



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 7 APRIL 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Monday, 7 April 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:03 5 PRESIDING JUDGE: Good morning. I notice some change of
6 appearance on the Defence Bar, Mr Munyard, or possibly, I am not
7 sure. There is a gentleman I don't recognise sitting at the
8 back.

9 MR MUNYARD: Madam President, you are quite right. For the
09:29:19 10 Defence this morning there is myself, Terry Munyard, Morris Anyah
11 and for the first time in Court is one of our Sierra Leonean
12 interns, Ibrahim Warne, and the spelling of his surname is
13 W-A-R-N-E.

14 PRESIDING JUDGE: Well, that is a well-known Sierra Leone
09:29:46 15 name. Well, I will welcome Mr Warne to the Court.

16 MR MUNYARD: And in cricketing circles also, I believe, but
17 a different nationality.

18 PRESIDING JUDGE: Mr Koumjian, I note that your Bar is as
19 before.

09:29:59 20 MR KOUMJIAN: Actually there is a change from Friday. The
21 Prosecution is represented today by Mohamed A Bangura, Alain
22 Werner, Maja Dimitrova and myself, Nicholas Koumjian.

23 PRESIDING JUDGE: Thank you, Mr Koumjian. We were informed
24 that there may be some new interpreters to be sworn-in. I will
09:30:22 25 deal with that, if that is correct, before we proceed. Madam
26 Court Attendant?

27 MS IRURA: That is correct, your Honour.

28 PRESIDING JUDGE: Please bring them into the well of the
29 court.

1 [Interpreters sworn]

2 PRESIDING JUDGE: Thank you and I welcome you both to the
3 Special Court here in The Hague and I think I am also welcoming
4 our first lady interpreter. So, you are both welcome. If there
09:31:44 5 are no other matters I will - proceed with cross-examination,
6 Mr Munyard. I will first remind the witness of his oath.

7 Mr Witness, you recall that last week you took the oath to
8 tell the truth. That oath is still binding on you and I again
9 remind you of this and you are to answer questions truthfully.
09:32:09 10 You understand?

11 THE WITNESS: Yes, my Lord.

12 PRESIDING JUDGE: Very well. Please proceed, Mr Munyard.

13 WITNESS: TF1-532 [On former oath].

14 CROSS-EXAMINATION BY MR MUNYARD [Cont.]:

09:32:14 15 MR MUNYARD: Thank you, your Honour:

16 Q. Good morning, Mr Mongor. I am going to ask you first of
17 all about money this morning and, your Honours, I am looking at
18 tab 17 in the bundle. Thank you, Madam Court Officer.

19 Mr Mongor, I have a correction to make. Throughout the
09:33:28 20 course of last week when I was cross-examining you, up to I think
21 Friday, I kept saying that you had been interviewed on 24
22 separate dates. As I indicated at the end of last week, I
23 thought I might have got that wrong. I have rechecked and on my
24 counting of all the different days you were actually interviewed
09:33:53 25 on 26 separate dates and, as I have previously said, if I have
26 got that wrong there are others who have the documentation who
27 will correct me and I will be happy to be corrected.

28 Now, you told us when I first started asking you questions
29 that you had been given some money on each of the occasions, each

1 of the dates when you were interviewed, is that correct?

2 A. Yes, my Lord.

3 Q. We looked last week at some of those occasions and I am not
4 going to go over that material again, but I will just go through

09:34:42 5 it, as it were, to tick off those dates. So we start on the
6 first page of tab 17. We have looked already at box number 1, 28
7 August. That was prior to your first interview. The first
8 interview was in the second box, 30 August, and we looked at
9 that. We also looked at the next interview in box number 3 where
09:35:17 10 you received 50,000 leones, the same as box number 2, for
11 transport, meals and lost wages, and again the third interview,
12 on 4 September, the same sum for the same reasons.

13 If you go over the page, please, box number 5 is Friday, 8
14 September. Again the same amount of money, 50,000 leones, for
09:35:57 15 meals, transport and lost wages. Now, number 5, 8 September,
16 follows on from number 4 which is 4 September, but we know that
17 you were interviewed in between those two dates: On 5 September
18 and then again on 6 September, but there are no sums recorded for
19 those two dates of interview.

09:36:29 20 The next time you were interviewed after 8 September, in
21 box 6, was 17 September, but there is no receipt for that date,
22 or on that date as such. The next receipt we see is box 6. Can
23 you have a look at that, please. Friday, September 29th 2006,
24 transport and lost wages, 15,000 leones. No reference to meals
09:37:04 25 there. Can you pause for a moment and just think back. Was
26 there ever a time when you went along to see the Prosecution for
27 an interview, but they didn't at the end of that interview, on
28 that day, hand over the money to you, they gave it to you at some
29 later date? Did that ever happen, or did you always get it on

1 the same day as you have told us both this morning and last week?

2 A. No, I can't recall that. The one you have spoken about, I
3 don't think I was given the money on that same day.

4 Q. Well, I am not going to spend a long time on this, but the
09:37:56 5 one I have spoken about is 17 September 2006. How can you now
6 remember whether on 17 September 2006, one out of 26 different
7 days on which you were interviewed, that on that specific date
8 you weren't given the money on the day?

9 A. Well, as we go along discussing issues about the monies
09:38:43 10 then maybe my - I will reflect and recall about the money issues
11 that you are talking about. That was why I said so.

12 Q. The question I asked you is how can you remember on 7 April
13 2008 that on the day you were interviewed, 17 September 2006, on
14 that particular day they didn't give you the money there and
09:39:10 15 then, they gave it you at some other time? How can you remember
16 that now?

17 A. Well, I want to tell you that the date you are talking
18 about I can't recall it actually, but I recall that there were
19 days that I went there that they did not give me money and I
09:39:35 20 returned.

21 Q. Well, can you recall saying in the last eight minutes that
22 every time you were interviewed you were paid? You certainly
23 said that when I first asked you about this last week?

24 A. Yes, I said it. I have said it. I have not denied that.

09:40:09 25 Q. Are you now saying that you have got that wrong and there
26 were in fact days on which they didn't pay you?

27 A. Well, it was not a large amount, but I think they were
28 always giving me money, but if I am not mistaken I think it was
29 just about two times that I was not given money, but the money

1 was later given to me.

2 Q. Let me see if I have understood that. Are you saying that
3 there were about two occasions on which they didn't give you any
4 money on the day, but they gave it to you later, or are you
09:40:59 5 saying there were about two occasions on which they gave you no
6 money at all, either on the day or at any time after that?

7 A. I said they gave me the money later.

8 Q. All right. After 17 September the next time you were
9 interviewed was 1 October 2006. In fact, in box 6, Friday 29

09:41:42 10 September, you are given 15,000 leones, although that wasn't a
11 date on which you were interviewed. You were interviewed two
12 days later on Sunday, 1 October; but if you look at box 7, which
13 is the next one in time after box 6, that relates to 23 December
14 2006 when you were given 40,000 leones for meals, transport and

09:42:26 15 lost wages again. Now, in the meantime, between 29 September and
16 23 December, you had been interviewed on 1 October, 8 October, 11
17 December and 23 December, the same date of the next receipt in
18 box 7. Were there four occasions when you received - well, let
19 me put that in another way. Were there three occasions on which
09:43:11 20 you can think that you weren't paid at all in October and
21 December 2006, or is the position that you just don't know now?

22 A. Well, I can't recall now.

23 Q. Box 8, 20,000 for meals, transport and lost wages, another
24 Sunday. You said last week that you wouldn't lose wages on a
09:43:56 25 Sunday. Do you still maintain that?

26 A. I don't sell on Sundays.

27 Q. No, all right. Box 8, Sunday 28 January, meals, transport
28 and lost wages. Lost wages there for that Sunday, is that a
29 mystery to you as to why they would pay you for lost wages?

1 A. Well, maybe that is the procedure of their own job. I
2 cannot dispute that.

3 Q. Box 9, please. Another Sunday, 4 February, which was
4 indeed a date on which you were interviewed. The reason given
09:45:01 5 there is "monies provided to witness to enable clarification
6 interview on 4 February 2007", that is the Sunday, another 20,000
7 for meals, transport and lost wages.

8 The next occasion on which you were interviewed was 8
9 February 2007, but there is no payment specific to that date in
09:45:31 10 this document. The next date where there is a payment is box 10,
11 Wednesday 21 February 2007, "monies provided during interview
12 with witness management unit/investigations on 21 to 22 February
13 2007". Now, I just want to ask you - I don't want to know the
14 detail, certainly not at the moment at any rate. Did you have
09:46:13 15 interviews with the witness management unit/investigations on 21
16 and 22 February 2007, that is just over a year ago, that you can
17 now remember?

18 A. Well, the people who were there, all I know is that they
19 are Special Court workers who are there, who normally went to
09:46:53 20 call me. So I can't tell the difference between them to say this
21 person is this and that other person is that, but all I know is
22 that they were all Special Court people, so when they needed me
23 they called me.

24 MR MUNYARD: Would your Honour bear with me for just a
09:47:10 25 moment:

26 Q. This is a document supplied to us by the Prosecution, you
27 understand, not from court staff as such. Can you remember being
28 interviewed on two consecutive days, one day after another, in
29 late February last year by somebody in the Prosecution?

1 A. Well, I can't recall that now because it has taken a long
2 time, but I know that those things have been happening.

3 Q. Right. We don't have any interviews for either of those
4 dates, so if you were interviewed on those dates then that brings
09:48:12 5 the total number of days on which you were interviewed to 28.

6 Again, 40,000 for transport, lost wages and meals on 21 February.
7 The next box is Monday, 26 February 2006 and it is described as
8 follows, "reimbursement provided to witness during clarification
9 by Witness Management Unit on same date", presumably meaning the
09:48:59 10 date Monday, 26 February 2007. 20,000 for meals, lost wages and
11 transportation then. We don't have any document relating to an
12 interview on that date, but if you were interviewed on that date
13 by the Prosecution then that would bring it to 29 separate dates.

14 The next time you were interviewed you were interviewed on
09:49:33 15 14 and then on 15 June 2007.

16 PRESIDING JUDGE: Just pause a moment, Mr Munyard. Did you
17 ask - I didn't record or hear a reply when you put the 26
18 February interview to the witness.

19 MR MUNYARD: Yes, to be fair to the witness I think the
09:49:51 20 only thing he could say is "yes" because I was simply putting the
21 fact in evidence that this document demonstrates that there was
22 an interview on that date, 26 February.

23 MR KOUMJIAN: Your Honour, I would say that is a matter of
24 interpretation of grammar: Whether "on same date" refers to the
09:50:11 25 reimbursement, or the clarification.

26 PRESIDING JUDGE: I think you have a question on record,
27 Mr Munyard. In fairness to the witness he should be allowed to
28 answer it.

29 MR MUNYARD: I completely agree. Shall I put it again?

1 PRESIDING JUDGE: I think it would be best. Put it again.

2 MR MUNYARD: I will put it again in a way I hope the
3 witness is able to answer:

09:50:40

4 Q. Mr Mongor, if you have a look at box 11 the date is Monday,
5 26 February 2007. On that date you were given 20,000 leones for
6 meals, lost wages and transport and the reason that is specified
7 there is "reimbursements provided to witness during clarification
8 by Witness Management Unit on same date". Now, do you have any
9 memory now of being paid for - or being paid on that date during
10 a clarification interview?

09:51:16

11 A. Well, the date that you are talking about I can't recall
12 now because it has taken a long time, but I received money, but I
13 can't recall the dates.

09:51:39

14 Q. Right, but do you agree that the document suggests that you
15 were paid money for an interview on Monday, 26 February 2007?

09:52:08

16 MR KOUMJIAN: Your Honour, I would object because that is
17 asking this witness to give an opinion as to the grammar of that
18 sentence and what it means and I would say since clarification by
19 WMU, WMU does not do the clarification. So clarification -
20 "reimbursements provided to witness during clarification by WMU
21 on same date", to me it is quite clear what the meaning of that
22 is and I don't think it is proper to ask the witness to give his
23 interpretation of the English.

09:52:23

24 MR MUNYARD: I am very happy for my learned friend to give
25 what his interpretation is. I, of course, have nothing to do
26 with the WMU of the Prosecution. He will know better than me.

27 MR KOUMJIAN: I would just point out that it is logical
28 that WMU does not do clarifications. They to do do
29 reimbursements, so if it says "reimbursement by WMU on this date"

1 that is what took place.

2 PRESIDING JUDGE: Thank you for that clarification,
3 Mr Koumjian. Likewise I am not aware of the bureaucratic
4 procedures, but clarification is now before us and it would

09:52:57 5 appear that "on the same date" refers to --

6 MR MUNYARD: Can I have a try at this and Mr Koumjian will
7 correct me if I have got it wrong:

8 Q. Mr Mongor, it appears that you were paid by the Witness
9 Management Unit on the same date, i.e. Monday 26 February 2007,

09:53:26 10 for your expenses during a clarification interview. Do you

11 agree?

12 A. Yes, I agree that I received money, but I can't recall the
13 date now, my Lord.

14 MR MUNYARD: All right, thank you. Can I invite the
09:53:50 15 Prosecution to supply us with records of the interviews referred
16 to in both boxes 10 and 11?

17 MR KOUMJIAN: Yes, thank you, your Honour. I want to make
18 it absolutely clear that the Prosecution has provided the Defence
19 with all interviews with this witness and if there is a record of
09:54:09 20 a payment on a certain day we have checked all interviews have
21 been provided to the Defence of this witness.

22 MR MUNYARD:

23 Q. Box 12, please. Mr Mongor, the next date on which you are
24 paid anything is Thursday, 29 November 2007. It is for

09:54:39 25 communication and it is 30,000 leones. Now, that is some nine

26 months after the previous payment in February of 2007. In the

27 meantime, we know that you were interviewed on 14 and then on 15

28 June 2007 and on 25 and then on 26 July 2007. So that is four

29 separate dates between boxes 11 and 12. Do you have any

1 recollection of not being paid for four interviews in the middle
2 of last year?

3 A. I can't recall now concerning the dates you are talking
4 about.

09:56:02 5 Q. Box 12, 29 November 2007, you were interviewed on that
6 date. Then if we go over the page to box 13, Wednesday 5
7 December 2007, again for communication another 30,000 leones.
8 You had been interviewed the previous day on 4 December 2007. Do
9 you now know what you were either given money for, or what given
09:56:38 10 something to the value of 30,000 leones for communication means?

11 A. Well, I can recall that the 30,000 that you are talking
12 about was for me to buy a top-up card for my phone.

13 Q. Right. The next box, 14, Wednesday 5 December 2007,
14 120,000 leones for communication. Was that top-up cards, or was
09:57:18 15 that something else? Sorry, it is the same date, but it is a
16 separate receipt.

17 A. I received that money they gave me.

18 Q. And what was it for?

19 A. Well, I had requested for communication business so they
09:57:55 20 gave it to me.

21 Q. Yes, but what do you mean by communication business? It is
22 four times as much as the two previous payments of 30,000 which
23 were top-up cards.

24 A. Yes.

09:58:15 25 Q. What was this one for?

26 A. Well, the 120,000 leones that you are talking about was
27 given to me and I used some for communication business. That is
28 also to buy some top-ups for my phone. Then the remaining, I
29 used it for meals.

1 Q. So can you remember now how much you spent of it on
2 communication, on top-ups?

3 A. Well, I can't recall everything now. To say that I can
4 recall everything now and give you the exact amount that I used
09:59:13 5 on communication I cannot recall it now, but I am sure that I was
6 given money for me to buy top-up and put it into my phone most
7 times.

8 Q. Can I just clarify something with you and I know you told
9 us last week, but can you remember the date when you came to The
09:59:42 10 Hague this year?

11 A. I came here in January.

12 Q. Right.

13 A. That was the time I came to The Hague.

14 Q. All right, thank you. Any idea now whether it was early
10:00:10 15 January, late January? Can you be any more specific than that?

16 A. I can say it was in late January that I came here.

17 Q. All right. The next tab, please, number 18. I think the
18 witness is still on the previous tab. Yes, thank you.

19 Mr Mongor, this is a further sum of money that was expended in
10:01:00 20 relation to you and your family by the Witness and Victim
21 Service. That is a separate body of the Court, different from
22 the Prosecution. You can see there, in paragraph numbered 2,
23 "subsistence allowance", that you were brought under the

24 protection of the Court on 10 March 2007, that is just about 13
10:01:36 25 months ago, and since then, to 26 February of this year, you have
26 been paid a total as follows: A subsistence allowance of
27 7,852,000 leones. Now, I don't want to know details of any
28 addresses, or anything like that, but did you move house at all
29 on or around 10 March 2007? I am not talking about coming to The

1 Hague. I am talking about when you were still in Sierra Leone.

2 A. Yes, my Lord.

3 Q. Right. Was your rent paid for on or after that date,
4 around 10 March of last year?

10:02:48 5 A. Well, it was the Court that paid. I did not pay myself.

6 Q. Thank you. As well as having your rent paid for, were you
7 also provided with money for food for you and your family?

8 A. Yes, my Lord.

9 Q. So is this right: That the Court provided you with an
10:03:14 10 allowance? They paid money to you to pay for the food for
11 yourself and your family since around 10 March last year?

12 A. Yes, my Lord.

13 Q. In addition to that, we see under the heading "Other
14 Expenditure", medical 234,600 leones. Now, I don't want to know
10:03:46 15 the details of that, but were those medical expenses for you, or
16 for your family, or for both you and your family?

17 A. It was for me and my family.

18 Q. Right. Childcare 660,000 leones. Again, I don't want to
19 know any of the detail, but were you paying for childcare before
10:04:20 20 10 March 2007, or not?

21 A. Before coming to the Court, is that what you mean?

22 Q. No, this is all since 10 March 2007 that these payments
23 appear to have been made and I am just trying to find out whether
24 these were payments to you that constituted a benefit to you that
10:04:54 25 you hadn't had before. Now, if you want me to explain that in a
26 different way I will, but do you follow? If you hadn't had to
27 pay for childcare before March 2007, then receiving 660,000
28 leones for childcare after that date would be a benefit to you,
29 wouldn't it?

1 A. No, my Lord.

2 Q. Is it no that you didn't have to pay for childcare before
3 March 2007, or no it wasn't a benefit to you?

4 A. I was paying for childcare.

10:05:45 5 Q. Right. Before March 2007, before you moved?

6 A. Yes, my Lord.

7 Q. So after that date the Court paid for the childcare, is
8 that right?

9 A. Yes, my Lord.

10:06:07 10 Q. So that was a sum that you no longer had to find out of
11 your own pocket because the Court were now paying for it, is that
12 right?

13 A. Yes, my Lord.

14 Q. Transportation 285,000 leones. Can you just give us, in
10:06:32 15 very broad terms, some understanding of what your transportation
16 costs were after March of 2007? Where was it you were having -
17 what travel were you having to do that the Court paid for?
18 Again, I don't want to know addresses, or locations. I just want
19 the know in general terms.

10:06:59 20 A. What? To say what?

21 Q. We see here a figure of 285,000 leones for transportation.
22 Was this transportation cost something that you had to undertake
23 because of your move, or what was it for?

24 A. Well, I think those were the monies given to me for
10:07:40 25 transportation. That is what I totalled up to that amount. That
26 is what I want to believe.

27 Q. Right. What transportation was involved?

28 A. Yes, sometimes I went to the provinces. Sometimes I used
29 taxi and the puda pudas that went to the provinces.

1 Q. Did you go to the provinces as part of your giving
2 assistance to the Prosecution, or were you going to the provinces
3 for your own personal reasons?

4 A. Well, I did not go to the provinces on behalf of the
10:08:44 5 Prosecution, but I went to the provinces to visit my other family
6 members.

7 Q. Right, and the Court paid for that?

8 A. Yes, my Lord.

9 Q. So again that was something that you didn't have to pay for
10:09:02 10 out of your own pocket?

11 A. Yes, my Lord.

12 Q. And so that was a benefit to you?

13 A. Well, it was the Court that told me that if I was planning
14 to visit anywhere, to go anywhere, I should inform them. So that
10:09:29 15 was the assistance that they used to give me.

16 Q. Right. Then finally we have got rent, maintenance and
17 utility bills, 1,039 dollars, the equivalent to 3,117,000 leones.
18 Now, you told us when I was asking you about the 7,852,000 leones
19 up above that they paid your rent and they also paid you money
10:10:04 20 for food and so on, but the rent appears as a separate figure
21 down here, the equivalent of just over 3 million leones. So does
22 this follow: That the 7,852,000 up above must relate to food
23 only?

24 A. Yes, my Lord.

10:10:45 25 Q. The grand total there is 14,337,000 leones. Do you see
26 that?

27 A. I have seen it there, my Lord.

28 Q. And out of that the medical expenses, the childcare, some
29 of the transportation and the food payments are all a benefit to

1 you, aren't they?

2 A. These were things that I used to do before. I did it
3 myself. So if I was - so I was now under their auspices, then
4 maybe that was the way their office operated, so I had no
10:11:37 5 objection against it, my Lord.

6 Q. Well, I am not suggesting that you would object, Mr Mongor.
7 The one thing I haven't asked you about is the heading,
8 "Miscellaneous". Do you see that down there in that list just
9 below "Transportation", 2,223,400 leones? Miscellaneous
10:12:01 10 presumably means all sorts of other bits and pieces that don't
11 fall in the categories we have looked at so far. Can you give us
12 some idea of what you were given money for that didn't fall under
13 the headings that we have looked at thus far?

14 A. Well, I lost my phone, my communication set, at one time
10:12:41 15 and at that time even when they tried to contact me they couldn't
16 get me and so I made them understand that I lost my phone, so
17 they assisted me with a new phone at that time. So some of those
18 things they did them.

19 Q. Right. A new phone wouldn't cost 2 million leones, would
10:13:05 20 it? What else? Could you give us some other examples?

21 A. It wouldn't cost 2 million leones, but I think I have been
22 requesting from them sometimes - in fact, I can recall when my
23 father was sick, when he was admitted in the hospital I informed
24 them and they gave me some money.

10:13:36 25 Q. Yes, they gave you some money for what?

26 A. Well, I asked them to assist me because my father was sick
27 and it is because you are talking about other things that were
28 expenditures that they did to me, that did not concern food and
29 other things, and I have told you about the issue of the phone

1 and I have told you about the other assistance that they gave me,
2 like the case of my father. When I asked them, they assisted me.

3 Q. Yes, but doesn't your father's visit to hospital come up
4 the category of medical that we have already looked at? I asked
10:14:20 5 you if it covered both yourself and your family and you said it
6 did cover your family as well.

7 A. Yes.

8 Q. So that wouldn't come under miscellaneous, would it? Can
9 you give us examples of anything else, apart from buying you a
10:14:35 10 new telephone, that would come under the category of
11 miscellaneous?

12 A. Well, there were so many things, but some of them I might
13 have forgotten now. These were monies that they assisted me
14 with. Actually I can't recall all of them now, but I believe
10:15:00 15 that they gave me money. Even at the time my father was in
16 Liberia and at that time he was sick, I recall that I informed
17 them and even at that time when I was about to travel to go
18 there, I informed them about that also. They helped me with
19 money also. All of those things.

10:15:28 20 Q. Right. Well, that would come under transportation,
21 wouldn't it?

22 A. Yes, it should come under transportation. I am not
23 disagreeing with that fact.

24 Q. Not miscellaneous. Is there anything else you can think of
10:15:51 25 that isn't covered in the categories above, apart from a mobile
26 phone, that would account for the expenditure of some 2 million
27 plus leones?

28 A. I might have forgotten, really.

29 Q. Can we go back, please, to tab 2.

1 PRESIDING JUDGE: Just before we do, Mr Munyard, I am
2 having a bit of trouble with the arithmetic in this. I don't
3 have a calculator with me, but it appears to me that 555,000
4 added to 7,852,000 does not come to 14,337,000.

10:16:39 5 MR MUNYARD: Your Honour, there is a 3 million at the
6 bottom, the dollars.

7 PRESIDING JUDGE: Yes, that is the equivalent - yes, that
8 subtotal too seems a bit odd, because that he has been paid a
9 total of 7,852,000, but those figures to me don't come to
10:16:55 10 7,852,000. They come to 6,000,500-odd. But, in any event, I
11 remark this. I don't think it is in issue, but it does strike me
12 as incorrect.

13 MR MUNYARD: Yes, I don't --

14 PRESIDING JUDGE: I see, you are saying the subsistence
10:17:19 15 allowance of 7 million and these other things are two separate
16 things.

17 MR MUNYARD: Yes, because it does say "other expenditure".

18 PRESIDING JUDGE: Now I am clear. Thank you for that
19 clarification.

10:17:29 20 MR MUNYARD: Whether the mathematics still add up - well,
21 there is a 5 million and a 7, nearly 8 million. So yes, it looks
22 as though it does add up.

23 JUDGE SEBUTINDE: It doesn't quite add up. My calculation
24 comes up to 14,372,000 leones.

10:17:47 25 MR MUNYARD: So it is more than the total.

26 JUDGE SEBUTINDE: Just slightly more, yes.

27 MR MUNYARD: Well, there it is:

28 Q. Mr Mongor, just so that you understand this exchange that
29 has been going on, it looks as though you were actually paid more

1 money than this total of 14,337,000 by the Court and it may be
2 someone has got their mathematics wrong somewhere along the line
3 in putting down that figure there, but, in any event, do you
4 agree that you received a very considerable benefit from
10:18:33 5 co-operating with the Prosecution?

6 A. Yes, I received money from them.

7 Q. A very considerable benefit to you? Money that you would
8 otherwise perhaps not have been able to afford to spend on your
9 family and yourself, do you agree?

10:19:02 10 A. No, my Lord. I don't want to agree with you because I have
11 been taking care of my family before.

12 Q. I am not suggesting you weren't. What I am suggesting is
13 that since you started to co-operate with the Prosecution, a lot
14 of the money you would have had to find out of your own pocket to
10:19:24 15 care for your family has been given to you. Do you agree with
16 that?

17 A. Yes, I agree.

18 Q. Thank you. Tab 2, please. Mr Mongor, do you have tab 2
19 either in front of you, or on the screen in front of you? It is
10:19:54 20 a letter dated Tuesday, 12 December 2006. Do you see that?

21 A. You said - what is the date you said?

22 Q. It is on the top of the letter, top left-hand side.
23 Tuesday, 12 December 2006. Do you see that date on that letter?

24 A. Yes, my Lord.

10:20:31 25 Q. It is from Christopher Staker, the acting Prosecutor of
26 this Court. Do you see that?

27 A. Yes, my Lord.

28 Q. It is addressed to you, is it not, "For the attention of
29 Mr Isaac Mongor, Dear Mr Mongor", do you agree?

1 A. Yes, my Lord.

2 Q. And it reads as follows:

3 "As the acting Prosecutor for the Special Court for Sierra
4 Leone, I would like to take this opportunity to assure you that I
10:21:03 5 have not laid any criminal charges, nor do I intend to lay any
6 charges against you because of your affiliation with any parties
7 that have been charged by this Court. I trust that this letter
8 may help put your mind at ease with regards to this matter."

9 It is signed by Dr Staker. Now, do you remember receiving
10:21:27 10 that letter?

11 A. Yes, my Lord. I received that letter.

12 Q. It wasn't on a day when you were being interviewed in
13 September 2006. How did you receive it? Did it come in the
14 post, or was it given to you by hand?

10:21:55 15 A. My Lord, they invited me at the Court and then I went
16 there. That was where I received the letter, in the Court,
17 inside the Special Court compound.

18 Q. Right. Did you know that they were about to give you that
19 letter?

10:22:18 20 A. Well, I never knew whether they wanted to give me a letter.

21 Q. But did you know that they were going to assure you you
22 would not be charged with any criminal offences before this
23 Court? Had they told you, in other words, before they gave you
24 the letter?

10:22:46 25 A. Well, I got an information initially in which they said
26 they had nothing against me and then they wrote this letter and
27 gave it to me.

28 Q. Right. This information that they gave you initially, was
29 this before the first interview when you started telling them

1 things?

2 A. You mean the information regarding this particular letter
3 that I have spoken about? Is that what you mean, my Lord?

4 Q. I do.

10:23:38 5 A. Yes, the person who first spoke to me, who tried to ensure
6 that I talked to the Prosecution, he assured me of that even
7 before I came to the Court.

8 Q. Right, thank you. I want to turn to something else,
9 please. In your evidence in March when you were being taken
10:24:09 10 through your account by Mr Koumjian, you told this Court - and
11 correct me if I have misunderstood - that the invasion of
12 Freetown on 6 January 1999 was essentially Charles Taylor's idea,
13 do you agree?

14 A. I said that, my Lord.

10:24:49 15 Q. So it was all down to Charles Taylor, was it, the idea that
16 Freetown should be attacked in early January of 1999?

17 A. Well, it was a plan that they arranged that we should
18 attack all the other places that we attacked and that we should
19 attack Freetown. That was a plan brought - that Mosquito
10:25:28 20 brought.

21 Q. From?

22 A. The time he came from Monrovia. That was the time he
23 called us to a meeting and he explained that to us.

24 Q. Are you sure it wasn't in fact a project of the AFRC, the
10:26:07 25 attack on Freetown in January 1999?

26 A. Well, the AFRC people went there. They went to Freetown,
27 but the plan that was brought by Mosquito from Mr Taylor was for
28 us to attack all the other places and to advance on Freetown, but
29 they did not select a specific group that it was this group that

1 was supposed to go to Freetown. I am not saying that the AFRC
2 and the RUF did not go to Freetown. They all went to Freetown on
3 6 January.

4 Q. And whose idea was it?

10:27:02 5 A. Well, the plan I have told you about was a plan that
6 Mosquito brought when he came from Monrovia and he told us that
7 he discussed with Mr Taylor and that was the same time he brought
8 the ammunition for us to attack Kono and other places, and for us
9 to advance on the capital city and to capture there.

10:27:28 10 Q. Now, I put to you on Friday that the relationship between
11 the AFRC and the RUF was a difficult relationship and you didn't
12 agree. Do you remember?

13 MR KOUMJIAN: I believe counsel on Friday put a timeframe
14 of during the initial junta period, during the time that they
10:27:50 15 were in Freetown, as I recall.

16 MR MUNYARD: I think what I put was "from the outset". I
17 think I used that expression "from the outset".

18 MR KOUMJIAN: That is correct.

19 MR MUNYARD: Meaning right from the start it was a
10:28:02 20 difficult relationship:

21 Q. And you would not agree with that, would you, Mr Mongor?

22 A. Yes, it was because you were talking about the start. You
23 said the RUF and the AFRC and you were talking about the
24 beginning. That was the one I said I did not agree with.

10:28:25 25 Q. Yes, you have just heard Mr Koumjian's intervention,
26 haven't you, and that is why you are now coming out with that
27 answer, isn't it?

28 A. That was not it, my Lord.

29 Q. All right, I suggest it was. When I was asking you

1 questions on Friday I was making it clear from the very
2 beginning, all the way through, there were difficulties in the
3 relationship between the AFRC and the RUF. Do you agree from
4 start to finish there were problems between the two groups?

10:29:08 5 A. I want to tell you that there was a problem, but it was not
6 a kind of problem that will bring about something serious that we
7 will not be able to handle, because, for example, even you or any
8 man when you are in your home you must have misunderstandings.

9 So I am saying even when two forces are together they must have
10:29:43 10 misunderstandings, but there will be a time when they will be
11 able to talk amongst themselves to settle their differences.

12 Q. Do you or don't you agree that right from the beginning,
13 all the way until the end, there were problems in the
14 relationship between those two groups? Yes or no?

10:30:00 15 A. Yes, there were problems.

16 Q. Thank you. [Overlapping speakers].

17 A. There are problems with them.

18 Q. All the way through, from the outset right through to the
19 end, and by the end I mean the end of the AFRC and the RUF as
10:30:16 20 organisations?

21 A. We shouldn't say from the beginning because at the time
22 they invited us we were doing things in common with them, you
23 see.

24 Q. You told us in your evidence --

10:30:37 25 A. We never had problems.

26 Q. You told us in your evidence in March that Ibrahim Bah had
27 to come to Freetown to talk to the AFRC and RUF, when they had
28 just formed the junta, to urge them to work together. Do you
29 remember telling us that?

1 A. Yes, my Lord, I said that.

2 Q. Did you ever hear a radio broadcast very shortly after the
3 junta was formed and invited the RUF to join them, in which Foday
4 Sankoh himself was recorded telling the RUF that they should
10:31:21 5 accept the offer of the AFRC and join the junta? Did you ever
6 hear Foday Sankoh on the radio saying that?

7 A. I did not hear that, my Lord.

8 Q. Did you hear about it?

9 A. The only thing I heard was an instruction that came to
10:31:54 10 Sam Bockarie. That was when the AFRC took over and they invited
11 us to join them and he said it was the Pa that gave him the
12 instruction and it was the time he passed the instructions on to
13 me and other people for us to join them.

14 Q. Right. So you didn't need Ibrahim Bah to turn up later to
10:32:16 15 urge you to work together. The Pa, through Sam Bockarie, had
16 already told you to do that, yes?

17 A. Well, I will still need somebody for us to give us advice
18 even though the Pa had said it.

19 Q. Did anybody tell you about this broadcast?

10:32:50 20 JUDGE SEBUTINDE: Mr Munyard, is this Pa Foday Sankoh?

21 MR MUNYARD: Yes, he has referred to him as the Pa when I
22 was asking about Foday Sankoh.

23 JUDGE SEBUTINDE: Okay.

24 MR MUNYARD: I am working on the basis that we are dealing
10:33:03 25 with the same Pa here:

26 Q. Mr Mongor, did anybody in the RUF ever tell you that Foday
27 Sankoh had been interviewed in a prison cell and that interview
28 had been broadcast over the radio, I think the BBC, saying the
29 AFRC invitation to the RUF to join them should be accepted by the

1 RUF? Even if you didn't hear it yourself, did anybody tell you
2 that broadcast had gone out over the airwaves?

3 A. I did not hear a broadcast. I told you it was my boss,
4 Sam Bockarie, that said that he received a message from the Pa
10:33:57 5 saying that we should join the AFRC men. So that was the time he
6 gave me an order to move and meet the other brothers.

7 Q. Last time, listen to the question, please: We understand
8 you are saying you didn't personally hear the broadcast, I am
9 asking you did anyone in the RUF tell you that Foday Sankoh had
10:34:26 10 made a broadcast over the radio - I am talking about the BBC type
11 radio, not a field radio - saying that the RUF should accept the
12 offer and join with the AFRC? Did anyone tell you they had heard
13 him making that broadcast over the radio?

14 A. Well, I did not hear a BBC broadcast.

10:34:58 15 PRESIDING JUDGE: Mr Witness --

16 THE WITNESS: Nobody told me about BBC broadcast.

17 MR MUNYARD:

18 Q. Not one single person, is that what you are saying?

19 A. Yes, they did not tell me that it was a BBC broadcast. I
10:35:21 20 did not hear that from anybody.

21 Q. Once the RUF joined with the AFRC, was there a level of
22 mistrust between the two groups?

23 A. Well, it was the first time when I received the instruction
24 to come and meet those men.

10:36:04 25 PRESIDING JUDGE: I don't understand that answer.

26 Mr Witness, did you understand the question?

27 THE WITNESS: Yes, my Lord.

28 PRESIDING JUDGE: The question was: Was there some
29 mistrust between the RUF and the AFRC after they joined?

1 THE WITNESS: I don't think he said sometimes. The way I
2 heard it, the way I understood it was maybe he was talking about
3 the time we met.

4 PRESIDING JUDGE: Mr Munyard, in the circumstances please
10:36:56 5 put the question again.

6 MR MUNYARD: Yes:

7 Q. Once the AFRC - sorry, once the RUF joined the AFRC and
8 became the junta and the junta was set up, was there some level
9 of mistrust between the two organisations?

10:37:32 10 A. Well, I never had that feeling.

11 Q. Right. Tab 11, please. It starts at page 37994 and I am
12 going to be looking at 37995, but I just want to establish the
13 date first. That is why we will start with 37994. Madam Court
14 Officer, we are going to start with the date which is on the
10:38:23 15 first of those two pages. Do you have that, Mr Mongor?

16 A. Yes, my Lord.

17 Q. It is an interview with you in Freetown. The investigator
18 was Shelley Birston and the attorney was Alain Werner. Do you
19 see that?

10:38:49 20 A. Yes, my Lord.

21 Q. And it is on two days, but the day we are looking at is
22 written here 2007, 14 June. Do you see that?

23 A. Yes, my Lord.

24 Q. Interview starts at 1432 hours, 2.30 in the afternoon,
10:39:20 25 complete interview done in English. Can you recall now you were
26 being interviewed in the middle of last year by those two people?
27 Now, you know who Mr Werner is, don't you?

28 A. Yes, if I see him I would know him.

29 Q. All right. Try looking to your right. You may not know

1 him as Mr Werner. You may know him as Mr Alain, I don't know,
2 but is there a gentleman to your right, the person nearest to
3 you, who you recognise?

4 A. Yes, I know him, my Lord.

10:40:00 5 Q. What do you know him as?

6 A. The Alain you are talking about is the name I know.

7 Q. Right. That is Mr Werner, Alain Werner. Do you see that
8 name there at the top, in that top section? Can you remember
9 being interviewed by him and I am assuming that Shelley Birston

10:40:24 10 is a woman. I am very grateful to Mr Werner for confirming that.

11 Can you remember being interviewed by Alain and a lady?

12 A. Yes, I can recall.

13 Q. And the whole interview was conducted in English, do you
14 agree?

10:40:53 15 A. Yes, I agree to that.

16 Q. Did they make sure that you understood their questions
17 because it was all being conducted in English?

18 A. Yes, my Lord.

19 Q. In common with 24 other interviews out of the 29, it was
10:41:20 20 conducted in English and you were satisfied, were you, that you
21 understood what they were asking you in that language?

22 A. I understood.

23 Q. Right. Can you turn over, please, to page 37995. Do you
24 see page 37995? Have you got it in front of you?

10:42:03 25 A. Yes, my Lord.

26 Q. Right. I want you to start at the third paragraph down
27 which starts with the words, "Before the AFRC coup in 1997". Can
28 you see that?

29 A. Yes, I have seen, "Before the AFRC coup in 1997".

1 Q. Thank you. It reads as follows:

2 "Before the AFRC coup in 1997 the witness had requested
3 from the RUF, northern jungle, ammunition by radioing
4 Sam Bockarie in Buedu. Sam Bockarie told him that Jungle had
10:42:53 5 already left to see Papay (Charles Taylor) with the request for
6 more ammunition and that the witness should hang on."

7 Did you tell them that?

8 A. Yes, my Lord.

9 Q. It then goes on:

10:43:12 10 "Sam Bockarie later told the witness [that is you] that
11 Jungle had come back to Buedu with some 50 boxes of ammunition
12 for AKs, RPGs and GMGs. When he was told about that the witness
13 was already in Freetown with the AFRC and it was in 1997."

14 Did you tell them that?

10:43:40 15 A. Yes, my Lord.

16 Q. It goes on:

17 "The witness thinks that Jungle was in Monrovia when the
18 AFRC coup took place in Sierra Leone and that he brought the
19 ammunition to Buedu once the RUF had joined the AFRC in
10:43:54 20 Freetown."

21 Did you tell them that?

22 A. Yes, I told them, my Lord.

23 Q. It continues, "When the ammunition did arrive in Buedu" -
24 pausing there and just taking your face away from the page for a
10:44:10 25 minute, Mr Mongor, can you help us, when did the ammunition
26 arrive in Buedu?

27 A. Well, I can't tell you the time now because at the time I
28 requested for the ammunition I was still in the jungle and the
29 time it arrived I had received instruction that I should go and

1 join the brothers and that is the AFRC, so I can't recall any
2 specific date now that it was on this specific date that the
3 ammunition arrived.

10:44:53 4 Q. Well, let us just look at the whole of that sentence,
5 please, "When the ammunition did arrive in Buedu the RUF top
6 command" - are you in the RUF top command?

7 A. Yes, I was there.

8 Q. "... the RUF top command did not tell the AFRC that they
9 had received this ammunition as some level of mistrust still
10:45:20 10 existed between the AFRC and the RUF."

11 Did you tell them that?

12 A. Yes, my Lord.

13 Q. So why did you tell us that there was no level of mistrust
14 between the two organisations just a moment ago?

10:45:52 15 A. Yes, I did say that I did not trust somebody. I did not
16 feel that way.

17 Q. Pardon? Can you just explain that again?

18 A. I said I don't think I had the feeling that I feared
19 somebody.

10:46:26 20 Q. Right. Now would you go back to my question, please. Why
21 did you tell the judges a very short time ago that there was no
22 level of mistrust between the AFRC and the RUF?

23 MR KOUMJIAN: Your Honour, I would refer counsel to page 29
24 of the LiveNote, line 9, and the witness's answer, at least on my
10:46:46 25 14 point screen. May I read the question and answer to help your
26 Honours, or at least --

27 MR MUNYARD: [Microphone not activated].

28 MR KOUMJIAN: The question begins on line 6 and the answer
29 of the witness on line 9.

1 PRESIDING JUDGE: Please read it, Mr Koumjian, to ensure
2 that we are all --

3 MR KOUMJIAN: The question by Mr Munyard was, "Once the
4 AFRC - sorry, once the RUF joined the AFRC and became the junta
10:47:16 5 and the junta was set up, was there some level of mistrust
6 between the two organisations?" The witness's answer, "Well, I
7 never had that feeling."

8 MR MUNYARD: I completely agree:

9 Q. Why did you tell the Court that earlier this morning?

10:47:35 10 THE INTERPRETER: Your Honours, the counsel's mic is not
11 switched on.

12 MR MUNYARD:

13 Q. Why did you tell the Court what Mr Koumjian has just very
14 helpfully read out, this very morning, and yet back in June of
10:47:52 15 last year you were saying to the investigators, one of whom is
16 Mr Werner who is sitting there, that when the ammunition did
17 arrive in Buedu the RUF top command did not tell the AFRC they
18 had received it "as some level of mistrust still existed between
19 the AFRC and the RUF"?

10:48:21 20 A. Yes, I said that.

21 Q. Why did you tell the Court what you have told them this
22 morning, when you said that when you were interviewed back in
23 June last year?

24 A. Concerning --

10:48:45 25 PRESIDING JUDGE: Mr Witness, we are not talking about the
26 ammunition. We are talking about the mistrust.

27 THE WITNESS: Okay, the reason why I said that was when the
28 ammunition came the man who was in charge of the ammunition, that
29 is Sam Bockarie, he did not release it for it to reach us in

1 Freetown. That was why I said that. I said maybe he never had
2 trust. That was the reason why he did not send the ammunition
3 for us to use then. That was why I talked about the mistrust.

4 MR MUNYARD:

10:49:38 5 Q. Yes, so why did you tell the judges this morning that which
6 Mr Koumjian just read out: That once the RUF had joined the AFRC
7 in the junta that you did not believe that there was still some
8 level of mistrust between them?

9 A. Yes, I said it because within myself I felt that as long as
10:50:17 10 I was now together with the people I had no fear in me, so it was
11 based on that that I said that I never had such a feeling that
12 there was something like that.

13 Q. I didn't ask you about your feelings. I asked you about
14 the two groups. Do you understand?

10:50:45 15 A. I understand.

16 Q. I asked you if you were in the RUF top command, do you
17 remember?

18 A. Yes, you asked me.

19 Q. Look at the words on that page again, please, and let us
10:51:00 20 just follow the time sequence. The first bit, or the part that
21 starts, "SB [Sam Bockarie] later told the witness that Jungle had
22 come back to Buedu with some 50 boxes of ammunition." When you
23 were told about that you were already in Freetown with the AFRC
24 and it was in 1997, so that means it was at the time that the
10:51:34 25 AFRC had invited you, the RUF, to join them, doesn't it?

26 A. Yes, that was the time.

27 Q. So the two organisations have joined up and formed the
28 junta, yes?

29 A. Yes.

1 Q. Then it goes on:

2 "The witness thinks that Jungle was in Monrovia when the
3 AFRC coup took place in Sierra Leone and that he brought the
4 ammunition to Buedu once the RUF had joined the AFRC in
10:52:08 5 Freetown."

6 So the ammunition doesn't arrive in Buedu until you and the
7 AFRC are together forming the junta, yes?

8 A. Say again.

9 Q. Look at the page. The ammunition does not come to Buedu
10:52:28 10 until you, the RUF, had joined the AFRC to form the junta in
11 Freetown, yes?

12 A. Yes, because I did not see the ammunition when I was with
13 the men. That was why I said that.

14 Q. I am looking at the page again. When the ammunition did
10:52:52 15 arrive in Buedu - now we know that is after you had joined the
16 AFRC to form the junta, "When the ammunition did arrive in Buedu
17 the RUF top command" - and that, we know, includes you - "did not
18 tell the AFRC that they had received this ammunition as some
19 level of mistrust still existed between the AFRC and the RUF."

10:53:25 20 A. Yes, I was one of the top commands. I have not denied
21 that. But when you talk about top command and concerning
22 ammunition, I did not have authority or order over the
23 ammunition. So the person who was the top commander who had
24 authority over the ammunition, he did not have that belief. That
10:54:00 25 was the reason why he did not reveal the secret to the brothers
26 whom we had joined.

27 Q. Mr Mongor, what we have just been looking at from your
28 interview in June of last year, makes it perfectly plain that you
29 were already in Freetown with the AFRC as a member of the junta

1 when you were told about Jungle coming to Buedu with 50 boxes of
2 ammunition?

3 A. Yes, yes.

10:54:46

4 Q. And the RUF top command did not tell their AFRC colleagues
5 about that ammunition because of the mistrust between them, is
6 that right?

10:55:10

7 A. Well, that is what I am trying to tell you. I said I am
8 not disagreeing with the fact that I was top commander, but I
9 said I never had authority over the ammunition and that the
10 person who was in control of the ammunition did not disclose it.
11 So when he refused to disclose it, I asked on demand to him. It
12 was not my place to go and tell people about it.

10:55:46

13 Q. So, the RUF were keeping their own stash of ammunition
14 without letting their brothers in the government know about it.
15 That is what you were telling the Prosecutors in June of last
16 year, wasn't it?

10:56:07

17 A. Yes, that was what I said because the ammunition was in
18 possession of the commander, that is the RUF commander, and he
19 did not reveal them at all to the other brothers.

20 Q. At the time of the AFRC/RUF Junta, what was your
21 relationship with SAJ Musa like, S-A-J Musa?

10:56:53

22 A. Well, I was not that used to SAJ Musa, but we were all
23 living in the same area around Hill Station and I knew him around
24 the area, that was where we were. I recall at that time, one
25 time when he came he distributed fish to us, those of us who were
26 commanders living in that area, and since that day the only times
27 I met with him again was when we had meetings sometimes at JP's
28 place.

29 Q. You didn't get on with SAJ Musa, did you?

1 A. Well, I did not have any problems with SAJ Musa. I don't
2 think I had gone into any misunderstandings with him before.

3 Q. Is that true?

10:57:39

4 A. Well, I don't recall that I have had problems with SAJ Musa
5 before. I can't recall.

6 Q. You didn't think that SAJ Musa would co-operate with the
7 RUF, certainly by the time you had all been driven out by the
8 intervention. You thought by then that SAJ Musa wouldn't work
9 with the RUF, didn't you?

10:58:08

10 A. Well, the time we were pushed out in fact SAJ Musa did not
11 join us the time we were pushed out when we were retreating and
12 at that time everybody was finding his or her own way to go, but
13 I did not have that in mind that he will not be ready to work
14 with us, because when we were in Freetown we were all working

10:58:41

15 together. So even at the time when we retreated from Freetown to
16 go to the jungle we expected him to go together with us, but he
17 took a different route and so we did not all join together to
18 take the Koidu route.

10:59:05

19 JUDGE SEBUTINDE: Mr Munyard, sorry to interrupt, but I
20 note from the record the place where the witness and SAJ Musa
21 lived is Hill Station, not his station.

22 MR MUNYARD: I heard Hill Station certainly.

23 JUDGE SEBUTINDE: That is H-I-L-L.

24 MR MUNYARD:

10:59:25

25 Q. Well, Mr Mongor, weren't you relieved when you discovered
26 that SAJ Musa had been killed in the explosion at Benguema
27 barracks because you thought he would never work with the RUF, or
28 he wouldn't work well with the RUF?

29 A. Yes, I felt relieved.

1 Q. For that reason that I have just said, do you agree?

2 A. Yes, my Lord.

3 Q. Would you agree with this, that certainly by the time of
4 the intervention and after you had all left Freetown SAJ Musa

11:00:14 5 regarded the RUF as a very untrained and unruly lot, as opposed
6 to himself and others who had been in the Sierra Leonean Army?

7 A. Well, maybe that was the way he was thinking, but he did
8 not voice that out to us.

9 Q. No, I am asking you that was your view, wasn't it? You
11:00:53 10 understood that that is how SAJ Musa saw the RUF, didn't you?

11 A. Maybe that was - that was his feeling.

12 Q. No, I am asking you that is how you understood SAJ Musa to
13 be thinking or feeling, isn't it?

14 A. Well, I said maybe that was the way he felt, that that was
11:01:30 15 what if RUF was.

16 MR KOU MJIAN: Your Honours, sorry for the interruption, I
17 apologise, but Mr Werner heard something different on one of the
18 translations if we can get a clarification and that is on page
19 39. The answer reads, "Well, maybe that was the way he was
11:01:48 20 thinking, but he did not voice that out to us", and Mr Werner
21 believes the witness said "me". I don't know if the interpreter
22 could clarify, or someone could clarify.

23 PRESIDING JUDGE: Mr Interpreter, you have heard
24 Mr Koumjian. What did the witness say? Did he say "us" or "me"?

11:02:08 25 THE WITNESS: The witness said "us", your Honours.

26 PRESIDING JUDGE: Well, that is the official record then.

27 MR MUNYARD: All right. Well, I am going to come back to
28 that if I may. I make it clear that I do have a matter I want to
29 refer the witness to, but I can't put my finger on it right at

1 the moment.

2 PRESIDING JUDGE: Mr Witness, did you say that SAJ Musa did
3 not voice his opinion to you, or did not voice his opinion to
4 "us"?

11:02:51 5 THE WITNESS: To us.

6 MR MUNYARD: All right. Right, Madam President, are we
7 ready to move on from that one?

8 PRESIDING JUDGE: Please proceed.

9 MR MUNYARD: Thank you:

11:03:23 10 Q. Mr Mongor, I want you to think carefully about this
11 question that I am going to ask you now. When you were first
12 being interviewed by the Prosecution, was it your position that
13 Charles - that you didn't really know anything about Charles
14 Taylor's role, if any, in the invasion of Freetown on 6 January
11:03:50 15 1999?

16 A. Yes, if my memory serves me well maybe I said that.

17 Q. And is that right: That you didn't really know anything
18 about Charles Taylor's role, if any, in the invasion of Freetown
19 in January 1999?

11:04:29 20 A. Well, I did not know initially, but later I came to know.

21 Q. Well, I don't want to be unfair to you. When you say
22 "later I came to know", what do you mean by that? When is later?

23 A. When communication started going on.

24 Q. Right. Let me make it perfectly plain, I am not talking to
11:05:00 25 you about the time that these things were happening, 1998 and
26 1999. I am talking about your discussions, your interviews, with
27 the Prosecution that start at the end of August 2006. Now, when
28 you were first being interviewed by the Prosecution in 2006, you
29 couldn't really tell them anything about Charles Taylor's

1 involvement in the invasion of Freetown on 6 January 1999 because
2 you didn't know anything about it, did you? Do you agree?

3 A. I want you to ask that question again. Let me understand
4 it well.

11:06:00 5 Q. Right. You start to be interviewed at the end of August
6 2006 and you are then interviewed many times in 2006 and again
7 many times in 2007. When the Prosecution first started to ask
8 you questions about Charles Taylor's involvement, if any, in the
9 invasion of Freetown on 6 January 1999, you told them you didn't
11:06:45 10 really know anything about whether or not he had any part in
11 that, didn't you?

12 A. Yes, my Lord.

13 Q. And that was the truth, wasn't it?

14 A. That was what I said.

11:07:05 15 Q. What you first said to them, that you didn't know anything
16 about Charles Taylor's involvement in the invasion of Freetown,
17 was true, wasn't it? You didn't have any knowledge about Charles
18 Taylor being involved in the plan to attack Freetown in January
19 1999, did you?

11:07:31 20 A. I told them that, my Lord.

21 Q. Thank you. There came a later stage later on when you
22 started to tell them a story along the lines of the evidence that
23 you had given to us in March, namely that Charles Taylor had told
24 Sam Bockarie that you should attack all these other towns and
11:08:06 25 then move on to Freetown. That is right, isn't it?

26 A. Yes, my Lord.

27 Q. Why did you tell them that Charles Taylor had the plan to
28 attack Freetown later on when earlier you had told the
29 Prosecution that you really didn't know anything about his

1 involvement in the invasion of Freetown in January 1999?

2 A. Yes, I said that.

3 Q. No, why did you change your story - hang on - later on,
4 when you were being interviewed later on, having originally said
11:08:53 5 that you don't know anything about Charles Taylor's involvement
6 in the attack on Freetown in January 1999?

7 A. When they asked me whether I was saying the truth, what I
8 was talking was the truth, and they said they wanted me to say
9 the truth, I said, "Well, the plan was something that Mosquito
11:09:19 10 brought and he explained to us that it was he and the Pa who
11 discussed that we should attack all the other areas and then
12 advance on Freetown and capture there." That was the time I told
13 them, "Okay, I will tell you the truth. This was what Mosquito
14 explained to us when he returned."

11:09:47 15 Q. So why didn't you tell the Prosecutors that when they were
16 first asking you about what, if anything, you knew of Charles
17 Taylor's involvement in the attack on Freetown in January 1999.

18 A. Yes, I did not initially tell them, but later when they
19 asked me they said to me that they wanted me to say the truth
11:10:19 20 about what I was explaining and then I also told them that, "I
21 don't want to lie. Now I will tell you the truth." I said,
22 "This plan came from Mr Taylor and it was when Sam Bockarie
23 returned that he brought the whole plan that the attacks should
24 go on", and that was the time I told them that.

11:10:43 25 Q. Right, so before you were ever interviewed by the
26 Prosecution you knew all along that the plan to attack Freetown
27 was Charles Taylor's idea, yes?

28 A. Yes, I knew.

29 Q. When they first start interviewing you were you telling

1 them lies?

2 A. I did not tell them at all.

3 Q. I am going to try again on that one. When they first asked
4 you, "What can you tell us about Charles Taylor's involvement in
11:11:21 5 the attack on Freetown in January 1999?", did you tell them the
6 truth, or did you tell them lies?

7 A. I did not tell them the truth. At the start, at the first
8 time, I did not tell them the truth, but later I came out plain
9 to them.

11:11:50 10 Q. Would you like to explain to the learned judges why you
11 claim that you lied to the Prosecution in the early stages of
12 your interviews?

13 A. What did you say, sir?

14 Q. Would you like to explain to the learned judges sitting
11:12:08 15 there why you lied to the Prosecution in the early stages of your
16 interviews?

17 A. Well I myself who is sitting here now I thought those
18 things were strategies that the people used and, although they
19 had told me that they had nothing to do with me, I think it was
11:12:41 20 something that they were doing to cajole me so that later they
21 will be able to get me round and to arrest me for something. But
22 later when they actually told me that I shouldn't hide anything
23 away from them, I should tell them the truth, and then I later
24 came out to plain to them and said, "Okay, I will tell you the
11:13:06 25 truth", and I said to them that, "Yes, this plan was a plan that
26 came from Liberia and it was Mosquito that brought it that we
27 should carry out the attack".

28 Q. Right, let us look at what you have just told us:

29 "I thought those things were strategies that the people

1 used and, although they had told me that they had nothing to do
2 with me, I think it was something they were doing to cajole me so
3 that later they will be able to get me round and to arrest me for
4 something".

11:13:46 5 On 12 September of 2006 you had been given a letter
6 granting you immunity from prosecution, hadn't you?

7 A. They told me that.

8 Q. You have told us this morning that you knew before you ever
9 started being interviewed by them that they were going to give
11:14:09 10 you this letter. Did you think that the letter might not be
11 worth the paper that it was written on? Is that what you are
12 saying?

13 A. Well it worth it, but I am a human being. I needed to
14 think. Sometimes somebody will write something on a piece of
11:14:40 15 paper and then I will read it and sometimes what is said in the
16 paper then I will just look at it that way, but equally so I am a
17 human being. I had my own way to feel about it.

18 Q. So, you were still worried? Despite having had the promise
19 of immunity, you were still worried that they might actually
11:15:10 20 charge you with an offence and you would end up being on trial in
21 front of this Court. Is that right?

22 A. At times I had the feelings in mind and sometimes I thought
23 over them, but sometimes again I will sit down and say, "What
24 actually did I do? I did not do anything", but as a human being
11:15:38 25 you will be sure - you will not be cock sure, so sometimes I sat
26 down and said, "Maybe these things will happen, or maybe they
27 will not happen", and sometimes I had a free mind and sometimes I
28 had it in mind I thought that it was going to end up this way.

29 Q. So, have I understood you correctly? Throughout 2006 are

1 you saying that you were still worried that they might prosecute
2 you even though you were co-operating with them?

3 A. Yes, I was co-operating with them. Yes, I had really
4 accepted to talk to them and they also had assured me that they
11:16:33 5 were not going to do anything to me, but at the same time I had a
6 shaky heart.

7 Q. Right, and because of your shaky heart you decided you
8 wouldn't tell them the truth about some things. Is that right?

9 A. Well it was when I started, but later when they actually
11:17:08 10 assured me I said, "Okay", this thing - I decided to give in and
11 I decided to tell the truth. So whether anything was going to
12 happen to me now let it just happen, whether they were going to
13 kill me let them kill me, but I said, "Okay, I will say the
14 truth", but as long as I wanted peace for myself and I also
11:17:29 15 wanted peace for them I decided to give in to say the truth to
16 them.

17 Q. So, in how many interviews did you tell them lies?

18 A. Well I don't think I can recall that it was so and so
19 interview, but based on this particular interview that we are
11:17:56 20 talking about I decided to give in myself and say the truth. And
21 as long as I wanted peace I decided to say the truth and if
22 anything was going to happen after that let it happen, but I said
23 I will say the truth to them.

24 Q. Let me see if I have understood, Mr Mongor. You were
11:18:16 25 worried that they would still prosecute you and so you decided
26 that you would give them more information that they wanted to
27 hear in order that they would not prosecute you. Is that what
28 you are saying?

29 A. No, my Lord, not what they wanted to hear that I told them

1 only to satisfy them, but I am saying that I gave in myself so
2 that I will say the truth for the sake of peace. This was the
3 reason why I was willing to say the truth for to them, but I am
4 not saying that this was any reason just for me to say something
11:19:06 5 that will satisfy them. I was not trying to satisfy them at all.

6 Q. Did you feel at any stage during the whole interview
7 process that you were being pressed by them?

8 A. What is the pressed, my Lord?

9 Q. You understood it last week because you said when I used
11:19:33 10 the same term, "No, I wasn't being pressed by them". Have
11 another go at that question, please, and try and give me an
12 honest answer. Did you feel that you were being pressed by the
13 Prosecution to give them information at any stage during the
14 interview process?

11:20:03 15 A. Well, when you talk about press I take it that it is just
16 like when you press somebody to say something that you want to
17 satisfy you. That was not the case actually. It was not the
18 case that I was being pressed just to say, okay, say this, or say
19 this or say that. That was not what they were doing to me.

11:20:33 20 Q. Are you sure about that?

21 A. But at times they asked me question and later they will ask
22 me the same question. Like, for instance, if they asked me a
23 question today and when I went some other time when I came back
24 they will ask me that same question. Something like that.

11:20:53 25 Q. Yes. In fact, you do know what pressed means because last
26 week you asked me to stop pressing you. Do you remember that?
27 Do you recall?

28 A. Yes, I recall when I told you not to press me. It was when
29 you were asking me over and over, over and over.

1 Q. Right. Was there ever a time when the Prosecution made it
2 clear to you that they really wanted more information out of you
3 than you were currently giving them and that there must be more
4 information you could give them?

11:21:42 5 A. They wanted more information from me based on the roles
6 that I played and the things that I knew about for me to come out
7 plain and explain to them.

8 Q. Mr Mongor, just tell the learned judges, would you, some of
9 the lies that you told in the first interviews? Give them some
11:22:07 10 example of things you told the Prosecution that were lies.

11 A. Well I can't recall now, except this topic that we are
12 discussing on now concerning the J6 that we were discussing, I
13 told you that initially I did not tell them with regards
14 Mr Taylor's plans. But when they later told me that, "We
11:22:50 15 actually want you to tell this Court the truth", and then I also
16 accepted that I will be willing to say the truth, then I decided
17 to come out plain, but if you think there is any other that you
18 have recognised or that you have realised that I did that I had
19 not said initially that I have not been able to say now, you come
11:23:11 20 up with it and then I will answer before this Court plainly that,
21 yes, that is it.

22 Q. Well, I am not going to rise to the challenge. You just
23 tell us - tell the Court - how it was to your advantage not to
24 tell them the truth about Charles Taylor's involvement in the
11:23:41 25 attack on Freetown on January 6th 1999?

26 A. Well I don't know about any advantage that you are talking
27 at, my Lord.

28 Q. You have told the Court this morning a series of questions
29 - sorry, a series of answers and I am just going to go through

1 them. First of all, you knew before you were ever interviewed
2 that you were going to get the immunity letter. Even after you
3 got the immunity letter you still had a shaky heart and you
4 thought they might - hang on, hang on. Listen to the question,
11:24:14 5 please. That they might still find some reason to prosecute you.
6 You have also told the Court this morning that therefore you
7 devised strategies in order to protect yourself against the
8 possibility of them charging you. How did it protect you to tell
9 them that you didn't know about Charles Taylor's involvement in
11:24:42 10 the attack on Freetown on January 6th 1999?

11 A. Before answering to your question all the things that you
12 have said, I want to make one point clear. I have told you that
13 I did not tell you that they were coming to give me a letter,
14 because they did not inform me that they were going to give me a
11:25:10 15 letter. And I had said initially that the person who spoke with
16 me told me that the things that I was going to come and explain
17 before them did not mean that the Court had something against me
18 even before they served me the letter.

19 Q. How did it help you not to tell them the truth about what
11:25:42 20 you claim to be Charles Taylor's involvement in the invasion of
21 Freetown on 6 January 1999?

22 A. He did not help me in any way to say that was a help to me,
23 because it was not something that as long as I was going to
24 benefit from it if I had to say that.

11:26:17 25 Q. So, then why lie?

26 A. Well I did not lie, my Lord.

27 Q. Well, you have told us that you did lie. Do you have any
28 recollection, Mr Mongor, of what you have been saying in the last
29 20 minutes?

1 A. I said I did not make up my mind to tell them at that time,
2 but later I made up my mind to tell them the truth. That was
3 what I said.

4 MR MUNYARD: Madam President, I am going to move on to
5 something. Would this be a convenient moment? It is not
6 something I can deal with in two minutes.

7 PRESIDING JUDGE: Well, we only have a few minutes left on
8 the tape and so this may be an appropriate point to adjourn.

9 MR MUNYARD: Thank you.

10 PRESIDING JUDGE: We will resume at 12 and you will be able
11 to then go into your next area.

12 Mr Witness, we are now going to take the mid-morning break.
13 We will start Court again at 12 o'clock. Please adjourn Court
14 until 12.

15 [Break taken at 12.00 p.m.]

16 [Upon resuming at 12.00 p.m.]

17 PRESIDING JUDGE: Mr Munyard, please proceed with your
18 cross-examination.

19 MR MUNYARD: Thank you, your Honour:

11:59:20 20 Q. Mr Mongor, just before we broke you are recorded as having
21 said, "I said I did not make up my mind to tell them at that
22 time, but later I made up my mind to tell them the truth. That
23 was what I said." Now you said that you told them lies, but you
24 can't remember what the lies were apart from about Charles Taylor
11:59:48 25 and the 6 January invasion. In the last half hour while we've
26 had a break have you been able to think of any other lies that
27 you told the investigators during the earlier interviews?

28 A. I did not remember any one, my Lord.

29 Q. Well, can I suggest that it was a lie to say that you had

1 asked for and received ammunition around the time of the AFRC
2 coming to power, that's the ammunition that you say eventually
3 made its way to Buedu. That's a lie, isn't it?

4 A. Not a lie, my Lord.

12:00:39 5 Q. The AFRC came to power in May of 1997, do you agree?

6 A. I agree it was in May, yes, my Lord.

7 Q. What was going on in Liberia at that stage?

8 A. You mean in May, my Lord?

9 Q. That's what I mean.

12:01:17 10 A. Well, I can't recall anything now that I think was going on
11 there.

12 Q. Well, try hard to think about it. You are part Liberian.
13 Did you have family in Liberia in May 2007?

14 A. Yes, I had family there.

12:01:42 15 Q. Who was president of Liberia in May 2007?

16 A. It was Mr Taylor who was there.

17 JUDGE SEBUTINDE: Are we talking May 2007 or 1997?

18 MR MUNYARD: Did I say 2007? I am so sorry, it may be me.

19 We will start again:

12:02:15 20 Q. The AFRC came to power in May 1997 you agree. Did you have
21 family in Liberia in May 1997?

22 A. Yes, in 1997 I had family there.

23 Q. And who was president in May 1997 in Liberia?

24 A. It was Mr Taylor.

12:02:52 25 Q. Had he been elected president by May 1997 when the AFRC
26 came to power next door in Sierra Leone?

27 A. Well, I can't recall the month, but I know that he was
28 president.

29 Q. At the time that the AFRC staged their coup in Sierra Leone

1 you're saying Charles Taylor was president of neighbouring
2 Liberia, yes?

3 A. Charles Taylor was president in 1997. Whether it was the
4 time that the AFRC took over, that I can't recall. I can't
12:03:58 5 recall the month, but I know that in '97 Mr Taylor was president.

6 Q. You see you've said there was an ammunition deal with
7 Liberia at that time, with Charles Taylor at that time, around
8 the time of the AFRC coup, but the ammunition didn't actually
9 arrive in Buedu until after you had gone to Freetown to join the
12:04:25 10 Supreme Council of the junta, remember?

11 A. Yes, I recall that. I said it.

12 Q. And how was it that the ammunition made its way from
13 Liberia into Sierra Leone at that time in 1997?

14 A. Well, I was not there so I cannot tell you how it happened.

12:04:58 15 Q. Have you heard of somebody called Ruth Sando Perry?

16 A. Even if I had heard it before, but I can't recall it now.
17 I can't recall that name now.

18 Q. President of Liberia in May 1997. Does that ring any
19 bells?

12:05:28 20 A. Well, the month that you are talking about I can't tell
21 that it was at that time. I cannot recall exactly the month that
22 you are talking about.

23 Q. Do you know the name? Does the name ring any bells?

24 A. Well, I don't think that made me to recall anything.

12:06:07 25 Q. What about ECOMOG? Were there any ECOMOG troops in Liberia
26 in May 1997?

27 A. I cannot recall about ECOMOG troops at that time.

28 Q. Are you saying that you as a member of the Supreme Council,
29 or whatever it was called, the governing body of neighbouring

1 Sierra Leone, that you were not aware who was the president next
2 door in Liberia at the time you joined the government of Sierra
3 Leone?

12:07:08 4 A. Well, I have told you that in 1997 Mr Taylor was president,
5 but I can't recall the month.

6 Q. Mr Mongor, were you not aware that at the time that you
7 joined the junta government in Sierra Leone there were something
8 like 20,000 ECOMOG troops stationed all over Liberia? Is that
9 something you were not aware of?

12:07:33 10 A. Well, I don't know about 20,000 troops except that you have
11 said it that there were 20,000 troops. I don't know how many
12 thousand troops were in Liberia. I don't know about that.

13 Q. Put the numbers on one side. Were you aware of a large
14 contingent of ECOMOG troops in Liberia at the time you joined the
12:08:00 15 junta government in Sierra Leone?

16 A. Maybe it happened, but I can't recall it now.

17 Q. Tab 1, please, page 23026. Now do you have 23026 in front
18 of you?

19 A. I don't have it as yet. Yes, my Lord, I have seen it.

12:09:32 20 Q. Right, I want you to look two-thirds of the way down the
21 page, please, where it says "Continuation of interview of Isaac
22 Mongor at 1311 hours." That's just after 1 o'clock in the
23 afternoon, "2006 September 6th". Do you see that? And you had
24 the benefit of an interpreter on that occasion. Do you see that?

12:10:05 25 A. Yes, I have seen 2006, September.

26 Q. You were being asked in these interviews to tell the
27 Prosecution everything you knew about Charles Taylor, weren't
28 you, Charles Taylor and the NPFL? That's right, isn't it?
29 Looking at the page isn't going to help you. Just answer the

1 question, please.

2 A. Yes.

3 Q. And the first point that we see underneath 2006, 6

4 September, is: "Mongor did not participate in invasion of

12:10:49 5 Freetown in January 1999 as he was too far away. He was in Geru

6 in Kenema District." Do you see that?

7 A. Yes, I have seen it my Lord.

8 Q. Is that true? First of all, did you tell the interviewers

9 that?

12:11:14 10 A. Yes, I told them that I was not there.

11 Q. Because you were too far away, you were in Geru, yes? Did

12 you tell them that?

13 A. I told them that I was.

14 Q. Why didn't you tell them?

12:11:35 15 MR KOUMJIAN: I'm sorry, did the interpretation finish?

16 PRESIDING JUDGE: Please repeat your answer, Mr Witness.

17 THE WITNESS: I said I told them that I did not take part

18 in the 6 January 1999. I said I was far away from that end, from

19 Freetown.

12:12:03 20 MR MUNYARD:

21 Q. Did you tell them that the plan had been for you to

22 eventually go to Freetown in January '99?

23 A. Yes, I told them.

24 Q. I'm talking about on the occasion of this interview. Did

12:12:28 25 you tell them then, "I was far away in Geru, but the plan was

26 that once we had captured Geru we would head towards Freetown."

27 Did you tell them that?

28 A. No, I did not tell them that after I had captured Joru

29 I should go to Freetown. I did not tell them that.

1 Q. Why not?

2 A. Because at that time I had not been told about my going to
3 Freetown so I would not have said that.

4 MR MUNYARD: Is that what the witness actually answered?

12:13:27 5 Can I enquire if the interpretation is correct?

6 PRESIDING JUDGE: I accept the record. It says, "I had not
7 been told about my going to Freetown so I have not have said
8 that".

9 MR MUNYARD: "So I would not have said that":

12:13:47 10 Q. Mr Mongor, did you understand my question? I was asking
11 you why you didn't tell the interviewers in September 2006 that
12 you were too far away because you were in Geru, but the plan was
13 that once you had secured Geru you would move on towards
14 Freetown?

12:14:08 15 MR KOUMJIAN: Your Honour, my objection is that the
16 counsel's question is assuming that the witness has given
17 evidence that he didn't give. I don't want to be leading the
18 witness, but the witness didn't say that he was told capture Geru
19 and go to Freetown in his instructions. There was a sequence of
12:14:27 20 events he testified to.

21 PRESIDING JUDGE: Mr Munyard, are you putting a prior piece
22 of evidence? I am trying to recall this myself.

23 MR MUNYARD: Your Honour, if I need to I will dig it out of
24 the transcript.

12:14:46 25 PRESIDING JUDGE: I have a recollection, Mr Koumjian, of
26 something to deal with this. We will have to just check the
27 record.

28 MR KOUMJIAN: I believe, and I hope it's assisting everyone
29 including counsel - I believe the witness testified that the

1 instruction to go to Freetown came after his unsuccessful attack,
2 I believe on Geru, and then receiving some information about
3 troop movements. Then he was instructed to go to Freetown.

4 MR MUNYARD: I have got it all here and I will put it in
12:15:23 5 just a moment, but I want to clarify first what it was he
6 answered originally:

7 Q. Are you saying that in September of 2006 you had not - I am
8 going to have to go back, sorry. It has gone off the page now.

9 Your answer that I have been querying is, "Because at that time

12:15:54 10 I had not been told about my going to Freetown so I would not
11 have said that." That is where I started this particular
12 sequence of questions. Are you saying that when you were seeing
13 the interviewers in September of 2006 you hadn't been told about
14 going to Freetown after you had captured Geru, if you could have
12:16:16 15 done?

16 A. Well, I had not had the instruction that when I captured
17 Joru I should go to Freetown.

18 Q. Did you ever get such an instruction?

19 A. Yes, they gave me that instruction.

12:16:51 20 Q. Who gave it to you?

21 A. It was Sam Bockarie who gave me the order.

22 Q. Yes, so why didn't you tell the investigators, "I was too
23 far away in Geru, although I had been instructed to go to
24 Freetown"?

12:17:24 25 A. Well, I did not tell them because I don't think before
26 I went to Joru I had had the instruction that I should go and
27 attack there. I did not get the instruction before I went to
28 that area to go and attack, so that was why I did not tell the
29 investigators that at that time. But after I had attacked and

1 did not succeed and when I attacked I captured the place in 72
2 hours and my next target was to capture Zimmi, but I was to
3 receive ammunitions that were on the way, but it was in - it was
4 within 72 hours that the enemy troops pushed me back from that
12:18:16 5 position and it was after that that I received that instruction.
6 So I did not tell them that I had received the instruction, but
7 if I had received the instruction before entering Joru I would
8 have told them.

9 Q. Right, but why didn't you say to them, "I was busy in Geru
12:18:37 10 and couldn't go to Freetown at that stage although I was told
11 that I should go to Freetown after Geru"? Why didn't you fill in
12 the picture of your part in the invasion of Freetown?

13 A. When - well when they did not bring up that kind of
14 question I don't think I was to do something about it, but it was
12:19:12 15 when they brought - and I told you that I did not --

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

18 PRESIDING JUDGE: Mr Witness, pause. You are going too
19 quickly for the interpreter. Please slow down and pick up your
12:19:27 20 answer where you said, "I think I was to do something about it,
21 but it was when they brought it up". Continue from there,
22 please.

23 THE WITNESS: I said I think I was supposed to do something
24 about it, if they had asked me I would have gone into details,
12:19:49 25 but I want to tell you about the instruction that you are talking
26 about; the reason why I told them that I was far off and that
27 I was to join the Freetown group. I have told you that I did not
28 get the instruction before I went to attack that particular
29 position that I was to go to Freetown. I did not think about

1 that and it was later that they gave me the instruction.

2 Q. And who was it you say gave you the instruction?

3 A. I said it was Sam Bockarie who gave me that instruction.

12:20:41

4 Q. Yes, did SAJ Musa have any role in the suggestion that you
5 should move to Freetown after Geru?

6 A. Well, at the time I had the instructions SAJ Musa was no
7 longer alive. He was no longer living. At that time we had had
8 information that SAJ Musa was dead.

9 Q. Right.

12:21:06

10 MR KOUMJIAN: Just one spelling because - for consistency
11 in the transcript. The spelling on the transcript today is taken
12 from the record interview, but we have spelt Geru previously
13 during the witness's direct examination and I believe even before
14 that as J-U-R-U - excuse me, J-O-R-U and that was in the March
15 10th transcript.

12:21:28

16 PRESIDING JUDGE: Thank you for that, Mr Koumjian.

17 MR MUNYARD:

18 Q. So, SAJ Musa was dead at the time that it was suggested
19 that you should head towards Freetown. Is that right?

12:21:45

20 A. Yes, my Lord.

21 JUDGE SEBUTINDE: Mr Munyard, sorry to interrupt, but as I
22 understand it there are two distinct places. The one is called
23 Geru and the other Joru. Are you saying that you meant to spell
24 it Joru?

12:22:07

25 MR KOUMJIAN: My understanding, your Honour, is there is
26 one place and the spelling we used previously is J-O-R-U. The
27 investigator in his note spelt it differently, but we can
28 clarify. In my understanding we are only talking about one
29 location, Joru, and then the witness says his targets were Joru

1 and Zimmi .

2 MR MUNYARD: I am staying out of this, if I may. I am just
3 going to ask some questions:

12:22:51

4 Q. Right. So if SAJ Musa was dead by the time it was
5 suggested that you should move towards Freetown, why did you tell
6 this Court on 11 March the following and just listen to what it
7 says:

8 "The time SAJ Musa died Gullit and his men moved to go to
9 Freetown. They advanced on Freetown. But before they left he
10 received a message that he should wait and receive reinforcements
11 and at that time even myself, SAJ Musa had selected me to move
12 with my men to join those men before they entered Freetown and at
13 that time I was on the Joru axis."

12:23:32

14 MR KOUMJIAN: It might be helpful if we all had
15 the citation.

16 MR MUNYARD: Oh, I am sorry, did I not give the page
17 reference? It is page 5819 from line 4 down:

18 Q. Can you remember saying that, Mr Mongor, when Mr Koumjian
19 was questioning you?

12:23:54

20 A. Well I don't think the time I was to go to Freetown and
21 when they had given me the instruction SAJ Musa was alive at that
22 time, because SAJ Musa had died and it was Gullit who was in
23 command and so I don't recall that SAJ Musa was alive when
24 I received instruction to go to them.

12:24:22

25 Q. Well, nobody objected that you had given the wrong name by
26 mistake on 11 March when you said, "... even myself, SAJ Musa had
27 selected me to move with my men to join those men before they
28 entered Freetown." Was it SAJ Musa, or was it Sam Bockarie, or
29 was it Gullit?

1 MR KOUMJIAN: Your Honour, I believe counsel has made a
2 mistake. If I refer counsel and the Court to page 5821, line 13,
3 we went over this at time of the direct and there was a question
4 of the interpretation. Page again 5821, line 13.

12:25:06 5 MR MUNYARD: I accept that. I am looking at line 13, yes:

6 Q. Well, you corrected it. Do you accept you must have made a
7 mistake the first time round, because nobody could hear SAJ Musa
8 in fact if you had said Gullit? Do you accept you used the wrong
9 name the first time round?

12:25:38 10 A. Yes, I agree that I used the wrong name, but it was not SAJ
11 Musa but Sam Bockarie.

12 Q. The plan to take Freetown had been SAJ Musa's and Gullit's
13 plan, hadn't it?

14 A. It was they who moved towards that point.

12:26:10 15 Q. It was their plan not Charles Taylor's plan, right or
16 wrong?

17 A. Well, it was a plan that Mr Taylor made together with Sam
18 Bockarie and even before we heard it.

19 Q. So it was your plan first, was it, when you say, "We heard
12:26:53 20 it"? It was Mr Taylor, Sam Bockarie and the RUF's plan first,
21 was it?

22 A. It was Sam Bockarie and Mr Taylor. They were the ones that
23 planned and send the plans to the RUF for us to carry out those
24 things; the advancement.

12:27:21 25 Q. Let us just see what you said in March. On 11 March,
26 page 5795, and I am going to try and summarise it from line 5
27 down. Sam Bockarie told you he and Mr Taylor had sat together
28 and planned to run an operation:

29 "... [the] plan [was] for us to launch an operation whereby

1 we'll capture Kono, Makeni and advance to Freetown. And we were
2 also to attack Joru. So those were the areas we were to capture.
3 We were also to launch another attack on Kenema ... and one
4 person should attack Joru, when that person would have attacked
12:28:08 5 Joru he should advance on Zimmi."

6 And then over the page, page 5796 starting at line 16 -
7 well, line 14 actually:

8 "Q. Did Sam Bockarie indicate what the purpose of this
9 attack was going to be?", that is the attack Mr Taylor had
12:28:28 10 planned, "What was the ultimate purpose?"

11 A. The reason for this attack, for this advance on the
12 various places and for us to take those places, you can remember
13 at that time Foday Sankoh had been moved from Nigeria and he was
14 in jail in Freetown. So we were to attack Kono and take there.
12:28:48 15 We were to attack Freetown in order to free Foday Sankoh and the
16 others who were in jail there. We were also to ensure that we
17 seized power."

18 Yes? That is what you told this Court in March, that it
19 was Mr Taylor's plan and that was the objective. Is that what
12:29:13 20 you have always told the Prosecution?

21 A. I told them.

22 Q. Can we go to tab 4, please. This is 1 October 2006.
23 I would like you to turn, please, to page 23798 and let me know
24 when you have that, Mr Mongor.

12:30:26 25 A. Yes, I have it, my Lord.

26 Q. Does it say in the middle of that page - can you see a line
27 that says, "Mongor has never been back to Liberia"? Do you see
28 that? Do you see that, halfway down the page?

29 A. Yes, yes, I have seen it.

1 Q. Two lines below that does it read as follows, "Mongor
2 doesn't know about Charles Taylor's involvement in the decision
3 to attack Freetown in January 1999." Does it say that?

4 A. Yes, that is what the paper says.

12:31:26 5 Q. Is that what you told the Prosecutors on 1 October 2006, a
6 Sunday?

7 A. Yes, I said that.

8 Q. Why?

9 A. That was what I told them.

12:31:58 10 Q. Why?

11 A. Because I did not know about that.

12 Q. So that is the truth, that statement, is it?

13 A. I cannot say it is the truth.

14 Q. If it is not the truth why did you tell them that?

12:32:51 15 A. I don't think I have any reason why I told them that.

16 Q. Try again, please, Mr Mongor.

17 A. I said I don't think I have any reason.

18 Q. Have a third attempt at explaining that statement, would
19 you?

12:33:19 20 MR KOUMJIAN: Asked and answered.

21 PRESIDING JUDGE: It has been asked twice. If you have
22 another question to put, please put it, Mr Munyard.

23 MR MUNYARD:

24 Q. Can you think of any reason why you would have told a lie
12:33:37 25 to the investigators on Sunday, 1 October 2006?

26 A. I don't have any reason to proffer to you to say that
27 I lied. And I am not lying.

28 PRESIDING JUDGE: Mr Witness, I wish to be clear. The
29 counsel is challenging you that you told a lie on Sunday, 1

1 October 2006. Are you saying in reply that you are not lying
2 now, or you didn't lie on 1 October 2006?

3 THE WITNESS: I said I am not lying now. That is what
4 I'm saying.

12:34:32 5 MR MUNYARD:

6 Q. Well, you haven't given us any reason yet.

7 MR KOUMJIAN: Well, that's not a question.

8 MR MUNYARD:

9 Q. Have you? Have you given us a reason yet that isn't a lie?

12:34:48 10 PRESIDING JUDGE: Are you now referring to 1 October 2006,
11 for purposes of clarity?

12 MR MUNYARD: Yes.

13 THE WITNESS: Yes, my Lord, ask your question again.

14 MR MUNYARD:

12:35:19 15 Q. You told us, in fact you told her Honour, the Presiding
16 Judge, "I am not lying now". Not lying about what?

17 A. I am not lying now that Taylor did not take part in the
18 January 6 invasion. I am not lying at all.

19 Q. Mr Mongor, we're not talking about Mr Taylor's taking part
12:36:06 20 in it. Look at the words on the printed page, 23798: "Mongor
21 doesn't know about Charles Taylor's involvement in the decision
22 to attack Freetown in January" 1998 - sorry "1999". I'm doing it
23 again. 1999.

24 A. Well, that is what I am trying to tell you and that what I
12:36:46 25 am telling you now is that Charles Taylor knew about that attack.

26 Q. You started this interview at 10.20 in the morning on
27 Sunday, 1 October 2006. Would you have been to church already
28 before you went to have this interview on that Sunday?

29 A. Maybe, but I can't recall whether I went to church, or that

1 I had come from church at that time. I can't recall.

2 Q. You knew then how important it was to tell the truth to the
3 investigators, didn't you?

4 A. I know.

12:38:01 5 MR MUNYARD: I'm not sure if that was "I know", K-N-O-W, or
6 "no", the opposite of yes.

7 PRESIDING JUDGE: I thought it was "I know".

8 Mr Interpreter, what did the witness say? We are not clear.

9 THE INTERPRETER: The witness said, "I know".

12:38:18 10 MR MUNYARD: All right:

11 Q. Mr Mongor, can you think of any way in which it would have
12 protected you to tell a lie to the investigators on 1 October
13 2006 about Charles Taylor's involvement in the decision to attack
14 Freetown?

12:38:55 15 A. I don't think I have any reason to lie to the
16 investigators.

17 Q. Yes, all right. Could you turn, please, to tab 19 and for
18 the benefit of everybody this was the small bundle that
19 I distributed last week. I am afraid there was a slight fault
20 with the bundle that was the main bundle that was prepared.

12:39:42 21 There is one tab in there, I think it's tab 17, that is a
22 duplicate. No, it's tab 16. Tab 16 is a duplicate so we can
23 ignore that and tab 19 should have gone in sequentially after tab
24 7, but we have just continued - sorry, sequentially after tab 8.
12:40:21 25 We have just continued the tab numbering.

26 In any event, we will look at tab 19, please. This is 8
27 February 2007. Do you see that, Mr Mongor?

28 A. Yes, I have seen it, my Lord.

29 Q. Now the interview we have just been looking at which took

1 place on 1 October, you were asked more questions about your
2 answers in that interview on 8 February following and if we look
3 at page 28455 we can see that you were interviewed at just after
4 2 o'clock in the afternoon on 8 February and the interviewer was
12:41:38 5 continuing to clarify the answers that were contained in the
6 record of the interview of 1 October. If you turn, please, to
7 page 28457 I would like you to look three paragraphs down from
8 the top. Do you have that in front of you?

9 A. Yes, my Lord.

12:42:18 10 Q. Three paragraphs down from the top the sentence starts,
11 "When the witness said". Do you see that?

12 A. Yes, I have seen it, my Lord.

13 Q. And it reads as follows:

14 "When the witness said that he didn't know about
12:42:36 15 Charles Taylor's involvement in the decision to attack Freetown,
16 he meant that he understood that the Freetown invasion was
17 largely an AFRC project."

18 Did you tell them that?

19 A. Yes, my Lord.

12:43:06 20 Q. Is it the truth?

21 A. Yes, I told them, my Lord.

22 Q. No, is what you told them there the truth?

23 A. Yes, my Lord.

24 Q. So it wasn't all Charles Taylor's idea. It was largely an
12:43:34 25 AFRC project?

26 A. AFRC had the movement, but how would they have done it
27 without the RUF? They wouldn't have been able to do it.

28 Q. Mr Mongor, they did do it without the RUF, didn't they?

29 A. Yes, it was when they were in Freetown that they made the

1 coup in May that you are talking about.

2 Q. You know what we are talking about here. We are talking
3 about the invasion of Freetown in January 1999.

12:44:46

4 A. Yes, I told you that they wouldn't have been able to do it
5 without the help of the RUF.

6 Q. The invasion of Freetown in January 1999, is that what
7 you're talking about?

8 A. Yes, my Lord.

12:45:08

9 Q. In fact, it wasn't until the AFRC contingent started to get
10 into trouble in Freetown that they only then called in the RUF.

11 That's right, isn't it?

12 A. I want to tell you that if the RUF had not been attacking
13 all the other places those men wouldn't have been able to get
14 inside. What I know about fighting is what I am trying to tell

12:45:43

15 you.

16 Q. This was a SAJ Musa and Gullit idea to attack Freetown to
17 restore the Sierra Leone Army, wasn't it, January 1999?

18 A. They wouldn't have been able to bring the Sierra Leone Army
19 back together if they only depended on that small group that they
12:46:21 20 used to go, because you can see that all the other areas where
21 the ECOMOG troops were occupying will not allow them to pass
22 through to go and restore the army, except the RUF participated
23 to reduce the burden on them. It is the experience that I have
24 concerning war that I am sharing with you.

12:46:51

25 Q. Thank you. SAJ Musa was not on good terms with the RUF at
26 this stage, was he?

27 A. Well, initially SAJ Musa was not in agreement with the RUF.
28 He never had any good dealings with the RUF.

29 Q. Tab 12, please, page 39001. Now this is an interview in

1 July 2007 conducted by an investigator, Umaru Kamara, and the
2 attorney present was Mr Koumjian. Mr Nick to you. If you look
3 at the top of page 39001, paragraph 14 reads, "SAJ Musa was hard
4 to work with because SAJ felt he should take orders from nobody."

12:48:26 5 Did you tell Mr Nick and the investigator that?

6 A. I told them that.

7 Q. Is it true?

8 A. Yes.

9 Q. SAJ Musa was a fully qualified soldier, wasn't he?

12:48:52 10 A. Yes, he was a fully qualified soldier.

11 Q. He did not have a lot of respect for you RUF fighters, did
12 he?

13 A. That was later on that he did not have respect for us.

14 Q. Yes, he died in the attack on Freetown, didn't he?

12:49:24 15 A. He did not enter Freetown, my Lord.

16 Q. Waterloo was where he died, wasn't it? Benguema Barracks?

17 A. Yes, my Lord.

18 Q. As part of the advance on Freetown, yes?

19 A. Yes, my Lord.

12:49:44 20 Q. He was not cooperating in some big plan of Charles Taylor's
21 to seize Freetown in January 1999, was he?

22 A. Well, he agreed with the arrangement.

23 Q. Tab - I am sorry.

24 A. That was why when the --

12:50:15 25 MR KOUMJIAN: Excuse me, can the witness be allowed to
26 finish his answer please.

27 MR MUNYARD: I did actually apologise and some moments
28 before Mr Koumjian stood up to say that.

29 PRESIDING JUDGE: Mr Witness, please finish your answer if

1 you have not done so.

2 THE WITNESS: Well I have finished, my Lord.

3 MR MUNYARD:

4 Q. Right, thank you.

12:50:46 5 JUDGE SEBUTINDE: Mr Witness, you did not finish your
6 answer. You said, "Well, he agreed with the arrangement. That
7 was when the --" The question asked to you was, "As part of the
8 advance on Freetown?", and then you didn't finish your answer.

9 THE WITNESS: My Lord, I thought I finished it, but I did
12:51:24 10 say he agreed with the plan that Mosquito brought. That was why
11 they moved.

12 MR MUNYARD:

13 Q. This was the time later on when he did not have respect for
14 the RUF. That is right, isn't it?

12:51:50 15 A. I think I had said initially that the man was not taking
16 any command from the RUF at the time they were there, but the
17 time the plan came up that we should forget about all the petty
18 misunderstandings that we had, they said we should forget about
19 it all and that we should go on this plan. That was the reason
12:52:15 20 why they agreed and then they moved.

21 Q. Tab 13, please. Do you have tab 13, Mr Mongor?

22 A. Yes, my Lord.

23 Q. This is an interview where - on 29 November 2007 where you
24 were interviewed by Mr Werner, or he was present certainly, with
12:52:58 25 an investigator, S Streeter. Do you remember that interview,
26 November of 2007? Can you remember being interviewed in an
27 interview in which Mr Werner was present?

28 A. Well there were interviews but I cannot recall the dates as
29 you are keeping the records, but the name of the person that you

1 are referring to if I see it and if I know the person then I will
2 answer, "Yes, I know the person".

3 Q. Right. Mr Werner is the gentleman that we have identified
4 earlier sitting closest to you on the Prosecution side. Now

12:53:56 5 I would like you, please, to turn to page 45403, paragraph 28.

6 Keep turning. Do you have that? It is in the middle of that
7 page.

8 A. Yes, I have seen it, my Lord.

9 Q. It reads as follows, "The witness states that he was in
10 Kenema District when he heard that SAJ Musa died." Did you tell
11 them that?

12 A. Yes, my Lord.

13 Q. It continues, "The witness stated that Gullit took over
14 command of this group after the death of SAJ Musa." Did you tell
12:55:06 15 them that?

16 A. Yes, I told them that, my Lord.

17 Q. Then it goes on, "The witness said that as a member of the
18 RUF high command he was happy when Gullit took over command."
19 Did you tell them that?

12:55:27 20 A. Yes, I told them, my Lord.

21 Q. It continues, "He stated that he was happy because he did
22 not feel that SAJ Musa would have cooperated with the RUF if he
23 had led the group that took Freetown." Did you tell them that?

24 A. I told them, my Lord.

12:55:48 25 Q. The invasion of Freetown was an AFRC project, wasn't it?

26 A. Well, it was not just AFRC.

27 Q. Let me make it absolutely clear to you that when you said
28 that, when you didn't know about Charles Taylor's involvement in
29 the decision to attack Freetown, you meant you understood that

1 the Freetown invasion was largely an AFRC project, you were there
2 being asked questions about your earlier statement, "Mongor
3 doesn't know about Charles Taylor's involvement in the decision
4 to attack Freetown in January 1999." That is the invasion of
12:56:54 5 Freetown that we are talking about. Not the AFRC coming to power
6 in a coup, but the invasion J6 as I think you called it. Is that
7 right?

8 A. Yes, that was how I called it, my Lord.

9 Q. Why did you tell the interviewer then, in February of 2007
12:57:39 10 when he was trying to find out what you meant in October 2006 -
11 why did you tell him that you didn't know about Charles Taylor's
12 involvement in the decision to attack Freetown because that
13 invasion was largely an AFRC project?

14 A. Well if AFRC had that plan then it was their business to
12:58:15 15 have it, but I am saying they would not have been able to do it.
16 I am mainly explaining to you what my experience is about war.
17 That group, being a small group, wouldn't have been able to enter
18 Freetown when ECOMOG was occupying Kono, Makeni, Gberie Junction
19 and all those other areas up to Freetown. To say that small
12:58:41 20 group will have been able to go through all of those obstacles to
21 go to Freetown without the help of the RUF for them to be able to
22 enter, they were able to enter Freetown because some other RUF
23 groups who were in Kailahun District were able to attack Kono,
24 Kenema District, Makeni, Gberie junction and all those areas.
12:59:14 25 They were able to attack there, so that was what made the way for
26 them to be able to enter inside.

27 Q. So it is not right to say, is it, that the Freetown
28 invasion was largely an AFRC project?

29 MR KOUMJIAN: Asked and answered. I believe the witness

1 has given a detailed answer explaining that.

12:59:56 2 MR MUNYARD: Well, we were dealing with October 2006 when
3 we went over that. I have now moved on to February 2007. This
4 is the second part of his explanation to the investigator about
5 why - about not knowing about Charles Taylor's involvement in the
6 decision to attack Freetown. As far as I am aware, 8 February
7 was not a Sunday. I had only been dealing with the Sunday, 1
8 October, before.

13:00:16 9 JUDGE SEBUTINDE: Mr Koumjian, as I understand it, we are
10 dealing with prior inconsistent statements. I for one have not
11 had a satisfactory answer to the numerous questions by Mr Munyard
12 around this issue. Every time he asks a question we get a
13 slightly different answer from what he has asked and I would like
14 to get an answer to this prior inconsistency.

13:00:44 15 PRESIDING JUDGE: Put the question, Mr Munyard.

16 MR MUNYARD: Can I just go back to it? I have got to find
17 it on the transcript:

18 Q. Mr Mongor, why did you tell the interviewer in February
19 2007, when he was trying to find out what you meant in October
13:01:17 20 2006 when you had said that you didn't know - sorry, let me just
21 make sure I am putting the right thing to you.

22 PRESIDING JUDGE: Which one are we dealing with,
23 Mr Munyard?

24 MR MUNYARD: We are dealing with February 2007. I have got
13:01:50 25 it now:

26 Q. Why did you tell the interviewer in February 2007, when he
27 asked you what you meant in 2006 October when you told him,
28 "I don't know about Charles Taylor's involvement in the decision
29 to attack Freetown in January 1999", why did you tell the

1 investigator when he asked you the second time that by that you
2 meant you understood that the Freetown invasion was largely an
3 AFRC project? Why did you tell him that in February 2007?

13:02:52 4 A. I think when you said it was the AFRC that planned that to
5 enter Freetown, but I was able to make it explicit to you that
6 the AFRC were unable to enter Freetown without the help of the
7 RUF because the enemies did occupy the other areas where we
8 attacked them before SAJ Musa's group were able to get a free
9 access to enter.

13:03:25 10 JUDGE SEBUTINDE: Mr Mongor, I think you are avoiding the
11 question. Nobody asked you to tell us the logistics of who
12 entered or when they entered. The question by counsel is very
13 clear. For the nth time: Why did you in 2007 tell the
14 investigators what you told them, namely that the attack, the
13:03:52 15 January 1999 attack, was largely an AFRC project? Why did you
16 tell that to the investigators? That is the question that has
17 been asked. You haven't answered it.

18 THE WITNESS: The reason why I told them that was because
19 if you look at the group that moved for the Freetown invasion,
13:04:23 20 many of them were AFRC men who were soldiers. They refused to
21 wait for the RUF group to join them. They were just doing it by
22 themselves. It was based on that I said that.

23 MR MUNYARD: I'm not going to pursue this any longer:

24 Q. However, there came a time, did there not, in November 2007
13:05:06 25 when you tell them, the investigators, that Sam Bockarie told you
26 that he'd had a meeting with Charles Taylor and a plan had been
27 developed to attack Koidu, Makeni, Kenema and other strategic
28 areas prior to advancing to Freetown. Why did you tell them that
29 in November 2007 when you had been saying on several occasions

1 before that you did not know about Charles Taylor's involvement
2 in the decision to attack Freetown?

13:06:13 3 A. This was the time that I said they had not asked me
4 anything concerning the plans and I did say that it was when Sam
5 Bockarie came with the ammunition that he explained to us the
6 things that they discussed with regards our advancement.

7 Q. But they asked you about Charles Taylor's involvement in
8 the decision to attack Freetown on a number of occasions before
9 November 2007 and you said you didn't know anything about his
10 involvement. What made you change your story in November 2007?

11 A. It was because I knew and I later realised something about
12 the plans that Sam Bockarie brought with regards the advancement
13 that I later told the investigators.

13:07:40 14 Q. Are you saying that you had forgotten about what Sam
15 Bockarie told you of Charles Taylor's big idea to attack Freetown
16 when you were questioned in 2006 and 2007 and that you suddenly
17 remembered in November 2007? Is that what you mean by, "I later
18 realised something about the plans that Sam Bockarie brought"?

13:08:21 19 A. Yes. I am a human being. I am liable to forget and you
20 cannot say - you cannot say what I am saying I will sit in one
21 place and explain everything about it because it is a history.
22 That was why I said that.

23 Q. Were you being pressed in November 2007 to give the
24 Prosecutors more than you had given them on this subject before?

13:08:52 25 A. Well, I have told you, yes, the Prosecution would want more
26 information.

27 Q. Yes, were you being pressed?

28 A. Yes, when they asked me over and over.

29 Q. And did you feel you had to give them more than you had

1 already given them to satisfy them?

2 A. Well, it was not something to satisfy them that I was to
3 say, but it was because it came to my mind that I told them at
4 that time.

13:09:50 5 Q. Did you have a shaky heart in November 2007 when you were
6 being interviewed yet again?

7 A. Well, I have so many other things, so many problems that
8 disturb me, but I cannot say it was because of that at that time
9 that my mind was shaky, but I am a human being. I normally have
13:10:33 10 problems that I think about.

11 Q. Interview number 19 it was. Did you worry, Mr Mongor, that
12 you were being interviewed now for the 19th time and that they
13 really needed something more out of you, or that you might be in
14 trouble yourself?

13:11:03 15 A. I have my mind on so many other things. I think about so
16 many things, my Lord. I'm a human being. I will have something
17 in mind as I am sitting here and then maybe I will forget about
18 it and start thinking about some other thing. You will not tell
19 me that as a human being it is always that you have a steady
13:11:33 20 mind.

21 Q. I asked you one day last week if you knew, now that is,
22 last week - if you knew that the RUF accused Sesay, Kallon and
23 Gbao were on trial and you said no, you didn't know they were on
24 trial. You changed your account later, but do you remember
13:12:02 25 saying nobody had told you they were on trial when I first asked
26 you that question last week?

27 MR KOUMJIAN: I believe asked and answered. This area has
28 been covered quite in detail.

29 MR MUNYARD: Can I say I understand my learned friend's

1 objection and normally I wouldn't have asked the question again,
2 but there is a reason for it which will be demonstrated in just a
3 moment. So I would ask the Court to bear with me on this.

4 PRESIDING JUDGE: I will allow the question. He is asking
13:12:27 5 him if he recalls that particular exchange.

6 MR MUNYARD: Thank you, your Honour:

7 Q. Do you recall when I first asked you that you said, "No,
8 I didn't know they were on trial"?

9 A. Yes, I recall.

13:12:47 10 Q. When you were interviewed in November 2007 were you told
11 that the RUF trial was taking place?

12 A. Even if it happened I can't recall now whether they said it
13 and that I heard it.

14 MR MUNYARD: I wonder if Madam Court Officer would be good
13:13:35 15 enough to put this document on the screen. It is a page of the
16 interview notes we were handed in the middle of last week. I am
17 afraid I haven't got round to photocopying it. I have
18 highlighted part of it but have not added to it apart from that
19 and I am going to concentrate, please, on the highlighted part,
13:14:09 20 but can we bring it down the screen at the moment just to
21 identify it. Thank you:

22 Q. Mr Mongor, can you see that on your screen?

23 A. Yes, my Lord, I have seen it.

24 Q. It is the Special Court Sierra Leone Office of the
13:14:28 25 Prosecutor interview notes and the page number is 45422. The
26 date is 29 November 2007, the location was the Special Court
27 interview room. You were being interviewed by S Streeter - sorry
28 the investigator is S Streeter, the language is English and the
29 Prosecutor is Alain Werner. Do you see all that?

1 A. Yes, I have seen it.

2 Q. It says, "Commence interview" it's either 1010 or 1110, or
3 that's what it seems to me to be. If anyone has a different
4 interpretation I am happy to go with that?

13:15:15 5 JUDGE SEBUTINDE: It looks like 10 past 1.

6 MR MUNYARD: That would be 1310 in 24 hour clock, your
7 Honour. In any event, we are clear on the date. Thank you,
8 Madam Court Officer:

9 Q. "AW discussed trial date and assured" - I think it reads -
13:15:39 10 "that witness knew process involved in trial, transport,
11 accommodations et cetera." You see that, Mr Mongor?

12 A. I have seen it.

13 Q. Now, this is the end of November last year. It is not very
14 many months ago. Can you remember when you went to be
13:16:02 15 interviewed then by Mr Werner and another that they were talking
16 to you about transport and all the processes involved in your
17 giving evidence in the trial? Do you remember that?

18 A. I think so.

19 Q. All right. "AW explained that RUF prosecution was
13:16:35 20 complete." Can you remember Mr Werner telling you the
21 Prosecution part of the RUF trial was now complete at the end of
22 last year?

23 A. Maybe he said it but I forgot. I am not disagreeing with
24 the fact that he said it, but I am saying that maybe I forgot.

13:17:06 25 Q. So when I put the question to you, "Are you not aware that
26 the RUF accused are on trial at the moment" why didn't you say to
27 me, "Oh, yes, I had forgotten about that. You're quite right.
28 Somebody mentioned that to me only a few months ago"?

29 A. Well, maybe my thoughts did not go to that. Maybe I did

1 not think about that.

2 Q. You implied, did you not, in answer to my question that it
3 was a complete revelation to you that the RUF accused were
4 already on trial. Do you agree?

13:17:58 5 A. Well, that was how I felt about it, that was how I took it.

6 Q. And you knew perfectly well that the RUF accused were on
7 trial because you have been visiting the detention yard in 2005
8 and 2006, hadn't you?

9 A. I had gone there.

13:18:20 10 Q. Right, let's go back to the page, "AW explained that the
11 RUF prosecution was complete and information being sought now
12 concerns Taylor prosecution." Do you see that? Is that right?
13 Did he not only tell you that the Prosecution part of the RUF
14 trial was over but the information they were seeking now concerns
13:18:44 15 the Taylor prosecution? Did he tell you that?

16 A. Yes, as you are explaining now I recall, yes.

17 Q. Had you possibly been involved as a potential witness in
18 the RUF prosecution as well as the Taylor case?

19 A. I don't think I took part in the RUF prosecution that I can
13:19:30 20 recall.

21 Q. I think we can probably jog your memory by saying that you
22 didn't take part in the RUF prosecution, whether or not you can
23 now remember doing so. You didn't take part in the case in the
24 sense of going to court and giving evidence, but were you at any
13:19:52 25 stage being asked questions with a view to your being a
26 Prosecution witness in the RUF case?

27 A. I don't think somebody asked me that and I did not go to
28 the Court at any point in time with regards the RUF case.

29 Q. I'm not sure if you have understood the question, but I am

1 going to move on:

2 "Alain Werner explained that the information being sought
3 now", that's November 2007, "concerns the Taylor prosecution.

4 Alain Werner explained to witness", that's you, "that as a top

13:20:48 5 level commander he would be privy to more information than he has
6 disclosed so far."

7 A. Yes, they told me they have heard some information
8 concerning me, so that was why they called me to explain as part
9 of the high command.

13:21:18 10 Q. Well, it doesn't say there they told you that they had
11 information concerning you, does it?

12 A. They had information.

13 Q. What was the information?

14 A. Well, I think the information they had, they knew it best.

13:21:47 15 Q. What was the information? Did they tell you?

16 A. I only know that they had information that I was part of
17 the high command and that I was somebody who had been with the
18 NPFL before and the RUF, so I should be able to give some
19 information concerning the two parts.

13:22:21 20 Q. Isaac Mongor, this is interview 19. They knew perfectly
21 well before then that you'd been part of the high command because
22 you'd been telling them that, hadn't you?

23 A. Yes, I have not denied that I told them that. Even before
24 that they had got information that I was part of the high command
13:22:49 25 of the RUF and I did confirm to them that yes.

26 Q. So that wasn't the information that they were telling you
27 they had on you on 29 November last, was it?

28 A. Well, that was not the information they said they had from
29 me.

1 Q. What was the information they had on you?

2 A. I can't know that now, but I have told you that they said
3 that I was one of the RUF high command and then I also came to
4 them and confirmed to them that yes. They asked me whether I was
13:23:41 5 one of the RUF high command. I said yes, I agreed.

6 Q. They already knew that, didn't they?

7 A. They had known, but suppose I had come and if I was called
8 by somebody, I come, they ask me if I am one of the high command
9 and then I said no. How would you have believed that? Except
13:24:05 10 when I come myself, then you ask me your question then I confirm
11 it to you and say yes. That is it. Then you will be able to
12 believe it.

13 Q. Alain Werner explained to you that as a top level commander
14 you would be privy to more information than you had disclosed to
13:24:22 15 the Prosecution in the 18 previous interviews. That's what he
16 was telling you, wasn't it?

17 A. What did you say? Ask your question again.

18 Q. Alain Werner was saying to you that they believed that as a
19 top level commander you were privy to more information than you'd
13:24:51 20 disclosed to them in the previous 18 interviews. In other words,
21 that they believed you must have more that you could tell them.
22 Do you agree that that was what he was saying?

23 A. Yes, he told me.

24 Q. They wanted you to give them something that you hadn't
13:25:15 25 given them already, is that right?

26 A. Maybe it was not something that I had not given to them
27 before, but maybe they wanted me to add to what I had given them
28 before.

29 Q. Yes, and you added to it by making up a pack of lies about

1 Charles Taylor being involved in the invasion of Freetown on 6
2 January 1999, in total contradiction to what you told them
3 earlier, didn't you?

13:26:01 4 A. It was not because of that. It was not because of that at
5 all. To say that I went to lie to them because they needed more
6 information so I went there to lie, so that I give them false
7 information concerning Mr Taylor, no.

8 Q. Did that suggestion of Mr Werner's that you would be privy
9 to more information than you had already disclosed to them make
13:26:27 10 your heart shaky?

11 A. It is not a sort of a heart shake. It's not that I had a
12 shaky heart for what the man said.

13 Q. What did you have as a result of what the man said?

14 A. Well, I only knew that I was supposed to talk what I knew
13:27:04 15 about my involvement in the two sides and the belief that I knew
16 more, so they wanted me to be bold to come up with them. So that
17 was the way I understood it. But it was not something that I was
18 to say to satisfy them, to say that I was talking something to
19 satisfy them.

13:27:31 20 Q. You were pressed and you lied in that interview, didn't
21 you?

22 A. They did not press me to lie during that interview,
23 my Lord.

24 Q. Well, I am suggesting they pressed you and you lied. Do
13:27:50 25 you agree with that?

26 A. I don't agree, my Lord.

27 Q. Did you feel pressed?

28 A. They did not press me to lie and I don't think I felt that
29 way.

1 Q. Did you feel pressed by that comment that you hadn't
2 disclosed everything to them?

3 A. They did not press me. It was not a press.

13:28:30

4 MR MUNYARD: Madam President, I see the time. Is this a
5 convenient moment?

6 PRESIDING JUDGE: Yes, Mr Munyard. We have only about a
7 minute left so we will take the lunchtime adjournment.
8 Mr Witness, we are now going to adjourn for lunchtime. We will
9 recommence court again at 2.30. Please adjourn court.

13:28:51

10 [Lunch break taken at 1.28 p.m.]

11 [Upon resuming at 2.30 p.m.]

12 PRESIDING JUDGE: Mr Munyard, please proceed.

13 MR MUNYARD: Thank you, Madam President. Your Honours, I
14 have no further questions of this witness.

14:28:45

15 PRESIDING JUDGE: Thank you, Mr Munyard. Re-examination,
16 Mr Koumjian?

17 RE-EXAMINATION BY MR KOUMJIAN:

18 MR KOUMJIAN: Yes, your Honour, just a few areas:

14:29:05

19 Q. Sir, I want to start, Mr Mongor, with talking to you about
20 what we were discussing just before the lunch break and you were
21 asked about an interview that you had last year, with Mr Streeter
22 and Mr Werner, where you talked about the nationwide offensive
23 that led to the attack on Freetown. I want to ask you about a
24 couple of other interviews you gave previous to that, starting
14:29:33 25 with 23 December 2006. So if I could maybe borrow the Defence
26 tabs that they've provided, it's in tab 7 of the Defence bundle
27 and if that could be just put on the screen, page 0002676. This
28 is from 23 December 2006.

29 PRESIDING JUDGE: Is it 26276?

1 MR KOUMJIAN: Sorry, yes, that's correct. 26276. Thank
2 you, your Honour:

3 Q. The very first paragraph I'm going to read to you, sir:

4 "Mongor was at a meeting of RUF commanders in late November
14:30:41 5 where Sam Bockarie discussed plans to attack. He said the Pa,
6 meaning Charles Taylor, said that they should recapture Koidu
7 Town, Makeni and that they should move on Freetown as well.
8 Commanders were given various assignments regarding the
9 campaign."

14:31:01 10 Now, sir, do you recall, does that sound consistent with
11 what you told Mr Kolot, the investigator, on 23 December 2006?

12 A. I said that.

13 Q. Thank you. Now I'd like to go to tab 19 from the Defence
14 supplemental bundle, if I can find mine, and ask that the witness
14:31:41 15 be shown page 28456 and this is from an interview in October of
16 2006, in fact 1 October 2006, just a month or two after you began
17 speaking to the Prosecution. I'd like to --

18 MR MUNYARD: Sorry, tab 19 --

19 MR KOUMJIAN: Sorry, did I give the page?

14:32:30 20 MR MUNYARD: No, it's not 1 October. It's a clarification
21 of that one. It's actually 8 February 2007. It's the same
22 interview in which he said Mr Taylor had no involvement in the
23 invasion in Freetown and that it was an AFRC project.

24 MR KOUMJIAN: Thank you:

14:32:47 25 Q. Sir, exactly, from the same interview that counsel quoted
26 you where you mentioned that Freetown was an AFRC attack, the
27 AFRC attacked Freetown, would you look at page 28456 in the
28 paragraph that is the sixth bullet point down. I'm going to read
29 to you how that reads:

1 "An example would be the attacking of Kono in late 1998.
2 That decision was made by Charles Taylor, not Sam Bockarie.
3 Bockarie said that to the high level RUF people at a meeting in
4 Buedu. The witness thinks that this meeting was in early
14:33:35 5 November 1998 where Bockarie discussed plans to attack Kono,
6 Makeni, Joru, Kenema and Freetown."

7 Mr Mongor, is that consistent with your recollection of
8 what you told Mr Kolot in February 2007?

9 A. Yes, my Lord.

14:33:58 10 Q. Mr Mongor, is that true: Did Sam Bockarie discuss with you
11 and other RUF commanders a plan that he had discussed with
12 Charles Taylor that involved attacking all of those towns,
13 including Freetown?

14 A. Yes, my Lord.

14:34:24 15 Q. Are you saying that because you feel any pressure to say
16 that? Why are you saying that?

17 PRESIDING JUDGE: You've actually got two questions there,
18 Mr Koumjian. We will do them one at a time, please.

19 MR KOUMJIAN:

14:34:37 20 Q. Do you feel any pressure to say that?

21 A. No, I was not under any pressure, my Lord.

22 Q. Is that the truth, Mr Mongor? Did you hear Sam Bockarie
23 discuss this as a plan that he had talked to Charles Taylor
24 about?

14:34:59 25 A. Yes, that was what Sam Bockarie came and told us, my Lord.

26 MR MUNYARD: With respect, that passage that has been
27 quoted refers to discussing with Charles Taylor the attacking of
28 Kono. It then goes on to talk about a whole series of other
29 towns, but the link with Charles Taylor there in that passage is

1 to Kono.

2 MR KOUMJIAN: I don't understand that to be an objection.

3 It sounds like an argument, your Honours, and I don't think --

4 MR MUNYARD: I'll frame it as an objection.

14:35:33 5 MR KOUMJIAN: Well, what is the objection? That I've
6 misquoted the text? I believe I've read the entire text and I
7 believe the entire text is very, very clear in what the witness
8 told Mr Kolot in 2007.

9 MR MUNYARD: It was simply the way in which Mr Koumjian
14:35:50 10 summarised it to the witness just then, after he'd read
11 accurately the entire text. I object that that isn't a proper
12 summary.

13 PRESIDING JUDGE: Let me reread the question and your
14 reply, Mr Koumjian, while I'm doing that, please.

14:36:10 15 MR KOUMJIAN: The last question before the objection is:
16 "Is that the truth, Mr Mongor? Did you hear Sam Bockarie
17 discuss this as a plan that he had talked to Charles Taylor
18 about?"

19 PRESIDING JUDGE: That question doesn't specify any time
14:36:24 20 and I allow the question as framed.

21 MR KOUMJIAN: I'm not sure if we've had an answer yet so
22 let me just ask the question again.

23 PRESIDING JUDGE: It's not been answered.

24 MR KOUMJIAN:

14:36:39 25 Q. Sir, did you hear Sam Bockarie talk about discussing with
26 Charles Taylor that plan to attack the towns that are mentioned
27 in that passage?

28 A. Yes, my Lord.

29 PRESIDING JUDGE: Just for purposes of record, at page 90

1 at line 25 I didn't say "time" I said "town". Please proceed.

2 MR KOUMJIAN: Thank you:

3 Q. A few minor issues just to clarify. Mr Mongor, you
4 mentioned to myself and to Defence counsel that just before you
14:37:19 5 were arrested in the year 2000 a delegation from Liberia came to
6 Freetown and you talked about one of the persons in that
7 delegation who you spoke to, Joe Tuah. Did you know Joe Tuah
8 before that delegation arrived? Did you know him - sorry.

9 A. Yes, my Lord.

14:37:42 10 Q. How did you know Joe Tuah?

11 A. I knew him the time I was with the NPFL. He was the
12 artillery commander for the NPFL.

13 Q. Now, at that time you told us that you discussed with
14 Mr Tuah, you told him about certain Liberians in Sierra Leone
14:38:10 15 that were planning an attempt to remove Mr Taylor from power in
16 Liberia. Do you recall telling us that?

17 A. Yes, my Lord.

18 Q. Why did you tell Joe Tuah about that?

19 A. It was because the RUF and the NPFL were brothers, so if I
14:38:47 20 heard something like that going on I deemed it necessary to
21 explain such a plan to Mr Joe Tuah, so that they would be aware.

22 Q. One other matter I just want to make sure that we all are
23 clear on. You talked about getting an order from Bockarie at the
24 meeting in Buedu to attack Joru and then Zimmi and then later you

14:39:13 25 talked about getting an order from Sam Bockarie to go pick up
26 reinforcements and go to Freetown, is that correct?

27 A. Yes, my Lord. I was to attack Joru and then go to Zimmi
28 and from there I would have had reinforcement that should come
29 from Liberia for me to go to Freetown.

1 Q. Now, when was it though that you actually - if you can
2 recall either a date or events, when was it that Bockarie gave
3 you the order to leave your men there and start going towards
4 Freetown, picking up - you told us picking up reinforcements on
14:39:54 5 the way?

6 A. At that time it was in January when I had attacked Joru and
7 I was there for three days and it was after that that I received
8 that order to go towards Kailahun area so that I will get some
9 people to go towards the Kono area and it was from there I should
14:40:34 10 also get some other people so that we move towards the Freetown
11 area.

12 Q. Now I'm going to ask you about something and if you do not
13 know the answer, or you're not sure, just let us know. When you
14 got that order from Bockarie to pick up reinforcements in
14:40:50 15 Kailahun and go to Freetown, was that before or after 6 January
16 when Gullit's forces had entered Freetown?

17 A. They had not entered Freetown. They were in Waterloo and
18 it was there that I was supposed to meet them with reinforcements
19 so that we enter.

14:41:23 20 MR KOU MJIAN: Thank you. Your Honour, I have another
21 document to be distributed to all the parties and to the judges.

22 PRESIDING JUDGE: Is this as matters arising from
23 cross-examination, Mr Koumjian, this document?

24 MR KOU MJIAN: Yes, it's a document relating to MFI-18 as
14:41:53 25 you'll see when you see this. It's not MFI-18, but it's a very
26 similar document. If your Honours prefer us to put it at another
27 time we can put it with an another witness at another time, but
28 it does relate to MFI-18.

29 JUDGE SEBUTINDE: Mr Koumjian, is this a fresh document - a

1 new document - that the Prosecution is drawing to the attention
2 of the Court?

3 MR KOUMJIAN: In the sense that it has not been displayed
4 in this trial to date it is a new document, yes.

14:43:03 5 JUDGE SEBUTINDE: And at this stage of the proceedings you
6 want to introduce this new document in re-examination?

7 MR KOUMJIAN: Yes, it relates to a matter brought up in
8 cross-examination. I submit it to your Honours. If your Honours
9 prefer us to introduce it at another time, we will do so.

14:43:18 10 PRESIDING JUDGE: It's quite a different date from MFI-18.

11 MR KOUMJIAN: It's definitely a different date. It's a
12 different document. Fine. Your Honours, we will withhold this
13 document at this time. I don't have a problem with it. I don't
14 want to cause any concern about that and I'll move to another

14:43:37 15 topic. Just a moment. I'd like to move to - for the witness to
16 be shown tab 1, page 23027:

17 Q. At the bottom of page 23027, Mr Mongor, the record - the
18 notes of the interview record the following:

19 "Mongor remembers killings in numerous places in Kono
14:45:09 20 District in towns other than those listed in the indictment; in
21 Kissy Town, when the RUF attacked Kamajors, a lot of people were
22 killed and houses burned down as the RUF considered anyone there
23 to be part of the Kamajors; Mongor was involved in the attack in
24 early '98 and there was indiscriminate killing of many
14:45:34 25 civilians."

26 So is it correct, these notes, Mr Mongor, that you told
27 Mr Kolot back on 6 September 2006 that you were involved in these
28 indiscriminate attacks in Kissy Town where civilians were killed
29 and houses of civilians were burned?

1 A. Yes, my Lord.

2 Q. Mr Mongor, you've talked about many crimes committed by the
3 RUF in your testimony and about your own role in the RUF and in
4 some of those crimes your own participation. You've also told us
14:46:30 5 that you are attending church now and living in the community in
6 Sierra Leone. Do you ever speak to your neighbours - your fellow
7 congregates in the church - about your role in the RUF?

8 A. Yes, my Lord, I had made a confession in church. I gave a
9 testimony in church.

14:46:58 10 PRESIDING JUDGE: Just pause, Mr Witness. Mr Munyard's on
11 his feet.

12 MR MUNYARD: I'm not sure where this is going, but I'm not
13 sure how it arises out of cross-examination at this stage at any
14 rate.

14:47:11 15 PRESIDING JUDGE: Mr Koumjian, you've heard the objection.

16 MR KOUMJIAN: Yes, your Honour. My response is that the
17 Defence went into the crimes of the RUF, the witness's role in
18 those crimes, and also several times - it was not in direct, but
19 in cross-examination there were several references to the
14:47:27 20 witness's participation in church.

21 MR MUNYARD: Yes, specifically on a Sunday which would be
22 why he wasn't working and therefore wouldn't be claiming lost
23 wages.

24 PRESIDING JUDGE: It appears you're putting two things
14:48:12 25 together in a way that to my mind doesn't arise from the
26 cross-examination, Mr Koumjian. We note, however, that the
27 witness has partly answered the question.

28 MR KOUMJIAN: Thank you, your Honour. I will move on:

29 Q. Sir, you were asked on Friday and also in March when you

1 first began your testimony - I am sorry, perhaps you were not
2 asked in March. Let me start over. You were asked on Friday
3 about the time you were arrested by Special Forces and kept in a
4 prison I believe, or detained, in Liberia and you were cut in the
14:48:52 5 head with a machete. Do you recall that?

6 A. Yes, they detained me in Liberia.

7 Q. And if they - were you under the power of the Special
8 Forces at that time? Were you in a jail?

9 A. Yes, I was in jail.

14:49:17 10 Q. How did you get released from jail?

11 A. Well the radio operator who was there was the person who
12 came and called me and then later called the commanders and he
13 said that Mr Taylor sent a message that they should release me,
14 and then they took me to the radio room and explained to me and
14:49:50 15 they sent some people who came to ensure that I was released, so
16 at that time they released me.

17 Q. Thank you. (I'm sorry, just a moment. My colleague wants
18 to tell me something. I just see that the LiveNote is
19 temporarily frozen, but I'll just proceed unless your Honours
14:50:15 20 would like me to wait?)

21 MR MUNYARD: Ours is frozen too.

22 MS IRURA: Your Honour, I will check.

23 PRESIDING JUDGE: Thank you. I think it does catch up.

24 MR KOUMJIAN: Okay.

14:50:36 25 PRESIDING JUDGE: Yes, Mr Koumjian.

26 MR KOUMJIAN:

27 Q. Sir, in the cross-examination you were asked about the RUF
28 disciplinary system and you said it didn't work very well. I
29 believe you were asked if anyone ever was disciplined for killing

1 civilians and, correct me if I'm wrong, but did you say that no
2 RUF to your knowledge was disciplined for killing civilians?

3 A. Yes, my Lord.

4 Q. Did the RUF ever discipline anyone for stealing diamonds?

14:51:19 5 A. If you stole diamonds at that time they will kill you and
6 they disciplined somebody at the time whom they said lost
7 diamonds, so they beat him up to the point of death.

8 MR MUNYARD: Your Honour, the LiveNote hasn't caught up.

9 In fact, it's gone straight on from the earlier point where it
14:51:53 10 froze to the most recent questions.

11 PRESIDING JUDGE: I've got all of mine. We seem to have a
12 variety of experiences here on the Bench and elsewhere.

13 MR MUNYARD: I don't want to prolong it, but I clearly
14 haven't got all of mine because it goes from the words "Ours is
14:52:19 15 frozen too" to the recent question of Mr Koumjian. Yes, Ms Irura
16 says, "Your Honour, I will check", you then say, "I think it does
17 catch up", and then Mr Koumjian goes on to disciplinary system
18 which is different from what he'd been asking before the LiveNote
19 froze. I think - he'll tell me if I'm right, but I think I'm
14:52:42 20 right.

21 MR KOUMJIAN: I'm sorry, I wasn't completely following, but
22 I do understand that of course the tape exists and if there is
23 any issue perhaps the Court Officer can check the transcript.

24 PRESIDING JUDGE: I've just checked my note and they do
14:52:55 25 seem to collate from the notes I've taken.

26 MR MUNYARD: I'm content to wait for the tape and the final
27 version.

28 JUDGE LUSSICK: I'm in the same boat as you, Mr Munyard,
29 I've lost it all.

1 MR KOUMJIAN: I think I'm in your Honour's position also.

2 MS IRURA: Your Honour, the final transcript will reflect
3 the true record of the proceedings.

4 MR KOUMJIAN:

14:53:28 5 Q. Mr Mongor, a final area to ask you about. You talked about
6 a series of killings where civilians were killed simply because
7 they were in an area that had been occupied by your enemies, or
8 they were coming from the direction in which your enemies had
9 fled or the direction that your enemies were based. Was that a
10 pattern in the RUF, to kill civilians under those circumstances?

11 A. Yes, my Lord.

12 Q. You've also discussed with us fighting with the NPFL. How
13 did that compare with this pattern in the RUF of killing
14 civilians for reasons of having been coming from the direction of
15 the enemy, or being in territory once occupied by the enemy?

14:54:21 16 A. Well, it was something that used to happen in the NPFL and
17 even before it came over to the RUF.

18 Q. Thank you. I think there's just one other question that
19 just occurred to me. At one point in the cross-examination you
20 were asked by the Defence if Foday Sankoh ever called you Uncle
21 and you said "No". What names did Sam Bockarie refer to you as?

22 A. Sam Bockarie used to call me Big Brother because I'm older
23 than him and I was the one who trained them, so he used to call
24 me Big Brother.

14:55:22 25 Q. And you say you were the one that trained them. Who did
26 you train?

27 A. I trained Sam Bockarie, Issa Sesay and others. They were
28 the Vanguard.

29 MR KOUMJIAN: Thank you. Thank you, your Honours, I don't

1 have any further questions.

2 PRESIDING JUDGE: Thank you, Mr Koumjian. Mr Witness,
3 thank you for your evidence. We do not have any questions, that
4 is the end of your evidence and we thank you for coming to the
14:55:58 5 Court to give your evidence today.

6 MR KOUMJIAN: Perhaps before the witness is excused I don't
7 know when you want to do the exhibits, if you prefer the witness
8 to remain for that?

9 PRESIDING JUDGE: I don't have strong views on it, but we
14:56:11 10 tend - normally we have it in the presence of the witness and so
11 I'm sitting here poised and ready if somebody is going to move to
12 tender any documents. Just wait, Mr Witness. Yes, Mr Koumjian?

13 MR KOUMJIAN: Your Honour, I believe the Prosecution - I
14 believe three exhibits have been marked during this testimony.

14:56:35 15 PRESIDING JUDGE: Two?

16 MR KOUMJIAN: Two by the Prosecution and one by the
17 Defence: MFI-16, 17 and 18. We would move all of those into
18 evidence. If the Defence prefers MFI-18 to be marked as a
19 Defence exhibit that's fine, but we're moving all of them into
14:56:55 20 evidence.

21 PRESIDING JUDGE: Mr Munyard, you've heard the application
22 by counsel for the Prosecution.

23 MR MUNYARD: Yes, your Honour. Can I work backwards and
24 say that yes, we would prefer the one that we put in to have a
14:57:17 25 Defence marking. I think it just makes things easier
26 administratively. I'm afraid I don't think I've marked my copy -
27 the "Statement by Corporal Foday Saybana Sankoh" et cetera, I
28 have no difficulty with that and I think that's MFI-17.

29 PRESIDING JUDGE: Yes, it is, according to my note.

1 MR MUNYARD: Can I just be reminded of which one was MFI-16
2 and I say that because I have a feeling that that had been - the
3 one I'm thinking of I thought had been effectively abandoned by
4 the Prosecution, but I don't know.

14:58:01 5 PRESIDING JUDGE: I can't find MFI-16 either.

6 MR KOUJIAN: MFI-16 was a document that at one point had
7 been displayed and not offered by the Prosecution. With this
8 witness it was displayed and I am offering it. It is a report
9 from Issa Sesay, signed I believe by his adjutant, to Sam
10 Bockarie regarding a series of his operations in November,
11 December 1998 and if I could address the admissibility, your
12 Honours, of these exhibits I will now.

13 PRESIDING JUDGE: I'm afraid I don't have MFI-16.

14 MR KOUJIAN: It also was on one of the tabs originally.

14:58:43 15 MR MUNYARD: It appears at page 25503.

16 PRESIDING JUDGE: Yes, I have it. It's been handed to me.
17 That's very helpful.

18 MR KOUJIAN: It was tab 1 originally on the exhibits for
19 the week the witness was scheduled to testify originally. Sorry,
20 not tab 1. Tab 3 originally.

21 PRESIDING JUDGE: Mr Munyard, you are now clear on this
22 document and what is your reply to the application to admit?

23 MR KOUJIAN: I'm sorry, your Honour, I actually haven't
24 given my argument yet.

14:59:24 25 PRESIDING JUDGE: Well, I don't know if he's going to agree
26 or object and if he objects I will then invite your argument. If
27 he agrees then there is no need to have one.

28 MR MUNYARD: I object.

29 PRESIDING JUDGE: Normally you state your grounds for

1 objection and allow counsel to reply in full.

2 MR MUNYARD: Very well, your Honour. Can I make the
3 observation in passing it seems a slightly odd way round. If a
4 party is trying to introduce a document then it seems to me that
14:59:55 5 they should make the argument for introduction of it, but I'm
6 quite content to say that the way in which I understood this
7 witness to be looking at this document when he went through it in
8 his evidence was that he sat there and read right through it, or
9 read off it, page after page, because he was asked originally to
15:00:16 10 look at page 1 and then he started giving answers that related to
11 some of the other pages. On the face of it he did not appear to
12 be familiar with the document at that stage and I think somebody
13 on the Bench raised the question whether he was reading it, or
14 had read it before and it seems to me that this is not the
15:00:43 15 appropriate person through whom to introduce this document.

16 If you'll bear with me for a moment. Yes, thank you. I'm
17 reminded by Mr Anyah that there was a question here about the
18 signature and you can see the signature on the last page, 25507.
19 I don't believe, I'll be corrected if I'm wrong if the evidence
15:01:16 20 is there, but I don't believe that this witness was able to say
21 that he knew the signature of the adjutant. So there's a lack of
22 foundation and an apparent lack of knowledge of the document
23 itself and I would submit there is likely to be a more
24 appropriate witness, if the Prosecution do want to put this in,
15:01:38 25 through whom it can be introduced.

26 MR KOUMJIAN: Thank you. Your Honours, this is very
27 important to us and if your Honours would like, when we finish
28 this oral argument, if you prefer us to put this argument in
29 writing we would be happy to do so. The Defence has argued two

1 different standards for admissibility: One for the Prosecution,
2 one for the Defence. They have, in MFI-18, the document that the
3 Defence has offered into evidence, the witness indicated he did
4 not recognise the initials as the signature of Foday Sankoh, he
15:02:17 5 had no knowledge of the document. The Defence attorney simply
6 read the document to the Court and then moved it into evidence
7 just a few moments ago. The exact same thing occurred with what
8 is now marked, I believe, as Exhibit 7, or Defence 7. That was a
9 document that the Defence moved into evidence quite some time ago
15:02:39 10 - I don't think I can talk too much about it because I believe it
11 was in closed session - and the Prosecution objected. The
12 witness had not recognised, or in any way seen the document
13 before.

14 The standards, as we understand them, of this Court and of
15:02:55 15 other international tribunals is that for admissibility of
16 documents the issue is relevance. The reliability, including the
17 identification of the document - one way to show a document is
18 reliable is by a witness identifying having seen that document
19 before. That certainly is an issue for the Court to consider.
15:03:20 20 At no time are we arguing that a court should consider documents
21 at the end of this case without considering whether or not these
22 documents have been shown to be reliable. But as this Court,
23 your Honours, this Trial Chamber, the appellate court of the
24 Special Court for Sierra Leone, and other tribunals have said
15:03:41 25 repeatedly is that in cases of this nature, because of the
26 complexity, the number of witnesses, the time involved in the
27 trial, the often - it's not typical of a case in a domestic court
28 where a custodian of records is readily available to come in and
29 testify to how documents were made, that in these circumstances

1 the Court will admit documents that are relevant and the issue of
2 the reliability remains to be considered when the Court is
3 considering all the evidence in the case. What we're asking is
4 the Court apply that standard, the same that has been applied
15:04:22 5 when the Defence is arguing for their documents, to the
6 Prosecution documents. There's no case that says standards of
7 admissibility should be different between the parties and if your
8 Honours would like we would submit this argument in writing.

9 JUDGE SEBUTINDE: Mr Koumjian, would you mind reminding us
15:04:45 10 of the transcript page number and date when this MFI-16 was
11 identified because that could help us recall. I think it was in
12 the early part of this witness's testimony, probably even before
13 the break.

14 MR KOUMJIAN: It was 11 March and if someone could do an
15:05:09 15 electronic search of the transcript, please, for that. But what
16 I recall, your Honour, is that I went over several of the names
17 on the document. Never do we contend that this witness prepared
18 the document, or had seen the document in the field. We've never
19 said that. I asked the witness about several of the names that
15:05:27 20 appeared on the document and what their role was in Kono. This
21 was a document, if I'm not incorrect - now I may be getting
22 confused myself. I had perhaps better look at the transcript
23 before I answer, your Honours.

24 MR MUNYARD: I think it's around page 5806. I've just
15:05:49 25 spotted that. I think that's where it starts.

26 MR KOUMJIAN: I apologise because I was referring for a
27 moment to another document that had previously been admitted.

28 MR MUNYARD: Madam President, while we're all looking for
29 it can I just make this clarification: I haven't argued at all

1 on MFI-18. My learned friend submitted it and I didn't argue
2 against it.

3 MR KOUMJIAN: Your Honour, it was after - if I could just
4 respond to that. It was after the witness indicated that he
15:06:28 5 didn't recognise the signature and didn't know anything about it
6 that counsel read that into the record. So if the Defence is
7 planning to read documents into the record and then not offer
8 them into evidence it seems to skirt the purpose of the rules of
9 admissibility.

15:07:04 10 I believe it starts earlier at about 5808 at least. I
11 began asking the witness about the title for Sam Bockarie that's
12 on the document, chief of defence staff, and he talked about
13 that.

14 What my argument is, your Honour, is that this clearly is
15:07:25 15 relevant in that it talks about the series of attacks, the
16 coordinated attacks and the sequence of attacks in late November
17 1998, early December 1998, that were also part of this witness's
18 testimony. It corroborates this witness's testimony. I think
19 it's clearly relevant to the case in that it talks about, for
15:07:48 20 example, that Makeni was taken I believe on Christmas Day, or 24
21 December. I'll be corrected which it says. So our argument is
22 it's clearly relevant and it should be admitted not because this
23 witness has identified it, not because of reliability, although
24 he talked about it, but it should be admitted because of its
15:08:09 25 relevance and the issue of its reliability the Court will have to
26 consider throughout the case - at the end of the case when it
27 decides upon the evidence, how it weighs the evidence has been
28 provided in this case.

29 JUDGE SEBUTINDE: Sorry, Mr Koumjian, I'm trying to find -

1 you said the transcript was 11 March?

2 MR KOUMJIAN: Yes, your Honour.

3 JUDGE SEBUTINDE: The page number perhaps might help.

4 MR KOUMJIAN: Yes, I believe it started around 5808. Let
15:11:04 5 me just double check that. We actually started talking about it
6 even before that, a couple of pages before that, at 5806. It had
7 been - again to clarify what could be a confusing situation, it
8 had been marked with an MFI number earlier with another witness
9 and then not offered into evidence, so it received a new MFI
15:11:38 10 number in this case.

11 MR MUNYARD: Your Honours, it appears to run from page 5805
12 to 5814 from my quick reading through. It starts towards the end
13 of 5805 where it's referred to as MFI-28 and then we end with the
14 Presiding Judge's comment on page 5814, "A five page document
15:12:08 15 headed 'Restricted' marked for identification MFI-16", and it's
16 within those pages that the discussion takes place.

17 JUDGE SEBUTINDE: Madam Court Officer, I'm looking at the
18 electronic transcript which doesn't have those pages. It has
19 much less than 200 pages for that day. Probably that's why I'm
15:12:32 20 lost.

21 MS IRURA: Your Honour, I am broadcasting the transcript on
22 the feed, 11 March, at those pages.

23 MR KOUMJIAN: If your Honour has the time - I don't know if
24 that would help Judge Sebutinde, if I gave you the time from the
15:12:48 25 transcript. The time began at 15:19:10 approximately, if that
26 helps.

27 MR MUNYARD: Would it help the Court if I handed up my hard
28 copy - my printed off copy - of the final court approved version
29 of the transcript and I've started by highlighting where it

1 begins? If I hand that in to Madam Court Officer then --

2 PRESIDING JUDGE: We would be grateful for that.

3 JUDGE SEBUTINDE: Mr Koumjian, and of course counsel

4 opposite, we're just looking at the record of what actually

15:19:19 5 happened on the 13th - on 11 March when this document first was

6 put before the witness. Mr Koumjian, you said you'd like the

7 witness to be shown MFI-28 and there was an argument then as to

8 what this document was. I observed and I asked you was this

9 already an exhibit and you said, no, it wasn't, but it was

15:19:45 10 identified with a previous witness, and there was again an

11 argument that documents that were identified by previous

12 witnesses we could not use the same MFI number but we had to

13 start again and so the document was re-identified as MFI-16.

14 You then went on straightaway to the last page of this

15:20:12 15 document, where a signature appears, and you then asked the

16 witness whether he was familiar with - no, you ask him the

17 question, "And so who was the adjutant of Issa Sesay at the time

18 indicated on this document?", at which stage Mr Munyard objected

19 and said, "Are you asking the witness to recall who was the

15:20:34 20 adjutant, or are you asking him to look at the document and tell

21 you who the adjutant was?" You then responded that you were

22 asking the witness to recall who the adjutant was. After a

23 convoluted argument the witness said he was thinking of this

24 name, but the name had escaped his mind, at which stage you then

15:20:58 25 abandoned the document and you went on to other evidence and you

26 never returned to this document.

27 MR KOUMJIAN: No, your Honour, I did not abandon the

28 document. Many of the questions that I go on to ask relate to

29 matters covered in that document, such as the attack on Makeni

1 which is the next area that I'm asking the witness about. Prior
2 to asking about the adjutant I had asked about the positions of
3 Sam Bockarie and Issa Sesay, but moreover if I can find it I
4 believe at one point one of your Honours specifically asked me if
15:21:32 5 I was pursuing my application and I said "Yes". Let me see if I
6 can find that.

7 JUDGE SEBUTINDE: Mr Koumjian, I have no doubt that you
8 continued asking questions to the witness, but all I'm saying is
9 these were not arising out of MFI-16. We had put it aside and I
15:21:49 10 had asked Madam Court Officer to switch it off the public screen
11 for precisely that purpose. This is what I remember and that's
12 what the record appears to show.

13 MR KOUMJIAN: Your Honour, the questions did relate to
14 MFI-16 in that they were questions covering the same sequence of
15:22:07 15 events and attacks that are covered in MFI-16. The document is
16 offered because this document corroborates this witness's
17 testimony regarding how those attacks took place, the coordinated
18 nature of the sequence of movements of armed forces and the
19 reporting of the forces to Buedu to Sam Bockarie. So I'm not
15:22:38 20 sure to tell you exactly where I moved off this document, but I
21 asked a series of questions about matters that are also covered
22 in that document. I believe I stopped at page 5814, line 21,
23 where I say, "I have no further questions on this document".
24 Page 5814, line 21 at 15:40:13.

15:23:17 25 MR MUNYARD: I'm sorry to interrupt, but I can't follow
26 this now because I can't track on the screen where Madam Court
27 Officer said she was broadcasting the transcript. I'm quite
28 happy for the Court to have my hard copy, but if someone can help
29 me with an electronic copy then - Justice Sebutinde is welcome to

1 keep my hard copy if I can be shown how to get it on screen.

2 JUDGE SEBUTINDE: Well, Mr Koumjian, if you look at page
3 5811 on line 6 the Presiding Judge says to you:

4 "... it's not my place to tell you how to run your case,
15:24:30 5 but it appears putting a matter like this, a potential exhibit,
6 is not enough just to read it out, there has to be some form of
7 identification".

8 And then you reply:

9 "Is your Honour - just so I can understand, I understand
15:24:45 10 your Honour's asking if I can establish with this witness the
11 reliability of this document?"

12 The Presiding Judge says:

13 "Not just that. Does he recognise it. The purpose of
14 marking a document for identification is that it will be a
15:24:57 15 potential exhibit and it's not enough just to read it out. The
16 witness must in some way identify or show that he has some
17 knowledge of the document so that it has a, potential, and I try
18 and be guarded, to be an exhibit and he's either got to recognise
19 it or in some other way adopt it".

15:25:19 20 And then you went on into some submissions and then Justice
21 Lussick says over the page 5812 in the middle:

22 "I think what the Presiding Judge was referring to,
23 Mr Koumjian - there's obviously misunderstanding here. You're
24 focusing on reliability, but what the Presiding Judge was
15:25:49 25 referring to was simply why are you seeking to tender this
26 document through this witness? There doesn't seem at this stage
27 to be any connection." And then you responded, "If I could just
28 have a moment. Obviously the person who is responsible, who sent
29 the document, is not available, Brigadier Issa Sesay. This

1 document in its content is very relevant", and you go back to the
2 relevance of it, okay.

3 Over the page Justice Sebutinde says, "Mr Koumjian, let's
4 try again. You have not asked the witness if he knows what this
15:26:23 5 document is. Why don't you ask him and give him a chance to tell
6 us. He might surprise you." Mr Koumjian, "You're right, thank
7 you." So you ask the witness, "Sir, you've been reading the
8 screen for a while, do you know what this document is?" The
9 witness says, "Yes, I know what this document is about." "So
15:26:43 10 what is the document?", you ask. "This document is showing - it
11 is a report that this man is making to the boss, that is the
12 chief of defence staff who is Major General Sam Bockarie, the
13 fighting that he did in Koidu Town, when he captured, the
14 materials he captured, medicines and the things he got. This is
15:27:03 15 the report that he was making to the chief of defence staff for
16 his knowledge."

17 Then Mr Munyard interrupts and then over the page - I'm
18 just trying to see how we can conclude this. The witness
19 continues over the page, I think explaining what he said in this
15:27:36 20 document. He said, "I left defence headquarters on 6 December, I
21 left as per your instruction", and then the Presiding Judge says,
22 "It appears to me he's just reading it. That is not the purpose
23 of the exercise, Mr Koumjian." Then later on line 21 you say, "I
24 have no further questions on the document."

15:28:04 25 So, in other words, the witness told the Court what this
26 document was, as anyone else could reading it. He described what
27 the document was. You didn't ask him if he had seen it before
28 ever in his life, but there we have it. This is how this
29 document came to be marked MFI-16.

1 MR KOUMJIAN: Yes, your Honour has fairly summarised it and
2 if you would like I will just restate my argument. My argument
3 is rather fundamental. We do not agree that a witness has to in
4 any way identify a document and we believe that's the same
15:28:53 5 standard as the Defence has been applying, not only with MFI-18,
6 the document put to this witness simply read out by Defence
7 counsel, also P-7, a document that was put to an earlier witness
8 who did not recognise it, or the signatures, that was admitted
9 over the Prosecution objection.

15:29:14 10 We believe that the issue of identification is relevant.
11 It goes to reliability, which is an issue at the end of the case
12 for the Court to consider for weight, but the case law is
13 consistent that in the admissibility the only issue is relevance
14 and clearly these documents are relevant to these proceedings for
15:29:32 15 the reasons I have stated. Thank you.

16 PRESIDING JUDGE: We have considered the submissions at
17 length and we have also considered the transcript and the
18 evidence therein. We do not require written submissions relating
19 to the arguments before us. We note that the witness recognised
15:34:26 20 the type of report that this document is and I refer now to page
21 5813, lines 10 to 15, though he may not have seen this particular
22 document he also referred to this as the type of report he
23 recognises having to be made and I refer to page 5814, line 15
24 onwards. In the circumstances we find that the document is
15:34:50 25 relevant and we admit it and that will become a Prosecution
26 document. Can I have the next number, please, Madam Court
27 Attendant?

28 MS IRURA: P-93, your Honour.

29 PRESIDING JUDGE: So the document headed "Restricted,

1 Revolutionary United Front of Sierra Leone RUF/SL", and dated
2 January, I think 26, 1999, a five page document, becomes P-93.

3 [Exhibit P-93 admitted]

4 We note there is no objection to the tendering of the
15:35:29 5 document MFI-17, which is headed "Statement of Corporal Foday
6 Saybana Sankoh, Leader of the Revolutionary United Front", two
7 pages, and it becomes P-94.

8 [Exhibit P-94 admitted]

9 I understand MFI-18 was put in through the Defence. We
15:36:07 10 note there is no objection to that document. A handwritten
11 document headed "Revolutionary United Front of Sierra Leone
12 (RUF/SL)", dated 26 June 1996, two pages, becomes a defence
13 exhibit --

14 MS IRURA: D-15.

15:36:31 15 PRESIDING JUDGE: Defence exhibit D-15.

16 [Exhibit D-15 admitted]

17 Now, Mr Witness, I will again thank you for your - sorry.

18 MR MUNYARD: I'm sorry, Madam President, before the witness
19 leaves, at the very least the jurisdiction, can I just revisit
15:37:01 20 one matter that I raised this morning because I've been able to
21 look up a table produced by our case manager? You'll recall that
22 when I was looking with the witness today at the disbursements
23 receipts, that the numbers 10 and 11 relate to interviews on 21,
24 22 February 2007 and 26 February 2007. I've since been able to
15:37:29 25 pull up the document that our case manager prepares that lists
26 the dates of all of the disclosures and she puts them all in
27 chronological order and there was indeed a great deal that was
28 disclosed both in hard copy and in electronic form on the first
29 of those dates, 21 February 2007, but neither that nor anything

1 else that we have recorded in our systems as having been
2 disclosed to us on any date refers to any of those interviews and
3 I wonder - I'm just asking if the Prosecution could check perhaps
4 overnight to see if there are any interviews for those days. I
15:38:12 5 know Mr Koumjian said this morning "we've given the Defence
6 everything", but on the face of what our very efficient case
7 manager has prepared, and she goes back in her records long
8 before she ever came on board, there isn't, on the face of it,
9 anything from those dates and so just in case something arises,
15:38:32 10 if it can be looked into overnight and the witness at least
11 remain within the jurisdiction until tomorrow morning, then
12 hopefully we can resolve anything that might be outstanding.

13 MR KOUMJIAN: Your Honour, there's no need to hold the
14 witness. My case manager, who I have great faith in, who has
15:38:50 15 been consistently reliable, has double checked this and she has
16 told us that there are, as I understand this issue, no interviews
17 for those dates. As your Honours saw on some of the records it
18 appears that - first of all, a different section gives the
19 reimbursement, sometimes in the section that is doing the
15:39:14 20 interview, and the reimbursement does not necessarily, as I
21 understand it, occur on the same date as the interview. There
22 are no additional interviews that have not been disclosed to the
23 Defence. That's what I've been told by my case manager who is
24 consistently reliable on that.

15:39:30 25 PRESIDING JUDGE: Mr Munyard, there has been searches and I
26 think there is a bureaucratic system that money changing hands
27 and people coming in for interviews may not necessarily coincide
28 exactly at the same time. I don't feel I have enough evidence
29 before me to direct a further search and in the circumstances I'm

1 going to release the witness. However, the Prosecution is of
2 course aware of their obligations under the rules and I have no
3 doubt if they have inadvertently overlooked anything and it comes
4 up, that they will comply with the rules.

15:40:06 5 MR MUNYARD: We are bound by your Honour's ruling and I
6 don't seek in any way to go behind it, but I would invite the
7 Prosecution, particularly in box number 10, to look again at
8 those words which say "monies provided during interview" on 21,
9 22 February 2007. On the face of that there is no ambiguity in
10 that one and it would suggest that there was an interview on 21
11 February, so I do ask the Prosecution to look again. I am not
12 seeking to go behind your Honour's ruling and if you wish to
13 release the witness, that is a matter for the Court.

14 PRESIDING JUDGE: Thank you, Mr Munyard. I will now
15:40:46 15 release the witness. Mr Witness, I started to thank you for
16 coming to court and thank you for your evidence. I do so again.
17 I don't think there will be another interruption and we wish you
18 a safe journey back. You are free now to leave the court and
19 Madam Court Attendant will assist you to the door.

15:41:04 20 THE WITNESS: Thank you, my Lord.

21 PRESIDING JUDGE: Mr Koumjian, your next witness, please.

22 MR KOUMJIAN: My colleague Mr Bangura is calling the next
23 witness. Thank you, your Honours. If you don't mind we will do
24 a little dance and switch places.

15:41:53 25 PRESIDING JUDGE: That's fine.

26 MR ANYAH: Good afternoon, your Honours, Madam President.

27 PRESIDING JUDGE: Good afternoon, Mr Anyah.

28 MR ANYAH: I merely rise to inform the Court I will
29 undertake the examination of this witness for the Defence.

1 PRESIDING JUDGE: Thank you, Mr Anyah. Can we have the
2 witness's number and language so that we can check that the
3 interpreters are in position? Mr Bangura, if we can check if we
4 have the appropriate interpreter in position. What is the
15:43:04 5 witness's identification number.

6 MR BANGURA: Good afternoon, Madam President. Good
7 afternoon, your Honours. The next witness for the Prosecution is
8 TF1-516 and this witness will testify in English. In my view for
9 the purposes of the witness's testimony in the Chamber there will
15:43:27 10 not be a need for translation because it is in English.

11 PRESIDING JUDGE: And is this an open session?

12 MR BANGURA: Not entirely open, your Honour. This witness
13 was granted protective measures by this Court on 13 March 2008
14 and he will testify using a pseudonym, behind a screen and with
15:43:57 15 image distortion.

16 PRESIDING JUDGE: With which distortion?

17 MR BANGURA: Image distortion.

18 PRESIDING JUDGE: Image, thank you. Of 13 March?

19 MR BANGURA: 2008, your Honour.

15:44:18 20 PRESIDING JUDGE: Is that the one with the corrigendum?

21 MR BANGURA: Correct, your Honour.

22 PRESIDING JUDGE: Are those matters in place, Madam Court
23 Attendant, please? I think if he's behind a screen we are going
24 to have to lower the blinds in order to bring the gentleman - if
15:44:41 25 it is a gentleman, to bring him in.

26 MR KOUMJIAN: Could I ask the Court's permission to be
27 excused?

28 PRESIDING JUDGE: Yes, certainly, Mr Koumjian.

29 MR KOUMJIAN: Thank you.

1 PRESIDING JUDGE: There appears to be [microphone not
2 activated] on the screen. Mr Bangura, will the witness take the
3 oath or affirm?

4 MR BANGURA: He will take the oath, your Honour, as I
15:47:37 5 understand.

6 PRESIDING JUDGE: Please swear the witness.

7 WITNESS: TF1-516 [Sworn]

8 PRESIDING JUDGE: Please proceed, Mr Koumjian [sic].
9 Mr Bangura, I am sorry. I am doing it again.

15:49:07 10 EXAMINATION-IN-CHIEF BY MR BANGURA:

11 Q. Good afternoon, Mr Witness.

12 A. Good afternoon, sir.

13 Q. I am going to be asking you questions in
14 examination-in-chief to which I expect you to give your answers.

15:49:28 15 Is that clear?

16 A. Yes, sir.

17 Q. I will ask you to try and speak not too fast when you
18 answer the questions that I ask, okay?

19 A. Okay, sir.

15:49:41 20 Q. Can you tell this Court your date of birth, please?

21 A. My actual date of birth is December 26, 1973.

22 Q. Mr Witness, I can get you rather faintly. Could you try
23 when you answer questions to speak up a little louder?

24 A. Okay, my actual date of birth is December 26, 1973.

15:50:17 25 Q. Mr Witness, you say your actual date of birth. Do you have
26 - do you go by any other date that you regard as your date of
27 birth apart from this date that you've indicated?

28 A. Yes, sir.

29 Q. Which other date do you go by?

1 A. That is November 26, 1982.

2 Q. Can you explain why you go by two dates of birth?

3 A. Yes, sir. After disarmament I decided to go back to school
4 to pursue for my education.

15:51:05 5 Q. Now when you say "after disarmament", what year are you
6 talking about?

7 A. That was the year 2002.

8 Q. Okay.

9 A. I was to take an examination, that was the basic
15:51:21 10 certificate examination, so when I showed my actual date of birth
11 the principal stated that it was above the limit and if ever I
12 was to take that exam then I was to move down a little bit and he
13 told me that I should adopt November 26, 1982.

14 Q. Oh, can you hold on a while.

15:51:51 15 PRESIDING JUDGE: Please pause, Mr Witness.

16 Mr Anyah?

17 MR ANYAH: I hesitate to interrupt, but I need to raise an
18 issue with the Court. What counsel is trying to do - and I don't
19 know if this applies, but it seems to me that I should raise it -
15:52:05 20 is to rehabilitate before there's been an impeachment. Counsel,
21 not to interfere with him, how he conducts his examination, but
22 could elicit that the witness has an alias date of birth, that is
23 one thing, but this is another thing for the witness to
24 rehabilitate - to be rehabilitated before an impeachment. It's a
15:52:29 25 concept that I'm familiar with elsewhere and I don't know if it
26 applies, but I do raise it under the circumstances.

27 PRESIDING JUDGE: I'm not quite sure what you are saying,
28 Mr Anyah, but as far as the evidence is concerned he's explaining
29 why he's operating under two dates of birth and I don't see

1 anything - whilst it may or at some point you may cross-examine
2 him on issues of credibility, but at the moment I don't see any
3 reason why he should not give this evidence.

4 MR ANYAH: Very well. Thank you, Madam President.

15:53:05 5 MR BANGURA: Thank you, your Honours:

6 Q. You were explaining, Mr Witness, how it came about that you
7 go by two different dates of birth and you had got to a point
8 where you were talking about having to take an exam. Can you
9 just continue, please?

15:53:24 10 A. Yes, sir. So the principal stated that I was above the age
11 and if ever I was to take that exam then I was to move down a
12 little bit. So he said he was going to enter November 26, 1982,
13 and that was what I thought was fit for me and he told me
14 whenever I was asked on any official basis I should state that
15 birth of date - I'm sorry, date of birth.

16 Q. So, which date have you been going by since then?

17 A. November 26, 1982.

18 Q. Thank you. What do you do for a living, Mr Witness?

19 A. For now I'm teaching.

15:54:15 20 MR BANGURA: Your Honours, if it pleases your Lordships I
21 intend to elicit from the witness information relating to his
22 identity which probably would reveal who he is. I would suggest,
23 subject to my learned friends --

24 PRESIDING JUDGE: Are you suggesting, or applying?

15:54:37 25 MR BANGURA: I am applying, your Honours. I am applying
26 that we adopt the procedure which is known to this Court which is
27 that the witness be provided with a piece of paper and then I'll
28 ask the question about whether he goes by any aliases and we will
29 get the witness to write the names that he goes by other than his

1 normal name.

2 PRESIDING JUDGE: Mr Anyah, have you any objection to that
3 procedure?

4 MR ANYAH: None, your Honour.

15:55:07 5 PRESIDING JUDGE: Very well. We will - Mr Witness, you
6 will be asked some questions. You should not answer them out
7 loud. You should write the answer down on some paper that will
8 be brought to you. Do you understand, Mr Witness?

9 THE WITNESS: [Indiscernible].

15:55:30 10 MR BANGURA:

11 Q. Mr Witness, apart from your normal name do you go by any
12 aliases?

13 A. Yes, sir.

14 Q. Now if you'd be kind enough to --

15:55:44 15 PRESIDING JUDGE: Just pause, Mr Bangura. Mr Anyah?

16 MR ANYAH: I recall the procedure before the Court is that
17 even in the context where a witness goes by a pseudonym we ought
18 to have his real name on the record, even if it means the Chamber
19 will seal it and denominate it as confidential. I believe we've
15:56:03 20 adopted that procedure previously.

21 MR BANGURA: Your Honours, as far as I understand it, it
22 defeats the whole purpose of the witness going by a pseudonym. I
23 understand from my own experience with this Tribunal has been
24 that if the witness goes by a pseudonym, that is the information
15:56:21 25 which the witness provides to the Court as his identity - primary
26 form of identity, instead of the name. Here it's important that
27 the witness also indicate, because we've got statements in which
28 he - relating to the kind of evidence that he may be giving in
29 which he has indicated that he went by certain aliases. That's

1 why I'm seeking to elicit this information. But other than that
2 my understanding and experience with this Tribunal and indeed
3 perhaps with others, is that if the witness goes by a pseudonym I
4 understand that that is the information which is provided to the
15:57:03 5 Court and by which the witness is called in court.

6 JUDGE LUSSICK: Can you give an example of another witness
7 who hasn't been required to provide his real name to this Court?
8 Can you name a pseudonym? Don't name the real name, of course.

9 MR BANGURA: I find it difficult to immediately recall one
15:57:30 10 now, but your Honours I think the records are replete with --

11 MR ANYAH: Well, I see the witness is writing already.

12 JUDGE LUSSICK: Mr Bangura, I think there's some
13 misunderstanding here. Are you saying that you don't want to
14 give this witness's name at all?

15:58:44 15 MR BANGURA: Certainly not, your Honour.

16 JUDGE LUSSICK: Or are you saying you simply want it
17 written down?

18 MR BANGURA: I was actually going to get the witness only
19 to indicate the aliases by which he goes, but having said that,
15:58:59 20 your Honour, I am not saying that the witness would not provide
21 his name to the Court, which in any event can be kept under seal.
22 But what I'm saying is, as a practice - I stand corrected, but as
23 a practice, once the witness goes by a pseudonym and is
24 identified in court, or called in court by that pseudonym, it is
15:59:21 25 not necessarily the case that the witness has to state their
26 actual name.

27 PRESIDING JUDGE: Not in court but - I think this is, I
28 understand, Mr Anyah's objection. We will have a record of his
29 name written down and filed under seal and confidentially. That

1 will be the end result.

2 MR BANGURA: I have no objection to that, if it becomes
3 part of the Court record.

15:59:52

4 JUDGE SEBUTINDE: In other words, his real name and his
5 pseudonyms will be written down on a piece of paper that will
6 then be admitted and sealed, so that is the record.

7 MR BANGURA: I take the point, your Honour. In that case I
8 need to re-ask this question because the question was before now
9 for the witness to only write down aliases by which he is known:

16:00:12

10 Q. Mr Witness, could you again write - you're going to first
11 of all write - and if you have to number please do so, but you
12 are going to first of all write your actual name and then after
13 that if you go by any aliases just indicate those aliases one
14 after the other, serially as you number.

16:00:37

15 A. My actual name is --

16 Q. You don't have to call your name, please. Just simply
17 write your name and your aliases.

18 PRESIDING JUDGE: Have you written it, Mr Witness?

19 THE WITNESS: Yes, I have written them.

16:01:11

20 PRESIDING JUDGE: Please show the document to counsel for
21 the Prosecution and then counsel for the Defence and then the
22 Bench.

23 MR BANGURA: Can he be asked to do it again and just number
24 them. A fresh sheet of paper perhaps would be helpful.

16:02:19

25 PRESIDING JUDGE: Mr Bangura, it would appear we're going
26 to have two sheets of paper with writing on them and we have to
27 bear in mind the protective measures. So are both these pieces
28 of paper to travel together and be under seal, because I'm a bit
29 wary about a second one?

1 MR BANGURA: I take the point, your Honour. We will, at a
2 material point, put them in for identification. We may very well
3 not go on to tender both, maybe one. It's a question of how the
4 Court deals with the one that is not tendered. If I may ask also
16:03:11 5 that the witness indicates which is the actual name and then
6 which one are aliases, otherwise it's not clear.

7 As your Honour has noted, two pieces of paper have been
8 written on by the witness. I shall at this stage --

9 PRESIDING JUDGE: Is that going to be the end of the
16:07:03 10 witness's writing? Shall I direct that this be confidential, or
11 what application have you got?

12 MR BANGURA: I respectfully invite the Court to - or ask
13 the Court to admit these documents as - the one with his name,
14 and indicating his actual name and aliases, to be marked as an
16:07:27 15 exhibit at this stage.

16 PRESIDING JUDGE: As an exhibit?

17 MR BANGURA: Yes, your Honour.

18 PRESIDING JUDGE: Mr Anyah, you've heard an application to
19 have this document tendered as an exhibit. There's actually two
16:07:42 20 documents.

21 MR ANYAH: May I inquire if counsel means that they should
22 be marked for identification, or if he is moving them --

23 PRESIDING JUDGE: No, he said - he's applied to have them
24 marked as an exhibit.

16:07:56 25 MR ANYAH: I think we reserve the right to cross-examine.
26 I can foresee issues arising with respect to the aliases in
27 particular.

28 PRESIDING JUDGE: In that case I will refuse the
29 application to have it as an exhibit at this point and mark it

1 for identification.

2 MR BANGURA: As your Honour pleases.

3 JUDGE SEBUTINDE: Mr Bangura, we normally have such papers
4 signed by the author. Do you have an objection to that being
16:08:22 5 done in this case?

6 MR BANGURA: Not at all, your Honour.

7 PRESIDING JUDGE: The two papers are to be kept together
8 and confidentially.

9 MR ANYAH: I am sorry, your Honours, might we also put the
16:08:38 10 date on the document and perhaps the TF1 number, just to
11 correlate in case something arises later?

12 MR BANGURA: Your Honours, the witness can certainly sign
13 and date the document. He is not normally familiar with the TF
14 number as part of his identity.

16:09:01 15 PRESIDING JUDGE: It's MFI-16.

16 JUDGE LUSSICK: I'm just a bit puzzled. Perhaps you can
17 enlighten me, Mr Anyah, but what is the problem with this
18 document now being put into evidence. Are you going to
19 cross-examine him to the effect that that may not be his real
16:09:25 20 name?

21 MR ANYAH: Thank you, Justice Lussick. It is possible to
22 foresee a scenario where the witness - or certain evidence comes
23 out and he identifies a particular name as being his, or I have
24 information about additional aliases that he may have used that
16:09:45 25 are not reflected on this document and I would at that point - or
26 I would be entitled at that point to put those questions to him.
27 It would be no different than him saying orally that his name is
28 such and such and he has three aliases. But if I find out he has
29 five aliases, or that one of the aliases he claims as his belongs

1 to another person, in an open session, free of any protective
2 measures, I would be able to cross-examine him on that.

3 JUDGE LUSSICK: Yes, but you still would have an exhibit
4 where he claimed only to have a certain number of aliases. That
16:10:25 5 would not affect the strength of your cross-examination one bit.
6 But as we have it now if this document is marked for
7 identification I can see some real security problems there. I
8 can't vouch for what happens to MFI documents, but they certainly
9 wouldn't be under seal or confidential.

16:10:49 10 MR ANYAH: Certainly we appreciate your Honour's concern.
11 I would just say that still even if we were to view the evidence
12 specifically and in the limited context of an exhibit with
13 aliases listed on it, in the ordinary course of things I would
14 ordinarily be able to put that document to him and to
16:11:11 15 cross-examine him about it and that's the only reason why I ask
16 or reserve my right to cross. This issue arose when TF1-371 was
17 before this Chamber and that's the first time we confronted it,
18 and at that time I don't recall that we, the Defence, took an
19 objection to the document being automatically admitted into
16:11:32 20 evidence and that was because he gave only one name. In this
21 context the witness gives his real name and aliases and so I have
22 requested leave to reserve the right to cross.

23 Now we would agree, subject to the Chamber's approval, that
24 the Chamber may very well order the non-disclosure of this
16:11:51 25 document to conform to its other protective measures orders; that
26 is the Chamber is at liberty to order CMS not to circulate or in
27 any way vitiate the confidentiality of this document even if it's
28 only been marked for identification.

29 JUDGE LUSSICK: Well, in any event, as I said I was curious

1 to know your objection and you've told me. The document has
2 already been given an MFI number and so presumably that's where
3 it rests at the moment.

4 PRESIDING JUDGE: And I stress that is to be retained
16:12:31 5 confidentially.

6 MR BANGURA: Thank you, your Honour:

7 Q. Mr Witness, you were a member of the RUF. Is that correct?

8 A. [Microphone not activated].

9 Q. I note that the answer that you gave to the last question
16:12:58 10 is not recorded. Could you repeat your answer, please,

11 Mr Witness. You were a member of the RUF. Is that correct?

12 A. I was conscripted, yes.

13 Q. Do you recall when you got conscripted into the RUF?

14 A. Yes. That was in 1991, some time in the dry season.

16:13:17 15 Q. In what circumstances did this incident occur?

16 A. There was a battle between the Sierra Leone Army and
17 certain armed men who identified themselves to me as RUF.

18 Q. And where was this battle going on?

19 A. In the township of Kailahun.

16:13:48 20 Q. And did anything happen during the course of this fighting?

21 A. Yes, fighting occurred there one day and the following day
22 I was captured. Myself, one Ngevao Koroma and Sidikie Momoh were
23 captured by one man called Rambo.

24 Q. Okay, can we just pause. You have given two names here.

16:14:22 25 Ngevao Koroma, your Honours Ngevao is N-G-E-V-A-O and Koroma I
26 believe has been spelt here before, and then Sidikie Momoh.

27 Sidikie is S-I-D-I-K-I-E and Momoh is M-O-M-O-H. Now, you said
28 that this incident occurred in the dry season of 1991. Do you
29 have any recollection around what month in the dry season?

1 A. In March. It was in March.

2 Q. Okay, thank you. Mr Witness, can I ask you again to speak
3 a little louder when you respond to questions.

4 A. Okay.

16:15:12 5 Q. Now, you said that this incident happened in Kailahun.
6 Whereabouts in Kailahun?

7 A. At Banya's Compound.

8 Q. I did not get that, Mr Witness. Please speak up again.

9 A. At Banya's Compound.

16:15:26 10 Q. At Banya's Compound?

11 A. Yes.

12 MR BANGURA: Your Honours, Banya is B-A-N-Y-A:

13 Q. Now when you say "Kailahun" are we talking of the district,
14 or are we talking of a town in Kailahun District?

16:15:40 15 A. The township. The township of Kailahun itself.

16 Q. Thank you. Now after you were captured by the - which
17 people captured you, did you say?

18 A. RUF, but really the man who captured us was a Liberian.

19 Q. What was his name?

16:15:58 20 A. His name was called Rambo, according to him.

21 Q. Was he alone when he captured you?

22 A. There were some other armed men around him. They told us
23 we should not move otherwise they were going to fire, so we
24 stood.

16:16:15 25 Q. And after you were captured did anything happen?

26 A. Yes, sir. We were taken to a store and that store was for
27 the refugees. They had their food stuff and we were commanded to
28 transport those food stuff to a section of Kailahun called
29 Tongoyama and we do that --

1 Q. Can you pause. (Your Honours, Tongoyama is
2 T-O-N-G-O-Y-A-M-A.) So you were ordered to take and carry food
3 stuff from a store to where? To Tongoyama, I'm sorry. And how
4 long did this last?

16:16:59 5 A. For complete two weeks. We did it for two weeks.

6 Q. At the end of two weeks did anything happen?

7 A. Yes, sir.

8 Q. What happened?

9 A. I managed to escape back to my village, together with my
16:17:15 10 brothers.

11 Q. When you say your brothers, who do you refer to here?

12 A. Sidikie Momoh and Ngevao Koroma.

13 Q. Were they blood brothers of yours?

14 A. Sidikie is my brother and Koroma is my nephew.

16:17:32 15 Q. Thank you. And you say you escaped and went to your
16 village. Where was your village?

17 A. Dodo Kortuma and after one month --

18 Q. Can you just pause, please. (Your Honours, Dodo-Kotruma is
19 D-O-D-O hyphen and Kortuma is K-O-R-T-U-M-A.) Now, where is
16:17:57 20 Dodo-Kortuma situated?

21 A. Dodo-Kortuma is situated in the Luawa Chiefdom, Bella
22 section. It's some 13 miles away towards the Sierra Leonean
23 Liberian border.

24 Q. Is that also in Kailahun District?

16:18:17 25 A. Yes, sir.

26 MR BANGURA: Your Honours, Luawa Chiefdom is L-U-A-W-A.

27 JUDGE SEBUTINDE: Did the witness say "towards the Sierra
28 Leone Liberian border", because the word "Liberian" is missing
29 from the record.

1 MR BANGURA: Yes, your Honour. I understood he was saying
2 some 13 miles from the Sierra Leone Liberian border.

3 THE WITNESS: Let me make that part explicit. From
4 Kailahun to my village towards Sierra Leone Liberian border is 13
16:18:53 5 miles.

6 MR BANGURA: Thank you:

7 Q. Did you stay long in your village when you - after you had
8 escaped?

9 A. Yes, sir. I spent about a month and I was again captured
16:19:05 10 by one RUF soldier who told me his name was Junior Dolo.

11 MR BANGURA: Your Honours, Dolo is D-O-L-O. Junior Dolo:

12 Q. Now, was Dolo alone when he captured you this time around?

13 A. There were some other armed men around who had wanted to
14 harm us, but he advocated on our behalf. He said, no, we should
16:19:34 15 not be harmed and that we were going to be taken to the training
16 base.

17 Q. Now, were you alone when you were captured this time?

18 A. Together with the same boys, but this time round we had
19 another boy called Gbessay Momoh.

16:19:55 20 MR BANGURA: Gbessay Momoh, your Honours, is G-B-E-S-S-A-Y
21 and Momoh has been spelled already:

22 Q. Now can you describe these people that captured you the
23 second time, Junior Dolo and his group?

24 A. Yes, sir. They were all RUF, but Liberians.

16:20:12 25 Q. You said that some of his men were about to harm you and he
26 prevented them from doing that and you were taken - he ordered
27 that you should be taken somewhere. Where were you taken to?

28 A. To the training base in Kailahun.

29 JUDGE SEBUTINDE: Mr Bangura, I am sorry to interrupt, but

1 perhaps your witness could let us know how he knew these were
2 Liberians. It might help.

3 MR BANGURA: Thank you, your Honour:

16:20:45

4 Q. Mr Witness, you have mentioned in the two instances in
5 which you were captured that the persons who captured you were
6 Liberians. Is that correct?

7 A. Yes, sir.

8 Q. Now, how were you able to tell that they were Liberians?

16:21:02

9 A. From the way they spoke, their accent, and then they told
10 us that they from Liberia and they were Liberians.

11 Q. Now when you said from the way they spoke, were you
12 familiar with the accent of persons who came from Liberia?

13 A. Yes, sir.

16:21:21

14 Q. Thank you. So, you were taken - where were you taken to
15 again?

16 A. To the training base in Kailahun, yes, sir.

17 Q. Now, when you were taken to - where was the training base
18 located in Kailahun?

16:21:40

19 A. At first it was located at the Ahmadiyya secondary school
20 campus.

21 Q. And when you were taken there, what sort of activities did
22 you undergo while you were there?

23 A. We were commanded to run seven miles off. That was to
24 Ngeihun and back.

16:21:53

25 Q. When was this? Was it the day you were taken there?

26 A. The day we were taken there this exercise or that exercise
27 started and that was what we were commanded to do every day -
28 every morning. In the morning we could assemble in front of the
29 buildings, let's say on the field, and we were then commanded to

1 move.

2 MR BANGURA: Your Honours, Ngei hun has been spelled before,
3 but I spell it again. It's N-G-E-I-H-U-N.

4 JUDGE SEBUTINDE: And did the witness say "several miles",
16:22:29 5 or "seven miles"?

6 THE WITNESS: Seven. Seven miles.

7 MR BANGURA:

8 Q. Thank you, Mr Witness. Now apart from being made to run
9 all that distance every day, were you subjected to any other form
16:22:41 10 of treatment?

11 A. We were told to go in search of food. That was one.

12 Q. And how did you get food?

13 A. We were commanded by those to move to any farm to get food
14 in the cassava gardens, but at first the shops were full of food.
16:23:06 15 We used to go to the shops to get their food.

16 Q. When you say "shops", which shops are you talking about?

17 A. Those stores that were in Kailahun. They were all broken
18 into and we were commanded to collect food from those shops.

19 Q. Now what was the number of people that were at this base,
16:23:28 20 the Ahmadiyya school training base that you have just mentioned?

21 A. Initially the number was not that much big, but when
22 recruits were taken from the other areas like Pendembu, Kangama,
23 Buedu, Koindu, the number was large. You know, it was almost
24 I let's say 5,000.

16:23:57 25 Q. At this stage we are talking of the Ahmadiyya base. Were
26 you up to that number in Ahmadiyya?

27 A. No. No, sir.

28 Q. What was the number that you had at Ahmadiyya?

29 A. I can not be precise in that any way.

1 JUDGE SEBUTINDE: Could you please spell Ahmadiyya.

2 MR BANGURA: Your Honours, it is A-H-M-A-D-I-Y-Y-A. I stand
3 corrected, A-H-M-A-D-I-Y-Y-A:

4 Q. Can you spell Ahmadiyya for us?

16:24:39 5 A. Yes, sir. A-H-M-A-D-I-Y-Y-A, Ahmadiyya.

6 Q. Thank you. You have mentioned that people were brought
7 also from Pendembu and you mentioned Kangama and another
8 location.

9 A. Koindu.

16:25:00 10 Q. Koindu. Now, where were they taken to?

11 MR ANYAH: Well --

12 THE WITNESS: To national secondary school campus.

13 PRESIDING JUDGE: Just pause, Mr Witness. Mr Anyah.

14 MR ANYAH: Yes, Madam President. I question the clarity in
16:25:14 15 the record in this sense. Counsel asked the question, "How many
16 recruits were at Ahmadiyya base?" The witness at some point gave
17 the answer of "5,000" and in giving that answer he said,

18 "Initially they were not many, but then they came from four
19 places, Pendembu, Kangama, Buedu and Koindu". Counsel then

16:25:39 20 pricked or jogged the witness's memory and said, "At this time
21 we're still talking of Ahmadiyya", as if to suggest that the
22 witness was describing another training base in connection with
23 the figure 5,000, and then the witness's response - counsel's
24 question was, "At this stage we are talking of Ahmadiyya base.

16:26:00 25 Were you up to that number in Ahmadiyya?" The witness, "No, no.
26 No, sir".

27 In this question, or in this series of questions, counsel
28 is asking the witness about those four sources of recruits,
29 Pendembu and so on, and it is not clear to me whether we are

1 still talking about the same training base, or the one in which
2 there were apparently 5,000 recruits which does not seem to be
3 Ahmadiyya. I don't know if this makes sense, but the record is
4 clear in my view.

16:26:30 5 PRESIDING JUDGE: Mr Bangura?

6 MR BANGURA: Your Honours, I am still pursuing the point
7 and I have not concluded my examination of the issues relating to
8 training at these two bases. I will address --

9 PRESIDING JUDGE: Very well. I will allow you to continue
16:26:48 10 with this line of questions to clarify the issue, which I agree
11 with Mr Anyah I noted myself. Mr Anyah, if it's not clarified to
12 your satisfaction you may raise the objection again.

13 MR ANYAH: Thank you, Madam President.

14 MR BANGURA:

16:27:02 15 Q. Mr Witness, shall we just go back briefly.

16 A. Yes, sir.

17 Q. You were first taken to Ahmadiyya School where there was a
18 training base. Is that correct?

19 THE WITNESS: Yes, sir.

16:27:13 20 Q. Now, at that point who were the people that were taken to
21 Ahmadiyya? From which locations were they brought?

22 A. Okay. We were taken first to Ahmadiyya and we were not the
23 only people training on that particular base. Before our arrival
24 there there had been some recruits undergoing training on that
16:27:34 25 base, but as time went on we were evacuated from Ahmadiyya

26 secondary school campus to national secondary school campus and
27 at national secondary school campus we had recruits taken from
28 Koindu, Buedu, Pendembu and the other areas within Kailahun. So
29 in national secondary school, after taking recruit from all these

1 other areas, I have mentioned the number rose up to 5,000.

2 MR BANGURA: Thank you, Mr Witness. Your Honours, I hope
3 that clarifies the point. I have not very --

16:28:19

4 PRESIDING JUDGE: You have about a minute or two minutes
5 left on the tape we've just been alerted. If you are moving into
6 another part of your examination-in-chief it may be appropriate
7 to adjourn at this point.

8 MR BANGURA: This would be an appropriate point to end.

16:28:33

9 PRESIDING JUDGE: Very well. We will adjourn. Mr Witness,
10 this is the time we normally finish. We are limited in the time
11 we can sit. You have now taken the oath to tell the truth and I
12 must advise you that you must not discuss any of your evidence
13 until all your evidence is finished. Do you understand?

14 THE WITNESS: Very well.

16:28:54

15 PRESIDING JUDGE: We will resume court again tomorrow at
16 9.30. Please adjourn court.

17 [Whereupon the hearing adjourned at 4.29 p.m.
18 to be reconvened on Tuesday, 8 April 2008 at
19 9.30 a.m.]

13:28:59

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I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-532	6702
CROSS-EXAMINATION BY MR MUNYARD	6702
RE-EXAMINATION BY MR KOUMJIAN	6775
TF1-516	6802
EXAMINATION-IN-CHIEF BY MR BANGURA	6802

EXHIBITS:

Exhibit P-93 admitted	6798
Exhibit P-94 admitted	6798
Exhibit D-15 admitted	6798