



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 5 DECEMBER 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:

Ms Carolyn Buff
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Mr Alain Werner
Ms Ruth Mary Hackler

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munday
Mr Morris Anyah
Ms Amina Graham

1 Friday, 5 December 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:23:52 5 PRESIDING JUDGE: Good morning. Good morning, Mr Santora.

6 MR SANTORA: Good morning, Madam President. Good morning,
7 your Honours, counsel opposite. For the Prosecution this morning
8 is Brenda J Hollis, Ruth Mary Hackler and myself Christopher
9 Santora.

09:32:36 10 PRESIDING JUDGE: Thank you. Good morning, Mr Munyard.

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning is Courtenay
13 Griffiths QC, Morris Anyah, myself and Amina Graham.

14 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no
09:32:56 15 other matters I will remind the witness of his oath.

16 MR MUNYARD: Madam President, there is one other matter
17 that I think Mr Griffiths is going to deal with.

18 PRESIDING JUDGE: I see. Yes, Mr Griffiths.

19 MR GRIFFITHS: It is merely this, Madam President, and it's
09:33:07 20 to revisit a topic raised yesterday by my learned friend
21 Mr Munyard. In anticipation of the fact that we would not be
22 sitting next week I made arrangements for various individuals to
23 travel to The Hague so that we could have a meeting to discuss
24 certain matters regarding the forthcoming Defence case. As a
09:33:27 25 consequence, two of those individuals have already arrived and
26 are scheduled to leave The Hague on Wednesday. Others are due to
27 arrive over the course of the weekend with a view, as originally
28 planned, to having a meeting on Tuesday of next week.

29 Now, Mr Munyard is not in a position to predict how long he

1 will be with this witness, but I anticipate he will be at least,
2 after today, another full day.

3 So the application I am making at this point in time is
4 that at the very least we not sit on Tuesday to enable me to meet
09:34:05 5 with those individuals who have travelled a great distance and at
6 no little inconvenience to themselves to be here next week and
7 then if needs be reconvene on Wednesday to conclude this witness.

8 PRESIDING JUDGE: Allow me to seek a response. Ms Hollis,
9 you responded on behalf of the Prosecution yesterday.

09:34:26 10 MS HOLLIS: Yes, thank you, Madam President. We do wish to
11 conclude this witness, so it is of course for your Honours to
12 determine how that will occur. We would note that of course the
13 possibility of a carry over session to conclude a witness was
14 raised by the Prosecution as early as 10 November and again on 21
09:34:48 15 November. So that possibility was raised. It was sent to
16 Mr Romans, but the Defence Counsel were included in those
17 exchanges. So the possibility of that was raised very early on.
18 So, we certainly leave it to your Honours, but our fundamental
19 position is we wish to conclude this witness.

09:35:07 20 JUDGE LUSSICK: Mr Griffiths, just before we confer, the
21 interviews that you have arranged for next Tuesday, do I take it
22 that yourself and Mr Munyard are both required at those
23 interviews?

24 MR GRIFFITHS: Your Honour, yes. And, your Honour, they
09:35:28 25 are not in fact interviews as such. It is to discuss with other
26 members of the Defence team the planning of the Defence case if
27 we get to that stage. So it's not interviewing individuals as
28 such.

29 JUDGE LUSSICK: I see.

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: We have considered the respective views
3 and we will conclude this witness before recess. If the
4 cross-examination is not completed by Monday afternoon, we will
09:36:37 5 grant Mr Griffiths's request and reconvene on Wednesday.

6 MR GRIFFITHS: I am most grateful, Madam President.

7 PRESIDING JUDGE: As you are aware, Mr Griffiths, the
8 Court, as I said yesterday, did give an indication vaguely to
9 allow this witness to be finished, or a witness to be finished.
09:36:56 10 We did not know it would be this one.

11 MR MUNYARD: Yes, in fact the message we got, Madam
12 President, was that the Court would be willing to sit for an hour
13 longer.

14 PRESIDING JUDGE: An hour?

09:37:12 15 MR MUNYARD: An hour possibly go into a little bit of
16 Monday. That was the message we got, but I don't want to revisit
17 all of that. I predicated my comments to you about my length of
18 my cross-examination yesterday on that basis, and I therefore
19 assumed that as it wasn't going to just be a matter of an hour or
09:37:32 20 a little bit of one day that we were in the position of moving
21 into next year, but that has changed and we are now in a
22 situation where we are all endeavouring to conclude this witness,
23 but obviously vague comments and vague emails about vague
24 witnesses in deep November really weren't terribly helpful to us
09:37:53 25 when we were told the Court wasn't sitting next week and
26 therefore we made plans. However, can I move on with my --

27 PRESIDING JUDGE: I will remind the witness of his oath
28 unless there is something else.

29 MR MUNYARD: No.

1 PRESIDING JUDGE: Mr Witness, good morning. I again remind
2 you this morning as I have done on other mornings that you have
3 taken the oath to tell the truth. The oath continues to be
4 binding upon you and you must answer questions truthfully. Do
09:38:17 5 you understand?

6 THE WITNESS: Yes, my Lordship.

7 WITNESS: DAUDA ARUNA FORNIE [On former oath]

8 PRESIDING JUDGE: Please proceed.

9 MR MUNYARD: Thank you, Madam President.

09:38:26 10 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

11 Q. Now, Mr Fornie, I don't want to do you any injustice. I am
12 just looking up what you said to us yesterday about going to -
13 sorry, about going to or not going to collect ammunition from
14 former combatants in Liberia. Bear with me just one moment.

09:39:01 15 Just tell us, while I am getting the reference at the end of
16 yesterday's transcript, just tell us, did you ever go to Liberia
17 at Sam Bockarie's request to collect ammunition from any
18 ex-combatants in that country?

19 A. No.

09:39:27 20 Q. Now, lest there be any confusion at all about what I am
21 asking, I am asking you were you part of a group sent by
22 Sam Bockarie to collect ammunition or materials from
23 ex-combatants in Liberia; people who had been fighting in Liberia
24 at any time in the past?

09:39:59 25 A. Well, with respect to that, I will explain. I told you
26 that I went to collect materials from Sellay, from Major Sellay.
27 It was from Major Sellay that I collected the materials directly
28 and not ex-combatants.

29 Q. Well, where did you understand Major Sellay had got these

1 materials from?

2 A. Well, I said it here in this Court that Major Sellay used
3 to buy the materials from the ex-combatants around the areas,
4 Voinjama and the other areas that I mentioned before.

09:40:54 5 Q. So the process was that - just help us, Major Sellay is
6 Major Sellay of which particular armed force?

7 A. Major Sellay was a former NPFL fighter, but during the AFRC
8 was the time I saw Major Sellay with Sam Bockarie when I came to
9 Kenema. That was my first time to see him in the RUF and to even
09:41:29 10 know about him. Major Sellay was the one Sam Bockarie made the
11 overall signal commander and he, Major Sellay, hailed from that
12 same Voinjama area.

13 Q. Right. So you do not describe that as buying arms - you
14 being part of a party who went to buy arms from ULIMO and NPFL?

09:42:21 15 A. I am telling you that you are trying to misquote me. That
16 is not true. It is a big lie if you are saying that I told you
17 that I went to buy ammunition from ULIMO or whosoever, because I
18 never uttered that to this Court.

19 Q. Well, would it be right to say that you went to receive
09:42:51 20 ammunition that had been bought from former NPFL and ULIMO
21 fighters?

22 A. I told you that it was from ex-combatants. I never
23 specified, because I was not the one who carried out the
24 transaction directly. I was not in the picture of the direct
09:43:22 25 transaction. In fact, I never knew any of the people from whom
26 Sellay and others obtained the materials. How would I have
27 concluded that it was NPFL or ULIMO?

28 Q. I would like you to look, please, at the big bundle that I
29 handed out. Mr Court Usher, please. Now, Mr Fornie, you

1 certainly were very familiar with ULIMO, weren't you?

2 A. Yes, I knew about ULIMO.

3 Q. ULIMO had chased you in the early days of the RUF out of
4 Sierra Leone and into Liberia, hadn't they?

09:44:33 5 A. Yes.

6 Q. And then later on in mid-1992 ULIMO - this time in Liberia
7 - had chased you out of Bomi Hills and you went off to Kakata,
8 correct?

9 A. Yes.

09:44:51 10 Q. So you were certainly very familiar with ULIMO. That is
11 right, isn't it?

12 A. Well, I knew ULIMO to be a warring faction.

13 Q. Right. Turn, please, to tab 24 in that bundle. This is
14 about the 24th time that you were interviewed, by my

09:45:46 15 calculations. This is a document which records additional
16 information supplied by you to the Prosecution less than a month
17 ago, on 6 and 7 November 2008. That is last month. Now, just
18 tell us this first of all: When did you arrive in The Hague?

19 A. Around the 5th.

09:46:31 20 Q. Around the 5th of when?

21 A. Of November.

22 Q. So the very next day you are seen by members of the
23 Prosecution team. Is that correct?

24 A. Yes.

09:47:05 25 Q. You were seen by them on 6 November and then again on 7
26 November, is that right? You have to answer, Mr Fornie. Nodding
27 is not picked up by the tape recorder.

28 A. I am answering. It is the date that you referred to. That
29 is what I want to think about, to know whether that was the date.

1 I met with the Prosecution, but I am not certain about the date.
2 It could be that.

3 Q. Sorry, I didn't mean to interrupt you. We have been given
4 notes from various sessions that you have had with the
09:47:53 5 Prosecution since your arrival in The Hague and they include the
6 6th, which is the day after you arrived, and the 7th, which is
7 the next day following. Can you now recall being seen two days
8 in succession on a Thursday I think and a Friday?

9 A. Yes.

09:48:16 10 Q. Then on the following Monday, so you had the weekend off in
11 between, on the following Monday you were seen again by them on
12 10 November. Do you remember that, that after the weekend break
13 you were seen again?

14 A. Yes.

09:48:33 15 Q. And then a week after that you were seen by them on 17
16 November. Can you remember yet another session with them?

17 A. Yes, around that we met.

18 Q. Just over a week after that, on Tuesday of last week, you
19 were seen by them again. Can you recall that?

09:48:59 20 A. Yes, I do recall.

21 Q. Now, was it the same people each time from the Prosecution
22 who were with you taking this further information from you once
23 you had arrived in The Hague?

24 A. Please make it clearer.

09:49:22 25 Q. These meetings that you have with the Prosecution when you
26 supply them with additional information on the 6th, 7th, the
27 10th, the 17th and the 25th November, was it always the same
28 people who you were seeing from the Prosecution?

29 A. Yes. Since I arrived here it was the same people who have

1 been dealing with me.

2 Q. And who are they? Who was it that you were giving the
3 additional information to the day after you arrived?

4 A. It was Mr Santora.

09:50:05 5 Q. Anybody else?

6 A. No, I was not interviewed by any other person.

7 Q. Right. Well, I would like you, please, in tab 24 to turn
8 to the last page and the last paragraph. It is numbered 22. I
9 want you to tell us if this is what you told Mr Santora:

09:50:56 10 "Aside from these trips to Monrovia, the witness", that is
11 you, Mr Fornie, "also made several trips to Lofa County, mostly
12 to Voijnama and Kolahun, to receive ammunition, as the RUF was
13 purchasing ammunitions from former NPFL and ULIMO-K fighters who
14 had hidden ammunition stocks during the Liberian disarmament."

09:51:35 15 Now, did you tell Mr Santora that; that you had been sent
16 to receive ammunition that the RUF was buying from ex-NPFL and
17 ULIMO-K fighters?

18 A. I did not tell him that directly in these words. I told
19 him that it was to receive ammunition from the former fighters
09:51:59 20 from whom Sellay was buying and he asked me if I would know the
21 fighters who were living around that area and I said they were a
22 mixed group. It was not a specific group. There was NPFL and
23 there was ULIMO, so it was not a specific group from whom the
24 ammunitions were received. That is what I told him.

09:52:31 25 Q. So you told him that it was from NPFL and ULIMO former
26 fighters, yes?

27 A. I did not tell him that it was from them. He asked me the
28 kind of fighters who were living in that area and I told him that
29 ULIMO and NPFL fighters were living in that area. It was a mixed

1 group. They were living in that area. That's what I told him.

2 Q. Well, he shouldn't write down something that you didn't
3 tell him, should he?

4 A. Well, if he wrote it this way, I did not say it this way.
09:53:19 5 Maybe that is the way he understood it. Maybe he understood it
6 in a different context.

7 Q. And do you remember telling us in your evidence to
8 Mr Santora that you only went once on one trip to receive weapons
9 - sorry, to receive ammunition from the Liberian disarmament?

09:53:43 10 A. Yes, I remember that.

11 Q. Right. Well, here we have got you making several trips to
12 Lofa County to receive ammunition buried during the Liberian
13 disarmament. Which is it? Did you go several times or did you
14 just go the once?

09:54:04 15 A. Well, for the materials in Voinjama it was just once. But
16 I made other trips, different trips, and some of those trips were
17 for private reasons. Apart from going to Monrovia I made private
18 trips. And at the specific time I received materials from
19 Voinjama.

09:54:37 20 Q. Well, it doesn't say here that you made several private
21 trips to Lofa County. It says here you made several trips to
22 receive ammunition. Isn't that what you actually told
23 Mr Santora; that you were going on a number of occasions at
24 Sam Bockarie's behest to buy ammunition from former NPFL and
09:55:04 25 ULIMO fighters?

26 A. Well, I think and I am sure - you know, as long as I am in
27 this Court I took an oath to say what I am saying here, so it
28 doesn't mean that one does not make mistakes. If he wrote it
29 this way it could be a mistake. But what I know is that I

1 received materials. That is the fact; that I received materials
2 in Voinjama. That is well established.

3 Q. What is well established?

09:55:51

4 A. That I went and received materials from Major Sellay in
5 Voinjama.

6 Q. There is no mention of Major Sellay in here, is there, in
7 the passage we are looking at? Is there, Mr Fornie? Do you see
8 Major Sellay's name in there?

9 A. Well, his name is not stated here but --

09:56:18

10 Q. Did you tell Mr Santora that you went to receive them from
11 Major Sellay?

12 A. Well, he did not ask me the person who was doing the
13 transaction directly. That's why I did not mention his name
14 and --

09:56:37

15 Q. What it does say - sorry, I didn't mean to interrupt you.
16 Do carry on.

17 A. Well, it was an interview. On this same issue I responded
18 to questions that were asked of me. And now the way Mr Santora
19 asked me, those are the questions I --

09:56:59

20 THE INTERPRETER: Your Honours, can the witness repeat his
21 answer.

22 PRESIDING JUDGE: Mr Witness, you have speeded up. The
23 interpreter needs you to repeat your answer. Please pick up from
24 where you said, "The way Mr Santora asked me, those are the
25 questions --" Please continue from there.

09:57:12

26 THE WITNESS: The way Mr Santora asked me questions, that
27 was the way I responded to him. And the way the President of
28 this Court would ask me questions, it is in that same way that I
29 would respond to the questions. And the way you ask me

1 questions, it is in that same way that I respond to you.

2 It doesn't matter - even if it's a road accident that
3 occurred I would give you - I will give a piece of information to
4 this man depending on the question that he asked me. I will give
09:57:48 5 different piece of information to another person depending on the
6 question that is asked of me, but all of the answers will lead to
7 explaining the same accident. And all of the answers that I have
8 given here are leading towards establishing the fact that I
9 received materials from the people who went from the RUF to go to
09:58:10 10 that Voijnama area and they received materials from the
11 ex-combatants. I received materials from them.

12 MR MUNYARD:

13 Q. The next sentence, please: "Sam Bockarie would arrange
14 these trips" - in the plural you note - "and would send the group
09:58:28 15 with US dollars for these purchases" - in the plural. You were
16 telling Mr Santora just a month ago that you went on several of
17 these trips and that you went in a group and that Sam Bockarie
18 had given the group United States dollars for these several
19 purchases on several occasions, weren't you?

09:58:58 20 A. I was present at the time when Sam Bockarie gave money to
21 that group to go and even in this Court I said that in my
22 presence Sam Bockarie gave money to those various groups. He
23 gave money to them to go and buy materials. I even cited an
24 example. And, apart from that, I myself have accepted here that
09:59:32 25 I went there to receive materials, but the money was not given to
26 me directly. I have said that here repeatedly.

27 Q. Mr Fornie, it has never been suggested by anyone that the
28 money was given to you directly. I made that plain yesterday,
29 but you don't listen to the question, do you? Have you

1 appreciated that no-one has suggested that you had the money
2 directly? In these long answers you are giving you are giving
3 answers to questions that haven't been asked. Do you realise
4 that? No-one has suggested that you had the money yourself.

10:00:17 5 A. But I think that the answer that I am giving, it's
6 corresponding to the question that you are asking of me. I am
7 not just - I am not just to say yes or no. I have to explain.

8 PRESIDING JUDGE: Mr Witness, please don't enter into
9 arguments with counsel. Answer the questions put to you. A
10:00:39 10 question was not put just now. Please proceed, Mr Munyard.

11 MR MUNYARD: Your Honour, I am moving on in fact. I was
12 just trying to get across for the final time to this witness that
13 no-one has suggested he took the money and I am asking him to
14 try, please, to listen to the question that is asked and answer
10:00:57 15 that:

16 Q. Now, we got sidetracked into this issue of ULIMO while we
17 were looking at the way in which the RUF was organised in the
18 1990s yesterday afternoon and we had established that there were
19 a number of camps in various parts of the country and in various
10:01:19 20 of those camps particular individual commanders had at certain
21 times been in control. Now, in 1996 your leader, Mr Sankoh, went
22 to Abidjan and in fact you don't see him again until 1999, do
23 you?

24 A. Yes.

10:01:51 25 Q. Now, he went to Abidjan for peace talks. Peace talks with
26 who?

27 A. With the Government of Sierra Leone.

28 Q. And were the Government of Sierra Leone engaged in talking
29 peace with Foday Sankoh at the time that they over - either they

1 or their proxy forces overran Camp Zogoda in 1996?

2 A. Please repeat that.

3 Q. Were the Government of Sierra Leone engaged in talking
4 peace with Mr Sankoh when they invaded Camp Zogoda, either their
10:02:39 5 own forces or forces such as Kamajors acting on their behalf?

6 A. It was during the Abidjan Peace Accord that the government
7 troops attacked Zogoda.

8 Q. So they were talking peace but doing war, yes?

9 A. Yes.

10:03:08 10 Q. What effect did that have on the attitude of the RUF
11 towards negotiations with the elected government of President
12 Kabbah?

13 A. From the time the Kamajors attacked Zogoda, that created a
14 negative impression and it had a negative impact on the entire
10:03:43 15 peace talks. There wasn't much confidence any more in the peace
16 talks.

17 Q. You couldn't trust President Kabbah's word, could you, as a
18 result of his government's behaviour?

19 A. Well, I personally - I wouldn't want to generalise.

10:03:59 20 Q. I'm sorry, I'm talking about the RUF.

21 A. Well, it's a general question that everybody had his or her
22 own way of looking at things, but I personally did not trust the
23 Pa Kabbah's government any more at that time.

24 Q. Now, another piece of the jigsaw at this time that we
10:04:26 25 haven't yet touched upon is arms supplies. The arms supplies
26 from Liberia had been cut off by 1993 by ULIMO's control of Lofa
27 County. That's right, isn't it?

28 A. Yes.

29 Q. And the RUF were getting their arms after that either from

1 capturing them from ECOMOG, or the Sierra Leone Army, or the
2 Kamajors, and also by trading. Trading, for example, with troops
3 from Guinea on the border with Guinea. Do you agree?

4 A. Yes, that was around '93, '94 and '95. You are right.

10:05:24 5 Q. And '96 too?

6 A. Yes.

7 Q. Where else was Pa Sankoh getting either his arms from or
8 the money to buy arms from outside of the country?

9 A. Well, at that time, to be very frank to this Court, we were
10:05:48 10 not getting supplies from anywhere - any formal supply from
11 anybody whatsoever. Even Mr Taylor's station, it was only once
12 in a while that we contacted them. We hadn't any direct link
13 with them. And even the people who went for the material, that
14 is Morris Kallon and others --

10:06:08 15 Q. Did you --

16 A. Please let me finish. Even Morris Kallon and others, they
17 went for ammunition in Gbarnga. When they left the supply line
18 was cut off completely and they could not return, so we did not
19 have any other source of getting ammunition.

10:06:28 20 Q. Yes, when do you say that incident happened with Morris
21 Kallon?

22 A. It was during late 1993.

23 Q. Thank you. And when you say, "Well, at that time, to be
24 very frank to this Court, we were not getting supplies from
10:06:49 25 anywhere", are you talking about the period 1993 to 1996?

26 A. Late 1993. From December 1993 when the NPRC finally pushed
27 us from almost all of the towns and villages. So at that time we
28 were living in the bushes. We did not get any ammunition from
29 Liberia, of course, except through ambushes. That was how we got

1 our ammunition.

2 Q. Yes, Mr Fornie, I asked you from what period of time. You
3 say it is from late 1993. Tell us please, if you know, until
4 when? Am I right in suggesting that this carried on until 1996
10:07:39 5 at least?

6 A. Yes, up to the time 1996, the fall of Zogoda, when Zogoda
7 fell, when I was captured. From the time Zogoda fell I wouldn't
8 say anything about the sources of ammunition or whatever
9 regarding the RUF.

10:08:00 10 Q. Yes. Well, that was what I was coming to. You are
11 captured by the Kamajors in 1996 when Zogoda falls and so you
12 can't tell us anything about what happened from late '96 until
13 you are back effectively with one of the RUF commanders, Foday
14 Sankoh, in early 1998. That is right, isn't it?

10:08:28 15 MR SANTORA: Objection, and perhaps it was just a
16 misstatement by counsel, because I think he is mischaracterising.
17 If he is trying to characterise the witness's prior evidence I am
18 saying it is --

19 MR MUNYARD: I am not.

10:08:42 20 MR SANTORA: -- it is a mischaracterisation but perhaps he
21 mentioned the wrong commander if he looks at his question.

22 MR MUNYARD: Well, my learned friend is quite right. I did
23 say the wrong commander, but I wasn't trying to characterise the
24 witness's evidence. I was putting to him:

10:08:59 25 Q. I said Foday Sankoh when I should of course have said
26 Sam Bockarie. Now you start with Sam Bockarie. You have given
27 us one account of when you started with Sam Bockarie, briefly on
28 two occasions in 1997, but you wouldn't be able to tell us
29 anything at all about arms supplies in 1997, would you? I will

1 tell you why. Most of that time you are either in captivity with
2 the Kamajors, or you are mining in Tongo. That is right, isn't
3 it?

10:09:47 4 A. Well, most of the times I was in Tongo but I can talk about
5 shipment of arms late 1997 towards 1998. Sometimes late 1997 to
6 '98 when Memuna, Fonti Kanu and others brought.

7 Q. Right. Now, where else was Foday Sankoh seeking money to
8 buy arms and ammunition from, apart from trading with Guinean
9 soldiers and the like?

10:10:26 10 A. I want to know the time - the period you are referring to.

11 Q. Up to 1996 when he goes off to Abidjan and you end up in
12 the captivity of the Kamajors?

13 A. Well, from 1993 ending I will still repeat this: It was
14 from ambushes and attacks that the RUF did - the diamonds that
10:11:03 15 the RUF captured, money - the fighters turned them over to Foday
16 Sankoh - sorry, to the various commanders for them to in turn
17 give them to Foday Sankoh. It was through those things that we
18 got ammunition and other basic needs.

19 Q. The question was: Where else was Foday Sankoh seeking
10:11:26 20 money to buy arms and ammunition from?

21 A. At that time there was no other source. That is the only
22 source that I have told you.

23 Q. Well, Foday Sankoh some years before had been in Libya,
24 hadn't he, or did you not know that?

10:11:57 25 A. Which year are you referring to?

26 Q. Let me start off generally first of all and then I will get
27 as specific as I am able to. Were you aware that Foday Sankoh,
28 before the revolution in Sierra Leone against the corrupt APC
29 government, had been in Libya receiving training - military and

1 i deol ogi cal ?

2 A. Yes.

3 Q. And Foday Sankoh continued, once he had started the
4 revolution, to seek assistance from Colonel Gaddafi, the Libyan

10:12:46 5 Leader. Were you aware of that?

6 A. Please repeat that.

7 Q. Once he had started the revolution Foday Sankoh continued
8 to seek assistance from Colonel Gaddafi, the Libyan Leader. Were
9 you aware of that?

10:13:08 10 A. Well, when Foday Sankoh started the revolution, at that
11 time I don't know the contacts he had to get ammunition when he
12 started it.

13 Q. Weren't you his radio operator in 1996, before he went off
14 to Abidjan?

10:13:36 15 A. Yes, you are referring to the beginning of the war. That
16 was in 1992. In 1992 I was 16 years old. I was at the front
17 line as a small boy, and I was at the front line up until the
18 time I went to Liberia. How would I know? I was a small boy.

19 Q. Mr Fornie, did you hear - sorry, did you listen to the
20 question that I asked you?

10:13:58

21 A. Yes.

22 Q. What was it?

23 A. You said the start of the revolution, if I am aware. Okay.

24 Q. The question - would you please try to listen to the

10:14:13 25 question. The question was this: Weren't you his radio operator
26 in 1996 before he went off to Abidjan? You then launched into an
27 answer about 1992 when you were 16 years old.

28 MR SANTORA: Objection. I am going to object to counsel
29 mischaracterising what the witness's responses were on this

1 sequence of questions. If you look to line 20 on mine, starting
2 at line 1 --

3 MR MUNYARD: Sorry, which page?

4 MR SANTORA: Page 20, line 1. Clearly the reference is
10:14:48 5 referring to "Well, when Foday Sankoh started the revolution - at
6 the start of the revolution." I am sorry, it should be page 19
7 starting at line 23 on mine. It is clearly the time reference is
8 to the start of the revolution and --

9 JUDGE SEBUTINDE: The question on the table is as
10:15:09 10 Mr Munyard put it and that is at the beginning of page 20,
11 "Weren't you his radio operator in 1996 before he went off?"
12 That is where we are at.

13 MR SANTORA: No, but my point was that in terms of the
14 support Foday Sankoh was receiving, the time frame that was
10:15:26 15 initially brought up with this witness was at the start of the
16 revolution. Then my colleague asked about whether or not he was
17 a radio operator in 1996, but the prior question was clearly in
18 relation to the start of the revolution and Foday Sankoh's
19 alleged assistance.

10:15:44 20 JUDGE SEBUTINDE: But we have gone beyond the prior
21 question. We are now at this other question and your arguments
22 are argumentative and conclusive. It is a matter of drawing
23 conclusion. We are going backwards now. You are taking us
24 backwards to a question that was already answered, rightly or
10:16:02 25 wrongly, but already answered. We are now at a different
26 question.

27 MR SANTORA: Okay. Thank you.

28 MR MUNYARD:

29 Q. And I would like you, Mr Fornie, to address your mind to

1 the question that I asked you, not something else that you want
2 to tell us about. The question was: Weren't you his radio
3 operator in 1996 before he went off to Abidjan? Now, can you
4 have an attempt at answering that question, please?

10:16:53 5 A. Yes, I was Foday Sankoh's radio operator in 1996.

6 Q. Thank you. Were you ever aware in 1996 of radio traffic
7 within the RUF movement from the leader, either to or from the
8 leader, about efforts that the leadership were making to obtain
9 money from the Libyans?

10:17:21 10 A. I have little knowledge about that. I have little
11 knowledge about that.

12 Q. Well, give us the benefit of that little knowledge, if you
13 would?

14 A. Well, I know that Mr or General Ibrahim Bah was the one
10:17:43 15 liaising directly. He was the one doing that. During that time
16 he used to go to Libya and there was communication between him
17 and Foday Sankoh. And most of the times when General Ibrahim
18 would come from Libya to Abidjan, part of the delegation that was
19 in Abidjan, the discussion that General Ibrahim and Gaddafi would
10:18:11 20 have, he would write that on paper and dispatch it to one of the
21 delegates who were in Abidjan. The only thing was that whenever
22 he was going to Libya he would inform Pa Sankoh that he was going
23 there and when he would come from Libya, again he would inform
24 Pa Sankoh that he had come from Libya.

10:18:33 25 Q. Right. And what was it that he was getting from the
26 Libyans?

27 A. I don't know. I did not know.

28 Q. Well, what was it he would write on the paper that was then
29 dispatched to the delegates in Abidjan?

1 A. It was hand delivery. Hand delivery. Direct hand delivery
2 that he did. And Pa Sankoh did not tell us what he had received
3 directly.

10:19:20 4 Q. Right. General Ibrahim was involved in arms dealing, in
5 diamond dealing and all sorts of commercial activities, wasn't
6 he?

7 A. I did not say that here.

8 PRESIDING JUDGE: You are being asked if that is correct,
9 Mr Witness?

10:19:40 10 THE WITNESS: I know that General Ibrahim was involved in
11 arms deal - in arms deal directly, but I don't know about
12 diamonds.

13 MR MUNYARD:

10:20:01 14 Q. Right. Well, let's limit ourselves to arms deals. Where
15 was he buying arms, or where was he dealing in arms from?

16 A. General Ibrahim, I don't know whether he was buying. He
17 was a liaison. He used to go to Burkina Faso and Libya; he used
18 to go to Liberia for him to coordinate the RUF activities for the
19 RUF to get materials.

10:20:36 20 Q. Did he ever go to the Ukraine, that you are aware of?

21 A. No, I don't know about that.

22 Q. Are you aware of any dealings he had with Ukrainian arms?

23 A. No.

10:21:01 24 Q. Thank you. Now I would like you, please, to be shown
25 exhibit D-15. Can we have that on the screen, please. Could we
26 have exhibit D-9 on the screen, please, and Mr Court Usher, if
27 you could just give us the --

28 PRESIDING JUDGE: You said D-15 earlier, Mr Munyard.

29 MR MUNYARD: I meant D-15. The right exhibit is on the

1 screen. It was me from yesterday where I meant D-9 and produced
2 the different one. This is the correct exhibit, thank you. All
3 I want you to do is show the top part of the letter.

4 JUDGE SEBUTINDE: For the record it is D-15, yes?

10:23:04 5 MR MUNYARD: Yes, it is. Can I confirm that with Madam
6 Court Officer?

7 MS IRURA: That is correct, your Honour.

8 MR MUNYARD: Thank you very much:

9 Q. Now, this is a letter headed Revolutionary United Front of
10:23:19 10 Sierra Leone (RUF/SL), dated 26 June 1996 from Corporal Foday S
11 Sankoh, the leader of RUF/SL to brother Mohamed Talibi, Libyan
12 Arab People's Jamahiriyya, Accra, Ghana, follow up request.

13 "I want to thank you and other brothers back home again
14 very much for the half million United States dollars which I
10:23:49 15 received through you for the purchase of needed material to
16 pursue the military mission."

17 Now were you aware, Mr Fornie, that the Libyans had already
18 supplied the RUF with half a million United States dollars to buy
19 materials to peruse the military mission by June of 1996? Were
10:24:19 20 you aware of that?

21 A. No.

22 Q. Are you saying you had absolutely no idea at all, despite
23 being Foday Sankoh's radio operator, that he had received such a
24 large amount of money to buy military materials?

10:24:47 25 A. In fact, according to this letter's date, June 1996, it's
26 like Foday Sankoh was already in Abidjan really according to the
27 note and I was not with him in Abidjan and they communicated
28 through letter. It was not through radio. You can see it. So
29 how would you expect me to know?

1 Q. Mr Fornié, the first point is I was asking you if you were
2 aware that by June of 1996 the RUF had already at some
3 unspecified previous date received half a million dollars for the
4 purchase of materials for the military mission from the Libyans
10:25:35 5 and your answer is no. Secondly, I didn't say that they made the
6 request via radio. I asked you earlier if you were aware of any
7 radio traffic within the RUF about their seeking financial
8 assistance from Libya and I am summarising now what I put. So
9 please concentrate on the questions. Now, the letter goes on:

10:26:00 10 "However, I wish to let you all be informed that my
11 business partners for these materials are here with me and we
12 have had extensive discussions on this subject."

13 Now, was General Ibrahim at Abidjan with Foday Sankoh?

14 A. General Ibrahim used to meet Foday Sankoh in Abidjan. He
10:26:42 15 used to meet him there.

16 Q. Right. And General Ibrahim was one of Foday Sankoh's
17 business partners for the purchase of military materials, wasn't
18 he?

19 A. I told you I don't know if he used to buy, but I told you
10:27:12 20 that he used to coordinate. I don't know if he bought them. I
21 know that he coordinated. That's what I know about and I have
22 told you here.

23 Q. Thank you.

24 "Attached to this letter you will find a list of materials"
10:27:26 25 - and then in brackets just so that nobody could be in any doubt
26 - "(Arms and ammunitions) and their costs for your serious and
27 urgent attention. I now need one and a half million United
28 States dollars in order to purchase twice the listed materials
29 for effective and smooth operations.

1 My representative, Captain Philip S Palmer, will elaborate
2 on this all important and urgent mission as he is expected to
3 travel along with my business partners somewhere for these
4 materials if, and only if, the above mentioned amount is
10:28:04 5 available."

6 Now, by the middle of 1996 the RUF were desperate for arms
7 and ammunition or for the money to pay for them, weren't they?

8 A. Yes, we were desperate.

9 Q. And Captain Philip Palmer was one of those in the RUF whose
10:28:32 10 responsibility was to go out and find either arms and ammunition
11 or the money to pay for them. Is that right?

12 A. I did not know about that at that time because I knew that
13 Philip Palmer went to Abidjan for peace talks and I never went to
14 Abidjan. This was no radio communication. Maybe if it was a
10:29:03 15 radio communication I would have known that, but I am now aware
16 except now that this letter is stating this.

17 Q. You say you did not know that at that time. Are you saying
18 that you have since discovered that Captain Philip Palmer, a very
19 senior member of the RUF, was one of those charged with finding
10:29:20 20 either arms and ammunition or the money to buy them? Have you
21 found that out since June of 1996?

22 A. No, I never found that out. I didn't know about it.

23 Q. Who did you think Captain Philip Palmer was?

24 A. Captain Philip Palmer was a senior RUF man and he was part
10:29:48 25 of the RUF delegation that went to Abidjan for peace talks. It
26 was there, yeah. That's what I knew about Philip Palmer's duty
27 in Abidjan at that time.

28 Q. You haven't told us what his duties were. You've said he
29 went to Abidjan for the peace talks. What was his role in the

1 RUF before he arrived in Abidjan?

2 A. In the RUF his role was - I knew him to be a vanguard. He
3 was one of the senior vanguards. One of the senior vanguards in
4 the RUF. That's all I knew Philip Palmer for.

10:30:33 5 Q. Well, did you ever meet him prior to him going to Abidjan
6 to the peace talks?

7 A. I had met him previously in Sandeyalu and even in other
8 places.

9 Q. He was someone who had his eye on the leadership of the
10:30:55 10 RUF, wasn't he?

11 A. I heard about that. Yes, I heard about that. Yes, I heard
12 about that.

13 Q. But actually from the day that Foday Sankoh left for
14 Abidjan until around April of 1999, so that's three years, he was
10:31:29 15 never the leader on the ground in Sierra Leone, was he, Foday
16 Sankoh, for those three years from Abidjan to Lome?

17 A. Whom are you referring to?

18 Q. From the time that Foday Sankoh left Sierra Leone for
19 Abidjan until he is flown to Lome for the peace talks, Foday
10:31:58 20 Sankoh was never again the leader on the ground in Sierra Leone,
21 was he, during a three year period?

22 A. Well, when he was in Abidjan he was still the leader, but
23 there was command on the ground. He still remained to be the
24 leader.

10:32:22 25 Q. I am not suggesting that he wasn't the leader in name, but
26 in practice on the ground there was a whole group of other
27 individuals who were leading the RUF revolution on the ground in
28 Sierra Leone, correct?

29 A. Until the time they arrested RUF, Foday Sankoh was the

1 leader in principle and in practice.

2 Q. Right, I hear your answer. Let's carry on:

3 "These materials will be given to me at discount rates and"
4 - something - "the requested amount plus the one already at hand
10:33:11 5 will cover in addition all transportation costs for airlifting
6 these materials."

7 Now, who was it that Foday Sankoh was getting his materials
8 from at discount rates, or don't you know?

9 A. I don't have any knowledge about the content of this
10:33:33 10 letter.

11 Q. Right, the next page, please. Thank you:

12 "The airlifting of these materials to our controlled
13 territory will be done before any payment for this mission is
14 done by me. This is why I am urgently appealing to you and the
10:33:56 15 other brothers back home for your usual cooperation in providing
16 this time the one and a half million United States dollars to be
17 at hand with me so that my business partners and my
18 representative can proceed for these materials very quickly for
19 fast and smooth operation. Kind regards."

10:34:22 20 And it is signed, "Corporal Foday Sankoh, leader RUF/SL".
21 Now, where were materials, and we know he means arms and
22 ammunition, airlifted into RUF controlled territory at any time?
23 Let me just make it clear what the question is I'm asking. I'm
24 asking where were arms and ammunition airlifted at any time into
10:34:53 25 RUF controlled territory?

26 A. During that time I was never aware of any airlifting of
27 materials into RUF territory. During that time I never knew
28 about that.

29 Q. Right. I asked you at any time and let's just deal with

1 the time that you are talking about first of all. You say, "At
2 that time I wasn't aware of any materials". Are you talking
3 about June 1996 when the letter is written?

10:35:44 4 A. And that apart, I was not aware of any airlift of materials
5 throughout in the RUF and I do not recall that - I do not recall
6 any time that we received materials by airlifting. I do not know
7 about that.

8 Q. Well, in October 1997 where were you?

10:36:18 9 A. Around October 1997 I was around Tongo. Around Tongo at
10 that time, that time you are talking about. Around that time I
11 was around Tongo. That was in 1997.

12 Q. And when you were around Tongo do you mean you were working
13 for the RUF or working for yourself?

10:36:40 14 A. I was working for the RUF and at the same time working for
15 myself.

16 Q. We will come back to that in due course. Now just before
17 we leave this question of arms and ammunition and General Ibrahim
18 Bah, are you aware of a trip to Burkina Faso by members of the
19 RUF to request arms and ammunition - that was a trip that was
10:37:10 20 arranged with the assistance of Ibrahim Bah?

21 A. When was that?

22 Q. At any time.

23 A. I know about a trip to Burkina Faso, but I know about a
24 trip to Burkina Faso.

10:37:37 25 Q. All I want to know about it, at the moment, is were you
26 aware that that trip was organised with the assistance of General
27 Ibrahim Bah - with the help of Ibrahim Bah acting as a sort of
28 middle man or liaison, I think you would put it?

29 A. The one trip that I know about to Burkina Faso was the one

1 that Sam Bockarie and others did, and it was Mr Taylor who did
2 the effective arrangement for that. That is what I know about.

3 Q. Mr Fornie, I am asking you about the role of Ibrahim Bah in
4 a trip by Sam Bockarie and others to Burkina Faso to get arms.

10:38:37 5 Were you aware that Ibrahim Bah was there waiting for them in
6 Burkina Faso when they went to get arms from the Burkina
7 government?

8 A. Well, I do not know whether or not he was waiting for them
9 there. I did not know.

10:39:01 10 Q. Did Sam Bockarie never tell you that when he went to
11 Burkina Faso, Ibrahim Bah - General Ibrahim - was there to
12 receive the delegation and took them to meet the army chief of
13 staff and the President?

14 A. No, he did not tell me whether or not Ibrahim Bah was
10:39:22 15 waiting for them.

16 Q. All right. We will come back to that particular trip.
17 Now, that is 1996. We have Foday Sankoh out of the country. We
18 have the attack by the government and Kamajors on Camp Zogoda and
19 we have you then in the custody of the Kamajors and in March of
10:39:53 20 1997 Foday Sankoh was arrested in Nigeria. Now, when did you
21 hear about the arrest of Foday Sankoh in Nigeria?

22 A. I was in Gorahun Tonkia.

23 Q. And by that do you mean that you were being held by the
24 Kamajors in Gorahun Tonkia?

10:40:20 25 A. Yes.

26 Q. So did you have access to radio, or how did you find out
27 about Foday Sankoh's arrest and how long after his arrest did you
28 hear about it?

29 A. One particular evening I was sitting close to the

1 Lieutenant who was in charge, Lieutenant Jusu. In fact he called
2 me to his house and he told me, he said, "Oh, Daf, come and
3 listen to the headlines". By then the world news had just gone
4 by. He said "They have arrested Foday Sankoh" and he asked me to
10:41:02 5 listen to it and I listened to it through his own radio because
6 by then I did not have a radio on my own.

7 Q. Thank you. So you heard about it when it happened and did
8 you hear what Philip Palmer and others did in response to Foday
9 Sankoh's arrest?

10:41:25 10 A. Yes, I heard it.

11 Q. What did they do?

12 A. Well, I heard about something that they did, that they
13 wanted to oust the RUF leader. That they attempted - Philip
14 Palmer and others attempted to oust the RUF leader.

10:41:50 15 Q. And who was going to be leader in his place if they had
16 succeeded?

17 A. I was not with them because I was in Gorahun Tonkia and I
18 was - I did not have the opportunity to follow up full-time
19 regarding everything that was going on.

10:42:08 20 Q. Right. But that was the beginning of a number of power
21 struggles for control of the RUF once Foday Sankoh was
22 effectively neutralised by being abroad and under arrest, wasn't
23 it?

24 A. Please repeat that.

10:42:38 25 Q. That was the beginning of a number of power struggles for
26 control of the RUF once Foday Sankoh was effectively neutralised
27 by being abroad and being under arrest. Do you agree?

28 A. Yes. After his arrest there was power struggle of course.

29 Q. And the RUF was effectively split up - splintered - into a

1 number of different power centres based around these camps in the
2 jungle that you were telling us about yesterday. Do you agree?

3 A. I have no knowledge on that. I have no idea about that.

10:43:32

4 Q. Well, who became the acting leader once Philip Palmer's
5 attempted coup was crushed by him being put in a dungeon?

6 A. In fact that title that you are referring to, acting
7 leader, I want to say during that time I never heard about an
8 acting leader, and the time you are talking about putting Philip
9 Palmer into the dungeon or whatsoever, I do not have any

10:44:03

10 knowledge about that.

11 Q. Don't worry about the title acting leader. In practice who
12 was the acting leader, whether they had that title or not? Who
13 was acting as leader on the ground in Sierra Leone after Foday
14 Sankoh's arrest in Nigeria and Philip Palmer's attempted coup

10:44:26

15 failing?

16 A. The time we joined the RUF was the time I knew that it was
17 Sam Bockarie who was in charge of the RUF on the ground.

18 Q. And he was not universally respected by RUF commanders and
19 members, was he?

10:44:58

20 A. At the time that happened, I was no longer in the RUF. It
21 was lately that I rejoined, so I did not know the kind of things
22 that obtained on the ground at that particular time so I wouldn't
23 say anything about that.

24 Q. I am only going to ask you about a time when you are back
25 with the RUF and that is shortly after the AFRC coup in May of
26 1997, correct?

10:45:21

27 A. Sometime around May or early June, but it was after the
28 AFRC coup that I rejoined the RUF.

29 Q. Right. Sam Bockarie is in practice the leader and there

1 were people within the high command of the RUF who did not
2 respect him, weren't there?

3 A. Well, yes.

4 Q. Thank you. And there were members - ordinary members - of
10:46:08 5 the RUF who did not respect him also, do you agree?

6 A. When you talk about ordinary members, I have not been able
7 to understand what you mean by saying ordinary members of the
8 RUF.

9 Q. I will explain. I mean not necessarily the high command,
10:46:28 10 but combat troops of the RUF. Sam Bockarie was not as respected
11 by them as Foday Sankoh had been, do you agree?

12 A. To the best of my knowledge the fighters respected
13 Sam Bockarie.

14 Q. But I am not going over the same ground as yesterday, but
10:46:56 15 it was clearly established that there was a long-running feud
16 between one senior RUF commander, Superman, Denis Mingo, and
17 Sam Bockarie dating back at least to 1994. You told us about
18 that yesterday?

19 A. I did not tell you about that. I told you I did not know,
10:47:21 20 but you brought a document that had that specified inside there
21 but I told you that I did not know about that and in fact the
22 time duration that was specified in that paper I did not know
23 about it. I did not tell you about it. It was you who put it to
24 me and I denied knowing about it.

10:47:39 25 Q. Mr Fornie, I will be corrected if I put anything
26 inaccurately to you, but as I recall you agreed there had been
27 some bad blood between the two of them relating to the killing of
28 a bodyguard around the time of Mohamed Tarawali. Did you accept
29 that you knew that?

1 A. I told you that I did not know because I was not present at
2 the scene. It was when I returned that I heard about it, so I
3 wouldn't tell you anything about that because I told you I was
4 not there. I did not know anything about the incident. I told
10:48:23 5 you that.

6 Q. I am not suggesting that you knew anything about it. All I
7 wanted to establish was what you just said, "When I returned I
8 heard about it", and indeed we have not only had that document
9 but we have had evidence in this Court from another witness -
10:48:40 10 another Prosecution witness - who said that the incident - sorry,
11 that the bad blood between the two of them went back to 1994
12 around the time of the creation of the battalion system in the
13 RUF. For the benefit of your Honours and my learned friends
14 opposite, I am speaking of the evidence of TF1-375 on 23 June
10:49:08 15 this year to 25 June this year, and also in August, 22 August to
16 28 August.

17 We also looked yesterday in some detail at the rivalries
18 between RUF command and the SLA command who formed jointly the
19 junta and I am not going to revisit that area of evidence again,
10:49:47 20 but one person we haven't mentioned is General Bropleh. Now, who
21 was General Bropleh?

22 A. General Bropleh was a member of the Sierra Leone armed
23 forces.

24 Q. Was he?

10:50:09 25 A. To the best of my knowledge.

26 Q. And how long had General Bropleh been a member of the
27 Sierra Leone armed forces?

28 A. Well, at the time we were in the jungle, that was the time
29 I heard about General Bropleh. That was when he and Gullit and

1 others were coordinating with one another, but I did not see him
2 in person. I only knew that he was part of the Sierra Leone Army
3 and that he was in the Sierra Leone Army. That was all I knew
4 about him.

10:50:41 5 Q. Well, before the AFRC coup, when the RUF were fighting the
6 Sierra Leone Army, in the early to mid-1990s, had you ever heard
7 of General Bropl eh then?

8 A. I do not recall.

9 Q. What unit was he in charge of in the Sierra Leone Army, as
10:51:11 10 far as you knew?

11 A. I do not recall.

12 Q. Had he ever been a soldier in Liberia, as far as you were
13 aware?

14 A. Who are you referring to?

10:51:28 15 Q. General David Livingstone Bropl eh?

16 A. I do not know about that.

17 Q. Have you ever heard of the Special Task Force?

18 A. Where?

19 Q. Anywhere?

10:51:47 20 A. Yes, I heard about different Special Task Force.

21 Q. You mean a number of different Special Task Forces?

22 A. Yes.

23 Q. In what countries?

24 A. I knew about a Special Task Force in the NPFL, I knew about
10:52:10 25 a Special Task Force in the RUF/SL and I used to hear about some
26 other Special Task Forces within the Sierra Leone Army.

27 Q. Well, after the NPRC coup in April of 1992 were you aware
28 that Captain Valentine Strasser, then head of government in
29 Sierra Leone, brought in a unit of fighters, ex-ULIMO fighters,

1 from Liberia to help in his war against you, the RUF? Were you
2 ever made aware of that in all the time you were radio operator
3 for Foday Sankoh in the mid-1990s?

10:53:04 4 A. Well, that was not the only time that I knew about that. I
5 had established here that since 1991 ULIMO was fighting alongside
6 the Sierra Leone Army. That I had established here since 1991.
7 So I do not know if you are referring to something new. I
8 thought it was a continuation, so I don't know whether it is a
9 new thing.

10:53:30 10 Q. This is not ULIMO. This is a unit known as and called the
11 Special Task Force. Effectively mercenaries brought in by
12 Captain Strasser from Liberia as a unit to fight you, the RUF.
13 You're saying you have never heard of that unit?

14 A. I do not know about the time frame that you are referring
10:53:57 15 to about that unit.

16 Q. Very well. Certainly by February of 1998, by the time of
17 the intervention, you were with Sam Bockarie. Were you aware by
18 then, February of 1998, that the RUF had obtained some arms in an
19 airdrop at Magburaka a few months previously?

10:54:48 20 A. At the time that airdrop - please repeat that time. Repeat
21 that time.

22 Q. By February 1998 had you become aware that at just a few
23 months previously the RUF had obtained some arms in an airdrop at
24 Magburaka?

10:55:10 25 A. February 1998?

26 Q. I will stop you there so that you don't misunderstand my
27 question. I am asking you by the time of the intervention, which
28 we know was February 1998, had you become aware that the RUF had
29 received arms and ammunition by means of an airdrop or airlift

1 into an airstrip at Magburaka a few months before?

2 A. I got that information --

3 THE INTERPRETER: Your Honours, could the witness be asked
4 to repeat the last bit of his answer and then do it slowly.

10:55:58 5 PRESIDING JUDGE: Mr Witness, the interpreter has not heard
6 you clearly. Please repeat the last part of your answer, picking
7 up from where you said, "I got that information" and you said,
8 "On the grapevine". Continue from there and please speak slowly.

9 THE WITNESS: I got the information through rumour and the
10:56:27 10 time I got that information, the time the actual ammunition came
11 I did not know about it, but whilst I was in Tongo at a point in
12 time I heard that an airdrop of ammunition went to the Magburaka
13 area and that was not 1998, February.

14 MR MUNYARD:

10:56:50 15 Q. Mr Witness, I was at some pains to point out to you I
16 wasn't asking you about an airdrop in February 1998. I asked you
17 to listen to the question. By February 1998 had you become aware
18 of an airdrop of arms and ammunition some months earlier? Now
19 please listen to the question. You said that you heard about it
10:57:27 20 by rumour and that you got to know about it whilst you were in
21 Tongo. So you heard about it in 1997, did you?

22 A. It was in 1997 that I heard about an airdrop of ammunition.
23 That is what I am saying.

24 Q. Was it just ammunition?

10:57:47 25 A. I do not know the details about it.

26 Q. Well, did you ever learn any of the details about it at any
27 later time?

28 A. No, I never made any follow up.

29 Q. Well, did anyone ever tell you that in the course of that

1 airdrop the materials included some modern handheld missiles?

2 Did anyone ever tell you that?

3 A. I said no, because whilst I was in Tongo I was actually
4 operating on the radio and I think we are still getting it from
10:58:28 5 me. Most of the things that went on in Freetown, I did not make
6 follow ups about them. I concentrated on my mining, because in
7 Tongo I was doing both official and private business.

8 Q. Well, we are going to come to that. Were you in contact
9 with Mike Lamin during that time when you were in Tongo doing
10:58:54 10 your official and private business?

11 A. I was - it happened sometimes. I used to talk to him
12 sometimes, but I did not have direct contact with him anyway. I
13 used to ask for him on the radio, but I did not have direct
14 contact with Mike Lamin.

10:59:28 15 Q. I don't understand that. "I used to talk to him sometimes,
16 but I didn't have direct contact with him". How do you talk to
17 somebody indirectly?

18 A. Wrong. You misunderstood me. I said I used to ask about
19 him. I used to ask about him, but I did not talk to him. I
10:59:50 20 never spoke to him. That was what I said. I do not recall
21 speaking to him. I said I used to ask for him and I never used
22 to see him.

23 Q. Well, I was just going by the first part of your previous
24 answer, but I will accept that.

11:00:05 25 MR SANTORA: Just to note, because I was paying attention,
26 the witness clearly said - I listened to the Krio and he said
27 "asked" for him in that response. He did not say "talk" and I
28 don't know why --

29 JUDGE LUSSICK: Yes, he did. If you look at the question

1 again, Mr Santora, the beginning of his answer was, "I was - it
2 happened sometimes. I used to talk to him sometimes".

3 MR SANTORA: What I am saying in Krio he said "ask" and it
4 was translated as "talk". I clearly heard him say in Krio "ask"
11:00:36 5 and it came out on the translation incorrectly. That's what I
6 was saying.

7 MR MUNYARD: Unlike Mr Santora I am not in a position to
8 give evidence and so I can't say what the witness said in Krio.
9 All I can go on is the transcript and I did accept that all I was
11:00:55 10 asking him about was the first part of his answer and I accepted
11 when he said, "I had asked for him" and I was actually moving on:

12 Q. And I am going to ask you a completely different question
13 now. Did you ever learn, Mr Fornie, that that airdrop at
14 Magburaka was paid for by diamonds - one or more diamonds?

11:01:30 15 A. No knowledge about that.

16 Q. No-one ever let you into that particular secret, is that
17 what you're saying?

18 A. Yes, I did not get any details about the shipment to
19 Magburaka that you are speaking about. I did not get any details
11:01:46 20 about that.

21 Q. But you heard about it in 1997 and were you ever told that
22 it was supposed to be followed up by a second airdrop?

23 A. I do not have any knowledge about that.

24 Q. Now we then move in time to the intervention and we have
11:02:07 25 looked to some extent at where everybody went after the
26 intervention and I am just going to produce a map for you and I
27 have got one for everybody else somewhere here. Yes. Your
28 Honours, I am not sure how many copies I have got, but I am going
29 to ensure that the Bench has four, that the witness has one and

1 that my learned friends have at least three. Yes, I can do that.
2 I think I have got plenty of copies.

3 Now I don't want to spend a long time on this, Mr Fornie.

4 I hope you can agree when we look at this map. Do you see it is
11:04:15 5 a map of Sierra Leone with the various districts, or some of the
6 districts named on it, and there is a line made of dotted circles
7 starting at Freetown and going over to Koidu. Do you see that?

8 A. Yes.

9 Q. Do you agree that that was, broadly speaking, the route of
11:04:41 10 the retreat of both SLA and RUF fighters from Freetown after the
11 intervention going across the middle of Sierra Leone slightly to
12 the north and ending up in Koidu - sorry, in Kono and Kailahun
13 Districts, broadly speaking? February through March of 1998, do
14 you agree?

11:05:19 15 A. Well, it might have been one of the routes definitely.

16 Q. Right. There is then a solid line going from Koidu to
17 Mansofinia and that I suggest is, broadly speaking, the route
18 that a number of predominantly SLA members of the former junta
19 took between April and May of 1998. They ended up in the
11:05:56 20 Koinadugu District and particularly around Mansofinia. Do you
21 agree with that?

22 A. Well, I wouldn't agree with that or disagree with that,
23 because I did not know the right route that they used, but it
24 could be one of the routes because there are so many routes.

11:06:16 25 Q. Well, did you not hear any radio traffic about that in
26 April and May of 1998 when you were based in Buedu coordinating -
27 sorry, monitoring all the radio traffic?

28 A. Well, I know that fighting forces or a part of a fighting
29 force was based around this Koinadugu District that were fighting

1 within the Koinadugu District.

2 Q. Right.

3 A. I knew about that.

4 Q. And how did you hear that?

11:06:57 5 A. It was around this same area where Gullit and others had
6 some harsh exchanges with Mosquito and even Superman, there was
7 the area there where he was when they had those harsh exchanges
8 with Mosquito, these are the areas, but I am not telling you that
9 this is the particular town that has been indicated on this map,
11:07:22 10 but they were operating within the entire Koinadugu District. Of
11 course I knew that they did not only base at a particular base,
12 but there were so many other bases around.

13 Q. And it is right, isn't it, that Superman created his own
14 jungle in 1998? That is right, isn't it?

11:07:53 15 A. Yes, yes, Superman could create his own jungle in 1998
16 because he went and joined Gullit and others around that area.

17 Q. It is also right, isn't it, that people like Savage and
18 Staff Alhaji went on personal rampages of one sort or another
19 during 1998?

11:08:30 20 A. I do not recall.

21 Q. Well, try a little harder. Have you ever heard of Savage's
22 activity in Tombodu? I hope I am pronouncing it correctly?

23 A. Well, one thing I want to say here is that the activities
24 were wide. It was a very wide activity that went on, so you
11:08:53 25 wouldn't expect me to know about everything. And even if I will
26 have heard about everything I would not recall everything at the
27 same time.

28 PRESIDING JUDGE: Mr Witness, you were asked a specific
29 question. The specific question was: Have you heard of Savage's

1 activities in Tombodu? Answer that question.

2 THE WITNESS: I said no knowledge on that.

3 MR MUNYARD:

4 Q. Not a single shred of radio communication about any of
11:09:25 5 that. Is that what you are saying? You didn't pick up a single
6 shred of radio communication about Savage's activities?

7 A. I said I do not recall.

8 Q. Do you know how he came to have that nickname?

9 A. [No interpretation].

11:09:47 10 Q. Sorry, I don't speak Krio. I don't know what that answer
11 was,

12 PRESIDING JUDGE: Mr Interpreter, what did the witness say,
13 please?

14 THE WITNESS: Who?

11:09:57 15 PRESIDING JUDGE: Who are you referring to, Mr Munyard?

16 MR MUNYARD:

17 Q. Well, I asked you - you didn't pick up a single shred of
18 radio communication about Savage's activities and my next
19 question was: Do you know how he came to have that nickname?
11:10:15 20 Are you saying you don't appreciate I am still asking you about
21 Savage?

22 A. Well, I do not know how Savage managed to get that
23 nickname. I do not recall.

24 Q. Right. Now, was it harsh words that were exchanged between
11:10:44 25 Gullit and others with Mosquito and even Superman? Was it harsh
26 words or was it abuse?

27 A. Well, they had serious exchanges - harsh exchanges - to the
28 extent that they used invectives against each other on the radio.
29 And it was a live discussion between them.

1 Q. Now, I don't want to go into the same ground that we went
2 into yesterday, but one matter I didn't ask you about yesterday
3 is this: Superman at one point because of his dispute - sorry,
4 Sam Bockarie at one point because of his dispute with Superman
11:11:39 5 gave an order that no-one should communicate further with
6 Superman on pain of death. That is right, isn't it?

7 A. Yes.

8 Q. Things had got so bad between those two that the acting
9 leader was threatening to kill anyone who made contact with
11:11:59 10 Superman, yes?

11 A. Yes.

12 Q. And in the meantime, in addition to that infighting within
13 the RUF, there was infighting between the SLAs in the form of
14 Gullit and others as you have just told us, and RUF, correct?

11:12:21 15 A. Do you mean between Gullit and who?

16 Q. You said there was harsh words between Gullit and others
17 and Mosquito and even Superman. I am simply summarising that
18 there wasn't only infighting within the RUF, there was infighting
19 as between the SLAs and the RUF, yes?

11:12:45 20 A. Yes.

21 Q. And although I don't want to break the chronological order,
22 but just to fast forward for a moment, in March of 1999 Superman
23 even killed RUF Rambo. That is right, isn't it?

24 A. I do not recall the month, but Superman killed RUF Rambo.
11:13:19 25 He was killed by Superman. I wouldn't answer yes to the date,
26 but okay.

27 Q. I am not seeking to pin you down on a date. I just want to
28 establish the depth of enmity within the RUF and also the depth
29 of hostility between the two different groups, RUF and AFRC or

1 SLA. Now, I would like you, please, to turn to tab 1 in the
2 bundle. Madam President, can we mark for identification the map
3 that I produced?

4 PRESIDING JUDGE: Yes.

11:14:15 5 MR MUNYARD: Thank you.

6 PRESIDING JUDGE: That is a one page document headed "Annex
7 C: Map of Sierra Leone" and it becomes MFI - I think it is 10,
8 is that correct?

9 MR MUNYARD: That seems right.

11:14:32 10 MS IRURA: That is correct, your Honour, MFI-10.

11 MR MUNYARD:

12 Q. Now, I am going to ask you to look at a number of points
13 illustrating some of the evidence that you gave yesterday and can
14 we look first, please, at tab 2, which is notes of an interview
11:15:49 15 with you conducted on 4 and 5 May 2006. Do you have that on the
16 screen? It should be - well, it is rather confusing because at
17 the top of it it says date May 11th, but that is the date the
18 report was sent. Below that you will see that the interview took
19 place on 4 and 5 May 2006. I would like you, please, to turn to
11:16:39 20 the last page.

21 PRESIDING JUDGE: Is that a handwritten page, Mr Munyard?

22 MR MUNYARD: No, I am so sorry. I am working at the moment
23 on the typed version. I am sorry, Mr Court Attendant. It is the
24 last page of the typed version and there are numbered paragraphs
11:17:10 25 in this particular interview - set of interview notes and I want
26 to look at paragraph 19:

27 Q. Now, in paragraph - do you have it there? Thank you.

28 Mr Fornie, this particular page is dealing with a period of time
29 in late 1998. I think that is probably the most accurate way of

1 summarising it. Paragraph 19 starts off:

2 "Before the execution of the Kono/Tongo attacks, Bockarie
3 convened a meeting of all front line commanders who would be
4 involved in the attack."

11:18:09 5 There are mentioned Morris Kallon, Issa, Colonel Isaac,
6 Peter Vandi, Mohamed Lukulay, Momoh Rogers and others. Now, are
7 they all RUF commanders?

8 A. The ones that I made mention of here, the ones I made
9 mention of here are RUF, but there were other commanders. That
11:18:42 10 was why I said "and others".

11 Q. Yes, I am simply concentrating on the ones you chose to
12 mention. It goes on in that paragraph to then deal with arms and
13 ammo coming from Liberia, and then I would like you to look at
14 the last sentence: "There was also communications between the
11:19:03 15 RUF and the AFRC through SAJ Musa" but according to you you were
16 not aware of any coordination between the two factions.

17 That is right, isn't it? There was - there might have been
18 communication between the two factions, but there was certainly
19 no coordination of activity between you and the SLAs. That is
11:19:34 20 right, isn't it?

21 A. Well, it was SAJ Musa's group that I was referring to,
22 because there was communication with them but there was no
23 coordination.

24 Q. Mr Fornie, I think you have just agreed with that. What is
11:19:54 25 written there is "There was also communications between the RUF
26 and the AFRC through SAJ Musa". You don't tell the investigator
27 there there was communication between the RUF and SAJ Musa's
28 group of AFRC, do you?

29 A. Well, this is a mistake when I said through SAJ Musa. It

1 is a mistake. This is a mistake on this paper.

2 Q. I see.

3 A. It is a mistake on this paper.

4 Q. All right. Well, that was May 4th and 5th of 2006. If you
11:20:35 5 turn then to tab 4, in the November of that year you were seen by
6 Mr Kolot, whose name we saw yesterday - Chuck Kolot, who types
7 his notes directly into his laptop - for a clarification
8 interview and by that it means clarifying what you had been
9 saying in the May interview that we have just looked at. On 7
11:21:11 10 November 2006 it reads as follows:

11 "Notes by KR Kolot of clarification interview of Dauda
12 Aruna Fornie at 0850 hours, 2006 November 7th at OTP building",
13 that is the Prosecution building, "Number 2 interview room
14 regarding the questions raised by Brenda Hollis review of the
11:21:42 15 2006 May 4th and 5th interviews". So you are being asked here by
16 Mr Kolot questions raised by Ms Hollis when reviewing the
17 previous interview notes. If we turn to the last page of this -
18 this is only typed so, yes, we don't have any handwritten notes
19 for this because there weren't any, clearly. Now, on this last
11:22:23 20 page - unfortunately these pages aren't, these paragraphs aren't
21 numbered, but I want you to start halfway down the block of
22 writing on that page where it says "Witness often travelled with
23 Sam Bockarie in 1998 and 1999 to Monrovia." Do you see that?

24 A. I have seen that.

11:22:48 25 Q. Thank you. And then you refer to a meeting between Eddie
26 Kanneh, Sam Bockarie and - sorry?

27 A. That is the second to the last paragraph, confirm? Confirm
28 the paragraph once again. Is it the second to the last?

29 Q. Well, there aren't actually paragraphs here, it is just

1 bullet points. "The witness travelled often with Sam Bockarie"
2 and it begins one line above, the second to last bullet point, if
3 you can call it that. I am just trying to set the time context
4 so that we understand what you mean by the passage I really want
11:23:34 5 to ask you about. You mention after that a meeting or not a
6 meeting, just a chance happening together of people, and then you
7 say - and this is the last bullet point - "The time period that
8 the witness is referring to where there was no longer any
9 coordination between the AFRC and RUF, although there was
11:23:58 10 communication, would have started about three months after the
11 AFRC/RUF were flushed out of Freetown by ECOMOG. The AFRC and
12 RUF were never operating as one body after that."

13 Now, you didn't at that stage say to Mr Kolot "Oh, hang on,
14 I wasn't talking about the AFRC, I was just talking about SAJ
11:24:31 15 Musa's bit of the remnants of the AFRC", did you?

16 A. Well, it is a very long explanation. I did not get
17 everything about it clearly. You have given me a very long
18 explanation.

19 Q. Well, let me try and give you a short explanation.

11:24:54 20 A. Uh-huh.

21 Q. You have said to us, when we looked at the last sentence -
22 sorry, yes, the last sentence of paragraph 19 of tab 2, that
23 where the interviewer has recorded there was also communications
24 between the RUF and AFRC through SAJ Musa, what you actually said
11:25:22 25 was the RUF and SAJ Musa's group, but in fact you were given
26 another opportunity to explain what you meant by that just six
27 months later in November 2006, at the prompting of Ms Hollis, who
28 raised questions through Mr Kolot for you to answer, and although
29 we don't see the question, you clearly had an opportunity to

1 reconsider what you had said in paragraph 19 of tab 2, hadn't
2 you?

3 A. Yes, they gave me the opportunity.

11:26:10

4 Q. And you didn't say in November 2006, "No, I didn't mean the
5 AFRC. I just meant SAJ Musa's little bit of it", do you?

6 A. What I stated I think is clearly stated here; it should be
7 in the last paragraph. It is very clear what I said here, that I
8 repeated the same thing, that there was coordination between the
9 AFRC and the RUF, although communication - although there was
10 communication but there wasn't coordination. I said although
11 there was communication but there wasn't coordination.

11:26:45

12 Q. And if you just look at the bottom of the page here, after
13 the text ends it says, "(Concluded 1420 hours)" so you were with
14 Mr Kolot from 8.50 in the morning until 20 past 2 in the
15 afternoon, looking again over the interviews of May, it says
16 "Reviewed by KRK", that is Mr Kolot, "with the witness, on 2006
17 November 8th", in other words the day after he conducted this
18 interview with you he gave you a chance to go over it and review
19 that he had recorded accurately what was in there, didn't he?

11:27:23

20 A. I went over it.

21 Q. Tab 27, please. Can I squeeze in one last point?

22 PRESIDING JUDGE: Yes.

23 MR MUNYARD: Yes, I think I can:

11:28:26

24 Q. Tab 27, which is put in at the end of the bundle, is put in
25 there because we simply don't have a date for it. No, have I got
26 this wrong? It is something called a proffer --

27 PRESIDING JUDGE: What I have at tab 27, Mr Munyard, is
28 just about a line-and-a-half.

29 MR MUNYARD: Right. It may be - I prepared my bundle

1 before we got another proofing note from the Prosecution and so I
2 will go to the --

3 PRESIDING JUDGE: The one that was called proffer before is
4 28.

11:29:04 5 MR MUNYARD: Yes, it is the undated proffer 28, sorry.

6 PRESIDING JUDGE: I have been advised we have only one
7 minute of tape left.

8 MR MUNYARD:

9 Q. Paragraph 28, page 5 of that, do you see that, Mr Fornie?

11:29:28 10 Paragraph 28 reads, "Prior to the Freetown invasion, there was
11 communications between the AFRC and the RUF but no coordination"?

12 A. Yes.

13 Q. So --

14 PRESIDING JUDGE: I will have to stop you there,
11:29:43 15 Mr Munyard, as our time is up.

16 MR MUNYARD: Very well.

17 PRESIDING JUDGE: Mr Witness, it is now time for the
18 mid-morning break. The tape has run out. We will be adjourning
19 court for half an hour until 12 o'clock. Please adjourn court
11:29:56 20 until 12.

21 [Break taken at 11.30 a.m.]

22 [Upon resuming at 12.00 p.m.]

23 PRESIDING JUDGE: I note some change of appearance,
24 Mr Santora.

11:59:59 25 MR SANTORA: Yes, Madam President. Joining the Prosecution
26 on the Prosecution bench is Mr Alain Werner.

27 PRESIDING JUDGE: Mr Munyard, you too have a change of
28 appearance.

29 MR MUNYARD: Yes, we've had a subtraction rather than an

1 addition. Mr Griffiths is no longer with us.

2 PRESIDING JUDGE: Please proceed with your
3 cross-examination.

4 MR MUNYARD: Thank you:

12:00:24 5 Q. Tab 28, paragraph 28, the sentence we looked at just before
6 the break. Now, Mr Fornie, "Prior to the Freetown invasion there
7 was communication between the AFRC and the RUF but no
8 coordination", your phrase, isn't it?

9 A. Yes, but I can remember that I corrected it in one of my
12:01:00 10 interview notes when I established the fact that communication
11 was there after the death of SAJ Musa. I can remember that. In
12 one of my interview notes I think I had rectified that.

13 Q. Are you telling the learned judges that despite the fact
14 that this phrase appears in no less than three sets of notes of
12:01:27 15 your interviews that nevertheless it did not accurately reflect
16 what you were trying to say?

17 A. Yes.

18 Q. So how come you didn't correct it in November 2006 when, in
19 pursuing Ms Hollis's questions about that part of your interview
12:01:53 20 in May 2006, Mr Kolot took you through it and you came up with
21 the same wording?

22 A. Maybe I did not pick it up. I did not pick it up.

23 JUDGE SEBUTINDE: Mr Munyard, I don't know if both you and
24 the witness are not really saying the same thing. I've lost the
12:02:23 25 point of contention. There are two things; there's coordination
26 and communication. In the witness's immediate answer at page 55
27 he has not retracted from the fact that there wasn't coordination
28 after the - just before the Freetown invasion. His answer
29 related to communication. He has not retracted. Perhaps I've

1 just lost the issue.

2 MR MUNYARD: Yes, I think the issue, your Honour, is we
3 have to go back to when I first raised this with him and he said
4 he didn't mean the AFRC, he meant only SAJ Musa's group of the
12:03:10 5 AFRC. Can I clarify that with him and see if that is the issue
6 of contention? The contention of course is not between me and
7 him, it's between him and himself; his various different
8 accounts:

9 Q. Mr Fornie, we've looked at three different documents in
12:03:30 10 which you refer to there being no coordination between the AFRC
11 and the RUF, although there was communication. We've seen that
12 phrase in three different sets of interview notes. Are you
13 saying that when you corrected it you corrected it to mean no
14 coordination between the AFRC, SAJ Musa's faction only, and the
12:04:02 15 RUF? Is that what you're saying?

16 A. Well, I am saying that I had corrected it in one of the
17 interview notes supposedly. It is in one of the interview notes.
18 And I had said that there was direct coordination from the time
19 SAJ Musa died. From the time SAJ Musa died there was direct
12:04:30 20 coordination. But prior to that, when SAJ Musa was alive, his
21 authority - there was no coordination.

22 Q. Let's see what you want us to understand from that. That
23 Gullit and SAJ Musa and a group of AFRC, predominantly AFRC
24 combat troops, head for Freetown and there is no coordination
12:05:04 25 between that group and the RUF but in December, when SAJ Musa
26 dies at Benguema Barracks, suddenly the whole picture changes and
27 it's suddenly a coordinated AFRC/RUF operation. Is that what
28 you're trying to convey to us?

29 A. What I have said here just now is different from what you

1 are saying. I said I had established that from Benguema there
2 was coordination. From Benguema up to Freetown.

3 Q. And how did that coordination come about?

4 A. It was Gullit who contacted Mosquito and called for
12:05:57 5 reinforcement and Mosquito tried to send the reinforcement, but
6 Gullit and others did not wait. They went directly to Freetown
7 because they had seen that they had an opportunity of pursuing
8 the enemies. They did not wait for the reinforcement until they
9 got to Freetown. And when they were in Freetown he was still
12:06:27 10 calling for reinforcement, but they pressurised them from State
11 House before he and Rambo met. He and Rambo, before they met.

12 Q. Well, he and Rambo don't meet in Freetown.

13 A. No, it was not in Freetown he and Rambo met. The group
14 that Rambo went with, part of that group entered Freetown towards
12:06:53 15 the east. Part of that group entered, but Rambo himself was with
16 Gullit. He was with Gullit while they were planning to go ahead.
17 The very day, it was not long, the very day they were unable to
18 go further. The enemy pressurised them and flushed them
19 completely out of the city. This is what I'm saying.

12:07:16 20 Q. Mr Fornie, when you say "part of that group entered but
21 Rambo himself was with Gullit, he was with Gullit while they were
22 planning to go ahead", what do you mean by "they were planning to
23 go ahead"? Go ahead to where?

24 A. Into Freetown. I told you that the group - Rambo went to
12:07:40 25 join the groups for them to plan a proper coordinated attack to
26 re-attack Freetown. That was the purpose of the reinforcement.

27 Q. You see, that is the important word, re-attack Freetown.
28 You are agreeing with me, aren't you, that when Rambo and Gullit
29 meet they are not in Freetown?

1 A. Part of the group was in Freetown. I had established that.
2 Part of the group was in Freetown because Rambo - wrong. Let me
3 correct myself. Gullit told Mosquito for him to leave some men
4 in the city, when Mosquito said Gullit and others should
12:08:25 5 withdraw, that they should withdraw towards the peninsula somehow
6 to come and reorganise. So Gullit --

7 PRESIDING JUDGE: Mr Witness, please listen to the
8 question. The question is about Rambo and Gullit. Now you are
9 talking about part of a group. Answer the question about Rambo
12:08:42 10 and Gullit.

11 THE WITNESS: Rambo and Gullit met and Rambo's group
12 entered Freetown. That is what I'm saying.

13 MR MUNYARD:

14 Q. I'm going to stop you there. I am asking, and Madam
12:09:00 15 President has repeated what I am asking, where did Rambo and
16 Gullit meet? They did not meet in Freetown, did they?

17 A. Around the east end. Around the east end. The exact point
18 they met I cannot remember now. The name of the exact place
19 where they met, I cannot give the name of the exact place now.

12:09:29 20 Q. Would you turn, please, to tab 1 in the bundle. Tab 1
21 consists of a typed document which purports to be a typed version
22 of the handwritten document that follows the typed pages, and we
23 have to go to parts of the handwritten version to find out
24 certain information. Now, Mr Court Attendant, could you just
12:10:15 25 first of all briefly put the first page of the typed version on
26 the screen. Can I make it clear that there is a date in
27 handwriting at the top right-hand side of this, 31/07/03. As I
28 understand it that has been put on there by someone in the
29 Defence team. That date is accurate, but it didn't form part of

1 the document as transmitted to us. You will see that on the
2 typed page, where it says "witness identification" which refers
3 to the number, witness name, "Form of evidence", "ERN number" and
4 another reference, nothing has been filled in apart from your
12:11:19 5 name. And then it says below that "Text of witness statement".

6 If we turn then to the first page then of the handwritten
7 version, which is about seven or eight pages in, eight pages in,
8 and this is page, ERN number 3001, it gives your name, the date
9 of the interview 31 July 2003, the location of it, the Talking
12:11:58 10 Drum. Is that a premises in Freetown? Mr Fornie, is Talking
11 Drum somewhere in Freetown?

12 A. Yes, yes.

13 Q. Language during interview, English.

14 A. Yes.

12:12:16 15 Q. Did you have any difficulty during this first interview
16 back in 2003 in it being conducted in English?

17 A. The difficulty that I had was that I had fear in me about
18 the Court. I did not have any clear conscience about the Court.
19 I had fear when I was talking to them.

12:12:42 20 Q. Did you have any difficulty in understanding what you were
21 being asked in English? That's all I'm asking at the moment.

22 A. No, I did not have much difficulty with that.

23 Q. Thank you. The name of investigators is Virginia Chitanda
24 and Alfred Sesay. Do you remember being interviewed by those two
12:13:07 25 people?

26 A. Yes.

27 Q. And did you ever have to have any words or questions
28 translated into Krio during the course of that interview or not?

29 A. I can't remember.

1 Q. But Mr Sesay, is he someone that you met subsequently?

2 A. Yes.

3 Q. And Mr Sesay spoke Krio, didn't he?

4 A. Yes.

12:13:47 5 Q. If you had had any problems with the English you would have
6 been able to call on him to put the questions to you in Krio,
7 wouldn't you?

8 A. Yes.

9 Q. Right. Now that establishes from the handwritten version
12:14:05 10 when this took place and I want us to turn, please, to page 4 of
11 the typed version. I'm afraid these pages are not numbered.

12 PRESIDING JUDGE: Can we rely on the handwritten numbering
13 in the corner, is that what you're referring to, Mr Munyard?

14 MR MUNYARD: I didn't realise you had the handwritten
12:14:36 15 numbering, your Honour. In that case, yes:

16 Q. Now, I'm going to ask you - I'm sorry, there's one matter I
17 should have dealt with before we look at the typed version. I'm
18 asking for that to be looked at because it's simply easier to
19 read. The very last page, which is the last page of the

12:15:07 20 handwritten version, 3011 contains an affirmation that you have
21 read or had the statement read to you in the English language or
22 in a language that you understand and that you give the statement
23 voluntarily and that the statement - you understand the statement
24 may be used in legal proceedings before the Special Court for
12:15:35 25 Sierra Leone and you may be called to give evidence before the
26 Court.

27 "I understand that willfully and knowingly making false
28 statements in this statement could result in proceedings before
29 the Special Court for giving false testimony. I have not

1 willfully or knowingly made any false statements in this
2 statement. I understand the importance of speaking only the
3 truth and the information contained in this statement is true and
4 correct to the best of my knowledge and belief."

12:16:11 5 And have you signed that declaration on 31 July 2003?

6 A. Yes, I signed it.

7 Q. I'm not asking anyone to do this exercise, but the
8 witness's signature appears at the foot of every one of the
9 handwritten pages. I'm sure that will not be a matter of
10 dispute. Right, back to page 4 of the handwritten version. Do
11 you have that in front of you, Mr Fornie? There are three
12 paragraphs on this page.

13 A. Yes.

14 Q. And I'll start at the top:

12:17:14 15 "Bai Bureh ...", and it says "did", but it's a
16 mistranscription for led if one looks at the handwritten version,
17 "... led an ambush at the Sewafe Bridge. Rambo led the attack on
18 Koidu Town. The battle for Koidu lasted for two to three days.
19 When it was captured as far as Masingbi, Issa Sesay sent a
12:17:37 20 message that he had accomplished his mission. Mosquito
21 instructed him to proceed to Magburaka. He instructed Issa Sesay
22 to pass the message to Rambo to attack Magburaka. After
23 Magburaka fell there was no feedback. The next thing that was
24 heard was that they were fighting in Makeni. Makeni fell and
12:18:03 25 became the headquarters for the RUF."

26 Now did you tell the investigators all of that?

27 A. Yes, I told them.

28 Q. "During this time I saw communications between RUF
29 (Mosquito) and AFRC (SAJ Musa) which was abusive. There was a

1 dispute because of the way JPK had been treated by Mosquito."

2 Did you tell them that?

3 A. I told them.

4 Q. Then the next paragraph, please:

12:18:46 5 "In January 1999 I was told by operator Tiger told me that
6 someone from the AFRC to Mosquito over a radio asking for
7 reinforcement to attack Freetown."

8 Did you tell them that?

9 A. Yes.

12:19:12 10 Q. "At this time Rambo and others were moving to attack
11 Masiaka, but before Masiaka was captured AFRC attacked Freetown.
12 At this time ...", and that says "all", but it should read "it"
13 and it's a mistranscription again, "... that this time SAJ Musa
14 was dead."

12:19:40 15 Why did you tell the investigators the first time that
16 you're seen by the Prosecution from the Special Court that it was
17 the AFRC who attacked Freetown and not, as you told this Court on
18 Monday of this week, and again on Wednesday, that it was the RUF
19 or, as you later put it, the RUF and AFRC jointly?

12:20:12 20 A. Thank you. At the time that the said investigators met me,
21 at that time Foday Sankoh was still alive and I had a notion that
22 RUF had still not fallen and that we still had means to stand.
23 And, besides that, if I had exposed myself - I had revealed a lot
24 of information that we were part of that type of group. It was
12:20:44 25 like the Special Court was - had come to arrest all of us
26 according to my own speculation. I did not have any clear
27 conscience about it, so I was really trying to hide. I was
28 really trying to hide my personal identity. I was trying to hide
29 our real operations. In fact this document, after this, the

1 other time they tried to trace me to talk to me I evaded them; I
2 did not take part in the RUF proceedings. This was purely for
3 the RUF proceedings against Issa and others. So at that time I
4 was trying to hide those things so that my name would not be
12:21:27 5 revealed that Daf did this, because I felt a sense of belonging
6 to the RUF. That was why I was hiding those things.

7 Q. Are you panicking now because you've been shown, in the
8 clearest possible way, a contradictory account that you gave the
9 first time that you were interviewed by the Special Court?

12:21:55 10 A. Well, that is what you call it. In fact I did not take
11 this particular statement. I did not give this particular
12 statement as part of Charles Taylor's proceedings. I did not
13 take it as part of Charles Taylor's proceedings. All along, at
14 the times that I was meeting the investigators, I was telling
12:22:12 15 them. It has been long that I've been telling the investigators
16 from the Office of the Prosecution. I even told Mr Santora, at
17 the time that he was trying to ask me about other things, I told
18 him that that particular document I, I was afraid to talk and if
19 you read the document through and through you will not see much
12:22:36 20 about the RUF and its activities directly. So indeed, this
21 document I had made known to the Prosecution - cancelled it to
22 the Prosecution.

23 Q. I'm going to come back to what you say about telling
24 Mr Santora at the time that he was trying to ask you about other
12:22:59 25 things, that that particular document you were afraid to talk.
26 So you've told Mr Santora, have you, that that first interview is
27 inaccurate and wrong?

28 A. I did not tell him that it was not correct. I did not tell
29 him that. I told him that I did not reveal all the information

1 that I was supposed to reveal. It contained very few
2 information. What I said here is what I said. I said it. Most
3 of what is here I did say, but I hid a lot of information that I
4 failed to reveal in this document because of security threat.

12:23:47 5 Q. When did you tell Mr Santora that you were afraid?

6 A. I did not tell him that I was afraid for any other reason.
7 It was just at the time that they met me that I told them that,
8 that I was afraid at the time that those people were meeting me;
9 about one or two times I can remember in Freetown really.

12:24:15 10 Something like that.

11 Q. When did you tell him that you had a lot of information
12 that you failed to reveal in this document because of security
13 threats?

14 A. I cannot remember the exact date or the time. I cannot
12:24:34 15 remember. It could be around 19 - wrong. Around 2006 or 2007.
16 Something like that.

17 Q. Well --

18 A. Or 2000 and - or maybe this 2008 because I've been taking
19 series of interviews that I cannot remember the exact dates now.

12:24:57 20 Q. We can all understand that it must be impossible to
21 remember the exact dates of the 28 or so occasions when you'd
22 been seen by the Prosecution. But you are saying, are you, that
23 you told the Prosecution that this first account that you gave
24 was not a full account and that you had a lot of information you
12:25:20 25 failed to reveal in it because of security threat, yes?

26 A. Yes, that was what I said.

27 Q. But was it true to say that before Masiaka was captured the
28 AFRC attacked Freetown?

29 A. Well, Rambo had already been in Masiaka when Gullit and

1 others entered Freetown. They were around Masiaka, within
2 Masiaka and its environs, when Gullit and others entered
3 Freetown.

4 Q. Let me ask you again: Was it true to say that before
12:26:09 5 Masiaka was captured the AFRC attacked Freetown, or was it the
6 AFRC and RUF or, as you first told this Court in your evidence,
7 the RUF? Which is the true way of saying who entered Freetown?

8 A. It was the joint AFRC/RUF forces.

9 Q. So what you have told them back in 2003 is not true; that
12:26:44 10 it wasn't the AFRC who attacked Freetown, it was joint RUF/AFRC?

11 A. Both.

12 Q. Yes. So what you told them back in 2003 isn't true, is it?

13 A. No, part of it is true. There is some element of truth in
14 it. There is truth in it. I did not reveal all the information,
12:27:14 15 but there is truth in what I said. Some amount of truth is
16 there.

17 Q. And some amount of lack of truth, yes?

18 A. Well, I can call it lack of full information. It's half
19 information, not full information.

12:27:39 20 Q. Yes. A half truth, is that what you're saying?

21 A. It's the truth. It's the full truth that I'm telling you.

22 Q. It's half information, you've told us. That's not full
23 truth, is it? That's half truth, yes?

24 A. Okay. If you take it that way that's what you've taken it
12:28:08 25 to be, but to the best of my own knowledge I know that this which
26 I said is not a full information and that there is truth in it.

27 Q. Well I'm suggesting it's a completely true statement, that
28 it was the AFRC who entered Freetown and that you were doing what
29 you affirmed on 31 July 2003. You were telling the truth and the

1 statement is true and correct to the best of your knowledge and
2 belief. What do you say about that?

3 A. Well, I have told you already about everything in this
4 document. At the time that I went through this document - that I
12:29:08 5 went through this investigation I was under very serious trauma.
6 I was traumatised at the time. In fact, I did not have a clear
7 conscience about the Special Court. I had fear that, had I
8 revealed a lot of information that led to my own personal
9 activities, the Special Court would have arrested and indicted
12:29:33 10 me.

11 Q. We'll come back to that, Mr Fornie. Go back, please, to
12 the very last page of the handwritten version to the declaration
13 - the affirmation that you made at the end of this statement.

14 JUDGE SEBUTINDE: Mr Munyard, I wonder if I may interrupt.

12:29:51 15 MR MUNYARD: Certainly, your Honour.

16 JUDGE SEBUTINDE: The witness did say something at my page
17 64 where he says, "I did not give this particular statement as
18 part of Charles Taylor's proceedings. I did not take it as part
19 of Charles Taylor's proceedings."

12:30:08 20 MR MUNYARD: Yes.

21 JUDGE SEBUTINDE: And then he goes on to say a few
22 sentences after that, "I was afraid to talk and if you read the
23 document through and through you will not see much of the RUF and
24 its activities directly."

12:30:27 25 MR MUNYARD: Yes.

26 JUDGE SEBUTINDE: So what I would like to know is, when the
27 witness made this statement, why did he make it? Was it with a
28 view to some other case in this trial? I would like to know
29 that, Mr Witness. Was he making it for --

1 MR MUNYARD: Your Honour, can I assure you that I am going
2 to deal with that - that subject - and I want to deal with it in
3 the context of the interviews as a whole, if I may.

12:30:59

4 JUDGE SEBUTINDE: Then I beg your forgiveness for
5 interrupting.

6 MR MUNYARD: Not at all.

7 JUDGE SEBUTINDE: As long as that question gets answered
8 somewhere.

12:31:05

9 MR MUNYARD: Indeed. It is obviously a very important
10 question and I'm grateful to you for highlighting it, but it's
11 one that I am definitely intending to pursue with this witness:

12 Q. Now, Mr Fornie, go back please to the declaration - the
13 affirmation - at the end of the final page. You have signed
14 saying, "I understand that willfully and knowingly making false

12:31:34

15 statements in this statement could result in proceedings for
16 giving false testimony".

17 Now do you agree that by simply describing it as the AFRC
18 who entered Freetown, that that is a false statement in that it
19 doesn't give the full picture? You are hiding the role of what
20 you say was the role of the RUF, do you agree?

12:31:56

21 A. Well when I said it was the AFRC that entered Freetown,
22 yes, the AFRC entered there and the RUF - the RUF fighters were
23 among, but I have categorically told you that this particular
24 statement that I gave was for the RUF and I had fear that I
25 should not do anything that would hamper the RUF at that time
26 because I still thought that the RUF was existing and at that
27 time I remember Foday Sankoh had not died. Something like that I
28 can remember, really. So to put it the way you are putting it
29 now is a different context to my own understanding.

1 Q. So you agree you were hiding the truth from the
2 investigators about the role of the RUF as you claim it to be,
3 yes?

4 A. It's not a matter of hiding the truth. It's not a matter
12:33:10 5 of hiding the truth. I have told you outrightly it is not a
6 matter of hiding the truth.

7 Q. The truth is that this was a joint RUF/AFRC operation and
8 yet you have not told the investigators that, have you?

9 A. It was a joint AFRC/RUF operation. I have said that. I
12:33:37 10 said this. I have taken oath before this Court that I am here to
11 speak the truth and nothing but the truth. What I did on the
12 document --

13 Q. Just hold on. Listen to the question. The question was
14 not what you have told this Court, which I suggest is a pack of
12:33:57 15 lies in any event. The question is what you told, or didn't
16 tell, the investigators in July of 2003. Now you did not tell
17 them the truth on your version of it because you hid the
18 involvement of the RUF on your account and that is correct, isn't
19 it?

12:34:22 20 A. Okay. I would also tell you that even though I did not
21 state it in here, but it reflected in other documents. It is
22 reflected in other documents in other interviews that I had done
23 after this. It is reflected there. I gave a full account of
24 what I was able to remember in other documents. If at all you're
12:34:45 25 saying it's not here, but it's in other documents - in other
26 interview notes.

27 Q. Did you hear the date that I put to you in that question?

28 A. Which date? You've put a lot of dates to me.

29 Q. No, I haven't. I've put one date in that question, July of

1 2003. That's all I'm asking you about. That is the time when
2 you signed that affirmation that "The information contained in
3 this statement is true and correct to the best of my knowledge
4 and belief" and yet you now say you were hiding the role of the
12:35:25 5 RUF. So you were not telling the truth on your version of events
6 in 2003, were you?

7 A. No, I said the truth. I said the truth, but some
8 information - more information was left out which I revealed
9 later. More information was left out, but I revealed that to the
12:35:51 10 investigators.

11 Q. Back to page 4, please, on the typed version, "Mosquito had
12 dispatched Rambo to go to Freetown to reinforce the AFRC." Did
13 you tell them that?

14 A. Yes.

12:36:29 15 Q. "Rambo did not enter Freetown". Did you tell them that?

16 A. Rambo by himself did not enter Freetown.

17 Q. Yes or no, did you tell them that?

18 A. Yes, I told them.

19 Q. It doesn't require any more than a one word answer that
12:36:44 20 question. Now, "He stopped around the peninsula." Did you tell
21 them that?

22 A. Yes.

23 Q. "Rambo sent a message to say they could not enter Freetown
24 and were at the peninsula." Did you tell them that?

12:37:05 25 A. Yes.

26 Q. "Then they moved to Waterloo and joined the AFRC there."
27 Did you tell them that?

28 A. Yes.

29 Q. "Rambo again sent a message to this effect." Did you tell

1 them that?

2 A. Say that again.

3 MR MUNYARD: Sorry, I am having a little trouble with the
4 logistics this morning:

12:37:32 5 Q. "Then they moved to Waterloo and joined the AFRC there.
6 Rambo again sent a message to this effect." Did you tell them
7 that?

8 A. Which line? Which line? Please direct me.

9 Q. The sentences I have just read are the last two sentences
12:37:47 10 in that middle paragraph on page 4. It's the second to last line
11 and then the last line.

12 A. Yes.

13 Q. So everything in there that you've told them they have
14 accurately recorded?

12:38:14 15 A. Well, most of what is in it I told them.

16 Q. Most? Are you saying there's bits missed out of this
17 particular passage we've just looked at?

18 A. I did not read everything. That was why I said the one
19 that I have read, the one that you've asked me, I told them.

12:38:35 20 Q. Right.

21 A. And there is a corrected version of this. There should be
22 a corrected version of this. I had made the correction. I had
23 been telling the Prosecution that this is not me - this is not
24 the full - I was not there. I was not myself. I was traumatised
12:39:05 25 at the time I gave this evidence. At the time I gave this
26 statement I was traumatised and I feared the Special Court to
27 give a full statement. That was why I was giving the information
28 in bits to the Court.

29 Q. Well we're going to come back to all of the reasons why you

1 lied, as I suggest that you did, on your version of events, or
2 why you told what I suggest is the truth that we've just looked
3 at in a moment, but when is it that you now claim Mosquito sent
4 Rambo to reinforce the AFRC troops?

12:39:59 5 A. What time do you mean?

6 Q. That is precisely what I'm asking you. What time do you
7 say it was that Mosquito told Rambo to go and reinforce the AFRC?

8 A. It was in 1999.

9 Q. There is no dispute on the year. When was it that you say
12:40:34 10 he told Rambo to go and reinforce the AFRC?

11 A. It was in January 1999. I cannot remember the exact date.

12 Q. Right. What part of January? I'm not asking you for a
13 precise date, but what part of January did he tell Rambo to go
14 and provide reinforcements?

12:40:56 15 A. It was in early 1999.

16 Q. No, no, I'm asking --

17 A. Early January.

18 Q. Right. Would it be correct, or incorrect, to say that it
19 was in mid-January?

12:41:14 20 A. No, it was early in January.

21 Q. Well, have you ever said that it was in mid-January?

22 A. I can't remember.

23 Q. Well, would it be incorrect - would it be wrong - to say it
24 was in mid-January?

12:41:33 25 MR SANTORA: Objection. Asked and answered.

26 PRESIDING JUDGE: He has in fact answered that, Mr Munyard.

27 MR MUNYARD: Very well. I was giving him a second chance
28 because he said he didn't remember, but I'm quite happy with the
29 answer that he's given. Let me just get it.

1 PRESIDING JUDGE: It's at page 74, line 16.

2 MR MUNYARD: Yes, he doesn't actually say whether it was
3 correct or incorrect. He just says, "No". Well, that's all
4 right. Can we go, please - and I hope I have got the right
12:42:06 5 number - to tab 19, which is an interview that appears to have
6 taken place on 21 November and then again on 26 November last
7 year:

8 Q. Now do you have that in front of you, Mr Fornie?

9 A. I've seen it.

12:42:51 10 Q. Thank you. This is an interview with you on - well, it's
11 notes, sorry, of an interview that took place apparently on two
12 separate days in late November last year at the Special Court
13 building. There interviewing you was an investigator called
14 Kevin Bennett and Mr Alain Werner who is one of prosecuting
12:43:22 15 counsel who you no doubt recognise in court today, yes?

16 A. Yes.

17 Q. And would you look, please, at paragraph 3 at the foot of
18 page 44924:

19 "The witness said that in the middle of January 1999 he
12:43:45 20 was in Buedu when he transmitted a message from Sam Bockarie to
21 Issa Sesay in Makeni. The message was for Issa Sesay to instruct
22 Boston Flomo, aka RUF Rambo, to move with troops to Freetown to
23 reinforce Gullit."

24 Do you see that?

12:44:14 25 A. Well, it could be --

26 Q. Do you see it?

27 A. I have seen it. I have seen it.

28 Q. Did you tell them that?

29 A. I told them - it's the date. I told them that Mosquito

1 sent an instruction to Rambo but the date, it is the date area
2 that I am not quite sure of.

3 Q. Well, you're very clear in your evidence today that this
4 instruction was in early January. So why would you ever have any
12:44:57 5 reason to doubt the date, especially a year ago when your memory
6 of these events was at least one year fresher than it is now?

7 A. You are saying one year fresher at that time. Fresher for
8 - from when?

9 Q. Your memory in 2007 is closer to the events of 1999 and
12:45:36 10 that is why I describe it as fresher than it is now. So can we
11 take it, Mr Fornie, that you are saying, in the light of your
12 evidence to this Court today, that that date mid-January is wrong
13 as recorded in November last year by Mr Bennett and/or Mr Werner?

14 A. It's a wrong recording, but it's an accurate - it's the
12:46:14 15 most precise date that I have given you. It's the most precise
16 date that I have told you.

17 Q. I'm not sure that I understand that. Are you saying that
18 the date that you have told us today in evidence is the precise
19 date, is the more precise date, early January?

12:46:38 20 A. According to the best of my knowledge.

21 Q. You're nodding, so you're saying according to the best of
22 your knowledge the date you have given in court today is the more
23 accurate one?

24 A. Well, nodding my head does not mean I'm giving you an
12:46:58 25 answer. I'm thinking as I'm talking.

26 PRESIDING JUDGE: Mr Witness, please give us a clear
27 answer.

28 THE WITNESS: Then repeat.

29 MR MUNYARD:

1 Q. Are you saying that the date you have given in court today,
2 namely, early January, is the more accurate of the two dates as
3 between early or mid-January?

4 A. I did not say more accurate. I said more precise.

12:47:32 5 Precise.

6 Q. I stand corrected. Now, turn over, please, to paragraph -
7 sorry, before we even turn the page just have a look at the
8 bottom of that page, the right-hand corner. Is there something
9 in handwriting there?

12:47:56 10 A. Yes.

11 Q. And what does it say?

12 A. The handwriting is a signature and date.

13 Q. What is the date?

14 A. Seventh of the 11th month, I am seeing 26.

12:48:17 15 Q. You and I, Mr Fornie, appear to put dates in a different
16 order from the dates that appear on many of these statements.
17 Will you work on the basis that the 07 means 2007. In other
18 words, it's written backwards to the way you and I would speak.
19 It's 2007, 11th month, 26th day. Does that make sense?

12:48:45 20 A. Say that again.

21 Q. The date is written backwards to the way you and I would
22 see it. 07 is the year, 11 is the month and 26 is the day. Does
23 that appear to you to make sense? I'm not going to spend a long
24 time on this.

12:49:12 25 A. No.

26 Q. The date is 26th November 2007?

27 A. I am baffled about the date. It's not clear to me.

28 PRESIDING JUDGE: Mr Witness, it's not difficult. The
29 person who wrote this document puts the year first and then the

1 month and then the day. This is a different system to your
2 system which is the day first and then the month and the year.
3 That is what counsel is saying. Do you understand now?

4 THE WITNESS: Yes, I have now understood.

12:49:38

5 MR MUNYARD:

6 Q. Mr Fornie, none of my questions are trick questions,
7 certainly not as far as the way dates are written is concerned.
8 On 26 November last year, which we know was the second day of
9 this interview, did Mr Kevin Bennett put his initials at the foot
10 of each page of this typed account, and did you put your
11 signature at the foot of each page of this typed account?

12:50:03

12 A. Yes.

13 Q. And you did that because you were taken through the
14 contents of it, weren't you?

12:50:28

15 A. Say that again.

16 Q. You signed each page because you were taken through the
17 contents of it to ensure that they had accurately recorded
18 everything you were telling them, yes?

19 A. Yes.

12:50:42

20 Q. Turn over then --

21 A. Please, don't turn over, please. Please, Madam President,
22 I have seen something here that is a reference in respect of what
23 we are talking about here, when I established that communication
24 was existing from the time SAJ Musa died, that I had established
25 in one of my interview notes that communication coordination was
26 existing between us and Gullit and the others. If you can read
27 this particular paragraph aloud for others maybe we can make some
28 sense out of it.

12:51:08

29 Q. Well, I'm totally lost but --

1 A. This --

2 Q. Just hold on. We are looking at page 1 of this interview,
3 ERN number 44924. Are you looking --

4 A. Page 2. It's page 2. I have page 2 in front of me. I

12:51:44 5 have page 2 in front of me.

6 PRESIDING JUDGE: Mr Witness, as counsel explained to you
7 before, you shouldn't be reading this document. You should be
8 concentrating on the questions and the answers that you are
9 giving. Please don't be running ahead of yourself and us by
10 reading the document when you don't have a question.

12:52:02

11 MR SANTORA: I'm just going to note then because the
12 witness is saying he has one page in front of me and counsel is
13 talking about another page, so in fairness he should have the
14 same page that counsel is talking about.

12:52:15

15 THE WITNESS: Yes.

16 JUDGE SEBUTINDE: Mr Santora, the matter that the witness
17 is drawing our attention to is really a matter for
18 re-examination.

12:52:32

19 MR SANTORA: I was only simply talking about what the
20 witness is looking and what counsel is referring to that is the
21 same page.

22 JUDGE SEBUTINDE: Counsel was referring to the signatures
23 at the bottom of the page. Counsel was not referring to the
24 text. The witness is referring to the text and correcting an
25 earlier statement by Mr Munyard and I'm saying that's a matter
26 for re-examination.

12:52:46

27 MR SANTORA: I completely understand, thank you.

28 PRESIDING JUDGE: Can I add, Mr Santora, that we didn't
29 actually have a specific page when there was a reference to the

1 date and the signatures. They are in fact the same on both. So
2 whilst the witness may have been misled I don't think we were.
3 Or thinks he's misled. Please continue.

12:53:23 4 MR MUNYARD: I'm moving on and I'm moving on, please, to
5 page 6.

6 THE WITNESS: Yes, Madam President, please. On that side
7 Mr Defence Lawyer had been putting certain things to me wherein I
8 disagreed with him and I showed the reference.

9 PRESIDING JUDGE: I understand what you're saying,
12:53:44 10 Mr Witness. Please do not be raising these issues at this point
11 because your Prosecution Lawyers also have a right to ask
12 questions arising from Defence counsel's questions and if they
13 wish to pick up some of these points they can do so at that time.
14 Please proceed.

12:54:01 15 MR MUNYARD: Thank you:

16 Q. Page 6, please. It's 00044929. Do you have that page in
17 front of you?

18 A. I'm not seeing the page number.

19 Q. I'll just deal with the paragraph numbers. It starts at
12:54:27 20 paragraph 17 and it goes to paragraph 19. Have you got that?

21 A. Yes.

22 Q. Paragraph 19:

23 "After the order from Bockarie to Issa Sesay mid-January
24 to send troops to Makeni and for RUF Rambo to move towards
12:54:53 25 Freetown, RUF Rambo was also given by Bockarie the authority to
26 coordinate over radio directly with Gullit for the troops to come
27 as reinforcement in Freetown."

28 Did you tell them that?

29 A. I don't understand.

1 Q. I've just read a passage and I've asked you to look at it
2 as I was reading it. Is that passage what you told the
3 investigators?

4 A. It's the passage that I have not read. I did not get the
12:55:41 5 passage clearly.

6 Q. Paragraph 19 and I'm now quoting from it again:

7 "After the order from Bockarie to Issa Sesay mid-January
8 to send troops to Makeni and for RUF Rambo to move towards
9 Freetown, RUF Rambo was also given by Bockarie the authority to
10 coordinate over radio directly with Gullit for the troops to come
11 as reinforcement in Freetown."

12 Did you tell the investigator and Mr Werner that?

13 A. Yes.

14 Q. And indeed, we see that you've signed the bottom of that
12:56:23 15 page?

16 A. I told them and I signed.

17 Q. So you are now twice saying that the order from Sam
18 Bockarie to Rambo to move towards Freetown to reinforce the AFRC
19 troops was not given until mid-January?

12:56:43 20 A. It was just a reinforcement of orders that were going, but
21 the orders had already gone ahead. That's why I'm referring you
22 to even that part. If you go through this document properly,
23 these interview notes, you will see that it has been well
24 established that the go ahead had already gone and the
12:57:07 25 instruction had already gone for Rambo and others to join Gullit
26 before ever they entered Freetown. There was a free flow of
27 communication from Waterloo, where SAJ Musa died, before ever
28 Gullit and others entered Freetown. At that time perfect
29 communication had been established. Communication and

1 coordination had been going on between Gullit and Sam Bockarie
2 directly.

3 Q. Mr Fornie, do you know anybody else in this world who
4 believes that it was the RUF and the AFRC who invaded Freetown on
12:57:36 5 6 January 1999?

6 A. You mean if I knew any other person who believed it was the
7 RUF and the AFRC attacked Freetown? Is that your question?

8 Q. Precisely the question I asked.

9 A. Yes, I know of other people.

12:57:58 10 Q. Many people?

11 A. Yes.

12 Q. I see. Back to the content of that paragraph. Are you
13 saying now that Bockarie's order to Rambo to move towards
14 Freetown was given in mid-January, or was given before then?

12:58:32 15 A. The order had gone before that time, before mid-January.

16 Q. I understand. So this is wrong? What you told them here -
17 what you've accepted today you told them here - is wrong?

18 A. Well even if it had been mid-January it wouldn't have been
19 far away, because the attack took place on 6 January and Rambo
12:59:02 20 was unable to reach Freetown until - he was unable to meet them
21 until they were flushed out of Freetown. He was unable to go on
22 the way.

23 Q. This is wrong, isn't it, that the order from Bockarie to
24 Rambo was given in mid-January? That is wrong, isn't it?

12:59:26 25 A. It was around early January. It was around early January.
26 I keep repeating it.

27 Q. Or is it in fact correct and the reason you've told them
28 that not once but twice in interview number - well, it's
29 certainly at least 19 and maybe more. The information is

1 correct, that it wasn't until about the middle of January that
2 Bockarie was prepared to entertain giving some support to the
3 AFRC gang who'd invaded Freetown on the 6th? That's right, isn't
4 it?

13:00:16 5 A. Gang? No, I don't remember ever referring to gang.

6 Q. Oh, that's my word. That's my word.

7 PRESIDING JUDGE: It would appear, Mr Munyard, that your
8 word "gang" has been misinterpreted.

9 MR MUNYARD: Yes, let me use a different word:

13:00:34 10 Q. What is recorded here, what you told the Prosecution in
11 this particular sentence at any rate, is correct, that it wasn't
12 until the middle of January that Bockarie was prepared to
13 entertain giving some support to the AFRC group who had invaded
14 Freetown on the 6th?

13:00:58 15 A. Please can you give me the reference - the line reference?

16 PRESIDING JUDGE: Mr Witness, counsel is putting a question
17 to you. He's not referring to the paper. Please put the
18 question again, Mr Munyard.

19 MR MUNYARD:

13:01:10 20 Q. Right, third time --

21 A. I'd like to know if it's from the paper he's asking the
22 question or not, that's why, because he's dealing with a
23 document.

24 PRESIDING JUDGE: I am telling you it is not from the
13:01:20 25 paper.

26 THE WITNESS: Oh, okay.

27 PRESIDING JUDGE: Please put your question.

28 MR MUNYARD:

29 Q. It is correct, isn't it, that Bockarie doesn't entertain

1 giving some support to the AFRC group who entered Freetown on 6
2 January until around the middle of January?

3 A. It is not correct.

13:01:46 4 Q. Now just help us with this, Mr Witness. Don't bother
5 looking at the page. How many RUF troops - I don't mean the
6 numbers, but what kind of size of contingent of RUF troops
7 actually did enter Freetown on your account at any time in
8 January 1999?

9 A. I cannot give you a precise figure. No knowledge.

13:02:18 10 Q. Well, would it be right to say that it was only a small
11 group who actually made it into Freetown at any time in January
12 from the RUF? If you just look at the judges when you're
13 answering the question, please.

14 A. At what time are you referring to?

13:02:37 15 Q. At any time.

16 A. Well towards the 6 January operation, to the best of my
17 knowledge part of the group that Rambo went with were able to
18 enter Freetown to the best of my knowledge.

19 Q. Right. And what size group was that?

13:02:54 20 A. I cannot give you an estimated figure for now. I cannot
21 estimate for now.

22 Q. A big group, a small group, or what?

23 A. Well, to the best of my knowledge I think I said it here
24 once that when Rambo met with Gullit and others they assembled
13:03:23 25 elsewhere around the peninsula and they sent the troops ahead.

26 The troop that --

27 THE INTERPRETER: Your Honours, can the witness repeat and
28 speak slowly.

29 PRESIDING JUDGE: Mr Witness, you are going too quickly for

1 the interpreter. Please speak slowly and pick up your answer
2 from where you said, "They sent the troops ahead. The troop
3 that --" Continue from there, please.

4 THE WITNESS: Rambo - as part of the group that Rambo went
13:03:52 5 with, they sent them to the highway, that is from Waterloo, to
6 enter Freetown, that is towards Hastings right up to the
7 Wellington area. At that time there were still troops around
8 there and part of that group entered there, wherein Rambo and
9 others and Gullit and others together with the other troops
13:04:16 10 stayed around the peninsula to reorganise themselves, but part of
11 that group really entered Freetown.

12 MR MUNYARD:

13 Q. But you still can't give us a number even roughly?

14 A. Not at all, because even the entire group that Rambo went
13:04:39 15 with I cannot give you the exact figure that Rambo went with. I
16 don't know.

17 Q. But would you agree with this, that the bulk of the group
18 that went with Rambo did not enter Freetown?

19 A. Yeah, yeah, I will agree with that partly.

13:04:56 20 JUDGE SEBUTINDE: Mr Munyard, I'm trying to understand the
21 timing of Rambo's troops that reinforced.

22 MR MUNYARD: Certainly.

23 JUDGE SEBUTINDE: Mr Witness, to the best of your knowledge
24 the troops that went with Rambo - that is RUF Rambo - to
13:05:12 25 reinforce Gullit, to the best of your knowledge did they arrive
26 before the invasion, during the invasion, or after the invasion?

27 THE WITNESS: Well, during the invasion.

28 MR MUNYARD: Right, thank you:

29 Q. Now, would this be right, that the only reason that Gullit

1 accepted any orders from Sam Bockarie is because he needed Sam
2 Bockarie's support?

3 A. Yes, that was what we understood later. Later that was our
4 understanding, because he'd needed Sam Bockarie's support.

13:06:05 5 Q. When I say Sam Bockarie's support, I'm talking about
6 reinforcements after the invasion. Would you agree that the only
7 reason that Gullit subdued himself to Sam Bockarie's command was
8 because he needed Sam Bockarie's support by way of
9 reinforcements, yes or no?

13:06:30 10 A. Well, I wouldn't accept that it was the only reason. I
11 wouldn't say that was the only reason, but it could be one of the
12 reasons. It is one of the reasons.

13 Q. What were the other reasons why Gullit was willing to
14 accept orders from Sam Bockarie?

13:06:50 15 A. Well, to the best of my knowledge Gullit - to the best of
16 my knowledge I observed that Gullit had known that infighting
17 wouldn't help us to progress, so if we were fighting against each
18 other we wouldn't progress. So to the best of my knowledge that
19 was what struck Gullit's mind that whatever goal he had, except
13:07:27 20 he, Gullit, worked directly with Sam Bockarie before achieving
21 that goal, and indeed when he started working with Sam Bockarie
22 he started seeing some improvement.

23 Q. Right. Tab 17, please. This is yet another interview in
24 November of 2007. It starts on page ERN number 45052, it's dated
13:08:20 25 15 November last year and it started at ten to 3 in the
26 afternoon. It is an interview of you at the OTP conference room
27 in Freetown conducted by Michelle Willis and Chris Santora. Now,
28 you know Mr Santora. Who is Michelle Willis?

29 A. Michelle Willis, I knew that person to be part of the

1 investigators - those who investigated me.

2 Q. Right. Who was asking the questions in this interview last
3 year?

4 A. In this particular interview it's both.

13:09:15 5 Q. Both, thank you. Turn, please, to page 5 of this
6 interview, paragraph 17 and let's see if this is what you told
7 them, "The witness ...", that is you, "... has no knowledge of
8 Bockarie and Gullit killing SAJ Musa and believes it would not
9 have been possible for Bockarie to have instructed Gullit to kill
13:09:42 10 SAJ Musa."

11 Did you tell them that?

12 A. Yes.

13 Q. And the reason it wouldn't have been possible for Bockarie
14 to have instructed Gullit to kill SAJ Musa is because at the time
13:09:53 15 of SAJ Musa's death Bockarie and Gullit were not in
16 communication, were they?

17 A. Yes, Bockarie and Gullit did not communicate before the
18 time SAJ Musa was alive.

19 Q. Thank you. Carry on, "The witness believes that Gullit was
13:10:20 20 only accepting operational orders from Bockarie because they
21 needed Bockarie's support in order to maintain their hold on
22 Freetown."

23 Did you tell them that?

24 A. I told them that. That was a personal view of mine.

13:10:41 25 Q. I only wanted to know if you told them that.

26 A. Yes.

27 Q. Their hold on Freetown was established on 6 January 1999,
28 wasn't it?

29 A. Yes.

1 Q. Thank you. And they needed, on this account of yours,
2 Bockarie's support in order to maintain their hold on Freetown.
3 In other words, they needed Bockarie's support after they had
4 already established a hold on Freetown, yes?

13:11:24 5 A. No. I was misunderstood here on this point, because in
6 this same document that you are showing me to me I - it's already
7 stated that I had established that there had been direct
8 communication from Waterloo even before they entered Freetown for
9 Mosquito to send reinforcements. It is already established in
13:11:51 10 one of the pages that you've shown to me here just now. It is
11 established there.

12 Q. Mr Fornie, are you saying that we've already looked at this
13 particular interview?

14 A. Well, not this one. I'm making a reference to one of the
13:12:08 15 interview documents that you put in front of me here, that you
16 showed to me.

17 Q. Well, there are dozens of interview documents. I am
18 putting to you something that you agreed you told the Prosecution
19 in this particular one, number whatever it is. You agree that
13:12:32 20 they have accurately recorded the whole of that paragraph and
21 when you say, "Gullit was only accepting operational orders from
22 Bockarie because they needed Bockarie's support in order to
23 maintain their hold on Freetown", it follows that he was
24 accepting orders from Bockarie in order to get reinforcements,
13:13:00 25 yes?

26 A. That is one of the reasons.

27 Q. So why did you say "only accepting operational orders from
28 Bockarie because they needed his support to maintain their hold
29 on Freetown" instead of "one reason why Gullit was accepting

1 operational orders from Bockarie", et cetera?

2 A. Thank you. The reason why I said that was that after the
3 fall of Freetown, when there was misunderstanding between Gullit
4 and Mosquito - you know, after they had retreated towards

13:13:46 5 Waterloo, during the time we were in Lome, when I was in Lome,
6 Gullit and Mosquito were not in good terms. We used to hear
7 about them having infighting in Makeni. It was on that basis
8 that I concluded that Gullit just wanted to baffle Sam Bockarie,
9 but the facts here remains is that Gullit and Sam Bockarie worked
13:14:10 10 as one at that time.

11 Q. All right. Tab 19, please. The one we were looking at
12 just a moment ago at same page 6, but paragraph 17 on page 6,
13 please, of tab 19. This is just six days after the interview
14 we've been looking at. Now, do you see three lines down from the
13:14:59 15 top, paragraph number 17 - I'm not sure if it's on the screen at
16 the moment. Thank you, yes. Just tell me if you've seen the
17 number, please, Mr Fornie, before you read the entire page. Just
18 tell me have you located the number 17?

19 A. Which - yes, I've seen it.

13:15:20 20 Q. Thank you. I'm going to read it now. Would you follow,
21 please, what I'm reading rather than the rest of the contents of
22 the page:

23 "The witness said that the relationship between Bockarie
24 and Gullit had not always been good before and after January
13:15:46 25 1999, but he believed that after the death of SAJ Musa and in
26 view of the circumstances Gullit subdued himself to Bockarie
27 during the Freetown invasion because he so badly needed RUF to
28 help with reinforcement in Freetown."

29 Did you say all that to them?

1 A. Yes.

2 Q. And is it right that relations between Bockarie and Gullit
3 had not been good both before and after January 1999?

13:16:28

4 A. I have been making that very clear here, that before 6
5 January there was coordination between Gullit and Sam Bockarie,
6 just after the death of SAJ Musa and after that misunderstandings
7 starting creeping in again between them, yes.

13:17:05

8 Q. So there was a brief honeymoon period following the death
9 of SAJ Musa until some time later in January of 1999. Is that
10 what you're telling us?

11 A. Yes and that was during the Freetown attack.

12 Q. [Overlapping speakers]?

13 A. The honeymoon period was during the Freetown attack.

13:17:21

14 Q. And during the attack, not just a question of pleading with
15 Bockarie to send reinforcements after the attack in mid-January?
16 Is that what you're saying?

13:17:43

17 A. No, that's not what I am talking exactly. Before the
18 attack Gullit requested reinforcement from Mosquito. It was only
19 because of the condition of the road that they could not - that
20 Rambo and others could not reach there early. But before the
21 attack Gullit and Mosquito were in constant contact.

22 THE INTERPRETER: Your Honours, can counsel wait for
23 interpretation.

13:17:58

24 MR MUNYARD: I'm sorry, I am trying to stop the witness. I
25 am trying, Mr Interpreter, to stop him in his tracks:

26 Q. I'm not preventing you from what you want to say but I want
27 to ask you about what you've just embarked upon. It was because
28 of the condition of the road that Rambo and others could not
29 reach there early. We have seen time and again in your

1 interviews with Prosecution lawyers you saying that the order
2 didn't even go to Rambo until mid-January of 1999. Now are you
3 telling us that that order went out before the invasion and the
4 only reason poor old Rambo couldn't get there in time to join the
13:18:42 5 AFRC was because of the state of the road? Is that what you're
6 trying to tell us in that answer I interrupted?

7 A. Well, the area you are referring to, we've gone past that.
8 That is in respect of the first interview with Virginia Chitanda.
9 It is in that respect and I made my point clearly in that regard
13:19:09 10 with respect to that particular document.

11 Q. Are you saying you don't want to answer my question?

12 A. Well, ask your question, the question you want to ask,
13 because you've asked the question and I've responded. I've
14 answered. This one that you've asked, that's why I'm referring
13:19:25 15 you to the document that you're referring to.

16 PRESIDING JUDGE: Mr Witness, please answer the questions
17 put to you. That's the first thing. And, Mr Munyard, with
18 respect, if you could keep your questions succinct it may avoid
19 things being lost in translation.

13:19:46 20 MR MUNYARD: I will certainly do that.

21 JUDGE SEBUTINDE: If I may add, Mr Witness, Mr Munyard is
22 doing his work. There is a way in which lawyers do their work.
23 He has every right to take you back and forth in these
24 statements. It is not for you to tell him how we've already gone
13:20:06 25 past the statement. Even the judges can't tell him that. So
26 please just listen to the question. You are in this Court not
27 the accused, you are a witness. Just answer the questions as
28 best as you can.

29 THE WITNESS: Okay.

1 MR MUNYARD:

2 Q. Mr Fornie, before the invasion of Freetown Sam Bockarie had
3 sent no RUF troops with Gullit and the AFRC to take part in the
4 invasion of Freetown, had he?

13:20:49 5 A. Well, before the invasion in Freetown Sam Bockarie gave
6 instructions to Rambo through Triple Sierra, that is Issa Sesay,
7 for Rambo to go and join Gullit and others to attack Freetown.

8 Q. But that can't be right, can it, in the light of what you
9 have told the Prosecutors a number of times, and as recently as
10 November last year, that that order doesn't go out from Bockarie
11 to Rambo until mid-January?

12 A. Well --

13 Q. Can I just finish. In other words, after the invasion of
14 Freetown by Gullit and the AFRC?

13:21:43 15 A. It was not after the invasion. It was not after the
16 invasion. That - it's reflected in some other documents. That's
17 what I'm referring you to, that I stated it before. It's in some
18 of the interview notes that I clearly stated that Sam Bockarie
19 gave instructions to Rambo through Issa for Rambo to join Gullit
13:22:10 20 and others to carry out the attack on Freetown. Even though by
21 the time they arrived there Gullit and others had started
22 retreating, but still part of the troop was still in Freetown.

23 Q. Did Bockarie instruct Rambo to go to Freetown on more than
24 one occasion?

13:22:41 25 A. Yes, I remember. It's the same instruction. It's just
26 reinforcement of the same instruction. They just reinforced the
27 same instruction to join Gullit and others.

28 Q. Are you aware that there has been an entire trial of Gullit
29 and others over a period of years that examined the invasion of

1 Freetown in very great detail? Are you aware of that?

2 A. Yes, I know about that.

3 Q. Were you expecting at any stage to be a witness in that
4 case?

13:23:33 5 A. They approached me to be a witness. The Prosecution
6 approached me to be a witness, but I was not expecting actually
7 to be one.

8 Q. Why not?

9 A. Well, because I had a fear in the Court itself, that if I
13:23:59 10 had told the Court anything - if I had told the Court much about
11 myself I would be indicted. That's the reason and that is what
12 is reflected in that document. Even after the first meeting with
13 Virginia and Alfred I was dodging them until the RUF case was
14 over. I never met them again and they still tried to approach me
13:24:37 15 but I continued dodging them for me not to testify.

16 Q. Have you forgotten the declaration that you signed on 31
17 July 2003, that we went through earlier this morning, where you
18 affirm that you have given your statement voluntarily, it may be
19 used in legal proceedings before the Special Court for Sierra
13:25:08 20 Leone and that "I may be called to give evidence before the
21 Court"? Have you forgotten that the very first time they made
22 notes of any interview with you it was made clear to you that you
23 may well be a witness in a trial?

24 A. Well, I expected that they will still - you know, that was
13:25:36 25 what I was expecting, that they must call me to participate in
26 the Special Court programme, not to become a witness. But I told
27 you I had a fear, I have established this. That's why I did not
28 reveal these pieces of information. But later when I had a clear
29 understanding of the Court I told them exactly what I knew.

1 PRESIDING JUDGE: Mr Witness, the question was: Did you
2 forget the declarati on you signed on 31 July 2003?

3 THE WITNESS: I did not forget.

4 MR MUNYARD:

13:26:17 5 Q. Thank you. What do the words "I understand that I may be
6 called to give evidence before the Special Court for Sierra
7 Leone" mean to you?

8 A. That the Special Court would need me at some point to give
9 evidence. That is when I had given them the statement. That was
13:26:49 10 when they gave it to me and I signed it.

11 Q. So you knew from day one that you may be called to give
12 evidence, that is to say, be a witness in front of the Court,
13 yes?

14 A. I expected that but I was not sure of it. And even when
13:27:13 15 they wanted to meet me I was dodging them for me not to
16 participate and indeed I did not participate in that particular
17 proceedings. I did not participate in that particular
18 proceedings. That is Issa and others' proceedings.

19 Q. You may have been dodging them but they managed to catch
13:27:33 20 you at least 28 times, didn't they?

21 A. They did not manage to catch me, because when I had a clear
22 knowledge about the Special Court, that was when I allowed myself
23 to be used in this Court to testify about what I know regarding
24 the war in Sierra Leone. That is between Mr Taylor and the RUF.

13:28:04 25 Q. I suggest, Mr Fornie, that you have certainly allowed
26 yourself to be used in this Court to invent an account of the RUF
27 being involved in the invasion of Freetown on 6 January 1999.
28 That is right, isn't it? You have allowed yourself to be used by
29 the Prosecution to spin a completely false story?

1 A. Well, Mr Defence Lawyer, I know that nobody is feeding me
2 with words regarding these statements that I have given, or what
3 I am saying here --

4 Q. And further - sorry.

13:28:51 5 A. No, wait for me. I want to respond. You've asked me a
6 question. Wait for my response. I know that what I took oath
7 for in this Court is what I am saying and I am not here to tell
8 lies.

9 Q. I am suggesting that it is your own words in previous
13:29:12 10 interviews that make it perfectly plain that you have allowed
11 yourself to be used in evidence - in testimony - in this Court to
12 spin a false story. Do you understand? Your words that we've
13 been looking at today, I suggest, make it perfectly plain that
14 you know that the RUF were not involved directly and immediately
13:29:35 15 in the invasion on 6 January and didn't become involved until
16 they were pleaded with by Gullit to send reinforcements, the vast
17 bulk of which never even made it into Freetown. That is correct,
18 isn't it?

19 A. No, I did not tell you that except when Gullit pleaded. I
13:29:59 20 did not tell you that. Look at what you've just told me. Look
21 at it. It's on this paper, this last sentence, the one that
22 you've just put to me. If you read it back you will see it, "The
23 witness knew that Issa Sesay through his radio operator Sandy
24 Koroma communicated daily with Gullit during the Freetown
13:30:18 25 invasion". It's clearly stated here.

26 Q. Where are those communications now, Mr Monitoring Operator?

27 A. Most of the communications I - I could not get the log --

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

29 PRESIDING JUDGE: Mr Witness, first of all the interpreter

1 did not hear you very clearly. Please repeat where you said, "I
2 could not get the log".

3 THE WITNESS: Logbook.

13:31:00

4 PRESIDING JUDGE: Secondly, Mr Munyard, we are up to our
5 normal time for the lunchtime adjournment.

6 MR MUNYARD: Yes, I see.

13:31:23

7 PRESIDING JUDGE: I will now adjourn court. Mr Witness,
8 today is Friday and on Fridays we do other work in the
9 afternoons. We do not sit in the court. We will therefore be
10 adjourning the court until 9.30 on Monday. I again remind you
11 that you have taken the oath and you are not to discuss your
12 evidence with any other person. Do you understand?

13 THE WITNESS: Yes.

13:31:36

14 PRESIDING JUDGE: Please adjourn court until Monday at
15 9.30.

16 [Whereupon the hearing adjourned at 1.30 p.m.
17 to be reconvened on Monday, 8 December 2008 at
18 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

DAUDA ARUNA FORNIE 21776

CROSS-EXAMINATION BY MR MUNYARD 21776