



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 10 DECEMBER 2008
9:30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson
Ms Carolyn Buff

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Ms Brenda J Hollis
Mr Christopher Santora
Mr Alain Werner
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Ms Amina Graham

For the Office of the Principal
Defender:

Mr Silas Chekera

1 Wednesday, 10 December 2008

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.30 a.m.]

09:30:31 5 PRESIDING JUDGE: Good morning. Mr Santora?

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

09:31:20 10 PRESIDING JUDGE: Thank you, Mr Santora. Mr Munyard?

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning are myself, Terry
13 Munyard, Ms Amina Graham and also present in court representing
14 the person of the Principal Defender is Mr Silas Chekera.

09:31:34 15 Madam President, you will have heard that there has been a
16 slight delay in the transport arrangements for getting Mr Taylor
17 here. I understand from my conversations with security staff
18 that he is on his way and we don't anticipate much delay.
19 However, I got here early in order to speak to him before I
09:31:49 20 commence - sorry, recommence cross-examination this morning and I
21 would be grateful when he gets here if I could have five minutes
22 with him. I am not asking for any more than that.

23 PRESIDING JUDGE: I take it, therefore, you are seeking a
24 short adjournment?

09:32:04 25 MR MUNYARD: Yes, thank you.

26 PRESIDING JUDGE: Mr Santora?

27 MR SANTORA: No objection to that.

28 PRESIDING JUDGE: In the circumstances, we will adjourn
29 temporarily and please notify us as soon as the accused has

1 arrived.

2 MR MUNYARD: Thank you, your Honour.

3 [Break taken at 9.33 a.m.]

4 [The accused present]

09:50:16 5 [Upon resuming at 9.50 a.m.]

6 PRESIDING JUDGE: Now, unless there are some other matters
7 I will remind the witness of his oath and we will resume. For
8 purposes of record we note that Mr Taylor was delayed for
9 technical reasons beyond his control in the transport.

09:52:30 10 Mr Witness, we are a little late starting for reasons
11 beyond our control but I again remind you this morning that you
12 are again under oath, having taken the oath last week to tell the
13 truth. The oath continues to be binding upon you and you must
14 answer questions truthfully. Do you understand?

09:52:50 15 THE WITNESS: Yes.

16 WITNESS: DAUDA ARUNA FORNIE [On former oath]

17 PRESIDING JUDGE: Please proceed.

18 MR MUNYARD: Thank you, Madam President. Thank you, your
19 Honours, for the time that I was given to consult with Mr Taylor.

09:53:00 20 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

21 Q. Good morning, Mr Fornie.

22 A. Good morning.

23 Q. I would like to pick up where I left off on Monday. We
24 finished on Monday afternoon talking about Operation Octopus or
09:53:20 25 Operation Envelope as you had described it at one point in your
26 interviews with the Prosecution and I want to ask you know about
27 CO Nya. You told us about CO Nya last week. What was his actual
28 name?

29 A. Nya Korto.

1 Q. Nya Korto?

2 A. Yes.

3 Q. That's who you say CO Nya the radio operator for the RUF
4 was, is that right?

09:54:04 5 A. Yes, he should have another name, a middle name, but I only
6 recall Nya Korto. I have forgotten his middle name.

7 Q. Have you ever met anybody called Foday Lansana?

8 A. Well, I am not familiar to that name. Maybe I would have
9 met the person, but I don't know that name. I don't recall

09:54:42 10 meeting a person with that name.

11 Q. You also told us last week that when you were driven out in
12 1991 from Sierra Leone into Liberia that Sierra Leone government
13 troops had crossed the bridge. They had come past Bo Waterside
14 and they were advancing towards the Wangeko area. Do you

09:55:08 15 remember telling us that?

16 A. I said Wangeko area. Not Wan-geko [phon].

17 Q. My apologies, I have mispronounced it. Wangeko, very well.
18 In other words, the Sierra Leone Army invaded Liberian territory,
19 yes?

09:55:28 20 A. Well, they fought there. They crossed the bridge and they
21 fought.

22 Q. Into Liberian territory, yes?

23 A. They crossed the bridge. The Sierra Leonean Army chased us
24 into Liberia. They crossed the bridge and they entered Bo

09:55:53 25 Waterside. That is in the Liberian territory. That is what I
26 saw.

27 Q. Thank you. Then you went on to tell us about Foday Sankoh
28 sending a truck to pick you up from Kakata. Do you remember
29 telling us about that?

1 A. Yes.

2 Q. And you said there were up to 70 of you in the truck. Do
3 you remember telling us that?

4 A. Yes, around that. Around 70, that's what I said.

09:56:47 5 Q. Right. And in addition to the truck there was another
6 vehicle, a pick-up?

7 A. Yes, but the pick-up was from Gbarnga. The pick-up picked
8 us up from Gbarnga. It joined us from Gbarnga, but from Kakata
9 there was no pick-up. There was only that truck.

09:57:16 10 Q. All right. Very well, I follow that and that indeed is
11 what you said the other day. And in the truck was assorted
12 ammunition and 70 of you, yes?

13 A. I said roughly 70. I did not say exactly 70.

14 Q. No-one is suggesting you said exactly 70.

09:57:48 15 A. But it's the way you said it. That is what it means.

16 PRESIDING JUDGE: Mr Witness, listen to the question. You
17 were also asked about ammunition - assorted ammunition.

18 MR MUNYARD: Yes, thank you:

19 Q. Was it just ammunition, or was it arms and ammunition?

09:58:08 20 A. Well, it was assorted in the truck. What I do recall is
21 that the ammunition, grenades - that is including grenades and
22 land mines, anti-tank mines and anti-personnel mines were all in
23 it. I can recall.

24 Q. Right, but were there any arms in it?

09:58:40 25 A. Well, at present I don't recall.

26 Q. But what you do recall - leaving from Gbarnga to go to
27 Sierra Leone, to Kailahun, you do recall one truck with around 70
28 of you and some ammunition and another that was a pick-up, or a
29 van, going from there to Kailahun, yes? You described the other

1 one as both a pick-up and a van in your evidence on Monday, 1
2 December. That is what you now recall, is it?

3 A. Yes.

09:59:36

4 Q. Would you have a look at tab 2, please, with the assistance
5 of Mr Court Usher. He will bring it to you. Now if you look at
6 the second page of tab 2, this is your interview on 4 and 5 May
7 2006. I would like you, please, to look at the second page and
8 the paragraph that is numbered 7. Do you see that there?

9 A. Which paragraph?

10:00:41

10 Q. Paragraph number 7.

11 A. I've seen it.

12 Q. It starts, "Some time in November 1992". Do you have that?

13 A. Yes, I am listening.

14 Q. Thank you:

10:01:06

15 "Some time in November 1992 the witness and other RUF
16 fighters were loaded into two NPFL trucks and taken from Kakata
17 to Kailahun. Foday Sankoh accompanied them. A third truck
18 carried various arms and ammunition such as AK-47, mines, bombs,
19 RPG tubes."

10:01:32

20 Now, is that right? Was it three trucks that went; two
21 trucks taking the 70 something fighters and a third truck taking
22 arms and ammunition.

23 A. What I mean - you know, what I said exactly was that that
24 is myself and other fighters as well were all in the truck, that
10:02:00 25 is myself and other fighters were in the truck, but not two
26 trucks. I said "myself and other fighters too", not two trucks.
27 What I said about ammunition was AK-47 rounds - AK-47 rounds, G3
28 rounds. Those were the types of ammunition that we went with.
29 That's the description: AK rounds, GP rounds, RPG bombs.

1 Q. Don't worry so much about the type of ammunition. You are
2 saying, are you, that this record of what you told them in May of
3 2006, two and a half years ago or more, is wrong and that your
4 recollection in December of 2008 of events back in the early
10:02:55 5 1990s is better than it was in 2006? Is that what you're saying?

6 A. What I do remember saying exactly to the investigators is
7 what I have told you and that's what I've repeated here. Maybe
8 it was the way they wrote it. What I recall telling them is what
9 I am saying again in this Court.

10:03:24 10 Q. Right. So is this the position, Mr Fornie? You believe
11 that your memory now in December 2008 of events in 1992, 16 years
12 ago, is better than your memory of those events two years back in
13 May of 2006? Is that your position?

14 A. Well, what you are saying, I don't think we are saying the
10:03:59 15 same thing. I did not tell the investigators that it was two
16 trucks. I said I remember telling them one.

17 Q. My error again. The investigators have got it wrong in
18 2006 and you never told them it was two trucks then. Is that
19 what you are saying now?

10:04:20 20 A. What I told them was that I was in the truck and other
21 fighters too were in the truck.

22 Q. Yes, we understand that now. Sorry, it was my mistake.

23 A. That is T-0-0, not T-W-0.

24 Q. Yes, we follow that. Now would you turn, please, to tab

10:04:53 25 27. Now, this is an undated document unfortunately. It appears
26 at page 101474.

27 PRESIDING JUDGE: Could you give us the tab again,
28 Mr Munyard, because that doesn't conform with my tab 27.

29 MR MUNYARD: Am I out again, your Honour? I am sorry. It

1 is almost certainly the last tab. Did I say 27 when I should
2 have said 28? It is headed "Proffer".

3 PRESIDING JUDGE: Yes, indeed it's 28 in our bundle.

4 MR MUNYARD: Thank you. Yes, I do apologise. I am working
10:05:34 5 from the bundle I prepared all my notes on unfortunately.

6 PRESIDING JUDGE: Well, as long as we are ad idem it
7 doesn't matter.

8 MR MUNYARD: Yes, thank you:

9 Q. Now this is called a proffer, which as I indicated the
10:05:45 10 other day probably means even less to you than it does to me, but
11 it's supposed to be an account of something you told the
12 Prosecution. It starts off in paragraph 1:

13 "Operation Octopus was launched by Charles Taylor. The RUF
14 fighters were in Kakata when Foday Sankoh and Charles Taylor
10:06:04 15 arrived there. Foday Sankoh arrived with artillery weapons, arms
16 and ammunition. Sankoh then informed the RUF fighters in Kakata
17 they should get ready to return to Sierra Leone."

18 Is that what you told the Prosecution at some point in the
19 past on an undated occasion, that first paragraph?

10:06:27 20 A. You read it too fast. Can you please read it slower.

21 Q. Certainly. If you just follow it on the page, I will read
22 it again more slowly:

23 "Operation Octopus was launched by Charles Taylor. The RUF
24 fighters were in Kakata when Foday Sankoh and Charles Taylor
10:06:46 25 arrived there. Foday Sankoh arrived with artillery weapons, arms
26 and ammunition. Sankoh then informed the RUF fighters in Kakata
27 that they should get ready to return to Sierra Leone."

28 Did you tell the Prosecutors that?

29 A. I told them almost everything that is here, excluding the

1 ones about ammunitions, but the arms that I am referring to were
2 artillery weapons indeed. Those were weapons that our colleague
3 RUF captured in Kailahun; the first artillery weapons that were
4 captured.

10:07:26 5 THE INTERPRETER: Your Honours, can the witness speak
6 slowly and repeat this one.

7 PRESIDING JUDGE: Mr Witness, you are speaking quickly -
8 very quickly - and so please slow down. Well, you haven't quite
9 answered the question. Mr Munyard, please proceed.

10:07:39 10 MR MUNYARD:

11 Q. Let me see if I understand what you say they have got
12 wrong. You said:

13 "I told them almost everything here, excluding the ones
14 about ammunition, but the arms I am referring to were artillery
10:07:54 15 weapons indeed."

16 So what is it that - just tell us what they have got wrong
17 in there?

18 A. Ammunition was not included. Foday Sankoh did not take
19 ammunition from Sierra Leone to Monrovia, I am not aware of that
10:08:10 20 at that time, to bring them. It was the arms that I spoke about.

21 Q. But you agree you told them that Sankoh then informed you,
22 the RUF fighters in Kakata, that they should get ready to return
23 to Sierra Leone, yes?

24 A. He told us through somebody. Yes, I said that.

10:08:34 25 Q. Paragraph 2:

26 "Foday Sankoh did not give them the weapons as he told the
27 RUF fighters that the weapons were meant for Charles Taylor and
28 that they were heading for Monrovia. Foday Sankoh returned
29 through the same route to Gbarnga and two days later sent two

1 trucks to convey the RUF fighters. The RUF fighters were loaded
2 into the two trucks and conveyed to Kailahun."

3 Did you tell them that?

10:09:15

4 A. Well, not exactly. Not exactly. It was one truck, to the
5 best of my memory.

6 Q. It was, according to your evidence last week, one truck and
7 a load of mixed ammunition, yes?

8 A. Yes.

10:09:34

9 Q. So either you didn't tell them that it was one truck plus
10 assorted ammunition and around 70 fighters, or they've got
11 paragraph 2 quite wrong, yes?

12 A. Well, I did not say so. I'm still referring to one truck.

10:10:02

13 Q. Yes, do you agree that there is no mention of any
14 ammunition going with you to Kailahun in paragraph 2 of the
15 document that we are looking at now?

16 A. There was ammunition in the truck when we were going to
17 Kailahun. The truck had ammunition. That is from Gbarnga. We
18 picked the ammunitions up from Gbarnga.

10:10:23

19 Q. Mr Fornie, we went through this on Thursday, we went
20 through it on Friday, we went through it on Monday. The question
21 I am asking you is not what happened at this stage but what did
22 you tell the Prosecutors. Would you please be very careful to
23 listen to the question before you rush off to tell us what
24 happened. Do you agree there is nothing in paragraph 2 here
25 about either it being one truck, or one truck loaded with both
26 fighters and ammunition? There is nothing to that effect in this
27 paragraph.

10:10:50

28 A. Your question is not clear.

29 Q. Well, it's difficult for me to find another way of putting

1 something as clear as I thought that was.

2 PRESIDING JUDGE: Mr Witness, listen carefully to the
3 questions that are being asked. You have given us a certain
4 history here in the Court. Counsel is saying to you that what
10:11:30 5 you told the Office of the Prosecutor in your record of interview
6 at an unspecified date differs from what you said in Court and he
7 is asking you about that difference. That is what this series of
8 questions is about. Mr Munyard, I trust you --

9 MR MUNYARD: Thank you, your Honour is absolutely right:

10:11:51 10 Q. Mr Fornie, there is nothing in paragraph 2 to suggest that
11 you told the Prosecutors you were sent back to Kailahun, or sent
12 to Kailahun, by Mr Sankoh in one truck with a load of assorted
13 ammunition, is there?

14 A. Yes, it is not there but it is in the other paragraph. It
10:12:12 15 is in the other paragraphs. Then where the mistake is here, and
16 I am seeing that you are emphasising on that, that is just the
17 two and one truck thing, but I do recall that it was one truck.

18 Q. Is it their mistake or yours in this document that we're
19 looking at?

10:12:36 20 A. Well, maybe it is their mistake. I really don't know. I
21 don't recall.

22 Q. All right. Just going back then to tab 2, paragraph 7.
23 We'll just have a look at a little bit more of that. Four lines
24 down, where I stopped reading: "The witness", that's you -
10:13:21 25 Mr Fornie, this is paragraph 7 and it's the middle of the
26 paragraph, four lines from the start of that paragraph there is a
27 sentence that reads:

28 "The witness did not know the source of the
29 arms/ammunition. He only knew their specifics when he saw them

1 off-loaded in Kailahun. When they arrived in Kailahun they found
2 three RUF radio communication stations which were manned by Nyan
3 Katoe, also known as CO Nyah."

4 A. Yes.

10:13:53 5 Q. At a later stage you changed the Nyan to Nyah, N-Y-A-H.
6 That is what you knew CO Nya's real name to be and that's what
7 you told the Prosecution there. Correct?

8 A. Yes. I do recall that I was asked to spell the name
9 correctly at a point in time.

10:14:19 10 Q. Now, we happen to have the handwritten notes of this second
11 interview and they are immediately behind the typed notes. I
12 just want to check with you - I'm sorry, I've just lost the place
13 for the moment. Yes, it's on page 18589 of the handwritten notes
14 and it is, going from the bottom of the page, seven lines up.

10:15:34 15 It's the last real paragraph on that page. Just to see if by any
16 chance on this occasion the transcriber who typed up the notes
17 has got anything wrong. We can see that it reads in handwriting:

18 "Some time in November 1992 witness and other RUF fighters
19 were" --

10:15:58 20 A. I've not seen the place yet.

21 Q. All right. I am going to ask Mr Court Officer to indicate
22 with his pen where this paragraph starts. It's about seven lines
23 from the bottom of the page. Can you see it now?

24 A. Okay. Yes, I've seen it.

10:16:13 25 Q. "Some time in November 1992 witness and other RUF fighters
26 were loaded into two" - and then just in case anybody
27 misunderstood or misread that, the writer has put the figure 2 in
28 a circle next to the word. Two NPFL trucks. In other words, the
29 typed script on this occasion does actually match the handwritten

1 notes. Now, can you remember ever being taken through these
2 handwritten notes and asked to correct anything on them?

3 A. We went through those handwritten notes. There were two
4 vehicles that I saw. Two vehicles. We boarded two vehicles from
10:17:05 5 Gbarnga to Kailahun. That is the other one was Foday Sankoh's
6 van and there were some other fighters and his securities. I was
7 in the truck with Rashid and others where the ammunition - the
8 bulk of the ammunition was.

9 Q. No, I'm afraid that you've failed to notice that you have
10:17:27 10 also said, immediately following on where I left off from 18589,
11 "It was Foday Sankoh who took them to Kailahun accompanied with
12 another NPFL truck loaded with arms and ammunition." So you have
13 three trucks there, not two, back in 2006. And you were taken
14 through these handwritten notes, weren't you, in order to confirm
10:17:58 15 that they were a correct record of what you'd said?

16 A. Well, I am telling you that there were two vehicles. There
17 were two vehicles. I do recall telling them that there were two
18 vehicles. The one was a van that Foday Sankoh was in with some
19 fighters and I was in the truck, so there were two vehicles.

10:18:33 20 Q. All right. Tab 13, please. We've looked at this before,
21 the first page of it. The following year in July of 2007
22 Mr Bangura, one of the lawyers, and Mr Kamara, an investigator,
23 took you through this particular interview but interestingly they
24 didn't take you - well, they may or may not have taken you
10:19:22 25 through the typed version but the corrections you made on this
26 interview you made on the handwritten version or you made in
27 relation to the handwritten version. Because if you see the
28 first correction, under the heading "4 May 2006", it's on page
29 00018589, the very page we are looking at. So you were taken

1 through the handwritten version of this interview if not
2 immediately following it then certainly at a later stage, weren't
3 you?

4 A. Yes, they took me through.

10:20:20 5 Q. We will come back to that in due course. Can I move on to
6 something else. Can I just ask you this: In your role over the
7 years as a radio monitoring officer, you were doing this job in
8 different places and under different circumstances. I presume -
9 and you tell me if I am right. I presume that at times, because
10:21:00 10 of the war that was going on - at times even the radio operators
11 didn't have enough supplies such as pens and paper and sometimes
12 presumably you had to just remember what you were hearing, what
13 you were monitoring on the radio, in order to go down to the
14 transmitting station and tell them about what you'd heard. Is
10:21:25 15 that correct?

16 A. Not everything you said is correct. Indeed, there were
17 times we lacked stationery, but, whatever the case was, the ones
18 that we were to write messages on I don't ever recall lacking
19 that completely. But I know that there were certain messages
10:21:46 20 that we delivered verbally. There were some pieces of
21 information that we also delivered verbally.

22 Q. Is it or was it part of your training as a radio monitoring
23 officer to remember things that you had heard in order to be able
24 to pass them on to the relevant authorities?

10:22:15 25 A. That's why I had log - I had logbooks to note down every
26 important thing that I received as a message.

27 Q. Yes, but were you also trained to try to remember stories
28 that you'd heard over the radio in the event of there not being
29 proper stationery or a logbook to hand?

1 A. Well, I am telling you that any official message so far was
2 written down. We wrote down every official message. Even though
3 there was stationery shortage sometimes, but the various
4 commanders tried very hard to see that we did not go out of the
10:23:09 5 stationery. But that does not mean that we did not deliver some
6 short messages verbally. That does not mean that we did not
7 deliver short verbal messages.

8 Q. Now, monitoring we know is something that you have been
9 involved in for a very long time and it's right, isn't it, that
10:23:32 10 since this trial started you've been monitoring the way it's been
11 going?

12 A. Sometimes I do listen to the radio. I can still listen to
13 it on the radio.

14 Q. And the Talking Drum puts out propaganda about this trial,
10:23:59 15 doesn't it?

16 A. Yes.

17 Q. And no doubt you've listened to that?

18 A. I used to listen. That's what I've told you.

19 Q. And have you been following reports of the evidence in this
10:24:18 20 trial since it opened in January of this year?

21 A. I can recall that I followed a lot of this on the radio.

22 Q. Yes. And you've been monitoring accounts that different
23 witnesses have been giving in this courtroom over the months,
24 haven't you?

10:24:48 25 A. Yes.

26 Q. Now going back to your evidence last week, on Tuesday of
27 last week, do you remember telling us about mining at Cyborg Pit
28 and the SLA representative there called Mopleh, who used to
29 collect all the diamonds?

1 A. Mopleh was a civilian. He was not an SLA representative, I
2 did not say so. I do recall mentioning Mopleh, but I did not say
3 SLA representative.

10:25:29 4 Q. I may have misunderstood that, but I had thought that he
5 was. Very well. Mr Mopleh ran off with a lot of diamonds,
6 didn't he?

7 A. Yes.

8 Q. What did you do with your diamonds that you mined there?

9 A. You mean my personals?

10:26:04 10 Q. Yes.

11 A. I used to sell them to those buying diamonds. I used to
12 sell them.

13 Q. Were you in Tongo in 1997, yes?

14 A. I sold my diamonds.

10:26:24 15 Q. And where were the people who bought the diamonds in Tongo
16 in 1997?

17 A. They were in Tongo, in their various houses or areas.

18 Q. Well were they Lebanese diamond dealers, amongst others?

10:26:55 19 A. I don't recall ever selling diamonds to any Lebanese. I
20 never dealt with a Lebanese diamond dealer, so even if there was
21 one I don't know about that one.

22 Q. Any Israeli diamond dealers there in Tongo in 1997?

23 A. Yes.

10:27:17 24 Q. And where were the Israeli diamond dealers in Tongo in
25 1997?

26 A. I don't know.

27 Q. Well you knew they were there because you have just told us
28 they were there, so help us with what you knew about them?

29 A. No, I did not tell you about Israeli diamond dealers. What

1 you asked me was, "Were there really diamond dealers?" That is
2 the way I understood the question. I did not tell you about
3 Israeli diamond dealers.

4 Q. You may have misheard me.

10:27:48 5 PRESIDING JUDGE: Lost in translation.

6 MR MUNYARD: Yes.

7 THE WITNESS: Okay, then you can rectify that.

8 MR MUNYARD:

9 Q. Were there diamond dealers from the State of Israel there
10:28:00 10 in Togo in 1997?

11 A. I don't know.

12 Q. No, all right. But the people you sold your diamonds to,
13 were they diamond dealers? Were they known as diamond dealers?

14 A. What do you mean? I know that they used to buy diamonds.
10:28:29 15 I do not know who possessed a licence or not, but I know that
16 they were buying diamonds. It was not my duty to find out who
17 had the authority to deal in diamonds, or not.

18 Q. Well, if you could only deal in diamonds with a licence,
19 then it was your duty to find out whether the people you were
10:28:51 20 selling your diamonds to were licensed, wasn't it?

21 A. I said I did not know and that was not my duty. It was not
22 my responsibility.

23 Q. You were a member of the RUF at that time, you told us, and
24 the RUF was part of the government in late 1997, wasn't it?

10:29:21 25 A. But there was division of labour. I was a radio operator.
26 That's what I know. I was not in charge of mining.

27 Q. So although there was a law that you could only deal in
28 diamonds if you were a licensed dealer, you as a member of the
29 RUF didn't care about that law. You sold your diamonds to

1 whoever would buy them, is that right?

2 A. Well I would say almost all of us who were in Tongo, that
3 was the normal routine for us.

4 Q. So the rules about licensed diamond dealing weren't worth
10:30:03 5 the paper they were written on, as far as you are concerned. Is
6 that correct?

7 A. I don't know about that. I don't know. That is not to my
8 knowledge. I don't know how licensing operated in terms of
9 diamond mining whatsoever.

10:30:18 10 Q. You seemed to know that there was a law that said that a
11 diamond dealer had to have a licence?

12 A. Well, I am still telling you. You know, how would you
13 assume for me? How would you assume for me that I know, or that
14 I am supposed to know. I was on the ground and I know what went
10:30:41 15 on in Tongo - what used to go on in Tongo. That is what I am
16 telling this Court exactly, those that I can recall.

17 Q. I've asked that question because it was you who told us for
18 the first time in your evidence:

19 "I know they used to buy diamonds. I do not know who
10:31:02 20 possessed a licence or not, but I know they were buying diamonds.
21 It was not my duty to find out who had the authority to deal in
22 diamonds or not."

23 So you knew, didn't you, that a person wasn't legally
24 allowed just to trade in diamonds. They had to have a licence,
10:31:24 25 but you didn't care. You just sold your diamonds regardless of
26 whether the person you sold them to had a licence.

27 MR SANTORA: I am going to object on a slight misstatement.
28 I believe that counsel is - the reference to licence that the
29 witness made looks like in context to refer to people to have a

1 licence to buy diamonds.

2 MR MUNYARD: Yes.

3 MR SANTORA: Then it's now being put to the witness that he
4 said that there was a requirement for a licence to deal in
10:31:54 5 diamonds. There is a slight distinction, because somebody
6 selling diamonds is different to somebody buying them in this
7 context. The witness's reference to licence, in the context that
8 counsel just referred to, was about buying diamonds.

9 PRESIDING JUDGE: Mr Santora, the witness himself - at page
10:32:21 10 18, line 11 on my font, the witness in an answer said, "It was
11 not my duty to find out who had the authority to deal in diamonds
12 or not", and so in my view the word "deal" has been used although
13 he did say "buy" earlier.

14 MR MUNYARD: I am only talking about the people he was
10:32:41 15 selling his diamonds to; in other words, the buyers:

16 Q. You didn't obey the law at all in relation to diamonds, did
17 you?

18 A. Well, I don't know if such a law existed in Togo. I did
19 not see that law in operation in Togo. I cannot tell.

10:33:10 20 Q. Well, it was you who has just suggested that such a law did
21 exist. Are you now saying you suddenly don't remember whether
22 that law existed?

23 A. Well, if you got me right, I think I told you that I was
24 not in charge of mining, or to issue licence out or not, and I
10:33:31 25 don't know if such a law existed at all and how it was worked on.
26 I don't know if the law existed. I have told you here frankly
27 that I don't know about how the licence business went on for
28 dealers.

29 Q. Well, it was every - sorry, are you finished?

1 A. Yes, I'm through.

2 Q. It was every man for himself in the diamond fields in Tongo
3 in 1997, was it?

4 A. Well, there was centralised mining in Tongo. There was
10:34:10 5 centralised mining and, apart from that, we too did our casual
6 work.

7 Q. Centralised for some and a free for all for others, yes?

8 A. The centralised mining was purely the authorities who
9 organised it, and even the authorities who organised centralised
10:34:36 10 mining also did their personal mining - their private mining.
11 They did it.

12 Q. You weren't one of the authorities, were you?

13 A. I was not an authority.

14 Q. But you could do your mining and a lot of people like you,
10:34:51 15 yes, could also do theirs?

16 A. Yes, many of course.

17 Q. And if you had an RUF connection you could get in there and
18 exploit that, mine for diamonds and then sell them to anyone who
19 would buy them regardless of whether or not they had a licence,
10:35:13 20 correct?

21 A. Well, that was the order of the day for everybody. That
22 was the order of the day and everybody leads the very life that
23 you are now trying to describe. It was not only confined to me
24 alone.

10:35:30 25 Q. I want to go on to something else now, please. Do you
26 remember telling us last week, in the course of your
27 evidence-in-chief, that Memuna contacted you from Monrovia and
28 told you that she and Fonti Kanu were travelling to bring some
29 materials that had been given to them by the Papay, that is

1 Mr Taylor, and that when they arrived in Daru she contacted you
2 to tell you they had arrived and Sam Bockarie - Mosquito - and
3 you travelled to Daru to receive the shipment? Do you remember
4 telling us that?

10:36:11 5 A. Yes.

6 Q. When you first told the Prosecution about this, before you
7 gave your evidence in Court, did you tell them that the materials
8 that Memuna and Fonti Kanu were bringing were from the Papay,
9 that is Mr Taylor, or did you just tell them that they were
10 bringing materials from Liberia?

10:36:32

11 A. What you said, I think I am sure that I told them about the
12 materials that Memuna brought and there was no other person in
13 Monrovia that I can refer to. If you ask me if I can recall
14 telling them that, I want to believe I discussed something
15 relative to that, or something about that. I discussed it with
16 them.

10:36:59

17 Q. Well there were plenty of people in Monrovia selling arms
18 that should have been handed in in disarmament, weren't there, or
19 don't you know about that?

10:37:14

20 A. Well, that particular time Memuna told me that it was
21 President Taylor who dispatched the ammunition.

22 Q. Tab 24, please. This is a note of information that you
23 gave to the Prosecution during what amounts to a period of
24 saturation proofing in November this year, on 6 and 7 November
25 this year. I am looking at the second page, 101459, paragraph 7.
26 Now, Mr Fornie, tell me if you can see paragraph 7 on that screen
27 in front of you?

10:37:55

28 A. Yes.

29 Q. "Fonti Kanu was an SLA who was involved in obtaining

1 ammunition for the AFRC and RUF during the AFRC junta period from
2 Liberia."

3 Did you tell them that?

4 A. Yes.

10:38:29 5 Q. So was Fonti Kanu one of the people who were sent along
6 with you on the several trips that we have seen referred to in
7 another of your proofing sessions to Liberia to buy arms, or
8 ammunition - sorry, to buy ammunition from former NPFL and ULIMO
9 members who buried it during disarmament?

10:38:55 10 A. No, Fonti Kanu was not part of that group. I don't know
11 what you are talking about. I did not tell you about that, that
12 Fonti used to go and buy ammunition from any former ULIMO or NPFL
13 fighter. The instance that I know of, where Fonti led the
14 shipment of arms and ammunition, was when he and Memuna went --

10:39:23 15 Q. We are coming to that. I am going to stop you, because we
16 are going to come to that and you can say as much as you like
17 about it.

18 A. Well done.

19 Q. You don't know all the people who were sent by Sam Bockarie
10:39:33 20 to buy ammunition from Liberians, ex-NPFL and ex-ULIMO, as you
21 told the Prosecution?

22 A. I don't recall everything, but particularly Fonti - Fonti,
23 the time that I am telling you about, was not engaged. When we
24 went back to Buedu from Operation Sandstorm Tiger Tail, Fonti was
10:40:04 25 not involved in the shipment of arms and ammunition.

26 Q. You don't know what private business Fonti Kanu was able to
27 engage in in dealing with ammunition post disarmament in Liberia,
28 do you?

29 A. Well, what I'm telling you is that what I know that Fonti

1 went to Monrovia for is what I've told you. That is Fonti and
2 Memuna brought ammunition from Mr Taylor. This is what I've told
3 you.

10:40:43 4 Q. Would you please go back to the question that I asked you
5 before we move on. You don't know what private business, if any,
6 Fonti Kanu was able to engage in in dealing with ammunition post
7 disarmament in Liberia, do you?

8 A. I don't have any other knowledge about his private
9 business. The one that I know about is what I've told you.

10:41:08 10 Q. We are going to look at that now:

11 "The witness observed one particular instance while the
12 witness was living in Kenema during the AFRC junta regime and
13 after Charles Taylor was elected to the Presidency of Liberia.

14 The witness saw Fonti Kanu and a convoy arrive overland from
10:41:34 15 Liberia and meet Sam Bockarie and others in Daru. Aside from
16 Kanu this convoy also included one Memuna (short for Memunatu)
17 Deen, also known as Prude, a long time radio RUF who was based in
18 Liberia. The witness went along with Sam Bockarie, Eddie Kanneh
19 and others from Kenema to meet this convoy. The ammunitions
10:42:08 20 brought by the convoy included AK rounds and RPGs and arrived on
21 a small truck."

22 Did you tell them that?

23 A. With respect to telling them I saw the convoy when they
24 were coming that is not it. They wrote it wrongly. But the idea
10:42:29 25 that this paragraph is portraying, I am the one who said this to
26 the investigators. I was the one who told them everything that
27 is in this passage.

28 Q. Sorry, are you saying there is something wrong in the
29 record that we are looking at?

1 A. When you said - yes, where it is stated that witness saw
2 Fonti Kanu and a convoy arrived overland, I did not see them
3 arrive. I did not see them arriving in Daru, but it is clearly
4 stated here that we were in Kenema. When they arrived in Daru we
10:43:19 5 were in Kenema and we moved from Kenema to go and receive the
6 materials that they had brought. This is what I am talking.

7 Q. So you never said that you had seen it arrive overland from
8 Liberia and meet Sam Bockarie and other people in Daru?

9 A. On the spot we moved from Kenema, we met them in Daru. We
10:43:46 10 met them in Daru. We met them in Daru with the ammunition that
11 they had brought.

12 Q. No mention in here of the ammunition coming from the Papay
13 Charles Taylor, is there, in this document?

14 A. But the ammunition is there.

10:44:03 15 Q. No, listen to the question, please. Do you want to pause
16 for a moment, clear your mind and then go back to the question
17 that I asked you. Forget about the story --

18 PRESIDING JUDGE: Mr Witness, please do not treat questions
19 with derision. Listen to what is being said to you.

10:44:22 20 MR MUNYARD:

21 Q. Mr Fornie, forget about what actually happened. Clear your
22 mind of that. My question was: There is no mention of
23 ammunition coming from the Papay Charles Taylor in this document,
24 is there?

10:44:45 25 A. Well, the ammunition that I'm talking about is here. I
26 said ammunition came.

27 PRESIDING JUDGE: Mr Witness, listen to the question. The
28 question is that there is no reference to the Papay Charles
29 Taylor in this document. Answer that question.

1 THE WITNESS: Yes, I have not seen it. But then I see
2 something like Charles Taylor - I see something like Charles
3 Taylor about a particular instance saying, "While the witness was
4 living in Kenema during the AFRC junta regime after Charles
10:45:30 5 Taylor was elected as President." Okay, I have seen that. It is
6 not --

7 PRESIDING JUDGE: Mr Witness, you are being directed to
8 paragraph 7.

9 MR MUNYARD: With respect, your Honour --

10 PRESIDING JUDGE: You did say document.

11 THE WITNESS: That is where I am, paragraph 7.

12 MR MUNYARD: Yes, thank you. He's quite right, the name
13 Charles Taylor is in there:

14 Q. It's nothing to do with ammunition, is it?

10:45:55 15 A. I want to know if you are referring to just paragraph 7 in
16 this document or the entire document?

17 Q. I am referring to paragraph 7.

18 A. Okay. It's not in paragraph 7, but it is in some other
19 documents. It's not in paragraph 7.

10:46:14 20 Q. Trust me, Mr Fornie, it's not in some other document. If
21 I'm wrong about that you can be sure that someone across the
22 Court will jump up and point out my error. Do you follow?

23 A. Well, I recall that I said that and, even if that is the
24 case, it will not be possible that whilst talking you will recall
10:46:46 25 everything. So I want to believe that maybe if it is not there,
26 it was when the Prosecution was interviewing me, maybe they did
27 not ask me about that, where the ammunition came from, and that
28 my mind did not run there to tell them that it was Charles Taylor
29 who gave the ammunition. Maybe they did not ask me the question

1 about where the ammunition came from; that is the reason why it
2 is not there. But if you want to ask me that question now where
3 the ammunition came from I will tell you now that it was
4 Mr Taylor - from Mr Taylor directly that the arms and ammunition
10:47:23 5 that Fonti brought - that those ammunitions were from Mr Taylor
6 directly. Mr Taylor is seated over there. He knows. He knows
7 very well that he was the one who sent the said ammunition.

8 Q. And you would have known that very well when you were
9 seeing the Prosecutors just last month, day after day, beefing up
10:47:45 10 all the previous accounts you had given of these events and your
11 mind would have run to Mr Taylor being the source of that
12 ammunition, wouldn't it, just a month ago when you were telling
13 them this particular story?

14 A. Well, I have so many things, so many pieces of information,
10:48:08 15 so even if I failed to make mention of that, I think the
16 investigators themselves maybe did not think about that, to ask
17 me about who directly gave the ammunition. So that is the
18 mistake they might have done, they themselves. Maybe they did
19 not think about asking me where the ammunitions came from, who
10:48:31 20 gave the ammunition. But now that you are trying to know and you
21 want us to establish where the ammunition came from, that is the
22 reason why I am now telling you that it was Mr Taylor who sent
23 those ammunitions.

24 Q. That is yet another mistake on the part of the Prosecution,
10:48:46 25 yes? Is that right?

26 A. Well, it is not my place to say.

27 Q. Just yes or no, please. We don't want another speech. Yes
28 or no, another mistake on the part of the Prosecution?

29 A. I am not here to answer questions on behalf of the

1 Prosecution or Prosecutors, but what I know about is what I'm
2 saying. I wouldn't tell you here that it is the Prosecution or
3 the Prosecutors who did this particular mistake or about this
4 issue. But it's up to you, when you read it you can draw a
10:49:26 5 conclusion for yourself.

6 Q. Another matter, please. Do you recall telling us about
7 what happened after the intervention, when you left Kenema about
8 a week after the intervention in Freetown when ECOMOG threw out
9 the AFRC/RUF junta and restored President Kabbah to power? Can
10:49:57 10 you recall telling us about that?

11 A. Yes.

12 Q. Do you recall telling us that you left Kenema and went to
13 Buedu? Can you recall that?

14 A. Yes.

10:50:12 15 Q. And then you headed off from Buedu - having spent one night
16 there you headed off towards Monrovia the next day. Can you
17 remember telling us that?

18 A. Very well, I recall that.

19 Q. Right. And I'm looking, for the benefit of all with access
10:50:34 20 to the transcript, at page 21446, Tuesday, 2 December this year,
21 starting at line 3. You said, "Those of us who took off from
22 Buedu I've just named a few of us." You'd named Rashid Sandy,
23 Shabado and Sellay Duwor:

24 "I've just named a few of us and along the way we met

10:51:05 25 Jungle, one Colonel Jungle, who was one of the Liberian
26 securities and all of us travelled together?

27 Q. Where did you meet Jungle?

28 A. In Voinjama because on that day we met him in Voinjama
29 and we spent the whole day in Voinjama until late in the

1 evening. That was when we took off from Voinjama."

2 Do you remember telling us that?

3 A. Yes.

4 Q. Tab 2, please. On the typewritten version on page 18585,
10:51:56 5 paragraph 13, please. Paragraph 13, do you have that in front of
6 you, Mr Fornie?

7 A. I've seen that.

8 Q. "After the AFRC lost power, sometime in early 1998, the
9 witness was assigned as Sam Bockarie radio operator by Major
10:52:26 10 Sellay Duwor, a Liberian RUF/NPFL who was the new RUF radio
11 commander. This was before they fled Kenema for Buedu."

12 Now, I thought you had already become Sam Bockarie's radio
13 operator on the evidence you have given us in 1997. Do you
14 remember telling us that?

10:52:56 15 A. Yes, please come once more with your question.

16 Q. Well, we've just looked at this passage, that at sometime
17 early in 1998 you were assigned as Sam Bockarie's radio operator
18 by Sellay Duwor, the radio commander. But you told us that you
19 were Sam Bockarie's radio operator already, didn't you, in 1997?

10:53:28 20 A. Well, it was in 1997. Yes, I was Sam Bockarie's radio
21 operator.

22 Q. So you didn't need to be assigned to be his radio operator
23 in early 1998, did you, because you were already doing that, or
24 weren't you his radio operator in 1997? Were you exclusively
10:53:50 25 doing private mining in 1997?

26 A. Wrong. You are wrong. I was not just doing private
27 mining. Initially when I left Gorahun Tonkia I operated with him
28 for some time and he and I, all of us went to Tongo. That was
29 after the operation. That was after we had attacked Tongo he

1 left me there on assignment and he moved back to Kenema. It was
2 after then when Tongo fell again to the enemies I returned to
3 Kenema, and I started operating with him there and later I took
4 off from Kenema together with him.

10:54:33 5 Q. Yes, so you were already his operator in 1997?

6 A. Yes.

7 Q. So why would you need to be assigned to be his radio
8 operator in 1998 when you were already doing it?

9 A. I was radio operator. It's a question that they asked that
10:55:01 10 was trying to establish something about the trip that we made to
11 Monrovia - to Monrovia - and it was in 1998 that we made that
12 trip after our retreat. But already you can see it for yourself
13 here that I was already his radio operator since Kenema, even
14 before we went to Buedu. You yourself have said that here and it
10:55:28 15 is clearly stated here. You have read it.

16 Q. Paragraph 14:

17 "They travelled to Buedu and spent a night there before the
18 witness" - that is you - "accompanied Bockarie to Liberia on
19 board two jeeps. Members of the travelling group also included
10:55:52 20 Rashid Sandy, Victor Kallon, Mohamed Banya (also known as
21 Shabado) and a number of bodyguards."

22 Did you tell them that?

23 A. Yes.

24 Q. "They were met at Kakata by Benjamin Yeaten who accompanied
10:56:11 25 them to Monrovia where they stayed at Yeaten's house in Congo
26 Town just behind Taylor's Congo Town residence. While in
27 Monrovia Bockarie and Sandy went out throughout the day with
28 Yeaten, returning late in the evening."

29 Did you tell them that?

1 A. Yes.

2 Q. Where is Jungle?

3 A. We always went. Jungle and those of us who went we all
4 went together, but Jungle went to his own house and there were
10:56:46 5 times that I would stay at home and Sam and others would go out.

6 Q. No, Mr Fornie. Where is Jungle in this account that you
7 are giving to the Prosecution? In this lengthy account that you
8 have spent two whole days giving to them on 4 and 5 May 2006,
9 which you then correct on 30 July 2007 on the handwritten
10:57:13 10 version, which as we will see includes rather more than the typed
11 version, where is Jungle in this account that you were giving
12 them then?

13 A. Didn't you read about Jungle just now? I told you that we
14 met Jungle in Voinjama and all of us travelled. Haven't you read
10:57:39 15 about Jungle? Didn't I tell you about Jungle in this document?
16 Didn't you see that?

17 Q. No, that was your evidence, you see? That was your
18 evidence last week you told us about Jungle. I am suggesting
19 that, if you had met Jungle back in 1998 on your flight from
10:57:54 20 Kenema to Buedu to Monrovia, he would have appeared in this
21 account that you gave in May of 2006 and he hasn't appeared in
22 it, has he?

23 A. Well, it is maybe because I was not asked exactly about
24 that, whether I did recall anybody else who joined us along the
10:58:21 25 way, and Jungle joined us on the way. We did not take off
26 together with Jungle from Sierra Leone. It was on the way that
27 Jungle joined us.

28 Q. You met somebody else along the way, didn't you?

29 A. Yes.

1 Q. Who was that?

2 A. That was Benjamin Yeaten.

3 Q. And how is it that the Prosecutors managed to find out that
4 you met Benjamin Yeaten on the way? It wasn't through a spirit

10:58:59 5 medium, was it? It was because you told them.

6 A. Yes, it was because at that time I recall. That was the
7 reason why I told them. And even now as we are here there are
8 some other informations that maybe I had not revealed to this
9 Court or to the investigators, but, the way you ask your

10:59:18 10 questions in this Court, it is possible that I can reflect my
11 mind on some of those things that I have forgotten years back.

12 It's possible.

13 Q. And you have been listening to accounts of the evidence in
14 this trial with Jungle being mentioned, haven't you?

10:59:43 15 A. Yes.

16 Q. And that's why you've thrown Jungle into the picture now,
17 isn't it?

18 A. Wrong, you are getting me wrong. If you check some other
19 documents, some other transcripts, you must see Jungle's name

10:59:59 20 there that I made mention of him about some other operations that
21 Jungle took part in. It was not just this time round that I
22 spoke about Jungle.

23 Q. How --

24 A. Yes.

11:00:11 25 Q. Sorry, have you finished?

26 A. Say again. Yes.

27 Q. How recently do you say you put Jungle into this particular
28 picture?

29 A. It was not just recently and not just in this document.

1 You have said - you have asked the question why I had not spoken
2 about Jungle before. You said it was because I had been
3 listening, that is why I came and said something about that here.

4 Q. I am going to stop you --

11:00:43 5 PRESIDING JUDGE: Mr Munyard, please pause. Mr Santora?

6 MR SANTORA: I am only going to object in this sense: It
7 looks, from reading the transcript here, that counsel was asking
8 about a particular incident. The witness then went ahead and
9 referred to an general assertion about the individual Jungle.

11:00:59 10 Then the counsel asked the question "into this particular
11 picture" and I think the question in the context is confusing as
12 to whether "particular picture" refers to the picture as in a
13 general assertion or the particular picture with regards to this
14 trip.

11:01:13 15 MR MUNYARD: I will make it clear. I am talking about the
16 particular picture that we are looking at on the printed page.

17 PRESIDING JUDGE: Yes, if you could make that clear,
18 please.

19 MR MUNYARD: The account in May of 2006. That's what I'm
11:01:30 20 talking about and that's all I'm talking about.

21 THE WITNESS: Okay then. My mind did not reflect on that.
22 And if I thought I had failed to do that, I did not think about
23 it, but in subsequent interviews I think I recall that I spoke a
24 lot about Jungle.

11:01:49 25 MR MUNYARD:

26 Q. I'm just talking about this particular trip and your record
27 of it on this particular occasion. Now, let us move on. You
28 then described going to Monrovia and did you spend the night in
29 Monrovia. Can you help us with that? Did you spend the night in

1 Monrovi a?

2 A. Yes.

3 Q. Where did you stay when you spent the night in Monrovia?

11:03:14

4 A. I stayed with BY. My stay in Monrovia during this

5 particular trip was with BY.

6 Q. Anybody else there at BY's house?

7 A. To Benjamin Yeaten, I met some other people there. I met

8 some other people there. But amongst those of us who went, I

9 stayed in Benjamin's place. But I do not actually recall now,

11:03:40

10 but regarding me, I stayed with Benjamin, but I do not recall

11 now.

12 Q. I know who you are. I am asking if you can remember who

13 else was there at BY's place. Did you meet Sunlight there?

14 A. Yes, I met Sunlight there.

11:04:02

15 Q. Had you met Sunlight before?

16 A. No.

17 Q. Right. And so did you leave the next day?

18 A. Yes, yes.

19 Q. Right. And when you left, you told us, "Mosquito told me

11:04:30

20 to pack up my things". I am looking at page 21451:

21 "From there Mosquito told me to pack up my things and we

22 were to return to Sierra Leone, so after I'd completed packing I

23 went out and got into the vehicle and we left. On our way, we

24 met a truck loaded with ammunition and the other securities who

11:04:54

25 were with Mosquito. All of them I met them now on the way along

26 the highway on the outskirts of Monrovia, going towards Kakata."

27 Do you remember telling us that?

28 A. Yes, yes.

29 Q. Was it just the one truck loaded with ammunition?

1 A. The other vehicles that we had also were loaded with
2 ammunition. Those other vehicles also had ammunition.

3 Q. How many trucks had ammunition?

4 A. I think it is just this one truck that I recall. I do not
11:05:53 5 recall much about it, but I recall about this one truck. But the
6 other vehicles that we had, they were also loaded, the other
7 three vehicles that we went with.

8 Q. Loaded with what?

9 A. Ammunition.

11:06:07 10 Q. Well, you didn't tell that to us last Tuesday?

11 A. The talks are many. To say all the things that I went
12 through I would have explained everything last Tuesday it
13 wouldn't have been possible, because the things that I went
14 through - the one week is not enough for me to explain everything
11:06:30 15 because I know about the RUF relationship with Mr Taylor. One
16 week is not enough. Even two weeks will not be enough for me to
17 say everything I know.

18 PRESIDING JUDGE: Mr Witness, you are not answering the
19 question. Please concentrate on the question.

11:06:44 20 MR MUNYARD: Thank you, your Honour:

21 Q. Mr Fornie, you knew perfectly well when you sat there at
22 that witness table last week you were being asked to tell these
23 judges just how much ammunition you brought back from Monrovia on
24 different occasions, didn't you? You knew that, didn't you?
11:07:09 25 That's what your job in giving evidence for the Prosecution
26 involved.

27 A. Yes.

28 Q. So why didn't you tell us last week that there were
29 beaucoup vehicles with ammunition, many vehicles with ammunition?

1 A. I did not tell you that many vehicles were loaded with
2 ammunition. I said the vehicles that we went with had
3 ammunitions in the vehicles.

4 Q. No, you didn't.

11:07:41 5 A. Okay, okay. Well, even if I left that out --

6 Q. You did not.

7 A. But then - okay, I accept that I did not say it, but
8 because of the way you've asked me now I have recalled. I've
9 refreshed my memory. It is not possible for me to recall all the
11:08:00 10 information at the same time.

11 Q. The reality is that you know by now, don't you, that when
12 I'm asking you questions about the evidence you gave that I'm
13 about to contrast it with a different account that you've given
14 in the past. You are clever enough to see that, aren't you?

11:08:25 15 A. I know that whatsoever evidence that you have been talking
16 about here, you take this from here and that from there, but what
17 you are saying is not what I am concerned about. It's the
18 question that you are asking me and I wouldn't know the question
19 that you would want to ask after that. I don't know.

11:08:40 20 Q. Let us look at what you actually said last Tuesday: "On
21 our way we met a truck loaded with ammunition and the other
22 securities who were with Mosquito." I've just read this passage
23 and you made it clear that you met them on the outskirts of
24 Monrovia. You then go on to say, in answer to a question from my
11:09:13 25 I learned friend Mr Santora:

26 "Q. Now, you said you spent one night in Benjamin Yeaten's
27 house and you left and on your way you met a truck loaded
28 with ammunition and the other securities who were with
29 Mosquito. Who exactly did you meet on the way?

1 A. We met Mosquito's bodyguards, jungle and others, with
2 a truck loaded with ammunition and it was a mini-truck of
3 ammunition on the way. It was on the roads on the
4 outskirts of the town.

11:09:52 5 Q. What kind of truck was it?

6 A. It was a six wheeled truck but not a very big truck, it
7 was a mini-truck, let me say a medium sized truck. Like in
8 Sierra Leone there is a way we refer to them."

9 Can you remember how you referred to them in Sierra Leone?

11:10:12 10 What's the expression you used on Tuesday last week?

11 A. Piki n Benz, child Benz.

12 Q. Yes:

13 "A. We call them as piki n Benz, that's the kind of truck
14 I'm referring to. A piki n Benz.

11:10:29 15 Q. When you say piki n do you mean as in child?

16 A. Yes, yes, a small sized truck."

17 Benz being the trade name. Then you are asked this by

18 Mr Santora:

19 "Q. After you met this truck what happened?

11:10:49 20 A. I just joined the convoy together with Mosquito and
21 others and we all travelled back to Sierra Leone."

22 And you don't mention any other trucks with ammunition in
23 your detailed account last Tuesday. Are you now saying that
24 there were other trucks with ammunition in them?

11:11:24 25 A. I am not telling you that that is what I want to say now,
26 but I have told you about the vehicles, the two vehicles that we
27 went with, I told you that all of them had ammunitions loaded in
28 them.

29 Q. Well, what were the others vehicles that had this

1 ammunition in that you failed to reveal on Tuesday of last week?

2 A. Those are the vehicles that we went with, the vans that we
3 went with, the vans and the jeep that we went with.

4 Q. What sort of vans and what sort of jeeps and how many of
11:12:03 5 each?

6 A. It's a Hilux, a Toyota Hilux, and a Land Cruiser jeep.

7 Q. One Hilux, more than one Hilux?

8 A. I think that is what I recall.

9 Q. What is what you recall; one or more?

11:12:31 10 A. No, what I have told you is that I said one Hilux and a
11 jeep. That is what I recall.

12 Q. So how much ammunition was there in the Hilux and the jeep?

13 A. Well, amongst all the ammunition that we took along, there
14 were many. There were around 80. Because like for the grenades
11:13:00 15 they were in boxes and the AK rounds were in tins. They were in
16 tins, sardine tins, because a box will take up to two tins, so it
17 was a mixture. It was a mixture of those things. There were
18 around 80, but I am unable to recall the exact - the accurate
19 quantity of ammunition that we took along. I do not recall the
11:13:31 20 exact number.

21 Q. No, I asked you how much ammunition --

22 JUDGE SEBUTINDE: Mr Munyard, the witness keeps saying 80.

23 80 what?

24 MR MUNYARD: He did say, yes, around 80.

11:13:41 25 JUDGE SEBUTINDE: 80 what?

26 THE WITNESS: A mixture. They were mixed. There were tins
27 and boxes, they were mixed. Ammunition boxes. The tins and the
28 boxes. The tins that contained the ammunition. The containers,
29 I mean. The containers that carried the ammunition.

1 JUDGE SEBUTINDE: So there were 80 containers?

2 THE WITNESS: Okay, let me put it this way: Instead of
3 using "tins" and "boxes" let me just use "containers".
4 Containers.

11:14:22 5 MR MUNYARD:

6 Q. And how did you know what was in them? You're a radio
7 operator?

8 A. Well, when we arrived, when we arrived in Buedu, when we
9 arrived in Buedu, that was when Mosquito asked the G4 people to
10 come and unload them because I do not actually recall the various
11 things that were there, because I did not distinguish them. But
12 all the containers, I would recall there were roughly around 80
13 when they calculated them, the tins, the boxes, all the
14 containers, they were around 80. That was how I knew.

11:15:17 15 Q. Right. So you've got ammunition in three different
16 vehicles here?

17 A. Yes.

18 Q. And how do you know what was in these boxes, you as a radio
19 operator?

11:15:38 20 A. Because I know an ammunition box. I know ammunition box,
21 boxes. For a long time I have been seeing ammunition boxes with
22 my naked eyes so I'm able to distinguish an ammunition box from
23 another box, from a different one.

24 Q. But you don't know what's in it until it's opened, do you?

11:16:06 25 A. Well, I know what was in there. I knew what was in there
26 because I knew what we went for and what we brought, because
27 through conversation we were all happy and, in fact, the
28 ammunition that we went with were the ammunition that Mosquito
29 used to send to the various front lines to stop the ECOMOG

1 advance. And we would wouldn't have gone there just to collect
2 seeds of rice or pebbles and we put them into boxes to take them
3 to the front line and we sent them to fighters and say use these
4 to fight, to repel ECOMOG with them.

11:16:48 5 Q. All right. So you made an assumption that the boxes did
6 actually contain ammunition, yes?

7 A. It's not an assumption. I'm not assuming. I'm quite sure.
8 I'm quite sure that they were ammunition.

9 Q. Would you look at tab 2 of the typewritten version,
11:17:07 10 paragraph 14. Now, this is the account that we've already looked
11 at but I'm going to move on from where we paused. "A night
12 later" - and tell me if you've got this, Mr Fornie. It's a
13 little over halfway through paragraph 14.

14 A. I've not seen it yet. I've not got it yet.

11:17:52 15 Q. I wonder if Mr Court Officer would indicate on the screen
16 so that you can see with the pen. It's in the middle of the
17 paragraph, "A night later". Thank you very much:

18 "A night later Bockarie and his entourage left Monrovia for
19 Buedu. At Gbarnga they were joined by a Liberian military truck
11:18:14 20 carrying ammunition. The truck drove with them to Buedu where
21 about 80 boxes of ammunition were off-loaded before it
22 immediately returned to Liberia."

23 So where is this Hilux van that you meet on the outskirts
24 of Monrovia on the road to Kakata?

11:18:41 25 MR SANTORA: Objection. Counsel is misstating the evidence
26 in terms of what the witness said was met in the area of Kakata.
27 The witness never said there was a mini-van met on the outskirts
28 of Kakata. The witness was describing the vehicles that they
29 departed Monrovia in and then a subsequent vehicle that was met

1 on the outskirts of Kakata.

2 PRESIDING JUDGE: I am just looking at the question,
3 Mr Santora. The question is, "Where is this Hilux van that you
4 met in the outskirts of Monrovia on the road to Kakata?" Is that
11:19:21 5 what you are referring to?

6 MR SANTORA: That's precisely it, Madam President.

7 MR MUNYARD: Well, I'm far from misstating the evidence. I
8 was quoting first of all and I will quote it again, the
9 evidence-in-chief elicited by Mr Santora:

11:19:36 10 "On our way we met a truck loaded with ammunition and the
11 other securities who were with Mosquito. All of them I met them
12 now on the way along the highway on the outskirts of Monrovia,
13 going towards Kakata."

14 That was his evidence on Tuesday. I pursued that this
11:19:59 15 morning and I asked him about these other vehicles that he meets.
16 That is to say, in addition to the truck loaded with ammunition,
17 the other securities with Mosquito. And unless I'm very badly
18 mistaken - here we are, I am looking, on my font, page 40, line
19 9:

11:20:29 20 "Q. Well, what were the other vehicles that had this
21 ammunition in that you failed to reveal on Tuesday of last
22 week?

23 A. Those are the vehicles that we went with. The vans
24 that we went with.

11:20:42 25 Q. What sort of vans and what sort of jeeps and how many
26 of each?

27 A. It's a Hilux and a Land Cruiser jeep."

28 Now, that is what this witness is saying to me he met
29 together the truck loaded with ammunition in the outskirts of

1 Monrovia.

2 PRESIDING JUDGE: Mr Santora.

3 MR SANTORA: With all due respect to my learned colleague,
4 reading this, the witness said - with regards to the two vehicles
11:21:14 5 the witness is referring to here I think it's agreed it's a van
6 and a jeep, a Hilux and a Land Cruiser jeep. The witness said,
7 "Those are the vehicles that we went with". In other words, the
8 vehicles that they left - I am not interpreting what is said
9 here, but certainly there is no indication that these vehicles
11:21:33 10 were met.

11 PRESIDING JUDGE: My understanding is that the convoy or
12 the group that the witness was in contained the Hilux and the
13 Land Cruiser and they met some other vehicle. At the moment I do
14 not recall off the top of my head exactly which vehicle. So
11:21:48 15 perhaps if it could be put in the terms of that answer,
16 Mr Munyard.

17 MR MUNYARD: Your Honour, I have got it. It's on page 39
18 on my font. "Who exactly did you meet on the way?" This is line
19 6. "On the way", this is on the way back from Monrovia towards
11:22:10 20 Buedu or wherever it was:

21 "A. We met Mosquito's bodyguards, Jungle and others, with
22 a truck loaded with ammunition, a mini-truck of ammunition
23 on the way."

24 PRESIDING JUDGE: That's the point I am making, Mr Munyard.
11:22:29 25 He was in the Hilux Land Cruiser and met a truck.

26 MR MUNYARD: No, that's not what I was asking. He hasn't
27 said what he was in.

28 PRESIDING JUDGE: The question is and which is objected to,
29 [microphone not activated] put it again.

1 MR MUNYARD: My question, it was slightly longer than I've
2 read out. It's rather a lot longer. It starts at page 38, line
3 23. "Let us look at what you actually said last Tuesday". Then
4 I quote, "On our way we met a truck loaded with ammunition and
11:23:15 5 the other securities who were with Mosquito".

6 PRESIDING JUDGE: Mr Munyard, I am looking at the last
7 question, the one that Mr Santora has objected to. It's on page
8 43, line 14. And you said, "So where is this Hilux van that you
9 met on the outskirts of Monrovia?"

11:23:37 10 MR MUNYARD: Yes, yes.

11 PRESIDING JUDGE: The point that I think Mr Santora is
12 making and the point that I'm picking is the witness said he was
13 in the convoy containing the Hilux and the Land Cruiser and they
14 met a truck. It's just the brand of the vehicles. So if we can
11:23:55 15 ensure that that is reflected in your question, please.

16 MR MUNYARD: Where does your Honour say he says he was in
17 the Hilux?

18 PRESIDING JUDGE: I didn't say he was in the Hilux. I said
19 he was in the convoy that contained the Hilux and the Land
11:24:10 20 Cruiser and that goes back to an earlier question --

21 MR MUNYARD: Yes.

22 PRESIDING JUDGE: -- at a much earlier page.

23 MR MUNYARD: Yes, that is once they've met this Hilux and
24 Land Cruiser with Mosquito's bodyguards on the outskirts of
11:24:23 25 Monrovia, which is what I am at pains to demonstrate, if I can,
26 on page 39, line - sorry, page 38 it begins. Where I started
27 just a moment ago.

28 "Q. Let's look at what you actually said last Tuesday." I
29 quote last Tuesday. I've just read this passage and you

1 made it clear that you met them on the outskirts of
2 Monrovia. You then go on to say, in answer to a question
3 from my learned friend Mr Santora, you now say you spent
4 one night in Benjamin Yeaten house and you left and you met
11:25:07 5 a truck loaded with ammunition and the other securities who
6 were with Mosquito.

7 Q. Who exactly did you meet on the way?

8 A. We met Mosquito's bodyguards, Jungle and others with a
9 truck loaded with ammunition, it was a mini-truck of
11:25:23 10 ammunition on the way, it was on the road, on the outskirts
11 of the town.

12 Q. What kind of truck is it?

13 A. Six-wheeled truck."

14 I won't read the whole of the answer unless I am required
11:25:35 15 to. He described it as a pikin Benz.

16 PRESIDING JUDGE: Mr Munyard, I am going to persist in my
17 ruling. I say that at line 15, at page 47:

18 "What sort of vans and what sort of jeeps and how many of
19 them" -

11:25:55 20 I go back to an earlier answer. "Those are the vehicles we
21 went with and the advance."

22 MR MUNYARD: Yes.

23 PRESIDING JUDGE: What sort of vans and what sort of jeeps?
24 It's a Hilux and a Land Cruiser.

11:26:07 25 MR MUNYARD: Yes.

26 PRESIDING JUDGE: My ruling is that he refers to meeting a
27 truck and was in a group that contained a Hilux and a Land
28 Cruiser. He didn't meet the Hilux on the way, he met a truck.

29 MR MUNYARD: He is describing the return journey. He says

1 they went on the way out with these people and on the way back
2 they meet them on the outskirts of Monrovia.

3 PRESIDING JUDGE: On the road to Kakata. That is what I am
4 saying.

11:26:42 5 MR MUNYARD: Therefore he is in a different vehicle, he
6 must be because how else could he meet the Hilux and the jeep and
7 the truck?

8 MR SANTORA: The point is, the witness has never said
9 anywhere that the witness met a Hilux and a van. The witness is
11:26:57 10 only on record in both direct and now in saying that they met a
11 truck. That's it. They had to get there somehow, but the
12 witness is never on record saying that they met a van and a jeep
13 on the outskirts of Monrovia. There is nowhere my learned
14 colleague can point to such a reference. The witness has never
11:27:15 15 said it. That is the crux to my objection.

16 PRESIDING JUDGE: Mr Munyard, that is the objection I have
17 upheld.

18 MR MUNYARD: Very well. Would you give me one moment, your
19 Honour?

11:27:29 20 PRESIDING JUDGE: Of course.

21 MR MUNYARD:

22 Q. Help us with this, Mr Fornie. When you said on Tuesday,
23 "On our way", this is your way back from Monrovia to Buedu, "we
24 met a truck loaded with ammunition and the other securities who
11:28:18 25 were with Mosquito, all of them I met on the way along the
26 highway on the outskirts of Monrovia going towards Kakata", what
27 were the other securities with Mosquito travelling in?

28 A. Well, they were Mosquito's bodyguards. Mosquito's
29 bodyguards. Those are the ones I am referring to.

1 Q. Did you listen to the question at all? I said what were
2 they travelling in?

3 A. Well, when we met, we met them, I was in the Hilux. That
4 is to say, I was in the Hilux that went together with the jeep.
11:29:15 5 They had all, they distributed them at that point into the
6 vehicles.

7 PRESIDING JUDGE: Mr Witness, the question is: What they
8 were travelling in.

9 MR MUNYARD:

11:29:28 10 Q. The other securities who were with Mosquito, who you met on
11 the way along the highway on the outskirts of Monrovia, and
12 before my learned friend objects again, let me read it to you
13 again so we all understand what you said on Tuesday.

14 "On our way we met a truck loaded with ammunition and" that
11:29:53 15 is an additional element, "and the other securities who were with
16 Mosquito. In other words, on Tuesday, you were telling us you
17 met two separate units; a truck loaded with ammunition and the
18 other securities who were with Mosquito. Now, just tell us,
19 please, what were the other securities who were with Mosquito
11:30:19 20 travelling in when you bumped into them on the way along the
21 highway on the outskirts of Monrovia?

22 A. We met them in the truck. Those were the same security
23 that Mosquito had travelled with from Buedu. All of us travelled
24 from Sierra Leone and we went to Monrovia but we were not all
11:30:46 25 lodged in the same place because I was lodged at Benjamin's place
26 and they lodged at somewhere else.

27 PRESIDING JUDGE: I told you don't go into the history,
28 answer the question. Is the answer we met them in the truck?

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Mr Munyard, I am sorry to interrupt. I
2 am just noting the time and I haven't had an indication, so
3 continue with your question whilst I seek that.

4 MR MUNYARD: Right. Thank you.

11:31:26 5 Q. Now, this was the small, medium sized truck, yes?

6 A. Yes. A medium sized truck.

7 Q. It was a mini-truck, a medium sized truck and a small sized
8 truck, in your answers on Tuesday. Which one do you want to
9 stick to today?

11:31:52 10 A. Well, I think it's just a matter of description. You had
11 asked me to describe the truck, the way it looked like, and I
12 told you that it was a medium. When I talk - when I spoke about
13 a pikin Benz or a child Benz truck like, it means the medium size
14 truck type. That is what I'm referring to.

11:32:18 15 Q. It's a small sized truck, as you said on - as well as a
16 medium on Tuesday. Let us look please at paragraph 14.

17 PRESIDING JUDGE: I am sorry, Mr Munyard, I realised that
18 of course we gained a little time on our tape because we had an
19 interruption and it is the normal time for the mid-morning break
11:32:39 20 and, in the circumstances, we will take it now and resume our -
21 the cross-examination at 12.

22 Mr Witness, we are now going to take a break until 12
23 o'clock. Please adjourn Court until 12.

24 [Break taken at 11.30 a.m.]

11:54:37 25 [Upon resuming at 12.06 p.m.]

26 PRESIDING JUDGE: Mr Munyard, I note a change of
27 appearance.

28 MR MUNYARD: Indeed there is, Madam President. The Defence
29 are joined now by Logan Hambri ck and Ms Hambri ck is our - one of

1 our legal assistants from Freetown.

2 PRESIDING JUDGE: Thank you. I don't think Ms Hambrick has
3 been in court before.

4 MR MUNYARD: She has.

12:06:57 5 PRESIDING JUDGE: She has, fine.

6 MR MUNYARD: But I am sure you welcome her nonetheless.

7 PRESIDING JUDGE: Indeed.

8 MR MUNYARD: Thank you, and can I apologise if my
9 cross-examination was more cross than examination before the
12:07:10 10 break. I am going to tie up I hope the last little bit of that
11 section and move on.

12 PRESIDING JUDGE: Very well. Please proceed.

13 MR MUNYARD:

14 Q. Now, Mr Fornie, a little bit more, please, on trucks and
12:07:21 15 ammunition and the outskirts of Monrovia. When we look at tab 2,
16 paragraph 14, thank you. That should be on your screen now,
17 paragraph 14, and we are looking at the last couple of sentences
18 in that: "A night later" - just tell me if you have got this, a
19 sentence that starts, "A night later, Bockarie"? Do you see
12:08:22 20 that?

21 A. Yes.

22 Q. Thank you:

23 "A night later, Bockarie and his entourage left Monrovia
24 for Buedu. At Gbarnga they were joined by a Liberian military
12:08:37 25 truck carrying ammunition."

26 Did you tell the Prosecutors back in May 2006 that you met
27 this Liberian military truck carrying ammunition in Gbarnga
28 rather than on the outskirts of Monrovia?

29 A. Well, I said outside Monrovia, towards Gbarnga. That is on

1 the way to Gbarnga. It is towards Gbarnga.

2 Q. You see, here you have said you met it at Gbarnga, which is
3 a very long way from Monrovia, isn't it?

12:09:27

4 A. Well, it is not possible to be at Gbarnga, because I had
5 established that ever since, and that is what I know that I told
6 the investigators, it is on the way to Gbarnga, on the way, the
7 road leading to Gbarnga. That is where we met the truck.

8 Q. So they got it wrong?

9 A. It is not at Gbarnga, so if you are --

12:09:55

10 Q. And then just before we leave this, can we go back to the
11 top of paragraph 14: "They travelled to Buedu and spent a night
12 there before the witness accompanied Bockarie to Liberia on board
13 two jeeps"?

14 A. I have not seen the place yet.

12:10:18

15 Q. The very beginning of that paragraph 14.

16 A. Okay, I have seen it now.

17 Q. "They travelled to Buedu and spent a night there before the
18 witness accompanied Bockarie to Liberia on board two jeeps"?

19 A. Yes.

12:10:37

20 Q. Where is the missing Hilux van in all of this account in
21 2006?

22 A. Well, they did not ask me to describe the kind of vehicle,
23 but I am telling you that it was one Toyota Hilux and a Toyota
24 Land Cruiser.

12:11:02

25 Q. Yes, so when they have recorded two jeeps they have
26 recorded that because that is what you told them, haven't they?

27 A. I don't recall that I told them that, but I told them that
28 we went with two vehicles. One of them was jeep and the other
29 was a Hilux van, yes.

1 Q. So --

2 A. It is --

3 Q. So they have got it wrong?

4 A. Yes.

12:11:44 5 Q. When you went through this with Mr Bangura and Mr Kamara on
6 30 July 2007, why didn't you correct that bit?

7 A. I did not pick that up.

8 Q. I see. All right. In fact, if we look at the handwritten
9 version on page 18592, ten lines down from the top, "Spent a
12:12:30 10 night in Buedu and SB travelled with him to Liberia on board two
11 jeep vehicles". That is what you told them at the time, that is
12 what they wrote down at the time, and the transcriber has decided
13 to leave out the word "vehicles" when typing up these notes. Do
14 you see that?

12:13:00 15 A. I have not seen it yet.

16 Q. I am going to ask Mr Court Officer to indicate with his pen
17 the line we are - the two lines we are looking at. "Spent a
18 night in Buedu and SB travelled with him to Liberia on board two
19 jeep vehicles". You couldn't have been plainer there, could you?

12:13:26 20 A. It is clear. It should be one jeep and one Hilux.

21 Q. Do you think your memory is playing tricks now and that it
22 wasn't a Hilux at all?

23 A. I don't understand what you mean that my memory is playing
24 tricks.

12:13:43 25 Q. Well, let me put it this way: Do you find that over time,
26 as more time passes your memory of events becomes a bit less
27 reliable?

28 A. I disagree with you very - my memory is very much reliable.

29 Q. All right. Now, can I move on to something else, please.

1 You told us on Tuesday of last week that Sam Bockarie obtained a
2 satellite phone from Charles Taylor. Can you remember telling us
3 that, in early 1998?

4 A. Yes.

12:14:37 5 Q. Do you know why he was given a satellite phone by Charles
6 Taylor in early 1998?

7 A. Yes.

8 Q. Well, tell us the circumstances in which he was given that
9 satellite phone by Mr Taylor. I don't mean what actually
10 happened. I mean what was going on then and why was he given the
11 satellite telephone?

12 A. Well, in fact it was not one satellite phone. It was not
13 only once. Mr Taylor used to give Sam Bockarie satellite phones
14 to ease communication between the two of them; that is he and
15 him. That is between him and Charles Taylor - between Mosquito
16 and Charles Taylor and Benjamin Yeaten, and also for Mosquito to
17 have access to the international media.

18 Q. Right. So we have now got more than one satellite phone
19 given by Mr Taylor to Sam Bockarie, yes?

12:15:40 20 A. Yes, of course.

21 Q. You have been interviewed on at least 28 occasions. You
22 have never mentioned more than one satellite phone handed over by
23 Charles Taylor to Sam Bockarie in any of those interviews, have
24 you?

12:15:59 25 A. Well, I think I must have said it in one of the interviews.
26 There was one like Motorola handset. That was how it was. And
27 besides that there was a land sat phone. A desk land phone. A
28 land sat phone. And besides that, in late 1998, again around
29 that time he gave him another Motorola type. A very portable one

1 that you can move around with that, you can easily handle than
2 the desk one.

3 Q. Any reason you have never mentioned this multitude of
4 satellite phones before?

12:16:49 5 A. They did not ask me how many satellite phones Mosquito ever
6 gave - sorry, Charles Taylor ever received - he ever received. I
7 am sorry, Mosquito ever received from Charles Taylor, but I think
8 that I have been mentioning those two types of sat phones that
9 Mosquito received from Charles Taylor. Those particular two
12:17:10 10 types. It is in one of the transcripts. It is there.

11 Q. I don't think so. I will be corrected if I am wrong, but
12 can you tell us, do you know - have you heard of ECOWAS?

13 A. Yes.

14 Q. Have you heard of the Committee of Five of ECOWAS operating
12:17:33 15 in 1998 and 1999?

16 A. I don't recall.

17 Q. Well, do you know what ECOWAS was doing in 1998 in relation
18 to the conflict in Sierra Leone?

19 A. I know part of it. I know part of what ECOWAS was doing,
12:18:07 20 or what ECOWAS did in late '98. That is to facilitate peace
21 talks between the RUF and the Government of Sierra Leone.

22 Q. Yes, and how were they doing that?

23 PRESIDING JUDGE: Mr Witness, did you understand the
24 question?

12:18:35 25 THE WITNESS: Yes, yes. I really did not track the stages.
26 I did not track the stages where the peace talks started, or how
27 ECOWAS came in, but I do remember that at some point in time
28 Mosquito was talking to the ECOWAS chairman sometimes on the sat
29 phone, but I cannot give you now - you know, I cannot track the

1 exact stages how everything moved from one stage to the other.
2 The other thing that I can also remember was that the entire
3 peace process sparked off from the Freetown attack where Foday
4 Sankoh gave instructions to Mosqui to for him to observe a
12:19:24 5 temporary ceasefire.

6 PRESIDING JUDGE: Mr Witness, the question is: How were
7 the ECOWAS Committee doing that; that is facilitating the peace
8 talks? Do you know how they facilitated them or do you not?

9 THE WITNESS: Like when we were in Lome, I know that it was
12:19:46 10 ECOWAS that was responsible for us, for hotel bills and some
11 other stuff.

12 MR MUNYARD:

13 Q. I am going to stop you there. We are talking about 1998
14 here. Lome is '99. You have said you didn't track what ECOWAS
12:20:02 15 was doing in 1998. You don't know what contacts Sam Bockarie had
16 with either the chair of ECOWAS or members of the Committee of
17 Five in 1998, do you?

18 A. I don't recall. That is what I said. I don't recall.

19 Q. Thank you. So you aren't able to comment at all on whether
12:20:30 20 or not Charles Taylor gave Sam Bockarie a satellite phone in 1998
21 in Mr Taylor's capacity as a member of an ECOWAS committee that
22 was trying to broker peace talks in Sierra Leone, are you?

23 A. Well, in fact, the time that I am talking about when
24 Mr Taylor gave Mr Sam Bockarie the sat phone was the time that we
12:21:00 25 initially withdrew from Kenema after the intervention. At that
26 time we were very far off from the peace accord at the time that
27 I knew about those talks that you are now referring to.

28 Q. Right. So you don't know anything about Sam Bockarie's
29 contacts with Mr Taylor or ECOWAS in connection with trying to

1 broker a peace deal during 1998, do you? Yes or no?

2 A. Well, you are talking about 1998. I am referring to the
3 same 1998 and I am also talking about early 1998 when Mr Taylor
4 gave Sam Bockarie the sat phone. At that time there was no peace
12:21:43 5 talks. There was nothing like peace talks in progress at that
6 time. I was not aware of it, between the RUF and the government.

7 Q. I am not suggesting that there were peace talks between the
8 RUF and the government. When you have the sort of conflict that
9 was operative in Sierra Leone at that time you usually need a
12:22:02 10 mediator between the warring factions, don't you? Tell us if you
11 are not able to answer that question.

12 A. Can you please repeat it.

13 Q. Very well. When you have the sort of conflict that was
14 going on in Sierra Leone at that time you usually need somebody
12:22:29 15 to mediate between the warring factions before they ever get as
16 far as a peace agreement, do you agree?

17 A. Yes.

18 Q. Right. Now, you also told us of an occasion - sorry, you
19 told us last week on Wednesday, of an occasion when you were in
12:22:53 20 Buedu and you were right behind Sam Bockarie's house where his
21 satellite phone was installed. What do you mean by where his
22 satellite phone was installed?

23 A. I know the incident that you referring to, the exact one
24 that you are referring to, because on several times I used to
12:23:23 25 tell you that I was with him. Sam Bockarie used to sit behind
26 his house. There was a guy who was by him who was called Martin.
27 He would be sitting by the sat phone. Whenever the sat phone
28 would ring he would call Sam Bockarie to go and pick it.

29 Q. That is very interesting, but would you now answer my

1 question, please?

2 A. Yes, which one again? Which one do you want me to answer?

3 Q. The question to which you have just given that long answer.

4 I said, "What do you mean by where his satellite phone was

12:23:58 5 installed?" What do you mean by "installed"?

6 A. Well, that was where he fixed his satellite phone every

7 day. That's what I mean.

8 Q. Well, installed means fixed into a particular position,

9 doesn't it, in this context?

12:24:23 10 A. This is what I am talking, to put it in a position. That

11 is the position he put his sat phone every morning.

12 Q. Right. And so what sort of satellite phone was it that had

13 to be installed into a particular position?

14 A. That was where he chose to put his phone every morning.

12:24:47 15 Every morning that was where he put the sat phone. Every morning

16 was where he put his sat phone. That is what I am trying to say.

17 And, you know, like the sat phone, you would have to search for a

18 signal. There are particular sat phones you would have to search

19 for signals and when you get up in the morning you switch it on

12:25:10 20 and you will have to search for the signals and when you get the

21 signal that was installation. That is what I am referring to.

22 Q. I see. How big an instrument is this satellite phone that

23 has to be installed?

24 A. It is not up to the size of this file that is by me. It is

12:25:31 25 not up to this size. It is about this size for the --

26 Q. If I've seen you correctly you are indicating about

27 three-quarters the size of the file, is that right? I don't know

28 if your Honours can see, because it is behind --

29 PRESIDING JUDGE: It's obscured by the monitor, Mr Munyard.

1 THE WITNESS: I will raise it up a little, please. Like
2 this area, from here to here. Around this size. It is not as
3 long as this one.

4 MR MUNYARD: I don't know if Mr Santora can see, because
12:25:59 5 the witness's body --

6 THE WITNESS: I said the sat - the sat phone was from this
7 end, it would be around this size, from here to here roughly.
8 That's what I'm referring to.

9 MR MUNYARD:

12:26:16 10 Q. And how deep? Mr Fornie, how deep? You have indicated the
11 length. It is the same depth as the file that you are indicating
12 on?

13 A. It would be like from here to here and, you know, from here
14 to around where this thing stops - this perforated space here -
12:26:44 15 roughly around this size.

16 Q. Thank you. Around three-quarters of the size of the file.

17 PRESIDING JUDGE: Yes, for the purposes of the record I
18 note that the witness has indicated using an A4 arch folder about
19 three-quarters of the length and the same breadth.

12:26:57 20 MR MUNYARD: Thank you:

21 Q. And so that had to be put into a particular position to get
22 the signal, yes?

23 A. Yes, he put it and --

24 Q. No, I just wanted yes.

12:27:16 25 A. It's not only yes. That is not just a yes answer.

26 Q. Mr Fornie, you can say anything else you want in due
27 course. All I am doing is confirming what you said that you said
28 it had to be put into position to get the signal.

29 PRESIDING JUDGE: Mr Santora?

1 MR SANTORA: With all due respect, I think if the witness
2 wants to explain he should be allowed to explain with regards to
3 this. This is presuming it is not a very lengthy explanation,
4 but I think he wanted to explain something about what counsel is
12:27:42 5 asking.

6 PRESIDING JUDGE: Well, he has answered yes and so if there
7 is a further question it can be picked up in re-examination if it
8 is not if pursued in cross-examination.

9 MR MUNYARD: And that's a very big presumption in the
12:27:52 10 circumstances of this particular individual:

11 Q. Now, would the hand --

12 MR SANTORA: I object to inappropriate comments, I'm sorry.

13 MR MUNYARD: I withdraw it:

14 Q. Would the handset be separate from this box type instrument
12:28:09 15 that you have just described?

16 A. Please repeat that.

17 Q. Would the handset be different from this - I am calling it
18 a box type instrument that you have described, the base of the
19 satellite phone?

12:28:28 20 A. No, the handset would be there.

21 Q. Thank you.

22 A. The full handset --

23 Q. You have just done a gesture that the judges may not have
24 seen because the screen was blocking their view. You mean the
12:28:48 25 handset was part of this box that you then pick up and use?

26 A. Yes.

27 Q. And the handset was attached by a lead, was it, to the box
28 - to the base?

29 A. Yes.

1 Q. And was this outdoors, this particular installation? Was
2 it outside the house?

3 A. It was on his back veranda.

4 Q. Right. Underneath a roof?

12:29:15 5 A. Yes.

6 Q. Did it need an aerial to find its signal? Did you need to
7 - I don't know what the word is. To open up an aerial?

8 A. Well, you just raise it up. It's in the form of laptop.
9 It is a laptop like that you lift it up and you turn it towards -

12:29:49 10 in search of the waves, but it was very easy to get signals in
11 his veranda.

12 Q. Right. All right. I want to move on to another aspect of
13 communications. You were telling us last week on Tuesday about

14 the codes that were written down and you told us that you had

12:30:07 15 codes written in a small exercise book. "It was like - it was
16 not a very big pamphlet. Something that you can even pocket".

17 Do you remember telling us that?

18 A. Yes.

19 Q. All right. Can you have a look, please, at tab 24 and I

12:31:18 20 would like you to have a look at paragraph 18 of that which is on
21 page 101461. Mr Fornie, can you tell me when you have got that
22 paragraph 18?

23 A. I have seen it.

24 Q. Thank you. And in there do you recall telling the

12:31:42 25 Prosecutors just last month about taking codes to Sunlight in
26 Monrovia? Do you see where it says, "The witness confirmed that
27 he himself one time brought the new RUF codes to Sunlight in
28 Monrovia"?

29 A. Yes.

1 Q. And are these the codes that you were talking about in that
2 passage in your evidence that are written into a small pocket
3 sized notebook?

4 A. It was not a big notebook.

12:32:22 5 Q. No, no.

6 A. It was --

7 Q. Just pause for a second. Where you are describing in this
8 interview the codes that you brought to Sunlight, are you talking
9 about the same things that you are describing in this paragraph
10 that we are looking at?

12:32:46

11 A. Yes.

12 Q. Just have a look down that passage, down that paragraph, to
13 about halfway down. Do you see a sentence just over halfway down
14 that reads, "The codes that the witness brought to Sunlight were
15 in a large notebook"?

12:33:05

16 A. I have not seen it yet.

17 MR MUNYARD: Mr Court Officer, I wonder if you could
18 identify it for the witness:

19 Q. Have you been able to see it now, Mr Fornie?

12:33:58

20 A. I have seen it.

21 Q. "The codes that the witness brought to Sunlight were in a
22 large notebook". So, any reason why you were telling us that
23 they were in a small pocket sized notebook?

24 MR SANTORA: Objection. It's very slight, but in direct
25 testimony the witness referred to it as an exercise book, not a
26 notebook.

12:34:18

27 PRESIDING JUDGE: Yes, I am a little puzzled on that,
28 Mr Munyard, because I didn't recall a small notebook - a small
29 pocketbook. I do remember an exercise book. But if you could

1 refer me to --

2 MR MUNYARD: It is an exercise book. You are quite right.
3 Did I not give the reference, your Honour? It is page 21519.
4 Yes, it's exercise book if that makes the slightest difference:

12:34:52 5 Q. Is there a difference between an exercise book and a
6 notebook in your world, Mr Fornie?

7 A. Well, I think it's just the names, but it's a book in which
8 somebody writes. It's a notebook.

9 Q. Thank you. Here we have you in paragraph 18 just last
12:35:20 10 month saying that the codes that you brought to Sunlight were in
11 a large notebook. In your evidence last Tuesday on page 21519,
12 lines 5 onwards, "It was a handwritten one. I can say it was a
13 small exercise book. Those small" - sorry I should have started
14 at line 2:

12:35:44 15 "Q. Now did you eventually turn over these codes to
16 Sunlight?

17 A. Yes.

18 Q. And in what form were these codes recorded?

19 A. Well, it was a handwritten one. I can say it was a
12:35:58 20 small exercise book. Those small exercise books that we
21 use to make or create the codes, we used to copy the codes
22 in there. It was not a very big pamphlet and it was
23 something you can even take to the front line. You can
24 even pocket it and take it to the front line. It was not
12:36:20 25 something you needed to put into a bag or maybe at the
26 front line you might drop the bag or maybe someone will
27 steal that away from you."

28 There is the full quote. Now, just help us with this,
29 first of all: Do you draw a distinction for these purposes

1 between a notebook on the one hand and an exercise book on the
2 other hand, or are they to you one and the same thing?

3 A. I took them to be one and the same. I think exercise books
4 are meant to take notes.

12:37:06 5 Q. Yes, well, we are at one on that, you and I. So go back to
6 paragraph 18 then and tell us why you said it was a large
7 notebook that the codes you brought to Sunlight were in, whereas
8 in your evidence you say it is a small exercise or notebook, the
9 words being interchangeable?

12:37:28 10 A. No, I don't recall telling this interviewer that. I think
11 I do recall that it was not a very large book, that we did not
12 put codes in a very big book. It is not possible for us to put
13 codes in a very large book, because I know very well what a code
14 is and I know the kind of codes that we had. We did not put
12:37:59 15 codes into large exercise books. So this one does not correspond
16 to the idea that I am telling you.

17 I told him that the codes were not in a large notebook,
18 that they were not in large notebooks, because codes - they were
19 just few words that we took and put them together to connote the
12:38:23 20 most frequent words that we used. We did not put the entire
21 dictionary in that book. They were only the most frequent words
22 that we used that we put them in the books and we put signs
23 against them so that we could easily identify them. So it was
24 not a large notebook that we read like a pamphlet.

12:38:45 25 PRESIDING JUDGE: Mr Witness, you were asked what you said.
26 You don't have to elaborate. Mr Munyard, proceed.

27 MR MUNYARD: Thank you:

28 Q. So you told the interviewer it was a small note or exercise
29 book and the interviewer has written down "large notebook". Is

1 that what you're telling us?

2 A. The interviewer wrote it, because I did not tell him that
3 it was a large notebook. I said it was not a large notebook.
4 That was what I said.

12:39:17 5 Q. Well, the interviewer in this case is Mr Santora sitting
6 over there. Are you saying that you told him that it was a small
7 notebook or not a large notebook and he has managed to get that
8 so wrong, or, hold on, do you think you are the person who mixes
9 these things up?

12:39:47 10 A. Well, I don't know where the mistake emanated from. Maybe
11 he misunderstood me when I said it was not a large notebook and
12 he got it the other way round. When I said it was not a big
13 notebook, it was those sizeable books, sizeable notebooks, that
14 is what I said.

12:40:10 15 Q. Turn to tab 17, please.

16 A. And an example of - it is an example - there should be an
17 example of a code book I think --

18 Q. I am at the moment concerned to hear --

19 A. -- with them.

12:40:27 20 Q. To explore with you the various things that you have said.
21 Tab 17. This is your interview, curiously with Mr Santora again,
22 but instead of being November this year this is November last
23 year. Now, in both November 2007 and in November 2008, you were
24 interviewed many times. That is right, isn't it?

12:41:05 25 A. Yes.

26 Q. Well, let us turn, please, to page 45054, paragraph 11, and
27 this is what you told Mr Santora back a year ago:

28 "The witness was asked if he himself personally delivered
29 RUF codes to the Liberian operators in 1998 and witness states he

1 provided lists of change in codes to a Liberian operator named
2 Sunlight. These codes were written out on a piece of paper"?

3 A. No, it was not a piece of paper.

4 Q. Now, pause there. Did you tell Mr Santora that which is
12:42:01 5 recorded? Did you tell him that?

6 A. I don't recall telling him that.

7 Q. Well, do you think you might have told him that?

8 A. I am not sure that I told him that.

9 Q. Were they written out on a piece of paper, or in a

12:42:28 10 notebook, or in an exercise book, in a small exercise book or a
11 large exercise book? Which one, if any, is correct?

12 A. It was those small exercise books that we put codes. It is
13 not possible for a code to be put on a piece of paper and you
14 just misplace it and drop it like that. We don't put codes on a

12:42:58 15 piece of paper. To the best of memory I don't think I would have
16 told anybody that we put codes on a piece of paper. It was not
17 on a piece of paper.

18 Q. Unless you were hopelessly confused on the different
19 occasions when you have been telling us - sorry, not us, when you
12:43:18 20 have been telling Mr Santora about this time when you personally
21 delivered codes to Sunlight. Do you think you were hopelessly
22 confused?

23 A. It is not a matter of being confused.

24 Q. November 2007 you tell Mr Santora a piece of paper,
12:43:47 25 November 2008 you tell Mr Santora a large notebook and
26 November --

27 PRESIDING JUDGE: Please pause, Mr Munyard. Yes,
28 Mr Santora.

29 MR SANTORA: The witness has not at all indicated that he

1 said this in either of these respective interviews. It is what
2 is recorded. He never said he said that.

3 MR MUNYARD: No, I am coming to that. No, I take the
4 point. It is cross-examination and the witness can answer
12:44:14 5 whether or not he did:

6 Q. But I am summarising for you, Mr Fornie, what appears on
7 the documents, do you follow? In November 2007 you told
8 Mr Santora that you gave Sunlight a list of change in codes on a
9 piece of paper. In November 2008, just a month ago, you tell

12:44:40 10 Mr Santora that the codes you brought to Sunlight were in a large
11 notebook and last week, December 2008, you tell Mr Santora in
12 your evidence-in-chief that they were written in a small exercise
13 book, the codes you handed over to Sunlight. Now, did you tell

14 him these three different versions that are recorded on paper by
12:45:10 15 the Prosecution and supplied to the Defence, or not? Sorry, the
16 two different versions. I don't think you are disputing the
17 transcript of your evidence from last week. Did you tell him
18 those two different versions last month and last year?

19 A. Well, I don't ever recall saying that it was on just a
12:45:37 20 piece of paper that we put codes on for me to go with to
21 Sunlight. I don't recall that.

22 Q. Before you gave your evidence in court last week, were you
23 given the code book to look at to refresh your memory?

24 A. I recall him showing me some codes, but I don't recall now.
12:46:18 25 I saw things like codes, but I don't recall the size. I don't
26 recall him showing me a code book.

27 Q. You see, if you were such an experienced radio operator,
28 whenever you were asked questions about the code book you would
29 have been able to answer straightaway, "Oh, it is in a small

1 exercise book, the sort of thing that you can even pocket and
2 take to the front line", wouldn't you? You would have been able
3 to remember that without having been shown the book to jog your
4 memory. You would have known that?

12:47:04 5 A. I see. I know.

6 Q. So, is this likely? That you didn't actually have that
7 much to do with codes, that you were much more to do with
8 monitoring and so in November 2007, and in November 2008, when
9 you hadn't seen a code book for a very long time, you really
10 couldn't remember what they were written in because that wasn't
11 really a part of your job. Is that likely?

12:47:28 10

12 A. Well, you are wrong to say that. If you say I was not a
13 man who played with code books, how did I receive the messages?
14 How did I decode the messages? Those multitudes of messages that
15 you are - that you have seen here, how did I receive those
16 messages? Tell me.

12:47:56 15

17 Q. Through other people who decoded them for you so that --

18 A. No.

19 Q. So that you could then take them to the appropriate person,
20 or the appropriate transmitting station. You were more of a
21 runner, weren't you, than a decoder? A monitor and a runner, is
22 that right?

12:48:12 20

23 A. How did my signature get into those books, the books into
24 which were recorded the messages that I received, if I had never
25 received a message? How did my signature appear there, under
26 those messages in the book?

12:48:39 25

27 PRESIDING JUDGE: Please don't answer a question with
28 another question. Answer the question.

29 THE WITNESS: I want to tell this man that indeed he is

1 going with the wrong concept. Nobody else would have received a
2 message and then I go and sign on behalf of that person.

3 MR MUNYARD:

12:49:10

4 Q. Right. So explain those two mistakes in the account
5 recorded by Mr Santora last month and last year?

6 A. The issue here is the size of the code and I recall that I
7 had told Mr Santora that we were not using big or large notebooks
8 or large books. We were not using such notebooks as has been
9 described here.

12:49:39

10 Q. The issue, Mr Fornie, the issue is when we look at the
11 accounts that you have given in the past, even though it is only
12 about something as ostensibly trivial as the size of the
13 document, or the type of the document, does it cast light on,
14 first of all, what you were actually doing during the years in
15 question and, secondly, on how accurate or reliable your memory
16 is? Do you agree?

12:50:05

17 MR SANTORA: I am going to ask counsel to break up that
18 proposition. It is a double proposition. I think it should be
19 broken up.

12:50:18

20 MR MUNYARD: All right, I am happy to:

21 Q. Mr Fornie, the issue is that these different accounts that
22 I suggest you have been given cast doubt on your claim to be such
23 an experienced radio operator so intimate with all the goings on
24 of Sam Bockarie and others. Do you agree?

12:50:50

25 A. I disagree with that, because it is clearly stated here
26 that I gave codes to Sunlight. I did not say that just once. I
27 did not even say it twice. I clearly stated it here that I gave
28 codes to Sunlight.

29 Q. I agree and you have described it in three totally

1 contradictory ways, I suggest. Now the second part of my
2 original question was the fact that you have described it in
3 three totally contradictory ways suggests that your memory is not
4 entirely accurate or reliable. Do you agree with that
12:51:25 5 proposition?

6 A. It is wrong. Your proposition is wrong.

7 Q. A different subject, please. On page 21526 of 2 December
8 evidence, again evidence that you were giving to Mr Santora, you
9 said this in relation to physical cash. I am looking at line 26
12:51:56 10 onwards:

11 "Almost any trip Sam Bockarie made to Monrovia he used to
12 get money from Mr Taylor. Mr Taylor used to give him sometimes
13 20,000 United States dollars, sometimes 10,000 United States
14 dollars. The amount used to vary but I know that any trips Sam
12:52:17 15 made he used to get it."

16 Do you remember saying that?

17 A. Yes.

18 Q. Why have you never told that to the Prosecution in any of
19 the 28 interviews? And when I say 28 interviews, one of them you
12:52:34 20 will recall on 24 April 2007 actually consists of four separate
21 documents. Why have you never mentioned that before in any of
22 the interviews with the Prosecution?

23 A. Well, it was because of the kind of questions that the
24 Prosecution asked of me at that time, because they did not ask me
12:53:04 25 about money at that time. I do not recall them bringing up the
26 issue concerning money about transaction between him and
27 Mr Taylor.

28 Q. Are you saying that on 28 different dates, including two
29 periods of what I have called saturation proofing in November

1 Last year and November this year, they have never asked you about
2 Charles Taylor and money to Sam Bockarie? Are you seriously
3 saying that?

4 PRESIDING JUDGE: Yes, Mr Santora?

12:53:34 5 MR SANTORA: I am going to object on what counsel is
6 representing to the witness in terms of what the witness had
7 indicated in his prior interviews or preppings and I don't know
8 if counsel would like the reference. The witness certainly did
9 speak to this topic in one of the prior interviews or preppings
12:53:49 10 and I don't know if --

11 MR MUNYARD: I have always said I am more than happy to be
12 corrected and I mean that and it will certainly help to cut down
13 the time if I am wrong and can be shown a reference.

14 MR SANTORA: It is just for counsel's reference it is
12:54:03 15 paragraph - I am --

16 MR MUNYARD: Either the date or the tab will do.

17 MR SANTORA: 6-7 November '98, paragraph 22, which is ERN
18 00101462 in the --

19 MR MUNYARD: Yes, we have dealt with that already.

12:54:22 20 MR SANTORA: That's why I am - when he was putting to the
21 witness that it was never said in a prior interview about this
22 topic, I think it's not accurate.

23 MR MUNYARD: We will go back to that. I am very grateful
24 to my learned friend for returning us to this particular topic
12:54:36 25 which I dealt with on Thursday if my memory serves me right:

26 Q. Mr Fornie, could you please turn to tab 24, sorry,
27 Mr Fornie, paragraph 22. It is the last paragraph on the last
28 page of tab 24. Have you got that?

29 A. Yes.

1 Q. "Aside from these trips to Monrovia, the witness also made
2 several trips to Lofa County, mostly to Voijnjama and Kolahun" -
3 that is in Liberia of course - "to receive ammunition, as the RUF
4 was purchasing ammunitions from former NPFL and ULIMO-K fighters
12:55:38 5 who had hidden ammunition stocks during the Liberian
6 disarmament."

7 Now, pausing there, is that accurately recorded? Did you
8 tell them - sorry, did you tell Mr Santora that you made several
9 trips to Lofa County to receive ammunition?

12:55:58 10 PRESIDING JUDGE: Mr Munyard, my notes show that you put
11 that particular sentence to the witness on 5 December. Are you
12 putting it again?

13 MR MUNYARD: Which would be Friday, yes.

14 PRESIDING JUDGE: Yes.

12:56:09 15 MR MUNYARD: I am trying now - Mr Santora has drawn my
16 attention to this and I am trying now to find out what's accurate
17 and what's inaccurate in this recording.

18 PRESIDING JUDGE: I see. Very well, I will allow that.

19 MR MUNYARD:

12:56:23 20 Q. We are going to go right through this passage, but I want
21 to know from you if the interviewer on this occasion has
22 accurately recorded what you told him before we look at the
23 detail of it, unfortunately again. Now, Mr Fornie, did you tell
24 the interviewer here that you made several trips to Lofa County?

12:56:52 25 A. Yes.

26 Q. So why did you tell us in your evidence-in-chief that you
27 only made the one trip to Lofa County, or to Liberia to use the
28 word you used?

29 MR SANTORA: Again I am going to object. The witness

1 stated in his direct testimony - did not state that he made one
2 trip and he had a variety of reasons for those trips. There were
3 trips that were described as personal trips and then there was a
4 particular trip --

12:57:19 5 MR MUNYARD: Before my learned friend gives evidence could
6 he firstly --

7 PRESIDING JUDGE: Mr Santora, I recall the reply because I
8 have noted it here and there was a reply from the witness and an
9 explanation.

12:57:30 10 MR MUNYARD: There was information about personal hustling
11 and if your Honour can assist me with a page reference I will go
12 to it so that I don't misquote him at all.

13 PRESIDING JUDGE: I only have a date, Mr Munyard, but allow
14 me to look in my notes.

12:57:49 15 MR MUNYARD: Certainly.

16 PRESIDING JUDGE: There was a series of questions about
17 arms supplies and going into the bushes from Liberia and after
18 Zogoda fell.

19 MR MUNYARD: Yes.

12:58:46 20 PRESIDING JUDGE: Then it was put to him about the several
21 trips and there was a series of answers in which he distinguished
22 between one trip for ammunition and other trips.

23 MR MUNYARD: Exactly.

24 PRESIDING JUDGE: And you put it to him that he was going
12:59:00 25 about his own business.

26 MR MUNYARD: Yes, it is his evidence-in-chief though that I
27 think Mr Santora is probably referring us back to. And, to be
28 fair to the witness, we should see what he said both in chief and
29 in cross-examination. I am afraid because I dealt with it last

1 week I think that my Post-it sticker marking up the relevant page
2 has now fallen off over time. I might be able to find it another
3 way.

4 MR SANTORA: I have the reference for the direct testimony
12:59:29 5 if counsel --

6 MR MUNYARD: Thank you, yes.

7 PRESIDING JUDGE: That would be most helpful.

8 MR MUNYARD: Yes, it should be 2 or 3 December.

9 MR SANTORA: It is on 2 December. The general topic starts
12:59:40 10 at approximately 21524, actually probably a little before that.

11 MR MUNYARD: Yes, I have got it now.

12 MR SANTORA: 21524 and that is where generally this starts.
13 And just to clarify for the point, my initial objection related
14 simply to the issue of cash given to Sam Bockarie and I believe
13:00:10 15 that we have - the first portion of this interview has already
16 been put to the witness in the course of the cross-examination.

17 MR MUNYARD: Well, it has, but we are now looking at the
18 accuracy of what is recorded in this paragraph and the paragraph
19 starts with this question of the number of trips for ammunition.

13:00:36 20 So I want to establish how accurate or otherwise is this
21 particular paragraph, as in the witness's view - if your Honour
22 will just give me a moment. Well, I will go to it. Line 20 of
23 page 25124: I also recall that at a point in time I travelled -
24 we travelled to Voinjama together with Shabado, Foday and others
13:01:46 25 to go and receive some ammunition at Voinjama at one point in
26 time around mid-1998 and the ammunition - those ammunition that
27 Mosquito - that some ex-fighters buried in the ground they were
28 digging out and there was a commander on the ground who was
29 responsible in that area for the ammunition. I am looking over

1 the page on line 19, "I only went as part of the receiving team
2 at that time". I think that is about it as far as the
3 evidence-in-chief is concerned and your Honour has a reference to
4 my cross-examination where he made it clear in my recollection -
13:02:37 5 and I think from your Honour's note - that he only did the
6 ammunition trip once.

7 So given what you said to me that you only did the
8 ammunition trip once, is this inaccurate where it says here at
9 the beginning of the paragraph we are now considering that you
13:03:01 10 made several trips to receive ammunition?

11 A. I made several trips to Monrovia and there is one
12 particular trip --

13 Q. Sorry, can I stop you there. We are talking about trips to
14 Lofa County, mostly to Voinjama and Kolahun, to receive
13:03:30 15 ammunition. Did you say that or is that inaccurately recorded?

16 MR SANTORA: I am going to object and the specific
17 reference - this has definitely been asked and answered and the
18 reference is on 21781, did he say he made one or several trips.
19 I believe this area has been covered and if you look it's in
13:04:00 20 paragraph - really if you read from line 11 down through to the
21 next page 21782 to line 2. I believe this topic has been asked
22 and answered.

23 MR MUNYARD: He might be about to change his mind. That is
24 why I am asking it again.

13:04:19 25 MR SANTORA: That is not a reason to re-ask a question,
26 Madam President, in my submission.

27 PRESIDING JUDGE: Mr Munyard, you have a lot of leeway in
28 cross-examination, but you have put this point to the witness
29 before and he has answered.

1 MR MUNYARD: All right.

2 PRESIDING JUDGE: However, I note that not all of this
3 paragraph has been put to the witness before and I will allow you
4 to put other parts that have not been put to the witness before.

13:04:44 5 MR MUNYARD: Very well, thank you:

6 Q. Did you tell Mr Santora that Sam Bockarie would arrange
7 these trips, that is to say your trips, plural? That certainly
8 has not been put before. Did you say that, "Sam Bockarie would
9 arrange these trips", the trips you went on to get ammunition?

13:05:12 10 A. Well, even with that one, I had made it clear to you that
11 Sam Bockarie used to send some other people. He used to send
12 some other people and he organised all of those trips.

13 Q. Right, answer the question, please.

14 A. I was not the only one that he used to send. He used to
13:05:30 15 send some other people.

16 Q. You are only in that section of that paragraph talking
17 about your trips to Lofa County. Has the person who typed up
18 these notes of your interview accurately recorded that
19 Sam Bockarie would arrange these trips, a reference back to your
13:05:54 20 trips plural? Have they accurately recorded what you told them?

21 A. What has been recorded here by Mr Santora is not too far
22 from what I am trying to tell you, not at all. It is not far
23 from being correct in line with what I am telling you. I made
24 trips to Voinjama to collect ammunition. That besides,
13:06:25 25 Sam Bockarie used to send some other people to go and do some
26 other things and Sam Bockarie organised them. And that besides I
27 used to go to Voinjama on my own. So many times I went there on
28 my own.

29 Q. Thank you. We now have you on record saying, "I made

1 trips" - plural - "to Voinjama to collect ammunition". So you
2 are now taking a different position and indeed you have changed
3 your mind since the last time I asked you about this last week.
4 Do you agree?

13:06:55 5 A. You are wrong. I did not tell you that I was going there
6 to collect ammunition. I went there on different occasions, but
7 not all were geared towards going there to collect ammunition.
8 That is what I am trying to establish to you. I had described to
9 you one particular time that I went there to collect ammunition
13:07:16 10 in Voinjama.

11 Q. Yes, very well. We have your answer at page 81, line 13 on
12 my font in the plural. Next sentence - sorry, rest of that
13 sentence, "Sam Bockarie would arrange these trips and would send
14 the group with US dollars for these purchases". Did you tell him
13:07:39 15 that?

16 A. Yes.

17 Q. "The witness said that the money Bockarie used for these
18 purchases came from first the Kono bank that was robbed during
19 the intervention and from Charles Taylor."

13:07:53 20 Did you tell him that?

21 A. Yes.

22 Q. Did you tell him how much money Mr Taylor used to give
23 Sam Bockarie?

24 A. It was not fixed. The monies that Mr Taylor used to give
13:08:16 25 to Sam Bockarie varied. It was not a stagnant amount to say that
26 any time he came I would give you two dollars or the other time
27 when he came he gave him two dollars. It used to vary, but the
28 way I was able to know that and to say that - like for instance
29 some of the trips that we went on, when Mr Taylor gave him a

1 Large sum of money he will be very happy, so he used to give us
2 sometimes hundred dollars and if the money was not enough given
3 to him sometimes he would give us 50 United States dollars and he
4 will tell us in turn that, "Oh, the Papay" --

13:08:57 5 Q. Now answer the question. Did you tell him how much money
6 Mr Taylor used to give Sam Bockarie?

7 A. I think so.

8 Q. So he has managed not to write that down, is that what you
9 are saying?

13:09:19 10 A. I think. I do not know whether he was the one that I told
11 that to, but it must be one of the interviewers because I had had
12 so many interviews, wherein I think I made mention of money about
13 Mr Taylor, but the interviews were many.

14 Q. We are well aware of that. In this interview last month on
13:09:47 15 6 and 7 November, was there anybody there apart from Mr Santora?

16 A. 6 and 7 November last month, is that right?

17 Q. Yes.

18 A. I recall the translator. There was a translator, I recall.

19 Q. And so you think you told him, do you, how much money
13:10:23 20 Mr Taylor used to dole out but he has not recorded it?

21 A. I said I do not recall. I do not recall whether he was the
22 one I told that to. I have told you that.

23 Q. But you think you have told it to an interviewer, but you
24 can't remember which one?

13:10:48 25 A. Yes, I recall that I told that to someone.

26 Q. Well, it will be there in some other of these notes, will
27 it? If it is not in that interview it must be in another one, is
28 that right? Mr Fornie, is that right? It will be in one of the
29 other sets of notes?

1 A. It is supposed to.

2 Q. Or is it the case that while you have been monitoring the
3 evidence in this trial you have heard other people saying Charles
4 Taylor used to give and then round sums of US dollars being
13:11:27 5 mentioned? Is that the case?

6 A. Well, if I had relied on, or if I had taken some other
7 people - some other people's information and come and explained
8 that to this Court here it would have been very difficult to me,
9 but these were activities that I took part in because I myself
13:11:52 10 took part in those activities that I have spoken about here and I
11 have spoken about them live, I took part in them live and I have
12 spoken about. Some of them I only saw them happen - some of them
13 I heard about them. So I don't know what you are talking about
14 my accounts.

13:12:09 15 Q. And did you tell the Prosecution in any of these interviews
16 that Sam Bockarie used to dole out some of that money to you, 100
17 dollars here et cetera? Did you tell them that? \$50 or \$100 out
18 of what Mr Taylor had given him?

19 A. Mr Munyard, Mr Munyard, I had so many interviews with the
13:12:43 20 investigators, please, but I am sure that I had discussed this
21 issue of money with them. I had so many interviews with the
22 investigators and amongst most of those interviews I cannot
23 recall now except maybe if you go to the topic then you jog my
24 attention to those things. It is according to the topic that we
13:13:05 25 discussed, but I wouldn't be able to narrate everything.

26 PRESIDING JUDGE: So you don't recall, is that correct?

27 THE WITNESS: Yes.

28 MR MUNYARD:

29 Q. Or is it the case that you have monitored other witnesses

1 in this Court saying when Charles Taylor gave a great dollop of
2 US dollars to my superior he would give me a handout out of that
3 money? Have you heard of other witnesses giving evidence to the
4 like effect?

13:13:45 5 A. I do not recall ever hearing that kind of thing. I do not
6 recall listening to that kind of testimony or evidence so far. I
7 do not recall hearing that from anybody.

8 Q. Because if you have mentioned it to any of the previous
9 interviewers that you were given money as a handout from these
13:14:02 10 Charles Taylor handouts no doubt you will be re-examined on it
11 from the document that I have failed to pick up. Now, another
12 topic please. You have told us about a trip in December 1998
13 when you and others go to Monrovia and some of them go to pick up
14 materials from another country. Do you remember telling us about
13:14:34 15 that?

16 A. Yes.

17 Q. Now tell us who Pa Rogers - SYB Rogers - is?

18 A. He was the People's War Council chairman for the RUF.

19 Q. So --

13:14:53 20 A. And that was later transformed into the People's Peace
21 Council and later he, Pa Rogers - shall I go ahead?

22 Q. Please do.

23 A. He later became secretary for the RUF - I mean
24 secretary-general for the RUF.

13:15:18 25 Q. When it became a political party you mean?

26 A. Yes.

27 Q. Yes. So he was a very important senior figure in the RUF,
28 is that correct, before it was a political party and then after
29 it was a political party?

1 A. Yes.

2 Q. And somebody you remember very clearly? I say remember
3 because he is now the late SYB Rogers, isn't he?

4 A. Yes.

13:15:45 5 Q. Right. That was two questions in one. We have established
6 yes, he is the late SYB Rogers, but somebody you remember very
7 clearly. Is that correct?

8 A. Yes.

9 Q. Thank you. And on this particular trip did you travel
13:16:05 10 either in a single vehicle of whatever description or in convoy
11 from Sierra Leone to Liberia, to Monrovia, with a group of people
12 including SYB Rogers?

13 A. I recall that we travelled on board two vehicles.

14 Q. Right. All right, that deals with the vehicles. In the
13:16:38 15 group of people on the vehicles, was SYB Rogers amongst them?

16 A. Yes.

17 Q. Right. Was he in the same vehicle as you?

18 A. No.

19 Q. When you get to Monrovia, where did you stay?

13:17:03 20 A. With Benjamin. Benjamin's house.

21 Q. And who else stayed there?

22 A. Well, on that convoy I think I was the only person who
23 stayed with Benjamin.

24 Q. Right. Where did the others stay?

13:17:35 25 A. Different areas that I do not know.

26 Q. Right. And what happened to the rest of the party who had
27 travelled together in this two vehicle convoy to Monrovia?

28 PRESIDING JUDGE: Do you mean when they arrived in
29 Monrovia?

1 MR MUNYARD: Yes:

2 Q. We have got you staying at Benjamin Yeaten's, the others
3 are staying in different areas you didn't know. What happened
4 the next day, or the day after, to the rest of the group?

13:18:12 5 A. Well, amongst the group I knew about three people from our
6 group who left and went to Burkina Faso, and the remaining
7 people, all of them stayed in Monrovia.

8 Q. Right. So who went to Burkina Faso?

9 A. Mosquito, Pa Rogers and Eddie Kanneh.

13:18:38 10 Q. And how do you know that those three went to Burkina Faso?

11 A. I had told you. I had said that I think, if my memory
12 serves me well, I had last said here that when they were leaving
13 Mosquito told me that they were going to Burkina Faso and when
14 they arrived there Mosquito again called me at least two times I
13:19:07 15 think and that I think I have stated here.

16 Q. Right. And did he tell you who in the party was going with
17 him to Burkina Faso?

18 A. Those were the two people that I have told you about.

19 Q. Pa Rogers and Eddie Kanneh, Mosquito told you they were
13:19:29 20 going to Burkina Faso with him, did he? I just want to be
21 absolutely clear on what you knew.

22 A. Yes.

23 Q. All right. And how long were they gone?

24 A. I had told you that I do not recall the actual time, the
13:19:53 25 time duration that they spent there actually.

26 Q. Right. When they came back, did you all meet up still in
27 Monrovia?

28 A. Yes.

29 Q. Right. And then did you all travel back together from

1 Monrovia back into Sierra Leone?

2 A. Yes.

3 Q. And so that party that travelled back included you,
4 Mosquito, Rashid, Pa Rogers, Eddie Kanneh and then some other
13:20:38 5 people including bodyguards, is that right? And I think Junior
6 Vandi as well, is that right?

7 A. Yes, and there were some other people whose names we have
8 not mentioned, like Jungle and Zigzag Marzah.

9 Q. Right. Now, when - I am just leaping back in time again
13:21:01 10 for a moment, I am sorry - when that party of three had gone off
11 to Burkina Faso you say Sam Bockarie called you from there, yes?

12 A. Yes.

13 Q. Let us just establish what you knew. You knew before he
14 went he was going to Burkina Faso. When he called you from
13:21:21 15 there, did he tell you he was in Burkina Faso?

16 A. Yes.

17 Q. Did he tell you anything about where they were staying?

18 A. No.

19 Q. Weren't they --

13:21:35 20 A. He said they were in Burkina Faso and he said they had met
21 with the Papay. That is period.

22 Q. Right. The Papay of Burkina Faso being Blaise Compaore,
23 yes?

24 A. It was Blaise Compaore. I don't know if he is late.

13:21:55 25 Q. Thank you. Right. And then when they came back, did they
26 tell you anything about where they had stayed whilst they were in
27 Burkina Faso?

28 A. No, they did not tell me where they were lodged at. I
29 think you are trying to enquire about that. That I did not

1 discuss with him.

2 Q. Right. They didn't show you any photographs of where they
3 stayed?

4 A. I do not recall. I did not see.

13:22:28 5 Q. Did no-one ever show you a photograph of a nice hotel with
6 a swimming pool that they stayed in when they were in Burkina
7 Faso?

8 A. I have told you I do not recall that.

9 Q. All right. But you had a conversation with Sam Bockarie at
13:22:43 10 least when they came back and he told you what they had done, did
11 he, while they were in Burkina Faso?

12 A. Sam Bockarie told me about what they went for, that is the
13 ammunition they went to collect and they brought it. He told me
14 about that.

13:23:08 15 Q. Yes. Can I just be clear about one thing before we go into
16 a bit more detail. When you got to Monrovia before they ever go
17 off to Burkina Faso, is that where they were expecting to go?

18 A. Well, when we initially moved from Buedu that was actually
19 not the plan that we had, or let me say that was not the plan
13:23:39 20 that Mosquito had, because initially - in fact two days before we
21 left he told me that I should prepare that I was going to travel
22 with him to go to Monrovia. He said I was going to accompany him
23 to Monrovia and he said he will leave me in Monrovia and he would
24 travel to Libya to receive ammunition, but when we arrived in
13:24:02 25 Monrovia, that was when I understood - that was the time he told
26 me that, "Oh, Daf, we have decided to divert the trip to Burkina
27 Faso".

28 Q. Yes. And so once you got to Monrovia there was no more
29 talk of Libya, was there?

1 A. Well, that is what I have told you. I said it was Burkina
2 Faso. He initially spoke about Libya and what he said about
3 Libya was that he said the Libyan trip had been cancelled. He
4 said then they were now going to stop in Burkina.

13:24:39 5 Q. Right. Can you remember telling the Prosecution at any
6 time that Sam Bockarie and others on this particular occasion
7 went to Libya to get arms and ammunition?

8 A. I do not recall that.

9 Q. Are you sure you were on that trip to Monrovia when
13:25:17 10 Sam Bockarie and others went to a foreign country, a country
11 other than Sierra Leone or Liberia?

12 A. Yes.

13 Q. Was it something --

14 A. I was the only operator who went with him.

13:25:34 15 Q. Well, even on your account he only calls you three times,
16 doesn't he, during the time they are away in Ouagadougou?

17 PRESIDING JUDGE: Was it two or three, Mr Munyard?

18 MR MUNYARD: Maybe it is only two.

19 MR SANTORA: It was three. It was three in direct and --

13:25:54 20 THE WITNESS: I think --

21 MR MUNYARD: If Mr Santora and I agree then I think that is
22 a pretty good indication that what I put was correct.

23 PRESIDING JUDGE: Indeed.

24 MR MUNYARD:

13:26:07 25 Q. He only calls you three times. Are you sure you weren't
26 back in Buedu getting those calls?

27 A. No, because when I was in Buedu I did not have access to
28 telephone in fact.

29 Q. Well, he could have called you on the radio, couldn't he;

1 the portable radio?

2 A. He did not go with an operator, so how will he have called
3 me on the radio?

4 Q. Let's have a look, please, at tab 2 again starting on page
13:26:50 5 18585 right down the foot of that page, the very last line of
6 that page, the last three words on page 18585:

7 "On one occasion" - and then over the page - "in December
8 of 1998 they collected three trucks loaded with arms and ammo
9 brought on board a military plane from Libya to Roberts

13:27:31 10 International Airport in Monrovia. They drove this shipment back
11 to Buedu. Members of the group which accompanied this shipment
12 included Bockarie and Eddie Kanneh."

13 Now, did you tell them that?

14 A. Yes.

13:27:57 15 Q. Why did you tell them that they had collected three
16 trucks --

17 A. Wrong. Wrong.

18 Q. Hold on. I haven't finished.

19 A. No, no, please, reverse. There is a problem.

13:28:08 20 PRESIDING JUDGE: Mr Witness, please allow the counsel to
21 complete his question before you interrupt.

22 MR MUNYARD: Your Honour, on this occasion he is saying
23 "wrong" and so I will let him say what he wants to say.

24 THE WITNESS: Okay, the last answer - the last answer that
13:28:22 25 I gave was why I said "wrong", because I wanted to make something
26 clear. When he said he brought a military plane from Libya to
27 Roberts International Airport, there is something there that
28 needs to be cleared up. That is what I want to say.

29 MR MUNYARD:

1 Q. Well, you clear it up right now, please.

2 A. The plane - the plane - Sam Bockarie and others said it
3 came from Libya. They said the aircraft came from Libya, but the
4 materials were picked up in Burkina Faso.

13:29:06 5 Q. So what was it that you told the Prosecutors in this
6 lengthy interview on 4 and 5 May about that particular shipment?
7 You tell us.

8 A. Well, I told them that initially Mosquito said the
9 delegation was to go to Libya and receive the material, but maybe
13:29:31 10 things took a U-turn that Mosquito decided not to go to Libya any
11 more, but that he said he was going to collect the materials now
12 in Burkina Faso and he said the trip to Libya had changed. He
13 said he was now going to collect the materials in Burkina Faso.

14 Q. Right. So written here should be that initially Mosquito
13:29:57 15 and the delegation were to go to Libya and receive the material,
16 but things took a U-turn and Mosquito decided not to go to Libya
17 any more and that he said, to you presumably, that he was going
18 to collect materials now in Burkina Faso? That should all have
19 appear there, should it? Is that right?

13:30:20 20 A. Yes, yes, that was --

21 Q. Just let me be clear. That is what you told the
22 Prosecutors on 4 and 5 May, that the original plan was to go to
23 Libya but there was a U-turn and he went to Burkina Faso instead.
24 Is that what you told them?

13:30:42 25 A. Yes.

26 Q. Now, Mr Fornie, you would never have told them that
27 Sam Bockarie and others had gone to Libya, would you, because you
28 were actually there in Monrovia when they went to Burkina Faso
29 instead? You would never have told the Prosecutors that

1 Sam Bockarie and others went to Libya, would you?

2 A. I do not recall that I stated that he went to Libya. I did
3 not state that he went to Libya. The initial plan was for Libya
4 and I clearly spelt it out that the course later changed to
13:31:25 5 Burkina.

6 MR MUNYARD: I see the time, your Honour. Have I got any
7 time left?

8 PRESIDING JUDGE: I'm afraid we are over time, Mr Munyard.
9 I am sorry to interrupt your cross-examination. Mr Witness, we
10 are now taking the lunchtime adjournment. We are adjourning
11 until 2.30. Please adjourn the Court until 2.30.

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

13 [Upon resuming at 2.32 p.m.]

14 PRESIDING JUDGE: Mr Munyard, please proceed.

14:32:31 15 MR MUNYARD: Thank you, your Honour:

16 Q. Good afternoon, Mr Fornie.

17 A. Good afternoon, Mr Munyard.

18 Q. We were just starting to look at this trip in December of
19 1998 that you went on to Monrovia with Pa Rogers, Sam Bockarie,
14:32:58 20 Eddie Kanneh and others. Now, I just want to repeat the question
21 that I asked immediately before the break. You would never have
22 told Prosecutors that on that particular occasion Sam Bockarie
23 and others had gone to Libya, would you, because you were there
24 in Monrovia when they left for Burkina Faso and returned from
14:33:30 25 Burkina Faso?

26 A. Please split the question into two. Break it up. I did
27 not get it clearly. I don't have it in front of me. I don't
28 have the page in front of me.

29 Q. Given that you yourself were actually on this trip to

1 Monrovia in December 1998, when Sam Bockarie and others went to
2 Burkina Faso and then returned from Burkina Faso and picked you
3 up and you all go home to Sierra Leone, you would never have told
4 Prosecutors that Sam Bockarie and others went to Libya, would
14:34:18 5 you, because you knew perfectly well that they'd gone to
6 Ouagadougou in Burkina Faso?

7 A. Well, to the best of my knowledge, it was the Burkina Faso
8 trip that I recall telling them. I don't ever recall Sam
9 Bockarie going to Libya. Never. I don't recall telling them
14:34:42 10 that. I know about Burkina Faso.

11 Q. Tab 2, please. Now, we'd just started looking at this
12 before the lunch break. It's paragraph 16, which is on page
13 18585 and then over that page. So we start at the very end of
14 page 18585, the last line, so the monitor will have to move down,
14:35:30 15 thank you, the very last line: "On one occasion" and then we go
16 over the page "in December of 1998 they collected three trucks
17 loaded with arms and ammo brought on board a military plane from
18 Libya to Roberts International in Monrovia, drove this shipment
19 back to Buedu."

14:36:02 20 Now, did you tell them in that trip that you say you were
21 on that three truck loads of arms and ammunition arrived on a
22 military plane from Libya?

23 A. The arms and ammunition were in two trucks. They were
24 loaded from Libya. And the other morale booster and other
14:36:28 25 things, everything was in the other truck. Morale booster like
26 alcoholic drinks, fuel and other things.

27 Q. Don't worry about the detail of the things that were on
28 board. You're now saying that those were on a military plane
29 from Libya, yes? Yes?

1 A. Well, what I am trying to say is that - or to the best of
2 my understanding from this passage is that it was from Libya that
3 the materials came, Libya. But Mosquito and others collected the
4 material from Burkina. The collected the materials from Burkina.
14:37:23 5 I stated that here initially, that they were to go to Libya for
6 the materials, but later Mosquito made me to understand that they
7 were not even going up to Libya any more, that they were now
8 going to collect the materials from Burkina, but the materials
9 came from Libya.

14:37:45 10 Q. Right. And did the materials come direct from Libya to
11 Monrovia?

12 A. No. To my knowledge, no. To the best of my knowledge.

13 Q. So what is the best of your knowledge about the route that
14 the materials took from Libya?

14:38:17 15 A. That the materials came from Libya through Burkina.

16 Q. Did anybody explain to you why it was necessary for the
17 materials to fly from Libya first to Burkina and then on to
18 Monrovia, rather than direct from Libya to Monrovia?

19 A. No.

14:38:48 20 Q. Given also that you say this was a military plane from
21 Libya, not a commercial airliner. Is that what you were given to
22 understand, that this was all on board a military plane from
23 Libya?

24 A. I recall telling them that according to Mosquito it was a
14:39:13 25 military aeroplane.

26 Q. All right. I'm just looking to see in the evidence that
27 you gave us last Wednesday, on 3 December, about where these
28 things came from. Right. I'm looking at page 21543, line 11
29 onwards. You told us:

1 "Instead of Sam Bockarie going to Libya he said the Papay
2 had told him that the ammunition had been brought to Burkina
3 Faso, so he was now to go and receive the ammunition from Burkina
4 Faso."

14:40:10 5 Do you remember telling us that?

6 A. Yes.

7 Q. Was any explanation given to you as to why if this material
8 was going to come on in the military plane to Monrovia, why it
9 was necessary for Sam Bockarie and party to travel all the way to
10 Burkina Faso and wait for it when it was coming on to Monrovia
11 where they were in the first place?

12 A. Well, to my understanding, Mosquito had some other things,
13 that is to meet with the leader in Burkina.

14 Q. So he didn't go to Burkina to get the supplies in the
14:41:11 15 military plane, he went to Burkina to see the leader there; is
16 that what you're saying?

17 A. That was another reason why he went, but the main reason
18 was for the materials.

19 Q. But the materials were coming to Monrovia anyway, weren't
14:41:32 20 they, by air?

21 A. Yes.

22 Q. So there was no particular reason for him to go to look at
23 the materials in Burkina if they were coming on to where he was
24 in any event. Is that right?

14:41:54 25 A. Well, the only other reason that I know is that he had some
26 other thing to do, and it was an added advantage for him to meet
27 with Blaise Compaore, for him to know Blaise Compaore in person
28 so the two of them would be able to talk to each other.

29 Q. All right. So did you explain that to the Prosecutors when

1 you were telling them this account in May 2006, that Mosquito and
2 others went to Ouagadougou in order to see Blaise Compaore and
3 presumably to have a look at this material that was on its way to
4 them in Monrovia?

14:42:45 5 A. They did not ask me the way you have done now. It is the
6 question that you asked me, that's what I responded to.

7 Q. Well, now you were taken through this interview on a later
8 date, weren't you, and you made some corrections to it? Can you
9 remember?

14:43:15 10 A. Yes.

11 Q. Tab 13, please. First page of tab 13. I'd like the lower
12 part of that first page to be shown on the screen, please,
13 Mr Court Attendant. If you can just pan down, thank you, that's
14 fine. Now, we can see here that on 30 July to 1 August of 2007

14:44:03 15 you were in a prepping session that we've looked at before, I'm
16 not going into the details, and you make corrections or
17 clarifications on your previous accounts and the second one is 4
18 May 2006, and you are taken to two pages in that account.

19 Interestingly, you're directed not to the typed version but to
14:44:30 20 the handwritten version and without going into great detail I can
21 indicate that the handwritten version includes a number of
22 passages that don't appear in the typed version which is
23 presumably why the typed version was used. The first one --

24 PRESIDING JUDGE: You said they used the handwritten one,
14:44:44 25 and I recall you saying that this morning as well.

26 MR MUNYARD: Very well, sorry:

27 Q. The first correction we don't need to concern ourselves
28 with, but that's on page 18589, which is one of the handwritten
29 pages. I'd now like you to look at the second correction that

1 you made. It's the last one on the page we're looking at now
2 from the interview in July-August 2007. On page 18593, line 13
3 and line 16, "The word Libya should read Ouagadougou". So that's
4 what you were telling them.

14:45:29 5 A. Exactly.

6 Q. Just turn over the page to the second page of this
7 clarification prepping session. Just so that this is the sake of
8 completeness. The next entry relates to an interview later on,
9 on 7 November 2006. Therefore, the only corrections you make to

14:45:53 10 the interview of May 2006 are the ones on the first page. So let
11 us go to the corrections on page 18593, which is back to tab 2
12 and it's the handwritten part of tab 2. 18593, please. Thank
13 you. Now, Mr Witness, this page actually has paragraphs in it
14 and if we take the first paragraph that ends with the stamped

14:46:51 15 number, do you see the big number that's stamped in at the end of
16 the first paragraph? [Microphone not activated]

17 A. Yes, I am seeing some numbers.

18 Q. Move on. There's a two and a bit line paragraph after
19 that. Then there's a one and a half line paragraph after that
20 and I want you to go to the following one that starts, "On one of
21 these occasions in December 1998". Do you see that?

14:47:21 22 A. I have seen it.

23 Q. "They collected three trucks loaded with arms and
24 ammunition" and the number 3 is written in as well as the word
14:47:48 25 three. "They collected three trucks loaded with arms and
26 ammunition brought on board a military plane from Libya at the
27 Roberts International Airport in Liberia which they drove to
28 Buedu RUF HQ. Then SB and EK were part of the entourage that
29 brought these arms and ammo from Libya."

1 Now, that is what is recorded by the interviewers and that
2 is what you looked at again the following year and corrected and,
3 you changed "Libya" to read "Ouagadougou" in both instances. If
4 we go back briefly to the typed version on page 18586 we will see
14:49:04 5 that a bit has been missed out. It says there "arms and ammo on
6 board a military plane from Libya to Roberts International, they
7 drove this shipment back to Buedu" and the words RUF HQ have been
8 missed out. And then, "members of the group which accompanied
9 this shipment included Bockarie and Eddie Kanneh" is actually
14:49:34 10 different from what has been written down as you're telling the
11 story, which we can see in the handwritten version, SB", that is
12 Sam Bockarie "and Eddie Kanneh were part of the entourage that
13 brought this arms and ammo from Libya." Do you see?
14 A. I've not seen the line you're referring to yet.
14:49:53 15 Q. Sorry, we've dealt with the typewritten version and I've
16 now gone back to the handwritten version on 18593, which is
17 slightly and possibly significantly different. So Mr Court
18 Officer again if you can put that on. Thank you. And can you
19 assist the witness, it's about 13 lines down. Now, Mr Fornie,
14:50:23 20 can you see what we're talking about? Do you see a line that
21 starts, "from Libya at the Roberts International airport in
22 Liberia which they drove to Buedu RUF HQ". Do you see that?
23 A. Please help me out. I have seen the line.
24 Q. The next line - I'm going to read out the initials in full:
14:50:51 25 "Sam Bockarie and Eddie Kanneh were part of the entourage that
26 brought this arms and ammo from Libya." Do you see that?
27 A. Yes.
28 Q. Now interestingly the words "from Libya" and indeed the
29 words "RUF HQ" two lines above don't appear in the typewritten

1 version, but it's possible because they're very short items at
2 the beginning of those two lines. However, do you agree that
3 this handwritten account is what you told the Prosecution in May
4 of 2006?

14:51:34 5 A. I told them that the materials were from Libya. They were
6 - it was from Libya that the materials came, but Sam Bockarie
7 received the materials from Ouagadougou. It was in Ouagadougou
8 that Sam Bockarie received the materials from.

9 Q. Let me just give you pause for thought for a moment. We
14:51:52 10 know that the following year, between 30 July and 1 August 2007,
11 you are shown this again and you correct Libya to read
12 Ouagadougou. I'm not asking you about --

13 A. Exactly.

14 Q. -- what you later told the Prosecution at this stage. I'm
14:52:16 15 simply asking you what you told them in May of 2006, the page
16 we're now looking at. Do you agree that you told them what
17 appears on this page, that the arms and ammunition that you
18 collected in three trucks were brought on board a military plane
19 from Libya, and that Sam Bockarie and Eddie Kanneh were part of
14:52:45 20 the entourage that brought this arms and ammo from Libya?

21 A. I told them that and in addition to that - you know I told
22 them. That's why later when I went through my - when I
23 recollected properly while going through the said interview notes
24 I picked it up.

14:53:14 25 Q. I'm going to stop you. I'm asking you only what you told
26 them in May 2006 at the moment. You've agreed that you told them
27 that. Now you've started to say "in addition to that". Are you
28 saying that in May 2006 you told them something else or was "in
29 addition to that" a reference to what you told them later?

1 A. Well, I just wanted to straighten my statement to make it
2 clearer and more vivid that the materials were from Libya, but
3 transited in Ouagadougou before ever it entered Monrovia to
4 Buedu.

14:54:12 5 Q. Yes. Do I take it then that you didn't say anything in
6 addition to what appears here when you were talking to the
7 Prosecutors in May of 2006?

8 A. Whether it was on that date or not, but I am sure that in
9 subsequent interviews --

14:54:35 10 Q. We are only concerned at the moment with that date, so I
11 don't want you going off on to some other date at the moment.
12 You will have a chance to deal with all the dates.

13 A. Yes, you are right, but equally so I am sure that what I am
14 talking is in connection with the same issue that we're talking
14:55:00 15 about. I have not deviated from the issue. I am saying
16 something that has direct connection to what we are talking.

17 Q. Why did you tell them that Sam Bockarie and Eddie Kanneh
18 were part of an entourage that brought this arms and ammunition
19 all the way from Libya?

14:55:21 20 A. I did not tell you that they were - that they took the
21 ammunition from Libya. But the ammunition came from Libya. The
22 ammunition came from Libya through Burkina Faso. It was in
23 Burkina Faso that Sam Bockarie and the other person received the
24 materials.

14:55:43 25 Q. All right. Well, do you agree that if you just read those
26 two sentences it appears that you are saying, first of all, that
27 the plane came from Libya with the arms and ammo on it and,
28 secondly, that Sam Bockarie and Eddie Kanneh were part of the
29 entourage that brought it from Libya?

1 A. They were part of the entourage that brought it from
2 Burkina Faso, Ouagadougou. That's what I'm talking.

3 Q. Where is mention of Pa Rogers in here?

4 A. That was why I say part of the entourage, because I
14:56:36 5 remember saying that there was some other person. But because I
6 could not call out his name at that particular moment that's why
7 I said part of the entourage, meaning there were some other
8 people apart from Mosquito and Eddie Kanneh, and even apart from
9 Pa Rogers there were some other people, there were Liberians that
14:56:57 10 I even don't know. There were some other Liberians part of the
11 group that I don't know, so I wouldn't have stated their names
12 directly.

13 Q. What about the following year, when you're making
14 corrections to this and you change Libya to Ouagadougou, why not
14:57:16 15 mention Pa Rogers then?

16 A. I did not pick that up. I don't think that it is every
17 statement that everybody who participated in the incident would
18 be named out. Even the trips that we made, it is not that the
19 trips - the names that I have mentioned here are the only people
14:57:38 20 who participated in the trips. There were some other people, but
21 I may have forgotten them. If there are some other people you
22 want to ask about, you can bring them up and I'll tell you.

23 Q. Who went to Ouagadougou?

24 A. Sam Bockarie, Eddie Kanneh and SYB Rogers among the people
14:57:59 25 whom I know of from us, from the delegation who went, we who came
26 from Buedu.

27 Q. No, who went to Ouagadougou?

28 A. Sam Bockarie - those of us from Buedu whom I know of were
29 Eddie Kanneh, Mosquito and Pa Rogers.

1 Q. Thank you. Why not mention Pa Rogers? Why mention only
2 Sam Bockarie and Eddie Kanneh if you knew that Pa Rogers was also
3 one of the trio who went to Ouagadougou?

4 MR SANTORA: Objection, asked and answered.

14:58:40 5 PRESIDING JUDGE: No, the question, Mr Santora, is why was
6 Pa Rogers not mentioned and actually --

7 MR SANTORA: I believe it was asked in reference when the
8 witness talked about part of the entourage and that was his
9 explanation. I believe it has been asked and answered. I can
10 look for the reference.

11 PRESIDING JUDGE: The previous question is at page 106,
12 line 1, of my font. It says, "When you changed the Libya to
13 Ouagadougou, why did you not mention Pa Rogers then?" This is a
14 slightly different version of what one might say a related
15 question.

14:59:19 16 MR SANTORA: Okay, I understand. My reference was 105,
17 line 11, when the counsel asked, "Where is mention of Pa Rogers
18 in here?" That is what I was referring to for purposes of the
19 objection.

14:59:29 20 PRESIDING JUDGE: But this question is why he wasn't
21 mentioned and so I allow the question.

22 MR MUNYARD: Thank you, Madam President:

23 Q. We're only talking - and if you'd listen to the question,
24 Mr Fornie, we'll move on a lot quicker. I didn't ask at this
14:59:44 25 last point who was in the delegation from Buedu. I asked, "Who
26 went to Ouagadougou?" You've told us now three names. Why not
27 mention all three names when you were giving this account in May
28 of 2006?

29 A. I think I've answered that same question. I've answered

1 that same question. I've given an answer to that that it was not
2 that it was everybody so far that I --

3 THE INTERPRETER: Your Honours, can the witness repeat
4 this.

15:00:28 5 PRESIDING JUDGE: Mr Witness, please pause. The
6 interpreter cannot keep up with you. Please answer the question
7 directly as well and don't say that you've already answered.
8 I've ruled that you haven't. Pick up your answer where you said,
9 "It was everybody so far that I --"

15:00:52 10 THE WITNESS: It was not everybody so far that I can recall
11 when I'm making statements in all the interviews at the same
12 time. If I'm being interviewed today, it is possible that some
13 names would escape my memory and now you are talking about a time
14 of corrections. During the corrections maybe I did not pick that
15:01:12 15 one up and that's why - on that particular date that you're
16 referring to that's why Pa Rogers's name is not featured in this
17 particular document.

18 MR MUNYARD:

19 Q. You weren't in this particular delegation that went to
15:01:29 20 Monrovia, were you?

21 A. Yes.

22 PRESIDING JUDGE: Meaning the original Monrovia
23 delegation?

24 MR MUNYARD: Yes, this whole trip:

15:01:45 25 Q. If you had been, I suggest, you would have remembered Pa
26 Rogers as one of the trio who went to either Libya or Ouagadougou
27 and, if you hadn't remembered it when you first gave the account,
28 it certainly would have come to your mind when Mr Bangura and
29 Mr Kamara were taking you through this handwritten account again.

1 What do you say to that?

2 A. Well, because that came to mind that's why I said it in
3 other interviews. It should be in some other interview notes
4 that I had done that.

15:02:24 5 Q. Well, actually I was quite wrong to suggest that it wasn't
6 until July/August of 2007 that you next mention this particular
7 episode. If we look at tab 8, which is 18 January 2007 - this is
8 the 92 bullet points - and if we turn to page 3 of that
9 particular document. Mr Fornie, can you see page 3, the number 3
10 written in the bottom right-hand corner there?

11 A. Yes.

12 Q. If you count up from the bottom - and we'll do the bullet
13 points - six bullet points up from the bottom, do you see a line
14 that starts, "That in Dec 1998 ...", that is December 1998? Do
15:03:41 15 you see that?

16 A. Yes.

17 Q. "That in [December] 1998 the witness remembers travelling
18 to Monrovia with SB ...", that's Sam Bockarie, "... to collect a
19 large shipment. The witness can remember three large trucks
15:03:56 20 loaded with various logistics transporting the shipment along
21 with jeeps."

22 Do you remember saying that?

23 A. Yes.

24 Q. "That Colonel Jungle and Colonel Marzah accompanied this
15:04:12 25 load." Do you remember saying that?

26 A. Yes.

27 Q. "That the witness met the trucks already loaded in Monrovia
28 but learned from another guy that they had been loaded at Roberts
29 airfield." Do you remember saying that?

1 A. Say again.

2 Q. If you follow it as I read it, "That the witness met the
3 trucks already loaded in Monrovia but I learned from another guy
4 that they had been loaded at Roberts airfield."

15:04:47 5 A. Yes.

6 Q. Do you remember saying all that to them?

7 A. Yes.

8 Q. And who was this other guy who told you that the trucks had
9 been loaded at Roberts airfield?

15:05:02 10 A. It was from amongst the entourage and even Mosquito himself
11 told me.

12 Q. So it was only Mosquito who told you and not other guys?

13 A. I said "even Mosquito himself told me". I do recall that
14 some other people who were in the truck, one other person told me
15 besides Mosquito.

15:05:36

16 Q. Back to tab 13, please, and on page 2 of tab 13 in the
17 middle of that page we can see that you make some corrections to
18 the 92 bullet point interview we've just been looking at. 18
19 January 2007 and there are three pages where there are

15:06:25

20 corrections there. Then if you turn over to page 3, the first
21 new page is 26309 - I'm sorry, let me start again. On page 2 the
22 last entry on page 2 deals with corrections on page 26308, which
23 is the one we've been looking at, page 3 of 18 January, and then
24 if you turn over to page 3 of the corrections paragraph 6 -

15:07:14

25 there's paragraph 6, you make a correction there, and paragraph
26 16 should read, "The witness met the trucks already loaded in
27 Monrovia but I learned from Sam Bockarie, not other guys, that
28 they'd been loaded at Roberts airfield". Which is it? Other
29 guys and Sam Bockarie, or just Sam Bockarie and not other guys,

1 or can you remember now which accounts you've given in the past?

2 A. This is what I am telling you. I said I do remember that
3 Mosquito told me because I asked Mosquito myself. I asked
4 Mosquito myself.

15:07:56 5 Q. All right, so not other guys?

6 A. Another person told me in addition to Mosquito.

7 Q. Right. So why tell them in interview in tab 13 that it
8 wasn't other guys?

9 A. Mr Munyard, it is not just easy or possible to state
15:08:18 10 everything line by line, or word by word. This is what I'm
11 telling you.

12 PRESIDING JUDGE: Mr Witness, please answer the question.

13 JUDGE SEBUTINDE: Mr Witness, please address the Bench and
14 not Mr Munyard.

15:08:32 15 MR MUNYARD:

16 Q. Right. So we have an interview in May 2006 with no mention
17 of SYB Rogers, an interview in January 2007 with no mention of
18 SYB Rogers and corrections in July/August 2007 with no mention of
19 SYB Rogers. Turn to tab 17, please, and I'd like you to turn to
15:09:21 20 page 7 of that and the paragraph starting with number 22. Do you
21 see that, Mr Fornie?

22 A. Which one?

23 Q. The paragraph numbered 22. I'm just getting the context.
24 Do you have it? It's slightly above the middle of the page.

15:09:58 25 Have you got that?

26 A. Yes.

27 Q. Now, this is just to put the timing in context:

28 "A meeting took place at the end of 1998 prior to December
29 in Buedu. The witness ...", that is yourself, "... called Moijue

1 Mattia and informed him that Benjamin Yeaten was at Sam
2 Bockarie's house. The witness knew who Benjamin Yeaten was from
3 Yeaten's securities."

4 In other words, at this meeting at the end of 1998 you knew
15:10:39 5 who Benjamin Yeaten was because Yeaten's securities identified
6 him to you, did they?

7 A. No, no, it was not his securities. I told you that I know
8 even his securities. I said that I know even Yeaten's
9 securities.

15:11:06 10 Q. So what does this line mean, "The witness knew who Benjamin
11 Yeaten was from Yeaten's securities"?

12 A. I said I knew Benjamin Yeaten and even part of his
13 securities I knew them. I met Benjamin and Mosquito, they were
14 sitting, and I had been meeting Benjamin before that time. How
15:11:34 15 could I not recognise him?

16 Q. Well, I'm asking you why you've said that you knew who
17 Benjamin Yeaten was from his securities?

18 A. No, it was not from his securities. They did not write it
19 the way I put it.

15:11:53 20 Q. They didn't write it the way - well, what was the way you
21 put it if you can now remember interview number - I think it's
22 probably something like 17? 17 interviews in you can remember a
23 particular phrase that you used, can you?

24 A. This is what I'm telling you, but even from this interview
15:12:21 25 that you are talking about, I told them that I met Benjamin
26 Yeaten at the place, at Mosquito's, behind Mosquito's house,
27 that's where I met BY.

28 Q. I just want to ask you how this phrase appears in there
29 that we've been looking at and what you say you actually said if

1 it's different from this sentence. Are you able to help us or
2 not?

3 A. That's what I'm telling you. I said I saw Benjamin Yeaten
4 at Mosquito's.

15:12:55 5 Q. We see it written here. That's your answer. Let's move on
6 to paragraph 23: "In late November or early December 1998 Foday
7 Sankoh was in Freetown." Did you tell them that?

8 A. Yes.

9 Q. Where in Freetown was he?

15:13:20 10 A. In prison.

11 Q. "The witness went to Monrovia with Sam Bockarie, Rashid
12 Sandy, Eddie Kanneh and Victor Kemoh. Idri ss Kamara may have
13 been there, however the witness cannot recall. They were
14 escorted to Monrovia by Jungle and Zigzag."

15:13:47 15 Over the page:

16 "The witness stayed at Benjamin Yeaten's house in Congo
17 Town at the back of Charles Taylor's lodge for more than a week
18 whilst Bockarie and Eddie Kanneh went to Burkina Faso. The
19 witness stated that his earlier statement, where it was recorded
15:14:02 20 that these individuals were going to Libya, was incorrect as he
21 was told at the time they went to Burkina Faso. The witness did
22 not actually see the group leave and he himself did not meet
23 Charles Taylor on this trip. He spent his time during this week
24 at Yeaten's house and going out around town with some of the
15:14:25 25 Liberian operators.

26 The witness was advised when Bockarie and Kanneh had
27 returned from the trip and were leaving the airport. Bockarie
28 and Kanneh returned to Yeaten's house and they all left and met
29 up with the arms convoy on the road. The convoy consisted of two

1 or three military vehicles, trucks with AFN registration plates"
2 - presumably that's an error for AFL - "and jeeps."

3 Now, where's Pa Rogers in all of this?

4 A. I have told you that Pa Rogers's business - maybe at that
15:15:15 5 time I had forgotten about him because he was dead for some time
6 so I had forgotten about him.

7 Q. He wasn't dead when he was in Monrovia and Ouagadougou, was
8 he?

9 A. But the time that I was making this statement that I was
15:15:34 10 being interviewed, at that time he was dead.

11 Q. Sam Bockarie was dead at the time you were giving this
12 interview. It didn't stop you mentioning him, did it?

13 A. It is not easy for me to forget about Sam Bockarie in
14 everything that I say because everything that I say would be
15:15:52 15 around Sam Bockarie.

16 Q. Jungle was dead by the time you were giving this interview.
17 It didn't stop you mentioning him either, did it?

18 A. I never knew that Jungle was dead. I did not know that
19 Jungle was dead. It is very recent that I knew about Jungle's
15:16:13 20 death and besides that, that was one of the reasons even why I
21 said I could not remember Pa Rogers. But I have said it in other
22 transcripts, so it's there.

23 Q. I should have carried on reading the rest of paragraph 24:
24 "The witness travelled with the same group back to Buedu. Sam
15:16:41 25 Bockarie, Rashid Sandy, Eddie Kanneh and Victor Kemoh." Pa
26 Rogers has disappeared off the face of the earth in this account,
27 hasn't he?

28 A. Pa Rogers, even if it's not here, it should be in the other
29 area. Even the people that I've mentioned, they were not all of

1 the delegates that went with us. There were some other people
2 whose names I have not mentioned apart from Pa Rogers. There are
3 other people's names that are not included in this transcript.
4 It is not everybody's name that is included in this transcript.

15:17:23 5 Q. It wasn't everybody who went to Ouagadougou or Libya, was
6 it? It was only three of them. Including someone as important
7 as the chairman of the War Council and later general secretary of
8 the country in the form of Pa SYB Rogers?

9 A. Yes, all of them went.

15:17:45 10 Q. We're now on the fourth different occasion when you've
11 given an account of this trip and you still fail to mention him.
12 I ask you again: Are you sure you were on that trip, or is this
13 something you've heard about, something you've monitored,
14 perhaps?

15:18:03 15 A. Well, I am telling you that I was with the trip to and fro
16 and what you are talking about, monitoring or whatever, I never
17 monitored anything like this for anybody else, that this happened
18 or this was what occurred relating to this particular trip.

19 Q. All right. Have you heard other witnesses giving evidence
15:18:27 20 in this trial saying that Pa Rogers was on that trip as it turns
21 out to Ouagadougou?

22 A. No.

23 Q. Quite sure?

24 A. Yes.

15:18:41 25 Q. Right. You then have a fifth occasion to talk about this
26 particular trip. Tab 24, please. This is a tab we're
27 increasingly familiar with. It's a month ago when you were being
28 seen by Mr Santora and today you've recalled also there was an
29 interpreter. Paragraph 20, please, on the last page of this

1 particular tab.

2 The witness has his hand up, Madam President.

3 PRESIDING JUDGE: Mr Witness, yes, you have your hand up, I
4 see.

15:19:36 5 THE WITNESS: Yes, I want to use the restroom, please.

6 PRESIDING JUDGE: Please assist the witness to leave.

7 MR MUNYARD: May I make the same request in relation to
8 Mr Taylor, not myself.

9 PRESIDING JUDGE: Mr Taylor may be escorted out.

15:23:26 10 Please proceed, Mr Munyard.

11 MR MUNYARD:

12 Q. Now, do you see paragraph 20 on page 101462? Do you have
13 that, Mr Fornie, on the screen in front of you?

14 A. Yes.

15:24:00 15 Q. "The last trip the witness made to Monrovia before the
16 Freetown invasion of 6 January 1999 was the time referred to in
17 an earlier statement (15 November 2007 at page 8)."

18 That's the one we've just been looking at. Were you shown
19 that statement - well, it's called a statement - were you shown
15:24:25 20 those notes of an interview with you in the course of this
21 particular session?

22 A. They showed many notes to me. All of the things that they
23 had written for me, they showed a lot of them to me.

24 Q. So they assisted your memory by referring you back to the
15:24:48 25 statement of 15 November 2007 so that you could add to that if
26 you wanted to and you say:

27 "The witness remained around the RUF radio room at Yeaten's
28 house for almost a week and did not accompany Bockarie and the
29 others who met with Taylor and then went to Burkina Faso."

1 So Pa Rogers doesn't get a mention on occasion number five,
2 does he?

3 A. Yes.

4 Q. And so we have to go eventually --

15:25:26 5 PRESIDING JUDGE: May I take it that you're agreeing with
6 the question?

7 THE WITNESS: That he is not mentioned in this number five,
8 it is true that he's not mentioned, the statement that he has
9 read.

15:25:40 10 PRESIDING JUDGE: Thank you.

11 MR MUNYARD:

12 Q. All right. That was as recently as 6 and 7 November.
13 You're then seen three days later on 10 November this year,
14 exactly a month ago, and suddenly SYB Rogers comes back into your
15:26:11 15 memory.

16 A. Well --

17 Q. Hold on a moment. Paragraphs 1 and 3, please:

18 "With regard to the late 1998 arms shipment that came from
19 Burkina Faso discussed in prior statements the plan originally
15:26:38 20 was for Sam Bockarie's group to go to Libya and not Burkina Faso.
21 When the group arrived in Monrovia and after Sam Bockarie met
22 with Charles Taylor Bockarie came back to the radio room at
23 Yeaten's house with Eddie Kanneh and Bockarie told the witness
24 and others present that Taylor had told him the plan had changed
15:26:55 25 and they'd be going to Burkina Faso."

26 PRESIDING JUDGE: Mr Munyard, where are you reading from,
27 please?

28 MR MUNYARD: Have I got my tabs wrong again?

29 JUDGE LUSSICK: I think you're reading from tab 25 now,

1 Mr Munyard.

2 MR MUNYARD: I am. I'm slightly punch drunk. I apologise.

3 Did I say tab 24 again?

4 PRESIDING JUDGE: No.

15:27:23 5 MR MUNYARD: In any event, Justice Lussick is spot on.

6 It's tab 25, paragraph 1:

7 Q. Do you have that on the screen?

8 A. Yes.

9 Q. I'll just read it again. Now, I went a little bit fast. I

15:27:49 10 hope that wasn't too fast for the interpreters:

11 "With regard to the late 1998 arms shipment that came from
12 Burkina Faso discussed in prior statements the plan originally
13 was for Sam Bockarie's group to go to Libya and not Burkina
14 Faso."

15:28:06 15 You then deal with the change of venue and then moving to
16 paragraph 3:

17 "During the return road trip from Monrovia after Sam
18 Bockarie, Eddie Kanneh and SYB Rogers went to Burkina Faso in
19 late 1998 the convoy met up with the trucks of ammunitions and
15:28:29 20 supplies along the way outside of Monrovia."

21 Now, how is it, Mr Fornie, that it takes six different
22 occasions when your mind is turned to this particular incident
23 before you remember one of the most senior figures in the
24 movement having been part of that particular operation?

15:29:01 25 A. Number one, I am telling you that it was not usual for Pa
26 Rogers to travel with us. He travelled very seldom and when I
27 prepared to come - that is number one. I said number one.

28 Q. Number two?

29 A. And when I prepared to come and testify I think I still had

1 to be thinking back about things that I may have forgotten, so I
2 was bound to recall some of the things that I was doing. I
3 recalled some of the things that I used to do.

15:29:49 4 Q. If it's such a rare event that Pa Rogers travelled with you
5 how on earth do you fail to mention him as one of the three who
6 goes to Burkina Faso on that very important trip?

7 A. But I have mentioned him now. I've mentioned him now. And
8 I had mentioned him to Mr Santora and I have repeated it here.

15:30:21 9 Q. I'm talking about all five previous occasions when you
10 don't mention him.

11 A. Well, the time I spoke about him was the time I thought
12 about him, I recalled his business.

13 Q. Of course by this time, one month ago today, many witnesses
14 have given evidence in this trial saying that Pa Rogers went on
15:30:42 15 that trip to Burkina Faso and you've picked up or monitored that
16 evidence, haven't you?

17 A. I don't think that I would take information from anybody's
18 testimony just to formulate it into mine. It is not possible.
19 What I did and what I witnessed is what I am telling you.

15:31:08 20 Q. How many trucks of arms and ammunition do you say there
21 were collected from Roberts International on that occasion?

22 A. The trucks that we met on the way were three, but there
23 were two which had ammunition and the other one had assorted
24 items, morale boosters.

15:31:59 25 Q. Help us with this, will you. This witness's evidence one
26 week ago today, 3 December, page 21549, line 27:

27 "We took off from Benjamin Yeaten's, from Benjamin's
28 house, it was late in the evening around 7.30 to 8 in the evening
29 with four vehicles, sorry, two jeeps. On the way from Monrovia

1 we saw two trucks, two big trucks, that is at the outskirts of
2 Monrovia that was loaded with ammunition of different types and
3 all of us" and then you're interrupted by a question from
4 Mr Santora:

15:32:46 5 "Q. Who was present with you when you left Benjamin
6 Yeaten's house in the two vehicles?"
7 Do you remember saying all of that?

8 A. Yes.

9 Q. Where is the missing truckload of - what was the expression
10 you used - morale boosters in this story?

11 MR SANTORA: Objection. It's the same context as before
12 and I think it may be just a point of confusion. Is counsel -
13 the reference was to departure from Monrovia versus what they met
14 or what was said to be met on the way from Monrovia and the
15 witness has never said there was a truck full of morale boosters
16 leaving from any particular location in Monrovia. It's a similar
17 issue that occurred before and it may be just able to be
18 clarified at some point.

19 PRESIDING JUDGE: Mr Munyard, I'm looking at my font page
15:33:54 20 121, line 25 onwards. "The trucks that we met on the way were
21 three, two had ammunition and the other had assorted items,
22 morale boosters." Is this the answer you're following up?

23 MR MUNYARD: Yes, I can't find it on mine, I'm afraid, but
24 it's in my memory. Page 121, your Honour?

15:34:15 25 PRESIDING JUDGE: On my font, which I know is different to
26 yours.

27 MR MUNYARD: Yes, on mine it's 121, line 23. "The trucks
28 that we met on the way were three but there were two which had
29 ammunition and the other one had assorted items, morale

1 boosters."

2 MR SANTORA: That's exactly my point because then if you
3 look at counsel's question at line 5, on page 122, "Who was
4 present with you when you left Benjamin Yeaten's house in the two
15:34:51 5 vehicles", then he goes on to say "where is the missing truck
6 load", but there is no mention that there was ever a truck at
7 Benjamin Yeaten's house upon the departure.

8 JUDGE LUSSICK: I don't see why the witness can't answer
9 that question. If there wasn't a truck of that nature he can say
15:35:08 10 so, can't he? This is cross-examination.

11 PRESIDING JUDGE: Mr Munyard, put your question.

12 MR MUNYARD: Yes:

13 Q. In fact, I was putting to you a passage from Mr Santora's
14 questioning of you which ended with the question, "Who was
15:35:44 15 present with you when you left Benjamin Yeaten's house in the two
16 vehicles?" That wasn't my question. I just asked you do you
17 remember saying all of that. Now all of that includes the words
18 of your answer prior to that last question of Mr Santora's and
19 I'll read those and we'll miss out the red herring of
15:36:11 20 Mr Santora's question. I'm not being rude about it, I'm saying
21 it was a distraction in the narrative that you, Mr Fornie were
22 giving of your journey home. I'll just quote your evidence about
23 your journey home. "We took off from Benjamin Yeaten's house, it
24 was late in the evening, 7.30 to 8 with four vehicles" --

15:36:28 25 A. I am not following, I'm not with you.

26 PRESIDING JUDGE: Allow counsel to read what he's --

27 MR MUNYARD:

28 Q. If you're not following I apologise.

29 A. I'm not following, it's not on the monitor. That's what I

1 want to say.

2 PRESIDING JUDGE: This is a new question, please.

3 THE WITNESS: Okay.

4 MR MUNYARD:

15:36:47 5 Q. Can I explain, Mr Fornie, I'm actually reading out your
6 evidence to these judges last Wednesday and I'm then going to ask
7 you a question about it. What you said last Wednesday was:

8 "We took off from Benjamin Yeaten's house late in the
9 evening around 7.30 to 8 with four vehicles - sorry, two jeeps.

15:37:07 10 On the way from Monrovia we saw two trucks, two big trucks, that
11 is at the outskirts of Monrovia that was loaded with ammunition
12 of different types and all of us" - at that point you were
13 interrupted by a question from Mr Santora. Now, what I want to
14 know is where's this third truck of morale boosters? In your
15:37:39 15 evidence.

16 A. Well, I think if at all you go through all the statements
17 that you have read, I think I have been making mention of three
18 trucks. So if I mistakenly said two, maybe that would have been
19 a mistake, but there were three trucks, to the best of my memory.

15:38:06 20 Q. Well, you see, I'm quoting from your evidence in court last
21 week. I'm not quoting from your 28 previous interviews. And in
22 your evidence last week you mentioned meeting two trucks. I've
23 read a passage from the top of page 21550. I'm now going to read
24 a passage from the bottom of that page. Question by Mr Santora:

15:38:37 25 "Q. And you said you met these two trucks on the outskirts
26 of Monrovia. Can you be a little bit more specific? Do
27 you know where more specifically?

28 A. Well, I did not see where they were, I just saw."
29 Then you speeded up a bit.

1 A. Well, of course I couldn't describe --

2 Q. I'm just trying to be as comprehensive as possible. On the
3 next page after that interruption about you going too fast - on
4 page 21551, line 21, this is again Mr Santora's question:

15:39:18 5 "Q. Now you said you met them with these two trucks. So
6 is it correct that you had four vehicles in total? Is that
7 correct? Two vehicles that you left with and then two
8 trucks?

9 A. Yes.

15:39:42 10 Q. Now you went then. Where did you go after you met up
11 with the trucks?

12 A. It was in Buedu. We went to Buedu directly."

13 Now my question for you: Where is the mystery third truck
14 full of morale boosters? Where has that come from?

15:40:07 15 A. Well, it is in my statements. It's in my statements. It's
16 in my statements. Those are the same trucks I have been
17 referring to in my statements.

18 Q. I've been asking you about your evidence to this Court.

19 A. That is it.

15:40:33 20 Q. Hold on a moment. If you leave Benjamin Yeaten's house in
21 two jeeps and then you meet up with two trucks on the outskirts
22 of Monrovia, which has an interesting echo with another journey
23 that you told us about, then that makes four vehicles in total;
24 the two you left in and the two trucks, yes? Would you agree
15:41:04 25 with me two and two makes four or do you disagree with that
26 proposition?

27 A. I want to be very frank with you and with this Court.

28 Q. I want you to answer the question.

29 A. But it's the question that I'm trying to answer to. I said

1 there were three trucks, according to all the statements that I
2 had made before. To the best of my memory there were three
3 trucks in my statements.

15:41:42 4 Q. Yes, there's three trucks of arms and ammunition at some
5 point that later on turn into two or three trucks, but I'm asking
6 you about your evidence; what you've been telling this Court last
7 week. Why do four vehicles, two jeeps and two trucks, suddenly
8 turn into five vehicles in the space of a week?

15:42:15 9 A. Well, it's not a matter of a week, but before it had been
10 three trucks, that is stated clearly in all my testimonies that
11 you have read here. You yourself have seen that in all my
12 testimonies that you have read here.

13 Q. Yes, I have. "Three trucks of arms and ammunition" in some
14 of them, but not in all of them. Certainly there's - just bear
15:43:11 15 with me for one moment. Well, I'm going to move on in fact.

16 Do you remember telling us in the course of your evidence
17 last week about you hearing Sam Bockarie on the phone to Benjamin
18 Yeaten on one occasion when you were sitting in a bar and we
19 had a lot of discussion about distances using this courtroom as a
15:43:49 20 way of assessing the distance you were from Sam Bockarie to
21 Benjamin Yeaten - sorry, you were from where you were sitting to
22 Sam Bockarie where he was on the satellite phone? Do you
23 remember telling us about that?

24 A. Yes.

15:44:12 25 Q. And you said to us when you were asked a question:

26 "Q. How do you know he was speaking to Benjamin Yeaten?

27 A. After he called Benjamin, and I was sitting at the
28 other extreme edge of the corner, he asked, 'Is this
29 Five-Zero?', and he said 'Yes'."

1 The "he" there means - the latter "he" meaning Benjamin
2 Yeaten. Are you saying you can actually hear the other person on
3 the end of the satellite phone speaking?

4 A. I heard Sam Bockarie talking over the satellite phone.

15:44:48 5 That was what I said. I heard him and I saw him.

6 Q. Are you saying you can hear the person on the other end of
7 the satellite phone speaking into it?

8 A. No, I did not hear that person.

9 Q. Right, thank you. So it's not correct to say that when he,
15:45:10 10 Sam Bockarie, asked "Is this Five-Zero?", you heard he, Benjamin
11 Yeaten, say "Yes"?

12 A. Say again.

13 Q. It's not correct to say that you could hear Benjamin Yeaten
14 say "Yes"?

15:45:33 15 A. Well, I recall that I told you that I heard Mosquito asking
16 questions and he asked whether, "Is this Five-Zero?", and I think
17 it was a message that he had received that he was trying to
18 discuss with Five-Zero that we discussed about. He, Sam Bockarie
19 himself, told me what he discussed with Five-Zero.

15:45:55 20 Q. I don't want --

21 A. And whilst he was talking to him, anything he said to him I
22 heard him answer to him, "Yes, sir".

23 Q. It is a short point. I simply wanted to understand from
24 some evidence you gave last week on page 21586 at lines 27 to 29
15:46:13 25 whether you were claiming you could actually hear the person on
26 the other end of the satellite phone speaking, because the answer
27 you gave was, "After he called Benjamin, and I was sitting at the
28 other extreme edge of the corner, he asked, 'Is this Five-Zero?'
29 and he said 'Yes'." You're now saying, "No, I can't actually

1 hear what the person on the other end of the phone was saying"?

2 That's all I want to establish.

3 A. Well, you got me wrong. I heard Mosquito ask, "Is this
4 Benjamin?" - I mean, sorry, "Is this Five-Zero?" That is what

15:46:50 5 I'm telling you. I heard that. I heard Sam Bockarie ask. He
6 said, "Is it Five-Zero?" That was what I heard. I did not tell
7 you that I heard Five-Zero talking.

8 Q. I'm not querying that. I'm querying your evidence that
9 Five-Zero said, "Yes", therefore you could have heard that.

15:47:10 10 That's all.

11 A. No.

12 MR SANTORA: Objection. The transcript at the reference
13 that my learned colleague gave does not say that Benjamin Yeaten
14 said "Yes". It's a, "He said 'Yes'", and then later on there's a
15:47:23 15 reference to "he" saying "Yes" and "Yes, sir". So the transcript
16 itself is not - there's no specific instance in the transcript
17 where the witness said that he heard Benjamin Yeaten say "Yes".
18 I'm referring to lines 27 to 29, going on to the next page, and
19 that's the same --

15:47:41 20 PRESIDING JUDGE: Well, Mr Santora, if you look at page -
21 well, my font page 129, line 4, "He asked, 'Is this Five-Zero?',
22 and he said 'Yes'". Who else could it be, but the person on the
23 other end of the phone who said "Yes"?

24 MR SANTORA: I'm sorry, I was specifically referring to the
15:48:03 25 - I understand. I was specifically referring to his question
26 that it was said in the transcript specifically that Benjamin
27 Yeaten said "Yes". In my submission, the transcript is very
28 ambiguous as to who said "Yes". It's a "He said", "He said", "He
29 said".

1 PRESIDING JUDGE: I get the point, but I'm allowing the
2 question on the basis that it's a follow up from the previous
3 answer. Please continue.

4 MR MUNYARD:

15:48:25 5 Q. Ambiguous it may be, but commonsense suggests, does it not,
6 Mr Fornie, that when someone says, "'Is this Five-Zero?', and he
7 says, 'Yes'", you're talking about Five-Zero saying "Yes",
8 correct?

9 A. I did not tell you that it was Five-Zero. I did not tell
15:48:44 10 you that I heard Five-Zero answer. I did not tell you that. I
11 said it was Mosquito who asked. He said, "Is this 50?" It was
12 Mosquito who asked. He said, "Is it 50?", and then they
13 continued talking and whilst they were talking he was answering
14 to him, "Yes, sir. Yes, sir".

15:49:03 15 Q. Well, you have picked that up from Mr Santora.

16 JUDGE SEBUTINDE: Who was answering, "Yes, sir"? Who was
17 answering?

18 THE WITNESS: It was Mosquito.

19 MR MUNYARD:

15:49:13 20 Q. That is later in your answer. That's later in your
21 evidence on the next page, but I'm not going to pursue this. I
22 want to go on to something different, please. Can you remember
23 telling this Court last week that during the Freetown invasion, 6
24 January '99 onwards, that you monitored:

15:49:39 25 "... a live conversation between Mosquito and Gullit when
26 Mosquito was giving direct instructions to Gullit for Gullit to
27 tell the men - the RUF and the AFRC combatants - to cause a lot
28 of mayhem in the city, that is like to destroy some important
29 government buildings and to tell people to take their hands off

1 the war"?

2 Then you added:

3 "Mosquito said, 'If it is possible to chop off anybody's
4 arm ...', he said, '... no'. He said, "If it is possible to give
15:50:17 5 anybody short sleeves or long sleeves ...', meaning to amputate
6 anybody, he said, '... that wouldn't be any problem'. He said
7 they should raise alarm. He said, 'Gullit and others should
8 raise alarm to the level of international community so that they
9 can come in."

15:50:36 10 Are you suggesting that you heard Mosquito telling Gullit
11 to order the men to chop off people's arms?

12 A. Yes, and he did not just stop there. He even went on the
13 air over the BBC. He even went on the BBC.

14 Q. No, hang on. Hang on. Are you saying in this conversation
15:51:00 15 that you claim to have monitored that you heard Mosquito telling
16 Gullit during the Freetown invasion to order the men to chop off
17 people's arms to give them short sleeves or long sleeves?

18 A. Yes, I said that.

19 Q. Right. Why have you never told the Prosecutors in your 28
15:51:36 20 interviews that Mosquito during the Freetown invasion told Gullit
21 to order the men to chop people's arms off?

22 A. Well I think you would be wrong to say so, because I'm sure
23 I told the Prosecutors. If you actually take your time to go
24 through the various transcripts properly you will see something
15:52:06 25 like that; that Mosquito gave orders for Freetown to be set
26 ablaze.

27 Q. Did you hear my question?

28 A. Yes, I heard it.

29 Q. Where in that last question I asked you did I suggest

1 anything about setting Freetown ablaze?

2 A. Well, by burning houses in Freetown it means setting houses
3 on fire.

15:52:43

4 Q. Mr Fornie, have you been listening at all to my questions
5 over the last two minutes about chopping off arms?

15:53:14

6 A. I think if I got you right you asked me whether I did say
7 that I overheard Mosquito and Gullit discussing over radio with
8 Mosquito giving orders to Gullit to chop off people's hands and
9 to destroy Freetown, to burn down Freetown, and I told you, "Yes,
10 I said that", and I even said something more than that and I told
11 you that Mosquito even said that they should burn houses in
12 Freetown. They should burn down Freetown.

15:53:35

13 Q. I'm asking you about amputations and I am suggesting to you
14 that you have never told the Prosecution in any of the 28
15 interviews that Mosquito told Gullit to order the men to perform
16 amputations - short sleeves and long sleeves. Do you agree with
17 my suggestion?

15:54:05

18 A. I recall that I told investigators that Mosquito ordered
19 amputation. Mosquito ordered amputation. I recall that I said
20 that, that Mosquito ordered amputations.

21 Q. Ordered - told Gullit during the Freetown invasion to order
22 amputations, yes?

23 A. Yes.

15:54:24

24 Q. Well I will be corrected if I've got it wrong, but I am
25 suggesting to you that that is a new twist to your story that has
26 only come out in your evidence in this Court.

27 A. Well, it is not a twist. If you are saying that it's not
28 there - if you are saying that it is not there, but if I had been
29 directly asked in the Court here and it came to my mind that I

1 have said it here, I think I took an oath before saying anything
2 in this Court and so if it is in this Court that I have been able
3 to recall that and I have said it here I think I have said it.

15:55:09 4 Q. We're not talking about in this Court. We're talking about
5 28 interviews at least when I suggest you have never before made
6 this allegation. Do you understand?

7 A. I think I must have been saying something like that before.
8 I think I had said something like that before really.

15:55:35 9 Q. Now while we're on the Freetown invasion, did you ever
10 monitor a radio message through King Perry's radio transmission
11 activities in which Mosquito told Gullit not to enter Freetown?

12 A. The question is not complete that he did not tell him to -
13 not to - I said he told them not to enter Freetown at that
14 moment, but that he should wait for reinforcement. Your question
15:56:11 15 is not complete. I recall that I said that Mosquito told Gullit
16 to wait for reinforcement before entering Freetown. I am not
17 telling you that Mosquito told him not to enter Freetown, not at
18 all.

19 Q. I want to move on to something else, please, and that is
15:56:28 20 the evidence that you gave us last week about a radio broadcast.
21 Do you remember a clip was played from a radio broadcast? I
22 think we're talking about MFI-9, if I'm remembering correctly.

23 Would your Honours give me a moment? MFI-6. I've got my 9s and
24 6s reversed. This is a reporter from the BBC on Focus on Africa
15:57:29 25 and do you recall he was talking about what was happening during
26 the combatants' retreat from Freetown?

27 A. Yes.

28 Q. And do you remember being asked do you know if Sam Bockarie
29 heard this broadcast, in your evidence last Wednesday?

1 A. I recall.

2 Q. And do you remember being asked - you said yes, he heard it
3 and you were asked what was his reaction to this broadcast and
4 you said:

15:58:11 5 "Well, Sam Bockarie was well pleased over it. He was well
6 pleased. Just that what he was saying was he said, well, they
7 haven't seen anything yet. That is what we will be on until you
8 receive that Pa. That was Sam Bockarie speaking. He was
9 referring to the Government of Sierra Leone and the civilians
10 too. He said they should go and tell the government to release
11 Pa Sankoh."

12 And it's page 21600, lines 19 down. Do you remember
13 telling us all of that?

14 A. Yes.

15:58:55 15 Q. Tab 24, please. I'm going to ask you to look first of all
16 at the first page of that tab, which is 101458. We read a
17 transcript of it in a document headed D0000507. Now, tab 24,
18 paragraph 5, please:

19 "The witness listened to the recording D0000507 and
16:00:51 20 recognised it as a broadcast from the BBC Focus on Africa that he
21 heard whilst in Buedu a few weeks into the Freetown invasion as
22 the AFRC and RUF were retreating from the city. The witness said
23 that Bockarie was present and heard this broadcast as well."

24 I'm sorry, Mr Fornie, I should have asked, are you
16:01:16 25 following this on the screen? Can you see what I'm reading from?

26 A. Yes.

27 Q. "The witness said that this broadcast was after Sam
28 Bockarie gave the instruction to Gullit to cause destruction as
29 described in the witness's statement of 26 November 2007 at pages

1 3 to 6. Sam Bockarie did not react either negatively or
2 positively to the information provided in the broadcast and did
3 not take any action related to it."

4 Why did you tell us that he was well pleased?

16:02:02 5 A. Well, he did say that he was well pleased because, for
6 instance, when sometimes he heard of something that people did he
7 would become angry or annoyed, he would call someone and start
8 blasting at that person. He did not do anything like that. From
9 his facial looks you would see that Sam Bockarie was pleased.

16:02:30 10 And that besides, he expressed it himself. He said he was well
11 pleased, he was satisfied, according to what he expressed by
12 himself, from what he said, saying that they have not seen
13 anything as of that moment until - he said until they released Pa
14 Sankoh before they would stop everything.

16:02:53 15 Q. Do you realise what the word "positively" means? "He did
16 not react either negatively or positively to the information
17 provided in the broadcast"?

18 A. React in the sense - by that I mean he did not react - that
19 particular moment he did not react to say those people must have
16:03:28 20 done something very, very wrong. But he did say something.

21 Q. Are you struggling to explain away what is recorded in this
22 document?

23 A. Well, I am not struggling. I am talking to you slowly so
24 that people will understand that this is what I am doing here. I
16:03:52 25 am trying to moderate myself, I'm talking to you slowly for you
26 and others to understand clearly what I'm saying. Mosquito made
27 a comment. He made a comment that indeed until the government
28 does something towards the release of Pa Sankoh.

29 Q. Do you agree that the words Sam Bockarie was well pleased,

1 well pleased repeated, are completely contradictory to the words
2 "Sam Bockarie did not react either negatively or positively to
3 the information provided in the broadcast"? Do you agree that
4 those two are completely contradictory positions?

16:04:41 5 A. Well, if that is what they have written - I did not write
6 it. It is English language. It is grammar. Maybe the way you
7 are explaining now was not the way the next person wrote it.

8 Q. Is that your explanation?

9 A. Yes.

16:04:55 10 Q. Are you saying they haven't properly recorded what you told
11 them in November this year?

12 A. I don't know, but maybe that is what I see here because you
13 too have read what you are talking now, where you said - in fact
14 I did not get the other line from where you were reading wherein
16:05:28 15 you said he was pleased, he was pleased for the actions that
16 obtained in Freetown. But he did not give any negative reaction.

17 Q. Or positive reaction?

18 A. Yes.

19 Q. You were just telling a pack of lies in your evidence on
16:05:49 20 oath to this Court, weren't you, about that?

21 A. But I am still telling you that I wouldn't come here to
22 lie. Mosquito said that and that besides Mosquito even went over
23 the BBC and made that declaration. He even went on the BBC and
24 said that until the government releases Pa Sankoh they will not
16:06:13 25 stop the war and the course of the atrocities.

26 Q. It doesn't trouble you to lie under oath, does it?

27 A. Why should I be troubled here? Whatever thing I am
28 saying here is something that happened and it was something that
29 I saw. Why should I come here to lie on oath?

1 Q. How was it that you end up going to Lome as the radio
2 operator?

3 A. It was by appointment.

4 Q. Or was it by instruction?

16:07:01 5 A. It was instruction.

6 Q. Yes, because nobody else in the hierarchy above you was
7 willing to go, were they?

8 PRESIDING JUDGE: Can I take it that's the radio operators
9 hierarchy, Mr Munyard?

16:07:15 10 MR MUNYARD: Yes, your Honour.

11 THE WITNESS: That cannot be the absolute reason why I
12 didn't go. That was not the absolute reason. But even if there
13 were some other people who were not ready to go, that shouldn't
14 be the absolute reason. That's not the only reason.

16:07:43 15 MR MUNYARD:

16 Q. "I was selected/appointed from communications and signals
17 after all my bosses decline." Can you remember saying that?

18 A. Yes.

19 Q. And that's right, isn't it? All your bosses were given a
16:08:01 20 choice and they declined and you were told to go to Lome?

21 A. Those were the two bosses that I had in Buedu. The two
22 bosses that I had in Buedu. Those were Kabbah and Sellay. And
23 apart from me there were some other options, there were some
24 other people who would have gone there.

16:08:24 25 Q. "After all my bosses decline". Why "all" if it's only - if
26 it should only be "both"?

27 A. Well, they were my signal bosses. They were the only two
28 bosses that I had in the signals unit. That was the reason why I
29 said all.

1 Q. Now, where was Johnny Paul Koroma during the Lome talks?

2 A. From where they selected me, Johnny Paul and others they
3 were all present at that meeting at Waterworks.

4 Q. Sorry?

16:09:13 5 A. That is the Waterworks close to Buedu, near Buedu, after
6 Buedu going towards Dawa.

7 Q. I'm not sure which one of us misunderstood but I'll try
8 again. Where was Johnny Paul Koroma during the Lome talks, Lome
9 in Togo, where you were sent after your bosses refused to go as
16:09:36 10 radio operator?

11 A. Well, the place where the appointment came up is where I'm
12 telling you about. I said Johnny Paul and others, they were all
13 present in that meeting, and it was the meeting that led to our
14 departure for Lome.

16:09:56 15 PRESIDING JUDGE: Mr Witness, as I understand counsel's
16 question it was during the Lome talks where was Johnny Paul
17 Koroma.

18 THE WITNESS: Do you mean at the time I was now in Lome?

19 PRESIDING JUDGE: Mr Munyard?

16:10:14 20 MR MUNYARD: I'm just looking at my question.

21 PRESIDING JUDGE: I'm looking at the question myself.

22 MR MUNYARD: Yes:

23 Q. I've said, where was Johnny Paul Koroma during the Lome
24 talks, Lome in Togo, where you were sent? Did you not understand
16:10:31 25 that to mean where was Johnny Paul Koroma during the Lome talks
26 where you were? That's what I'm asking. Where was he while you
27 were at the Lome talks?

28 A. Well, Johnny Paul Koroma was - he was in a village, that is
29 after Buedu going towards Koindu, that is Kangama. Yes, Kangama.

1 Q. Right.

2 A. Kangama.

3 Q. So as far as you know why didn't he get on a plane and come
4 down to Lome to take parts in these talks? What, if anything,
16:11:17 5 was stopping him?

6 A. I don't know why he didn't go, but he sent delegates.

7 People went on his behalf.

8 Q. Yes, but Foday Sankoh was there, wasn't he, in Lome?

9 A. Yes, Foday Sankoh was there.

16:11:39 10 Q. So you were there with Foday Sankoh as radio operator, yes?

11 A. Yes.

12 Q. Did Foday Sankoh ever say to you, "Isn't it odd that I'm
13 here and all these other government officials are here but Johnny
14 Paul hasn't come?" Did he ever say anything like that to you?

16:12:00 15 A. Foday Sankoh did not tell me that, not at all.

16 Q. Are you aware that Johnny Paul Koroma was being held
17 against his will in Sierra Leone, or is that something you just
18 didn't know?

19 A. I know that Johnny Paul Koroma was stopped by Mosquito not
16:12:32 20 to move out of Sierra Leone.

21 Q. Well, why didn't you tell us that earlier when I asked you
22 where he was and why he didn't go, why he sent delegates on his
23 behalf?

24 A. Well, it was because of the topic that we were on. We were
16:12:53 25 talking about selection or no selection of delegates. That was
26 the discussion that we were on when you suddenly brought up the
27 issue of Johnny Paul Koroma and I was directing your attention
28 directly to the meeting and I told you that that particular
29 meeting that took place, in that same meeting, Johnny Paul

1 himself was present.

2 Q. Sorry, which meeting?

3 A. I said --

4 Q. I don't want to go back in time. We're not dealing with
16:13:24 5 Buedu and the Waterworks. I'm dealing with Lome. Limit yourself
6 to Lome, please. Did you understand from your closeness to Foday
7 Sankoh, did you learn what was being done to bring those two
8 leaders together either during or in the immediate aftermath of
9 the Lome talks?

16:13:51 10 A. Well, after the Lome Peace Accord I recall that Johnny Paul
11 and Foday Sankoh met in Monrovia for arbitration between the two
12 of them. I was in Monrovia but I was not present in that
13 particular meeting.

14 Q. Were you present at any meeting between Foday Sankoh and
16:14:22 15 Johnny Paul Koroma in Monrovia?

16 A. No, I was not present at the meeting.

17 Q. Had Johnny Paul Koroma and Foday Sankoh ever met before
18 that time in Monrovia in 1999, to your knowledge?

19 A. Well, that was the first time that I know that Johnny Paul
16:14:57 20 and Foday Sankoh met.

21 Q. And who was it who arranged that meeting?

22 A. Well, to the best of my knowledge it was Mr Taylor who
23 arranged it.

24 Q. And do you know at whose request Mr Taylor arranged that
16:15:21 25 meeting?

26 A. I know that - I do not recall that now.

27 Q. Now, do you know when they met, which month they met?

28 A. That was the time we were on our way travelling to Freetown
29 from the Lome peace talks.

1 Q. Yes, but you've told us about a long series of trips to one
2 country and another after the peace talks in Lome. When do you
3 say the peace talks in Lome ended roughly? I'm not asking for a
4 specific date.

16:16:27 5 A. Well, it was around mid-July. Around July the peace talks
6 ended.

7 Q. And then Foday Sankoh goes off round Africa, doesn't he,
8 with you as well? That's right, isn't it?

9 A. Yes, we went to some countries.

16:16:46 10 Q. And is it right also that Foday Sankoh had meetings with
11 ambassadors and people of that sort?

12 A. Yes.

13 Q. Including meeting the American ambassador to Liberia. Can
14 you remember that?

16:17:07 15 A. I do not recall all the individuals that Foday Sankoh met
16 with. Individually, I do not remember every one of them who met
17 with Foday Sankoh.

18 Q. When Foday Sankoh had met Johnny Paul Koroma and they had
19 conducted discussions in Monrovia where did they both go to after
16:17:32 20 that?

21 A. I remember that we went to Freetown. We went to Freetown.

22 Q. All right. You say "we" went to Freetown. So you were
23 with Foday Sankoh and Johnny Paul on their journey from Monrovia
24 to Freetown, were you?

16:18:05 25 A. I was with Foday Sankoh during the journey to Freetown, but
26 I am trying to recall whether indeed Johnny Paul went with us
27 when we went with Foday Sankoh. That is what I'm trying to
28 recall. But actually I do not recall whether Johnny Paul did
29 travel with us.

1 Q. So your recollection of what happened after Johnny Paul and
2 Foday Sankoh met was that you and Foday Sankoh travelled back to
3 Freetown together, but you can't remember if Johnny Paul came
4 with you. Is that right?

16:18:46 5 A. Yes, because in that convoy we were many actually. We were
6 many. We were many on that trip. So I do not recall everybody
7 who travelled along with us to Freetown.

8 Q. When you say that convoy, how did you actually make the
9 journey, by what means of transport?

16:19:12 10 A. Well, Foday Sankoh and others used the President of
11 Nigeria's presidential flight, but we used Sabena Airlines.

12 Q. So you weren't actually with Foday Sankoh. You were on a
13 commercial flight carrying other members of the entourage. Is
14 that right?

16:19:40 15 A. Yes.

16 Q. And did you all leave on the same day from Monrovia?

17 A. Yes.

18 Q. So are you able then to confirm, please, that both Johnny
19 Paul Koroma and Foday Sankoh, and a group of international

16:20:06 20 observers, left Monrovia together on an executive jet provided by
21 the Nigerian government? Can you confirm that?

22 A. Please, I have told you that I wouldn't recall whether
23 Foday Sankoh and Johnny Paul, all of them travelled together. I
24 have told you that, because I was not with them in the same
16:20:34 25 flight. Because they moved on a different flight and we too
26 moved on a different flight.

27 Q. What I'm trying to understand from you is if you were made
28 aware that the two leaders flew back to Sierra Leone together on
29 this jet provided by the Nigerian government?

1 A. I said I do not know.

2 Q. Can you help us with this: That amongst the international
3 observers who were on that flight with Foday Sankoh, I know you
4 don't remember Johnny Paul being with him, but can you remember
16:21:10 5 if there were amongst others on that flight the United States
6 ambassador to Liberia Mr Bismarck Myrick. Can you remember the
7 American ambassador travelling back to Freetown on board the
8 plane, the Nigerian government plane, with Foday Sankoh?

9 A. I do not recall that.

16:21:44 10 JUDGE SEBUTINDE: Would you spell that surname, please.

11 MR MUNYARD: It's either M-E-Y-R-I-C-K or it's M-Y-R-I-C-K.
12 I've seen it in two different spellings, your Honour. I'm sure
13 we can have it checked with the State Department:

14 Q. Now later that same year you're being kept in a hole in the
16:22:21 15 ground at Sam Bockarie's instruction, is that right?

16 A. Yes.

17 Q. And at some stage Sam Bockarie and his forces cross into
18 Liberia. Are you still in the hole in the ground at the time
19 that Foday Sankoh and his party cross into Liberia?

16:22:45 20 A. Not Foday Sankoh.

21 Q. Sorry, sorry, Sam Bockarie.

22 A. Yes.

23 Q. You're still in the dungeon?

24 A. He left me in the dungeon.

16:23:00 25 Q. Yes, but I just want to establish that you're in the
26 dungeon at the point at which Sam Bockarie and his people go over
27 the border into Liberia. Is that right, or had you been released
28 from the dungeon by then?

29 A. He left me in the dungeon. He left me in the dungeon when

1 he left Buedu. He left me in the dungeon when he took off from
2 Buedu.

3 Q. Took off from Buedu for Liberia, yes?

4 A. Yes.

16:23:34 5 Q. Right, thank you. Now, do you know how it was that Sam
6 Bockarie came to be offered a place to go to in Liberia?

7 A. I was not outside at liberty to know how everything went
8 on. I did not know that, because I was in the dungeon. It was
9 only after I had been released from the dungeon --

16:24:18 10 THE INTERPRETER: Your Honours, could the witness be asked
11 to repeat the last bit of his testimony.

12 PRESIDING JUDGE: Mr Witness, the interpreter has not heard
13 all of your answer. Please pick up from where you said, "It was
14 only after I had been released from the dungeon --"

16:24:32 15 THE WITNESS: That was the time I understood that Mosquito
16 had moved towards Monrovia.

17 MR MUNYARD: All right. Madam President, there's an area
18 that I need to deal with with this witness that's going to take
19 more than a few minutes. Chronologically it's in 1999, but if I
16:24:55 20 can use the remaining time to deal with one discrete element of
21 the evidence in 2000 then I'll hope to tidy things up first thing
22 tomorrow morning by referring the witness to the rather larger
23 area of 1999. That should conclude my cross-examination, but
24 I'll break the chronology if I may by just quickly dealing with
16:25:21 25 something in 2000.

26 PRESIDING JUDGE: Very well, Mr Munyard.

27 MR MUNYARD: I should say I've now been two hours longer
28 than Mr Santora was in-chief, which I predicted last Thursday
29 morning when I addressed you about the length of my

1 cross-examination:

2 Q. In 2000 Issa Sesay became the interim leader of the RUF,
3 didn't he?

4 A. Yes.

16:26:11 5 Q. And that was done as a result of Issa Sesay meeting a group
6 of Presidents from West Africa. That's correct, isn't it?

7 A. That's what I heard.

8 Q. It wasn't that Charles Taylor appointed him, but that in
9 fact Issa Sesay came to Monrovia to meet with Presidents Obasanjo
16:26:47 10 of Nigeria, Konare of Mali, Jammeh of Gambia and then Victor
11 Gebeh, the Ghanaian Foreign Minister, and the Chair of ECOWAS
12 President Eyadema of Togo. That is what led to Issa Sesay's
13 becoming the interim leader, isn't it, a meeting with those
14 Presidents, or do you not know that?

16:27:15 15 A. Well I am now telling you that, although that meeting took
16 place, if Charles Taylor had not accepted Issa Sesay wouldn't
17 have taken that responsibility. The reason why Issa Sesay
18 accepted that in Foday Sankoh's absence was because it was only
19 from Mr Taylor that that would come and Mr Taylor was one of the
16:27:45 20 people - the number one person - from whom Issa took advice.

21 That was why Issa accepted that. But if Mr Taylor had refused to
22 allow Issa to come to that meeting, Issa wouldn't have gone
23 there. And the reason why I said that is because even with the
24 release of the UN it was on the instruction that he sent to Issa
16:28:07 25 for Issa to release the UN and Issa did it automatically, you
26 see.

27 Q. Mr Fornie, were you at that meeting with the African
28 Presidents and the Foreign Minister of Ghana in Monrovia? Were
29 you at that meeting?

1 A. No, I was not at the meeting.

2 Q. Do you know when it was?

3 A. That meeting it was in the year 2000, as you have correctly
4 suggested.

16:28:44 5 Q. Have a try at a month, if you would?

6 A. I wouldn't be able.

7 Q. Are you saying that it was around the time that the UN
8 peacekeepers were released?

9 A. It was after that.

16:29:08 10 Q. Right, thank you. And are you aware that the ECOWAS
11 Presidents and other leaders asked Issa Sesay to come to meet
12 them in Monrovia so that they could talk to somebody who had some
13 kind of command position in the RUF given that Foday Sankoh was
14 now back in prison? Were you aware that that was why he went to
16:29:37 15 that meeting?

16 A. What I recall is that Issa did say that Mr Taylor had -
17 according to what I understood was that Mr Taylor called Issa for
18 him to go and attend a meeting with ECOWAS members of states.

19 Q. And are you aware that at that meeting those ECOWAS Heads
16:30:06 20 of State asked him if he was the leader of the RUF so that they
21 could negotiate in future with him? Are you aware of that?

22 A. I know that it was in that meeting.

23 Q. All right.

24 PRESIDING JUDGE: Mr Munyard, we've been alerted to the
16:30:27 25 fact that there's less than a minute on the tape.

26 MR MUNYARD:

27 Q. Are you aware that he said that he couldn't accept the
28 leadership until he went back to the members and he had to refer
29 to the RUF command before he could accept the leadership and that

1 he did that and he returned to meet President Obasanjo and
2 President Konare and only after the membership said he could be
3 the leader did he confirm to those two Presidents that he was now
4 the interim leader? Are you aware of that?

16:31:05 5 A. I even know something beyond that about Issa's leadership
6 of the RUF.

7 Q. Well, start with that and then we'll go beyond it. Start
8 with that, please, first.

9 A. It was where you started from is where I want to start
16:31:23 10 from, even before confirming it to you that he met with ECOWAS
11 leaders.

12 MR MUNYARD: I think we have now run out of time.

13 PRESIDING JUDGE: I think we have, Mr Munyard. Mr Witness,
14 we are now going to adjourn until tomorrow morning. I again
16:31:42 15 remind you that you are under oath and you must not discuss your
16 evidence with any other person while you are under oath. Do you
17 understand?

18 THE WITNESS: Yes, my Lordship.

19 PRESIDING JUDGE: Please adjourn court until tomorrow at
16:31:55 20 9.30.

21 [Whereupon the hearing adjourned at 4.30 p.m.
22 to be reconvened on Thursday, 11 December 2008
23 at 9.30 a.m.]

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I N D E X

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