet dropped the cluster bomb.

15:49:19

19 Q. Mr Witness, the stories that you have been telling this  
20 Court in your evidence are a tissue of fantasy and lies for the  
21 most part, aren't they?

22 A. I don't think you are right - you have the right to tell me  
23 that.

24 MR MUNYARD: I have no other questions for this witness.

15:49:37

25 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Koumjian,  
26 re-examination?

27 MR KOUMJIAN: Yes, your Honour. Just before I begin I will  
28 ask my colleagues to send a note to have the Prosecutor with the  
29 next witness available to come in should I finish the redirect.

1 PRESIDING JUDGE: Yes, thank you.

2 RE-EXAMINATION BY MR KOUMJIAN:

3 Q. Sir, I see it is now about 10 minutes before 4 o'clock and  
4 I believe you started your testimony on Tuesday a little bit  
15:50:09 5 later than this, which means that you have testified for about 10  
6 and a half hours not counting the breaks --

7 MR MUNYARD: Is this a speech or is it redirect, or what we  
8 would call re-examination?

9 PRESIDING JUDGE: I think I will allow counsel to put his  
15:50:28 10 question. Continue your question, Mr Koumjian.

11 MR KOUMJIAN:

12 Q. Sir, in these 10 and a half hours that you have discussed  
13 the details of what happened to you in the course of the war and  
14 particularly your time in Liberia, in any of the other sessions  
15:50:44 15 that you had with representatives of the Office of the Prosecutor  
16 did you spend this amount of time and go over in these details  
17 the events that happened to you?

18 A. No, my Lord.

19 Q. You indicated that you spoke to investigator Birston and  
15:51:07 20 myself last year and you said it was at your place of employment.  
21 Without saying where that is, were you working at that time? Was  
22 that during your working hours?

23 A. Yes, my Lord.

24 Q. Did that interview take place in an office?

15:51:28 25 A. It was at one time, but it was in the vehicle that they  
26 went with.

27 Q. No, I am asking about when you spoke to myself last year.  
28 Do you recall where the location was - with myself and a lady,  
29 you said. Do you recall - without saying where it is - just the

1 type of place? I am asking you if it was an office.

2 A. It was an office area, yes.

3 Q. Sir, you spent some time in Liberia. Do Liberians  
4 pronounce words the same as people from Sierra Leone?

15:52:19 5 A. Not in all cases.

6 Q. You have given us, sir, a couple of different answers about  
7 when the flight occurred. One of the judges asked you yesterday  
8 to give the month and date if you could that the flight occurred  
9 and I could find that if it's necessary, but it was yesterday,

15:53:01 10 and you said around March of 1999. You were asked was it 1999 or  
11 was it 2000 and you said 1999. Today you have said 1998.

12 A. It was in 1999. 1999.

13 THE INTERPRETER: Your Honours, can the witness repeat  
14 that.

15:53:28 15 PRESIDING JUDGE: Please repeat your answer for the  
16 interpreter, Mr Witness.

17 THE WITNESS: It was in 1999.

18 PRESIDING JUDGE: You said something else the interpreter  
19 didn't hear.

15:53:43 20 MR KOUMJIAN: I heard it.

21 THE INTERPRETER: Your Honours, the witness said something  
22 that could mean "I was stressed" and it could also mean  
23 "I emphasised", "I was stressing on it", so I don't know what he  
24 meant.

15:53:57 25 MR KOUMJIAN: Thank you:

26 Q. Sir, do you actually remember hearing a radio broadcast of  
27 what you called the 6 January incident?

28 A. Yes, my Lord.

29 Q. Are you certain that you heard that?

1 A. Yes, my Lord.

2 Q. In what country were you when you heard about that  
3 broadcast where you said Sam Bockarie was speaking?

4 A. It was in Liberia.

15:54:28 5 Q. Sir, for you at that time did those events - were they of  
6 interest to you, what you call the 6 January incident?

7 A. Yes, because it is my country.

8 Q. Can you remember actually the place that you were at when  
9 you heard that broadcast?

15:54:52 10 A. I was in Dualla in Liberia. I had not joined Matilda yet.

11 Q. Sir, are you - your arrest by Zigzag Marzah and when you  
12 were taken to the house of Benjamin, was that before or after you  
13 heard this broadcast?

14 A. It was after. That was after 6 January.

15:55:28 15 Q. Sir, do you recall hearing - the first time you heard that  
16 the Lome Peace Accord was signed?

17 A. It was in 1999 after the last attempt that we made to  
18 dislodge ECOMOG from Daru. It was two days after that that Foday  
19 Sankoh came on the air and said that everybody that was under his  
20 command should cease fire and stop all hostilities.

15:56:04 21 Q. My question, sir, is how you heard that. Did somebody tell  
22 you, did you hear it on the radio, did someone tell you and then  
23 you turned on the radio? How do you recall first hearing about  
24 that?

15:56:24 25 A. It was Issa who told us, Issa Sesay, with the radio  
26 operator, because the radio operator was communicating with Foday  
27 Sankoh directly from Lome.

28 Q. Can you tell us did the fact that the Lome Peace Accord was  
29 signed, did that have any significance to you?

1 A. Yes, my Lord, because I particularly was now fed up with  
2 the situation because all of us wanted peace so we could join our  
3 families and rest.

4 Q. Let me ask you, sir, which do you feel you are better at  
15:57:17 5 recalling, dates or important events?

6 A. I can remember important events that happened. I cannot  
7 recall specific dates.

8 Q. Where were you when Issa Sesay told you about Lome?

9 A. It was in Segbwema.

15:57:48 10 Q. In Sierra Leone?

11 A. In Segbwema, Sierra Leone.

12 Q. So, sir, my next question for you is the trip that you have  
13 talked to us about over the last several days to Burkina Faso,  
14 was that before or after the Lome Accord was signed?

15:58:06 15 A. It was before the Lome Peace Accord. I had left Liberia.  
16 I was in Sierra Leone when the Lome Peace Accord was signed.

17 MR KOUMJIAN: Thank you, your Honours. I don't have any  
18 further questions.

19 PRESIDING JUDGE: Thank you, Mr Koumjian. Thank you,  
15:58:40 20 Mr Witness, that is the end of your evidence. We thank you for  
21 coming here to the Court to give your evidence and we wish you a  
22 safe journey back. Please sit where you are until the blinds are  
23 lowered to allow you to leave the Court.

24 Mr Koumjian, I have just been reminded have you any  
15:59:03 25 applications?

26 MR KOUMJIAN: Thank you, your Honours. Yes, the  
27 Prosecution moves in the items that were marked for  
28 identification. The first I believe was the item on tab 1.  
29 I believe it is MFI-16.



1 PRESIDING JUDGE: Mr Munyard?

2 MR MUNYARD: Given the evidence then I don't feel I can  
3 object, because the witness puts this forward as an exhibit that  
4 he has had for many, many years until it got lost and obviously  
15:59:45 5 it will be a matter of the weight to be attached to it. While  
6 I am on my feet, in relation to the photograph of the man with  
7 golden hair and a beard, again the witness purports to identify  
8 these two gentlemen. I don't know if he is saying they are  
9 Russians, or Ukrainians, but for the same reasons I don't object,  
16:00:12 10 but I make the comment that it is a matter for the Court whether  
11 it attaches any weight at all to any of those.

12 PRESIDING JUDGE: Thank you for that, Mr Munyard. There  
13 would appear to be no objection. Accordingly, I will mark them  
14 as Prosecution exhibits MFI-16, a one page document, a photograph  
16:00:33 15 of a mutilated dead female body.

16 MS IRURA: P-137, your Honour.

17 PRESIDING JUDGE: Thank you. It becomes Prosecution  
18 exhibit P-137.

19 [Exhibit P-137 admitted]

16:00:47 20 And a one page document showing two males and other persons  
21 in the background becomes Prosecution exhibit P-138.

22 [Exhibit P-138 admitted]

23 I may now release the witness?

24 MR KOU MJIAN: Yes, thank you very much, your Honours. Just  
16:01:12 25 for the record, if there is any doubt the Prosecution did move  
26 that second exhibit into evidence.

27 PRESIDING JUDGE: You did say it in the plural,  
28 Mr Koumjian. [Microphone not activated].

29 MR GRIFFITHS: Madam President, when the blinds are raised

1 I wonder if I could raise an administrative matter regarding the  
2 accused and tomorrow's proceedings with the Court, please?

3 PRESIDING JUDGE: Certainly. I was going to direct that we  
4 go into open session and as soon as that is done, Mr Griffiths,  
16:03:07 5 we will deal with your - any matters you wish to raise.

6 MR GRIFFITHS: I am most grateful.

7 PRESIDING JUDGE: And just before - we will go into open  
8 session before I note the changes of appearance. I have just  
9 been reminded that we have in actual fact been in open session,  
16:03:39 10 but I had in mind these blinds that were behind the witness and  
11 so if they can all be lifted, please.

12 MR KOU MJIAN: And, your Honours, if Mr Bangura and myself  
13 we could simply switch places? He will be leading the next  
14 witness.

15 PRESIDING JUDGE: Yes, please do so. I will just take the  
16 change of appearance, Mr Griffiths, and then I will invite you to  
17 deal with whichever procedural matter you wish to deal with.

18 Mr Bangura, I note a change of appearance.

19 MR BANGURA: May it please your Honours, for the  
16:04:41 20 Prosecution at this time is: Mr Nicholas Koumjian; myself,  
21 Mohamed Bangura; Chris Santora; and Kirsten Keith. Thank you,  
22 your Honours.

23 PRESIDING JUDGE: Now, Mr Griffiths, please proceed with  
24 the matter you wish to raise.

16:05:02 25 MR GRIFFITHS: Madam President, yes. If I can precede my  
26 application by explaining a little history. During the recent  
27 recess of the Court the particular floor in the United Nations  
28 detention facility at Scheveningen where the accused is currently  
29 being housed, that floor was vacated for renovation purposes and

1 the accused was moved to another level within the facility. He  
2 is now being moved back over the course of today and tomorrow  
3 back to the original accommodation that he was enjoying before  
4 the recess, which involves among other things him moving 50 odd  
16:05:52 5 thousand pages of documentation.

6 Consequently our application is that he be excused from  
7 attending at court tomorrow in order for him to facilitate that  
8 move, bearing in mind firstly that he is quite happy for the  
9 proceedings to continue in his absence tomorrow and, secondly,  
16:06:14 10 that for religious reasons he is not prepared to work on a  
11 Saturday. So that is the application, your Honours.

12 PRESIDING JUDGE: Thank you. This is a Defence  
13 application. I will take it that the Prosecution do not have a  
14 comment on it?

16:06:35 15 MR BANGURA: Your Honours, we are entirely in the hands of  
16 your Lordships on this matter.

17 [Trial Chamber conferred]

18 PRESIDING JUDGE: We note the application and the  
19 application is granted pursuant to Rule 60B of the rules of  
16:07:21 20 procedure and evidence. We note the accused is represented by  
21 counsel of his choice and has waived his right to be present  
22 during tomorrow morning's session. It is a half day only.

23 MR GRIFFITHS: I am grateful, your Honours.

24 PRESIDING JUDGE: If there are no other matters, I will ask  
16:07:40 25 the Prosecution to proceed with their next witness.

26 MR BANGURA: Thank you, your Honour. The Prosecution calls  
27 witness TF1-590. Your Honours, this is a witness who is  
28 protected by measures ordered by this Court and specifically he  
29 is - he will be testifying with a screen and with facial

1 distortion. He will testify in English.

2 PRESIDING JUDGE: Just for purposes of record, would you -  
3 what was the date of that relevant order?

16:08:35

4 MR BANGURA: Your Honours, the order granting him those  
5 measures is dated 7 May 2008.

6 JUDGE SEBUTINDE: Is it only facial distortion?

7 MR BANGURA: Your Honours, it is a screen and facial  
8 distortion, image distortion.

9 JUDGE SEBUTINDE: But not voice distortion?

16:08:54

10 MR BANGURA: Not voice.

11 PRESIDING JUDGE: Thank you, Mr Bangura. I will ask that  
12 that be put in place and that the screens be lowered before the  
13 witness comes in. Mr Griffiths, you are on your feet.

16:09:11

14 MR GRIFFITHS: I don't have any observations to make, your  
15 Honour.

16 PRESIDING JUDGE: Very well. I will explain to members of  
17 the public that the entire screens will be lowered temporarily  
18 while the next witness who has protective measures in place is  
19 brought in and put into the witness's chair. Then the side  
20 screens will be put up again. If that can be done, please.

16:09:34

21 I should add that that is for purposes of security of the  
22 witness.

23 WITNESS: TF1-590 [Sworn]

24 EXAMINATION-IN-CHIEF BY MR BANGURA:

16:13:19

25 Q. Good afternoon, Mr Witness.

26 A. Good afternoon, sir.

27 Q. Now, I will be asking you some questions in the course of  
28 this examination to which I expect you to give your answers.

29 I will ask that when you answer the questions you try not to

1 speak too fast so that what you say is recorded and interpreted,  
2 okay?

3 A. Yes, sir.

16:14:09

4 Q. Can you tell the Court when you were born, your date of  
5 birth, please?

6 A. 26 February 1972.

7 Q. And could you try and speak a little louder?

8 A. 26 February 1972.

16:14:30

9 JUDGE SEBUTINDE: Mr Bangura, I was just wondering, it has  
10 been the practice for the Court to actually put the name of the  
11 witness on the record in a private session. This is for purposes  
12 of future reference of who he actually is.

16:14:54

13 MR BANGURA: I agree, your Honour. I think that has been  
14 the procedure. In that case, your Honour, may I respectfully ask  
15 that certain details, not just perhaps his name - again this is a  
16 point that I was going to raise at some stage; the names of  
17 persons that may come up in his testimony which would clearly  
18 have the effect of identifying his personality and perhaps we may  
19 have to at some stage either get into a closed session situation  
20 where those names are mentioned, or we may have to deal with them  
21 in some other way that we are more familiar with, but these are -  
22 we are not talking of just one name and they may be coming up as  
23 he testifies.

16:15:28

24 PRESIDING JUDGE: We will deal with those as they arise,  
25 Mr Bangura. For example, in the past we have had things written  
26 down, but they would be more approximately dealt with as they  
27 arise. As Justice Sebutinde said I think you are now dealing  
28 with the personal details of the witness.

16:15:48

29 MR BANGURA: Thank you, your Honour.

1 MR GRIFFITHS: Your Honour, I would just like to clarify  
2 something because a moment ago my learned friend indicated that  
3 the order made by this Court in regard to protective measures was  
4 limited to screen and facial distortion and I wonder if I can  
16:16:22 5 have sight of the order to see whether it extends to anonymity.

6 PRESIDING JUDGE: I think you will find there is an earlier  
7 order, but let Prosecution answer the question, or answer the -  
8 Mr Bangura?

9 MR BANGURA: Yes, your Honour, thank you. As your Honour  
16:16:46 10 rightly pointed out, there had been an earlier order for  
11 protective measures and that granted the witness the anonymity  
12 that my learned friend on the other side has mentioned. As of  
13 that date he was entitled to be referred to only by a pseudonym  
14 and that continued until the further application was made from  
16:17:15 15 which we had the order that I cited. That is 7 May. The orders  
16 granted on 7 May were additional protective measures, additional  
17 to what had been granted before on 7 December 2007. I hope that  
18 clarifies the position, your Honour.

19 JUDGE SEBUTINDE: Mr Bangura, my point still remains. We  
16:17:44 20 need to keep a record that actually shows who these people are  
21 for the Court's own benefit and this we normally have done by way  
22 of a private session.

23 MR BANGURA: Unless I was not clear on that, but may  
24 I again ask your Honours that we respectfully move into private  
16:18:05 25 session so that this information be elicited from the witness.

26 PRESIDING JUDGE: Mr Griffiths, I take it you now have  
27 familiarised yourself with the order in question?

28 MR GRIFFITHS: I have not had an opportunity of  
29 familiarising myself with the particular orders in question,

1 Madam President, but I am quite happy to accept my learned  
2 friend's word that those orders are in place and so that we can  
3 proceed.

4 PRESIDING JUDGE: Thank you. In that case we will direct  
16:18:43 5 that we go into private session temporarily. I will explain to  
6 those members of the public that may be present in the Court and  
7 for record that this is a protected witness, certain protections  
8 are in place, including protection that he be known by a  
9 pseudonym, so whilst personal details for court records are being  
16:19:05 10 given it will be done without any sound being broadcast. Please  
11 put the Court into private session.

12

13 [At this point in the proceedings, a portion of  
14 the transcript, pages 11730 to 11731, was  
15 extracted and sealed under separate cover, as  
16 the proceeding was heard in private session.]

17

18

19

20

21

22

23

24

25

26

27

28

29

1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: Please proceed.

4 MR BANGURA:

16:22:27 5 Q. Mr Witness, can you tell the Court your level of education?

6 A. Yes, sir. I have primary, I have secondary and I have  
7 university education, sir.

8 Q. Thank you. Do you recall the month of February 1998?

9 A. Yes, sir.

16:22:50 10 Q. Now, in the early part of that month where were you?

11 A. I was in Kenema, Sierra Leone.

12 Q. At this time in Kenema what were you doing?

13 A. I was a businessman in Sierra Leone, Kenema, sir.

14 Q. And were you living alone?

16:23:19 15 A. I was living with my family.

16 Q. Do you recall about the middle of that month, middle of  
17 February 1998?

18 A. Yes, sir, I do.

19 Q. Did anything happen in Kenema that you recall now?

16:23:40 20 A. Yes, sir.

21 Q. What do you recall?

22 A. On 15 February 1998 I was in Kenema and there was a firing,  
23 rumours of war and on that day me and my wife and my brothers  
24 left Kenema to Mano junction, from Mano junction to Segbwema and  
16:24:15 25 from Segbwema and then to Daru.

26 MR BANGURA: Your Honours, spellings are Mano junction Mano  
27 is M-A-N-O, Segbwema I believe has been spelt before and Daru as  
28 well.

29 PRESIDING JUDGE: Yes.



1 MR BANGURA:

2 Q. Now, you said that there was firing and there were rumours  
3 of war. What exactly were those rumours?

16:24:50

4 A. Well on that day, sir, we heard there were Kamajors and the  
5 Nigerian or ECOMOG forces advancing towards Kenema and the whole  
6 city was in - was on alert because the rebels and the AFRC  
7 soldiers were firing guns, people were running up and down and so  
8 we all left the town, sir.

9 Q. Now, you said the rebels and the AFRC were firing guns.

16:25:19

10 Who were the rebels, first of all?

11 A. The RUF, sir. The RUF, because we usually call them rebels  
12 in Sierra Leone, and the AFRC.

13 Q. And who were the AFRC?

16:25:44

14 A. The AFRC were the soldiers that - the Armed Forces  
15 Revolutionary Council soldiers, or army former SLA, or something,  
16 sir.

17 Q. Now, you said that the rumours were that ECOMOG and the  
18 Kamajors - I hope I had you rightly?

19 A. Yes, sir.

16:25:59

20 Q. Were coming and you have mentioned the RUF and the AFRC.  
21 Where were the RUF and the AFRC?

22 A. By then the RUF and the AFRC were in Kenema. They were in  
23 control of Kenema, sir. The ECOMOG or the intervention forces  
24 and the Kamajors were not in Kenema, but they were advancing  
25 towards Kenema. So this was the war that should have happened,  
26 hence the advance towards Kenema, sir.

16:26:26

27 Q. Now you said you moved to Mano junction, Segbwema and then  
28 to Daru. Did you go beyond Daru?

29 A. Yes, sir.

1 Q. Where did you go from Daru?

2 A. From Daru I went towards Bomaru, me and my wife and my  
3 brothers, but then my wife was pregnant. She was seven months  
4 pregnant. From Bomaru we went through the Liberian border across

16:27:13 5 then to Vahun --

6 Q. Okay.

7 A. -- which was the first town.

8 MR BANGURA: Your Honours, Bomaru I believe has been spelt  
9 as well.

16:27:25 10 PRESIDING JUDGE: Yes, it has.

11 MR BANGURA:

12 Q. Now, you said you were with your wife and your brothers.  
13 Were there any other people moving along that route apart from  
14 you and your family?

16:27:39 15 A. Yes, sir, there were thousands of people fleeing the war  
16 from Kenema and the surroundings. Thousands of refugees. I was  
17 with a woman we met in Daru whose name was Aunty I knew, that was  
18 the only name I knew for her, and her husband, and there were  
19 thousands of people - refugees - fleeing the war.

16:28:04 20 Q. And in what direction were these people going?

21 A. People were going towards Liberia.

22 Q. Now, you said you got to Bomaru and then across the border  
23 into Liberia?

24 A. Yes, sir.

16:28:18 25 Q. Now when you got to Bomaru, what was the situation there?

26 A. The situation was chaotic in Bomaru, sir, and there were  
27 RUF and the AFRC soldiers. They had checkpoint there in Bomaru.  
28 Nobody could go through the checkpoint without proper  
29 inspections.

1 Q. Now, just before you continue --

2 PRESIDING JUDGE: This may have to be your last question,  
3 Mr Bangura. We have been alerted that there is only about a  
4 minute - less than a minute left on the tape.

16:28:49 5 MR BANGURA:

6 Q. Just to clarify, I asked you what was the situation in  
7 Bomaru and you said the situation was - the word you used to  
8 describe the situation didn't come out very clearly. Can you  
9 just say again what the situation was?

16:29:02 10 A. There was chaos in Bomaru, sir. People everywhere. It was  
11 terrible there.

12 MR BANGURA: That will do, your Honours.

13 PRESIDING JUDGE: Thank you, Mr Bangura.

14 Mr Witness, it is now 4.30. That is the time that we  
16:29:22 15 normally finish for today. We will be starting court again  
16 tomorrow at 9.30. Now that you have taken the oath, I must tell  
17 you that you are not to discuss your evidence with any other  
18 person until all of your testimony is finished. You understand?

19 THE WITNESS: Yes, ma'am, I do.

16:29:40 20 PRESIDING JUDGE: Very good. Please adjourn court until  
21 9.30 tomorrow.

22 [Whereupon the hearing adjourned at 4.30 p.m.  
23 to be reconvened on Friday, 13 June 2008 at  
24 9.30 a.m.]

25

26

27

28

29

## I N D E X

### WITNESSES FOR THE PROSECUTION:

TF1-539	11612
CROSS-EXAMINATION BY MR MUNYARD	11612
RE-EXAMINATION BY MR KOUMJIAN	11719
TF1-590	11726
EXAMINATION-IN-CHIEF BY MR BANGURA	11726

### EXHIBITS:

Exhibit P-137 admitted	11723
Exhibit P-138 admitted	11723