



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 15 SEPTEMBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Nicholas Koumjian
Mr Christopher Santora
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Morris Anyah
Ms Jacqueline Watts

1 Monday, 15 September 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:59 5 PRESIDING JUDGE: Good morning. I see some new faces and
6 some changes of appearance, Mr Santora.

7 MR SANTORA: Good morning, Madam President. Good morning
8 your Honours. Good morning, counsel. Your Honours, for the
9 Prosecution this morning is Nicholas Koumjian, Maja Dimitrova,
09:30:20 10 myself, Christopher Santora and joining the Prosecution this
11 morning is Kathryn Howarth, H-O-W-A-R-T-H.

12 PRESIDING JUDGE: Thank you, Mr Santora. And Mr Griffiths?

13 MR GRIFFITHS: Good morning, Madam President, your Honours,
14 counsel opposite. For the Defence today, myself, Courtenay
09:30:42 15 Griffiths, my learned friends Mr Terry Munyard, Mr Morris Anyah
16 and joining us today for the first time Ms Jacqueline Watts, a
17 member of the Bar of England and Wales who is with us as a legal
18 assistant.

19 PRESIDING JUDGE: Thank you, Mr Griffiths. Well I welcome
09:31:02 20 first my learned sister Justice Sebutinde back and also welcoming
21 you, Ms Howarth and Ms Watts to the Court. I hope it will be at
22 least an interesting experience for them. If there are no other
23 matters I will remind the witness of his oath.

24 Mr Witness, I remind you this morning that you have taken
09:31:29 25 the oath to tell the truth. The oath continues to be binding
26 upon you and you must answer all questions truthfully. Do you
27 understand?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: Thank you. Please proceed.

1 MR SANTORA: Thank you, Madam President.

2 WITNESS: MOHAMED KABBAH [On former oath]

3 EXAMINATION-IN-CHIEF BY MR SANTORA: [Continued]

4 Q. Good morning, Mr Witness.

09:31:48 5 A. Good morning.

6 Q. I just want to check that you're hearing me in Krio.

7 A. Yes.

8 Q. Now, Mr Witness, on Friday I want to go over a few of the
9 areas that you testified to on Friday. I want to just ask you
09:32:10 10 about some of those areas before we start a new topic. Now, on

11 Friday morning of last week you talked about your training in the
12 RUF and one area of your training was in ideology and you stated
13 that - I'm sorry, counsel, for purposes of transcript reference
14 this is page 16092 and this is quoting lines 4 through 11. You

09:32:50 15 stated that - Mr Witness, you stated that the training you
16 received regarding the ideology was that "at first they told us
17 that the government was a corrupt government and that they came
18 to change that particular government and that they brought a
19 government that would do good things for the country. And the
09:33:15 20 second one was that nobody should steal, nobody should lie but
21 along the line I later thought that they were teaching us the
22 negative side of things because all what they taught us they did
23 not practice."

24 Can you just explain what you mean by that?

09:33:40 25 A. Yes. They told us that they had come to oust the corrupt
26 government and what we saw was that they themselves were corrupt,
27 because when you say leadership, because from what we knew from
28 our traditional societies we respected leaders, but when they
29 came whosoever would be their leader would be the same person

1 that they would molest, they would beat that person up, they
2 would insult the person's mother. And apart from that they told
3 us that nobody should steal but the people who came hadn't
4 chicken in Sierra Leone, they never had anything like goat, but
09:34:40 5 whatever they saw they looted. They would enter into people's
6 houses, break into them. In fact, initially when they came they
7 killed people in Pendembu because they said the people had stolen
8 chicken. So they killed people, about four, that morning. They
9 were insisting that people should not lie but they themselves
09:35:02 10 lied to us because they told us they had come to fight for three
11 months and the war did not stop after three months. The war was
12 there up to 11 years. Those were the reasons that I said the
13 ideology that they taught us were not what they practised.

14 Q. Now, Mr Witness, later on on Friday you were discussing
09:35:38 15 your assignment to a location called Bailu Ground prior to the
16 NPRC taking power in Sierra Leone and you said that - and, again,
17 counsel, page reference here is 16100 in the areas of lines 8 to
18 14. And you said that you were assigned to a rear battalion as a
19 radio operator. Do you remember that?

09:36:10 20 A. Yes.

21 Q. And they said - I'm sorry, and you said that "the reason
22 why they said I should take that radio there and especially
23 because it was on the border between Sierra Leone and Liberia"?

24 A. Yes.

09:36:33 25 Q. Can you explain what you mean by that answer?

26 A. Yes. The assignment that I had there which I took the
27 radio there for was to give information at the borderline. At
28 that time the area where the radio was we referred to as safe
29 zone because only civilians were there. So, for example, if a

1 soldier came from the front line and caused a problem there we
2 would send a message straight, or if at all we had any enemy
3 attacks from the Liberian side we would report that. That was
4 why the radio was, so we would report earlier before things would
09:37:36 5 go out of hands.

6 Q. Now later on on Friday you were speaking - and reference
7 here, counsel, is 16135 - you were speaking about some RUF radio
8 operators living in Monrovia and you were referring to one Memuna
9 Deen and you said that she was based in Monrovia to a Pa called
09:38:16 10 Pa Musa. Do you know who Pa Musa is?

11 A. I never went to Liberia, but the RUF authorities who used
12 to visit there, the operators who used to go there, they were the
13 ones who came and they said the radio that we had assigned in
14 Liberia was at a Pa Musa's house, they were based there in
09:38:53 15 Monrovia.

16 Q. Okay. Now, again, Mr Witness, I'm just going to remind
17 you, if possible, to try to call out names when you're giving
18 your answers to the - if you can try to remember to do that. Now
19 you just said, "They were the ones and they said the radio that
09:39:16 20 we had assigned in Liberia was at Pa Musa". When you're saying
21 "they" who are you referring to?

22 A. That is Sam Bockarie because he was in charge. He was the
23 one who assigned the radio in Monrovia.

24 MR SANTORA: Now the next reference, counsel, is page
09:39:42 25 16141:

26 Q. Mr Witness - and this is at lines 20 to 21. Mr Witness, on
27 Friday when you were testifying you were speaking of an
28 individual named Jungle. Do you remember that?

29 A. Yes.

1 Q. Now you said in one of your answers when you were asked
2 about the time period that you remembered Jungle coming to visit
3 you and you said in your answer, "Jungle, even at the time of the
4 intervention while our men were in Freetown, he used to come."

09:40:35 5 A. Yes.

6 Q. Explain what you mean by that.

7 A. Jungle, I would say he too was now part of the RUF because
8 he was the one moving directly from Charles Taylor's Mansion
9 Ground with information, ammunition. If at times Sam Bockarie
09:41:05 10 did not go, or any other commander did not go, he would be the
11 one that would bring ammunition. Even if a letter had been sent
12 that was to be received from Charles Taylor, he was the one that
13 brought it. So even the time that the AFRC junta regime was in
14 power he used to come to Sam Bockarie, he would come past us from
09:41:29 15 Kailahun and went to meet Sam Bockarie and he would return - meet
16 Sam Bockarie in Kenema and he would return.

17 Q. How do you know that?

18 A. He would pass through my ground, that is Kailahun, before
19 he would go to Kenema. The road to Kenema is through Kailahun
09:41:53 20 and I know him.

21 Q. And you said this was during the AFRC junta regime that you
22 observed him going through Kailahun to Kenema. Do you know why
23 he was going to visit Sam Bockarie in Kenema?

24 A. Yes, I said that man was now part of the RUF because he was
09:42:27 25 always with us. He used to come and he would go to Sam Bockarie,
26 whatever Sam Bockarie had for him, because at that time there was
27 really no war, so when he came whatever little things he would
28 gather up he would do that and he would return right up to the
29 time ECOMOG pushed the junta out of power and we went to Buedu,

1 but even there the movement continued.

2 Q. Okay. Now, Mr Witness, when we left off on Friday you had
3 just finished describing an incident where you were detained in
4 Buedu for about a week because you were accused of losing a radio
09:43:26 5 logbook. Do you recall that?

6 A. Yes.

7 Q. And then I asked you at the time of the January 6th attack
8 on Freetown were you back on your assignment for radio
9 operations, and you stated that by the time January 6th attack in
09:43:50 10 Freetown you were back on the radio working in the radio room.

11 Do you remember that?

12 A. Yes.

13 Q. Now, I'd like to pick up from that point and ask you some
14 questions about that time. First of all, do you remember what
09:44:14 15 happened on the day January 6th, 1999?

16 A. Yes, January 6th 1999 we were in Buedu - I was in Buedu -
17 when the brother - first we got the information on the BBC and
18 later it was King Perry, the operator, who called our station in
19 Buedu and said they had entered - that is the RUF had re-entered
09:45:03 20 - Freetown, but he said he was under suppression. That's why he
21 was not calling us. He said the man who was in charge, SAJ Musa,
22 did not allow him to switch on the radio and call to Buedu to
23 call Sam Bockarie. But after Sam Bockarie died, that was when he
24 had the chance to communicate with us and so he told us that he
09:45:36 25 had re-entered Freetown and they were there and at that time
26 Gullit was now in charge.

27 PRESIDING JUDGE: I'm not very sure about this part where
28 Sam Bockarie died. I refer to line 21 of page 7 on my
29 transcript.

1 MR SANTORA: I see it. I think we're on the same font
2 actually because I have it on line 21. There's a few points to
3 that answer I want to clarify anyway:

09:46:17 4 Q. Mr Witness - and I would remind you if possible to speak
5 slowly so the translators can keep up with you. First of all,
6 you said, "We got the information on the BBC". Who is "we"?

7 A. Me, on radio.

8 Q. Then you said that King Perry - well, where were you
9 exactly?

09:46:37 10 A. I was in Buedu on the radio, because when the news got to
11 us from those small radios that we had, transistor radios that we
12 had, that the men had entered Freetown, so we used to monitor the
13 radio. We used to ask the other stations that were in Makeni,
14 Magburaka and the other areas, and suddenly King Perry called the
09:47:12 15 station in Buedu and told us that they had entered Freetown.

16 Q. When King Perry made that call, do you remember who was
17 actually working in the radio room?

18 A. I was there, this guy Tiger, Sheku Sheriff. We used to
19 call him Tiger. He was in the radio room, Pascal was in the
09:47:39 20 radio room and Zedman was in the radio room.

21 Q. Then you said that the man who was in charge, SAJ Musa, did
22 not - you were referring to King Perry's - after King Perry
23 called he explained that SAJ Musa did not allow him to switch on
24 the radio and call to Buedu to call to Sam Bockarie. Is that
09:48:09 25 correct?

26 A. Yes, the time SAJ Musa was alive he said he did not allow
27 him to call Sam Bockarie in Buedu to call to our station in
28 Buedu.

29 Q. Now, the transcript recorded you as saying "... but after

1 Sam Bockarie died" . Is that correct, or incorrect?

2 A. It is not correct. It was SAJ Musa that I meant, not Sam
3 Bockarie.

09:48:48

4 Q. Now, describe your observations from that point after King
5 Perry called.

09:49:24

6 A. After King Perry had called that day, we were monitoring
7 right up to 12 to 1 a.m. and we closed down transmission and the
8 other day we came back on air. We and King Perry then had
9 resumed communication. In the mornings he would either call us,
10 or we would call him, for us to know the security situation, how
11 they were advancing in the city or if they were having any
12 threats from the enemies. This continued right up to the time
13 that they started having suppression. When they started have
14 suppression from the enemies Gullit told King Perry to tell us in
15 the station to call Sam Bockarie because he said he wanted to
16 talk to him, so we called Sam Bockarie and he came to the station
17 and we told him that Gullit wanted to speak with him.

09:50:03

18 So they spoke, he and Gullit, and Gullit told him that they
19 were being suppressed in the city, that the men were launching
20 from up the hills, they were launching on them in town and they
21 were even climbing down the hill. They fought for one to two
22 days and they could not repel the men and the enemies were still
23 advancing on them, and the following day we called King Perry
24 again and he in turn called Gullit and Gullit said things were
25 getting out of hands. On that day we communicated for a long
26 time, but they still were telling us that they were fighting. He
27 said the men were pressing hard on them. In fact, they had
28 pushed them out of State House and the entire area.

09:51:05

29 So one morning this guy - we had a call from the Liberian

1 end. That was from this guy, Pascal. Pascal said that his boss
2 wanted to talk to us, that is Five-Zero, Benjamin Yeaten, wanted
3 to talk to Sam Bockarie. While they were talking he asked him
4 about the situation and Sam Bockarie told him that our men in
09:52:15 5 Freetown were being pressed on very hard, that the men were
6 pushing them out of State House and they had even started cutting
7 off their supply lines. At that time we were monitoring on the
8 VHF radio, it was loud and we heard all the conversation that was
9 going on, and Benjamin Yeaten told him to reinforce the men lest
09:52:45 10 they would lose the city and he replied that he had been giving
11 instructions to Rambo that he should put men together to go as
12 reinforcement.

13 Q. Okay, Mr Witness, just to stop you for a moment just to ask
14 you some questions about your last answer. Now initially you
09:53:14 15 said the first call that you were speaking of here was that when
16 Gullit wanted to speak to Sam Bockarie and Gullit told Bockarie
17 that they were being suppressed in the city, that "The men were
18 launching from up the hills, they were launching on them in
19 town". What do you mean when you say that, "The men were
09:53:41 20 launching up from the hills, they were launching on them in
21 town"?

22 A. What I meant was that the ECOMOG guys were up in the hills
23 and downtown where the RUF men were together with the SLAs, that
24 was downtown. The ECOMOG were up in the hills launching on us on
09:54:16 25 the State House area and coming towards the PZ end, and they said
26 they could not withstand the men because the men were up in the
27 hill and they were down and that the jet too was disturbing them
28 very seriously.

29 Q. Now, when you just talked about this first conversation you

1 just described this first communication where Gullit reported to
2 Sam Bockarie about launching from up the hills. What was Sam
3 Bockarie's response, if any?

09:54:57 4 A. Sam Bockarie said that they were to keep the defensive,
5 only that they were not to expose themselves. They were to be
6 careful and to make sure that they should contain the men because
7 they had to send reinforcement for them. He did not ask them to
8 withdraw.

09:55:30 9 Q. Before I asked you who was in the radio room in Buedu
10 during the January - on January 6th and you said Tiger, Sheku
11 Sheriff, Pascal and Zedman. Do you recall that?

12 A. Yes, I too was there. I was there myself in the radio room
13 that morning. Just when the attack started, we did not move away
14 from the radio for a long time.

09:55:59 15 Q. Okay. Then in your answer you just gave you stated that,
16 "So one morning this guy - we had a call from the Liberian end.
17 That was from this guy, Pascal". Now, Mr Witness, was Pascal in
18 Buedu or was he on the Liberian end? Which one?

09:56:30 19 A. It was - he was in Foya Liberia. At that time he was
20 assigned to Benjamin Yeaten that we referred to as Five-Zero.

21 Q. So is it correct or incorrect to say he was in the radio
22 room in Buedu?

23 A. No, it is not correct. He was in Foya. No, no, no, no,
24 not Pascal. I said Mortiga was the one who was in Foya. Pascal
09:57:02 25 together with us were all in Buedu. We were all in Buedu
26 together with Pascal. He was the operator for Sam Bockarie.
27 Mortiga was the one who was assigned to Five-Zero, not Pascal.

28 Q. Now you also said that Benjamin Yeaten called. Now before
29 I ask you about communications with Benjamin Yeaten can you

1 continue to describe what you observed in terms of the
2 communications between the radio room in Buedu and the men in
3 Freetown?

09:57:59 4 A. Yes. Every day communication went on up till night. When
5 the enemies suppression had become really intense, that is, the
6 enemies had cut off our supply lines from our men who were in
7 Freetown, they cut off the supply lines in Waterloo, Rambo who
8 was sent at that time could not go through. The supply lines had
9 already been cut off by the enemies and Gullit was sending the
09:58:25 10 complaint to Sam Bockarie and he in turn told him to move with
11 the prisoners who had been released from Pademba Road, that is JS
12 Momoh and others, and he said when we would be going with them he
13 should do so at night because of the jet. And the following day
14 there was communication again between him and Sam Bockarie and he
09:58:58 15 said they could not withstand the tension any more and they had
16 to withdraw, so Sam Bockarie told him that if they were to leave
17 the town they should make the area fearful, they should be
18 destroying so anybody who would go there thereafter would know
19 that there had been fighting in that area and Gullit replied that
09:59:22 20 as long as he had told them to pull out he would go according to
21 his instruction and that very night they left Freetown and passed
22 through Tombo where they were received by Rambo at the crossing
23 point.

24 Q. Now you said that, "Sam Bockarie told him that if they were
09:59:44 25 to leave the town they should make the area fearful." What do
26 you understand that to mean?

27 A. From my understanding that meant the destruction. To make
28 an area fearful during the wartime, we meant to destroy
29 completely and leave the place.

1 Q. Now can you estimate roughly between about how long - how
2 many days passed between January 6, when the men first entered,
3 to this communication that you've just spoken about where Sam
4 Bockarie told Gullit to make the area fearful? Can you estimate
10:00:40 5 how many days or weeks passed between those two times?

6 A. It was not up to a week. Like, for example, this night
7 when he spoke to Gullit, because Gullit told him that they were
8 to pull out that particular night, that was when the conversation
9 took place.

10:01:04 10 MR SANTORA: I'm sorry, your Honour, I just lost the page
11 reference:

12 Q. Now you said that the communication between Buedu and the
13 men in Freetown went on every day. Is that correct?

14 A. Yes.

10:01:54 15 Q. Aside from what you have already discussed what was the
16 content of that communication that went on every day?

17 A. The communication was to give, let me say direct report,
18 because any station or any front line that was under the RUF or
19 RUF communication every day you should give a salute report or
10:02:31 20 situation report on the front line to the station in Buedu and
21 Sam Bockarie was in charge. So every station within the RUF used
22 to do that.

23 Q. So during the time of the Freetown invasion who was in
24 charge?

10:02:55 25 PRESIDING JUDGE: In charge of what, Mr Santora?

26 MR SANTORA: I'm sorry, I apologise:

27 Q. Who was in charge of the men in Freetown?

28 A. It was Gullit who was in charge of the men in Freetown, the
29 fighting force that went there, but Sam Bockarie was in charge of

1 the entire movement.

2 Q. Now you also said - you were speaking of a conversation
3 between Sam Bockarie and Benjamin Yeaten during the time of the
4 Freetown invasion. First of all, can you just describe generally
10:03:46 5 who, if anyone, was Sam Bockarie in communication with during the
6 time of the Freetown invasion?

7 A. Sam Bockarie communicated with Benjamin Yeaten and he used
8 to communicate as well with Charles Taylor, but for the
9 communication with Charles Taylor that one he used the satellite
10:04:12 10 phone. And the capture of Freetown, that was not even a hidden
11 thing that he would go to a corner and discuss like he used to
12 do, that one he did in an open place when he was trying to inform
13 Charles Taylor that our men were in Freetown. He did that in the
14 open because the RUF was happy, that was a joy to the RUF that
10:04:39 15 they had entered Freetown.

16 Q. Let's start, first of all, what did you observe in terms of
17 communications between Sam Bockarie and Benjamin Yeaten during
18 the time of the Freetown invasion?

19 A. There had been communication between them for a long time.
10:05:08 20 It was - let me say it was a sisterly or brotherly operation that
21 we had. So whatever good or bad information that we had from any
22 of the ends we should share that with each other.

23 Q. Before you continue, I'm specifically asking you in terms
24 of at the time of the Freetown invasion what was the state of
10:05:36 25 communication - what did you observe in terms of communication
26 between Sam Bockarie and Benjamin Yeaten?

27 A. What I observed, it's just like for example when you and
28 your subordinates would be doing something you would be giving
29 him instructions or orders and that was the way I observed. Like

1 the time Sam Bockarie told him about this operation that we had
2 in Freetown and he, Benjamin Yeaten, told him to send manpower or
3 reinforcement to the city.

4 Q. When was that?

10:06:31 5 A. That occurred when he spoke with Gullit when he was told
6 that they were having suppression.

7 Q. When you say --

8 JUDGE SEBUTINDE: Mr Santora, the witness referred to "you
9 and your subordinates" in giving an example of what he observed.

10:06:52 10 Could you ascertain who was the superior, who was the
11 subordinate.

12 MR SANTORA: I will. I actually thought he was making a -
13 I don't have any subordinates so I don't think he was - it looks
14 like he was referring to me but let me see what --

10:07:08 15 JUDGE SEBUTINDE: I'm just quoting what the transcript says
16 in describing.

17 MR SANTORA: I will clarify that:

18 Q. Mr Witness, when I asked you about the communication
19 between Sam Bockarie and Benjamin Yeaten you said that it's just
10:07:22 20 like, for example, when you and your subordinates, we would be
21 doing something while you would be giving him instructions. What
22 were you referring to when you said "just like, for example, when
23 you and your subordinates"?

24 A. In that area - let me clarify it. Benjamin Yeaten was
10:07:46 25 senior to Sam Bockarie. That is what I meant directly.

26 MR SANTORA: I don't know if that clarifies it, your
27 Honour. I can try a little further, one more question perhaps:

28 Q. But when you said you and your subordinates in giving an
29 example - I'm sorry, when you said you and your subordinates who

1 were you referring to when you said "you"?

2 A. Benjamin Yeaten was the "you" and the subordinate was Sam
3 Bockarie.

4 JUDGE SEBUTINDE: Mr Santora, another area I think you
10:08:37 5 might clarify is when the witness said that one of the
6 communications he noticed was the satellite phone conversation.
7 I would like to know the basis of his knowledge of this.

8 MR SANTORA: I was going right to that area. I was
9 starting out with the radio communications, but I will go right
10:09:04 10 to that right now actually:

11 Q. Mr Witness, you also - when I asked you if Sam Bockarie was
12 in communication with anyone outside of Sierra Leone you've
13 discussed some conversations with Benjamin Yeaten and you also
14 said that Sam Bockarie was in communication on a satellite phone
10:09:17 15 with Charles Taylor. Before you explain that, first of all, how
16 do you know that?

17 A. That was not any hidden thing, particularly with regards to
18 communication, that was not hidden to me particularly because I
19 was in charge. Once when Sam Bockarie went to Liberia he brought
10:09:43 20 a satellite phone, just like handset that people use, that
21 security guards use. That was what he communicated with always
22 whenever he wanted to talk to Charles Taylor. When he would want
23 to talk to Charles Taylor he would tell like me or the operator
24 who would be on duty to tell Sunlight because Sunlight was the
10:10:07 25 one who worked at Charles Taylor's radio station, the Mansion
26 Ground. He would say tell Sunlight that I want to talk to Father
27 because we used to call him Father or Pa, so he would say I want
28 to talk to Pa or Father. So Sunlight would tell Charles Taylor
29 that Sam wants to talk to you and he would switch on the phone

1 and call. At that time, Sam Bockarie would be on the standby.
2 It was not any secret. It was not hidden or that the satellite
3 phone was not there. No, he had it. He used to hang it on his
4 pants walking around with it. It was not hidden. And for
10:10:47 5 communications it was - I would either be present or not, but I
6 will know.

7 Q. Now I'm going to ask you to focus though on the time of the
8 Freetown invasion. Now you've spoken generally about Sam
9 Bockarie using the satellite phone, but I'd like you to be
10:11:09 10 specific. At the time of the Freetown invasion, how do you know
11 he was - Sam Bockarie was in communication with a satellite phone
12 with Charles Taylor?

13 A. All along communication on the VHF went all other
14 commanders, but the satellite phone communication went on
10:11:45 15 directly to Charles Taylor. The night that the dialogue took
16 place, that was at the MP headquarters in Buedu, the operator who
17 was on duty, Tiger, Sam Bockarie told him to tell Sunlight to
18 tell his Pa that he wanted to talk to him, and that is
19 Charles Taylor, and that very night Tiger passed a message to
10:12:17 20 Sunlight. And where the satellite would receive call radios up
21 at the MP and Sam Bockarie went into the vehicle and they went.
22 That was the Planet 1 and the - we too were at the --

23 THE INTERPRETER: Your Honours, can the witness repeat.

24 PRESIDING JUDGE: Please pause, Mr Witness. The
10:12:50 25 interpreter needs to clarify and catch up with you. Would you go
26 back to your answer and pick up again where you said, "That was
27 Planet 1 and ...", and then continue from there, please.

28 THE WITNESS: Sam Bockarie I said he went into his vehicle
29 that was - that was having the mobile radio. We referred to that

1 radio as Planet 1. The base radio, that was Marvel, too was in a
2 vehicle and we went into that vehicle. We and the - myself and
3 the other operators and some bodyguards, we went to the MP. That
4 was where we were that night when he called and this discussion
10:13:43 5 took place.

6 MR SANTORA:

7 Q. Okay, Mr Witness, I'm going to ask you to focus
8 specifically on the incident you just described. First of all,
9 were you present when Sam Bockarie made this call?

10:14:00 10 A. I was present. I said it was up at the MP station, because
11 there is where you - there was the hill and that was where the
12 satellite got coverage.

13 Q. Now who else was present in this particular instance when
14 Sam Bockarie made this satellite call, if you recall?

10:14:26 15 A. I was present, Tiger who was on duty was present, Pascal
16 who was with Planet 1, that is Sam Bockarie's station, was there.
17 His bodyguard commander Foday too was there.

18 Q. Now in terms of when this particular call took place, do
19 you know when it occurred?

10:14:56 20 MR GRIFFITHS: I hesitate to interrupt my learned friend,
21 your Honours, but the Pascal mentioned at line 14, is that the
22 same Pascal who was in Foya because unless he was beamed over, as
23 on Star Trek, he couldn't be in two places at the same time?

24 PRESIDING JUDGE: I understood that the Pascal in Foya was
10:15:18 25 corrected to Mortiga and that Pascal was actually in Buedu. I
26 need to go back to give you a reference.

27 MR SANTORA: Do you want me to look for the reference on
28 that? I also recall the same thing.

29 MR GRIFFITHS: I'm sure it's my fault. I may have mistaken

1 something.

2 PRESIDING JUDGE: I have to concede, Mr Griffiths, that
3 this particular identification of this person in Foya was - there
4 was at least twice it was said Pascal and then it was at least
10:15:56 5 twice said Mortiga.

6 MR GRIFFITHS: I'm sure it's my fault, your Honour.

7 MR SANTORA:

8 Q. Mr Witness, now I'm referring to this particular instance
9 where you say that you were present when Sam Bockarie made a
10:16:11 10 satellite phone call. Do you know approximately when this was?

11 A. The day that the communication occurred between Buedu
12 station and King Perry in Freetown, it was that very night that
13 the communication took place.

14 Q. Do you know what was discussed in this communication?

10:16:51 15 A. The one that I heard Sam Bockarie tell Charles Taylor was
16 that our men had entered Freetown, they were advancing and they
17 had even captured State House.

18 Q. Did you learn anything else about what was discussed?

19 A. He was just laughing while they were talking. He will say,
10:17:28 20 "Yes, sir. Yes, sir".

21 Q. Who was laughing?

22 A. Sam Bockarie. Sam Bockarie.

23 Q. Now, how do you know he was speaking with Charles Taylor?

24 A. The communication for - even for them to talk came directly
10:17:57 25 from our station, Buedu. He said he wanted to talk to Charles
26 Taylor and, when the response came, that was why we even went to
27 the MP to talk to Charles Taylor.

28 Q. Now, were there any other communications during this time
29 that you have information about involving Sam Bockarie and the

1 satellite phone?

2 A. That is the communication that I monitored between him,
3 that is Sam Bockarie, and Charles Taylor. That was the only
4 communication that I monitored.

10:18:41 5 Q. Now, you also said - before in referring to Charles Taylor
6 you said, "We called him Father". What did you mean by that?

7 A. Our Pa, he was the one we depended on. When Sankoh was not
8 present he would be the one to depend on, so we depended on him.

9 Q. Now, you discussed several communications with regard to -
10:19:32 10 between Sam Bockarie and Gullit and in one of those conversations
11 there was a conversation about the prisoners at Pademba. Is that
12 correct?

13 A. Yes.

14 Q. What do you recall specifically that conversation to be?

10:19:58 15 A. Sam Bockarie said that Gullit should not leave the
16 prisoners he had released, particularly President Momoh, that he
17 should not leave them behind and that he should travel with them
18 at night, not in the afternoon because in the afternoon it would
19 be risky.

10:20:22 20 Q. And what was Gullit's response to that?

21 A. Gullit said he would do it and he brought them.

22 Q. What do you mean "He brought them"?

23 A. He took them from Freetown and brought them to our
24 controlled zone.

10:20:44 25 Q. And at that point what was your controlled zone?

26 A. Starting from Lunsar, going towards Kabala right up to
27 Kailahun, Kono, all of those areas were our controlled zones.

28 Q. Now, Mr Witness, on Friday you said that you remained in
29 Buedu on the radio working on radio communications up until the

1 time Sam Bockarie left Sierra Leone. Do you recall that?

2 A. Yes.

3 Q. And you said that this was around December 1999. Is that
4 correct?

10:21:32 5 A. Yes.

6 Q. After Sam Bockarie left Sierra Leone, what was your
7 assignment?

8 A. When Sam Bockarie left Sierra Leone I was in Buedu when
9 Issa Sesay called me, because at that time he was doing the job
10:21:57 10 that Sam Bockarie used to do and so he invited me and I went to
11 Kono and at that time he was in Small Lebanon in Kono. That was
12 where the radio was, his residence. That was where I was
13 assigned.

14 Q. So what were your duties when you arrived in Small Lebanon?

10:22:34 15 A. I went there as overall commander in charge of all
16 communications within the RUF organisation. I used to receive
17 messages and send messages. I also advocated the welfare of the
18 operators for the operators to be taken care of and I was always
19 at the office monitoring. I used to monitor stations and
10:23:25 20 activities within the station. That was my duty.

21 Q. First of all, where is Small Lebanon in relationship to
22 Koidu?

23 A. There is a bridge called Congo Bridge in Small Lebanon. If
24 you cross that bridge you go to Five-Five and from Five-Five you
10:23:51 25 go to Koidu Town. That is on the way - if you're coming from
26 Makeni that is the way to enter Koidu Town. That was where Small
27 Lebanon was located.

28 Q. Can you estimate in terms of kilometres as to how far away
29 Small Lebanon was from Koidu Town?

1 A. I think it would be about 300 yards up from Koidu Town.

2 Q. What was going on in Kono at this time?

3 A. The time that I went to Kono, that was not a fighting time
4 any more. What used to go on there was mining - diamond mining.

10:24:58 5 Q. Explain what you know - what you observed - in terms of
6 diamond mining in Kono at this time?

7 A. When I went to Kono, there was already diamond mining going
8 on. It was in full swing. The commander who was there was
9 Kennedy who was a vanguard and the mining that I met going on was
10 a two pile system. The miners, that is both soldiers and
11 civilians, when they would mine and they would - you would divide
12 your gravel into two and one portion would be for the RUF and the
13 other one for the labour, that is those who'd be doing the work.
14 And also the RUF had some areas that were only mined for them.

10:25:38 15 Nobody would work there apart from the RUF. Those areas were
16 exclusively mined for the RUF and it was civilians who worked
17 there.

18 But it got to a certain point when Issa replaced Kennedy he
19 said because Kennedy did not bring much diamonds. He said he was
10:26:15 20 weak in his command and he was replaced with Amara Peleto, and
21 during Peleto's tenure the two pile system which Kennedy had
22 encouraged, that if you labour the labourer should have his or
23 her own share, Amara Peleto discouraged that. If gravel was dug
24 and they wanted to divide it into two, when the RUF would wash
10:26:44 25 its portion and realise that the gravel contained many diamonds,
26 the other pile which would have been a labour pile they would
27 take that as well and wash it for the RUF and the people who had
28 worked would go without anything. And all of these diamonds, at
29 the end of the day - there were many sub-commanders in various

1 deployments in the mining area because it was not just at one
2 place that the mining went on.

3 Q. Okay, Mr Witness, I'm just going to stop you for a moment
4 to ask you some questions about what you've said already. First
10:28:21 5 of all, you said that there were some areas - that initially
6 Kennedy was the commander, overall commander of mining. Is that
7 correct?

8 A. Yes.

9 Q. Then you said that in some areas there was what was known
10:28:40 10 as a two pile system and other areas were exclusively mined for
11 the RUF. Is that correct?

12 A. Yes.

13 Q. Do you recall the areas that were exclusively mined for the
14 RUF? Do you recall any of the names of the areas?

10:28:58 15 A. Yes, like Number 11 Plant, that was exclusively for the
16 RUF. Certain other areas were also in Tombodu and those were
17 exclusively for the RUF. Kaisambo, where Amara Peleto commanded,
18 that is the centre of Koidu Town, that too was exclusively for
19 the RUF because those areas were more diamondiferous.

10:29:35 20 Q. You also said that these areas which were exclusively for
21 the RUF and that it was civilians that worked there. So who was
22 actually physically doing the mining in the RUF exclusive mining
23 areas?

24 A. Those exclusively RUF areas, it was the civilians who did
10:30:07 25 the work. They did the mining. Sometimes like for Number 11
26 Plant there was a machine that was used for the clearing, that is
27 to take off the earth from the gravel, and the - for the washing
28 of the gravel and taking out of the gravel it was done by the
29 civilians.

1 Q. How do you know this?

2 A. At that time when we were in Kono, even though we used to
3 be in the radio room it was not a time of war so we too used to
4 go and look for something and so we used to go to the pits where
10:30:57 5 the minings took place.

6 Q. Now you also said, "It got to a certain point when Issa
7 replaced Kennedy he said because Kennedy did not bring much
8 diamonds". Explain what you mean.

9 A. According to Issa, the size of the place where the mining
10:31:38 10 was taking place in relation to the number of diamonds that
11 Kennedy used to bring he said that did not correspond, so Kennedy
12 was supposed to have brought or be bringing more diamonds and so
13 he thought that Kennedy was either hiding some of the diamonds or
14 he was not monitoring the mining well. That was why he was
10:32:01 15 dismissed.

16 Q. Now then you said somebody named Peleto took over the
17 mining. Is that correct?

18 A. Yes.

19 Q. What was Peleto's reputation?

10:32:32 20 A. Peleto, how will I put it in fact? Peleto was somebody,
21 let me say a kind of thug that the politicians would use, for
22 example, so if he was ordered to go and do something, maybe to go
23 and destroy somewhere, maybe to go and do something bad
24 somewhere, he would just go and do it. That was the kind of
10:33:09 25 character. In fact, he would even do the thing he has been
26 ordered to do beyond the expectation. That was the reason why
27 Issa decided to bring him to the position, and at that time he
28 took the position the two pile system, the system that was in
29 existence, he changed it and he was just doing things in his own

1 personal interest. So, in fact, he was a very bad guy.

2 Q. I'm going to ask you to explain what you mean by that, but
3 first of all what do you mean when you say that the two pile
4 system in existence that he changed that? What did he do to
10:33:59 5 change it?

6 A. I had explained that area. When Peleto - when they took
7 out the gravel and whilst they were washing the gravel, if they
8 were washing the RUF pile and if they realised there were a good
9 number of diamonds in there, the other pile that would be there
10:34:26 10 for the labour force he would take everything and then he would
11 ask the boys to wash them for the RUF. So the idea of the two
12 pile system was no longer effective. If you were lucky maybe to
13 be doing it under another commander maybe it would work, but with
14 Peleto it did not work at all.

10:34:49 15 Q. When you say he was a very bad guy, bad to who?

16 A. Peleto was bad. When you look at it from both angles, he
17 was bad. He was bad to his colleague soldiers and he was bad to
18 civilians, but civilians took the worst from him because in the
19 case of the soldiers he would know that he was treating his
10:35:17 20 colleague soldier, but to the civilians he was very wicked.

21 Q. Describe what you mean.

22 A. I will just give you an instance. At one time I went to
23 Tongo because that was one of our areas where we had our radio
24 sets we communicated with. I went there to visit that station.

10:35:50 25 I was there when some dealers, those people who used to buy
26 diamonds, they were in Tongo. The diamonds they used to buy, on
27 one particular night Peleto put together armed men and they went
28 and arrested all of those people, they tied them up, they beat
29 them and all the monies they had with them to buy the diamonds

1 and the diamonds they had bought they rid them off of everything.

2 That was the reason why I said simply that he was very wicked.

3 Q. Do you know if Peleto was educated?

4 A. The background for which I know Peleto is that he said

10:36:38 5 before the war he was doing dog hunting. He was hunting in the

6 bush with dogs. He did not go to school. I don't know whether

7 he went to school and I cannot tell.

8 Q. Now from your position in Small Lebanon do you know if the
9 diamond production changed at all between Kennedy and Peleto, the

10:37:07 10 overall production?

11 A. Yes, the production changed. It changed, but it was

12 actually not anything hidden because for the whole day when all

13 the sub-commanders would have been doing their washing and when

14 they would have completed they would bring them to Peleto, they

10:37:38 15 would report them to Peleto and Peleto too will in turn bring

16 them to Issa to report them. So the production changed.

17 Q. Did it change in terms of quantity, if you're aware?

18 A. Yes, sometimes some days they brought some big diamonds and

19 sometimes if the place was a highly diamondiferous area they

10:38:12 20 would bring diamonds in a plastic - diamonds full in a plastic,

21 something like this jar. They would bring those diamonds and he

22 would present them and if the production was actually good for

23 that day --

24 Q. Maybe I'll ask the question --

10:38:32 25 MR GRIFFITHS: This time try asking a non-leading question,

26 please. As you will see, Madam President, the question was, "So,

27 the production changed", and then the next question, "Did it

28 change in terms of quantity?", as opposed to, "How did it

29 change?", a non-leading question.

1 MR SANTORA: I take the point.

2 PRESIDING JUDGE: Now the objection has been raised,

3 Mr Santora, I will be watching out for leading questions.

4 MR SANTORA: I understand, your Honour:

10:39:02 5 Q. Now, earlier you were describing that the sub-commanders -
6 the diamonds would go to the sub-commanders. Is that correct?

7 A. I said the sub-commanders who would be at the fields, after
8 washing would have been completed they would bring the proceeds
9 to Peleto and Peleto in turn will take it to the office to Issa.

10:39:34 10 Q. Where was the office?

11 A. The office was at Small Lebanon, where we had our radio.
12 That was where Issa had his office and that was where all of us
13 used to sit and keep time.

14 Q. After Peleto would take the proceeds to the office, what
10:40:01 15 would happen then?

16 A. After he would have reported it to Issa, we would all be
17 present when he would put everything on the table. He would sort
18 them out, he would take the bigger ones on one side and the
19 smaller ones on one side and then he, Issa, would parcel it and
10:40:23 20 take it to his room.

21 Q. After that, do you know what would happen to the diamonds?

22 A. Yes. Sometimes he used to travel to Liberia with those
23 diamonds and at one time on his return he, Eddie Kanneh, Zigzag
24 Marzah, Sheku, Sidi bay and some other Liberians guys, they came
10:41:11 25 along with two white men. Those two white men had the semblance
26 of Lebanese. When they came on that day they - he entered and
27 brought out the diamonds and he put everything on the table and
28 they sorted them out, they put all the bigger ones one side and
29 they arranged that parcel and those diamonds were given to Eddie

1 and he asked Eddie to take them to Charles Taylor. He said after
2 he will have sold them he will send FOC to go and collect the
3 money. But at that particular time when they came it was only
4 Eddie and the white men who returned and when they returned
10:42:19 5 Sidi bay and others stayed for the Guinea mission, they did not go
6 with the others. So whilst they were on the ground FOC later
7 went. When he went he was there and he later told us that he did
8 not receive the money and that he has not been able to see even
9 Eddie.

10:42:42 10 Q. Okay, Mr Witness --

11 JUDGE SEBUTINDE: Mr Santora, before you go too far could
12 you look at the transcript and please clear up the references to
13 he. Too many references to he.

14 MR SANTORA: I was actually going to stick with this answer
10:42:56 15 and try to clarify it a bit:

16 Q. First of all, Mr Witness, I asked you do you know what
17 would happened to the diamonds after Issa would take them to his
18 room. And you said, "Yes, sometimes he used to travel to Liberia
19 with those diamonds." First of all, when you refer to "he" who
10:43:16 20 do you mean?

21 A. I mean Issa.

22 Q. Now how do you know he used to travel to Liberia?

23 A. Before Issa would go - in fact, we were all in the same
24 office and at any time he would be going he would take along with
10:43:40 25 him an operator, that was Elevator. He used to go with him as to
26 - as far as Monrovia up to the Mansion Ground and at any time the
27 operator returned he would give me his report.

28 Q. Do you have any information as to what Issa would do with
29 the diamonds in Liberia?

1 A. Yes, he said he used to take them to Charles Taylor and I
2 will give you an example. At one time there was a boy, a
3 commander, because he was a commander at Tongo, we used to call
4 him Verbatim. He got one 36 carat diamond, an operator at Tongo
10:44:39 5 and that commander called the station at Small Lebanon in Kono.
6 They asked for Issa and we told them Issa was not around and we
7 asked what the matter was. They said they had got a diamond
8 which was about 36 carats. So that particular morning we called
9 Sunlight in Monrovia and at that time Issa was in Monrovia. We
10:45:10 10 wanted to know if Issa had moved or whether he was still there.
11 So Sunlight told us that Issa had already left. And we called
12 Mortiga at Foya for us to find out whether Issa had arrived
13 there. He said Sunlight had told him that they had already left
14 but that they had not yet arrived there. So we passed the
10:45:45 15 message on to Mortiga that when Issa arrives there he should
16 report to him that 36 carat diamond had been collected in Tongo.
17 But we did not know that Benjamin Yeaten was present in the
18 office when the message went, so he transmitted the message to
19 Charles Taylor. So before Issa could arrive at Foya the message
10:46:21 20 had already reached there that on his arrival he should take the
21 diamond to Charles Taylor and that was the message that Benjamin
22 Yeaten told him. When Issa went and collected the diamond at
23 Small Lebanon in Kono he was very angry. He asked why we sent
24 the message there, why didn't we wait for him to come. He said
10:46:55 25 even a 52 carat diamond he had taken to Charles Taylor, he had
26 not paid for all. He had not received all the money. He said
27 now we have sent an information that has warranted him knowing
28 about this particular one again and that very night he collected
29 the diamond and moved with it. And that was the reason why I

1 said the diamonds that Issa used to collect he took them there.

2 Q. Okay, Mr Witness, before you - I ask you some questions,

3 earlier you were discussing an episode involving Eddie Kanneh,

4 Zigzag Marzah, Sheku, Sidi bay, some other Liberian guys along

10:47:42 5 with two white men. The incident you were describing with these

6 two white men, do you know approximately when this was?

7 A. That incident took place before the attack, the first

8 attack in Guinea because at the time those men came that was the

9 mission that they came with, Sidi bay, Zigzag Marzah, Sheku, they

10:48:22 10 came for that Guinea mission that they went on. So when they

11 came they stayed on the ground. They stayed to do the

12 arrangement with regards the attack on Guinea and Eddie Kanneh

13 and the two white men returned.

14 Q. You said in your answer when you were discussing this

10:48:50 15 incident with these two white men - you said that when they came

16 on that day they - "he entered and brought out the diamonds and

17 he put everything on the table and they sorted them out and they

18 put all the bigger ones on one side and they arranged the parcel

19 and those diamonds were given to Eddie and he asked Eddie to take

10:49:20 20 them to Charles Taylor." Mr Witness, earlier I asked you to try

21 to call out names when you're giving your answer. I want to go

22 through that response with you to figure out who you were

23 referring to. First of all, you said "when they came on that day

24 they - he entered and brought out the diamonds." When you're

10:49:46 25 referring to "they" who were you referring to then?

26 A. Eddie Kanneh, the white men and Sidi bay and others. When

27 they came he, Issa, went to his room and brought out the diamonds

28 that they took along with them.

29 Q. "And they sorted them out". Who actually did the sorting?

1 A. He himself, Issa and Eddie Kanneh, they were sorting the
2 diamonds out. They put all the bigger ones on side and the
3 smaller ones one side. They separated them.

10:50:23 4 Q. "And those diamonds were given to Eddie and he asked Eddie
5 to take them to Charles Taylor". Who asked Eddie to take them to
6 Charles Taylor?

7 A. Issa. It was Issa who give them to him and he said he
8 should take them to Charles Taylor and after he would have sold
9 them he will send someone to collect the money. It was right at
10:50:41 10 the office in Small Lebanon in our presence.

11 Q. After who would have sold them, Mr Witness?

12 A. Charles Taylor. He used to take the diamonds to him. So
13 he said after he would have sold them he will send FOC to go and
14 collect the money.

10:51:02 15 Q. Do you have any information as to why these two white men
16 were present at this time?

17 A. I do not actually know because we were surprised. I, in
18 particular, because during those times it was difficult to see a
19 white men amongst us because the Lebanese and all other whites
10:51:30 20 had ran away from us. They had escaped. So I was very much
21 surprised to see white men in our midst at that particular time.
22 So I did not actually know what their mission was that they came
23 for.

24 Q. Do you know the names of any of these white men?

10:51:51 25 A. What - those who were in Kenema with Sam Bockarie, what
26 they said, because at that time one of the boys who was with him
27 in Kenema was present, he was called Mohamed. He told me that
28 one of them was called Michel. He said he was Sam Bockarie's
29 friend at the time they were in Freetown. But I did not know the

1 name of the other, but that was what the guy, Mohamed, told me,
2 that one amongst those two men was called Michel.

3 Q. First of all, in terms of time frame how long were you
4 based in Kono? You said you arrived there after Sam Bockarie
10:52:41 5 left Sierra Leone around December '99. How long did you remain
6 there?

7 A. When I went to Kono I was there up to the time of the
8 disarmament in 2002 and by 2003 - I mean four, I went back to
9 Kailahun. By then I had already disarmed.

10:53:14 10 Q. And during your time there you stated that you sometimes
11 would visit the areas where mining was going on. Is that
12 correct?

13 A. Yes.

14 Q. Was there any equipment being used to mine?

10:53:34 15 A. Yes, at Number 11 Plant they used a machine. They had a
16 caterpillar that the company left behind. So there were some
17 engineers within so those were the people that they used to
18 operate it. They were using it there.

19 Q. What else was used to mine diamonds?

10:54:00 20 A. Shovels, buckets, sieves. Those were the things that they
21 used to mine diamonds. There was nothing else apart from that
22 caterpillar and including the manpower.

23 Q. And these items you described, do you know where they came
24 from?

10:54:25 25 A. The first time when I went there the mining equipment,
26 including rice, came from Monrovia. That was the time Issa went
27 there. When he went he brought with him shovels because their
28 own shovels were like a spade that we used, so the people did not
29 actually like using them, because we only used spades for garden

1 work, so it did not work well, they had to buy different shovels.
2 So the shakers, the rice, when Issa went to Monrovia he brought
3 them all for the mining.

10:55:14 4 Q. How do you know that this mining equipment came from
5 Monrovia?

6 A. That was where he went to. Those men at any time they were
7 going on a trip they did not hide it. It was not a hidden
8 something. It was a secret. They did not make it secret. At
9 any time they were moving to somewhere when they were going to
10:55:33 10 Monrovia we would be communicating with them up to the time they
11 arrived in Monrovia because at any time they were going they
12 would take with them a radio set.

13 JUDGE SEBUTINDE: Mr Santora, what does the witness mean by
14 "they came from Monrovia"? Were they purchased? Were they
10:55:54 15 donated?

16 MR SANTORA:

17 Q. What do you mean when you say that, Mr Witness? Do you
18 understand Justice Sebutinde's question?

19 A. Yes, I understood it. I just want to tell the judge that
10:56:09 20 we were not up to that level to ask those people, "Where did you
21 get this from? How much did you buy it?" When they went they
22 would bring what they would have to bring and at any time they
23 brought them we appreciated them.

24 Q. Do you know where in Monrovia the equipment came from?

10:56:48 25 A. I saw them with Issa, so I cannot actually tell where he
26 brought them from.

27 Q. Okay. Now earlier, during your testimony on Friday, you
28 mentioned an individual called Morris Kallon. Do you remember
29 that?

1 A. Yes.

2 Q. Can you describe what he was like during the war?

3 A. Yes, we used to call Morris Kallon, Bilikarim. He was
4 another wicked - in terms of senior officers, he was another
10:57:43 5 wicked person because he was quick to kill be you a civilian or a
6 soldier. That was his own job. That was the reason why he was
7 assigned in Kono, but later he did some indiscriminate killings
8 and that was the reason why he was again removed from there. So
9 that was his own job. He was very wicked, so everybody was
10:58:08 10 afraid of him.

11 Q. You said that, "He was quick to kill be you a civilian or a
12 soldier". How do you know that?

13 A. He used to do it and the report came up. For instance like
14 in Makeni there was a senior officer, his own friend. He killed
10:58:34 15 him one particular morning and the report came in later. He said
16 the fellow went and stole a steel window. So it is not actually
17 that anything was hiding away from us. In Kono, most of the
18 things he did there the reports would come to us at the station.
19 Whatsoever thing that happened at the front line, we got the
10:58:52 20 report.

21 Q. How would these --

22 JUDGE SEBUTINDE: Could we have a spelling of this
23 nickname, please.

24 MR SANTORA: Oh, I'm sorry, your Honour. I don't think
10:59:04 25 that's been spelled for the record and I'm going to actually ask
26 the witness to spell the first name:

27 Q. You said his nickname was called Bilikarim. Is that
28 correct?

29 A. Yes.

1 Q. Do you know how that's spelled?

2 A. Well, for me I will spell it B-I-L-I-K-A-R-I-M.

3 Q. Do you know if that name has any particular meaning,
4 Mr Witness?

10:59:52 5 A. Yes, it is like when somebody swears to God.

6 PRESIDING JUDGE: I didn't hear the interpretation clearly.

7 Mr Interpreter, please repeat that answer.

8 THE INTERPRETER: When somebody swears to God.

9 MR SANTORA:

11:00:15 10 Q. In what language?

11 A. Bilikarim is in the Muslim language. It is like when
12 somebody says, "I swear to my God".

13 MR GRIFFITHS: Can I just enquire that if we look at line

14 41 Bilikarim appears as one word. It has now been spelt at line

11:00:49 15 4010 [sic] as two words and is it one or two words?

16 PRESIDING JUDGE: Please clarify that.

17 MR SANTORA:

18 Q. Mr Witness, do you know if Bilikarim is one word or two
19 words?

11:01:04 20 A. It's one word. One word. Bilikarim, it's one word.

21 Q. Now, you also referred to another individual during the
22 course of your testimony named Eddie Kanneh. Now, during the
23 time you were based in Small Lebanon with Issa Sesay, with Issa,
24 what was the role - do you know what the role of Eddie Kanneh
11:01:40 25 was?

26 A. Eddie Kanneh was one of the AFRC members who we had joined.
27 He was with Sam Bockarie. At the time Sam Bockarie went all of
28 them went to Monrovia, and it was a sudden surprise to me when I
29 saw him on that particular day with that group because that was

1 the first time after he and Sam Bockarie had gone that he came
2 back. That was my first time seeing him again.

3 Q. When you say, "When he and Sam Bockarie had gone", what
4 time - what are you referring to?

11:02:36 5 A. At the time Sam Bockarie left in December 1999, they all of
6 them went with him. They all escaped together, because he was
7 staying with Sam Bockarie at that time and so when Sam Bockarie
8 went he went with all of them.

9 Q. When you say "he", who do you mean?

11:02:59 10 A. He, Eddie Kanneh. He, Eddie Kanneh.

11 PRESIDING JUDGE: I find the answer somewhat confusing,
12 "They all went to Monrovia", and then, "I was surprised on that
13 particular day because ..." - well, he appears to have come back.
14 I'm not clear exactly on the sequence of events, Mr Santora.

11:03:30 15 MR SANTORA: Thank you, Madam President. I'll clarify
16 that:

17 Q. Mr Witness, can you explain what you mean when you say
18 that, "At that time Sam Bockarie went all of them went to
19 Monrovia, and it was a sudden surprise to me when I saw him on
20 that particular day with that group"?

11:03:48 21 A. By that I mean the group who had left with Sam Bockarie
22 they had said they will never return to the RUF, so when I saw
23 him it was a very big surprise to me and I saw him come back to
24 the RUF zone.

11:04:14 25 Q. You saw who?

26 A. Eddie Kanneh. Eddie Kanneh. When I saw Eddie Kanneh come
27 back, it was a very big surprise.

28 Q. And where was that when you saw him come back, when you saw
29 Eddie Kanneh come back?

1 A. It was at Small Lebanon in Kono.

2 MR SANTORA: I hope that clarifies.

3 PRESIDING JUDGE: I think it does. The dates are not
4 clear, but at least I've worked out the sequence.

11:04:45 5 MR SANTORA:

6 Q. And just in terms of the time Eddie Kanneh came back when
7 you were in Small Lebanon, I'll ask you if you recall
8 approximately when that was?

9 A. I said at the time they came - he, Eddie Kanneh, and the
11:05:08 10 other men, the time they came - it did not take long when the
11 Guinea operation started. I am unable to tell the exact time
12 actually, but it was at the time before the Guinea was attacked.

13 Q. Could you approximate between the time Sam Bockarie left
14 Sierra Leone in December 1999 to the time you saw Eddie Kanneh in
11:05:39 15 Small Lebanon, about approximately how many months?

16 A. It's a long time ago now. If I tell you that I will tell
17 you a particular month, I will be lying to you.

18 MR SANTORA: Just one moment, your Honour. Your Honour,
19 that's all the questions we have for this witness.

11:06:40 20 PRESIDING JUDGE: So that is the end of your
21 examination-in-chief, Mr Santora?

22 MR SANTORA: Yes, your Honour.

23 PRESIDING JUDGE: Thank you. Mr Griffiths, have you
24 carriage of this witness?

11:06:48 25 MR GRIFFITHS: I do, your Honour, yes.

26 CROSS-EXAMINATION BY MR GRIFFITHS:

27 Q. Could I ask you first of all this. Can you give us an
28 estimate of the number of radio operators there were within the
29 RUF during your time as a radio operator?

1 A. I can give you an estimated figure, because I will not be
2 very exact about it because the radio stations were plenty and in
3 certain areas we would deploy there and soon after there would be
4 dissolved. So the operators, we had more than 50 operators in
11:07:50 5 the RUF.

6 Q. Now given the size of the RUF overall and also given the
7 fact that if I understand your testimony you would be in daily
8 contact with other radio operators throughout RUF controlled
9 territory and indeed abroad, you would have known the vast
11:08:20 10 majority of them at least by their nicknames, wouldn't you?

11 A. Yes, I knew most of them by nicknames.

12 Q. So for example you knew of one called CO Nigh-ya [phon], is
13 that right?

14 A. I knew CO Nya, not Nigh-ya. It's Nya.

11:08:55 15 Q. My fault entirely. And apart from him, what about Alice
16 Pyne? Did you know her?

17 A. Yes, Alice Pyne was a radio operator.

18 Q. And then you told us about Memunatu Deen who was based at
19 the RUF guesthouse in Monrovia, is that right?

11:09:22 20 A. Yes.

21 PRESIDING JUDGE: I think the witness pronounced it Memuna
22 Deen.

23 THE WITNESS: Yes.

24 MR GRIFFITHS: Memuna Deen, yes:

11:09:32 25 Q. And she was based at the guesthouse in Monrovia, wasn't
26 she?

27 A. Yes.

28 Q. So would you agree with me then that, for the most part,
29 you would have been on first name terms with the vast majority of

1 the 50 or so radio operators within the RUF?

2 A. Yes.

3 Q. And in fact would you not agree that because of the
4 closeness of the service you provided to the RUF many of you
11:10:11 5 became friends, didn't you?

6 A. Yes.

7 Q. And over the course of that conflict some of those
8 friendships were very strong and enduring, weren't they?

9 A. Yes.

11:10:29 10 Q. So I would take it then that, even after disarmament, you
11 kept in contact with those friends you had made?

12 A. Yes.

13 Q. And I mean in some instances that friendship went to the
14 stage where radio operators had relationships with each other,
11:11:01 15 didn't it?

16 A. Yes.

17 Q. Let me give you one example and let me try and see if I can
18 pronounce it right this time. CO Nya had a relationship with
19 Alice Pyne, didn't he?

11:11:21 20 A. Yes.

21 Q. And they even had three children, didn't they, one of whom
22 sadly died?

23 A. I knew about two: Ruth, the one she has presently, and the
24 one that died. Whether they had another after that I don't know
11:11:47 25 about that, but I know about two.

26 Q. And are they still together as a couple?

27 A. Yes back Alice met me in Kailahun, by then they went there
28 on the burial ceremony and I asked her for Nya but she told me
29 that she was not together with Nya.

1 Q. Can you give us a year when you met up with Alice in
2 Kailahun?

3 A. That was in the year 2006.

4 Q. And help us with this. Again, if I understand your
11:12:37 5 evidence correctly, the senior commander with whom you spent most
6 of your career as a radio operator was Sam Bockarie, wasn't it?

7 A. Yes.

8 Q. And help us, please, first of all with this. Give us a
9 time frame as to when you started with Sam Bockarie as one of his
11:13:09 10 radio operators?

11 A. The first assignment I had with Sam Bockarie, that was in
12 late 1995 at Giema because at that time when we came from the
13 Koribundu jungle I met him there as commander. That was the
14 first assignment that I got with him.

11:13:34 15 Q. And I'm right, am I not, that you stayed with him up until
16 the month of December 1999 when he departed from Sierra Leone
17 never to return?

18 A. Yes.

19 Q. So you would have been with him then a period of, what,
11:14:00 20 four years or so?

21 A. Yes.

22 Q. During that four year period, how many radio operators
23 worked with you for Sam Bockarie?

24 A. We used to change operators, because at the time when I was
11:14:32 25 - when we were at Giema I had two other operators with me, Tiger
26 and Nyallay, including myself, but when we came to Buedu there
27 were so many operators there. I was there, Seibatu was there,
28 Tiger, Zedman, Pascal. We were there at the station with him
29 because the other station was a welfare station. It was

1 separated from the other.

2 Q. Now, you've mentioned a few names there and can I just ask
3 you about one or two of them. Seibatu, for example, was she a
4 friend of yours?

11:15:27 5 A. Seibatu is my sister. She was not my friend. She is my
6 sister because we all hailed from the same home town.

7 Q. When you say "sister", do you share blood?

8 A. No, it's just because we all hailed from the same town.
9 That is what we say. We say we are from the same town, but not
11:15:56 10 from the same womb.

11 Q. And which town is that, please?

12 A. Kailahun, because that was where we knew each other.
13 Kailahun Town.

14 Q. And now help me, please. Before you joined the RUF, were
11:16:13 15 you already friends with Seibatu?

16 A. Yes. Even before I joined the RUF Seibatu's father used to
17 be my teacher and the school was located very close to their
18 house, so I knew Seibatu even before the advent of the war.

19 Q. And what's her surname?

11:16:45 20 A. Jusu. Seibatu Jusu.

21 Q. And no doubt, given that you go back as far as school days
22 and you regard her as a sister, no doubt you've kept in touch
23 with her ever since disarmament?

24 A. I was not in touch with her up to disarmament because at
11:17:16 25 the time Sam Bockarie left she and Sam Bockarie, all of them went
26 together.

27 Q. So did you not see her again thereafter?

28 A. Not at all. I did not see her any more.

29 Q. So King Perry was somebody you knew, wasn't he?

1 A. Yes.

2 Q. And he spent much of his time as a radio operator with
3 Superman, didn't he?

4 A. Yes.

11:17:55 5 Q. Indeed he accompanied Gullit into Freetown on 6 January
6 1999, didn't he?

7 A. Yes.

8 Q. And was he a friend of yours?

9 A. Yes, all of us trained together. I would say we were the
11:18:18 10 second batch that followed them, so we were all friends.

11 Q. And have you kept in touch with him?

12 A. From the time of disarmament I came to Makeni at a point in
13 time and I met him there, but since then when I went to Kailahun
14 I have not been able to set eyes on him.

11:18:42 15 Q. So help us, please. When was it that you last saw him in
16 Makeni?

17 A. That was in 2003. At that time we were going to Freetown
18 when we met him in Makeni, but since then I have not been able to
19 see him.

11:19:05 20 Q. Let me pose my question differently then, because we may be
21 able to short circuit matters. Which of your old comrades from
22 your radio operating days are you still in touch with?

23 A. The one that I am in touch with is Liberty. For him I left
24 him in Kailahun even before I came, because since the first day
11:19:38 25 from day one they always assigned us at the same place but - even
26 at the time I was in Buedu. But even at this moment as I'm
27 talking now, both of us we're living in Kailahun.

28 Q. What's Liberty's real name?

29 A. Ahmed Moijue Koroma.

1 Q. Now, the reason I've been asking you about your old friends
2 is this. Are you aware of --

3 JUDGE SEBUTINDE: Perhaps we could have a spelling of this
4 if the witness is able, or the interpreter.

11:20:19 5 MR GRIFFITHS: Certainly, your Honour.

6 Q. I wonder whether you could assist us with a spelling for
7 that name that you gave us, Ahmed Moijue Koroma?

8 A. I said Ahmed, A-H-M-E-D; Moijue, M-O-I-J-U-E, Moijue;
9 Koroma, K-O-R-O-M-A, Koroma.

11:20:50 10 Q. We're most grateful for that assistance. Now, the reason
11 I'm asking you about your old friends from your RUF radio
12 operating days is this. Are you aware of any of them giving
13 evidence before this Court? I don't want any names. I just want
14 you to tell us whether you're aware of any of them giving
11:21:21 15 evidence to this Court?

16 A. I got an information only from Zedman that King Perry had
17 testified in Freetown in the Issa Sesay case, but with regards
18 this case, no.

19 Q. Not at all?

11:21:52 20 A. No.

21 Q. And you've not enquired?

22 A. About what?

23 Q. From any of your friends, "There's a big trial going on in
24 Europe in The Hague. Charles Taylor is being tried. Are any of
11:22:14 25 you giving evidence in that trial?" Have you made such an
26 enquiry with any of your old friends?

27 A. This is a very big thing for even me to come and sit here
28 and talk anything about it, because our people had said we should
29 take our hands off from this particular war that we had fought.

1 Our people had told us that, so it was only through one or two
2 influences that I decided to come here to testify because some
3 time passed I did not want to do anything with the Special Court.

4 Q. What were the one or two influences?

11:23:11 5 A. The person who met me gave me confidence, because my name
6 had already been at the immigration that I shouldn't travel out
7 of Sierra Leone. It was my friend who went and informed me about
8 it and so I had known that they were going to arrest me, but the
9 person who went and met me he told me that if I accepted if
11:23:48 10 anything happened to me he would be held responsible. That was
11 the reason why I accepted to come and testify in this trial.

12 Q. What's his name?

13 A. The person told me I shouldn't announce his name.

14 PRESIDING JUDGE: Mr Witness, the question has been put and
11:24:21 15 you should answer the question. You have given us - you've said
16 something which we don't understand the reason that you've given.

17 MR GRIFFITHS: Madam President, can I interject to make
18 what I hope is a helpful suggestion. I don't want to tread into
19 a minefield here which might upset those opposite, so it might be
11:24:46 20 wisest in the circumstances to ask the witness to write it down,
21 out of an excess of caution, and then those opposite can let us
22 know whether there are any true security reasons why the name
23 cannot be made public and if there are no such reasons then I
24 intend to press the witness for the name.

11:25:06 25 MR SANTORA: I think it's an acceptable proposition to
26 proceed that way.

27 PRESIDING JUDGE: Very well. Please assist the witness.

28 Mr Witness, it's just the name that we require to be shown
29 to counsel. You seem to be writing more than that.

1 THE WITNESS: Here is the pen.

2 PRESIDING JUDGE: Can it be looked at by the Bench?

3 MR GRIFFITHS: Your Honour, yes.

4 MR SANTORA: Your Honour, just in terms of what - the two
11:28:23 5 names that were just written down, when it comes to the second
6 name written down there the Prosecution has absolutely no
7 objection to eliciting a response on that. On the first name,
8 the Prosecution would object on the basis of relevance in terms
9 of since it's not an employee of the Court that possibly that
11:28:49 10 individual may have security concerns about his identification
11 being known and we would object just on relevance as to why it's
12 necessary to have that particular name on the public record.

13 PRESIDING JUDGE: We are unfortunately out of time as far
14 as the tape is concerned and I would of course be inviting a
11:29:09 15 response to that, but I think for practical purposes we will have
16 to defer that response and a ruling until after the break because
17 we're out of time.

18 MR GRIFFITHS: Can I make this suggestion, your Honour,
19 because I am anxious to debate this issue with the Court. Can we
11:29:26 20 delay bringing the witness in for five minutes. I have good
21 reasons why I don't want him to be privy to those discussions.

22 MR SANTORA: There's no objection to that.

23 PRESIDING JUDGE: Very well. Mr Witness, we are now going
24 to take the morning break of half an hour. We will be resuming
11:29:48 25 court at 12 o'clock. However, you will not be coming into court
26 immediately because there are some legal arguments that will be
27 dealt with before we continue with your evidence. Do you
28 understand?

29 THE WITNESS: Yes, sir.

1 PRESIDING JUDGE: Please adjourn court until 12.

2 [Break taken at 11.30 a.m.]

3 [Upon resuming at 12.00 p.m.]

4 [In the absence of the witness]

12:00:16 5 PRESIDING JUDGE: Mr Griffiths, you were going to respond.

6 MR GRIFFITHS: [Microphone not activated]. Madam

7 President, the first name which I will not utter publicly does

8 have some significance. The second name, as my learned friend

9 concedes, the Prosecution have no difficulty with, but the

12:00:51 10 significance of the first name is this: Can I invite your

11 Honours' attention to page 49 of the transcript, please. At line

12 20 on that page, with my font, you will see that I set out to the

13 witness why I was pursuing this particular line of questioning

14 regarding his association with other radio operators and I said

12:01:27 15 to him in terms, "Are you aware of any of them giving evidence

16 before this Court? I just want you to tell us whether you are

17 aware of any of them giving evidence to this Court." He went on

18 to say, "I got an information only from Zedman that King Perry

19 had testified in Freetown." Then I continued, "And did you

12:01:53 20 enquire about the Charles Taylor's trial?", and in terms he said,

21 "No", continuing to say that the two influences why he had

22 decided to speak to the OTP with regard to this matter were the

23 two names now written on that piece of paper.

24 Now, that first name is important for this reason: A

12:02:19 25 person bearing that name, or nickname, was a radio operator for

26 the RUF. Indeed that individual, according to testimony already

27 received by this Court, went to Abidjan for the peace talks in

28 1996, and your Honours will recall that this witness claims he

29 too was in Abidjan as a radio operator to maintain contact with

1 the troops on the ground in the jungle at that same time.

2 Now that name - the first name - is already on the record.

3 At page 4424 of the transcript during the testimony of TF1-275,
4 mention was made of a radio operator of that name going to

12:03:20 5 Abidjan for the peace talks.

6 Now in all of those circumstances, in light of the initial
7 proposition which I put to the witness, "what were your contacts
8 with other radio operators?", it seems to us prima facie that
9 this is a proper line of cross-examination and I should be
10 allowed to pursue it.

12:03:46

11 The caveat is this: My learned friend, Mr Santora,
12 suggests at page 52 of the transcript at line 5 that there are
13 security reasons why this name ought not to be uttered in public.
14 He provided no specificity so far as that claim is concerned and,
15 as far as we on this side of the Court are concerned at present,
16 that suggestion absent proof is highly speculative. We submit
17 that if the OTP are to rely upon security reasons --

12:04:12

18 PRESIDING JUDGE: I'm sorry to interrupt you, Mr Griffiths,
19 but you referred to Mr Santora's objection I presume. My
20 recollection is that it was on the basis of relevance and he said
21 in terms of relevance et cetera and the individual may have a
22 security concern. I don't know what that means.

12:04:38

23 MR GRIFFITHS: Well, neither do I. Well, if as, Madam
24 President, you rightly observe the question is one of relevance,
25 then it seems to us that I have established why this material is
26 relevant and consequently admissible.

12:05:01

27 MR SANTORA: I would just like the chance to respond,
28 because I believe that the scope of my learned colleague's
29 submission was a bit wider in this regard and also to make sure

1 that it's understood as to what specifically we are objecting to.
2 I just want to make it clear for the record that we completely
3 concur with Defence counsel when it comes to cross-examining
4 about this individual, the second individual mentioned, but
12:05:44 5 there's no --

6 JUDGE LUSSICK: The first, or the second?

7 MR SANTORA: I'm sorry, I apologise, the first individual.
8 There's no prejudice to Defence counsel in asking about this
9 individual either using a first name, or some other way to
12:06:02 10 enquire about this individual. Counsel has the name, your

11 Honours have the name and counsel is also entitled to investigate
12 further about this individual. We're just objecting to the full
13 name being mentioned publicly for relevance, because there is no
14 - since he already has the name and can cross-examine on it the
12:06:19 15 Prosecution doesn't see any prejudice to the Defence. Now, in
16 terms of - there doesn't seem to be relevance once they have the
17 name and they can ask about it.

18 Now another thing, just to make sure it's not - there's
19 nothing on the record about this particular individual, this
12:06:37 20 first person written down, as being associated with this case in
21 any way and so while his name --

22 PRESIDING JUDGE: It's not a question of association. That
23 particular person - and I recall his name being mentioned several
24 times in the course of evidence during this trial, so he has been
12:06:53 25 mentioned in the course of evidence in this trial. I'm not - I
26 can't be specific as to dates.

27 MR SANTORA: I know he's been mentioned in terms of the
28 course of working with the Prosecution, I should say, and that -
29 but --

1 PRESIDING JUDGE: No, the evidence adduced to date shows
2 that this gentleman named has been with the RUF.

3 MR SANTORA: The point is that they still have the
4 information and they can cross-examine on this individual without
12:07:22 5 calling out the full name publicly.

6 JUDGE LUSSICK: What is the problem there, Mr Santora?
7 That's what I can't understand. You seem to be plucking reasons
8 out of the air why we should be very cautious about this person's
9 name. Give me one good reason.

10 MR SANTORA: I would be speculating as to what the reason
11 would be.

12 PRESIDING JUDGE: Mr Santora, you know not to make a
13 submission on speculation. Facts is what we're interested in.
14 We will confer.

15 [Trial Chamber conferred]

16 We overrule the objection. Counsel is entitled to put the
17 question and it should be put in public. Please arrange to have
18 the witness brought back in.

19 [In the presence of the witness]

12:09:28 20 Mr Witness, there has been some legal discussion in your
21 absence. A question was put to you and you should answer the
22 question. For purposes of clarity and recollection, please put
23 the question again, Mr Griffiths.

24 MR GRIFFITHS: If your Honours will give me a moment to
12:09:46 25 find it:

26 Q. Now, you told us this morning that the person you met who
27 gave you the confidence --

28 PRESIDING JUDGE: Did he actually say he met the person?
29 He said something about confidence. I don't know that they

1 physically met. Is that on record?

2 MR GRIFFITHS: It is, your Honour, page 49 line 20.

3 PRESIDING JUDGE: Thank you, my mistake.

4 MR GRIFFITHS:

12:10:46 5 "Q. What were the one or two influences?

6 A. The person who met me gave me confidence because my
7 name had already been at the immigration that I shouldn't
8 travel out of Sierra Leone. It was my friend who went and
9 informed me, so I had known that they were going to arrest
10 me."

12:11:04

11 I asked you, "What's his name?", and I'm asking you again
12 what's his name?

13 A. I hope you got this area clearly. The friend who met me
14 at that time I was in Kono who spoke out my name at immigration,
15 it was Alhaji. He was with Issa Sesay. After I had left Kono
16 and I had come to Kailahun, I was there, it was then that those
17 people met me.

12:11:33

18 JUDGE SEBUTINDE: Mr Witness, you are not answering the
19 question. The question was who was this person who influenced
20 you and gave you confidence to testify in this trial. That is
21 the question.

12:11:53

22 THE WITNESS: The person is one Eddie Murphy. He was an
23 operator. He was sent to me and the one who sent him to me that
24 I met was Mr Saffa. He works for the Special Court.

12:12:23

25 MR GRIFFITHS:

26 Q. So just so that I can understand this, a Mr Saffa who works
27 for the Special Court sent a radio - a former colleague of yours,
28 a radio operator called Eddie Murphy, to come and speak to you.
29 Is that right?

1 A. Yes.

2 Q. Firstly, when was that?

3 A. It was in 2006.

4 Q. Can you help us with a month?

12:13:01 5 A. I don't recall the exact month.

6 Q. Was it towards the beginning, the middle or the end of
7 2006?

8 A. It was in the rainy season. The rainy season. I can't
9 recall the exact month in the rainy season, but it was the rainy
10 season.

12:13:25

11 Q. And what did he say to you when he came to speak to you?

12 A. He said it was a Mr Saffa who had sent him to me for the
13 Special Court Prosecution for the Charles Taylor's trial. I told
14 him outrightly that I was afraid, that I had fear in me because
15 before ever I left Kono I had already known my status, but he
16 told me that a man who met him was his friend and what he told
17 him was he said that we were guaranteed that even if we gave
18 evidence nothing would happen to us. And I knew that we were all
19 friends when we were in the RUF. He will not give me problems.
20 That was why I came forward to testify.

12:14:24

21 Q. When your former colleague, Eddie Murphy, came to you - and
22 can I pause. Did you say it was in Kono that he came to see you?

23 A. It was in Kailahun, not Kono. I had left Kono then.

24 Q. So he came to see you in Kailahun and says to you, "My
25 friend Mr Saffa, who works for the Special Court for the
26 Prosecution, would like to speak to you". Naturally one would
27 expect that your first question was, "What do they want to speak
28 to me about?" Now, did you ask that question?

12:14:54

29 A. Yes.

1 Q. What did he say in reply?

2 A. He said I was to go and give evidence about the war, the
3 things that happened, the things that Charles Taylor did and that
4 we were going as prosecuting witnesses to prosecute.

12:15:42 5 Q. Now Eddie Murphy as I think you've already confirmed was a
6 fellow former radio operator, wasn't he?

7 A. Yes.

8 Q. Had he been trained at the same time as you?

9 A. No, it was the batch after us.

12:16:12 10 Q. But in any event you had known him for many years?

11 A. Yes.

12 Q. He was a friend of yours?

13 A. Yes.

14 Q. And he no doubt remains a friend of yours?

12:16:31 15 A. Yes.

16 Q. Now did he say to you, "Listen, my good friend and former
17 comrade. Don't be afraid, because I've also spoken to the
18 Prosecution in the Special Court"? Did he say that to you?

19 A. He did not tell me that.

12:17:01 20 Q. Did you ask him?

21 A. The question that I asked him was how did those people know
22 about me and he said the people just asked him about me.

23 Q. No, but did you say to him, "What are you coming to ask me
24 to be a witness for? Are you going to be a witness, Eddie?" Did
12:17:31 25 you ask him that?

26 A. No.

27 Q. Why not?

28 A. That did not come to mind.

29 Q. But surely it's a logical question to ask?

1 A. It did not come to my mind, anyway.

2 Q. Have you asked him since, "Eddie, look, I've taken the
3 OTP's Leones. Have you done the same?" Have you asked him that?

4 A. Well, from that time that Eddie made that contact we've not
12:18:26 5 seen each other yet. He told me about going to Liberia and since
6 then we've not contacted each other. The time he went to me I
7 hadn't a phone that I could have even taken his number, no. I
8 hadn't a phone at that time.

9 Q. Do you recall me earlier this morning asking you quite
12:18:44 10 specifically about when was the last time you'd met your former
11 colleagues? Do you remember me asking you that?

12 A. Yes.

13 Q. Why didn't you tell me, "Guess what, I did meet my good
14 friend Eddie Murphy in the rainy season in 2006; the year before
12:19:13 15 I first started speaking to the Prosecution"? Why didn't you
16 tell me that?

17 A. Well, why I didn't say that was that what I understood to
18 be meet was when we were friends and we would just meet, because
19 after the war everybody was on his own business. That was what I
12:19:40 20 meant and I didn't recall something like that.

21 Q. Are you honestly asking us to believe that you didn't
22 recall Eddie Murphy coming to ask you to get in touch with the
23 OTP which resulted in you ending up in a court thousands of miles
24 away from where you live? Are you honestly telling us that?

12:20:08 25 A. I am being honest. I am being honest here. I did not ask
26 him directly that, because he said that we, the commanders, were
27 the ones they were looking for. That's why I did not ask him.

28 Q. So you didn't remember having spoken to Eddie Murphy when I
29 asked you about contact with radio operators earlier this

1 morning? You had just completely forgotten that, had you?

2 A. Yes.

3 Q. And that's your final answer?

4 A. Yes, that's my final answer. I had forgotten.

12:20:52 5 Q. Now Mr Saffa, the other man, how long after you first spoke
6 to Eddie in Kailahun did you meet with him?

7 A. I had met with him for about three times now when I used to
8 come to Freetown.

9 Q. No, maybe it's my fault and I need to put the question more
12:21:24 10 clearly. There comes a time in the rainy season in 1996 when
11 Eddie Murphy comes to see you?

12 PRESIDING JUDGE: 2006.

13 MR GRIFFITHS:

14 Q. 2006, sorry, when Eddie Murphy comes to see you and tells
12:21:44 15 you, "My friend, Mr Saffa, wants to speak to you". Do we agree
16 on that?

17 A. Yes, after he - yes.

18 Q. Now, tell me, how long after that event was it that you
19 first met Mr Saffa?

12:22:06 20 A. About four days.

21 Q. And when you met Mr Saffa about four days later, what did
22 you speak to him about?

23 A. When I met Mr Saffa - because we used to communicate right
24 up to the time I went to Freetown that I had been invited to give
12:22:41 25 testimony, so he sent me to Chris and Kolot and I --

26 Q. Let me try my question again. When you spoke to Mr Saffa
27 on that first occasion, four days after you spoke to Eddie, what
28 did you speak to Mr Saffa about?

29 A. Before I even went to Freetown, Eddie gave me Mr Saffa's

1 number and I called him and the two of us spoke and he said they
2 would want me to come to Freetown to - for statement to be
3 obtained from me.

12:23:33 4 Q. Oh, so you'd got a phone by then, had you? You earlier
5 told us you didn't have one, which is why you hadn't been in
6 touch with your former colleagues. When did you get that phone?

7 A. No, no, no, no, that's not what I said. I said Eddie
8 Murphy who met me did not have a phone, not me. I had a phone.
9 Eddie Murphy hadn't a phone, not me.

12:23:55 10 Q. So you had a phone all along, did you?

11 A. Yes.

12 Q. Right.

13 A. Yes.

14 Q. That aside, let's get back to my question. You meet with
12:24:09 15 Eddie Murphy and thereafter you telephone Mr Saffa. Taking
16 things slowly, in that telephone conversation what did you speak
17 to Mr Saffa about?

18 A. I asked Mr Saffa and told him that Murphy met me. I asked
19 him if he was the one who had sent Murphy to me and he said,
12:24:44 20 "Yes". He said I was to travel to Freetown and I said, "How
21 would I do that?" He said I should pay my way and when I get
22 there my money will be refunded, so he told me to travel on
23 Monday.

24 Q. Now I've been helpfully assisted by my learned colleague,
12:25:04 25 Mr Munyard. Page 61, line 13, answer from you, "Well, from that
26 time that Eddie made that contact we've not seen each other yet.
27 He told me about going to Liberia and since then we've not
28 contacted each other. The time he went to me, I hadn't a phone
29 that I could have even taken his number"?

1 A. No, no, no, no.

2 Q. That is what --

3 A. No, no, no, no.

4 Q. No, "I hadn't a phone at that time". You said it twice.

12:25:53 5 A. No, no, no, no, no, that area you did not understand. You
6 did not get it clearly. I had a phone personally. Even before I
7 joined the Special Court, I had a phone of my own. I did not say
8 myself. I said Eddie Murphy did not have a phone, so I couldn't
9 have had a number from him because he hadn't a phone. I had a
12:26:15 10 phone. How did I talk to Mr Saffa? I had a phone.

11 Q. Please understand I'm merely reading from what the
12 transcriber behind one of these windows has dutifully written
13 down as you having said no more than perhaps three minutes ago --

14 A. No, no.

12:26:43 15 JUDGE LUSSICK: Now listen to the question, please,
16 Mr Witness, and just for your own information I heard you say
17 exactly what counsel put to you.

18 MR GRIFFITHS:

19 Q. So my question is --

12:26:58 20 A. No.

21 Q. -- why did you tell us three minutes ago that you didn't
22 have a phone and now you tell us that you did? Why is that?

23 A. The way I responded to that question, that was not the way
24 you understood it. I said I should have - if we were to
12:27:18 25 communicate I should have had his phone number, but he hadn't a
26 phone at that number. It was Murphy who hadn't a phone. I had a
27 phone. Eddie Murphy didn't have a phone when he went to me when
28 he was sent. It was only Mr Saffa's phone number that was given
29 to him written on a paper when he went to me so I was able to

1 talk to Mr Saffa. Murphy was the one who hadn't a phone, not me.

2 Q. Are you saying that you didn't tell us no more than three
3 minutes ago that you didn't have a phone?

12:27:54

4 A. I did not say that. I did not say that. It was Murphy I
5 was referring to.

6 Q. Very well, let's move on. And remember I am still trying
7 to understand what it was that happened in these conversations.
8 So the first time you speak to Mr Saffa it's on the phone, is
9 that right?

12:28:20

10 A. That is what I have explained.

11 Q. And in that conversation if I understand your evidence
12 correctly you were merely discussing travel arrangements as to
13 how to get from Kailahun to Freetown, am I right?

14 A. Yes.

12:28:43

15 Q. And were there further telephone conversations with
16 Mr Saffa before you eventually saw him with your own eyes?

17 A. Yes.

18 Q. How many more telephone conversations?

12:29:07

19 A. When I arrived in Freetown that was the last conversation
20 that I had with him. When I arrived in Freetown I was at the
21 Eastern Police and I called and I said I had arrived, I was in
22 Freetown and they were to pick me up because that was the
23 arrangement.

24 Q. And so he picked you up and you go to --

12:29:21

25 A. Yes, yes.

26 Q. And you've told us earlier that you first met him about
27 four days after you first spoke to Eddie Murphy, is that right?

28 A. Yes.

29 Q. And when on that occasion you met him, you met him on the

1 premises of the Special Court in Freetown, did you?

2 A. Yes, in the Special Court compound. That was where I met
3 him.

4 Q. And for how long did that meeting go on for?

12:29:58 5 A. When we met I just reported to him that I had arrived, that
6 Murphy met me and had discussed with me what they had sent to me
7 for. So he took me to Chris and Chuck, so I met them for a
8 statement to be obtained from me.

9 Q. And this was happening four days after you spoke to Eddie
12:30:29 10 Murphy in 1996, was it?

11 PRESIDING JUDGE: Again, 2006.

12 MR GRIFFITHS: Why do I keep saying that:

13 Q. This happened four days after you first met Eddie Murphy in
14 2006, right?

12:30:44 15 A. Yes, after the four days.

16 Q. Now those two men, Chris and Chuck, can you help us with
17 their surnames?

18 A. Yes, Chris Morris and Chuck Kolot.

19 Q. Are they both investigators for the Prosecution?

12:31:16 20 A. Yes, that was what I saw written against their names.

21 Q. And on that first occasion that you met them you were
22 interviewed by them, were you?

23 A. Yes.

24 Q. For how long?

12:31:36 25 A. I don't recall the number of days now that I spent with
26 them.

27 Q. But you spent several days with them on that occasion, did
28 you?

29 A. Yes.

1 Q. And this was in 2006 - I've finally got it right - is that
2 right?

3 A. Yes.

12:32:11

4 MR GRIFFITHS: At this point, Madam President, I'd like,
5 please, to hand out some bundles:

6 Q. Now before we look at those documents - and if you could
7 remain there for a moment, Madam Court Manager - over those
8 several days that you spoke to Chris and Chuck no doubt they were
9 asking you about your time within the RUF, is that right?

12:33:49

10 A. Yes.

11 Q. And you gave them an account as to what you were doing over
12 those many years that you spent as a member of the RUF?

13 A. Yes.

12:34:09

14 Q. And whilst you were talking to them, no doubt normal
15 procedure one would expect, it was all being written down?

16 A. Yes.

12:34:45

17 Q. Could you look, please, behind the first tab. Now, you
18 see, the reason I've been quite assiduous in asking you about the
19 date is this. The very first disclosed document to us on this
20 side of the Court is dated 2 February 2007. Now, according to
21 you for several days in 2006 you were speaking to the Prosecutors
22 and they were writing it down. That's right, isn't it?

23 A. Yes.

12:35:12

24 Q. Have you any idea what was happened to the records of those
25 lengthy discussions held with you in 2006? Do you have any idea?

26 A. It could be that I forgot the year that this took place,
27 because at that time they were the only people I got in touch
28 with. I did not get in touch with any other person. The very
29 first people, because afterwards I have met with so many other

1 lawyers, but I think I forgot the year.

2 Q. No, you told us, "I met with Eddie Murphy in the rainy
3 season in 2006. Four days later I met with Mr Saffa and he took
4 me to see Chris and Chuck and I spent several days with them".

12:36:04 5 Now, what I want to ask you is this. Have you any idea what
6 happened to the records of those interviews?

7 A. I said it's a mistake regarding the year, but the interview
8 that I was interviewed is this one that I am seeing now in front
9 of me.

12:36:31 10 Q. Well, is it?

11 A. The one that I can see now on the monitor, on the screen.

12 Q. Now did there come a time, for example when you met
13 according to this document on 2 February 2007, when you were
14 asked to go over what you'd already said to them in the rainy

12:36:59 15 season in 2006? Was there ever such an event?

16 A. Yes, the statement that was obtained from me, I went
17 through it.

18 Q. No, were you asked to go through in February 2007 the
19 interviews conducted with you in the rainy season in 2006? Were
12:37:31 20 you ever asked to do that?

21 MR SANTORA: Objection. The witness is on the record at
22 this point looking at this document and saying that the
23 interviews he was referring to or reflected on this document. He
24 is already on the record as saying maybe he had the wrong date,
12:37:50 25 so I believe it's a misleading question, your Honour.

26 MR GRIFFITHS: Not misleading at all, as my learned friend
27 will find out in just a moment.

28 PRESIDING JUDGE: No, it's a different aspect of the
29 question. The question can be put.

1 MR GRIFFITHS:

2 Q. Were you asked in February to clarify any - February 2007
3 to clarify any earlier interviews?

4 A. They gave me a document. The interview that I had with
12:38:28 5 them they gave me a document to clarify it, to go through it.

6 Q. And this was on 2 February when you first met them, was it,
7 according to you?

8 A. I said the date or month I cannot recall that now, even the
9 year, but the statement that I know was obtained from me is this
12:38:59 10 one that I can see in front of me now.

11 Q. Very well. Help me then with this. I was not minded to
12 ask about money, but in light of your answers I'm going to ask
13 that this document be put up on the screen, which I haven't
14 copied for the bundles and unfortunately it's marked but not in a
12:39:17 15 way which should cause offence to anyone. Can we have it up on
16 the screen, please. Now, if you look, the very first entry on
17 that document for Friday 2nd February says, "Monies for meals and
18 transport for three days clarification". Now, if according to
19 this interview this was the first interview you gave on 2
12:40:05 20 February, what were you clarifying on the same day? Do you
21 follow me?

22 A. Repeat that question.

23 Q. According to the document on the screen you were being paid
24 monies on 2 February, a Friday, to clarify interviews. Now you
12:40:37 25 can only be clarifying something which has happened already, like
26 in the rainy season in 2006. Now, according to you, the other
27 document that's in front of you was the first interview you gave.
28 Now help me, if all of that is right what were you clarifying on
29 that first occasion?

1 A. When I came the statement that was obtained was put in
2 front of me. When I - when they completed obtaining the
3 statement from me they asked me to go through it. After I went
4 through it, it was the three days that I spent there, they
12:41:30 5 brought the receipt and the money that they were to give to me
6 and I signed for it.

7 Q. Yes, you still haven't answered my question. Let me put
8 you in the picture. The document on the screen is a record of
9 monies paid to you during the time that you were in contact with
12:41:55 10 the Office of the Prosecution. Now according to this document,
11 on 2 February 2007, an important date, you received 70,000 in
12 local currency for clarification. Do you see that?

13 A. Yes.

14 Q. Secondly, do you recall receiving that money?

12:42:25 15 A. The 70,000 leones, I received it.

16 Q. What for?

17 A. The transport fare that I had paid to come and they said
18 while I was there they were to give me 16,000 leones every day,
19 so that was what was summed up and given to me.

12:42:48 20 Q. But you will note that under number 1 on that page there is
21 set out a reason why you've been paid that money and according to
22 the reason given on that date "Monies for meals and transport for
23 three days clarification." Do you understand what the word
24 "clarification" means?

12:43:21 25 A. Yes.

26 Q. What does it mean?

27 A. That is if you and somebody - or somebody has written,
28 you've made somebody to write, or you yourself have written
29 something and there are some mistakes, you'll come to correct

1 them.

2 Q. So it means, doesn't it, that you must first have written
3 something and then afterwards you're clarifying it? That's
4 logical, isn't it?

12:43:52 5 A. Yes.

6 Q. Now, you're telling us now that the record you see in front
7 of you in that file dated 2 February, interview with, your name,
8 that this is the first interview you had. Now, you've already
9 told us that in the rainy season in 2006 you were interviewed
10 then. Now, do you understand if you'd been interviewed in the
11 rainy season in 2006 it would make sense for you to be paid
12 clarification - for clarification in February 2007. You do
13 follow that, don't you?

14 A. Yes, I follow that. The reason why I said it was in the
12:44:46 15 rainy season was that the very day I arrived in Freetown, that
16 morning it was raining heavily.

17 Q. In February?

18 A. Yes, that very morning that I entered Freetown it rained
19 heavily.

12:45:03 20 Q. Now when you told me earlier that you'd met Eddie Murphy in
21 the rainy season in 2006, do you want to change that now?

22 A. That was not correct. It's not correct. I have forgotten
23 the time now. It has taken a long time.

24 Q. So help me and help us. When was it that you now say you
12:45:38 25 first met Eddie Murphy? When was it?

26 A. That could have been in 2007, because it's according to
27 this document and my signature is there and so it should be 2007.

28 Q. Now, help me. The rainy season starts round about
29 August/September, doesn't it?

1 A. Yes.

2 MR GRIFFITHS: I may have been given some duff information,
3 Madam President, and I won't disclose the source. Let me ask --

12:46:35

4 PRESIDING JUDGE: Freetown was mentioned and not in my
5 experience in Freetown, that's all I'll say.

6 MR GRIFFITHS:

7 Q. Now, would you agree that the rainy season is normally from
8 about April through to September?

12:47:01

9 A. I know about that, but seasons are liable to changes. But
10 I am saying and I took an oath on the Koran here and I swear to
11 God that that particular day I entered Freetown it rained heavily
12 that particular morning.

13 Q. So the rainy season might have started a few months early
14 in 2007, is that what you're telling us?

12:47:26

15 A. I wouldn't want to say that, but that particular day was a
16 rainy day. It was a rainy day.

17 Q. So do you also now want to change what you told us earlier
18 that it was four days after you first spoke to Eddie Murphy that
19 you first met with these investigators?

12:47:50

20 A. I met with Eddie Murphy and in four days' time I left for
21 Freetown, but the time, the date, or the year I did not keep that
22 in mind at all.

23 Q. But it was four days, was it?

24 A. Yes, four days before I left.

12:48:17

25 Q. So it follows then, on the account you're now giving us,
26 that you would have met Eddie Murphy some time round the end of
27 January 2007, is that right?

28 A. I did not get you clearly.

29 Q. You've told us it was four days after you met Eddie Murphy

1 that you first met with Chris and Chuck and you're now saying
2 that first meeting was on 2 February. It therefore follows that
3 you saw Eddie Murphy late January 2007. That's right, isn't it?

4 A. That would not be correct. That should be late January.

12:49:27 5 Late January.

6 Q. Okay, well late January then 2007. So it means then,
7 doesn't it, that you were in contact with a former comrade and
8 colleague just last year? That's right, isn't it?

9 A. Yes.

12:50:04 10 Q. And again I ask, given that it was only last year, how did
11 you manage to forget it when I asked when was the last time you
12 were in contact with your comrades? How did you manage to forget
13 something that just happened last year?

14 A. That was not the issue that I was trying to point to
12:50:45 15 according to my understanding. My understanding is - my
16 understanding is about frequency, whether I used to meet with
17 them frequently, and that man at the time he met me up to this
18 moment I have not been able to set eyes on him. I have taken an
19 oath here.

12:51:13 20 Q. Very well. Please leave that document on the screen, but
21 would you now place this interview in front of you. I just want
22 you to look at the details on that first page. Do you see your
23 name?

24 A. Yes.

12:51:39 25 Q. Do you see the date?

26 A. Yes.

27 Q. Do you see where that interview took place?

28 A. Yes.

29 Q. Do you see the names of those who interviewed you?

1 A. Yes.

2 Q. Can you just quickly read to yourself the contents of that
3 first page. Just quickly. Skim it. Have you had an opportunity
4 of familiarising yourself with the contents of that page?

12:53:20 5 A. A little bit.

6 Q. Well, let me ask you a simple question. Do you recognise
7 that document?

8 A. Yes.

9 Q. What is that document?

12:53:36 10 A. This was the statement that I gave to Chuck and Chris
11 Morris.

12 Q. Can we put that statement back in the file now, please, and
13 close it. Are you now saying that this is the first statement
14 that you gave?

12:54:01 15 A. Yes.

16 Q. I'm going to ask you one final time. Why did you tell us
17 earlier that the first time you met them was in the rainy season
18 of 2006?

19 A. I forgot the year and the date, but this was the first
12:54:27 20 document.

21 Q. And finally can you help us, please, why on the document on
22 the screen - and I won't go through the logic again - you were
23 being asked to clarify not only on the 2nd but also on 3 February
24 2007 when if what you're now telling us is true you didn't have a
12:55:03 25 single thing to clarify because you hadn't spoken to them before?

26 Can you help us to understand that? Can you help us?

27 A. To understand what?

28 Q. Why the word "clarification" is used on two occasions on 2
29 and 3 February when, according to what you've now told us, you

1 didn't have a thing to clarify? Why were you being paid for
2 that, can you help us?

3 A. When they took the statement from me, they gave it to me to
4 go through it. They gave it to me to go through it.

12:56:02 5 Q. You see, if we can just refer once more to the folder. My
6 apologies, Madam Court Manager, for having you go backwards and
7 forwards, behind divider 2 in that folder we will see a further
8 interview dated 8, 9 and 10 October 2007. Now this is a
9 clarification interview and what you're being asked to clarify

12:56:41 10 here is the earlier interview that I showed you dated 2 February,
11 because if you just glance at the numbers down the left-hand side
12 of the page, ERN 00026626, and we go back to behind divider 1,
13 that's the second page of the first interview. So the first time
14 you're interviewed is in February 2007 and that interview is

12:57:20 15 clarified in October 2007. So I'm going to ask you for one final
16 time what were you clarifying in February 2007? What were you
17 clarifying then?

18 A. The statement I gave to them was given to me, they said I
19 should go through it. So I read it. They asked whether there
12:57:51 20 were problems detected, but at that time I said no. I told them
21 no, there wasn't any problem. So if at all they spoke about any
22 clarification that I did that was it.

23 MR GRIFFITHS: Can we again replace that page, please,
24 Madam Court Manager and close that file. Can we just bring the
12:58:23 25 document up on the screen slightly so that we can see the third
26 entry:

27 Q. Now the third entry on this page says this, 7 February
28 2007, "for losses incurred in business while involved in prepping
29 between 1 and 7 February 2007." Now just so that we all

1 understand, prepping is a novel process to me coming from where I
2 do. It involves a lawyer sitting down with a potential witness
3 and preparing them to give evidence. Now according to this you
4 were being prepped in February 2007. But hold on, you'd only
12:59:40 5 just given a statement on the 2nd. What were you being prepped
6 for on the 7th? Can you help us?

7 A. What they referred to as prepping here, I think - the
8 document that I signed, this was not there. The document I
9 signed, what it had was lost wages. Lost wages. So if they had
13:00:13 10 put something here called prepping and the document you see in
11 front of me here it hasn't got my signature, and the one that I
12 know about was lost wages and not prepping.

13 Q. But given the explanation I've provided as to what prepping
14 is, surely you could only be prepped in February if you'd already
13:00:39 15 provided information perhaps in the rainy season in 2006. That's
16 the only reason you'd be prepped in February. So can you offer
17 us any explanation as to why you were clarifying and being
18 prepped in February when according to you it's the very first
19 time you spoke to the investigators. Can you help us?

13:01:10 20 A. In terms of prepping regarding this document I would say
21 it's a surprising thing to me. That was why I said the document
22 that bears my signature regarding lost wages has not got anything
23 like prepping. If they are saying that they prepped me, I would
24 want to say that it is only when I arrived here that they told me
13:01:48 25 about something like prepping. But at the time I went there when
26 they called me when they obtained statement from me they
27 interviewed me again to cross-check whether what I said was the
28 truth or what I meant. But the document that I signed for did
29 not bear anything like that prepping.

1 Q. Help me then with this: You do understand what prepping
2 means, don't you?

3 A. Yes, I now understand what it means by prepping.

4 Q. As far as you are aware were you prepped in February 2007?

13:02:35 5 A. No, no.

6 Q. Have you got any explanation that you can provide to us why
7 this record suggests that you were being paid for prepping in
8 February 2007?

9 A. The English that is written in front of me here, with my
13:03:00 10 understanding it said "losses incurred during business", the time
11 that I was supposed to have been doing my business. They did not
12 pay me for prepping. They paid me for my lost wages, the monies
13 that I would have accrued during my business.

14 Q. I do not dispute that the document says you were being paid
13:03:29 15 for lost wages. That's the fact of what you received. What I'm
16 asking about is the reason why you received that and according to
17 this document you got it for prepping, but you're now telling us,
18 "I was not prepped in February". That's right, isn't it?

19 A. It is correct. They did not prep me in February. They did
13:03:56 20 not prep me in February. When I came they obtained statement
21 from me, after which they gave it to me to go through it. That
22 was how I took that time with them.

23 Q. So based on what you're telling us now this document is
24 totally misleading because you were not clarifying anything and
13:04:20 25 you were not prepping anything or you were not being prepped in
26 February 2007. So this document is completely wrong, isn't it?

27 A. This particular document I see in front of me is not
28 correct. I did not take any prepping in February.

29 MR GRIFFITHS: Can we remove that document from the screen

1 now please and can I have it back. What I'll ensure, Madam
2 President - I had not intended to ask any questions about this
3 document but I will try to ensure that copies are available for
4 the Court and my learned friends by after the luncheon
13:05:06 5 adjournment.

6 PRESIDING JUDGE: Thank you, Mr Griffiths.

7 MR GRIFFITHS:

8 Q. So the position now is: "The first time I spoke to
9 investigators was February 2007". That's what we should accept
13:05:33 10 now, is it?

11 A. Yes.

12 Q. Now at page 49, line 20 of today's transcript you told us
13 that your name was at immigration. Can you explain to us what
14 you mean by that?

13:05:54 15 A. Yes. After the disarmament I was in Kono and so at one
16 point in time a friend of mine with whom we were all with Issa
17 called Alhaji, but he, Alhaji, was a brother of Issa, they were
18 in Freetown with Issa. At one time Issa Sesay was to have
19 travelled to Nigeria, so they went to immigration to obtain
13:06:24 20 passports. He said when we went there that was where he met my
21 name - he saw my name and at one point in time they came to Kono,
22 he met me there and he disclosed to me that at the time they went
23 to immigration they were trying to let Master go to Nigeria, that
24 is Issa, to go to Nigeria. He told me that my name was amongst
13:06:45 25 the list that had been made in Freetown. I asked him where, he
26 said at immigration, he said the time they went there to obtain
27 passport for Issa. So I said, "Ah, so we are now part - all of
28 us are now part of this thing".

29 JUDGE SEBUTINDE: Please slow down your testimony, okay.

1 It's being recorded. Remember to talk slowly.

2 THE WITNESS: Okay.

3 JUDGE SEBUTINDE: Continue.

4 THE WITNESS: So that was where the discussion stopped. I
13:07:11 5 told him, I said, "Well, if that is the case we are still on
6 standby, maybe the day will come when we too will be arrested."
7 But during that time I was still in Kono and later I left there,
8 I went to Kailahun.

9 MR GRIFFITHS:

13:07:27 10 Q. If we go to page 49 what you actually said to us was this -
11 I asked a question you had told us that there were two reasons
12 why you had decided to speak to the Office of the Prosecution and
13 to testify and your answer was this - page 50, I gave a wrong
14 reference, line 21:

13:07:51 15 "The person who met me" - Eddie Murphy we now know - "gave
16 me confidence because my name had already been at the immigration
17 that I shouldn't travel out of Sierra Leone. It was my friend
18 who went and informed me, so I had known that they were going to
19 arrest me."

13:08:11 20 Now who told you that they were going to arrest you?

21 A. He, Alhaji. He said they told him that we shouldn't leave
22 the country and if you had been banned from leaving the country
23 it meant that you would be arrested at any time and when at a
24 point in time Issa just came from a meeting on his return they
13:08:33 25 said they were not going to arrest him, but one day we heard that
26 he's been arrested. So we too were now ready for it. We thought
27 it will happen to us at any time.

28 Q. When did you have this conversation with Alhaji?

29 A. I had this conversation with Alhaji in 2003. At that time

1 we had just disarmed and we were in Kono. I had not yet left
2 Kono.

13:09:12 3 Q. And so up until you spoke to Eddie Murphy, now you tell us
4 in 2007, January, you were living with the concern that if you
5 tried to leave the country you would be arrested. You were
6 living with that concern, were you?

7 A. If I was to leave Sierra Leone I had that concern, because
8 I regarded my position as a minor position at the time, but if
9 the government of the day had taken down my name and they had
13:09:39 10 started arresting some other people who were with us, I thought
11 something must have been wrong somewhere.

12 Q. Now can you help us with this: Did you ask yourself, "Why
13 is my name on that list"?

14 A. Yes. My answer is that it was because I was a commander.
13:10:07 15 That was the reason.

16 Q. So can I take it from your answer that you lived with a
17 concern that you might be arrested and prosecuted for your role
18 in the RUF over those years?

19 A. Yes.

13:10:30 20 Q. For what offence?

21 A. The government should have come up with their charges
22 against me, because I did not know whether I did anything wrong
23 because I was just a radio operator, so I did not know what they
24 were going to charge me for because I was an ordinary radio
13:10:57 25 operator.

26 Q. But had you, for example, during the years you were with
27 the RUF - had you killed anyone?

28 A. I did not kill anybody. I did not kill anybody. I did not
29 even stay long at the battle front. I was an operator.

1 Q. Did you, for example, burn down anyone's house?

2 A. Burning of houses, yes, I did that one.

3 Q. Where?

4 A. At Tiehun.

13:11:38 5 Q. Could you spell that for us?

6 A. The name is a queer one.

7 Q. Can you just try? We might be able to correct it later.

8 A. T-I-E-H-U-N. Tiehun.

9 Q. Why had you burnt someone's house in Tiehun?

13:12:20 10 A. At the time we went to Zogoda, by then Pa Sankoh was there.

11 He said at any time we got to the villages or the towns of

12 politicians we should burn down their homes and that particular

13 place was Maada Bio's home town.

14 Q. So it was Foday Sankoh who ordered you to do it?

13:12:51 15 A. Yes.

16 Q. And you did it willingly, did you?

17 A. I did it. It was an order.

18 Q. My question's quite different. Did you do it willingly?

19 A. I did not do it willingly, but it was an order. I ought to

13:13:16 20 do it.

21 Q. And how many houses did you burn down?

22 A. It was a single house. Just one.

23 Q. Help us with a date. When did you do this?

24 A. I do not recall the date now, but that was the time the RUF

13:13:42 25 was in Matru Jong.

26 Q. In where?

27 A. Matru Jong. Matru Jong.

28 Q. Sorry to trouble you again, Mr Witness, but could you try a

29 spelling for us, please?

1 A. Matru --

2 JUDGE SEBUTINDE: It's correctly spelled.

3 MR GRIFFITHS: Thank you:

4 Q. And just roughly what year was that?

13:14:14 5 A. I will say '94.

6 Q. That's good enough for me. And tell me, did you feel any
7 remorse about doing that?

8 A. Yes, because when that happened when I came back to
9 Kailahun later I saw that my own place had been burnt down, so I
10 regretted it seriously.

13:14:44

11 Q. Now help me, because I'm still trying to explore the
12 concerns about arrest that you had. During your years within the
13 RUF, did you ever commit that most heinous crime of rape?

14 A. No, no, because if I had committed that the RUF movement
15 would have arrested me and dealt with me because there were
16 serious penalties put aside for that.

13:15:18

17 Q. Who established those penalties for rape?

18 A. Foday Sankoh.

19 Q. And what were the penalties for rape?

13:15:37

20 A. Within the RUF, the penalty that Pa Sankoh spoke about was
21 that when somebody raped you should be killed and the commander
22 in charge should kill that person. That is after investigating
23 the person and, if the person was found guilty, he should be
24 killed.

13:16:06

25 Q. And was that the principle by which the RUF operated
26 throughout that conflict in Sierra Leone?

27 A. That was the principle that we were told about, but it did
28 not work because just like I had started saying on Friday, or
29 this morning, I told you that the ideologies that they brought to

1 us, they themselves did not work by them. The idea of rape and
2 the penalty against it, it did not work at all. Maybe someone
3 would have been hard lucky, maybe when they person did it he
4 would be killed, but not in all cases.

13:17:02 5 Q. So as far as I understand your evidence, by the time of
6 disarmament the thing that you had done in your mind was - and
7 the only thing was perhaps burning down those houses in Tiehun.
8 Burning down the house in Tiehun, I'm grateful.

9 A. That was the only crime that I recall that since I was in
13:17:42 10 that movement I did.

11 Q. So when you were fearful of being arrested you were fearful
12 of being arrested for burning down one house?

13 A. Yes, it's a crime. One would be arrested for that. It's a
14 crime.

13:18:03 15 Q. And so were you of the view that, "The reason why I might
16 be unable to get a passport is because I'd burnt down that
17 house"? Was that what you were thinking?

18 A. I thought about it that way and also I thought about it the
19 other way round, that since I was an overall commander they will
13:18:33 20 have questions to be asked of me regarding the war.

21 Q. Who would?

22 A. The government of the day, the SLPP government at that
23 time.

24 Q. And did the SLPP government ever send policemen, or
13:18:51 25 soldiers, to arrest you?

26 A. No.

27 Q. Now leading on from that topic - and I'll link it to
28 another issue in due course - when you met with Pa Sankoh the
29 ideology was that the Momoh government was corrupt and the RUF

1 were leading a revolution to overthrow it, do you agree?

2 A. Yes.

3 Q. Was the Momoh government corrupt, in your view?

4 A. What I knew at that time was that the country was

13:20:05 5 difficult. Things were difficult in the country.

6 Q. Let me try my question again. Was the government corrupt?

7 A. At that time I did not have ideas about corruption, about

8 what was corruption or what the thing was. What I knew was that

9 the government had caused inflation in the country and that was a

13:20:33 10 concern to all Sierra Leoneans.

11 Q. Help me - and I don't seek to embarrass you - you're now in

12 your 40s, aren't you?

13 A. Yes.

14 Q. At the time when you joined the RUF you were in your

13:20:56 15 mid-20s, weren't you?

16 A. Yes.

17 Q. You had had a degree of education, hadn't you?

18 A. Yes. Yes, I went to school up to Form 5.

19 Q. You could read and write?

13:21:17 20 A. Yes.

21 Q. Indeed, you told us in an earlier life you were a school

22 teacher?

23 A. Yes.

24 Q. So compared with the vast majority of your fellow Sierra

13:21:33 25 Leoneans in 1991/'92 you were in a position to assess the merits

26 of the Momoh government, weren't you?

27 A. In those days all of those things came out of politics and

28 I was not a politician. I was not in government. But what

29 disturbed us was things that were stiff in the country, that the

1 country was difficult, but I did not have the idea to analyse
2 whether the government was a corrupt one, or it wasn't.

13:22:41 3 Q. Let me put my question differently. When Pa Sankoh said
4 the Momoh government is corrupt, did you question in your mind,
5 "What's Pa Sankoh saying?" Did you do that?

6 A. At that time what they referred to as corruption, we did
7 not have much knowledge about it. The only knowledge we had at
8 that time was that the country was difficult. That was our
9 knowledge, actually.

13:23:07 10 Q. Did you accept what Pa Sankoh said when he described the
11 government as corrupt? Did you agree with it?

12 A. With regards the government being corrupt I said to my
13 knowledge I did not analyse anything about the government being
14 corrupt or not, but the way we look at things our perception
13:23:40 15 about things at that time was that the country was difficult, but
16 the thing that was called corruption we did not know about it.
17 We did not have knowledge about that because we were not
18 politicians, so all I knew was that the country was difficult and
19 as somebody who went up to Form 5, I --

13:24:13 20 Q. I'm waiting for that sentence to be finished.

21 PRESIDING JUDGE: Mr Interpreter, did you break off the
22 sentence, or did the witness break off the sentence?

23 THE INTERPRETER: He broke off.

24 PRESIDING JUDGE: I see. Mr Witness, you didn't finish the
13:24:28 25 bit of your answer when you said "... and as somebody who went up
26 to Form 5 --", we didn't hear the rest of that sentence.

27 THE WITNESS: Somebody who went up to Form 5, that didn't
28 mean that he was that much educated at all and I am talking about
29 myself at that time. The only thing some of us hoped ever for

1 was our survival, our bare survival. Whether the government was
2 this, or the government was that, we were all crying at that time
3 that the country was stiff and that the government had caused
4 inflation, but by then we were not politicians and some of us
13:25:17 5 were not close to the politicians either and so we did not even
6 think about that.

7 MR GRIFFITHS:

8 Q. Very well, I'll move on from your political experience and
9 ask you a direct question. When Pa Sankoh told you, "I am going
13:25:34 10 to overthrow this government", did you agree that the government
11 deserved to be overthrown?

12 A. Yes.

13 Q. Why?

14 A. Because the prices of things in the country were sky
13:26:01 15 rocketing, so that was the idea of the vast majority in the
16 country. They said the APC government should move out of power.

17 Q. So when Pa Sankoh said that, did it give you hope?

18 A. Yes, the hope that it gave to us was that he said they were
19 going to fight the war in three months and after the three months
13:26:26 20 everybody would go back to his or her own place and you sit there
21 and enjoy. So that was the hope.

22 Q. And given that you were given such hope, no doubt you
23 joined the RUF voluntarily?

24 A. Mr Lawyer, the questions - your questions, I did not join
13:27:02 25 the RUF willingly, because the type of people who came, I
26 personally did not even expect those sort of people to take me to
27 a base to be trained. We thought they were going to fight their
28 war in three months and we were civilians by then, but when they
29 came they captured us, they said we should go, so we had no

1 option but to go with them.

2 Q. So despite the fact that you felt that degree of hope you
3 nonetheless were reluctant to join the RUF?

13:27:55

4 A. Not at all. I was not willing. I was not willing to join
5 the RUF.

6 Q. But did you in due course at any stage become committed to
7 the revolution which Pa Sankoh thought he had launched? Did you
8 ever become committed to that?

13:28:24

9 A. Why not, because I was going by an order. I did not do
10 things on my own. Whatever Pa Sankoh said we should do was what
11 I did because I was under his command.

12 Q. So you became committed to the revolution, did you?

13 A. Yes.

13:28:46

14 Q. And did you remain committed to the revolution until
15 disarmament?

16 A. I remained committed to the revolution up to disarmament.

17 Q. Even after you became aware that it was actually a corrupt
18 movement?

19 A. Yes, because we hadn't anywhere else to go to.

13:29:13

20 MR GRIFFITHS: Would that be a convenient time, Madam
21 President.

22 PRESIDING JUDGE: Indeed, Mr Griffiths, that would be a
23 good time to take our lunchtime adjournment. Mr Witness, we are
24 now going to take the lunchtime adjournment. We will resume
25 court in one hour. Please adjourn court until 2.30.

13:29:28

26 [Lunch break taken at 1.30 p.m.]

27 [Upon resuming at 2.30 p.m.]

28 PRESIDING JUDGE: Mr Griffiths, before you proceed on with
29 your cross-examination I understand we have some new interpreters

1 to be sworn in. If they can be brought into the well of the
2 Court, please. Good afternoon, gentlemen.

3 [Interpreters sworn]

4 Thank you very much and we will look forward to working
14:32:51 5 with you in the next few months. Yes, Mr Griffiths, please
6 proceed. Sorry, Mr Santora, you are on your feet.

7 MR SANTORA: Just one small note on appearance that
8 Ms Howarth has left the Prosecution bench.

9 PRESIDING JUDGE: Indeed. Sorry, I omitted to note that.
14:33:25 10 Thank you, Mr Santora.

11 MR GRIFFITHS: There are no changes on this side of the
12 Court, Madam President, your Honours.

13 Before we proceed further, I promised that I would have
14 that document available for after the luncheon adjournment. Can
14:33:38 15 I hand that out now, please:

16 Q. Before we broke for lunch I was asking you about your
17 commitment to the revolution and you informed us that you had
18 remained committed to the revolution until disarmament. Do you
19 recall that?

14:35:30 20 A. Yes.

21 Q. Now, did you remain committed despite the corruption of the
22 movement?

23 A. Yes.

24 Q. Because we all noted that last week during the course of
14:35:59 25 your evidence-in-chief you became very upset, didn't you,
26 Mr Kabbah, on a couple of occasions?

27 A. Yes, yes.

28 Q. Firstly when you were being asked about the killing of 60
29 Kamajors. Do you recall becoming upset then?

1 A. Yes.

2 Q. And also when you were being asked about your arrest and
3 detention in a pit for a week. Do you recall being upset then?

4 A. Yes.

14:36:44 5 Q. Both events touched you deeply emotionally, didn't they?

6 A. Yes.

7 Q. The first instance involving those 60 Kamajors, you feel a
8 degree of guilt about that incident, don't you?

9 A. Guilty in what sense? What do you mean?

14:37:13 10 Q. Guilt in the sense that you stood by and did nothing about
11 it.

12 A. Yes, I was there. I did not do anything and I couldn't do
13 anything.

14 Q. And you feel guilty about that, don't you?

14:37:34 15 A. Yes, because there was no way for me to say anything.

16 Q. And it is something that has weighed on your conscience
17 since that event took place, hasn't it, Mr Kabbah?

18 A. Yes.

19 Q. You have had difficulty coming to terms with the fact that
14:37:58 20 you stood there and watched it happen?

21 A. Yes.

22 Q. Likewise - and help me please before I move on, can you
23 give us a date when that event took place?

24 A. I cannot say the date now, but I will say it happened from
14:38:36 25 - let me say February to March when ECOMOG pushed us out of
26 Freetown and the other areas that we occupied, places like
27 Kenema, Daru and other areas.

28 Q. And that was in 1998, wasn't it?

29 A. Yes.

1 Q. Now, let's move on to the second event which caused you so
2 much emotional pain. In which year were you arrested?

3 A. That was close to I would say late 1998.

14:39:49 4 Q. And just so that we can get a sense of the horror you must
5 have felt at that experience, you were put in a hole in the
6 ground, weren't you?

7 A. Yes.

8 Q. In a situation of total darkness, is that right?

9 A. Yes.

14:40:19 10 Q. During the week that you spent in that hole in the ground
11 did you see any light at all?

12 A. The only day I saw light was the day we were taken out and
13 we were tortured.

14 Q. It must have felt as if you had been buried alive, wouldn't
14:40:46 15 you agree?

16 A. Yes, because where I was it was locked. It was not an open
17 place.

18 Q. And this was being done to you by members of a movement you
19 had served by then for something like six years, am I right?

14:41:15 20 A. Yes.

21 Q. So comrades with whom you had fought shoulder to shoulder
22 for six years were treating you in this horrific and inhuman way,
23 yes?

24 A. Yes.

14:41:37 25 Q. Whilst you were in that darkness, Mr Kabbah, did the
26 thought cross your mind, "Why did I not try to escape from the
27 RUF before"?

28 A. I have reasons for that. One is RUF had become a stigma.
29 If you leave it and go anywhere - like Guinea, that was a clear

1 example that I am giving you now. During the time of the Top 20
2 when some men escaped and they went to Guinea they would pierce
3 their legs and tie stone on their legs and they would be put into
4 a river or the sea, so if you - if somebody wanted to die
14:42:45 5 elsewhere you would escape and go because you know if you were
6 caught you would be killed, so the only option was to stay.

7 THE INTERPRETER: Your Honours, can the witness repeat
8 this.

9 PRESIDING JUDGE: Mr Witness, please pause. The
14:43:02 10 interpreter needs you to repeat part of your answer. Please pick
11 up where you said, "So the only option was to stay". Please
12 continue from there.

13 THE WITNESS: I had to stay with the RUF, because if I had
14 gone to the government end my life wouldn't have been spared. If
14:43:27 15 I had gone to Liberia, I would have been hunted and brought back.
16 If I had gone to Guinea I wouldn't have been safe. So that was
17 why I didn't even attempt going anywhere in spite of all that
18 they did to me.

19 MR GRIFFITHS:

14:43:40 20 Q. Because the fact of the matter is disarmament didn't take
21 place until early 2002, did it? That's when you disarmed, is
22 that right?

23 A. Yes.

24 Q. So that means you remained with that movement - despite
14:44:04 25 what they had done to you in the year 1998 and what you had
26 witnessed in that year, you remained with them for another four
27 years, didn't you?

28 A. Yes.

29 Q. Why?

- 1 A. If I had attempted going anywhere, my life was in danger.
2 If they had captured me and luckily for me they did not kill me,
3 I decided to stay with them because I knew if I had gone to the
4 government side they would have accused me of being a rebel and
14:44:50 5 they would have killed me. If I had gone to Guinea there would
6 have been more problems. If I had gone to Liberia I would have
7 been hunted and brought back and maybe at that time that would
8 have been the time they would even kill me, so that was why I
9 decided to stay with them.
- 14:45:04 10 Q. But you did know that there were NGOs running refugee camps
11 in Liberia and in Guinea for Sierra Leoneans, didn't you?
- 12 A. Sierra Leone, I knew of refugee camps.
- 13 Q. Did it ever cross your mind to seek refuge in one of them?
- 14 A. I never thought of that.
- 14:45:41 15 Q. Let's move to another topic, shall we. When you first
16 spoke to Chris and Chuck, those two investigators, in February as
17 you now tell us, what did they say to you that they wanted from
18 you?
- 19 A. They said what had happened during the war that I
14:46:12 20 witnessed, or what had happened to me, I should say it.
- 21 Q. And did they tell you what the rules were for speaking to
22 them?
- 23 A. What they told me was that I should say what I knew
24 happened, or what happened to me.
- 14:46:38 25 Q. Did they say to you, "Mr Kabbah, what we are interested in
26 is the truth"?
- 27 A. Yes, they told me that.
- 28 Q. And did you yourself appreciate when you were speaking to
29 them that it was important for you to tell the truth?

1 A. I spoke to them in two minds. One I spoke to them
2 hesitantly and, two, some areas I actually gave correct
3 information.

14:47:33

4 Q. Does that mean in some areas you gave them incorrect
5 information?

6 A. Some areas, yes.

7 Q. Now when you gave such incorrect information, did you do so
8 deliberately and knowingly?

14:48:06

9 A. I did not do it deliberately the way you are saying it. I
10 did it for my security.

11 Q. Whether you did it for your security or whether you did it
12 for any other reason, my question is very simple. Did you know
13 what you were doing in giving them incorrect information and,
14 despite that knowledge, did you deliberately go on and provide

14:48:28

15 them with that incorrect information? That's the simple
16 question.

17 A. No.

18 Q. So help us, please. How did it come about that you gave
19 them inaccurate information?

14:48:51

20 A. There are certain areas that they asked me about and I
21 thought about my security, where I was. I knew - I said, well,
22 this, I wouldn't be safe, my security would be at risk if I spoke
23 on that particular issue.

24 Q. Let's try my question again and it's very simple. Did you
25 give them incorrect information, yes or no?

14:49:18

26 A. I said I gave them information, but not all of them that I
27 gave was correct. Some of them were correct and some of them
28 were not correct.

29 Q. So the answer to my question is, "I did give them some

1 incorrect information". Is that right?

2 A. Yes.

3 Q. Now, I am not interested in why you did that. What I am
4 interested in is when you did that did you know what you were

14:50:06 5 doing?

6 A. Well, I did not really know.

7 Q. What caused you to have problems recognising what it was
8 you were doing?

9 A. Why I didn't understand what I was doing, this was just
14:50:39 10 something like when somebody comes and you ask him questions and
11 the person responds and that was it.

12 Q. Let me try once again. As you sat there with those two men
13 and you opened your mouth and spoke, knowing that what you were
14 saying was incorrect, did you do that willingly?

14:51:10 15 A. I did it, but I was - my mind was juggling in between
16 whether I should do it rightly or not. I was thinking of my
17 security.

18 Q. I am going to try once again. I understand why you did
19 that. You did it for what you felt was self-preservation, didn't
14:51:38 20 you?

21 A. Yes.

22 Q. And can we just be straight with each other for a moment.
23 Putting it bluntly, you lied to them to help yourself, didn't
24 you?

14:52:03 25 A. Yes, for my life. Yes.

26 Q. Thank you. And having lied to them on what you say was
27 that first meeting, did you ever tell any lies to them
28 thereafter?

29 A. No.

1 Q. So we can take it then that everything you said to them
2 after that initial meeting was the truth, can we?

3 A. Yes.

4 Q. And you are a Muslim, aren't you?

14:52:49 5 A. Yes.

6 Q. You appreciate it is wrong to lie, don't you?

7 A. I would say yes, but there is a condition in the Koran. It
8 says you can tell a lie to free yourself from danger.

9 Q. Thank you. So you were merely following your faith in
14:53:19 10 lying to those men to free yourself? Did you hear my question?

11 A. No, repeat it.

12 Q. So you were merely following the faith of Islam when you
13 told lies to help yourself?

14 A. No, I was not following Islam, but I think in difficult
14:54:13 15 situations, especially things that have to do with human life -
16 because everything that we are doing now, it's because I'm alive.
17 If I was not alive I wouldn't have been here giving evidence.

18 Q. Now, help me with this: Did you purposefully choose those
19 parts of your account which you would lie about?

14:54:48 20 A. Pardon?

21 Q. Did you purposely choose those things you would give
22 inaccurate information about?

23 A. That area had something to do with my security.

24 Q. Help us then, please. What were the topics upon which you
14:55:27 25 gave those investigators inaccurate information in February, you
26 tell us, 2007? What were the areas?

27 A. It was the Freetown attack.

28 Q. So you lied to them about the Freetown attack, did you?

29 A. Yes.

1 Q. What other things did you lie about?

2 A. They asked me about the Freetown attack, but I tried to
3 disassociate the RUF from the attack, but actually RUF partook in
4 the attack. It was because of what happened in Freetown and at
14:56:23 5 that time I was based in Freetown and then the government of the
6 day, the SLPP government, was not taking things easy. So that
7 was the reason.

8 Q. Did you lie about anything else?

9 A. That is what I can recall now that was not correct among
14:56:52 10 the information that I gave to them.

11 Q. Now, just so that I can understand why you told that lie,
12 you told that lie because you knew that the Freetown attack was a
13 notorious event, didn't you?

14 A. Yes.

14:57:14 15 Q. And in effect you wanted to suggest that you had nothing to
16 do with it?

17 A. Yes.

18 Q. And so you decided that you would lie to the investigators
19 about it?

14:57:41 20 A. When they asked me, I did not say the truth about that.

21 Q. Very well. Was there anything else that you told lies
22 about, anything at all?

23 A. That was the only one.

24 Q. So can we take it then that apart from Freetown everything
14:58:07 25 you told them in that interview in February - everything else is
26 the truth? Can we take that as read?

27 A. Yes, what I told them was the truth.

28 Q. Very well. So, apart from Freetown, everything else is the
29 truth, is it?

1 A. Yes.

2 Q. Let's move on to another topic, shall we. When did you
3 receive training in radio operation?

4 A. Radio operation, I was trained in 1992.

14:58:52 5 Q. And that training took about a month, didn't it?

6 A. Yes.

7 Q. Who trained you?

8 A. It was CO Moses.

9 Q. Wasn't it CO Nya?

14:59:13 10 A. CO Nya only spent two days with us for, let me say, how
11 would I put it now? Because he was the overall commander, he
12 came for - he came to do just an exercise with us to know whether
13 what we had been trained in we actually knew it.

14 Q. Where was CO Nya from?

14:59:45 15 A. CO Nya came from Liberia.

16 Q. And where was CO Moses from?

17 A. CO Moses too was from Liberia.

18 Q. We will come back to the topic of Liberians in the RUF
19 later, but for now let's stick to training. Where did that
15:00:10 20 training take place?

21 A. It was in Gohun, a village in the Kailahun District.

22 Q. Can you spell that for us please, or has it been spelt,
23 Madam President? I see my learned friend --

24 PRESIDING JUDGE: I think it was spelt this morning.

15:00:32 25 MR GRIFFITHS:

26 Q. And how many trainees were with you at the time you
27 received that training?

28 A. It was CO Moses who trained us, the three of us, myself,
29 Liberty and Martin Moinama whom we called the Cat.

1 Q. And dealing with things briefly, amongst the topics that
2 you were taught you were taught about code names, weren't you?

3 A. Yes.

4 Q. What was Pa Sankoh's code name?

15:01:27 5 A. Pa Sankoh, we called him Gbonu on the net and we also
6 called him Lion.

7 Q. Could you spell that first word for us?

8 A. Yes, G-B-O-N-U, Gbonu.

9 Q. Gbonu?

15:01:49 10 A. Yes.

11 Q. Can we go back one step to come forward to this point.
12 When did your training in radio operation end? Can you give us a
13 date? Just a month and a year will do.

14 A. It was 1992 - 1992, early, around January.

15:02:26 15 Q. Immediately after you completed that training, did you take
16 up a post as a radio operator with any commander?

17 A. Yes.

18 Q. So from early 1992 you were operating as a radio commander,
19 were you?

15:02:57 20 A. At that time I was an operator. I was not a commander.

21 Q. No, I am saying you were working as a radio operator from
22 early 1992?

23 A. Yes.

24 Q. Now, coming back to code words, apart from Gbonu and Lion,
15:03:24 25 did you ever hear Pa Sankoh referred to by any other code name?

26 A. I can only recall those names now, those two names.

27 Q. Does the word "Toyota" mean anything to you?

28 A. Yes.

29 Q. Apart from the car company, does that name mean anything to

1 you?

2 A. Yes, now that you have called out the name my memory has
3 reflected to something.

4 Q. So help us. In what context have you heard that word,

15:04:30 5 Toyota?

6 A. Toyota was Pa Sankoh's name.

7 Q. Does the word "Ebony" mean anything to you?

8 A. Yes, one was - Ebony was both Charles Taylor's name and
9 there was an operator whom we also called Ebony.

15:05:06 10 Q. What is a signal message?

11 A. Signal message is a message that we received from a call
12 sign to another call sign.

13 Q. Can you give us an example?

14 A. Yes, if for now for example I am on call sign Zero-Four and

15:05:45 15 I have a message for call sign Zero-Six I will call call sign

16 Zero-Six and I will say "message" then he will say "send" and I
17 will send it to him.

18 Q. Okay, so that's the signal message. What does

19 "pre-arrangement" refer to?

15:06:16 20 A. Pre-arrangement, this is a secret in communication, say

21 myself and call sign Three-Zero have a prior arrangement. If the

22 two of us had arranged before now that if I get a message we

23 should go to a particular frequency, that is a pre-arrangement

24 that I call, "Call sign Three-Zero, message, let's get there".

15:06:50 25 So that pre-arrangement that we had had, that if I had a message

26 for him we should go there directly, that is where we would go.

27 So we will not say go to channel this or channel that. We will

28 not call out the channel. We will just say, "Let's go".

29 Q. Right. Now, just so that I understand how the system

1 operates, if you could just help us with a number of matters on
2 this topic. The RUF had a general frequency which they used,
3 didn't they? Was it 107710?

4 A. At first we heard 70110. That was our - yes, 70110.

15:07:48 5 Q. And was that the frequency which was used across the RUF to
6 communicate with the various front lines?

7 A. Yes.

8 Q. And was the welfare station broadcast on that same
9 frequency?

15:08:15 10 A. Yes, that frequency - let me explain a little bit. That is
11 the national, we used to call it national. When a station would
12 be in need of another station that station would go there and
13 call that station, then they will switch to another frequency.

14 Q. Now, so far as that national frequency is concerned - let
15:08:48 15 me pause and go back a bit, because we need to do this logically
16 if we are not to get confused. In the world of radio operators,
17 what does the word "monitoring" signify to you?

18 A. Monitoring is when you will sit - like we had a monitoring
19 station and we had our national which we monitored. For
15:09:30 20 monitoring, all the stations did it. Once you hadn't a message
21 to send you will be on the national to monitor every call and,
22 secondly, we had a monitoring station which monitored the
23 activities of the enemies.

24 Q. So basically monitoring means sitting there and listening
15:09:53 25 to the radio traffic that is taking place, would you agree?

26 A. Yes.

27 Q. And monitoring is quite distinct from communicating which
28 is when you as an operator send out a message to somebody else?

29 A. Yes, it is different from that.

1 Q. Now, bearing all of that in mind, for you as a radio
2 operator, Mr Kabbah, when you were monitoring which frequency
3 would you monitor?

15:10:42 4 A. I monitored the national frequency, because I was in charge
5 of all the stations.

6 Q. Right. So you would have monitored that 70110 frequency,
7 yes?

8 A. Yes.

15:11:00 9 Q. Now, if I understand what you have told us about
10 pre-arrangement, pre-arrangement could be used by one radio
11 operator to send a secret message to another radio operator, is
12 that right?

13 A. Yes.

15:11:24 14 Q. So effectively the one radio operator would say to other
15 radio operator, "At 8.30 tonight I am going to send you a message
16 on this frequency. Make sure you're on the line to get it". Am
17 I right?

18 A. Yes, you are right.

15:11:45 19 Q. And they could choose whichever frequency they wanted to
20 send that message on, couldn't they?

21 A. Yes, that is correct.

15:12:10 22 Q. Now, because of the secret nature of the arrangement which
23 had been made, unless another operator who wasn't in on the deal
24 just chanced upon that frequency, they could have a conversation
25 totally in secret with each other, couldn't they, without anybody
26 else being able to monitor it? That's right, isn't it?

27 A. Even there we dictated that whenever we went there to
28 switch to another frequency for any secret conversation,
29 particularly the control station, the other substations would

1 find out that station. They used to do it. It is not difficult
2 to get stations, so it was not that very secretive. You wouldn't
3 know, because the frequency was not owned by one person. Anybody
4 could monitor. It's a worldwide thing.

15:13:04 5 Q. Yes, but other people wouldn't know the precise time that
6 you were going to send that message, would they?

7 A. Yes, it would be up to me when the two of us would be
8 arranging. Maybe we would think it was just the two of us and
9 maybe someone else was on the net monitoring and the person may
10 have overheard that on the radio. You are not the owner of the
11 net. There are other people using the net.

12 Q. I fully understand that, which is why I phrased my initial
13 question in this way, "Unless someone chanced upon that
14 particular frequency". Do you remember me using those words?

15:13:55 15 A. Yes, yes, it could be if the person is chanced to.

16 Q. But unless somebody else in the RUF chanced upon that
17 frequency, it was possible to have a secret conversation on the
18 radio by pre-arrangement, wasn't it?

19 A. It is not like that. I will cite examples. We used to
15:14:28 20 send some messages. The enemies also had monitoring stations and
21 they used to monitor us. So the net was not that it only
22 belonged to us, no. It was only because we used codes. That's
23 why. That's what helped us to keep some secrets. But the net,
24 we actually had concluded then that the net was not safe because
15:14:52 25 the enemies were finding out what was happening, so they were
26 searching for our frequencies. It was not safe.

27 Q. Let me give you a concrete example and see if it can
28 illustrate the point that I am making. Do you recall a time when
29 Sam Bockarie gave instructions to Superman to kill CO Nya?

1 A. Yes.

2 Q. And CO Nya's girlfriend at the time, Alice Pyne, alerted
3 him to the plot to kill him so that he was able to escape, didn't
4 she?

15:15:49 5 A. It was.

6 Q. Now of course Alice Pyne wouldn't have wanted Sam Bockarie
7 to know that she was letting the cat out of the bag. Do you
8 understand that phrase?

9 A. I do understand.

15:16:12 10 Q. So consequently the last thing Alice Pyne would have wanted
11 to do was to send a message which might be intercepted by
12 somebody other than CO Nya who might go back to Sam Bockarie and
13 say, "Guess what, Sam. That treacherous Alice Pyne has gone and
14 told CO Nya what you're going to do to him". Do you understand
15 the point that I am making?

16 A. I do understand.

17 Q. So consequently Alice Pyne in that situation could by
18 pre-arrangement organise it so that she could get a message to
19 her lover without anybody else finding out. Do you follow me
15:17:08 20 now?

21 A. I do understand.

22 Q. And it would be possible for her to do that using
23 pre-arrangement, wasn't it?

24 A. Yes.

15:17:29 25 Q. Thank you. Now, let's go on to another topic in this
26 field. What were restricted frequencies within the RUF?

27 A. They were frequencies that we used to set, but I cannot
28 recall any now. There were more stations like the station in
29 Liberia which was where Sunlight was, that was in the mansion,

1 and that was Memuna's station who was in Pa Musa's place. Those
2 were restricted stations.

3 Q. Was Lofa a restricted station?

15:18:29

4 A. Foya station, no. We used to talk to them. Everybody used
5 to talk to them.

6 Q. So, help us, please. Which stations were restricted?

7 A. This is what I have said. I said a station that in which
8 Sunlight was and the station in which Memuna was. Those were the
9 two stations.

15:18:52

10 Q. And both were in Monrovia, were they?

11 A. Yes.

12 Q. And what in practical terms did "restricted" mean?

15:19:24

13 A. Something that is forbidden to somebody. That is what I
14 understand by restriction. Don't do this. Something that should
15 not be done.

16 Q. And what it was that should not be done was it's not every
17 station within the RUF which could call a restricted station, is
18 that right?

19 A. Yes, to the authorities that was right.

15:19:53

20 Q. Within the RUF was it not the case that only the HQ station
21 could call a restricted station? The headquarters station alone
22 could call a restricted station.

23 A. Only the headquarters station, that is the one that should
24 call a restricted station.

15:20:22

25 Q. And within the RUF, taking for example the time of
26 Sam Bockarie, that headquarters station was in Buedu, wasn't it?

27 A. Yes.

28 Q. So during the time of Sam Bockarie it was only the
29 headquarters station in Buedu which could call the restricted

1 stations in Monrovia, am I right?

2 A. You are not correct.

3 Q. Why am I wrong?

4 A. Fine, fine. The RUF had certain principals, like the field
15:21:07 5 commander. Issa Sesay's station used to talk directly to those
6 two stations, because they said they were high command. But any
7 other substation apart from those two people's station, they were
8 not allowed. Or if Pa Sankoh were there he would talk to them,
9 but Pa Sankoh's station was restricted, except if they did that
15:21:29 10 in hiding.

11 Q. So let me make sure I understand what you have just told
12 us. The only stations that were allowed to speak to Monrovia
13 were Sam Bockarie's station, Issa Sesay's station and Foday
14 Sankoh's station when he was in Liberia, is that right - when he
15:21:54 15 was in Sierra Leone, is that right?

16 A. Yes.

17 Q. Thank you. Now can we please try and organise some dates.
18 You have already told us that you were put in post as a radio
19 operator in early 1992. You have also told me earlier that you
15:22:25 20 went to work with Sam Bockarie in which year? 1995, wasn't it?

21 A. 1995.

22 Q. But in between 1992, early, and 1995 when you linked up
23 with Sam Bockarie, in your role as a radio operator you were able
24 to monitor radio traffic within the RUF and beyond, weren't you,
15:23:03 25 between 1992 and 1995?

26 A. Yes.

27 Q. In fact it was part of your job during that period to do
28 just that?

29 A. Yes, that was why I was trained as a monitor; so I would be

1 monitoring.

2 Q. And then in due course you became Sam Bockarie's radio
3 operator, remaining in that post until December 1999. That's
4 right, isn't it?

15:23:46 5 A. Yes.

6 Q. And following his departure you became Issa Sesay's radio
7 operator?

8 A. Yes.

9 Q. Now, is that in fact the truth?

15:24:04 10 A. Yes.

11 Q. Because there was a major falling out between Issa Sesay
12 and Sam Bockarie, wasn't there?

13 A. Yes.

14 Q. In fact there was a serious degree of bad blood between
15:24:24 15 them when Bockarie left to go to Monrovia?

16 A. Yes.

17 Q. Indeed it would be fair to say that the two men hated each
18 other by December 1999?

19 A. Yes.

15:24:53 20 Q. Now, do you recall this: When Sam Bockarie took over the
21 leadership of the RUF, he tried to get rid of CO Nya, didn't he?

22 A. Yes.

23 Q. Because he questioned CO Nya's loyalty to him, didn't he?

24 A. Yes.

15:25:34 25 Q. And as a result he didn't trust CO Nya, did he?

26 A. Yes.

27 Q. And so one of the rules that he implemented was that CO Nya
28 couldn't communicate on the radio, he could only monitor. Am I
29 right?

1 A. You are correct.

2 Q. Now, help us with this: Moving forward to December 1999,
3 you have already accepted the bad blood between Sam Bockarie and
4 Issa Sesay and here you were, Mr Kabbah, a man who had worked
15:26:18 5 with Sam Bockarie for four years and you claim that Issa Sesay
6 trusted you enough to make you one of his radio operators?

7 A. Yes.

8 Q. Even though you had had that long, loyal association with
9 Sam Bockarie?

15:26:48 10 A. Yes.

11 Q. Is that the truth?

12 A. I am saying the truth, because my stay with Sam Bockarie
13 didn't have anything to do with his administration. I was only
14 there to do what he wanted. Issa wouldn't take that as anything,
15:27:08 15 or Issa wouldn't feel that I would give any advice to
16 Sam Bockarie to do anything.

17 Q. Very well. Now, one of the things - one of your duties as
18 a radio operator was to maintain logbooks. Is that right?

19 A. Yes.

15:27:34 20 Q. And during your term of duty with Sam Bockarie, did you
21 maintain logbooks?

22 A. Yes, I used to maintain the logbooks.

23 Q. When you worked with Issa Sesay, did you maintain the
24 logbooks then?

15:27:57 25 A. Yes, likewise.

26 Q. What would one write in a logbook?

27 A. Logbook, it's a message.

28 Q. Would you write anything else in a logbook other than
29 messages?

1 A. No, the logbook is only meant for messages. When he gets
2 the message he would give the commander and the commander signs.
3 At times he would sign, so when the commander is not that happy
4 he will not sign it and it would go back.

15:28:36 5 Q. Okay, so if you received a message, just by way of example,
6 from Sam Bockarie, "Call Sunlight and tell Sunlight that
7 Brigadier Bockarie wants to speak to the Pa", would such a
8 message be written in the logbook?

9 A. Yes, it came to a certain point when for accountability
15:29:20 10 because some messages could come in and some people had been
11 denying, so that's why we used to write them in logbooks.

12 Q. So even a message such as that I have just described would
13 be written in a logbook?

14 A. Yes.

15:29:37 15 Q. Thank you. Now, in terms of logbooks, was there a special
16 logbook kept for communications with Charles Taylor?

17 A. No, no, we would not have that type of logbook.

18 Q. So there was just one logbook in which all messages were
19 recorded, is that right?

15:30:15 20 A. Yes.

21 Q. Now, help us, please. The logbooks which you kept during
22 your years with Sam Bockarie, apart from the one you lost which
23 caused you to end up being arrested, what happened to them?

24 A. When I was leaving - when I left the message books, which
15:30:53 25 were at the station in Kailahun, when Sam --

26 THE INTERPRETER: Your Honours, would the witness be asked
27 to go slow.

28 PRESIDING JUDGE: Mr Witness, the interpreter asks you to
29 speak more slowly so we can keep up with you. Could you please

1 pick up your answer where you said, "When I left the message
2 books which were at the station at Kailahun ..." and continue
3 from there, please.

15:31:28 4 THE WITNESS: When I was going to Buedu, the message books
5 for the station - when I was going to Kono, not to Buedu, when I
6 left to Buedu I came to Kono - to go to Kono. I left the radio,
7 the message books, all in Kailahun.

8 MR GRIFFITHS:

15:31:52 9 Q. At the time of disarmament, did you have any message books
10 in your possession?

11 A. I had message books.

12 Q. What did you do with them?

13 A. These message books at one time when I was residing at
14 Small Lebanon, policemen came, they went and made an allegation.
15:32:22 15 They said I had arms and ammunition in my house. So a whole
16 police truck came for me. They came and they searched my house.
17 The radios that we had, up to five or six radios, some chargers
18 and then the communication document, they took everything. We
19 went to the police station. I went and they obtained statements
15:32:58 20 from me. So there I left them and I was released and I came back
21 to my house because they went for ammunition and did not find any
22 ammunition with me.

23 Q. Did they ever give you back the radios and the
24 documentation?

15:33:21 25 A. No, no.

26 Q. So what we are to understand then is this: Somewhere in
27 Sierra Leone in the possession of the Sierra Leonean authorities
28 there should be various radios which you had used and some RUF
29 logbooks, am I right?

1 A. You are correct, because if at all it was something that
2 was seized - if it was something that was handed over to me I
3 should have submitted it, but from the time that I was arrested I
4 went and handed over everything. So from that time I did not go
15:34:02 5 to the station for that.

6 Q. Furthermore, in addition to those radios and that
7 documentation, the Sierra Leonean authorities ought to have in
8 their possession a statement from you about your arrest and those
9 items, am I right?

15:34:32 10 A. You are correct. They should have them in the police
11 station at Tankoro.

12 Q. Now, help me, please. During the seven or so interviews
13 and including prepping sessions you had with those investigators,
14 did you ever give them that information?

15:35:06 15 A. Pertaining to?

16 Q. To the radios.

17 A. I did not give them that information because I was not
18 asked of that. I had forgotten about that for a long time.

19 Q. Help me, please. Did it not occur to you, as you've told
15:35:20 20 us earlier this afternoon, "I am now, having initially lied,

21 telling the truth and nothing but the truth. Maybe it might
22 assist Chris and Chuck if I were to tell them, guess what, there
23 are some radios and other documentation which you can lay your
24 hands on to verify what I am telling you in the possession of the
15:35:49 25 Sierra Leonean authorities"? Did it never cross your mind to
26 tell them that?

27 A. At the time that I was making the statements?

28 Q. To the investigators from this Court, yes. Did it cross
29 your mind to tell them?

1 A. I did not think about that. I did not think about that.
2 If I had told them so as to go, because I wanted if at all it was
3 possible for they and I to go there so that I can give them this
4 information so that they could collect it, I'd say I couldn't
15:36:33 5 recall, really.

6 Q. Now on that very note, now that we have raised it, can we
7 just digress for a moment, please, and I wonder if we could look
8 again at the payment summary which we've all got. Now can we put
9 up on the screen, please, the first page, number 4: "Lost wages
15:37:32 10 to bring documents to investigators." What documents were they?

11 A. I am not aware of these particular documents to which they
12 said that they were by Sano. I had never travelled to Sano to go
13 anywhere. He did not tell me about any document. I had never
14 signed. My signature is not on these documents. Never before.

15:38:09 15 Q. Did you ever have to travel somewhere to collect some
16 documents for the investigators?

17 A. No, never. I had never presented a single leaf of paper to
18 the investigators, not a single day.

19 Q. So can we try again, please. Have you any idea why someone
15:38:37 20 has written down on this document that you've been paid 30,000
21 leones to bring documents to the investigators? Have you any
22 idea why they have done that?

23 A. If at all, Special Court has all documents. If they came
24 with this particular document with my own signature, that is to
15:39:04 25 say that all that I had been saying is a lie. I have never
26 presented a single piece of paper to say that this is a single
27 document that has remained with me, no, no.

28 Q. So would you say then that where it says on this document,
29 "To bring documents to investigators", if I understand you

1 correctly that's a lie, isn't it, on this document?

2 A. Yes, the man who made it, his name is there. It said made
3 by P Sano. Perhaps he was the one who took the money and went
4 away on his own business. Not me. Not me.

15:39:48 5 Q. So that man, P Sano, has quite wickedly pocketed 30,000
6 leones and then somebody has had the temerity to say that was
7 actually given to Mr Kabbah. That's what happened?

8 A. That's a very big lie. It's a very big lie. I am not even
9 aware of these documents and I would not even be aware of that in
10 the world beyond.

15:40:19 11 Q. So looking at those first four entries on that page,
12 clarification, clarification, prepping, documents, all of those
13 are lies on the basis of what you're telling us, aren't they?

14 A. The prepping it was a lie. I had not done any prepping.

15:40:47 15 If I did any prepping it was here.

16 Q. Because this is right, isn't it: On the basis of what you
17 are telling us, by the time in February 2007 you came to be
18 interviewed you didn't have any relevant documents in your
19 possession to give to the investigators, did you?

15:41:22 20 A. This is what I am saying. Not a single day that I had a
21 single piece of paper. I had never submitted it to the
22 investigators, never, because it was not with me. So how could I
23 have presented it? I did not have any single piece of paper with
24 me which was RUF documents. All were taken from me in Kono.

15:41:43 25 Q. Very good. Now, based on what you have told us, this is
26 right, isn't it: You, as a radio operator, were in a unique
27 position to have a bird's eye view of what was going on within
28 the RUF movement? You did, didn't you?

29 A. Yes.

1 Q. So you're in a position to help me with what was going on
2 in that movement from early 1992 until 2002, aren't you?

3 A. Yes.

15:42:41

4 Q. Now I want to ask you about one or two events during that
5 decade long period and see if you can help me. Do you recall in
6 May 1992 a message from Charles Taylor addressed to one Anthony
7 Menquenagbeh to evacuate all NPFL troops from Sierra Leone?

8 A. Yes, yes.

15:43:46

9 Q. Now, taking things slowly, Anthony Menquenagbeh is who, or
10 was who, at that time?

11 A. Anthony Menquenagbeh was one of the generals who was in
12 charge of the troops in Sierra Leone, the NPFL.

15:44:18

13 Q. And you clearly recall, don't you, that Charles Taylor,
14 code name Ebony, was through that message ordering all Liberian
15 troops out of Sierra Leone?

15:44:48

16 A. To say that I monitored a message, at that time I was not
17 on the set, so I cannot say that I monitored it. But I came to
18 Pendembu and there I was when a truck came and said that
19 President Taylor said that all his men should go because of the
20 problems they had started causing. I heard about that, but to
21 say that I was on the set when that message came, I did not hear
22 about that. I saw the message that came - the truck that came
23 for these people when I was at Pendembu.

15:45:06

24 Q. But in any event, and I appreciate what you're telling me,
25 Mr Kabbah, and I am not suggesting that you personally received
26 that message, that's not my case at all, but you certainly heard
27 about that message, didn't you?

28 A. I heard about it. I heard about it and I saw the truck
29 that came for them.

1 Q. And just one detail with regard to that. Do you now recall
2 that, as a result of that order to withdraw, radio operators like
3 C0 Nya actually went back to Liberia? Do you remember that?

4 A. C0 Nya did not go anywhere. He said stayed at Pendembu.
15:45:58 5 That there he was. Because during that time I was at Pendembu
6 when the message came. I did not go.

7 Q. So are you saying that C0 Nya never returned to Liberia as
8 a consequence of that message?

9 A. Not at all. He did not go.

15:46:18 10 Q. So anyone who has said that C0 Nya left Liberia as a result
11 of that message --

12 PRESIDING JUDGE: Do you mean left Sierra Leone?

13 MR GRIFFITHS:

14 Q. Left Sierra Leone, my fault, as a consequence of that
15:46:33 15 message and went to Liberia, anyone who said that would be a liar
16 on your account, wouldn't they?

17 A. It would be a lie to me, because I saw him - I saw him when
18 that message came and when the truck came I saw it at Pendembu.
19 If he had gone - if he went, then he went later, but during the
15:46:57 20 time when the truck came I saw him at Pendembu.

21 PRESIDING JUDGE: Mr Griffiths, are you moving away from
22 this general area of radio messages? The reason I ask is there
23 are two matters I would like clarification about that.

24 MR GRIFFITHS: I have no difficulty with that being
15:47:20 25 interposed now, your Honour.

26 PRESIDING JUDGE: Thank you. On my transcript they are on
27 page 117. Just a minute. I have succeeded in hanging my
28 machine. The witness was referring to messages being given to
29 commanders and if he was not happy he would not sign. Now is

1 that an incoming or an outgoing message? That's the first one.

2 Then further on on the same page, about line 16, "Some
3 messages could come in and some people had been denying". I
4 don't quite understand what it is they are denying.

15:48:18 5 MR GRIFFITHS: Okay, very well, Madam President:

6 Q. Now do you recall, Mr Kabbah, telling us that in relation
7 to some messages being given to commanders and if he was not
8 happy with the message he wouldn't sign it? What did you mean by
9 that?

15:48:43 10 A. Some commanders at times would not know if they had
11 personal business, or if they had problems in the front line or
12 whatsoever, so you would see somebody's face and he would know
13 that he was not happy. Like Mosquito in the morning, if he was
14 happy you would know. If he was not happy you would know. You
15:49:05 15 would know directly. So when you took a message to him, you see
16 when you gave it to him he would say, "Get out of this place" and
17 there was no way out, he had to go.

18 Q. When you said that some messages could come in and some
19 people would deny, what did you mean by that?

15:49:33 20 A. Like when we were in the control station we used to send
21 messages to some front lines so as to go on operations. Some of
22 the operators would receive this message, some commanders would
23 say the operators who said that this message was not given to
24 them on time, or they would even deny that it was given to them.
15:49:56 25 So when there was a break down in the operation when they asked
26 the commander would deny that the message was given to them, so
27 that was why we passed a law that any message which was received
28 by an operator we should make sure that a commander signed it and
29 even at that it was a problem. So if you went to him he would

1 say, "Leave me", so you would have to go because if you did not
2 go you would get what you are supposed to get. That was what I
3 meant.

4 MR GRIFFITHS: Does that explain the matter, Madam
15:50:32 5 President?

6 PRESIDING JUDGE: Yes, thank you. That clarifies it.

7 MR GRIFFITHS: I am grateful:

8 Q. Now another detail that you gave us today. You told us
9 that you were sent to Bailu Ground at the borderline with Liberia
15:50:54 10 where you were based at a customs post. Do you remember telling
11 us that?

12 A. Yes.

13 Q. And one of the reasons why you were placed strategically in
14 that position was that you could provide an early warning system
15:51:14 15 if the RUF were attacked from Liberia, is that right?

16 A. Yes.

17 Q. Now help us first of all, when was it that you were posted
18 to Bailu?

19 A. Buedu, or Bailu Ground?

15:51:43 20 Q. Bailu Ground, when were you posted there?

21 A. Bailu Ground I went there in 1992. That was my first
22 assignment when I came from training.

23 Q. So that would have been early 1992, is that right?

24 A. Correct.

15:52:03 25 Q. And where you have told us that you were posted there in
26 order to provide an early warning system of attacks from Liberia,
27 that was attacks from ULIMO, wasn't it?

28 A. At the latter part it was ULIMO, but initially there was no
29 ULIMO at the border when I was assigned there. ULIMO was not

1 assigned there. ULIMO was not there.

2 Q. But ULIMO was there some time in 1992?

3 A. Correct, correct, correct.

15:52:56

4 Q. And consequently your role at Bailu Ground was quite an
5 important one, wasn't it?

6 A. Yes.

7 Q. Because in 1992 ULIMO began to pose a serious threat to not
8 only the RUF, but also the NPFL. That's right, isn't it?

9 A. Yes.

15:53:21

10 Q. In fact as a consequence of their activities in 1992 you
11 had difficulties, the RUF, getting supplies from Liberia, didn't
12 you?

13 A. Correct.

14 Q. Because effectively in 1992 ULIMO cut off the border.

15:53:54

15 A. Correct.

16 Q. I want to ask you about another matter. What was the
17 external delegation?

18 A. External delegation was a delegation from the RUF which
19 went and based itself in Ivory Coast on the peace talk.

15:54:32

20 Q. When did they go and base themselves in the Ivory Coast?

21 A. They went to Ivory Coast before we went to negotiate for
22 peace.

23 Q. Was that in 1996?

24 A. Correct, they were there before 1996.

15:55:07

25 Q. Would it be fair to say that they had been there from 1995?

26 A. Yes.

27 Q. And amongst that group was a man called Philip Palmer, am I
28 right?

29 A. Correct.

1 Q. Can you help me with the names of others amongst the
2 external delegation?

3 A. I can help with some. Maybe I cannot recall all of them.
4 You heard a Dr Barrie, we had Fayia Musa, we had a Deen-Jalloh
15:55:52 5 and his wife, Mrs Jalloh. These are the people that I can
6 recall.

7 Q. And also Philip Palmer?

8 A. And Philip Palmer, yes.

9 Q. Did they have a radio operator with them?

15:56:15 10 A. Yes, they had a radio operator with them.

11 Q. What was that person's name?

12 A. He was Eddie Murphy.

13 Q. Is that the same Eddie Murphy whom you met, now you tell
14 us, in January 2007?

15:56:45 15 A. Yes.

16 Q. And had that Eddie Murphy gone with the external delegation
17 from the outset?

18 A. No, he joined them later.

19 Q. When did he join them?

15:57:15 20 A. Eddie Murphy joined them through Guinea. There he got a
21 passage to go.

22 Q. When was that? An approximate date will do.

23 A. He was there during 1996, by then late 1996, because during
24 the time that we went there he was not there. There was no radio
15:58:03 25 during that time.

26 Q. Now, something happened to the external delegation, didn't
27 it?

28 A. Yes.

29 Q. Help us, please. What happened to them?

1 A. When - after the signing of the accord, when Pa Sankoh went
2 to Nigeria when he was arrested they were in disarray. They were
3 arrested. They arrested he, Eddie Murphy, according to what he
4 came and told us.

15:58:47 5 Q. Who arrested whom?

6 A. Well, they said that it was the Ivorian government that
7 arrested them, the RUF delegation that was there.

8 Q. But there was a bit more to it than that, wasn't there?
9 Let me see if I can help you. Do you recall now that Foday

15:59:17 10 Sankoh was arrested on 2 March 1997 in Nigeria?

11 A. Yes.

12 Q. Following his arrest - and I am asking you because you are
13 a radio operator - do you recall a broadcast from the external
14 delegation suggesting that they were going to take over the RUF?

15:59:52 15 A. Yes.

16 Q. Who made that broadcast?

17 A. I do not recall actually, but Faya Musa was the spokesman
18 at that time for the RUF who was with them, by I do not recall at
19 this point in time who the specific individual was that made that
20 broadcast, but somebody went over the air and made a broadcast.

16:00:22 21 But the particular individual who did the broadcast, I do not
22 recall.

23 Q. Don't worry about that then. Help us, please, with this:
24 In general terms, what was the content of that broadcast?

16:00:51 25 A. The content of the broadcast was for them to get an interim
26 chairman who should head the movement since Pa Sankoh had been
27 arrested in Nigeria.

28 Q. And did they suggest who that interim chairman should be?

29 A. I do not recall.

1 Q. Very well. In any event, what was the reaction on the
2 ground in Sierra Leone when the contents of that broadcast became
3 known to RUF members on the ground?

4 A. I will say the RUF members were not happy with that idea,
16:02:04 5 because just when the leader had been arrested then people would
6 sit together and decide to head a movement and they were not a
7 fighting force. Those who were the fighting force were not happy
8 over the issue.

9 Q. Because the fighters on the ground had not been consulted
16:02:25 10 by the external delegation, had they?

11 A. Not at all.

12 Q. And Sam Bockarie in particular saw this as an act of
13 betrayal, even treason, didn't he?

14 A. Yes.

16:02:51 15 Q. And he was extremely angry, wasn't he?

16 A. Correct.

17 Q. So what did Sam Bockarie in due course do?

18 A. Sam Bockarie tried to talk with them, that is the external
19 delegation, and he said that what they did was nice, but he said
16:03:27 20 before they could make any arrangements out there he said they
21 should come so that all of them sit together and arrange. He
22 said those of them in the external delegation out there were in
23 the minority, their number was small, and that the majority was
24 in Sierra Leone. He said they should all come and sit together
16:03:49 25 and arrange. He said what they have decided is a very nice
26 thing. He said they should all come together and sit together
27 and arrange it. That was what Sam Bockarie told them.

28 Q. And so what happened as a consequence?

29 A. They came. They came, but on that day I personally - I was

1 not present. I went to Kailahun but when I returned to the
2 ground at Buedu I saw that they had brought Palmer and those who
3 were in the group that came, like I saw the ambassador to Guinea,
4 Mr Jabbi, all of them were amongst the group that were arrested
16:04:39 5 and brought to Buedu. I returned from Kailahun at night and I
6 saw them, but in actual fact I was not present at the point where
7 they were arrested and brought.

8 Q. That is extremely helpful, but I want to ask you a few more
9 details about them. Having seen them in Buedu that night upon
16:05:05 10 your return from Kailahun Town, what happened to them there have?

11 A. They were in jail. Sam Bockarie asked that they strip them
12 naked, they only had their pants on. The only person that was
13 respected a little bit was the ambassador. For him when I
14 returned that evening I saw him, he was lodged in a veranda room
16:05:37 15 at Issa Sesay's house, so he was respected to a certain extent,
16 but all those who were RUF members he asked that they strip them
17 naked and they were stripped naked and sent to jail.

18 Q. Where was the jail?

19 A. The jail was in Kailahun.

16:06:08 20 Q. And did they remain in jail in Kailahun?

21 A. They were in the jail in Kailahun and later they were moved
22 from there.

23 Q. To where?

24 A. I have forgotten the name of the village, the place where
16:06:37 25 they were taken to. He took them to a particular village where
26 he kept them after moving them from Kailahun.

27 Q. Now, who is "he"? "He took them", you said. Who is "he"?

28 A. Sam Bockarie. I mean Sam Bockarie. He moved them from
29 Kailahun to a secret location.

1 Q. And did they remain in that secret location, the name of
2 which you can't recall?

3 A. Yes, they were there for a long time. Yes, they were
4 there.

16:07:18 5 Q. Now, help me, please. This event, you seeing this group in
6 Buedu, can you help us with a date?

7 A. No, no, no, I do not recall the date.

8 Q. Let me try and help you then.

9 A. Yes, okay.

16:07:46 10 Q. You recall, don't you, an incident when some Kamajors you
11 tell us were killed by a roundabout?

12 MR SANTORA: Objection. I did not object the last time but
13 I did look at the transcript and counsel has misstated the
14 evidence. The witness said in direct examination they were
15 civilians who used to be Kamajors.

16:08:05

16 MR GRIFFITHS: I am grateful for all small details my
17 learned friend can help me with, your Honour:

18 Q. Now, the time when those civilians who were suspected of
19 being Kamajors were killed, in what city did that take place?

16:08:36

20 A. That was in Kailahun Town.

21 Q. Yes, and that was during the retreat from Freetown after
22 the intervention of ECOMOG, yes?

23 A. Yes.

16:09:04

24 Q. Now, help me, please. Where were those members of the
25 external delegation being kept when that sad event took place
26 with those civilians being killed?

27 A. At that time at first when they started arresting the
28 civilians, there was a cell at the NA court barri, that was where
29 they were locked up initially, but later they took them to the MP

1 cell, those civilians.

2 Q. But I am not asking you about those civilians. I am asking
3 you about Philip Palmer and other external delegates. When the
4 civilians were killed, where were Philip Palmer and those other
16:09:58 5 external delegates?

6 A. That was what I said. I cannot tell exactly where they
7 were taken to, but at the time the civilians were initially
8 arrested Philip Palmer and others were in Kailahun. They were in
9 the same jail, but later they separated them, they took the
16:10:33 10 Kamajors to the MP where the old police station was and then
11 Philip Palmer and others stayed there. But later Philip Palmer
12 and others were taken - moved from that particular location and
13 to a different location, but I cannot actually remember where
14 they were taken to.

16:10:44 15 Q. And killing of those 60 civilians took place after Philip
16 Palmer and others had been moved, is that right?

17 A. It could be so. It could be so, maybe.

18 Q. Very well. Now I want to ask you, again because of your
19 position, about another event. There came a time, did there not,
16:11:21 20 in 1997 when the junta took over or overthrew the government of
21 Ahmad Tejan Kabbah, is that right?

22 A. Yes.

23 Q. Now, that was in July 1997, wasn't it? May 1997, sorry.

24 A. Yes.

16:11:56 25 Q. And thereafter there was an invitation from Johnny Paul
26 Koroma, the leader of that coup, for the RUF to join the AFRC in
27 Freetown?

28 A. Correct.

29 Q. Now hitherto the RUF were the enemies of the Sierra Leonean

1 army from which Johnny Paul Koroma came, weren't they?

2 A. Yes.

3 Q. And even though some members of the Sierra Leonean army had
4 themselves been involved over the years in raping, looting and
16:12:50 5 shooting as sobels, do you understand what I mean by that?

6 A. Yes, I do understand.

7 Q. Let's pause. What is a sobel?

8 A. Sobel, I do not understand that English.

9 Q. Have you never heard the word sobel before?

16:13:28 10 A. No, just rebel.

11 Q. A sobel being a soldier by day and a rebel by night. So by
12 day they would be wearing a uniform, by night they would dress as
13 rebels and go around raping, looting and killing. Have you never
14 heard of that?

16:13:59 15 A. I heard about that.

16 Q. And have you never heard that those members of the Sierra
17 Leonean army who behaved in that way were referred to as sobels?
18 Have you never heard that word before?

19 A. No, I never heard that word before, but the names you
16:14:24 20 referred to, those things used to happen.

21 MR GRIFFITHS: Sobel can I suggest, Madam President, taking
22 the S-O from soldier and the B-E-L from rebel is S-O-B-E-L.

23 PRESIDING JUDGE: Thank you.

24 MR GRIFFITHS:

16:14:48 25 Q. But in any event, having digressed to deal with that, it
26 was decided, was it not, that the RUF should indeed go and join
27 the AFRC in Freetown?

28 A. Correct.

29 Q. Now my apologies, but I need to go back to that digression

1 for a short period. Those activities by soldiers of the Sierra
2 Leonean army, soldiers by day, rebels by night, the RUF were
3 blamed for a lot of the things they did, weren't they?

4 A. Correct.

16:15:32 5 Q. And in fact the activities of those soldiers did much to
6 tarnish the reputation of the RUF. I'm right, aren't I?

7 A. You are right. Correct.

8 Q. In any event, you now have this invitation to join. Who
9 told the RUF to join them in Freetown?

16:16:07 10 A. The RUF received that invitation at first over the radio.
11 We were in Buedu when the overthrow took place, but on that
12 particular day the Kamajors had attacked us and by then the RUF
13 was not strong that much, but they said, "We have overthrown the
14 Momoh government so you should come to town", but we said, "How
16:16:41 15 can we do that? Those men came and attacked our positions this
16 morning". But later a message - they interviewed Pa Sankoh over
17 the wire and it was Pa Sankoh who said we should join Johnny Paul
18 Koroma and his men in the AFRC and he said we should refer to the
19 two groups as --

16:17:23 20 Q. The Sierra Leone People's Army, can I suggest?

21 A. Correct.

22 Q. Thank you. Now when you say "over the wire", what do you
23 mean? Was it on a commercial radio, or was it on the RUF radio?

24 A. Commercial radio.

16:17:51 25 Q. And it may be that you can help us with this detail. Was
26 it the BBC?

27 A. Yes, it was over the BBC that he was interviewed, Pa
28 Sankoh.

29 Q. And where was Pa Sankoh physically when he gave that

1 instruction over the wire? In which country was he?

2 A. At that time he was in detention in Nigeria.

3 Q. And so following that instruction from Pa Sankoh, it was
4 decided to go to Freetown?

16:18:35 5 A. Correct.

6 Q. Now let us pause for a moment, please, and just concentrate
7 on that moment when the decision is made to go to Freetown.
8 We're in May 1997, aren't we?

9 A. Correct.

16:18:57 10 Q. From about the end of 1991 the RUF had been driven into the
11 jungle, hadn't they?

12 A. It was so.

13 Q. And during that period from about the end of 1991 up until
14 the AFRC coup, the RUF was limited to guerilla tactics setting
16:19:31 15 ambushes to capture ammunition and then retreating back into the
16 jungle. That's right, isn't it?

17 A. Do you mean since 1991 up to 1997?

18 Q. Yes.

19 A. Correct.

16:19:53 20 Q. And during that period, part of the reason why the RUF were
21 unable to mount a serious military assault upon the Sierra
22 Leonean government was because you just didn't have access to
23 arms and ammunition, did you?

24 A. Correct.

16:20:19 25 Q. Because the border was closed?

26 A. Yes.

27 Q. And you were dependent upon arms and ammunition that could
28 be captured. That's right, isn't it?

29 A. Yes, yes, at that time it was like that.

1 Q. And also arms and ammunition which you were able to
2 purchase from ULIMO-J and K?

3 A. Yes, during those times we used to purchase from them.

16:21:03

4 Q. And you also used to purchase arms from the Guineans,
5 didn't you?

6 A. Guinea it was ammunition, not arms.

7 Q. And, just by way of example, one of the ULIMO generals from
8 whom the RUF purchased arms was one Abu Keita. That's right,
9 isn't it?

16:21:33

10 A. So it was.

11 Q. Now let's just understand the mentality, shall we. The RUF
12 have spent something like five years in the bush, deprived of all
13 the creature comforts like electricity and air-conditioning,
14 things like that. All RUF members were eager to get to Freetown
15 and the bright lights, weren't they?

16:22:04

16 A. Yes, we were eager to go there.

17 Q. Did you go?

18 A. No, not a day. I did not go there.

19 Q. Why didn't you go?

16:22:33

20 A. I was not that sure of the guarantee for me to go to
21 Freetown, because entering Freetown is a one-way traffic and I
22 knew it was not going to be a government that will stay, so there
23 was not a day that I decided to move from Kailahun to go and base
24 in Freetown. Normally I came to Kenema, stopped there and
25 returned.

16:22:55

26 Q. Did Sam Bockarie go to Freetown?

27 A. Sam Bockarie went to Freetown.

28 Q. He didn't stay very long though, did he?

29 A. No.

1 Q. Why not?

2 A. He too was concerned about the same security issue that I
3 have spoken about. He said, "Should all of them go and base in
4 Freetown in case their supply line is cut off, who will go and

16:23:31 5 redeem them?" He said now Issa is there as RUF representative in
6 the council, he said he was going to be based in Kenema for any
7 defensive purposes.

8 Q. And when he went to - are you all right, Mr Witness,
9 because we are very near 4.30 when we normally close, so if you
10 are at some discomfort I'm sure the learned judges would permit
11 us to rise at this time. Are you okay?

12 A. I am feeling my neck, but let's go ahead.

13 MR GRIFFITHS: All right. It has been a long day and for
14 anyone who is not used to sitting in a courtroom I can understand
16:24:17 15 the discomfort the witness might feel. I am quite happy to go on
16 but for the sake of four minutes I really don't see that we could
17 deny the witness this particular comfort, even though he didn't
18 enjoy the air-conditioning in Freetown.

19 PRESIDING JUDGE: In the light of - he has actually been
16:24:50 20 twisting and turning a little. Mr Witness, counsel has concern
21 for your welfare, so we are going to adjourn a few minutes early
22 today and let you relax and I will let you out of that chair.

23 THE WITNESS: Thank you.

24 PRESIDING JUDGE: We will adjourn until tomorrow morning at
16:25:09 25 9.30. I have to remind the witness. Mr Witness, I again remind
26 you as I did on Friday that you are under oath and between now
27 and the time your testimony is finished you must not discuss your
28 evidence with any other person. Do you understand?

29 THE WITNESS: Yes, sir.

1 PRESIDING JUDGE: Please adjourn Court until 9.30 tomorrow.
2 [Whereupon the hearing adjourned at 4.27 p.m.
3 to be reconvened on Tuesday, 16 September 2008
4 at 9.30 a.m.]
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I N D E X

WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINATION BY MR GRIFFITHS	16196