



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 8 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:

Mr William Romans
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawalie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Mr Alain Werner
Mr Nicholas Koumjian
Ms Maja Dimitrova
Mr Jim Johnson

For the accused Charles Ghankay
Taylor:

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

1 Monday, 8 December 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:32:11 5 PRESIDING JUDGE: Good morning. Mr Santora, appearances
6 please.

7 MR SANTORA: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel. For the Prosecution this
9 morning is Brenda Hollis, Alain Werner, Maja Dimitrova and myself
10 Christopher Santora.

11 PRESIDING JUDGE: Thank you. Mr Munyard, good morning.

12 MR MUNYARD: Good morning, Madam President. For the
13 Defence this morning is Courtenay Griffiths QC, Morris Anyah,
14 myself Terry Munyard and Amina Graham.

09:33:13 15 PRESIDING JUDGE: Thank you. If there are no other
16 matters, I will remind the witness of his oath and proceed with
17 cross-examination? No.

18 Mr Witness, good morning.

19 THE WITNESS: Good morning, Madam President.

09:33:24 20 PRESIDING JUDGE: I want to remind you again this morning
21 that you are under oath, the oath continues to be binding on you
22 and you must answer questions truthfully. Do you understand?

23 THE WITNESS: Yes.

24 WITNESS: DAUDA ARUNA FORNIE [On former oath]

09:33:35 25 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

26 Q. Good morning, Mr Fornie.

27 A. Good morning, Mr Munyard.

28 Q. You told us last week of your first meeting with the
29 Prosecution, the first one of which we have a written record of

1 in any event, in July 2003. How did that meeting come about?

2 A. Well, I was in Bo when two investigators from the OTP met
3 me at the Talking Drum office and they invited me to a hotel
4 called Mammy Yoko. Sorry, Madam Wokie. Madam Wokie in Bo.

09:35:14 5 Q. Did you subsequently see them in the Mammy Yoko Hotel at a
6 later stage, people from the OTP?

7 A. Yes.

8 Q. Well, let's stick with Mama whatever it is in Bo at the
9 moment. How did they come?

09:35:35 10 A. Madam Wokie. Not Mammy Yoko, but Madam Wokie.

11 Q. I haven't got her second name right. Madam Wokie.

12 A. Okay, that's a correction.

13 Q. Thank you very much. How was it that they came to find
14 you?

09:35:59 15 A. I don't know the means that they used to find me.

16 Q. Well, did you ask them?

17 A. I asked them, but they did not tell me their source of
18 information.

19 Q. What, you said, "How did you come to get hold of me, Messrs
09:36:20 20 Office of the Prosecution?", and they said, "We are not going to
21 tell you"? Is that how they conducted their business with you?

22 A. They didn't tell me that. They only told me that they were
23 doing their job. They did not tell me the exact source they used
24 to get on to me.

09:36:47 25 Q. Even though you had asked them to tell you that?

26 A. Yes.

27 Q. Had you ever heard of them before, these investigators who
28 came to speak to you?

29 A. Well, I had never heard about them before the first visit.

1 I had never heard about them.

2 Q. You say that they met you at the Talking Drum office. How
3 did they know you were going to be there?

09:37:31

4 A. Well I don't know how they got their information and how
5 they were able to trace me, because at that time I was with the
6 Talking Drum. I was working with the Talking Drums and at that
7 time to get information about me I don't think it was anything
8 difficult for anybody at that time to locate me.

09:37:58

9 Q. Did you know - at the time at which you met these people
10 from the Prosecution, did you know anybody else who had given an
11 interview to the Prosecution?

12 A. No.

13 Q. Are you sure about that?

09:38:26

14 A. Yes, I don't recall. I don't recall that I had known
15 anybody.

16 Q. In any event, we know from your evidence on Friday that you
17 knew that when they interviewed you and you gave them an account
18 that you may well end up as a witness before the Special Court,
19 yes?

09:38:46

20 A. Well, before --

21 Q. Hold on a moment. I don't want to go over it all again. I
22 am just summarising what you told us on Friday, because we saw
23 the declaration that you affirmed on that very day which says
24 that you know that you may be called to give evidence before the
25 Special Court.

09:39:04

26 A. Well, what I told you exactly was that, you know, like the
27 first question you asked me I never knew that they would call me
28 to give evidence in court before the first visit that they
29 visited me in Bo. Besides that, I said I had the thought. That

1 was the thought most of us had and that was the information we
2 used to get about the Special Court, that it was fearful and that
3 they were going to arrest all of the ex-combatants. It was not a
4 matter of testifying. That was the speculation that we had. I
09:39:51 5 hadn't any clear information about who and who were to be
6 indicted by the Court. So even when we would be walking around
7 together with our colleague ex-combs in Bo, when we were there
8 together with myself and my colleague ex-combatants, we used to
9 say that we expected that everybody was going to be indicted.

09:40:15 10 That is what I told you.

11 PRESIDING JUDGE: Mr Witness, remember to speak more slowly
12 please for the interpreters and the people recording. Continue
13 Mr Munyard.

14 MR MUNYARD: Thank you.

09:40:26 15 THE WITNESS: I will try.

16 MR MUNYARD:

17 Q. You knew perfectly well that you were not under arrest when
18 these two people interviewed you on 31 July 2003, didn't you?

19 A. This is what I am telling you, that the notion that I had
09:40:49 20 about the Court was that the Court had gone there to try every
21 combatant who took part in the war. That was my notion and that
22 was what I shared with many other ex-combatants.

23 Q. That's completely untrue, isn't it, that you knew or
24 believed that the Special Court was there to try every combatant?

09:41:19 25 A. Well, I am telling you that that is the truth. That was
26 what I felt and that was the same thing that I shared with other
27 ex-combatants in Bo, where I lived.

28 Q. You were chosen for radio communication training because of
29 your level of education, weren't you?

1 PRESIDING JUDGE: Is this during the wartime, because he
2 has said he was working for the Talking Drum.

3 MR MUNYARD: I am talking about his evidence about being
4 trained by the RUF including Foday Sankoh himself:

09:41:56 5 Q. Did you follow that, Mr Fornie? May I make it clear I'm
6 talking about the reason that when you joined the RUF you were
7 trained in radio communications was because of your level of
8 education which was higher than many others. That is correct,
9 isn't it?

09:42:14 10 A. Well, all you have said is not correct. The first thing
11 when you said when I joined the RUF that is not correct, that
12 when I joined the RUF. To make things clear to you, I was
13 captured by the RUF. I did not join them. And apart from that,
14 it was not - it was not that I was more educated than many of the
09:42:42 15 other people who were in the Bomi Hills training camp. That was
16 not the reason why I was selected. I was just fortunate to fall
17 among the group, because there were other people who were highly
18 educated - more educated than I was in that camp, but they did
19 not see that communication was a field that they should find
09:43:05 20 themselves in because at that time the way they saw the radio
21 men, they said the radio men did not go to the front line because
22 the notion that everybody had about radio men was that radio men
23 - if you are a radio man you are just --

24 PRESIDING JUDGE: Mr Witness, the question was were you
09:43:22 25 selected because of your level of education. I think you have
26 answered that question.

27 MR MUNYARD: Indeed:

28 Q. In fact, at the time that you were seized by the RUF you
29 were 16 years old and you were on your way back to school after

1 the school holidays. That's right, isn't it?

2 A. Yes.

09:43:54

3 Q. And so you were still in school at 16 at the time that
4 you're captured and then, shortly after that, trained as a radio
5 operator. That's all I seek to establish and that's correct,
6 isn't it?

7 A. Yes, about a year. After a year. About after a year, that
8 was when I was trained as a radio operator.

09:44:16

9 Q. All right. We'll come to that. Now, you are well educated
10 enough to understand that when the Special Court was set up it
11 was set up to try only those who had the greatest responsibility
12 for the war in Sierra Leone. You knew that perfectly well,
13 didn't you, when you were spoken to by these investigators in
14 July of 2003?

09:44:41

15 A. I did not understand exactly who the Special Court had gone
16 to Sierra Leone for, to try. This is what I'm saying. I did not
17 understand the category of people whom the Special Court was to
18 try.

09:45:04

19 Q. When do you say you became aware of the category of people
20 the Special Court was set up to try?

09:45:34

21 A. Well, it was very late, around 2006, because at that time
22 there had been more sensitisation over the various electronic
23 media that the category of people whom the Special Court was
24 going to try - that is the Special Court Outreach used to go on
25 air in the various media houses in Sierra Leone. In Bo I used to
26 listen that from various radio stations and they were sensitising
27 people that this Court did not come to try everybody who
28 participated in the war. It was only those who bear the greatest
29 responsibility. That was the time - that was around 2006 that I

1 actually got a clear picture about the Court, as to who the Court
2 was to try.

3 Q. So whose trial did you think you might be called to give
4 evidence in when you signed that affirmation in July of 2003?

09:46:32 5 A. Already I had given them the interview but even when they
6 were saying that they were not going to try - you know, I said,
7 for me, I still thought that they would arrest any other
8 commander in the RUF. I still had some skepticism in my mind
9 that maybe they will still arrest or indict more RUF people.

09:47:01 10 Q. You started a sentence there that you didn't finish and let
11 me just read it to you. "Already I had given them the interview
12 but even when they were saying they were not going to try" - and
13 then you moved off. When you said they were not going to try
14 you?

09:47:17 15 A. Everybody.

16 Q. Hold on a minute. Is that who you were talking about? Was
17 it made clear in July of 2003 that they were not going to try
18 you?

19 A. Yes, they told me but I did not have proper information
09:47:43 20 because our meeting at Madam Wokie was brief. Even when they
21 told me, I was not convinced.

22 Q. Yes, what's written down here on the transcript is, "Yes,
23 they told me but I did not have proper information". They told
24 you they were not going to try you, didn't they, in July of 2003?

09:48:18 25 A. That they told to me, yes.

26 Q. Thank you. And they told you they were taking an account
27 from you which may result in you appearing before the Court as a
28 witness in somebody else's trial, yes?

29 A. They said maybe if - it was not certain that I will be a

1 witness. They said if they interviewed me, you know, maybe, yes.

2 Q. Mr Fornie, you and I agree on that and that is why I used
3 the word "may" appear before the Court. In whose trial did they
4 tell you you may appear when they took this account from you in
09:49:06 5 which you did not tell them what you say was the whole truth?

6 A. No, what I told them was true. But the RUF trial, that is
7 Issa and others' trial, was the main reason why they met me.
8 They said they would like me to testify in the RUF trial.

9 Q. They made that clear in July of 2003, yes? Just one word
09:49:44 10 answer, please; yes or no?

11 A. That was not clear to me, even though they told me, but it
12 was not clear to me because I was not convinced.

13 Q. How is it if they tell you that they would like you to
14 testify in the RUF trial of Issa and others that that is not
09:50:02 15 clear to you? Either they told you that or they didn't. Which
16 is it?

17 A. They told me. They told me but my - I hadn't a clear
18 conscience that that was the correct information they were giving
19 to me because, the way the Special Court went to Sierra Leone,
09:50:21 20 they will not just spend one hour or one day to make something
21 clear to somebody, to give somebody every information about that
22 Court. You know, what we had gone through, I was just thinking
23 that I should not involve myself into everything at a go and that
24 whatever I thought that I should participate in I should have a
09:50:44 25 second thought as to why I should do that. What should be the
26 reward to the entire nation, all of those things I had to think
27 about.

28 PRESIDING JUDGE: Mr Witness --

29 THE WITNESS: I will try. I will try. I will try to slow

1 down. I will try. So I was taking my time to think about it, to
2 say if I testified at all in this case, what would the nation
3 really benefit from this? Because the RUF had been using us,
4 misusing us, to distress Sierra Leone and now that this other
09:51:25 5 thing had been brought I did not have much understanding about
6 this and I said let me have a second thought about it. Let me
7 have a proper thought about it. If I testified in this case how
8 would the people of Sierra Leone look at me? And even my own
9 people, how will they look at me if I testify? Because at that
09:51:45 10 time even our people - even if they heard we had links with the
11 RUF, still trying to have any connections with the RUF --

12 PRESIDING JUDGE: Mr Witness, you are again wandering away
13 from the question. I think you have answered the question and
14 now you are giving secondary information.

09:52:04 15 MR MUNYARD: Thank you, your Honour:

16 Q. You first started to say in that long reply, "If I
17 testified in this case what would the nation really benefit from
18 this?" Then you went on to explain what you meant by that, "How
19 would the people of Sierra Leone look at me?" It wasn't how
09:52:25 20 would the nation benefit from it, it was how would you benefit or
21 lose from it that was in your mind, wasn't it?

22 A. Well, that was not what I had in mind. The primary issue
23 in this case was that being that we the ex-combatants' characters
24 had already been tarnished in Sierra Leone, how were we to
09:52:54 25 rebuild those bad characters of ours? Like, the atrocities that
26 we the RUF committed to the people, what was I to do? What was I
27 to join or what was I not to join that the people would
28 appreciate? Like, the way - like now that I am testifying here,
29 how would some people feel or think about me? Even though I knew

1 that I would still have some mixed feelings within the community,
2 but I also know that some people will consider it that it is good
3 that this man has actually come to this Court and educate us
4 about the sort of things that the RUF were doing, the way the RUF
09:53:38 5 was communicating with the Liberian President or the Liberian
6 government. Those are the things that I think that I am talking
7 about.

8 Q. All right. And how was it left at the end of the interview
9 in July of 2003? How was it left between you and the
09:53:59 10 Prosecution? What was going to happen next as far as you were
11 concerned?

12 A. Well, that particular day that they met me in Madam Wokie I
13 did not grant them any formal interview. It was later when I
14 went to Freetown, at the 44 Bathurst Street office, the Talking
09:54:31 15 Drum office, that was where I gave them those pieces of
16 information.

17 Q. Mr Fornie, when you say you didn't grant them a formal
18 interview in Madam Wokie's are you suggesting that they didn't
19 write down what you said and get you to sign the bottom of every
09:54:48 20 page of their notes after they read it back to you?

21 A. Well, that was not at Madam Wokie that I was interviewed.
22 It was in Freetown that I was interviewed. This is what I am
23 telling you. The interview notes that you are referring to was
24 done in Freetown.

09:55:07 25 Q. Right. Where is the Talking Drum office? I don't mean the
26 address. I mean what city, what place?

27 A. Talking Drum office is at 44 Bathurst Street, Freetown.
28 The one that is in Freetown, it's at 44 Bathurst Street. The one
29 that is in Bo, was 5 Prince William Street, but now it has been

1 relocated.

2 Q. Right, so there is a Talking Drum office in Bo and a
3 Talking Drum office in Freetown, yes?

4 A. Yes.

09:56:01 5 Q. Where were you seen - in which Talking Drum office - on 31
6 July 2003?

7 A. Well, the first time that they met me was in the Bo office
8 and the second time that they met me, when I granted them the
9 interview, was in the Freetown office.

09:56:27 10 Q. So how long did you spend with them the first time and when
11 was that?

12 A. I don't recall the date. The first time I don't recall the
13 date and I did not spend up to --

14 Q. I am not expecting you to remember a date, but was it in
09:56:53 15 2003 first of all, yes or no?

16 A. It was in 2003, yes.

17 Q. How long before you granted them what you call a formal
18 interview at the Freetown office of the Talking Drum did your
19 meeting occur in the Bo office of the Talking Drum?

09:57:17 20 A. It was roughly around two weeks, roughly something like
21 that. I don't recall the exact duration. I don't recall the
22 exact duration, anyway.

23 Q. So you weren't so afraid of them after the first meeting
24 that you went to ground and you disappeared. After the first
09:57:39 25 meeting, off you go to Freetown a few weeks later and grant them
26 a formal written interview, yes?

27 A. Freetown is where my office is. I had some other official
28 matters. Being that they were still after me - you know, in fact
29 one thing I was thinking about was that these people were after

1 me even if I did not grant them interviews. I just thought that
2 they will think it was because I still had something to do with
3 the RUF and that is why I didn't want to grant them the
4 interview. That is what gave me the cause to grant them the
09:58:22 5 interview, even.

6 Q. And they never suggested they were going to arrest you,
7 either on the first Talking Drum meeting or the second one in
8 Freetown, did they?

9 A. Yes.

09:58:36 10 Q. What is the Talking Drum?

11 JUDGE SEBUTINDE: Is that "Yes" a "No" practically?

12 MR MUNYARD: Oh, again I am sorry. I assumed it was a
13 "Yes" meaning a "No", in other words agreeing with me, but I will
14 clarify that your Honour:

09:58:55 15 Q. It is correct, isn't it, that they did not suggest that
16 they were ever going to arrest you either at the first Talking
17 Drum office in Bo, or at the second Talking Drum office some
18 weeks later in Freetown? That is correct, isn't it?

19 A. Yes, they did not suggest that to me, that they would ever
09:59:16 20 arrest me.

21 Q. Tell us what the Talking Drum is?

22 A. Talking Drum is a formal organisation that is about - that
23 is a conflict resolution organisation and which grants people
24 interviews. We produce pre-taped programmes and we distribute
09:59:41 25 them to the various radio stations in Sierra Leone to educate the
26 people at that time - to educate the people about disarmament,
27 how the disarmament process was going on and also educate people
28 about governance. That is the role of the Talking Drums.

29 Q. Is it a United Nations sponsored organisation?

1 A. Talking Drums get their funds from various partners. It
2 depends on the time that the United Nations would want their
3 service to work with them as partners like to produce a specific
4 programme for them. They will make a partnership and after that
10:00:29 5 programme then the partnership would end. Like any other
6 organisation, like UNICEF, they will award them contracts for
7 children's affairs, how to treat children, and the programme is
8 called Golden Keys. The Talking Drum has programmes about
9 youths. They have youth programmes and so it depends.

10:00:52 10 Q. Mr Fornie, is that long answer another way of saying "Yes"
11 to my question?

12 A. Well, what you said it is not that I don't know that it is
13 the United Nations that is directly or exclusively sponsoring
14 them, but I know that they --

10:01:13 15 THE INTERPRETER: Your Honours, can the witness repeat and
16 speak slowly.

17 PRESIDING JUDGE: First of all, you are going too quickly
18 for the interpreter and secondly I think you have answered the
19 question. Mr Munyard, unless --

10:01:25 20 MR MUNYARD: I am content to work on the basis that the
21 United Nations does sponsor some of the programmes of the Talking
22 Drum:

23 Q. The programmes are to educate the people, amongst other
24 things, about disarmament and also about the Special Court. Is
10:01:42 25 that right?

26 A. Yes.

27 Q. And so central to its work about the Special Court is to
28 explain to people who the Special Court is set up to try, isn't
29 it?

1 A. Repeat that.

2 Q. Central to the work of the Talking Drum about the Special
3 Court is to explain to people who the Special Court is set up to
4 try?

10:02:23 5 A. Yes.

6 Q. There is no point telling the nation what the Special Court
7 is there for unless you explain who it is going to try, is there?

8 A. Well I think we needed a lot of information to educate us
9 about the Special Court, because even myself I didn't know much
10:02:54 10 about the Special Court.

11 Q. You were one of the people whose job in the Talking Drum
12 was to explain to the nation what the Special Court was about.
13 How could you do that if you hadn't yourself been told what it
14 was there for?

10:03:18 15 A. Well, that was not my field. That was not my duty. We had
16 division of labour. We had various departments at the Talking
17 Drums and the department where I was working was the traditional
18 department - traditional department - like digging up history to
19 find out about historical backgrounds of towns and villages,
10:03:44 20 idioms, to ask people --

21 Q. I am sure you can develop this in re-examination if you
22 wish to, but the Talking Drum was amongst other things a
23 propaganda organisation, wasn't it?

24 A. Yes.

10:04:08 25 Q. Right. Now they interview you once in Bo, they see you
26 again in Freetown, they write down what you have told them in
27 Freetown and you sign every page and you make a declaration at
28 the end. We have seen all of that. What was said at the end of
29 the second meeting in Freetown about when they would next be in

1 touch with you and how they would keep in contact with you?

2 A. For what time that they were to get in touch with me, I
3 don't recall the time that was given to me. At that time how
4 they were to contact me again, it was through my office.

10:04:55 5 Q. And your office where?

6 A. Bo.

7 Q. And how long did you continue to work in that office in Bo
8 after July of 2003?

9 A. Well, I continued to work in the office up to - up to 2004.
10 I think so.

10:05:40

11 Q. And then where did you work?

12 A. From Talking Drums, while I was in the Talking Drums I had
13 an accident with my arm and it was - I spent two years fighting
14 to cure of my arm and after I was healed I was running part-time
15 contracts, sometimes with Radio Moa, and I am also engaged in my
16 private business - private agricultural business.

10:06:14

17 Q. And were you at all times living in Bo?

18 A. No, I used to move from one place to the other.

19 JUDGE SEBUTINDE: Mr Munyard, was that Radio 1?

10:06:39

20 MR MUNYARD: It was.

21 THE WITNESS: Moa.

22 MR MUNYARD:

23 Q. Right. Radio Moa, named after the river, is that correct?

24 A. Yes.

10:06:50

25 Q. And where was Radio Moa based?

26 A. Radio Moa is on Mount Kanewa [phon], Kailahun.

27 Q. Right. And did you broadcast on Radio Moa?

28 A. Sometimes I did not do - yes, sometimes. Yes.

29 Q. And where were you when you had your accident with your?

1 A. I was in Bo. Wait, wait. I was in Bo and I was travelling
2 to Kailahun and I got a road accident in Kenema while headed for
3 Kailahun.

10:07:44 4 Q. And where were you treated? In what places were you
5 treated for the damage that was done to your arm?

6 A. I had treatment at the Kenema government hospital and
7 Freetown, Connaught. I had treatment in Freetown at Dr Rogers's
8 private hospital and Kailahun, Bo and so many other areas.

10:08:14 9 Q. I just want to know the places. We don't need to know
10 whose hospital. So did you have family in Bo?

11 A. Yes.

12 Q. And did your family remain in Bo while you went to various
13 places to have treatment for your arm?

10:08:38 14 A. Sometimes they went with me and some other times they would
15 remain in Bo.

16 Q. Well, I don't need to know anybody's names. When I ask you
17 about family, I am talking about parents first of all. Did your
18 parents live in Bo?

19 A. Yes.

10:08:54 20 MR SANTORA: Objection. I am going to object on relevance
21 at this point.

22 PRESIDING JUDGE: He answered, Mr Santora, before you were
23 able to make your objection.

10:09:03 24 MR MUNYARD: Well, there is a reason for this. I am trying
25 to establish - without giving the game away to the witness, I'm
26 trying to establish contact.

27 PRESIDING JUDGE: That has been answered, yes.

28 MR MUNYARD: It is patently relevant, in my submission:

29 Q. Now, you had parents living in Bo. Did they know where you

1 had gone for treatment for your damaged arm?

2 A. Yes.

3 Q. Thank you. Any other family at the time that we are
4 talking about, 2003 onwards? Had you married by then, for
10:09:45 5 example?

6 A. No, I was not legally married. I was not legally married.

7 Q. Don't worry about the legalities of it, Mr Fornie. Many of
8 us aren't legally married, but did you have a partner?

9 A. Yes.

10:10:03 10 Q. And while you were going to various places for treatment
11 for your arm was your partner based back home in Bo, or was your
12 partner coming with you to the various hospitals and so on?

13 A. In some of the places she was with me.

14 Q. But did you and she have a home together in Bo that she
10:10:30 15 remained in when she wasn't travelling to see you in hospital, or
16 other medical centres?

17 A. Well, throughout the time that I had the accident she was
18 with me while I was going up and down until at a point in time
19 she transferred to Freetown for certain reasons.

10:11:00 20 Q. Right. Well I don't want to know about those reasons, but
21 is this the case, that you would have kept in touch with your
22 parents the whole time you were having treatment, wouldn't you,
23 in order to let them know how you were getting on?

24 A. Yes. And I used to keep in touch with them, both in
10:11:22 25 Freetown, Bo and in my village.

26 Q. And so by the time we get to 2006 where are you then?

27 A. In 2006 I was based in Bo.

28 Q. So you were back home. When I say home, I mean in your
29 home area.

1 A. Yes.

2 Q. And when you say Bo, were you based in the same village or
3 part of Bo as your parents or some other part?

10:12:07

4 A. I transferred to another location. I transferred from the
5 place where I was when I got this accident, I moved from there to
6 another street.

7 Q. But still in touch with your parents who were still in the
8 same district, is that right, by 2006?

9 A. Yes.

10:12:24

10 Q. And so if somebody with all the resources of the Office of
11 the Prosecutor at the Special Court had wanted to find you they
12 could easily have tracked you down through your parents or your
13 partner in between 31 July 2003 and 4 May 2006. That's right,
14 isn't it?

10:12:54

15 A. Yes. I even had a phone on which they used to contact me
16 and I turned them down.

17 Q. You even had a phone on which they used to contact you.
18 When did you first get that phone?

19 A. It was around February 2004.

10:13:28

20 Q. And how did they, who you used to turn down, get the number
21 of that telephone, in February 2004, unless you had given it to
22 them?

23 A. No. I was surprised at how they got my number. I asked
24 Alfred and others many times to tell me how they got my number
10:13:59 25 but they did not tell me.

26 Q. Alfred being who?

27 A. Say again?

28 Q. Who was Alfred?

29 A. The investigator, Prosecution investigator.

1 Q. What was his last name?

2 A. That has escaped my mind now.

3 Q. Was it Alfred Sesay?

4 A. Something like that, yeah. Something like that.

10:14:41 5 Q. So what contact number did you give him at the end of the
6 second meeting with him in the Talking Drum in Freetown?

7 A. I gave him the Talking Drum landline number and my house
8 address.

9 Q. Right. Your house or your parents' house, or was your
10:15:09 10 house your parents' house in 2003?

11 A. Well, as I can recall, I think --

12 PRESIDING JUDGE: Mr Witness, when you answer this question
13 you do not have to give the exact address. Just generally.

14 THE WITNESS: Okay.

10:15:29 15 MR MUNYARD:

16 Q. All I want to know is when you talk about "my house
17 address" are you talking about the address of the house that your
18 parents and you lived in at the time?

19 A. I think - I don't recall the right one now from amongst the
10:15:58 20 two, because sometimes I would give them both. They would ask me
21 for my permanent and temporary address, so I don't recall now,
22 but I am sure I gave them at least one.

23 Q. Right. Then from February 2004 you have a mobile telephone
24 on which to your surprise, you say, they ring you. When did they
10:16:23 25 first ring you on the mobile telephone and what did they want?

26 A. I was in Freetown when they rang me for us to meet but I
27 told them that no, I was not going to meet with them and that was
28 not any of my priorities at that time. I told them that I was in
29 pain.

1 Q. Yes, exactly. And that's the reason you didn't meet them
2 then, isn't it, because you had this accident and you were
3 getting medical treatment for it and that was your number one
4 priority. Correct?

10:17:02 5 A. Well, that was what I told them, but the priority actually
6 was that I did the not get -

7 Q. [Overlapping speakers]

8 A. No, wait. The number one priority was that I did not have
9 any clear conscience about the Court. Even when I was in pain if
10:17:23 10 I wanted to talk to them I would have spoken to them, but I just
11 decided to ignore them because I did not have clear indication
12 about the Court. So I was taking my time to get more
13 understanding about the Court.

14 Q. Were you still doing your propaganda work for the Talking
10:17:48 15 Drum explaining to the nation what the Court was all about at
16 this time?

17 A. No. At that time I was not going on air any more because I
18 was - I lost my job at that time.

19 Q. When did you lose your job? Are you talking about your job
10:18:15 20 with them, the Talking Drum?

21 A. Around mid-2004.

22 Q. So up to mid-2004 you had been working for the Talking Drum
23 explaining to the nation what the role of the Special Court was,
24 yes?

10:18:32 25 A. No. I was not the one explaining to the nation what the
26 role of the Special Court was. I have told you this here that
27 that was not my department. That was not my duty. Not at all.

28 Q. Well, what was your duty with them?

29 A. Talking Drum has various sections. I was in the

1 traditional area.

2 Q. Stop, Mr Fornie. I asked you what was your role.

3 MR SANTORA: I am going to object there that this has been
4 asked and answered.

10:19:06 5 PRESIDING JUDGE: I don't think it has been answered. He
6 said what section he was in. I still haven't worked out if he
7 was on the technical front, the writing front or the broadcasting
8 front and those are three I can think of off the top of my head.

9 MR MUNYARD: Indeed:

10:19:23 10 Q. What was your role with the Talking Drum and did it change
11 over time, over the years that you worked with them?

12 A. My role at the Talking Drum, I was attached to the
13 traditional programmes, like, there is a programme --

14 PRESIDING JUDGE: Mr Witness, you have told us that but
10:19:45 15 it's not clear to us. Did you write the material, did you go on
16 the air and speak, or did you work on the machinery, for example?

17 THE WITNESS: Yes, I worked on the machines sometimes and
18 sometimes I went to the field. Most often I went to the field to
19 collect materials for the programme that I produced.

10:20:14 20 MR MUNYARD:

21 Q. To collect materials for the programme that you produced.
22 So you were a producer on that programme, yes?

23 A. Well, I was not the producer. I was a presenter. At a
24 particular point I became a presenter, yes.

10:20:35 25 Q. We have got you on your own answer collecting materials for
26 a programme that you produced. Now we have got you as a
27 presenter. You were doing propaganda for the Special Court in
28 2003 and all the way up to mid-2004, weren't you?

29 A. Wrong. I was not the one doing propaganda for the Special

1 Court at that time that you've mentioned.

2 Q. So what were you presenting after you'd been a producer on
3 Talking Drum programmes telling the world - telling the nation
4 what the Special Court was for?

10:21:16 5 A. Well, producer is a position. Producer at Talking Drums,
6 it's a position. When you talk about producer, that is a
7 position. And I was not a producer at the Talking Drums, but I
8 used to conduct interviews and I will come back and input that
9 into the computer and I will edit it on my own and I will voice
10:21:41 10 it and I will package it and the technician would look at the
11 levels and from there they would record and dispatch it to the
12 various radio stations and to the various destinations.

13 Q. So they would dispatch to various radio stations your
14 pieces to go out on air. Is that what you're saying?

10:22:11 15 A. Yes.

16 Q. And I'm going to try one last time. Among those pieces
17 were you explaining the role of the Special Court?

18 A. No, I don't recall. I don't recall.

19 Q. Are you saying that you did so many things that maybe
10:22:42 20 amongst them was explaining the role of the Special Court?

21 A. I don't recall. That's what I'm telling you.

22 Q. So you have been - would you accept that you have been
23 involved in propagandising for this very court in your work with
24 the Talking Drum?

10:23:18 25 A. When I was working with the Talking Drums I was not
26 involved in any propaganda. The time I was working with Talking
27 Drums I was not involved in propaganda.

28 Q. Right. Let's move on from the time you lose your job with
29 the Talking Drum. When do you next hear from the Office of the

1 Prosecution on your mobile phone or them turning up at any of
2 your addresses?

3 A. It was in 2006.

4 Q. So they contact you in 2004, much to your surprise, yes?

10:24:04 5 A. Yes.

6 Q. Just once or more than once?

7 A. In 2004 it was more than once.

8 Q. How many times?

9 A. I don't recall.

10:24:21 10 Q. Well, roughly?

11 A. I don't recall any more. I don't recall, but at least two
12 times. I don't recall.

13 Q. And what did they say?

14 A. I will tell you this repeatedly, what they told me. They
10:24:40 15 told me that they would want me to be a witness for the Special
16 Court and I turned them down. And even when I went to Freetown
17 they insisted. And because of one reason or the other that I've
18 explained here they tried to convince me and I gave them some
19 pieces of information. And from that time when I was sick and I
10:25:09 20 was hospitalised they still contacted me on my cell phone. They
21 still contacted me on my cell phone. In fact, at that time I did
22 not even respond to them. Whenever they asked me where I was I
23 did not tell them my location because I had still not gotten
24 proper education about the role of the Special Court.

10:25:32 25 Q. Even then they still hadn't told you that you were not one
26 of their targets. Is that what you're telling this Court?

27 A. I did not tell you that. I said they told me but I was not
28 convinced. They told me that, indeed they did, but I was not
29 convinced.

1 Q. Right. So what bits of information did you give them?

2 A. The ones that are on that same paper, the first interview
3 notes.

4 Q. No, no, no. Mr Forni e, you know perfectly well we've moved
10:26:11 5 on. You've had your accident, you have been hospitalised, they
6 are telephoning you on your mobile phone and you said, "They
7 tried to convince me and I gave them some pieces of information"?

8 A. The only time, that's the time that I'm telling you about.
9 The time that we met in Freetown that was the time that I gave
10:26:34 10 them those pieces of information, but since I got the accident I
11 told you that they tried to meet with me but I never met with
12 them until I decided to find out more about them - the Court.

13 Q. And how did you find out more about them?

14 A. Well, the Special Court since had been going on on the
10:27:07 15 radios and we had been discussing it. I had been discussing that
16 with other people when we have conversations, sometimes we will
17 have conversations with some other friends in some gatherings and
18 some friends will deliberate on the Special Court, and through
19 the media. Those were some of the ways that I got information
10:27:36 20 about the Special Court, really.

21 Q. And in 2004 was there a trial going on at the Special Court
22 that you were aware of? Well let me try and help you, rather
23 than have a long pause. You have mentioned somebody you named as
24 Issa and others. What about Issa and others? Was their trial
10:28:20 25 happening in the Special Court that you were still getting
26 information about?

27 A. Well, that's what I'm thinking about. I don't know the
28 exact time that the trial of Issa and others kicked off.

29 Q. Well, I'm not asking you for a specific date. In 2004, was

1 their trial happening at some point during that year?

2 A. That is what I am telling you. I don't recall the exact
3 time that the trial of Issa and others started. For now, I don't
4 recall it for now.

10:29:05 5 Q. Did you hear at any time of a radio operator being indicted
6 by the Special Court and put on trial?

7 A. Who?

8 Q. That's what I'm asking. Did you ever hear at any time of a
9 radio operator being put on trial before the Special Court?

10:29:30 10 PRESIDING JUDGE: Mr Munyard, do you mean any radio
11 operator?

12 MR MUNYARD: Yes, any radio operator. Thank you, your
13 Honour.

14 THE WITNESS: You mean if the Special Court ever put any
10:29:45 15 radio operator on trial? Is that what you mean?

16 MR MUNYARD:

17 Q. That is what I mean.

18 A. No, I never heard that.

19 Q. And you were never in any danger of being put on trial and
10:30:01 20 you knew that throughout 2003, 2004 and any later dealings you
21 had with them, didn't you?

22 A. Well, I am telling you this repeatedly. I did not
23 understand the category of people. Even the limits, you know the
24 category of people that the Special Court was to try, I did not
10:30:26 25 know that category. I am still telling you this.

26 Q. Let us move to 2005, please. Did they contact you in 2005?

27 A. I don't recall.

28 Q. Well, try a little harder. They have been on the phone to
29 you several times in 2004. Were they still persisting the

1 following year?

2 A. I don't recall all of the contact times. I cannot recall
3 every little time that the Special Court contacted me.

10:31:15

4 Q. Are you saying that they didn't contact you at all during
5 2005?

6 A. I said I don't recall. I don't recall any more.

7 Q. 2006, please. Can you remember them contacting you in
8 2006?

9 A. Yes.

10:31:32

10 Q. How did that contact come about?

11 A. It was Alfred - the investigators. They were the ones who
12 met me, Alfred and - they met me in Bo.

13 Q. Alfred who?

14 A. One other investigator, Mustapha.

10:31:59

15 Q. Right. And how did it happen? How did the meeting get set
16 up?

17 A. I do recall that initially I saw one of the investigators
18 and he said, "Fellow, the Special Court is still in need of you
19 and they said you had a fear". I said, "Oh, yes, I had a fear",
10:32:45 20 and he said, "Why were you afraid?" I said, "Well, I had a fear
21 because I did not know because I thought they were going to
22 arrest all of us". He said, "Well if that is the reason I don't
23 think you should have any fear, because you must have been
24 monitoring how the trials have been going on. They are not going
10:33:03 25 to indict many people". I said, "Okay, now I am beginning to get
26 some clear understanding somehow". That was when he gave me -
27 well, he said I should try and see one of the investigators, that
28 they wanted to see me, and I said, "Okay, no problem. How would
29 they be able to see me?", and he directed me that he would be

1 around Daramy Rogers's office - around Daramy Rogers's office
2 area.

3 Q. I am going to ask you to spell that. Around what road?

4 A. Around Fenton Road. Around Fenton Road. Around Fenton
10:34:04 5 Road. That was where I went. I went there and I contacted them
6 and then I asked - they asked - I asked them and I said, "Oh, you
7 were trying to see me. I understood you were trying to see me".
8 I said, "Okay, I am in Bo and if anything you will meet me in Bo
9 at any time", and I was seated there one day when the
10:34:27 10 investigators came and met me in Bo.

11 JUDGE SEBUTINDE: There was an office that the witness
12 named. Was that Daramy? Daramy Rogers?

13 MR MUNYARD: That was the name I asked to be spelled.

14 JUDGE SEBUTINDE: Can you repeat the name, please.

10:34:39 15 THE WITNESS: Yes, at that time I had lost my phone. I did
16 not have communication at that time.

17 JUDGE SEBUTINDE: I just want the name, please.

18 THE WITNESS: Daramy Rogers.

19 MR MUNYARD:

10:34:54 20 Q. Can you spell that please, Mr Fornie?

21 A. To the best of my ability I spell it D-A-R-A-M-Y
22 R-O-G-E-R-S. Daramy Rogers.

23 Q. Right. So you meet Alfred and he explains that you needn't
24 fear. Where was it you met him? Sorry, you say you saw one of
10:35:31 25 the investigators. This is in Bo, is it?

26 A. Yes.

27 Q. Was this a chance sighting of the investigator, or was this
28 by arrangement?

29 A. It was not by any arrangement. It was not by an

1 arrangement.

2 Q. So by complete chance you happened to bump into Alfred
3 Sesay and have a conversation with him which then leads you to a
4 meeting with him and the other investigator, Mustapha, yes?

10:36:05 5 A. It was not Alfred Sesay. I said it was one of the
6 investigators. I said at the initial meeting - it's the name
7 that I have forgotten now, because for a long time now I have not
8 been seeing him because I recall that I only met with him twice.

9 Q. Right. You see him by chance, he knows who you are and you
10:36:33 10 have this conversation which leads eventually to a meeting with
11 them, yes?

12 A. Yes, he saw me. He saw me and called me and he told me
13 that the Court still needed my service. He was the one who told
14 me that. That led to my first meeting with Alfred and Mustapha.

10:36:59 15 Q. Right. Now this investigator that you see by chance, did
16 you know when you saw this man that he was an investigator for
17 the Court that you happened to just come across?

18 A. He had met me once. I had known him and he met me once.
19 The first time was in Bo when I saw them.

10:37:27 20 Q. So the first meeting in Bo you meet with an investigator
21 whose name you can't remember and who else?

22 A. He was the only one and nobody else at the time I met him
23 for the first time in Bo.

24 Q. Just the one the first time. I don't want to spend a long
10:37:51 25 time on this because we have now moved forward, but on that first
26 meeting in Bo - I should have asked you earlier - did he take any
27 notes of his discussion with you?

28 A. I have explained about my first meeting with the
29 investigators in Bo.

1 Q. Mr Fornie, I didn't ask you the question when I should have
2 done earlier. You haven't explained whether or not he took any
3 notes. Yes or no, did he take any notes of the first meeting in
4 Bo?

10:38:21 5 A. No, no notes. I did not give them any formal interview.

6 Q. Let's move on to 2006. In 2006 you meet this man again by
7 chance and he says to you, "You must have been monitoring how the
8 trials are going". What did you say to the suggestion that you,
9 Mr Fornie, had been monitoring how the trials were going?

10:38:50 10 A. Before he told me that, I have told you that the man told
11 me that the Special Court was still hunting for me and that the
12 Special Court still needed me to testify. He said the Special
13 Court will still need me to testify.

14 Q. Right, bear with me for a moment. He tells you that the
10:39:30 15 Special Court was still hunting for you, yes?

16 A. Yes, yes.

17 Q. And now would you mind answering my question. What did you
18 say to the suggestion that you had been monitoring how the trials
19 were going?

10:39:45 20 A. Yes, I was monitoring.

21 Q. How did you monitor them?

22 A. Through the outreach, because when they went on the radio
23 the outreach people used to educate people most often. So I used
24 to listen to the radio. I used to listen to the radio and to
10:40:12 25 those programmes.

26 Q. Every day?

27 A. No, it was not an every day programme. I said almost every
28 day I listened to the radio, but the programme was not an every
29 day programme to say the Special Court was an every day

1 programme.

2 Q. I am not suggesting that. I just wanted to know how often
3 you listened to the radio. And presumably, particularly when you
4 were having treatment for your arm and weren't able to do other
10:40:40 5 things as much as normally, presumably you listened to the radio
6 a lot then? Is that right?

7 A. Yes, well by then radio was part of my complement. I was
8 with my radio still.

9 Q. Yes. In 2006, did you hear anything about the arrest of
10:41:07 10 Charles Taylor on the radio?

11 A. Yes.

12 Q. All right. And was the Talking Drum doing anything on the
13 radio about Charles Taylor?

14 A. I do not recall what exactly happened at that time. I do
10:41:30 15 not recall.

16 Q. But the Talking Drum continues to this day to put out
17 features on the trials before the Special Court, doesn't it?

18 A. At that time I did not follow up the Talking Drum
19 programmes. I did not follow up the Talking Drum programmes,
10:41:54 20 because I had been laid off by then so I did not follow up their
21 various programmes keenly.

22 Q. No, I'm not suggesting that you were still working for
23 them, but the Talking Drum, which was set up in 2000, was still
24 broadcasting material about the trials before the Special Court
10:42:15 25 after you left them, wasn't it?

26 A. That is what I'm telling you, I said I wouldn't know that
27 now.

28 Q. Is that a genuine answer?

29 A. Well, I do not recall really. I do not recall how many

1 times because maybe if I told you that I recalled I might not
2 recall the kind of programmes that I listened to at that time.
3 But generally I listened to the Outreach programmes. I got more
4 information from the Outreach section.

10:42:57 5 Q. So this man speaks to you about the trials. Did you say
6 yes, you had been monitoring them?

7 A. Yes.

8 Q. And then you agreed to meet Alfred Sesay again, yes?

9 A. Yes. When Alfred and Mustapha met me.

10:43:17 10 Q. Yes. And where did you meet them?

11 A. They met me at the house.

12 Q. Which place?

13 A. Where I live in Bo.

14 Q. So they met you in your house in Bo, yes?

10:43:36 15 A. Yes.

16 Q. In May of 2006?

17 A. Yes.

18 Q. And they conduct another interview with you, yes?

19 A. Yes.

10:43:49 20 Q. And you agreed to that interview because you were now
21 satisfied, as a result of constant contact from the Court and
22 your monitoring of the trials, that you were no longer a possible
23 target of the Prosecutors, yes?

24 A. Yes.

10:44:11 25 Q. Thank you.

26 A. A target for trials, to be specific.

27 Q. Exactly, yes. So you had nothing to hide any longer by the
28 time you were interviewed in May 2006 because you were no longer
29 worried that you might be tried yourself, yes?

1 A. Not a hundred per cent, actually, but by then I had now
2 developed up to 75 per cent confidence that I wouldn't be one of
3 the people targeted by the Court really. Although the fear I had
4 in me had not wiped out completely, but I was above average
10:44:57 5 understanding now by then, because I had started developing some
6 confidence actually that the Court did not come for people like
7 us, the kind - the likes of us, so I thought of that now.

8 Q. You knew perfectly well that the Court wasn't coming for
9 people like you, didn't you, Mr Fornie?

10:45:19 10 A. I've told you that initially I did not know very well. And
11 even when Alfred and others met me, I told you that part of the
12 fear had gone, but I told you some amount of fear still remained
13 but I said I had almost overcome some of the fear. I can say
14 above average.

10:45:40 15 Q. Right. When was the next time - and I am not asking you
16 for a specific date. When was the next time that you were
17 interviewed after the meeting at your house in Bo with Alfred and
18 Mustapha?

19 A. I recall that it was the following day, it was the
10:46:00 20 following day.

21 Q. Right. So you were interviewed in two consecutive days, in
22 May, at your house in Bo. After that, when was the next occasion
23 on which you were interviewed?

24 A. They did not interview me in my house in Bo. We just met
10:46:24 25 there and we went to a hotel. There is a hotel - there is a
26 conference or a guesthouse in Kenema. That was where I was
27 interviewed.

28 Q. I see. So when you answered, "So they met you in your
29 house in Bo, yes" - when you answered yes to that, you meant they

1 met you there but they didn't interview you there, they took you
2 all the way to Kenema for an interview. Is that what you're
3 saying?

4 A. Yes, the following day.

10:47:02 5 Q. And this place in Kenema, was that yours?

6 A. Pardon?

7 Q. Was that your place in Kenema?

8 A. No, it was not my private place. It was not my place.

9 Q. We've dealt with that. When was the next occasion after
10:47:22 10 May 2006 that you were interviewed by them? And I am not looking
11 for a specific date because it would be very hard to remember a
12 specific date?

13 A. I do not recall any more.

14 Q. Was it also in 2006?

10:47:45 15 A. Anyway in respect of interview dates, really I would say
16 that I had had series of interviews, so I do not recall the
17 specific dates on which I took all those interviews. I would not
18 recall, but I took interviews.

19 Q. That's why I have said I am not asking for a specific date.
10:48:06 20 Can you remember if you were interviewed again in 2006?

21 A. Well, that is what I am telling you. I have told you that
22 I do not recall the subsequent interviews that I had with them.
23 I do not recall the dates. I do not recall the times.

24 Q. Well, there were another 25 of them so it's not surprising
10:48:36 25 that you don't remember the dates, but can I try and jog your
26 memory and suggest that you were interviewed again in August of
27 2006. Can you remember being interviewed in August 2006 in Bo?

28 A. I do not recall the various months, but I do recall that I
29 had some other interviews in Bo.

1 Q. Yes. Interviewed in August by Alfred Sesay, Magnus Lamin,
2 and Umaru Kamara. Do you remember meeting with them?

3 A. Yes.

10:49:32

4 Q. And do you remember what they wanted to interview you
5 about?

10:49:50

6 A. Well, the specific interview, I will tell you that I recall
7 that they interviewed me and I will say that it was not only once
8 that Magnus and others interviewed me. But the interview that
9 you are referring to now, I cannot tell what it entails so I
10 cannot tell you actually what specifically they wanted to speak
11 to me about.

12 Q. All right. Let me try and help you. Were you interviewed
13 at any stage about Gullit, Alex Tamba Brima?

14 A. Yes.

10:50:07

15 Q. And when they interviewed you about Gullit did they show
16 you a time line in relation to him? And tell me if you don't
17 understand anything in that question.

10:50:40

18 A. No, I do understand the question. But with regards the
19 interviews, I do not recall that it was only once that I was
20 interviewed or said something about Gullit and others. That is
21 the reason why. But maybe if I saw the document I will be able
22 to know the time. Maybe I will know that. But for now I can say
23 that the interviews you are referring to I do not recall because
24 there were so many other interviews.

10:51:00

25 Q. Indeed. Mr Fornie, I am going to show you that interview
26 in due course, but for my present purposes I am just trying to
27 establish the period of time over which you were interviewed and
28 we will come back and you can look at it. But can you remember
29 being taken through information by the Prosecution about what

1 Gullit was saying and you commenting on what Gullit was saying?
2 Can you remember that happening in an interview in August of
3 2006?

10:51:39 4 A. I recall that during some of the interviews they asked me
5 about Gullit. They asked me questions about Gullit.

6 Q. I am asking you about one interview that was exclusively
7 about Gullit. Can you remember that? Only about Gullit.

8 A. Well, I do recall that I was interviewed about Gullit, but
9 it was not once and I do not recall that it was only Gullit that
10:52:06 10 I was interviewed about because during various interviews --

11 Q. We've got the point that you can only remember being
12 interviewed about him on a number of occasions. We are going to
13 come back to the specifics in due course. In August of 2006 you
14 were still presumably monitoring the work of the Special Court,
10:52:29 15 yes?

16 A. Time? Time? In?

17 Q. In August 2006.

18 A. Yes, I used to listen.

19 Q. Were Issa and co still on trial then?

10:52:58 20 A. To be frank with you, I do not recall the time frame of all
21 those trials but I know that the Court was going on at that time.

22 Q. As far as Gullit's trial was concerned, in August of 2006
23 do you know what stage the AFRC trial had reached?

24 A. I cannot actually give you the stages or the times of the
10:53:37 25 trial. I still repeat that. I cannot give you the time frame of
26 the various stages. I do not recall them.

27 Q. Thank you. Let me try one more time. Do you remember
28 being interviewed about Gullit's evidence, the evidence that he
29 was giving in his trial?

1 A. I recall that I took interviews about Gullit. But it was
2 not even once. It was not even once.

3 Q. Mr Fornie, please listen to the question. Do you remember
4 being interviewed about the evidence that Gullit was either
10:54:16 5 giving or about to give?

6 A. I think I have answered you that I was interviewed about
7 Gullit, that I had interviews about Gullit.

8 PRESIDING JUDGE: Mr Witness, it's about the things that
9 Mr Gullit said in Court that we are enquiring into now.

10:54:39 10 MR MUNYARD: Madam President, either said or he was told he
11 was going to say.

12 PRESIDING JUDGE: I see. Either said or you were told he
13 might - he would say. Do you understand the question,
14 Mr Witness?

10:55:04 15 THE WITNESS: No, I'm coming once more.

16 PRESIDING JUDGE: You've explained to us - well, maybe --

17 MR MUNYARD: I don't want to. I want to move on:

18 Q. Now, November 2006. Can you remember being interviewed
19 again in November of 2006, this time by a Mr Kolot?

10:55:36 20 A. Yes, I recall that Kolot interviewed me at various times,
21 but I do not recall the month because I had series of interviews,
22 but I do not recall the actual months.

23 Q. Well, we know that he interviewed you on 11 November 2006
24 and then again on 8 November 2006 and then again on 9 November

10:56:01 25 2006. Can you remember being interviewed - and they were lengthy
26 interviews, taking a long period of the day. Can you remember
27 three days running being interviewed at the end of 2006?

28 A. I recall that Kolot used to interview me and at a point in
29 time I had a long interview with him. I recall, really.

1 Q. Thank you. Now, by the end of those interviews, by 9
2 November 2006, were you satisfied - no longer 75 per cent but now
3 a hundred per cent - that you weren't going to be prosecuted by
4 the Special Court?

10:56:55 5 A. At least I had developed some confidence but it was not up
6 to a hundred per cent, but actually I had developed some
7 confidence. My confidence had developed somehow that I was not
8 going to be part of or one of the indictees. Not at all.

9 Q. Right. Well, by May of 2006 you told us you had developed
10:57:23 10 75 per cent confidence. Had that increased by November 2006 by
11 which time you had been interviewed on seven different dates?

12 A. I recall that even when I still went there I raised the
13 concern to Kolot and others because Kolot at a point in time was
14 trying to interview me and I said, "Look, Mr Kolot, all these
10:57:54 15 interviews that I have been having with you, I do not still have
16 confidence in the Special Court" and I still continued to tell
17 Kolot that. I asked him whether there is actually any guarantee
18 that they would give to me that they would tell me about that
19 people at our own level will not be indicted by this Court and
10:58:15 20 that even led to - that even led to having one of the authorities
21 write a formal letter to me to beef up my confidence that indeed
22 it was not people at my level that they were looking out for and
23 that I was not going to be part of the agenda of the Special
24 Court at all having to do with trials. But even up to that time
10:58:50 25 I always raised the concern.

26 Q. Yes. So you get yourself a letter from the Prosecutor
27 saying you're not going to face trial at all, yes?

28 A. Yes.

29 Q. And when did you get that letter?

1 A. I do not recall the month.

2 Q. What year?

3 A. That is what I am saying. I recall that there was a time
4 that it was Kolot himself who interviewed me but I do not recall
10:59:21 5 the exact date or the exact time. That is what I am telling you.

6 Q. All right. Thank you. And by this time, 9 November, you
7 had been interviewed on seven separate occasions and you had been
8 giving them more and more information, hadn't you?

9 A. Yes. More of corrections. When Kolot had the lengthy
10:59:47 10 interview with me it was about more of corrections.

11 Q. Well, some of it was corrections and some of it was a
12 continuation of the interviews you had given earlier, wasn't it;
13 giving them more information?

14 A. Well, those were all interviews. It was information that I
11:00:14 15 gave. All were information. Correction itself is part of
16 information.

17 Q. Yes, I am not suggesting it isn't. I am suggesting you
18 were both correcting and adding to the information you had
19 already given them about the RUF, about various members of the
11:00:32 20 AFRC and about Charles Taylor. That is correct, isn't it?

21 A. Yes.

22 Q. Then on 9 November 2006 you get a letter from Dr Staker,
23 the acting Prosecutor of the Special Court, telling you that
24 there will be no charges against you. Now, you don't remember
11:00:55 25 the date but will you accept it from me that that was the date?

26 A. Yes, I have stated that here.

27 Q. So by then you are now a hundred per cent guaranteed that
28 you face no charges, yes?

29 A. Well, not 100 per cent actually, but by then I was now like

1 relieved somehow. I did not give it - take it to be a hundred
2 per cent confidence. He took it that it was a hundred per cent
3 guarantee that he gave me, but I only thought that my confidence
4 had increased.

11:01:49 5 Q. So although he gave you a letter saying we are not going to
6 prosecute you, you did not trust him? You didn't trust the head
7 of the Prosecution of the Special Court. That's what you're
8 saying, is it?

9 A. Well, he brought some relief to me somehow. He made me
11:02:11 10 relaxed somehow so that I would have confidence to talk to the
11 Court. He made me relax somehow and that made me think that
12 maybe I will be able to sit down and talk to the Court and carry
13 out its work and I think whatsoever the Court needed from me I
14 thought I should now do it to the best of my ability. If I did
11:02:33 15 not trust what he told me I wouldn't have come here in fact. I
16 wouldn't have come here.

17 Q. Quite. And so from that date on, if not earlier - from
18 that date on you were able to speak freely about everything that
19 you knew, yes?

11:02:50 20 A. At least I was able to talk to the best of my ability. I
21 was able to reveal the information to the best of my ability.

22 Q. And you were holding nothing back from that date on, yes?

23 A. Of course, 100 per cent fear can never be overcome, but I
24 can say at least I felt some confidence.

11:03:28 25 Q. Where are we, between 75 per cent and 100 now you have got
26 the letter from Dr Staker? You're 75 per cent in May 2006. What
27 percentage are you by the time you have got this cast-iron
28 guarantee in writing from the Prosecutor?

29 A. Well, at least I can say it was now above 80, at least, and

1 I think that was enough now for me to relax my mind for
2 whatsoever thing.

3 Q. And to be completely honest when talking to the
4 Prosecution, yes?

11:04:15 5 A. Yes.

6 Q. Right. Could the witness be shown the bundle, please.
7 We've already looked at tab 1 which is the first recorded
8 interview in July of 2003. We've looked also at tab 2, 4 and 5
9 May 2006. Could you be shown, please, just tab 3. Just the
10 first page which is ERN number 22372. Mr Fornie, can you see
11 that on the screen in front of you?

12 A. Yes.

13 Q. That's an interview with you in Bo, dated 17 August 2006.
14 Mr Court Officer, if you could pan down please.

11:05:43 15 PRESIDING JUDGE: Please ensure the address is not --

16 MR MUNYARD: That's exactly what I'm doing. If you can pan
17 away from the top, keep going down on the screen until you get to
18 the body of the text. That's fine there. Thank you:

19 Q. This is an interview of you in Bo with Alfred Sesay and
11:06:01 20 Umaru Kamara, but we also know that Magnus Lamin is present.
21 Then it says, "Source" - meaning you - "provided the following
22 information in respect of Tamba Brima's time line". Were you
23 shown a document setting out the dates on which certain events
24 happened according to Gullit?

11:06:30 25 A. They read it out to me. They read it out to me. They did
26 not give me the documents directly. They read it out to me.

27 Q. Yes. And I'm not going to go through any more of this at
28 the moment, and I will be corrected if I am wrong, but let me
29 assure you the whole of this interview is about what Gullit said

1 he did and your response to that. It's about nothing other than
2 - essentially nothing other than what Gullit says happened. Now,
3 at the end of it - if you would turn to the last page, please,
4 Mr Court Officer, it's 22374. At the very end of that it says at
11:07:25 5 the end of the text, "Source", which is you, "cannot provide any
6 information on the alibi in annex A". Now, we haven't been shown
7 annex A. Were you asked about some alibi that Gullit was putting
8 forward or that someone else was putting forward?

9 A. They told me about alibi, but I told them that I did not
11:07:56 10 understand alibi.

11 Q. Right. We know that but did they tell you what the alibi
12 was and who was putting it forward. In other words, somebody
13 saying, "I wasn't in the place where the offence was committed".
14 Did they tell you what alibi they were talking about?

11:08:14 15 A. I do not recall now.

16 Q. Right. I don't want to ask you anything else about that
17 apart - I will come back if I need to. Let's move on. Are you
18 aware that at that stage, 17 August 2006, the AFRC trial had
19 reached the middle of the Defence case? Were you aware of that?

11:09:04 20 A. Well, I do not know whether it had reached the middle but I
21 know that it was going on.

22 Q. Right. The Defence case was going on, yes?

23 A. I know that Gullit and others were on board but - I know
24 that the case involving Gullit and others was going on, but to
11:09:37 25 say whether it was Prosecution case or otherwise I do not recall
26 that now.

27 Q. Well, was it made plain to you that Gullit was suggesting
28 as part of his defence that he wasn't in the places where the
29 offences were committed? Was that made clear to you?

1 A. Which offences?

2 Q. We're not going into - we're not retrying Gullit's case.

3 Were you told that part of Gullit's defence was he wasn't in
4 certain places the Prosecution said that he was in? That's what

11:10:10 5 an alibi is called. Sorry, that is called an alibi. Just yes or
6 no, were you told that?

7 A. Well, they asked me various questions. They asked me
8 various questions but this alibi, I do not recall that.

9 Q. Thank you. Turn to page 4, please. This is the first of

11:10:46 10 three days' worth of interviews with Mr Kolot. We looked at this
11 earlier. I just want to establish the sequence of events. You
12 were interviewed by him in order that he can raise questions -

13 talk to you about questions raised by Ms Hollis about your May
14 interview and you are interviewed by him on that date starting at

11:11:12 15 10 to 9 in the morning and as we saw last week ending at 20 past
16 2 in the afternoon. Tab 5 is the notes of two days' worth of
17 interview. The first one, as we can see from the first page of
18 that interview, started at 10 o'clock in the morning on 8
19 November?

11:11:34 20 A. Please, please, I have not yet got the right tab.

21 Q. I had not appreciated that.

22 MR SANTORA: I was just going to make the observation that
23 as long as the page is on what is being referred to in the
24 question, because it is just I think Mr Munyard was just getting
11:11:51 25 a little ahead.

26 MR MUNYARD: I am actually trying to move things faster
27 because I am very conscious of how long it's all taking:

28 Q. Mr Fornie, you were interviewed on 8 November from 10
29 o'clock in the morning, as we see from page 25040, until 12.30 in

1 the afternoon, page 25042. The next day, we can see on the same
2 --

3 JUDGE SEBUTINDE: Mr Court Officer, it's tab 5. Let's see
4 it. Just put it on.

11:12:27 5 MR MUNYARD: Thank you, your Honour.

6 JUDGE SEBUTINDE: That's correct.

7 MR MUNYARD:

8 Q. We've moved on to page 25042 and we can see that the
9 interview resumed the next morning at 8.30 in the morning and
10 went on until 17 minutes past 3 in the afternoon, which we see
11 from the last page of that interview, 25048. We can also see at
12 the end of the text on that page that the notes were reviewed by
13 you and Mr Kolot on 9 November.

14 Just for everybody's benefit, tab 6 is in there for the
11:13:31 15 sake of completeness. It's the same interview with corrections,
16 but I think the corrections are relatively minor. If I can go to
17 the last page of tab 6, page 25736 - I am sorry, I am going a bit
18 fast for the Court Officer. I appreciate the difficulty he has.
19 Thank you very much. We can see that you looked again at those
11:14:09 20 notes of interview and reviewed - sorry, no, it was Mr Kolot who
21 looked again at them on 8 December and corrected them.

22 Now, tab 7 please is Thursday, 9 November 2006. I will
23 wait for it to go on the screen. From Dr Christopher Staker, the
24 Acting Prosecutor of the Special Court, for the attention of
11:14:51 25 Mr Dauda Aruna Fornie:

26 "Dear Mr Fornie, as the Acting Prosecutor for the Special
27 Court for Sierra Leone, I would like to take this opportunity to
28 assure you that I have not laid any criminal charges nor do I
29 intend to lay any charges against you because of your affiliation

1 with any parties that have been charged by this Court.

2 I trust that this letter may help put your mind at ease
3 with regards to this matter.

4 Yours sincerely."

11:15:24 5 Then he has signed it. Now that letter makes it perfectly
6 plain that you are not going to be charged before the Special
7 Court, doesn't it?

8 A. Yes.

9 Q. You could then be 100 per cent satisfied that you had
11:15:43 10 nothing to fear, yes?

11 A. Well, what I thought was what I told you. I said by then I
12 had now got more than 80 per cent confidence and it was that
13 confidence that even brought me to testify before this Court.

14 Q. Next tab please, tab 8. Yes, this is a tab - I just want
11:16:27 15 the first page shown. It's 18 January 2007 when you were
16 interviewed by somebody called Phillip Ross - an investigator
17 called Phillip Ross. Do you remember him?

18 A. Yes, yes.

19 Q. Was there anybody else in that interview apart from you and
11:16:49 20 him, or would you now be able to remember?

21 A. I do not recall any other person during that interview. We
22 were two.

23 Q. This record of interview consists of 92 separate bullet
24 points. They are not paragraphed, or numbered, but there are 92
11:17:23 25 of them and you talk freely in this interview, don't you?

26 A. Yes.

27 Q. Next tab, please. This is tab 9 and I'm going to - without
28 looking at them all, I am going to take tabs 9, 10, 11 and 12
29 together. I will just take tab 9 to begin with. This is page

1 101463. Now, Mr Fornie, on 24 April last year, just six weeks
2 before the trial of Charles Taylor was due to open at this Court
3 - and indeed did open at this Court - you were interviewed by the
4 Prosecution. We have no record here of who was present, who
11:18:42 5 interviewed you or anything of that nature, but can you remember
6 being interviewed on 24 April last year, just about six weeks
7 before the Taylor trial was due to open?

8 A. Before that I had had some other interviews, but I do not
9 recall the dates. Like I told you, I do not recall all the
11:19:05 10 dates.

11 MR MUNYARD: Tabs 10, 11 and 12 are also records of
12 interview on that same date. I don't propose to go through them
13 with the witness, save to make the point that these separate
14 documents have been sent to us. They are all identical in the
11:19:25 15 sense that they have no indication who was present, whether they
16 are all on one occasion on 24 April or not:

17 Q. But do you have any recollection now of being interviewed a
18 little bit before the Charles Taylor trial started?

19 A. Yes, I recall that I was interviewed.

11:19:48 20 Q. Yes. And again you had no reason to hold back any longer,
21 did you? You weren't worried that you were going to be
22 prosecuted and you could tell the whole truth, correct?

23 A. Yes, I said whatsoever that I recalled and when it was
24 asked of me I told them.

11:20:13 25 Q. The next time you are interviewed, tab 13, page 38985,
26 you're interviewed on what appears to be 30 July through to 1
27 August last year - three days. Can you remember that?

28 A. Yes.

29 Q. And the people who interviewed you were Umaru Kamara and

1 Mohamed Bangura. Do you remember both of them?

2 A. Yes.

3 Q. And who is Mr Bangura?

4 A. I understood that Mr Bangura was a lawyer.

11:21:15 5 Q. Right. Have you seen him since you came to The Hague, but
6 before you started giving evidence last week?

7 A. No.

8 Q. All right. Now, during this particular interview - and
9 it's called a prepping - were you expecting around the time of
11:21:37 10 this interview that you would soon be coming to The Hague to give
11 evidence?

12 A. I did not speculate at any time that I was going to come to
13 The Hague, or not.

14 Q. Well, did anybody tell you that they were going through
11:22:01 15 your previous interview notes with you because you would be
16 likely to be giving evidence quite soon?

17 A. Well, they did not specify that. They only told me that I
18 should be on standby and that it could happen at any time, but
19 they actually did not tell me whether it was going to be very
11:22:26 20 soon or during a later date during our discussion.

21 Q. That is quite all right. They told you you should be on
22 standby and that it could happen at any time. Very well. And so
23 they went through your - the notes of your interviews that we've
24 been looking at. Can you see on the first page, 31 July 2003,
11:22:51 25 and you have made two corrections? Do you see that? Do you see
26 that, Mr Fornie? You've made two corrections only on 31 July
27 2003 interview notes, yes?

28 A. I've seen that.

29 Q. Then they go to the next interview that we have got notes

1 for, 4 May 2006, and you make some corrections to that. I'm not
2 going into what the corrections are at the moment, but do you
3 agree that you made some corrections to the notes of the May 2006
4 interview?

11:23:37 5 A. Yes.

6 Q. The next page, 7 November 2006 and 8 November 2006, you've
7 made some corrections to those interview notes?

8 A. Yes.

9 Q. Then 18 January 2007, the 92 bullet points, you've made
11:24:04 10 some corrections to those, yes?

11 A. Yes.

12 Q. Now what follows on page 38988, in other words what follows
13 these three typed pages, is another copy of the notes of that
14 first interview of July 2003. It starts on page 38988 and you're
11:24:48 15 taken through it again, aren't you?

16 A. Yes.

17 Q. If we look at the right-hand side of the page, we can see
18 just before the end of the text your initials and Mr Umaru
19 Kamara's initial and you both dated it 30 July 2007, yes?

11:25:25 20 Q. He has taken you through. If we go to the next page,
21 38989, this time you've signed in your case and he has initialled
22 in his that you've been through that page, yes?

23 A. Yes.

24 Q. And on we go to the last page and do you see that we again
11:26:07 25 meet this declaration that you affirmed back in July of 2003, but
26 this time you make it again and you date it 30 July 2007? Do you
27 see that?

28 A. Yes.

29 Q. So not only in July 2003 but also in 2007, July, when you

1 are now - you now have a rock solid guarantee that you are not
2 going to be prosecuted and as you've told us this morning you now
3 are telling the full truth, you again declare and affirm that you
4 have read or had this statement read to you in the English
11:26:57 5 language, or in a language you understand, that you give the
6 statement voluntarily, that it may be used in legal proceedings
7 before the Special Court and you may be called to give evidence
8 before the Court, which of course you've told us you knew because
9 you were on standby at that stage, and you understand that
11:27:20 10 willfully or knowingly making false statements could result in
11 proceedings for false testimony, that you have not willfully or
12 knowingly made any false statements and you understand the
13 importance of speaking only the truth and the information in the
14 statement is true and correct to the best of your knowledge and
11:27:41 15 belief. That is right, isn't it? It was all gone through again,
16 yes?

17 A. Yes, they went through it.

18 Q. Thank you. Turn back, please, to page 38894. Going eight
19 lines down from the top of the page it reads as follows, "At this
11:28:18 20 time Rambo others were moving to attack Masiaka but before
21 Masiaka was captured AFRC attacked Freetown". Why didn't you
22 correct that and say, as you have told us repeatedly the whole of
23 last week, that it wasn't the AFRC, but it was as you first
24 mentioned the RUF or as you later said the RUF/AFRC?

11:29:04 25 A. Well, I did some corrections, but it's not all the
26 corrections that I did. In fact, it's not all the mistakes in a
27 series of documents like these that I will be able to detect.
28 Maybe a particular document after dealing with it in maybe just
29 one hour, which would not be even enough, we will be forced to

1 Look at another document. It will not be possible for me to
2 detect all the mistakes at that time in respect of dates and
3 these things that you are talking about - dates and times.

11:29:47 4 Q. You are a liar, aren't you? You have never until the end
5 of November 2007 when you are being prepped constantly - you have
6 never before suggested that the RUF were involved in the invasion
7 of Freetown and in July of 2007 when your mind was at ease and
8 you were telling the full truth and you had the opportunity to
9 amend that earlier statement you didn't take it. That's right
11:30:22 10 isn't it?

11 A. Well, I am telling you that I am not lying in this Court.
12 In fact to buttress what I am trying to say, even Mosquito went
13 on the Radio BBC and declared that the RUF had attacked Freetown.
14 Mosquito went on the radio and he said on the BBC that the RUF -
11:30:43 15 the attack that was carried out in Freetown, he said RUF was part
16 of the forces and he said in fact it was the RUF that attacked
17 Freetown. Mosquito clearly spelt that out.

18 Q. And that was as much a pack of lies as your evidence,
19 wasn't it?

11:31:01 20 PRESIDING JUDGE: Mr Munyard, it could be that question
21 will not be recorded or at least not broadcast because we are out
22 of time, but it's a matter for yourself whether you start with
23 that question again after the break.

24 MR MUNYARD: I probably won't, thank you.

11:31:17 25 PRESIDING JUDGE: Mr Witness, it's now time for the
26 mid-morning break and we are going to adjourn until 12 o'clock.
27 Please adjourn court until 12.

28 [Break taken at 11.30 a.m.]

29 [Upon resuming at 12.00 p.m.]

1 PRESIDING JUDGE: Mr Santora, do I note a change of
2 appearance?

3 MR SANTORA: Yes, Madam President. Joining the Prosecution
4 bench is Nicholas Koumjian.

12:01:05 5 PRESIDING JUDGE: Thank you. Mr Munyard, please proceed.

6 MR MUNYARD: Madam President, absent from the Defence bench
7 is Mr Griffiths.

8 PRESIDING JUDGE: Indeed, thank you.

9 MR MUNYARD:

12:01:17 10 Q. Right. Now, Mr Fornie, let's have a look at some of the
11 things that you did tell the Prosecution from the year 2003
12 onwards. But before we do I just want to ask you about
13 monitoring. When you first trained as a radio operator you were
14 trained initially by the NPFL and subsequently by Foday Sankoh
12:01:50 15 himself. Is that correct?

16 A. Yes.

17 Q. And the difference was that Foday Sankoh trained you in
18 British voice procedure rather than another form of voice
19 procedure, correct?

12:02:08 20 A. I do not understand what you mean.

21 Q. Well, I'm quoting your evidence. You told us that when
22 Foday Sankoh trained you, he trained you in something you called
23 British voice procedure which was different, you said, from what
24 you'd earlier been trained in because, and you gave an example,
12:02:30 25 instead of saying "come in" such and such, in British voice
26 procedure, you said "hello" such and such. Do you remember
27 telling us that?

28 A. Yes.

29 Q. Well, apart from using "hello" instead of "come in" and

1 phrases like that, was there any difference of substance between
2 the British voice procedure and the earlier training you'd had in
3 radio operation?

4 A. Yes.

12:02:58 5 Q. What were the differences of substance?

6 A. Like the procedure that we the RUF were dealing with,
7 whenever you are getting ready to talk, for example if I told you
8 - if I say "Hello, hello, hello witness for lawyer in signals,
9 over", when the lawyer is responding the lawyer would call his
10 call sign out saying, "Lawyer, over".

12:03:28

11 THE INTERPRETER: Your Honours, can he kindly repeat his
12 answer.

13 PRESIDING JUDGE: Mr Witness, the interpreter hasn't caught
14 everything you said. Please pick up your answer where you said,
15 "The lawyer would call his call sign out saying 'Lawyer, over'."
16 Then continue from there.

12:03:44

17 THE WITNESS: "Lawyer, okay, over." That's the lawyer's
18 response. Then when I want to tell him any other thing I will
19 call out my call sign and say "witness, witness, Waterside."

12:04:07

20 That means let us go to another frequency, another secret
21 frequency. And the lawyer would say, "Lawyer, okay. Lawyer,
22 Roger, out." Like the NPFL voice procedure, I would only say,
23 "Come in lawyer to witness, come in lawyer to witness", and the
24 lawyer would say, "Yeah, witness, carry on, carry on." Then I
25 will just tell him "Waterside". Then he will say "Roger". That
26 was --

12:04:38

27 MR MUNYARD:

28 Q. We've got that point already. What I asked you was, was
29 there any difference of substance between the system you'd

1 I learned of how to monitor and operate a radio between the NPFL
2 system and Mr Sankoh's British voice procedure, and I think
3 you're saying there's no difference of substance, is that
4 correct, it's just a difference of language? Is that right?

12:05:09 5 A. Well, it's the language that makes it different. Our own
6 voice procedure, it's the language that makes the difference.
7 There is a difference. Language is one of the differences.

8 Q. We understand now that is the distinction you're drawing.
9 Now at what stage did you move from monitoring messages to
12:05:34 10 actually sending them? At what stage in your career in the RUF
11 did you move from the monitoring to the sending or transmitting
12 of messages, transmitting and receiving?

13 A. I really do not understand what your question is saying,
14 really. I do not understand what your question is leading to,
12:06:02 15 really.

16 Q. Don't worry about where it's leading. I just want to --

17 A. I mean --

18 Q. -- get from you at what stage did you move from simply
19 monitoring messages to actually transmitting or receiving them
12:06:20 20 yourself as a radio operator?

21 A. To the best of my knowledge, since I started training -
22 because when you're working on the radio that was why I had
23 initially classified the two types of monitoring on the radio
24 net. Like the monitoring, let me confine it to one area that
12:06:46 25 you're talking about. Let me leave out the enemy monitoring.

26 Let me --

27 PRESIDING JUDGE: Mr Witness, do you understand the
28 question that was asked to you?

29 THE WITNESS: I understood it. That's what I'm answering.

1 PRESIDING JUDGE: You're not. You're describing something.
2 At what point in time did you start transmitting and receiving
3 messages as a radio operator as opposed from simply monitoring
4 them?

12:07:18 5 THE WITNESS: Now I have got your clearly, because you've
6 put it straight. I got the time - I think at that time it was in
7 1992 when I started transmitting on radio. 1992. That was when
8 I started transmitting on radio.

9 MR MUNYARD:

12:07:49 10 Q. All right. When did you learn decoding?

11 A. Decoding was part of the training that I went through at
12 Bomi Hills.

13 Q. Then when did you actually start to be a decoder yourself
14 in practice?

12:08:18 15 A. I can't tell you the exact month.

16 Q. Well, was it after - was it some time in 1998 or later than
17 then?

18 A. Well, that was why I wanted to make it clear. The
19 monitoring that you are talking about is purely monitoring enemy
12:08:40 20 nets. That's where you've gone. 1998, that was when I was
21 monitoring the ECOMOG net. That was what I wanted to establish.
22 That was purely the ECOMOG nets that you are going to. That's a
23 different sector in communication that we were doing.

12:09:06 24 Q. All right. So when did you - let me just go back to my
25 question - when did you actually start to be a decoder yourself
26 in practice? What year, if you can remember?

27 A. For which of the communications, the RUF net or the ECOMOG
28 net? Which one?

29 Q. Well, when I say decoding, when did you first start to

1 decode in practice anything?

2 A. To code and decode, I can say that was part of my training
3 at the Bomi Hills. It was part of my training at the Bomi Hills.

12:09:49

4 Q. I've asked you about when you were trained in it. I had
5 then asked you when you'd actually started to do it in practice.
6 When did you start to do it in practice, last attempt, please?

7 A. It was from Bomi Hills. That was where I started
8 practicing it.

12:10:11

9 Q. All right. Well, I'd like you, please, to have a look at
10 tab 1 of the bundle. Page 1 of tab 1. And can I make it plain
11 for those who are following this, and I'll help the witness as
12 well in due course, but for those who have actually got the
13 documents it's probably essential to have your finger in the
14 handwritten version as well. I wonder if I could ask Mr Court

12:10:48

15 Officer to take out of the bundle the handwritten version so that
16 he's got it to hand too because from time to time we're going to
17 have to alternate between the typed and the handwritten. It
18 starts at ERN number 0003001 and if you take the whole of that,
19 thank you. If you just keep that handy.

12:11:14

20 We're looking at the moment at the typed version, which is
21 the first page in the bundle, and there's some spelling mistakes
22 in there and I'm just going to read them as they should be
23 spelled. We know that you had this interview on 31 July 2003 and
24 you were explaining here your personal history and you said you
12:11:41 25 were captured by - and I think that should be Nimba, is that
26 right?

27 A. It's Nimba. November.

28 Q. Look at the handwritten version. It's clearly Nimba, "N"
29 rather than "M", but we won't worry about that. You explained

1 where you were captured and you say that's "between Torma Bum and
2 Sumbuya in Bo District and sent to Zimmi training base". Is that
3 right? Is that the first training base you were sent to?

4 A. No, it was not the first training base.

12:12:23 5 Q. Where was the first training base you were sent to?

6 A. Kuwait.

7 Q. Yes, and where was that?

8 A. In Malain Chiefdom, Gandorhun Malain.

9 Q. Which is what you told us in evidence last week. Why
12:12:46 10 didn't you tell the investigators then when you were first
11 setting out your personal history that you had originally trained
12 in Gandorhun Malain?

13 A. It should be in my first interview notes. Just check my
14 first interview notes. The information is many. The information
12:13:06 15 is many and so whenever when you continue moving ahead some would
16 be left out as you go ahead, but it's in the other interview
17 notes. It's in my first interview note. It's supposed to be
18 there.

19 Q. You told them that, did you, in that first interview?

12:13:27 20 A. Yes, I told them.

21 Q. I'll be corrected if I say anything that's wrong, but I've
22 been right through both the handwritten and the typed versions
23 and there's no mention of Gandorhun Malain in your first
24 interview, but you say you told them and they've missed it out,
12:13:49 25 correct? Is that right?

26 A. Gandorhun Malain, in my first interview notes check that
27 one --

28 Q. I have checked them?

29 A. -- with Alfred and then check the other one with Alfred and

1 Mustapha. It should be there.

2 Q. No, we're dealing with the first one. It's not in there.

3 A. Okay, then while you are dealing with the first one it's
4 part of my - it was part of my training. I went to Gandorhun and
12:14:20 5 from there I went to Zimmi. I went to Zimmi in Gisiwulo.

6 Q. And when you say you went to Zimmi in Gisiwulo you're using
7 the same name Zimmi or Gisiwulo to mean that next camp, is that
8 right?

9 A. The Gisiwulo training base near Zimmi. That's what I'm
12:14:50 10 referring to.

11 Q. Yes, thank you. All right. So the first base has been
12 missed out of here. Let's carry on reading, "I was ... sent to
13 Zimmi training base and I was trained ...", and it should say
14 "militarily" and it should say "for two weeks". Whoever has
12:15:07 15 drafted this has missed out what we can see in the handwritten
16 version. Then the next sentence in the typed version is, "CO
17 Paul (now dead)." If we go to page 3001, the first page of the
18 handwritten notes, we can see six lines down:

19 "I was trained militarily for two weeks. In 1993 I was
12:15:33 20 taken to Kailahun by one CO Paul (now dead). I was trained as a
21 radio wireless operator Pendembu by Foday Sankoh himself."

22 Do you see that?

23 PRESIDING JUDGE: Mr Santora?

24 MR SANTORA: I'm again just going to point out that I
12:15:53 25 believe that Defence counsel asked that the handwritten be put in
26 front of the witness and it's not.

27 MR MUNYARD: I am so sorry. That is absolutely right, yes.

28 MR SANTORA: That is so he can follow both. That's why I'm
29 watching here and he doesn't have it.

1 MR MUNYARD: Yes, and I will make it clear I've just read
2 two separate sentences and I'm going to go back to the first one
3 of those two:

4 Q. Now, Mr Fornie, it's not particularly easy to read by
12:16:20 5 yourself, but it's quite clear what's there on the page and if
6 you go eight lines down - sorry, if you go seven lines down
7 there's a sentence that reads, "In 1993 I was taken to Kailahun
8 by one CO Paul (now dead)." Did you tell them that?

9 A. I did not tell them that it was CO Paul that took me to
12:16:52 10 Kailahun. I said CO Paul was one of the men who was training us.
11 He was among the group that captured me. I can remember.

12 Q. Well, you've already agreed that this was read back to you
13 and we've been through it ad nauseam that you signed a
14 declaration when it was all read back to you that it was correct.
12:17:20 15 So just try again. "In 1993 I was taken to Kailahun by one CO
16 Paul (now dead)." Did you tell them that you were ever taken to
17 Kailahun by CO Paul?

18 A. No. In fact, this document has a lot of errors. It's very
19 difficult to correct all the errors in this document if you go
12:17:44 20 through it. The writings - there are a lot of things that are
21 different from what we have on the typed version. When they were
22 reading it back to me, when they were reading this and this, they
23 will read this and the other one. So the mistakes - even the
24 typographical errors on the version are many. Even this, the way
12:18:07 25 the interviewer was writing this out really was different. It
26 has a lot of errors in it. You yourself have attested to that,
27 that this is a document that has a lot of mistakes - this
28 handwritten version.

29 Q. Thank you. You agree, do you, that this document has been

1 read back to you on a number of occasions? And when I say "this
2 document" I'm talking about the full - the handwritten version,
3 the one that you have initialed on more than one occasion. You
4 agree, do you?

12:18:44 5 A. Well, not many times as you're saying it when you're saying
6 "many times".

7 Q. "A number of occasions", I said. I didn't say "many
8 times". Please listen to the question.

9 A. If I didn't hear that one, I wouldn't have said so. The
12:19:09 10 only thing was that they read it to me one or two times, not as
11 many times as you are claiming.

12 Q. I'm not going to pursue this, Mr Fornie, but I did not say
13 "many times" and please don't suggest that I did. Now, can you
14 tell me from who else could Alfred Sesay and Virginia Chitanda

12:19:44 15 have got the sentence, "In 1993 I was taken to Kailahun by one CO
16 Paul (now dead)", if it wasn't from what you were telling them?

17 A. Well, maybe they misunderstood what I told them.

18 Q. So when they read it back to you on 31 July 2003, why
19 didn't you immediately stop them and say, "That's completely
12:20:11 20 wrong"?

21 A. I can never remember that I picked up that - those
22 particular mistakes because the document had a lot of mistakes
23 that they made. It had a lot of mistakes in the writing, so it
24 was not easy to correct everything really.

12:20:34 25 Q. Why didn't you correct it on 30 July 2007 when it was read
26 back to you and you made a number of corrections in the presence
27 of Mr Umaru Kamara and Mr Bangura, the lawyer? Why didn't you
28 take that opportunity to correct this if it's complete rubbish?

29 A. Well, I am sure that in subsequent interviews after this

1 this was something I clearly spelt out exactly. It was something
2 I clearly spelt out exactly; how I was captured, how I moved from
3 one place to another in terms of training and so on. This
4 document you can see the many errors therein, typographical
12:21:31 5 errors and some of the sentences are going differently, so this
6 one is - it is not Daf that did all the mistakes from the
7 writing. You can even see that the interviewer played some parts
8 in the mistakes that are therein.

9 Q. So the interviewer invented the sentence, "In 1993 I was
12:21:56 10 taken to Kailahun by one CO Paul (now dead)", did they?

11 A. Absolutely I did not tell any interviewer that throughout
12 in all my statements. That which is here, if you ask me I would
13 respond that, "Yes, I did it. I said that".

14 Q. All right. Now there's no mention in there of Mosquito
12:22:31 15 being amongst your captors, is there?

16 A. I have not read it through.

17 Q. No, well take it from me that there is no mention of
18 Mosquito being amongst your captors when you give this account in
19 1993?

12:22:58 20 A. Well, I can remember in one of my interviews I clearly
21 stated it. If at all it's not there, then it's the interviewer
22 who may have left it out.

23 Q. I'm going to stop you there. I am asking you about this
24 interview, do you follow? We are not here talking about any
12:23:19 25 other interviews yet. We'll be looking at the way Mosquito's
26 role in your capture develops over time. Concentrate on the
27 interview I'm asking you about and on the questions I'm asking
28 you, please. I want to go on from here further down, and if you
29 go back to the typed version it will probably be easier to read.

1 Still in the first paragraph, nine lines down or eight lines
2 down, there's a sentence that reads, "In early 1995 we went to
3 Zogoda and Foday Sankoh again when he saw me again told me to
4 start operating with him." Did you tell them that you went to
12:24:12 5 Zogoda in early 1995?
6 A. Well, it was in 1993 that I went to Zogoda.
7 Q. Are you sure about that?
8 A. Yes, late 1993. That was when I said we opened Zogoda.
9 Q. Do you want to think about that again?
12:24:38 10 A. Yes, late '93 to '94. Late in December '93 that was when
11 Zogoda operations started from Nomo Faiama. Late 1993 to 1994,
12 that was when Zogoda opened up. Late 1993 to early 1994 and not
13 1995.
14 Q. So who got the date wrong in this first interview, the
12:25:09 15 interviewers or you?
16 A. Read the area that you're talking about.
17 Q. "In early 1995 we went to Zogoda." Who got that date
18 wrong?
19 A. Well, I did not get it wrong. It was in 1993.
12:25:50 20 Q. And so you're absolutely clear you got there in 1993, yes?
21 A. '93 to '94. I have said that here. I said late '93 to
22 '94, to the best of my memory. Late 1993 to 1994.
23 Q. Right, well I still haven't had an answer to the very
24 simple question I've now asked twice. Who got that date wrong in
12:26:17 25 that first interview, you or the interviewers?
26 A. Well either the interviewer, or the typist, or whosoever,
27 but not me. I did not state that, that it was in 1995.
28 Q. Why not correct it when it's read back to you on any of the
29 occasions when it was?

1 A. I did not pick it up.

2 Q. Now go on to the second paragraph on the typed page,
3 please:

4 "The Abidjan Peace Accord of 1996 found me at Blama
12:27:05 5 Highway. While Foday Sankoh was in Abidjan Mohamed Tarawalli was
6 in charge."

7 Did you tell them all of that?

8 A. Yeah, it was during the Abidjan Peace Accord that I was at
9 the Blama Highway when Foday Sankoh took off and it was Zino who
12:27:26 10 was in charge.

11 Q. Mr Fornie, I asked you not what happened but did you tell
12 the investigators what they have recorded there?

13 A. Yes.

14 Q. So they got that right?

12:27:44 15 A. Yes.

16 Q. Thank you. "He was sending communications to the forces
17 mostly about organising food raids because we had no food." Who
18 was that?

19 A. It was Mohamed Tarawalli.

12:28:02 20 Q. "In the raids we could capture food, drugs and diamonds."

21 A. Yes.

22 Q. Now, there's a word missing in the next sentence which I'm
23 not going to ask anybody to turn to it because it's very obvious
24 but it's in the handwritten. "The drugs and diamonds were
12:28:38 25 immediately surrendered to the commander." Did you tell them
26 that, that you'd capture food, drugs and diamonds and the drugs
27 and diamonds were surrendered to the commander?

28 A. Yes.

29 Q. "The commander then made sure the diamonds especially was

1 given to Foday Sankoh." Did you tell them that?

2 A. Yes.

3 Q. Now just tell us this: Who did you capture diamonds from?

12:29:22

4 A. From the civilians, the combatants were capturing diamonds
5 from the civilians, people who were mining from the various front
6 lines.

7 Q. Were you involved in any fighting?

12:29:45

8 A. At that time I was involved in fighting through the radio
9 because that was part of fighting. So, yes, I was involved in
10 fighting because radio was a branch of fighting.

11 Q. Were you involved in any combat, not as a radio operator
12 but actually out there as a combatant?

13 A. At that time, no.

12:30:06

14 Q. Pausing here for a moment, just breaking off the time
15 sequence, were you ever a combatant at any time?

12:30:38

16 A. If I can remember, apart from the early days - the early
17 days in 1991, when I was captured newly as an SBU, when Mosquito
18 and others asked me to follow them to go to Zimmi, then at one
19 time when they said - when I was with Rebel King and others to go
20 to the Blama Highways, really at that time I was an SBU, but
21 really, since then, I can't remember - I can't remember any
22 longer that I took any active part in any combat really. I can't
23 remember.

12:30:58

24 Q. Why were you an SBU, because you were 16 at the time of
25 your capture?

26 A. But I was part of the Small Boy Unit. I was in the Small
27 Boys Unit.

28 Q. Why? You were aged 16?

29 A. But it was the unit that I was put. I do not - I did not

1 put myself in the Small Boys Unit; it was the commanders who
2 distributed us. So from since those days they sent me to the
3 Small Boys Unit. That was where I was.

4 Q. Back to the text, please, on the page:

12:31:32 5 "The diamonds were given especially to Foday Sankoh. I
6 know because that was the order and in my own station, wherever I
7 was the radio communicator, the commander in charge told me to
8 send communication to Foday Sankoh about the diamonds that had
9 been captured."

12:31:51 10 Did you tell them that?

11 A. Well, I showed the stages through which the diamonds passed
12 to reach Foday Sankoh. Of course the message reached Foday
13 Sankoh, but it went in stages.

14 PRESIDING JUDGE: Mr Witness, the question is did you tell
12:32:10 15 the interviewers that?

16 THE WITNESS: Yes.

17 MR MUNYARD:

18 Q. They've correctly recorded what you told them, in other
19 words, yes?

12:32:19 20 A. No, something was left out. That's what I'm telling you.
21 That I showed them stages through which the diamonds - through
22 which the messages went before they got to Foday Sankoh.

23 Q. Well, I'm going to carry on reading this passage about
24 diamonds and Foday Sankoh, so wait until the end of it and then
12:32:40 25 tell us if they missed anything out:

26 "When I was at Blama Highway messages about diamonds were
27 sent through me by Captain Papa to Mohamed Tarawalli aka Zino.
28 Foday Sankoh had his own radio system from which he could monitor
29 all communications that went on in the RUF. The expectation on

1 Mohamed Tarawalli was that he should surrender the diamond to the
2 leader (Foday Sankoh)."

3 Can I make it clear that there should be a full stop after
4 Foday Sankoh, if one reads the sense both of the typed and the
12:33:19 5 handwritten version. That's where that particular sentence ends.
6 So you told them that the diamonds were sent through you by
7 Captain Papa to Mohamed Tarawalli who was expected to send them
8 to Foday Sankoh, yes?

9 A. Not - they were not sending the diamonds through me. It
12:33:39 10 was the message about the diamonds that were sent through me.

11 Q. My error and I apologise, but have they recorded all that
12 correctly? Is this what you told them?

13 A. That one is recorded - it's recorded correctly.

14 Q. So have they missed anything out of what you told them or
12:34:00 15 not?

16 A. Well, in that area I did not pick up any other thing in
17 that sentence that was left out. I did not pick up anything, any
18 fault therein.

19 Q. "Finally in October 1996 we were attacked and repelled by
12:34:18 20 the Kamajors, Zogoda fell and I was captured by the Kamajors."
21 Did you tell them that?

22 A. Yes.

23 Q. "I was in captivity until" - and then I'm afraid we have to
24 go to the handwritten version. It's page 3003, ERN number, on
12:34:42 25 the handwritten version and, Mr Court Officer, could you put that
26 page on the screen for the witness. It's the third page in,
27 3003. If you take the typed version out from underneath that,
28 just so we don't lose sight of it. Thank you. At the top of
29 that page three lines in, in the handwritten version, I'll

1 actually read out the whole of the sentence that starts on the
2 top line:

3 "Zogoda fell and I was captured by the Kamajors. I was in
4 captivity until" and then the words November/December have been
12:35:37 5 crossed out and August/September have been put in in 1997. So it
6 reads: "I was captured by the Kamajors. I was in captivity
7 until August/September 1997 in Gorahun Tonkia" and then I can't
8 quite read the district but I think the district has been - is it
9 Kenema District? Yes, it is. Now, did you tell them that?

12:36:17 10 A. I am thinking about the months, but the rest is true. I am
11 thinking about the months.

12 Q. Well, two months have been written down and changed,
13 haven't they? Mr Fornie, somebody's written down
14 November/December first of all and then changed it to

12:36:48 15 August/September. You can see that, can you?

16 A. I am seeing it.

17 Q. It wouldn't be right for the investigators simply to decide
18 that you'd given them the wrong information and cross out
19 November/December and put in August/September of their own
12:37:08 20 accord, would it?

21 A. Yes, yes.

22 Q. I think you're agreeing with me there. And, therefore,
23 does it follow that you must have told them to change the
24 originally recorded dates?

12:37:27 25 A. Yes.

26 Q. And this presumably was done when it was first read over to
27 you in July of 2003, yes?

28 A. I have now remembered the date.

29 Q. I'm not sure if that's actually what you meant to say.

1 Presumably this change was done when this interview notes were
2 first read over to you in July of 2003, do you agree?

12:38:19 3 A. Well, I do not know if it's the first one or the second
4 one, but I told them. I was still trying to approximate the time
5 that they put there, the months. I did.

6 Q. Well, if you go briefly - well, I'm not going to ask you to
7 go to it, I'm just going to make the point. When we looked
8 earlier at tab 13, where you were taken through this interview
9 again by Mr Kamara and Mr Bangura on 30 July 2007, you initialed
12:39:04 10 two corrections that you made, one on the first handwritten page
11 and one on the second handwritten page, but you didn't initial
12 the corrections that we're looking at now on the third
13 handwritten page, so it must follow that they were done, those
14 corrections, when it was first read over to you. Is that right?

12:39:30 15 A. I can't remember the right time that the said corrections
16 were made. That is what I've told you.

17 Q. And is that date correct, August/September 1997, that you
18 were freed from captivity by the Kamajors?

19 A. It was not a date that I wrote in a document, but I can
12:39:55 20 remember it wouldn't be too far from correct. It wouldn't be too
21 far from correct really. I can't remember the exact month, but
22 it was around that really. I can't remember the dates off the
23 top of my head now.

24 Q. Well, that's what I want to ask you about because we heard
12:40:16 25 a lot of evidence from you about somebody called Lieutenant Jusu.
26 Do you remember telling us about Lieutenant Jusu?

27 A. Yes.

28 Q. You used to sit with him while you were in captivity with
29 the Kamajors?

1 A. Yes, yes.

2 Q. Well, just help us with this, please. When was it that you
3 say that Lieutenant Jusu and you spent time together with the
4 Kamajors? Over what period of time?

12:41:02 5 A. It was during the time that I was in Gorahun Tonkia. That
6 was 1996 to 1997.

7 Q. What month were you captured by the Kamajors?

8 A. I can't remember now. I can't remember now, but it was
9 during the rains.

12:41:27 10 Q. All right. Was it very shortly after they invaded Camp
11 Zogoda?

12 A. It took some time before I was captured, because I really
13 struggled for some time going towards various areas to make my
14 way out. I spent some time in the bush before ever they were
15 able to capture me.

12:41:52 16 Q. But it was some time in 1996, yes?

17 A. It was in 1996. I have said that.

18 Q. Now, what you told us in your evidence on Monday of last
19 week when Mr Santora asked you, "How did you escape from the
20 custody of the Kamajors?", you said this:

12:42:15 21 "I went to the soldier who was there and I explained to
22 him that now that that was the situation at hand, that is the
23 AFRC had taken over, and I was listening to the Sierra Leone
24 Broadcasting Service that morning, one morning, when I heard - I
25 don't know whether it was in the - yes, one morning, because of
26 course it was a repeated broadcast and I listened to instructions
27 from Foday Sankoh that all RUF should join hands with the AFRC;
28 that is we should come out of the bus and join our brothers.
29 That is the AFRC. From there I went to Galito, that is

1 Lieutenant Jusu, and he took me to Kenema".

2 Do you remember telling us that?

3 A. Well I think before ever I spoke to Galito, before
4 listening to the news I can remember I and Galito were discussing
12:43:19 5 something like that. It was Galito who informed me that - who
6 asked me if I had heard the news that RUF would likely join up
7 with the AFRC. I can remember I stated that before ever I think
8 I listened. But the sequence of events - the sequences, that's
9 it, but I think I stated all of those things. I stated them
12:43:52 10 here.

11 Q. Well, you did. You did on page 21402 at line 20 onwards
12 you said:

13 "Yes, because even when I was in Gorahun Tonkia before I
14 went when the coup took place he was the first person to let me
12:44:05 15 know. He, Jusu. He said that the military had retaken over the
16 government and that there was tendency that the RUF would join
17 the military, they would form a team. I'm referring to the AFRC.
18 And he himself had the willingness, that is Lieutenant Jusu, he
19 had the willingness to take me to Kenema."

12:44:27 20 Then Justice Sebutinde asked you, "What was the word you
21 used? Did you say tendency?", and you said:

22 "Yes, at that time it had not confirmed it to me yet that
23 such was going on. He had not confirmed it to me yet that the
24 RUF had joined them. It was in the morning - it was the
12:44:48 25 following morning that I heard on the radio that Pa Sankoh had
26 said - I heard that directly from Pa Sankoh when he said the RUF
27 should join forces with the AFRC."

28 You're then asked by Mr Santora, "What do you mean by the
29 word tendency?", and you said:

1 "It means maybe. It was not certain. He did not tell me
2 the RUF had already joined forces. He said maybe the RUF would
3 join forces. There was likelihood. He was not very sure", and
4 he is Lieutenant Jusu.

12:45:20 5 Now you were making it clear in your evidence, were you
6 not, that very shortly after the AFRC coup occurred, when Foday
7 Sankoh issued the broadcast, you heard that broadcast on the
8 radio and you spoke to Lieutenant Jusu who told you that it was
9 likely, but it hadn't yet happened, that the RUF would join the
10 AFRC?

11 A. It was Jusu who told me. I said it was Jusu who told me
12 that. It was Jusu who told me that the RUF would likely join the
13 AFRC.

14 Q. Yes, and so how long after Jusu told you that did you
12:46:05 15 actually leave the captivity of the Kamajors?

16 A. I can't remember the duration. I can't remember the
17 duration. I can't remember all the durations for now. I can't
18 remember all the durations.

19 Q. Well there was no need for you any longer to be in their
12:46:28 20 captivity, was there, once the RUF was joining in the government
21 and you had the assistance of an SLA soldier in the form of
22 Lieutenant Jusu?

23 A. Well, but it still existed because the Kamajors outnumbered
24 the soldiers in the town and I was in their care throughout.
12:46:55 25 They never handed me over to the soldiers. It wouldn't have told
26 well if I had just gone to Jusu to go and sit there by myself, so
27 I was with them throughout until at the time - until when the
28 time came that it was necessary to join Jusu to go to Kenema.

29 Q. I'm trying to understand how it was you get out of

1 captivity of the Kamajors and you haven't ever explained that.
2 What was it that caused them to let you go free?

3 A. Well, it was not the Kamajors who released me per se. They
4 did not release me.

12:47:41 5 Q. But you were in their captivity, weren't you, and they
6 wouldn't hand you over to the soldiers as you told us last week
7 and you've just repeated that again today? Whose captivity were
8 you in when you were released if it wasn't the Kamajors?

9 A. I was in the captivity of the Kamajors, but they did not
12:48:03 10 say, "Go, from today you've been released". That's what I'm
11 trying to say.

12 Q. How did you get out from them then?

13 A. It was Jusu. It was Lieutenant Jusu who drove with me to
14 Kenema. It was Jusu who took me to Kenema one morning. I and
12:48:26 15 Jusu went to Kenema. In fact that night, the night that I and
16 Jusu were to travel the following morning, it was at that night
17 that I finally escaped from the Kamajors. I did not go back to
18 their house. I slept in Jusu's house - in Jusu's parlour - that
19 night and early in the morning the two of us travelled.

12:48:46 20 Q. So how were you allowed to go to Jusu's house if he is a
21 soldier and the Kamajors were not turning you over to the
22 soldiers - the military?

23 A. Well, I used my personal experience to get away from them.
24 They did not allow me. They did not tell me. I used my
12:49:07 25 initiative.

26 Q. So you escaped from them to Jusu's house and he then helped
27 you to escape further by taking you to Kenema, is that it?

28 A. Yes, because I and Jusu were discussing one, two - some
29 other issues. I and Jusu used to discuss other issues.

1 Q. Mr Fornie, we don't want to know what you and Jusu were
2 discussing. I simply want to try and understand first of all how
3 you escaped from the Kamajors and, secondly, when it was in
4 relation to the AFRC coup. How long after the coup did you
12:49:46 5 escape with Jusu to Kenema?

6 A. I can't remember the time. I can't remember the duration
7 anyway. I can't remember the duration.

8 Q. So the best you can say is that what the interviewers have
9 recorded in July of 2003 is probably correct, that it was around
12:50:14 10 August/September, is that right?

11 A. Even at that, around August or September, it might be
12 correct or not really, because that's why I have said that - I've
13 not been really specific about the right month - the exact month.
14 I cannot recall. That's why I've been changing months, because I
12:50:48 15 can't remember the exact date.

16 Q. What were you doing during the time that you were in the
17 captivity of the Kamajors? Did they make you do any work of any
18 sort?

19 A. Yes.

12:51:06 20 Q. What did they make you do?

21 A. They used me to plough in the farms and some used to tell
22 me to write letters for them.

23 Q. Right. Any other work you did for them?

24 A. I think so far that's what I can remember, because of
12:51:29 25 course they were using me to do some domestic chores for their
26 wives like to pound rice and some other things.

27 Q. Right, very well. Were you paid for any of this work?

28 A. No, except personal contracts, but that was not only
29 limited to the Kamajors. Even the civilians around used to take

1 me to pound rice and some used to give me tokens, but Kamajors
2 were not paying me for those jobs that I was doing except if
3 somebody looks at me. Whether I worked for them or not, when I
4 became familiar to them - when I became acquainted to them - some
12:52:10 5 of them used to give me 500 leones. You know, there started to
6 be established some interpersonal relationship between us.

7 Q. Those are what you call personal contracts, but your work
8 as a labourer on the farms was forced labour, wasn't it? Your
9 ploughing on the farms you had no choice about, did you?

12:52:40 10 A. Of course I hadn't any choice.

11 Q. No, no choice and no pay for that?

12 A. No pay.

13 Q. Were you ever in any danger while you were with the
14 Kamajors?

12:52:59 15 A. Yes, I was in some danger really.

16 Q. And what kind of danger was that?

17 A. Because when I was with them initially they did not allow
18 me to go close to the soldiers, because if I wanted to go close
19 to the soldiers they threatened me until later, after I had spent
12:53:26 20 some time with them, that was when they started giving me some
21 time to sit and talk with the soldiers really.

22 Q. Why didn't they want you to speak to the soldiers
23 initially?

24 A. They said they wanted me to become their own war slave.

12:53:43 25 That was what they were saying. And that they had captured me,
26 not the soldiers.

27 Q. Were the Kamajors and the soldiers working together at that
28 point, or separately?

29 A. Well, at a certain time I would be sitting and they will

1 say they were going to a meeting together, the Kamajor
2 commanders, but I can't really tell you the level of cordial
3 relationship that was existing between them in terms of
4 operations. I can't tell you the level of coordination that was
12:54:29 5 between them.

6 Q. Were you aware that one of the reasons for the AFRC coup
7 was because the soldiers were very upset about the fact that
8 President Kabbah seemed to be ignoring them in favour of the
9 Kamajors; that it was a soldiers' grievance against the President
12:54:54 10 because of his reliance on the Kamajors rather than them? Were
11 you ever aware of that?

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

13 Q. And yet on your account the Kamajors let you go off and
14 spend lots of time with Lieutenant Jusu, one of the SLA soldiers
12:55:21 15 in the area, is that right?

16 A. Well, the camp where I was they didn't fight against one
17 another. I can say there was some amount of relationship. There
18 was some amount of good relationship. There was some amount of
19 relationship between them, because I used to see sometimes they
12:55:42 20 were holding meetings and they used to call one another. I used
21 to see them going to meetings with Kamajor heads.

22 Q. Were you threatened with death at all during your time in
23 captivity with the Kamajors?

24 A. Yes.

12:55:58 25 Q. By who?

26 A. By the Kamajors.

27 Q. In what circumstances?

28 A. Many times. Many times. In fact, sometimes I would be
29 sitting down and most of the Kamajors who came would say, "Why

1 are you keeping this type of rebel? This is just fit to be
2 killed". Some would bring their knives close to my neck, so I
3 used to have those threats from them until it came to a time when
4 I was not having that kind of pressure any more.

12:56:33 5 Q. And how long into your captivity did that kind of pressure
6 cease?

7 A. I had been there for more than a month, we were going to
8 two months when I started getting some relief.

9 Q. Did you tell the investigators in this first written
12:56:59 10 interview about Lieutenant Jusu and how he helped you to escape
11 to Kenema?

12 A. I can't remember now. I can't remember now, but I think I
13 told them that it was Jusu who really helped me. I can't
14 remember really, because this is an interview over a long time
12:57:25 15 ago.

16 JUDGE SEBUTINDE: Mr Munyard, I wonder if I might interrupt
17 to enquire of the witness what he means by captivity. In
18 relation to the Kamajors, was he held in a prison, was he tied on
19 a rope? If he could perhaps elaborate.

12:57:43 20 MR MUNYARD: Would your Honour like me to ask the questions
21 or would you like --

22 JUDGE SEBUTINDE: Yes, please.

23 MR MUNYARD: Very well:

24 Q. Mr Fornie, you've heard her Honour asking you to tell us
12:57:54 25 what you mean by being in the captivity of the Kamajors. When
26 you're first captured by them where are you held and how are you
27 held?

28 A. How I was held, after I had - after the Kamajors had sent
29 us in disarray along that Zimmi area, whilst we were coming up to

1 find our way towards Kailahun, that was when the Kamajors again
2 set us - sent us in disarray and captured some people among us.
3 But I was able to struggle and come towards Gorahun Tonkia. One
4 morning I became creative. I came out, but I saw women. The
12:58:43 5 knowledge which I used --

6 JUDGE SEBUTINDE: Mr Witness, the simple question I asked
7 was how were you kept in captivity? Can you explain to us what
8 captivity. Not how did you come to be in captivity, how were you
9 held in captivity?

12:59:03 10 THE WITNESS: Okay.

11 JUDGE SEBUTINDE: Were you in a jail, were you on a rope,
12 or what?

13 THE WITNESS: Okay. I was not on a rope. They used to
14 leave me to walk around during the day but I used to sleep at
12:59:18 15 their office, a single room, together with another civilian who
16 was Sheku. There was another civilian there - wrong. There was
17 another commando I mean. He too was captured. A commando. I
18 want to correct myself. He was not a civilian. There was one
19 RUF commando with whom they captured me. The two of us were
12:59:39 20 there.

21 MR MUNYARD:

22 Q. We don't need to know about everybody else, we want to know
23 how you were held. You were allowed to walk around during the
24 day but at night you used to sleep at their office. Who actually
12:59:51 25 made sure that you slept at their office, if anyone?

26 A. Yes. One of the rooms in the office, that was where I and
27 Sheku - no, I and the other captive, that was where we were
28 sleeping.

29 Q. Yes. Who was it who made sure that wherever it was you

1 were wandering around during the day that you came back at night
2 and slept in their office? Who was in charge of this curious
3 form of captivity?

13:00:31 4 A. Anybody so far, they were doing it in shifts. They were
5 doing it in shifts until late, when I had stayed long with them,
6 then they started having some amount of confidence in me. That
7 was when I started having - that was when I had another place
8 where I slept with, together with Sheku, which was not in the
9 office, but I took long in sleeping at the office together with
13:00:51 10 the other man that I met.

11 Q. Where was it that you then slept after that, whilst in
12 captivity?

13 A. To one Kamajor's house. One Kamajor's house.

14 Q. And that was presumably better than sleeping in the office,
13:01:09 15 yes?

16 A. Yes, because I was sleeping on the bare ground.

17 JUDGE SEBUTINDE: Mr Witness, whilst you were with the
18 Kamajors, are you saying that your liberty to leave was
19 curtailed? You couldn't leave as and when you wanted to?

13:01:33 20 THE WITNESS: Well, with time. I am not saying that during
21 the first time my movement was restricted, but I used to go to
22 the farm with the other Kamajors. When we came back they would
23 allow me to go and bathe all by myself. They would allow me to
24 visit the various Kamajors' houses. There was nobody to escort
13:01:53 25 me. They used to allow me to work for their wives. To work for
26 their wives, I used to go to their houses. The only thing was
27 that at night we used to sleep at one of the offices.

28 MR MUNYARD:

29 Q. And then eventually somebody's house, yes?

1 A. Yes.

2 JUDGE SEBUTINDE: Perhaps I've missed it but I haven't
3 heard anything in there that speaks to me as captivity. Perhaps
4 I'm mistaken.

13:02:27

5 MR MUNYARD:

6 Q. And when the time came when you wanted to go off with
7 Lieutenant Jusu nobody stopped you. Is that right?

8 A. Well, nobody - I mean nobody - the Kamajors did not know
9 that I had that kind of intention. They never knew. I never
10 revealed that intention to them that I was going.

13:02:43

11 Q. Right. You went when the time was right for you. Is that
12 correct?

13 A. Yes.

14 Q. Right. Well, let's see what you did after that. Next
15 paragraph on the second handwritten page. Mr Court Officer, if
16 you could put the second page of the typed version - sorry, did I
17 say handwritten? I meant typed version. We'll need the
18 handwritten as well but if you put the typed version page 2 on.

13:02:59

19 The second paragraph starts, "During this period I was constantly
20 threatened with death. I escaped after three to four months into
21 Kenema."

13:03:23

22 PRESIDING JUDGE: The witness's hand is up. Yes,
23 Mr Witness?

24 THE WITNESS: I want to use the restroom, please.

13:03:35

25 PRESIDING JUDGE: Yes.

26 MR MUNYARD: May I make the same request for Mr Taylor?

27 PRESIDING JUDGE: Yes, Mr Taylor may be escorted out.

28 Mr Munyard, if you wish to have a seat.

29 Yes, Mr Munyard, please continue.

1 MR MUNYARD:

2 Q. I was just reading what happened next and I'll start again:
3 "During this period I was constantly threatened with death." Did
4 you tell them that?

13:08:58 5 A. Yes.

6 Q. Did you tell them that the death threats stopped after a
7 while and you ended up even with personal contracts from which
8 you earned money whilst in this captivity with the Kamajors? Did
9 you tell them that?

13:09:17 10 A. Well, they did not ask me the details about that.

11 Q. They wouldn't know unless you told them the details, would
12 they?

13 A. Well, I can't remember because it was a very long story, so
14 I can't narrate everything. I can't narrate everything from A to
13:09:37 15 Z, just talking like that, if they did not ask me. Most of the
16 things I would be liable to forget.

17 Q. "I escaped after three to four months into Kenema." Did
18 you tell them that?

19 A. Yes.

13:09:55 20 Q. Well, that's wrong, isn't it?

21 A. That after three to four months I went to Kenema?

22 Q. Yes.

23 A. Well --

24 Q. You escaped after three to four months. You told us today
13:10:14 25 that it was in 1996 that you were captured by the Kamajors. You
26 agree that it was probably August or September that you managed
27 to escape to Kenema which makes it at the very least nine months,
28 doesn't it?

29 PRESIDING JUDGE: Yes, Mr Santora.

1 MR SANTORA: I'm going to object on misrepresentation
2 grounds. The witness has never specifically agreed in court to a
3 month or a set of months, August/September, with regards to when
4 he went to Kenema. He said he didn't recall in court. It was
13:10:48 5 pointed out to him in a prior statement that that was written.
6 And in direct examination - in his examination he said it was
7 during the rains.

8 PRESIDING JUDGE: Mr Munyard, can you point me to a
9 relevant citation?

13:11:06 10 MR MUNYARD: Would you bear with me for a moment while I
11 find it?

12 PRESIDING JUDGE: Yes.

13 MR MUNYARD: On my font, page 76.

14 PRESIDING JUDGE: Of today's transcript, is it?

13:11:39 15 MR MUNYARD: Yes. I think I had better start at page 75,
16 line 20. My question:

17 "Q. Well, two months have been written down and changed.

18 Somebody's written down November/December and then changed
19 it to August/September?

13:11:52 20 A. I'm seeing it.

21 Q. It wouldn't be right for the investigators simply to
22 decide that you'd given them the wrong information and
23 cross out November/December and put in August/September of
24 their own accord, would it?

13:12:06 25 A. Yes, yes.

26 Q. I think you're agreeing with me and therefore does it
27 follow that you must have told them to change the
28 originally recorded dates?

29 A. Yes.

1 Q. And this was presumably done when it was first read
2 over to you in July of 2003?

3 A. I have now remembered the date

13:12:50

4 Q. Presumably this change was done when the interview
5 notes were first read over to you in July of 2003?

6 A. Well, I don't know if it's the first one or the second
7 one but I told them I was still trying to approximate the
8 time that they put there, the months. I did."

9 PRESIDING JUDGE: I'll allow the question, Mr Santora.

13:13:03

10 There is a reference to months.

11 MR MUNYARD: Actually, your Honour, it goes on below that
12 in fairness to the witness. It's at page 77, line 4:

13 "Q. Is that date correct, August/September '97 that you
14 were freed from captivity by the Kamajors?

13:13:25

15 A. It wasn't a date that I wrote in a document but I can
16 remember it wouldn't be too far from correct. It wouldn't
17 be too far from correct really. I can't remember the exact
18 month but it was around that really."

19 That's what I was going on. That he was still vague but
20 agreeing that it was, broadly speaking, correct:

13:13:41

21 Q. Now, Mr Fornie, I'm going to ask you again. "I escaped
22 after three to four months" must be wrong, mustn't it, on the
23 evidence you've given us?

24 A. Well, this, these months, it doesn't seem accurate, these
25 months.

13:14:09

26 Q. Which months doesn't seem accurate?

27 A. The three to four months. It doesn't look correct.

28 Q. All right. But you've never altered it, have you?

29 A. Not all the mistakes because the interview notes are many.

1 Not all. Not all you'd be able to pick up. I was not able to
2 pick all of them up.

13:14:50 3 PRESIDING JUDGE: Mr Witness, the question is that you
4 didn't alter this particular piece of information, three to four
5 months. Not generally.

6 THE WITNESS: No. I can't remember. I can't remember.

7 MR MUNYARD:

8 Q. We have the advantage of the document and it's clear that
9 you never did, on the documents. Now it goes on: "I went to
10 Tongo to dig diamonds."

11 Did you tell them that?

12 A. Yes.

13 Q. Now, on the typed version the next sentence starts, "I was
14 in command on AFRC Major Marrah was battalion commander" doesn't
13:15:28 15 make sense and in fact if you look back to the handwritten
16 version you'll see that whoever transcribed this into typewritten
17 form, and anyone who looked over it before it was sent out
18 clearly has failed to see that the typist has missed out an
19 entire section. Page 3003 of the handwritten version, 11 lines
13:15:56 20 down, we see the sentence, "I went to Tongo to dig diamond." It
21 is followed by:

22 "I was there until the Kamajors flushed us out of Tongo in
23 about December 1997 or January 1998. While in Tongo Captain
24 Harris was in command in RUF site while Captain Kunneh [phon]", I
13:16:34 25 think that is, "was in command on AFRC. Major Marrah was
26 battalion commander."

27 And that's where we pick up Major Marrah on line 2 of the
28 second paragraph in the typed version. In other words, there's a
29 great big chunk been missed out and no-one has spotted the fact

1 in the typed version, so we'll have to work at the moment from
2 the handwritten. Did you tell them, going back to page 3003, "I
3 was there until the Kamajors flushed us out of Tongo in about
4 December 1997 or January 1998"?

13:17:22 5 A. Yes.

6 Q. "While in Tongo Captain Harris was in command in the RUF
7 site while Captain" - who was in command on the AFRC site, you
8 tell us what this name is?

9 A. It's Kunnateh. It should be Kunnateh.

13:17:45 10 Q. And so the investigators have correctly recorded everything
11 that you told them there, haven't they?

12 A. No, not everything.

13 Q. In the passage I've just read, you tell us what is wrong
14 with "while in Tongo Captain Harris was in command in RUF site
15 while Captain Kunnateh was in command on AFRC"? What's wrong
16 with that?

17 A. Then Major Marrah was the overall. In the --

18 Q. I'm asking you about what I've just read out, that one
19 sentence. We're coming on to Major Marrah as battalion commander
20 as we can all see. The investigators have correctly recorded
21 what you told them up to "in command on AFRC", haven't they?

13:18:27 22 A. Yes, the command structure, that was what it was.

23 Q. So they seem to be getting right - they seem to be
24 recording correctly everything you're telling them. Do you
25 agree?

13:18:55 26 A. Some. There are some that contain errors. There are some
27 that contain mistakes that we've been seeing today.

28 Q. Now, we can go back now to the typed version simply because
29 it's easier to read. Second line of the second paragraph of the

1 second page, "I was in command on AFRC" is nonsense. We know
2 that's completely mistyped and nobody's bothered to check it.
3 The next sentence reads, "Major Marrah was battalion commander."
4 Did you tell them that?

13:19:55 5 A. I can remember, yes.

6 Q. "When I got to Tongo I told" - "I" is missed out in the
7 typed version, "I told Captain" - and it is not "has" it's
8 "Harris", "that I was there, so I there as a military man but I
9 was mining for myself." Did you tell them that?

13:20:26 10 A. Yes. Yes, I told them.

11 Q. What were your military duties at Tongo?

12 A. Radio operator.

13 Q. For who?

14 A. For the RUF/AFRC, right at the battalion radio
13:20:54 15 headquarters, battalion headquarters radio station.

16 Q. Where was that?

17 A. At the company - at one of the company's areas. One of the
18 company's quarters where the battalion headquarters was. One of
19 the company headquarters.

13:21:15 20 Q. And who was in charge of you?

21 A. Well, as I have reflected from this document, one Major
22 Marrah was the first commander that I can remember. Major
23 Marrah.

24 Q. But you haven't said anything in this passage about being a
13:21:37 25 radio operator, have you?

26 A. But before this passage I had already established it. I
27 had established it that I was a radio operator. And one thing
28 again that I had already established about this particular
29 document is that during my first contact I was really trying not

1 to identify myself much and, two, I was pretending not to know
2 most of the things, just as I had been telling you before.

13:22:20 3 Q. So you tell them that you were a radio wireless operator
4 trained by Foday Sankoh himself, and what voice procedure you
5 were taught and which bases you were at, but you're not telling
6 them anything that identifies you? Is that what you're saying to
7 these judges?

8 A. Well, that's one of the things that identified me as a
9 radio operator, but during those times when I was doing these
13:22:43 10 interviews, I have been telling you it was not every little thing
11 so far that I was able to tell them. It was not every little
12 thing that I was able to tell them because even if - for example
13 if you say now to sit here and narrate what I know about my time
14 line in the RUF it's not - it wouldn't take one or two weeks if
13:23:06 15 we have to take it stage by stage. Some would be left out.

16 Q. So --

17 A. But some would be left out. Even if it's not here it's in
18 the other documents. It's in the other documents.

19 Q. So acting as a radio operator in those months in Tongo is
13:23:25 20 some little thing that you've left out, is it?

21 A. I did not get you correctly.

22 Q. You agree, I think, that you've not mentioned being a radio
23 operator in Tongo in this passage here and you said a moment ago
24 "it was not every little thing so far that I was able to tell
13:23:54 25 them".

26 A. Yeah, of course.

27 Q. Were you operating as a radio operator or were you just
28 doing your own private mining in Tongo?

29 A. I was operating as a radio operator.

1 Q. Well, let's see what else they've recorded and you tell us
2 if it's correct or not. "I mined at the swamps towards Semawabu
3 and" - it says "it" but it must mean "if I got the chance I mined
4 at Cyborg Pit." Did you tell them that?

13:24:35 5 A. Yes.

6 Q. "Cyborg Pit was dangerous because the RUF and the AFRC used
7 to open fire indiscriminately at people." Did you tell them
8 that?

9 A. Yes.

13:24:51 10 Q. And then the transcriber has missed out another bit of the
11 handwritten, of the actual account that you gave. It's still on
12 page 3003, and it's nine or ten lines from the bottom. After
13 "open fire indiscriminately at people" the transcriber has missed
14 out "mining in the pit. They could even launch RPG." Did you
15 tell them that?

13:25:20 15

16 A. Yes.

17 Q. Thank you. "I saw Mosquito, Sam Bockarie, about three
18 times in Tongo." Did you tell them that?

19 A. Yes.

13:25:34 20 Q. Were you working for Mosquito at all in Tongo?

21 A. It was the AFRC/RUF that I was working for as radio
22 operator, not Mosquito personally.

23 Q. Did you work at any time for Mosquito in Tongo, yes or no?

24 A. Well, when he was going to Tongo I used to work for him, if
13:26:07 25 I can remember, I can remember I used to work for him. I used to
26 work. I can remember.

27 Q. Doing what?

28 A. To send messages and receive messages.

29 Q. Why not tell them?

1 A. Who?

2 Q. The investigators in this interview.

3 A. I have clearly spelt it out to you that initially this
4 first interview - this first interview I deliberately left a lot
13:26:48 5 of things out because of fear that the Special Court was - the
6 Special Court had come for all the combatants, which led me -
7 even though I was doing the interviews that led me to --

8 PRESIDING JUDGE: Yes, you have explained this to us,
9 Mr Witness.

13:27:08 10 MR MUNYARD:

11 Q. Count with your finger five lines down from what we've just
12 looked at in the typewritten version and do you see a line that
13 starts with the word "Pendembu" and then a full stop?

14 A. Yes.

13:27:22 15 Q. And it then follows, "There Mosquito saw me and assigned me
16 to be radio communicator at Buedu." Did you tell them that?

17 A. Yes, I told them.

18 Q. So you were telling them that you worked for Mosquito and
19 indeed that he assigned you to the job in Buedu, yes or no?

13:27:47 20 A. Well, in respect of this one it was not all yes, not all
21 no.

22 Q. All I want from you is did you tell them this?

23 A. Well, it's not a yes or no. That's what I'm telling you
24 now. It was because I did not want them - I did not want them to
13:28:07 25 take me as someone who knew a lot of things about the RUF at all.
26 That was why I was --

27 PRESIDING JUDGE: Mr Witness, either you told them or you
28 didn't tell them. Now, did you tell them or not?

29 THE WITNESS: I told them. That's what I'm saying. I told

1 them, but that was because of a reason. That's what I'm
2 explaining.

3 MR MUNYARD:

4 Q. So if you're willing to tell them that Mosquito assigned
13:28:32 5 you to be a radio communicator at Buedu, why not, if it's true,
6 tell them that you also worked for him as a radio operator - in
7 the course of your radio operating work in Tongo?

8 A. Well, I have told you the information. It was not every
9 information. Like Tongo, for instance, I didn't want them to ask
13:28:57 10 me a lot of questions about diamond operations in Tongo. I did
11 not want a lot of questions in this interview. I was - I had a
12 lot of fear. I had less confidence. I had less understanding
13 about the Court and about what the Court was about. I did not
14 have any clear understanding. That was why I left out a lot of
13:29:17 15 information out. When I had confidence now that the Court was
16 not for people like us, I think it's in the interview notes
17 clearly about my various activities.

18 Q. You had so much fear that you could bring yourself to tell
19 the investigators that you were assigned to be a radio
13:29:37 20 communicator at Buedu between 1998 and 1999, but you couldn't
21 bring yourself to tell them that you did a bit of radio operating
22 during a few months in Tongo? Is that what you are telling us?

23 A. That was because they did not ask me - because they did not
24 ask me. Had they asked me, I would have told them.

13:29:59 25 Q. So it wasn't fear. It was just their failure to ask, yes?

26 PRESIDING JUDGE: Please answer the question.

27 THE WITNESS: Well, that's what I'm responding to. The
28 questions - you answer an interviewer by the questions he asks.
29 The interviewers failed to ask me, so if at all they failed to

1 ask me then and I did not tell them it's not on only one side
2 that the problem is. What they asked me about what was I told
3 them. They asked me about Buedu and even there I was afraid to
4 tell them how I was operating in Buedu. I did not explain
13:30:46 5 everything to them in relation to how I was operating in Buedu in
6 this statement.

7 MR MUNYARD:

8 Q. And they presumably asked you, "When you got to Tongo what
9 did you do there, Mr Fornie?", yes? Is that right? Is that
13:31:04 10 right?

11 A. I can't remember now.

12 MR MUNYARD: I see the time, Madam President.

13 PRESIDING JUDGE: Yes, Mr Munyard, Mr Witness, it's now
14 time for the lunchtime adjournment. We will adjourn court until
13:31:19 15 2.30. Please adjourn court until 2.30.

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

17 [Upon resuming at 2.30 p.m.]

18 PRESIDING JUDGE: Mr Santora, I notice another change of
19 appearance.

14:30:07 20 MR SANTORA: Yes, Madam President. Nicholas Koumjian has
21 left the Prosecution bench, and we are joined by Jim Johnson.

22 PRESIDING JUDGE: Thank you. I am not sure if we have had
23 Mr Johnson in court.

24 MR JOHNSON: Yes, just once, your Honour.

14:30:25 25 PRESIDING JUDGE: Good. In that case, I don't need to
26 welcome you again. Please proceed, Mr Munyard.

27 MR MUNYARD: Thank you, Madam President:

28 Q. Now, Mr Fornie, back to this first interview, please. We
29 were looking at the second paragraph of the second page, and the

1 point at which we broke off was another area where the typed
2 version has failed to include certain phrases from the
3 handwritten version, and we will move on from there and so I want
4 you to look, please, at the middle of that second paragraph on
14:31:14 5 page 2:

6 "I saw Mosquito (Sam Bockarie) about three times in Tongo".
7 Did you tell them that?

8 A. Yes.

9 Q. Is that right?

14:31:37 10 A. To say that Mosquito went to Tongo up to three times, yes.

11 Q. It is not what it says. It says "I saw Mosquito about
12 three times in Tongo". Is that correct?

13 A. Yes, it is correct.

14 Q. Well, why didn't you tell them, "I was working as a radio
14:31:59 15 operator for him"?

16 A. But I told them later. After this interview, in the other
17 interview that followed, I told them. It's in the other
18 interview notes. I told them that I was working with Mosquito.
19 I told them.

14:32:20 20 Q. You wouldn't have known if they were going to interview you
21 again and as it happens three years later. Go back to the
22 question I asked you and try answering that. Why didn't you tell
23 them - instead of saying, "I saw Mosquito about three times in
24 Tongo", "I was working for Mosquito in Tongo" if that in fact is
14:32:42 25 the truth?

26 A. Well, I was not only working for Mosquito; I was working
27 for Mosquito and the entire RUF/AFRC.

28 Q. So why not say that, "I was working in Tongo as a radio
29 operator for Mosquito and the entire RUF/AFRC"? If you were

1 doing that, why not spell it out in this interview?

2 A. Well, maybe it was the way I was interviewed. I responded
3 to the questions that were asked of me.

4 Q. Well, they wouldn't have known that you were a radio
14:33:32 5 operator unless you told them, would they?

6 A. Already I had established it from the start of the
7 interview that I was a radio operator.

8 Q. My mistake. They wouldn't have known that you were a radio
9 operator in Togo after your escape from what you term captivity
14:33:57 10 by the Kamajors unless you had told them, would they?

11 A. Well, they were the interviewers. They had every
12 opportunity to ask me if they wanted to know.

13 Q. Did you not tell them that you were a radio operator in
14 Togo because in fact you weren't a radio operator in Togo? You
14:34:27 15 were just doing mining?

16 A. Well, I am establishing that now before you. I stated in
17 subsequent interviews after this one, where I clearly stated in
18 other interviews, I am telling you that --

19 PRESIDING JUDGE: Mr Witness, listen to the question. The
14:34:52 20 question is you were only doing mining, you weren't a radio
21 operator. Is that correct?

22 THE WITNESS: No, it is not correct.

23 MR MUNYARD:

24 Q. All right. Well, tell us more about your private mining
14:35:11 25 activities. How were you able to mine for yourself if your
26 actual job was a radio operator for Mosquito and the entire
27 RUF/AFRC?

28 A. Well, there were many operators in Togo. Operators were
29 many in Togo. There were SLAs and there was RUF.

1 Q. So are you saying that you had so much time on your hands
2 that you could nip down to the mining pits and work there while
3 everybody else manned the radio stations? Is that what you are
4 saying?

14:35:56 5 A. Yes.

6 Q. So were you actually doing more mining than radio
7 operating?

8 A. Well, it was not a matter of more mining; it was according
9 to a duty schedule. I worked in line with that.

14:36:19 10 Q. Carry on now reading: "At this time Sankoh was in prison
11 in Nigeria"?

12 A. Yes, Sankoh was in prison at that time.

13 Q. Did you tell them that? Will you please listen to the
14 question and we can go much faster. Did you tell them that?

14:36:45 15 A. Yes.

16 Q. Thank you. "People in Tongo were mining for Mosquito or
17 Five-Five". Did you tell them that?

18 A. Yes.

19 Q. "Actually any big person who came are Freetown could come
14:37:01 20 and give orders and people mined for them." Did you tell them
21 that?

22 A. Yes.

23 Q. Who actually owned the mines in Tongo at this time?

24 A. Well, officially, it was AFRC/RUF.

14:37:24 25 Q. And the mining was for the benefit of the AFRC/RUF, is that
26 what you are saying?

27 A. Yes.

28 Q. And was it their intention that the proceeds of diamond
29 mining would be used to give the people of Sierra Leone a better

1 life?

2 A. With regards to mining, I saw the way mining went on but I
3 did not know exactly what they had planned, because there was a
4 special committee for mining, so I don't know exactly what they
14:38:04 5 planned as to how it would go about, how the seats were to move
6 from one stage to another.

7 Q. But was it the RUF's ideology that they were controlling
8 the diamond mines in order to use the proceeds to improve the
9 lives of the citizens? Was that their ideology at that time?

14:38:36 10 A. Yes.

11 Q. So why was it that people like you and all these so-called
12 big people from Freetown could turn up and just mine for
13 themselves and keep the proceeds presumably for themselves? How
14 was that possible to happen?

14:39:00 15 A. Well, everybody was looking for his or her own living.
16 Even though the official mining was going on, people did their
17 personal. We too were looking for our own living; something to
18 upkeep us.

19 Q. But you were earning your living as a radio operator,
14:39:33 20 weren't you?

21 A. Yes.

22 Q. So you were earning your living and being paid wages as a
23 radio operator, correct?

24 A. Yes, very little pay was what I received as radio operator
14:39:47 25 at that time. Very little.

26 Q. Could any individual just turn up and say "I want to do a
27 bit of mining here" in the swamps or at Cyborg Pit?

28 A. Well, at Cyborg Pit, you know, those big men, whenever they
29 came, as long as they told the commander in charge they would

1 mobilise civilians for that particular person and they would
2 excavate the gravel and they wash it. So that would happen in
3 just a day's time at Cyborg Pit.

14:40:30

4 Q. Could any person just turn up and say, "I want to mine at
5 Cyborg Pit"?

6 A. Not just anybody. I have categorised it.

7 Q. How was it that you were able to do that when you were
8 already earning a living in a job as a radio operator?

14:40:56

9 A. Well, sometimes the commanders used to declare the place
10 open, so we would do our personal mining.

11 Q. Open to who?

12 A. To we, the other soldiers.

14:41:19

13 Q. So you not only got a living out of your job as a soldier,
14 but you had the privilege also, which was denied to ordinary
15 citizens, of being able to mine at Cyborg Pit? Is that correct?

16 A. Yes.

17 Q. Is that the reason you went to Tongo, because you knew that
18 you could use your connection with the RUF to make more money?

14:41:48

19 A. That was not reason why I went to Tongo. I just stated it
20 in this particular interview because, as I have told you,
21 initially I didn't want to expose myself much to the
22 investigators, but that was not the purpose.

14:42:09

23 Q. Mr Fornie, I am not asking you now about why you told them
24 what in this interview. I am asking you about why you went to
25 Tongo, and I am suggesting that you went to Tongo because you
26 knew that you could use your RUF connection to do some diamond
27 mining?

28 A. Well, I am also telling you that I went to Tongo together
29 with Mosquito to recapture Tongo from the Kamajors the first

1 time. That was the first time that I went to Tongo.

2 Q. Are you talking about this period here that we are looking
3 at?

4 A. Yes, from there it was when Mosquito assigned me.

14:42:46 5 Q. Where does it say that you went to Tongo together with
6 Mosquito to recapture Tongo from the Kamajors? Where in this
7 interview does it say that?

8 A. It was not on this interview, but it is in some other
9 interviews.

14:43:11 10 Q. Right. "Upon being driven out of Tongo", I am resuming
11 looking at the printed page, "Upon being driven out of Tongo, we
12 retreated to Kenema." How long were you at Kenema on that
13 occasion?

14 A. It was in late December. Around late 1997. Around
14:43:48 15 November/December, late 1997. Some time around that.

16 Q. Right. Then you go on to say that they pushed you out and
17 you retreated to Kailahun, but you say in this sentence here,
18 "The Kamajors again pushed us out and we (RUF and AFRC) went to
19 Kailahun."

14:44:14 20 Did you tell them that?

21 A. You mean from Kenema or from Tongo directly? What are you
22 referring to?

23 Q. I mean, did you tell them the sentence that I have just
24 read out?

14:44:27 25 A. Yes, I told them that.

26 Q. Thank you.

27 A. I told them what? Say again.

28 Q. Just look at the sentence, just at the sentence six lines
29 from the bottom of the page that starts with the words "The

1 Kamajors". Let me know when you have got that.

2 A. Yes, I have seen it.

3 Q. Thank you. Did you tell the interviewers "the Kamajors
4 again pushed us out and we (RUF and AFRC) went to Kailahun"?

14:44:58 5 A. Yes.

6 Q. So you are perfectly capable in this interview of telling
7 the investigators about joint activities that you - the RUF and
8 the AFRC - got up to, correct?

9 A. What I recalled at that time I told them.

14:45:24 10 Q. That is a "yes". "I was in Pendembu. There Mosquito saw
11 me and assigned me to be radio communicator at Buedu". Did you
12 tell them that?

13 A. I told them.

14 Q. "I was deployed in the monitoring section with Phyllis and
14:45:44 15 Gbamayaji (both SLA) to monitor the movement of the enemy". Did
16 you tell them that?

17 A. It should be Gbamayaji and that was one of my
18 responsibilities in Buedu.

19 Q. You mean Gbamayaji is wrongly spelt?

14:46:12 20 A. Yes, yes.

21 Q. Should there be an "A" --

22 A. Yes, it is wrongly spelt. It should be Gbamayaji.

23 Q. Is it spelt in this way G-B-A-M-A-Y-A-J-I?

24 A. Yes.

14:46:29 25 Q. That is actually how it has been spelled in the handwritten
26 version on page 3004, so you obviously spelled it correctly at
27 the time of the interview and the transcriber has made yet
28 another error in typing it out. That is right, isn't it?

29 A. Well, if that is what is on the transcript, then I was the

1 one who spelt it because I am not having the handwritten note.

2 Q. If we need - if you need them say so, but others have got
3 them and will correct me if I am wrong, and I am certainly not
4 suggesting you shouldn't look at them, but over something as
14:47:13 5 simple as this I don't think we need to go through the elaborate
6 process. And of course the interviewers could only have written
7 down Gbamayaji's name and written it correctly if you had spelt
8 it for them. That is true, isn't it?

9 A. Well, it was a common name - it is a common name in Sierra
14:47:46 10 Leone. The only thing, whenever they were interviewing me, if
11 there were names they did not know how to spell they will ask me
12 and I will tell them the spelling that I knew for it.

13 Q. Now you were there as a monitor with Phyllis and Gbamayaji,
14 correct?

14:48:07 15 A. Yes.

16 Q. You were only doing monitoring. You were not doing
17 transmitting and receiving?

18 A. Well, I transmitted. I used to transmit. Sometimes at the
19 transmitting station I will - I even went on other assignments
14:48:31 20 apart from monitoring.

21 Q. Well, did you tell them that?

22 A. They did not ask me.

23 Q. They must have asked you what work you did, mustn't they,
24 for them to have put down you were in the monitoring section,
14:48:46 25 yes?

26 A. Well, the question that they asked me, I responded to them.
27 They did not ask me every question.

28 Q. Mr Fornie, they wouldn't have been able to say to you, "You
29 were in the monitoring section with Phyllis and Gbamayaji, were

1 you?" You would have had to have given them that information in
2 response to a question "Where were you working?", do you agree,
3 or "What were you working at?"

14:49:27 4 A. I was the one who told me that I was monitoring, that I was
5 at the monitoring department because they asked me.

6 Q. And you don't seem to have told them that you were also
7 transmitting, do you, from what we are looking at here?

8 A. Well, then maybe it was because I was not asked about
9 transmitting; that is why.

14:49:49 10 Q. We will read on before we come back to look at this. We
11 will read on. At the end of that page it says, "This was at the
12 beginning of 1998, about February" and then they have missed out
13 something we will come back to "Where as follows: We monitored
14 ECOMOG messages and Philip and Gbamayaji, who were both
14:50:15 15 professional radio monitors, would then decode the messages. The
16 messages were sent to Mosquito's transmitting station on Dawa
17 Custom Road. The radio communicators would then send the message
18 to the operational area directly affected" and so on. There is
19 nothing in there about you doing any transmission, is there?

14:50:40 20 A. Yes, in here it is not there, but it is in some other
21 documents.

22 Q. Have you yet got the point that we are only looking at this
23 document at the moment. We are not looking at any other
24 documents because on 31 July 2003, for all you know, you would
14:51:07 25 never, ever again have seen the Office of the Prosecutor of the
26 Special Court. We are only interested at the moment in what you
27 told them and what you didn't tell them in this particular
28 interview. Now, would you just tell me if you have understood
29 that?

1 A. Yes, I understand it.

2 Q. Would you restrict your answers then to what was going on
3 at that time and don't tell us, unless you are asked to, what you
4 told them at some other time and then we will all move along a
14:51:48 5 great deal more quickly?

6 A. Well, I am telling you but just that there are some
7 questions that I need to make clear.

8 PRESIDING JUDGE: Mr Witness, there isn't any question at
9 the moment. Please put a question, Mr Munyard.

14:52:01 10 MR MUNYARD: Thank you, your Honour:

11 Q. I just want to go back briefly to fill in the gaps that
12 have been left out. We had just got passed Philip and Gbamayaji
13 and it says that you were deployed to help them monitor the
14 movement of the enemy. "At this time the enemy meant the
14:52:24 15 Kamajors and ECOMOG". Did you tell them that?

16 A. Yes.

17 Q. And then at that point the transcriber has missed out
18 something which reads on page 3004, "We could only really monitor
19 ECOMOG because did all the communication" is what is written in
14:52:53 20 handwriting. Now, is that right, that you could only really
21 monitor ECOMOG rather than ECOMOG and the Kamajors? Is that
22 right, you could only really monitor ECOMOG?

23 A. Well --

24 Q. I am very sorry. In fairness to you of course it is not
14:53:28 25 actually there on the printed page and I think you should see the
26 handwritten, page 3004. It is I think 14 lines down from the top
27 and if Mr Court Officer could assist the witness, the word ECOMOG
28 appears twice on two lines in capital letters in the middle
29 there. That's where we are concerned with. It is right in the

1 middle of the page "ECOMOG" and then immediately below it on the
2 next line is "ECOMOG". Do you have that? Can you see that,
3 Mr Fornie? We see the word ECOMOG twice and the person who was
4 given the job of typing this up obviously failed to follow the
14:54:33 5 line they were reading? Have we got that?

6 A. I have seen one of the ECOMOG.

7 Q. Can you see a place where ECOMOG appears on one line and
8 then again on the line below, or depending where you are looking
9 then again on the line above, immediately above it? Have you got
14:54:58 10 that?

11 A. Yes, yes.

12 Q. Well, working backwards from the first reference to ECOMOG,
13 that sentence starts on the line above there:

14 "At this time the enemy meant the Kamajor and ECOMOG. We
14:55:10 15 could only really monitor ECOMOG because" - then there is
16 obviously a phrase missed out - "did all the communication."

17 Do you see that?

18 A. Yes.

19 Q. Who was who did all the communication?

14:55:29 20 A. ECOMOG.

21 Q. So it should be "because they did all the communication"?

22 A. They were the ones who did. They were the ones who did all
23 the --

24 Q. Thank you. That's what you told the interviews, is it?

14:55:47 25 A. Yes.

26 Q. Now, you were able to monitor ECOMOG's radio transmissions,
27 were you?

28 A. Yes.

29 Q. Had they not woken up to the idea of speaking in code, or

1 was this something only the RUF knew how to do?

2 A. I don't know for them.

3 Q. Well, were you able just to listen in to all of their
4 communications willy-nilly, by which I mean regardless?

14:56:26 5 A. Many of the communications we listened to them and we wrote
6 them down and we will decode it.

7 Q. And, as far as you knew, were they doing much the same to
8 you in your communications?

9 A. The only thing, there were differences in the way we
14:56:49 10 encoded and the way they did theirs.

11 Q. When you say "the way we decoded", you were not decoding
12 then, were you?

13 A. We decoded the messages we received.

14 Q. You personally were not decoding then, were you?

14:57:15 15 A. Well, after I had been trained for some time I started
16 doing the decoding.

17 Q. When?

18 A. It was when I was in Buedu.

19 Q. When in Buedu?

14:57:28 20 A. Around mid-1998.

21 Q. All right. Well, let's read on. I have got to the point
22 that was missed out. The next sentence, "This was at the
23 beginning of 1998, about February" - and then the transcriber has
24 missed out something else and we have to go back to 3004, line 16
14:57:59 25 I think it is, "This was at the beginning of 1998, about February
26 1998. In this section my duties were as follows" - the words "in
27 this section my duties" have not been typed. "We monitored
28 ECOMOG messages and Philip and Gbamayaji who were both
29 professional radio monitors would then decode the messages". Did

1 you tell them that?

2 A. Yes.

3 Q. So you were not the decoder then. As you have just told us
4 you didn't train in that until about the middle of the year?

14:58:40 5 A. Well, this was the initial --

6 Q. No, I'm just --

7 A. Early 1998.

8 Q. I am just summarising what you have told us before we move
9 on to the next part.

14:58:53 10 A. Then carry on.

11 Q. "Then the messages were sent to Mosquito's transmitting
12 station on Dawa Custom Road". Did you tell them that?

13 A. Yes, yes.

14 Q. And then there is more about radio communications?

14:59:18 15 A. I am not getting that clearly.

16 Q. Well, I am just going to take you through the typed version
17 quickly I hope:

18 "The radio communicators would then send the message to the
19 operational area directly affected by the decoded message. For
14:59:32 20 example, a message ECOMOG was planning to send an air raid to
21 villages in Jagbwema Fiama or Kuyor or Meiyor in Kono, then we
22 sent a message to Mosquito's station, who then sent a message was
23 sent to Issa Sesay who was there."

24 Can you remember telling them all of that?

14:59:54 25 A. I have not seen the place yet.

26 Q. If you just read for yourself the first six lines on that
27 page?

28 A. Yes, I told them all of that.

29 Q. All right. Thank you. So they've correctly recorded - so

1 far they have pretty well recorded absolutely everything you told
2 them correctly, haven't they?

3 A. This particular passage, it's correct.

15:00:25

4 Q. And almost all that came before it from what we have seen
5 so far today, do you agree?

6 A. I did not get that clearly.

7 Q. "He" - that's Issa Sesay - "was there with Superman and
8 Morris Kallon. We also monitored and reported reports of
9 communication about ECOMOG casualties. These were my duties
10 until late 1998."

15:00:47

11 Is that correct? Did you tell them that?

12 A. Yes.

13 Q. Is it right that until late 1998 you were essentially a
14 monitoring operator, more than anything else?

15:01:14

15 A. Well, not only monitoring operator, but I participated in
16 other mobile operations. This was a formal assignment, but they
17 used to take me and send me to other operational areas. I used
18 to go on other field trips. I used to go on other patrols with
19 the radio.

15:01:42

20 Q. We are going to look at that, we are going to look at
21 everything that you told them in this first interview, but is it
22 correct that your main duties were as a monitoring operator?

23 A. Yes, monitoring was the main duty.

15:02:04

24 Q. Now when was it, Mr Fornie, that you decided in the course
25 of monitoring radio operations and listening to radios and the
26 rest of it that you were going to start making your own homemade
27 tape recordings of these things? When was it that your sense of
28 history struck you so vividly that you decided to do that?

29 A. It was in 1998. Early 1998 up to - up to the Lome Peace

1 Accord time.

2 Q. Right. And so presumably you have got tape recordings in
3 that case of Gullit and Sam Bockarie in constant communication in
4 the lead-up to, during and after the invasion of Freetown,
15:03:01 5 correct?

6 A. It was not on radio, not on VHF radio. It was on the
7 international radios. That is what I was doing my recordings.
8 For the VHF, the recordings that I produced on the VHF radio,
9 they were after the Freetown invasion.

15:03:29 10 Q. Mr Fornie, do you remember last week a little bit of a
11 rather difficult to follow recording was played which you say is
12 Foday Sankoh and others on the radio? That's to say the RUF
13 radio. Do you remember us being treated to that tape recording
14 of yours?

15:03:58 15 A. I remember that very well.

16 Q. Fine. So were you recording the RUF radio from early 1998
17 when your sense of history made you realise that these are things
18 that you wanted to record for posterity?

19 A. No, I used to record, but it was not - at that time it was
15:04:28 20 not the RUF radio that I used to record. The BBC - if you go
21 back to what you are referring to, you will see that indeed I
22 stated that I monitored the BBC constantly from 1998 to the time
23 I left for Lome. Then for the recordings I did them I would say
24 almost during or at the end of the Freetown invasion up to the
15:04:56 25 time of the ceasefire. Those were the times.

26 Q. Were you doing these recordings of the BBC and other
27 stations whilst you were at work?

28 A. Well, sometimes when I will be - when I was working was
29 when I did the recording for the --

1 Q. Yes.

2 A. No, that is just part of it. It's not everything you can
3 say yes to. When I was doing the work that was when I was doing
4 the recording on the VHF. Then the other recordings, like Focus,
15:05:38 5 that is programmes on the other stations, the commercial radio
6 stations, many times I did them at home I can recall.

7 Q. I just want to know were you also doing them whilst you
8 were at work and you seem to be answering yes to that. Is that
9 correct?

15:05:55 10 A. I have distinguished them. The ones that I did while on
11 duty, I have differentiated that one from other ones. You are
12 talking about two different recordings in this case.

13 Q. All right. Tell us which ones you recorded whilst at work?

14 A. The one on the VHF radio sets.

15:06:13 15 Q. Right. And by that do you mean messages from within the
16 RUF or do you mean messages from stations such as the BBC?

17 A. The one on the VHF, I am referring to the dialogues, the
18 various dialogues, that led to the release of Foday Sankoh. That
19 was the time Foday Sankoh was in Freetown, particularly when he
15:06:46 20 was talking to the various commanders.

21 Q. By "dialogues" you're talking about radio communications
22 within the RUF, aren't you?

23 A. Yes.

24 Q. And so did you start recording them in early 1998?

15:07:01 25 A. It was not early 1998 regarding those dialogues that I
26 recorded.

27 Q. When was it?

28 A. It was the time that Gullit and others - that Gullit
29 informed Mosquito that Pa Sankoh would want to talk to the

1 commanders from all stations. That was the time. That was after
2 6 January.

3 Q. After 6 January?

4 A. Yes.

15:07:36 5 Q. So is it just pure chance that you didn't record VHF
6 dialogues in the lead-up to the invasion of Freetown when you say
7 Gullit suddenly decided to start communicating with Sam Bockarie
8 after the death of SAJ Musa? Was it pure chance that you don't
9 happen to make a recording of those dialogues that would have
15:08:05 10 been so useful in this case?

11 A. It was not about Sam Bockarie's death. At that time
12 Sam Bockarie was still alive and my attention did not go to that
13 early that I was to do those things.

14 PRESIDING JUDGE: Mr Witness, counsel has not referred to
15:08:27 15 Sam Bockarie's death, he referred to the death of SAJ Musa. I
16 will ask him to put the question again. Listen carefully,
17 please. Mr Munyard, please put the question.

18 MR MUNYARD: Thank you, your Honour:

19 Q. Is it just pure chance that you didn't record VHF dialogues
15:08:44 20 in the lead-up to the invasion of Freetown when you say that
21 Gullit suddenly decided to start communicating with Sam Bockarie
22 after the death of SAJ Musa, and we don't have recordings of
23 those dialogues that would have been so useful in this case?

24 A. My attention did not run there at that time. I did not
15:09:15 25 think about starting or doing things like that. Why I took the
26 chance to be recording them more, because it was a remarkable one
27 about the release of Foday Sankoh. That was the first time that
28 Foday Sankoh spoke to all of us on the VHF headset and after a
29 very long time in prison, that was the reason that I took the

1 chance, and I said, "Well, I would want to refer to this in
2 future". Those were the times that Foday Sankoh was talking to
3 us when he was in prison.

4 Q. Right, back to the text please, still on the typed page.

15:09:59 5 We have just finished with "my duties until late 1998". "The
6 messages that we decoded we hand delivered to Mosquito's station
7 and every time a message came we had to deliver it immediately".
8 Now, did you write down everything that you monitored?

9 A. Yes, we used to write down everything we monitored from the
15:10:24 10 ECOMOG. Everything that was necessary we wrote it down. Every
11 necessary thing, not just everything, but everything that was
12 necessary from the front line we wrote them down.

13 Q. Pausing there for a moment, when you got messages from
14 within the RUF that you were monitoring and had to take down to
15:10:47 15 Mosquito's station, did you write down every single one of those,
16 or did you ever just run down there and say, "So and so has just
17 called and wants you to send materials to such and such a place"?
18 Was it always written down or did you sometimes carry verbal
19 messages?

15:11:10 20 A. Well, sometimes within the RUF operations, for the RUF
21 operations, in some cases it was a verbal message.

22 Q. Thank you.

23 A. For the RUF operations. I am not referring to monitored
24 messages from ECOMOG.

15:11:39 25 Q. "Every time I went there" that is Mosquito's station, "I
26 looked through the message book" that should read. "The message
27 book of all incoming and outgoing messages. Mosquito was usually
28 there or across the street at" and the transcriber has got "his"
29 wrong, that should read "at his house. This was along Dawa

1 Custom Road. He was there with his radio set which was up at his
2 house". Had they recorded that correctly? Is that what you told
3 them?

15:12:20 4 A. Well, it was opposite his house. I would say it was part
5 of his house even, because it was just a stone's throw. You
6 know, the two houses were close to each other.

7 PRESIDING JUDGE: Mr Witness, there is more to that than
8 just the location of the house. Did you say all of that?

9 MR MUNYARD: Thank you, your Honour.

15:12:39 10 PRESIDING JUDGE: Do you need it read again?

11 MR MUNYARD:

12 Q. Have they correctly recorded there what you told them?

13 A. Read it again.

14 Q. "Every time I went there I looked through the message book.
15:12:51 15 The message book of all incoming and outgoing messages. Mosquito
16 was usually there or across the street at his house. This was
17 along Dawa Custom Road. He was there with his radio which was
18 set up at his house".

19 So you have made it clear that the radio station was across
15:13:09 20 the street from his house. Have they correctly recorded all of
21 that?

22 A. Yes.

23 Q. "Mosquito called commanders from the field on radio
24 whenever they wanted to make any important decision on the next
15:13:25 25 moves and new instructions in the battlefield. Issa Sesay"
26 before we go on the Issa Sesay, did you tell them that? Have
27 they got that right?

28 A. Yes.

29 Q. "Issa Sesay was called by Mosquito to Buedu at least once a

1 month" and then the next sentence again has been wrongly
2 transcribed, and it should read as follows, "They did not discuss
3 important strategy on the radio because they knew we were being
4 monitored too." Did you tell them that?

15:13:57 5 A. Yes.

6 Q. Is that in fact true, that Mosquito didn't discuss
7 important strategy on the radio because he knew you were being
8 monitored too?

9 A. Well, Mosquito knew, yes. Like the attack on Kono, when he
10 called the men to come and receive the ammunition, that was not
11 on radio. He called the various commanders that that was what
12 had been received.

13 Q. I don't want you to give us an example. I am asking you is
14 that general proposition true that Issa Sesay did not --

15:14:31 15 A. Yes.

16 Q. -- discuss important strategy on the radio because he knew
17 that you were being monitored too? Is that right?

18 A. Yes.

19 Q. "This was routine operation until November/December 1998
15:14:50 20 when Mosquito called Issa Sesay, Morris Kallon and Superman to
21 attack Kono. Morris Kallon and Issa came but Superman did not.
22 There was a misunderstanding between Mosquito and Superman." Is
23 that correct?

24 A. Yes.

15:15:09 25 Q. So they have got all that right, have they?

26 A. Yes.

27 Q. "I saw the entry of the message to Issa Sesay and Morris
28 Kallon in the message book. Then in about three days or so I saw
29 Issa Sesay and Morris Kallon come to Buedu to meet with Mosquito.

1 This meeting planned the attack on Koidu." Did you tell them all
2 of that?

3 A. Yes, yes, yes.

4 Q. Thank you. "Issa Sesay was the commander and he was based
15:15:49 5 at Superman Ground in Kuyor village. It was from there that his
6 commanders Rambo, Bai Bureh attacked areas around Koidu." Have
7 they correctly recorded what you told them there?

8 A. Around where?

9 Q. It is on the page, the very last --

15:16:03 10 A. Around - let me see where we are just coming from.

11 Q. The last line.

12 A. Yes.

13 Q. "It was from there that his commanders Rambo, Bai Bureh,
14 attacked areas around Koidu", yes?

15:16:19 15 A. Yes.

16 Q. You told them that. Over the page, "Bai Bureh" it says
17 "did" it should say "led", that is what is in the handwriting,
18 "Bai Bureh led an ambush at the Sewafe Bridge. Rambo led the
19 attack on Koidu Town. The battle for Koidu lasted two to three
15:16:41 20 days." Did you tell them that?

21 PRESIDING JUDGE: Mr Munyard, according to my notes this
22 has been put to the witness on 5 December.

23 MR MUNYARD: I am sorry, yes, and I think he has agreed all
24 of this, yes.

15:16:51 25 PRESIDING JUDGE: According to my note.

26 MR MUNYARD: Thank you. I can short-circuit that
27 completely. Well, that gets us all the way to the second
28 paragraph on that page, which we dealt with at length last week
29 and I think the witness has accepted that the contents of the

1 second paragraph up to the RUF "The AFRC attacked Freetown" is
2 correctly recorded, it is just that he wasn't telling them the
3 full truth.

15:17:18 4 MR SANTORA: Objection. The witness did not acknowledge
5 not telling the full truth. He didn't acknowledge that anything
6 in here was untruthful. That is according to my recollection.

7 PRESIDING JUDGE: My note is, yes, "most of this I told" -
8 "most of what I told is in it" is my note of what was said. Does
9 that accord with counsel's --

15:17:35 10 MR MUNYARD: I am very sorry, but unfortunately that does
11 not actually deal with the question. Most of it --

12 PRESIDING JUDGE: "The most I told is in it."

13 MR MUNYARD: "Most I told is in it" goes to what they have
14 recorded, rather than the truth or otherwise.

15:17:51 15 PRESIDING JUDGE: That is correct.

16 MR MUNYARD: I think I dealt with whether it was true or
17 untrue at a later point:

18 Q. I think - you tell me, Mr Fornie. Do you agree that you
19 told them some of the truth, but not the full truth when you said
15:18:09 20 it was the AFRC who attacked Freetown?

21 A. Well, I told you that I did not tell you whether it was
22 true or false, but I told you that I did not reveal all the
23 information on this particular transcript. I did not reveal
24 everything.

15:18:33 25 Q. No. So you weren't fully truthful with them, were you?

26 A. I told them the truth, but there was some information that
27 I left out.

28 Q. Yes.

29 A. There were much more that I did not tell them. I did not

1 interact much with them.

2 Q. I don't want to revisit all of this again, but can I just
3 ask you: Are you familiar with an expression that we often hear
4 in the courts, and just listen to it and tell me if you have

15:19:05 5 heard it before. You might have even seen it in a film at the
6 cinema, "I promise to tell the truth, the whole truth and nothing
7 but the truth". Have you heard that expression before?

8 A. Well, I have heard it before, and that is the oath that I
9 took here and therefore I am going strictly to the oath that I

15:19:31 10 took here. That is why wherever there were mistakes I will point
11 them out and say "This one is a mistake. This one went on" --

12 Q. Mr Fornie, stop.

13 THE INTERPRETER: Your Honour, can counsel wait for
14 interpretation.

15:19:43 15 MR MUNYARD: I am deliberately interrupting:

16 Q. I simply asked the question have you heard that expression
17 before and you have given the answer "Yes" and I want to ask you
18 were you telling the whole truth back in this passage of this
19 interview in 2003? Yes or no?

15:20:08 20 A. I have told you that the information that I gave to them
21 was not everything that I actually knew, but in addition to this,
22 later you can see a lot other pieces of information related to
23 this one.

24 Q. Mr Fornie, I am going to try one last time. Were you
15:20:30 25 telling the whole truth back in this passage in 2003, yes or no?

26 A. This is what I am telling you, that what I said in this
27 statement is the truth. What I said was the truth, but I told
28 you also that there were some other pieces of information that
29 was left out that I did not tell them. Leaving information out

1 does not mean that I told a lie. Whatever way you take it, but
2 leaving out a piece of information does not mean that I told a
3 lie, or does not mean that it was true or a lie. I just left out
4 some, but I spoke the truth.

15:21:21 5 Q. Did you have any difficulty understanding my question which
6 was: Did you tell them the whole truth? Whole truth, in this
7 passage in 2003. Answer that yes or no, please.

8 A. I think that I have answered your question. I think I have
9 answered your question. I have answered your question. There is
10 no other answer that I have besides what I have told you already.

11 PRESIDING JUDGE: Mr Witness, what is recorded here in this
12 record, is that the entire truth? The whole story?

13 THE WITNESS: Well, what I spoke was the truth, but then
14 there were two or the three areas that there were some mistakes.
15:22:07 15 Some of them were from the printing --

16 PRESIDING JUDGE: We are not talking about mistakes now.
17 We are talking about the entire story.

18 THE WITNESS: Yes, the entire story that I am talking, it
19 is true. I am telling the true story.

15:22:25 20 MR MUNYARD: I give up. I am going to move on and I'm not
21 in fact going to do a great deal more in relation to this
22 interview, but I just want to check a couple of points. If the
23 Court would bear with me for just a moment, I think I can
24 hopefully move on to another one. Yes, thank you:

15:24:02 25 Q. Yes, I would like you actually to move over the page to
26 page 5 of this interview and I am going to start in the typed
27 version seven lines down from the top. This is page numbered 5
28 at the bottom. It consists of one entire paragraph. I wonder,
29 Mr Court Officer, if you could point out the sentence in the

1 middle of line 7 that starts, "We also travelled to Libya". If
2 you can see that, it starts in the middle of the page, seven
3 lines down from the top. Can you indicate that to the witness
4 with your pen. I am not watching the screen, Madam President,
15:25:24 5 but I am assuming that the pen is coming on the screen directing
6 the witness's attention to it?

7 PRESIDING JUDGE: Yes, it is.

8 MR MUNYARD: Thank you:

9 Q. Now, Mr Fornie, it is recorded here that you told them, "We
15:25:35 10 also travelled to Libya and stayed there for three days". This
11 is October 1999 after you travelled to Algiers to the OAU
12 conference summit. Do you remember telling them you had gone to
13 Algiers to the OAU summit?

14 A. July, August. I do recall telling them that I went to the
15:26:05 15 OAU summit in Algiers, but it was - I suggest that it should not
16 be October. It should not be --

17 Q. I don't want to get bogged down on the date. In fact, the
18 way this is phrased it could have been any month because it says
19 "In October 1999, after we had travelled together to Algiers", so
15:26:35 20 it's not committing you to the Algiers summit being in October.

21 I want to move on to the next sentence. Did you tell them, "We
22 also travelled to Libya and stayed there for three days"?

23 A. Well, for Libya I said around three days, but actually we
24 spent I think more than three days in Libya. Around three days.

15:27:02 25 Q. Right. So you said around three days, but they have missed
26 that out?

27 A. Yes.

28 Q. And, "I do not know what Foday Sankoh was doing or what
29 meetings he had. He was with Paolo Bangura". Did you tell them

1 that?

2 A. Yes.

3 Q. "Then went to Saudi Arabia with some Libyans". Did you
4 tell them that?

15:27:31 5 A. Yes.

6 Q. "Foday Sankoh said they were going for prayers". Did you
7 tell them that?

8 A. Yes.

9 Q. "I do not know who the people were. I met a lot of Sierra
15:27:46 10 Leonean refugees in Libya". Did you tell them that?

11 A. Yes.

12 Q. And, as far as you knew, what were these Sierra Leonean
13 refugees doing all the way up in Libya?

14 A. I only knew that they were refugees, because many of them -
15:28:10 15 some of them, I even interacted with them and they said some of
16 them moved through the desert and they went through some
17 countries and through the desert they entered into Libya as
18 refugees. We even brought one boy, one Sierra Leonean boy, a
19 small boy, he was a refugee in Libya and he said he had joined
15:28:40 20 some other people to Libya. We travelled with him, that boy, up
21 to Freetown.

22 Q. Do you know if Foday Sankoh got any money in Libya?

23 A. Yes.

24 Q. Did he get money in Libya?

15:28:57 25 A. Yes.

26 Q. Do you know how much money he got on this trip to Libya?

27 A. About half a million.

28 Q. Half a million in what currency?

29 A. Half a million dollars. Dollars.

1 Q. Are you talking about US dollars here?

2 A. Yes, about half a million US dollars.

3 Q. Right. And what was the purpose of that? Why did the
4 Libyans dole out half a million US dollars to him after the Lome
15:29:26 5 Peace Accord?

6 A. Well, you are talking about in Libya, right? You are
7 referring to when we went to Libya, right? Why he gave it to
8 him, to the best of my knowledge, it was to transform the RUF.
9 It was part of a contribution to transform the RUF into a
15:29:58 10 political movement.

11 Q. And that was what Foday Sankoh wanted to do from then on
12 in, isn't it; transform the RUF into a political movement?

13 A. That was what Foday Sankoh was saying, but I don't know
14 what was in his heart.

15:30:22 15 JUDGE SEBUTINDE: Mr Munyard, when the witness says, "He
16 gave it to him", who is he who gave it to who?

17 MR MUNYARD: Yes, thank you, your Honour:

18 Q. Who was this kind person who gave Foday Sankoh half a
19 million US dollars in Libya?

15:30:37 20 A. To the best of my knowledge it was President Gaddafi.

21 Q. Yes. And Foday Sankoh and Sam Bockarie fell out after that
22 about transforming the RUF into a political party because
23 Bockarie wanted to keep it as a fighting force and not disarm and
24 become a political force, didn't he?

15:31:14 25 A. Yes.

26 Q. Your boss, Sam Bockarie, or your boss in 1998 and certainly
27 for a part of 1999 --

28 A. My former boss, please.

29 Q. -- had effectively by this stage fallen out with the rest

1 of the leadership, hadn't he?

2 A. Around what time?

3 Q. Around the time that you are talking about in this
4 interview?

15:31:43 5 A. Which time?

6 Q. Well, you tell us when you travelled to Libya.

7 A. Well, at the time that I travelled to Libya there was no
8 fall out between Sam Bockarie and Foday Sankoh.

9 Q. But you have just agreed with me that - let me just get the
15:32:02 10 reference. From then on - that's to say from Foday Sankoh
11 getting the money to transform the RUF into a political party,
12 you have just agreed with me from then on he wanted to transform
13 it and I suggested then that Foday Sankoh and Bockarie fell out
14 after that about transforming the RUF into a political party, but
15:32:32 15 Bockarie wanted to keep it as a fighting force and not disarm and
16 you agreed. That is page 133 at lines 5 down in my typeface.

17 PRESIDING JUDGE: Yes, Mr Santora?

18 MR SANTORA: I am going to object because counsel is
19 putting to the witness that - the first time reference is to the
15:32:56 20 time he was going to this trip in Libya and then counsel - the
21 witness has never said that the fall out commenced from the time
22 - at the time that the witness and Foday Sankoh were in Libya.
23 There is nothing on the record to indicate that.

24 PRESIDING JUDGE: Well, there is a series of questions,
15:33:13 25 Mr Santora, if I may refer you at page 133, line 20, on my font.
26 He had effectively fallen out with the rest of leadership, around
27 what time was the question from the witness and when you
28 travelled to Libya. So that is the time that was put in
29 cross-examination.

1 MR SANTORA: And the witness said no and my point is that
2 my colleague was suggesting that the witness had previously said
3 that was the time the fall out commenced and there was no
4 indication about that by the witness on the record. In context
15:33:49 5 when you look at it there is no indication. The witness said
6 after that. He agreed that the fall out occurred after that.

7 PRESIDING JUDGE: Mr Munyard, the question you put is,
8 "Foday Sankoh and Bockarie fell out after that", that's the
9 wording, I am looking at line 9 now.

15:34:07 10 MR MUNYARD: Yes, that's quite so.

11 PRESIDING JUDGE: So I think a rewording, please.

12 MR MUNYARD: I am quite content to pursue that and I accept
13 the objection made by my learned friend that "after that" hasn't
14 been defined and in fact I am trying to define it now with the
15:34:20 15 witness:

16 Q. When do you say the falling out occurred? Mr Sankoh has
17 got this great pile of money from Colonel Gaddafi to turn the RUF
18 into a political party, we are almost at the end of the year
19 1999. When do you say the fall out occurs between him and
15:34:45 20 Bockarie?

21 A. It was at the time when Foday Sankoh said we should start
22 the disarmament and in fact he said we should start the symbolic
23 disarmament in Kailahun District. That was when the fall out
24 actually started.

15:35:04 25 Q. Well, Mr Fornie, Sam Bockarie leaves Sierra Leone for good
26 in December 1999 and we are already at least in October when your
27 leader is accepting handouts from Colonel Gaddafi in Libya.
28 There's hardly any time left, isn't there, for Sam Bockarie to
29 quit the country?

1 A. Well, I have suggested to you that the October that you
2 have in this document wouldn't be the case actually that indeed
3 it was October. The first question you asked me, I said - I
4 suggested to you that, but you said that was not the problem.

15:35:49 5 And this I am saying I am - I am not conscious, I am not sure
6 that it was in October that we made that trip to Libya.

7 Q. I'm sorry, I thought you were saying that you hadn't gone
8 to the Algiers OAU summit in October, but don't worry about that.
9 You tell us when you went to Libya and then we can understand it
10 all better.

15:36:12

11 A. After the Lome Peace Accord we went first to Algiers and
12 the signing of the Lome Peace Accord was some time in July. Some
13 time in July. And then about a month - around one month, I do
14 not actually recall how long or the month or the time duration,
15 when we went to Algeria and we returned then later we went to
16 Libya. I think it was a month after that. It took some time
17 anyway before we went to Libya. Then from Libya we returned to
18 Lome.

15:36:45

19 Q. Let me just see if we can work out when that is. The peace
20 accord is signed in July, then about a month after that you go to
21 Algeria, so that will be some time in August, and then later we
22 went to Libya. So, August, September, October, when is it you go
23 to Libya?

15:37:03

24 A. I do not recall the exact month, please.

15:37:28

25 Q. No, but we are working it out from the months that you have
26 given us already. It has got to be September at the earliest,
27 hasn't it?

28 A. I do not want to make speculations. I do not want to make
29 speculations about that, please.

1 Q. This isn't speculation.

2 A. Okay, then please take what I told you. Take that for
3 granted, please.

4 Q. This is logical deduction. If you are in --

15:37:55 5 A. Well --

6 Q. Hang on.

7 A. -- it is from those logical deductions --

8 Q. Hold on a moment.

9 PRESIDING JUDGE: Mr Witness, allow counsel to finish his
15:38:02 10 question.

11 MR MUNYARD:

12 Q. Now, you say after Lome was signed in July, "Then about a
13 month - around one month, I don't actually recall how long or the
14 month or the time duration when we went to Algeria and we
15:38:20 15 returned then later we went to Libya". So, if it's about --

16 PRESIDING JUDGE: It was another month before they went to
17 Libya.

18 MR MUNYARD: Yes:

19 Q. If it is about a month after Lome that you go to Algeria
15:38:35 20 then it must be August that you go to Algeria. "We returned then
21 later we went to Libya", so at the very earliest it is some time
22 in August and more likely September, would you agree, that you go
23 to Libya? I am just working it out from your answer?

24 A. Well, I have told you that I do not recall and really I do
15:39:00 25 not want to make speculations. Please take what I have told you
26 that I cannot work on that now in giving you any figures.

27 Q. This isn't speculation, Mr Fornie. It is simply a
28 calculation based on your evidence about when you went to other
29 places? In any event, it is in the final quarter of the year, is

1 it not, that Mr Sankoh has his falling out with Mr Bockarie, yes?

2 A. Well, the final - I mean in late December, I mean late
3 1999, yes.

15:39:54

4 Q. Well, Foday Sankoh doesn't fall out with him one day and
5 march 700 troops into Liberia the next, does he? This is a
6 gradual process of a break down in relations between Sam Bockarie
7 and the rest of the RUF, would you agree?

15:40:19

8 A. Well, I think, to the best of my knowledge, the
9 relationship between Foday Sankoh and Sam Bockarie became sour
10 and that was the time Foday Sankoh finally told Mosquito that he
11 should allow for some symbolic disarmament in the Kailahun
12 District and, to the best of my knowledge, I think it was then
13 that the relationship between Mosquito and Foday Sankoh became
14 sour and Mosquito at that particular time, at that particular

15:40:42

15 point in time, did not want to disarm. He did not want to
16 disarm.

17 Q. He was the one who was holding out. Foday Sankoh wanted to
18 disarm, Issa Sesay wanted to disarm, but Sam Bockarie did not.
19 Do you agree?

15:40:58

20 A. Yes.

21 Q. Thank you. Now, can we go back to the text here please.
22 We broke off at "I met a lot of Sierra Leonean refugees in
23 Libya". It is in the middle of the page and I am going to give
24 you a moment to find it. Can you see where that is?

15:41:18

25 A. Yes, yes.

26 Q. Thank you.

27 A. I have seen there.

28 Q. It goes on, "I had seen all heads of state in Algiers,
29 including Gaddafi". Did you tell them that?

1 A. Yes.

2 Q. "Then we left for Togo and proceeded to Freetown". Did you
3 tell them that?

4 A. Yes.

15:41:50 5 Q. And then that sentence doesn't make sense as it is typed.

6 We have to go yet again to the handwritten version to see what
7 you really said. On page 3009, six lines down, I will actually
8 start on line 5, "We left for Togo and proceeded to Freetown".

9 New sentence missed out from the typed version, "After a few

15:42:23 10 weeks in Freetown we travelled to Buedu where Foday Sankoh left

11 me and he returned to Freetown with Eddie Murphy and Ebony". Did
12 you tell them that?

13 A. Yes, I said that was where he assigned me. He reassigned
14 me there, so I was there on assignment whilst they returned to

15:42:47 15 Freetown.

16 Q. But the investigators have correctly recorded your account
17 of your travels from the signing of the Lome peace agreement,
18 yes?

19 A. Yes.

15:43:02 20 Q. No mention of any trip to Monrovia in there, is there?

21 A. I did not say anything about our visit to Burkina Faso, our
22 visit to Abidjan. When we stopped in Monrovia I think I only
23 made a summary of everything from Togo to Freetown, because I
24 wouldn't have been able to give every details that I knew at the

15:43:30 25 same time because it was not possible for me to recall every

26 little - every bit or every single activities that took place,
27 because some certain things I am forgetting about them because it
28 was a long time, so I wouldn't have record everything. Maybe
29 sometimes as I am on discussions, if certain topics came up, I

1 will be able to recall certain things in relation to it.

2 Q. Well, how did you manage to forget a journey to Burkina
3 Faso and a visit to Abidjan? Had you ever been there before, to
4 either of those places?

15:44:13 5 A. No, that was my first time to make such trips. Burkina
6 Faso to Abidjan, that, it was my first time visiting those areas.
7 Then if you asked me how I managed to forget, it is not a matter
8 of managing to forget but the fact remains that the issues were
9 many. The topics were many. So it is not everything that I can
15:44:39 10 recall, but maybe as we are on discussion and someone asks you a
11 question about it, but if nobody asks you a question about a
12 particular topic whilst you are discussing, maybe you will just
13 go to a topic that you think was more relevant or the one that
14 was less relevant you don't consider that.

15:44:59 15 PRESIDING JUDGE: First of all, you have speeded up again.
16 We have had this conversation about speed. Secondly, the
17 question was: Had you ever been there before? Now you have
18 answered that question. There is no need to go into other
19 detail.

15:45:12 20 MR MUNYARD: He answered that with a "No" which was quite
21 apart from anything else probably a record and that is all I
22 wanted:

23 Q. Now just before we move on, I have to go back to one point
24 which is on line 6 of this typewritten version, and it says that
15:45:33 25 the ceasefire agreement was signed - this is the Lome - ceasefire
26 agreement was signed on 7 May 1999. Did you tell them that it
27 was 7 May 1999?

28 A. The ceasefire agreement, I said it was around May 7.
29 Around May 7.

1 Q. And they got that date from you. That is all I wanted to
2 establish, yes? I forgot to deal with that earlier.

3 A. Yes.

4 MR SANTORA: I am just - it seems like a minor point, but
15:46:07 5 actually it isn't. The witness, the statement says, "Until the
6 ceasefire agreement". I does not say the Lome ceasefire
7 agreement in terms of the signing and there is - you know, I will
8 just leave it at that. The statement actually just refers to a
9 ceasefire.

15:46:22 10 PRESIDING JUDGE: Yes.

11 THE WITNESS: For the ceasefire.

12 MR MUNYARD:

13 Q. Thank you, Mr Fornie, for repeating what Mr Santora has
14 just said. Let us therefore go back to line 2. "We arrived at
15:46:37 15 Lome on April 24, 1999". Did you tell them that?

16 A. April. Yes, April 1999 was when we arrived in Lome.

17 Q. April 24th 1999, did you tell them that?

18 A. I told them that it was around April 24th 1999. I told
19 them that. And I think I have jottings about those that I had to
15:47:15 20 consult with. It was around that.

21 Q. "The next day we met with President Eyadema, after which I
22 installed my radio wireless communication outside the Hotel Deux
23 Fevrier in the hotel compound". Did you tell them that? Don't
24 worry about the spelling?

15:47:45 25 A. I have not followed you where you are presently. Please.

26 Q. Line 2, "We arrived at Lome on April 24, 1999". We have
27 dealt with that. "The next day we met with President Eyadema,
28 after which I installed my radio wireless communication outside
29 the Hotel Deux Fevrier in the hotel compound". Did you tell them

1 that?

2 A. Yes.

3 Q. President at Eyadema is President of which country?

4 A. Togo.

15:48:20 5 Q. Which country is Lome in?

6 A. It is Togo.

7 Q. Which place were you going to to discuss a ceasefire?

8 A. Inside --

9 Q. Which city were you going to discuss a ceasefire?

15:48:39 10 A. Well, the discussions - I mean the deliberations - took

11 place in Hotel Deux Fevrier in Lome.

12 Q. Lome?

13 A. It was in a hotel.

14 Q. Lome. That is what I asked you. Which city? We carry on,

15:48:55 15 "I sent messages every day of the day's deliberations". Did you

16 tell them that?

17 A. Yes.

18 Q. "All messages were signed by Foday Sankoh". Did you tell

19 them that?

15:49:14 20 A. I told them that like the messages from the Lome Peace

21 Accord were many and those were --

22 Q. Mr Fornie --

23 A. -- on paper. They were the messages from the --

24 Q. Mr Fornie --

15:49:28 25 A. -- well, I made a distinction between the messages. That

26 is why I also want to explain that to you, because very soon you

27 will want to implicate me that I had said before so and so. I

28 said there were messages that Foday Sankoh signed. There were

29 messages that Foday Sankoh signed before I sent them and those

1 were the messages, that is after the deliberations, they will
2 write it down on special paper --

3 Q. Mr Fornie, I am going to stop you --

15:49:59

4 A. -- and they would bring it to me before I send them. And
5 those messages, he signed all of them.

6 Q. Mr Fornie, I don't care how many messages Foday Sankoh sent
7 or what paper they were written on. The only question I asked
8 you is: Did you tell the Prosecution investigators the words
9 written here, "All messages were signed by Foday Sankoh", yes or
10 no?

15:50:28

11 A. Pertaining the Lome Peace Accord.

12 PRESIDING JUDGE: Mr Witness, the question is did you tell
13 the OTP investigator these words?

15:50:44

14 THE WITNESS: I told them. I told them that Foday Sankoh
15 used to sign messages and the category of message that I told
16 them about has not been spelt out in this particular document
17 here.

18 PRESIDING JUDGE: I understand.

15:50:56

19 THE WITNESS: It has not been clearly spelt out here, the
20 category of messages.

21 MR MUNYARD:

15:51:14

22 Q. You are not seriously suggesting, are you, that today, 8
23 December 2008, you can remember the exact terms of something you
24 told the Prosecutors in the first 28 interviews some five and a
25 half years ago? You are not seriously suggesting that you can
26 now remember that you told them a bit extra, are you?

27 A. Well, the exact thing that I recall that I told them is
28 what I am trying to tell you now. I am categorising the
29 messages, but that has not been spelt out in here.

1 Q. All right. Thank you. "Until ceasefire agreement was
2 signed on 7th May, 1999". Did you tell them that?

3 A. Say again.

15:51:58

4 Q. Just look at the words on that page. "All messages were
5 signed by Foday Sankoh" we have dealt with. The next sentence,
6 "Until ceasefire agreement was signed on 7th May, 1999". Did you
7 tell them that?

15:52:26

8 A. I said around May 7, but I was not specific to have said
9 May 7. I said around May 7. Around - there is one word that has
10 been omitted, around.

11 Q. Right. They have failed to put in that one word, but
12 otherwise you agree that you told them that, yes?

15:52:43

13 A. It is something like this, but not exactly what has been
14 written here. That was why I said around and around has been
15 omitted and besides the around that has been omitted the rest I
16 said that.

17 PRESIDING JUDGE: Thank you, Mr Witness, we are clear.

18 MR MUNYARD:

15:52:53

19 Q. We will all take on board that they have omitted one word.
20 The reason I am asking you all of this, and going over it all
21 again, is because Mr Santora says that you have not mentioned
22 which ceasefire it was around 7 May 1999, and that he says is an
23 important distinction. Which ceasefire are you talking about in
24 that passage in Lome, in May 1999, if it is not the Lome
25 ceasefire, for goodness sake.

15:53:29

26 A. It was the ceasefire that we did in May that gave chance --

27 Q. Which ceasefire?

28 A. -- for the Lome Peace Accord to carry on.

29 MR SANTORA: Objection. I would ask that the witness be

1 allowed to answer the question here.

2 THE WITNESS: Allow me. Allow me.

3 PRESIDING JUDGE: But he is not answering the question,
4 Mr Santora. He is prevaricating. Mr Witness, the question is:
15:53:58 5 Which ceasefire are you talking about in that passage?

6 THE WITNESS: This was the ceasefire that they signed in
7 Lome that was to give chance for the Lome peace talks to carry on
8 and it was after that ceasefire that the actual peace talks
9 started.

15:54:22 10 PRESIDING JUDGE: Thank you. Proceed.

11 MR MUNYARD:

12 Q. That's all I wanted to know about 20 minutes ago. Right.

13 Can we resume where we broke off and just look at what else is
14 recorded or mis-recorded in this typed version of what you told

15:54:41 15 the Prosecutors. I think we got as far as, "Foday Sankoh left me
16 and returned to Freetown with Eddie Murphy and Ebony". The name
17 is Ebony, although it is written out as Gbany in the typed
18 version. "Murphy was his operator from Zogoda to Abidjan until
19 (he) Foday Sankoh was arrested in Nigeria. While I was at Buedu
15:55:16 20 the disarmament" --

21 A. Please, I am lost. I don't know where you are now.

22 PRESIDING JUDGE: Mr Court Attendant, please point it out
23 for the witness.

24 MR MUNYARD: Thank you:

15:55:29 25 Q. We are slightly below the middle of the page and you will
26 see the name Murphy as the first word on the left-hand side of
27 one of the lines.

28 A. I have seen that.

29 Q. You have got that, thank you. Well, you see it says

1 "Murphy and Gbany" - which is the transcriber's version of Ebony:
2 "Murphy was his operator from Zogoda to Abidjan until (he) Foday
3 Sankoh was arrested in Nigeria". Did you tell them that?

4 A. Yes.

15:56:00 5 Q. Thank you: "While I was at Buedu the disarmament started at
6 Port Loko and Lunsar". Did you tell them that?

7 A. Yes.

8 Q. "Foday Sankoh sent message to Mosquito to instruct Momoh" -
9 and then the transcriber hasn't been able to work out the next
10 word, but it's Momoh Rogers, isn't it?

11 A. Yes, it should be Momoh Rogers.

12 Q. And then the next word is transcribed as "pressure", but in
13 fact it is perfectly plain from 3009 that the word should be
14 "prepare". That is the word in handwriting. So did you tell

15:56:54 15 them that Foday Sankoh sent message to Mosquito to instruct Momoh
16 Rogers to prepare for disarmament at Segbwema?

17 A. Yes.

18 Q. Thank you. The next sentence: "Mosquito told Foday Sankoh"
19 - and what is recorded here is "to disarm ". In fact, if we look
20 at the handwritten version it is, "Mosquito told Foday Sankoh

21 that he was not ready to disarm and he instructed" - and it's
22 Rogers again - "to dig road from Daru to Segbwema so that
23 peacekeepers could not use it". Did you tell them the version
24 that I have just read out from the handwritten notes?

15:57:42 25 A. Yes.

26 Q. "Mosquito refused. Myself and Junior approached Mosquito
27 and told him to obey the leader". Do you agree you told them
28 that? The word "leader" is missed out of the typed version, but
29 it's plain that that is the word in the handwritten?

1 A. Yes.

2 Q. Thank you. "Mosquito continued to disobey the leader and
3 refused to disarm. The leader then requested Issa Sesay to
4 arrest Mosquito". Did you tell them that?

15:58:33 5 A. Yes.

6 Q. "Mosquito escaped before Issa got to Buedu. I did not see
7 or know this conflict personally because I had put in the" - and
8 should it say "dungeon by Mosquito"?

9 PRESIDING JUDGE: [Microphone not activated].

15:58:56 10 THE WITNESS: Well, there is something there before getting
11 to the dungeon. To say that I did not know whatever the conflict
12 was about, that is not it exactly, about Issa and others. I
13 think I explained something before that that when Issa and others
14 were coming they were supposed to come to Buedu and get rid of
15 Mosquito and that was my understanding, but I did not know much
16 about how everything actually happened by the time Mosquito was
17 leaving because by then I was in the dungeon.

18 MR MUNYARD: Madam President, you said something when I
19 read out dungeon. I am looking at the penultimate line of page
15:59:21 20 3009 and the word is spelled phonetically D-O-N-J-A-N, but --

21 PRESIDING JUDGE: I was referring to --

22 THE WITNESS: Where is that? Point that for me, please.

23 PRESIDING JUDGE: Just a moment, please, Mr Witness. It
24 appeared to me to make sense, grammatical sense, that it should
16:00:02 25 have read, "Because I had been put in the dungeon", otherwise it
26 doesn't make sense.

27 MR MUNYARD: No, no, there is no "been", but it has
28 obviously been missed out. When somebody is writing something
29 down they may have missed out the verb, but that is the only

1 conceivable sense; that they have simply missed out "been" after
2 the word "had". If you look at the third line from the bottom on
3 page 3009, "Because I had" - gap - "put in the dungeon by
4 Mosquito". It is a straightforward simple error:

16:00:38 5 Q. So you are put in the dungeon by Mosquito for what reason?

6 A. The reason why Mosquito put me into the dungeon was because
7 I had written a letter wherein I suggested to the Pa that the
8 best way he could get Mosquito to allow the disarmament to go on
9 around that place, that is myself and JR that I was talking
10 about, that he should tell Mosquito through his brother Charles
11 Taylor and that he should tell Charles Taylor to tell him. So
12 those were the things that were in the letter. So that was the
13 reason why when he arrested the letter he got on to us.

16:01:04 14 Q. So why didn't you tell the Prosecutors about this letter
15 and your reference to Charles Taylor when you were seeing them in
16 July of 2003? Why don't we see anything at all about that in
17 there?

18 A. I recall I think I must have told them that, because this
19 was something real, because almost everybody who was in the RUF
16:01:49 20 or the AFRC knew about that when I wrote that letter and when I
21 was arrested. I ran to Vahun. That I tried to explain a few
22 days ago here, but I did not get time to explain that and the
23 Court asked me to summarise, they said I should leave that out.

24 And also you should realise that it's not every little
16:02:12 25 thing that I will have to recall, but just that as we go on -
26 even now as we are going on here now there are certain things
27 that I have said before if the paper had not been in front of me
28 I wouldn't have been able to recall. There are certain things
29 that I had said before except when I see it on the paper in front

1 of me that I will be able to know that I had said so and so
2 things before.

3 And also equally so there are certain things that I had
4 done before as the conversations go on I will be able to recall
16:02:41 5 some of those that I had omitted. Virtually it is not possible
6 to recall everything that has taken place ten years ago, because
7 I had not been keeping record of all these things on papers.
8 That is in fact the reason why I will not be able to tell you
9 everything whatsoever or some of those things that are coming up
16:03:01 10 now.

11 Q. So the Court asked you - they said I should leave that out?

12 A. To say who asked me to leave that out?

13 Q. I am just looking at what is written down here at the
14 beginning of your a long answer you have just given us. "I did
16:03:27 15 not get time to explain that and the Court asked me to summarise,
16 they said I should leave that out". This is after you had said,
17 "I recall I think I must have told them that because this was
18 something real because almost everyone who was in the RUF knew
19 about that". So are you saying the Court asked you to leave out
16:03:51 20 that particular little detail about the letter?

21 A. No, what I meant, during my testimony here with Mr Chris
22 Santora a few days ago there was a question that he asked of me
23 that had to do with Mosquito's travel when I was trying to
24 explain. I was trying to explain that, but just that I did not
16:04:22 25 go straight to the point. That was the reason why. The Court
26 asked that I should hit the point straight; I should forget about
27 those other things. So it cannot be possible for me to explain
28 everything about issues. Not just one issue, different issues
29 that had taken place ten years ago. That was the reason why I

1 said I cannot recall everything and maybe as we go along more
2 things will come to mind. Maybe as you ask your questions more
3 things will come to mind.

16:05:39 4 Q. Tab 2, please. Thank you. The first page is 18583. I
5 just want you to look at the last sentence of paragraph 1. This
6 is your interview on 4 and 5 May 2006 by Mr Alfred Sesay again
7 and Mustapha Koroma. You say in here in the last sentence,
8 "Sam Bockarie (Mosquito) was a member of the group", that is the
9 group that captured you. You agree that you said that to them,
16:06:02 10 presumably?

11 A. Yes.

12 Q. Thank you. And then going to paragraph 3 - sorry before we
13 go to paragraph 3, in the middle of paragraph 2 you are talking
14 about the Kuwait fighting unit. You were with that unit until
16:06:37 15 late 1991 when ULIMO and Sierra Leone government troops overran
16 you and you retreated into Liberia. That's right, is it, that
17 ULIMO and the Sierra Leonean troops together were fighting the
18 RUF?

19 A. Which unit did you refer to that I was with?

16:07:07 20 Q. The Kuwait unit.

21 A. Yes, yes.

22 Q. So ULIMO is fighting alongside the Sierra Leone government
23 against the RUF, correct?

24 A. Against the RUF and the NPFL.

16:07:26 25 Q. Yes, I am asking you about the ULIMO fighting alongside the
26 Sierra Leone government troops, correct?

27 A. Yes.

28 Q. Then paragraph 3 about two-thirds of the way down paragraph
29 3, five lines up from the bottom:

1 "While training was in progress, a unit called Black
2 Gadaffa was formed and it was from this unit that reinforcements
3 were sent to the RUF in Sierra Leone. Other units such as G2, G4
4 and artillery were formed as well. Selection was confined to
16:08:06 5 Sierra Leoneans."

6 So it was only Sierra Leoneans, was it, who were in the
7 Black Gadaffa unit?

8 A. Well, the Black Gadaffa unit comprised of - most of them
9 were Sierra Leoneans. The Black Gadaffa comprised mostly Sierra
16:08:30 10 Leoneans, but the commander was a Liberia called Kpelle Boy and
11 besides there were some other Liberians amongst. And those of us
12 who were in the barracks, the majority of us were Sierra Leoneans,
13 those who were there as recruits on the base.

14 Q. Very well. So where it says "Selection was confined to
16:08:49 15 Sierra Leoneans", which unit or units does that refer to?

16 A. That was those of us who were on the base in Bomi Hills, it
17 is that particular base that I am referring to.

18 Q. Now, the Black Gadaffa unit, the leaders of the Black
19 Gadaffa unit were rumoured to have connived against Charles
16:09:25 20 Taylor, weren't they?

21 A. I am not aware of that.

22 Q. Rumoured to have later connived against Charles Taylor and
23 Charles Taylor had them killed, including Kpelle Boy, Dixon Wolo
24 and Degbon sometime during 1992 during the rainy season at Maca
16:09:49 25 crossing point near Bong Mines. Are you aware of that?

26 A. I know about accusations even before that, where we left a
27 crossing point - I think where they went and arrested Degbon,
28 General Degbon, and some other commanders whose names - all of
29 those names I cannot recall now. They said they had connived,

1 but I do not know where exactly they were killed.

2 Q. So when I said the leaders of the Black Gadaffa unit were
3 rumoured to have connived against Charles Taylor weren't they,
4 and you said, "I am not aware of that", you are aware of that,
16:10:33 5 aren't you?

6 A. Well, Kpelle Boy was the leader. He was the commander. He
7 was the commander for the Black Gadaffa unit. Kpelle Boy was the
8 commander for the Black Gadaffa unit.

9 Q. Mr Fornie, I don't want to spend long on this. Do you
16:10:53 10 agree that there were rumours that the leaders of the Black
11 Gadaffa unit had connived against Charles Taylor?

12 A. No, I do not have any knowledge about that, to say leaders
13 of the Black Gadaffa.

14 Q. Tab 26, please, paragraph 2, this is proofing - you being
16:11:44 15 proofed by Mr Santora on Monday 17th November, that is three
16 weeks ago, if my mathematics are correct. Paragraph 2:

17 "The witness states that some of the leaders in Black
18 Gadaffa's group were rumoured to have later connived against
19 Charles Taylor and that Charles Taylor had them killed including
16:12:07 20 Kpelle Boy, Dixon Wolo and Degbon. This happened some time in
21 1992 during the rainy season at Maca crossing point near Bong
22 Mines". That is what we are told you said to Mr Santora three
23 weeks ago. Now you are saying you have no knowledge of this
24 rumour. Which is true?

16:12:27 25 A. Well, to say they connived, but here I have told you that
26 Degbon and others were arrested, and they said they accused them
27 of connivance. They went and killed them. And they killed them
28 because they said they had connived against Charles Taylor, but
29 it was not very specifically put that it was members of the Black

1 Gadaffa that did it, but there were other people who were not
2 members of the Black Gadaffa, but amongst those who Charles
3 Taylor killed there were Black Gadaffa commanders, but they did
4 not put it directly that it was the Black Gadaffa that had
16:13:08 5 connived to kill Charles Taylor.

6 Q. So Mr Santora's note of your conversations with him is
7 wrong, is it?

8 A. Well, I think it is almost close to what I have said,
9 because all what I told him, I said I heard that they killed some
16:13:26 10 of the commanders who dealt with us in the Black Gadaffa. I
11 heard that and I told him that. But --

12 Q. Well, now, I am taking you back to tab 2, please. I want
13 to try and keep in chronological order and there is one issue
14 that might predate the point I am about to deal with, so if you
16:14:04 15 will give me a moment I will just see if I can track that down.

16 Right. Yes, I have it. Tab 2, paragraph 4, which is on page
17 18584, third line from the top, halfway through that paragraph it
18 reads: "The witness stated some of those he trained with were
19 sent to Sierra Leone as RUF reinforcements. Liberians who were
16:15:06 20 sent to Sierra Leone as reinforcements came from units known as
21 Zimbabwe and then Special Task Force". Are you saying - and
22 later on at the end of that paragraph you say, "Special Task
23 Force had a logo of a rifle". Are you saying that at the time
24 you are in Bomi Hills in late 1991 there was something called the
16:15:37 25 Special Task Force?

26 A. There was something they referred to as task force. There
27 was a task force.

28 Q. I am saying, are you saying there was something called a
29 special task force with a logo of a rifle as its symbol in 1991

1 at the time that you are in Bomi Hills?

2 A. Yes.

3 Q. Right. And is this Special Task Force anything to do with
4 General Bropl eh?

16:16:17 5 A. It was a fighting unit. I did not know the commander who
6 was in charge of them. I did not know the commander who led
7 them, those various units.

8 Q. Right. Now, you also told us in your evidence that there
9 was one point when you were chased out of Bomi Hills and you
16:16:40 10 ended up in Kakata and that at one stage Foday Sankoh came to see
11 you in Kakata together with Charles Taylor. Can you remember
12 telling us that?

13 A. Yes, I recall.

14 Q. Now just tell us: Charles Taylor doesn't get out of his
16:17:08 15 vehicle, does he?

16 A. Yes.

17 Q. You are agreeing with me that he didn't get out of his
18 vehicle?

19 A. Yes, I agree with you that he did not get out of his
16:17:22 20 vehicle at all.

21 Q. And the windows of his vehicle remained up, that is to say
22 they remained closed, yes?

23 A. I do not recall that the windows were up. I think they
24 were down, really. I do not recall that I told you that the
16:17:49 25 windows were down, because by then I did not even know him in
26 person.

27 Q. No, your evidence is that there was another vehicle as well
28 as Foday Sankoh's vehicle, and somebody else told you that a
29 person in that other vehicle was Charles Taylor, correct?

1 A. Yes, yes, I told you that.

2 Q. But you have no idea whether or not your informant was
3 correct, do you?

4 A. Well, in fact even before that, I was sure of what he told
16:18:40 5 me because even before the meeting started we had had a message
6 prior to that and in fact one thing that I left behind again,
7 even before when Foday Sankoh and Charles Taylor came to the
8 front line, it was a heavy artillery weapon 106 --

9 THE INTERPRETER: Your Honours, could the witness be
16:19:03 10 advised to slow down and repeat the name of the artillery weapon.

11 PRESIDING JUDGE: First of all, you are going too quickly
12 for the interpreters and the people recording. Secondly, the
13 interpreters did not hear the name of the heavy artillery weapon,
14 and thirdly and most importantly, you are not answering the
16:19:21 15 question. The question was "You have no idea whether or not your
16 informant was correct?" Now, the whole talk about artillery
17 weapons is not answering that question. Answer the question put.

18 THE WITNESS: Well, I was sure that the person who gave me
19 that information did not lie to me.

16:19:46 20 MR MUNYARD:

21 Q. Well, he may not have lied, but he may not have been
22 correct, might he? He might have been mistaken? You don't know
23 whether or not he was mistaken, do you?

24 A. What also convinced me was the kind of convoy that they
16:20:09 25 moved with, the kind of convoy that was moving with various
26 weapons, twin barrels, AAs. If you saw that you would know for
27 yourself that oh, it was indeed the CIC that was moving at that
28 time.

29 Q. Were you ever aware of Mr Taylor using a decoy, somebody

1 who looked like him but wasn't actually him travelling in convoy?
2 Is that something that ever came to your attention?

3 A. I am not aware about the pretensions of Mr Taylor.

4 Q. Thank you. I am looking at page 21364 of the transcript of
16:20:52 5 1 December, on line 26, referring to Foday Sankoh, "He came in
6 convoy with Mr Taylor. He alighted and spoke to us briefly but
7 Mr Taylor did not talk to us. He was still seated in his own
8 vehicle. Mr Taylor did not alight. He was still seated in his
9 own vehicle - his own jeep. The glass - the windscreens - were
16:21:20 10 up when Pa Sankoh alighted and came and spoke to us." So
11 Mr Taylor's jeep's windows were up, meaning closed, weren't they,
12 when Pa Sankoh came to address you?

13 A. Well, sure, yes. Now I recall well. I recall well.

14 Q. Tab 2, please, paragraph 6.

16:22:00 15 A. I recall.

16 Q. I would like you to look at paragraph 6, please, which is
17 in the middle of the page of 18 --

18 A. I recall.

19 Q. -- do you see that paragraph: "Sometime in mid-1992", and
16:22:18 20 they have made a mistake, it should be "ULIMO" not "UNLIMO
21 overran Bomi Hills causing them to flee and regroup in Kakata.
22 The witness stated that while there, he saw Foday Sankoh, who was
23 accompanied by Charles Taylor visit. They were returning from a
24 front line visit to Gbarnga." That is all you said when you were
16:22:35 25 giving quite a lengthy interview on 4 and 5 May 2006, isn't it?

26 A. I did not get you clear.

27 Q. The only thing you said to them in that lengthy interview
28 on 4 and 5 May 2006 was what I have just read out, correct?

29 A. Read that once more.

1 Q. "The witness stated that while there he saw Foday Sankoh
2 who was accompanied by Charles Taylor visit. They were returning
3 from a front line visit to Gbarnga". That is all you said, do
4 you agree?

16:23:19 5 A. I think I explained - I think I have explained that more
6 before in other statements before this one.

7 Q. Well, this is only the second account we have from you. We
8 have just looked at pretty well everything in the first account.
9 I am not going through everything in all the other accounts, but
16:23:39 10 I will be corrected if I say it wrongly. I suggest you have
11 never mentioned this matter before and we have the benefit of the
12 handwritten notes also for this particular interview and there is
13 no more in the handwritten notes than we see on the typed
14 version.

16:23:56 15 Now, Mr Fornie, can we move on, please, to something that
16 you told us happened shortly after this alleged sighting of
17 Mr Taylor. May I make it clear I do not accept that Mr Taylor
18 was at Kakata with Foday Sankoh and I am suggesting that whoever
19 you thought you saw in a jeep that day wasn't Charles Taylor. Do
16:24:26 20 you follow?

21 A. I am following. I am following and I will equally insist
22 that it was Charles Taylor.

23 Q. Right, from what somebody else told you, yes?

24 A. Equally so what somebody else told you. Because like you,
16:24:49 25 it is somebody who is spoonfeeding you to tell you that it
26 happened this way or did not happen that way. To say it's the
27 true or it's a lie, it's a lie. Because it was something that I
28 saw with my naked eyes, so I have been able to distinguish
29 between the convoy - type of convoy and what - but, like you,

1 somebody is spoonfeeding you.

2 Q. Bearing in mind the time I was going to go on to deal with
3 the next thing chronologically, but there is one small matter
4 that I can I think deal with in the time that we have and that is
16:25:23 5 your evidence again on 1 December, you said on page 21361, that:

6 "I was now in Kakata until the time the NPFL launched their
7 Operation Octopus on Monrovia". Do you remember telling us that?

8 A. Yes.

9 Q. How do you know it was called Operation Octopus?

16:26:13 10 A. Operation Octopus was not a hidden thing. It was very open
11 and it was a common name to almost every fighter to say Operation
12 Octopus. It was a well-established programme.

13 Q. Was it known by any other name to your knowledge?

14 A. To the best of my knowledge that is what I recall. To the
16:26:36 15 best of my knowledge that is what I recall.

16 Q. Tab 4, please. This is the clarification interview of 7
17 November 2006. Unfortunately it is not paragraph numbered, but
18 if we go to page 3 at the bottom right-hand corner, ERN number
19 25739, and there are little tiny marks to the left in the margin
16:27:19 20 and if we go down to the third one of those which is just above

21 halfway down the page this is you speaking, Mr Fornie: "The
22 visit to Kakata from Foday Sankoh occurred during Operation
23 Envelope, an operation by the NPFL to attack Monrovia". Did you
24 tell the investigator, Mr Kolot, when he is pursuing questions on
16:27:44 25 behalf of Ms Hollis about your May interview - did you tell him
26 that it was called Operation Envelope?

27 A. Well, to the best of my knowledge I said operation -
28 Operation Octopus and that was in August in fact. It was in
29 August. I recall the month, I know the year. It was August

1 1992. That was the time the NPFL launched the Operation Octopus
2 on Liberia - I mean on Monrovia. I still recall that.

3 Q. So have you any idea where the word Operation Envelope
4 comes from if it doesn't come from you? Is it something Mr Kolot
16:28:34 5 has made up?

6 A. I do not recall telling them anything. I do not recall
7 that it was this particular operation. They were trying to ask
8 me about some other operations, but I told them I did not know
9 much about Operation Envelope. Instead I knew about Operation
16:29:01 10 Octopus, so I told them I did not know anything about Envelope
11 really.

12 Q. Well, there is no reference to Operation Octopus in that
13 paragraph there that we have just looked at, is there?

14 A. Do you mean the one that is on the screen now?

16:29:19 15 Q. Tab 4, page 3, partway down the page. Has somebody told
16 you later that it was called Operation Octopus?

17 A. Well, I think apart from the investigators to whom I
18 discussed with who tried to ask me some other questions I do not
19 actually recall that there was anybody else, but I want to stick
16:29:57 20 to the point that I only knew about Operation Octopus. I stick
21 by that.

22 Q. Are you aware that history relates that Operation Octopus
23 occurred in October, not in August? History in this Court in the
24 form of testimony from Stephen Ellis.

16:30:24 25 A. Well, it is a month. Maybe I might have missed the month.
26 But I think it was at the time I was in Kakata. By then I was in
27 Kakata, it was during the rains. Maybe that is what testimony he
28 came here to give that he has given to you. But to my own
29 knowledge I think it was around October, around that, when that

1 Operation Octopus took place. Maybe if the next man had come
2 here and told you some other thing, I think that is my own idea
3 that that was the time Operation Octopus took place.

4 PRESIDING JUDGE: I think we are - we have another minute.

16:31:01 5 MR MUNYARD: I thought we didn't and so I had switched off
6 my microphone.

7 PRESIDING JUDGE: Very well. It may be convenient to
8 adjourn at this point in any event and remind the witness and the
9 parties that we do not have court tomorrow.

16:31:14 10 Mr Witness, we are not sitting in court tomorrow. We are
11 starting on Wednesday. I again remind you as I do each day that
12 you are under oath and you should not discuss your evidence with
13 any other person. Do you understand me?

14 THE WITNESS: Yes, yes, I heard it. Thank you very much,
16:31:33 15 Madam President.

16 PRESIDING JUDGE: Very good. Please adjourn court until
17 Wednesday at 9.30.

18 [Whereupon the hearing adjourned at 4.30 p.m.
19 to be reconvened on Wednesday, 10 December 2008
16:31:53 20 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

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CROSS-EXAMINATION BY MR MUNYARD 21858