



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 22 AUGUST 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 Sidney Thompson

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Friday, 22 August 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:00 5 PRESIDING JUDGE: Good morning and welcome. I don't know
6 if everybody is getting a re-echo. Madam Court Attendant, could
7 you please check if there is a problem with the interpreters as
8 we're hearing ourselves and the interpreter.

9 MR KOUMJIAN: I believe we have the interpretation on
09:30:35 10 channel 1. The interpreters are on the wrong language - the
11 wrong channel, excuse me.

12 PRESIDING JUDGE: I've checked and I'm on channel 1 as
13 well. Anyway, welcome back Mr Munyard and I'll take appearances.
14 I hope you are fully recovered. Mr Koumjian?

09:30:52 15 MR KOUMJIAN: Good morning, your Honours. For the
16 Prosecution this morning Nicholas Koumjian and Maja Dimitrova,
17 thank you.

18 PRESIDING JUDGE: Mr Munyard?

19 MR MUNYARD: Good morning, Madam President, your Honours,
09:31:04 20 counsel opposite. For the Defence there's myself, Terry Munyard,
21 and Morris Anyah, and can I start by apologising for the
22 disruption that my illness earlier this week caused. I have to
23 say that I weathered the tropical storm of dysentery the whole
24 time I was in Sierra Leone and Liberia, but it was nothing
09:31:26 25 compared to the hurricane that hit me here in The Hague on
26 Monday.

27 PRESIDING JUDGE: I will refrain from commenting on
28 standards in Holland. It may not go down well.

29 MR MUNYARD: I'm only talking about the weather.

1 PRESIDING JUDGE: I trust that you've fully recovered. In
2 view of the fact that the witness has not been in the witness box
3 for some weeks, I will have the witness resworn. Please swear
4 the witness again, Madam Court Attendant.

09:31:55

5 WITNESS: TF1-375 [Resworn]

6 PRESIDING JUDGE: Welcome back, Mr Witness. There will be
7 some questions for you from counsel for the Defence. I want to
8 remind you of something that was said many times when you were
9 giving your evidence-in-chief and that is to try and speak
10 slowly. You may recall that we had problems when you spoke too
11 quickly and you may recall also my learned colleague, Justice
12 Sebutinde, tried to slow you down by giving you a little hand
13 signal. If you see a hand signal from any of us, it means you
14 should try and speak more slowly. Do you understand?

09:33:04

15 THE WITNESS: Yes.

16 PRESIDING JUDGE: Very good. Mr Munyard, please proceed.

17 MR MUNYARD: Thank you, your Honour.

18 PRESIDING JUDGE: Sorry, Mr Koumjian is on his feet.

09:33:14

19 MR KOUMJIAN: I do apologise for the disruption and it may
20 not be necessary, but because we all tend to forget I just wanted
21 to remind everyone, including the witness, that there are certain
22 protective measures in place that names should not be used and
23 because of voice distortion counsel and we all need to turn off
24 our microphones when the witness is testifying. I know I've
25 already discussed this with counsel that I had made a motion to
26 put a lot of evidence into closed session and he's indicated - or
27 private session that when he gets to those areas he would also do
28 that. I appreciate - he would move into private session. I
29 appreciate that, thank you.

1 PRESIDING JUDGE: Thank you, Mr Koumjian. Yes, Mr Munyard,
2 please proceed.

3 MR MUNYARD: I'm grateful to my learned friend for
4 reminding us, and in my case particularly, of the need to turn
09:34:03 5 off the microphone when the witness is answering. My learned
6 friend did approach me on Monday and asked if I was going to deal
7 with the subjects that he didn't deal with following the Court's
8 ruling that those subjects would be dealt with in open session,
9 rather than in private session. I will be dealing with some of
09:34:23 10 those and I expect to deal with those in open session. If I
11 touch on any of the areas that the Court ruled should be in
12 private session, then I'll indicate that I'm about to and invite
13 the Court to go into private session for those areas.

14 MR KOUMJIAN: Thank you, your Honour. I didn't understand
09:34:42 15 that from what counsel told me Monday and so let me please ask
16 that before that happens I get an opportunity to address the
17 Court on a couple of bases on whether it's beyond the scope of
18 the direct examination, and secondly I don't - in reviewing the
19 basis I gave for the closed session I see that I did not fully
09:35:05 20 explain the witness's basis for the closed session and there are
21 some additional matters on those issues that were denied that I
22 would like to make the Court aware of when we get to it.

23 PRESIDING JUDGE: Mr Koumjian, if an application is made
24 you will be given an opportunity to fully respond.

09:35:25 25 CROSS-EXAMINATION BY MR MUNYARD:

26 Q. Mr Witness, have you ever been paid by the Prosecution for
27 giving them information?

28 A. No.

29 Q. Are you quite sure about that?

1 A. Yes.

2 Q. You have never been paid money by the Prosecution for
3 giving them information?

4 A. No.

09:35:59 5 Q. All right. Now the very first information that you gave
6 the Prosecution, that is to say the name that you gave them and I
7 don't want to know it, but the very first name you gave them was
8 false, wasn't it?

9 PRESIDING JUDGE: You mean the witness's own name?

09:36:22 10 MR MUNYARD: Yes.

11 PRESIDING JUDGE: Without putting it on record.

12 MR MUNYARD: Yes, I'm so sorry. Your Honour, absolutely
13 right:

14 Q. I'm now talking about the name you told the Prosecution was
09:36:34 15 your name.

16 A. Yes, it was a false name.

17 Q. Why did you give them a false name when you were first
18 interviewed by them?

19 A. Because the person who went and called me and said that
09:36:57 20 somebody wanted to talk to me, he did not say that Special Court
21 people wanted to talk to me. He said my friend wanted to talk to
22 me.

23 THE INTERPRETER: Your Honours, could the witness be
24 advised to slow down again.

09:37:10 25 PRESIDING JUDGE: The interpreter says you're going too
26 quickly, Mr Witness. We again remind you. Mr Interpreter, do
27 you require a repetition of any of that answer?

28 THE INTERPRETER: Yes, your Honours, the last bit of it.

29 PRESIDING JUDGE: Please continue your answer, Mr Witness,

1 where you said, "He said my friend wanted to talk to me."

2 Continue from there, please.

3 THE WITNESS: Somebody went and called me and said that one
4 of our friends came from Ivory Coast. He wanted to talk to us in
09:37:46 5 Roberts Hotel. He said we should go and talk to them, but when I
6 went there I met a series of white people. They said they were
7 from the Special Court. At that time I was afraid, so when they
8 asked me for my name I gave them a false name.

9 MR MUNYARD:

09:38:03 10 Q. The Roberts Hotel is in Monrovia, is it?

11 A. It's not Roberts Hotel. I did not say Roberts Hotel.
12 Royal Hotel. Royal Hotel.

13 Q. The Royal Hotel. And the Royal Hotel is in Monrovia, isn't
14 it?

09:38:28 15 A. Yes, in Monrovia, Sinkor.

16 Q. Was it called the Royal Hotel at the time you first spoke
17 to the Prosecution there?

18 A. At that time and before the hotel was called Hotel
19 Boulevard.

09:38:49 20 Q. Right, so let me understand this. Somebody went and called
21 you and said that one of your friends had come from the Ivory
22 Coast and wanted to speak to you. Who was it who went and called
23 you and told you someone from the Ivory Coast wanted to speak to
24 you?

09:39:14 25 A. Varmuyan Sheriff.

26 Q. Right. You knew Varmuyan Sheriff at that time, did you?

27 A. Yes.

28 Q. Did you know him well?

29 A. I know him very well.

1 Q. And did he not --

2 PRESIDING JUDGE: Mr Munyard, I've just had a notification
3 that you're not always switching off your microphone.

4 MR MUNYARD: [Microphone not activated].

09:39:50 5 PRESIDING JUDGE: That doesn't preclude you from using it
6 now.

7 MR MUNYARD:

8 Q. This is a good friend of yours, Varmuyan Sheriff, and you
9 are telling these judges that when he asked you to go and meet a
10 lot of white people from the Court he didn't tell you in advance
11 that that was what the meeting was going to consist of? Is that
12 what you're telling these judges to believe?

13 A. Yes.

14 Q. So you felt cheated by Varmuyan Sheriff, did you, when you
15 turned up and there was a lot of white people from the Court?

16 A. Yes, he played on me. Yes.

17 Q. Is any of this true?

18 A. Which one? I don't understand.

19 Q. That Varmuyan Sheriff played on you and didn't tell you that
20 this was what the meeting was all about?

21 A. No, he did not disclose about any meeting to me.

22 Q. Was he present at the meeting?

23 A. Yes. At first he entered, but later he left.

24 Q. And did he introduce you to these white people?

09:41:20 25 A. Yes, he said, "This is [Redacted]".

26 MR MUNYARD: I think that will have to be redacted.

27 PRESIDING JUDGE: Please have that line redacted.

28 Mr Witness, we notice your reaction. We're having that taken off
29 the record. It will not be broadcast. It will not be written.

1 Only we have heard it. To repeat for the purposes of record,
2 Mr Witness, we saw your reaction and we realise what you have
3 done. That record will be changed. It will not be sent out. It
4 will not be broadcast. If there are any monitors in the Court or
09:42:08 5 any members of the public in the public gallery, a pseudonym was
6 mentioned. It is not to be repeated. It is not to be recorded.

7 MR MUNYARD:

8 Q. And who did Varmuyan Sheriff introduce you to?

9 A. I don't recall the name of the man any more.

09:42:34 10 Q. You told us there were white people. How many of them?

11 A. I think there were three white and a black at that time.

12 Q. And did you ever see any of those people again in any of
13 the other 24 occasions when you were interviewed by members of
14 the Prosecution?

09:43:13 15 A. Yes, I can recall.

16 Q. Can you help us with which ones you met on the first
17 occasion interviewed you on any of the other occasions?

18 A. I think it was Robert Hotston - Rob Hotston, something like
19 that. I can't recall the white man's name again. I don't know
09:43:42 20 how to pronounce it properly, but I think that is it.

21 Q. And what about the other two white people and the black
22 person, are they all male or were any of them women?

23 A. There was a woman amongst them.

24 Q. A white woman, or a black woman?

09:44:04 25 A. White woman.

26 Q. Did she ever interview you again?

27 A. I don't remember any more.

28 Q. Are you able to remember when this first meeting at the
29 Boulevard, now the Royal, Hotel took place?

1 A. I can only remember the events that took place at that time
2 and the time. I think it was around 2005 and that was the time
3 we were running the campaign for Ellen Johnson-Sirleaf.

09:44:57 4 Q. We'll come back to Ellen Johnson-Sirleaf in due course, but
5 try to remember when the campaign was taking place. What part of
6 2005?

7 A. I can only remember that it was in August, September and
8 October that we were running campaign. I think so, but I cannot
9 recall the actual month.

09:45:24 10 Q. At that meeting were you interviewed; and by "interviewed"
11 I mean did they ask you a number of questions and did they write
12 down your answers?

13 A. Yes, they asked me some questions and they wrote it down.

09:45:57 14 Q. Did they read it back to you so that you were able to make
15 sure they had correctly written down what you said?

16 A. At that first time even if they had read it out to me I did
17 not even pay attention to them, so I was just listening to them.
18 I did not pay any attention to them for the first time.

09:46:28 19 Q. Well did they read it back to you or didn't they,
20 regardless of whether you paid any attention?

21 A. At the first time they did not read out anything to me.
22 They just asked me questions and they wrote everything down.
23 Then they said they will see me next time, I said, "Okay", and I
24 did not have time for that.

09:46:51 25 Q. When they next saw you did they write down and read back to
26 you what you had told them?

27 A. The second time, no.

28 Q. The third time?

29 A. But do you know the place where they met with me for the

1 third time? Before I answer the question I would want to know if
2 you know the place where we met for the third time.

3 Q. We'll come back to the place in a moment. I simply want to
4 find out whether you remember the Prosecutors ever reading back
09:47:37 5 to you the notes they had taken of what you told them. Did they
6 ever read back the notes to you so that you could ensure they had
7 made a correct note of what you told them?

8 A. The reason why I asked the question is because the third
9 time they met me was the time I was arrested by the NSA and they
09:48:06 10 said I - I even said I was not ready to talk much with them and
11 they did not talk much with me in fact and they did not even read
12 out anything to me. They did not say plenty things to me because
13 I said at that time I did not want to talk to them.

14 Q. Right. So we now have three occasions when they interview
09:48:34 15 and take notes of what you've told them but don't read them back
16 to you, is that right?

17 A. I don't understand the question.

18 Q. You have told us in answer to my questions just now that on
19 the first time they didn't read the notes back to you, on the
09:49:00 20 second time they didn't read the notes back to you and on the
21 third time you've just said, "They did not even read anything out
22 to me." That means that on the first three occasions they
23 interviewed you they didn't read back the notes to you. That's
24 what you're saying, yes?

09:49:22 25 A. Yes.

26 Q. Did they ever in any of - on any of the 24 separate dates
27 on which they interviewed you, did they ever read back the notes
28 that they took of what you were telling them?

29 A. Yes.

1 Q. And when did they start to do that, on your version of
2 events?

3 A. That was the time they brought me to Freetown.

4 Q. At what age do you say you were abducted by the RUF?

09:50:17 5 A. 11 years.

6 Q. Had you been to school up to that time?

7 A. Yes.

8 Q. In what languages were you taught at school?

9 A. English.

09:50:43 10 Q. From what age did you attend school up to the time you were
11 abducted at age 11?

12 A. I don't know the age at which I went to school. I don't
13 know the age.

14 Q. How many years had you been in school by the time you were
09:51:04 15 abducted at age 11?

16 A. Six years.

17 Q. After you were abducted, at some point you have told us in
18 evidence you had some lessons from the RUF. That's right, isn't
19 it?

09:51:30 20 A. Yes.

21 Q. Were you at some time made to read passages of Colonel
22 Gaddafi's Little Green Book by the RUF?

23 A. The Green Book. They called it the Revolutionary Green
24 Book. They said it was from Libya, from Mohamed Gaddafi. Yes, I
09:52:04 25 read that one.

26 Q. In what language?

27 A. In English. Everything was in English.

28 Q. So you speak good English, do you?

29 A. The English that I can speak is what I am speaking here. I

1 don't have any other English. As you hear me speaking I don't
2 have it above that and I don't have it below that. That is what
3 I am speaking here.

09:52:41 4 Q. When you were in school in Sierra Leone and when you were
5 in the hands of the RUF being taught lessons in English, that was
6 all in Sierra Leone, wasn't it?

7 MR KOUMJIAN: Objection. The witness has not stated he was
8 taught by the RUF in English.

09:52:54 9 PRESIDING JUDGE: Yes, I was going to make the same
10 observation. He said the book was written in English.

11 MR MUNYARD: He said everything was in English when I asked
12 questions about his lessons and, in particular, Gaddafi's Green
13 Book. "Everything was in English". It's at line 13 on page 12
14 of my font.

09:53:14 15 PRESIDING JUDGE: I have a record in English, everything
16 was in English as a question, and then I don't have an answer to
17 that on record. What did you say - what did the witness say in
18 answer to that, because the next thing I've got is another
19 question, "So, you speak good English."

09:53:31 20 MR MUNYARD: Yes. I was asking questions generally about
21 lessons, and in particular about the green book, and he said,
22 "The green book was in English. Everything was in English."
23 I'll clarify that with the witness, if I may?

09:53:47 24 PRESIDING JUDGE: I think it would be best, because the
25 record I have here in front of me is ambiguous.

26 MR MUNYARD:

27 Q. All your lessons in the RUF were conducted in English,
28 weren't they, Mr Witness?

29 A. No.

1 Q. So what did you mean when you said to me, "English.
2 Everything was in English"?

3 MR KOUMJIAN: Objection. Counsel is quoting his question,
4 I believe, isn't he?

09:54:15 5 MR MUNYARD: No, I'm quoting his answer.

6 MR KOUMJIAN: Question: "In English? Everything was in
7 English?", is one question I see. If there's another answer,
8 then I've missed it.

9 PRESIDING JUDGE: Allow me to go back and --

09:54:30 10 MR KOUMJIAN: That was a question of the witness in my
11 font, page 12. It is the question of Mr Munyard, line 11, page
12 12, "In English? Everything was in English?" That was not the
13 answer.

14 MR MUNYARD: I accept that. I have to say I thought it was
09:54:45 15 the answer, but if I'm wrong I'm happy to try and clarify it.

16 PRESIDING JUDGE: Thank you, Mr Munyard.

17 MR MUNYARD:

18 Q. So, what was taught in English apart from the green book?

19 A. The green book when they read it they would read it in
09:55:06 20 English and they would interpret it, because there were people
21 who did not understand English and so they would interpret it
22 into Krio to them, but some of us who were able to read a little
23 bit when they spoke the English we would understand. That was
24 why I said everything was in English.

09:55:28 25 Q. But up to the age of 11 from the age of five you had been
26 taught in English at school for six whole years. The years from
27 age five to 11 you'd been taught in English. That's what you
28 told us, yes?

29 A. Yes, but in the case of African English when we go to the

1 school compound we speak English, but when we come home we speak
2 either Krio or Mende. So our English that we used to speak was
3 maybe just for three hours because in school we speak English,
4 but when we come back home we speak Mende or Krio. In Africa
09:56:15 5 that is what our English is. So that is what I'm referring to,
6 English in school.

7 Q. All right. Was anything else taught in English by the RUF
8 apart from the green book?

9 A. RUF was an organisation. We had so many things. I cannot
09:56:35 10 just say this and this except if you specify it and say this is
11 what you want, but I cannot be able to answer that question now.

12 Q. I'll try it again. Were you taught anything other than
13 Gaddafi's green book in English in your lessons with the RUF?

14 A. Yes, sometimes when we went for class, for normal classes,
09:57:02 15 because some of us wanted to upgrade ourselves at that time and
16 so when we went for classes some people will bring books and read
17 them to us, normal English lesson books, and they would read them
18 out to us.

19 Q. And at what age were you when you went to live in Liberia?

09:57:33 20 A. The first time I crossed into Liberia to Gbarnga I was 18.
21 I went there and I stayed there in '99 and I was 18 years at that
22 time. My first time was 18 years.

23 Q. And when in '99 did you go and stay there?

24 A. After the invasion by Mosquito Spray. I don't know the
09:58:12 25 actual month, but the invasion of Mosquito Spray.

26 Q. The invasion of Mosquito Spray into where?

27 A. Kolahun, Voinjama in Liberia.

28 Q. Right. So until you were 18 you lived in Sierra Leone, you
29 had learned English and you continued to learn English whilst you

1 were in the RUF, yes?

2 A. Yes, but at that time I never used to speak English the way
3 I speak it presently.

4 Q. From 1999 you were living in Liberia until when?

09:59:09 5 A. 2005.

6 Q. And what is the language that you most commonly speak in
7 now?

8 A. Liberian English.

9 Q. Even in Sierra Leone?

09:59:39 10 A. In Sierra Leone everywhere when I'm speaking people call me
11 I'm a Liberian man, but most times I tell them, "No, I'm a Sierra
12 Leonean", yes.

13 Q. Now, back to the first meeting that you had with the
14 Prosecution. Robert Hotston you say was one of the people there.

10:00:05 15 Did he introduce himself? Did he tell you what his job was?

16 A. Yes. When I entered there, yes, he introduced himself,
17 yes.

18 Q. And what did he tell you his job was?

19 A. He told me that he was from the Special Court for Sierra
10:00:29 20 Leone and I said, "Hey", and he said he was there to investigate
21 to know what was going on. He said he was there to investigate,
22 because he just told me that he was there to investigate about
23 the Taylor case and I asked him "What?", and he said, "The Taylor
24 case", and I said, "Okay".

10:00:49 25 Q. So this came as a complete surprise to you, did it?

26 A. Yes.

27 Q. Your friend Varmuyan Sherif hadn't mentioned a word about
28 you being about to meet a group of investigators from the Special
29 Court who wanted to talk to you about the Taylor case?

1 A. No, the man surprised me. He just told me that somebody
2 from Ivory Coast was there and wanted to talk to me. He said he
3 was one of our bosses. I even thought it was Benjamin Yeaten,
4 but when I went there I saw lots of white people and so I even
10:01:33 5 had a problem with him for that.

6 Q. Had you yourself been to the Ivory Coast?

7 A. Yes.

8 Q. When did you go to the Ivory Coast and for how long; I mean
9 before you met these people in August, September or October of
10:01:56 10 2005?

11 A. I just went to the Ivory Coast for a day.

12 Q. When and for what purpose?

13 A. There was a problem between Sam Bockarie and the Liberian
14 government because of the death of the late brother of Benjamin
10:02:24 15 Yeaten, Busy Boy, so they sent us there to go and do some
16 investigations. The Liberian government sent us. That was the
17 purpose for which I went there.

18 Q. When was that?

19 A. I think it was 2002.

10:02:51 20 Q. And who was it you were expecting to meet from the Ivory
21 Coast when you went to this hotel and found out that in fact you
22 were meeting with the Prosecution in this case?

23 A. The first person I expected, like the man told me, he
24 said --

10:03:16 25 THE INTERPRETER: Your Honours, could the witness slow
26 down. The name he called is not clear to the interpreter.

27 PRESIDING JUDGE: Mr Witness, the interpreter is not
28 hearing the names you're saying clearly enough. Please speak
29 slowly and please repeat. Pick up your answer from where you

1 said, "The first person I expected, like the man told me, he
2 said". Continue from there.

3 THE WITNESS: The person I was expecting was Gen [phon]
4 Soro, the rebel leader for Ivory Coast, and the second person I
10:03:51 5 was expecting was Benjamin Yeaten.

6 PRESIDING JUDGE: Mr Munyard, do you have a spelling of
7 this gentleman, Gen Soro?

8 MR MUNYARD: No, your Honour.

9 PRESIDING JUDGE: Mr Witness, are you able to spell the
10:04:09 10 name Gen Soro that you've just mentioned?

11 THE WITNESS: No, no, no, no.

12 JUDGE SEBUTINDE: Mr Witness, could you say the name again.

13 THE WITNESS: That name is an Ivorian name, Gen Soro, but
14 the name used to be over the BBC. Gen Soro.

10:04:45 15 PRESIDING JUDGE: Please continue.

16 MR MUNYARD:

17 Q. Now at this time you were actively involved in Ellen
18 Johnson-Sirleaf's election campaign, weren't you?

19 A. I don't understand the question.

10:05:00 20 Q. What was it you were doing for Ellen Johnson-Sirleaf in her
21 campaign?

22 A. We were running campaign for her.

23 Q. Yes, what precisely was your job in running the campaign?

24 A. I was one of the youth organisers.

10:05:26 25 Q. And were you being paid for that?

26 A. No.

27 Q. Were you earning any sort of money at that time?

28 A. Yes, when we were ready to go and run campaign they would
29 give us money, because like me they used to send me to Nimba

1 County. I would go there, they would give me transport, or
2 sometimes they give me money to buy gas to put it into the
3 motorbike I was using at that time, yes.

10:06:05

4 Q. Were they paying for your accommodation and your food, the
5 Johnson-Sirleaf campaign?

6 A. I had a place to sleep for myself. I was paying for
7 myself, but when we were going to for the campaign we would go to
8 the hotel. By the time we were campaigning for Ellen
9 Johnson-Sirleaf they used to give me food money and they paid for
10 the hotel.

10:06:29

11 Q. So they were paying for you to live and to eat and to
12 travel at that time, yes?

13 A. I don't understand what you mean by living it.

10:06:50

14 Q. They were paying for you for a place for you to sleep in
15 the hotel, they were giving you food money, they were giving you
16 gas to put in your motorbike. You were living off the
17 Johnson-Sirleaf campaign then, were you?

18 A. Living off? I don't understand this question. I'm unable
19 to understand this question. Maybe the interpreter is not
20 interpreting well, but I have not been able to understand the
21 question.

10:07:18

22 Q. Are you saying that you don't understand my English?

23 A. It might not be you. It might be the interpreter. He
24 might not be interpreting properly, because I had pay off or what
25 off, I have not been able to understand that.

10:07:37

26 Q. Let me put it in another way.

27 PRESIDING JUDGE: It's not really your English, Mr Munyard.
28 He's not hearing that. He's hearing an interpretation.

29 MR MUNYARD:

1 Q. Let me put it another way. Were you earning money from any
2 other source at the time that the Johnson-Sirleaf campaign was
3 paying for you to stay in the hotel, giving you food, money and
4 gas for your motorbike? Did you have any other source of income
10:08:07 5 apart from that?

6 A. Yes.

7 Q. From what?

8 A. I have a house in Liberia, Ganta. It is under rent for me.
9 I built the house myself in Ganta and I have motorbikes that are
10:08:28 10 running for me in Ganta in Liberia. And from that even at the
11 Sierra Leone Embassy the ambassador at that time, Patrick Foya,
12 he used to give me money because I used to work for him. I was
13 making money in Liberia.

14 Q. And then you were making more money from the Prosecution
10:08:48 15 when you gave them information, weren't you?

16 A. I don't know what you call more money, because the money
17 that they used to give to me I always tell them that this is just
18 pocket change and you are calling it more money. The money was
19 too small that they used to give to me. Sometimes they would say
10:09:07 20 transport and even sometimes when I spent the whole day with them
21 they just give me small thing. If you compare that to what I
22 make daily by myself by doing my works around it's not up to
23 that.

24 Q. What sort of money were you making daily from your rented
10:09:29 25 house and your motorbikes and the handouts from the Sierra
26 Leonean ambassador?

27 A. That one is my personal issue. I cannot disclose to you
28 what my budget is or what I make every day, but I was making more
29 money because even in the case of the motorbikes when they run

1 per days sometimes they give me \$20 per day which is 1,000
2 Liberian dollars and they give me USD, so I cannot actually
3 disclose to you what I make per day because it's my personal
4 business.

10:10:04 5 Q. Mr Witness, it doesn't matter whether it's your personal
6 business, I'm asking you the question and I request that you
7 answer it.

8 A. No, I can't answer that question.

9 PRESIDING JUDGE: Mr Witness, when you say, "I cannot
10:10:18 10 answer the question" do you mean you are refusing to answer the
11 question, or do you mean you do not have adequate figures to give
12 a round sum, because if you are refusing I am now telling you you
13 must answer it.

14 THE WITNESS: No, I don't have figures to give. I am not
10:10:40 15 refusing to answer the question, but at this stage I cannot
16 calculate everything to a particular figure to say that this is
17 what I make per day. But I used to make more money, but I'm
18 unable to give the actual figure now, but I was making money.

19 PRESIDING JUDGE: Mr Munyard, it may - I obviously am not
10:10:58 20 going to tell you how to run your cross-examination but in the
21 light of what he says we may have to break down these various
22 items of sources of income that he has.

23 MR MUNYARD: Your Honour, with respect, I agree and I have
24 to say I did not understand his first two replies to me to mean,
10:11:19 25 "I can't calculate". I understood "it's a personal matter" to
26 mean, "I'm not prepared to tell you", but I'll move on.

27 PRESIDING JUDGE: I had a slightly different slant on it.
28 I must say I found it quite an ambiguous answer and to me it
29 conveyed something slightly different to what it conveyed to you.

1 However, you are still entitled to an answer and for example -
2 well --

3 MR KOUMJIAN: If I could just interject an objection on the
4 basis of the relevance. I think the relevance of this whole
10:11:54 5 matter is so tangential as to not justify the questions. And
6 that being these payments - the point is that the witness,
7 whether he received money from a campaign or Johnson-Sirleaf and
8 he's indicated he received some money. The amount of money he
9 was getting outside of that, how that relates to how important -
10:12:15 10 obviously it has some relation to how important it was to him,
11 the money he received from the Johnson-Sirleaf campaign. That
12 has so little relevance, in our opinion, to the testimony of this
13 witness that it should not be admitted.

14 PRESIDING JUDGE: Mr Koumjian, counsel for the Defence has
10:12:33 15 moved off from the income from the Johnson campaign and is
16 referring to the monies received from the OTP and you're aware of
17 the witness's answer and in the light of that I allow the
18 question as put.

19 MR MUNYARD:
10:12:49 20 Q. Did you ever get more than \$20 a day from renting out
21 motorbikes?

22 A. Yes, more than that.

23 Q. How much more than that?

24 A. I told you that each motorbike gives me 1,000 Liberian
10:13:12 25 dollars each day which is equivalent to \$20 USD and I had three
26 motorbikes, three bikes running for me. So it's like I was
27 making \$60 per day from the bikes and I had different things to
28 do. I was not riding the bikes and I had some other things to
29 do. I had people who were helping me.

1 Q. Are you saying you made 60 US dollars every day renting out
2 three motorbikes?

3 A. I'm not making up a story, yes.

10:13:53

4 Q. And then you had to pay the people who were helping you
5 out, as you put it, didn't you?

6 A. You can only ask what we used to do. They had a day for
7 themselves, Saturday. They run for me for five days, on Saturday
8 it would be their own day and Sundays we'll be there to
9 maintenance the bikes, so I don't used to pay them. They already
10 had a day to run for themselves.

10:14:19

11 Q. And the house in Ganta, how much were you earning by
12 renting the house?

13 A. The house in Ganta, I rent it for \$300 for six months.
14 \$300 for six months. \$600 for a year.

10:14:45

15 Q. US dollars?

16 A. Yes, USD. USD, yes.

17 Q. So you were earning all of this money from these sources
18 and all that the Prosecution were giving you was occasional money
19 for transport costs. Is that right?

10:15:18

20 A. Yes, Prosecution used to give me money at any time they
21 called me and they would give me a small amount of money. They
22 would tell me that they are not paying me, but this is your
23 transport. And sometimes when we were there they would give me
24 money and say, "This is your breakfast" or, "Go and take lunch"
25 and I accept it.

10:15:36

26 Q. What did you mean when you said, "They would tell me they
27 are not paying me"?

28 A. They knew what they were talking about. I did not know
29 what they were talking about. They would say, "Oh, we are not

1 paying you, but have this, it's your transport", because I did
2 not ask them for money. They would say come, write here, this is
3 your transport. Sometimes they would give me \$50 or \$20 just
4 like that.

10:16:10 5 Q. Sorry, \$50 or \$20. Are we talking US dollars here?

6 A. Yes, we are talking about US dollars, yes. It's in US
7 dollars.

8 Q. So what transport would cost you 50 US dollars, Mr Witness?

9 A. From Monrovia - from Monrovia to Ganta, \$10 to go, \$10 to
10:16:36 10 come back, and from Hotel Boulevard to go to Red Light to take
11 transport maybe you pay 30 Liberian dollars, so they just give me
12 a rough estimated amount. And out of the \$50 if you are paying
13 to go to Ganta you would pay maybe \$25 to go and come, to and
14 from, and the remaining \$25, when I spent a whole day with them I
10:16:58 15 would need to eat.

16 Q. You could eat a lot in Ganta for 25 US dollars, couldn't
17 you?

18 A. One piece of pizza is more than \$25 in Liberia.

19 Q. US dollars for one piece of pizza?

10:17:22 20 A. US dollars, yes.

21 Q. Hang on.

22 A. Yes, yes, pizza, yes.

23 Q. Hang on. Wait for me to finish the question before you
24 start interrupting and laughing. Are you seriously telling this
10:17:28 25 Court that a piece of pizza in Ganta costs more than \$25 US?

26 A. In Monrovia, not in Ganta. Monrovia. Monrovia. Yes, in
27 Monrovia. And I can locate the areas to you for you to make a
28 background investigation.

29 Q. So it would cost more than the rent of one of your

1 motorbikes for a whole day just to eat a piece of pizza?

2 A. When you bring me to Monrovia I would have to eat, eat good
3 food, yes, but from the money I get from my motorbikes I cannot
4 take that to go and buy pizza, but in Ganta I eat what I eat, but
10:18:17 5 at any time I come to Monrovia when - I eat what I want to eat
6 because like I'm here, they brought me here, when you bring me
7 here you have to feed me. What I want to eat is what I ask for,
8 it's what I eat.

9 Q. Did they give you money that first time they saw you when
10:18:33 10 the investigator, Mr Hotston, and the other people met you?

11 A. Yes.

12 Q. How much?

13 A. \$50.

14 Q. Where had you come from to meet them?

10:18:51 15 A. From a very short place. It was Aisha Conneh's house right
16 around Sinkor, 14th Street. I just crossed over the street. I
17 did not even take transport to meet them.

18 JUDGE SEBUTINDE: Mr Witness, could you please repeat the
19 name, Aisha somebody.

10:19:16 20 THE WITNESS: Aisha Conneh. Sekou Damate Conneh's wife.

21 MR MUNYARD:

22 Q. And you were paid 50 US dollars for crossing the road to go
23 and meet them?

24 A. They did not tell me it was a pay, but it was because they
10:19:34 25 delayed me there and I told them I was to go to somewhere. It
26 was not a payment.

27 Q. All you were doing at that time was campaigning for
28 Mrs Johnson-Sirleaf, wasn't it?

29 A. I don't understand the question.

1 Q. What don't you understand about it?

2 A. What I was doing, if it was just to campaign for
3 Johnson-Sirleaf, I don't understand what you mean about that.

4 Q. Well, in Ganta you had somebody else renting out your
10:20:15 5 motorbikes, you had your house rented. You were in Monrovia and
6 you've told us that what you were occupied with at that time was
7 campaigning for Mrs Johnson-Sirleaf who was putting you up in a
8 hotel, giving you money for food and giving you money for your
9 motorbike gas. So you weren't doing anything else apart from
10:20:40 10 that, were you, to earn money when the Prosecution gave you 50 US
11 dollars for crossing the road to meet them?

12 A. I'm unable to answer that question. I was there running
13 the campaigns but at the same time there were activities going
14 on. It was campaign time, so everybody was running campaign.
10:21:04 15 All of us were campaigning, but that does not mean that the
16 business I was doing was blocked because of Ellen
17 Johnson-Sirleaf's campaign, no. And at that time when campaign
18 is going on, Africa, in our politics, when campaign is going on,
19 people like us, we make more money because people meet us so we
10:21:24 20 make more money at that time. And I think at that time I was
21 making money.

22 Q. And nevertheless you gave a false name to the people who
23 gave you 50 US dollars for coming to talk to them, yes?

24 A. Yes.

10:21:50 25 Q. How were they able to confirm that the information you were
26 giving them was correct if they couldn't find out who you really
27 were?

28 A. Ask that question again, please.

29 Q. How would the Prosecution who interviewed you on that

1 occasion be able to check the accuracy of what you were telling
2 them if they couldn't even know who you really were?

3 A. I only understand - what I understand from that is that
4 when Varmuyan Sherif went and told them that this was the person
10:22:33 5 that you were looking for, and at that time after I had given
6 them the false name I thought they were going to forget about me,
7 but they confirmed after I was arrested by the NSA, they later
8 knew that this was the actual person that they were looking for.
9 I think that was the time they were confused. I don't know why
10:22:53 10 they were confused, but they were professional people, they knew
11 how to do their things.

12 Q. Did Varmuyan Sherif tell them who the real person was that
13 he was --

14 THE INTERPRETER: Your Honours, the interpreter would want
10:23:08 15 to make a correction.

16 PRESIDING JUDGE: Yes, Mr interpreter?

17 THE INTERPRETER: That was the time they were convinced
18 that this was the actual person, instead of the word "confused".

19 PRESIDING JUDGE: I see. Thank you, Mr Interpreter.

10:23:24 20 MR MUNYARD:

21 Q. Did your friend Varmuyan Sherif tell the investigators the
22 real name of the person who he was bringing to meet them in the
23 Boulevard Hotel?

24 MR KOUMJIAN: Objection, calls for speculation, what
10:23:39 25 Varmuyan Sherif said to someone else.

26 MR MUNYARD: Well, the witness can answer what he knows.

27 PRESIDING JUDGE: He can only answer what he knows, if he
28 knows. On the basis that it's a question if he knows, I will
29 allow it. Maybe rephrase it, Mr Munyard, in view of the --

1 MR MUNYARD: I'll ask the question again in a different
2 way:

3 Q. When Varmuyan Sheriff brought you in to the Boulevard Hotel,
4 did he introduce you by name to these Prosecution investigators?

10:24:16 5 A. By my nickname. Nobody knew my real name. It was by my
6 nickname. And even amongst my friends they would ask me what my
7 name was and I would tell them this or that. Everybody knew my
8 nickname, but they did not know my real name.

9 Q. I don't want you to give the nickname, but is the nickname
10:24:41 10 that he introduced you by the name that you mentioned to us
11 earlier?

12 A. Yes.

13 Q. So the Prosecution knew from that first meeting who you
14 were at least by your nickname, yes?

10:25:02 15 A. Yes, because I later confirmed it from them. I asked them
16 how they managed to get on to me. They said through
17 investigations people used to call my name to them. So, that was
18 what I asked them myself. I said, "How did you manage to get to
19 me? How did you manage to know my name?", and then they
10:25:22 20 explained to me that it was through other people that they were
21 able to get on to me and I said, "Okay, well it's fine."

22 Q. How did they come to see you a second time?

23 A. I can't remember again really. I can't remember.

24 Q. Did you meet them at the same place?

10:25:56 25 A. I don't actually remember where I met them for the second
26 time because they used to change the hotels.

27 Q. How did they get in touch with you the second time? Was it
28 by telephone, or did they come and see you where you were staying
29 as part of - where you were staying in Monrovia?

1 A. The second time somebody told me that white people went
2 around my area where I was staying in Monrovia, but they did not
3 see me. The following day they used one of my friend - I think I
4 don't want to call his name. They used him to get on to me, yes,
10:26:43 5 and they called me over phone. By then I was in Ganta and, when
6 I came to my house, they told me that some white people came
7 around here. I told them that next time if they want to get on
8 to me they should call me on my telephone number and so I gave
9 them my telephone number, but I told them not to go to my house.

10:27:11 10 Q. So after the second interview you were expecting them to
11 interview you again, is that right?

12 A. The efforts they made to look for me for the second time, I
13 expected that they would look for me the third time. Yes, I was
14 expecting that, but I did not actually have much confidence in
10:27:35 15 them at that time.

16 Q. What do you mean you didn't have much confidence in them?

17 A. They told me that I should give a statement to come and
18 testify against President Taylor, but that was not even in my
19 mind. I was not thinking about that. I did not even think I was
10:27:57 20 going to do that. I was just talking to them for some reasons,
21 but I was not thinking about that and I was not willing to come
22 and testify at that time.

23 Q. Is that because you were busy trying to recruit mercenaries
24 to go and fight in the Ivory Coast at the time of the second
10:28:16 25 interview?

26 JUDGE LUSSICK: Witness, just before you answer that, I
27 think it's important now to record this, that the witness broke
28 out into laughter when that question was asked and that he has
29 broken out into laughter several times during his

1 cross-examination. Now, that is an important feature when one
2 comes to consider his demeanour.

3 Go ahead, Mr Munyard. Would you mind asking that question
4 again, please.

10:28:53 5 MR MUNYARD: Not at all, your Honour:

6 Q. Were you not willing to come and testify at that time and
7 not thinking about it because you were busy trying to recruit
8 mercenaries to go and fight in the Ivory Coast?

9 A. I was not recruiting mercenaries. I knew that the people
10:29:17 10 who said that were accusing me falsely, but I was not recruiting
11 mercenaries. They only decided to go and detain me for the same
12 President Taylor business. That was all. I was not recruiting
13 mercenaries. It was not because of that, anyway. I was not just
14 willing at that time. I was not convinced to testify against
10:29:40 15 him, President Taylor.

16 Q. What was the reason why you were arrested by the National
17 Security Agency?

18 A. Up to the present moment, I don't have any good reason. I
19 don't know about any good reason. For me they just abused my
10:30:04 20 rights, they held me, they went and detained me, because they
21 said the constitution said in Liberia when you arrest somebody
22 for three days he should be taken to court. I demanded that I be
23 taken to court, but they just held me there.

24 Whilst I was there I later understood that it was because
10:30:20 25 of President Taylor's business, and they said we were strong
26 people there for him and they decided to arrest me and if we were
27 outside we would serve as threat to them, so they decided to go
28 and keep me inside. And after that, after they had arrested him
29 at the Cameroon border - after they had arrested him at the

1 Cameroon border that was the day they released me and when they
2 released me they took me to the Ministry of Justice.

3 So when they said they had arrested President Taylor they
4 said there was no reason for me to be outside. They took me back
10:30:51 5 to the jail. But after they had brought him to Freetown they
6 decided to release me, but I knew within myself that it was
7 because of his own business that I was arrested and so I did not
8 see any reason for which I was detained. They did not tell me
9 anything. I was detained.

10:31:05 10 Q. Were you released after President Taylor was sent to
11 Freetown on the understanding that you would now cooperate fully
12 with the Office of the Prosecution in their prosecution of him?

13 A. I do not understand that question.

14 Q. Were you released as part of a deal that you would now
10:31:33 15 cooperate fully with the Prosecution and give them more
16 information against President Taylor?

17 A. No, no, no, no, no, no.

18 Q. Because you had not been fully cooperative in the previous
19 two interviews, had you?

10:31:58 20 A. What is not so? I do not understand that question.

21 Q. Do you agree that you had answered - sorry, do you maintain
22 that you had answered all questions in full in the two previous
23 interviews that you'd had with the Prosecution?

24 A. They asked me questions and I answered them, but within
10:32:24 25 myself I knew that I was not giving them the right answers. Most
26 of the answers I was giving them were not right.

27 Q. Had you refused to give them answers to any of their
28 questions in either of the two previous interviews?

29 A. Yes, yes.

1 Q. So you were not cooperating in the two previous interviews
2 and you only started cooperating fully after you were released
3 following President Taylor's transfer to Freetown, yes?

4 A. Yes, yes.

10:33:04 5 Q. Let us just try and understand the time scale of these
6 events. You told us in your evidence a long time back now, some
7 eight weeks ago, that you were arrested by the National Security
8 Agency in 2005. Were you arrested by them in 2005?

9 A. I think a mistake has been made there. I am sure I was
10:33:38 10 arrested on 2 February 2006. February 2, 2006. Yes, February
11 2nd. February, March, April, 6 April I was released. I think
12 there has been a mistake.

13 Q. When was Ellen Johnson-Sirleaf elected President of
14 Liberia?

10:34:07 15 A. What time? I do not understand that question.

16 Q. Mr Witness, you were one of her campaign activists you told
17 us. When was she actually elected as President?

18 A. I think it was - if I have not forgotten it was November.
19 I can't remember the month any more, but I think November.

10:34:47 20 Q. November of 2005?

21 A. Five. Five. November.

22 Q. So why did you tell us that it was because of Mr Taylor's
23 business that you were arrested in February of 2006 by the
24 National Security Agency of Liberia under the presidency of Ellen
10:35:18 25 Johnson-Sirleaf?

26 A. Okay. You see, this thing that we're on, it's just a
27 stigma on us. Wherever we went, people point finger at us. At
28 present we even have problems with that. During Ellen
29 Johnson-Sirleaf's campaign we were running the campaign well. I

1 was using the satellite phone, the Thuraya phone. When she took
2 power, all of us that they knew that had links with President
3 Taylor they sent some people to Ghana for training and they left
4 us out. After that they just left us out. They took up with the
10:35:57 5 SSS and they said we should not be part of that, and I know that
6 it was for that crime that was over my head that they decided to
7 jail me - President Taylor's. I was having a newspaper - I think
8 Special Court should have some of those newspapers. I saw it in
9 the newspaper that so and so general for President Taylor has
10:36:21 10 been arrested for so and so reason and the newspaper carried
11 different news. They accused me of different things, so I knew
12 that it was because of his business that they arrested me.

13 Q. But you were not arrested under the name - your proper
14 name, were you?

10:36:45 15 A. I was arrested under my proper name. It was the newspaper
16 that gave me the other name that you are having, the newspaper,
17 because they knew my nickname but they did not know my real name,
18 majority of them. So the boy that wrote that news, I knew him
19 and I was having problems with him. He wrote about me to the
10:37:03 20 news. They gave me that name, but they arrested me under my real
21 name.

22 Q. Were you charged following your arrest? Charged with an
23 offence?

24 A. They did not charge me because if they had charged me they
10:37:18 25 would have sent me to court. They just dumped me in jail. NSA,
26 they said I should be there.

27 Q. And so it's your case, is it, that any documentation
28 relating to your arrest would have your real name, that's the
29 name that you wrote down for this Court on a piece of paper at

1 the beginning of your evidence?

2 A. Yes, if they have a document from the NSA they would have
3 my real name on paper. If they have any document from NSA in
4 Liberia it would carry my real name.

10:38:04 5 Q. And it's also your case, do we assume from your earlier
6 answer, that because you had been in some way associated with
7 President Taylor you were being discriminated against under the
8 new government of Ellen Johnson-Sirleaf?

9 A. Yes, yes. Everybody had the way they were thinking. That
10:38:36 10 was the way I thought, but at the time campaign was running we
11 were close to the woman, but after the campaign, like me,
12 Varmuyan Sheriff and another man Toto Boon [phon] --

13 THE INTERPRETER: Your Honours, can he repeat this last
14 name.

10:38:52 15 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
16 the last name you mentioned properly. Please repeat it and
17 continue your answer.

18 THE WITNESS: I said yes, I know because - because of
19 President Taylor's business they pushed us far away from Ellen
10:39:12 20 Johnson-Sirleaf.

21 JUDGE SEBUTINDE: Can you please repeat the name of that
22 last person, Toto Boon or something like that.

23 THE WITNESS: Tortoise Bone. Tortoise Bone. Varmuyan
24 Sheriff, myself and Tortoise Bone.

10:39:38 25 PRESIDING JUDGE: You said Tortoise like the animal?

26 THE WITNESS: Yes, the animal.

27 MR MUNYARD:

28 Q. But they didn't just push you away from Ellen
29 Johnson-Sirleaf, they pushed you all the way into prison, didn't

1 they?

2 A. Yes, I can say yes. They pushed me all the way into
3 prison, yes.

10:40:16

4 Q. And they only let you out on the basis that you would talk
5 to the Prosecution, yes?

6 MR KOUMJIAN: Perhaps it could be clarified which
7 prosecution, there's many in the world, that counsel is talking
8 about.

9 MR MUNYARD:

10:40:32

10 Q. They only let you out on the understanding that you would
11 now fully cooperate with the Prosecutors prosecuting President
12 Taylor, yes?

10:40:53

13 A. No, no. At the time, even when the Prosecution went there
14 I started shouting at them. I said I didn't want to talk to
15 them. "I would be in jail and you start asking me about somebody
16 else. I don't know anything about his business". They should
17 move from my presence. They gave me drinks. I said I should not
18 - I don't want. They sent it, I said I don't want, yes.

10:41:13

19 Q. So is it just a coincidence that you only started to
20 cooperate fully with the Prosecution once you were released from
21 prison and President Taylor had been brought to Freetown?

10:41:39

22 A. Yes. After he went to Freetown I sat down and looked into
23 my own situation and I said this: This is not life. For one
24 person's business, for President Taylor's business, for his
25 business they've jailed me. I have not seen any benefit and I
26 start thinking within myself.

27 I contacted one or two persons from my family and friends,
28 I contacted them and I told them and they said oh. Even the
29 church that I was attending, I contacted my pastor and he said,

1 "Oh, you should take your time for your security, you know that
2 you are well known within the country, so take your time, but we
3 do not think it would be bad, just go and clarify your own area,
4 what you know", and that's what I'm doing here today. What I
10:42:14 5 know is what I'm clarifying, but for one person's business I
6 wouldn't go around hiding wherever I go, after our futures had
7 all been spoilt.

8 So I thought within myself. I thought within myself and I
9 became willing to come and testify. For me to walk from Freetown
10:42:26 10 to come here to come and testify I was willing. I, I was willing
11 willingly. If I say they should pay me they wouldn't be able to
12 pay me, but I'm willing to testify.

13 Q. But they did carry on paying you, didn't they?

14 A. I do not understand. Make it straight for me.

10:42:49 15 Q. What don't you understand about the words "they did carry
16 on paying you"?

17 A. I'm not working, why should they pay me? I'm not working
18 for the Special Court. Why should they pay me? I don't
19 understand what you mean by pay.

10:43:05 20 Q. Give you money.

21 A. Yes, they gave me money. Yes, they give me money. A big
22 man like me, I have children. If the people say, "Come and sit
23 down here until the time reaches to go and testify" and they did
24 not give me something, how would I maintain myself? How do you
10:43:22 25 think I'll eat? And they were the ones who brought me to
26 Freetown. I didn't know Freetown. I was born a Sierra Leonean
27 but I didn't know Freetown. I know Kenema and Moyamba, but they
28 were the ones who brought me to Freetown. How did you - how do
29 you think I would go to Freetown without them giving me money?

1 Because one thing, it's quick for me to go over the BBC and
2 say, "Special Court brought me and they did not give me money".
3 They give me money. They gave me food money. But it was very
4 small. I always grumbled that it's very small.

10:43:50 5 Q. You and your family lived off them, and by "lived off them"
6 I mean the Prosecution in this case and the Court, once you moved
7 to Freetown, didn't you?

8 A. I only specified the family.

9 THE INTERPRETER: Your Honours, can he repeat this last
10:44:09 10 answer slowly.

11 PRESIDING JUDGE: Please repeat your last answer slowly.
12 Just pause. Mr Koumjian.

13 MR KOUMJIAN: Can I just caution the witness and of course
14 the other parties that the current whereabouts of the witness or
10:44:22 15 his family should not be discussed in open session, where the
16 witness or any of his family members currently live.

17 PRESIDING JUDGE: Now, Mr Witness, you have heard that
18 warning and also I ask you to repeat your last answer as the
19 interpreter needs to hear it more slowly.

10:44:51 20 THE WITNESS: From where?

21 PRESIDING JUDGE: You said, "I only specified the family".

22 THE WITNESS: He was talking about the family and I have
23 concern about my family. That's why I said he should specify the
24 family he's talking about, because I have my mother and other
10:45:09 25 people. They are out of Sierra Leone. I have another family
26 there. I don't know which of the families he's talking about.

27 MR MUNYARD:

28 Q. Well, let me remind you of part of the answer that you gave
29 a moment ago. You said to me:

1 "How did you - how do you think I would go to Freetown
2 without them giving me money? They gave me money. They gave me
3 food money, but it was very small. I always grumbled that it was
4 very small."

10:45:32 5 Is that right, that you always grumbled about the amount of
6 money that the Prosecution and the Court were giving you?

7 A. Yes, yes. I told them that the money was small. I was in
8 Liberia. I ate more than 10, 15 dollars. When I come to Sierra
9 Leone you gave me \$3.25 cents every day, 10,000 Leones. So I
10:46:00 10 told them that the money was small. You can't bring me here for
11 that. I told them.

12 Q. What month did you move to Freetown? What month and what
13 year?

14 A. August 2006. I think so, August, yes.

10:46:23 15 MR MUNYARD: Your Honours, I'm now going to move to an area
16 that was discussed towards the end of this witness's
17 evidence-in-chief. I think it was on 25 June. It was one of the
18 areas that your Honours ruled could be dealt with in open session
19 but, out of courtesy to my learned friend, it's one of the areas
10:46:46 20 that he didn't then cross-examine on because of the Court's
21 ruling and he indicated this morning that he wanted to raise
22 other matters that he hadn't raised on the previous occasion and
23 so I'm effectively inviting my learned friend to deal with any
24 matters that he omitted to deal with when the Court ruled
10:47:12 25 previously if he wants to.

26 I see there's some consternation on the part of at least
27 one of your colleagues. Mr Koumjian this morning raised with the
28 Court that there were areas of evidence that he didn't deal with
29 in chief after the Court ruled on 25 June that those areas would

1 have to be dealt with in open session. I now propose to go into
2 one of those areas with this witness. I would seek to do so in
3 the light of the Court's ruling in open session, but out of
4 courtesy to my learned friend, since he's already mentioned to me
10:47:55 5 that he wants to raise other matters with the Court about those
6 issues that you ruled could be heard in open session, I think
7 it's only right that the Court should hear from him before I
8 embark upon them.

9 [Trial Chamber conferred]

10:49:30 10 JUDGE SEBUTINDE: Mr Munyard, we are in open session, are
11 we not? We are in open session and you want to continue that
12 way.

13 MR MUNYARD: Most certainly.

14 JUDGE SEBUTINDE: So what is the problem? Why aren't you
10:49:51 15 continuing that way?

16 MR MUNYARD: I was about to, but Mr Koumjian addressed the
17 Court first thing this morning and said that following his
18 conversation with me on Monday he wished, in effect, to re-open
19 the Court's ruling, if I've understood him correctly, and it's
10:50:07 20 only right, in my view, that I should give him the opportunity to
21 address the Court on this before I continue. Now, if the Court
22 says to me, "No, just carry on, we've made our ruling" then
23 obviously I will, but I'm simply trying to be courteous to my
24 learned friend opposite.

10:50:28 25 JUDGE SEBUTINDE: We don't even know what questions you're
26 going to ask.

27 MR MUNYARD: The subject matter I can tell you.

28 MR KOUMJIAN: Your Honour, the problem is the subject
29 matter needs to be stated in private session. That is the

1 problem. I'd made my application for closed session or private
2 session and --

3 JUDGE SEBUTINDE: Did the Court rule that this particular
4 subject matter would be dealt with in open court on 25 June?

10:50:52 5 MR MUNYARD: Yes.

6 MR KOUMJIAN: The Court ruled that if I dealt with it it
7 would be in open session. As I indicated this morning, perhaps
8 not very articulately, I have two objections before we go into
9 it. One, since it was not dealt with in the direct examination I
10:51:11 10 can say this in open session, my objection is it's beyond the
11 scope of direct examination.

12 The second is, as I indicated this morning, in reviewing my
13 application I dealt with several areas two months ago on the
14 closed session. When I articulated the reasons that the witness
10:51:28 15 had security concerns in this area I did not articulate all of
16 those reasons, and I would like the chance to give the Court
17 additional information about the reasons that this witness
18 indicated to us before he testified that this is an area that if
19 covered publicly will put him in danger and his family in danger
10:51:51 20 and he was not willing to do that. I can explain that to the
21 Court more fully what those reasons are, but because of the
22 Court's ruling that it couldn't be dealt with except in open
23 session based on my other application we did not cover it and so
24 it is not part of his direct examination.

10:52:57 25 [Trial Chamber conferred]

26 PRESIDING JUDGE: The cross-examination will continue in
27 open session. If there are questions that in the view - that the
28 Prosecution wish to not object to but to have heard in closed
29 session for reasons that they want to put to the Court, then they

1 can be put on a case by case basis.

2 MR KOUMJIAN: Your Honours, the Prosecution respectfully
3 asks that - I understand the Court has overruled my objection
4 that it's beyond the scope of the direct examination.

10:53:59 5 PRESIDING JUDGE: Sorry, I would like to clarify that one
6 particular point, Mr Koumjian. I noted you said it twice. If
7 you are suggesting or implying that only matters that have arisen
8 in direct examination can be cross-examined on, that is not the
9 rules of this Court. I know it's the rule of a different
10:54:19 10 international tribunal, but not of this Court. I just wish to
11 ensure that if that is what you mean. Is that what you mean?

12 MR KOUMJIAN: That was part of it, but then if I could
13 complete the rest of it?

14 PRESIDING JUDGE: Yes, please do so.

10:54:33 15 MR KOUMJIAN: And please understand the reasons I'm doing
16 this. Your Honours, this is an issue that we would seek
17 immediate leave to appeal upon because the harm that it would
18 cause is irreparable. The harm if this is broadcast to the
19 security of the witness and to his family is irreparable and the
10:54:51 20 witness himself has indicated that to us. It's not just the
21 person - as I indicated before we started, the witness had
22 indicated he did not even - he wanted - his own preference was
23 closed session for all his testimony, so I would like to put on
24 record in closed session the reasons the witness has given that I
10:55:11 25 failed to articulate as to why this would put himself and his
26 family in danger. I would like then to ask the Court, if the
27 Court does not agree with me, to give us immediate right to
28 appeal that. The danger - the result, your Honour, is this
29 witness in my honest opinion is --

1 PRESIDING JUDGE: Mr Koumjian, you're jumping - you're
2 doing two things. You're first of all going behind a ruling
3 that's been made and, secondly, you're presuming a ruling on an
4 objection that you yourself have not made. We've given you
10:55:47 5 liberty to ask or object to certain questions being in open
6 session. Those questions have not been asked, therefore you have
7 not exercised that right and therefore you have not - there's no
8 ruling. Let the questions be asked and, if there's a question
9 that causes you concern, you may then raise your points and allow
10:56:07 10 us to rule then.

11 MR KOUMJIAN: Well if the questions are asked, of course,
12 the information is out there. I understand I can then make a
13 motion to redact, but the question will contain the compromising
14 security information. That's why I asked and my colleague from
10:56:24 15 the Defence understood and allowed me to make the objection
16 before he asked the question. I appreciate that.

17 JUDGE SEBUTINDE: Mr Munyard, just continue, please.

18 MR MUNYARD: Thank you, your Honour:

19 Q. Mr Witness, one of the matters that you laughed at when you
10:56:47 20 were giving your evidence-in-chief, when you were being
21 questioned by my learned friend Mr Koumjian over there, was when
22 he asked you about Vice-President, as he then was, Moses Blah.
23 Do you remember laughing at the mention of the name of
24 Vice-President Moses Blah?

10:57:09 25 A. Yes.

26 Q. Why did you laugh when you were asked about him?

27 A. Because when you give the title Vice-President Moses Blah,
28 Vice-President Moses Blah he just had the name. He was just the
29 Vice-President, but he was not acting like a Vice-President.

1 That was why I laughed.

2 Q. Did you see Moses Blah at around the time that Sam Bockarie
3 was killed?

10:57:58

4 A. I have problem with this Sam Bockarie business really in
5 open session.

6 MR MUNYARD: Well, I see there's an objection looming and
7 so I will sit down.

10:58:15

8 MR KOUMJIAN: There is an objection, your Honour, and I'd
9 ask for the right to put my reasons on record. The Court hasn't
10 heard them. Even if this was my fault for not raising it before,
11 in addition to the Prosecution the Court has a duty to protect
12 the witness of course and the witness has indicated his concern
13 and obviously the Court needs to know that information to know
14 whether or not these questions will put --

10:58:32

15 JUDGE SEBUTINDE: Mr Koumjian, there is one question that
16 we're looking at that we would like you to address. The question
17 is, "Did you see Moses Blah at around the time that Sam Bockarie
18 was killed?", and the witness says, "I have a problem with this
19 Sam Bockarie business", and you stood up. Please address that
20 question.

10:58:51

21 MR KOUMJIAN: I am, your Honour. I object to the question
22 as beyond the scope of the direct examination which your Honours
23 have already ruled on I believe, but to be specific --

24 JUDGE SEBUTINDE: What do you mean by direct examination?

10:59:06

25 This is examination-in-chief.

26 MR KOUMJIAN: No, this is the cross-examination, your
27 Honour.

28 JUDGE SEBUTINDE: I am sorry, cross-examination.

29 MR KOUMJIAN: Yes.

1 JUDGE SEBUTINDE: So, what do you mean by direct
2 examination?

3 MR KOUMJIAN: The direct examination is the Prosecution's
4 examination of the witness that occurred two months ago.

10:59:15 5 JUDGE SEBUTINDE: And so? Is that the point why you've
6 risen to object?

7 MR KOUMJIAN: I've indicated that there are two reasons,
8 but I haven't been allowed to articulate the second reason other
9 than to say it's a security reason and I need to do that in
10:59:28 10 private session.

11 MR MUNYARD: Would your Honours give me a moment to reply
12 before you confer?

13 PRESIDING JUDGE: Just a moment. We want to confer on
14 another issue.

10:59:45 15 MR MUNYARD: Very well.

16 PRESIDING JUDGE: In the light of what you may or may not
17 say, Mr Koumjian, and in the light of possible responses from the
18 Defence, I think we'll have the witness taken out of the Court.
19 Please ask the witness to leave. Mr Witness, there's matters to
11:00:44 20 be dealt with in your absence.

21 [In the absence of the witness]

22 PRESIDING JUDGE: In the light of the issues that may arise
23 in the course of these submissions, we will have these arguments
24 in private session. This is for the security of the witness.
11:03:32 25 Madam Court Attendant, please put the Court into private session.

26 [At this point in the proceedings, a portion of
27 the transcript, pages 14354 to 14371, was
28 extracted and sealed under separate cover, as
29 the proceeding was heard in private session.]

1 [Open session]

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

3 PRESIDING JUDGE: Thank you. First, Mr Witness, you made
4 certain remarks prior to being asked to - my asking that you be
12:47:59 5 taken out of court. You can hear what I am going to say now.
6 This is addressed to members of the public. Certain evidence
7 will be adduced and it will be adduced in private session for
8 reasons of security of the witness, and this means that whilst
9 the public can look into the court they will not hear what is
12:48:21 10 being said. Mr Witness, did you hear what I said to the members
11 of the public and also to you?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Did you understand it?

14 THE WITNESS: Yes.

12:48:36 15 PRESIDING JUDGE: We will now go back into private session
16 and, Mr Munyard, I will ask you to proceed. Let me go first into
17 private session.

18

19 [At this point in the proceedings, a portion of
20 the transcript, pages 14373 to 14392, was
21 extracted and sealed under separate cover, as
22 the proceeding was heard in private
23 session.]

24

13:33:35 25 [Whereupon the hearing adjourned at 1.30 p.m.
26 to be reconvened on Monday, 25 August 2008 at
27 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-375 14313

CROSS-EXAMINATION BY MR MUNYARD 14314