



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 18 JULY 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 Doreen Kiggundu

For the Registry:

Mr Gregory Townsend
Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Friday, 18 July 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:34 5 PRESIDING JUDGE: Good morning. I will take appearances.

6 I note, Mr Bangura, your Bar remains as before.

7 MR BANGURA: Good morning Madam President, good morning
8 your Honours and counsel opposite. Your Honours, for the
9 Prosecution this morning: Ms Brenda J Hollis; myself, Mohamed A
09:31:53 10 Bangura; and Ms Maja Dimitrova. Thank you, your Honours.

11 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard,
12 Mr Griffiths?

13 MR MUNYARD: Good morning Madam President, your Honours,
14 counsel opposite. For the Defence we have: Courtenay Griffiths
09:32:09 15 QC; myself, Terry Munyard; Morris Anyah; and today for the first
16 time Fiona Gray who is a legal assistant in the Defence office
17 and she is appearing in court for the first time today.

18 PRESIDING JUDGE: I do think there is another member of
19 your team.

09:32:25 20 MR MUNYARD: There is also present the head of office -
21 I think I have covered everybody on our side. The head of office
22 who is on the other side of the courtroom, Gregory Townsend, who
23 is not part of the Defence team, but actually part of the
24 Registry and I didn't want to usurp his position by announcing
09:32:52 25 him myself.

26 PRESIDING JUDGE: I hadn't heard Mr Anyah's name mentioned.
27 That's what I was alluding to, but I notice he is on record and
28 he was mentioned. It's my fault.

29 MR MUNYARD: Very well. Can I add the obvious that this

1 morning Mr Taylor is here.

2 PRESIDING JUDGE: I was indeed going to note that. Thank
3 you, Mr Munyard. We welcome Ms Gray to the Court for the first
4 time and we note Mr Townsend is also for the first time in court,
09:33:23 5 so we welcome him also. If there are no other matters, we will
6 proceed with cross-examination.

7 MR GRIFFITHS: There is one other matter, Madam President,
8 and it's this. I anticipate that you will have received a memo
9 from Anders Backman, chief custody officer at the United Nations
09:33:41 10 detention facility.

11 PRESIDING JUDGE: Yes, we have received that document.

12 MR GRIFFITHS: You will have noted that it essentially
13 corroborates the account I gave to the Court yesterday. However,
14 Madam President, on behalf of Mr Taylor I would like to express
09:34:00 15 our total dissatisfaction with the account given by Mr Backman
16 because it fails to address why it was found necessary to take
17 this most unprecedented step of strip searching the detainees
18 including Mr Taylor.

19 In light of our dissatisfaction with the memo provided by
09:34:23 20 Mr Backman we suggest two proposals: Firstly that the Court
21 orders the Registrar who has responsibility for the welfare of
22 Mr Taylor to conduct a full enquiry and report back to this Court
23 and also to Ray Cardinal, head of security in Freetown, as to why
24 it was found necessary to conduct a strip search of Mr Taylor and
09:34:57 25 whether it is proposed to make such a search a regular feature of
26 his custody whilst in the unit.

27 Secondly we would suggest that this Court orders the
28 Registrar to conduct regular inspections of Mr Taylor's prison
29 records for two primary reasons: Firstly to see if on the face

1 of such records there is any intelligence or reports suggesting
2 his involvement in illegal activities such as having in his
3 possession prohibited items which under the regulations of the
4 ICC can be the only justification for a strip search. I am aware
09:35:52 5 of that because I met with David Hooper yesterday, counsel for
6 Mr Katanga, who had had an opportunity of examining the statutory
7 and other provisions of the ICC and under those provisions a
8 detainee can only be searched if there is evidence that that
9 detainee has in his possession prohibited items. It seems to us
09:36:22 10 that, given the Registrar's responsibility for the welfare of
11 Mr Taylor, that the Registrar should undertake such inspections
12 to see whether or not there can be any justification for any
13 future repetition of such searches.

14 Secondly, we submit that such inspections of Mr Taylor's
09:36:47 15 prison records will provide and inform the Registrar's continuing
16 responsibility to keep under constant review the conditions of
17 detention of Mr Taylor, because we submit, your Honours, that it
18 behoves this Court to adopt these measures because unnecessary
19 and unjustified behaviour by custody officers has the capacity to
09:37:21 20 affect the smooth and efficient progress of these proceedings as
21 we learnt to our cost yesterday, with the financial implications
22 which are important which come as a result of that. So, we
23 submit that it is a matter which the Court should take seriously
24 and we submit that the proposals that we have put forward would
09:37:52 25 go some way to preventing a repetition of what occurred yesterday
26 with the consequent waste of time.

27 In conclusion, can I inform the Court that we are in touch
28 with counsel for the other detainees in the facility and we hope
29 collectively to address a number of issues regarding the

1 conditions of detentions in that unit which we submit, given the
2 nationality of the five detainees currently in that facility,
3 does not properly take account of their cultural differences and
4 needs and consequently collectively we are hoping to address some
09:38:39 5 of those issues with the ICC itself.

6 PRESIDING JUDGE: Thank you, Mr Griffiths. Before I invite
7 replies, allow me to confer with my colleagues.

8 [Trial Chamber conferred]

9 PRESIDING JUDGE: We do not consider it necessary to invite
09:43:56 10 replies on this matter. We note the applications and the reasons
11 for them. We are of the view that, based on the rules of the
12 Special Court and our jurisprudence in previous similar
13 applications, that these are matters that must be dealt with in
14 accordance with the Special Court for Sierra Leone Rules of
09:44:23 15 Detention Rule 59 to be investigated by the Registrar without
16 undue delay. Any dissatisfaction concerning the investigations
17 by the Registrar are matters to be referred to the President in
18 accordance with the rules of evidence and procedure.

19 Mr Townsend, you are on your feet.

09:44:57 20 MR TOWNSEND: May it please the Trial Chamber, my first
21 prayer would be to be excused as you continue with the witness.

22 PRESIDING JUDGE: Thank you, Mr Townsend. If there are no
23 other matters, I will remind the witness of his oath? No.
24 Mr Witness, you have taken the oath to tell the truth and again
09:45:34 25 this morning I remind you that that oath is still binding upon
26 you and you are obliged to answer questions truthfully. Do you
27 understand?

28 THE WITNESS: Yes, ma'am.

29 WITNESS: TF1-388 [On former oath]

1 PRESIDING JUDGE: Mr Munyard, please proceed. Mr Bangura?

2 MR BANGURA: May it please your Honours, a matter to do
3 with sitting for today and the completion of this witness's
4 testimony. Your Honour, it is the Prosecution's desire that this
09:46:04 5 witness's testimony be completed today. We are grateful to
6 my learned friend on the other side for already having given us
7 an indication as to how long he might be on cross.

8 Your Honours, the indication is that we might very well
9 finish within sitting time today but, your Honours, you never
09:46:30 10 know and the Prosecution simply intends to request that this
11 Chamber considers sitting beyond the normal time in the event
12 that we have to go beyond normal time to complete the testimony
13 of this witness. Your Honours, the Prosecution anticipates that
14 we should be able to conclude in that event not later than within
09:46:56 15 an hour of normal sitting time.

16 [Trial Chamber conferred]

17 PRESIDING JUDGE: Mr Bangura, we note what you say. We
18 will proceed and when we come to the normal time to adjourn we
19 will see how we have progressed and entertain any application at
09:47:44 20 that point. Mr Munyard?

21 MR MUNYARD: Thank you, Madam President.

22 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

23 Q. Good morning Mr Jaward.

24 A. Good morning, sir.

09:47:58 25 Q. I want to ask you a few general questions at the moment and
26 then we will look again at some of the matters that you were
27 telling us on Wednesday. When you were living in 2007 and the
28 early months of this year in Sierra Leone, you were living in
29 Tengbeh Town in Freetown, weren't you?

1 A. Yes, sir.

2 Q. And did you either know, or know before, or meet any of the
3 following people when you were living there: a man called Amara
4 Peleto?

09:48:48 5 A. No, sir.

6 Q. So, you had never met him before and you didn't meet him
7 during the time you were living in Freetown?

8 A. No, sir. I never met any Amara Peleto, sir.

9 Q. Sebatu Jusu, a Mr Jusu, does that name ring any bells?

09:49:17 10 A. Mr Jusu? I have never met Mr Jusu that you are referring
11 to in this case, sir.

12 Q. Alice Pyne? A lady called Alice Pyne?

13 A. I know a lady called Alice Pyne.

14 Q. Did you see her during the period of just over a year that
09:49:44 15 you have been living in Freetown?

16 A. Yes, I met her before in Freetown.

17 Q. And have you talked to her about the case?

18 A. No, sir. I have never revealed my contact with this Court
19 to anyone, especially somebody like Alice.

09:50:07 20 Q. Is that the truth?

21 A. Yes, sir.

22 Q. Why wouldn't you reveal the fact of your contact with this
23 Court to somebody like Alice, as you put it? What is the problem
24 with Alice?

09:50:25 25 A. Well, with the exception of even Alice you are making
26 mention of here, the information I am giving to you people here
27 was only for this particular Court and not for any other person
28 outside here.

29 Q. What do you mean by "especially someone like Alice"?

1 A. You have already asked me specifically about Alice.

2 Q. And you haven't answered.

3 A. That is why, you know - yes, this is what I am saying. You
4 were specific about Alice and that was why I mentioned Alice, but

09:51:13 5 I have never disclosed anything like that to somebody else.

6 Q. What is the problem with Alice? Will you answer my
7 question about that, or won't you?

8 PRESIDING JUDGE: Mr Witness, do you understand the
9 question put by counsel? Counsel says you said to anybody and

09:51:28 10 then you said "especially Alice." Why did you say "especially
11 Alice"? Mr Munyard is that a --

12 MR MUNYARD: Yes. He actually said "especially somebody
13 like Alice."

14 PRESIDING JUDGE: "Especially somebody like Alice." Why
09:51:42 15 did you use those words?

16 THE WITNESS: I said I used "especially" because he asked
17 me about Alice specifically and not any other person.

18 MR MUNYARD:

19 Q. I suggest that's nonsense, Mr Jaward. It was you who said,
09:52:00 20 "I would never reveal my contact with this Court to anybody,

21 especially somebody like Alice", indicating that there was a
22 particular aspect of her personality that made her especially

23 unsuitable to discuss your contact with the Court with. Are you
24 going to tell us what the problem with Alice was, or aren't you?

09:52:31 25 A. I don't know anything about the problem with Alice in
26 connection to this Court.

27 Q. Next name: Rashid Foday.

28 A. I know Rashid Foday.

29 Q. Have you seen Rashid Foday during the time you've been

1 Living in Freetown, either there or anywhere else?

2 A. Yes, I met him in Liberia during the time of the war I was
3 explaining about here over the past one week.

09:53:18

4 Q. Yes, and have you seen him also since you came into contact
5 with this Court?

6 A. In Freetown I saw him, sir.

7 Q. Isaac Mongor. What about Isaac Mongor?

8 A. That name looks somehow strange. Which of the Isaac, if
9 you can describe him somehow?

09:53:56

10 Q. CO Isaac, Colonel Isaac, one of - to quote one of
11 my learned friend's from the Prosecution, one of the most senior
12 members of the RUF.

13 A. I knew him before, but I have not seen him since I have
14 been here with the Court in Freetown.

09:54:30

15 Q. Is that true?

16 A. Yes, this is what I'm saying, sir.

17 Q. During the time that you have been in Freetown have you
18 been following the trial and the evidence that was given since 7
19 January when this trial started?

09:55:00

20 A. If that is the question please come back with the question,
21 sir.

22 Q. During the time that you have been in Freetown have you
23 been following the trial and the evidence that was given since
24 the trial began on 7 January?

09:55:17

25 A. I have not been following like to say I will have to go
26 with every piece of information about the trial. I have not been
27 doing that, sir.

28 Q. Do you mean by that that you have been following it, but
29 not absolutely every piece of evidence as it was reported over

1 the world's media?

2 A. Yes, sir, I have been hearing some information over the
3 world media, but I have not been specifically tasked to be
4 checking what was actually going on every day.

09:55:57 5 Q. Did you hear anything through the media about Isaac Mongor
6 and his evidence?

7 A. Yes, sir, I have heard something about him concerning this
8 Court over the media, sir.

9 Q. What was it that you heard about him?

09:56:19 10 A. I heard that he was one of the witnesses that testified in
11 this Court against Charles Taylor.

12 Q. And he was somebody you knew from the past, yes?

13 A. Yes, sir.

14 Q. Did you speak to him when he had finished giving his
09:56:43 15 evidence, either back in West Africa or over here on one of your
16 trips here?

17 A. No, sir.

18 Q. What about before he gave his evidence? Did you speak to
19 him then?

09:56:58 20 A. No, sir.

21 Q. Do you know somebody called Andrew Sheku Coomber?

22 A. Yes, sir.

23 Q. It's right, is it not, that when you fled with Sam Bockarie
24 into Liberia you became an artillery specialist for the - sorry,
09:57:25 25 when you went with Sam Bockarie to the Ivory Coast you became an
26 artillery specialist for the Ivorian rebels?

27 A. No, sir.

28 Q. Did you find that amusing?

29 A. No, nothing is funny here, sir, but what I said is that

1 I never became a specialist as an artillery specialist,
2 especially in Ivory Coast you are making mention of.

3 Q. Well, have you ever said to anybody after you got back from
4 the Ivory Coast that you had become an artillery specialist?

09:58:14 5 A. No, sir.

6 Q. When you came back from there you ended up as a taxi driver
7 in Monrovia, we know that, but you wanted to get back to Sierra
8 Leone, didn't you?

9 A. No, sir.

09:58:34 10 Q. You wanted to get back to Sierra Leone, I suggest, but you
11 just didn't have the money to get back. Is that right?

12 A. No, sir.

13 Q. And by engaging with this Court, that gave you the
14 opportunity and indeed the money to come back to Sierra Leone,

09:58:59 15 didn't it?

16 A. No, sir.

17 Q. And your taxi is now in your compound in Sierra Leone,
18 isn't it?

19 A. Yes, sir.

09:59:14 20 Q. Although you say that you don't actually use it to earn
21 money by acting as a taxi driver formally or informally. That
22 was your position on Wednesday last, wasn't it?

23 A. Please come back with that question, sir.

24 Q. You say that the taxi is just sitting there, you're not
09:59:38 25 using it as a taxi any more. You're not earning a bit of extra
26 money through taxi driving?

27 A. No, sir.

28 Q. And who is it who has paid the tuition fees for this course
29 that you're doing?

1 A. I paid for myself the school fees.

2 Q. Out of what?

3 A. Out of the money that I had when I came to Sierra Leone.

10:00:17

4 Q. Are you talking about the West African school certificate
5 examination, the fees for that?

6 A. Yes, sir.

7 Q. You've paid for that out of money you've received from the
8 Court, haven't you, and by the Court I mean either the

10:00:43

9 Prosecution or any monies you might have received via the Witness
10 and Victims Section?

11 A. Yes, sir. What I mean in this case is that my money
12 I spent to bring my family over was refunded and that was the
13 money I used to enrol myself into the schools where I was taking
14 my classes.

10:01:02

15 Q. So you have been able to pay for your courses of study
16 because of your contact with the Court?

17 A. Yes, sir.

18 Q. And is it right that the Prosecution are still paying for
19 your further tuition, your further studies?

10:01:30

20 A. They have not yet paid for any further studies.

21 Q. Not yet. Do you mean the agreement is that they will pay
22 for your further studies?

23 A. We have not entered any agreement. I have not entered any
24 agreement with them for that, sir.

10:01:50

25 Q. Not yet, but are you expecting to enter such an agreement?

26 A. Yes, sir, because the time I am spending with them, sir.

27 Q. Yes. You are expecting to enter into such an agreement not
28 just to pay your further studies, but also to continue your
29 economic and security arrangements. In other words, to continue

1 to provide you with some sort of income and security after you
2 have given your evidence. That's right, isn't it?

3 A. No, sir, my only concern with them is coming here to do
4 what I am presently doing and that I only have concern about my
10:02:45 5 security in case there was any problem about security.

6 Q. Now, can I go back to something that you talked about on
7 Wednesday towards the end of your evidence then. You were
8 telling us about seeing corpses on the ground and so on. Do you
9 recall that?

10:03:12 10 A. At CNC, yes, sir.

11 Q. This is the time that you had been taken out of a vehicle,
12 stripped, tied up and were about to be executed when a man called
13 Sylvester popped up and said, "No, don't kill him", yes?

14 A. Yes, sir, that was the point I saw the corpses.

10:03:45 15 Q. And this is something that you say you told the Prosecution
16 when you were giving them this account in August of last year,
17 that you had seen corpses on the ground, yes?

18 A. Yes, sir, I made mention of that before.

19 Q. Despite the fact that there is no mention of it at all in
10:04:06 20 the interview notes when you were giving them the detailed
21 account of all of those events on 10 August last year. You say
22 that they have missed out your reference to seeing corpses on the
23 ground, do you? Do you understand the question? You say that
24 you told them about seeing corpses on the ground in August of
10:04:46 25 last year, but the fact that there is no mention in their notes
26 of that interview means they omitted to include that detail that
27 you gave them then, yes?

28 A. Yes, sir, this is what I am saying. I made mention of that
29 before.

1 Q. So the two people who are interviewing you, Mr Niemi and
2 the lady you call Madam Brenda, managed to miss that out and you
3 say they didn't read that interview back to you so you had no
4 opportunity to correct their error, yes?

10:05:33 5 A. I never condemned that idea that they never read interviews
6 to me, but what I said here was what I confirmed and that was the
7 reality that I knew happened and if there were any changes, I did
8 not know how the changes came about, but what I am saying here in
9 this Court is what I consider the reality and I know is the fact
10:05:59 10 that I am saying.

11 Q. Mr Jaward, it's complete nonsense that those two people
12 missed out reference to corpses in their notes, isn't it? You
13 gave a different account of these events, I suggest, when you
14 were interviewed in August of last year and you now can't
10:06:19 15 remember the story. Do you agree?

16 A. This is what I am saying here. If I had said a particular
17 thing and I believe that that is one of the issues, I mean points
18 or the experience that I had at that time, and that I can
19 remember I had made mention of that, that is what I am saying,
10:06:43 20 that I made mention of that, but that particular conversation
21 interaction at that time that happened I cannot exactly give you
22 the true picture of what happened at that time.

23 Q. You told us last week when you were giving your
24 evidence-in-chief, that is to say your evidence to my learned
10:07:00 25 friend for the Prosecution - you told us of an occasion when
26 Foday Sankoh's girlfriend Jande was killed. Do you remember
27 that?

28 A. Yes, sir.

29 Q. Is that something that you had previously talked to the

1 Prosecution about in these interviews that have taken place with
2 you many, many times between February 2006 and this month, July
3 2008?

4 A. Yes, I remember whenever I was asked about such a question
10:07:37 5 I confirmed the same information because I experienced it, sir.

6 Q. Are you saying that you have mentioned that to the
7 Prosecution before you gave your evidence in court in one of
8 these numerous interviews that you have had with them?

9 A. Yes, sir, I remember I had made mention of that before.

10:08:02 10 Q. Right. Well, you know that I will be corrected if I put
11 something wrongly to you. I suggest that you have never
12 mentioned the killing of Jande in any of these interviews before
13 and I will be corrected if I have missed it. Is the killing of
14 Jande something you heard about when you have been monitoring the
10:08:28 15 trial over the media?

16 PRESIDING JUDGE: You have actually got two questions
17 there. You have put to him that he didn't mention it and now you
18 are asking if he has heard over the media.

19 MR MUNYARD: I am sorry. I will let him answer the first
10:08:42 20 one.

21 THE WITNESS: Please come back with the question, sir.

22 MR MUNYARD:

23 Q. You have never mentioned Jande's murder in your interviews
24 with the Prosecution prior to giving evidence, have you?

10:08:59 25 A. No, sir, I had made mention of Jande before this particular
26 time I am sitting in front of you here.

27 Q. Is it one of the pieces of evidence that you heard when you
28 were either monitoring the trial or talking to other Prosecution
29 witnesses about their evidence?

1 A. You see, the only thing I can tell you, sir, is that if you
2 continue to say that I have been monitoring I cannot challenge
3 your evidence, but if there is any other Jabaty Jaward who is
4 related to what I have experienced and what I have said here
10:09:44 5 I think you can find ways to prove your allegations against me.

6 PRESIDING JUDGE: Mr Witness, answer the question as put.

7 THE WITNESS: No, sir, I never monitored anything like that
8 over the media. I was within that particular movement at the
9 time that incident happened, sir.

10:10:07 10 MR MUNYARD:

11 Q. Your cousin Kai fa Wai, also known as Noriega, do you
12 remember telling us when you were giving your evidence to
13 my learned friend that he was killed and his head was put on a
14 checkpoint?

10:10:23 15 A. Yes, sir.

16 Q. Is that something you had ever mentioned to the Prosecution
17 in these numerous interviews before you came to court to give
18 evidence?

19 A. Yes, sir. I have made mention of that before to the
10:10:40 20 Prosecution, sir.

21 Q. I mean specifically that his head was cut off and put on a
22 checkpoint. Have you told the Prosecution that before?

23 A. Yes, sir, I have made mention of that before.

24 Q. Again I suggest that is totally wrong and I will be
10:11:00 25 corrected if I have missed that particular detail, but I suggest
26 that is something else that you have thrown in during the course
27 of your evidence-in-chief either because somebody has asked you
28 to, or because you have heard other witnesses talk about heads on
29 sticks at checkpoints. Do you agree with that?

1 A. No, sir.

2 Q. When do you say you told the Prosecution this important
3 detail that your cousin's head was used on a checkpoint?

4 A. Yes, sir.

10:11:45 5 Q. No, when do you say you told them that?

6 A. I can remember when I even came here before, even before
7 I appeared in court here, the lawyer who was dealing with me at
8 that time, Mr Bangura, I even made mention of that to him.

9 I remember that in my evidence.

10:12:12 10 Q. Are you talking about before you came into court to give
11 evidence you mentioned it to Mr Bangura?

12 A. Yes, sir.

13 Q. When?

14 A. I said when I came last June, when I came here to The
10:12:32 15 Hague, I had an interview with him and I made mention of that.

16 Q. Well we have not heard of an interview with Mr Bangura in
17 June, but I am not in a position to dispute that. What I can
18 tell you is that, unless I have missed it, there is no record of
19 you having told that to the Prosecution. Has somebody been

10:12:55 20 encouraging you to give these little bits of evidence which
21 I suggest you have never told the Prosecution before?

22 A. The question is not too clear to me, sir.

23 Q. Has somebody been encouraging you to add in these little
24 bits of evidence to try to fit into a pattern and match the
10:13:27 25 evidence of other witnesses who have testified before you?

26 A. No, sir.

27 Q. Are you quite sure of that?

28 A. Yes, sir.

29 Q. You mentioned on Wednesday, or you made reference on

1 Wednesday, to the fact that at the time of the incident when you
2 were almost killed that you talked about "The first time when
3 I was almost executed". Was there a second time?

4 A. Please repeat the question, sir.

10:14:13 5 Q. You spoke on Wednesday of "The first time" when you were
6 almost executed, saved at the last minute by the appearance of
7 this man Sylvester. Was there a second time when you were almost
8 executed?

9 A. Yes, sir.

10:14:33 10 Q. Tell us about that.

11 A. I can remember that the second time was at the time I was
12 in Ganta when I was instructed by the combat medics, who were
13 working with this Dr Magona that I made mention of, that, you
14 know, since I was with Magona at that particular time they said
15 whenever there was an emergency case the ambulance that used to
16 carry the wounded soldiers to Monrovia at that time when it was
17 not available or would not carry everybody they should use the
18 bus which was there and that he recommended that as a driver
19 I should be assisting in doing that. I was asked at one time to

10:15:03 20 help carry some wounded soldiers to Salala, close to Monrovia,
21 because the instruction was that I was not to enter Monrovia.

22 But whilst doing that, not knowing that Salami, who was one of
23 the wounded soldiers at that time, noticed that I had been sent
24 to carry the wounded towards Monrovia, they said he called and
10:15:27 25 informed Benjamin Yeaten that I was escaping through by that
26 means to go to Monrovia.

27 So when we left and we got to the same CNC that I have been
28 referring to here, the logging company, to fuel the bus and
29 continue the journey, I saw a pick-up of one of the artillery

1 soldiers who were based in Ganta. They came and arrested me and
2 they said it was by the orders of Benjamin Yeaten and they
3 carried me back to the base. Whilst we were on route, from the
4 discussion the commander heard on the Thuraya phone later they
10:16:45 5 said Jungle asked that they should take me to him. So, when they
6 took me to him first I was jailed and later in the jail Jungle
7 came again and took me from there and back to the combat camp.
8 And even before I could understand the story I have just
9 narrated, that it was Salami who said to Benjamin Yeaten that
10:17:08 10 I was trying to escape, then Benjamin Yeaten instructed them that
11 if I was trying to escape they should arrest me and kill me. So
12 that is the second incident, one of the areas that they attempted
13 to kill me during that incident that I can remember.

14 Q. So if I have understood you correctly, you are saying that
10:17:28 15 you were supposed to be hidden, yes? You were supposed to be
16 kept in hiding, is that right?

17 A. Yes, sir. I was not allowed to move from Nimba on my own,
18 sir.

19 Q. But despite that you decide to drive a vehicle, sitting in
10:17:56 20 the driving seat presumably in full view of everybody - you
21 decide to drive a vehicle to go to Monrovia?

22 A. No, sir.

23 Q. To go to where?

24 A. The instruction that was given to the securities that they
10:18:15 25 assigned with me to carry the wounded soldiers was that I should
26 stop at Salala.

27 Q. Right. And how long a distance was that that you were
28 driving the vehicle, or supposed to have driven the vehicle?

29 A. It was a far distance from where - from Ganta to Salala and

1 it was another far distance from Salala to Monrovia.

2 Q. And then if I have understood you correctly, somebody sees
3 you in the driving seat of this vehicle and decides that they are
4 going to kill you, is that right?

10:18:55 5 A. I don't understand that question.

6 Q. Well, you said that somebody noticed you driving the
7 wounded soldiers towards Monrovia and informed Benjamin Yeaten
8 that you were escaping and so they decide to stop you, arrest you
9 and they are going to kill you again, or they are going to
10 attempt again to kill you, yes?

10:19:28

11 A. Yes, sir, this was what I was exactly informed after they
12 had brought me.

13 Q. And then you are taken to see Jungle, yes?

14 A. That was like he said the instruction he gave to them that
15 they should take me over and jail me. They said it was an order
16 from Benjamin Yeaten. Jungle later came there and released me.

10:19:56

17 Q. Were you taken to Jungle, or did Jungle come to you? What
18 exactly happened?

19 A. Jungle came to me where I was detained at that time.

10:20:15

20 Q. And like Sylvester he turned up and stopped your imminent
21 execution, is that what you are telling us?

22 A. Yes, sir.

23 Q. Is any of this true about these attempts to execute you?

24 A. Yes, sir.

10:20:35

25 Q. Why were you such an important person that you needed to be
26 executed not once, but twice?

27 A. One of the main reasons that I myself gathered was from
28 what happened to the other brothers that he had executed with Sam
29 Bockarie, because he never had wanted me to give the information

1 that I am giving today in relation to Charles Taylor's trial
2 because by then we had heard about the indictment and that things
3 were not to be revealed.

10:21:18 4 Q. Mr Jaward, on the numbers that you gave us earlier in the
5 week - do you remember when you went through those handwritten
6 lists and gave us the numbers of people who had been killed in
7 order to stop it being found out that they were Sierra Leoneans
8 in the ATU - you listed less than 50 people out of 189.

10:21:51 9 A. Yes, sir, those were the people that I can identify by
10 pictures and I knew them before by those names, but the rest of
11 the other people were all involved in that, but I cannot
12 specifically refer to a particular person as a particular
13 individual.

14 Q. Even allowing --

10:22:04 15 A. What I wanted was that when I said this person was killed -
16 come back, sir.

17 Q. Even allowing for others killed in combat or dying of
18 natural causes and the rest of it, there were still dozens of RUF
19 ATU members still alive, weren't there, from your list that you
10:22:29 20 looked at and ticked off?

21 A. Well, I cannot give you the exact statistics of all the
22 categories you are referring to, but what I told you was that the
23 majority of that particular group I believe were all killed
24 because of that particular issue I have made mention of here.

10:22:52 25 Q. But you haven't ticked off a majority of that particular
26 group. You've ticked off a minority, around a quarter, possibly
27 less than a quarter. Do you understand?

28 A. Those were the brothers or friends that were so close to me
29 that I knew and that I can recognise and that I can give account

1 about and not somebody from the group that I had not seen after
2 the incident and I don't have any guaranteed information about
3 his real name to say yes, this is one of them here.

10:23:39 4 Q. We are going to look in a moment at the names that you
5 ticked off, but before we get to that stage I want to ask you a
6 little more, please, about your friend High Command that you were
7 with in Gbankoi the day before all this happened. That's right,
8 isn't it; the day before you were nearly executed for the first
9 time?

10:24:03 10 A. Yes, sir.

11 Q. Had High Command also been with Sam Bockarie's men in the
12 Ivory Coast and Burkina Faso?

13 A. No, sir, as far as Ivory Coast was concerned I only saw
14 High Command when he and Andre who I was referring to, that Felix
10:24:37 15 Doh, went to investigate about the death of one of the bodyguards
16 of Benjamin Yeaten who died during the ceasefire in Ivory Coast.

17 Q. So High Command was in the Ivory Coast and did know the
18 rebel leader Andre, also known as Felix Doh, yes?

19 A. Yes, he knew him before because Andre was with Benjamin
10:25:04 20 Yeaten in Liberia before we went for that --

21 Q. And High Command had the job of conducting an investigation
22 into some of Sam Bockarie's activities in the Ivory Coast, didn't
23 he?

24 A. I said he went along with the delegation. I did not
10:25:25 25 specifically refer to him as investigator. He was amongst the
26 group that went with Andre.

27 Q. Did High Command tell you at any time, either when the two
28 of you were in Gbankoi, or later when you saw him in Liberia -
29 did he ever tell you that Sam Bockarie's men continued to cause

1 problems with the Ivorian rebels by beating them up and not
2 taking orders from them?

3 A. I don't understand that question. It is not
4 straightforward. It is somehow confusing.

10:26:10 5 Q. I'll try it again. At any time in your conversations with
6 High Command did he ever tell you that Sam Bockarie's men were
7 causing problems with the very rebel forces that they were
8 supposed to be fighting with, in other words fighting alongside?

9 A. No, sir, he never made any remarks like referring to the
10:26:40 10 fighters causing problems for the other fighters, the Ivorian
11 fighters, during the time we were in Ivory Coast that I can
12 remember.

13 Q. Do you know the name Sorogay?

14 A. I only know of John Solo [phon] but not Sorogay actually.

10:27:12 15 Q. Another Ivorian rebel from the north?

16 A. That name is strange to me. I have not heard that name
17 before.

18 Q. Well, you told us earlier in the week that there were
19 several different rebel leaders in the Ivory Coast. Do you
10:27:32 20 remember?

21 A. Yes, sir, I remember that I have said that before.

22 MR BANGURA: Your Honours, it's just about spelling of
23 names. We have got a few names come up and we don't quite get --

24 PRESIDING JUDGE: I don't recall Sorogay before,

10:27:49 25 Mr Munyard. Have we had that name?

26 MR MUNYARD: Madam President, I am not sure if we have had
27 it in this form, but the spelling that I can give you is
28 S-O-R-O-G-A-Y, or A-Y-E.

29 PRESIDING JUDGE: As one word?

1 MR MUNYARD: Yes, a rebel leader from the northern part of
2 the Ivory Coast.

3 PRESIDING JUDGE: Any others, Mr Bangura, that we have
4 missed?

10:28:20 5 MR BANGURA: There was one earlier. I can't remember
6 exactly now. There was a name earlier, but I allowed counsel to
7 continue because I didn't want to interrupt. There was one
8 earlier.

9 PRESIDING JUDGE: Well, if you find it, Mr Bangura, please
10:28:33 10 alert us to it and we will clarify. May I take it that the name
11 Solo is as spelt on the record, Mr Munyard?

12 MR MUNYARD: I am just looking for it. I can see Sorogay
13 in capital letters in the two different spellings that we have
14 been given.

10:29:03 15 JUDGE SEBUTINDE: There is also John Solo.

16 MR MUNYARD: I can't help you at all with that because that
17 didn't come from me, that came from the witness.

18 PRESIDING JUDGE: Very well. Proceed.

19 MR MUNYARD:

10:29:18 20 Q. Did High Command never talk to you about how Sorogay
21 ordered his men to attack Sam Bockarie's men?

22 A. No, sir, I never knew about it. I never had any
23 discussions about High Command concerning about any Sorogay.

24 Q. And didn't he tell you that it was in the course of that
10:29:44 25 fighting that Sam Bockarie killed Felix Doh?

26 A. No, sir.

27 Q. And that that was then followed by Sorogay pushing Sam
28 Bockarie and his men to the border between the Ivory Coast and
29 Liberia?

1 A. No, sir.

2 Q. To Loguato?

3 A. No, sir.

4 Q. So High Command never told you anything about this you're
10:30:18 5 saying?

6 A. No, sir.

7 Q. And that, I suggest, was the reason why Sam Bockarie was
8 trying to get into Liberia together with his men. You've never
9 heard that suggestion before. Is that what you're saying?

10:30:41 10 A. I have never heard that suggestion or discussion with High
11 Command, not about that.

12 Q. Well, after High Command and you were in Gbankoi, where did
13 High Command go?

14 A. High Command and I only went to Gbankoi during the night
10:31:08 15 hours and we returned to Ganta that same night on the defensive.

16 Q. When did you - did you stay with him the next day, or did
17 you separate?

18 A. That morning I - we slept together that night we returned
19 from Gbankoi and that morning I was with him until they sent me
10:31:31 20 to take the rice and salt in my jeep when I was arrested. I left
21 him at Benjamin Yeaten's house base at Ganta.

22 Q. When was it that you next saw High Command?

23 A. After I had been arrested, that same day in the evening
24 I was brought to the combat camp. They were on the defensive so
10:32:04 25 we used to see each other almost every day at the combat camp.

26 Q. And talk to each other nearly every day?

27 A. Not really every day that we had to talk to each other, but
28 it was like they were the commanders there so I just had to see
29 him, even if we hadn't any personal discussion.

1 Q. Well, did you have a chance over the two months or so that
2 you were there to chat to him from time to time?

3 A. Yes, sir.

10:32:41

4 Q. Did you tell him of the terrible experience that you had
5 that you were on the point of being executed when Sylvester
6 suddenly appeared and rescued you? Did you tell him about that
7 dramatic event?

10:33:04

8 A. It was possible that I had to say something about that,
9 because that was my story at that time. Everybody was coming
10 around me.

10:33:34

11 Q. And did he not tell you that after he left you, after the
12 two of you had been to Gbankoi together, that he went off to a
13 meeting with Benjamin Yeaten and Moses Blah and Joe Tuah and some
14 ministers and other commanders to talk about how to deal with Sam
15 Bockarie? Did he not tell you about that, High Command?

16 A. No, sir.

10:34:09

17 Q. Did he not tell you that he went with Benjamin Yeaten and
18 others, including Salami, in order to deal with Sam Bockarie, and
19 by "deal with Sam Bockarie" I mean in order to execute Sam
20 Bockarie?

21 A. No, sir.

22 Q. He didn't tell you that he also went with Moses Blah to
23 visit Sam Bockarie at Cocopa? He didn't tell you that?

24 A. I cannot remember him telling me that, sir.

10:34:32

25 Q. He didn't tell you anything at all about him and Moses Blah
26 and Benjamin Yeaten and Joe Tuah and others taking Bockarie to a
27 village?

28 A. I cannot remember any story about what you are saying about
29 that particular information now, sir.

1 Q. I think you have already told us that although you had
2 conversations with High Command he never told you that he was one
3 of a group of ten men who surrounded Sam Bockarie and shot him
4 dead. He never mentioned that to you?

10:35:26 5 A. No, sir, he never mentioned that, sir.

6 Q. Some distance away from the village where he, Benjamin
7 Yeaten and Moses Blah and others had taken Sam Bockarie
8 initially. Not a word about that to you from High Command?

9 A. No, sir, I never heard of that composition of people you
10:35:54 10 are explaining about, especially Moses Blah that you're
11 mentioning.

12 Q. Is High Command in your view a person who is trustworthy or
13 not trustworthy from your knowledge of him?

14 MR BANGURA: [Microphone not activated].

10:36:13 15 PRESIDING JUDGE: What the line of the questioning, or the
16 question?

17 MR BANGURA: [Microphone not activated].

18 PRESIDING JUDGE: Why do you object to it, Mr Bangura?

19 MR BANGURA: Your Honours, my learned friend is seeking to
10:36:27 20 have the witness establish something of the character of a person
21 and the witness is not in a position - should not be in a
22 position to give that sort of evidence, your Honour.

23 PRESIDING JUDGE: He has asked - Mr Bangura, counsel has
24 asked did he consider him trustworthy. He can answer that
10:36:52 25 question and, if he cannot answer the question, he can say so.
26 He has not been asked something as an expert. He is entitled
27 to - I consider that counsel is entitled to put that question.
28 Please put the question again, Mr Munyard.

29 MR MUNYARD:

1 Q. You know High Command. You have told us that already. You
2 have had many conversations with him, haven't you?

3 A. Yes, I had conversations with him.

4 Q. Over a number of years?

10:37:26 5 A. No, sir. Not for a number of years, sir.

6 Q. Well, you have told us about events in 2003 in the region
7 of the area of Ganta and thereabouts. When did you next see him
8 after those couple of months there where you would meet and have
9 conversations from time to time?

10:37:52 10 A. Are you referring to Ganta at the time that we met?

11 Q. I am referring to the occasions that you have just told us
12 about. You were, you say, being kept - supposedly secretly kept
13 - away from Monrovia and at the combat camp you met High Command
14 regularly and you had conversations with him. After that period,

10:38:24 15 when did you next see him and where?

16 A. I saw him again in Monrovia.

17 Q. Thank you. When was that?

18 A. When I was brought to Monrovia, within that almost two
19 weeks when I was with Dr Magona, High Command was wounded. He
10:38:55 20 had a bullet wound in his stomach. Dr Magona used to go to treat
21 him right after Benjamin Yeaten's house on the island - Pako
22 Island. I saw him there and we went there once for him to be
23 treated.

24 Q. Right, so you saw him in Monrovia then when he was getting
10:39:18 25 treatment. When did you see him after that?

26 A. When I was also driving my taxi I saw him at one time in
27 Monrovia.

28 Q. Right. Have you ever seen him since then?

29 A. No, sir.

1 Q. Just help us with this. From all of your dealings with
2 him, is he somebody who you would regard as trustworthy?

3 A. Well he and I were not in a particular agreement or
4 arrangement that I can prove him to be trusted or not trusted, so
10:40:04 5 I cannot say whether he is trustworthy or not.

6 Q. Have you ever known him to completely invent a wholly
7 untrue story?

8 A. This is what I am saying.

9 MR BANGURA: Your Honours, I am disturbed by the line of
10:40:28 10 cross-examination again, your Honour, but specifically my learned
11 friend is seeking to get from the witness matters about the
12 credibility of a person. At one stage my learned friend limited
13 the question to "From your dealings with this person" and that in
14 my view could go on, but when my learned friend puts a question
10:40:49 15 in a more general way and more general terms, your Honours,
16 without specifically saying in what context, then he is seeking
17 matters about the credibility of this witness which I submit that
18 the witness is not --

19 PRESIDING JUDGE: Pause, Mr Bangura. Credibility of which
10:41:05 20 witness?

21 MR BANGURA: I am sorry, your Honour, I was talking about
22 the person.

23 PRESIDING JUDGE: Oh, I see.

24 MR BANGURA: The witness will not be in a position to speak
10:41:16 25 to the credibility of somebody in a wider general situation as
26 my learned friend has asked the question.

27 JUDGE LUSSICK: Mr Bangura, the question was simply this -
28 and I quote - "Have you ever known him to completely invent a
29 wholly untrue story?" Now, isn't that something that is within

1 the witness's knowledge?

2 MR BANGURA: Your Honour, it could be within the witness's
3 knowledge, but --

4 JUDGE LUSSICK: Well, why can't he answer it?

10:41:48 5 MR BANGURA: Your Honour, I resile, your Honour, and let's
6 see, but I am a little concerned about the manner in which
7 my learned friend is seeking to establish matters about the
8 credibility of somebody who the witness may very well --

9 PRESIDING JUDGE: We note that you have resiled from your
10:42:07 10 objection, Mr Bangura. Put the question, Mr Munyard.

11 MR MUNYARD: Thank you, Madam President:

12 Q. Mr Jaward, your friend High Command, have you ever known
13 him to completely invent a wholly untrue story?

14 A. I don't know him. I cannot exactly say whether he is a
10:42:38 15 liar or he can tell stories, but what he and I discussed before
16 he had not lied to me for me to say he had lied to me.

17 Q. So the answer to my question, "Have you ever known him to
18 tell a wholly untrue story?", is, "No, I have never known him to
19 tell a wholly untrue story", isn't it?

10:43:03 20 A. To me personally. I don't know about other people.

21 Q. I am only asking about his dealings with you.

22 JUDGE SEBUTINDE: With respect, Mr Munyard, I think the
23 answer would be "I don't know", according to what the witness has
24 answered, not, "No, I have never known him to tell untrue
10:43:27 25 stories." Two different things.

26 MR MUNYARD: He said "To me" and that is sufficient for my
27 purposes, your Honour. I can move on now. It was the last of my
28 questions on this particular issue, but that was some minutes ago
29 when I asked it originally:

1 Q. Now a couple more questions, please, about Sam Bockarie and
2 the ATU. When Sam Bockarie was in Liberia he didn't have command
3 over any members of the ATU, did he?

4 A. No, sir.

10:44:13 5 Q. Thank you.

6 PRESIDING JUDGE: Is that a double negative again,
7 Mr Munyard?

8 MR MUNYARD: I think he is agreeing with me.

9 PRESIDING JUDGE: Are you agreeing with counsel,

10:44:23 10 Mr Witness?

11 THE WITNESS: He did not have control over the ATU.

12 MR MUNYARD:

13 Q. When he came into Liberia did he have any further contact
14 with the RUF as far as you were aware, that is the RUF in Sierra
10:44:50 15 Leone?

16 A. I never knew of any contact if he had any contact with the
17 RUF at that time, sir.

18 Q. When he was in the Ivory Coast did he have any contact that
19 you yourself heard, that is to say overheard, with
10:45:05 20 Charles Taylor?

21 A. Yes, sir.

22 Q. What, that you yourself overheard?

23 A. Yes, sir.

24 Q. Can you just tell us about the circumstances in which you
10:45:23 25 overheard his contact with Charles Taylor?

26 A. First of all, the order that took us - I mean we, the
27 Sierra Leoneans that were in the ATU - from Liberia to Ivory
28 Coast to meet Sam Bockarie was an order from Charles Taylor, and
29 when I met him finally in Seguela in the Ivory Coast from our

1 discussion about what really brought us to him he mentioned
2 Charles Taylor and before we could leave --

3 Q. I am going to stop you here for a moment. You are not
4 dealing with the question that I asked you. I asked you if you
10:46:05 5 ever yourself overheard Sam Bockarie in contact with
6 Charles Taylor. Answer that question, please.

7 A. Direct contact either in the form of communication in the
8 Ivory Coast at that particular time I did not monitor any direct
9 contact to be specific, but he mentioned of those things.

10:46:31 10 Q. Thank you. No, I am asking you about contact that you
11 overheard. I am not asking for a speech on what Sam Bockarie
12 told you. Do you understand?

13 A. Yes, sir, if you are referring to a speech from other
14 people that I overheard that.

10:46:53 15 Q. Now, you marked a list - you marked three handwritten lists
16 that we looked at it now seems a very long time ago, but I think
17 it was on Monday of this week. Your Honours, I will get the
18 MFI-number.

19 PRESIDING JUDGE: Is this MFI-9?

10:47:16 20 MR MUNYARD: MFI-9A, et cetera:

21 Q. This is a handwritten list, not done by you - well, to be
22 strictly accurate it is three handwritten lists and I will ask
23 for all three of them, MFI-9 A, B and C, to be given to the
24 witness. They are all dated 10 March 2002. One is a list of
10:48:05 25 graduates working with the ATU brigade, another is called
26 "Present Graduates on Gbatala Base" and the third one --

27 THE INTERPRETER: Your Honours, can counsel repeat the name
28 of the second list.

29 MR MUNYARD:

1 Q. "Present Graduates on Gbatala Base" and the third one is a
2 list of brothers working at the motor pool. Although no-one
3 except a handwriting expert should ever say that the handwriting
4 looks the same, on the face of it to the non-expert eye they
10:48:49 5 appear to be written by the same person, do you agree? You have
6 looked at them out of court with the Prosecution. You have
7 looked at them in court and marked them. Do you agree they look
8 as though they are written by the same person?

9 A. Yes, sir, the handwriting looks similar.

10:49:17 10 Q. But you don't know who it was who wrote these lists, is
11 that right?

12 A. No, sir.

13 Q. You wrote some yourself, you told us, yes?

14 A. No, sir, any document I prepared like this I could remember
10:49:38 15 my handwriting. I only said that the names on the first list
16 that was given to me I can remember these names of people with
17 whom I graduated.

18 Q. Mr Jaward, I am not suggesting that you wrote some of these
19 lists. I am saying you wrote some similar lists yourself. That
10:49:55 20 was your evidence.

21 A. Yes, sir.

22 Q. And there were also in existence, were there not, some
23 typed lists of ATU members? Typed rosters of ATU members, yes?

24 A. Yes, sir, I saw that before.

10:50:15 25 Q. And they were typed up for various different purposes, yes?

26 A. Yes, sir.

27 Q. And you told us that the typed list did not identify the
28 Sierra Leoneans as Sierra Leoneans in the ATU. Do you remember
29 saying that?

1 A. Yes, sir.

2 Q. Had you at any time - well, how regularly did you used to
3 see a typed list?

4 A. Within the ATU, sir?

10:50:58 5 Q. That is what I am asking about.

6 A. Most of our documents were typed, you know, from the ATU
7 headquarters.

8 JUDGE SEBUTINDE: That is not answering the question,
9 Mr Witness, really.

10:51:20 10 MR MUNYARD:

11 Q. How regularly did you see a typed list of ATU members, how
12 often in the three years that you were in the ATU?

13 A. The lists of the ATUs that I used to see in terms of
14 deployment and also, how can I say, pay roster were typed. This
10:51:47 15 is what I am trying to say.

16 Q. And did you get copies of those lists on a daily basis, a
17 weekly basis, a monthly basis or what?

18 A. I only used to receive the copies of my own company's list
19 during the time of my deployment, of my - of taking up
10:52:12 20 assignment.

21 Q. Have you never seen a complete roster of all of the members
22 of the ATU?

23 A. No, sir, and I never took my time to go through all the
24 rosters of the ATU, sir.

10:52:28 25 Q. I am not asking if you took your time to go through them.
26 I'm saying did you ever see a list that purported to be a full
27 list of all ATU members?

28 A. No, sir.

29 Q. Whether or not you read all the way through it you're

1 saying you never saw such a list?

2 A. No, sir.

3 Q. You just saw lists of your section, yes?

4 A. Yes, sir.

10:52:58 5 Q. What was your section called?

6 A. Well, my assignment - during my assignment I used to take
7 care of the Charlie Company in the 1st Battalion. I mean the C
8 Company in the 1st Battalion.

9 Q. And how many were there in the C Company?

10:53:28 10 A. We were about 280 something, but to be accurate it was
11 approximately - I cannot accurately remember the actual figure at
12 that time because we had other attachments to the company.

13 Q. Would you agree that the ATU as a whole comprised almost
14 3,000 people?

10:54:04 15 A. I cannot remember the estimated number or total of ATUs
16 before the ATU was dissolved.

17 Q. But can you give us a rough idea of how many people you
18 thought were in the ATU when you were part of it?

19 A. Well, I used to hear of almost three battalions that we had
10:54:28 20 in the ATU brigade.

21 Q. Well, for some of us that doesn't provide us with a number.
22 Can you give a number, please, of --

23 A. This is what --

24 Q. -- how many would be involved in three battalions?

10:54:44 25 A. This is what I am saying, sir. A battalion had their own
26 organisations and there were other attachments that I cannot
27 remember, all these that make up this battalion. So I cannot
28 really, you know, give you any figure here now that I feel is
29 exactly the truth I'm telling you.

1 Q. You say you used to hear of almost three battalions. How
2 many people would that amount to?

3 A. This is what I am saying. I cannot give you any estimated
4 number of that now, but I heard of 1st, 2nd and 3rd Battalions in
10:55:28 5 the ATU brigade.

6 Q. How many were in the battalion you were part of?

7 A. I said I do not know the actual figure of the battalion at
8 that particular time.

9 Q. Roughly?

10:55:41 10 A. This is what I'm saying. My own company at that particular
11 time, I had to sit down and start checking the company
12 organisation before I can even get to that, but I cannot remember
13 any rough estimate for now.

14 Q. You've said your company were about 280. How many other
10:56:02 15 companies were there in your battalion?

16 A. We had four companies in my battalion.

17 Q. Did you ever all assemble together on a parade ground or in
18 a particular place?

19 A. Yes, sir. We used to have a battalion parade.

10:56:22 20 Q. And roughly how many people did that involve, your
21 battalion?

22 A. I don't want to give any figure here that I cannot
23 accurately defend.

24 Q. A thousand perhaps?

10:56:39 25 A. This is what I am saying here. It involves mathematical
26 idea, but really I cannot give you any accurate figure for this
27 short time now.

28 Q. Mr Jaward, it doesn't involve mathematical ideas. I just
29 want you to go back in your mind's eye to any occasion when your

1 company took part in a parade with the whole of your battalion
2 and give us a rough estimate, from your memory, of how many
3 people there were on that particular occasion in that battalion.

10:57:22

4 A. Really I want you to understand that I don't believe in too
5 much speculation. What I do - that this is not the actual truth.
6 I don't believe in guessing. I want when I say it here to back
7 it up with evidence.

10:57:46

8 Q. Are you incapable of giving even a rough estimate of the
9 numbers of men who stood on a parade ground when your battalion
10 assembled together, you a trained soldier, a captain?

11 A. Yes, I admit that fact, but this is what I am saying,
12 I don't have that memory for now.

10:58:18

13 Q. We will move on. Was there ever a roster that you saw that
14 referred to the brothers from SL, that's to say the brothers from
15 Sierra Leone?

16 A. No, sir. We only used to prepare our own roster to
17 identify ourselves among the whole brigade of the ATU, not that
18 the ATU had to prepare their own list to give it to us.

10:58:46

19 Q. Thank you. MFI-9A, please. Now, do you agree that you had
20 previously marked one of these lists when you were being
21 interviewed by the Prosecution?

22 A. Yes, sir.

10:59:25

23 Q. I am going to take you through the list that you marked in
24 court and put various names to you and if the first page of
25 MFI-9A can be put on the screen, please. Thank you. We see at
26 number 2 your name Captain Jabaty Jaward, assignment 1st
27 Battalion, C Company commander and that's accurate, isn't it?

28 A. Yes, sir.

29 Q. And you marked a number of people on there who you say were

1 killed in this campaign against Sam Bockarie's Sierra Leonean ATU
2 members and you marked on that list number 14, Corporal Samuel D
3 Kellie of the 2nd Battalion, didn't you?

4 A. Yes, sir.

11:00:13 5 Q. Now, he was in a different battalion from yours. How did
6 you know that he had been killed on the instructions of
7 Charles Taylor in an effort to eliminate Sierra Leoneans from the
8 ATU?

9 A. Samuel Kellie was with me after Sam Bockarie was killed.
11:00:40 10 He and some other group that Jungle rescued, we were all in the
11 combat camp.

12 Q. So he was alive then?

13 A. Yes, he was still alive in Ganta.

14 Q. And how do you know that he was killed as part of this
11:01:01 15 campaign by Charles Taylor to execute Sam Bockarie's men?

16 A. The soldiers who were with Salami - I mean the bodyguards
17 who were with Salami, after Samuel Kellie was killed during one
18 of the attacks by one of the - our own forces from - he was shot
19 from his back. Later they confirmed that this was the mission
11:01:29 20 that we who were with Jungle who Jungle rescued, they were given
21 missions to execute us by that means. So he too was killed in
22 that form.

23 Q. This is the soldiers who were with Salami confirmed that he
24 had been executed, yes?

11:01:54 25 A. Yes, sir.

26 Q. And when did they confirm that to you?

27 A. After the death of Samuel Kellie.

28 Q. Yes, when? Samuel Kellie died in 2003 presumably. When
29 between 2003 and the present day did these soldiers tell you

1 this?

2 A. This information came out when we used to sit down
3 discussing, even discussing the reasons for the killing of Junglee
4 and all those who were also --

11:02:32 5 Q. When, please? I am asking you for a time frame.

6 A. This was still in 2003 when I was still in Ganta at that
7 time. It was then that the information was circulating.

8 Q. Is this while you're still being hidden away after the two
9 near lightning strikes, the two almost executions that you
10 experienced?

11:03:01

11 A. Yes, sir, this was the time.

12 Q. Now, if I was to suggest to you that Samuel Kellie was
13 killed in action before Sam Bockarie was killed what would you
14 say?

11:03:16

15 A. Well, I will deny that particular fact, that I have another
16 living evidence who can even prove that he and I were together
17 when this happened to us in Ganta when we lost Samuel Kellie as
18 well.

19 MR MUNYARD: I wonder, Madam President, if I can ask for

11:03:53

20 the original copy - sorry, I am going to avoid using the word
21 "original". The copy that this witness marked out of court
22 before he gave evidence to be put on the screen now and for the
23 benefit of anyone who has the pages it is 00016033, also known as
24 16033A. I have a copy for Madam Court Officer if she needs it.

11:04:30

25 I think she's ahead of me. Thank you.

26 MR BANGURA: Your Honours, for your assistance I am
27 informed that the document that my learned friend has referred to
28 is contained in binder for week 23 tab 28.

29 MR MUNYARD: I am grateful to Mr Bangura. That is right.

1 PRESIDING JUDGE: Thank you, Mr Bangura.

2 MR MUNYARD: I will pause so that everyone can get their
3 copies.

4 JUDGE SEBUTINDE: Mr Bangura, tab what?

11:05:47 5 MR MUNYARD: 28. I agree with Mr Bangura on this occasion:

6 Q. Now, Mr Jaward, have a look at number 14 on that list, but
7 just before you do help us with this. When was it that the
8 Prosecution gave you this document out of court for you to mark
9 on it those who you say were killed in this spate of executions
10 by Charles Taylor, or Charles Taylor's men?

11 A. This is what I have said. Samuel Kellie, the number 14
12 here, his death was master minded for the same reason for the
13 death of Sam Bockarie.

14 PRESIDING JUDGE: Mr Munyard, didn't you ask when?

11:06:50 15 MR MUNYARD: Yes, I was just looking at the script to see
16 if it was me or the witness who had completely missed the point.

17 PRESIDING JUDGE: I don't think this is an answer to the
18 question put. Please put the question again. Mr Witness, please
19 listen to the question.

11:07:05 20 MR MUNYARD:

21 Q. When was it, before you came into court to start your
22 evidence, that the Prosecution presented you with these
23 handwritten lists and asked you to put markings on them?

24 A. I had done this before coming here, sir.

11:07:24 25 Q. When is what I am asking. We know you had done it before
26 you came into court. We are trying to find out when you did it.

27 A. I cannot remember the time, but during one of my interviews
28 with the Prosecution. It was at that time that I did these
29 markings, sir.

1 Q. Was it this year on one of your various trips to The Hague,
2 or was it last year, or was it the year before?

3 A. I can remember, you know, when I came to The Hague here
4 I was given that list again to mark.

11:08:09 5 Q. You were given it again to mark. Do you mean you had
6 marked it previously?

7 A. Yes, sir. I can remember, you know, that list being
8 presented to me on two occasions.

9 Q. Two occasions before you came into court and gave evidence
11:08:29 10 about it?

11 A. Yes, sir.

12 Q. Did you mark more on the second occasion than you had
13 marked on the first occasion?

14 A. I was always presented with an unmarked list for me to mark
11:08:57 15 the list of those who were killed, you know, for the cause of the
16 death of - for the cause of the death of Sam Bockarie, so
17 I always marked - I was always given an unmarked list for me to
18 mark.

19 Q. What I am trying to understand is if you marked the list on
11:09:16 20 two separate occasions, did you mark some on the first occasion
21 and then did you put more marks on the same list on the second
22 occasion, or have you marked two totally separate sets of lists?

23 A. I was not counting to know how many I had marked on the
24 list. They only asked me who in this category were killed, you
11:09:46 25 know, with Sam Bockarie, in line with Sam Bockarie's death, and
26 after marking they would collect the paper. Then on another
27 occasion they will bring another blank - I mean an unmarked sheet
28 and a similar question would be asked for me to do it. I only
29 marked it. I did not check how many people were killed and whom

1 I marked on that particular paper.

2 Q. When you were given a copy of these documents the second
3 time, did you have available to you the set that you had marked
4 the first time?

11:10:21 5 A. No, sir, I was not having any other list to say I had
6 marked it before and it was available when they gave me the other
7 one to mark. I was just given something like an unmarked paper
8 and they will say "Mark this paper ...", you know, "... against
9 all those who you feel who you knew were killed in line with Sam
11:10:53 10 Bockarie."

11 Q. Right, I don't want there to be any unfairness. On the
12 first occasion that you were given these lists to put marks on
13 was it all the pages that we have been looking at, that is to say
14 the list of graduates which is four pages, the present graduates
11:11:18 15 which is two pages and the brothers at the motor pool which is
16 one page?

17 A. Yes, sir, I can remember this category of lists that were
18 given to me to mark.

19 Q. So, it wasn't a question of on the first occasion you were
11:11:39 20 given one or more of these lists and on the second occasion you
21 were given a different set of - you were given a different list
22 that you had not marked the first time round. Is that what you
23 are saying?

24 A. Really, if I understood you well, the only additional list
11:11:59 25 they gave to me in the second list was a typed list in addition
26 to this, but other lists had been given to me before. The other
27 lists.

28 Q. Did you say the only list they gave you in addition was the
29 typed list? Did I hear that correctly?

1 A. Yes, sir, I saw a typed list with them before and they
2 asked me if I knew about that particular list, or if I had seen
3 it before.

4 Q. Right, put the typed list on one side. I just want to
11:12:33 5 establish, so that there is no misunderstanding, on the first
6 occasion when you were given lists to mark were they these three
7 lists: a four page, a two page and a one page handwritten list
8 all dated 10 March 2003 - I am sorry, 2002?

9 A. I do not understand the question, please.

11:13:00 10 Q. On the first occasion were you given all of these pages to
11 mark, seven pages?

12 PRESIDING JUDGE: Mr Munyard, I note the answer at page 47,
13 line 22/23.

14 MR MUNYARD: Would your Honour mind revealing it to me?

11:13:32 15 PRESIDING JUDGE: "On the first occasion you were given
16 these lists to put marks, was it all the pages we have been
17 looking at?", and the witness answered, "Yes".

18 MR MUNYARD: Very well. I don't want there to be any
19 unfairness to the witness and I want it to be clear that, if he
11:13:49 20 was given maybe the first list on the first occasion and the
21 other two on another occasion that that is - I want to establish
22 whether that was what happened, or whether it was the same lists
23 in their entirety on both occasions.

24 PRESIDING JUDGE: Mr Witness, did you understand the
11:14:02 25 question?

26 THE WITNESS: Yes, ma'am.

27 PRESIDING JUDGE: Very well. Please answer it.

28 THE WITNESS: I said the number of pages that were
29 presented to me here that I marked them, these were the same

1 pages that were given to me on the first occasion. On the second
2 occasion, the same thing. The only addition was a typed list
3 that I can recognise was also shown to me on that day.

4 MR MUNYARD:

11:14:29 5 Q. All right, thank you very much. That is very clear. As
6 far as I am aware we have only ever been supplied with one list
7 of seven pages that you marked and no typed list, but we will
8 concentrate on the handwritten list and number 14, Corporal
9 Samuel Kellie, who you say you were told had been killed after
11:14:55 10 Sam Bockarie --

11 THE INTERPRETER: Your Honour, can counsel kindly repeat
12 that name, please.

13 MR MUNYARD:

14 Q. Yes, it is Corporal Samuel D Kellie, K-E-L-L-I-E, killed
11:15:06 15 you have just told us after Sam Bockarie was killed and you
16 learnt this from the soldiers with Salami. Look at the
17 handwritten list that you marked and to the left-hand side of the
18 number 14 you have written the letter "C", haven't you?

19 A. Yes, sir.

11:15:26 20 Q. What does "C" stand for, Mr Jaward?

21 A. At that particular time I can remember when I was given
22 this - when I was first given this list this indication - they
23 said which soldiers were also killed - I mean died, but not at
24 the time Sam Bockarie was killed at that particular time. That
11:15:53 25 was the time I was giving "C" to those who were killed, but not
26 at the time Sam Bockarie was killed. Later on when I was given
27 the second list they said died - that died during the course of
28 Sam Bockarie's death. That was the time that I made the
29 indication against him that he was killed at that time in Ganta

1 as a sort of master minded mission against - I mean for the same
2 reason of Sam Bockarie's death; he in particular, Samuel Kellie.

3 Q. Let me see if I got that right. The first time you marked
4 the list you put "C" meaning that he was not killed in connection
11:16:37 5 with Sam Bockarie's murder, but the second time you marked a list
6 you put an "X" against his name indicating that he was one of
7 those who was killed in the wake of Sam Bockarie's murder. Is
8 that what you are saying?

9 A. What I mean here, sir, the "C" was the soldiers who died
11:17:02 10 during the time of attacks on the front line, during the time of
11 attacks. That was the time I was giving them "C", but later when
12 I was asked about those who died in the course of - who died
13 because of I mean for the reason of Sam Bockarie's death, that
14 was the time I said this Samuel Kellie died during an attack, but
11:17:22 15 it was at the time that they were master minding for us to be
16 killed by that means in Ganta. It was at that time that he was
17 killed.

18 Q. Right. You mark an "X" against names of those who were
19 killed with or after Sam Bockarie because of being affiliated
11:17:45 20 with Sam Bockarie, yes?

21 A. Yes, sir.

22 Q. Thank you. On the list we are looking at you have not put
23 an "X" against his name. You have put a "C". Are you saying
24 that the next time you were given this list to look at by the
11:17:59 25 Prosecution you then put an "X" against Samuel Kellie's name?

26 A. Yes, sir.

27 Q. I am not talking about when you were in court doing it this
28 week. I am talking about the second occasion the Prosecution
29 gave you these lists to look at when you marked them again

1 outside court, do you follow?

2 A. Yes, sir.

3 Q. Turn to the fourth page, please. This is page 16036, or
4 16036A. In the final quarter of the page we see a number of lines
11:18:50 5 in a handwriting that appears to be different from the
6 handwriting setting out all the names, do you agree?

7 A. Yes, sir.

8 Q. It starts with "# 46" in the left-hand column. "# 46 X =
9 Sierra Leonean killed with Sam Bockarie or after, because he was
11:19:13 10 affiliated with Sam Bockarie", yes?

11 A. Yes, sir.

12 Q. Is that your handwriting?

13 A. No, sir.

14 Q. Was this written in front of you when you were marking this
11:19:28 15 list?

16 A. Yes, sir.

17 Q. Who wrote it?

18 A. The investigators, sir.

19 Q. Which investigator?

11:19:41 20 A. I cannot remember the particular investigator that was
21 conducting this interview at that time, but it was written by the
22 investigator as a key to what I had done in the markings.

23 Q. And when you say "the investigator" do you mean the
24 investigator, or do you mean either the investigator or the
11:20:07 25 lawyer who were questioning you on this particular occasion?

26 A. I am referring to the lawyer, sir.

27 Q. So it was one of the lawyers who wrote this at your
28 dictation, yes?

29 A. Yes, sir.

1 Q. The second line below that, "# 6" in the left-hand margin,
2 "SL" with a tick equals "Sierra Leonean alive; went back to
3 Sierra Leone before the killings", yes?

4 A. Yes, sir.

11:20:49 5 Q. Just help us with that category of people. These are ATU
6 members who went back to Sierra Leone before these killings.
7 When did they go back to Sierra Leone after 10 March 2002
8 presumably?

9 A. Some of them came before we even went to Ivory Coast. Some
11:21:13 10 came later. I heard of others later that came to Sierra Leone
11 and that were in Sierra Leone at that time.

12 Q. Number 1 on the first page, Babah Tarawally, has "SL" and a
13 tick, doesn't he? Do you see that? It is the very first name on
14 the first page of this list, do you see that?

11:21:54 15 A. Yes, sir.

16 Q. Did you ever see him in Sierra Leone after all of these
17 events, or was that just a name that somebody told you about?

18 A. Before I left Monrovia to come here, he left Sierra Leone
19 and went there. I saw him in Monrovia.

11:22:18 20 Q. Oh, right. Okay, you saw him. Did you see any of the
21 others who you had ticked as having gone back to Sierra Leone
22 before the killings?

23 A. Yes, sir.

24 Q. How many of them?

11:22:30 25 A. I can remember him and - he and Kaifala Swaray came at that
26 time and they were arrested. I can remember the two of them at
27 that time. Then after I can remember, you know, Amadu Bockarie,
28 who was a brother to Sam Bockarie. He too was brought there,
29 I mean in Sierra Leone. Then I can remember Lebbie Williams who

1 came to Sierra Leone too before we went to the Ivory Coast. Then
2 I can remember Yayah Conteh. He also came to Sierra Leone before
3 we left for the Ivory Coast.

11:23:25 4 Q. When you say Kai fala Swaray was arrested, arrested by whom
5 and when?

6 A. At that time we were in the ATU. In 2000 they were the
7 first that succeeded in crossing over to Sierra Leone. They said
8 at that time the Sierra Leone government arrested them. They
9 said they brought them to Freetown and they were under detention
11:23:47 10 at the CID.

11 Q. When was this?

12 A. This was in 2002.

13 Q. So after 10 March 2002, presumably, when his name has been
14 written down by somebody on this list?

11:24:04 15 A. Yes, sir, it was after 10 March.

16 Q. So, did he cross to Liberia with you in that first batch
17 with Sam Bockarie in December 1999?

18 A. Yes, sir. Yes, sir.

11:24:27 19 Q. What about Yayah Conteh? Did he cross with that first
20 batch in 1999?

21 A. Yes, sir.

22 Q. And both of these men are still alive and living in Sierra
23 Leone, are they, as far as you are aware?

24 A. Yayah Conteh before I came I heard he was in Freetown, but
11:24:48 25 since I came to Freetown I have never seen him, the other
26 brothers.

27 Q. The other brothers what?

28 A. Babah Tarawally and Swaray that I am referring to, they
29 went back and they met me in Liberia.

1 Q. Right.

2 A. And also Lebbie Williams went and met me in Liberia.

3 Q. Back to the fourth page again to see the list at the
4 bottom, the key to your markings. The third category, number 16

11:25:24 5 of them, just a tick means "Sierra Leonean alive, survived", yes?

6 A. Yes, sir.

7 Q. Then below that a total of 9 against whom you have put the
8 letter "C" meaning "Sierra Leonean killed in action before Sam
9 Bockarie's killing"?

11:25:49 10 A. Yes, sir.

11 Q. And Samuel D Kellie falls into that category on the list
12 that we have been given, doesn't he?

13 A. Yes, sir, at the time of this marking.

14 Q. So when you first marked this list your understanding was
11:26:11 15 that Samuel Kellie had been killed in action, yes?

16 A. Yes, sir.

17 Q. And that was - have you any idea at all when it was that
18 you marked that? Was it this year, or last year?

19 A. I think this was marked this year, sir.

11:26:39 20 Q. And so what was it that made you change your mind when you
21 ticked the second list that we haven't seen and put an "X"
22 against his name?

23 A. As I told you earlier, during my first contact with the
24 Prosecution my main mission of going to them was not to reveal

11:27:09 25 every single aspect of what I saw or other individuals in what
26 I experienced, but when I came to understand that there were
27 other factors - I mean facts that they may want to establish,
28 either to guarantee my stay with them, so whenever they asked
29 questions like those I had to work my mind later to say that

1 I had a full knowledge of this particular idea that I have given
2 you before. That was what brought this correction.

3 Q. Mr Jaward, you had been interviewed many times before this
4 year by the Prosecution. Are you suggesting that the first time
11:27:48 5 you marked this list this year you still weren't telling the
6 Prosecution everything you knew for some reason that may or may
7 not be clear from that answer you have just given us?

8 A. Yes, sir, this was the first time that this particular list
9 was given to me when I made - when I did those markings, sir.

11:28:13 10 MR MUNYARD: I see the time, your Honour. Can I just deal
11 with one more question?

12 PRESIDING JUDGE: I think we have got about a minute and a
13 half left, Mr Munyard.

14 MR MUNYARD:

11:28:19 15 Q. Number 18 on the first page, Mohamed Sowe from the
16 motorcade brigade. Do you see him?

17 A. Yes, sir.

18 Q. Alive or dead?

19 A. Mohamed Sowe is alive.

11:28:41 20 Q. Right. Why is he dead, killed in the Sam Bockarie
21 massacre, on your list?

22 A. This is what I confirmed later that he was later alive.
23 When I was thinking over that particular incident when I knew
24 that I had to - this account I had given here, I had to think
11:29:12 25 over it to see whether these people were all accurate in what
26 I have done.

27 Q. And so did you mark the second list by removing the "X" and
28 putting an "SL" against him as a survivor?

29 A. I cannot remember on the second list really, but he is

1 alive. I heard an information about him when I was in Freetown
2 that he was alive.

3 PRESIDING JUDGE: Mr Munyard, I think we are up to our time
4 limit.

11:29:43 5 MR MUNYARD: I see the time, yes.

6 PRESIDING JUDGE: Mr Witness, as you know this is the time
7 when we take the mid-morning break. We will be adjourning for
8 half an hour - 30 minutes - and we will be resuming court at 12.
9 Please adjourn court.

11:29:57 10 [Break taken at 11.30 a.m.]

11 [Upon resuming at 12.00 p.m.]

12 PRESIDING JUDGE: Mr Munyard, I note a change of appearance
13 on your side.

14 MR MUNYARD: Indeed, Madam President. The Defence are now
11:59:58 15 represented by Courtenay Griffiths QC; myself, Terry Munyard; and
16 also present in court is Thomas Scott, one of our interns.

17 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura, I
18 note you're as before.

19 MR BANGURA: Correct, your Honour.

12:00:15 20 PRESIDING JUDGE: Please proceed, Mr Munyard.

21 MR MUNYARD: Thank you:

22 Q. We were just looking at the list of graduates and we'd
23 looked at Samuel Kellie who, depending on which account of yours
24 we're going on, either died in action before Sam Bockarie was
12:00:35 25 killed, or died as part of the wave of executions of Sam
26 Bockarie's men. Then we looked at Mohamed Sowe, who was dead but
27 is now alive, depending on which version of your lists we're
28 relying on. Now can we have a look, please, at number 34,
29 Corporal Alusine Kamara of the 2nd Battalion. Alive or dead now,

1 Mr Jaward?

2 A. Alusine Kamara is alive.

3 MR MUNYARD: Would your Honours bear with me for a second:

12:01:54

4 Q. Well, you killed him off on Monday when you were giving
5 evidence. Do you remember?

6 A. I remember that there were two Alusines, there was one
7 Alusine Koroma and one Alusine Kamara.

8 Q. Right, but do you accept that on Monday you said Alusine
9 Kamara was dead?

12:02:34

10 A. I said Alusine Kamara is alive. I don't remember saying
11 that Alusine who I know, that is in Monrovia - confirming here
12 that he was dead.

13 Q. Page 13608 of the transcript, line 19, "Yes, sir, number
14 34, Alusine Kamara was killed." That's what you said on Monday.

12:03:07

15 Are you changing that now?

16 A. No, sir, I don't remember saying that. I only know of
17 Alusine Koroma who was killed.

18 Q. Try number 45, Corporal Daniel Morris, alive or dead?

19 A. Daniel Morris at present I am doubtful of him.

12:03:41

20 Q. Well, you'd killed him off when you marked this list
21 originally. How is it that he might now have come back to life?

22 A. I am not saying he is alive.

23 Q. You did say --

24 A. If you can see from the list --

12:03:57

25 Q. Sorry?

26 A. Yes, at that particular time I did the marking, but I am
27 still doubtful about him and all of these names you are seeing
28 are not names that I sat down to actually study them. Those I
29 knew very well were those I confirmed.

1 Q. This is just guesswork on your part, isn't it, Mr Jaward?
2 You haven't got a clue about half of these people whether they're
3 alive or dead, have you?

12:04:33 4 A. It is not like a complete guesswork, but I just want to
5 make you understand that a number of people like this who were
6 not directly under my control, I cannot give account of everybody
7 at that time and after that time I have not set eyes on everybody
8 for us to - for me to confirm by now about them in person, and
9 those I have confirmed from relatives or friends and I know their
12:04:57 10 names better before, these are the people I'm confirming about
11 here, those I really said, unless I cannot confirm to whom that
12 particular name belongs. That is why I'm saying that I don't
13 have any idea about them for now.

14 Q. If it's not complete guesswork how much of it is guesswork?

12:05:17 15 A. Sir?

16 Q. Do you wish me to repeat the question?

17 A. Yes, sir.

18 Q. If it's not complete guesswork how much of it is guess
19 work?

12:05:33 20 A. As far as what I'm saying in this court now is concerned it
21 is not a guesswork that I'm doing, but if this list was given to
22 me at that time and I did not have a complete confirmation about
23 a particular person at that particular time and when I remember I
24 will have to make --

12:05:55 25 Q. Number 46, please, Musa Koroma, alive or dead?

26 A. Musa Koroma is dead.

27 Q. You resurrected him on Monday. You didn't include him --

28 A. Well, well --

29 Q. -- in the list of the dead on Monday. How is it you

1 brought him back to life on Monday and now you've killed him off
2 again on Friday if that's not guesswork?

3 A. Well, I don't remember about that really because the names
4 I can remember and that I know are the ones I marked. I was not
12:06:35 5 making comparison to what I had done before and what I was doing.

6 Q. Number 63, please, and number 64. Bockari Samai and
7 Bockari Lamine, alive or dead?

8 A. These two people are dead.

9 Q. Well, you weren't sure when you marked this list.

12:07:17 10 A. Exactly, sir.

11 Q. So are they definitely dead whereas before they only might
12 be alive, or might be dead?

13 A. Well, at that particular time I was in doubt whether they
14 were alive or dead and later when I came to know by their
12:07:38 15 nicknames that those nicknames referred to those people, that was
16 when I came to confirm that these particular people were alive
17 for me to mark it here.

18 Q. At that particular time, Mr Jaward, when you marked the
19 list that we're looking at it was 4, 5 and 6 March of this year,
12:08:02 20 very recently. According to the documents disclosed to us, that
21 was the time when you were presented with this list and asked to
22 mark it. Are you saying that you've been back to Sierra Leone in
23 the meantime and you've run around and found out who is now dead
24 and who is now alive, or is it guesswork again on your part?

12:08:37 25 A. No, sir. You know, when this list was presented to me and
26 I recall that there had been a list of us with the Special Court
27 and that I had to give account on all these categories, there
28 were some I only knew by their nicknames, you know, and after the
29 interview I starting recalling the nicknames and then later I

1 knew that this person was referred to by this particular name.
2 That was why when I came back and I saw the name that the
3 nickname I remembered referred to so and so person, and if I knew
4 that at that particular time the person was dead that was
12:09:10 5 definitely what I was trying to produce here. So I would not
6 look at what I've done before and say no, let it just stay like
7 that. So I would have to get a definite account before I say
8 anything about that person.

9 PRESIDING JUDGE: Just before we go on, can I clarify an
12:09:23 10 answer. In answer to the question about whether they were
11 definitely dead the witness said, "Those nicknames referred to
12 those people and it was when I came to confirm that those
13 particular people were alive for me to mark it here", and I have
14 them marked as dead. I'm a little confused.

12:09:44 15 MR MUNYARD: Well, I don't propose trying to clear up this
16 mess, your Honour. It's entirely a matter for the witness:

17 Q. I thought there was a problem with knowing people only by
18 their nicknames. Are you now saying that you can match all the
19 nicknames with all the proper names?

12:10:10 20 A. Like in the case of Bockari Lamine that I know about, I
21 know his nickname and likewise --

22 THE INTERPRETER: Your Honours, the last name is not clear
23 to the interpreter.

24 PRESIDING JUDGE: Please repeat the last name you said,
12:10:28 25 Mr Witness, for the interpreter.

26 THE WITNESS: The last name I referred to here is Bockari
27 Lamine - is Bockari Samai and I said we used to refer to him as
28 BK.

29 MR MUNYARD:

1 Q. Number 96, please, Corporal Soko Koroma, alive or dead?

2 A. Soko Koroma I'm doubtful about his real name, a particular
3 person that was referred to by that particular name.

4 Q. Well you weren't doubtful in March when you put a big bold
12:11:10 5 "X" meaning killed with or in the wake of Sam Bockarie's
6 execution, were you?

7 A. Yes, sir.

8 Q. You had every opportunity to put "NS" for not sure, didn't
9 you, but you chose to put an "X" against him? That's right,
12:11:25 10 isn't it?

11 A. Yes, sir.

12 Q. Number 97, Mohamed Mansaray, alive or dead?

13 A. I'm also doubtful about that name, Mohamed Mansaray.

14 Q. So, why not "NS" when you were asked about this list as
12:11:46 15 recently as March when you were being proofed by the lady you
16 know as Madam Brenda and one Alain? Why not tell them then that
17 you weren't sure?

18 A. At that time I had not really confirmed whether he was
19 dead, or alive.

12:12:15 20 Q. This is nonsense, isn't it, Mr Jaward? You didn't go back
21 to Sierra Leone and go over all of this again and try and confirm
22 alive or dead, did you?

23 A. All the things I'm saying here is just like, you know, I
24 can say it was not something that I had to go and ask for the
12:12:38 25 person. I am saying what I know and what I experienced before.
26 It is not like I have any source to go around to and ask and ask
27 and to find out what was happening in Liberia or behind the rebel
28 lines, and I'm doing these things to confirm exactly what I
29 experienced, not just to expose myself to other people by saying

1 that this is the investigation I am doing for this particular
2 Court --

3 Q. You went back --

4 A. -- just to --

12:13:06 5 Q. I'm sorry. You went back to Sierra Leone after you'd been
6 here in March to carry on with your studies and negotiate further
7 financial arrangements with the Prosecution, didn't you?

8 A. No, sir.

9 Q. And I suggest that that's what you were telling your
12:13:30 10 friends earlier this year when you were back in Sierra Leone;
11 that you were negotiating a continued and continuing economic
12 package. That's right, isn't it?

13 A. No, sir, I don't have any friend that I can even discuss
14 such a matter with.

12:13:53 15 Q. Well I suggest you discussed it not only in person, but on
16 your mobile telephone. Do you agree?

17 A. No, sir.

18 Q. I'm not going to read out the whole number, but does your
19 mobile telephone end with the numbers 067?

12:14:15 20 A. Yes, sir.

21 Q. Thank you. Number 98, please, Corporal Amara Sesay, alive
22 or dead?

23 A. I am doubtful about that particular name for now.

24 Q. So, why kill him off for sure in March when you marked this
12:14:39 25 list?

26 A. This was to confirm to you here that, you know, I did not
27 actually confirm about him whether he was alive or dead, but I
28 had not seen him since after that incident and he was with us in
29 Ivory Coast when we came across to Nimba, but I had not really

1 got, you know --

2 Q. Number 109 please, Sheku Amara, alive or dead?

3 A. Sheku Amara, he was killed. I came to understand that he
4 was killed. We used to call him Grenade.

12:15:26 5 Q. When did you come to understand that he was killed?

6 A. When I came to know that - you know, after making I mean
7 this marking, when I came to know that the boy called Grenade at
8 that time was referred to as Sheku Amara, that was why I
9 confirmed it here that, you know, he was killed.

12:15:51 10 Q. Number 111 please, Mohamed and I don't know if it's Roggers
11 or Rogers. What's the name? Can you help us with that? Do you
12 know actually how that name is pronounced?

13 A. Mohamed Rogers.

14 Q. Alive or dead?

12:16:11 15 A. I am doubtful whether he's alive or dead.

16 Q. So, why did you kill him off for sure back in March?

17 A. At that particular time I concluded doing that, because
18 they all came with us to Nimba from Ivory Coast and I had not got
19 any good information about him, whether he was alive or dead, and
12:16:40 20 I have not seen him.

21 Q. Number 114, Musa Conteh, alive or dead?

22 A. Musa Conteh too I'm in doubt of that name.

23 Q. So why did you not only put an "X" against his name,
24 meaning he was killed in the Sam Bockarie executions, but also
12:17:13 25 "Deceased [killed in action]" on the right-hand column? You've
26 got two different versions of his death in March and now you've
27 partially resurrected him. Why the change?

28 A. I am sorry. I am sorry. I am sorry, sir. Musa Conteh, I
29 have just recalled Musa Conteh was not killed with Sam Bockarie,

1 but he's dead.

2 Q. But he wasn't dead on Monday?

3 A. This is what I am saying now. He's dead.

4 Q. Number 115, Thomas Stephens, alive or dead?

12:18:02 5 A. Thomas Stephens is dead. We used to call him Tompelala
6 [phon].

7 Q. So, why were you not sure as recently as March?

8 A. Because he was popularly known as Tompelala and it was that
9 Tompe [phon] name that we used to know him by, so it was later on
12:18:29 10 that I knew that that Tompe was Thomas Stephens.

11 Q. Do you agree that less than a quarter of the names on this
12 list - on whatever tally you gave, whether in March or in
13 evidence or today, less than a quarter of these people were said
14 by you to have been killed around the time of Sam Bockarie's
12:18:53 15 execution or in the executions thereafter?

16 A. No, sir. I believe that all - I mean the majority of this
17 particular group were killed with Sam Bockarie, but those I knew
18 in person and that I can identify on pictures in front of me
19 these are the people I have just confirmed about here, but the
12:19:15 20 majority of the people were killed.

21 Q. Mr Jaward, the judges can see the "X"s, the number of "X"s
22 on the list and the "X"s are the people killed with or after Sam
23 Bockarie because of being affiliated with him. On the list as
24 originally written or marked upon in March it says 46 were killed
12:19:40 25 with Sam Bockarie, or because they were affiliated with him. 46
26 out of 120 is a small number, isn't it?

27 A. Yes, sir, from the markings I did that time.

28 Q. Now the second list, please, page 16037A. This is "Present
29 Graduates on Gbatala Base 10th March, 2002", and here we have a

1 list of 53 names and about 80 per cent of those people went to
2 the Ivory Coast with Sam Bockarie to fight, didn't they?

3 A. Yes, sir.

12:20:43

4 Q. And on that list you originally marked number 2 and number
5 3, number 20 - sorry, number 2, number 3 and number 20 as killed
6 with Sam Bockarie or because they were affiliated with him.

7 Three out of 53, yes?

12:21:17

8 A. I think you might not have understood my point again. This
9 particular total figure here, the orders given to us were that
10 were - and we all left and went to Ivory Coast, but I am not
11 familiar with all these names to say, you know, this particular
12 person belongs to this, because when I saw pictures in this Court
13 I would not want to say that this is the person and then later
14 when you bring the picture to me I will not be able to identify

12:21:34

15 it.

16 Q. Number 3, please, Mohamed Larmie, alive or dead?

17 A. On the list in front of me?

18 Q. No, no, what is your evidence about Mohamed Larmie? Is he
19 alive, or is he dead?

12:21:57

20 A. Mohamed Larmie is dead.

21 Q. So, why did you bring him back to life on Monday?

22 PRESIDING JUDGE: Mr Witness, I haven't heard an answer.

23 Did you understand the question?

12:22:42

24 THE WITNESS: Yes, ma'am. He said number 3, Mohamed
25 Larmie, whether he's alive or dead.

26 PRESIDING JUDGE: Then there was another question following
27 that. You answered "He is dead" and then the counsel asked, "Why
28 did you bring him back to life on Monday?" I haven't heard an
29 answer to that question.

1 THE WITNESS: I was doubtful of the name to tell whether
2 Mohamed Larmie - I mean, how do you call it in fact? The way I
3 knew him, you know, at that time, it was whether I could actually
4 confirm it at that particular time.

12:23:23

5 MR MUNYARD:

6 Q. Page 16039 or 39A, please. Now, this is a list of 16
7 people in the motor pool. I want to look at the second half of
8 that list, "Brothers in the Motor Pool not on Pay Roll". Can I
9 just ask did you generally refer to your colleagues from Sierra
10 Leone as brothers?

12:23:54

11 A. Yes, sir.

12 Q. Even though two of them on your list appear to be women?
13 One you told us about the other day and just going back to the
14 previous page, number 35, Nancy Foyoh, she's presumably a woman,
15 is that right?

12:24:17

16 A. Yes, sir.

17 Q. Now, back to the "Brothers in the Motor Pool not on the Pay
18 Roll". Number 1, Ibrahim Bah, alive or dead?

19 A. Ibrahim Bah is dead, AB.

12:24:30

20 Q. So, has he died since March when you didn't mark his name
21 as dead on this list?

22 A. Yes, sir. He was the driver for Sam Bockarie, but we used
23 to call him AB. That was why I did not pick up that particular
24 name earlier. He was one of the drivers.

12:24:49

25 Q. Did he die since March when on your account he was still
26 alive and well? March of this year?

27 A. Well I said he was killed at the time Sam Bockarie was
28 killed, and during that time in March when I was marking this
29 particular list that name never came up for me to know that AB we

1 used to commonly know was who was called Ibrahim Bah here.

2 Q. Number 8, please, Foday Sillah, alive or dead?

3 A. Foday Sillah is dead.

4 Q. So, why didn't you mark him down as dead back in March of
12:25:31 5 this year?

6 A. The same thing applies to Foday Sillah here. We used to
7 call him Chew [phon] Man Raw.

8 MR MUNYARD: Madam President, I am now going to ask for
9 another --

12:25:49 10 PRESIDING JUDGE: Just before you do, can we get a spelling
11 from the witness of the name Chew Man raw.

12 THE WITNESS: Well, that one was just a nickname. Yes,
13 sir, a nickname.

14 PRESIDING JUDGE: Do you know how to spell it?

12:26:08 15 THE WITNESS: I think it's something like to chew something
16 raw.

17 PRESIDING JUDGE: We'll have to make a guess at it then on
18 the record. Mr Munyard, please proceed.

19 MR MUNYARD: Thank you, Madam President. I'm going to ask
12:26:24 20 for a further bundle of documents to be handed out to everybody
21 and I'll give Madam Court Officer the full pile. I think there
22 might be slightly more than is necessary:

23 Q. Have a look at this document, please. Do you see the front
24 cover? Do you see the front cover, Mr Jaward?

12:27:28 25 A. Yes, sir.

26 Q. Do you see the badge on the front cover?

27 A. Yes, sir.

28 Q. Do you recognise that badge?

29 A. Yes, sir, the badge resembles the ATU badge.

1 Q. This document is headed, "Restricted, Headquarters
2 Anti-Terrorist Unit Brigade, Executive Mansion, Monrovia,
3 Liberia, Office of the Deputy Brigade Commander." Do you agree
4 that's what it says on the face of it?

12:28:04 5 A. Yes, sir.

6 Q. Have you ever seen a document with a cover like this
7 before?

8 A. Addressed to the deputy brigade commander, no, sir.

9 Q. It's not addressed to the deputy brigade commander. Have
12:28:20 10 you ever seen a document with a cover like this before?

11 A. Yes, sir.

12 Q. And what was that document?

13 A. This is how ATU documents used be addressed.

14 Q. Thank you. Turn over the page to the next page, please.

12:28:50 15 This has, "Breakdown of brigade roster February 2003", and then
16 there's a series of columns, the number of individuals, their
17 rank, personnel, rate, that's rate of pay, and amount of pay and
18 in the first column there's a list of numbers of individual ranks
19 starting with general. Do you agree?

12:29:22 20 A. Yes, sir.

21 Q. General, colonel, lieutenant colonel, major, captain and so
22 on and does that look familiar to you?

23 A. Yes, sir, the ranks look familiar to me.

24 Q. Now, you were a captain. That's letter "E" in that box
12:29:42 25 that we can see there. That's right, isn't it?

26 A. Yes, sir.

27 Q. And there were said to be 16 captains and the rate was 80
28 US dollars. Does that sound right to you?

29 A. No, sir.

1 Q. What rate do you say you were paid at?

2 A. When I graduated as a captain I used to receive 225 dollars
3 US.

4 Q. Yes, over what period? For what period, though?

12:30:21 5 A. That was in 2002. Early 2002 when I graduated.

6 Q. I mean what period of weeks, months, or years was that rate
7 paid for, your 225 dollars?

8 A. I can remember at the time I graduated I was advancing
9 commander, you know, for the convoy at that time. That was the
12:30:52 10 time I remember I received that amount for that rank, sir.

11 PRESIDING JUDGE: Just before you go on, Mr Munyard, I
12 think you said 16 captains. The list I have says six. Is there
13 a cumulative somewhere that I'm missing. Yes, it's just been
14 pointed out to me. Please ignore what I said.

12:31:17 15 MR MUNYARD:

16 Q. Well, we'll just go through those boxes. The first box is
17 the brigade, the second box is MOI, the third box is 1st
18 Battalion and the fourth box is 2nd Battalion and then there's a
19 grand total at the bottom of 2,934 personnel. Do you see that?

12:31:50 20 A. Yes, sir, I have seen that.

21 Q. Now, you've already given evidence that you haven't got a
22 clue how many people were in the ATU so you're not able to help
23 us with whether or not that is an accurate figure, are you?

24 A. Yes, sir.

12:32:06 25 MR MUNYARD: And this is a roster for February 2003. I
26 want to make it clear, Madam President, that I don't claim that
27 the documents that follow are a full roster. These are the just
28 the pages we've been able to obtain. None of them are numbered,
29 but I will just give a couple of examples. If you include the

1 cover as page 1, if you turn to page 4 it says at the top of that
2 page, "ATU brigade complete and accurate run down roster":

3 Q. Now, is that the sort of document that you've seen before,
4 Mr Jaward, an ATU brigade complete and accurate run down roster?

12:33:05 5 A. I have not seen a complete brigade run down roster of the
6 ATU brigade. I only used to deal with the company over which I
7 was in control, the list of it, but not generally the brigade.

8 Q. Right, but was there a roster of your company that would
9 look like this?

12:33:28 10 A. No, sir. My roster used to be prepared according to the
11 various deployment of my men in that company.

12 Q. But would it be typed out with their numbers, their names,
13 their positions and the amount that they were due to be paid?

14 A. No, sir. Nothing about payment was included on my roster
12:33:57 15 that I'm referring to here. The paymaster had their own roster
16 prepared which they used to deal with us at the battalion
17 headquarters also.

18 Q. I'm going to ask you, please, to work from the last page
19 because they're not numbered and I'm afraid I take responsibility
12:34:15 20 for not having numbers put on them, but I was concerned that this
21 was produced exactly as we got it. If you start with the very
22 last page --

23 JUDGE SEBUTINDE: Mr Munyard, the copies you've given the
24 Bench, at least, have handwritten page numbers.

12:34:31 25 MR MUNYARD: They were on them already, your Honour, I
26 believe, and they're not on all of them. At the bottom
27 right-hand corner are you talking about? Certainly in mine I can
28 see 20, 21 and the next one's blank. Some of them are numbered
29 and some of them aren't. Would you give me a moment? I'm sorry,

1 Mr Scott has very helpfully pointed out that although I didn't
2 exercise initiative, he did. In photocopying them he's put
3 numbers. The big numbers at the bottom we've put on and so I
4 therefore would like you all to go, please, to page 24, I think
12:35:14 5 it will be. Yes, thank you:
6 Q. Page 24, is it headed, "ATU brigade complete and accurate
7 roster (brothers SL)"? Do you agree?
8 A. Yes, sir.
9 Q. If you turn over to page 25, same heading but this time the
12:36:04 10 photocopier hasn't cut off the date. We can see it's February
11 '03. Do you agree?
12 A. Yes, sir.
13 Q. Thank you. If we start at the top of page 24, number 1,
14 what is his rank, 1LT?
12:36:40 15 A. You mean 24?
16 Q. Yes, page 24, the first name, Daniel Kpange, what is the
17 rank that's given there?
18 A. First Lieutenant, sir.
19 Q. Thank you. In what position or section?
12:36:59 20 A. He was working with the S1 office at the brigade
21 headquarters.
22 Q. Was he an instructor?
23 A. Yes, sir, at one time they were selected as instructors.
24 Q. Number 2, rank MSG, what does that mean?
12:37:22 25 A. Master sergeant.
26 Q. Thomas K Stephen, was he indeed a master sergeant?
27 A. I don't know his rank at that time, but I knew him.
28 Q. G-1 SEC, what does that mean? Is it company G, first
29 section?

1 A. It's G1 section.

2 Q. Number 3, Idriisa Mansaray, do you know him?

3 A. Yes, sir.

4 Q. Was he also a master sergeant in G1 section?

12:38:09 5 A. Well, that is what I have seen on their own list for their
6 deployment area.

7 Q. Did you know that he was G1 section?

8 A. Yes, sir.

9 Q. Number 4, Corporal Alusine Koroma, the man who is either
12:38:32 10 alive or dead, depending on which of your different accounts we
11 rely on. Was he in G1 section?

12 A. Yes, sir, Alusine Koroma, I know that he's dead. He was in
13 the G1 section.

14 Q. Right, well, he was alive on Monday, but we'll move on from
12:38:53 15 that. Now if you look on the right-hand column under the word
16 "date", there's a whole series of dates that have been written in
17 there in handwriting, aren't there?

18 A. Yes, sir.

19 Q. They all begin with the number 4.

12:39:14 20 A. Yes, sir.

21 Q. And end with the number 03.

22 A. Yes, sir.

23 Q. And to take the second one - well, we'll try the first one.
24 Does it look as though it's 4 /19/03? I don't want to labour
12:39:44 25 this. These are dates in April of 2003, aren't they?

26 A. Yes, sir.

27 Q. Thank you. In the margin in handwriting there are various
28 names. I don't pretend to be able to work out the first one. It
29 could be Nancy, but I wouldn't swear by it. The second one is

1 Kadiatu, isn't it?

2 A. I have not got the area you are referring to clear.

3 Q. Madam Court Officer will show you.

4 A. Yes, sir.

12:40:23 5 Q. You've got that and you agree that's the name Kadiatu
6 written against that?

7 A. Yes, sir.

8 Q. Against that person number 2. Alusine Koroma, number 4,
9 the name "Evan" is written against his name, isn't it, or his

12:40:47 10 line?

11 A. Yes, sir.

12 Q. Do you know anyone called Evan who was connected in some
13 way with Alusine Koroma?

14 A. I don't know that particular person by that name, but he
12:41:02 15 had a wife.

16 Q. And do you agree that these appear to be the wives or
17 family members who have signed for the money that was due to
18 these fighters?

19 A. Yes, sir, the list --

12:41:25 20 Q. And do you agree that in February of 2003 Alusine Koroma
21 was in the Ivory Coast?

22 A. Yes, sir.

23 Q. Let us go to number 42, three-quarters of the way down the
24 page. Just read out the entry for number 42, please.

12:41:59 25 A. Captain Jabaty Jaward.

26 Q. And the next column?

27 A. 1st Battalion.

28 Q. Yes, and the amount of money?

29 A. 80 dollars US.

1 Q. And the date?

2 A. That was 15 April 2003.

3 Q. And the name of the person who signed for the money?

4 A. It's Mansa. Mansa.

12:42:40 5 Q. And you told us the other day that your wife was called
6 Massa, yes?

7 A. Yes, my wife is Massa, not Mansa.

8 Q. Yes. Well on the face of it these names seem to have been
9 written, or many of them seem to have been written, by the same

12:43:04 10 hand, but where were you on 15 April 2003?

11 A. In April 2003 I was in Nimba - I mean I was in Ivory Coast.

12 Q. Yes, and so somebody had to sign for your pay, didn't they?

13 A. Yes, sir. As far as this list was concerned I knew of it
14 to be the per diem that was given in our absence, not the real

12:43:44 15 pay that we used to receive.

16 Q. The per diem that was given in your absence. So you were
17 still on the payroll, money was still being paid to your relative
18 and no doubt all these other relatives and this list is still in
19 existence, do you agree?

12:44:08 20 A. Yes, sir, this was the only pay over the past eight months
21 that I have said to here was given. We call it per diem. At
22 that time we used to call it per diem, not our real pay.

23 Q. How do you explain all this nonsense you've been telling
24 the Court about how these lists had been destroyed on the orders

12:44:31 25 of Chucky Taylor and that nobody would ever be able to know that
26 there were Sierra Leoneans working in the ATU? In fact, that's
27 two questions. I will split them up. You told us in your
28 evidence to the Prosecution that all these lists had been
29 destroyed, didn't you?

1 A. Yes, sir, exactly. After the killing went on that was what
2 was said during disarmament, that they did not even permit us to
3 go and disarm with our own names - with my own name. Let me
4 refer to myself.

12:45:11 5 Q. You also said, because I asked you a number of times - you
6 also said that there was never any list within the official
7 roster that specified Sierra Leoneans working in the ATU. Do you
8 remember telling the judges that, or do you want to change your
9 story?

12:45:39 10 A. I said - I'm not denying the fact that somebody might have
11 indicated somewhere about Sierra Leoneans, but I said the
12 deployment list I had was that our brothers were deployed
13 according to how they were deployed, not as a Sierra Leonean
14 group on the side of deployment, because I was not aware of how
12:46:03 15 the paymaster has prepared these particular rosters for those of
16 us who left from the Liberian army to go to Ivory Coast at that
17 time.

18 Q. And you weren't even around at the time of disarmament,
19 were you?

12:46:21 20 A. Yes, sir, at the end of the disarmament the last day the
21 ATU was going I came there.

22 Q. Turn over to page 25, please. This list goes down to
23 number 111, Corporal Mohamed Kamara, transport officer. Do you
24 know him, or did you know him?

12:46:45 25 A. Which of the numbers, sir.

26 Q. Number 111, the bottom - the last number on page 25. Did
27 you know him? I'm just taking him by way of example.

28 A. I cannot confirm exactly who carried this name, sir.

29 Q. But I think we're both agreed there were more than 111

1 Sierra Leonean brothers in the ATU, weren't there? In other
2 words these two pages probably don't represent the entire list,
3 do you agree?

12:47:45 4 A. I have not gone through it to compare and cross check
5 whether the names on that list is what is on this list here. If
6 I had done that and be able to compare the name, I think I will
7 be able to confirm.

8 Q. I'm simply asking you about the numbers. The fact that
9 we've got two pages that include 111 Sierra Leonean brothers
12:48:03 10 suggests that there is probably more pages because there were
11 more than 111 Sierra Leonean brothers, do you agree?

12 A. Yes, sir.

13 MR MUNYARD: And I have made it clear, Madam President,
14 that this bundle of papers numbered 29 in total clearly doesn't
12:48:19 15 reflect the full amount because if you do the numbers --

16 THE INTERPRETER: Your Honour, can counsel kindly go back.

17 MR MUNYARD: I am sorry, it clearly doesn't reflect the
18 true amount because some of them seem to stop and I don't think
19 they amount to 2,900 odd which is the original list - I am sorry,
12:48:38 20 the original total on the second page:

21 Q. So it's a lot of nonsense you've been talking, isn't it,
22 about how all these lists were destroyed and how in any event the
23 list never spelled out the Sierra Leonean brothers? That is all
24 complete rubbish, isn't it?

12:49:04 25 A. No, sir. If those who had been killed at that time, before
26 that time, if they were on this list as well, for example
27 Bockarie Kawah, if I can find Bockarie Kawah's name here, one man
28 I know, it means that they had not included those names on this
29 list at that time.

1 JUDGE SEBUTINDE: How do you spell Bockarie's second name,
2 please, Mr Witness?

3 THE WITNESS: Kawah.

4 JUDGE SEBUTINDE: Can you spell Kawah, please?

12:49:44 5 THE WITNESS: I can remember he was one of those who had
6 died before.

7 JUDGE SEBUTINDE: Can you spell Kawah, please?

8 THE WITNESS: I can only spell it as K-A-W-A-H.

9 MR MUNYARD:

12:50:08 10 Q. Well if we compare your handwritten lists, MFI-9, with
11 these 111 names, we can see your name at number 42, yes, on the
12 typed list? Do you agree? It's page 24, Madam Court Officer.
13 Do you agree that your name appears at number 42 on the typed
14 list?

12:51:33 15 A. Yes, sir.

16 Q. A third one in the first page of your handwritten list,
17 Mohamed Barrie, appears at number 59 on page 24 of the typed
18 list, do you agree? Just say "Yes" if I'm correct.

19 A. Whether Mohamed Barrie appears on this page?

12:51:57 20 Q. Yes. Captain Mohamed Barrie, third on your list, 59th on
21 the typed list?

22 A. Yes, I have seen Mohamed Barrie on the list.

23 Q. Captain Davison Conteh, number 4 on your list, number 107
24 on page 25 of the typed list, yes?

12:52:32 25 A. Well, in this case I am not referring to those who died
26 after. Where I marked the "C", you know --

27 Q. Just the numbers, please. Mr Jaward, I'm simply asking you
28 to confirm that these people appear on both lists and I make it
29 absolutely clear I'm not going to go right through the lot or

1 we'll be here until late August. I am merely going to
2 illustrate.

3 A. Yes, sir. It's clear, sir.

4 Q. Number 5, Kemokai Kallon, on your list appears at number 90
12:53:15 5 on page 25 of the typed list as first lieutenant?

6 A. Yes, sir.

7 Q. Number 6, Corporal Patrick Amara, on your list is number 58
8 on page 24 of the typed list and by that time he appears to have
9 been promoted by February of 2003. Do you agree?

12:53:43 10 A. Yes, sir. He was with the G1, sir.

11 Q. Thank you. Number 7, Kai f a l a Swarray, we don't see on
12 these two pages of 111 people. Number 8, Yayah Conteh, number 44
13 on page 24 of your list - I am sorry, of the typed list, do you
14 agree?

12:54:22 15 A. That Yayah Sheriff is not on the list?

16 Q. No, he is, I suggest. Yayah Conteh, number 44?

17 Madam President, can I make it clear that comparing the
18 handwritten lists with the 111 names on those two pages in the
19 typed list nearly all the names correspond and it may be much
20 quicker if I simply read out the numbers that don't correspond.

12:54:50 21 PRESIDING JUDGE: Very well.

22 MR MUNYARD: I am mentioned Kai f a l a Swarray, number 7, and
23 what I'll do is I'll simply read out the numbers from the typed
24 lists where we don't have a corresponding one: number 19, that's
12:55:06 25 Borbor Moriba; number 23, Ibrahim Touray --

26 MR BANGURA: Your Honours, I don't quite understand how my
27 learned friend wishes to go by this - by comparing two lists. My
28 understanding was he was getting the witness to confirm names on
29 both lists and I am not sure whether we have gotten past that

1 point, because what I understand him to be doing now is calling
2 out names that he thinks are not - that he believes are not on
3 both lists and perhaps appearing on his list, but are not on the
4 list that the witness has used in court. What I don't get is how
12:55:52 5 does he get the witness to confirm or deny what he's giving the
6 Court.

7 PRESIDING JUDGE: He hasn't finished the question yet.

8 MR MUNYARD: If Mr Bangura wants us to be here and return
9 on 18 August and carry on then I'll do it that way. What I'm
12:56:11 10 suggesting is that if I simply read out the numbers that we have
11 not found that correspond on the typed list, if anybody wants to
12 contradict that at some point they're welcome to, but a great
13 deal of work and effort has been gone into by Mr Scott and others
14 making these comparisons and I'm simply trying to speed things
12:56:33 15 up. Otherwise I can stop and say it's up to anyone who wishes to
16 to make the comparisons, but I can promise it will take a long
17 time and I am suggesting that this is a convenient way for
18 everybody to try to simply summarise the situation with these two
19 lists.

12:56:55 20 PRESIDING JUDGE: Mr Bangura, it was you yourself that has
21 asked to try and finish this witness today.

22 MR BANGURA: Yes, your Honour, but I don't know whether --

23 JUDGE SEBUTINDE: Mr Bangura, as I understand Mr Munyard
24 there are already lists that the Prosecution marked for
12:57:10 25 identification. The facts on them speak for themselves. We all
26 have these lists. Now all Mr Munyard is doing is going through
27 this fresh list that he is now referring to, the typed list, and
28 simply reading out the names that are not on the marked for
29 identification, a fact that can be ascertained anyway.

1 MR MUNYARD: Your Honour, they're not on the typed list.
2 I'm going through the names that aren't on the ones marked for
3 identification. There's well more than 111 of those. There's
4 189 of those and what I was doing was trying to speed things up
12:57:52 5 by simply pointing out where we haven't found that name
6 corresponding on the typed list.

7 JUDGE SEBUTINDE: The point is these are mathematical
8 matters that we can all see.

9 MR BANGURA: Yes, your Honour, and do I understand my
12:58:05 10 learned friend is getting the witness to confirm as he goes
11 along? I wasn't quite sure --

12 JUDGE SEBUTINDE: Confirm what? That they exist on one
13 list and not on the other, a fact that we can all see for
14 ourselves?

12:58:18 15 MR BANGURA: Well, your Honours, let's see how he goes
16 about it, but I was not quite clear how he was going to go on.

17 MR MUNYARD: I'm grateful to my learned friend and I think
18 he now understands I'm not getting the witness to confirm.
19 Having illustrated with a few names through the witness, I'm
12:58:35 20 simply now giving everybody the benefit of all the hard work that
21 our interns have been doing comparing these two lists.

22 PRESIDING JUDGE: Please continue, Mr Munyard.

23 MR MUNYARD: I can't remember where I was interrupted.

24 PRESIDING JUDGE: 23.

12:58:54 25 MR MUNYARD: Thank you. 23 not on the typed list. 33 not
26 on the typed list.

27 JUDGE SEBUTINDE: Mr Munyard, now I'm getting confused.
28 What list are you reading, the one that you're holding in your
29 hand?

1 MR MUNYARD: Your Honour, what I'm doing is I'm reading out
2 the numbers from those handwritten lists. I've started with
3 MFI-9A, which is the list of graduates working with the ATU
4 brigade, which is a list of 100-odd, and I'm just reading the
12:59:32 5 ones that we didn't find - 120. I'm reading the ones that we
6 didn't find at all on these typed lists. If it helps everybody I
7 will also make it clear where we say somebody does appear in the
8 typed list if he doesn't appear in the two pages of the brothers
9 of SL, but the same name and rank does appear on one of these
12:59:58 10 other printed typed pages. So I had better do that as well.

11 Number 18, Mohamed Sowe, appears on the complete list, not
12 on the two pages of SL brothers list. The same is true of number
13 26, Salieu Jusu. The same is true of number 32, Alimamy Sesay.
14 33 I've already said doesn't appear in the typed pages; nor does
13:00:29 15 41, or 43, or 44, 45, or 46. 49 and 50 are not on the typed
16 list. 52 isn't on the typed list; nor are 54 and 55 and 57 and
17 59, nor is 61 and 64. 66 appears in the complete list, not in
18 the two pages. Numbers 70, 71 and 72 aren't on the typed list,
19 although 71 and 72, very similar names, do appear in one case in
13:01:16 20 the deserter list and in another case in the other pages. Number
21 74 and 75 are not on the typed list. 77 appears in the deserters
22 list. Numbers 80, 83, 84, 86 and 87 aren't on the typed list.
23 91 to 94, not on the typed list, nor is 96. 100 and 101, not on
24 the typed list. 106, not on the typed list. 108, 110, 111, 112,
13:01:59 25 not on the typed list. 113 and 14 are both in the deceased list.
26 116 and 118 are not on the typed list.

27 Now, I've said I'm doing this by way of illustration. We
28 have done the same exercise in relation to MFI-9B and C and I
29 hope I can be quicker with those two.

1 MFI-9B, numbers 4 and 5 are not on the typed list, nor
2 number 14, 17, 18, or 20, 26, 30, 31 and 33, 40 and 41 and 43,
3 49, 50 and 51.

4 Then on the last page of the handwritten - the MFI-9C,
13:03:07 5 we've not found any of those names on the typed list although in
6 the case of brothers in the motor pool not on pay roll, number 4,
7 Samuka Swarray, there is a name that does correspond but it's
8 simply set out as Samuka, but listed as motor pool. So it may be
9 him, that's as far as we can say:

13:03:36 10 Q. In other words, Mr Jaward, many of the names on your
11 handwritten list were mentioned, the majority of them were listed
12 in an official document, a typed up document, most of them
13 appearing in pages marked "brothers SL". So you are completely
14 wrong when you say that all of those lists have been destroyed,
13:04:07 15 weren't you?

16 A. Yes, sir. The list we are seeing here, I think your
17 comparison brought an idea to me, sir. You are referring to this
18 particular list here of this per diem payment as the list of all
19 those that were on the first list I showed - they showed to me
13:04:32 20 here, that it was like the group on that list were supposed to be
21 here. I want to make - I want the Court to understand that the
22 various lists you are talking about here, there were three
23 categories of lists when you are making this comparison. The
24 other one was the one that we - was the one that had those of us
13:04:50 25 that graduated with our batch and the other one, these that came
26 after us. The payment that I was talking about in relation to
27 our salary, I was always paid under my battalion, not under the
28 brigade headquarters, you see, and this list that I'm seeing
29 here, I think this was the time that we left and were out there,

1 those of us who left our assignment areas officially that were to
2 be paid under our battalions. These per diems were given
3 according to this list this person prepared and I don't even know
4 whether this was the correct list that was prepared at that time,
13:05:32 5 because I do not know the source that you got it from. But from
6 what I have seen here this was the per diem that they gave to us
7 in our absence, so it is not possible that those of us who
8 graduated at that particular time, you will find everybody on
9 this list and those that graduated after us you will find
13:05:45 10 everybody here, because we had different categories in which
11 these payments were.

12 PRESIDING JUDGE: Mr Witness, the question was you are
13 wrong to say all of those lists have been destroyed. That is the
14 question. Do you agree or do you disagree?

13:06:01 15 THE WITNESS: I was right to say that our documents were
16 destroyed, as far as the Sierra Leone brothers were concerned,
17 for the disarmament.

18 MR MUNYARD: I have no other questions for this witness.

19 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura, have
13:06:19 20 you re-examination of this witness?

21 MR BANGURA: Yes, your Honour.

22 PRESIDING JUDGE: Please proceed, Mr Bangura.

23 RE-EXAMINATION BY MR BANGURA:

24 MR BANGURA:

13:06:48 25 Q. Mr Witness, I'm going to ask you questions about matters
26 which were asked of you by my learned friend in
27 cross-examination, okay?

28 A. Yes, sir.

29 MR BANGURA: For purposes of reference, your Honour, I am

1 referring to the transcript of 16 July, page 13827, lines 5 to 7.

2 PRESIDING JUDGE: Yes, put your question, Mr Bangura.

3 MR BANGURA:

13:07:59

4 Q. Mr Witness, when counsel was asking you questions about
5 when you'd seen Jungle the following exchange took place between
6 himself and you. I will just read for you and then I'll ask you
7 a question following that, okay? Your Honours, I'm reading
8 actually from 13826, line 24.

13:08:27

9 THE INTERPRETER: Your Honour, can counsel please read
10 louder.

11 MR BANGURA: I'm sorry, I was reading away from the mic:

12 Q. "Q. You were asked by Mr Bangura a week ago if you were
13 aware of Sam Bockarie getting diamonds from other people
14 whilst in Kenema and you said no, you weren't."

13:08:47

15 And then Mr Bangura interrupts about a reference. I will
16 skip that. Then the questions continue:

17 "Q. Now you claim however, despite not knowing about where
18 all these other diamonds went, you claim that you know that
19 Sam Bockarie gave Jungle diamonds and that those diamonds
20 were for Charles Taylor, yes?

13:09:09

21 A. Yes.

22 Q. You only saw Jungle the one time in 1998, didn't you?

23 A. No, sir."

13:09:29

24 Now, can I ask you what do you mean when you say, "No,
25 sir"?

26 A. I meant that that was not the only time that I saw Jungle
27 in 1998. That was not the only time that I saw Jungle in 1998
28 with Sam Bockarie.

29 Q. Are you able to recall how many more times you saw Jungle

1 with Sam Bockarie in 1998?

2 A. I cannot remember the total - I mean the actual number of
3 times, but when I was in Buedu in 1998 they used to escort - they
4 came as escorts with the arms and ammunition to Buedu.

13:10:10 5 Q. Thank you and the times that you saw Jungle in 1998, were
6 they only in Buedu?

7 A. In 1998 it was only in Buedu, no. I saw him first in
8 Kenema in early 1998. Then when I came back to Buedu in 1998 I
9 saw him again.

13:10:37 10 MR BANGURA: Thank you. Your Honours, I refer next to page
11 13840 of transcript for 16 July:

12 Q. Mr Witness, again I will read to you portions of the
13 transcript in an exchange between counsel and yourself. Counsel
14 questions:

13:11:18 15 "Q. Well, just have a look at page 25974, please. You
16 were asked a series of questions and you gave answers on
17 that page. If we look at the second question and answer"
18 - and then counsel continued - "during two years, that's
19 1998 to 1999, when you are in Buedu with Sam Bockarie, did
13:11:48 20 your job change?

21 A. When supplies coming from Liberia got larger a second
22 storage room was created. It was just a few yards outside
23 Sam Bockarie's house, not just food, but at times
24 ammunition and arms were kept."

13:12:09 25 Now my question is when you say that when supplies coming
26 from Liberia got larger, what do you mean?

27 A. I mean first my assignment never changed by means of title,
28 but when I started I was only taking care of one store, which was
29 attached to Sam Bockarie's house, but when the supplies increased

1 and we had some other dangerous ammunition among those that came,
2 that were coming at that time, we opened the next store, which
3 was larger than what was on Sam Bockarie's house.

4 Q. By what means did the supplies become larger?

13:13:05 5 A. The supplies became larger by the number of boxes of
6 ammunition that were coming, the number of drums of fuel oil that
7 were coming, the number of bags of rice that were coming, also
8 the number of arms that were coming, et cetera.

9 Q. Coming from where?

13:13:31 10 A. From Liberia.

11 Q. And how were they coming from Liberia?

12 A. They were coming through the Liberian border escorted by
13 some of the Charles Taylor close security that I mentioned, like
14 Jungle, Sampson, Mike and others that were escorting it to Buedu.

13:14:02 15 MR BANGURA: Your Honours, I refer next to page 13849 of
16 the transcript for 16 July. Your Honours, I'm reading from line
17 2 through to 6. I will skip line 2, your Honour. Line 2 is the
18 Presiding Judge coming in. I take it from line 2:

19 Q. The Presiding Judge is speaking here, "Mr Witness, please
13:14:55 20 pause, the interpreter asks if you will repeat the name of the
21 force. Just the name, thank you." You answer, "They were
22 referring to that particular ATU at that time as the Demon
23 Forces." Then further, in line 18 to 20 of that same page, you
24 are asked - well, line 19, your Honour, you are asked by counsel,
13:15:30 25 "I see that, your Honour", and then you say, "What I understand
26 from that pronunciation was that they are talking about Demon,
27 you know, Demon, because they said that they did not talk to
28 people at that time, so the forces --" I think you were asked to
29 spell at that stage. What did you mean when you said they did

1 not talk to people? You're talking about Demon Forces and you
2 said they did not talk to people. What did you mean?

13:16:19 3 A. What I meant by them not talking to people at that time was
4 that when they were on duty, deployed on duty, they said they
5 only gave hand signals to people. They were not like at the time
6 that we graduated we could be on duty and our relatives and our
7 friends come to us and we discuss with them. So that was the
8 restriction that was posed on them at that time. They used to
9 call them Demon Forces. They did everything by hand signals.

13:16:41 10 Q. What do you mean by Demon Forces?

11 A. This was the - something like a code name, the slang that
12 we heard them calling them. They said they used to call them
13 Demon Forces, but they were particularly mentioning the
14 restriction that was posed on them by Chucky Taylor.

13:17:01 15 MR BANGURA: Thank you. Your Honours, I go next to page
16 13831 of the transcript for 16 July.

17 PRESIDING JUDGE: Yes, put your question Mr Bangura.

18 MR BANGURA:

13:17:41 19 Q. Again, Mr Witness, I will just go over an exchange that you
20 had with counsel and then I'll ask a question at the end. At
21 line 22 to 24:

22 "Q. Now, on 1 December 2006 in the course of your
23 interview with her" - and "her" is here referring to
24 somebody that interviewed you before - "if we look at page
13:18:05 25 26407 there are a number of unnumbered paragraphs, but they
26 have bullet points against them."

27 That's just the reference. Your Honours, I move on to the
28 next page, 13832 from line 8 and counsel refers you to the third
29 bullet point and he said - this is reading from what was in the

1 statement that you made:

2 "Q. 'He said he saw Colonel Jungle coming to meet Sam
3 Bockarie in Kenema. He does not know if any diamonds were
4 handed to Colonel Jungle by Sam Bockarie and does not know
13:18:44 5 if Colonel Jungle brought any arms and ammunitions at this
6 time.'

7 Did you tell them that?

8 A. No, sir, not directly in that information."

9 Now, further on you did say that you made corrections of
13:19:04 10 that statement that you had given. Do you recall?

11 A. Yes, sir.

12 MR BANGURA: Your Honours, I will use the Defence binder of
13 documents that they provided. Can the witness be shown the
14 document in tab 6:

13:20:05 15 Q. Mr Witness, can you see the document that has been put up
16 on the projector?

17 A. Yes, sir.

18 Q. Is that a statement that you made after the statement that
19 counsel was referring to in which you had said you did not - the
13:20:30 20 statement that I read from just now, was this is a subsequent
21 statement that you made?

22 A. Yes, sir.

23 JUDGE SEBUTINDE: Mr Bangura, wouldn't it help for the
24 record for you to state what this is?

13:20:46 25 MR BANGURA: Your Honour, I will get to that:

26 Q. Is this a statement which you made on 10 July 2007?
27 Mr Witness, this is a statement you made on 10 July 2007,
28 correct?

29 A. Yes, sir.

1 Q. Now, in the introductory part of that statement before we
2 get to the bullet points - I will just read. It says, "Interview
3 commenced at 11.50", and it says:

4 "During prepping with trial attorney Shyamala Alagendra the
13:21:35 5 witness made the following corrections with regards to his
6 statement dated Friday, 1 December 2006 and Saturday, 2 December
7 2006."

8 So this was supposed to be a statement which you made to
9 correct a previous statement that you had made, is that correct?

13:21:51 10 A. Yes, sir.

11 Q. First bullet point:

12 "Page 2, paragraph 2, last sentence" - that is the
13 reference to your previous statement - "instead of, 'Witness did
14 not know what Sam Bockarie did with these diamonds that were
13:22:13 15 brought to him', witness said the diamonds that were given to Sam
16 Bockarie were given to Colonel Jungle by Sam Bockarie to be
17 delivered to Charles Taylor in Liberia."

18 Did you make this correction in that statement?

19 A. Yes, sir.

13:22:36 20 Q. Thank you. Now, the next bullet point deals with paragraph
21 3 of the statement that was being corrected and it goes:

22 "Witness stated that he knew that Sam Bockarie gave
23 diamonds to Colonel Jungle when Colonel Jungle came to visit Sam
24 Bockarie in Kenema. Witness was present."

13:22:55 25 Do you recall making that correction in this statement?

26 A. Yes, sir.

27 Q. Thank you. Now, you further go on in the third bullet
28 point and you make this statement:

29 "The witness recalls one such incident. On this occasion

1 the witness was present and heard Colonel Jungle informing Sam
2 Bockarie that ammunition was brought to Buedu, but could not come
3 further to Kenema because the truck got stuck in one of the
4 bridges closer to Buedu when the truck was on its way from Buedu
13:23:33 5 to Kenema, so he informed Sam Bockarie of this in the witness's
6 presence."

7 Do you recall making that point as well about arms that had
8 been brought on this occasion?

9 A. Yes, sir.

13:24:09 10 MR MUNYARD: Well, with respect to my learned friend, in
11 his evidence to me this witness did not accept that the
12 Prosecutors had correctly recorded what is in the interview of 1
13 and 2 December and therefore strictly speaking it's not a
14 correction of something he said earlier, it is a reverse of what
13:24:32 15 the Prosecutors wrongly recorded when they were interviewing him
16 in December 2006.

17 PRESIDING JUDGE: Continue, Mr Bangura. Proceed.

18 MR BANGURA: Your Honours, I refer further to page 13834
19 and I read from line 8 of that page and following:

13:25:24 20 "Q. You went on to follow, in the long answer you gave a
21 moment ago, with this - I'll start from the beginning ..."

22 And this is counsel quoting to you from an answer that
23 you'd given earlier. I'm sorry, this is counsel quoting your
24 answer. Then he says your answer went this way:

13:25:54 25 "And the question asked of me at that time was whether I
26 saw the diamonds given to Jungle, but at that time I said
27 it was a parcel. I think the question was asked of me
28 about what I knew about the word 'parcel' at that time. I
29 said whenever Sam Bockarie referred to a parcel at that

1 time it meant diamonds at that time."

2 The question was:

3 "Q. Where is the word 'parcel' in either paragraph bullet
4 point 2, or bullet point 3?

13:26:32 5 A. If you're referring to this document here, I think if
6 you were given all the - that is what I'm saying now. If
7 you were given all, I think, the interviews I had with the
8 Prosecution at that time, especially in terms of this
9 particular statement that is in front of me here, I think
13:26:56 10 you will see where I made corrections when I referred to a
11 parcel at that particular time, but I don't know whether
12 the correction made would be this one, but these were
13 statements on which I made corrections in the following
14 interviews."

13:27:13 15 Your Honours, may the witness be shown statement or
16 interview notes dated 3 March 2008. That's in tab 13 of the
17 Defence bundle.

18 MR MUNYARD: 3 March 2008 is tab 11, your Honours.

19 MR BANGURA: My learned friend is correct:

13:27:59 20 Q. Mr Witness, look at the third paragraph in that. You have
21 been a shown statement dated 3 March 2008. Do you recall giving
22 this information in these notes to the Prosecution on that date?
23 Mr Witness?

24 A. The second paragraph, sir?

13:28:27 25 Q. I am going to refer you to the third paragraph, but I just
26 asked you do you recall giving the information contained in these
27 notes to the Prosecution on 3 March 2008? Do you recall?

28 A. Yes, sir.

29 Q. Now look at the third paragraph there and I'll read what it

1 says:

2 "When Jungle came to visit Sam Bockarie in Kenema during
3 the junta, Jungle said that Charles Taylor was happy to have won
4 the election. Jungle said that 'Master', meaning Sam Bockarie,
13:29:12 5 had given him some parcels for the old man, meaning
6 Charles Taylor. The witness knew that parcels meant diamonds.
7 Bockarie sometimes gave parcels of diamonds to the witness to
8 keep. Bockarie referred to them as parcels. Bockarie kept a
9 record of diamonds received from RUF mining commanders."

13:29:37 10 Do you recall giving this information to the Prosecution in
11 your interview with them on 3 March 2008?

12 A. Yes, sir.

13 MR BANGURA: Thank you. Your Honours, I will refer next to
14 page 13918 of the transcript for 16 July.

13:30:48 15 PRESIDING JUDGE: Yes. Proceed, Mr Bangura.

16 MR BANGURA: Your Honours, I will read from the top of the
17 page. Your Honours, I will actually go back to the previous
18 page, that's 13917 and reading from line 21 there:

19 Q. Mr Witness, I'm reading again to you matters that came up
13:31:35 20 in your exchange with counsel for the Defence:

21 "Q. 'The witness then went to see Bockarie at Cocopa.'
22 Did you tell them that?

23 A. No, sir, I did not go there myself. I only went to
24 Ganta and not to Sam Bockarie.

13:31:56 25 Q. Well, we know that you are now saying you didn't go
26 there, but did you tell the Prosecution in March that you
27 did go there?

28 A. I don't actually remember that idea that I went to see
29 Sam Bockarie at Cocopa. I only spoke of going to Ganta.

1 Q. I am not asking you if you remember ideas, I'm asking
2 you did you tell the Prosecution attorneys, Madam Brenda
3 and Alain, what I've just read out: That you went to see
4 Bockarie at Cocopa?"

13:32:34 5 Now, Mr Witness, from that exchange, at some point you did
6 say that you clearly - you have said you did not go to Cocopa and
7 that you - what was the position? You did not go to Cocopa, but
8 the matters that you learnt about Bockarie in Cocopa, how did you
9 learn about them?

13:33:00 10 A. Yes, sir, I heard of Sam Bockarie - the information that I
11 gave about his wife coming to him at Cocopa, I heard from the
12 brothers who were assigned with him at Cocopa, when we arrived in
13 Gbankoi. I came from there and they gave me this information,
14 sir.

13:33:22 15 Q. And did you recall saying this to the Prosecution in any of
16 your interviews?

17 A. Yes, sir.

18 MR BANGURA: Your Honours, may the witness be shown the
19 document in tab 13 of the Defence binder:

13:34:12 20 Q. Mr Witness, you recall making corrections and
21 clarifications to statements that you had given before to the
22 Prosecution on 27 through 30 June and on 1 July this year?

23 A. Yes, sir.

24 Q. Can you look at paragraph 30 of the corrections that you
13:34:39 25 made. Do you see that?

26 A. Yes, sir.

27 Q. I will just read that for you:

28 "Witness clarified that after they returned from Ivory
29 Coast to Liberia and Sam Bockarie was taken to Cocopa, he

1 (witness) never saw Sam Bockarie again until his death.
2 Information about Bockarie's decision not to go to Monrovia to
3 avoid being noticed, and about his family being brought instead
4 from Monrovia to see him at Cocopa, were all gathered from other
13:35:29 5 Sierra Leonean fighters who regularly went to see Bockarie at
6 Cocopa."

7 Do you recall saying that?

8 A. Yes, sir.

9 PRESIDING JUDGE: Mr Bangura, we're already over the usual
13:35:43 10 time for adjournment.

11 MR BANGURA: Yes, your Honour, I am trying to round up.

12 PRESIDING JUDGE: How many questions have you got?

13 MR BANGURA: Quite a few, but they won't take too long,
14 your Honour.

13:35:51 15 PRESIDING JUDGE: How long is not too long?

16 MR BANGURA: Your Honours, another five, seven - it depends
17 on the answers.

18 PRESIDING JUDGE: Five or seven minutes?

19 MR MUNYARD: Your Honours, can I just say we received an
13:36:03 20 e-mail yesterday evening from Ms Hollis saying that she would ask
21 for the last thirty minutes of the session for Mr Bangura's
22 re-examination. I tried and almost succeeded in allowing that, I
23 only was pushed over the time because of queries about the
24 summary that I was trying to provide the Court. I say that
13:36:23 25 because I deliberately tailored my cross-examination to
26 accommodate the Prosecution.

27 PRESIDING JUDGE: We note that, Mr Munyard. My immediate
28 concern is the accused is usually restricted in his time
29 movements. Is there any problem with staying on another seven to

1 ten minutes?

2 MR MUNYARD: No, thank you.

3 MR BANGURA: Your Honours, and the exhibits as well too.

4 Your Honours, I will move on.

13:36:57 5 PRESIDING JUDGE: Continue, but I have noted what you said
6 on the time. Please continue. You are limited now to seven to
7 ten minutes.

8 MR BANGURA: Thank you:

9 Q. Mr Witness, you were shown a document not too long ago by
13:37:17 10 counsel. The list that he showed you - your Honours, I don't
11 recall that document being marked --

12 MR MUNYARD: I may have forgotten to do that. Can I
13 formally ask that it be marked for identification.

14 PRESIDING JUDGE: Your ATU list?

13:37:34 15 MR MUNYARD: Yes, 29 pages.

16 PRESIDING JUDGE: That is 29 pages of a typed document. It
17 becomes MFI-13. Continue, Mr Bangura.

18 MR BANGURA:

19 Q. Mr Witness, that document that was shown to you, do you
13:37:43 20 know who prepared it?

21 A. No, sir.

22 Q. Do you know whether in fact it's an authentic document from
23 the ATU?

24 A. The title indicates that it is from the ATU, from the ATU
13:38:14 25 unit.

26 MR MUNYARD: How can this witness possibly say whether it's
27 authentic or not? He can't even say whether the handwritten
28 MFI-9 was authentic or not. The Prosecution have never said
29 where that came from. This witness has said he hasn't seen

1 MFI-10 before, therefore he can't possibly be asked to comment on
2 its authenticity.

3 MR BANGURA: Your Honours, I don't want to be drawn into a
4 protracted argument that eats up into the time we have left. I

13:38:47 5 take the point:

6 Q. Mr Witness, do you know whether this document would have
7 been altered at all --

8 MR MUNYARD: I make the same objection.

9 PRESIDING JUDGE: How can he answer that question,

13:38:59 10 Mr Bangura?

11 MR BANGURA: Your Honours, this witness was from the ATU
12 and he's familiar with documents that came from the ATU and, your
13 Honours, he has said that given the rank he had and the position
14 he was in, he would be in a position to say what he - whether

13:39:21 15 what he is shown is consistent, or looks like some document that
16 he had been familiar with before. But I will move on, your
17 Honour:

18 Q. Mr Witness, you said in your earlier testimony that you
19 were receiving the sum of 225 US dollars as a captain in the ATU.

13:39:45 20 Do you recall that?

21 A. Yes, sir.

22 Q. Now, how often did you get this amount of money as salary?

23 A. I used to receive this money on a monthly basis when I
24 graduated earlier through my battalion S1 - I mean the paymaster
13:40:08 25 from my battalion.

26 Q. And up to what time did you get this money from your
27 paymaster at the battalion?

28 A. Up to early 2002. I mean before March, as indicated on
29 this document.

1 MR MUNYARD: Sorry, as indicated on which document now,
2 because this one is February '03 and the other one is March '02?

3 MR BANGURA:

13:40:55

4 Q. When you say "this document", which document are you
5 referring to, Mr Witness?

6 A. The present document on the screen that I was going
7 through, certain lists of people. That's the document I'm
8 referring to, sir.

13:41:16

9 Q. Thank you. Now in MFI-9A, that is the list that we have
10 looked at, the list that you identified names on before, not the
11 list shown to you today, number 63 on that list and number 64,
12 the names, and I give you the names, Corporal Bockari Samai and
13 Corporal Bockari Lamine, are they dead or alive?

14 A. They are dead, sir.

13:41:56

15 MR BANGURA: Thank you. Your Honours, that will be all for
16 the witness.

17 PRESIDING JUDGE: Thank you, Mr Bangura. We have no
18 questions of the witness.

13:42:20

19 MR BANGURA: Your Honours, may I move the documents which
20 were marked for identification into evidence.

21 MR MUNYARD: I have no objection to any of them being moved
22 into evidence.

23 PRESIDING JUDGE: Thank you for that indication. May I
24 take it that you will also be moving MFI-13?

13:42:34

25 MR MUNYARD: Yes, Madam President. I am sorry, I think I
26 called it MFI-10 by mistake earlier. MFI-13, yes.

27 PRESIDING JUDGE: Mr Bangura, maybe I could ask if you will
28 be objecting to that document so I can go through a list?

29 MR BANGURA: No, your Honour, the Prosecution will not

1 object to that document going in, save to say that document only
2 came to our knowledge in court today, but for purposes of
3 relevance we will not object to it going in.

4 PRESIDING JUDGE: I understand. I will go through the list
13:43:06 5 as kindly prepared for us by Madam Court Attendant.

6 The first document is a map of the Kailahun District of
7 Sierra Leone as marked by the witness and I think it becomes
8 Prosecution exhibit P-154, is that right?

9 MS IRURA: That is correct, your Honour.

13:43:26 10 PRESIDING JUDGE: Yes, prosecution exhibit 154.

11 [Exhibit P-154 admitted]

12 The next document is a photograph as identified and marked
13 by the witness. It becomes Prosecution exhibit P-155.

14 [Exhibit P-155 admitted]

13:43:58 15 The next document, similarly a photograph as marked by the
16 witness, becomes Prosecution exhibit 156.

17 [Exhibit P-156 admitted]

18 The next one, MFI-5, is also a photograph. In fact, MFI-5,
19 6 and 7 are all photographs as marked by the witness and they
13:44:09 20 become respectively: MFI-5 Prosecution exhibit 157; MFI-6
21 Prosecution exhibit P-158; and MFI-7 Prosecution exhibit P-159.

22 The next document is a map of the Ivory Coast, again as
23 marked by the witness, and that becomes Prosecution exhibit
24 P-160.

13:44:31 25 [Exhibit P-160 admitted]

26 Now the next series of documents, Mr Bangura, do you wish
27 them to have the A, B and C as is already marked?

28 MR BANGURA: That would be preferable, your Honour.

29 PRESIDING JUDGE: Yes, very well. The next document is a

1 four page document handwritten list as marked by the witness and
2 it becomes Prosecution exhibit P-161A.

3 [Exhibit P-161A admitted]

13:45:00

4 The next is a two page document, as marked by the witness,
5 and it becomes Prosecution exhibit P-161B.

6 [Exhibit P-161B admitted]

7 The next is a list - a one page handwritten list - as
8 marked by the witness. It becomes Prosecution exhibit P-161C.

9 [Exhibit P-161C admitted]

13:45:21

10 The next three are a series of photographs as marked by the
11 witness. They have already been described and read into
12 evidence. I will not repeat the description. The first, MFI-10,
13 becomes Prosecution exhibit P-162.

14 [Exhibit P-162 admitted]

13:45:37

15 The next, again a photograph, becomes Prosecution exhibit
16 P-163.

17 [Exhibit P-163 admitted]

18 The next is a photograph as marked by the witness,
19 Prosecution exhibit P-164.

13:45:55

20 [Exhibit P-164 admitted]

21 Then the last document is a typed and hand marked 27 page
22 document with a front cover --

23 MR MUNYARD: I think it's 29.

13:46:09

24 PRESIDING JUDGE: I correct the record. It should be 29
25 pages, thank you. It is headed "Headquarters Anti-Terrorist Unit
26 Brigade Executive Mansion, Monrovia, Liberia", with a picture of
27 a shield and it becomes Defence exhibit D-55. Is that correct,
28 Madam Court Attendant?

29 MS IRURA: That is correct, your Honour.

1 PRESIDING JUDGE: Thank you.

2 [Exhibit D-55 admitted]

3 That completes the list of documents marked for
4 identification and, if there are no other matters, I will release
13:46:40 5 the witness?

6 MR BANGURA: Thank you, your Honour.

7 PRESIDING JUDGE: Mr Witness, that is the end of your
8 evidence and we thank you for coming to court and giving your
9 evidence over the last few days. We also wish you a safe journey
13:46:55 10 back. I think counsel we are over our normal time and we are now
11 I think from this point on into recess, unless - I don't think
12 there's any other applications?

13 MR MUNYARD: I haven't an application, your Honour. I just
14 wish on behalf of the Defence Bar to wish everybody in court a
13:47:16 15 very enjoyable recess.

16 PRESIDING JUDGE: I'm very grateful, Mr Munyard. I was
17 likewise on behalf of my learned colleagues going to wish counsel
18 and all the other persons associated with the Court a good
19 holiday and look forward to seeing you in due course. We now
13:47:34 20 adjourn to 18 August at 9.30. That's a Monday.

21 [Whereupon the hearing adjourned at 1.48 p.m.
22 to be reconvened on Monday, 18 August 2008 at
23 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINATION BY MR MUNYARD	13961
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EXHIBITS:

Exhibit P-154 admitted	14048
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Exhibit P-161A admitted	14049
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Exhibit P-161C admitted	14049
Exhibit P-162 admitted	14049
Exhibit P-163 admitted	14049
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