



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 29 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 Rachel Irura

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Ruth Hackler

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah

1 Friday, 29 August 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:23:25 5 PRESIDING JUDGE: Good morning. Mr Koumjian, appearances
6 on your bar this morning?

7 MR KOUMJIAN: Good morning your Honours. Brenda J Hollis,
8 Nicholas Koumjian and Ruth Mary Hackler.

9 PRESIDING JUDGE: Thank you. Mr Griffiths?

09:28:50 10 MR GRIFFITHS: Good morning your Honours and counsel
11 opposite. For the Defence today myself Courtenay Griffiths and
12 my learned friend Mr Morris Anyah.

13 PRESIDING JUDGE: Thank you, Mr Griffiths. Unless there
14 are some other matters I will remind the witness of his oath.

09:29:06 15 MS IRURA: Your Honour, just to bring this to the attention
16 of the chamber, LiveNote is not working presently so I am
17 broadcasting serial LiveNote on your screens.

18 PRESIDING JUDGE: Thank you, Madam Court Attendant. I note
19 the difference and perhaps when it gets rectified you can inform
09:29:26 20 us.

21 MR GRIFFITHS: Madam President, before we begin there was a
22 matter which we raised and I wonder if that is best dealt with in
23 the absence of the witness. I don't think he need go far, if he
24 were to be kept just behind that door, because I doubt that this
09:29:45 25 will take very long.

26 PRESIDING JUDGE: Thank you, Mr Griffiths, for that
27 reminder. Mr Witness, you may recall yesterday I told you we
28 were discussing some legal matters and we are continuing that
29 short discussion this morning. I would ask Madam Court Officer

1 to assist you to leave the Court just for a very short time. It
2 will not take very long.

3 [In the absence of the witness]

09:30:43

4 Mr Griffiths, before you commence we will continue as we
5 did yesterday in private session.

6 MR GRIFFITHS: Your Honour, can I also indicate that
7 following our discussion, through excess of caution I think it
8 might be wise, whatever formula is adopted, to deal with all the
9 issues concerning this matter in private session in the event
10 that some error occurs.

09:31:00

11 PRESIDING JUDGE: Yes. Please put the Court in private
12 session. Just before you do, for members of the public this is a
13 legal discussion relating to security of witnesses. It will
14 continue for a short time in private session as it did yesterday
15 afternoon. You will of course be able to see the Court, but you
16 will not be able to hear.

09:31:19

17 [At this point in the proceedings, a portion of
18 the transcript, pages 14950 to 14951, was
19 extracted and sealed under separate cover, as
20 the proceeding was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: Whilst we are in open session I wish to

4 announce that the next series of questions will be put and

09:38:08 5 replied to in private session for reasons of security of

6 witnesses. Counsel has estimated that this will be about half an

7 hour and the public can see into the Court, but they will not be

8 able to hear. Please put the Court back in private session.

9 [At this point in the proceedings, a portion of

10 the transcript, pages 14953 to 14961, was

11 extracted and sealed under separate cover, as

12 the proceeding was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honours, we are in open session.

3 PRESIDING JUDGE: Thank you. Please proceed. Just a
4 minute. I will warn the witness. Mr Witness, we are no longer

10:03:48 5 in private session, so I again remind you not to mention names or
6 any other issues that could identify yourself.

7 THE WITNESS: Okay, sir.

8 MR GRIFFITHS:

9 Q. Now is it right that in 1992 you went to Kono with Foday
10:04:09 10 Sankoh for about a month?

11 A. Yes, sir.

12 Q. Why?

13 A. At that time I was a bodyguard, that was why I went with
14 him. Anywhere he went to I went with him.

10:04:32 15 Q. What is Top 20?

16 A. The name Top 20 came about when our brothers who came from
17 the NPFL to help us during the war, that was the name that was
18 given, Top 20. That means they were the bosses. They were above
19 us. That was what I understood from that name.

10:05:05 20 Q. And what does Top 40 mean?

21 A. Okay, Top 40, when they had ran the Top 20 it got to a
22 point in time when their boss stopped them and it was after some
23 time that they ran the Top 40 again. There were three stages;
24 Top 20, Top 40 and Top Final.

10:05:40 25 Q. And when you - I am sorry, but I don't understand that.

26 "When their boss stopped them", what does that mean?

27 A. The bad things that they used to do when they used to kill
28 innocent people, they used to beat up innocent people, they had
29 one of their boss, so the complaint went to Foday Sankoh, but

1 they did not used to listen to him. They did not take orders
2 from him. They said he was not their commander. But he, Foday
3 Sankoh, also had his own boss that he used to take his complaints
4 to, that was Charles Taylor. So Charles Taylor ordered the
10:06:30 5 commander that was the boss of all the NPFL who were with us to
6 stop them and then he stopped them and he called all of them,
7 those bad ones, he called on all of them to go. So those ones
8 who were good and kind, he asked them to stay.

9 Q. Who is "he"?

10:06:58 10 A. I said the commander who was in charge of the NPFL soldiers
11 who were with us at that time. That is what I mean. He was
12 called upon to move from there, because he did not control the
13 soldiers whilst they were doing those wicked things.

14 Q. It's my fault. We need to go more slowly, perhaps. What
10:07:22 15 is the name of the commander?

16 A. He was called Pa Jean [phon], but his nickname was Kannah
17 Hill [phon]. He was called Pa Jean.

18 Q. And who withdrew that commander from Sierra Leone?

19 A. Charles Taylor.

10:07:51 20 Q. Now, what is Top Final?

21 A. Top Final, those same fighters, you know, it was on the
22 border, there is no river between Liberia and Sierra Leone on
23 that side, you can even walk across. The soldiers who went at
24 that same area who were doing the wicked things in those areas,
10:08:23 25 who were killing people, and because they had asked them to
26 withdraw they were angry about it. The issue of Charles Taylor
27 asking them to withdraw, they were angry about it. So they just
28 went on doing wicked things. If you were a woman they would rape
29 you. If you were a young boy they would beat you up or sometimes

1 kill you.

2 So that was the time the infighting happened between the
3 RUF and the NPFL. That was what they referred to as Top Final
4 and that was to finally flush out the bad ones and that only the
10:09:01 5 good ones were supposed to remain. So that was the time they
6 resorted to that Top Final. All the bad ones were supposed to be
7 flushed out and the good ones remain, so that was the name given
8 to it.

9 Q. And so it was Charles Taylor who had asked them to withdraw
10:09:20 10 from Sierra Leone?

11 A. Yes. Foday Sankoh at so many times took the complaints to
12 him, so he too at a point in time asked the boss to move from
13 there. But the soldiers who were there with him on the ground,
14 they did not want to withdraw because Charles Taylor himself did
10:09:42 15 not have time to come there and to ask them there to withdraw.

16 So it was violence - it was only violence that would have flushed
17 those bad ones out.

18 Q. And thereafter, if I understand what you're telling us, the
19 RUF was effectively on its own?

10:10:11 20 A. The RUF was under the command of Foday Sankoh backed by
21 Charles Taylor. We were not on our own. We only resorted to
22 flushing out the bad ones so that they will return to where they
23 came from.

24 Q. So help us with this then: Do you recall that in about
10:10:30 25 April/September 1991 ULIMO was formed in Guinea and Sierra Leone
26 by former Liberian army fighters, Krahn and Mandingo supporters
27 of the late President Doe, do you remember that?

28 A. Yes, I knew that ULIMO was formed in Sierra Leone by - and
29 it was formed by the remnant Krahn and the other people, the

1 Mandingos. It was formed in Sierra Leone because we used to
2 capture people there and they told us.

3 Q. And ULIMO was also supported by the Sierra Leonean
4 government, wasn't it?

10:11:27 5 A. Yes, sir, it was the Sierra Leone government that fully
6 supported them.

7 Q. And also the Guinean government?

8 A. Yes.

9 Q. Both governments providing them with arms and ammunition?

10:11:45 10 A. Yes.

11 Q. And the purpose of ULIMO was to overthrow Charles Taylor?

12 A. Yes.

13 Q. Now, in about 1992 do you recall that between January and
14 April of that year ULIMO started gaining control of much of Lofa

10:12:19 15 County?

16 A. Yes, at the end of '92 to '93 was the time we realised that
17 ULIMO had entered Liberia towards the border.

18 Q. And the effect of that was to cut off the RUF from the
19 NPFL, wasn't it?

10:12:44 20 A. Yes, from '93 we were cut off around the Lofa area. We
21 were cut off around the Lofa area.

22 Q. And the RUF remained cut off from the NPFL from about then
23 until about 1997/'98, would you agree?

24 A. No, it did not go up to '98. It was from '93 that we were
10:13:17 25 cut off up to '96 and that was the time ECOMOG came to disarm
26 ULIMO and they opened the road. Since the time ECOMOG based
27 there around Foya up to Voinjama the road was now open. We were
28 no longer tormented in those areas because ECOMOG was present.

29 Q. Now ECOMOG was deployed throughout Lofa County, wasn't it?

1 A. Yes.

2 Q. And ECOMOG set up road blocks on the main routes leading
3 through Lofa County, didn't they?

10:14:11

4 A. Yes, towards the border areas. It was not on all the main
5 roads. It was towards the borders that they blocked, entering
6 towards the borders.

10:14:28

7 MR KOUMJIAN: Your Honours, I hesitate to interrupt. It is
8 just a matter of the transcript and in the future I know it may
9 be corrected or likely be corrected on the tape, but in line 34 a
10 couple of answers back the last line is reads, "No longer
11 tormented in those areas because ECOMOG was present" and I
12 believe the interpreter said, "No longer to remain in those areas
13 because ECOMOG was present".

10:14:44

14 PRESIDING JUDGE: Let me check that. I actually heard the
15 word "tormented" in the translation, but as you correctly point
16 out that will be checked. Please proceed, Mr Griffiths.

17 MR GRIFFITHS:

18 Q. So ECOMOG set up checkpoints on the border?

10:15:09

19 A. Yes, it was on the main border line, the main entrance from
20 one country to the other that the ECOMOG mounted the checkpoint.

21 Q. Can you give us the names of the locations where those
22 checkpoints were?

23 A. Yes.

24 Q. What are they?

10:15:31

25 A. One was at the Mendekoma Highway which led from Sierra
26 Leone to Liberia. That is Foya, Mendekoma Highway. The areas
27 through which I went is what I am talking about. And the other
28 around the Vahun area. Those were the two areas. But when you
29 entered inside going towards Monrovia around Voijnama areas, all

1 those areas, they did not mount checkpoints there. There were no
2 checkpoints there. When you go along those areas you don't meet
3 any checkpoints on the way up to Voinjama.

10:16:22 4 Q. No, dealing with that period you say from about 1993 to
5 1996 when ULIMO cut off the road, one consequence of that was
6 that there was contact between the RUF and ULIMO, wasn't there?

7 A. At the time they were on the border, because we used to
8 fight against them ourselves. It was later when ECOMOG came
9 there and based there that we established peace between us, but
10:17:02 10 when ECOMOG was not present we used to fight against them. They
11 never used to come to us and we too never used to go to them.

12 Q. The reason I ask, you see, is this: You remember there
13 came a time when a group of the RUF led by Superman and Gibriil
14 Massaquoi, they had ULIMO soldiers fighting with them, former
10:17:31 15 ULIMO soldiers fighting with them, didn't they?

16 A. The group you are talking about, I was not in the same area
17 with them. They were around the Western Area and that is very
18 close to Freetown. I don't know whether they had such a group.
19 I was in the Kailahun District and they were very close to the
10:17:56 20 city. There was a very long distance between us.

21 Q. So you have no idea about the composition of that group?

22 A. Superman's group and Gibriil Massaquoi's group, I cannot
23 tell you anything about that group, because I was not with them.
24 I did not fight together with them and I have never lived in the
10:18:23 25 same jungle with them.

26 Q. Very well. Can we go to the cross-examination bundle,
27 please, behind divider 7. Now behind divider 7 you will see
28 pages taken from the [Redacted]

29 Can we go

1 to page 50, please, top right-hand corner, line 16.

2 PRESIDING JUDGE: Just pause, Mr Griffiths. Mr Griffiths,
3 the Bench is just noting that this evidence was adduced in

4 [Redacted]

10:20:33 5 which related to this witness at

6 that time. There has been rescission of certain protective

7 measures. However, the protective measures and the

8 [Redacted] still

9 stand and if you are now going to refer to evidence

10:20:55 10 [Redacted]

11 it may breach that order and we are of a mind that it may be

12 prudent to have this in private session.

13 MR GRIFFITHS: Very well.

14 PRESIDING JUDGE: In order to - from caution, Mr Griffiths,

10:22:12 15 we will adduce this evidence in private session. For members of

16 the public and public record, certain evidence will be referred

17 to that was given pursuant to an order of another

18 [Redacted] and in

19 conforming with that order this evidence will be heard in private

10:22:33 20 session. Members of the public can see into court, but they will

21 not hear what is being said. Mr Witness, you have heard what I

22 said. You understood it?

23 THE WITNESS: Yes, sir.

24 MR KOUMJIAN: Your Honours, we are just wondering, out of

10:22:52 25 principle, the references to this witness, who is testifying

26 without facial distortion, should be redacted from the transcript

27 that this witness testified in the

28 [Redacted]

29 JUDGE SEBUTINDE: I don't understand, Mr Koumjian. What is

1 it that you are asking to be redacted?

2 MR KOUMJIAN: References to

3 [Redacted] I don't have

4 a line in front of me. I think we would all have to search the

10:23:29 5 transcript to find it.

6 PRESIDING JUDGE: It is part of the ruling on page 23, line

7 6 or 7.

8 [At this point in the proceedings, a portion of

9 the transcript, pages 14970 to 14972, was

10 extracted and sealed under separate cover, as

11 the proceeding was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honour, we are in open session.

3 PRESIDING JUDGE: Please proceed.

4 MR GRIFFITHS:

10:40:16 5 Q. Mr Witness, I would like to draw your attention, please,
6 behind divider 7 in that bundle, page 11, and if you look on that
7 page just below halfway down we see this, "And the group led by
8 Superman and Massaquoi consisted of hundreds of men?" And then
9 you said this, "Yes, yes. They were many, because those ULIMO
10:41:13 10 soldiers who came from Freetown and the SLAs, they were with
11 him". Now do you remember saying that on a previous occasion?

12 A. This time that you are trying to show to Superman, at that
13 time when we were leaving Freetown, at that time ULIMO and SLA
14 were with him, but at that time that we were in the bush ULIMO
10:41:46 15 and SLA were not with Superman. That was what I was trying to
16 refute. But when we went to town in Freetown ECOMOG dislodged
17 us. It was that at that time that ULIMO and SLA joined them.
18 That was what I meant.

19 Q. Now where did these ULIMO fighters come from to join with
10:42:10 20 Superman and Massaquoi?

21 A. That is what I meant, in Freetown. When we were there in
22 Freetown.

23 Q. But how had the ULIMO fighters got to Freetown in the first
24 place?

10:42:36 25 A. We met them there. They were with the SLAs. That was what
26 I meant. Those of us who were in the bush, they were not with
27 us. We met them there. Even SLAs, we met them in town when we
28 went to join Johnny Paul Koroma.

29 Q. And so those ULIMO fighters retreated from Freetown along

1 with the SLA and the RUF, is that right?

2 A. That's what I mean. Not all of them, but those who agreed
3 to join us, they came with us to the - they went with us to the
4 bush.

10:43:09 5 Q. And after they went with you to the bush did they remain
6 with you, those ULIMO fighters?

7 A. Yes, but nobody called them ULIMO any longer. Everybody
8 was RUF, be you SLA or this or that, as long as you had gone with
9 us into the bush we considered you - we considered everybody as
10 RUF.

11 Q. Now these ULIMO fighters who retreated with you and then
12 merged into the RUF, they were Liberians, weren't they?

13 A. Yes, sir, but there were a few Sierra Leoneans among them,
14 but most of them were Liberians.

10:44:00 15 Q. Now, what was the STF?

16 A. I didn't ask them for that meaning, but that was what we
17 heard when we went to Freetown. They were calling them STF, but
18 I never asked to know what it meant actually. Up to the time we
19 went into the bush that was what we heard them calling them.

10:44:26 20 Q. Calling who?

21 A. Those ULIMO fighters who were in Freetown whom we met
22 there, that was the name they used to call them, but I did not
23 ask to know its meaning.

24 Q. And who is General Bropleh?

10:44:48 25 A. General Bropleh was their commander.

26 Q. Of who?

27 A. The STF.

28 Q. And he was a former ULIMO general, wasn't he?

29 A. Yes, sir.

1 Q. Was he from ULIMO-J or ULIMO-K?

2 A. That is what I didn't know. I knew ULIMO. It was a name
3 ULIMO that he carried and they called them STF, but that
4 distinction I did not know.

10:45:30 5 Q. Do you know the name Abu Keita?

6 A. Yes, sir.

7 Q. Who was he?

8 A. He too was among the same people.

9 Q. Which same people?

10:46:04 10 A. ULIMO.

11 Q. And was he one of those who retreated from Freetown?

12 A. No, he came from Liberia.

13 Q. To where?

14 A. He came to the RUF.

10:46:25 15 Q. To do what?

16 A. He came there as a fighter. He came there - first he came
17 as a friend, but he was a ULIMO fighter and he had been - at
18 first when I saw him - at the first time that I saw him I saw him
19 with Issa.

10:46:44 20 Q. Where?

21 A. In the RUF territory.

22 Q. Where in particular within RUF territory?

23 A. I saw him in Kono.

24 Q. What was he doing there?

10:47:05 25 A. At first he was moving along with Issa. They used to move
26 together. Because he was a ULIMO fighter before, he used to go
27 to the front line.

28 Q. When was this that you saw Abu Keita with Issa?

29 A. Abu Keita had been in Kailahun, Kono. Those areas from

1 Kai Iahun up to Kono, I had seen him there, but I didn't --

2 Q. Which year?

3 A. I cannot recall the year, but I used to see him there, but
4 I cannot recall the year.

10:48:03 5 Q. Does the name Senegalese mean anything to you?

6 A. Senegalese?

7 Q. Yes.

8 A. Yes.

9 Q. Who is he?

10:48:21 10 A. Senegalese, because he too was a soldier but I did not ask
11 him whether he was ULIMO or NPFL, but he too was coming from
12 Liberia, but I did not know him in Liberia. I only saw him in
13 Buedu once, but I did not ask him because the two of us did not
14 talk.

10:48:44 15 Q. Who was he with when you saw him in Buedu?

16 A. Senegalese, he was with Sam Bockarie.

17 Q. Can you help us as to when that was?

18 A. I think from '97 when I went to Buedu I saw him there with
19 Sam Bockarie, but we did not have any conversation because - but
10:49:21 20 I can recall that name. He's a tall guy.

21 Q. Now you told us about a bank robbery, did you not?

22 A. Yes, sir.

23 Q. Now those same ULIMO fighters who retreated from Freetown,
24 they were involved in robbing that bank, weren't they?

10:50:02 25 A. Yes, sir.

26 Q. And many of them fled with their loot across the border
27 into Guinea, didn't they?

28 A. Yes, sir.

29 Q. Now at the time when they looted that bank, who was their

1 commander?

2 A. No, at that time they said they didn't go with a commander.
3 It was just a group just like you would come together. That was
4 the information I got. Whenever anything happens everybody went
10:50:47 5 his separate way. They did not choose somebody whom they said
6 was the commander. I did not get that information. I don't
7 know, except those who were arrested and beaten.

8 PRESIDING JUDGE: Mr Griffiths, I am not sure that answers
9 your question.

10:51:11 10 MR GRIFFITHS: No, I don't think it did:

11 Q. Can you remember now who was the commander of those ULIMO
12 fighters who robbed the bank?

13 A. I would have forgotten, but I cannot recall any longer
14 except those who were arrested and beaten.

10:51:40 15 Q. Very well. Now the topic I am dealing with is this
16 connection between the RUF and ULIMO. Now in that context you
17 sent as your mining representative to Tongo Fields a man called
18 Mike Nimley, didn't you?

19 A. Yes.

10:52:16 20 Q. Now Mike Nimley was ULIMO in origin, wasn't he?

21 A. At first he was NPFL, then he was captured by ULIMO and he
22 came into the RUF.

23 Q. And he was also STF, wasn't he?

24 A. That is the name they changed into. ULIMO was changed to
10:52:44 25 STF, but it was one group.

26 Q. Now, the period of time we are talking about is following
27 the retreat from Freetown. Now, we know that to be February
28 1998. Now prior to that, in 1997 you had been purchasing arms
29 from former ULIMO combatants in Lofa County, hadn't you?

1 A. Yes. Not arms, ammunition. Not arms.

2 MR GRIFFITHS: Would your Honour give me a moment to find a
3 reference?

4 PRESIDING JUDGE: Yes.

10:54:06

5 MR GRIFFITHS:

6 Q. Now, I want to spend a little time asking you about that.
7 Now it was in particular ULIMO-K with whom you were dealing for
8 those ammunition purchases, wasn't it?

9 A. Yes, Alhaji Kromah's remaining boys.

10:54:47

10 Q. Now at the time that you had these dealings with them,
11 there had been presidential elections in Liberia and Charles
12 Taylor was now President of Liberia. That's right, isn't it?

13 A. Yes, Charles Taylor was President. That was why I was
14 brave to go there.

10:55:12

15 Q. And what was happening was this. These former ULIMO-K
16 fighters were supposed to hand over their arms and ammunition as
17 part of the disarmament process in Liberia. That's right, isn't
18 it?

19 A. They were there. I was not there.

10:55:38

20 Q. But, in any event, rather than hand over their arms and
21 ammunition they were burying them in Lofa County, weren't they?

22 A. Yes, that was what they used to do. I was not with them,
23 but that was what they used to do.

24 Q. And the RUF decided that what they would do is they would
25 purchase that ammunition from these former ULIMO-K combatants.

10:56:05

26 A. Yes, that was what we decided to do, but that did not take
27 long.

28 Q. And you were sent as the RUF representative to go and
29 negotiate with them in Lofa County?

1 A. Yes.

2 Q. Now you were first given some money from the bank in Kono
3 which you changed into Guinean francs in order to purchase
4 ammunition from these former ULIMO fighters, is that right?

10:57:00 5 A. Yes, the money that I got from Freetown, that was where it
6 was taken from.

7 Q. And you made several trips to Lofa County to continue this
8 trade, didn't you?

9 A. Yes, I used to go there.

10:57:23 10 Q. Now amongst the people you dealt with to purchase
11 ammunition from, was one of them Varmuyan Sherif? Varmuyan
12 Sherif?

13 A. No, Varmuyan Sherif? Not Varmuyan Sherif. I never did
14 business with Varmuyan Sherif. I don't even know him.

10:57:59 15 Q. Was one of them Abu Keita?

16 A. No.

17 Q. Who were the people then that you dealt with?

18 A. I dealt with Kundi. They called him Colonel Kundi.

19 Colonel Kundi. We used to do business together. He used to show
10:58:20 20 me those places where those things were and I will buy them.

21 Q. Now apart from those occasions when you tell us you were
22 given money to go and purchase arms from ULIMO, there was also a
23 trade with ULIMO where agricultural products were bartered for
24 ammunition, wasn't there?

10:58:55 25 A. No, no.

26 Q. Very well. Could you look, please, behind divider 5.

27 Could we turn to page 4 behind that divider, please. Let's start
28 about a third of the way down the page. "Now, during the time
29 that you were in Koindu was anything taking place in Kailahun

1 District?" "Yes". "What was that?" "Because at the time that
2 we were in Koindu we were there in defensive, but the money that
3 we used to buy ammunition, sometimes it was proceeds from the
4 sale of coffee or cocoa or palm oil for us to get money because
11:00:12 5 at that time there was no mining for - there was not much mining
6 for diamonds". "What do you mean when you say it was proceeds
7 from coffee and cocoa?" "What I mean is when it was harvested it
8 will be bagged and we'll send to the riverside, sold and it is
9 the proceeds that we use to buy ammunition from the ULIMO
11:00:38 10 people." Do you remember saying that on a previous occasion?
11 A. Yes, what I meant was that the provisions that you've
12 talked about we were not exchanging them with ULIMO. It was with
13 the Guineans. We went to the Guineans. The Guineans would give
14 us physical cash and out of that physical cash we would buy those
11:00:58 15 things. That's what I am telling you about. It is not palm oil
16 or coffee that we took to ULIMO. We sell those things to
17 Guineans at the riverside, then from the cash that we will
18 receive we will use to buy arms and ammunition. That's what I
19 mean.
11:01:21 20 Q. So you've told us before, you see, about using the money
21 from the bank robbery, using a further sum of US dollars that you
22 were given to buy arms, but in addition to those two specific
23 sums of money the RUF were trading agricultural produce at the
24 riverside and the money they gained from that they were using
11:01:49 25 that as well to buy arms from ULIMO-K, weren't they?
26 A. Yes, that is what I mean. When you asked that we took the
27 produce to ULIMO, we were not taking the produce to ULIMO. It
28 was in Guinea.
29 Q. Very well, it's my fault. It is the way I phrased the

1 question. It is totally my fault, Mr Witness. And this trade
2 with ULIMO was going on throughout 1997, wasn't it?

3 MR KOUMJIAN: Objection. It's a little vague, because
4 three or four - well, three different types of trade were put to
11:02:26 5 the witness and so I don't know if this is the - which one he's
6 referring to.

7 MR GRIFFITHS:

8 Q. The only trade that you did with ULIMO was to take money
9 over and buy ammunition. That's right, isn't it?

11:02:45 10 A. Yes, that's what - the only one I did.

11 Q. That's the only trade you've told us about.

12 MR KOUMJIAN: Excuse me, the witness is not --

13 THE WITNESS: Yes, physical money. I did not take palm oil
14 to them. I did not take coffee to them. I took physical money
11:02:59 15 to buy. We were taking the produce to the Guineans.

16 MR GRIFFITHS:

17 Q. And that trade, cash for ammunition, was going on in 1997,
18 wasn't it?

19 A. Yes, up to the time Johnny Paul called us.

11:03:50 20 Q. Now, do you remember telling us about some arms received by
21 the RUF which was used to attack Koi ndu?

22 A. Repeat that.

23 Q. Let me start again. Do you remember a time when the RUF
24 attacked Koi ndu?

11:04:26 25 MR KOUMJIAN: I believe counsel is referring to Koi du and
26 that's causing the confusion.

27 MR GRIFFITHS: Koi du, my fault:

28 Q. Do you remember an occasion when the RUF attacked Koi du?

29 A. Ah-ha, when you said Koi ndu, it's Koi du, yes.

1 Q. My fault. My fault entirely. And the arms that were used
2 to carry out that attack, where did they come from?

3 MR KOUMJIAN: I would just ask that he be a bit more
4 specific because the witness has testified to at least three -
11:04:58 5 well, more than three attacks on Koidu, '92 and '95 and others
6 subsequently.

7 PRESIDING JUDGE: Mr Griffiths, did you say which year?

8 MR GRIFFITHS: No, I didn't say which year. I think I'm
9 confusing myself, your Honour. Can I begin the point again?

11:05:21 10 PRESIDING JUDGE: Please do so.

11 MR GRIFFITHS:

12 Q. We have been talking about the purchase of ammunition from
13 ULIMO. Could you be shown, please, exhibit D-9. Now, you will
14 recall having been shown this particular document before and I
11:06:16 15 want to draw your attention to two particular passages in it to
16 see if you can assist me. Look at the second paragraph on the
17 first page:

18 "Upon your departure I initiated contact with ULIMO as per
19 your instructions in a bid to buy materials to repel the vicious
11:06:41 20 attacks of the Kamajors at a time when there was a peace document
21 in place and we were not expecting to fight. At first ULIMO
22 arrested me thinking that I had come to them to surrender. Later
23 I was able to convince them to release me and we commenced a
24 mutually beneficial relationship. I used the 7,000 US dollars to
11:07:11 25 purchase vitally needed material that gave us the stance to fight
26 and challenge the SLPP government until they were ousted by the
27 AFRC coup?"

28 Pause there. Now those purchases of arms to which the
29 writer is referring, that's what you were engaged on in 1997,

1 wasn't it?

2 A. Yes, this one on the paper. Yes, I was buying ammunition.

3 PRESIDING JUDGE: Mr Griffiths, there has been a
4 distinction between arms and ammunition and ammunition only and
11:08:01 5 the document says "materials".

6 MR GRIFFITHS:

7 Q. Help us, please. The learned judge has quite rightly
8 pointed out that in that paragraph it says "materials". Now, can
9 you help us. Were you only purchasing ammunition from ULIMO, or
11:08:20 10 were you also purchasing arms?

11 A. What I used to do is what I am trying to tell you. What I
12 did not do I won't talk about. We had arms. We used to capture
13 arms and we had arms before that Sankoh himself used to bring
14 from Liberia. I was going to buy ammunition. I was not the only
11:08:42 15 person who did those trade. There were other people who were
16 doing those trades. The one that I was doing was that I was
17 buying ammunition.

18 Q. Now can we turn, please, to page 5 of this document. Now,
19 in the middle of that page you will see - no, let's put it in
11:09:14 20 context. Can we start from line 13 counting from the top of the
21 page. The writer of the document then says this:

22 "After our Freetown invasion in January 1999 I was again
23 promoted by JP Koroma to rank of major general, Issa was promoted
24 to brigadier and Mike to the rank of brigadier and other SLA
11:10:03 25 officers were also promoted. Sir, during this period I had been
26 in contact with various diplomats and other international
27 agencies such as the UN, Commonwealth, OAU, ECOWAS and even the
28 Sierra Leone government with a view of effecting your release and
29 a negotiated settlement of the Sierra Leonean crisis. These

1 bodies lent deaf ears to my propositions as they thought that the
2 Kabbah government would be able to achieve military victory."

3 Now this is the passage I want you to concentrate on:

4 "Back at headquarters I renewed my contact with ULIMO and
11:10:54 5 tried to secure materials from them. It was out of these
6 materials that I gave Superman a good quantity to attack and
7 capture Kono. This move I thought would pressure the government
8 into abandoning their mock trial against you and provide us with
9 the ground necessary to move the war and the movement forward."

11:11:24 10 Pause there. Do you know anything about that purchase of
11 materials from ULIMO which was used to attack and capture Kono?

12 A. This attack that you are talking about, this attack on Kono
13 when Superman was given ammunition to capture Kono, that was not
14 the time that Issa Sesay came with that ammunition. Superman
11:12:01 15 attacked Kono, but was not able to capture there. It was at that
16 time that he left and went to Kabala. He was not able to capture
17 there. He was the commander in Kono, but he was not able to
18 capture there. He was unable. Then he left and went to Kabala.
19 It was later that Issa Sesay came with his group with ammunition
11:12:22 20 to capture Kono.

21 Q. What do you understand by the word "materials"?

22 A. In the military when you talk about material you are
23 talking about ammunition. When you say that materials, materials
24 are finished, that means the ammunition has finished.

11:13:02 25 Q. Doesn't materials also include arms, RPG bombs, grenades,
26 mortars, et cetera?

27 A. When you talk about RPG bombs, that is material. The bomb
28 is a material. It's just like the rounds.

29 Q. Are arms also referred to as materials?

1 A. When we talked about - when we say that material is
2 finished we only talk about materials - ammunition. Maybe, but I
3 was not calling it that, but when we talk about material, that
4 material is finished, they only brought ammunition because the
11:13:50 5 arms, we had them. So when we say we have been out of materials,
6 they only brought ammunition. That was what I knew and that is
7 what I am still thinking about.

8 Q. Does the word "materials" also cover arms?

9 MR KOUMJIAN: Asked and answered. The witness has given
11:14:10 10 his understanding of --

11 THE WITNESS: I don't know about that. That's what I have
12 told you.

13 MR GRIFFITHS:

14 Q. Do you know anything, going back to this passage, about a
11:14:24 15 renewal of contact with ULIMO for the purchase of arms? For the
16 purchase of materials, let me be precise.

17 A. That was the time that we left Freetown when the Liberian
18 route was opened to go to Monrovia. Sam Bockarie himself was
19 going to Monrovia. That was the time that I went to Voinjama.
11:14:59 20 That's the time he is talking about.

21 Q. But what I am trying to clarify with you, Witness, is this.
22 You will note that the writer says on the first passage I
23 referred to you, "Upon your departure I initiated contact with
24 ULIMO". The writer now says, "Back at headquarters I renewed my
11:15:25 25 contact with ULIMO". The point I want you to assist us with,
26 please, if you can, is do you recall a further occasion after
27 1997 when the RUF were purchasing arms from ULIMO?

28 A. That is what I have told you. The other time that he is
29 trying to tell you about on this paper when that retreat took

1 place, when ECOMOG dislodged the RUF in Freetown and went back to
2 Kailahun, at that time the Liberian route was now opened. The
3 ECOMOG had deployed there. This is the time that I am telling
4 you about. That was the time that he was going to Monrovia and
11:16:19 5 he was sending me to Voinjama. That is the time he is telling
6 you about, that which I know. Maybe there is something else, but
7 that is what I know.

8 Q. What I am trying to get to the bottom of, you see, is this.
9 You speak of a time before the AFRC - before the AFRC invited the
11:16:43 10 RUF to join them in 1997 when you were purchasing arms from ULIMO
11 - ammunition from ULIMO. What this appears to be suggesting is
12 that some time after January 1999 arms were being purchased from
13 ULIMO again. Now, is that right that there were two such
14 occasions?

11:17:16 15 A. It is not in 1999. There were two different times. The
16 first time we were not going to Liberia. It was at border line.
17 They will take them and bring them. That is the border line in
18 Foya. The border line, the first one. The second one we went
19 inside when the road had been opened and we went to Voinjama,
11:17:39 20 yes. The first group which we met was Kundi at the border line
21 in Foya.

22 JUDGE SEBUTINDE: Mr Witness, is this the name of a person,
23 or a place? You have talked about a Colonel Kundi.

24 THE WITNESS: Colonel Kundi. Kundi. It's a Mandingo name,
11:18:13 25 Kundi. That is how I used to hear them call him.

26 MR GRIFFITHS:

27 Q. I now want to ask you about another name. Who is Jungle?

28 A. Jungle was an NPFL.

29 Q. He became a member of the RUF, didn't he?

1 A. He was not an RUF member, but I can say so because NPFL and
2 RUF were families and so I cannot refute that. They were one
3 family. That was how we took ourselves.

4 Q. Let's explore that a little further then, shall we? There
11:19:12 5 came a time, didn't there, when the RUF was being pressed on the
6 one side by the Sierra Leonean Army and on the other side by
7 ULIMO? Is that right?

8 A. Yes, you are talking now - you are trying to talk about '93
9 when the Sierra Leone Army was pressuring us at the Sierra Leone
11:19:36 10 border and ULIMO was pressurising Jungle and them - Jungle and
11 others at the border, if that's what you are asking about.

12 Q. That is precisely what I am asking about. And what
13 happened was that Jungle was forced into Sierra Leone by ULIMO?

14 A. Yes, sir.

11:20:00 15 Q. And Jungle was cornered in Sierra Leone along with the RUF?

16 A. Repeat that word, colonel? You mean a rank, or what, when
17 you say colonel?

18 Q. No, they were forced into a corner with the RUF.

19 A. Oh, yes. Yes, they were forced.

11:20:35 20 Q. And Jungle remained with you in the RUF for a little while,
21 didn't he, because of that?

22 A. Yes, he was with us in the RUF bush where we were, but
23 later he found his way to Guinea, then to Liberia.

24 Q. How long did he stay with you in the bush?

11:21:05 25 A. I cannot tell the time, because even the bush where we were
26 it was not in a single place where we were based. Those who were
27 NPFL they were based in one area, we were not mixed, and so since
28 then he crossed into Guinea.

29 MR GRIFFITHS: I wonder if the witness could once again be

1 shown exhibit D-9, please, just for completeness before we leave
2 this document entirely:

3 Q. Before we come to the document, one final matter about
4 Jungle. Jungle was with Foday Sankoh in Abidjan in 1996, wasn't
11:22:11 5 he?

6 A. No, no, I don't know about that. Jungle? I don't know
7 about that, because I did not go to the Ivory Coast.

8 Q. Very well. In any event, can we turn to page 4 in this
9 document please. On page 4, if we count down 12 lines from the
11:22:52 10 top, let's just pick it up there to put some things in context:

11 "This situation led to the heightening of tension in
12 Freetown between the RUF and the AFRC and an ultimate breakdown
13 in its marriage. The AFRC made available 50 million leones to
14 the RUF monthly, though only for a couple of months. This and
11:23:32 15 other monies received were used for providing rations to our
16 troops and assisting all deployment areas. The civilian populace
17 were not forgotten and the special consignments were dispatched
18 by me to Kailahun. All financial reports and returns will be
19 presented by [you] who was in charge of all logistics. You might
11:24:01 20 recall, sir, is one of your senior bodyguards and served as GS0-1
21 Logistics during our stay in Freetown?"

22 That's you, isn't it?

23 A. Yes.

24 Q. Now, a couple of matters in that regard. Firstly, this.
11:24:28 25 The relationship between the AFRC and the RUF was a very rocky
26 one, wasn't it?

27 A. Yes.

28 Q. When the RUF arrived in Freetown, Johnny Paul Koroma and
29 his fellow SLA officers looked down on the RUF, didn't they?

1 A. Yes, sir.

2 Q. They used to refer to you disparagingly as "bush majors"
3 and "bush colonels", didn't they?

4 A. Yes, sir.

11:25:18 5 Q. But, in any event, we know that you had quite a senior
6 appointment. Do I need to pause, Madam President?

7 PRESIDING JUDGE: No, I was just voicing some concern about
8 this being a public document, but please continue.

9 MR GRIFFITHS:

11:25:42 10 Q. Now, you will see there reference to your role and that
11 financial reports and returns will be presented by you to Foday
12 Sankoh. Did you ever provide such a report to Foday Sankoh?

13 A. What I was actually doing from that time that I was given
14 that assignment in Freetown when he came, yes, I explained - I
11:26:14 15 explained to him when he went and met us in Kono. It was at that
16 time that I gave him that report.

17 MR KOUMJIAN: Your Honours, I think we understand - your
18 Honours were quicker than us - the concern and since we are very
19 close to the hour perhaps we can stop the testimony. I think
11:26:32 20 there is a simple solution that I could propose, or I can propose
21 it in open court, and that would be that this document now
22 becomes confidential, but a document with the name redacted
23 remain public - copy it with the name redacted and that be the
24 public document.

11:26:55 25 PRESIDING JUDGE: It's already an exhibit. It is exhibit
26 D-9.

27 MR KOUMJIAN: Yes, but I now ask that it be confidential.
28 To my knowledge no one from the public has yet asked to look at
29 it, but they could, but I ask that it be marked confidential and

1 we prepare a copy with the name redacted which would then be the
2 public document.

3 PRESIDING JUDGE: I understand.

4 MR GRIFFITHS: Your Honour, I am just wondering whether
11:27:18 5 there is any foundation to this concern given that I have been
6 anxious at all times not to have this document put upon the
7 screen for the obvious reasons.

8 PRESIDING JUDGE: Yes, but, sorry, I fully accept that you
9 have done that, but I was only looking at the questions which
11:27:37 10 were made in open session which says - in which you referred to
11 specific pages, specific paragraphs and read transcripts and
12 said, "Was that you?" That is what I have in mind and I think
13 counsel for the Prosecution also has in mind. You appreciate the
14 subtlety.

11:27:59 15 MR GRIFFITHS: I appreciate the subtlety. It was initially
16 lost on me, your Honour, but I am being slow I'm sure.

17 PRESIDING JUDGE: No, no, maybe - in any event, we have
18 heard the application and given we are very close to the time
19 what is your reply to that?

11:28:17 20 MR GRIFFITHS: I have no objection to that course if it is
21 limited to any public document.

22 PRESIDING JUDGE: I think we are up to our time limit, so
23 we will now take the mid-morning adjournment and I will confer
24 with my learned colleagues on the point. Mr Witness, we are now
11:28:35 25 going to take the mid-morning break. We will resume court at
26 12 o'clock. Please adjourn court until 12.

27 [Break taken at 11.30 a.m.]

28 [Upon resuming at 12.00 p.m.]

29 PRESIDING JUDGE: Mr Griffiths, I notice Mr Munyard is back

1 with us.

2 MR GRIFFITHS: Yes, Madam President. The Defence team are
3 now joined by Mr Munyard.

4 PRESIDING JUDGE: I trust he's fully recovered. Just
11:59:25 5 before we took the mid-morning adjournment, we heard the
6 applications and submissions of counsel in relation to document
7 number D-9 and we agree with the proposed procedure and it will
8 be refiled according to the proposals made by you, Mr Griffiths,
9 and Mr Koumjian.

11:59:57 10 MR GRIFFITHS: Very well, your Honour.

11 PRESIDING JUDGE: Please proceed.

12 MR GRIFFITHS:

13 Q. I'd like you, please, to have a look at some photographs.
14 First of all --

12:00:24 15 MR KOUMJIAN: Your Honour, perhaps - no.

16 MR GRIFFITHS: Can I enquire whether the LiveNote is
17 operational, or not? Does anyone have LiveNote?

18 PRESIDING JUDGE: I do not, Mr Griffiths, and I think Madam
19 Court Attendant is just checking for us.

12:01:43 20 MS IRURA: Your Honour, I'm still broadcasting my LiveNote,
21 but Mr Griffiths's appears not to be functioning - the buttons.

22 PRESIDING JUDGE: Does that mean you're getting nothing at
23 all?

24 MR GRIFFITHS: I'm getting nothing at all.

12:01:57 25 MR MUNYARD: Madam President, can I just mention that on
26 this particular screen there are no buttons. The whole device
27 has been disconnected and so anyone sitting here can't move over
28 and can't use the screen at all.

29 MR GRIFFITHS: Do your Honours have --

1 PRESIDING JUDGE: We have Madam Court Attendant's record
2 which means at least I can't move it up and down. Do you wish to
3 have a seat whilst it's being checked? Likewise, if you wish to
4 proceed you're at liberty to do so.

12:02:39 5 MR GRIFFITHS: I think I may be able to proceed without it:

6 Q. Mr Witness, could you turn over the photographs that have
7 been placed just there, please. The person in the top right-hand
8 corner in the multicoloured shirt, who is that?

9 A. This is me.

12:03:21 10 Q. The person in the top left-hand photograph, who is that?

11 A. It's Issa Sesay.

12 Q. The scene depicted in the bottom photograph, do you
13 recognise that?

14 A. I cannot remember any longer this one. I can't tell lies.

12:04:07 15 I can't remember this particular part.

16 MR GRIFFITHS: Could I mark this document for
17 identification, please?

18 PRESIDING JUDGE: Yes. Now I think the last for this
19 witness was MFI-2, but we don't have an MFI-1 any more and so
12:04:45 20 logically I suppose in sequence I will mark it MFI-3.

21 MS IRURA: That's fine, your Honour.

22 PRESIDING JUDGE: So that is MFI-3, one sheet with three
23 pictures.

24 MR GRIFFITHS:

12:05:05 25 Q. I'd like you to have a look at another set of photographs,
26 please. Let's start with the top photograph. Do you recognise
27 anyone in that top photograph?

28 A. Yes.

29 Q. Who do you recognise?

1 A. I know some by their faces, but I have forgotten their
2 names. This one is called Eagle, the one with the red clothes.

3 Q. I think what might - the one with the red T-shirt is Eagle,
4 yes?

12:06:30 5 A. Yes, sir, that's what I mean. And this other one is called
6 Chucky.

7 MR GRIFFITHS: I think what might be easiest, I wonder if
8 the witness could be given a pen, please, and if the witness
9 could mark the names by each individual and then we pass the
10 photograph around so that we can transfer the markings:

12:06:55 11 Q. So, first of all could you write the name or indicate to
12 Madam Court Officer the individual?

13 A. This is Eagle, this. This number two is Chucky. These
14 others I know, but I have forgotten their names because it's been
15 long since I last saw them. I have forgotten their names.

12:07:36 16 MR GRIFFITHS: Very well, I don't want to put that on the
17 projector, but can we all now - could we pass it around so that
18 we could transfer the markings, please:

19 Q. Which one is Chucky?

12:08:07 20 A. Number two, sir.

21 Q. Now help us with this, please, before we move to the next
22 paragraph. The persons that you have identified in that
23 photograph and the others, were they all members of the RUF?

24 A. Yes, sir.

12:09:17 25 Q. And can you help us with this, please. Do you have any
26 idea where this photograph was taken?

27 A. This particular house is in the RUF territory, but I
28 wouldn't know when exactly they took this. I can't understand
29 this house.

1 Q. Very well. Let's move then, please, to the middle
2 photograph. Do you recognise anyone in that middle photograph?

3 A. Their faces - that they are wearing these military
4 camouflages, I cannot understand their faces.

12:10:20 5 Q. So you don't recognise any of them?

6 A. Yes, sir, the camouflage that they're wearing.

7 Q. But do you recognise the faces of any of them?

8 A. Yes, something similar to that, but I don't want to tell
9 lies that I know this when I can't identify him. The one that is
10 up that I have recognised clearly, I have said so.

12:10:53

11 Q. Well I'm not asking you to guess, witness, so we'll move on
12 to the bottom photograph, shall we? You can surely identify
13 Foday Sankoh in that photograph, can't you?

14 A. Yes, sir.

12:11:14

15 Q. He is the gentleman who appears to be kissing a female on
16 the cheek, is that right?

17 A. Yes, sir.

18 Q. Do you have any idea what the occasion was that's depicted
19 in that photograph?

12:11:39

20 A. I was not present and so I can't tell you anything about
21 this, because where they took this photograph I was not there. I
22 have only seen it in your hands now.

23 MR GRIFFITHS: Okay, very well. Again, your Honours, can
24 we mark this one for identification, please?

12:12:00

25 PRESIDING JUDGE: This is one sheet with three pictures and
26 it's MFI-4.

27 MR GRIFFITHS:

28 Q. I have another photograph I'd like you to have a look at,
29 please. Who's that in the top photograph?

1 A. It is Sam Bockarie.

2 Q. Which one is Sam Bockarie?

3 A. The one standing before with the paper in his hands with
4 the red cap.

12:13:36 5 Q. And with the microphone?

6 A. Yes.

7 Q. And seated next to him is who?

8 A. The one sitting under him?

9 Q. Yes.

12:13:53 10 A. It's Foday Sankoh.

11 Q. Do you recognise any of the people in the background of
12 that photograph?

13 A. Yes.

14 Q. Now, because there are a number of people in the background
12:14:15 15 what I'd like you to do, please, is to write a number next to
16 each of the persons you recognise and then we'll go through each
17 number individually and you can give us a name. Do you follow
18 me?

19 A. Yes, sir.

12:14:33 20 Q. So if you could take up the pen, please, and write a number
21 next to the face of each of the ones you recognise.

22 A. I have done that.

23 MR GRIFFITHS: All right. Can we transfer the numbers now
24 to our photographs and then we'll go through the names:

12:15:38 25 Q. Can I just confirm that you've identified - marked three
26 numbers on that photograph?

27 A. Yes, sir.

28 MR GRIFFITHS: Madam President, 3 is marked on the face of
29 the gentleman there if you look closely.

1 PRESIDING JUDGE: Yes, indeed. Can you proceed,
2 Mr Griffiths? Do you need the document back with the witness?

3 MR GRIFFITHS: I would like the witness to have the
4 document back.

12:18:04 5 PRESIDING JUDGE: Yes, that's quite understandable.

6 MR GRIFFITHS:

7 Q. Now you've identified for us helpfully number 1 as being
8 Sam Bockarie, yes?

9 A. Yes, that's him, Sam Bockarie is number 1.

12:18:33 10 Q. Number 2 is Foday Sankoh?

11 A. Yes, sir, he's Foday Sankoh.

12 Q. Who is number 3?

13 A. Number 3 is Sam Kolleh.

14 Q. Could you spell that name for us, please?

12:18:58 15 A. It's the Kolleh name, its spelling. Sam is the same as Sam
16 Bockarie, S-A-M, Sam. It's the Kolleh spelling that --

17 Q. And who was he?

18 JUDGE SEBUTINDE: Perhaps the interpreter could assist us
19 with the spelling, please. Mr Interpreter, can you?

12:19:20 20 THE INTERPRETER: Yes, your Honour. That name is not a
21 familiar name to me. I can only spell it phonetically.

22 JUDGE SEBUTINDE: Please do that.

23 THE INTERPRETER: K-O-L-L-E-H.

24 MR GRIFFITHS:

12:19:38 25 Q. And who was Sam Kolleh?

26 A. Sam Kolleh too was a senior officer in the RUF, but he was
27 in Kailahun.

28 Q. Now help us, can you identify the occasion where this
29 photograph was taken?

1 A. At the time that this picture was taken that I've seen here
2 I was not with them, they were in Kailahun, but it was at the
3 time that they had released Foday Sankoh from Nigeria to Liberia
4 and to Sierra Leone. The first - I think the first trip that he
12:20:38 5 made to Kailahun, it was at this time, from what I'm seeing here,
6 at the time that he went to Kailahun. It was at that time,
7 because the reason I'm saying so is this cap, the red cap that
8 they are wearing, it was from Freetown, we got them from
9 Freetown. That's why I'm saying so, but I was not there when
12:21:12 10 this picture was taken.

11 Q. Thank you, that's very helpful. Now the bottom photograph,
12 do you recognise anyone in that photograph? Take your time.

13 A. No, down here, I cannot remember them. I cannot remember
14 them.

12:21:54 15 MR GRIFFITHS: Very well. Can I ask that this be marked as
16 well for identification, your Honours.

17 PRESIDING JUDGE: This is a one page document with two
18 pictures, one of which has been marked with numbers by the
19 witness. It is MFI-5.

12:22:14 20 MS IRURA: Your Honour, the AV booth informs us that
21 they're experiencing some technical problems with the video feed
22 to the courtroom and are asking for a minute to restart their
23 machines.

24 PRESIDING JUDGE: Well, in that case there's no - if it's
12:22:31 25 only one minute there's no point in retiring so we will remain
26 and wait.

27 MS IRURA: Your Honour, the first attempt to restart did
28 not work and the booth is trying again. This has affected some
29 of the monitors and especially the one next to the witness which

1 is not functional at the moment.

2 PRESIDING JUDGE: What are the implications of that, Madam
3 Court Attendant? Is LiveNote recording?

4 MS IRURA: Your Honour, LiveNote is recording.

12:25:41 5 PRESIDING JUDGE: If it's not interfering with the trial
6 and it's not interfering with LiveNote we should proceed,
7 Mr Griffiths, please.

8 MS IRURA: Your Honours, the AV booth states that this is
9 not interfering with the recordings or the transmission to
10 Freetown. It is within the courtroom and this has also affected
11 Defence counsel's computer, I believe.

12 PRESIDING JUDGE: Mr Griffiths, I would prefer to be able
13 to proceed with the trial. The one minute has now become four
14 and a half. Are you able to continue if you do not have
15 LiveNote?

16 MR GRIFFITHS: I think I can continue, your Honour, dealing
17 with this particular topic. But, your Honour, before I proceed
18 during the hiatus I was informed by my learned friend, Mr Anyah,
19 that there is an oral application which he will be making at
12:26:42 20 close of play today at 1.30 in relation to a motion filed by the
21 OTP this morning. It will be a short application.

22 MR ANYAH: Madam President, may it please the Chamber, we
23 just received notice that the Prosecution filed a motion while
24 we've been in court pursuant to Rule 92 bis and I wanted to make
12:27:05 25 an application in respect of the time within which we must
26 respond. I also wanted to advise your legal officers that I will
27 be transmitting an email to them with a copy of the motion so
28 that they can print it out for your Honours before I make the
29 application.

1 PRESIDING JUDGE: Thank you for that indication, Mr Anyah.

2 MR ANYAH: Thank you, Madam President.

3 PRESIDING JUDGE: Mr Griffiths, I'm about to invite you to
4 proceed, but LiveNote on my screen at least has died and I note
12:27:43 5 my learned colleagues on each side don't have it.

6 MR KOUMJIAN: Your Honours, we've lost it also just for
7 your information.

8 PRESIDING JUDGE: Thank you, Mr Koumjian.

9 MR GRIFFITHS: No-one on this side of the Court has it.

12:28:49 10 MS IRURA: Your Honour, Defence counsel's computer has been
11 experiencing problems for some time now. I'm unable to restore
12 it. The technician came in and he was unable too.

13 MR ANYAH: May it please your Honours, your Honours should
14 be aware of the fact that the terminal to the right of
12:29:12 15 Mr Griffiths since the recess has not had the buttons next to it
16 functioning. That is why counsel for the Defence have been
17 relegated to sitting at the back and being unable to assist
18 counsel at the Bench in front of the Lectern and so this has been
19 a problem, and to compound that of course are the problems we're
12:29:31 20 experiencing today and none of us have LiveNote functioning at
21 the moment.

22 PRESIDING JUDGE: Well, Mr Griffiths, we're in your hands.
23 Can you proceed?

24 MR GRIFFITHS: Your Honour, I've got one more photograph
12:29:52 25 which we possibly could deal with, but thereafter I think it
26 would be difficult for me to continue the cross-examination
27 without access to at least some record of what's going on.

28 PRESIDING JUDGE: Yes, we can appreciate that. Madam Court
29 Attendant, obviously over the course of this afternoon this has

1 got to be very urgently dealt with and rectified. Please put --

2 MS IRURA: Your Honour, a technician is on his way from the
3 ICC to try and see if they can rectify the problem.

4 PRESIDING JUDGE: Well please go as far as you can,

12:30:34 5 Mr Griffiths --

6 MR GRIFFITHS: If we can deal with just one other
7 photograph:

8 Q. Mr Witness, can we start at the top photograph again. Do
9 you recognise anyone in that photograph?

12:31:35 10 A. The first picture I do not recognise these people. They
11 are civilians, no.

12 Q. What about the photograph in the middle, do you recognise
13 anyone in that photograph?

14 MR KOUMJIAN: I believe that's asked and answered. That's
12:31:55 15 the same - unless counsel can correct me, the same photograph in
16 MFI-3.

17 PRESIDING JUDGE: Actually I did notice that, but this
18 seems to be - the next two in fact, but they are bigger and
19 clearer versions so on that basis alone I was going to allow the
12:32:08 20 witness another chance.

21 MR GRIFFITHS:

22 Q. Have a look at the other two photographs on that page. Can
23 you help us with either of them as to who is depicted?

24 A. These three pictures, they did not take them from our own
12:32:28 25 area. That's why I do not understand these people. This is in
26 the Kailahun area and I was not there when these pictures were
27 taken. That's why it is difficult for me to recognise these
28 people.

29 MR GRIFFITHS: Very well. I'm not going to ask then for

1 this to be marked for identification, your Honour. Your Honour,
2 I fear that that is as far as I can take matters now.

3 MR MUNYARD: Madam President, before the Court rises can I
4 just ensure that as a matter also of extreme urgency the missing
12:33:15 5 control box be restored to this computer terminal. At the moment
6 this computer terminal is operating only as a terminal. It
7 doesn't have any of the facilities to view any documents or move
8 between screens and so on that everybody else has.

9 PRESIDING JUDGE: Madam Court Attendant, you have heard
12:33:40 10 that problem as well and I include it in with the comment about
11 rectifying the Defence team's machines.

12 MS IRURA: Your Honour, that will be attended to.

13 PRESIDING JUDGE: Thank you. Would it be appropriate to
14 interpose Mr Anyah's application at this time?

12:34:02 15 MR GRIFFITHS: Your Honour, yes.

16 MR ANYAH: Thank you, your Honours, may it please the
17 Chamber, counsel opposite. Madam President, I am just about to
18 send an email to your legal officers and I will endeavour to also
19 send one to the CMS officer in court so that copies could be
12:34:22 20 printed out of this motion.

21 The motion I believe was filed this morning by the
22 Prosecution while we've been in court. It is essentially a
23 motion under Rule 92 bis seeking to have certain evidence
24 relating to inter alia Kono District admitted under the
12:34:42 25 provisions of that rule. The CMS number of the motion is CMS 571
26 and the proper title is "Prosecution notice under Rule 92 bis for
27 the admission of evidence related to inter alia Kono District."

28 Your Honours will be familiar with the rules that require
29 us to respond to such a motion within five days. Indeed the rule

1 is stated in the nature of us filing an objection to a notice, if
2 you will, within five days. I am told by our legal assistants
3 through email that the amount of pages we would need to review in
4 order to adequately respond to the motion is in excess of 250
12:35:29 5 pages. Considering that five days from today would fall
6 somewhere about Tuesday or Wednesday of next week, we would be
7 grateful to the Chamber if we could be afforded some additional
8 time to respond to this motion given the totality of the pages
9 that we have to review.

12:35:51 10 In this regard I would propose that your Honours grant us
11 at least ten days from the otherwise due date, which I think is
12 Tuesday next week, to submit our response. I wish to pull up a
13 calendar which will assist me in specifying more particularly the
14 date that would be most appropriate to us. Today being 29
12:36:26 15 August, we would respectfully request your Honours until Friday
16 12 September at close of business with CMS to file our response.
17 We apologise for not giving the Prosecution advanced notice that
18 this oral application would be made and we would also invite them
19 perhaps to consider consenting to the application before your
12:36:54 20 Honours deliberate. Thank you, your Honours.

21 PRESIDING JUDGE: Ms Hollis, would it be appropriate to ask
22 you to reply, or would another member of your team --

23 MS HOLLIS: Thank you, Madam President. I will reply. The
24 matter is of course solely in your hands. We would simply
12:37:14 25 provide some information to assist you. This motion was in fact
26 filed yesterday, although when physical service was made on the
27 Defence I do not know. The motion involves four witnesses, it
28 involves approximately six days of testimony and three exhibits.
29 These are crime based witnesses. So, of course it is for you to

1 determine the time that would be needed. I would note simply
2 that the unredacted evidence of all of these four witnesses was
3 provided to the Defence in early July.

4 PRESIDING JUDGE: Thank you, Ms Hollis.

12:37:52 5 [Trial Chamber conferred]

6 We've considered the application and the reply. We think
7 the application is quite reasonable and we grant the extra time
8 to close of business on 12 September 2008 for - I think as you
9 correctly pointed out it's an objection, rather than a response.

12:38:34 10 MR ANYAH: Thank you, Madam President. We are most
11 grateful.

12 PRESIDING JUDGE: Now in the interim - intervening time I
13 notice there's a gentleman here fiddling with the machines. Are
14 we likely to get them fixed?

12:38:59 15 MS IRURA: Your Honours, I've been liaising with the AV
16 booth and they're trying to reach a resolution, but at the moment
17 they don't seem to be getting anywhere.

18 PRESIDING JUDGE: Thank you. We fully accept the burden on
19 Mr Griffiths to try and cross-examine without a proper LiveNote,
12:40:03 20 or a proper recording, and in the circumstances we feel we have
21 got no choice but to adjourn the Court to allow the technicians
22 to fix both his immediate problem and the other problems that
23 have been referred to with these machines.

24 This is regrettable. The Court has been disrupted several
12:40:24 25 times this morning and we have lost valuable time due to these
26 technical difficulties. However, in the circumstances we feel
27 there is little choice. We will therefore adjourn court until
28 Monday at 9.30.

29 Mr Witness, we are adjourning early today because of

1 technical problems with the machinery within the court. I wish
2 to remind you, as I've done on other occasions, that you are
3 under oath and you must not discuss your testimony or your
4 evidence with any other person. Do you understand?

12:40:55 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: Please adjourn court until 9.30 on
7 Monday.

8 [Whereupon the hearing adjourned at 12.41 p.m.
9 to be reconvened on Monday, 1 September 2008 at
10 9.30 a.m.]

12:41:01

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