



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 22 FEBRUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Christopher Santora
Ms Julia Baly
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Friday, 22 February 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:53 5 PRESIDING JUDGE: Good morning. I note the Defence Bar
6 remains the same, but you have a change on your Bar, Mr Santora.
7 I will take appearances.

8 MR SANTORA: Yes, your Honour. Brenda Hollis is not with
9 the Prosecution. Everyone else is the same as yesterday.

09:29:12 10 PRESIDING JUDGE: Thank you. Mr Anyah?

11 MR ANYAH: Good morning, Madam President. For the Defence,
12 myself, Morris Anyah, Mr Terry Munyard and again Albert Carrera.

13 PRESIDING JUDGE: If there is nothing else, I will remind
14 the witness of his solemn declaration.

09:29:29 15 Mr Witness, you recall on Wednesday you took the solemn
16 declaration to tell the truth. That declaration is still binding
17 on you and you must answer questions truthfully. Do you
18 understand?

19 THE WITNESS: Yes.

09:29:46 20 PRESIDING JUDGE: Thank you. Please proceed.

21 WITNESS: TF1-275 [on former oath]

22 MR SANTORA: Thank you and good morning, Madam President,
23 your Honours. Good morning, counsel. Your Honours, before I put
24 a question to the witness I do want to correct one - two
09:30:01 25 spellings that I gave you during the course of yesterday that
26 were erroneous and I would like, for the record, to correct them.
27 The village of Qui va was given in testimony and the spelling is
28 Q-U-I-V-A and then Kurubonla was given and that was also misspelt
29 by myself and the correct spelling is K-U-R-U-B-O-N-L-A.

1 EXAMINATION-IN-CHIEF BY MR SANTORA [Continued]:

2 Q. Good morning, Mr Witness. Are you hearing me in Liberian
3 English?

4 A. Yes.

09:30:46 5 Q. Mr Witness, yesterday when you were testifying you said,
6 when you were discussing receiving a radio message, before you
7 would receive or start a message you already knew the weight of
8 the message: That messages could be either a directive, an
9 advice, or an information. You further said that if it is a
09:31:17 10 directive you knew before you start to take down the message.

11 Can you explain what you mean when you say if it was a directive
12 you knew before you start to take down the message?

13 A. Yes, what I was trying to say yesterday was that a
14 directive was from above, or from a senior officer, to

09:31:52 15 subordinates and during the period of the war, or during the RUF
16 movement, the directives normally came from either Foday Sankoh,
17 or from Sam Bockarie, to the rest of the subordinates. So, at
18 any time you knew that it was a directive as you received the
19 message, you were to be very careful in order to receive the
09:32:19 20 correct message for the person that the message was meant for.

21 Q. Before you would receive or start a message, you already
22 knew the weight of the message. What do you mean by "the weight
23 of the message"?

24 A. What I meant was that a directive was very strong and what
09:32:45 25 I meant about the word "weight" was the value added to the
26 message because directives always came from the above to the
27 subordinate, so one needed to be very careful.

28 Q. Yesterday when you were testifying you testified about
29 three communications specifically that you - sorry, let me

1 rephrase the question. Yesterday when you were testifying you
2 talked about three communications between Sam Bockarie and Dennis
3 Mingo, Superman, at the time that you got to Koidu. My question
4 is simply how did you know about these messages?

09:33:37 5 A. You mean at Kurubonla, or Koinadugu, or Koidu? What
6 specific area are you speaking about.

7 Q. You testified yesterday about while you were in Koidu.

8 JUDGE SEBUTINDE: [Microphone not activated].

9 MR SANTORA: I apologise, your Honour. I didn't realise
09:34:00 10 I stepped in. I just realised I am on the wrong channel:

11 Q. Mr Witness, yesterday when you were speaking of certain
12 communications you testified specifically about communications
13 between Sam Bockarie and Superman. As a general matter, how did
14 you know about these communications?

09:34:47 15 A. Like I said, after 1996 up to 2000, 7 May, the day I was
16 arrested, I had access to monitor communications but not to speak
17 on the net, or not to oversee, or control, any communication at
18 that time as compared to 1992 to 1996. So, I used to monitor.

19 Q. Mr Witness, yesterday when we stopped you said that when
09:35:34 20 Sani Abacha died, the former president of Nigeria, when he died
21 that you were in Yomandu, is that correct?

22 A. Yes.

23 Q. And Yomandu is in the Kono District?

24 A. Yes.

09:35:49 25 Q. Where did you go after Yomandu?

26 A. After Yomandu, Superman sent a radio message asking that
27 I join him and his family at Koinadugu in Kabala District, and
28 I left Yomandu with an escort to Koinadugu in Kabala District.

29 Q. Did you arrive in Koinadugu?

1 A. Yes.

2 Q. Can you tell the Court what happened? Who was in Koinadugu
3 when you arrived, if anyone?

4 A. I arrived in Koinadugu and within a period of two days
09:36:54 5 I met with SAJ Musa, Superman, Colonel Tamba Yamba, Komba
6 Gbunbema and a huge number of troops under their command.

7 MR SANTORA: One spelling, your Honours, Tamba Yamba,
8 T-A-M-B-A:

9 Q. Mr Witness, I am going to ask you to repeat the last name.

09:37:31 10 It was Tamba Yamba, or Yumba?

11 A. Yamba, Y-A-M-B-A.

12 Q. You said there were a huge number of forces - sorry, a huge
13 number of troops under their command. What was the composition
14 of these troops?

09:38:05 15 A. They were up to brigade level.

16 Q. Were they with any particular group?

17 A. Yes, SAJ Musa, Colonel Tamba Yamba, presided over the
18 former SLA otherwise known as junta. Superman and Komba Gbunbema
19 were also in control of the RUF in that region.

09:38:51 20 Q. Now, what was your assignment upon reaching Koinadugu?

21 A. I was in Tefiya and later I was transferred to Yomandu.

22 Q. When you reached Koinadugu what, if any, was your
23 assignment?

24 A. Upon my arrival in Koinadugu I stayed with the signal unit
09:39:36 25 and I was lodged at the radio station in Koinadugu.

26 Q. Were you attached to any particular commander?

27 A. Yes, Superman.

28 Q. From your position at the signal unit, can you describe the
29 flow of communications at this time that was occurring between

1 commanders in Sierra Leone?

2 A. Yes. After our arrival in Koinadugu a meeting was convened
3 and was headed by Superman and SAJ Musa and during that meeting
4 Superman complained that Sam Bockarie had accused him of not
09:40:43 5 carrying out his duties in Koinadugu and in this particular
6 meeting we came to understand that Superman was on a special
7 mission in Koinadugu, in order to kill SAJ Musa. Whilst in this
8 meeting, SAJ Musa got annoyed and he moved with his troops out of
9 the meeting and immediately Superman decided to move with his own
09:41:39 10 troops, and Koinadugu was completely upside down based on the
11 information that was revealed in the meeting.

12 Q. Mr Witness, before I ask you about this particular incident
13 though, upon your arrival in Koinadugu and from your vantage
14 point at the signal unit, I am asking you what you saw in terms
09:42:09 15 of the flow of radio communications.

16 PRESIDING JUDGE: Perhaps if you said "heard" rather than
17 "saw".

18 MR SANTORA: You are absolutely right, your Honour,
19 I apologise. I think it does make it - it could be misleading in
09:42:23 20 that way:

21 Q. Mr Witness, from your position at the signal unit in
22 Koinadugu, can you describe generally what you heard in terms of
23 the flow of communications that was occurring between commanders
24 in Sierra Leone, if any?

09:42:47 25 A. Yes. While I was in Koinadugu Sam Bockarie used to
26 communicate with Superman and Superman, in return, with Sam
27 Bockarie and onward to Gullit at Rosos. Brigadier Mani also had
28 access to communication from Kurubonla. General Bropleh was also
29 in Koinadugu and these were the three main sources of

1 communication in Koinadugu at that particular time.

2 Q. Mr Witness, you said "onward to Gullit at Rosos", who is
3 Gullit?

4 A. Gullit was a commander for the troops based at Rosos.

09:44:06 5 Q. Do you know if he has any other name?

6 A. Yes, Gullit is otherwise known as Tamba Brima.

7 Q. You said that, "Sam Bockarie used to communicate with
8 Superman and Superman, in return, with Sam Bockarie and onward to
9 Gullit at Rosos." Who do you mean was communicating with Gullit
10 at Rosos?

09:44:35

11 A. Sam Bockarie used to communicate with Gullit and also
12 Superman too used to communicate with Gullit. Brigadier Mani
13 also used to communicate with Sam Bockarie, Superman, as well as
14 Tamba Brima, otherwise known as Gullit, at Rosos.

09:45:06

15 Q. Who is Brigadier Mani?

16 A. Brigadier Mani was one of the expert military officers of
17 the SLA in Koinadugu and he was based at Kurubonla at that time.

18 JUDGE SEBUTINDE: Did the witness say "expert"?

19 MR SANTORA: I think he said "expert". That is what

09:45:38

20 I heard, your Honour.

21 THE WITNESS: Expert.

22 MR SANTORA:

23 Q. What was Brigadier Mani's position?

24 A. He was the overall planning officer and the most senior
25 officer of the SLA in Kurubonla at that time.

09:46:00

26 Q. At this point, when you were in Koinadugu, do you have any
27 information as to Brigadier Mani's relationship with the other
28 commanders?

29 A. Yes. Brigadier Mani, like I said, was the planning

1 officer. He used to do all the necessary planning in terms of
2 operations, or missions. He used to call all of us for meetings.
3 We will discuss together with General Bropleh, Superman and he
4 gave tasks to each of them: How they were to carry on with
09:46:56 5 military operations within that region.

6 Q. At this time in Koinadugu, from your position, do you have
7 any information as to the relationship between Brigadier Mani and
8 Sam Bockarie?

9 A. Yes. Brigadier Mani was the one who used to settle
09:47:32 10 disputes between Sam Bockarie and SAJ Musa, or Superman, in case
11 there were misunderstandings amongst them. He was the one who
12 would also make sure that when Gullit requested for reinforcement
13 he was able to convince Superman, Tamba Yamba and Sam Bockarie,
14 in order to send reinforcements to Rosos.

09:48:28 15 Q. Now, you said that with regards to Brigadier Mani, "He was
16 the one who would also make sure that when Gullit requested for
17 reinforcement he was able to convince Superman, Tamba Yamba and
18 Sam Bockarie, in order to send reinforcements to Rosos."

19 A. Yes.

09:48:56 20 Q. What are you referring to here?

21 A. He was the coordinator. In the case of any
22 misunderstandings he will be there to calm down situations and to
23 talk between and among the senior military officers.

24 Q. When I say what are you referring to, in particular what
09:49:18 25 are you referring to when you say "when Gullit requested for
26 reinforcement"?

27 A. Okay, reinforcement is the giving of additional troops for
28 operation. It could also be arms and ammunition, or manpower.

29 Q. Did Gullit request for reinforcement at any point?

1 A. Yes, it was upon our arrival in Koinadugu that Gullit
2 requested for a battalion strong manpower for Rosos operation.

3 Q. What happened after this request?

09:50:35

4 A. Superman, SAJ Musa, Brigadier Mani, General Bropleh and
5 Colonel Tamba Yamba made it possible to organise a battalion
6 strong manpower with some equipment, AK ammunition, G3
7 ammunition, GPMG ammunition and these were sent to Gullit at
8 Rosos.

9 Q. How do you know this?

09:51:18

10 A. I knew this because I was on the ground when all these
11 preparations were made in my presence.

12 Q. When you say Rosos operation, what do you mean?

13 A. I mean the military mission, or the fighting that was
14 taking place within the Rosos camp.

09:51:57

15 Q. Now, you say you were on the ground when all these
16 preparations were made in your presence. What do you mean by
17 preparations?

18 A. By that I mean that whilst they were organising the
19 manpower, as well as the arms and ammunition, for Rosos, that is
20 what I meant by the word "preparation".

09:52:24

21 Q. You said that Superman, SAJ Musa, Brigadier Mani and
22 General Bropleh and Colonel Tamba Yamba "made it possible to
23 organise a battalion strong manpower". Did you actually see this
24 battalion?

09:52:51

25 A. Yes.

26 Q. Where did you see them?

27 A. They were assembled in Koinadugu before they departed.

28 Q. Can you describe the composition of this battalion?

29 A. Yes, as far as I am concerned they were about 1,000 in

1 number.

2 Q. Who was in the battalion?

3 A. O-Five was the overall commander selected in order to lead
4 this particular battalion to Rosos.

09:53:46 5 Q. Do you know anyone else that was in the battalion?

6 A. Yes, CY, Jumbo Blah, were also delegates from other
7 platoons that joined O-Five on this particular mission. For the
8 signal unit, Major Alfred Brown and Captain King Perry Kamara
9 were also part of this particular battalion.

09:54:36 10 MR SANTORA: I owe you one spelling, your Honours. Jumbo

11 Blah, G-O-M-B-O B-L-A-H.

12 A. It should be J-U-M-B-O.

13 MR SANTORA: Let the witness's spelling control it because
14 I am not very familiar with that name.

09:55:03 15 PRESIDING JUDGE: And the second name?

16 MR SANTORA: Blah I am familiar with, it is B-L-A-H:

17 Q. One more question on this point, Mr Witness. You said that
18 CY and Jumbo Blah were delegates from other platoons that joined
19 O-Five. Do you know what other platoons they were from?

09:55:31 20 A. Yes, Jumbo Blah and CY were from the Red Lion battalion, a
21 battalion that was strictly under the command/control and was
22 considered as the bodyguard unit of Superman and SAJ Musa.

23 Q. Earlier you said that there were some misunderstandings and
24 that Brigadier Mani sometimes would come in to intervene with
09:56:23 25 regards to misunderstandings, for instance between Superman and
26 Sam Bockarie. While you were in Koinadugu, do you remember any
27 misunderstandings between Superman and Sam Bockarie?

28 A. Yes.

29 Q. Can you describe any misunderstandings?

1 A. Yes. Immediately after the departure of the 1,000 manpower
2 that left Koinadugu there erupted a serious misunderstanding
3 between SAJ Musa and Superman and it was based on the information
4 that Sam Bockarie had discussed with Superman during a radio
09:57:30 5 conversation: That he had deviated from his mission that was
6 given to him from Buedu. At this time SAJ Musa also expressed
7 that he had been informed in the past that Superman was on a
8 special mission to assassinate him and it was based on this
9 conversation that a serious infighting erupted between SAJ Musa's
10 men and the rest of the RUF in Koinadugu.

11 Q. Mr Witness, what I am asking you is particularly with
12 relation to any misunderstandings between Superman and Sam
13 Bockarie.

14 A. Yes. It was during this particular time that Sam Bockarie
09:58:59 15 accused Superman of not performing his duty and during a specific
16 conversation between Superman and Sam Bockarie, Sam Bockarie told
17 Superman that he knew the reason why he did not carry out his
18 task as he was instructed and that, "It was because of that white
19 Lebanese idiot, I mean the lady that you are carrying presently
09:59:46 20 with you in Koinadugu." It was based on this insult that
21 Superman became very much annoyed with Sam Bockarie and it became
22 very serious at that point in time.

23 MR SANTORA: I would ask the witness at this point be shown
24 the document behind tab 14:

10:00:56 25 Q. Can you take a moment to look at that document, please.

26 A. Yes.

27 Q. Do you recognise this document?

28 A. Yes.

29 Q. What is it?

1 A. This is a report from the Black Guard commander to the
2 leader of the RUF and the subject is "information". It was dated
3 2 September 1998.

4 Q. How do you recognise it?

10:01:39 5 A. I recognise it as a document that has to do with the
6 misunderstanding that I have just spoken about that took place in
7 Koinadugu.

8 Q. Can you explain by what - in terms of the document itself?

9 A. Yes. This document that I see before me is in line with
10:02:21 10 the misunderstanding that took place in Koinadugu.

11 Q. With regard to this particular document, do you know how it
12 was produced?

13 A. Yes.

14 Q. Can you explain?

10:02:44 15 A. Yes. This document was written in pen at Koinadugu by the
16 Black Guard commander - by this I mean the bodyguard commander of
17 Foday Sankoh that was in Koinadugu - as a record for the
18 leadership of the RUF. It was based on this misunderstanding
19 that went on between Superman and Sam Bockarie.

10:03:27 20 Q. Who wrote the letter?

21 A. This letter was written by the secretary of the bodyguard
22 commanders at Koinadugu.

23 Q. Were you present when this letter was constructed?

24 A. Yes.

10:03:50 25 Q. Why is it now typed?

26 MR ANYAH: Objection, Madam President. The question
27 assumes that what is before us is identical to the handwritten
28 copy that the witness testified.

29 PRESIDING JUDGE: Mr Santora?

1 MR SANTORA: I thought that was in, but I will go ahead and
2 put the enquiry to him.

3 PRESIDING JUDGE: I think you require more foundation.

4 MR SANTORA: Yes, obviously.

10:04:24 5 PRESIDING JUDGE: Please proceed.

6 MR SANTORA:

7 Q. You said that this letter - there was a letter written by
8 one of the bodyguards of Foday Sankoh in Koinadugu, is that
9 correct?

10:04:36 10 A. Yes.

11 Q. Were you present when that particular letter was written?

12 A. Yes.

13 Q. Now, I want you to look? At this letter for a few moments.

14 Take some time to look at it, please, and read the contents of

10:05:01 15 it.

16 JUDGE SEBUTINDE: Mr Santora, I would have expected that
17 you would first elicit from this witness, before he reads this,
18 to tell the Court what the handwritten letter contained and then
19 to show him this letter, because what is the point now of asking
20 him to read this in the absence of the handwritten letter?

10:05:34

21 MR SANTORA: You are completely right, your Honour.

22 JUDGE SEBUTINDE: If this is not leading, I don't know what

23 is.

24 MR SANTORA: I thought I had elicited the contents of the
25 handwritten letter already, but I stand corrected:

10:05:49

26 Q. Before you read that letter can you describe the contents
27 of the written letter that you referred to, when you were in
28 Koinadugu, written by the bodyguard commander of Foday Sankoh?

29 A. Yes. I want to inform you that this letter, as I see it,

1 was written in my presence, based on the misunderstanding, as a
2 document for the leadership of the RUF by the Black Guard
3 commander and other units that were present to observe.

10:06:40 4 PRESIDING JUDGE: Mr Witness, I don't completely understand
5 your answer. The question was, "Did you see the handwritten
6 letter?" Are you talking about this document, or the handwritten
7 letter when you reply?

8 THE WITNESS: The handwritten letter.

9 MR SANTORA:

10:07:02 10 Q. What exactly was the handwritten letter about, to your
11 recollection?

12 A. Whilst the conversation was going on and after the
13 conversation - it was recorded during the time of the
14 conversation and after that the secretary, the secretary decided
10:07:29 15 to put it into handwriting as their own information for the
16 leadership of the RUF SL.

17 Q. What was the handwritten letter about? What were the
18 contents of it?

19 A. It was talking about the conflict between Sam Bockarie and
10:07:58 20 some important words that were used against each of them, and the
21 follow up conversation that was used against Superman in
22 Koinadugu.

23 MR SANTORA: At this point I would request, your Honour,
24 that the witness --

10:08:16 25 JUDGE SEBUTINDE: Mr Santora, it seems to me, when this
26 witness earlier testified as to the argument between Sam Bockarie
27 and Superman, I thought that he overheard this on a radio
28 communication.

29 MR SANTORA: That is correct, your Honour.

1 JUDGE SEBUTINDE: He did not allude to a letter. In fact,
2 you didn't ask him really - you laid no foundation as to how he
3 knew about this conversation. I personally assumed he overheard
4 this on the radio and now, from what he says, he persists there
10:08:50 5 was a conversation that was then followed by this handwritten
6 letter.

7 MR SANTORA: That is my understanding as well of the
8 evidence, your Honour.

9 JUDGE SEBUTINDE: It is very muddy. Please clarify.

10:09:00 10 MR SANTORA: I will clarify:

11 Q. Mr Witness, just put the document aside for a moment. Now,
12 you said that there was a radio conversation --

13 A. Yes.

14 Q. -- where there was a misunderstanding between Superman and
10:09:27 15 Sam Bockarie, is that correct?

16 A. Yes.

17 Q. You also said you were present for the writing of a letter
18 to the bodyguard commander of Foday Sankoh with regards to this
19 misunderstanding, is that correct?

10:09:43 20 A. Yes.

21 Q. Can you just explain what exactly happened with regard to
22 this particular misunderstanding, in terms of which came first
23 and which came second?

24 A. There was a misunderstanding between Sam Bockarie and
10:10:06 25 Superman, and this misunderstanding took place whilst they were
26 on radio communication and that was when Sam Bockarie was trying
27 to check Superman with regards a mission that was given to him,
28 and later about a lady that he had with him in Koinadugu. There
29 was a bitter insult and Superman too was trying to defend himself

1 and that once Sam Bockarie started to accuse him there was
2 nothing that he did without the consent of Sam Bockarie, and he
3 even went on to express himself on the air that everything he was
4 doing, with regards minerals and any operation that was given to
10:11:04 5 him by Sam Bockarie, were documented and he wanted to let the
6 entire movement know that there was nothing in respect of
7 diamonds and manpower that Sam Bockarie never knew about, so that
8 conversation went on for a very long time and it was recorded by
9 the bodyguard commander of Foday Sankoh in Koinadugu. Later that
10:11:36 10 was replayed and recorded by the secretary as a document for
11 Mr Sankoh.

12 Q. Mr Witness, first of all you said there was a
13 misunderstanding and there was radio communication?

14 A. Yes.

10:12:00 15 Q. And there was a "bitter insult"?

16 A. Yes.

17 Q. First of all, who insulted who?

18 A. It was Sam Bockarie that insulted Superman's wife.

19 Q. Superman's wife, okay. Now, as a result of that insult
10:12:23 20 then you said, "Superman too was trying to defend himself".

21 A. Yes.

22 Q. And later that "once Sam Bockarie started to accuse him
23 there was nothing that he did without the consent of Sam
24 Bockarie". Who is "he"?

10:12:44 25 A. It was Superman who was defending himself because at that
26 time Sam Bockarie was now trying to expose him that he was doing
27 things out of the way and that he was not obeying his orders
28 because of a woman that he had with him in Koinadugu.

29 Q. Now, later you said, "Later that was replayed and recorded

1 by the secretary as a document for Mr Sankoh."

2 MR ANYAH: I am sorry, I am sorry to interrupt. The record
3 says it was recorded by the bodyguard and not by the secretary.

4 MR SANTORA: I have the record saying the secretary.

10:13:28 5 PRESIDING JUDGE: I heard secretary as well, so if it is
6 recorded --

7 MR SANTORA: It is line 8.

8 MR ANYAH: I have also in line 7, "It was recorded by the
9 bodyguard commander of Foday Sankoh in Koinadugu", and, "Later
10:13:42 10 that was replayed and recorded by the secretary".

11 MR SANTORA: Let me clarify that. I probably should have
12 not jumped to the second recording:

13 Q. So you said --

14 JUDGE SEBUTINDE: I suppose by "recording" that means
10:14:01 15 audio?

16 MR SANTORA: That is what I am going to clarify.

17 JUDGE SEBUTINDE: Because you can't replay anything else
18 other than audio.

19 MR SANTORA: I don't know. That is what I am going to
10:14:12 20 clarify, this very last portion:

21 Q. With regards to Superman who was trying to defend himself
22 you said, "That conversation went on for a very long time and it
23 was recorded by the bodyguard commander of Foday Sankoh in
24 Koinadugu." What do you mean by that first of all?

10:14:41 25 A. Whilst the communication was going on between Superman and
26 Sam Bockarie, he was using a separate set and the bodyguard unit
27 had another communication that they were monitoring, together
28 with me, and they did record the communication on the tape.

29 Q. Okay. After it was recorded on the tape, what happened?

1 A. He allowed the secretary to document it in pen for
2 Mr Sankoh.

3 Q. So at some point this recording, with regards to Superman
4 trying to defend himself - let me finish the question,

10:15:36 5 Mr Witness. After Superman defended himself on the radio, you
6 are saying that it was recorded on a tape first, is that correct?

7 A. Yes.

8 Q. After it was recorded on a tape, it was then taken by pen?

9 A. Yes.

10:15:53 10 Q. By the secretary?

11 A. Yes.

12 Q. As a document for Mr Sankoh, is that correct?

13 A. Yes.

14 Q. And the contents of what was recorded in pen you are saying

10:16:12 15 - were they the same as what was on the tape?

16 A. Yes. What I saw --

17 Q. Let me finish this one area, Mr Witness. Were you present
18 when what was on the tape was recorded on pen?

19 JUDGE SEBUTINDE: Why don't you ask him how he knows this
10:16:31 20 content instead of suggesting to him the answer?

21 MR SANTORA: Okay.

22 JUDGE SEBUTINDE: Ask him how he knows this information.

23 MR SANTORA:

24 Q. How do you know this?

10:16:44 25 A. Because the document carried the same information about
26 what went on between Sam Bockarie and Superman at that particular
27 time and this document, I am an eye witness to it and I was there
28 when the secretary was writing it.

29 MR SANTORA: Your Honours, I would just enquire from the

1 Bench at this point, because I was going to at this point -
2 I know it has been on the record, but just for the sake of
3 clarity - then ask him about what was particularly the contents
4 of that written document if that is what your Honours --

10:17:36 5 JUDGE SEBUTINDE: Perhaps clarify from this witness first
6 whether the document he saw was an actual transcription of the
7 conversation, or a paraphrasing.

8 MR SANTORA: I will do that, your Honour.

9 JUDGE SEBUTINDE: Because from what the record shows we
10:17:54 10 would expect that it was an accurate transcription just like this
11 record is, with questions and answers and so on.

12 MR SANTORA: I will clarify that:

13 Q. Now, you said that you were an eye witness to it and were
14 there when the secretary was writing it, is that correct?

10:18:19 15 A. Yes.

16 Q. Is what the secretary was writing the same as what was on
17 the tape?

18 A. Yes.

19 Q. Exactly the same?

10:18:32 20 A. Yes.

21 Q. Upon the completion of this written document, what happened
22 to the written document?

23 A. I can't tell. He only recorded it for Mr Sankoh because he
24 had the overall boss in Kailahun and he promised to send the
10:19:02 25 document to his overall boss in Kailahun.

26 Q. Did you actually see the contents of the written document?

27 A. Yes.

28 Q. And that written document, what was it about?

29 A. The written document was about the conversation that went

1 on between Sam Bockarie and Superman and, to be precise, the
2 words that were used from the first paragraph to others.

3 Q. I don't understand the last portion of your answer,
4 Mr Witness. What was this document - what was it about actually?
10:19:51 5 What event was it about?

6 A. The document was talking about the misunderstanding. It
7 was a transcript from the misunderstanding, or the conversation,
8 between Sam Bockarie and Superman.

9 MR SANTORA: Your Honours, at this point I would ask now
10:20:24 10 that the witness be shown the document.

11 PRESIDING JUDGE: Yes, please show him the document at tab
12 14. Thank you for your assistance.

13 MR SANTORA:

14 Q. Mr Witness, can you take a moment to look at this
10:21:03 15 particular document in front of you?

16 JUDGE LUSSICK: Mr Santora, is that really necessary?
17 I noticed earlier you asked him if he recognised this document
18 and he said yes. He was able to say what it was, he was able to
19 say how it was produced. I am referring to pages 14 and 15.
10:21:21 20 Now, I presume he was telling the truth then, so why does he have
21 to read it now?

22 MR SANTORA: I was simply proceeding for continuity's sake
23 instead of going back again. It was repetitive and I will move
24 on, if your Honours are inclined to start, to ask him about this
10:21:38 25 particular document.

26 JUDGE LUSSICK: He is your witness. You handle him the way
27 you see fit, Mr Santora.

28 MR SANTORA: Thank you, your Honour:

29 Q. Now, this document you see in front of you, is this the

1 same as the handwritten document you were just referring to that
2 was recorded by the bodyguard secretary for Foday Sankoh in
3 Koinadugu?

4 A. Yes.

10:22:12 5 MR ANYAH: Objection. I do realise that I will ultimately
6 have the opportunity to cross-examine regarding this document,
7 but there are still questions about identification. We don't
8 know who the author of this typewritten version is. There is a
9 fax indication at the top of the document with the date, or the
10:22:36 10 year 1999 and the document is dated in 1998 at the very top of
11 the document. Counsel is now asking the witness, "Is this
12 identical to the handwritten document?" Perhaps he means are the
13 contents identical. I am not sure at this point.

14 PRESIDING JUDGE: Mr Santora?

10:23:00 15 MR SANTORA: I can rephrase the question particular to the
16 contents if that is what the objection is based on:

17 Q. Mr Witness, in terms of the contents of this document,
18 starting at the word "about" - do you see the word "about"?

19 A. Yes.

10:23:19 20 Q. Are these the same as the handwritten document you were
21 earlier referring to?

22 A. Yes.

23 Q. Now, I would like you to read the first paragraph of that
24 document. Actually, I was just going to have him read it, but
10:23:52 25 maybe I should read it - I am going to read the first paragraph
26 of this document to you, Mr Witness.

27 MR ANYAH: I would object to that because counsel would be
28 the one giving the evidence.

29 MR SANTORA: Your Honour, there is to be no giving of

1 evidence. I am simply reading a document that right now is in
2 front of the witness.

3 PRESIDING JUDGE: Mr Anyah, I don't think that is entirely
4 valid. Counsel is not giving evidence from the Bar table. He is
10:24:25 5 putting certain passages to the witness of the document that is
6 before him.

7 MR ANYAH: I withdraw the objection.

8 MR SANTORA:

9 Q. Mr Witness, can you listen now. I am going to read you the
10:24:38 10 first paragraph of this document:

11 "About 11 a.m. to 12 this day today I heard Brigadier Sam
12 Bockarie. In the dialogue I was accused very slow in [illegible
13 word] and that I am not virtually done another since our
14 withdrawal from Freetown. I was also accused of having a huge
10:25:12 15 quantity of diamond that is under the safe keeping to my wife
16 whom he referred to as idiot."

17 This first paragraph, who referred to who as an idiot?

18 PRESIDING JUDGE: I think that has been already clear in
19 the evidence, Mr Santora.

10:25:33 20 MR SANTORA: Okay:

21 Q. I want you to take your attention then, Mr Witness, first
22 of all, looking at this document, who is actually speaking in
23 this document?

24 A. It was Superman who was speaking.

10:25:53 25 Q. I want you to look down to the fourth paragraph where it
26 says "therefore". I am going to read you a particular passage,
27 "Therefore, I always make sure that whatsoever diamond I receive
28 is always reported to Brigadier Sam Bockarie." Now, based on the
29 evidence you have given in terms of your association with

1 Superman, do you believe that to be true?

2 A. Yes.

3 Q. I am now going to read to you the next portion.

4 JUDGE SEBUTINDE: Believes what to be true? The content of
10:26:46 5 this passage, or that Sam Bockarie [sic] always handed over the
6 diamonds? What are you asking him?

7 MR SANTORA: The content of this passage. What Superman
8 here, what he was saying was true or not.

9 MR ANYAH: He is asking the witness - I am objecting for
10:27:07 10 foundational purposes. He is asking the witness whether, based
11 on the witness's association with Superman, that this sentence
12 is, in the witness's opinion, true. There has to be an
13 underlying foundation regarding his knowledge of diamonds in the
14 hands of Superman and I don't think we have had evidence of that
10:27:25 15 during the course of this case: As Superman being a transmitter
16 of diamonds, or courier of diamonds. There has to be some
17 foundation during the course of his evidence that Superman was in
18 possession of diamonds for the witness to have the factual basis.

19 PRESIDING JUDGE: Mr Anyah, I was actually going to ask
10:27:43 20 counsel - before I deal with your objection, I will ask my
21 question first - whether he is asking the witness is this
22 statement true, or is this a true record of what was said and
23 once I determine that then I think your objection will follow if
24 it is dependent on that answer.

10:28:03 25 MR SANTORA: Your Honours, should I clarify that point
26 first?

27 PRESIDING JUDGE: If you clarify that first.

28 MR SANTORA:

29 Q. Mr Witness, the passage that I just put to you, based on

1 your experience with Superman, is what Superman is here saying,
2 from your observations, was it in fact the truth?

3 PRESIDING JUDGE: Don't answer the question yet,
4 Mr Witness, please. This is what Mr Anyah is now objecting to,
10:28:33 5 so would you reply to Mr Anyah's objection.

6 MR SANTORA: Your Honour, first of all the issue of whether
7 this witness has knowledge as to this particular aspect of
8 Superman's association with diamonds is a matter for
9 cross-examination. He can test the credibility of the witness as
10:28:48 10 regards to his knowledge of diamond operations. Secondly, it is
11 already in testimony by this witness that Superman --

12 THE INTERPRETER: Your Honours, learned counsel is going
13 too fast.

14 MR SANTORA: Secondly, your Honours, it is already the
10:29:13 15 testimony of this witness that Superman was the ground commander
16 in Koidu and then later on at Superman Ground, and that at that
17 time diamond mining was going on by subordinates of Superman.
18 There is certainly sufficient foundation with regards to diamonds
19 and Superman, and this witness was present at various points with
10:29:34 20 Superman and in Kono District. So, it is a bit - on both
21 grounds, your Honour, this objection is at this point not proper.

22 PRESIDING JUDGE: We consider there is insufficient
23 foundation for the question that has been objected to by
24 Mr Anyah.

10:30:19 25 MR SANTORA:

26 Q. Mr Witness, do you know if Superman had any association
27 with diamonds?

28 A. In my past statements I have said that Superman was mainly
29 concerned with fighting and Morris Kallon was the person who was

1 in charge of diamonds, but most time he used to make sure that
2 Superman was always at the scene when transactions about diamonds
3 were going on between them, but Superman was never in possession
4 of diamonds.

10:31:01 5 Q. So, when you say Superman was always on the scene when
6 transactions of diamonds were going on, where would these
7 diamonds go, if anywhere?

8 A. Yes, he always witnessed diamond transactions between
9 Morris Kallon and the people who were concerned with diamonds, on
10:31:29 10 to Sam Bockarie.

11 Q. So, Superman himself was able to observe these
12 transactions?

13 A. Yes.

14 Q. Did Superman, in your knowledge, ever try to stop these
10:31:42 15 transactions?

16 A. That was not his area of responsibility. Everybody had his
17 own area of responsibility. Superman was responsible for the
18 fighting.

19 Q. Between Superman and Morris Kallon, who was the commander
10:32:04 20 at this time in this area in Kono?

21 A. Superman was the commander for the battle front, while
22 Morris Kallon was in charge of diamond mining in Kono.

23 Q. Who was higher between Superman and Morris Kallon?

24 A. Both of them had the same rank, but different assignment.

10:32:26 25 Q. But you said Superman directly observed the diamond
26 transactions that Morris Kallon engaged in?

27 A. Yes, yes. It is even mentioned in my statement that when
28 the bank, the commercial bank in Koidu, was broken into there
29 were enough diamonds that were taken away from there and Morris

1 Kallon, Superman and Issa Sesay were all present and counted the
2 diamonds and presented them to Issa Sesay to take them to Sam
3 Bockarie.

10:33:06 4 Q. From your observation, did Superman ever try to stop Morris
5 Kallon from bringing diamonds to Sam Bockarie?

6 A. No.

7 MR SANTORA: Your Honour, I submit there is sufficient
8 foundation laid.

9 JUDGE LUSSICK: Mr Santora, I am not sure that there is.
10:33:19 10 I am still not convinced that this witness is in a position to
11 say that when Superman asserts that whenever he had a diamond he
12 always reported it to Sam Bockarie - how is this witness in a
13 position to say that Superman received diamonds and always
14 reported them to Sam Bockarie?

10:33:44 15 MR SANTORA: Your Honour, aside from his association with
16 Superman as a commander, as far as he knows - I have asked the
17 question as far as he knows, from his observation, is this
18 statement --

19 JUDGE LUSSICK: "As far as he knows" doesn't cover the
10:33:59 20 question, does it, because you are asking him to confirm that
21 Superman always reported diamonds in his possession to Sam
22 Bockarie and "as far as he knows" is inconsistent with always
23 reporting to Sam Bockarie.

24 MR SANTORA: I would submit that that will eventually go to
10:34:17 25 the weight of this exhibit, but in terms of at this point --

26 JUDGE LUSSICK: No, it goes to admissibility because we are
27 talking about this witness's beliefs now, which unless they are
28 supported firmly by evidence are not admissible.

29 MR SANTORA: Your Honour, I am not asking him - if I maybe

1 perhaps rephrase the question and ask him from his observation.
2 He already testified extensively about his association with this
3 particular commander, Superman. He has already testified about
4 this.

10:34:45 5 JUDGE LUSSICK: Has he said that he was always in a
6 position to know that Superman always reported it?

7 MR SANTORA: Of course not.

8 JUDGE LUSSICK: I thought that was what you were asking him
9 to confirm.

10:34:56 10 MR SANTORA: No, I apologise. I am just asking him about
11 this particular document from his observation, as far as he
12 knows, as far as his knowledge is concerned, is this true, or not
13 true?

14 PRESIDING JUDGE: Just a minute, please. Mr Anyah is on
10:35:11 15 his feet. Let me get what Mr Anyah has to say then we will go
16 back to this.

17 MR ANYAH: I entirely agree with Justice Lussick's position
18 on this and I would elaborate further. Counsel's foundation, or
19 the attempt to lay this foundation, assumes that the only source
10:35:28 20 of diamonds that Superman ever possessed came from Morris Kallon
21 and the question, or the paragraph, or sentence, being asked to
22 the witness, regarding which counsel wants him to confirm as
23 true, as fact, could entail any variety of sources of diamonds
24 that ever made their way into Superman's hands. So, that is
10:35:52 25 another reason to uphold the position that sufficient foundation
26 has not been laid.

27 PRESIDING JUDGE: We uphold the objection and we do not
28 allow this question. As a matter of observation we note the word
29 "always", which denotes forever, a very long period of time, and

1 it is apparent from the witness's evidence that he was not in the
2 company of Superman for always.

3 MR SANTORA: Right, as nobody was in the company of
4 Superman for always, so I guess I am just confused, your Honours,
10:37:02 5 and I would ask for your guidance because I believe the document
6 itself was - sufficient foundation has been laid for the
7 production of the document. With regards to this particular
8 passage, is my understanding that foundation for each passage is
9 necessary to be laid?

10 PRESIDING JUDGE: Mr Santora, you have been at the Bar and
11 we have been at the Bar and you know we don't tell you how to run
12 your case.

13 MR SANTORA: What I am asking - I guess what I am asking is
14 is there enough foundation for this exhibit to be marked?

10:37:41 15 PRESIDING JUDGE: Are you seeking to mark it now?

16 MR SANTORA: No, I have one more question.

17 PRESIDING JUDGE: Proceed with your questions.

18 MR SANTORA:

19 Q. Mr Witness, with regards to that sentence, you said this
10:38:02 20 was from Superman, is that correct?

21 A. Yes.

22 Q. When you look at the sentence where it says, "Brigadier Sam
23 Bockarie who is our present high in command", do you see that?

24 A. Yes, I do.

10:38:24 25 Q. Based on your observation and experience and time spent
26 with Superman, do you believe that Superman believed Brigadier
27 Sam Bockarie to be his present high in command?

28 A. Yes.

29 JUDGE SEBUTINDE: How can you ask the witness whether one

1 person believed another to be his present high command? How can
2 this witness attest to the belief of somebody else?

3 MR SANTORA: I can not use the word "belief":

4 Q. Mr Witness, based on your observation, experience and time
10:39:06 5 spent with Superman, do you believe that Superman reported to Sam
6 Bockarie?

7 A. Yes, yes.

8 JUDGE SEBUTINDE: Are we now looking at the belief of this
9 witness, or is he attesting to factual situations?

10:39:33 10 MR SANTORA: He is attesting to factual situations.

11 JUDGE SEBUTINDE: That is not what you asked him. You
12 asked him for his belief.

13 MR SANTORA: I will ask the question again:

14 Q. Based on your experience and observations and time spent
10:39:46 15 with Superman, was Brigadier Sam Bockarie the present high in
16 command for Superman?

17 A. Yes, indeed.

18 Q. I now would ask that this exhibit be marked.

19 PRESIDING JUDGE: I am just checking the number.

10:40:24 20 MS IRURA: MFI-18.

21 PRESIDING JUDGE: Thank you. This one page document,
22 typed, will be marked for identification MFI-18. Mr Santora,
23 please proceed.

24 MR SANTORA: Thank you, your Honour:

10:41:09 25 Q. Mr Witness, after your time at Koinadugu did you go
26 anywhere else?

27 A. Yes.

28 Q. Where was the next place you went?

29 A. After the misunderstanding between Superman and SAJ Musa we

1 retreated to a ground called Pumpkin Ground. We were at Pumpkin
2 Ground when we got information from the BBC that Foday Sankoh has
3 been condemned in Freetown. Based on this information, Sam
4 Bockarie called Superman over the HF radio and instructed him
10:42:14 5 that this time they need not to waste time but to march on to
6 Freetown. He told Superman that he was also in communication
7 with Gullit and that Superman should get ready for Makeni, on to
8 Freetown. Gullit will also start from Lunsar, on to Freetown.
9 He had prepared Issa Sesay and Morris Kallon to also move on
10:43:02 10 Koidu Town, on to Makeni. Based on these instructions, Superman
11 organised troops that were under his command and we moved from
12 Pumpkin Ground on to Alkalia, to Makeni, after that instruction.
13 Q. Let me pause you one moment. I think Alkalia has not been
14 spelt for the record. Actually, I believe it is --
10:43:44 15 JUDGE SEBUTINDE: Pumpkin Ground? I don't know what he
16 said.
17 MR SANTORA: I have Pumpkin Ground as in Pumpkin the fruit.
18 JUDGE SEBUTINDE: The record hasn't anything.
19 MR SANTORA:
10:43:57 20 Q. Mr Witness, did you say Pumpkin Ground?
21 A. Yes.
22 Q. Do you mean the fruit? Do you mean the vegetable, Pumpkin?
23 A. Pumpkin, yes.
24 Q. You also said a village Alkalia?
10:44:17 25 A. Yes.
26 Q. Where is Alkalia?
27 A. Alkalia is in the north.
28 MR SANTORA: The spelling is A-L-K-A-L-I-A:
29 Q. Then you said after that, on instruction, you moved to

1 Makeni. Describe what happened at - actually, no. Who moved to
2 Makeni exactly?

3 A. The troops that were under Superman's command went to
4 Makeni.

10:45:05 5 Q. What happened at Makeni?

6 A. We were instructed by Sam Bockarie to move on Makeni and
7 attack Makeni and join the troops in Rosos, on to Freetown.

8 Q. At this point do you know where the troops in Rosos were -
9 sorry, do you know at this point where the troops from Rosos
10:45:34 10 were?

11 A. Yes, they were also given instruction by Sam Bockarie to
12 move to Lunsar and advance on to Freetown.

13 Q. In these movements were there any other groups?

14 A. Yes, Morris Kallon and Issa Sesay were also to move on
10:46:05 15 Koidu Town, on to Makeni.

16 Q. What happened after you arrived in Makeni?

17 A. In Makeni, we successfully captured Makeni before December
18 25. A group from Kono, headed by Boston Flamo, commonly known as
19 Rambo, Issa Sesay and Morris Kallon, joined us in Makeni.

10:46:48 20 Q. You have spoken about the movements of several groups. How
21 do you know about these movements? How did you know about these
22 movements?

23 MR ANYAH: Madam President, counsel injected the word
24 "movement" into the record. My understanding of the record was
10:47:02 25 that there were instructions for troops to move from Rosos. It
26 is not the same thing as saying they actually moved. He said
27 instructions were given.

28 MR SANTORA: Your Honour, just to reply, first of all there
29 is on the record that there is movement, actual movement of a

1 group under Morris Kallon to Koidu. There is also movement of a
2 group that the witness was particularly involved in and then
3 there was movement to Lunsar, I believe, on the record, or
4 instructions to go to Lunsar, but that the group was referring to
10:47:35 5 movements that were instructed, at least, to the Rosos group.
6 I think there is foundation to ask the question.

7 PRESIDING JUDGE: The actual question --

8 JUDGE SEBUTINDE: Except the way you have asked the
9 question is in a compounded form because there were various
10:47:51 10 groups moving, presumably at different times.

11 MR SANTORA: I accept that. You are exactly right. I just
12 thought - I can rephrase the question:

13 Q. Mr Witness, you said that you knew one group under Rambo,
14 Issa Sesay and Morris Kallon had moved at some point to Koidu.

10:48:13 15 How did you know about that?

16 A. During the time that Sam Bockarie was communicating with
17 Superman, that was the time that he disclosed that this was the
18 plan that he has made and everybody should implement it without
19 delay.

10:48:37 20 Q. How do you know though that the group was actually moving?

21 A. There was a communication. Whenever we moved, or any troop
22 was moving, you have to communicate immediately with the other
23 troop to avoid casualties, or misunderstandings, on the front
24 line.

10:49:05 25 Q. When you say communication, what kind of communication do
26 you mean?

27 A. I mean HF transmission. One group had to inform the other
28 group about its position and whatsoever progress they were making
29 in terms of advancement.

1 Q. At this point can you say generally which groups were
2 communicating with each other?

3 A. Yes. The group that was in Kono was in communication with
4 Superman and, at the same time, the group that was in Rosos was
10:49:54 5 also in communication with Superman, and the communication used
6 to flow from one point to the other based on the advancement of
7 that particular group.

8 Q. How do you know this?

9 A. It was through the communication.

10:50:19 10 Q. I will ask you just to be specific. How do you know this
11 in terms of the communication between these groups?

12 A. During the time of the movement there was always what we
13 called "situation reports". You had to report on progress. You
14 had to report daily based on the operation that you had at hand.

10:50:44 15 Q. How were these reports made exactly?

16 A. The reports were made through the operators to the various
17 commanders that were in charge of communication.

18 Q. So are you saying the operators would be the ones - you
19 said the operator is the one who makes the report?

10:51:11 20 A. Yes, they were the ones in charge of communication from one
21 commander to the other.

22 Q. Now, earlier in your testimony you talked about the
23 national frequency and then you talked about other frequencies
24 that were coded. At this point, do you know if these
10:51:29 25 communications you are referring to were over national frequency,
26 or coded frequencies?

27 A. They were done from one frequency to another.

28 Q. Were these frequencies the national frequency, or were they
29 specified - actually, let me make the question make sense. Were

1 these communications done over the national frequency, or were
2 they done over coded frequencies?

3 A. Coded frequency.

10:52:29

4 Q. Mr Witness, where were you when the RUF and the AFRC forces
5 attacked Freetown on 6 January 1999?

6 A. I was in Lunsar.

7 Q. What were you doing in Lunsar?

8 A. Our attack stopped at Lunsar and we were waiting for the
9 troops coming from Kono, in order for us to move as a

10:53:01

10 reinforcement for Freetown.

11 Q. You said earlier you were travelling with Superman. Was he
12 with you in Lunsar, or not?

13 A. Yes, that was the base for Superman.

10:53:24

14 Q. Now, throughout the course of your testimony you have said
15 that you listened to the BBC at many occasions. Were you
16 listening to the BBC around the time the troops entered Freetown?

17 A. Yes.

18 MR SANTORA: At this point, your Honours, I would ask that
19 the recording under tab 21 be played to the witness.

10:53:55

20 PRESIDING JUDGE: Mr Anyah?

21 MR ANYAH: Yes, Madam President. I am just concerned,
22 before the audio is played, whether counsel has sufficiently put
23 to the witness whether he heard a particular radio conversation
24 over the BBC at this time, or that will be the put to the witness
10:54:21 25 after he has heard the subject of the conversation.

26 PRESIDING JUDGE: Mr Santora?

27 MR SANTORA: Your Honour, the witness has testified
28 specifically that he was listening to the BBC at the time the RUF
29 and AFRC have entered Freetown.

1 PRESIDING JUDGE: Sorry, what has not been put so far is
2 what exactly we are going to hear and whether he heard that
3 particular point. I have no idea what is in tab, whatever it is,
4 21. It has not been made clear to the witness either.

10:54:58 5 JUDGE SEBUTINDE: In other words, you want to suggest to
6 the witness what the contents of this audio are and then ask him
7 what they are?

8 MR SANTORA: What I am saying is that the witness has not
9 even had a chance to listen to this particular broadcast, so how
10:55:14 10 can he say whether he recognises this or not? It has not been
11 put to him yet.

12 JUDGE SEBUTINDE: Whether he recognises what?

13 MR SANTORA: The broadcast.

14 JUDGE SEBUTINDE: You don't do it that way. That is
10:55:26 15 exactly leading. You don't do it that way round.

16 MR SANTORA: I think I understand the point, your Honour:

17 Q. At the time of the 6 January invasion of Freetown, can you
18 recall any particular radio programme that you were listening to
19 over the BBC?

10:55:50 20 A. Yes, a lot. I used to frequently listen to the BBC.

21 Q. Do you remember hearing any particular individuals over the
22 BBC around this time?

23 A. Yes, Sam Bockarie used to communicate about the success of
24 the troops in Freetown, as well as the provinces.

10:56:22 25 Q. Do you remember hearing Sam Bockarie over the radio around
26 the time of the 6 January invasion of Freetown?

27 A. Yes.

28 MR SANTORA: Your Honours, at this point I would ask - I am
29 sorry, I will proceed:

1 Q. Do you remember what he would say, what he said, over the
2 BBC around the time of the 6 January invasion?

3 PRESIDING JUDGE: [Microphone not activated].

4 MR SANTORA: I think I have a question pending but --

10:57:04 5 THE WITNESS: Yes.

6 MR SANTORA:

7 Q. What do you remember that he said?

8 A. I can remember on one occasion when Sam Bockarie was in
9 conversation on the BBC with Robin White, he made him to

10:57:27 10 understand that he has received information, a radio report, from
11 Freetown from his commander, Brigadier Gullit, that was in
12 Freetown and that he got another information from his commander
13 that Tongo had fallen to the RUF and the junta. In response -

14 I mean he said - there was a serious firing at his background and
10:58:00 15 Robin asked him, "Sam, what is going on?", and he said, "My men
16 are combing the bush and no bush shaking", and that he doesn't
17 want any sweat around him.

18 MR SANTORA: Your Honours, unless there is --

19 JUDGE SEBUTINDE: What was that last sentence?

10:58:27 20 MR SANTORA: Combing the bush.

21 JUDGE SEBUTINDE: "No bush shaking", was this in a
22 different language?

23 MR SANTORA: I think it is - I am not going to speculate as
24 to whether it is an expression or not, but this was simply his
10:58:41 25 memory of the broadcast.

26 PRESIDING JUDGE: Please play the particular - is it a CD?

27 MR SANTORA: I believe it has been set up as - actually,
28 I am not sure of the technical means that are being used.

29 [Audio played to the courtroom]

1 May I proceed to ask --

2 PRESIDING JUDGE: Please proceed with your questions,
3 Mr Santora.

4 MR SANTORA: Thank you, Madam President:

11:02:31 5 Q. Do you remember this broadcast, Mr Witness?

6 A. Yes.

7 Q. Where were you when this broadcast went over the radio?

8 A. I was in Lunsar.

9 Q. In that broadcast Sam Bockarie referred to somebody as
11:02:49 10 Gullit. Who was he referring to?

11 A. It was made clear on the news that he was the Task Force
12 Commander in Freetown.

13 MR ANYAH: Madam President, I may have missed this. Has
14 the witness been asked if he recognised Sam Bockarie's voice?

11:03:12 15 PRESIDING JUDGE: He has not and we have already had a
16 discussion on running the Prosecution case.

17 MR SANTORA: The reason I didn't was because it was - the
18 tape said who it was and I felt like it was - at that point --

19 PRESIDING JUDGE: I don't think that precluded you from
11:03:32 20 asking the question.

21 MR SANTORA:

22 Q. The voices on that interview, who were they?

23 A. Robin White was interviewing Sam Bockarie.

24 Q. How do you recognise the voice of Sam Bockarie?

11:03:48 25 A. He was my commander and I know his voice. I spoke with Sam
26 Bockarie for a very long time, so I ought to know the voice of
27 Sam Bockarie at this time.

28 Q. Now, the individual that was referred to in there as
29 Gullit, who was he?

1 A. Gullit was the overall commander for the troops at Rosos
2 that entered Freetown on 6 January.

3 JUDGE SEBUTINDE: We assume that this is - he is talking
4 about the RUF, right?

11:04:36 5 MR SANTORA: I misunderstood.

6 JUDGE SEBUTINDE: When he speaks of Gullit and the troops
7 at Rosos, I assume he is talking about the RUF to which he
8 belonged.

9 MR SANTORA: I am not assuming anything.

11:04:48 10 JUDGE SEBUTINDE: You have not asked him. That is all I am
11 doing. You have not asked him what faction this was.

12 MR SANTORA: Okay:

13 Q. The person Gullit you referred to, do you know what faction
14 he was with?

11:05:02 15 A. Yes, Gullit was from the junta faction. He was an SLA.

16 Q. Now, is your Honour appeased? Does that clarify enough, or
17 I can further enquire? Okay. Now, I ask at this point - I am
18 going to ask for guidance from the Chamber on this because I am
19 not sure. I think this may be a cumulative marking. I don't
11:05:37 20 know how this works actually.

21 PRESIDING JUDGE: Sorry, I have not heard an application so
22 I cannot comment.

23 MR SANTORA: I am wondering in terms of requesting and
24 marking this exhibit, because it is a recording, whether or not
11:05:50 25 I ask for a cumulative marking of the transcript and the
26 recording?

27 PRESIDING JUDGE: The witness has not identified a
28 transcript. It has not been put to him. What may appear to be a
29 pernickety point: Mr Witness, I notice when you were asked if

1 you recognise the voice you said "I ought to". That doesn't
2 answer the question. Did you recognise the voice?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: Merely a point of clarification on my
11:06:17 5 part, Mr Santora, but the transcript has not been put to the
6 witness.

7 MR SANTORA: Your Honour, I don't actually intend to put
8 the transcript to the witness. I would like to just enter the
9 recording. I was just confused about the marking.

10 PRESIDING JUDGE: I understand.

11 JUDGE SEBUTINDE: You can't have one without the other. If
12 you consult with your colleagues you know that this is the way it
13 has been done. Whether it is audio or video, we have always had
14 the transcript, for record purposes, going side by side with the
11:06:48 15 DVD.

16 MR SANTORA: I will then ask that the transcript be shown
17 to the witness. It should be just the first two pages. I am
18 sorry, that is simply a table of contents. Just those two pages.

19 PRESIDING JUDGE: You have had an opportunity to look at
11:09:36 20 the document, Mr Witness?

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Ask the question, Mr Santora.

23 MR SANTORA:

24 Q. Mr Witness, the document you just read, how does that
11:09:47 25 document - how does that transcript compare with the broadcast
26 that you just heard?

27 A. It is exactly the same.

28 MR SANTORA: Now I would ask for the guidance on the
29 marking because --

1 PRESIDING JUDGE: The tape, in whatever form it is - Madam
2 Court Attendant, is it a CD or a tape?

3 MS IRURA: Your Honour, it is an audio CD.

4 PRESIDING JUDGE: The audio CD we have heard will be marked
11:10:24 5 for identification MFI-19 and the transcript identified by the
6 witness will be marked MFI-19A.

7 MR SANTORA: Thank you, Madam President. May I proceed?

8 PRESIDING JUDGE: Please do so, Mr Santora.

9 MR SANTORA: Thank you, Madam President:

11:10:57 10 Q. Mr Witness, at the time of the 6 January invasion, from
11 your position in Lunsar were you able to know who, if anyone, Sam
12 Bockarie was in contact with?

13 A. Yes.

14 Q. Who?

11:11:19 15 A. Sam Bockarie was in contact with Gullit, Superman, Issa
16 Sesay, Boston Flomo.

17 Q. How do you know this?

18 A. Because they were all commanders and had communication sets
19 at the various front lines.

11:11:55 20 Q. Now, in terms of the communications between Sam Bockarie
21 and Gullit, what do you remember?

22 MR ANYAH: Madam President, the witness says - I am sorry,
23 I didn't seek leave of court. The witness says he knows that
24 these communications took place "because they were all commanders
11:12:19 25 and had communication sets at the various front lines" and then
26 the next question is, "Now, in terms of the communications
27 between Sam Bockarie and Gullit, what do you remember?" There is
28 a gap between the two.

29 PRESIDING JUDGE: Yes, Mr Santora, I think there is.

1 I will ask you to reply, but I make my observation.

2 MR SANTORA: I take your Honour's observation and will
3 rephrase the question:

11:12:55

4 Q. While you were in Lunsar - actually, I am sorry, let me
5 rephrase the question. You were in Lunsar at the time of the 6
6 January invasion, were you not?

7 A. Yes.

8 Q. What were you doing in Lunsar at that time?

11:13:17

9 A. I was with Superman and I used to monitor communication in
10 Lunsar.

11 Q. You said that Sam Bockarie was in communication with Gullit
12 during the Freetown invasion. How do you know that?

13 A. Because I used to monitor the net between Sam Bockarie and
14 Gullit and other commanders that had communication sets.

11:13:43

15 Q. Do you recall any of the content of the communications
16 between Sam Bockarie and Gullit?

17 A. Yes, before Gullit could enter Freetown he reported to Sam
18 Bockarie about the death of SAJ Musa. As he entered Freetown he
19 continued to communicate with Sam Bockarie on a daily basis.

11:14:36

20 When Gullit captured the State House in Freetown he reported it
21 to Sam Bockarie. As he advanced to Pademba Prison he also
22 reported to Sam Bockarie. There were some RUF people in the
23 prison who were captured during the time they entered the prison
24 in Freetown. Martin Moinama, a former radio operator who
25 prosecuted Foday Sankoh, was reported to Sam Bockarie. Sam
26 Bockarie gave immediate order for the execution of Martin
27 Moinama.

11:15:29

28 Among the uncountable numbers of communication that took
29 place between Gullit and Sam Bockarie, I can recall Sam Bockarie

1 and Gullit when Gullit reported to Sam Bockarie that the troops
2 in Freetown were undergoing serious threat and pressure from
3 ECOMOG. Sam Bockarie in return verbally instructed Gullit and
4 all the other commanders at the various positions in Freetown to
11:16:57 5 ensure that they make themselves fearful so that ECOMOG will not
6 overrun the positions which they occupy in Freetown. He said in
7 Krio, "Gullit, if it causes you to kill all the civilians, burn
8 all the houses where you are, just so that you will not leave
9 Freetown, you should go ahead and make sure that you maintain
11:17:36 10 where you were. You should chase whosoever would want to chase
11 you. You know that Freetown is surrounded with water. You
12 should chase them into the water. Burn any house. You should
13 kill and make yourselves fearful. Amputate arms. The civilians,
14 let them go to the enemy. They will know that we are on
11:18:15 15 something serious."

16 MR SANTORA: Now, Mr Witness, I am sorry to intervene, but
17 I do want - I was going to ask your Honours if the record should
18 reflect that the witness recited that in Krio and it was
19 translated, I believe, by the same translator. I think if your
11:18:36 20 Honours want to enquire whether the translation was - in terms of
21 the accuracy.

22 PRESIDING JUDGE: Mr Interpreter, did the witness speak in
23 Krio?

24 THE INTERPRETER: Yes, he did.

11:18:48 25 PRESIDING JUDGE: And you interpreted it?

26 THE INTERPRETER: In English.

27 PRESIDING JUDGE: The witness spoke in Krio and was
28 interpreted by the interpreter, so we will just merely note that
29 on the record.

1 THE INTERPRETER: Your Honours, the interpreter wants to
2 make one correction.

3 PRESIDING JUDGE: The interpreter wishes to make a
4 correction. Please go ahead, Mr Interpreter.

11:19:04 5 THE INTERPRETER: He said that Freetown is surrounded by
6 water and that should actually mean Freetown is surrounded by the
7 sea.

8 MR SANTORA: Just for the record then that the translator -
9 I did request this of Court Management before: That there is a
11:19:21 10 translator in the booth that is fluent in Krio. I just want the
11 record to reflect that.

12 PRESIDING JUDGE: Thank you. That has been recorded.

13 MR SANTORA:

14 Q. Mr Witness, you said you heard a communication with regard
11:19:36 15 to someone named Martin Moinama. What exactly did you hear about
16 this communication?

17 A. Martin Moinama, like I said, was a former radio operator
18 who travelled with Mr Foday Sankoh to Nigeria. He was the one
19 who prosecuted Foday Sankoh during his trial in Freetown. He was
11:20:16 20 then captured during the Freetown invasion by the junta and the
21 RUF troops on 6 January. When he was captured Gullit reported to
22 Sam Bockarie that Martin had been captured in Freetown. Sam
23 Bockarie gave an order to have Martin Moinama executed. He
24 called him a traitor and a senseless person, and Gullit did as he
11:21:08 25 was instructed.

26 Q. How do you know he carried out that instruction? How do
27 you know Gullit carried out that instruction?

28 A. I knew it when Gibriil Massaquoi, who was on the scene,
29 arrived in Lunsar along with other combatants from Freetown.

1 Q. So when Gibril Massaquoi arrived in Lunsar with other
2 combatants, when was that?

3 A. It was after they had been pushed out of Freetown in 1999.

4 Q. One moment, Mr Witness.

11:22:04 5 JUDGE SEBUTINDE: Mr Santora, I don't quite understand.
6 This Moinama, he was a radio operator but also a prosecutor?

7 MR SANTORA: I can have him clarify. I am just going to
8 look at the record very quickly:

9 Q. Mr Witness, you said that Martin Moinama was a former radio
11:22:29 10 operator who travelled with Foday Sankoh to Nigeria. Then you
11 said, "He was the one who prosecuted Foday Sankoh during his
12 trial in Freetown." What do you mean when you say, "He was the
13 one who prosecuted Foday Sankoh"?

14 A. He was a prosecution witness against Foday Sankoh during
11:22:55 15 his trial, during his last trial in Freetown in 1999, 1989, yes.

16 MR SANTORA: Your Honour, does that clarify?

17 Q. You said that you heard Sam Bockarie communicate to Gullit
18 in Krio saying, "Gullit, if it causes you to kill all the
19 civilians, burn all their houses where you are, just so that you
11:23:48 20 will not leave Freetown, you should go ahead and make sure that
21 you maintain where you are. You should chase whosoever would
22 want to chase you. You know that Freetown is surrounded with
23 water, you should chase them into the water."

24 PRESIDING JUDGE: Mr Santora, it was corrected by the
11:24:10 25 interpreter to sea, yes.

26 MR SANTORA: I didn't know if I should read the corrected
27 one:

28 Q. "You should chase whosoever would want to chase you. You
29 know that Freetown is surrounded by the sea. You should chase

1 them into the sea. Burn any house. You should kill and make
2 yourselves fearful. Amputate arms. The civilians, let them go
3 to the enemy. They will know that we are on something serious."
4 My first question is: What, if any, was Gullit's response to
11:24:44 5 this communication.

6 A. He said "Yes, sir".

7 Q. Do you know the radio operators who were in Freetown with
8 Gullit, if any?

9 A. Yes, indeed. Alfred Brown was one of the RUF radio
11:25:09 10 operators. King Perry Kamara was another radio operator in
11 Freetown during the 6 January invasion.

12 MR SANTORA: I apologise, your Honour. Given the time I am
13 not sure if I should --

14 PRESIDING JUDGE: [Microphone not activated].

11:25:51 15 MR SANTORA: Okay:

16 Q. Now, at this time did you hear any other communications
17 between Sam Bockarie and anyone in Freetown?

18 A. For now I cannot precisely come up with any conversation
19 that I can recall during the monitoring, apart from the three
11:26:30 20 specified ones that I have spoken of.

21 Q. I think the question maybe needs - I may re-ask it and
22 I don't know if this is a convenient time.

23 PRESIDING JUDGE: In the circumstances then, Mr Santora, if
24 you are moving on to some other aspect of this evidence we will
11:26:46 25 take the mid-morning adjournment. We will take the mid-morning
26 adjournment now and we will reconvene at 12.00. Please adjourn
27 court.

28 [Break taken at 11.28 a.m.]

29 [Upon resuming at 12.00 p.m.]

1 PRESIDING JUDGE: Mr Santora, please proceed.

2 MR SANTORA: Thank you, Madam President. Just for your
3 Honour's guidance and Defence counsel, I believe that the direct
4 examination will be concluded within this session and probably
11:57:48 5 within an hour.

6 PRESIDING JUDGE: That would be very convenient.

7 MR SANTORA:

8 Q. Mr Witness, when we left for the break you were describing
9 communications during the Freetown invasion of January 6th. You
11:58:14 10 said that you were in Lunsar monitoring communications. You also
11 said that Superman, Dennis Mingo, was in Lunsar at the time. Do
12 you know to whom, if anyone, he was communicating with during the
13 Freetown invasion?

14 A. Yes, Superman had two bodyguards who were senior officers
11:58:56 15 among the troops that left Koinadugu to join the Rosos group
16 under the command of Gullit. After the death of SAJ Musa, CY and
17 Jumbo Blah were in constant communication with Superman in
18 Lunsar. Major CY was a bodyguard to Superman and, according to
19 the first communication he had with Superman, he said that SAJ
11:59:46 20 Musa banned them not to communicate with Superman while they were
21 in Rosos and up to Benguema and Waterloo, because of the
22 misunderstanding that occurred between Superman and SAJ Musa in
23 Koinadugu.

24 After the death of SAJ Musa, Major CY and Jumbo Blah used
12:00:29 25 to communicate with Superman on a daily basis. And one amongst
26 the first communication that he had, I mean Jumbo Blah with
27 Superman was - and that was after the capture of Benguema, which
28 is a military barracks in Waterloo. Whilst leaving from Benguema
29 to Freetown, he made him to understand that they were clearing

1 that area and that they were not sparing any civilians from
2 Benguema up to Freetown. And according to him they were
3 instructed by O-Five to do so so that they would have their way,
4 or that the troops will be on the safer side in order to launch a
12:01:56 5 surprise attack on the enemy position at Jui.

6 During the time that O-Five, Jumbo Blah and Major CY were
7 on the operation in Freetown, they constantly confirmed reports
8 on their defensive and the areas they captured by our troops. I
9 even happened to listen to Major CY in respect of the instruction
12:02:59 10 that was given to Gullit by Sam Bockarie in respect of making
11 themselves fearful and, according to Major CY, he was at the
12 State House until he joined the last batch to retreat to
13 Waterloo.

14 Q. Okay. Mr Witness, I am just going to ask you some
12:03:39 15 questions about what you have just said. You said that, "Among
16 the first communication between Major CY and Superman, which is
17 that after the capture of Benguema, which is a military barracks
18 in Waterloo, whilst leaving from Benguema to Freetown he made him
19 to understand they were clearing that area and they were not
12:04:27 20 sparing civilians from Benguema up to Freetown". When you say
21 "he made him understand", who is "he" in that portion that I just
22 referred to?

23 A. Major CY.

24 Q. And who was he making understand?

12:04:51 25 A. Superman.

26 Q. You also said, "According to him, they were instructed by
27 O-Five to do so"?

28 A. I meant that Major CY was instructed by the overall
29 commander, who was O-Five.

1 Q. Now, who was O-Five?

2 A. O-Five was the commander who led the troops from Koinadugu
3 in order to join the Rosos group that was under the command of
4 Gullit.

12:05:54 5 Q. Now you also said, "During the time that O-Five, Jumbo Blah
6 and Major CY were on the operation in Freetown, they constantly
7 confirmed reports on their defensive and the areas captured by
8 our troops". What do you mean when you say "they constantly
9 confirmed reports on their defensive"?

12:06:24 10 A. What I meant was that there was a report from Gullit and
11 other commanders in respect of areas or positions that were
12 occupied by the junta, as well as the RUF troops that were in
13 Freetown at that time. One way or the other, Superman used to
14 communicate with Major CY to know whether these information were
12:07:02 15 all correct according to what Gullit and other commanders that
16 were in control of troops in Freetown were saying.

17 Q. Mr Witness, you also said that you, "... even happened to
18 listen to Major CY in respect of the instruction that was given
19 to Gullit by Sam Bockarie in respect of making themselves fearful
12:07:33 20 and, according to Major CY, he was at the State House until he
21 joined the last batch to retreat to Waterloo". When you say, "I
22 even happened to listen to Major CY in respect of the instruction
23 that was given to Gullit by Sam Bockarie in respect of making
24 themselves fearful", what exactly did you hear?

12:08:04 25 A. What I am trying to say is that I listened when that
26 communication was confirmed by Major CY that such an instruction
27 was given to them to make themselves fearful, and Major CY also
28 made his position very clear that he was part of the group that
29 was assigned at the State House in Freetown.

1 Q. So when you say, "I listened to the communication ..." --
2 "I listened when that communication was confirmed by Major CY and
3 that such an instruction was given to them to make themselves
4 fearful", what do you mean when you say "... that communication
12:08:56 5 was confirmed by Major CY that such an instruction was given to
6 them"?

7 A. I am trying to say that the instruction that was given by
8 Sam Bockarie did not only stay within the top commanders, but it
9 went down to the least person that was in Freetown in respect of
12:09:25 10 the order of making themselves fearful.

11 Q. Mr Witness, after the Freetown invasion where were you
12 based?

13 A. I was in Waterloo and I later moved to Makeni and back to
14 Lunsar.

12:10:06 15 Q. When you moved back to Lunsar, what was your assignment?

16 A. I was still with Superman.

17 THE INTERPRETER: Your Honours, could the witness say the
18 last bit of the statement?

19 PRESIDING JUDGE: Mr Witness, the interpreter requests that
12:10:27 20 you repeat the last part of your answer. We have got, "I was
21 still with Superman". What did you say after that?

22 THE WITNESS: That was where I stopped.

23 PRESIDING JUDGE: Please proceed with your questions,
24 Mr Santora.

12:10:48 25 MR SANTORA: Actually, I do want to go back to one thing:

26 Q. Mr Witness, the communications you were just referring to
27 between Major CY and Superman, how did you know about these
28 communications?

29 A. I used to sit by the radio whilst Superman was

1 communicating with CY or Jumbo Blah.

2 Q. Now, were there any other radio operators present with you
3 in Lunsar during the Freetown invasion?

4 A. Yes.

12:11:29 5 Q. Do you know who they were?

6 A. Yes, Alice Pyne was the operator for Superman in Lunsar.

7 Q. Now, again after the Freetown invasion you said you moved
8 back to Lunsar and you were still - and you were with Superman.
9 You were still with Superman. Is that correct?

12:12:08 10 A. Yes.

11 MR ANYAH: I thought I heard the witness say he went to
12 Waterloo. He was in Lunsar and then went to Waterloo.

13 PRESIDING JUDGE: I have that after Freetown he was based
14 in Waterloo, later Makeni and back to Lunsar.

12:12:26 15 MR SANTORA: And I was just referring to when he was back
16 to Lunsar and not - I am not sure if it is an objection, or is it
17 --

18 MR ANYAH: Well, the question is - and I am reading from
19 lines 64.6 - "Now, again after the Freetown invasion you said you
12:12:46 20 moved back to Lunsar". It assumes he moved from somewhere to
21 Lunsar. I understood him to say he was always in Lunsar and
22 retreated to Waterloo.

23 MR SANTORA: I understand.

24 PRESIDING JUDGE: I don't recall the word "retreat", but
12:13:01 25 let us not quibble over this. Let us clarify the movement,
26 Mr Santora.

27 MR SANTORA: Okay, thank you, Madam President:

28 Q. Mr Witness, during the course of the Freetown invasion you
29 stated you were in Lunsar. Is that correct?

1 A. Yes.

2 Q. And can you describe your movement after the Freetown
3 invasion?

4 A. After the Freetown invasion, the troops that were under
12:13:36 5 Gullit retreated to Waterloo. I travelled along with Superman in
6 order to meet the troops that had retreated to Benguema.

7 Q. How long did you remain in Waterloo?

8 A. I spent up to two months in Waterloo and later an infight
9 erupted between Superman and Issa Sesay in Makeni.

12:14:11 10 Q. After you were in Waterloo, what was the next place you
11 went personally?

12 A. From Waterloo I went to Makeni and from Makeni I returned
13 to Lunsar.

14 Q. And how long - the time now after the Freetown invasion
12:14:32 15 when you were in Lunsar, what was your assignment at that point?

16 A. I still maintained my assignment as radio monitor in
17 Lunsar.

18 Q. And how long did you remain in Lunsar for?

19 A. I stayed in Lunsar until the Lome Peace Accord was signed.

12:15:04 20 Q. After you were in Lunsar, where did you go?

21 A. I only used to travel to Makeni and back to Lunsar.

22 Q. After that, where did you go?

23 A. I was part of the first group that spoke with the ECOMOG
24 troops in Waterloo in order to secure a frequency so that
12:15:41 25 Sam Bockarie will be able to speak to Mr Sankoh whilst he was
26 under detention under the ECOMOG troops in Freetown.

27 Q. Now, what year was it were you in Lunsar after the Freetown
28 invasion?

29 A. It was 1999.

1 Q. Did you remain in Sierra Leone for all of 1999?

2 A. No, after the Lome Peace Accord was signed we were the
3 first batch that Mr Sankoh instructed to disarm in Port Loko. I
4 joined Superman and we disarmed over 2,000 troops in Port Loko
12:16:35 5 and I was asked by Mr Sankoh to move to Freetown.

6 Q. Did you ever - the question was in 1999 did you remain in
7 Sierra Leone the whole time?

8 A. No. After the disarmament in Port Loko I moved to
9 Mr Sankoh in Freetown, and every document in respect of my
12:17:08 10 travelling was put in place and on 21 December I travelled to see
11 my family in Monrovia and I was in Monrovia from the 22nd up to
12 April of 2000.

13 During my stay in Monrovia Mr Sankoh introduced me to
14 Benjamin Yeaten, in order to meet Mr Charles Ghankay Taylor, and
12:17:41 15 explained to him the issues of misunderstanding that went on
16 between Sam Bockarie and Superman, but during my stay in Monrovia
17 I was not fortunate to speak with Mr Charles Ghankay Taylor one
18 to one. I frequently met with Benjamin Yeaten at his residence
19 and he made me to understand that there wasn't any need of
12:18:39 20 meeting with Mr Charles Ghankay Taylor, and according to him they
21 had investigated and came to know the truth and that the
22 misleading information that were given to them by Sam Bockarie
23 and based on that fact he was the one who received Sam Bockarie
24 from Lofa County. Sam Bockarie was under his control in Monrovia
12:19:23 25 and he was under serious monitoring and he was under perfect
26 security protection and in due course he was going to face the
27 consequences of what he did in Sierra Leone, but they needed
28 sufficient proof about the disorderly conduct in Sierra Leone.
29 So as a matter of fact there was no reason for me to meet

1 Mr Charles Ghankay Taylor, as I was instructed by Mr Foday Sankoh
2 in Monrovia.

3 Q. Mr Witness, I am just going to pause you for one moment.
4 First of all this conversation that you have been speaking about
12:20:33 5 with Benjamin Yeaten, do you remember approximately when this
6 took place?

7 A. The time?

8 Q. Yes, approximately the time it took place.

9 A. It was in the month of January and it was in Monrovia.

12:20:56 10 Q. Do you remember what year?

11 A. 2000.

12 Q. Now you said, "Mr Sankoh introduced me to Benjamin Yeaten,
13 in order to meet Mr Charles Ghankay Taylor, and explained to him
14 the issues of misunderstanding that went on between Sam Bockarie
15 and Superman, but during my stay in Monrovia I was not fortunate
16 to speak with Mr Charles Ghankay Taylor one to one". You further
17 say that Benjamin Yeaten at his residence made you understand
18 that there wasn't any need of meeting with Mr Charles Ghankay
19 Taylor, "... and according to him they had investigated and came

12:21:21 20 to know the truth that the misleading information they were given
21 to them by Sam Bockarie". Now, what do you mean by when you say
22 "... they had investigated and came to know the truth that the
23 misleading information that were given to them by Sam Bockarie"?

24 A. What I am trying to say is that there was a
12:22:32 25 misunderstanding, or misinformation, that Sam Bockarie used to
26 pass on to Benjamin Yeaten, and that Superman and the entire
27 Liberian troops that were under his command were break-away
28 factions and that they had a different intention, different from
29 the RUF agenda.

1 Q. So, when you say "There was mi sunderstanding or
2 mi si nformation that Sam Bockarie used to pass on to Benjami n
3 Yeaten" and that "Superman and the entire Liberian troops that
4 were under his command were break-away factions", who gave this
12:23:25 5 i nformation to Benjami n Yeaten?

6 A. The i nformation was gi ven to Benjami n Yeaten by
7 Sam Bockarie.

8 Q. And when you met wi th Benjami n Yeaten, what did he say
9 about thi s i nformation?

12:23:43 10 A. He explained a lot to me regarding what was going on,
11 especially the thi ng i n respect of the i nfighting that took place
12 i n Makeni , i n Koinadugu and even the time of our stay at Lunsar.

13 Q. What did Benjami n Yeaten say about the i nformation he had
14 been gi ven by Sam Bockarie wi th regard to Superman?

12:24:20 15 A. Benjami n Yeaten said that even i f Mr Charles Taylor were to
16 send for Superman, or any commander i n Liberia were to send for
17 Superman, Superman wi ll never be brave enough to go to Monrovia
18 because he knew what he had done and he knew the plans that he
19 was carrying on wi th presently wi th the SLA and he knew the rules
12:24:47 20 and regulati ons of the RUF codes of conduct.

21 Q. So what was Benjami n Yeaten's assessment, i f you know, of
22 the si tuati on?

23 A. He came to know the truth during the time that Sam Bockarie
24 challenged the leadership of Foday Sankoh, saying that he was no
12:25:22 25 longer going to take any mess from Foday Sankoh and that he was
26 prepared to decl are hi msel f as another leader. And that report
27 was sent to Mr Charles Ghankay Taylor and Mr Foday Sankoh made
28 hi s report categori cally clear that thi s had been the honest
29 mi sunderstanding and that Sam Bockarie was now defyi ng hi s

1 authority. So he said, "Big Brother, I am kindly asking you to
2 intervene and see how best you can calm down Sam Bockarie in
3 respect of his new decision", and under the command of Mr Charles
4 Taylor Sam Bockarie was ordered to pack up and leave Sierra Leone
5 to Liberia.

12:26:26

6 Q. How do you know that?

7 A. That was the time that I entered Monrovia and I was in
8 communication or I was interacting with Benjamin Yeaten at his
9 residence.

12:27:06

10 Q. Now, how long did you remain in Monrovia?

11 A. From 22 December up to 11 April.

12 Q. How do you remember those dates to that precision?

13 A. Because it was a happy day for me to enter and it was the
14 day that I also left there and so it still remains clear in my
15 memory.

12:27:43

16 Q. Now, when you returned back to Sierra Leone where did you
17 first - actually I don't know. One moment. After you left
18 Monrovia, where did you go?

19 A. I went back to Sierra Leone to meet Mr Foday Sankoh in
20 respect of his mission to meet Mr Charles Taylor and to give him
21 a clear picture of Sam Bockarie, or to serve as a witness between
22 Sam Bockarie and Superman whilst he was out of the revolution.

12:28:18

23 Q. Now after you returned to Freetown, did anything happen to
24 you?

12:29:03

25 A. Yes, on 7 May I was arrested at number 12 Josiah Drive and
26 I was accused to be one of the mercenaries for Charles Ghankay
27 Taylor who was mediating between Mr Taylor and Foday Sankoh. I
28 was tortured and taken to Pademba Road.

29 Q. Witness, before I - I am going to pause you for a moment.

1 First of all, you said you were arrested at Josiah Road?

2 A. Yes.

3 JUDGE LUSSICK: Josiah Drive, or Josiah Road.

4 MR SANTORA: I am sorry, did I say --

12:30:00 5 THE WITNESS: 12, Josiah Drive.

6 MR SANTORA:

7 Q. Can you spell Josiah?

8 A. J-O-S-I-A-H.

9 Q. Where is Josiah Drive? What city is that in?

12:30:18 10 A. Josiah Drive is located in Freetown, Western Area.

11 Q. Who arrested you?

12 A. I was arrested by a joint forces of Kamajors and the SLA
13 troops.

14 Q. And at that time do you know who these Kamajors and SLA

12:30:46 15 troops were working for?

16 A. Yes, they were working for President Ahmad Tejan Kabbah.

17 Q. Now, you also said you were accused. What exactly were you
18 accused of?

19 A. According to them, they said that I was a Liberian and a
12:31:15 20 mercenary who was working as a mediator between Foday Sankoh and
21 Charles Ghankay Taylor.

22 Q. What happened after you were arrested?

23 A. I was seriously tortured and taken down to Pademba Prison.

24 Q. Where is Pademba Prison?

12:31:43 25 A. Pademba Prison is in Freetown, Western Area, Republic of
26 Sierra Leone.

27 Q. And how long did you remain in Pademba Prison?

28 A. I stayed there close to seven years.

29 Q. You said you were arrested and accused. Did you ever have

1 a trial?

2 A. Yes, I was tried at the Law Court of Sierra Leone.

3 Q. Can you - what was the result of that trial?

12:32:44

4 A. I was sentenced to 150 years' imprisonment and I stayed
5 there up to 27 April 2007.

6 Q. What were you - do you remember the specific terms of your
7 conviction in terms of your sentencing?

8 A. Pardon me?

12:33:06

9 Q. Let me make the question more clear, I apologise. First of
10 all, when were you actually convicted?

11 A. I was convicted on 11 May 19 - 2005.

12 Q. And can you remember the specific terms of your sentence?

13 A. Yes.

14 Q. Can you describe them?

12:33:45

15 A. Yes, I was charged and convicted for shooting with intent
16 to murder and conspiracy to murder.

17 Q. Do you know how many counts you were convicted of?

18 A. There were three counts and I was freed from one which was
19 murder and shooting with intent to murder and conspiracy.

12:34:33

20 Q. Now, do you know what incident these counts related to?
21 Was there any specific incident that you can recall?

22 A. Yes. According to them there was a fight at number 56 Spur
23 Road, where Foday Sankoh resided during the peace talks in
24 Freetown, and on May 8th there was a fighting in which 15 people
12:35:11 25 got killed. Some other people were wounded during that fighting.

26 Q. And what were you doing during that fighting?

27 A. Before the fighting on the 8th, I was arrested on 7 May and
28 I was in Pademba Prison.

29 Q. And this is - you said this was the Year 2000. Is that

1 correct?

2 A. Yes.

3 Q. Now who, if anyone, can you remember was in Pademba Road
4 while you were there as a prisoner?

12:35:54 5 PRESIDING JUDGE: Just before you come to that point, the
6 witness said the fighting was on the 8th. Which month?

7 MR SANTORA: Oh, I am sorry:

8 Q. You said the fighting was on the 8th. Of what month?

9 A. 8 May 2000.

12:36:16 10 Q. Now - I am sorry, I have lost my train of thought.

11 PRESIDING JUDGE: You were asking the witness if he
12 remembered anyone else at Pademba Road and I interposed before he
13 had an opportunity to answer that question.

14 MR SANTORA: Thank you, Madam President:

12:36:30 15 Q. Do you remember anyone else with you as a prisoner in
16 Pademba Road?

17 A. Yes.

18 Q. Can you name some of the people you remember?

19 A. Savage of the SLA, Callie was also there, Momoh Rogers of
12:37:06 20 the RUF.

21 Q. Is that all you remember? Do you remember anyone else?

22 A. For now these are the few that I can recall after my
23 conviction.

24 Q. And just to clarify you said Callie. Who is Callie?

12:37:42 25 A. Callie was the commander at West side who arrested the
26 British troops in Freetown.

27 MR SANTORA: And for a spelling, your Honours, I am not
28 sure if he is on the record, but C-A-L-L-I-E:

29 Q. And you also said Momoh Rogers. Who is he?

1 A. He was one of the commanders of the RUF who was also
2 convicted on the same charge.

3 Q. And finally you said Savage. Who was he?

12:38:35

4 A. Savage was the commander that I had told you about in the
5 past and who resided in Tombodu.

6 Q. Now, at some point you were released from Pademba Road?

7 A. Yes.

8 Q. Do you know the circumstances of your release?

12:39:13

9 A. Yes, according to the Director of Prisons on 26 April he
10 made me to understand that my name was amongst a list of 14
11 persons who were to be released on 27th as a goodwill gesture as
12 it pleased his excellency President Ahmad Tejan Kabbah.

13 Q. Now at the time of your release, did you know how much time
14 you had left to serve on your sentence?

12:40:06

15 A. Yes.

16 JUDGE SEBUTINDE: He said again the 27th without a year, or
17 even a month.

18 MR SANTORA: I apologise:

12:40:22

19 Q. You said you were released on the 27th. Can you say the
20 month and the year you were released?

21 A. Yes, 27 April 2007.

22 Q. And at the time you were released, do you know how much
23 time you had left to serve on your sentence?

12:40:54

24 A. Yes. According to them in the Pademba Prison the 150 years
25 was based on the number of people that died during that incident,
26 but after everything was broken down I was even ten years and
27 that is from the day of my trial up to the date I was sentenced I
28 had a remaining year of three-and-a-half years to spend in the
29 Pademba Prison.

1 Q. Just to clarify, Mr Witness, it says here you had "a
2 remaining year of three-and-a-half years". How much time did you
3 have left to serve on your sentence when you were released?

4 A. I said according to them it was three years, six months.

12:41:45 5 JUDGE SEBUTINDE: When the witness says "After everything
6 was broken down I was given ten years", what does he mean?

7 MR SANTORA: I can ask him, your Honour:

8 Q. When you say that when everything was broken down you were
9 given ten years, what do you mean?

12:42:05 10 A. Really I was unable to understand what their constitution
11 said at that time, but they said I was given 150 years
12 concurrently for 15 dead bodies and after working out - 150 dead
13 bodies and after working out their mathematics I was given 150
14 years, but from the day of my sentence, my trial to the day I was
12:42:33 15 sentenced --

16 THE INTERPRETER: Your Honours, the witness is going too
17 fast.

18 PRESIDING JUDGE: Mr Witness, please go a little slower so
19 that the interpreter can keep up with you.

12:42:51 20 MR SANTORA: Perhaps should he start the answer again, your
21 Honours?

22 PRESIDING JUDGE: Mr Interpreter, have you completed the
23 interpretation of the entire answer?

24 THE INTERPRETER: No, your Honours.

12:43:00 25 PRESIDING JUDGE: Then I will ask. Mr Witness, can you
26 repeat the part where - just the last part of your answer.

27 THE WITNESS: I said I was sentenced for 150 years and,
28 according to them, they said the 150 years was for 15 people that
29 were killed and after working out their mathematics they made me

1 to understand that I should go for ten years. That is from the
2 day of my trial to the day I was sentenced. That already covered
3 six years and six months, so the remaining was three years six
4 months.

12:44:09 5 Q. Just one final point, Mr Witness, on this. Did you say, "I
6 was given 150 years concurrently"? Is that the word you used?

7 A. Yes.

8 MR SANTORA: Your Honours, I was going to move on unless
9 your Honour wanted to query this issue?

12:44:34 10 JUDGE LUSSICK: It is just something and perhaps I have
11 missed something, but is the witness saying that he received a
12 sentence of 150 years for crimes that occurred on 8 May when he
13 was in prison at that time? He had been put in prison on 7 May
14 and the crimes occurred on 8 May. Is that what he is saying that
15 nevertheless, even though he was officially in custody of the
16 government, he was convicted and charged of murder when he
17 couldn't have been there because he was in prison? Unless I have
18 missed something, that is what he is saying.

12:45:00 19 MR SANTORA: The only word that I heard additionally on the
12:45:15 20 record was that one of his charges related to a conspiracy but
21 your Honour, if you are so inclined I can put it to him on that
22 particular point:

23 Q. Mr Witness, you said that you were arrested on 7 May 2000
24 and that you were convicted with relation to events on 8 May

12:45:44 25 2000?

26 A. Yes.

27 Q. Can you explain that?

28 A. Yes. I think that was one of the advantage that I had,
29 because at the point in time after my lawyer visited me after my

1 conviction all of the people who were charged for the May 8th
2 incident according to what the Judges said they were to be
3 charged strictly according to what happened on May 8th, but
4 according to what was said I was already in Pademba Prison before
12:46:28 5 the May 8th incident and that was one of the advantage that I had
6 that led me to success. So, later when the case was sent to the
7 judiciary I was to be released on 27 April 2007.

8 JUDGE SEBUTINDE: Mr Interpreter, did the witness use the
9 word "advantage" or "ground"?

12:46:57 10 THE INTERPRETER: The witness used "ground".

11 JUDGE SEBUTINDE: You should interpret accurately, please.

12 MR SANTORA: Do your Honours want me to query in this area
13 any additional points?

14 PRESIDING JUDGE: No.

12:47:24 15 MR SANTORA:

16 Q. Now I just have one final area, Mr Witness.

17 PRESIDING JUDGE: Just before you go into that area,
18 Mr Santora, please. [Pause] Please proceed, Mr Santora.

19 MR SANTORA: Thank you, Madam President:

12:48:08 20 Q. Now, Mr Witness, I just want to ask you about one final
21 area. During the course of your testimony you have testified
22 that you crossed between the border of Sierra Leone and Liberia
23 on several occasions. Is that correct?

24 A. Yes.

12:48:23 25 Q. You said one time that you crossed into Koindu from
26 Liberia?

27 A. Yes.

28 Q. And at another point you crossed from Liberia into another
29 location. Do you remember that location?

1 A. Yes, that was from Bo Waterside to Zimmi.

2 Q. Now from your observation during the time you crossed, I
3 would like you to describe the landscape at both crossings in
4 terms of the natural landscape. Can you describe the landscape
12:49:03 5 at the crossing at Bo Waterside/Zimmi? The natural landscape?

6 A. If I should compare the two, Koindu was more of savannah
7 and Bo Waterside was a forested area.

8 Q. And what do you mean by the word savannah?

9 A. The area is full of grass and there are no big trees in
12:49:41 10 that area and as compared to Bo Waterside there are more big
11 trees and more bushes than Koindu.

12 MR SANTORA: Your Honour, I have no further questions for
13 this witness.

14 PRESIDING JUDGE: Thank you, Mr Santora. Just before I
12:49:57 15 invite Mr Anyah to cross-examine, I have been asked to amend
16 slightly one of the documents marked for identification. That's
17 MFI-19. For purposes of record I have been asked to make the CD
18 MFI-19A and the transcript MFI-19B. Apparently it is easier to
19 record them in this way.

12:50:27 20 Mr Anyah, your cross-examination of the witness, if any?

21 MR ANYAH: Yes, thank you, Madam President. Could I have
22 the assistance of the Court Officer to distribute a set of
23 documents to each participant. May I proceed, Madam President?

24 PRESIDING JUDGE: Certainly, Mr Anyah. Please proceed.

12:51:46 25 MR ANYAH: Thank you.

26 CROSS-EXAMINATION BY MR ANYAH:

27 Q. Good afternoon, Mr Witness.

28 A. Good afternoon, sir.

29 Q. I am one of the attorneys for Mr Taylor. I will be asking

1 you a few questions. If I say something you do not understand
2 will you kindly ask me to repeat myself. Is that a yes?

3 A. Yes.

12:52:20 4 Q. And can we agree that you will allow me to finish my
5 questions before you give your responses? Can we agree to that?

6 A. Yes.

7 Q. And also when I ask questions you will tend to look towards
8 me as you respond. Could you kindly look towards the judges or
9 the Justices when you give your responses?

12:52:48 10 A. Yes.

11 Q. Yesterday you told us - actually it was on Wednesday 20th
12 of this month, you told us your name was Foday Lansana. Is that
13 correct?

14 A. Yes.

12:53:03 15 Q. You told us you went by a nickname of CO Nya. True?

16 A. Yes.

17 Q. Now Foday Lansana is not the name you answered when you
18 were growing up in Liberia, is it?

19 A. Yes.

12:53:28 20 Q. Your father's name or your family name is Nessian, is it
21 not?

22 A. Yes.

23 Q. In fact your full name given to you by your father is Nyahn
24 Korto Nessian, correct?

12:53:47 25 A. Yes.

26 MR ANYAH: For the record the Nyahn is spelt N-Y-A-H-N,
27 Korto is K-O-R-T-O and the Nessian is N-E-S-S-I-A-N:

28 Q. Now, Mr Witness, you were born in Nimba County, correct?

29 A. Yes.

1 Q. And you're a Mano man, that's your tribe, is it not?

2 A. Yes.

3 Q. We just left off during direct examination you were telling
4 us about the circumstances of your arrest in the year 2000. You

12:54:36 5 indicated you were arrested on 7 May, correct?

6 A. Yes.

7 Q. And the reason you gave for your arrest was that you were
8 suspected of being a mercenary of Charles Taylor, true?

9 A. Yes.

12:54:57 10 Q. I put it to you that you are lying when you say you were
11 arrested on 7 May 2000. Do you deny that?

12 A. I was arrested on 7 May 2000.

13 Q. I put it to you that at the time of your arrest you were
14 arrested on 56 Spur Road in the vicinity of Foday Sankoh's house.

12:55:25 15 Do you deny that?

16 A. I was not arrested on 8 May.

17 PRESIDING JUDGE: Mr Witness, counsel asked the place you
18 were arrested. That is he has put to you 56 Spur Road.

19 THE WITNESS: No.

12:55:51 20 MR ANYAH:

21 Q. When you went or when you had a trial in the case that you
22 mentioned in the High Court in Sierra Leone you were tried with
23 60 something other people, were you not?

24 A. So true.

12:56:10 25 Q. Initially there were 64 defendants or accused persons in
26 that case, correct?

27 A. That I cannot precisely say.

28 Q. The case was heard in the High Court of Sierra Leone,
29 correct?

1 A. Yes.

2 Q. One of the other accused persons went by the name of Sheku
3 Andrew Coomber, true?

4 A. Yes.

12:56:45 5 Q. Lawrence Womandia was also one of the accused, was he not?

6 A. Yes.

7 Q. Sheik Abu Bakarr Nabbie was also one of the accused, true?

8 A. Yes.

9 MR ANYAH: Your Honours, for the record the spellings are
12:57:03 10 Sheku Andrew Coomber, Sheku is S-H-E-K-U, Andrew common spelling,
11 Coomber is C-O-O-M-B-E-R. Then Lawrence common spelling,
12 Womandia, I think it is on the record already. In respect of
13 Sheik Abu Bakarr Nabbie, Sheik is S-H-E-I-K, Abu Bakarr
14 A-B-U-K-A, in this context R-R after the A, and Nabbie
12:57:42 15 N-A-B-B-I-E:

16 Q. Momoh Rogers was, as you said, also one of the accused,
17 correct?

18 A. Yes.

19 Q. Is that a yes?

12:57:56 20 A. Yes.

21 Q. And, forgetting yourself, the rest of the people in this
22 case which you were charged on the basis of an incident that
23 occurred on May 8th 2000 at 56 Spur Road; yes, or no?

24 A. Yes.

12:58:15 25 Q. And the nature of the incident in question was that some UN
26 peacekeepers had a few days before that date been taken hostage
27 by people they believed to be RUF members, correct?

28 A. Yes.

29 Q. And several civilians in Freetown went to Spur Road to the

1 home of Foday Sankoh to protest the, shall we say, abduction of
2 the UN peacekeepers, true?

3 A. Yes.

12:58:54

4 Q. And while those civilians were protesting members of the
5 RUF in the vicinity of Foday Sankoh's house fired on those
6 civilians with weapons, did they not?

7 A. No.

12:59:17

8 Q. A number of civilians died on May 8th in the vicinity of 56
9 Spur Road as a consequence of the demonstration at Foday Sankoh's
10 house, correct?

11 A. I don't know.

12 Q. Would you agree that it is possible that this incident at
13 Foday Sankoh's house happened on 7 May?

14 A. No.

12:59:36

15 Q. You are absolutely sure it happened on 8 May, is that your
16 testimony?

17 A. Pardon me?

12:59:56

18 Q. You as you sit there now looking at the judges you are
19 absolutely certain that the incident at Foday Sankoh's house
20 happened on 8 May 2000. Is that your testimony?

21 A. You mean the demonstration or the fighting? Which one?

22 Q. I am saying to you that they happened on the same day. Do
23 you agree?

24 A. Please put your question again.

13:00:24

25 Q. The question is this: I am putting it to you that on 7 May
26 2000 there was a demonstration during which civilians died in the
27 vicinity of Foday Sankoh's house. Do you agree?

28 A. No.

29 Q. Do you deny that such an incident happened on 7 May?

1 PRESIDING JUDGE: That's what he has told us.

2 THE WITNESS: No.

3 MR ANYAH:

4 Q. No means what, it did not happen on 7 May?

13:00:57 5 A. Not at all.

6 Q. Your testimony is that it happened on 8 May. Is that your
7 testimony?

8 A. That is what I heard, but I was not on the ground because I
9 was arrested on the 7th.

13:01:14 10 Q. But all of the other defendants in the case in which you
11 were tried were in Court for the events that happened in May 2000
12 at Spur Road, correct?

13 A. May what?

14 Q. They were there in relation to the incident at Foday
13:01:42 15 Sankoh's house, the other people that were charged with you in
16 this case, true or false?

17 A. May what? They were charged for May 8th or 7th? That's
18 what I want you to make clear to me.

19 Q. Well, for the sake of argument let's agree with you that it
13:01:59 20 happened on May 8th, okay. Let's say it happened on May 8th
21 2000. The other people, Sheku Coomber, Lawrence Womandia, Sheik
22 Abu Bakarr, all of those people in your case were there because
23 of the demonstration at Foday Sankoh's house, true or false?

24 A. True.

13:02:20 25 Q. The trial in your case was before Justice Patrick Hamilton
26 in the High Court of Sierra Leone, true?

27 A. Yes.

28 Q. And that trial took place - at least it started on 4 March
29 in the year 2002, correct?

1 A. Pardon me?

2 Q. The trial - are you having some difficulty with the
3 interpretation, Mr Witness?

4 A. No.

13:02:53 5 Q. Can you hear me clearly?

6 A. Sure.

7 Q. My question is this: The trial in your case in the High
8 Court of Sierra Leone started on 4 March in the year 2002; true,
9 or false?

13:03:09 10 A. That I cannot exactly tell.

11 Q. Will you agree with me that the trial ended on the date of
12 your conviction was on 11 April 2006?

13 A. Yes.

14 Q. And that means you were mistaken when you told us a few
13:03:29 15 minutes ago it ended on 15 April 2005. That was a mistake, was
16 it not?

17 A. I didn't say 15 April.

18 Q. You said 11 May 2005, my mistake. But you were mistaken
19 when you said 11 May 2005, right?

13:03:57 20 A. Yes.

21 Q. Thank you. Of the other people charged with you, and I am
22 putting it to you that there were 63 of you in that case, would
23 you agree that 10 of them were acquitted, that is found not
24 guilty of these charges?

13:04:23 25 A. The number, please.

26 Q. Well, let me ask you this: Some of them, for example Sheku
27 Coomber was found not guilty, was he not?

28 A. Yes.

29 Q. Lawrence Womandia was found not guilty, true?

1 A. Yes.

2 Q. There was somebody whom you mentioned in your testimony
3 yes, Akim Turay, he was also a defendant in that case, right?

4 A. Yes.

13:04:51 5 Q. And Mr Turay was also found not guilty, correct?

6 A. Which Turay?

7 Q. Mr Akim Turay was found not guilty?

8 A. I said yes.

9 Q. I think Turay was spelled yesterday for the record. The
13:05:16 10 fellow Isaac Mongor you have been testifying to a few days now
11 before the Chamber, he was also a defendant in this case, right?

12 A. No.

13 Q. Was there an Isaac Mongor that was a defendant in that
14 case?

13:05:33 15 A. No.

16 Q. Was there an Ahmid Idri ssa Kamara, a defendant in that
17 case?

18 A. Pardon me?

19 Q. Among the people you stood trial with was somebody by the
13:05:56 20 name of Ahmid Idri ssa Kamara a defendant in that case?

21 A. He was acquitted.

22 Q. He was found not guilty, true?

23 A. Yes.

24 MR ANYAH: Ahmid is A-H-M-I-D, Idri ssa is I-D-R-I-S-S, in
13:06:24 25 this case I believe his name is Idri ssa and the last name is
26 Kamara with a K:

27 Q. You told us you were sentenced to 150 years, right?

28 A. Yes.

29 Q. And I am putting it to you that you were charged with 15

1 counts - I'm sorry, I withdraw that. I put it to you that you
2 were convicted or found guilty of 15 counts. Do you agree?

3 A. Yes.

4 Q. And for each count I am putting it to you that you were
13:07:04 5 sentenced to 10 years in prison, true?

6 A. Yes.

7 MR ANYAH: Could I have the assistance, if it please the
8 Court, of the Court officer. I will be referring to the
9 documents in my bundle or my set of documents, in particular to
13:07:24 10 the one in tab number 16, that's the first one:

11 Q. Mr Witness, you told us yesterday that you speak Liberian
12 English. You also speak English and there was something of a
13 vernacular you made reference to. I want to find out, you can
14 read and write English, can you not?

13:08:14 15 A. Yes, I can read and write English.

16 Q. In fact you went to St Mary's high school in Saniquellie in
17 Nimba County, is that right?

18 A. Yes.

19 Q. And you attended the university of Monrovia aiming to study
13:08:34 20 electrical engineering, true?

21 A. Yes.

22 Q. So you will be able to follow these documents, would you
23 not?

24 A. Yes.

13:08:46 25 Q. Now when you open the document you are looking at in tab 16
26 it says in the High Court of Sierra Leone, Freetown in the matter
27 of Foday Sankoh and there is a name there Sheku Coomber or Sheku
28 Andrew Coomber. That is person to whom we have been referring,
29 correct?

1 A. Yes.

2 Q. And if you go down a few lines to the fourth line it says
3 Momoh Rogers, does it not?

4 A. Yes.

13:09:24 5 Q. And that is the same Momoh Rogers we've been referring to,
6 right?

7 A. Yes.

8 Q. And if you go down two more lines there is a name there
9 Foday Keunie Lansana, alias C.O.N.Y.A. Do you see that?

13:09:44 10 A. No, it's alias CO Nya.

11 Q. And CO means commanding officer Nya, correct?

12 A. No.

13 Q. That name there, does it refer to you; yes or no?

14 A. It refers to me, yes.

13:10:05 15 Q. Thank you. And if you go all the way down to the end of
16 this list, on the last full line it says Akim Turay, do you see
17 that there?

18 A. Yes.

13:10:32 19 Q. And moving down to the bottom of the page before you get to
20 the handwritten scribbles it says, "Before the Honourable
21 Mr Justice PO Hamilton, 5th day of July 2002". Do you see that?

22 A. Yes.

23 Q. Now these are the names of the persons with whom you stood
24 trial before Justice Hamilton, correct?

13:10:55 25 A. Yes, yes.

26 MR ANYAH: Your Honours, may I request that we go to tab
27 number 15, if your Honours please, and the pages are paginated on
28 the bottom right-hand corner and I will be referring to page 2 in
29 this instance.

1 THE WITNESS: Here it is. This is 16.

2 MR ANYAH: Tab 15, Madam Court Officer, page 2:

3 Q. Now I am going to ask you some questions about the
4 information in this document to see if the information is
13:12:15 5 correct. For the record this is a document disclosed by the
6 Prosecution to the Defence from the High Court of Sierra Leone
7 and from the director of prisons and it says:

8 "To the director of prisons, whereas Foday Keunie Lansana
9 of Pademba Road prisons convicted before this Court of conspiracy
13:12:41 10 to murder and 14 other counts and sentenced to 10 years IMP"
11 which I am stating is imprisonment "all each count to run
12 concurrently. You are hereby to lodge the same Foday Keunie
13 Lansana in the prison of Pademba Road?"

14 Skipping a few lines down it says, "Dated this 11th day of
13:13:19 15 April 2006" and beneath the signature it says "Chief Justice".

16 Mr Witness, this document is dated 11 April 2006. That
17 date corresponds to the date we have agreed is your date of
18 conviction, right?

19 A. Yes.

13:13:47 20 Q. Now between the time of your arrest in May 2000 and the
21 time of your release in April, on 27 April 2007, you were at
22 Pademba Road prison, correct?

23 A. Yes.

24 Q. And during that period of time investigators from the
13:14:16 25 Office of the Prosecution came into the prison to speak with you,
26 true?

27 A. Yes.

28 Q. And indeed on some occasions they would take you from the
29 prison to the premises of the Special Court for Sierra Leone in

1 Freetown, correct?

2 A. Yes.

3 Q. And during those occasions you would be accompanied or
4 escorted by an employee of the prison to the Special Court, true?

13:14:52 5 A. Yes.

6 Q. Your first interview with the Office of the Prosecution
7 took place in November of 2000, specifically on November 17, do
8 you agree?

9 A. Yes.

13:15:15 10 MR SANTORA: I think counsel just misspoke the date.

11 MR ANYAH: Yes, 2003. Thank you, I learned counsel:

12 Q. I will rephrase the question, Mr Witness. Your first
13 meeting with the Office of the Prosecutor took place on 17
14 November in the year 2003. Do you agree?

13:15:35 15 A. Yes.

16 MR ANYAH: And, your Honours, the documentation for that is
17 in tab 1 if someone chooses to --

18 PRESIDING JUDGE: We are not challenging you, Mr Anyah.

19 MR ANYAH: Thank you:

13:15:49 20 Q. Your second interview with them was a few days later also
21 in November 2003 on 21 November 2003, right?

22 A. It could be precisely correct, but I cannot exactly recall
23 it.

24 Q. But you do recall that a few days, maybe a week or so after
13:16:11 25 the first day you met with them, you met with them a second time
26 in November 2003, correct?

27 A. Yes.

28 Q. Indeed, you also met with them a the third time in 2003
29 somewhere around 9 December 2003, do you agree?

1 A. Yes.

2 Q. And after you met with them three times in 2003 there was a
3 break during the Christmas break and you met with them one more
4 time in January 2004, right?

13:16:48 5 A. Yes.

6 Q. After your meeting with them in January 2004, you did not -
7 well, I withdraw that. We only have records of you meeting with
8 them next in January of 2007. So my question is this: Between
9 January of 2004 and January of 2007 did you meet with the Office
10 of the Prosecution at any time?

13:17:21

11 A. No.

12 Q. So your testimony is that there was a three year gap from
13 January 2004 to January 2007 during which you did not meet with
14 them?

13:17:35

15 A. No.

16 Q. "No" means?

17 A. I didn't meet with them.

18 Q. Thank you, sir. But you did indeed meet with them in
19 January of 2007, right?

13:17:51

20 A. I did.

21 Q. You know a fellow by the name of Gilbert Morissette,
22 correct?

23 THE INTERPRETER: Your Honours can I learned counsel please
24 repeat that name.

13:18:02

25 MR ANYAH:

26 Q. You know a fellow by the name of Gilbert Morissette, do you
27 not?

28 A. No.

29 Q. You know a fellow by the name of Joseph Saffa, do you not?

1 A. Yes.

2 Q. Saffa is an investigator from the Office of the Prosecutor,
3 right?

4 A. Yes.

13:18:27 5 Q. Do you know somebody by the name of Steven Niemi,
6 N-I-E-M-I, do you not?

7 A. Yes.

8 Q. Saffa and Niemi interviewed you in January 2007, right?

9 A. Yes.

13:18:45 10 MR ANYAH: I would refer the Chamber to the document on
11 page 3 in tab 15 if your Honours please. It is a two page
12 document:

13 Q. I will read a portion of this document, Mr Lansana, and
14 then I will ask you a question?

13:19:19 15 A. Yes.

16 Q. The document is dated 15 January 2007. It is a letter to
17 the Director of Prisons, Department of Prisons New England,
18 Freetown, Sierra Leone. The subject matter says, "Request for
19 release of prisoner for interview" and on page 4 it is signed by

13:19:51 20 Gilbert Morissette, chief of investigations, Office of the
21 Prosecutor. The section to which I will read appears on the
22 first page at the bottom, the last full paragraph, and it reads,

23 "There is a prisoner in your custody that has been
24 convicted and is now serving jail sentence. His name is Foday K
13:20:26 25 Lansana who is believed to have useful information for the Office
26 of the Prosecutor. This office will like to conduct an interview
27 with him on Tuesday January 16th, 2007 at 10 a.m. and throughout
28 the week until completed."

29 And then on the second page, the last paragraph:

1 "We would greatly appreciate your assistance in this matter
2 as soon as possible. Please be advised that our investigators
3 looking into this matter are Joseph Saffa" and there is a phone
4 number "and Steven Niemi" and there is a phone number.

13:21:15 5 Now, Mr Lansana this letter refers to a meeting with you,
6 or a prospective meeting, that is it's looking towards a meeting
7 or an interview on January 16th 2007. My question is this: On
8 16 January 2007 you did in fact meet with Joseph Saffa and Steven
9 Niemi, correct?

13:21:47 10 A. Yes.

11 Q. So permission was granted by the prison to facilitate this
12 meeting between you and them, right?

13 A. Pardon me?

14 Q. Somebody in the prison gave permission for you to be taken
13:22:04 15 from the prison to meet with these two men, true?

16 A. Yes.

17 Q. And you met with them at the premises of the Special Court
18 in Freetown, right?

19 A. Yes.

13:22:18 20 Q. Now that whole week, 16 January, you met with them. I am
21 putting it to you that you met with them on 17 January, you met
22 with them on 18 January, you met with them on 19 January and then
23 a few weeks later you met with them on 1 February all in 2007.
24 Do you agree?

13:22:43 25 A. Yes.

26 Q. So there were five meetings you had with them after this or
27 during this period of time in January, correct?

28 A. Yes.

29 Q. Thank you, sir. And during those meetings you were often

1 at the Special Court and they would give you lunch, right?

2 A. Yes.

3 Q. And when you were taken back to the prison they used to
4 give you some pocket money or a little money to spend, correct?

13:23:19 5 A. Pardon me?

6 Q. When you were taken back to the prison these investigators
7 used to give you money while you were a prisoner, did they not?

8 A. No.

9 Q. Do you deny that they gave you money while you were in
10 prison?

11 A. They gave me money when I was in prison, but not at all
12 times when they used to take me out.

13 Q. So your testimony is that on the days they would take you
14 out that is when they would give you money?

13:23:54 15 A. I can recall on one occasion when they asked me to go for
16 an interview I told them that I didn't have a fitting attire and
17 so they provided me money to get me a fitting attire. They never
18 gave me money for any of the visits that I made to the Special
19 Court.

13:24:16 20 Q. But they did provide you with a suit, is that what you're
21 saying, a suit that you wear, right?

22 A. Quite correct.

23 Q. Thank you. Did you see these same investigators visit some
24 of the other defendants in your case like Momoh Rogers?

13:24:42 25 A. No.

26 Q. Did you see them ever visit Sheikh Nabbie while you were in
27 prison?

28 A. Besides Sheikh Nabbie they visited other people.

29 Q. Does that mean they did in fact visit Sheikh Nabbie?

1 A. They never visited Sheikh Nabbi as far as I am concerned,
2 but they visited other people like Akim Turay, Isaac Mongor and
3 others.

13:25:20 4 Q. So there was an Isaac Mongor in custody at that time, was
5 there not?

6 A. Yes.

7 Q. And that was the same Isaac Mongor you testified about
8 yesterday?

9 A. Yes.

13:25:34 10 Q. That is Isaac Mongor from the RUF, right?

11 A. Yes.

12 Q. Akim Turay is from the RUF as well?

13 A. Akim Turay was an SLA and I got to know him as a junta.

13:26:01 14 Q. The other people they visited including Turay and Mongor,
15 these were mostly people that were RUF or SLA members, correct?

16 A. Yes.

17 Q. And when you were in custody with these people, you and
18 them occasionally would speak, true? Talk to each other, if I am
19 right?

13:26:27 20 A. Yes.

21 Q. And as you sit there now can you confirm or deny whether
22 any of these people told you they were made promises of money or
23 other materials if they gave evidence to the Office of the
24 Prosecution?

13:26:50 25 A. No.

26 Q. You never heard any of your fellow defendants say that
27 somebody promised them such and such to give evidence against
28 Charles Taylor?

29 A. No.

1 Q. Do you deny that?

2 A. No.

3 PRESIDING JUDGE: Mr Anyah, I note the time. Is this a
4 convenient place?

13:27:16 5 MR ANYAH: I don't think I have a choice.

6 JUDGE SEBUTINDE: Just to clarify, every time you ask the
7 witness and he says no he probably means yes.

8 MR ANYAH: Okay, I understand. I am just trying to perfect
9 the record.

13:27:31 10 PRESIDING JUDGE: Is this convenient in the light of
11 Justice Sebutinde's observation about the answer?

12 MR ANYAH: I don't know. Let me see the transcript if I
13 need to clarify something for Justice Sebutinde. Yes, if it
14 please the Court, may I have the latitude of a few minutes - a
15 minute or two to clarify?

13:27:55 16 PRESIDING JUDGE: The tape will run out - no, just clarify
17 that one point, please, Mr Anyah.

18 MR ANYAH:

19 Q. Mr Witness, I am having to ask the questions a little bit
13:28:08 20 over again, but here is a question: When you spoke with other
21 defendants in your Sierra Leone case did any of them at any time
22 tell you that members of the office of the Prosecution promised
23 them money or something else to give evidence against Charles
24 Taylor?

13:28:25 25 A. No.

26 Q. "No" means they never told you that, right?

27 A. No, I never heard any conversation with any of them
28 concerning the taking of money from the Prosecution in order to
29 speak against Charles Taylor.

1 PRESIDING JUDGE: I think that has clarified it, Mr Anyah.

2 MR ANYAH: Yes, thank you.

3 PRESIDING JUDGE: This is now time to adjourn, Mr Witness.

4 We do other work on Friday afternoons and therefore we adjourn

13:28:52 5 from now until Monday morning. I will again remind you that you
6 have taken the solemn declaration and that you are not allowed to
7 discuss your evidence until all your evidence is finished. You
8 understand?

9 THE WITNESS: Yes, ma'am.

13:29:10 10 PRESIDING JUDGE: Please adjourn the Court until 9.30 on
11 Monday. [Whereupon the hearing adjourned at 1.32 p.m.
12 to be reconvened on Monday, 25 February 2008 at
13 9.30 a.m.]

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-275	4521
EXAMINATION-IN-CHIEF BY MR SANTORA [Continued]	4522
CROSS-EXAMINATION BY MR ANYAH	4582