



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 18 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 William Romans
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Tuesday, 18 November 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:21:20 5 PRESIDING JUDGE: Good morning. Appearances, Ms Hollis,
6 please.

7 MS HOLLIS: Good morning, Madam President, your Honours,
8 opposing counsel. This morning for the Prosecution Maja
9 Dimitrova and myself, Brenda J Hollis.

09:30:54 10 PRESIDING JUDGE: Thank you. Good morning, Mr Anyah.

11 MR ANYAH: Yes, good morning, Madam President. Good
12 morning, your Honours. Good morning, counsel opposite.
13 Appearing for the Defence this morning is Mr Terry Munyard,
14 myself, Morris Anyah, and Carlin Rosengarten. Mr Rosengarten has
09:31:10 15 been with us before.

16 PRESIDING JUDGE: Thank you. If there are no other matters
17 I will remind the witness of his oath. Good morning, Mr Witness.

18 THE WITNESS: Good morning, ma'am.

19 PRESIDING JUDGE: I remind you again this morning that you
09:31:30 20 have taken the oath to tell the truth, the oath continues to be
21 binding on you and you must answer questions truthfully. Do you
22 understand?

23 THE WITNESS: Yes, ma'am.

24 WITNESS: AUGUSTINE S MALLAH [On former oath]

09:31:51 25 CROSS-EXAMINATION BY MR ANYAH: [Continued]

26 Q. Good morning, Mr Witness.

27 A. Good morning, sir.

28 Q. I believe on Friday last, 14 November, we talked briefly
29 about an operation that took place around the time of the 1996

1 elections and I would like to pursue that line of inquiry a
2 little bit further. You told us that this operation took place
3 when you were in Kono, yes? Sorry, in Kenema, yes?

4 A. Can you please repeat the date.

09:32:34 5 Q. Well, you told us during 1996 elections there was a
6 directive from Foday Sankoh regarding an attack on Kenema Town
7 aimed at disrupting the elections. Do you recall telling us
8 that?

9 A. Yes.

09:32:51 10 Q. Were you based at Zogoda at that time?

11 A. Yes.

12 Q. And you told us of how you yourself participated in the
13 killing of civilians in Kenema, yes?

14 A. Yes.

09:33:10 15 Q. To be more specific, this took place in Kenema Town, yes?

16 A. Yes.

17 Q. And you told us of how Foday Sankoh gave the directives and
18 you said Foday Sankoh assigned I believe you said Morris Kallon.

19 Correct me if I am wrong. I think you said Foday Sankoh assigned
09:33:40 20 Morris Kallon to be commander of this operation, yes?

21 A. You are correct, yes.

22 Q. And that the aim was to make sure that civilians would take
23 their hands off the elections, true?

24 A. Yes.

09:33:57 25 Q. Now, the whole argument surrounding this alleged operation
26 was whether or not there would be peace before the elections or
27 whether or not there would be elections after peace, correct?

28 A. Yes.

29 Q. The Sierra Leonean government wanted elections before peace

1 and Foday Sankoh wanted peace before elections. Is that fair to
2 say, Mr Witness?

3 A. Yes.

09:34:32

4 Q. The leader of Sierra Leone at that time, at least through
5 March of 1996, was Julius Maada Bio, true?

6 A. Yes.

7 Q. Was it with Julius Maada Bio that Foday Sankoh had these
8 negotiations leading up to the elections?

09:34:57

9 A. Yes, that was the government at that time. He was the
10 leader for the government that was in power at that time.

11 Q. When you went to Kenema Town you told us on 12 November
12 last week, Wednesday, that as you approached the town you
13 yourself saw five corpses, true?

14 A. Yes.

09:35:24

15 Q. You told us that when you got to the vicinity of Kombema
16 Road and Sumaila Street you said three amputees, true?

17 A. Yes.

09:35:48

18 Q. Now, you recall Justice Sebutinde asking a question at that
19 time trying to ascertain whether or not you saw these people
20 being amputated, or whether or not they had already been
21 amputated and you merely saw them after they had been amputated.
22 Do you recall a question from Justice Sebutinde about that on
23 Wednesday last?

24 A. Yes.

09:36:05

25 Q. And do you recall saying that you yourself you saw where
26 they had been chopped off; that is, you did not see the
27 amputations but you saw amputees? Do you recall saying that?

28 A. Yes.

29 MR ANYAH: For the benefit of everyone here present the

1 relevant page or pages from the transcript of the 12th, it
2 commences at page 20106 through 20109 with the page I have just
3 referred to being page 20108. This is where Justice Sebutinde
4 poses the question to the witness:

09:36:52 5 Q. Now, Mr Witness, did you in fact go to Kenema Town on that
6 day, the day of the elections, and did you in fact take part in
7 this operation allegedly carried out by the RUF?

8 PRESIDING JUDGE: You have got two questions, Mr Anyah.
9 Please put them one at a time.

09:37:14 10 MR ANYAH: Yes, Madam President:

11 Q. Did you in fact go to Kenema Town on the day of the
12 elections, Mr Witness?

13 A. Yes.

14 Q. Did you in fact participate in this attack against
09:37:25 15 civilians, you yourself?

16 A. Yes.

17 Q. This was not something that Morris Kallon had told you
18 after he returned from the operation, was it?

19 A. I don't understand. Please make it clearly.

09:37:47 20 Q. Events to which you testified, and you described for us in
21 court on Wednesday last week about what happened in Kenema Town,
22 those are not things that Morris Kallon came back to Zogoda and
23 told you about, are they?

24 A. Yes, but it was a report that he made to Foday Sankoh. He
09:38:11 25 did not tell me anything about that.

26 Q. Well, we appreciate that Morris Kallon, when he came back,
27 gave a salute report to Foday Sankoh. Is that what you are
28 trying to say?

29 A. Yes.

1 Q. As to be distinguished from Morris Kallon telling you about
2 what had happened. He did not tell you about what had happened.
3 Is that what you are saying to us?

09:38:48

4 A. Yes. Morris Kallon, when we were going on that mission
5 after Foday Sankoh had given out the instructions, he was just
6 there to reinforce the order so that we will do exactly what
7 Foday Sankoh had instructed.

09:39:08

8 Q. Yes, we appreciate the fact that you say Morris Kallon was
9 the commander of this operation. I am trying to ascertain
10 whether you yourself went on the operation, or whether or not
11 what you have told us derives from what you have heard from
12 Morris Kallon. The information you gave us in court, is that
13 based on your own experiences, your own first-hand knowledge of
14 what happened in Kenema Town, or is it something someone else
15 told you?

09:39:31

16 A. No, it was what I saw myself. That is what I explained.
17 Maybe several other things went on, but I did not know about
18 that. What I saw is what I have spoken about.

09:39:52

19 MR ANYAH: May I have the assistance of Mr Court Usher,
20 please. This is the Defence set of documents. For the benefit
21 of counsel opposite, I will be focusing on three versions of the
22 witness's statement dated 16 July 2006. Three versions were
23 disclosed to us, the Defence. One is in our document tab number
24 8. It is the first version. The ERN numbers begin at 00022007.
25 It is an unmarked version and indeed I should say where they end.
26 The ERN numbers end at 00022012. That is the first version of
27 the witness's statement taken on 16 July 2006. The second
28 version is in our tab number 9 and, Mr Court Usher, perhaps you
29 could pull out tabs 9 - tabs 8, 9 and 10, because we will go

09:40:33

1 through the three versions of this statement. For counsel's
2 benefit the second version, which was modified on 23 May 2007,
3 the ERN number of the first page is 00032782 and the ERN number
4 on the last page is 00032787. That is the second version. The
09:41:43 5 third version containing modifications made on 3 July 2007, the
6 ERN number of the first page is 00038137 and it runs through
7 00038143. Those are the three versions. Now, Mr Court Usher, I
8 would be grateful if you could display tab 8, page 3, please:

9 Q. Mr Witness, on 16 July 2007 you spoke to the Prosecution
09:42:39 10 about the events that you have described to us as constituting
11 Operation Stop Election. The document you are looking at conveys
12 some of the information you told them. Paragraph 20 says, "The
13 witness stated that Foday Sankoh told Morris Kallon to fire shots
14 at the voter if necessary to get them to stop voting and disrupt
09:43:08 15 the election. The witness was present when Foday Sankoh told
16 Morris Kallon this."

17 Paragraph 21:

18 "The witness stated that Foday Sankoh told Morris Kallon to
19 stop the civilians from voting, but if they did not comply that
09:43:26 20 he should kill the civilians. The witness was present when Foday
21 Sankoh told Morris Kallon this."

22 Paragraph 22:

23 "The witness stated that if people insisted on voting,
24 sometimes they were not killed, amputations were carried out
09:43:45 25 instead. The witness stated that this was done as part of Foday
26 Sankoh's order."

27 And then there is this phrase, the last sentence. "The
28 witness stated that this order was not direct from Foday Sankoh";
29 that is the order regarding amputations. Mr Witness, with

1 respect to amputations as opposed to killings, the order to carry
2 out these amputations, were they direct from Foday Sankoh or were
3 they passed or given by someone else?

09:44:35 4 A. According to what I heard it came from Foday Sankoh because
5 it said they were to take off civilians' hands from the elections
6 and if he set an example like this, so if I used the word
7 "amputation" in English it is the same as take your hands off the
8 elections.

09:44:57 9 Q. Yes, Mr Witness, we appreciate the fact that in your view
10 take your hands off the elections, when said in Krio, should be
11 interpreted in English as to remove one's hands from the
12 elections. The issue is whether or not the order to amputate the
13 hands of voters was a direct order from Foday Sankoh. Do you say
14 it was a direct order from Foday Sankoh?

09:45:27 15 A. Yes.

16 Q. Do you know why this version of your 16 July 2006 statement
17 says, "The witness stated that this order was not direct from
18 Foday Sankoh"? Is that a mistake, Mr Witness?

19 A. Maybe I made the mistake or maybe I misheard the question.

09:45:53 20 Q. So you are not sure the source of this mistake but it
21 doesn't sound right to you?

22 A. Yes, it is not correct. It was Foday Sankoh who spoke
23 about that take your hands off the elections. But what happened
24 was Morris Kallon, he made it clearly to us that we were to
09:46:27 25 amputate the civilians' hands, one or both, wherever we came
26 from, and we were over 150 armed men on that day.

27 MR ANYAH: Mr Court Usher, can we look at the document in
28 tab number 9 at page 4. The ERN number for counsel's benefit is
29 00032784. It is the same statement we have just looked at, but

1 another version. This version contains modifications made on 23
2 May 2007:

09:47:23 3 Q. Mr Witness, you gave the Prosecution one version of a story
4 on 16 July in 2006. On 23 May 2007 you met with a fellow by the
5 name of Philip Ross, an investigator of the Office of the
6 Prosecutor, you went over your prior statement from July in 2006
7 and corrections were made to that statement. Now, let us focus
8 on paragraphs 22 and 23 as they are being displayed. Paragraph
9 22 reads:

09:47:46 10 "The witness stated that if people insisted on voting,
11 sometimes they were not killed, amputations were carried out
12 instead. The witness stated that this was done as part of Foday
13 Sankoh's order."

14 And then something is crossed off. The part that reads:

09:48:05 15 "The witness stated that this order was not direct from
16 Foday Sankoh."

17 Mr Witness, did you modify your previous statement to say
18 that the order that was issued to amputate arms did not come
19 directly from Foday Sankoh? I will rephrase that. I did say
09:48:34 20 arms so --

21 JUDGE SEBUTINDE: No, no. Even though the essence of what
22 you said I think is probably the exact opposite of what you meant
23 to say.

24 MR ANYAH: Okay.

09:48:43 25 JUDGE SEBUTINDE: The modification was not that Foday
26 Sankoh did not direct the order, but the modification was simply
27 to delete that sentence.

28 MR ANYAH: Yes, I could ask it that way:

29 Q. Mr Witness, the sentence I have just read to you, and you

1 see part of the last sentence crossed out, were you the one that
2 requested that that sentence which reads, "The witness stated
3 that this order was not direct from Foday Sankoh" were you the
4 one who requested that it be crossed out?

09:49:21 5 A. Yes, you can see it. This was done as part of Foday
6 Sankoh's order so I corrected it.

7 Q. You requested that that correction be made, yes?

8 A. Yes.

9 Q. Now, let's look at paragraph 23. It reads:

09:49:47 10 "The witness stated that the amputations happened on such a
11 large scale to discourage the population from voting, that is why
12 so many people were amputated, to stop the elections?"

13 Now do you see a hand scribble on the document that reads:

14 "Witness said he was not present but MK told him about
09:50:13 15 these amputations when he returned from the operation."

16 Do you see the hand notations beneath paragraph 23?

17 A. Yes.

18 Q. Those words mean that you were not present when amputations
19 took place, but that it was MK - and I put it to you it means
09:50:41 20 Morris Kallon - who told you about the amputations. Do you agree
21 that that is what this sentence suggests?

22 A. Yes, that is what the sentence suggests, but I have already
23 told you that there were more than 150 people and we did not come
24 from the same end with Morris Kallon and others. And I told you
09:51:15 25 it was a large scale of killing and amputation that went on on
26 that day, so if he also said that there were amputations I would
27 have to say it, because I did not witness it, because he was
28 operating from another angle, but what I recalled that I
29 witnessed myself I told the Prosecution.

1 Q. Mr Witness, are you saying you agree with this statement
2 that you were not present, but it was Morris Kallon that told you
3 about the amputations? Do you agree that that is what in fact
4 happened?

09:52:05 5 A. Yes.

6 Q. Shall we go to tab 10, which is the same statement, page 4.
7 Tab 10, page 4, contains the version of the statement with the
8 third set of modifications on 3 July 2007. The ERN number
9 relative to this page - there are two of them, but the new ERN
10 number on the page is 00038140:

09:52:34

11 Mr Witness, on 3 July 2007 after you had met with them on
12 23 May 2007 and gone over the same statement from 16 July 2006, 3
13 July 2007 you met with them again. There was another
14 investigator you met with. The name appears to be Saffa. It
15 does not appear to be clear. In any event, your signatures are
16 on the pages. Do you see that document you are looking at, and
17 if we could scroll down to the bottom, do you see your signature
18 and the date 3 July 2007 on that page?

09:53:08

19 A. Yes.

20 Q. When we scroll up to paragraph 22 do you see your signature
21 next to a correction in paragraph 22 and the date 3 July 2007?

09:53:28

22 A. Yes.

23 Q. On 3 July 2007 you made these corrections. I will read
24 paragraphs 22 and 23. Paragraph 22:

09:54:01

25 "The witness stated that if people insisted on voting
26 sometimes they were not killed, amputations were carried out
27 instead. The witness stated that this was done as part of Foday
28 Sankoh's order. The witness stated that this order was" - and
29 the word "not" is crossed out and it is left to read, "This order

1 was direct from Foday Sankoh."

2 You were the one who made that correction saying the order
3 was direct from Foday Sankoh regarding amputations, true?

4 A. Yes.

09:54:40 5 Q. Now, do you see any scribbles on this version of your
6 statement to the effect that you were told by Morris Kallon about
7 the amputations?

8 A. Yes, he did not tell me about it. That is why I made the
9 correction. I said whether Morris Kallon discussed his or not
09:55:06 10 that was not my concern, because they asked me if - whom the
11 order had come from directly and that's why I said it, that the
12 order came from Foday Sankoh directly on that particular day, the
13 attack on Kenema.

14 Q. There are two issues, Mr Witness. There is the issue of
09:55:32 15 who the order came from. That's covered in paragraph 22. The
16 last time you reviewed the statement it is changed to read that
17 the order was direct from Foday Sankoh.

18 Now I am asking you another question. In the previous
19 version of your statement there were hand notations to the effect
09:55:52 20 that Morris Kallon told you about the amputations. I am asking
21 you now as you look at that page, the page that conveys
22 information corrected on 3 July 2007, do you see those hand
23 notations on this version of your statement to the effect that
24 Morris Kallon was the one who told you about the amputations?

09:56:25 25 A. Yes, they asked me if I knew any other person who told me
26 that amputations took place and I said, yes, even Morris Kallon
27 told me that many amputations went on. Many amputations.
28 Because that 150 manpower was divided into three, 50 each, so
29 everybody spoke about his.

1 PRESIDING JUDGE: Mr Witness, the question was - and its
2 been repeated - do you see anything on that page that is a
3 scribble or an addition, an additional piece of writing?

4 MR ANYAH:

09:57:20 5 Q. Do you understand the question, Mr Witness?

6 A. Go over it again, sir.

7 Q. Yes. May we have the page that was shown to him
8 previously, tab 9, page 4, shown to him again. Mr Witness, this
9 is the same information. The Prosecution is having you made

09:57:55 10 corrections. On 23 May 2007 below paragraph 23 in handwriting
11 the words, "Witness said he was not present but MK told him about
12 these amputations when he returned from the operation", these
13 words appear on the 23 May 2007's version of your statement.

14 Now when we go to tab 10, page 4, ERN ending in 8410 the
09:58:24 15 question is this, Mr Witness: On the subsequent or later version
16 of the statement, this one containing corrections you made on 3
17 July 2007, do you see any handwritten notations or any notations
18 on this page that suggest that Morris Kallon was the one who told
19 you about the amputations?

09:58:56 20 A. Yes, I saw the one before that was a handwritten notation.

21 Q. Yes, you saw the one before but the page you are looking
22 at, this version, the version from 3 July 2007, do you see any
23 handwritten notations to that effect that Morris Kallon was the
24 one who told you about the amputations?

09:59:21 25 A. No.

26 Q. No. You told us earlier today that you did not witness the
27 amputations, true?

28 A. Yes.

29 Q. "Yes" means you did not see the amputations, yes?

1 PRESIDING JUDGE: I would like to be clear on this,
2 Mr Anyah. Your opening the questions reminding the witness of
3 his previous evidence was that he saw three amputees, three
4 individuals.

10:00:04 5 MR ANYAH: Yes.

6 PRESIDING JUDGE: And he did not see those amputations take
7 place.

8 MR ANYAH: Yes.

9 PRESIDING JUDGE: Now, as you are wording it at present it
10:00:11 10 appears to me as much more general amputations.

11 MR ANYAH: Yes.

12 PRESIDING JUDGE: And I would like you to clarify which you
13 mean.

14 MR ANYAH: Yes, I believe, and I will, Madam President, I
10:00:23 15 necessarily must - I believe in responding to my questions about
16 his evidence on the 12th the witness expanded and said yes, he
17 did not see amputations, but I will be sure of that:

18 Q. Mr Witness, the three persons that you discussed on
19 Wednesday the 12th as being amputees you saw in Kenema Town, you
10:00:47 20 did not actually see them have their hands cut off, did you?

21 A. No, I did not see their hands being cut off.

22 Q. You merely saw them after they had had their limbs
23 amputated, yes?

24 A. Yes.

10:01:15 25 Q. Did you see anybody's hands being cut off while you were
26 taking part in Operation Stop Election?

27 A. I saw somebody's hand cut off, but I was not present when
28 that person's hand was being cut off.

29 Q. So you saw people whose hands had been amputated, but you

1 were not present to witness it yourself; the amputation taking
2 place?

3 A. Yes.

4 MR ANYAH: Could we, Mr Court Usher, go to tab number 11.

10:02:05 5 For counsel's benefit this would be a statement from 2 and 3 July
6 2008 and it would be pages 7 and 8 of tab 11. Yes, page 7,
7 please:

8 Q. Now, Mr Witness, this is your statement to the Office of
9 the Prosecutor from earlier this year, 2 and 3 July. If we could
10:03:10 10 scroll down to the bottom of page 7 and all of page 7 you talk
11 about Foday Sankoh calling a formation in Zogoda, you talk about
12 others like Sam Bockarie, Morris Kallon, Mike Lamin being
13 present, including yourself, you talk about Foday Sankoh saying
14 that the RUF should totally disrupt the election and that any
10:03:33 15 civilians participating in the election should either be killed
16 or amputated and then you give the expression in Krio that you
17 gave to us on Wednesday last about people pulling their hands off
18 the elections and then in paragraph 27 it reads:

19 "I participated in the attack in Kenema Town against
10:03:58 20 civilians on the day of the elections in 1996 under the command
21 of Morris Kallon."

22 If we go to the next page, page 8, paragraph 28 reads:

23 "The orders given by Foday Sankoh were carried out during
24 the attack in Kenema Town and I witnessed myself some RUF
10:04:31 25 soldiers killing five civilians as we approached Kenema Town and
26 amputating three others, two males and one female, at Sumaila
27 Street and Kombema Road junction. As about 150 RUF fighters
28 attacked the town of Kenema on that day more civilians were
29 killed and amputated and many houses were burnt down by the RUF

1 fighters."

2 I want to ask you about this issue. This paragraph I have
3 read to you says you told the Prosecution out of court that you
4 yourself witnessed amputations, witnessed killings. Now, did you
10:05:20 5 yourself witness RUF fighters amputating the hands of voters in
6 Kenema Town in 1996 during Operation Stop Election?

7 A. I did not see it but the orders were given to the RUF and
8 it was RUF which attacked the town and when I saw the civilians'
9 hands cut off they said that it was the RUF soldiers, so that is
10:05:55 10 why I said so. But for the killing I witnessed that myself.

11 That is why I just included it. I said I witnessed it myself
12 where the killing took place.

13 Q. So this paragraph is correct so far as it says that you
14 witnessed killings, yes?

10:06:20 15 A. Yes.

16 Q. But the paragraph is completely wrong when it says that you
17 witnessed amputations, yes?

18 A. Yes, I saw people who had been amputated, but I did not
19 directly see them being amputated.

10:06:45 20 Q. Thank you, Mr Witness. Thank you, Mr Court usher.

21 Mr Witness, yesterday you told us at some point in 1998 you were
22 at Baiima, yes?

23 A. Yes.

24 Q. But you could not give me the months. You said there were
10:07:06 25 about two to three months, or thereabouts, but you did not know
26 which particular months in 1998 you were in Baiima. Is that fair
27 to say?

28 A. Yes.

29 Q. What was the nature of your assignment in Baiima when you

1 say you were a front-line fighter?

2 A. Well, I went there as a punishment.

3 Q. And what had you done to receive this punishment?

10:07:50

4 A. I said something that related Issa and Mosqui to relative to

5 diamonds that they had taken from Johnny Paul and they said it

6 was for arms and ammunition. Then they sent Issa for the

7 ammunition. When he came back he said he had lost the diamonds.

8 So I wanted to tell the men that they wanted to just trick us, so

9 they took it to be that I wanted to incite the other soldiers

10:08:27

10 against them, against their command, and they said it was because

11 all of us were in Buedu, that was why I was doing that, so I

12 should go to the front line.

13 Q. This was the whole incident where Johnny Paul had diamonds

14 taken from him. This is the reason you say you got sent to

10:08:50

15 Baiima, yes?

16 A. Yes.

17 Q. Tell us about that incident. You went to Kono to pick up

18 Johnny Paul and you brought him to Kailahun, yes?

19 A. Yes.

10:09:12

20 Q. And you said you were assigned to go to Kono to bring

21 Johnny Paul with somebody. Who was that?

22 A. It was to come with Mike Lamin, Issa Sesay, Johnny Paul's

23 wife, his children and other Supreme Council members who had come

24 together.

10:09:49

25 Q. And you brought him - when I say to Kailahun specifically -

26 you brought Johnny Paul Koroma to Buedu, yes?

27 A. Yes.

28 Q. In Buedu you tell us Sam Bockarie was present, yes?

29 A. Yes.

1 Q. Mike Lamin was present?

2 A. Yes.

3 Q. You were present?

4 A. Yes.

10:10:20 5 Q. There was a meeting you say called by Johnny Paul Koroma in
6 Buedu?

7 A. Yes.

8 Q. And you said Johnny Paul Koroma told those in attendance at
9 the meeting that he had some parcels of diamonds, yes?

10:10:38 10 A. Yes.

11 Q. Now, besides the people I have named that were present at
12 this meeting, you told us that Honourable Sammy was at the
13 meeting, yes?

14 A. Yes, we went with them. All of them were in Buedu, yes.

10:11:01 15 Q. Yes, but let's just take the names one at a time.
16 Honourable Sammy was there, yes?

17 A. Yes.

18 Q. Major Dumbuya was there, yes?

19 A. Yes.

10:11:16 20 Q. Issa Sesay, Mike Lamin, yourself, Sam Bockarie all were
21 there?

22 A. Yes.

23 Q. Was Alex Tamba Brima also known as Gullit present during
24 this meeting?

10:11:38 25 A. He was not present.

26 Q. Was he in the vicinity of Buedu during this meeting?

27 A. Kailahun.

28 Q. Well, Buedu and Kailahun were not the same. Are you
29 telling us Gullit was in Kailahun when this meeting in Buedu was

1 taking place?

2 A. Yes, Kailahun Town. Buedu is in the Kailahun District, but
3 not Kailahun Town.

4 Q. I understand that, Mr Witness. Thank you nonetheless. I
10:12:14 5 can't remember if you said Morris Kallon was there. Was Morris
6 Kallon present when this meeting took place?

7 A. He was not present.

8 Q. Morris Kallon was not there?

9 A. No.

10:12:30 10 Q. I want to ask you about this meeting because, you see, I
11 remember you describing for us the size of the diamonds and the
12 parcels and you used the monitor as - well, actually, this is
13 MFI-10. I believe you drew on a piece of paper the shape of the
14 bag or the container in which these diamonds were kept. What is
10:12:55 15 the name of Johnny Paul Koroma's wife, Mr Witness?

16 A. No, I did not know her name. We just used to call her
17 auntie.

18 Q. You just used to call her auntie?

19 A. Yes.

10:13:17 20 Q. At the time when you were at Buedu were you assigned to
21 Mike Lamin on this particular occasion when the diamonds were
22 taken from Johnny Paul Koroma?

23 A. Yes, I was with Mike Lamin.

24 Q. Was Ibrahim Bah present in Buedu when this meeting - or
10:13:45 25 around the time this meeting was taking place?

26 A. Well, this Ibrahim Bah, I don't know him. Maybe he had
27 some other name but I don't understand that name. I don't know
28 the person.

29 Q. So there was nobody that you knew to be Ibrahim Bah present

1 in Buedu around the time these diamonds were taken from Johnny
2 Paul Koroma?

3 A. No. To know that this particular person was called Ibrahim
4 Bah, no, I don't know him.

10:14:36 5 Q. Did Morris Kallon have a house where he stayed at in Buedu
6 at the time of this incident?

7 A. Yes, his house was there and his family were there.

8 Q. But Morris Kallon was not there?

9 A. He was not there, no.

10:15:05 10 Q. Are you absolutely sure it was Johnny Paul Koroma who
11 called this meeting and revealed that he had the diamonds?

12 A. Yes, he was the one who accepted it.

13 Q. Not whether he accepted it. I am not asking you whether
14 somebody accused him of having diamonds. I am asking you whether
10:15:27 15 what you told us last week on Wednesday, that he was the one who
16 called the meeting and disclosed to Sam Bockarie that he had some
17 diamonds, whether that in fact was the case. Did he call the
18 meeting?

19 A. Yes, they held a meeting. It was Johnny Paul who convened
10:15:46 20 the meeting for him to talk to some RUF officers and the other
21 AFRC commanders that he had come along with.

22 Q. Who was Johnny Paul Koroma's chief security officer at the
23 time this meeting took place?

24 A. It was Rambo.

10:16:09 25 Q. CSO Rambo, yes?

26 A. Yes.

27 Q. Was CSO Rambo present when this meeting took place?

28 A. Yes, he was present.

29 Q. Was Sam Bockarie present when the diamonds were taken from

1 Johnny Paul? At the moment they were taken from him was
2 Sam Bockarie present?

3 A. Yes.

10:16:48

4 Q. And did you tell us that Johnny Paul Koroma's wife was
5 raped when you testified in court here last week?

6 A. Yes.

7 Q. And by whom was she raped, Mr Witness?

8 A. According to what the woman said it was Issa. Issa Sesay.

9 Q. And when did she say this? Was it the same 1998?

10:17:22

10 A. The same 1998, on the same day that her husband was raided
11 when the diamonds were taken away from him.

12 Q. Well, another witness came before this Chamber - and for
13 the benefit of all here present the pages I will be referring to
14 start at page 2366 through 2367, 68, 69, 70, 71. Mr Witness,

10:18:13

15 another witness came before this Court. That witness says he was
16 in Buedu. He saw Mike Lamin there. Ibrahim Bah was in Buedu
17 around the time. Ibrahim Bah had come to see Sam Bockarie in
18 Buedu. Ibrahim Bah was there when there was a problem between
19 Johnny Paul Koroma's wife and CSO Rambo, Johnny Paul Koroma's
20 chief security officer. Are you aware of a problem having taken
21 place around this time in Buedu between CSO Rambo and Johnny Paul
22 Koroma's wife?

10:18:55

23 A. Yes, I heard about it, because where they were they were
24 down and we were right up. They were right down and some of
25 those problems, those were not things they would explain to
26 everybody.

10:19:22

27 Q. Well, let us consider your response. They were right down
28 and you were somewhere else. Where were you in relation to
29 Johnny Paul Koroma and his wife in Buedu in 1998? Where were you

1 staying, Mr Witness?

2 A. Well, at that time I was right are up going towards Kangama
3 and where Johnny Paul and others were lodged was way down going
4 towards Dawa, towards the Liberian border end. We were at one
10:20:11 5 end of the town at the up part and they were at another end of
6 the town, down. There was a far distance between the two of us.

7 Q. So what you are telling us is there was a far distance
8 between where you were staying and where Johnny Paul Koroma and
9 his wife were staying. Is that what you're trying to tell us?

10:20:40 10 A. Yes, at that time, and apart from that even where he was
11 assigned, that is Johnny Paul and his wife, was about three miles
12 off from where I was.

13 Q. Well, where you were, was that where Morris Kallon was
14 staying at or was he staying at his house?

10:21:11 15 A. Where I was - Morris Kallon was at his own house. Morris
16 Kallon, Issa Sesay, Mosquito, all of them were in the same area.
17 They lived in the same area. And Mike Lamin was right up. He
18 left them and stayed right up at the outskirts of the town going
19 towards the Koindu area, that is Kangama Road.

10:21:45 20 Q. Mr Witness, you are giving us, as I counted, four different
21 locations. Mike Lamin was near Kangama Road, right up in town.
22 Morris Kallon, Issa Sesay, Sam Bockarie all lived in the same
23 area of Buedu or were all in the same area of Buedu, that's what
24 you're telling us. You were in another area and Johnny Paul
10:22:09 25 Koroma and his family were in another area. Is that what you're
26 re trying to tell us, four different locations, all in the same
27 Buedu?

28 A. Let me make it clear. When we brought Johnny Paul before
29 the diamonds were taken away from him and before his wife - that

1 is Issa, took his wife and raped her, at that time all of them
2 together with Issa Sesay, Mosquito - Kallon was not there, but
3 his house was there - all of them were almost within the same
4 compound. But where I was was at Mike Lamin's house. It was
10:23:17 5 over even 80 to 100 yards off from where Issa Sesay and others
6 were in Buedu Town.

7 Q. Well, the point is you are telling us you were with Mike
8 Lamin and you and him were situated at a distance from where the
9 others were, correct?

10:23:45 10 A. Yes.

11 Q. Now, at some point though there was a meeting when all of
12 you came together and that was the meeting where the diamonds
13 were taken, correct?

14 A. Yes.

10:24:01 15 Q. Where did that meeting take place? At which location? You
16 said last week it was at the veranda. Now, at what location was
17 this veranda?

18 A. It was at Mosquito's house where he lived in Buedu.

19 Q. You have already told us that Morris Kallon was not there.
10:24:25 20 Was anybody firing a weapon or shooting during this meeting or
21 around the time the meeting took place?

22 A. Yes, even Issa shot a pistol.

23 Q. Why was he shooting the pistol, Mr Witness?

24 A. It was just a threat to Johnny Paul and his family.

10:25:03 25 Q. Why would Issa threaten them when Johnny Paul was the one
26 who confessed or made it known that he had these diamonds? What
27 was the point for Issa Sesay to threaten Johnny Paul Koroma at
28 this time?

29 A. Well, what he told them to do was what they refused doing

1 and they told him to hand the diamonds over. Why he accepted to
2 hand the diamonds over, he had a reason and he gave them a
3 condition, but they did not take the condition. So he wanted to
4 resist, but he could not because they used arms against him and
10:26:04 5 it was Mosquito and Issa's base and they had more power there.

6 Q. What was it that Johnny Paul Koroma told them to do that
7 they refused doing?

8 A. Well, Johnny Paul Koroma said all of them were put - were
9 to put something --

10:26:35 10 THE INTERPRETER: Your Honours, can the witness repeat
11 this.

12 PRESIDING JUDGE: Mr Witness, you are going quickly for the
13 interpreter. Please repeat your answer and pick up where you
14 said, "Well, Johnny Paul Koroma said all of them were put --"

10:26:50 15 Continue from there, please.

16 THE WITNESS: Well, Johnny Paul told Mosquito that that
17 particular diamond that he had brought that he wanted Mosquito
18 and himself, Johnny Paul, and some senior officers to go to
19 Charles Taylor together with the diamonds so that we will be able
10:27:32 20 to get arms and ammunition because that was our major problem
21 when we retreated. But they did not want Johnny Paul to join
22 them on that particular mission even if they had to go to Charles
23 Taylor. That was the reason.

24 MR ANYAH:

10:27:56 25 Q. And so when Johnny Paul Koroma refused, Issa Sesay started
26 firing his pistol. Is that what you're telling us, Mr Witness?

27 A. Yes, when he resisted giving the diamonds and he said he
28 was not just to give the diamonds because he was not the only one
29 who owned the diamonds, there were some other senior people whom

1 he was to consult. So they thought if they had given him some
2 more time he would escape with the diamonds or maybe he would
3 have some other plan and there would be a problem between them.
4 And being that he had accepted having the diamonds, so Mosquito
10:29:01 5 and Issa were now anxious to have the diamonds with them.
6 Whether Johnny Paul accepted giving them or not, they wanted to
7 have it.

8 Q. You told us on Thursday, the 13th, at page 20196 starting
9 at line 18:

10:29:29 10 "Johnny Paul was afraid where he was sitting. He wanted to
11 sit on the floor and he showed where the diamonds were in the
12 room. Mosquito and his bodyguards, like Shabado and one SBU boy,
13 Junior, who was with Mike Lamin, they entered and took the
14 diamonds. The diamonds were in a bag like something that was
10:30:03 15 more than the size of this thing that is in front of me."

16 A. Yes.

17 Q. You told us also how Johnny Paul wanted to resist giving
18 the diamonds, handing it over to Mosquito and Issa Sesay, and how
19 they took their arms, that is their pistols, and pointed them at
10:30:26 20 Johnny Paul Koroma. They put him under gunpoint and they said
21 whether he was willing or not willing, he should hand over those
22 particular diamonds that he had. Did you mention to us last week
23 about Issa Sesay shooting his pistol?

24 A. No, because they did not ask me if during that time Issa
10:30:55 25 Sesay shot a pistol, but if you asked me now so - if you asked me
26 if I heard a gunshot or I saw somebody shoot a pistol I would say
27 yes, because I did. Yes.

28 Q. All right, Mr Witness, let's consider what the other
29 witness told this Court about the same episode. I have told you

1 how that witness said around this time Ibrahim Bah was present in
2 Buedu, that Ibrahim Bah was meeting with Sam Bockarie - this is
3 at page 2367 - that there was a problem between Johnny Paul
4 Koroma's wife and CSO Rambo. Mr Witness, that witness told us
10:31:48 5 that it was not Johnny Paul who revealed that he had the
6 diamonds. It was CSO Rambo who disclosed this information. That
7 CSO Rambo was upset after he was terminated, that is Johnny Paul
8 Koroma's wife dismissed CSO Rambo as being Johnny Paul Koroma's
9 chief security officer, and CSO Rambo was upset and confided in
10:32:17 10 Issa Sesay and others that Johnny Paul Koroma had these diamonds.

11 Are you aware of this type of information, Mr Witness?

12 A. Well, maybe that was a piece of information that went
13 through Issa and others before the meeting, but what I know is
14 during the meeting Johnny Paul himself accepted having the
10:32:45 15 diamonds.

16 Q. Well, you will agree with me that there is a difference
17 between Johnny Paul Koroma calling a meeting and disclosing that
18 he had diamonds and this other version of the events I have
19 described where another witness says it was through CSO Rambo
10:33:08 20 that it became known that Johnny Paul Koroma had these diamonds
21 in his possession. There is a difference between those two
22 versions of events, would you agree with me?

23 A. Yes, it was because different people gave different
24 versions. Maybe that was what the person saw happen, but what I
10:33:26 25 saw happen and I was present is what I have spoken about.

26 Q. That witness told us that Morris Kallon had a house in
27 Buedu. Did you ever go to that house belonging to Morris Kallon
28 in Buedu when you were there?

29 A. Morris Kallon's house, I was not frequent there. The only

1 place I used to visit for that particular one, maybe within a day
2 or two I will go there once or twice, was Mosquito's house and
3 Issa's place, because those two places were opposite each other.
4 But Morris Kallon's place, I never used to go there. And all the
10:34:19 5 times I stayed in Buedu I don't think I went to Morris Kallon's
6 place over three times.

7 Q. Well, that witness told us that Issa Sesay and Mike Lamin
8 used to go to Morris Kallon's place.

9 A. Yes.

10:34:39 10 Q. Did you go there with Mike Lamin when you were in Buedu?

11 A. No, at one time - and one thing in fact I want to tell you,
12 it was not always when Mike Lamin moved that I moved with him.
13 He had so many other bodyguards and I was the commander. So
14 sometimes when day break I will assign two or three people to him
10:35:12 15 and they will be on duty around him, so I will stay at home and
16 do some other necessary chores.

17 Q. Mr Witness, you are telling us now, the fifth day on which
18 you have been on the stand, that as chief bodyguard commander for
19 Issa Sesay you were not always with Issa Sesay?

10:35:31 20 PRESIDING JUDGE: No, I understood he was the chief
21 bodyguard for Mike Lamin.

22 MR ANYAH: Sorry, Mike Lamin. Yes, Madam President, I
23 rephrase it:

24 Q. Mr Witness, you are telling us now, after having been on
10:35:41 25 the stand since Wednesday, 12 November, that as the chief
26 bodyguard commander for Mike Lamin you were not always with Mike
27 Lamin. Is that your evidence, Mr Witness?

28 A. Yes, it was not always that I moved around with him
29 together.

1 Q. You would acknowledge then, would you not, that there were
2 things that could have happened to Mike Lamin during the times
3 that you were not with him that you know nothing about, true?

4 A. Yes, he might go through certain things or in some areas,
10:36:23 5 but there was nothing bad that came his way that I wouldn't know
6 about because we had handsets. The bodyguards that I would
7 assign with him at that moment, if any problem wanted to come
8 around Mike Lamin at that particular moment that person will
9 inform me and I will be at home. It was not all meetings that
10:36:49 10 Mike Lamin moved with those bodyguards and attended and if they
11 had discussions that they would call me and inform me that they
12 are going on with certain so and so discussions here, no.

13 Q. Well, let me ask you specifically, Mr Witness. We have
14 information given before this Court that there was a time when
10:37:11 15 Mike Lamin, Issa Sesay and CSO Rambo were all at one place
16 together, that place being Morris Kallon's house in Buedu, and it
17 was during that time when CSO Rambo told those present that
18 Johnny Paul Koroma had these diamonds. Are you aware of such an
19 occasion where CSO Rambo told Lamin, Issa Sesay and others at
10:37:38 20 Mike Lamin's house about Johnny Paul Koroma having diamonds?

21 A. Well, I don't know about that. I had - they had already
22 told you that Mike Lamin and others were there, but they did not
23 say that OG was there. I was not there, so I cannot say anything
24 about that.

10:38:02 25 Q. You were not there and on this occasion there was no
26 communication from the bodyguards with Mike Lamin to you telling
27 you what had happened. Is that fair to say, Mr Witness?

28 A. Yes, because with the bodyguards I only gave them that
29 communication maybe if somebody wanted to assault Mike Lamin or

1 maybe to use invectives against him, those things were there for
2 them to call me at the house for reinforcement. But it was not
3 that when they were giving information to Mike Lamin that he will
4 call me and say, "Come here, they are giving me information", no.

10:38:56 5 Q. Yes, we appreciate the fact that the bodyguards didn't call
6 you to tell you about information. The question is about this
7 particular event at Morris Kallon's house, you did not hear
8 anything about that from your bodyguards, correct?

9 A. Mike Lamin himself only said that there was a problem
10:39:19 10 between Johnny Paul's wife and his bodyguard, but I did not
11 actually ask him to tell me what the problem was into details,
12 but he later told me that that had been solved. So he did not
13 give me a detailed explanation about what the problem was or what
14 explanation was given to him.

10:39:48 15 Q. Mr Witness, I appreciate the fact Mike Lamin did not tell
16 you. That was not my question. My question was whether Mike
17 Lamin's bodyguards, those under your supervision, told you. They
18 did not tell you anything about this. Can you confirm that,
19 Mr Witness?

10:40:05 20 A. Yes, they did not tell me anything concerning that.

21 Q. You have told us that Sam Bockarie was present. You said
22 that to us on Thursday. He was one of those who took the
23 diamonds from Johnny Paul Koroma. Another witness came before
24 this Court and said Mike Lamin instructed Issa Sesay and Morris
10:40:30 25 Kallon to go and take the diamonds - well, actually, Madam
26 President, I think I misspoke. I was starting out with
27 Sam Bockarie.

28 PRESIDING JUDGE: Yes, and it's not precise as to where
29 exactly Sam Bockarie was present.

1 MR ANYAH: Yes, I will take it in bits and pieces:

2 Q. Mr Witness, you have told us that Sam Bockarie was present
3 at the meeting during which the diamonds were taken from Johnny
4 Paul Koroma. Do you agree you have told us that?

10:41:03 5 A. Yes.

6 Q. I am telling you that another witness has come before this
7 Court who has said that Sam Bockarie was not at that meeting at
8 that moment when the diamonds were taken. What do you say to
9 that, Mr Witness?

10:41:24 10 A. That witness lied.

11 MR ANYAH: Your Honours, the relevant pages are 2368 and
12 2369:

13 Q. That witness is a liar. That witness told us that
14 Sam Bockarie instructed Issa Sesay and Morris Kallon to go and
10:41:47 15 take the diamonds from Johnny Paul Koroma. Are you aware of
16 Sam Bockarie giving such an instruction to Sesay and Kallon?

17 A. Well, that is the reason why I said that witness gave you a
18 misinformation, because even when that incident took place Kallon
19 was not present. Kallon, we had left him around the Kono area.

10:42:14 20 He was there. So it was only Issa, Mike Lamin and this man,
21 Mosquito. They were the only people who were on the ground on
22 that particular day. So if that witness had stated that Mosquito
23 ordered or that Mike Lamin ordered Kallon and Issa to do that,
24 then that was a misinformation. Maybe the person only heard it,
10:42:53 25 but the person was not present.

26 Q. The witness who testified that I am referring to said they
27 were there, Mr Witness. That person claims to have been present.
28 And you know what else that person told us? That person told us
29 that after Sam Bockarie instructed Issa Sesay and Kallon,

1 Sam Bockarie went over to Ibrahim Bah's house. Do you know if
2 Ibrahim Bah had a house in Buedu around the time diamonds were
3 taken from Johnny Paul Koroma?

10:43:37 4 A. I did not know Ibrahim Bah's house in that place. I have
5 told you that persistently that that Ibrahim Bah is not familiar
6 to me. Stop asking me about this Ibrahim Bah, because I wouldn't
7 tell you anything about Ibrahim Bah that would be of satisfaction
8 to you.

9 PRESIDING JUDGE: Mr Witness, you are not to give
10:43:53 10 instructions to counsel. Proceed, Mr Anyah.

11 MR ANYAH:

12 Q. So the answer to my question is you are not aware of
13 whether or not somebody named Ibrahim Bah had a house in Buedu at
14 this time? Is that your answer?

10:44:07 15 A. Yes, I don't know about Ibrahim Bah issue in Buedu.

16 Q. Now, a witness told us that the security guards of Issa
17 Sesay and Morris Kallon were ordered to disarm Johnny Paul
18 Koroma's security guards. Did you see this happen, Mr Witness?

19 A. Yes, I saw bodyguards. Those were Issa's bodyguards,
10:44:41 20 Mosquito's bodyguards, Kallon's bodyguards, because all of those
21 three people they used almost the same bodyguards, they
22 interchanged them. So for that, I saw that.

23 Q. Well, let me be more precise. I am not asking you whether
24 you saw bodyguards. Let me first ask you this, the part of the
10:45:12 25 order. Are you aware of an order being given to the bodyguards
26 of Kallon and Sesay to disarm Johnny Paul Koroma's bodyguards?

27 A. Yes, I said I saw bodyguards and those were Kallon's
28 bodyguards, Issa's bodyguards. I saw them disarm - disarm Johnny
29 Paul's securities and that was done together with Mosquito's

1 bodyguards.

2 Q. Well, you have answered the second question I was going to
3 ask. We know you saw the disarmament, that is Johnny Paul
4 Koroma's security being disarmed. I am asking you whether you
10:45:50 5 were there when Sam Bockarie, Mosquito, gave the order that they
6 should be disarmed?

7 A. Yes.

8 MR ANYAH: Madam President, I asked the question
9 Sam Bockarie gave the order and I look at the transcript I have
10:46:12 10 before me and I believe it was Issa Sesay that gave the order:

11 Q. Mr Witness, do you wish to reconsider the answer you just
12 gave. It was Issa Sesay who ordered his bodyguards and Morris
13 Kallon's bodyguards to disarm Johnny Paul Koroma's bodyguards.
14 Who do you believe gave that order; was it Issa Sesay or

10:46:33 15 Sam Bockarie?

16 A. Well, I saw Sam Bockarie say it. He said, "Master, make
17 those boys to disarm Johnny Paul Koroma's bodyguards." But I
18 think it was then Issa who called on those bodyguards to come and
19 disarm Johnny Paul's bodyguards, but I saw Sam Bockarie say it
10:47:10 20 whilst we were sitting on the veranda.

21 Q. Besides Issa Sesay, who did you see fire a pistol or fire a
22 weapon?

23 A. Mike Lamin himself shot his pistol on that day.

24 Q. Besides Mike Lamin, who else, if anyone, shot a weapon?

10:47:43 25 A. All three commanders who were there, all of them shot their
26 pistols. Mosquito was shooting, Issa was shooting and Mike Lamin
27 too was shooting. They were shooting in the air, all of them.

28 Q. Did any of the security guards fire their weapons,
29 Mr Witness?

1 A. Yes, whilst they were disarming the securities they were
2 shooting.

3 Q. And where were they shooting at?

4 A. They were shooting towards the bodyguards because they were
10:48:39 5 threatening them, because when they were going to grab the arms
6 from them they will shoot and then they will ask them to give up
7 their arms.

8 Q. Was anybody hurt or killed during this shooting incident?

9 A. No, at that time I did not concentrate on that to know
10:49:02 10 whether somebody died or whether I in fact heard it.

11 Q. Did you just tell us you were present at a meeting, guns
12 were being fired, you were head of security for Mike Lamin, the
13 person you were protecting, Mike Lamin, was present and you did
14 not care whether people were being shot at? Is that what you're
10:49:21 15 suggesting to us, Mr Witness?

16 A. Yes, because they did not shoot Mike Lamin. If they had
17 shot Mike Lamin on that day I would have known that they had shot
18 at him, because he was my concern.

19 Q. As you sit there now you do not know whether anybody was
10:49:41 20 injured or killed during the shooting. Is that your evidence,
21 Mr Witness?

22 A. Yes, I did not see that. I would not say what I did not
23 see. I do not want to lie.

24 Q. The person you were protecting, your commander, Mike Lamin,
10:49:58 25 was shooting his pistol as well. Did you shoot your weapon,
26 Mr Witness?

27 A. No, I did not shoot. He was the commander. He was just
28 shooting in the air as though he was happy because by then I
29 think they had got so many diamonds.

1 Q. You mentioned somebody named Shabado. Do you recall
2 telling us about Shabado on Thursday last, 13 November?

3 A. Yes.

4 Q. You said Shabado was there as well as an SBU named Junior
10:50:40 5 and they assisted in taking the diamonds, yes?

6 A. Yes.

7 Q. Well, the other witness who came before us did not say the
8 diamonds were taken by Sam Bockarie or by Shabado or by Junior.
9 He said Issa Sesay took the diamonds. Who took the diamonds from
10:51:03 10 Johnny Paul Koroma when you were at this meeting, Mr Witness?

11 A. Well, maybe when they went inside it was Issa who collected
12 it, but I saw the bag with Shabado, he was holding it in his
13 hands, and I saw Junior himself and Shabado had it with him until
14 the time they moved outside and he had the bag with him in his
10:51:26 15 hands.

16 Q. I am focusing on who actually took the diamonds from Johnny
17 Paul Koroma. Your evidence on Thursday, the 13th, page 20196:

18 "Johnny Paul was afraid where he was sitting. He wanted to
19 sit on the floor and he showed where the diamonds were in the
10:51:45 20 room. Mosquito and his bodyguards, like Shabado and one SBU boy,
21 Junior, who was with Mike Lamin, they entered and took the
22 diamonds."

23 You told us on Thursday Mosquito, his bodyguards and
24 others, Shabado, Junior, they entered and took the diamonds. Are
10:52:07 25 those the persons who took the diamonds from Johnny Paul Koroma:
26 Sam Bockarie, Shabado and others?

27 A. Yes, those were the ones I saw enter into the room and that
28 was Sam Bockarie's room where he was lodged. That was where
29 Johnny Paul too was lodged when he arrived and that was where

1 they took the diamonds from in that room.

2 Q. The witness who appeared before us told us that Issa Sesay
3 asked for the diamonds - this is at page 2369 - Johnny Paul
4 Koroma went inside his room, brought his briefcase and took out
10:52:59 5 nine plastics of diamonds. No mention of Shabado. Was Shabado
6 there, Mr Witness?

7 A. Shabado was there. Shabado was there and they did not just
8 go in and come out with the diamonds and take it automatically
9 out of the bags. When they took the diamonds from the room - the
10:53:31 10 bags from the room - it was with them for about 30 minutes with
11 Junior for about 30 minutes and Shabado was still keeping guard
12 on him.

13 Q. The witness who testified before us did not mention
14 Mosquito being present in the house when these diamonds were
10:53:47 15 taken. Was Sam Bockarie, also known as Mosquito, present,
16 Mr Witness?

17 A. That is what I am talking about. Mosquito was there. He,
18 Sam Bockarie, he was there.

19 JUDGE SEBUTINDE: Mr Witness, I need to understand. The
10:54:06 20 incident where the diamonds were being taken from Johnny Paul,
21 did that happen inside the house in a room? Did this happen
22 inside the house in a room or did it happen on the veranda?

23 THE WITNESS: Well, the diamond was in the room.

24 JUDGE SEBUTINDE: And so was Johnny Paul?

10:54:33 25 THE WITNESS: Johnny Paul was outside in the veranda. He
26 was the one who showed where the diamonds were in the room when
27 they entered there and picked them up, that is Mosquito's
28 bedroom, where he had lodged Johnny Paul.

29 JUDGE SEBUTINDE: And where were you in relation to all

1 this?

2 THE WITNESS: Well, I was in the veranda when they entered,
3 when Mosquito and his bodyguards entered into the room. I saw
4 the diamond bag with Junior and Shabado was with him. They came
10:55:14 5 outside to the veranda and they came outside even and Shabado was
6 with Junior keeping guard on him and he was with the bag. I did
7 not directly enter into the room for me to see them take the
8 diamond, or the bag of diamond, but I saw them enter to collect -
9 to take it and I saw the bag.

10:55:55 10 MR ANYAH:

11 Q. Mr Witness, when another witness tells us that Sam Bockarie
12 was not there at the precise moment when the diamonds were
13 recovered from Johnny Paul Koroma in that room, is that witness
14 lying?

10:56:09 15 A. Well, maybe that was what the person heard or saw, but what
16 I saw is what I am talking about here, because I have taken an
17 oath. I wouldn't assume for that person to say that that person
18 might have lied, because so many witnesses might have not been
19 present where incidents took place, but when the person might
10:56:35 20 have heard it the person will pretend as though he or she was
21 present and will say things about it.

22 Q. Well, we can only go by what the witnesses tell us. This
23 witness told us that they were present and my question is this:
24 Somebody says they were present at the same meeting where you
10:56:54 25 were present and they say Sam Bockarie was not there when the
26 diamonds are taken. That is a different version of the events
27 than the one you are giving us, do you agree?

28 A. Yes, but then wait. Do you want me to agree with what that
29 witness said? Do you want me to say it is true so I should agree

1 with that?

2 Q. My question is: When the witness says something different
3 than what you are telling us who is telling the truth?

10:57:34

4 MS HOLLIS: I am going to object to that. I certainly have
5 no objection to Defence counsel pointing out that these are
6 different versions, but when he is asking the witness to comment
7 on the veracity or the credibility of another witness I think
8 that that is improper and it is not - it is a false dichotomy.
9 It is not - it is different so it must be a lie. There could be
10 other explanations.

10:57:53

11 PRESIDING JUDGE: Mr Anyah, we did go through this
12 yesterday.

13 MR ANYAH: Yes, I would be happy to rephrase it. I
14 appreciate the distinction.

10:58:01

15 PRESIDING JUDGE: Yes, please do.

16 MR ANYAH:

17 Q. Mr Witness, do you stand by your account that Sam Bockarie
18 was there despite another witness telling us Sam Bockarie was not
19 there?

10:58:14

20 A. Yes.

21 PRESIDING JUDGE: Sorry, I hear a voice, but I don't know
22 where it is coming from. I see. Please proceed, Mr Anyah.

23 MR ANYAH: Thank you, Madam President:

10:58:43

24 Q. Mr Witness, you said Issa Sesay raped Johnny Paul Koroma's
25 wife, correct?

26 A. Yes.

27 Q. And you do not know Johnny Paul Koroma's wife's name, do
28 you?

29 A. Ah, but I knew her because we had been there before them

1 is.

2 JUDGE SEBUTINDE: Mr Interpreters, what is "ah"?

3 THE INTERPRETER: Your Honours, it is an ambiguous
4 statement. It could be yes or no.

10:59:06 5 JUDGE SEBUTINDE: I think you have always interpreted it as
6 no, haven't you?

7 THE INTERPRETER: Yes.

8 THE WITNESS: That is no, because I do not know the name.

9 MR ANYAH: Mr Court Usher, can I have your assistance
10:59:24 10 please. This would be the document in tab 7 and for counsel's
11 benefit proofing notes from 13, 14, 15, 21, 24 and 25 October
12 2005. Tab 7, page 4:

13 Q. Mr Witness, this is what you told the Prosecution about
14 this incident concerning Johnny Paul Koroma and the diamonds.

11:00:08 15 You gave them this information in the year 2005, April 2005 to be
16 specific. Now, paragraph 9, it reads - and Mr Usher, if we could
17 scroll down. Yes:

18 "There was a meeting in Buedu the morning after we arrived
19 where JPK said that he had diamonds collected during the junta
11:00:33 20 period from Tongo Field and Kono. These diamonds were later
21 taken from JPK by Mosquito's bodyguards, one is called Shabado.
22 Shabado said the diamonds were in nine plastic bags and bags of
23 that size could hold about 1,000 diamonds. Issa went to Liberia
24 with the diamonds taken from JPK and said that they were stolen
11:01:07 25 from him. I later heard that Sesay kept the diamonds for himself
26 and for Mosquito. Issa Sesay raped the wife of Johnny Paul
27 Koroma, or JPK, because he is a wicked man."

28 Now you have told us this morning that the part dealing
29 with the rape or alleged rape of Johnny Paul Koroma's wife was

1 told to others by the woman herself, yes?

2 A. Yes, I heard that from the woman herself.

3 Q. And who was present when she told you this? Let us start
4 with some of the commanders. Was Morris Kallon present when she
11:01:53 5 told you this?

6 A. Well, Morris Kallon was not present.

7 Q. Was Mosquito present when she made this allegation?

8 A. Yes, it was Mosquito himself who asked Issa.

9 Q. Was Issa Sesay himself present when the woman was accusing
11:02:24 10 him of rape?

11 A. Yes.

12 Q. Was Mike Lamin present when Johnny Paul Koroma's wife
13 accused Issa Sesay of rape?

14 A. Yes.

11:02:35 15 Q. Was any other senior RUF commander present when this
16 allegation was made?

17 A. Well, they were there, but I wouldn't recall most of the
18 names because so many people were present in that compound on
19 that day.

11:03:04 20 Q. Well, another witness who was in the area at that time
21 appeared before this Chamber and was asked a question, and the
22 relevant page is 2957, the last line of that page. The question
23 then goes over to 2958, the answer rather. So the question was
24 posed to that witness and the question was:

11:03:37 25 "Q. Now, did you hear anyone talking about Issa Sesay
26 raping Johnny Paul Koroma's wife while he had her out of
27 Buedu?

28 A. No, no, no, no, not clear that happened at all. Nobody
29 raped Johnny Paul Koroma's wife."

1 That is what another witness told us in this Court. That
2 witness claims to have been in Buedu when the diamonds were taken
3 from Issa Sesay and when it is alleged Johnny Paul Koroma's wife
4 was taken - when the diamonds were taken from Johnny Paul Koroma
11:04:36 5 and when it is alleged that Johnny Paul Koroma's wife was taken
6 by Issa Sesay. Mr Witness, what do you say to that version of
7 these events, when another witness says "Not sure that happened
8 at all"?

9 A. That witness might have only heard about those diamonds,
11:05:03 10 because it was a news that was spread far and wide within the
11 RUF, so each and everybody had their own views about it, but I am
12 not sure whether Issa did not rape Johnny Paul's wife.

13 Q. You are not sure. Is that what you are telling us now?
14 You are not sure as you sit there now whether Issa Sesay in fact
11:05:31 15 raped Johnny Paul Koroma's wife? Is that your evidence,
16 Mr Witness?

17 A. I said I have taken an oath. Issa raped Johnny Paul
18 Koroma's wife on that day. I have taken an oath.

19 Q. Well, another witness came before this court --

11:05:49 20 JUDGE SEBUTINDE: Mr Anyah, I am not sure. Mr Witness, are
21 you saying that you are sure that he raped, or that you are sure
22 that he didn't rape? What are you saying?

23 THE WITNESS: Well, I am saying that I have taken an oath
24 on the Koran here. Issa raped.

11:06:10 25 JUDGE SEBUTINDE: Did he or did he not, in your belief?

26 THE WITNESS: What I believe is that he did it.

27 MR ANYAH:

28 Q. And you base that belief on the fact that you tell us you,
29 Issa Sesay, Sam Bockarie, Mike Lamin, were all present when

1 Johnny Paul Koroma's wife accused Issa Sesay of rape, correct?

2 A. Yes.

3 Q. Well, another witness came before this Court, the relevant
4 page being 13138 through 13139. That witness was asked this

11:07:02 5 question and they gave responses:

6 "Q. And during the course of that particularly ugly
7 episode Johnny Paul Koroma's wife was abducted and taken to
8 an unknown location, wasn't she?

9 A. Yes, it was Issa Sesay who did that.

11:07:26 10 Q. And was she not then raped or sexually assaulted by one
11 Mike Lamin?"

12 I pause there. Mr Witness, have you ever heard of an
13 allegation against Mike Lamin, the person that you served as his
14 chief security commander, that he was the one who raped Johnny
15 Paul Koroma's wife?

11:07:47

16 A. May the Lord forbid. I did not hear - I never heard about
17 that. This is my first time hearing that in this Court.

18 Q. The question continues, this is the response from another
19 witness. I have read the question which was:

11:08:10

20 "Q. And was she not then raped or sexually assaulted by
21 one Mike Lamin?

22 A. Well, I did not get that information. The information
23 that I got was that Sam Bockarie was not present when the
24 incident took place and on his return Sam Bockarie grumbled
25 that he was not happy with the action taken by Issa Sesay
26 in his absence, that is the taking of diamonds from Johnny
27 Paul Koroma and the taking of Johnny Paul Koroma's wife
28 from him for a long time, but I did not hear about the
29 incident having to do with Mike Lamin."

11:08:38

1 Pause there. Another witness - not the same witness I was
2 reading from his evidence previously - another witness says here
3 that the information he got was that Sam Bockarie was not present
4 when the incident concerning the taking of diamonds from Johnny
11:09:25 5 Paul Koroma took place. Have you heard what I just read,
6 Mr Witness? A second witness says that information was that
7 Sam Bockarie was not present. Do you agree with that version of
8 the events?

9 A. Yes, the person had an information, but what I saw is what
11:09:48 10 I said.

11 Q. That same witness said that Sam Bockarie also was not
12 present when the taking away of Johnny Paul Koroma's wife was
13 done by Issa Sesay. Do you agree with that version of the
14 events, Mr Witness?

11:10:15 15 A. Johnny Paul - I mean Mosquito was there. He was not
16 present where Issa took Johnny Paul's wife to do that havoc to
17 her, but on the woman's return she was crying, so it was in fact
18 Mosquito who asked her and he was angry with Issa for what he
19 did. Maybe that person only heard it, but I was present when the
11:10:47 20 incident took place.

21 Q. Going on with the questions and responses given by that
22 witness, the question was posed to that witness in respect of
23 Johnny Paul Koroma's wife:

24 "Q. Was she raped or sexually assaulted?"

11:11:09 25 A. Well, what Mosquito said that I heard he did not say
26 anything about that. The only thing he said was that he
27 was not happy when Issa Sesay took Johnny Paul Koroma's
28 wife from him for a long time."

29 Pause there. That witness is saying that Mosquito was not

1 happy about the taking away of Johnny Paul Koroma's wife for a
2 long time. Not the same thing as Mosquito being upset about
3 hearing that this woman was raped. Do you stand by your evidence
4 that Mosquito was told about this rape and that he was upset?

11:11:53 5 A. Yes, Mosquito knew about the rape and he was told about it.

6 Q. That witness was also asked the question:

7 "Q. Did you never hear that she had been raped or sexually
8 assaulted from anyone?"

9 That witness gave the response no, they never heard that
11:12:16 10 she had been raped or sexually assaulted by anyone, she being
11 Johnny Paul Koroma's wife.

12 Now you stand by your evidence - well, the statement you
13 gave to the Office of the Prosecutor which reads, "Issa Sesay
14 raped the wife of JPK because he is a wicked man", you stand by
11:12:35 15 that statement you made to the Prosecution out of court, yes?

16 A. Yes.

17 Q. Issa Sesay, a wicked man. Did you say that because you had
18 had disagreements with Issa Sesay previously, Mr Witness?

19 A. No. If somebody whom you had considered to be your
11:13:03 20 commander, if you take that person's wife and then go and rape
21 that person, wasn't that wickedness? Should there be any kind of
22 comparison in that?

23 Q. My question was whether or not you had disagreements with
24 Issa Sesay in the past. Did you have disagreements with Issa
11:13:29 25 Sesay in the past, Mr Witness?

26 A. Well, I don't think so, whether at that particular moment I
27 had any problems with Issa Sesay. It was as a result of that
28 diamond issue after they had collected them and he went and did
29 what he felt like doing, that was the time the problem started,

1 but at that particular moment I did not have any problems with
2 Issa Sesay.

3 Q. That was not my question. We appreciate the fact that at
4 the time when the diamonds were taken you did not have a problem
11:14:11 5 with Issa Sesay. My question is: At some point in time in the
6 past, from today backwards, did you have disagreements with Issa
7 Sesay?

8 A. Yes.

9 Q. You have told us about the diamond issue and how that
11:14:28 10 resulted in you being punished by you being sent to Baiima,
11 correct?

12 A. Yes.

13 Q. There was a Guinean operation that resulted in conflict
14 between you and Issa Sesay, correct?

11:14:45 15 A. Yes, when I said that I was not going to Guinea to fight.

16 Q. What year did that incident take place, Mr Witness?

17 A. That was in 2001.

18 Q. You got to the Sierra Leone Guinean border, yes?

19 A. No. Well, that was not the issue. I did not go there. It
11:15:22 20 was at the time when he came from Liberia and he sent us --

21 THE INTERPRETER: Your Honours, the witness was not very
22 clear in that area. Could he be kindly asked to repeat.

23 PRESIDING JUDGE: Mr Witness, the interpreter has not heard
24 you clearly. I want you to pick your answer up from where you
11:15:41 25 said, "It was at the time when he came from Liberia and he sent
26 us." Please continue from there.

27 THE WITNESS: I said the only time I went towards the
28 Guinean-Sierra Leone border or the Liberian-Sierra Leone border
29 was at the time Issa Sesay sent me to go and join the NPFL

1 soldiers at Mendekoma in Liberia to fight against the LURD
2 rebels, but I did not in fact explain the other problem, but when
3 you spoke about the Guinean problem, and that was something that
4 actually happened between the two of us, he said I should go as a
11:16:34 5 reinforcement to Guinea, but I refused going. I said I was not
6 going anywhere. I said I was not going to fight in Guinea.

7 MR ANYAH:

8 Q. You were upset and you refused to go and fight in Guinea.
9 Was a Major Steward sent to go and fight in Guinea?

11:16:57 10 A. Well, maybe, because Steward was with them in Kono.

11 Q. Was Augustine Gbao involved in this operation fighting
12 Guineans?

13 A. Well, it might be so. I heard it, but I did not see it,
14 because Augustine Gbao and I, we were not around the same
11:17:24 15 assignment area. They were in the north and I was in the east.

16 Q. Was there a time where you went towards the Moa River, saw
17 Guineans across the other side, saw Issa Sesay's bodyguards
18 opening fire on the Guineans and you refused to fire at the
19 Guineans?

11:17:47 20 A. Yes.

21 Q. That incident took place along the Guinean Sierra Leone
22 border, yes?

23 A. Yes.

24 Q. That incident resulted in conflict between you and Issa
11:18:10 25 Sesay, correct?

26 A. Yes.

27 Q. What happened after that incident to you?

28 A. Issa wanted to kill me, so I also decided to hide away from
29 him, and he went and complained me to Mosquito. Mosquito called

1 me on that particular day and that was the day that he changed my
2 location. He said I should be disciplined. He said I should go
3 to Baiima on assignment and that was a disciplinary action, a
4 punishment form - form of punishment given to me.

11:19:05 5 Q. Before sending you off to Baiima did Sam Bockarie, also
6 known as Mosquito, fire a weapon at you?

7 A. Yes, he shot his pistols around me.

8 THE INTERPRETER: Your Honours, the witness used a phrase.
9 That phrase did not come out clearly to the interpreter.

11:19:36 10 PRESIDING JUDGE: Mr Interpreter, if you please interpret
11 what has just been said and then I will seek to clarify with the
12 witness.

13 THE INTERPRETER: The witness said "He's dug my teto", but
14 he said "He dig me teto".

11:19:49 15 PRESIDING JUDGE: Mr Witness, the interpreter is having
16 some problem hearing something you said and you must repeat it,
17 something to do with "dug my teto". Could you clarify that
18 expression.

19 THE WITNESS: Well, I said Mosquito shot into the ground in
11:20:21 20 front of me, but that we used to call that dig teto.

21 MR ANYAH:

22 Q. Mr Witness --

23 JUDGE SEBUTINDE: Is that an English word?

24 MR ANYAH:

11:20:40 25 Q. Mr Witness, what was that expression you just said, "dig
26 teto"?

27 A. Well, that was how we heard them say it. That was how we
28 were saying it. If someone was standing and somebody was
29 shooting around you into the ground, going around you with the

1 bullets but shooting into the ground, digging into the ground
2 with the bullets around you, that was what we called dig teto.
3 That was our own form of language that we used.

11:21:28 4 Q. In fact, what Mosquito actually did was that he undressed
5 you and he shot his pistol between your legs, yes?

6 A. Yes.

7 Q. And at that point in time he said you were no longer to be
8 assigned to Mike Lamin, correct?

9 A. Yes.

11:21:47 10 Q. And that is when you were sent to the front line in Baiima,
11 true?

12 A. Yes.

13 Q. After your assignment in Baiima, where did you go,
14 Mr Witness?

11:22:12 15 A. Except that I used to go to Buedu, and I would return to
16 Baiima until when we fought and went up to the Segbwema, that was
17 the time I left Baiima and I was now based around Segbwema on
18 assignment in Segbwema Town.

19 Q. So you spent a few months in Baiima on which occasions or
11:22:43 20 during which time you would occasionally go to Buedu and then
21 from Baiima you go to Segbwema, true?

22 A. Yes.

23 Q. This would be the late part of 1998, around September.
24 Would you agree with me, Mr Witness?

11:23:06 25 A. Yes.

26 Q. How long did you spend in Segbwema?

27 A. Well, in Segbwema, I was there until the Lomé Peace Accord
28 when Foday Sankoh returned from there and he came to Buedu and he
29 took me to Freetown to serve as bodyguard.

1 Q. Is Segbwema, is it in Kailahun District?

2 A. Yes, sir.

3 Q. So it is fair to say that from late 1998, past the middle
4 point of 1999 when the Lomé peace agreement was signed, 7 July

11:24:06 5 1999, you were in Kailahun District in Segbwema, true?

6 A. Yes.

7 Q. And you say after the Lomé Peace Accord, some time in 1999,
8 Foday Sankoh asked you to go to Freetown to serve as his
9 bodyguard. Is that your evidence, Mr Witness?

11:24:28 10 A. Yes.

11 Q. During which month of 1999 did Foday Sankoh ask you to go
12 to Freetown?

13 A. Well, I wouldn't recall the exact month, but at the time he
14 came from Freetown - I mean, sorry, at the time he came from

11:24:56 15 Monrovia from the Lomé Peace Accord he went to Freetown and it
16 was just three days before when he came to Buedu. From the time
17 he left Monrovia and went to Freetown, let me say within four
18 days after that I was with him in Freetown.

19 MR ANYAH: Madam President, I think this would be a good
11:25:28 20 time to break.

21 PRESIDING JUDGE: Very well, Mr Anyah. I was actually
22 going to try and clarify from that last answer and maybe I could
23 do it.

24 MR ANYAH: Yes.

11:25:36 25 PRESIDING JUDGE: Mr Witness, I am not clear. Did you say
26 Foday Sankoh came from Lomé to Freetown and then to Buedu, or is
27 it Lomé, Buedu and then Freetown?

28 THE WITNESS: When he came from Lomé, he came first to
29 Liberia and it was from Liberia that he went to Freetown and from

1 there he came to Buedu.

2 PRESIDING JUDGE: Thank you for that clarification.

3 Mr Witness, we are now going to take the mid-morning adjournment.

4 We will resume court at 12 o'clock. Please adjourn court until

11:26:15 5 12.

6 [Break taken at 11.26 a.m.]

7 [Upon resuming at 12.00 p.m.]

8 PRESIDING JUDGE: Mr Anyah, please proceed.

9 MR ANYAH: Thank you, Madam President:

12:00:51 10 Q. Mr Witness, before the break we were considering your
11 assignment to Segbwema and we were considering in particular the
12 different time frames and places where you were. You told us you
13 were in Segbwema through the signing of the Lomé Peace Agreement
14 on 7 July 1999. Is that fair to say, Mr Witness?

12:01:16 15 A. Yes.

16 Q. And you were in Segbwema right up until the time Foday
17 Sankoh returned to Freetown from Monrovia, true?

18 A. Yes.

19 Q. Will you agree with me that Foday Sankoh returned to
12:01:39 20 Freetown in the company of Johnny Paul Koroma on or about 3
21 October 1999?

22 A. Yes.

23 Q. That would mean that from late 1998, through October 1999,
24 you were assigned to Segbwema in Kailahun District. Is that fair
12:02:05 25 to say, Mr Witness?

26 A. Yes.

27 Q. Now, before you went to Freetown, while you were in
28 Segbwema, is that when Operation Spare No Soul took place,
29 Mr Witness?

1 A. Well, that one had happened before I went to Freetown. It
2 was Operation Spare No Soul that took me to Segbwema.

3 Q. I thought you told us that you were sent to Baiima as
4 punishment and that you went to Segbwema after Baiima. Is that
12:03:15 5 fair to say, Mr Witness?

6 A. Yes.

7 Q. Was it in Baiima that Operation Spare No Soul took place?
8 That is, was it when you were assigned to Baiima that this
9 operation took place?

12:03:38 10 A. Yes.

11 Q. And which particular areas were attacked during this
12 operation, Mr Witness?

13 A. Well, as for us, or for myself, we attacked Bunumbu, we
14 attacked Daru, we attacked Segbwema, we attacked Tondola, we
12:04:19 15 attacked Bendu Junction, JomokaFebu, Kombema, Kenema.

16 Q. Did you attack a place called Moyamba, Mr Witness?

17 A. No, I never attacked Moyamba.

18 Q. Did you attack a place called Bo Ngendema, N-G-E-N-D-E-M-A?

19 A. No.

12:05:12 20 Q. Did you attack Tongo on this particular occasion?

21 A. Yes, Akim attacked there. I did not go there. It was Akim
22 who went there with his own manpower.

23 Q. While you were assigned to Baiima did RUF troops attack
24 Ngendema?

12:05:47 25 A. No. No, the only place - no, they did not attack Ngendema
26 at that time.

27 Q. When was the attack on Ngendema, Mr Witness?

28 A. Well, it was after the time that the AFRC took over. It
29 was at that time that Mosquito's troops and other AFRC soldiers

1 went all the way to Joru, Gaura, up to Zimmi and up to Bo
2 Ngendema.

3 Q. Now, this Operation Spare No Soul, was it the same thing as
4 Operation Free Foday Sankoh?

12:06:37 5 A. Yes, that was the time.

6 Q. No, I'm not asking if it was the time. I'm asking you if
7 the two operations have the same operational name. Operation
8 Spare No Soul, is it synonymous or the same thing as Operation
9 Free Foday Sankoh?

12:06:54 10 A. Yes.

11 Q. And Foday Sankoh at this time, to your knowledge, was he
12 still being detained in Nigeria or was he now in the hands or
13 custody of the Sierra Leonean government?

14 A. He was in the hands of the Sierra Leone government.

12:07:17 15 Q. Indeed, in March 1998, the Nigerian government handed over
16 Foday Sankoh to the Sierra Leonean government. Do you agree with
17 that, Mr Witness?

18 A. Yes.

19 Q. Now from March 1998 when Foday Sankoh was in the custody of
12:07:39 20 the Sierra Leonean government, when did Operation Spare No Soul
21 commence? When exactly in 1998?

22 A. Well, it was around - towards the end of 1998 anyway.

23 Q. Would you say it was around October 1998?

24 A. I think so. It's been a long time now. I'm just
12:08:21 25 estimating it. October, November, within that.

26 Q. Are you aware that in October 1998 Foday Sankoh was
27 convicted of treason in the High Court of Sierra Leone?

28 A. Fine. It was at that time indeed.

29 Q. Have you heard of Operation No Living Thing, Mr Witness?

1 A. Yes. Operation No Living Things, it's the same.

2 Q. Yes, that was the line of questioning. Are these three
3 operations all one and the same? Is Operation Spare No Soul the
4 same operation as Operation No Living Thing and the same

12:09:23 5 operation as Operation Free Foday Sankoh, can you tell us,
6 Mr Witness?

7 A. Yes, those three operations went on at the same time, at
8 the time that Mosquito gave that order that Operation Free Foday
9 Sankoh, Operation Spare No Soul, some people were saying

12:09:52 10 operation - operation - the other one that he issued. They were
11 just the same.

12 Q. Where were you were physically when Sam Bockarie, alias
13 Mosquito, passed this order for Operation Free Foday Sankoh to
14 take place?

12:10:17 15 A. In Buedu.

16 Q. And was Issa Sesay present when he passed this directive?

17 A. Yes.

18 Q. And the fighters decided to call the operation Operation No
19 Living Thing, is that fair to say?

12:10:45 20 A. Yes.

21 Q. Now during this operation did you attack Kenema and did you
22 fail in that attack?

23 A. Yes.

24 Q. And after that did you retreat, Mr Witness?

12:11:07 25 A. Yes, sir.

26 Q. Which attacks to which areas were successful during
27 Operation Spare No Soul, can you tell us?

28 A. In relation to where I was during the operation, we
29 succeeded in taking Bunumbu. We attacked Segbwema and took

1 there. Tondola was under our control. Bendu Junction, we
2 captured it and it was under our control. Jomokafebu was under
3 our control. So those were the areas that we occupied. But we
4 attacked Daru but we were not able to take there.

12:12:13 5 Q. With respect to the attacks on Tongo Field, that was
6 carried out by Akim and you were not present during those
7 attacks, were you?

8 A. Yes.

9 Q. "Yes" means you were not present, true?

12:12:34 10 A. I was not present during the Tongo attack at all.

11 Q. That means you do not know what happened in Tongo during
12 that attack, do you?

13 A. Yes.

14 Q. "Yes" means you do not know, correct?

12:12:53 15 A. I don't know what happened there.

16 Q. Thank you, Mr Witness. Now Segbwema. You're in Segbwema,
17 you tell us, for almost a year. Foday Sankoh returns from
18 Monrovia around 3 October 1999. Where was Mike Lamin at that
19 time, Mr Witness?

12:13:19 20 A. Well, at that time Mike Lamin was in Buedu until the peace
21 process in Lomé and they were sent there as part of the
22 delegation for the RUF.

23 Q. I understand that. Mike Lamin was sent as a delegate to
24 Lomé. Issa Sesay was sent as a delegate to Lomé. Daf, also

12:13:52 25 known as Dauda Fornie, was sent as a delegate to Lomé. All true,
26 correct?

27 A. Yes, sir.

28 Q. And you were in Segbwema, yes?

29 A. Yes.

1 Q. And you do not know exactly what happened at Lomé, do you,
2 Mr Witness?

3 A. I did not know. Yes, sir.

4 Q. Now, we come back to October 1999 when Foday Sankoh left
12:14:20 5 Monrovia and went to Freetown. Where was Mike Lamin at that
6 time, Mr Witness?

7 A. Mike Lamin was in Freetown.

8 Q. Is your evidence that Foday Sankoh personally sent for you
9 to come from Segbwema to join him in Freetown?

12:14:45 10 A. No.

11 Q. Is your evidence that Foday Sankoh left Freetown after
12 being there for about two days and came to Buedu and it was when
13 he was in Buedu that he requested you to go back to Freetown with
14 him?

12:15:03 15 A. Yes. He told Mosquito to assemble his bodyguards before he
16 comes from Freetown to Buedu. I had already been assigned by
17 Mosquito to guard Foday Sankoh in Freetown before ever Foday
18 Sankoh arrived in Buedu from Freetown.

19 Q. So Sam Bockarie, alias Mosquito, already had you earmarked
12:15:37 20 or assigned to follow Foday Sankoh back to Freetown. Is that in
21 sum and substance what you're trying to tell us?

22 A. Yes. He said when Foday Sankoh comes to Buedu those of us
23 who had been assigned, at that time it was a whole platoon, 62 of
24 us, he said we were to go to guard him in Freetown, we were to be
12:16:10 25 with him as bodyguards there. But when Foday Sankoh came to
26 Buedu he reduced that number to 30. So from 64, I mean 62, we
27 were reduced to 30, so I was still among that 30 manpower that
28 was counted. We went and were with him in Freetown.

29 Q. Who was the senior or commander of the entire group of 30

1 you speak about? What is that person's name?

2 A. Well, that 30 manpower which was selected to go at that
3 moment, it was CO Vandí, a Black Guard.

4 Q. Was it Peter Vandí, Mr Witness?

12:17:16 5 A. No. Peter Vandí was a vanguard, not a Black Guard. We had
6 CO Vandí who was a Black Guard to Foday Sankoh.

7 Q. Was Peter Vandí present in Freetown at that time,
8 Mr Witness?

9 A. Yes.

12:17:36 10 Q. Peter Vandí, Mike Lamin, Foday Sankoh, they were all in
11 Freetown, you agree with that?

12 A. Yes.

13 Q. Now, you are aware, are you not, that in October 1999 both
14 Mike Lamin and Foday Sankoh received ministerial appointments to
15 a Government of National Unity headed by His Excellency Ahmad
16 Tejan Kabbah. You are aware of that, true?

17 A. Yes. Mike Lamin was the trade and industry minister.

18 Q. And what was Foday Sankoh's position, if you know?

19 A. They said he was the chairman for Strategic Mineral
12:18:27 20 Resources. Then they said he was equivalent to - he was an
21 equivalent to the vice.

22 Q. He was the vice of Johnny Paul Koroma. He was a
23 vice-chairman. Is that fair to say, Mr Witness?

24 A. Yes.

12:18:57 25 Q. Well, I withdraw that, Madam President. I withdraw that
26 reference to Johnny Paul Koroma. The title of Foday Sankoh's
27 position was vice-chairman of Strategic Mineral Resources. Do
28 you agree, Mr Witness?

29 A. Yes.

1 Q. Now, Foday Sankoh was resided at 56 Spur Road in Freetown,
2 is that fair to say?

3 A. Yes.

12:19:29

4 Q. Are you telling us, Mr Witness, that Foday Sankoh, now a
5 minister in the Government of Sierra Leone, had you and 29
6 others, RUF members, as his security guards?

7 A. Yes.

12:19:52

8 Q. Is it the case also that Mike Lamin also had RUF members as
9 his security guards when he was a minister in the Government of
10 National Unity?

11 A. Yes, because he was with one boy whom they called Kamara.
12 He was an RUF.

13 Q. What is Kamara's first name?

12:20:21

14 A. Well, that was what I was calling him, Kamara. He was a
15 former security to Zino.

16 Q. Mohamed Tarawalli?

17 A. Yeah, you are correct.

18 Q. But you do not know Kamara's first name?

12:20:39

19 A. No, we just called him that. That was what I used to call
20 him, Kamara.

21 Q. Were you present - I'm sorry, go ahead, Mr Witness.

22 A. I said I did not know another name for him.

23 Q. Were you present at Spur Road on 8 May 2000, Mr Witness?

12:21:15

24 A. 8 May? At the time that they attacked there? When the
25 Kamajors attacked the compound?

26 Q. I'm not asking you about the Kamajors. It's a simple
27 question: 8 May 2000, were you present at 56 Spur Road in
28 Freetown?

29 A. Yeah, I can't remember the exact month, but I was there

1 until a problem erupted between Foday Sankoh and Mosquito. It
2 was at that time that I left there.

3 Q. A problem arose between Foday Sankoh and Mosquito.
4 Mr Witness, did this problem arise in the year 2000?

12:22:02 5 A. Well, I can't remember now. Maybe it's at that time. But
6 I have told you that I was there up to the time that the problem
7 arose.

8 Q. Mr Witness, you see Sam Bockarie left Sierra Leone on
9 either 14 or 15 December 1999. I am asking you about events now
10 in May of 2000 in Freetown. Were you in Freetown in May of 2000,
11 Mr Witness?

12 A. No, I can't remember now.

13 Q. Do you know Momoh Rogers, Mr Witness?

14 A. Fine, yes, MO Rogers. They were there with the Pa then.

12:22:58 15 Q. Were you with Foday Sankoh when Momoh Rogers was with him?

16 A. No. When we went to Segbwema, after Mosquito had gone to
17 Liberia, it was at the time that Pa Sankoh sent for Momoh Rogers
18 to go and stay with him in Freetown.

19 Q. You have heard of Lawrence Womandia, haven't you,
12:23:35 20 Mr Witness?

21 A. Yes, CO Lawrence. That was what we called him.

22 Q. Have you heard of Alhaji Conteh also known as Black Jesus,
23 Mr Witness?

24 A. Yes, I knew about Black Jesus.

12:23:54 25 Q. Have you heard of Sheku Coomber, Mr Witness?

26 A. Yes, I know about Sheku Coomber.

27 Q. And we've already spoken previously of CO Isaac or Isaac
28 Mongor, yes?

29 A. Yes.

1 Q. All of those persons, Sheku Coomber, Isaac Mongor, Lawrence
2 Womandia, Momoh Rogers, Alhaji Conteh also known as Black Jesus,
3 all of those persons were at 56 Spur Road with Foday Sankoh in
4 May of 2000. Are you aware of that, Mr Witness?

12:24:34 5 A. Yes, they were there with him.

6 Q. But you were not there at that time, is that your evidence?

7 A. Yes, I had left there at that time.

8 Q. Well, this is the point of this exercise. When were you in
9 Freetown with Foday Sankoh? You tell us you left Freetown when
10 there was a disagreement between Sam Bockarie and Foday Sankoh.

12:24:56

11 Is that fair to say, Mr Witness? That's around the time you left
12 Freetown, yes?

13 A. Yes.

14 Q. That means that you were in Freetown before Sam Bockarie
15 left Sierra Leone to go to Liberia, yes?

12:25:11

16 A. No, I had come to Segbwema. I was in Segbwema when Sam
17 Bockarie finally left Sierra Leone.

18 Q. But it means the incident in Freetown where you were
19 present in the company of Sam Bockarie and Foday Sankoh took
20 place before Sam Bockarie finally left Sierra Leone for Liberia.
21 Do you agree?

12:25:36

22 MS HOLLIS: I'm going to object to that. I don't know any
23 evidence that said this witness was present with Foday Sankoh and
24 Sam Bockarie in Freetown or in fact when the problem came up. I
25 don't know of any evidence this witness has given to put the two
26 of them physically together.

12:25:59

27 MR ANYAH: Madam President, I may have stretched the
28 witness's evidence but just a few minutes ago the witness did say
29 that he recalls that the time he left Freetown was when Sam

1 Bockarie had had a problem with Foday Sankoh and I'm trying to
2 find the precise reference.

3 PRESIDING JUDGE: I do recall that reference, but where
4 that problem took place was not at all clear from the witness's
12:26:26 5 evidence. So if you're putting to him that it happened in
6 Freetown, then I think you must put it in those terms, Mr Anyah.

7 MR ANYAH: Fair enough. I would be happy to rephrase it:

8 Q. Mr Witness, were you ever present in Freetown in the
9 company of Sam Bockarie and Foday Sankoh?

12:26:46 10 A. Well, since the time I was in Freetown before I left there
11 Sam Bockarie never went to Freetown.

12 Q. Okay. When do you say Sam Bockarie had a problem with
13 Foday Sankoh? What year?

14 A. It was that same 1999 when Foday Sankoh came to Freetown.

12:27:14 15 Q. And what was the nature of this disagreement that Sam
16 Bockarie had with Foday Sankoh?

17 A. Well, Sam Bockarie said Foday Sankoh had been in Freetown
18 while he was in Buedu, but there was nothing that Sam Bockarie
19 could tell Pa Sankoh when he had been the one who had been in

12:27:47 20 charge of the soldiers, he was the one - he had been the one who
21 had made contributions between himself and God until the release
22 of Foday Sankoh, but Foday Sankoh was taking - was not taking any
23 of his words for granted any longer.

24 Q. You just said Foday Sankoh was not taking any of his words
12:28:13 25 for granted. What do you mean by that? Foday Sankoh was not
26 taking Sam Bockarie's word for granted, is that what you mean?

27 A. Yes.

28 Q. At some point in time during this disagreement between the
29 two men you were sent to Segbwema by Foday Sankoh, yes?

1 A. Yes.

2 Q. And at that point in time you told the Prosecution you
3 disarmed Sam Bockarie's men, yes?

4 A. Yes.

12:28:49 5 Q. And that you held them and detained them, contacted Foday
6 Sankoh and briefed him about the situation. Yes?

7 A. Yes.

8 Q. And Issa Sesay got involved in this conflict, did he not?

9 A. Yes.

12:29:12 10 Q. And he threatened to fight Sam Bockarie, yes?

11 A. Yes.

12 Q. Can you tell us as you sit there now, Mr Witness, the
13 precise reason why Sam Bockarie left Sierra Leone?

14 A. Well, according to Sam Bockarie, he told us that he was not
12:29:38 15 ready to fight against any of his RUF brothers. He said the
16 problem that has arisen between himself and Foday Sankoh, that
17 the soldiers who had been with him, the RUF soldiers, he was the
18 one who was commanding them in the absence of Foday Sankoh. He
19 said, so, if all of them have turned against him, he said he was
12:30:09 20 not going to fight against his fellow RUF men. He said the only
21 thing was that he was going to Liberia. He would go to Liberia
22 to seek refuge with Charles Taylor.

23 Q. How did you learn this information, Mr Witness?

24 A. Well, it was a radio message. We had a radio set.
12:30:35 25 Mosquito had a radio set. When he was talking to all RUF
26 commanders all of us would tune in to a particular frequency
27 where Mosquito speaks and all of us will hear when we're sitting
28 by the radio.

29 Q. And this particular radio message, did you yourself hear

1 it, Mr Witness?

2 A. Yes.

3 Q. And where were you physically when you heard this radio
4 message, Mr Witness?

12:31:15 5 A. Well, I was in MO Rogers's compound where the radio station
6 was, because at that time it was MO Rogers - Momoh Rogers who was
7 the overall commander in Segbwema as a vanguard and he had a
8 radio station, that is a radio communication. So all of us were
9 sitting together with him when Mosquito was talking. When he and
12:31:53 10 Issa were arguing all of us heard. At that time Issa had not
11 come yet. He was still in Kono. Mosquito was in Buedu and we
12 were in Segbwema.

13 Q. So Mosquito is in Buedu, you're in Segbwema at Momoh
14 Rogers's compound, using Momoh Rogers's radio station when you
12:32:20 15 hear a message transmitted by Sam Bockarie regarding the reasons
16 for his departure from Sierra Leone to Liberia. In summary is
17 that what you're telling us, Mr Witness?

18 A. Yes.

19 Q. Sam Bockarie said in that radio message, according to you,
12:32:34 20 that he was going to seek refuge with Charles Taylor. Is that
21 your evidence, Mr Witness?

22 A. Yes. He said he was going to Liberia to Charles Taylor.

23 MR ANYAH: Mr Court Usher, may I have your assistance,
24 please. May we see Defence exhibit D-3.

12:33:20 25 MS IRURA: Your Honours, if counsel would allow us time to
26 locate the exhibit.

27 PRESIDING JUDGE: Mr Anyah, have you got a spare copy - a
28 clean copy yourself that could be used for purposes of --

29 MR ANYAH: Perhaps. It's actually a log book. It's a big

1 document but I'm really focused on a few pages and let me see if
2 I have an additional copy.

3 MS HOLLIS: Madam President, the Prosecution also has the
4 exhibit, if that would be of assistance.

12:33:55 5 MR ANYAH: Madam President, I do have an additional copy
6 but our preference for purposes of the future, and the practice
7 in this regard, would be to always have the copy entered into
8 evidence.

9 PRESIDING JUDGE: Whilst I accept that that is the correct
12:34:09 10 procedure, I am trying to accommodate and save time if we do not
11 have the exact exhibited copy here within the precincts and there
12 will be delay in getting it. I do not of course propose that a
13 marked or in any other way marked copy would be displayed. But
14 have you got the original document?

12:34:36 15 MS IRURA: Your Honour, the original document is available.
16 Counsel are once again please requested to give prior notice if
17 they would require the documents in court.

18 MR ANYAH: Madam President, I would respond by saying
19 before commencing this cross-examination I gave Madam Court
12:34:52 20 Manager a list of exhibits. I don't recall that I included this
21 particular exhibit but your Honours will appreciate the fact that
22 cross-examinations are fluid and sometimes we need to call on an
23 exhibit not previously contemplated.

24 PRESIDING JUDGE: I do not dispute that at all. Hence my
12:35:10 25 suggestion was purely practical in order to accommodate these
26 situations. We did have this similar situation yesterday, but it
27 appears now to be resolved, so please proceed.

28 MR ANYAH: Thank you, Madam President:

29 Q. Mr Witness, there was another witness that came before this

1 Court - I recall it being King Perry Kamara. Do you know a Perry
2 Kamara, Mr Witness?

3 A. Yes, I know King Perry. He was a radio man, former.

4 Q. Yes, Perry Kamara, also known as King Perry, a radio man.

12:35:56 5 A. Yes.

6 Q. During his evidence we considered Defence exhibit 3, in
7 particular I would like us to turn to the page ending with ERN
8 8764, please. Mr Court Usher, the ERN numbers are in red and
9 this one would be found - this page would be found somewhere in
10 the first quarter of the exercise book. It ends in 8764.

12:36:43

11 Mr Witness, this is said to be the log book entry of the
12 radio message sent out by Sam Bockarie at the time of his
13 departure from Sierra Leone to Liberia to fellow RUF members.
14 Now, at the top do you see "To the RUF/SL"? Do you see that
15 written at the top of the document?

12:37:29

16 A. Yes.

17 Q. Do you see where it says "From Major General Sam Bockarie"?
18 Do you see that, Mr Witness?

19 A. Yes.

12:37:47

20 Q. Do you see where it says "Subject. The information and
21 resignation"? Do you see that?

22 A. Yes.

23 Q. Do you see the date, 14 December 1999?

24 A. Yes.

12:38:05

25 Q. Let's read what it says, Mr Witness. It reads:

26 "On this day 14/12/99, as a result of the increasing
27 tension within the RUF/SL and in a bid to prevent more bloodshed
28 in this our beloved country, I, Major General Sam Bockarie
29 (Maskita) declared that I am no longer a member of the RUF/SL.

1 I thanked all the gallant men and women of the movement for
2 their nine years of struggle. May God bless and keep you all. I
3 leave with a clear conscience, knowing that I've always worked in
4 the interest of the movement and it's my love for the combatants
12:39:10 5 and civilians that has force all these actions against me. I
6 remained" - that word is not legible but I want to say it is
7 "bravely", "strong and intelligent."

8 Mr Witness, this is what is said to be Sam Bockarie's
9 message, radio message. Did you hear any reference to Liberia in
12:39:41 10 that radio message?

11 A. Yes. The argument was different from this message that he
12 wrote here. The same letter again, when he was going --

13 THE INTERPRETER: Your Honours, can he kindly repeat his
14 answer.

12:40:04 15 PRESIDING JUDGE: Please pause, Mr Witness. The
16 interpreter needs to catch up with you. Can you please pick up
17 your answer and repeat from where you said, "the same letter
18 again, when he was going" - continue from that point.

19 THE WITNESS: This resignation which he signed and the
12:40:25 20 information given, I said he wrote this same one and placed it in
21 his living room on the table. We found it there. But the
22 argument that was going on before he ever sent this message to
23 all RUFs, he stated it there that he was going to Liberia to seek
24 refuge with Charles Taylor. So this was the message that he sent
12:41:02 25 when he told the RUF that he was leaving the RUF. So this
26 message is different from the argument and what I heard him
27 saying.

28 MR ANYAH:

29 Q. Well, Mr Witness, I appreciate the fact that in your view

- 1 Sam Bockarie left a letter, you say in his living room; that's
2 not the subject of inquiry. You told us a few minutes ago you
3 heard a radio message by Sam Bockarie. You were at Momoh
4 Rogers's radio station. I'm asking you about what you heard.
- 12:41:36 5 You told us you heard Sam Bockarie say he was going to Liberia to
6 seek refuge. I have read you what another witness says is the
7 message sent by Sam Bockarie. Now, Mr Witness, do you hear any
8 reference to Liberia in this account of the message given by Sam
9 Bockarie?
- 12:41:55 10 A. No, in this message it's not there.
- 11 Q. Do you hear anything about Sam Bockarie seeking refuge in
12 Liberia in this account of the message said to be Sam Bockarie's?
- 13 A. No. The message that he left, he did not include it there.
14 I do not see it there.
- 12:42:16 15 Q. Do you know how Sam Bockarie made his way into Liberia,
16 Mr Witness?
- 17 A. How?
- 18 Q. Do you know how he physically crossed from Sierra Leone to
19 Liberia?
- 12:42:38 20 A. Yes.
- 21 Q. Were you with him when he crossed over?
- 22 A. I was not with him.
- 23 Q. You were still in Segbwema?
- 24 A. Yes. We were on the way going to Buedu.
- 12:43:04 25 Q. This is December 1999 you say you were in Segbwema on your
26 way to Buedu?
- 27 A. Yes.
- 28 Q. Where were you in November of 1999, Mr Witness?
- 29 A. I was in Segbwema.

1 Q. In November 1999, you say you were in Segbwema. Segbwema
2 is in Kailahun District. We've already established that. Are
3 you sure you were not in Kenema District, Mr Witness?

12:44:08 4 A. I don't know now, because in that same 1999 I had gone to
5 Tongo. It's the actual dates now and the month that I've
6 forgotten.

7 Q. Well, let's try it this way. Around the time of Sam
8 Bockarie's departure to Liberia, were you in Kenema District or
9 were you in Kailahun District?

12:44:28 10 A. It was in Kailahun District that I was.

11 Q. Segbwema is in Kailahun District and not in Kenema
12 District. We've established that, yes?

13 A. Yes.

14 Q. Did you tell the Prosecution out of court that in November
12:44:43 15 1999 you were in Tongo, having been assigned there by Foday
16 Sankoh?

17 A. Yes, just after Mosquito had gone. I have forgotten the
18 date now, but I told them there that after Mosquito had fled out
19 of Sierra Leone I went back to Segbwema. It was at the time that
12:45:11 20 Foday Sankoh assigned me that I should go to Tongo and stay
21 there.

22 Q. Well, I have two pre-trial interviews. For counsel's
23 benefit, the first one would be the record of the witness's
24 statements on 16, 20 and 23 June 2005 and the second one would be
12:45:50 25 the witness's statement of 16 July 2006, the version corrected on
26 23 May 2007. In one version the statement from 2005, June 2005,
27 at page 3, paragraph 12, the witness says, "On the order of Foday
28 Sankoh I went back to Tongo in November 1999 to secretly monitor
29 the mining process." In the other version, that contained in the

1 statement of 16 July 2006, "The witness states he was reassigned
2 to Tongo to work with the brigade commander around the time that
3 Sam Bockarie fled to Liberia".

4 So, Mr Witness, in two of your prior statements it seems to
12:46:51 5 be the case that one says in November 1999 you had been
6 preassigned to Tongo by Foday Sankoh and the other one says
7 around the time Bockarie left you were assigned to Tongo by Foday
8 Sankoh. Now, I'm trying to find out where you were when Sam
9 Bockarie left to go to Liberia. Were you in Tongo at that time,
12:47:12 10 Mr Witness?

11 A. No. I forgot to tell that particular month, but I was in
12 Segbwema.

13 Q. Can you tell us how it was Mosquito crossed from Sierra
14 Leone to Liberia? What route did he take?

12:47:39 15 A. Well it was the road from Buedu to Dawa, then you go to
16 Foya Kama and then on to Foya airfield, because he went with
17 vehicles.

18 Q. And how did you come upon this information, Mr Witness?

19 A. I got that from two people - reliable people. One was that
12:48:15 20 girlfriend that I was with, that is Beatrice. She herself was in
21 Buedu. The second one was Zedman, who was a radio man. All of
22 them went together. The other vehicle which Zedman was taking
23 care of, he escaped with it and entered into one village called
24 Balama. After Mosquito had crossed over, he returned to Buedu.

12:49:01 25 I found him there.

26 Q. So Zedman apparently accompanies Mosquito to Foya. Let's
27 stop there. Is that accurate, Mr Witness?

28 A. No, he did not enter into Foya. It was towards the border
29 to cross into Liberia. There is a village close to there called

1 Balama. It's in Sierra Leone, that particular village. That was
2 where Zedman entered with that vehicle. Mosquito crossed into
3 Liberia.

12:49:47

4 Q. How many people were with Mosquito when he crossed, do you
5 know?

6 A. I can't tell you the exact number, but they said he crossed
7 with a lot of RUF fighters and some civilians. That was an
8 information I heard. I did not witness it.

9 Q. Did you hear that from Zedman, Mr Witness?

12:50:12

10 A. Yes, I heard that from Zedman. I heard it from Beatrice.

11 JUDGE SEBUTINDE: I'm not sure, Mr Witness, but when you
12 said Zedman and Beatrice, that all of them went together, they
13 went together with who?

14 THE WITNESS: I said Beatrice - I heard the information.

12:50:42

15 The question that he asked me, that's it. It was Zedman who went
16 together in Mosquito's convoy in order to cross into Liberia, but
17 Zedman did not cross over. He stopped at the borderline in
18 Sierra Leone. Then Mosquito crossed over and then Zedman
19 returned to Buedu. Before Mosquito left - Beatrice was in Buedu.

12:51:20

20 She did not go along with Mosquito, but she saw the route
21 Mosquito took to go to Liberia.

22 MR ANYAH:

23 Q. So Zedman stops at Balama, this village, he comes back and
24 doesn't go across. Does he say why he did not go across into

12:51:43

25 Liberia with Sam Bockarie?

26 A. Yes, he said he did not want to go out of the RUF movement.

27 Q. Was he merely transporting some people to the border with
28 this vehicle when he followed Sam Bockarie's convoy, if you will?

29 A. Well, I did not ask him about that. What I heard him tell

1 me is what I have explained to you. If I depart from that, I
2 would be telling lies.

3 Q. So it would be fair to say then that your entire knowledge
4 of how Sam Bockarie crossed over from Sierra Leone to Liberia is
12:52:33 5 limited to information you got from Zedman and information you
6 got from Beatrice. Is that fair to say, Mr Witness?

7 A. Yes.

8 Q. Do you know if Sam Bockarie while going into Liberia ever
9 reached Gbarnga, Mr Witness?

12:52:55 10 A. I'll never tell you that. I don't know.

11 Q. You don't know. Were you ever in contact with Sam Bockarie
12 after he left Sierra Leone?

13 A. Since he departed up to the time I heard that he has died
14 we did not have any contact.

12:53:22 15 Q. Now, we go to Freetown and your time in Freetown. We're
16 trying to find out exactly when you were in Freetown with Foday
17 Sankoh. We know when you started, right after Foday Sankoh
18 arrived back in Sierra Leone in October 1999. How long did you
19 stay in Freetown for, Mr Witness?

12:53:45 20 A. Freetown, I did not stay long with Foday Sankoh there. It
21 was within two months.

22 Q. So you do not know about the events that occurred in Spur
23 Road in May of 2000, is that fair to say?

24 A. Yes, at that time I was out of Freetown. I was in Tongo
12:54:15 25 when Foday Sankoh was arrested. His residence was attacked in
26 Freetown.

27 Q. But you know of Momoh Rogers being arrested at that time,
28 yes?

29 A. Yes, they arrested Momoh Rogers, they arrested Akim, they

1 arrested Mike Lamin, many of them. Many of the RUF members who
2 were with Foday Sankoh were arrested.

3 Q. Was Mike Lamin arrested at Spur Road in May of 2000, do you
4 know?

12:55:04 5 A. Yes, they arrested him, but he said he was arrested at the
6 stadium.

7 Q. Was Mike Lamin amongst the persons charged and put on trial
8 in Sierra Leone for the incident at 56 Spur Road in May of 2000?

9 A. Yes, because he had been at Pademba Road.

12:55:33 10 Q. Were you still in contact with Mike Lamin in May of 2000,
11 Mr Witness?

12 A. No, until his release from Pademba Road.

13 Q. So Mike Lamin, a minister in the Government of National
14 Unity starting in October 1999, by May of 2000 he had been under

12:56:00 15 arrest as a consequence of the incident at Spur Road. Is that
16 your evidence, Mr Witness?

17 A. Yes.

18 Q. Who else do you know that was arrested, besides Mike Lamin?

19 A. They arrested Momoh Rogers. They arrested one Jestina - I
12:56:37 20 have forgotten the woman's name - who was a minister as well.

21 Then they arrested Falko, they arrested Akim and they arrested
22 Sori ba. They were many, anyway. I cannot name all of them here
23 now.

24 Q. Did you go to visit any of those persons who were arrested
12:57:05 25 when they were at Pademba Road Prison?

26 A. I did not even go to Freetown. I did not visit any.

27 Q. Since the war ended up until now, have you spoken with
28 Momoh Rogers?

29 A. Well, Momoh Rogers, I heard that he was released, but at

1 the time that I came the place that they directed me that he was,
2 they said he had returned to the Sierra Leone-Liberian border in
3 a forest where they were mining diamonds, so I did not see him
4 since then up to now.

12:57:53 5 Q. Have you spoken with any of the persons, and there were 56
6 or 57 of them, who were arrested and put on trial in Freetown for
7 the May incident in 2000 at Foday Sankoh's house? That is, have
8 you spoken with them since the end of the war, since January
9 2002?

12:58:20 10 A. Yeah. Like Denis K Mannah, he was the first person who was
11 released, we met. He went to Tongo and he was with me as soon as
12 he was released in Freetown.

13 Q. Do you know somebody called Ansumana, Mr Witness?

14 A. Yeah, that Ansumana was the one we called Falko.

12:58:58 15 Q. Have you met with that person since that person was
16 arrested in May of 2000?

17 A. Well, except when I was in Bo the two of us spoke over the
18 phone, but since then I have not met him in person.

19 Q. When were you in Bo, Mr Witness?

12:59:27 20 A. Well, it was at this later time in 2008. I had been in Bo
21 up to 2005 but it was in 2008 that the two of us spoke.

22 Q. Mr Witness, be mindful not to tell us where you presently
23 reside, okay? That's what city or town. So in 2008 you spoke
24 with Ansumana, yes?

12:59:59 25 A. Yes.

26 Q. During the course of this year have you spoken with Isaac
27 Mongor?

28 A. Yes.

29 Q. During which month in this year did you speak with Isaac

1 Mongor?

2 A. Well, it's more than - it's more than four to five months
3 now. It could be around that now.

13:00:43

4 Q. Isaac Mongor was a former member of the RUF; we've
5 established that, yes?

6 A. Yes.

7 Q. Around four months ago, four to five months ago, Isaac
8 Mongor was sitting in the chair where you're seated. Are you
9 aware of that, Mr Witness?

13:01:02

10 A. Yes.

11 Q. When you spoke with Isaac Mongor was it before or after he
12 had appeared before this Court to give evidence?

13 A. It was before he came here. I did not know even if he was
14 to come here at that time.

13:01:27

15 Q. I'm not asking you if you knew or not; I'm trying to find
16 out when exactly you spoke with Isaac Mongor. You say it was
17 before he gave evidence. When you spoke with him was it by phone
18 or was it in person?

19 A. We met.

13:01:48

20 Q. Was it in Freetown that you met, Mr Witness?

21 A. Yes.

22 Q. Where exactly in Freetown did you meet with Isaac Mongor
23 four or five months ago?

13:02:18

24 A. Well, at that time when I was in Freetown I met him by the
25 Old Railway Line in Freetown going towards the Clock Tower. He
26 said he was - he was dressed up and he said he was going to
27 church, so I just met him on the way.

28 Q. Did he tell you that he was soon to come to The Hague to
29 give evidence?

1 A. No, we did not discuss about that. I was only concerned
2 after a very long time that he was arrested and we were not
3 seeing each other and when I heard that they had released him, so
4 it was that sympathy that I expressed to him. We did not discuss
13:03:16 5 any court business.

6 Q. Do you know how it came to be Isaac Mongor was released
7 from Pademba Road Prison?

8 A. No, I did not ask about that anyway.

9 Q. Do you know whether any of the 8 May 2000 defendants from
13:03:38 10 the Spur Road incident received clemency or forgiveness from
11 President Kabbah on Independence Day in the year 2007?

12 A. Yes, that was what I heard; that Tejan Kabbah's government
13 freed them. That was what he told me.

14 Q. That was what Isaac Mongor told you, yes?

13:04:09 15 A. Yes.

16 Q. Did he tell you whether his freedom was contingent or based
17 on anything?

18 A. No, he did not tell me about - he did not tell me about
19 that.

13:04:33 20 Q. Did he tell you that he was being freed so that he could
21 come and give evidence against Charles Taylor?

22 A. Well, no, he did not tell me that.

23 Q. Did you tell him that you had been in contact with members
24 of the Office of the Prosecutor in this case?

13:05:04 25 A. No, that is something we keep secret from one another.
26 Someone would not just meet his colleague, then he starts saying
27 "I am with Special Court." Except if you heard his name that he
28 testified here. So if you come and testify, and he knows your
29 name, when the two of you meet you can talk about that because

1 you've just come from the same society.

2 Q. Are you telling us, Mr Witness, that your fellow comrade
3 during the war, Isaac Mongor, fellow RUF member during the war,
4 the same RUF that you testified about in the case against Issa
13:06:08 5 Sesay in November of 2005, that when you and him meet on the
6 streets of Freetown, a few weeks perhaps before he comes to The
7 Hague to give evidence, you and him discuss nothing about the
8 Special Court? Is that what you're suggesting to us, Mr Witness?

9 A. No. We spoke about Issa and others but we didn't talk
13:06:39 10 about Special Court.

11 Q. You referred to Karmoh Kanneh in your evidence as being
12 like a brother to you. You recall telling us that?

13 A. Yes.

14 Q. Your words were, and this is at page 20091, transcript of
13:07:01 15 12 November:

16 "Q. Did you know Eagle by any other name?

17 A. Yes. He is my brother. He is Karmoh Kanneh."

18 Karmoh Kanneh was before this Court a few months ago. You
19 have spoken with him since then, correct me if I'm wrong.

13:07:25 20 A. Yes, Karmoh Kanneh, when he was in Freetown, when he was
21 leaving for Kenema, wherever I was he would contact me. We would
22 talk, although we did not meet face-to-face, but it wouldn't be
23 up to two to three days without me and Karmoh talking over phone.

24 Q. Now, do you --

13:07:57 25 PRESIDING JUDGE: Mr Anyah, I don't think that answers the
26 question and I'm not sure that the question was clear to the
27 witness. Perhaps you could rephrase it and put it again.

28 MR ANYAH: Madam President, I'm trying to find my question.

29 PRESIDING JUDGE: It's page 85, line 20.

1 MR ANYAH: Yes, I see my question and the question was,
2 "You have spoken with him since then." "Then" meaning since the
3 time he appeared before the Court. I will be happy to rephrase
4 it:

13:08:42 5 Q. Mr Witness, you are aware Karmoh Kanneh has given evidence
6 in this case. Let's establish that, yes?

7 A. Yes.

8 Q. Have you spoken with Karmoh Kanneh since the time he
9 testified in this case?

13:09:01 10 A. Yes.

11 Q. Would it be fair to say that you have spoken with him on
12 several occasions since he testified in this case?

13 A. Yes, we've spoken. I wouldn't refute that.

14 Q. Now, I believe Mr Kanneh testified around May of this year,
13:09:23 15 I stand to be corrected, but we're now in November, about five
16 months hence, and you have spoken to him several times since his
17 testimony. Have you ever discussed his experiences in The Hague
18 with him, with your brother, Karmoh Kanneh?

19 A. Yes.

13:09:51 20 Q. What exactly have you and him spoken about with respect to
21 his experiences in The Hague?

22 A. Well, I heard his name and I asked him: "I heard your name
23 over the radio that you went to testify in Freetown - in The
24 Hague." He said, "Yes, I went to The Hague, a white man's
13:10:22 25 country." He said, "I have experienced a lot of things. I have
26 gone to the white man's land as well." I said, "That was why we
27 were hearing your name over the radio." I think that was our
28 discussion about The Hague.

29 Q. Did you tell him at that time that you also were being

1 considered to be a witness in this case?

2 A. Well, I did not tell him directly that I was part of the
3 Prosecution, no. He himself will be surprised when he hears my
4 name in Freetown over the radio.

13:11:15 5 Q. So your evidence is Karmoh Kanneh, your brother, your
6 fellow RUF member, the same person with whom you were together in
7 Tongo, the same person with whom you were together in Kenema,
8 when you and he meet in 2008, after his evidence in this Court,
9 you do not disclose to him that you are also being considered as
13:11:35 10 a witness in this case. In sum and substance is that what you're
11 saying, Mr Witness?

12 A. Karmoh Kanneh, we were fighting a war. Then this one is
13 something different. Everybody was thinking - everybody is
14 thinking about his own security. I don't know how Karmoh Kanneh
13:11:59 15 came here. I don't know how his own security arrangement is. I
16 myself there, I do not know what mine would be like, so I won't
17 expose myself to him.

18 Q. Did Karmoh Kanneh tell you he was in the same room as
19 Charles Taylor?

13:12:25 20 A. No. He just told me that he testified in The Hague here.

21 Q. Did he say it was in the Charles Taylor trial he testified?

22 A. Yeah, he did not - even if he didn't tell me, but as long
23 as he said it was The Hague I concluded that it was the
24 Charles Taylor trial because that is what we have in The Hague
13:12:54 25 here. He said he testified in The Hague. He did not tell me
26 that at the Charles Taylor case. I didn't ask him that because I
27 had already known.

28 Q. Did you yourself ask him whether he saw Charles Taylor in
29 person when he was testifying?

1 A. Yes, I asked him that.

2 Q. What did Karmoh Kanneh say?

3 A. He said he saw him.

4 Q. Did you ask him how Charles Taylor looked when he saw him
13:13:38 5 in person in The Hague?

6 A. I won't ask him, because to my mind I knew that I was
7 coming to see him and so there was no need to ask him that, "How
8 is Charles Taylor?" To my mind I knew that I was coming to see
9 Charles Taylor.

13:14:03 10 Q. You knew you were coming to see Charles Taylor and so there
11 was no need to ask Karmoh Kanneh his observations about
12 Charles Taylor's appearance, is that what you're telling us?

13 A. Yes.

14 Q. Did you ask him what sort of questions he was asked in
13:14:19 15 court?

16 A. I was - that was not of concern to me.

17 Q. Did you ask him how he was treated when he appeared before
18 the Court?

19 A. No, I did not ask him about the court.

13:14:42 20 Q. None of those questions you tell us you asked Karmoh Kanneh
21 and yet at the same time you were going to experience the same
22 process he had just been through. Is that what you're telling
23 us, Mr Witness?

24 A. To my mind I knew I am with the Prosecution and the
13:15:08 25 Prosecution had told me that I was to come to The Hague to come
26 and testify in the Charles Taylor trial, so there was no need to
27 expose that to another person that I too would be coming to The
28 Hague, or where the court is, or what, no. I too knew that I was
29 to come. I would see everything. That was all I had in my mind.

1 Q. I'm not asking you whether you had to disclose the fact
2 that you were a witness to Karmoh Kanneh. You don't have to
3 disclose that fact to find out from somebody what sort of
4 experience you're going to go through that is already lined up
13:15:57 5 for you. What I'm asking you is were you at all curious about
6 some of these issues when you spoke to Karmoh Kanneh? Were you
7 curious about how it was sitting in the same courtroom as
8 Charles Taylor when you spoke to Karmoh Kanneh?

9 A. Repeat that.

13:16:20 10 Q. Yes.

11 PRESIDING JUDGE: I was going to comment that you really
12 have two questions there, Mr Anyah. Please put them one at a
13 time.

14 MR ANYAH: Yes, Madam President:

13:16:30 15 Q. When you were speaking with Karmoh Kanneh, were you curious
16 to find out what it would be like to sit in the same courtroom as
17 Charles Taylor?

18 A. No, because I am a man. Before Karmoh Kanneh came to
19 testify I had testified in the RUF case, so I knew. I had
13:17:00 20 testified in the AFRC case and I knew. So there was no need for
21 me to ask Karmoh Kanneh, "How is Charles Taylor sitting?", or how
22 the judges would be sitting. No, I wouldn't ask him that.

23 Q. But you would agree with me that this case is different
24 from the RUF and the AFRC case, would you not, Mr Witness?

13:17:33 25 A. Yes, but it's the Special Court for Sierra Leone that has
26 been transferred here. It's the place that is different from
27 Sierra Leone, but it's the same case that is continuing.

28 Q. You would agree with me that when Charles Taylor was
29 arrested on 29 March 2006 that was a very important event in

1 Sierra Leone? You would agree with me, yes?

2 A. Yes.

3 Q. You would agree with me that almost every newspaper in
4 Freetown carried that information, yes?

13:18:15 5 A. Yes, newspapers, the local radios. That was 24 hours. It
6 was on for 24 hours.

7 Q. And you will agree with me that when he was transferred to
8 Holland on 20 June 2006 that was also an important bit of news in
9 Sierra Leone, yes?

13:18:40 10 A. Yes.

11 Q. Overall you will agree with me that this trial generates
12 more publicity or information in Sierra Leone than does or did
13 the RUF trial, yes?

14 A. Yes, say they were more concerned about the Charles Taylor
13:19:01 15 trial more than most of the trials that were going on in Sierra
16 Leone.

17 Q. Yes, that's the point. So this trial is not the same as
18 Issa Sesay's trial in terms of what you would experience as a
19 witness, would you agree, Mr Witness?

13:19:21 20 A. Yes, because it's a different experience in Issa's trial
21 and here too different experiences would be here, so I knew that
22 different explanations would come up.

23 Q. Well, I go back to my original question. Were you at all
24 curious about this particular experience, the experience of

13:19:47 25 testifying in this case in The Hague against Charles Taylor, when
26 you met with Karmoh Kanneh?

27 A. I was not concerned about that to ask him that.

28 MR ANYAH: May I have a moment, Madam President?

29 PRESIDING JUDGE: Yes, Mr Anyah.

1 MR ANYAH: Thank you:

2 Q. Mr Witness, since you became a witness in this case have
3 you received money from the Special Court?

4 A. Yes.

13:20:37 5 Q. Have you received money from the Office of the Prosecutor,
6 in particular?

7 A. Yes.

8 MR ANYAH: May I have the assistance of Mr Court Usher,
9 please:

13:20:56 10 Q. Separate and apart from the Office of the Prosecutor, have
11 you received money from a section of the Special Court called the
12 Witnesses and Victims Section?

13 A. Yes. WVS, yes.

14 MR ANYAH: Mr Court Usher, could you kindly retrieve the
13:21:17 15 document in tab number 15. For counsel's benefit, this is the
16 record of disbursements kept by the Witnesses and Victims
17 Section. Yes, that would be the document:

18 Q. Mr Witness, records are kept by the WVS with respect to
19 witnesses and how much money is given to each witness that they
13:22:12 20 have carriage of and this document says on the subject line,
21 "Witness Expense Policy - Expenses made on TF1-045". Everybody
22 in the courtroom knows that that is your number, it is assigned
23 to you and so this document pertains to you. If you look where
24 it says number 2, it says, "Witness first arrived on 9 March
13:22:39 25 2005. To date he has been paid a total of", and then we see some
26 delineations of figures and it says, "Witness Attendance
27 Allowance". Does it sound right to you that since March 2005 you
28 have received approximately 3,712,000 leones?

29 A. Well it could be so because they are keeping account of it,

1 but I'm not counting it.

2 Q. Well, it may be true. That's your response. Have you or
3 have you not received money under the category of "Witness
4 Attendance Allowance"?

13:23:30 5 A. Well, they were giving me money.

6 Q. Do you see where it says "Transportation" and slightly over
7 half a million leones? Have you ever received money from the WVS
8 for transportation purposes, Mr Witness?

9 A. Yes.

13:23:52 10 Q. Have they paid for your medical to the tune of
11 approximately 556,000 leones?

12 A. Yes.

13 Q. Have they paid for your accommodation, places where you
14 stay or live, to the tune of 1.6 million leones approximately?

13:24:25 15 Mr Witness --

16 A. Well, it may be so. It may be so.

17 Q. -- have they at all paid for places where you stayed?
18 Let's establish that first.

19 A. They have paid since the time I testified.

13:24:47 20 Q. For places where you stayed, yes?

21 A. Yes.

22 Q. And then do you see a category called "Miscellaneous" and
23 then 1,365,250 leones? Does that sound about right to you? This
24 is money that does not fit any of the other categories, but money
13:25:09 25 spent on your behalf?

26 A. Well, they used to give me money. I do not know if that is
27 it, but if they put it that way it may be correct.

28 Q. Do you see the total there of 7,803,250 leones? From the
29 WVS would it be fair to say that you have received money that

1 approximates that amount since March of 2005, Mr Witness?

2 A. Yes, I was not calculating it. It may be so, because it's
3 not in my head.

4 Q. Are you currently employed, Mr Witness?

13:26:01 5 A. Yes, I was working somehow.

6 Q. I'm not asking you if you were working. I'm asking you if
7 right now, as you sit there in this chair, you have some form of
8 employment?

9 A. Right here now I am not working, but I was working before I
13:26:21 10 came here.

11 Q. I'm not asking you if you are working here in Holland,
12 another country. Before you came here what sort of work were you
13 doing, Mr Witness?

14 A. Well, I am a mason.

13:26:38 15 Q. You're a mason. You build things, yes?

16 A. Yes, I am a builder.

17 Q. And when did you start masonry, Mr Witness?

18 A. Well I had been doing it for a long time, but I really
19 continued it in 2005.

13:27:04 20 Q. And were you working as a mason before you arrived here in
21 The Hague?

22 A. Yes.

23 Q. How much money in leones do you make a month serving as a
24 mason?

13:27:28 25 A. Well, I make 350,000 leones.

26 Q. About 350,000 leones you say, yes?

27 A. Yes.

28 Q. Mr Witness, if you go to Freetown near Siaka Stevens and
29 you were to change one United States dollar for leones, you would

1 get approximately 3,000 leones, would you agree?

2 A. Yes.

3 Q. Are you aware of the fact that this total figure of 7.8
4 million leones approximates 2,600 US dollars if you divide it by
13:28:24 5 3,000?

6 A. Yes.

7 Q. You make 350,000 leones a month. Times that by 12, that's
8 about 4.2 million leones. Will you agree with me about that?

9 A. Yes.

13:28:43 10 Q. Are you just saying "Yes" because you wish to agree with
11 me, or are you sure that that's what it adds up to?

12 A. Repeat it. If I make three what?

13 Q. If you make 350,000 leones every month and you were to
14 times that by 12, it adds up to about 4.2 million leones a year?

13:29:10 15 A. Yes.

16 Q. So from the WVS of the Special Court, for your services on
17 this case, expenses spent on your behalf have passed your one
18 year income?

19 MS HOLLIS: I think that's misstating the document. The
13:29:30 20 document says from 2005.

21 MR ANYAH: Oh, I appreciate that and I understand the
22 distinction. I will look at my --

23 THE WITNESS: That is what I wanted to say. Three years.
24 This is for three good years. Then you are mentioning one year's
13:29:48 25 money. That 3.5, add it to three years and you will see what it
26 will come up to.

27 MR ANYAH:

28 Q. I'm not trying to suggest that 4.2 million a year times
29 three does not exceed 7.8 million. 4.2 million per year times

1 three would come up to almost 14 million leones, almost twice the
2 amount of money.

3 PRESIDING JUDGE: Just pause, Mr Anyah. Ms Hollis, I
4 didn't rule on your objection, but it appears the witness has
13:30:19 5 answered your objection for you.

6 MS HOLLIS: Thank you, Madam President.

7 PRESIDING JUDGE: Proceed, Mr Anyah. I'm just keeping my
8 eye on the time, but please complete that question.

9 MR ANYAH: I understand:

13:30:31 10 Q. Mr Witness, we agree on one thing that you have benefitted
11 from money received by the Special Court since you started
12 serving as a witness in March of 2005? Do you agree with me that
13 about that?

14 A. Yes.

13:30:48 15 MR ANYAH: I have nothing further, Madam President.

16 PRESIDING JUDGE: When you say "nothing further" are you
17 keeping your eye on the time for the lunchtime adjournment, or do
18 you mean for your cross-examination, Mr Anyah?

19 MR ANYAH: I have nothing further in cross-examination. I
13:31:01 20 tender the witness.

21 PRESIDING JUDGE: Thank you. Ms Hollis, I note the time.
22 I think it would be appropriate to commence re-examination after
23 the lunchtime adjournment.

24 MS HOLLIS: Yes, Madam President, and there will be
13:31:11 25 re-examination, some questions.

26 PRESIDING JUDGE: Mr Witness, we're now taking the
27 lunchtime adjournment. Counsel for the Defence does not have any
28 questions of you, but the Prosecution counsel will have some. We
29 will recommence court at 2.30. Please adjourn court until 2.30.

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

2 [Upon resuming at 2.30 p.m.]

3 PRESIDING JUDGE: Ms Hollis, you have some re-examination
4 of the witness? Oh, perhaps I should note a change of appearance
14:30:58 5 on the Prosecution Bar.

6 MS HOLLIS: Yes, Madam President, we are joined this
7 afternoon by Christopher Santora. That is the only change to the
8 composition.

9 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah, I note
14:31:18 10 you are as before.

11 MR ANYAH: That's correct, Madam President. Thank you.

12 PRESIDING JUDGE: Yes, thank you. Ms Hollis, your
13 re-examination please.

14 MS HOLLIS: Thank you, Madam President.

14:31:27 15 RE-EXAMINATION BY MS HOLLIS:

16 Q. Good afternoon, Mr Witness.

17 A. Good afternoon, ma'am.

18 Q. First, I would like to ask you some questions about your
19 testimony that you gave today. For the first set of these
14:31:39 20 questions I will be referring to what is in my font page 50,
21 beginning at line 11, over to page 51 and then page 52.

22 Mr Witness, the Defence counsel today asked you about
23 disagreements you had with Issa Sesay. Do you recall that?

24 A. Yes.

14:32:12 25 Q. And he asked you at one point if there was a time when you
26 saw Issa Sesay's bodyguards opening fire on Guineans and you
27 refused to fire at the Guineans, and you said that after that
28 incident Mosquito assigned you to Baiima as some kind of
29 disciplinary measure. Do you remember that?

1 A. Yes.

2 Q. Would you please tell the Court how that incident occurred
3 where you refused to fire at Guineans?

4 A. Yes.

14:32:55 5 Q. Please do so.

6 A. Well, I had gone from Buedu to Kailahun and it was my
7 commander, Mike Lamin, who sent me to go Baiima to Eagle and from
8 there go to Kui va to Manowai so they would give me some food for
9 him and I would bring that food to Buedu for us and the family
10 who were there. So when I got to Kailahun I used a vehicle, but
11 then I had a problem with - I had a flat tyre. At that time we
12 were approaching evening hours and so I passed the night there
13 because I could not go through. I slept in Kailahun.

14 Early in the morning the Guineans started launching towards
14:34:21 15 Kailahun Town. They were using those heavy weapons. CO Steward
16 and I went to the border and we saw the Guinean soldiers. They
17 had come, but they were on their own end in Guinea and they were
18 clearing the place to erect a hut. That is the time they were
19 firing towards the Kailahun end.

14:35:07 20 We put some soldiers there - they were in an ambush, the
21 soldiers we had gone with - for them to guard the river that was
22 there to prevent the Guineans from crossing in case they would
23 attempt to cross over to us so they would not allow them to cross
24 over to us.

14:35:32 25 We came back to Kailahun. We came back to Kailahun,
26 together with Steward, and went to Augustine Gbao and we sent a
27 message to Mosquito and Issa. At that time they were in Buedu.
28 We told them that that was what the Guineans had done, that they
29 had launched an attack on our end in Sierra Leone, and Issa went

1 to us in Kailahun. Mosqui to sent Issa to meet us in Kailahun and
2 we explained exactly what we had observed at the crossing point.

3 While I was explaining, one of his bodyguards by the name
4 of Isiaka [phon] - that is Issa's bodyguard by the name of
14:36:38 5 Isiaka - said that all that I was telling Issa about the enemies
6 was all lies. He said the gunshots that we were hearing that the
7 enemies had already crossed and they were coming towards
8 Kailahun, so if I had said that the enemies were across the river
9 and just shooting towards us that was a lie because the enemies
14:37:08 10 had already crossed according to him.

11 Issa was annoyed with me because of the information that I
12 was giving to him. He relied more on what his bodyguard was
13 telling him more than what I was telling him. Issa told me to go
14 with soldiers to stop the enemies that had crossed already from
14:37:38 15 continuing their journey into our territory, and he said if I
16 allowed the enemies to enter into Kailahun he will do a bad thing
17 to me.

18 All of us went together with the same Isiaka that had said
19 I was telling a lie and we went as far as the riverside. The
14:38:06 20 soldiers who were in ambush we met them there and we saw the
21 Guineans across in Guinea. I told Isiaka, I said, "You see,
22 Isiaka, these are the things you do that commanders will be
23 annoyed with your soldiers and they will do bad things to them.
24 Now, have you seen the enemies over the river? That was the same
14:38:40 25 report that I was making, that they were there". He said, "Issa
26 has told me that when we would come to that place and see the
27 enemies we should open fire on them", and I said, "I will not do
28 it". I told him that, "You go and tell Issa that the enemies
29 have crossed and they are going towards Kailahun. If I see them

1 on the way going towards Kailahun then I will open fire on them
2 ...", I said, "... but being that they are across over into
3 Guinea I am not going to open fire on them". So I told some
4 soldiers that we should come up to a village called Buedu, about
14:39:39 5 50 to 60 yards distance between the village and the riverside,
6 and so after I had taken some soldiers and brought them to the
7 village, Isiaka ordered the other soldiers that they should open
8 fire on the Guineans because he said that was Master's orders.
9 And Isiaka, together with the other soldiers, opened fire on the
14:40:10 10 Guineans. And the Guineans responded. They killed three of our
11 - about three of our soldiers right there and they wounded some
12 of them and Isiaka ran to the village where I was. He said I
13 should take reinforcement to them, I should reinforce them. He
14 said I had sold them out, because I have taken a lot of manpower
14:40:49 15 from the place and brought them to the village. And I said I was
16 not going there. I also said that no soldier will join him.
17 Those that I have brought to the village, none of them will join
18 them. And he started shooting, threatening them, using arms.
19 While doing that he killed one of the SLAs bodyguards who
14:41:23 20 had joined him on that mission. And I also wanted to kill him,
21 Isiaka, because of that. But a group of people held me and they
22 said I should not kill him. They took the arm away from me. And
23 I told him - I responded to the comment that he had made, that I
24 had sold them out, that I was not the one who had sold them out.
14:41:54 25 I have not sold their lives. I said, "It is your commander,
26 Issa, who sold us out, all of us, because they took diamonds and
27 they said the diamonds were meant for arms and ammunition and
28 Issa took the diamonds and he did not bring arms and ammunition
29 in return. And now look at the enemies launching against us and

1 they are well organised. They are well equipped where they are.
2 We don't have anything except these ordinary arms and now you are
3 telling me to open fire on them?" I said, "I was not the one who
4 betrayed you, it was your commander who betrayed us."

14:42:57 5 And he ran to Issa, in Kailahun, and he told Issa that, "OG
6 held a meeting in the bush, against you and the diamonds that -
7 in relation to the diamonds that you took to Liberia and he has
8 been inciting soldiers against you." And Issa invited me. But
9 when he invited me, my brothers who came to give me the message,
14:43:35 10 the RUF fighters, they told me that, "Boss, that man is really
11 unwell with you. Don't just go to him like that."

12 So when I went I did not go close to him. I stayed in a
13 distance and I greeted him. And he got up. The way I saw him
14 take his pistol out, he wanted to shoot me. So I escaped. I hid
14:44:12 15 elsewhere.

16 Q. So, Mr Witness, this is the incident that resulted in you
17 being sent Baiima?

18 A. Yes, that was the incident. When he finally reported me to
19 Mosquito, Mosquito in turn assigned me Baiima.

14:44:32 20 Q. Now, when Defence counsel was asking you about
21 disagreements with Issa Sesay he also asked you about a Guinean
22 operation and you told the Court about a time in 2001 when he
23 said you should go to Guinea as a reinforcement and you refused.
24 Mr Witness, when you said he said you should go to Guinea, who
14:45:00 25 was it who said you should go to Guinea as a reinforcement?

26 A. It was Issa.

27 Q. Did he say who you were reinforcing in Guinea?

28 A. Yes. He said - what he told me, he said they had organised
29 NPFL soldiers to cross by the Liberia border, the Liberia-Guinea

1 border and they were to cross into Guinea. He said so I should
2 go and join them and all of us will cross over into Guinea and I
3 said I was not going there.

14:45:55 4 Q. Thank you, Mr Witness. Now, Mr Witness, Defence counsel
5 also asked you about Sam Bockarie leaving the RUF and your
6 whereabouts during this time and I am referring in my draft font
7 to page 75, line 7 to 16. Mr Witness, you said that you were not
8 with Sam Bockarie when he crossed to Liberia. You said, "We were
9 on the way going to Buedu." Who was it who was on the way going
14:46:28 10 to Buedu?

11 A. It was myself, Issa Sesay with some RUF and AFRC soldiers.

12 Q. And why were you going there?

13 A. Well, Issa said that we were to go and advise Mosquito. He
14 said but he knew Mosquito very well, he was his brother. He said
14:47:04 15 if he did not heed to his advice we were going to fight him.

16 Q. Now, for these next few questions I would like to refer you
17 back to testimony you gave yesterday, 17 November, and the first
18 questions I would like to ask you relate to Defence counsel's
19 questions about your trip through Monrovia back to Sierra Leone
14:47:30 20 after the coup in 1997. I am referring to pages 20353 to 20354
21 of yesterday's transcript.

22 Defence counsel asked you questions about a prior statement
23 in which you said you knew nothing about an RUF contingent in
24 Liberia, there was only a contingent of SLA peacekeepers in
14:48:06 25 Liberia at the time. Do you remember that question?

26 A. Yes, sir.

27 Q. And when you were answering subsequent questions to that
28 one you said there was no RUF contingent in Liberia but there
29 were former RUF fighters with the NPFL. You said they had

1 trained as RUF but they had been with the NPFL for a long time.

2 Who were these former RUF that you were referring to?

3 A. Well, some of them were there. Like, there was one of our
4 brothers who was called Hassan, he had been with the RUF, all of
14:49:01 5 us trained together, but at that time he was with the NPFL.

6 Q. And do you know how it came about that he was with the RUF
7 and now at this time he was with the NPFL?

8 A. Yes.

9 Q. How did that come about?

14:49:22 10 A. All of us crossed to Bomi Hills in 1991, so at that time
11 when we came inside they did not come with us, they stayed with
12 the NPFL. But I saw him in Monrovia the time we went. There was
13 another one called Ibrahim Sesay. At the time I went there now
14 he was a tailor, because after they had been disarmed he said he
14:50:08 15 was now trained as a tailor.

16 Q. Now, Mr Witness, Defence counsel asked you if the fact that
17 these former RUF fighters, he referred to them as ex-RUF fighters
18 - if the fact they were ex-RUF fighters means they were no longer
19 members of the RUF and you said, "Yes, at that moment." Now,
14:50:32 20 when you said that these ex-fighters were no longer members of
21 the RUF at that moment, what did you mean?

22 A. Well, they were not in the RUF controlled territory. They
23 were now in Monrovia. So that's why I said they were not members
24 at that moment.

14:51:10 25 Q. Also yesterday, starting on page 20354 and the questions
26 basically went all the way through 20360 - starting on page 20354
27 Defence counsel asked you about how you travelled to Sierra Leone
28 from Monrovia, he asked about how many travelled with you and if
29 you were travelling on official RUF business. Now, in relation

1 to whether you were travelling on official RUF business - I am
2 referring to page 20357 lines 24 to 29 - you said this:

3 "That even though we had it in our minds to go back to
4 Sierra Leone and join the RUF, but at that time you wouldn't say
14:52:01 5 - you wouldn't say I was going to join the RUF because they were
6 now at the time of peace and they didn't want war. At that time
7 we were would just say that we were RUF but we were refugees that
8 were going to Galehun area to link up with our family members."

9 Do you remember saying that?

14:52:32 10 A. Yes, ma'am.

11 Q. When you said that, "We had it in our minds to go back to
12 Sierra Leone and join the RUF", who were you referring to?

13 A. That is the RUF soldiers who had disarmed and were in
14 Bopolu, those who came along with Mike Lamin and myself.

14:53:09 15 Q. I now refer to page 20360. Defence counsel asked you if
16 you agreed with him that some of the refugees in places like the
17 Samuka refugee camp joined you and Mike Lamin and others to go
18 back into Sierra Leone and you agreed with Defence counsel. Then
19 Defence counsel asked you if indeed the so-called refugees - you
14:53:42 20 refugees had cards issued by the UNHCR to each of you and you
21 answered that, "Some people had it, but we did not have it."

22 When you say that some of the people had the UNHCR card, but we
23 did not have it, who did you mean by "we"?

24 A. Like the civilians, those who crossed with us, some of them
14:54:25 25 came with us to Sierra Leone. They had the ID cards. But like
26 me, I did not have the ID card. Mike Lamin did not have the ID
27 card. Bai Bureh did not have that ID card. Monica Pearson did
28 not have that ID card.

29 Q. Mr Witness, if you know, can you tell us how many people in

1 this group you were with did not have these refugee cards?

2 A. We were over 70 even, those of us who did not have the
3 refugee card.

4 Q. I will now be referring to page 20418, starting at line 6,
14:55:23 5 on to page 20420, line 18. Defence counsel asked you questions
6 about the time you saw Jungle in Kenema with Mosquito. Do you
7 remember being asked those questions?

8 A. Yes.

9 Q. Now, to be clear, when you saw Jungle in Kenema with
14:55:46 10 Mosquito, where were you assigned?

11 A. Well, at that time I was assigned to Tongo.

12 Q. Now you've earlier told the Court that you were assigned to
13 Tongo, then you went to Freetown and then you were sent back to
14 Tongo. So when you say you were assigned to Tongo, when you saw
14:56:10 15 Jungle, was it before you went to Freetown or was it after you
16 left Freetown?

17 A. It was before I went to Freetown.

18 MS HOLLIS: I will now be referring to page 20451, starting
19 line 12, to 20453 at line 10:

14:56:33 20 Q. Defence counsel also asked you questions about someone
21 called Senegalese. Did you know Senegalese by any other name?

22 A. No, except when he used to refer to him as Make Room. It's
23 a funny name.

24 Q. He referred to him as what?

14:56:59 25 A. Make Room.

26 Q. Did you ever learn why he was called Senegalese?

27 A. Yes, because he was tall. Senegalese they said are tall
28 people and Senegalese, the one I knew, was tall.

29 Q. Now I would like to ask you some questions about evidence

1 you gave on 14 November, that is last Friday, and the first
2 references will relate to page 20272, 20273 and also 20332, lines
3 27 to 29. Mr Witness, Defence counsel referred you to interviews
4 that had been conducted with you by the Office of the Prosecutor
14:58:15 5 involving the date of your capture, where you were trained and
6 other matters and you admitted you did not tell the truth in
7 those interviews. You said you had a reason to not tell the
8 truth. What reason did you have to not tell the truth in those
9 interviews with the Office of the Prosecutor?

14:58:41 10 A. Well in 2003, during the first and second meetings that I
11 had with the Prosecution, at that time the Special Court had just
12 been established in Freetown. We used to hear rumours that those
13 who were captured in 1991 and rose up to the rank of colonel,
14 they said the court was meant for them. So while I was sitting
14:59:30 15 some day and I saw the people from the Special Court and they
16 asked me questions, I just thought to myself that if I had said I
17 was captured in 1991, or that I rose up to the rank of a
18 lieutenant-colonel, I thought they would arrest me. So, in spite
19 of all the words of encouragement that they gave to me, I just
15:00:08 20 thought that it was a bait for me.

21 MS HOLLIS: Now my next references will be to pages 20276,
22 beginning at line 14, and the questions and answers continued
23 through to page 20282, line 29:

24 Q. Mr Witness, Defence counsel asked you about Black Gadaffa
15:00:42 25 and he asked you if you had heard of Oliver Varney, Anthony
26 Mekunagbe and later he asked you about a person called Yegbeh
27 Degbon. In the course of asking you these questions he showed
28 you an exhibit that had these three names on the exhibit and on
29 other exhibits, and then Defence counsel told you that President

1 Blah had suggested to this Court that these three men were
2 executed for attempting to overthrow President Taylor: Oliver
3 Varney, Anthony Mekunagbe and someone named Yegbeh Degbon. He
4 asked if you were aware of this and you said "No". Then Defence
15:01:31 5 counsel said that he would look at some of what Moses Blah said
6 about Black Gadaffa and these other things. Do you recall being
7 asked about that?

8 PRESIDING JUDGE: Mr Anyah?

9 MR ANYAH: Yes, I apologise for interrupting, but just to
15:01:52 10 be more precise I am looking at the question I posed in relation
11 to this and I did not phrase it in the context of President
12 Taylor. I spoke in the nature of overthrow the leadership of
13 Charles Taylor in 1992. The precise question I pose is at page
14 20278. I am wondering if perhaps counsel just misspoke when she
15:02:18 15 said "President Taylor", because he wasn't President at that
16 time.

17 MS HOLLIS: I did and thank you to the counsel for that
18 correction:

19 Q. Now, Mr Witness, do you recall being asked these questions
15:02:34 20 by Defence counsel?

21 A. Yes, ma'am.

22 Q. Now, for completeness, let's take a look at more of what
23 Moses Blah said about his knowledge of Black Gadaffa and his
24 knowledge of the alleged involvement of Yegbeh Degbon in
15:02:53 25 attempting to overthrow Charles Taylor. Regarding Black Gadaffa
26 I would refer to 19 May, page 10177, lines 1 to 8. At that sight
27 here is what Moses Blah said about his knowledge of Black
28 Gadaffa. He was asked, "What was Black Gadaffa?", and he
29 answered, "What was the real name?" Then he was asked, "What was

1 Black Gadaffa?" He answered, "Except if you come - except if you
2 come with the real name, then I will know who that Black Gadaffa
3 is or was. I cannot remember". Then he was asked, "I'm talking
4 about Black Gadaffa", and the answer was, "I can't remember."

15:04:12 5 Are you aware that Moses Blah said that about his knowledge of
6 Black Gadaffa?

7 A. Yes, I have seen it now. I recall.

8 Q. Now, Mr Witness, regarding Yegbeh Degbon, on 19 May, again
9 at page 10177, lines 17 to 29, here is what Moses Blah said about
15:04:47 10 his knowledge of Mr Degbon's membership in Black Gadaffa and his
11 involvement in a coup. The question to him was:

12 "Q. In any event, what I'm now asking you about - could we
13 go back to page 1, please, first of all. Number 11 on that
14 page, Yegbeh Degbon, he was a member of the Black Gadaffa
15:05:15 15 coup, wasn't he?

16 A. This I cannot remember. What I knew was that this man
17 was executed. I know of that.

18 Q. Was he executed for his involvement in a coup attempt?

19 A. I cannot remember this. All I know was that he was
15:05:41 20 executed. Most of the executed people I was told that they
21 were executed. You know, I told you about my assignment.
22 It was not a stationary assignment. I had been up and down
23 wherever NPFL was in control of, so I wouldn't know most
24 of these things happening."

15:06:07 25 Are you aware that Moses Blah said that about his knowledge
26 of Yegbeh Degbon and his role in an alleged coup?

27 A. Yes, I heard it, but I didn't know.

28 MS HOLLIS: Now I will be moving to pages 20284, starting
29 at line 3, and the questions and answers went to 20288, line 17:

1 Q. Mr Witness, Defence counsel also asked you questions about
2 when ULIMO cut off the border between Sierra Leone and Liberia.
3 Do you remember him asking those questions?

4 A. Yes.

15:07:01 5 Q. And you were shown exhibit D-1, a map which had been
6 marked. Now when you answered Defence counsel about the border
7 at Pujehun District, when that was closed off, Defence counsel
8 told you that he was asking about the entire area marked on
9 exhibit D-1. If the witness could please be shown that exhibit
15:07:29 10 D-1 and if the witness could first be provided with the exhibit
11 so that he can familiarise himself with it again. Do you
12 remember being shown that exhibit, Mr Witness?

13 A. Yes.

14 Q. Now, as you see that exhibit, is it correct that Grand Cape
15:08:14 15 Mount County in Liberia borders on Pujehun District in Sierra
16 Leone?

17 A. Yes.

18 Q. And is it correct that Lofa County, in Liberia, borders on
19 Kailahun District in Sierra Leone?

15:08:32 20 A. Yes.

21 Q. Now, during the period 1991 to 1994 you have testified you
22 were in Pujehun District. During that time did you ever travel
23 through Liberia to Kailahun District?

24 A. No.

15:08:54 25 Q. And during that time did you ever travel to Lofa County in
26 Liberia?

27 A. No.

28 Q. Defence counsel referred you to some of what Varmuyan
29 Sheriff said about the time period for closing that border and he

1 referred you to testimony on 10 January at pages 976, 977 and
2 978. Now, for completeness let's look at what else
3 Varmuyan Sherif said about ULIMO's control over the border areas
4 when the border was closed. Firstly, I will be referring to the
15:09:39 5 14 January transcript, page 1196.

6 MR ANYAH: Thank you, Ms Hollis. I have it.

7 MS HOLLIS:

8 Q. Now, Mr Witness, on that page of the transcript Mr Sherif
9 was asked, "What year did ULIMO gain control over Grand Cape
15:10:18 10 Mount?" Varmuyan Sherif stated, "From the ending of '92 to 1993
11 ULIMO was in control of Grand Cape Mount", and so Varmuyan Sherif
12 said, "From the ending of 1992 to 1993 ULIMO was in control of
13 Grand Cape Mount." Now, is that consistent with your
14 recollection of events?

15:10:45 15 A. Yes, because from 1992 - from the end of 1992 even towards
16 the Pujehun area ULIMO had cut off the supply line between us and
17 the NPFL.

18 Q. Regarding ULIMO control over Lofa County Varmuyan Sherif
19 also gave additional testimony. I am referring to 9 January,
15:11:15 20 page 803, line 17 to 20, and 9 January, page 805, lines 17 to 20.
21 Varmuyan Sherif was asked:

22 "Q. When did you initiate your attack against Lofa County?

23 A. '92 and into '93. Throughout the years we were
24 fighting in Lofa."

15:11:50 25 Then at page 805 he was asked:

26 "Q. And at what point in time did ULIMO have total control
27 of Lofa County?

28 A. The end of 1993 ULIMO had - '93 and the beginning of
29 1994 ULIMO had total control of Lofa County."

1 Now, Mr Witness, while you were in Pujehun District from
2 1991 to 1994 what information, if any, were you receiving from
3 Lofa County, Liberia?

15:12:37 4 A. Well, they just said that the ULIMO and NPFL were fighting
5 there, but I didn't know about any other thing else.

6 Q. My next references will be in the 14 November transcript at
7 pages 20293, starting at line 19, to page 20295, line 29.

8 Defence counsel asked you about communications between Foday
9 Sankoh and Charles Taylor while you were at Zogoda in 1994 and he
15:13:20 10 referred you to a prior statement wherein you said that Action
11 Man would bring a letter and say Charles Taylor wanted to speak
12 with Foday Sankoh. Do you recall Defence counsel referring you
13 to that prior statement?

14 A. Yes.

15:13:41 15 Q. Tell the Court, please, when did you first meet Action Man?

16 A. Action Man or Zedman?

17 Q. Action Man.

18 A. Well, Action Man, it was in 1996 that I saw him in Danané.

19 Q. Did you see Action Man in any locations other than Danané?

15:14:12 20 A. No, I did not see Action Man apart from in Danané, no.

21 Q. My next reference is to page 20327 starting with line 11.

22 Now, at one point in his questioning Defence counsel referred you
23 to a map D-25. Could that exhibit be shown to the witness,
24 please?

15:14:55 25 A. Yes. Yes, sir.

26 PRESIDING JUDGE: Mr Witness, I see you have your hand up.

27 THE WITNESS: Yes, I want to ease myself.

28 PRESIDING JUDGE: Please assist the witness.

29 Yes, Ms Hollis, please proceed.

1 MS HOLLIS: Thank you, Madam President. Now, firstly, if
2 this could be shown to the witness so he has a chance to
3 familiarise himself with it again:

4 Q. Do you remember being shown that map?

15:19:53 5 A. Yes.

6 Q. Mr Witness, Defence counsel said the document you are
7 looking at, it's a UN document. At the top it says "Liberia,
8 demobilisation sites 22 November 1996 to 12 February 1997". At
9 the middle of the page, at the bottom right-hand corner it says,
10 "Total number of soldiers disarmed and demobilised, 21,315". And
11 if we go to Monrovia, if we go up to Monrovia, we see that 3,758
12 were disarmed. Mr Witness, as you look at that map, do you see
13 any notation on that map showing how many NPFL had been disarmed?

14 A. No.

15:20:57 15 Q. Do you see any indication on that map showing how many
16 members of the NPFL had arms?

17 A. No.

18 MS HOLLIS: Madam President, we have no further questions.

19 PRESIDING JUDGE: Thank you, Ms Hollis.

15:21:30 20 Mr Witness, I wish to clarify one part of your evidence
21 this morning. Counsel, I am referring here to page 11, lines 16
22 to 20. Mr Witness, you were asked some questions about Kenema
23 and events that happened in Kenema and you answered some of the
24 questions. Did you actually go to Kenema in this Operation Stop
25 Elections?

26 THE WITNESS: Yes, I went to Kenema.

27 PRESIDING JUDGE: Thank you. That was my question. Any
28 questions arising, counsel?

29 MS HOLLIS: No, ma'am.

1 MR ANYAH: No, Madam President.

2 PRESIDING JUDGE: Thank you. Mr Witness, that is the end
3 of your evidence. We thank you for coming to Court today and the
4 last few days to deal with it. Just a moment, I have just been
15:22:20 5 reminded that there is maybe an application. I apologise,
6 Mr Witness. Ms Hollis?

7 MS HOLLIS: Madam President, there was one document marked
8 for identification. It was a drawing that the witness had done.
9 I believe it was marked for identification as 11.

10 PRESIDING JUDGE: That is correct.

11 MS HOLLIS: We would ask that that be admitted into
12 evidence.

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

14 MR ANYAH: No objection to the application.

15 PRESIDING JUDGE: Thank you. That was a one page document,
16 a hand drawing by the witness. It will become Prosecution
17 exhibit P-224.

18 [Exhibit P-224 admitted]

19 I think there are no other matters. I will release the
15:23:09 20 witness. Mr Witness, that is the end of your evidence and we are
21 grateful for you coming to Court and giving your evidence over
22 the last few days. You are now free to leave the Court and we
23 wish you a safe journey home. Please assist the witness to
24 leave.

15:23:27 25 THE WITNESS: Thank you, ma'am. Thank you to you all.

26 PRESIDING JUDGE: Ms Hollis, we have been privy to some
27 exchange concerning the incoming witnesses.

28 MS HOLLIS: May I hope to clarify?

29 PRESIDING JUDGE: Yes.

1 MS HOLLIS: The next witness that the Prosecution had
2 intended to call, because of his schedule, was TF1-358. That
3 witness in fact arrived here late last night. I have learned
4 this afternoon that, in fact, there is a five page investigative
15:24:16 5 note from 18 and 19 August 2008 which has not been or was not
6 until today disclosed to the Defence. As of 13:15 hours today it
7 was disclosed to the Defence.

8 It is my understanding that there is a substantive
9 information in this note. That certainly means to the
15:24:39 10 Prosecution that because of our failure to make timely disclosure
11 the Defence will need time to review that note before being
12 prepared to proceed with this witness.

13 So I want to bring that to the attention of the Court and
14 for that reason, unless the Defence were to say they were
15:24:56 15 prepared to proceed with this witness, we would not proceed with
16 this witness as our next witness.

17 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah, you are
18 aware of this situation?

19 MR ANYAH: Madam President, Mr Terry Munyard my colleague
15:25:15 20 will be undertaking the examination of that witness and perhaps
21 with leave of Chamber could he respond to this issue?

22 PRESIDING JUDGE: By all means. Mr Munyard, if you can
23 assist us, please.

24 MR MUNYARD: Yes, thank you, Madam President.

15:25:28 25 PRESIDING JUDGE: May I just note that there are protective
26 measures in relation to this witness.

27 MR MUNYARD: Yes, certainly. All I want to say is to thank
28 my learned friend Ms Hollis for disclosing this document.
29 Obviously it's late, but at least it has been served because the

1 witness has crossed the threshold of the Court. It was sent to
2 me by email one hour ago. I've had a cursory look through it. I
3 can't say at the moment - entirely frankly I can't say whether I
4 would need more time or not.

15:26:07 5 Might I suggest that we simply review the situation in the
6 next hour, because if I don't need more time from, say, tomorrow
7 morning then we could start with that witness tomorrow morning.
8 But I couldn't tell the Court one way or the other right now if I
9 am going to need more time. I suspect I may not need any more
15:26:26 10 time than from now until first thing in the morning.

11 Can I, while I'm on my feet, also put down a very clear
12 marker. This witness is an expert witness. We did attempt last
13 week in some email correspondence that eventually ran into the
14 sand to see if there was a way in which the witness's evidence
15:26:48 15 could be reduced in writing and read by the Court. I ended up
16 getting no final response from those opposite and so the witness
17 has come to court.

18 Now, what I was hoping to do was reduce the witness's
19 evidence to that area of expertise which is truly his and I am
15:27:13 20 simply raising this so that my learned friends opposite and the
21 Court knows that if the witness attempts to go beyond the area or
22 areas that can be properly said to be their areas of expertise
23 then we will be objecting.

24 I am conscious that we are in open session and so I am
15:27:38 25 saying no more than that because I hope nothing I have said
26 identifies the witness in any way, shape or form, but I hope
27 everybody understands. I would ask the Court's indulgence for
28 the rest of the day, it's only an hour, for us to consider this
29 further note and then to indicate either tomorrow morning or

1 possibly even before tomorrow morning, I can't give a specific
2 time, whether or not we are ready to proceed with that particular
3 witness.

15:28:12 4 PRESIDING JUDGE: Ms Hollis, the hour that counsel requires
5 would bring us up to our normal closing time. It appears to me
6 to be a reasonable application.

7 MS HOLLIS: We would simply note for the record - and of
8 course we agree it is a very reasonable application. We would
9 note for the record that should it occur that TF1-358 doesn't go
15:28:30 10 forward tomorrow the witness we would call tomorrow would be
11 TF1-274.

12 PRESIDING JUDGE: As I have already noted, and counsel has
13 conceded, this is a reasonable application. We will therefore
14 adjourn now to allow counsel for the Defence to familiarise and
15:29:10 15 study the documents that have been disclosed.

16 We will resume court tomorrow morning at 9.30. If there
17 are further applications that arise then we will deal with them
18 at that time. Please adjourn court until tomorrow at 9.30.

19 [Whereupon the hearing adjourned at 3.30 p.m.
20 to be reconvened on Wednesday, 19 November 2008
21 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

AUGUSTINE S MALLAH	20464
CROSS-EXAMINATION BY MR ANYAH	20464
RE-EXAMINATION BY MS HOLLI S	20547

EXHIBITS:

Exhibit P-224 admitted	20563
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