



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 14 NOVEMBER 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 Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah
Mr Michael Walker

1 Friday, 14 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:11 5 PRESIDING JUDGE: Good morning. Good morning, Ms Hollis.
6 Appearances, please.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. For the Prosecution this morning are Maja
9 Dimitrova and myself, Brenda J Hollis.

09:29:31 10 PRESIDING JUDGE: Mr Anyah, good morning.

11 MR ANYAH: Yes. Good morning, Madam President, good
12 morning your Honours, good morning counsel opposite. Appearing
13 for the Defence this morning we have Mr Terry Munyard, myself
14 Morris Anyah and Mr Michael Walker. Thank you, Madam President.

09:29:48 15 PRESIDING JUDGE: If there are no other matters I will
16 remind the witness of his oath. Good morning, Mr Witness.

17 THE WITNESS: Good morning, ma'am.

18 PRESIDING JUDGE: I wish to remind you again this morning
19 as I did yesterday that you are under oath; that the oath
09:30:03 20 continues to be binding on you and you must answer questions
21 truthfully. Do you understand?

22 THE WITNESS: Yes, ma'am.

23 PRESIDING JUDGE: Mr Anyah, you have carriage of the
24 cross-examination of this witness?

09:30:19 25 MR ANYAH: Thank you, Madam President:

26 WITNESS: AUGUSTINE S MALLAH: [On former oath]

27 CROSS-EXAMINATION BY MR ANYAH:

28 Q. Good morning, Mr Witness.

29 A. Good morning, sir.

1 Q. You've testified now for two full days before the Chamber,
2 starting on Wednesday 12 November, and with respect to your
3 evidence on Wednesday can I ask you this: Is there anything you
4 told us on Wednesday that was a lie?

09:30:52 5 A. I don't believe so. I spoke the truth.

6 Q. So for the five and a half hours or thereof that you
7 testified on Wednesday, everything you told this Chamber in your
8 view was the truth, yes?

9 A. Yes, sir.

09:31:15 10 Q. And with respect to your evidence yesterday, 13 November,
11 Thursday, is it also the case that you did not tell a single lie
12 under oath?

13 A. Yes, sir.

14 Q. Are you absolutely sure of that, Mr Witness?

09:31:43 15 A. I'm sure of that.

16 Q. You told us on Wednesday that you were captured in 1991.
17 Is that correct?

18 A. Yes, sir.

19 Q. And you told us you were in your village when you were
09:32:05 20 captured, correct?

21 A. Yes, sir.

22 Q. You were captured along with your sisters, true?

23 A. Yes, sir.

24 Q. And by whom were you captured, Mr Witness?

09:32:28 25 A. By Liberians, NPFL and RUF soldiers.

26 Q. How many sisters were you captured with?

27 A. Two of my sisters.

28 Q. One you told us was between seven and eight years of age,
29 correct?

1 A. Yes.

2 Q. And the other one you said was somewhere between 11 and 12,
3 yes?

4 A. Yes.

09:33:13 5 Q. You said you were reunited with the sister that was between
6 11 and 12 when she was captured some nine months later, correct?

7 A. Yes.

8 Q. And then the younger sister you say you've never seen again
9 since she was captured, yes?

09:33:41 10 A. Yes.

11 Q. Now you were with the RUF, on the basis of what you've told
12 us, from 1991, the time of your capture, through disarmament in
13 2002. Is that fair to say, Mr Witness?

14 A. Yes.

09:33:59 15 Q. And you said from 1991 until 1994 you first started out at
16 training at Gisiwulo training base, yes?

17 A. In 1991 was when I was trained, yes.

18 Q. And somewhere by 1994 you had gone to Zogoda, correct?

19 A. Yes.

09:34:34 20 Q. And somewhere in 1996 you went Liberia and then to Ivory
21 Coast with Mike Lamin, yes?

22 A. Yes.

23 Q. And you came back from the Ivory Coast to Liberia and back
24 into Sierra Leone, yes?

09:35:00 25 A. Yes.

26 Q. And from 1997, when the AFRC junta government was in power,
27 you were in Sierra Leone and you stayed there until when,
28 disarmament, Mr Witness?

29 A. Yes, in Sierra Leone throughout, up until the disarmament.

1 Q. So from the time you returned from Liberia to Sierra Leone
2 with Mike Lamin in 1997 during the junta period you remained in
3 Sierra Leone until disarmament. Is that fair to say?

4 A. Yes, I was in Sierra Leone.

09:35:49 5 Q. And disarmament you agree was in January of 2002, correct?

6 A. Yes, it was in 2002, but I don't recall the month. You may
7 be correct.

8 Q. Now in the ten to 11 years you were with the RUF you saw
9 civilians being killed, yes?

09:36:24 10 A. Yes.

11 Q. You yourself participated in the killing of civilians,
12 true?

13 A. Yes.

14 Q. You also killed, you told us, vanguard members of the RUF,
09:36:46 15 yes?

16 A. Yes.

17 Q. While you were in the RUF you heard of women being raped,
18 yes?

19 A. Yes.

09:37:01 20 Q. In fact your sister, 11 to 12 year old that was taken
21 captive, was raped, correct?

22 A. Yes.

23 Q. You heard of people's arms being amputated, yes?

24 A. Yes.

09:37:22 25 Q. You saw people's arms being amputated, did you, Mr Witness?

26 A. Yes.

27 Q. Did you amputate any arms yourself, Mr Witness?

28 A. No, I took an oath here. I did not do it, but I witnessed
29 it.

1 Q. But you shot at civilians and you killed them, yes?

2 A. Yes.

3 Q. Did you ever rape any women in the ten or so years you were
4 with the RUF, Mr Witness?

09:38:09 5 A. Yes.

6 Q. There is a girl by the name of Beatrice that you raped,
7 correct?

8 A. Yes. She was not a girl; she was over 22 years.

9 Q. This woman named Beatrice, let's say she was not a girl,
09:38:40 10 she was a woman, 22 years of age, you raped her, yes?

11 A. Yes, because I did not - I did not pay any bride price for
12 her to her family, so I would refer to that as rape.

13 Q. You captured her when you went to Sierra Rutile, correct?

14 A. Yes.

09:39:08 15 Q. How long did you hold this woman against her will,
16 Beatrice?

17 A. Beatrice was with me from 1995 up to 2000.

18 Q. Mr Witness, you held this woman against her will for five
19 years, correct?

09:39:46 20 A. Yes, for the first time it was against her will, but later
21 she wanted to be with me.

22 Q. So you are telling us that you first capture her against
23 her will, you rape her, you hold onto her for five years and
24 later she wants to be with you. Is that what you're telling us,
09:40:08 25 Mr Witness?

26 A. You know, what I want to say here, raping in the sense --

27 Q. Mr Witness, my question is this: Are you asking us to
28 believe that after capturing this woman, after raping her, after
29 holding her against her will for a period of time she wanted to

1 be with you of her free will? Is that what you're telling us?

2 A. Yes, because she then fell in love with me. Yes.

3 Q. She fell in love with the man who raped her before. That's
4 your evidence, yes?

09:40:59 5 A. Yes, because it was the man who captured her first was the
6 man she was with. Even now she's with the man.

7 Q. So your evidence is another man captured Beatrice first,
8 yes?

9 A. Yes.

09:41:25 10 Q. He was also an RUF fighter, correct?

11 A. Yes. He was a signaller.

12 Q. And what is that man's name?

13 A. We called him Solo and he had a signal name that we used to
14 refer to as Problem.

09:41:57 15 Q. So after Solo captures Beatrice, and it is the case that
16 Solo raped her as well, correct?

17 A. Yes, because I did not witness him paying bride price to
18 her family, so I would refer to that as rape.

19 Q. So after Solo rapes her, after capturing her, you then take
09:42:29 20 over from Solo, correct?

21 A. Yes, because at that time Solo had a problem. He was
22 invited to Zogoda.

23 Q. Yes, you told us yesterday or the day before about women
24 being used as footballs. You remember that, Mr Witness, yes?

09:42:58 25 A. Yes.

26 Q. This lady Beatrice, being bounced around from Solo to you,
27 she was being used like a football, do you agree, Mr Witness?

28 A. Well, because after Solo I was the one. So it was the two
29 of us who used to kick her like a football.

1 Q. Yes, kick her like a football, you say. Did she have any
2 children for you, Mr Witness?

3 A. Yes, she had a girl child for me.

4 Q. Did she have any children for Solo, Mr Witness?

09:43:44 5 A. Yes, they've had two children now.

6 Q. I see. Mr Witness, your sister, the 11 to 12 year old,
7 after you were reunited with her, you said somewhere around the
8 Soro Gbema area, a village in that area, did she stay with you
9 from that point onwards, Mr Witness?

09:44:15 10 A. Yes, she was with me, but I gave her to one of my RUF
11 brothers.

12 Q. Denis K Mannah, yes?

13 A. You are correct.

14 Q. So your sister is captured at 11 to 12, she is raped, you
09:44:33 15 are reunited with her and you gave her away to another RUF
16 soldier named Denis K Mannah, yes?

17 A. Yes.

18 Q. How old was she when you gave her to Denis Mannah?

19 A. She was with me - she was about 14 to 15 years, because it
09:45:04 20 was in 1993. From '91 - it was finally '93 that I gave her to
21 Denis.

22 Q. So in 1991 she's captured, you're reunited with her nine or
23 ten months later and in 1993, two years later, you give her away
24 to a soldier Denis Mannah, yes?

09:45:32 25 A. You are correct.

26 Q. She did not have any choice in that, did she, Mr Witness?

27 A. Well, she used to listen to my advice because I was the
28 only immediate family member with her.

29 Q. This 14 to 15 year old sister of yours, this young woman,

1 this young girl, I listened to you and she had no choice but to
2 obey what you said, yes?

3 A. Correct.

09:46:14 4 Q. And you knew when you were giving her to Denis Mannah that
5 he was going to have sex with her, yes?

6 A. Correct.

7 Q. You knew that in essence you were giving her to him to be
8 his wife, yes?

9 A. Yes.

09:46:36 10 Q. So wrapping up what we've just talked about, it is fair to
11 say, Mr Witness, that as you sit there now you were previously a
12 killer of civilians, yes?

13 A. I was given arms to kill, yes.

14 Q. So you are a killer, yes?

09:47:06 15 A. Yes.

16 Q. And as you sit there now you are a rapist, yes?

17 A. Was.

18 Q. Yes.

19 A. Yes, was. Yes, was.

09:47:23 20 Q. You were a rapist of women against their will, yes?

21 A. Yes.

22 Q. Do you know how many times you have met with the Office of
23 the Prosecutor since your first meeting with them in 2003?

24 A. Yes, many times.

09:48:04 25 MR ANYAH: Madam President, with your permission I would
26 hand out a document prepared for your Honours; first to the usher
27 of the Court and then a copy for everybody including counsel
28 opposite and if I could have one for Mr Taylor. Mr Usher, could
29 you kindly display one copy on the overhead and I could have the

1 rest back, unless the legal officers wish to have one:

2 Q. Mr Witness, the document that you are looking at was
3 prepared on the basis of information given to us,
4 Charles Taylor's Defence, by the Office of the Prosecutor. It
09:49:42 5 documents every date of every meeting you have had with them that
6 we know of and you will see on the left-hand column it says
7 "Number of interviews/meetings". Are you able to see this on the
8 screen you're looking at, Mr Witness?

9 A. Yes.

09:50:12 10 Q. And you can see it clearly, yes?

11 A. Yes, by OTP.

12 Q. Yes.

13 A. Yes.

14 Q. And you have the date of the interview and meeting with the
09:50:27 15 OTP, you have the time, you have the hours and minutes and then
16 there is some additional references on the right-hand column. If
17 you count from number 1 through the end, the next page, we have
18 documents indicating you've met with them 30 times, three zero.
19 Now, did you last meet with them on 11 November, this month, here
09:50:59 20 in The Hague, Mr Witness?

21 A. Yes.

22 Q. Today is the 14th, that was Monday this week, yes?

23 A. Yes.

24 Q. And before Monday this week you had met with them on 30
09:51:21 25 October 2008, on 2 November 2008 and on 3 November 2008, yes?

26 A. Yes.

27 Q. If we go to entry number 1 on the first page, the first
28 time you met with them was on 31 January 2003. Do you agree with
29 that, Mr Witness?

1 A. Yes.

2 Q. And you know they wrote down what you said when you met
3 with them on 30 January - on 31 January 2003. Can I read you
4 some of what you said about the time when you were captured.

09:52:09 5 Mr Witness, here is what you told the Prosecution about when you
6 were captured. I think we have a set of documents for the Court
7 Manager and the Court Usher. Madam President, usually we produce
8 several copies for your Honours and counsel opposite, but the
9 documents are too voluminous, including prior trial transcripts
09:52:36 10 and the like that we simply did not find it fruitful to produce
11 copies for everybody, or efficient rather, but I will go slowly
12 and hopefully we will have it displayed on the overhead as I go
13 through it.

14 PRESIDING JUDGE: Incidentally, Mr Anyah, if there's a need
09:52:57 15 we'll indicate but I've just noticed that there's no - you've put
16 to the witness they met 30 times, but your list has no 27 or 28,
17 so is 30 times a correct number?

18 MR ANYAH: That's an excellent observation, Madam
19 President. The correct number then would necessarily be 28
09:53:20 20 times. I think we have made an arithmetic error in our
21 computation, but it would be 28 times:

22 Q. So, Mr Witness, to be fair to you I will put the question
23 again to you. It is fair to say that between 31 January 2003 and
24 Monday of this week, 11 November 2008, you have met with the
09:53:44 25 Office of the Prosecutor for 28 times, yes?

26 A. Yes.

27 Q. Now your first meeting the Office of the Prosecutor, 31
28 January. Mr Court Usher, the document will be in tab 1 and it
29 will be page 1, the first page of that document: Mr Witness, on

1 31 January you were met by somebody named Joseph Saffa and Morie
2 Lengor of the Office of the Prosecutor, correct?

3 A. Yes.

09:54:49

4 Q. Here is what you told Mr Saffa and Mr Lengor about when you
5 were captured. It reads:

6 "In 1999 I was attending school at the Methodist secondary
7 school Kenema." That's the first sentence. "I had problem
8 paying my school fees. I went to my home town, Potoru, Barri
9 Chiefdom in Pujehun District to cater for my school fees. By
10 then I was in Form 2, the same chiefdom. I was there when the
11 rebels attacked the area sometime in 1994. I was captured
12 together with my two sisters."

09:55:20

13 You have told us in court, Mr Witness, that you were
14 captured in 1991, correct?

09:55:51

15 A. Yes, I was captured in 1991.

16 Q. And you have told us you were taken to Gisiwulo training
17 base, yes?

18 A. Correct.

09:56:12

19 Q. When you first met with the Office of the Prosecutor in
20 January 2003 you said you were captured in 1994. Do you agree,
21 Mr Witness?

22 A. Yes, I said that.

23 Q. In your first interview with the Office of the Prosecutor
24 you never mentioned going to training at Gisiwulo, did you,

09:56:30

25 Mr Witness?

26 A. I did not mention it.

27 Q. Indeed, you told them you went to training at Camp Lion,
28 near the Kenema bypass, correct?

29 A. Yes.

1 Q. Now, your second interview with the Office of the
2 Prosecutor took place almost a month later, 26 February 2003.
3 Mr Court Officer, could you go to the document in tab 2 at page
4 3. The pages are at the top right-hand corner and they're not
09:57:35 5 very legible but if you look closely you will be able to see them
6 because the print is small. Mr Witness, one month later, after
7 you met with the Office of the Prosecutor in January, in February
8 you are asked a question again about when you are captured and
9 there is a question there?

09:58:02 10 "Q. Okay, and you were captured in 1994 --

11 A. 1994.

12 Q. -- if I remember correctly.

13 A. Yeah".

14 Again in your second interview you told them you were
09:58:17 15 captured in 1994, correct?

16 A. Yes, that's what I said, in that same year.

17 Q. And when you told them that that was a lie, was it?

18 A. Yes, but I had a reason.

19 Q. You had a reason to lie, yes?

09:58:53 20 A. Yes.

21 Q. Now, Mr Witness, all the events you told us about Gisiwulo
22 and going to training there, you did not tell the Office of the
23 Prosecutor anything about that during your second interview on 26
24 February, did you?

09:59:12 25 A. Yes.

26 Q. "Yes" means you still maintained you were trained at Camp
27 Lion, correct?

28 A. At that moment I still insisted on that, yes.

29 MR ANYAH: The reference for counsel's benefit to Camp Lion

1 and training on the same transcript is at page 9. That's where
2 the witness speaks about training at Camp Lion. This is the
3 interview of 26 February 2003:

10:00:11 4 Q. Now, Mr Witness, let's talk about the events between 1991
5 and 1994 when you go to Zogoda. Have you ever heard of something
6 called Top 20, Mr Witness?

7 A. Yes, I heard about it, but that was the Kailahun end. I
8 only heard about it.

10:00:45 9 Q. You're saying to us that you were in Pujehun District in
10 1991? Is that what you're trying to tell us?

11 A. Yes.

12 Q. Have you ever heard of Top 40, Mr Witness?

13 A. Yes, that is also in the Kailahun area.

14 Q. Have you heard of Top Final, Mr Witness?

10:01:06 15 A. Yes, all of those were in the Kailahun area. I was in
16 Pujehun - in the Pujehun area - at that time.

17 Q. What do you understand those phrases Top 20, Top 40 and Top
18 Final to mean, Mr Witness?

10:01:41 19 A. They did not explain that to me in details. They only said
20 that the Liberians and the vanguards, some of them were fighting
21 amongst one another, they were killing junior commandos, they
22 were seen fighting and Rashid Mansaray, who was the deputy to
23 Foday Sankoh, was said to have betrayed and he was killed and
24 most of the junior commandos were killed and these were his
10:02:25 25 bodyguards.

26 Q. What you are essentially trying to tell us is that in the
27 early 1990s there was infighting, or quarrelling, between NPFL
28 fighters in Sierra Leone and RUF fighters, yes?

29 MS HOLLIS: I'm going to object to that. The witness has

1 been given no time frame for this.

2 PRESIDING JUDGE: Do you mean in the question, Ms Hollis?

3 MS HOLLIS: That's correct.

4 PRESIDING JUDGE: Yes.

10:03:03 5 MR ANYAH: I will be happy to break it into two parts. I
6 appreciate the distinction:

7 Q. Mr Witness, these events you heard about in Kailahun, they
8 were taking place between 1991 and 1992, correct?

9 A. That was what we were told when all of us met in Zogoda;
10:03:27 10 that is the other RUF fighters from Kailahun and us from - and we
11 from Kailahun. That was what they explained to us. I started
12 hearing that in 1994; that is those of us who were from Pujehun
13 and those who were from Kailahun when we met in Zogoda.

14 Q. The fact is you heard about it in 1994 at Zogoda, but they
10:03:56 15 were speaking or talking about events that happened between 1991
16 and 1992 in Kailahun. Is that correct?

17 A. Yes.

18 Q. Now, Mr Witness, going back to the question I posed, there
19 was infighting between the NPFL fighters in Sierra Leone and the
10:04:17 20 RUF fighters during this Top 20, Top 40 and Top Final, correct?

21 A. That was what I heard.

22 Q. And in 1992, in the middle of that year in May 1992, all
23 the NPFL Liberian fighters left Sierra Leone to go back to
24 Liberia, yes?

10:04:44 25 A. Most of them.

26 Q. Are you saying some of them stayed behind, Mr Witness?

27 A. Yes, I saw some Liberians even in Zogoda in 1994.

28 Q. Are you aware that other witnesses have come before this
29 Court and have told this Court that the Liberians were ordered

1 back to Liberia and essentially all of them went back to Liberia
2 in May of 1992?

3 A. Well they would explain about that because they were there,
4 but I was not there and so I cannot say anything about that.

10:05:39 5 Q. In addition to this, you said Mike Lamin left the RUF in
6 either 1991 or 1992. What year was it, Mr Witness?

7 A. It was 1991.

8 Q. And he left because he had killed some Gio Liberian
9 fighters, yes?

10:06:10 10 A. Yes, he was arrested and taken to Liberia.

11 Q. So the fact is Mike Lamin, an RUF fighter, was having
12 problems with Liberian fighters in Sierra Leone in 1991, correct?

13 A. Especially Mike Lamin.

14 Q. You have heard of the Black Gadaffa, yes?

10:06:57 15 A. Yes.

16 Q. And what do you understand Black Gadaffa to mean?

17 A. Well, Black Gadaffa were Sierra Leonean RUF fighters who
18 were fighting alongside the NPFL in Liberia.

19 Q. You told the Prosecution about one General Devon, yes?

10:07:27 20 A. Correct.

21 Q. Indeed when you were testifying before the Court on
22 Wednesday this week, the 12th, you mentioned General Devon again,
23 yes?

24 A. Yes.

10:07:39 25 Q. And you spoke of General Devon as being somebody that took
26 some troops from Sierra Leone to go and assist the NPFL fight
27 ULIMO, yes?

28 A. Yes.

29 Q. When did this happen, Mr Witness?

1 A. That was in '92.

2 Q. So your evidence is a Liberian general named Devon came
3 into Sierra Leone and took RUF fighters back to Liberia to fight
4 with the NPFL. Is that your evidence, Mr Witness?

10:08:24 5 A. Yes.

6 Q. Would you have us believe that it was Charles Taylor that
7 sent this General Devon?

8 A. Yes, that was what General Devon told me. I did not see
9 Charles Taylor, but I saw General Devon and that was what he told
10:08:42 10 me during formation.

11 Q. You were in Pujehun when he told you this. Is that your
12 evidence?

13 A. Correct.

14 Q. How many RUF fighters did Devon take to Liberia?

10:09:01 15 A. Above a hundred.

16 Q. And where did he take them to inside Liberia?

17 A. Well I don't know where they were based, but they were
18 based in Liberia at Cape Mount County.

19 Q. Grand Cape Mount, is that what you mean, Mr Witness?

10:09:31 20 A. Yes.

21 Q. And is it your evidence that those hundred men formed the
22 Black Gadaffa?

23 A. Yes, that was how they were being referred to.

24 Q. How did you know all of this while you were in Pujehun

10:09:50 25 District?

26 A. Well, when they were at the Grand Cape Mount County some of
27 them used to come for one or two days and they would return, so
28 they said those of them who were there as the RUF fighters,
29 together with the NPFL, that was how they were being referred to

1 as Black Gadaffa, spirit of all spirits.

2 Q. Did you ever see General Devon after that again,
3 Mr Witness?

4 A. No.

10:10:44 5 Q. Did you ever hear of General Devon after that, Mr Witness?

6 A. No.

7 Q. You heard nothing about this general after 1992?

8 A. No.

9 Q. What happened when this Black Gadaffa went to fight ULIMO
10:11:09 10 in Grand Cape Mount County, Liberia, in 1992?

11 A. Well, ULIMO wanted to cut the supply line off between us
12 and the NPFL and we didn't want that to happen.

13 Q. My question is what happened when they went to fight ULIMO?

14 A. It was to fight to open. I said we did not want the ULIMO
10:11:59 15 to cut off the supply line between RUF and the NPFL.

16 Q. Were they successful in preventing ULIMO from cutting the
17 supply line, Mr Witness?

18 A. No.

19 Q. ULIMO did in fact go on to cut off the supply line,
10:12:24 20 correct?

21 A. Finally.

22 Q. And that was in 1992, true?

23 A. Yes.

24 Q. Are aware that the Black Gadaffa, Mr Witness, were a group
10:12:57 25 within the NPFL that attempted to overthrow the leadership of
26 Charles Taylor in 1992, Mr Witness?

27 A. Well, I was not that concerned about that because I was not
28 in Liberia any more.

29 Q. When were you in Liberia before that, Mr Witness?

1 A. I was there in 1991. Then I returned to Sierra Leone.

2 Q. In what year did you come back into Sierra Leone?

3 A. I returned early 1992, the last set of retreats, but I
4 don't recall the exact month now.

10:14:24 5 Q. Have you ever heard of the name Oliver Varney, Mr Witness?

6 A. Yes, I saw Oliver Varney.

7 Q. And where did you see Oliver Varney, Mr Witness?

8 A. I saw Oliver Varney in two places. The first time we
9 crossed over we went as far as Sinje, that was late 1991, I saw
10:15:02 10 Oliver Varney there, and we were taken to Bomi Hills for advanced
11 training. I saw Oliver Varney there again.

12 Q. What year was your advanced training in Bomi Hills,
13 Mr Witness?

14 A. That was way back the end of 1991, around
10:15:38 15 November/December.

16 Q. Have you ever heard of Anthony Mekunagbe, Mr Witness?

17 A. I heard about those names, but I did not see them, but I
18 heard about them.

19 Q. Have you ever heard of General Dry Pepe, Mr Witness?

10:16:02 20 A. Yes.

21 Q. And who is that?

22 A. Well, he was a Liberian general, NPFL.

23 Q. Are you aware if Anthony Mekunagbe and General Dry Pepper
24 are one and the same person?

10:16:29 25 A. Well, it could be so but I did not see him; I just heard
26 the names.

27 Q. Well, the former President of Liberia, President Moses
28 Blah, was before the Chamber, this Court, this year in May and he
29 spoke about the Black Gadaffa. He went through some names with

1 the Court on a document, and I'll read to you first from his
2 evidence, some of what he told the Court about the Black Gadaffa.
3 For your Honours' benefit and the benefit of counsel this is the
4 transcript from 15 May 2008, open session, President Blah, and it
10:17:28 5 would be better understood in conjunction with Prosecution
6 exhibit 116 which, if it please your Honours, could be displayed.

7 Mr Witness, Moses Blah was asked a question, this is at
8 page 9924, transcript of 15 May - he was asked a question
9 concerning the document you're looking at. The document you are
10:18:28 10 looking at is Prosecution exhibit 116. At the top you see it
11 says "Original roster of the Special Forces commandos of the
12 National Patriotic Front of Liberia (NPFL) Republic of Liberia
13 (1990-2001)". Name number one, "Charles Ghankay Taylor, Leader".

14 Now, if we go to number 75 on that document, which is at
10:19:09 15 the page ending with ERN 0515. Yes, thank you, Mr Court Usher.
16 We see number 75 there. Do you see the name Oliver Varney,
17 Mr Witness?

18 A. Yes.

19 Q. Here is what President Blah said about Oliver Varney, page
10:19:39 20 9924 of the transcript.

21 "Q. And the number 75, Oliver Varney, do you know what
22 happened to him?

23 A. Yes. Oliver Varney was arrested and investigated for
24 trying to overthrow Taylor at the time. His execution was
10:20:02 25 also ordered.

26 Q. Do you know who ordered his execution?

27 A. Well, I have been always saying this, I will presume
28 all the time that it was Taylor because he had the order to
29 execute anybody. He was arrested on a charge of attempting

1 to overthrow him, Taylor, as head of NPFL. That was when
2 he was - well, that was when his execution was ordered.

3 JUDGE SEBUTINDE: Was he in fact executed? Was he
4 executed?

10:20:39 5 THE WITNESS: Yes, yes, your Honour, he was."

6 And we go number 88 on that document, on the same page,
7 Mr Court Usher. Do you see the name Anthony Mekunagbe, spelt
8 differently than we've had it on record before. The on record
9 spelling we had before was M-E-K-U-N-A-G-B-E and that was given

10:21:11 10 on 25 January this year before your Honours at page 2243. Now

11 Anthony Mekunagbe, in respect of him, President Blah was asked:

12 "Q. Do you know what happened to him?"

13 At line 23, of the transcript of 15 May, President Blah
14 says:

10:21:36 15 "He was also executed for attempting to overthrow the
16 leader of the overall group NPFL. He was executed -
17 investigated and executed - by the order of President
18 Taylor."

19 And on the next page of President Blah's evidence we come
10:21:51 20 to the crux of the matter. There is a question posed to him:

21 "Q. Were you not aware of a coup attempt by a group called
22 Black Gadaffa which involved Yegbeh Degbon, Oliver Varney,
23 Anthony Mekunagbe and others?"

24 MS HOLLIS: Excuse me, what page is that?

10:22:18 25 MR ANYAH: That is page - I see, I apologise, counsel. It
26 is now the transcript of 19 May 2008 and the page is 1017, open
27 session, President Blah's evidence. I will wait until others
28 catch up.

29 PRESIDING JUDGE: Do you have that, Ms Hollis? Can we

1 proceed?

2 MS HOLLIS: Yes, thank you.

3 PRESIDING JUDGE: Please proceed.

4 MR ANYAH:

10:22:54 5 Q. Now the question at line one was posed to President Blah?

6 "Q. Were you not aware of a coup attempt by a group called
7 Black Gadaffa which involved Yegbeh Degbon, Oliver Varney,
8 Anthony Mekunagbe and others?

9 A. Well, it is a very difficult thing to say. There were
10:23:16 10 people who had been assigned to different areas at the
11 time. Mekunagbe was by Kakata and the people you are
12 calling, like Oliver Varney, was at Bomi Hills and I
13 wouldn't know what happens in Kakata, what happens in Bomi
14 Hills or what happens in some other places at the same
10:23:40 15 time. I think when these things happened I was being in
16 Cape Palmas but I know that they were executed for their
17 role in the revolution.

18 Q. For their role in what revolution?

19 A. In NPFL when you are executed, if you were investigated
10:24:10 20 and found guilty you would be executed if you deserved that
21 punishment or if you were to go to jail you would go to
22 jail, that I know of, but at that particular time I cannot
23 say I was there and do not know about them, this
24 investigation."

10:24:29 25 Mr Witness, President Blah suggested to this Court that
26 these three men were executed for attempting to overthrow
27 President Taylor; Oliver Varney, Anthony Mekunagbe and somebody
28 named Yegbeh Degbon. Are you aware of that, Mr Witness?

29 A. No.

1 Q. Are you aware of any of these three people being members of
2 a group called Black Gadaffa?

3 A. Yes. I've told you that General Devon was the one who came
4 to take the Sierra Leoneans to go and fight.

10:25:19 5 Q. Well, to be fair to you, there is a difference in spelling.
6 You pronounce it Devon. If we look at the document President
7 Blah looked at, the same roster, if you look at number 11 on that
8 document, number 11, you have the name Yegbeh Degbon,
9 D-E-G-B-O-N. There is an "X" next to it and I will be corrected
10:25:55 10 by counsel opposite if I'm mistaken but President Blah put an X
11 next to the name of anybody who had been executed. Now, this
12 General Devon, do you know his first name, Mr Witness?

13 A. Well, that Devon, it could be him, but you know Liberian
14 names are not just - are not like Sierra Leonean names, so I used
10:26:27 15 to call him Devon. It could be this one.

16 Q. And you do not know how to spell his last name, do you?

17 A. No. When I called the name out to the Prosecution they
18 were the ones who spelt it.

19 Q. But the General Devon you know was associated with the
10:26:48 20 Black Gadaffa, yes?

21 A. Yes, he was the one who came and took our brothers from
22 Sierra Leone.

23 Q. This General Devon you know of was a very short man in
24 height, correct?

10:27:07 25 A. Yes.

26 Q. About this tall, 5 foot 2, yes?

27 A. Well, he was not a tall man. I was taller than he was.

28 Q. And he had a very dark or black complexion, correct?

29 A. Yes.

1 Q. That's the same General Devon you remember, correct?

2 A. Yes.

3 Q. Now you agree, do you not, ULIMO cut off the border and you
4 agree it took place in 1992? Yes, Mr Witness?

10:27:59 5 A. Correct.

6 MR ANYAH: Could the witness be shown Defence exhibit 1,
7 please:

8 Q. Mr Witness, have you ever heard of somebody named Varmuyan
9 Sherif?

10:28:41 10 A. Way back in 1991 I heard that name.

11 Q. Varmuyan Sherif, in what context did you hear his name,
12 Mr Witness?

13 A. I just heard it as a Liberian, an NPFL soldier.

14 Q. You heard the name Varmuyan Sherif as a Liberian NPFL
10:29:12 15 soldier. Are you sure of that, Mr Witness?

16 A. I heard about that. We did not have any Varmuyan Sherif in
17 the RUF.

18 Q. Are you sure you haven't heard his name in the context of
19 ULIMO-K, Mr Witness?

10:29:42 20 A. Well, yes, he was with the ULIMO, but he was a Liberian.
21 You know, I cannot say much about him.

22 Q. You told us of Abu Keita, yes?

23 A. Yes, Abu Keita, I knew him before.

24 Q. He was also ULIMO-K, correct?

10:30:10 25 A. Yes.

26 Q. And you knew there was a ULIMO-J as well as a ULIMO-K, yes?

27 A. Yes, they too had a split. It was one force initially, but
28 later there was a split.

29 Q. The "J" is for Roosevelt Johnson, yes?

1 A. Yes, they said they were the Krahn ULIMOs.

2 Q. And the Mandingo ULIMOs, the ULIMO-K, the "K" stood for
3 Alhaji Gaksin [phon] Varmuyan Kromah, yes?

10:31:15

4 A. Well, that name could be so, but I knew about Alhaji
5 Kromah, yes.

6 Q. They were the Mandingos in ULIMO-K, yes?

7 A. Correct.

10:31:33

8 Q. Well, on 10 January this year Varmuyan Sheriff, formerly of
9 ULIMO-K, was here before this Court and he drew that diagram. Do
10 you see that diagram you're looking at, Mr Witness? Do you
11 recognise it as a map of Liberia?

12 A. Yes.

10:31:56

13 Q. Do you see that it has what I would call pink or purple
14 outlining all the way from Lofa County down through Bomi and all
15 the way through Grand Cape Mount, Mr Witness?

16 A. Yes, I've seen it clearly.

10:32:35

17 Q. Well, Varmuyan Sheriff told this Court that - and this is
18 the transcript of 10 January, open session and there are two page
19 references I would give. The first one is page 976 through 977,
20 lines 1 through 5 of 977, and the second one is page 978, lines 7
21 through 11. Varmuyan Sheriff told this Court on 10 January that
22 that area circled on this map was cut off by ULIMO between 1992
23 and 1996. Do you agree with that, Mr Witness?

10:33:07

24 MS HOLLIS: I'm going to object to that. He's misstating
25 the evidence of this witness, Varmuyan Sheriff. Varmuyan Sheriff,
26 if you look on this diagram, put a yellow marker and he talked
27 about the area in Grand Cape Mount being cut off some time in
28 1992 and he talked about the area in Lofa County being cut off
29 some time in 1993.

1 PRESIDING JUDGE: Mr Anyah, you've heard the objection?

2 MR ANYAH: Well, let me read Varmuyan Sheriff's evidence.

3 PRESIDING JUDGE: You have a transcript, Mr Anyah?

4 MR ANYAH: Yes.

10:33:42 5 PRESIDING JUDGE: Yes, well that would be the appropriate
6 thing to do.

7 MR ANYAH:

8 Q. Varmuyan Sheriff, Mr Witness, at page 976, line 24, the
9 question is posed:

10:33:53 10 "Q. Very well, let us move on to another aspect of this
11 then. The area you have drawn on the map as the extent of
12 ULIMO control, for how long, tell us, did ULIMO exercise
13 control with whatever caveats of the area you have drawn on
14 the map but for how long, from 1992 when you invaded until
10:34:18 15 when?

16 A. ULIMO had a total control of that area in 1993 and in
17 1994 ULIMO had a rift in the rank and file of ULIMO so
18 ULIMO was divided into two, so in Bomi County and Grand
19 Cape Mount County was now controlled by ULIMO-J and then
10:34:48 20 from Lofa Bridge area to Vahun, Foya, Kolahun, Voijnama,
21 Zorzor were now controlled by ULIMO-K."

22 Then on the same page the question is:

23 "Q. If I were to give you, for example, a different
24 coloured pen you could draw another line for me, couldn't
10:35:14 25 you, setting out the boundaries between ULIMO-K and
26 ULIMO-J? Could you do that?

27 A. Yes."

28 PRESIDING JUDGE: Just pause please, a moment, Mr Anyah.

29 Mr Witness, are you seeing the map in front of you on the screen

1 in front of you?

2 THE WITNESS: Yes, I am seeing it.

3 PRESIDING JUDGE: Please proceed, Mr Anyah.

4 MR ANYAH:

10:35:34 5 Q. Then the question:

6 "Q. Let me see if I have a different coloured pen. I am
7 grateful, your Honour. If you could just draw it in that
8 boundary for me, please.

9 A. These were controlled by ULIMO-J and ULIMO-K was
10:35:53 10 controlling Bopolu, Lofa."

11 Now moving over to page 978 there's a question at line 3 -
12 well actually I'll start at 977, the last question on the last
13 line:

14 "Q. But J retains its own forces, K retains its own forces
10:36:21 15 and they retain control of their respective areas?"

16 We are now on to page 978:

17 "A. Yes.

18 Q. For how long after 1994 did they remain in control of
19 their respective areas?

10:36:36 20 A. They remained in control each of their own areas until
21 1996 when NPFL and ULIMO-K merged.

22 Q. So putting all of that together then we can say that
23 that area marked by the pink line between 1992 and 1996 was
24 controlled by ULIMO, whether as a unified force or a split
10:37:09 25 force J and K. Would you agree?"

26 Sherif agrees. He says, "Yes, yes".

27 Mr Witness, Varmuyan Sherif told this Court that the area
28 marked by the pink line on this map between 1992 and 1996 was
29 controlled by ULIMO, whether you call it ULIMO-J or ULIMO-K. Do

1 you agree?

2 A. Yes, I said that long ago. I said even from our own end,
3 Pujehun, from 1992 ULIMO had cut off the supply line between us
4 and the NPFL.

10:37:53 5 Q. President Blah came to this Court on 19 May 2008 and in his
6 own estimation he told this Court - and the transcript is of 19
7 May 2008, page 10193, lines 5 through 12. Moses Blah's
8 estimation was that this border was cut off by ULIMO until the
9 Liberian elections in June of 1997. Do you agree with that,
10:38:31 10 Mr Witness?

11 A. Yes, on the Sierra Leone end. That is through the Pujehun
12 area.

13 Q. Well, I'm not asking you about only Pujehun. I'm asking
14 you about the area you see on the map, Defence exhibit 1. That
10:38:56 15 area was controlled by ULIMO cutting off Sierra Leone from
16 Liberia up until June 1997. Do you agree with that, Mr Witness?

17 A. Yes.

18 MR ANYAH: Thank you, Mr Court Usher:

19 Q. Now, Mr Witness, 1994, is that when you went to Zogoda?

10:39:37 20 A. Yes.

21 Q. How is it that you came to end up in Zogoda?

22 A. Well while we were in Pujehun from 1991 to 1994, some time
23 in early 1992 we had lost contact with Foday Sankoh, who was the
24 leader for RUF, when he came from our end, the Pujehun area, and
10:40:43 25 so at one time in 1994 he said he wanted his forces who were in
26 the Pujehun area and the others who were in Kailahun to join
27 forces together. So what he did was to organise the troops that
28 he had in Kailahun and they advanced to the Pujehun end, that is
29 in the Kenema District, because Pujehun District has a common

1 boundary with Kenema District. So that was when a jungle was
2 established there and he sent people to Pujehun for us to know
3 that he was in that area so that his fighters in Pujehun would go
4 there to meet him. So that was the time he called on me after
10:42:07 5 some RUF soldiers had been there and they mentioned my name and
6 he said he wanted to see that person.

7 Q. Can I stop you there, Mr Witness. Where were you
8 physically when Foday Sankoh said he wanted to see you? Were you
9 in Pujehun and, if so, where in Pujehun?

10:42:35 10 A. I was in Pujehun District. I was in the village that was
11 called Embechine and it was a battalion base in the Soro Gbema
12 Chiefdom.

13 Q. And you're telling us Foday Sankoh selected you to be one
14 of his bodyguards. Is that what you're trying to tell us?

10:43:02 15 A. Yes, he made me part of his security. That is his
16 bodyguard security that was referred to as Strike Force
17 Commander.

18 Q. Were you the head of this unit Strike Force Commander,
19 Mr Witness?

10:43:25 20 A. Initially, when I got there to him, yes, he made me the
21 commander.

22 Q. Had he known you before that time, Mr Witness?

23 A. Facially one to one, no.

24 Q. When was the first time you ever laid eyes on Foday Sankoh,
10:43:53 25 Mr Witness? What year?

26 A. That was in 1991, at the Gisiwulo base.

27 Q. And that is what you told us on Wednesday this week, 12
28 November, yes?

29 A. Correct.

1 Q. When he chose you to be his Strike Force commander is it
2 fair to say that was in 1994?

3 A. Yes.

10:44:39

4 Q. And irrespective of the name of this place you gave us,
5 would you call that area Zogoda, Mr Witness?

6 PRESIDING JUDGE: Do you mean the Gisiwulo?

7 MR ANYAH: No, I would rephrase it, Madam President:

10:45:03

8 Q. Mr Witness, the place where you were chosen to be Foday
9 Sankoh's Strike Force commander, or a member of that unit, was
10 that in Zogoda?

11 A. Yes, it was around that area, but the actual place, we
12 referred to the place as On the Rock.

10:45:25

13 Q. When you say On the Rock, are you saying you referred to
14 Zogoda as On the Rock or is On the Rock a different place from
15 Zogoda?

16 A. Well, that was around the area, but it was later that we
17 gave the name to the place as Zogoda.

10:46:00

18 Q. So you tell us in court you saw Foday Sankoh for the first
19 time in 1991. May I have the assistance of the Court Usher,
20 please. It's a document in tab number 2. Mr Witness, these are
21 records taken by a stenographer when you were being interviewed
22 on 26 February in 2003. At page 5 of tab 2 we come to the part
23 dealing with when you first saw Foday Sankoh. The ERN number is
24 00017243. At the top of the page there are questions and answers
25 given about Zogoda.

10:47:03

26 "Q. But what is Zogoda?

27 A. Zogoda is a form of. They mix somewhere in the bush,
28 like a town, we call there Zogoda.

29 Q. That was a base, was it?

1 A. That was the base for RUF. There Foday Sankoh was
2 living until the Lomé Peace Accord.

3 Q. Okay. Did you ever see Foday Sankoh when you were
4 first captured? When was the first time that you actually
10:47:46 5 seen him?

6 A. Let me say from 1994 to 1995 I saw him. That was the
7 time I see Foday Sankoh, I see Morris Kallon, I see
8 Mosquito, I see Kailudu."

9 Mr Witness, you told the Prosecution out of court you first
10:48:13 10 saw Foday Sankoh in 1994/1995. Do you agree with that, that's
11 what you said?

12 A. Yes.

13 Q. In court on Wednesday you talked about three times you saw
14 Foday Sankoh, in court. This is the transcript of Wednesday 12
10:48:48 15 November. The page I am focusing on is page 20077, but this
16 discussion of the times you saw Foday Sankoh actually begin
17 around page 20075. Mr Witness, do you recall telling us in court
18 on Wednesday you saw Foday Sankoh when he visited Gisiwulo in
19 1991 and Zimmi in 1991, two times, yes?

10:49:20 20 A. Correct.

21 Q. A third place you mentioned seeing Foday Sankoh was Gendema
22 in 1991, yes?

23 A. Correct.

24 Q. And in Wednesday's transcript, page 20077, line 11, the
10:49:50 25 question was posed:

26 "Q. During the time you were in Pujehun District were
27 there any other occasions when you saw Foday Sankoh there?

28 A. Well, apart from those three times that I saw him
29 face-to-face I did not see him again until 1994."

1 You recall telling us on Wednesday that you saw him in
2 three locations, Gisiwulo, Zimmi and Gendema, and then apart from
3 those three times that you saw him face-to-face you did not see
4 him again until 1994. Do you recall telling us that on

10:50:30 5 Wednesday, Mr Witness?

6 A. Yes.

7 MR ANYAH: Mr Court Usher, can we go to tab number 12, page
8 1. You also recall telling us a few minutes ago in court this
9 morning, Mr Witness, that in the early part of 1991 that you lost
10 contact with Foday Sankoh? This is at page 32 of the LiveNote
11 transcript. Do you remember telling us that a few minutes ago;
12 RUF lost contact with Foday Sankoh in the early part of 1992,
13 Mr Witness?

10:50:59

14 A. Yes.

10:51:20

15 Q. Now at tab 12, page 1, this is when you spoke with the
16 Prosecution this month, November 2008. Records of your proofing
17 sessions on three dates with them: 30 October 2008, which was a
18 Thursday; Sunday and Monday 2 and 3 November 2008. At paragraph
19 5 it says: "In 1992 witness saw Sankoh once in Bomi Hills,
20 Liberia. The RUF received advanced training while in Liberia
21 including regarding the use of heavy weapons."

10:52:14

22 Mr Witness, I'm trying to reconcile all of this. Let me
23 ask you first: Did you tell the Prosecution less than ten days
24 ago - well, about two weeks ago - that you saw Foday Sankoh in
25 Bomi Hills in Liberia in 1992?

10:52:45

26 A. Yes.

27 Q. On Wednesday you told us that you did not see him again
28 until 1994 after you saw him in 1991, yes?

29 A. Correct.

1 Q. When you spoke with the Prosecution out of court in
2 February, 26 February 2003, you agreed telling them that the
3 first time you saw him was in 1994, yes?

4 A. Yes, I had agreed with that.

10:53:19 5 Q. Now, all those three accounts are not the same. Would you
6 agree with that, Mr Witness?

7 A. Yes, some are the same. There is one there that is not the
8 same with the others, yes.

9 Q. The three stories are not identical. There is a difference
10:53:40 10 between 1991, 1992 and 1994. Do you agree, Mr Witness?

11 A. Yes. According to the time, yes.

12 Q. Well, let's focus on Zogoda 1994. You agree, and we do
13 agree you say that you were there with Foday Sankoh in 1994. Now
14 you remember us taking a tape measure while you were in court on
10:54:19 15 Wednesday and proceeding from where you were seated to the other
16 end of the courtroom measuring to the extent of six or seven
17 yards. Do you remember this exercise we did on Wednesday?

18 A. Yes.

19 Q. And that exercise was on the basis of your testimony that
10:54:40 20 while you were in Zogoda Foday Sankoh regularly had
21 communications with Charles Taylor, yes?

22 A. Yes.

23 Q. I'll read to you what you told us about Foday Sankoh and
24 Charles Taylor. You said that those conversations occurred
10:55:06 25 essentially every day. From Wednesday's transcript the relevant
26 portions start at page 20109 through 20111 and 112. Mr Witness,
27 you told us that those conversations took place basically every
28 day.

29 A. Yes.

1 Q. On page 20109 you said that used to take place for over a
2 day every day or sometimes once or twice a day. "We would see
3 him asking and they would greet each other. He would ask for
4 Foday Sankoh. He would enquire about Foday Sankoh's health.
10:55:58 5 Foday Sankoh too would respond in the same way to Charles Taylor.
6 Foday Sankoh would explain about his health or explain about some
7 security operations. Everything. I used to hear those when I
8 was there at Zogoda with him."

9 You recall telling us that on Wednesday, Mr Witness?

10:56:22 10 A. Yes.

11 Q. Page 20110 at the bottom your answer continues about this.
12 There was a question:

13 "Q. What are you telling us about that distance?

14 A. That's where the radio station was and the place where
10:56:38 15 Foday Sankoh was and where we would stay in guard. That is
16 when he is sitting down where we would be guarding. We
17 would be like here and he would be sitting like there. But
18 it's a kind of a radio. When you are talking even if you
19 are at the door you will hear it clearly because it was
10:57:01 20 loud and it has a speaker."

21 Do you remember telling us that you were six to seven yards
22 away from Foday Sankoh when he spoke with Charles Taylor on the
23 radio almost on a daily basis and that you could hear it clearly,
24 loud, yes?

10:57:21 25 A. Yes, where we were. We were guarding him. We did not go
26 too close to him. There would be some feet distance between us.

27 Q. Well, let's take a look at what you told the Prosecution in
28 March of 2003 about the nature of communications between Foday
29 Sankoh and Charles Taylor at Zogoda. Mr Court Usher, this would

1 be at tab 3 of the set of documents and it's at pages 45 and 46.
2 The ERN number of page 45 is 00017430. 1 March 2003 you were
3 meeting again with Morie Lengor and John Berry of the Office of
4 the Prosecutor. There was a stenographer taking down what you
10:59:05 5 said verbatim and there's a question posed at the top of that
6 page:

7 "Q. Augustine, you said Sankoh spoke on radio to
8 Charles Taylor at certain times. How do you know it was
9 Charles Taylor he was talking to?

10:59:18 10 A. Well, that 'Action Man', it's what I say" -- and then
11 your answer continues, "the Action Man, I called his name,
12 when he come with the letter, you can see, he say, 'Here is
13 a letter, so so, so so, so so person wants to talk with
14 you', so you can hear it. So when you - I don't know now
10:59:47 15 that they can say in the radio communications.

16 Q. But when he brings the letter, he will say this person,
17 this person.

18 A. Yeah, when I'm at guard.

19 Q. Okay, as a guard to Sankoh.

11:00:01 20 A. Yeah, a guard at that time.

21 Q. How many times did you witness Action Man bringing
22 letter and saying that Taylor wants to talk to him?

23 A. Only two time.

24 Q. Two times?

11:00:19 25 A. Yes.

26 Q. And when was that, can you remember?

27 A. That time, in 1994.

28 Q. 1994?

29 A. Yeah."

1 Over to page 46:

2 "Q. And when again?

3 A. In 1996.

4 Q. 1996?

11:00:48 5 A. Yeah."

6 Mr Witness, first of all, do you agree telling
7 investigators from the Office of the Prosecutor that on two
8 occasions in 1994 and 1996 somebody named Action Man would bring
9 something called a letter saying that Charles Taylor wanted to
10 speak with Foday Sankoh? Do you agree telling them what I've
11 just read to you?

11:01:11

12 MS HOLLIS: I'm going to object. I believe what he has
13 read is that this occurred in 1994, from what he just read.

14 MR ANYAH: Well, page 46 --

11:01:24

15 PRESIDING JUDGE: I'm just looking at the top of page 46
16 and it says:

17 "Q. And when again?

18 A. In '96."

19 MS HOLLIS: Thank you.

11:01:34

20 MR ANYAH:

21 Q. Mr Witness, do you agree with what I've just read, that you
22 told investigators what I've just read?

23 A. Yes, I used to say these things, but most of the things
24 that I said at that time were not correct. I have told you
25 before that most of the information I gave about 1994 at that
26 time were not correct and I had my reasons.

11:01:55

27 Q. So what you said to those investigators then was not
28 correct and you are saying that what you said in court is
29 correct. Is that what you're trying to tell us, Mr Witness?

1 A. Yes. What I have said in court here, I took an oath before
2 saying them, they are the correct ones.

3 MR ANYAH: May I have a moment, Madam President?

4 PRESIDING JUDGE: Yes, Mr Anyah.

11:03:18 5 MR ANYAH: I've found my reference. Mr Court Usher, can we
6 go to tab 9, page 6:

7 Q. Mr Witness, you've told us that most of what you said in
8 2003 was not correct. Now this is a record of interview you gave
9 to the Office of the Prosecutor in 2006. The first page of the
11:03:56 10 interview record of this set of documents indicates you gave them
11 an interview on 16 July 2006.

12 Your Honours, for everyone's benefit the chart that we
13 handed out in the morning that lists the dates of the interviews
14 might be helpful in this instance. At entry number 19 on that
11:04:25 15 chart it says 16 July 2006.

16 Now, Mr Witness, you gave them a statement on that day and
17 then on 23 May 2007 you made with them corrections to the
18 statement in 2006 and again on 3 July 2007 you made corrections
19 to the same statement of 16 July 2006. So this document we are
11:05:01 20 looking at, you had two opportunities to correct it and we will
21 go over your adoption of statement pages that you signed. Now
22 I'll read to you what appears in paragraph 46 at the bottom of
23 that page, ERN number being 00032786. It reads:

24 "The witness stated that the radio operator never told him
11:05:40 25 what CT wanted Foday Sankoh on the radio and he is not aware of
26 the nature of their conversation."

27 Mr Witness, did you tell the Prosecution in July 2006 you
28 were not aware of the nature of the conversation between Foday
29 Sankoh and Charles Taylor?

1 A. Yes.

2 Q. And this document I've read, if we go to page 1 of the same
3 tab 9, Mr Court Usher, this a declaration by an investigator
4 named Phillip Ross of the Office of the Prosecutor and in sum and
11:06:39 5 substance he's saying that on 28 May he signed this declaration.
6 It means on 23 May 2007 he read that document I just read to you,
7 your statement of 16 July 2006. He read it to you and:

8 "That Augustine Mallah advised me that he agreed with the
9 contents of the statement and signed a witness acknowledgment and
11:07:06 10 affirmation form."

11 Phillip Ross swears this before Joseph F Kamara, also of
12 the Office of the Prosecutor. So you had another chance to
13 correct that paragraph I've just read that you did not hear the
14 substance of Foday Sankoh's conversation with Charles Taylor.

11:07:25 15 You had that chance a month later to correct it, yes? Rather a
16 year later to correct it. Yes, Mr Witness?

17 A. Yes, if it had occurred to me. There were so many things
18 said. If it had occurred to me I would have done that.

19 Q. Well, you had another chance on 3 July 2007. Mr Court
11:07:54 20 Usher, it's at tab 10, the first page.

21 JUDGE SEBUTINDE: Mr Anyah, I don't understand the
22 witness's answer. Mr Witness, what do you mean if it had
23 occurred to you you would have done that?

24 THE WITNESS: Yes, I answered the one he asked me about.

11:08:13 25 JUDGE SEBUTINDE: No, you did not. The lawyer asked you
26 that you had a chance to make corrections and you said if it had
27 occurred to you you would have done that. If what had occurred
28 to you?

29 THE WITNESS: The answer, the correct answer, I would have

1 done it.

2 MR ANYAH:

3 Q. Mr Witness, that same statement taken on 16 July 2006 was
4 read to you again on 3 July 2007. Mr Court Usher, do we have the
11:08:59 5 first page of tab 10. Yes, that's it. Thank you. If you scroll
6 to the top of the page. This has your signature and although it
7 says 17 July, that was the date on the top of the statement, the
8 statement was actually taken on the 16th. I stand to be
9 corrected but it is appended to this page I have just produced.

11:09:29 10 It says:

11 "Adoption of statement by witness. I, Augustine Mallah,
12 affirm that the information contained in statement dated 17 July
13 2006 and identified by the ERN numbers 00022007 to 00022012" -
14 and I will be corrected if I'm wrong, the Prosecution has
11:10:03 15 disclosed several versions of this document, there are three in
16 number all with different ERN numbers but they are all the same
17 document. The differences are the original version, another
18 version to which corrections were made on 23 May 2007 and the
19 final version to which the signs about on 3 July 2007. Same
11:10:29 20 statement taken 16 July 2006. They have you saying, Mr Witness,
21 that:

22 "The information in that statement is true to the best of
23 [your] knowledge and belief subject to the handwritten
24 corrections noted on them by the investigator, which corrections
11:10:46 25 are marked for identification purposes by my initials?"

26 Do you see your signature on that page, Mr Witness, at the
27 bottom?

28 A. Yes.

29 Q. On the right you see the date 3 July 2007?

1 A. Yes.

2 Q. So when you first met with them the information you gave
3 them they recorded in 2006 and twice in 2007, twice. You did not
4 say you heard what Foday Sankoh and Charles Taylor talked about.

11:11:25 5 You left it as it was, that you did not know the substance of
6 their communication. Do you agree, Mr Witness, that you did not
7 change it to say you heard what they were talking about?

8 A. Yes.

9 Q. Thank you, Mr Witness. Now, when you were in Zogoda is it
11:12:00 10 fair to say, Mr Witness, that the source of arms that the RUF
11 received was from capturing enemy ammunition and arms?

12 A. Yes.

13 Q. That was the primary way in which you obtained your arms
14 and ammunition, correct?

11:12:24 15 A. Yes.

16 Q. At that time there was also cross-border trading in arms
17 and ammunition between former ULIMO fighters and RUF fighters in
18 Sierra Leone, yes?

19 A. Well, at the time I was at Zogoda I did not know about
11:12:54 20 that.

21 Q. But you agree with me, Mr Witness, that at Zogoda the
22 source of your arms and ammunition was what you captured - you as
23 in the RUF captured - from your enemies?

24 A. Yes, that one is true. It was what we captured that we
11:13:16 25 lived by.

26 Q. And indeed when you went through your training, one
27 component of your training at the training base was how to
28 capture arms and ammunition, yes?

29 A. Yes.

1 Q. Part of your training at the training base was also about
2 RUF ideology, correct?

3 A. Yes.

4 Q. And RUF ideology, correct me if I'm wrong, Mr Witness,
11:13:58 5 included how you were to treat civilians that you captured, yes?

6 A. That was how we were trained.

7 Q. Do you remember telling us on Wednesday about your attack
8 on Sierra Rutile?

9 A. Yes.

10 Q. You said that was ordered by Foday Sankoh, you said?
11:14:16

11 A. Yes.

12 Q. You remember telling us about Operation Stop Election, yes?

13 A. Yes.

14 Q. About how civilian arms and limbs were to be amputated,
11:14:38 15 yes?

16 A. Yes, to kill and amputate. That was what he said, yes,
17 Foday Sankoh.

18 Q. You said that was ordered directly by Foday Sankoh, true?

19 A. Yes.

11:15:02 20 Q. And you said Sierra Rutile was effectively burnt down,
21 correct?

22 A. Yes.

23 Q. You captured some white employees of the company, Sierra
24 Rutile, yes?

11:15:20 25 A. Yes.

26 Q. Sierra Rutile, is it a company town, as in a town that's
27 named after a company?

28 A. Well that was the name of a company, Sierra Rutile, but the
29 town itself where the company was based was called Panguma.

1 Q. Panguma, how do you spell that, Mr Witness?

2 A. I do not know that.

3 MR ANYAH: Madam President, phonetically I would spell it
4 K-P-A-N-G-U-M-A:

11:16:06 5 Q. Mr Witness, civilians suffered greatly when you attacked
6 Sierra Rutile, did they not?

7 A. Yes.

8 Q. And you said their arms and limbs were cut off in the lead
9 up to the elections in 1996, yes?

11:16:31 10 A. I have told you that the cutting of the hands and killing
11 was to be done during the elections. I did not see where they
12 cut off people's legs, but I saw the hands cut off and civilians
13 died there.

14 Q. At the orders of Foday Sankoh?

11:16:56 15 A. Yes.

16 Q. What you have just told us about Foday Sankoh ordering
17 these types of conduct at Sierra Rutile and during the election
18 period, that was inconsistent or went against RUF ideology, yes?

19 A. Yes, that was the reason why they were arrested for crimes.

11:17:27 20 Q. Who was arrested for crimes, Mr Witness?

21 A. I saw that even this Court had indicted Foday Sankoh, Issa
22 and Mosquito, because the ideology they taught us was not to kill
23 civilians and it was not meant to burn down towns, but again they
24 would later gave orders, that is Mosquito himself, Issa and Pa
11:18:07 25 Sankoh - they were the same ones who would tell us again that,
26 "Go and when you go burn down that town".

27 Q. Mr Witness, I want to read to you what another witness said
28 about Foday Sankoh to this Court and in respect of his ideology
29 and the treatment of civilians. Madam President and learned

1 counsel opposite, I will paraphrase this particular bit, with
2 leave of the Chamber, because of the manner in which it was
3 conveyed to your Honours, but I will give the page references and
4 the - I will just give the page references. It's what was said
11:18:57 5 to a previous witness before your Honours.

6 PRESIDING JUDGE: Were certain protective measures in
7 place?

8 MR ANYAH: Yes, they were.

9 PRESIDING JUDGE: I understand. I'm sure Ms Hollis will be
11:19:10 10 alert to the paraphrasing.

11 MR ANYAH: Yes. I will give the dates first. The first
12 one is is 2203, the second one the relevant pages are 2235
13 through 2236 and the third one the page is 2633:

14 Q. A witness told this Court earlier during the course of this
11:19:53 15 trial that Foday Sankoh would explain the ideology of the RUF and
16 that Foday Sankoh had a document about the reasons for the
17 formation of the movement and the socioeconomic situation of
18 Sierra Leone. Foday Sankoh also gave a brochure on the Geneva
19 Convention on how to treat prisoners and civilians in combat.
11:20:28 20 This showed how recruits were to react to civilians and how
21 recruits were to respect civilians during the conflict.

22 Now at pages 2235 through 2236 we heard somebody tell this
23 Court that Foday Sankoh had issues with certain NPFL commanders,
24 that Foday Sankoh went to Gbarnga, or was going to go to Gbarnga,
11:21:03 25 to complain to Charles Taylor about the treatment of the
26 civilians, and then at page 2633 we heard that from the beginning
27 of the formation of the RUF movement in its ideology there was
28 never a policy to terrorise civilians.

29 Mr Witness, do you agree that Foday Sankoh was against the

1 terrorisation of civilians that RUF combatants encountered in
2 combat?

3 A. I don't believe, because if - should I believe that he
4 wouldn't have told me as a fighter saying, "Go and attack that
11:22:02 5 town and capture there", and civilians were there and he gave me
6 arms to go and attack the town, or the towns. That in itself is
7 terrorisation.

8 Q. Well, do you remember when you spoke with the Prosecution -
9 Mr Court Usher, if you could assist me. You spoke with them on
11:22:25 10 26 February 2003. Mr Witness, first of all do you recall telling
11 us yesterday - and I stand to be corrected. It could have been
12 on Wednesday. You told us that from the beginning of the RUF
13 movement from 1991 until disarmament in 2002 the RUF used Small
14 Boys Units throughout? Do you recall telling us that,
11:23:01 15 Mr Witness?

16 A. Yes.

17 Q. When you spoke with the Prosecution on 26 February 2003,
18 this is at tab 2 and the relevant pages are 22 through 23, you
19 were speaking of Foday Sankoh. At the bottom of that page you
11:23:45 20 were asked a question:

21 "Q. Around 1996. In the bodyguard detail of Sankoh did he
22 use small boys, Small Boy Units?

23 A. No."

24 Over to the next page:

11:24:10 25 "Q. He didn't use any Small Boy Units?

26 A. No.

27 Q. Okay. At the time that you were at Zogoda and you were
28 going around with Foday Sankoh did he capture any Small Boy
29 Units while you were with him? Did he capture any small

1 boys?

2 A. No. Only the commander Mosquito. These are the ones
3 that can do that. They train them and say they are special
4 security for them to reinforce their orders."

11:24:56 5 Mr Witness, is it the case that you told the Office of the
6 Prosecutor in February 2003 that Foday Sankoh did not capture
7 small boys?

8 A. He himself did not directly go to the front and I did not
9 see - even amongst all of his bodyguards in the Black Guard I did
11:25:24 10 not see a Small Boy Unit there, but the rest of the commanders,
11 including CO Mohamed, Mike Lamin, Superman, Morris Kallon, Issa
12 Sesay, I think almost all of the RUF officers had a Small Boy
13 Unit with them. It was only Foday Sankoh who did not have them
14 with him.

11:25:59 15 Q. So if we understand your evidence correctly, at least if I
16 understand it, the same Foday Sankoh who did not have any Small
17 Boy Units is one and the same person who ordered you and others
18 to hack off the hands of civilians trying to vote. That's the
19 same man we're talking about, is it?

11:26:22 20 A. That is the same Foday Sankoh that I'm talking about.

21 Q. And the same Foday Sankoh who you did not see have any
22 Small Boy Units is the same man who ordered you and others to
23 burn down Sierra Rutile and kill as many civilians as you could,
24 yes?

11:26:45 25 A. Yes.

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

27 PRESIDING JUDGE: Yes, we have been alerted that there's
28 less than a minute, Mr Anyah, and so if this is an appropriate
29 time we'll take the mid-morning adjournment.

1 MR ANYAH: Yes, it is.

2 PRESIDING JUDGE: Thank you. Mr Witness, this is now the
3 time we are going to take our mid-morning break. We will be
4 adjourning the court until 12 o'clock. Please adjourn court
5 until 12.

6 [Break taken at 11.30 a.m.]

7 [Upon resuming at 12.02 p.m.]

8 PRESIDING JUDGE: Please proceed, Mr Anyah.

9 MR ANYAH: Thank you, Madam President:

10 Q. Mr Witness --

11 A. Yes, sir.

12 Q. -- while you were in Zogoda you told us that at some point
13 Zogoda was overrun by Kamajor forces acting in conjunction with
14 Sierra Leone Army officers, yes?

15 A. Correct.

16 Q. In what year did that happen?

17 A. I think it was '97 - 1996.

18 Q. 1996. Are you sure of that?

19 A. I think it was '97. 1997.

20 Q. Well, I am not trying to confuse you. Let me ask you this
21 way. Zogoda was overrun before you claim you and Mike Lamin went
22 to Abidjan, yes?

23 A. Yes.

24 Q. And you and Mike Lamin went to Abidjan in anticipation of
25 the 1996 Lomé peace agreement, correct?

26 A. Yes.

27 Q. On 30 November 1996 an agreement was signed - Madam
28 President, perhaps I said Lomé instead of Abidjan and so I
29 withdraw that part.

1 PRESIDING JUDGE: Yes, indeed. It's on the record.

2 MR ANYAH: Yes:

3 Q. Mr Witness, we are speaking now of 1996 and Abidjan, not
4 Lomé 1999. Are we in agreement?

12:04:07 5 A. Yes, the Yamoussoukro Peace Accord.

6 Q. Yes. That was an agreement signed between Foday Sankoh and
7 the Government of Sierra Leone on 30 November 1996 in the Ivory
8 Coast, correct?

9 A. Yes.

12:04:29 10 Q. And, if you have any doubts, this Court has already made
11 that finding of fact. It's one of our judicially noted facts.
12 In any event, Mr Witness, whilst you were in Zogoda and Zogoda
13 was overrun you said you encountered Mike Lamin, correct?

14 A. Yes.

12:04:54 15 Q. Now, was that the first time --

16 PRESIDING JUDGE: I am sorry to interrupt, Mr Anyah, but
17 before we go too far the witness named the Yamoussoukro Peace
18 Accord. Perhaps we could have a proper spelling on record of
19 that name.

12:05:09 20 MR ANYAH: Yes. I don't know if I can spell it off the top
21 of my head, but I can - yes, I will try and get the proper
22 spelling.

23 PRESIDING JUDGE: Yes, please, in due course.

24 MR ANYAH: Yes, Madam President.

12:05:32 25 MS HOLLIS: Madam President, to assist I believe this has
26 been spelt on the record before. I believe this is the correct
27 spelling that appears on the record.

28 PRESIDING JUDGE: Yes, I see it now. It has come up now.
29 Thank you, Ms Hollis. I do see it.

1 MR ANYAH: Thank you, counsel opposite. We are grateful.
2 Madam President, I understand what the witness said, but I want
3 to put the judicially noted fact to the witness.

12:06:04

4 PRESIDING JUDGE: Indeed. I am not interrupting you in any
5 way. I was only checking the spelling.

6 MR ANYAH:

12:06:19

7 Q. Mr Witness, you said Yamoussoukro. This Court found that
8 this agreement was signed in Abidjan and not Yamoussoukro, which
9 is a separate place in Cote d'Ivoire, and the Court found at
10 judicially noted fact zero that on 30 November 1996 Foday Saybana
11 Sankoh and Ahmed Tejan Kabbah, President of the Republic of
12 Sierra Leone, signed a peace agreement in Abidjan, Ivory Coast.
13 Now, Mr Witness, that peace agreement do you agree with me it was
14 signed in Abidjan, Ivory Coast?

12:06:40

15 A. Yes, it was in Abidjan that I met Foday Sankoh.

16 PRESIDING JUDGE: Mr Witness, that is not quite the
17 question that counsel asked. Counsel asked if you agree that the
18 agreement was signed in Abidjan and not in Yamoussoukro. Do you
19 understand that question?

12:07:10

20 THE WITNESS: Yes, whether I understand, the time that I
21 went there they used to call it the Yamoussoukro Peace Accord.
22 They said it was there that the peace agreement was signed.

23 MR ANYAH:

12:07:30

24 Q. Well in any event we are speaking about one and the same
25 time 1996, Foday Sankoh in the Ivory Coast and in particular in
26 Abidjan, correct?

27 A. I know about Yamoussoukro.

28 Q. Yes, you know about an agreement you say was signed in
29 Yamoussoukro. I am not asking you about where it was signed. I

1 am asking you if we are speaking about the same time frame. This
2 trip you took with Mike Lamin, you say to Abidjan, coincided with
3 the time Foday Sankoh signed an agreement in 1996 with the Sierra
4 Leone government, yes?

12:08:15 5 A. Yes.

6 Q. Now, let's trace your movements from Sierra Leone all the
7 way to Abidjan. Let's start in Zogoda. Zogoda is overrun and
8 you told us that the RUF forces were split into two groups, one
9 going towards Kailahun District commanded by, was it CO Mohamed
10 you told us?

12:08:42

11 A. Yes.

12 Q. Aka, also known as, Zino, Mohamed Tarawalli, yes?

13 A. Correct.

14 Q. And another group of RUF fighters were in the Pujehun axis,
15 or district, commanded by Mike Lamin, yes?

12:09:02

16 A. Yes.

17 Q. You were with the group that was commanded by Mike Lamin,
18 yes?

19 A. Correct.

20 Q. That group you told us numbered was it close to 1000, or
21 900 you said?

12:09:23

22 A. Correct.

23 Q. And that group you said made its way towards the Liberian
24 border with Sierra Leone, yes.

12:09:48

25 A. Correct.

26 Q. Do you remember telling us about somebody named Kposowa?

27 A. Yes.

28 Q. Who is Kposowa, Mr Witness?

29 A. Well, CO Kposowa was an RUF member and then he was the

1 adjutant to Foday Sankoh. He used to write for Foday Sankoh at
2 the time we were at Zogoda before they went to Ivory Coast.

3 Q. Do you know when exactly it was that Foday Sankoh went to
4 the Ivory Coast? What month in 1996?

12:10:49 5 A. No, I cannot approximate that.

6 Q. But at the time you were with Mike Lamin with the group at
7 the Pujehun District, going towards the Liberian border, Foday
8 Sankoh was already in Ivory Coast, yes?

9 A. Correct.

12:11:10 10 Q. Have you heard of somebody called Martin Moinama, also
11 known as The Cat?

12 A. The Cat, is that what you are asking me about?

13 Q. Have you heard of somebody named Martin Moinama?

14 A. Well I knew about Cat, somebody called Cat, but the name
12:11:49 15 that you have mentioned now, which may be the real name, that
16 confuses me.

17 Q. Do you know of somebody called The Cat?

18 A. Yes.

19 Q. Who was The Cat, Mr Witness?

12:12:00 20 A. He was an RUF junior commando. Later, when Mike Lamin and
21 others were coming down to Pujehun, he met The Cat there. He was
22 an RUF fighter, anyway.

23 Q. An RUF fighter. When you were in Zogoda, who was Foday
24 Sankoh's signaller, or radio operator, in Zogoda?

12:12:47 25 A. Foday Sankoh - there was Zedman, there was High Command.

26 Q. Was High Command a signaller, according to your evidence,
27 Mr Witness?

28 A. Yes, High Command was a signaller. It's because you've
29 asked me, that's why I'm telling you those who were there as

1 signallers at Zogoda for Foday Sankoh.

2 Q. Well, you've given us a few names. You've said Zedman was
3 there and High Command was there. Now, let's slow down a little
4 bit. I will allow you to continue, Mr Witness.

12:13:38 5 A. Yes.

6 Q. What is the real name of this High Command?

7 A. Well, we used to refer - he was Mohamed Moinama Kpevai.
8 Something like that. Mohamed Koroma. Moinama Koroma.

9 Q. You have given us three names for High Command. Mohamed,
12:14:15 10 M-O-H-A-M-E-D. You said Moinama, is that what you said,
11 Mr Witness?

12 A. Yes, Koroma.

13 Q. And the Koroma, is it K-R-O-M-A or is it K-O-R-O-M-A.
14 Koroma, is that what you mean?

12:14:34 15 A. Yes. K-O-R-O-M-A, that is it. Koroma.

16 Q. So we have Zedman. We have Mohamed Moinama Koroma. Who
17 else was a signaller or radio operator for Foday Sankoh when you
18 were in Zogoda?

19 A. There were many radio operators, but those are the ones I
12:15:11 20 can recall now. Some of them, I don't recall their names any
21 more. There was another one who was called Mortiga. That was
22 how we called him.

23 Q. Mortiga was also in Zogoda. Is that what you're telling
24 us?

12:15:30 25 A. Yes. He too used to visit there as a radio man. He was
26 with Foday Sankoh.

27 Q. No, let's be clear. There is a difference between being
28 based there and visiting there. Was Mortiga a visitor to Zogoda
29 or was he based there as a radio operator when you were there?

1 A. Well, those are the two men I knew that were based there.
2 That is Zedman and Mohamed Koroma whom we referred to as High
3 Command.

4 Q. And you were in Zogoda between 1994 and 1996, yes?

12:16:20 5 A. Correct.

6 Q. Was there a signaller in Zogoda during this time period by
7 the name of Foday Lansana also known as CO Nya?

8 A. Yes, CO Nya used to come there. He was there and for some
9 time he will go to Peyima. He was not permanently based there.

12:16:50 10 Q. Have you heard the name Dauda Fornie before?

11 A. Yes.

12 Q. You have heard the acronym Daf, D-A-F?

13 A. That was how we called him, yes. In fact Daf, yes, I know
14 - I knew him. He was at Zogoda.

12:17:20 15 Q. So when I mention Daf you recall now he was in Zogoda. Is
16 that what you're trying to tell us?

17 A. Yes.

18 Q. Have you heard the name Alice Pyne, before?

19 A. Yes. She too was a radio operator, but I told you - I said
12:17:50 20 there were many, but the ones that I was familiar with, those are
21 the names I mentioned to you.

22 Q. Are you trying to tell us that Alice Pyne, now that I
23 mention her name, was also a radio operator in Zogoda when you
24 were there?

12:18:05 25 A. Yes.

26 Q. This fellow Mortiga, do you know his real name?

27 A. No. We only referred to him that way, Mortiga.

28 Q. Did you tell us on Wednesday that Daf, Dauda Fornie, was
29 the radio operator who accompanied Foday Sankoh to the Ivory

1 Coast in 1996?

2 A. In Lomé.

3 Q. What radio operator accompanied Foday Sankoh to Ivory Coast
4 in 1996 from Zogoda?

12:19:01 5 A. Well, I saw - I think Mortiga went, Zedman went, Omar
6 Gbessey, the three of them were signal lers.

7 Q. Now, the last name you just mentioned Omar, O-M-A-R, and
8 Gbessey, do you mean G-B-E-S-S-E-Y, Gbessey?

9 A. Yes.

12:19:49 10 Q. Is that a Liberian or Sierra Leonean name?

11 A. It's a Sierra Leonean name.

12 Q. So you are telling us Foday Sankoh went with three radio
13 operators to the Ivory Coast?

14 A. Yes, all of those were there, like Omar Gbessey, Zedman,
12:20:30 15 those are the ones I can recall seeing there when I went.

16 Q. There is a fellow by the name of Martin Moinama who
17 testified before the High Court of Sierra Leone in October 1998
18 during the trial of Foday Sankoh when he was charged with
19 treason. And that fellow Martin Moinama, this Court has heard
12:21:02 20 evidence about him before from other witnesses. His nickname is

21 The Cat and Martin Moinama told that Court in Sierra Leone that
22 he was the signaller for Foday Sankoh in the Ivory Coast. I
23 believe there is an exhibit on record already admitted to this
24 effect, but I will read to you from a document disclosed to us

12:21:34 25 from the Office of the Prosecutor. It is the transcripts of
26 Foday Sankoh treason trial in the High Court of Sierra Leone.

27 The ERN number of the relevant page is 00008275 and this is
28 Martin Moinama testifying against Foday Sankoh before the High
29 Court of Sierra Leone. Moinama says, "I was signaller in 1994".

1 Then a few lines down:

2 "I started working directly with the accused" - which is
3 Foday Sankoh - "at Zogoda guerrilla camp in 1994. Zogoda is in
4 Kenema District. I was with the accused since 1994. I was with
12:22:33 5 the accused in Abidjan. The accused first left for Abidjan in
6 July 1996. I went to join him in Abidjan also in the month of
7 July 1996. I was with the accused until we went to Nigeria. I
8 went with the accused to Nigeria some time in 1997. I was the
9 signaller. I was not involved in any military exercise. I was
12:23:06 10 the one doing the writing for the accused."

11 Mr Witness, an RUF signaller named Martin Moinama told the
12 Court in Freetown, Sierra Leone, in October 1998 he was Foday
13 Sankoh signaller. This Court has heard evidence his name is also
14 The Cat. You have never heard of Martin Moinama, have you,
12:23:33 15 Mr Witness?

16 A. Okay. The Cat, I can recall now now that you have spoken
17 this much.

18 Q. Now, that I have spoken this much you can recall a
19 signaller in Zogoda from 1994 named The Cat. Is that your
12:23:51 20 evidence?

21 A. Yes. He too was there, The Cat.

22 Q. In any event, when Foday Sankoh was in Abidjan and Zogoda
23 was overrun, you told us on Wednesday that this fellow Kposowa
24 was sent to obtain money from Charles Taylor to facilitate the
12:24:16 25 crossover of your troops into Liberia.

26 MS HOLLIS: Could you give a reference on that, because the
27 Prosecution's recollection is he was sent to obtain ammunition.

28 MR ANYAH: That's correct. It was ammunition actually and
29 not money. I will read from page 20113. Indeed the answer

1 starts on the previous page, page 20112 of Wednesday the 12th's
2 transcript. The question at line 19 was:

3 "Q. How many people went to Pujehun District?

4 A. It was over eight to nine hundred armed men.

12:25:08 5 Q. And what happened after you arrived in
6 Pujehun District?

7 A. When we got to Pujehun District we met the other
8 soldiers, the RUF soldiers who had been assigned there. We
9 met them there. It was Captain Bonday who was taking care
10 of them. He was one of the vanguards who had trained
11 together with Mosquito, Issa Sesay. He too was a Sierra
12 Leonean."

13 Then a few lines down:

14 "So when we got to Pujehun they too had come under threat
12:25:46 15 by the Kamajors and the Sierra Leone soldiers so we heard -
16 we always saw Mike Lamin talking to Foday Sankoh in the
17 Ivory Coast and Foday Sankoh was telling him that he had
18 sent Major Kposowa through Gbarnga to Monrovia for him to
19 try so that we can get ammunition at the border by Liberia,
12:26:10 20 Sierra Leone by Liberian border."

21 Pause. You told us this ammunition never arrived from
22 Kposowa before you were run out of the particular location you
23 were in by the border, yes?

24 A. Correct.

12:26:45 25 Q. Now, when you crossed over into Liberia which part of the
26 border did you cross from?

27 A. We crossed from the bridge area and we crossed from York
28 Island and we crossed from Tayillor. Those are the villages
29 between Liberia. They are on the Liberian part of the border.

1 If you cross from Sierra Leone those are the first set of
2 villages. Because we were many. So most of the people crossed
3 around York Island. Some others crossed by Tayillor. That was
4 it.

12:27:44 5 Q. You yourself, which part of the border did you cross into
6 Liberia, from Sierra Leone?

7 A. Tayillor.

8 Q. Is that in Pujehun District adjacent to Great Cape Mount
9 County in Liberia?

12:28:08 10 A. Yes.

11 Q. What is the biggest town near Tayillor?

12 A. There was I think Zuani - there was Zuani One and Zuani
13 Two. We went as far as Tiene.

14 Q. How far is Tiene from Bopolu?

12:28:51 15 A. That's far off. The distance is far off. If you come from
16 Tiene, you cross over the main street that leads from Bo Njala to
17 Monrovia and we go to Dambala, we go to Lofa Bridge, then we take
18 another route to one village called Keita and we cross a river
19 before ever we could go to Bopolu.

12:29:34 20 Q. And Bopolu, B-O-P-O-L-U, is in Gbarpolu County,
21 G-B-A-R-P-O-L-U, in Liberia, yes?

22 A. Yes.

23 Q. Now in Bopolu you met Charles Julu, you told us?

24 A. Yes.

12:29:54 25 Q. Charles Julu was a ULIMO commander?

26 A. Yes.

27 Q. Were all the RUF fighters you crossed over with, the 800 to
28 900 men, at Bopolu with you and Mike Lamin when you met Charles
29 Julu?

1 A. Majority of them. There were many who did not reach
2 Bopolu.

3 Q. Around how many ended up in Bopolu with Charles Julu,
4 yourself and Mike Lamin?

12:30:43 5 A. We were about 400 to 500.

6 Q. Mr Witness, have you ever heard of a place called Samuka
7 refugee camp?

8 A. Yes.

9 Q. It is a fact, is it not, that many of the Liberians - I am
10 sorry, many of the Sierra Leoneans who crossed over from Sierra
11 Leone as RUF fighters were disarmed and stayed at this refugee
12 camp - Samuka refugee camp - in Liberia, yes?

13 A. Yes, later they said many of them were taken there, but at
14 the time that I was there we were still in Bopolu. All of the
15 men that we got to Bopolu together, I left - I was there when we
16 were all disarmed and I left them there when I went to Ivory
17 Coast with Mike Lamin.

18 MR ANYAH: Your Honours, Samuka would be S-A-M-U-K-A:

19 Q. Mr Witness, approximately how many RUF fighters that
20 crossed from Sierra Leone into Liberia ended up at Samuka refugee
21 camp? Tell us.

22 A. Well I cannot tell you the exact number now, but there were
23 many; those who ended up in the Samuka camp.

24 Q. And these fighters ended up in that camp while there was
25 this retreat going on from Sierra Leone to Liberia in 1996
26 following Zogoda being overrun. Do you agree, Mr Witness?

27 A. Repeat the question, please.

28 Q. Yes, I will. The year in which the RUF fighters ended up
29 in Samuka refugee camp in Liberia was 1996 after the fall of

1 Zogoda, correct?

2 A. Yes.

3 Q. Now, back to Bopolu and Charles Julu. You told us Charles
4 Zulu allowed Mike Lamin to make a radio message or conversation
12:33:28 5 with Foday Sankoh in the Ivory Coast. Do you recall telling us
6 that, Mr Witness?

7 A. Yes.

8 Q. Charles Julu of ULIMO. You know that ULIMO were the arch
9 enemies of Charles Taylor and the NPFL, yes?

12:33:50 10 A. Yes.

11 Q. You have told us in two days of testimony that RUF and NPFL
12 were essentially one and the same. Do you agree that that is
13 what you've suggested to this Court?

14 A. Yes.

12:34:06 15 Q. And here you are retreating from Sierra Leone into Liberia
16 and encountering a ULIMO commander and you are telling us he
17 facilitated RUF communication from Mike Lamin to Foday Sankoh.
18 Is that your evidence?

19 A. Yes.

12:34:30 20 Q. That is tantamount, or the same thing, as Charles Julu
21 assisting Charles Taylor and the RUF. Will you agree?

22 A. Yes.

23 Q. This ULIMO commander and his men encountering you RUF
24 fighters without any arms and ammunition did not kill you and
12:34:58 25 your RUF fighters. Is that what you are telling us?

26 A. Yes.

27 Q. You are telling us that instead Charles Taylor's enemy, a
28 ULIMO commander, provided the means of communication for Mike
29 Lamin to speak with Foday Sankoh?

1 A. Yes.

2 Q. If Mike Lamin and you and others were already in Liberia,
3 having survived without receiving ammunition from Major Kposowa,
4 why didn't Lamin go to Charles Taylor and say, "Help me call

12:35:41 5 Foday Sankoh"? Why didn't that happen?

6 A. Well, we were not at the place where Charles Taylor had his
7 soldiers.

8 Q. What happened to the arms or the ammunition Kposowa was to
9 bring? Did he ever find you and Lamin and give you those

12:36:11 10 ammunition?

11 A. No, he did not. From the time Kposowa and others gave him
12 the instruction for the ammunition, we did not know what he did.
13 He escaped from the RUF. We did not see him close to the end of
14 the war, right up to close to the end of the war.

12:36:48 15 Q. While you were at Bopolu, did Charles Taylor attempt to
16 come and collect or rescue Mike Lamin, yourself and the others
17 who were there at Bopolu stranded?

18 A. Well while we were in Bopolu I told you, no, we did not
19 have any contact with Charles Taylor at that time.

12:37:16 20 Q. I see. Your last contact with him, or people on the other
21 side with the NPFL, would be when this Kposowa was supposed to
22 bring the ammunition before you crossed over into Liberia. Is
23 that what you are saying?

24 A. Please repeat the question.

12:37:43 25 Q. Yes, I will. You said when you were in Bopolu you did not
26 have any contact any more with Charles Taylor at that time, yes?
27 That's what you've just told us.

28 A. Yes.

29 Q. Before you got to Bopolu, when was the last time you know

1 of that Mike Lamin or any other RUF fighter in your company had
2 contact with Charles Taylor?

3 A. When I was in Bopolu I did not witness that.

4 Q. We are not in Bopolu. I am not asking about Bopolu now.

12:38:21 5 Before you got to Bopolu, when was the last time your side had
6 contact with NPFL or Charles Taylor?

7 A. Well, apart from the time that we were in Zogoda, I did not
8 know anything about that.

9 Q. Somehow you say you got from Bopolu to Monrovia with Mike
12:38:51 10 Lamin. Is that fair to say, Mr Witness?

11 A. Correct.

12 Q. Was it only you and Mike Lamin that ended up in Monrovia
13 from Bopolu?

14 A. Yes, the two of us moved and we went.

12:39:18 15 Q. And when you got to Monrovia, you tell us that Mike Lamin
16 said he knew Charles Taylor and that since you didn't have any
17 means with which to travel to the Ivory Coast he said he was
18 going to see Charles Taylor. You recall telling us that?

19 A. Yes.

12:39:44 20 Q. Indeed you told us that you met a fellow, a man by the name
21 of Jacob Tarawulu. Who was Jacob Tarawulu, Mr Witness?

22 A. Well Jacob Tarawulu, according to what Mike Lamin told me,
23 he was a Sierra Leonean, but he had been to Liberia for a long
24 time. He had almost been a naturalised citizen and during the
12:40:31 25 interim government period he was made deputy education minister.

26 Q. Deputy education minister during, you said, the interim
27 government, yes? That's what you said, yes?

28 A. True.

29 Q. All of these events happened during the administration of

1 Ruth Sando Perry in Liberia, yes?

2 A. True.

12:41:15

3 Q. Indeed in a previous statement you told the Prosecution
4 that this event, when you and Lamin went and met Jacob Tarawulu,
5 took place during Ruth Sando Perry's presidency. You recall
6 saying that, yes?

7 A. Yes.

12:41:35

8 Q. Ruth Sando Perry came into office after what they call the
9 Abuja Three conference that resulted in a ceasefire in Liberia
10 and she was installed in September 1996. Does that sound about
11 right to you, Mr Witness?

12 A. Yes, the time we made that move there was an interim
13 government in place. I knew about that.

12:42:00

14 Q. So you were in Monrovia at the time when Charles Taylor was
15 not President of Liberia and Ruth Sando Perry was the leader of
16 Liberia in late 1996, correct?

17 A. Yes.

12:42:22

18 Q. So Tarawulu was not a minister of Taylor's government and
19 you say you met Tarawulu and what did Tarawulu do for you and
20 Mike Lamin?

21 A. Well, what I saw was that he was the one who lodged us for
22 that - for those two to three days that we were there and he was
23 the one who provided feeding for us.

12:42:53

24 Q. You said there was a lady named Jessica Robertson that was
25 in the company of you and Mike Lamin in Monrovia at this time.
26 Correct?

27 A. Yes.

28 Q. Was she Lamin's wife or someone else?

29 A. Well, according to what Mike Lamin told me, and what I saw,

1 she was his wife. She was Mike Lamin's wife.

2 Q. Now, before you met Tarawulu and this Jessica Robertson,
3 you suggested to us that it was Charles Taylor who facilitated
4 the obtaining of your laissez-passer. Do you remember suggesting
12:43:44 5 that to us?

6 A. What I said was that when we went to Monrovia, Mike Lamin
7 and I, we hadn't any money on us. So he said he was going to
8 meet with Charles Taylor and went to Congo Town. It was at a
9 house - if we are coming from the Red Light end, the house is on
12:44:26 10 the left-hand side. They said that was Charles Taylor's office.
11 That was where I saw Mike Lamin enter and he left me outside
12 and --

13 Q. Let me stop you there, Mr Witness. I recall what you said.
14 You said you stayed on the veranda, yes?

12:44:47 15 A. Yes.

16 Q. While Mike Lamin went inside?

17 A. Yes. Then I saw Mike Lamin, he went and obtained a
18 laissez-passer and he hadn't money on him.

19 Q. Well, let's pause there, Mr Witness. Two things. Did Mike
12:45:11 20 Lamin tell you he got money from Charles Taylor when they met?

21 A. Well, he said yes, he said he had some money from him and I
22 saw the US dollar with him, he came out with it. Whether it was
23 Charles Taylor who gave that money to him or not, he had already
24 told me that he was going to meet with Charles Taylor and I met
12:45:47 25 the money with him.

26 JUDGE SEBUTINDE: Mr Interpreter, was that US dollar in the
27 singular? One dollar?

28 THE INTERPRETER: Your Honour, the witness said US dollar.

29 THE WITNESS: No, I saw US dollar.

1 JUDGE SEBUTINDE: One dollar?

2 THE WITNESS: 100 US dollars with him and he asked me to go
3 and exchange it.

4 MR ANYAH:

12:46:11 5 Q. Mr Witness - I don't know if you've had an answer, Justice
6 Sebutinde. Thank you. Mr Witness, are you saying to us that,
7 after meeting with Charles Taylor, Mike Lamin came out with 100
8 US dollars?

9 A. He said he had money but I saw a hundred dollar US money
12:46:35 10 with him.

11 Q. And you have just told us, and I am reading from page 71,
12 12 point font that I have:

13 "He came out with it. Whether it was Charles Taylor who
14 gave that money to him or not, he had already told me that he was
12:46:56 15 going to meet with Charles Taylor and I met that money with him."

16 So you do not know whether or not it was Charles Taylor
17 that gave him these US dollars that you saw, yes?

18 A. Yes, because I did not enter the place together with him.

19 Q. Did you see Charles Taylor on that occasion when you and
12:47:21 20 Mike Lamin went to this place you say is in Congo Town?

21 A. No.

22 MR ANYAH: May I have the assistance of Mr Court Usher,
23 please:

24 Q. So we have you telling us on Wednesday that you were at the
12:47:53 25 veranda or on the veranda when Mike Lamin went into this room.

26 Now let me read to you what you told the Prosecution out of
27 Court. This would be tab 2, starting at page 31. This is your
28 statement from 26 February 2003. At the bottom of that page, 26
29 February 2003, you were asked a question.

1 "Q. Now, have you ever seen, with your own eyes, Charles
2 Taylor?

3 A. Yeah, only one time.

4 Q. Where?"

12:49:02 5 Over to the next page, page 32, at the top of the page,
6 your answer:

7 "A. In Monrovia.

8 Q. In Monrovia?

9 A. Yeah. When we go there together with Mike Lamin.

12:49:27 10 Q. On your way to Danané?

11 A. Danané.

12 Q. And where did you see him at?

13 A. I never see him and talk, but I see him, how I see you
14 now, but I never sit down and talk, like Mike Lamin went

12:49:53 15 together with him inside, so I stay out with his
16 bodyguard."

17 Mr Witness did you tell the Prosecution in 2003 you saw
18 Charles Taylor for the first time when Mike Lamin and you were on
19 your way to Danané?

12:50:19 20 A. I said that but, you know, the first time that that woman
21 and man interviewed me there was no good interpreter. They were
22 talking and just typing like that, quickly. But I said that
23 anyway.

24 Q. Yes, you told them in 2003 that you went and you saw

12:50:50 25 Charles Taylor. Let's see what you told the Prosecution in 2008,
26 this year. Mr Court Officer, can we go to tab 12, page 2. This
27 was two weeks ago or less; 30 October, 2 November and 3 November.
28 It's page 2. The bottom right-hand corner should be page 2 and
29 the tab would be tab 12 and this would be paragraph 15. Thank

1 you, Mr Court Usher. Two weeks ago or less you were speaking
2 with the Prosecution about this alleged meeting with Charles
3 Taylor and in paragraph 15 it reads:

4 "Before the witness and Mike Lamin left to go to the Ivory
12:52:05 5 Coast to join Foday Sankoh, Mike Lamin went to see Charles
6 Taylor. Lamin told the witness he, Lamin, had no money and knew
7 Taylor. So before leaving for the Ivory Coast he, Lamin, was
8 going to talk to Taylor. When Lamin came back he told the
9 witness that he had met with Taylor and that they were to go to
12:52:34 10 Jacob Tarawulu in the education ministry."

11 Just pause there. You see the phrase I just read, "When
12 Lamin came back". Will you agree with me that that phrase
13 suggests you never went with Mike Lamin to this meeting at all?

14 A. Yes, I did not enter together with him there. And I knew
12:53:03 15 that I was coming here to take an oath and I was to say the right
16 thing. That was why I told the Prosecution the right thing.

17 Q. Yes. You told them one thing in 2008 and you told them
18 something else in 2003, yes?

19 A. Yes, because in this 2008 the issues have more of concerns
12:53:36 20 about Liberia. That is Charles Taylor's issues.

21 Q. So what you are trying to tell us is in 2003 the issues
22 were more concerned with the AFRC trial, Gullit, and the RUF
23 trial, Issa Sesay, so you spoke according to what the issues
24 pertained. Is that what you are saying to us?

12:54:02 25 A. Yes.

26 Q. So if it were Issa Sesay on trial now here your story would
27 be patterned to discuss events about Issa Sesay?

28 A. Yes. The truth about Issa Sesay. I should say the truth
29 about the things that Issa Sesay did that I saw or I heard about.

1 Q. Yes, but the events we are talking about, this meeting with
2 Mike Lamin allegedly with Charles Taylor, it's one and the same
3 event regardless of the year you are being asked the question.
4 In 2003 you spoke of that event and you said you saw Charles
12:54:52 5 Taylor. In 2008, the same event you said you did not see Charles
6 Taylor. Those two are two different versions, correct?

7 A. Yes.

8 Q. Now, reading on, you say here:

9 "The next day Tarawulu took them and Mike Lamin's wife to
12:55:17 10 the foreign ministry. They were given documents. The witness
11 received a Liberian laissez-passer. These documents were used to
12 travel to Ivory Coast."

13 You agree with me Tarawulu was a minister in Ruth Sando
14 Perry's government. We've agreed on that, correct?

12:55:44 15 A. Yes.

16 Q. You agree with me that the laissez-passer given or
17 allegedly given to you purporting to be a Liberian travel
18 document was given to you at the time Charles Taylor was not
19 President of Liberia, yes?

12:56:02 20 A. Correct.

21 Q. Are you aware of the fact that Charles Taylor was not
22 residing in Congo Town in the latter part of 1996, but was living
23 at Mamba Point near where you have the embassies in Monrovia?

24 A. Yes, but he had his office in Congo Town.

12:56:37 25 Q. What office are you referring to?

26 A. Well, that was what Mike Lamin told me and when I went
27 there I saw a lot of NPFL soldiers there.

28 Q. Have you ever heard of a place called White Flower?

29 A. No, I do not know Monrovia that much. I don't know that

1 area.

2 Q. I'm not asking you if you know Monrovia. I'm asking you as
3 you sit there now have you ever heard of a place named White
4 Flower in Liberia?

12:57:19 5 A. This is in fact my first time hearing that name White
6 Flower, in Monrovia.

7 Q. Nonetheless you claim to have seen many NPFL fighters you
8 say in that location where you and Mike Lamin allegedly went,
9 yes?

12:57:40 10 A. Correct.

11 MR ANYAH: Mr Court Usher, can we show the witness Defence
12 exhibit 25:

13 Q. These NPFL fighters you saw, were they armed, Mr Witness?

14 A. No.

12:58:38 15 Q. They were not armed?

16 A. No.

17 Q. The document you are looking at it's a UN document. At the
18 top it says "Liberia Demobilisation Sites: 22 November 1996 - 12
19 February 1997". At the middle of the page, at the bottom

12:59:03 20 right-hand corner, it says, "Total number of soldiers disarmed

21 and demobilised: 21,315", and if we go up to Monrovia we see

22 that 3,758 were disarmed. Mr Witness, are you aware of the fact

23 that in Liberia, from the time after the Abuja Three peace

24 conference in August 1996 through February 1997, there was

12:59:36 25 something going on in Liberia called DDDR, Disarmament

26 Demobilisation, Reintegration and Rehabilitation? Have you heard

27 of that before?

28 A. Yes.

29 Q. Are you aware of the fact that since 1990 - indeed, this

1 Court has found that - ECOWAS, the Economic Community of West
2 African States, deployed soldiers, ECOMOG soldiers, to Liberia?
3 Are you aware of that fact, Mr Witness?

4 A. Yes.

13:00:17 5 Q. Are you aware of the fact that as late as 1997 - and this
6 Court has found that as a fact, judicially noted fact Z - that on
7 29 August 1997 ECOWAS extended the mandate of ECOMOG troops in
8 Liberia to include Sierra Leone? That means as of August 1997
9 ECOMOG troops were in Liberia. Are you aware of that,

13:00:52 10 Mr Witness?

11 A. Yes.

12 Q. Are you aware of the fact that during this time you were
13 travelling through Liberia - and we will come to your return trip
14 into Liberia, what you claim happened around May of 1997 - from

13:01:13 15 1996 through 1997 Liberia was leading up to presidential
16 elections in July 1997? Are you aware of that?

17 A. Yes.

18 Q. So during this time when Liberia is leading up to
19 elections, are you aware of the fact that there was no longer an
13:01:38 20 NPFL? There was only something called the National Patriotic
21 Party of Liberia?

22 A. Yes, but they still had the NPFL fighters and they always
23 referred to them by that name. We know that by then the NPFL had
24 been converted into a political party. I knew about that.

13:02:06 25 Q. Yes, you knew about that. So you are claiming to have gone
26 to a building in Congo Town being used by Charles Taylor as his
27 offices, where it is alleged Mike Lamin goes into a room and
28 meets with somebody - you say he tells you it's Charles Taylor -
29 during the time when there is disarmament in Liberia and during

1 the time when ECOMOG has troops present in Liberia?

2 A. Yes.

3 Q. All of this you are telling us is what happened?

4 A. Yes.

13:02:50 5 Q. Have you ever seen this person Jacob Tarawulu since then?

6 A. That was the first time I saw him.

7 Q. That was not my question. Have you seen him since then?

8 A. No.

9 Q. Now Mike Lamin chartered a car - a vehicle - that took you,
13:03:22 10 him, Jessica Robertson, plus a driver towards Danané, the Ivory
11 Coast. Is that your evidence, Mr Witness?

12 A. Yes.

13 Q. The four of you travelled to Danané?

14 A. Yes, we were three in number. The driver stopped at the
13:03:49 15 river crossing side, on the Liberian side, and then the three of
16 us crossed over and went to Danané: Mike Lamin, myself and his
17 wife. Please, I want to ease myself.

18 PRESIDING JUDGE: Yes, please assist the witness.

19 MR ANYAH:

13:07:53 20 Q. Mr Witness --

21 A. Yes, sir.

22 MR ANYAH: May I proceed?

23 PRESIDING JUDGE: Yes, please proceed.

24 MR ANYAH:

13:08:01 25 Q. Mr Witness, who drove the car once you got close to the
26 Liberian-Ivorian border with Mike Lamin and Jessica Robertson?

27 A. Well, it was the driver. He is a human being.

28 Q. Yes, but at some point you said the driver was no longer in
29 your company. Had you crossed over into the Ivory Coast by then?

1 A. No, we hired the driver's vehicle and so when he took us to
2 where we were to go then he stopped where he stopped and returned
3 with his vehicle.

13:08:56 4 Q. And you and Mike Lamin and Jessica Robertson crossed over
5 on foot, is that what you are telling us?

6 A. Yes.

7 MR ANYAH: Madam Court Manager, can we display this map of
8 Liberia please. Thank you:

9 Q. Mr Witness --

13:09:25 10 A. Yes.

11 Q. -- we are looking at the map of Liberia.

12 A. I'm seeing it.

13 Q. And do you see the place called Sanniquellie in Nimba
14 County at the top?

13:09:41 15 A. Yes.

16 Q. If you go straight east from Karnplay, as you see it on the
17 map, you see Danané. Do you see that?

18 A. I've seen Danané, yes.

13:10:08 19 Q. And the country that surrounds Liberia to the northeast and
20 to the east is the Ivory Coast, yes?

21 A. Yes.

22 Q. And the Danané you see on the map is the one and the same
23 place you say you and Mike Lamin went to in 1996?

24 A. Yes.

13:10:28 25 Q. As you look on that map you do not see Abidjan, do you,
26 Mr Witness?

27 A. No.

28 Q. Indeed Abidjan is quite far from Danané, is it not?

29 A. It's far, far from there, yes.

1 Q. How long would it take for someone to go by car from Danané
2 to Abidjan?

3 A. It's almost a whole day's journey.

4 Q. And that is by car, yes?

13:11:08 5 A. Yes.

6 Q. And Abidjan was and is the capital of the Ivory Coast, yes?

7 A. Yes.

8 Q. Now, you told us in Court that you travelled from Danané
9 with Mike Lamin to Abidjan having spent only one night in Danané.

13:11:33 10 That's what you told us on Wednesday, the 12th, correct?

11 A. Yes.

12 Q. And you said in Abidjan you spent a week or thereabouts
13 with Mike Lamin and Foday Sankoh, yes?

14 A. Yes.

13:11:51 15 Q. Do you stand by that evidence of having gone from Danané to
16 Abidjan with Mike Lamin?

17 A. Yes.

18 Q. Have you told the Prosecution something different before?

19 A. Yes.

13:12:12 20 Q. Let me read you what you told them before. Tab 2, page 26.
21 Mr Witness, 26 February 2003 you were telling investigators from
22 the Office of the Prosecutor about this alleged trip you took
23 with Mike Lamin. There is a question posed towards the end of
24 the page:

13:13:13 25 "Q. While you were part of Foday Sankoh bodyguard group
26 did you ever travel with him outside of Zogoda?

27 "A. Yeah. Later, I follow - I follow him but I never
28 reached to the headquarter in Ivory Coast. I only stopped
29 Danané because we were having the sub-base here, yeah.

1 When I get in Danané now, I never proceeded to the
2 headquarters. That was Abidjan. The Cocodella, where they
3 go see the headquarters for RUF. By that peace accord
4 around Cocodella area, Foday Sankoh were given."

13:13:58 5 Do you remember telling the Prosecution you stopped at
6 Danané and never went to Abidjan?

7 A. Yes.

8 Q. Same document, page 54. At the top of the page there is a
9 question posed to you, same interview again:

13:14:36 10 "Q. So Foday Sankoh told Mike Lamin to come and meet him?

11 A. Yeah, at Abidjan.

12 Q. In Abidjan?

13 A. Yeah.

14 Q. And he did that?

13:14:48 15 A. Mike Lamin came out there. He told me. He said we are
16 to prepare tomorrow so we can make a move to Abidjan. He
17 said the Pa, the leader said I should go and meet him
18 there. So he said I'm going along with you and my wife.

19 So he take us all along. When we got to Danané, that's at
13:15:18 20 Ivory Coast now there where I stayed he proceeded at
21 Abidjan. He was with him there now about let me say about
22 two to three weeks' time. Then Foday Sankoh came across
23 difficulties in Nigeria."

24 Twice during the same interview you told the Prosecution
13:15:40 25 you stayed at Danané and never went to Abidjan. Do you agree,
26 Mr Witness?

27 A. Yes. I had told you that in 1993 - I mean 2003, most of
28 the statements that I gave to them were not correct and I had my
29 reasons for that.

1 Q. Shall we go to the statement in tab 9 at page 3. That's
2 your statement from 2006. Tab 9, page 3, paragraph 15. In 2006
3 you spoke of this same trip to Danané:

4 "The witness stated that he and ML" - which we will all
13:16:57 5 agree stands for Mike Lamin - "went to Danané before ML went to
6 Abidjan because Danané was their sort base which they set up
7 after their main base was destabilised. Danané is a town in the
8 Ivory Coast 20 to 30 miles from the Liberian border."

9 Mr Witness, you did not mention in 2006 of going beyond
13:17:22 10 Danané to Abidjan. Do you agree you never said you went with
11 Mike Lamin to Abidjan?

12 A. Yes.

13 Q. This says: "He and Mike Lamin went to Danané before Mike
14 Lamin went to Abidjan." That is what you told them in sum and
13:17:42 15 substance. You did not say you went with Mike Lamin to Abidjan,
16 did you?

17 A. Yes.

18 Q. "Yes" means you did not say it, correct?

19 A. Yes.

13:17:55 20 Q. And that was your interview in 2006, yes? What I have just
21 read to you was your meeting with the Prosecution in the year
22 2006, 16 July, do you agree?

23 A. Yes.

24 Q. Indeed, your very first statement to the Office of the
13:18:22 25 Prosecutor, 31 January 2003, you make no mention of going with
26 Mike Lamin to see Foday Sankoh in Abidjan?

27 A. Yes.

28 Q. "Yes" means you did not say it to them at all?

29 A. I did not say it.

1 Q. Now, you told us of a long series of events that happened
2 on your way back. You said Mike Lamin was arrested, Foday Sankoh
3 had gone to Nigeria. Do you recall telling us that?

4 A. Yes.

13:19:13 5 Q. Did Foday Sankoh go to Nigeria after Mike Lamin was
6 arrested or before Mike Lamin was arrested?

7 A. Foday Sankoh was first arrested before Mike Lamin was
8 arrested.

9 Q. Are you aware that Foday Sankoh was arrested in Nigeria on
13:19:43 10 2 March 1997?

11 A. Yes. I know - I know that it was in '97, but my problem is
12 the month. I do not recall the month.

13 Q. Do you recall it being in the early part of 1997 that Foday
14 Sankoh was arrested in Nigeria?

13:20:08 15 A. Yes.

16 Q. He had been arrested before the junta took over on 25 May
17 1997 in Freetown, correct?

18 A. Yes.

19 Q. He was already in detention before that time; we agree on
13:20:24 20 that?

21 A. Yes.

22 Q. So Mike Lamin is arrested you said by the Ivorian gendarmes
23 and you had to find your way back. Do you recall telling us
24 that?

13:20:39 25 A. Yes.

26 Q. And to find your way back you ended up at Musa Cisse's
27 house in Danané, yes?

28 A. I reached there, but we had a base close to Musa Cisse's
29 house. That is where I was residing.

1 Q. Something you called protocol quarter or protocol base or
2 something to that effect, am I correct?

3 A. Yes, we had our own house where we were, but it's the area
4 that I was referring to. For instance, if we take this whole
13:21:24 5 area they refer to the place as Protocol Yard, but we had a
6 particular house where we were based.

7 Q. So you are near Musa Cisse's house. You go to Musa Cisse
8 for assistance. Musa Cisse supposedly gives somebody named CO
9 Brown money to go to Charles Taylor to find a way to bring you
13:22:16 10 back into Liberia. Am I correct in all of this, Mr Witness?

11 A. No, the way you put it, I did not understand it.

12 Q. Well, money was given by Musa Cisse to CO Brown?

13 A. Yes.

14 Q. You told us on Tuesday at page 20128, November 12, at line
13:22:52 15 8 the question was posed:

16 "Q. You said you were in Danané for about a week. How did
17 it happen that you left Danané?

18 A. Well, we had been with Danané within those few days.

19 This protocol, that is Pa Musa Cisse, called CO Brown.

13:23:10 20 According to CO Brown, Pa Musa Cisse gave him money and I
21 saw the money."

22 A. Yes.

23 Q. "He said it was Charles Taylor who had sent that money for
24 us." Do you recall telling us that, Mr Witness?

13:23:33 25 A. Yes.

26 Q. Do you recall then telling us how CO Brown escaped with the
27 money, yes?

28 A. Correct.

29 Q. How a radio operator called Action Man facilitated a

1 conversation between Mosquito and those of you in Danané, yes?

2 A. Yes.

3 Q. How Mosquito promised that he was going to send Jungle,
4 yes?

13:24:06 5 A. Yes.

6 Q. How Jungle did not come up to meet you in time and how you
7 crossed back into - I think you said it was Loguatu, yes?

8 A. Yes.

9 Q. How five of your Sierra Leonean brothers came and met you
10 at the border, assisted you to cross into Liberia, into Loguatu,
11 how you encountered a RUF rebel mother at which time Jungle
12 arrives. Correct?

13 A. Yes.

14 Q. And then Jungle assists you with a poda-poda and you end up
13:24:46 15 in Gbarnga, correct?

16 A. Yes.

17 Q. Do you know what you told this Court when you testified
18 before this Court on 19 July 2005 in Freetown about how it was
19 that you left Danané and came back to Liberia? Do you remember
13:25:06 20 what you told this Court?

21 A. Yes.

22 Q. What did you tell this Court, Mr Witness?

23 A. After we had got to Danané and when Mosquito had said that
24 Colonel Jungle should come and collect us and take us to Gbarnga
13:25:43 25 until he finds ways and means to help us reach him in Sierra
26 Leone, we went there and we were there for some time but we did
27 not see him. And by then Fayah Musa and others had collected all
28 the documents from us and we were just in the house like that.
29 But at that time Liberian refugees were in Ivory Coast.

1 Q. Mr Witness --

2 A. Yes.

3 Q. -- Let me just put it to you straight. You told this Court
4 previously that you escaped from Danané because you had money,
13:26:27 5 your own money. This comes from the AFRC transcript, 19 July
6 2005, at page 22. I will read to you what you said. We could
7 display it, but I see that we are short in time but I will read
8 it in the record. There was a question posed at line 18 and you
9 gave an answer at line 21. There is a reference here to a
13:27:03 10 Commander B. That means - well, I will avoid mentioning who
11 Commander B is for now, but I will read this to you.

12 "A. Something happened in 1996 when the peace was signed
13 at Yamoussoukro. We were in Ivory Coast. So that was the
14 time that Foday Sankoh was arrested. Commander B too was
13:27:28 15 arrested. I escaped. I had some money. I escaped and
16 came to Monrovia. I was then in Congo Town. It was there
17 that I was when I heard about the coup. So I was there
18 when Commander B was released. He met me there."

19 Did you tell the Court you escaped because you had some
13:44:00 20 money? This is when you testified in Freetown in 2005. Is that
21 what you said?

22 A. Yes, I escaped from Danané and by then I had money, but
23 that was not the money I used as transport fare. Not at all.

24 Q. Well tab 2, page 54 and 55. I will read this and then
13:44:35 25 rest, or propose an adjournment for today. This is your
26 statement to the Office of the Prosecutor about how you left
27 Danané and returned to Monrovia given on 26 February 2003. At
28 page 54 it says:

29 "Q. Okay.

1 A. They say they look suspicious over the movements they
2 are doing, so they were there until later."

3 Mr Court Usher, can we scroll down to the end of the page,
4 please, and I am reading the last paragraph:

13:45:29 5 "Myself, I moved from Danané because he carry me there and
6 he at that time he was under arrest, but at that time I was
7 having some money, about 60,000 CFE. That is roughly" -
8 over to the next page - "100 US dollars and so I tried
9 to find my way back to Monrovia, okay? So when I got to
10 Monrovia I was staying at one of my brother's."

11 When you spoke with the Prosecution outside of court you
12 told them you had 60,000 CFE, or francs, and that is how you made
13 your way back from Danané to Monrovia. Do you agree that is what
14 you said in 2003?

13:46:55 15 A. Yes, I had money on me, but that was not what I used to pay
16 the transport fare to Monrovia. That was with me for me to use
17 to get food and to sustain myself with it.

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

19 PRESIDING JUDGE: Indeed, Mr Anyah, if this is convenient
13:47:21 20 this is our normal adjournment time. Mr Witness, this is the
21 time we normally adjourn for lunchtime, but on a Friday we do
22 other work in the afternoon. We do not come back to court on
23 Friday afternoon. Therefore, we are going to adjourn court now
24 until 9.30 on Monday morning. I want to remind you again that
13:47:44 25 you are under oath and, whilst you remain under oath, you are not
26 to discuss your evidence with any other person. You understand
27 what I have said?

28 THE WITNESS: Yes, ma'am.

29 PRESIDING JUDGE: Very good. Please adjourn court until

1 9.30 on Monday.

2 [Whereupon the hearing adjourned at 1.30 p.m.
3 to be reconvened on Monday, 17 November 2008 at
4 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

AUGUSTINE S MALLAH 20262

CROSS-EXAMINATION BY MR ANYAH 20262