



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 21 NOVEMBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawalie

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Christopher Santora
Ms Julia Baly
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Friday, 21 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:23:57 5 PRESIDING JUDGE: Good morning. Mr Bangura?

6 MR BANGURA: Good morning, Madam President, good morning
7 your Honours and counsel opposite. Your Honours, for the
8 Prosecution this morning Ms Brenda J Hollis, Ms Julia Baly,
9 myself Mohamed A Bangura and Ms Maja Dimitrova. Thank you, your
09:32:19 10 Honours.

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

12 MR MUNYARD: Good morning, Madam President, your Honours,
13 counsel opposite. For the Defence this morning Morris Anyah and
14 myself, Terry Munyard.

09:32:32 15 PRESIDING JUDGE: Thank you. If there are no other matters
16 I will remind the witness of his oath. No. Good morning,
17 Mr Witness.

18 THE WITNESS: Good morning, your Honour.

19 PRESIDING JUDGE: I again remind you this morning that you
09:32:44 20 are still under oath; the oath continues to be binding on you and
21 you must answer questions truthfully. You understand?

22 THE WITNESS: Yes, your Honour.

23 WITNESS: TF1-358 [On former oath]

24 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

09:33:04 25 Q. Good morning, Mr Witness.

26 A. Good morning.

27 Q. Yesterday afternoon I was asking you questions about your
28 evidence earlier in the week on Wednesday when you were telling
29 the Court that many of your patients told you that their

1 assailants had spoken using the word "rebel" in a Liberian
2 intonation and we were looking at the various accounts that you
3 have given to the Prosecution over a period of time to see
4 whether or not you had made that allegation at an earlier stage
09:33:48 5 prior to giving your evidence.

6 We looked at the one mention of a Liberian assailant in
7 your interview of April 2004. We then turned to the interview
8 that took place in May of 2007 when you had looked again through
9 the transcript of the 2004 interview, made corrections to that
09:34:31 10 and were then interviewed very shortly afterwards over a three
11 day period. In that interview I suggested that you had only
12 mentioned one Liberian assailant when you were being interviewed
13 for three days in May of last year. Do you agree with that?

14 A. Yes, I do.

09:35:03 15 Q. Have you looked overnight at the record of that interview,
16 17, 18 and 19 May 2007?

17 A. Yes, I have.

18 Q. So you didn't tell the Prosecution in 2004, or in the
19 interview in May of 2007, about a large number of
09:35:31 20 Liberian-accented rebels, did you?

21 A. There was no question about - asked me directly by the
22 Prosecution about the accent of, you know, the way the patients
23 pronounce the names of the rebels, because in the transcript it
24 was always spelt the right way and nothing was made mention of
09:36:16 25 that.

26 Q. What do you mean by in the transcript it was always spelt
27 the right way? The transcript could only record what you were
28 saying, couldn't it?

29 A. Yes, but the transcript does not give the intonation.

1 Q. Nor - sorry, I didn't mean to interrupt?

2 A. Yes, it just - well, it just gives the correct spelling of
3 what the victims were, you know, telling me about who caused
4 their injuries.

09:36:58 5 Q. Mr Witness, how would the transcript be able to include
6 anything about intonation of the word "rebel" unless you had told
7 those interviewing you that the rebels your patients were
8 describing spoke with a Liberian accent? You would have to have
9 told them that for anything to that effect to appear in the
09:37:23 10 transcript, wouldn't you?

11 A. At the time, questions were never raised about that and it
12 was only in, you know, afterwards that that came up.

13 Q. Are you still talking about 2004, that interview, when you
14 say the transcript?

09:37:49 15 A. It is both the 2004 and 2007.

16 Q. 2007 isn't a transcript.

17 A. Okay.

18 Q. It is notes.

19 A. Oh, the notes, yes.

09:37:59 20 Q. Well, if you are talking about the transcript you are
21 obviously only referring to the 2004 interview, yes?

22 A. Yes.

23 Q. There is in front of you, or between you and Mr Court
24 Officer, there is a bundle with all of these documents in it and
09:38:14 25 so do look at it if you wish to and it should be in chronological
26 order there. We have moved from the transcript. Do you accept
27 that in the 2004 interview you were not asked who were the
28 rebels. That it was you yourself who volunteered that one of
29 your patients said that the rebel spoke with a Liberian accent?

1 A. That may be correct.

2 Q. So that is something you volunteered? Nobody asked you
3 "Where were the rebels from?" This is something you simply told
4 them, yes?

09:38:53 5 A. Yes, because of the incident that came to mind at that
6 particular time.

7 Q. Yes, well, we dealt with that yesterday. We are not going
8 over that ground again. We move on to 2007. You looked through
9 the transcript from the 2004 interview and you made a small
10 number of corrections, do you agree?

11 A. Yes, I did.

12 Q. That was on the 15th, two days later, and then for the
13 following three days you were interviewed by an investigator and
14 two of the lawyers from the Prosecution team and they presumably
15 asked you for more information. Is that right?

16 A. That is correct.

17 Q. And it was up to you to give them as much or as little
18 information that came to your mind over that three day period, do
19 you agree?

09:39:54 20 A. I do agree.

21 Q. You told us yesterday that right from your first meeting
22 these patients it was very much in your mind that a lot of them
23 were saying the rebels who attacked them spoke with Liberian
24 accents. Why, if that is true, why did you not volunteer that
25 information over that three day process of interview in May of
26 2007?

27 A. First of all, it may have been that I was never asked and,
28 number 2, I didn't think at the time that it was necessary.

29 Q. Well, this is something that you think is necessary now,

1 isn't it?

2 A. No. Yes, well --

3 Q. Why do you think it is necessary now, in the course of your
4 evidence-in-chief, to come out with this completely - this

09:41:01 5 comprehensive, I should say, account of Liberian speaking rebels?

6 A. Well, over the past few - well, I have had enough time to
7 look through the transcript and the notes and then I realised
8 that over the period, especially those patients who were brought
9 in in 1998, from different parts of the country, the way in fact

09:41:38 10 my memory was jolted that the way they referred to the rebels and

11 their intonation was quite different from those whom we treated
12 in 1999. So I made that clear to the Prosecution at the time. I

13 said, well, when they were referring to rebels in 1998 their
14 intonation was rebels and in '99 those victims talked about -

09:42:15 15 variously they referred to them as either rebels or dem bra den

16 or, you know, how do you call them? They had different
17 expressions for them.

18 Q. What was it that jolted your memory and when was it that
19 your memory was so jolted?

09:42:46 20 A. I think it is just a few weeks ago, when I had enough time

21 to sit down and go through all the transcripts and, what do you
22 call it, the notes of 2007.

23 Q. To put it bluntly, Mr Witness, I suggest you have been put
24 up to this?

09:43:03 25 A. Certainly not.

26 Q. And if this was true, that this was what your patients in
27 1998 were telling you, you would have come out with that in 2004
28 and 2007, either when you corrected the transcript or over the
29 three days of interview, instead of mentioning just one instance

1 in each of those years of a Liberian rebel?

2 A. Yes. The instance you are mentioning in the 2004
3 transcript I never - I never said anything about the intonation.

09:44:02

4 Q. Can we go, please, to the 2007 notes of interview. They
5 should be, I hope, in either the second or the third tab. I hope
6 in the third tab. For the benefit of your Honours and my learned
7 friends opposite, I am referring to the notes of interview from
8 17th, 18th May of that year, ERN number 34426 onwards. Would you
9 turn, please, to page 3 of those interview notes, and I am going

09:44:39

10 to ask you to look at the final two lines on that page. It is
11 ERN number 34428. Do you see that, Mr Witness, the last two
12 lines on that page?

13 A. Yes, I do.

14 Q. This is a passage which continues over on to the next page.

09:45:03

15 When you are describing going to the Connaught Hospital in May of
16 1997 you say that you were going there on a daily basis to get
17 supplies for your hospital. Pausing there, what supplies were
18 you getting from the Connaught Hospital that you didn't have at
19 your own hospital?

09:45:25

20 A. I mentioned that we ran out of anaesthetic material and I
21 went to MSF that is - do I?

22 PRESIDING JUDGE: I don't see any problem in mentioning
23 that organisation.

24 THE WITNESS: Yes, that is the Medicine Sans Frontieres
09:45:46 25 were operating at that point and we had access to, you know,
26 direct access to supplies.

27 MR MUNYARD:

28 Q. Right. So you were getting your anaesthetic on a daily
29 basis from MSF at the Connaught Hospital, is that right?

1 A. I wouldn't say a regular basis.

2 Q. Well, if you have a look here it says he was going through
3 on a daily basis to get supplies for his hospital. Is that an
4 accurate record of what you told --

09:46:15 5 MR BANGURA: Your Honours, just again to try and err a
6 little on the side of caution. We have been trying to use
7 institution a lot more.

8 PRESIDING JUDGE: Yes, but I know we have used that term,
9 but the term was used in lieu of the name of the institution and
09:46:33 10 it is obvious that, from the evidence, that the people being
11 treated could only be treated in one kind of place and so I don't
12 think that the use of that generic term identifies the witness.

13 MR BANGURA: I actually do not wish to say more but I think
14 some - it has been used in a way that is less than generic. That
09:47:08 15 is what I was trying to say.

16 JUDGE SEBUTINDE: Mr Bangura, you are referring to the way
17 the phrase denotes ownership of an institution?

18 MR BANGURA: That is correct, your Honour. I think we
19 could just try and avoid references in that light when we want to
09:47:37 20 talk about connection to an institution.

21 MR MUNYARD: Well - oh, sorry. I am assuming, Madam
22 President, you do wish to hear from me in reply?

23 PRESIDING JUDGE: There is actually no application before
24 me. I have only been asked that - let me see the terminology.

09:48:04 25 MR MUNYARD: I think application to be more cautious.

26 PRESIDING JUDGE: That is correct.

27 MR MUNYARD: I think that is what it is. Well, I am being
28 as cautious as I can be and I am happy to be corrected if I stray
29 beyond the bounds of caution, but this witness has given a great

1 deal of evidence-in-chief in open session, from which only
2 somebody seriously lacking in mental facilities would not
3 appreciate the nature and scope of his work and to say "your"
4 does not necessarily imply ownership. It may simply mean the
09:48:39 5 premises where you work, or you attend.

6 If your Honours talk about my Court it doesn't mean to say
7 you own it. It means the court that you are operating in, or
8 working in. The witness gave evidence over a long period of time
9 about his activities from which I would submit that it is very
09:49:09 10 obvious, but I am not going to say anything more because I don't
11 want to prolong this particular point.

12 PRESIDING JUDGE: Yes, I have made my point as well.

13 MR MUNYARD:

14 Q. Well, I am going to come back to the accuracy or otherwise
09:49:26 15 of what is recorded in these notes in due course, but let us go
16 to the point. In this particular passage, do you agree that you
17 told the interviewers and the two lawyers that there was a guard
18 at the front of the Connaught Hospital with an AK-47, lots of
19 ammunition and there were several rebels wearing jeans and heavy
09:50:01 20 boots?

21 A. Yes, I do.

22 Q. And that you knew the person who was standing guard?

23 A. Yes, I do.

24 Q. That you had taught him previously in another place --

09:50:24 25 A. Yes, I do.

26 Q. -- that is mentioned there.

27 A. Yes.

28 Q. And you knew him to be a Liberian and you knew his name?

29 A. Yes, I do.

1 Q. That he did not recognise you?

2 A. No, that he did not see me.

3 Q. Well, do you agree that you told them that he didn't
4 recognise you?

09:50:42 5 A. Probably this was an error or a matter of interpretation.

6 Q. All right. Well, we will come back to the accuracy in a
7 moment; I am not so concerned with that point. You didn't say
8 anything there about groups of rebels speaking with Liberian
9 accents either side of the entrance to the Connaught Hospital,
10 did you, as you told us in evidence?

11 A. I am sure I told them, but it was not added to the notes.

12 Q. All right. So you think that, despite the fact that there
13 is only one reference in this whole three days of interview to a
14 single Liberian rebel, you think that you told the interviewers
15 about other groups of Liberian speaking rebels but they managed
16 not to write it down, yes?

17 A. I don't understand that question, because you are talking
18 about other groups of Liberian rebels; I don't know which other
19 groups of Liberian rebels. I never --

09:51:56 20 Q. The ones you told us about in your evidence-in-chief,
21 unless you have forgotten telling us that. Do you remember
22 telling these Judges on Wednesday that either side of the
23 entrance --

24 A. Yes.

09:52:12 25 Q. -- and I am paraphrasing you now, but we can look up the
26 reference if we need to?

27 A. Yes, that is correct.

28 Q. Either side of the entrance there were groups of rebels
29 speaking with Liberian accents?

1 A. Yes, that is correct.

2 Q. Yes. So you are now telling us, are you, that you
3 mentioned that in those three days of interview in May 2007, but
4 the interviewers, including two experienced lawyers, were so
09:52:35 5 incompetent they didn't manage to write that bit down? Is that
6 what you're telling us?

7 A. I don't think I can comment on that.

8 Q. Yes, you can. You can tell us whether or not those people
9 were told that by you, but haven't recorded it. Now try again,
09:52:56 10 please. You have told this Court just a moment ago that you
11 mentioned the groups of Liberian speaking rebels either side of
12 the entrance of Connaught Hospital in this interview in May 2007.
13 Do you stand by that?

14 A. I may - it's possible that in 2007 - yes, it's possible. I
09:53:21 15 cannot remember, you know, the small details, you know, but, I
16 mean, it was a situation where, I mean, you try to explain to a
17 group, you know, of people, you know, how shocked you were to see
18 somebody that you can recognise. So it's possible that I may
19 have omitted at that point to mention, you know, the total
09:53:58 20 picture - I mean the other elements who were in front of the
21 hospital.

22 Q. In May of 2007 why did you think you were being
23 interviewed?

24 A. In May 2007, well, I was told that - by then I had got to
09:54:38 25 know that I would be a witness, an expert witness, in the trial
26 of the Special Court.

27 Q. And the trial of who?

28 A. Well, as I mentioned yesterday, it was - I was not probably
29 informed as to who was being tried. I cannot remember being told

1 that, you know. All I was told was from the records that - you
2 know, my association with the war wounded, et cetera, I would be
3 asked to be, what do you call it, an expert witness in the trial.

4 Q. Is that an honest answer?

09:55:34 5 A. It is.

6 Q. Hang on a minute. That in May of 2007 when you are being
7 interviewed in the middle of May 2007, that you probably were not
8 informed as to whose trial it was you were going to be giving
9 evidence in when the trial of Charles Taylor, the former

09:55:58 10 President of Liberia, was due to open two weeks later on 4 June
11 2007 in The Hague? Are you seriously claiming as a professional
12 person that you were not told by those interviewers, including
13 two lawyers, that they wanted you to give evidence in the trial
14 of Charles Taylor?

09:56:27 15 A. Well, they mentioned trial. There were other trials going
16 on in the Special Court, so I did not ask too many questions.
17 But eventually I was told that I would have to - at some point I
18 was told some time last year, probably it was May or so, that I
19 will have to come to The Hague for this trial.

09:56:55 20 Q. Well, May of last year is what we're talking about. You
21 sit here today and tell these judges, do you, that you didn't ask
22 too many questions in May of last year when they are interviewing
23 you at great length over three days - in fact four days, because
24 on the 15th you had been studying the previous transcript - and
09:57:24 25 you claim as an individual who no doubt has a very busy life that
26 you did not know whose trial this interview involved?

27 A. As I mentioned earlier, because of the elapse of time I do
28 not know exactly when I was informed that I was supposed to come
29 to The Hague for this particular trial, but it could very well

1 have been in May last year.

2 Q. I am not asking you about when you were informed you were
3 to come to The Hague. I am asking you about whose trial you with
4 thought you were being interviewed in relation to in May 2007.

09:58:09 5 A. Well, the fact that coming to The Hague was mentioned I
6 think it was implied that it was this particular trial that they
7 were talking about.

8 Q. Implied. Nobody actually said the words. Is that what
9 you're telling this Court that you want them to believe?

09:58:30 10 A. They might have mentioned it. I cannot really remember.

11 Q. And you, as a busy professional, running a number of
12 organisations, didn't bother saying, "Well, you know, you want me
13 to be an expert witness. What's the case? When am I likely to
14 be called? How much time will be involved taking me away from my

09:58:56 15 busy professional activities?" Are you seriously asking these
16 judges to believe that?

17 A. Some of those questions were obviously raised and
18 reasonable answers were given.

19 Q. What do you mean by "reasonable answers were given"?

09:59:23 20 A. By reasonable answers I mean that, for instance, like time
21 frame periods were discussed as to how - you know, the notice
22 period that would be given me before any travel or any travel
23 plans would be made. So that was a reasonable - those are
24 reasonable discussions.

09:59:52 25 Q. Mr Witness, let me put to you directly you knew perfectly
26 well by May of 2007 that you were being interviewed with a view
27 to giving evidence in the trial of Charles Taylor, the former
28 President of Liberia. That is right, isn't it?

29 A. I guess not.

1 Q. I don't understand that reply. Am I right in what I have
2 put to you, yes or no?

3 A. I don't think you are right this time.

10:00:46

4 Q. Did you have in mind in May of 2007 having heard years
5 previously Charles Taylor on the radio saying that Sierra Leone
6 would taste the bitterness of war? Did you have that in mind in
7 May of 2007?

8 A. If I had what in mind?

10:01:07

9 Q. Hearing on the radio many years before Charles Taylor
10 saying Sierra Leone would taste the bitterness of war?

11 A. I heard those words directly myself on the BBC.

12 Q. Yes, I'm asking did you have those words in mind in May of
13 2007 when you were being interviewed with a view to being an
14 expert witness?

10:01:33

15 A. It's difficult at this point in time to say what was in my
16 mind a year ago when I was interviewed.

17 Q. Liberian speaking rebels would have been at the forefront
18 of your mind in May of 2007 when you were being interviewed,
19 wouldn't they?

10:01:55

20 A. I do not understand, you know, the question. You know,
21 what is expected.

22 Q. I am basing the question on the evidence you gave us
23 yesterday that that was something that had been in your mind very
24 much from the time you were first told it. Now, you were then
10:02:38 25 seen again in I think June of 2007 when you made a declaration
26 that the transcript of the 2004 interview that you had reviewed
27 in May of 2007 and corrected in a couple of places - a few places
28 - was true to the best of your knowledge and belief and that the
29 interview notes of 17, 18 and 19 May 2007 were true to the best

1 of your knowledge and belief. Do you remember making that
2 declaration on 7 June last year?

3 A. 7 June? Is it in the records?

4 Q. It should be in there in chronological order, so it should
10:03:33 5 follow the document you were just looking at. It should follow
6 the interview notes for May of 2007. It's a one page declaration
7 and I believe, your Honours, that you have that as part of what
8 is described as an expert report. It's certainly referred to in
9 the motion that enclosed what was described as an expert report.
10:03:57 10 If you don't I can easily have it put on the screen, which will
11 be limited, if it is put on the screen, to those in the
12 courtroom.

13 A. Yes, sir, I can see. There is a copy of this declaration
14 that I made on 7 June 2007.

10:04:25 15 MR MUNYARD: Your Honours, if you have the motion that is -
16 sorry, I am calling it a motion. It's a confidential Prosecution
17 filing dated 8 June 2007. On the first main page of it,
18 paragraph 1 sets out the following material: The statement of 22
19 April 2004 with corrections on 15 May 2007; then something that
10:04:52 20 is called a statement dated 17 to 19 May 2007 including
21 photographs listed in the index; then the affirmation dated 7
22 June 2007 and finally the curriculum vitae. But, as I say, I
23 have got a copy here. I can easily put it on the screen if you
24 wish to see it that way.

10:05:22 25 JUDGE LUSSICK: No, I don't have that affirmation with the
26 documents I have been given.

27 MR MUNYARD: Very well. Can we confirm, your Honours, that
28 this will not be broadcast beyond the courtroom?

29 PRESIDING JUDGE: That is important.

1 MR MUNYARD: As it's a very short document, might it be
2 simpler simply to be passed along the Bench because the witness
3 has got a copy in his bundle?

10:05:53

4 PRESIDING JUDGE: Mr Court Usher, please show the document
5 to counsel for the Prosecution and then hand it to us.

6 MR MUNYARD: It looks to me as though Justice Sebutinde has
7 got a copy of it. I am not claiming I can read it from here, but
8 the layout looks the same.

10:07:12

9 PRESIDING JUDGE: Mr Munyard, is this a spare copy or is
10 this your copy?

11 MR MUNYARD: It can be now because the witness has got one
12 in the bundle we have provided and so I can go from that.

13 PRESIDING JUDGE: Please proceed, Mr Munyard.

14 MR MUNYARD: Yes:

10:07:28

15 Q. Mr Witness, do you have that in front of you?

16 A. The single page?

17 Q. Yes.

18 A. Yes.

10:07:47

19 Q. The declaration. And does it say, "Under oath I swear or
20 affirm that the information contained in these statements is true
21 to the best of my knowledge and belief" and it includes a
22 reference to the notes of interview described as a statement
23 taken on 17, 18 and 19 May and have you sworn that the contents
24 are true to the best of your knowledge and belief?

10:08:21

25 A. Yes, it is.

26 Q. Right. And in order to swear that oath you would have to
27 read those documents, wouldn't you, to make sure that what you
28 were doing in swearing your solemn oath was correct, yes?

29 A. Yes.

1 Q. Well, did you read these interview notes before you swore
2 that oath that what was in there was true to the best of your
3 knowledge and belief?

4 A. I did a quick scan of the notes before I did that.

10:09:01 5 Q. Well, that is not good enough, is it? A quick scan before
6 you swear a solemn oath, is that what you are saying?

7 A. The 7th - yes, I did go through it, but very quickly. That
8 was what I meant by a quick scan.

9 Q. Well, when you got to the passage we have been looking at,
10:09:56 10 that starts at the foot of page 3 and goes over and is
11 encompassed in the first paragraph on page 4, why didn't you say,
12 "Oh, well, I must make an amendment here because they have
13 misrecorded what I told them"?

14 A. You mean about going to the hospital on a daily basis?

10:10:29 15 Q. Yes, and also about the man you knew not seeing you, rather
16 than not recognising you?

17 A. Well, those were details that probably I oversighted.

18 Q. And on one version of your evidence this morning you told
19 the Prosecutors that there were groups of Liberian speaking
10:10:57 20 rebels at the entrance to the Connaught Hospital. Why didn't you
21 add that in when you were reading these notes over before you
22 made a solemn oath that they were true?

23 A. The statement that was - that we are referring to now, that
24 was what I was, you know, saying that I mean the whole thing was
10:11:44 25 - I don't understand this.

26 Q. Well, let me try to see how you were able to test the
27 accuracy of this document that you later swore to be a true
28 account. When you were interviewed over those three days your
29 interviewers, one or more, were presumably taking notes of what

1 you were telling them. Is that right?

2 A. I guess they were. I mean, I cannot, you know, remember
3 seeing anybody writing, but it is possible that somebody was
4 writing because, you know --

10:12:41 5 Q. Mr Witness, there is 18 typed pages of notes. It is not
6 possible that somebody was writing. They must have either been
7 writing or tape recording what you were saying for them to
8 produce 18 densely typed pages?

9 A. Yes. That is why I was being cautious. I said probably
10:13:01 10 they were recording in any other form other than writing, but I
11 cannot remember. Since I am under oath I cannot remember,
12 because they could have very well been writing whilst they were
13 talking to me.

14 Q. Where did this three day interview take place? I don't
10:13:27 15 need an address; I just mean did it take place in premises of
16 yours or premises of theirs?

17 A. It took place in premises of mine.

18 Q. Right. And was somebody typing into a computer as you were
19 --

10:13:45 20 A. Not at all.

21 Q. No? In that case was somebody writing down in hand what
22 you were telling them?

23 A. It is possible, but I cannot remember.

24 Q. And you don't recall, presumably, somebody saying, "We'll
10:13:59 25 pause a minute while we change the tape" if they were using a
26 tape recorder?

27 A. No.

28 Q. If they were using a tape recorder do you think you would
29 have remembered now? It is only a year and a half ago? Can we

1 safely assume that your account that is recorded here was being
2 written down by hand by one or more of the people that were
3 interviewing you?

4 A. That is possible.

10:14:35 5 Q. Well, is it a safe assumption given that you have ruled out
6 a computer, and I don't think you answered my question, but do
7 you agree that if it had been tape recorded it is something you
8 probably would still be able to remember?

9 A. Yes, certainly. Yes.

10:14:50 10 Q. Thank you. So it is a safe assumption, isn't it, that
11 somebody was writing all this down by hand?

12 A. Uh-huh.

13 Q. Yes.

14 A. Yes.

10:15:01 15 Q. Thank you. Interestingly, I think I am right in saying -
16 well, no, I won't say anything at the moment about handwritten
17 notes. Now, after each session each day did they read back to
18 you the information that they had recorded you giving them?

10:15:39 19 A. After each day we used to have a recap of what happened. I
20 cannot remember whether it was - whether they were reading from
21 any pamphlet or but we did a recap then before moving forward.

22 Q. Right. So how would they be able to do a recap at the end
23 of a day of what you had told them first thing in the morning, if
24 indeed it took place in that way? Perhaps we should establish
10:16:02 25 that. Was this particular interview conducted for the better
26 part of each day on 17, 18 and 19 May?

27 A. It took a few hours.

28 Q. A few hours of each day?

29 A. Yes.

1 Q. Yes. There is a great deal in here, isn't there? Before
2 we get to the index of photographs on page 14 there is 13 pages
3 with a vast amount of information, isn't there, recorded here?
4 Do you agree?

10:16:51 5 A. This is a vast amount of information.

6 Q. A vast amount of information. Page after page of
7 paragraphs of facts, yes?

8 A. Yes.

9 Q. 14 of them. They must have been noting down what they said
10:17:06 10 to you for you all to recap at the end of each day, yes? Is that
11 right?

12 A. I don't get that question.

13 Q. How did they ensure from you that they had correctly
14 recorded what you had told them?

10:17:29 15 A. By verbally doing a recap.

16 Q. Yes. When you say a recap, do you mean they read back to
17 you their notes of what you had told them?

18 A. No. We went through systematically by date of the - you
19 know, say now we are talking about 1997 and we are talking about
10:17:50 20 1999 and stuff like that. So --

21 Q. When you say "we went through systematically by date" do
22 you mean that was the way in which they asked you the questions
23 or are you talking now about the recap?

24 A. I think we are talking about the order and how the
10:18:30 25 Prosecution, you know, did the recap.

26 Q. I am not going to spend any more time on this. Do you have
27 any recollection now of these typed notes of interview being read
28 back to you so that you could ensure they were accurate prior to
29 you swearing a solemn oath that they were accurate?

1 A. They were not read out to me; they were given to me.

2 Q. Right. And when were they given to you?

3 A. Well, I cannot remember the exact date it was given to me.

4 Q. Now, let's move on then. You are then seen again in August
10:19:18 5 of 2007 when you tell them about photographs being given to you
6 by the minister of information?

7 A. August?

8 Q. Yes. Actually, before we go to August, can we just stay
9 with the document we have been on, the interview notes from May
10:19:50 10 of 2007, but go to page 14 onwards which is the photographic
11 index. It is page 34439. That is the ERN number. Now, do you
12 have that page?

13 A. Yes, I do.

14 Q. Does it start at the top by saying that you were treating
10:20:27 15 war wounded from 8 January until December of 1999? Does it say
16 that? Mr Witness, does it say that?

17 A. Yes, it does. It does.

18 Q. Thank you. Is that accurate?

19 A. That is not. It is not.

10:20:51 20 Q. What is inaccurate about it?

21 A. Because I started treating the war wounded before that
22 time.

23 Q. Well, let's work on the basis that at this stage they are
24 simply dealing with the year 1999. Would it be accurate if they
10:21:09 25 are simply dealing there with the year 1999?

26 A. I don't get the question.

27 Q. You say you were treating patients before that and to that
28 extent it is inaccurate but it may be accurate if it was only
29 intended to record a reference to that particular year 1999, yes?

1 A. I think this is just a simple omission.

2 Q. All right. "None of his patients at this time were victims
3 of the Freetown invasion." Is that right? Is that right?

4 A. That is not correct.

10:22:17 5 Q. What is incorrect about it?

6 A. Because in January 1999 the patients were the victims of
7 the Freetown invasion so that is an oversight and omission.

8 Q. "Any long-term patients were sent to the government
9 hospital". Is that right?

10:22:56 10 A. That was after December 1999.

11 Q. All right. We are going to come back to that particular
12 issue in due course, but why didn't you correct any of this
13 before you swore your solemn oath that all of this material was
14 true?

10:23:09 15 A. It must have been an oversight.

16 Q. Another oversight. Another oversight, Mr Witness? Another
17 oversight? We have already identified two earlier oversights.
18 Did you look at this at all before you swore that oath and put
19 your signature on that declaration?

10:23:37 20 A. Yes, I did. I think I mentioned earlier that I scanned
21 through the document.

22 Q. Right. Now the information that follows, the photo index
23 that follows, describes who or what is in each photograph,
24 doesn't it. If you just look and read to yourself the index to
10:24:04 25 photo number 1. A patient is named there, is that right?

26 A. Yes, yes.

27 Q. That must have come from you, mustn't it?

28 A. Yes.

29 Q. That information?

1 A. Yes, definitely.

2 Q. So the information here has come from you. You have
3 described what is in each photograph that you have supplied, yes?

4 A. Yes, I did.

10:24:43 5 Q. And if we turn over the page on page 15, ERN 34440, if you
6 go down to number 31 it says, "Photograph of two bodies being
7 burned. Photographer is unidentified". Now at that stage had
8 you told the interviewers who were getting you to describe what's
9 in each photograph who supplied you with photograph 31?

10:25:26 10 A. I guess I did.

11 Q. You guess you did?

12 A. Yes.

13 Q. All right. Turn over the page to page 16 and go to
14 photograph number 39. Four photographs. I am missing out the
10:25:44 15 first one. The second one is top right, "Photograph of the
16 streets of Freetown with long lines of people. Photographer is
17 unidentified". And then the next one, bottom left, "Photographer
18 is unidentified". Those two photographs were supplied to you by
19 the minister, weren't they?

10:26:03 20 A. Yes, they were.

21 Q. Number 40, top left, "Photograph of burned Sierra Leonean
22 police station. Photographer unidentified". Again, supplied to
23 you by the minister, that photograph?

24 A. Yes, it was.

10:26:24 25 Q. And I am not going to go through the rest that were
26 supplied by the minister. They have exactly the same reference,
27 numbers 41, 42 and 54. In each case they say, "Photographer is
28 unidentified", but they don't mention that your given these
29 photographs by the minister.

1 Photograph, if you turn to the next page, 17, number 44, we
2 looked at this yesterday, but now that we have started to
3 consider in more detail how this document came to be compiled I
4 am going to ask you about this entry again. "Photograph of
10:27:07 5 unidentified amputees taken in late 1999 at an amputee camp".
6 Now, that was a photograph of a man and a toddler. You recall
7 that photograph, Mr Witness?

8 A. Yes, I do.

9 Q. Late 1999, the date could only have come from you, couldn't
10:27:33 10 it? The investigators and the lawyers wouldn't have known the
11 date that photograph was taken. You had to have told them that
12 date, didn't you?

13 A. This date is certainly one of the few mistakes on the --

14 Q. No, would you please listen to the question and try and
10:27:54 15 answer the question. Do you want me to repeat it?

16 A. I understand the question, but --

17 Q. Right. Well then would you answer it, please?

18 A. I certainly did not give that date.

19 Q. The information describing the place and the time when it
10:28:24 20 was taken had to have come from you - the information had to have
21 come from you, didn't it? I am not yet dealing with the accuracy
22 of it, but the information had to have come from you?

23 A. Yes, the information, yes, definitely came from me.

24 Q. And the information as we know includes that date, it
10:28:42 25 refers to an amputee camp and it says where the amputee camp was.
26 Do you agree?

27 A. Yes, it does.

28 Q. And have they got that right?

29 A. Yes.

1 Q. The male amputee was your patient. Have they got that
2 right.

3 A. Well, if we take the whole 44 statement, it says here that,
4 "Photograph of unidentified amputees" and then the next line says
10:29:21 5 that the male amputee patient was { Redacted }, so it's
6 contradictory.

7 MR MUNYARD: Hold on a moment. I think we are just about
8 to have a redaction of that.

9 THE WITNESS: Sorry.

10:29:29 10 PRESIDING JUDGE: Please redact the name recorded on page
11 28, line 12.

12 THE WITNESS: I am sorry.

13 PRESIDING JUDGE: No, please don't disturb yourself.

14 MR MUNYARD:

10:29:44 15 Q. Mr Witness --

16 A. I am very sorry.

17 Q. Don't worry. I think everybody so far has done remarkably
18 well not to let slip, so I wouldn't worry. It can be redacted
19 and dealt with --

10:29:55 20 PRESIDING JUDGE: For any persons in the public gallery who
21 may have heard a name, that name is not to be repeated outside
22 the precincts of this Court or otherwise recorded. I think I
23 spoke over you in any event.

24 THE WITNESS: I am very sorry.

10:30:18 25 PRESIDING JUDGE: Please don't disturb yourself,
26 Mr Witness. It will be taken care of. Please proceed,
27 Mr Munyard.

28 MR MUNYARD: Thank you:

29 Q. What were you wanting to tell us about the whole of the

1 description of photograph 44 as recorded there?

2 A. That the entire - that it does not tally. The first
3 statement and the second statement on that line do not tally at
4 all, because it contradicts itself.

10:30:55 5 Q. In what way?

6 A. That the first statement was that these were unidentified
7 amputees and then the second statement goes to, you know,
8 describe one as an identified amputee.

9 Q. Well, it doesn't give a name and that's why I asked you
10 yesterday, which you may now have forgotten, but I asked you when
11 we see the expression "unidentified" does that mean you don't
12 know the name? I think I might have been asking that in relation
13 to a photographer, but I simply wanted to establish that where
14 the word "unidentified" appears that means no name is given. Do
10:31:48 15 you remember that you said that?

16 A. Well, I said that meaning name and - you know, the name and
17 the facial features of the victim.

18 Q. You didn't give us a name of other of those two individuals
19 when you were giving your evidence-in-chief and so it's correct
10:32:19 20 to say that they have not been identified, isn't it?

21 A. I guess identification can be given in the name or person
22 in terms of their physical features.

23 Q. Mr Witness, we established yesterday that when we see the
24 word "unidentified" it means not named. That's all. Now, tell
10:32:59 25 me how else could the interviewers have recorded that the male
26 amputee was your patient unless you had told them that?

27 A. I guess you are right.

28 Q. And they were right, weren't they?

29 A. Yes, they were right.

1 Q. So they have recorded that from what you told them and they
2 have recorded it accurately, yes?

3 A. Yes.

10:33:43

4 Q. It goes on the toddler amputee was not your patient. They
5 could only have got that from you, couldn't they?

6 A. Well, this must have been a mistake on their part.

10:34:12

7 Q. Well, are you saying that you said to them, "Look at this
8 photograph that I have given to you, here are two amputees, they
9 were both my patients", and they have then written down that the
10 male one was your patient, but the toddler wasn't? Is that what
11 you're asking the judges to believe? That, you having told them
12 something as straightforward as that, they could completely
13 contradict what you had said about the toddler?

10:34:35

14 A. We went through so many pictures that it's possible that
15 misunderstandings and, you know, things like this could occur,
16 but because of the volume of pictures that we went through.

10:34:59

17 Q. Isn't it much more likely that at that time when you were
18 describing these photographs for them you had got your facts
19 wrong or maybe in your evidence on Wednesday you had got your
20 facts wrong - Wednesday or yesterday you had got your facts wrong
21 about this particular photograph? Isn't that much more likely?

22 A. No.

10:35:20

23 Q. All right. When you read through this, before making your
24 solemn declaration under oath, was this another oversight on your
25 part; your failure to correct this hopelessly inaccurate account
26 that they had written down?

27 A. It appears so.

28 Q. And if you go back, please, to photograph 43 at the bottom
29 of the previous page, "Photograph of unidentified amputees taken

1 in late 1999" at the amputee camp described and your patients,
2 they have got that date wrong as well, have they?

3 A. Yes.

10:36:05

4 Q. And another oversight on your part? You have failed to
5 notice that as you went through these documents. Can we agree on
6 that; another oversight of yours?

7 A. Yes, that's an oversight.

10:36:26

8 Q. All right. We have dealt with 44. 45, photograph 45 - may
9 I make it clear to the Court that we haven't necessarily looked
10 at all of the photographs in this index. I am only concerned
11 right now as to the accuracy of what is recorded here.

12 Photograph 45, "Photograph of unidentified amputees taken in late
13 1999". Have they got that wrong?

14 A. They are taken --

10:36:56

15 Q. The date, Mr Witness? Have they got the date wrong?

16 A. Yes, the date is wrong.

17 Q. Yes. You haven't corrected it?

18 A. It was another one of the oversights.

19 Q. Photograph 46?

10:37:08

20 A. Likewise.

21 Q. "Unidentified amputees taken in late 1999." They have got
22 that wrong. You failed to notice it, yes? Yes?

23 A. Yes.

10:37:31

24 Q. And yet in that particular description of the contents of
25 that photograph one of your patients, who you have named in your
26 evidence, is named there. That is right, isn't it, in photograph
27 46?

28 A. Yes.

29 Q. And, indeed, it is one of the photographs we looked at?

1 A. Yes, it is.

2 Q. And you would need to make sure that they had accurately
3 recorded the contents of each photograph, wouldn't you, as you
4 went through this before you swore it to be correct, yes? Do you
10:38:22 5 agree?

6 A. Sorry - I am sorry, I was looking at some - what was the
7 question?

8 Q. That you would need to make sure that they had got the
9 descriptions right of the photographs before you could swear that
10:38:38 10 this document was true? Turning over the pages won't help you.
11 Just listen to the question, please, and then answer it.

12 A. I think, you know, the oversight on the date has been - you
13 know, it is --

14 Q. Photograph 47, the wrong date in there. Photograph 48, the
10:39:16 15 wrong date in there?

16 A. Uh-huh. Yes, it is.

17 Q. None of these picked up by you and I ask you again: Did
18 you read any of this before you swore that declaration or did you
19 simply sign on the dotted line when the declaration was put in
10:39:37 20 front of you on 7 June?

21 A. As I mentioned earlier, I scanned through the document,
22 looked through it quickly and then signed the document.

23 PRESIDING JUDGE: May I just clarify, Mr Witness. When you
24 say "I scanned the document" are you referring to the document
10:40:04 25 that is headed "Witness acknowledgement and affirmation", because
26 I ask this in light of what you have said earlier about your
27 prior statements.

28 THE WITNESS: I thought we were talking about the interview
29 notes.

1 PRESIDING JUDGE: Mr Munyard, are you talking about the
2 interview notes or are you talking about the declaration?

3 MR MUNYARD: Oh, the interview notes because the witness
4 claims that before he swore that solemn declaration that he went
10:40:35 5 through the interview. There are 18 pages of interview notes,
6 but his evidence is that he didn't go through it thoroughly. I
7 think - I hope that is putting it fairly:

8 Q. Is that right, Mr Witness? That you didn't read it line by
9 line to check the accuracy of it, is that right?

10:40:55 10 A. That is correct.

11 Q. Thank you. But you were happy to swear a solemn oath
12 nevertheless that all of it was true? Yes?

13 A. Because what was obviously - what I obviously picked up
14 through the entire 18 pages was correct.

10:41:17 15 Q. You mean the few bits you looked at?

16 A. Well, I scanned right through the document and --

17 Q. What does scan mean?

18 A. That is quickly, you know, that is going through it very,
19 very quickly.

10:41:29 20 Q. Not concentrating?

21 A. One concentrates when one scans through, you know,
22 documents.

23 Q. Well, one doesn't concentrate on everything, does one,
24 because one has missed at least eight, by my count, serious
10:41:48 25 inaccuracies, correct?

26 A. It may have been because this was just - well, numbers to
27 identify, I just oversighted it.

28 Q. We will move on. You are then interviewed again on 24
29 August last year by Peter McLaren, whose name you recognised

1 yesterday, and Shelley Birston, whose name you didn't recognise,
2 but I think you agreed you had been seen by a man and a lady, in
3 August of last year, and that was to discuss the photographs that
4 were given to you by the minister, yes? Can you remember that?

10:42:53 5 A. I guess so.

6 MR MUNYARD: Your Honours, I don't think that these will be
7 in your - well, they certainly won't be in the document that is
8 referred to as an expert report, but I have got four copies for
9 the Court of this particular - they are in the bundle for the
10 witness and of course my learned friends opposite have them
11 because they came from them:

12 Q. Now, this document, Mr Witness, is a record of an interview
13 with you on 24 August last year. It was conducted at your
14 premises and the interviewers came to see you to get more
15 information about the photographs which had not been taken by you
16 or your assistant. Do you recall that interview?

10:44:03 17 A. Yes, I do.

18 Q. And do you see in the first line of the body of that record
19 of interview it says, "Photographs in this index which were not
20 taken by the witness were taken by Julius Spencer who was the
21 minister of information in 1999"?

22 A. Yes, I can see that.

23 Q. Yes. So you would say that they have inaccurately recorded
24 what you told them there when they say that the photographs were
25 taken by the minister of information?

10:44:54 26 A. I think it was supposed to have been given by Julius
27 Spencer.

28 Q. All right. Can we just confirm by going through this as
29 quickly as possible. In the photograph index, number 31, these

1 are all photographs that were not taken by you or your assistant,
2 its says "Photograph was taken by Julius Spencer"?

3 A. Yes.

10:45:30

4 Q. Photograph 39, the top right and bottom left, "Photograph
5 taken by Julius Spencer"?

6 A. Probably they were referring to Julius Spencer's
7 organisation. Julius Spencer, as Julius Spencer's organisation.

10:45:50

8 Q. Hold on a moment. All I want to confirm with you is have
9 they got that right or wrong on the basis of what you told them
10 when they say it was taken by Julius Spencer?

11 A. I think they were right in a sense.

12 Q. Well, did you tell them these photographs were taken by
13 Julius Spencer?

10:46:15

14 A. No, I told them that they were given to me by Julius
15 Spencer.

16 Q. All right. So they have inaccurately recorded what you
17 told them, yes? I don't want to spend long on this. I want
18 simply to understand what you are saying as to the accuracy of
19 the recording of what you told them?

10:46:29

20 A. Yes.

21 Q. And the same is true of the two photographs in photograph
22 40?

23 A. Three.

24 Q. The two in photograph - sorry, the three in photograph 41?

10:46:48

25 A. Four in 41.

26 Q. It says four photographs but it only refers to three in
27 detail because one of them you will recall was one of your
28 photographs?

29 A. Oh, okay.

1 Q. And then 42, out of those four, it says two were taken by
2 Julius Spencer, do you agree that that is what it says but it is
3 obviously wrong on your account?

4 A. They were given by Julius Spencer.

10:47:21 5 Q. Yes, they have got it wrong the way they have recorded it?

6 A. Yes, they have. Yes.

7 Q. And finally over the page, photograph 44 taken by Julius
8 Spencer, they have got that wrong as well, have they?

9 A. Yes.

10:47:35 10 Q. Were you at the end of that interview, which we can see on
11 the face of it lasted from 5 to 3 in the afternoon until half
12 past 3, were you given those notes to read and check?

13 A. I wasn't.

14 Q. All right. Now, I want to move on to August of this year.

10:48:07 15 Again, I don't believe that this clarification interview notes
16 will be before your Honours so I have four copies for your
17 Honours. Now, do you have that in front of you, Mr Witness?
18 That is the notes of --

19 A. Yes, I have.

10:48:47 20 Q. -- the clarification interview with you on 18 and 19
21 August this year?

22 A. Yes, I do.

23 Q. And do you remember that interview?

24 A. Yes, I do.

10:49:00 25 Q. With one of the Prosecution trial attorneys, Ms Alagendra,
26 and an investigator called Umaru Kamara?

27 A. Yes, I do.

28 Q. Yes. Before we go any further, were you given these notes
29 to look at after they had been recorded, either in handwriting or

1 typed form, so that you could check their accuracy?

2 A. Yes, they were.

3 Q. And when were you given them to check their accuracy?

4 A. I think it was on 28 August.

10:49:41 5 Q. Right. And you get that from the declaration - the
6 affirmation at the bottom of the last page of that interview,
7 yes, ERN 48289?

8 A. 289?

9 Q. On 28 August you checked that what was in here was correct,
10:50:09 10 yes?

11 A. Yes. I was asked to scan - well, to look through the
12 document which I scanned through and then signed and handed over
13 to the Prosecution interrogator.

14 Q. How do you know that you only scanned this particular one,
10:50:34 15 or are you anticipating that there might be errors in it and you
16 are already laying down your excuse for errors in it?

17 A. Not at all.

18 Q. Is that why you used the expression "I scanned this"?

19 A. No, because I note that in the normal run of things they
10:50:55 20 always catch me doing something else and then, you know, and --

21 Q. Can you explain for my benefit, and possibly for that of
22 others, what you mean by "In the normal run of things they always
23 catch me doing something else"?

24 A. Because of the pressure of my work, and because of the
10:51:18 25 sympathy they attach to the amount of work I have to do and to go
26 through all of this, you know, I was allowed to just scan through
27 the document and sign.

28 Q. Sorry, you were allowed by who to just scan through the
29 document?

1 A. By the investigator who brought it for me to look through
2 and sign.

3 Q. So your evidence to these Judges is that a Prosecution
4 investigator comes along to you with four and a half densely
10:52:00 5 typed single space pages of notes of information and says, "That
6 is all right, witness. We know how busy you are and we are very
7 sympathetic to you. Just scan it and sign it. Just give it a
8 quick read through. Don't worry too much about the accuracy",
9 because that is what you mean by scanning, isn't it, witness?

10:52:23 10 A. He certainly did not say so.

11 Q. Well, what did you mean by "I was allowed to scan it"?

12 A. Well, probably I used the wrong word "allowed", but I
13 scanned it and signed it. That's all I mean.

14 Q. Do you take these oaths or affirmations in any way
10:52:47 15 seriously?

16 A. I do.

17 Q. But you can't, can you, if you simply scan a document
18 without checking its accuracy? Looking at it won't help you to
19 answer that question. It is not a serious exercise of your oath
10:53:31 20 or affirmation to quickly scan a document before swearing that
21 its contents are all true, is it?

22 PRESIDING JUDGE: Mr Witness, do you understand the
23 question?

24 THE WITNESS: I don't understand the question, sorry.

10:53:53 25 MR MUNYARD: Well, I think --

26 THE WITNESS: I wonder if it's a question or a statement.
27 I don't know.

28 MR MUNYARD:

29 Q. It was a question, but if you don't understand it I will

1 leave it and I won't pursue it in those terms. Now, in this
2 particular interview did you know then whose trial you were being
3 interviewed in relation to?

10:54:21 4 PRESIDING JUDGE: Mr Witness, if you can look towards the
5 judges, please. I know it's a natural reaction to look at the
6 person who is speaking to you, but --

7 THE WITNESS: Yes, okay. Yes, I knew at that time.

8 MR MUNYARD:

9 Q. Yes, you knew by then that there weren't any other trials
10:54:37 10 running before the Special Court, didn't you?

11 A. I didn't know that. I knew that there were other trials
12 running in Freetown.

13 Q. Yes, which other trials were running in Freetown on 18 and
14 19 August of this year?

10:54:57 15 A. I didn't - well, as far as the dates are concerned, I
16 didn't know about dates, but I just - I am just saying or making
17 a general statement that I knew that there were trials being held
18 in Freetown and --

19 Q. And you knew that you were being interviewed because you
10:55:21 20 were going to be called as a witness in the trial of Charles
21 Taylor, former President of Liberia, by mid-August this year,
22 didn't you?

23 A. Yes.

24 Q. And so suddenly for the first time ever in your interviews
10:55:36 25 we get a lot more Liberian rebels in this interview, yes?

26 A. I think the interview - the previous interviews did not -
27 you know, I mentioned the same things in those interviews as I
28 did in the last interview, but I just expanded on and as they
29 were looking for clarification I just clarified some issues in

1 the last interview.

2 Q. You're another witness who the closer they get to the
3 Charles Taylor trial the greater number of Liberian rebels they
4 talk about in their interviews. Have you been listening or heard
10:56:25 5 reports from any other --

6 MR BANGURA: Your Honour --

7 PRESIDING JUDGE: Mr Munyard, you have said you are another
8 witness. You haven't put to the witness whether he knew of any
9 other witnesses before you put that sort of statement.

10:56:37 10 MR MUNYARD: Your Honour is quite right. I was starting to
11 put that and then my learned friend rose to object.

12 PRESIDING JUDGE: Mr Bangura?

13 MR BANGURA: It was just the context in which my learned
14 friend makes that statement that you are another witness of
10:56:55 15 witnesses who the closer you get to the trial the more you talk
16 about --

17 PRESIDING JUDGE: I have already commented, Mr Bangura.

18 MR MUNYARD:

19 Q. Let me deal with it the other way round, Mr Witness. Have
10:57:06 20 you been following this trial of Charles Taylor, the one in which
21 you were be going to be a witness?

22 A. Not particularly.

23 Q. Are you seriously saying that knowing now since May of last
24 year that you were going to be a witness in his trial you, an
10:57:24 25 educated and informed man, have not been following it as best you
26 can?

27 A. I have been quite busy with very serious issues - other
28 serious issues - and I am - well, in a few instances I will hear
29 from programmes, you know, news on television, et cetera,

1 whenever I have the chance to be in front of a television, which
2 is very, very rare, and to collide with news concerning the trial
3 which is not so common on TV. But I did not particularly go out
4 to know about or to get information about the trial.

10:58:22 5 Q. Do you listen to Focus on Africa?

6 A. Occasionally.

7 Q. Have you been picking up information about the trial
8 through Focus on Africa on the BBC radio?

9 A. Not recently.

10:58:42 10 Q. At any time during the currency of the trial?

11 A. Not at all during this trial.

12 Q. Have you heard from any source that on a number of
13 occasions Defence counsel for Mr Taylor have been putting to
14 witnesses that they have never mentioned Liberians until very

10:59:07 15 close to the trial and in their previous accounts to the
16 Prosecutors Liberians don't appear until either just before they
17 give evidence in prepping sessions or for the first time in the
18 courtroom? Have you heard of that being put to a number of
19 Prosecution witnesses in this case?

10:59:33 20 A. I have never heard that.

21 Q. It is certainly true of you, isn't it, that Liberian rebels
22 don't feature in any numbers at all in all of your accounts until
23 we get to August of this year, eight months into this trial?

24 That's right, isn't it?

10:59:52 25 A. I think I have been mentioning that right through to the
26 Prosecutors.

27 Q. And they have failed to record it, yes? Are you saying
28 they have failed to record it?

29 A. Well, the volume of the statements is an abridged form of

1 what I gave them, so they just put down just a few of those
2 things.

3 Q. Mr Witness, those investigators and lawyers were working on
4 the Charles Taylor trial, amongst others. If you had said
11:00:38 5 anything to them about numbers of Liberian rebels, do you think
6 they would have failed to make a note of that?

7 A. I only talked about Liberian rebels with reference to
8 seeing them around town and also in front of the Connaught
9 Hospital whilst going for supplies, but our main focus was on the
11:01:07 10 patients and - you know, the patients and the injuries they
11 suffered and the stories they told. We were not focused on
12 Liberian rebels. We only - I only mentioned the intonation of
13 patients, not of the rebels.

14 Q. You said a moment ago, "I think I have been mentioning that
11:01:43 15 right through to the Prosecution". That's to say Liberian rebels
16 featuring in some numbers. Now you are saying that you haven't
17 been mentioning them, that the emphasis was on patients rather
18 than Liberian rebels.

19 PRESIDING JUDGE: Are you saying that they are mutually
11:02:09 20 exclusive, Mr Munyard? That an emphasis on patients mutually
21 excludes reference to Liberians?

22 MR MUNYARD: No, I am not saying that, your Honour. Let me
23 get the witness's answer. "I only talked about Liberian rebels
24 with reference to seeing them around town and in front of the
11:02:32 25 Connaught Hospital when going for supplies, but our main focus
26 was on patients":

27 Q. Now what I want to know from you is when did you mention
28 seeing Liberian rebels around town and also in front of the
29 Connaught Hospital all the way through to the Prosecution?

1 A. As far as my memory serves me, I think from the initial -
2 no, probably from the initial point when - probably from 2004 or
3 so I have been mentioning that.

11:03:28 4 Q. You mention one Liberian rebel in 2004, you mention one
5 Liberian rebel in 2007 and it is not until this trial is eight
6 months underway when you are interviewed by one of the trial
7 lawyers and an investigator that you first mention any more than
8 those two. That is what the records disclose, Mr Witness. Are
9 you saying that the earlier records are inaccurate?

11:04:00 10 A. Certainly not. I am just talking about the volume. We
11 mainly - 99 per cent of the time we were talking about patients
12 and their injuries and their outcomes and medical - you know, our
13 medical involvement and stuff like that. My own personal
14 observation was just - was also conveyed, but in just bits and
11:04:34 15 pieces during the statement.

16 Q. Well, let's have a look at what you said about Liberian
17 rebels by the time we are eight months into the trial. It is
18 page 48287, paragraph 12 of this particular record of interview.
19 This of course is a clarification session, isn't it, when you are
11:05:05 20 being asked to go back through the previous interviews? Do you
21 agree?

22 A. Yes.

23 Q. In paragraph 12 you are referred back to the 2007 interview
24 where you only mention the one Liberian rebel and you describe
11:05:25 25 that. You say where you knew him from, that you were surprised
26 to see him, but you don't correct the reference in the 2007
27 interview to him not recognising you, do you?

28 A. There has been no mention - at that interview there was no
29 mention of whether he saw me or not.

1 Q. Mr Witness, look at paragraph 12. "With reference to
2 paragraph 1" and it gives the page number, it's the one we were
3 last looking at. You are referred to that very paragraph but you
4 don't correct it, do you? The error you pointed out this morning
11:06:37 5 that you managed to miss when you were solemnly swearing that it
6 was all accurate and true, you don't correct it when you are
7 given the opportunity in August, do you?

8 A. I think the investigator and the Defence - sorry, not
9 Defence.

11:07:04 10 Q. She was a Prosecution lawyer at the time.

11 A. The Prosecution lawyer were told exactly what happened.

12 Q. Would you mind answering the question that I asked. You
13 don't correct what you --

14 A. They were corrected.

11:07:22 15 Q. Hang on.

16 A. It was corrected.

17 Q. Listen to my question which I haven't finished. You do not
18 correct the part - the sentence in that earlier paragraph that
19 you told us this morning they had inaccurately recorded? When
11:07:37 20 you are shown it again in August of this year, you don't correct
21 it, do you, or did you just scan it when you looked at it in
22 August?

23 A. It was corrected.

24 Q. When?

11:07:55 25 A. At the time of the interview, that the individual did not
26 see me. I was first of all surprised to see him and that was the
27 first, well, clarification that I made that I was surprised to
28 see him, and because I did not want him to identify me I moved
29 away very quickly.

1 Q. Mr Witness, where is it corrected? If I have got it wrong,
2 please tell me. Where is it corrected in that passage, paragraph
3 12?

4 A. This was not - I mean, from what is in front of me it
11:08:41 5 appears as if this was not just a straight, you know, correction
6 of like one corrects minutes. This was, you know, a new
7 statement - well, it was put in, you know, in a different way.

8 Q. Clarification. When you are shown a passage in a record of
9 an interview you gave that contains an inaccurate statement you
11:09:11 10 can clarify that by correcting the error, can't you?

11 A. Probably at that time the fact that he did not see me did
12 not crop up at all.

13 Q. You mean you failed to spot it in August when they were
14 taking you back through that paragraph, paragraph 1 of the page
11:09:44 15 we looked at before. Right. That is what you are saying, isn't
16 it? "I didn't bother looking at it properly again"?

17 A. I am certainly not saying that.

18 Q. All right.

19 A. It is just a matter of language that he did not recognise
11:10:08 20 me or he did not see me, meaning that he did not see me. I felt
21 it was such a minor, you know, thing that - and after proper
22 explanation I - seeing and recognising, you know.

23 Q. Oh, so you are now saying you did spot it? Is that what
24 you are now saying?

11:10:38 25 A. I am not saying that I spotted it, but I am just giving a
26 reason for my oversight.

27 Q. Isn't the truth, Mr Witness, that what those investigators
28 and experienced lawyers recorded in 2007 was what you told them
29 and that now you can't remember half of what you told them?

1 Isn't that the simple truth here?

2 A. That is not correct.

3 Q. You go on to say in this paragraph 12, for the first time
4 ever I suggest, "There were several of these fighters who were
11:11:21 5 Liberians all armed." That is the first time you have mentioned
6 several Liberian rebels, isn't it?

7 A. I am certain I mentioned that sometime before this
8 interview.

9 Q. Very well. Go over the page, please, to paragraph 16. "In
11:11:58 10 1996 the witness received patients from upcountry who had been
11 amputated by the RUF." Did you tell them that? I am taking this
12 sentence by sentence to see whether they have got an accurate
13 record of what you told them, so just concentrate please on the
14 first sentence before reading ahead.

11:12:28 15 A. I think the date is - I think the date is wrong. It is
16 another --

17 Q. Another what were you going to say? Another what,
18 Mr Witness?

19 A. You know, this - that date probably eluded me. I just, you
11:13:42 20 know --

21 Q. You were starting to express a thought that came into your
22 mind beginning with the word "Another". What was the rest of
23 that thought?

24 A. That this was another date that, you know --

11:14:07 25 Q. That you told them wrongly, or that they have managed to
26 wrongly record and you have managed to scan straight over. Was
27 that what you were intending to convey?

28 A. Yes.

29 Q. Thank you. So the date is wrong. Then the next sentence,

1 "The majority of the patients were amputated at their wrist, near
2 the elbow, across the hand or had fingers removed." Did you tell
3 them that?

4 A. Yes, I did.

11:14:39 5 Q. "The witness was told by the victims that it was RUF rebels
6 who were the perpetrators." Did you tell them that?

7 A. I don't think I used the word "RUF".

8 Q. Right. Well, let us look at the whole of that sentence.

9 "The witness was told by the victims that it was the RUF rebels
11:15:05 10 who were the perpetrators and there were many among them who
11 spoke with Liberian accents." Did you tell them that?

12 A. Yes, I did.

13 Q. So if they have correctly recorded what you were telling
14 them, you were telling them that in 1996 many of the rebels who
11:15:29 15 amputated your patients spoke with Liberian accents. Is that
16 what you were trying to tell the lawyer and the investigator just
17 a couple of months ago?

18 A. Definitely it is 1998 and that exactly, yes, the majority
19 of the patients claimed that they were amputated by rebels who
11:16:02 20 spoke with the Liberian accent. That is when the intonation
21 rebel came into.

22 Q. The majority of the patients who were amputated said that
23 the rebels --

24 A. Who were brought down to the hospital from the north.

11:16:17 25 Q. Yes, your patients?

26 A. Yes.

27 Q. The majority of them said that their assailants spoke with
28 --

29 A. With Liberian accents.

1 Q. -- with Liberian accents. So how come in 2004 you never
2 mentioned that the majority of these people had been amputated by
3 Liberians?

4 A. I must have mentioned - not by Liberians, but by people who
11:16:49 5 spoke with Liberian accent, and using the word "rebel".

6 Q. Well, I am using shorthand.

7 JUDGE SEBUTINDE: Mr Munyard, I am sorry to interrupt. I
8 am looking again at paragraph 16.

9 MR MUNYARD: Yes, your Honour.

11:17:06 10 JUSTICE SEBUTINDE: And trying to understand it in light of
11 what the witness has been saying in his evidence in court and the
12 sentence I am looking at reads, "the witness was told by the
13 victims that it was the RUF rebels who were the perpetrators and
14 there were many among them who spoke with Liberian accents."

11:17:28 15 MR MUNYARD: Yes.

16 JUDGE SEBUTINDE: Now, for me this is ambiguous. It could
17 mean there were many amongst the victims.

18 MR MUNYARD: Well, your Honour, I think he clarified that
19 particular issue when I asked him just a moment ago and the
11:17:42 20 witness said - and he used the word "majority". Can I just find
21 that. "The majority of the patients claimed that they were
22 amputated by rebels who spoke with the Liberian accent", so the
23 majority clearly refers to rebels speaking with Liberian accents,
24 with respect.

11:18:03 25 THE WITNESS: The majority refers to the majority of
26 patients.

27 MR MUNYARD:

28 Q. Mr Witness, you are shamelessly taking on board what
29 Justice Sebutinde has just put, I suggest. Am I right?

1 MR BANGURA: Your Honour, I take exception to my learned
2 friend's use of language towards the witness. I believe that
3 witnesses must be treated with courtesy and respect and my
4 learned friend should endeavour to show that to the witness.

11:18:38 5 PRESIDING JUDGE: Mr Munyard, I think the witness is
6 repeating what he said at page 51, line 14, "The majority of the
7 patients claimed they were." Please continue to use a more even
8 tone that we are used to.

9 MR MUNYARD: I withdraw "shamelessly" and I leave the Court
11:18:59 10 to draw whatever conclusions it wishes to. Very well, I will
11 move on:

12 Q. Your evidence about the scene outside the Connaught
13 Hospital, your evidence to this Court about the scene outside the
14 Connaught Hospital, when you saw somebody who you recognised had
11:19:40 15 two groups - had groups of rebels either side of the hospital
16 entrance. Do you remember telling us that?

17 A. Yes, I did.

18 Q. That were Liberians, or spoke with Liberian accents?

19 A. Yes, I did.

11:19:54 20 Q. So that has expanded - your evidence has expanded on even
21 what you were saying in paragraph 12 of this interview three
22 months ago, hasn't it? Paragraph 12 to remind you --

23 A. Paragraph 12.

24 Q. It is the one we looked at before paragraph 16. Paragraph
11:20:21 25 12 says there were several of these fighters who were Liberians
26 all armed. You have now turned that into two groups either side
27 of the hospital entrance in your evidence. Your Liberian rebels
28 grow in number from August of this year all the way through and
29 up to and including your evidence-in-chief, don't they?

1 A. Not at all.

2 Q. And I suggest that you are increasing the number of
3 Liberian speaking rebels to fit what you think the Prosecution
4 want you to give by way of evidence?

11:21:06 5 A. I am just stating the --

6 Q. Is that right?

7 A. I am just stating the facts, how it happened.

8 MR MUNYARD: Your Honours, I am shortly going to ask us to
9 go into private session, but I am hoping I can deal with as much
11:21:31 10 in public session as possible before we have the break, so if you
11 would give me just a moment I will see if there is another area
12 that I can deal with?

13 PRESIDING JUDGE: Yes.

14 MR MUNYARD: I think there is, in fact:

11:22:15 15 Q. Yes. I want to ask you about how you describe - how you
16 define a rebel and, in particular, what they wear that enables
17 you to describe them as a rebel, either in your own observations
18 or from what you have been told by patients?

19 A. From what I was told by patients they wear - those they
11:22:50 20 describe as their assailants and that they were shabbily dressed
21 and armed with all sorts of weapons.

22 Q. Right. So even government soldiers could be behaving as
23 rebels but just not in uniform. Is that right?

24 A. Government soldiers were usually described by them as
11:23:27 25 uniformed and armed. You know, soldiers with arms.

26 Q. What about during the junta period? How were rebels
27 described then?

28 A. Some described them as ragtag boys.

29 Q. Right. Ragtag boys. That is just during the junta period,

1 is it?

2 A. Well, that is the time we had experience of them in our own
3 localities in Freetown.

4 Q. Did you ever hear rebels described in any other terminology
11:24:35 5 during the junta period?

6 A. Yes, some of them were referred to as rebels.

7 Q. Right. Anything else? Any other name given to the rebels
8 during the junta period?

9 A. They were sometimes referred to as dem bra den.

11:24:54 10 Q. I see. All right. Any other names?

11 A. I am sure they had other names, but now it doesn't come to
12 mind.

13 Q. All right. I am going to ask you please, while we are
14 still with the bundles, to look at the interview notes from May
11:25:24 15 last year and, in particular, at page 3, at the bottom right-hand
16 corner, ERN number 34428. Now do you have that page, Mr Witness?

17 A. Yes, I do.

18 Q. I want you to count up from the paragraphs from the bottom
19 and would you look, please, at the third paragraph from the
11:25:51 20 bottom which starts with your name, that I am obviously not going
21 to read out?

22 A. Yes.

23 Q. And I want you to tell us if you told the interviewers
24 this: That "A rebel is someone who is not in military uniform,
11:26:09 25 wearing civilian clothing, very dirty and fierce." Did you tell
26 them that?

27 A. Yes, I did.

28 Q. So they have accurately recorded everything there, yes? Is
29 that right?

1 A. Yes, they did.

2 Q. "Ragtag boys are referred to as rebels." Have they
3 recorded that correctly?

4 A. Yes, they have.

11:26:42 5 Q. Or did you mean that rebels are referred to as ragtag boys?

6 A. I think that is what it means.

7 Q. And are ragtag boys a group that you can distinguish by
8 their appearance from other groups of rebels?

9 A. I don't know the - I mean I don't understand the question.

11:27:13 10 Q. Well, I don't understand who ragtag boys are, in inverted
11 commas there, and that is why I am asking you. Are ragtag boys
12 somebody - a group of people that you can distinguish by their
13 appearance from other groups of rebels?

14 A. I think I have said that the rag - I mean the ragtag boys,
11:27:38 15 you know, it is another way of referring to the rebels.

16 Q. All right. "There is a difference in dress between them
17 and the Kamajors." What is the difference in dress between them
18 and the Kamajors?

19 A. The Kamajors had distinctive traditional hunters' dress.

11:28:05 20 Q. Right. And were you intending to imply there that Kamajors
21 are also a category of rebels?

22 A. Not at all.

23 Q. All right.

24 PRESIDING JUDGE: Mr Munyard --

11:28:21 25 MR MUNYARD: The time, your Honour.

26 PRESIDING JUDGE: Yes, I am afraid the time has caught up
27 with us. We are going to take the mid-morning adjournment.
28 Could I just inform the parties and the Court that the Bench has
29 been approached to accommodate some administrative matter and

1 been requested to rise half an hour early today. As a result we
2 have acceded to that request and we will be adjourning court at
3 1, rather than at 1.30, for administrative matters.

11:28:53

4 MR MUNYARD: Very well. Thank you for letting us know
5 that, your Honour.

6 PRESIDING JUDGE: Please adjourn the Court until 12.

7 [Break taken at 11.29 a.m.]

8 [Upon resuming at 12.00 p.m.]

12:00:58

9 PRESIDING JUDGE: Just before I invite Mr Munyard to
10 continue with his cross-examination you will note that Justice
11 Sow has not joined us for the latter part as he has been required
12 to go and deal with some other matters. It's just for a short
13 session this morning. Sorry, Mr Bangura, you are on your feet,
14 and so is Mr Munyard. Which of you first? Yes, Mr Bangura.

12:01:20

15 MR BANGURA: Your Honours, on the question of
16 representation for the Prosecution at this time, the Prosecution
17 has been joined by Mr Christopher Santora.

18 PRESIDING JUDGE: Thank you, Mr Bangura. We will note that
19 accordingly.

12:01:42

20 MR MUNYARD:

21 Q. Mr Witness, I wonder if you could be given the bundle with
22 the passage that we were just looking at in the interview notes
23 from the middle of May last year and we were looking specifically
24 at page 34428. I think it's probably in tab 3, but it may be tab
25 2. I'm sorry I can't help you with that more than that. It
26 should be nearer to the front than where you're looking at the
27 moment, unless you've got it and I'm wrong.

12:02:23

28 A. Is it 34428?

29 Q. Yes.

1 A. Sorry.

2 Q. Do you have that page?

3 A. Yes.

4 Q. Thank you. We were looking at this paragraph, the third
12:02:44 5 from the bottom, and we'd got to the point where you're recorded
6 as having said there is a difference in dress between them and
7 the Kamajors and it goes on: "Rebel is more a description of the
8 way the person dressed." Is that what you told the investigators
9 then, and lawyers?

12:03:23 10 A. Yes, I did.

11 Q. All right. It goes on then to say that this could even
12 have been government soldiers dressed in civilian clothes.

13 A. Yes, I did.

14 Q. Did you tell them that?

12:03:40 15 A. Yes, I did.

16 Q. So, in other words, for all your patients knew they could
17 have been attacked by government soldiers dressed in civilian
18 clothes?

19 A. The patients' - the patients', what do you call it,
12:04:05 20 description was not only by the clothing that the rebels had on.
21 In fact I - it was also by the twang of the, you know, the
22 language and the twang, you know, they said. And, well, I even
23 stated here that if it was merely just by clothes, you know,
24 distinction by clothing then government soldiers who were not
12:04:45 25 dressed - well, dressed in civilian uniforms would have been
26 classified as such.

27 Q. Well, you're not suggesting now, are you, that all the
28 rebels had a Liberian twang? We haven't gone that far towards
29 Liberian rebels, have we?

1 A. Well, I am just stating what patients said and some groups
2 of patients claimed that, you know, they were, what do you call
3 it - their assailants were rebels and then some referred to them
4 as rebels.

12:05:25 5 Q. Well, I'm just going by what you're recorded as having said
6 here. "Rebel is more a description of the way the person
7 dressed." You have agreed that the interviewer and the lawyers
8 have accurately recorded that. Now --

9 A. Yes, it's accurate and it was my own interpretation.

12:05:47 10 Q. Right. I'm going to carry on. "During the junta period
11 victims referred to attackers as soldiers." Did you tell them
12 that?

13 A. Yes, I did.

14 Q. So, in other words, it was only soldiers who attacked
12:06:12 15 victims during the junta period; is that what you're intending to
16 convey there?

17 A. No, that was not what this statement was trying to convey.
18 It only conveyed - well, it only conveys that what I was told by
19 patients was that their attackers were soldiers, probably meaning
12:06:38 20 uniformed men. But that's the large - I'm talking about - in
21 terms of numbers the majority of patients would say this at this
22 particular time.

23 Q. Right. So the majority of them during the junta period
24 said they were soldiers, so does it follow that only a minority
12:07:00 25 of your patients during the junta period said that their
26 attackers were RUF rebels or ragtag boy rebels?

27 A. Yes, that is true. That is correct.

28 Q. Right. "These soldiers were the security force of the
29 government." Did you tell them that?

1 A. Yes, I did.

2 Q. "The witness" - that's you - "describes a rebel as an
3 insurgent, a member of the RUF or the NPFL." Is that what you
4 told them?

12:07:54 5 A. Yes, I did.

6 Q. In May of last year you said - you described a rebel as a
7 member of the NPFL?

8 A. I was referring to the rebels that the patients referred
9 to.

12:08:19 10 Q. Well, how many of your patients said that their assailants
11 were members of the NPFL? Let me just try and help you. Are
12 these the uneducated people that you told us about in your
13 evidence-in-chief?

14 A. Well, this description was my own personal description
12:09:03 15 from, you know, to the investigators and it is based upon what I
16 was told by the patients who referred to the Liberian speaking
17 rebels as "rebels".

18 Q. Yes. And how do we leap from there, Mr Witness, to their
19 being members of the NPFL?

12:09:34 20 A. Well, it is based upon my assumption that the Liberian
21 rebels were members of NPFL.

22 Q. What period of time are you describing here?

23 A. I'm talking about 1997.

24 Q. 1997. And you think the NPFL was still in existence in
12:09:59 25 1997, do you?

26 A. Well, that is so to the best of my knowledge.

27 Q. Well, let's test your knowledge. What was happening in
28 Liberia in 1997?

29 A. There was war in Liberia.

1 Q. There was war in Liberia in 1997? And who was the war
2 between in Liberia in 1997?

3 A. It was between various factions as we gathered.

4 Q. Which were the factions?

12:11:03 5 A. The government and the NPFL.

6 Q. The government and the NPFL and who else?

7 A. I think they had a group led by a gentleman called Prince
8 Johnson.

9 Q. Right.

12:11:20 10 A. And --

11 Q. Anybody else?

12 A. And several others that I cannot --

13 Q. Sorry, several others led by Prince Johnson or several
14 other groups?

12:11:33 15 A. And the several other groups, yes.

16 Q. Right. And who was head of government that was fighting
17 the NPFL, Prince Johnson's group and several other groups in
18 1997?

19 A. Well, I do not remember. I cannot remember that right now.
12:12:05 20 I cannot give any accurate, you know, answer right now, so.

21 Q. How long did the civil war continue in Liberia, from 1997
22 to when?

23 A. I do not know when the war in Liberia was declared over.

24 Q. Have you got any idea at all?

12:12:44 25 A. It was certainly after our - you know, in terms - in
26 relative terms, it was certainly after our own declaration of end
27 of war in Sierra Leone; that was in 2002.

28 Q. Right. So the war in Liberia carries on through 1997 up to
29 and beyond 2002 when your declaration that the war was over was

1 made, yes?

2 A. That is how far I can - yes.

3 Q. Were you still getting refugees from this civil war in
4 Liberia in 1997?

12:13:26 5 A. I do not know.

6 Q. Well, hang on a minute. When you say "I do not know", are
7 you saying you might have - hang on. Are you saying by that you
8 might have been getting refugees from this 1997 civil war in
9 Liberia but you don't know whether they were, or are you saying

12:13:50 10 "I don't know where Liberian refugees were going in 1997"?

11 PRESIDING JUDGE: Mr Munyard, when you say "getting
12 refugees", do you mean people were coming as patients?

13 MR MUNYARD: Patients, I beg your pardon, yes.

14 THE WITNESS: Oh, as patients?

12:14:09 15 MR MUNYARD: Yes. I'm sorry.

16 THE WITNESS: Sorry.

17 MR MUNYARD: The witness had already referred to patients
18 who were refugees from Liberia .

19 THE WITNESS: Oh, okay.

12:14:14 20 MR MUNYARD:

21 Q. That's what I meant, Mr Witness. I'm sorry if I wasn't
22 clear.

23 A. Yes. I only referred to Liberian refugees who came in -
24 who came in at the - you know, I think it's 1990 and '91 and '92
12:14:37 25 or so.

26 Q. All right. Don't worry about that period. What about
27 while the civil war was going on there in 1997?

28 A. Well, I didn't receive any patients then.

29 Q. From that civil war?

1 A. Yes, from the Liberian civil war, as far as I can remember.

2 Q. Did it surprise you that you weren't getting any more
3 patients from the Liberian civil war that was continuing in 1997?

4 A. I didn't have time to think about, you know, about that
12:15:10 5 because we were fully engaged with our own problems.

6 Q. I'm not doubting that, witness, but did you ever pause to
7 think: I wonder why we aren't getting any more Liberian refugees
8 during the 1997 civil war there?

9 A. Well, specifically talking about refugee patients in either
12:15:36 10 hospital number 1 and hospital number 2, I never entertained the
11 thought.

12 Q. All right. Now, I want to ask you a little more about
13 1997. Can I make it clear that what I'm trying to do is deal
14 with as many matters in public session as I can and then

12:16:28 15 eventually we'll go into private session to deal with areas that
16 might otherwise identify you, so I'm going to be hopping about
17 from subject to subject while I deal with the matters that can
18 properly be dealt with in public session.

19 Now, you told us on Wednesday I think - yes, it was on
12:16:52 20 Wednesday, that during 1997 when - I think this was the period of
21 the junta, you said that you had a number of patients who were
22 hit by stray bullets and for those who were coming from the
23 Murray Town Barracks and Aberdeen area, that's of course in the
24 west of the city, you said they were saying they were hit by
12:17:27 25 shells coming from ECOMOG. Do you remember telling us that?

26 A. Yes, I did.

27 Q. Witness, it won't help to look at the document because it's
28 not in there. I'm going on your evidence at the moment and I'd
29 like you to concentrate on the questions rather than anything

1 else in that document at the moment. If you'd like to just close
2 the binder for the moment. How many patients roughly did you
3 have who'd been injured by shells from ECOMOG?

4 A. I cannot say exactly.

12:18:10 5 Q. That's why I asked you to say roughly. Try again, please.

6 A. I cannot say exactly.

7 Q. I'm not asking you to say exactly. I'm asking you to give
8 us a rough idea of the number of patients who came to your
9 institution or institutions as a result of being hit by shells

12:18:35 10 from ECOMOG in the west part of Freetown.

11 A. There were quite a few.

12 Q. Right. And did any of them die as a result of the injuries
13 they sustained from ECOMOG shelling?

14 A. I cannot say definitely.

12:19:01 15 Q. But going on your general recollection of those patients do
16 you think that some of them probably did die as a result?

17 A. Again, because I was receiving patients from all over town
18 and from different sources, and the fact that I was involved in
19 acute management, I cannot definitely say whether any of those

12:19:44 20 who claimed that - those who were from the Murray Town area, who
21 claimed that they were hit by ECOMOG, died as a result of their
22 injuries.

23 Q. When you say they claimed they were hit by ECOMOG shells
24 you're not doubting that they were, are you?

12:20:06 25 A. Well, I used the word "claimed" because first of all it is
26 somebody else's report.

27 Q. Yes.

28 A. That's number one. And, number two, in my estimation the
29 ECOMOG troops, as we were told at the time, were quite a long

1 ways away from Murray Town and Aberdeen where the patients got
2 hit. Thirdly, the type of missiles were those of - mainly of -
3 well, not entirely, but mainly of low velocity missiles and so
4 meaning that, you know, in terms of talking about range, the
12:21:14 5 range was much shorter than the distance where we expect ECOMOG
6 soldiers to have been at the time.

7 Q. Well, you might have been misinformed as to where ECOMOG
8 were, mightn't you?

9 A. Just like anything else, yes.

12:21:38 10 Q. And when you gave this evidence on Wednesday, and I'm
11 looking at the transcript for Wednesday, page 20615 --

12 A. Can I open it to that?

13 Q. No, it's not in there. It's the transcript of your
14 evidence on Wednesday in this Court. You said, "and for those
12:22:02 15 coming from the Murray Town Barracks and Aberdeen area, they were
16 saying they were hit by shells coming - well, coming from ECOMOG,
17 yes." You didn't qualify that in any way then, did you, when you
18 were answering - in fact, you were giving that information, you
19 were volunteering that information to Mr Bangura when he was
12:22:24 20 examining you in chief. Why didn't you say then, "Well,
21 actually, I had my doubts about whether or not they had been hit
22 by ECOMOG, both because of the distance that we were told the
23 ECOMOG forces were from them and the nature of the injuries"?

24 A. That is why I used the word "claim".

12:22:46 25 Q. You didn't use the word "claim" on Wednesday. You said
26 they were saying they were hit by shells coming from ECOMOG.
27 It's only when I start to question you about this that you seek,
28 I suggest, to water down the evidence that you gave on Wednesday.
29 Do you agree you're now watering it down?

1 A. I'm not.

2 Q. Well, how would you describe the distinction you're making
3 today as opposed to the basic facts that you stated on Wednesday?

4 A. I do not see any significant difference between the two.

12:23:33 5 Q. Well, the difference is that today you're expressing
6 serious doubts about whether those patients were actually hit by
7 ECOMOG shells at all, aren't you?

8 PRESIDING JUDGE: Mr Witness, I think that is a question.

9 THE WITNESS: Yes. Okay.

12:24:13 10 PRESIDING JUDGE: Do you require it to be repeated?

11 THE WITNESS: Yes, please.

12 PRESIDING JUDGE: Mr Munyard, please put the question
13 again.

14 MR MUNYARD: I will, your Honour:

12:24:21 15 Q. The difference is that today you're expressing serious
16 doubts about whether those patients were actually hit by ECOMOG
17 shells at all, aren't you?

18 A. This is not a doubt. I'm just explaining, you know, in
19 fuller terms, what the situation was at the time.

12:24:46 20 Q. Well, did you think they'd been hit by ECOMOG shells or
21 didn't you?

22 A. I felt - or I still feel that they were not hit by the
23 ECOMOG shells.

24 Q. Right. So that is different from what you were saying on
12:25:20 25 Monday, isn't it?

26 A. Definitely not.

27 PRESIDING JUDGE: Mr Munyard, what you recited was "They
28 were saying they were hit." In other words, the patients said
29 they were hit.

1 MR MUNYARD: Yes, absolutely. I think Mr Bangura has
2 something to say.

3 MR BANGURA: Your Honour, on the same point actually, I
4 don't know what your Honour was going to say, but I believe my
12:25:43 5 I learned friend is putting words into the witness's mouth and in
6 effect misstating what the witness had said in his previous
7 testimony.

8 MR MUNYARD: Well, I don't accept that:

9 Q. On Wednesday, Mr Witness, do you agree that you told this
12:26:09 10 Court that some of your patients were saying they had been hit by
11 ECOMOG shells and today you're saying some of these patients were
12 saying they'd been hit by ECOMOG shells but I didn't believe they
13 had been? Now that's two different propositions, isn't it?

14 PRESIDING JUDGE: I'm not --

12:26:27 15 MR BANGURA: I leave your Honour to deal with it but I was
16 going to say again my I learned friend is misstating what the
17 witness has told this Court.

18 PRESIDING JUDGE: Mr Munyard, one is an elaboration of the
19 other. It's not been put to him. I think you should put to him
12:26:46 20 what you are actually saying. He didn't say those two things
21 together.

22 MR MUNYARD: I am sorry, he didn't say which two things
23 together, your Honour?

24 PRESIDING JUDGE: He didn't say, "They said to me they'd
12:27:02 25 been hit by ECOMOG shells but at the time I didn't really believe
26 him" and he wasn't asked that question. The question, you're
27 juxtapositioning his belief against what he was told, and that
28 hasn't been put to him before. Are you putting it to him now?

29 MR MUNYARD: Yes. I'm saying that he simply stated the

1 bald fact this is what the patients were saying on Wednesday and
2 he's describing on Wednesday in that passage the kind of injuries
3 that he was treating. Well, if he's saying on Wednesday I was
4 also treating patients who said they'd been hit by ECOMOG shells,
12:27:36 5 he should have, if he genuinely didn't believe them, he should
6 have said, "But actually", on Wednesday, "actually, they didn't
7 look like ECOMOG shell wounds." He only brings that in when he's
8 being cross-examined by the Defence. That is my point.

9 MR BANGURA: Your Honour, the point is that the witness was
12:27:55 10 not asked this question when he answered questions about victims
11 who had been hit by ECOMOG wounds earlier in his testimony.

12 PRESIDING JUDGE: I've already said that to Mr Munyard.
13 So, Mr Munyard, I've made the comment. Please put your question
14 now.

12:28:10 15 MR MUNYARD: Well, I want to reply to the objection because
16 I dare say that when he gave that evidence on Wednesday he wasn't
17 asked the question: Did you believe them or not because the
18 answer he gave did not have any qualification in it and conveyed
19 the impression that that's what had injured those patients. That
12:28:33 20 is my point, your Honour.

21 That's why nobody asked him the question; because it
22 clearly didn't arise from the evidence that he gave. There
23 wasn't a shred of doubt expressed. If I can put this in context
24 from Wednesday, what he started saying - well, there was a long
12:28:51 25 passage about being careful not to say things that would identify
26 him - and then on line 5:

27 "Q. When you spoke about the cases that were brought
28 following the events of 25 May you said that after you had
29 done intervention in those cases you sometimes also would

1 find out the history from the cases that were brought. In
2 the cases of gunshot wounds did you learn from the victims
3 who had inflicted those wounds?

4 A. Yes, I did. For a good number of them would say of
12:29:31 5 course they were hit by a stray bullet. And for those
6 coming from the Murray Town Barracks and Aberdeen area,
7 they were saying they were hit by shells coming - well,
8 coming from ECOMOG, yes.

9 Q. Thank you."

12:29:49 10 And we move on to something else.

11 MR BANGURA: Your Honour --

12 MR MUNYARD: I haven't finished my putting this in context.
13 In my submission, anyone hearing that or reading that would work
14 on the basis that this witness was describing two particular
12:30:07 15 varieties of types of injuries; stray bullets and ECOMOG shells.
16 He's now saying, when I ask him about the numbers and if anybody
17 died - and don't forget he said in relation to numbers there were
18 quite a few of them, it's only as we plough on that he for the
19 first time today says, "Well, I didn't believe them." I'm
12:30:33 20 paraphrasing of course but I'm trying to be brief.

21 MR BANGURA: Your Honours, the fact that --

22 PRESIDING JUDGE: I have to make a ruling. There's been
23 an objection and a reply and I'm making a ruling on that now. I,
24 Mr Munyard, pointed out my view on it. You're entitled to put in
12:30:52 25 cross-examination the point you're making and please put it now
26 because I interrupted you.

27 MR MUNYARD: Very well:

28 Q. The simple point, Mr Witness, is that you weren't saying at
29 all - you weren't attempting at all on Wednesday to qualify those

1 shell injuries by saying actually they weren't, because you were
2 intending to convey on Wednesday that you did have patients who
3 appeared to - not only said - but appeared to have shell injuries
4 that they said were caused by ECOMOG shelling. That's right,
12:31:34 5 isn't it?

6 A. I think that is not correct. First of - I was just
7 describing that patients were hit by low velocity missiles and
8 the majority of them were low velocity missiles and I just
9 mentioned this, that the distance from which we were told that
12:32:04 10 ECOMOG was situated, it would not have been possible for them to
11 be hit by these low velocity missiles. But notwithstanding there
12 were some, you know, high velocity missile wounds that were
13 sustained by a few of them.

14 Q. I'm going to move on, please. January 1999. Prior to the
12:32:33 15 invasion of Freetown on 6 January 1999 you told us on Wednesday
16 that in mid-December, or thereabouts, the NGO stopped bringing
17 patients on a weekly basis and you were informed that you should
18 stockpile because of a possible attack on Freetown. Do you
19 remember saying that?

12:32:51 20 A. Yes, I did.

21 Q. So when you say mid-December or thereabouts, do you mean
22 mid-December or possibly early December, or do you mean
23 mid-December or a bit nearer to January?

24 A. You mean when I was informed?

12:33:10 25 Q. No. Yes. Your phrase was, "Mid-December or thereabouts
26 the NGO stopped bringing patients on a weekly basis and I was
27 informed I should stockpile because of a possible attack on
28 Freetown." I am trying to --

29 A. But these are two different events. The stockpiling was -

1 you know, the information that they gave me to stockpile was
2 before December and the reduction in patient numbers was in
3 December itself, so that might have been an error.

12:33:55

4 Q. Right. Just tell us when you were given the advice to
5 stockpile?

6 A. It must have been a few months before December.

7 Q. A few months before?

8 A. Two or three months or a month. I can't - it must have
9 been two months or three months before the - let's say in 1998.

12:34:22

10 Q. Well, what you said on Wednesday --

11 A. Maybe - probably September/October of 1998. I don't know.

12 Q. September of 1998? Who was giving you advice to stockpile
13 in September of 1998?

14 A. The international NGO.

12:34:45

15 Q. All right. And did they tell you what advice they'd had?

16 A. I did ask why and I was told that there was a likelihood of
17 an attack on Freetown.

18 Q. Did they tell you where they'd got that information from?

19 A. No.

12:35:09

20 Q. Did you ask?

21 A. I guess I did and I was not given any response.

22 Q. Now you'd been in contact with other medical institutions
23 in Freetown during that time, hadn't you?

24 A. Yes, I was in contact with some of these institutions.

12:35:35

25 Q. Did you pass on the advice that you received in September
26 that everybody should stockpile because of a possible attack on
27 Freetown?

28 A. I think I did.

29 Q. And when were you told this attack might happen?

1 A. I was not given any date.

2 Q. Well, what were you - what impression were you given by the
3 people advising you to stockpile as to how quickly they thought
4 this attack was likely to occur?

12:36:03 5 A. Well, they didn't give me any idea - I mean any information
6 as to when the attack will occur - but they just told me that we
7 should get, you know, medication and supplies ready.

8 Q. On Wednesday, at page 20628, line 27, you are asked this
9 question by Mr Bangura:

12:36:36 10 "Q. You said up until December 1998. What happened in
11 December 1998 as far as these cases were concerned, what
12 happened?

13 A. Well, we realised that at one particular point
14 mid-December or thereabouts the international NGO stopped
12:36:55 15 bringing in patients from - the wounded patients as they
16 used to on a weekly basis. We were told that - well, I was
17 informed that we should start to stockpile because they
18 have information as to a possible attack on Freetown. So
19 the number of - well, they just stopped bringing patients
12:37:12 20 in mid-December.

21 Q. And who gave you this information? Who told you this?

22 A. It was the international NGO."

23 A. Yes.

24 Q. Now, are you saying that they gave you that information
12:37:26 25 long before December?

26 A. Well, I think these are two events. When they stopped
27 bringing in patients from upcountry, or when they stopped
28 bringing in patients from upcountry in mid-December 1998, you
29 know, another plea was made to me to make further stockpiles,

1 yes. But this information had already been given to me before by
2 the same international NGO three months earlier.

12:38:13 3 Q. I see. All right. So we come to the events of 6 January
4 1999 and you say you get a phone call at about 5.30 to 6 in the
5 morning from someone who tells you, in the language you
6 described, that the rebels are in town and you said you started
7 hearing sounds of gunfire and shelling and then could see smoke
8 in the distance. Can you just help us with this: How long after
9 you got the phone call did you start to hear sounds of heavy
12:38:37 10 gunfire and shelling?

11 A. It must have been about two to three hours after.

12 Q. Right. So the first thing that happens is that you get the
13 phone call. What happens in the intervening two to three hours?

14 A. What happened in terms of what? To myself?

12:39:03 15 Q. In the intervening two to three hours?

16 A. To myself or?

17 Q. What if anything did you see or hear?

18 A. Well, we were frantically making telephone calls all over.
19 This was a period of serious confusion and upset and, you know,
12:39:19 20 it's - information filtered in that, you know, of some of the
21 things that were happening and that's exactly what.

22 Q. Right. And then you describe seeing some rebels?

23 A. Yes.

24 Q. How were they dressed? What was their appearance?

12:39:50 25 A. I, from the point I was, I could only see that they were in
26 black attire and that's all.

27 Q. Did you see any rebels on that day, 6 January 1999, dressed
28 in SLA uniforms or military uniforms?

29 A. Not at all.

1 Q. Not at all?

2 A. I don't think so.

3 Q. Have you heard of somebody called SAJ Musa?

4 A. Yes, I do.

12:40:31 5 Q. Who was SAJ Musa?

6 A. SAJ Musa was one of the members of the NPRC, the national
7 provisional council.

8 Q. Do you know what the "R" stands for?

9 A. Revolutionary council.

12:40:56 10 Q. Revolutionary council?

11 A. Revolutionary.

12 Q. Could it have been "reconciliation"?

13 A. No.

14 Q. All right. So he was part of the NPRC and the NPRC were
12:41:11 15 when?

16 A. It was in 1992. They took over government.

17 Q. Right. And what else can you tell us about him?

18 A. He was a member of the NPRC, a senior member of the NPRC
19 and that's about how much I can say. I don't know him
12:41:52 20 personally.

21 Q. No. So you don't know anything about his activities
22 towards the end of 1998, very early 1999?

23 A. Probably ten years ago, you know, I would remember all of
24 these --

12:42:09 25 Q. We're only asking you now.

26 A. Well, for now I cannot remember.

27 Q. Right. I've been helpfully assisted by Mr Anyah. National
28 Provisional Ruling Council.

29 A. Ruling council, yes.

1 Q. Is that right?

2 A. Yes.

3 Q. Thank you. Were you aware, Mr Witness, that the people who
4 entered Freetown on 6 January, the rebels who entered Freetown on
12:42:36 5 6 January 1999, consisted, to a very considerable extent, of
6 former SLA members, soldiers in other words, rebel soldiers?
7 Were you aware of that?

8 A. No, I was not.

9 Q. Had you ever heard of the STF, the Special Task Force?

12:43:13 10 A. This is my first time hearing that.

11 Q. Now, you mentioned the National Provisional Ruling Council
12 coming to power in 1992. Did things improve as a result of their
13 coming to power, overthrowing President Momoh?

14 A. That's a difficult question to answer. Improvement of what
12:43:43 15 things? You said "the things". I don't know what things you're
16 referring to.

17 Q. Did things improve for the soldiers in particular?

18 A. For the soldiers, I - I've never thought about it, so I
19 have to think about it now. I said I never thought about it, but
12:44:13 20 I know I had to help quite a few of the soldiers when they were
21 injured from time to time.

22 Q. Right. Okay. Tab 2 in that bundle, please. 17 to 19 May
23 interview, page 34427. Mr Witness, if you open it at tab 2.
24 That's it, yes. You'll see the big stamped number at an angle on
12:44:48 25 the top. 34427 is the page I want you to go to. This is the
26 second page of the interview notes for the middle of May last
27 year. I believe it should be tab 2. Chronologically it should
28 be tab 2.

29 A. Okay.

1 Q. Have you got that now? Just let me know when you have it.

2 A. Yes, 4427.

3 Q. Yes, thank you. I'm going to take you to a paragraph part
4 way down the page, and it's probably easiest to work out where it
12:45:48 5 is from the dates. The first paragraph refers to 1997 to 1999.
6 The second one refers to 6 January '99. The third one doesn't
7 have a date. The fourth one refers to 1990. The fifth one 1991
8 and then the sixth paragraph, do you see where it says, "After
9 the 1992 coup"? Do you see that?

12:46:14 10 A. Yes.

11 Q. Now, this is what you are recorded as having told the
12 interviewers just in May of last year: "After the 1992 coup
13 things improved for the soldiers. Their conditions improved so
14 he didn't see a lot of soldiers."

12:46:33 15 A. That is correct.

16 Q. Now you told us a moment ago you've never addressed your
17 mind to the question of things improving for the soldiers after
18 the 1992 coup. Do you want to reconsider that answer?

19 A. Yes, I made this statement with respect to the fact that I
12:46:54 20 received less requests to treat injured soldiers after 1992.

21 Q. Did you tell those interviewing you, as recently as May of
22 last year, "After the 1992 coup things improved for the
23 soldiers"?

24 A. Well, the expression "things improved" was in terms of the
12:47:21 25 fact that, you know, I was not receiving any more requests for
26 assistance.

27 Q. Mr Witness, did you tell those interviewing you in May last
28 year what is written there?

29 A. Yes, I did.

1 Q. So when you answered me, on page 79 at line 12, that's to
2 say just a few moments ago, "For the soldiers I've never thought
3 about it", that was wrong, wasn't it, because you thought about
4 it certainly in May of last year?

12:48:00 5 A. Well, I - probably these are the small details that, you
6 know, eludes one at times, but the meaning of - I don't want to
7 take this out of context again. The meaning of what I said here
8 was that - about things improving for the soldiers because I am
9 not privy to information of what the soldiers get or what they do
12:48:44 10 not get, but the reason for me saying that was that I saw less
11 wounded soldiers by request after the 1992 coup.

12 Q. All right. Next paragraph. During 1991 to 1996 you
13 treated SLA soldiers only and no civilians at all.

14 A. That's a mistake.

12:49:15 15 Q. Sorry?

16 A. That's a mistake. I did see - well, I mean, probably they
17 again - they were stating that I saw - in terms of war afflicted
18 or patients with war injuries, meaning soldiers with war
19 injuries, I saw soldiers with war injuries and no civilians with
12:49:39 20 war injuries, but I was dealing with civilians with civilian
21 problems during this time frame. So there is - you know, there
22 is a mistake here.

23 Q. So you saw soldiers with war injuries during that time, but
24 no civilians with war injuries. Is that what you're saying?

12:50:07 25 A. Well, it was probably not the entire - you know, I was
26 asked in block that during 1991 to 1996 did you treat any of
27 these? I said, yes, I treated wounded soldiers, but not right
28 through the period '91 to '96. It was - I mean up to '92 I was
29 seeing wounded soldiers.

1 Q. How can you remember now what the question was that you
2 were asked out of 18 pages of notes of questions?

3 A. I mean, it's --

12:50:48

4 Q. Sorry, 18 pages of notes of interview, not a single
5 question recorded amongst them.

6 A. I'm just interpreting what I have in front of me. That is
7 1991 to 1996, {Redacted} --

12:51:19

8 PRESIDING JUDGE: A redaction please, Madam Court Officer,
9 and for any members of the public, monitors or others in the
10 public gallery who may have heard a name before I intervened that
11 name is not to be repeated outside the precincts of this Court or
12 disseminated in any way.

13 THE WITNESS: I'm sorry.

12:51:31

14 MR BANGURA: Perhaps the witness may be cautioned about
15 trying to read out the text.

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: I think the witness is very conscious now
18 of the problem.

19 MR MUNYARD:

12:51:44

20 Q. And all I would say, Mr Witness, is that it's remarkable
21 that there's only been two slips over the last two and a half
22 days, so I really would not worry.

23 PRESIDING JUDGE: We have it under control. Please
24 proceed.

12:52:02

25 MR MUNYARD: Madam President, are we in a position to
26 proceed or are we waiting to hear of the redaction?

27 PRESIDING JUDGE: The redaction is dealt with quietly in
28 the background and please proceed.

29 MR MUNYARD: Very well:

1 Q. Just tell us, please, have they correctly recorded what you
2 said in that paragraph, starting with the words, "During 1991 to
3 '96" you treated SLA soldiers only and no civilians at all? I
4 don't want you to interpret it. I just want you to tell us with
12:52:39 5 a simple yes or no have they accurately recorded what you told
6 them?

7 A. This is not accurate.

8 Q. Right. This is therefore another oversight on your part
9 when you scan read it before making your solemn oath that it was
12:52:59 10 true, yes?

11 A. I agree with you, yes.

12 Q. Now, as I understand your evidence, what you're saying the
13 correct position should read is that during 1991 to 1992 you
14 treated soldiers but during 1991 to --

12:53:21 15 A. Sorry, soldiers with injuries, with war injuries, with
16 wounds.

17 Q. Well, I'm assuming you're treating them with injuries of
18 some sort. Are you drawing a distinction between ordinary
19 illness and war wounds?

12:53:35 20 A. Okay.

21 Q. No, I'm asking you a question. Are you actually drawing a
22 distinction between treating soldiers with war wounds and
23 treating a soldier who's got appendicitis or a sore foot?

24 A. Yes, I draw that because I treated some who had other
12:53:55 25 ailments other than war injuries.

26 Q. All right. And so for what period do you say you treated
27 soldiers with war wounds and some with other non-war related
28 injuries? What would be an accurate account of the period set
29 out there, '91 to '96?

1 A. '91 to '92.

2 Q. Just '91 to '92?

3 A. Yeah.

12:54:35

4 Q. So what happened to soldiers in your vicinity who had
5 injuries or other medical conditions after 1992?

6 A. I would not know.

12:55:29

7 Q. Right. I'd like you to be shown, please, another document
8 that I don't think will be in the Judges' bundles. I'm handing
9 up four copies on this occasion, and I hope Judge Sow will be
10 happy to have one in his absence and, Mr Witness, it should be
11 the very last document in your bundle there and it will have the
12 page number at the top 00101963. Do you see that?

13 A. Yes, I do.

12:56:04

14 Q. Thank you. This is a clarification and correction of the
15 interview notes from 17, 18 and 19 May and this information you
16 gave on 6 and 7 November this year. I should point out that I
17 didn't mention that proofing session when I was listing all the
18 occasions when you'd been seen by the Prosecution yesterday. I
19 omitted to mention that so we can put that in as another occasion
20 on which you were seen. Now paragraph 1 refers to the very
21 paragraph that we've just been looking at, albeit on our copy it
22 isn't numbered. It is the seventh paragraph on page 34427 and
23 that paragraph is set out in italics and then it reads as
24 follows:

12:56:52

25 "The witness corrected this statement to say that he did
26 not treat SLA soldiers but only civilians. In fact he insisted
27 to the international NGO that he would not treat soldiers
28 although he did treat the wives and children of soldiers who had
29 been hit by crossfire."

1 So ten days or so ago you were saying that the whole of
2 that statement about treating soldiers between '91 and '96 is
3 untrue. Now you're saying that it's partly untrue. Which one's
4 right?

12:57:41 5 A. I think right here - okay, I'm seeing this page for the
6 first time.

7 Q. Right.

8 A. And the statements here are not correct, actually.

9 Q. Where were you on 6 and 7 November? I just mean the
12:58:05 10 country and the location in the country, not a specific address.

11 A. 6 and 7 November this year?

12 Q. Yes. 13 days ago, if my mathematics are right. Two weeks
13 ago, where were you?

14 A. I was in Sierra Leone.

12:58:36 15 Q. Right. And who saw you to take you through this material
16 again?

17 A. I think it's Counsellor Baly.

18 Q. Right. Anyone else?

19 A. There was another lady. I can't remember her name.

12:59:04 20 Q. All right.

21 A. And a gentleman.

22 Q. Another lady and a gentleman. Three of them, yes? And let
23 us be clear that this is a series of corrections and
24 clarifications to the interview notes of 17 and 18 and 19 May in
12:59:28 25 which we've already identified in the course of your
26 cross-examination approximately eight or so oversights, in other
27 words errors, in those notes that you did not correct before you
28 swore your oath. So you've been shown it again two weeks ago and
29 you still didn't correct all of those other points. Is that

1 right? I'm keeping an eye on the time, your Honour.

2 PRESIDING JUDGE: Yes, so am I.

3 MR MUNYARD:

4 Q. Let me put the point to you bluntly. All those other areas
13:00:10 5 that you say were errors made by those writing down what you said
6 compounded by your oversight as you scanned through the document,
7 none of those errors you've pointed out to us today were picked
8 up by you a mere two weeks ago when you were taken again through
9 that document because these are different errors, or
13:00:37 10 clarifications, that we see here. So it follows, doesn't it,
11 Mr Witness, that all those points you were telling us today that
12 the interviewers had wrongly recorded, they'd rightly recorded
13 them? That follows, doesn't it, from your failure to pick any of
14 them up two weeks ago when you embarked upon the correction
13:01:02 15 exercise yet again?

16 A. I think the statement here in the first correction --

17 Q. No, can I just take you away from the first correction.
18 I've gone to a more general proposition. It would help if you
19 stopped studying the page in front of you and just listened to
13:01:26 20 the question. The question I put to you was that two weeks ago
21 when you had an opportunity to go through that set of interview
22 notes in detail again, you failed to correct any of the
23 oversights, as you call them, that slipped past you when you were
24 looking at it at the end of May last year. So it's highly
13:01:57 25 likely, isn't it, that what you described as errors by the
26 interviewers and oversights by you were actually an accurate
27 account of what you were telling those interviewers in May of
28 last year?

29 A. I think the question is a bit ambiguous. I don't know what

1 you're - I don't know exactly what you're saying.

2 Q. Let me try one last time before the time runs out. You
3 failed to spot those errors when you looked over the notes before
4 you swore your oath in May of last year, you failed to spot those
13:02:36 5 errors again when you looked through those notes of interview two
6 weeks ago and therefore it's likely, isn't it, that they weren't
7 errors and they were actually what you said then and it's only
8 now that you're changing your mind?

9 A. No, they're definite errors.

13:02:56 10 MR MUNYARD: Your Honour, is that an appropriate moment?

11 PRESIDING JUDGE: Yes. We have reached the time limit,
12 Mr Munyard, and we will have to adjourn at this time.
13 Mr Witness, today being Friday is the day when we sit only for a
14 half day because we have to deal with other matters in the course
13:03:13 15 of the afternoon and for the reasons you've heard we're
16 adjourning half an hour earlier. We will resume court again on
17 Monday morning and between now and the time all your evidence is
18 completed I again remind you of the need not to discuss your
19 evidence. I am aware that another witness was to come on Monday,
13:03:35 20 but I think it would be appropriate to finish this witness before
21 we bring any other witnesses in. Please adjourn court until
22 Monday at 9.30.

23 [Whereupon the hearing adjourned at 1.03 p.m.
24 to be reconvened on Monday, 24 November 2008 at
13:04:21 25 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-358 20812

CROSS-EXAMINATION BY MR MUNYARD 20812