



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 22 JANUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Doreen Kiggundu

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura
Mr Vincent Tishakwa

For the Prosecution:

Mr Mohamed A Bangura
Mr Alain Werner
Ms Leigh Lawrie

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Tuesday, 22 January 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:28 5 MS IRURA: The Special Court for Sierra Leone is sitting
6 for a hearing in the case of the Prosecutor v Charles Ghankay
7 Taylor, Justice Teresa Doherty presiding.

8 PRESIDING JUDGE: Good morning. As there are no
9 preliminary matters, I will remind the witness of her oath and we
09:29:54 10 will continue. Good morning, Ms Dufka. I will remind you that
11 you took the oath yesterday. That oath is still binding on you
12 and you should continue to answer truthfully.

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE: Mr Bangura?

09:30:09 15 MR BANGURA: Good morning, your Honour. You mentioned that
16 there are no preliminary matters, but in fact there is an issue
17 that I wish to raise. Can I go back and revisit an issue that
18 came up yesterday in relation to the report that was tendered;
19 the report which was tendered without a witness actually
09:30:29 20 appearing in Court.

21 PRESIDING JUDGE: I see.

22 MR BANGURA: That is the report of Jessica. Your Honours,
23 it is more or less to have the record straightened up on an issue
24 that arose between the Prosecution and Defence as regards the
09:30:42 25 question of whether in fact there had been any indication to the
26 Defence that the Prosecution was going to read a portion of that
27 report in Court. The records clearly do indicate that Mr Munyard
28 said that he had not been, or the Defence had not been informed.

29 PRESIDING JUDGE: Well in actual fact, Mr Bangura, it was a

1 decision of the Court. Whether notice was given or not, that is
2 a matter of courtesy between counsel and at the end of the day
3 the Court made a decision.

09:31:20 4 MR BANGURA: I do realise that, your Honour, but it is just
5 a matter of having the record straight.

6 PRESIDING JUDGE: I think we will avoid having too many
7 disputes between counsel brought into the public arena, but I get
8 the implication of what you are saying.

9 MR BANGURA: Thank you, your Honour.

09:31:36 10 MR MUNYARD: Madam President, can I just inform the Court
11 that despite my best efforts I am not logged on to LiveNote. I
12 am going to manage without until the morning break.

13 PRESIDING JUDGE: If there is a problem please advise us,
14 Mr Munyard, and we will do our best to help.

09:31:59 15 MR BANGURA: Your Honours, just again before we proceed, I
16 did mention some authorities yesterday and there was some
17 confusion about one of them. I have handed in - I handed out a
18 version that was not in fact the one that I intended to rely on.
19 Your Honours directed that I did provide the correct copies to
09:32:23 20 the staff of chambers, which I have done this morning, and I have
21 also included one other authority which was not referred to
22 yesterday but has been provided to the Defence.

23 PRESIDING JUDGE: And those are with our legal team?

24 MR BANGURA: Yes, your Honour.

09:32:40 25 PRESIDING JUDGE: Ah, yes. Our Senior Legal Officer has
26 indicated that he has them and we will ensure that they are
27 distributed in the break. Thank you.

28 MR BANGURA: Thank you, your Honour.

29

1 WITNESS: CORINNE DUFKA [On former oath]

2 EXAMINATION-IN-CHIEF BY MR BANGURA: [Continued]

3 Q. Good morning, Ms Dufka.

4 A. Good morning.

09:32:51 5 Q. We shall continue with your evidence, but just before we go

6 on I want to touch briefly on a matter or an issue that was

7 widely discussed yesterday in your evidence and that was the

8 issue of young men being abducted and in many cases the

9 recruitment of young people - boys, in some cases girls. What we

09:33:22 10 did not seem to get from you was an indication as to what ages

11 especially of the boys that were abducted and forced into

12 recruitment. Did you - in the course of your investigations and

13 your research, did you get any evidence which suggested the ages

14 in the different situations in which this phenomena occurred?

09:33:47 15 Did you get any indication of the ages of the boys or girls that

16 were forcefully recruited?

17 A. Are we referring specifically to Sierra Leone, or to Sierra

18 Leone, Liberia - and Liberia?

19 Q. In this case it is Sierra Leone especially, because we were

09:34:02 20 dealing with the atrocities that were committed in Sierra Leone

21 yesterday, am I correct?

22 A. Yes, that is correct.

23 Q. Yes, go on please.

24 A. No, in general for the events which I documented and with

09:34:16 25 which I am familiar with respect to the 1998 events following the

26 dislodging of the RUF and the AFRC from political power, in terms

27 of those offensives and attacks I would say the ages of

28 recruitments were from a very young age. I have documented cases

29 of recruitment probably from age - well, first let's clarify

1 recruitment for use in armed forces in fighting forces, or for
2 use within the rebel camps? There were people of all ages from
3 five years old, even younger, of children who were abducted with
4 their parents. Obviously those children that young couldn't
09:35:07 5 work, but they were nevertheless abducted. But in terms of into
6 the fighting forces, I would say young. I mean, 12, 13, 14 was
7 not uncommon.

8 Q. Thank you. Now --

9 A. And sorry to - one more point I wanted to add, if I may.

09:35:27 10 There were also children of that age working within the rebel
11 camps doing other types of jobs, if you will, washing, and
12 cooking and shining shoes and cleaning and this type of thing,
13 and so those are known within UNICEF as children associated with
14 war.

09:35:53 15 Q. Thank you. Now, we left off at a point where we were still
16 looking at the atrocities that had been committed against
17 civilians in Sierra Leone. Is that correct?

18 A. That is correct. May I have access to my report?

19 MR BANGURA: Your Honours, may the witness be assisted with
09:36:13 20 MFI-1?

21 THE WITNESS: Thank you. Thank you, go ahead.

22 MR BANGURA:

23 Q. Right. So, we were - and we were also discussing the
24 various documents that had been produced to depict these
09:36:40 25 atrocities that were committed against civilians in Sierra Leone.
26 Is that correct?

27 A. That is correct.

28 Q. Now amongst the material that you produced yourself,
29 researched and produced, was one that covered exclusively the

1 phenomenon of sexual violence. Is that correct?

2 A. Yes, Human Rights Watch produced three documents that
3 specifically focused on sexual violence against girls and women
4 in Sierra Leone. One of those I researched and wrote myself, the
09:37:22 5 second one was researched and written by an emergency researcher
6 that came in to cover the events in May 2000 and the third one
7 called "'We'll Kill You If You Cry'" was quite a long report
8 written by a consultant and researched by myself and that
9 consultant.

09:37:48 10 Q. Would you like to identify which, by the name of the
11 documents, you yourself produced and those that were produced by
12 the expert that worked with you?

13 A. Yes. Yes, the report produced by the consultant was "We'll
14 Kill You If You Cry" and it was released in - the full title was
09:38:19 15 "We'll Kill You If You Cry, Sexual Violence in the Sierra Leone
16 Conflict". It was released in January 2003.

17 MR BANGURA: Your Honours, we are referring here to
18 documents in tab number 7:

19 Q. Yes, go on please.

09:38:34 20 A. Okay. And then the document that I researched and wrote
21 was entitled "Sierra Leone --" - "Sexual Violence within the
22 Sierra Leone Conflict" and was released - it was a briefing
23 paper, which is a shorter document, usually less than 15 pages,
24 which was released on 26 February 2001.

09:38:57 25 MR BANGURA: Your Honours, we are referring here to the
26 document in tab number 8.

27 THE WITNESS: And then in addition there was a press
28 release. I don't recall the title of that press release. That
29 was released somewhere around mid/late May 2000. That referred

1 specifically to sexual violence committed in that particular
2 period around the events of May 2000.

3 MR BANGURA:

09:39:23

4 Q. And that press release is not listed in the documents that
5 are attached?

6 A. No.

7 Q. That you have referred to in your report?

8 A. No, it is not.

09:39:33

9 MR BANGURA: Your Honours, may the documents in tab 7 and 8
10 be shown to the witness.

11 THE WITNESS: Yes, tab 7 is indeed "We'll Kill You If You
12 Cry".

13 MR BANGURA:

14 Q. That is the report?

09:40:00

15 A. That is a long report that was released in 2003.

16 MR BANGURA: Your Honours, may I respectfully ask that this
17 document be marked for identification?

09:40:24

18 PRESIDING JUDGE: The document entitled "We'll Kill You If
19 You Cry, Sexual Violence Within the Sierra Leone Conflict" is
20 marked for identification MFI-10.

21 MS IRURA: That is correct, your Honour.

22 PRESIDING JUDGE: Thank you.

23 MR BANGURA:

09:40:33

24 Q. And the second document shown to you would be the press
25 release - the briefing paper that you said you produced yourself.
26 Is that correct?

27 A. That is correct.

28 MR BANGURA: Your Honours, may I ask that this document
29 also be marked for identification?

1 PRESIDING JUDGE: The document headed "Sexual violence
2 within the Sierra Leone conflict", four pages, is marked for
3 identification MFI-11.

4 MR BANGURA: Thank you:

09:41:00 5 Q. Ms Dufka, the report "We'll Kill You If You Cry", could you
6 tell the Court what period of the conflict it covers? The period
7 it features?

8 A. Uh-huh. That report reflects the experiences of girls and
9 women with respect to the sexual violence they suffered
09:41:28 10 throughout the Sierra Leonean war; that is from 1991 until the
11 end of when the research was conducted which was in 2002.

12 Q. Could you give the Court an idea as to how extensive were
13 the interviews that were conducted for the production of that
14 report?

09:41:46 15 A. Yes, there were scores of interviews with girls and women
16 of all ages and all ethnic groups that were conducted and formed
17 the basis of this report. Those interviews were conducted by
18 myself and by the consultant with whom - the consultant who
19 authored this report.

09:42:08 20 Q. Now, as you have pointed out, the report covers the whole
21 period that the war lasted in Sierra Leone and there were various
22 phases of the war in Sierra Leone. Is that correct?

23 A. It covers the entirety of the war, yes.

24 Q. And there were various phases of the war in Sierra Leone.
09:42:28 25 Is that correct?

26 A. Yes.

27 Q. Now, are you able to state whether there were any
28 detectable patterns in which the offences - the sexual violence
29 offences - were committed during the course of the war?

1 A. Well, in terms of detectable patterns, the report noted
2 that the majority - the vast majority - of incidents of sexual
3 violence against girls and women were committed by members of the
4 rebel factions. It noted that there were some instances of
09:43:08 5 sexual violence by other factions, but they were not many in
6 number. It documents sexual violence committed in the course of
7 rebel attacks, as well as after girls and women were abducted and
8 returned to rebel bases. It covers various different categories
9 of sexual violence, including individual and gang rape, sexual
09:43:43 10 slavery, rape with foreign objects like wood and weapons and
11 umbrellas and pistols and other types of weapons, as well as
12 other types of sexual violence, but it focuses on the rebel
13 offences and primarily also on the issue of abduction and the
14 types of abuses women and girls were subjected to whilst being
09:44:15 15 held in rebel camps, being forced to work, being subjected to
16 extraordinary brutality both during the attacks as well as within
17 the rebel camps.

18 Many of the girls it notes went on to become combatants
19 themselves, who were subsequently "married" in quotes to the
09:44:42 20 rebel combatants, bore children from them. You know, it
21 chronicles the extreme hardship that these girls went through, as
22 well as the difficulties they had in terms of their physical
23 well-being and then the difficulties they had during
24 reintegration back into their families and communities.

09:45:06 25 Q. Thank you. Now you have mentioned that one group is - was
26 principally identified as being responsible, but other groups
27 also bore some responsibility for these crimes. Is that correct?

28 A. That is correct.

29 Q. Could you comment on the extent to which the different

1 groups bore responsibilities for the crimes?

2 A. It - the report documented a number of cases involving
3 civil defence militias, as well as I believe a few involving the
4 UN personnel. I don't believe it documented any sexual violence
09:45:43 5 by the ECOMOG peacekeepers.

6 Q. Thank you. And is there any indication as to any
7 particular area where this practice was much more rampant than
8 others?

9 A. It covers all different time frames of the war and all
09:46:04 10 different physical locations of the war, but these abuses were
11 concentrated in rebel held areas and so there were numerous
12 incidents documented in Kailahun, in Kono District, in Makeni, in
13 Lunsar, and then there is obviously - reiterating some of what I
14 discussed yesterday with respect to the January 6th offensive

09:46:27 15 there are numerous examples that occurred during that time. The
16 report makes some inferences also to the effects that this sexual
17 violence had on girls and women, the intent to terrorise them, to
18 humiliate them, both them and their families, and it also
19 discusses that abuses against girls and women were not committed,
09:46:57 20 or were often committed in association either preceding or
21 followed by various serious - by other very serious war crimes
22 committed against the girls and women and their families.

23 Q. Thank you. Now back to your report, pages 21 through to 23
24 discloses human rights conditions - I am sorry, the latter bit of
09:47:29 25 the latter part of that page.

26 A. I am sorry, Mohamed. Can you please repeat the page?

27 Q. No, I need to take you to page 18, I am sorry. Page 18.
28 Page 18 through to 23 discusses crimes committed against
29 civilians in Liberia, is that correct?

1 A. Yes, that is correct.

2 Q. Now you indicate in your report that a wide range of - you
3 conducted interviews of a wide range of persons involved in the
4 conflict in Liberia. Is that correct?

09:48:23 5 A. That is correct.

6 Q. And what period did you cover?

7 A. Well the interviews were conducted in 2000, 2001 and 2002,
8 so that was the period. What we refer to as the second armed
9 conflict in Liberia started in earnest in 2000, but in 1999 there
10 were a number of cross-border attacks into Liberia.

09:48:47

11 Q. And when you say cross-border attacks, cross-border between
12 which - with which country?

13 A. Well, in 1999 it would have been from Guinea and Sierra
14 Leone into northern Liberia.

09:49:05

15 Q. Okay. And you conducted something in the region of 300
16 interviews for this - over this period. Is that correct?

17 A. Something like that. Those interviews were primarily
18 conducted in Sierra Leone within refugee camps in Sierra Leone
19 and also in refugee camps in Guinea.

09:49:30

20 Q. Now, could you comment on the --

21 MR MUNYARD: Madam President, I am concerned. As you know
22 from my intervention yesterday when I got the page numbering
23 wrong, I am concerned about the relevance of this section of this
24 witness's report. This tribunal is trying charges of war crimes
25 against the accused against the population of Sierra Leone. We
26 have now moved into Liberia and it is perfectly plain from the
27 witness's report that she is dealing with the Liberian - I will
28 call it the Liberian civil war, for want of a better term, in
29 which Liberian forces were pitted against - Liberian government

09:49:49

1 forces were pitted against rebels, primarily the LURD and MODEL
2 groups, some of whom were fighting with Sierra Leonean fighters,
3 but this is on Liberian soil and it is about the Liberian
4 conflict. It is not about the conflict that this tribunal is
09:50:29 5 concerned with.

6 PRESIDING JUDGE: Mr Bangura, your reply please?

7 MR BANGURA: Your Honours, the Prosecution submits that
8 this evidence, this part of the evidence, is relevant to the - to
9 its case in that it goes to bolster the material that we need to
09:50:53 10 produce to show one of the modes of liability which we have -
11 which we say the accused - by which we say the accused is
12 responsible for the crimes that we have charged.

13 Your Honours, the common - the CPE, common purpose or
14 common plan, or common enterprise if you like, requires us to
09:51:22 15 show to a certain extent how the intent, participation and
16 perhaps foreseeability and we do - and there has been evidence
17 before the Court already indicating that there had been
18 association by the accused with rebels in Sierra Leone and that
19 association was not only limited to the presence of those rebels
09:51:50 20 within Sierra Leone, but also while they were outside Sierra
21 Leone in Liberia.

22 And there has been also evidence before the Court and we
23 make the point that it is important to be able to understand the
24 dynamics of the conflict in Sierra Leone you would need to also
09:52:08 25 understand the conflict that was going on in Liberia, because
26 there is every evidence that Sierra Leoneans were also included
27 and also were involved in that evidence. We have heard from the
28 witness already that there cross-border attacks and obviously
29 those attacks would have involved troops staging attacks - moving

1 from Sierra Leone and staging attacks outside Sierra Leone. And,
2 your Honours, all of that effort had to be co-ordinated, or was
3 co-ordinated by somebody, and so in my submission and the
4 Prosecution's submission this evidence is relevant to show who
09:52:50 5 and to what extent the persons who were associated with the
6 rebels were involved in this plan.

7 PRESIDING JUDGE: Thank you, Mr Bangura. These matters
8 will go to weight at the end of the evidence and we overrule the
9 objection and the cross-examination and evidence - excuse me,
09:53:22 10 examination-in-chief and evidence can continue. The question
11 should be answered.

12 MR BANGURA: The question again was - let me just go back,
13 your Honours.

14 PRESIDING JUDGE: Mr Bangura, you were referring to
09:53:39 15 interviews in refugee camps.

16 MR BANGURA: Yes:

17 Q. How widely did you conduct the interviews that you have
18 referred to?

19 A. Yes, I had said that I conducted these interviews in
09:53:56 20 refugee camps in both Sierra Leone and Guinea.

21 Q. Now you have said that the period you were interested in in
22 this coverage was from 1999, is that correct, through to 2002?

23 Is that correct?

24 A. Yes.

09:54:12 25 Q. Now in 1999, just to be clear, what sort of situation
26 existed?

27 A. At that time the LURD, the Liberians United for
28 Reconciliation and Democracy, a rebel group which had formed in
29 probably late 1998/1999, were in the process of organising

1 themselves to launch an attack to attempt to - or launch an armed
2 conflict to attempt to unseat then President Charles Taylor. My
3 understanding was that that was going to be a multi-pronged
4 offensive from a number of different countries. There were
09:54:59 5 cross-border attacks in 1999 in August I believe, and perhaps
6 later in that year, which signaled - from as I mentioned Sierra
7 Leone and Guinea at that point, which signaled the beginning of -
8 the very beginning of that armed conflict. It later intensified
9 in 2000 and developed into quite a serious armed conflict that
09:55:31 10 went on until 2003.

11 It was our understanding in terms of background that the
12 LURD and later MODEL - some years later they separated from the
13 LURD and formed a second rebel movement that was based primarily
14 in southern Liberia - was in response to numerous grievances from
09:55:56 15 primarily the Mandingo and Khran ethnic groups in Liberia and in
16 response to reports of repression and misrule and other similar
17 problems in Liberia.

18 So we became involved in 2000 after refugees from primarily
19 Lofa County, L-O-F-A, which is located in northern Liberia along
09:56:32 20 the border with Guinea and Sierra Leone, began coming into Sierra
21 Leone. I began receiving reports of very serious atrocities that
22 had been committed by pro-government troops in 2000, as I
23 mentioned, and went down to the refugee camps and began
24 conducting interviews at that time with - in 2000, 2001 and that
09:56:58 25 continued into 2002 with refugees who related to me numerous
26 accounts of very serious atrocities which had been committed at
27 that time.

28 As in the Sierra Leonean conflict and most conflicts,
29 abuses are committed by both sides and that was clearly the case

1 in the second armed conflict in Liberia. We have said and
2 provided documentation to support the fact that the majority of
3 those abuses were committed by pro-government forces from the
4 armed forces of Liberia, from the anti-terrorist unit (ATU) and
09:57:47 5 from the special security services as well as some of those
6 militias which I mentioned yesterday. However, there were also
7 very serious war crimes and atrocities committed by Liberian
8 rebels as well.

9 Q. Thank you. You mentioned Lofa as a location in Liberia
09:58:11 10 where some of this fighting was taking place. Is that correct?

11 A. That is correct.

12 Q. Now in terms of proximity, if your geography is good enough
13 to say - in terms of proximity, how close or how far away would
14 that region in Liberia be to the closest point in Sierra Leone
09:58:32 15 along the border?

16 A. Lofa County borders Sierra Leone and borders parts of
17 Guinea, and we believe that Lofa was the centre of many of these
18 atrocities because it was strategically a very important place
19 for both the Sierra Leone - I am sorry, for both the Liberian
09:58:58 20 pro-government forces as well as the Liberian rebels. At that
21 time the Liberian rebels were receiving logistical and other
22 support from Guinea, according to our research, and so for the
23 Liberian rebels it was key for them to maintain control over that
24 area and for the same reason it was an area which the Liberian
09:59:24 25 pro-government forces wanted to control.

26 So we identified patterns between the military operations
27 and the human rights abuses, and those patterns reflected or were
28 as a result of the frequent changing of hands of a number of
29 towns and villages in Lofa County that went from one force to the

1 other and back and forth. It was an area of a great deal of
2 armed conflict.

3 We again noted the very common pattern of collective
4 punishment against Lofa based ethnic groups, primarily the
10:00:10 5 Gbandis - that is G-B-A-N-D-I - who fought, or many of whom who
6 fought with the LURD, and so much of this abuse was committed in
7 the form of collective punishment against primarily Gbandi towns
8 and villages. The Mandingos also, of which there are many in
9 Lofa County, were also targeted.

10:00:36 10 Q. Thank you. To your recollection, or based on the reports
11 you have produced, which factions or which forces were involved
12 in the fighting at this time?

13 A. I have mentioned those from the LURD and from the rebel
14 side, the rebel - the only rebel faction involved in those
10:00:58 15 operations were the LURD who were, as I mentioned, trying to hold
16 on to Lofa County. On the part of the Liberian pro-government
17 forces, there was the AFL, the ATU, the SSS and a number of these
18 divisions: the army division, the marine division and the jungle
19 fire unit were involved in fighting in Lofa County.

10:01:32 20 Q. Now, you mentioned further on in the report that is dealing
21 with Liberia that Human Rights Watch did produce some documents
22 relating to this situation of violation - human rights violation
23 situation. Is that correct?

24 A. Yes.

10:01:50 25 Q. And these reports, were they brought to the attention of
26 the government of Liberia at the time?

27 A. I believe we followed the same process which we always do;
28 that is dissemination to the diplomatic missions in Washington
29 and the United States and then also dissemination - wide

1 dissemination - through international and national press.

2 Q. And one of the reports which I believe you have already
3 identified which was produced covering these events is "Back to
4 the Brink". Is that correct?

10:02:32 5 A. That is correct.

6 MR BANGURA: Your Honours, I am referring to MFI-3:

7 Q. Was there any publication that came out from Human Rights
8 Watch covering these events as well?

9 A. Yes, there were a number of press releases in which we
10:02:58 10 highlighted our findings. One - let me see if they are in the
11 list here. "Back to the Brink" was a report that we produced and
12 then I am looking to see if I can identify another one of the
13 documents we produced. We also produced a letter and press
14 release on 29 July 2002 called Liberia - "Deteriorating Human
10:03:29 15 Rights Situation in Liberia", and then with respect to --

16 MR BANGURA: Your Honours, that has been identified already
17 as MFI-5.

18 THE WITNESS: Okay. And then we also produced "Liberian
19 Refugees in Guinea", the refoulement.

10:03:46 20 MR BANGURA: That has been identified as MFI-4.

21 THE WITNESS: And I believe there were a few other press
22 releases and perhaps letters that we produced at that time
23 detailing our findings and concerns about the very serious
24 patterns of human rights abuses committed.

10:03:59 25 MR BANGURA:

26 Q. Now, you mentioned in your report that there were in fact
27 some reaction from the government of Liberia in relation to the
28 publication of the report and the press releases that you did at
29 the time. Is that correct?

1 A. Yes.

2 Q. And you have made the point that this is an indication that
3 there was some notice. Is that correct?

4 A. Yes.

10:04:33 5 Q. Now can I refer you to appendix 3 of your report, which
6 says "News Articles Wherein Liberian Government Officials Deny
7 Human rights Watch Accusations, Thereby Proving Their Knowledge
8 of Human Rights Watch's Work". Is that correct?

9 A. That is correct.

10:05:03 10 Q. Would you like to discuss these documents in turn?

11 A. There were a number of wire service reports from Reuters,
12 Associated Press and Agence France-Presse which reflect the
13 statements of Liberian officials, including Reginald Goodridge
14 and in one case I believe Charles Taylor as well and Monie Captan

10:05:41 15 as well, I believe the then Minister of Foreign Affairs if I am
16 not mistaken.

17 Q. And these were all Liberian officials - Liberian government
18 officials - at the time?

19 A. Yes, that is right, and they denied the - or they didn't
10:05:58 20 concur with our findings as indicated by their statements in
21 these press releases.

22 JUSTICE SEBUTINDE: Mr Bangura, could we have the spelling
23 of this official, Captain somebody or other?

24 MR BANGURA: Monie Captan. It is somewhere in the report,
10:06:23 25 but I will attempt to spell it. I think it is M-O-N-I-E

26 C-A-P-T-A-N:

27 Q. And I think you did mention Reginald Goodridge?

28 A. Yes, that is right.

29 Q. I think that is - Goodridge is G-O-O-D-R-I-D-G-E. So, all

1 of the documents in appendix 3 of your report basically make the
2 point that there was some reaction from the government of Liberia
3 at the time. Is that correct?

4 A. That is correct.

10:06:58 5 Q. Thank you. Let me take you to part 3 of your report and
6 that is from pages 27 through to 30. Now, in this section you
7 discuss Liberia's involvement in the Sierra Leonean armed
8 conflict. Is that correct?

9 A. That is correct.

10:07:40 10 Q. And you basically give a historical context in showing the
11 Liberian element, or Liberian involvement, in the war in Sierra
12 Leone right through - from the beginning right through to the
13 end. Is that correct?

14 PRESIDING JUDGE: Mr Bangura, I am going to caution you
10:08:05 15 again about leading questions. You may recall there has been a
16 directive yesterday.

17 MR BANGURA: I will abide, your Honour.

18 PRESIDING JUDGE: I have let the past ones go in the light
19 of the fact that you are putting past evidence, but please.

10:08:18 20 MR BANGURA: I will abide, your Honour:

21 Q. Can you - looking at part 3 of the report, can you say
22 generally what you have tried to present in that part of the
23 report?

24 A. Yes, what I have tried to present is the indications that
10:08:39 25 we obtained in the process of our research of the Liberian
26 involvement, or the involvement of Liberians we should say, in
27 various different episodes of the Sierra Leonean armed conflict.
28 The first part of the report addresses or is derived from
29 interviews I conducted in the course of my research with the -

1 the research on the phenomena of mercenary activity in West
2 Africa. It is based on a few interviews I conducted with former
3 combatants who had knowledge of the very early involvement of
4 Liberians in the armed conflict in Sierra Leone, primarily in
10:09:28 5 Kailahun District. Those combatants, there are two which I
6 mention in my report, one - both of whom were civilians at that
7 time and later became combatants with one of the - with the RUF.

8 The first one was from the village of Bomaru, the venue of
9 the first attack by the RUF in Sierra Leone on 23 March 1991, and
10:09:59 10 he details, or his testimony is notable for the - with respect to
11 the high percentage of Liberians among the attackers. He notes
12 that there were about 20 Liberians and only three Sierra Leoneans
13 involved in that attack.

14 The second combatant I interviewed then also gives some
10:10:24 15 indication of that same attack, or of that same time period, and
16 also notes the very high involvement and later how the
17 involvement of Liberians decreased due to a few factors. One of
18 them was that the RUF had embarked on a - or the RUF, involving
19 Liberians and Sierra Leoneans, embarked on a very aggressive
10:10:48 20 recruitment campaign, which then swelled the ranks of the RUF
21 much fuller with Sierra Leoneans, as well as incidents involving
22 acrimony that developed between the sierra Leonean components of
23 the RUF and the Liberian components. That revolved around the
24 very frequent, as they described, attacks by - on the Sierra
10:11:17 25 Leonean population by Liberian combatants, who then tried to and
26 managed to expel a good number of them from Sierra Leone.

27 Q. Now, these accounts that you have just discussed are
28 contained on pages 27 and 28. Is that correct?

29 A. That is correct.

1 MR BANGURA: Your Honours, with your leave I would like to
2 have the witness read through these portions of the report:

3 Q. Can I ask you to read the accounts that you have indicated
4 that you have included in the report?

10:11:55 5 A. Okay. The entirety of the account?

6 Q. Yes, there are two pages and so you read the first account
7 and then go on to the next one.

8 PRESIDING JUDGE: Mr Bangura --

9 MR MUNYARD: Madam President, I am sorry, I was just about
10:12:07 10 to object to that, but if you have a matter that you wish to
11 raise I will defer to you.

12 PRESIDING JUDGE: [Microphone not activated] I was going to
13 - let me hear your objection, Mr Munyard.

14 MS IRURA: Their Honours' microphone is not on.

10:12:21 15 MR MUNYARD: I think you intended it not to be on at the
16 moment. The purpose of this witness preparing the report is not
17 to then come and sit at the witness desk and read the whole thing
18 out. It is absolutely basic and, if that were the case, then
19 there would be no need for her to sit there at all. The Court,
10:12:41 20 or the Prosecution, could read it out.

21 PRESIDING JUDGE: I was intending actually to say something
22 to the similar effect. You put it more succinctly, Mr Munyard.

23 The report has been marked for identification. There is no
24 need to read it all out into the record. Thank you, Mr Bangura.

10:12:58 25 MR BANGURA: Thank you, your Honour:

26 Q. You move on from that stage of the conflict in Sierra Leone
27 and go on to indicate further instances where Liberians were
28 involved. Is that correct?

29 A. Yes, that is correct. The first two interviews that I

1 include in this report are of, as I mentioned, former combatants,
2 so they reflect one experience and a certain set of knowledge
3 that would come from - well, they were victims at this point and
4 then they became protagonists within one of the warring factions.

10:13:35 5 The other instances in which I heard of Liberians being
6 involved were from victims; from the numerous victims that I
7 interviewed over the years. These included at least - and these
8 included mentions of the involvement of Liberians in the
9 commission of atrocities, or who were victims of atrocities in
10:14:04 10 Sierra Leone in one case.

11 These included nine victims and witnesses whom I
12 interviewed in relation to the January 6th offensive who noted
13 the presence of Liberians among their attackers. They believed
14 that they were Liberians in some cases because the individuals
10:14:30 15 identified themselves as Liberians and other times because they
16 spoke with a Liberian accent. They were - the alleged Liberians
17 were women, men and children, primarily men, male combatants
18 above the age of 18, and the crimes that they were involved in
19 included the massacre - a massacre of seven civilians on
10:15:02 20 January 9th, the burning alive of a four-year old girl and an
21 87-year old woman in Kissy on January 20th and the killings which
22 took place in the Rogbalan Mosque on January 22nd - I have noted
23 in my report on January 20th, but that is a typo and it should
24 have been January 22nd as I have noted a few times earlier - and
10:15:28 25 then three separate incidents of limb amputation on January 21st,
26 25th and February 1st.

27 The second example of Liberian involvement was a testimony
28 that I took from a militia man with the civil defence forces, who
29 was interviewed in 2000 and who described having witnessed the

1 brutal killing of a female Liberian commander that his unit
2 perpetrated. This was in the area of Tongo Fields, T-O-N-G-O,
3 and that killing took place in 1996. This combatant said that
4 the woman was about 25 years old and that she was a Liberian, but
10:16:16 5 fighting with the RUF and indeed an RUF commander.

6 And then a third victim was a 50-year old woman from Port
7 Loko District who witnessed the killing of 12 people during a
8 rebel attack in 1999, and she noted that one of the rebels
9 present during this killing spoke with a Liberian accent and she
10:16:42 10 overheard him saying - criticising the other rebels for this
11 killing and she overheard him saying, "We don't do this in my
12 country", which indicates that indeed he is not a Sierra Leonean.
13 He is a Liberian. So, those are the instances that - sorry, go
14 ahead.

10:17:03 15 Q. Now, you also make mention of the fact that a senior RUF
16 commander did in fact move to Liberia at some point. Is that
17 correct?

18 A. I am sorry, can you clarify?

19 Q. You make the point - showing the connection with Liberia,
10:17:21 20 you make the point that - specifically it is Sam Bockarie. You
21 make the point that he in 1999 --

22 MR MUNYARD: Well if that is not leading, what is?

23 MR BANGURA: Your Honours, the report is before your
24 Lordships and before the Court and I am merely drawing the
10:17:42 25 witness's attention to an issue in the report.

26 PRESIDING JUDGE: Yes. You are either - it is either
27 before the Court and we absorb it and it is unnecessary to repeat
28 it, or you are leading. Now, the name you mentioned has never
29 arisen in the course that I recall and that is definitely

1 Leading.

2 MR BANGURA: I shall withdraw the question.

3 PRESIDING JUDGE: Refer us to the section, but don't lead.

4 MR BANGURA: I shall withdraw the question, your Honour:

10:18:10 5 Q. You do make reference to further connections between -
6 well, further instances of Liberian involvement in the war in
7 Sierra Leone. Is that correct?

8 A. Yes, myself and other researchers. I have noted my own, or
9 I have noted the instances in interviews that I conducted in
10:18:35 10 which there was some reference to Liberians taking place in those
11 operations. I have just noted that. Also, other reports that
12 Human Rights Watch has published and other documents that Human
13 Rights Watch has published that I did not necessarily write in
14 their entirety, or research in their entirety, also noted the
10:18:57 15 presence of Liberian combatants, or those believed to be Liberian
16 combatants, involved in the commission of atrocities.

17 Q. I was going to draw your attention to a portion of your
18 report where you make an indication that at some stage there was
19 some problem within the leadership of the RUF. Is that correct?

10:19:20 20 A. Yes, that was - yes, and at that point we would have had
21 the movement of Liberians into Liberia. I am sorry, of Sierra
22 Leoneans into Liberia. That occurred during a fall out in 1999
23 between Sam Bockarie, otherwise known as Mosquito, and Foday
24 Sankoh in December 1999, at which point some it has been
10:19:49 25 estimated 500 RUF combatants moved over into Liberia and then
26 were incorporated into other units, as far as we understand,
27 including the anti-terrorist unit.

28 Q. Now these various accounts and instances that you have
29 referred to in this part of your report, are they contained in

1 earlier reports that Human Rights Watch had produced?

2 A. Which ones are you referring to?

3 Q. You have referred to a situation where you had an interview
4 with a Civil Defence Force person, you have referred to a
10:20:31 5 situation where a commander - a fighter did say that they did not
6 do that sort of thing in their country and you have referred to
7 even the instance about a fracas within the leadership of the
8 RUF.

9 A. I can say that several of the instances of those nine
10:21:01 10 atrocities committed during the January 1999 rebel offensive are
11 in my report, but not all of them. With respect to the CDF
12 militia man, I do not think that is in one of my reports.

13 Q. Thank you.

14 A. We can't include every single, or a reference to every
10:21:22 15 single testimony that I take in our reports. There are simply
16 too many. I believe that the account of the 50-year old woman
17 from Port Loko District is in one of my reports, but I can't say
18 for sure.

19 Q. Now, let me take you to part 4 of your report which runs
10:21:40 20 from page 31 through to page 33. Now you had earlier started
21 discussing the subject of this part of your report, but not in
22 detail. The subject there is joint cross-border attacks on
23 Guinea by the RUF and Liberian government. Now --

24 MR MUNYARD: Again, Madam President, I object to this
10:22:16 25 section of the report on exactly the same basis as I objected to
26 the Liberian section. In our submission, this goes beyond the
27 scope of the indictment. Not only does it go beyond the temporal
28 scope of the indictment, but it also goes beyond the geographical
29 scope of the indictment. In our submission, this does no more

1 than demonstrate that hostilities were taking place across the
2 border in Guinea and that the Guinean government was supporting
3 the LURD and that that is what this is concerned with. This is
4 the Liberian civil conflict, as supported by an outside
10:23:01 5 government or governments, essentially on Liberian soil with some
6 responses back across the border into Guinea. It does not
7 concern this case.

8 MR BANGURA: Your Honours, the Prosecution makes the point
9 that it goes beyond just the fact that these were attacks across
10:23:21 10 the border from Liberia into Guinea. It goes to show involvement
11 of Sierra Leonean RUF fighters in these attacks, it goes to show
12 control of these fighters by whoever their commander was and we
13 make the point that in this case the accused had command. It
14 goes to show his association with these forces. It goes to show
10:23:53 15 that he was part of a common plan which was executed by these
16 forces.

17 Your Honours, the fact that these incidents occurred
18 outside the geographical territory of Sierra Leone in my
19 submission does not preclude this Court from hearing the evidence
10:24:23 20 which helps this Court to understand how we say that the accused
21 is part of a common criminal enterprise.

22 MR MUNYARD: Madam President, on a point of law the common
23 criminal enterprise that this evidence demonstrates, if it
24 demonstrates any such common enterprise at all, relates to the
10:24:45 25 civil conflict in Liberia/Guinea. It does not relate to the
26 issues that this Court is trying, namely an alleged common plan
27 or enterprise in relation to Sierra Leone. It is patently beyond
28 the scope of the indictment and there is no legal basis for
29 suggesting that it is within the scope, either temporal or

1 geographical .

2 JUDGE LUSSICK: Mr Bangura, I don't think you answered Mr
3 Munyard's objection that the incidents referred to are outside
4 the temporal scope of the indictment. What do you say to that?

10:25:28 5 MR BANGURA: Your Honours, they may very well be outside
6 the temporal scope of the indictment, but your Honours we seek to
7 bring this sort of evidence to show - to be able to prove certain
8 contextual elements of some of the elements of the offences that
9 we have charged. But more importantly, your Honours, we see in
10:25:53 10 these acts, in these activities, we see the role of the accused
11 as a commander and that helps to satisfy the element of command
12 responsibility. The evidence suggests that there were RUF
13 fighters who were fighting at the behest, at the orders, or upon
14 the orders of the accused. Our submission is that this - to be
10:26:24 15 able to establish that command responsibility, the evidence to be
16 looked at does not necessarily have to be restricted to events
17 and activities within Sierra Leone. I mean, it is conduct --

18 JUDGE LUSSICK: Well, you are talking about the
19 geographical scope. Mr Munyard also referred to the temporal
10:26:46 20 scope; in other words, the incidents that you seek to ask this
21 witness about did not occur during the time frame of the offences
22 charged in the indictment.

23 MR BANGURA: Your Honours, the time frame depends on - what
24 we are talking about for the time frame which we cover, or
10:27:05 25 generally the indictment covers, is from 1996 through to
26 January 2000. It is clear that we have limited the scope of some
27 of the offences that we have charged. But, your Honours, the
28 events which we refer to here are events which occurred right up
29 until 2001.

1 JUDGE SEBUTINDE: That is precisely the point. We don't
2 see the point that you are trying to make. Clearly part 4 deals
3 with the time frame September 2000 to March 2001, or even beyond
4 to 2004. How is that related to the indictment period?

10:27:56 5 MR BANGURA: Your Honours, I believe I have made the point
6 that even if these matters that occurred outside the time frame
7 of the indictment are not themselves directly matters which go to
8 specifically prove the elements of the offences that we have
9 charged, your Honours, we submit that they go to show that - they
10:28:22 10 go to show - firstly they go to help to show the context in which
11 a lot of these crimes were committed. It gives a contextual
12 background to the commission of crimes within the indictment and
13 that is important for the Court to understand.

14 PRESIDING JUDGE: We uphold the objection and we do not
10:29:04 15 allow that question.

16 MR BANGURA: Your Honours, if I understand your Lordships,
17 there is quite a lot that is covered within this part of the
18 report and is the point that that particular question cannot be
19 asked, or is it that --

10:29:28 20 PRESIDING JUDGE: It cannot be asked because, on the
21 grounds as clearly put before the Court, it is outside the
22 temporal scope of the indictment and is not admissible.

23 MR BANGURA:

24 Q. Ms Dufka, you did indicate earlier that in an effort to
10:30:00 25 understand the dynamic of conflict in Sierra Leone, Liberia and
26 other parts of West Africa you did conduct several interviews
27 with combatants - former combatants. Is that correct?

28 A. Yes. As a part of that research which was published in
29 "Youth, Poverty and Blood" I interviewed some 60 former

1 combatants, including those who had participated in those attacks
2 in September 2000 and 2001 only.

3 Q. And these would be combatants in what countries?

10:30:35

4 A. They were from Liberia and Sierra Leone and a few Guineans,
5 but primarily those from Liberia and Sierra Leone - the bulk,
6 maybe two or three Guineans among.

7 Q. And what did the indications - what indications did you get
8 as regards the role of Sierra Leoneans in some of these
9 conflicts?

10:30:55

10 A. They were - some half of those that I interviewed were
11 Sierra Leoneans who had fought in Liberia at various different
12 times, who had fought in Cote d'Ivoire and who had fought in
13 Guinea as well.

10:31:16

14 Q. Was there any indication as to - was there any indication
15 as to the purpose for which they were fighting in these - Sierra
16 Leoneans fighting in Liberia? Was there any indication as to the
17 purpose for which they were fighting in Liberia at the time?

10:31:39

18 A. Well, most of them had been recruited. Of course, it is
19 different. Each different situation has their own idiosyncratic
20 dynamics. I can say, if I am not going beyond answering the
21 scope of the question, that the armed conflicts in Liberia and
22 Sierra Leone and Cote d'Ivoire have been marked by a regional
23 dynamic where the governments of the region have shown a
24 potential to involve themselves in trying to destabilise one -
25 destabilising a neighbouring country. At each - at any given
26 time you had one group who was participating in supporting a
27 proxy group whose intention was to overthrow, or destabilise, a
28 neighbouring country. So, with respect to Sierra Leonean
29 involvement it took place at various different times and in

1 support of various different Liberian, Guinean and Cote
2 d'Ivoirean armed factions.

3 Q. Now, one of the situations which you identify where Sierra
4 Leone RUF fighters took part in fighting in Liberia is the Lofa
10:32:51 5 situation. Is that correct?

6 A. That is correct.

7 Q. Now, did you get any indication from the persons you
8 interviewed as to how they got involved in that conflict?

9 A. In a few different contexts. One of them were, as I
10:33:11 10 mentioned previously, the RUF who joined or who were integrated
11 into Liberian pro-government factions after commander Sam
12 Bockarie fell out with Foday Sankoh in December 1999. Prior to
13 that, they were - the RUF factions based in Kailahun District
14 were also involved in responding to the April 1999 fighting in
10:33:42 15 Lofa County, which is commonly known as the Mosquito Spray
16 operation, and then these cross-border attacks into Guinea in
17 September 2000 and through March 2001 which appeared - which
18 clearly appeared in my research to be a joint and co-ordinated
19 effort to punish Guinea for the support that they were rendering
10:34:08 20 to the Liberian rebels.

21 Q. Was there any indication as to who they were taking command
22 from in these operations? In this operation, especially the Lofa
23 one?

24 A. In the Lofa, I was not able to ascertain that.

10:34:22 25 Q. And what about the Guinea one?

26 A. Well, according to the seven combatants - former combatants
27 - that I interviewed they noted a number of commanders. Our
28 research did not intend to identify the chain of command in that
29 operation. Of the seven ex-combatants that I interviewed all but

1 one I believe of them noted and characterised it as a joint
2 operation, which suggested a fair amount of co-ordination between
3 Liberian pro-government and Sierra Leonean rebel groups. Nearly
4 all of them, if not all, identified punishing Guinea for their
10:35:18 5 involvement as I mentioned in supporting Liberian rebel groups as
6 the motive for that attack. There were a number of commanders
7 that were mentioned, including - I don't know if I should name
8 them? They are in my report.

9 Q. Please do.

10:35:35 10 A. There was - Mosquito was mentioned and Benjamin Yeaten, I
11 will just get the spelling, Y-E-A-T-A-N, was mentioned. He is a
12 Liberian commander I believe of the SSS at that time. A Sierra
13 Leonean RUF commander named Peleto, P-E-L-E-T-O, was mentioned.

14 MR MUNYARD: Just for my assistance is the witness

10:36:08 15 referring to her report to the Court, in which case on which
16 pages, or otherwise is she referring to the "Youth, Poverty and
17 Blood" document?

18 THE WITNESS: I would be referring to - not all of the
19 testimonies in my report are in "Youth, Poverty and Blood". As I
10:36:29 20 mentioned, the research was done for that. If - so, I can't
21 recall which ones in my report to the Court were in my report for
22 "Youth, Poverty and Blood", but it is easy enough to check.

23 MR BANGURA:

24 Q. Now, you made the point that you mentioned Mosquito having
10:36:49 25 forces in Liberia and he would have been involved in these
26 conflicts. Is that correct?

27 A. That is correct.

28 Q. Is there any indication about other RUF or rebel forces who
29 would have been involved in these operations who came from Sierra

1 Leone, not from the group that was with Mosquito?

2 A. Well they talked about RUF being mobilised from a number of
3 different places in Sierra Leone, including Tongo Field was one
4 of the ones that they mentioned and I believe Kailahun. I will
10:37:26 5 have to review. There were mentions of meetings that took place
6 both in Liberia and Sierra Leone, in advance of this operation,
7 in which orders were given to the combatants who would
8 participate in those cross-border attacks.

9 There was one mention from one of those that I interviewed
10:37:54 10 - and I cannot recall whether this one was included in my "Youth,
11 Poverty and Blood" report - of one combatant saying that he had
12 spoken with his commander who received orders from Charles
13 Taylor. That is one mention. A few of them mentioned Benjamin
14 Yeaten as having given them orders, and I think what was
10:38:15 15 important from our point of view as Human Rights Watch was that
16 there were quite explicit orders given to commit human rights
17 abuses against the Guinean population and that is the reason why
18 I conducted these interviews and included this section in my
19 report in "Youth, Poverty and Blood". It was within a section of
10:38:39 20 that report which dealt with issues of human rights abuses and
21 the extent that the warring factions tried to mitigate those
22 abuses, and this section was included in that report with respect
23 to a time when there were explicit orders given to commit human
24 rights abuses which occurred in Guinea and which we documented.

10:39:05 25 PRESIDING JUDGE: Mr Bangura, I am not entirely clear of
26 the time frame that this particular last part of the evidence
27 relates to, but I would just remind you of the ruling concerning
28 the temporal scope of the evidence.

29 MR BANGURA: Your Honours, the time frame has been

1 basically focused on Lofa and then we went on to talk about the
2 incident in Guinea. The Lofa incidents have been identified as
3 having occurred:

4 Q. Can you tell the Court, please?

10:39:36 5 A. There might have been some confusion that 2004 was in there
6 because that is when the research was conducted, but the
7 cross-border attacks into Guinea took place from September 2000
8 to February/March 2001.

9 Q. Thank you. Now, I am going to take you back to a few
10:40:03 10 issues that we have already covered. In discussing the
11 atrocities that were committed against civilians in Sierra Leone
12 you did mention the case of amputations. Is that correct?

13 A. Uh-huh.

14 Q. And you document much of - some of the incidents of that in
10:40:35 15 one of your reports. Is that correct?

16 A. That is dealt with in a number of Human Rights Watch
17 documents, yes, from 1998.

18 Q. And in addition to - well, in the course of your
19 investigations of these crimes you of course did - you did give
10:40:59 20 interviews as well. Is that correct?

21 A. Yes. Giving interviews to the national and international
22 press is a central part of our advocacy and dissemination of our
23 information, so, yes.

24 Q. And there were photographs taken as well of some of the
10:41:15 25 victims. Is that correct?

26 A. That I took?

27 Q. Yes.

28 A. Yes.

29 MR BANGURA: Can the witness be shown the documents in tab

1 number 12, please:

2 Q. Now, the document you have been shown incorporates two
3 photographs. Is that correct?

4 A. Yes.

10:42:25 5 Q. Could you give the Court a background to - and these are
6 photographs that you yourself shot?

7 A. Yes.

8 Q. Could you give the Court some background to the situation
9 that these photographs depict? Can we talk about the first one
10:42:44 10 and then go on to the second one?

11 A. Yes, the first one was a 12-year old, as it says, young
12 girl, who had suffered an amputation I believe in the Kambia
13 District, but I am not certain, in May 2000. She was certainly
14 living within an area under RUF control, I am almost sure it was
10:43:11 15 Kambia, and I interviewed her in one of Freetown's hospitals and
16 then took this picture of her.

17 Q. And the second one?

18 A. This is a - she was probably 13. She was one of three
19 adolescent girls who were rounded up from Kissy by a group of
10:43:31 20 rebels in late January, around the 20th to the 22nd January, if I
21 am not mistaken, and taken up to a hill and had their hands
22 amputated - in this case both hands. She was I think about 13.
23 Her account is in my report and it was in a section which focused
24 on the particular targeting of - or the commission of crimes
10:44:06 25 against children and in one section which if I am not mistaken
26 deals with children actually being targeted out for abuse,
27 because she was in her house and according to her testimony when
28 people were asked to come out by the rebels they particularly
29 picked out these three adolescent girls and amputated them.

1 MR BANGURA: Your Honours, I respectfully move that this
2 document be marked for identification. The two photographs.

3 PRESIDING JUDGE: There are two pictures and a preface. So
4 picture number 1 will be marked for identification MFI-12A, that
10:45:00 5 is of a 12-year old victim, and the second photograph of a
6 13-year old victim will be MFI-12B.

7 MR BANGURA: Thank you, your Honour:

8 Q. May I take you - you mentioned - just a short while ago you
9 did say that you conducted and gave interviews in the course of
10:45:25 10 your research. Is that correct?

11 A. That is correct. On a variety - a wide variety - of
12 subjects related to the human rights conditions in Sierra Leone.

13 Q. Okay. I would like to show you a short footage, three
14 short footages of video footages, and you probably then will be
10:45:46 15 questioned on what we view.

16 A. Yes.

17 MR BANGURA: Your Honours, may I respectfully ask that
18 document - well, not documents. The clips in this case, video
19 clip which is --

10:46:03 20 MR MUNYARD: Madam President, we have in our bundle a
21 transcript of the video clips. We don't have the video clips and
22 I had assumed that that was for the reason that the Prosecution
23 were seeking to rely on what is called "unofficial transcript".
24 I will just - it is in tab 6.

10:46:26 25 MR BANGURA: Yes.

26 PRESIDING JUDGE: The tab 6 in my bundle is a transcript.
27 I don't see a video - any form of CD.

28 MR BANGURA: Your Honour, the transcript --

29 PRESIDING JUDGE: We have no record of receiving one.

1 MR BANGURA: Your Honour, may I confer for a moment?

2 MR MUNYARD: Can I indicate what the Defence position is on
3 this. I have no objection to those parts where this witness is
4 quoted or can be seen, but what I do object to is a voice over
10:48:17 5 from someone who is apparently a reporter and then in the later
6 part there is somebody called "Narrator" and then there is
7 someone else called Yearsley. I know who he is, but he is not a
8 witness in this case. In fact, the whole of the second part of
9 the transcript does not actually feature this witness.

10:48:43 10 Now this is in contradistinction to the clips that you saw
11 on the first day I think of this case, where the witness himself
12 did appear in the film. This witness is perfectly capable of
13 dealing with her contributions to it and that is why I have to
14 say I assumed that we had been given the transcript rather than
10:49:06 15 the video itself. There appear to be two videos here: one from
16 the Mark Corcoran broadcast, he is the reporter, broadcast 28
17 August 2000; and the other one is a programme in December 2006
18 which may or may not be the programme that you saw clips from
19 before. I don't know.

10:49:38 20 MR BANGURA: Your Honours --

21 PRESIDING JUDGE: Mr Bangura, you were going to respond.

22 MR BANGURA: Your Honours, I was just going to say that the
23 video - and I believe my learned friend has been referring to the
24 full length of that video, but they are just clips in it that we
10:50:14 25 were going to show. But we have disclosed this and we have given
26 and handed that video to the Defence quite a while - for quite a
27 while now.

28 MR MUNYARD: I am sorry, I don't want to interrupt. I want
29 to try and compromise. I don't have difficulty with the first

1 one, because this witness appears in it and therefore I am happy
2 for that to be dealt with and either played or read out. It is
3 the second one in which the witness does not feature at all that
4 I object to.

10:50:45 5 PRESIDING JUDGE: I was clear on that point, Mr Munyard.
6 Thank you.

7 MR BANGURA: Your Honours, the second one if I am right is
8 a clip which is already in evidence, that is P-16, exhibit P-16,
9 and the purpose here is to have the witness, since it is a
10:51:08 10 document, since it is material in evidence, to have the witness
11 view it and comment on it in light of the evidence that she has
12 given to this Court. So, in fact for that one the transcript is
13 that which was provided to this Court at the time that that video
14 was first introduced in evidence.

10:51:34 15 MR MUNYARD: Well if the witness is going to be asked to
16 comment on a piece of evidence that is already before the Court,
17 we want to know on what basis she is going to comment on it.

18 MR BANGURA: Your Honours, the witness has been testifying
19 to matters of human rights violations in Sierra Leone.

10:51:59 20 PRESIDING JUDGE: Please allow us to make a decision,
21 Mr Bangura.

22 MR BANGURA: Thank you.

23 PRESIDING JUDGE: This is a ruling on an objection by the
24 Defence. It has been conceded by the Prosecution that the words
10:53:15 25 of Mr - I presume it is a gentleman - Mark Corcoran are not
26 admissible and are not to be read into the record. The second
27 part is an extract from an exhibit that is already before the
28 Court and it is our view that the witness can be asked questions
29 on that exhibit.

1 MR BANGURA: Thank you, your Honour.

2 MR MUNYARD: Can I indicate I did not object in my
3 compromise to the whole of the first transcript going in.

4 PRESIDING JUDGE: Yes, I haven't forgotten that.

10:53:52 5 MR BANGURA: May I ask that the first of these clips, that
6 is the video clip of "Soldiers of Fortune" aired on ABC 2000, be
7 played for the witness?

8 MS IRURA: Could everybody please switch to PC1 on the
9 external panel next to your computers to be able to see the
10:54:39 10 clips.

11 Counsel, you are referring to video clip 1?

12 MR BANGURA: Yes. When you say 1, I am referring actually
13 to the excerpts and they come in three clips from the documentary
14 "Soldiers of Fortune" aired on ABC in 2000.

10:54:57 15 MS IRURA: The folder I have has clip 1, 2 and 3.

16 MR BANGURA: Yes, clip 1, 2 and 3, that is correct. Yes,
17 it is clip 1 of that.

18 Your Honours, I must say that I am having difficulty
19 getting into the mode on the screen for video.

10:55:55 20 PRESIDING JUDGE: Mr Bangura, I notice it says at the top
21 that the total time is 32.25. We have only got four minutes
22 before 11 o'clock and so I am not sure how long this clip will
23 be.

24 MR MUNYARD: Madam President, this is just under two
10:56:12 25 minutes, but this is an issue on which I find myself in agreement
26 for once with Mr Bangura. I haven't got anything on my screen
27 either.

28 MS IRURA: I will play the clip.

29 MR BANGURA: I am not sure how much time we will have for

1 questioning after the clip.

2 PRESIDING JUDGE: Let us play the clip and see what
3 happens.

4 MR BANGURA: Right.

10:56:35 5 [Video played to the Courtroom]

6 MR BANGURA: Thank you:

7 Q. You viewed that --

8 PRESIDING JUDGE: I am sorry, Mr Bangura. I didn't intend
9 to speak over you. I note the time and this appears to be a
10:58:42 10 convenient time to take the normal mid-morning break. So, we
11 will adjourn until 11.30 please.

12 MR BANGURA: Thank you.

13 [Break taken at 11.00 a.m.]

14 [Upon resuming at 11.30 a.m.]

11:28:50 15 PRESIDING JUDGE: Yes, Mr Bangura, please proceed.

16 MR BANGURA: Thank you, your Honour. Your Honours, the
17 clip that was shown has not yet been identified. May I
18 respectfully apply that it be marked for identification?

19 PRESIDING JUDGE: The clip itself will be marked for
11:29:17 20 identification as MFI-13. And there is a transcript. Is it
21 intended to only do the clip?

22 MR BANGURA: The transcript goes with the clip and I would
23 respectfully also ask that the transcript also be identified --

24 PRESIDING JUDGE: The transcript, we will assume it's an
11:29:46 25 accurate one for the purposes of this, will become MFI-13A.

26 MR BANGURA: I'm just wondering how your Lordships intend
27 to proceed with the other clips that come in this video, and
28 there are two more coming, and this is - we've marked this
29 MFI-13A and the transcript is 13B. One is 13 and the other is

1 13A.

2 PRESIDING JUDGE: Yes. Do you say that there are more
3 clips coming?

4 MR BANGURA: Yes, in this video, two more clips.

11:30:27 5 PRESIDING JUDGE: But they're all part of the same --

6 MR BANGURA: Of the same video.

7 PRESIDING JUDGE: I understand.

8 MR BANGURA: Thank you, your Honour.

9 Q. Ms Dufka, you have seen the clip MFI-13, correct? Could
11:31:05 10 you comment on - first of all, when was that interview conducted?

11 A. I believe it was in 2000. I don't recall the month.

12 Q. And by whom?

13 A. By an Australian journalist Mark Corcoran, I believe his
14 name is, who worked for Australian Broadcasting Corporation, I
11:31:30 15 believe.

16 Q. And where was that video shot?

17 A. The video was shot in the Murray Town war wounded camp
18 which is located in the Murray Town neighbourhood of Freetown.
19 This is, or was at the time, a camp for several hundred war
11:31:52 20 wounded of various different classes of injuries including
21 amputations, gunshot wounds and others. It was a place I visited
22 frequently in the course of my research. Indeed I've interviewed
23 a number of the wounded individuals who are shown in that video.

24 Q. Could you spell Murray Town for the benefit of the Court,
11:32:19 25 please?

26 A. M-U-R-R-A-Y.

27 Q. And in the clip you were interviewed and you made certain
28 comments about - you made certain comments. Is that correct?

29 A. Yes. The context of that interview, the reason for - that

1 I was asked to be interviewed by this journalist was to comment
2 on the recruitment process that was taking place at that time in
3 2000 and later continued for the new Sierra Leonean Army which
4 has since been formed and is now named the Republic of Sierra
11:33:11 5 Leone Armed Forces.

6 Human Rights Watch was concerned about a few things with
7 respect to that process. Number one, that there appeared to be
8 no effective vetting of potential recruits for past abuses that
9 they had been allegedly implicated in. Number two, based on our
11:33:35 10 research we had started to receive reports of newly trained SLA
11 recruits being involved in some misconduct at best and crimes at
12 worst. So we were expressing our concern about those two issues
13 and, as noted, the media is an effective way for us to be able to
14 make known our concerns and our recommendations.

11:34:05 15 Q. And there is a transcript which has been marked MFI-13A.
16 Can the witness be shown that document. I basically just want to
17 know whether it reflects the discussion we heard on the video?

18 A. Yes, this appears to be the script for the - or the
19 document that reflects what was said on the video, yes.

11:35:00 20 MR BANGURA: Your Honours, may I ask that the next clip on
21 the video be shown - played for the benefit of the Court.

22 JUDGE SEBUTINDE: Mr Bangura, is this an existing exhibit?

23 MR BANGURA: No, your Honour.

24 JUDGE SEBUTINDE: Not yet.

11:35:32 25 MR BANGURA: We're dealing with three clips on this video.

26 JUDGE SEBUTINDE: New clips?

27 MR BANGURA: New clips.

28 [Video played to the Courtroom]

29 MR BANGURA: Your Honours, may I also ask before I put

1 questions to the witness that the transcript that covers this
2 clip be shown to the witness.

3 THE WITNESS: Yes.

4 MR BANGURA:

11:37:43 5 Q. Do you see that document?

6 A. Yes.

7 Q. Does it reflect the discussions that you've - we've just
8 heard over in the clip that was shown to you?

9 A. Yes.

11:38:00 10 MR BANGURA: Your Honours, may I ask that these two
11 documents be marked for identification, first the clip then the
12 transcript.

13 PRESIDING JUDGE: The clip that we've seen will be MFI-14A
14 and the transcript will be MFI-14B.

11:38:23 15 MR BANGURA:

16 Q. Could you just comment again on the background to that
17 interview?

18 A. We used this forum of this interview to discuss another
19 aspect of our research at that time which was in 2000 which was
11:38:45 20 the - what we defined as indiscriminate use of the government's
21 helicopter gun ship, the Mi-24 I believe was the mark that was
22 shown there, which according to us had caused numerous civilian
23 casualties within rebel held areas. We had previously discussed
24 and I believe admitted into evidence one of the press releases

11:39:11 25 that we issued reflecting our research and concerns and
26 recommendations with respect to those attacks. Those were
27 attacks by the Sierra Leonean government helicopter gun ship on
28 rebel held positions which resulted in numerous civilian
29 casualties.

1 Q. Now the background there, the location of the interview,
2 would be the same as the previous --

3 A. Yes, yes.

4 PRESIDING JUDGE: You're leading again, Mr Bangura.

11:39:47 5 THE WITNESS: Yeah, the background was Murray Town camp.
6 It was in the same place.

7 MR BANGURA: Your Honours, counsel on the other side had
8 said he had no objection to this going in and I take the view
9 that it would be easier to get the document in --

11:40:00 10 PRESIDING JUDGE: There is a ruling of the Court, please
11 conform with it. Continue.

12 MR BANGURA: I abide, your Honour.

13 Q. Now you have in various parts of your report indicated the
14 groups that were principally responsible for the atrocities that
11:40:22 15 were committed against civilians but you've also in other parts
16 shown other groups being responsible. How does this reflect your
17 approach to showing responsibility for crimes [indiscernible] in
18 this video?

19 A. Its balance, objectivity, neutrality in reporting on the
11:40:42 20 human rights development which occurred within an armed conflict
21 is central to Human Rights Watch's mandate. So the research that
22 we did with respect to violations by the Sierra Leone government
23 is entirely consistent with our mandate.

24 MR BANGURA: Thank you. Your Honours, may the witness be
11:41:05 25 shown the third clip?

26 PRESIDING JUDGE: Yes.

27 [Video played to the Courtroom]

28 MR BANGURA: Your Honours, may I ask that the transcript
29 that goes with this clip be shown to the witness as well.

1 Q. Do you see the document shown to you?

2 A. Yes.

3 Q. Does it reflect the discussions that we've just heard on
4 the clip that was shown?

11:42:37 5 A. Yes.

6 MR BANGURA: Your Honours, may I ask that the clip as well
7 as the transcript be marked for identification.

8 PRESIDING JUDGE: Yes. Clip number 3 will be marked for
9 identification MFI-15A and the transcript identified by the
10 witness will be marked for identification MFI-15B.

11 THE WITNESS: Can I comment on the content?

12 MR BANGURA: Yes, I am just going to come to that.

13 Q. Could you again give us a background to the clip that we
14 viewed a short while ago?

11:43:28 15 A. Well, I can comment on the content. There were - I was -
16 from my own point of view expressing concerns about the lack of
17 international engagement or the concerns if there was a
18 diminishing of that international engagement. This was in 2000,
19 after the May 2000 crisis in Sierra Leone.

11:43:55 20 Q. And where was this?

21 A. In which some 500 United Nations peacekeepers had been
22 taken hostage by rebel forces. So there were a number of
23 dynamics going on there. The new army was being formed, there
24 were concerns about the viability of the peace process, there
11:44:13 25 were concerns about there being some kind of a return to armed
26 conflict. So I think my last comment reflected that, certainly
27 given reflecting concerns of the relatively recent rebel
28 offensive against Freetown.

29 I also wanted to comment on the reporter's what I would

1 characterise as inaccurate portrayal of a number of things here.
2 First of all the three year old - this is a case I'm familiar
3 with. According to our own information while tragic this little
4 girl did not lose her arm by a drug crazed rebel, I don't know
11:44:57 5 how they would have been able to know whether the rebel was drug
6 crazed anyway, even though there was a lot of drug use within the
7 Sierra Leonean armed conflict, but according to our research this
8 little girl lost her arm after her grandmother who was carrying
9 the little girl on her back was shot as she was trying to flee,
11:45:22 10 shot by rebel forces in the January offensive.

11 Also at that time, this is 2000, people were not being
12 butchered and mutilated every day. The incidents of mutilation
13 had come down drastically by 2000, even though there were still
14 occasional cases of it

11:45:41 15 Q. If I understand you rightly the comments or clarifications
16 you have made are in relation to the clip that we have just
17 viewed, is that correct?

18 A. That's correct.

19 Q. And can you again say where this clip was shot?

11:45:56 20 A. Yes, that was - that was shot at the Murray Town war
21 wounded camp in Freetown.

22 Q. And when?

23 A. In 2000.

24 JUDGE SEBUTINDE: Mr Bangura, I just need clarification. I
11:46:10 25 don't understand how a grandmother's being shot would lead to the
26 little girl losing her hand. I don't understand that.

27 MR BANGURA: Your Honours, we could get the witness to --

28 THE WITNESS: The baby was strapped on her back, the
29 grandmother was trying to flee and she was shot from behind.

1 MR BANGURA:

2 Q. And you're speaking from the information you gathered in
3 the course of investigations --

4 A. Yes.

11:46:34 5 Q. -- that you conducted?

6 A. Yes and the grandmother was killed in the incident as well.

7 MR BANGURA: I hope that - I'm not sure whether that --

8 JUDGE SEBUTINDE: When you say she was shot from behind are
9 you referring to the little girl or her grandmother?

11:46:58 10 THE WITNESS: Both of them. A little girl is strapped on
11 the back of her grandmother, the grandmother is running trying to
12 flee, the rebels opened fire on them, one of the bullets clipped
13 the arm of the little girl and another one entered the body of
14 the grandmother and killed her.

11:47:18 15 MR BANGURA:

16 Q. So your position is that the image shown there has been
17 wrongly characterised - not the image itself but the description
18 of that image has wrongly characterised what was the cause of the
19 injury?

11:47:31 20 A. According to our information and the testimonies I took at
21 that time, yes.

22 MR BANGURA: Your Honours, at this stage might I ask that
23 the video in Exhibit P-16 be shown to the witness.

24 PRESIDING JUDGE: All of it, Mr Bangura?

11:47:55 25 MR BANGURA: Yes, your Honour.

26 PRESIDING JUDGE: Are you referring to a clip within it?

27 MR BANGURA: It's clip 6, I think.

28 PRESIDING JUDGE: Very well.

29 [Video played to the Courtroom]

1 MR BANGURA:

2 Q. Ms Dufka, you viewed that clip. In your earlier evidence
3 to this Court you have indicated that your investigations, your
4 research into violations of human rights spanned throughout - the
11:52:11 5 period throughout the war, from the start of it right to the end.
6 Is that correct?

7 A. Well, my own personal involvement in investigations was
8 from 1999 and Human Rights Watch's investigations began in 1998.

9 Q. Okay, thanks. I probably did not put the question
11:52:31 10 properly. You focused - even though your investigations - your
11 involvement in investigating human rights violations started much
12 later, but your interest was focused on violations right from the
13 beginning of the war through to the end. Is that correct?

14 A. Yes.

11:52:48 15 Q. And in the video that we have just viewed there - do you
16 identify any particular incident of atrocities that you have
17 spoken of in the course of your testimony here?

18 A. Yes. In general the video presents information about two
19 particular classes of violations that I have done a great deal of
11:53:20 20 research on. One is the phenomena of amputation which in many
21 ways has become what is known as the signature atrocity of the
22 Sierra Leonean armed conflict.

23 MR MUNYARD: I'm sorry, but the witness isn't answering the
24 question that she was asked. She was asked by Mr Bangura, "Do
11:53:40 25 you identify any particular incident of atrocities that you've
26 spoken of having viewed the clip."

27 MR BANGURA: Your Honours, I do not understand my learned
28 friend's objection because the witness is in the process of
29 answering the question put to her. She has not completed.

1 PRESIDING JUDGE: No, she's talking about the signature of
2 the rebels. You asked for particulars, this is a general answer.
3 The question goes to the particular.

4 MR BANGURA: Yes, your Honour. I will lead the witness on
11:54:12 5 that.

6 Q. Did you - in the course of your investigations of abuses of
7 human rights over time did you yourself investigate this sort of
8 abuses that you have viewed in this clip?

9 A. Yes, and I heard "incidents", I'm sorry. I don't - to
11:54:34 10 clarify, I don't identify any particular incidents as in
11 particular attacks on particular places. The mention of Tombodu,
12 of course this is a place that was noted in our 1998 report of
13 "Sowing Terror." This woman mentioned 1997. We have documented
14 atrocities committed there in 1998. Anyway, I will return now to
11:55:06 15 my general description, if I may.

16 Q. Yes, I think the question was not requiring you to say
17 where specifically it was, it was just generally for you to say
18 whether in the course of your investigations you had known about
19 cases of a similar nature as the ones we've seen on the video?

11:55:28 20 A. Right. So I will return to my line of response which was
21 talking first of all about the phenomena of limb amputation. I
22 took scores of interviews of victims of this atrocity, those who
23 had suffered a completely severed extremity, usually fingers,
24 hands or arms, to a lesser extent ears and feet.

11:56:07 25 And also I conducted research to try to understand the
26 entirety of that problem, of that atrocity, in Sierra Leone. I
27 obtained medical records from a number of sources to try to
28 ascertain the numbers of individuals who suffered purposeful limb
29 amputation and I can say that it's quite difficult coming up with

1 a precise number, primarily because the number of those who have
2 lost a limb as a consequence of a purposeful amputation with a
3 knife or an axe are not disaggregated in the statistics between
4 those or from, rather, those who have lost a limb as a
11:57:03 5 consequence of a gunshot wound, of a laceration associated with a
6 rocket propelled grenade or indeed from a laceration associated
7 with a helicopter gun ship attack.

8 Also, as I've noted before, a good number of victims died
9 from their injuries or from tetanus if they weren't able to get a
11:57:28 10 tetanus shot quickly enough. But I would say, and it has been
11 noted by others who have done this type of research,
12 organisations helping handicapped and so on, that the number is
13 around 1,000 victims who suffered this atrocity. It could be
14 more, it could be less. Anyway, it's an horrific atrocity that
11:57:51 15 has left these individuals obviously scarred for the rest of
16 their life and that affected men, women and children.

17 With respect to the other violation that is addressed in
18 this clip, that is an issue which has received less attention and
19 which our report "We'll Kill You If You Cry" tried to assist in
11:58:16 20 elevating the profile and that is sexual abuse committed during
21 the context of Sierra Leone's armed conflict which was more of a
22 silent crime because of the nature of the crime but affected
23 thousands and thousands of Sierra Leonean girls and women of all
24 ages and was marked by similar brutality.

11:58:37 25 Q. Would you say then that the crimes - the atrocities that
26 are viewed in this clip are consistent with what you experienced
27 in your investigations?

28 A. Yes, I would.

29 MR BANGURA: Thank you. Your Honours, I have no further

1 questions for this witness. The witness is tendered.

2 PRESIDING JUDGE: Thank you, Mr Bangura. Mr Munyard, I
3 take it you're cross-examining the witness.

4 MR MUNYARD: Thank you, Madam President, I am.

11:59:48 5 CROSS-EXAMINATION BY MR MUNYARD:

6 Q. Ms Dufka, can I ask you first of all, please, about your
7 qualifications and the areas in which you claim expertise. You
8 have academic qualifications in the form of a bachelors degree
9 and a masters degree in social work. Is that right?

12:00:05 10 A. Yes, that is correct.

11 Q. And indeed you have worked as a social worker. Is that
12 right?

13 A. Yes, for some 11 years and in various different countries
14 and capacities, yes.

12:00:27 15 Q. Yes, we're going to look at those in just a moment. You
16 don't, as I understand it, have any qualifications in
17 anthropology. Is that correct?

18 A. Yes, as stated, my bachelors degree and masters degree are
19 in social work.

12:00:45 20 Q. Sorry, you said your doctor's degree?

21 A. My bachelors degree and masters degree, as noted in my CV,
22 are in social work, not in anthropology.

23 Q. You have no qualifications in sociology?

24 A. As I noted, my bachelors degree and my masters degree are
12:01:06 25 in social work, but of course part of that curriculum for both
26 the bachelors and to a lesser extent includes courses in
27 sociology, psychology, anthropology and a number of other fields.

28 Q. Yes, courses but not a complete degree?

29 A. Yes, as noted in my --

1 Q. We have noted what your degrees are in and I mean you no
2 disrespect at all when I say that. I'm simply wanting to
3 establish the limitations of your expertise. Do you understand?

4 A. Sorry.

12:01:45 5 Q. You have no qualifications in history?

6 A. As I've noted, my bachelors and masters are in social work.
7 I have done no further studies as I established in the
8 examination.

9 Q. Yes, forgive me, we do know what your bachelors and masters
12:02:05 10 are in and I repeat again all I'm trying to do is establish the
11 limits of your areas of expertise?

12 A. But when you ask me about my qualifications are you not
13 referring to a degree from a university?

14 Q. Well, I'm going to be referring to all manner of things,
12:02:23 15 but at the moment I'm concentrating on university degrees or
16 diplomas or matters of that sort?

17 A. Okay.

18 Q. In particular you have no qualifications in African
19 history?

12:02:41 20 A. I don't have a degree in African history, no.

21 Q. Or a diploma?

22 A. Yes, my bachelors and masters, as I've noted, is in social
23 work and social welfare.

24 Q. Right, yes, we know that. And in particular you have no
12:02:58 25 qualifications relating to West Africa?

26 A. No, but of course that doesn't preclude me from doing a
27 great deal of reading about the area of my interest and study
28 which I have done over the years.

29 Q. Ms Dufka, it doesn't disqualify anyone from doing a great

1 deal of reading and we'll come on to that in due course. I'm
2 taking it stage by stage, if I may?

3 A. Sure.

4 Q. Have you ever worked as a clinical psychologist?

12:03:32 5 A. No, I'm not a psychologist by training. However, I can say
6 that with a masters in social work some of the jobs that one does
7 are quite similar or bear some similarity to jobs that
8 psychologists will do, not in terms of educational or other types
9 of testing but in terms of counselling and indeed some of the
12:03:59 10 training is very similar.

11 Q. Well, how long did the masters in social work take you to
12 do? You received it in May of 1984.

13 A. Yes, it's a two year degree.

14 Q. Thank you. Can I ask you, please, to turn to the large
12:04:22 15 exhibit, the exhibit bundle, I'm afraid it's not before you at
16 the moment. I will refer you to the specific tab in a second.
17 It's tab 5. It's the report "Sowing Terror" issued by Human
18 Rights Watch in July of 1998 and I'm going to ask you to look
19 first of all at page 39 of that report and then at page 40.

12:05:24 20 JUDGE SEBUTINDE: That would be MFI-2, Mr Munyard.

21 THE WITNESS: Sorry, 39 and 40, you said?

22 MR MUNYARD: Yes.

23 THE WITNESS: Okay.

24 MR MUNYARD:

12:05:42 25 Q. Now if we look at the foot of page 39 we see the
26 acknowledgments section saying that the report was based on
27 findings from a mission to Sierra Leone in June of 1998 and was
28 written by Scott Campbell and Jane Lowicki, consultants to the
29 Africa division of Human Rights Watch. Does that mean that they

1 weren't employees of Human Rights Watch?

2 A. That's right.

3 Q. But they were taken on temporarily to do that particular
4 report?

12:06:15 5 A. Yes, that is a practice that is quite widely used by Human
6 Rights Watch so that we may more adequately cover what we
7 classify as human rights emergencies or indeed get areas of
8 particular specialisation and expertise.

9 I would like to add that those consultants go through
12:06:38 10 training in New York or Washington or one of Human Rights Watch's
11 major centres before they go out and they are chosen on a
12 competitive basis to ensure that they meet the requirements for
13 conducting research that Human Rights Watch holds and this - I'm
14 sorry.

12:07:00 15 Q. Go on?

16 A. This individual Scott Campbell who wrote this is at
17 present, as noted in my report to the OTP, now works for the
18 office of the High Commissioner for Human Rights I believe as the
19 head of the entire Africa division.

12:07:15 20 Q. Right, so he has oversight of all those working for the
21 UNHCR on African matters?

22 A. No, not UNHCR, the Office of the High Commissioner for
23 Human Rights, OHCHR.

24 Q. I missed out an H, I'm sorry?

12:07:37 25 A. That's okay, it sounds similar.

26 Q. Jane Lowicki, what can you tell us about her?

27 A. I actually don't know her and don't know anything about her
28 background. It's my understanding that the bulk of the research
29 and certainly the writing was done by Scott Campbell.

1 Q. And do you know how many people these two individuals
2 interviewed in order to produce that particular report?

3 A. I don't know the precise number, no.

4 Q. If you turn back for a moment to page 11 of the report,
12:08:12 5 halfway down the page under the large heading "Human Rights
6 Abuses Committed Against Civilians" we see in the first sentence
7 of the text: "Human Rights Watch took testimony from dozens of
8 survivors and witnesses of gross violations of human rights."
9 Yes?

12:08:29 10 A. Yes.

11 Q. Dozens is a very imprecise term. Is it the practice of
12 Human Rights Watch when preparing a report such as this to
13 document the precise number of individuals from whom they took
14 testimony?

12:08:42 15 A. Well, we take - we do different types of interviews,
16 interviews in individual interviews which tend to be much longer
17 and detailed, we also do interviews in groups, sometimes with,
18 you know, small groups from three to five, seven people. So we
19 don't - we wouldn't necessarily afford the same amount of, how
12:09:18 20 can we say, detail and information obtained in a group setting as
21 that obtained in an individual interview. It's hard to know - at
22 any rate to give a precise number of the amount of individuals
23 interviewed for this particular report. Again I wasn't involved
24 in it. I can be more or have more information about my own
12:09:44 25 reports.

26 Q. I'm coming on to your own reports in due course but I want
27 to know about Human Rights Watch practice generally and I don't
28 think, with respect, that you answered my question. Is it the
29 practice of Human Rights Watch when preparing a document such as

1 this to note down the precise number of individuals from whom
2 they took testimony is what I asked you?

3 A. Yeah, no.

4 Q. It isn't?

12:10:11 5 A. Not always.

6 Q. So we don't know what dozens mean. It could of course mean
7 24, it could mean 48, it could mean 96, couldn't it?

8 A. It could.

9 Q. And you are unable to tell us from this report how many
12:10:27 10 individuals were interviewed and how many groups of people were
11 interviewed?

12 A. Well, I suppose we could go back to the footnotes and try
13 to glean that, but, no, I'm unable to tell you precisely how
14 many.

12:10:42 15 Q. When it comes to taking testimony from groups of people
16 there is an inherent difficulty with that, isn't there, in that
17 one person hearing what another person in the group is saying may
18 be tempted to adapt or follow the allegations, the testimony if
19 you like, of people who've spoken first?

12:11:09 20 A. Yes, absolutely and that is one of the things that we
21 receive training on when - or I and others upon joining Human
22 Rights Watch receive training on. Group interviews are often
23 very good for obtaining leads. You get a number of people
24 talking in a group and they start coming up with various
12:11:28 25 difficult incidents and at times you can see and glean from that
26 the number of different villages in which abuses have taken
27 place. That's normally how I have used group interview because I
28 agree with you entirely that confidentiality is an issue, detail
29 is an issue and, as you noted, the whole notion of influencing

1 one victim to another is an absolute concern.

2 Q. Yes, Ms Dufka, I haven't mentioned confidentiality so far
3 so you're not agreeing with me on that. I think, however, you
4 take the point that there is an inherent danger of interviewing
12:12:10 5 groups of victims or indeed witnesses to any alleged criminal
6 offence because the dynamic of the group is likely to produce
7 false testimony. Would you agree?

8 A. Yes, and I avoid doing any group interviews in my own work,
9 although sometimes it's inevitable or, like I said, you can use
12:12:30 10 it for other purposes like I mentioned, in obtaining leads.

11 Q. And is there anywhere in this report "Sowing Terror", the
12 first report that Human Rights Watch did on Sierra Leone, that
13 indicates whether or not the testimonies referred to in the body
14 of the report arose out of group interviewing sessions?

12:12:50 15 A. I would doubt it. Your question was whether --

16 Q. Was there any indication in the report of that?

17 A. No. However, I would say that because confidentiality is
18 one of the guiding principles of our organisation that any
19 interview with a victim of sexual abuse according to our
12:13:15 20 established practice would have been done with the interviewer
21 and possibly with an interpreter.

22 Q. I understand that and I understand the reason for that.
23 While we're on this page 39 can I ask you about someone whose
24 name appears in the acknowledgements. It's the last name on that
12:13:46 25 page Binai fer Nowrojee, I hope I've pronounced her name
26 correctly?

27 A. Nowrojee, that's close enough.

28 Q. You pronounce it for me?

29 A. Nowrojee.

1 Q. Thank you. Counsel to the Africa division. That's the
2 Africa division of?

3 A. Of Human Rights Watch and Binai fer was also at that time
4 our Liberia researcher. She was indeed the person with whom I
12:14:09 5 conducted research for "Back to the Brink."

6 Q. She has been described as a human rights lawyer and scholar
7 with expertise on gender related crimes in situations of armed
8 conflict. Have you heard her described as that?

9 A. Yes, I believe that was a description that was used when
12:14:35 10 she gave expert testimony - not expert testimony, when she made a
11 submission the Truth and Reconciliation Commission in Sierra
12 Leone.

13 Q. In fact I'm quoting from a case before the International
14 Criminal Tribunal For Rwanda that was cited before this Court
12:14:51 15 yesterday, Prosecutor v Karemera and others when her purported
16 expert evidence was not accepted by the Court and this was the
17 way in which she was described. She has been a lecturer at
18 Harvard University since 1992, hasn't she?

19 A. Yes, she isn't now, but she was.

12:15:16 20 Q. [Overlapping speakers] don't know?

21 A. No, I do know and she isn't at present but she's a guest
22 lecturer probably now.

23 Q. And there she was teaching human rights advocacy and
24 supervising students engaged in human rights clinical projects,
12:15:34 25 yes?

26 A. Yes.

27 Q. And as you say she'd conducted human rights research in
28 Africa I think in Kenya, South Africa and Rwanda during the years
29 1993 to 1996?

1 A. Yes and Liberia.

2 Q. Thank you, yes. If we turn over the page on page 40,
3 almost at the end of the page, this page deals mainly with Human
4 Rights Watch and the Africa division in particular and it tells
5 us in the - it's really the final paragraph of the text before we
6 get to addresses at the bottom that the "Africa division was
7 established in 1998 to monitor and promote the observance of
8 internationally recognised human rights in sub-Saharan Africa"

9 and then it sets out the staff and on the staff we see the name
10 of Binai fer Nowrojee and also in the penultimate line of that
11 paragraph Alison DesForges is a consultant. Do you know Alison
12 DesForges?

13 A. Yes, but she's no longer a consultant, she's now full
14 staff.

15 Q. That's all right, I just want to know if you know her.

16 A. Yes.

17 Q. She has particular expertise in African history. She has
18 academic qualifications in African history, doesn't she?

19 A. Yes, she's a specialist in Rwanda.

20 Q. Well, she's a specialist in the region of the African Great
21 Lakes?

22 A. Yes.

23 Q. Which goes beyond Rwanda, doesn't it?

24 A. Yes, point taken.

25 Q. Including the recent history of human rights abuses, ethnic
26 violence, political instability and genocide in Rwanda. And she
27 has published and given evidence on matters pertaining to the
28 Great Lakes region and Rwanda in particular?

29 A. Yes, she has.

1 Q. And she was another of the proposed experts whose evidence
2 the trial chamber in the International Criminal Tribunal For
3 Rwanda rejected as unnecessary as we heard yesterday?

4 A. Well, she's testified on numerous occasions.

12:18:20 5 MR BANGURA: Your Honours, may I take an objection at this
6 stage. First of all I don't think the matters that my learned
7 friend is putting to the witness where so put before this Court
8 yesterday as far as I recollect. My learned friend did refer to
9 a case, handed out copies of a decision and that was it.

12:18:41 10 MR MUNYARD: I gave the Trial Chamber the opportunity to
11 read it in full and I have to say I observed all of the learned
12 judges reading it in full and I'm assuming therefore that the
13 Court noted all of these - these are two very small passages from
14 that judgment.

12:18:58 15 MR BANGURA: Your Honours, in the first place I do not
16 think it is a proper - it is proper for this Court to be
17 proceeding on such assumptions.

18 PRESIDING JUDGE: Mr Munyard, you appear to be more making
19 an observation than asking a question of the witness and I'm not
12:19:13 20 sure that the observation is appropriate when it's referring to
21 another court case.

22 MR MUNYARD: Your Honour, can I then direct my remarks or
23 my questions rather about these two individuals to the witness?

24 PRESIDING JUDGE: Yes. If there is a question of relevancy
12:19:31 25 it will be dealt with if and when it arises.

26 MR MUNYARD: Certainly.

27 Q. In the case of Ms Nowrojee she is a person who has
28 particular expertise in the area of - I'll say in very general
29 terms in the area of sexual offences. Would you agree with that?

1 A. That's one of her areas of expertise, yes.

2 Q. I'm not excluding any others, I'm just focusing on that.

3 And would you say that she has more experience in that area than
4 you do?

12:20:09 5 A. Yes, and she also has - I am not a lawyer so she has the
6 legal background that she can put to use in conducting that
7 research. In fact I've consulted with her on a number of
8 occasions with respect to my own research.

9 Q. Equally in the case of Ms DesForges, she is an African
12:20:33 10 historian, albeit specialising in a particular area of Africa in
11 the Great Lakes region, does she, as far as you know, have any
12 expertise in West Africa, on West African history?

13 A. No, not to the best of my knowledge.

14 Q. Very well. Now I'm still dealing with the questions of the
12:20:55 15 methodology of the report writing by Human Rights Watch. You've
16 mentioned confidentiality as one of the issues that the
17 researchers will be very concerned with. Confidentiality plays a
18 role in the way in which you draw up your reports, in particular
19 to disguise, in some cases completely, the identity of the
12:21:30 20 individuals who are being interviewed, doesn't it?

21 A. Yes and the reason that that is important to us is because
22 of the fear of reprisal from one or another armed groups were
23 these individuals to be known to be criticising and condemning
24 the acts by these - by the respective armed groups.

12:21:53 25 Q. The difficulty with that position is that in a court of law
26 of course it means that the accused has no way of knowing the
27 identity and therefore the reliability of their accuser, doesn't
28 it?

29 A. I could see that would be an issue and that would therefore

1 put the onus on me as the researcher to be able to speak to the
2 credibility of the information obtained in these interviews.

3 Q. But it doesn't remove the problem of the accused not
4 knowing who it is, and in particular instances whether they may
12:22:35 5 have an axe to grind, who is making the allegations that are
6 being used against him or her. That's right, isn't it?

7 A. Well, yes, but I don't think any of these save one
8 mentioned the accused in particular. They may speak about
9 Liberia and about Liberian forces. The issue of confidentiality
12:23:03 10 is key to Human Rights Watch and other international and national
11 human rights organisations being able to do their job and that
12 doesn't necessarily reflect upon the accuracy of that information
13 obtained.

14 Q. It may not reflect on the accuracy of part of the
12:23:20 15 information but it doesn't give you any idea as to whether or not
16 that individual has some motive or background reason for either
17 lying outright or exaggerating what has happened to him?

18 A. You're referring to the dynamic of bias which is something
19 that again we receive training in how to tease out, and certainly
12:23:48 20 the interviews that we do take that into consideration, certainly
21 of trying to identify whether one or the other witnesses that
22 we're interviewing has some kind of bias or hidden agenda in
23 talking to us.

24 Our interviews are aimed at and are designed to solicit a
12:24:11 25 great deal of detail and when possible we try to corroborate
26 incidents through the testimony taken from other witnesses as
27 well. But clearly the issue of bias is something that we're well
28 aware of and that we attempt to address with every interview. In
29 fact that's one of the first questions we ask when we're

1 interviewing a victim or witness is whether they could have some
2 kind of a bias or hidden agenda in talking to us.

3 Q. And if they do they're extremely unlikely to say yes,
4 aren't they?

12:24:44 5 A. But also it's important to keep in mind that they don't
6 come looking for us, we come looking for them. So I think that's
7 a key issue as well. These are people in hospital beds and often
8 people in - frightened refugees who have come over the border
9 that we find. Sometimes they're a bit reluctant to talk to us
10 for fear of reprisals and it is the issue of commitment of
11 confidentiality that helps them - ease them and helps them feel
12 free to talk to us.

13 Q. Yes, but the commitment of confidentiality can also act as
14 a spur to dishonesty, can't it, because the witness knows that
15 their true identity is never going to be revealed by you?

16 A. Yes, it's a concern that we're very, very well aware of.

17 Q. All right. Can I ask you please to look again at page 11
18 of the report that you didn't write that we're looking at?

19 A. I don't have it, sorry.

12:25:40 20 Q. Sorry, this is MFI-2?

21 JUDGE SEBUTINDE: It is MFI-2.

22 THE WITNESS: Yes.

23 MR MUNYARD:

24 Q. Now there's a footnote, in fact nearly half the page is
12:26:04 25 taken up with a footnote there and I just want to ask you to look
26 at footnote 1, the second sentence in footnote 1 that begins,
27 "Abdul Koroma." Do you see that?

28 "Abdul Koroma in 'Sierra Leone: The Agony of a Nation'
29 (Andromeda Publications 1996) reports that during one of their

1 first attacks in 1991 in eastern Kailahun district the RUF
2 decapitated civilian leaders and placed their heads on sticks."

3 Now have you ever read that particular publication by
4 Mr Koroma?

12:26:48 5 A. No, I have not.

6 Q. Have you ever read any other publication that casts doubt
7 on that particular allegation that it was the RUF in Kailahun who
8 decapitated people and put their heads on sticks?

9 A. Let me just read it, okay.

12:27:04 10 Q. Certainly.

11 A. I don't recall any of the publications that I've read on
12 the war in Sierra Leone speaking particularly to that incident.
13 They might have, but I don't recall it particularly.

14 Q. So if that turned out to be inaccurate that would be a flaw
12:27:36 15 in this report, wouldn't it?

16 A. Well, she's stating the source to it. She's not saying
17 that she was the one who obtained that information, right?

18 Q. I think she is he in this case, isn't it, Mr Scott
19 Campbell?

12:27:58 20 A. Yes.

21 Q. But you're just not in a position to say whether or not
22 this particular report is accurate, are you --

23 A. No, I didn't say that.

24 Q. -- because you didn't write it. No, I'm not suggesting you
12:28:13 25 did, I'm asking you a question. Do you follow? You're not able
26 to say whether or not this report is accurate?

27 A. As I've said earlier in my testimony that this report is
28 written by a consultant with well established credentials who is
29 someone who we as Human Rights Watch entrusted to embark on this

1 research mission and wrote this report. He followed the same
2 methods under lied by the same principles that all researchers at
3 Human Rights Watch follow and this report went through the same
4 rigorous vetting exercise that all of our reports go through. So

12:28:53 5 I think that's far - I therefore disagree with your statement.

6 Q. Well, let us just consider a little more, please, the role
7 of Human Rights Watch. Human Rights Watch is essentially an
8 advocacy organisation, isn't it?

9 A. It's a research and advocacy organisation. Research is the
12:29:12 10 method, advocacy is the --

11 Q. The aim?

12 A. Exactly. No, the aim is changing behaviour. Advocacy is
13 the vehicle that we use in order to achieve the aim.

14 Q. Very well. But it is essentially a campaigning
12:29:27 15 organisation to establish observance of human rights throughout
16 the world, isn't it?

17 A. I suppose broadly you could say that.

18 Q. Thank you.

19 A. But it's grounded - if I may say, it's a bit different than
12:29:40 20 Amnesty International which has a public component of campaigns.
21 Ours is much more focused on the component of in depth research.
22 That is the backbone of everything we do.

23 Q. Yes, but the object is the same, isn't it?

24 A. Sure.

12:29:55 25 Q. And the object is to campaign to change the world in order
26 to ensure that human rights are observed universally?

27 A. That's right.

28 Q. And I want to ask you now please a little bit more about
29 your involvement in Human Rights Watch, how you came to be

1 involved in Human Rights Watch. You were working, we know, for
2 some years as a social worker and then you left the United States
3 and you went to work in which country first of all?

12:30:44 4 A. El Salvador, but I'd worked in other Latin American
5 countries at intervals.

6 Q. And you were working there as a social worker initially, is
7 that correct, and then you became a photographer or did the two
8 overlap?

12:30:57 9 A. Yes, there was a brief interval between working as a social
10 worker with the Lutheran church where I worked with a local human
11 rights organisation in El Salvador, it was a brief one year
12 transition until I started working as a photojournalist.

13 Q. And so when did you become full time with Human Rights
14 Watch and for what reason?

12:31:21 15 A. You mean why did I want to join Human Rights Watch or why
16 did I want to stop being a photojournalist?

17 Q. No, why did you join Human Rights Watch?

18 A. First of all I joined Human Rights Watch in 1999 after I'd
19 been working as a photojournalist for some 11, 12 years. I
12:31:39 20 wanted to join Human Rights Watch. It was an organisation that I
21 hold a great deal of respect for and I was interested in working
22 for in promotion of human rights and the reasons why Human Rights
23 Watch exists in the first place which is to protect and promote
24 human rights.

12:32:08 25 Q. During your time working for Human Rights Watch you
26 eventually took a sabbatical, I suppose it was, in 2002 to 2003
27 to work for the Office of the Prosecutor in this tribunal?

28 A. That's correct.

29 Q. And the work that you did working for the Office of the

1 Prosecutor here included interviewing witnesses. That's correct,
2 isn't it?

3 A. That's right.

12:32:41

4 Q. Interviewing witnesses who were going to give evidence in
5 this case?

6 A. I can't say whether any of the witnesses that I interviewed
7 are giving evidence in that case. That's privileged information
8 which --

12:32:51

9 Q. Well, without naming any names or numbers we know that you
10 interviewed at least 18 of the witnesses who are listed to give
11 evidence in this case?

12 A. Okay, I didn't know that.

12:33:14

13 Q. And when you were interviewing those witnesses you were
14 doing so with a view to them being used as witnesses in
15 prosecutions by this tribunal, weren't you?

16 A. Yes.

17 Q. And you were playing an active role in gathering together
18 evidence which you knew was likely to be used in prosecutions?

19 A. That is correct. That's the role of an investigator.

12:33:28

20 Q. Yes, including the prosecution of this particular accused?

21 A. Yes. He had been indicted.

22 Q. And in taking up that particular position you knew that you
23 were aligning yourself with a particular party in any possible
24 prosecution of the accused, didn't you?

12:33:57

25 A. Well, the only party I was aligning myself is - if it could
26 be considered that, would be the pursuit of justice.

27 Q. Ms Dufka, you were working for the Prosecution?

28 A. You meant the party in the Court, okay.

29 Q. Yes. I'm sorry if I wasn't clear.

1 A. Yes, as I said and stated in my CV I was working for the
2 Office of the Prosecutor, that's right.

3 Q. And that made you one of the protagonists in the case,
4 didn't it, or part of one of the protagonists in the case?

12:34:31 5 A. How do you define protagonists?

6 Q. One of the parties, one of those on opposite sides?

7 A. Well, I wouldn't put it that way. I was working as an
8 investigator for the Office of the Prosecutor. We were compiling
9 evidence to be used in the various different cases. I worked in
10 compiling evidence for - probably for all of the cases in this
11 Court.

12 Q. And therefore you were compiling evidence to be used by one
13 side against the other or others. Would you agree with that?

14 A. Yes.

12:35:06 15 Q. And so can I go back to my earlier question. You were
16 working for - playing a part in one of the protagonists in this
17 case, weren't you?

18 A. Yes.

19 Q. Thank you. And the object of working for the Office of the
12:35:35 20 Prosecution is ensure the conviction of the accused, isn't it?

21 A. The conviction was not my business. I was compiling
22 evidence, I think that it is only the judges who address the
23 issue of conviction or innocence. I was compiling - in the
24 process of compiling evidence. How that evidence is used or was
12:35:55 25 used by the Prosecution was not something I was engaged in. I
26 was in the process of advising the Court on historical and other
27 matters of the Sierra Leone armed conflict and, in the process,
28 interviewing numerous witnesses as well.

29 Q. At the moment I'm concentrating on your work as an

1 employee, consultant or otherwise - as an employee of the Office
2 of the Prosecution between 2002 and 2003. I'm not referring at
3 this stage to your report that you've prepared for this
4 particular case?

12:36:30 5 A. I wasn't either.

6 Q. When you were working for the Office of the Prosecutor you
7 know perfectly well that the purpose of the Office of the
8 Prosecutor was to secure convictions before this Court, don't
9 you?

12:36:42 10 A. Yes.

11 Q. And therefore in collecting - in interviewing witnesses you
12 were playing an active and an important part in attempting to
13 secure the conviction of those accused who came before this
14 Court. That's right, isn't it?

12:36:59 15 A. Well, not necessarily this Court. Like I said, I worked in
16 collecting evidence for the trial of others who have stand
17 accused and some who have been since convicted.

18 Q. Ms Dufka, we know that you interviewed at least 18 of the
19 witnesses being used in this particular trial?

12:37:20 20 A. Okay. Like I said, I didn't know that. So that's
21 information to me.

22 Q. But you knew --

23 MR BANGURA: Your Honours, may I object at this stage. I
24 believe counsel has put this question to the witness, perhaps
12:37:32 25 this may be the third or fourth time and there has to be
26 finality. The witness has said that she does not disagree that
27 she interviewed a certain number of witnesses as put to her by
28 counsel, but she would not at that stage have known for which
29 particular trial of the several trials that this tribunal has

1 been conducting. I think there has to be finality, your Honours,
2 to the point.

3 MR MUNYARD: Well, I'm getting different answers each time
4 I put the question. The question is actually about the purpose
12:38:06 5 of her role in the Office of the Prosecutor and what the object
6 of the Office of the Prosecutor was and the witness has already
7 given me different answers to the question as I've rephrased it
8 and it's important that I'm allowed to pursue this. This goes to
9 the very heart of her partiality or impartiality as now being put
12:38:29 10 forward as an expert before this Court.

11 PRESIDING JUDGE: There have indeed been different answers,
12 I have noted them myself, Mr Bangura, and counsel is entitled to
13 clarify those answers. However, counsel is also aware of his
14 limitations.

12:38:45 15 MR MUNYARD: Yes, thank you, Madam President. I am indeed.
16 I don't want to labour a point on which I'm getting the same
17 answer. It's only because of the variation in the answer that
18 I'm pursuing it.

19 Q. I'm going to ask you one last time, please, Ms Dufka, you
12:39:00 20 knew perfectly well that the object of the Office of the
21 Prosecutor in the Special Court for Sierra Leone was to secure
22 the conviction of persons before the Court, didn't you?

23 A. Sure, yes.

24 Q. You were one of the people who campaigned for a Special
12:39:20 25 Court to be set up, weren't you?

26 A. Human Rights Watch and myself, yes.

27 Q. Yes, you yourself are on record, on public record, urging
28 the creation of this Court, aren't you?

29 A. Yes.

1 Q. And the purpose of your urging the creation of this Court
2 was to secure the conviction of persons who you personally, and
3 Human Rights Watch as an organisation, believed to be responsible
4 for human rights violations in Sierra Leone?

12:39:53 5 A. Yes, for them to be held accountable. We're also on record
6 of course for insisting upon those who are deemed most
7 responsible having a fair trial in accordance with fair trial
8 standards, but yes.

9 Q. Yes, but I'm concentrating also on the Office of the
12:40:14 10 Prosecutor. The purpose of the Office of the Prosecutor is to
11 secure convictions, isn't it?

12 A. Yes.

13 Q. And I think you eventually agreed with me that in your role
14 as a witness interviewer for the Office of the Prosecutor you
12:40:32 15 were playing an important part in the process of securing
16 convictions by this Court. I think you agreed me with earlier on
17 that. Do you accept that?

18 A. I wouldn't say I played any more of an important part than
19 anyone else. I played a part in performing my duties as an
12:40:51 20 investigator with the Office of the Prosecutor, yes.

21 Q. You are also on record, aren't you, as describing this
22 particular accused as being at the epicentre of violence in West
23 Africa, in the region?

24 A. I don't recall that, but I may have said that.

12:41:12 25 Q. Does it sound familiar to you?

26 A. Vaguely.

27 Q. Yes. You're on record also, are you not, of saying that
28 other African leaders with blood on their hands may have reason
29 to be concerned about the indictment of this particular accused?

1 A. Yes, I recall saying something like that.

2 Q. So in your view this particular accused had blood on his
3 hands?

4 A. Is that the question, sorry?

12:41:47 5 Q. Yes.

6 A. In our view - we have been consistent in all of our
7 background sections and in numerous interviews I and others have
8 given about West Africa - we have been consistent in noting the
9 implication of the accused in serious violations of international

12:42:08 10 humanit arian and human rights law. That information comes from
11 background reading and other reports from the United Nations,
12 from the panel of experts, from numerous other sources that are
13 well known by now to this Courtroom and are well known, or I

14 would imagine, and are well known that I have read, that others
12:42:35 15 have read, of his involvement in fomenting and supporting rebels
16 from not only Sierra Leone but also for cross-border raids into
17 Guinea and also through two rebel groups into Cote d'Ivoire, into
18 Ivory Coast. So I do not apologise and do not hide the opinion
19 that this individual has a case to answer.

12:43:04 20 Q. Your view, if you're being completely honest with this
21 Court, is that this accused is guilty of human rights violations
22 and war crimes, isn't it?

23 A. No, it is not.

24 Q. Are you seriously saying to this Court that that is not
12:43:20 25 your settled view?

26 A. What I have said is that this individual has a case to
27 answer, not I alone. The fact that there is an 11 count, I
28 believe, indictment by the UN backed Special Court for Sierra
29 Leone, the fact that we're all here today indicates that there is

1 sufficient information and evidence against this individual to
2 suggest that he has a case to answer for very serious - for the
3 most serious crimes committed.

4 So I am saying that he has a case to answer and that he
12:43:56 5 should see, as he is, his day in court so that justice for
6 victims be done. I don't think that is saying that he is guilty.
7 We're saying that he deserves his day in court, that he has been
8 implicated in serious abuses and that he should be held
9 accountable for those abuses if indeed he is found by the judges
12:44:18 10 to be guilty.

11 Q. But you think he is guilty, don't you?

12 A. My opinion is not relevant in this case.

13 Q. It is because it goes to the question of your impartiality
14 as a proposed expert witness. Please answer the question?

12:44:32 15 A. I don't see why I should answer that question.

16 MR BANGURA: Your Honours, I am constrained to stand up
17 again and object. My learned friend is - the question of whether
18 or not the accused is guilty is a legal issue for this Bench to
19 decide at the end of the day.

12:44:51 20 PRESIDING JUDGE: I must disagree on that interpretation of
21 the question, Mr Bangura. This question goes to the impartiality
22 of the witness and I consider that counsel is entitled to ask it
23 and therefore the question is to be answered.

24 THE WITNESS: I feel that this individual has a serious
12:45:12 25 case to answer before this Court, that he is implicated in
26 serious crimes. I am very uncomfortable pronouncing the guilt or
27 innocence of this person. I can have a personal opinion about
28 this, I don't feel like --

29 MR MUNYARD:

1 Q. The fact, Ms Dufka, that you have a personal opinion does
2 go to the question of your impartiality, as does the fact that
3 you have worked with the very body that has been seeking his
4 conviction?

12:45:48 5 A. Well, when we speak of the case or the issue of
6 impartiality I think that my work, the trajectory of my work, has
7 shown that we do not only report on abuses on one side. I mean I
8 think that's one of the points that the - that I have tried to
9 make repeatedly and in my report a good portion of it addresses
12:46:10 10 abuses committed by opposing warring factions.

11 Q. That is not the point of my question. My question isn't
12 directed to who did what, it's directed to your view of this
13 particular accused in the light of all the reports that you have
14 produced, the press notices you've put out, the comments you've
12:46:28 15 made to the world's press and the fact that you worked for a
16 whole year with the organisation that is seeking his conviction
17 demonstrates, does it not, that you already concluded that he was
18 guilty. Yes or no?

19 A. What is the difference between being implicated in crimes
12:46:48 20 and being guilty?

21 Q. I'm not here to answer questions, I'm here to ask them. I
22 will ask you for the last time, yes or no?

23 A. I feel that Mr Taylor has a case to answer and that he is
24 implicated in serious crimes.

12:47:03 25 Q. Implicated means has committed, doesn't it?

26 A. So you have defined it, yes.

27 Q. Thank you. In one of your reports you refer to the sources
28 from whom you gather your information as including the
29 intelligence services. Do you agree?

1 A. Yes.

2 Q. Which intelligence services have you obtained information
3 from --

4 A. Well, what I meant --

12:47:35 5 Q. -- in preparing your reports?

6 A. What I meant by that is intelligence branches of various
7 different armed factions - I wouldn't call it a faction, various
8 different armies and bodies, and all of them, as you know, have
9 an intelligence unit designed to do that, obtain, you know,
10 deeper information and intelligence about the events in question.
11 So those are the types of reports that I've obtained.

12 Q. Ms Dufka, we all know what intelligence services means in
13 this day and age. Which other intelligence services have you got
14 information from apart from those involved in the armed factions
12:48:17 15 in this particular conflict?

16 A. You had asked me to define it and that's what I did. I
17 haven't obtained information from any other intelligence service
18 besides those that are associated with the various different
19 armies that have been fighting. Perhaps I could have been more
12:48:32 20 specific on that within my report.

21 Q. Have you ever worked for any intelligence service of any
22 country directly or indirectly?

23 A. No.

24 Q. Now I want to turn, please, to the specifics of the reports
12:49:05 25 and the various documents that you have put before this Court.
26 Madam President, if you'll give me just a moment to re-organise
27 myself here.

28 Yes, I want to ask you first of all, please, about a matter
29 that you touched on in your evidence which is that when Human

1 Rights Watch puts out reports or press notices about a particular
2 country it is your practice to contact the governments concerned
3 and to also contact the diplomatic missions of the governments
4 concerned?

12:50:02 5 A. I don't think I used the word contact. I said to ensure
6 that the report reaches them. So that's a contact, not a
7 personal contact as in having a meeting, but it's --

8 Q. No, I don't think we're at odds here.

9 A. Okay, fine.

12:50:19 10 Q. You notify may be the more appropriate expression to use
11 that you were at pains to tell the tribunal yesterday that you
12 always - Human Rights Watch always sends out its report to the
13 diplomatic missions of the countries involved as well as
14 attempting to notify those governments directly?

12:50:39 15 A. Yes and you'll recall I explained that that is not
16 something that I was in a position to do from Sierra Leone, but
17 that would have been done and is typically done from our New York
18 and Washington offices.

19 Q. Can you show us in the report that you've done for this
12:50:57 20 Court, MFI-1 I think, where you mention the contacting of the
21 diplomatic missions?

22 A. Yes, page 10, I believe. It's noted two times; page 10
23 generally and then with respect to Liberia towards to end.

24 Q. Yes, sorry, where on page 10?

12:52:07 25 A. Page 10 in distribution.

26 Q. Read it out?

27 A. Distribution of HRW reports?

28 Q. Yes.

29 A. Yes.

1 Q. Could you just read out where you mention contacting the
2 diplomatic missions?

3 A. You want me to read from my own report?

12:52:25

4 Q. No, I want you to identify where on page 10 you refer to
5 the reports being sent to diplomatic missions?

6 A. The second paragraph.

7 Q. Yes?

12:52:37

8 A. "We routinely distribute our publications to journalists,
9 individual governments, regional and government bodies and so
10 on."

11 Q. No mention there of diplomatic missions, is there?

12:52:48

12 A. Well, individual government, I would assume that a
13 diplomatic mission is part of an individual government so
14 therefore it's included. For the purposes of brevity I didn't
15 want to go into so much detail in this report.

16 Q. With great respect to you, you went into a great deal of
17 detail about this particular issue yesterday. You don't mention
18 it at all in your report, do you?

12:53:03

19 A. Well, as I've just clarified, when we say individual
20 governments it implies diplomatic missions. I didn't think that
21 would have - had we included all of that we could have gone into
22 - for the United Nations, for example, we could have said UNHCR,
23 OHCHR, WHO, the UN secretariat and so on. So we summarise by
24 saying United Nations. Similarly with respect to individual
25 governments that is what is implied.

12:53:26

26 Q. Have a look at page 21, please, "Distribution of Human
27 Rights Watch Reports to Charles Taylor." You make it plain on
28 pages 21 and 22 that you were not able to send your reports or
29 publications about human rights conditions in Sierra Leone and

1 Liberia to Mr Taylor when he was president?

12:54:07 2 A. I don't see the contradiction there because the heading is
3 "Distribution of Human Rights Reports to Charles Taylor." We're
4 not addressing the issue of the diplomatic missions, I think
5 that's where you're going, isn't it?

6 Q. I'm going to ask you another question. If you look over
7 the page on page 22 you mention three reasons why you didn't send
8 the reports directly to President Taylor in Liberia. The
9 national postal system, the lack of fax and indeed telephone
12:54:25 10 calls and no email contact. Then you say, "However we believe
11 that because we received wide media coverage of our reports in
12 Liberia and internationally" - in other words wide media coverage
13 internationally and in Liberia, "President Charles Taylor was put
14 on constructive notice of the contents of our reports."

12:54:52 15 Now you don't say there when you're dealing specifically
16 with how Mr Taylor will have heard of your reports, you don't
17 mention for one moment, do you, that you sent your reports to his
18 diplomatic missions in the United States, the United Kingdom or
19 the United Nations headquarters at New York, do you?

12:55:09 20 A. Yes, that is an omission. You're right.

21 Q. Well, it's a rather major omission, isn't it?

22 A. Well, seeing as that we included it earlier in the report -
23 but you're right, it would have been a more accurate description
24 of our distribution process and the effort we made had we
12:55:27 25 included it here.

26 Q. You didn't include it earlier in your report. There is no
27 mention on page 10 of diplomatic missions being a vehicle for
28 notification to governments. We've already established that. I
29 don't want to go back over it?

1 A. I have said that that is the general practice and I also
2 said during my testimony earlier that I could not say with
3 certainty that we sent or that those reports were sent. I'm
4 saying it is the practice and it was then and it is now to send
12:55:53 5 those reports to diplomatic missions and UN missions.

6 Q. And yet you choose in this particular paragraph (g) on page
7 22 to say that you believed it was because of wide media coverage
8 in Liberia and internationally, not because of the widespread
9 distribution of your reports to Liberia's diplomatic missions,
12:56:17 10 that Mr Taylor is supposed to be on, and I would suggest this is
11 the ultimate issue for the Court to decide - is supposed to be on
12 constructive notice of the abuses being carried out in the name
13 of his government in Sierra Leone?

14 A. As I've noted, that is an omission in my report. I should
12:56:39 15 have included noting that we sent the report, or as per our usual
16 practice it would have been sent to diplomatic missions and that
17 that would have contributed to notice - constructive notice of
18 our reports being given.

19 Q. Now I've already asked you about the first report that
12:57:11 20 Human Rights Watch did, MFI-2, and I want to ask you please about
21 your work on the second report of Human Rights Watch and if
22 you'll bear with me for just a moment, this is tab 2 your
23 Honours, this is the report "Getting Away With Murder, Mutilation
24 and Rape" that you were involved in producing, in fact you
12:58:00 25 produced and researched?

26 A. And wrote, yes.

27 PRESIDING JUDGE: I think that's MFI-7.

28 MR MUNYARD: I'm sorry, I'm slightly out of order. Yes, I
29 think in fact it came into testimony quite a long time before it

1 got an MFI number, that's why it's such a high one. Now I don't
2 know if the Court bundle is paginated. I suspect it might be.
3 In this report it might be handwritten pagination at the top of
4 the page. My isn't, so I hope we can work this out together.

12:58:43 5 PRESIDING JUDGE: We do not have page numbers from the
6 Court. I do notice that there are some page numbers at the
7 bottom.

8 MR MUNYARD: One of and then it gives the total number.

9 PRESIDING JUDGE: Yes, but there's at least three
10 sequences.

11 MR MUNYARD: Very well. Well, we're all working from the
12 same numbering.

13 Q. Can I direct you to page 1 or 7. Before we start I think
14 you told us yesterday that this report came out in June of 1999.

12:59:24 15 If we look at the top of it on the very first page, the cover
16 page, it says July 1999, but that is the report we're talking
17 about, isn't it?

18 A. Yes, it is. The internet version for some reason has July
19 but it actually came out in June.

12:59:39 20 Q. The third page of the report, 1 of 7, bottom right-hand
21 corner. Part of your training at Human Rights Watch of course is
22 into questions of the laws of war, humanitarian law and so on?

23 A. Yes.

24 Q. And when we look at the first paragraph of the summary here
13:00:10 25 we can see in the second sentence there's a reference there to
26 the battle of Freetown - "The battle for Freetown and the ensuing
27 three week rebel occupation of the capital was characterised by
28 the systematic and widespread perpetration of all classes of
29 atrocities against the civilian population."

1 Where do you get the expression systematic and widespread
2 from?

3 A. Well, they're legal definitions.

4 Q. Exactly.

13:00:37 5 A. Systematic could be widely described as that suggesting a
6 plan or pattern and widespread I understand to mean numerous
7 attacks perpetrated within days or weeks of each other within a
8 relatively - you know, within the area of control of that armed
9 group.

13:01:03 10 Again, like I mentioned, I am not a lawyer and the draft
11 that I wrote is - and indeed my findings were discussed and then
12 reviewed with the legal and policy division of Human Rights Watch
13 to ensure that my characterisations are accurate with respect to
14 legal characterisations.

13:01:22 15 Q. But the use of that particular phraseology there is
16 intended to direct readers of this report to the issue of
17 international criminal offences, isn't it?

18 A. Well, it could also just be - well, not necessarily, yeah.

19 Q. [Overlapping speakers] specific. That is one of the
13:01:42 20 purposes of putting in that phraseology, isn't it?

21 A. Well, it has become a way of describing the occurrence -
22 the rate of occurrence and the process that underlies them in
23 human rights reporting.

24 Q. Now I want to ask you please to turn to page 4 of 7. I
13:02:21 25 think this is the first time that you mention - it's in the third
26 paragraph down - that you mention receiving hearsay evidence from
27 victims that some of their assailants were from Liberia. Now you
28 told this Court that you were told by some of those that you
29 interviewed that their assailants had Liberian accents?

1 A. Yes, I said that nine of those that I interviewed described
2 the presence of one or more individuals whom they believed to be
3 Liberian by virtue of the fact that they identified themselves as
4 being Liberian.

13:03:14 5 Q. I'm asking you about accents only at the moment?

6 A. Accents, yes, sorry.

7 Q. When you refer to nine are you talking about this
8 particular report or later report?

9 A. Just this report.

13:03:18 10 Q. How familiar are you with the accents of people who live
11 either side of but close to the border between Sierra Leone and
12 Liberia?

13 A. Yes, I'm aware that people who live on the border do speak
14 with an accent that is very similar to Liberian accent.

13:03:41 15 Q. Yes, so the fact that one of the victims you're
16 interviewing says that they believe their assailant was Liberian
17 because of their accent is by no means conclusive that the
18 assailant was Liberian, is it?

19 A. Yes, I think I noted that even in my testimony.

13:03:59 20 JUDGE SEBUTINDE: Mr Munyard, I don't know if that is yes
21 it is an indication, or no it isn't.

22 MR MUNYARD: Your Honour, I took it as a, yes, that is
23 because the witness appeared overall to be agreeing with me, but
24 I'll clarify it.

13:04:16 25 THE WITNESS: I'll try be more precise, sorry.

26 MR MUNYARD:

27 Q. I think you're agreeing with me, is that right, Ms Dufka?

28 A. Yes, sorry.

29 Q. Thank you. Now I want you to turn please to a later

1 section of the report. It's numbered 1, 2, 3 and 4 of 4 and I
2 would estimate that it's about 12 or 13 pages in.

3 A. The background section, is it?

4 Q. Yes, it is. It's the background section, thank you.

13:05:06 5 A. Okay.

6 MR BANGURA: Can we have the numbering again, please.

7 MR MUNYARD: It's 3 of 4 in background and the first words
8 on the page at the top are, "Had negligible forces of its own,
9 relied on ECOMOG to stay in power." This is the reference to the
10 Kabbah government.

13:05:22

11 Q. Do you see that? Can I just confirm that everybody has the
12 correct page?

13 A. Okay.

14 Q. I'm going to ask you about the first full paragraph there,
15 please?

13:05:43

16 A. Okay.

17 Q. Four lines down in the first full paragraph you say:

18 "The 1992 to 1996 military regime, Captain Strasser's
19 National Provisional Ruling Council, contracted the South African
20 based private security firm Executive Outcomes in 1995 to protect
21 the major diamond mining areas and they remained in Sierra Leone
22 until President Kabbah terminated their contract in 1996 as a
23 condition of the 1996 Abidjan Peace Accord."

13:05:59

24 Now Executive Outcomes described by you as a private
25 security firm, you've also told this Court that you did a report
26 on the phenomenon of mercenary activity. Executive Outcomes is a
27 mercenary organisation, isn't?

13:06:23

28 A. Yes, it is.

29 Q. And it was also involved in human rights abuses within

1 Sierra Leone, was it not?

2 A. In some, yes.

3 Q. What sort of human rights abuses?

13:06:58

4 A. We actually documented very few human rights abuses by the
5 members of Executive Outcomes, but that is primarily because when
6 they were active Human Rights Watch had not yet started
7 conducting research in Sierra Leone. I heard hearsay reports of
8 some things, summary executions of rebel combatants. I heard
9 hearsay --

13:07:18

10 Q. All your reports are hearsay reports, aren't they?

11 A. No.

12 Q. Yes. If you're hearing them from somebody else and giving
13 them to this Court they're all hearsay?

13:07:34

14 A. Well, hearsay is as defined as a rumour as opposed to a
15 first-hand detailed report.

16 Q. No, it's not, Ms Dufka, with respect. We'll avoid
17 definitions at the moment and carry on, but I suggest that you're
18 quite wrong on hearsay. Can we go back to Executive Outcomes?

13:07:53

19 A. Yes, as I was saying, hearsay evidence, that is a rumour of
20 a third, fourth, fifth, sixth party, as opposed to a first-hand
21 account, a first-hand detailed witness account of an atrocity, I
22 see that as being very different.

23 Q. Well, we as lawyers don't, with respect to you?

24 A. I find that hard to believe, but anyway.

13:08:09

25 MR BANGURA: Counsel is being argumentative with the
26 witness.

27 PRESIDING JUDGE: Yes, let's not keep this argument going.
28 There's a legal definition of hearsay and perhaps in the
29 circumstances, Ms Dufka, it would be best if you could try and

1 avoid the use of the word.

2 MR BANGURA: May I make the point that the witness is
3 testifying within the context of her knowledge of the
4 [overlapping speakers].

13:08:32 5 PRESIDING JUDGE: Yes, we're not disputing that,
6 Mr Bangura, we're just quarrelling over the interpretation of a
7 word.

8 THE WITNESS: Okay, so I'll go back to answering the
9 question about the abuses that we had knowledge of with respect
13:08:46 10 to Executive Outcomes. Like I said, we did no focused research
11 on Executive Outcomes. The majority of their engagement with
12 Sierra Leone was prior to our beginning work there. So we don't
13 have any actually detailed accounts of abuses by Executive
14 Outcomes. We have heard rumours of a number of accounts
13:09:16 15 including execution of rebel combatants as well as, in one case,
16 throwing people out of a helicopter. Again we have no factual
17 basis to base that on.

18 MR MUNYARD:

19 Q. And can you just help us with this: We saw in one of the
13:09:37 20 video clips this morning a reference to a man called Neil Ellis,
21 I think his name was?

22 A. Yes.

23 Q. Was he involved with Executive Outcomes?

24 A. Yes, he was originally involved with Executive Outcomes but
13:09:48 25 later he was contracted by the Sierra Leonean government to fly
26 their Mi-24 helicopter gun ship.

27 Q. What can you tell the Court about his involvement with
28 Executive Outcomes? Was he a director of the company?

29 A. I don't know.

1 Q. Was he - did he hold a senior position with the company?

2 A. I don't know. He's a pilot and he was - that's all I know.

3 I don't know what level of authority he had within the operations
4 of Executive Outcomes.

13:10:20 5 Q. You go on to say that - you mention further on in this
6 paragraph that after Captain Strasser the leadership of the
7 government of Sierra Leone changed, you make reference to it, and
8 Brigadier Bio became head of government. Have you heard of the
9 STF, the Special Task Force, employed by the government of Sierra
13:10:55 10 Leone, I can't say whether it was under Strasser or Bio, but
11 during the time of the National Provisional Ruling Council?

12 A. Yes.

13 Q. And the Special Task Force was a group of something in the
14 region of 3 or 4,000 Liberian fighters employed by the government
13:11:20 15 of Sierra Leone in effect as a mercenary force or a special
16 combat unit fighting against the RUF, weren't they?

17 A. Yes. Not only fighting against the RUF, that was a bit of
18 a symbiotic relationship.

19 Q. I'm sorry, but you've lost me with the word symbiotic?

13:11:45 20 A. Okay, I was just about to explain if I may. As far as I
21 understand the STF were comprised primarily by members of ULIMO -
22 well, they weren't ULIMO yet, they were members of the Khran
23 ethnic group, many of whom had been part of the armed forces of
24 Liberia who had fled Liberia after the killing of then President
13:12:11 25 Samuel Doe. They'd gone into Sierra Leone and from there were
26 allowed to stay by the government of Momoh, I believe, if I'm not
27 mistaken. From there they performed two functions which is where
28 the symbiosis comes in. They allied themselves with the Sierra
29 Leonean army to assist in their fight against the RUF and then

1 Sierra Leone gave them - allowed them to use Sierra Leone as a
2 staging area to launch attacks into Liberia.

13:12:58 3 Q. So they were a combination, in other words, of a mercenary
4 group used by the government of Sierra Leone and yet another
5 opposition group later on to President Taylor?

6 A. Yes. Yes, I've interviewed a number of individuals who
7 were part of that group.

8 Q. And what human rights abuses by the STF, the Special Task
9 Force, have you documented?

13:13:20 10 A. Well, I didn't - that was before my engagement, like I
11 said, but in the course of my research on the phenomena of
12 regional warriors I interviewed a good number of individuals who
13 were both with the Sierra Leonean army and had knowledge of STF
14 abuses as well as from the STF. They were involved in looting,
13:13:43 15 they were involved in some killings, cases of rape. Again those
16 were - that was second-hand information from the former
17 combatants that I was interviewing. We haven't done any targeted
18 research specifically on that period, though. And they then used
19 Sierra Leone as a staging ground to go - to launch attacks into
13:14:05 20 Liberia which is part of an ongoing pattern in West Africa as
21 I've said.

22 Q. But in fact the report you did on to mercenaries and your
23 predecessor's report in 1998 both purport to go back over ground
24 much earlier than 1998 onwards, don't they?

13:14:27 25 A. Well, mine does but with a particular focus and my
26 colleagues' from 1998 includes background information, both
27 immediate background to the events which preceded the offensives
28 in 1998 as well as general background on the armed conflict in
29 Sierra Leone.

1 Q. And as far as you're aware how long did the STF remain as
2 an active force operating out of Sierra Leone?

3 A. Let me consult with my report, if I may? I have a brief
4 characterisation of them in "Youth, Poverty and Blood." I'm
13:15:43 5 happy to read that if that would help clarify their involvement.

6 Q. If you would just direct us to the page in that. It's
7 behind tab 23 and it has an MFI number.

8 A. There's an annex to "Youth, Poverty and Blood" which
9 details the various different types of involvement by state and
13:16:02 10 non-state actors in supporting armed groups across border. I
11 could refer you to that if I could get that report.

12 JUDGE SEBUTINDE: This is MFI-6.

13 THE WITNESS: It was around 1991 until when - probably
14 1995, I think. Something like that. I don't have the exact
13:16:29 15 dates.

16 MR MUNYARD:

17 Q. Sorry, what was around 91 to 95?

18 A. I think STF - the Khran - elements of the Khran military
19 started coming over in probably the early 90s. Let's take a
13:16:42 20 look.

21 Q. But the STF was a specific unit, wasn't it?

22 A. The Special Task Force, yes, and then they later went to
23 Liberia.

24 Q. They became LURD in effect, didn't they?

13:16:52 25 A. Yes, elements of them.

26 Q. Could you just tell us where in your report MFI-6 we see
27 reference to them?

28 A. I don't refer to the Special Task Forces, I refer to them
29 as the Special Forces. Let's see here.

1 Q. And why do you refer to them as the Special Forces if their
2 name was Special Task Force?

3 A. Hold on just one moment, please.

4 JUDGE SEBUTINDE: Mr Munyard, could you let the witness
13:17:24 5 answer one question at a time. Right now you've asked her to
6 refer us to a portion, if she could do that and then we can
7 continue from there.

8 MR MUNYARD: Certainly, your Honour.

9 THE WITNESS: Okay, on page 73 of the annex of my report
13:17:40 10 "Youth, Poverty and Blood" I talk about the role that Sierra
11 Leone government played in allowing Sierra Leonean territory to
12 be used to support a group that launched war against another
13 country. So I'll just read it to clarify:

14 "Sierra Leone government used Liberian ULIMO rebels to
13:18:02 15 fight the Sierra Leone government's battle with the RUF. In
16 exchange for its assistance ULIMO used Sierra Leone as a back
17 base for its war against the NPFL and on several occasions were
18 joined by Sierra Leone Army soldiers (SLA) who accompanied them
19 on military operations into Liberia."

13:18:20 20 Now those elements were part of the elements of the Special
21 Task Force. Although they were - you know, the names are quite
22 fluid because they weren't - when they first came over these
23 individuals weren't calling themselves ULIMO, they were former
24 members of the armed forces of Liberia.

13:18:42 25 Now when they became Special Task Force - I'm not clear on
26 that actually, which year. I can say I am also aware that
27 members of the STF, some of them formed - later formed part of
28 the Kamajor militias. They went into Monrovia in 1997 after the
29 AFRC coup and from there they received training --

1 MR MUNYARD:

2 Q. I think you meant Freetown rather than Monrovia?

3 A. No, they went to Monrovia.

4 Q. I see. [Overlapping speakers]?

13:19:13 5 A. That's another aspect of history. They went to Monrovia in
6 1997 and they started training there at a place called the Ricks
7 Institute and then from there helped, together with ECOMOG,
8 retake political power from the AFRC/RUF.

9 Q. But will you just confirm for me that you don't actually
13:19:32 10 refer to the Special Task Force in any of your reports?

11 A. No.

12 Q. And is that because you weren't aware of the existence of a
13 specific group called the Special Task Force led by a particular
14 brigadier general?

13:19:51 15 A. I was aware of them. I they think that's general -
16 Brigadier General Bropleh.

17 Q. Yes, David Bropleh, yes?

18 A. I have met with that individual as well. Many elements of
19 the STF, like you mentioned, did form the backbone of the LURD as
13:20:11 20 well as elements of the Kamajor militias.

21 Q. That's all I want to ask you about your 1999 report. Can I
22 ask you, please, about your report "We'll Kill You If You Cry"
23 issued in January 2003 and I have it somewhere but not to hand,
24 the MFI number - I'm sure Justice Sebutinde will be able to help
13:21:11 25 me with that.

26 JUDGE LUSSICK: It's MFI-10.

27 MR MUNYARD: I'm grateful.

28 Q. If we go to the end of this report, page 75, this report
29 was written by Louise Taylor, another consultant for Human Rights

1 Watch, on the basis of interviews conducted in Sierra Leone from
2 February to June 2002. It is also based on testimonies collected
3 by you from 1999 to June 2002 and a third person Ellen Vermeulen,
4 a consultant, from February 2000 to April 2001. Are you able to
13:22:31 5 identify which parts of this report rely on material collected by
6 you?

7 A. I would probably be able to recognise the testimonies that
8 I have taken, yes, but I can't say with certainty because I took
9 a great number of testimonies, but usually I can remember which
13:22:58 10 ones I took from the details.

11 Q. I know we're coming up to the lunch adjournment in a few
12 minutes and I'm not going to ask you to go through the report now
13 but I'd be grateful if over the lunch adjournment you could look
14 at it and assist us with the proportion of it that relies on your
13:23:17 15 specific interviews?

16 A. Sure.

17 Q. Louise Taylor was a consultant to Human Rights Watch. What
18 is her - in very short terms what's her background of
19 qualifications?

13:23:32 20 A. She has a masters in international law and she had worked
21 for many years as - with aid agencies and with the United Nations
22 I believe, UNHCR, commissioners for refugees and with a number of
23 different human rights and women's organisations. I can't give
24 you details about her background though, sorry.

13:24:01 25 Q. I wanted in general terms. Do you know if she's ever
26 worked for the Office of the Prosecutor in this Court?

27 A. Yes, she has. She has worked for the Office of the
28 Prosecutor.

29 Q. In what role?

1 A. She worked as an investigator and she specialised in gender
2 issues.

3 Q. She was interviewing potential witnesses, like you. Is
4 that right?

13:24:22 5 A. She was interviewing potential witnesses, yes. We operated
6 - we were doing similar things, yes.

7 Q. I mean in the OTP, in the Office of the Prosecutor?

8 A. Yes.

9 Q. And over what period of time was she employed by the Office
13:24:37 10 of the Prosecutor?

11 A. I can't be specific on that.

12 Q. Did you overlap?

13 A. Yes, we overlapped for some months.

14 Q. But you're not able at the moment to give us --

13:24:47 15 A. No, I'm sorry.

16 Q. All right, we can clarify that elsewhere. Thank you.

17 While we're dealing with the authors, Ellen Vermeulen, what are
18 her qualifications and has she ever worked for the OTP?

19 A. No, she's never worked for the OTP and she worked with us
13:25:09 20 very briefly for a few months in 2000 and then 2001. She
21 conducted very few interviews with this report, but of course we
22 always want to credit all of those who assisted us.

23 Q. If we turn to page 10 of this report I want to ask you two
24 questions about page 10. One in the first paragraph, six lines
13:26:01 25 or so from the bottom of the first paragraph, working backwards
26 in other words, you refer to, "The violence and looting or
27 jah-jah, especially by the Liberian mercenaries within the RUF,
28 was sanctioned by Sankoh." You based that expression "Liberian
29 mercenaries" on information that there were individual Liberians

1 working as mercenaries with the RUF as opposed to Liberians who
2 were part of the NPFL. Is that right?

3 A. Well, that is cited to Ibrahim Abdullah's "African
4 Guerillas", is it not?

13:26:40 5 Q. Yes.

6 A. Yes, so I would have to read - I don't - you know, that is
7 characterising - their characterisation.

8 Q. But are you able to help us? Did you read the book in the
9 footnote?

13:26:56 10 A. Yes.

11 Q. Does that reflect what I'm putting, that you're talking
12 there in your report about individual mercenaries rather than
13 NPFL fighters?

14 A. Let me just read it again. I read that book, paying
13:27:21 15 particular attention to the chapter on the RUF. I cannot really
16 say, like I said, what the book characterises. From my own
17 experience - yeah, I can't speak to that particular statement.

18 Q. Don't worry. If you can't speak to it then don't.

19 A. Yeah, I can't.

13:27:37 20 Q. I think I've got time for one more question. In fact it's
21 simply a clarification. In the third paragraph we get the answer
22 to the question that I posed to you whether it was under Strasser
23 or Bio that Executive Outcomes, the South African mercenaries,
24 were brought in and your report suggests that it was in March
13:28:01 25 1995 while Captain Strasser was still head of government in the
26 NPRC?

27 A. Mm-hm.

28 MR MUNYARD: Thank you. Your Honour, I've reached the end
29 of that page of questioning and I see that we're about a minute

1 off the lunch adjournment. Would that be a convenient moment?

2 PRESIDING JUDGE: I think that would be an appropriate time
3 to adjourn. We will therefore adjourn to 2.30 and I remind you
4 again, Ms Dufka, of the caveat on discussing your evidence.

13:28:33 5 THE WITNESS: The Defence wanted me to have a look at this
6 report with a view --

7 PRESIDING JUDGE: Discuss as opposed to - what I'm saying
8 is not to discuss with other people.

9 THE WITNESS: Yes, but I just wanted to make sure that I
10 could take this?

11 PRESIDING JUDGE: Yes.

12 THE WITNESS: Okay.

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

14 [Upon resuming at 2.30 p.m.]

14:29:05 15 PRESIDING JUDGE: Mr Bangura, you are on your feet.

16 MR BANGURA: Your Honours, just on the matter of
17 representation. May I ask that the bench note the presence of.
18 Mr Alain Werner who has joined the Prosecution for this
19 afternoon. Thank you.

14:29:22 20 PRESIDING JUDGE: Thank you, Mr Bangura.

21 MR MUNYARD: Likewise, Madam President, Mr Morris Anyah is
22 also present on the Defence side of the Court.

23 PRESIDING JUDGE: Thank you, Mr Munyard. I will note
24 those.

14:29:40 25 MR MUNYARD:

26 Q. Ms Dufka, I think there is one matter about your 1999
27 report that I didn't deal with if you will bear with me for a
28 second

29 A. Certainly.

1 Q. Yes, I think this is a question that arises in a number of
2 places where you have done reports, either for this Court or
3 Human Rights Watch reports. Is this the position: That on the
4 basis of the people that you interviewed you concluded that the
14:30:18 5 invasion of 6 January 1999 was something that was done primarily
6 by the RUF, Revolutionary United Front, forces?

7 A. When I wrote RUF, and referred to RUF, it was referring to
8 the all of the rebel factions fighting at that time, so it would
9 be the RUF and AFRC, the West Side Boys, to the extent that they
14:30:51 10 were functioning at that point, and any other forces that might
11 have been working with - essentially it was the AFRC, the RUF and
12 then the West Side Boys.

13 Now, you have probably noted that in our previous report,
14 the 1998 report, we refer to them as RUF/AFRC. I had referred to
14:31:15 15 them as RUF and dropped the AFRC specifically because at that
16 time, when the report was being researched and written, there was
17 a negotiation process occurring in Lome, Togo, in which the - all
18 of the rebel factions were being represented and referred to by,
19 or as, the RUF. So you will have noted in the report that on
14:31:42 20 numerous occasions some of the victims, even verbatim, describe
21 an attack by an SLA, sometimes I believe they say sobel, or
22 junta, or other names for these forces, so it is assumed to be
23 all of those groups together.

24 Q. My point is that it was essentially an attack orchestrated
14:32:08 25 by AFRC and Sierra Leone Army dissidents and rebels, rather than
26 the RUF. What do you say about that?

27 A. Well, in terms of the, how can I say, the orchestration and
28 the design of that offensive, that level of the investigation
29 I was unable to ascertain at that time. I have come to learn

1 something since then, but, of course, I never would have included
2 that in my report because this report was reflecting my work with
3 Human Rights Watch.

14:32:50

4 Q. Yes and how many people did you interview prior to doing
5 that particular report?

6 A. Which report, sorry?

14:33:09

7 Q. The 1999 report. I am talking about the 1999, 6 January
8 attack. You wrote a report that came out in paper form in June,
9 on the internet in July, and that dealt in particular, and in
10 great detail, with some of the incidents of the January 1999
11 events.

12 A. Yes, that report was based on interviews with - I said a
13 few hundred witnesses. That includes victims, witnesses and the
14 numerous other sources which I have noted several times.

14:33:30

15 Q. Are you able to tell us how many witnesses and victims?

16 A. I would say probably something like 150, something like
17 that.

14:33:52

18 Q. Now, you will accept, I imagine, that the Sierra Leone
19 Truth and Reconciliation Commission, I will call it the TRC,
20 interviewed a much greater number of witnesses and victims than
21 you did?

22 A. Of course.

14:34:08

23 Q. And would you defer to the conclusions of the TRC on who
24 was primarily responsible for the attack on Freetown on 6 January
25 1999?

26 A. They did a great deal of research for that report. I don't
27 know to what extent they interviewed insiders and people who had
28 the most in depth detailed and intimate knowledge of such things
29 as the planning and logistical support for an operation. I don't

1 know to what extent they interviewed those individuals, so
2 perhaps the view, or the findings, from insiders, or former
3 participants who fought in that offensive, might have added some
4 more detail.

14:34:54 5 PRESIDING JUDGE: Ms Dufka, that is not really an answer to
6 the question.

7 MR MUNYARD: Thank you, Madam President.

8 A. Okay, ask me the question and I will try to give a more
9 direct answer.

14:35:06 10 Q. I am sorry, I have the screen in such a position that I
11 can't look at the words.

12 PRESIDING JUDGE: My notes are, "Would you defer to the TRC
13 on who was responsible?" "To the conclusions of," my learned
14 sister is correct.

14:35:19 15 MR MUNYARD: Thank you. I am just trying to get the exact
16 question from the LiveNote:

17 Q. Would you defer to the conclusions of the TRC as to who was
18 primarily responsible for the attack on Freetown on 6 January
19 1999? Justice Sebutinde wrote it down, apparently, absolutely
14:35:41 20 correctly.

21 A. And "not necessarily" would not be an answer? I would say
22 no.

23 Q. You would not defer to the TRC?

24 A. Not necessarily.

14:35:48 25 Q. That is different from no, isn't it?

26 A. Okay, not necessarily. I wasn't sure if I needed a yes or
27 no answer.

28 Q. The TRC spent years rather than months going into these
29 issues, didn't they?

1 A. I don't know if it went as far as years. There were
2 numerous stages to the TRC operations and the investigation stage
3 was - I think it was about a year, perhaps a little bit more.

14:36:24 4 Q. All right. A very much greater length of time than you
5 spent in your work producing the report in June and July of 1999?

6 A. Yes, I agree, but, as I said, I don't know to what extent
7 they relied on insiders.

8 Q. Can I ask you about something in your report to this Court,
9 still on the 1999, in fact 1999 January incidents, you may not
14:36:47 10 even need to look at your report. You may know the answer to
11 this.

12 A. Okay.

13 Q. You have documented some atrocities by the ECOMOG force and
14 the Civil Defence Force, and the Sierra Leonean police force, in
14:37:02 15 the course of that month. Are you aware of the place in Freetown
16 called Aberdeen Bridge?

17 A. Yes, I did a great deal of my research around that bridge.

18 Q. And are you aware of a large number of bodies being found
19 below, or in the area of, Aberdeen Bridge, some 40 or more bodies
14:37:25 20 being found there, who were said to have been executed by ECOMOG,
21 or other pro-government forces?

22 A. Yes, I am.

23 Q. I am going to, as far as possible, follow the line of
24 questioning in your evidence-in-chief for the other matters that
14:37:59 25 I wish to ask you about this afternoon. It doesn't necessarily
26 follow that they will always be in chronological, or thematic
27 order as a result.

28 A. Okay.

29 Q. I want to ask you, please, about something that appears on

1 pages 18 and 19 of your report to this Court, MFI-1. This is all
2 part of section E. Actually, no, we may have moved on a section.
3 Yes, section E. Under the heading on page 18 "Documentation,
4 Crimes Against Civilians in Liberia", you say, on page 18, the
14:39:31 5 last paragraph, that you conducted at least 300 in-depth
6 interviews with witnesses and victims in Liberia and over the
7 page, about - well, counting the first few lines as a paragraph
8 it is three paragraphs down and you say in the third sentence
9 there, "I took at least 61 testimonies from victims of war crimes
14:39:55 10 in Lofa County." What does it mean when you use the expression
11 "at least" and in particular when you use the expression "at
12 least 61", because 61 is a very precise figure?

13 A. Yes, so the 300 - let me answer the first question because
14 those are the ones that I physically counted when I was preparing
14:40:21 15 this report and there were interviews that I conducted in a
16 number of - for a number of other publications, but I probably
17 should have said at least 60, or 61. There are always a few
18 interviews that I forget to include that I filed in - for
19 example, in my filing system I have one section on war crimes and
14:40:51 20 crimes against humanity in Liberia, say, and then I have a
21 separate file on crimes, sexual and violent crimes. Sometimes,
22 when I have had to, when I have counted the number of interviews
23 I have done I have forgotten to include a few that I have in
24 another folder, so that is why I said "at least 60", but it
14:41:14 25 probably would have been more precise to say "some 60".

26 Q. In either event it is a little imprecise.

27 A. Yes.

28 Q. That is what you agree?

29 A. Yes.

1 Q. This section here, from page 18 onwards up to three
2 quarters of the way down page 21, is all about incidents in
3 Liberia.

4 A. Yes.

14:41:39 5 Q. And some of it is about matters after January 2002.

6 A. Yes, 2003, yes.

7 Q. The last point I referred you to, "I took at least 61
8 testimonies", follows your comment that you had done interviews
9 with victims and witnesses in relation to matters in and around
10 Lofa County during 2001 and 2002.

14:42:10

11 A. Yes, those interviews that I note at the end are actually
12 not in Lofa County. They are in Grand Bassa and the capital,
13 Monrovia. In 2003 they correspond to abuses by the Liberian
14 rebel factions.

14:42:30 15 Q. Just let me get a note of that. They are in Monrovia and
16 Bassa County in 2003?

17 A. Yes.

18 Q. So why have you put down here that they are in Lofa County
19 during 2001 and 2002?

14:42:42 20 A. No, I just shouldn't have included them in that section,
21 I guess that is the point. I should have perhaps - let us see.

22 Q. So it is not just the Australian Broadcasting Corporation
23 who make errors?

24 A. I am sorry, I was missing a page there. I am just a bit
14:43:05 25 confused about your question now. What is the issue that you are
26 taking?

27 Q. The question was: These are all matters that took place
28 inside Liberia and they include matters that took place after
29 January 2002.

1 A. In my report, what starts on page 19, correct, on, "The
2 basis of my knowledge comes from interviews I conducted with
3 victims"?

4 Q. Yes.

14:43:29 5 A. "61 from Lofa County and some 10 combatants who served in
6 Lofa County with the pro-government force." Okay, then I go on
7 to describe those. The last paragraph is, "Many of these attacks
8 appeared to indiscriminately target specific groups." Okay, none
9 of those refer to attacks I saw in Lofa County.

14:43:46 10 Q. So what was the correction that you were seeking to make to
11 your report a moment ago when I was only asking you about those
12 few lines a third of the way down page 19?

13 A. I am confused. Sorry, I am confused about the question.

14 I had accidentally referred to page 21 instead of page 20. Let
14:44:12 15 us start again. Tell me what it is you need clarification on.

16 Q. All of this section, which is 18 to 21 -

17 A. Yes.

18 Q. - are dealing with matters that took place inside Liberia.

19 A. Yes.

14:44:24 20 Q. And some of them took place after January of 2002.

21 A. Yes.

22 Q. You agree with that?

23 A. Yes.

24 Q. Right, so they are both outside the geographical scope of
14:44:42 25 the indictment and some outside the temporal, the time scope, of
26 the indictment.

27 MR BANGURA: Your Honours, I wonder whether the witness is
28 able to say that matters contained in this report are within or
29 outside the scope of the indictment.

1 MR MUNYARD: She worked for the Office of the Prosecutor
2 [overlapping speakers].

3 A. Yes, I know what the -

4 MR BANGURA: Could you hold on, please.

14:45:06 5 PRESIDING JUDGE: Let Mr Bangura finish. I think you have
6 finished. This is a practical point, Mr Munyard. I do not know
7 if the witness is aware of all the times in each of the counts so
8 please let her answer that point first and then we can rectify
9 the situation if necessary.

14:45:25 10 A. Yes, but when I was asked to prepare this report I wasn't
11 instructed to only include issues within the time of the temporal
12 jurisdiction of this Court. I was asked to include information,
13 my information, about war crimes and crimes against humanity
14 committed in Liberia, so that is what I included.

14:45:46 15 MR MUNYARD:

16 Q. I see. The next half of my question is: Were you aware of
17 the scope of the indictment, both in terms of time and place?

18 A. Yes, I have read, yes.

19 Q. Now, can we move on to the - I think we will have a look
14:46:28 20 now if we can, following the way in which you were questioned in
21 chief, at tab 15, please, which is MFI-3 I believe.

22 JUDGE SEBUTINDE: That is correct, MFI-3.

23 MR MUNYARD:

24 Q. Can I enquire, does the witness have MFI-3?

14:47:41 25 A. Yes, thank you.

26 Q. This is a report from Human Rights Watch, again on Liberia
27 not on Sierra Leone. I think on page 11 you touch on Sierra
28 Leone and the Liberian conflict, but actually what you say on
29 page 11 in relation to Sierra Leone and the Liberian conflict is

1 that there is a growing number of Liberian refugees and
2 combatants crossing into Sierra Leone, "The LURD are
3 clandestinely recruiting and establishing a supply line along the
4 Sierra Leone/Liberia border." That, of course, is for the LURD
14:48:30 5 to invade Liberia, not the other way round, yes?

6 A. Yes.

7 Q. And then you go on to mention the fact that, as of February
8 2002, the United Nations High Commission for Refugees had
9 registered 10,000 Liberian refugees in Sierra Leone in camps.

14:48:54 10 A. Yes.

11 Q. And then in the next paragraph you give an example of
12 something that happened in February 2002 and that is as far as
13 you go, effectively, in touching on Sierra Leone, but the whole
14 of this particular report is about Liberia and if we turn over
14:49:14 15 the page to page 12 of the report, - I am sorry, page 13. You
16 have a heading "US Military Assistance to Guinea" and in here you
17 say:

18 "The US, the United States, now has an important role to
19 play vis-a-vis Guinea's support for the LURD. The United States
14:49:43 20 is about to begin a long delayed training programme for the
21 Guinean military focussing on border security. In June 2001 the
22 Bush administration notified congress of its intention to provide
23 3 million United States dollars in non-lethal training and
24 equipment to the Guinean military to assist that country in
14:50:06 25 defending against the de-stabilising activities of the RUF and
26 Charles Taylor in Liberia."

27 So there we are talking about events in Guinea and also, of
28 course, in Liberia.

29 A. Mmm.

1 Q. And it goes on. Further down in that paragraph it refers
2 to:

3 "State Department sources further state that the United
4 States has urged President Conteh" - of Guinea of course - "to
14:50:37 5 curtail his support for the LURD and that if he doesn't do so
6 then the United States training programme will be cut off."

7 So this is effectively about Liberia and Guinea?

8 A. Well, yes. The whole report isn't about that but that
9 particular section is, yes.

14:51:03 10 Q. Yes, the whole report is about events in Liberia, isn't it?

11 A. Yes.

12 Q. And insofar as it strays to any significant degree, it
13 strays over into Guinea not Sierra Leone. You only mention
14 Sierra Leone in the context of this report - sorry, in this

14:51:18 15 report in the context of refugees, really, and supply lines for
16 people invading Liberia.

17 A. That is quite an important thing I would think.

18 Q. I am not disputing that it is important, but my point is
19 that it is not about incursions into Sierra Leone, this report.

14:51:35 20 A. Yes, I agree. This report is not about incursions into
21 Sierra Leone. The focus is Liberia.

22 Q. And the focus is in particular about what is happening,
23 particularly in 2002.

24 A. Yes.

14:51:58 25 Q. I don't dispute there is material from 2001, but it is
26 particularly - it is trying to be a contemporaneous report about
27 what is happening in the year of its publication, it having been
28 published in May 2002.

29 A. Yes.

1 Q. Thank you. Are you aware of the provision of training of
2 Guinean forces by United States marines?

3 A. Yes.

4 Q. At around that time.

14:52:42 5 A. Yes, very much.

6 Q. Now, can I ask you, please, to look at tabs 4 and 5 which
7 are respectively MFI-21 and 20.

8 PRESIDING JUDGE: I don't think we got as far as MFI-20,
9 Mr Munyard.

14:53:22 10 MR MUNYARD: I am sorry. I have my MFIs and my tabs in the
11 wrong order. Tab 20 curiously has turned out to be MFI-5 and tab
12 21, MFI-4, which may explain why I am getting my order slightly
13 wrong.

14 THE WITNESS: Okay.

14:53:50 15 MR MUNYARD:

16 Q. Tab 21 is the first one you were asked about. That is
17 about Guinea again, Liberian refugees in Guinea. For the benefit
18 of anybody who doesn't know what it means, what is this word
19 "refoulement"? I will just explain where it appears. The title
14:54:21 20 of your report is "Liberian refugees in Guinea, refoulement,
21 militarisation of camps and other protection concerns."

22 A. Yes. Refoulement refers to the sending back of individuals
23 who have crossed as refugees, seeking refuge into another
24 country, who are sent back from that country to the country from
14:54:50 25 which these individuals sought to flee because of a feeling they
26 were under personal danger, when they felt their life or freedom
27 would be threatened.

28 Q. Yes, and again if we turn to page 10 of that report we see
29 a section headed "LURD Links to Guinea". Some of the people

1 trained in Guinea by the United States marines became part of the
2 LURD, didn't they?

3 A. I have no evidence of that, but I would not be surprised.

14:55:41

4 Q. This report is published in November 2002 and it is
5 essentially dealing with matters - I say essentially, it is
6 broadly dealing with matters in 2002, some references to 2001,
7 but on most pages what we are dealing with is the situation as it
8 applied in 2002, aren't we?

14:56:06

9 A. Yes, because there had been increased fighting in Lofa
10 County so there were therefore more individuals seeking refuge in
11 Guinea.

12 Q. That was tab 21. If we go back to tab 20, which is MFI-5,
13 you are dealing there again essentially with events in 2002,
14 aren't you?

14:56:43

15 A. Mostly, yes.

16 Q. And in the last paragraph, on the second page of that tab,
17 we see:

14:57:12

18 "Human Rights Watch also expressed concern about the fate
19 of five nurses from the Liberian humanitarian organisation,
20 Merci, who were abducted on June 20, 2002 from the Sinje camp
21 area by the Liberian rebels. The Liberians United for
22 Reconciliation and Democracy (LURD) rebels have admitted holding
23 the nurses in their northern stronghold of Voinjama. In
24 addition, Human Rights Watch continues --", and it goes on to
25 comment on it receiving credible reports of continued forced
26 conscription of civilians, including children, by the LURD.
27 Again this is all 2002, isn't it?

14:57:31

28 A. Yes, 2002.

29 Q. Right. I think you were then taken back to your report for

1 this Court, so put down the exhibits for a moment. Pages 24 to
2 26 you were asked about.

3 A. I am sorry, 24 to 26 you said?

4 Q. Yes, of your report. Towards the bottom of the page, under
14:59:03 5 the heading "State and Non-State Actors Which Supported Armed
6 Movements in West Africa from 1989 - 2003", you summarise - you
7 start on that page and you summarise all sorts of different
8 groups. Over the page on page 25, two-thirds of the way down the
9 page you refer to the MODEL, the Movement for Democracy in

14:59:37 10 Liberia, 2002 to 2003. Again that is an organisation that
11 doesn't emerge onto the scene in that form until 2002, does it?

12 A. Yes, that is why I put 2002. They were a splinter off from
13 LURD, as you know.

14 Q. But they don't - that is not an organisation who were
15:00:02 15 formed or appeared in that particular categorisation during the
16 period of the indictment, MODEL. It is beyond January 2002.

17 A. Yes.

18 Q. Thank you. At the foot of the page you deal with the:

19 "Government of Liberia 2002-2003: Shortly after the
15:00:28 20 September 2002 coup attempt against the government of Cote
21 d'Ivoire by the MPCI, the Liberian Government --", et cetera. In
22 other words, you are saying the Liberian Government and others
23 gave support to the creation of two rebel groups to fight in Cote
24 d'Ivoire?

15:00:55 25 A. That is correct.

26 Q. That again, of course, is after the scope of this
27 indictment.

28 A. Yes.

29 Q. Then you are asked about patterns of behaviour and I think

- 15:02:12 1 you were taken at that point to MFI-6, tab 23, your report
2 "Youth, Poverty and Blood". In fact it may be simpler - before
3 Madam Court Manager puts that in front of you, it may be simpler
4 to deal with it through the way in which you have summarised it
5 in your report for the Court.
- 6 A. Okay.
- 7 Q. I am looking, therefore, at page 34 of your report.
- 8 A. Okay.
- 15:02:35 9 Q. Halfway down the report you come to - you set out four
10 bullet points about the origins of various militias and the first
11 point you make is that:
12 "The populations of Liberia and Sierra Leone have for
13 decades suffered from a vicious cycle of bad governance, economic
14 decline, political upheaval, conflict related violence, and
15 impunity"?
- 15:03:01 15
- 16 A. Yes.
- 17 Q. Now all of those propositions apply to a number, or applied
18 to a number, of governments in that region and in Africa and in
19 many other parts of the world, didn't they?
- 15:03:16 20 A. Yes, indeed.
- 21 Q. Yes. So there is nothing unique about that combination of
22 factors unique to Liberia and Sierra Leone?
- 23 A. I would not go that far. I mean of course there are things
24 that are unique about every country and every region, but broadly
15:03:41 25 I would agree with you, yes.
- 26 Q. Yes.
- 27 A. And they are not the only two countries which have suffered
28 cycles of violence and armed conflict as well.
- 29 Q. Now I am going to ask you in fact to look at tab 23, MFI-6,

1 specifically for certain points in that report. This is "Youth,
2 Poverty and Blood" published in March 2005 and based on
3 interviews with 60 individuals. Is that correct?

4 A. Yes.

15:05:03 5 Q. 60 individuals from a range of countries?

6 A. No, from three countries. The vast majority of them were
7 from Liberia and Sierra Leone. There were perhaps two or three
8 from Guinea.

9 Q. Right. Anybody from Cote d'Ivoire?

15:05:19 10 A. Not originally.

11 Q. Meaning?

12 A. I don't believe any of them were actually born in Cote
13 d'Ivoire. Some of them lived right along the border, sometimes
14 on one side and sometimes on the other side.

15:05:36 15 Q. Can you turn to page 13 of that report, please. Do you
16 have that?

17 A. Yes, I do. Thank you.

18 Q. In the final paragraph you say:

19 "Since 1989, thousands of these fighters are estimated to
15:06:06 20 have participated as armed protagonists in the regions
21 conflicts'. The vast majority is believed to be Liberian or
22 Sierra Leonean nationals, but fighters from Burkina Faso, Gambia,
23 Ghana, Nigeria, Senegal and Guinea have also been involved."

24 And then you say:

15:06:25 25 "Anecdotal accounts from ex-combatants interviewed by Human
26 Rights Watch corroborate reports from academic and official
27 sources on the numbers involved: these estimates suggest that at
28 least 500 NPFL and a similar number of ULIMO fighters took part
29 in Sierra Leone's armed conflict, while a combined force of at

1 least one thousand RUF and Liberian government troops
2 participated in the 2000-2001 cross-border attacks on Guinea",
3 and then you give some further figures for 2002 to 2003 armed
4 conflict in Cote d'Ivoire. First of all, where do you get these
15:07:13 5 anecdotal accounts from? Is this from the 60 people you
6 interviewed?

7 A. Well from interviews with military personnel, and also
8 I interviewed in Sierra Leone the Sierra Leonean former Kamajor
9 force who was involved in recruitment and had kept a record of
15:07:37 10 how many Kamajors had gone over to fight with the LURD.

11 Q. I see. So that helps us with the LURD, but where do you
12 get the figures from in relation to the NPFL and ULIMO taking
13 part in Sierra Leone's armed conflict?

14 A. That would be from interviews with combatants who describe
15:08:04 15 the numbers coming across. Once I have all my interviews in
16 front of me, I sort of look at them and can take the most
17 reliable and reasonable accounts of those numbers involved taking
18 in consideration the tendency to exaggerate.

19 Q. What are the academic and official sources on numbers
15:08:26 20 involved? There is no footnote here.

21 A. Yes, you are right.

22 Q. There is a footnote over the page, footnote 7, which seems
23 to relate to the Ivorian conflict, but there is no footnote
24 substantiating your assertion that I have been reading out.

15:08:44 25 A. Yes, you are right. That is not footnoted and so - yes, go
26 ahead.

27 Q. ULIMO fighters were fighting against the Liberian
28 government and the NPFL in particular?

29 A. That is right, but earlier I had noted that they had also

1 come over and helped the Sierra Leone Army in fighting against
2 the RUF in the earlier years as well. In the early '90s.

3 Q. And what is it you are saying about this figure of 500?
4 Are you saying that that is the total number involved over the
15:09:18 5 whole period of the conflict, or what?

6 A. I am just reading it. Just give me a moment. Yes, I would
7 say it is a conservative estimate, again based on interviews that
8 I had conducted, and I didn't specify obviously. It wasn't the
9 task of this section to actually specify how many numbers were
15:10:05 10 involved. It was to try to get a sense of - a general sense of
11 the numbers of people involved in one country, or the other. The
12 specific - the numbers were a bit more specific later on, because
13 of course it was closer to the time that I was doing the research
14 and people actually had some more well-grounded estimates of
15:10:26 15 these things.

16 Q. So, would it be appropriate to describe that figure there
17 as an informed guess?

18 A. Yes, that is probably fair.

19 Q. Thank you. Page 37, please.

15:10:57 20 A. I would add that again the point of this report was to look
21 at a phenomena and not - I had not done particular research on
22 trying to specify the numbers, if that is what you are trying
23 to --

24 Q. I am grateful for that clarification, thank you. If we
15:11:13 25 look at page 37, the last paragraph, dealing with the LURD you
26 say here:

27 "Previous research conducted by Human Rights Watch during
28 the 1999-2003 Liberian war suggested that, while the LURD was
29 responsible for serious human rights violations, including rape,

1 summary executions, forced recruitment of boys and young men, and
2 forced labor, such incidents were less widespread and systematic
3 than those committed by Liberian government forces."

4 The forced recruitment of boys and young men is something
15:11:51 5 that we see not just amongst the rebel groups and the government
6 forces in both Sierra Leone and Liberia and not just during the
7 1990s and the early part of this century but across recent and
8 indeed further history in Africa generally, isn't it?

9 A. Yes.

15:12:11 10 Q. Thank you. And then - yes, before I move completely off
11 the numbers issue, and I know that you were not specifically
12 researching that, when you say 500 are they NPFL, or are they
13 Liberians, and are you able to help the Court in distinguishing
14 between the two?

15:12:51 15 A. Well, one of the points of this research - I am going to
16 answer your question if I can just preface it with a few
17 qualifying sentences. While we describe in this report the
18 individual motivations for combatants crossing borders and
19 fighting in one conflict or another, we also describe the use
15:13:17 20 of - the organised use by one country or another to achieve some
21 kind of an objective in a neighbouring country, be it some kind
22 of personal vendetta, carrying out a personal vendetta for
23 resource exploitations reasons, for military reasons, among
24 others. Also, we note that people don't go individually. They
15:13:42 25 have gone, according to our research, after they have been
26 recruited and the recruitment often involves a payment of some
27 kind of money.

28 Now, I have previously noted in this Court two testimonies
29 of individuals that described a Liberian presence. They

1 described - one of them described being recruited in Liberia and
2 then recruitment and organised efforts going on, so my sense is
3 that it was an organised effort as opposed to individuals coming
4 over.

15:14:16 5 Q. And now can you answer the question?

6 A. Yes. You asked if they were individuals, or whether it was
7 organised. My sense is that --

8 Q. No, I asked were they - do you distinguish between the NPFL
9 on the one hand and Liberians - individual Liberians - on the
10 other?

11 A. No, I was referring to NPFL.

12 Q. Right. And lastly would you look at page 42, please, of
13 this same report. Do you have page 42?

14 A. Uh-huh.

15:15:05 15 Q. It is headed "VI. Current Theaters: Guinea and Cote
16 d'Ivoire" and you have a section there that runs to page 47. All
17 of that, I think I am right in saying, deals with events in 2003
18 and 2004 and possibly 2005. Is that right?

19 A. Yes, correct.

15:15:38 20 Q. So at a time beyond the scope of this indictment and
21 dealing with countries beyond the scope of this indictment?

22 A. Yes.

23 PRESIDING JUDGE: Ms Dufka, are you feeling all right?

24 THE WITNESS: Yes. I am just taking a break, thank you.

15:17:05 25 MR MUNYARD:

26 Q. The logistics, I am afraid, of moving from file to file
27 will involve a little pause which you will no doubt welcome,
28 I would imagine.

29 A. It is okay. It is a lot of documents.

1 Q. Are you able to tell us anything at all about the West Side
2 Boys, which is a name that we have heard of but haven't heard a
3 great deal about?

4 A. Yes, the West Side Boys was a splinter group of the Armed
15:18:08 5 Forces Revolutionary Council. It also included some elements of
6 the RUF, but primarily it was members of the AFRC originally and
7 then in the process of their operations they increased the
8 numbers within their faction through the process of forced
9 recruitment of boys and men and women as well. My understanding
15:18:40 10 is that they split off from the RUF in 1999 and they took up base
11 in the Okra Hills area of Freetown, which is between Freetown and
12 Masiaka, some 30 kilometres - excuse me, 30 miles from Freetown.
13 We documented numerous atrocities committed by them. My
14 understanding was that in May 2000 - this is not based on our own
15:19:17 15 research, but through interviews with diplomats and other sources
16 - that they were briefly used by the government of President
17 Tejan Kabbah in May 2000 to help defend Freetown from an expected
18 rebel advance in May 2000. They were eventually coaxed out of
19 the Okra Hills and disarmed in 2001 or 2002, I believe.

15:19:52 20 Q. They appear to have been in effect a mercenary group in the
21 sense that they sold their services to either side?

22 A. Well, they were - a mercenary group usually I think of as
23 fighting in a country that is not one's country of origin, but
24 perhaps you could describe their behaviour in that way, yes.

15:20:16 25 Q. Right, thank you. Have you heard of a group called the
26 Black Revolutionary Guards?

27 A. Yes, but I can't tell you from where. Maybe my memory
28 needs to be jogged.

29 Q. I am not proposing to jog it.

1 A. Okay.

2 Q. I simply wanted to know if you could tell us what you know
3 about a group under that name, if anything. Now, I just want to
4 make sure I am going to refer you to the right tab and MFI

15:21:01 5 number. Yes, it is tab 8, which is MFI-11. This is dealing with
6 sexual violence within the Sierra Leone conflict and on page -
7 well, it is the second page of the report, page 2 of 4. About
8 halfway down the page you have got a heading "Perpetrators Rebel
9 Forces", and the second paragraph there gives examples of the RUF
10 making occasional efforts to declare rape a crime within its
11 areas of control and publicly executing its own members after
12 they had been convicted of rape.

13 A. Yes.

14 Q. I don't think we have heard about that before. You said in
15:22:55 15 your evidence that there was a pattern of sexual violence in that
16 the vast majority of them were - vast majority of incidents of
17 sexual violence were committed by rebel soldiers. That is not a
18 pattern. That is an incidence, isn't it?

19 A. No, I don't think of incidence as defined that way. The
15:23:20 20 pattern is you have four groups, or three groups, RUF, AFRC and
21 West Side Boys, who during their numerous operations perpetrate
22 numerous acts of sexual violence. I see that as a pattern.
23 Perhaps it is a semantic difference, I don't know.

24 Q. Well, a pattern would be the same kind of thing that was
15:23:45 25 done. What you are talking about is it is the same category of
26 people who were doing that. Do you accept that distinction?

27 A. Yes.

28 Q. You also say - I don't know whether it was in your
29 evidence, or one of your reports - that sexual violence is a

1 weapon, it is an act of violence targeted against an individual's
2 sexuality in war, but that is true of all sexual crimes in war,
3 or in peace, is it not?

15:24:18 4 A. Well I suppose it wouldn't be called a weapon if it weren't
5 in the context of war, if that is what you mean?

6 Q. An act of violence targeted at somebody's sexuality, that
7 is what sexual crimes are, war or peace?

8 A. Yes, yes, and we would refer to it as a weapon of war
9 because we see that it has another purpose which is humiliating,
15:24:34 10 terrorising and ultimately trying to control the civilian
11 population, which could have a military objective.

12 Q. Can I take you to tab 7, MFI-10. In fact, that is where
13 the quote is that I have just put to you, "Rape in war time is an
14 act of violence that targets sexuality". Rape in peace time is
15:25:08 15 also an act of violence that targets sexuality. I think you
16 would agree with that?

17 A. Okay, yes

18 Q. Now you also said in your evidence, "I don't think that in
19 the case of ECOMOG any sexual assaults were documented". That
15:25:17 20 was the evidence you gave this morning and I would like you to
21 look also at page 4 of MFI-10.

22 A. Sorry. Are you going to bring that back, sorry? This is
23 MFI-7. We documented numerous cases of sexual exploitation by
24 ECOMOG. Okay, I am looking at which page?

15:25:54 25 Q. You are looking at page 4, second paragraph.

26 A. Page 4, second paragraph, of 7?

27 Q. It is the report, "We'll Kill You If You Cry", and the
28 second paragraph reads as follows:

29 "Human Rights Watch has documented several cases of sexual

1 violence by peacekeepers within the United Nations Mission in
2 Sierra Leone (UNAMSIL)."

3 Now pausing there, that was the force that took over from
4 ECOMOG, yes?

15:26:24 5 A. That is right.

6 Q. Primarily again Nigerian soldiers?

7 A. Yes.

8 Q. I am not singling them out for that reason, but were they
9 the same soldiers as ECOMOG, who were primarily Nigerian, but
10 under a different hat? Literally under a different hat, in this
11 case called blue berets?

12 A. Yes, some of them had been re-hatted. You are right.

13 Q. Yes, thank you. So whether they are UNAMSIL or ECOMOG
14 doesn't matter for these purposes, does it? It is the same - it
15 is broadly speaking the same peacekeeping force?

16 A. Well, part of them. I think they were about half Nigerian,
17 if I am not mistaken, and the other half Pakistani, depending on
18 when.

19 Q. Exactly.

15:27:09 20 A. Yes.

21 Q. Now, I would like to ask you something about your report
22 again.

23 A. Which one?

24 Q. Your report for the Court.

15:27:32 25 A. Oh, okay.

26 Q. In my case it is the smaller and more manageable of the
27 reports. About notice to the Liberian Government and I think it
28 is on page 21. Yes, 21, 22. On page 22, about halfway down the
29 page, it reads:

1 "An internet search of open press sources for official
2 responses from the Liberian government to Human Rights Watch
3 reports on Liberia revealed that between May 2001 and July 2002
4 our work on Liberia was on several occasions directly cited by
15:28:29 5 Charles Taylor and senior members of his government including" -
6 the two who you have already mentioned, Mr Goodridge and
7 Mr Captan, "I believe this demonstrates that Human Rights Watch
8 was successful in bringing its reports on rights violations to
9 the attention of the government. Relevant excerpts from these
15:28:49 10 articles are below."

11 Then the three excerpts that you give are all in 2002.

12 A. There is one on the second page.

13 Q. Yes, that is 2002.

14 A. Yes, I think that was a typo. I meant to say May 2002 to
15:29:04 15 July 2002.

16 Q. Thank you, I am very grateful for that clarification
17 because that was the point that I was about to make.

18 A. Yes, that was a typo.

19 Q. Dealing very briefly with them, there is an article by a
15:29:21 20 journalist called Alfonso Toweh that says published on 22 July
21 "in Reuters". What does "in Reuters" mean? Reuters is a press
22 agency that sends out reports.

23 A. Yes.

24 Q. Do we know where this one appeared?

15:29:37 25 A. This was an internet search through Factiva, so it was
26 published by the Reuters news agency. I don't think there is any
27 way of -

28 Q. In other words, Reuters put this out on the wireless, as we
29 used to say before the internet.

1 A. Yes.

2 Q. And there is no way of knowing how accurate this particular
3 quote is, is there?

15:30:06

4 A. I suppose Reuters has their own method for assuring
5 accuracy.

6 Q. No doubt the Australian Broadcasting Corporation has its
7 own method for assuring accuracy as well?

15:30:23

8 A. Having worked at Reuters I can say that they pay special
9 attention when it comes from a government official, but I can't
10 speak to this particular case at all.

11 Q. You don't know from that quote to what President Taylor was
12 responding. You don't know what the question was that he was
13 responding to.

15:30:42

14 A. Well, it says, "President Charles Taylor responded to Human
15 Rights Watch's letter to the UN."

16 Q. Yes, but you don't know what the question - you don't know
17 where that response came from, you don't know whether it was in
18 an official press release, or whether it was answers to a
19 journalist, a telephone call to him, or what, do you?

15:30:56

20 A. It doesn't say in this quote. Maybe the entirety of the
21 article might include some clarification.

22 Q. Yes, it might, but it is not here, is it?

23 A. Let us see. I have the article, it is 9726 in the corner.

15:31:36

24 Q. In that case you definitely have the advantage over me
25 because - is that handwritten?

26 A. This was part of my report.

27 Q. Right.

28 A. It was one of the four articles referred to.

29 JUDGE SEBUTINDE: This is at appendix 3, it is part of

1 appendix 3 to MFI-1.

2 MR MUNYARD: Does it have a stamped number beginning with
3 three zeros as well as a handwritten number?

4 PRESIDING JUDGE: No, it doesn't. The number referred to
15:32:37 5 by Ms Dufka is up in the right-hand corner and is handwritten.

6 MR MUNYARD: Mine doesn't have the handwritten numbers.

7 JUDGE SEBUTINDE: There is a very big heading, "Reuters",
8 at the top.

9 MR MUNYARD: Yes, I think I have got it now.

15:32:48 10 Q. Yes, this is the reason I asked you the question.
11 President Taylor was being asked questions it would appear from
12 this Reuters report, wouldn't it?

13 A. Yes, it doesn't specify if this was obtained through a
14 telephone, or individual interview with him, or a written
15:33:21 15 response to a query, so I have no way of clarifying that. But
16 Reuters is a very reputable news agency so I would hope they
17 would have some kind of a procedure to monitor the accuracy of
18 these types of quotes, especially from a Head of State.

19 Q. Can you show us where, in the document you have just
15:34:05 20 referred us to, it talks about President Taylor's response to the
21 Human Rights Watch's letter to the UN Security Council?

22 A. It is right at bottom.

23 JUDGE SEBUTINDE: Mr Munyard, I notice it has been blacked
24 out in the copy you are holding, but if you look at the screen,
15:34:36 25 the one on the screen, it is right there.

26 MR MUNYARD: Your Honour, that explains my mystification,
27 thank you:

28 Q. My question remains the same. I am not asking you to
29 repeat your answer, but we just don't know.

1 A. Agreed.

2 Q. Then you deal with two other government spokesmen:

3 Mr Goodridge on 19 July and Mr Captan on 20 July. Again, we
4 simply don't know how reliable these reports are and we certainly

15:35:27 5 don't know whether or not either President Taylor, or the two

6 other government ministers, ever actually were given a copy of

7 the reports to comment upon. That is right, isn't it?

8 A. Yes, that is right.

9 Q. It was all as the quote is. The information is completely

15:35:48 10 lacking.

11 A. At that time the reports would have been available on the

12 internet. The fact that they are calling them a lie would

13 suggest that they actually did read them, so perhaps they read

14 the reports via the internet, or were briefed on them from their

15:36:05 15 diplomatic sources.

16 Q. Or, more to the point, the journalists might have put a bit

17 of the report to the individuals and asked them a question. It

18 would be standard practice, wouldn't it?

19 A. I would imagine, as the foreign minister or Head of State,

15:36:19 20 one would want to be duly briefed about the entirety of the

21 contents of a report, but I can't say that for sure.

22 Q. No, and you can't say whether the reference to the report

23 came only in the press conference, or in the interview, from the

24 journalist which then produced the response from the minister or

15:36:40 25 president concerned?

26 A. Mmm.

27 Q. There is, in other words, far too little contained in those

28 reports and the information you have behind them to assume that

29 any of those individuals had had a copy of the report, would you

1 agree?

2 A. That cannot be assumed.

3 Q. Thank you. I think, for the benefit of Justice Sebutinde,
4 I think that answer is agreeing with my proposition.

15:37:08 5 A. Thank you for interpreting.

6 Q. I just want to ask you a couple more questions, please.
7 Are you aware, from any of Human Rights Watch's researches, or
8 any of your own work, of the consequences of the disagreements
9 between RUF fighters and NPFL Liberian fighters in late 1992?

15:37:44 10 You touched on this matter briefly in your evidence. Are you
11 aware of what the consequence was of those disagreements?

12 A. Yes, I believe that was referred to in one of the
13 testimonies that is included in my report, that the disagreements
14 resulted in an operation called "Top 20", I believe it was, to
15 expel from Sierra Leone the NPFL combatants who were involved in
16 misconduct and the perpetration of some abuses in Sierra Leone.

15:38:08 17 Q. Have you any idea what became, or what was the state of
18 relations between the RUF and the NPFL after that?

19 A. Immediately after that I think there was perhaps
15:38:40 20 disagreement obviously. Subsequent to that there was further
21 engagement in Sierra Leone, but in 1992, as noted, there was
22 acrimony between the two groups, between that is the NPFL and the
23 RUF.

24 MR MUNYARD: Would your Honour give me just a moment.

15:39:31 25 Q. There is another element, of course, in the picture at that
26 stage, isn't there, another fighting force?

27 A. Is that -

28 Q. That is a question.

29 A. I don't understand the question, sorry. Can you clarify?

1 Q. Well, you have the RUF, the NPFL and who else was active as
2 an armed force at that stage in Sierra Leone and Liberia?

3 A. Well, you had the former AFL, turned ULIMO. You had the
4 Sierra Leonean army which was also committing acts of looting and
15:40:16 5 other acts, together with the rebels, to the point where they
6 were called sobels. Is that what you were getting at?

7 Q. Yes, let us concentrate for the moment on ULIMO because
8 ULIMO became the strongest of those groups, did it not?

9 A. Yes.

15:40:31 10 Q. And ULIMO effectively took control of Lofa County?

11 A. Later and committed numerous very, very serious abuses
12 which we documented as well.

13 Q. I am not, for these purposes, concerned with that. I am
14 more concerned with territorial control.

15:40:47 15 A. Okay.

16 Q. There was in effect a complete buffer between the NPFL in
17 Liberia, on the eastern side of Lofa County, and the RUF in
18 Sierra Leone during the period of time that ULIMO controlled Lofa
19 County and other parts of the border areas between those two
15:41:06 20 countries. That is right, isn't it?

21 A. I can't speak to the military situation on the ground at
22 that time.

23 Q. There is Cape Mount County as well, below Lofa County and
24 slightly further to the west.

15:41:21 25 A. Yes, I can't speak to the military - the extent of military
26 control of one force or the other at that point, particularly in
27 Liberia.

28 MR MUNYARD: Your Honour, I think that is all my questions,
29 but in the light of the fact that there is a lot of material in

1 front of me I would be grateful for just a moment to make sure
2 that I have not missed something that I would like to ask this
3 witness.

4 PRESIDING JUDGE: Yes, please do so, Mr Munyard.

15:43:28 5 MR MUNYARD: I think that is it, but if I may take direct
6 instructions for a moment. Yes - I can do this without the
7 earphones - those are my questions. Thank you very much.

8 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura, have
9 you questions in re-examination?

15:43:50 10 MR BANGURA: I have no questions in re-examination, your
11 Honour.

12 PRESIDING JUDGE: Thank you.

13 MR BANGURA: Your Honours, may I seek, at this stage, to
14 have admitted the various documents which I had introduced in --

15:44:24 15 PRESIDING JUDGE: Proceed on, please, Mr Bangura.

16 MR BANGURA: Yes, I was saying I would like to introduce
17 into evidence the various documents that had been referred to and
18 marked for identification by this witness. If your Honours will
19 I will proceed in the order in which they had been marked for
15:44:48 20 identification. Your Honours, the Prosecution moves that the
21 document marked MFI-1, which is the report of Corinne Dufka be
22 tendered in evidence as an exhibit.

23 MR MUNYARD: Your Honour, the Defence object to the
24 tendering into evidence of this witness's report fundamentally
15:45:23 25 because, for the reasons that I outlined yesterday, we object to
26 this witness being put forward as an expert, particularly for two
27 reasons: In our submission her testimony which consists for the
28 most part of the gathering together of witness testimonies does
29 not amount to expertise.

1 Secondly, and this is another fundamental objection, the
2 fact that she has worked for the Office of the Prosecutor for as
3 long as a year, directly involved in obtaining evidence for the
4 Prosecution of this accused and bearing in mind her evidence
15:46:11 5 about not just her role in that, but also what you know of her
6 attitude to the accused, it cannot possibly be said that this
7 witness has the appearance, as always must be the case for an
8 expert - that this witness has the appearance of impartiality.

9 One asks the question not entirely rhetorically, what on
15:46:38 10 earth must it appear, or how on earth must it appear to the
11 outside world, in particular to the people of West Africa, that a
12 former member of the Prosecution team should be put forward in
13 this trial as an expert witness giving impartial testimony on
14 issues that go directly to the questions that this Court has to
15:47:06 15 decide?

16 It is said and it has been said by my learned friends
17 opposite during the course of this trial so far, "Well, in
18 international tribunals you can have this sort of evidence and
19 that sort of evidence" and it is certainly right to say that the
15:47:22 20 rules applicable to these tribunals are much wider and much more
21 lax than many of the domestic jurisdictions from which many of us
22 here come and I accept that of course in this tribunal we are
23 bound by those rules and the jurisprudence of these tribunals.

24 Nevertheless in one of the authorities that was cited
15:47:49 25 yesterday, Karemera and others from the Rwanda tribunal, it is
26 clear that that tribunal and that trial chamber took a position
27 on expertise that is very similar to the position that is taken
28 in most common law jurisdictions.

29 I am aware of other decisions, including a decision of this

1 very Trial Chamber, that in our submission considerably dilutes
2 the definition of expert and expertise. It is obvious that there
3 is a considerable body of jurisprudence from within the
4 international tribunals, not all of which fits comfortably
15:48:33 5 together on the question of experts and expertise.

6 We submit, as a matter of great significance, that the more
7 serious the charge, the more cautious the tribunal must be in
8 applying definitions of experts and expertise and there could not
9 be more serious charges than those that this accused faces.

10 It is our submission that before the Court decides to rule
11 on this particular issue and the admission of this evidence and
12 the use of this witness as an expert, that it would be
13 appropriate, as this Trial Chamber and others in other
14 international tribunals have done, to receive submissions from
15:49:21 15 both parties in writing on the question of this witness - of
16 expertise generally, this witness in particular and the reports
17 and exhibits that are sought to be tendered through her.

18 That is the submission that I would make this afternoon as
19 to procedure, but we register our concern first of all that she
15:49:49 20 doesn't qualify as an expert and, secondly, that her evidence
21 must be seen to be tainted in the light of her previous
22 experience working for the Prosecution.

23 There were other objections that I raised yesterday that go
24 to the question of her reports and her evidence in some cases
15:50:12 25 going to the ultimate issue. I don't resile from those but I am
26 not going to develop them now.

27 PRESIDING JUDGE: If you can just pause and let me consult
28 on the question of the procedure you are proposing.

29 MR MUNYARD: Certainly, Madam President.

1 PRESIDING JUDGE: Mr Bangura, I am not asking you to reply
2 to the submissions. I am merely asking you your views on the
3 procedure proposed by Mr Munyard to put submissions in writing
4 concerning (a) whether the witness is an expert and, which
15:51:49 5 follows on from that, the tendering of these documents.

6 MR BANGURA: Your Honour, thank you. The proposal put
7 forward by my learned friend is one that is not new to these
8 tribunals, I must say, and if at end of the day the submissions
9 made before your Lordships in oral submissions made are not
15:52:12 10 sufficient to convince your Lordships as to which direction to go
11 in terms of accepting the evidence of the witness then that would
12 be a proper way to proceed.

13 PRESIDING JUDGE: Thank you. Mr Munyard, we are minded to
14 agree to the procedure that you propose and that Mr Bangura has
15:53:27 15 not objected to. We are also in mind of the need to move both
16 expeditiously and fairly, so can you give us an idea of what time
17 you will require to file these. There are time limits in Rule 7
18 but we are minded to abridge them, a shorter period than an
19 ordinary motion.

15:53:56 20 MR MUNYARD: You are going to have to remind me of what the
21 time period in Rule 7 is.

22 PRESIDING JUDGE: It is 10 days for a response and five
23 days for a reply but this is an interlocutory - they are all
24 interlocutory motions. How long is it going to take you to
15:54:12 25 prepare your submissions?

26 MR MUNYARD: We are now at the end of Tuesday. I would
27 certainly - well, for personal reasons the weekend will be
28 difficult for me. I was going to propose submitting them by the
29 weekend, but if you were to say by close of business on Monday,

1 Monday next, that would give us sufficient time to do so.

2 Can I say that I don't think that it would require the
3 witness returning because these are purely legal arguments and
4 the witness can be released. Can I add one further thing, that
15:54:51 5 obviously we will address in our submissions the other areas that
6 I outlined yesterday where we say that the evidence either should
7 not go before the Court or shouldn't go before the Court in full.

8 PRESIDING JUDGE: Yes, we are assuming that all the points
9 you raised will be covered in the submission.

15:55:09 10 MR MUNYARD: Certainly.

11 MR BANGURA: Your Honours, given the indication which
12 your Lordships have made about the need to expedite filings
13 I wonder whether there will be a need - first of all, I don't
14 know whether there is going to be abridgement in terms of what
15:55:32 15 time the Prosecution will respond and whether in fact there would
16 be a need for a reply given that we are going to address
17 ourselves to very specific issues here.

18 PRESIDING JUDGE: Mr Munyard, it would appear to us to be
19 four working days that you are proposing, today being Tuesday.
15:56:54 20 Wednesday, Thursday, Friday, Monday.

21 MR MUNYARD: Yes. If you want to give us more we would be
22 happy to take it.

23 PRESIDING JUDGE: I thought you would, but I didn't offer
24 it to you. I am just doing a calculation because I don't happen
15:57:09 25 to have a calendar with me. In fairness to the Prosecution we
26 would give them the same amount of time to file the response.

27 MR MUNYARD: I am conscious of the fact that we don't want
28 this trial to slow down, however this particular argument is
29 going to have to take place at some point. In the meantime other

1 witnesses can come and indeed I know that there is one available
2 now, so in that sense, although I am not saying put it off for
3 ages --

4 PRESIDING JUDGE: Mr Munyard, you can take it from me that
15:57:40 5 when I said this it is on the assumption that there will be other
6 witnesses interposed because that has been the practice of this
7 Court and that is what I am assuming and it is on that basis that
8 I am giving you - not I am giving you the time, the Bench is
9 considering it.

10 MR MUNYARD: Well, Madam President, I am not entirely sure
11 where we are. I have proposed close of business next Monday.

12 PRESIDING JUDGE: Yes, have you got a date for next Monday?
13 I think it is the 28th.

14 MR MUNYARD: Yes.

15:58:07 15 PRESIDING JUDGE: And giving a response then will be Friday
16 29th. I think is right, isn't it?

17 MR MUNYARD: No, if Monday is the 28th, Friday isn't the
18 29th.

19 PRESIDING JUDGE: 1 February, I'm grateful.

16:00:30 20 We grant the application by the Defence to have the
21 submissions in this matter and we do note the comprehensive
22 submissions in the light of the various issues raised. The
23 motion to be filed by close of business on Monday 28th. The
24 response by the Prosecution to be filed by close of business on
16:01:23 25 Friday, 1 February and a reply, if any, by close of business on
26 Thursday 7 February.

27 I believe our filing time, Madam Court Manager, is
28 4 o'clock.

29 MS IRURA: 5 o'clock.

1 PRESIDING JUDGE: You have an extra hour, Mr Munyard and
2 Mr Bangura.

3 Ms Dufka, thank you for your evidence. We have no further
4 questions. Any issues are of a legal nature and you are at
16:01:58 5 liberty to leave and we are grateful for your time.

6 THE WITNESS: Thank you.

7 PRESIDING JUDGE: Mr Bangura, your next witness is
8 available?

9 MR BANGURA: Yes, your Honour. My colleague Nick Koumjian
16:02:35 10 will be leading the next witness.

11 PRESIDING JUDGE: Just before the witness comes in
12 Mr Koumjian, is there an issue of - pause, Madam Court Attendant,
13 please. Is this a protected witness? What is the situation? Do
14 we need to take any measures?

15 MR KOUMJIAN: No, this witness will testify openly, your
16 Honour. The witness will be testifying in Liberian English.

17 MR ANYAH: Good afternoon, Madam President. I will be
18 undertaking the examination for the Defence.

19 PRESIDING JUDGE: Thank you.

16:04:31 20 WITNESS: ABU KEITA [Sworn]

21 EXAMINATION-IN-CHIEF BY MR KOUMJIAN:

22 Q. I just want to verify that the witness is getting the
23 interpretation in Liberian English? Mr Keita, can you hear me in
24 Liberian English?

16:05:50 25 A. Yes.

26 Q. Thank you. Sir, would you please state your name?

27 A. My name is Abu Keita.

28 Q. Where were you born?

29 PRESIDING JUDGE: Spelling, please.

1 MR KOUMJIAN: The spelling: First name A-B-U, family name
2 K-E-I-T-A.

3 Q. Sir, where were you born?

4 A. I was born in Zorzor, Lofa County.

16:06:37 5 Q. Did you grow up in the same place, or a different place?

6 A. I grew up in Grand Cape Mount County.

7 Q. Do you consider yourself a member of a particular tribe or
8 ethnic group?

9 A. I am Mandingo.

16:07:00 10 Q. Sir, did you go to school at all?

11 A. I did not go too far in education. I stopped in the
12 8th grade.

13 MR KOUMJIAN: Sorry, Mr Interpreter, was that first grade?

14 THE WITNESS: I stopped in the first grade.

16:07:22 15 MR KOUMJIAN: Thank you.

16 Q. Sir, have you ever been a member of the military?

17 A. Yes, I am member of the AFL.

18 Q. When did you first join the AFL?

19 A. I joined the AFL in 1990.

16:07:46 20 Q. Just to be clear, by AFL you mean the armed forces of
21 Liberia?

22 A. I mean the AFL, the National Armed Forces of Liberia.

23 Q. Thank you. About how old were you when you joined the AFL
24 in 1990?

16:08:08 25 A. I was 17 years old.

26 Q. Did you receive any training?

27 A. I was trained by the AFL.

28 THE INTERPRETER: Your Honours, could the witness come back
29 in that area?

1 MR KOUMJIAN:

2 Q. Sorry, could you please repeat your answer?

3 A. I said I was trained in Bomi Hills, 6th infantry battalion.

16:08:44

4 Q. Were you involved in any fighting after your training with
5 the AFL?

6 A. Yes, sir.

7 Q. Can you tell the judges what your - what happened to you
8 then?

16:09:00

9 A. My first operation, they took us to Nimba County where we
10 attacked Ganta and Karnplay.

11 Q. Who were you fighting against at that time?

12 JUDGE SEBUTINDE: Please spell these places.

13 THE WITNESS: I was fighting against the NPFL.

16:09:18

14 MR KOUMJIAN: Your Honour, I will go back. Let me just get
15 that on LiveNote. For some reason my LiveNote is not working.

16 JUDGE SEBUTINDE: Ganta and Karnplay or places like that.

16:09:56

17 MR KOUMJIAN: Ganta, your Honour, is G-A-N-T-A and Karnplay
18 I believe is C-A-M-P-A-L-I-A-N but, your Honour, I don't profess
19 to be certain of that and I don't think it will be helpful to ask
20 the witness for any spellings. I am assisted by my colleague.

21 K-A-R-N-P-L-A-Y.

22 Q. Sir, who were you fighting against at that time?

23 A. We were fighting against the NPFL.

24 Q. What happened to you then, did you remain in the AFL?

16:10:35

25 A. We fought until we realised we could not make it so we
26 retreated.

27 Q. Where did you retreat to?

28 A. We retreated back to Sierra Leone at the Daru barracks.

29 MR KOUMJIAN: And Daru is D-A-R-U.

1 Q. Sir, when you got to Daru in Sierra Leone did you have any
2 contact with the military of Sierra Leone?

3 A. We are disarmed by the Sierra Leonean Government.

4 MR ANYAH: I apologise, Madam President, for interrupting
16:11:17 5 but perhaps we can get a foundation for the date and timeframe or
6 the year perhaps.

7 MR KOUMJIAN:

8 Q. What year was it, sir, when you retreated into Sierra
9 Leone?

16:11:29 10 A. It was in 1990, sir.

11 Q. After being disarmed by the Sierra Leone Army, did you ever
12 rejoin a fighting force while you were in Sierra Leone?

13 A. Yes.

14 Q. Can you explain what force you joined?

16:11:52 15 A. I joined the LUDF, Liberians United Defence Force.

16 Q. Can you explain to us to the judges briefly what the LUDF
17 was?

18 A. LUDF was founded by Albert Karpeh who was our leader to
19 fight against the RUF that were attacking Sierra Leone.

16:12:24 20 MR KOUMJIAN: Your Honours, that is Albert, the normal
21 spelling, and Karpeh, KARPEH.

22 Q. Did the LUDF receive any weapons from anyone?

23 A. Yes.

24 Q. Who did you receive weapons from?

16:12:47 25 A. We received weapons from the Sierra Leone Government, sir.

26 Q. Who were you fighting against when you were a member of the
27 LUDF?

28 A. We were fighting against the RUF in Sierra Leone.

29 Q. In what parts of Sierra Leone were you fighting at that

1 time in 1990 and in 1991?

2 A. At first we attacked Gbaima behind the Daru barracks and
3 the second one, they took us to Golahun Tonkia going towards
4 Zimmi that is close to the Liberian border, sir.

16:13:37 5 MR KOUMJIAN: I believe the witness said Gbaima, which is
6 G-B-A-I-M-A. I believe he also said Kolahun.

7 THE WITNESS: No, no, Golahun Tonkia.

8 MR KOUMJIAN:

9 Q. I'm sorry, sir, is that the place you were fighting?

16:14:06 10 A. Yes.

11 MR KOUMJIAN: Our best guess at the spelling is
12 G-O-L-A-H-U-N. I believe he said Tonkia, T-O-N-K-I-A.

13 PRESIDING JUDGE: I think I also heard Zimmi close to the
14 border.

16:14:31 15 MR KOUMJIAN: I believe that is Z-I-M-I. Two Ms, excuse
16 me.

17 Q. Sir, at some time did LUDF change into another organisation
18 with a different name?

19 A. Yes, it later changed to ULIMO.

16:14:55 20 Q. Was that after something happened to the leader of LUDF?

21 A. Yes, our leader was assassinated in Kenema.

22 Q. Did you then join the ULIMO organisation?

23 A. The LUDF, the name was changed to ULIMO because Alhaji
24 Kromah now became the leader.

16:15:23 25 MR KOUMJIAN: Alhaji Kromah is A-L-H-A-J-I K-O-R-O-M-A.

26 Q. When you were with ULIMO did ULIMO at some time split into
27 two different organisations?

28 A. Yes, it split into ULIMO-K and ULIMO-J.

29 Q. Who was the leader of ULIMO-J?

1 A. It was Roosevelt Johnson.

2 Q. Who was the leader of ULIMO-K?

3 A. It was Alhaji Kromah.

4 Q. At some point, sir, did you fight as part of - excuse me.

16:16:15 5 Which of the two factions were you a member of, ULIMO-J or
6 ULIMO-K?

7 A. I was a member of ULIMO-K.

8 Q. Were the members of ULIMO-K predominantly from a particular
9 tribe or ethnic group, or tribes and ethnic groups?

16:16:42 10 A. No, they were from all tribes.

11 Q. You mentioned that you were Mandingo. Did Mandingos tend
12 to belong to one of the two factions more than another?

13 A. The Mandingo, the leader was Mandingo, therefore there were
14 more Mandingos in the ULIMO-K, but there were all other tribes in
16:17:18 15 ULIMO.

16 Q. When you say the leader you mean Alhaji Kromah?

17 A. Yes, Alhaji Kromah, sir.

18 Q. When you were a member of ULIMO-K were you involved in any
19 fighting, any battles in Monrovia?

16:17:36 20 A. Yes.

21 Q. Who were you fighting against and who were you fighting
22 with - I will take those one at a time. In that battle can you
23 explain who the different sides were in the battle in Monrovia?

24 MR ANYAH: Objection, your Honour. Again there was no
16:17:56 25 foundation as to when ULIMO split between K and J. We are now in
26 Monrovia. We are not aware of the year and who the fighting is
27 taking place with.

28 PRESIDING JUDGE: Mr Koumjian, you will need to lay that
29 foundation.

1 MR KOUMJIAN: Your Honour, that we will come to if I can
2 just get in the order.

3 Q. But, sir, when did the battle occur in Monrovia? Can you
4 tell us that?

16:18:25 5 A. The fighting started in - it was in 1995, sir.

6 Q. Okay, when did ULIMO split? You mentioned it was after the
7 assassination of the leader - sorry, please wait until the
8 interpreter finishes the question. When was that?

9 A. It happened in 2004, sir. In Bomi Hills, sir.

16:18:54 10 Q. Sir, you said 2004?

11 A. 1994, sir.

12 Q. Thank you. Do you know when this battle occurred in
13 Monrovia?

14 A. The fighting took place on 6 April, sir.

16:19:22 15 Q. Do you remember which year that was?

16 A. 1995, sir.

17 Q. To the best of your recollection it was 1995. Can you tell
18 us who - what caused that particular battle in Monrovia at that
19 time?

16:19:47 20 A. Yes, at that time we had transitional government and
21 Roosevelt Johnson killed another [indiscernible] man and then
22 Charles Taylor and Alhaji Kromah, they said Johnson must be
23 arrested.

24 Q. So at that time Roosevelt Johnson, the leader of ULIMO-J,
16:20:12 25 was one of the parties to that battle. Is that correct?

26 A. We fought against him, sir. Yes, sir.

27 Q. Who were the allies of ULIMO-K of your force in that battle
28 in Monrovia on 6 April?

29 A. We joined forces with the NPFL to fight, sir.

1 Q. Sir, how long did you remain a member of ULIMO-K?

2 A. I remained a member of ULIMO-K until we were disarmed in
3 Liberia, sir.

4 Q. Do you remember what year the disarmament was?

16:21:01 5 A. The disarmament took place in 1996, sir.

6 Q. While you were a member of the ULIMO-K what rank did you
7 achieve, what was the highest rank you held?

8 A. I was a general, sir. Deputy chief of staff, sir.

9 Q. As deputy chief of staff can you tell the judges what your
16:21:30 10 responsibility was?

11 A. I was the second man in command in the military structure,
12 sir, ULIMO.

13 Q. Who did you report to?

14 A. I reported to my commander who was Jungo Jibba.

16:21:57 15 MR KOUMJIAN: Jibba is J-I-B-B-A. I believe Jungo is spelt
16 J-U-N-G-O in the spelling I have seen.

17 Q. When you had been a member of the AFL what was the highest
18 rank you held with the AFL before joining the LUDF?

19 A. I was a private soldier, sir.

16:22:30 20 Q. Can you tell us why - can you give us any explanation for
21 how you advanced so quickly as a member of ULIMO to reach the
22 rank of general?

23 THE INTERPRETER: Your Honour, can counsel go over that
24 question again?

16:22:46 25 MR KOUMJIAN: Let me restate the question.

26 Q. Can you tell us how you were promoted so quickly to reach
27 the rank of general in ULIMO-K?

28 A. Okay. I was a private soldier when we were in LUDF when we
29 started attacking the RUF and NPFL until we crossed into Liberia

1 and because there was a split between the ULIMO-J and ULIMO-K and
2 then I was a front line commander, therefore I was promoted.
3 That was how I came to get that promotion.

4 Q. As a front line commander did you have any successes?

16:23:38 5 A. Yes, I had deputies.

6 Q. No, sir, I am sorry. I am not sure how my question came to
7 you, but did you have any success as a commander of forces in
8 battle? Did you win any battles?

9 A. That was the reason why I got the promotion. I was a
16:24:07 10 commander who attacked Tubmanburg in Bomi County where I was
11 trained in. I was the commander who attacked Zorzor in Lofa
12 County and I was the first commander that crossed over the
13 St Paul Bridge into Bong County. So those were how I got my
14 elevations and promotions.

16:24:31 15 MR KOUMJIAN: Bong County is B-O-N-G. St Paul, S-T
16 P-A-U-L. Zorzor, Z-O-R-Z-O-R. Tubmanburg, T-U-B-M-A-N-B-U-R-G.

17 Q. Now, sir you mentioned disarmament. Did you personally
18 disarm in 1996?

19 A. Yes, sir.

16:25:07 20 Q. Did anyone order you to disarm?

21 A. I was ordered by the leader of ULIMO-K who was Alhaji
22 Kromah to disarm, sir.

23 Q. Did Alhaji Kromah give that order just to you or others
24 also?

16:25:29 25 A. To the whole command structure of ULIMO, sir.

26 Q. Sir, at the time of disarmament when you disarmed was there
27 an interim government in Liberia?

28 A. Yes, there was interim government.

29 Q. And who was the leader of the interim government?

1 A. It was Ruth Sando Perry, sir.

2 MR KOUMJIAN: Your Honour, actually this is an appropriate
3 time for me to break. I have a document that will take a little
4 bit of time to show and the next series of questions.

16:26:09 5 JUDGE SEBUTINDE: Could you spell this last name before we
6 break?

7 MR KOUMJIAN: Ruth R-U-T-H, Samuel S-A-M-U-E-L --

8 MR ANYAH: Madam President, I believe it is Ruth Sando,
9 S-A-N-D-O.

16:26:37 10 MR KOUMJIAN: Sorry.

11 PRESIDING JUDGE: Mr Witness, we are now going to adjourn
12 until tomorrow morning at 9.30. You have taken the oath and
13 sworn to tell the truth. Between now and the time all your
14 evidence is finished you must not discuss your evidence with
16:26:59 15 anyone else. Do you understand?

16 THE WITNESS: Yes, sir.

17 [Whereupon the hearing adjourned at 4.30 p.m.
18 to be reconvened on Wednesday, 23 January 2008
19 at 9.30 a.m.]

15:44:23 20

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I N D E X

WITNESSES FOR THE PROSECUTION:

CORINNE DUFKA	1821
EXAMINATION-IN-CHIEF BY MR BANGURA	1821
CROSS-EXAMINATION BY MR MUNYARD	1867
ABU KEITA	1946
EXAMINATION-IN-CHIEF BY MR KOUMJIAN	1946