



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 7 MARCH 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

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 Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

For the Office of the Principal
Defender:

Mr Silas Chekera

1 Friday, 7 March 2008

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.30 a.m.]

09:30:04 5 PRESIDING JUDGE: Now before I take appearances and remind
6 the witness of his oath, it would appear that the accused is not
7 in court.

8 MR MUNYARD: That is correct, Madam President. Do you wish
9 to take appearances first and then we can formally start the
09:30:19 10 proceedings.

11 PRESIDING JUDGE: Yes.

12 MR MUNYARD: I will tell you what I know and it may be that
13 Mr Chekera, who is here from the Office of the Principal
14 Defender, will be able to assist with more information. I don't
09:30:30 15 know.

16 PRESIDING JUDGE: Thank you. I will take appearances and
17 then we will deal with that matter first. Mr Bangura?

18 MR BANGURA: Good morning, your Honours. Your Honours,
19 this morning for the Prosecution: Ms Brenda Hollis; Nick
09:30:44 20 Koumjian; myself, Mohamed Bangura; and Maja Dimitrova.

21 PRESIDING JUDGE: I think there is another gentleman there.

22 MR BANGURA: I am sorry, I did not mean to be impolite.

23 Mr Alain Werner. I actually did not realise he had come in.

24 Your Honours, if I may I would like to - your Lordships
09:31:05 25 will notice that Ms Alagendra, who has been conducting the case
26 for the Prosecution in respect of this witness, is not here with
27 us this morning. If your Lordships wish, I may wish to address
28 you on her absence.

29 PRESIDING JUDGE: Perhaps I will take the other appearances

1 first. Excuse me, I hadn't my microphone on. I will take the
2 other appearances first and then I will come back and we will
3 deal with the absence of the accused - he may require to be dealt
4 with - and then I will deal with that matter.

09:31:37 5 MR BANGURA: Thank you, your Honour.

6 MR MUNYARD: Good morning, Madam President, your Honours,
7 counsel opposite. For the Defence is: myself, Terry Munyard;
8 Morris Anyah; Fatiah Balfas; and from the Office of the Principal
9 Defender is Silas Chekera. As I am on my feet and you have
09:31:57 10 already raised the question of the absence of the accused, can
11 I go straight into what I know about the situation.

12 PRESIDING JUDGE: Please do so.

13 MR MUNYARD: There has been for I think it is right to say
14 now some weeks a change in the transportation regime from the
09:32:16 15 prison in

16 Scheveningen to the courthouse here. I don't know, because
17 I have received conflicting information, as to the nature of the
18 security escort who now are bringing Mr Taylor to court. All
19 I do know is that they are different from the security personnel
09:32:38 20 who had been bringing him up to about the first six weeks of the
21 trial. There have been no difficulties at all with the previous
22 organisation.

23 I don't know if the present security staff are part of a
24 public State system, part of the Ministry of Justice, or what.
09:33:03 25 I don't know if they are a privatised organisation, but all I can
26 say is that in the last couple of weeks there has been a much
27 more restrictive set of arrangements in force, about which we
28 have been expressing concern behind the scenes and we haven't
29 thus far sought to raise the matter at a higher level.

1 I emphasise "thus far".

2 As I understand it, this morning Mr Taylor was subjected to
3 what in common law jurisdictions that I am familiar with would be
4 called an intimate search. It was an intimate search of
09:33:48 5 considerable intrusion and physical pain and this was the first
6 time it had been done this way and he protested. He was told
7 that it would be persisted in if he was to be brought to court
8 this morning by that particular security detail and he refused to
9 participate further in this so far unique, offensive and
09:34:17 10 physically painful procedure.

11 I am not aware that this has been attempted before. I see
12 no reason for it now. He has been humiliated and more than
13 physically discomforted, and he made it plain that he was
14 perfectly willing to come to court provided this procedure was
09:34:40 15 not persisted in. It appears from the latest information that
16 I have received from the security staff here at the ICC building
17 that whoever - who's ever idea it was to persist in this
18 procedure has had a change of heart, as a result of which
19 I understand Mr Taylor is well on his way to court now and may
09:35:06 20 even be within the precincts as I speak.

21 So, I ask the Court's indulgence to wait for his arrival
22 before we deal with any further aspect of any part of this case
23 this morning. It is perfectly plain that he has been cooperating
24 every single day, not just in the last eight weeks, but hitherto
09:35:32 25 before the trial actually restarted on 7 January. This is the
26 first time such a procedure has been added to the increasing list
27 of restrictions that have been put on him in recent times and -
28 well, I suspect he may be here now. Yes, I am receiving an
29 indication that he is, so I would simply ask the Court for a few

1 minutes grace in order to have him here. I am told he is going
2 to be in the premises in two minutes and I would obviously want
3 to take instructions from him in order to address the Court
4 further.

09:36:09 5 PRESIDING JUDGE: Just to make sure, you know the attitude
6 of this Trial Chamber is that the accused can be brought into
7 court. We don't have to be absent when he is brought into court
8 if for some reason beyond his control he is delayed. However,
9 are you asking for a few minutes privately with him prior to the
09:36:30 10 Court resuming?

11 MR MUNYARD: Madam President, that was what I was asking
12 for because so far I received different reports from different
13 people and, applying the best evidence rule to this situation, it
14 is obviously much more satisfactory for me to speak to him
09:36:42 15 directly so that I can address you directly.

16 PRESIDING JUDGE: I will now seek a reply to the
17 application for a short adjournment and I will hear what
18 Mr Bangura has to say about Ms Alagenda.

19 MR BANGURA: Thank you, your Honour.

09:36:58 20 PRESIDING JUDGE: Then we will -- Mr Bangura, there are two
21 issues.

22 MR BANGURA: Yes, your Honour, and I take firstly the
23 application for I believe a short adjournment. I am not too sure
24 whether it is an adjournment it is my learned friend is asking
09:37:19 25 for?

26 PRESIDING JUDGE: I understand he needs to speak to the
27 accused in private.

28 MR BANGURA: The Prosecution does not object to that.

29 Your Honours, in relation to the absence of Ms Alagenda,

1 she had to travel, or she is as I speak on her way travelling,
2 back to Freetown this morning. Your Honour, Ms Alagenda
3 normally is based in Freetown and would come up to conduct
4 witnesses whom she works with in Freetown. It was - she had a
09:37:53 5 schedule to return back to Freetown today after being here for
6 about three weeks. Up until last evening it was our anticipation
7 that this witness's testimony would have been concluded in fact
8 before last evening, but it became apparent that it was not and
9 we were prepared, or she was prepared, to postpone her return up
09:38:19 10 until the close of the Court day yesterday, but after we closed
11 it became clear that any postponement of her flight would require
12 her another two weeks for a reservation to go back to Freetown
13 and this was going to impact greatly on her planning for the next
14 session witnesses.

09:38:43 15 PRESIDING JUDGE: So, she is not here.

16 MR BANGURA: She is not here, your Honour.

17 PRESIDING JUDGE: And what are you seeking from the Court?

18 MR BANGURA: Your Honours, first of all she has asked that
19 I tender her apologies to this Court for not having had the
09:38:57 20 opportunity to seek your leave to go away without completion of
21 this witness's testimony and, if it pleases your Lordships,
22 I will step in her shoes for the Prosecution to complete the
23 testimony of this witness.

24 PRESIDING JUDGE: Mr Munyard, before I consult with my
09:39:22 25 colleagues on the two issues, have you anything to say about the
26 substitution of Ms Alagenda?

27 MR MUNYARD: Three things in the light of what Mr Bangura
28 has just told us. The first is this. Ms Alagenda told me on
29 Wednesday morning before we sat that she anticipated she would be

1 another 15 minutes with her witness. In fact, if my memory is
2 correct, I got up to cross-examine him around half-past-three in
3 the afternoon on Wednesday and so obviously her time estimate was
4 wrong. She also told me then - in fact she told me before that -
09:39:57 5 that she had a flight booked today to go back to Freetown, and
6 I anticipated that I may well finish the witness - on Wednesday,
7 when she told me that, I anticipated I may well finish the
8 witness by mid-morning yesterday, so obviously her time estimates
9 and her planning have gone awry. I make no criticism of any
09:40:20 10 advocate for getting their time estimates wrong. We all do. It
11 is very rare that we get them right.

12 It is a matter for the Prosecution and the Court how they
13 distribute their work between them. You will be aware that
14 hitherto we have been completely cooperative with all of the
09:40:40 15 requests of the Prosecution to move witnesses around, to reduce
16 the 42 day rule, to have an expert witness interposed and so on
17 and so forth. We have cooperated at every single turn and we
18 have no observations to make on whether or not it is appropriate
19 for them to have a substitute part way through a witness.

09:41:04 20 Can I also though just add this. I think we all are taken
21 by surprise by Mr Bangura's suggestion that, if you don't go this
22 morning to Freetown, you can't go for another two weeks. I know
23 from my own arrangements for going to Freetown that there are
24 various routes. You don't have to go directly there and, in
09:41:27 25 fact, you are lucky if you can go directly there. I am merely
26 expressing surprise at that suggestion, no more than that.
27 I don't think there is anything else I can say that is helpful.

28 PRESIDING JUDGE: Thank you, Mr Munyard. My learned
29 colleagues and I have consulted on the two issues. We will allow

1 Mr Munyard some time to - a short adjournment to speak to his
2 client and we will rise in due course.

3 On the substitution of Mr Bangura, we would observe that
4 professional courtesy should have determined that Ms Alagendra
09:43:12 5 informed us of this herself if she was aware of the possibility
6 of this happening. If she was aware on Wednesday, according to
7 Mr Munyard she was informed, we would have expected that
8 professional courtesy directly to the Bench. However, with that
9 caveat we have no objection to the substitution of Mr Bangura for
09:43:37 10 the continuation of the cross-examination and re-examination, if
11 any should arise.

12 We will now adjourn briefly and we will ask counsel to
13 inform us when they are ready to proceed.

14 MR MUNYARD: Thank you, Madam President.

09:43:54 15 [Break taken at 9.43 a.m.]

16 [The accused present]

17 [Upon resuming at 10.03 a.m.]

18 MR MUNYARD: Madam President, we are very grateful to the
19 Court for giving us that short opportunity to take instructions.
10:01:56 20 Before I deal with the situation of Mr Taylor's arrival at court
21 this morning, can I just correct one thing. When I addressed you
22 on the position of Ms Alagendra passing the baton as it were to
23 Mr Bangura, I said to you that I spoke to her about her planned
24 departure on Wednesday and possibly before and I think in your
10:02:23 25 ruling you indicated that I had found out only on Wednesday.
26 That is not right. In fact I was also approached on either
27 Tuesday or Wednesday by Ms Baly, who asked me, "Will Ms Alagendra
28 make her flight on Friday morning?", so this is obviously
29 something that was well in hand for at least a week. I just

1 wanted to correct that, because I didn't say to you, Madam
2 President, that I found out for the first time on Wednesday. It
3 was earlier than that. Can I now move on.

10:02:57

4 PRESIDING JUDGE: For the purposes of record, I said that
5 you were aware on Wednesday.

6 MR MUNYARD: Ah, I see. Thank you.

7 PRESIDING JUDGE: I didn't say when you learnt, because
8 I don't know.

10:03:07

9 MR MUNYARD: Very well. Can I deal now with the situation
10 relating to Mr Taylor. I don't want to take up very much time,
11 if I don't have to, on that subject. It is very much as I said
12 when I addressed you in his absence. I have the following
13 further information to add, in that when he was subjected to this
14 very intrusive intimate search --

10:03:30

15 MS MUZIGO-MORRISON: Excuse me, your Honour. [Microphone
16 not activated] Excuse me, your Honour. Is it better that maybe
17 we address these issues in a private session?

18 PRESIDING JUDGE: There has been no application for a
19 private session and so this will proceed.

10:03:48

20 MR MUNYARD: We are not making any such application and
21 I have taken instructions. I am grateful to Madam Court Officer.
22 I think we are adult enough to discuss these things in public.

10:04:09

23 As far as he was concerned, he insisted on coming to court.
24 It was the security staff who said they would not take him to
25 court unless he allowed them to persist in this not just intimate
26 but painful search, and he insisted on coming to court to the
27 extent that he telephoned personally the Chief of Detention, Mr
28 Anders Backman, and insisted to him that he be brought to court
29 but not subjected to this unique and offensive procedure. It was

1 eventually then decided, presumably on high, that it was not
2 necessary on this particular date for the first time to indulge
3 in that particular practice, so arrangements were then made for
4 him to get to court and as you know he arrived about seven
10:04:59 5 minutes after the Court sat.

6 Can I add this. I simply want to remind all the parties
7 that Mr Taylor came to court last week at a time when it was
8 perfectly plain that he was not 100 per cent well. He pressed to
9 come to court and, even though we were advising him that he was
10:05:23 10 not - it was pretty obvious that he was not physically fit enough
11 to continue, he insisted on continuing until such time as he
12 accepted that he really ought to go back to the prison and be
13 looked after there.

14 I have to make one correction. It was not Mr Taylor who
10:05:41 15 spoke to Mr Backman, he got a guard to do that, but it was at his
16 insistence that Mr Backman was called. Unless, Madam President,
17 there are any other matters you wish me to explore further, those
18 are my instructions on what happened this morning.

19 PRESIDING JUDGE: Thank you, Mr Munyard, for that
10:06:06 20 information. There are no other questions arising from the
21 Bench. We will now then proceed. I will remind the witness of
22 his oath.

23 WITNESS: TF1-337 [On former oath]

24 PRESIDING JUDGE: Mr Witness, I remind you as I have done
10:06:22 25 on other mornings that you have taken the oath to tell the truth,
26 the oath is still binding upon you and you must answer questions
27 truthfully. Do you understand?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: Please proceed, Mr Munyard.

1 MR MUNYARD: Thank you, your Honour.

2 CROSS-EXAMINATION BY MR MUNYARD [Continued]:

3 Q. Mr Mansaray, I am going to break off for a moment from
4 discussing the number of times that you were interviewed, the
10:07:03 5 more than one dozen occasions on which you were interviewed by
6 the Prosecution, and I am going to ask you now please to look at
7 a map.

8 Madam President, I have got here sufficient copies for
9 everybody, I believe. The one that I am going to ask the witness
10:07:22 10 to look at is a colour copy, but I am afraid that everybody else
11 is going to be the poor relation and have a black and white copy.
12 Are there enough copies to go round? I think I have another, if
13 need be?

14 PRESIDING JUDGE: Mr Munyard, I think my learned colleagues
10:08:23 15 and I have copies. So, if counsel on the other side --

16 MR BANGURA: I am sorry, I missed that, your Honours. I
17 was just conferring.

18 PRESIDING JUDGE: I am just checking that you have a copy
19 of the document.

10:08:35 20 MR BANGURA: I do, your Honour.

21 MR MUNYARD: Before it goes on the screen I am going to
22 hand out another map, because despite our best endeavours no map
23 published on the internet covers the two aspects I want to ask
24 the witness about and so I now have to distribute another black
10:09:02 25 and white map. I am going to give the witness one in A3 size and
26 everybody else one in A4 size. Thank you, Madam Court Officer:

27 Q. Mr Mansaray, I am going to ask you first of all to look at
28 a map of Liberia that you have a coloured copy of. It is the
29 first one that I just distributed. (I am conscious, Madam

1 President, that I was asked a couple of times yesterday to speak
2 slowly, so I am going to try and deal with this albeit as quickly
3 as possible, I am going to try and be careful when I am
4 pronouncing names to pronounce them slowly enough so the
10:10:49 5 transcribers have chance to write them down.) Looking at the
6 first map, Mr Mansaray, that is a map of Liberia, is it not?
7 A. Well I am seeing some other countries on the map, on the
8 side.
9 Q. Of course. It is principally a map of Liberia and you are
10:11:14 10 quite right that we can also see Sierra Leone, Guinea and Cote
11 d'Ivoire, or parts of those countries on the map, but the map
12 is - you will see the caption in the box on the left-hand side on
13 the bottom it says "Liberia". Do you see that?
14 A. Yes, I have seen "Liberia".
10:11:42 15 Q. I don't want to do anything that is in any way unfair or
16 embarrassing to you. Are you able to read sufficiently to be
17 able to read the names of towns on this map, and when I say
18 "names of towns" I mean all the names on this map?
19 A. There are many names of towns on the map.
10:12:13 20 Q. All right. If you need any assistance in having them read
21 out to you, do say so. Now, do you see where Liberia borders
22 with Sierra Leone?
23 A. Yes, I am seeing it on the map.
24 Q. And can you see the word "Mano", on your copy it will be in
10:12:40 25 blue writing, just above and to the right of the word "Sulima";
26 the town of Sulima in south east Sierra Leone? Can you see
27 "Mano" on there?
28 A. I am seeing "Sulima". I have not seen "Mano" clearly.
29 I have seen Sulima.

1 Q. Well, you know that the Mano is the Mano River?

2 A. Okay, yes, I will agree with you. I have seen the line
3 indicating the boundary.

4 Q. Yes. Do you see the word "Mano" running along that line
10:13:28 5 just to the left of the town of Bendaja, or Ben-dyer [phon]?

6 A. Yes.

7 Q. So, you see now the Mano River?

8 A. Yes.

9 Q. And you can see - if we go from the coast up the Mano
10:13:58 10 River, we can see the town of Bo. That is the town of Bo in
11 Liberia, do you see that?

12 A. Yes, yes.

13 Q. Then the town of Bendaja, or Ben-dyer. I am told it is
14 Bendaja. Do you see that?

10:14:29 15 A. Yes, I have seen the name "Bendaja".

16 Q. And then above that is the town of Congo?

17 A. Yes.

18 Q. Then we don't - if you follow the border along, if you keep
19 going up along the border, we don't get to another town close to
10:14:49 20 the border until we get to Vahun almost at the top, do you see
21 that, or fairly close to the top?

22 A. Yes, I have seen the name of another town.

23 Q. The town of Vahun?

24 A. Yes.

10:15:16 25 Q. Now are you able to help us, by reference to this map, in
26 telling us where it was you crossed over the border into Liberia
27 when you were driven out by the Sierra Leone Army and/or ECOMOG
28 forces from Sierra Leone into Liberia in 1991?

29 A. Yes, I can answer the question.

1 Q. Please do. We thought you were about to.

2 A. Well, the very first time I went through from Sierra Leone
3 to Liberia it is along the Mano River. In Sierra Leone it is
4 called Mano Pende. When you cross over there, you come to York
10:16:23 5 Island that was in Liberia.

6 Q. Can you show us on the map where that is, that is what I am
7 asking you to do, if you are able to?

8 A. Well, the way I am seeing the town, from Sulima you come to
9 a town --

10:17:13 10 MR MUNYARD: I wonder if the witness could point on the
11 map?

12 PRESIDING JUDGE: If the witness could please move to the
13 map and use a pencil or pen to indicate.

14 THE WITNESS: The side of Sierra Leone I am seeing "Mano",
10:18:03 15 but I think the town Mano and York Island will be between
16 Bendaja, coming down to the Sulima area, because I am not seeing
17 the town York Island in the Liberian - on the Liberian side, but
18 the town was Mano Pende where several of us RUF crossed into
19 Liberia.

10:18:39 20 MR MUNYARD:

21 Q. So just so I can be clear, are you saying that the town of
22 York Island is somewhere near Bendaja?

23 A. Well I couldn't say this to you, because this Bendaja is
24 not very clear to me. The areas that I understood at the time
10:19:07 25 are the names I am calling. From Mano Pende I went to York
26 Island, but Bendaja I don't know if it is a village or town.
27 I did not go there, so I wouldn't be able to tell you the
28 geographical area where Bendaja is located.

29 Q. Did you go to any towns, apart from York Island, while you

1 were in Liberia? I am talking about 1991.

2 A. Well when I left York Island I went through a route, a
3 dusty route, that I used to go to Zimmi.

4 Q. You used to go to where, sorry?

10:19:59 5 A. I said I used a route, a dusty route, when I left York
6 Island. That was the route used by RUF and AFL to go to Tiene.
7 We went through several other towns.

8 Q. Yes. Are you able to help us by looking at this map to
9 show us where Tiene is?

10:20:38 10 A. Tiene is supposed to be in the Grand Cape Mount County, but
11 the name "Tiene" I am not seeing it on the map.

12 Q. No, but the map I am afraid is the map with the largest
13 number of names on it that we have been able to find on the
14 internet recently. So it is somewhere in Grand Cape Mount

10:21:06 15 County, Tiene, but are you able - when looking at Grand Cape
16 Mount County on the map there, are you able to give us any idea
17 of where you think Tiene is?

18 A. Well, I cannot say because I am not seeing "Tiene" on the
19 map. I told you earlier that I am not very clear on the

10:21:31 20 geographical area of Liberia, but if it is on the map I will have
21 pointed at it.

22 Q. Right. And can you just confirm for us that the whole time
23 you were in Liberia you didn't go to any towns other than York
24 Island? Is that what you are saying in your evidence?

10:21:58 25 A. No, I told you that it was a day's visit. We went to Bomi
26 Hills, then later I came back to Tiene and then used the highway
27 to come to Sierra Leone. That was through Bo Waterside.
28 I crossed through Gendema to enter Sierra Leone.

29 Q. So, you used the highway to go back into Sierra Leone?

1 A. Yes.

2 Q. Now looking at the map that you have in front of you, you
3 say you crossed back into Sierra Leone at Bo Waterside. We are
4 talking about Bo in Liberia, aren't we?

10:22:42 5 A. Yes.

6 Q. And do you see there is a pink line on your coloured
7 version of the map going from Bo, or Bo Waterside, across Grand
8 Cape Mount County to a town called Klay. Do you see that pink
9 line?

10:23:05 10 A. Yes, I have seen "Klay".

11 Q. Now I think you and I are the only people with coloured
12 maps, so in order to help the Court can you also look at the box
13 at the bottom left-hand corner where it has the title "Liberia"
14 and it gives an indication what these various lines are. If you

10:23:27 15 look down six symbols, do we get a pink line there that is
16 described as being a road?

17 A. Well this I am seeing it, but I cannot tell you much about
18 this map. I told you that before.

19 Q. No, Mr Mansaray, I am just putting on record through you
10:24:01 20 that the line that you have been looking at that goes from Bo
21 across Grand Cape Mount County is a road on this particular map.
22 Everybody else has a black and white copy of it and I just want
23 to establish that the thin line that goes from Bo to Klay on this
24 map is meant to be a road, do you see?

10:24:29 25 A. I have seen a small line. You mean the one from the town
26 Robertsport? Is that what you meant?

27 Q. No, Robertsport doesn't have a pink line.

28 Madam President, can I get round this by making clear to
29 the Court that I will ensure that you and my learned friends

1 opposite have a colour copy so that you can see that the line we
2 are talking about is a road. That was all I was trying to do.

3 PRESIDING JUDGE: It is very faintly on the black and
4 white. Very faintly.

10:25:07 5 JUDGE SEBUTINDE: We do have the coloured copy on our
6 screens. We are following perfectly.

7 MR MUNYARD: Ah, of course. Yes, I am so sorry. I am
8 trying to keep up with LiveNote on my screen. Right, all right.
9 I can move on from that then.

10:25:26 10 MR BANGURA: Your Honours, there was a point about the
11 route that the witness said they used, or used coming back into
12 Sierra Leone. I see it come up that he talked about Bo Waterside
13 and another name. It is just the spelling of that name.

14 I believe I heard Gendema, but it comes up as something else,
10:25:52 15 "democracy" or something. I will be grateful if my learned
16 friend helps the Court with the spelling, perhaps with the
17 witness.

18 PRESIDING JUDGE: Mr Munyard, you heard that request for
19 assistance.

10:26:08 20 MR MUNYARD: I can't help with spelling, but the witness
21 can.

22 PRESIDING JUDGE: No, but the witness, yes.

23 MR MUNYARD: Yes, certainly:

24 Q. Yes, Mr Witness - Mr Mansaray, I am sorry. You do have a
10:26:20 25 real name. Mr Mansaray, can you help us with the spelling of the
26 place that you mentioned that my learned friend opposite has just
27 referred to?

28 JUDGE SEBUTINDE: It was Bo [sic] Gbendeh first - Mano
29 Gbendeh. He didn't spell that.

1 MR BANGURA: It is Bo Waterside and then - no, he didn't
2 spell that, your Honour.

3 MR MUNYARD: You are quite right, he didn't.

4 THE WITNESS: Mano Gbendeh.

10:26:49 5 JUDGE SEBUTINDE: Can you spell Gbendeh for us, please?

6 THE WITNESS: G-B-E-N-D-E-H, Gbendeh. M-A-N-O, Mano
7 Gbendeh.

8 MR BANGURA: And then the other word - the other name that
9 came after Bo Waterside where he said they crossed into Sierra
10 Leone?
10:27:12 10

11 THE WITNESS: Gendema.

12 MR MUNYARD:

13 Q. Could you spell that for us, please, Mr Mansaray?

14 A. G-E-N-D-E-M-A, Gendema.

10:27:39 15 Q. And are you able to give us any idea by looking at this map
16 where those two places are?

17 A. Mano Gbendeh is opposite York Island. When you are in
18 Sierra Leone, that is Mano Gbendeh. You will stay there and see
19 York Island in Liberia. Then Gendema is on the border at the
10:28:09 20 Mano River Bridge. When you are there and cross over to Liberia,
21 you go to Bo Waterside. On our own side they call there Gendema.

22 Q. So, Mano Gbendeh is opposite Bo as we see it on this map?
23 Bo Waterside?

24 A. No, Mano Gbendeh is not opposite Bo Waterside.

10:28:44 25 Q. But I thought that is what you were saying, "On our side it
26 is Mano Gbendeh and you cross over the bridge"?

27 JUDGE SEBUTINDE: I think he said it is opposite York
28 Island. That is what the record shows. Opposite York Island.

29 MR MUNYARD: Your Honour is quite right.

1 JUDGE SEBUTINDE: What would help is if the witness knows
2 and would mark by a point, maybe by a letter or a circle, these
3 places.

4 MR MUNYARD: Yes. I was asking him if he knew where York
10:29:12 5 Island was earlier and he said he didn't know looking on this
6 map, but now that he has identified the Sierra Leone town on the
7 other side of the river that might help:

8 Q. Are you able to indicate on this map where Mano Gbendeh and
9 York Island are?

10:29:44 10 A. If it was a larger map where I could see all the names of
11 the towns I would have been able to do that, but for this
12 I cannot.

13 Q. All right. Just help us with this. Is Mano Gbendeh and
14 York Island south of the town of Congo that we can see there
10:30:05 15 above Bendaja? By south I mean nearer to the coast, nearer to
16 the ocean.

17 A. Yes. Mano Gbendeh, yes, is very close to the sea.

18 Q. Then you went to Tiene, and you are unable I think to tell
19 us where Tiene is by looking at this map, and how far is Tiene
10:30:38 20 from Bomi Hills where you say you went on one occasion?

21 A. Well like I said yesterday I cannot give the exact mileage,
22 because it was my very first trip and I didn't undertake that
23 trip with a peace of mind. I was in the mood of fear. In fact,
24 the vehicle that we used we had fighters around us who took us
10:31:23 25 along. So, I wouldn't want to lie to you.

26 Q. Did you ever go on that trip again, or was that the only
27 time you went to Bomi Hills?

28 A. That was the only time I went and stopped there and then
29 returned the same day, until I came back to Sierra Leone.

1 Q. And did you go on any of the roads - the proper roads -
2 when you went from Tiene to Bomi Hills on that one occasion?

3 A. I want you to repeat this question. I did not get it
4 clearly.

10:32:10 5 Q. You can see on the map that there are roads marked. The
6 pink lines are main roads. Do you see those, Mr Mansaray?

7 A. Yes, I am seeing pink lines on this map.

8 Q. When you went from Tiene to Bomi Hills, did you go on any
9 of the main roads?

10:32:39 10 A. A vehicle took us along. I had thought we used the main
11 route. We didn't use a bush path.

12 Q. Right, thank you. Right. Now, do you see the town of
13 "Klay" marked on that map? If you travel from Bo Waterside along
14 the road on the map that is going across Grand Cape Mount County,
10:33:16 15 do you see the town of "Klay"?

16 A. Yes, I can see a town that has been spelt K-L-A-Y. "Klay".

17 Q. Right. I think it is sometimes spelt differently, K-L-E,
18 but it is known as Klay and that is in the county of Bomi. Can
19 you remember going through, or near to, the town of Klay on your
10:33:47 20 way to Bomi Hills?

21 A. Well, I cannot say about these various locations. I had
22 told you before I cannot say. What I understood when I was in
23 that vehicle, when we left Tiene they took us to Bomi Hills and
24 then later we came back. To say when we were going I was
10:34:20 25 observing, no, I didn't do that.

26 Q. All right.

27 PRESIDING JUDGE: Mr Munyard, sorry to interrupt. I am
28 having trouble finding Bo Waterside and I thought I was good at
29 map reading.

1 MR MUNYARD: It is just called "Bo", your Honour. It is on
2 the left-hand side.

3 PRESIDING JUDGE: Bo and Bo Waterside are the same place,
4 is that it?

10:34:36 5 MR MUNYARD: That is what I understand it to be, because it
6 is on the side of the water by the look of the map. I will be
7 corrected if I am wrong.

8 PRESIDING JUDGE: Ah, now I am clear. I was interpreting
9 them as two different places.

10:34:48 10 MR MUNYARD: Ah, well let us ask the witness first of all:
11 Q. Can you help us? If you go back to Bo, Liberian Bo, there
12 on the border of the Mano River, when you talk about Bo Waterside
13 is that what you are talking about, that town of Bo, or is Bo
14 Waterside somewhere different from the town of Bo?

10:35:11 15 A. No, it is the same Bo that the Liberians call Bo Waterside.
16 That is where when you cross the bridge from Sierra Leone that is
17 the first town you come to.

18 Q. Is that where the Mano River Bridge is that you have been
19 telling us about?

10:35:29 20 A. Yes.

21 Q. Thank you. Right, back to Bomi County now. If you follow
22 the road, we have got to the town of Klay, and then the road goes
23 down to Monrovia. Do you see that?

24 A. Yes, I can see the road.

10:35:50 25 Q. And - I am sorry, I am speeding up again. Or it goes up
26 through Tubmanburg, do you see that?

27 A. Okay, I have seen the name you have just called.

28 Q. Thank you. Now would you have a look at the other map,
29 please. (Madam Court Officer, I think we will need you.) There

1 is another map of Liberia and again do you see "Monrovia"?

2 A. Yes, I can see the spelling for Monrovia down the map.

3 Q. If you put your finger or the pen on "Monrovia" and then
4 move it directly up, do you see the town of "Klay", this time

10:37:36 5 spel t K-L-E?

6 A. Yes, I have seen K-L-E.

7 Q. And then again if you carry on up the map do you see
8 "Tubmanburg"?

9 A. Yes, I have seen it.

10:37:52 10 Q. And then to the right and up a little do you see "Bomi

11 Hills" marked on that map?

12 A. Yes.

13 Q. So, that tells us where Bomi Hills is in relation to the
14 first map that we were looking at that doesn't have the name of

10:38:19 15 Bomi Hills on it.

16 A. I didn't understand your question.

17 Q. Mr Mansaray, I am just clarifying. We now know - if we
18 went back to the first map we now have an idea of where Bomi
19 Hills is on the first map. Unfortunately, there doesn't seem to
20 be a map on the internet that covers both the towns and Bomi

10:38:40 21 Hills. Now, you have just told us in answer to a question of

22 mine that you were not observing where you were going when you
23 were in the vehicle taking you from Tiene to Bomi Hills. Was it

24 a closed kind of vehicle, was it a military vehicle that you were
25 not able to see out of, or were you not observing simply because

10:39:03 26 you were not looking where the vehicle was going?

27 A. It was a big vehicle. It had weapons in it. There were

28 senior officers in. We were lying on each other for us to
29 survive. I was unable to raise my head up to peep outside.

1 Q. Right. So the picture that you have now painted, if I can
2 try and summarise it, is that you travelled on that occasion in
3 considerable discomfort in that vehicle. Is that right?

4 A. Yes, that was what happened.

10:39:53 5 Q. You travelled on proper roads, that is what you told us?
6 I am just trying to summarise your evidence, Mr Mansaray, and
7 correct me if I am putting it wrongly. You travelled on proper
8 roads. That is right, isn't it?

9 A. Yes, the road when I was in the vehicle was good, but
10:40:23 10 because we were not using the bush path it was a vehicular road.

11 Q. And you have told us that you would not have known whether
12 or not you were going through, or past, towns or villages because
13 of your inability to look out of the vehicle. That is correct,
14 isn't it?

10:40:59 15 A. Yes.

16 Q. Right. Go back, if you would, finally to the first map.
17 I am going to ask you to look at another place in Liberia, but
18 before I do can we just establish this from you. How long were
19 you in Tiene? How many weeks or months were you in Tiene?

10:41:47 20 A. Well, in Tiene I spent up to three months there.

21 Q. Right. Apart from this one day trip to Bomi Hills, did you
22 go anywhere else in Liberia at all in 1991?

23 A. Well, it was in Tiene we were at the time. There I was.

24 The other town we used to go for patrol, there was another big
10:42:27 25 town there called Gbessay. I used to go there. Then we usually
26 use the route going to Tiene to come to Bo Waterside and then go
27 back to Tiene town. The other town where we were, there was an
28 ammunition dump. We usually used that route to go to that town
29 and then come back.

1 Q. And what town was that?

2 A. That was in 1992. That was from November 1991 we fought
3 and then crossed over, then from 1992, January --

10:43:27

4 THE INTERPRETER: Your Honours, can the witness be made to
5 repeat his answer?

6 PRESIDING JUDGE: Mr Witness, the interpreter needs you to
7 repeat your answer. Could you please pick up from the point
8 where you said, "... then [in] 1992, January", and continue from
9 that point.

10:43:43

10 THE WITNESS: From January 1992 to February 1992, I left
11 Tiene and came back to Sierra Leone.

12 JUDGE SEBUTINDE: Mr Witness, the question that the lawyer
13 asked you was what was the name of the town. He didn't ask about
14 the time. He asked about the town. There is a town you
15 mentioned where you would go where the ammunition dump was
16 located.

10:44:04

17 THE WITNESS: It was Tiene. Tiene.

18 MR MUNYARD:

19 Q. I was also asking you about 1991. Now, you have said that
20 you were in Liberia in 1991 for about three months. Is that
21 right?

10:44:25

22 A. No, that was 1991 to 1992. That was the end of the three
23 months.

24 Q. Well, Mr Mansaray, do you remember being interviewed by the
25 Office of the Prosecutor about your time in Liberia? You
26 remember being interviewed by them? If you will bear with me for
27 just a moment, I don't want to put anything inaccurately of
28 course. Yes, I don't in fact think you gave them a date, I will
29 be corrected if I am wrong, a date when you first went into

10:44:52

1 Liberia. Can you help us with the date when you first go into
2 Liberia in 1991?

3 A. It was in November 1991.

10:46:42

4 Q. And so you stayed there for three months, emerging back
5 into Sierra Leone in 1992, yes?

6 A. Please repeat the question.

7 Q. I am just summarising what you have told us already. You
8 enter Liberia in November 1991 and you come back into Sierra
9 Leone three months later in about February of 1992, correct?

10:47:04

10 A. Yes.

11 Q. And you don't go back into Liberia again except, if I have
12 understood you correctly - except to go to Tiene to the
13 ammunition dump. Is that what you were saying?

10:47:33

14 A. Yes, I didn't go there and stay again in Liberia, except
15 when I used to go upon instruction to collect ammunition and
16 I will return on the same day. That is what I mean.

17 Q. Yes, and on those instructions you went to Tiene is what
18 you were telling us a minute ago. Is that correct?

19 A. Yes.

10:47:51

20 Q. All right. You never went into Liberia anywhere else other
21 than the places you have now told us about. Is that right?

22 A. But those places are in Liberia.

23 Q. Yes, we understand that. Now I would like you to look at
24 that map in front of you, please. Do you see in the middle of

10:48:14

25 the map of Liberia in red writing the county of "Bong"? The name
26 "Bong"?

27 A. B-O-N-G?

28 Q. Yes.

29 A. Yes, I have seen it.

1 Q. And do you see the town of "Gbarnga" immediately above the
2 letter "n" of "Bong"?

3 A. I have seen "Gbarnga".

4 Q. And the road from Gbarnga, if you wanted to get to
10:48:46 5 Tubmanburg and the Bomi Hills the road from Gbarnga goes down to
6 Monrovia, doesn't it?

7 A. Yes.

8 Q. So to get from Gbarnga by road to the Bomi Hills, you would
9 have to go down into Monrovia and out the other side up to Klay
10:49:13 10 and Tubmanburg, wouldn't you?

11 A. I told you I cannot tell you that that is what it is. I am
12 just seeing it on the map, but I did not use it to get to
13 Monrovia, or go to Gbarnga.

14 Q. Right, thank you. I am going to move on to something else
10:49:34 15 now. I don't know if the witness needs to move back to his other
16 location. We were looking yesterday at the number of occasions
17 when you were interviewed by prosecutors from the Special Court,
18 and when I say "by prosecutors" I mean people working for the
19 Office of the Prosecution. We know that you were interviewed in
10:50:30 20 November of 2003, March of 2004, October of 2006 - sorry, January
21 of 2006 and October of 2006, and we were just looking when we
22 finished yesterday at, I think, the time you went for interview

23 in May of 2006. I don't know if I just said "October" when
24 I should have said "May"? Yes, let me make it clear. It is
10:51:16 25 January and May of 2006 that you were interviewed. Now, in
26 January 2006 you told us at that time you were now working for a
27 project run by the United Nations Development Programme. That is
28 right, isn't it?

29 A. Yes.

1 Q. And you told us yesterday that although you had to go off
2 to Monrovia to see Special Court investigators - sorry, I am
3 being corrected. You told us although you had to see Special
4 Court investigators - Madam President, I appear from reactions
10:52:27 5 all around the Court to be putting something inaccurately.

6 PRESIDING JUDGE: I need to check the record, but
7 I understood he went to Freetown, not Monrovia.

8 MR MUNYARD: I am sorry, I am entirely wrong. I am still
9 stuck on the map of Liberia. It seems to have imprinted itself
10:52:44 10 on my brain this morning. You are absolutely right, Freetown:

11 Q. And that job with the United - because it was a job with
12 the United Nations organisation, going off to be interviewed by
13 investigators to the Special Court meant that you didn't lose any
14 wages from your employment with the United Nations organisation
10:53:13 15 you told us yesterday. Can you just help us with this,

16 Mr Mansaray. Did you get the job with the United Nations
17 Development Project through the assistance of investigators from
18 the Special Court for Sierra Leone?

19 A. No, no

10:53:37 20 Q. You got that entirely independently?

21 A. No, it was not the Special Court. Yes.

22 Q. In any event, you didn't lose any wages as a result of
23 going for that particular session of interviews?

24 A. I did not lose my salary. I got my salary.

10:54:04 25 Q. Yes. And is that the time that you spent a whole week in
26 Freetown?

27 A. Yes, I --

28 Q. We know that - I am sorry, I interrupted you. Carry on.

29 A. Well, it could be between five days to one week when they

1 needed me and took me to Freetown and back two times, because
2 I cannot recall the exact time that I spent with them because
3 always they met me at the field where I was working and so when
4 they came I didn't stay long with them. Then I would return.

10:55:01 5 Q. And you told us yesterday that you went by yourself, you
6 didn't go with your family or any members of your family, in
7 January of 2006?

8 A. Yes, in Freetown I went with them alone. Because they were
9 going to get the statement from me, I went with them alone for
10:55:34 10 the interview.

11 Q. We know from the documentation that we have been supplied
12 with that you were interviewed on 14 January 2006, but on the
13 face of it on that day alone. Does that accord with your memory,
14 that you were only interviewed on one day despite being in

10:55:59 15 Freetown for the better part of a week?

16 A. I really did not get that question clearly.

17 Q. Is it right that in January of 2006, although you were kept
18 in Freetown for five days to a week, they only actually
19 interviewed you on one day?

10:56:38 20 A. I was not just interviewed on a day. It was more than
21 that.

22 Q. It was more than that?

23 A. Yes.

24 Q. Well, we have been supplied with a document that is
10:56:59 25 entitled "Proofing notes of 14 January 2006" that does not give
26 any indication that you were interviewed on any day in January of
27 2006, apart from that one day. Can I ask you again. Were you
28 interviewed on one day, or more than one day, in January of 2006?

29 A. Well I cannot recall that now if it was one day, or if it

1 was more than that. I cannot recall that.

2 Q. Do you recall if you were interviewed on the first day that
3 you got to Freetown?

4 A. I believe so, yes.

10:58:18 5 Q. You might have got there the night before and been
6 interviewed the next morning. The 14 January may be the second
7 morning. I don't imagine - do you have any particular memory of
8 it now?

9 A. Well, what I know when they brought me I was interviewed.
10:58:51 10 They interviewed me.

11 Q. Yes, and you say that they interviewed you on more than one
12 day during that week?

13 A. I believe so.

14 Q. Were you still in Freetown being seen by Special Court
10:59:13 15 Prosecution staff by 30 January 2006, a little more than two
16 weeks after 14 January 2006 for which we have proofing notes?

17 A. I don't think if I spent up to two weeks with them.
18 I don't think so.

19 Q. During that period in January 2006 were you given any
10:59:55 20 money, or were all your transport, hotel and food arrangements
21 met by the Prosecution?

22 A. At that time I was not lodged at a hotel. It was a private
23 house which they rented. That was where I lodged. When I was
24 returning they gave me back my transportation fare, and the work
11:00:25 25 that I was doing they gave me the payment.

26 Q. I am sorry, the work you were doing "... they gave me the
27 payment". What is the payment for?

28 A. Well, I told them how much UNDP was paying me when I was
29 working with them and it was the same money they gave to me for

1 the time that I was with them.

2 Q. Mr Mansaray, you told us yesterday and again today that you
3 did not lose any of your wages from the UNDP project on the
4 occasion that you were taken to Freetown to be interviewed by the
11:01:17 5 Prosecution of another United Nations organisation, or body. Do
6 you remember telling us yesterday that you did not lose wages
7 from your UN job when you came to see prosecutors from the
8 Special Court in January of 2006?

9 A. Yes.

11:01:37 10 Q. So, are you saying that you were paid twice in January
11 2006: once by the UNDP and once by the Special Court
12 prosecutors?

13 A. Yes, because I had to secure the job that I was doing.
14 Special Court was not paying me on a month basis.

11:02:08 15 THE INTERPRETER: Your, Honours, can the witness repeat?

16 PRESIDING JUDGE: Mr Witness, the interpreter requires you
17 to repeat your answer. Please pick up after you said "Special
18 Court was not paying me on a month basis".

19 THE WITNESS: When they would meet me at my work place,
11:02:37 20 I would make sure that I had secured my job for which I was paid
21 and there were rules. If the coordinator did not meet you there
22 you will be terminated, so my colleague with whom I was working
23 whenever I will be going I will leave him at my place so he will
24 give an excuse on my behalf because I did not disclose my
11:03:05 25 identity to anybody that I was working with Special Court. The
26 money that UNDP was paying to me I will take a share of it and
27 give it to my colleague, so when Special Court would meet me at
28 my field I told them that I was working and so they asked me what
29 was the daily wage that UNDP paid me and I told them. So, they

1 will pay that first before I will move with them to come to
2 Freetown. That is what I am telling you exactly.

3 Q. Let me see if I understand that. You had to leave your
4 field to go to Freetown, but you didn't want your colleagues
11:04:00 5 working in the field with you to know what you were doing and so
6 you gave your UNDP wages to them and just said, "I am going on
7 leave". Is that right?

8 A. Well, I told him that I was coming for a workshop relating
9 to human rights. I did not say it was on leave. I told him that
11:04:26 10 it was a workshop. I did not disclose to them that it was
11 Special Court.

12 Q. And is this right, that because they then had to cover your
13 work you gave them your UNDP wages?

14 A. Yes.

11:04:42 15 Q. Did you keep any part of your UNDP wages though?

16 A. Well, yes, sometimes I had some reserve.

17 Q. Yes. So when the Special Court - when the prosecutors of
18 the Special Court - paid you for lost wages, you were making a
19 small profit, were you?

11:05:18 20 A. Well, I have not referred to it as a profit. It is not a
21 profit to me. It was just a sacrifice that I made. But it was
22 not a profit to me because they would just pay me my wage and my
23 transportation fare, so I don't think that it was any profit.

24 Q. Well, you have just told us that you kept a bit of your
11:05:49 25 UNDP wages and then you got reimbursed. Did you get reimbursed
26 for the full amount of the UNDP wages by the prosecutors of the
27 Special Court?

28 A. Well if I were to go for two or three days I will tell them
29 and they will give me the money, so the remaining days UNDP would

1 pay me for that.

2 Q. All right. But can you think of any reason why you were
3 being paid transport and meal costs on 26 January 2006 and on 30
4 January 2006 "Meals whilst coming to Freetown"?

11:07:05 5 A. Well for that, even if it happened, if you lodge somebody
6 you would have to feed that person because they needed me. If
7 they brought me to Freetown, it was their duty to feed me.

8 Q. Mr Mansaray, I am not talking to you about the need to feed
9 you. I am talking to you about the dates on which this money
11:07:26 10 appears to have been paid. We have a record of the payments made
11 either to you or on your behalf by the Prosecution. And I am
12 looking at the records and the only records - let me make it
13 clear to you. The only records that have been disclosed to us
14 for January 2006 are as follows. On 26 January 2006, 30,000 -

11:07:58 15 well, it says "Local Currency" and I am therefore going to call
16 it leones. 30,000 leones for "Transport/meals" and on the same
17 date another round 30,000 leones for transport and meals. Then
18 on 28 January 2006 60,000 leones "Lost wages whilst attending the
19 court for prepping", and on 30 January 2006 under the category

11:08:34 20 "Family meals whilst coming to Freetown" another round sum of
21 10,000 leones. So on the documents we have been provided with it
22 would appear that you were being paid for meals on 26 January and
23 on 30 January and, if you were interviewed on 14 January as we
24 have been told, then why were you still being paid, or were you
11:09:15 25 personally being paid for your meals and lost wages on 28 and 30
26 January?

27 A. Well, that was what they told me at the beginning. They
28 said they were not going to pay me on a monthly because of the
29 statement that was given to me. They only would give me money

1 because they met me working and so they will give me the money
2 I would be losing. That was what I was telling you yesterday.
3 2003, 2004, 2005, I had no talk with them. I was working, so my
4 problem was not with them. They needed me later on and so it was
11:10:24 5 their place. What they thought fit or necessary for me as a
6 human being it was their place to do it, and when they would meet
7 me I would explain my problems to them and so they assisted me.
8 It was not that we made an agreement to pay me, but I explained
9 my problems to me and they reasoned with me to assist me.

11:10:55 10 Q. What do you mean by "assist me"? What did they actually do
11 to assist you?

12 A. Like apart from the amounts that you have mentioned,
13 sometimes in 2006 my family members could get sick and even my
14 wife at a point underwent an operation. I had a cellular phone,
11:11:32 15 I called them, told them my problems, and at that time I was
16 unemployed, I hadn't any money and so they assisted me to pay the
17 medical bill.

18 Q. Now just before the transcript disappears up the top of the
19 page you said in your previous answer to me, "They told me they
11:11:50 20 were not going to pay me on a monthly basis because of the
21 statement that was given to me". Do you mean that you asked for
22 monthly payments, if you were cooperating with the Office of the
23 Prosecution, and they said "No"?

24 A. No, they told me clearly just so that I could understand
11:12:17 25 from 2003 that I gave the statement, but before I gave the
26 statement they told me that the Special Court - the Special Court
27 did not or does not pay people who they have taken statements
28 from.

29 THE INTERPRETER: Your Honours, can the witness repeat?

1 PRESIDING JUDGE: Pause, Mr Witness. The interpreter
2 hasn't caught up with you. Which part, Mr Interpreter?

3 THE INTERPRETER: Your Honours, I would appreciate if
4 he begins the answer.

11:12:50 5 PRESIDING JUDGE: Most of it is down. Mr Witness, please
6 continue from where you said, "The Special Court did not pay
7 people who they have taken statements from", they told you.

8 THE WITNESS: Yes, they did not make a promise to me that
9 after the statement they will pay me any money, or they will pay
11:13:11 10 me on a monthly basis, because I had given them a statement.

11 They only told me that the Special Court needed me to come and be
12 interviewed by them. If they did not go to pick me up using
13 their vehicle, if I used public transportation, they would return
14 the fare to me. Then if I got sick, or my family members got

11:13:47 15 sick and I reported to them and asked for assistance, if they
16 found out that it was correct they would assist me. That was
17 what they told me. They said if I had any job that I was doing
18 and I was paid for that job, if they needed me and go to my place
19 and take me from my place of work, brought me for an interview,
11:14:29 20 they would be responsible for my lost wages. They will give me
21 the exact lost wages.

22 MR MUNYARD:

23 Q. Sorry, the Special Court prosecutors did pay you for giving
24 statements to them, didn't they, in the sense that they paid
11:14:49 25 medical bills for you, they paid school fees or uniform costs for
26 your children and they paid round sums of money every single time
27 that you had expenses involved in going to see them? I will
28 explain "round sums of money" in a moment if you wish me to. You
29 were given financial assistance because you helped the Special

1 Court prosecutors by giving them statements. That is right,
2 isn't it?

3 A. It is not correct. It was not like that.

11:15:44

4 Q. Well, in that case we will have to look at it in a little
5 more detail. I want to go back, please, to November 2003 when
6 you gave your first statement to the Special Court. You told us
7 how that happened. You were not working at the time, you were
8 taken by a police officer in his vehicle and you were
9 accommodated overnight and given meals and so on, yes?

11:16:12

10 A. Yes, that first night they took - prepared meal to me and
11 I only slept there for a night and the following day I returned.

12 Q. But you spent none of your own money on that occasion that
13 you had to be reimbursed for. That is right, isn't it?

11:16:50

14 A. Well I did not spend any money to come and meet them, but
15 what I meant by job, it was not a monthly thing. I used to find
16 my living, it was a daily thing, so when I was returning they
17 gave me the money that I had lost.

11:17:27

18 Q. I asked you yesterday were you in employment, or were you
19 earning any money - any income - and you said "No". Do you
20 remember saying "No", that you were not in employment, or earning
21 any money, when I asked you, or words to that effect, yesterday?

22 A. Well if you say I did not get any money I thought you meant
23 from the Special Court, but throughout my life I have been living
24 on money every day with my family.

11:17:56

25 Q. I am not suggesting that you haven't, but yesterday I asked
26 you were you in employment in November 2003 and you said "No".
27 I also asked you if you were making any money, or words to that
28 effect, yesterday and you said "No". Now, we know that on 20
29 November 2003 you were paid two separate sums for which two

1 separate receipts were issued both under the category of "Lost
2 wages". The first the detail is "Funds required to facilitate
3 the attendance of witness at the Special Court for interview
4 process", the second one is exactly the same category and reason
11:18:47 5 and the sums you were paid were lost wages of 20,000 leones and
6 lost wages of 10,000 leones. Now, did you lose earnings of a
7 nice neat round sum of 30,000 leones as a result of being taken
8 off by a policeman to the Special Court in Freetown in November
9 2003?

11:19:18 10 A. What I meant yesterday exactly, I was not working on a
11 salary. It was a day to day way of having my living. We would
12 go and - we would, for example, work for construction companies
13 to make blocks and they will give me some money. I was a
14 labourer, menial jobs I will do those, so they will give me and
11:19:50 15 I will feed my family with that.

16 Q. I am going to interrupt you for a moment just to say that
17 accepting that maybe you didn't understand me fully yesterday, or
18 maybe I didn't make myself sufficiently clear yesterday, even if
19 you were earning money, as no doubt you were trying to do to
11:20:08 20 support yourself and your family, did you lose a nice, neat,
21 round sum of 60,000 leones as a result of going to the Special
22 Court in a police vehicle in November 2003? Did you lose 60,000
23 leones - sorry, 30,000 leones on that occasion?

24 A. This question, I don't understand it.

11:20:45 25 Q. I am asking you about being paid to give evidence. Can
26 I be plainer than that?

27 A. They did not pay me any money to go and give statements.
28 They did not pay me any money for that.

29 Q. That is completely untrue, isn't it? You were paid 30,000

1 Leones.

2 A. Yes, the money that they gave to me when I explained myself
3 to them and they reason with me that I was a man who had a
4 family, my wife and my children, so when they will take me for
11:21:29 5 two days, for example, I explained myself to them. So they
6 assisted me in return, but they did not give me money that this
7 one is a payment for the statement that I had given to them, no.

8 Q. Can you help us with this. Does the expression "paid" mean
9 something different from the expression "assisted", as far as you
11:22:01 10 are concerned?

11 A. Yes.

12 Q. What is the difference between those two words, as far as
13 you are concerned?

14 A. Because if it were payment I would have - I would show the
11:22:20 15 amount that I was to be paid, but I did not ask them for the
16 amount. I did not state any amount. They asked me that, "For
17 the two days that you had left your family, what do you think you
18 were using, spending on a daily basis?", and I told them that
19 that was the amount I was using on a daily basis, but if it was
11:22:44 20 payment I would have shunned the money more than that.

21 Q. Were you earning - well, let us just see the number of days
22 you were away. You are picked up by the police officer and you
23 spend the night in Bo town, yes? This is what you told us
24 yesterday. You are collected by the police officer in his
11:23:07 25 vehicle and driven to Bo town where you spend the night. Is that
26 correct?

27 A. Yes.

28 Q. The next day you are taken to Freetown where you are
29 interviewed at 9.17 until 12 noon in the morning of 20 November,

1 yes?

2 A. What year?

3 Q. 2003?

4 A. No, I did not sleep in Bo. It was not in Bo.

11:23:46 5 Q. Well I thought you told us yesterday that he collected you,
6 you didn't have time to go home and tell your wife and children
7 and so you sent a message to them that you spent the night,
8 I thought you said in Bo town, it will be checked, and then you
9 went on to Freetown the next day. Is that not how it happened?

11:24:10 10 A. I did not tell you that yesterday.

11 Q. All right. Tell us today what happened on the event of
12 your first ever interview by the Special Court prosecutors?

13 A. Well the experience I had to be interviewed, the police
14 officers - the police officer used some kind of trick on me.

11:24:53 15 I realised it later. At first we were doing some construction
16 job, but there came to a time when I went to a town called
17 Sambai a Bendugu. They went there and I asked them for a lift.

18 We were many, but they only afforded me the lift. I came to
19 Magburaka. The next morning I saw a policeman. He went with a
11:25:24 20 motorcycle and took me from the house. When we came to the
21 office, the same police officers I saw in the vehicle in Sambai a
22 Bendugu were the same police officers who told me in the office
23 that the Special Court wanted me to come and talk to them.

24 Q. What was the trick, Mr Mansaray, that the police pulled on
11:25:49 25 you?

26 A. Well we were many, but when we spoke to them I was the only
27 one who they gave the lift to, but the next morning I saw them at
28 my house saying that the Special Court needed me and so I did not
29 return home. They said if I was ready let me join them to go, so

1 I did not return home. I was a bit afraid even, but I joined
2 them and we came to Freetown.

3 Q. I am going to ask you again what the trick was and then
4 I am going to ask you after that what were you afraid of. Can
11:26:38 5 you please explain what the trick was that they pulled on you?

6 A. The way I saw them took me from Sambai a Bendugu, later
7 I knew they went for that - they mainly went for that. They went
8 in search of me in that town, so when they told me in the office
9 that morning that the Special Court needed me I had a lot of
11:27:12 10 thoughts.

11 Q. Yes?

12 A. So, I was there when I sent a friend of mine to my wife
13 that we were going to Freetown. They told me we are not going to
14 spend too long, I should not be worried, so that gave me some
11:27:36 15 courage and we went.

16 Q. What were you afraid of, Mr Mansaray?

17 A. You know, they say a court is an institution that deals
18 with law and we had just come from a war. I was an ex-combatant
19 and they said the Special Court needed me. I was wondering what
11:27:59 20 was the need the Special Court had for me, until when I got
21 there, met with them and they told me if I had any information
22 about the war that we fought I should explain to them. Court
23 deals with laws, so I was a little worried.

24 Q. And if you explained to them they would assist you in
11:28:27 25 various ways, is that what they told you?

26 A. Who?

27 Q. The people who took you to and saw you at the Special
28 Court?

29 A. Well, the way I saw them they were policemen. They had

1 uniforms on. I was not happy until when we got to Freetown and
2 I was not in their care anymore. The other people I saw were not
3 in uniform, so I was at ease then.

11:29:16

4 Q. Yes. Well, you are going to be at ease for half-an-hour
5 now because I think it is time for the break.

6 PRESIDING JUDGE: Yes, indeed, Mr Munyard. We will take
7 the mid-morning adjournment and we will resume at 12 o'clock.
8 Please adjourn court.

9 [Break taken at 11.30 a.m.]

11:50:57

10 [Upon resuming at 12.00 p.m.]

11 PRESIDING JUDGE: Please continue, Mr Munyard.

12 MR MUNYARD: Thank you, Madam President:

13 Q. Mr Mansaray, just before we broke you said:

11:59:32

14 "The way I saw them, they were policemen, they had uniforms
15 on, I was not happy until we got to Freetown and I was not in
16 their care any more. The other people I saw were not in uniform
17 so I was at ease then".

18 So police officers particularly in uniform make you feel
19 uneasy, is that right?

12:00:00

20 A. Well, it was the time they met me just after I had left the
21 war. That's what I'm telling you. I am not telling you that it
22 was all the times that I saw police officers in uniform.

23 Q. It's not a criticism of you, it's a feeling that's probably
24 shared by many people throughout the world. I just want to
25 establish that you move from one situation where you're
26 uncomfortable into another situation where you're being dealt
27 with by civilians or certainly people not in uniform and that
28 made you more comfortable, did it?

12:00:22

29 A. Yes.

1 Q. Had you been told by the police officers that you would be
2 compensated financially for your trip to Freetown or was that
3 something that you weren't told until you met these people who
4 were wearing ordinary clothes?

12:01:05 5 A. They did not tell me anything about money, they only
6 informed me that the Special Court had told them to go with me to
7 Freetown if I was willing to go with them.

8 Q. So the first time you learn that you're going to be
9 assisted financially is when you meet the people from the Special
10 Court, the Prosecutors, is that it?

12:01:29 11 A. Yes, that was the time when I met them and they asked me if
12 I was responsible and I said yes.

13 Q. And you spent two days away from home on that occasion,
14 yes?

12:02:03 15 A. Yes.

16 Q. And they paid you 30,000 leones in lost earnings for those
17 two days, yes?

18 A. They did not pay me. It was just an assistance, because I
19 did not tell them the amount. It was just an assistance. It was
12:02:31 20 not a payment.

21 Q. You didn't tell them the amount, so they just decided to
22 give you 30,000 leones, did they?

23 A. Yes, I did not charge them as to what they should give to
24 me, I did not tell them what they should give to me. They just
12:02:57 25 asked me what I use on a daily basis, that is myself and my
26 family, and I gave them the estimate. So they worked that out
27 and they gave me some money.

28 Q. What was the estimate you gave them for you and your family
29 on a daily basis, Mr Mansaray?

1 A. Well, I told them that my family including me would
2 normally use between 5 and 10,000 leones per day and they gave
3 20,000 for the two days. The 10,000 was for the day we got there
4 and to eat in the morning. That was why they gave me 10,000. So
12:03:51 5 that's why the money got up to 30,000 leones.

6 Q. Well, you're wrong actually because both lots of money were
7 given to you under the category of lost wages and the reason that
8 you were given lost wages is as follows: "Funds required to
9 facilitate the attendance of witness at the Special Court for
12:04:14 10 interview process".

11 A. I don't know if that is the reason they stated there, but I
12 told them that I was not formally employed, I used to do some
13 menial jobs that I could get some money from, that I could get up
14 to that amount. So they assisted me. It was not a payment.

12:04:48 15 Q. You made a profit on that journey to the Special Court that
16 time, didn't you?

17 A. I did not make any profit.

18 Q. How much do you say you were able to earn in November of
19 2003 on average per day?

12:05:15 20 A. Per day I used to get between 5 and 10,000 leones. In the
21 morning I will go around because I wasn't formally employed, we
22 would go and we would mould bricks, we would do some other
23 construction job, so every day I would get 5 to 10,000 leones, or
24 at times I could even get more than 10,000.

12:05:41 25 Q. Did you get work every single day or not?

26 A. Yes, I did, on a daily basis because at times it could be
27 an a contract basis, at times it would be a two week contract or
28 a one month contract and we would ask them for - we charge them
29 and they give us the amount.

1 Q. And how many in the family, please, in November of 2003?

2 A. We were six. Myself, my wife and four children.

3 Q. And just to be clear you did tell us yesterday I think that
4 you yourself incurred no transport, accommodation or food costs

12:06:56 5 on that first interview because you were driven by a police

6 officer, put up for the night and provided with meals. That's

7 correct, isn't it?

8 A. Yes.

9 Q. So when you told us a moment ago that you were given money

12:07:19 10 for food that can't be right, can it, unless that was another

11 profit?

12 A. No, the morning I talked about, the 10,000 they gave to me,

13 that was the money to be used for food in the morning.

14 Q. What, for your food in the morning in Freetown?

12:07:57 15 A. I don't understand the question.

16 Q. Your answer was:

17 "The morning I talked about, the 10,000 they gave to me,

18 that was the money to be used for food in the morning".

19 What morning?

12:08:16 20 A. It was 10,000 Leones.

21 Q. What morning was it given to you for food for? Was it the

22 morning of 20 November 2003 when you were being interviewed for

23 the first of more than a dozen times?

24 A. Well, the first morning was the day we got there, the

12:08:53 25 evening was to eat, buy cigarette and smoke and for the following

26 morning it was for breakfast and lunch. So that was why they

27 gave me that money, 10,000.

28 Q. But you told us yesterday that they provided you with all

29 of those things at no cost to you, unless I have completely

1 misunderstood your evidence. And indeed before you answer that,
2 Mr Mansaray, if they give you money for food and meals they say
3 so in the document that spells out how much they've given. How
4 much does a packet of cigarettes cost you in leones in 2003?

12:09:59 5 A. Well, at that time it could be up to 1,000 leones.

6 Q. Right. And how many packets do you get through a day?

7 A. At times I can smoke maybe two sticks of cigarettes.

8 Q. How many in a packet? How many in a packet?

9 A. Some cigarettes it could be 10 in a packet, some others
12:10:45 10 could be 20 in a packet.

11 Q. We're talking about them costing 1,000 leones. How many do
12 you get for a thousand, is it a packet of 10 or a packet of 20?

13 A. 20.

14 Q. And how many packets of 20 do you get through in a day?

12:11:14 15 A. No, I could not smoke that for one day. They gave me the
16 money, they said this money's for your breakfast, your lunch and
17 I can smoke. So I just knew that they gave it to me to make use
18 of it. From what I explained to them they did not give it to me
19 just like that, I requested for it. And besides that it was not
12:11:46 20 only food or cigarettes, I also bought some other medicines from

21 out of that same money because after the journey when I got to
22 the place I was not feeling that well, but I did not explain that
23 to them, but out of the 10,000 that they gave to me I used that
24 for food, apart from the one that they brought, the food that
12:12:14 25 they brought to me. There are times I could eat more than three
26 times a day, I do not just eat once a day.

27 Q. How can you possibly remember now what it was you asked
28 them for money for in November of 2003 when you've been
29 interviewed by the Special Court on more than 12 different days

1 over a period of years? How are you able to say to the learned
2 Judges now, "I asked them for money for a packet of cigarettes
3 and I also got some medicine" and so on and so forth? Are you
4 saying you have a completely accurate memory of every amount of
12:13:01 5 money you were given, every item you asked for money for or do
6 you accept that you might be getting things mixed up?

7 A. No, I'm not getting things mixed up.

8 Q. I want to put to you finally in relation to November 2003
9 that you were not paid a single Leone for anything other than
12:13:30 10 lost wages and you were paid in two receipts on that date the
11 total round sum of 30,000 Leones.

12 Now you saw them again in 2004, in March of 2004, and you
13 told us yesterday about that occasion and you told us yesterday
14 that when you saw them in 2004 it was for more than one day. Do
12:14:04 15 you remember? Do you remember saying that. If you don't
16 remember then just tell the Court now --

17 A. Yes.

18 Q. -- how long you spent in 2004 seeing Prosecutors from the
19 Special Court?

12:14:33 20 A. Yes, when they met me in 2004, I travelled to Freetown, I
21 was there for more than a day.

22 Q. How many days were you there?

23 A. Well, if I can recall it could be up to four to five days.

24 Q. Did you pay your own transport costs or did they take you?

12:15:11 25 A. They paid the transport fare for me.

26 Q. Did you pay for your own accommodation or did they pay for
27 that?

28 A. They paid for the accommodation.

29 Q. Did you pay for your meals over those days?

1 A. They paid for the food that I ate where I was.

2 Q. Did they pay for your cigarettes during those four to five
3 days?

4 A. Well, I did not mention cigarette, but whenever they would
12:15:59 5 give me money for transport maybe I could get some change from
6 there, then I would buy cigarettes from out of that, but I did
7 not ask them for money for cigarettes particularly.

8 Q. Did they pay you for loss of wages for those four to five
9 days?

12:16:25 10 A. Yes, they paid me. Just as I had told them on the first
11 occasion I was not permanently employed, but for the menial jobs
12 that I used to do, they looked into that and they assisted me.

13 Q. Can I just explain something to you, that when I use the
14 expression "pay" I'm using it in the sense of people in England
12:16:54 15 and all it means is to give someone some money, it doesn't mean
16 anything more than that. If it means something more than that to
17 you then I will try to remember to use another word. Do you
18 follow?

19 A. Yes, I've heard you.

12:17:16 20 Q. Did they give you money - you told us that you needed I
21 think 5 to 10,000 per day for the family and then you also had
22 earnings, it may have been that your earnings were 5 to 10,000.
23 Just tell us again how much you needed per day for the family and
24 how much your average earnings were from the casual work you were
12:17:46 25 doing?

26 A. Those work that I did, there were days that I could get
27 5,000, some other days I could get 10,000. There were times it
28 could be on a contract basis and they would take us and they
29 would give us the money for the contract. So the amount of money

1 that they were giving to us, I did not hear that clearly.

2 MR MUNYARD: I interrupted, it was my fault.

3 Q. Mr Mansaray, could you repeat your answer, please. When I
4 interrupted you the interpreter wasn't able to hear the rest of
12:18:33 5 your answer?

6 THE INTERPRETER: No, your Honour, I interpreted exactly
7 what the witness said. He said he did not hear that.

8 THE WITNESS: They were just assisting me because the money
9 that I got from the casual jobs that I was doing could not reach
12:18:54 10 up to the amount that they even gave to me, so I cannot refer to
11 that as payments, it was just an assistance. Because there were
12 some contracts that I had, at times in two days time I would even
13 get more than 50,000 leones. Then some other days I would go and
14 make bricks, at times I could get 5 or 10,000 leones a day. So
12:19:25 15 in 2003/2004 that they met me, the money that they gave to me
16 maybe for two days, four days that I spent with the Special
17 Court, they did not pay me the exact money that I used to get
18 when they were taking me. It was just an assistance that they
19 were rendering to me.

12:19:48 20 MR MUNYARD:

21 Q. In the typical week you would be earning nearer to 5 to
22 10,000 leones a day than 50,000 leones a day, wouldn't you, in a
23 typical week?

24 A. I did not understand that.

12:20:13 25 Q. Is it the word "typical"? Let me try another expression.

26 In a normal week you would not be earning as much as 50,000
27 leones a day, would you, you'd be much more likely to be earning
28 between 5 and 10,000 a day?

29 A. Yes.

1 Q. And you said to a us a moment ago the money - you said it
2 couldn't reach up to - the money that you were earning, it
3 couldn't reach up to the money that the Court were giving you.
4 Do you mean that the Court were assisting you with more than you
12:20:57 5 would normally earn in a day?

6 A. It was less. It was less than what I used to get.

7 Q. Well, that's not compensation for loss of wages, is it?

8 A. Well, I took it like that because they told me even before
9 I could divulge anything to me that they were not going to pay
12:21:32 10 me, the Special Court does not pay people. So I accepted that.

11 Q. No, they don't pay people, they assist people, don't they?

12 A. Well, I'm talking about mine. I don't know about other
13 people.

14 Q. People was your word, Mr Mansaray, but we'll move on. They
12:21:53 15 assisted you, didn't they?

16 A. Yes.

17 Q. And you are perfectly well aware that they assisted plenty
18 of other people as well as you, aren't you?

19 A. I said I know about mine. I don't know about the other
12:22:16 20 people, if they assisted them. I know about mine.

21 Q. Is that an honest answer?

22 A. It's an honest answer, because all along that I have been
23 with the Special Court when they were taking me for interview,
24 from the statements to the interview, I did not meet with any
12:22:37 25 other person who was a witness or that I knew about the person's
26 affairs. They only told me about mine. They told me, the staff,
27 that I should not discuss anything with anybody relating to the
28 Court so I don't know about any other person's affairs. I know
29 about mine and that's what I'm talking about.

1 Q. From 20 November 2003 until the beginning of February this
2 year are you saying that you have never come across anybody else
3 who has been interviewed by the Special Court and been given
4 assistance by them?

12:23:20 5 A. If I told you that I would be telling a lie. I don't know
6 about that.

7 Q. Right. Back to March of 2004. What else did you get
8 assistance for in March of 2004? If it wasn't for cigarettes
9 then what else were you given assistance for then?

12:23:48 10 A. It was only transportation fare that they gave to me. Only
11 that.

12 Q. And loss of wages?

13 A. I was not on salary.

14 Q. Loss of earnings, maybe. The average amount of money you
12:24:14 15 told us you would earn in a normal week was 5 to 10,000 a day.
16 If you were four to five days at the Special Court in Freetown
17 you would need to be assisted in relation to the loss of money
18 you would otherwise have earned, wouldn't you?

19 A. I did not get this particular question clearly.

12:24:43 20 Q. Mr Mansaray, in March of 2004 when you go to the Special
21 Court you're not in a full-time job then, are you?

22 A. Yes.

23 Q. Correct. Exactly the same as November 2003, you weren't in
24 a full-time job then either, correct?

12:25:07 25 A. Yes.

26 Q. In November of 2003 they give you assistance in the form of
27 30,000 leones assistance to cover the lost opportunity you had to
28 make some money making bricks or doing other casual work that you
29 weren't able to do because you were down in Freetown seeing the

1 Special Court, correct?

2 A. Yes.

3 Q. So they presumably gave you the same assistance in March of
4 2004 when you were in exactly the same position as you'd been in
12:26:05 5 in November 2003, correct?

6 A. Yes. They assisted me.

7 Q. You told us that in 2003 you had spent some money on
8 medicines and some money on cigarettes, yes?

9 A. Yes, but that was my own private issue. I did not discuss
12:26:36 10 that with them. I just used the money from my own judgments. I
11 told you that the money they gave to me was not even up to what I
12 used to earn a day.

13 Q. It wasn't compensation for lost earnings, it was less than
14 compensation for lost earnings; that's what you're now saying,
12:27:01 15 isn't it?

16 A. Yes, what I used to get on a daily basis was more than what
17 they gave to me.

18 Q. Why didn't you say to them, "I actually earn more than this
19 on a daily basis"? They were quite willing to compensate you for
12:27:20 20 loss of earnings, weren't they?

21 A. Well, I did not tell them. What they asked me and I
22 explained, they assisted me in that regard. I did not continue
23 or I did not tell them that no, I was not satisfied. I just
24 accepted it.

12:27:44 25 Q. All right. Now just help us with this: You've said that a
26 packet of cigarettes can cost a thousand leones. Does it cost a
27 round sum of 1,000 leones or does it cost something other than a
28 round sum?

29 A. I don't understand the question.

1 Q. Could a packet of cigarettes cost 638 leones, for example?

2 A. No.

3 Q. Would its cost always be 500 or a thousand or 1,500 or what
4 would it be if it's not those sorts of sums?

12:28:49 5 A. Some cigarettes could be sold at 500 leones, some others
6 1,000 leones.

7 Q. But can you buy things for figures between 500 and a
8 thousand leones? What do the leones come in in either bank notes
9 or coins?

12:29:12 10 A. There are two different. You have bills and coins.

11 Q. I thought there might. Now tell us what the value of leone
12 coins is, please. The word I would use is denomination. What I
13 mean by that is what is the smallest number of leones in a coin
14 and then tell us how many leones there are in the other coins?

12:29:51 15 A. Like in my country Sierra Leone the smallest coin is 50
16 leones.

17 Q. And does it go up 50, 100, 200 and so on in coins?

18 A. What goes up?

19 Q. The amount of the value of the different coins.

12:30:14 20 A. Yes, there is another coin, the highest in Sierra Leone is
21 500 leones. We have 100 leones and 500 leones.

22 Q. So you pay for things in Sierra Leone in leones in amounts
23 of 50s or hundreds or thousands, yes? A thing will cost 50 or a
24 hundred or 150 or a thousand, et cetera, do you follow?

12:31:01 25 A. Yes, there are some things in Sierra Leone that could cost
26 that amount that you are mentioning now.

27 Q. All right. Now I'm going to ask you one last question
28 about 2004. You've told us earlier that you have a precise
29 memory of exactly what you got the money for in 2003. Is your

1 memory of receiving money in 2004 also absolutely accurate?

2 A. 2004, the money they gave to me was transportation cost.

3 They gave me transport fare to pay my way to meet them in

4 Freetown.

12:31:53 5 Q. And how much was that?

6 A. I cannot remember that now, the exact amount.

7 Q. If You don't remember the exact amount they gave you, just

8 tell the Court how much it cost in March of 2004 to go from your

9 home to Freetown and back?

12:32:30 10 A. Well, at that time transportation was 17,000 Leones, 15,000

11 Leones.

12 Q. A round trip, there and back?

13 A. No, one trip, if you make a trip.

14 Q. And they presumably also paid you for the fact that you

12:32:59 15 weren't able to earn any money in March of 2004 for four to five

16 days; yes or no?

17 A. I did not get that clearly.

18 Q. Presumably they also gave you assistance to compensate you

19 for not being able to earn money during those four to five days

12:33:24 20 when you were down in Freetown; yes or no?

21 A. Yes.

22 Q. And are you able to remember now how much they gave you?

23 A. Well, I cannot remember the amount that they gave to me at

24 that time.

12:33:49 25 Q. Do you think it was about 30,000 Leones again?

26 A. It was more than that.

27 Q. More than that. Are you able to help us with how much more

28 than that?

29 A. I cannot tell now the exact amount, but it was more than

1 the first one. It was more than the 30,000 leones that they gave
2 me for the first occasion.

3 MR MUNYARD: Pausing there, Madam President, can I put the
4 Prosecution on notice that we would like the details of the
12:34:32 5 payments in March of 2004 because in the most recent
6 documentation we've been given dated 28 February 2008 there are
7 no payments recorded to this witness between 20 November 2003 and
8 26 January 2006.

9 The Court may remember that the last time I cross-examined
12:34:57 10 a witness in relation to these sort of expenses we were suddenly
11 presented almost at the end of the examination of the witness
12 with a further batch of figures that we hadn't hitherto been
13 given.

14 I'll move on now to January of 2006 if I may:

12:35:21 15 Q. Mr Mansaray, we know that you were seen in January of 2006.
16 You've told us about the time that you were in Freetown seeing
17 them then and I'm going to try and deal with this as briefly as
18 possible. You've already told us you think you were there for
19 several days, you think it was about a week.

12:36:02 20 Let me ask you about 26 January 2006. According to
21 documentation we've been given you were paid 30,000 leones in the
22 category of transport and the reason for it was payment to you
23 for transport/meals from one place to another, presumably your
24 home to Freetown but the places don't matter. Can you remember
12:36:32 25 being paid 30,000 leones for transport and meals in late January
26 2006?

27 A. Well, in January they met me but I cannot recall all the
28 monies they gave to me, the total amount of the money they gave
29 to me. They met me so - and I believe they gave me money, but I

1 cannot state the amount.

2 Q. So your memory of what you were given then is not as
3 accurate as your memory of what you were given in November 2003.
4 That must be right, mustn't it?

12:37:37 5 A. Yes, there are some areas I could recall, some assistance
6 they gave to me I could recall, but it came to a time they gave
7 me some assistance but I cannot recall now. Besides 2003 there
8 was some assistance given to me I can still recall.

9 Q. Well, I'm going to take you through the assistance that
12:38:00 10 we've been told about and then I'll ask you about any assistance
11 that we haven't been told about. On the same day, 26 January
12 2006, you were given another 30,000 Leones for transport and meal
13 costs to travel to meet with the WMU team, witness management
14 unit presumably. When you went to Freetown for the interviews in
12:38:35 15 January of 2006 did you travel anywhere other than Freetown? Did
16 you have to go to any other place to meet anybody or were you in
17 Freetown the whole time before you went back home?

18 A. I was in Freetown until I returned. I didn't go anywhere.

19 Q. So you got 60,000 Leones for transport and meal costs.
12:39:03 20 Does that figure ring any bells? Do you remember getting that?

21 A. I can remember, yes. I can remember.

22 Q. That's only two years ago. Did you get anything else that
23 time?

24 A. Yes.

12:39:37 25 Q. What else did you get?

26 A. Well, later I was assisted. At the time I was unemployed.
27 I was given money for school fees for my children, books, uniform
28 and shoes. Then my wife too fell ill. I also got ill. I was
29 assisted in that direction.

1 Q. I'm sorry to interrupt you, I'm only asking you at the
2 moment about January 2006. I'm going to come on to other months
3 in 2006. Can you just confine yourself at the moment to January
4 2006. We know that you got 60,000 Leones for transport and meal
12:40:39 5 costs. Did you get anything else in January of 2006 by way of
6 assistance from the Prosecution?

7 A. No, I did not get any other thing else.

8 Q. Are you quite sure about that?

9 A. Yes.

12:40:58 10 Q. Is your memory accurate about the amount that you received
11 in January of 2006?

12 A. Well, I can't say it can be accurate 50 per cent because at
13 the time we are dealing with money, I cannot recall all of that,
14 what the exact amounts were.

12:41:25 15 Q. I'm just trying to find out how accurate your memory is on
16 these matters. Do you remember receiving 60,000 Leones in lost
17 wages on 28 January 2006, two days after you received 60,000
18 Leones for transport? Tell us if you don't remember.

19 A. I cannot remember.

12:42:04 20 Q. We've been supplied with a document that says that you were
21 given that on 28 January 2006 and we've been given the number of
22 the receipt which presumably you signed for receiving the money.
23 Can you remember being paid 10,000 Leones on 30 January 2006 for
24 meals whilst coming to Freetown?

12:42:44 25 A. Well, these monies, that was the way it happened. When I
26 travelled, transport fare and what to eat, they used to pay them.
27 But if there are receipts and that has a date and my signature
28 then I will agree to that. If I haven't seen anything about that
29 and then you want me to answer them I wouldn't want to answer to

1 something that will - that is not clear to me, because that was
2 what was happening. Whenever they needed me I would be given
3 transport fare if they were unable to provide me a vehicle to
4 convey me to where they want me to go. And we did sign documents
12:43:35 5 to that effect.

6 Q. May of 2006, your fourth interview with the Prosecution was
7 on 3 May 2006 and it took place in Bo. Can you remember going to
8 Bo in May of 2006?

9 A. Yes, I went there.

12:44:03 10 Q. How long were you there?

11 A. I cannot remember the length of time I spent there.

12 Q. Was it the only time that you were interviewed in Bo?

13 A. Yes.

14 Q. Well, it was only two years ago. In fact less than two
12:44:38 15 years ago. Try and go back in your accurate memory and remember,
16 if you can, how many days and nights you spent in Bo being
17 interviewed by people from the Office of the Prosecutor of the
18 Special Court?

19 A. I think it could be a day.

12:45:16 20 Q. Might it be two days?

21 A. Well, that would be the first night we passed there and
22 then the following day we - they conducted the interview. That
23 will constitute the two days.

24 Q. I accept that. Did you have to pay your own transport to
12:45:53 25 Bo on that occasion or did they provide you with transport?

26 A. Which of the years are you talking about?

27 Q. 2006.

28 A. I think I went and - when I went to see them.

29 Q. You mean you paid your own fare and they reimbursed you, is

1 that what you're telling us?

2 A. Yes.

3 Q. And were you going from the same home town to Bo as you had
4 been from to Freetown in 2003 and 2004? Were you travelling from
12:46:53 5 the same town to Bo as you travelled to previously to Freetown?

6 A. Yes.

7 Q. And does it cost more or less to go from your home town to
8 Bo than it does to go to Freetown?

9 A. It is less.

12:47:23 10 Q. How much does it cost, a round trip, from your home town to
11 Bo?

12 A. It was around 15,000 Leones.

13 Q. Let me be absolutely clear on that. By 15 you mean one
14 five?

12:47:53 15 A. 15,000 Leones.

16 Q. The documents we've been supplied with make it plain that
17 on 3 May of 2006 you were provided with 20,000 Leones for meals
18 supplied for two days. Does that sound like the sort of amount
19 of money you would spend on meals over two days in Bo in Sierra
12:48:34 20 Leone?

21 A. It's not enough. That money is not enough for two days.

22 Q. Not enough. Well, if it wasn't enough why didn't you tell
23 them what it actually cost you?

24 A. Well, it says - from the start of it they told me I was not
12:49:02 25 working for them to be paid. So if such amount was given to me
26 and then I started requesting for some others it would appear as
27 if I had wanted them to pay me for what I was doing. So I
28 accepted it and I managed it in the best way possible for myself.

29 Q. Is that true, Mr Mansaray? Are you really saying that they

1 just gave you this sum of money rather than compensating you for
2 the money you had actually spent on the meals that you took?

3 A. I didn't get you clearly.

12:49:50

4 Q. Are you seriously saying that all the Office of the
5 Prosecution did was gave you a certain sum of money rather than
6 actually paid you what it cost for you to eat for two days?

7 A. That was just an assistance given to me for that two days.

12:50:22

8 Q. Right. Well, tell us how it was that they came to give you
9 on the same day 50,000, five zero thousand, for your transport
10 costs. You made a big profit on that, didn't you?

11 A. It was not a profit.

12:50:49

12 Q. You told us it cost 15, that is one five thousand, 15,000
13 Leones return trip from your home to Bo but you were given 50,
14 that is five zero, thousand Leones for your transport on 3 May
15 2006. That means you made a 35,000 Leone profit on the round
16 trip, doesn't it?

12:51:19

17 A. I did not make a profit in fact. Now that you've named the
18 month I have now recalled. I was not staying in my home town at
19 that time. I was somewhere else when I was sent for. I went - I
20 was in Zimmi Makpele, I came to Pujehun and then later I went to
21 Bo. So I don't think I made a profit out of that.

12:51:42

22 Q. Well, that was why I specifically asked you if you'd ever
23 been interviewed in Bo before, so that you could try and remember
24 the circumstances and are you now saying that you travelled from
25 somewhere completely different from your home town to get to Bo
26 for that interview? Is that what you're now saying?

27 A. Yes.

28 Q. What does an average meal cost if you're not staying at
29 home and you're on ordinary Sierra Leonean going out to eat at a

1 stall or a cafe or a restaurant of some sort? What would you
2 normally expect to have to spend on a meal?

3 A. Well, if I am not at my house I sometimes will expense
4 12,000 Leones or 13,000 Leones a day.

12:52:58 5 PRESIDING JUDGE: I noticed the witness said "a day" and I
6 thought you had said "a meal".

7 MR MUNYARD: Right:

8 Q. Now we'll move on. The next time you were interviewed was
9 5 July of 2006, that's interview number five. Can you remember
10 how long - well, first of all can you remember where you were
11 interviewed in July of 2006?

12:53:31

12 A. Well, for that I want you to assist me to be able to
13 recall.

14 Q. You were interviewed by Mustapha Koroma, can you remember
15 him?

12:54:08

16 A. Yes.

17 Q. Somebody called Chuck Collot [phon], I think that's his
18 last name. It might be an acronym. It might be a set of
19 initials. Can I just clarify, was there somebody called Chuck?

12:54:40

20 I think it's a last name. Chuck Collot, does that ring any bells
21 with you?

22 A. Do you mean Jack?

23 Q. I don't know who this is. All I can tell you is I've got
24 the name Chuck next to Collot. Not Jack, Chuck. But you might
25 have known him as Jack. And someone called Magnus Lamin. Does

12:54:57

26 that help you to locate this interview? You were interviewed by
27 three people, Mustapha Koroma, Chuck Collot and Magnus Lamin?

28 A. Yes, I can recall.

29 Q. And do you know where they interviewed you?

1 A. Yes.

2 Q. Where was that?

3 A. It was at my house where I was in Pujehun. There they went
4 and interviewed me in a vehicle.

12:55:41 5 Q. Right. So no transportation or food costs for you then.
6 Were you given any compensation for not being able to go out and
7 work that day because the Special Court investigators were there
8 interviewing you?

9 A. Well, I was given an assistance when they went there and
12:56:08 10 met me.

11 Q. And what was that assistance for?

12 A. They went and paid a medical bill at the government
13 hospital in Pujehun when my wife was admitted to undergo an
14 operation.

12:56:29 15 Q. And had they paid for any of your wife's medical expenses
16 before that? In 2006 just two years or less than two years ago,
17 had they paid anything else apart from the medical costs that
18 you've just talked about at the government hospital?

19 A. Yes.

12:57:27 20 Q. Can you remember how much they paid you? I keep using the
21 word "paid", I mean, the way you understand it, how much they had
22 assisted you with?

23 A. First I was assisted with 150,000 leones at the time the
24 woman was to be admitted and given blood for the operation to be
12:58:04 25 conducted.

26 Q. And were you subsequently given 180,000 leones for the rest
27 of the medical costs? Mr Mansaray, I don't want to prolong this
28 unnecessarily. The receipts we've been shown indicate that your
29 wife's medical costs of 330,000 leones were actually paid by the

1 Special Court. There's no dispute about that. That was 150,000
2 in late June of 2006 and the remainder of 180,000 on 4 July 2006.
3 So that was all given to you to pay your wife's medical bills,
4 yes?

12:59:14 5 A. Yes, the 130,000 Leones was paid to the doctor who did the
6 operation.

7 Q. And I just want to know in addition to you being given
8 those sums for your wife's medical bills were you compensated for
9 loss of earning opportunity on that occasion in July 2006 when
10 you spent time with the Special Court Prosecutors being
11 interviewed yet again?

12 A. No, I was not given any other thing.

13 Q. Were you given any other assistance after the interview in
14 July but before the next interview, interview number six, in
15 October of 2007? Were you given any other assistance between
16 July of 2006 and October of 2007?

17 A. Yes.

18 Q. Now do you agree that you were not interviewed - let me ask
19 you this: Is it right that you were not interviewed between July
20 of 2006 and October of 2007, or were you interviewed between
21 those dates?

22 A. I can recall I was interviewed at my house about two times.

23 Q. Let us be clear about the year. We've been dealing with
24 2006 so far. You were interviewed in Bo on one occasion in 2006
25 and you had to travel there from somewhere other than your home.
26 In July of 2006 you were interviewed at your home. What was the
27 other occasion when you were interviewed at your home; was that
28 also in 2006?

29 A. No, it was in 2006 when Mustapha Koroma and others went and

1 interviewed me in that vehicle.

2 Q. I don't quite understand that. You've told us that
3 Mustapha Koroma and Mr Lamin and a man called Chuck or Jack
4 interviewed you at your home. You're now talking about when

13:02:35 5 Mustapha Koroma and others interviewed you in that vehicle. Is
6 that the same interview as meaning the interview in your home or
7 were you interviewed later by them in a vehicle?

8 A. It's the same interview that I'm talking about.

9 Q. Fine. You've said there were two occasions when you were
13:02:58 10 interviewed at your home. When was the other occasion when you
11 were interviewed at your home? Let me try and help you. Was the
12 first time you were interviewed at your home this time you've
13 just talked about when you referred to it as interviewed by them
14 in a vehicle? Was that the first time you were interviewed at
13:03:41 15 your home?

16 A. No, I said some other people met me but I was only
17 questioned in a vehicle.

18 Q. I'm going to move on if I can. After the interview in July
19 of 2006 when you were compensated for your wife's medical
13:04:13 20 expenses or when they paid your wife's medical expenses to the
21 doctor and the hospital did you receive any other assistance from
22 the Special Court Prosecutors in 2006 that you can now remember?

23 A. No.

24 Q. Well, let me try and jog your memory. Does this sound
13:04:46 25 right: That on 23 August 2006 you were given 250,000 leones to
26 pay your children's school fees and the cost of their uniforms,
27 et cetera?

28 A. Yes, this happened in Bo.

29 Q. If the Special Court had not assisted you with the cost of

1 your children's school fees or uniforms, et cetera, would they
2 have been able to go to their schools and have uniforms? Would
3 you have been able to afford that or not?

13:05:48 4 A. Well, I would have tried, but I explained to them because I
5 had a difficult situation, so I explained to them and they
6 reasoned with me and assisted me.

7 Q. When you say, "I would have tried", I'm sure you would have
8 tried, Mr Mansaray, but do you think you would have been able to
9 afford to pay for the school fees, the uniforms and whatever the
13:06:13 10 et cetera means if you hadn't had the assistance of the Special
11 Court?

12 A. Yes, I would have tried some other means because from that
13 time when they assisted me right up to now I am doing things for
14 myself, but at that time I had some problems in my family.

13:06:44 15 Q. I don't want to know about the problems, but are you saying
16 to us that you would not have been able to afford to send the
17 children to the school and buy their uniforms, et cetera, because
18 of the problems that you had?

19 A. Yes, at that time it just coincided with the re-opening of
13:07:16 20 schools, instead of the kids not going to school and they would
21 be discouraged, so I asked them and they looked into the
22 situation that I had explained to them and they realised that it
23 was correct so they decided to assist me.

24 Q. And so you made a profit from the Special Court to the tune
13:07:43 25 of 250,000 leones to pay your children's school fees and
26 uniforms, et cetera, didn't you?

27 A. It was not a profit.

28 Q. You didn't have to find the money yourself from your
29 earnings, did you?

1 A. At that time I did not have it so that's why I pleaded with
2 them.

3 Q. And by them providing you with that assistance you profited
4 from your relationship with the Office of the Prosecution of the
13:08:39 5 Special Court, didn't you?

6 A. No, it was not like that. I did not ask for the money for
7 that reason.

8 Q. Do you think for one moment that if you had not been giving
9 these interviews to the Special Court that they would have
13:09:03 10 stumped up the 250,000 leones for your children to go to school?

11 A. Well, I don't think it would have happened, but that's why
12 they told me that if I had any problem that I could not solve I
13 should explain to them. If they assessed it and they saw that
14 was in place they would assist me.

13:09:36 15 Q. Mr Mansaray, I'm sure we all understand that. My simple
16 point is this: As a result of your relationship with them,
17 agreeing to give interviews to them, you profited, did you not?

18 A. Well, that is not a profit. I did not profit.

19 Q. I'll ask you one last time. If you hadn't been giving them
13:10:06 20 interviews they wouldn't have given you that money, would they?

21 A. Well, it's true.

22 Q. Did you travel anywhere - in 2006 after that interview in
23 July which took place at your own home did you travel anywhere in
24 order to see the Prosecutors or give them any information or any
13:10:54 25 assistance?

26 A. No.

27 Q. Can you help us then with this: Can you think of any
28 reason why on 25 August 2006 they gave you 25,000 leones for
29 transport and on 28 August 2006 they gave you 25,000 leones for

1 transport if you didn't go anywhere after July of 2006 for the
2 benefit of the Special Court?

3 A. After July 2006 - well, later they called me again in Bo.

4 Q. For another interview?

13:12:13 5 A. Well, at that time they said I should come to - it was not
6 for an interview. To take a passport picture.

7 Q. And did that take five days?

8 A. No.

9 Q. How many days did it take if it took more than one?

13:12:49 10 A. Two days.

11 Q. To travel from your home to Bo and back?

12 A. Yes.

13 Q. How many hours does it take to get from your home to Bo?

14 A. Well, it depends on the vehicle you would be travelling
15 with because the road is really not in a good condition.

16 Q. Yes, we understand that. Would you now tell us how many
17 hours it can take?

18 A. Well, there are times you could take about six to seven
19 hours.

13:13:45 20 Q. Did they accommodate you overnight or did you have to pay
21 your own accommodation costs?

22 A. I paid for my accommodation.

23 Q. For one night before you went home again the next day?

24 A. Yes.

13:14:14 25 Q. And presumably they reimbursed you the cost of the
26 accommodation. Am I right that they gave you assistance for the
27 amount you'd spent on your accommodation?

28 A. Yes.

29 Q. And does the sum of 25,000 leones sound right for the cost

1 of a return fare from your home to Bo and back or would it also
2 cover the cost of a night's accommodation?

3 A. The lodging was inclusive in the 20,000 leones and 5,000
4 leones for the feeding.

13:15:22 5 Q. Now does the lodging and the feeding and the cost of
6 transport all amount to 25,000 leones?

7 A. No.

8 Q. You told us earlier I think it would cost about 15,000
9 leones to get from your house to Bo and back, am I right?

13:15:50 10 A. You are right to say that, but the fare at our end was not
11 stable. It fluctuated. It could go up and come down. It was
12 not a fixed cost.

13 Q. Thank you. That all happened - the trip to Bo for the
14 passport photograph you say happened on 23 August. Can you think

13:16:23 15 of any reason why on 28 August 2006 you were again paid 25,000
16 leones for transport?

17 A. Yes.

18 Q. Can you tell us, please?

19 A. It was the time I asked them for assistance regarding my
13:16:53 20 children's affairs and they asked me to come to Bo, so that was
21 the transport fare that was refunded to me to go back to my home
22 town.

23 Q. Why didn't you deal with that five days earlier when you
24 were in Bo seeing them for a passport photograph?

13:17:19 25 A. The photograph thing happened in 2007 and the school affair
26 was in 2006.

27 Q. Let me make it clear I'm only referring to payments at the
28 moment in 2006. Your children's school fees and uniforms you
29 were paid 250,000 on 23 August for. On that same date you were

1 paid 25,000 for transport. Five days later you're paid another
2 25,000. This is all August 2006.

3 A. Well, the five days that you spoke about later, I'm not
4 aware about that. It was only the time I came and asked for
13:18:18 5 assistance for the school fees and they gave me my transportation
6 fare, but that after another five days later they gave me money,
7 no, I'm not aware of that.

8 Q. So that 25,000 is pure profit to you as far as you're aware
9 now, correct?

13:18:42 10 A. No, it was not a profit.

11 Q. You haven't come up with any explanation as to why they
12 gave it to you. You've not told this Court of any money that you
13 spent that they were compensating you for?

14 A. It was the transport fare which I paid and what I should
13:19:12 15 pat for my return. That was the reason I was given the 25,000
16 Leones.

17 Q. You already had that money on 23 August, your return fare.
18 Mr Mansaray, did you have any dealings with the Special Court
19 after August but still during the course of 2006?

13:19:49 20 A. Well, I don't think so, if I had any other contact with
21 them.

22 Q. Can I just ask you about the business of the passport
23 photograph. Was that an occasion when you went to Bo to sort out
24 documentation issues? Would that be a correct way of describing
13:20:16 25 that?

26 A. Yes, that was the time.

27 Q. Thank you. All right. Well, I want to ask you about
28 November of 2006. Under the category of lost wages you were paid
29 60,000 Leones, payments for four days meals. Do you remember

1 getting 60,000 for four days meals?

2 A. They did not give me money for food.

3 Q. Well, can you remember at the end of November 2006 getting
4 60,000 leones?

13:21:38 5 A. Yes, I can remember, but I don't think it was for food.

6 Q. Well, it says here that you were given it as payments for
7 four days meals. In other words 15,000 leones a day for food for
8 four days. Is that what it would cost you to eat if you weren't
9 staying at home, 15,000 leones a day?

13:22:19 10 A. I cannot remember that, the time you're talking about. I'm
11 a little confused.

12 Q. I'm trying to jog your memory. Would it cost you about
13 15,000 leones a day to eat if you weren't staying at home?

14 A. Well, it depends.

13:22:54 15 Q. Could you manage on 15,000 leones a day for food if you're
16 not at home?

17 A. Yes.

18 Q. So why do you think you were paid, on 28 November 2006,
19 60,000 leones for four days worth of meals? What were you doing
13:23:24 20 with the Office of the Prosecutor in late November 2006 that
21 involved you having to be paid your food costs, your away from
22 home food costs, it would appear?

23 A. Well, at this time I don't really understand what you are
24 talking about. I don't think something like that happened in
13:24:12 25 November 2006.

26 Q. That's what we've been supplied with by the Prosecution, a
27 receipt for 60,000 leones for payments for four days meals. If
28 you didn't spend four days engaged on activities for the Office
29 of the Prosecutor then that again is pure profit for you, isn't

1 it; 60,000 leones profit?

2 A. I don't believe so.

3 Q. When you went in August to sort out your passport
4 photograph did you also meet witness management unit staff or did
13:25:08 5 they help you to sort out the documentation problems?

6 A. Well, I think it could be July 2007.

7 Q. Mr Mansaray, were you paid money for your transport fare
8 from your home to Bo and back upon invitation to meet witness
9 management unit staff in Bo to sort out documentation issues?

13:26:00 10 Forget about the year. Is what I have just suggested to you
11 correct?

12 A. Well, they called me in Bo to make the passport
13 arrangements.

14 Q. And is "they" the witness management unit staff?

13:26:30 15 A. Yes, I met with them.

16 Q. Are you able to help us now with the year? Was it 2006 or
17 2007?

18 A. 2007, July.

19 Q. Now we'd just dealt with 28 November 2006. I want to turn
13:26:56 20 now to December of 2006. Can you remember now did you have any
21 particular problems, and I don't want to know the detail, but did
22 you have any particular problems in December 2006?

23 A. Yes.

24 Q. And were those problems of a medical nature?

13:27:27 25 A. Yes.

26 Q. Would you have been able to afford to pay for your - pay
27 your medical bills if you hadn't been given assistance by the
28 Special Court?

29 A. At the time when I was employed I used to pay my medical

1 bills. But when I was not employed when I got medical problems I
2 communicated that to them for assistance so that they could
3 assist me.

4 Q. And so does it follow that in December 2006 you were not
13:28:07 5 employed and so you had to ask the Special Court to pay your
6 medical bills?

7 A. Yes.

8 PRESIDING JUDGE: Mr Munyard, I'm noting the time.

9 MR MUNYARD: Madam President, so am I and I'm moving on to
13:28:28 10 something else so it's probably best to stop here.

11 PRESIDING JUDGE: I was just going to ask the question have
12 you got many more questions for this witness?

13 MR MUNYARD: I have got quite a bit more.

14 PRESIDING JUDGE: Quite a bit more?

13:28:41 15 MR MUNYARD: Yes.

16 PRESIDING JUDGE: In that case if you're moving on to a new
17 topic --

18 MR MUNYARD: We haven't yet reached the sixth interview and
19 he's been interviewed more than 12 times.

13:28:50 20 PRESIDING JUDGE: I've been counting them up as we went
21 along. So in the circumstances then it would be prudent to
22 adjourn at this point.

23 There was the other issue that you indicated to us
24 yesterday that you would inform us of the status of Mr Griffiths.

13:29:15 25 MR MUNYARD: Yes, I've spoken to him last night and again
26 this morning during the morning break. He is about to
27 cross-examine an expert witness in the retrial. That will
28 certainly take him into Monday. He may or may not have finished
29 cross-examining that witness by the end of Monday. At the moment

1 he wouldn't anticipate being much into Tuesday but he is
2 certainly unable to come here on Monday during court time here in
3 The Hague and he can't say for certain right now whether or not
4 he'd be able to be here first thing on Tuesday morning. What he
13:29:57 5 said to me is he'll have a better idea by the end of court
6 business today in London which of course is half past five here
7 in The Hague which is no good to anybody. I mean that in the - I
8 don't mean in it a pejorative sense. It doesn't assist. But
9 that, I'm afraid, is the position at the moment.

13:30:20 10 PRESIDING JUDGE: Can you give us some sort of indication
11 of how long you will require to complete your cross-examination
12 of the witness?

13 MR MUNYARD: Of the present witness? An hour or so,
14 depending on the answers I get of course, but an hour or so and
13:30:40 15 we've all been notoriously bad at giving estimates, but that's
16 the best I can do, I'm afraid. Madam President, do you want to
17 release the witness now before we discuss anything else?

18 PRESIDING JUDGE: No, I'm just going to ask Mr Bangura if
19 he has re-examination.

13:30:58 20 MR BANGURA: Your Honours, at the moment certainly there
21 will be re-examination. A couple of questions.

22 PRESIDING JUDGE: Then it would appear that we will require
23 another witness on Monday given the indications that have been
24 given from counsel for the Defence.

13:31:15 25 MR KOUMJIAN: I'm not sure, your Honour. What you mean by
26 another witness other than the one that we mentioned with the
27 security concerns. May I respond before the Court makes a
28 decision?

29 PRESIDING JUDGE: Certainly. I'm not making a decision.

1 MR MUNYARD: Do you want to have this witness still here or
2 can he be released?

3 PRESIDING JUDGE: Mr Witness, we are now adjourning for the
4 rest of the day because on Fridays we do other work in the
13:31:42 5 afternoon and we will be resuming on Monday morning. I again
6 remind you you're not to discuss your evidence with anyone else
7 until your evidence is finished. Do you understand?

8 THE WITNESS: Yes.

9 MR KOUMJIAN: Your Honour, the situation is that
13:32:08 10 extraordinary measures with the security of the family of the
11 proposed witness have been put into place. These are temporary
12 measures that are now in place. They will be in place next week,
13 but we do not anticipate that we'd be able to continue those
14 measures that are outside of our own control beyond that date.
13:32:33 15 If this witness does not begin Monday I don't believe there's any
16 assurance that the witness would finish during that time period
17 before the break.

18 Our own position is that the Defence has appointed four
19 senior attorneys. We believe another attorney - the issue of who
13:32:57 20 will cross-examine is for the Defence to determine but this case
21 is in trial. It is, in our view, the most important trial taking
22 place in the world today and a lawyer should be available on
23 Monday or even on Tuesday using Monday's transcript, I imagine
24 Monday will be largely direct examination, to cross-examine the
13:33:16 25 witness. So we ask the Court to allow us to call this witness
26 Monday because otherwise we anticipate losing the testimony and
27 the Court will then lose the benefit of the evidence.

28 PRESIDING JUDGE: Thank you. Allow me to consult.
29 Mr Munyard, it would appear by implication I think from

1 Mr Koumjian's response that he is suggesting that the witness
2 could start in-chief even in the absence of lead counsel, or
3 counsel who will cross-examine. Has that been - do you know if
4 Mr Griffiths has got a view on that?

13:35:38 5 MR MUNYARD: Yes, I do, Madam President. We all have a
6 view on that. Mr Koumjian is one of, on my counting, at least
7 seven qualified attorneys, to use his phrase, on the Prosecution
8 bench or available to the Prosecution. We are --

9 PRESIDING JUDGE: Sorry, Mr Munyard, I'm putting what
13:36:00 10 Mr Koumjian said. I'm asking what Mr Griffiths's attitude would
11 be.

12 MR MUNYARD: Yes, I'm starting to explain. It's quite a
13 lengthy explanation. The Prosecution outbalance the Defence in
14 terms of resources, in terms of available attorneys, in terms of
13:36:23 15 the number of years that they have been involved in the
16 preparation of this very important trial and I would also add in
17 terms of lack of cooperation and transparency. We have been
18 entirely cooperative and we have been transparent in our dealings
19 with the Prosecution. We have not had that reciprocated.

13:36:54 20 And the way in which this witness has now been, or it's
21 being proposed that this witness be bounced into court, not once
22 but twice, when the Prosecution were fully aware of
23 Mr Griffiths's other commitment, a commitment that was already in
24 place when he took on this brief, a commitment that his
13:37:19 25 professional ethics obliged him to adhere to and a commitment
26 that Mr Taylor was well aware of and consented to, the
27 Prosecution knew all of that. They had a witness order, that's
28 to say a list of the order in which witnesses would come.
29 They've shifted that order around and we have been agreeable to

1 that.

2 I'm not going to repeat what I said yesterday when this
3 issue was raised, but I do want to restate it. I don't need to
4 spell it all out, but I invite the Court to take into
13:38:02 5 consideration all the matters that I raised yesterday.

6 However, I did not outline the full history yesterday
7 because at that stage none of us was entirely clear as to the
8 course that the Prosecution were proposing. The full history,
9 Madam President, and your Honours, is that Mr Griffiths in my
13:38:24 10 presence discussed with members of the Prosecution bar the fact
11 that he was going back to London for this retrial and discussed
12 witness arrangements with them, including Brenda J Hollis, in my
13 presence and sought their cooperation in the order in which
14 witnesses were to be called. That cooperation was offered.

13:38:58 15 In fact, that offer would appear on the face of it to have
16 been a sham and I say that for this reason: I can't at the
17 moment give you a precise date but no doubt someone will check it
18 for me, when I spoke yesterday of an occasion a couple of weeks
19 ago on a Friday when I happened to bump into Mr Koumjian in the
13:39:26 20 canteen I didn't give you the full history of that week. That
21 week I had spoken to Ms Hollis on the Thursday at the end of
22 court business and I asked her when they were proposing calling
23 the witness 399. I know it was a Thursday late afternoon because
24 I actually had to ask my learned friend opposite to remind me
13:40:02 25 what day of the week it was and she said to me, "Wednesday or
26 Thursday of next week at the earliest". That was when that
27 witness was due. Mr Griffiths made arrangements as a result of
28 my calling him that night.

29 The next morning, Friday, and I think it's now two weeks

1 ago, if that assists with the date - the next morning - I should
2 say on the Thursday night I believe that's the evening when we
3 were then all hustled out of court in a hurry because a, what we
4 were told, very important witness had to have his court
13:40:50 5 familiarisation session. So the Prosecution even when they were
6 telling me that they didn't think that witness was going to be
7 reached until Wednesday or Thursday at the latest had him lined
8 up outside the Courtroom and were clearly contemplating calling
9 him on the Monday.

13:41:13 10 We then move to the Friday. At the end of the Court day on
11 the Friday, or at some time anyway in the morning of the court
12 day on the Friday, I spoke to Ms Baly and again I simply said to
13 her, "I want to give Mr Griffiths an update. Is it still
14 Wednesday or Thursday at the earliest?" Her reply, her opaque

13:41:42 15 reply, was as follows: "Well, the next witness has been ill".
16 The next witness was one whose name I'm not allowed to mention
17 but whose number I can't off the top of my head remember, 362.
18 That was all I was told. So I said to her, "What are you telling
19 me? Are you saying she isn't well now?" And Ms Baly, who I have
13:42:11 20 to say looked very embarrassed, simply said, "I'm just telling
21 you she's been ill in the past".

22 Now that was all we knew until we left this Courtroom, and
23 as I explained yesterday and I don't need to repeat, by pure
24 chance several of us chose to go and eat in the canteen and by
13:42:36 25 pure chance I bumped into Mr Koumjian who said to us, "We are
26 likely to call 399 on Monday". Now I may be innocent and I may
27 be naive but I do not believe for one moment now, in the light of
28 everything that has transpired, that I was getting honest answers
29 on the Thursday or the Friday morning from my colleagues opposite

1 in court and I do not say that lightly and it's happened not once
2 but it's now happened twice.

3 On that Friday we then contacted Mr Griffiths at - I gave
4 you the time yesterday. I think from memory it was 4.33 p.m.,
13:43:34 5 but it was certainly late in the afternoon on the Friday. We
6 then got an email from Leigh Lawrie, who seems to be used as the
7 post mistress for these messages - an email from her saying that
8 the Prosecution intended to call 399 on the Monday morning.

9 Sorry, I think it might have been on the Tuesday. Whatever
13:43:56 10 happened on the Friday, it was clear they were going to call this
11 witness at the latest on the Tuesday morning and indeed
12 Mr Griffiths came here on the Monday afternoon and we were in
13 court ready for that witness on the Tuesday morning.

14 You then gave an oral decision on the application of I
13:44:19 15 think 14 January by the Prosecution for special measures for that
16 witness and also witnesses 532 and 388 to have special measures.
17 The decision appears to have been given in writing on 26 February
18 2008. You made the decision known orally in court on that
19 Tuesday morning.

13:44:57 20 Interestingly, the Prosecution intend to call 532 and 388
21 without special measures. So despite the fact that the
22 Prosecution applied on 14 January in the same, at times I would
23 suggest, histrionic terms of the need for special measures for
24 all of these witnesses, the moment that the Court says you can't
13:45:27 25 have those special measures two out of the three say, "All right,
26 the security situation is not so terrible that I can't give
27 evidence without them". So two of the three witnesses are going
28 to give evidence without the need for special measures and panic
29 such as has now been evinced. One of those, we understand, is

1 available to give evidence on Monday. This is what we were told
2 in an email last night and I'll tell you about that in a moment.

3 But in terms of the chronology we're still on the date of
4 your oral decision. Mr Griffiths spoke that same day to
13:46:13 5 Mr Koumjian who told him, "We are considering appealing the Trial
6 Chamber's decision in relation to witness 399" and we heard no
7 more about it. Mr Griffiths then stayed for a couple more days
8 and then went back to London to resume the retrial.

9 During the course of this week it is perfectly obvious that
13:46:53 10 a great deal of activity has gone on behind the scenes. We have
11 been told absolutely nothing about this. The Court has been
12 told, as far as I'm aware, nothing about the proposal to bounce
13 this witness in again. No proper formal application in writing
14 has been made. The idea that extraordinary measures for the
13:47:23 15 witness's family security could have been put in place in just 24
16 hours is patent nonsense in our submission and it is perfectly
17 obvious that the Prosecution have been planning this for some
18 days.

19 They tell us yesterday afternoon at 28 minutes past two,
13:47:45 20 when they know perfectly well that they've been planning this for
21 some time, and they know perfectly well the difficult position
22 that it puts Mr Griffiths in in terms of dealing with this
23 witness. They also know perfectly well that from everything
24 they've been communicating to us that the next witness that was
13:48:07 25 going to be called was 532 and that is the basis on which we have
26 all been working as professionals.

27 It ill behoves the Prosecution opposite to say to us that
28 this is the most important trial in the world and yet one of
29 their most important witnesses can be tossed over the course of a

1 weekend to another member of the Bar. We are saying to you as
2 experienced professionals who follow our domestic and indeed our
3 international codes of ethics to the letter as well as in the
4 spirit, that is not proper or appropriate for that witness to be
13:48:55 5 passed over to somebody else. The Prosecution would not do it
6 and we would not expect them to do it. We have cooperated from
7 start to finish with the Prosecution in all that they have tried
8 to do to adjust their witness arrangements and we have been
9 treated with a very obvious, embarrassed in some cases, lack of
13:49:22 10 transparency by members of the bar on the opposite side of this
11 Court. It is quite wrong in our submission to attempt to juggle
12 this witness in this way for the reasons that I've outlined.

13 Furthermore, it is extremely unlikely that that witness
14 will be finished in the course of four and a half court days
13:49:46 15 which is what we have next week. And for the benefit of anybody
16 who might make any further proposal, extremely unlikely that
17 witness will be finished in five court days. So that witness is
18 bound to go beyond the Easter vacation.

19 And the idea that that witness's extraordinary security
13:50:12 20 measures for his family cannot be put into place again at some
21 point during the next court session is frankly absurd. You've
22 had no details of these extraordinary measures. You've had no
23 details of why they've suddenly been put in place. You've had no
24 details of why they can't be put in place again and you know how
13:50:35 25 long has been allocated for this trial.

26 It is a manipulation of the Court. It's a manipulation of
27 the Defence and we invite the Court to say that the proper
28 practices and procedures of the Court should be upheld and the
29 witness list not be manipulated in this way. And furthermore

1 that when the Prosecution are contemplating moves such as this
2 they not give us embarrassed excuses, but have the guts and the
3 professional strength to actually inform us in proper time of
4 their planned changes in the witness order.

13:51:40 5 PRESIDING JUDGE: Mr Koumjian. Sorry, Ms Hollis.

6 MS HOLLIS: Thank you, Madam President. Illness of
7 witnesses, unfortunately we don't control that. Two witnesses,
8 not one, were ill. People being shown the Courtroom, that's WVS
9 and I don't know what witness he was talking about. Discussion
10 with lead Defence counsel about his two week absence, I did speak
11 with him and I specifically asked him, "Are you the attorney who
12 will cross-examine 399?" He said he was. I said, "Well, then
13 your presence will be required most likely during this two week
14 period you're gone". So he was on notice of that. Manipulation
13:52:22 15 of the schedule, illness of witnesses I've already talked about
16 that.

17 We found out on 26 February that 399, 338, not 388, and 532
18 would not be provided with the measures we had requested. We
19 lost 338 as a result of that. Immediately, being officers of the
13:52:44 20 Court who are not acting in bad faith, we went back to our
21 witnesses who were impacted by this ruling and the anticipated
22 follow on ruling to see if there was some way that we could
23 accommodate what we believe to be legitimate security concerns in
24 this case with the Court's order and we began working on that on
13:53:06 25 the 26th.

26 With 399 we found out yesterday that that could happen
27 because of the willingness of individuals and organisations
28 beyond this Court to become involved. We had no obligation to
29 tell anyone that he could testify before yesterday because we

1 didn't know that would be the case. There were specific
2 requirements that he gave and it was only yesterday that we found
3 out we would be able to meet those requirements. At that time we
4 did indeed tell the Defence. We have told the Defence what our
13:53:39 5 position was at various times based on what we knew at that time.

6 Now this matter of our unprofessional conduct and failure
7 to cooperate and failure of transparency, there are certain
8 things we have no requirement to be transparent about and that is
9 our ongoing efforts to try and accommodate both witness concerns
13:54:00 10 and the Court's order. We make that known once we are able to do
11 it.

12 In terms of transparency in other ways we are transparent.
13 Many of the questions that are being asked of our witnesses are
14 because we have provided the documentation to the Defence. If we
13:54:18 15 were acting in bad faith and being unprofessional we would hide
16 these things, but we're not. And when we make errors we stand up
17 and say we make errors and we don't make excuses for them as we
18 have seen consistently from the Defence side of the bench.

19 Now in terms of cooperation, the Defence paints a very
13:54:36 20 different picture than we have seen of them. We have been told
21 by them that they would accept certain things and then in court
22 they act surprised that we put those things forward and I'm
23 speaking about the executive summary for an expert witness. We
24 put that to them because we wanted to discuss it with them, we
13:54:57 25 were told that the executive summary would be accepted and then
26 the same counsel who has just been making these comments about us
27 stood up in court as though he had never heard about and said
28 that of course he should have been made aware of it and they
29 would not or would only begrudgingly accept the executive

1 summary.

2 We have not acted in a way that has embarrassed ourselves.

3 We have in fact attempted to be straightforward with the Defence
4 and we have not received the cooperation from them that they

13:55:30 5 would have you believe that we have. We have not acted in bad

6 faith. If they wish to allege that and make a submission so that

7 it can be examined and investigated, we welcome that. Because

8 throughout this trial until today there have been questions put

9 to witnesses and remarks by the Defence to the effect that we

13:55:49 10 have not been acting professionally, that we are hiding things,

11 and we deny all of that and we welcome any substantiated

12 allegations so that we have the opportunity to defend.

13 Now in terms of 399, Mr Griffiths was well aware that

14 during this two week period he may be called because I

13:56:07 15 specifically raised that witness with him thinking he might be

16 the one who would be called upon to cross-examine him. He did

17 make a commitment to this case. The first time we knew of any

18 prior commitment that may have an impact on how this case was

19 conducted in terms of these two weeks was just before he left.

13:56:27 20 So at the time that he was brought on as counsel I'm not aware of

21 any sort of scheduling implications that were raised at that

22 time.

23 It is of course for your Honours to determine based upon

24 what is a fair trial whether we will proceed with this witness

13:56:42 25 with another of these qualified counsel cross-examining that

26 witness or if indeed we will take the chance that we will lose

27 the witness and not allow his evidence to go forward. That is

28 entirely within your hands and we respect your judicial judgment

29 in that matter. But in terms of the accusations that have been

1 made, certainly we deny them. We think that the Defence has
2 misrepresented our dealings, to their detriment as professionals,
3 and we would welcome any opportunity to deal with a substantiated
4 complaint about our professionalism, our ethics or the way we
13:57:20 5 have conducted this trial.

6 PRESIDING JUDGE: Thank you, Ms Hollis. We will retire and
7 consider these submissions.

8 MR MUNYARD: Madam President, before you do can I just
9 clarify very briefly something that was said about my conduct.

10 JUDGE LUSSICK: Just before you do I just have one question
11 to ask Ms Hollis before we break to deliberate this matter.
12 Obviously we haven't made any decision whatsoever until we
13 deliberate, but I'm just looking at the realities, Ms Hollis. If
14 say we were to allow the witness to give evidence on Monday, the
13:57:54 15 way things are shaping up it wouldn't be before the afternoon and
16 then we have Tuesday, Wednesday, Thursday and then half a day
17 Friday. Now what are the realities of completing this witness in
18 that space of time?

19 MS HOLLIS: Thank you, your Honour. Your Honour, the
13:58:14 20 Prosecution direct will be very short, we think a day or less,
21 and so it would be a matter of how much cross-examination the
22 Defence went into with this witness. So if we were to sit all
23 day Friday possibly we could complete it, but again it would
24 depend upon the extent of cross-examination of the witness.

13:58:34 25 PRESIDING JUDGE: Thank you. We will --

26 MR MUNYARD: Two things. One is in relation to the illness
27 of witnesses. We have never been told that any witness is ill.
28 We have never been told that 562 or whatever her --

29 PRESIDING JUDGE: Yes, we know who you're talking about.

1 MR MUNYARD: You know who I mean. We were never told she
2 is ill and can't come to give evidence. That wasn't the reason
3 that we were told that 399 was being bounced in on that occasion.

4 Secondly, we have never been told until now that the
13:59:09 5 Prosecution are no longer calling 338 and I do apologise for
6 getting the number wrong on that one. Why haven't the
7 Prosecution told us since your decision in open court about that
8 witness that he's no longer being called. I ask the question
9 rhetorically.

13:59:27 10 Finally, this. It is suggested that I grudgingly accepted
11 an executive summary. You may have a better memory than
12 Ms Hollis. When the question was raised I said I'd never heard
13 about the executive summary and later it was explained that
14 there'd been some discussions between different counsel on both
13:59:49 15 sides and I said, in terms, I believe there's been a
16 misunderstanding, a breakdown in communication. In other words,
17 there wasn't anything grudging about it.

18 Finally, Ms Hollis says she wasn't aware of any scheduling
19 implications before a couple of weeks ago for Mr Griffiths's
14:00:13 20 attendance here. If that is right why was she so insistent at a
21 case management hearing in late November on Mr Griffiths getting
22 the written permission of Mr Taylor every time he Mr Griffiths
23 was not going to be in the Courtroom? Of course she was aware of
24 scheduling implications.

14:00:32 25 PRESIDING JUDGE: Mr Munyard, I do want to avoid a slanging
26 match between counsel.

27 MR MUNYARD: All right. I'm wanting to correct
28 inaccuracies and I have nothing further to add.

29 PRESIDING JUDGE: Thank you, will adjourn and consider

1 this --

2 MS HOLLIS: Madam President, I beg your indulgence. Once
3 again Defence counsel has misstated communication that has been
4 given to them. We sent them an email, the same email we sent to
14:00:55 5 your legal officers indicating that we had two witnesses who were
6 ill. We did send that.

7 And at the meeting that we had about trial practices and
8 the Prosecution wanted them, the reason the Prosecution raised
9 that is because in past trials Defence counsel had been absent
14:01:07 10 and we wanted to ensure that the record reflected always that it
11 was with the consent of the accused because it's a potential
12 appellate issue. And to say that I knew about this two week
13 absence of Defence counsel is totally inaccurate, there's no
14 basis for it.

14:01:23 15 PRESIDING JUDGE: Thank you, Ms Hollis. That is going to
16 be the end of this exchange. We are going to adjourn to consider
17 this.

18 Excuse me, I haven't given a fair indication. We will try
19 and come back with a decision within five to 10 minutes or as
14:02:02 20 quickly as within that time.

21 [Break taken at 2.05 p.m.]

22 [Upon resuming at 2.25 p.m.]

23 PRESIDING JUDGE: Our apologies, it took a little longer
24 than I indicated.

14:23:03 25 We have weighed up the submissions and taken account of the
26 respective rights of the Prosecution to present their case and
27 the accused's right to have lead counsel who has prepared the
28 Defence case pertaining to this witness present. We note
29 Mr Munyard's advice that Mr Griffiths is likely to be back on

1 Wednesday morning and therefore we will hear witness 399 on
2 Wednesday morning. If Mr Griffiths is available earlier, this
3 order will be reviewed. In the meanwhile another witness is to
4 be interposed if the present witness's evidence is completed
14:24:04 5 prior to the return of Mr Griffiths, or prior to Wednesday
6 morning. That is the order of the Court.

7 We will now adjourn to Monday morning.

8 [Whereupon the hearing adjourned at 2.26 p.m.
9 to be reconvened on Monday, 10 March 2008 at
10 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-337 5518

CROSS-EXAMINATION BY MR MUNYARD 5519