



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 2 JUNE 2010
9.33 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Silas Chekera
Ms Logan Hambri ck
Mr Isaac Ip

1 Wednesday, 2 June 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:27:55 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours and counsel opposite. For the Prosecution this
9 morning, Brenda J Hollis, Imogen Parmar, Maja Dimitrova and
09:33:47 10 myself Nicholas Koumjian.

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning, myself Terry
13 Munyard, Logan Hambri ck and Isaac Ip.

14 PRESIDING JUDGE: Mr Witness, this morning, as you continue
09:34:08 15 your testimony, I am required to remind you of the oath that you
16 took to tell the truth. That oath is still binding on you.

17 WITNESS: DCT-292 [On former oath]

18 MR KOUMJIAN: Madam President, I believe we were in the
19 middle of a map that was being marked by the witness and I would
20 ask that that be put back on the overhead.

21 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

22 Q. Now, sir, perhaps we can briefly remind ourselves of where
23 we were on this map yesterday. Do you recall I asked you to mark
24 where it was you were captured, Totota, and you have marked that
09:35:56 25 in the purple dot that's just to the left of three where we see
26 the town marked Totota at an intersection. Can you just take the
27 pen and point to that now.

28 Now, from Totota, you then travelled through Gbatala,
29 Suakoko, Phebe to Gbarnga. Is that correct?

1 A. You are correct, your Honour.

2 Q. And, sir, you told us on your direct examination that you
3 were in a truck, correct?

4 A. Yes, your Honour.

09:36:37 5 Q. And can you describe a bit more this truck?

6 A. This truck had no number. It was a military truck that was
7 given to us by the same man at that time, Pa Morlai. But it had
8 no emblem, no title, no number.

9 Q. Okay. When you say it had no number, you mean there was no
09:37:06 10 licence plate?

11 A. No licence plate.

12 Q. Sir, a couple of times yesterday, and it may be my fault
13 also, we talked at the same time. Try to wait until I finish the
14 question because the gentleman sitting here is trying to write
09:37:20 15 down what both of us say. He can't do that when we talk at the
16 same time.

17 A. Thank you.

18 Q. Sir, you said it was a military-type truck. Did it have an
19 open back or a closed back?

09:37:34 20 A. It was an open back.

21 Q. Was it a truck with four tyres or more than four tyres?

22 A. It was more than four tyres.

23 Q. Do you recall the make of the truck?

24 A. Oh, as I said, your Honour, the truck is military made. It
09:37:53 25 has the colour of green - light green and it has four tyres. Two
26 tyres at the front and it has four at the back.

27 Q. Thank you. Now, you have told us that Foday Sankoh told
28 you many times he had no money, correct?

29 A. You are right.

1 Q. Where did he get the truck from?

2 A. He came with his truck, I don't know where he got it from
3 and said that he was using that for us to come back home.

09:38:24

4 Q. And you told us that there were about 70 people in that
5 truck, correct?

6 A. You are right, your Honour.

7 Q. And you learned eventually, if not at the time but
8 eventually you learned, that most of these had been people
9 released from detention in various parts of Liberia, correct?

09:38:38

10 A. You are right, your Honour.

11 Q. And they had been released from Foday Sankoh, on Foday
12 Sankoh's initiative, correct?

13 A. You are right, your Honour.

09:38:51

14 Q. And the people who were detaining them, such as in your
15 case the fighters you knew were the NPFL that came, let Foday
16 Sankoh take them out of the jail, correct?

17 A. You're right.

18 Q. Now, this was wartime, correct, that you made this trip?

19 A. That was wartime, your Honour.

09:39:10

20 Q. So on the trip, let's just say up to Gbarnga, we are just
21 going to stop there for now, how many checkpoints did you pass in
22 that truck in order to get from Totota to Gbarnga?

23 A. The major ones that were existing at that time was one was
24 right in the town where I was captured or I was arrested. There
09:39:35 25 was another one at Gbatala. They had one at Suakoko. They had
26 one at Phebe. And the other one was the last one where we were
27 intercepted, your Honour.

28 Q. Thank you. Perhaps we could mark those and we will use an
29 X and then we will make a legend below. Can you put an X at each

1 point where there was a checkpoint. You said the first one was
2 at Totota where you were captured, correct?

3 A. Yes, your Honour.

09:40:18

4 Q. Perhaps the witness could take the document off the
5 overhead to mark this and then we will put it back when you are
6 done. I am just asking you, sir, just so it's clear, to put an X
7 at these locations where you said there were checkpoints. You
8 said there was one where you were captured, Totota?

9 A. Yes, your Honour.

10 Q. Can you mark that, please?

11 A. Yes.

12 Q. You said there was another one at Gbatala. Can you again
13 use the same mark, an X would be good, at Gbatala?

14 A. Yes, your Honour.

09:40:54

15 Q. And you were talking about these were the major ones. You
16 said there was another at Phebe. Can you mark this checkpoint?

17 A. Before that there was Suakoko.

18 Q. Thank you. There's one at Suakoko, and then at Phebe?

19 A. Yes, your Honour.

09:41:12

20 Q. Just tell me when you're done?

21 A. I'm finished it.

22 Q. And then there is one at Gbarnga where you were
23 intercepted, correct?

24 A. Yes, your Honour.

09:41:22

25 Q. At Gbarnga you were intercepted by a group of NPFL
26 soldiers, correct?

27 A. Yes, your Honour.

28 Q. How did you get - going through these other checkpoints
29 what would happen when you approached the checkpoint?

- 1 A. Each of these checkpoints, whenever we reached there, there
2 was a jeep, a small jeep, that was used by the leader himself.
3 That is, Foday Saybana Sankoh. He used to come down. We can't
4 come down at all. And I don't know the dialogue or conversation
09:42:01 5 he might be having with these people. Then we would just see
6 ourselves moving.
- 7 Q. So just tell me if I understand you correctly. On the trip
8 it actually was two vehicles: The truck, and in front of the
9 truck was a jeep with Foday Sankoh?
- 09:42:16 10 A. Yes, small jeep.
- 11 Q. Do you remember - can you describe the jeep at all?
- 12 A. The jeep had the same colour, but not - it was - the colour
13 was a little bit greener than the one that we were using, and
14 that was having a number 297.
- 09:42:35 15 Q. Did it have an open top or was it a completely closed jeep?
- 16 A. It was a closed jeep, sir.
- 17 Q. Did it have room in the back for many people to be carried?
- 18 A. Yes, few. Maybe about three. Three can be at the back.
- 19 Q. So when you got to a checkpoint, both vehicles would stop,
09:42:59 20 Foday Sankoh would get out and talk to the people at the
21 checkpoint, and then you were allowed to proceed. Is that
22 correct?
- 23 A. Yes, your Honour.
- 24 Q. Do you know where Foday Sankoh got the jeep from?
- 09:43:12 25 A. Well, at that time I didn't ask him where he got it from,
26 your Honour.
- 27 Q. Was Foday Sankoh himself driving, or did he have his own
28 driver?
- 29 A. Foday Sankoh had a driver.

1 Q. Who was that, sir?

2 A. By name that I understood, he was called Alfred Brown.

3 Q. Now, when you got to Gbatala, this group of NPFL soldiers
4 intercepted you - excuse me, Gbarnga. When you got to Gbarnga,
09:43:44 5 the group of NPFL soldiers intercepted you and you had to wait
6 for a period of time. Is that correct?

7 A. You are right, your Honour.

8 Q. Did you spend the night there at Gbarnga?

9 A. No, your Honour.

09:43:55 10 Q. How long did you have to wait?

11 A. As we reach - the gate is located before you could reach
12 the town itself. The township is located at the junction. So we
13 stayed there only about 20 minutes and we were told to move, and
14 he didn't go with us at that time.

09:44:18 15 Q. Now, did the soldiers indicate that they needed to check
16 before that with superiors before letting you proceed?

17 A. Yes, he was the one that was asked. He was the superior
18 officer at that time, so he was asked to go and explain
19 whatsoever is concerning us, and he did that.

09:44:48 20 Q. I just want to understand something you said yesterday.
21 You said yesterday at page 41699, line 16 - well, I will give
22 your whole answer. Starting at line 12 you said:

23 "A. Well, I mean, being in Liberia for quite a long time I
24 knew exactly that we were going towards Voinjama and we
09:45:47 25 went - we reached to Gbarnga, diverted to the left going to
26 Voinjama, went let's say about 7 to 10 miles, then we were
27 intercepted. This group that intercepted us were NPFL
28 fighters. Then they told us that we cannot pass. It was
29 around 12 o'clock in the night. They stopped us and told

1 us - the NPFL fighters told us that, 'Because of security
2 reasons, and we do not know why you are going, we are not
3 going to allow you to pass.' "

4 Then you were asked on the next page, the bottom of 41700:

09:46:42 5 "Q. Then you've have reached a point where you were
6 stopped."

7 I don't know if it would be helpful to your Honours to put
8 it on the screen or I should just read it, but it's yesterday's
9 transcript 41700, the last four lines. So you said:

09:47:14 10 "Q. Then you've reached a point where you were stopped.
11 Just tell us what happened when you were stopped or
12 intercepted?

13 A. When we were intercepted, My Lord, I was somebody that
14 was - I used to ask a lot of questions because, being that
09:47:31 15 I could lately speak the language, that is the Liberian
16 language, so people thought - even those that were with me,
17 they were not convinced that I was a Sierra Leonean. So I
18 asked the commander, 'Please, Mr Commander, can you tell me
19 the whole night being without food, from 12 we have not
09:47:55 20 eaten anything and we are sitting down, people are coming
21 to look at us as if we have committed a crime. So please
22 tell us when we are moving from here?'"

23 You then said that the citizen came and gave you bananas
24 and treated you nicely. Then on line 13 you were asked:

09:48:14 25 "Q. Were you eventually allowed to go on your way?

26 A. Restriction was very heavy, my Lord.

27 Q. Did you at some point leave that place where you had
28 been intercepted?"

29 You gave an answer. The question was basically repeated,

1 and you said at line 22:

2 "A. Obviously I've said it. Instead of going through the
3 straightforward road we were diverted to another course
4 that we went in and this place - if you can allow me to go
09:48:46 5 very fast - this place was called Naama."

6 And, sir, these soldiers - correct me if I am wrong - that
7 had detained you and diverted you accompanied you to Naama. Is
8 that correct.

9 A. You are right, your Honour.

09:49:00 10 Q. And then if we go to page 41705 from yesterday's
11 transcript, line 16, the Defence counsel asked you about why you
12 didn't try to leave Naama, and you said at line 18:

13 "A. Obviously I was going to be killed.

14 Q. By whom?

09:49:55 15 A. Well, the order was there that they said about ambushes
16 and I don't know, I mean, what they were talking about
17 ambushes. And later on I came to realise that you are
18 surrounded by people to monitor your movements so you have
19 to be here. So had I attempted --

09:50:16 20 Q. Pause there. You were surround by which people?

21 A. The same men that we met for security reasons, they
22 said they were going to guide us, that is, the soldiers.
23 The soldiers were on that base."

24 So, sir, these were the same men - or from the same group
09:50:37 25 of men that diverted you were monitoring you at the Camp Naama;
26 do I understand you correctly?

27 A. Yes, including some other people that we met, your Honour.

28 Q. And these were NPFL soldiers, correct?

29 A. At that time, your Honour, I could easily say because the

1 place had been previously named as a barracks, so the people I
2 met there, I could see each and every one of them in uniforms.
3 So I could not easily tell whether they were NPFL people.

09:51:21

4 Q. Bong County at that time was controlled by the NPFL,
5 correct?

6 A. You are right, your Honour.

7 Q. The AFL, what was left of it, was basically located in just
8 a few pockets, mainly Monrovia, correct?

9 A. You are right, your Honour.

09:51:36

10 Q. And this was before the formation of ULIMO that you were at
11 Camp Naama, correct?

12 A. You are right, your Honour.

13 Q. Now, while we have the map, now we've have said you went -
14 you've gotten to the checkpoints up to Gbarnga. Can we broadcast
15 that map so we can see what you have written?

09:52:08

16 A. Yes, your Honour. I think the last checkpoint I did, I
17 have not marked it. I don't know if you are going to give me a
18 chance to do that. And that is Belefanai.

19 Q. We're about to come to that. I just asked you so far up to
20 Gbarnga, so I appreciate that.

09:52:25

21 A. Okay.

22 Q. So let's go through with what you have marked. You have
23 marked an "X" next to "Totota", correct?

24 A. Yes, your Honour.

09:52:32

25 Q. And you have marked an "X" next to "Gbatala", correct?

26 A. Yes, your Honour.

27 Q. Another one next to "Suakoko"?

28 A. Yes, your Honour.

29 Q. Another one at "Phebe"?

1 A. Yes, your Honour.

2 Q. And another one at "Gbarnga", correct?

3 A. Yes, your Honour.

4 Q. Now, these "X"s are a little bit offside, off the road, and

09:52:50 5 I understand you did that so we could read it. The checkpoints
6 were actually on the road. Is that right?

7 A. Yes, your Honour.

8 Q. From Gbatala, what other - excuse me. From Gbarnga, what
9 other checkpoints did you encounter before you got to Naama?

09:53:08 10 A. From Gbarnga I never met any checkpoint except the one that
11 intercepted us, your Honour; that is, Beiefanai.

12 Q. Can you mark that? Now, sir, before we leave the map,
13 since we have it out, I want to talk about how you got into
14 Sierra Leone from Camp Naama. You said that you did not enter

09:54:15 15 until about a week after the initial incursion, correct?

16 A. You are right.

17 Q. You said that the soldiers, RUF trainees, had left Naama
18 and you stayed behind for a week, correct?

19 A. You are right, your Honour.

09:54:34 20 Q. Where did you stay?

21 A. I was staying on the same base; that is, Camp Naama.

22 Q. So how many - some groups left Naama, correct?

23 A. You are right, your Honour.

24 Q. Were they carried in a truck similar to the truck that
09:54:53 25 brought you to Naama?

26 A. Not the truck that brought us. There was another truck
27 that was sent to us by Foday Sankoh.

28 Q. Was it bigger than the truck that brought you?

29 A. Yes, your Honour.

1 Q. So this larger truck, how many times did it come to Naama
2 to carry fighters? Was it one time, or more than one time?

3 A. This truck took people to the starting point of the war and
4 it came back to collect us; that is, I am talking about myself
09:55:28 5 and the other people like Kargbo.

6 Q. Sir, didn't you tell us that Kargbo was in charge of the
7 Kailahun operation yesterday?

8 A. He was the man that was in charge, but he didn't start the
9 war. He never went with the people to start the war.

09:55:46 10 Q. Thank you. So this executive group that you talked about -
11 I am not asking you right now about them - the fighters that
12 left, you said the place they started the war, but actually you
13 told us yesterday that the group was split and in fact one group
14 went to Pujehun area to attack. Is that correct?

09:56:12 15 A. Yes, your Honour.

16 Q. Another group went to Kailahun, and that group itself was
17 split into two subgroups, correct?

18 A. You are right, your Honour.

19 Q. One went to Koindu. Is that right?

09:56:24 20 A. You are right, your Honour.

21 Q. And the other one, did it go to Pendembu? Or where did it
22 go?

23 A. Bomaru.

24 Q. Bomaru. So when the truck came to collect the fighters,
09:56:37 25 did it come twice for the group - once for the group for Pujehun
26 and once for the group in Kailahun, or did it come only one time
27 or three times?

28 A. This truck came first. The two trucks came simultaneously,
29 that is, to take the people to Kailahun, and the other one should

1 go, because it was something that was going to be incurred or it
2 was going to start at the same time. So the two parties left the
3 same night, and they went and we stayed on the base.

09:57:11 4 Q. Okay. That's much clearer. Thank you. So there actually
5 were two different trucks, one carrying the group to Kailahun,
6 another carrying the group south to Pujehun area, correct?

7 A. Yes, my Lord.

8 Q. And the reason for this was to have a coordinated two-prong
9 attack to coordinate the attacks, correct?

09:57:27 10 A. Yes, my Lord.

11 PRESIDING JUDGE: Mr Koumjian, could we have some
12 description of these trucks. Were they also military type
13 trucks?

14 MR KOUJIAN:

09:57:41 15 Q. Sir, can you help?

16 A. Yes, your Honour. The two trucks were not military trucks.
17 They were ordinary trucks with an open back for each and it had
18 the colour of - the two were having brown colour. It was a long
19 back open truck. They had two. One went to Pujehun, your
09:58:05 20 Honour. The other one went to Koindu.

21 Q. Would you say it was a ten-tyre truck?

22 A. Yes, because it had eight tyres at the back and two in the
23 front. Same as the other one that carried the people to Pujehun.

24 Q. Do you know where Foday Sankoh got these two trucks?

09:58:28 25 A. I didn't ask him, my Lord.

26 Q. But you said Foday Sankoh told you he had no money,
27 correct?

28 A. Yes, my Lord.

29 Q. And you said he didn't have money to buy ammunition,

1 correct?

2 A. Yes, my Lord.

3 Q. But he had these vehicles that you have described. Is that
4 right?

09:58:59 5 A. Yes, my Lord.

6 Q. And also, from November, when you are captured, up until
7 March, which I believe is five months, food was being brought to
8 feed 300 plus people at Camp Naama every day, correct?

9 A. Yes, your Honour.

09:59:20 10 Q. And you say, "Oh, this was from a woman who was a market
11 woman who was wealthy," is that correct, Isatu Kallon?

12 A. Yes, your Honour.

13 Q. Why didn't she give Foday Sankoh some money to buy
14 ammunition?

09:59:36 15 A. Well, I think, your Honour, it might have been that maybe
16 what they discussed in my absence I couldn't tell you, I cannot
17 say it here. But maybe that was her own part of contribution
18 that was made for her to do to the revolution, so.

19 Q. The truth is you don't really know, because you didn't see,
09:59:57 20 where she got the food from, correct?

21 A. Well, she used to bring it from Firestone.

22 Q. Okay. You don't know whether she paid for the food or not,
23 do you?

24 A. Well, I don't think there was a free something to be given
10:00:14 25 to her, because she had money and she has the purchasing power to
26 get anything. And she was a marketeer and in fact a chairlady
27 for the market association in that area. So getting food from
28 her friends was I think, your Honour, very simple.

29 Q. What was her source of income? You said she was a market

1 woman. What did she sell or what did she do to make money?

2 A. She was selling other - the main thing that she was doing
3 was soap making. That was the most important occupation she had.

4 Q. And her husband, Daniel Kallon, had been a cashier at

10:00:58 5 Firestone, correct?

6 A. Yes, my Lord.

7 Q. But Firestone at that time was not operating. Is that
8 correct?

9 A. Yes, it was not.

10:01:05 10 Q. And Firestone was controlled by the NPFL, correct?

11 A. Yes, my Lord.

12 Q. When Foday Sankoh said he had to go in - let me ask you
13 again about something you said yesterday, if I can find it. If

14 we can go to page 41719 from yesterday's transcript. You were

10:02:06 15 being asked by Defence counsel about the incursion and at line

16 14 - well, I'll just read first the first the top few lines. You

17 said at line 2:

18 "We received this message from Foday Sankoh when he came
19 from Gbarnga. When he came he told us that he heard people have
10:02:35 20 already gone."

21 Then skipping down to line 14, 15, you were asked to
22 explain what Foday Sankoh meant and you answered at line 15:

23 "Well, his explanation was that when he heard it he has
24 already - a friend came and told him about it, that there was an

10:02:55 25 incursion and he asked him why is it - whether these were the

26 fighters from the RUF. But what that - I don't know his name.

27 What he told Pa Morlai was that they also didn't go in, but he

28 heard that these people - the Sierra Leoneans on the battle lines

29 during the war in the Liberia and some Liberians have escaped on

1 the other side. That is, they were in Sierra Leone."

2 Sir, just so we understand what you're saying, Foday Sankoh
3 came back to Naama and he said he had heard that there already
4 had been an invasion from Liberia into Sierra Leone, correct?

10:03:43 5 A. Yes, my Lord.

6 Q. And he heard that that was because of a dispute between
7 NPFL soldiers and Sierra Leone soldiers, correct?

8 A. Not only the soldiers. They said, even the civilians were
9 taking some materials, food materials, from them and therefore
10:04:03 10 they went to ask them so that they can pay. That was what they
11 told Foday Sankoh.

12 Q. So the Liberian soldiers felt that they had been cheated by
13 the Sierra Leone soldiers and civilians, so they went there to
14 collect, correct?

10:04:20 15 A. Yes, my Lord.

16 Q. And they went into Bomaru and they caused a lot of damage
17 and killed people, correct?

18 A. Well, the killing, my Lord, is what I cannot really confirm
19 because they went through - the one that I saw with my eyes when
10:04:37 20 I got in was the one at Koindu. But Bomaru, I didn't go there.
21 At the time there was no communication in fact.

22 MR KOUMJIAN: Excuse me, your Honour, I don't think I am
23 going need the map any further so could that please be marked for
24 identification?

10:05:02 25 PRESIDING JUDGE: Before it's marked for identification,
26 could we have some legend of what, you know, the witness has done
27 with the map.

28 MR KOUMJIAN:

29 Q. Sir, it's my fault, but you have placed at my request some

1 Xs marking checkpoints. Can you write on the map at the bottom
2 "X equals checkpoints"?

3 PRESIDING JUDGE: And I think a time frame attached would
4 helpful for future reference.

10:06:40 5 Mr Koumjian, it seems to me the witness is repeating the
6 names of locations. I don't know if that's what you asked.

7 MR KOUMJIAN:

8 Q. All you need to write, sir - I don't know what you have
9 written so far - is just "X equals checkpoint." Then, sir, if
10:07:24 10 you have room, below that you can draw a dot like you drew at the
11 various points that you passed and say, "The dots equal points en
12 route Totota to Naama, November 1990." Is that correct that this
13 trip was in November 1990?

14 A. Yes.

10:08:01 15 Q. So could you write, "Dots equal points en route Totota to
16 Naama, November 1990."

17 A. Can you please spell that?

18 Q. R-O-U-T-E. And, sir, could you sign that - well, excuse
19 me. Just put DCT-292. Don't put your name.

10:09:16 20 PRESIDING JUDGE: Mr Koumjian, I am just proposing this, I
21 am not dictating to you, but these points that the witness put,
22 without joining them to show the actual route could be quite
23 confusing six months from now.

24 MR KOUMJIAN: Perhaps I suggest it might be easier to read
10:09:36 25 the map if that's done with a highlighter. I see my colleague
26 has a highlighter:

27 Q. Sir, what I am going to ask you to do is take this pen and
28 connect the dots. Show the routes that you took on the road
29 from - I think if we do it with a dark marker you might not be

1 able to read the names of the towns underneath it. I think it
2 would be better to use a highlighter. Even if it doesn't show up
3 on the screen your Honours will have it to look at.

4 A. Do you want --

10:10:14 5 Q. Just showing the route from Totota to Naama.

6 PRESIDING JUDGE: Mr Koumjian, how do you want me to
7 describe this document?

8 MR KOUMJIAN: I think it would be DCT-292 route from Totota
9 to Naama, November 1990 with checkpoints. Your Honour, could I
10 see, was the witness able to put DCT-292? He did.

10:11:23

11 Q. But perhaps, sir, you could write below your number DCT-292
12 today's date, which is June 2, 2010?

13 Perhaps, your Honour, just DCT-292 route Totota to Naama,
14 November 1990.

10:11:59

15 PRESIDING JUDGE: The map of Liberia as marked by DCT-292
16 showing the route from Totota to Naama, 1990, is marked MFI-1.

17 MR KOUMJIAN: I am finished with the map. Thank you:

18 Q. Sir, before - let me go back for a moment and ask you a few
19 more questions about your time at Camp Naama. First of all, was
20 your group - when you arrived, were there already other trainees
21 at the camp?

10:12:47

22 A. Yes, your Honour.

23 Q. Do you recall the names of some of those who were already
24 at the camp?

10:13:05

25 A. At that camp, your Honour, I met Issa Sesay, Kelfa Wai,
26 Ahmed Fulah, Youssoufu Siillah, Mustapha Tonkara, Amidu Jozie. I
27 also met - he was called Moses, but his name we used to call on
28 the base was Lewis Pongay, and I also met people like Momo Kallon
29 and others.

1 Q. Is Momo Kallon a separate person, different than
2 Morris Kallon?

3 A. Yes, my Lord.

10:14:20 4 Q. The first two names you mentioned, Issa Sesay and Kelfa
5 Wai, Kelfa Wai is the person you talked about yesterday being
6 killed and decapitated, correct?

7 A. You are right, my Lord.

8 Q. They were brought by Ivory Coast by Foday Sankoh, correct?

9 A. You are right.

10:14:31 10 Q. And did you talk to them about how they came to Naama?

11 A. Well, we were asked, my Lord, that nobody shall ask
12 anybody. In fact, they were not allowed anything like that, my
13 Lord.

14 Q. You worked with them - Kelfa Wai until he was killed - and
10:14:48 15 Issa Sesay for many years, correct?

16 A. Correct, my Lord.

17 Q. Did he tell you that on their way to Naama they stopped in
18 Gbarnga and were greeted by Charles Taylor?

19 A. I never asked them that question, my Lord.

10:15:01 20 Q. Did he ever tell you that --

21 A. No, my Lord.

22 Q. -- Issa Sesay? Some of the people - you also mentioned
23 someone named Sillah. Could you help us with the spelling?

24 A. What I have on my papers is S-I-L-L-A-H.

10:15:27 25 Q. Thank you. Do you know, was that a first name or family
26 name?

27 A. Youssoufu is his first name; Sillah is the second name.

28 Q. And what about Amidu --

29 A. Jozie.

1 Q. Jozie. How do you spell Amidu Jozie? It's two words,
2 correct?

3 A. Yes, my Lord. The Amidu, the one he gave to me on the base
4 was A-M-I-D-U. Then the Jozie he gave me J-O-Z-I-E.

10:15:59 5 Q. Were you responsible at the base for keeping a list of all
6 the trainees?

7 A. Yes, my Lord.

8 Q. Now, you mentioned a Sylvester. He was one of the
9 trainers, correct?

10:16:15 10 A. He didn't train us, but he was an experienced fighter.

11 Q. You said he was an experienced fighter, and that is one the
12 reasons he was given a command after you entered Sierra Leone,
13 correct?

14 A. Yes, sir.

10:16:27 15 Q. He was Liberian, correct?

16 A. You are right, my Lord.

17 Q. Do you know his ethnicity or tribe?

18 A. No, my Lord.

19 Q. Do you know any other name for him besides Sylvester?

10:16:38 20 A. That was the only name - the only name we adapted to them -
21 or they adapted was - called them CO; that is, commanding
22 officer.

23 Q. So Sylvester had fought - had experience fighting in
24 Liberia, correct?

10:16:53 25 A. Yes, my Lord.

26 Q. The same for Isaac Mongor, correct?

27 A. Yes, my Lord.

28 Q. And the same for John Kargbo, correct?

29 A. Well, John Kargbo, I am not sure he fought, but he is an

1 ex-soldier.

2 Q. The same for a man who joined you not at the base but in
3 Sierra Leone, Superman, Dennis Mingo, correct? He was an
4 experienced fighter?

10:17:20 5 A. Yes, my Lord.

6 Q. So you said that Foday Sankoh had said that he was going in
7 because of this incursion. Do you know how Foday Sankoh learned
8 about the incursion?

9 A. My Lord, you have to explain that a little bit, because I'm
10:17:50 10 not too - it's not too clear to me which of the incursions,
11 because we - is that the incursion, the first - the initial one
12 that was done by the group of people, or the RUF incursion?

13 Q. Yes. I am talking about before the RUF left Naama, Foday
14 Sankoh came and said we have to go because he has heard about
10:18:09 15 this incursion, correct?

16 A. Yes, my Lord.

17 Q. How did he hear about the incursion?

18 A. I think from an explanation he told us that he heard it
19 from a friend. He never disclosed the name of the friend.

10:18:22 20 Q. Foday Sankoh would come and go off the base, correct?

21 A. Yes, my Lord.

22 Q. Did he do that, would you say, on a daily basis or every
23 other day? How often would he come and go?

24 A. He does it seldomly. He comes sometimes one week, then
10:18:39 25 after one month he comes back.

26 Q. So he was more outside the base than he was inside the
27 base; is that correct?

28 A. Yes, my Lord.

29 Q. And what was he doing when he was outside the base?

1 A. Well, my Lord, I cannot tell you what he was doing, because
2 I was not with him whenever he goes out.

3 Q. Who would he take with him when he went out?

4 A. When he is going out of the base?

10:19:09 5 Q. Yes, sir.

6 A. He carries nobody with the exception of his driver.

7 Q. By the way, you mentioned much later in regards, I believe
8 to the meeting in Monrovia, a Foday Sankoh bodyguard, Jackson.
9 Do you recall that?

10:19:39 10 A. Yes, my Lord.

11 Q. Is that Jackson Swarray?

12 A. Yes, bright in complexion.

13 Q. By "bright" you mean light skinned?

14 A. Light skinned, thank you.

10:19:49 15 Q. I understood you, but just so the record is clear. And a
16 good looking man?

17 A. Of course he is handsome.

18 Q. Jackson Swarray, where did you first meet him?

19 A. Jackson Swarray was met in Kailahun. When the fighting was
10:20:12 20 going on, I saw Issa Sesay, Morris Kallon bringing this
21 particular man, and the story that was surrounding that man was
22 that he was just an ordinary hunter prior to the incursion. So
23 when they learned that he was good in fight - I mean hunting,
24 having the notion that he was a man that has experience in
10:20:40 25 shooting, they took him to be part of the RUF.

26 Q. Now, at one point early in the war he was injured and went
27 to hospital, correct?

28 A. Yes, my Lord.

29 Q. And he went to hospital in Liberia, correct?

1 A. Well, they only said that they were going to bring him to
2 Burkina.

3 Q. To Burkina?

4 A. Yes.

10:21:03 5 Q. Now --

6 A. This Burkina is not the Burkina Faso place, your Honour.

7 Q. Is this a place in Kailahun?

8 A. Yes, my Lord.

9 Q. Where is it exactly?

10:21:14 10 A. This was straight in Kailahun, but not in the town
11 Kailahun. It was out of Kailahun - about 12 miles off Kailahun.

12 Q. Was it in the bush, or was it a town?

13 A. It was in the bush, sir.

14 Q. Was it a place that was used to train?

10:21:32 15 A. That place was not used for training. It was a base - it
16 was a place where the leader resided before going to Kenema.

17 Q. "Before going to Kenema", is that what you said?

18 A. I am talking about Zogoda.

19 Q. Yes. We didn't quite understand the word you used. You
10:21:53 20 said "before going to Kenema", correct?

21 A. Yeah, that's the place where Zogoda is.

22 Q. So after being in hospital, Jackson Swarray after his
23 injury served for a time in Liberia with the Executive Mansion
24 guard in Gbarnga, correct?

10:22:14 25 A. I'm not aware of that, my Lord.

26 Q. Well, he was used as a body double for Charles Taylor;
27 isn't that true?

28 A. I cannot say that. I don't know much about that, my Lord.

29 Q. He was about the same complexion as Charles Taylor,

1 correct?

2 A. Of course. Complex-wise he has the same colour.

3 Q. Now, sir, Jackson Swarray returned to the RUF after his
4 injury and he became the commander of the Black Guards, correct?

10:22:47 5 A. Yes, my Lord.

6 Q. And what were the Black Guards?

7 A. Well, the Black Guards were the bodyguards of the leader.

8 Q. So Jackson Swarray had direct contact and daily contact
9 with Foday Sankoh, correct?

10:23:05 10 A. You are right, my Lord.

11 Q. The Black Guards had access to more confidential
12 information than even the top commanders, would you agree?

13 A. I agree.

14 Q. So a person who would have a lot of knowledge of what's
10:23:23 15 really going on in the RUF was Jackson Swarray, correct?

16 A. You are correct, my Lord.

17 Q. What other - going back to Naama, besides Sylvester and
18 Isaac Mongor, there were other Liberian commanders who were
19 training the recruits at Naama, correct?

10:24:00 20 A. Yes, my Lord.

21 Q. Can you tell us some of their names?

22 A. Those that I can really remember, one was - they used to
23 give us names not completely, because somebody would just come
24 and say: Okay, excuse me, we are fighting war, so this is the
10:24:22 25 name I want you to write. I don't want you to ask me questions.

26 So some would say Rambo, so there was one Rambo. Of course,
27 Isaac Mongor was teaching me; I need to know his name. And
28 Sylvester was there; Joseph Brown was there; Vincent was there;
29 Abraham Dugbeh was there; Base Marine was there --

1 Q. Just a second. I am asking you about the trainers, okay?
2 Those that are giving the - teaching at the base. You said Isaac
3 Mongor was teaching you, but then you went on and you said
4 Sylvester was a teacher, correct?

10:24:57 5 A. I thought you were asking me to give you the names of
6 Liberians that were there.

7 Q. No, I am asking you about Liberians who were --

8 A. Training us --

9 Q. -- teaching, training?

10:25:06 10 A. Okay. In training really the Liberians that trained us was
11 Gonkanu, he trained us; One Man One, he trained us. On the side
12 of Isaac Mongor, I guess Isaac Mongor - I cannot take him to be a
13 trainer, because he was just there to make sure that in the
14 morning we go physically, we jog maybe a mile and come back on
10:25:34 15 the base.

16 Q. He conducted the physical training, the PT, correct?

17 A. Yes, my Lord.

18 Q. You mentioned a name Abraham Dugbeh. How do you spell the
19 last name?

10:25:46 20 A. D-U-G-B-E-H.

21 Q. Thank you very much. Now, One Man One, was he at the base
22 the entire time you were undergoing training?

23 A. He was with us, your Honour.

24 Q. So basically from November to March you saw him at Naama?

10:26:06 25 A. Yes, my Lord.

26 Q. Did you see him in Sierra Leone?

27 A. No, my Lord.

28 Q. What about Gonkanu; was he with you throughout the time at
29 the base?

1 A. Yes, he was with us, sir.

2 Q. By the way, One Man One was a man from Nimba County,
3 correct?

4 A. Yes, my Lord.

10:26:26 5 Q. And he had been a Special Forces? He had been and trained
6 in Libya, correct?

7 A. Well, I didn't ask him, my Lord.

8 Q. Who was Gonkanu?

9 A. Gonkanu was an experienced fighter and he was brought on
10 the base by the leader, at that time Pa Morlai, and he was
11 introduced to us that he is going to take care of how to make
12 ambushes, how to escape for survival and how to use the arm.

13 Q. About how old was Gonkanu?

14 A. He was about 40.

10:27:16 15 Q. And what about One Man One?

16 A. He was about 40 too, sir.

17 Q. Where had Gonkanu obtained his experience fighting?

18 A. When it came on the base he had some proofs because he had
19 some we can call it ronko, these are wearings that fighters can
10:27:43 20 use in times of war. Then he had a gun with him and some
21 ammunitions were there, so that made me to say he was an
22 experienced fighter.

23 Q. Plus he was given the job to train you in fighting,
24 correct?

10:28:01 25 A. Yes, my Lord.

26 Q. And when he talked did he seem to have experience?

27 A. Yes, my Lord.

28 Q. Now, it's interesting you said he was wearing and you said
29 a word that I didn't understand. Can you explain that word?

1 A. This is just a name that we can call it. It's a ronko.
2 That is - it is made out of curtain, a cotton wool, and sometimes
3 they put it - they dye it, they tie-dye it to get different
4 different colours and sometimes they put some shells on it to
10:28:37 5 make it fearful.

6 Q. Is it R-O-N-K-O or how would you spell it?

7 A. I think we can take it that way.

8 Q. So it's something that is supposed to help make the fighter
9 stronger or immune from bullets. Is that correct?

10:28:55 10 A. Yes, my Lord.

11 Q. And you recognised that when he was wearing that he was a
12 fighter because other fighters in Liberia used similar clothing
13 for protection, for spiritual power, correct?

14 A. Yes, my Lord.

10:29:17 15 Q. Now, when the RUF - when this group had made the incursion,
16 when the RUF entered Sierra Leone - first of all, let's say when
17 you entered you said around the beginning of April to Koindu, did
18 you see these Liberian fighters still in the area?

19 A. By the time we reached there, my Lord, they were nowhere to
10:29:58 20 be found at all. I never saw any, except the ones that were
21 trained from Naama.

22 Q. Sir, let me ask you a direct question: Did you see NPFL
23 units fighting in Sierra Leone?

24 A. I didn't see NPFL fighters fighting in Sierra Leone
10:30:19 25 together with us. But, your Honour, I can explain this a little.
26 Now, these guys or these men that came and met us on the base
27 were NPFL fighters. But they, according to what I said, I don't
28 know how they came. When I asked them they said it's not time
29 for me to ask because I was writing names of them. They said

1 they have heard about Sierra Leoneans going to fight and they, as
2 experienced people, have come to join. So at that time we
3 entered they were no longer NPFL fighters; they had been trained
4 as RUF fighters.

10:31:01 5 Q. Sir, I am not talking about the Liberians who were with you
6 at Naama. I am talking about the groups that led the incursion
7 before the Naama RUF got there. There were NPFL units in Sierra
8 Leone, correct?

9 A. They left from here and went in, yes, my Lord.

10:31:23 10 Q. So some of the commanders of the NPFL that were in Sierra
11 Leone whose names you heard were like Dopoe Menkarzon. You've
12 heard that he was there, correct?

13 A. I saw Dopoe Menkarzon and others.

14 PRESIDING JUDGE: Mr Koumjian, the witness said, "They left
10:31:40 15 from here and went in", meaning what?

16 MR KOUMJIAN:

17 Q. Can you explain what you meant, sir, when you said - my
18 question was there were NPFL units in Sierra Leone and you
19 answered, "They left from here and went in." You mean they left
10:31:58 20 Liberia and went into Sierra Leone, correct?

21 A. Yes, my Lord.

22 Q. And these NPFL units were commanded by people like Dopoe
23 Menkarzon, correct?

24 A. Yes, my Lord.

10:32:09 25 Q. Sam Tuah, correct?

26 A. Yes, My Lord.

27 Q. Charles Timber correct?

28 A. Yes, my Lord.

29 Q. One Man One, correct?

1 A. Yes, my Lord.

2 Q. When was it you saw these units in Sierra Leone?

3 A. When we entered, it took us almost six months. Within that
4 scope I saw this young man that came and that came directly to
10:32:42 5 the leader. At that time he was in Kailahun at Pendembu. So
6 they came and met him and they told him that we have come to
7 assist. And at that time, as I told you earlier, your Honour,
8 questions were not to be asked. So we saw them and I saw these
9 people lying, and they were with us.

10:33:11 10 Q. The people that had done the killing in Koindu that caused
11 Foday Sankoh to cry, those were NPFL fighters that had done the
12 killing in Koindu, correct, before the RUF got there?

13 A. When we got there, as I told you, I was not at the initial
14 point, my Lord. So when we got there, I know we have already

10:33:37 15 started the war there. So I cannot say who really did the
16 killing. It could be any of the fighters. Later I saw the
17 bodies in the market and where at that time Foday Sankoh prayed
18 on the bodies and gave us more - other information concerning how
19 to fight and who do we fought.

10:34:04 20 PRESIDING JUDGE: Mr Koumjian, the witness said at page 34
21 towards the end, he said, "So they came and met him and they told
22 him that they have come to assist and at that time, as I told you
23 earlier, questions were not to be asked. I saw these people" -
24 something - "and they were with us." Now, the clarification I am
10:34:37 25 seeking is is the witness saying, or what does he mean when he
26 says "they were with us"?

27 MR KOUMJIAN:

28 Q. Sir, what did you mean when you said, if you need me to
29 give you more context, say so, "they were with us"?

1 A. Yes, my Lord. What I am saying, while the fighting was
2 going on, they stayed with the fighting force. Then they used to
3 - like Charles Timber, he used to go to the battle front lines.
4 So he was fighting along.

10:35:14 5 Q. And Charles Timber was fighting against, for example, when
6 he died attacking Daru Barracks, the SLAs, the Sierra Leone Army,
7 correct?

8 A. Yes, my Lord.

9 Q. Daru Barracks was a key military objective for the RUF
10:35:31 10 because that was the strong point of the Sierra Leone Army in
11 Kailahun, correct?

12 A. Yes, my Lord.

13 Q. If Daru Barracks fell, the RUF would control Kailahun,
14 would you agree?

10:35:41 15 A. Yes, my Lord.

16 Q. So you made many attempts to take that barracks, correct?

17 A. Yes, many attacks.

18 PRESIDING JUDGE: Mr Koumjian, the witness in my estimation
19 hasn't answered my query. When he said "they stayed with us",
10:35:57 20 were they sharing quarters? Is that all that happened? When he
21 says "they were with us", what does he mean? What do you mean,
22 Mr Witness?

23 THE WITNESS: Yes, Madam President. When I say they were
24 with us, they were not in the same houses. They located
10:36:12 25 themselves in a place called - it's a vocational school in
26 Pendembu. They were staying in those quarters. That secondary
27 school has some houses that were used for the instructors. So
28 they were based there under the instruction of this Dopoe
29 Menkarzon.

1 PRESIDING JUDGE: Based there doing what?

2 THE WITNESS: Based there advising and coming to tell us
3 how to behave when you are fighting and when you see the enemies
4 on the sides of how to go through the fighting.

10:36:53 5 PRESIDING JUDGE: So you mean they were training the RUF?

6 THE WITNESS: I mean, training in a sense if they were
7 telling us how to fight. That was oral, Madam President. They
8 were telling us orally. They didn't take arms to say this is how
9 to fire.

10:37:14 10 MR KOUMJIAN:

11 Q. You said in your answer, "That secondary school had some
12 houses that were used for the instructors." By the instructors
13 you mean the NPFL?

14 A. No.

10:37:26 15 Q. Who do you mean?

16 A. Instructors of the secondary school.

17 Q. It was the teachers?

18 A. Yes, the teachers. But when they fled, those houses were
19 empty. So when these guys came in, Dopoe Menkarzon and the other
10:37:40 20 people, they lodged there.

21 Q. And how long did Dopoe Menkarzon and his people lodge
22 there?

23 A. Dopoe Menkarzon was with us for only a week, then he left.
24 Then he came back for the second time. At this time when he came

10:38:03 25 - I don't know if I am going ahead, but I will explain briefly,
26 your Honour. He came to arrest the bodies of all the high
27 ranking officers and which they gave a name to that and they
28 arrested us.

29 Q. Okay. You are going to talk about Top 20, Top 40 and Top

1 Final. That's what you are referring to, correct?

2 A. Yes, that's what I am referring to.

3 Q. We will come to that in just a second. Thank you. So when
4 you said he was there for the first time, this first time, do you
10:38:40 5 recall which month that was? Not the time he came to arrest
6 people, the first time?

7 A. The first time he came it was around March, April. March,
8 April.

9 Q. And who else was with him that you remember?

10:39:07 10 A. He had some people whose names sometimes - I mean, when
11 they came in, I saw somebody like Administration or Administrator
12 who was there. I saw also somebody like Francis Mewon. I also
13 somebody like Nixon Gaye. I also saw somebody like Arthur. I
14 saw somebody like Edward Woah. And there was somebody whose name
10:39:41 15 was not disclosed to me, but he was a little bit blind, he
16 couldn't see further. And there was somebody like Bosco [phon].
17 These people were staying directly with Dopoe Menkarzon.

18 Q. Do you know which was his deputy?

19 JUDGE DOHERTY: Just a moment, Mr Koumjian. Mr Witness,
10:40:03 20 when you say "somebody like he Edward Woah, somebody like
21 Arthur", do you mean they were similar in appearance to Arthur or
22 Edward Woah or they were actually Arthur and Edward Woah?

23 THE WITNESS: Your Honour, I'm referring - when I said
24 somebody like, I wanted to refer it to the person that was
10:40:30 25 seeming blind. But Edward Woah was a person himself. Bosco was
26 a person himself.

27 MR KOUMJIAN:

28 Q. We didn't understand what you said, the transcript said you
29 said, "I wanted to refer to the person that was" - what did you

1 say?

2 A. That was - I mean seemed blind. He was not really. He
3 doesn't see far.

4 Q. Okay, the transcript is correct. What do you mean by that?

10:41:00 5 A. He couldn't see far, your Honour. He can see just a few
6 steps, but he doesn't see further.

7 Q. And who are you talking about?

8 A. His name was not disclosed to me because I only saw him
9 when we were arrested.

10:41:15 10 Q. Okay. But the other people you named, let's go through
11 them quickly. Francis Mewon, you saw him and knew him, correct?

12 A. I saw him, sir.

13 Q. In Sierra Leone?

14 A. Yes, sir.

10:41:29 15 Q. Nixon Gaye?

16 A. Yes, sir.

17 Q. That's G-A-Y-E, correct?

18 A. Yes, it's a name from Liberia.

19 Q. He was there?

10:41:38 20 A. Yes, sir.

21 Q. Arthur was there?

22 A. Yes, sir.

23 Q. And Edward Woah was there, correct?

24 A. Yes, sir.

10:41:44 25 Q. How do you spell his surname?

26 A. It should be W-O-A-H. Edward Woah.

27 Q. Where did you see Sam Tuah?

28 A. Sam Tuah, I saw him in Pendembu. He came to - we used to
29 call it Executive Mansion where Foday Sankoh usually stays. So

1 all of them, they could just bring them in the morning and they
2 would introduce them that yes, these are our brothers and they
3 said they have come to help us. So they can stay here and you
4 should work together.

10:42:29 5 Q. Did the NPFL units - for example, Charles Timber - did he
6 fight with RUF units, or in his own unit?

7 A. He didn't fight in his own unit. When he was introduced by
8 the leader, we came to realise that he was fighting for the RUF,
9 not a separate entity fighting for any other group. He fought
10:42:56 10 directly with the RUF.

11 Q. Do you know Charles Ngebeh?

12 A. Charles Ngebeh, if he is the one that I know, your Honour,
13 was one of the people that at the initial point were lacking some
14 holes. That is, what I mean, we were not having ex-parties in
10:43:27 15 certain areas. We go directly to - if an arm is destroyed at the
16 battle front line, where are we going to take it? Because we
17 were not taught armoury. So with that, I thought it was
18 necessary that we get somebody to be trained to become an
19 armourer and among these guys who came, Mewon and the other,
10:43:56 20 there was an old man who was staying with Dopoe Menkarzon. So
21 this old man, I talked to him and said, well, people are coming
22 with arms and we don't have enough. So they were taught at the
23 Executive Mansion as armourers.

24 Q. And when you say the Executive Mansion, you mean in
10:44:17 25 Pendembu?

26 A. Yes, my Lord.

27 Q. And he was taught, Charles Ngebeh, about being an armourer
28 from one of the old men working with Dopoe Menkarzon?

29 A. Yes, My Lord.

1 Q. Do you remember the old man's name?

2 A. Edward. Something like Edward, old man --

3 Q. And you were the one who assigned Ngebeh to that training?

4 A. Yes, my Lord.

10:44:42 5 Q. I would like to read - if we could have the transcript for
6 12 April 2010, page 38755. Sir, going down six lines, this is
7 from the testimony of Charles Ngebeh, who testified openly in
8 this trial. He was being asked about the attack on Daru
9 Barracks. He said at line 6:

10:45:55 10 "A. It was Charles Timber who attacked Daru Barracks.

11 That is what I knew. Charles Timber.

12 Q. And Charles Timber attacked Daru Barracks, and he was
13 killed in that attack?

14 A. Yes.

10:46:11 15 Q. And that was an earlier attack, wasn't it, Mr Ngebeh?

16 A. It's correct. You are correct. No, I cannot actually
17 tell whether it was during the first attack, because Timber
18 was based at Baima. They used to attack place frequently.
19 They had severally attacked that place. But since his
10:46:29 20 death, nobody was able to ever attempt after that again,
21 and that was the guy they called Rambo."

22 Sir, did you know that Charles Timber was sometimes called
23 Rambo?

24 A. Charles Timber, I don't know of him being Rambo. The only
10:46:55 25 name I know is Charles Timber. The Rambo that we had is a small
26 one; not that Rambo.

27 Q. Are you talking about the RUF Rambo, Boston Flomo?

28 A. Yes, my Lord.

29 Q. But you also told us there were many Rambos in the NPFL,

1 correct?

2 A. This was the Rambo I met when I was arrested. That was in
3 Liberia; it's not here. The Rambo, everybody was just - thank
4 you.

10:47:22 5 Q. Is it correct that Charles Timber was based at Baima?

6 A. You are correct, my Lord.

7 Q. Is that in Kailahun?

8 A. Baima is in Kailahun, sir.

9 Q. And is it correct that Charles Timber and his group used to
10:47:37 10 attack Daru Barracks frequently?

11 A. Yes, my Lord.

12 Q. And again, Daru Barracks was manned by the SLAs, the Sierra
13 Leone Army, correct?

14 A. Yes, my Lord.

10:47:47 15 Q. And then - excuse me. Going back to the transcript, I
16 forgot to read - I forgot to flip my page. It was the next two
17 lines I should have read. And then he was asked:

18 "Q. And he was a Liberian NPFL fighter; isn't that
19 correct?"

10:48:16 20 A. Yes."

21 Charles Timber was an NPFL fighter, correct?

22 A. Yes, my Lord.

23 Q. Before we come to Top 20, Top 40, Top Final, you named some
24 of the Liberian trainers at Naama. Did you know Sam Draper?

10:48:47 25 A. Sam Draper? No, I don't remember that name.

26 Q. Did you know a trainer called PI?

27 A. Yes, my Lord.

28 Q. Who was PI?

29 A. PI, he came on the base, but he was not a trainer. He was

1 an experienced fighter and he was - he went together with the
2 people to Pujehun.

3 Q. So he was not a trainee, correct?

4 A. He was a trainee, but not a trainer.

10:49:27 5 Q. You are saying he was a trainee, PI?

6 A. PI came and met us and - before our departure, your Honour.
7 But to say he took the training with us, no, he didn't. He only
8 came and met us and he was introduced to us, your Honour.

9 Q. So he was an experienced Liberian fighter who joined you
10:49:45 10 for - the group for the attack on Pujehun?

11 A. Yes, my Lord.

12 Q. Who sent him?

13 A. He was sent with a group that left for Pujehun by Foday
14 Sankoh.

10:49:58 15 Q. Now, you talked about Isaac Mongor being one of the
16 commanders for the attack on the Kailahun group at the initial
17 invasion, correct?

18 A. Yes, my Lord.

19 Q. Now, the initial battle group commander was John Kargbo; is
10:50:17 20 that correct?

21 A. Yes, my Lord.

22 Q. But he was later one of those killed along with Rashid
23 Mansaray and the whole incident around Giehun in Luawa Chiefdom,
24 correct?

10:50:31 25 A. He was executed in Kailahun with the others.

26 Q. When he was executed, Isaac Mongor served as the acting
27 battle group commander, correct?

28 A. You are right, sir.

29 Q. Which, at that time, would have been what position in the

1 RUF? There is the leader, and then describe the chain of
2 command.

3 A. Can you say that again, my Lord?

4 Q. Yes. Can you give us - describe the top chain of command
10:50:58 5 of the RUF. The top is the leader, Foday Sankoh, correct?

6 A. Yes, my Lord.

7 Q. And what are the next two positions below him?

8 A. There are three positions despite that. Going down from
9 the leader Foday Sankoh, we have a battleground commander; we
10:51:17 10 have a battle front line commander, or we can call it a
11 battlefield commander; then we have a battalion commander. Under
12 that direction we have - we had town commanders, target
13 commanders. They were under the battalion commanders. Then from
14 there we had some other structures that were responsible for
10:51:42 15 domestic affairs. They were not really for battle front lines.

16 Were to get information and deliver it to the leader. We take,
17 like, the recruiting man, something like the S. That is a GS0,
18 that is a staff officer; number 1, 2, 3, 4 and 5. Then we go
19 down to the Gs. We had the same thing, G1, G2, G3, G4 and G5.

10:52:18 20 Then another branch was - other branches were also made like the
21 military police and like the People's Court and like - yeah, the
22 People's Court was there, and then we had - of course, this was
23 under IDU. So these were the branches that we had.

24 Q. Sir, when - after the execution of Rashid Mansaray and John
10:52:49 25 Kargbo, when Isaac Mongor was the battleground commander, was he
26 then number 2 in the RUF structure?

27 A. Your Honour, this is what you cannot even ask Foday Sankoh.

28 Q. Okay. Sir, when Isaac Mongor was battle group commander,
29 who was the battlefield or battlefront commander? You used both

1 terms for that.

2 A. At that time when he was there, then Issa Sesay became the
3 battlefield.

4 Q. Well, excuse me, wasn't it at that time Mohamed Tarawalli?

10:53:21 5 A. Tarawalli was - you see, the battle group commander doesn't
6 go to the battle front line. We had the battle front line
7 commander and at that time Rashid Mansaray - after his death,
8 then the positions were given as thus: Mohamed Tarawalli then
9 became the original battle group commander. Then he was - we had
10:53:52 10 this boy - we had - Sam Bockarie was also at the battle front
11 line.

12 Q. Okay. Sir, at some point after these - when these
13 Liberians that you mentioned, the NPFL soldiers, were in Sierra
14 Leone, there were a lot of complaints about them harassing,
10:54:20 15 killing, even eating civilians, correct?

16 A. You are right, sir.

17 Q. And raping. I should not forget that. Correct?

18 A. You are right.

19 Q. So tell us what happened.

10:54:37 20 A. Your Honour, when these friends came to help, at the
21 starting point they were obedient, but the time came when they
22 went absolutely out of the principles of the RUF. They were not
23 implementing orders and what they used to tell us: We don't have
24 any CIC. We came here on the our own. Nobody sent us here. So
10:55:08 25 if you want, you can send us - we are from Liberia. We can go
26 back to Liberia. So I told them, I said, well, if you are saying
27 that, I want you to know something. I have been in Liberia. I
28 saw the fighting that went through there. Then did you ever see
29 such a thing or whatsoever you are doing here, is it because this

1 is Sierra Leone? That brought them. The next day a group came.
2 They brought a whole lot of ammunitions and guns, put me under
3 gunpoint. I told them: I am asking you why.

4 Then when I asked them the question, they couldn't answer.

10:55:53 5 I waited for Foday Sankoh, when he was at Kailahun, I sent a
6 message by radio. I said, "Pa, the people are doing something
7 that is not good. At this time we are hearing of people going to
8 people's houses, raping and doing this, and this was what you
9 said shouldn't be done." He came and talked to them and went

10:56:19 10 back to Kailahun. From there they repeated. Bosco and others in
11 my presence executed a woman. He did it because he said he
12 wanted the woman's daughter. This was done in Pendembu

13 and - yes, Pendembu. Then I told Pa, Foday Sankoh, again, "Pa
14 Sankoh, if you are thinking that these people they have come

10:56:56 15 here, they said they didn't come under the auspices of anybody,
16 they are here to come and fight, they came to help you, why can't
17 you complain to the person that they are - or the leader? Let
18 him be aware. Maybe he is aware of those people." And there
19 nobody has come to say anytime we talk about the

10:57:15 20 commander-in-chief, that is we are talking about Foday Sankoh,

21 "They are always ignoring you. They don't have respect." Sam
22 Tuah had no respect for the leader. And he can just talk to the
23 leader as if he is talking to his equal or a peer group.

24 So from there Foday Sankoh decided to, I mean, go to

10:57:37 25 Gbarnga. He went there. When he came back he met almost the
26 same thing. At that time he came, before he could even arrive or
27 maybe go to his executive or his mansion, we were all arrested.

28 We were tied and taken to back to Gbarnga. In Gbarnga, they tied
29 us. My Lords, I couldn't take this. If I take it you can see

1 the mark. And told us that they were running a final top. That
2 is, after they have done so many things. So the final top came
3 and we were - I was among the final top. They carried us to
4 Gbarnga. When we reached there again, I asked them, "Why have
10:58:30 5 you brought us here? You said" --

6 PRESIDING JUDGE: Sorry, Mr Witness, who is this "they"?
7 They arrested us and they carried us, who are you referring to?

8 THE WITNESS: Sorry, Madam President. I am talking about
9 Dopoe Menkarzon. Dopoe Menkarzon, he was the main person

10:58:47 10 together with one James Kawie. They tied us. Dopoe Menkarzon -
11 excuse me, madam. Dopoe Menkarzon made his people, together with
12 James Kawie, to tie us, that if that could happen, could have
13 happened to me two times, I would prefer dying because the rope
14 went into my skin and the others the same and the group that was
10:59:16 15 there were, briefly: Edward Fembeh, myself, Daniel, Kargbo,
16 Augustine Kargbo, Abraham Dugbeh, Kosia, Mon Ami. There was a
17 Short Mon Ami. These are the people I could remember now. They
18 were there.

19 Then I asked them a question, "Why have you brought us
10:59:44 20 here? If at all you think that we are here, why can't you - you
21 are all Liberians and you went to fight over there. You have
22 brought us to Naama. Is it because Naama is the place that we
23 have to, I mean, come for anything that happens in Sierra Leone?"
24 I said, "Why can't we go to the leader?" They said they were not
11:00:02 25 going to ask, nobody sent them over there. We stayed on that
26 camp again for another two weeks before - a week.

27 Then Foday Sankoh, according to what he came and explained,
28 he has laid the complaint to His Excellency - to Charles Taylor,
29 because these guys are Liberians. Immediately following that, he

1 came back, he made the people - he made Dopoe Menkarzon to send
2 us back. We came back to Sierra Leone.

3 PRESIDING JUDGE: When you said "he", "he made", who are
4 you referring to?

11:00:41 5 THE WITNESS: Dopoe Menkarzon.

6 PRESIDING JUDGE: No, no, you said, "He made Dopoe
7 Menkarzon to send us back." Who made Dopoe Menkarzon to send you
8 back?

9 THE WITNESS: Foday Sankoh asked Dopoe Menkarzon. He came
11:00:51 10 there and he told Dopoe Menkarzon to send us back to Sierra
11 Leone. And he said he was annoyed. Why is it that that man
12 could even take? That means he is hijacking or trying to
13 overthrow him because he took all the executives and left the
14 other fighters in.

11:01:19 15 MR KOUMJIAN:

16 Q. Sir, I am going to ask you a few questions. First you
17 mentioned Bosco. Who is Bosco?

18 A. He was a fighter. According to what I heard from him, he's
19 from Nimba and he was a fighter.

11:01:35 20 Q. He is one of the NPFL fighters?

21 A. Yes, my Lord.

22 Q. He's the one that executed the woman because he wanted her
23 daughter?

24 A. Yes, my Lord.

11:01:40 25 Q. And did he get her daughter after he killed the mother?

26 A. Well, I didn't go there, but I am sure he would have - he
27 might have accomplished his mission, my Lord, because that was
28 why he killed the woman.

29 Q. And, sir, you also mentioned Daniel. When you said Daniel,

1 you meant Daniel Kallon?

2 A. Daniel Kallon. Yes, my Lord.

3 Q. This group that you are talking about that were arrested
4 with you, were generally - to use an expression - the book people
11:02:13 5 of the RUF. Is that correct?

6 A. Not book, but they were the high ranking officers.

7 Q. The high ranking officers. Isaac Mongor was also arrested
8 and taken to Liberia, correct?

9 A. He was not with us, my Lord.

11:02:26 10 Q. Okay. Sir, where was it that you were arrested? Excuse
11 me, let me go back a second. First you talked about being tied
12 twice, is that correct?

13 A. Once.

14 Q. And you said that that was worse than death?

11:02:47 15 A. Yes, my Lord.

16 Q. Were you what you call tie-bayed with your arms tied and
17 your elbows brought together behind your back with the rope?

18 A. You are right, my Lord.

19 Q. And then the rope was cutting into your skin?

11:03:03 20 A. Yes, my Lord.

21 Q. You still have scars on your arms from the rope?

22 A. Yes, my Lord.

23 Q. Where was it that you were arrested?

24 A. Why was I arrested?

11:03:14 25 Q. Where?

26 A. I was in Pendembu, my Lord.

27 Q. Do you recall when that was?

28 A. This was in 1992, '93.

29 Q. Do you recall the month?

1 A. No, my Lord.

2 PRESIDING JUDGE: Actually I would like to know what reason
3 the witness was given for his arrest. Were you given a reason
4 for your arrest?

11:03:38 5 THE WITNESS: Madam President, what they told us was that
6 we have - I mean, the RUF has not recognised them here having
7 come to help us, and therefore if that is the thing they are
8 going to arrest all the leaders. And they arrested us. It was
9 not in the absence of Foday Sankoh. Foday Sankoh was standing
11:04:04 10 right there and he was calling Pa James. He used to call him Pa
11 James, James Kawie. He called him repetitively. He could not
12 even listen. The words he uttered to Foday Sankoh were, "Pa, I
13 am on operation and therefore I am not going to listen to
14 anybody. I came here on my own and if you don't like me, I can
11:04:29 15 go out. But I am going to do the operation." He took
16 Morris Kallon, threw him in a pick-up. They just took him and
17 threw him as you can take a rice bag to send it up. They took
18 Mohamed Tarawalli the same way. He was arrested later because he
19 escaped, but he was later arrested. Morris Kallon the same. And
11:04:55 20 that same Pa James was in Mobai. So that was how they carried
21 us, madam. That was the reason.

22 MR KOUMJIAN:

23 Q. Sir, one of the RUF was executed by the group?

24 A. Yes.

11:05:12 25 Q. Who was that? By the Liberians, correct?

26 A. This was done individually according to my - I mean, the
27 communication I received at Pendembu. He was Augustine Banadeh
28 [phon]. But that Banadeh please is a Kru name. I cannot really
29 spell it correctly. But he was called Augustine. Whether it is

1 D-E-H or D-E-T-H I don't know.

2 Q. Okay, just say it slowly. Is it Banadeh?

3 A. Banadeh.

4 Q. We will just use the phonetic spelling as it is on the
11:06:00 5 record now. So, sir, when you were arrested, in total how many
6 of you were arrested at that time, the leaders?

7 A. Ten, sir.

8 Q. Foday Sankoh himself was not arrested, correct?

9 A. No, sir, he was not.

11:06:15 10 Q. But it was done in his presence, correct?

11 A. Yes, my Lord.

12 Q. And this was Pa James they called James Kawie?

13 A. Yes, my Lord.

14 Q. He had been fighting in Sierra Leone, correct?

11:06:30 15 A. Yes, my Lord.

16 Q. Where had he been based in Sierra Leone?

17 A. Pa James, he was all over. He could go to Pendembu, he
18 goes to Mobai. But when he came personally, he went straight to
19 Mobai. There he was based.

11:06:49 20 Q. So when you were arrested, you were taken - first of all,
21 how were you transported?

22 A. They had a truck, a small jeep. Dopoe Menkarzon - sorry, I
23 am saying "they, they" because - Dopoe Menkarzon and Isaac - no,
24 and Francis Mewon had a small pick-up. So they put us in that
11:07:21 25 pick-up and brought us to Foya. From Foya, we started travelling
26 until we reach Naama in the morning.

27 Q. And when you - did you stop in Gbarnga or go directly to
28 Naama?

29 A. We didn't go to Gbarnga, my Lord. Straight they carried us

1 on the base back to Naama.

2 Q. Now, did you go to the Crab Hole part of the base or to the
3 other part of the base?

11:07:58

4 A. No, your Honour. As we reached on the base at that time
5 they had a jailhouse that they created. So there they put us.

6 Q. Where was the jailhouse?

7 A. It was right - this was on the - or it was in the barracks
8 itself where they have carried us.

11:08:20

9 Q. Okay my question is just were you carried back to the
10 barracks that the RUF was using or the part of Naama that the
11 NPFL was using?

12 A. Your Honour, part of the NPFL.

13 Q. So when you were taken back to the NPFL barracks and put in
14 jail, what happened then?

11:08:35

15 A. Always I can ask a question because I saw that we were
16 bleeding blood. And I told them, "My brothers, you said you came
17 to help. Why is it that you people cannot carry us to the leader
18 of this country?" They said, "You are not to ask a question."

11:09:02

19 There was a drunkard that was standing in front of me. He stood
20 up and said, "Ah ha, I know. We have just been receiving
21 messages that people would come and attack. I know these are the
22 people." That was what that old man said. And therefore we are
23 going to execute you people. While he was talking he was going
24 away from Dopoe Menkarzon. He never stood. But we can't say
25 anything at that time. You don't talk. We were just sitting
26 down as if we are not even born citizens of Sierra Leone.

11:09:25

27 So they told me, "You came here to ask questions. I don't
28 think you will go back." I said, "Look, let me tell you, if at
29 all you are telling me not to go back and that is my country,

1 please allow us to go back before we come and die here. If you
2 are not going to carry us anywhere, you want to keep us here,
3 then please carry us back to Sierra Leone and kill us if you want
4 to." Then Dopoe told me, "From that one you should not talk any
11:10:00 5 longer."

6 Q. So how long were you in jail in Naama?

7 A. We were there for one week, your Honour.

8 Q. What happened then?

9 A. They took us back. We just saw them again, the same people
11:10:12 10 that brought us, they came again and took us, put us in the same
11 truck and carry us back. At that time most of us were now, I
12 mean, we were almost destroyed because like Fembeh, he had his
13 hands almost paralysed. Mon Ami had his arm almost paralysed.
14 Edward Fembeh had his hands almost paralysed because the tie-bay
11:10:39 15 that they gave to each one of us.

16 Q. When you talk about Fembeh, are you talking about I believe
17 it's Charles Tengbeh?

18 A. No, this is Fembeh. F-E-M-B-E-H. Edward Fembeh.

19 Q. And who was he?

11:10:57 20 A. He was a strong fighter, a Sierra Leonean.

21 Q. Was he a vanguard from Naama?

22 A. Yes, my Lord.

23 Q. Now, you said the arrest was done in front of Foday Sankoh.
24 What did Foday Sankoh say?

11:11:12 25 A. Foday Sankoh called Pa James over ten times. The only
26 thing I heard from him, that was not the time I was arrested.
27 This first arrest was done with the real, real people that we
28 depended on. Like Peter Vandi, Issa Sesay, Morris Kallon. So
29 when they called him, when he was doing this arrest, that has now

1 come to the Top 40. When he did this arrest, your Honour, Foday
2 Sankoh called that man, he could not answer. The only thing I
3 heard Pa James saying was that, "Papay, we are here on our own
4 and we are fighters and we are Special Forces." I don't know
11:12:00 5 where he derived that, he go that name from, because my
6 understanding of Special Forces is quite different. So he
7 couldn't listen until they put those guys in the truck and took
8 them to Mobai. There he executed Augustine.

9 Q. Let's - I think you - things are a little more complicated.

11:12:21 10 Let me see if I can understand what you have told us. There
11 actually were two different operations?

12 A. Yes, sir.

13 Q. The one where you were arrested, tie-bayed, and taken to
14 Naama was part of the second group of arrests, correct?

11:12:34 15 A. You are right, my Lord.

16 Q. That was called Top 40, correct?

17 A. Yes, my Lord.

18 Q. Top 20 was when Issa Sesay, Morris Kallon, and some other
19 vanguards were arrested, correct?

11:12:44 20 A. Yes, my Lord.

21 Q. And that started after one of the vanguards had executed an
22 NPFL soldier, correct? What started Top 20?

23 A. That's good. Your Honour, the Top 20 started - the initial
24 point of that was done by Edward Fembah. And how was it? I

11:13:07 25 mean, I especially know very well that the societies that are
26 existing in Sierra Leone are not the same societies in Liberia.
27 Fembah - Edward Fembah went and told his bodyguards to initiate
28 the Liberians that were among us. When these people heard this,
29 one other man, they call him administrator - administrator, yes.

1 Demonstrator, sorry, sir. Demonstrator, he then decided to go
2 and arrest Edward Fembeh, and Edward Fembeh was one of the
3 fighters that were assigned to go and attack the barracks.

11:14:06

4 Q. Just so we are clear who is who, Edward Fembeh was RUF or
5 NPFL?

6 A. RUF.

7 Q. And Demonstrator, what group was he with?

8 A. He was NPFL.

9 Q. Continue.

11:14:14

10 A. So he - then Fembeh, after he has initially thought of
11 doing this and the news had reached the Liberians that were
12 there, both the RUF and those that were helping us, they became
13 annoyed. Then they decided to arrest Fembeh. Demonstrator came
14 to John Kargbo and told him that they were going to arrest all of

11:14:47

15 us, but they are going to start with the main front line
16 commanders. They arrested Peter Vandi. They arrested
17 Morris Kallon. They arrested - later they arrested
18 Mohamed Tarawalli. Because when they attempted to go there, he
19 also said that he is a trained commando and he would not allow
20 anybody to arrest them. And that was the man that Dopoe
21 Menkarzon - the two of them, that is, Mohamed Tarawalli and
22 Fembeh, Dopoe Menkarzon was afraid of these people because they
23 can really fight.

11:15:13

24 So Mohamed escaped for survival, and later Pa Foday Sankoh
25 told him to come so that they can bring him before the people.
26 Immediately they brought them. They took them as if Foday Sankoh
27 was not even there, put them in the truck, except they have to
28 wave to us.

11:15:37

29 Q. Just so you can clarify. It's hard to follow what you have

1 just said. You said Mohamed Tarawalli escaped, correct?

2 A. Yes, sir.

3 Q. And then later Foday Sankoh told him to come?

4 A. Yes, sir.

11:16:04 5 Q. Is that Tarawalli?

6 A. Tarawalli.

7 Q. And then Tarawalli then came out of hiding?

8 A. Yes, sir.

9 Q. But the Liberians then arrested him; is that correct?

11:16:13 10 A. Yes, Mr James Kawi e still arrested those guys.

11 Q. And put them in the truck, the RUF --

12 A. Put them in the truck and carried them to Mobai .

13 Q. Where is Mobai ?

11:16:30 14 A. Mobai is in Kailahun District, almost 5 to 6 miles to the
15 barracks.

16 Q. And what happened once they got to Mobai , if you know?

11:16:53 17 A. I was not present. But when they came, what I saw, they
18 were really maltreated. Because I saw wounds on - even now maybe
19 if you can look at those guys, if they are here, you will see the
20 marks. I saw wounds and bubbles - or let me say marks of ropes
21 on them; that is, I am talking about Issa Sesay, Tarawalli and a
22 Morris Kallon. They were really maltreated. They were put in a
23 - I don't know. In a dungeon.

11:17:19 24 Q. So you have explained what started all of this was when a
25 Sierra Leone RUF tried to initiate one of the Liberians into a
26 Sierra Leone society?

27 A. Not even one. He decided arresting everybody - anyone that
28 says he has come to help us from Liberia, he decided to put
29 them - initiate them.

1 Q. You just said arrest. You meant to initiate or to arrest?

2 A. To arrest and initiate them in the society of the Poro.

3 Q. So he would arrest them and then initiate them into the
4 society?

11:17:51 5 A. Yes, sir.

6 Q. And then the plan was to release them, if you know?

7 A. Well, I don't think he had that - maybe he had other things
8 to say, My Lord, but that brought about - that, I mean, ignited
9 the whole tops.

11:18:05 10 Q. What the Liberians objected to was that he was going to
11 arrest Liberians, correct?

12 A. They objected, yes, my Lord.

13 Q. What was - how much time between Top 20 and Top 40?

14 A. The first top started in February. It went through March.

11:18:33 15 April there was nothing. They left us. We were living in peace
16 with them again. Then it started in May. It was not in March at
17 all. March we were already under the fire.

18 Q. So was it May that you were arrested then?

19 A. Yes, my Lord.

11:18:53 20 Q. Of 1990?

21 A. Yes, in the top.

22 Q. And that's when you were taken to --

23 A. Naama.

24 Q. -- Bong County to Naama, correct?

11:19:04 25 A. Yes, my Lord.

26 Q. The headquarters of the - excuse me. That was 19 --

27 A. 1 - '92.

28 Q. -- 92, correct? Thank you. In 1992 at that time Gbarnga
29 was the headquarters of the NPFL, correct?

1 A. Yes, my Lord.

2 Q. Foday Sankoh - after you entered Koindu, for the next few
3 years how much time did Foday Sankoh spend in Gbarnga?

11:19:43

4 A. Foday Sankoh used to come to Gbarnga. Maybe sometimes he
5 can spend one month, he goes back. He was doing it at intervals.
6 He comes in, he stays with us maybe one, two weeks, he goes back
7 to Gbarnga.

8 Q. And in Gbarnga he had a house, correct?

11:20:04

9 A. Well, your Honour, I believe he had a house because where
10 was he sleeping?

11 Q. Did you go with him at all on the trips to Gbarnga?

12 A. Nobody went with him.

13 Q. When he was in Gbarnga, were you able to communicate with
14 him? Was he able to stay in contact with the RUF commanders?

11:20:15

15 A. There was no communication, sir.

16 Q. Well, didn't he speak over the radio to you?

17 A. He spoke us, but we have no radio communication at that
18 time. We've been cut. If he had the time, he gave the
19 ultimatum. We had no radio at that time. Maybe he had his own
20 special phone or maybe mobile phone.

11:20:38

21 Q. First, sir, we are going now to 1992 - or actually, from
22 the time you entered Koindu in March 19 - in April 1991 through
23 1992, didn't the RUF have radios that you had captured?

24 A. In Koindu we had no radio. We only received radios when
25 Kono was attacked. They brought in radios, communications from
26 the military, the ones that they got. They brought it and they
27 were all installed, and we started using that.

11:21:16

28 Q. When was Kono attacked?

29 A. It was 1994, something like that. Really, your Honour,

1 this dates business is a little bit - I didn't do history, sorry
2 if I told him - but I can just give you circulations, something
3 that can circle my answer, please.

4 Q. The first public relations officer - equivalent, maybe, to
11:21:59 5 external delegate, of the RUF, PRL, was a Mr Tengbeh, correct?

6 A. Yes, an old man.

7 Q. What was his name - full name?

8 A. John Tengbeh. He was Mr Tengbeh.

9 Q. Mr Tengbeh. And he was based in Gbarnga, correct?

11:22:18 10 A. He was called there, yes.

11 Q. Who called him there?

12 A. Foday Sankoh.

13 Q. How long did he stay there, do you know?

14 A. No, because as he went to Mr - to Foday Sankoh, he never
11:22:34 15 returned to Kailahun until I heard him talking from Freetown.

16 Q. When did you hear him talking from Freetown?

17 A. This was the time when Foday Sankoh himself went there.

18 Q. So after Lome?

19 A. Yes, sir.

11:22:48 20 Q. So he still was with the RUF after Lome; is that correct?

21 A. After, in fact, I don't know he was having any link or any
22 doing with us again. Because when they left, we were hearing
23 that most of them didn't continue to go with the revolution or
24 the RUF. So some of them, they left and started doing their own
11:23:10 25 things so that they can prosper.

26 Q. Sir, let's stick to Mr Tengbeh. When you said you heard
27 him talking from Freetown after Lome, what do you mean you heard
28 him talking from Freetown?

29 A. He was giving an interview, and then in that interview he

1 said that Foday Sankoh was a stubborn man; that he is not able to
2 continue with Foday Sankoh because he is stubborn and he cannot
3 listen to anybody. We heard that.

11:23:43 4 Q. Now, since you have brought up radios - or we have brought
5 up radios and you also mentioned the ultimatum, you are talking
6 about Foday Sankoh's 90-day ultimatum to the Sierra Leone
7 government, correct?

8 A. Yes, my Lord.

9 Q. Which he gave over the international radio, correct?

11:23:59 10 A. Yes, my Lord.

11 Q. And that was prior to the incursion in March 1991? It was
12 before then?

13 A. Yes, my Lord.

14 Q. How did he speak to the international media?

11:24:13 15 A. Well, I don't really know how he did that.

16 Q. Did he have a radio at that time? You said he did not,
17 correct?

18 A. I never saw him with a radio, your Lord.

19 Q. And he didn't have a sat phone, correct - satellite phone?

11:24:28 20 A. I never saw him with that.

21 Q. Charles Taylor did have a satellite telephone at that time,
22 correct?

23 A. I was not with Charles Taylor and I was not with Foday
24 Sankoh.

11:24:39 25 Q. But you heard - you had heard Charles Taylor speaking on
26 the radio - on the international radio, correct?

27 A. On the international radio that I used to hear him talking
28 when I - when we entered was only this BBC correspondences he
29 used to have, and he used to talk and we can hear him. That's

1 all, your Honour.

2 Q. So he would talk on the Focus on Africa programme?

3 A. Yes, my Lord.

4 Q. Being interviewed by different BBC correspondents?

11:25:08 5 A. Yes, my Lord.

6 Q. Mr White and others?

7 A. Robin White, yes.

8 Q. Robin White, correct. You heard him even before you were
9 captured in Totota - or surrendered yourself in Totota you had

11:25:22 10 heard Charles Taylor on the radio, correct?

11 A. When he was in Gbarnga I heard him - the first time I heard
12 him was the interview he had with Robin White.

13 Q. Now, was this the interview where he complained about the
14 ECOMOG jets coming from Sierra Leone killing Liberians?

11:25:43 15 A. Yeah, I heard it over the same BBC.

16 Q. And he said that Sierra Leone would taste the bitterness of
17 war if it continued, correct?

18 A. His statement was echoed by His Excellency Ahmad Tejan
19 Kabbah to us when we were in Ivory Coast that this was what
11:26:02 20 Charles Taylor said, but I never heard that particular word from
21 him.

22 Q. When Charles Taylor was speaking in these various
23 interviews with the BBC, do you know how he was speaking to them?

24 A. No, my Lord.

11:26:15 25 Q. Okay. Now, you have told us a little bit about Top 20, Top
26 40. Tell us about Top Final?

27 A. That's the one - the latter one, your Honour, is what we
28 called the Top Final. 40 --

29 Q. Top --

1 A. Top 20 - excuse me. Sorry, sir. Top 20 was the first one.
2 This involved the people that I have already named. The Top 40
3 was now the last one of which I was involved.

11:26:57 4 Q. Sir, it's been a long time, I think 18 years approximately,
5 so let me see if I can refresh your recollection. Isn't it true
6 that Top 20 and Top 40 were exactly as you said, operations by
7 the NPFL against the RUF vanguards, and then Top Final was when
8 the RUF responded and expelled the remaining Liberians from
9 Sierra Leone. Isn't that correct?

11:27:23 10 A. You are right, my Lord.

11 Q. And that Top Final, Foday Sankoh assigned Isaac Mongor -
12 led the vanguards in expelling the remaining Liberians, correct?

13 A. Yes, my Lord.

14 Q. Now, sir, do you know Anthony Mekunagbe? Do you know who
11:27:46 15 he is?

16 A. Yes, my Lord.

17 Q. Who was he?

18 A. Well, the name that he came - he only came once, I saw him,
19 but I saw him with the others. The name that he gave was - he
11:28:05 20 said, "I am a Special Forces."

21 Q. Did you know him by a nickname?

22 A. No, my Lord. Only Mekunagbe.

23 Q. Did you hear the name Dry Pepper?

24 A. Well, maybe they were using these names at the battle front
11:28:19 25 lines or maybe somewhere, but the only names they gave to me was
26 that they were Special Forces.

27 Q. When did you see Anthony Mekunagbe?

28 A. The same day I saw Dopoe Menkarzon.

29 Q. Okay.

1 A. This was in 1992, '93.

2 Q. When you say - are you talking about the first day you saw
3 Dopee Menkarzon?

4 A. Yes, sir.

11:28:40 5 Q. So this is when the NPFL was helping the RUF?

6 A. This was the time --

7 Q. This is before the problems?

8 A. Yes, this was the time they started - I mean, NPFL for this
9 Dopee Menkarzon, I know them to be NPFL fighters.

11:28:56 10 Q. Was this before Top 20 or after?

11 A. It was after - no. They came in before these tops and they
12 left. Then the tops occurred. When they came back, that was the
13 time they implemented these tops.

14 Q. So the NPFL came in, the RUF got along with them?

11:29:18 15 A. Yes.

16 Q. You were allies?

17 A. Yes.

18 Q. They left. Is that correct?

19 A. Yes, my Lord.

11:29:25 20 Q. Then they came back in and that's when the problems,
21 Top 20, Top 40, happened?

22 A. Yes, my Lord.

23 Q. How did the NPFL leave Sierra Leone? Was it only because
24 of the Top Final operation led by Isaac Mongor or how did they
11:29:51 25 leave?

26 A. They left because they said they have come to help and we
27 have not seen the necessity of them helping and we have decided
28 to drive them out. So most of them decided to pack and leave.
29 Some left through Koindu and the others left through Vahun.

1 Q. Now, you had asked - you and others had asked Foday Sankoh
2 to please go talk to his brother Charles Taylor about this
3 problem with the NPFL, correct?

4 A. It was not really an order or something, but I told him, I
11:30:34 5 said, "Foday Sankoh" - or "Pa Foday, since you know that these
6 people are here and they are always telling us that nobody sent
7 them here, they are Special Forces, why can't we contact the
8 leader of the nation where they are coming from?" And he said,
9 well, he will do that later.

11:30:57 10 PRESIDING JUDGE: Mr Koumjian, we are way past the hour of
11 - the tape must have run out. We will have the mid-morning break
12 and reconvene at 12.

13 [Break taken at 11.31 a.m.]

14 [Upon resuming at 12.02 p.m.]

12:02:34 15 MR MUNYARD: Madam President, a change of appearance on the
16 Defence bench. We're now joined by Mr Silas Chekera.

17 PRESIDING JUDGE: That's noted. Mr Koumjian, please
18 continue.

19 MR KOUMJIAN:

12:02:58 20 Q. Sir, I want to go back to the last answer you gave before
21 the break and ask you some questions. I had asked you if it was
22 true that you and others had asked Foday Sankoh to please go and
23 talk to Charles Taylor about the problem with the NPFL. You
24 answered:

12:03:19 25 "It was not really an order or something, but I told him, I
26 said, Foday Sankoh, or Pa Sankoh, since you know that these
27 people are here and they are always telling us that nobody sent
28 them here, they are Special Forces, why can't we contact the
29 leader of the nation where they are coming from? And he said he

1 will do that later."

2 First of all, when you said that these people were Special
3 Forces, the Special Forces were people like Francis Mewon. He
4 was a Special Forces trained soldier, correct?

12:04:00 5 A. Yes, my Lord.

6 Q. And do you understand, Mr Witness, that Special Forces is
7 the name given to those trained in Libya?

8 A. When I was in that other part of the - I mean, when I was
9 out there apart from Liberia, I understood that Special Forces
10 were people that were trained from Libya.

12:04:20

11 Q. Dopee Menkarzon was Special Forces, correct?

12 A. Well, he called himself that way when he came --

13 Q. Anthony Mekunagbe --

14 A. [Overlapping speakers]

15 Q. Thank you.

16 A. Sorry.

17 Q. Anthony Mekunagbe was Special Forces?

18 A. My Lord, he indicated the same.

19 Q. Nixon Gaye was Special Forces?

12:04:44

20 A. Yes, he called himself a Special Force.

21 Q. Now, you testified that the people were saying, "Nobody
22 sent them here." Tell me, what kind of context would they say
23 that in? Why did they tell you that?

24 A. This was at any time when they come to - maybe if one of
12:05:12 25 the fighters belonging - because they were completely isolating
26 themselves from us. They were not to any side that we were
27 residing. They were a little bit farther. So whenever the - any
28 of their members - because anybody that was coming would come
29 with somebody, he says this is my bodyguard, he will bring two or

1 three. They came that way. So any time we are meeting them we
2 say: Well, we think you are NPFL fighters and you came here.
3 What have you come to do? You said you came to help. But you
4 are calling yourselves Special Forces. What do you mean by
12:05:48 5 "Special Forces"? The answer they gave is - to me was that
6 anybody that comes from another country coming to fight to
7 another country is a Special Force, therefore, they are Special
8 Forces. So any time I asked them, that's what they would say
9 until the latter part when James Kawi e executed his orders. He
12:06:11 10 was repetitively saying this until the end, he left.
11 Q. Now, sir, you said that you told Foday Sankoh, "Why don't
12 you go talk to the leader of the country?" Correct?
13 A. Yes, my Lord.
14 Q. Well, what you meant was why doesn't he go talk to
12:06:32 15 Charles Taylor, correct?
16 A. Yes, my Lord.
17 Q. And did Foday Sankoh go talk to Charles Taylor?
18 A. He left, but I wasn't in - I was not with him. He left and
19 when he came back, he came and told the people that you have
12:06:47 20 come, but what you are doing is not in the interests of the
21 revolution; therefore, I have given you 48 hours to move from
22 Sierra Leone.
23 Q. Did Foday Sankoh say that Charles Taylor had agreed to
24 something with him?
12:07:01 25 A. He didn't discuss that with me at all, sir.
26 Q. Now, sir, when you said that he should go talk to Charles
27 Taylor, that was because you knew that these Liberian soldiers
28 who were creating the problems were under the command of
29 Charles Taylor, correct?

- 1 A. When they came, the title they brought - Charles Taylor was
2 responsible for NPFL. But when they came. I told them that they
3 are - I mean. They answered - the people that were causing the
4 problem, they said it was never the - I mean, they were not under
12:07:31 5 the supervision. So I came to conclude that it was not
6 Charles Taylor that sent these people. But I decided telling him
7 to go back, because that time they were under the direction of
8 Charles Taylor because the area. So I told him - I told Foday
9 Sankoh to go back and tell Charles Taylor about it.
- 12:07:50 10 Q. Because you understood Charles Taylor had - was able to
11 command those men, correct?
- 12 A. He was the leader, yes, he can command them.
- 13 Q. You didn't ask him to go talk to Amos Sawyer, did you?
- 14 A. No.
- 12:08:03 15 Q. Amos Sawyer was the President of the interim government in
16 Liberia in Monrovia, correct?
- 17 A. Yes, my Lord.
- 18 Q. But he didn't have any command over these Liberian soldiers
19 like Dopoe Menkarzon, Sam Tuah, Anthony Mekunagbe, correct?
- 12:08:20 20 A. Yes, my Lord.
- 21 Q. But Charles Taylor did, correct?
- 22 A. Yes.
- 23 Q. That's why you - Sankoh went to speak to Taylor, correct?
- 24 A. Yes.
- 12:08:28 25 Q. Now, sir, I want to go back to that role of these people in
26 the initial invasion and the taking of Koindu. I'm just checking
27 to make sure this is open. It definitely is open session, but I
28 just want to make sure of the name of the witness I believe it
29 is. If we could have the transcript for 25 March of this year.

1 This is the testimony of John Vincent. You knew John Vincent,
2 correct?

3 A. Yes, my Lord.

12:09:29

4 Q. Was he part of that initial group that attacked the
5 Kailahun District?

6 A. Yes, my Lord.

7 Q. So if we can go and have the transcript, please, for 25
8 March, page - I believe it's 38014 - 38015. I'll start reading
9 from about ten lines down. He was asked on line 10 - John

12:10:21

10 Vincent was asked:

11 "Q. On that day, 23 March 1991, what role did you play in
12 the operations that you are referring to?

13 A. When I got there, I was issued an arm that was captured
14 from Koindu. From there, the troops had already advanced
15 ahead. I stayed in Koindu as the ground commander.

12:10:41

16 Q. You said when you got there you were issued an arm that
17 was captured from Koindu. Before you entered Sierra Leone,
18 did you have any weapon?

19 A. No.

12:11:02

20 Q. Before your group entered Sierra Leone, did most of
21 those you were with have any weapons?

22 A. No, there wasn't any weapons.

23 Q. The weapon you say you received that was captured from
24 Koindu, do you know where in Koindu it was captured?

12:11:25

25 A. These weapons were captured right at the military base.
26 At that time they were using the police office in Koindu.
27 That was where the military base was. So the group that
28 chased the SLA from Sierra Leone went and captured all the
29 supplies that they had; arms, ammunition and everything."

1 JUDGE DOHERTY: I think it was "into Sierra Leone", not
2 "from Sierra Leone", Mr Koumjian.

3 MR KOUMJIAN: Thank you. I'm really having a little
4 trouble reading this:

12:12:16 5 Q. I'm going to read the last sentence again, sir, so I don't
6 misquote it:

7 "So the group that chased the SLA into Sierra Leone went
8 and captured all the supplies that they had; arms,
9 ammunition and everything.

12:12:28 10 Q. This group that chased the SLA into Sierra Leone, were
11 they the group that was commanded by Rashid Mansaray?

12 A. The group that chased the SLA was not commanded by
13 Rashid Mansaray. Rashid Mansaray went and took the command
14 from the group that chased the SLA. Everything, all the
15 activities that were conducted there and all the things
16 that were captured from there were all turned over to the
17 RUF.

18 Q. The military base you referred to, and then you
19 mentioned a police - that the military base was being used
12:13:16 20 by - as the police office in Koindu, was that an SLA
21 military base?

22 A. The SLA - when the war was in Liberia, at that time the
23 SLA came to defend their border and they were based at the
24 police station in Koindu. And it was after the NPFL went
12:13:39 25 looking for food and after they spotted them and chased
26 them, it was at that same time that the NPFL too chased
27 them up to that police station where the military was based
28 and captured all their materials.

29 Q. And how is that you these captured weapons ended up

1 with the RUF?

12:14:20 2 A. Well, they ended up with the RUF because the RUF had
3 their mission. These people only went to look for food,
4 and unfortunately such a thing happened, and they had no
5 cause of being in Sierra Leone; therefore, they were not to
6 come out with the material that was captured from the SLA.
7 Those properties should have been RUF properties. That was
8 how they ended up in the hands of the RUF.

12:14:46 9 Q. Which people are those you referred to as 'they had no
10 cause of being in Sierra Leone'? Which people are you
11 referring to?

12 A. The NPFL at the time."

13 I'm just continuing, if you go to the next page. The
14 Presiding Judge then asked a question:

12:15:42 15 "These arms that they say the NPFL had taken from the SLA,
16 when the witness's group came to Koindu, were these arms simply
17 donated to them by the NPFL? Or did they capture them? How did
18 they take these arms? How did the RUF take these arms from the
19 NPFL?"

12:16:06 20 Mr Vincent then answered:

21 "Very well. Sir, can I go ahead? Yes, what I'm saying
22 here is when the NPFL went at first, when they went to chase the
23 SLA into Sierra Leone, when they got there they captured Koindu,
24 including the military base that the SLA occupied at the police
12:16:24 25 station in Koindu. It was at that time that Foday Sankoh was
26 compelled to launch the revolution. So when he went there those
27 NPFL troops that had captured this material, the arms, ammunition
28 and other things, they handed them over to the command. That is
29 the second in command, Rashid Mansaray. This military material

1 that was captured was handed over to him."

2 Now, Mr Witness, you were not there with the group of John
3 Vincent when they first entered Koindu, correct?

4 A. Yes, my Lord.

12:17:06 5 Q. Did you hear about the account that - the events that
6 Mr Vincent testified to that I just read, that it was the NPFL
7 that first captured Koindu?

8 A. Well, your Honour, as he is saying that it was NPFL that
9 captured Koindu, I think from the initial point I have told you
12:17:31 10 that these people - what I heard from the leader was what
11 exactly, your Honour, I have repeated. Even where this man is
12 saying that these things were handed over to Rashid Mansaray,
13 those statements I'm not quite sure they are correct.

14 Now, when the RUF entered and launched the war, they saw
12:17:55 15 these arms in the same place where this man is indicating. It's
16 closer - this police station is closer to the mosque. So the SLA
17 was using both the police station and that mosque.

18 Now, if he's saying that Rashid Mansaray was there, Rashid
19 Mansaray didn't enter with us. Rashid Mansaray, after he was - I
12:18:19 20 mean, he asked Foday Sankoh, Pa Morlai at that time, of how we
21 will enter and the conflict came, he was left with him in
22 Liberia. So Rashid was not with us. He came later, your Honour.

23 Q. When you say with us, were you in the group that first went
24 to Koindu?

12:18:39 25 A. No, my Lord. But I was there when they put them in the
26 truck from the base and Rashid was --

27 Q. But you weren't there when the group entered Koindu, the
28 RUF group, correct?

29 A. I weren't there, yes, my Lord.

1 Q. You were all the way back at Camp Naama?

2 A. Yes, my Lord.

3 Q. Sir, if these people that captured Koindu were just
4 looters, they wouldn't turn their weapons over to an unarmed
12:19:11 5 group, the RUF, would they?

6 MR MUNYARD: Well, I rise to question whether this witness
7 can be asked to answer that. It's pure speculation. He can't
8 say what was in the minds of looters.

9 PRESIDING JUDGE: Well, let's see what the witness says.

12:19:27 10 Mr Witness, can you answer the question?

11 THE WITNESS: I believe, even hearing from you, my Lord,
12 that these people handed something over, I cannot say anything on
13 that. I came later.

14 MR KOUMJIAN:

12:19:43 15 Q. People that were looting didn't hand things over to the
16 RUF, did they?

17 A. I never heard of them handling anything to the RUF. And
18 when I came, the command that was there, with special reference
19 to Isaac Mongor, he never indicated to me that these things were
12:20:03 20 given to him by the NPFL soldiers, no.

21 Q. Sir, I want to ask you about your trip to Koindu from
22 Naama. Is it correct you went directly from Naama to Koindu?

23 A. Yes, my Lord.

24 Q. On that trip, how many checkpoints did you pass?

12:20:33 25 A. From that route, when we were entering the town of Zorzor,
26 there was a checkpoint. From there I never met any other
27 checkpoint - no, not Zorzor. Can I get that question again?
28 From Naama to?

29 Q. Yes. From Naama to Koindu. But perhaps to make it easier

- 1 for you we can give you back another copy of the same map. So
2 this is L1 from the map book, but this is a clean copy. Okay,
3 sir, perhaps you could switch seats again, please. I'll just
4 give you some time to get your glasses on and orient yourself
12:22:28 5 again to the map. You recall before - it's the same map - that
6 we had located Beliefanai where Gbarnga was nearby. Can you just
7 point with a pen without the marking part. Do not mark it. Just
8 point with the pen to where Beliefanai is when you've located
9 that.
- 12:22:52 10 A. Located Beliefanai this way.
- 11 Q. Yes, Beliefanai. And, sir, can you see Koindu? It's, of
12 course, to the left in the yellow, Sierra Leone, towards the top
13 of the map.
- 14 A. Yes.
- 12:23:06 15 Q. You have to move the map down for the screen. Just so that
16 the judges could see, if we can move the map down. Thank you.
17 Do you see, sir, at the top of the map, just at the border on the
18 Sierra Leone side, you have Koindu just below Nongoa. Perhaps
19 the Court Officer can point to it. At the very top in the yellow
12:23:54 20 where Sierra Leone begins, between the 300 and 400, just a little
21 to the left of 400, you have Nongoa and just below that Koindu.
- 22 A. Yes, my Lord.
- 23 Q. And on the other side of the border you see Foya is the
24 first town marked.
- 12:24:16 25 A. Yes.
- 26 Q. Could the map be moved down so the judges can see it? Now,
27 can you just take your pen, just so that we're clear that you've
28 located it, and point to Koindu, without marking?
- 29 A. Koindu up here?

1 Q. Yes. Okay. Now, sir, looking at the map, starting - first
2 of all, when you left Naama, did you pass through Beliefanai to
3 get to Koindu?

4 A. Beliefanai, yes, it was a small town immediately after
12:24:53 5 Naama.

6 Q. So when you left Naama you first passed through Beliefanai.
7 Is that correct?

8 A. Yes, my Lord.

9 Q. Can you maybe put another dot where Beliefanai is then?

12:25:03 10 A. Again?

11 Q. Yes.

12 PRESIDING JUDGE: If the witness is going to mark this map,
13 he'd better use a pen that can be seen easily, not the same
14 colour as the map.

12:25:36 15 MR KOUMJIAN:

16 Q. And can you then take us through the route that you took?
17 What other towns did you pass through?

18 A. My Lord, if I can tell you the route that I took to enter
19 Koindu from Naama, I would be lying to this Court.

12:25:57 20 Q. I see.

21 A. Because I have never in my life crossed what they call
22 Beliefanai, so I don't know any of the towns until you reach to
23 Koindu.

24 Q. Where was it that you said there was a checkpoint?

12:26:11 25 A. I said my last checkpoint, when we left Naama to go for
26 Sierra Leone, the only checkpoint I went through was at the
27 Beliefanai gate. There was no other gate that I met, because we
28 were passing small, small towns and villages.

29 Q. What about when you got to the border?

1 A. The border? At that border at that time we entered,
2 my Lord, there was no security there.

3 Q. You passed through Foya, correct?

4 A. We didn't pass through Foya.

12:26:54 5 MR KOUMJIAN: I don't think we need to mark this map, given
6 the answers:

7 Q. So, sir, you passed a checkpoint at Bel efanai?

8 A. Yes, my Lord.

9 Q. What happened at that checkpoint?

12:27:08 10 A. Well, at that checkpoint already they had known that the
11 RUF was training on that base and they had been informed by Foday
12 Sankoh that the people that were trained, the RUF that was
13 trained, was leaving now to go and invade. So they were in the
14 know, my Lord.

12:27:30 15 Q. So they let you pass?

16 A. Yes, my Lord.

17 MR KOUMJIAN: Your Honour, at this time I'd like to ask
18 some basic biographical information about the witness and I think
19 for purposes of maintaining his anonymity in the protective
12:27:57 20 measures that were requested and ordered by the Court, requested
21 by the Defence, I'd ask to go into a private session.

22 PRESIDING JUDGE: Mr Munyard, you would have no problem
23 with that?

24 MR MUNYARD: Not at all. Thank you, your Honour.

12:28:15 25 PRESIDING JUDGE: For the sake of protecting the privacy of
26 the witness, we will go into a brief private session for the next
27 few questions.

28 [At this point in the proceedings, a portion of
29 the transcript, pages 41912 to 41938, was

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extracted and sealed under separate cover, as
the proceeding was heard in private session.]

1 [Open session]

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

3 MR KOU MJIAN:

4 Q. Sir, I want to ask you a little bit about these Abuja peace
13:26:01 5 negotiations. We're now in open session. But when you returned
6 from the Abuja negotiations {redacted} of the RUF
7 a ceasefire agreement, correct?

8 A. Yes, my Lord.

9 Q. And in fact, the agreement called for the deployment of
13:26:21 10 ECOMOG, correct?

11 A. Yes, my Lord.

12 Q. Was ECOMOG allowed to deploy at that time?

13 A. They were not allowed at that time.

14 PRESIDING JUDGE: Mr Koumjian, I'm just - we're just
13:26:38 15 wondering about that last question you asked, whether that would
16 identify the witness.

17 MR KOU MJIAN: This was all in open session yesterday.

18 PRESIDING JUDGE: Yes, but the fact that {redacted}.

19

13:26:53 20 MR KOU MJIAN: I see. Yes, correct.

21 PRESIDING JUDGE: So, Madam Court Manager, we'll have that
22 information redacted, including my own comment. Please continue.
23 In view of the time, continue with your exam.

24 MR KOU MJIAN:

13:27:16 25 Q. Mr Witness, do you remember when it was that you came back
26 with Foday Sankoh from Monrovia to Sierra Leone?

27 A. My Lord, that is another part to be rectified. I didn't
28 come with Foday Sankoh to Freetown. I never saw Freetown from
29 the start of this war until in 2000. Foday Sankoh came together

1 with Johnny Paul Koroma, Eddie Kanneh, Shek Nabeu and others. I
2 was told to return to Kailahun District. So I didn't come with
3 him at all. I never saw Freetown until even when he was
4 arrested, my Lord.

13:28:06 5 Q. Did you travel to Sierra Leone before, after or on the same
6 day as Foday Sankoh?

7 A. Well, they travelled the next day. I travelled the same
8 day in September back to Kailahun District.

9 Q. Sir, I know it's difficult to remember dates so long ago so
13:28:26 10 could the witness be shown P-530. If that could be put on the
11 overhead.

12 PRESIDING JUDGE: Mr Koumjian, if this is going to take a
13 while, I have my eye on the clock.

14 MR KOUMJIAN: I think I could do it one minute, or I could
13:29:33 15 do it after the break. Whatever your Honour prefers. I can do
16 it after the break, it's fine.

17 PRESIDING JUDGE: I think that would be better. We will
18 now break for the luncheon adjournment and reconvene at 2.30.

19 [Lunch break taken at 1.30 p.m.]

14:31:07 20 [Upon resuming at 2.31 p.m.]

21 PRESIDING JUDGE: Good afternoon. Mr Koumjian, you may
22 continue, please.

23 MR KOUMJIAN: Your Honour, I believe I was in the middle of
24 asking the witness about a document, and if that could be shown
14:31:58 25 to the witness again. For the record, that's exhibit P-530:

26 Q. Now, sir, you indicated understandably that it's difficult
27 for you to remember exact dates back to 2000, twenty years ago -
28 excuse me, ten years ago. So I'm reading from a Sierra Leone
29 News Archive web page, the very first entry. It's dated 3

1 October. It says:

2 "RUF leader Corporal Foday Sankoh (left) and former AFRC
3 chairman Lieutenant Colonel Johnny Paul Koroma (right) finally
4 arrived in Freetown on Sunday, nearly three months after the
14:33:01 5 signing of the Lome Peace Accord on July 7 to end more than eight
6 years of civil war."

7 Sir, you said that you came back to Sierra Leone the day -
8 excuse me, when did you come back to Sierra Leone in relation to
9 when Foday Sankoh travelled from Monrovia to Freetown?

14:33:23 10 A. I arrived - I left from Liberia to Sierra Leone on - in
11 September.

12 Q. Didn't you tell us before the break that you left a day
13 before or a day after Foday Sankoh?

14 A. I said in September he met me. What I'm saying, your
14:33:44 15 Honour, I was met in the third term, the third semester. If it
16 is the meeting with these two people, I met them in the third
17 semester and that was immediately after school re-opened. So if
18 you are telling me that July, then I came immediately, then my
19 going or - the two parties leaving on that date, I left the same
14:34:07 20 day I was given the command. Then they stayed there.

21 Q. So you left before --

22 A. I left before, yes, my Lord.

23 MR KOUJIAN: May we also please distribute a calendar for
24 1999. I think it will be helpful for many purposes because we
14:34:29 25 have so many events that happened that year in evidence:

26 Q. Sir, the calendar that I'm distributing shows that 3
27 October, the date that this article has, of 1999 was a Sunday and
28 the article says that Foday Sankoh and Johnny Paul Koroma arrived
29 in Freetown on Sunday. So that would be 3 October. Sir, you're

1 saying that you arrived in Sierra Leone sometime before 3
2 October, you believe September, of the same year, 1999, correct?

3 A. Yes, but because if this date here that they are stating is
4 correct here for the departure of these people then I departed
14:35:46 5 from Monrovia a day before.

6 Q. So that would be the 2nd. Saturday, 2 October?

7 A. That should be right. Okay.

8 MR KOU MJIAN: Thank you. I'm finished with that document.

9 Your Honour, I think I have to MFI a few documents. I

14:36:14 10 believe it's just the calendars, but I would ask that the
11 calendars be MFI'ed. I think it's convenient for everyone to
12 have a calendar for the years, certainly the important events.

13 PRESIDING JUDGE: But why? I ask why.

14 MR KOU MJIAN: I don't think we know off the top of our
14:36:36 15 head. If an article says he arrived on Sunday, then we know that
16 3 October was a Sunday. Your Honours obviously could take
17 judicial notice of the days of the week for a different year.

18 PRESIDING JUDGE: But we can refer to a calendar. For me
19 personally if an article says Sunday, 3 October, I've no reason
14:36:53 20 to doubt that October 3 was a Sunday and I take it as a fact.

21 Why would I need to have a calendar?

22 MR MUNYARD: The article doesn't say that the 3rd of
23 October is the Sunday. That's the problem with it. The article
24 is dated 3 October, but then it reads that these two arrived on
14:37:13 25 Sunday. What it doesn't do is it doesn't make the link between
26 its date being the Sunday. With respect, I agree with my learned
27 friend that it would be useful to have some document we can all
28 refer to as an objective calendar of the days of the week and the
29 months of the particular years. So I support the Prosecution

1 application.

2 PRESIDING JUDGE: And I can get those off my laptop or my
3 mobile. Why do I need an exhibit for that?

14:37:49

4 MR MUNYARD: I don't think you'll get them off your mobile
5 in Court, your Honour.

6 MR KOUMJIAN: I'll leave it in your Honour's hands.
7 Whatever's convenient for the Court. Obviously I believe it's a
8 matter subject to judicial notice or if it's a matter of common
9 knowledge easily ascertainable. Whatever is more convenient for
10 your Honours.

14:38:14

11 PRESIDING JUDGE: We do not reckon that it's necessary to
12 admit a calendar as an exhibit.

13 MR KOUMJIAN:

14:38:41

14 Q. Sir, there was an area that I promised to go back to in
15 open session that you mentioned in the private session. It will
16 not - it's not anything that is specific to you. You had talked
17 yesterday about travelling to Monrovia with Issa Sesay before the
18 Abuja I Accord. Is that correct?

19 A. Yes, my Lord.

14:39:02

20 Q. The negotiations?

21 A. Yes.

22 Q. Sir, who else travelled with you?

14:39:23

23 A. I travelled together with his driver. I travelled together
24 with {redacted}. I travelled in the same way with the same
25 man that was executed. I travelled with the personal secretary
26 to {redacted}. That is {redacted} - they used to call {redacted}
27 but --

28 Q. Is that {redacted}?

29 A. {Redacted}, yes. So we travelled in that same convoy

1 and we had a woman {redacted}. That was the crew there, my
2 Lord.

3 MR KOUMJIAN: I'm keeping my LiveNote on something earlier
4 so if we need a spelling, your Honours, please let me know:

14:40:00 5 Q. {Redacted}, you gave a nickname for him. Can you
6 repeat it and spell it?

7 A. He was called, your Honour, {redacted}. We just used to
8 say {redacted}, that's all, meaning {redacted}.

9 Q. Thank you. And how many vehicles did this convoy consist
14:40:18 10 of? Were you all in one vehicle or more than one vehicle?

11 A. One vehicle, my Lord.

12 PRESIDING JUDGE: Mr Koumjian, didn't the witness mention a
13 character called {redacted} and when you said to him they used to
14 call - he said, "They used to call him {redacted}", and then you
14:40:36 15 said, "Is that {redacted}," and he said, "{redacted},
16 yes. We travelled in that same convoy." So does that mean
17 {redacted}.

18 THE WITNESS: {Redacted} we used to just call {redacted}.

19 PRESIDING JUDGE: So what is this {redacted} person?

14:40:51 20 THE WITNESS: {Redacted} is not part of this name.

21 PRESIDING JUDGE: Who was {redacted}?

22 THE WITNESS: {Redacted} was left. He was supposed to be in
23 that convoy but we didn't bring him, my Lord. But the real
24 people that were in the convoy are the names I have just called.

14:41:10 25 PRESIDING JUDGE: I think, Mr Koumjian, you need to watch
26 out against filling in. When the witness is testifying you tend
27 to jump in and suggest things to him and he merely says yes, and
28 that connects whatever he said previously to whatever it is that
29 you then suggest to him and this is one example where the two are

1 not necessarily the same. It's happened before elsewhere in the
2 transcript and I've shown you an example before.

3 MR KOUMJIAN:

4 Q. Sir, {redacted} was on the trip, correct?

14:41:43 5 A. Yes, my Lord.

6 Q. So let's go through again who travelled. {Redacted} and
7 {redacted}, correct?

8 A. Yes, my Lord.

9 Q. Yourself?

14:41:53 10 A. Yes, my Lord.

11 Q. That's three. Then we have the woman?

12 A. Yes.

13 Q. Can you say her name again?

14 A. {Redacted}.

14:42:02 15 Q. And then we had {redacted} - you said the person who was
16 shot. That was {redacted}, correct?

17 A. Yes, my Lord.

18 Q. So that's five people?

19 A. Yes, my Lord.

14:42:12 20 Q. Beside the bodyguards was there anyone else?

21 A. Two others which I met them in Kono. I do not know their
22 names, but there were three bodyguards. The one that was
23 executed was one and we had two others at the back of the car.

24 Q. So we had three bodyguards and then we've already named
14:42:31 25 five people?

26 A. Yes.

27 Q. That is {redacted}?

28

29 A. Yes.

1 Q. So is that correct that there were eight of you?

2 A. Plus the driver, your Honour. They used to call him
3 {redacted} only. That was the name I knew.

4 Q. So that's nine people. He was driving the vehicle?

14:42:53 5 A. {Redacted} himself, my Lord, was driving the vehicle.

6 Q. What was the driver doing?

7 A. He was sitting on the other side nearby {redacted}.

8 PRESIDING JUDGE: Mr Koumjian, you do not reckon that this
9 line of questioning which leaves only one person that has been
10 unnamed is likely to identify this witness?

14:43:12

11 MR KOUMJIAN: No, your Honour, I don't think so. It
12 doesn't have his name.

13 PRESIDING JUDGE: Precisely, because his name is not there,
14 these people that were in the convoy, or knew of the convoy, are
15 likely it know who it is that is talking. In any event, if the
16 Defence doesn't object we can carry on.

14:43:31

17 MR MUNYARD: I would actually invite the Court to ask the
18 witness if he fears that this might identify him. He is the best
19 source in our submission of an answer to this concern.

14:44:06

20 PRESIDING JUDGE: You see, Mr Munyard, you being
21 experienced counsel, and Mr Koumjian being experienced counsel,
22 and of course the judges being who they are, have a duty to keep
23 out of the public domain information that we reckon is capable of
24 identifying this witness. Now the witness is not conversant with
25 how the transcript works and some of this is not obvious.

14:44:26

26 Sometimes it may be the mention of his name, sometimes it may be
27 the omission of the mention of his name that actually identifies
28 him. That's why I was appealing to you as Defence counsel in
29 your judgment if you reckon this is not information that's

1 capable of revealing his identity then let the Prosecution move
2 on.

3 MR MUNYARD: Your Honour, out of an abundance of caution
4 and with due regard to what you've just said, I would invite the
14:44:59 5 Court therefore to redact this part, that's to say, the list of
6 names of the people present.

7 PRESIDING JUDGE: Yes. Madam Court Manager, I think the
8 simplest way to do this would be to redact the persons named.
9 Not the entire evidence but just the persons' names. That should
14:45:25 10 take care of that problem.

11 Please continue, Mr Koumjian.

12 MR KOUMJIAN:

13 Q. Sir, I want to ask you about the death of Sheik Fofana.
14 Can you tell us what happened that caused the death of Sheik
14:45:44 15 Fofana?

16 A. Thank you, my Lord. Sheik came purposely from Freetown and
17 met us right in Kono. And he really - because of his intention
18 that we should end the war, he was selected by Issa Sesay for him
19 to be part and parcel of the delegation to Nigeria. On our way
14:46:15 20 there was a small bridge leading to - a small bridge was leading
21 to the - a town that is - there's a college there, Bunumbu. So
22 while we were driving, the road was very bad. They had - it was
23 muddy. So Issa came down to inspect the road as the driver as to
24 where to go that we cannot get problem. So when he went and
14:46:53 25 looked at the road, immediately he came from the car going down
26 with the light on in the night, he heard a shot. Then right
27 there I was closer to Sheik. Sheik just asked me, "Who shot?
28 Who shot?" Three times he asked. And when he leaned on me, I
29 saw at the back blood. We didn't [indiscernible] within two or

1 three minutes, he was gone. He was dead.

2 Then we came to find out what was the cause. Morris Kallon
3 could not wait for us to investigate anything. He only got up
4 and said he wants to inspect the guns that the bodyguards were
14:47:44 5 having. He took one, he said no. He took the other one, he said
6 no. The third one, he said there was a scent of somebody that
7 has shot. So he immediately confirmed that that boy was the one.
8 Going to investigate him with the body lying down before us, it
9 couldn't take even up to ten minutes. Issa got up and said, "Oh,
14:48:12 10 is it because - is it because this man is Temne that you people
11 are executing him - have executed him?" Immediately Morris
12 Kallon heard this, with no other option, he took a gun and shot
13 the boy down. Then they asked us to go.

14 That brought about the lateness of the RUF that they are
14:48:38 15 talking about in that document. We stayed there and asked the
16 town people to bury the two. Then we continued the journey to
17 Monrovia.

18 Q. Sir, how long did you stop to ask the people to bury the
19 bodies?

14:48:55 20 A. It didn't even - immediately after the incident happened,
21 everybody was panic. I was in panic because two bodies coming
22 together and no investigation was done and you shot the man down
23 and he was an important person in the revolution, so about ten
24 minutes, my Lord.

14:49:14 25 Q. Sir, was Issa Sesay in the car or outside the car when
26 Sheik Fofana was shot?

27 A. He came down the car to inspect the road leading to a small
28 bridge to see which route to take that he can escape the place.
29 So he was down the car, my Lord.

1 Q. When you say "he was down the car", do you mean outside of
2 the car?

3 A. Yes, my Lord.

4 Q. How far away from the car was he?

14:49:41 5 A. Like a distance from here to your position over there.
6 Like from --

7 Q. Indicating about 20 metres?

8 A. Yes, about 20 metres.

9 Q. Sir, did Issa Sesay believe that he - did he say that he
14:50:02 10 thought that they were trying to kill - the bodyguard was trying
11 to kill him?

12 A. Well, he never told me that, my Lord. He only said that
13 because the man is Temne, that is why - that made Morris - maybe
14 the statement was not going to down with him or well, so he just
14:50:23 15 got up and took the arm from the same boy and shot the boy down.

16 PRESIDING JUDGE: Sorry, what is the relevance of - or what
17 is the significance of the Sheik being Temne?

18 THE WITNESS: I don't know how they felt because that has
19 nothing - that wouldn't have motivated, my Lord, that man to kill
14:50:46 20 that boy, because being a Temne doesn't mean - I mean, it means
21 nothing to me.

22 MR KOU MJIAN:

23 Q. What was Issa Sesay's --

24 JUDGE DOHERTY: Excuse me, Mr Koumjian, I'm not clear.
14:50:54 25 Which person was a Temne? Was it the Sheik or was it the
26 bodyguard.

27 THE WITNESS: The Sheik was the Temne, my Lord.

28 MR KOU MJIAN:

29 Q. Sheik Fofana was Temne, correct?

1 A. Yes, my Lord.

2 Q. Issa Sesay was Temne, correct?

3 A. Yes, my Lord.

4 PRESIDING JUDGE: So that is the significance of being
14:51:09 5 Temne, if Issa Sesay was Temne and he was the one saying - I
6 don't know. Was Morris Kallon Temne?

7 THE WITNESS: No, my Lord.

8 MR KOUNJIAN:

9 Q. Morris Kallon was Mende. Is that correct?

14:51:27 10 A. Yes, my Lord Honour.

11 Q. And, sir, the bodyguard, do you remember now his name, the
12 one that shot Sheik Fofana?

13 A. I will try to remember that. Maybe you can please give me
14 a time, let me - because it's a Mende by tribe.

14:51:40 15 Q. Okay. I'll come back to it then later. This bodyguard
16 that shot Sheik Fofana --

17 PRESIDING JUDGE: Please pause. Please pause.

18 MR MUNYARD: Sorry to interrupt. Before - it has now gone
19 off my screen. The witness gave a distance and he said, "From
14:51:56 20 here to your position over there." Mr Koumjian then said, "About
21 20 metres?" Well - and that's what's gone on to the - that's
22 what's gone on to here, that's what he said. I'm sure that the
23 distance from where the witness is to where Mr Koumjian is is not
24 60 plus feet, which is what 20 metres is in feet. I just thought
14:52:18 25 we ought to correct that while we can.

26 PRESIDING JUDGE: You are absolutely right, Mr Munyard.
27 What would be your estimation of that distance?

28 MR MUNYARD: Well, it wouldn't be 20 feet. It would be
29 probably about 12 feet, I suppose. It's about two of me lying

1 down, because I'm 6 foot.

2 PRESIDING JUDGE: Mr Munyard, I don't think that is only
3 two of you lying down. There's a whole lot more of you lying
4 down.

14:52:54 5 MR MUNYARD: Maybe it's three. I think it's less than 20
6 feet, but something between perhaps 15 and 20.

7 PRESIDING JUDGE: It's between 15 and 20 feet.

8 MR KOUMJIAN: Thank you. I'm happy with that. Thank you:

9 Q. Sir, what kind of weapon did the bodyguard have who shot
14:53:20 10 Sheik Fofana?

11 A. AK-47, my Lord.

12 Q. There were two - the bodyguard who shot Sheik Fofana was a
13 - you said a Mende, correct?

14 A. Yes, my Lord.

14:53:32 15 Q. And he was a Black Guard, correct?

16 A. Yes, my Lord.

17 Q. So he reported to the Black Guard commander. Is that
18 correct?

19 A. He didn't report to the Black Guard commander because the
14:53:45 20 commander was not with us.

21 Q. All the Black Guards at that time were under the command of
22 Issa Sesay, correct?

23 A. Yes, my Lord.

24 Q. Who was the Black Guard commander at the time that this
14:53:55 25 incident happened?

26 A. We had one Junior. He was the commander at that time.

27 Q. Where was Jackson Swarray?

28 A. Jackson Swarray was now - he was removed later and he was
29 directly with this Sam Bockarie. So they all left for Kono.

1 Q. So Jackson Swarray was one of those that left Sierra Leone
2 with Bockarie?

3 A. He didn't leave. Sam Bockarie left most - some of his
4 bodyguards and he was one of them. He was left. All of them
14:54:35 5 that left, because of being bodyguards to the senior ranking
6 officers they then went back to Issa Sesay.

7 Q. Sir, I'm confused. Jackson Swarray, when Sam Bockarie, the
8 end of December 1999 - in December 1999, left for Liberia, left
9 the RUF along with many other RUF, was Jackson Swarray - did he
14:55:03 10 go with Sam Bockarie or did he remain in Sierra Leone, if you
11 know?

12 A. He remained in Sierra Leone, my Lord.

13 Q. So did he continue to work for Issa Sesay?

14 A. Yes, my Lord.

14:55:14 15 Q. So what was his position at the time this incident
16 happened?

17 A. When this incident - in fact, he was left on the ground.
18 He was left back to Kono and he had nothing because - I mean, the
19 people have taken their own discretion already. So we had no
14:55:36 20 other time to do - go and do another investigation and the man is
21 dead.

22 Q. When you travelled to Monrovia for the Abuja I negotiation,
23 you left from Kono. Is that correct?

24 A. Yes, he came to his home land that was in Kailahun.

14:55:57 25 Q. Answer my question. I'm not sure you have. Did you leave
26 the convoy that you talked about - Issa Sesay, Morris Kallon,
27 yourself and others - from Kono?

28 PRESIDING JUDGE: You mean did they depart from Kono?

29 MR KOUMJIAN: Yes:

1 Q. Did you depart, did you start your journey from Kono?

2 A. Yes, my Lord. I started my journey from Kono and I came to
3 the waterside.

4 Q. Thank you. At that time in November 2000 was Issa Sesay
14:56:33 5 based in Kono?

6 A. Yes, my Lord.

7 Q. Now, one of the bodyguards, the one who was executed, was a
8 Black Guard. Who were the other bodyguards that were present?

9 A. My Lord, I have already indicated, when I went to Kono,

14:57:00 10 these people - most of the bodyguards were not bodyguards that

11 were with Issa Sesay. Some of these bodyguards were with the

12 leader, that is, Foday Sankoh. So most of the bodyguards, I

13 never knew them. The only man I could remember is that man that

14 was executed. I just forgot his name and I'm sure I will try to

14:57:24 15 know his name later.

16 Q. The other two bodyguards, were they bodyguards for Morris
17 Kallon, for Issa Sesay? What was their position?

18 A. One was for Morris Kallon and the two for Issa Sesay.

19 Q. And the two for Issa Sesay included the Mende boy who was
14:57:42 20 executed?

21 A. Yes, my Lord.

22 Q. What did he say before he was executed?

23 A. Well, as we sat down, I only heard him saying - he called
24 my name and said, "Who shot? Who shot? Who shot?" Three times.

14:58:03 25 Then I turned around at the back of him. He fell on my lap and
26 at the back I saw blood.

27 Q. Thank you. You are talking now about --

28 PRESIDING JUDGE: Who are you - are you now talking about
29 two different people?

1 THE WITNESS: No, my Lord.

2 PRESIDING JUDGE: Yes, you are. If counsel could clarify.

3 MR KOUMJIAN:

4 Q. You told us that, "He said, 'Who shot? Who shot? Who
14:58:30 5 shot?' " And you felt blood. The person who said "who shot" was
6 Sheik Fofana, correct?

7 A. Yes, my Lord.

8 Q. My question for you is: The boy who was executed, the
9 Mende Black Guard, did he say anything before Morris Kallon
14:58:46 10 executed him?

11 A. He only said he was not the one that shot. That was the
12 last word he said. Then Morris just got up and shot him down.

13 Q. Morris Kallon shot him with a firearm?

14 A. A firearm, AK-47. The same arm the boy had.

14:59:07 15 Q. Now, did Issa Sesay say anything when that happened?

16 A. He only told us to proceed.

17 Q. When you say Morris Kallon - you said something about a
18 scent. He smelled the guns for gunshot, the smell of gunpowder,
19 correct?

14:59:27 20 A. Yes, my Lord.

21 Q. And so Sesay just said, "Let's proceed," correct?

22 A. Yes. "Let's continue because we have a mission."

23 Q. Now, where exactly was this spot where this incident
24 happened? In which country was it?

14:59:50 25 A. This incident happened in Bunumbu and Bunumbu is in
26 Kailahun District in Sierra Leone.

27 Q. How long after you had left Kono? Was it an hour? Was it
28 more than an hour? Can you tell us?

29 A. It's a long distance from Kono to Bunumbu.

1 Q. So it's for - several hours had passed before this
2 happened, correct?

3 A. Yes, my Lord.

4 Q. And when the shooting happened, Issa Sesay was outside the
15:00:20 5 car?

6 A. Yes.

7 Q. Walking?

8 A. Yes my Lord.

9 Q. When a gunshot was fired?

15:00:25 10 A. Yes, my Lord.

11 Q. It was an attempt to execute Issa Sesay. Is that right?

12 A. Morris Kallon executed the boy.

13 Q. It was believed by those of you present, isn't it correct,
14 that the Black Guard, the Mende, had tried to kill Issa Sesay and
15:00:46 15 the bullet had hit Sheik Fofana, correct?

16 A. Well, I cannot say that because how the bullet came I was
17 even surprised because we are sitting down, the bodyguards are
18 turning towards where we are coming from with their guns. Now my
19 thinking is how come that arm was shot in the car and immediately
15:01:14 20 there was no investigation for us to derive at any solution but
21 to execute. So I was - I was a little bit thinking how that - I
22 mean, how they ended up executing that boy.

23 Q. Sir, the decision of Issa Sesay to come to Monrovia for
24 Abuja was after you received a phone call from Charles Taylor
15:01:43 25 telling - and you passed it on to Issa Sesay, correct?

26 A. No, my Lord.

27 Q. Did you tell Issa Sesay that Charles Taylor wanted him to
28 go to Abuja?

29 A. No, my Lord.

1 MR KOUMJIAN: Your Honour, could I have the witness shown
2 the document behind tab 1, which is a transcript.

3 {Redacted}

4

15:02:55 5 Sorry, please take that off. Do not put it on the overhead
6 because the witness's name is on it. So I'm going to read it
7 without putting it on the overhead.

8 Q. Sir, at the top of the page - this is Issa Sesay testifying
9 he was asked - he said this:

15:03:30 10 "I knew him during the Abidjan Accord in '96. He was the
11 consul in Ivory Coast for Sierra Leone. But after the Lome, he
12 was with Foday Sankoh in Freetown. And during the May 8, he
13 escaped; he went to Makeni. From there, he went to Kono, to me.
14 So when they said I should go with the delegation for the Abuja I
15:03:53 15 they were the ones I picked because they were educated and they
16 had experience."

17 Now, sir, did you know Sheik Fofana - is it correct that he
18 was a consul in Ivory Coast for Sierra Leone?

19 A. I didn't know that, your Honour.

15:04:11 20 Q. After Lome was he with Foday Sankoh in Freetown?

21 A. I could not talk on that because I was not there.

22 Q. Fair enough. Let me continue to read then, but I'm not
23 going to say your name. When I get to it I'm just going to say
24 you. So then Issa Sesay was asked:

15:04:37 25 "Q. And who said you should go with the delegation?"

26 And Issa Sesay said, "Well" - and he named you, sir - "told
27 me. It was" - Mr Witness, you - "who sent the message. He said"
28 - meaning you - "it was President Taylor who called" - you,
29 Mr Witness - "in the mansion and told him that" - you, Mr Witness

1 - "should send a message to Issa Sesay and that Issa Sesay should
2 go with the delegation for the Abuja I."

3 So, sir, again did you tell Issa Sesay that Charles Taylor
4 said he should go for Abuja I?

15:05:16 5 A. No, my Lord.

6 Q. So when Issa Sesay testified under oath that it was you
7 that sent - told him to go to Abuja I, was that the truth or a
8 lie?

9 A. It is a lie here, my Lord.

15:05:33 10 Q. In fact didn't President Taylor communicate to you that the
11 delegation should go to Abuja?

12 A. I have never, never received any communication from Charles
13 Taylor for anything to be implemented, sir.

14 MR KOUMJIAN: Your Honour, could that two-page document be
15:05:57 15 marked confidential because it has the witness's name for
16 identification.

17 MR MUNYARD: Madam President, I take no point on it at the
18 moment and I'm sure that my learned friend is correct when he
19 says that it is the evidence of Issa Sesay, but you will note
15:06:13 20 that there is nothing in these two pages that identifies whose
21 evidence it is and I would be grateful if by the time it's
22 tendered in evidence we have an additional page that confirms who
23 the witness is who is giving evidence simply for the sake of the
24 record. I'm not suggesting that Mr Koumjian has got it wrong. I
15:06:33 25 think for formal purposes we ought to have some further
26 information.

27 MR KOUMJIAN: Your Honour, I appreciate the remark and what
28 I propose is to hand counsel a copy of the complete transcript so
29 he can have that to keep.

1 there?

2 A. Gibril Massaquoi was withdrawn, sir.

3 Q. How long did you overlap? How long was he in Monrovia at
4 the same time you were there?

15:10:10 5 A. He stayed there over a month before coming to Sierra Leone.

6 Q. He had been at one time the head of the external delegation
7 in Monrovia, correct?

8 A. Yes, my Lord.

9 Q. When you wanted from the external delegation to communicate
15:10:36 10 with Issa Sesay, how did you do that?

11 A. We had - the area of communication was in the room and it
12 was operating right in the leader's room, that is Foday Sankoh's
13 residence.

14 Q. Did you pass messages on to Issa Sesay from people from any
15:10:58 15 other country, I mean non-Sierra Leoneans?

16 A. No, my Lord.

17 Q. So, sir, did you communicate messages for Issa Sesay to
18 non-Sierra Leoneans?

19 A. No.

15:11:12 20 Q. So, sir, what was the purpose of all of you being in
21 Monrovia if you didn't communicate with anyone but Sierra
22 Leoneans?

23 A. The purpose of us being there, I think I said it, my Lord,
24 that we were mainly sent there to ease the lateness of the RUF
15:11:33 25 always going to meetings late and it was made as a corridor, as I
26 said previously, for us to travel to anywhere that the RUF would
27 be needed.

28 Q. But, sir, when the RUF was invited to peace negotiations,
29 for example, Abuja II. Abuja II, the RUF at the urging of the

1 United Nations did not stop in Monrovia but went directly to
2 Abuja II. Isn't that correct?

3 A. Yes, that was directly from the - from --

4 Q. Opande?

15:12:16 5 A. Yes.

6 Q. Mr Opande was head of the United Nations mission?

7 A. Yes, my Lord.

8 Q. And so he asked Issa Sesay not to go through Monrovia, to
9 go directly to Abuja, correct?

15:12:29 10 A. Yes, my Lord.

11 Q. So, sir, what was the purpose - excuse me. The United
12 Nations flew the RUF delegation there, correct?

13 A. Yes, my Lord.

14 Q. So again, sir, what is the purpose of having all of these
15:12:44 15 high ranking individuals in Monrovia if you say you don't
16 communicate with anyone but Sierra Leoneans?

17 A. What I'm saying, my Lord, is that these people, like
18 Rashid, he was not sent only to go as a delegation to stay in
19 Monrovia. He was asked to go there and take care of the lodge as
15:13:07 20 a bodyguard with his wife. The signal man was also sent there so
21 that in case there is any problem that they will encounter in
22 Monrovia they will be able to communicate back home.

23 So, yes, they were in the delegation but they were not
24 functioning. They were only there to wait. Like Gibril, he was
15:13:32 25 mainly always chosen to go out. But like Rashid Foday, he was
26 just a bodyguard. His wife was a maid to him. Tolo was a
27 resident signaller and his wife.

28 Q. When you say Gibril was chosen to go out, you mean he acted
29 as a liaison between Issa Sesay and Liberia, correct?

1 A. Yeah, he was a liaison officer.

2 Q. He acted as liaison between Charles Taylor and Issa Sesay,
3 correct?

4 A. Yes, when he was residing there, yes, my Lord.

15:14:14 5 Q. Sir, did Issa Sesay have a satellite telephone?

6 A. Issa Sesay in Kono had a telephone.

7 Q. That's not my question. Did Issa Sesay have a satellite
8 telephone?

9 A. Yes, my Lord.

15:14:43 10 Q. One or more than one?

11 A. I only saw one that was in the office that I told him to be
12 going. He was very almost in his house in the signal room.

13 Q. Was this the type of satellite telephone that was in a
14 briefcase or a smaller model, something like a mobile phone?

15:15:09 15 A. It was in the form of a mobile. Not - excuse me, my Lord.
16 It's in the form of a laptop something.

17 Q. It looked like a laptop that you open up?

18 A. Yes, my Lord.

19 Q. Do you remember the name of the make?

15:15:28 20 A. No, my Lord.

21 Q. What would the phone be used for?

22 A. This was for him to communicate with Gibril Massaquoi.

23 Then whenever there's a call for us to go anywhere, he will tell
24 Gibril Massaquoi to make sure that when we come we should have a
15:15:49 25 place there and our feeding and everything should be done by him.

26 So he used to communicate directly to him.

27 Q. So Issa Sesay would call Gibril Massaquoi using his, Issa
28 Sesay's, satellite telephone, correct?

29 A. Yes. Sometimes when he calls him to Kono, when he comes

1 there, he can use it to talk back to his wife, because his wife
2 was also residing there.

3 Q. Gibril would use the phone to talk to his, Gibril
4 Massaquoi's, wife in Monrovia. Is that what you're saying?

15:16:25 5 A. Yes, my Lord.

6 Q. Sir, when Issa Sesay, from Kono, talked to Gibril Massaquoi
7 in Monrovia, what phone was Gibril Massaquoi using?

8 A. Right there they were not using - he was not using a phone.
9 He was using the field radio.

15:16:45 10 Q. Sir --

11 A. We had a radio in the lodge of Foday Saybana Sankoh and
12 that was what Gibril was using. But when he comes to Sierra
13 Leone when he's called by Issa to come to Sierra Leone, when he
14 comes there, he speaks directly from the phone that Issa has to
15 his wife and they would invite his wife. The signal man was
16 staying in the house. Then they will come to Gibril's wife to
17 tell her that "Your husband wants to speak to you," or deliver a
18 message.

15:17:27 19 Q. What phone was Gibril Massaquoi's wife using when Gibril
20 called her on the satellite phone?

21 A. Can you say that again, my Lord?

22 Q. You said Gibril would use a satellite phone from Kono --

23 A. Yes, from Kono.

24 Q. -- to speak to his wife.

15:17:44 25 A. Yes.

26 Q. What was his wife speaking on?

27 A. Whenever he wants to talk, he speaks in the radio that was
28 given to us - to him in Monrovia. When he comes out, he can
29 always communicate through that radio to his wife. Then the

1 signaller that will receive the message would carry the message
2 to Gibril's wife.

3 Q. Sir, a satellite phone cannot call a field radio. The two
4 cannot communicate, correct?

15:18:17 5 A. Yes, my Lord.

6 Q. Well, that's my fault. Can they communicate or they cannot
7 communicate? Explain.

8 A. They cannot communicate.

9 Q. So, sir, when Issa Sesay was contacting Monrovia with his
10 satellite telephone, what phone was he calling?

11 A. I want to, my Lord, to explain that area so that we can
12 have the document correct. I am saying that for every
13 communication that Issa was doing, he was doing it through our
14 radio - our field radio. But whenever they asked him

15:18:58 15 internationally - I talked to the international world two times
16 and I was using that phone. But to speak to anybody to like - in
17 Liberia, we were using our field radio. And even when Issa -
18 Gibril comes to Kono, he speaks through that radio and they will
19 call his wife in the radio room in Monrovia.

15:19:22 20 Q. Sir, what you've just done in the last 15 minutes is change
21 your testimony. You said that Issa Sesay would call Monrovia and
22 speak to you with his satellite telephone and now you've said he
23 wouldn't, he would only speak on the radio.

24 A. That's --

15:19:37 25 Q. I suggest to you, sir, that the reason why you've changed
26 your testimony is because you know that Issa Sesay used the
27 satellite phone to talk to Charles Taylor. Isn't that true?

28 A. It's not true, my Lord.

29 Q. Sir, you were present at a meeting where the attack on the

1 United Nations peacekeepers --

2 MR MUNYARD: I'm sorry to interrupt, but the question that
3 Mr Koumjian asked consisted of two separate ideas. One, "I
4 suggest to you, sir, that the reason you changed your testimony",
15:20:10 5 the first, and secondly, "is because you know that Issa Sesay
6 used the satellite phone to talk to Charles Taylor. Isn't that
7 true?" The witness replies, "It's not true." But it's not clear
8 whether he's saying, "It's not true that that's the reason I've
9 changed my testimony," or "It's not true that Charles Taylor used
15:20:28 10 to use the phone to speak to Issa Sesay." I wonder if that could
11 be clarified.

12 MR KOUMJIAN:

13 Q. Sir, what is the reason you changed your testimony?

14 A. My reason of changing that area, I want the records to be
15:20:42 15 straight, and if I have said that, I'm not thinking that it was
16 because I have known or I know that Foday - Issa Sesay used to
17 talk. I am here to speak the truth. Issa Sesay never
18 communicated in my presence to Charles Taylor in any radio. He
19 used to communicate to Gibriil Massaquoi, my Lord. And he used
15:21:05 20 our field radio. These radios were all over the places where we
21 were. We had a radio in Kailahun. We had a radio in Kono. We
22 had a radio in Tongo Field and we had a radio in Pendembu and
23 wheresoever we were. So these were the radios that we were
24 communicating with.

15:21:27 25 Q. Let me give you one more chance, sir. What did Issa Sesay
26 use his satellite phone for?

27 A. To communicate to the international world.

28 Q. Who?

29 A. That is, whenever there's accusation or maybe when they

1 attack us, I made the report two times, and Gibril also made the
2 same report from Monrovia. As the peace talks were going on,
3 people were attacking our positions. And with that then we can
4 allow - Issa Sesay will allow Gibril Massaquoi, as a spokesman,
15:22:00 5 to talk to the international world.

6 Q. So the spokespersons who were talking to the international
7 media defending the RUF against the accusations of the
8 international community were doing so from Monrovia. Is that
9 correct?

15:22:18 10 A. He did one in Monrovia and the other one was done in Kono.

11 Q. So, sir, since the RUF had a satellite telephone with Issa
12 Sesay, why did you need to speak to the international community
13 or international press from Monrovia?

14 A. From Monrovia, they called upon Gibril Massaquoi because he
15:23:10 15 was outside there to speak for us. So they told him to use any
16 means. But when he was there and he was in Kono, when the
17 incident happened, he used, I mean, Issa Sesay's satellite phone.

18 Q. Sir, the RUF had satellite phones even as early as - at
19 least, you know that they had them in 1998. Isn't that correct?
15:23:38 20 Before you went to Liberia - excuse me back to Sierra Leone.

21 A. Well, I only saw that satellite phone or the satellite
22 phones when I came back in 1999 --

23 Q. Let me ask you --

24 A. -- or prior to - excuse me.

15:23:52 25 Q. Sorry.

26 A. Prior to my going, I never saw anybody with satellite
27 phone.

28 Q. But you heard Sam Bockarie speaking on the international
29 radio in December 1998 and in January 1999 during that offensive

1 that included the invasion of Freetown, January 6. Isn't that
2 true?

3 A. Surely, my Lord, I came and met him with a radio. A
4 satellite phone.

15:24:24 5 Q. Sir, I'm asking something different. You were in Monrovia,
6 but you were a citizen of Sierra Leone, correct?

7 A. Yes, my Lord.

8 Q. You were there in late 1998 and January 1999. You were in
9 Monrovia, correct?

15:24:38 10 A. Yes, my Lord.

11 Q. Now, as a citizen of Sierra Leone and also as a former high
12 level official with the RUF, you were interested in news about
13 the war in Sierra Leone, weren't you?

14 A. Yes, my Lord.

15:24:52 15 Q. And you said previously that you listened to international
16 radio and programmes like Focus on Africa, correct?

17 A. Yes.

18 Q. So, sir, in December 1989 and January 1999, you heard Sam
19 Bockarie speaking on the international radio from Sierra Leone,
15:25:09 20 correct?

21 A. Yes, my Lord.

22 Q. So the RUF, to reach the international community, didn't
23 need to be in Monrovia. You could do that from a satellite phone
24 in Kono, Makeni or Freetown, correct?

15:25:23 25 A. Yes, my Lord.

26 Q. The reason the external delegation was there in Monrovia
27 and the public outreach of the RUF was in Monrovia was because
28 that was the real command centre of the RUF, correct?

29 A. Can you say that again, my Lord?

1 Q. You were in Monrovia so you could take instructions better
2 from Charles Taylor, correct?

3 A. No. It's wrong.

15:26:04

4 Q. Who gave Issa Sesay his satellite telephone? How did he
5 get the phone?

6 A. Now, when I came back, my Lord, I met them with these
7 things. I don't know who gave it to them.

8 Q. Did you see Foday Sankoh with a satellite telephone?

15:26:22

9 A. Foday Sankoh was using a satellite telephone in Ivory
10 Coast.

11 Q. How about after Lome, did he have a satellite telephone?

12 A. I was out of the country now.

13 Q. You returned to Sierra Leone after Lome. Foday Sankoh
14 invited you back --

15:26:33

15 A. Yes my Lord.

16 Q. -- you said around October 2.

17 A. Yes, my Lord.

18 Q. 1999 you returned. So you were there with Sankoh until he
19 was arrested 8 May 2000, correct?

15:26:46

20 A. I was not with Foday Sankoh, my Lord. I have said it from
21 the initial point that I was sent to Buedu, so I was not with
22 him.

23 Q. Fair enough. Thank you. I accept that. Sir, you were
24 present at a meeting where the offensive against the UN

15:27:06

25 peacekeepers was planned, correct?

26 A. I was not in the meeting, my Lord. But I will just give
27 shortly. It was one morning when I got up that was - I was now
28 in Kailahun. I got up in the morning and the commander at that
29 time was Martin George. He got up and came to me and said that

1 he heard that Issa said we should arrest. And the name they gave
2 me at that time, my Lord, was Smile. Now, this Smile, I never
3 knew who is smile. He said, "Well, we should arrest them, take
4 all their arms and ammunitions," which was very impossible to me.
15:27:52 5 So - "and keep them until otherwise ordered." My response to
6 this particular Matthew - no, this particular commander, that is
7 - what did they call - there were many, but the one that was
8 there was - he's a small boy, a black boy --

9 Q. You said Matthew?

15:28:16 10 A. Matthew.

11 Q. Barbue?

12 A. Not Barbue. Martin George. Martin George. Very good. So
13 I told him, I said, "Do you think it is possible for us to come?
14 You are not able to fight a war in Sierra Leone to win. Then you
15:28:32 15 want to fight the international community. And you know very
16 well we cannot do anything."

17 From there the commander of the Black Guard was in that
18 town. That was Junior Vandi. He came and said that I was - I
19 mean, I was backing the international community and therefore I'm
15:28:54 20 a coward. Then I told him, I said, "Well, if you want to try
21 there you can try." Immediately after that the commander for the
22 Indian battalion came to me to my house. He said, "Among these
23 people I've seen you to be very intelligent and I want you to
24 take you yourself into my position, that is Punia." He said, "I
15:29:18 25 want you to take me as your" - and I said, "As a commander? I
26 told these people we are not going to attack, but still people" -
27 I mean the fighters were going around persuaded by this same
28 junior man, but what happened to him I think he deserved that.
29 He went and called a meeting. In that meeting the battalion, 17

1 good days they were, this Indian battalion, they were staying to
2 the place where they were. That was in the district
3 headquarters. They stayed there for 17 days without coming down
4 the town. So they also got vexed and they decided to pull - to
15:29:57 5 get out of Kailahun. And they did it.

6 Then the other area was this one that ignited in Makeni.
7 Makeni was a place that everybody was there. Augustine Gbao
8 being the security officer was present when these boys - the
9 fighters collected rotten corrugated irons to come and sell them
15:30:29 10 in Freetown. So there was a law that you don't have to loot
11 because the people have come back to their various houses. They
12 saw this. Then Augustine Gbao sent the boys to go and tell
13 Oladebo that was the commander in the Nigeria battalion. So he
14 went there. When they went there they were having arms. Having
15:30:56 15 arms, they told them, "No, you cannot enter this place with
16 arms." And that was the fact.

17 These fighters that went there, the bodyguards, I was not
18 present, they came back and told Augustine Gbao that the people
19 have decided to disarm us forcibly. That communication was not
15:31:15 20 even handled the right way. These boys started to talk that we
21 are going to arrest them and we will make sure that we arrest
22 them. That brought the whole chaos today we are on which was
23 very bad because that would have been the first rule.

24 Q. Sir, we need to clarify some of the things you said and
15:31:42 25 some of the words you used we couldn't understand. I'm going to
26 read a few things that I thought I heard you say. You said, "He
27 said among those people I've seen you to be very intelligent."
28 This is the Indian commander. "And I want to take you yourself
29 into my position, that is Puni a." What did you say?

1 A. Punia. I don't know his spelling but that's the sound of
2 his name.

3 Q. That's the name the Indian commander?

4 A. Yes, my Lord.

15:32:27 5 Q. And you said it sounded something like Punia?

6 A. Yes, like Punia.

7 Q. You don't know how to spell it?

8 A. No.

9 Q. I don't know if anyone wants to attempt a spelling.

15:32:41 10 P-U-N-O-W phonetically. I'm sure that's incorrect.

11 PRESIDING JUDGE: The name of an Indian commander of that
12 battalion is on the record somewhere as I recall. Perhaps that's
13 the one. I don't know.

14 MR KOUMJIAN:

15:32:58 15 Q. Then you said that Augustine Gbao sent the boys to go and
16 tell?

17 A. Ol adepo.

18 Q. That's a commander in Makeni, correct, ECOMOG?

19 A. Yes, my Lord.

15:33:11 20 Q. Was he a UN commander or?

21 A. A UN commander, sir.

22 Q. And can you say his name again slowly?

23 A. Ol adepo. O-L-A-D-E-P-O.

24 Q. Was he Nigerian?

15:33:25 25 A. Yes, my Lord.

26 Q. So after Augustine Gbao came back with this false report
27 that they were being forcibly disarmed - that's correct, isn't
28 it, that Augustine Gbao came back and incorrectly reported that
29 the RUF was being forcibly disarmed?

1 A. Yes, my Lord.

2 Q. When he came back an order was given to take the UN
3 hostage. Is that correct?

4 A. Yes, my Lord.

15:34:00 5 Q. Who did you hear give that order?

6 A. Well, right there I am sure he took that initiative himself
7 because at that time Issa Sesay was not in Makeni. He was in
8 Kono so he - I'm sure he took it at his own discretion.

9 Q. Issa Sesay came to Makeni after - at the time that the
15:34:35 10 peacekeepers were being held hostage there. Is that correct?

11 A. Yes, my Lord.

12 Q. And there were about 500 Zambians that had been captured,
13 correct?

14 A. Yes, my Lord.

15:34:45 15 Q. That was a heavily armed force with armoured vehicles, the
16 Zambians, correct?

17 A. Yes, my Lord.

18 Q. How was the RUF able to capture 500 Zambians that were so
19 well armed?

15:35:00 20 A. Well, my Lord, I want us to refer back to the mission for
21 which the peacekeepers came. Peacekeepers didn't come to fight.
22 I'm sure they wanted not to allow another fighting, so they gave
23 up and gave the arms and ammunitions to the group that arrested
24 them.

15:35:23 25 Q. Who led the group that arrested the Zambians?

26 A. The Zambians were placed in two areas, but the one in
27 Makeni is what I know because they said this, what they call -
28 Morris Kallon.

29 Q. And Issa Sesay arrived in Makeni. He took the peacekeepers

1 back to Kono. Is that correct?

2 A. Yes, my Lord.

3 Q. And they were imprisoned in Kono for some weeks, correct?

4 A. Yes, my Lord.

15:36:00 5 Q. Now, you said that Martin George told you that he received
6 an order from Issa Sesay. Is that right?

7 A. Yes, my Lord.

8 Q. Now, was this before or after the Zambians were captured?

9 A. It was after the Zambians and he said that they have
15:36:19 10 already done the same. "Done the same" means they have already
11 arrested the peacekeepers that were staying in the area where
12 Issa Sesay was staying, so we were supposed to do the same thing.

13 Q. Martin George told you that the RUF in Issa Sesay's area
14 had arrested peacekeepers?

15:36:38 15 A. Yes, my Lord.

16 Q. And that Issa Sesay had ordered Martin George to do the
17 same?

18 A. Yes, my Lord.

19 Q. And you were there in - was it Kailahun that you and Martin
15:36:46 20 George were at?

21 A. Yes, my Lord.

22 Q. Kailahun Town?

23 A. Yes, my Lord.

24 Q. So Martin George then invited the peacekeepers to a
15:36:53 25 meeting, isn't that right?

26 A. Yes, my Lord.

27 Q. And he took them hostage when they came, correct?

28 A. Immediately.

29 Q. How long were these peacekeepers kept in Kono?

1 A. Well, as I was not in Kono, my Lord, I don't know how long
2 they kept them there, but for us we didn't implement that because
3 Punia - excuse me, my Lord, the man was called Punia.

4 Q. So it's Punia?

15:37:34 5 A. Yes, that was the commander.

6 Q. So what did - what happened after - was Punia one of those
7 captured who came to the meeting with Martin George?

8 A. Yes, as a commander. Yes, my Lord.

9 Q. How many people were with Punia and captured together with
15:37:55 10 him at that meeting?

11 A. At that meeting he had about a squad. Maybe 15 to 20 men.
12 Somewhere outside I couldn't really tell, but those that entered
13 they were about one squad, that is 15 to 20, my Lord.

14 Q. So what happened to the squad that was captured in
15:38:17 15 Kailahun?

16 A. When we entered the hall - there's a shop, when we entered
17 there I got up and immediately Martin George got up and said that
18 from now onwards - he didn't even wait for me to brief the people
19 on what we were doing. He just stood you and said, "From now
15:38:41 20 onwards, Mr X, you are hereby ordered so that everything these
21 people have should be taken from there." And they didn't resist.
22 They handed everything over.

23 From there a looting group left and went to the - they had
24 a place that they were staying we called the UN building. Went
15:39:00 25 there and took everything that they had. Their properties and
26 everything was vandalised and taken away.

27 Q. Then where were they kept?

28 A. Well, when I came to realise that these people, we couldn't
29 keep them because the children or the fighters, most of them,

1 were not of the same type like us that can reason out, I took
2 them to Giema.

3 Q. Okay. Giema in Kailahun District?

4 A. In Kailahun District.

15:39:35 5 JUDGE DOHERTY: Mr Koumjian, I think the witness referred
6 to a looting group.

7 MR KOUMJIAN:

8 Q. Can you explain, sir, when you say a looting group, do you
9 mean a group of RUF soldiers went to the UN building and they
10 stole everything that they could find there?
15:39:50

11 A. Yes, and these people were led by Junior Vandi and Martin
12 George himself. They led the group. These were their bodyguards
13 and other fighters. They took them to the UN building and took
14 out everything including materials that they even had like
15 passports and all those things.
15:40:11

16 Q. When you took the Indian - these were all Indian soldiers
17 or were they mixed nationalities?

18 A. Indian soldiers, my Lord.

19 Q. When you took the Indian soldiers to Giema what happened to
20 them there?
15:40:27

21 A. Well, they stayed in Giema. They were there for a week
22 while the others - the rest of them were still on their compound.
23 They stayed there. The group that I carried were with me for a
24 week. Then I brought them back because tension was cold.

15:40:46 25 Q. Just to clarify it. You took the squad that came to the
26 meeting to Giema. Is that right?

27 A. Yes, my Lord.

28 Q. That was the commanders and their basically their
29 bodyguards, correct?

1 A. Yes, my Lord.

2 Q. The rest of the Indian contingent there in Kailahun was put
3 under a restrictions by Martin George and the RUF, correct?

4 A. Yes, my Lord.

15:41:08 5 Q. They were told not to move out of their compound, correct?

6 A. Yes, my Lord.

7 Q. Now, you said that you carried this group to Giema for a
8 week and then brought them back. Back to Kailahun?

9 A. Yes, sir.

15:41:25 10 Q. And what happened when you came back to Kailahun Town?

11 A. When we came back to Kailahun Town the commander took them
12 back to their base - to the base where they were and they stayed
13 there without going anywhere for 17 days. This brought Punia to
14 say well he can no longer accept such things and before he could

15:41:57 15 disarm, he told me, "In India we - this is our own life. Instead
16 of you disarming the Indian battalion I will ask you to take our
17 guns and execute all of us. We will not allow you to do that."

18 There one other man that was drunk, he came and told Punia, "You
19 think you can fight? You cannot fight us." Punia told him,

15:42:32 20 "Young man, within the next five minutes you will see a jet here
21 so that we can stop arguing. I will no longer argue with you.

22 You need to know that I'm a commander like you." So he also got
23 perplexed - he got vexed and from there in the mornings exact
24 7.30 that whole battalion was out of Kailahun forcibly.

15:42:59 25 Q. Because they pushed a group up into Kailahun District, the
26 UN sent a group to Kailahun to rescue the hostages. Isn't that
27 right?

28 A. Yes, my Lord.

29 Q. The RUF was outgunned and you let the group go from

1 Kailahun, correct?

2 A. Yes, my Lord.

3 Q. Now, when the group from Kailahun was rescued, the hostages
4 were still in Kono that had been taken in Makeni. Is that
15:43:27 5 correct?

6 A. Again, your Honour, please repeat that one.

7 Q. Okay. Just what is happening in Makeni to the Zambians and
8 those taken prisoner in Makeni? You said they were taken to
9 Kono, correct?

15:43:44 10 A. Yes.

11 Q. So when the prisoners were released forcibly from Kailahun,
12 when they were rescued, were there still Zambians still in Kono?

13 A. They were no longer in Kono. I saw some - I don't know,
14 they came with them in the night and all of them, they crossed
15:44:01 15 them to the Liberian side.

16 Q. Do you know how long they were held from the time they were
17 taken in Makeni until they crossed to Liberia?

18 A. Well, your Honour, I can only remember the day I saw them.

19 Q. Okay.

15:44:21 20 A. And they crossed. They didn't sleep at all and most of
21 them were naked, you know.

22 Q. Now, sir, why were they taken to Liberia?

23 A. Well, this was a upon the merits of the United Nations.
24 They said it, because at that time they have not deployed to the
15:44:45 25 other territories, so they took them there.

26 Q. Sir, the United Nations was present in force in Freetown,
27 correct?

28 A. Yes, my Lord.

29 Q. So why were they taken from Kono to - they were taken to

1 Foya and then flown to Monrovia, correct?

2 A. Yes, my Lord.

3 Q. Why were they taken to Monrovia instead of Freetown?

4 A. Well, I can't - I don't know what was the - I mean, the
15:45:13 5 communication, my Lord. I only saw them. Even when I saw them,
6 just within few hours - a few minutes. They were sent to a
7 certain place to assemble from there. Even I never heard any
8 communication with any of them because that was the time I was
9 also coming in.

15:45:34 10 Q. Before the peacekeepers were captured in Makeni, were you
11 present at a meeting where Foday Sankoh ordered an offensive
12 against the United Nations?

13 A. I was not in that meeting.

14 Q. Do you recall Foday Sankoh saying, "We should treat them
15:45:54 15 like Somalia"?

16 A. I never heard that, my Lord.

17 Q. Did you hear anyone referring, in the RUF, to the fact that
18 the international community, United Nations force, had entered
19 Somalia and then retreated after local militias killed
15:46:19 20 particularly a couple dozen Americans?

21 A. I never heard it, my Lord.

22 Q. Were you monitoring the radio during this hostage crisis?

23 A. Nobody was asked to go near the radio at that time.

24 Q. You were still in the position that you told us you took up
15:46:46 25 when you were invited by Foday Sankoh to come back to Sierra
26 Leone, correct?

27 A. Yes, my Lord.

28 Q. In that position, were you aware of communications with
29 Charles Taylor about these hostages?

1 A. No, my Lord.

2 Q. You don't know anything about that?

3 A. No.

15:47:08

4 Q. Did you know anything about Charles Taylor's role in this
5 hostage crisis?

15:47:38

6 A. He has no role that I know of that he played that is of any
7 bad. What I'm saying is that, when the corridor was open, that
8 was in Liberia, we - the people - the delegation that was there
9 had nothing to eat, of course, sometimes. So the - I mean, Dgiba
10 Momo, used to bring us food, as a brother, to give us. And the
11 other one I can also talk that he didn't play a role that was in
12 the interest of the RUF, he - I mean, he served as - his country.
13 Charles Taylor's country served as a corridor to make it very
14 simple, because everybody was saying - and, my Lord, I want to
15 tell one thing that I said he has not done anything.

15:48:02

16 When we were invited, Samuel - Sam Bockarie, Benjamin
17 Yeaten, myself, Issa Sesay, Gibril Massaquoi, and one other man
18 who was staying with him, the question that Charles Taylor asked
19 that time is something I thought he has done nothing for us. He
20 asked direct question like this: "My brothers, I want to tell

15:48:33

21 you that I have pressure on which - I have pressure for the RUF
22 in which I am not benefiting anything and I'm not benefiting and
23 I'm not interested. And I want to ask you here." Then he said,
24 "Old man," that was me, he said, "The other old man," which was

15:49:00

25 Pa Beinda, he said, "You people are lacking experience here. I
26 want to ask who is here among you the people that are seated
27 here, including Sam Bockarie, Issa Sesay, Morris Kallon and all
28 the other leaders, that has ever given me a cent?" And in that
29 meeting nobody answered before me.

1 So I think - I don't think he has played a role that is bad
2 to me, because nobody answered. And at that time they had been
3 saying - I mean, I don't know if I'm going too far in that. You
4 please excuse me. I mean, they have been saying, "We have been
15:49:46 5 hearing that Charles Taylor is helping us." But my sceptical or
6 my creative thinking came to realise that, I mean, nobody had
7 ever given diamonds, because we would have answered in the
8 presence of the - I mean, the delegation. But nobody answered,
9 my Lord.

15:50:06 10 Q. Sir, after you were on the external delegation, when you
11 were appointed to that, how long did you live --

12 MR MUNYARD: Sorry to interrupt. If we're moving off the
13 international peacekeepers, I'm grateful to Ms Hambrick who has
14 found the correct spelling of Major Punia. It's P-U-N-I-A.

15:50:30 15 MR KOUMJIAN: We're grateful. Thank you:

16 Q. Sir, you lived in Monrovia when you were on the external
17 delegation for more than a year, correct?

18 A. Yes, my Lord.

19 Q. You lived rent free in the RUF guesthouse, correct?

15:50:50 20 A. Yes, my Lord.

21 Q. Who gave you the food - your food?

22 A. Issa Sesay used to send people to us. Then sometimes Momo
23 Dgiba used to bring some foodstuff for us because he was almost
24 the liaison officer. He was the only one that had direct link
15:51:20 25 with us.

26 Q. Now, in this meeting that you are talking about where you
27 say Charles Taylor said that he has - let me just stop that
28 because I think it's important to quote you. "Then he said, 'Old
29 man,' that was me, he said, 'The other old man was'" - and I

1 believe you said Pa Beinda, correct?

2 A. Pa Beinda, yes.

3 Q. B-I-N-D-A, correct?

4 A. B-E-I-N-D-A.

15:51:57 5 Q. "He said, 'You people are lacking experience here. I want
6 to ask who is here among you, the people that are seated here,
7 including Sam Bockarie.'" - Let's just leave it at that - "' that
8 has ever given me a cent?' " In fact, what you do know is that -
9 sir, did you know that Charles Taylor was giving Sam Bockarie
15:52:23 10 lots of money?

11 A. Well, I do not know about that because I was not with him.
12 And at that time when Sam Bockarie was in command, I was out of
13 the country, so I don't know.

14 Q. So to say - in fact, the truth is that Charles Taylor had
15:52:46 15 done, even under your knowledge, a lot for the RUF, correct? He
16 had given you the guesthouse, the radios, correct?

17 A. I don't want you, my Lord, to put in - the guesthouse was a
18 mandate that was made by the international community. He didn't
19 just get up to say, "Come and stay here." This was a mandate
15:53:04 20 that came, my Lord, from the dignitaries I called earlier. They
21 said we should be there, and with that they - I mean, Olusegun
22 Obasanjo and the others, including His Excellency Ahmad Tejan
23 Kabbah, mandated that at least they should provide us a house
24 that we can be - to make it easier for the United Nations.

15:53:30 25 Q. Sir, the guesthouse was set up, according to Charles
26 Taylor, in 1998 before Lome. Did you know that?

27 A. I was out of the country, my Lord.

28 Q. Actually you were in Monrovia.

29 A. 1998, yes.

1 Q. So did you see your RUF brothers in Monrovia when the
2 guesthouse was set up?

3 A. That comes back - my Honour, we go back to the sense of I
4 was in hiding. At that time I've not been disclosed to these
15:54:00 5 people, so I was hiding so that they cannot find me at all.

6 Q. You were walking in front of White Flower to work - excuse
7 me.

8 A. Yes.

9 Q. You were walking in front of White Flower every day,
15:54:11 10 correct?

11 A. Yes, my Lord.

12 Q. And that was only 300 metres or so from where you were
13 going, correct?

14 A. Yes, my Lord.

15:54:18 15 Q. The RUF guesthouse was within 300 metres of White Flower,
16 correct?

17 A. If that was the number I gave it - that distance, I'm not
18 too good with that. But the distance is further from the White
19 House - or White Flower to go to that lodge, it's a long
15:54:43 20 distance. It's a long distance. Only my working place was
21 closer to the White House. The residence was far off.

22 Q. Well, let me see if I can find what you said yesterday.

23 A. It was even after - okay.

24 Q. Okay. Sir, I'll find what you said yesterday and we'll
15:55:30 25 come back to that later. Sir, yesterday I was asking you about
26 Sam Bockarie and you gave an answer that I want you to clarify.
27 If yesterday's transcript could be brought up, page 41794. Sir,
28 beginning at line 6 - line 3, I ask you, sir:

29 "Sam Bockarie was well-known as a vicious commander and a

1 person responsible for many atrocities. Do you agree with
2 that?

3 A. Atrocities in the sense that I was not in the country
4 when these things occurred, but when I came back I was told
15:57:11 5 of one area where I feel - in fact, I'm feeling that it was
6 the most deplorable time that I heard of him. The other
7 occasion I was in jail somewhere and I heard of him again.
8 He did some executions on his own. I don't know where he
9 got the instructions from. So this I think I'm quite sure
15:57:43 10 they are things that are not in the interest of mankind."

11 Sir, can you explain to us what you meant with this answer?
12 What are these atrocities that you are aware of committed by Sam
13 Bockarie?

14 A. Yes, my Lord. When I came back - I mean, the one that I
15:57:58 15 was in the jail, I could give a good account of it. But the
16 other one that he committed in my absence which they said he - I
17 mean, they were Kamajors, I was not present. And this one that
18 happened --

19 Q. Let's take them, sir, one at time.

15:58:17 20 A. Let us go to the first atrocities that were committed by
21 this young man, including Jande and the others, Kelfa Wai, Jaffa
22 Massaquoi and the others. That one I was in Kangama. This was
23 his own creative atrocities that he committed. Because I do not
24 know who told him to kill those people and they were executed.
15:58:46 25 Most of them were executed by him.

26 Then we go back to the one that I came back to - I mean,
27 when I came back from Liberia again, at that time he was residing
28 at Buedu. There again I heard that there were some people whom
29 he had already asked when he was coming down from Freetown, came

1 and told them in Segbwema that they should go back, the war was
2 over. With this intention, citizens thought to go back to their
3 various homes. These citizens again were torn again to say they
4 are enemies. Then another person came and told me that these
15:59:40 5 were all Kamajors. So that was a conflict statement to me, but I
6 know of the executions of over 60 men that I heard of.

7 Q. This was in Kailahun Town, correct?

8 A. Yes, my Lord.

9 Q. Sir, given some of your background that we did in private
16:00:03 10 session, and I don't want to identify it further, did you know of
11 the - a man named BS Massaquoi?

12 A. Facially, my Lord, I have not seen him, but I know of that
13 name. I heard of it and I know the episode that surrounds it.

14 Q. He was a very popular man in Kenema, correct?

16:00:34 15 A. That's what I heard, my Lord.

16 Q. Was he some type of paramount chief?

17 A. He was a rich man. I don't know whether he was a paramount
18 chief, but I heard that he was a rich man.

19 Q. And, sir, what did you hear about what happened to him?

16:00:55 20 A. Well, I heard that when Sam Bockarie was retreating back to
21 Kailahun, he executed him.

22 Q. Now, sir, you've also talked about hearing Sam Bockarie on
23 the radio and I want to ask you about some specific broadcasts
24 and whether you heard them. So I would ask for a series of
16:01:31 25 exhibits to be shown, and that is P-430A through E and 431. Sir,
26 starting with 430A, going to the second paragraph. It's dated 29
27 December but going to the second paragraph it states, this is
28 from 1998, sir:

29 "December 1998. ECOMOG sent 300 troops towards Lunsar

1 Tuesday as RUF commander Sam 'Maskita' Bockarie claimed his
2 forces had captured the town ... Bockarie said his forces would
3 continue to head towards Freetown despite calls by ECOWAS for
4 negotiations. 'The issue is not laying down arms. The issue is
16:03:48 5 dialogue and getting our leader Foday Sankoh released from
6 prison,' Bockarie said. 'This is our ultimatum. If a dialogue
7 is not started we will have to invade Freetown. They have 48
8 hours.' "

9 Did you hear Sam Bockarie on the radio say that, sir?

16:04:09 10 A. I was not with him when he said these words, sir.

11 Q. No, you were in Monrovia but you indicated that you would
12 listen to the international radio and you were a Sierra Leonean,
13 an ex-RUF. Do you recall hearing this on the radio?

14 A. What I'm saying, I was not in the country when he said this
16:04:27 15 but I heard him saying that that was the ultimatum and that if at
16 all the leader, that is Foday Sankoh, is not released he is not
17 going to do anything.

18 Q. Thank you. Let's go to 430B. I'm just going to read the
19 top paragraph, 19 November. This is from November 1998.

16:05:03 20 "19 November. The Revolutionary United Front will destroy
21 'every living thing' if anything happens to their leader Corporal
22 Foday Sankoh RUF commander Sam Maskita Bockarie told the
23 newspaper For Di People in a report published on Wednesday ... 'I
24 am a ruthless commander', Bockarie said in a telephone interview.
16:05:29 25 'I am ready to damage but I am waiting until something happens to
26 Sankoh. When I take Freetown I shall clear every living thing
27 and building. To my God, I'll fight. I'll kill and kill, and
28 the more they tell me is to stop, the more I'll kill. Only
29 Sankoh can tell us to stop.' Bockarie rejected a call by United

1 States special envoy to Africa Reverend Jesse Jackson for the RUF
2 to lay down its arms. 'The US is a big hypocrite whose intention
3 is to steal our natural resources rather than bring peace to the
4 country,' he said. 'America and the world should know that we
16:06:18 5 shall not lay down arms, because only a defeated man can do so.'"

6 Sir, did you hear Sam Bockarie make this broadcast or words
7 to the same effect on the radio?

8 A. Yes, my Lord.

9 PRESIDING JUDGE: Mr Koumjian, sorry to interrupt.

16:06:34 10 Mr Witness, you were asked in relation to the first - the
11 ultimatum that Bockarie gave, the 48-hour ultimatum, and your
12 evidence is, "I heard him say that if at all that leader, that is
13 Foday Sankoh, is not released he is not going to do anything."
14 Is that what Bockarie said?

16:06:58 15 THE WITNESS: [Microphone not activated] except if the
16 leader is released.

17 PRESIDING JUDGE: Well, that is not the same as not going
18 to do anything. You see that is why I was seeking your
19 clarification. What do you mean "he is not going to do
16:07:13 20 anything"?

21 THE WITNESS: He was not going to disarm, my Lord.

22 MR KOUJIAN:

23 Q. I may skip several of these. Did you hear Sam Bockarie on
24 several occasions - let me just try to summarise - in late
16:07:49 25 December 1998 say that he was going to attack Freetown?

26 A. I never heard him at that time.

27 Q. Sorry?

28 A. I never heard him at that time saying that he was going to
29 attack, but I heard the ultimatum he gave and the conditions that

1 he gave before he can disarm. But to say he was going to attack
2 Freetown, I never heard him that day.

3 Q. Let's go to 430D. This is from December 1998. It's
4 actually dated 27 December. The top paragraph, the last two
16:09:16 5 sentences:

6 "Bockarie who has threatened an AFRC/RUF rebel assault on
7 Freetown called on President Kabbah to resign. 'Failure of
8 Kabbah to resign and we will start bombarding Freetown and will
9 not stop until victory is won', Bockarie told the Associated
16:09:36 10 Press."

11 Sir, did you hear Sam Bockarie make that threat in December
12 -late December 1998?

13 A. Yes, my Lord, this was before he left.

14 Q. Then if I could show you quickly P-430C. This is from
16:10:05 15 Christmas Day, 25 December 1998. I'm going to read the second
16 full paragraph:

17 "RUF commander Sam Maskita Bockarie threatened on Friday to
18 attack Freetown on New Year's Day then moved up the deadline
19 claiming the arrival of ECOMOG reinforcements unless the
16:10:28 20 government agreed to negotiate with the rebels. 'If Kabbah does
21 not agree to respond to our request to open dialogue then in 48
22 to 72 hours we will enter Freetown', Bockarie told the Agence
23 France-Presse."

24 Sir, did you hear that threat from Sam Bockarie?

16:10:51 25 A. What is a little bit puzzling here is we are talking about
26 25 December. Is it 1999?

27 Q. No, sir, it's 1998. So it's just before the January 6
28 invasion of Freetown.

29 A. Okay, this statement was not heard. I never heard this.

1 It's not all the time - excuse me, your Honour, I was no longer
2 interested in these things. Only that sometimes when I'm on the
3 radio trying to listen to something beneficial I can hear these
4 people. I want to tell you I was no longer interested in the
16:11:26 5 cause.

6 Q. Were you still loyal to Foday Sankoh?

7 A. Surely so.

8 Q. Were you interested in his trial and the threat of the
9 Government of Sierra Leone to have him executed?

16:11:40 10 A. That was the demand of the international community and we
11 had no option to that I think. It would have been possible, then
12 I have no qualm in that.

13 Q. I don't quite understand your answer. Sir, did you hear
14 about Foday Sankoh being condemned to death in Freetown?

16:11:59 15 A. Yes, my Lord.

16 Q. Were you still interested in Foday Sankoh? Did that bother
17 you to hear that?

18 A. It was not because he was condemned but he has already
19 trained me and I came with him so I had that interest. But the
16:12:20 20 most important thing, your Lord, that I was interested in
21 Foday Sankoh for, it was not because of the revolution. I was
22 interested in this man because he saved my life.

23 Q. Also at this time you believed that Foday Sankoh was a
24 threat to your life, correct, because Foday Sankoh believed that
16:12:41 25 you had stolen money from the RUF, correct?

26 A. He was a stubborn man so - and he used to do it to me
27 anyway. Sometimes he does some other things and he was a man
28 that can be angry 36 times a day.

29 Q. If we can look quickly then at P-431. What I'm showing you

1 now is a newspaper article dated September 7, 1998. The headline
2 is "Politics Sierra Leone, no lawyer willing to defend rebel
3 leader." It's from Freetown. I just want to skip to the second
4 page and read to you the sixth and the seventh paragraphs down:

16:13:55 5 "Even as Sankoh was being whisked from the courtroom to an
6 undisclosed place of detention on September 4, RUF's second in
7 command, Colonel Sam Bockarie, alias Mosquito, threatened to wage
8 a campaign of genocide if the rebel leader was not immediately
9 released.

16:14:23 10 'I will order my troops to kill every living thing
11 including chickens if our leader is not released,' he was quoted
12 as saying by a leading European radio station, monitored here."

13 Sir, in September 1998, do you recall Sam Bockarie making
14 threats on the international radio to destroy every living thing?

16:14:56 15 A. Oh, my Lord, I never heard him saying it, but when I came
16 back in fact these statements I heard from people - from Issa
17 Sesay that this statement was made by one Eldred Collins, not
18 Mosquito.

19 Q. So you heard that Eldred Collins on international radio had
16:15:18 20 threatened to kill every living thing, that the RUF would kill
21 every living thing, correct?

22 A. Yes, sir.

23 Q. Now, sir, all that we've talked about Sam Bockarie, the
24 torture and killing of Jande and killing of others in Luawa
16:15:38 25 Chiefdom, Giehun, decapitation of Kelfa Wai, the executions of
26 those men in Kailahun Town that he labelled Kamajors, that's -
27 and these threats on the radio, you would agree that Sam Bockarie
28 was very, very ruthless. Isn't that true?

29 A. Maybe that word, I mean, ruthless in the sense because he

1 never implemented any of the principles of the revolution.

2 Q. Sir, I mean ruthless in the sense of killing innocence and
3 threatening to kill innocence.

4 A. Yes, my Lord. Anybody who does that is a ruthless person.

16:16:32 5 Q. Thank you. Now, sir, when I asked you to compare Sam
6 Bockarie and Issa Sesay, you said you believed Issa Sesay was the
7 more ruthless of the two, correct?

8 A. Yes, my Lord.

9 Q. Can you explain what you know that led you to that
16:16:52 10 conclusion, that Issa Sesay is was even more ruthless than Sam
11 Bockarie?

12 A. I will start from Issa Sesay. Issa Sesay, my Lord, there
13 is nobody in the Revolutionary United Front that is an elderly
14 man that was not flogged by this young man. Issa Sesay took
16:17:11 15 himself and shot somebody, who is Sylvester right now in Kono.
16 He never investigated anything. Issa Sesay never disclosed to us
17 what was the capital that he received for the RUF. Issa Sesay
18 was a sort of man, he will listen to you, but he will not
19 implement what you are saying.

16:17:39 20 PRESIDING JUDGE: What do you mean by capital?

21 THE WITNESS: Money, mammy - madam. Like what he
22 collected, all the diamonds he collected in Kono and the other
23 properties that he said he was going to give to the leader when
24 he's released. And he was not respecting anybody. For killing,
16:18:03 25 he does it at any time. That was why I'm saying that he was
26 worst, because maybe the ones that Bockarie did, I don't know
27 where he got - still I'm saying where he got his directive from.
28 So, with that, I can say he was more ruthless.

29 MR KOUMJIAN:

1 Q. And, sir, just to add something you mentioned earlier, you
2 said Issa Sesay played a key role in these horrible executions in
3 Luawa - in Giehun in Luawa Chiefdom, correct?

4 A. Yes, my Lord.

16:18:42 5 Q. You talked about the shooting of Sylvester. Is this the
6 same Sylvester you've mentioned previously when talking about the
7 invasion of Sierra Leone?

8 A. No, sir. This Sylvester is not the Sylvester.

9 Q. What happened with this Sylvester that was shot by Issa
16:18:59 10 Sesay?

11 A. Well, the story - because I was in Kailahun - they said he
12 was accused that he had diamond. So when Issa called him to his
13 house, this young man wanted to explain. He just told him, he
14 say, "Look at my hand, even if I have." By the time he spread
16:19:22 15 his hands - his hand like this, his one finger was cut by his
16 pistol. So that is why - I mean, why should you take - and at
17 that time he was in the ruling. He was the leader of the
18 revolution. He should have, I mean, done other things than to do
19 that.

16:19:42 20 Q. Sir, did you hear of people - Issa Sesay ordering his
21 bodyguards to flog a man in Issa Sesay's front yard because he
22 was suspected of stealing diamonds and they flogged him to death?

23 A. No, my Lord.

24 Q. When you arrived in Sierra Leone, were the members of the
16:20:23 25 Ivory Coast external delegation still in Sierra Leone?

26 A. Yes, my Lord.

27 Q. Did you see them in Buedu?

28 A. Yes, my Lord.

29 Q. Who did you see?

1 A. I saw Fayia Musa. I saw Dr Mohamed Barrie, and I saw one
2 man called - a former instructor. He's Deen-Jalloh.

3 Q. What about Philip Palmer?

4 A. Including him too, sir.

16:20:59 5 Q. What was the condition of these people when you saw them?

6 A. The conditions were very deplorable. They were very bad,
7 because what they explained to me, your Honour, was that they
8 were beaten mercilessly, that even a monkey that was belonging to
9 Sam Bockarie came at the top of Philip Palmer to stop the people
10 beating and these were people that were holding top positions and
11 they were all civilians. Except the three were civilians and
12 Philip Palmer was a vanguard.

13 Q. Before you were sent to the Ivory Coast - excuse me. When
14 you were sent to the Ivory Coast, it was after the presidential
16:22:02 15 elections in 1996 in Sierra Leone. Is that right? It was after
16 the elections in February and March --

17 A. Yes.

18 Q. -- is that true?

19 A. Yes, my Lord.

16:22:13 20 Q. And those were the elections where Kabbah - Tejan Kabbah
21 was elected President of Sierra Leone --

22 A. Yes, my Lord.

23 Q. -- correct? Now, before those elections, at that time
24 given the position you had, you had contact with Foday Sankoh,
16:22:30 25 correct?

26 A. Yes, my Lord.

27 Q. Tell us about Operation Stop Election.

28 A. We left from here - I left from here on 23 February, went
29 to Ivory Coast --

1 PRESIDING JUDGE: I beg your pardon, sir? You left from
2 where?

3 THE WITNESS: I left from Zogoda, Madam President. Sorry
4 if I'm going - this is my first time up here and before anything
16:23:03 5 like this. Even in these local Courts I've never.

6 So I left from Zogoda, that was the place where
7 Foday Sankoh was residing, upon the mandate of the international
8 community to go to Ivory Coast. So he couldn't go, Sam Bockarie
9 said he was not going; Issa said the same for him, no; Mohamed
16:23:30 10 Tarawalli, no. So Foday Sankoh decided that I should go. So
11 they picked me up in the - in a place where it - that place was
12 prepared as a place where helicopters can land. So I went there.
13 The United Nations came and picked me up from there, then went to
14 Kailahun and picked up the other three, then we left. Then from

16:23:53 15 there I met for the - I went. We met the governance - the
16 representatives of governments but --

17 MR KOUMJIAN:

18 Q. Let me take you back, because I think we're getting off my
19 question.

16:24:09 20 A. Yes.

21 Q. But following up on your answer, you said they picked me up
22 and, you said, with three others. Who were the other three that
23 travelled with you from Zogoda to the Ivory Coast?

24 A. We had Peter Vandi, we had Francis Musa, we had a signaller
16:24:30 25 Kabbah, his first name I cannot remember now, and myself. We
26 went to meet the external delegation that was already in Ivory
27 Coast.

28 Q. Did you see Fayia Musa in Zogoda conferring - did he come
29 to confer with Foday Sankoh around that time?

1 A. No, your Honour.

2 Q. What I was asking you about was the Operation Stop
3 Election. Foday Sankoh at this time in February 1996 ordered an
4 operation for the RUF to disrupt the presidential elections,
16:25:09 5 correct?

6 A. Even this, your Honour, you - you know, sometimes
7 Foday Sankoh was a man when he's doing something, he doesn't
8 contact people. He gives some orders, and sometimes he can deny
9 the orders. So when he was giving these orders I only heard that
16:25:32 10 he said it. But to say I was present, you can never be present,
11 my Lord.

12 Q. Sir, did you hear that Mohamed Tarawalli objected to this
13 operation?

14 A. Yes, sir.

16:25:42 15 Q. Why did Mohamed Tarawalli object?

16 A. Well, at that time complete lack of ammunition.

17 Q. Foday Sankoh ordered the amputation of voters' hands,
18 people who had ink on their hands, correct?

19 A. This again was rumour that I heard, but I was not there
16:26:04 20 when he gave these orders.

21 Q. Were you present in Sierra Leone when the reports came out
22 about people suffering from these amputations?

23 A. I was in Liberia, my Lord.

24 Q. It was Sam Bockarie who led that attack in the Kenema
16:26:22 25 District for Operation Stop Elections; isn't that true? If you
26 don't know, say so.

27 A. I don't know about that.

28 Q. Sir, were you present in Sierra Leone when Mohamed
29 Tarawalli disappeared?

1 A. No, my Lord.

2 Q. Where were you?

3 A. I was in Liberia.

4 Q. Was this when you were on the mission that you told us
16:26:55 5 about --

6 A. Not the mission, my Lord. I have already left that mission
7 business. I was on my own when I heard that Zogoda was, I mean,
8 attacked and wherein I left my mother, and my mother was involved
9 and she was educated. That was the time Zino - until this time I
16:27:18 10 have not seen him.

11 Q. I'm not clear on your answer, but I think - I don't think I
12 don't want to follow up on it. Let me go back and ask you about
13 this mission where you were sent to Monrovia to buy ammunition.
14 You said that you were given that mission by Foday Sankoh, who
16:27:44 15 was sitting next to Saye Boayou; is that correct?

16 A. Yes, my Lord.

17 Q. Did I pronounce that name correctly? Can you help me?

18 A. Boayou.

19 Q. Where was it that you were sitting with Sankoh and Saye
16:28:00 20 Boayou when this order was given?

21 A. It was in Ivory Coast in Abidjan, my Lord, in a building
22 that was given to us by His Excellency Amara Essy. There was a
23 lodge that was given because when we went initially, we were
24 placed in a hotel known as Hotel Ivoire; that because of his
16:28:28 25 attitudes - I mean by that it is that he was not responding to
26 international communities. When they tell him to go for a
27 meeting, he will go and sort talk and just walk out, leaving the
28 people in the meeting. So this made Omaru Essy so become vexed,
29 annoyed, and he said well, the government is paying too much

1 money for this. And you are here, you cannot cope with us, you
2 cannot answer - when we say "Talk to this person", you say no.
3 So I have to find another place for you to go.

4 PRESIDING JUDGE: Mr Koumjian, I want to interrupt at this
16:28:57 5 stage. I have in view the time, but there's a matter that I
6 wanted to bring to your attention that has been brought to our
7 attention by a legal officer, and that is between page 130 and
8 133 this afternoon Mr Koumjian referred a transcript to the
9 witness. This was a - this is a public transcript that was then
16:29:27 10 marked as MFI-5 confidential.

11 Now, in this transcript as quoted by Mr Koumjian, the way
12 that Mr Koumjian quoted it, it's possible for someone going back
13 into that transcript, because it's public, to actually identify
14 the witness. And so if you both consent to this, I think I
16:29:56 15 should order a redaction. Mr Munyard, what is your view?

16 MR MUNYARD: Yes, certainly we consent.

17 MR KOUMJIAN: Yes, your Honour.

18 PRESIDING JUDGE: Then the redaction, Madam Court Manager,
19 will be basically the reference to that transcript that first
16:30:14 20 appears at page 130 where Mr Koumjian can says, "Could the
21 witness be shown the document in tab 1." So the reference to
22 that transcript should go - should be redacted. And then later
23 where the Presiding Judge actually describes the transcript and
24 marks it as MFI-5 should also be redacted. I think the rest of
16:30:48 25 the text could be left intact.

26 And that brings us to the end of the day's proceedings.
27 Mr Witness, as usual I will caution you not to discuss your
28 evidence because you are to come back tomorrow to continue.

29 THE WITNESS: Thank you.

1 PRESIDING JUDGE: The proceedings are adjourned until
2 tomorrow, 9.30.

3 [Whereupon the hearing adjourned at 4.32 p.m.
4 to be reconvened on Thursday, 3 June 2010 at
5 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-292 41844

CROSS-EXAMINATION BY MR KOUMJIAN 41844