



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 18 MARCH 2010
3.00 P. M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Doreen Kiggundu
Mr Artur Appazov

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Silas Chekera

1 Thursday, 18 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 3.00 p.m.]

14:58:43 5 PRESIDING JUDGE: Good afternoon. We will start with the
6 appearances, please.

7 MR BANGURA: Good afternoon, Madam President, your Honours
8 and counsel opposite. Appearing for the Prosecution today are
9 Nicholas Koumjian, myself Mohamed A Bangura, Ms Kathryn Howarth
15:03:27 10 and Maja Dimitrova. Thank you, your Honours.

11 MR CHEKERA: Good afternoon, Madam President, your Honours,
12 counsel opposite. For the Defence, Courtenay Griffiths QC and I,
13 Silas Chekera.

14 PRESIDING JUDGE: Thank you. Witness DCT-025 continues in
15:03:48 15 cross-examination. Mr Witness, good afternoon. I remind you of
16 your oath to tell the truth. That oath binds you today.

17 THE WITNESS: Yes, sir.

18 WITNESS: DCT-025 [On former oath]

19 CROSS-EXAMINATION BY MR BANGURA: [Continued]

15:04:13 20 Q. Good afternoon, Mr Witness.

21 A. Good afternoon.

22 Q. We shall continue with the cross-examination. Yesterday we
23 left off at a point where we were discussing your activities at
24 Danane, do you recall?

15:04:35 25 A. Yes, I remember.

26 Q. And you had told this Court that after being discharged
27 from hospital, you stayed in Danane for - after being discharged
28 from hospital, where you were for six months, you then stayed in
29 Danane for a period of time, correct?

1 A. Yes, I stayed in Danane for a period of time.

2 Q. And your evidence is that you left Danane sometime in 1997
3 to go to Liberia. Is that correct?

4 A. I said I left Danane in 2000, when they had an election and
15:05:28 5 they had an elected government in Liberia.

6 Q. Shall we be clear about what time you actually left Danane
7 and when was there an election in Liberia. Did you leave Danane
8 in 2000 - the year 2000, as you have just said? Just seeking
9 your confirmation of the year.

10 A. Yes, I said I left Danane after the election had been in
11 Liberia. That was the time I went to Liberia.

12 Q. Do you know when there was an election in Liberia?

13 A. I only knew that after they had the elected government in
14 Liberia and I went there in 2000.

15 Q. And when you say the elected government, which government
16 are you referring to?

17 A. When the Charles Taylor government was in power, that was
18 the time I went to Liberia.

19 Q. And so how long had Charles Taylor been in power before you
15:06:38 20 got to Liberia?

21 A. He was in power when I went there, but I don't know how
22 long he was in power before I went there. But I went there
23 during his administration.

24 Q. And so you are certain that you went there in 2000, as you
15:06:57 25 have told this Court?

26 A. I went there in 2000. I went to Liberia in 2000.

27 Q. Thank you. We shall come back to your activities after you
28 left Danane. Let me just go back to some of the answers you gave
29 yesterday. Yesterday we talked about Gbarnga and your movement

1 from Gbarnga to Naama, Camp Naama, for training. Is that
2 correct?

3 A. Yes.

15:07:39 4 Q. I just want to find out, how long was that distance between
5 Gbarnga and Naama? Do you recall at all?

6 A. The distance from Gbarnga to Naama is about - it's a dusty
7 road. Maybe it would take something like 45 minutes to one hour
8 drive.

15:08:05 9 Q. And do you go through any particular towns before you get
10 to Naama, if you are driving from Gbarnga?

11 A. Yes. You pass through Wai sue. You go through Bel efanai
12 and then you branch. You take the right.

13 Q. And along this route that you took, who was driving the
14 vehicle in which you were?

15:08:31 15 A. I don't know the driver in person because I was at the back
16 of the pick-up, but there was a man driving the vehicle. I don't
17 know him by name.

18 Q. And Pa Morlai was with you in that vehicle as you drove to
19 Camp Naama, correct?

15:08:54 20 A. Yes. He was in the front seat of the vehicle.

21 Q. Now, those locations that you went through and up to Naama
22 were areas controlled by the NPFL at the time, correct?

23 A. Yes. That's in the same Bong County.

15:09:22 24 Q. And as you drove through those locations, did you meet any
25 security personnel on the way? Were you stopped at any point by
26 security personnel?

27 A. No.

28 Q. Did you go through any checkpoints?

29 A. No, I did not go through checkpoints.

1 Q. Were you in a position in the vehicle where you would see
2 outside as you drove?

3 A. You could see outside, but it was dusty because it was a
4 dusty road.

15:09:59 5 Q. Now, at this time, this was August 1990, how long had the
6 NPFL been in control of Gbarnga before you decided to join
7 Pa Morlai to go to Naama?

8 A. I can't tell you how long they had been there, but the NPFL
9 were in control. But I can't tell you whether it was within a
15:10:33 10 period of one month, two months. I can't tell you that now.

11 Q. Can you try and just help the Court. Was it a very long
12 time before you took this decision that the NPFL had taken
13 control of Gbarnga, or was it just a short period?

14 A. Like I told you, I said I can't tell whether it was a long
15:10:58 15 time or a short time, but it was the NPFL that was in control
16 there. I don't want to lie to you.

17 Q. Could it have been three months?

18 A. I don't want to lie to you. I can't give you an estimated
19 time.

15:11:19 20 Q. But at the time that you joined Pa Morlai it was in August,
21 that was the rainy season, correct?

22 A. It was not raining at the time I was going.

23 THE INTERPRETER: Your Honours, could the witness be asked
24 to repeat that last bit.

15:11:37 25 PRESIDING JUDGE: Mr Witness, you just said, "It was not
26 raining at the time." Please repeat what you said after that,
27 loudly.

28 THE WITNESS: I said it was not raining at the time that we
29 were going, but it was in August.

1 MR BANGURA:

2 Q. My question was August was one of the months of the rainy
3 season. This was in the rainy season, isn't that correct, this
4 period that you decided to join Pa Morlai?

15:12:11 5 A. Yes, it was in the month of August and August is part of
6 the rainy season, but sometimes in August it does not rain for
7 two or three days, so it did not happen at that date.

8 Q. [Microphone not activated] particularly concerned,
9 Mr Witness, about what whether it rained on the day that you
15:12:28 10 travelled --

11 MR INTERPRETER: Your Honours, could counsel be asked to
12 wait for the interpretation.

13 PRESIDING JUDGE: Mr Bangura, are you switched on channel
14 1?

15:12:39 15 MR BANGURA: Yes, I am, your Honour.

16 PRESIDING JUDGE: Then please wait for the interpretation
17 before you interpose a question.

18 THE INTERPRETER: And the last bit I did not say when
19 counsel came up again. The witness said, "So it could be dusty."

15:12:53 20 PRESIDING JUDGE: Mr Bangura, please ask the last question
21 again because the interpreter didn't get the answer.

22 MR BANGURA: I am just trying to see exactly what was the
23 question. I thought I was making a clarification of the
24 witness's answer.

15:13:09 25 PRESIDING JUDGE: Where you said "particularly concerned,
26 Mr Witness, about whether it was" --

27 MR BANGURA: Yes, I was making a clarification. I was not
28 particularly concerned about whether it rained on the day you
29 left to go to Naama. I just wanted to have you confirm that

1 August, the month you left, was a month in the rainy season. I
2 think I have got that confirmation, your Honour:

3 Q. So you could - from August, which was a month in the rainy
4 season, you could be able to look back to months in the dry
15:13:46 5 season and say, well, the time that the NPFL took Naama was in
6 the dry season or in the rainy season, couldn't you?

7 A. I told you I cannot tell because I don't know that time.

8 Q. You testified yesterday about bombing, air raid at Naama,
9 and that was one of the reasons why one of your relatives was
15:14:15 10 taken away; isn't that correct?

11 A. I did not say they had air raids into Naama. I did not say
12 that.

13 Q. Why was one of your relatives taken away from Naama? What
14 was happening at the time?

15:14:35 15 A. I did not have relatives in Naama. None of my relatives
16 was taken from Naama.

17 Q. That was my mistake. I am talking about Gbarnga. Why was
18 a member of your family taken away from Gbarnga?

19 A. Because they were running away from the war, according to
15:15:00 20 what I said.

21 MR BANGURA: Your Honours, I believe the witness did
22 testify to this fact, and I just probably want to refer him to
23 his testimony yesterday. The reference is to page 37405, lines
24 24 through to 27 of the transcript of 17 March.

15:15:41 25 MS IRURA: Your Honour, this was a private session
26 transcript.

27 MR BANGURA: Your Honour, I believe the aspect of it that
28 is sensitive enough to - that might disclose the identity of the
29 witness is one that I could deal with without necessarily

1 discussing this testimony --

2 PRESIDING JUDGE: Yes, but the transcript cannot be shown
3 on the overhead.

4 MR BANGURA: I take the point. I could just read and
15:16:58 5 paraphrase.

6 PRESIDING JUDGE: If you can read the transcript in such a
7 manner as not to reveal any of the confidential information, that
8 would be okay.

9 MR BANGURA: I will attempt to do so:

15:17:30 10 Q. Mr Witness, your testimony yesterday, you did - a question
11 was asked - your Honour, I am reading from a portion of the
12 transcript - and the question was that you - counsel was seeking
13 a confirmation from you about your earlier evidence and you were
14 asked to confirm that in fact one of your - a member of your

15:18:01 15 family was taken from Gbarnga to Ivory Coast because of the
16 bombing. Do you recall that? And your answer was, yes, a member
17 of your family was taken by another member of the family to the
18 farm, you mean to Ivory Coast. Do you recall that testimony?

19 A. Whether I went to Ivory Coast?

15:18:31 20 Q. Not you. You were asked to confirm that a member of your
21 family took another member of your family from Gbarnga to Ivory
22 Coast because of the bombing?

23 PRESIDING JUDGE: Can you please keep some order in court.
24 We will have one person speaking at a time. Mr Bangura is trying
15:18:56 25 to read a piece of the transcript.

26 MR CHEKERA: My apology, your Honour. I was just
27 consulting on a quick point relating to what Mr Bangura --

28 PRESIDING JUDGE: Please do that quietly though, not to
29 interrupt. Mr Bangura, I don't know, I hope you are reading the

1 evidence correctly. Yes.

2 MR BANGURA: Yes, they are just key words there, "bombing",
3 "movement from Gbarnga to Ivory Coast", those are the key words.
4 If the witness agrees that this is what he said yesterday, then
15:19:29 5 we can move on, and this is what is in the transcript.

6 PRESIDING JUDGE: I think he said that that member of the
7 family who was taken was hypertensive and the bombing was
8 troubling that member - family member, and that was why another
9 family member took this person to the Ivory Coast. Isn't that
15:19:52 10 the passage you are referring to?

11 MR BANGURA: That's right, your Honour. Your Honour, I
12 have in fact been - my attention has been drawn to a much clearer
13 reference about the earlier witness's testimony to do with
14 bombing, and this is again closed session testimony, but it came
15:20:14 15 up on Tuesday, 16 March.

16 PRESIDING JUDGE: Yes, but put the evidence to the witness
17 in such a way that you are not putting only part of the evidence
18 that he gave.

19 MR BANGURA: Your Honour, my --

15:20:26 20 PRESIDING JUDGE: Put the whole evidence that he gave
21 relating to that incident. Then he can agree with you or
22 disagree.

23 MR BANGURA:

24 Q. Mr Witness, your testimony before this Court is that there
15:20:36 25 was bombing in Gbarnga at one point in time and this caused two
26 members of your family to go to Ivory Coast. Is that correct?

27 A. Yes. There was launching going on in Gbarnga and the sound
28 of the gun could not allow my mother to stay there. That was the
29 reason why they decided to take off from there.

1 Q. And when was this launching going on?

2 A. I was not there, but that was what I heard.

3 Q. Okay. We will move on. Yesterday you told this Court that
4 your training at Camp Naama involved - this was not yesterday,
15:21:22 5 but your earlier evidence was that your training involved the use
6 of sticks with ropes tied on them, you did not use weapons to
7 train. Is that correct? Am I putting your evidence correctly?

8 A. Yes.

9 Q. And throughout your training, is it your evidence that you
15:21:43 10 did not use any weapons at all?

11 A. We did not use any weapon to travel through the bush, but
12 there were 12 guns that we had that they used to teach us how to
13 assemble it, then put it back together. Those were the ones we
14 had to move.

15:22:07 15 Q. And you said that that was the training you had which
16 you - your forces applied in attacking Koindu and overrunning the
17 police station. Is that right? That training is what you
18 basically applied in your combat operations?

19 A. Yes. The training that they gave us was the training that
15:22:35 20 we used to go there.

21 Q. And without the use of real weapons, your forces were able
22 to use weapons the very first time they had those weapons in
23 Koindu, as you say, correct?

24 A. The reason why we were using those stick guns, they gave us
15:22:56 25 those sticks so that we would get used to our weapons so that if
26 any of those sticks get missing, then you will have to answer
27 questions. But that did not mean that we used the sticks to go
28 and attack Koindu, but it was just something that will show you
29 that - to tell you that it is something you should protect. It

1 is something like an arm. Just for me to describe, something to
2 you so that you will be aware of it.

3 Q. I go on to look at your answer regarding the recruitment of
4 civilians after you had taken Koindu and other parts of Kailahun.
15:23:52 5 Your testimony is that the civilians came voluntarily for
6 recruitment, correct?

7 A. Yes, that was what the commandant said. And then the
8 leader himself instructed the people - at that time I was there,
9 he instructed the people not to force anyone to join. If anybody
15:24:17 10 was willing to join, he should join willingly and that nobody was
11 to be forced to join.

12 Q. And when you say the leader, you are referring here to
13 Foday Sankoh?

14 A. Yes.

15:24:28 15 Q. Who did he give these instructions to?

16 A. He gave the instructions to CO Mohamed so that he will pass
17 it on to the training instructors.

18 Q. And we were trying to have an idea yesterday about the
19 numbers of your forces over a period of time after you had taken
15:24:51 20 Koindu and surrounding areas. Are you able to give us a figure
21 now, some idea of the figures that you had?

22 A. I told you, I said I did not know the number. It's the
23 adjutant that will be able to tell you the number of soldiers
24 that we had, but not me.

15:25:11 25 Q. Mr Witness, in the course of the fighting, people got
26 killed, correct?

27 A. Yes, other people got killed.

28 Q. [Microphone not activated] civilians got killed, did they
29 not?

1 A. No war will be fought without someone being killed. People
2 were killed, but I did not know the kind of people who were
3 killed, whether they were soldiers or civilians, because that
4 happened at the front line and I was not there.

15:25:39 5 Q. Villages were deserted. In some areas where your forces
6 went you did not find people in those areas, correct?

7 A. The towns I passed through, I did not see people there, but
8 people were in the other towns. And even if they were there, I
9 wouldn't know because I was not there.

15:26:00 10 Q. It is correct that in most of these areas you had children
11 whose parents got killed in fighting, not so?

12 A. I was not there to tell you.

13 Q. Did you see children who did not have - who were cut off
14 from their parents in the course of fighting?

15:26:25 15 A. I did not see children like that.

16 Q. What was the youngest age of your fighters?

17 A. They told us that it's from 17 upwards before you will be
18 recruited on the base. So I believed that everybody who was on
19 the base, their ages were above 17, from 17 upwards.

15:26:54 20 Q. Who told you that your fighters should be from 17 and
21 upwards?

22 A. It was Foday Sankoh who gave the instruction.

23 Q. If somebody testified in this Court to say that in fact
24 there were children below the age of 17, and below the age of 15
15:27:22 25 in fact, who fought among ranks of the RUF, would that surprise
26 you?

27 A. It will surprise me, because I don't know and I did not go
28 on the base to go and see the children and I did not see
29 children, so it would surprise me. Because where I was, all the

1 soldiers who carried arms, they were not children.

2 MR BANGURA: Your Honours, just to give some indication
3 that at a point I may be going into private session to discuss a
4 few matters dealing with - that may impact on the identity of the
15:28:05 5 witness:

6 Q. Mr Witness, you testified to this Court that there were
7 no - or rather, your testimony to this Court is that the RUF did
8 not engage in any acts of looting or rape or - well, looting.

9 Let us take them one at a time. You did not engage in any acts
15:28:55 10 of looting. Do you recall that?

11 A. I did not tell you that the RUF was not involved in
12 looting. I not say that.

13 Q. Well, you talked about looting and you said - you used the
14 term "constructing looting" and you tried to make a distinction
15:29:11 15 between that and normal - or what would be normal looting. Do
16 you recall that?

17 A. Yes.

18 Q. And your definition of constructive looting is that you
19 gave the people some of what you took from them. Is that
15:29:33 20 correct?

21 A. To give people some of what we took from them?

22 Q. Right. When you harvested their produce, when you used
23 their farms, you gave them back some of the products. Isn't that
24 your evidence?

15:29:48 25 A. I did not say we gave them some. I said we harvested some
26 and we left some there for the owners, but not that we were
27 taking them and give them some. What we were able to take from
28 the farm, we take it and the one we leave there, it was for them
29 and it goes back to them.

1 Q. Now, whatever you took from the farm was not with the
2 consent of the people who had those farms, was it?

3 A. They were not there, so I don't know whether they would
4 have agreed. But they were not there.

15:30:26 5 Q. You did not plant those crops, did you?

6 A. I did not plant the crops, nor the members of the RUF, that
7 they planted the crops. It was for the people.

8 Q. And when you took decisions to - or you took a decision to
9 harvest crops which are were already planted you did not consult
10 anyone, did you?

15:30:54

11 A. I was not the one who took decisions. The decision was
12 given by the leadership. I was not the one who took decisions,
13 so I wouldn't have been able to tell them, say, do this or do
14 that.

15:31:11

15 Q. Now, just to be clear, when you say "you", I am talking
16 about the RUF. When the RUF chose - when they decided at points
17 in time to harvest crops from farms, they did not ask the consent
18 of the owners of those farms, did they?

19 A. I was not there when they were harvesting. I was not
20 there.

15:31:36

21 THE INTERPRETER: Your Honours, could the witness be asked
22 to repeat that last bit and speak up a little.

23 PRESIDING JUDGE: Mr Witness, the interpreter didn't hear
24 after these words, "I was not there when they were harvesting."

15:31:51

25 Could you repeat that loudly, please.

26 THE WITNESS: I said I was not there when they harvested
27 those things. Whether they asked the owners, I don't know.

28 MR BANGURA:

29 Q. You told this Court that in some cases, you yourselves -

1 member of the RUF - worked on the land and made farms for
2 yourselves. Is that correct?

3 A. Yes, the RUF used to make farms for themselves, and then
4 the person who was in charge of that was the S4.

15:32:26 5 Q. And did you have the consent of the owners of those lands
6 before you actually used the lands to plant crops?

7 A. I don't know about that. I think it's the S4 who can
8 answer that question.

9 Q. You also denied in your testimony that the RUF did not rape
15:32:51 10 women. There was - there were no incidents of rape within the
11 RUF. Is that correct?

12 A. I said there was a law concerning raping that any soldier
13 who raped - the instruction from Foday Sankoh was that any
14 soldier who raped should be executed, but I did not say any
15:33:13 15 soldier, nor did I get any reports that a soldier raped and be
16 disciplined in my presence. I did not see that.

17 Q. You also denied that the RUF took women as bush wives; you
18 denied that, didn't you?

19 A. I said most of the soldiers - most of the men who went to
15:33:38 20 the base to be trained, they had their women. But I did not see
21 people forcing women to take them to be their women. I did not
22 see that.

23 Q. You yourself, you did have a wife when you were with - when
24 you were in the RUF, did you?

15:33:59 25 A. Yes, and she was a vanguard.

26 Q. Do you know how she became a vanguard - how she joined the
27 RUF?

28 A. I met them on the base at Camp Naama, and that was where
29 she and I were together.

1 Q. Was she Liberian?

2 A. She is a Mende.

3 Q. I did not ask about tribe. Was she Liberian or was she
4 Sierra Leonean?

15:34:34 5 A. Well, I used to hear her speak Mende, so I believe she is a
6 Sierra Leonean. Because I used to hear her speak Mende and she
7 knew most of the areas and she told me she was in Sierra Leone
8 before, so I believe she was a Sierra Leonean.

9 Q. Is this woman your wife today - still your wife today?

15:34:58 10 A. That is the same woman. I see her with me.

11 Q. Mr Witness, you denied also that the RUF would give loads
12 to civilians to carry for them. Do you recall that?

13 A. I said my load - the basic load that I was dealing with
14 were not carried by any civilians. If the RUF forced people to
15 tote loads, I was not there and I am not aware of that.

16 Q. Mr Witness, is this not a variation of the answer that you
17 gave two days ago before this Court, where you completely denied
18 the RUF gave civilians loads to carry for them?

19 A. I did not say that the RUF gave loads to civilians to carry
15:35:50 20 them. I said that even if my own particular loads were taken by
21 civilians --

22 THE INTERPRETER: Your Honours, could the witness be asked
23 to slow down his pace.

24 PRESIDING JUDGE: Mr Witness, you are going to repeat your
15:36:07 25 answer and slow down, because the interpreter couldn't keep up
26 with you. Please repeat your answer.

27 THE WITNESS: I said the basic load that I have - I had was
28 not a load that I could ask civilians to carry, and I did not ask
29 - see any RUF people telling civilians to carry those loads for

1 them because I was not at the front line. But in the case of my
2 load that I dealt with, no civilian could carry them. They were
3 only carried by military personnel.

4 MR BANGURA:

15:36:43

5 Q. Mr Witness, the fact is that all of these crimes that I
6 have mentioned were carried out by the RUF against civilians.
7 Isn't that so?

8 A. If it happened so, but I am not aware. I don't know about
9 that.

15:37:06

10 MR BANGURA: Your Honours, I would at this point ask that
11 the - some document be shown to the witness.

12 PRESIDING JUDGE: Mr Bangura, before we do that, the
13 witness said something for which I would like him to clarify. He
14 said - let me just quote him exactly. He said, "I said
15 most" - Mr Witness, this is what you said:

15:37:38

16 "I said most of the soldiers - most the of the men who went
17 to the base to be trained, they had their women."

18 Now, could you explain this, please? Does it mean that
19 when they came to the base as trainees, each of them came with
20 his wife or his girlfriend? Or what does it mean?

15:37:54

21 THE WITNESS: No. They did not take their wives with them
22 to the base. They did not take their wives with them to the
23 base. But most of them were trained and they had their wives
24 before going to the base, and they left their families behind and
25 went to the base, but they did not take their wives along with
26 them.

15:38:19

27 PRESIDING JUDGE: Thanks for that clarification. Continue,
28 Mr Bangura, please.

29 MR BANGURA: Your Honours, may the witness be shown

1 exhibit P-296. There are two pages in that exhibit that I am
2 interested in. The first page is page 21853:

15:39:52 3 Q. Mr Witness, the document which is - has been put on the
4 overhead, this is an extract from the TRC report - in fact, the
5 appendix to TRC report. You heard about the TRC - Sierra Leone
6 TRC, Truth and Reconciliation Commission?

7 A. I was not in Sierra Leone. I don't know about that at that
8 time.

15:40:11 9 Q. There was a commission set up in Sierra Leone to go into
10 the whole incident of the war, and that commission came up - came
11 out with a finding, and the document which is shown to you now is
12 part of that finding and an appendix to the final report, okay?
13 And let us look at page 21853.

15:40:43 14 Your Honours, I will just look at the latter part of that
15 page where we have the box drawn over some portion of the text
16 with the title "Perpetrator Responsibility For Violations Over
17 Time and Space", and I just read the second paragraph of that -
18 probably just read the whole of it.

15:41:21 19 "The RUF's dominance over all violation types is not true
20 in every period. In the graph series, figures 4.A 1.26a-o,
21 below, the episodic nature of the conflict is clear for nearly
22 every perpetrator, violation type, and year combination. That
23 is, the violation counts start high in 1991 at the beginning of
24 the war, drop in the early 1990s and then rise to the 1995 peak,
15:42:31 25 after which the intensity drops. Violence increases during the
26 expulsion of the AFRC from Freetown, their tour of the northern
27 districts and their eventual return to attack the capital in
28 January 1999."

29 And more importantly we look at the second paragraph:

1 "For the following violations, the reported counts for the
2 RUF are higher than any other perpetrator category during every
3 year: Sexual slavery, rape, looting, killing, forced
4 recruitment, forced displacement, abduction, forced labour,
15:43:25 5 assault, destruction of property, and arbitrary detention. The
6 exceptions to the RUF's predominance are rare enough that they
7 are noted here. For extortion and torture, the CDF shows peaks
8 in 1997 which exceeds the RUF counts of reported violations in
9 that year."

15:43:53 10 And then it goes on to talk about other factions. Now,
11 just before we continue, Mr Witness, this short piece that we
12 have read from the appendix describes the nature of the crimes
13 that were committed during the war period by different factions,
14 and also the range and the scope of the commission of those
15:44:28 15 crimes by different factions. What it tells us is that in fact
16 the RUF was most notable in the commission of the crimes that I
17 have just read out. Do you see that?

18 A. I listened to what you read, but I don't know about that.

19 Q. And then I ask that page 21856 be put up. And here,
15:45:00 20 Mr Witness, we see an illustration in a table of exactly how
21 these crimes were committed. Well, not how the crimes were
22 committed, but figures showing that in fact RUF had a much higher
23 rate of commission of some of these crimes than the other
24 factions. Now, let us look at the table which is shown at the
15:45:28 25 lower half of the page. Well, there are two tables there. The
26 first one is that which deals with RUF violations by year and
27 district.

28 You attacked Sierra Leone from Kailahun District. Is that
29 correct?

1 A. Yes, because Koindu falls under Kailahun District.

2 Q. Now, let us look at Kailahun District for the year that you
3 attacked and then look at the other years as we go on. Now, if
4 you look at the second column from the left, we see the different
15:46:20 5 districts of Sierra Leone and Kailahun is, I believe, the eighth
6 district there. Do you see that?

7 A. I am seeing it.

8 Q. And if you look across all the columns, the different rows
9 giving you the year in which these figures have been collected
15:46:53 10 for. Kailahun, let's say the first year recorded there is 1991.
11 Do you see the figure that you have there? 1,013. That is the
12 number of cases that were reported for that year, this is for
13 Kailahun?

14 PRESIDING JUDGE: Yes, Mr Chekera, please.

15:47:21 15 MR CHEKERA: May I just ask my learned friend opposite to
16 clarify what that number represents, violations of what?

17 MR BANGURA: I think the text just before that explains it,
18 but --

19 PRESIDING JUDGE: Perhaps it wouldn't be a bad idea,
15:47:47 20 Mr Bangura, for completion of the evidence, to state what these
21 violations are actually.

22 MR BANGURA: Well, these are violations that - I have read
23 already the page before we came to the tables and the whole text
24 of the document from the page that I last read on to page 21856
15:48:20 25 merely shows graphical representation of a kind of flow chart of
26 the way crimes were committed, the ebb and flow of commission of
27 crimes.

28 PRESIDING JUDGE: Yes, but you see the explanation just
29 above those two tables?

1 MR BANGURA: I do.

2 PRESIDING JUDGE: I haven't heard you refer to it. It says
3 in figures 4.A 1.27-30, which would include these two tables that
4 we are looking at.

15:48:58 5 MR BANGURA: If we go to the text just above the tables, it
6 says, and I read:

7 "In figures 4.A 1.27-30, we explore the patterns of
8 violations across districts and time for the four factions that
9 are responsible for the highest number of documented violations:

15:49:28 10 The RUF, the AFRC, the SLA, and the CDF."

11 So basically the figures we have there, to answer counsel's
12 question, are figures pointing to violations. And if we go back
13 to what I had read before from page 21853, there is a range of
14 crimes that are described to be the focus of this table and these
15 are the crimes that are reported here when people talk about
16 violations. My understanding here is that the numbers here
17 represents incidents, specific incidents.

18 PRESIDING JUDGE: Yes, but what you need to explain is the
19 first table pertains to the RUF, whilst the other three tables
15:50:24 20 pertain to other groups.

21 MR BANGURA: Yes, your Honour. Well, I am just trying to
22 let the witness see the levels of violence. Basically it's the
23 levels of violence within - by the RUF within a particular period
24 of time and not necessarily in comparison with other factions.

15:50:52 25 PRESIDING JUDGE: Mr Witness, I don't know your level of
26 being able to follow this in English. It's written in English.
27 I haven't heard either counsel ask you about your literacy in
28 English. Are you comfortable? Do you understand? Or is the
29 interpreter actually doing a good job interpreting this table for

1 you?

2 THE WITNESS: Yes, I have seen these things but I don't
3 know about them. I am seeing it, but I don't understand what it
4 means.

15:51:29 5 PRESIDING JUDGE: Mr Interpreter, you in the booth, we do
6 not appreciate the laughter over and above the questions asked.

7 So to come back, Mr Bangura, to come back to what we are
8 looking at, do not assume that the witness is necessarily
9 following. Where you can explain further, it would be good that
10 you should.

11 MR BANGURA: Your Honour, I will just go back to page 21853
12 and the second paragraph of the two paragraphs that I dealt with
13 again and I read that, I am sure if that was clearly explained to
14 the witness, interpreted to the witness, then that lays the basis
15 for my explanation of this chart.

15:52:14 16 PRESIDING JUDGE: We were just wondering whether the
17 interpreters can see the table or the document that is being
18 referred to. Can the interpreters see it?

19 THE INTERPRETER: Your Honours, I will have to go around to
15:52:32 20 make a check on the interpreters. They are new and may know how
21 to use the computer.

22 PRESIDING JUDGE: What have you now done, especially
23 the interpreters that are interpreting for the witness?

24 THE INTERPRETER: We are interpreting for the witness.
15:52:56 25 Yes, your Honour, we have seen it. We are reading the tables on
26 the screen.

27 PRESIDING JUDGE: Thank you. Please proceed.

28 MR BANGURA: Your Honour, I'll just go back again to page
29 21583 and re-read the second of those two paragraphs which gives

1 some idea of what the tables are about:

2 Q. I hope, Mr Witness, if you listen to the interpretation
3 carefully you will then have an idea what we are talking about
4 when we go to the tables, okay:

15:53:34 5 "For the following violations, the reported counts for the
6 RUF are higher than any other perpetrator category during every
7 year: Sexual slavery, rape, looting, killing, forced
8 recruitment, forced displacement, abduction, forced labour,
9 assault, destruction of property, and arbitrary detention. The
15:54:00 10 exceptions to the RUF's predominance are rare enough that they
11 are noted here."

12 I think if we go further we will then be going into a more
13 comparative description of the tables. So basically, Mr Witness,
14 what we are about to see in the tables are figures which show the
15:54:30 15 levels of violations of crimes by the RUF. And the range of
16 crimes are described already in the paragraph that I have just
17 read. Do you understand that?

18 A. I understand. I am hearing what you are saying.

19 Q. [Microphone not activated] table which is at page 21856
15:55:06 20 gives us district by district in Sierra Leone and year by year
21 from 1991 on to the year 2000 the levels of violation by the RUF.
22 Do you understand that?

23 A. I am listening to you.

24 Q. And we are focused at this point firstly on Kailahun in
15:55:37 25 1991. That was the year that you, your forces, attacked Kailahun
26 District. Do you recall that?

27 A. I recall that RUF attacked Kailahun in 1991.

28 Q. Now, overall in terms of number of incidents covering all
29 of these crimes, we have in 1991, 1,013 cases of violation by the

1 RUF covering all of the crimes that I have talked about. Do you
2 see that?

3 A. I see Kailahun 1,013, but I am not aware of any violations
4 like these. I am not aware of it and I don't know about it.

15:56:30 5 Q. And just to be very clear, the figures you see there are
6 properly read 1,013. Okay. If you look across that row where we
7 have Kailahun, just look right across and look at the figures you
8 have, you could see that there is no figure higher than the one
9 for 1991. Do you see that?

15:57:07 10 A. I am seeing the figure.

11 Q. So which means just for 1991, Kailahun District had the
12 highest levels of violations of crimes than all of the other
13 years of the war. Do you see that?

14 A. I don't know about that.

15:57:25 15 Q. Do you see what is on this paper, on this document?

16 A. I am seeing all those numbers.

17 Q. In view of these, Mr Witness, do you still maintain that
18 there were no - none of these crimes were committed by the RUF
19 against civilians in Kailahun District in 1991?

15:57:48 20 A. I don't know about it. If it happened, then I am not
21 aware.

22 Q. Mr Witness, you will see that apart from Kailahun District,
23 over time - well, your evidence is that fighting spread into
24 other districts. Of course, you went into Zogoda. In which
15:58:23 25 district is Zogoda; do you have an idea?

26 A. I don't know that district. I don't know whether it was in
27 the district because we were in the bush, so I don't know which
28 district.

29 Q. But you also told this Court about attacks in Pujehun

1 District. Do you recall that?

2 A. Yes.

3 Q. Now, if you look at the chart [Microphone not activated]
4 tells you the region [Microphone not activated] --

15:59:06 5 PRESIDING JUDGE: Please pause. Mr Interpreters, I don't
6 know what you have done, but you are crossing channels. You are
7 crossing channels and you are confusing us. Please sort
8 yourselves out and revert to the earlier arrangement. We can't
9 hear the English translator any more.

15:59:41 10 Mr Bangura, try again.

11 MR BANGURA:

12 Q. Mr Witness, we were looking at the table and the area where
13 it deals with the southern region of the country. Now, in that
14 area we have Pujehun District, which is the second district
15 named. Do you see that?

16:00:08 16 A. I know about Pujehun District, but I don't know whether it
17 is in the south or the north. All I know is that there is a
18 Pujehun District. It is only the name that I know.

19 Q. Do you see the figure which is given for violations in
16:00:27 20 Pujehun District for the year 1991?

21 A. I see the figures there, but I told you that I am not aware
22 of them. Even if it happened, then I am not aware.

23 Q. Mr Witness, the figure there for Pujehun District for 1991
24 is 1426 cases of violation; do you see that?

16:00:54 25 A. I am seeing it, but I was not in the Pujehun District so I
26 don't know about it.

27 Q. Again, I ask that you look right across that row through
28 all the years, that is '92, '3, '4, up to 2000. Is there any
29 case - or reported figures here which are higher than those for

1 1991? Do you see any figure higher than what we have for 1991?

2 A. There are some numbers that are higher; there are some
3 numbers that are not high; but I am not aware of this.

4 Q. Mr Witness, are you actually looking at the table and are
16:01:43 5 you following what we're doing?

6 A. I am looking at the table, but I don't understand anything
7 in this thing here. I don't understand anything on it here
8 because I don't know about it.

9 Q. I suggest to you that - in fact, I put it to you that the
16:02:06 10 RUF did commit crimes against civilians in Kailahun and Pujehun
11 District in 1991 on a very high scale.

12 A. And I told you that I don't know about it. So even if it
13 happened, it's not to my knowledge.

14 Q. Thank you. May the document be taken from the overhead.
16:02:38 15 Thank you. You talked about your forces - the RUF forces
16 advancing to Kono District and taking Kono in the early part of
17 the war. Do you recall that?

18 A. I told you, yes, the RUF advanced as far as Kono, but
19 whether it was at the end time of the war, that's not the thing.
16:03:25 20 But RUF advanced as far as Kono, but I did not go to Kono.

21 Q. Did you give this Court a time period when you said the RUF
22 attacked Kono and took Kono?

23 A. I did not give any time. I told you that I do not recall
24 the time. I said it here.

16:03:53 25 Q. Do you recall telling this Court that this was sometime in
26 1992 to 1993?

27 A. If I told the Court that RUF attacked Kono in 1992, '93?
28 No, I did not say anything like that.

29 Q. May I suggest to you, Mr Witness, that this attack which

1 you talk about occurred in 1992 - at the end of 1992?

2 A. All I know is that RUF attacked Kono and captured Kono.
3 Whether it was in '92, that I do not recall now. But the RUF
4 advanced as far as Kono.

16:04:57 5 Q. Your evidence is that the RUF were able to capture a large
6 quantity of material from Kono when they attacked Kono. Is that
7 correct?

8 A. Yes, that was what I heard, and the materials they brought
9 to me proved that they captured a large quantity of arms and
16:05:22 10 ammunition there.

11 Q. How long were your forces in Kono?

12 A. They were in Kono for some times, but I cannot tell you the
13 main time, whether they spent four, five or six months there. I
14 cannot tell you that, but they were in that area and I did not go
16:05:42 15 to the front line to check on the soldiers to know how many
16 months they spent there.

17 Q. To your knowledge, did Foday Sankoh visit the troops who
18 were in Kono - your fighters in Kono?

19 A. I did not see him visit the troops in Kono. And even if he
16:06:07 20 visited the troops in Kono, then I am not aware of that because
21 it was not that everywhere he went I was with him. I had my own
22 area of assignment.

23 Q. And what was the nature of the material that was captured
24 and brought to you?

16:06:30 25 A. They were some arms and ammunition.

26 Q. I mean, we're talking quantities. What quantity?

27 A. The arms that were brought to me in Pendembu, they were
28 plenty. But the heavy weapons that were amongst, I think they
29 were about 10 heavy weapons that I saw. And most of the

1 ammunition that they brought, they were things like 50-calibre
2 rounds. But I cannot tell you the number of boxes now, because I
3 do not have a record of them here.

16:07:22 4 Q. So you agree, then, that the attack on Kono was in '92 -
5 about the end of '92? You are not disputing that, are you?

6 A. I told you I don't know about that.

7 Q. Mr Witness, I am just reminded your testimony before this
8 Court, in fact, is that this attack took place at the end of '91,
9 going to '92. Do you recall telling this Court that?

16:07:57 10 A. What?

11 Q. That Kono was attacked in '91 - end of '91 going to '92.
12 That is what you told this Court on Tuesday. Do you recall
13 saying that?

14 A. No. I can't hear. I don't remember saying that, because I
16:08:21 15 never had no time frame to tell you that the RUF soldiers
16 attacked Kono so and so time. I told you that when we attacked
17 Koindu, the men advanced and they extended as far as Pendembu,
18 Kono, and some other areas.

19 MR BANGURA: Your Honours, may I have the assistance of
16:08:47 20 Madam Court Manager. May the witness be shown document - TRC
21 report, volume 2. There is another - volume 2 and volume 3B. I
22 think we will deal with both. One at a time.

23 PRESIDING JUDGE: Mr Bangura, when referring to the TRC
24 report, please distinguish - we already have one other TRC report
16:09:22 25 on the record.

26 MR BANGURA: Your Honour, this is not an exhibit of - in
27 this trial. It's not been - it's being used, I believe, for the
28 first time. This - it's a TRC report of Sierra Leone. Sierra
29 Leone TRC report. I think there are several cover pages to the

1 volume - about four cover pages which I believe we can skip:

2 Q. Now, can we look at paragraph 130. Mr Witness, I am just
3 putting to you a very short piece of fact here - a short fact
4 here in the report, paragraph 130, that is on page 41. I will
16:11:22 5 just read to you what it says, Mr Witness:

6 "The RUF was responsible for the first sustained assault on
7 Koidu Town, Kono District, from October 1992 until February 1993.
8 This assault resulted in a spate of violations against local
9 residents including the killing of chiefs, government officials,
16:11:49 10 business persons and members of the Lebanese community."

11 Do you see that?

12 A. I am seeing it, but I am not aware of it.

13 Q. So basically, this date is completely different from the
14 one you gave to this Court as the date on which the RUF first
16:12:13 15 attacked Kono. Do you agree that it's different?

16 A. I told you I don't know the dates. This is another
17 information that I don't know about, so I cannot tell you that
18 this was the year or that was the year. I don't know the dates.

19 Q. Mr Witness, you have to be helpful to the Court. Your
16:12:33 20 testimony before this Court on Tuesday was that Kono was attacked
21 at the end of 1991 going into 1992. You recall that, don't you?

22 A. I told you that I don't recall the time. I told you I
23 don't recall the time. I told you I don't recall the time. I do
24 not want to be seen to be a liar or something else. I keep
16:13:00 25 telling you that all the time.

26 Q. Are you retracting this testimony now?

27 A. I am not aware of it. I keep telling you. I don't want to
28 lie to you.

29 Q. Let me again refer you to the TRC report, volume 3B,

1 paragraph 49. Again, Mr Witness, I will just read to you a
2 portion of that paragraph which points out to the fact that Kono
3 was attacked or was attacked by the RUF in '92. I read:

4 "The commission's research demonstrates that the RUF could
16:14:27 5 not have earned all the money attributed to it in official
6 reports from conflict diamonds alone. Except for a brief period
7 in 1992 when the RUF occupied Koidu, the headquarters of the
8 diamond-rich Kono District, it did not have access to the major
9 diamond-producing areas of the country until 1995."

16:14:54 10 So you see that again, Mr Witness, that it was in fact in
11 1992 that the RUF attacked Kono, late '92?

12 A. I was not there, so I don't know.

13 Q. Thank you. Mr Witness, in the RUF - in your ideology
14 lessons during training you talked about or you used the - did
16:15:27 15 you use the expression "government property"?

16 A. No. I don't know about government property. What do you
17 mean by "government property"?

18 Q. I am asking you. Have you heard the expression "government
19 property" before?

16:15:51 20 A. No.

21 Q. Within the activities of the RUF, you have never heard that
22 term "government property"?

23 A. No, I never heard about government property.

24 Q. If you attacked - when you attacked a town and you took
16:16:15 25 property, you took things, what were you supposed to do with
26 things that you took from people? Were you supposed to keep them
27 or were you supposed to hand them over to somebody else?

28 A. I was not at the front line, so how can I tell that when
29 they attacked a town and took things they should give it to

1 someone? I was not responsible for that, so I am not aware of
2 that. I don't know about that.

3 Q. We have just read a portion of the TRC report, volume 2,
4 which talks about the RUF being in Kono District and having
16:16:56 5 access to diamonds in Kono District. Do you recall that, just
6 now?

7 A. I am seeing the documents, but I did not see any RUF
8 soldiers with diamonds before. And even me, myself sitting here,
9 I never saw a diamond. I don't even know a diamond.

16:17:18 10 Q. It was part of your instructions that diamonds were
11 supposed to be considered government property. Isn't that so?

12 A. I am not aware of that.

13 Q. That if any member of the RUF in the course of your
14 operations found or came in contact with diamonds, they should be
16:17:43 15 handed over to the highest authority. Isn't that the case, or
16 wasn't that the case?

17 A. I am not aware of that.

18 Q. Are you aware of the RUF being involved in diamond
19 activities, diamond mining?

16:18:02 20 A. No. I don't know about it.

21 Q. Did you hear of the RUF being involved in diamond business?

22 A. No. I don't know about that. Even if they were involved
23 in diamond business, diamond trading, but I am not aware of it.

24 Q. You said that your forces were in Kono for some time. The
16:18:32 25 report suggests a short period of time. During that period, are
26 you aware of the fact that the RUF did in fact take possession of
27 diamonds from Kono District?

28 A. I am not aware.

29 Q. Did you hear about RUF taking diamonds from civilians in

1 Kono District when they attacked a town, or Koidu?

2 A. No.

3 Q. Now, just to be clear, how were the materials that were
4 captured in Kono when it was attacked brought to you, to your
16:19:20 5 base? I believe you were in Kailahun at this time, correct?

6 A. I told you Pendembu. Pendembu.

7 Q. Pendembu. How were these materials brought to Pendembu?

8 A. These materials were brought by the soldiers. It was the
9 soldiers themselves who brought these materials and they had a
16:19:44 10 commander who led them to bring the materials to Pendembu.

11 MR BANGURA: Your Honours, the documents which have just
12 been used, I would respectfully ask that they be marked for
13 identification.

14 PRESIDING JUDGE: Now, please be specific exactly what you
16:20:06 15 want us to mark for identification. Let's start with the first
16 document.

17 MR BANGURA: In respect of the first one, which is the TRC
18 report, volume 2, I will ask that paragraph 130 be marked.

19 PRESIDING JUDGE: Of course we would probably require the
16:20:48 20 first page as well, maybe even the first four pages, they
21 wouldn't be any harm to put things in context.

22 MR BANGURA: Not at all, your Honour.

23 PRESIDING JUDGE: And then paragraph 130. The first four
24 pages and paragraph 130 on page 141 of the Truth and
16:21:11 25 Reconciliation Commission report for Sierra Leone is marked
26 MFI-413. Mr Bangura, please continue.

27 MR BANGURA: Yes, your Honour. The second document is the
28 volume 3B reports of the Sierra Leone Truth and Reconciliation
29 Commission. There are also four cover pages. I would ask that

1 paragraph 49 be marked for identification.

2 PRESIDING JUDGE: The TRC report, volume 3B - incidentally
3 the first one was volume 2. I omitted to say that. Now, this is
4 the TRC report for Sierra Leone, volume 3B, the first four cover
16:23:22 5 pages and paragraph 49 on page 16 are marked MFI-414.

6 MR BANGURA: Thank you, your Honour:

7 Q. Mr Witness, you had told this Court that when you left
8 Danane you went to Liberia and this was in 2000. What has been
9 your - without giving out and just be careful about your
16:24:04 10 identity, but what have you been engaged in since you went back
11 to Liberia?

12 A. I have been doing some petty trading and agriculture. That
13 is what I said.

14 Q. And this was since when?

16:24:25 15 A. Since I entered there in 2000. That was what I was doing
16 and up to this moment that is what I am doing.

17 Q. Now, have you travelled out of Liberia since you went back?

18 A. No. I have been in Liberia. From my farm I go to Gbarnga
19 and later go back to my farm. That is just it.

16:24:58 20 Q. And just to go back a step. You came to Danane from
21 hospital in Abidjan because there was a base there where you
22 could get support from the RUF. Isn't that so?

23 A. No. Whether there was a base in Danane for the RUF, I am
24 not aware of that, you know.

16:25:29 25 Q. You also would have been able to get support from the NPFL
26 who also had a base in Danane. Isn't that so?

27 A. No, I did not know any NPFL member in Danane so I never had
28 any support from any other person in Danane besides my church
29 members.

1 Q. Do you know somebody called Musa Cisse?

2 A. No. I told you that I know --

3 THE INTERPRETER: Your Honours, could that name be
4 repeated. The name the witness just called.

16:26:10 5 PRESIDING JUDGE: Mr Witness, what name did you just say?
6 Repeat it, please.

7 THE WITNESS: I said I knew someone by the name of Amara
8 Sesay who was the Foreign Minister, but not Musa Cisse.

9 MR BANGURA:

16:26:27 10 Q. Did you know someone by the name of Pa Musa?

11 A. No.

12 Q. What about Pa Musa Cisse?

13 A. No.

14 Q. Apart from the place where you said was provided for you to
16:26:47 15 stay by the church, did you stay anywhere else in Danane?

16 A. No. From there I went straight to Liberia.

17 THE INTERPRETER: Your Honours, the last bit was mumbled by
18 the witness.

19 PRESIDING JUDGE: Could you please repeat what you said.
16:27:06 20 You went to Liberia and what?

21 THE WITNESS: I said the place that was provided for me by
22 the church was where I stayed until the time I went to Liberia.

23 MR BANGURA:

24 Q. So, Mr Witness, your evidence is that you had nothing more
16:27:23 25 to do with the RUF after you came out of hospital?

26 A. Yes, because there was no other way for me to go on that
27 side.

28 Q. [Microphone not activated] you mean "that side"?

29 A. Because the leadership had been arrested and when I came

1 out I did not see any other - anybody. So I just decided to go
2 back to my church people, and that was why I went there and they
3 assisted me.

16:28:01 4 Q. Mr Witness, is it not the truth that your decision not to
5 go back to the RUF was because you had absconded with money which
6 was given to you on behalf of yourself for your support as well
7 as that of other members with whom you were? Isn't that the
8 case?

9 A. No, that's not true. That's not true. That's not true.

16:28:24 10 Q. When you were in Danane, you, along with other members of
11 the RUF, had difficulties after Foday Sankoh was arrested; is
12 that not the case?

13 A. I was not in Danane with any RUF member, no.

16:28:52 14 Q. Is it not the case that you requested assistance and were
15 given money by Pa Musa Cisse to enable you to go back to the RUF,
16 yourself and the other members that were with you? Is that not
17 the case?

18 A. No.

16:29:17 19 Q. And having absconded with the money, you found it difficult
20 to go back to the RUF because you would have had difficulty with
21 the leadership that stayed behind, isn't that so?

22 A. They did not give me any money. They did not give me any
23 money. I just decided to keep to myself because of my ailment
24 and I decided to rest. So I decided I shouldn't go and involve
16:29:44 25 myself in doing difficult things again.

26 MR BANGURA: Your Honours, may I ask that the transcript of
27 TF1-045 - it's been already shown to him before by counsel
28 opposite, but I just want to go back on certain things. I just
29 realised that there are portions of it which could easily - I am

1 referring here to the transcript of TF1-045 of 12 November 2008.
2 It's an open session testimony, page - starting from page 20126
3 through to 20128, but I more specifically interested in 20128.
4 And I am sure there is material there which, if read out, could
16:31:53 5 clearly disclose the identity of the witness. As I had already
6 indicated that I would be going into private session, I may
7 probably deal with this in private session. I would ask that it
8 be held back for the time being:

9 Q. So, Mr Witness, you did not go back simply because you had
16:32:35 10 problems going back caused by the fact that you had absconded
11 with money, not so?

12 A. What money are you talking about? I don't know the money
13 you are talking about.

14 Q. [Microphone not activated] Musa Cisse gave money to members
16:32:54 15 of the RUF who were stranded in Abidjan after - in Danane after
16 the arrest of Foday Sankoh, isn't that the case?

17 A. No, I don't even know Musa Cisse. Musa Cisse did not give
18 me any money. I don't know Musa Cisse. No.

19 Q. Your evidence - your testimony is that you never went back
16:33:22 20 to Sierra Leone. Would you be surprised if a witness came to
21 this Court and testified that you were back in Sierra Leone and
22 were seen with the RUF after 2000? Would that surprise you?

23 A. It will surprise me. I am not aware of that.

24 MR BANGURA: Your Honour, again the position I am faced
16:33:49 25 with here is the testimony which was given in this Court
26 identifies the witness by name, and I probably will deal with
27 this in private session just to show the witness what was said
28 here.

29 PRESIDING JUDGE: You mean that you are not able to refer

1 to the TF1 number of that witness?

2 MR BANGURA: I can refer, but the witness mentions the name
3 of --

4 PRESIDING JUDGE: The name of what?

16:34:22 5 MR BANGURA: Of this witness, and I think that's --

6 PRESIDING JUDGE: I see what you mean.

7 MR BANGURA: This witness was specifically asked --

8 PRESIDING JUDGE: Well, you can say "mentions you".

9 MR BANGURA: Well, in that regard, may I ask that the
16:34:38 10 transcript of DCT-068 - that's testimony that came out just last
11 week, 12 March, page 37202. This transcript should not be put up
12 because there's information there that may reveal the identity of
13 the witness. I will just ask the witness questions from it. May
14 I ask the indulgence of the Bench as the transcript is being
16:36:10 15 reloaded up on my screen:

16 Q. Mr Witness, a witness came to this Court and was asked -
17 while testifying before the Court he was asked whether he knew
18 you, and the witness answered that, saying that he knew you and
19 that the time that he knew you was when he saw you in Kono in the
16:37:33 20 year 2002 and that at this time you were with Issa Sesay -
21 working with Issa Sesay in Kono. What do you say to that?

22 A. I am not aware of that.

23 Q. Mr Witness, do you agree with what this witness said, or do
24 you not? When you say you are not aware, it does not seem to
16:38:12 25 make sense to me?

26 A. I do not agree with the witness because I never went back
27 to Sierra Leone.

28 Q. It is true, is it not, that when Issa Sesay became leader
29 of the RUF you came back to Sierra Leone and worked with Issa

1 Sesay, did you not?

2 A. No. I did not work with Issa Sesay.

3 Q. In fact, you made trips to Liberia with Issa Sesay. One of
4 those trips was to Monrovia. Do you recall that?

16:38:55 5 A. No.

6 Q. Do you recall that the RUF had a Mitsubishi pick-up
7 vehicle - a 4 x 4 Mitsubishi pick-up vehicle? Do you recall that
8 vehicle?

9 A. No.

16:39:12 10 Q. Did you supply materiel, meaning arms and ammunition, to
11 RUF fighters in Kono at any time?

12 A. I received materiels from Kono from the fighters, but I
13 never supplied materiels to the fighters in Kono, but I received
14 materiels from them.

16:39:40 15 Q. Referring specifically to the year 2001, did you supply
16 materiels to fighters in Kono in that year?

17 A. I did not supply materiels to fighters in Kono. I said I
18 received materiels from fighters in Kono, but I did not supply
19 materiels to fighters in Kono.

16:40:04 20 Q. Do you know the Executive Mansion?

21 A. Of where?

22 Q. [Microphone not activated] know the name Executive Mansion?

23 A. I know that we have Executive Mansion in Liberia. If they
24 had any other Executive Mansion apart from that, I don't know.

16:40:30 25 Q. Have you been to the Executive Mansion in Liberia? This
26 one is in Monrovia, I assume; is that correct?

27 A. No. I was not the security. I have not been to the
28 Executive Mansion in Monrovia, and I don't have any reason to go
29 there because I have not got any problem that has to do with the

1 Executive Mansion.

2 Q. Did you go to the Executive Mansion during the presidency
3 of Mr Taylor?

4 A. No. No.

16:41:03 5 Q. Apart from Executive Mansion in Monrovia, did you hear of
6 another Executive Mansion elsewhere?

7 A. During the NPFL days they had an area in Gbarnga which they
8 used to call the Executive Mansion, during the NPFL days, which
9 was the presidential palace, that was where - when the President
16:41:36 10 went to Bong County, that is where he used to lodge.

11 Q. How did you know this?

12 A. I am a citizen of Bong County.

13 Q. And have you been to that Executive Mansion in Gbarnga?

14 A. That place is under restriction. When you are passing by
16:41:57 15 you only see the building. If you do not have any reason to go
16 there, you don't have to go there. I have never been there. I
17 only see the building when I am passing by. I only go to the
18 football field when I'm going to the high school --

19 THE INTERPRETER: Your Honours, can he kindly repeat the
16:42:15 20 name of the high school.

21 PRESIDING JUDGE: Please repeat the name of the high
22 school.

23 THE WITNESS: Gboveh High School.

24 MR BANGURA:

16:42:26 25 Q. Mr Witness, this Executive Mansion that you are talking of,
26 you went there - was it - when you went - you knew about it
27 before you went to Camp Naama for your training, correct?

28 A. Yes, I knew about that place before going to Camp Naama. I
29 knew that the place was a presidential lodge during Tolbert's

1 time, during Doe's time. That's why it was built. During Doe's
2 time he used to go there to lodge there. In the 80s Doe used to
3 go there.

16:43:05 4 Q. When you talk about during Tolbert's time and Doe's time,
5 which Executive Mansion are you referring to here, Mr Witness?

6 A. In Liberia, wherever the President lodges, that's the place
7 we call the Executive Mansion. That's how we, the Liberians,
8 call it.

16:43:25 9 Q. The question here was about the Executive Mansion in
10 Gbarnga. You were aware of this Executive Mansion as being used
11 by the NPFL before you went to Camp Naama?

12 A. I did not go there. That's the own President's
13 presidential lodge. Whether it was the NPFL that was using it, I
14 don't know about that.

16:43:50 15 Q. But you knew about it before you went to Camp Naama, that's
16 the question?

17 A. I know that there is an Executive Mansion in Gbarnga.

18 Q. Mr Witness, yesterday I asked you about somebody, Dopoe
19 Menkarzon. Do you recall that name?

16:44:11 20 A. I remember, but I told you I don't know Dopoe Menkarzon.

21 Q. I also asked you yesterday about whether - or I may not
22 have asked you, but your testimony is that there were no Liberian
23 NPFL in Sierra Leone. Is that correct?

24 A. I told you, where I was based, I did not see any other NPFL
16:44:41 25 fighters there to say that they were NPFL fighters, but we had
26 Liberians in the RUF. Whether NPFL fighters were on the front
27 line, I am not aware of that. That was what I told you
28 yesterday.

29 Q. And you never heard that Dopoe Menkarzon was in Sierra

1 Leone, an NPFL fighter? You never heard about that?

2 A. No, I never heard about that name.

3 Q. So if somebody else testified before this Court saying that
4 Dopoe Menkarzon was in fact an NPFL fighter who was sent to

16:45:22 5 Sierra Leone, would that person be telling a lie to this Court?

6 A. Maybe the person was there, that was why he gave you that
7 information. But for me, I was not there, so I can't tell you
8 whether the person was lying. Maybe the person was there, that
9 was why he gave you that information. As for me, I don't know.

16:45:43 10 Q. I am talking about your not knowing or seeing Dopoe

11 Menkarzon in the area where you operated. Which areas did you
12 operate? We are talking of 1991, 1992.

13 A. I was operating from the headquarters, that is Kailahun and
14 Pendembu. In between those two areas.

16:46:06 15 Q. And your activities were solely limited to those areas, is
16 that what you are telling the Court?

17 A. Yes, because that was where I had my basic loads. Just
18 where my basic loads were, that was where I was.

19 Q. You never had anything to do with the front lines at all?

16:46:28 20 A. No, I never had anything to do with the front lines.

21 MR BANGURA: Your Honours, this is perhaps a good time to
22 go into private session and try and deal with the rest of his
23 testimony.

24 PRESIDING JUDGE: And the justification being?

16:46:49 25 MR BANGURA: Our justification being that I am about to
26 deal with matters which will go to the identity of this witness.
27 They are matters that were brought out in direct examination and
28 which I would like to deal with in cross and they definitely will
29 disclose his identity.

1 PRESIDING JUDGE: Then for the members of the public, we
2 are going to go into a brief private session where you will not
3 be able to hear what is being said in court, but you will be able
4 to see into the well of the court. This is for the protection of
16:47:29 5 the privacy of this witness.

6 [At this point in the proceedings, a portion of
7 the transcript, pages 37523 to 37540, was
8 extracted and sealed under separate cover, as
9 the proceeding was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honour, we're in open session.

3 MR BANGURA: Thank you:

4 Q. Mr Witness, do you recall I asked you yesterday about what
18:00:01 5 time you left to go to - Foday Sankoh and his delegation,
6 including yourself, left to go to Ivory Coast. Do you recall?

7 A. Yes.

8 Q. I believe your answer was that you left sometime in 1996;
9 do you recall?

18:00:25 10 A. Yes, I told you we left sometimes in 1996.

11 Q. Do you recall I also asked you about an operation called
12 Operation Stop Election?

13 A. Yes, you asked me and I told you I did not know about
14 Operation Stop Election and I don't know what you mean by

18:00:56 15 Operation Stop Election.

16 Q. In the RUF - were you within the RUF when - let me rephrase
17 the question. Do you recall that in Sierra Leone, the NPRC,
18 which was a military government, ended its rule with an election
19 which brought a civilian government into power?

18:01:28 20 A. That was the time that we went for the peace talks. Maybe
21 it was after the peace talks that they did their election, but I
22 was not there. Don't know about that.

23 Q. So what are you saying then is that you were not in Sierra
24 Leone when the elections were held? Is that what you are saying?

18:01:49 25 A. Maybe they had election in Sierra Leone, but I did not know
26 about election. An election was not my priority.

27 Q. Mr Witness, you were in Sierra Leone. You were in the RUF
28 and you were fighting a war against the Government of
29 Sierra Leone. Is that not so?

1 A. It was so. But I was not monitoring the government,
2 whether they were having elections or this or that. I never had
3 a radio to monitor the government about election issues, so I
4 don't know about election business.

18:02:27 5 Q. You did not have an interest in the progress that your
6 organisation or your movement was making in achieving its
7 objectives? Is that what you are telling this Court?

8 A. I was in the process of listening to my organisation. That
9 was what led me to go to Ivory Coast.

18:02:50 10 Q. The question is: Were you in Sierra Leone when those
11 elections were held, the elections which brought a change of
12 government from the military junta, the NPRC, to a civilian
13 government? This was in 1996, by the way, I should proffer.

14 A. But the military junta that Maada Bio was heading was the
18:03:20 15 one we had the peace talks with. So if he turned the place over
16 when we went for the peace talks, I was on that side. So if he
17 had come back to make elections, I don't know about election
18 business. I don't know about election business.

19 MR BANGURA: Your Honours, may the witness be shown exhibit
18:03:51 20 D-85. It's actually the first page only of that document, and
21 I'm only going to deal with the first paragraph of that first
22 page. It's a five-page document - four pages, sorry:

23 Q. So, witness, this is a document which was introduced in
24 this trial by the Defence, and it's an exhibit of the Court. It
18:05:37 25 is a report by the RUF. It was by Major Francis Musa - Francis M
26 Musa, the IDU commander in Kailahun. Do you recall that name?

27 A. Yes, I know Francis Musa.

28 Q. This report was presented to Corporal Foday Sankoh -
29 addressed to Corporal Foday Sankoh and it's dated 31 August 1999.

1 I'm just simply drawing your attention to the first paragraph of
2 this report simply to show you the time which is indicated as the
3 period that Foday Sankoh left Sierra Leone to go to Ivory Coast
4 for peace talks. I'll just skip the subject and I go straight to
18:06:40 5 the body, unless counsel objects:

6 "The leader, Corporal Foday Saybana Sankoh, left Zogoda on
7 24 March 1996 for the Abidjan (Ivory Coast) peace talk.
8 Brigadier Morris Kallon now took over command at Zogoda in the
9 absence of Lieutenant Colonel Mohamed Tarawali. 72 hours later,
18:07:31 10 Lieutenant Colonel Mohamed Tarawali arrived and took over
11 command from Colonel Morris Kallon as instructed by the leader
12 before he left for Abidjan."

13 So do you see that, Mr Witness, that Foday Sankoh left for
14 Abidjan for the peace talks on 24 March 1996? This is a report
18:07:47 15 by one of your commanders in the RUF. Do you see that?

16 A. Yes. But I told you that we left for Abidjan in 1996, but
17 I did not know the main date. But in the first place, RUF never
18 had a brigadier general. I don't know when these people were
19 appointed as brigadier general. The highest rank that we had in
18:08:13 20 the RUF was colonel. Full colonel. And only one person had that
21 position who was CO Mohamed. How can a colonel take over from a
22 brigadier general and a brigadier general fall under the colonel
23 and the brigadier general is more powerful than the colonel? How
24 true can this be? So I don't know.

18:08:39 25 Q. Witness, I will leave that issue as it is. It is up to you
26 to raise the questions or the doubts about it. But my point here
27 is that operation which I asked you about earlier, Operation Stop
28 Elections, was an operation which was conducted by the RUF to
29 stop the election process that brought a civilian government into

1 office in 1996. I am putting that to you. Do you know that?

2 A. I don't know of RUF having any operation called Operation
3 Stop Election. I'm not aware of that. I don't know about that.

4 Q. [Microphone not activated] the elections which this
18:09:29 5 operation was intended to prevent took place in February 1996;
6 I'm putting that to you. Do you know that?

7 A. But then when we left - when we - when did we leave to go
8 for the peace talks? That is what is confusing me.

9 Q. I'm putting to you, you are open to agreeing with me or
18:10:01 10 disagreeing, but I'm putting to you that those elections were
11 held in February 1996 before Foday Sankoh left to go to Abidjan
12 for peace talks. Do you agree or do you not?

13 A. Maybe the elections happened, but I am not aware. I told
14 you I was not aware of that. I was not aware of that. I don't
18:10:26 15 know.

16 Q. I will accept that for an answer. During this operation,
17 the RUF amputated civilians for their involvement in the
18 elections - for voting during the elections. The RUF wanted to
19 prevent civilians from being involved in the elections and those
18:10:51 20 who did, who went out to vote, had their hands amputated by the
21 RUF. Do you know that?

22 A. I don't know.

23 Q. You were not part of that operation?

24 A. I was not part of that operation. I told you I was not a
18:11:13 25 battlefield soldier. How can I be involved in that kind of
26 operation? I am not even aware of that kind of operation.

27 Q. Mr Witness, did you ever fire a weapon in your entire
28 career in the RUF?

29 A. {Redacted}

1 Q. I am simply asking you whether you fired a weapon?

2 A. I never went to the front line to fire a weapon.

3 Q. So in all of your --

4 PRESIDING JUDGE: Just pause. Madam Court Officer, could
18:11:51 5 you redact the answer at line 11 of page 76. We are in open
6 session. Just redact that answer where the witness refers to his
7 position. Thank you.

8 Mr Witness, do take care. We are now in open session.

9 MR BANGURA:

18:12:21 10 Q. So in all of your career in the RUF you never, ever fired a
11 shot; is that what you are telling this Court?

12 A. I told you I never went to the battlefield to fire a gun.

13 MR BANGURA: Thank you. Your Honours, that would be all
14 for this witness.

18:12:42 15 PRESIDING JUDGE: Thank you. Mr Chekera, do you have
16 re-examination for the witness?

17 MR CHEKERA: Maybe 15 minutes. Just about 15.

18 PRESIDING JUDGE: Thank you.

19 RE-EXAMINATION BY MR CHEKERA:

18:12:55 20 Q. Mr Witness, I'm just going to ask you a few questions from
21 the questions that arose from counsel opposite's questions. I
22 will try to be chronological, starting with the time you were
23 recruited going to the time you were in Danane. At that time
24 that Foday Sankoh recruited you at Ganta parking in Gbarnga, at
18:13:19 25 that point when you decided to join Foday Sankoh did you know
26 that you were going to go for military training and thereafter to
27 go into war?

28 A. No.

29 Q. Did you know that you were going to be away for such a long

1 time at that point?

2 A. No.

3 Q. Now, the time that you went - that you then got to Naama,
4 the training base, you did know that you were at Naama for
18:13:54 5 military training. You said that in your evidence?

6 A. Yes.

7 Q. Did you know what war you were training for at that point?

8 A. It was not disclosed to us.

9 Q. And among yourselves as trainees, did you ever discuss this
18:14:15 10 and wonder where you were going?

11 A. No, we never discussed anything like that.

12 Q. And let's take you to the time you left Naama. You said
13 you left Naama at night?

14 A. Yes. They called for a formation in the night.

18:14:41 15 Q. And you travelled the entire night?

16 A. Yes, we travelled all night.

17 Q. Do you know why your leaders chose for you to depart in the
18 dead of night?

19 A. No.

18:14:58 20 Q. And when you disembarked from the truck, do you remember
21 what time it was when you then left the truck to go into the
22 bush - what time of day it was?

23 A. It was in the morning hours. In the morning hours.

24 Q. Am I therefore correct to say that you travelled the entire
18:15:21 25 night until you got to the point where you disembarked from the
26 truck?

27 A. Yes, we travelled the whole night nonstop until we got to
28 the place early in the morning hours.

29 Q. Let's talk about the time you - and I refer to the RUF -

1 captured Koindu. You said that Foday Sankoh directed his men to
2 attack the police station and they returned to your group which
3 had stayed behind with small quantity of arms and ammunition. Do
4 you know for certain that those arms and ammunition were captured
18:16:00 5 from the police station that Foday Sankoh had directed them to
6 attack?

7 A. Yes, because when they were going they were instructed to
8 go there and when they were going I did not see them with arms
9 and ammunition, but when they sent the batch behind I saw them
18:16:18 10 with arms and ammunition so I concluded that that was where they
11 had gotten the arms and ammunition from.

12 Q. So that is actually based on your - that is based on your
13 own conclusion from the instruction that Foday Sankoh had given
14 to the forces who advanced towards Koindu?

18:16:39 15 A. Exactly so.

16 Q. You were asked by counsel opposite a number of issues. You
17 were asked about the NPFL involvement in Sierra Leone, you were
18 asked about the strength of the RUF, you were also asked about
19 Top 20, 40, Final, and in your answers you professed limited
18:17:04 20 knowledge with respect to those issues. Now, you said in your
21 respective answers to those questions - or to the questions on
22 those issues, rather, you said you did not have much knowledge as
23 you were not involved at the front line. Do you remember that?

24 A. Yes. That was what I said.

18:17:31 25 Q. In your position - and we're not going to mention the
26 position - were you briefed in any way of events that were
27 happening at the front line?

28 A. Who would tell me about things happening at the front line?
29 I don't know.

1 Q. That is actually the question. Was there someone working
2 under you who had the responsibility of briefing you on what was
3 happening at the front line?

4 THE INTERPRETER: Your Honours, can the witness kindly
18:18:17 5 repeat his answer slowly. It's not clear.

6 PRESIDING JUDGE: Mr Witness, the interpreter missed you.
7 Please repeat your answer.

8 THE WITNESS: I said people were there. Whenever they
9 captured materials they would send the information back to us.
18:18:37 10 But I did not go to the front line.

11 MR CHEKERA:

12 Q. Did you get any reports other than reports relating to
13 captured material from those people?

14 A. I deal with only materials. I am not concerned with any
18:19:08 15 other report except the materials. That was what I was
16 particular about.

17 Q. So how did you know what was happening at the war front,
18 and I refer to you personally?

19 A. Whenever they captured materials, they would send the
18:19:29 20 information to the base - on our base. That was where I got the
21 information from, because they had radio men there. Whenever
22 they sent information back, the radio men would read the
23 information to Foday Sankoh and he too will disclose it to us at
24 the base sometimes. Especially that one that has to do with
18:19:55 25 materials. When the materials are captured he will tell me that
26 they have captured so and so materials. That was how I used to
27 get the information.

28 Q. How about information that did not relate to captured
29 materials? Information generally relating to how the war is

1 progressing at the war front, how did you get that information?

2 A. By rumour, other people said, and sometimes when they say
3 it, I hear it and I will know how things were looking like.

4 Q. You were referred to the evidence of Mr Taylor relating to
18:20:36 5 how he cooperated with Foday Sankoh between August '91 and May
6 1992. Do you remember that part when you were referred to
7 Mr Taylor's evidence by counsel opposite?

8 A. I did not talk about Mr Taylor's evidence. I don't know
9 about Mr Taylor's evidence. I do not know Mr Taylor. How can I
18:21:02 10 - I don't know except you read it for me to understand what you
11 mean, but I do not know what you mean.

12 MR CHEKERA: I'm not sure whether something has been lost
13 in translation. I will try again, Madam President. I thought I
14 was very clear:

18:21:16 15 Q. My question was do you remember when counsel opposite
16 referred you to evidence by Mr Taylor that he was cooperating
17 with Foday Sankoh between August '91 and May 1992?

18 A. And I told him that if such things were going on I was not
19 aware. I don't know about it.

18:21:43 20 Q. The question was do you remember that aspect of the
21 evidence?

22 A. Yes, I remember.

23 Q. Now, you've said that in your evidence during that time
24 around '91, '92 you were in Kailahun and you were going back and
18:22:10 25 forth between Kailahun and Pendembu. Now, where was Foday Sankoh
26 based during this time, '91, 1992?

27 A. Foday Sankoh was in Kailahun. He himself used to go to
28 Pendembu and come back to Kailahun.

29 Q. And when you went to Pendembu, for how long would you stay

1 before you go back to Kailahun?

2 A. Sometimes I will go to Pendembu and spend a day or two days
3 and then return to Kailahun.

4 Q. So was there a time when Foday Sankoh was in Kailahun and
18:22:49 5 you were not there with him?

6 A. Except when I left Kailahun to go to Pendembu, then I won't
7 be there with him. But whenever I was in Kailahun, I would
8 always be where he was sometimes.

9 Q. In your absence if Foday Sankoh had gone somewhere would he
18:23:12 10 brief you about the trip?

11 A. Please repeat that question. I do not understand it.

12 Q. I'm saying in your absence from Kailahun, if Foday Sankoh
13 had gone somewhere would he brief you about the trip?

14 PRESIDING JUDGE: That is a funny question. What do you
18:23:38 15 mean "in your absence"?

16 MR CHEKERA: It's a follow-up question, Madam President, to
17 the answer he gave that sometimes - unless if Foday Sankoh -
18 unless Foday Sankoh went away when he was in Pendembu, and I'm
19 saying, if that were the case, if Foday Sankoh went away - let me
18:24:02 20 maybe rephrase and follow up from the answer he gave:

21 Q. Mr Witness, you said to my question whether you would say
22 you were always together with Foday Sankoh in Kailahun, your
23 answer was, unless Foday Sankoh went away the time that you were
24 in Pendembu. If that were the case, if Foday Sankoh had gone
18:24:22 25 away during the time that you went to Pendembu, would he tell you
26 about the trip?

27 A. Not going away. But when he travels to Pendembu, he would
28 always inform the officers - inform we the officers that he was
29 taking a tour to Pendembu.

1 Q. If Foday Sankoh went anywhere in your absence, would he
2 tell you where he had gone when he came back?

3 A. When he's going, he will tell us that he was going to
4 Pendembu and he will come back. And when he comes back, we will
18:25:02 5 see him. We won't ask him whether he has come back, but we will
6 see him.

7 MR CHEKERA: I'm beginning to think something has been lost
8 in translation.

9 PRESIDING JUDGE: You just have to keep asking. What I can
18:25:38 10 do? I'm not the translator. You have to ask the question in a
11 way that is understandable. I think the way you are asking your
12 questions is also confusing.

13 MR CHEKERA:

14 Q. Mr Witness, if you went somewhere else - if you were - if
18:25:55 15 Foday Sankoh were in Kailahun and you went to Pendembu, do you
16 follow?

17 A. No. Except he instructs me to follow him, then I'll go.
18 If he wants me to follow him, then he will tell me to follow him.

19 Q. I wish I could be clearer. Let me try again.

18:26:22 20 MR BANGURA: Perhaps counsel should avoid hypothetical in
21 the way he is phrasing questions. I did not want to stand up and
22 make an objection, but I believe that is adding to the
23 difficulty.

24 MR CHEKERA:

18:26:38 25 Q. Mr Witness, would you say for certain that during the time
26 that Foday Sankoh was in Kailahun you would always be in Kailahun
27 with him?

28 A. Yes, I was always in Kailahun. If I do not - if I hadn't
29 other assignments to go on, I was always in Kailahun. Kailahun

1 was my main base. I was always in Kailahun.

2 PRESIDING JUDGE: Mr Witness, that is not what you were
3 asked. The question was, "If Foday Sankoh was in Kailahun, would
4 you always be in Kailahun with him?" That is the question.

18:27:26 5 THE WITNESS: Not always, because sometimes I would go to
6 Pendembu.

7 MR CHEKERA:

8 Q. During the time that you went to Pendembu, do you know
9 whether Foday Sankoh left Kailahun to go anywhere?

18:27:46 10 A. I don't know about that.

11 Q. If he had gone somewhere, would he have told you when he
12 came back?

13 PRESIDING JUDGE: Isn't that hypothetical? This is exactly
14 what Mr Bangura was saying. What's the point of such a question?

18:28:06 15 MR CHEKERA: I will try to rephrase the question. Or maybe
16 I'll abandon the question at that stage - sorry, the line:

17 Q. Let's talk about the time that you were in Danane, and I
18 just want you to clarify because it didn't come out very clearly
19 on the record. You gave an answer that seemed to be ambiguous.

18:28:45 20 You were asked by learned counsel opposite - actually, it was put
21 to you by counsel opposite and maybe I could just read. It would
22 be easier for me to just read out exactly what was put to you and
23 I want you to help us clarify that part. Maybe let me just go
24 back to the question that I was asking about Pendembu before I
18:29:30 25 proceed.

26 Mr Witness, did Foday Sankoh ever tell you of any places he
27 went to while you were in Pendembu - sorry. Did Foday Sankoh
28 ever tell you of any places that he, Foday Sankoh, went to while
29 you were away in Pendembu?

1 A. No.

2 Q. Now, I will just go to the question I was going to ask you
3 about Danane. It was put to you by counsel opposite - and that's
4 the transcript of 17 March, which was yesterday, at page 37472 -
18:30:30 5 77, I think, line 13 to 15. And the suggestion that was put to
6 you by counsel opposite was that when you went to Danane from
7 Abidjan, when you were sick and you went to Danane from Abidjan,
8 your family was not there and, in fact, that they were never
9 there. In other words, that they were never in Danane. And your

18:30:56 10 answer to the question was, "I don't know." Now, my question - I
11 will just want you to clarify - when you said "I don't know",
12 were you saying you don't know whether they ever went to Danane
13 or they were not in Danane at the time that you went to Danane
14 from Abidjan? It might be a long question, but do you understand
18:31:17 15 the question?

16 A. I am not understanding your question clearly.

17 Q. Counsel opposite suggested to you when you said - when you
18 left Abidjan to go to Danane, he suggested to you that your
19 family was not in Danane when you got to Danane because they
18:31:38 20 never went to Danane. Do you agree with that suggestion?

21 A. When I left Abidjan to go to Danane, I did not look out for
22 my family. I did not know whether they were there. I did not
23 check out for them. So if they were there, then I don't know
24 because I did not check for them.

18:32:08 25 Q. And the suggestion was put to you by counsel opposite that
26 they were not in Danane because they never went to Danane. Do
27 you agree with that proposition?

28 A. I only know - really, I do not understand. I don't know
29 how you want me to answer this question because I do not

1 understand.

2 Q. Did your family ever go to Danane?

3 PRESIDING JUDGE: Mr Chekera, the witness has clearly
4 stated on more than one occasion that he doesn't know. Now, what
18:32:44 5 you are asking is a hypothetical question. What is the point of
6 such a question?

7 MR CHEKERA: Madam President, with due respect, I'm putting
8 a proposition by learned counsel opposite which was two-pronged
9 to the witness and the answer is vague. The proposition was -
18:33:11 10 the proposition was, "When you went to Danane, your family was
11 not there and were never there." There are two issues there,
12 that when you got to Danane, the family was not there. That's
13 one. The second proposition is that they never left Liberia for
14 Danane and I want the witness to clarify that aspect. And those
18:33:35 15 are the two issues I've put to the witness and they are not
16 hypothetical, Madam President, with all due respect.

17 PRESIDING JUDGE: So put them one at a time, please.

18 MR CHEKERA:

19 Q. Mr Witness, when you went to Danane from Abidjan, did you
18:33:50 20 see your family in Danane?

21 A. When I went to Danane from Abidjan, I did not see my family
22 because I did not look for them. But before going to Naama base,
23 my family - I told you, they took my mother to Danane before I
24 could go to Naama base. But when I came from the hospital to
18:34:13 25 Danane, I did not check for them, so I did not know whether they
26 were there at the time.

27 MR CHEKERA: I think that answer clarifies the issue very
28 well. Thank you. Just a few more questions on Danane and we
29 should be done:

1 Q. The time that you got to - that you went to Danane and you
2 were in Danane - you said you were in Danane for quite a long
3 time. During that time, did you ever meet or see someone called
4 Augustine Mallah?

18:34:52 5 A. No.

6 Q. Before you went to Danane, did you have any association
7 with Charles Taylor?

8 A. No.

9 Q. And after you got to Danane, did you establish any
18:35:07 10 association with Charles Taylor?

11 A. No. I don't know Charles Taylor. How can I have
12 connection with him? I don't know him.

13 Q. Well, according to the evidence that was put to you by
14 I learned counsel opposite, Charles Taylor left you money through
18:35:27 15 Musa Cisse - rather, sent you money through Musa Cisse.

16 A. I don't know where he got his information from, but for me,
17 I did not receive even \$5 from Musa Cisse. I don't even know
18 Musa Cisse. I don't know where that information came from, but I
19 don't know.

18:35:48 20 Q. 2002, and I want you to mark that year very carefully.
21 2002, did you meet someone by the name Kpakai Ngululu anywhere?
22 And by anywhere, I mean anywhere in the world.

23 PRESIDING JUDGE: Did this arise in cross-examination?

24 MR CHEKERA: It did, and I'm being very careful.

18:36:21 25 PRESIDING JUDGE: Please say that name again.

26 MR CHEKERA: Kpakai Ngululu:

27 Q. 2002, did you meet that person anywhere?

28 A. I know Gululu from Kai Lahun.

29 Q. 2002, did you meet Kpakai Ngululu anywhere? And by

1 anywhere, I mean anywhere.

2 A. I only saw Gululu in Kailahun. That's where I knew him.

3 Q. Was that in 2002 - the year 2002?

4 A. No. In 2002, I did not see Gululu, but I know Gululu from
18:37:04 5 Kailahun. That was in '91 when we were there. That was where I
6 knew him from. But 2002, I never saw him anywhere.

7 MR CHEKERA: Just for the record, Madam President, it's
8 actually Ngululu Kpakai. Ngululu is the first name and Kpakai is
9 the second name, just to correct that. And that will be all.

10 PRESIDING JUDGE: It's on the record already.
18:37:24

11 MR CHEKERA: Thank you.

12 PRESIDING JUDGE: Thank you. Do my colleagues have any
13 questions?

14 I have one question for you, Mr Witness. You said in your
18:37:40 15 evidence when both counsel asked you why you went to train at
16 Naama, you said you wanted to be a soldier, and that is why you
17 wanted to go - to undergo training; is that correct?

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Now, my question really is: Why did you
18:38:03 20 choose to join Foday Sankoh, who was a Sierra Leonean, instead of
21 joining to train with fellow Liberians in Liberia?

22 THE WITNESS: He did not tell us that he was taking war to
23 Sierra Leone. He didn't tell us that.

24 PRESIDING JUDGE: I don't think that is the question that I
18:38:28 25 asked. I'm sure there were other military groups training in
26 Liberia led by Liberians. Why did you choose to join a foreigner
27 for training?

28 THE WITNESS: Because I saw my friends in the car and those
29 whom I knew at that time were Liberians. That was why I joined

1 them. But if you were - we were training for that purpose, I did
2 not know. All I knew was that we were going to the base for
3 training.

18:39:04 4 PRESIDING JUDGE: Thank you. Any questions arising from
5 what I just asked?

6 MR BANGURA: None, your Honour.

7 MR CHEKERA: None from this end.

8 PRESIDING JUDGE: Thank you. Are we going to take exhibits
9 in the presence of the witness, or shall I discharge him?

18:39:19 10 MR BANGURA: Your Honour, unless in your discretion you
11 think the witness should be excused, otherwise I can move the
12 documents into evidence.

13 PRESIDING JUDGE: Please go ahead.

14 MR BANGURA: Two documents were marked for identification,
18:39:38 15 MFI-413 and MFI-414. I move that both documents be admitted as
16 exhibits.

17 PRESIDING JUDGE: Mr Chekera, do you object?

18 MR CHEKERA: Yes, Madam President, we do object, except if
19 counsel seeks to have the documents exhibited only for purposes
18:40:09 20 of the dates that he referred the witness to. The rest of the
21 documents go to the guilt of the accused, and we submit that
22 should have been introduced during the Prosecution's case. So
23 with the caveat that they will only be admitted into evidence for
24 purposes of the dates - and I underline the dates - that counsel
18:40:38 25 referred to. The rest of the information in the documents, in
26 our submission, is --

27 PRESIDING JUDGE: How do they go to the guilt of the
28 accused? Please explain.

29 MR CHEKERA: Yes.

1 PRESIDING JUDGE: Starting with the first one.

2 MR CHEKERA: The first one deals with - I'll probably just
3 read out the part that we object to. The part where it reads:

4 "This assault resulted in a spate of violations against
18:41:06 5 local residents including the killing of chiefs, government
6 officials, business persons and members of the Lebanese
7 community" --

8 THE INTERPRETER: Your Honour, learned counsel is reading
9 very fast. Could he be asked to slow his pace.

18:41:21 10 PRESIDING JUDGE: You heard the comment. Could you slow
11 down as you are reading.

12 MR CHEKERA: Sorry. Just a minute. I will read again the
13 part that we object to. Let me start with the first line where
14 it reads:

18:41:46 15 "The RUF was responsible for the first sustained assault
16 on Koidu Town, Kono District", and the date which is what learned
17 counsel sought to put to the witness, that's the one we're saying
18 we have no problem with. The rest of the paragraph where it
19 read:

18:42:09 20 "This assault resulted in a spate of violations against
21 local residents, including the killing of chiefs, government
22 officials, business persons and members of the Lebanese
23 community."

24 PRESIDING JUDGE: So how does that impute guilt on your
18:42:48 25 client?

26 MR CHEKERA: These are allegations that are made against
27 the RUF and the RUF in terms of the indictment - or the modes of
28 liability alleged in the indictment implicate the accused either
29 through a joint criminal enterprise, or command responsibility,

1 or aiding and abetting, or I could name the whole indictment.

2 THE INTERPRETER: Your Honour --

3 MR CHEKERA: Did I go too fast again?

4 PRESIDING JUDGE: I didn't hear anything.

18:43:29 5 THE INTERPRETER: Your Honour, I said learned counsel is
6 moving too fast. Could he be requested to repeat?

7 MR CHEKERA: Madam President, I am saying that all the acts
8 of violence intimated in this document can be traced to the
9 defendant with respect to all the modes of liability in the
10 indictment; the joint criminal enterprise, command
11 responsibility, aiding and abetting, you name it, the whole nine
12 yards.

13 PRESIDING JUDGE: And the second document?

14 MR CHEKERA: It refers to diamond mining, which again in
15 terms of the indictment and the evidence before the Court is
16 traceable to the defendant.

17 PRESIDING JUDGE: Mr Bangura, what is your response?

18 MR BANGURA: Your Honours, I submit that the passages that
19 I'm seeking to have admitted into evidence do not in any direct
20 way or even indirectly touch on the guilt of the accused and the
21 argument canvassed by my learned friend should not hold.

22 Your Honours, first of all, looking at paragraph 130, we
23 sought to have the dates of an incident in Kono - that is the
24 attack on Kono - admitted and what we have there following those
25 dates are the consequences of that event in Kono. And here we
26 admitted that giving the modes of liability you could in an
27 indirect way impute to the accused crimes that were committed by
28 RUF, for instance, under command responsibility. But, your
29 Honours, that is not specifically the purpose why these

1 paragraphs are being sought to be admitted at the moment, and to
2 make the argument that they go directly to the guilt of the
3 accused does not hold.

4 The same applies for paragraph 49 of volume 3B. Again we
18:46:18 5 were seeking specifically the dates, but the information
6 surrounding the circumstances of that attack do not in any direct
7 way go to the guilt of the accused. I don't know, a reading of
8 these do not suggest that.

9 Plus these are dates that are outside the indictment
18:46:51 10 period. I mean, if we're talking strictly in terms of the
11 particular period that we allege that - I would rather not
12 canvass that argument.

13 But, your Honours, I rest my argument on the fact that
14 these are not matters that go directly to the guilt of the
18:47:09 15 accused and that the argument canvassed by my learned friend
16 ought not to be entertained.

17 PRESIDING JUDGE: Thank you. Let me consult.

18 [Trial Chamber conferred]

19 PRESIDING JUDGE: Regarding MFI-413, which is - which
18:48:55 20 consists largely of a single paragraph 130 along with the four
21 cover pages, we are of the view that the contents of this
22 paragraph do not in any way implicate Mr Taylor per se. There is
23 nothing in them that can be tied to Mr Taylor.

24 Now, regarding paragraph 49 on page 16 of MFI-414, again
18:49:32 25 the only references there in that paragraph to Liberia would
26 appear to us to be favourable to the Defence; not unfavourable.
27 We do not find anything in that paragraph that goes to the guilt
28 of the accused.

29 Now, having said that, I also need to point out that the

1 exhibit numbers that I'm going to give these two Prosecution
2 exhibits may appear as if I've jumped a very big gap between the
3 last exhibit that we admitted on Friday, which was 398. I am now
4 going to go to P-497. That is the next number in line. This is
18:50:28 5 because we have issued a decision on two pending motions for
6 admission of documents into evidence, and there are a lot of
7 documents that we have admitted. This decision has already been
8 signed and is pending publication. So a lot of numbers in
9 between have been already allocated to the various exhibits that
18:50:51 10 have gone before.

11 So these two exhibits will be admitted as follows:

12 Formerly MFI-413, that's the Sierra Leone Truth and
13 Reconciliation Report, Volume 2, the four cover pages and
14 paragraph 130 on page 41 is exhibit P-497.

18:51:22 15 Formerly MFI-414, that's the Sierra Leone Truth and
16 Reconciliation Report, Volume 3B, the four cover pages, and
17 paragraph 49 on page 16 is admitted as exhibit P-498.

18 Now, Mr Witness, thank you very much for your evidence.
19 You are now free to go home and we wish you a safe journey. You
18:51:45 20 may be escorted out.

21 THE WITNESS: Thank you, sir.

22 MR CHEKERA: Madam President, before Mr Griffiths takes
23 over, may I be excused? I have other issues relating to the
24 trial to attend to, and they require my urgent attention.

18:52:04 25 PRESIDING JUDGE: Certainly you may be excused. But I'm
26 also noting the time. We were due to continue the testimony of
27 an earlier witness, I think --

28 MR GRIFFITHS: DCT-125, Madam President.

29 PRESIDING JUDGE: Yes. However, I am reliably informed

1 that because this witness uses protective measures that require a
2 technical adjustment to the equipment, namely, the voice and
3 image distortion, that requires half an hour to set up, which
4 half hour would bring us very close to the end of the day. So
18:52:49 5 I'm proposing that it might make better sense to start tomorrow
6 with this witness.

7 MR GRIFFITHS: Madam President, whilst I'm on my feet, in
8 order to assist us in planning the future progress of our case,
9 can I inquire through the Court of Mr Koumjian how long he
18:53:10 10 anticipates to be in further cross-examination of witness
11 DCT-125? Because if we can avoid bringing a witness to Court to
12 wait tomorrow unnecessarily, that would be very helpful.

13 PRESIDING JUDGE: Mr Koumjian, are you able to assist?

14 MR KOUMJIAN: Your Honour, I'm not sure - I may conclude
18:53:30 15 the witness tomorrow. I think it's good to have another witness
16 here, but certainly not the first session.

17 MR GRIFFITHS: I'm grateful for that indication.

18 PRESIDING JUDGE: In that case, we will adjourn the
19 proceedings until tomorrow at 9.30 in the morning.

20 [Whereupon the hearing adjourned at 6.53 p.m.
21 to be reconvened on Friday, 19 March 2010 at
22 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-025	37482
CROSS-EXAMINATION BY MR BANGURA	37482
RE-EXAMINATION BY MR CHEKERA	37545

EXHIBITS: