



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 26 FEBRUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson
Ms Carolyn Buff

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Nicholas Koumjian
Mr Christopher Santora
Ms Shyamala Alagendra
Ms Julia Baly
Ms Leigh Lawrie
Ms Maja Dimitrova

For the accused Charles Ghankay Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

For the Office of the Principal Defender:

Mr Silas Chekera

1 Tuesday, 26 February 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:09 5 PRESIDING JUDGE: Good morning. I note some changes in
6 appearances. Mr Santora?

7 MR SANTORA: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel. Your Honours, for the
9 Prosecution this morning is Brenda Hollis, Nicholas Koumjian,
09:31:27 10 Julia Baly, Shyamala Alagendra and myself Christopher Santora.

11 PRESIDING JUDGE: Thank you, Mr Santora. For the Defence?

12 MR ANYAH: Good morning, your Honours, Madam President.
13 For the Defence Courtenay Griffiths QC and we welcome him back to
14 the Chamber, Mr Terry Munyard, myself Morris Anyah and we have
09:31:50 15 with us Silas Chekera from the Office of the Principal Defender.

16 PRESIDING JUDGE: Thank you, Mr Anyah. We will indeed
17 welcome Mr Chekera and Mr Griffiths back.

18 Before I ask if there are preliminary matters and remind
19 the witness of his oath I have the following - the Bench has
09:32:13 20 noted the call list that the witness to follow the present
21 witness TF1-275 was listed as witness TF1-362, however we now
22 understand that he will be followed by witness TF1-399 who is the
23 subject of a motion for protective measures, motion number 385.
24 That motion will be denied and reasons will be published.

09:32:43 25 If there's any other preliminary matters? No. I will
26 therefore remind the witness of his oath.

27 Mr Witness, I remind you again as I've done on previous
28 mornings that you have taken the solemn declaration to tell the
29 truth and that is still binding on you, you must answer

1 truthfully. Do you understand?

2 THE WITNESS: Yes.

3 WITNESS: TF1-275 [On former affirmation]

4 PRESIDING JUDGE: Please proceed, Mr Anyah.

09:33:17 5 MR ANYAH: Thank you, Madam President. Good morning,
6 counsel.

7 CROSS-EXAMINATION BY MR ANYAH [Continued]:

8 Q. Good morning, Mr Witness.

9 A. Good morning, sir.

09:33:30 10 Q. Mr Lansana, when we left off yesterday I recall that I had
11 read you a passage from one of the statements or interview notes
12 from the Office of the Prosecution dated 1 February 2007 and I
13 recall your last statement to the Chamber was that the paragraph
14 I read you was in error. So let me commence by asking you to
09:33:57 15 confirm that statement. The statement comes from tab 5, page 33
16 and it was as follows:

17 "The witness once again states that during the time period
18 from 1998 until 2000 he did not monitor any communication between
19 Liberia and Sierra Leone. He was not aware of any communications
09:34:22 20 between RUF commanders and NPFL commanders (Example: Foday
21 Sankoh, Sam Bockarie and Charles G Taylor and Benjamin Yeaten)."

22 So, Mr Lansana, do you confirm that this statement is in
23 error?

24 A. Yes.

09:34:45 25 Q. Thank you. Yesterday we talked very briefly about Monrovia
26 and your visit there in December 1999 and you told us about
27 meeting Benjamin Yeaten and Ibrahim Bah for the first time. I
28 recall you saying that you met Mr Yeaten at the guesthouse,
29 correct?

1 A. Yes.

2 Q. And in some of your statements to the Office of the
3 Prosecutor you described the guesthouse as an NPFL guesthouse,
4 true?

09:35:25 5 A. Yes.

6 Q. And this was December 1999, yes?

7 A. Yes.

8 Q. Are you aware of the fact that by December 1999 there was
9 no entity called the NPFL?

09:35:45 10 A. What I mean about the word NPFL was a military wing that
11 brought about the government under the leadership of Mr Charles
12 Ghankay Taylor. So when I said NPFL I was referring to the
13 military or armed wing of the National Patriotic Front of
14 Liberia.

09:36:16 15 Q. Well, as of August 1997 there was no National Patriotic
16 Front of Liberia; true or false?

17 A. Yes, you are right that there was no NPFL but I spoke - I
18 said so because I was considering the military wing of the
19 government.

09:36:42 20 Q. So the military wing of the Liberian government you
21 described as being the NPFL in December 1999, is that your
22 evidence?

23 A. That is how I considered it according to my speech.

24 Q. Let's speak briefly about the events leading up to the
09:37:12 25 invasion of Freetown on 6 January 1999. You told us on Friday
26 that on 6 January you were in Lunsar, yes?

27 A. Yes.

28 Q. And you were there with Superman, were you not?

29 A. Yes.

1 Q. And another group of RUF - rather AFRC or SLA members had
2 made their way from Rosos into Freetown and they were led by
3 Gullit, right?

4 A. Yes, Gullit.

09:37:59 5 Q. Gullit, Alex Tamba Brima, that's to whom you're referring,
6 right?

7 A. Yes.

8 Q. And while you and Dennis Mingo were in Lunsar you were
9 waiting for another group of reinforcements from Kono which
09:38:20 10 included Issa Sesay as well as Morris Kallon, yes?

11 A. Yes.

12 Q. Now did Morris Kallon and Issa Sesay eventually arrive
13 where you and Dennis Mingo were?

14 A. Please rephrase that question.

09:38:49 15 Q. I will repeat the question which is the reinforcements you
16 were waiting for, as in Issa Sesay and Morris Kallon, did they
17 arrive in Lunsar when you and Dennis Mingo were there?

18 A. Yes.

19 Q. And when they arrived how much time had passed - well, I
09:39:12 20 withdraw that. Had 6 January 1997 [sic] come or arrived when
21 Mingo - when Sesay and Kallon were in Lunsar with you?

22 A. At no time did Issa Sesay, Morris Kallon or Superman ever
23 stay with me at Lunsar.

24 Q. But you just told us that you were there with Dennis Mingo?

09:39:50 25 A. Yes, indeed, I was there with Dennis Mingo but I never
26 stayed together with Issa Sesay, Morris Kallon and Superman
27 together.

28 PRESIDING JUDGE: Mr Witness, I think the question is did
29 they arrive, not where they stayed.

1 MR ANYAH: Yes, that's the question indeed:

2 Q. Would you like me to repeat the question, Mr Witness?

3 A. Yes, sir.

09:40:21

4 Q. I'm asking whether this group of reinforcements you were
5 expecting, Issa Sesay and Morris Kallon, whether they did in fact
6 arrive at Lunsar and meet you there with Dennis Mingo?

7 A. No, they met us in Waterloo.

8 Q. Was this at the time of the retreat from Waterloo to
9 Makeni?

09:40:44

10 A. No, before the retreat.

11 Q. This was before the retreat and did you go to Waterloo from
12 Lunsar?

13 A. Yes.

14 Q. But in Freetown was Gullit, yes?

09:41:01

15 A. Yes.

16 Q. And Gullit was the - did you say strike force commander?

17 A. He was the overall commander for the Rosos group.

18 Q. But on Friday you said he was the task force commander in
19 Freetown, is that fair to say?

09:41:25

20 A. The question that was posed to me was that how did I
21 consider Gullit according to the communication on the BBC and I
22 said he did say that he had already identified himself and that
23 according to Sam Bockarie that he was the task force commander.

09:41:50

24 Q. Okay, that's fair enough. Now you told us there was
25 communication between the various groups that were participating
26 in the invasion of Freetown. Specifically you said there was
27 communication from Kono from Sam Bockarie to Superman, yes?

28 MR SANTORA: Objection. The counsel has misstated the
29 evidence.

1 PRESIDING JUDGE: In what way, Mr Santora?

2 MR SANTORA: The witness never said that there was Freetown
3 [sic] from Sam Bockarie from Kono.

4 MR ANYAH: What does the record say? I thought I said --

09:42:25 5 PRESIDING JUDGE: Mr Anyah, the recorded question is there
6 was communication from Kono from Sam Bockarie to Superman. Are
7 you saying that that is what - putting to the witness that he
8 said that?

9 MR ANYAH: Yes. He said on Friday that Superman
09:42:43 10 communicated with Dennis Mingo and he said --

11 PRESIDING JUDGE: From Kono?

12 MR ANYAH: Well, if I may have a moment, your Honour.

13 JUDGE LUSSICK: Mr Santora, I'm sure you probably meant to
14 say something different but your objection reads this way:
09:43:17 15 "Objection. Counsel has misstated the evidence." Then the
16 reason you give is, "The witness never said that there was
17 Freetown from Sam Bockarie from Kono." It doesn't make sense.
18 You meant to say something different I think.

19 MR SANTORA: I believe that maybe perhaps I spoke too
09:43:35 20 quickly and they didn't pick up my speech. I said that the
21 witness never said that there was communication from Freetown to
22 Sam Bockarie from Kono and the point being "Sam Bockarie from
23 Kono" is in my submission a misstatement of the evidence.

24 MR ANYAH: I will just rephrase the question.

09:44:01 25 PRESIDING JUDGE: Yes, in the circumstances I think that's
26 the appropriate thing to do, Mr Anyah.

27 MR ANYAH: Yes:

28 Q. Mr Witness, you were asked this question on Friday and you
29 gave this answer, the page of the transcript is page number 4552

1 and it's 22 February 2008 starting at line 1:

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

09:44:37

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

9 Q. How do you know this?

09:44:52

10 A. It was through the communication."

11 Do you recall giving those responses to those questions on
12 Friday?

13 A. Yes.

09:45:06

14 Q. And you went on to say specifically you knew about
15 developments that were occurring in the events leading up to the
16 invasion from situation reports. Do you recall that?

17 A. Yes.

09:45:26

18 Q. You also said separate and distinct from situation reports
19 that you also knew what was going on because you yourself
20 monitored communications amongst the various groups, true?

21 A. Yes.

22 Q. Indeed you were asked a question and this is on page 4560
23 of that same day's transcript starting at line 8. You were asked
24 the question:

09:45:49

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

26 A. I was with Superman and I used to monitor
27 communication in Lunsar

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

1 A. Because I used to monitor the net between Sam Bockarie
2 and Gullit and other commanders that had communication
3 sets."

4 Do you recall telling this Chamber those answers on Friday
09:46:21 5 last week?

6 A. Yes.

7 Q. So it would be fair to say that there were two ways in
8 which you knew what was going on at this time; situation reports
9 and through your own monitoring activities of the net. Correct?

09:46:38 10 A. Yes.

11 MR ANYAH: I wonder if Madam Court Officer could assist me,
12 please. I will be referring to tab 2 in the Defence set of
13 documents, pages 28 through 29.

14 Q. Mr Witness, this is a transcript from your interview with
09:47:33 15 the Prosecution on 21 November 2003. On page 28 I will be
16 reading from lines 18 through to the next page:

17 "Q. How do you know that they were at Rosos?

18 A. They all passed us from Makeni, as I told you, after
19 that forum concerning the information received from
09:48:03 20 Kailahun, and they told us that they were moving towards
21 that end. Any time they used to communicate we used to get
22 circulation that they have reached so-so point, so-so-so
23 point, within the camp.

24 Q. That's leading me to the next question.

09:48:23 25 A. Okay.

26 Q. Was there any communication going on between these AFRC
27 commanders and the RUF commanders?

28 A. Yes. After they, I mean, sort out their indifference
29 there was communication between them.

1 Q. Did you monitor some of the communication between these
2 two groups?"

3 I'm sorry, may I have a moment, your Honours? I have to
4 consult with our client for a second. I'm sorry to do this.

09:49:10 5 Thank you.

6 Madam President, Mr Taylor is not feeling well at this time
7 and I have been advised as such and it may be a matter that
8 requires consultation with a doctor quite immediately and with
9 leave of the Court we would ask that the proceedings stop at this
10 point

09:49:52

11 PRESIDING JUDGE: Just let me be clear. First of all,
12 should Mr Taylor be taken out now? Yes. Please escort Mr Taylor
13 and ensure that he gets medical attention as soon as possible and
14 other matters I will deal with - procedural matters I can deal
15 with in his absence. If it requires a short adjournment for
16 instructions that will be given.

09:50:13

17 MR GRIFFITHS: Your Honour, I wonder if I could just
18 interrupt to say this. I've consulted with Mr Taylor and he's
19 quite happy for the cross-examination of this witness to continue
20 in his absence.

09:50:30

21 PRESIDING JUDGE: Pursuant to Rule 60. Therefore I - you
22 can allow Mr Taylor to go out and, as I said before, we will then
23 deal with these procedural matters. Please assist the accused to
24 leave.

09:50:57

25 [In the absence of the accused]

26 PRESIDING JUDGE: Now that the immediate problem of getting
27 Mr Taylor seen to medically is put in hand let us continue with
28 what you were saying, Mr Griffiths.

29 MR GRIFFITHS: Your Honour, I spoke to Mr Taylor and he's

1 quite happy for the proceedings to continue in the sense of
2 Mr Anyah's cross-examination of this witness in his absence and
3 we see no reason why the proceedings ought to be delayed, because
4 the matter has been dealt with, instructions have already been
09:51:39 5 taken from Mr Taylor on this particular witness. It seems to us
6 that there would be no injustice caused by Mr Anyah's
7 cross-examination continuing at this point.

8 PRESIDING JUDGE: Thank you for that, Mr Griffiths. It's
9 most helpful.

09:52:14 10 In the light of Mr Griffiths's information to the Bench we
11 will continue pursuant to Rule 60(B) of the Rules of Procedure
12 and Evidence. Mr Anyah, please continue.

13 MR ANYAH: Thank you, Madam President:

14 Q. Mr Lansana, I was reading you an excerpt from your
09:52:39 15 interview on 21 November 2003 and I was now on page 29. I will
16 just start from page 28 again, line 18, ERN number 00037775:

17 "Q. How do you know that they were at Rosos?

18 A. They all passed us from Makeni, as I told you, after
19 that forum concerning the information received from
09:53:12 20 Kailahun, and they told us that they were moving towards
21 that end. At any time they used to communicate we used to
22 get circulation that they have reached so-so point,
23 so-so-so point, within the camp.

24 Q. That's leading me to the next question.

09:53:32 25 A. Okay.

26 Q. Was there any communication going on between the AFRC
27 commanders and the RUF commanders?

28 A. Yes. After they, I mean, sort out their difference
29 there was communication between them.

1 Q. Did you monitor some of the communication between these
2 two groups?

3 A. No, but I used to get information from Super because in
4 the evening he can brief some of his close bodyguards when
09:54:08 5 they are nearby."

6 That's what you told the Prosecution in November 2003,
7 correct?

8 A. A point of correction, please. This tab was not an
9 interview one on one. It was recorded on a tape recorder and I
09:54:39 10 want you to make a specific visit to points 4 and 5 saying that I
11 didn't monitor some of the communication between the two groups,
12 yes.

13 Q. Did you make an amendment to the statement, is that what
14 you're telling the Court?

09:54:55 15 A. During my interview if the tape were around that could also
16 be pointed out. It was very explicit that I could recall that
17 they asked me another question whether I monitored all, I said
18 no, that is quite impossible. It was an interview on a tape
19 recorder.

09:55:17 20 Q. Well, I am telling you that this is a transcription of any
21 words that you said during this interview. Are you saying this
22 is an error?

23 A. This is what I am saying. It was later recorded through
24 writing, but it was a tape recorder that - I remember precisely
09:55:44 25 that this interview was conducted between myself and a lady and
26 the investigator was around monitoring. So I cannot recall
27 saying that I did not monitor any communication at that
28 particular time. I monitored some communication, but not all.

29 Q. So, Mr Witness, what you're saying to the Court is that

1 this transcript and this passage I have just referred to does not
2 accurately reflect what you said to the Prosecution --

3 A. Yes.

4 Q. May I finish my question, please?

09:56:20 5 A. Sorry.

6 Q. What you're telling the Court is that this passage from
7 this transcript that I have just read does not accurately reflect
8 the statement you made to the Office of the Prosecution on 21
9 November 2003, yes?

09:56:36 10 A. Exact.

11 Q. Well, let's take a look at the next page and see if you
12 recall saying this.

13 A. Okay.

14 Q. I will read from lines 12 through 20 if it please the
09:56:54 15 Court. Mr Lansana, the area of questioning now involves how you
16 knew what was going on in Freetown and here is what you told the
17 Prosecution on 21 November 2003:

18 "Q. So can you tell us about any plan that was made,
19 either by RUF or AFRC, or by the two of them, to attack
09:57:20 20 Freetown on January 6th, 1999?

21 A. No. No. The group that entered Freetown were directly
22 under the command of Bazzy, Gullit, and the entire men or
23 command structure within Rosos, and we were far from that
24 particular point. So --

09:57:45 25 Q. But how did you know that it was the group which was
26 based at Rosos that invaded Freetown on January 6th, 1999?
27 How did you know that?

28 A. I got to know that when we enter Pademba, and even now
29 there are people who discuss it on daily basis in Pademba."

1 That's what you told the Prosecution in November 2003,
2 true? True or false that is what you told them?

3 A. False.

09:58:27

4 Q. I put it to you, Mr Lansana, that in respect of everything
5 you have told this Court about the invasion of Freetown in
6 January 1999 you heard all of that from fellow prisoners or
7 inmates at Pademba Road , true or false?

8 A. False.

09:58:53

9 Q. Let us speak about Martin Moinama for a second. You told
10 us last Friday that Moinama during this invasion of Freetown, 6
11 January '99, was found at Pademba Road prison by Gullit and that
12 the communication came from Sam Bockarie regarding Martin
13 Moinama. Do you recall that?

14 A. Martin Moinama.

09:59:19

15 Q. We are speaking of the same person, right?

16 A. Yes.

17 Q. Did you tell us Sam Bockarie radioed a message to Gullit
18 regarding Moinama when Moinama was found in Freetown in January
19 1999?

09:59:40

20 A. Yes.

21 Q. Specifically you said that Moinama was the person who
22 prosecuted, that was the word you used, Foday Sankoh during his
23 treason trial and later it was clarified that you meant he was a
24 witness against Foday Sankoh and that they found Moinama in
25 Pademba Road and Bockarie ordered him to be executed or killed,
26 yes?

10:00:02

27 A. He was a Prosecution witness against Mr Sankoh in his last
28 trial in 1998.

29 Q. That was not what I'm asking you about. I'm asking you of

1 a radio communication from Bockarie ordering that Moinama be
2 killed. Did you say that to the Court on Friday?

3 A. Yes, I did.

4 Q. And you said that that communication was from Bockarie to
10:00:47 5 Gullit, yes?

6 A. Yes.

7 Q. And you said that Gullit carried out that execution of
8 Moinama, yes?

9 A. Yes.

10:01:00 10 Q. And you told us that you knew that the communication came
11 from Bockarie because you were monitoring or you listened to the
12 communication over the radio, yes?

13 A. Yes.

14 Q. And then counsel asked you this question, I'm reading from
10:01:26 15 page 4562 of Friday's transcript starting at line 26. Counsel
16 asked you:

17 "Q. How do you know he carried out that instruction? How
18 do you know Gullit carried out that instruction?

19 A. I knew it when Gibriil Massaquoi who was on the scene
10:01:48 20 arrived in Lunsar along with other combatants from
21 Freetown."

22 Over to the next page, page 4563:

23 "Q. So when Gibriil Massaquoi arrived in Lunsar with other
24 combatants, when was that?

10:02:05 25 A. It was after they had been pushed out of Freetown in
26 1999."

27 So you knew that in fact Gullit was - sorry, I withdraw
28 that. You knew that in fact Martin Moinama was killed when
29 Gibriil Massaquoi came to Lunsar, yes?

1 A. Yes, it was confirmed that he was executed, but the
2 instruction was given by Sam Bockarie on the air.

3 Q. Was it Massaquoi who told you that, yes, Gullit - that,
4 yes, Moinama had been executed?

10:02:46 5 A. Gibriil Massaquoi said it and other combatants proved that
6 he was executed based on the instruction given by Sam Bockarie.

7 Q. And when you met with the Office of the Prosecution in
8 January of 2007, specifically 17 January, you told them who
9 carried out the execution. You said it was Alhaji Conteh or
10 Black Jesus, yes?

11 A. Yes.

12 Q. He was the triggerman or the person who actually did the
13 deed, yes?

14 A. Yes.

10:03:37 15 MR ANYAH: Madam Court Officer, if you could assist me,
16 please. I will be referring to tab 1, page 21 from the witness's
17 interview with the Office of the Prosecution on 17 November 2003.
18 The ERN number on that page is 00037118 and I will start at line
19 17.

10:04:26 20 Q. Mr Lansana, you were asked the question - actually, your
21 Honours, it might be best if I were to start from page 20 for
22 contextual reasons and that will be the last line, line 15, and
23 there's a question posed to you:

24 "Q. Who was now in charge of the communication in Kangari
10:04:58 25 Hills?

26 A. Kangari Hill?

27 Q. Yeah.

28 A. One Martin Moinama, who - Martin Moinama was in charge.

29 Q. And where is Martin Moinama now?

- 1 A. Really, I cannot give a specific location of Martin
2 Moinama, but according to other information that I got, he
3 was the one that prosecuted Mr Sankoh in 1990 - the last
4 case that he got, that he was condemned, yeah, he was the
10:05:38 5 one who do the Prosecution. So I cannot tell his
6 whereabouts now and I have not seen him from that time."
7 This is what you told the Prosecution in 2003?
- 8 A. That is what is recorded on this tab.
- 9 Q. But you did not tell them that Martin Moinama was dead,
10:06:05 10 true? True?
- 11 A. Yes, yes.
- 12 Q. Yes you did not tell them, correct?
- 13 A. No, no.
- 14 Q. Yes or no, did you tell them?
- 10:06:20 15 A. No, I did not tell them.
- 16 Q. You did not tell them that Alhaji Conteh killed Martin
17 Moinama, true or false?
- 18 A. Yes, but I also revealed it to them that Martin was
19 executed by Alhaji Conteh.
- 10:06:44 20 Q. You told them this information on 17 November 2003, is that
21 your evidence?
- 22 A. Yes.
- 23 Q. On the day that this interview was recorded you told them
24 that information, that's what you're telling the Court?
- 10:06:58 25 A. Yes.
- 26 Q. I am putting it to you that you only mentioned that Martin
27 Moinama was killed when you spoke with them in January 2007, true
28 or false?
- 29 A. It was in 2007, yes.

1 Q. So the first time you told them Alhaji Conteh or Black
2 Jesus killed Martin Moinama was in 2007, right?

3 A. Yes.

10:07:33

4 Q. In 2003, however, you did not know the whereabouts of
5 Martin Moinama, yes?

6 A. I never had a complete clue on the information that I gave.
7 I mean the information was not actually put through to them that
8 Martin was killed at that particular time.

9 Q. Well, let me suggest --

10:07:59

10 PRESIDING JUDGE: Mr Witness, I'm having trouble
11 understanding that answer. The question was in 2003 did you know
12 where Martin Moinama was.

10:08:27

13 THE WITNESS: No. It was one of the points that I based my
14 information on that I cannot give information or continue to give
15 information to the Special Court if they wanted me to be a
16 witness, because Martin who had served as Prosecution witness
17 against Mr Sankoh was killed when the troops of the RUF and the
18 junta entered Freetown on January 6 and Martin was recaptured by
19 those troops under Gullit's command and he was executed because
20 he never had protection. So that was my point of contention,
21 that I would not want to be a witness based on this experience
22 until the security was put in place.

10:08:55

23 MR ANYAH:

10:09:18

24 Q. So your evidence to the Court is as a result of the death
25 of Martin Moinama you were reluctant to be a Prosecution witness,
26 is that your evidence?

27 A. Yes, very fine, from 2003.

28 Q. And when they interviewed you on 17 November 2003 when they
29 came to this particular issue of Kangari Hills and Martin Moinama

1 you told them that it was one of the points of contention you did
2 not wish to speak about. Is that a fair assumption to make?

3 A. From the initial stage that had been my ground, because I
4 never wanted to be a victim after giving my testimony or anything
10:10:09 5 that had to do with the war, after giving my information I would
6 not want be a victim because Martin had already been a victim and
7 he was executed after he had given testimony against Mr Sankoh.

8 Q. But this account of your concerns that you echoed to the
9 Prosecution is not recorded in this interview, is it?

10:10:39 10 A. This is what I am saying. I said this was a recorded
11 information. I was interviewed and it was only later that this
12 material were written, but it was a tape recording. So --

13 THE INTERPRETER: Your Honours, the witness is running too
14 fast for me, please.

10:11:04 15 PRESIDING JUDGE: Pause, Mr Witness, please. The
16 interpreter is having a problem keeping up with you. Please
17 speak more slowly. Please repeat the last part of your answer.

18 THE WITNESS: Thank you, madam. What I am trying to say
19 with regards this particular interview, I was contesting and
10:11:29 20 arguing that I will not serve as a witness because Martin
21 Moinama, a radio operator, who served as Prosecution witness in
22 the 1998 trial of Mr Sankoh was executed because he did not have
23 security or protection in Freetown and it was based on this
24 information that I was not in position to serve as a witness at
10:12:26 25 this moment.

26 MR ANYAH:

27 Q. So your evidence is that you told them all of that you have
28 told us now and it is not reflected in this transcript, yes?

29 A. Yes, this is what I am saying, it was not recorded in this

1 transcript.

2 Q. But yesterday I read you another paragraph in tab 5 where
3 you expressed concerns about your security in relation to other
4 prisoners at Pademba Road and the Prosecution did record those
10:12:59 5 concerns. Do you recall that?

6 A. Yes, I did.

7 Q. But in the case of your concerns relative to Martin Moinama
8 they did not record that, yes?

9 A. Yes, it is not recorded as I can see on the script.

10:13:19 10 MR ANYAH: Madam Court Officer, can we go to tab 16,

11 please:

12 Q. Mr Witness, I had shown you this document previously from
13 the High Court of Sierra Leone. It is the case of the state or
14 the people in Sierra Leone against Foday Sankoh, yourself and
10:13:57 15 others and we have reviewed it on Friday, I believe, and if you
16 look three lines down from Mr Sankoh's name you see the name
17 "Alhaji Conteh (alias Black Jesus)". Do you see that?

18 A. Yes.

19 Q. Black Jesus was one of the defendants in your criminal case
10:14:26 20 in Sierra Leone, yes?

21 A. Black Jesus was --

22 Q. He was one of the defendants in your criminal case in
23 Sierra Leone, true?

24 A. Yes.

10:14:44 25 Q. Black Jesus was with you at Pademba Road prison, correct?

26 A. Yes.

27 Q. I put it to you that the entire story you have told us
28 about the death of Martin Moinama, you heard that story while you
29 were at Pademba Road prison; true or false?

1 A. False.

2 MR ANYAH: Madam Court Officer, I would like the documents
3 in tabs 13 and 14 to be displayed, please. Tab 13, page 1:

4 Q. Mr Witness, these are records kept by the Special Court in
10:16:07 5 this case the first page by the Office of the Prosecution
6 regarding money that they gave to you and on page 1 we see that
7 on 23 January 2007, 97,000 Leones were given to you and the
8 reason for the money - your Honours, it's number 3 on page 1 of
9 tab 13?

10:16:44 10 PRESIDING JUDGE: My page 1 is all blank so maybe it's on -
11 let me have the figures again, please, Mr Anyah.

12 MR ANYAH: Yes, Madam President. 97,000 Leones.

13 PRESIDING JUDGE: I think that might be on page 2 of ours.
14 Is it broken into two bits, 37,000 and 60,000 Leones
10:17:07 15 respectively?

16 MR ANYAH: Yes, Madam President.

17 PRESIDING JUDGE: In that case it's on page 2. Thank you,
18 I've found it.

19 MR ANYAH: Perhaps you have a different version than I
10:17:16 20 have. I understand why. I am using an older version and I
21 should revert to the newer version.

22 JUDGE LUSSICK: I wouldn't bother, Mr Anyah. The page 1 on
23 the version that we have doesn't have any figures on it at all,
24 so you're probably better off starting at page 2.

10:17:39 25 MR ANYAH:

26 Q. Mr Witness, the entry on entry 5 says that on 23 January
27 2007 you were given 97,000 Leones and the indication is for
28 medication required for witness, meals and drinks provided to
29 both witness and escort of Pademba Road. That is an accurate

1 account of what you were given on 23 January, true?

2 A. Yes.

3 Q. Mr Witness, were you interviewed on that day, on 23 January
4 2007?

10:18:32 5 A. Pardon me, sir?

6 Q. Were you interviewed by the Prosecution on 23 January 2007?

7 A. When the money was given to me?

8 Q. Can I ask you this. It says that you were escorted from
9 Pademba Road. Is it fair to say you were taken to the Special

10:19:05 10 Court on that day?

11 A. Yes.

12 Q. And you met with representatives of the Office of the
13 Prosecution on that day, true?

14 A. Yes.

10:19:18 15 Q. How long were you at the Special Court on that day?

16 A. I cannot precisely tell.

17 Q. Did they ask you questions on that day and did you give
18 answers to them?

19 A. I came in with a medical report regarding ulcer that I was
10:19:45 20 suffering from and the prisons also reminded them that the
21 medicine was not available, so I was escorted by a prison officer
22 in order for me to receive this money for the medication.

23 Q. That is not my question. My question is when you were at
24 the Special Court meeting with the Office of the Prosecution did
10:20:05 25 they ask you questions and did you give answers; yes or no?

26 A. No.

27 Q. They did not ask you any questions?

28 A. It was at the end of the interviews that I received this
29 money based on the medical report that I came in with.

1 Q. So there was an interview, yes?

2 A. What I am trying to say, I brought the medical report and
3 after the investigation they deemed it necessary to give this
4 money --

10:20:46 5 THE INTERPRETER: Your Honours, the witness is still going
6 too fast.

7 PRESIDING JUDGE: Mr Witness, the interpreter is having
8 trouble keeping up with you, so again speak a bit more slowly, as
9 you were doing, and repeat the last part of your answer.

10:21:04 10 THE WITNESS: What I am trying to say, there was a medical
11 report from the prison that I was suffering from ulcer and it was
12 based on this information that I was escorted by a prison officer
13 to the Special Court on the above date, 23 January 2007, and on
14 completion of the day this amount was handed over to me for that
10:22:05 15 purpose.

16 MR ANYAH:

17 Q. Mr Lansana, we understand that they gave you money to get
18 medical treatment. What I want to know, before they gave you
19 money they asked you questions and you gave answers, yes?

10:22:20 20 A. I cannot recall precisely in case of this date whether I
21 was interviewed.

22 Q. You cannot recall?

23 A. No.

24 Q. But they went to the trouble to take you all the way from
10:22:35 25 the prison to the Special Court, is that your evidence?

26 A. Yes.

27 Q. And the only thing you remember is that they gave you money
28 at the end of some period of time you spent with them. Is that
29 your evidence?

1 A. Yes.

2 MR ANYAH: Your Honour, for the record I would just note
3 going back to the document I gave the Court yesterday delineating
4 the interview dates with the witness that we have no record of
10:23:06 5 this meeting with the Office of the Prosecution and nothing was
6 disclosed to us about 23 January 2007:

7 Q. Now, Mr Witness, the next entry on this sheet - (Madam
8 Court Officer, if you could go back to the disbursement
9 itemisation.) Entry number 6 does correspond to a date on which
10:23:42 10 we have notes for your interview, 1 February 2007, and on 1
11 February 2007 you were given the sum of 25,000 Leones, 15,000 of
12 which was for meals for witness and Pademba Road prison guard and
13 10,000 for medicines required for witness. Do you recall that,
14 Mr Witness?

10:24:11 15 A. This was the amount that was consumed whilst I was with
16 them in the place. They gave me this money to buy food for that
17 particular day.

18 Q. I understand. I'm simply asking if they gave you money on
19 that day and did they give you these amounts? Is your answer
10:24:36 20 yes?

21 A. No, what I am saying is that the money was used by them to
22 feed me, but it was not handed over to me.

23 Q. And the money for medicines, did they have the medicines
24 there for you or did they hand you the money?

10:24:55 25 A. They used the money to buy some tablets that I was using in
26 order to cure myself.

27 Q. I see. We then have an entry in number 7 for 6 February
28 2007 and it says, "Meals provided for clarification interview
29 with investigations" and the amount in question being 15,000

1 Leones. Mr Witness, on that day, 6 February, when it says,
2 "Meals provided for clarification interview" you were interviewed
3 by the Prosecution, yes?

4 A. Yes.

10:26:08 5 MR ANYAH: Your Honours, for the record we do not have any
6 indications that an interview occurred on 6 February. We have no
7 records of that interview:

8 Q. The next entry is from 15 February 2007 and this does
9 correspond to a date on which we have records that you were
10:26:32 10 interviewed. It says that you were given again the sum of 15,000
11 Leones, the reason being, "Meals provided to witnesses (as prison
12 escort) during clarification interviews with investigations".
13 Mr Witness, do you recall being given that sum of money on 15
14 February 2007?

10:26:57 15 A. No.

16 Q. Thank you, Mr Witness. The next entry, I believe that
17 would be Wednesday 30 May 2007. Mr Witness, in May of 2007 it
18 says you were given the sum of 150,000 Leones, 100,000 of which
19 was for, "Assistance with schooling of two children (prior to
10:27:43 20 coming under WVS)" and 50,000 of which was funds provided for
21 clothing. Do you recall being given that sum of money on 30 May
22 2007?

23 A. Yes.

24 JUDGE SEBUTINDE: Mr Anyah, you named a number of children
10:28:09 25 which on our copies has been redacted. I don't know if that is
26 significant or not.

27 MR ANYAH: Yes. When it came out as soon as I spoke it - I
28 am going off another copy, an earlier version, and parts of mine
29 are redacted but this particular part is not and then in the

1 version that was disclosed to us most recently it is redacted
2 there. I mean, I can show the Prosecution the copy I have. It's
3 slightly earlier in date than what is on the teleprompter and so
4 we could strike that number if it's a problem, but I don't see
10:28:50 5 why it is given his testimony yesterday.

6 PRESIDING JUDGE: Mr Santora, it appears you're being
7 invited to reply.

8 MR SANTORA: Thank you, your Honour. I would just ask if
9 it's possible to use the redacted - the reason why the redactions
10:29:05 10 are there - they are there for a purpose and if counsel can just
11 refer to the redacted copy if he's going to continue --

12 PRESIDING JUDGE: Do you require --

13 MR SANTORA: As far as this particular item I would request
14 that it be redacted.

10:29:21 15 PRESIDING JUDGE: Why is that, Mr Santora? I do recall
16 evidence yesterday.

17 MR SANTORA: I stand to be corrected. I'm just - in terms
18 of the evidence counsel was referring to, if the witness named a
19 number of children in his evidence, if that is in the record
10:29:38 20 already then I will not request redaction at this point.

21 PRESIDING JUDGE: Unfortunately I cannot recall whether it
22 was in the private session or not.

23 MR ANYAH: I think it was in the private session, but I
24 will say this, two points: One, I am also operating out of a
10:29:51 25 redacted version. It just happens that redactions between the
26 two versions are not consistent.

27 Second, I don't see how a number can in any way, shape or
28 form cause problems in the realm of issues that counsel is
29 concerned with. I don't see how acknowledging that someone has

1 children or how many they have can pose a problem in this
2 context. I frankly do not.

3 PRESIDING JUDGE: A lot of evidence has been given in open
4 session, I don't think this requires a redaction, but in the
10:30:35 5 light of Mr Santora's reservations perhaps in the future if you
6 would respect some of those redactions.

7 MR ANYAH: Yes and I will just work off the copy that it
8 appears everybody has which is the one that appears on the
9 overhead projector. May we continue, Madam Court Officer,
10:30:57 10 please:

11 Q. Now, Mr Witness, I believe you may have given a response to
12 the question already. Did you say you do not recall being given
13 this 150,000 Leones on 30 May 2007?

14 A. I have not responded to that question. I said yes.

10:31:36 15 Q. Yes means you received the money?

16 A. Yes, indeed, I received this money.

17 Q. Thank you, sir. The next entry is from 14 June 2007 and it
18 indicates you were given the sum of 135,000 Leones for, "School
19 uniform/costume required for children". Do you recall being
10:32:07 20 given that sum of money on 14 June 2007?

21 A. Yes.

22 Q. The next entry, entry 11, is from 16 July of last year and
23 it confirms that you were given 30,000 Leones for communication
24 purposes. Do you recall being given that money on 16 July 2007?

10:32:40 25 A. Yes.

26 Q. And down to the 12th entry --

27 PRESIDING JUDGE: Mr Anyah, ours is redacted in part so I
28 hope yours is.

29 MR ANYAH: Yes, it is. I am working off the same version

1 now:

2 Q. Entry 12, 31 October 2007. Mr Witness, the amount in
3 question again is 30,000 Leones and the reason that it says you
4 were given this money is for Cel tel top up to communicate with.

10:33:11 5 Now do you recall receiving that sum of money on 31 October 2007?

6 A. Yes.

7 MR ANYAH: Madam Court Officer, is there - the last page, I
8 suspect. Yes, could you place that, please:

9 Q. Now entry number 13 which is from last month in this year,
10:33:44 10 18 January 2008, says that you were given the sum of 75,000
11 Leones and the category given is education. Mr Lansana, did they
12 give you 75,000 Leones last month?

13 A. Yes.

14 Q. And you see the total amounts in question at the bottom and
10:34:17 15 the number of payments, a total of nine payments for 572,000
16 Leones. Does that sound about right to you, Mr Lansana?

17 A. Yes.

18 MR ANYAH: Madam Court Officer, there's a document in tab
19 14, if we could see that document, please:

10:34:42 20 Q. Mr Lansana, the Court's Witnesses and Victims Section has
21 kept a record of all the money the Court has given to you and
22 it's different from the one you got from the Office of the
23 Prosecution and I want to ask you some questions about that.
24 Madam Court Officer, if you could scroll the document up so that
10:35:11 25 he could see the figures in question.

26 Mr Lansana, this document says - where it says number 2,
27 "Subsistence Allowance" it says:

28 "Witness was brought into WVS protective care on 5 April
29 2007. To date he has been paid a total of 5,952,800 Leones as

1 subsistence allowance."

2 Mr Witness, is that a fair categorisation of how much you
3 have received in subsistence allowance?

4 Madam President, I will ask a question but to correct the
10:36:39 5 LiveNote it reads "categorisation" and I believe that's what I
6 said, but I meant characterisation. I would ask the witness a
7 question again so we can --

8 PRESIDING JUDGE: First of all, Mr Witness, you've had a
9 chance to look at this document?

10:37:01 10 THE WITNESS: Yes, ma'am.

11 PRESIDING JUDGE: Are you ready to answer questions on it?

12 THE WITNESS: Yes, ma'am.

13 MR ANYAH: Thank you, Madam President:

14 Q. My question is this, this figure 5,952,800 Leones, does
10:37:22 15 that figure fairly and accurately reflect the amount you have
16 received from Witnesses and Victims Section for subsistence
17 allowance?

18 A. I believe so, yes.

19 Q. And in addition to that they have also paid for medical,
10:37:53 20 yes?

21 A. Yes.

22 Q. And you see the figure there 203,000 Leones?

23 A. Yes.

24 Q. And that also sounds about right?

10:38:04 25 A. Yes.

26 Q. They have paid for child care in the amount of 644,000
27 Leones, yes?

28 A. Yes.

29 Q. And that also sounds about right, true?

1 A. Yes.

2 Q. They have paid for transportation in the amount of 500,000
3 Leones, yes?

4 A. Yes.

10:38:26 5 Q. And then there's a category of miscellaneous regarding
6 which it is said they have paid approximately 926,200 Leones,
7 true?

8 A. Yes.

9 Q. And then we get to rent, maintenance and utility bills.

10:38:50 10 Mr Lansana, it says here that they have spent 3,328 United States
11 dollars for your rent, maintenance and utility bills. Is that
12 correct?

13 A. Yes.

14 MR ANYAH: Thank you, Mr Witness. Your Honour, may I have
10:39:23 15 a moment, please? I have no further questions at this time. I
16 tender the witness.

17 PRESIDING JUDGE: Thank you, Mr Anyah. Mr Santora, have
18 you re-examination of the witness?

19 MR SANTORA: I do, your Honour. One moment, I just need to
10:40:05 20 adjust my microphone. Thank you.

21 RE-EXAMINATION BY MR SANTORA:

22 Q. Good morning, Mr Witness.

23 A. Good morning, sir.

24 Q. I just want to ask you some questions about some of the
10:40:45 25 issues that Defence counsel asked you about this morning and
26 yesterday. Now yesterday you agreed with Defence counsel when he
27 told you about a previous statement you gave to investigators on
28 16 January 2007 where you told investigators from the Office of
29 the Prosecution that you were afraid for your safety in Pademba.

1 Is that correct?

2 A. Yes.

3 Q. Why were you afraid for your safety in Pademba?

10:41:42

4 A. Number one, with reference to Martin Moinama's death, that
5 had been the number one objection that I made to the Special
6 Court when they visited me in the year 2003. I said that I was
7 the communication officer of the RUF and that I had information
8 to give to the Special Court, but based on this experience I
9 cannot go further with any explanation, that is detailed
10 explanation in relation to the revolution.

10:42:21

11 Point number two, my colleagues and other members of the
12 RUF have surrounded me at Pademba Road prisons. So any step I
13 make out of Pademba Road prisons were being monitored by them.
14 Just in case anything happens during that time I could be a
15 victim like Martin Moinama

10:42:56

16 Q. Now you said that when you met with investigators in 2007
17 you said that you were afraid for your safety. Now was this also
18 the situation in 2003?

19 A. Definitely, yes.

10:43:27

20 Q. In 2003 who were you afraid of?

21 A. I was afraid for my security because I was in prison and
22 during that time anything can happen as it happened in the case
23 of Martin Moinama.

10:43:54

24 JUDGE SEBUTINDE: Mr Interpreter, did the witness say "I
25 was afraid for my security" or "of my security"?

26 THE INTERPRETER: For my security.

27 MR SANTORA:

28 Q. When you say you were afraid for your security, who
29 specifically were you afraid for your security from?

1 A. The ex-combatants who were with me in prison, I was afraid
2 for them not to get the source of my information that I was
3 giving to the Special Court. There was every possibility that I
4 could be poisoned or if there was any turmoil in the country I
10:44:47 5 could be a target to them in prison.

6 Q. Now you said that when you met with the Special Court with
7 investigators from the Office of the Prosecution in 2003 you told
8 them you were a communication officer and you had information
9 but, "Based on this experience I cannot go further with any
10:45:16 10 explanation, that is detailed explanation in relation to the
11 revolution." What did you mean when you told OTP investigators
12 that you could not go further with any explanation, that is
13 detailed explanation in relation to the revolution, when you met
14 with OTP investigators in 2003?

10:45:42 15 A. What I'm trying to say is that I was speaking with the
16 investigator, but I had a lot of reservation in my information
17 based on this - on Martin Moinama's experience. It was - this
18 was overemphasised to the investigator and a lawyer that I went
19 through even up to 2007.

10:46:18 20 Q. Now this morning Defence counsel was asking you about an
21 individual called Alhaji Conteh alias Black Jesus. When you gave
22 your statement to the Office of the Prosecution in 2003 do you
23 know if he was in Pademba Road at that time?

24 A. Yes, indeed.

10:46:46 25 Q. And was he there or not?

26 A. He was there, yes.

27 Q. Now you again met with the Office of the Prosecution and
28 I'm referring the witness now to tab 5 on page --

29 PRESIDING JUDGE: Is this the Defence bundle?

1 MR SANTORA: I'm sorry, your Honour, yes, this is the
2 Defence bundle that he had previously been shown. Tab 5 which
3 would be page 3, ERN 00037713, and this is with regards to the -
4 if the witness's attention can be pointed to the fifth bullet
10:47:51 5 point down the page which reads starting page 21 line 23 through
6 24:

7 Q. Now, Mr Witness, this is an interview note from a statement
8 taken by you on 16 January 2007 at the Special Court at the
9 Office of the Prosecution with Joseph Saffa and Steven Niemi. Do
10:48:23 10 you remember this interview?

11 MR ANYAH: I'm sorry to interrupt, it's actually 17
12 January.

13 MR SANTORA: I apologise. That is correct:

14 Q. An interview that was taken on 17 January 2007. Do you
10:48:42 15 remember this, at the Special Court?

16 A. Yes.

17 Q. Now with regard to the section I pointed out, when you met
18 with investigators on that day according to this interview note
19 you looked at your prior statement from 17 November 2003 and you
10:49:02 20 wished to make a change by adding the following:

21 "That he is aware that Martin was killed under the
22 instructions of Mosquito and he was killed by Alhaji Conteh
23 (alias Black Jesus) under the instructions of Sam Bockarie at New
24 England Ville, Freetown and this would have taken place during
10:49:30 25 the January 6th invasion. The reason for the execution was
26 because, according to Sam Bockarie, Martin was the one who
27 prosecuted Foday Sankoh and he was a traitor. The witness is
28 aware of this information because he was monitoring the radio set
29 at Lunsar, Sierra Leone. The information would have been from an

1 actual conversation he heard between Mosquito and Gullit."

2 Now did you tell investigators from the OTP this when you
3 met with them on 17 January 2007?

4 A. Yes.

10:50:18 5 Q. Thank you, Mr Witness. Now yesterday the Defence counsel
6 was asking you about questions regarding the time you met with
7 Benjamin Yeaten and you said during the course of your testimony
8 here that you were introduced by Foday Sankoh on 22 December 1999
9 at the guesthouse in Monrovia. The Defence counsel then pointed
10:50:53 10 you to a statement taken 1 February and I now will refer to tab 5
11 in the Defence bundle. I apologise. One moment, your Honour. I
12 just want to make sure I have the right reference.

13 MR ANYAH: Counsel, perhaps I could point you to the page.
14 There are two of them. The first one is on page 34 and then
10:52:03 15 perhaps you're looking for the one on page 35, tab 5.

16 MR SANTORA: Yes, thank you:

17 Q. Now yesterday Defence counsel pointed you to a prior
18 statement you gave on 1 February 2007 and within which there was
19 no mention that you were introduced by Foday Sankoh to Benjamin
10:52:46 20 Yeaten as you said that you were in court. Do you remember that?

21 A. Pardon me, please?

22 Q. Let me rephrase the question. Yesterday when Defence
23 counsel was asking you questions about when you went to Monrovia
24 and had a conversation with Benjamin Yeaten in December of 1999 -
10:53:12 25 do you remember when he was asking you questions about that?

26 A. Yes.

27 Q. And you said that you were introduced to Benjamin Yeaten by
28 Foday Sankoh on the day that you arrived in Monrovia, 22 December
29 1999. You said that in your testimony, is that correct?

1 A. Yes, I said it.

2 Q. Now yesterday Defence counsel pointed you out to a prior
3 statement that you had given to the Office of the Prosecution on
4 1 February 2007 in which in that statement there's no mention
10:53:49 5 that Sankoh introduced you to Yeaten. Do you remember when he
6 pointed that out to you?

7 A. Yes, I remember it, but my statement, the two statements do
8 not contradict each other. What I can precisely remember, the
9 question was posed to me how did I get to know the detail about
10:54:14 10 the house as NPFL - as an NPFL guesthouse and I said that Rashid
11 Foday who was in charge gave me the details and he made me to
12 understand that Sam Bockarie was in Monrovia at that particular
13 time. That was completely different from the information
14 regarding Mr Sankoh introducing me to Benjamin Yeaten for further

10:54:46 15 operation. So I don't think that information contradicted the
16 point that was shown to me by the Defence counsel's information.

17 Q. Well, with regard to the issue of Foday Sankoh introducing
18 you to Benjamin Yeaten I want you now - the witness's attention
19 to be pointed to tab 6 on page 9 which is ERN 00035648. Now,
10:55:35 20 Mr Witness, on 14 February - I'm sorry, on 15 February 2007 you
21 gave an interview to the Office of the Prosecution at the Special
22 Court with Joseph Saffa, Steven Niemi, Alain Werner and Chris
23 Morris and do you remember you were again asked about this issue,
24 about the meeting with Yeaten. Do you remember that interview?

10:56:09 25 A. Yes.

26 Q. Now according to the investigators you said with regards to
27 this issue relating to meeting Benjamin Yeaten you said:

28 "The witness went to Monrovia in the circumstances
29 described in his previous statement and was told to go there by

1 Foday Sankoh. He left Freetown by air and arrived directly in
2 Monrovia. Foday Sankoh was there on that day and he introduced
3 the witness to Benjamin Yeaten at the NPFL guesthouse in Congo
4 Town."

10:56:47 5 A. Yes.

6 Q. Is this an accurate reflection of what you said to the
7 investigators on 15 February 2007?

8 A. Yes.

9 Q. Thank you. Now yesterday Defence counsel - I'm going back
10 in time now and I'm going to ask you about an event that occurred
11 in 1990 and yesterday Defence counsel asked you about the meeting
12 at Coca-Cola factory and the subsequent BBC broadcast that you
13 heard in 1990. Now you stated in your testimony in court here
14 that you were present in the meeting when Charles Taylor met with

10:57:23 15 his Special Forces and later on that same day you heard
16 Charles Taylor over the BBC. Defence counsel asked you about a
17 prior interview that you gave to the Office of the Prosecution
18 and in that interview which was on 1 November 2007 Defence
19 counsel pointed you to where the interview reflected that you
10:58:24 20 said you were very close to Charles Taylor where he was
21 positioned when he was talking to the BBC at that time.

22 Now after that interview was given during one of your
23 preparation sessions here in The Hague on 2 February 2008 you
24 were asked about this same event and I would like to refer the
10:58:56 25 witness now to tab 10, page 2, ERN 100197. Now do you recall
26 this preparation session here in The Hague on 2 and 5 February
27 2008?

28 A. Yes.

29 Q. Now in that particular preparation session this recording -

1 this interview note says the following:

2 "The witness was present in the radio room when Taylor had
3 met with members of his Special Forces" --

4 JUDGE SEBUTINDE: Sorry, where are you reading from?

10:59:58 5 MR SANTORA: I'm sorry, your Honour. I realise I didn't
6 give you the exact location. I'm on tab 10, page 2, ERN 100197.
7 It's the first full paragraph and it's the sentence within the
8 middle of that paragraph starting "The witness was present":

9 Q. Mr Witness, do you see where I am? I'm going to read to
11:00:29 10 you what this interview note says:

11 "The witness was present in the radio room when Taylor had
12 met with members of his Special Forces and the topic of
13 discussion was the ECOMOG jets which were bombing Liberia from
14 Sierra Leone. It was after this meeting the witness heard Taylor
11:00:49 15 on the radio, but was not present with Taylor when Taylor was
16 speaking to the BBC."

17 Do you remember saying this during your preparation
18 session?

19 A. Yes.

11:01:04 20 Q. Thank you. Now, yesterday Defence counsel was asking you
21 about the time you spent in the NPFL before coming to Sierra
22 Leone, after your experience in the Guinean refugee camp. Do you
23 remember that?

24 A. Yes.

11:01:40 25 Q. Now, with regard to the prior statements you've given to
26 the Office of the Prosecution, the Defence counsel said that, "In
27 all your interviews from when they, being the Office of the
28 Prosecution, first met you in November 2003 it was only in The
29 Hague you told them you went to Guinea, yes?" And you stated,

1 "Yes, because he was interviewing me systematically from one
2 point to the other. He was asking me the question and then I
3 will answer according to the question that was asked." What did
4 you mean by this?

11:02:24 5 A. What I am trying to say is that the past interview
6 conducted by investigators and the lawyer, while in Sierra Leone,
7 in 2003 and 2007 I was interviewed and I was answering by means
8 of questions and the information was taken down, as compared to
9 the interview in The Hague. I was asked to systematically inform
11:03:13 10 the lawyer from the day of my departure from the University of
11 Liberia up to year 2000 when I was arrested in Freetown. So,
12 that had been the difference between the interview conducted in
13 the past and the interview conducted in The Hague.

14 Q. Yesterday Defence counsel suggested to you that in 1991,
11:04:09 15 when you were in Kailahun, "You did not have full access to
16 information involving military activities over the radio; true or
17 false?" He asked that you question: Whether that was true or
18 false. Do you remember when he asked you that?

19 A. Yes, indeed.

11:04:32 20 Q. You started your answer by saying "What I am trying to say"
21 and you were - the answer was not finished.

22 A. What I am trying to explain is that in 1991 I never had
23 access to communicate, or I was not an operator directly, but I
24 had access to information because I was operating with colleagues
11:05:04 25 who gave me detailed information about the operation that was
26 going on and I was even on the scene when issues were discussed
27 in relation to the communication set up, because I was with
28 Roosevelt Nyamelyan.

29 Q. Now, during your testimony, both when I was asking you

1 questions and Defence counsel was asking you questions, you were
2 asked about the event in which Mr Taylor recalled NPFL fighters
3 from Sierra Leone to Liberia in April or May of 1992. Do you
4 remember being asked about this issue?

11:06:06 5 A. Yes.

6 Q. Now, you said, both in response to my questions and later
7 to Defence counsel, that you were present in Baidu in the radio
8 room when the order to recall NPFL fighters came from

9 Charles Taylor and was communicated over the radio. You also
11:06:33 10 testified that you heard an announcement from Oliver Varney at a
11 parade ground in Kailahun, when Defence counsel was asking you
12 questions. Can you describe the sequence in which these events
13 happened?

14 A. Yes. I was trying to make counsel understand that the
11:07:00 15 message for the evacuation of the NPFL fighting forces was first
16 transmitted from Charles Taylor's operator to the radio station
17 in Baidu. Upon the arrival of the generals, who were superceded
18 by Mr Anthony Menquenagbeh, Charles Taylor spoke to them in the
19 radio room in Baidu before their departure. Each and every one
11:07:48 20 of them had a specific task. Oliver Varney was in Kailahun and
21 he openly read out this particular instruction while the troops
22 were in the formation.

23 Q. So the Oliver Varney message - I'm sorry, let me withdraw
24 that question. So when you say Oliver Varney was in Kailahun and
11:08:27 25 he openly read out this particular instruction, are you saying
26 this was after this radio message was transmitted?

27 A. Yes. The radio message was sent to Baidu, recorded. Upon
28 the arrival of the generals in Baidu, Mr Charles Taylor spoke to
29 them and each and every one of them had a specific task. Oliver

1 Varney was tasked to ensure that all the NPFL fighters in
2 Kailahun assembled and this message was read to them during the
3 parade on the formation ground.

11:09:27 4 Q. Also, Mr Witness, yesterday with regard to the same issue
5 regarding this radio communication and the recall of the NPFL
6 fighters in April or May of 1992, you said, when Defence counsel
7 was asking you questions that:

8 "The general communication that was transmitted after the
9 infighting was monitored by me in the radio room. The one
11:09:49 10 concerning codes, or no codes, was directed to me as to whether I
11 was the person who received this message and passed it to the
12 general. That was when I gave the explanation that I never had
13 code, or access to code, to communicate directly."

14 What did you mean by this?

11:10:13 15 A. What I am trying to say is that there are communications
16 that do not need codes. I previously told the counsel that
17 verbal communications were done by generals on a specific
18 frequency. That communication only needed to be secured by a
19 frequency and not by codes. That had been my previous
11:10:51 20 communication and information to this counsel.

21 Q. Now, yesterday --

22 PRESIDING JUDGE: Just allow me to clarify, Mr Santora.
23 When the witness refers to that previous communication to this
24 counsel is he referring to yourself, Defence counsel, or some
11:11:14 25 other counsel at some other time?

26 MR SANTORA:

27 Q. Mr Witness, in your last answer you just gave to this Court
28 you said, "That had been my previous communication and
29 information to this counsel." What do you mean?

1 A. In the open interview I was asked by the Prosecution
2 counsel to demonstrate the sequence of communication in respect
3 of codes and specific frequencies. That I demonstrated and
4 everybody listened. I made it very explicit that authorities'
11:12:04 5 communication only need to be safeguarded by a specific code - I
6 mean specific frequency encoded and not a code by a document used
7 by the operators and I was asked over and again about who had the
8 authority to use the codes and I said only the operators, but
9 authorities are guarded on a specific frequency for verbal or
11:12:37 10 voice communication, which had nothing to do with the code
11 system.

12 Q. Okay. Just in terms of one aspect though of when you said,
13 "In the open interview I was asked by the Prosecution counsel",
14 just which interview are you talking about exactly?

11:13:04 15 A. The interview that was done in this particular court. You
16 asked me to demonstrate - to talk about the code system, the
17 frequency code, to the entire court and that was demonstrated and
18 there was a difference between the operator's code, the nickname,
19 et cetera, and the code frequencies which I made available to the
11:13:35 20 authorities to communicate, which was free from the coding
21 system.

22 Q. Mr Witness, I understand the content of what you've talked
23 about, I just want to understand where you said, "This was my
24 previous communication and information to this counsel", did you
11:13:57 25 mean this Court? What did you mean by this counsel?

26 A. You asked me to demonstrate and to tell the Court --

27 PRESIDING JUDGE: Just a minute, Mr Witness. We understand
28 the demonstration and the codes. We're clear on that point. Is
29 this something you said in the course of your evidence in court

1 in the last few days, or is it a previous exchange between you
2 and a counsel outside of the Court?

3 THE WITNESS: No, not outside the Court. This coding
4 system was demonstrated in the Court and everything was made
11:14:36 5 clear that there are frequencies that authorities can communicate
6 without --

7 PRESIDING JUDGE: We understand that point. We're just
8 trying to ascertain --

9 THE WITNESS: Thank you.

11:14:50 10 MR SANTORA:

11 Q. Now, yesterday when Defence counsel was asking you
12 questions he suggested to you that from 1996 to 2000 you did not
13 function properly as a radio communication man and you agreed
14 with that suggestion. What do you mean when you say you did not
11:15:16 15 function properly as a radio communication man?

16 A. I responded by saying that the documentary information, log
17 books, were not directly under my control, but that had access to
18 monitor communication. In the past I made it explicit over and
19 again that there was a confusion and immediately after Mohamed
11:16:04 20 Tarawalli got missing in action I was instructed to give chance
21 and that there was another commander who was in charge of the
22 radio communications system in the RUF.

23 MR SANTORA: Just one moment, your Honour. Your Honour,
24 the Prosecution has no further questions.

11:16:55 25 PRESIDING JUDGE: Thank you, Mr Santora. Mr Santora, the
26 Bench does not have any questions of the witness.

27 MR SANTORA: At this point, your Honour, the Prosecution
28 would seek to move in the first - what is marked MFI-16, we would
29 seek to tender this as an exhibit.

1 PRESIDING JUDGE: Mr Anyah, you have heard the application.

2 MR ANYAH: Thank you, Madam President. We would register
3 an objection to this document going into evidence. The basis for
4 our objection - the Chamber will recollect that this document, at
11:18:10 5 the time it was put to the witness, we even objected to the
6 viability of its identification at that time and the witness did
7 not know who authored the document, the witness did not know when
8 the document was prepared. I initially pointed out to the
9 Chamber that - this is the document in tab 23? Yes, okay. What
11:18:50 10 was clear was that the document appeared to have come from a
11 book, the front page of which was in the plural, "Black Guards",
12 and I did point out to the Chamber that was in the plural, not in
13 the singular. The witness did not know when it was made, he did
14 not know who prepared the document and all counsel had him do was
11:19:18 15 look at the page with the ERN number 00025639 and he looked
16 specifically at the part that says "BF", it appears to be a "C"
17 or "E", dash "SKY" and he said these appeared to be familiar to
18 him as being codes that were used during his time with the RUF.

19 We maintain our position that there is not a sufficient
11:19:46 20 foundation for this document. This document could have been
21 created at any time before, during, or after the conflicts in
22 Sierra Leone and we stand by that objection.

23 PRESIDING JUDGE: Your reply, Mr Santora, please.

24 MR SANTORA: Thank you, Madam President. Your Honour,
11:20:09 25 counsel had addressed foundational arguments that this Court has
26 already addressed and at this point the admissibility of this
27 document is relevance. It is the Prosecution's submission that
28 this document is relevant, that this document does contain
29 information that was connected to this witness's testimony. The

1 witness has spoken of his familiarity with the contents of this
2 entire document. He has spoken to particular aspects of this
3 document, as counsel noted, on that particular page, with regard
4 to the coding system. It's the Prosecution's submission that the
11:20:52 5 test at this point is relevance and it clearly meets the standard
6 of relevance, given this witness's testimony. If your Honours
7 wish me to again address the foundational arguments I will,
8 however I believe at this point - it's the Prosecution's
9 submission that the test at this point is relevance.

11:22:10 10 PRESIDING JUDGE: We will admit this document as an
11 exhibit. Issues of weight, et cetera, will be a matter for final
12 submission. That becomes Prosecution exhibit --

13 MS IRURA: P-83, your Honour.

14 PRESIDING JUDGE: P-83, thank you. I understand it is one
11:22:40 15 page only? Let us clarify that.

16 MR SANTORA: I do want to clarify that. It is a page of
17 this particular document and I know we argued in terms of
18 foundation for the entire document, but the Prosecution is only
19 submitting this page, which is page ERN 00025639. The
11:23:05 20 Prosecution is only tendering that page.

21 PRESIDING JUDGE: So, it is one page of handwriting
22 starting "FMBGC" and it is ERN number 00025639.

23 [Exhibit P-83 admitted]

24 Please proceed, Mr Santora.

11:23:42 25 MR SANTORA: The Prosecution is moving to tender what is
26 now MFI-17 as an exhibit. This is page marked ERN 00010009 from
27 a code book on personal call signs in the RUF radio network that
28 was shown to the witness during the course of his testimony.
29 That is currently marked as MFI-17.

1 PRESIDING JUDGE: Yes, Mr Anyah?

2 MR ANYAH: I would make the same objection and I perhaps
3 need to clarify the basis for it, given the remarks by our
4 learned counsel on the other side. Foundation is always an
11:24:23 5 aspect of the receipt of any kind of evidence, or document, or
6 material into evidence. It is not just limited to relevance. It
7 has to be authenticated and that involves the witness knowing
8 something about the preparation of the document, so I make the
9 same objection here. The threshold for identification, marking
11:24:43 10 something for identification, is minuscule. Anything can be
11 marked for identification. The issue is whether this witness
12 knows who wrote this document, he doesn't; whether he knows the
13 date on which it was prepared, he did not; whether he knows
14 something so particular about the document that it is
11:25:02 15 contemporaneous to the period that he spoke of. I pointed out to
16 the Chamber any of these names could have been written in the
17 year 2006 and it merely becomes a document that someone wrote
18 names on that the witness is familiar with.

19 So, I register the same objection and I point out what we
11:25:28 20 pointed out previously, which is this document - we were given
21 two pieces of paper from an exercise book that was partially
22 torn, if I recall this exhibit correctly. We did not see the
23 other portions of the exercise book, but it was put to the
24 witness before we realised that there was more to the document.
11:25:53 25 Looking at it, the only thing he contributed to this, which is a
26 list of names like I've said, is that he looked at one name,
27 General Ibrahim, and he said, "Yes, that's General Ibrahim."
28 There was no first name and I suppose the implication is that
29 this is to correspond to the General Ibrahim that he's testified

1 to as being General Ibrahim Bah. Again, having handwritten
2 documents from exercise books that anybody could have prepared at
3 any time, with just names that could have been taken off
4 newspapers, and proffering it to this Court as evidence when the
11:26:33 5 witness doesn't know from where it came, I don't think that's a
6 sufficient foundation, even in the information on the document
7 pertains to the conflict.

8 MR SANTORA: Your Honour, in response to Defence counsel's
9 objection to this item: Your Honour, firstly Defence counsel has
11:27:03 10 mischaracterised the witness's testimony with regard to this
11 particular document. The witness's testimony has extensively
12 gone over various ways of coding that were existing in the RUF
13 radio network. One of those coding mechanisms was the coding
14 mechanism used for commanders on the point of operations and the
11:27:26 15 witness did speak to this issue and then did connect this
16 document to that particular issue. The Defence counsel is
17 correct that there was one example picked out of this group of
18 commanders and the witness was asked about him, but Defence
19 counsel is mischaracterising the witness's testimony when he
11:27:44 20 states that the only thing that was discussed in the course of
21 his testimony was one reference to a General Ibrahim.

22 Secondly, your Honour, Defence counsel asserts that
23 foundation is still at issue and I guess in response to that,
24 your Honour, the foundation of whether or not a document can be
11:28:06 25 put to a witness, in the Prosecution's submission, was tested by
26 this Court and it was determined that there was enough foundation
27 to have this witness speak to the contents of the document. It's
28 the contents of the document that are at issue. This witness's
29 testimony and his connection to how the RUF radio operations - it

1 was the Prosecution's submission that this witness - there was
2 clear foundation for this witness to speak about the contents of
3 this document.

4 Now, one aspect that Defence counsel brought up was how
11:28:46 5 this document was particularly created, how it was particularly
6 written. In the Prosecution's submission that is not relevant in
7 this situation. The issue is whether or not this witness can
8 speak to the particular contents of the document. It is the
9 Prosecution's submission that foundation has been established
11:29:06 10 already and at this point relevance is the test for this Court.

11 THE INTERPRETER: Your Honour, can I learned counsel please
12 go slowly.

13 MR SANTORA: I apologise. At this point the test for this
14 document is relevance and that in the Prosecution's submission
11:29:24 15 this document, this page, is clearly relevant in line with the
16 witness's testimony with regard to the use of commander names,
17 coding and especially during the course of military operations.

18 PRESIDING JUDGE: Thank you, Mr Santora. Sorry, we are in
19 the course of discussing the submissions, however we've been told
11:31:02 20 we have run out of time. The tape has closed off. We will
21 therefore adjourn and come back with a ruling on this. We will
22 adjourn until 12.05. Sorry, just pause, please. Mr Griffiths?

23 MR GRIFFITHS: Your Honour, could I give you an update at
24 some stage regarding the situation with the accused?

11:31:24 25 PRESIDING JUDGE: I'm hoping that we will hear as soon as.

26 MR GRIFFITHS: I am in a position to provide further
27 information, but if the tape is running out perhaps it is best if
28 we leave it until afterwards and then it can be placed on the
29 record.

1 PRESIDING JUDGE: That would be very wise. In that case we
2 will adjourn to 12.05 and resume thereafter. Thank you.

3 [Break taken at 11.32 a.m.]

4 [Upon resuming at 12.05 p.m.]

12:05:29 5 PRESIDING JUDGE: I will just take a note of the change of
6 appearances and then ask Mr Griffiths for the update he indicated
7 to us before the brief adjournment. Mr Santora.

8 MR SANTORA: Thank you, Madam President. Your Honour, at
9 the Prosecution bench at this time is Brenda Hollis, Mohamed
12:05:49 10 Bangura, Shyamala Alagendra and Leigh Lawrie and myself,
11 Christopher Santora.

12 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths, you
13 indicated you have some news.

14 MR GRIFFITHS: Well, your Honour, the situation is this:
12:06:04 15 The accused was seen by a doctor in the building who thereafter
16 contacted the doctor attached to the detention unit who had
17 access to the accused's medical records. As a consequence of
18 that consultation he was taken to hospital. Various tests have
19 been conducted and I am told that although the tests have proved
12:06:30 20 inconclusive, the doctors have concluded that he should be kept
21 at the hospital until 2.30 at least, for further checks. Now,
22 that has this consequence, your Honour: We had direct
23 instructions from Mr Taylor that he would be prepared for the
24 cross-examination of this witness to continue in his absence.

12:06:56 25 I would be very reluctant to embark on the testimony of another
26 witness in his absence because your Honours will be aware that
27 Mr Taylor has played an active role in the courtroom and I would
28 be loathe to embark on another witness without him being here to
29 hear the testimony and provide us with the multitude of Post-it

1 notes that is his norm.

12:07:42 2 PRESIDING JUDGE: Yes, I can fully appreciate what you are
3 saying, Mr Griffiths, and of course the statute and the rules
4 are, to my mind, fairly clear on this point. We will complete
5 this witness and then when that finishes we will then again hear
6 formally from you for the purposes of record, reply and ruling.

7 MR GRIFFITHS: I am most grateful, your Honour.

8 PRESIDING JUDGE: I now turn to the application and
9 objection to tender as an exhibit a document marked MFI-17. We
12:08:15 10 have considered the application and the objection. We consider
11 this is an anonymous document that purports to give the names and
12 their codes. Only one such name and code was put to the witness
13 and, on the evidence, the Trial Chamber is in doubt if the other
14 names are actual, or fictitious names. In the circumstances, the
12:08:45 15 Chamber is not satisfied as to the relevance of the document and
16 upholds the objection.

17 Yes, please proceed, Mr Santora.

18 MR SANTORA: Your Honour, the Prosecution move to tender
19 what is now marked as MFI-18, which was the document at tab 14
12:09:24 20 shown to the witness, marked ERN 00009485. This is a letter, one
21 page, from the Black Guard commander to the leader. The
22 Prosecution moves to tender this into evidence as an exhibit.

23 PRESIDING JUDGE: Yes, Mr Anyah, you heard the application.

24 MR ANYAH: Thank you, Madam President. We would interpose
12:09:59 25 an objection to this document as well, for a number of reasons.
26 The Chamber heard the evidence and our recollection of this, or
27 the foundational aspects for this document, was as follows:
28 There was apparently a radio conversation between Sam Bockarie
29 and Dennis Mingo, or Superman. That conversation, per the

1 evidence, was recorded on some kind of tape. The witness's
2 testimony was that the tape, or recording, was made by a Black
3 Guard commander. He in turn gave that tape to a Black Guard
4 secretary who reduced the recording to handwritten notes. The
12:10:50 5 witness indicated that he was present when the secretary was
6 writing the handwritten notes, but the witness could not recall
7 what happened to the handwritten document and certainly, as the
8 Chamber is aware, this is not a handwritten document. There was
9 no foundation that the witness was there when this document was
12:11:11 10 made and we pointed out to the Chamber that at the top of the
11 page appears to be a fax number, or appears to be another date
12 from a fax machine that suggests a date in October 1999.

13 In any event, when counsel put certain aspects of this
14 document to the witness, in particular the middle paragraph that
12:11:40 15 started with, "Therefore, I always make sure that whatsoever
16 diamond I receive is always reported to Brigadier Sam Bockarie",
17 the Chamber will recall the objection that was made and the lack
18 of a foundational basis for the witness's personal knowledge that
19 Dennis Mingo always returned every diamond he received to Sam
12:12:05 20 Bockarie. So, we raise an authentication objection to the
21 document and authentication is, of course, subsumed under
22 foundation, and we do not believe that this witness told the
23 Chamber that he was there when this typewritten version was
24 prepared. There is no account on record as to what happened to
12:12:28 25 the tape recorded version, there is no account on record as to
26 what happened to the handwritten notes, so I would also interpose
27 a best evidence objection.

28 PRESIDING JUDGE: I think the best evidence rule has been
29 disapproved in some of the international jurisprudence, Mr Anyah.

1 However, I will hear your objection.

2 MR ANYAH: Well, I was going to suggest that in certain
3 domestic jurisdictions it is still alive and well, but I realise
4 where we are.

12:13:07 5 The issue is this: The best evidence in this case would be
6 the tape recording, of course, and now we are talking about
7 thirdhand evidence from handwritten notes and then subsequently
8 typed up, no accounts being given for the first two versions, so
9 I register an objection in that respect. Thank you.

12:13:28 10 PRESIDING JUDGE: Mr Santora?

11 MR SANTORA: Thank you, Madam President. Your Honour, the
12 issues that counsel has just addressed, which were addressed
13 previously during the course of this witness's testimony, all go
14 to weight. Your Honour, under Rule 89(c) this Trial Chamber
12:13:46 15 pursuant to the appellant decision in Norman which states,
16 "Evidence is admissible once it is shown to be relevant. The
17 question of reliability is determined thereafter and is not a
18 condition for its admission." This is the decision --

19 JUDGE SEBUTINDE: Mr Santora, what is this citation?

12:14:08 20 MR SANTORA: I will give you the citation right now, your
21 Honour, I apologise. This is a citation appeals judgment in
22 Norman et al SCSL-04-14-AR65, Fofana, Appeal Against Decision
23 Refusing Bail from the Appellant Chamber, 11 March 2005. The
24 Appellant Chamber relied on - I apologise for my pronunciation -
12:14:38 25 a case from the ICTY, Prosecutor v Delalic et al, which was a
26 trial decision, which itself stated that, "It is neither
27 necessary or desirable to add to the provisions of sub-Rule
28 89(c), a condition of admissibility which is not expressly
29 prescribed by that provision."

1 This Chamber is under Rule 89(c). According to this
2 appellant decision, the issue is relevance. Every issue that
3 counsel has just addressed, in the Prosecution's submission, goes
4 to weight, goes to reliability. Now, in terms of what counsel
12:15:22 5 did say about this particular document, I would like to address
6 that issue, but as a preliminary matter it is the Prosecution's
7 submission that relevance is the test at this point.

8 Defence counsel has said that because there is not an
9 original recording, an original handwritten document that led to
12:15:49 10 the creation of this document, that therefore that could
11 undermine the reliability of this document. Again, as I said,
12 this is an issue of weight, but just in terms of what this
13 witness did say, the witness was present for the very
14 conversation over the radio that this document spoke to. The
12:16:07 15 witness was present when that recording was transcribed into a
16 handwritten form and the witness examined the contents of this
17 particular document and was familiar with their contents, and the
18 issue as to how it was created is, in the Prosecution's
19 submission, not to be primarily determined even for its weight.

12:16:33 20 In other words, the witness has examined the contents of the
21 document and is familiar with the contents of those documents.

22 For these reasons, your Honour, the Prosecution submit that
23 this particular letter is clearly relevant and, given the
24 witness's testimony as to how this document was created, the
12:16:53 25 Prosecution submits that it should be admitted.

26 PRESIDING JUDGE: We have considered the submissions of
27 counsel. We note the objection by the Defence as to the
28 authenticity and the history, let me say, of this particular
29 document. We consider that those objections go to weight. We

1 consider that this is a relevant document and accordingly we
2 admit it in accordance with Rule 89. That, in my record, will
3 become prosecution exhibit P-84. Yes, I am told that is correct.

4 [Exhibit P-84 admitted]

12:19:16 5 MR SANTORA: The Prosecution tenders what is marked as
6 MFI-19A and 19B. I would ask to submit this cumulatively if it
7 is permissible with Madam President, your Honours, to submit 19A
8 and 19B cumulatively. This is what was tab 21, which was the
9 radio broadcast of Sam Bockarie over the BBC Radio World Service
12:19:48 10 Focus on Africa programme. MFI-19A, which was marked as D0000046
11 and the associated transcript of that recording, which is marked
12 as MFI-19B. The Prosecution moves to tender both of these items
13 into evidence as exhibits.

14 PRESIDING JUDGE: Yes, Mr Anyah, your reply?

12:20:22 15 MR ANYAH: Thank you, Madam President. I interpose an
16 objection as well to this. On its face we had an audio recording
17 that purports to be a BBC recording. The significance of the
18 recording, of course, is that someone has to be able to tell us
19 this is Sam Bockarie's voice and that someone that they have
12:20:39 20 proposed to us is this witness. To be satisfied that this
21 witness is in a position to say that this is Sam Bockarie's
22 voice, the Chamber has to, at a preliminary level, consider the
23 evidence that has been presented of his contact with Bockarie, as
24 well as the familiarisation with Bockarie's voice that was
12:21:04 25 established at the time the document was tendered, or identified.
26 Given this witness's evidence and considering some of the issues
27 that arose in cross-examination, this is not a situation where
28 the Prosecution has buttressed its attempt to introduce this
29 document with evidence from additional witnesses. It is relying

1 solely on this witness. I would interpose an objection that
2 there is not a sufficient foundational basis, on the basis of
3 this witness's evidence, regarding the authenticity of Sam
4 Bockarie's voice on this recording. Thank you.

12:21:48 5 PRESIDING JUDGE: Thank you, Mr Anyah. Your reply,
6 Mr Santora?

7 MR SANTORA: Your Honour, again this Chamber is operating
8 under Rule 89(c) which states that the test for admissibility is
9 relevance. The issues that counsel addressed go to weight. Your
12:22:07 10 Honour, in this particular instance the content of that
11 recording, in the Prosecution's submission, is clearly relevant.
12 It is the Prosecution's submission that in terms of relevance
13 that can be determined on the face of a document and the further
14 issues that Defence counsel has brought up in this particular
12:22:31 15 instance, in the past, go to weight.

16 With regards to this particular exhibit, since counsel has
17 addressed the issue of weight in his submission, the Prosecution
18 submits that first of all the witness has testified that he was
19 familiar with the voice of Sam Bockarie. He has stated that he
12:22:50 20 is familiar with the voice of Sam Bockarie over a period of years
21 through his access to radio communications. The witness, in this
22 particular instance, even went so far as to recall a specific BBC
23 broadcast around the time of the Freetown invasion and before
24 ever even hearing that broadcast was able to identify some of the
12:23:13 25 contents that were spoken about by Sam Bockarie around this time.

26 Further, your Honour, as I said, on its face, regardless of
27 what this witness had said, the recording itself identifies the
28 voice of Sam Bockarie. It is the Prosecution's submission that
29 this is relevant on its face and the issues with regard to what

1 the witness spoke about, in terms of the exhibit itself, these
2 are all issues that go to weight and I am reluctant to comment
3 more on weight because at this point the test is relevance and it
4 is the Prosecution's submission that this document - I am sorry,
12:23:54 5 that this recording and its associated transcript clearly meet
6 the test of Rule 89(c) and should be submitted as an exhibit.

7 PRESIDING JUDGE: Thank you. The unanimous view of the
8 Trial Chamber is that the objections go to weight. The document
9 is admissible and will become prosecution exhibit P-85A, that is
12:24:26 10 the CD that we heard, and 85B, that is the transcript of that
11 recording.

12 [Exhibit P-85A admitted]

13 [Exhibit P-85B admitted]

14 Mr Santora, please continue.

12:24:44 15 MR SANTORA: The Prosecution has no - let me verify this.
16 There are no further exhibits to tender with regards to this
17 witness.

18 PRESIDING JUDGE: Thank you, counsel. If there are no
19 other matters I will release the witness. Mr Witness, that is
12:24:59 20 the end of your evidence. We thank you for coming all the way to
21 give your evidence in the Court and we wish you a safe journey
22 back. Thank you. You are now free to leave the Court. Someone
23 will assist you.

24 THE WITNESS: Thank you very much.

12:25:29 25 PRESIDING JUDGE: Before we proceed to the next part,
26 I will first ask the Prosecution which witness they intend to
27 call and then I will invite you to make your submissions,
28 Mr Griffiths.

29 MR GRIFFITHS: Very well, your Honour.

1 PRESIDING JUDGE: Yes, Ms Hollis?

2 MS HOLLIS: Morning, Madam President. The next witness
3 that will be called by the Prosecution, in light of the Chamber's
4 ruling earlier this morning, is witness TF1-362.

12:26:01 5 PRESIDING JUDGE: Thank you, Ms Hollis, for that. You are
6 already aware of Mr Griffiths and I will now ask him to make a
7 formal application. Mr Griffiths, the next witness is TF1-362.

8 MR GRIFFITHS: [Microphone not activated].

9 PRESIDING JUDGE: I didn't notice that. The next witness
12:26:24 10 that is proposed by the Prosecution is TF1-362. You have
11 indicated certain reservations. In the light of that information
12 I will now hear your application.

13 MR GRIFFITHS: Our submission is very simple, your Honour.
14 We submit that we ought to adjourn at this point until the
12:26:44 15 accused is in a position to return to court and then resume the
16 taking of the evidence of this witness.

17 PRESIDING JUDGE: Thank you for that. Who is replying on
18 behalf of the Prosecution? Ms Hollis, thank you. Ms Hollis, you
19 have heard the application by counsel to adjourn pending a
12:27:05 20 medical report on the accused.

21 MS HOLLIS: The Prosecution has no objection to the Defence
22 request.

23 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Griffiths, you
24 had indicated to us before the adjournment that you anticipated
12:27:46 25 having a medical report at around 2.30. Is that still the
26 situation?

27 MR GRIFFITHS: When last I was informed, your Honour, yes.
28 I have had no further information since, but I do appreciate that
29 the Court Officer is in contact with the security detailing with

1 the accused and it may be that she will be in a position to
2 provide either more up to date information, or, indeed, to keep
3 your Honours updated between now and 2.30.

12:28:31 4 PRESIDING JUDGE: I understand, thank you. In the light of
5 the submissions and the consent by the Prosecution, and in the
6 light of the accused's rights under Article 17 and Rule 60, we
7 will adjourn the Court until 2.30 this afternoon for further
8 information concerning his wellbeing.

9 MR GRIFFITHS: I am grateful, your Honour.

12:28:49 10 PRESIDING JUDGE: Please adjourn the Court until 2.30.

11 [Lunch break taken at 12.30 p.m.]

12 [Upon resuming at 2.30 p.m.]

13 PRESIDING JUDGE: Good afternoon. Mr Griffiths, if you
14 could --

14:30:05 15 MR GRIFFITHS: May it please your Honour.

16 PRESIDING JUDGE: Yes.

17 MR GRIFFITHS: Your Honour, the information we have is that
18 various tests have been carried out on Mr Taylor. There is
19 nothing identifiably wrong with him and indeed he was anxious to
14:30:20 20 return to this Court this afternoon, but was told in no uncertain
21 terms by the medical staff that they wanted to keep him in all
22 day just to be on the safe side. But as far as I am aware he
23 should be ready for us to proceed tomorrow and, as far as we are
24 concerned, there is nothing to prevent this trial continuing
14:30:44 25 tomorrow with Mr Taylor in attendance.

26 PRESIDING JUDGE: So, [microphone not activated] to adjourn
27 until tomorrow morning?

28 MR GRIFFITHS: Your Honour, yes, please.

29 PRESIDING JUDGE: Counsel, Ms Hollis, are you replying?

1 MS HOLLIS: We have no objection to the Defence's request.

2 PRESIDING JUDGE: Thank you, Ms Hollis. We have already
3 noted the rights of the accused under Article 17 and Rule 60.
4 Obviously, we hope that the accused has a speedy recovery and we
14:31:33 5 would agree that in the circumstances it is only proper that we
6 adjourn until tomorrow morning. We note that there is no
7 objection and the consent of the Prosecution. So, we will
8 adjourn the Court until 9.30 tomorrow and hope that Mr Taylor is
9 better then.

14:31:51 10 MR GRIFFITHS: I am grateful, your Honour.

11 PRESIDING JUDGE: Thank you. Please adjourn the Court
12 until tomorrow at 9.30.

13 [Whereupon the hearing adjourned at 2.32 p.m. to
14 be reconvened on Wednesday, 27 February 2008 at
14:32:21 15 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-275	4736
CROSS-EXAMINATION BY MR ANYAH	4736
RE-EXAMINATION BY MR SANTORA	4763

EXHIBITS:

Exhibit P-83 admitted	4777
Exhibit P-84 admitted	4786
Exhibit P-85A admitted	4788
Exhibit P-85B admitted	4788