



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 21 AUGUST 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 Carolyn Buff

For the Registry:

Ms Advera Kamuzora
Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Ms Ruth Hackler
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah

1 Thursday, 21 August 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:18:51 5 PRESIDING JUDGE: Good morning. I note a change of
6 appearance, Mr Koumjian.

7 MR KOUMJIAN: Good morning your Honours and counsel. For
8 the Prosecution today: Ruth Mary Hackler, Maja Dimitrova and
9 myself Nicholas Koumjian.

09:30:45 10 PRESIDING JUDGE: Thank you. Mr Griffiths?

11 MR GRIFFITHS: Good morning Madam President, your Honours,
12 counsel opposite. For the Defence today: Myself Courtenay
13 Griffiths and my learned friend Mr Morris Anyah. Unfortunately
14 Mr Munyard cannot be with us today. He is still indisposed.

09:31:04 15 PRESIDING JUDGE: I am sorry to hear that, Mr Griffiths, we
16 wish him a speedy recovery.

17 MR GRIFFITHS: I am grateful.

18 PRESIDING JUDGE: If there are no other matters I will
19 remind the witness of his oath.

09:31:15 20 Mr Witness, you recall that yesterday you took the oath to
21 tell the truth. That oath is still binding on you today. You
22 must answer questions truthfully. You understand?

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: Mr Koumjian, please proceed.

09:31:28 25 WITNESS: TF1-367 [On former oath]

26 EXAMINATION-IN-CHIEF BY MR KOUMJIAN: [Cont.]

27 Q. Good morning, Mr Witness.

28 A. Good morning.

29 Q. Sir, yesterday you told us that Sam Bockarie and Issa Sesay

1 had appointed you the mining commander and you had gone to Kono.
2 Can you tell us for approximately how long were you in that
3 position as mining commander?

4 A. From '98 to 2000.

09:32:10 5 Q. During that time was there ever any interruption where you
6 were unable to act as the mining commander for a period of time?

7 A. Yes.

8 Q. And very briefly now, and we'll go into it in more detail
9 later, what caused the interruption in your time as the mining
10 commander?

11 A. It reached a time, and at that time we were now in Koidu
12 Town, they put an allegation against me that I had lost diamonds,
13 so since then they started conducting an investigation against me
14 and then I was later sent to Buedu to Sam Bockarie.

09:33:21 15 Q. Sir, we will come back to that in a moment in more detail.
16 Can you just tell us for approximately how long, because of that
17 event, were you not acting as the mining commander?

18 A. Yes.

19 Q. For how long approximately?

09:33:51 20 A. It took about two and a half - and a half months.

21 Q. Okay, thank you. Sir, can you explain to us what your
22 duties were as the mining commander?

23 A. Yes, the job I was doing was to ensure that all the mining
24 sites where we were working if I was not present on the daily
09:34:40 25 basis there were people I sent there. And then if they got
26 diamonds at any particular location there were people who
27 collected them and brought them to me and from there we would sit
28 and arrange and then sort them out before we took them to Issa
29 Sesay.

1 Q. Who was your commander at the time that you were the mining
2 commander?

3 A. There were two people who were my commanders. One was
4 Sam Bockarie and two was Issa Sesay.

09:35:51 5 Q. Up until the end of your time as mining commander, you said
6 you were the commander up until some time in 2000, were both
7 Sam Bockarie and Issa Sesay your commanders or did anything
8 change?

9 A. Sam Bockarie left at a point in time and went to see
09:36:20 10 Charles Taylor in Liberia, so Issa Sesay was now in command.

11 Q. You've talked about your job it was "to ensure that all the
12 mining sites where we were working" - you explained what had to
13 happen. Can you tell us now where those sites were located that
14 you were responsible for?

09:36:49 15 A. Yes.

16 Q. First in which district, or districts, were the sites that
17 you were responsible for?

18 A. It was in the Kono District. That was where I was
19 responsible for.

09:37:12 20 Q. Okay. Were you ever responsible for any sites outside of
21 the Kono District?

22 A. Yes, later. It was in the Kenema District and the place is
23 called Tongo Field.

24 Q. Can you tell us approximately when it was that you became
09:37:35 25 responsible also for the fields - the Tongo Fields?

26 A. I cannot tell the exact date now, but it took some time
27 because I did not actually go there in person, but I sent
28 somebody there, a representative.

29 Q. Okay. Who did you send to Tongo Fields as your

1 representative?

2 A. It was Mike Nimley.

3 Q. And who is or who was Mike Nimley?

4 A. STF.

09:38:39 5 Q. Who was Mike Nimley reporting to?

6 A. He reported to me.

7 JUDGE SEBUTINDE: Are we going to have a spelling,
8 Mr Koumjian?

9 MR KOUMJIAN: Just a moment. Your Honours, I believe the
09:39:06 10 bar's spelling is N-I-M-L-E-Y:

11 Q. Sir, can you recall, first of all, how many sites were
12 there in the Kono District that you were responsible for?

13 A. Yes, I know.

14 Q. Okay. Can you tell us how many sites you were responsible
09:39:34 15 for in the Kono District?

16 A. Should I call the names?

17 Q. Okay, first let's do that. Can you tell us the names that
18 you recall of the sites that you were responsible for?

19 A. One was Tombodu; two, Kaisambo; three, Benz Garage; four,
09:40:39 20 Bondovulahun; five, Ngaya; six, Ndomahina; seven, Bandafay; and
21 there were many others.

22 Q. You indicated - well, first of all where were you based at
23 the time that you were the mining commander?

24 A. It was in Kokui ma in mining camp, but it was based in
09:41:30 25 Kokui ma.

26 Q. Was Kokui ma itself a headquarters only, or was it anything
27 more than a headquarters?

28 A. Yes, Kokui ma was our mining headquarters. Even if you went
29 to anywhere else you will have to report at Kokui ma.

1 Q. Did any mining go on in Kokui ma itself?

2 A. Yes, that was where I called Benz Garage. It is in Kokui ma
3 that the Benz Garage is located.

4 PRESIDING JUDGE: Mr Koumjian, before we move on there are
09:42:17 5 some spellings, there are some new words to me, and I note too
6 the record has not got them correct. Ngaya is incorrectly spelt,
7 but Ndomahina and number seven are new names to me, I think.

8 MR KOUMJIAN: I will go through the ones that I believe are
9 not spelled correctly or that we have. First the third one -
09:42:36 10 perhaps I could just clarify. The witness has said Kokui ma which
11 we have spelled before I believe, but he said Benz Garage:

12 Q. Is that two words, Mr Witness?

13 A. Yes, Kokui ma is an area and Benz Garage is a walking spot
14 that is within Kokui ma.

09:43:01 15 MR KOUMJIAN: The fourth site that the witness mentioned
16 was Bondovul ahun, B-O-N-D-O-V-U-L-A-H-U-N. The fifth site, Ngaya,
17 N-G-A-Y-A. The sixth location mentioned, Ndomahina,
18 N-D-O-M-A-H-I-N-A. The seventh Bandafay, B-A-N-D-A-F-A-Y.

19 JUDGE SEBUTINDE: And the second, Kaisambo, or something
09:44:04 20 like that, site number two?

21 MR KOUMJIAN: Kaisambo, K-A-I-S-A-M-B-O.

22 PRESIDING JUDGE: Thank you, Mr Koumjian.

23 MR KOUMJIAN:

24 Q. Thank you, sir. Can you tell us how did this - first of
09:44:26 25 all when you talk about mining sites, what was being mined?

26 A. We were mining for diamonds.

27 Q. During the time that you were the commander were any other
28 minerals being mined?

29 A. I was mining for diamonds, but sometimes diamonds and gold

1 went together, but we were not looking for that. We were looking
2 for just diamonds.

3 Q. How did the mining actually occur at the sites? Can you
4 describe the process of looking for and recovering the diamonds?

09:45:25 5 A. Yes, it was manpower that we used because at the earlier
6 stage we did not have machines to do the mining, so it was the
7 men who were using the shovels, the pickaxe and some other
8 working tools, so they dug the ground and they removed the
9 gravels. After gathering the gravels we made the shaker,
09:46:05 10 something like a shifter, and out of those gravels we got
11 diamonds.

12 Q. Mr Witness, the little tools that you have mentioned, the
13 axes --

14 THE INTERPRETER: Your Honours, correction interpreter.
09:46:27 15 Instead of the word shifter, it is sieve. Something like a
16 sieve.

17 PRESIDING JUDGE: Thank you, Mr Interpreter.

18 MR KOUMJIAN:

19 Q. Sir, you have mentioned a few basic tools, a pickaxe,
09:46:46 20 shovel, shifters or sieves. Can you tell us where did you obtain
21 those tools?

22 A. Yes.

23 Q. Do you know where you got those tools from?

24 A. Yes, I know.

09:47:13 25 Q. Can you tell us?

26 A. At the earlier stage when we captured Koidu those items
27 that ECOMOG had looted or they were working with and when they
28 escaped and left those items behind, those were the items we
29 gathered, we assembled them. Those were the ones we were working

1 with. But those are things that are quick to be destroyed. But
2 later, Issa Sesay sent to Sam Bockarie so we were now getting
3 brand new ones from Liberia because the dirt normally destroys
4 those items very fast. So we are now getting those items from
09:48:01 5 there.

6 Q. Mr Witness, at any of the sites that you were responsible
7 for during any of the period of time that you were the mining
8 commander, were any types of machines used?

9 A. Yes.

09:48:26 10 Q. Can you explain that to us, please?

11 A. We had two types of machines, like in the case of the
12 Caterpillar, it is always there to push the earth from the
13 surface and there were machines that we call the bailing machines
14 that will remove the water from out of the pit before we get the
09:49:02 15 gravel out. Those were the two machines that we were using.

16 Q. Do you know where you obtained those machines from?

17 A. Like I have told you earlier, most of those machines, some
18 that we captured from the ECOMOG that we were using, they were
19 sometimes destroyed, so we were now getting new ones from
09:49:50 20 Monrovia that were brought by Issa Sesay from Sam Bockarie and
21 they will fix those to the machines. They used to bring brand
22 new bailing machines, the ones that we used to bail the water.
23 That was how we used to get those items.

24 Q. Did these machines require any fuel?

09:50:22 25 A. Yes, without fuel they cannot work. It is just like a
26 human being; if you don't eat you will not work.

27 Q. Where did you obtain the fuel for these machines?

28 A. I have told you that they were bringing diesel and petrol
29 from Monrovia. When they brought the items like the mining

1 equipment they brought those things from there.

2 Q. You have called some of the sites you have worked - you
3 have used the word "pit". Can you describe what you mean by a
4 pit?

09:51:12 5 A. Yes, a pit - what they mean by a pit is a hole, but it is a
6 language used in mining. When the hole is dug the hole is
7 referred to as a pit.

8 Q. Sir, you have also used the word "manpower" and said that
9 manpower was used. Can you give us more details about how
09:51:38 10 manpower was used?

11 A. Yes, the language that I use which is manpower, it means
12 the civilians who did the job, because by then the soldiers or
13 the gunmen did not do the job because they had guns in their
14 hands, so we used the civilians to do the job, the manpower job.
09:52:21 15 That was why we referred to them as manpower.

16 Q. Sir, how were these - first of all, were these civilians
17 paid for the job they did?

18 A. No, even those of us soldiers were not getting paid so the
19 civilians did not obviously get anything like a pay.

09:52:48 20 Q. How did you obtain these civilians to work in the mining
21 sites?

22 A. We looked out for them. Most times when we were in the
23 bush and when we captured civilians those were the ones that we
24 carried to the sites to do the job, and even when we were now in
09:53:23 25 town Issa Sesay and Morris Kallon, they were using vehicles to go
26 to Magburaka, Makeni and they would bring civilians to do the
27 job.

28 Q. Mr Witness, is there any reason why you had to go to Issa
29 Sesay and Morris Kallon had to go all the way to Magburaka or

1 Makeni to get civilians? Why didn't you get civilians from the
2 Kono District?

3 A. Those who were in Kono whom we had captured were not many
4 and most of them had escaped, but in other towns like Magburaka
09:54:25 5 and Makeni many people were living there, so that was where
6 Kallon and Issa Sesay used to go and get people and they would
7 bring them and give them to us for us to use them to do the job.

8 Q. Mr Witness, can you give us any estimate of the number of
9 civilians that would be mining on an average day in the Kono
09:54:53 10 District during the time you were the mining commander?

11 A. Within there there were two mining systems. Within the
12 government mining there were approximately two to three hundred,
13 but in the case of the private ones I cannot say anything about
14 that because I was not taking a head count of the manpower that
09:55:26 15 they had.

16 JUDGE SEBUTINDE: Mr Koumjian, is this throughout the
17 district? This is the question you asked. Two to three hundred
18 throughout the district?

19 MR KOUMJIAN:

09:55:39 20 Q. Mr Witness, we want to understand your evidence. You have
21 talked about - you have named some mining sites and you said
22 there were many others. Is this the total number of civilians
23 for all of the mining sites in the Kono District?

24 A. No, that is what I am trying to tell you. I said in the
09:56:01 25 government mines we did not go all over the place. It was along
26 the Koidu axis, but there were minings going on outside Koidu in
27 other areas but they were not under my direct command so I can
28 cannot tell you their manpower. I was only responsible for the
29 government mining so that is what I am telling you about.

1 Q. Sir, these other mining sites that you said were not under
2 your direct command, under whose command were they, if you know?

3 A. They were under the high commands.

09:56:44

4 Q. When you say the high command, can you explain what you
5 mean?

6 A. Yes. Issa Sesay, Morris Kallon, Superman, they were the
7 high command and they had special places where mining was
8 conducted for them, so I did not have any hands in those.

09:57:17

9 Q. Sir, at the sites that you were responsible for, can you
10 tell us was there any command structure or any organisational
11 structure at the site?

12 A. Yes.

13 Q. Can you explain, please?

09:57:47

14 A. I had my deputy who was called Michael Coomber, and the
15 operations commander was there called Alpha Turay, and the deputy
16 operations commander was there, a staff captain Alhaji, and we
17 had an advisor called Pa Abdul and Pa Saidu. They were all there
18 to ensure that the operations went on smoothly. They were the
19 ones who went and conducted inspections at the sites and they
20 would meet the securities there and they ensured that any
21 diamonds that were collected, they will bring them and hand them
22 over to the operations commander and the operations commander in
23 return will take the diamonds to me.

09:58:27

24 Q. Now you have indicated that these deputies and various
25 persons working with you went to the sites and met with the
26 securities there. Who were the securities at the sites? What do
27 you mean by that?

09:58:46

28 A. We had mining securities who manned the mining sites and
29 the bodyguards were all securities. And even myself, the

1 security that always walked along with me was a security for the
2 mining site. So that was why they were there for. We also had
3 the Black Guards. They were not many, but they also - they also
4 were there to back up our securities.

09:59:29 5 Q. Who were the Black Guards?

6 A. Black Guard in the sense means they were Foday Sankoh's own
7 special bodyguards and they were referred to as Black Guards.

8 Q. Who did the Black Guards report to?

9 A. The time Foday Sankoh was there they reported directly to
10:00:01 10 him, but when he was not there the second in command whom he left
11 in his place, that was Sam Bockarie, they reported to him. When
12 he too was not there they reported to Issa Sesay. That was how
13 it went on. They reported to the high command who was on the
14 ground.

10:00:19 15 Q. Thank you. Now, these bodyguards and securities, you
16 mentioned your own, that were at - and others that were at the
17 sites, were these men armed or unarmed?

18 A. They were armed. That's why they were referred to as
19 securities. They were armed.

10:00:41 20 Q. What was their job at the site?

21 A. Their job was to protect the civilians from harassment or
22 molestation from other people and to also prevent the civilians
23 from stealing the diamonds. Those were some of their duties.

24 Q. Mr Witness, these civilians that were doing the mining,
10:01:25 25 were they rich individuals?

26 A. No, even if - even if someone had money when you were
27 captured to go and do a job you will not indicate that you had
28 money because you wanted to save your life. So you would have to
29 go and do the job.

1 Q. How were the civilians dressed during the time that they
2 were doing the mining?

3 A. When they will get prepared to go and work, they put on a
4 working dress because in that kind of job you do not dress up
10:02:19 5 yourself as if you are in an office. You are working in a hole,
6 a pit. You will have to play with dirt or mud. You are not
7 going to wear a suit or a coat. You would have to wear a dress
8 just like farmers who dress because you are going to work with
9 dirt.

10:02:39 10 Q. Mr Witness, how did you and the others involved in the
11 operations ensure that these civilians did not take the diamonds
12 that they found?

13 A. Whenever they will be working there were people monitoring
14 them. We were monitoring them. Just like you yourself when you
10:03:08 15 are working in an office there is somebody monitoring you. So
16 they always had fears to take any diamonds because there were
17 rules which indicated - which says that if somebody lost a
18 diamond or stole a diamond you would be killed, but if you are
19 fortunate you would be beaten up seriously.

10:03:31 20 Q. Sir, what were the ages of the civilians that were doing
21 the mining?

22 A. There were adults. Some were about the age of 30, 25, 20.
23 There were some other people who were about 15.

24 Q. What was the gender or genders of the civilians doing the
10:04:01 25 mining?

26 A. The men were doing the mining. Women were not doing the
27 mining. The women stayed home to take care of their husbands'
28 homes.

29 Q. The ages that you have given of the civilians was limited

1 between 30 and about 15. Was there any reason that older people
2 were not chosen for doing the mining?

3 A. Old and experienced people did not handle shovels because
4 they were not strong enough, but they were there to give advice
10:05:02 5 to the young ones because the young ones were energetic enough
6 they were having the shovels. They would do the work, the manual
7 work, and the old ones will give advice to them.

8 Q. Sir, the securities that you said were at the site, what
9 were the ages of the securities that were at the site?

10:05:37 10 A. The securities were not big men. They were just from 10 to
11 20. Those were the age brackets, 10 to 20.

12 Q. These securities, did they belong to any fighting force?

13 A. Yes, they were RUF fighters.

14 Q. Now, Mr Witness, you have indicated that at one time you
10:06:14 15 were investigated. I would like to go into a bit more detail
16 about that. First of all, do you recall approximately when that
17 was?

18 A. It was from '98 that - when Kono fell in our hands finally
19 from '98 to '99, but I cannot recall the exact day or date now.

10:07:04 20 Q. Okay. When this happened to you, who was in command of the
21 RUF?

22 A. It was Sam Bockarie.

23 Q. You have talked about when you arrived at this assignment
24 and that the forum before the attack on Kono took place a couple
10:07:30 25 of weeks after your arrival. How long after Koidu Town was
26 captured were you in the position as mining commander until this
27 investigation started? Can you estimate the number of months, or
28 weeks?

29 A. Just after I was given the assignment to go to Kono, that

1 is I went to Kono in '98, within the space of a month was when
2 Issa Sesay went back to Kailahun, that is Buedu, and brought
3 those ammunition for us to capture Koidu Town. The week he got
4 to Guinea Highway was the very week we attacked Koidu Town,
10:08:50 5 because they didn't want everybody to know. So when we captured
6 Koidu Town I was still the mining commander right up to 1999 when
7 that incident occurred, but I cannot recall the exact date now.
8 I don't want to tell a lie.

9 Q. Okay, thank you. What happened when you were investigated?
10:09:23 10 Can you tell us the details?

11 A. Yes, there were people whom I met in the command at the
12 place. When they were removed from the position I was put there,
13 they had a grudge for me. They were looking for ways for me to
14 leave the place or leave the position, because - but they
10:10:06 15 couldn't because they hadn't the power to remove me from the
16 position. So what they resorted to doing was one of them went to
17 Issa Sesay, because Issa Sesay was his tribesman, that he had
18 given me a diamond and had lost it. So Issa Sesay sent an order
19 to the MP for me to be investigated.

10:10:43 20 Q. How were you investigated?

21 A. We had the people's court. The people's court investigated
22 me and after the fact-finding they sent me to the headquarters to
23 Sam Bockarie. That was where the verdict was passed.

24 Q. Mr Witness, we would be interested in you explaining to us
10:11:23 25 the people's court. What was the people's court and how did it
26 operate?

27 A. People's court in the sense it was a combined unit put
28 together. That was what we referred to as people's court. Like
29 one MP, IO, IDU, all these units were put together and they

1 formed the investigation panel. That was what we referred to as
2 people's court.

3 Q. Sir, you used some acronyms and I just want to ask you for
4 each if you know what they stand for. First, the MP. Do you
10:12:27 5 know what MP stood for?

6 A. Yes.

7 Q. Please tell us?

8 A. Military Police.

9 Q. Thank you.

10:12:40 10 A. They were policemen, but in the military terminology we
11 called them Military Police.

12 Q. They were policemen in what force?

13 A. In the RUF.

14 Q. You said IO. Can you tell us what with IO stands for?

10:13:02 15 A. Yes.

16 Q. Please do.

17 A. Intelligence Officers.

18 Q. These Intelligence Officers worked for which force?

19 A. RUF.

10:13:15 20 Q. And you used the acronym IDU. If you can, please tell us
21 what that stands for.

22 A. IDU, they were there specially working with civilians.

23 They were liaison officers working with the civilians and also
24 working with us, the soldiers. Whatever problem there was with
10:13:47 25 the soldiers or the civilians, they were the ones working to
26 solve those problems. That was their duty.

27 Q. Thank you. Do you know what that acronym - what the
28 initials IDU, stood for? If you don't, just tell us.

29 A. I have forgotten a little bit.

1 Q. Thank you. What force was the IDU a part of, if any?

2 A. It was RUF.

3 Q. When you went to the people's court, can you briefly
4 describe what happened?

10:14:28 5 A. Yes.

6 Q. Please do so.

7 A. They obtained a statement from me. All the units, each of
8 them obtained a statement from me and I was investigated. They
9 did not see anything to prove that I had done what I was accused
10 of. Those who told the lie on me, one of them admitted that he
11 had told a lie because whatever we do there is God watching us,
12 so he admitted that he had told a lie, so I was sent to
13 Sam Bockarie and he released me and advised me to be careful with
14 the people that I work with. So he sent me back and take control
10:15:50 15 of the place. That was what happened.

16 Q. Mr Witness, at the time that you went through this court
17 proceeding in the RUF people's court were you a member of a
18 military force?

19 A. Yes, I was a member of the RUF.

10:16:13 20 Q. Did you have a rank in the RUF at that time?

21 A. Yes.

22 Q. What was that rank?

23 A. I was a lieutenant colonel.

24 Q. Do you know, sir, if the people's court had the authority
10:16:37 25 to punish or recommend punishment for RUF officers for doing
26 misdeeds?

27 A. Yes.

28 Q. Can you give us any more information about that?

29 A. Yes, if for example you have committed a crime and you have

1 been investigated and found guilty the panel will sit together
2 and they will indicate the period you will spend in prison and
3 they will as well recommend hard labour for you, but they will
4 not kill you.

10:17:37 5 Q. Was there a possibility of the death penalty in the RUF?

6 A. Well, there were death penalties issued out, but the panel
7 actually also the members had fear because they knew that it
8 could happen to them some day so they never issued out --

9 THE INTERPRETER: Your Honours, can the witness repeat
10:18:16 10 this, please.

11 PRESIDING JUDGE: Mr Witness, please pause. The
12 interpreter asks that you repeat some of your answer. Please
13 pick up after the following, "They had fear because they knew
14 that it could happen to them some day so they never issued ..."

10:18:29 15 Continue from that point, please.

16 THE WITNESS: What I meant was that the unit that formed
17 the court had fear to pass a verdict like that because maybe it
18 could happen to them or their brothers. They will only pass a
19 verdict for some other punishment like imprisoning you or hard
10:19:02 20 labour, not killing you. But the other commanders, the high
21 command, will pass a death penalty. That was not from the court.

22 MR KOUMJIAN:

23 Q. Thank you. Mr Witness, you have talked about how the
24 diamonds were mined. Can you tell us what happened to the
10:19:31 25 diamonds after the workers found the diamonds from the gravel?

26 Can you slowly give us step by step what would occur to those
27 diamonds?

28 A. Okay. When the workers would have taken the diamond, there
29 was somebody they would give it to. He will always be with them

1 at the site. Those were the names I mentioned before now, the
2 operations commander, the advisor, my deputy was Coomber, they
3 would be at the site to receive the diamonds before ever the
4 diamonds could get to the town.

10:20:41 5 Q. Mr Witness, these people like your operations commander and
6 your deputy Coomber, did they get the diamonds directly from the
7 workers or did they go to the site and get the diamonds from
8 someone else?

9 A. They will be at the site directly with the workers. They
10:21:06 10 would be looking after the workers so they will be with them
11 right at the site. Just after they take the diamonds from the
12 pit, they give them to them.

13 Q. Okay. After these individuals that you have named and
14 explained their positions received the diamonds from the workers
10:21:27 15 what happened to the diamonds?

16 A. The diamonds would be parceled and brought to town. That
17 was our headquarters, Kokui ma.

18 Q. Where exactly were the diamonds brought to?

19 A. When they took the diamonds they brought them to me at
10:22:01 20 Kokui ma. They will bring the diamonds to me. That was where my
21 office was. Then I will invite some people, not everybody, but
22 certain people I will invite them, and we - I will present the
23 diamonds.

24 Q. What happened once the diamonds were brought to you?

10:22:28 25 A. When they brought the diamonds we will sit together. Those
26 senior ones that I have mentioned before will sit together and we
27 sort the diamonds out. There were the clean ones and the
28 industrial ones together. The clean ones would be at one place
29 and the industrial ones at another place. I had somebody who was

1 experienced in that. He will do the weighing to know the
2 caratage or percentage before ever we could take the diamonds to
3 Issa Sesay.

10:23:18 4 Q. Thank you. Going back, you said that the diamonds were
5 brought to your office. Did this happen once a week, once a
6 month? What was the frequency with which the diamonds were
7 brought to your office?

10:23:45 8 A. They brought diamonds to my office on a daily basis except
9 on Sundays or something had happened in the RUF that we could not
10 work on that day, but when once they worked they always brought
11 diamonds to me on a daily basis.

12 Q. You have told us a moment ago about, referring to diamonds,
13 clean ones and the industrial ones. First, can you explain, what
14 do you mean by the clean ones?

10:24:10 15 A. The clean ones means colourless without any fault, white
16 like a paper.

17 Q. And what do you mean by industrial ones?

18 A. Industrial means coloured. It could be black or red or
19 coffee coloured, green or any other colour, but industrial means
10:24:38 20 colourless.

21 THE INTERPRETER: Colours, your Honours.

22 MR KOUMJIAN:

10:24:54 23 Q. So just to clarify the interpretation, Mr Witness, are you
24 saying that industrial means that it had a colour or had no
25 colour?

26 A. Industrial was coloured. If it was not coloured that was
27 not industrial.

28 Q. Sir, you have talked about the sorting of the diamonds.
29 Who did the sorting of the diamonds?

1 A. I had Pa Abdul and Sai du Bangura. Those two people were
2 professionals in that job. They will know the percentage and the
3 caratage.

10:25:48

4 Q. Did they use anything to look at the diamonds or did they
5 just look at them with their eye?

6 A. They used something. It was called lip, with a lens.

7 Q. Thank you. You have indicated there was - the stone, the
8 diamonds, were weighed. Can you describe that process?

9 A. Yes, we had a scale.

10:26:25

10 Q. Were the diamonds weighed in a group, or each individual
11 stone was weighed?

12 A. We had different types of weighing. If it was a big one we
13 would place just one on the scale, but if they were small we put
14 more than one on the scale. The smaller ones we would put more

10:26:56

15 than one on the scale, but if it was big then we would just put
16 one on the scale.

17 Q. When you had finished this process of sorting and weighing
18 the diamonds was any record kept?

19 A. Yes.

10:27:15

20 Q. Can you describe what kinds of records were kept, or made?

21 A. At the time that I was there, even though everybody will
22 take his individual records because when it was mining everybody
23 would have to submit a report to the commander that had sent him,
24 but I had my adjutant who would take records for me, who would
25 write down everything for me. And, you know, the RUF, there were
26 a lot of educated people. So whatever somebody said even they
27 would just write that down, let alone diamonds taking.

10:27:49

28 Q. What kind of record did you have your adjutant keep? Can
29 you tell us what kinds of things were recorded?

1 A. It was about the diamonds that we got on a daily basis.
2 Whatever the quantity of diamond we had on that day the adjutants
3 would record that, how many carats, what the percentage was, the
4 adjutant would write that down and some other people would write
10:28:42 5 that in their own individual books. But I had my own book in
6 which my adjutant would write that down.

7 Q. Sir, when you say - you talked about your books and then
8 you said some other people would write that down in their own
9 individual books. Can you explain what you mean when you say
10:28:58 10 other people would write that down in their own individual books?

11 A. Okay, like the operations commander, he had his own book.
12 Whatever he received on the site right up to the time it got to
13 me he would indicate that in his book. The advisor was not
14 educated but he had somebody who jotted things out for him. My
10:29:22 15 deputy too had somebody who would write down his. Even myself, I
16 was not writing, but I had my adjutant who will do the writing
17 for me. That was what obtained.

18 Q. Aside from those working for you, or under your command,
19 did anyone else monitor your work and keep any records of the
10:29:43 20 diamonds?

21 A. Except the Black Guards that were sent, they had their
22 records, but the senior officers, except if they gave them
23 documents that I did not know about, maybe secretly, but they did
24 not come to site to take records from us.

10:30:18 25 Q. You said the Black Guards they had their own records. Do
26 you recall any Black Guards that were around Koidu when you were
27 the mining commander monitoring mining?

28 A. Yes.

29 Q. Can you recall any names of the Black Guards that were

1 there?

2 A. Yes. One was Bakundu, the second was Mosquito, the third
3 was a guy called Mustapha, but they were assigned at different
4 places. There were four Black Guards at the mining.

10:31:06 5 MR KOUMJIAN: Your Honour, one spelling, Bakundu,
6 B-A-K-U-N-D-U:

7 Q. Sir, the second name you mentioned was Mosquito. Can you
8 tell us who is this Mosquito?

9 A. He was a Black Guard, a young man. He just had that name
10:31:27 10 because he was slim. He was slim. That was why he took that
11 nickname. He was a Black Guard. His name was Fallah.

12 MR KOUMJIAN: Your Honour, at this time I would like the
13 witness to be shown tab 8. That is document D-54 in evidence.

14 JUDGE SEBUTINDE: Mr Koumjian, may I ask why you want this
10:32:20 15 document to be shown to the witness at this stage?

16 MR KOUMJIAN: To explain his knowledge of various entries
17 to give the Trial Chamber the benefit of explanations of this
18 record from someone who was present when mining took place at the
19 time period in fact that's covered by this book.

10:34:22 20 JUDGE SEBUTINDE: Mr Koumjian, you can lay the document
21 before the witness just as soon as you have laid enough
22 foundation for it, but not before.

23 MR KOUMJIAN: Okay. Your Honours, this is a document that
24 was already admitted into evidence.

10:34:37 25 JUDGE SEBUTINDE: Well then you tell us what exhibit number
26 it is.

27 MR KOUMJIAN: Your Honour, I believe I have. Let me see if
28 I can find the line. It's on line 8 of page 26. It's document
29 D-54 which was admitted with no foundation being laid by the

1 Defence before the document was shown to the witness.

2 JUDGE SEBUTINDE: Then I beg your pardon. You should have
3 said exhibit D-54.

10:35:13

4 MR KOUMJIAN: Thank you. Your Honours, I understand
5 previously the Defence --

6 MS KAMUZORA: Your Honours, the AV booth is requesting
7 whether they can display that document.

10:35:34

8 MR KOUMJIAN: Yes, as far as - yes. Your Honours, first I
9 would like to point out that the Defence I believe previously
10 when they exhibited this document asked us if we had a better
11 copy of the document and - sorry, excuse me. This is a different
12 issue. Excuse me:

10:35:55

13 Q. Sir, taking a look at this document, I would like you to
14 look at the front page and then look through a few of the other
15 pages.

16 MR GRIFFITHS: Your Honour, I wonder if my learned friend
17 could at least ask the preliminary question if the witness had
18 seen the document before.

19 PRESIDING JUDGE: There are a few preliminary questions.

10:36:12

20 MR KOUMJIAN: Before I - I am asking the witness - how can
21 the witness answer that question if he doesn't look at the
22 document first? That objection seems to me to be extremely
23 unreasonable. I have asked the witness to look at the document
24 and the objection is that I should first ask the witness if he
25 has seen a document that he hasn't been shown yet. So
26 respectfully that's my reply. Do your Honours want me to take
27 the document away from the witness and ask him if he has seen
28 something before that hasn't been shown to him?

10:36:28

29 JUDGE SEBUTINDE: Two things. I don't know if the document

1 - if the witness is seeing the document via the screen or if he
2 is looking at it physically in which case he needs to see all the
3 pages.

10:36:56 4 MS IRURA: Your Honour, the witness has a physical copy of
5 the document including all the pages.

6 JUDGE SEBUTINDE: And of course secondly we are not sure if
7 he is literate in the language of the document.

8 MR KOUMJIAN: I certainly can ask that question:

10:37:22 9 Q. Sir, can you read? Mr Witness, before you - please take
10 your - before you look at the document, sir, can you read
11 English? Can you read English?

12 A. I can understand it.

13 Q. What is your level of education?

14 A. I stopped at form 3.

10:37:48 15 JUDGE LUSSICK: Can the witness read it, or just understand
16 English?

17 MR KOUMJIAN:

18 Q. Sir, can you explain your answer. I asked you if you read
19 English. Can you --

10:38:00 20 A. Yes, I can read.

21 JUDGE SEBUTINDE: Now can we establish if he has seen this
22 document before.

23 MR KOUMJIAN:

24 Q. Sir, would you please take a look at the document?

10:38:43 25 JUDGE SEBUTINDE: Mr Koumjian, do you recall did we have an
26 original exercise book that was tendered, or was this the best
27 copy that we had?

28 MR KOUMJIAN: It was tendered by the Defence, so there may
29 be an original. I'm not sure if this was the best copy that we

1 had.

2 MR GRIFFITHS: This was a document disclosed to us by the
3 Office of the Prosecution and the best copy we had was the
4 photocopy.

10:39:13 5 JUDGE SEBUTINDE: So when you asked the witness if he has
6 seen it before you are asking if he has seen this copy or whether
7 he saw the original exercise book, or what are you asking?

8 MR KOUMJIAN: I haven't yet asked the question, your
9 Honour. First I am going to ask him if this is a document that
10:39:30 10 he prepared and whether he recognises it and, if he can, if he
11 can tell us what it is.

12 PRESIDING JUDGE: Please proceed, Mr Koumjian.

13 MR KOUMJIAN:

14 Q. Sir, is this your mining record?

10:39:52 15 A. Well, this record is the one belonging to the Black Guards.

16 Q. Well, how do you know that?

17 MR GRIFFITHS: Because it says so on the first page, your
18 Honour, which is pretty obvious.

19 MR KOUMJIAN: Your Honour, that is argumentative. What is
10:40:11 20 the objection? That I cannot ask the witness where the document
21 comes from?

22 PRESIDING JUDGE: I am overruling that observation. It was
23 an observation.

24 MR KOUMJIAN: Thank you.

10:40:20 25 PRESIDING JUDGE: Please proceed.

26 MR KOUMJIAN:

27 Q. How do you know it was a Black Guard report?

28 A. The Black Guard to whom I was referring, that is Joseph
29 Bakundu, even though I did not read what he was writing, but I

1 used to see a similar book like this in his hand and the times
2 when they will be doing handing over I will be there and I know
3 him very well.

4 Q. Okay. Sir, I would like to turn --

10:41:01 5 JUDGE SEBUTINDE: Mr Koumjian, I don't understand that
6 answer. Has this witness seen this particular document before,
7 or not? Mr Witness, have you seen this particular document
8 before in your life, or not?

9 THE WITNESS: Yes, I saw it during the time of my
10:41:22 10 assignment. I saw that with the Black Guard.

11 MR KOUMJIAN:

12 Q. Mr Witness, just to be clear, was this document shown to
13 you by anyone from the Office of the Prosecutor before you
14 testified? Was it reviewed with you? Were you questioned about
10:41:39 15 it?

16 A. That is what I am telling you. I saw it during my time and
17 I saw it again in the office.

18 Q. Okay. When you say in the office, which office do you
19 mean?

10:42:00 20 A. The Special Court.

21 JUDGE LUSSICK: When he says he saw it "during my time",
22 what does he mean by that?

23 MR KOUMJIAN: That's more important. Thank you:

24 Q. Mr Witness, when you say "during my time" you saw it, what
10:42:14 25 do you mean by that? What was your time?

26 A. What I mean by that is the time that the RUF was in power
27 when I was a mining commander in Kono. The Black Guard that is
28 called Joseph Bakundu, I knew him and I saw this book with him.

29 JUDGE SEBUTINDE: Mr Witness, just to be sure, earlier you

1 said, "I used to see a similar book like this in his hand and the
2 times when they will be doing handing over I will be there, I
3 know him very well". Now did you see this particular book, or
4 did you see a book similar to this with Bakundu?

10:43:06 5 THE WITNESS: It was an exercise book, not a paper like
6 this. It was not in the paper form like this. It was an
7 exercise book with a cover like this, not like a white sheet of
8 paper.

9 JUDGE SEBUTINDE: We appreciate that this is a copy of an
10:43:24 10 exercise book, but focus on the question that I am asking. When
11 you say, "I used to see a similar book with Bakundu" as you have
12 testified earlier, are you saying that you saw the original of
13 this particular book or that you saw a book with Bakundu similar
14 to this book?

10:43:47 15 THE WITNESS: This is the book. This is the book whose
16 original I saw, because they would be sitting on the round table,
17 everybody would have his book in front of him.

18 MR KOUMJIAN:

19 Q. Sir, I would like to have the Court Officer turn to the
10:44:08 20 third page with the ERN number 00012916. I would like to ask you
21 about certain entries in this book and tell us based on your time
22 as the mining commander whether they have meaning to you that you
23 can help us to understand?

24 JUDGE SEBUTINDE: Sorry, Mr Koumjian, before he goes to
10:44:40 25 explain particular pages, in view of his testimony that he has
26 seen this book before perhaps he could tell the Court what the
27 book is? Explain to the Court what this document is, the whole
28 book, before he goes on to pick on pages? Mr Witness, what is
29 this book?

1 THE WITNESS: This book is a record book pertaining to the
2 mining that we were doing. But the security who was a Black
3 Guard, Bakundu, this is his book. This is not my book when I was
4 overall boss. This book is the security's book, Bakundu. He
10:45:38 5 owned this book. But we were doing mining, so whatever we got on
6 a daily basis, the caratage, percentage, weight, that was where
7 he was recording it wherever he worked.

8 MR KOUMJIAN:

9 Q. Sir, looking at this page there are some names in the
10:46:10 10 second column. Do you recognise any of the names?

11 A. Yes.

12 Q. Can you tell us what names you recognise?

13 A. Mohamed S Conteh, I know him.

14 Q. Who was he?

10:46:33 15 A. He was a security. He was a former SLA.

16 Q. Can you read the second name?

17 A. Saidu Sam.

18 Q. Do you know who Saidu Sam was?

19 A. Yes.

10:46:54 20 Q. Who was he?

21 A. He was a civilian, but he was leading a group.

22 Q. Do you recognise the name - after the first line the name
23 says Komba something. Do you recognise that name?

24 A. Yes, that is Komba Buah.

10:47:21 25 Q. Who was he?

26 A. He too was a controller. These names are controllers'
27 names. There are no workers' names here.

28 Q. When you say "controller", what do you mean?

29 A. Somebody who would lead, they call them head men. For

1 example, when you are in this Court there is somebody who is the
2 head of it who would lead people to work.

3 Q. There is a name that appears to be Sam Bockarie. Do you
4 know who this was in this book?

10:47:58 5 A. Yes, Sam Bockarie, I know him very well.

6 Q. Who is this person, Sam Bockarie, in this book?

7 A. Sam Bockarie was just a nickname. He took the name from
8 the former Mosquito, Sam Bockarie, but he too was a head man. He
9 took people to go and work every morning, but he took that name.

10:48:26 10 Q. Okay, so you are saying - you say he took the name from the
11 former Mosquito, Sam Bockarie. Are you saying this person is not
12 Mosquito?

13 A. No, it is not Mosquito. Sam Bockarie would not do a job
14 like this.

10:48:47 15 Q. Now, sir, in the next column, the third column, can you
16 read what it says at the top?

17 A. Stage 2 of Kono.

18 Q. You have the names and just to the right of the names what
19 does it say? It says date, received from, and then the third
10:49:13 20 column what does it say above the number 7? Above the number 7,
21 can you read that?

22 A. Number of pieces.

23 Q. Do you understand what that would refer to?

24 A. Yes.

10:49:40 25 Q. Can you explain that to us?

26 A. Yes, what they mean by number of pieces is when you count
27 something from 1, 2, 3, 4, 5, the total amount you get. If it is
28 one that is one piece, if it is two it is two pieces.

29 Q. The next column next to where it says number of pieces, can

1 you read that?

2 A. It is carat. We called it garatage. That is Krio.

3 Q. What does that mean?

4 A. The weight.

10:50:25 5 Q. How did you determine that?

6 A. The scale which we had would be the one to determine that.

7 The scale was made by white people. When you put the diamond on

8 it the caratage would register. The stone, for example, that you

9 would have put on top of it weighs this much, that it is one

10:50:53 10 carat or two carats or three carats. That was how we knew.

11 Q. Thank you. Can you read what's written to the right of

12 garatage? What is the next column?

13 A. Percentage.

14 Q. Can you explain what that means?

10:51:16 15 A. Yes.

16 Q. Please, what does the percentage refer to?

17 A. It's like when I sell - for example, if you fill this cup

18 with water and the other one say, for example, it's in the

19 middle, that's what is called a percentage. That is half. It is

10:51:41 20 not full.

21 Q. Okay. So when you say percentage it is a percentage of

22 what?

23 A. The diamond. It is half. Half a carat. It is not up to a

24 whole carat, but if it is not - if for example this cup is not

10:52:01 25 full, it's in the middle, then that is half. We say 50.

26 Q. So the percentage is the percentage of a carat?

27 A. The percentage means - okay, let me make it simpler. For

28 example, this cup is one carat. Say if the cup is full it is one

29 carat, but if the water is just in the middle, that is half and

1 that is a percentage. It is not full. It is not up to a carat.
2 One carat is 100 per cent, so if it is not full we call it
3 percentage. Anything that is 90 coming down is below one carat
4 and that is percentage.

10:53:00 5 Q. Okay, thank you. Perhaps just one example may make it
6 clear for all of us, sir. If you weighed a stone and it said it
7 was one and a half carats what would you write in the columns for
8 caratage and percentage if the stone weighed one and a half
9 carats?

10:53:28 10 A. One and a half? That half there must be an indication. It
11 could be 20 per cent or 60 per cent or 50 per cent. It depends
12 on what is half if it is exactly half. Whatever you see is what
13 you write. You must see the number, then you write the 1 on the
14 caratage, then the percentage you will see if it is 50 that is
10:53:52 15 registered you write 50. If it is 60 then you write that.

16 PRESIDING JUDGE: Mr Koumjian, I hope you are more clear on
17 this than I am, because it seems to me if one carat is 20 per
18 cent the logical answer to your question would be 150 per cent so
19 I am --

10:54:17 20 MR KOUMJIAN: Thank you:

21 Q. Let me give you another example. I don't know how good you
22 are with mathematics, but if a stone was exactly one and one
23 quarter carats, what would you write in the column for caratage
24 and the column for percentage if you knew it was exactly one and
10:54:40 25 one quarter carats?

26 A. The way we did it maybe there are some other ways that
27 other people did it. If it was one carat you will only write 1
28 carat. There is another column. If it is 10 per cent or 20 per
29 cent the scale will indicate that, you write 20 per cent or 10

1 per cent or - then you write 1 carat 20 per cent or one and a
2 half carats if that is what is indicated. That was what we were
3 taught to do.

4 Q. Okay, thank you.

10:55:29 5 A. Like if you see this now, 3 carats here and 36 per cent,
6 that is 3 carats 36 per cent.

7 Q. Okay, thank you.

8 PRESIDING JUDGE: Am I to understand, Mr Witness, that it
9 is the scale that tells you both the carat and the percentage?

10:55:51 10 THE WITNESS: Yes, yes. We did not do it by ourselves. I
11 was the school - sorry, it was the scale that indicated. The
12 scale is like this monitor. When you put the diamond into it, it
13 will indicate on the monitor.

14 MR KOUMJIAN:

10:56:07 15 Q. Is this scale electronic or not, sir?

16 A. It was electronic. An electronic scale was what I had.
17 There was another scale that was not electronic. They weigh it
18 like the way they weigh gold, but I had an electronic scale so
19 there will be no cheating. That was produced by white people.

10:56:36 20 JUDGE LUSSICK: Mr Koumjian, I don't profess to quite
21 understand what the witness is saying, but, Mr Witness, if I
22 refer you to the first entry there - look at that document. The
23 first entry says the number of pieces is 7. Do you see that?

24 THE WITNESS: Yes.

10:57:00 25 JUDGE LUSSICK: And then it says caratage 3, and then it
26 says percentage 36 per cent. Now are you saying that the actual
27 caratage is not 3, it is 3.36 per cent? Is that what you are
28 saying?

29 THE WITNESS: No. Anybody who has been doing mining would

1 understand this one. These pieces means the number of diamonds,
2 the physical number of diamonds. That is to say, for example,
3 this 7. This 3 is when they put all of them together. They put
4 them into the machine and the machine will indicate on the
10:57:47 5 monitor, say it is 3 carats and if the remaining is not up to one
6 carat it indicates that in percentage, not up to a carat.

7 JUDGE LUSSICK: That is what I just put to you. I said
8 that the actual weight is 3.36 carats. Isn't that correct? You
9 have got 3 carats and 0.36 or 36 per cent of another carat, so
10:58:11 10 the total weight of the seven pieces of diamonds is 3.36 carats.

11 THE WITNESS: Yes, yes. We call it 3 carats 36 per cent.
12 We do not call it 3.36. We call it 3 carats 36 per cent. Maybe
13 there are some other way you the educated people would pronounce
14 it, but for us we called it 3 carats 36 per cent, not 3.36 per
10:58:45 15 cent.

16 MR GRIFFITHS: Madam President, I wonder, before my learned
17 friend proceeds, mention has been made of a machine. I wonder if
18 we can have any more specifics about that machine so that we can
19 identify it? Maybe that can thereafter throw some light on what
10:59:23 20 the percentage and the caratage values mean.

21 PRESIDING JUDGE: I think Judge Lussick has got to the
22 bottom of the interpretation problem, but it would be helpful.
23 Maybe if we did get a little bit of information about the machine
24 it would assist.

10:59:40 25 MR KOUMJIAN:

26 Q. Sir, can you just describe for us the best you can this
27 scale - the weighing machine that you said was electronic, what
28 did it look like?

29 A. The face was like a clock, something like an electronic

1 wristwatch. It will have numbers there, but it had a hole in the
2 middle like something like this cup. When they dropped the
3 diamonds inside you look at the face of it, just like you watched
4 the face of the electronics watch, and then you see that when you
11:00:28 5 drop the diamonds inside it will indicate whether it is one carat
6 after you have dropped the diamonds into the hole.

7 Q. Did the scale indicate the percentage?

8 A. Yes, that is what I mean. Any percentage that comes after
9 the caratage it will be indicated, whether it is one carat or two
11:00:57 10 carats. If it is 1 carat 10 per cent, then you will see on the
11 face of the watch. You will see it written there 10 carat or 2
12 per cent after that. Everything will be indicated.

13 MR KOUMJIAN: Could the witness be given a piece of paper?

14 Thank you:

11:01:28 15 Q. Mr Witness, just so we understand --

16 A. Yes.

17 Q. -- if a stone was 2 carats and 50 per cent what would you
18 see on the machine on what you said looked like a clock? Can you
19 write that down, if the stone was 2 carats and 50 per cent?

11:01:51 20 A. Yes, okay.

21 Q. I think you need to move it down.

22 A. Okay. Like for instance let's say this is the scale, the
23 hole where you drop the diamond is here and let's assume this is
24 a diamond and you will see on the scale indicated "G" and that
11:03:30 25 "G" stands for garat and that "P" is also indicated on the scale
26 and you see it is percentage and the "G" stands for garatage.

27 And when you drop the diamonds into the hole you watch right
28 here. If you see any number appear here, if you see a 2 or 3 it
29 means it is 2 or 3 carats and what you look under here for is

1 percentage and any number that comes after the 2 carat or 3
2 carat, you see it, it is the percentage, you see it written
3 percentage. So any number that you see here is percentage. You
4 will not refer it to as carat, it's percentage. And any number
11:04:09 5 that is indicated under here the "G" here is the garat. That is
6 normally what we used to do.

7 Q. Can you show us what it would look like if the stone was 2
8 carats and 50 per cent and the percentage was 50. If it was 2
9 carats and the percentage was 50.

11:04:29 10 A. Should I write it there?

11 Q. Yes, please.

12 A. The way I have written it here the 2 here stands for the
13 "G", it is the garat, and the "P" here is the percentage. This
14 is 2 carats 50 per cent. That was how we used to write it.

11:05:00 15 Q. Thank you. Sir, after the diamonds were sorted and weighed
16 and the records made what happened with the diamonds at that
17 point?

18 A. We would take those diamonds to Issa Sesay because he was
19 our immediate commander.

11:05:43 20 Q. When you say "we would take the diamonds", who actually or
21 which person or persons would actually take the diamonds to Issa
22 Sesay?

23 A. I was number one, my deputy Coomber was number two, the
24 operations commander Alpha Turay was number three and amongst the
11:06:11 25 advisors maybe one will go, like Pa Saidu, he will go with us.
26 We took those diamonds to Issa Sesay.

27 Q. Now you have named a number of individuals. Can you
28 explain to me - do you mean that these different people took
29 different trips, or are you talking about several people taking a

1 trip together with the diamonds to Issa Sesay?

2 A. If Issa Sesay was in Koidu Town where we were, the people I
3 have referred to will all go with me and we will all take the
4 diamonds to him. Sometimes all of us did not go. If we were to
11:07:05 5 go to Buedu in Kailahun District to Sam Bockarie, he will give
6 instruction to Coomber or any other person amongst us. He will
7 say give the parcel to so and so person to bring it over to me,
8 so that was what we used to do.

9 Q. Sir, you have talked about, excuse me, the machine that
11:07:49 10 counsel asked about. You described this machine for weighing.
11 Where did you get that machine?

12 A. That machine, I am not referring to those that were not
13 electronics. Those ones, we captured them. But that particular
14 electronic machine was brought by Sam Bockarie. He sent it to
11:08:20 15 Issa Sesay for it to be given to us, but I did not actually ask
16 him where he got it from.

17 Q. You said you delivered the diamonds to Issa Sesay. Did you
18 deliver them to anyone else, or only Issa Sesay?

19 A. We started with Sam Bockarie before we came later to Issa
11:08:54 20 Sesay.

21 Q. Okay. When you say you started with Sam Bockarie, when did
22 that change where you started taking them to Issa Sesay instead
23 of Sam Bockarie?

24 A. At first when Issa Sesay was in Makeni, when we captured
11:09:22 25 Makeni and Issa Sesay took a transfer to be based there, when we
26 took the diamonds we will inform Sam Bockarie and he will say
27 that we should parcel them and give it to one particular person
28 amongst the group that I referred to and they will take them to
29 him in Kailahun District in Buedu. And when Issa Sesay

1 transferred back to Kono and when he was in Koidu we never used
2 to go there - go over there again. We used to just hand them
3 over to him. He will take them over.

4 PRESIDING JUDGE: Sorry, Mr Koumjian, are you moving off
11:10:03 5 this book aspect of the evidence, as there is a point of
6 clarification I want to have. If you don't object I will address
7 the witness. Mr Witness, you have said that different people
8 kept books of this kind - counsel, I am referring to pages 24 and
9 25 - and each recorded the diamonds. Were those books
11:10:32 10 cross-checked so that everybody was writing the same thing, or
11 recording exactly the same figures?

12 THE WITNESS: No, the way it was conducted, even before the
13 diamonds reached us, like in the case of the operations commander
14 and the securities, they will have already seen them on the site,
11:11:06 15 but they wouldn't know the garatage of them because they don't
16 have machines to take records of them. But where we were in the
17 office, that was where the percentage and everything was checked.
18 Myself, the securities and all other people, like in my own case
19 my adjutant used to take the record of it, but I cannot tell for
11:11:34 20 the others.

21 PRESIDING JUDGE: Thank you, Mr Koumjian.

22 MR KOUMJIAN:

23 Q. Sir, were the Black Guards - following up on that - present
24 in your office during this process of weighing that you're
11:11:48 25 talking about?

26 A. When we came there some of them will come, but not all of
27 them will come together. The one who normally came to take
28 records for them will come. Not every one of them will come.
29 Not every one of them understand how to read and write, so they

1 would send a representative.

2 Q. Sir, you have talked about your own record being kept by
3 your adjutant. What happened to that record, do you know?

4 A. Yes, my own record was taken by my adjutant and after he
11:12:31 5 had taken it I will keep it and at any point I was ready he will
6 come and collect it and he will go and write.

7 Q. What happened to that record that you had kept?

8 A. Those records got missing.

9 Q. What happened to your own record? Did you have any of them
11:13:08 10 after the war?

11 A. Yes, they were with me until the time the disarmament took
12 place. I later destroyed them.

13 Q. Did anything happen just before you destroyed them that
14 caused you to destroy the records?

11:13:36 15 A. Yes.

16 Q. What caused you to destroy the records?

17 A. There were rumours - because at first I was not in the
18 city, I was in the provinces. The rumours we heard and the
19 information we heard about the Special Court forced so many of
11:14:06 20 our brothers to run away. They went to Liberia, Guinea and some
21 other countries. There were some of us who did not go and
22 because we did not go we destroyed some of the properties that we
23 had with us so that they will not use them to identify us.

24 Q. Thank you. Now, sir, you have talked about delivering
11:14:33 25 diamonds to Sam Bockarie. Do you know - and if you don't, tell
26 us - what Sam Bockarie did with those diamonds?

27 A. Those diamonds that we used to give to Sam Bockarie,
28 Sam Bockarie took those diamonds to Monrovia to Charles Taylor.

29 Q. How do you know that?

1 A. Sam Bockarie was my colleague, we all trained together, and
2 most of the times I was not assigned to particular areas I will
3 stay with him in Buedu or some other places that he stayed. So I
4 used to get so many information from him.

11:15:37 5 Q. I understand you have told us that you were close to
6 Sam Bockarie, but please answer directly my question. How do you
7 know that Sam Bockarie took the diamonds that you gave him to
8 Charles Taylor?

9 A. I know that since the time Foday Sankoh himself was in
11:16:01 10 command and up to the time that he was in Ivory Coast - I mean
11 when he was held in Nigeria, he even advised Sam Bockarie and
12 Issa Sesay that anything that we got that was a mineral we
13 shouldn't misuse it, we should give them to Charles Taylor for
14 safekeeping.

11:16:31 15 Q. How do you know that Foday Sankoh advised Bockarie and
16 Sesay to give the diamonds to Charles Taylor for safekeeping?

17 A. Those who had travelled with the Pa, I mean Foday Sankoh,
18 to Togo, like there was one of Pa Foday Sankoh's bodyguards
19 called Junior, he came back with the same message in Buedu that
11:17:12 20 that was what Foday Sankoh said that Mosquito, Issa Sesay,
21 shouldn't misuse any government property, especially diamonds
22 which are minerals. He said they should give them to Sankoh - I
23 mean Charles Taylor for safekeeping. Also after that I heard
24 that from Sam Bockarie and the radio man who was communicating
11:17:45 25 for Sam Bockarie he brought the same message written on paper
26 that Foday Sankoh had sent that message, and most times when we
27 left Sierra Leone to go to Liberia any mineral we had it used to
28 go to Sankoh. That is something I know about.

29 MR KOUMJIAN: I apologise, but my colleague has very

1 helpfully reminded me that the diagram the witness drew showing
2 the weighing machine and how it would display carats and
3 percentage has not been marked for identification. I ask that it
4 be marked for identification.

11:18:37 5 PRESIDING JUDGE: A one page handwritten diagram by the
6 witness will be - I think I have lost track of the MFI numbers.
7 Madam Court Attendant, if you can assist me please.

8 MS IRURA: Your Honour, it will be MFI-2.

9 PRESIDING JUDGE: Thank you, MFI-2. Please proceed.

11:19:05 10 MR KOUMJIAN:

11 Q. Sir, during the time that you were the mining commander,
12 you have told us about your relationship with Sam Bockarie, did
13 he ever discuss with you anything about mining and diamonds?

14 A. Yes.

11:19:27 15 Q. Do you recall any of the instructions or any of the words
16 or things that Sam Bockarie would talk to you about regarding
17 diamonds?

18 A. Yes.

19 Q. Tell us what you remember?

11:19:55 20 A. The reason why I was sent over even that mining, because I
21 can say we were many in the RUF but those in whom they had such a
22 confidence to undertake such activities were not many. And like
23 we knew in the RUF it was only minerals that solved our problems
24 in helping achieve our goals, so he used to call me and give me
11:20:36 25 lectures on how to put pressure and that if we got diamonds we
26 would be able to get arms and ammunition and so that was the work
27 he sent me to go and do in Kono. So the diamonds that we got
28 were the diamonds that he took to Monrovia to Charles Taylor for
29 us to get our supply of arms and ammunition to be able to fight

1 the war so that the enemy will not conquer us, so that was what
2 he used to tell me and he used to advise me to double and
3 redouble my efforts.

11:21:22 4 Q. Sir, during the time that you were the mining commander,
5 did you take any trips outside of Sierra Leone?

6 A. I did not go to a foreign country, only that --

7 Q. Only where, sir?

8 PRESIDING JUDGE: Mr Witness, you are hesitating in
9 answering the question. Is there a reason?

11:22:04 10 THE WITNESS: Not really, but I did not get clearly what he
11 said. That is the reason why I am watching at you.

12 PRESIDING JUDGE: Please repeat the question, Mr Koumjian.

13 MR KOUMJIAN:

14 Q. I am going to ask you a slightly different question.
11:22:19 15 Mr Witness, you have told us about going to Liberia and on your
16 operations to Lofa County. Did you ever take any trips after
17 that anywhere else in Liberia?

18 A. Yes, I travelled to Liberia, but at the time I was doing
19 the mining I did not travel any more, but at the time I was not
11:22:51 20 in the mining sector I used to travel to Liberia.

21 Q. Okay, thank you for clarifying that. Where - besides Lofa
22 County, where else did you go in Liberia?

23 A. In Liberia I can say that was our own home that we used to
24 travel to. From Lofa, Gbarnga, I know all those areas.

11:23:26 25 Q. Did you ever go to Monrovia?

26 A. Yes.

27 Q. When was that?

28 A. At one time I went to Monrovia, but I did not go alone.

29 Q. Before we go into who you went with, do you remember when

1 it was? Was it before or after you were mining commander?

2 A. It was the time I had not been mining commander. At the
3 time I became mining commander I did not have chance to do such
4 things.

11:24:17 5 Q. Thank you. Do you recall this trip to Monrovia, was it
6 during the junta time or before or after the junta time?

7 A. It was after the junta time when we had retreated and we
8 were now in Buedu.

9 Q. You said you didn't travel alone. Who did you travel with?

11:24:53 10 A. Sam Bockarie and I.

11 Q. Can you please tell us about that trip?

12 A. I travelled with him, including his bodyguards, because I
13 had earlier told you that at any time I was not assigned to a
14 particular area I would always be with him. So, we went to
11:25:22 15 Monrovia.

16 Q. Why did you go? Was it an order, or was it your choice?

17 A. No, I did not choose to go. He asked me to go with him
18 because he was a friend of mine, so the two of us travelled
19 including his bodyguards. All of us went.

11:25:55 20 Q. Where did you go in Monrovia?

21 A. We went - at first we were lodged in his friend's place,
22 the one I had talked about, Jungle. That was where we were,
23 myself, him, including his bodyguards.

24 Q. Okay. How long did you stay in Monrovia with Sam Bockarie?

11:26:32 25 A. We spent a few days, two or three days, because normally
26 when Sam Bockarie went to Monrovia they will not allow him to be
27 just passing around like that because they did not want people to
28 see him. So, most times he will be in his vehicle and so we did
29 not stay long there and we returned.

1 Q. Just to clarify something you said just a few questions
2 before, you said at first you were lodged at Jungle's place. Did
3 you stay anywhere else during that stay in Monrovia, or did you
4 spend all of the nights at Jungle's place?

11:27:14 5 A. No, where they took us to it was Jungle who received us and
6 so he went and lodged us. The place is at ELWA junction.

7 Q. Do you know did Sam Bockarie go anywhere else besides
8 Jungle's place while you were on that trip to Monrovia?

9 A. Yes.

11:27:43 10 Q. Tell us what happened.

11 A. We were at the house when Jungle came with a jeep and he
12 called him and he said Benjamin Yeaten was calling on him and so
13 they went, but when they went and on his return he told us that
14 it was the Pa who called him and all of us knew that when he said
11:28:13 15 the father he was referring to Charles Taylor. He said he was
16 the one that called on him.

17 PRESIDING JUDGE: Unfortunately, Mr Koumjian, we are up to
18 our time limit. I have been alerted that the tape has just about
19 finished. Mr Witness, we are now going to take the mid-morning
11:28:30 20 break of half an hour. We will resume court at 12 o'clock.

21 Please adjourn court until 12.

22 [Break taken at 11.30 a.m.]

23 [Upon resuming at 12.00 p.m.]

24 PRESIDING JUDGE: Mr Koumjian, please proceed.

12:00:17 25 MR KOUMJIAN:

26 Q. Mr Witness, your last answer that you gave included a lot
27 of pronouns. You said "he" a lot and it's not clear who you are
28 talking about, so let me read back my question and your answer
29 and then ask you to repeat your answer putting the names instead

1 of saying "he". I was asking you about whether Sam Bockarie went
2 anywhere on that trip to Monrovia and you said:

3 "We were at the house when Jungle came with the jeep and he
4 called him and he said Benjamin Yeaten was calling on him, so
12:00:57 5 they went, but when they went and on his return he told us that
6 it was the Pa who called him and all of us knew that when he said
7 the Father he was referring to Charles Taylor. He said he was
8 the one that called on him."

9 So I would ask you to explain that again but using the
10 names. When I asked you if Sam Bockarie went anywhere other than
11 Jungle's house, tell us what you know about that.

12 A. Yes, first he went to Jungle's place and after that Jungle
13 came and said Benjamin Yeaten was calling him. But after
14 Sam Bockarie returned he said it was Charles Taylor who had
12:02:02 15 called him. So that was where he was coming from.

16 Q. Okay. You said, "After Sam Bockarie returned he said it
17 was Charles Taylor who had called him". Who told you that, that
18 Charles Taylor had called Sam Bockarie?

19 A. He, Sam Bockarie himself, when he came back to us at the
12:02:33 20 house. That's when he said - he, Sam Bockarie, said Charles
21 Taylor had called him.

22 Q. Now you said you spent a couple - well, do you recall
23 anything else that Sam Bockarie told you about his meeting with
24 Charles Taylor? If not, just tell us.

12:03:06 25 A. I don't know everything, but there were some things that he
26 explained to me. Not everything, but he gave me some brief
27 explanation. One of them was he told us about how to strengthen
28 the security in the Lofa County.

29 Q. Explain what Sam Bockarie told you about that in relation

1 to his meeting with Charles Taylor?

2 A. That's what I'm trying to explain. I said one of them was
3 that Sam Bockarie should not forget about Lofa, because that was
4 our main supply route from Liberia to Sierra Leone.

12:04:07 5 Q. Who said that Sam Bockarie should not forget about Lofa?

6 A. According to Sam Bockarie it was Charles Taylor who told
7 him that he, Sam Bockarie, should not forget about Lofa County's
8 security because Lofa County was RUF's main supply route leading
9 to Liberia.

12:04:38 10 Q. Okay. And what happened after the two or three days? What
11 did you do after the two or three days you spent in Monrovia?

12 A. We decided to come back to Sierra Leone.

13 Q. Who did you travel with?

14 A. It was Sam Bockarie and I, but we travelled together with -
12:05:17 15 we were not in the same vehicle. Jungle and Zigzag Marzah too
16 travelled.

17 Q. How many vehicles did you come with to Monrovia?

18 A. There were two vehicles, a jeep and a truck.

19 Q. How many vehicles were with you when you went back to
12:05:48 20 Sierra Leone?

21 A. That is what I have spoken. I said we returned with two, a
22 jeep and a truck.

23 Q. Do you know if anything was in the truck?

24 A. Yes.

12:06:05 25 Q. Can you please explain?

26 A. There was ammunition in the truck.

27 Q. Sir, you said you were mining commander until 2000. Do you
28 recall in approximately which month you stopped being the mining
29 commander?

1 A. I can't recall the exact month, but maybe I can talk about
2 an incident or something that happened around the same time.
3 That was the time the Guinea war started. That was the month
4 that I finally left the mining.

12:07:09 5 Q. Okay, thank you. Sir, we will get to that in just a
6 moment. When you stopped being the mining commander, first of
7 all who made that decision? Who relieved you of that position,
8 or changed your position?

9 A. It was Issa Sesay, because no other person else could make
12:07:36 10 a decision like that. He was the high command.

11 Q. When you say Issa Sesay was the high command at that time,
12 where was Sam Bockarie, if you know, at that time?

13 A. At that time Sam Bockarie was no longer there. He had gone
14 to Monrovia to Charles Taylor.

12:07:59 15 Q. Did anyone replace you as the mining commander?

16 A. Yes, it was Amara Salia, who was also called Peleto.

17 Q. Is this the same person you discussed yesterday in regards
18 to the bank robbery and the efforts to recover the money from the
19 bank?

12:08:27 20 A. Yes.

21 Q. Did Issa Sesay give you any reason for replacing you?

22 A. Yes, later he told me.

23 Q. What did he tell you?

24 A. According to him, he said he did not make that decision
12:08:53 25 alone. He said Morris Kallon did not like the idea, that is the
26 way I was behaving towards the civilians. He said I had a Bible
27 under my arm. In that sense he meant that I was not harsh with
28 the people for them to do the work, I was not threatening the
29 people to do the actual work that they were supposed to do, so he

1 went and told Issa Sesay to put somebody in charge of the mining
2 who would be hard, who will be aggressive enough for the work to
3 go on well. That was the reason.

12:09:46 4 JUDGE SEBUTINDE: Sorry, Mr Koumjian, I am looking at the
5 record I think line 18 of page 55. Did the witness say, "Morris
6 Kallon did not like the idea, that is the way he was behaving",
7 or "Morris Kallon did not like the idea, that is the way I was
8 behaving towards the civilians"? What is it that Morris Kallon
9 did not like?

12:10:08 10 THE WITNESS: The way - he said we were not talking to the
11 people for them to do the work. We were not forcing them to do
12 the work. We were talking to them softly, so they should bring
13 somebody who would use force to do - who would use force on the
14 people to do the work so they would get a lot more money, what
12:10:35 15 they actually wanted.

16 MR KOUMJIAN: Does your Honour want a further
17 clarification?

18 JUDGE SEBUTINDE: No, I think I have got it plainly now.

19 MR KOUMJIAN:

12:10:46 20 Q. Well just one clarification, sir. When you said, "Morris
21 Kallon said we were not forcing them to do the work", who is the
22 "we" that you meant?

23 A. Okay, I am talking about myself number 1. That is my
24 administration. I spoke to the people politely for them to carry
12:11:12 25 on with the job, but Kallon wanted me to do it soldierly to use
26 force. Whether the person wanted to do the job or not, I should
27 force the person to do the job. That was what Kallon wanted me
28 to do.

29 Q. Do you know, Mr Witness, when Peleto replaced you was

1 anyone else replaced in the mining administration?

2 A. Yes.

3 Q. Do you recall the names of any other individuals that were
4 working with Peleto that maybe were not working with you?

12:11:59 5 A. Yes.

6 Q. Can you tell us those names that you recall?

7 A. On the mining activity, when I had left there were a lot of
8 people who were involved. They sent a lot of people there, like
9 the former deputy brigade commander who was Gasimu, he too was

12:12:28 10 then involved in the mining business, Bukero too was a miner,
11 Kamara was a miner, CO Med was now a miner, Lion was now a miner.

12 Q. Do you recall any other name for Lion?

13 A. His name was Blamo.

14 Q. Please try to - while you are thinking of any other names,

12:13:15 15 sir, I just want to give some spellings to the Court.

16 B-U-K-E-R-O, Gasimu, G-A-S-I-M-U.

17 Now, Mr Witness, understanding it is a while - quite a
18 while ago, can you recall at this time any other names of people
19 who were mining during Peleto's time?

12:13:46 20 A. Those were the names that I have named. There are many
21 other senior officers that were now involved in mining that were
22 not working at the time that I was there.

23 Q. Do you know how long Peleto remained the mining commander?

24 A. Peleto was there until the end of the war.

12:14:19 25 Q. Do you know whether the results of the mining, the diamonds
26 that were found, whether they were more or less than the - during
27 Peleto's time than during your time?

28 A. During Peleto's time everybody then was involved in mining.
29 At first people were afraid and so at that time they got a lot of

1 diamonds, much more than the ones we got when it was my own time,
2 because civilians, soldiers, officers, were all involved in
3 mining at that time and so they got a lot more diamonds than my
4 own time because at that time we were not doing any fighting. We
12:15:09 5 were only doing mining.

6 Q. You talked about some tools and some machines that were
7 used during your time. Do you know if the same tools and
8 machines were used during Peleto's time, or was it any different?

9 A. When I left there the tools that we used to work were the
12:15:29 10 same tools that we left at the place, because I handed over
11 everything. Those were the tools that they used. They got other
12 ones in my absence - if they got other ones in my absence I
13 didn't know, but the ones that I left that I handed over I know
14 they used them.

12:15:53 15 Q. Thank you. Now, sir, during the time that you were the
16 mining commander, did you ever see Foday Sankoh?

17 A. Yes.

18 Q. Can you tell us the circumstances? Well, first of all,
19 where was it that you saw Foday Sankoh?

12:16:24 20 A. I saw Foday Sankoh in Koidu Town itself.

21 Q. Do you know if that was before or after the Lome Accord?

22 A. That was the time he was released in Nigeria. He came to
23 Monrovia and he was taken to Sierra Leone. That was the time.

24 Q. Tell us what happened when you saw Foday Sankoh in Koidu
12:16:57 25 Town?

26 A. He went together with the former ambassador who was in
27 Liberia. That was - I have forgotten his name now a bit. The
28 two of them went to Kono. He went there, he greeted us and the
29 other forces, the Kamajors, who were there. All of us met

1 together and he spoke to us well.

2 Q. And what happened when Foday Sankoh came? Did you yourself
3 have any conversation with Foday Sankoh?

4 A. Yes, I had a conversation with him. He was my commander.

12:17:54 5 Q. What was - did you give anything to Foday Sankoh?

6 A. Yes, I gave him diamonds.

7 Q. Do you recall how much - how many stones you gave him?

8 A. Yes, I can still recall the ones that I gave to him.

9 Q. Can you tell us what you remember?

12:18:27 10 A. Yes, I gave him 15 pieces of diamonds. 15 pieces of
11 diamonds. When you count 1, 2, 3, 4, 5 up to 15; 15 pieces of
12 diamonds.

13 Q. Do you remember anything about the conversation with Foday
14 Sankoh that you had that you can tell us? Can you briefly

12:18:59 15 describe it?

16 A. Yes, he just asked about - because at that time everybody
17 used to give his individual reports to him, but I did not write
18 it down. I sat together with him and I explained to him what had
19 occurred in his absence. I explained to him and what had
12:19:39 20 happened to me personally, like the molestations, I explained
21 everything to him. It was after that that I handed the diamonds
22 over to him.

23 Q. After that meeting that you had with Foday Sankoh, do you
24 know where Foday Sankoh went?

12:20:03 25 A. Yes.

26 Q. Where did he go?

27 A. He returned to Freetown.

28 Q. When Foday Sankoh was in Freetown, did you remain the
29 mining commander for some period of time?

1 A. Yes, I remained there for some time but not for a very long
2 time when I was relieved.

3 Q. Okay. Mr Witness, do you recall which month it was that
4 you were relieved of the position? I may have asked you this
12:20:37 5 before and if you don't know the answer just say you don't know.

6 A. That is what I have told you. The month I cannot recall
7 now the exact month, but if you can know the month that the
8 Guinea war was launched that was the very month that I was
9 relieved.

12:21:01 10 Q. Thank you. Let me ask you this question. Were you the
11 mining - do you recall when Foday Sankoh was arrested in Freetown
12 at his house on Spur Road?

13 A. Yes, I can recall. I was in Kono when I received that
14 message.

12:21:20 15 Q. Were you still the mining commander at that time?

16 A. Yes.

17 Q. About how long, how many months if you can remember, after
18 that was it that you were relieved as the mining commander?

19 A. After Foday Sankoh had been arrested in Freetown, the other
12:21:57 20 people escaped and they got to us in Kono. It did not take up to
21 three months when my assignment was changed, but I can't recall
22 the exact date now because it was not everything I can memorise
23 because we were never expecting to be doing this by now.

24 Q. Yes, thank you, Mr Witness. It's helpful to us the
12:22:23 25 information you provided. Sir, when Foday Sankoh was in
26 Freetown, had come back to Sierra Leone, what was your practice
27 as far as what you did with the diamonds? Who did you give the
28 diamonds to?

29 A. It was still Issa Sesay. The time that I was there I gave

1 the diamonds to Issa Sesay. It was only that time that Sankoh
2 went to Kono that I gave him the 15 pieces, but he, Issa himself,
3 saw them and he allowed me to give them to the Pa.

12:23:14 4 Q. Thank you. Now, Mr Witness, after you were relieved of the
5 position of mining commander, what was your next assignment?

6 A. I did not have another assignment. I was just - by then -
7 right up to the time the Guinea war started.

8 Q. Okay. Before we go into that Guinea war, I want to ask you
9 a few other questions and give you some words and ask you if you
12:23:56 10 recognise these. Are you familiar, sir, with Opera?

11 A. Say that again.

12 Q. Opera? Do you know anything about Opera?

13 A. Maybe the pronunciation is problematic. I don't know that
14 Opera pronunciation. Opera. I don't know that pronunciation,
12:24:31 15 Opera. Maybe there is a problem with it.

16 Q. How about Joe Town?

17 A. Okay, that is why I said maybe it was the pronunciation. I
18 know Joe Town. Joe Town is near Koidu Town.

19 Q. What is Joe Town?

12:24:52 20 A. Joe Town was a small village near the road, but it was a
21 mining area too.

22 Q. Do you know anything called Tankolo Camp? Does that
23 pronunciation sound correct? Do you recognise that?

24 A. Please call it again. Maybe you are missing the
12:25:19 25 pronunciations. I don't know.

26 Q. I may not be reading correctly, sir. Let me move to
27 something I can read. Do you know something called Number 6?

28 A. Yes, there was Number 6, there was Number 7 as well. Those
29 were mining sites. I know the places.

1 Q. Where is Number 6?

2 A. Number 6 was near Number 7. It is around Kokuima area.

3 Q. In Kono District?

4 A. Yes, yes.

12:25:58 5 Q. What about Congo Bridge?

6 A. Congo Bridge is between Koidu and Kokuima, the bridge that
7 is in between there is what was referred to as Congo Bridge.

8 Q. Do you know a place called Kuyor?

9 A. Yes, I know that place, Kuyor. It's in Koidu Town.

12:26:35 10 Q. What is Kuyor?

11 A. Kuyor is the name of an area, but it's a mining area too.
12 It's in Koidu Town.

13 Q. What about Congo Bridge? You told us where that is. Were
14 there any mining sites near that?

12:26:55 15 A. Yes, it's the same mining area. It is the bridge that
16 divides the two towns, the Koidu Town and Kokuima. Down the
17 bridge and up the bridge were both mining areas, so that's why
18 the places were called Congo Bridge.

19 MR KOUMJIAN: I believe I said Kuyor at one place and I
12:27:27 20 would like to spell it for the record.

21 MR GRIFFITHS: Well, I anticipate, your Honours, that this
22 precedes an application to put before the witness a document. If
23 that is the case then I would prefer the witness to spell the
24 name rather than Mr Koumjian.

12:27:47 25 MR KOUMJIAN: I have no problem with that, if he can:

26 Q. Sir, can you spell Kuyor?

27 A. No, I cannot. I know the place called Kuyor, but that's a
28 Kono word. It's not an English word. That's not an English
29 word. It's a Kono word.

1 MR KOUMJIAN: Would your Honours like the spelling or not?

2 PRESIDING JUDGE: Please spell it into the record,

3 Mr Koumjian.

4 MR KOUMJIAN: K-U-Y-O-R. Thank you:

12:28:50 5 Q. Sir, does Zone 4 mean anything to you?

6 A. What? Zone 4?

7 Q. Yes.

8 A. If it means anything to me?

9 Q. Yes.

12:29:01 10 A. Please repeat that.

11 Q. Well, do you know a place called Zone 4, or not?

12 A. Yes, all of those places were in Koidu, Kono District.

13 These places that you are mentioning were mining areas and even

14 when there was no war the mining company that was there used to

12:29:30 15 mine in those places. Those were the names.

16 Q. Mr Witness, earlier in your testimony you mentioned an

17 Alhaji who was working with you in mining. Do you recall that?

18 A. Yes.

19 Q. Do you know what his rank was, if he had one?

12:29:59 20 A. It was Staff Alhaji. He was a staff.

21 Q. Do you recall - do you know his last name?

22 A. We called him Staff Alhaji.

23 Q. Did he have a different first name, or you don't know?

24 A. He was called Bayor.

12:30:30 25 Q. Do you know a Foday Fofanah?

26 A. Maybe he had a nickname, but Foday Fofanah?

27 JUDGE SEBUTINDE: Mr Witness, what is your answer? You

28 know or you don't know?

29 THE WITNESS: No, I don't know. I don't know.

1 JUDGE SEBUTINDE: Mr Koumjian, is Bayor spelt correctly on
2 the record?

3 MR KOUMJIAN:

12:31:14

4 Q. Mr Witness, do you know how to spell - you said he was
5 called Bayor. Do you know how to spell that?

6 A. Yes, the way I spell it is B-A-Y-O-R. That's the way I can
7 spell Bayor.

12:31:54

8 MR KOUMJIAN: Your Honours, I would like an original
9 document placed before the witness and that is the document in
10 tab 10.

12:32:11

11 MR GRIFFITHS: Your Honours, I would like some foundation
12 as to the basis upon which this particular document is being
13 placed before the witness. If your Honours were to look behind
14 tab 10, you will see, for example, that there's quite a
15 substantial document behind that tab, much of it illegible. From
16 what is legible dates on it refer to 2001 when this witness has
17 ceased being mining commander, so one wonders then the basis upon
18 which Mr Koumjian is seeking to introduce this document through
19 this witness. So there's two points. One, is the witness in a
20 position to speak to this document. Secondly, what is the
21 foundation for placing this particular document before this
22 witness?

12:32:42

23 PRESIDING JUDGE: Yes, Mr Koumjian, your reply, please.

12:33:03

24 MR KOUMJIAN: Actually, your Honours, my reply is that I
25 don't need to place it before the witness, but I would move it
26 now into evidence as a relevant document under 89(C). The
27 document is relevant because on the face of it it's quite clear
28 that it is mining records, exactly as counsel points, out for a
29 period of time after this witness was mining commander, not

1 during the time he was the mining commander. The locations
2 mentioned are locations that this witness directly tied to this
3 witness's testimony. Some of the names mentioned of the
4 commanders are persons who this witness has mentioned as people
12:33:51 5 he knew that were involved in mining.

6 So the witness's testimony goes to help corroborate the
7 authenticity of this document. It goes to help the Trial Chamber
8 understand what it is, because, as you can see, it's very similar
9 - as far as what is recorded is similar to the other book, the
12:34:15 10 Black Guard report book, that was put in, and for that reason it
11 is obviously relevant because the diamond mining is I think - I
12 don't think anyone is asking me to explain why diamond mining is
13 relevant to the case and this further provides evidence that the
14 mining was going on in an organised fashion by the RUF in the
12:34:40 15 manner that the witness has described.

16 PRESIDING JUDGE: Mr Griffiths, counsel for the Prosecution
17 has made an application.

18 MR GRIFFITHS: Well, your Honour, I have before me the
19 provisions of Rule 89 which in summary provides that the Chamber
12:35:10 20 can admit any relevant evidence. Now whereas we appreciate the
21 width of that provision, nonetheless it seems to us that we ought
22 to be provided with some information by which the Defence can
23 question firstly the origins of this document, secondly its
24 authenticity.

12:35:37 25 At present we have a situation whereby Mr Koumjian through
26 this witness in effect is saying here is a document, we want it
27 to go before the Court because it includes relevant evidence, but
28 one or two a priori conditions have not been met. Where did it
29 come from? Who wrote the document? Where is the original? Is

1 it available for inspection?

2 If none of those one would have thought necessary
3 conditions are met, effectively what my learned friend is arguing
4 for is a position whereby the OTP could download any document
12:36:25 5 from the internet and present it to this tribunal through any
6 witness and in our submission Rule 89 cannot be that wide. So I
7 am still asking for some foundational evidential support for this
8 document.

9 MR KOU MJIAN: May I reply? It's an important matter. I
12:36:52 10 would seek leave to state our position on this.

11 PRESIDING JUDGE: Is it a point of law, Mr Koumjian?

12 MR KOU MJIAN: Yes, only points of law. Your Honour, the
13 matters that counsel says are preconditions for the admission of
14 a document, there is specific case law that none of these are
12:37:19 15 preconditions for the admission of a document that it is required
16 that the author be known, that it is required that a witness be
17 available to testify to how the document was prepared, or that it
18 is required that an original be presented. Case law specifically
19 says those are not required. In fact in this case, as I
12:37:40 20 mentioned at the beginning of my application, the original is
21 here in court and that is what we are seeking to admit at this
22 time. It is a book that the Court Officer has.

23 The Defence position is inconsistent, because the Defence
24 has put into evidence documents that have absolutely no tie in to
12:38:02 25 the witnesses who have testified about that they have been
26 presented to and just off the top of my head I will give a few
27 examples. In the testimony of Moses Blah, the autopsy report of
28 Sam Bockarie was put to the witness who said he had no
29 information about the autopsy. Obviously, it was not a --

1 JUDGE SEBUTINDE: Mr Koumjian, is this a point of law?

2 MR KOUMJIAN: Yes.

3 JUDGE SEBUTINDE: This is not a point of law. You are
4 being argumentative. Let us deal with this evidence. It doesn't
12:38:32 5 help us drawing in exhibits that have already been admitted in
6 different circumstances and probably for different purposes.

7 MR KOUMJIAN: As a point of law, then - thank you, your
8 Honour. As a point of law I would say that the case law is clear
9 that the exact same rules of evidence apply to the Defence and to
12:38:48 10 the Prosecution and that what we are seeking is that the
11 equivalent rules be clearly stated and applied to both parties.

12 The evidence is clearly relevant. As we have seen in other
13 documents, and as your Honours have stated many times in your
14 written decisions, in your oral decisions, the authenticity of
12:39:08 15 the document can be - is not necessary at the time of admission.
16 It is something you weigh later.

17 Many documents we presented through one witness and further
18 witnesses have commented on it, the document's authenticity is
19 built up over time over several different witnesses and is
12:39:26 20 further corroborated as one document and one document
21 corroborates another.

22 So these records, which on their face are clearly relevant,
23 they mention the sites that the witness has talked about in Kono,
24 they clearly mention caratage, we believe should be admitted at
12:39:43 25 this time because they meet the standards of - that this court
26 has articulated as to the standards for admissibility whether or
27 not a document is relevant, and it is directly tied into this
28 witness because he has talked about the mining, he has talked
29 about the sites and he has talked about these commanders. Thank

1 you.

12:40:14 2 JUDGE LUSSICK: Mr Koumjian, what I am going to say is not
3 the opinion of the Trial Chamber. I am just giving - it is
4 something I am thinking of and I am just giving you an
5 opportunity and possibly Mr Griffiths an opportunity to answer
6 this. If the document cannot be linked to the evidence of the
7 witness, then you are not seeking to prove any facts by oral
8 evidence. You are seeking to prove them by documentary evidence.
9 And it seems to me that if that is so then the provisions of 92
12:40:40 10 bis apply and you cannot attempt to evade those provisions by
11 simply dumping documents on witnesses who know nothing about them
12 and trying to admit them through 89 (c). As you know very well,
13 89 (c) is a general rule giving the Court some right to admit
14 evidence if it sees fit and if the evidence is relevant, but
12:41:11 15 Rule 92 bis is *lex specialis* dealing with information in
16 documents.

17 MR KOUMJIAN: Your Honours, we don't - first of all, for
18 purposes of argument I will say that this evidence is not linked
19 to the witness. I have stated my position that it is; that the
12:41:31 20 document is linked to the witness's evidence. But regarding 92
21 bis, I believe your Honour makes an important point and I would
22 like to talk a little bit about that.

23 Your Honours know that Rule 92 bis was taken from the rules
24 of the ICTR originally word for word and I believe that the
12:41:47 25 language has been amended since then. There is also a very
26 similar 92 bis provision in the rules of the ICTY. 92 bis
27 applies for evidence that is offered in lieu of oral evidence
28 and, if you look at the use of that rule in the other tribunals,
29 in the other tribunals it has clearly been used to put in witness

1 testimony of witnesses who are not going to come to court, or
2 under the provisions of, I believe, it's D, under D, to come to
3 court only for cross-examination.

4 One of the reasons I think it is clear that 92 bis does not
12:42:25 5 apply to every document and it would not make logical sense for
6 it to apply to every document is that 92 bis specifically says
7 the document cannot go to the acts and conduct of the accused.
8 So, your Honours, it would not make sense that no document can be
9 admitted in this tribunal that goes to the acts and conduct of
12:42:47 10 the accused. That would make that rule - it wouldn't make sense.
11 For example if there was a letter from an accused ordering crimes
12 that would not be admitted because it goes to the acts and
13 conduct of the accused, or a videotape of the accused
14 participating in crimes because it goes to the acts and conduct
12:43:07 15 it could not be admitted. Our position is that 92 bis is very
16 specific if you look at the history of the rule and how it has
17 been used --

18 JUDGE LUSSICK: Well, wait on. You must look at the
19 Special Court history of the rule because our rule is much
12:43:22 20 broader than other International Courts.

21 MR KOUMJIAN: Yes, and specifically I note the decision in
22 Fofana, as your Honour points out, where they said the reason the
23 rule is different, 92 bis, was because in the Special Court the
24 objective was to avoid technical rules of evidence that would
12:43:40 25 preclude relevant evidence from coming in or from very difficult
26 hurdles of admitting evidence that is clearly relevant before the
27 Trial Chamber could consider it. And specifically, I think if
28 you look at I think it is Justice Robertson's consenting opinion,
29 it may also be in the majority opinion, they talk about how in

1 the situation of the Special Court, especially where a truth
2 commission exists and other organisations have submitted large
3 reports about the crimes that occurred, it would not make sense
4 to have to prove all of that all over again.

12:44:18 5 So our position is that 92 bis was never meant to make it
6 more difficult in the Special Court to get documents into
7 evidence than they are in other tribunals, and it would not make
8 sense to say it applies to every document because then it would
9 preclude any document that goes to the acts and conduct of the
10 accused from being admitted into evidence.

11 JUDGE LUSSICK: Yes, all right. Well as to documents going
12 to the acts and conduct of the accused, if you read Galic then
13 Galic limits the meaning of those words to a very special
14 circumstance, but what you haven't considered is that talking
12:44:58 15 about the admissibility of documents under 92 bis you haven't
16 explained why the documents should be admitted through this
17 witness instead of taking the normal 92 bis procedure. This
18 witness - you haven't laid any foundations as to why this witness
19 can speak to the document.

12:45:19 20 MR KOUMJIAN: Well, I am asking the Court to admit it along
21 with the testimony. I am not sure about the words "through the
22 witness", but what I am pointing out is that this document is
23 relevant to the witness's evidence because he has already named -
24 given evidence that would help corroborate the authenticity of
12:45:37 25 this document. There is case law, and I believe one is a
26 pre-trial decision in Prlac, P-R-L-A-C, saying that documents can
27 be admitted through a witness when the witness can talk about
28 either the relevance of the document, the probative value of the
29 document or some evidence as to the authenticity of the document.

1 Clearly this witness has not - we are not saying that he
2 saw this document, it was created after he was the mining
3 commander, but he recognises the places, he recognises some of
4 the names he has told you about in his testimony of - he stated
12:46:15 5 of these places that they were mining sites and the names and he
6 has told you how records was kept. He has gone into detail of
7 how records were kept in the normal course of mining.

8 So it is directly relevant and it would make more sense
9 when your Honours and the parties consider the evidence at the
12:46:30 10 end that this document go along with this witness's testimony,
11 because it is most relevant of all the witnesses that we have
12 heard to this witness's testimony. Thank you for your patience
13 in hearing me. Thank you.

14 JUDGE LUSSICK: Well firstly I apologise to the Presiding
12:46:46 15 Judge, because it was a matter that I was considering rather than
16 the whole Bench and I did indicate that I would give Mr Griffiths
17 a chance if he wished to reply.

18 MR GRIFFITHS: Well I am grateful, your Honour. Put
19 shortly, the position is this. Mr Koumjian accepts that the
12:47:08 20 witness has no relation, if I can use that term, with this
21 particular document, and so in effect he is seeking to use this
22 witness to circumvent the provisions of Rule 92 bis. He is
23 seeking to do that by praying in aid the provisions of Rule 89,
24 and in our submission it is a totally erroneous route for my
12:47:40 25 learned friend to take and before he could do that there has to
26 be some foundation. Absent such foundation we submit that Rule
27 89 does not allow for the admission of this document through this
28 witness, which is what my learned friend is seeking to do.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: We have considered the submissions in
2 this case. If the Prosecution wishes to tender a document under
3 Rule 89 (c) through a witness, they need to lay foundation and in
4 the instant case there is no sufficient foundation. If a
12:51:50 5 document is to be tendered without a witness, then the
6 application should be made under 92 bis of the rules.

7 MR KOUMJIAN:

8 Q. Mr Witness, in relation to diamonds, does white have any
9 meaning? Can you explain what it means when you talk about white
12:52:23 10 in relation to diamonds?

11 A. The weight means when it has been weighed. When we weigh
12 it on the scale, that is where we know if weight.

13 Q. Sorry, perhaps the interpreter didn't understand me. I am
14 just talking about the colour. I'm sorry if I was not clear.

12:52:46 15 The colour white.

16 A. Okay.

17 Q. Does "white" mean anything to you?

18 A. The colour by which you mean white, as you are all English
19 people, when we say something is white it means it is purely
12:53:05 20 white and it has no other colour mixed with it. It is purely
21 white.

22 Q. Mr Witness, for the record we are not all English people.

23 Thank you. Sir, you have talked about the Guinea operation. Can
24 you tell us what year that occurred?

12:53:37 25 PRESIDING JUDGE: Mr Koumjian, the witness used the term
26 "Guinea war". Now is Guinea war and Guinea operation --

27 MR KOUMJIAN: I apologise:

28 Q. Sir, you said something about Guinea. Were you ever in
29 Guinea yourself?

1 A. Yes.

2 Q. Do you recall what year it was that you were in Guinea?

3 A. 2000. The year 2000.

4 Q. Do you recall if it was dry season or rainy season?

12:54:18 5 A. It was - it was coming close to the rainy season, but it
6 was not deep in the rainy season. It was at the end of the dry
7 season.

8 Q. Thank you. Sir, you have told us that you remember when
9 you were in Koidu Town when Foday Sankoh was arrested on Spur

12:54:44 10 Road. Was the Guinea operation before or after that?

11 PRESIDING JUDGE: Guinea operation.

12 MR KOUMJIAN: Sorry, first of all it is not helpful anyway
13 because I am in the wrong year. Excuse me, let me try something
14 else:

12:54:58 15 Q. Sir, tell us how it was that you went to Guinea. Explain
16 what happened.

17 A. My trip to Guinea was not done by me alone. Some other
18 people went there and it was a directive. It was an order given
19 to me - given to Morris Kallon by Issa Sesay and he asked us to
12:55:29 20 go there.

21 Q. Okay. At the time that you went to Guinea, who was
22 commanding the RUF?

23 A. It was Issa Sesay who was commanding the RUF at that time.

24 Q. Can you tell us what the circumstances were that you went
12:55:56 25 to Guinea? Please you started to tell us. Go ahead and explain
26 it.

27 A. I said it was an order that made me to go there, but before
28 ever we went there we received Mohamed Turay who was the late
29 Sheku Turay's son from Guinea. He came together with Issa Sesay.

1 Both of them came from Monrovia, Liberia, and when he came it was
2 at Kokuima that the arrangement was made. He and Morris Kallon
3 did the arrangement for us to launch a war in Guinea.

12:57:01

4 Q. When you say that both of them came from Monrovia, who are
5 you talking about?

6 A. Issa Sesay and Mohamed. The late Sheku Turay's son,
7 Mohamed Turay.

8 Q. What were the orders that you received?

12:57:33

9 A. Issa gave me the order that I should join Morris Kallon for
10 us to go, so I joined him and I remained with him until we moved.
11 We went through Kamakwie.

12 Q. Did Issa Sesay tell you what the purpose of you joining
13 Morris Kallon was?

14 A. Yes.

12:57:57

15 Q. What did Issa Sesay tell you?

16 A. It was because of the Guinea war for us to go and fight in
17 Guinea, because Mohamed Turay was the rebel leader for Guinea who
18 was going to take the war into Guinea, but he did not actually
19 have manpower on his own that he could take. So that was the
20 reason why he passed through the RUF, so that the RUF could
21 assist opening the road for him so that he will carry out his
22 war.

12:58:27

23 MR KOUMJIAN: Your Honour, one spelling for the record,
24 Kamakwie, K-A-M-A-K-W-I-E:

12:58:54

25 Q. Sir, just so we understand, if you know at the time that
26 Issa Sesay came from Monrovia and was talking to you about the
27 order, was there a war already going on in Guinea?

28 A. No.

29 Q. Okay, thank you. So after he told you to join Morris

1 Kallon, what happened?

2 A. I travelled with him to the town that I had called,
3 Kamakwie. That was where we arranged everything. All of us, the
4 soldiers, assembled there and we arranged it and we were
12:59:33 5 distributed to various areas.

6 Q. What was your role in that event?

7 A. In the RUF anywhere they were to send somebody to, or even
8 when people were to go and fight in a particular area, they will
9 send certain people as advisors so that they will ensure that
13:00:08 10 people carry on with the fighting so that people would not forget
11 about what they are there to do. So that was like my role. I
12 was there to ensure that what the officers had asked the troops
13 to do, they did them.

14 Q. Were you yourself commanding any troops?

13:00:32 15 A. I did not command troops, but I was within the troops.

16 Q. Who were the commanders involved in this operation?

17 A. Morris Kallon was one, Bai Bureh, the Tall Bai Bureh and
18 the Short Bai Bureh, Komba Gbundema, myself and so many other
19 officers, junior officers, who were the fighters.

13:01:12 20 Q. Can you tell us what was the plan that you had to bring
21 this war to Guinea?

22 A. The reason why people were forced or people were asked to
23 go to Guinea, it was because the President who was there, Lansana
24 Conte, was conniving with the Sierra Leone government and that
13:01:52 25 enemies used his territory to enter Liberia through the Lofa
26 County.

27 Q. Okay. Sir, my question is did you have a specific
28 objective in the operation? What were you told to do? Were you
29 going to any particular place in Guinea?

1 A. Yes.

2 Q. Can you explain that?

3 A. In our own area we captured two places. We captured Madina
4 Wola, that was the area I went to, and Morris Kallon and others
13:02:42 5 went to Pamelap. They went and captured there.

6 MR KOUMJIAN: Okay, the spellings, Madina Wola,
7 M-A-D-I-N-A, one word, W-O-L-A the second word. And Pamelap,
8 P-A-M-E-L-A-P:

9 Q. Now the forces that you have just mentioned that attacked
13:03:09 10 Madina Wola and Pamelap, were all of these forces RUF?

11 A. Those towns are in Guinea. They are not in Sierra Leone.

12 Q. Okay, let me try my question again. What forces - you
13 talked about the attack on Madina Wola and Pamelap --

14 A. Okay.

13:03:33 15 Q. What forces were attacking these two towns?

16 A. It was the RUF that attacked those areas.

17 Q. Was RUF coordinating with any other force at that time?

18 A. Yes.

19 Q. Can you explain that, please?

13:03:59 20 A. We entered three places, the two places that I have already
21 referred to and the third one was Gueckedou, and the route
22 entering there is from Liberia and it was the NPFL who entered
23 through that area to go to Gueckedou.

24 Q. Okay. So the RUF forces that attacked Madina Wola and
13:04:25 25 Pamelap, from where did they attack those locations? Where did
26 they enter Guinea, if you know?

27 A. It was from Sierra Leone that we entered and from Kamakwie
28 there is a route straight to Madina Wola and from Kamakwie there
29 is a straight route to Pamelap, so we were divided into two

1 groups, so we undertook the venture.

2 Q. Sir, what was the result of your attacks for the RUF
3 forces?

4 A. The result was not good. It was not fine for us.

13:05:24 5 Q. What happened?

6 A. There was discouragement in between, because Issa Sesay and
7 Morris Kallon discouraged the fighters and some officers, so we
8 retreated from the place. It was not that we were pushed by
9 enemies. It was we ourselves who decided, that is the RUF, to
10 withdraw from the place. It was as a result of discouragement.

13:05:49

11 MR GRIFFITHS: Can I intervene to seek clarification on a
12 couple of matters, Madam President? Firstly, on page 78 at line
13 13 we have this answer from the witness: "Lansana Conte was
14 conniving with the Sierra Leone government and enemies" and he
15 has just now in the last answer again referred to enemies as yet
16 undefined. It may be it would assist us all to know who these
17 enemies were.

13:06:16

18 MR KOUMJIAN: I would be happy to ask that question:

19 Q. Sir, you said Lansana Conte was conniving with enemies.

13:06:37

20 First of all, who were the people that Lansana Conte was
21 conniving with, according to what you were told?

22 A. Okay, the SLA - let me say the Sierra Leone government had
23 certain fighters, let me say the Kamajors, and the STF too put
24 themselves together and they were passing through Lansana Conte's
25 territory, that is in Guinea, and entered Liberia in Foya
26 District and Voinjama and that is in the Lofa County. They were
27 going there to fight war. So those are the people I mean. Those
28 are the people I refer to as enemies, that is the Kamajors and
29 the STF put together who used to go and fight war in Liberia

13:07:11

1 through Guinea.

2 PRESIDING JUDGE: Just for purposes of record, Mr Koumjian,
3 the status or who was Lansana Conte? He has been referred to but
4 for purposes of record.

13:07:45

5 MR KOUMJIAN:

6 Q. Sir, who was Lansana Conte?

7 A. Lansana Conte is the President of Guinea.

8 Q. So, sir, when you say that Lansana Conte and that these
9 enemies used to go and fight war in Liberia through Guinea, so

13:08:07

10 who were they the enemies of, Lansana Conte and the forces he was
11 with or helping? They were enemies of who?

12 A. We considered all of them as enemies. At first the former
13 Sierra Leone government, Lansana Conte's government, who were
14 allowing the Kamajors to use their territory to go and fight in

13:08:35

15 Liberia, we considered all of them to be enemies for us.

16 JUDGE SEBUTINDE: But enemies of who is the question?

17 Enemies of who?

18 THE WITNESS: Enemies to the RUF and the NPFL.

19 MR KOUMJIAN:

13:08:55

20 Q. Thank you. Sir, did the RUF, the forces that you were
21 with, suffer any casualties, any wounded or dead in that attack
22 in Guinea?

23 A. Yes.

24 Q. Can you tell us do you recall any commanders being killed?

13:09:29

25 A. Two people died on our own side that I recall. One of the
26 boys was called Olu. His name is Olu, that is what they called
27 him, and there was another one called Mohamed, Mohamed GMG. That
28 was how they used to call him, Mohamed GMG. Those two men, those
29 two boys, died. And even I sitting in front of you here, I got

1 wounded during that operation.

2 Q. Were any other - well, first of all, what forces were you
3 fighting against, the RUF? What forces were you fighting against
4 in this attack in Guinea?

13:10:18 5 A. We were fighting against the Guinean soldiers.

6 Q. Do you know what forces were what you called the NPFL
7 forces from Liberia? Who were they fighting against in
8 Gueckedou, if you know? If you don't, tell us that you don't.

9 A. NPFL in Liberia, those were Charles Taylor's forces. They
13:10:43 10 were fighting against the Guinean soldiers. Those are the
11 Lansana Conte soldiers.

12 Q. Now you said that the result wasn't good and you talked
13 about how some of the soldiers felt. Did that have any effect on
14 the RUF, that operation?

13:11:07 15 A. Yes, it affected the operation but --

16 Q. Sorry, sir, my question is did the change in morale affect
17 the RUF when you came back to Sierra Leone?

18 A. Yes, because we did not go to Guinea in order only to
19 retreat again, but the conditions forced us to return. It was
13:11:44 20 not that the Guinean troops or the Guinean government soldiers
21 pushed us out of the place. We ourselves decided to retreat.

22 Q. Thank you. Now, Mr Witness, I am going to move to another
23 area unless there are questions on the Guinea issue.

24 JUDGE SEBUTINDE: It's just that your last question was not
13:12:07 25 answered as far as I'm concerned. You asked about whether the
26 morale had any effect when they returned and the answer doesn't
27 relate to that. If you're happy, move on.

28 MR KOU MJIAN: Thank you, your Honour.

29 THE WITNESS: No. What I mean about the morale, yes, when

1 we returned people thought that we were unable to carry out the
2 attack and so that was the reason why we decided to come back,
3 but that was not it, because we, the fighters, knew that that was
4 not actually the reason. We decided to come back because of
13:12:45 5 circumstances.

6 MR KOUMJIAN:

7 Q. Mr Witness, can you explain those circumstances? What
8 caused the RUF that had been fighting so long to become
9 disgruntled in this operation?

13:13:06 10 A. When Sam Bockarie had left and gone to Monrovia Issa Sesay
11 who remained in the position was discouraging the fighters, so
12 the soldiers became disgruntled and at any time he told them - he
13 asked them to do something they would not want to do it because
14 he always discouraged people. But at the time Sam Bockarie was
13:13:37 15 in the position nobody was disgruntled. He used to encourage the
16 soldiers and at any time the soldiers brought their problems to
17 him, if he was able to solve it he will, but if he was unable he
18 would then tell you again that he cannot solve it at that moment.

19 Q. Were the RUF soldiers that participated in that operation
13:14:01 20 in Guinea satisfied that it was - being part of that operation
21 that the RUF was attacking Guinea?

22 A. No.

23 Q. Can you explain that answer?

24 A. That operation was not our operation to go to Guinea and I
13:14:38 25 had earlier stated that Issa Sesay - it was Issa Sesay's quest
26 for money that he decided to undertake that, but Foday Sankoh had
27 told us earlier that it was not our responsibility to enter into
28 Guinea with a war because that wasn't our target and it was not
29 our mission. But because of his quest for money, when Mohamed

1 Turay brought dollars, when he brought the dollars to Liberia and
2 he met him there, it was because of those dollars that he came
3 back and he asked us to go to Guinea. Then he sent us to Guinea
4 and then we went there. That was the reason why when some of our
13:15:28 5 men heard about that they were disgruntled. They did not want to
6 go.

7 MR KOUMJIAN: Okay, thank you. Any further clarifications
8 or I will move to a different subject?

9 PRESIDING JUDGE: I was going to just clarify who the "him"
13:15:48 10 was, but I think it's sufficiently clear that the "him" was Issa
11 Sesay's quest, et cetera. It's Issa Sesay, so please move on,
12 Mr Koumjian.

13 MR KOUMJIAN: Thank you:

14 Q. Sir, you have told us about Sam Bockarie, Mosquito. Did
13:16:07 15 you ever see - and you have told us - well, did you spend much
16 time with Sam Bockarie?

17 A. Yes.

18 Q. Did you ever see Sam Bockarie's signature?

19 A. Yes, I know it very well.

13:16:27 20 Q. How did you see Sam Bockarie's signature before?

21 A. I would be close to him when he would write a letter,
22 enclose it to send to somebody and he will sign. Sometimes they
23 will prepare a letter to be sent to somebody, they will bring it
24 over to him, he will sign. Sometimes he will ask the S4 or the
13:16:56 25 G4 to take materials to send them to the front line and he will
26 sign on the document and I was sometimes close to him when he did
27 those things. So I knew his signature and I know it.

28 MR KOUMJIAN: I would like the witness to be shown the last
29 page of tab 1, the page with ERN number 0009671.

1 PRESIDING JUDGE: Excuse me, please show it to the witness.

2 MR KOUMJIAN: Your Honour, for the record this document is

3 D-9 already in evidence:

4 Q. Sir, do you recognise the signature or any of the

13:18:09 5 signatures?

6 A. Yes.

7 Q. Sorry, I have the wrong document.

8 A. This one here.

9 Q. Whose signature is that?

13:18:23 10 A. This is Sam Bockarie's own.

11 JUDGE SEBUTINDE: Mr Koumjian, is D-9 an original, or is it
12 a copy?

13 MR KOUMJIAN: I believe it's a copy.

14 MS IRURA: Your Honour, it's a copy.

13:18:45 15 MR KOUMJIAN: Whether it's the best - well, I think it came
16 from the Defence. Whether there is an original in the possession
17 of the OTP I could check, but I don't believe so. If I could
18 then ask that the witness be shown tab 2, the document in tab 2,
19 which is a one page document.

13:19:28 20 JUDGE SEBUTINDE: Is it in evidence?

21 MR KOUMJIAN: Yes, it is. This is P-20:

22 Q. Sir, it might be actually easier for you to stand up for a
23 moment and look at the document. He has a copy. Do you
24 recognise the signature?

13:20:04 25 A. Yes, even if I don't stand I see it.

26 Q. Whose signature is that?

27 A. It's Sam Bockarie's signature.

28 Q. Thank you.

29 A. Even if I am sleeping I will tell you. I know.

1 MR KOUMJIAN: Thank you. Take that away, please:

2 Q. Mr Witness, did you know - did Sam Bockarie have a wife or
3 any wives that you knew?

4 A. Yes, he had a wife.

13:20:41 5 Q. Did you know any of the family of the wife?

6 A. I know his - I know all of his family and his wife's
7 family.

8 Q. Since disarmament did you ever see Sam Bockarie's wife or
9 any of her family in Sierra Leone?

13:21:13 10 A. I have never seen a wife after that, but I saw his wife's
11 elder sister and Sam Bockarie's younger brother.

12 Q. What was Sam Bockarie's wife's elder sister's name, or what
13 is her name?

14 A. Her elder sister's name is Kadie.

13:21:36 15 MR KOUMJIAN: That's K-A-D-I-E, your Honour:

16 Q. When was it that you saw Kadie?

17 A. It was in 2004 in Freetown.

18 Q. Did she tell you anything about what happened to her
19 sister?

13:22:00 20 A. Yes, both of them explained everything to me. I was with
21 them at the house for the whole day because they were now my
22 family members.

23 Q. And what did Kadie tell you about what happened?

24 A. When she came she told me that Sam Bockarie is dead and
13:22:34 25 Hawa too is dead, that is Sam Bockarie's wife, including the
26 children, Sam Bockarie's mother, Sam Bockarie's other brother
27 Mohamed. She said they are all dead. And I asked who killed
28 them? She said Charles Taylor, he gave the order for them to be
29 killed. That was what Kadie told me. And Amara too, when I

1 asked him that was the same thing he told me.

2 Q. Did Kadie tell you where she was when Sam Bockarie was
3 killed?

13:23:13

4 A. Yes, Kadie was staying with all of them in the same house
5 in Monrovia, but Kadie's husband was not staying in that
6 particular house, so she used to go and pass the night over to
7 her husband and in the morning she will come back. So it was in
8 the absence of Kadie that they came and collected Hawa and others
9 and they put them into a vehicle and took them away. So Kadie
10 was not present at the scene that particular time.

13:23:39

11 Q. Okay. Did Kadie say how she got to Sierra Leone? Did she
12 travel openly, do you know?

13 PRESIDING JUDGE: That is two questions, Mr Koumjian. You
14 have been doing that quite frequently this morning.

13:23:56

15 MR KOUMJIAN:

16 Q. Did Kadie tell you how she got to Sierra Leone?

17 A. Yes, she escaped. She escaped. She escaped her way
18 through Bo Waterside and entered Sierra Leone.

19 MR KOUMJIAN: Thank you, I have no further questions.

13:24:19

20 PRESIDING JUDGE: That is the end of your
21 examination-in-chief, Mr Koumjian?

22 MR KOUMJIAN: Yes, your Honour.

23 PRESIDING JUDGE: Thank you. Mr Griffiths, I notice how
24 close we are to the normal lunchtime adjournment and in the
25 circumstances perhaps it would be more appropriate to adjourn now
26 and start afresh at 2.30.

13:24:32

27 MR GRIFFITHS: I am grateful, your Honour.

28 PRESIDING JUDGE: Mr Witness, we are going to break a
29 little bit early because the counsel for the Defence has some

1 questions for you also. We will adjourn and recommence court at
2 2.30. Please adjourn court until 2.30.

3 [Lunch break taken at 1.25 p.m.]

4 [Upon resuming at 2.30 p.m.]

14:29:51 5 PRESIDING JUDGE: Mr Griffiths, please proceed.

6 MR GRIFFITHS: Thank you, your Honour.

7 CROSS-EXAMINATION BY MR GRIFFITHS:

8 Q. Could I start off by asking you about one or two general
9 matters, please. Firstly this: Is it right, if I understand
10 your evidence, that you have never spoken to Charles Taylor?

11 A. Are you asking me the question?

12 Q. I was actually. Have you ever spoken to Charles Taylor?

13 A. No.

14 Q. Have you ever been introduced to Charles Taylor?

14:30:57 15 A. No, I was not introduced to him.

16 Q. Am I right in saying that the only occasion, apart from in
17 this Court, where you have seen Charles Taylor in the flesh is
18 when you saw him from a distance in Gbarnga in 1990/91? Is that
19 correct?

14:31:31 20 A. I saw him from 1991 in Kakata, Gbarnga and even now.

21 Q. But when in 1991 you saw him in Kakata and Gbarnga that was
22 at a distance?

23 A. No, he was not far from me.

24 Q. But in any event since 1991, apart from in this Court, you
14:32:09 25 have never seen him again?

26 A. From 1991 - '92 when Foday Sankoh and I used to travel to
27 Gbarnga I used to see him and even in this Court now.

28 Q. Let me put the question differently. Between 1992 and 2002
29 did you see Charles Taylor?

1 A. Okay. From 2000 - from 1992 I stopped seeing him except on
2 TV or internet, except when I have seen him now in this Court.

3 Q. Thank you. And do I understand it then from your evidence
4 that you have never received orders from Charles Taylor?

14:33:29 5 A. I never received orders from Charles Taylor because he was
6 not dealing with me. I had a senior officer.

7 Q. And also, am I right in saying that you have never given
8 diamonds to Charles Taylor?

9 A. I never told the Court that I had given diamonds to
14:34:04 10 Charles Taylor, but I gave diamonds to Sam Bockarie and Issa
11 Sesay. I never told anybody that I personally gave diamonds to
12 Charles Taylor.

13 Q. So the answer to my question then is no?

14 A. Yes, I did not give him diamonds, I personally.

14:34:26 15 Q. And also, am I right in thinking in light of your account
16 that you have never received arms and ammunition from
17 Charles Taylor?

18 A. I personally, no.

19 Q. Can we deal with some other matters now, please. If I
14:34:57 20 understand your evidence correctly you joined the organisation
21 which later came to be known as the RUF in 1991. Is that
22 correct?

23 A. Yes.

24 Q. And thereafter you remained a member of the RUF, a serving
14:35:26 25 member, until disarmament. Is that right?

26 A. Yes, I was an RUF and I remained so right up to the
27 disarmament.

28 Q. So you agree then, do you, that you were a member of the
29 RUF for over a decade?

1 A. Yes. I was an RUF from the beginning right up to the end.

2 Q. During that 11 year period did you personally ever kill
3 civilians?

14:36:24 4 A. I personally, even if it happened I wouldn't tell. That
5 could have been on the front line, but directly individually, no,
6 I did not.

7 Q. Let me put the question differently so that we can be sure
8 of your answer. Have you during that 11 year period deliberately
9 and knowingly killed any civilians?

14:36:46 10 A. No, I never did that.

11 Q. During that 11 year period were you ever ordered by anyone
12 to kill civilians?

13 A. No, nobody ordered me to kill civilians.

14 Q. During that 11 year period did you ever rape anyone?

14:37:17 15 A. I never came across that.

16 Q. That's not my question. I'm asking about you.

17 A. I never raped.

18 Q. During that same period were you ever ordered by any senior
19 commander to rape anyone?

14:37:38 20 A. No.

21 Q. By way of example, did Sam Bockarie ever order you to kill
22 or rape?

23 A. Sam Bockarie never gave me such an instruction, no.

24 Q. Did Issa Sesay ever order you to kill or rape?

14:38:04 25 A. No.

26 Q. Did you during that 11 year period ever burn down
27 deliberately people's houses?

28 A. I never did that deliberately.

29 Q. Were you ever ordered by anyone to carry out any such act?

1 A. No. Nobody ever ordered me deliberately to go and burn a
2 house, no.

3 Q. Did you ever hear from any other RUF combatant that they
4 had been ordered to kill, rape or burn down people's houses? Did
14:38:53 5 you ever hear of that happening?

6 A. Yes.

7 Q. Who did you hear that from?

8 A. It happened once in Kono. There was an agenda for raping.
9 If somebody raped, that person would be killed. There was law
14:39:24 10 and order. Sam Bockarie documented that. It was documented.
11 Everybody knew that. And burning of houses, just as I told you
12 earlier, that happened in Kono. It was when the RUF didn't want
13 to go and fight again and Sam Bockarie gave an instruction to
14 Superman to do that. That happened.

14:39:44 15 Q. It's my fault, so let me try again. I will come on to
16 disciplinary procedures in a moment, but let me try my question
17 again. Did you ever hear from any other RUF combatant that they
18 had been ordered by a senior commander to kill civilians, rape
19 women or burn down people's homes? Did you ever hear that?

14:40:27 20 A. They did not give such an order deliberately, but they
21 passed law and order.

22 Q. We'll come on to law and order in a moment.

23 PRESIDING JUDGE: Mr Griffiths, there are three aspects to
24 the question and I'm not saying the witness is confused, but
14:40:44 25 maybe if we went through them one by one it might clarify things.

26 MR GRIFFITHS: Very well, your Honour:

27 Q. Did you ever hear from any other combatant that they had
28 been ordered by a senior commander to kill civilians? Did you
29 ever hear that?

1 A. No, I did not hear that.

2 Q. Did you ever hear from any other combatant that they had
3 been ordered by a senior commander to rape women?

4 A. No.

14:41:26 5 Q. Did you ever hear from any other combatant that they had
6 been ordered by a senior commander to burn down people's homes?

7 A. No.

8 Q. Did you personally ever amputate anybody's limbs?

9 A. No, sir.

14:41:55 10 Q. Were you ever ordered by anyone senior to you to amputate
11 people's limbs?

12 A. No, it never happened.

13 Q. Did you ever hear from any other combatant during the 11
14 years that you remained in the RUF that they had been ordered by
14:42:23 15 a senior commander to amputate people's limbs? Did you ever hear
16 that?

17 A. No, that never happened on our own side.

18 Q. But you have looted other people's property, haven't you?

19 A. Yes.

14:42:51 20 Q. You did that in Makeni, didn't you?

21 A. I did not do that in Makeni, because I never went there.

22 Q. Where did you loot property then?

23 A. Like in Kono when I was there and we attacked the town,
24 after the attack the mining equipment that we gathered I can
14:43:22 25 refer to that as looting because they did not belong to me.

26 Q. But did you, for example, apart from mining equipment,
27 enter people's homes and take their television sets, fridges and
28 the like? Did you ever do that?

29 A. No, that one, no. In the RUF I am telling you that those

1 things were not things that we cared for, TVs, televisions, no.
2 That one, no.

3 Q. Were you ever aware of any order being given to RUF
4 combatants to loot?

14:44:08 5 A. Yes, there was law and order.

6 Q. That's what you're telling us which is why I'm asking a
7 different question. Did you ever hear of an order being given by
8 a senior commander to RUF combatants to carry out looting?

9 A. No, they did not give orders to go and loot. No officer
14:44:38 10 would give such an order.

11 Q. Indeed, as you have indicated on more than one occasion,
12 the RUF tried to impose law and order over their combatants,
13 didn't they?

14 A. Yes.

14:44:58 15 Q. Which is why when that bank was robbed in Kono those
16 responsible who were apprehended were beaten quite badly, weren't
17 they?

18 A. Yes.

19 Q. Why were they beaten?

14:45:20 20 A. Because it was against the law that was in place when they
21 broke into the bank. They were not supposed to break into the
22 bank.

23 Q. Now on that topic of discipline you've also mentioned, have
24 you not, the setting up --

14:45:48 25 A. Yes.

26 Q. -- by the RUF of a people's court?

27 A. Yes.

28 Q. Was that court based in any particular location, or did it
29 have branches throughout RUF controlled area?

1 A. It had branches that were all over the RUF areas.

2 Q. And help us, please, how were those courts formed? For
3 example, how many judges were there?

4 A. At that time I did not understand much about court
14:46:39 5 business, but just like the way you are here it was a combination
6 of let me see the units, all of the units. Just as I had said
7 before, the MP, the IDU, those units were put together and they
8 would appoint a chairman. They would be responsible to
9 investigate the accused. What you had been accused of, they
14:47:10 10 would investigate that. They were the same people who would say
11 that what you had been accused for you were guilty of it or not
12 and they would recommend punishment for you.

13 Q. Let me explore a little further by way of example. The
14 incident which involved yourself when you were accused of
14:47:30 15 stealing diamonds, do you remember telling us about that?

16 A. Yes.

17 Q. Firstly, let's take matters in stages. Who made the
18 accusation against you?

19 A. The operational commander was number one. He went to Issa.
14:47:58 20 He told Issa about that.

21 Q. So that's stage number one, he makes the complaint. Did
22 Issa then appoint someone to investigate the complaint?

23 A. Yes.

24 Q. Can you recall now who that was?

14:48:19 25 A. It was the MP. We called them police, but we called them
26 also MP.

27 Q. Now the MP having investigated the matter, to whom did he
28 or she report?

29 A. He went and reported to Issa.

1 Q. Did Issa thereafter set up a tribunal to try the matter?

2 A. Yes, that's what I'm telling you that it was those groups
3 put together. They formed the court.

4 Q. And how many people actually arrived at the decision as to
14:49:06 5 whether you were guilty or innocent? How many people were
6 involved in making that decision?

7 A. The whole unit, the MP, IDU, IO, all of them who
8 investigated it, the entire group, and they sent the findings to
9 Sam Bockarie and Sam Bockarie invited me and he said they had
14:49:38 10 proved that I was innocent and so I was reinstated.

11 Q. Now were you afforded representation, someone to represent
12 your interests?

13 A. No, it was you who would be accused of the crime. You
14 would be the person that they ask.

14:50:08 15 Q. Yes, but did you have someone in the role of a lawyer
16 representing you?

17 A. That's what I'm telling you. We didn't have a thing like
18 that, having a lawyer or this like the way you people are here.
19 No, that was not the way it was. That was a rebel - I don't know
14:50:36 20 how they call it even. It was a rebel court.

21 Q. Now the procedure that we've explored together, would that
22 be the same procedure adopted if an allegation of rape was made
23 against an RUF combatant?

24 A. Yes, they would not just go and arrest you. When they
14:51:08 25 accused you of raping, for example, the MP would go and arrest
26 you and they would conduct investigations. If you are guilty,
27 you would be punished. If you are innocent, you'd be released.

28 Q. What kind of punishment could an RUF combatant receive for
29 that heinous crime of rape?

1 A. There were two types of punishment that they gave it to
2 people. If you actually did it deliberately there are times they
3 will kill you, but if you did not do it, maybe you were tempted
4 to do it not because you did it deliberately, they would beat you
14:51:54 5 up.

6 Q. Now, one of the reasons why the RUF tried to impose law and
7 order on its combatants was in part because of the ideology that
8 you had learnt in Camp Naama. Is that right?

9 A. Yes.

14:52:19 10 Q. Help us, please, what were the main aspects of that
11 ideology?

12 A. The main things in the ideology were that we should respect
13 law and order and we should respect the senior ones, the high
14 command's orders. Whatever they told us to do, we should do
14:52:50 15 it. We should not just do things on our own. They instilled -
16 they imparted discipline in us.

17 Q. And would I be right in thinking that one aspect of that
18 ideology was that RUF combatants should respect the civilian
19 population?

14:53:17 20 A. Yes, yes, that too was there.

21 Q. Because when Pa Sankoh launched his invasion of Sierra
22 Leone the whole idea was to win the hearts and minds of the
23 people of Sierra Leone, wasn't it?

24 A. Yes, that was what he said. He said to liberate the
14:53:42 25 masses, the people of Sierra Leone.

26 Q. And in order to keep the masses on side they should be
27 treated properly, yes?

28 A. Yes, for us not to treat them badly.

29 Q. But you would accept, wouldn't you, that there were many

1 occasions when due to ill-discipline RUF combatants broke that
2 code?

3 A. Yes, not everybody was perfect. Some people went out of
4 the ways and did things that were against the law, but they were
14:54:29 5 disciplined. They were punished.

6 Q. But would you agree that it wasn't the policy of the RUF to
7 carry out such atrocities, rather it was down to ill-discipline
8 amongst rank and file RUF combatants? Would you agree?

9 A. Yes, it was not the RUF's policy to do bad things, but
14:55:00 10 there were people who did not take orders. They were the ones.

11 Q. Help me, please. During the 11 year period that you were a
12 member of the RUF, did you personally do anything which you
13 thought might be seen as a crime?

14 A. Yes, because actually for us the RUF wouldn't see it as a
14:55:43 15 crime, but to other people they would see it as a crime.

16 Q. See what as a crime?

17 A. For example if I forced civilians to work for me the other
18 people or the civilians will think it to be a crime, but I
19 wouldn't take it to be a crime because like when we were asking
14:56:12 20 the civilians to carry things for us, or to work for us, or to do
21 mining for us, the civilians would take it to be a crime, but to
22 me I did not take that to be a crime.

23 Q. So I just want to be clear and, believe me, I have a very
24 good reason for asking. By the end of that conflict, when you
14:56:34 25 I laid down your arms, did you personally consider yourself to be a
26 criminal?

27 A. When I had disarmed I did not consider myself to be a
28 criminal, because even now I am not a criminal.

29 Q. So did you at that stage fear that others might treat you

1 as a criminal?

2 A. Yes, because at that time when we had disarmed we had a
3 fear because we did not achieve our goal. We had the fear in us,
4 but I did not take myself to be a criminal.

14:57:26 5 Q. Fear of what?

6 A. After we had disarmed, our brothers, or let me say the ones
7 who were our seniors, we heard that they had been arrested and so
8 that was the fear that was in us, but I did not fear that I was a
9 criminal, no. That was the only fear that was in us, because
14:57:54 10 they were arrested.

11 Q. What did you fear that you might be arrested for then?

12 A. When our brothers - and these were our senior officers. We
13 were doing things in common. When they were arrested, we just
14 thought that we too were going to be arrested and that was the
14:58:24 15 rumours that we heard.

16 Q. Arrested what for?

17 A. I am not talking about any other arrest. I'm talking about
18 the arrest the Special Court conducted, Issa Sesay and others.
19 These were our brothers and so that was the fear that we had that
14:58:50 20 we too could be arrested, because that was the rumours that we
21 heard that anybody who were in the RUF were going to be arrested.
22 They did not even specify that these and these people were going
23 to be the ones. They just said everybody was going to be
24 arrested.

14:59:04 25 Q. For what offence?

26 A. The war that broke out in Sierra Leone. They said anybody
27 who was part of the RUF who committed atrocities, or may have
28 committed any other crime and was part of the RUF, you would be
29 arrested. All of us would be arrested.

1 Q. But you hadn't committed any atrocities or committed any
2 crimes, had you?

3 A. No.

4 Q. So you consequently would have had nothing to fear?

14:59:55 5 A. But you are asking that question now. If you were the one
6 who were part of that one, you too would have been afraid.

7 Q. But you hadn't done anything and so you had nothing to be
8 frightened of, did you?

9 A. I did not say I did not do anything. I just said I did not
15:00:24 10 commit any atrocities personally. So I cannot say I would not be
11 frightened for that, because I was an RUF and just that name RUF
12 was enough to frighten me.

13 Q. Very well. Dealing then with the RUF, did you join the RUF
14 voluntarily?

15:00:50 15 A. I joined the RUF to save my life.

16 Q. Let me try my question again. Did you join the RUF
17 voluntarily?

18 MR KOUJIAN: Objection. I believe the witness has
19 answered that question.

15:01:05 20 THE WITNESS: No, I did not join it on my own. Something
21 made me to join it.

22 MR GRIFFITHS:

23 Q. What was that?

24 A. The treatment that was given to us in Liberia. The Sierra
15:01:27 25 Leoneans, the Guinean civilians and the Nigerian civilians, the
26 treatment that was given to us made us to fear. We had nowhere
27 to hide. We just had to join them. If we did not join them our
28 lives would have been at risk, so that was why I joined the RUF.

29 Q. Let me try my question differently. Did anyone force you

1 to join the RUF?

2 MR KOUMJIAN: Objection. That's either vague, or asked and
3 answered. The witness has indicated he joined to save his life,
4 so the question is "Did anyone force you?" He's indicated the
15:02:03 5 reason why.

6 PRESIDING JUDGE: I think it's a little different,
7 Mr Koumjian. It's asking did any one person. I think I can
8 allow it on that basis.

9 MR GRIFFITHS:

15:02:15 10 Q. Did anyone force you to join the RUF?

11 A. No, nobody forced me. I said I went there to save my life.
12 Circumstances forced me to go there. If I had not been there,
13 maybe I wouldn't have been talking here even.

14 Q. Is it right that the idea of joining the RUF was put to you
15:02:40 15 by Mike Lamin, your brother?

16 A. Yes, but he did not force me.

17 Q. But he suggested it to you?

18 A. The reason why he suggested it was because he could not
19 protect me all the time. He would be with the NPFL. He would
15:03:04 20 not leave the NPFL to come and protect me and secure my life. He
21 suggested it and I thought it wise. I knew that would save my
22 life, so I said "Okay". I joined them.

23 Q. Having joined the RUF, you say because you had no other
24 option, did you come to believe in their philosophy?

15:03:34 25 A. I don't understand what you mean by philosophy. I'm not
26 educated.

27 Q. Did you come to believe in their ideology?

28 A. Yes, they taught us that at the base and so I just had to
29 believe in it.

1 Q. Why?

2 A. According to what we were told, I saw that there was
3 reality in it and so that's why I believed in it.

15:04:19

4 Q. So you became convinced of the rightness of the RUF cause,
5 did you?

6 A. Yes.

7 Q. Did you come to agree that the use of force was necessary
8 to overthrow the corrupt Sierra Leonean government?

15:04:51

9 A. Yes, because the Sierra Leone government was corrupt at
10 that time and nobody could overthrow. If anybody attempted that
11 he wouldn't have succeeded, so except we used some other force.

12 Q. So you felt that the use of armed force in that situation
13 was justified?

14 A. Yes, if it was not justified I wouldn't have joined them.

15:05:22

15 Q. So you joined them because you felt that the cause was a
16 just one, did you?

17 A. That's what I have told you. When I went to the base what
18 I was told to do was what I had to do and that was what all of us
19 did. I did not go against any order that was given to me.

15:05:52

20 Q. And did you remain committed to the cause of the RUF for
21 the 11 years until disarmament?

22 A. Yes, I did not leave them for any other place. I was
23 within the RUF territory right up to the end.

24 Q. And did anything that you saw happen during that period
25 cause you to become disillusioned with the RUF?

15:06:22

26 A. The RUF's name particularly we liked it personally, we who
27 were a part of it, but the negligence of some of the commanders
28 made us not to like the movement.

29 Q. Any commander in particular?

1 A. Yes.

2 Q. Which one?

3 A. Issa Sesay, Morris Kallon. Their behaviour made thousands
4 of RUF fighters to go against the movement.

15:07:25 5 Q. I'll come back to that, but before we get there did you
6 become disillusioned with Sam Bockarie?

7 A. I personally? Sam Bockarie did things, but that never
8 affected me. He did not do anything to me personally that ever
9 affected me negatively.

15:07:57 10 Q. Did he ever do anything which affected the movement of the
11 RUF negatively, in your opinion?

12 A. From the beginning I knew Sam Bockarie. The only thing
13 that they did that was against them was when they were killing
14 people accusing them of connivance, that is Mosquito and Issa
15 Sesay, and later when he left us finally and went to Liberia to
16 Charles Taylor, that one, even myself I was not happy with that.

17 Q. Why not?

18 A. Because at that time he had been in control of the RUF
19 movement at the time Foday Sankoh was not present right up to the
15:09:11 20 time Foday Sankoh was released from the Nigerian prison and came
21 to Freetown and so he was capable, but just as he left us and
22 went to Liberia the whole movement died down. Now there were a
23 lot of problems in the movement.

24 Q. And would this be fair, if I understand what you're telling
15:09:37 25 us correctly, that in the absence of Sam Bockarie when power fell
26 to Issa Sesay and Morris Kallon the movement declined? Is that a
27 fair interpretation of your evidence?

28 A. Yes. Yes, that happened. That's what I'm telling you.
29 That's what happened. That's why all of us were fed up.

1 Q. And what was it about what Morris Kallon and Issa Sesay
2 were doing which caused you to become disillusioned with the
3 movement?

15:10:29 4 A. They did not give us the encouragement like Sam Bockarie
5 used to do. They would beat up people, they killed people,
6 innocent people. They were doing bad things like those, so
7 that's why people were against them.

8 Q. So would you agree that things deteriorated in the absence
9 of Sam Bockarie?

15:10:52 10 A. Yes, that's what I'm trying to tell you. Just after Sam
11 Bockarie left, things began to deteriorate. We just were
12 patching up things now.

13 Q. Sam Bockarie's move to Monrovia was a serious blow to the
14 RUF, wasn't it?

15:11:23 15 A. Yes, it was a big blow. That made - all of us felt it so
16 much.

17 Q. And would you agree that the RUF basically fell apart after
18 he left?

19 A. Yes, we did scatter that we were divided, no, but --

15:11:55 20 THE INTERPRETER: Your Honours, can the witness repeat
21 this.

22 PRESIDING JUDGE: Mr Witness, please repeat your answer.
23 You said, "We did scatter that we were divided, no." Please
24 continue.

15:12:10 25 THE WITNESS: Okay. I said when Sam Bockarie was present
26 we were together, our minds were together, but just when he left
27 even when Issa Sesay and Morris Kallon were there our minds were
28 no longer together. Our minds were scattered.

29 MR GRIFFITHS:

1 Q. Now you reached quite a high rank in the RUF, didn't you?
2 Lieutenant colonel?

3 A. Yes.

15:12:47

4 Q. And would it be fair to say that your rise up the ranks
5 reflected your commitment to the cause?

6 A. Yes.

7 Q. Now, I want to ask you about another matter. When in 1991
8 whilst you were in Kakata NPFL forces invaded Liberia, you told
9 us yesterday that those forces were targeting Mandingos. Is that
10 right?

15:13:23

11 A. Yes, they were killing Mandingo people.

12 Q. And you were concerned that you might be mistaken for a
13 Mandingo?

14 A. Yes, because I had the name.

15:13:45

15 Q. Now Mandingos traditionally controlled the diamond
16 business, didn't they?

17 A. I cannot tell you that. These people are business people.
18 Generally they are business people. Not just diamonds, they are
19 business people.

15:14:14

20 Q. I totally agree. They had a reputation for being
21 merchants, didn't they? Business people?

22 A. Yes, that's what I've told you. They are business people.
23 They are all over the world. They are business people.

15:14:35

24 Q. And in part, for the first part I should say, when ULIMO
25 came into being, ULIMO was composed predominantly of Mandingos,
26 wasn't it?

27 A. Yes, there were two groups of ULIMO. One of them were just
28 Mandingos and the other one was a mixed group, the Krahn and the
29 other tribes.

1 Q. You help us, please. Which group was predominantly
2 Mandingo? What were they called?

3 A. Alhaji Kromah's was a Mandingo group from Guinea, all of
4 them were Mandingos, and Roosevelt Johnson's ULIMO was a mixed
15:15:24 5 group. There were some other tribes from Liberia.

6 Q. Alhaji Kromah's group became popularly known as ULIMO-K,
7 didn't they?

8 A. Yes.

9 Q. And they were based for the most part in Lofa County?

15:15:45 10 A. Yes, they were there.

11 Q. And they came in due course to control much of that county,
12 didn't they?

13 A. Yes. It was not the entire country, not the entire
14 Liberian country. It was the Lofa County.

15:16:10 15 Q. Now Mandingos generally did not like Charles Taylor, did
16 they?

17 A. Yes, they did not like Charles Taylor. That's why they
18 were being killed.

19 Q. However in due course when Sam Bockarie needed someone to
15:16:43 20 negotiate with the predominantly Mandingo ULIMO in Lofa County he
21 chose you, is that right?

22 A. Yes, I was the one who went with him for the negotiations.

23 Q. And let's try and put all of that together, shall we,
24 because you accept, don't you, that for a period, you tell us it
15:17:16 25 was in 1997, you were involved in negotiating on behalf of the
26 RUF with former ULIMO combatants in Lofa County to purchase arms
27 from them which they should have handed over as part of the
28 disarmament process in Liberia? That's right, isn't it?

29 A. Yes, I went there to buy ammunition from them, not arms.

1 The ammunition that they did not hand over to ECOMOG, they hid
2 them. The remaining ones that they hid were the ones I went
3 there to buy.

15:18:05 4 Q. I will come back to the detail later. I'm speaking for now
5 in general terms. But you were given responsibility by Sam
6 Bockarie to conduct those negotiations, weren't you?

7 A. Yes, I used to go there.

8 Q. Now, can you speak Mandingo?

9 A. I am not a Mandingo. I cannot speak Mandingo.

15:18:32 10 Q. You cannot speak Mandingo?

11 A. Yes.

12 Q. But let's put all of what you've told us together. You're
13 in fear of being mistaken for a Mandingo in 1991 and when later
14 in 1997 Sam Bockarie wants someone to negotiate with the

15:18:59 15 predominantly Mandingo ULIMO he sends you. Is that because
16 you're a Mandingo in reality? You do follow me, don't you?

17 A. Even a sentence like let it together, I don't know that in
18 Mandingo. I'm not a Mandingo. You can ask my parents.

19 THE INTERPRETER: Your Honours, the witness has indicated
15:19:30 20 the location of his parents. Can I say that?

21 PRESIDING JUDGE: Just pause, Mr Witness. Mr Koumjian,
22 you've heard the interpreter's remark.

23 MR KOUMJIAN: Yes, I'm grateful to the interpreter.
24 Generally we ask that the current whereabouts of witnesses and
15:19:48 25 their family not be broadcast, so unless it's necessary to
26 interpret that --

27 MR GRIFFITHS: It's certainly not necessary from my point
28 of view.

29 MR KOUMJIAN: Thank you, your Honours and opposing counsel.

1 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Witness,
2 please do not mention where your parents are living.
3 Mr Interpreter, do not put it on record.

4 THE WITNESS: Okay, it was because of the question he asked
15:20:08 5 me. That's why I said so.

6 PRESIDING JUDGE: We understand. This is for your
7 security.

8 THE WITNESS: Okay.

9 MR GRIFFITHS:

15:20:14 10 Q. Can I pose the question differently. Was there any
11 particular characteristic you had why Sam Bockarie chose you to
12 go and negotiate with ULIMO to purchase arms?

13 A. Yes, just like I have told you, and any other person who
14 may come here will tell you, that in the RUF if they trusted
15:20:42 15 people, particularly if for example they trusted five people that
16 has to do with financial issues, I must be among the first five.
17 Sam Bockarie trusted me to do things like those. That was why in
18 the RUF wherever they spoke about money issues I would be the one
19 he would send. It was not because of tribal links, or anything.
15:21:05 20 That was not the reason. He trusted me.

21 MR KOUMJIAN: Your Honour, I am sorry to interrupt. My
22 colleague points out that the witness's answer would have been or
23 would be broadcast in the next 30 minutes on the Krio channel, so
24 we would ask that that Krio channel that the location of his
15:21:25 25 parents be redacted.

26 PRESIDING JUDGE: Mr Interpreter, will that be broadcast on
27 the Krio channel, that location?

28 THE INTERPRETER: Your Honours, it wouldn't because the
29 Krio is not interpreted into Krio and so I think the AV people

1 will help better.

2 PRESIDING JUDGE: I see. Madam Court Attendant, could you
3 please check that for us and we will come back to the point.

4 MS IRURA: Your Honour, in the Krio the witness's voice
15:21:50 5 would be broadcast and so a redaction would be necessary.

6 PRESIDING JUDGE: Very well, please implement that.

7 Continue, Mr Griffiths.

8 MR GRIFFITHS:

9 Q. I want to move on to another topic, please. You were born
15:22:15 10 in 1969, is that right?

11 A. Yes.

12 Q. In 1980 you moved to Liberia?

13 A. Yes.

14 Q. You would have been 11 years old at the time?

15:22:35 15 A. Yes.

16 Q. With whom did you move to Liberia? Was it all your family?

17 A. No, my people were there. They too went there in search of
18 employment.

19 Q. Now I don't - I am not interested in any names, so please
15:22:59 20 refrain from giving any names, but were you sent to go and live
21 with relatives in Liberia?

22 A. Yes, it was my elder brother who came home and took me
23 along with him to be with him to stay with him there for me to go
24 and learn some trade.

15:23:31 25 Q. And that trade was mechanics, is that right?

26 A. Yes.

27 Q. Now, was it the case that you had left Sierra Leone to go
28 to Liberia because the prospects in Liberia were much better?

29 A. Yes, that is true. Much better.

1 Q. And was it Kakata in Liberia to which you moved?

2 A. Yes, I was in Kakata.

3 Q. So can we take it then that you remained in Kakata from
4 1980 until 1991 when the NPFL overran the town?

15:24:35 5 A. Yes, I was in those places: Monrovia, Kakata and Bong
6 Mines. Those were the places my relatives were. Kakata was my
7 main base where I was.

8 Q. Now, in Kakata were you aware of the presence of a man
9 called Mike Lamin in that town?

15:24:59 10 A. Yes.

11 Q. When did you first become aware of Mike Lamin's presence in
12 Kakata?

13 A. My sister owned a restaurant in the Bong Mines park. A lot
14 of people used to go there and eat. That was the first place
15:25:30 15 that I saw him, in that restaurant.

16 Q. Help us with this, please. How long before 1991 was that,
17 roughly?

18 A. It did not take long when the war broke out. It was in the
19 same '91 that I saw him there.

15:25:59 20 Q. What was he doing when you saw him at the restaurant?

21 A. That is a place where people go to eat.

22 Q. My fault, of course people normally eat in a restaurant.
23 What I meant to ask was what was he doing for a living at that
24 time?

15:26:28 25 A. Oh, okay. At that time I was a mechanic, but I did not ask
26 him what he was doing. I saw him with books most of the times.
27 You know, he's an educated man.

28 Q. Was he a student at the time?

29 A. That's what I'm saying, I don't actually know. I used to

1 see him with books. I didn't know whether he was going to
2 school. He used to visit us and go back. I never visited his
3 home.

15:27:07 4 Q. And how regularly did you see him at that restaurant in
5 Bomi Hills?

6 A. It was not in Bomi Hills. I said Kakata.

7 Q. Sorry, my fault. In Bong Mines, sorry. Bong Mines park.
8 How often did you see him in that restaurant in Bong Mines park?

15:27:34 9 A. It was not all of the times. He only went there once in a
10 while. It would take some time before I could see him again.

11 Q. But there came a time when you discovered that Mike Lamin
12 was an NPFL fighter?

13 A. Yes.

14 Q. And was he one of the NPFL fighters who overran Kakata?

15:28:23 15 A. I did not see him on that day, or the time that the place
16 was captured. It was later that I saw him in a vehicle. On that
17 very day that Kakata was captured we were indoors and the
18 following morning we were taken out I did not see him, because
19 there were many people. The rebels were many passing up and
15:28:48 20 down.

21 Q. What rank did Mike Lamin have when you saw him first as an
22 NPFL soldier?

23 A. When I saw him at first, I was a civilian. I wouldn't have
24 told. He had a civilian clothes on. He hadn't a military
15:29:09 25 uniform that had a rank on it, or insignia on it. He had
26 civilian clothes on.

27 PRESIDING JUDGE: If you could pause momentarily,
28 Mr Griffiths. We're just sorting out this redaction question.

29 MR GRIFFITHS: Very well.

1 PRESIDING JUDGE: Mr Griffiths, please continue.

2 MR GRIFFITHS: Very well, your Honour:

3 Q. Now what I'd like to do is spend a little time with you to
4 establish some kind of time line, because you have difficulty
15:31:03 5 remembering precise dates, don't you? Do you agree you have
6 difficulty with dates?

7 A. No.

8 Q. You don't? Very well then, see if you can help us with
9 this. The war in Sierra Leone begins in 1991, would you agree?

15:31:39 10 A. Yes.

11 Q. And it was Foday Sankoh who launched that war. Is that
12 correct?

13 A. It was Foday Sankoh whom we knew launched the war, but
14 somebody assisted him to launch the war.

15:32:03 15 Q. Now it's right, isn't it, that in 1992 - do you recall this
16 - the then President of Sierra Leone, Joseph Momoh, was ousted in
17 a military coup led by a Captain Valentine Strasser? Do you
18 agree?

19 A. Yes.

15:32:34 20 Q. Where were you when that event took place?

21 A. At that time I was in the Kailahun District in Sierra
22 Leone.

23 Q. Now, in 1996 do you recall that Valentine Strasser was
24 ousted in a military coup led by his defence minister Brigadier

15:33:07 25 Julius Maada Bio?

26 A. Yes, I was not there, but I heard about it.

27 Q. Now, where were you at that time in 1996 at the time of
28 that event?

29 A. I was at the Kailahun area. I was not around the

1 government held territory. I was beyond rebel lines.

2 Q. Now, at that time did you have any connection with mining?

3 A. I would respond by saying yes.

4 Q. What involvement did you have with mining at the time when
15:34:11 5 Strasser was ousted?

6 A. It was from 1995 to '96 I was in Kono as commander. We
7 were not doing any mining, but there was law and order to hand
8 all government property over - I mean minerals. Even if you are
9 passing around and you see it on the ground, or in a room, or
15:34:52 10 anywhere, you were to hand it over. So - and indeed people did
11 that, they reported those items to me. That was when I came
12 across diamond business.

13 Q. Now, what title did you have at that time?

14 A. I was the commander in Kono, that is what I'm trying to
15:35:15 15 tell you, from '95 to '96. At that time we were in the jungle.

16 Q. Were you specifically called the mining commander at that
17 time?

18 A. No, I do not mean a mining commander. At that time we had
19 no materials to mine. When I earlier told you that Rambo, that
15:35:44 20 is Flomo, went and captured Kono District, it was at that time
21 that Foday Sankoh sent me to Kono to receive all government
22 property that had been looted or captured or that had been taken
23 from the fighters. That's what I mean. He sent me to go there.

24 Q. Now, you agree that this is at the time when Strasser was
15:36:11 25 ousted as President? We're agreed on that, are we?

26 A. I cannot tell you anything on the government side because
27 my attention was not focused on them, but in the RUF what I told
28 you is the truth.

29 Q. Now we know that that event was January 1996 - would you

1 agree - when Strasser was ousted. Would you agree with that?

2 A. That's what I've told you, I do not want to respond to a
3 question that I do not know about, but it was 1995/'96 that I was
4 in Kono. Whether Strasser was in power or he was removed my
15:37:05 5 attention was not focused on that much.

6 Q. Very well. Let's see if you can help us with another date.
7 Do you recall Ahmad Tejan Kabbah being elected President in
8 February 1996?

9 A. 1996 he came to power. All this we heard through the
15:37:42 10 radio, but we were not there. We never saw them. We only heard
11 through the radio and it was not at all times that we listened to
12 the radio.

13 Q. But help us with this: Firstly, where were you at the time
14 of that election?

15:38:03 15 A. I was behind the rebel lines at the same place that I've
16 told you about. Not on the government side. Our own area of
17 control, that was where I was.

18 Q. Could you help me with a name of a place where you were at
19 that time?

15:38:25 20 A. Yes.

21 Q. And it is?

22 A. Kailahun District.

23 Q. Now when you heard that there had been democratic elections
24 and President Kabbah had been elected President did you consider
15:38:49 25 leaving the RUF at that point and looking to support the
26 government? Did that thought cross your mind?

27 A. No, because I did not know anything about that government.
28 I did not know anything about that government, how would I
29 support it?

1 Q. Well, you could always try and find out. Did it concern
2 you at all?

3 A. The man you called Tejan Kabbah, I never knew him at that
4 time. I didn't even know him, so how could I have gone there?

15:39:35 5 And even if they heard that word in your mouth they would charge
6 you saying that you have connived, so I didn't even think about
7 that.

8 Q. Very well. But in any event do you recall now that in
9 November of 1996 Pa Sankoh signed a peace agreement at Abidjan
10 with President Kabbah? Do you remember that?

11 A. I used to hear. I did not go to Abidjan with Pa Sankoh but
12 we were in Kailahun and we used to hear that Tejan Kabbah was
13 leaving Freetown, that is Sierra Leone, going to Abidjan to Foday
14 Sankoh. We used to hear by rumours and through radio, but I did
15:40:22 15 not go there.

16 Q. I appreciate you might not have gone, but you knew that
17 peace talks were taking place in Abidjan involving Pa Sankoh,
18 your leader. You knew that, didn't you?

19 A. Yes, I heard about that, that they've signed the Lome Peace
15:40:51 20 Accord, but I did not go there.

21 Q. Now, again taking matters in stages, firstly where were you
22 in November 1997 when that - '96 when that peace accord was
23 signed? Where were you physically?

24 A. That's what I've told you, that I was in the Kailahun
15:41:17 25 District. That was the only area where all of us were based.
26 Some people were in jungles, but we were in Kailahun District.

27 Q. Is it fair to say that by that stage, November 1997, the
28 RUF had been driven into a fairly small area of Sierra Leone in
29 the Kailahun District and, in fact, were living in the jungle?

1 MR KOUMJIAN: Counsel may just want to read his statement.
2 There was a slip of the tongue, I believe, on the date.

3 PRESIDING JUDGE: You stated November '97.

4 MR GRIFFITHS: My fault:

15:42:06 5 Q. In November 1996 would you agree that the RUF then had been
6 forced back into a small area of territory in Kailahun District?

7 A. Yes.

8 Q. And you were basically surviving against all the odds in
9 the jungle?

15:42:40 10 A. Yes, when we retreated and we went to the jungle that was
11 where we were at the Liberian border. That was where we were and
12 that was where we survived. It was not every RUF that was on
13 that borderline. There were some others who were in the jungle.
14 It was only those of us who were in the Kailahun District that

15:42:59 15 had that pressure. But in other jungles there were people there.
16 Superman was in his own jungle. Sam Bockarie was in his own
17 jungle. It was just those of us who were in that Kailahun.

18 Q. Now the next event I want to ask you about is this: On 2
19 March 1997 do you recall Pa Sankoh being arrested in Nigeria?

15:43:32 20 A. I heard about that, but I did not record the date.

21 Q. Don't worry about the date, that's a matter of record.
22 But, in any event, at the time when you heard about that event
23 where were you physically?

24 A. I was in Kailahun when we heard that they have arrested Pa
15:44:00 25 Sankoh in Nigeria.

26 Q. Again taking matters slowly, please, were the RUF at that
27 time still hanging on in the jungle, as you described them
28 moments ago?

29 A. Yes, we were based in the jungles. The only place where we

1 had small towns was in the Kailahun District, but in other places
2 they were staying in the jungles.

3 Q. Now following Pa Sankoh's arrest Sam Bockarie took over.
4 Is that right?

15:44:49 5 A. Yes.

6 Q. Were you happy that Sam Bockarie had taken over?

7 A. Yes. Not that he took over, but he was a caretaker.

8 Q. But were you happy with the fact that he, rather than
9 anybody else, had been handed the baton of control?

15:45:30 10 A. Yes, because if you look within the movement, the
11 commanders - he was the only person who would take that
12 responsibility.

13 MR GRIFFITHS: Madam President, I wonder if the defendant
14 could be excused for a moment. I don't think it need delay
15:45:53 15 matters.

16 PRESIDING JUDGE: Certainly. Of course. Please have him
17 escorted out.

18 MR KOU MJIAN: Can we just ask, for the record, is there a
19 waiver on behalf of the defendant that we may continue in his
15:46:11 20 absence or not?

21 PRESIDING JUDGE: Indeed. Mr Griffiths, you may not have
22 heard Mr Koumjian.

23 MR GRIFFITHS: I heard him, your Honour, and Mr Taylor has
24 told me that he's happy for me to continue in his absence.

15:46:25 25 PRESIDING JUDGE: Very well.

26 MR GRIFFITHS:

27 Q. Sir, you were telling us that, in effect, would this be
28 fair: You thought Sam Bockarie was best qualified to take over?
29 Would you agree?

1 A. Yes.

2 Q. Now the next event that I want to ask you about: In May
3 1997 we have the AFRC coup, don't we?

4 A. Yes.

15:47:11 5 Q. Now at that time, May 1997, you and your RUF comrades are
6 still cooped up in the jungle in Kailahun, aren't you?

7 A. Yes, in Kailahun we had some towns where we were. It was
8 not in the bushes. There were some towns that were free for us
9 in Kailahun.

15:47:42 10 Q. But in any event when the AFRC leadership, Johnny Paul
11 Koroma, invited the RUF to join him it proved to be a life line
12 for the RUF, didn't it?

13 A. I wouldn't deny that. Not that we were under serious
14 pressure, but whatever the high command said we should do we had
15:48:19 15 to do, and the message had come from Foday Sankoh, not just from
16 Johnny Paul. We wouldn't have gone but it was Foday Sankoh who
17 sent a message for us to join Johnny Paul. That was why we
18 joined him.

19 Q. Now you followed that order and yourself went to Freetown,
15:48:43 20 didn't you?

21 A. Yes.

22 Q. And if we could pause for a moment just to appreciate the
23 psychology of that moment for many RUF combatants. They had been
24 isolated in the jungle for months, now they had an opportunity of
15:49:08 25 going to the capital and there was a feeling of euphoria amongst
26 RUF combatants, wasn't there?

27 A. Yes.

28 Q. The idea that for a change rather than sleeping under the
29 stars they could sleep in a house was something all of you were

1 Looking forward to. Would you agree?

2 A. Yes.

3 Q. And you were given the important post of SO-1?

4 A. Yes.

15:49:57 5 Q. In charge of handing out resources to RUF combatants, yes?

6 A. Yes.

7 Q. And this was a time of plenty for the RUF, wasn't it?

8 A. You cannot just say things. You should be naming the
9 things.

15:50:36 10 Q. Plenty Maggi, plenty rice, plenty food, plenty everything.

11 Would you agree? What's so funny?

12 A. It's not funny. Yes.

13 Q. You agree with me?

14 A. Yes, yes.

15:50:54 15 Q. Thank you for that. And then, moving on from there, when -
16 forgive me a moment. Some nine months after that ECOMOG forces
17 stormed Freetown and drove you out, didn't they, in February
18 1998? Do you remember?

19 A. Yes.

15:51:40 20 Q. Now the ECOMOG forces were predominantly Nigerian, weren't
21 they?

22 A. Yes.

23 Q. And given the deprivation you as RUF fighters had endured
24 in Kailahun until invited by the AFRC in May 1997, you and the
15:52:17 25 other RUF combatants were very angry that these foreigners, the
26 Nigerians, were kicking you out of your own capital city. You
27 were very angry about that, weren't you?

28 A. Yes, we were not happy that they dislodged us from the
29 town.

1 Q. And where were you forced to go when you were dislodged
2 from Freetown?

3 A. They forced us to go back. We went to Makeni. Makeni and
4 Kono.

15:53:12 5 Q. And to make matters worse in July 1998 Foday Sankoh, your
6 leader, was handed over by the Nigerians to the Sierra Leonean
7 government, wasn't he?

8 A. Yes.

9 Q. Did you and your fellow RUF combatants regard that as an
10 act of betrayal?

11 A. Say that again for me to hear. Who betrayed us?

12 Q. The Nigerians by handing over Pa Sankoh to the Sierra
13 Leonean government?

14 A. Okay, yes. We didn't like the idea that they gave him to
15:54:14 15 the Sierra Leone government. They should have freed him than
16 handing him over to the Sierra Leone government, so we were not
17 happy.

18 Q. Now, I want us to pause for a moment now. Bearing in mind
19 this date, July '98, which is an agreed date when he was handed
15:54:38 20 over, did you - bearing in mind also your evidence that you were
21 mining commander in Kono from '98 until 2000, were you appointed
22 mining commander before or after Pa Sankoh was handed over to the
23 Sierra Leonean government?

24 A. Repeat that again.

15:55:13 25 Q. You told us that you were appointed mining commander in
26 1998. That's right, isn't it?

27 A. Yes, the ending of 1998.

28 Q. Right. So can I take it then that you were appointed
29 mining commander after Sankoh was handed over to the Sierra

1 Leonean government, because that took place in July '98?

2 A. What I'm trying to tell you is that I cannot remember the
3 date, but it was at the end of 1998 that I went to Kono as
4 commander that time Johnny Paul had gone to Monrovia.

15:56:09 5 MR GRIFFITHS: Madam President, would you give me a moment,
6 please.

7 PRESIDING JUDGE: Yes, Mr Griffiths.

8 MR GRIFFITHS:

9 Q. Can I just examine your last answer a little bit further,
10 please. You say that Johnny Paul had gone to Monrovia. Can you
11 remember in reality when that was?

12 A. It was at the end of '98, because when he was molested
13 Charles Taylor received the information so he called upon him to
14 go to Monrovia. That's what I know.

15:57:10 15 Q. You see, what I'm going to suggest is that actually took
16 place in August 1999. Does that help you?

17 PRESIDING JUDGE: Mr Griffiths, I'm reluctant to be picky
18 about this, but the witness has referred to Johnny Paul going to
19 Monrovia and then he's saying he was molested. That was when he
15:57:37 20 was molested. Now we've heard the evidence and there's two
21 incidents, there's the going to Monrovia and there's the incident
22 in Kailahun, and I just want to make sure we've got these two --

23 MR GRIFFITHS: Very well. I'm grateful, your Honour:

24 Q. Witness, the reference you've made to Johnny Paul being
15:58:04 25 molested, help us, please. What's that about?

26 A. I was not at the scene, but it was Issa Sesay from
27 information that I heard that he molested him in relation to
28 diamonds.

29 Q. Molested him in what way?

1 A. He took away all his diamonds. Not that he put him down
2 and beat him up, but that's molestation.

3 Q. Where did that incident take place?

4 A. I have told you that I was not at the scene, but that
15:58:58 5 happened in Buedu. People told me that it happened in Buedu.

6 Q. I understand fully that you weren't there, but it happened
7 in Buedu. Did you also hear that Johnny Paul's wife was also
8 molested?

9 A. Yes, Issa himself did that.

15:59:19 10 Q. And did you hear that Johnny Paul's wife had been raped?

11 A. Yes, but I was not there. They said it was Issa who did it
12 from the information that I got when I went there.

13 Q. Did you ever hear a rumour that it was Mike Lamin who had
14 raped Johnny Paul's wife?

15:59:50 15 A. No, I did not hear that. I know about Issa. Maybe it
16 happened, but I was not there and I didn't hear. It's Issa that
17 I know of.

18 Q. But you definitely heard about her being raped?

19 A. I heard. They said - they didn't even say "they". They
16:00:16 20 said "Issa raped her".

21 Q. Now, what happened to Johnny Paul after that episode of
22 molestation?

23 A. Charles Taylor received the message. Then he called upon
24 him, Johnny Paul, including his wife and relatives, so they went.

16:00:47 25 Q. To where?

26 A. Liberia, Monrovia, to Charles Taylor. That was where they
27 went. That was where he stayed until - he never returned to
28 Sierra Leone. He stayed there until Foday Sankoh met him there
29 and all of them travelled to Freetown.

1 Q. How do you know that Charles Taylor told Johnny Paul and
2 his wife to move to Monrovia? How do you know that?

3 A. It was Sam Bockarie who passed orders. At that time Johnny
4 Paul had no vehicle, that he was not on his own, and he was not
16:01:33 5 even brave to go out without an order. It was Sam Bockarie who
6 released them, Johnny Paul, his wife, his bodyguards - his
7 bodyguard whom they called Rambo and others, and they took them
8 along to Liberia, Monrovia.

9 Q. Now, with respect that doesn't answer my question and so
16:01:56 10 let me try it again. How do you know that it was at the request
11 of Charles Taylor that Johnny Paul and his wife moved to
12 Monrovia?

13 A. I heard it from Sam Bockarie.

14 Q. Where?

16:02:17 15 A. In Buedu. Buedu. The headquarters was Buedu. When I
16 went, that was what Sam Bockarie himself told me. He was saying
17 it. He said it.

18 Q. Now, I'm being deliberately precise about this. What was
19 it that Sam Bockarie actually said to you? Try and help us.

16:02:46 20 A. He said, "Let him release", Sam Bockarie said - at the time
21 we used to call Charles Taylor Father or Chief. He said, "Chief
22 said he should release Johnny Paul and his family for them to be
23 taken along to him in Monrovia. In Monrovia, Liberia, we hadn't
24 anybody whom we called Chief or Pa apart from Charles Taylor. He
16:03:14 25 was the only person who was our Papa and our everything.

26 Q. Now, I'm still trying to clarify your account about this.
27 That's why I want to ask you this question. Who are the West
28 Side Boys?

29 A. West Side Boys, they were former SLAs who were not under

1 the government any more. They were staying at the Okra Hill near
2 Freetown. That was where they were based. They were on their
3 own. They were not RUF and they were not Sierra Leone
4 government. They were the ones who were called the West Side
16:04:12 5 Boys.

6 Q. Did something happen involving the West Side Boys and some
7 United Nations peacekeepers?

8 A. I cannot remember everything. Maybe it happened, but I
9 don't know.

16:04:33 10 Q. Do you remember the West Side Boys kidnapping some UN
11 peacekeepers?

12 A. That's what I'm trying to tell you. I was not in their own
13 area. The distance to where they were to mine is a far distance.
14 Maybe they did it, but I was not even close to them.

16:05:00 15 Q. Do you not recall that the release of those UN hostages was
16 also linked to the release of Johnny Paul Koroma?

17 A. If I knew anything about that if you asked me I would have
18 responded, no.

19 MR GRIFFITHS: Very well. Madam President, could I have a
16:05:45 20 moment?

21 PRESIDING JUDGE: Please do so, Mr Griffiths.

22 MR GRIFFITHS:

23 Q. There is one final matter I want to ask you about on this
24 topic before I move on and it's this. Do you recall now that
16:06:37 25 Johnny Paul's release took place in August 1999? I merely ask
26 because you earlier told me it was late 1998 and I'm trying to
27 assist you with some dates. Do you remember now it was August
28 1999?

29 A. Johnny Paul was in jail that you're talking about his

1 release?

2 Q. He was being held by the RUF?

3 A. No, no, that's a wrong statement. RUF did not arrest
4 Johnny Paul.

16:07:24 5 Q. Very well. Very well. As I said, I will move on. Now, so
6 late 1998 you're mining commander in Kono. Now we know that in
7 January 1999 there was an invasion of Freetown, wasn't there?

8 A. Yes.

9 Q. Where were you at that time?

16:07:57 10 A. I was in Kono.

11 Q. Were you involved in any way in that invasion?

12 A. No, I did not even go close to the place. I was in Koidu
13 Town.

14 Q. Doing what?

16:08:18 15 A. I was concentrating on the assignment that I was given, the
16 mining operation.

17 Q. What about in July 1999? The next event that I'm concerned
18 with, the Lome Peace Agreement, where were you at that time?

19 A. From the time I entered Kono, when I was made mining
16:08:52 20 commander, what made me to leave - what makes me to leave was
21 when Mosquito sent for me to go to Buedu, but apart from that I
22 did not go to any other place. I was just in Kono. I did not go
23 to Makeni. I did not go to war front. I didn't go anywhere.

24 PRESIDING JUDGE: Mr Witness, that's not the answer to the
16:09:12 25 question. The question was where were you at the time of the
26 Lome Peace Agreement?

27 THE WITNESS: Okay. 1999?

28 MR GRIFFITHS:

29 Q. Yes, July.

1 A. I was in Kono.

2 Q. Doing what?

3 A. Doing mining.

16:09:42 4 Q. Now there came a time, didn't there - we've touched on this
5 earlier - when Sam Bockarie left and went to Monrovia?

6 A. Yes.

7 Q. Do you now recall that that was in December 1999?

8 A. Wait, let me ask. The final departure?

9 Q. The final time that he went, yes, was December 1999?

16:10:18 10 A. I did not record that time, but I can't tell you the date
11 that he went.

12 Q. Now I have a very good reason for asking you about this,
13 because you told us of an occasion when you went to Monrovia with
14 Sam Bockarie. Do you remember telling us about that?

16:10:48 15 A. Yes, I went with him to Monrovia, but not his final
16 departure. It was not at that time.

17 Q. Yes, but importantly what was the address you stayed at
18 with him in Monrovia when you went with him?

19 A. ELWA Junction. That was where we went.

16:11:14 20 Q. And which year do you say you went with Sam Bockarie to
21 Monrovia?

22 A. That's what I have told you, that when we retreated, when
23 ECOMOG dislodged us from Freetown, it was in that particular year
24 that we went, but the date was - is one that I cannot remember.

16:11:42 25 Q. So it was the year that ECOMOG pushed the junta out of
26 Freetown? It was that year that you went?

27 A. Yes.

28 Q. That year we know to be 1998 and that event was February,
29 so you went to Monrovia some time after February 1998 with Sam

1 Bockarie and stayed at ELVA [sic] Junction. Is that right?

2 A. Yes, 1998, at that time ECOMOG had pushed us out of
3 Freetown and we went back to the jungle in Kailahun District. It
4 was at that time that the two of us travelled. It was not only
16:12:34 5 to Monrovia, but in Liberia. I used to go there too.

6 Q. My fault, it should be ELWA Junction, not ELVA junction.
7 But you're telling us, just for clarity's sake, that some time
8 after February 1998 you went with Sam Bockarie to Monrovia and
9 stayed at that particular address, is that right?

16:13:03 10 A. Yes. We stayed there when he was called to go to Benjamin
11 Yeaten, but Benjamin Yeaten - I did not go to Benjamin Yeaten's
12 place. I did not know there. I did not go there with him.

13 Q. Well, can I make a suggestion to you so that you can have
14 an opportunity to think about it. Sam Bockarie did not stay at
16:13:28 15 an address in ELWA Junction until after December 1999 when he
16 left Sierra Leone permanently, so you could not have stayed at
17 that address with him in 1998. Do you follow me?

18 A. That's what I'm telling you. That address that I have told
19 you about, it was not that we went there to stay there. We only
16:13:59 20 lodged there. What we went there for, after that we returned.
21 We did not stay there permanently. We were lodged there.

22 PRESIDING JUDGE: Pause, Mr Witness. Pause. I don't think
23 you have fully understood counsel's question.

24 THE WITNESS: Okay.

16:14:14 25 PRESIDING JUDGE: Maybe put it again, Mr Griffiths.

26 MR GRIFFITHS: Let me put the question again:

27 Q. You have told us that some time after you were removed from
28 Freetown by ECOMOG, in that same year you travelled with Sam
29 Bockarie to Monrovia and stayed at ELWA Junction. What I'm

1 suggesting to you is that cannot be right, because Sam Bockarie
2 did not have access to that address until after December 1999.
3 Now, do you want to reconsider your evidence on that point? Do
4 you follow me?

16:15:04 5 A. I am following. I know that it happened. If you say it
6 did not happen, I know that it happened. Had it not happened, I
7 wouldn't have spoken about it. Where I did not go I will never
8 tell you that I went there.

9 Q. Now I want to, having now established that time line and
16:15:33 10 just for completeness sake, some time in the year 2000 you were
11 relieved of your job as mining commander, yes?

12 A. Yes.

13 Q. And thereafter you took part in an invasion of Guinea?

14 A. Yes.

16:16:02 15 Q. How long did that invasion last?

16 A. It did not last for a year. It was about two to three
17 months. I went there for a month and I got injured, then I left.
18 They took me and brought me. I never went there.

19 Q. They took you and brought you to where?

16:16:34 20 A. To Kono.

21 Q. And were you in hospital in Kono?

22 A. No, I was not in a hospital. I was in my own house.

23 Q. And for how long did you remain there in 2000?

24 A. I was there it was not up - it did not complete a month
16:17:04 25 when my brother who was assigned in Magburaka, he knew an old man
26 who was an herbalist. They took me there. It was there that I
27 stayed until I got cured. I did not go to Kono. Where I was
28 when I got cured was where I stayed until the disarmament. I did
29 not go to Kono.

1 Q. So you stayed in that particular place until disarmament in
2 2002?

3 A. Yes, that was where I disarmed.

16:17:44

4 Q. So you spent some 18 months or so in that location, would
5 that be fair?

6 A. Yes.

7 Q. And during that time you were effectively no longer a
8 combatant engaged on RUF business?

16:18:09

9 A. I was RUF, but I was not a fighter. I was just there
10 taking care of my health.

11 Q. But were you involved in any kind of capacity for the RUF
12 during that period?

13 A. No, that's what I've told you. I was not engaged in any
14 other thing, but that didn't mean that I was not RUF.

16:18:30

15 Q. Very well. Now if I can hopefully try and put together the
16 account you've given us, during the 11 years or so that you
17 remained with the RUF you were not really a front line combatant,
18 were you? You were more of an administrator, would you agree?

16:19:04

19 A. Yes, I was not more of a front line fighter, but once in a
20 while we used to go there.

21 Q. Yes, but for the most part you were engaged on
22 administrative matters?

23 A. Yes.

16:19:28

24 Q. Firstly as an S0-1 in Freetown during the junta period,
25 yes?

26 A. Yes.

27 Q. And for a period of about two years or so, from late 1998
28 until the year 2000, you were mining commander?

29 A. Yes.

1 Q. And it's your knowledge of the diamond business and how
2 that was transacted during that period between late 1998 and 2000
3 which really forms the core of the account you can give us, would
4 you agree?

16:20:11 5 A. During my time that I was there is the time that I can talk
6 about. I cannot talk about somebody else's assignment because I
7 was not there, but I can talk about my own time that I spent
8 there.

9 Q. Precisely. And would you agree that's the important thing
16:20:28 10 you can tell us about what you were doing as mining commander
11 from 1998 until 2000? That's an important matter you can talk to
12 us about, isn't it?

13 A. Yes, what I was called for here is what I will talk about.

14 Q. And you would agree, would you not, that that post of
16:20:54 15 mining commander was a very, very important role within the RUF?

16 A. Yes.

17 Q. Because you were in effect in control of one of the main
18 sources of income for that organisation?

19 A. Yes.

16:21:18 20 Q. But just so that we can understand the economic basis of
21 the RUF, apart from diamond mining there was also trading across
22 the Guinea and Liberian borders in agricultural produce, wasn't
23 there?

24 A. Yes, from Kailahun to --

16:21:52 25 Q. Palm oil, things like that, cocoa, coffee, do you agree?

26 A. Yes.

27 Q. And would you also agree that throughout the period 1991 at
28 the start of the invasion until 2000, disarmament, that trade in
29 agricultural products across the Guinea and Liberian borders

1 continued fairly uninterrupted, didn't it?

2 A. No, sometimes it used to be blocked. It used to be cut
3 off. We would do it for some time and sometimes it would be
4 blocked because of enemy infiltration.

16:22:42 5 Q. Which enemy?

6 A. What I mean, the enemy - the enemies who were fighting us,
7 the SLA, then the ULIMO also. They are the ones I referred to as
8 enemies.

9 Q. Was there any trade in agricultural products between the
16:23:05 10 RUF and ULIMO at any time?

11 A. No, in ULIMO agricultural produce they did not have a
12 riverside and so we did not take anything to them. It's on the
13 Guinean side that the agricultural produce used to go. The
14 Liberian side didn't have a riverside.

16:23:37 15 Q. Did you trade with ULIMO across the Guinea border?

16 A. No.

17 Q. The final matter I want to ask you about today is this.
18 There came a time - no, let me start again. Initially when Pa
19 Sankoh launched the invasion of Sierra Leone, the infant RUF were
16:24:16 20 assisted by the NPFL, weren't they?

21 A. Yes.

22 Q. There came a time when an event occurred called Top Final.
23 Do you recognise that name Top Final?

24 A. Yes.

16:24:39 25 Q. As a consequence of Top Final the NPFL were removed from
26 Sierra Leone, is that right?

27 A. Not all of them were removed. The wicked ones were removed
28 and the good ones stayed.

29 Q. Now, thereafter there occurred another important event from

1 the RUF's point of view. ULIMO, backed by Sierra Leone and
2 Guinea, launched an attack on Liberia. That's right, isn't it?

3 A. Yes, ULIMO attacked the Liberian forces.

4 Q. And ULIMO was backed by Sierra Leone and Guinea, wasn't it?

16:25:36 5 A. Yes.

6 Q. And ULIMO came in due course to control the border between
7 Liberia and Sierra Leone, particularly in Lofa County, didn't
8 they?

9 A. Yes, it was mostly in Lofa County that they stayed.

16:25:59 10 Q. And effectively whilst ULIMO had control of Lofa County the
11 RUF were isolated on the Sierra Leone side of the border, weren't
12 they?

13 A. Yes, they blocked the road.

14 Q. And during the period whilst ULIMO blocked the road, the
16:26:24 15 RUF were dependent for arms and ammunition on ambushes of Sierra
16 Leonean army forces. That's right, isn't it?

17 A. Yes, since the time they blocked the road we tried to open
18 it and so we mounted ambushes before the enemies.

19 Q. Yes, in order to obtain arms and ammunition?

16:26:53 20 A. Yes.

21 Q. And would you agree that ULIMO blocked that border from
22 some time round about end of '92/early '93 up until '97? Would
23 you agree with that?

24 A. They were at that border up to the time when the
16:27:25 25 disarmament - when the ECOMOG came and disarmed them. It was at
26 that time that the road opened up. That's what I told you. When
27 they disarmed them and the road was opened, I used to go to
28 Liberia and return.

29 Q. And would you agree that the road was opened in 1997 when

1 ECOMOG intervened in Lofa County? Would you agree?

2 A. Yes.

3 MR GRIFFITHS: Would that be a convenient point, Madam
4 President?

16:27:56 5 PRESIDING JUDGE: Indeed it would, Mr Griffiths. We've
6 been alerted that we're almost up to our time.

7 Mr Witness, we are finishing your evidence for today and we
8 will continue your evidence tomorrow. I again remind you, as I
9 did yesterday, that whilst you're under oath you should not
10 discuss your evidence with anyone else. Do you understand? Just
11 pause.

12 MR GRIFFITHS: Madam President, can I make an announcement.
13 I anticipate that Mr Munyard will be in a position to return
14 tomorrow and I informed the OTP of that because I recall that
15 they were concerned to interpose the other witness. In light of
16 your Honour's comments about this witness returning tomorrow, it
17 may be appropriate to have that other witness available given the
18 OTP's anxiety. I don't know whether it's convenient or not, but
19 I mention that for everyone's assistance.

16:28:35 20 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Koumjian,
21 can you assist us on this point?

22 MR KOUMJIAN: Certainly. It would be helpful to our
23 scheduling to get an estimate of the amount of cross-examination
24 of this witness expected so we can plan whether we immediately
16:29:12 25 interpose the witness 375, or finish a very short - what's left
26 of the cross-examination.

27 MR GRIFFITHS: I will not conclude tomorrow.

28 MR KOUMJIAN: Yes, we'll have the other witness here.

29 Thank you.

1 PRESIDING JUDGE: Mr Witness, I'm going to revise what I
2 said to you. Another witness will be coming tomorrow, someone
3 we've heard some evidence from before. I am not sure when you
4 will be back in court --

16:29:55 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: -- but you're still obliged not to
7 discuss your evidence until it's all finished, do you understand?

8 THE WITNESS: Okay, thank you.

9 PRESIDING JUDGE: Very well. Please adjourn court until
16:30:09 10 tomorrow at 9.30.

11 [Whereupon the hearing adjourned at 4.30 p.m.
12 to be reconvened on Friday, 22 August 2008 at
13 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

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EXAMINATION-IN-CHIEF BY MR KOUMJIAN	14191
CROSS-EXAMINATION BY MR GRIFFITHS	14266