



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 6 NOVEMBER 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
Mr Momodu Tarawalie

For the Prosecution:

Mr Nicholas Koumjian
Mr Alain Werner
Ms Ruth Mary Hackler

**For the accused Charles Ghankay
Taylor:**

Mr Morris Anyah
Mr Terry Munyard

1 Thursday, 6 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:40 5 PRESIDING JUDGE: Good morning. Mr Koumjian, I see a
6 change of appearance.

7 MR KOUMJIAN: Yes, good morning, your Honours, counsel
8 opposite. For the Prosecution Nicholas Koumjian, Alain Werner
9 and Ruth Mary Hackler.

09:28:56 10 PRESIDING JUDGE: Thank you. Mr Anyah.

11 MR ANYAH: Good morning, Madam President. Good morning,
12 your Honours. Good morning, counsel opposite. Appearing for the
13 Defence this morning are Mr Terry Munyard and myself, Morris
14 Anyah. Thank you.

09:29:12 15 PRESIDING JUDGE: Just before I remind the witness of his
16 oath were counsel able to get the transcript of the matters that
17 were to be dealt with in open session and mark them up in
18 accordance with their respective applications?

19 MR KOUMJIAN: I was able to just in the last hour, yes.

09:29:32 20 PRESIDING JUDGE: I see. Well, if you need a little time
21 maybe it can be dealt with --

22 MR KOUMJIAN: I'm prepared and I don't know if counsel's
23 prepared but if he would like I could show him the areas that I
24 propose to publish. There's some I agree and if there's a
09:29:47 25 disagreement --

26 PRESIDING JUDGE: Very well. I think that might be
27 constructive and I will invite counsel to deal with it during the
28 break. If there are no other matters I will remind the witness
29 of his oath.

1 Good morning, Mr Witness.

2 THE WITNESS: Good morning.

3 PRESIDING JUDGE: I wish to remind you that yesterday you
4 took the oath to tell the truth. That oath is still binding on

09:30:09 5 you and you must answer questions truthfully. Do you understand?

6 THE WITNESS: Yes.

7 WITNESS: TF1-579 [On former oath]

8 PRESIDING JUDGE: Please proceed.

9 EXAMINATION-IN-CHIEF BY MR KOUMJIAN: [Continued]

09:30:18 10 MR KOUMJIAN: Your Honours, I believe we broke off in

11 private session and --

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Yes, Mr Witness, are you addressing
14 counsel or addressing the Bench? What are you asking?

09:30:34 15 THE WITNESS: I want to talk to my lawyer.

16 PRESIDING JUDGE: Which is your lawyer? Who do you mean
17 when you say "your lawyer"?

18 THE WITNESS: No, I want to speak to --

19 PRESIDING JUDGE: You want to speak to this gentleman?

09:30:55 20 THE WITNESS: Yes, yes.

21 PRESIDING JUDGE: Mr Usher, could you please check what the
22 problem is.

23 Mr Witness, please speak now and tell us what this problem
24 is.

09:31:23 25 MR KOUMJIAN: Your Honour, I wonder if we need to do this
26 in private session. I don't know. I have no idea what the issue
27 is.

28 PRESIDING JUDGE: We are all in the same - in the
29 circumstances perhaps we will err on the side of caution. We are

1 going to go into a brief private session for reasons of security
2 of the witness as he wishes to raise something and we do not know
3 the subject matter. Please put the Court in private session.

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09:32:02

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[At this point in the proceedings, a portion of
the transcript, pages 19913 to 19950, was
extracted and sealed under separate cover, as
the proceeding was heard in private
session.]

1 [Open session]

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

3 PRESIDING JUDGE: Mr Anyah, I do not have on record a reply
4 to my question to you dealing with the expedition. As I have
11:06:29 5 commented, we have asked counsel what they seek by way of
6 expedited filing. What do you have in mind for a response in
7 light of the fact that the expedited filing emanates from your
8 side of the Court?

9 MR ANYAH: Yes, Madam President. Would your Honour allow
11:06:51 10 me to make these comments in open session or would you prefer
11 that we go back to private session?

12 PRESIDING JUDGE: We are dealing with a procedural matter.
13 The security, there is no need to refer to matters of security in
14 open session. How long do you need to respond?

11:07:03 15 MR ANYAH: Yes. May I have a moment to consult with my
16 colleague Mr Munyard as well as with Mr Taylor? Thank you.

17 Madam President, we would request a period of 24 hours from
18 the Prosecution's submission to file our response, excluding of
19 course the non-working days of the Court. We do think that the
11:07:52 20 five days is quite protracted. Perhaps they could file whatever
21 applications they intend to file within the next 48 hours.

22 PRESIDING JUDGE: Mr Koumjian, you have heard - shall I put
23 it a counter to your proposed five days. Have you any comment on
24 that before the Court rules?

11:08:25 25 MR KOUMJIAN: I would only comment that when we have
26 completed it we will file it. It's in our interests also to have
27 it dealt with expeditiously but also on our reply I have no idea
28 what the Defence will raise, if there's issues of, for example,
29 Bar rules, we would have to research that and it would take some

1 time, so I would request three days to respond - to reply and
2 again these are the maxims. We will try to file this as soon as
3 we can.

11:11:48 4 PRESIDING JUDGE: We will deal first with the matter of
5 expedited filings. We have already noted that the Prosecution
6 intends to file a formal motion. That motion should be filed, we
7 have in mind two days each. However, that will bring the
8 Prosecution to 4 p.m. on Monday. Whilst that may be two court
9 days in actual fact it's four calendar days. We therefore allow
11:12:20 10 the Defence the same time to file its response and the Defence is
11 at liberty to file their response early should they so wish. So
12 as normal time will run from the filing of the motion for four
13 days and if you wish to file earlier you may do so.

11:12:54 14 In relation to Mr Munyard's phones, we direct the head of
15 office in The Hague, Mr Townsend, to accommodate Mr Munyard's
16 request to have his phone records put on record and that
17 direction will be conveyed and we leave it to Mr Munyard and
18 Mr Townsend to arrange a mutually convenient time.

11:13:25 19 We will now have the witness brought in. Please lower the
20 blinds.

21 MR ANYAH: Madam President, one minor question: Is the
22 Prosecution being allowed the right of reply?

23 PRESIDING JUDGE: Yes.

11:13:46 24 MR ANYAH: I was not sure of the deadlines that have been
25 imposed by your Honours in that respect.

26 PRESIDING JUDGE: I did not put a deadline on the reply.
27 Mr Koumjian had put in a caveat he was unsure how long it would
28 take but I think in fairness to all parties I should make a
29 ruling. The reply will be filed in two days.

1 [In the presence of the witness]

2 JUDGE LUSSICK: Mr Koumjian, it's your witness and I'm
3 certainly not trying to interfere, but I probably would
4 anticipate that you would find out from the witness whether he's
11:15:20 5 comfortable proceeding in view of what he told the Court this
6 morning. I'm bearing in mind that we're in public session, so I
7 won't go into any further detail.

8 MR KOUMJIAN: Very well, your Honours, as your Honours
9 wish. Well, your Honour, I think we should be in private session
11:15:39 10 for this. I don't think the witness could answer us in public
11 session. I'm afraid of what he would say, that it would relate
12 to what was said in private session. Unless I simply ask him to
13 answer yes or no:

14 Q. Mr Witness, I'm going to ask you a question. Only answer
11:15:59 15 yes or no because we are in public session. Just so you know, I
16 am prepared to continue, and the rest of the Court is, with your
17 testimony today. We want to know whether you are prepared to
18 continue today with your testimony. Just answer yes or no.

19 A. Yes.

11:16:27 20 MR KOUMJIAN: Very well. Thank you. Your Honours, I was I
21 believe in private session when we broke off with the
22 photographs.

23 PRESIDING JUDGE: Mr Koumjian, now that you have elicited
24 that clarification, I should inform the witness what has
11:17:01 25 happened. Mr Witness, whilst you were absent the Court heard
26 legal arguments concerning the situation and the information you
27 raised, and the Court will be hearing formal applications to have
28 it investigated and WWS also are aware of the situation. Do you
29 understand what I mean when I say WWS?

1 THE WITNESS: Yes, your Honour.

2 PRESIDING JUDGE: So we wish to assure you that allegations
3 that you have made will be investigated. Please proceed.

4 MR KOUMJIAN: Your Honours, I was in private session. I
11:17:54 5 have to deal with some photographs. It's going to take 10 or 15
6 minutes to do so in private session.

7 PRESIDING JUDGE: Mr Anyah, this is a continuation of
8 yesterday's private session to which you did not object.

9 MR ANYAH: And we do not interpose an objection at this
11:18:14 10 point.

11 JUDGE SEBUTINDE: I was just wondering: Do we still have
12 voice distortion in place?

13 MS IRURA: Your Honour, voice distortion is still in place.

14 PRESIDING JUDGE: The Court will now hear evidence and in
11:18:38 15 the light of the evidence issues of security may be raised and
16 for that reason the Court will hear that evidence in private
17 session. Please put the Court in private session.

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19 [At this point in the proceedings, a portion of
11:18:51 20 the transcript, pages 19955 to 19962, was
21 extracted and sealed under separate cover, as
22 the proceeding was heard in private session.]

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1 [Open session]

2 MS IRURA: Your Honours, we are in open session. The
3 parties and the Chamber are being requested to put away the
4 photos that have just been shown as we are now in open session
12:19:15 5 and they may be visible.

6 PRESIDING JUDGE: Thank you for that. Please proceed,
7 Mr Koumjian.

8 MR KOUMJIAN: Thank you. Your Honours, before I continue
9 the examination, over the break I conferred with counsel for the
12:19:32 10 Defence. We reached an agreement on the motion yesterday
11 regarding publication of part of the private session. What was
12 agreed upon was that the parties agree that the Court order the
13 publication beginning on yesterday's transcript - I don't know if
14 your Honours have that before you - but page 19892, line 14.

12:19:58 15 That is a question that begins, "When you say that Sam Bockarie
16 would communicate with you do you mean by letter or by what means
17 of communication?" We agree that the transcript be published up
18 to page 19894, the second line, where your Honour the Presiding
19 Judge Madam President says, "Very well". The remaining parts of
12:20:26 20 the private session from yesterday would remain confidential.

21 JUDGE SEBUTINDE: Can you just give us the line on page
22 19894.

23 MR KOUMJIAN: Yes, line 2.

24 MR ANYAH: And I would confirm that that is an accurate
12:20:43 25 recital of our agreement, Madam President.

26 PRESIDING JUDGE: Thank you, Mr Anyah. In the light of
27 that, by consent, the transcript will be made as an open session
28 on the pages recited by counsel and on the lines recited by
29 counsel, being 19892, line 14, to page 19894, line 2.

1 MR KOUMJIAN: May I proceed?

2 PRESIDING JUDGE: Yes, please do.

3 MR KOUMJIAN: Thank you:

4 Q. Mr Witness, yesterday in the afternoon I had asked you if
12:21:28 5 you knew where Sam Bockarie went from Burkina Faso and you said
6 the Ivory Coast. Can you tell us what you know about
7 Sam Bockarie going to the Ivory Coast?

8 A. Yes. I said when Sam Bockarie, according to Benjamin
9 Yeaten, Musa Cisse was sent to Ghana to take him to Burkina, and
12:22:03 10 whilst in Burkina in 2000, in the middle part of 2002, there were
11 some manpower on the ground, Sam Bockarie's manpower, and
12 according to Benjamin Yeaten, and the instruction came from
13 Mr Taylor, that they should put those men together from the ATU
14 and take them to Robertsfield airport, and they were taken to
12:22:33 15 Robertsfield. Later, in the evening, we drove to Robertsfield
16 along with Benjamin Yeaten, and a Burkina flight came and took
17 those men to Burkina and whilst they were in Burkina, in the same
18 2000, the middle part of 2000, a man called Joe Tuah, a Special
19 Forces, he started recruiting men for Ivory Coast and he was the
12:23:19 20 chairman for mobilisation for the Ivory Coast war. He was the
21 chairman for the recruitment for the Ivory Coast war, Joe Tuah,
22 and later those men were put together and they moved to the Ivory
23 Coast border to the customs. And the men crossed and attacked
24 Ivory Coast and Sam Bockarie and his own manpower came from the
12:23:59 25 Burkina border and attacked Ivory Coast. And later, whilst in
26 Monrovia, Benjamin Yeaten called me and told me that you will
27 have to report to your chief in Ivory Coast and that is Sam
28 Bockarie and later he transported me.

29 Q. Okay, thank you, Mr Witness. I want to ask you some

1 questions about what you have told us before you go on. First,
2 the information you have about Sam Bockarie moving with manpower
3 from Burkina Faso to Ivory Coast, how do you know that?

4 A. Yes, I said it was General Yeaten who told me that

12:24:50 5 Sam Bockarie is getting ready to come to Ivory Coast to fight and
6 that was how his men were put together and sent to Ivory Coast -
7 I mean, in Burkina to him.

8 Q. Now, you ended your previous answer by saying that Benjamin
9 Yeaten called you?

12:25:13 10 JUDGE SEBUTINDE: Sorry, Mr Koumjian, the witness has said,
11 "It was General Yeaten who told me Sam Bockarie is getting ready
12 to come to Ivory Coast." Is it Ivory Coast or Burkina or what?

13 THE WITNESS: No, I said Bockarie was already in Burkina
14 and then Benjamin Yeaten told me that Sam Bockarie is getting
12:25:39 15 ready to come to Ivory Coast from Burkina and that was how they
16 put his men together and sent them to him.

17 MR KOUMJIAN: Thank you:

18 Q. Now, Mr Witness, when you said that Benjamin Yeaten called
19 you and told you that you would have to report to your chief in
12:26:00 20 Ivory Coast, who did you understand him to mean when you say your
21 chief in Ivory Coast at that time?

22 A. Sam Bockarie.

23 Q. And did you in fact go to the Ivory Coast and meet
24 Sam Bockarie?

12:26:20 25 A. Yes.

26 Q. Now, do you recall approximately when this was? Can you
27 give us any idea?

28 A. Yes, I said in the middle part of 2002.

29 Q. When you got to the Ivory Coast, where did you see

1 Sam Bockarie?

2 A. I first of all got to the Ivory Coast border and I was
3 received by a guy called Sampson Weah and he took me to Danané to
4 Sam Bockarie. That was where I met Sam.

12:27:04 5 Q. Was Sam Bockarie with anyone in Danané?

6 A. Yes.

7 Q. What kinds of people was he with?

8 A. He was with those Sierra Leoneans, his troop that were sent
9 to him in Burkina. He came with them and some Liberians too and
10 also his wife.

12:27:29

11 Q. Now, sir, you mentioned some Sierra Leoneans that came to
12 him in Burkina. Who were these people?

13 A. Those were his fighters.

14 Q. Were these trained troops or not?

12:27:53

15 A. They were trained. They were already in the ATU in Liberia
16 and later they went to him.

17 Q. Did these men who were Sierra Leoneans who had come who had
18 been in the ATU - do you know when they had come to Liberia, the
19 majority of them?

12:28:16

20 A. Yes, the very time I am talking about, that is some part of
21 '99 that I was talking about, he came with those troops.

22 Q. Do you recall any of the people that were there with
23 Bockarie in Danané who were particularly close to him, any of his
24 close aides?

12:28:42

25 A. Are you talking about his men?

26 Q. Yes, sir.

27 A. Yes.

28 Q. Are there any names that you recall now?

29 A. Yes.

1 Q. Can you please tell us any of his, Sam Bockarie's, aides
2 that were with him in Ivory Coast that you can recall?

3 A. One of his front-line commander was called Toasty and the
4 S4 section, the guy who was controlling the S4 section, he was
12:29:27 5 called Jabaty. And one of the his front-line commanders again he
6 was called Van Damme and another guy - another front-line
7 commander again, he was called Yellow Man and another guy whom
8 they called Idri ssa, he was a Sierra Leonean. There were so
9 many.

12:29:53 10 Q. You mentioned a person who was the S4. What does that
11 mean, if you know, the S4?

12 A. He was in charge of every supply, like rice, any
13 ammunition. In fact the whole of the G4 section, he was in
14 control of it.

12:30:24 15 Q. This person Jabaty, do you recall his last name?

16 A. Jabaty Jaward. I think Jaward. His last name is a Sierra
17 Leonean name, so I don't --

18 Q. Okay, thank you. Can you tell us anything else about this
19 Jabaty that you know?

12:30:55 20 A. The only thing I know about Jabaty when I went to Danané is
21 that I met him there, we were all there and he was supplying.
22 When every front-line commander came, General Mosquito will send
23 them to the S4 section to Jabaty and that was his responsibility.
24 That was what he was doing. That is what I know about him.

12:31:20 25 Q. Mr Witness, can you estimate, and if you don't know the
26 answer just tell I us - but do you have any idea or estimation of
27 the number of troops that Sam Bockarie had with him at that time
28 in Ivory Coast?

29 A. The men who were sent to Sam Bockarie in Burkina were 1,000

1 men, but when he got into Ivory Coast the troop became large.
2 They were more than two to three thousand. So I wouldn't exactly
3 know the total figure.

12:32:11

4 Q. Did Sam Bockarie have any means to communicate from Ivory
5 Coast that you know of?

6 A. Yes.

7 Q. What did he have?

12:32:39

8 A. Sam Bockarie had a Thuraya phone. A Thuraya phone. And he
9 used to communicate directly with Mr Taylor and also with
10 Benjamin - I mean General Benjamin Yeaten. So those were the
11 people with whom he was in close contact.

12 Q. Who was Sam Bockarie fighting against, if anyone, in Ivory
13 Coast?

12:33:02

14 MR ANYAH: Madam President, this might very well assist
15 your Honours and so I raise it bearing in mind it is still the
16 Prosecution's case and we can of course ask questions in
17 cross-examination, but this allegation that Sam Bockarie used to
18 communicate directly with Mr Taylor and also with General
19 Benjamin Yeaten, there is no indication of frequency and when
20 these communications would take place and the witness's basis of
21 knowledge. Was he present when these calls were being made? I
22 mean how does he know all of this?

12:33:22

23 PRESIDING JUDGE: There isn't any foundation for this,
24 Mr Koumjian.

12:33:39

25 MR KOUMJIAN:

26 Q. Mr Witness, how do you know - you have told us that
27 Sam Bockarie would communicate with Benjamin Yeaten and President
28 Taylor. How do you know that?

29 PRESIDING JUDGE: Perhaps take them one at a time,

1 Mr Koumji an.

2 MR KOUMJIAN: Okay:

3 Q. How do you know that Sam Bockarie would communicate with
4 Benjamin Yeaten, Mr Witness?

12:34:04 5 A. That was what I was explaining. When I went to him I was
6 with him directly and I used to stand by him when he would have
7 the Thuraya phone communicating and reporting to the chief and
8 when he says "Chief" it was only Mr Taylor that he used to call
9 Chief. And when he was addressing General Yeaten he would call
12:34:29 10 him directly saying "General Yeaten", so I was directly with him
11 whilst the communications were going on.

12 JUDGE SEBUTINDE: "Him" means who?

13 MR KOUMJIAN:

14 Q. Who were you with when you heard these communications,
12:34:47 15 Mr Witness?

16 A. I said I was with Sam Bockarie whilst the communications
17 were going on. I used to be with him throughout.

18 Q. What was your duties there in Ivory Coast when Benjamin
19 Yeaten sent you there this time?

12:35:13 20 A. I went and I was doing my same job that I used to do as
21 bodyguard to him, so when I went to Ivory Coast that was the same
22 job that I was doing.

23 Q. How long did you stay in the Ivory Coast on this occasion,
24 approximately?

12:35:42 25 A. Yeah, when I got to the Ivory Coast it took me about two
26 months with Sam for the first time.

27 Q. Why did you leave the Ivory Coast that time?

28 A. It was one morning when Sam Bockarie told me to bring his
29 wife, Hawa, his little son called Paul Vaye and his little

1 daughter called Mammy Wye and another one who was called Prince.
2 He asked me to bring them to Monrovia.

3 MR KOUMJIAN: I just phonetically, Paul Vaye, the second
4 name V-A-Y-E and Mammy Wye, just phonetically, W-Y-E:

12:36:43 5 Q. Mr Witness, how old --

6 MR ANYAH: Madam President, with respect why can't the
7 witness not attempt to spell these? These are important bits of
8 information. As far as I know, I have been in this trial since
9 January, and except for the name of the wife I don't know that
10 any other witness has specifically given us details of the names
11 of the children. To get the accurate spellings would be
12 important at this time.

13 MR KOUMJIAN: I don't believe the witness would have the
14 spellings of the names. That's why.

12:37:12 15 PRESIDING JUDGE: Mr Witness, are you able to spell the
16 name of these children?

17 THE WITNESS: No, no.

18 MR KOUMJIAN:

19 Q. Sir, how old approximately at that time was Paul Vaye, the
12:37:26 20 first child?

21 A. Paul Vaye, he was three years.

22 Q. How old was Mammy Wye?

23 A. Mammy Wye was just a year and a half, yes.

24 Q. Approximately how old was Prince?

12:37:52 25 A. Prince was five years. Five.

26 Q. What happened after Sam Bockarie asked you to take them to
27 Monrovia?

28 A. I took them to Monrovia and I took them straight to the
29 house, to his house, to his compound where he was staying. That

1 was where I took them to.

2 Q. Did you speak to anyone in Liberia at that time?

3 A. On my way when we crossed the border I did not speak to
4 anybody. I brought them straight to town.

12:38:43 5 Q. How long did you stay in Monrovia at that time?

6 A. When I came to Monrovia I - it took me about two weeks and
7 then I returned.

8 Q. You returned to where, sir?

9 A. I returned to Ivory Coast.

12:39:10 10 Q. And did you take anyone with you?

11 A. Yes.

12 Q. Who did you take with you?

13 A. I took along his girlfriend, Sam Bockarie's girlfriend.

14 Q. Where did you go in the Ivory Coast?

12:39:33 15 A. I went to Danané.

16 JUDGE SEBUTINDE: Mr Koumjian, it is not clear to me when
17 the witness is ferrying members of Sam Bockarie's family to
18 Monrovia and he said, "I took them to Monrovia where Sam Bockarie
19 was." Was Sam Bockarie in Monrovia at this time, or you know,
12:39:59 20 they keep giving words like "I came to" or "I went to". I am a
21 little lost. Where was Sam Bockarie at the time the family was
22 ferried to Monrovia?

23 MR KOUMJIAN:

24 Q. Mr Witness, when Sam Bockarie asked you to take Hawa and
12:40:15 25 his children, Paul Vaye and Mammy Wye and Prince to Monrovia,
26 where exactly did you take them?

27 A. I took them straight to Mosquito's house. He still
28 maintained his house, even though he was away.

29 Q. Can you give us again the location of that house?

1 A. I said, when you get to ELWA Junction there is a road
2 called 12 houses road. When you take that road you follow that
3 road straight, you take a bend, a bend right, and then you will
4 see a compound with four buildings.

12:41:03 5 Q. Just so we are clear, when Sam Bockarie had you take his
6 family to Monrovia did Sam Bockarie come with you or not?

7 A. No, he only sent me. He never went along with me to
8 Monrovia.

9 Q. When you returned to the Ivory Coast this time, now the
12:41:24 10 second time you are there, with Sam Bockarie's girlfriend, how
11 long did you stay in the Ivory Coast?

12 A. When I went with Sam Bockarie's girlfriend, I was there for
13 close to one month.

14 Q. Mr Witness, during the times that you were in the Ivory
12:41:49 15 Coast with Sam Bockarie, what was going on?

16 A. Fighting was going on between Sam Bockarie's men and the
17 Ivorian soldiers and the commander - the rebel leader at that
18 time for the Ivory Coast, by the name of Philip Doh, commonly
19 known as Andre, he too was there fighting.

12:42:26 20 Q. You have told us that Philip Doh, known as Andre, was a
21 rebel leader, so who was he fighting against?

22 A. Andre was fighting against the Ivorian soldiers.

23 Q. What did you observe while you were there regarding the
24 relationship between Sam Bockarie and the rebel commander Andre?

12:42:55 25 A. When we were there, Andre at one time came to Sam Bockarie,
26 and by then we were in Man - we had gone to Man. He said
27 Sam Bockarie's men are looting, and that they are bringing
28 embarrassment and that besides Sam Bockarie wants his position.
29 So there was a big conflict between he and Sam Bockarie. So

1 later he left and he went to where he was based and that problem
2 always went on. And later it became serious and Benjamin Yeaten
3 - General Yeaten later called Andre. When he called Andre, at
4 that time we were in Danané so Andre came to Danané to meet again
12:44:04 5 with Sam Bockarie with that same complaint that his men are
6 embarrassing. We were right there when General Yeaten called
7 Andre, and he told Andre that this time I am sending a task force
8 to come and control from the Danané area up to Man and if anybody
9 was caught looting by my instruction that person will be executed
12:44:39 10 and that task force commander was General Yeaten's younger
11 brother by the name of Busy Boy.

12 PRESIDING JUDGE: Before we go any further, Mr Koumjian,
13 this is getting somewhat confusing. In the answer to who were
14 they fighting the witness said, "Fighting was going on between
12:44:59 15 Sam Bockarie's men and the Ivorian soldiers and the commander the
16 rebel leader Philip Doh." Now that conveys it to me that
17 Sam Bockarie's men and the Ivorian soldiers together were in
18 conflict with the rebel leader by the name of Philip Doh commonly
19 known as Andre. Then we go on to a relationship between Bockarie
12:45:25 20 and Andre which conveys that they were on the same side fighting
21 the Ivorian soldiers. You will note that in the following
22 paragraph.

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: So there is three parties and who is
12:45:40 25 fighting who in those three parties?

26 MR KOUMJIAN: Thank you. We will clarify. Your Honour,
27 just before we do, the transcript, the witness said at one point
28 that they had moved to Man and we have previously had that
29 spelled MAN, the French pronunciation.

1 THE WITNESS: I can make that clear.

2 MR KOUMJIAN:

3 Q. Now, Mr Witness, I will ask you to clarify: You have told
4 us about three different parties as the Presiding Judge has
12:46:08 5 mentioned - the President has mentioned: Sam Bockarie's men,
6 Andre's men and the Ivorian government soldiers. Can you tell us
7 who was fighting against who?

8 A. Yes. The whole fighting in Ivory Coast, the rebel leader
9 was Andre and General Mosquito was there to help to fight with
12:46:41 10 the rebels. That means he was directly with Andre to help him
11 fight against the government soldiers.

12 Q. Okay, thank you. And, Mr Witness, this morning you have
13 been very clear and slow in your pace. Please keep that up.

14 A. Okay.

12:47:06 15 Q. So did anything happen in the internal dispute between
16 Sam Bockarie and Andre, that you are aware of?

17 A. Yes. I later said that they sent a task force and the name
18 of the task force commander, but by then Andre and Sam Bockarie
19 when the problem was getting very serious between the two of them
12:47:41 20 Mr Taylor instructed Benjamin Yeaten to send the chairman for
21 recruitment at that time for that war, Joe Tuah, to come to the
22 Ivory Coast and settle the problem between Andre and that of
23 Mosquito.

24 When Joe Tuah arrived in Danané, that was in the morning
12:48:06 25 right in Danané, he came where Mosquito was staying. I was
26 present and he told General Mosquito that, "I am here with an
27 instruction, so can we go to where Philip Doh is staying so that
28 we can settle this problem?" Mosquito said, "I do not have
29 problem with that" and General Mosquito he got ready, we got into

1 his car, all of us drove to where Philip Doh was staying, a town
2 called Bin-Houyé and Bin-Houyé was close to the Liberian border.
3 That was where Philip Doh was staying. When we got to the place
4 Joe Tuah said, "Mosquito, you are here causing problems. Your
12:49:06 5 men are looting. That is not what we came here for." So, that
6 made Mosquito very angry, that moment, so he told Joe Tuah that,
7 "Let me tell you something. I am not taking instruction from
8 you. Even the Benjamin Yeaten, I am not taking instruction from
9 him. The only person that I am taking instruction from is
12:49:35 10 Mr Taylor and as far as I am concerned you, the Benjamin Yeaten,
11 I take you to be under men because I had been a leader - a rebel
12 leader - so if any one of you get me angry I think we will fight
13 here and whatsoever damages we do here we will do that."

14 And later, Joe Tuah started calming down and so all of us
12:50:06 15 talked to General Mosquito and he calmed down and Joe Tuah
16 mediated the problem between he and Mosquito. And that very day
17 they killed a cow, they cooked and everybody ate and we later
18 left and went back to Danané.

19 Q. Mr Witness, on this second time that you were in Ivory
12:50:37 20 Coast, what happened when you left the Ivory Coast the second
21 time?

22 A. I asked to be excused by General Mosquito for me to go to
23 Monrovia and see my family, so I left and went to Monrovia.

24 Q. Now, Mr Witness, do you know how long Sam Bockarie stayed
12:51:06 25 in the Ivory Coast, or do you know if he ever - let me strike
26 that. Do you know if Sam Bockarie ever left the Ivory Coast?

27 A. Yes.

28 Q. How did you become aware that Sam Bockarie had left the
29 Ivory Coast?

1 A. When I got to Monrovia it took like two weeks, close to one
2 month, and later, whilst we were in Monrovia, all of us heard
3 that there was a fighting - a serious fighting - and that rumour
4 was going around that there was a serious fighting between
12:51:49 5 General Mosquito and Philip Doh. And that fighting, whilst going
6 through the battle, General Mosquito retreated with his men all
7 the way to the Liberian border, to the customs, and they crossed
8 the customs and that was where they were until later General
9 Yeaten left Monrovia. I was there with him when he was leaving
12:52:18 10 and he told us that there was a serious problem between Philip
11 Doh and Mosquito and that Mosquito had crossed over to Liberia.
12 So by the President Mr Taylor's instruction he is going for
13 Mosquito to take him to a town called Cocopa.

14 Q. Mr Witness, you said Sam Bockarie crossed over into
12:52:46 15 Liberia. Do you know if he came alone or with anyone else?

16 A. He came along with all his fighters. He crossed along with
17 all his fighters.

18 Q. After Benjamin Yeaten left and said he was going to Cocopa,
19 what is the next thing that happened to you?

12:53:17 20 A. When Benjamin Yeaten left and he went for General Mosquito
21 from the customs and he brought him to Cocopa with all his men,
22 he then took all of his men to a town called Bin-Houyé not far
23 from Saclepea. That was where his men were based. And later,
24 General Yeaten turned to Monrovia, and he told me that I should
12:53:50 25 report to my chief at Cocopa, General Mosquito.

26 MR ANYAH: Madam President - I apologise. I will proceed
27 after counsel has given the spelling.

28 MR KOUJIAN: The spelling we have is B-I-N hyphen
29 H-O-U-Y-E: Mr Witness --

1 PRESIDING JUDGE: Yes, now, Mr Anyah, you are on your feet.

2 MR ANYAH: Yes, again I am raising an objection on the
3 basis of foundation. We don't know what year we are in, we don't
4 know the witness's knowledge base for what happens vis-a-vis
12:54:38 5 Yeaten going to a border area, taking all of Sam Bockarie's men
6 along with Bockarie to Cocopa and from Cocopa on to this other
7 place called Bin-Houyé or however it is spelt. And now the last
8 series of questions seem to bring back Benjamin Yeaten from
9 Cocopa back to Monrovia and there is no basis for the witness -
12:55:02 10 there is no foundation for the witness's personal knowledge nor
11 the time frame when all of this is evolving.

12 PRESIDING JUDGE: Yes, Mr Koumjian?

13 MR KOUMJIAN: Your Honour, I am conducting my examination.
14 I have questions that I want to ask in a certain order. It
12:55:16 15 frankly doesn't help me in understanding the sequence to be
16 interrupted with suggestions of how I should conduct the
17 examination. We will come to the time of when this happened in
18 due course and many of counsel's questions will be answered. If
19 they are not, he has cross-examination in order to ask those
12:55:36 20 questions.

21 PRESIDING JUDGE: Proceed, Mr Koumjian, and if I consider
22 that there is insufficient foundation I will raise it.

23 MR KOUMJIAN: Thank you very much. Any time your Honours
24 wish us to ask a question we are happy to do so:

12:55:49 25 Q. Sir, you said Benjamin Yeaten came back to Monrovia. What
26 happened then? Did you see Benjamin Yeaten after he returned to
27 Monrovia?

28 A. Yes.

29 Q. What did he tell you?

1 A. General Yeaten told me, he said, "Get ready and report to
2 your chief, General Mosquito, in Cocopa." And at that time all
3 these things were happening at the same end part of 2002.

4 Q. Mr Witness, what happened? Did you go to Cocopa?

12:56:37 5 A. Yes, I went to Cocopa.

6 Q. Did you see anyone when you went to Cocopa?

7 A. Yes, when I got to Cocopa I saw General Mosquito along with
8 his wife, Ma Hawa, and I gave him curtsy and I slept there with
9 him.

12:57:06 10 Q. After spending one day and spending the night in Cocopa,
11 what did you do?

12 A. I went to visit somewhere.

13 Q. Now, can you just tell us was that a relative you went to
14 visit?

12:57:26 15 A. Yes.

16 Q. Okay, thank you. Now, Mr Witness, can you tell us
17 approximately how long it was between the time you heard
18 Sam Bockarie had crossed back into Liberia and when you went to
19 see him in Cocopa? Can you give us any estimate of how much time
20 had passed?

12:57:49 21 A. Come again with that question.

22 Q. How long after Sam Bockarie had crossed into Liberia did
23 you go to see him in Cocopa?

24 A. When he crossed into Liberia and when Yeaten left it took
12:58:14 25 me four days to go to Cocopa.

26 PRESIDING JUDGE: Just a moment.

27 JUDGE SEBUTINDE: This is very confusing. When you ask
28 these questions like you just asked it doesn't - to me it doesn't
29 ascertain when these things happened and the confusion is

1 compounded by the answer. It took him four days to get to Cocopa
2 or four days before he went to Cocopa, or what?

3 MR KOUMJIAN: Okay, thank you.

12:58:51

4 PRESIDING JUDGE: I would add that the witness has said
5 when Benjamin Yeaten left. Left Sam Bockarie at Cocopa or left
6 Monrovia, because we have had evidence of both?

7 JUDGE SEBUTINDE: Plus we don't know when Sam Bockarie left
8 Monrovia, so to ask him how many - when Benjamin Yeaten left. To
9 ask how many days passed when we don't know when the initial
10 event was, what evidence is that? I mean how does that take the
11 case forward to us?

12:59:14

12 MR KOUMJIAN: Well, your Honour, because my --

13 JUDGE SEBUTINDE: Because we are dealing with time frames
14 and I appreciate what you are doing.

12:59:26

15 MR KOUMJIAN: Yes.

16 JUDGE SEBUTINDE: But we need time frames that are
17 meaningful.

12:59:38

18 MR KOUMJIAN: Your Honours, I believe we have certain dates
19 that are very hard evidence, including reports that your Honours
20 will know are dates that are fixed that are not in dispute.
21 Witnesses - all witnesses - remembering dates, memories may be
22 less reliable than that so sometimes when using events --

12:59:57

23 PRESIDING JUDGE: Actually I appreciate that, but you
24 haven't put that to the witness. You are tantamount to giving
25 evidence on behalf of the witness.

26 MR KOUMJIAN: Okay. I see my question was not very helpful
27 and I don't know whether to follow up on it or I have another
28 approach I may take a little bit later for timing, but let me
29 just try it one more time then:

1 Q. Mr Witness, the question I am asking you is you told us you
2 heard Sam Bockarie had crossed into Liberia with his fighters.
3 Do you remember stating that?

4 A. Yes.

13:00:28 5 Q. How much time passed between when Sam Bockarie crossed into
6 Liberia with his fighters and when you saw him in Cocopa, if you
7 can estimate?

8 A. Sam Bockarie crossed into Liberia and it took one week at
9 the customs at the border. One week. And it was within that one
13:00:56 10 week that General Yeaten went there. And when he returned to
11 Monrovia he spent two days, because he took him from the Liberian
12 border to Cocopa, because I was not there, but he took one week
13 at the border before he was being carried to Cocopa.

14 Q. Okay. After Sam Bockarie was carried to Cocopa how much
13:01:24 15 time passed between that and when you saw him in Cocopa, to the
16 best of your recollection?

17 A. I said when General Yeaten returned to Monrovia it took me
18 four days before I went to Cocopa.

19 Q. When you say it took you four days before you went, do you
13:01:50 20 mean four days before you left or the journey took you four days?

21 A. No, when Yeaten came to Monrovia he gave me the instruction
22 and I spent four days before I left Monrovia to go. And the
23 journey from Monrovia to Cocopa is just a day's journey.

24 Q. Thank you. Now after you went to visit this relative
13:02:20 25 what's the next thing that happened to you that you recall?

26 A. Yes, I had a friend - because I was not the only person on
27 Mosquito's duty. I had a friend by the names of James Kemu.
28 After I had taken - obtained excuse that I wanted to go and visit
29 I spent a day when I left - when I left the following morning the

1 area where I was, the house I was living in was right on the car
2 road and it was early in the morning, around 6.30, when I opened
3 the window I saw a heavy convoy passing, Yeaten's convoy, so I
4 was very surprised and I later came outside.

13:03:22 5 When I got outside later my sister and my aunt went to the
6 market to do shopping. That was very early in the morning. So
7 because I only went there for a day for me to return back to
8 Cocopa, but when she went to the market she came back to me that
9 morning and she said, "Oh, I saw a huge number of armed men
10 around the market area and they brought a pick-up, the tyre got
11 flat and they were down there." I said, "Okay, maybe from here
12 they will take me and carry me", so I decided to walk to the
13 place where the soldiers were. But when I got to the place I saw
14 a best friend of mine - sir, I don't know whether I can continue
13:04:19 15 to call names or --

16 Q. Yes, there is one question I would like to take in private
17 session and that is to ask the witness the name of the place he
18 was at visiting his relative, so just simply that question I
19 would like to take in private session.

13:04:37 20 PRESIDING JUDGE: The witness appears to also have
21 hesitations about naming someone.

22 JUDGE SEBUTINDE: Mr Koumjian, he has referred to you.

23 MR KOUMJIAN: Thank you:

24 Q. Mr Witness, what we can do is are you willing to write down
13:04:53 25 on a piece of paper that will be confidential that name?

26 A. Yes, I think I gave you --

27 Q. Yes, I know the name, but your Honours first perhaps we
28 just take a brief private session, one question, to ask the name
29 of the place the witness was at visiting a relative.

1 PRESIDING JUDGE: Mr Anyah, you have heard the application.

2 MR ANYAH: Yes, Madam President, if we are indeed going
3 into a private session he may very well say the name in private
4 session.

13:05:31 5 PRESIDING JUDGE: I am asking you if you have any
6 objection?

7 MR ANYAH: To going into private session?

8 PRESIDING JUDGE: Yes.

9 MR ANYAH: No, I do not.

13:05:40 10 MR KOUMJIAN: I adopt Mr Anyah's suggestion and I will also
11 ask the name of the person he saw.

12 PRESIDING JUDGE: For purposes of the record and the rules
13 the Court will go into a brief private session to elicit some
14 information. We are informed it will only be a couple of
15 questions. This is for reasons of security of the witness.

13:05:58 16 Please put the Court in private session, Madam Court Officer.

17

18 [At this point in the proceedings, a portion of
19 the transcript, pages 19983 to 19984, was
20 extracted and sealed under separate cover, as
21 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Please proceed, Mr Koumjian.

4 MR KOUMJIAN:

13:10:41 5 Q. Now, Mr Witness, in your previous answer you said your
6 sister had told you that there were some soldiers - some armed
7 men - around the market and you walked down there where you saw a
8 friend. We will call this friend Mr X. What happened when you
9 saw Mr X?

13:11:04 10 A. When I saw him, the first thing he did was to hold me by my
11 hand and he said, "You are very lucky." That was the first thing
12 he told me, "You are very lucky."

13 Q. I thought something was missed in the interpretation.
14 Mr Witness, would you please repeat what did Mr X tell you after
13:11:29 15 grabbing your hand?

16 A. He said "My man, you are very lucky." That was what he
17 told me. That was the first thing he told me, "My man, you are
18 very, very lucky." That was the first thing he told me.

19 Q. Then what did he say?

13:11:54 20 A. Then he held me by my hand and we went behind the house and
21 he said, "You saw the convoy that passed just now?" I said
22 "Yes." Then he said, "We are just from killing General Mosquito
23 along with his wife and your friend James Kemu was also killed
24 and beheaded, so you are very lucky. It was good that you were
13:12:36 25 not present, because had you been present you would have been the
26 one that would have been killed." Then I started asking him. I
27 said, "What is going on? Can you brief me?" Then he decided to
28 brief me. He said, "What I am coming to tell you I do not want
29 you to tell anybody else because you are one of those whose names

1 was called. Personally, you had been assigned to Sam so you were
2 the one who was supposed to have been killed." Then I said, "No,
3 I won't discuss it with anybody." Then he said, "When we left,
4 an order came from Monrovia that was given to Mr Blah from
13:13:35 5 Mr Taylor. This order came down and it was delivered to General
6 Yeaten that Sam Bockarie was a serious embarrassment to Mr Taylor
7 so for this reason Sam Bockarie should be killed along with all
8 his men." So we went --

9 Q. Mr Witness, you mentioned that a person was killed, that
13:14:11 10 Mr X told you your friend James, and the transcript didn't pick
11 up the second name, the last name, was also killed. What is the
12 name of your friend who Mr X told you was also killed with
13 Bockarie?

14 A. I called his name. I said James Kemu. James Kemu.

13:14:34 15 Q. Who was James Kemu?

16 A. Kemu was assigned with the SSS and later took up assignment
17 with General Mosquito, so all of us were assigned with General
18 Mosquito.

19 Q. You said that James Kemu was beheaded. Did Mr X explain to
13:15:11 20 you why James Kemu was beheaded?

21 A. Yes. He said the way they planned the whole thing to kill
22 Mosquito was that when General Yeaten got to Cocopa he sent for
23 {Redacted} --

24 THE INTERPRETER: Your Honours, the witness is calling this
13:15:42 25 name. I don't know if --

26 PRESIDING JUDGE: Please remember what counsel told you
27 about naming Mr X.

28 MR KOU MJIAN: Your Honour, can we do a redaction on page -
29 well, it was just a few lines up. On mine it is page 86, line

1 18.

2 PRESIDING JUDGE: It is the same person?

3 MR KOUMJIAN: Yes.

4 PRESIDING JUDGE: It is.

13:16:12 5 [Trial Chamber conferred]

6 There will be an order redacting the name of a person
7 mentioned by the witness just now. Please implement that, Madam
8 Court Officer. Mr Witness, I again remind you. Please proceed,
9 Mr Koumjian.

13:16:55 10 MR KOUMJIAN: Yes:

11 Q. Mr Witness, just answer this question. Did Mr X tell you
12 why James Kemu was beheaded?

13 A. Yes, he said that James Kemu was beheaded so that his
14 family members would not recognise him.

13:17:43 15 Q. What was James Kemu's nationality?

16 A. A Liberian.

17 Q. Did Mr X tell you anything else about the other people with
18 Sam Bockarie, or any plans regarding others with Bockarie?

19 A. Yes, that was what I was explaining. He said when they got
13:18:20 20 to the place at Cocopa General Yeaten told him that they had
21 taken Sam to the border at a town called Tiaplay to kill him, so
22 General Yeaten asked Sam Bockarie, "I am" --

23 THE INTERPRETER: Your Honours, can he just repeat where he
24 was going. "I am going to --"

13:18:56 25 PRESIDING JUDGE: Please pause, Mr Witness. The
26 interpreter does not hear you clearly. Please pick up your
27 answer after you said, "So General Yeaten asked Sam Bockarie --"
28 Please continue from there.

29 THE WITNESS: General Yeaten told Sam Bockarie that he was

1 going for a border tour and if he would be happy to go with him
2 and he said "Yes". He had no alternative.

3 MR KOUMJIAN:

4 Q. Okay. The question, Mr Witness, is if Mr X told you about
13:19:48 5 any orders regarding others with Sam Bockarie besides James Kemu?

6 A. Yes, he said Sam Bockarie and all his men, his soldiers,
7 should be arrested and killed and his wife should also be killed.

8 Q. Mr Witness, what did you do after this conversation with
9 Mr X?

13:20:31 10 A. I returned to the place, because he had already told me
11 that I should be careful. So, I left there for about a few days
12 and he left and went to Saclepea.

13 Q. When you say, "I returned to the place", do you mean the
14 relative's place that you told us earlier?

13:20:59 15 A. All the discussion was taking place at the area that he met
16 me at my relative's area town.

17 Q. So what did you do after the conversation? When you say,
18 "I returned to the place", what do you mean?

19 A. No, no, I said I stayed in the town. I did not go
13:21:22 20 anywhere. That was what I said.

21 Q. What happened after you said you stayed in the town for a
22 few days? What happened to you then?

23 A. After - let me just assume one week. After one week I
24 decided to go to Saclepea and I left the town and went to
13:21:52 25 Saclepea.

26 Q. What happened when you got to Saclepea?

27 A. When I got to Saclepea I saw Mr X; the late Jungle, Daniel
28 Tamba; one General Seaway; and Sampson Weah. The whole group --

29 THE INTERPRETER: Your Honours, can he take this last bit

1 slowly and clearly.

2 PRESIDING JUDGE: Please pause, Mr Witness. The
3 interpreter is having trouble hearing you clearly, Mr Witness.
4 Please pick up after you mentioned Sampson Weah and you said,
13:22:40 5 "The whole group --" Please continue from there and pronounce
6 the names slowly for the interpreter.

7 THE WITNESS: I said when I got to Saclepea I saw Mr X;
8 General Seaway; Daniel Tamba, also called Jungle; and Sampson
9 Weah. All of them were at the city mayoress shop drinking. That
13:23:21 10 was what I said.

11 JUDGE SEBUTINDE: Mr Interpreter, you said city what shop?

12 THE INTERPRETER: He is saying mayoress. That is why I
13 asked a while ago for him to repeat. It is not very clear. City
14 mayoress. City mayoress. The city mayoress. She was
13:23:38 15 controlling the city.

16 MR KOUMJIAN: Your Honour, one spelling. General Seaway is
17 S-E-A-W-A-Y:

18 Q. What happened when you saw this group drinking?

19 A. Yes, I saw Jungle. On the side I saw James Kemu who had
13:24:14 20 now been beheaded, I saw his pistol on his side, the one that he
21 was using, because the grip of the pistol was damaged, so Kemu
22 had put a tape around it, so he had it on his side. He told me,
23 that is Jungle now told me the same thing that Mr X told me. The
24 same thing that Mr X told me, he told me the same thing that,
13:24:48 25 "Here is your man Kemu's pistol and that you are a very lucky man
26 because you are the one who was supposed to have been killed had
27 you been present. So we killed James Kemu and his head was cut
28 off".

29 Q. Just so we are clear, who told you that on this occasion?

1 A. I said Daniel Tamba, also called Jungle. He was the one
2 who told me.

3 Q. Now, Mr Witness, do you know whether Daniel Tamba and James
4 Kemu knew each other?

13:25:35 5 A. Very well.

6 Q. Did they have any kind of - how did they know each other?
7 Can you describe their relationship?

8 A. James Kemu and Daniel Tamba, we were all together in
9 Monrovia and that was where James Kemu - I mean James Kemu and
10 Daniel Tamba knew other, just friends.

11 Q. Did it surprise you that Jungle would tell you in this way
12 that he had killed his own friend James Kemu?

13 A. It made me scared. Not just surprised. It made me scared.

14 Q. Why would you - okay. Well, did you find it or do you find
13:26:37 15 it surprising now that Jungle would kill his own friend James
16 Kemu?

17 A. Yes, yes.

18 Q. Do you have any idea why he would do that?

19 A. The only idea I had at that time was that he was taking
13:27:02 20 instructions. He was taking instructions to destroy, because
21 according to him they did it to destroy evidence.

22 Q. After having this conversation with Jungle, what did you
23 do?

24 A. I later - Sampson later told me that General Yeaten was
13:27:36 25 asking for me, so I should go with him at his base, at General
26 Yeaten's base, right near Ganta, not far away from Ganta. That
27 was where he was based. I asked him, "Would I not be killed?"
28 And he said, "Everything - to me everything is over. It is good
29 for you to go and see the general", so he and I left.

1 JUDGE SEBUTINDE: Excuse me, Mr Koumjian. The witness said
2 - when you asked him the relationship between Kemu and Jungle he
3 said, "We were all together in Monrovia and that is where I knew
4 Kemu" and that these two were friends - rather, they were
13:28:27 5 together. Okay, perhaps I withdraw the comment. The witness did
6 they say were friends, because I thought that was you suggesting
7 to him that they were friends.

8 MR KOUMJIAN: That is what I understood he said.

9 JUDGE SEBUTINDE: Yes, I apologise.

13:28:48 10 MR KOUMJIAN:

11 Q. You said that Yeaten was in Ganta. Help us a little bit
12 with understanding what is going on in Liberia in general and
13 Ganta specifically at that time?

14 MR ANYAH: Madam President, we don't know at which time.
13:29:07 15 What year?

16 MR KOUMJIAN: In fact, your Honours, this is partly why I
17 am asking the question, because what is going on will help us to
18 place the exact time and year.

19 JUDGE SEBUTINDE: Has the witness indicated that he doesn't
13:29:21 20 recall a year before you jump to this other conclusion?

21 MR KOUMJIAN: I think the witness has indicated - I don't
22 want to put words in his mouth.

23 THE WITNESS: No, no. They asked me and I called the time.
24 They asked me from the border to Cocopa. I called the time and
13:29:41 25 the year. I said it was almost at the --

26 MR KOUMJIAN: There is no question:

27 Q. Mr Witness, let me ask you this question then so it is
28 clarified. Do you know, or give the best of your recollection,
29 when Sam Bockarie was killed?

1 A. Sam Bockarie was killed in 2003. At that time - excuse me,
2 because I said the end of 1999 we crossed. So 2000 - I mean
3 2002, the ending part of 2002, we crossed. Then he left there.
4 It was in the new year. We were getting into 2003 when LURD
13:30:31 5 rebels were fighting.

6 Q. Mr Witness, I am just asking these questions for timing. I
7 think I can do it in one minute or we could stop. Do you recall
8 when President Taylor finally left Liberia for exile?

9 A. Yes.

13:30:50 10 Q. When was that to the best of your recollection?

11 A. President Taylor left Liberia in 2003, 11 August.

12 Q. How long before President Taylor left do you believe it was
13 that Sam Bockarie was killed? How many weeks or months or years?

14 MR ANYAH: Objection. How long before President Taylor
13:31:17 15 left does he believe Sam Bockarie was killed. It assumes that
16 Sam Bockarie was killed before August. The witness didn't give
17 us a month in 2003 when Sam Bockarie was killed. The question
18 assumes he must have been killed before President Taylor left.

19 PRESIDING JUDGE: There is some validity in that,
13:31:39 20 Mr Koumjian. Rephrase the question and it is actually past the
21 usual - no, rephrase that question. I want it dealt with before
22 we adjourn.

23 MR KOUMJIAN:

24 Q. How long, Mr Witness, before or after President Taylor left
13:31:46 25 Liberia for exile do you believe it was that Sam Bockarie was
26 killed?

27 A. Sam Bockarie was killed - it took - when Sam Bockarie was
28 killed it took more than two or three months before Mr Taylor
29 left.

1 MR KOUMJIAN: Thank you.

2 PRESIDING JUDGE: We will now take the lunchtime
3 adjournment. Mr Witness, we are now going to take the lunchtime
4 adjournment. We will be resuming court at 2.30. Please adjourn
13:32:20 5 court to 2.30.

6 [Lunch break taken at 1.32 p.m.]

7 [Upon resuming at 2.34 p.m.]

8 PRESIDING JUDGE: Mr Koumjian, please proceed.

9 MR KOUMJIAN: Thank you, your Honour:

14:34:18 10 Q. Mr Witness, you had mentioned that after some time you
11 decided to go to Ganta, is that correct, to speak to Mr Yeaten?

12 A. Yes, I said Sampson and I.

13 Q. Now, sir, was there any fighting going on in that area at
14 that time?

14:34:52 15 A. Yes, Ganta had fallen into the hands of the LURD rebels and
16 so Yeaten was based right close to there, not too far from the
17 town, and there was fighting in Ganta.

18 Q. Do you recall any other commanders for Charles Taylor's
19 forces that was there at the front line in Ganta?

14:35:15 20 A. Yes, I remember Jungle was there fighting.

21 Q. Do you remember any other commanders who were assigned to
22 Ganta in fighting against LURD?

23 A. Yes, High Command was one of the commanders in Ganta.

24 Q. Who was High Command?

14:35:49 25 A. High Command was a Sierra Leonean.

26 Q. What unit or units did he serve with, to your knowledge?

27 A. Jungle Fire.

28 Q. Was he in any other unit, to your knowledge?

29 A. Where, in Ganta?

1 Q. No, let me go back and ask you first where was it that you
2 first met High Command?

3 A. I met High Command in Monrovia.

4 Q. What was, if you know, High Command's position in Monrovia?

14:36:46 5 A. He was - I met him with Benjamin Yeaten, as one of his
6 bodyguards with the Yapl an group.

7 Q. Can you repeat the name of the group?

8 A. Yapl an Uni t. Yapl an Uni t.

9 Q. Is that a word in English, or do you know what language
14:37:24 10 that word comes from?

11 A. It was just - I don't know whether it was English or not,
12 but Benjamin Yeaten just put that unit together and he referred
13 to it as Yapl an and so everybody was referring to it as the
14 Yapl an Uni t and that was part of his bodyguard group.

14:37:50 15 Q. Do you know how to spell Yapl an?

16 A. Yapl an, it should be Y-A-P-L-A-N. I don't know whether it
17 was an English name, or --

18 Q. What kind of a soldier was High Command?

19 A. I said High Command was a Sierra Leonean who crossed with
14:38:32 20 General Mosquito and later took assignment with Benjamin Yeaten
21 and he was fighting alongside the Jungle Fire Unit.

22 Q. If you know, what reputation did he have as a fighter?

23 A. I only knew him as one of the strong fighters among the
24 commanders on the front line.

14:39:06 25 Q. Thank you. Before we move on, can you tell us any other
26 names of people that you remember that were part of this Yapl an
27 Uni t?

28 A. This Yapl an Uni t, half of them were Sierra Leoneans in that
29 unit and so there were many. You had RSM, you had Hindolo, you

1 had Nyande inclusive and they were plenty.

2 MR KOUMJIAN: Your Honours, I believe we have had two of
3 these spellings before. Hindolo is H-I-N-D-O-L-O and Nyallay is
4 N-Y-A-L-L-A-Y:

14:40:34 5 Q. When you got to Ganta, what happened?

6 A. When I got to Ganta I met General Yeaten. I gave him a
7 courtesy and he asked me, "Where are you coming from?", and I
8 told him that I went on a visit. I went right beside him. He
9 called me, using his finger gesticulation, and I went right
14:41:15 10 beside him and I squatted there. He asked me, saying, "I guess
11 you know what had happened?", and then I said, "No, sir". He
12 said, "In case you were around for me to tell you to fire your
13 commander, General Mosquito, what would you have done?" I said,
14 "Chief, you gave me that assignment and if I were around for you
14:41:51 15 to tell me shoot Mosquito I was going to shoot him straight off
16 without any doubt because you gave me the assignment", and he
17 said, "Okay".

18 Q. Did General Yeaten tell you anything else during this
19 conversation?

14:42:20 20 A. Yes, then he said, "I guess you know General Mosquito is
21 now dead, along with Kemu, so what I want you to do is move to
22 Saclepea and take over Saclepea as commander and any of those
23 Mosquito bodyguards that you will see around arrest them and
24 bring them to me". Then I said, "Yes, sir", and then I moved to
14:42:57 25 Saclepea.

26 Q. What happened when you went to Saclepea?

27 A. When I took over command at Saclepea I then arrested two of
28 those men, Toasty and one of the guys I have just forgotten his
29 name, and I took them to General Yeaten on his base. I said,

1 "Chief, I brought two of the men". He said, "Okay", and he was
2 very happy. He told me that, "You are cooperating. You are
3 cooperating now, so I believe that you are not actually feeling
4 bad about your commander". Then he said, "Go back and do your
14:43:50 5 work", and then I left. I left the two men with him there and I
6 went back to Saclepea.

7 Q. Do you know what happened to Toasty and the other man you
8 arrested and brought to Yeaten?

9 A. No, no, no, I only arrested them just as he told me and I
14:44:18 10 took them to his base. I left them there and I went back to
11 Saclepea. What happened and what did not happen, that I don't
12 know.

13 Q. After you went back to Saclepea, did you have any other
14 assignments?

14:44:34 15 A. Yes, when I went back to Saclepea by then LURD was making a
16 serious advance on to Monrovia and then Mr Taylor called General
17 Yeaten to go to Monrovia. That very evening I went to his base,
18 but he was on his way leaving for Monrovia and he left. Jungle
19 by then was now taking care of the front line in Ganta, so that
14:45:17 20 is General Tamba, and General Yeaten left, but before he left for
21 Monrovia something happened on the front line in Ganta.

22 Q. Mr Witness, you have mentioned Daniel --

23 JUDGE SEBUTINDE: I am sorry, Mr Koumjian, but the witness
24 said, or I thought he said, "Then Mr Taylor called General Yeaten
14:45:39 25 to go to Monrovia"?

26 THE WITNESS: That was what I said, but before he left
27 something happened at the front line in Ganta and that is what I
28 just want to explain before going to Monrovia.

29 JUDGE SEBUTINDE: Yes, I was just pointing to an error in

1 the record that distorted what the witness said and I hope it is
2 corrected later.

3 MR KOU MJIAN: Thank you:

14:46:15

4 Q. Mr Witness, what happened at the front line at Ganta at
5 that time?

6 A. Okay. At the front line in Ganta, Jungle - Daniel Tamba -
7 was shot by Nyande with a calibre and he killed him. Nyande said
8 it was by General Yeaten's directive to kill Jungle, so they took
9 the body to Monrovia.

14:46:43

10 MR KOU MJIAN: Your Honour, I am hearing slightly
11 differently to the interpretation for the name.

12 PRESIDING JUDGE: Also Mr Anyah is on his feet.

14:46:58

13 MR ANYAH: Well, this is the point. The witness when I
14 looked at my notes when he first mentioned this name he said was
15 Nyande and counsel spelt Nyallay. That struck me as awkward,
16 Mr Taylor pointed it out to me and now the witness has repeated
17 this name again Nyande which I would spell N-Y-A-N-D-E. The
18 spelling given by learned counsel opposite is Nyallay.

14:47:25

19 PRESIDING JUDGE: Let us clarify whether they are one and
20 the same person, or whether they are different persons,
21 Mr Koumjian.

22 MR KOU MJIAN:

23 Q. Sir, first would you say very loudly and clearly the name
24 as you know it?

14:47:37

25 PRESIDING JUDGE: The person who is alleged to have
26 committed this, or the previous --

27 MR KOU MJIAN: Yes:

28 Q. The person that you are saying now shot Daniel Tamba?

29 A. I said Nyande. It is a Sierra Leonean name. So we just

1 used to say "Nyande, Nyande", and that is the same Nyande that I
2 am talking about.

3 JUDGE SEBUTINDE: Mr Interpreter, you also are changing
4 what the witness is pronouncing. Mr Witness, could you pronounce
14:48:17 5 it for us without interpretation. Say the name to us. We want
6 to hear what you are saying.

7 THE WITNESS: I said it's a Sierra Leonean name. It's a
8 Sierra Leonean name, not a Liberian name, so we used to call
9 Nyande. Some people call it Nyallay, Nyande, so it's a Sierra
14:48:36 10 Leonean name. It is not a Liberian name. Like somebody else
11 like myself might not be used to the name, so that the spelling
12 now myself I don't know because we used to call it Nyande.

13 JUDGE SEBUTINDE: Mr Koumjian, I think this is your problem
14 now to ascertain to us (1) the spelling and (2) whether these are
14:49:00 15 one and the same person, or two different people.

16 MR KOUMJIAN: The second I am more confident about than the
17 first. So, your Honours, obviously it is for your Honours as
18 fact finders to find this. What I heard the witness say this
19 time I would spell N-Y-A-N-Y. That is what I heard.

14:49:30 20 JUDGE SEBUTINDE: Mr Koumjian, it's more important to
21 ascertain whether this character, Nyallay, is the one and the
22 same person as the one formerly; the one which the witness said
23 he collected, arrested and took to Yeaten.

24 MR KOUMJIAN: That was Toasty, but he was mentioned before.
14:49:51 25 A person was mentioned before and I will have the witness
26 clarified how he has mentioned him.

27 PRESIDING JUDGE: He was one of the front line people at
28 the Yapl an Unit, half of whom were Sierra Leonean. There were
29 four named and that was one of them.

1 MR KOUMJIAN: Thank you:

2 Q. Mr Witness, you've talked about the person who shot Daniel
3 Tamba. First of all, you said he is Sierra Leonean. What unit
4 or units do you know him, the person who shot Daniel Tamba, to
14:50:22 5 have been in?

6 A. I said it was Nyande who belonged to the Yapl an Unit. The
7 Yapl an Unit was under the Jungle Fire Division.

8 Q. Who was the commander at that time of the Jungle Fire
9 Division?

14:50:57 10 A. The overall commander was - it was General Yeaten's unit,
11 but he appointed one Junior Gbaelu as the Chief of Staff for
12 Jungle Fire.

13 MR KOUMJIAN: I will try and get that spelling:

14 Q. Unless, Mr Witness, do you know how to spell the last name
14:51:17 15 of the person you said was appointed Chief of Staff? You said
16 "Junior" and then you said the last name something like Gbaelu?

17 A. I said Gbaelu. It's a Grebo name. It's a Grebo name.

18 MR KOUMJIAN: We will try for a spelling and, if not, we
19 will give it to you:

14:51:38 20 Q. Do you know how to spell it, Mr Witness?

21 A. I think it should be G-B-A-U-E-L-U, but I don't really
22 know.

23 Q. Thank you.

24 PRESIDING JUDGE: He said it's a something name. Is that
14:52:05 25 an ethnic group, or a location, or --

26 MR KOUMJIAN:

27 Q. Sir, you said Gbaelu was a certain kind of name. Was that
28 the name of a tribe, or the name of a place? What kind of name
29 did you say it was?

1 A. Gbaue lu is a Grebo name that belonged to the southeastern
2 region in Maryland.

3 Q. Thank you, Mr Witness. Going back to Nyany, can you tell
4 us was he known for any particular - operating any particular
14:52:49 5 weapons?

6 A. Yes, Nyany was operating the 30 calibre for Mr Yeaten in a
7 Land Cruiser pick-up.

8 Q. What kind of gun is that? Can you describe it?

9 A. Yes, it's a heavy weapon, but it had a back feed. It had a
14:53:29 10 long belt fed. They will take the belt and then they put the
11 rounds into the top and then you close it. After closing it the
12 belt - the belt fed will be there and somebody will be behind it
13 and he will start shooting. It has a long stand that is balanced
14 in the pick-up.

14:54:00 15 JUDGE SEBUTINDE: Mr Interpreter, is that belt feed, or
16 belt fed? What is a belt fed?

17 THE INTERPRETER: Belt fed is a type of belt that takes the
18 bullets. That's what he is referring to as belt fed, that the
19 gun is belt fed. The bullets are in the belt that is tied around
14:54:22 20 the - that is put in the particular container controlled by
21 someone.

22 MR KOUMJIAN: Thank you:

23 Q. Now, Mr Witness, you said that Nyany had shot Jungle. How
24 do you know that?

14:54:43 25 A. It was Nyany himself who told me. It was through a
26 conversation that it was an instruction from General Yeaten that
27 he should shoot Jungle whilst they were on the front line,
28 because he was always on the calibre and it goes a distance and
29 according to him when --

1 THE INTERPRETER: Your Honours, that did not come out very
2 clearly to the interpreter.

3 PRESIDING JUDGE: Mr Witness, the interpreter did not hear
4 you clearly. Please go back to your answer from where you said,
14:55:30 5 "He was always on the calibre and it goes a distance and
6 according to him --", and continue from there please.

7 THE WITNESS: I said according to him he was over the
8 calibre and Jungle was - Jungle's back was towards him and so he
9 shot him from the back. That was how he killed him.

14:56:10 10 MR KOUMJIAN: I would now apply for a brief private session
11 to put a photograph - first I can proceed on one photograph in
12 open session, then I have another one in private session. Let me
13 just make sure I don't mix them up.

14 Could the Court Officer please bring the photograph in tab
14:56:49 15 14 to the witness. I believe we have the original and that could
16 be given to counsel and your Honours first, please.

17 JUDGE SEBUTINDE: Could we have the ERN number, please?

18 MR KOUMJIAN: The photograph has the ERN number P0000807.

19 PRESIDING JUDGE: Mr Anyah, I see you are on your feet.

14:58:40 20 MR ANYAH: I think perhaps it's appropriate that I wait for
21 your Honours to review the photograph first. May the photograph
22 not be published yet to the witness until your Honours have ruled
23 on the application I intend to make.

24 PRESIDING JUDGE: Yes. What is your application?

14:59:27 25 MR ANYAH: Madam President, I am looking at the photograph
26 and your Honours have seen it. Nothing about the photograph
27 immediately indicates what it pertains to. I do not see a
28 representation of the witness in the photograph. Perhaps there
29 would be more foundation as to what this event is about and the

1 witness's knowledge for it rather than something perhaps in the
2 photograph to suggest to him what it pertains to.

3 I don't know if what I am saying makes sense, but the
4 witness may very well have been told about an incident, for
15:00:02 5 example a wedding, if we were to give an example, and the witness
6 may have been told about persons who attended that event without
7 the witness being present. A photograph is then shown to the
8 witness and the witness may very well adopt that photograph as
9 accurately depicting the event even if he wasn't there. So there
15:00:21 10 has to be some connection or foundation, I propose to you,
11 respecting this particular photograph and what is depicted and
12 the witness's knowledge of what it is before he is shown the
13 photograph.

14 MR KOUMJIAN: If I might assist your Honours a little bit.
15:01:32 15 The photograph - counsel is referring to an event. As I
16 understand he is concerned that somehow this witness is going to
17 be triggered about an event. The photograph is being shown to
18 the witness only to identify individuals. I plan no testimony.
19 I don't know what the event is and I don't plan to ask any
15:01:50 20 questions about the event. The photograph is whether he
21 recognises individuals in the photograph. That is the purpose.

22 PRESIDING JUDGE: We allow that questioning to proceed.

23 MR KOUMJIAN:

24 Q. Mr Witness, you see on the screen in front of you a
15:02:20 25 photograph and perhaps a copy could be given to the witness also.
26 Sir, first in the centre of the photograph there is an individual
27 holding a book. Do you recognise that individual?

28 A. No, I don't know the individual that is holding the book.

29 Q. Okay. Can you tell me if there's anyone in the photograph

1 that you recognise?

2 A. Yes.

3 Q. First, what is the name of the person that you recognise?

15:03:12

4 A. On this photograph there is a girl in a uniform. With one
5 star on her cap. Her name is General --

6 THE INTERPRETER: Your Honours, the name of the lady was
7 not clear.

8 PRESIDING JUDGE: Mr Witness, the name you gave, the
9 interpreter is not clear. Please repeat the name.

15:03:39

10 THE WITNESS: I said, General Lucy. General Lucy.

11 MR KOUMJIAN:

12 Q. Sir, could you take a pen on the copy in front of you and
13 just draw a line as you have done previously and put General Lucy
14 to that line that goes to the person that you are identifying.

15:04:02

15 PRESIDING JUDGE: Since there are two ladies in uniform
16 what is --

17 THE WITNESS: I said - I said the one that is in the
18 camouflage.

19 PRESIDING JUDGE: Thank you. That is most helpful,
20 Mr Witness. I didn't hear camouflage.

15:04:16

21 THE WITNESS: Shall I go ahead?

22 MR KOUMJIAN: Yes, sir, please do that.

23 THE WITNESS: Yes.

15:04:39

24 MR ANYAH: There was testimony that doesn't appear on the
25 record. In describing this person identified by the witness the
26 witness said something about the person being a chief of staff.
27 It does not appear anywhere in the record.

28 PRESIDING JUDGE: You are quite right, Mr Anyah. That was
29 said. Mr Witness, part of your answer has not been recorded.

1 You said her name was General Lucy and then you went on to say
2 something about her. That has not been recorded. Please repeat
3 it.

4 THE WITNESS: I said she was aide-de-camp to Mr Taylor.

15:05:18 5 MR KOUMJIAN: Thank you:

6 Q. Is there anyone else in the photograph that you recognise?

7 A. Yes. Standing close to the man with the book in his hand,
8 the person that has a stick in his hand, with the dark pair of
9 glasses, is Mr Taylor.

15:05:52 10 Q. Thank you. I don't believe it's necessary to write that.

11 Anyone else that you recognise?

12 A. Yes. Standing right here, close to the lady with the
13 police uniform, the person who is standing right near her with a
14 coat suit, his name is Joseph Montgomery.

15:06:27 15 Q. Okay. Thank you. Would you please draw a line and write
16 his name. Who else do you recognise, sir?

17 A. Standing right near Mr Taylor, with a round hat on her head
18 is Kadiatu Jara [phon].

19 Q. Would you please write her name with a line going to where
15:07:20 20 she is in the photograph. Anyone else you recognise?

21 A. Yes. Standing right near Kadiatu is James Kemu.

22 Q. Is this the same individual who you indicated was beheaded
23 during the killing of Bockarie?

24 A. Yes.

15:08:06 25 Q. Would you please draw a line and write his name, draw a
26 line to where he appears in the photograph?

27 PRESIDING JUDGE: There are several persons standing near
28 this lady, so if the witness could indicate on the main
29 photograph who he is referring to.

1 MR KOUMJIAN:

2 Q. Perhaps, sir, can you tell us what he is wearing, James
3 Kemu?

15:08:37

4 A. He is wearing a coat suit with a neck tie, right behind
5 Kadiatu.

6 MR ANYAH: It may be easier for everyone if he could just
7 go and indicate on the overhead so we can see what he is pointing
8 at describing.

15:08:55

9 MR KOUMJIAN: Actually I think easiest at this point is if
10 the witness completes putting the names and lines and then we put
11 the copy on the overhead and he could recognise all of them.

12 MR ANYAH: Well, the manner in which we proceed is within
13 your Honour's discretion.

15:09:14

14 PRESIDING JUDGE: I think we will complete them and then we
15 will see them.

16 MR KOUMJIAN:

17 Q. Sir, why don't you go ahead. Who is the next person you
18 recognise?

15:09:31

19 A. The next person I recognise in this photograph is General
20 Isaac Musa who is standing right here with the hat, the country
21 hat on his head. Near or right behind - you see one person
22 behind Taylor and then the next person behind that with a country
23 hat on his head.

15:10:04

24 Q. Thank you. Would you draw a line and write the name,
25 please. By a country hat, what do you mean?

26 A. The African hat on his head. Round hat.

27 Q. Is there anyone else in the photograph that you recognise?

28 A. Yes. Standing right near Montgomery, that is Joseph
29 Montgomery, is a girl in a uniform, a khaki uniform. She is

1 General Batty Musa.

2 Q. I am trying to understand which person that is. Going from
3 the right in the photograph there is a woman in the foreground
4 there in a uniform and a hat and then on the other side --

15:11:06 5 A. No. The lady that is standing in uniform and next to that
6 lady is Montgomery. Just after Montgomery is the lady that I'm
7 talking about. She is General Musa, Batty Musa. You see her
8 with a khaki and you can see the uniform with a khaki skirt with
9 a uniform. You see it.

15:11:30 10 Q. Thank you. Would you please draw a line to her photograph
11 and write her name.

12 A. Yes.

13 Q. Anyone else you recognise, sir?

14 A. Yes. Standing right behind Mr Taylor you see a man
15:12:02 15 standing with a neck tie in coat suit. He is Special Forces
16 James Saway.

17 Q. What colour suit?

18 A. Right near Isaac Musa, or in front of Isaac Musa, with a
19 coat suit. You see he has something like red and close to his
15:12:36 20 neck.

21 Q. Thank you. Please draw a line and write the name drawing a
22 line to where he appears in the photograph. Is there anyone else
23 in the photograph that you recognise?

24 A. And the others at the back, I don't see them clearly. So
15:13:12 25 for now these are the ones that I recognise.

26 Q. Thank you. Could the copy then be put on the overhead,
27 please. Sir, going from right to left you wrote Joseph. Who is
28 Joseph again?

29 A. Montgomery. Joseph Montgomery. He was one of the

1 directors in the SSS. 52.

2 Q. Then you wrote Batty Musa. I believe you described her -
3 you gave her a title before. Who was Batty Musa, the next name?

4 A. She was one of the aide-de-camps to Mr Taylor.

15:14:03 5 Q. The next name, James Saway, you indicated that was the
6 person with the red on and a suit?

7 A. He was one of the Special Forces that came with Mr Taylor
8 into Liberia.

9 Q. There is then a line coming from the gentleman with the
15:14:24 10 round, black hat on his head standing towards the back and it
11 says General Musa. Who was that?

12 A. General Musa was one of the Special Forces and a battle
13 group commander when Mr Taylor crossed over into Liberia.

14 Q. You then have a photograph to the woman with the hat pulled
15:14:50 15 rather low. "Kayatu", you have written. Who is she?

16 A. Kayatu was a special assistant to Mr Taylor in Monrovia
17 during his presidency.

18 JUDGE SEBUTINDE: Is that Kayatu or Kadiatu?

19 MR KOUMJIAN:

15:15:18 20 Q. Witness, how do you pronounce her name?

21 A. Kayatu Jara. Kayatu Jara.

22 Q. The next line is going from the person who appears to be
23 wearing grey suit, white shirt and tie and you have written
24 James. What you wrote after that I cannot quite read. What did
15:15:47 25 you write? Who is that with the grey suit, white shirt?

26 A. Kemu. K-A-R-M-U.

27 Q. I believe I spelled this different, so, sir, is that the
28 person that you said was beheaded?

29 A. Yes.

1 JUDGE SEBUTINDE: Mr Koumjian, could we ascertain, this
2 this lady again, because initially the record shows and I heard
3 Kadiatu Jara. Now it's Kayatu Deara [phon]. Which is it?

4 MR KOUMJIAN:

15:16:25 5 Q. Sir, how do you pronounce her name? What is her name?

6 A. This name we used to call her because she was the one who
7 used to pay us, so the name that I know that we used to call her
8 is Kayatu. But other people used to call it frequently as
9 Kadiatu, Kadiatu. So she said her name was Kayatu Jara, so that
10 is the name that I know, Kayatu.

11 JUDGE SEBUTINDE: Her surname is Deara or Jara?

12 THE WITNESS: Jara. Jara. Kayatu Jara. But I do not know
13 how to spell the last name.

14 MR KOUMJIAN: You said she is the one that used to pay us.

15:17:21 15 What do you mean by that?

16 THE WITNESS: When we came from training she was the one
17 who used to give us our money. Our pay that we used to receive
18 in envelopes, she was the one who used to give them to us. When
19 you go to her, during pay day you will sign and then you will
20 receive your envelope.

21 MR KOUMJIAN:

22 Q. The woman - in the far left you have a line above the woman
23 in the camouflage uniform with a cap that appears to have a star
24 in the middle. Who is that?

15:18:09 25 A. General Lucy. She was one of the aide-de-camps to
26 Mr Taylor.

27 Q. Do you know approximately how old General Lucy was?

28 A. No, no, no, no.

29 MR ANYAH: But when - well, the witness does not know.

1 MR KOUMJIAN: Thank you. I have finished with the
2 photograph.

3 MR ANYAH: Well, Madam President, this person James Kemu,
4 that learned counsel gave us a different spelling for his last
15:18:43 5 name versus the witness, that is an important name given the
6 evidence led so far and perhaps this is the time to clarify that
7 if they are one and the same person.

8 MR KOUMJIAN: I think it has been clarified. I will ask
9 for the fourth time:

15:19:00 10 Q. Sir, is James Kemu who you indicated on the photograph the
11 same person that you said was beheaded around the time that Sam
12 Bockarie was killed?

13 A. Yes, but I do not know how to spell the last name. I just
14 put it there as K-A-R-M-U. He was the same person that was
15:19:22 15 beheaded, James Kemu.

16 Q. Thank you.

17 JUDGE SEBUTINDE: We take it the witness can't spell
18 Saway's surname either, because it's spelt differently there from
19 what you gave us.

15:19:45 20 MR KOUMJIAN: Yes.

21 Q. Do you know --

22 A. This name - this Saway name is a country name. I do not
23 know how to spell Saway. This is a native name. It's not an
24 English name, Saway.

15:20:05 25 MR ANYAH: Well, Madam President, this is why I said
26 initially that the witness should go to the overhead projector.
27 We now have several names, different spelling given by counsel
28 opposite on the record for them, including Kemu and Seaway, than
29 the witness spelt. We have had issues today with pronunciations

1 of last names and even when we have names that we can all easily
2 agree like the spelling of Betty we have it wrong on the
3 photograph. So in cases where we have names that are easily
4 spelt and there would be no dispute the Prosecution does not
15:20:39 5 provide assistance to the witness. In cases where there might be
6 controversy in evidence vis-a-vis the significance of the name,
7 like Nyande or Nyallay, the spelling is given forth.

8 So we would propose that there should be some structured
9 way in which we proceed when circumstances like this arise, where
15:20:56 10 a witness cannot spell particular names that are critical
11 evidentially speaking.

12 MR KOU MJIAN: I am not sure I heard what counsel is asking
13 for, but I hear what he is arguing. I understand it refers to
14 future proceedings. I am prepared to move on. I have one more
15:21:19 15 photograph which I need to do in private session.

16 PRESIDING JUDGE: Mr Anyah, are you raising an objection to
17 this or are you seeking clarification of these names to ensure
18 they are all one and the same? I have to deal with that before I
19 deal with the private session matter.

15:21:46 20 MR ANYAH: Like I indicated previously, it's up to your
21 Honours to naturally decide how we proceed. But if your Honours
22 are satisfied with the spelling of Betty as appears on this and
23 the differences in the spelling of the last name of James Saway,
24 as well as Mr Kemu then we have no choice but to proceed.

15:22:10 25 PRESIDING JUDGE: Well, Batty has not been spelt before as
26 far as I know so we only have the witness's spelling. Kemu, he
27 has already said he doesn't know how to spell it in any event, so
28 that is a non sequitur. If the James Saway is the only one then
29 that there is some doubt about - Mr Koumjian, what do you say

1 about this James Saway name. We have got two spellings now. Can
2 we ascertain that they are one and the same person then the
3 record will show that they are one and the same person.

4 MR KOUMJIAN:

15:23:13 5 Q. Who was - the problem is I am having trouble now
6 remembering when the witness mentioned the name previously but I
7 do recall he did. Mr Witness, who was James Saway?

8 A. I said James Saway was a Special Forces commando who came
9 with Mr Taylor and he is different from the General Seaway that I
15:23:41 10 have been talking about.

11 Q. Thank you for that clarification.

12 PRESIDING JUDGE: I think that clarifies the record. We
13 will now deal with the private session.

14 MR KOUMJIAN: I have to say that Mr Anyah was correct about
15:23:52 15 the ambiguity. I concede that.

16 PRESIDING JUDGE: Mr Anyah, we have an application to deal
17 with some matter in private session.

18 MR ANYAH: No objection.

19 PRESIDING JUDGE: We are going into a short private session
15:24:13 20 to deal with a matter relating to a photograph, I understand, and
21 it relates to security of the witness. Please put the Court in
22 private session.

23 [At this point in the proceedings, a portion of
24 the transcript, pages 20012 to 20015, was
15:24:21 25 extracted and sealed under separate cover, as
26 the proceeding was heard in private session.]

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1 [Open session]

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

3 PRESIDING JUDGE: Thank you. That is a one page document,
4 a photograph identified by the witness. Am I to take it that the
15:33:44 5 original will also be entered with an MFI number, or is it only
6 this copy?

7 MR KOUMJIAN: Only the original. The witness did not write
8 on it. I was just going to enter the original.

9 PRESIDING JUDGE: That will be MFI-9.

15:34:05 10 MR KOUMJIAN: Your Honour, I don't believe - my colleagues
11 have indicated that I failed to ask for an MFI number for the
12 last photograph that was dealt with in open session.

13 PRESIDING JUDGE: That is correct. It has not been marked
14 for identification.

15:34:15 15 MR KOUMJIAN: Thank you. That is ERN number P0000807.
16 It's the original and the copy that was written on by the
17 witness. I would ask that they both be given MFI numbers.

18 PRESIDING JUDGE: Very well. That is also a photograph of
19 persons identified by the witness - a group. The original is
15:34:37 20 MFI-10A and the copy with identifying names is MFI-10B.

21 MR KOUMJIAN:

22 Q. Just one further area, Mr Witness. When you were
23 discussing with us what Mr X told you when he grabbed your hand
24 you said he said, "My man". What kind of expression is that?

15:35:13 25 A. The word "My meh" is a friendly word, like for instance
26 when you say "My friend", and so in the Liberian way you can look
27 at your friend and say, "My meh". That is what it indicates.

28 Q. Is that something that is used infrequently, or frequently,
29 or how would you describe the frequency with which it is used?

1 A. Well, the "My meh" you use that with your peer group,
2 somebody with whom you are at the same level, because somebody
3 older than you if you referred to that person as "My meh" that
4 person will get angry with you. So, you can only refer to a
15:36:06 5 friend of yours - a peer group of yours - as "My meh".

6 MR KOUMJIAN: Thank you. Your Honours, I have no further
7 questions.

8 PRESIDING JUDGE: Mr Anyah?

9 MR ANYAH: Yes, thank you, Madam President. I had
15:36:28 10 indicated to your Honours yesterday that we would possibly be
11 making an application for an adjournment to commence the
12 cross-examination of this witness. I wish to make that
13 application now.

14 There are two primary grounds for our with request; the
15:36:46 15 second of which arose today in respect of the matters that were
16 discussed in private session this morning as raised by the
17 witness. I will reserve commentary as to why that provides a
18 justification for an adjournment until later on during my
19 submissions, because I need some guidance as to if I can proceed
15:37:06 20 in open session in saying why that necessitates a continuance.

21 With respect to the first basis for the request, your
22 Honours will recall that on Monday this week we appeared before
23 your Honours and there was some uncertainty about the manner in
24 which we would proceed this week vis-a-vis the availability of
15:37:29 25 Prosecution witnesses.

26 The Prosecution gave us notice of this witness's appearance
27 this week I believe on 20 October. The CMS number for that
28 filing was CMS 641. That is when we first knew that this witness
29 would appear before your Honours this week.

1 On Friday last, in the evening, we received an email from
2 Lead Prosecution counsel, Ms Brenda Hollis, indicating that on
3 Monday this week, 3 November, the Prosecution was unlikely to
4 have any witnesses available and that that could possibly be the
15:38:14 5 same for the rest of the week.

6 Your Honours will also recall that late on Friday, at the
7 close of the court session, I made a request and you acquiesced
8 in it that the Prosecution indicate to us before close of
9 business on Friday who they proposed to call on Monday, 3
15:38:34 10 November.

11 When we arrived in court on Monday, Ms Hollis and I had a
12 conference and Ms Hollis then said that this witness was
13 available and that they were intending to call the witness with
14 leave of the Court on Tuesday, 4th. I spoke with her and I said
15:38:53 15 that perhaps Wednesday would be fairer to everybody. This was
16 before I sought instructions from Mr Taylor. Your Honours will
17 recall that before we came forth with a joint application, or
18 proposal, to the Chamber for an adjournment of the entire week's
19 proceedings, we conferred with Mr Taylor and he was of the view
15:39:14 20 that the entire week's proceedings should be adjourned.

21 In sum and substance, we had notice of the witness
22 appearing on the 20th of - notice was given on 20 October, we
23 arrived in court on Monday and it was not certain that any
24 witnesses would appear on Monday. On Monday, disclosures were
15:39:34 25 made to us. At the time we made the joint application that the
26 proceedings should be adjourned for a week we did not know the
27 nature of the disclosure. I can tell your Honours on Monday, the
28 first set of disclosures received --

29 PRESIDING JUDGE: When you say "disclosure", do you mean

1 documents other than documents that were given to you within the
2 42 day period?

3 MR ANYAH: These are documents from proofing sessions held
4 with this witness through Monday this week, 3 November. On
15:40:03 5 Monday this week a three page document with 20 something separate
6 paragraphs was disclosed to us, then later in the day a single
7 page document was disclosed to us in respect of proofing sessions
8 with the witness that extended to Monday, 3 November.

9 Now three pages does not appear to be a lot, but as I have
15:40:25 10 indicated it does have 24 paragraphs, each of those paragraphs I
11 submit deals almost with discrete issues that in and of
12 themselves would necessitate further enquiry and we did not know
13 the extent of the disclosures that were forthcoming.

14 As late as Tuesday photographs were still being given to
15:40:47 15 us, some previously admitted as exhibits in this case but for the
16 first time the indication coming that they could be referred to
17 in the witness's evidence and then some photographs were fresh
18 photographs as in they were given to us in respect of this
19 witness on Tuesday, which is 4 November.

15:41:05 20 As of yesterday I indicated to the Chamber that in the
21 evening, or some time in the afternoon, we did receive the
22 additional disclosure which was a letter from Ms Hollis
23 accompanied by handwritten document written by the witness. So
24 this is the sequence of events that have led us to this point.

15:41:29 25 I have not been properly instructed by Mr Taylor regarding
26 this witness. I received his instructions in respect of all
27 these disclosures late last night and I don't even know if he has
28 read the additional disclosures that were given to us on Monday.

29 So that is the primary basis, that there has been some

1 fluidity in the transfer of documents concerning this witness's
2 evidence quite late in time through the time when the witness
3 almost has taken the witness stand, and so that is the first
4 basis for our request for an adjournment.

15:42:07 5 When we say an adjournment, ordinarily we would indicate a
6 time frame when we feel we would be otherwise adequately prepared
7 to undertake the cross-examination but we can't do so because of
8 the second basis for my application which is open-ended because
9 it is contingent on any possible submissions made by the parties
10 and ultimately a ruling made by your Honours in respect of that
11 discrete issue that was raised this morning in private session.

12 Now, if you wish for me to attempt, though vaguely, to
13 propose why the issues raised this morning necessitate a
14 continuance and you are happy for me to do that in open session I
15 would be happy to proceed. But it is a fine line I will be
16 threading if I attempted to speak to that issue. I just do not
17 wish to have in public consumption allegations of that nature, if
18 it please your Honours.

19 PRESIDING JUDGE: It is the view of the Bench that the
15:43:53 20 second leg of your submission should be in private session and in
21 the absence of the witness. So, Mr Witness, as happened this
22 morning, certain legal and other issues will be argued in your -
23 we think it is best that we let you go and rest somewhere else
24 while those legal and other arguments are being made. We also
15:44:19 25 for purposes of record will take this next part of the submission
26 in private session for reasons of security of the witness. So
27 please put the Court in private session and then lower the blinds
28 and assist the witness to leave the court.

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[At this point in the proceedings, a portion of the transcript, pages 20021 to 20032, was extracted and sealed under separate cover, as the proceeding was heard in private session.]

1 [Open session]

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

3 PRESIDING JUDGE: We have considered the submissions of
4 counsel and we grant an adjournment of the cross-examination of
16:32:34 5 this witness to Monday, 24 November, on which date it may be
6 necessary to give further directions depending upon the outcome
7 of the motion or motions that we have been indicated will be
8 filed. For the following reasons: One, we agree with counsel
9 for the Defence that some disclosures, for example those earlier
16:33:02 10 this week, entitle the Defence to an adjournment.

11 Secondly, a serious matter raised this morning in court,
12 which has been discussed in private session, precludes a Defence
13 counsel from contacting the rest of their team abroad for
14 purposes of the necessary investigation prior to their
16:33:25 15 cross-examination of this witness.

16 For these reasons the adjournment as indicated has been
17 granted.

18 Mr Koumjian, will there be a witness - you will have a
19 witness available tomorrow?

16:33:47 20 MR KOUMJIAN: Yes, we have a witness available tomorrow.
21 The Defence has been notified as to who that witness is.

22 PRESIDING JUDGE: I see.

23 MR ANYAH: It may assist your Honours if I just be heard in
24 respect of this next witness, because the ruling your Honours
16:34:04 25 have just made does have implications concerning that witness. I
26 do not know if your Honours recall that Mr Munyard indicated
27 before departing that he had carriage of that witness for the
28 Defence and that is in fact the case, that Mr Munyard has
29 carriage of that witness for the Defence.

1 In light of your ruling and under the circumstances I do
2 not know not without having spoken to him whether Mr Munyard,
3 considering his ethical obligations to his Bar, will feel
4 confident enough to appear before your Honours.

16:34:46 5 So I would propose a compromise solution which would be
6 necessarily another counsel for Defence will have to take over
7 that witness for the interim period of time and the only issue
8 then arising would be how much time we need to prepare that
9 witness. I do know from indications given that this witness
16:35:11 10 might be a 92 bis witness that is now a live witness. I think
11 previously they were designated as a 92 bis witness and now they
12 are brought to appear live. I stand to be corrected. Should
13 that be the case don't think too much time will be needed.

14 PRESIDING JUDGE: Without wishing to interrupt you
16:35:37 15 unnecessarily, it's clear that it is necessary for you to take
16 certain information from your colleague before you are clear as
17 to your stand in this matter. In the circumstances I think it
18 would be best, rather than you working in the air, I might say,
19 to have those clear indications, Mr Anyah, and we will deal with
16:36:01 20 the whole issue tomorrow morning.

21 So in the circumstances we will adjourn until tomorrow
22 morning and the witness will be on standby, Mr Koumjian please.

23 MR KOUMJIAN: Sorry, which? 045?

24 PRESIDING JUDGE: I don't know, I'm sorry. I haven't had
16:36:17 25 an indication from you what the number of the witness is.

26 MR KOUMJIAN: Yes, that is the next witness. It is not a
27 92 bis witness. It definitely is an insider witness. Your
28 Honours, we will be prepared with that witness.

29 There is an issue with the current witness who has not been

1 informed anything about this. Your Honours realise that in the
2 current condition he has a limited visa which I imagine could be
3 extended by VWS, but he is basically confined to a single place.
4 I don't know if your Honours are ordering him to remain here in
16:36:54 5 that place for the next whatever number of days it is, I believe
6 it's 18 days, until he continues his testimony or whether
7 arrangements could be made possibly, in which case if he leaves I
8 think he should be ordered to return. Perhaps we can deal with
9 all this tomorrow after everyone thinks about it.

16:37:12 10 PRESIDING JUDGE: Yes, I can see that there are mechanical
11 and practical issues that you will wish to address before dealing
12 with that.

13 The one thing - I have not reminded the witness of his
14 oath. I wish to do so and therefore we should have the witness
16:37:32 15 brought back in. I will only remind him of his oath and we will
16 deal with all other matters tomorrow morning.

17 Can the blinds be lowered and the witness brought in,
18 please.

19 JUDGE LUSSICK: Mr Koumjian, if it's of any assistance at
16:38:15 20 all, our decision was to adjourn this cross-examination at this
21 stage until Monday the 24th. We are not ordering you to keep the
22 witness any particular place, just have him here on the 24th.
23 What happens to him between now and the 24th is a matter for the
24 Prosecution.

16:38:33 25 MR KOUMJIAN: Thank you. But also unless there is an order
26 also for the witness, because all our witnesses are here
27 voluntarily. We haven't ordered any of them to be here so far,
28 except for one witness your Honours did subpoena.

29 JUDGE LUSSICK: Well, we haven't issued individual orders

1 for any witness. If you want him to give evidence on the 24th
2 have him here.

3 MR KOUMJIAN: There is another issue - but we can deal with
4 this tomorrow - that we cannot speak to him. That is a very
16:39:12 5 serious problem for us.

6 JUDGE LUSSICK: Yes, I appreciate that, Mr Koumjian.

7 [In the presence of the witness]

8 PRESIDING JUDGE: Good afternoon, Mr Witness. Mr Witness,
9 you made certain statements this morning and, as indicated to you
16:40:08 10 this morning, certain procedures would have to be followed as a
11 result of those statements you made.

12 As a result of that, and having heard the lawyers, the
13 Court has decided to hear the lawyers regarding what you have
14 said and for that reason and another reason your
16:40:31 15 cross-examination cannot continue at this time until that is
16 dealt with.

17 Therefore the Court is adjourning your cross-examination
18 until Monday, 24 November at which date you will come back to the
19 Court to hear the next step in the adducing of your evidence.

16:40:55 20 I wish to remind you, as I did yesterday, that you are
21 under oath, you are still under oath and you should not discuss
22 your evidence with any other person. Do you understand what I
23 have said?

24 THE WITNESS: Yes.

16:41:11 25 PRESIDING JUDGE: Very well. We are now adjourning the
26 Court until tomorrow morning at 9.30. Please adjourn Court until
27 tomorrow morning.

28 [Whereupon the hearing adjourned at 4.40 p.m.
29 to be reconvened on Friday, 7 November 2008 at

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9.30 a.m.]

I N D E X

WITNESSES FOR THE PROSECUTION:

TF1-579 19911

EXAMINATION-IN-CHIEF BY MR KOUMJIAN 19911