



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 11 MARCH 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Terry Munyard
Mr Silas Chekera
Ms Logan Hambriek

1 Thursday, 11 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:33:59 5 PRESIDING JUDGE: Good morning. We'll take appearances
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours. For the Prosecution, the Prosecutor Brenda J
9 Hollis, Kathryn Howarth, Maja Dimitrova and Nicholas Koumjian.

09:34:20 10 MR MUNYARD: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence, myself Terry Munyard,
12 Courtenay Griffiths QC, Morris Anyah and Silas Chekera.

13 Madam President, I will be taking the next witness. Before
14 that there are two preliminary matters I would seek to raise for
09:34:44 15 the Court's consideration. The first in fact is simply to
16 inquire if I may through the Court how long the Prosecution seek
17 by way of an adjournment to consider further preparation for
18 their cross-examination of witness DCT-125. I'm asking that
19 through the Court because there are obvious logistical issues
09:35:09 20 that arise in relation to other Defence witnesses and it would be
21 helpful to us to know how long the Prosecution seek so that we
22 can make the proper arrangements and assist the Witness and
23 Victims Section also.

24 Then the second matter I'll raise, once that's dealt with,
09:35:30 25 is, I will be making a short oral application for some protective
26 measures in relation to the next witness who we will be calling.

27 PRESIDING JUDGE: As I understood yesterday, the proposal
28 that the Court adopted was that this new witness would be
29 interposed and the adjournment would last for the duration of

1 this witness's examination-in-chief. Now, that puts the ball
2 back in your court. But if you say that there are logistical
3 problems, we could revisit.

09:36:12 4 MR MUNYARD: Madam President, I don't anticipate that this
5 current witness will be terribly long in total and that's really
6 why I'm raising the question now, because I hope it's for the
7 convenience of everybody, both parties and the Court and the
8 Witness and Victims Section for us to get some idea of whether
9 the Prosecution are asking for a day, two days or whatever.
09:36:35 10 Because I am reasonably confident - although counsel's time
11 estimates are never very reliable - I'm reasonably confident that
12 we should be able to finish this witness inside a day.

13 PRESIDING JUDGE: That is the examination-in-chief or in
14 total?

09:36:54 15 MR MUNYARD: In total, working, of course, on the basis
16 that I don't know how much cross-examination there will be, but
17 that's my best estimate.

18 PRESIDING JUDGE: Mr Koumjian?

09:37:12 19 MR KOUMJIAN: Good morning, counsel opposite. Your
20 Honours, the Prosecution when we spoke yesterday, we are relying,
21 as we generally are, on the time estimates given by the Defence
22 in the summaries. The time estimate given until just a moment
23 ago for this witness 068 was 11 hours in direct examination or
24 two days total, so we were looking to having until Tuesday to
09:37:34 25 commence the cross-examination of - or continue with the
26 cross-examination of DCT-125. So our request is, if this is a
27 witness that will be finished within a day, apparently the
28 Defence has listed another witness for this week, 025, and we'd
29 ask to do his direct and, if possible, I don't know if that

1 witness can be finished tomorrow, that would be fine, but we
2 would ask to start the cross-examination on 125 on the next court
3 day which would be Tuesday. And that would give us sufficient
4 time, in our view, given the short notice that we had, to prepare
09:38:15 5 both a thorough and efficient cross-examination on 125.

6 PRESIDING JUDGE: Did you say 068? We've been given to
7 believe it's 146. DCT-146. Who is the next witness? What is
8 the DCT number?

9 MR MUNYARD: I have to say, I tend to work in people's
09:38:38 10 names, but on this occasion I know I've correctly remembered the
11 number and it is 068. I'm mystified by the suggestion that it's
12 somebody else or a different number.

13 PRESIDING JUDGE: Obviously we were misinformed and I do
14 beg your pardon.

09:38:58 15 MR MUNYARD: I'm sorry if that's arisen as a result of
16 anything that's come from our side. I don't know how it's
17 arisen.

18 Can I say this in relation to time estimates that were
19 previously given by us: That we obviously tried to be as
09:39:12 20 accurate as we could, but once one goes into proofing a witness,
21 quite often the situation changes. And may I remind the Court of
22 something that may feel now in 2010 like ancient history, but the
23 very first witness who was called in this case on 7 January 2008
24 by the Prosecution was listed as likely to give evidence-in-chief
09:39:42 25 for 16 hours. He gave evidence-in-chief for four and a half
26 hours. He was cross-examined for one hour that same day and
27 another hour the following day, 8 January. Re-examination was
28 quite short and he was out of here before the lunch adjournment
29 on the second day. This is no criticism of anybody. It is

1 simply to illustrate the way in which the time estimates
2 genuinely given well in advance of a witness may turn out to be
3 inaccurate.

09:40:20 4 In any event, I would have thought that everybody would be
5 pleased that it's anticipated a witness will not take as long as
6 previously predicted. I'm sure the management committee would be
7 pleased to hear that.

09:40:36 8 PRESIDING JUDGE: The management committee doesn't run the
9 trial; we do. Mr Munyard, of course these things cannot be
10 predicted with the precision of mathematics, but the question
11 that I'd like you to address is whether or not the Defence is in
12 a position to interpose two instead of one witness as proposed.

13 MR MUNYARD: We are, yes.

09:40:57 14 PRESIDING JUDGE: Well, then that settles it. I propose
15 that we go into the evidence of this next witness and see how far
16 we go. And I think the Prosecution's request until Tuesday is
17 not unreasonable in the circumstances. They were entitled to 21
18 days; they got 16, leaving a balance of five. That's basically
19 about a week. So I don't think it's an unreasonable request.

09:41:41 20 Please call or address us regarding your next witness.

09:42:07 21 MR MUNYARD: Yes. Madam President, your Honours, you will
22 appreciate that in relation to all of the Defence witnesses,
23 there were pre-trial protective measures put in place by virtue
24 of the Court's order of 29 May 2009 under Rule 69 in which the
25 names of the witnesses, the true identities of the witnesses were
26 replaced by a pseudo number. And in relation to all of the
27 witnesses thus far called, we've given the Prosecution the
28 identities of the witnesses we're calling in accordance with the
29 Court's rules. This particular witness is going to be the first

1 Defence witness who comes from Sierra Leone. You will note that
2 the two other witnesses who we've called so far do not originate
3 from Sierra Leone. This particular witness is especially
4 anxious, as the first Defence witness for Mr Taylor to come from
09:43:03 5 Sierra Leone itself, that he may suffer reprisals for giving
6 evidence in a cause which, I hope I can put delicately in this
7 way, is not a particularly popular cause in Sierra Leone. It is
8 for that reason that he has expressed very considerable anxiety
9 to me when I've seen him over the last few days about his
09:43:30 10 identity being disclosed fully to the public.

11 What he would like would be simply for his name and
12 identifying details not to be made public. He is a gentleman who
13 always, when I've met him, wears a hat, and his view is that if
14 he were allowed to wear his hat, that would also to a degree
09:44:00 15 protect his identity.

16 May I say there's an incidental further point as far as
17 that is concerned. He is suffering at the moment from a cold,
18 and he therefore would like to dress up as warmly as possible. I
19 can tell your Honours that despite the central heating being on
09:44:20 20 in the premises where we've been seeing these witnesses, several
21 of them have sat there wearing coats and even gloves because the
22 temperature for them, coming from West Africa, is still very
23 difficult indeed to adjust to. While we've been taking off layer
24 after layer of clothing, they've been putting them on.

09:44:45 25 But in any event, in his case he is suffering from a cold,
26 he would like to wear as many clothes as possible, including, if
27 you would allow it, his hat, which would also go some way about
28 allaying his concerns about many people recognising him as
29 somebody who has been involved in the past with the RUF. That is

1 the organisation that he will be talking about.

2 His anxieties do not stem from any particular incident.
3 They stem solely from his own concerns as somebody who has lived
4 in Sierra Leone throughout the entire period and who is still
09:45:27 5 anxious that people do not know him any longer - sorry, do not
6 associate him with the history of the rebel movement of that
7 country.

8 Unless there's any other matter on which you think I can
9 specifically assist you, those are my submissions.

09:45:47 10 PRESIDING JUDGE: Mr Munyard, do I understand that the
11 witness is willing to testify openly as long as his name is not
12 mentioned?

13 MR MUNYARD: Yes.

14 PRESIDING JUDGE: And as long as his residence is not
09:45:57 15 mentioned?

16 MR MUNYARD: Yes.

17 PRESIDING JUDGE: And that's it?

18 MR MUNYARD: Yes. And he would like some sort of - he'd
19 like to have his appearance modified to the extent that I've
09:46:08 20 mentioned.

21 PRESIDING JUDGE: Yes, but surely, Mr Munyard, the wearing
22 of clothing is not a recognised mode of protection under the
23 rules.

24 MR MUNYARD: It may not be, and it would therefore fall
09:46:20 25 entirely within your Honours' discretion.

26 PRESIDING JUDGE: If he's simply cold, that's a different
27 matter that we can consider. If his head is cold --

28 MR MUNYARD: I can tell you that his head is shaven, so he
29 doesn't have is the sort of protection that some of us have as a

1 result of having hair on our heads.

2 MR KOUMJIAN: I object, your Honour, to counsel's remark.
3 Just kidding on that. Just for the record, your Honour, we don't
4 oppose the measures proposed by counsel. We would simply note
09:46:57 5 that the witness's name was disclosed to us on 22 February, 17
6 days ago. We're prepared to proceed at this time.

7 PRESIDING JUDGE: Thank you, Mr Koumjian.

8 Mr Munyard, for very humanitarian reasons we will allow the
9 witness to wear a hat in court. You may call the witness.

09:47:33 10 MR MUNYARD: Madam President, we're very much obliged.

11 PRESIDING JUDGE: Mr Munyard, after the witness has taken
12 his oath, I will propose that we go into a brief private session
13 to take his personal details.

14 WITNESS: DCT-068 [Affirmed]

09:49:30 15 PRESIDING JUDGE: Madam Court Officer, we will go into a
16 brief private session to record the personal details of this
17 witness, who has indicated that although he'll testify openly, he
18 would prefer for his protection that his names and personal data
19 is not made public.

09:49:51 20 [At this point in the proceedings, a portion of
21 the transcript, pages 37011 to 37012, was
22 extracted and sealed under separate cover, as
23 the proceeding was heard in private session.]

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1 [Open session]

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

3 MR MUNYARD:

4 Q. Mr Witness, I'm going to ask you some questions about the
09:54:25 5 situation in Sierra Leone when you were growing up, and, in
6 particular, from the time after you left school at age 18. First
7 of all, from what we know about you, you were born in the very
8 early 1960s. Is that right?

9 A. Yes, sir.

09:54:51 10 Q. Was Sierra Leone an independent country at the time of your
11 birth?

12 A. Yes, sir.

13 Q. And was Sierra Leone at the time that you were growing up a
14 multi-party democracy?

09:55:13 15 A. It started as a multi-party democracy, but in the 70s it
16 went into a one-party state.

17 Q. And the one-party state was declared by which particular
18 organisation or President?

19 A. By the All People's Congress, the APC. At that time Siaka
09:55:39 20 Stevens was the Prime Minister.

21 Q. Right. And as a result of the declaration of a one-party
22 state, what was the impact on life generally within the country?

23 A. That was the start of the breakdown of the system that was
24 left by the colonial masters.

09:56:05 25 Q. And tell us what you mean by "the breakdown of the system"?

26 A. There was a break in the economic lifestyle of the people
27 of Sierra Leone, the social lifestyle, the judiciary.

28 Q. Any other areas of life where you say this breakdown began
29 to happen?

1 A. The institutions of learning break down.

2 Q. Now I want to ask you a little more detail about that,
3 please. When you say there was a breakdown "in the economic
4 lifestyle of the people", what do you mean by that?

09:57:04 5 A. Most people were not paid on time so as to be able to live
6 a better life in Sierra Leone. People were living three, four,
7 six months before they received a month's salary.

8 Q. Right. Are you talking about people in the private sector,
9 or the public sector, or both?

09:57:31 10 A. In this respect, it was manifested more in the public
11 sector.

12 Q. And from your knowledge of the country that you were living
13 in, do you know why it was that people in the public sector were
14 not receiving their salaries?

09:57:54 15 A. Well, I believe it was because of corruption.

16 Q. Where was the money going, as far as you were aware?

17 A. The money was going in the pockets of politicians and those
18 of their affiliates, especially in the public sector. Like the
19 accountants, permanent secretaries and others working in the
09:58:34 20 public sector.

21 Q. Was there any similar effect on the private sector?

22 A. Well, because of the interrelationship between the public
23 and private sector, the impact of a breakdown in the public
24 sector will have an amount of negative impact on the private
09:58:55 25 sector.

26 Q. Was there any degree of government control over the private
27 sector?

28 A. Yes, because most private institutions that were coming
29 into the country were being influenced by the state.

1 Q. Influenced --

2 A. Like coming in, kickbacks were received by government
3 officials for somebody who need to come and institute his own
4 private institution.

09:59:34 5 Q. What was the effect of all of this corruption on employment
6 policies in the country?

7 A. It was also very negative because for you to earn a job in
8 such sectors you must have political affiliation.

9 Q. And when you say political affiliation, could you be
09:59:58 10 affiliated to any particular party --

11 A. Yes.

12 Q. -- or only one party in order to get or maintain
13 employment?

14 A. Well, let's be very specific. At that time with the APC,
10:00:13 15 if you are not in the APC at that particular period in time, you
16 are not - it was not easy for you to have a job, except maybe if
17 you are maybe the only qualified person that is fit for that job
18 that that private sector needs. But if the competition was
19 there, then definitely the man with the political influence will
10:00:42 20 definitely have that job.

21 Q. If you weren't a member of the party, that's the All
22 People's Congress party, how easy or difficult was it to get work
23 as the one-party state became more entrenched in power?

24 A. It was not easy if you are not a member of those particular
10:01:08 25 institutions. For some of us, it even had impact on us.

26 Q. And can you give the learned judges some examples?

27 A. Well, like myself sitting here, if I applied for a job, on
28 several occasions I was not accorded or I was not offered because
29 most of my family members were on the opposite - opposition side.

1 Q. And what sort of jobs were these? Just tell us in general
2 terms what kind of jobs were these that you were applying for and
3 what were your qualifications for those jobs.

10:01:50 4 A. Well, at that time, just as a school leaver, just clerical
5 jobs.

6 Q. So for how long were you unemployed after leaving school?

7 A. Well, I want to be very frank with this Court, I've never
8 worked in Sierra Leone. I decided to take on my own private
9 programmes.

10:02:12 10 Q. When you say you've never worked, do you mean you've never
11 done a day's work in your life, or do you mean you've never
12 worked for organisations?

13 A. For organisations or for public organisations,
14 institutions.

10:02:23 15 Q. Have you nevertheless tried to work to make a living for
16 yourself over the years since you left school?

17 A. Yes. Of course, in Sierra Leone, it's just left with your
18 brain. There are a lot of ways you can engage yourself, because
19 the country has potentials.

10:02:44 20 Q. Now, Mr Witness, you've talked about the impact on
21 employment practices. What was the impact on productivity of the
22 corruption within both the public and indeed the private sector?

23 A. There was a fall in productivity.

24 Q. And in particular - was that happening in particular
10:03:11 25 industries or areas of public life?

26 A. Yes. That was why we have collapsing infrastructures, bad
27 roads, education, health facilities and others.

28 Q. Were things actually getting worse in terms of
29 infrastructures, roads, education, health facilities? Had it

1 been better before the one-party state became so entrenched?

2 A. Yes, because the colonial masters at least left some
3 structures in place. After the coming of the APC, most of those
4 structures started crumbling, because roads were no longer
10:04:03 5 repaired, schools were not repaired, in terms of scholarships,
6 hospitals, there were no medicines. Doctors preferred to own
7 private clinics instead of paying attention to the government
8 hospital. Medicines that were coming into the hospitals were
9 sold to pharmacies. Educational materials.

10:04:27 10 Q. When you say - well, let's just look at health services for
11 a moment. When you say pharmacies - hospitals [sic] were sold to
12 pharmacies, were they sold to particular commercial organisations
13 or just the highest bidder?

14 A. Well, not necessarily the highest bidder, but buying those
10:04:51 15 items, your connection with those in that particular
16 institutions.

17 Q. Which particular institutions?

18 A. The health. Like the health sector you are talking about.
19 Like the pharmacies, these were owned by private people.

10:05:10 20 Q. And were these people connected with or independent from
21 the APC?

22 A. Well, some of them were connected, some were not connected.

23 Q. You talked about kickbacks being paid earlier in your
24 evidence. Are you aware of any particular areas of the economy
10:05:32 25 where kickbacks were being paid in order to promote certain
26 individuals' economic interests?

27 A. Yes. Like if you wanted medicine, you own a pharmacy, you
28 want to buy that medicine from a doctor who is in the government
29 hospital or the state hospital, you need to pay kickbacks to such

1 individuals for you to acquire such medicines or whatever medical
2 needs you might be in need of.

3 Q. Very well. I'm just going to mention one thing to you.

4 You're being asked questions by me on this side on the Court at

10:06:14 5 the moment. In due course you'll be asked questions by my

6 learned friends opposite on that side of the Court and it is a

7 natural human reaction to look at the person - when you're giving

8 your answer to look at the person who asked you the question.

9 Mr Witness, in fact, could you when answering please direct

10:06:31 10 yourself to the learned judges because it is them who have to

11 listen to and make notes of the evidence you're giving. It may

12 feel a little artificial at first, but I'm sure you'll get used

13 to it.

14 A. Yes, sir.

10:06:46 15 Q. Now, you've been talking about the effect of the one-party

16 state on the economy. Was there any particular catch phrase that

17 was used in Sierra Leone to describe the impact of this

18 corruption within the one-party state?

19 A. Yes. During the APC era, especially under Siaka Stevens,

10:07:13 20 they used to say - well, in Krio - let me just say it in Krio and

21 then later translate it in English. They say, "Wu sei den tie

22 cow na de e for eate." That is, wherever - well, the cow is

23 referring to the individual in that institution. So wherever

24 that individual is, whatever is found around that institution is

10:07:40 25 what that individual is supposed to survive on, whether it is

26 through a clean way or a dishonest way.

27 Q. Let us just have the spelling of the phrase "wu sei den tie

28 cow na de e for eate". It's a Krio phrase. Would you spell it

29 in English? And you'll probably pronounce it rather better than

1 I just did.

2 A. I want you to repeat that question again, sir.

3 Q. Will you just spell the phrase for us, the Krio phrase that
4 you used that was a catchphrase to summarise the state of
10:08:18 5 affairs?

6 A. In Krio?

7 Q. Yes.

8 A. W-U, wu; S-E-I, sei; D-E-N, den, tie, T-I-E; cow of course
9 is the same, C-O-W.

10:08:55 10 Q. And the next half?

11 A. N-A, na; D-E, de; E, just the letter E; D-E, de; E-A-T-E,
12 eate. Wu sei den tie cow na de e go eate.

13 Q. All right. And that was a catchphrase that - how popular
14 was that catchphrase to summarise the state of affairs that you
10:09:43 15 were all living under under the one-party state of Siaka Stevens?

16 A. It was so common and popular that even there was a currency
17 that came, the 10 leones note, a cow was drawn on it feeding on
18 the grass, so people started saying, "Oh, these people made this
19 currency again to tell people that actually they mean what they
10:10:16 20 are saying."

21 Q. I think it's a long time since there was a 10 Leone note in
22 circulation in Sierra Leone. In any event, Mr Witness, can you
23 tell us now a little bit more about what was happening in the
24 educational system in the country under Siaka Stevens?

10:10:40 25 A. In the educational sector, people even refused to become
26 teachers.

27 Q. Why was that?

28 A. One, teachers were not highly respected in society. Two --

29 Q. Was there a state educational system in place then from

1 independence onwards?

2 A. Yes, there were state institutions.

3 Q. Are we talking about schools or schools and colleges and
4 universities?

10:11:19 5 A. In respect of schools. In respect of colleges, you have to
6 pay your own fees.

7 Q. But were there colleges run by the state from independence
8 onwards?

9 A. Yes, they were run by the states but had affiliates with
10:11:41 10 other institutions.

11 Q. Well, let's deal with schools first. Were the state
12 schools being properly maintained during the period of the
13 one-party state?

14 A. No.

10:11:58 15 Q. What was happening to school facilities?

16 A. Most school facilities that were brought into schools for -
17 meant for school purposes were not distributed to students. They
18 find their way into the open market, as was the case in the
19 health sector.

10:12:24 20 Q. What sort of things found their way into the open market?

21 A. Like pencils, pens. It even reached a time when students
22 used to buy chalk for teachers to write on the blackboard. And
23 teachers even coercing students to pay stipends, which is even
24 existing now. To even collect your result, you need to tip the
10:13:01 25 teachers. Though the government is stressing that such should
26 not happen, but they are still - it's difficult.

27 Q. Now, as far as you know, was that sort of thing happening
28 before the imposition of the one-party state, or did it become
29 widespread only after the imposition of the one-party state?

1 A. It was after the imposition of the one-party state --

2 Q. And you've just --

3 A. -- that those things became widespread and it was so open
4 that people didn't think - it was not even a secret.

10:13:40 5 Q. And did the government or other organisations provide
6 scholarships prior to the imposition of the one-party state to
7 students, either to attend school or to attend a college or a
8 university?

9 A. Yes, a lot of scholarships were provided, especially by
10:14:05 10 those days we have this - that was the time of the Cold War, the
11 superpower rivalry between the Soviet Union, the Eastern Bloc and
12 the West. Because the APC, by virtue of it having red as its
13 party colour, and most eastern European countries had high regard
14 for the red colour. Wherever they go to those states they tell
10:14:38 15 them we have a one-party state, our party colour is red. But not
16 knowing the reality on the ground they offered a lot of
17 opportunities which most of our brothers made use of, like those
18 who were closely connected.

19 Q. There's a lot of "they"s in your answer, and I'm just going
10:14:58 20 to take you back through it so that you can identify who it is
21 you're talking about. You say "their colour was red and they
22 were a one-party state". Who are we talking about?

23 A. The APC.

24 Q. The Sierra Leone government?

10:15:15 25 A. The Sierra Leone government at that time, yeah.

26 Q. And then you went on to say that "not knowing the reality
27 on the ground, they offered a lot of opportunities". Who did not
28 know the reality on the ground and was offering a lot of
29 opportunities?

1 A. The eastern European states. We had scholarships from
2 Bulgaria, the Soviet Union, Romania, Poland. They even gave
3 scholarships to the party for party officials to go and study
4 ideology and other related causes.

10:16:03 5 Q. And then the last thing you said in that earlier answer was
6 "they offered a lot of opportunities which most of our brothers
7 made use of, like those who were closely connected." You say -
8 who do you mean when you say "our brothers made use of, like
9 those who were closely connected"?

10:16:25 10 A. The APC.

11 Q. People who were closely connected --

12 A. To the APC.

13 Q. Thank you. So if you were a member of the party, did that
14 mean that you were more likely to get one of these scholarships
10:16:40 15 to go and study in the Eastern Bloc?

16 A. Yes.

17 Q. What if you weren't connected with the party? Would you be
18 able, in an open competition, to get a scholarship to go and
19 study in Moscow, or Bucharest, or wherever else it may be?

10:17:02 20 A. Well, if you are neutral, maybe they didn't know your
21 political affiliation, you might be fortunate. But if your
22 political affiliation was known, it's not easy for you to get it.
23 And in exceptional cases, maybe there are cases which they don't
24 have their own party stalwarts that do offer those courses.

10:17:27 25 Q. Can I just ask you another general question about political
26 affiliations at the time. Did the part of the country that you
27 came from itself suggest that you might support one particular
28 party rather than another, or not?

29 A. Yes, the part I'm coming from was affiliated with the SLPP.

1 Q. That's the Sierra Leone People's Party?

2 A. Yes.

3 Q. And had they been in opposition in the multi-party
4 democracy before the imposition of the one-party state? Let me

10:18:06 5 rephrase that. Had they been one of the parties participating in
6 the multi-party democracy that was that was functioning at the
7 time of independence?

8 A. Yes, because they were in power just after independence.
9 So they lost power in the 70s - late 60s.

10:18:29 10 Q. I'm going to come back to that point in a moment, but
11 you're still dealing with the education system at present.
12 Although there were these scholarships from the east, you say you
13 were more likely to get one if you were connected with the party.
14 What about western countries, were they also offering

10:18:50 15 scholarships?

16 A. Yes, they were offering scholarships.

17 Q. And was it any easier to get a scholarship to study in one
18 of the western countries?

19 A. No.

10:19:03 20 Q. And why was that?

21 A. The reason is you still need to have the political
22 connection. Excuse me, can I just elaborate?

23 Q. Certainly.

24 A. The scholarships that the western countries were offering,
10:19:28 25 in some cases they even go and forge results for people just for
26 them to have the qualifications to pursue such courses.

27 Q. They'd forge results for which people?

28 A. For party affiliates. It is only when some of them enter
29 most of these institutions that they can't cope. You see them

1 moving from course area to another.

2 Q. Did you yourself ever attempt to apply for any such
3 scholarship?

4 A. No.

10:20:09 5 Q. Did you apply for any scholarship within Sierra Leone?

6 A. No.

7 Q. And was there any reason for that?

8 A. Well, just being a school leaver and did not have the
9 qualifications that might have warranted me.

10:20:28 10 Q. And did you not have those qualifications simply because
11 you hadn't passed the right exams, or was it for any reason
12 connected with your political affiliation?

13 A. Well, not for my political affiliation. For my own side,
14 coming from a very poor background, so I was not able to pursue
10:20:56 15 to further my education.

16 Q. So when you're talking about the way in which the
17 scholarship system from abroad, and even internally, was
18 corrupted by party affiliation, you're not speaking as somebody
19 who is embittered because they weren't chosen for a scholarship
10:21:16 20 they applied for. You never applied for any such scholarship.

21 Is that right?

22 A. I never.

23 Q. Very well. What about other countries? We've talked about
24 the Eastern Bloc and western countries. Were there any other
10:21:34 25 countries who were offering scholarships to Sierra Leonean
26 students? Any countries in the Caribbean, for example?

27 A. Well, except maybe for Commonwealth scholarships, because
28 that one is spread across Commonwealth countries.

29 Q. Any other country in the Caribbean offering scholarships?

1 A. Well, I have no idea of bilateral agreements at that time.
2 But for Commonwealth scholarships.

3 Q. All right.

4 A. And maybe for some West African states like Nigeria, Ghana.

10:22:16 5 Q. Again, did you have to have connections to get those
6 scholarships rather than receiving a scholarship based on merit?

7 A. At that time it was just the same. It was just a general
8 phenomenon. If you are fortunate to have it, it's either because
9 you are actually qualified, there is no other way they can shift
10 you, or they don't have anybody that they can put in your place.

11 That would be the time that --

12 Q. I want to ask you about one last matter in relation to the
13 educational system. The universities at home - back home in
14 Sierra Leone, would you be able to get into a university in
15 Sierra Leone solely on merit, or would you have to have
16 connections of the sort you're talking about arising from
17 political affiliation?

18 A. Yes, you can go there on merit if you have the funds, that
19 is, your parents are economically strong to support you. But for
20 those who were not economically strong, it was quite difficult.

21 Q. What if you were not particularly bright, but had political
22 affiliations; would you be able to get into university at home
23 that way?

24 A. Yes, because the government at that time has scholarships
25 which they offer to students.

26 Q. And to get a government scholarship, would you be able to
27 get that solely on merit, or would you have to have connections?

28 A. Well, if you are fortunate you can get it by merit, but I
29 can say 70 per cent was political affiliation.

1 Q. Very well. Now, Mr Witness, you mentioned the judiciary
2 when you were talking earlier about the extent of the corruption
3 under the one-party state. What was the situation with the
4 judiciary?

10:24:31 5 A. In the judiciary aspect, cases were unduly delayed.
6 Especially if they know that it is against the state, they
7 adjourn and adjourn and adjourn until you are tired.

8 Q. Are you able to say anything, from your general knowledge
9 of the situation at that time, about appointments to the
10:25:04 10 judiciary? Were they done solely on merit, or did political
11 affiliation play any role in appointments to the judiciary?

12 A. Well, in respect of that, if - it depends on your political
13 affiliation, you see. If your political affiliation had already
14 been exposed, that is, you are not in favour of the APC
10:25:32 15 government at that time, it would have been difficult for you to
16 have an appointment in the judiciary because when you go there,
17 you would not decide things in their favour. And when you do
18 such, they even chased you out of that country.

19 Q. Do you have any examples --

10:25:53 20 A. Yes.

21 Q. -- that you can think of to illustrate what you've just
22 said?

23 A. Yeah. There was a treason trial, I think it was in 1971,
24 when there was a prominent lawyer in Sierra Leone by the name of
10:26:13 25 Berthan Macaulay. He had to leave Sierra Leone.

26 Q. I'm sorry, can we have a spelling of that name?

27 A. I think it's B-E-R-T-H-A-N, M-A-C-A-U-L-A-Y.

28 Q. What happened in relation to that person?

29 A. There was a treason trial in which he was defending - I

1 cannot exactly remember which of the treason trials. He was
2 representing people who went against the state. At that time,
3 though I was a small boy, but I was in Freetown. That case, it
4 was a tussle because he was very prominent. He was known
10:27:17 5 internationally. Gunshots were heard when the case was about to
6 go against the state. So that man had to leave Sierra Leone.
7 Later we heard he was naturalised as a Jamaican.

8 Q. So you're saying that there was a treason trial in which a
9 prominent lawyer was acting for some of the defendants, and in
10:27:40 10 the course of the trial he abandoned his clients and went abroad.
11 And what did you understand to be the reason for him fleeing the
12 country in the middle of his professional duties?

13 A. Well, at that time there were state-sponsored terrorists
14 that will attack you at your home or maybe while you're going to
10:28:04 15 work. So he was afraid for his life, so he had to flee.

16 Q. Now, you mentioned in passing in an answer a moment ago
17 treason trials in the plural. Were there more than one treason
18 trial during the time of the one-party state?

19 A. There were many, but - because we heard there was one with
10:28:42 20 Bangura who was the force commander at that time. He was a
21 brigadier, John Bangura.

22 Q. What happened in relation to him?

23 A. Well, of course, their own trial they were found guilty and
24 were hanged.

10:29:03 25 Q. Were many people executed following treason trials under
26 the time of the one - during the time of the one-party state?

27 A. Yes. There was another one, an example which I want to
28 cite which involves even members of the APC who had wanted to go
29 against some of the principles of the party. Mohamed Sorie

1 Fornah and 14 others.

2 Q. When you said they wanted to go against some of the
3 principles of the party, what did they want to change within the
4 system?

10:29:40 5 A. Well, they had wanted at least Sierra Leone to follow the
6 democratic principles. So they and Prime Minister Stevens at
7 that time were at loggerhead. So they were arrested. Ibrahim
8 Taqi was - I think he was Minister of Information at that time.

9 Q. I think you mentioned the name Fornie.

10:30:09 10 A. No.

11 Q. Can you tell us the name again?

12 A. Fornah. Mohamed Sorie Fornah and 14 others. He was the
13 first accused.

14 PRESIDING JUDGE: Could we have a spelling of at least the
10:30:27 15 two surnames, Sorie and Fornah.

16 THE WITNESS: Yes. He is Mohamed Sorie Fornah. I think
17 the Sorie is the middle name.

18 MR MUNYARD:

19 Q. How do we spell Sorie?

10:30:41 20 A. S-O-R-I-E.

21 Q. And Fornah, is that F-O-R-N-A?

22 A. H.

23 Q. F-O-R-N-A-H?

24 A. Yes.

10:30:55 25 Q. Is he the man whose daughter wrote a very well known book
26 about the treason trial?

27 A. I'm suspecting.

28 Q. Very well. What was the general view about the evidence
29 that was put forward in court against that very prominent man in

1 his treason trial?

2 A. The general view was that that man had wanted to overthrow
3 the APC government, despite he was an insider.

4 Q. And when you say overthrow it, by what means?

10:31:36 5 A. Well, they said it was by arms, force of arms. They had
6 wanted to use some military people.

7 Q. Did people believe - people in the country, generally, as
8 far as you're aware, believe that this man and his colleagues
9 wanted to use force to overthrow the government or were arguing

10:31:58 10 for a more democratic process within the country, generally?

11 A. Yes, people believed because they were very prominent
12 people, outspoken, you see, so people loved them, especially in
13 their own constituencies where they are coming from. They are
14 coming from the north of Sierra Leone. From the Tonkolili

10:32:23 15 District.

16 Q. And you say that what they wanted to do was bring more
17 democracy to the country and even insiders within the party as
18 they were ended up on trial for treason?

19 A. Can you repeat it?

10:32:44 20 Q. Even insiders such as they were ended up on trial for
21 treason after trying to persuade their colleagues to bring more
22 democracy to the country. That was the result in their case, was
23 it, that they ended up on trial for treason?

24 A. Yes.

10:33:01 25 Q. And did people at that time feel that the courts, the
26 judges of Sierra Leone could properly protect human rights?

27 A. Well, at that time most people in Sierra Leone were blind
28 about human rights. It was only after the war that most of these
29 human rights institutions were made known to people or people

1 came to realise that human rights had existed, you see, because
2 the government was not educating people about human rights and
3 other democratic rights.

10:33:49 4 Q. Put that terminology on one side for a moment. Did people
5 generally believe that the judiciary were independent of the
6 government and would protect people and uphold the law?

7 A. No.

10:34:18 8 Q. And finally on that subject, what happened to Mr Fornah and
9 his colleagues who were trying to persuade the party to be more
10 democratic?

11 A. They were tried, found guilty and executed by hanging.

12 Q. What was the position with regard to the police? Were the
13 police seen to be independent of the one party?

10:34:53 14 A. No, because most of the senior officers in the police were
15 hand-picked by the APC at that time. And even recruits were sent
16 to the police by either members of parliament or party
17 affiliates.

10:35:22 18 Q. So recruits were sent by members of parliament to join the
19 police. Did it ever happen the other way round; did police
20 officers ever become members of parliament?

10:35:55 21 A. Yes, after the - I think it was after the 1977 or 1981
22 labour unrest that President Stevens at that time had to call the
23 head of the police, the head of the army and the head of the
24 labour congress to parliament as a way of suppressing labour
25 unrest and also the neutrality of the police and the army.

26 Q. All right. I'm going to ask you a little more about that
27 particular incident in a moment. In summary, was there any area
28 of public life in Sierra Leone that was beyond the control of the
29 party once Siaka Stevens had created the one-party state?

1 A. I cannot imagine. They interfered in every aspects of
2 life.

3 Q. And did people generally in Sierra Leone, as far as you
4 could tell, feel free under the one-party system?

10:36:54 5 A. Well, people were not happy. That culminated to the 1977
6 student unrest.

7 Q. You say people were not happy. Were people living in fear
8 during the time of the one-party state?

9 A. Yes. People were living in fear because as I said there
10:37:18 10 were state-sponsored terrorists who may one day knock at your
11 door, just grab you, take you to where they think is safe for
12 them to keep you.

13 Q. You've described the political control of the police. Were
14 there any militias or armed groups separate from the police and
10:37:40 15 the armed forces that were at large in Sierra Leone at that time?

16 A. Well, they had youth leagues. The APC youth league was
17 there.

18 Q. What did the APC youth league get up to?

19 A. Well, most of them were being used by these politicians.

10:38:07 20 Q. Being used to do what?

21 A. To vandalise opponents.

22 Q. And when you say vandalise opponents, give us some
23 examples, please, Mr Witness, of what the APC youth league would
24 do to people who were opposed to that particular political party.

10:38:31 25 A. Well, I have an uncle who had an accident while he was
26 being chased, so he had to - he had injuries on his hands. He
27 had to go through an operation because he was a member of the
28 SLPP at that time.

29 Q. You said he had an accident while being chased. How was it

1 that it came about that he was being chased?

2 A. It was as a result of - there was an election which he had
3 wanted to contest, so they did not allow him even to file his
4 nomination papers. So it was in that process that there was a
10:39:28 5 tussle while he was trying to escape.

6 Q. Well, you're talking about a politician or a would-be
7 politician who is attempting to lodge a document entitling him to
8 take part in an election, yes? Is that right?

9 A. Yes.

10:39:49 10 Q. And where did he go to try to exercise his fundamental
11 democratic right to stand in an election?

12 A. Well, at that time there were no independent institutions
13 that you can go and cry your case.

14 Q. So where was it that he was going with his nomination
10:40:13 15 papers that they refused to let him file?

16 A. Within his constituency.

17 Q. Do you go to - I don't know. You tell the Court. Do you
18 go to an office, a town hall, a court barri? Where do you go to
19 try to do that?

10:40:28 20 A. At times they decide on places where they go, like as how
21 you said, like town halls or maybe those local court barriers
22 where you go and file. The sooner maybe you go there, they just
23 close the doors on you and then you will stay there until
24 nomination is over and they just announce their own political
10:40:53 25 people that they've gone unopposed.

26 Q. But what happened to your uncle? I just want to know very
27 simply what happened to him when he tried to exercise his
28 democratic rights.

29 A. Well, he was trying to make his way there, but they did not

1 allow him. So when he saw that the situation was tense, so he
2 had to escape, because he too has his own people that were around
3 him that managed to move him off.

10:41:28 4 Q. Right. Your uncle was going to a particular premises, was
5 he, where you hand in your nomination papers? Is that right?

6 A. Yes.

7 Q. He was known to be a member of the SLPP, was he?

8 A. Yes.

10:41:41 9 Q. When he got to the place where he would have handed in his
10 papers, you say the situation was tense?

11 A. Yes.

12 Q. Does that mean other people were there?

13 A. Yes.

14 Q. And who were those other people?

10:41:51 15 A. There were the APC people. In fact, some opposition
16 members had already been arrested. They were in there.

17 Q. So there's APC people. You were telling this in the
18 context of the APC youth league. Are you saying there were APC
19 youth league members there?

10:42:10 20 A. Yes.

21 Q. And what were they doing to make the situation tense?

22 A. They were- they can beat you up.

23 Q. Well, what were they actually doing?

10:42:27 24 A. Well, they just - they were just there to disrupt
25 situations, just not to give chance to others, you see, to do the
26 right thing.

27 Q. You said your uncle was chased by people?

28 A. Yes.

29 Q. So just explain what happened.

1 A. He was chased, so he had to enter his vehicle. In that
2 process, on his way trying to find his way to anywhere he can
3 seek solace, he had an accident in that vehicle.

10:43:02 4 Q. He was chased away by APC youth members, is that what
5 you're telling us?

6 A. Yes.

7 Q. Was there any violence used against him in the course of
8 being chased away?

10:43:13 9 A. Yes. He was roughed, you know, but he too had strong
10 people who were on his side who were able to defend him so that
11 he can make his way off.

12 Q. So in order to do something as simple as try to hand in a
13 nomination form, you had to bring your own bodyguards, did you?

14 A. Of course.

10:43:29 15 Q. And even with your own bodyguards you would still be
16 prevented --

17 A. Of course.

18 Q. -- from exercising fundamental democratic rights? And you
19 could be, as he was, injured in the process, yes?

10:43:42 20 A. Yes.

21 Q. We've talked in very general terms about the parlous state
22 of society, the judiciary, the economy, the police, the
23 educational system. What did you do as a result of living under
24 this one-party police state that you've described?

10:44:13 25 A. Are you referring to me in person or --

26 Q. Yes. What was your reaction to living under this appalling
27 situation?

28 A. Well, for some of us, because we knew the confrontations
29 were so high, weapons were used against us, tear gas, beating

1 people with sticks. We thought it wise that it's nice to
2 organise a group that will counter these terrorist acts of these
3 APC politicians.

4 Q. Now --

10:44:49 5 A. So we decided to organise a study group.

6 Q. Just before we get into the study group, you've now
7 mentioned "weapons used against us, tear gas and beating people
8 with sticks." When were weapons used against people?

9 A. During political times. During student uprisings and
10:45:16 10 during labour unrests.

11 Q. Let's deal with political times. When were weapons used
12 against people who were seeking to exercise their political
13 rights?

14 A. Between 19 --

10:45:35 15 Q. I'm not talking about dates. Just give us some examples.
16 We know we're talking about the period of the one-party police
17 state of Siaka Stevens.

18 A. At the 1973 elections in Sierra Leone.

19 Q. Tell us what happened then, in brief?

10:45:51 20 A. Which culminated into the one-party system that the APC had
21 to institute in Sierra Leone.

22 Q. Give us an example of when weapons were used then?

23 A. Well, during the 1973 demonstrations there were shootings.

24 As I was telling you, political opponents were arrested,
10:46:13 25 civilians were threatened.

26 Q. Were people killed in these shootings?

27 A. Yes, people were killed, but I cannot just remember the
28 exact number.

29 Q. Very well.

1 A. People were killed, wounded, arrested.

2 Q. Right. That's people demonstrating for their political
3 rights. Then you mentioned student uprisings. Can you tell us
4 about any student uprisings after the one-party state?

10:46:44 5 A. Yes. It was in 1977. The most serious one was in 1977,
6 which we say no school, no work at that time.

7 Q. Sorry, you say "no school, no work"?

8 A. Yeah, if there is no change in the political situation. So
9 students were out in the street challenging police. It started
10:47:12 10 actually in Freetown, students of the University of Sierra Leone.
11 The student union president at that time was Hindolo Trye, who is
12 now our present Minister of Tourism. He was the student leader.
13 They were arrested.

14 Q. What were they out in the streets for?

10:47:34 15 A. They wanted - it was for democracy.

16 Q. But according to Siaka Stevens, you had democracy; it was
17 just in the form of a one-party police state, that's all?

18 A. That's what they fooled the outside world with, that there
19 is democracy in Sierra Leone, but in reality there was no
10:47:57 20 democracy. I think we only have democracy in Sierra Leone after
21 the war.

22 Q. So the students were demonstrating in favour of democracy.
23 How were they demonstrating?

24 A. They came out into the street. It started up at the
10:48:12 25 university. They were attacked by - at that time we called them
26 - they now call them OSDs. At that time we called them ISUs.
27 These were special paramilitary branch that were sent for
28 training in Cuba by President Stevens.

29 Q. Let me pause you there. You've used two lots of initials.

1 "They now call them OSDs", what does that stand for?

2 A. Operation, I think, Security Division.

3 Q. "But at the time we called them ISUs". What did that stand
4 for at the time?

10:48:50 5 A. Internal Security Unit.

6 Q. Right. And were these a paramilitary branch of the police
7 or the army?

8 A. Well, it was - they were - they tried to affiliate it with
9 the police. But I think for us who were there at that time, it

10:49:09 10 was purposely set up to secure their party.

11 Q. Right. You say "they were sent to Cuba for training".

12 A. Yes, the first batch sent to Cuba. Later, instructors were
13 sent to train these people at Kingtom and - that is in Freetown -
14 and Samu in Kambia District, so no longer - they were no longer

10:49:39 15 sent to Cuba. The Cuba instructors were coming out to train
16 these people for counter - to counter riots.

17 Q. Right. Just let us get the spelling of the place in Kambia
18 District.

19 A. Samu, S-A-M-U.

10:49:54 20 Q. Now, the students were demonstrating, the ISUs attacked
21 them, yes? That's what you were telling us.

22 A. Yes.

23 Q. How did the ISUs attack the demonstrating students in 1977?

24 A. Well, those who know Freetown, the University of Sierra
10:50:17 25 Leone is situated up Mount Aureol. It's up the hill and it's
26 almost, let me say, about 2 kilometres to downtown Freetown - 2
27 or 3 kilometres to downtown Freetown. So they were demonstrating
28 within the campus. The whole thing start within the campus. In
29 fact, it started - it was a convocation, that is, awarding

1 degrees to students. That was where the whole issue started.

2 President Stevens went there to award degrees.

3 Q. Right. Slow down a bit, please. Now, I just want to ask

4 you about these distances. The campus of the University of

10:50:56 5 Sierra Leone is a very big campus, isn't it? When you get up the

6 hill from the city centre and you arrive at the first lot of

7 buildings, the campus itself extends for several kilometres going

8 away from the ocean. Is that right?

9 A. Yes.

10:51:16 10 Q. And in some part of that campus, you say President Siaka

11 Stevens was giving out the degrees at a convocation, yes? And

12 what happened in the course of him giving out the degrees?

13 A. It was during that process that students started removing

14 placards, you know, calling for democracy and end to

10:51:42 15 multi-partyism, for educational rights.

16 Q. You said they "started removing placards". Did you mean

17 "removing"?

18 A. No, they were displaying placards.

19 Q. Very well. All right. So they dared to hold up these

10:51:59 20 placards for democracy in front of the President, and what

21 happened to them for doing that?

22 A. And then, you know student days when you are a student,

23 starting shouting, blowing whistles, whistling with their mouth.

24 So this got the President confused.

10:52:22 25 Q. Right, Mr Witness, I think most of us understand what you

26 mean by "confused" but can you describe the President's reaction

27 by using other words?

28 A. Well, for him, he had to escape. He was smuggled out of

29 the hall. Because it is an open place - it's not a hall, it's an

1 open place. So they had to escape with him and then --

2 Q. Well, was he in any danger from students --

3 A. Well, he saw himself in danger. Because when students
4 started shouting at you, a President should be highly respected.

10:53:12 5 So automatically what next will you be thinking? Well, maybe
6 these guys they have weapons that they might want to throw, you
7 see. So he had to leave hastily. So, I did not know where
8 instructions came from, you see, and then the ISUs at that time
9 started firing tear gas, firing shots, attacking students. Those
10:53:36 10 students were beaten, they attacked them --

11 Q. Were any killed?

12 A. Well, my memory cannot serve me well if anybody was killed
13 at that time.

14 Q. But they were shot at, you say, by the ISUs?

10:53:55 15 A. They were shooting. They were just shooting randomly, you
16 see, because I was not there.

17 Q. No, of course. But these events are well documented, are
18 they not?

19 A. Yes, yes.

10:54:03 20 Q. And well known throughout Sierra Leone, are they not?

21 A. Yes. But I don't think anybody was actually killed at that
22 moment, but some sustained injuries. So some of them, in the
23 process of escaping, they had to fall. Because it's a
24 mountainous terrain, some of them were even in their hostels, you
10:54:29 25 know --

26 Q. Was there any evidence of any of these students actually
27 having any weapons other than placards and whistles?

28 A. I don't - there was no other weapon outside maybe whistles,
29 maybe stones, okay, sticks.

1 Q. In any event, the response of the authorities was to shoot
2 them?

3 A. Yeah.

4 Q. And you don't remember now whether anyone was killed?

10:55:01 5 A. Yeah, in that - in the campus at that time.

6 Q. So that was the most notorious of the authorities putting
7 down of student demonstrations. Were there other student
8 demonstrations that were treated with equal degrees of violence
9 by the authorities?

10:55:24 10 A. Yes, 19 - I think it was in '84 - '83 or '84 there was
11 another student uprising also in which, of course, some students
12 were arrested, but at that time there was no shooting. Above
13 over 50 students were even suspended from the institution.

14 Q. I want to move on to labour unrest, please. You mentioned
10:55:56 15 labour unrest.

16 A. Yes.

17 Q. Can you tell us a little about that?

18 A. Yes. The labour unrest, of course, came in 1981.

19 Q. Were trade unions allowed under the one-party state?

10:56:16 20 A. Yes, there were trade unions. Because we have the
21 Teachers' Union, we have the Mine Workers' Union, Transport
22 Workers' Union.

23 Q. Were these unions independent of the party?

24 A. Well, I think the only one that was somehow independent was
10:56:41 25 the Teachers' Union. The others were being manipulated.

26 Q. So what happened in 1981?

27 A. Also because of delay in salaries, poor working facilities,
28 the workers had to down tools.

29 Q. Do you mean they went on strike?

1 A. They went on strike.

2 Q. Who went on strike?

3 A. The workers.

4 Q. Yes, which workers?

10:57:13 5 A. The general - all the workers in the country.

6 Q. So there was a general strike?

7 A. General strike, yes, in the country.

8 Q. And what happened to the general strikers?

9 A. That one was also suppressed.

10:57:31 10 Q. Yes, what do you mean in real terms by "suppressed"? How
11 was it suppressed?

12 A. Well, when the people want to come out into the streets,
13 these same police came out to stop them from protesting. So in
14 that process, most of the trade unionists were arrested. They
10:57:56 15 were detained, but were released later, and it was after that
16 time that some of them were called into Parliament.

17 Q. Right. I'm going to come on to that in a moment, the after
18 effect of the general strike. But when you say they were
19 detained and released later, you've been describing already the
10:58:20 20 way the police or the ISU treated student demonstrators; they
21 were treated with potentially lethal violence. How were the
22 strikers treated by the ISUs or the other authorities?

23 A. They also - the same treatment that was met out to the
24 students.

10:58:44 25 Q. Tell us what happened to the striking workers.

26 A. Tear gas were fired, shootings, but in that instance I
27 never heard of anybody being killed or wounded.

28 Q. Right. You never heard of anyone being killed or wounded,
29 but did you hear that the police fired at the strikers?

1 A. Yes.

2 Q. So the reaction of the authorities to a general strike was
3 to fire lethal weapons at them, yes?

4 A. Yes.

10:59:22 5 Q. And from what you've said, a lot of people were arrested
6 and detained and eventually released. How did the government
7 deal with the leadership of the unions at that stage?

8 A. Well, the government brought them back to the negotiation
9 table, they negotiated, but the government was never able to
10:59:48 10 satisfy them, their demands.

11 Q. Did the unions - did they have what we in Britain at any
12 rate would call it a congress, in other words, a combination of
13 unions being represented together?

14 A. Yes. That labour congress was all the unions, the
11:00:09 15 teachers, the traders, the transport workers.

16 Q. What did you call it in Sierra Leone?

17 A. We called it the Sierra Leone Labour Congress.

18 Q. The Sierra Leone Labour Congress?

19 A. Yes.

11:00:18 20 Q. Right. What happened to - sorry, was it the Sierra Leone
21 Labour Congress that called the general strike?

22 A. Yes.

23 Q. What happened to the Sierra Leone Labour Congress after the
24 strike was put down in this violent way?

11:00:31 25 A. Well, the leadership of that congress was changed.

26 Q. How was it changed?

27 A. Well, the government at that time changed it by putting
28 their own people and later invite - calling them - giving them
29 seats in parliament.

1 Q. So the government was able to replace the leadership of the
2 trade union congress, yes?

3 A. Yes.

4 Q. And then you say they gave them - who did they give seats
11:01:03 5 in parliament to?

6 A. Because the strongest of those unions was the teachers
7 union at that time, you see, so - but my memory cannot serve me
8 well whether - I knew the president of the labour congress was
9 given a seat in parliament, but my memory cannot serve me well.

11:01:23 10 The teachers union president was also called upon to take a seat
11 in parliament.

12 Q. So the way the strike was dealt with was a combination of
13 stick and carrot, the stick in the form of being shot at and the
14 carrot in the form of giving the leadership the sweetener of a
11:01:50 15 seat in parliament?

16 A. Yes.

17 Q. And so you've told us that your reaction and the reaction
18 of some of your friends to all of this was to form a study group?

19 A. Yes.

11:02:04 20 Q. Now, that seems a rather - I'm trying to find a simple word
21 for sedate. That seems a rather quiet reaction to the brutal way
22 in which this government suppressed democratic activity. Why did
23 you choose to form a study group in order to advance a different
24 way of thinking in Sierra Leone?

11:02:34 25 A. Well, we knew we hadn't the force to counter them. We
26 hadn't weapons, you see, to counter them. Because any time
27 people come out into the street, they use weapons against them,
28 tear gas and the rest of these things. These ISUs come out. So
29 we decided to go quiet, think and see how we can organise study

1 groups and see how we can bring about another political force
2 that will counter the government at the time.

3 Q. Were any of the members of your study group formal students
4 in the sense of did any of your members go to the universities?

11:03:12 5 A. No.

6 Q. Was there a reason for that?

7 A. Well, we just thought it that, well, one, we did not have
8 the economic means to enter university and then, two, a lot of
9 our brothers who were there, most times when they come, the
10 rigorous conditions that they were living under in those
11 institutions, they explained it to us, you know, so we just
12 thought it wise that, well, we don't have the money, we will not
13 be granted scholarships, so let's think wiser than these people
14 and see --

11:03:47 15 Q. Just before we leave that, you've talked about student
16 demonstrators. Were there others within the student body who
17 were connected with the party?

18 A. Yes. There were people who were undermining their
19 colleague students.

11:04:06 20 Q. Undermining them in what way?

21 A. What was happening, maybe if meetings were being held, they
22 go there to spy on these meetings and then they report back to
23 the party. So that was why we thought it wise that we need to go
24 underground.

11:04:23 25 Q. And so what exactly did you do in terms of forming a study
26 group, or was it just one group or was it a number of groups?

27 A. Well, initially when we started we were just four in
28 number. Myself sitting here, two other colleagues, Foday Sankoh.

29 Q. Right. I'm going to ask you about him in a moment. Where

1 were you when you formed your study group?

2 A. I was in Bo.

3 Q. In Bo?

4 A. Yes.

11:04:58 5 Q. And whose idea was it?

6 A. Well, it was a collective idea, because we used to sit and
7 deliberate on issues, especially political issues, in the country
8 at that time. So it was a collective idea.

9 Q. And when you mention the name Foday Sankoh, was he part of
11:05:26 10 the original group who sat and deliberated on issues, or did he
11 come along a bit later?

12 A. He was - by the time we started the group, of course, he
13 was part and parcel of it.

14 Q. Right. Well, how did you manage to come into contact with
11:05:50 15 him in the first place?

16 A. I left Freetown - I was in Freetown, so when I came to Bo,
17 I met colleagues with like minds, you know. So when we used to
18 go and sit maybe during the evening, because we are people who
19 are interested in drinking palm wine, that was where we can sit.

11:06:17 20 We all discussing issues and realised that we are like minded, so
21 we decided that, okay, if this is the case, let it no longer be a
22 palm wine group. Let us see how it can become very serious. So
23 we decided to disassociate ourselves from the palm wine group,
24 because the palm wine group was a large group. There were other
11:06:47 25 people, you know, and then we started meeting now in different
26 places, you see. At times we can meet at my place or at Sankoh's
27 place or at the other brothers' place.

28 Q. And how did you come together with Sankoh? How did you
29 actually meet him in the first place?

1 A. Well, for me in person, the other brothers I met, they
2 introduced me to Sankoh. At that time he was a photographer in
3 Bo.

11:07:21 4 Q. Now, you've described meeting people in a palm wine group,
5 a discussion group. Was he part of that or did you meet him
6 later?

7 A. Well, he was somebody who does not like drinking, so he --

8 Q. Let me just put the question. Did you meet him in that
9 group or did you meet him later on?

11:07:38 10 A. No, no, no. We never - we - he - I never met him in the
11 palm wine group because he did not drink.

12 Q. So how long were you meeting in the palm wine group with
13 your friends before you separated off and formed another group
14 and then met Sankoh?

11:08:00 15 A. Just about a month.

16 Q. And how was it that you came to meet him?

17 A. The other brothers invited me at their place. Fortunately
18 - of course, I arrived there earlier, so he came in and then -
19 because I had known those other brothers before him, you see.

11:08:24 20 Q. How long had you known those other brothers?

21 A. I've known them for two years before meeting Sankoh.

22 Q. So you've known them for two years. Had you been
23 discussing ways of improving the situation in Sierra Leone with
24 them for those two years?

11:08:47 25 A. Yes.

26 Q. And was that - were those discussions in the palm wine
27 group or were they after you decided to forsake the palm wine and
28 get more serious?

29 A. It was not in the palm wine group.

1 Q. So it was after that that you meet those brothers and you
2 spend a couple of years talking about things with them before you
3 meet Sankoh?

4 A. Yes.

11:09:13 5 Q. Is that right?

6 A. Yes.

7 PRESIDING JUDGE: Mr Munyard, is it possible a get a time
8 frame for this incident.

9 MR MUNYARD: I'm coming on to that, your Honour, certainly.
11:09:25 10 I was trying to get the sequence first before we actually gave
11 dates:

12 Q. Are you able to say when it was that you first met the
13 other brothers and started having serious meetings about how to
14 change the corrupt system that you were all living under?

11:09:43 15 A. It was in 1980.

16 Q. And so you're having discussions with them for a couple of
17 years and at some point you get introduced to this man. You
18 mentioned in passing that he was a photographer. Is that right?

19 A. Yes.

11:10:06 20 Q. They introduce you to this man who is working as a
21 photographer. What did they tell you about him?

22 A. They just told me he's a brother, like minded brother. He
23 had served in the army. He was a radio communication officer in
24 the army.

11:10:39 25 Q. Was he the same age as your group or of a different age?

26 A. No. He was older than the three of us.

27 Q. Much older, a bit older or what?

28 A. Well, I think the gap was at least 10 years.

29 Q. At least 10 years older than you?

1 A. Yeah, at least.

2 Q. What was your attitude to people who are so considerably
3 older than you?

4 A. Well, we have great respect.

11:11:11 5 Q. And is that great respect because of that other person's
6 age?

7 A. Pardon?

8 Q. For the benefit of anybody who is following your testimony,
9 is it common in Sierra Leone to afford considerable respect to
11:11:36 10 people because of their age, because they are older?

11 A. Yes. We in Sierra Leone, we have great respect for people
12 who are older than us. Except if you do things below your
13 expectation.

14 Q. But age itself gives a degree of respect, does it, in
11:11:58 15 Sierra Leone?

16 A. Yes, yes.

17 Q. Very well. So you're told about this man who is a
18 photographer who had been in the army and who had done
19 communications in the army. And were you told anything about his
11:12:10 20 attitudes, his views, his opinions?

21 A. Yes, of course. Sankoh was a liberal man. He's somebody
22 who does not take things to mind and he is always ready to share,
23 which I myself realised when I came very close to him.

24 Q. Right.

11:12:42 25 A. He is ready to share whatever little he has with those
26 around him.

27 Q. At this particular stage had you yourself and your other
28 two colleagues done anything to broaden your minds about how to
29 change the political landscape in your country?

1 A. Yes.

2 Q. And what had you done?

3 A. Well, we were reading materials. Well, for us we were
4 highly interested in socialist doctrines, materials, you see.

11:13:24 5 Q. Materialism, did you say?

6 A. Yeah, because we were feeling - what can I say, we were not
7 feeling too good the way we see our people suffering. So when
8 you read socialist doctrines, it tells you actually that
9 socialism is to save mankind.

11:13:46 10 Q. And where was it that you were reading these socialist
11 doctrines?

12 A. Well, we had books from - at that time we have the Cuban,
13 the Soviet embassy was in Freetown, so we used to go to their
14 libraries. We collect literatures from them just to develop our
11:14:04 15 knowledge of socialism.

16 Q. That's the Cuban embassy. Did any other embassies open
17 their doors to people who were interested in socialist ideology?

18 A. Well, at that time they were the two embassies that were in
19 Sierra Leone. During - later the North Koreans came into the
11:14:27 20 picture.

21 Q. The two embassies. You've mentioned the Cuban embassy.
22 Have I missed another one?

23 A. The Soviet.

24 Q. So the Soviet embassy as well?

11:14:35 25 A. Yeah.

26 Q. Right. So the Soviet embassy, did they have a library
27 where people who were interested could study these ideologies?

28 A. Yes.

29 Q. So you say you and your friends went to those two embassies

1 and read literature, yes?

2 A. Yes.

3 Q. And how would you describe yourself politically at that
4 stage, having read this ideology?

11:15:00 5 A. Well, I started developing the socialist mind.

6 Q. Based on what sort of theory?

7 A. The pan-Africanist theory.

8 Q. And whose works - I don't want to spend any great deal of
9 time on this, but whose works were you reading in these various

11:15:31 10 embassies, whose writings?

11 A. Karl Marx and Friedrich Engels; the Soviet revolution; the
12 Cuban revolution; of course Fidel Castro. We greatly admired
13 him.

14 Q. And you mentioned the pan-Africanists --

11:15:53 15 A. Yes, pan-Africanists like Nkrumah, Nasser, Lumumba,
16 Mandela.

17 Q. Were you reading works by Nkrumah and Nasser, or were you
18 reading about them?

19 A. Well, we did not - at that time we did not have sufficient
11:16:45 20 literatures on them. We only listen when people talk about them,
21 or maybe in newspapers. But we had more literatures on - we had
22 enough literatures on the Cuban revolution, people like Che
23 Guevara.

24 Q. I just want to establish from you, Mr Witness, what you
11:17:07 25 mean by a "pan-Africanist theory". What, in very, very short
26 terms, is your understanding of pan-Africanist theory?

27 A. Well, my own idea about pan-Africanist theory was how those
28 systems can be looked at from the African point of view, how we
29 can bring it to incorporate it into our own systems, that is,

1 like we what - like, the works of Engels, Marx, like Fidel, Che
2 and others, see how can it fit into what Nkrumah and others were
3 up to.

4 Q. And did you yourself ever become involved in any
11:18:00 5 specifically pan-Africanist organization?

6 A. Yes. I was a member of the Pan-African Union in Sierra
7 Leone chapter.

8 Q. And did that have a shorter name?

9 A. PANAFU.

11:18:22 10 Q. Is that spelt P-A-N-A-F-U?

11 A. Yes.

12 Q. So you were involved in that organization as well. Go
13 back, please, to your own study group. You get to meet Sankoh a
14 couple of years after your study group has started. Did you know

11:18:44 15 whether or not he had any understanding of Marxist or
16 pan-Africanist theory?

17 A. Yes, he had. He knew the fundamentals. But coming in
18 contact with us, he was able to grasp the Marxist-Leninist theory
19 and the Cuban revolution.

11:19:16 20 Q. So he comes into contact with you and you introduce him to
21 these works --

22 A. Yes.

23 Q. -- is that right? Your study group consists of just four
24 people at this stage. You mentioned that you'd gone underground.

11:19:31 25 What did you mean by "underground"?

26 A. Well, we were not doing things publicly. We did not even
27 want people to know what we were up to at that time.

28 Q. Why not?

29 A. For our own security. Because at that time they would have

1 - I like, maybe I would not have been sitting here today speaking
2 to you with you people.

3 Q. You were that afraid, were you?

4 A. Yeah. So we were doing things secretively. We said only
11:20:04 5 meet in the day; most times at night.

6 Q. And where would you meet when you met at night?

7 A. It can be at my residence or at his - he was having a shop
8 where he does his photography or at the other brothers' place, or
9 we can meet at the stadium, where at that time we knew that there
11:20:28 10 were no much people around, maybe we would just enter there and
11 sit there quietly and do what we want to do.

12 Q. Now, were you only the only such --

13 PRESIDING JUDGE: Mr Munyard, "he" presumably is Foday
14 Sankoh?

11:20:42 15 MR MUNYARD:

16 Q. Mr Witness, you've heard Madam President. When you say "he
17 was having a shop doing photography", is there any other
18 photographer in your group, or it is only Foday Sankoh?

19 A. Foday Sankoh was the only photographer.

11:20:57 20 Q. So "he" refers to Foday Sankoh, yes? Is that right?

21 A. Yes, yes.

22 Q. Now, were there any other study groups that you became
23 aware of during the course of your gatherings over these years in
24 the 1980s?

11:21:23 25 A. Yes.

26 Q. Now, you said you'd gone underground. You were in fear of
27 your lives, even, if the authorities found out what you were
28 doing. How did you find out about other study groups?

29 A. Well, let me just clarify our underground activities. Our

1 underground activities were centred on our ideological studies,
2 but it doesn't mean that we were not coming out, going to town or
3 mingling with other people. The underground activity was only
4 concentrated on our study group.

11:22:07 5 Q. Very well.

6 A. But we were moving about, talking to people.

7 Q. All right. So you talked to people. Did you ever talk to
8 other people about your views and your studies?

9 A. Well, it's only when we knew maybe you have like mind like
11:22:20 10 us that we expose, you know, and we see the commitment in you.

11 Q. And that's how you got to know of others of like mind?

12 A. Yes.

13 Q. And were there any other groups like yours who were
14 studying this Marxist and pan-Africanist ideology with a view to
11:22:43 15 trying to bring about change in your corrupt country?

16 A. Yes, there were other groups in Freetown, Kenema.

17 Q. And so how many in total roughly did you become aware of in
18 the course of your activities with the study group? How many
19 people were you loosely linked with in these other places?

11:23:10 20 A. Well, collectively in places like Bo - I mean, like Kenema
21 and Freetown, roughly about 30.

22 Q. About 30?

23 A. Yeah.

24 Q. And where was the largest such group based?

11:23:24 25 A. In Freetown.

26 Q. Now, did the concept of leadership of these groups ever
27 arise --

28 A. No.

29 Q. -- in those years?

1 A. No, no. At that time we were not thinking about who was a
2 leader or who was not a leader. All we wanted was for people to
3 actually grasp what the ideology was about. Leadership was not
4 our concern so much, but we give due respect to one another
11:23:55 5 whenever we met ourselves.

6 Q. And would you ever have thought in those days of Foday
7 Sankoh being a leader --

8 A. No.

9 Q. -- of any group?

11:24:08 10 A. No, no. We were only just looking at - upon him as an
11 adviser and elderly, because in the African context an elderly
12 person gives always the advice.

13 Q. Giving advice. And were there any - was there anybody else
14 in these groups that you knew of who had any sort of military
11:24:28 15 background apart from him?

16 A. No.

17 Q. No, all right.

18 PRESIDING JUDGE: Mr Munyard, if I may inquire from the
19 witness.

11:24:38 20 Thirty refers to the number of people or the number of
21 study groups?

22 THE WITNESS: The number of people.

23 MR MUNYARD:

24 Q. Did -your own study group or any of the collection of study
11:24:55 25 groups ever have a name?

26 A. No.

27 Q. Did your study group regard itself as more one thing than
28 the other? And by that I mean more Marxist than pan-Africanist,
29 or the other way around?

1 A. Well, ours was - was more Marxist, I can say. The others,
2 they were - in Freetown and other areas were more pan-Africanist.

3 Q. Now, at that stage in the way you've described it in the
4 early 1980s, had you ever heard of somebody called
11:25:42 5 Charles Taylor?

6 A. No.

7 Q. I want to ask you about later developments now. Did you
8 ever come across somebody called Ali Kabbah?

9 A. Yes.

11:26:13 10 Q. When did you first come across him?

11 A. Of course, Ali Kabbah, I went - we went to the same
12 secondary school in Kenema.

13 Q. And did you know him at secondary school?

14 A. Yes, I know him, but at that time we had no political - it
11:26:41 15 was just student life.

16 Q. Did you finish secondary school in Kenema, or somewhere
17 else?

18 A. In Kenema.

19 Q. And did you ever see him again after you both finished
11:26:57 20 school?

21 A. Since we left school I never saw him except in 1985, I
22 think.

23 Q. All right. And how did you come into contact with him in
24 1985?

11:27:19 25 A. Well, there was a brother who - of course, they all were
26 born and bred in Koindu.

27 Q. Who are "they"?

28 A. Ali Kabbah.

29 Q. Right. When you say "they were all born and bred in

1 Koi ndu" and then you say "Ali Kabbah", are you talking about him
2 and his family, or are you talking about him and other people
3 that you were associated with?

4 A. The brother - that 1985 meeting, it was through that
11:27:51 5 brother with whom they were all born and bred in Koi ndu.

6 Q. And when you say "brother" there, are you talking about a
7 blood relative or a friend or comrade?

8 A. A comrade. For us, anybody who was part and parcel of our
9 group now becomes our brother. He is not a blood brother, but
11:28:14 10 he's a brother in the struggle.

11 Q. So there's a group of people who had all grown up together.

12 A. Yeah.

13 Q. And what happened in 1985?

14 A. Well, I was in Kenema at that time. So this brother came,
11:28:30 15 he said Ali had wanted to see us, so we travelled to Koi ndu. It
16 was in Koi ndu that we held that meeting.

17 Q. And what did Ali have to tell you - Ali Kabbah have to tell
18 you when you met him again in 1985?

19 A. Well, he had just wanted to know whether our brothers are
11:28:54 20 still - still have the struggle in mind and see which way
21 forward.

22 Q. Right. When you say he wanted to know whether the brothers
23 still had the struggle in mind, had Ali Kabbah been involved in
24 any of your study groups, yours or others you were connected
11:29:20 25 with?

26 A. No, he was not because they were students at the Fourah Bay
27 College at that time.

28 Q. But in any event someone who you had - a friend or comrade
29 you had in common brought you and others and Ali Kabbah together

1 in a meeting, yes? And did Ali Kabbah tell you where he had come
2 from prior to that meeting?

3 A. Well, he did not disclose to us per se where exactly he was
4 coming from.

11:29:53 5 Q. But did you find out where he was coming from?

6 A. Well, when I found out they said he was from Guinea because
7 he had some affiliations in Guinea.

8 MR MUNYARD: I think, Madam President, we're about to run
9 out of time. According to the computer it's 11.30 and my angle
11:30:11 10 on the clock suggests about 11.29.

11 PRESIDING JUDGE: That would be an appropriate time to take
12 the morning break. We'll break for half an hour and resume at 12
13 o'clock.

14 [Break taken at 11.30 a.m.]

11:58:04 15 [Upon resuming at 12.00 p.m.]

16 PRESIDING JUDGE: Mr Munyard, please continue.

17 MR MUNYARD: Thank you, your Honour:

18 Q. Mr Witness, just before the break you were talking about
19 meeting Ali Kabbah in 1985. You told us that you learned that he
12:02:27 20 had come from Guinea. Did you learn whether he had been to any
21 other country as well?

22 A. No.

23 Q. So when he contacted you in 1985 or you were put in touch
24 with him in 1985, what did he talk about?

12:02:48 25 A. He just - we just discussed about whether we are still
26 committed to all the struggle.

27 PRESIDING JUDGE: Mr Munyard, when the witness says "I
28 learnt" or "they said he was from Guinea", does that mean that
29 Ali Kabbah originated from Guinea?

1 MR MUNYARD: I asked where he had come from, and by that, I
2 have to say, I meant where he had travelled from. But I will
3 clarify it with the witness:

12:03:24 4 Q. You have told us already, actually, that Ali Kabbah grew up
5 in Koindu together with some of your other comrades - you called
6 them brothers or comrades, yes?

7 A. Yes.

8 Q. So when you say grew up in Koindu, do you mean he was born
9 and brought up in that area?

12:03:37 10 A. Yes.

11 Q. Was he connected with any particular political family?

12 A. I have no idea.

13 Q. Well, do you know anything about his connections with a man
14 who has an identical surname who was President of Sierra Leone
12:03:58 15 called Ahmad Tejan Kabbah?

16 A. No.

17 Q. Ali Kabbah talked to you in 1985 to see if you were still
18 of the same opinions and commitment to the struggle. When you
19 had had that discussion with him, what did you say?

12:04:25 20 A. Well, I told him we are still the same people. He left.
21 Since, of course, I lost contact with him, because, as I told you
22 earlier, I went to the same secondary school. So it was just to
23 come and know whether people are still committed on the way
24 forward to make Sierra Leone a better place.

12:04:51 25 Q. And so after that meeting in 1985, did you have further
26 discussions with Ali Kabbah?

27 A. No.

28 Q. Did he become part of your group?

29 A. No.

1 Q. Where did he go after that?

2 A. I have no idea.

3 Q. In the course of your study group in the 1980s, did any of
4 your study group members decide to go somewhere else?

12:05:24 5 A. No.

6 Q. Did any of your study group or any of the people that you
7 were loosely connected with go to any other countries to further
8 their understanding of the situation and how to improve the
9 situation in Sierra Leone?

12:05:46 10 A. Well, the issue - people were trying to talk to us that we
11 need to have external links, but they were never clear-cut. But
12 for us, we were highly against moving the struggle out of Sierra
13 Leone for our security so that it cannot be exposed inter alia.
14 So we were adamant that we are going to stay in Sierra Leone.

12:06:09 15 Whoever wants to go anywhere, it's left with him or her, but we
16 are in Sierra Leone.

17 Q. And was that your personal view; that the place to deal
18 with the struggle was Sierra Leone itself and not somewhere else?

19 A. Yes. No, it's not my personal view but our collective
12:06:27 20 view, especially we who were staying in Bo.

21 Q. Well, you were staying in Bo because why? Why did you
22 think it was important to stay in the country rather than go
23 somewhere else outside of the country to try to progress the
24 struggle?

12:06:50 25 A. Well, we think in Sierra Leone we have the resources.
26 Because for some of us, we were mining - we were miners, so we
27 believe we can use those resources, you see, to build up the
28 economy. Because our the future was the economic base of the
29 struggle.

1 Q. And so what did you think you would do by mining and
2 building up your resources? What was the object?

3 A. Well, we think we have our diamonds there, our gold, and
4 it's for every Sierra Leonean. It's not for a particular
12:07:29 5 individual or a company or only for the government; hence, you
6 have your shovels and your shakers and whatever instrument you
7 are able to lay your hands on. You can find money to pursue
8 whatever you want to pursue. Because our own reason why we did
9 not want to go out was we did not want the secret of what we are
12:07:48 10 up to to be exposed to others outside.

11 Q. Yes, and you had made that clear earlier. But I really was
12 asking you about the purpose behind your mining and taking part
13 in other economic activities. What did you think you would be
14 able to achieve by doing that?

12:08:12 15 A. Well, we want to make our self-reliance.

16 Q. Right. But you are talking about a study group here of a
17 small number of people. How was that group of people going to
18 change the situation in Sierra Leone by mining and other economic
19 activities?

12:08:39 20 A. Well, we - it was not per se that they - that of our small
21 group was going to do the work, you see. We have people whom we
22 hired, we employed them, they do - they work for us, and then
23 when we get our proceeds, we sell it where we want to and then
24 put it on our objective.

12:09:04 25 Q. That's all very theoretical, Mr Witness. What do you mean
26 by "we will sell it where we want to and put it on our
27 objective"? What were you going to do with the money?

28 A. The money was to set up our own political structure.

29 Q. And did you have any idea of what kind of political

1 structure you were going to create with the money that you
2 generated from your economic activities?

3 A. Yes. The type of political structure we had wanted to
4 create was that we bring, as I had earlier said, people with whom
12:09:48 5 we think we are like minded, hence we have the money at that
6 time. The economic situation in Sierra Leone at that time,
7 people were strangulated. We can be able to persuade them, talk
8 to them and tell them that this is what we are up to. And we
9 believe at that time we would have had people to come on our
12:10:07 10 side, hence we have the economic means.

11 Q. How were you going to deal with the oppressive forces of
12 the police state being run by Siaka Stevens and his cronies?

13 A. Well, knowing the system that operates at that time, that
14 they were all corrupt, wherever money is, you give them money,
12:10:31 15 you make your way.

16 Q. So are you saying that you thought it would be possible to
17 corrupt the corrupt --

18 A. Yes.

19 Q. -- into doing something decent?

12:10:44 20 A. Yes.

21 Q. Very well. Now, you talked about some people wanting to
22 be - wanting to deal with the struggle externally. Were you
23 aware of any people from Sierra Leone who thought in similar ways
24 to you going to Libya?

12:11:10 25 A. Yes, I was aware. But I was not interested.

26 Q. You have made that perfectly clear, Mr Witness, that it
27 wasn't your view and that you thought the place to conduct the
28 struggle was on home territory. But equally - and it applies to
29 many political activists operating in oppressive states - some

1 thought that the best way of doing it was externally. You have
2 said that, yes? Some of your comrades thought the way to deal
3 with it was to leave the country and fight from outside - or
4 begin the fight from outside, yes?

12:11:53 5 A. Well, there are times we asked them which way externally.

6 Q. Sorry, I am just summarising what you have already told us
7 and I want to ask you about the ones who went outside of Sierra
8 Leone. You've said you were aware of some of your comrades who
9 left the country and went to Libya. You didn't go yourself, so
10 of course you could only rely on reports that you heard about
11 those in Libya.

12 PRESIDING JUDGE: Has the witness actually said that?

13 MR MUNYARD: Yes. I asked him if he knew of any members of
14 his group that went to Libya - or his comrades - and he said yes.

12:12:35 15 Madam President, I will get the reference, if you like. It's
16 page 69, lines 1 to 4 ending with:

17 "Q. Were you aware of any people from Sierra Leone who
18 thought in similar ways to you going to Libya?

19 A. Yes, I was aware. But I was not interested."

12:12:57 20 PRESIDING JUDGE: Okay. Proceed from there.

21 MR MUNYARD: Thank you:

22 Q. Now, those who went to Libya, did they keep in touch with
23 those of you who remained in Sierra Leone from time to time?

24 A. No, there was no contact.

12:13:10 25 Q. No contact. All right.

26 A. Because they knew we did not appreciate what they were
27 coming up with.

28 Q. What about Foday Sankoh, did he remain on home soil or was
29 he one of the ones who went to Libya as far as you understood?

1 A. Well, there was a time when we lost contact, you see, with
2 him, but we never knew where he left for because he too was
3 somebody who was very secretive.

4 Q. And roughly when was it that he left?

12:13:52 5 A. I lost contact with him after '86.

6 Q. So that was the last time you saw him, sometime in 1986?

7 A. Yes.

8 Q. What about Ali Kabbah, when did you last see him?

9 A. The meeting at Koindu. That was in '85.

12:14:25 10 Q. Have you ever seen him since?

11 A. No.

12 Q. By 1986, when you last see Sankoh, has your study group
13 given itself any kind of name?

14 A. No.

12:14:46 15 Q. You told us earlier that you didn't have a name, but you
16 still didn't have a name by the time he left?

17 A. Yes.

18 Q. Did your study group eventually give itself a name, those
19 of you there in Sierra Leone?

12:15:01 20 A. No.

21 Q. Did any of your comrades go to any other countries apart
22 from Libya that you were aware of?

23 A. No.

12:15:31 24 Q. You have mentioned earlier that the Cuban embassy had a
25 library that you used to use to study and learn about their
26 revolution and other revolutions.

27 A. Yes.

28 Q. Were you aware ever of any of your comrades going to Cuba?

29 A. No.

1 Q. For any reason, either to study or for any other reason?

2 A. No.

3 Q. So what did you all do back there in Sierra Leone from
4 1985, '86 onwards to pursue your objective of changing the
12:16:07 5 profoundly corrupt system under which the country was suffering?

6 A. Well, as I told you earlier, mining had been our
7 occupation. Since that time we would be mining. Because our own
8 focus, as I have been saying, is we need money because without
9 money at that time nothing will work. As I told you, we don't
12:16:29 10 want external connections because through external connections a
11 lot of secrets will be leaked. So we were mining. That had been
12 our preoccupation.

13 Q. We know that the revolution started in Sierra Leone in
14 1991. So between 1986 and '91, were you mining the whole time?

12:16:52 15 A. Yes.

16 Q. And what was it that you and your comrades were doing with
17 the proceeds of your economic activities in those years?

18 A. Well, that was what we used to sustain ourselves with.

19 Q. Well, earlier you told us that you were hoping to use the
12:17:12 20 proceeds of your economic activity to further your objectives.

21 Were you able to use any of the money that you collectively
22 earned to set up any kind of alternative structures?

23 A. No, because we were not having the proceeds maybe that
24 would have made us to expand.

12:17:43 25 PRESIDING JUDGE: May I inquire what they were mining, what
26 the witness was mining?

27 THE WITNESS: Diamonds.

28 MR MUNYARD:

29 Q. Anything else? Were you mining anything else?

1 A. Di amond.

2 Q. Just di amonds?

3 A. Yes.

4 Q. When some of your comrades decided that the best way of

12:18:11 5 progressing the struggle was to leave the country, did they split

6 from you on ideological lines or was it just a question of

7 difference of method?

8 A. Well, it was just a method.

9 Q. So you didn't have any ideological difference with them?

12:18:32 10 A. No.

11 Q. And so did any of them ever come back to Sierra Leone and

12 tell you what they had been doing there - sorry, what they had

13 been doing abroad?

14 A. No.

12:18:43 15 Q. None of them?

16 A. None.

17 Q. So how would you describe your progress between 1986 and

18 1991 in terms of improving the situation in Sierra Leone? Did

19 you make any progress?

12:19:12 20 A. No, we did not because, as I told you, we did not have -

21 the proceeds that we were having were just too small for us to

22 expand from where we were.

23 Q. Did any of your group try to make contact with any of the

24 comrades who had gone abroad?

12:19:36 25 A. No, we did not make any attempt.

26 Q. Any reason for that?

27 A. Well, because we did not know where they were or what they

28 were up to there. And since they left, nobody communicated with

29 us, so it was very difficult to communicate with somebody whom

1 you did not know where he was.

2 Q. So we then move to the war coming to Sierra Leone in
3 March 1991. What was your reaction when you first heard news of
4 the beginnings of the war in March 1991?

12:20:21 5 A. Well, we were just cool and calculated, listening to
6 developments as how the war was progressing.

7 Q. Did you have any idea whatsoever in advance that the war
8 was going to start?

9 A. No. The only time I knew about the war was when Sankoh
12:20:46 10 came on the air, that was in March, and give that ultimatum of
11 30 days to the APC government under Momoh at that time.

12 Q. I know it's a long time ago, 1991, the better part of
13 20 years ago. I am just going to ask you a little more about
14 that. You heard Sankoh on the radio giving an ultimatum to - by
12:21:15 15 now we have a new President in Sierra Leone, President Momoh,
16 yes, hand-picked by Siaka Stevens to be his successor, we know
17 that. Were things improving at all under Momoh?

18 A. Things were deteriorating.

19 Q. Deteriorating. I am not going to ask you to go over it all
12:21:37 20 again, but just tell us the principal areas in which things were
21 getting even worse under Momoh.

22 A. As I said earlier, in terms of education, health, the
23 judiciary, the security situation in the country. Because when
24 the war started, a lot of people were just being arrested
12:22:13 25 randomly, executed. If they meet you in a village and hence you
26 are not well dressed, they just allege that you are a rebel.

27 Q. Right. That's when the war started, but I am talking about
28 the lead-up to the war, the period of time since Momoh took over
29 from Siaka Stevens. You say that in general the situation had

1 deteriorated even more?

2 A. Yeah.

3 Q. Well, we will leave that in that summary form. You had no
4 idea the war was about to start except that you heard Sankoh on
12:22:50 5 the radio. Now, he gave Momoh some sort of ultimatum, you said.
6 Can you remember now what month it was that Sankoh was on the
7 radio?

8 A. It was in January.

9 Q. And the ultimatum he gave to Momoh was what?

12:23:08 10 A. Was that in I think 90 days or so he was going to launch
11 the revolution.

12 Q. He was going to launch a revolution. An ultimatum means
13 that you are going to do something if the other party - well, if
14 my learned friend thinks that's leading, I will put it in a
12:23:31 15 different way.

16 MR KOUMJIAN: I do. And I just would like to notice that,
17 as we have now reached a more relevant evidence, the Prosecution
18 would ask counsel to be a little more cautious. Thank you.

19 MR MUNYARD: Very well.

12:23:43 20 PRESIDING JUDGE: Well, that settles that, then.

21 MR MUNYARD:

22 Q. Let's start with what you mean by an ultimatum. It may
23 take a little longer this way, but there we are. What do you
24 mean by an ultimatum?

12:23:55 25 A. Well, by an ultimatum, that if situations or multi-party
26 democracy did not come into Sierra Leone, a war was going to be
27 launched, a revolution was on the way.

28 Q. And you say that he gave Momoh 90 days to do what?

29 A. 90 days to - one, the focus was actually there should be

1 the multi-party system because that is the prelude to democracy.

2 Q. Was he asking or telling Momoh to reverse almost 20 years
3 of a one-party state in three months' time, or was he asking him
4 to give an indication that he was going to start that process
12:25:02 5 within the next three months? In other words --

6 MR KOUMJIAN: Objection. He could ask what the message
7 was, but giving the witness two choices when there is an infinite
8 amount of possibilities would be leading.

9 MR MUNYARD: I am intrigued by the idea of an infinite
12:25:24 10 amount of possibilities.

11 PRESIDING JUDGE: Yes, Mr Munyard, you do tend to suggest
12 answers to the witness. Please avoid that.

13 MR MUNYARD: Very well, Madam President:

14 Q. Let me go back to your answer and it's line 2 of page 76:

12:25:41 15 "Well, by an ultimatum, that if situations or multi-party
16 democracy did not come into Sierra Leone, a war was going to be
17 launched, a revolution was on the way."

18 So an ultimatum that if multi-party did not come into
19 Sierra Leone a war was going to happen, multi-party democracy
12:26:07 20 come into Sierra Leone when?

21 A. In respect of the ultimatum or --

22 Q. Yes.

23 A. Well, when the ultimatum was given, multi-party did not
24 come to Sierra Leone. It was only during the war in I think
12:26:28 25 19 --

26 Q. I am going to stop you there because it may be me, but you
27 have not directed your answer to the particular question. When
28 Sankoh gave the ultimatum over the radio that Momoh should
29 introduce a multi-party democracy into Sierra Leone, when was

1 Sankoh saying Momoh should introduce a multi-party democracy into
2 Sierra Leone? You say he gave him a 90-day ultimatum.

3 A. Yes.

12:27:03 4 Q. What was Momoh - what was he telling Momoh he had to do
5 within 90 days?

6 A. Well, I believe it was for democratic government to prevail
7 at that time because we were under a one-party system.

8 Q. Yes, we know that, Mr Witness. So when you say multi-party
9 government was to prevail in that time, what do you mean by
12:27:30 10 "prevail"?

11 A. Like, he should call an election, call other parties on
12 board, because most other political parties were not in
13 existence. I think if such things maybe would have happened, the
14 war maybe might not have reached Sierra Leone. Maybe Sierra
12:27:55 15 Leone - even maybe Sankoh should have come back and formed his
16 own political party.

17 Q. So that was what you understood --

18 A. Yes, because --

19 Q. -- the ultimatum to be that you heard over the radio --

12:28:13 20 A. Yes.

21 Q. -- in January? Right. Did anything change in January or
22 in February of that year?

23 A. No, because they did not even believe that it was Sankoh
24 that was speaking.

12:28:27 25 Q. Did anything change in March of that year?

26 A. Yes.

27 Q. What changed?

28 A. The war started.

29 Q. Were you expecting that or not?

1 A. I was expecting that because anywhere democratic principles
2 have failed, chaos must emerge, especially when a notice had
3 already been sent.

12:29:06 4 Q. Well, you say, "I was expecting that because anywhere
5 democratic principles have failed, chaos must emerge." That may
6 well be so, but that doesn't provide a timetable, does it?

7 A. Come again?

8 Q. Just because democratic principles have failed, chaos must
9 emerge, doesn't tell you that what the timetable of chaos
12:29:29 10 emerging is, does it?

11 A. No, no.

12 Q. So why were you not surprised? Why were you expecting the
13 war when it came?

14 A. Well, because I was part of the planning process - the
12:29:50 15 earlier planning process. So when I heard Sankoh's voice, I knew
16 he meant what he was saying.

17 Q. You were part of the planning process of what?

18 A. What I mean, going back to those days in the 80s. So after
19 losing contact with him for so long, and then I just heard his
12:30:12 20 voice, knowing the man - the type of man he is, then I knew what
21 he had said: If these people didn't take it serious, definitely
22 the war was going to come.

23 Q. I just want to ask you a little more by what you mean by
24 you were part of the planning process. Were you part ever of any
12:30:30 25 planning for a war?

26 A. Well, not - planning to change the system.

27 Q. Yes. Your planning, was that ever any more than
28 theoretical discussion about how the system really ought to be?

29 A. It was theoretical at that time.

1 Q. Yes. Did you yourself ever have any practical part in
2 planning the war that started in 1991?

3 A. No.

4 Q. So you heard Sankoh's voice on the radio in January 1991.

12:31:10 5 Were you surprised to hear this man, who you had not seen for -
6 well, since 1986?

7 A. Yes, I was surprised because --

8 Q. Did you have any idea where he was speaking from?

9 A. No. No.

12:31:29 10 Q. Now, when the war happened, when the war started, how did
11 you first hear about it?

12 A. Well, it was over the news, because I am someone highly
13 interested in news. BBC.

14 Q. What particular programme on the BBC, if any?

12:32:02 15 A. Focus on Africa.

16 Q. So you listened to Focus on Africa on the radio?

17 A. Yes.

18 Q. What about Sierra Leonean radio? Did you ever listen to
19 any Sierra Leonean news - or news broadcasts, I should say?

12:32:16 20 A. At that time, most of those institutions would only be
21 monitored in Freetown. It was not going into the provinces where
22 we were staying. The radio was not going that far.

23 Q. So was your main source of news on the radio BBC Focus on
24 Africa?

12:32:39 25 A. Yes, BBC, VOA, Radio France.

26 Q. VOA stands for what?

27 A. Voice of America.

28 Q. And Radio France?

29 A. Yes, RFI, Radio France International.

1 Q. Any other news media that you were able to tune in on the
2 radio?

3 A. Yes. But in respect of the war, because I listened to
4 other stations like the Soviet Union, there was - they used to
12:33:19 5 have programmes. Romania, I used to listen to them.

6 Q. Can I just clarify one thing. Are you talking about
7 broadcasts from the Soviet Union and Romania in a language that
8 you could understand?

9 A. Yes, they have their English service.

12:33:36 10 Q. Thank you. When did you actually hear that the war had
11 started? Did you hear - you say you heard about it in the radio.
12 Did you hear a report saying the day that it had started?

13 A. Yes. It was announced over Focus on Africa that the war
14 had entered Sierra Leone on 23 March.

12:33:59 15 Q. Are you saying you heard that on that day or a later day?

16 A. Well, it was, I think, the day the war started it was
17 relayed over Focus on Africa, because the BBC has a wider network
18 to cover. But I heard it over the BBC.

19 Q. Very well. From your understanding and your knowledge of
12:34:26 20 Foday Sankoh - which was now a bit rusty because you hadn't seen
21 him since 1986 - what did you understand his purpose in bringing
22 war to Sierra Leone to be?

23 A. The only - what I understood was that he was - he had
24 launched the war in Kailahun, and the war was coming to free the
12:35:01 25 Sierra Leoneans from the misery of these politicians.

26 Q. What did you do when you heard that the war had come to the
27 country?

28 A. Well, we sat back with my other colleagues, started
29 deliberating on which way - because those who knew our connection

1 with Sankoh, so we were just saying, "Oh, this man has started
2 this thing," and people knew we had connections with him. What's
3 our own position?

12:35:44 4 Q. Pause there for a moment. Who would know that you had
5 connections with Sankoh?

6 A. Like in Bo, a lot of people. Because they used to - my
7 family. There are other friends.

8 Q. How would they know of your connection with him?

9 A. Well, there are times they used to see us, you see, despite
12:36:09 10 we were doing things underground. But I told you earlier, it was
11 only our study group that was secretive, but that does not mean
12 that we were not having - we were not moving around, you know,
13 for people to see us walking with him or knowing that we were
14 together.

12:36:27 15 Q. You have told us earlier that he was a photographer.

16 A. Yes.

17 Q. Were there any - where was his photography business?

18 A. In Bo, Mahei Boima Road.

19 Q. Were there any other photographers who had businesses in
12:36:45 20 Bo, or was he the only one?

21 A. There were a lot of photographers.

22 Q. In any event, people had seen the two of you together?

23 A. Yes.

24 Q. And your family knew of your connection with him. And so
12:36:57 25 what did you think you should do once you learned that his war
26 had started?

27 A. Well, we decided to consider ourselves. But the only thing
28 that saved us at that particular period in time was people were
29 not - because a lot of people did not know Sankoh, except those -

1 even in the army, those who were in the army, you see, they did
2 not even knew that that was the Sankoh, because he was such a low
3 profile man. So I believe that was our greatest security at that
4 time.

12:37:37 5 Q. When you say "he was such a low profile man", do you mean -
6 what do you mean by that?

7 A. Low profile in the sense that he is not somebody who
8 exposes himself, you know. Like, it was - it was only the
9 photography, because people - he used to snap people. They go to
12:37:59 10 collect pictures, you see. That's the most people know about
11 him. But his political conviction was not known to a lot of
12 people.

13 Q. And the only thing that saved us in that period of time was
14 because a lot of people didn't know Sankoh. The only thing that
12:38:17 15 saved you from what?

16 A. From the hard hands of the APC, that is, us being arrested,
17 taken to prison, manhandled.

18 Q. So what did you do to ensure that that didn't happen to
19 you?

12:38:38 20 A. We decided to disperse. Like, I had to leave for Freetown.
21 The other brothers, they too decided to head their own way.

22 MR MUNYARD: Thank you very much. I have no more
23 questions.

24 PRESIDING JUDGE: Mr Koumjian, do you have questions for
12:39:11 25 the witness?

26 MR KOUMJIAN: I certainly do.

27 CROSS-EXAMINATION BY MR KOUMJIAN:

28 Q. Mr Witness, good afternoon.

29 A. Good afternoon.

1 Q. Sir, can you tell us: Were children trained in the RUF?

2 A. I have never seen any training base for children for RUF.

3 Q. Perhaps before I ask you questions about the RUF, let's
4 first explore what relationship, if any, you had with that

12:39:48 5 organisation. Sir, can you tell us what relationship, if any,
6 did you have with the RUF.

7 A. My relationship with the RUF came into light in 1992.

8 Q. Please continue.

9 A. In 1992 I was part of the civil structure of the RUF.

12:40:22 10 Q. Well, let's take it chronologically. In 1992 - first of
11 all, which month was it that you came in contact with the RUF?

12 A. In August.

13 Q. And where was it that you came in contact with the RUF,
14 sir?

12:40:36 15 A. In the Kenema District.

16 Q. Where exactly in Kenema District?

17 A. At the base called Zogoda.

18 Q. So you were at the RUF base Zogoda in Kenema, and that was
19 at the time a jungle base - or, rather, a hidden base, correct?

12:40:59 20 A. Yes.

21 Q. How did you happen to get into the RUF base at Zogoda? How
22 did you happen to be there?

23 A. Well, I made my way. When the situation was now tense,
24 there were - the way we saw civilians being manhandled, so

12:41:19 25 knowing that security - our security was at risk, so I decided
26 that the best thing - I am going to make my way to see Sankoh so
27 that we can see how we can coordinate issues.

28 Q. And you made your way from where?

29 A. I left Freetown. I came to Kenema.

1 Q. So, sir, in 1992 - I am a bit confused about your
2 biography. Again, sir - well, let me just say this. If you are
3 afraid of a detail, saying it in public, let us know. But, sir,
4 how did you get to - I understood that you were based in Bo --

12:42:01 5 A. Yes.

6 Q. -- after you graduated --

7 A. Yes.

8 Q. -- from school. Is that right?

9 A. Yes.

12:42:04 10 Q. Sir, how did you happen to go to Freetown?

11 A. When the situation became tense in Bo, that was in 1991, as
12 I was just saying before you came in, I had to leave for
13 Freetown. It was a way to allay suspicion, to push off
14 suspicions, knowing us, our relationship with Sankoh, so for our
15 own security, as I was just saying, we had to disperse with the
16 other colleagues.

12:42:33

17 Q. Can you name the other colleagues that you were with when
18 you went to Freetown?

19 A. When I was in Freetown?

12:42:45

20 Q. You said, "We had to disperse and we had to go to
21 Freetown." Who were the colleagues you went with to Freetown?

22 A. No, I did not go - I went alone to Freetown.

23 Q. Who were the other colleagues that you had this
24 relationship with in Bo that had to disperse?

12:43:03

25 A. Well, I don't want to disclose their names now, except
26 we --

27 Q. What we will do, sir, is, we can do that in a private
28 session, but let's save that for later. I will come back to that
29 at another time.

1 PRESIDING JUDGE: Yes, you don't have to answer that
2 publicly.

3 THE WITNESS: Yes, yes.

4 MR KOUMJIAN:

12:43:21 5 Q. So, sir, after you decided to make your way to Zogoda, did
6 you have any contact with anyone before you left to go to Zogoda
7 to know where it was?

8 A. To know where --

9 Q. How did you know where Zogoda was? How did you know where
12:43:36 10 to go to find Sankoh?

11 A. Well, it was a high risk that I took because we have bush
12 paths that we use. I walked for almost a month before reaching
13 Zogoda.

14 Q. When you got to Zogoda, who did you see there?

12:44:07 15 A. I met some other RUF brothers. I spoke to them, told them
16 who I was, my relationship with Sankoh, and then they
17 communicated with him and then they - he later asked them to take
18 me - to take - he later told them that they should take me to his
19 place.

12:44:36 20 Q. What month was it that you arrived in Zogoda?

21 A. Very late August.

22 Q. Of 1992?

23 A. Yes.

24 Q. Who were some of the RUF or the combatants that you met in
12:44:53 25 Zogoda? Give us the names of those you remember.

26 A. That one too I will do it in secret.

27 Q. Okay. So after arriving in Zogoda in 1992, did you
28 actually meet with Sankoh?

29 A. Yes.

1 Q. Now, you talked about Sankoh giving an ultimatum in, you
2 said, January 1991. Is that right?

3 A. Yes.

4 Q. And that was a 90-day ultimatum?

12:45:28 5 A. Yes.

6 Q. And you said it had to do with whether or not the
7 multi-party elections would be allowed. Is that correct?

8 A. Yes.

9 Q. If they were not allowed, what did Sankoh threaten to do?

12:45:43 10 A. Well, I was not - he said - according to what he said on
11 the radio, because the radio was my own source of information at
12 that time, that a war was going to be launched in Sierra Leone.

13 Q. Now, sir, at that time did you know where Sankoh was when
14 he was speaking on the radio?

12:46:05 15 A. No.

16 Q. Today you know where he was when he was speaking on the
17 radio in January '91, correct?

18 A. I did not know at that time where he was.

19 Q. But now you know. You subsequently learned where he was
12:46:20 20 before the war was launched, didn't you?

21 A. Come again?

22 Q. Well, you got to know Sankoh and the RUF in Zogoda,
23 correct?

24 A. Yes.

12:46:29 25 Q. You stayed with them throughout the war. Is that correct?

26 A. Yes.

27 Q. You learned where Sankoh was before the war, correct?

28 A. No.

29 Q. Sir, you know Sankoh was in Liberia before the war and he

1 I launched the war from Liberia, correct?

2 A. I did not know where Sankoh was before the war because
3 earlier I had said I have lost contact with him since '86. I
4 only heard him over the radio. That was the only time I knew
12:46:59 5 that there was a Sankoh again.

6 PRESIDING JUDGE: I think you are speaking at
7 cross-purposes. The question is ambiguous. In my opinion, the
8 question is ambiguous: Did the witness know before the war where
9 Sankoh was, or did the witness know where Sankoh was before the
12:47:19 10 war.

11 MR KOUMJIAN: Thank you:

12 Q. Sir, you were with the RUF from 1992 until when? Do you
13 consider yourself still a member of the RUF political party?

14 A. Yes, yes, yes.

12:47:35 15 Q. So would it be correct that you have a lot of knowledge
16 about the history of the RUF?

17 A. Only when I met them in 1992.

18 Q. Sir, you were - sorry, did you finish?

19 A. Only in 1992 when I came in contact with them at Zogoda,
12:47:59 20 that was how I came to know about the RUF. Initially, I told
21 you, when we were together, there was no name. We were just
22 studying.

23 Q. Okay. That's not my question. My question is: All these
24 years you have learned, you have continued to study, to talk to
12:48:15 25 members of the RUF and you have learned about their history even
26 before you joined - the history of the RUF before you joined,
27 haven't you?

28 A. You are confusing - the RUF people only came to know about
29 the RUF in 1991 when Sankoh spoke. That was the time the name

1 came up.

2 Q. Okay. Where did --

3 A. But the name had never come up before that time.

4 Q. Where was Sankoh when he made this radio broadcast?

12:48:46 5 A. I have told you I do not know. I only heard over the
6 radio. According to what he said, he was in Sierra Leone. The
7 radio.

8 Q. Let me make it clear to you, I am asking you what you know
9 today. Remember, didn't you testify this morning about events in
10 the 1970s?

12:49:04

11 A. Yes.

12 Q. And you were born in - you talked about events that started
13 when you were 10 years old, correct?

14 A. Yes.

12:49:13 15 Q. So you are aware of the history of Sierra Leone, correct?

16 A. Yes.

17 Q. And you were an RUF member from 1992 to present?

18 A. Yes.

19 Q. So tell me, sir, where was the RUF formed?

12:49:26 20 A. Where was the RUF formed?

21 Q. It's a very simple question. Name the country where the
22 RUF was formed.

23 A. The RUF, according to Sankoh, I am still emphasising, only
24 came into being - I mean, I only heard about it when it was aired
12:49:49 25 over the radio that a movement is coming, Revolutionary United
26 Front, before that - when that ultimatum was given. But per se I
27 know anything about the RUF, that title "RUF", no.

28 Q. Sir, I am going to repeat the question. Where was the RUF
29 formed? You said it was formed when you heard Sankoh on the

1 radio in January 1991. That's the first you heard of it?

2 A. Yes.

3 Q. Where was the RUF in January 1991?

4 A. No idea.

12:50:20 5 Q. Sir, you know it was in Liberia, don't you?

6 A. I said no idea. I have never been to Liberia. I only went
7 to Liberia for the peace process, period.

8 Q. Sir, is that because you never asked anyone where the
9 invasion came from? Is that what you are telling the judges?

12:50:44 10 A. Well, that was what people were saying. But per se I did
11 not know. For me to know and for people to say, it is two
12 different things. What you hear and what you - other people -
13 what you exactly know is quite different.

14 Q. Sir, you talked to Issa Sesay many, many times, correct?

12:51:07 15 A. I what?

16 Q. Talked to Issa Sesay many times. You know him very well,
17 don't you?

18 A. Yes, I know Issa Sesay.

19 Q. Where was Issa Sesay trained?

12:51:19 20 A. No idea. I only met them in 1992.

21 Q. Fine. Sir, you never met Siaka Stevens, did you?

22 A. I saw him with my eyes, but meeting him like how we are
23 sitting here today conversing, never.

24 Q. You didn't know him nearly as well as you knew Issa Sesay -
12:51:42 25 as you know Issa Sesay, correct?

26 A. I know Issa Sesay more than how I knew Siaka Stevens.

27 Q. So tell us Issa Sesay's story. Where did Issa Sesay join
28 the RUF?

29 A. I cannot tell you where Issa Sesay joined the RUF.

1 Q. Is that because you are afraid of implicating
2 Charles Taylor who created the RUF in Liberia?

3 A. Implicating who?

4 Q. Charles Taylor. Did you ever hear that name before?

12:52:09 5 A. I have heard it.

6 Q. Are you afraid of implicating him?

7 A. Why should I be afraid?

8 Q. That's my question for you, sir. Are you afraid of
9 implicating him?

12:52:15 10 A. No, no, no.

11 Q. Sir, have you heard about Charles Taylor making a radio
12 broadcast, before the launch of the war in Sierra Leone that
13 brought so much destruction, threatening Sierra Leone because of
14 its involvement in ECOMOG?

12:52:32 15 A. Yes, I heard it over the radio.

16 Q. And you heard many people talk about that broadcast and
17 Charles Taylor threatening to bring the bitterness of war to
18 Sierra Leone, didn't you?

19 A. I heard it over the radio.

12:52:47 20 Q. Sir, let's go through your positions with the RUF from
21 1992. You came to Camp Zogoda and what position did you receive?

22 A. I was - I did not have any position at that time when I
23 went to Zogoda.

24 Q. Well, tell us what you did.

12:53:12 25 A. When I went to Zogoda, I was transferred to Kailahun. I
26 did not spend much time in Zogoda. I was sent to Kailahun for
27 safety reasons because Zogoda was more of a front line position
28 and I am not a combatant.

29 Q. Okay. And let's make that clear. You never played the

1 role of a combatant in the RUF. That's your position, correct?

2 A. Yes, yes.

3 Q. What role did you play with the RUF?

4 A. As a civilian coordinator. We were there to take care of

12:53:47 5 civilians who were at the risk of the war. We moved them from

6 the dangerous areas of the war into areas where they are safe.

7 We take care of them, we talked to them, we see that they have

8 what is necessary for them to sustain their life, livelihood.

9 Q. Sir, what did you do for those who had had their hands

12:54:10 10 amputated by the RUF?

11 A. As an individual?

12 Q. First as an individual, yes. What did you do for those who

13 had had their hands amputated by the RUF?

14 A. For us in the RUF area, we never have amputees in the RUF

12:54:32 15 areas. We never have amputees.

16 Q. Did you ever hear --

17 A. The only amputees we have were those maybe who were war

18 victims, that is maybe through bullet wounds. That is the

19 fighters, those who were fighting in the front line. But to say

12:54:55 20 there were civilians who were amputated that were staying with

21 the RUF, I have no idea about that.

22 Q. Because those who were amputated, if they could survive,

23 they made their way away from RUF lines, correct?

24 A. Those who were amputated, definitely they would not stay in

12:55:16 25 RUF areas because the RUF hasn't got medical facilities for them

26 to sustain them.

27 Q. The first very well known amputation was of a Sierra

28 Leonean soldier, correct?

29 A. Well, I don't have any record of that; that the first

1 amputated individual was a soldier. That soldier, I only knew
2 about him when there was peace.

3 Q. That was Ngauja, with N-G. Forgive my pronunciation.

4 A. Yes, I know him. I see him in Freetown.

12:55:53 5 Q. And you have heard the RUF amputated his hands, put a sign
6 around his neck and sent him back to the Sierra Leone soldiers
7 with the sign, correct?

8 A. Yes, I heard that.

9 Q. Tell us about Operation Stop Elections.

12:56:12 10 A. I have no idea about operations because I did not
11 participate. I was not a combatant.

12 Q. What did you hear about what the RUF did? First of all,
13 what was the RUF - you said Sankoh was threatening war because he
14 wanted elections. What was the RUF's position about the 1996
12:56:29 15 elections?

16 A. The RUF position was that the election should be very
17 democratic.

18 Q. Sir, did the RUF boycott the elections and oppose the
19 holding of an elections in 1996?

12:56:49 20 A. Because they knew it was not going to be democratic.

21 Q. So the RUF opposed the elections in 1996?

22 A. Yes, that is true.

23 Q. And they opposed it violently, correct?

24 A. Yes, because we were fighting an armed struggle.

12:57:03 25 Q. In that election, those who cast ballots had their thumbs
26 marked with ink, correct?

27 A. That's what we were hearing.

28 Q. Why are you smiling about that?

29 A. Pardon?

1 Q. Did you smile about that?

2 A. No. I said that's what we were hearing.

3 Q. And did you hear about the RUF amputating the thumbs or
4 hands of those who had ink on their thumbs?

12:57:28 5 A. Yes, I heard it.

6 Q. Let's continue through your resume. I'm sorry to interrupt
7 you. I want to try to do that without interruption now. You
8 were sent to Kailahun to coordinate civilians. How long did you
9 stay in Kailahun?

12:57:47 10 A. I was in Kailahun for - since 2002 to 2008.

11 Q. Do you mean 1992?

12 A. I mean 1992 to '98.

13 Q. Did you have a position that was called G5?

14 A. Yes.

12:58:17 15 Q. Was that your position?

16 A. Yes.

17 Q. And that's part of the RUF structure, correct, the G5?

18 A. Yes.

19 Q. And part of that is dealing with civilians or liaising with
12:58:27 20 civilians?

21 A. Yes.

22 Q. Sir, how old were the civilians that would work for the
23 RUF? What was the age range?

24 A. Of civilians working with the RUF?

12:58:44 25 Q. Yes, sir.

26 A. Well, in the RUF area, 18 and above.

27 Q. So those under 18 were not required to do any work?

28 A. Well, they were. Because if you want to sustain yourself,
29 you just have to do what can sustain you.

1 PRESIDING JUDGE: Mr Koumjian, is that "work with" or "work
2 for"? The both of you seem to be talking about different things.

3 MR KOUMJIAN: Let's make it clear:

4 Q. First of all, sir, how was work coordinated by the G5 for
12:59:21 5 the RUF? According to you, what's your version? How was work
6 coordinated, civilian work?

7 A. Okay. When - civilians in the RUF area, when we want them
8 to do any work in respect of the RUF, we call them, we talk to
9 them and tell them that this is what we want you to do. Give
12:59:50 10 them the instructions that we deem necessary, and then we move
11 with them through the area that we want them to work. Like, if
12 we want food, we can take them to safe areas where we have
13 liberated, if there is food, cassava, rice, to go and harvest.
14 Not only for RUF, but we even allowed them to collect food for
13:00:15 15 themselves to sustain themselves with the security guarding them.

16 Q. Sir, why was it necessary for security to guard the
17 civilians?

18 A. It was necessary because there are certain areas - let me
19 say, if an area has been liberated, the security situation would
13:00:40 20 be so tense that you cannot just allow the civilians to go on
21 their own in such areas, you see. Anytime a civilian moves from
22 an RUF area to a government area - because the buffer zones that
23 are created usually have soldiers manning those points, you see.
24 When they are even captured by soldiers, they are manhandled, so
13:01:01 25 we need to protect them. Also, if any fighting is to ensue or to
26 be pursued in that area, you need to retreat the civilians and
27 then the soldiers continue their fighting.

28 Q. So, sir, civilians were sent to work accompanied by armed
29 guards, correct?

1 A. Not all cases. In only risk areas, front line areas.
2 There are other areas where civilians can go about their own
3 businesses. Nobody had to accompany them. They are only
4 accompanying when we need them to do certain tasks; like we need
13:01:40 5 to brush the roads, if the road is bushy, or to clean the towns,
6 okay? Because in Africa, people are not used to voluntary task,
7 you see. So except you need to talk to them, you be around them.
8 You come, you say, "Okay, you are responsible." You say, "This
9 portion to this portion, it's your own task to brush it. That's
13:02:02 10 the next man's job." So you make sure you must be around to tell
11 them - to talk to them to encourage them so that they can do
12 those work.

13 Q. I'm going to try to discipline myself, because I've broken
14 my own promise, and that was to go through your resume
13:02:18 15 uninterrupted. I'll try to do that now. I want to go through
16 the positions and locations you were at up to the end of the war.
17 So you say you were in Kailahun in this position G5 up to 1998,
18 correct?

19 A. Uh-huh.

13:02:31 20 Q. So you were in Kailahun during the coup - the 1997 coup in
21 Freetown; is that correct?

22 A. Uh-huh.

23 Q. In 1998 what was your next assignment?

24 A. I came to Kenema, where I'm working at the secretariat.

13:02:49 25 Q. What month did you go to Kenema?

26 A. January.

27 Q. And when you say you worked for the secretariat, can you
28 describe - what do you mean by the "secretariat"?

29 A. Well, that's the administrative wing. When the AFRC

1 overthrew the SLPP government, so we had - our administrative
2 structures were set up. The soldiers - the AFRC soldiers and the
3 RUF that came together, so they had to send for people to calm
4 down so that they can coordinate activities.

13:03:29 5 Q. Sir, were you based in Kenema town?

6 A. Yes, I was based there.

7 Q. And who were you reporting to?

8 A. We have the officer in charge, who was a military man at
9 that time.

13:03:41 10 Q. Who was that?

11 A. Well, we had two administrators. The first - okay, okay.
12 The one I met - because the one I met was one major - I think it
13 was a Major Mansaray.

14 Q. And he was an AFRC officer?

13:04:04 15 A. AFRC, yes.

16 Q. And where there RUF in Kenema at that time?

17 A. Yes.

18 Q. Now, you went to Kenema before the intervention; is that
19 correct?

13:04:21 20 A. I went to Kenema before the intervention?

21 Q. Yes, sir.

22 A. No.

23 Q. No? Where were you when the intervention --

24 MR MUNYARD: I wonder if my learned friend would explain
13:04:34 25 what he means by the "intervention".

26 MR KOUMJIAN: Fair enough.

27 Q. Do you understand the word "intervention", sir?

28 A. Yes, yes. That was the time the AFRC took over from - no,
29 okay, wait, wait. There were two - when you are talking about

1 intervention, because the Nigerians came in at that time. That
2 was in February that the Nigerians came in.

3 Q. Correct. Fair enough. I don't want to mislead you. I
4 think counsel's comment was accurate. When I talk about the
13:05:01 5 intervention, I am talking about when the AFRC --

6 A. Was ousted.

7 Q. -- was ousted from Freetown in February 1998.

8 A. That's 13 February.

9 Q. Sir, where were you then?

13:05:12 10 A. I was in Kenema.

11 Q. So you were there before the intervention?

12 A. Yes.

13 Q. Where was Sam Bockarie when you first arrived in Kenema?

14 A. Sam Bockarie was in Freetown.

13:05:23 15 Q. We will come back. I don't want to get sidetracked. I
16 want to go through your resume. So you were in this position.
17 Did it have a name, your position in the secretariat?

18 A. Yes, I was the {redacted}.

19

13:05:39 20 Q. Now, this secretariat --

21 A. {Redacted}, because the secretary-general was in
22 Freetown. Those in the provinces were secretaries. So I was the
23 {redacted} because you have {redacted}.

24 Q. Help us with the command structure, please. This
13:05:55 25 secretariat, was it part of the AFRC government, or was it in a
26 particular ministry? What was the secretariat?

27 A. The secretariat was the administrative wing of the AFRC
28 within Kenema at that particular period in time.

29 Q. Where did Eddie Kanneh fall within the structure?

1 A. Eddie Kanneh - before I came, Eddie Kanneh was the
2 Secretary of State in Kenema before I came to Kenema.

3 Q. Was he there when you arrived, or had he already left?

4 A. He had left.

13:06:27 5 Q. So who had replaced him --

6 MR MUNYARD: I am sorry to interrupt, Madam President and
7 my learned friend. It may be that some of the information that
8 the witness has just given before we moved on to the question of
9 Eddie Kanneh could be said to have identified him, and I am

13:06:44 10 concerned that nothing goes out publicly that might identify him.
11 I am rising now, obviously, in time to --

12 PRESIDING JUDGE: In relation to the position that he comes
13 from Kenema.

14 MR MUNYARD: Yes. On my font on this machine, it starts on
13:07:02 15 page 101, line 3. In fact, line 25 on the previous page.

16 PRESIDING JUDGE: So Madam Court Officer, I think the
17 purpose would be served if you redacted the position that the
18 witness held in Kenema. That will suffice for the protection of
19 the witness. The members of the public who had heard the
13:07:32 20 position, we would order that you do not repeat it outside of the
21 courtroom.

22 MR KOUMJIAN:

23 Q. Sir, after - when the intervention occurred, where did you
24 go?

13:07:50 25 A. Back to Kailahun.

26 Q. You talked about the intervention. You gave a date of
27 February 13. Was that the date that the AFRC fled Freetown?

28 A. Yes.

29 Q. Now, in Kenema what was the situation at that time?

1 A. Chaotic.

2 Q. And how long did you stay in Kenema after the AFRC fled
3 Freetown?

4 A. I left Kenema on 14 February for Kailahun.

13:08:24 5 Q. Was Sam Bockarie with you when you fled?

6 A. Yes.

7 Q. And at that time, in Kenema there had been a mix of RUF and
8 AFRC forces, correct?

9 A. Yes.

13:08:36 10 Q. The intervention affected the two forces differently, would
11 you agree with me about that? The RUF had a more disciplined
12 response and the AFRC was more disorganised, with some of the
13 officers abandoning the country and fleeing to other places -
14 other countries; would you agree?

13:08:59 15 A. Yes.

16 Q. And the relationship between the RUF and the AFRC changed,
17 as Sam Bockarie was now clearly in command of all the combined
18 forces that remained, would you agree?

19 A. Yes.

13:09:15 20 Q. When Bockarie left for Kailahun, of course he brought with
21 him what heavy weapons could be transported from Kenema back to
22 Kailahun, correct?

23 A. I have no idea, because I was not a military man.

24 Q. Do you recall some anti-aircraft weapons, large weapons
13:09:40 25 which could be used to fire at ground forces, on the back of
26 trucks being transported to Kailahun in your convoy?

27 A. I was not in that convoy because --

28 Q. Let's keep going.

29 PRESIDING JUDGE: The witness has a tendency not to

1 complete his answers. He said "because". Because what? You
2 were saying, "I was not in the convoy because."

3 THE WITNESS: Well. Yes, because they were travelling at
4 different positions, you see, and we were travelling in another
13:10:20 5 different direction. We were using footpaths, you see, so they
6 were travelling on the highways, you see.

7 MR KOUMJIAN:

8 Q. Were you on foot?

9 A. Yes.

13:10:34 10 Q. Sir, where did you go when you went to Kailahun?

11 A. My first destination was Dodo. D-0-D-0, Dodo.

12 Q. That's a village?

13 A. Yes, it's a village.

14 Q. And where did you go from Dodo?

13:10:52 15 A. From Dodo we received instruction. A vehicle came for us
16 direct to Kailahun.

17 Q. And when you say "Kailahun", which down did you go to?

18 A. Inside Kailahun Town.

19 Q. So how long did you remain in Kailahun Town?

13:11:11 20 A. '98 to 2000 I was in Kailahun. Since '98 to 2000.

21 Q. Sir, you were in Kailahun during the Kailahun massacre when
22 Sam Bockarie ordered over 100 men --

23 A. I was not in Kailahun; I was in Dodo.

24 Q. You were in Dodo when the massacre occurred?

13:11:42 25 A. Yes.

26 Q. What did you hear about that massacre?

27 A. We just heard that civil - CDFs that were arrested were
28 killed in Kailahun.

29 Q. Sir, did you say to say "civilians" before you switched to

1 "CDF"?

2 A. That is the Civil Deference Force, so it's just a slip of
3 tongue. Sorry.

4 Q. Sir, who determined that these were CDF?

13:12:06 5 A. By virtue of the nature in which they were dressed.

6 Q. Sir, actually these were people that had come back to
7 Kailahun when the RUF assured everyone that the war is over
8 because of the coup and the junta. These were people that had
9 left Kailahun and come back. Correct?

13:12:30 10 A. Yes, they were people who --

11 Q. They were all male. Is that correct?

12 MR MUNYARD: My learned friend did just interrupt the
13 witness in the middle of one of his answers.

14 PRESIDING JUDGE: Mr Koumjian, please let the witness give
13:12:43 15 the evidence.

16 MR KOUMJIAN:

17 Q. Sir, did you finish your answer? Please complete it.

18 MR MUNYARD: Well, he may not remember now but we have all
19 got it on screen. "Yes, they were people who", and that was
13:12:59 20 where he was interrupted.

21 MR KOUMJIAN:

22 Q. Sir, let me repeat the question. Those who were killed,
23 those were people - those were men that had come back to Kailahun
24 after the RUF had assured everyone that the war was over because
13:13:15 25 of the coup and the formation of the junta between the AFRC and
26 RUF, correct?

27 A. Those who were there at that time, most of them were the
28 CDFs who came over and most of those that you said that were
29 killed, it was not that all those who came over from Guinea and

1 Liberia and other areas where the government was - not all of
2 them were killed. But those who participated in the war who were
3 CDFs, that was my own understanding.

13:14:08 4 Q. Sir, your understanding, correct me if I am wrong, is that
5 these people - would you agree that there were over a hundred men
6 that were killed?

7 A. Well, I cannot because I was not there to count or nobody
8 ever told me about figures.

9 Q. Okay. You came back to Kailahun how long after the
13:14:24 10 massacre?

11 A. I think it was after a month or so.

12 Q. Well, was it where the bodies already decomposed
13 completely? The bodies were still on display, they still were
14 lying there, correct?

13:14:45 15 MR MUNYARD: My learned friend has to ask a question that
16 provides foundation for this witness seeing the bodies.

17 MR KOUMJIAN: Excuse me, your Honour.

18 PRESIDING JUDGE: I disagree. This is cross-examination
19 and he may ask a question like that.

13:15:05 20 MR MUNYARD: Very well.

21 PRESIDING JUDGE: If the witness wasn't there, he can say
22 so.

23 MR KOUMJIAN:

24 Q. Sir, when you came back the bodies were still lying in the
13:15:14 25 open, correct?

26 A. For me, I did not see any body lying in the open.

27 Q. The bodies were smelling terribly for a long time after the
28 killing. Was it still smelling when you arrived, sir?

29 A. Well, there was stench of rotting around, but I did not see

1 per se.

2 Q. Of rotten human flesh?

3 A. Well, I can't tell you whether it was human. What I did
4 not see I am not going to say anything about.

13:15:42 5 Q. Those people who were killed had many relatives in Kailahun
6 Town, they were from Kailahun, correct?

7 A. Yes.

8 Q. In fact some of them even had relatives within the RUF?

9 A. Yes, that is true. I cannot dispute that.

13:15:54 10 Q. They were not captured in battle. They were captured when
11 they returned to Kailahun Town, correct?

12 A. That one I did not know. What their motive was for them to
13 be killed, I did not know. Maybe it was the very brothers who
14 were with the RUF maybe that identified them that these were CDFs
13:16:18 15 or - who were fighting against us.

16 Q. Sir, you heard that Sam Bockarie ordered the killing,
17 correct?

18 A. I have no idea about that. I only know that people were
19 killed, but who passed the order for them to be killed, no idea.

13:16:40 20 Q. Who did you hear actually did the shooting?

21 A. Well, I cannot tell any name because I did not even hear
22 names, you see. You just told me that CDFs that were in the RUF
23 zone have been killed, but I cannot call names.

24 Q. How long did you stay in Kailahun after arriving in
13:17:10 25 Kailahun Town?

26 A. Till - since '98 when I arrived in Kailahun I was there
27 till 1999.

28 Q. It's not your fault, but because there is both a town and
29 district called Kailahun I will ask you to help us by

1 distinguishing the two. You arrived first in Dodo and then you
2 went to Kailahun Town. Is that correct?

3 A. Dodo.

4 Q. Dodo then to Kailahun Town, correct?

13:17:50 5 A. Yes.

6 Q. And you stayed in Kailahun Town throughout the period that
7 you were in Kailahun District until 1999, or correct me if that's
8 incorrect?

9 A. Yes, yes. But not in Kailahun Town because I travelled to
13:18:05 10 Pendembu, Bomaru. In fact I was in Pendembu when the 1999 peace
11 was now signed. That was the time we came to Kenema.

12 Q. So in 1998, from the time you arrived in Kailahun Town, you
13 remained in Kailahun Town all the way through the end of the
14 year?

13:18:33 15 A. No, I was not in Kailahun throughout. In the rains I
16 travelled to Pendembu. There I was sent to work with the G5s
17 there. When I went there I just spent a short time and then I
18 was sent to Bomaru.

19 Q. Who was in charge in Pendembu, the overall commander, when
13:18:51 20 you were there?

21 A. For?

22 Q. For the RUF?

23 A. In Pendembu the overall commander at that time was - there
24 was a brother called - no, I don't want to disclose his name now.
13:19:22 25 I will do it later.

26 Q. Fine. We will mark it later. Was Issa Sesay in Pendembu
27 anytime you were there?

28 A. He used to come and go.

29 Q. And where was Sam Bockarie at this time in 1998 based?

1 A. Sam Bockarie was in Buedu.

2 Q. Would Issa Sesay come and go to Buedu?

3 A. Yeah.

4 Q. Sir, who were you reporting to in your command structure

13:19:58 5 once you went to Kailahun Town, and if it's something you need to
6 say in private session we can do that?

7 A. Yes, I will do it in private session.

8 Q. Thank you. Now just continuing with your biography. So
9 through the end of 1998 you were in Kailahun District. Where

13:20:14 10 were you on January 6, 1999?

11 A. I was in Bomaru.

12 Q. Is that in Kailahun District?

13 A. Yes, Kailahun District. That's where the war started.

14 Q. Sir, on the border of Liberia?

13:20:37 15 A. Yeah.

16 Q. What were you doing in Bomaru at that time?

17 A. I was the {redacted} at that time.

18 Q. For what area?

19 A. {Redacted}.

13:20:52 20 Q. So tell us where you went in 1999. You are now in Bomaru
21 January 6, '99. Where do you go after that?

22 A. I went to Buedu.

23 Q. When was that?

24 A. The same year.

13:21:05 25 Q. Still in January?

26 A. I think January or February. I cannot be exact.

27 MR MUNYARD: Again I am sorry to interrupt but I think the
28 witness did just give information that could identify him quite
29 widely. When he was asked what was he doing in Bomaru

1 {redacted}.

2 PRESIDING JUDGE: Indeed. We will have that redacted for
3 the security of the witness, have that information redacted.

4 MR MUNYARD: Certainly. Does your Honour wish me to give
13:21:43 5 the page and line?

6 PRESIDING JUDGE: No, it's not necessary.

7 MR MUNYARD: It's a short area. I'm sure it's easy to
8 identify.

9 MR KOUMJIAN:

13:21:51 10 Q. So, sir, you said you went to Buedu and, without being
11 extremely specific now, did you remain {redacted}?

12

13 A. I was called upon. We were supposed to go to Kono. That
14 made me to leave Bomaru, go to Buedu. We had instructions to
13:22:18 15 travel to Kono.

16 Q. When was it that --

17 PRESIDING JUDGE: Excuse me, could I instruct the Court
18 Manager to redact that latest statement by counsel relating to
19 the position of the witness.

13:22:41 20 MR KOUMJIAN: Okay. Your Honour, if that needs to be in
21 private session, because I am happy to comply with that, but my
22 understanding is that's a very broad area with many, many
23 individuals involved in that area of work. I wasn't being --

24 PRESIDING JUDGE: Your comment is very clear on the record
13:23:03 25 what it is that you said. I don't know what you intended to say,
26 but what you said definitely will reveal the identity of the
27 witness and it should be redacted.

28 MR KOUMJIAN:

29 Q. Sir, when you went to Kono, when was it that you went to

1 Kono?

2 A. In February.

3 Q. Of 1999?

4 A. Yes.

13:23:25 5 Q. To do what? And again if it's going to reveal your
6 identity, you don't have to tell us.

7 A. That's part of the G5s. Just to go and coordinate and
8 organise the civilians there.

9 Q. How many different individuals would be involved, let's
13:23:46 10 say, in Kailahun District in the overall G5 structure? How many
11 people worked in the G5 structure in Kailahun District?

12 A. I can't be specific, but --

13 Q. That's fair enough. An approximation is fine.

14 A. Roughly about 50.

13:24:11 15 Q. And in Kono District how many worked in the G5 unit?

16 A. About 20.

17 Q. Thank you. Now, in Kono, when you arrived, who was in
18 command of the forces that were in Kono?

19 A. I won't disclose that in public.

13:24:36 20 Q. When you arrived in Kono - well, let's complete the
21 biography. How long did you stay in Kono?

22 A. Two months.

23 Q. And where did you go next?

24 A. Back to Kailahun.

13:25:01 25 Q. How long did you - Kailahun District?

26 A. I was in Kailahun till the peace was signed.

27 Q. When you say Kailahun you mean the district or you mean the
28 town?

29 A. The town. No, no, I was in Pendembu by that time now when

1 the peace was signed. I went briefly to Kailahun because I was
2 stationed in Pendembu when I was called upon to go to Kono. So I
3 had to go back to my station.

13:25:31 4 Q. So when you say the peace was signed you mean the Lome
5 Accord in July 1999?

6 A. Yes.

7 Q. So after the accord was signed in July 1999 where did you
8 go?

13:25:46 9 A. Well, we were called upon by the leader Foday Sankoh. He
10 was coming to Kenema at that time, so we travelled to Kenema.

11 Q. You travelled --

12 A. Excuse me, excuse me. I spent - I think it was in 2000
13 that I left Pendembu, yes, for Kenema. And not me alone. It was
14 a huge convoy to go and welcome him. Over five trucks.

13:26:16 15 Q. And Foday Sankoh was travelling separately. He came by
16 helicopter, is that correct, or is it not correct?

17 A. From where?

18 Q. Well, how did Foday Sankoh get to Kenema, if you know?

19 A. By road.

13:26:29 20 Q. From where?

21 A. Freetown.

22 Q. And did he give a speech when he arrived in Kenema?

23 A. Yes.

24 Q. Did he apologise for the atrocities?

13:26:42 25 A. Of course.

26 Q. After greeting Foday Sankoh in Kenema, where did you go?

27 A. As soon as I met him, knowing the relationship with us, he
28 said I should follow him to Freetown. So we went to Freetown.
29 We were there till the May 8 incident.

1 Q. Before you saw Foday Sankoh in Kenema in 2000, when had
2 been the last time you had actually seen him?

3 A. That was in Zogoda.

4 Q. You never saw him after Zogoda?

13:27:22 5 A. Yeah.

6 Q. What year would that have been?

7 A. '92.

8 Q. Sir, were you in Zogoda when it fell?

9 A. No, no.

13:27:39 10 Q. After you went to Freetown with Foday Sankoh, did you stay
11 with him?

12 A. Yes.

13 Q. Did you have a particular position?

14 A. Yes.

13:28:00 15 Q. We will save that for when we go to private session, okay?
16 I will cover the rest of the biography in private session. We
17 only have a few minutes left at the moment. Sir, after Zogoda
18 fell, the RUF, many parts - many of its combatants were pushed
19 into Liberia, correct?

13:28:20 20 A. No. Kai Lahun.

21 Q. Well, did you hear of RUF forces pushed into Liberia going
22 to the area around Bomi Hills?

23 A. No.

24 Q. Sir, do you know of RUF leaders making trips to Liberia?

13:28:45 25 A. No idea.

26 Q. You don't know of any of them?

27 A. No.

28 Q. As part of your responsibilities as {redacted} were you
29 responsible for briefing the civilian population on the political

1 agenda of the RUF?

2 A. Yes.

3 PRESIDING JUDGE: Here we go again. More redactions coming
4 up. Mr Koumjian, you are not taking care. We have had those
13:29:14 5 words redacted once.

6 MR KOUMJIAN: My understanding was when - it was only if
7 it's something that particularly identified a witness. As this
8 witness has pointed out, there is a whole branch of the service
9 of the RUF and --

10 PRESIDING JUDGE: Well, you have said "when you were".

11 MR KOUMJIAN: In that branch. That's not a position. It's
12 like saying when you were a radio operator.

13 PRESIDING JUDGE: I don't understand it to be that way.

14 MR KOUMJIAN: Okay. I will be happy to that from now on in
13:29:42 15 private session. I think I may have run out of time, or do I
16 have a few more minutes?

17 PRESIDING JUDGE: We do have a few more minutes, but we
18 also need to redact.

19 Mr Witness, you testified that Foday Sankoh, when he came
13:30:14 20 to Kenema from Freetown, he made a speech.

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: Are you able to tell the Court the date
23 or the month of that speech, approximately?

24 THE WITNESS: I can't remember the date, but approximately
13:30:39 25 it was in January.

26 PRESIDING JUDGE: Of?

27 THE WITNESS: 2000. The year 2000.

28 PRESIDING JUDGE: Okay. Thank you. I think that would be
29 an appropriate --

1 THE WITNESS: January 2000.

2 PRESIDING JUDGE: Thank you. That would be an appropriate
3 time to break. We will adjourn for lunch until half past 2.00.

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

14:25:16 5 [Upon resuming at 2.34 p.m.]

6 PRESIDING JUDGE: Good afternoon. Mr Koumjian, you may
7 continue, please.

8 MR KOUMJIAN:

9 Q. Good afternoon, Mr Witness.

14:34:36 10 A. Good afternoon, sir.

11 Q. Sir, we need to go into a private session to take some more
12 detailed information about your biography, but I will try to
13 remain in open session for at least a little while before we do
14 that.

14:34:53 15 MR MUNYARD: I wonder if I can interrupt my learned friend
16 for a moment. I'm sorry. I should have appreciated that we have
17 a change of appearance on our Bench, and before Mr Koumjian gets
18 into his stride, I should mention that. Courtenay Griffiths QC
19 is no longer with us. Logan Hambrick is now with us who is a
14:35:13 20 member of the bar of New York. Thank you very much.

21 PRESIDING JUDGE: That is noted. Thank you. Please
22 continue.

23 MR KOUMJIAN:

24 Q. Sir, you became familiar - well, first, let me go back to
14:35:28 25 something you said this morning. You talked about hearing an
26 ultimatum issued by Foday Sankoh giving the Momoh government
27 90 days to institute multi-party - a multi-party system in
28 Sierra Leone or a war would be brought to Sierra Leone. Is that
29 correct?

1 A. Yes.

2 Q. Sir, you said that that ultimatum, you heard that in
3 January 1991, correct?

4 A. Yes.

14:35:58 5 Q. Now, sir, the war - the invasion of Sierra Leone began in
6 March 1991. Is that correct?

7 A. Yes.

8 Q. Well, 90 days from any day in January will be February -
9 excuse me, April. Isn't that correct?

14:36:13 10 A. Yes.

11 Q. So the war was launched before the ultimatum had - the
12 90-day period had expired, correct?

13 A. Repeat that statement again.

14 Q. Foday Sankoh - the war was launched against Sierra Leone in
14:36:31 15 less than 90 days after Foday Sankoh issued the ultimatum,
16 correct?

17 A. Yes.

18 Q. Now, sir, speaking of multi-party elections, there was a
19 change in the Sierra Leone government structure in

14:36:50 20 September 1991, correct? Do you remember that?

21 A. September 1991?

22 Q. Yes, sir.

23 A. There was a change?

24 Q. Yes, sir. Let me see if I can jar your memory. Do you
14:37:05 25 recall that President Momoh announced in September a change to a
26 multi-party system, the end of the one-party system and a
27 multi-party system in Sierra Leone?

28 JUDGE DOHERTY: Mr Koumjian, September of which year?

29 MR KOUMJIAN: 1991.

1 THE WITNESS: No, I cannot remember that.

2 MR KOUMJIAN:

3 Q. Do you recall President Momoh announcing a new constitution
4 in September 1991?

14:37:32 5 A. I cannot recall.

6 Q. Sir, you taught the ideology of the RUF, correct?

7 A. Yes.

8 Q. So you became familiar with it. You are familiar with it,
9 correct, with the ideology?

14:37:55 10 A. That was when? The time you are telling me that I taught
11 the ideology of the RUF, what time?

12 Q. Probably the best question is to ask you that.

13 A. No, because I said - it's in respect of RUF, I only came
14 into contact with RUF in 1992.

14:38:16 15 Q. Yes. Correct. So after 1992, would it be correct that
16 from 1992 on up to today you've taught people about the ideology
17 of the RUF?

18 A. Yes.

19 Q. And is there any particular documents that form a basis for
14:38:31 20 the RUF ideology?

21 A. Personally, we don't have any document, specific document
22 that you can refer to.

23 Q. Are you familiar with a document called Footpaths to
24 Democracy?

14:38:49 25 A. Yes.

26 Q. Could the witness be shown MFI-227. Sir, on the screen
27 right now in front of you do you see a cover labelled "Footpaths
28 to Democracy, Toward a New Sierra Leone, Volume 1"? Is that
29 what's in front of you? I can't see your screen. Do you have

1 that, sir?

2 A. Yes.

3 Q. Do you recognise it?

4 A. Yes.

14:39:53 5 Q. Is that the document that the RUF issued?

6 PRESIDING JUDGE: Surely he cannot identify a document --

7 THE WITNESS: This --

8 PRESIDING JUDGE: Wait, Mr Witness. He needs to see the
9 entire document if you are going to ask him is that the

14:40:11 10 publication. You cannot just go by the cover.

11 MR KOUMJIAN: You can't judge a book by its cover. That's
12 fair:

13 Q. So, Mr Witness, if the Court Manager could hand you the
14 book, if you could look through it and take your time and then I
14:40:32 15 will ask you some questions.

16 A. The one I know, this was not - the photograph I'm seeing
17 here is not the photograph that was on the one I knew.

18 Q. Okay. How about the text? Do you recognise the text?

19 PRESIDING JUDGE: Mr Witness, you seem to be reading the
14:44:09 20 book anew. The question asked you was very simple: Do you
21 recognise the text of this book?

22 THE WITNESS: Yes, there are some aspects of the text that
23 I do recognise and there are some --

24 PRESIDING JUDGE: And there are some what?

14:44:29 25 THE WITNESS: Some that I cannot reflect on.

26 PRESIDING JUDGE: So, Mr Koumjian, perhaps you can take it
27 from there.

28 MR KOUMJIAN: Yes. If the witness could be shown - on my
29 computer it was the 38th page, but it was the page with the ERN

1 number ending 9737.

2 Q. Sir, if you could give it to the Court Officer, she will
3 take care of it.

4 PRESIDING JUDGE: Where are you taking --

14:45:25 5 MR KOUMJIAN: If I could have page 9737, please. The ERN
6 stamp 9737 put on the overhead. I believe it's about the 38th
7 page into the document.

8 PRESIDING JUDGE: It's actually page 37.

9 MR MUNYARD: Your Honour, it's page 36 on my screen.

14:46:01 10 PRESIDING JUDGE: The page that has "The ideas and ideals
11 we believe in", right, Mr Koumjian?

12 MR KOUMJIAN: Yes.

13 PRESIDING JUDGE: With the title.

14 MR KOUMJIAN: That's it:

14:46:13 15 Q. Sir, this is a document that was introduced by - was
16 brought up by the Defence during Mr Taylor's testimony. So, sir,
17 I would like to direct you to where it says - the paragraph
18 beginning, "One, arms to the people" and ask you if it's familiar
19 to you. I'll try to read it because we can see the left-hand
14:46:39 20 side appears to be partially cut off. And you can read along
21 with me. It says:

22 "One: Arms to the people. Believing that it is an
23 organised and informed people who constitute the motive force of
24 any political and economic revolution, the RUF/SL has trained a
14:47:03 25 large number of men and women including the elderly, youth,
26 children and the disabled from all corners of Sierra Leone and
27 given them arms to dismantle the corrupt APC system and its
28 sordid successors. This phase is currently being vigorously
29 pursued and the RUF/SL will not relent until the task is

1 accomplished. The RUF/SL believes that the possession of arms
2 should not be the monopoly of a privileged group. Everybody
3 should be a fighter to defend their rights."

14:48:01 4 Sir, in the paragraph that I've read do you recognise that
5 text as part of the document "Footpaths to Democracy" that you
6 were familiar with? Do you recognise that text as being part of
7 the document you are familiar with?

8 A. In respect of what that text is trying to say,
9 [indiscernible] maybe what I might be thinking about when they
14:48:32 10 say "arm" might be arming them with ideology, not necessarily
11 weapons.

12 PRESIDING JUDGE: Mr Witness, that is not the question.
13 Nobody is asking you to interpret the text. The question is do
14 you recognise the passage as a passage out of the book that you
14:48:53 15 are familiar with?

16 THE WITNESS: Yes.

17 MR KOUMJIAN:

18 Q. Sir, when Foday Sankoh - you've talked to him on many
19 occasions, correct?

14:48:59 20 A. Yes.

21 Q. About political ideas and organising, correct?

22 A. Yes.

23 Q. When Foday Sankoh uses the word "youth", what does youth
24 mean, or how do you understand the word "youth"? What ages?

14:49:20 25 A. 18 to 35.

26 Q. Sir, what do you understand the word "children" to mean?

27 A. Below 18.

28 Q. Can we go back to the page 37, please. So when the
29 document says, reading three lines up from the bottom:

1 "The RUF/SL has trained a large number of men and women
2 including the elderly, youth, children and the disabled from all
3 corners of Sierra Leone and given them arms to dismantle the
4 corrupt APC system and its sordid successors. "

14:50:12 5 Sir, is that true, the RUF armed the elderly, youths,
6 children and the disabled?

7 A. To me it's not true because I never saw a disabled holding
8 arms in RUF.

9 Q. So, sir, the document "Footpaths to Democracy" contains
14:50:35 10 lies. Is that right?

11 A. Well, maybe it's - I can't say it's a lie, but maybe the
12 person who printed this document might have not used the correct
13 adjective in respect of arms, you see. But arming a disabled and
14 a youth, or a child, you see.

14:51:08 15 Q. Please explain. We're anxious to hear your explanation.
16 What does "arms" mean when you say "arming children"?

17 A. Well, you can arm somebody with knowledge.

18 Q. And you think that's what this passage is referring to?

19 A. Well, that's what I'm thinking. Because a disabled - how
14:51:26 20 can a disabled be able to handle an AK-47 sitting on the ground
21 or if their hands are not strong enough to hold that weapon, you
22 see. Let's say if your disability is from the hand, okay, and
23 even your feet, how can you move that weapon? Can you be a
24 crippled on the ground when you are attacked with a weapon? So
14:51:57 25 it must have been maybe the wrong adjective might have been used
26 in this context.

27 Q. What's the youngest age in your opinion for a child to be
28 able to fire an AK-47?

29 MR MUNYARD: I'm not sure that this witness, who has

1 already said that he has never taken part in combat, is in a
2 position to be asked what's the youngest age at which a child may
3 be able to fire an AK-47.

4 PRESIDING JUDGE: Mr Munyard, a witness - this witness
14:52:33 5 particularly is intelligent enough to speak for himself. The
6 question is a proper one, in my view.

7 MR MUNYARD: Very well.

8 PRESIDING JUDGE: Mr Koumjian, please repeat the question.

9 MR KOUMJIAN:

14:52:48 10 Q. Sir, in your experience, having spent the years from 1992
11 through the end of the war with the RUF, what is the youngest age
12 that a child has to be to be able to fire an AK-47?

13 A. If it's a child I think he is 14, I think.

14 Q. Thank you. Sir, I want to go back for a moment to the days
14:53:23 15 of Sankoh and PANAFU and Ali Kabbah. Now, PANAFU was an
16 organisation - can you explain what PANAFU was, what kind of
17 organisation?

18 A. It was a political organisation.

19 Q. Were the members of that organisation largely students?

14:53:45 20 A. Not necessarily.

21 Q. Were the leaders of that organisation largely students from
22 Fourah Bay College or university?

23 A. Yeah, some of them were at university, some of them were
24 students - I mean secondary school students.

14:54:09 25 Q. Now is it correct that Foday Sankoh had a slightly - had
26 different political views than the leaders of PANAFU in regards
27 to strategies? Would you agree with that?

28 A. Yes.

29 Q. And he criticised PANAFU, didn't he, because PANAFU was

1 concentrating on issues like apartheid in South Africa as opposed
2 to issues in Sierra Leone; would you agree with that?

3 A. Well, not necessarily the case. The difference was PANAFU
4 was concentrating on the political aspect of the ideology. The
14:54:56 5 RUF, the armed aspect. That might have been the difference
6 between the RUF and PANAFU.

7 Q. That's fair. PANAFU and Ali Kabbah in particular was more
8 trying to raise the political awareness of all Sierra Leoneans so
9 that there would be a mass uprising as opposed to organising for
14:55:21 10 a military operation against the government. Would you agree
11 with that?

12 A. Yes.

13 Q. Foday Sankoh was a former military - member of the Sierra
14 Leone military, correct?

14:55:29 15 A. Yes.

16 Q. And he was more of a man of action who believed in taking
17 up arms against the government. Would you agree with that?

18 A. Yes.

19 Q. Now, sir, I do see a little audience, so I'm trying to go
14:55:55 20 not too much into private session. Perhaps we can do one more
21 matter before we go into private session. If the witness could
22 be shown the document P-51. Perhaps if the witness could first
23 be - this is a booklet. But perhaps the witness can first thumb
24 through it, look at the cover and some of the pages before we put
14:56:54 25 it on the screen. Sir, probably because of time, I really would
26 ask you not to read the whole document. Just familiarise
27 yourself a bit with it and then we'll deal with specific pages.

28 A. Yeah.

29 Q. Sir, do you recognise from what you've looked at in P-51,

1 the booklet that the Court Officer just took from you, that this
2 is an RUF record or series of records? Sir, that is a question.
3 Do you want me to repeat it? Mr Witness, do you hear me?

15:00:22 4 A. Well, I cannot attest that it is an RUF record because
5 these are names that are written and I cannot attest whose
6 handwriting these names are written in.

7 Q. Let's go through this document, a few pages of it, anyway,
8 starting --

9 A. But I'm familiar with most of the names on it.

15:00:38 10 Q. Thank you then. You can help us. The page that's on the
11 screen right now which has marked with the ERN number ending
12 25574A, let's start at the first name. It appears to say to me,
13 number 1 Colonel Dennis Mingo. Do you know Dennis Mingo?

14 A. Yes.

15:01:02 15 Q. Who was Dennis Mingo?

16 A. He was a fighter.

17 Q. What was his nickname?

18 A. Alias Superman.

19 Q. What was Superman's nationality?

15:01:16 20 A. Sierra Leonean.

21 Q. Mr Witness, you know that Superman Dennis Mingo was a
22 Liberian, don't you?

23 A. Well, my understanding, he was coming from Bandajuma, which
24 is just off Kailahun entry - going to Kailahun, let's say about
15:01:36 25 less than a mile towards Kailahun, you branch off. That was
26 where he was born. That's my own understanding.

27 Q. And Dennis Mingo, Mr Witness, you know he used to go back
28 to Liberia to visit family. That's correct, isn't it?

29 A. Well, that is a border area. Kailahun District is a border

1 area. Sierra Leoneans and Liberians are interacting in that
2 area. They are people whose mothers may be Liberians and their
3 fathers are Sierra Leoneans, you see.

15:02:11 4 Q. Dennis Mingo used to travel to Monrovia, you know that, and
5 visit family, including a brother, correct?

6 A. I have no idea. I have no idea about his shuffling between
7 Liberia and Sierra Leone.

8 Q. The second name, Colonel Isaac, who is that?

9 A. Isaac was also a combatant.

15:02:33 10 Q. And he is known as Colonel Isaac, correct? Or CO Isaac?

11 A. Yeah.

12 Q. And his real name is what? His full name.

13 A. I only know him by Isaac.

14 Q. Do you know the name Isaac Mongor?

15:03:00 15 A. I know - I only know that man by Isaac - by the name of
16 Isaac. There are some people whom we don't even know their
17 surname. There are people whose names were in code. It's not
18 everybody that we were acquainted with their original names.

15:03:18 19 Q. I'll accept that, sir. Colonel Isaac, he spoke like a
20 Liberian, correct?

21 A. Yes.

22 Q. Same as Superman. He spoke like a Liberian, correct?

23 A. Yes.

15:03:36 24 Q. The fourth name down, Lieutenant Colonel Rambo, who is
25 that?

26 A. Myself, I only know him by Rambo, but I don't know him by
27 his real name.

28 Q. Now, this Rambo - there were several people named Rambo.
29 Isn't that correct?

1 A. Yes.

2 Q. Given the position that you see on this name on the list,
3 Lieutenant-Colonel Rambo, number 4, do you know who they are
4 referring to?

15:04:00 5 A. I don't know that particular Rambo. As you said, there are
6 many Rambos.

7 Q. This was also sometimes referred to as RUF Rambo, correct?

8 A. I only know him by the name of Rambo.

9 Q. What was the nationality of Rambo, that you know?

15:04:20 10 A. He had a Liberian accent, but I did not know whether he was
11 Liberian or he was Sierra Leonean, because I was not so close
12 with him.

13 Q. Looking at this list, would you agree that you recognise -
14 going to number 29, would you say you recognise all of the names?

15:04:38 15 A. I did not say all.

16 Q. I'm asking you a question. Look through them. Do you
17 recognise all of the names?

18 A. Not all.

19 Q. Let's go to number 11, Major Rocky. Who is that?

15:04:55 20 A. Himself, I only know him by Rocky.

21 Q. What is his nationality?

22 A. That one I cannot - I cannot tell exactly whether he was
23 Liberian or he was Sierra Leonean. Because most of them, I was
24 not very close with them, you see.

15:05:37 25 Q. One moment, please. I'll come back to that. Do you recall
26 - before I move on, do you recall Rocky being responsible,
27 ordering the execution of about 100 men and then having their
28 heads cut off?

29 A. I have no idea about that.

1 Q. Number 20, MJ Wallace, who is that?

2 A. I don't know him.

3 Q. Major?

4 A. I don't know.

15:06:14 5 Q. Do you recognise him as a Liberian --

6 A. I only heard --

7 Q. -- STF, from the Special Task Force?

8 A. I only heard his name.

9 Q. And did you know of a Major Wallace who was Special Task
15:06:32 10 Force? Sir, is that the Major Wallace, the name that you knew,
11 did you hear that name as a STF officer?

12 A. I never knew even the unit he belongs to.

13 Q. Number 15, Martin George, who is that?

14 A. I know Martin George.

15:06:59 15 Q. What is his nationality?

16 A. It is - I can't tell his exact nationality, but he had a
17 Liberian accent.

18 Q. Thank you. Number 10, Major Nyah. Do you recognise Nyah?

19 A. I don't know him.

15:07:16 20 Q. Did you know a radio operator named Nyah?

21 A. I only heard his name.

22 Q. He was Liberian, correct?

23 A. I cannot attest to that.

24 Q. How about number 21, PF Kennedy? Do you know any Kennedys?

15:07:36 25 A. Yes, I know Kennedy.

26 Q. What was Kennedy's nationality?

27 A. It's - for the nationality of these people, I have never
28 asked them about what nationality were you or who you were. So
29 in respect to their nationality, I can't attest to - see, because

1 the area we are living, where this war started was, as I told you
2 earlier, Sierra Leoneans are there, Liberians are there, you see.
3 So somebody cannot just have a Liberian accent and they allege
4 that he is a Liberian, or a Sierra Leonean living in Liberia,
15:08:13 5 having a Liberian accent and you say he is a Liberian. It's
6 possible that the parents migrated to those areas. So wherever
7 you are brought up, you live with the accents.

8 Q. Let me just ask you about number 18, Kumba Gbundema? Am I
9 pronouncing it correctly?

15:08:35 10 A. Yes, Gbundema.

11 Q. Who is he? Who is he? He was an RUF commander?

12 A. Yes, I know he was an RUF commander.

13 Q. And what kind of accent did he have?

14 A. He had a Sierra Leonean accent.

15:09:00 15 Q. I want to move to a few other pages in this document.
16 First, let me just take for an example page 25586 is the ERN
17 number. I believe it's marked page 98 on the top right. It's
18 25586. Now, sir, can you read the very top line? Is it correct,
19 do you read, sir --

15:10:16 20 A. It reads "manpower that brought government rice".

21 Q. Then there's a date below that. Is that correct?

22 A. The date on this document?

23 Q. Yes, sir.

24 A. If it is correct?

15:10:30 25 Q. Well, no. That is a date, 6-07-98, and in Sierra Leone in
26 the RUF what was the way you dated documents? 6-07-98 would mean
27 what? What day, what month?

28 A. That was 6 July 1998.

29 Q. Thank you. Now we see a list of names and then to the

1 right other names with ranks in front of them. Can you explain
2 what we are looking at.

3 A. I can't understand this document because I'm seeing John
4 Bangura and then they say lieutenant, is it Ishmael or what, and
15:11:20 5 then Sayo --

6 Q. Sayo Mano it looks like and then the same name?

7 A. I see the same Lieutenant Ishmael again. David --

8 Q. Okay. It's not necessary to pronounce all the names.

9 A. Kennedy.

15:11:41 10 Q. Thank you. What we see, would you agree, is that there's a
11 list of names with no rank on the left and then names with rank
12 on the right. Some of the people with ranks are assigned to more
13 than one place on this sheet. In other words, they have several
14 other names associated with them of people without rank. Sir,
15:12:02 15 was there a system in the RUF that civilians were assigned or
16 given to commanders?

17 A. Come again, civilians were?

18 Q. Assigned or given to commanders?

19 A. I don't think it was specifically assigned but there were
15:12:27 20 people who were civilians during the war who were fortunate to be
21 on our side. So depending on how any commander takes care of
22 you, then you align yourself with that commander because if you
23 are treated well by any commander definitely you want to stay
24 with that commander, you see.

15:12:48 25 Q. That's true because most commanders treated civilians very
26 bad, so if you were treated well you would want to stay with that
27 commander, correct?

28 MR MUNYARD: [Overlapping speakers]

29 THE WITNESS: Not those commanders --

1 MR MUNYARD: Before the witness answers, that's two
2 questions in one. Most commanders treated civilians very bad is
3 one question. So if you were treated well you would want to stay
4 with that commander is the second question. I would be grateful
15:13:14 5 if my learned friend would ask one question at a time so as to
6 get an accurate answer.

7 PRESIDING JUDGE: Mr Koumjian, is that the case?

8 MR KOUMJIAN: This is one question. He can say this is not
9 true or he can say it is true.

15:13:27 10 MR MUNYARD: With great respect he can't because he is
11 being asked two separate things there and if he says true we
12 don't know whether he is replying to both elements of the
13 question or just the second element of the question.

14 PRESIDING JUDGE: I thought the first part of the question
15:13:41 15 was a suggestion - a definite suggestion, not a question.

16 MR MUNYARD: With respect, your Honour --

17 PRESIDING JUDGE: But in any event, Mr Munyard, let
18 Mr Koumjian ask his question in a clear manner.

19 MR KOUMJIAN: Thank you:

15:13:58 20 Q. Sir, many civilians were treated very, very badly by
21 commanders, correct?

22 A. No.

23 Q. If a civilian did find a commander who treated them with
24 any humanity they were better off with that commander, correct?

15:14:14 25 A. Of course, yes. That one is common in any situation
26 whether it's war or no war.

27 Q. And especially, sir, women. Because if you weren't with
28 one commander you would be raped by any number of soldiers,
29 correct?

1 A. Most women, for me I never saw any woman being raped in my
2 own case. In the RUF anybody who rapes was disciplined.

3 Q. Sir, were --

4 A. Depending on the nature of the rape at times you will be
15:14:45 5 executed. If it's not so severe, you just attempted, they send
6 you to the war front.

7 Q. Sir, women were assigned to commanders, correct?

8 A. Nobody assigns women to commanders.

9 Q. The higher ranks --

15:15:03 10 A. It's only women that - who were combatants because when you
11 are a combatant you are under instruction, you see, so you'll be
12 assigned to work in a particular area. But to say a woman that -
13 let me take an example. Foday Sankoh would say, "Okay, this
14 woman go out and join that man", no.

15:15:23 15 Q. That is exactly what would happen.

16 A. No.

17 Q. Commanders like Sam Bockarie would say to a woman, "You're
18 assigned to this man." Isn't that what happened?

19 A. No. That was just propaganda. But I've never - even Sam
15:15:35 20 Bockarie, I've never - any woman Sam Bockarie wants I think he
21 talks to that woman in respect of love. If he wants that woman
22 for love he speaks to that woman. If that woman didn't accept
23 the love then he leave the woman alone. But he cannot force that
24 woman to have relation - biological or any type of relationship
15:15:57 25 with him. They can't force anybody. You talk to them, then they
26 accept your love. If they accept it then okay. But in that
27 situation because of fear certain people accept certain things
28 because they want their life to be saved.

29 Q. Why is that they would accept going with a man to save

1 their life? Explain that.

2 A. If you are - as I was saying now you are from - we've taken
3 over an area, okay, let me say this room. A woman is found
4 there. I meet a woman, I propose love to that woman, it is left
15:16:36 5 to that woman to say, "Yes, I accept your love." If the
6 situation becomes tense and the woman sees that she is alone,
7 even if maybe she had not wanted to accept that love and then she
8 sees that danger is coming, the man will say, "Okay, the last
9 time I told you I like you, now you say you don't like me. It's
15:16:58 10 now that you want to accept me? Then no problem."

11 Q. Sir, have you seen that happen: RUF takes control of an
12 area and commanders go up to women and say, "I want to be with
13 you. Do you accept my love?"

14 A. Well, I've not - I did not see that happening but there
15:17:16 15 were no complaints to me as {redacted} that had ever come to me
16 that a particular commander raped a civilian, because we were in
17 charge of the civilians. Whatever complaints that civilians do,
18 that was why we have the joint security panel that sits where you
19 have the G5s, the MPs, the IOs and the IDUs on such issue. When
15:17:45 20 such issues come up they bring you before the panel. If that
21 woman thinks her protection is at risk then that joint security
22 panel takes care of that woman until she finds somewhere that she
23 thinks she can be okay, you see.

24 PRESIDING JUDGE: In the answer that the witness gave the
15:18:00 25 first reference to when he said to me as {redacted}, et cetera,
26 that part should be redacted including my own comment. But the
27 rest of the text can stand. And that is for the security of the
28 witness. Members of the public are not to repeat that
29 information outside of the Court.

1 MR KOUMJIAN:

2 Q. Mr Witness, let's look at page - with the ERN number ending
3 25592. Sir, do you see that near the top there's something
4 underlined and I'm going to read it. You tell me if I'm reading
15:19:18 5 correctly. "Name of civilian women" and, in the next column,
6 "officer in charge"?

7 A. Uh-huh.

8 Q. And then we see on this page what appears to be 35 names,
9 one that starts above what I just read down to 35. Next to each
15:19:41 10 much them appears to be a rank and than a last name in the other
11 column that says "officer in charge". Would you agree with that?

12 A. Repeat the question again.

13 Q. Would you agree that what we have here is on the left-hand
14 column a list of civilian women and the right-hand column a list
15:19:57 15 of RUF or AFRC or STF officers assigned to the women, the women
16 are assigned to these men?

17 A. But this document does not indicate that these womens were
18 assigned to these people. It's possible that these women knew
19 what these commanders did for them when they were - when an area
15:20:22 20 was attacked. So they decide to stay with this commander. If
21 you look at Major Bala, I am seeing Major Bala having almost
22 about three wives. Three women, let me not say wives. Major
23 Bala, is it number 1 or 2? Is that 2? Then Major Bala again
24 comes 13. Okay, major Bala, number 2, number 3, number 13, you
15:21:07 25 see.

26 Q. And there's more also. Sir, is it correct --

27 A. For Major Bala alone. Major Bala alone has three or four
28 women under his control. Those were not wives. It's not
29 possible that they were wives to Major Bala.

1 Q. Are you saying, sir, that --

2 A. Because I only know Major Bala for only one wife and that
3 is Massa and I've not seen the name of Massa here.

4 Q. Sir, in addition to - many RUF had more than one woman,
15:21:38 5 whether you call them a wife or not, more than one woman, first
6 of all, that they could have sex with, correct?

7 A. No.

8 Q. Secondly, other women were simply given the task to act as
9 their domestic servants. Isn't that true? Clean their house,
15:21:55 10 wash their clothes, cook their food. Isn't that true?

11 A. Yes, but not under coercion because domestic servants - not
12 under coercion. They do it willingly because they have their
13 wives, some of these commanders. You can't have the wife and
14 then you just bring another wife and then that wife easily
15:22:19 15 accepts it, you see. Because they need people to assist them to
16 do the housework or other activities because we were farming, you
17 see. You need people to assist you to do your farming and we
18 know the role women play in domestic work in Africa or Sierra
19 Leone in particular.

15:22:45 20 Q. Sir, let's look at the page 00025589. It states at the
21 top, "List of manpower to go for food". What does that mean to
22 you, "List of manpower to go for food"?

23 A. That is to go in search of food.

24 Q. And where would they search for food?

15:23:21 25 A. Wherever there was food.

26 Q. Including in people's houses?

27 A. No.

28 Q. Where did the food come from?

29 A. There are farms. There are farms. There are certain

1 areas. When the areas are attacked the people run away and they
2 leave all those things. I cannot be hungry and then see the rice
3 going bad and they're still hungry and I say I leave it there.
4 No, I will utilise the one I want to utilise. The one I am
15:23:49 5 capable of harvesting I harvest. The one I am not, I leave it
6 there.

7 Q. Sir, for farming you had civilians. That's what you used -
8 that's what the G5 branch of the RUF would organise to go do the
9 farming, civilians. Correct?

15:24:10 10 A. Not always civilians. Even soldiers do farm in conjunction
11 with civilians, but they were not coerced. You talk to them or
12 you can contact any G5, say, "Please, I need the assistance of
13 people to go and help me in my farming," you see. That G5, he
14 knows the civilians, he knows which one is capable of doing what.
15:24:31 15 And then we will assemble them, you see.

16 PRESIDING JUDGE: Mr Koumjian, you are requested to slow
17 down in the way you ask your questions.

18 MR KOUMJIAN: Thank you:

19 Q. Sir, so as you've explained, when civilians were needed for
15:24:50 20 farming, a commander or whoever had the farm would ask the G5,
21 the G5 would organise civilians to go do the work, correct?

22 A. Yes.

23 Q. Now, sir, to do farming, you don't need an AK-47, do you?

24 A. In a security - in a tense security situation, you need
15:25:11 25 security, and the security is what the army are carrying.

26 Q. Now, sir, to raid another village and take any food from --

27 A. We are --

28 Q. Please let me finish the question.

29 A. Sorry.

1 Q. To raid another village and take, steal, the food and
2 belongings of those people, that you require some kind of force
3 and arms are useful for, correct?

4 A. We are - the objective was to gain more territories. So in
15:25:45 5 the process of gaining more territories, definitely you need arms
6 because it was an armed struggle. The war had already started.

7 PRESIDING JUDGE: Yes, but you've not answered the
8 question. The question relates to stealing food from a village.

9 THE WITNESS: We don't steal food. If an area is attacked,
15:26:03 10 as I was saying, you go, you meet food and you are hungry. I
11 don't think I will leave that food and starve to death. No
12 correct human being actually will see something to eat and that
13 person is hungry.

14 For security reasons - for security reasons, any area that
15:26:22 15 is attacked, you need to do search operations. You need to do
16 search operations. You enter houses to know whether enemies are
17 there. In that process, if you are hungry, if you meet
18 something, I don't think it's - I don't think I'll - sitting
19 here, I will be hungry, and then enter a house and I see food and
15:26:44 20 I don't eat. People who are with me, I also call them and say
21 eat.

22 MR KOUMJIAN:

23 Q. P'ÛT, sir. I want to go back to an answer you just gave to
24 just ask you about that. You said, "We were - the objective was
15:27:04 25 to gain more territories. So in the process of gaining more
26 territories, definitely you need arms because it was an armed
27 struggle. The war had already started." So is it correct,
28 Mr Witness, that all of these objectives, including getting food,
29 depended to some extent on obtaining arms for your struggle?

1 A. Come again?

2 Q. You needed the RUF arms to survive, to gain territories,
3 correct?

4 A. Yes, we need the arms to gain territories.

15:27:43 5 Q. It was the arms and ammunition that allowed you to control
6 territories, correct?

7 A. Yes, in some cases. Not in all cases. Because there are
8 certain cases where you - you can go, you scare the enemy and the
9 enemy goes off, then you don't need no arms. You just come and

15:28:04 10 control that area without even firing two, three shots. As soon
11 as they hear that the RUF is coming, by virtue of the perception
12 that they have heard about the RUF, that they are murderers, they
13 are rapists, you see, they abandon their post. And then if you
14 come, there is no need - we did not have supply lines for bullets
15:28:27 15 or ammunitions coming from any other - where it was virtually
16 what we capture from military or army or other troops that were
17 around helping the government.

18 Q. So that's why it would help to make an area fearful,
19 because when an area is fearful, there is no opposition, the
15:28:47 20 people run away, correct?

21 A. They had already a fixed perception, you see, about the
22 RUF. But those who lived with the RUF, they knew their only
23 difficulty was maybe attacks from government helicopter, gun
24 ships, fighter jets, you know, and lack of other facilities.

15:29:10 25 That was the only problem with people living in RUF areas. Like
26 medicines were not easy to come by, you see.

27 Q. So that's why civilians kept running to the ECOMOG lines,
28 away from the RUF, correct, because of this reputation that you
29 said that they had been brainwashed with?

1 A. Yes, that was one of the reasons.

2 Q. Where do you think they got this information, this fear of
3 the RUF?

4 A. Maybe from the soldiers.

15:29:43 5 Q. The ECOMOG were even foreigners, correct? They weren't
6 even from Sierra Leone.

7 A. Of course. But before they come to Sierra Leone, they must
8 talk with - before they go into the forest of Sierra Leone, they
9 are guided by Sierra Leoneans.

15:30:01 10 Q. And some of those ECOMOG soldiers or even their officers,
11 they didn't treat civilians so great. They even stole from the
12 civilians, correct?

13 A. I cannot say for them because I was not there.

14 Q. But still the civilians ran towards these foreigners, away
15:30:19 15 from the RUF, isn't that true?

16 A. There are people who are afraid of ECOMOG, even in
17 Freetown.

18 Q. Sir, let's go back to the document. First, before I do
19 that, sir, what is the term "food-finding mission"? Are you
15:30:42 20 familiar with that term?

21 A. It's to go in search of food to eat.

22 Q. Is that something that would be organised?

23 A. You have to - any programme or anything - even if you have
24 the food, before you cook it, you need to organise yourself. So
15:31:03 25 you cannot be going to find something that you have not kept, you
26 did not organise yourself.

27 Q. Let's take a look at this list that's on page 25589 at
28 P-51. We see - I'll just read a few names and correct me if I
29 misread it. Number 1, Sergeant Major Jusa Kawa; number 2,

1 Sergeant Morie Janneh; number 3 - and then next to that name,
2 number 2, we see AK-470342. Sir, based on your years with the
3 RUF, what is this document we're looking at? Well, let me try to
4 make a suggestion and see if you agree. Sir, is this document
15:32:15 5 we're looking at the organisation of a food-finding mission?

6 A. Well, maybe it was - this might be an operation to go in
7 search of food. These were soldiers who go in search of food.

8 Q. Thank you.

9 A. If they realise that the food is there and the place is
15:32:46 10 safe and secure, then the civilian will go there to get whatever
11 he or she wants.

12 Q. Sir, we see, if we look at the ranks next to the names,
13 that this is a group of low ranking soldiers, wouldn't you agree?

14 A. Yes.

15:33:08 15 Q. We see a sergeant major, then below sergeants and then we
16 see corporals, we see one lieutenant, corporals, sergeants.
17 These are low ranks in the RUF, correct?

18 A. Yes.

19 Q. And sir, number 3, Peter Janneh, SBU. What does SBU mean?

15:33:33 20 A. They used to call it Small Boys Unit.

21 Q. What was the Small Boys Unit?

22 A. Well, these were just young boys who were enthusiastic in
23 joining the RUF.

24 Q. These were people under 18, correct?

15:33:56 25 A. Well, it was difficult to know exactly the age, because
26 there are some people, you can see them small in size, but you
27 cannot easily assess their age.

28 Q. Well, you can ask them their age, can't you? Did you ask
29 the ages of the people that you were taking care of - that you

1 knew or met?

2 A. Well, for us that was not much of a priority; how old are
3 you, or --

4 Q. Thank you. Sir, we see AK-47s listed, AK-58. What is an
15:34:37 5 AK-58?

6 A. Well, I'm not a military expert, so I cannot tell you
7 exactly what an AK-58 or - I know AK-47 because it's a very
8 common weapon that had been used not only in Sierra Leone but in
9 most wars in the world.

10 Q. Okay. I think we're finished with this document, at least
11 for now. Sir, what was the objective of the struggle - the armed
12 struggle of the RUF?

13 A. The objective was for the RUF to liberate Sierra Leone so
14 that the people can live a better life.

15 Q. Was the objective just to control certain areas of the
16 country like the diamond areas?

17 A. That was not the objective.

18 Q. Was the - sorry, complete your answer.

19 A. That was not the objective. But in war you have strategies
15:35:45 20 that you deploy, you see. Where you think the enemy is getting
21 the resources from to fight against you, that is where your
22 attention should focus on. When you got the resources of the
23 enemy, then I think you'll be in a stronger position.

24 Q. So, sir, I understand your answer to be that the diamond
15:36:07 25 areas were a strategic objective, correct, in order to advance
26 the war?

27 A. For everybody.

28 Q. Okay.

29 A. Even now, Europeans are going to Sierra Leone for that

1 di amond area. Americans are going there. Asians are going
2 there. Not only the RUF. We are Sierra Leoneans. We have all
3 right to mine our resources for our own use.

15:36:42 4 Q. Okay. Thank you. But my question - if it wasn't clear,
5 let me try to make it more clear - was not any strategic or
6 tactical objectives. What was the ultimate objective? Was it to
7 just take part of the country or to take all of the country?

8 A. All of the country.

15:36:57 9 Q. And to really take and control the country, what city do
10 you have to take or town?

11 A. It depends on where you start your struggle from.

12 Q. Sir, did the RUF intend at all times to get - after the
13 intervention to get back to Freetown?

14 A. Yes.

15:37:16 15 Q. Because Freetown was the capital, it was the largest city
16 in Sierra Leone, correct?

17 A. Yes. But it was highly fortified, so it was not easy to
18 just have an easy walkover where you don't have the type of
19 weapons that can - when the government who was there being
15:37:32 20 supported by international community, you see.

21 Q. But that was the ultimate objective, correct?

22 A. But if you can recall, RUF was holding 25 per cent - I
23 mean, 75 per cent of Sierra Leone before the peace. So if only
24 Kono was our objective, there was no need to go to Kabala or to
15:37:49 25 go to Bo or to go to other areas. We should have only stayed in
26 Kono and continue removing the diamonds. It was 75 per cent of
27 Sierra Leone.

28 Q. Just so we're clear - sorry, please continue. Did you
29 finish?

1 A. Yes.

2 Q. I didn't mean to cut you off. So, sir, when you say we
3 controlled 75 per cent of the territory before the peace, you
4 mean the Lome Accord in July '99; is that correct?

15:38:20 5 A. Well, the total peace was - not the 1999, because in 1999
6 there are some areas still under the government control.

7 Q. When did you control 75 per cent of the country? What were
8 you referring to?

9 A. Because the war actually came to an end in 2002.

15:38:46 10 Q. Let me go --

11 A. So since - let me say, since the intervention, when we
12 retreated, the - Kono was in the hands of the government, because
13 Nigerians were there, you see. But when we retreated, we came
14 back, there were - the Nigerians were deployed as far as Bunumbu,
15:39:09 15 Tongo and other areas, you see.

16 Q. Let me reread your answer. I'm reading from my font page
17 147, line 3:

18 "Q. Because Freetown was the capital, it was the largest
19 city in Sierra Leone, correct?"

15:39:33 20 A. Yes, but it was highly fortified so it was not easy to
21 just have an easy walkover where you don't have the type of
22 weapons that can - when the government that had been
23 supported by international community, you see.

24 Q. But that was the ultimate objective, correct?

15:39:51 25 A. But, if you can recall, RUF was holding 25 per cent -
26 I mean 75 per cent of Sierra Leone before the peace. So if
27 only Kono was our objective, there was no need to go to
28 Kabala or to go to Bo or to go to other areas. We should
29 have only stayed in Kono and continue removing the

1 diamonds. It was 75 per cent of Sierra Leone."

2 Were you talking then, sir, about the situation before the
3 Lome Accord where the RUF controlled the diamond mining areas and
4 many - whether it was 75 per cent or something smaller, but many
15:40:35 5 areas of Sierra Leone outside of Freetown?

6 A. Yes, many areas of Sierra Leone outside of Freetown. It
7 was only in Bo and Kenema that we did not succeed, but there were
8 villages around those areas that were under the RUF control.

9 Q. And you did control Kono?

15:40:59 10 A. The southern - most of the southern part of Sierra Leone
11 was still under government control.

12 Q. And Freetown?

13 A. Yes, and Freetown.

14 Q. But the RUF controlled, of course, the east, Kailahun?

15:41:12 15 A. Uh-huh.

16 Q. Controlled Kono and the diamond fields of Kono, correct?

17 A. Yes.

18 Q. In the north you controlled some territories, Kabala?

19 A. Some part of Kabala because the soldiers were there.

15:41:25 20 Makeni was under. Magburaka. Part of Port Loko.

21 Q. Okay, these areas you just mentioned, Makeni, Magburaka,
22 part of Port Loko, these were areas that were under RUF control
23 at the time of the Lome Accord, correct?

24 A. Uh-huh.

15:41:41 25 Q. And in the Kenema District the Tongo Fields were under RUF
26 control. Is that correct?

27 A. That was in 1999?

28 Q. Yes, sir.

29 A. Tongo? Tongo was - my memory cannot serve me.

1 Q. Let me see if I can jar it. Do you remember the days of
2 Peleto as the mining commander of the RUF?

3 A. Yes.

4 Q. And Peleto took over from Kennedy, correct?

15:42:26 5 A. Yes.

6 Q. By the way, what was the reputation of Peleto? What kind
7 of man was he?

8 A. In respect of what?

9 Q. In respect of let's say how he treated civilians?

15:42:42 10 A. His reputation was not good. That one I can --

11 Q. But he was a loyal soldier who followed orders. Is that
12 right?

13 A. A loyal soldier of who?

14 Q. He was a guy who followed orders. He followed commands.

15:42:55 15 He wasn't very - well, let me start all over. First of all, he
16 wasn't very smart, was he, Peleto?

17 A. He wasn't what?

18 Q. Very smart.

19 A. He wasn't very smart?

15:43:06 20 Q. Right. He wasn't very smart, was he?

21 A. I can't say so that he wasn't very smart.

22 Q. He wasn't educated like you, correct?

23 A. Yes, that is true.

24 Q. But he was a soldier who had been in the RUF a long time,
15:43:20 25 correct?

26 A. Yes.

27 Q. And he followed orders, correct?

28 A. Not necessarily orders. Not everybody - what certain
29 people were doing those were orders given to them. People were

1 using their discretions, you see. It's not that it was an order
2 for people to commit atrocities against civilians. Even the
3 professional soldiers are committing atrocities. It is not that
4 the order is coming from the commander-in-chief to - we'll go and
15:43:49 5 perform such atrocities. It is just the human nature. There are
6 some people who are kind. There are some people who are
7 aggressive, you see. So in whatever circumstance you find them,
8 whether it's peacetime or it's wartime their normal way of doing
9 things is difficult to change, you see. Especially when somebody
15:44:10 10 is now in arms, he thinks he is the most superior. If you have
11 been boisterous in peacetime how about if you are well armed.
12 You become more fussy, you see. So those were not orders given
13 to Peleto. Some people were just doing things using their own
14 discretions.

15:44:27 15 Q. Thank you. So in that spectrum of humanity that you
16 mentioned that some people are kind, some people are aggressive,
17 if zero is a person who is kind and 10 is a person who is
18 aggressive, what number would you give Peleto?

19 A. Number again? Zero was what?

15:44:47 20 Q. You said in all life, including war, some people are kind,
21 some are aggressive. If zero is kind and 10 is aggressive, what
22 number would you give Peleto?

23 A. Well, I would put him in between because there was some
24 people who can tell you that Peleto was a nice man to me. Some
15:45:13 25 people will say that because they were benefiting from some of
26 those things that he was doing, you see. So I cannot pinpoint.

27 Q. Now, in the RUF that would be a particularly sensitive
28 position, mining commander, because of the reasons you stated as
29 far as the strategic value of diamonds. Would you agree?

1 A. Come again?

2 Q. In the RUF, the position of the mining commander was a
3 particularly important and sensitive position?

4 A. Yes.

15:45:48 5 Q. Because, as you had explained to us, diamonds had a
6 strategic value to the struggle. Would you agree with that?

7 A. Yes. But let me come. Peleto was not given that position
8 because he was aggressive. He was given that position because he
9 displayed honesty. Because he found something and reported it,

15:46:13 10 you know. Not because of his aggression that he was given that
11 position.

12 Q. In fact he found a very, very large diamond. Isn't that
13 right?

14 A. Yes, that is true.

15:46:22 15 Q. And he gave it to Issa Sesay, correct?

16 A. Yes, that is true. And if somebody is honest to that
17 degree, I think where it comes to wealth like diamond it's nice
18 to give such position to such people, not because of his
19 aggression against civilians or what.

15:46:40 20 Q. And Issa Sesay took that very, very large diamond to
21 Charles Taylor. Isn't that true?

22 A. The diamond - let me tell you something about that diamond.
23 The diamond that Peleto found, we were in Freetown at that time.

24 When that diamond met Foday Sankoh I saw it with my eyes, the
15:47:05 25 diamond that Peleto found. It was almost peacetime. At that
26 time Sankoh was in Freetown. So anybody telling you that that
27 diamond crossed the border, it was a big lie.

28 Q. Where did you see the diamond go?

29 A. In Freetown, when it came in Sankoh's hand.

1 Q. Who did you see give it to Sankoh?

2 A. I will not disclose that here.

3 Q. Okay, we'll come back to that. We'll mark that. So what
4 did Sankoh do with the diamond?

15:47:34 5 A. Well, that one I can't say anything because the diamond
6 came - okay, in fact let me say something about that diamond
7 because you seem to be interested in Peleto's diamond. That
8 diamond came just a week after the May 8 incident occurred. And
9 the bag in which that diamond was was left at the house of Foday
10 Sankoh - excuse me, Tejan Kabbah I will tell you, because his
11 forces raided our leader's residence.

12 Q. Sir, I'll give you a chance to correct it because what you
13 said makes absolutely no sense. You said the diamond came a week
14 after the May 8 incident, is that right, to the house of

15:48:03 15 Foday Sankoh?

16 A. That was the time I saw it.

17 Q. A week after the Foday Sankoh - the May 8 incident?

18 A. A week before. Not after. Sorry. A week before the May 8
19 incident when they came with the diamonds. If anybody tells you
15:48:34 20 that that diamond crossed the border, it's a big lie. I saw it
21 with my eyes.

22 Q. Sir, the diamond you are talking about, can you just give
23 us an idea how big it was?

24 A. It was just about 20 something carat diamond. So I don't
15:48:54 25 know your definition of big. How big maybe you might be
26 thinking.

27 PRESIDING JUDGE: The witness said something that has not -
28 that has come out completely different on the LiveNote record.
29 If you look at page 153, line 20, "and the bag in which that

1 di amond was was left at the house of" Jack the Rebel. I don't
2 think you said anything about Jack the Rebel.

3 THE WITNESS: Jack the Rebel, no.

4 PRESIDING JUDGE: You said Tejan Kabbah.

15:49:28 5 THE WITNESS: Yes, I said Tejan Kabbah because that bag, we
6 left it at the house of Foday. We did not move with it, because
7 I was in the house when the house was attacked. I took
8 Foday Sankoh up the wall. We jumped the fence. There was no
9 bag. So those who entered that house, I think if you can call
10 them and ask them they can tell you where that di amond is.

11 MR MUNYARD: Madam President, I don't know if you want to
12 clarify what you have now got from the witness but we've now got
13 bag left at the house of Jack the Rebel, bag left at the house of
14 Tejan Kabbah and bag left at house of Foday Sankoh. Since you
15 sought clarification, I think it still needs to be clarified.

16 PRESIDING JUDGE: Mr Koumjian, this is your witness - well,
17 he is not your witness, but it's your evidence that you are
18 trying to elicit.

19 MR KOUMJIAN:

15:50:24 20 Q. Sir, I think we all understand you are saying that the
21 di amond was at Foday Sankoh's house May 8 when there was shooting
22 at the house?

23 A. Yes.

24 Q. Some demonstrators were killed and Foday Sankoh escaped
15:50:36 25 over a wall and you are saying he left the di amond at the house?

26 A. It was in his briefcase.

27 Q. So he took it with him?

28 A. No, no, no, no.

29 Q. He left it at the house?

1 A. No, that briefcase was at the house. I went up the house.
2 I removed Foday Sankoh from the house and told him - in fact I
3 opened the window curtains like that and told him look - excuse
4 me please, I'm not pointing at you. I opened the window. I
15:51:02 5 said, "Look at the crowd there coming." I said, "You said we
6 should not leave this house." I had to first hold him by force
7 to remove him out of the room before we came down the stairs.
8 That bag was not with him, because that was not our objective.
9 We knew there are lots of diamonds in Sierra Leone. The day
15:51:21 10 power is in our hands, the diamonds are in our hands.
11 Q. Thank you. Sir, you were with Foday Sankoh in that house
12 and he was on the satellite phone making calls, correct, before
13 he escaped? May 8, 2000?
14 A. Yes, he made a series of calls.
15:51:42 15 Q. He was trying to call President Taylor, correct?
16 A. No. I only remember he called President Kabbah. I was
17 there. The telephone was lying like that, he was telling
18 President Kabbah, "Listen, the shooting here now, you sent people
19 to attack me", you see.
15:52:02 20 Q. Sir, let's go and talk a little bit about mining but going
21 back to your own experience as a miner. Sir, in the time before
22 the war when you were doing mining, first of all just what years?
23 I don't think that will reveal your identity. What years was it
24 you were doing mining?
15:52:28 25 A. We started the mining in let me say before the war. Yes,
26 before the war.
27 Q. Yes, sir. When you yourself were doing mining?
28 A. '83, '84 up to '85. '83, '84, '85, '86.
29 Q. Thank you.

1 A. '87 I think. For five years, yes.

2 Q. So you have quite a bit of experience. Now, where were you
3 doing mining, if you can tell us that in general. What was the
4 general area? Was it the Tongo Fields?

15:53:24 5 A. Not in one area. We started very close to Kenema, just 2
6 miles from Kenema. From there we left for Baama Konta, came to
7 Boajibu.

8 Q. Sir, were you yourself doing the actual physical mining,
9 the washing and shaking?

15:53:49 10 A. Well --

11 Q. Or were you --

12 A. I don't know how to shake.

13 Q. Did you hire --

14 A. No. Well, there are people with us who can do that, you
15 see. For some of us we are just there to facilitate the economic
16 aspect of it to go and find something for them to eat. If I do
17 come to the site I do hold the shovel and do some mining. But
18 when we started, we were doing the work for ourselves. We were
19 actually holding the shovel, removing the gravel, but I did not
15:54:19 20 actually know how to wash it.

21 PRESIDING JUDGE: Mr Koumjian, it's important to follow up
22 on the spellings of these names.

23 THE WITNESS: These towns, please?

24 PRESIDING JUDGE: Yes.

15:54:28 25 THE WITNESS: Which towns?

26 PRESIDING JUDGE: The first one you mentioned.

27 THE WITNESS: Boajibu, B-O-A-J-I-B-U. Baama, B-A-A-M-A.

28 PRESIDING JUDGE: Thank you.

29 MR KOUMJIAN:

1 Q. Sir, I don't know if that's one of the ones you said, but
2 the transcript currently reads that you were in Kenema and then
3 from there we left for about - maybe you were saying about a
4 month.

15:55:00 5 PRESIDING JUDGE: Those are the two places that he
6 mentioned.

7 MR KOUMJIAN: Okay. Thank you very much:

8 Q. Sir, explain a little bit about how the mining,
9 economically, how it worked in those times. Would it be correct
10 that people owned the land where mining would take place and
11 other people often would rent the right to mine in that land. Is
12 that correct?

13 A. Yes, it depends on - because there are times there are
14 gentlemen's agreements. If you have people with whom you have
15 good relationship, you mine; whatever comes out of there, you
16 divide it into three parts. You - the person who is financing
17 the work, the workers and the landowners, that was how the
18 proceeds were divided.

19 Q. And, in fact, the person who was financing the work would
15:56:04 20 often get an agreement with the landowner?

21 A. Yes.

22 Q. And he would also have to get a licence from the
23 government, correct?

24 A. Well, in our own case, by virtue of the system that was
15:56:15 25 prevailing, we were just working without licence. As the diamond
26 is in that land, we negotiate with the landowners, then we work.

27 Q. And also those who - sorry.

28 A. Government officials will come around. But for us, we
29 never experienced any - those days, we never experienced any them

1 coming around.

2 Q. But the way officially it worked, there would be a licence
3 and someone would have to pay for the licence from the
4 government, correct?

15:56:45 5 A. Yes.

6 Q. And also those who bought the diamonds would have to be
7 licensed by the government, correct?

8 A. Yes, you have to be a buyer. You have to own a dealer's
9 licence. But in those days, because the system was corrupt,
10 structures collapsed, so the only person that benefits was the
11 government official in that area. When you go you meet him. You
12 give him anything. He is content, because you know he is not
13 going to put it in the state coffer.

14 Q. So those that benefitted from the mining in those days were
15 - if people paid the tax - by the way, sorry, when the diamond
16 was - when someone bought the diamond, a licensed buyer, they had
17 a pay a percentage to the government. That's the way it was
18 supposed to work, correct?

19 A. Yes, yes.

15:57:38 20 Q. So the way the system was supposed to work, the landowner
21 would get a portion, the person financing or renting the land
22 would get a portion, the workers would get a portion and the
23 government would get a portion, correct, of tax?

24 A. Well, the government, is only the tax. But whatever
15:57:54 25 proceeds comes out there, it is what the government gets - the
26 government's own share is only from licensed dealers because all
27 those diamonds will only end in maybe one man's hand, who is the
28 licensed dealer, you see.

29 Q. Now, when the RUF took over the mining areas in Kono and

1 Tongo Fields, was the RUF paying anything to the landowners?

2 A. By that time, most of the landowners were not around.

3 Q. So the answer is, no, they were not, correct?

4 A. Most of the landowners - so who can you pay to?

15:58:32 5 Q. So the answer is that you were not, correct? The RUF was
6 not paying the landowners anything, correct?

7 A. We were the government in that area, so who are we going to
8 pay to?

9 Q. Now, sir, when you were doing mining with your associates,
15:58:45 10 your friend, would you agree that because of the nature of
11 mining, all those involved have to have - had to have a lot of
12 trust among each other?

13 A. Yes. Of course, for our own group, we have confidence in
14 ourselves.

15:58:59 15 Q. And, in fact, those who --

16 A. We don't doubt. If I'm not there today, I don't. Even
17 now, I'm still mining. There are people working for me. Even if
18 I'm not there, they keep whatever they have for me.

19 Q. So one is very careful, like I'm sure you are now, to make
15:59:20 20 sure that those you employ to do the mining are people you trust?

21 A. Well, you see, there is - there is a difference. You see,
22 those you employed, they only wash it and they hand it over to
23 somebody that is in charge. If I'm leaving, if I say, "Okay, let
24 me colleague take care." You are working, you will never - you
15:59:43 25 cannot - if you touch - you cannot touch a diamond. If you see
26 it, you just alarm and say, "Here it is." It is the person who
27 finances that generally comes or the caretaker that has been left
28 by the financier that comes and pick it up from the shaker. It's
29 a very delicate situation. You cannot be washing - even if you

1 are washing it and then you just move off like that, they become
2 suspicious that you have done something wrong, you see.

3 Q. That's why many people employ, even as the washers, family
4 members, people that they know very well, correct?

16:00:12 5 A. Yes, that is --

6 Q. And they treat them well because they want to - they have
7 to trust them not to put the diamond in their mouth or hide the
8 diamond in their clothes. Would you agree?

9 A. No, not in all cases that they are treated well. Not in
16:00:30 10 all cases.

11 Q. Now, in the times that the RUF was doing the mining, the
12 washers were not treated well, were they, those actually doing
13 the mining?

14 A. That is false.

16:00:46 15 Q. They were guarded by men with guns, correct? Or boys with
16 guns, would you agree?

17 A. Not boys but men.

18 Q. And these men with guns were guarding them for what reason?

19 A. For security reason.

16:01:01 20 Q. To --

21 A. Because they can't be mining and the government soldiers
22 come and attack that area. Who is going to defend them? It's
23 only those armed people. It's not that those armed people that
24 are standing there are going to take the diamonds from them.

16:01:14 25 Maybe those who actually take the diamonds, they don't even have
26 arms, you see. Those who handle the diamond don't even have
27 arms, but because of - for security reasons --

28 PRESIDING JUDGE: Mr Witness, your answer has to be given
29 slowly because everything is being recorded - written down.

1 Speak slowly, please.

2 THE WITNESS: Okay.

3 MR KOUMJIAN:

4 Q. Sir, those with the guns were standing over the people
16:01:40 5 mining and facing those mining. They weren't setting up a
6 perimeter to prevent an attack. Isn't that correct?

7 A. Their purpose is for security reasons, not to - not for
8 coercion.

9 Q. When you were in Kenema in '98, did you go to the Tongo
16:02:02 10 Fields?

11 A. 1998? Yes.

12 Q. Was it still under RUF control when you were there?

13 A. At that time, AFRC was in control of the country.

14 Q. It was the junta, correct?

16:02:15 15 A. Yes.

16 Q. Were you aware of people - you were aware, weren't you, of
17 people being shot, miners being shot in the pits in Tongo Fields?
18 You heard about that incident, didn't you?

19 A. Yeah, there were incidents, but not maybe as you have been
16:02:38 20 hearing it. It was not as rampant as maybe you might be
21 thinking, you see, because there are times they say these areas
22 are no-go areas. Nobody goes. People who are there, they force
23 themselves, you see.

24 Q. What does that mean, a no-go area?

16:02:50 25 A. Well, you see, there are times people - it's at night, you
26 see. People go - when people leave their piles of gravels, they
27 go and wash it at night just to, you know - so that was why
28 anybody who ventures into those areas, you know, it was at your
29 own risk.

1 Q. What would the RUF do if they found a civilian in a no-go -

2 A. Well, that --

3 Q. Sir, let me finish the question because otherwise the
4 people can't take it down. So just take your time. Relax. What
16:03:20 5 would the RUF do when they found people in a no-go area,
6 civilians, without a pass?

7 A. They will halt you.

8 Q. And then what?

9 A. If you stop, then they go, they meet you, they arrest you.

16:03:33 10 But if you are halted and you did not stop --

11 Q. They shoot you?

12 A. Yeah.

13 Q. Sir, did you also hear about the incident in Tongo Fields
14 where the mine collapsed and many people were buried alive?

16:03:50 15 A. Well, not - my memory did not serve me for that. Maybe I
16 was not around at that time.

17 Q. Mr Witness, I think before in the morning you said - or
18 before lunch you said that the - at the time of the January 6
19 invasion you were where? Can you repeat that, please? Where
16:04:18 20 were you with the January 6 invasion?

21 A. Bomaru.

22 Q. And how long did you stay in Bomaru after January 6?

23 A. Just for less than a week, I think.

24 Q. And then where did you go?

16:04:38 25 A. Buedu.

26 Q. How did you first hear about the January 6 invasion?

27 A. Through radio communication sets.

28 Q. What did you hear? When you say "radio communication",
29 first let's make it clear, are you talking about - were you

1 listening on military or RUF or AFRC communications, or were you
2 listening to commercial radio like BBC?

3 A. BBC.

4 Q. BBC. And do you remember the name of the programme?

16:05:09 5 A. Focus. Focus was one of the most informative at that time.

6 Anything that happens in Africa, they relay those informations

7 to --

8 Q. And what was the reaction where you were among the RUF to
9 the invasion? How did the soldiers react when they heard --

16:05:29 10 A. There was jubilation.

11 Q. Do you remember - first of all, do you know FAT Sesay? Did
12 you ever meet him, an SLA officer?

13 A. I only heard about him.

14 Q. You know Issa Sesay well, correct?

16:05:45 15 A. Yes.

16 Q. And you would recognise his voice, correct?

17 A. Yes.

18 Q. I would like to play for you a tape. I've alerted the

19 Court Officer at the lunch, P-279, and ask if you recognise the

16:06:07 20 broadcast. We'll put the transcript on the screen first for you,
21 sir.

22 MS IRURA: Your Honour, we seem to be experiencing some
23 difficulties with the sound coming into the courtroom. That is
24 being looked into.

16:08:25 25 MR KOUMJIAN: I can proceed with a few more questions in
26 the meantime or wait, whichever your Honour prefers. I would
27 like to alert the Court that I do have an application that I
28 think would require at least 15 minutes, so I would like to ask a
29 few more questions and then ask to excuse the witness to deal

1 with the application. But I do think it's important that --

2 PRESIDING JUDGE: I'm just wondering, Mr Koumjian, you said
3 you alerted Court Management during the lunch break about this
4 particular exhibit?

16:08:58 5 MR KOUMJIAN: Correct.

6 PRESIDING JUDGE: I'm just wondering why the technical
7 problems are arising now.

8 MS IRURA: Your Honour, we tried to play it during the
9 lunch break but we couldn't get it on at the time. So they've
10 been trying to fix it. And we could not play it while the
11 proceedings had begun.

12 PRESIDING JUDGE: Well, Mr Koumjian, you have to continue
13 some other how.

14 MR KOUMJIAN:

16:09:25 15 Q. Sir, what do you remember about the radio broadcast that
16 you heard?

17 A. We just heard that the AFRC and RUF have entered Freetown.

18 Q. Sir, did you ever hear Sam Bockarie speaking on the radio
19 about Freetown?

16:09:50 20 A. Yes.

21 Q. And where were you when you heard that? Was that when you
22 were in Bomaru?

23 A. Yes. In Bomaru or I was on my way coming to Buedu. I
24 cannot exactly remember, but I was not in Buedu I don't think.

16:10:16 25 Q. What did Sam Bockarie say that you remember?

26 A. My memory cannot serve me well in respect of that, what
27 actually he said. My memory cannot serve me well.

28 Q. Did Sam Bockarie sound happy at that time when he was on
29 the radio?

1 A. I said my memory cannot serve me.

2 Q. Do you remember if Sam Bockarie said it was his men had
3 entered Freetown?

4 A. I cannot remember. Memory cannot - except maybe if there
16:11:12 5 is a transcript as you said that if I listen to it I will know
6 that that's Sam Bockarie speaking and I will --

7 Q. Let me ask you this: In all the - your life that was one
8 of the most historic days in the history of Sierra Leone, January
9 6, 1999. Would you agree?

16:11:32 10 A. Yes.

11 Q. Sir, what does the code 448 mean?

12 A. No idea.

13 Q. Did you ever receive warnings when you were with the RUF
14 about Alpha Jets?

16:11:53 15 A. If we do receive warnings?

16 Q. Yes, that the Nigerian Alpha Jets would be overhead?

17 A. The sound. That was our signal. The sound.

18 Q. What sound?

19 A. The sound of the jet, the Alpha Jet, it has got a heavy
16:12:10 20 voice. From far off you hear it coming and then everybody
21 conceals.

22 Q. Isn't it true that there were occasions that the alarm
23 would be set off, bells would be rung or people would shout
24 before the jet could be heard because there was news that the
16:12:25 25 Alpha Jets were coming?

26 A. Well, if anybody hears the information I think there was a
27 signal that it's coming. As soon as you hear it's coming from
28 somewhere - even if the bell is not rung but this information
29 goes around within that community that, "Hey, the jet, the jet

1 they come," in Krio.

2 Q. So sometimes the bell would be rung?

3 A. Or they call it do do buk. That's what how they call it.

4 That's the code name that was given to the jet.

16:12:57 5 Q. You might have to spell that for the record. Can you, do
6 do buk?

7 A. D-0 D-0 B-U-K.

8 Q. Sometimes the bell would be rung before the jet could be
9 seen or heard, correct?

16:13:19 10 A. I have never experienced such. Maybe the area where I had
11 experienced the jet that was all the situation. It's only the
12 sound. For me it was the sound. Most times the sound, you see.

13 MR KOUMJIAN: Your Honour, I do have an application. I
14 think it needs to be done in the absence of the witness and I
16:13:42 15 think it might take at least 15 minutes so I would ask to
16 conclude the cross-examination tomorrow of this witness.

17 PRESIDING JUDGE: So I suppose it would be in order for me
18 to discharge the witness for today.

19 MR KOUMJIAN: With the warning, yes.

16:13:52 20 PRESIDING JUDGE: Yes. Mr Witness, you will continue your
21 testimony tomorrow. We have some administrative matters to deal
22 with now before the Court closes. So I'm going to ask the Court
23 Officer to excuse you. That's it for today.

24 THE WITNESS: Okay.

16:14:10 25 PRESIDING JUDGE: But before you go I'm required to order
26 you not to discuss your evidence with anybody until your whole
27 evidence is finished.

28 THE WITNESS: Yes, ma'am.

29 PRESIDING JUDGE: Thank you.

1 [In the absence of the witness]

2 MR KOUMJIAN: Your Honour, the Prosecution application is
3 to obtain a statement or statements related to a particular part
4 of the witness summary. What we're seeking is not all witness
16:15:22 5 statements, but all witness statements that relate to the
6 following entry in the witness summary for this witness. It
7 states:

8 "Witness will testify that he was with Sam Bockarie in
9 Buedu when the Freetown invasion occurred and he was also with
16:15:43 10 Sam Bockarie while Sam Bockarie spoke on the radio and claimed to
11 be in Freetown."

12 This contradicts his testimony in Court and we would like
13 to see the statement or statements that form the basis of that
14 portion of the witness summary.

16:16:04 15 I believe it's in the interest of justice and the finding
16 of the truth that we get that statement and it's impossible for
17 us to adequately cross-examine him on any contradiction without
18 having the statement.

19 PRESIDING JUDGE: What page were you reading from from the
16:16:23 20 summary?

21 MR KOUMJIAN: It's page 48. It's the second-to-last
22 paragraph. It starts with "AFRC/RUF".

23 PRESIDING JUDGE: Mr Munyard, could you please respond to
24 the application.

16:16:58 25 MR MUNYARD: Yes. May I make a preliminary observation
26 first of all. You will recall the limited scope of the
27 examination-in-chief that was conducted by me of this witness.
28 We are now way beyond the areas that I went into in the course of
29 the examination-in-chief, and I therefore raise the initial

1 response to this application on the grounds that what we're
2 dealing with now is completely outside of the scope of the
3 evidence-in-chief.

4 Moving on to the specifics and looking at the element of
16:17:55 5 the summary that's been provided, "Witness will testify that he
6 was with Sam Bockarie in Buedu when the Freetown invasion
7 occurred and was also with Sam Bockarie whilst he, Sam Bockarie,
8 spoke on the radio and claimed to be in Freetown", does not give
9 any specific date. We know that the Freetown invasion, from
16:18:17 10 other evidence in this case, started on 6 January and went on for
11 several days, indeed if not several weeks, before the rebels were
12 driven out of Freetown, principally going via the routes that the
13 Court has already heard of, principally by the Peninsula Road
14 route. There is nothing specific in this summary as to the dates
16:18:45 15 that the witness is either testifying about or will testify
16 about, and indeed the witness has not yet been asked to give
17 specific dates in the course of his cross-examination.

18 You will appreciate, your Honours, that the summary is a
19 summary. It is not a precise pinning down of specific incidents
16:19:16 20 on specific dates, and, in my submission, the summary is not
21 inconsistent with the evidence that the witness has given thus
22 far. Indeed, you'll recall also that the witness said that he
23 was on his way to Buedu on the day of the actual invasion. I
24 hope I'm summarising his evidence correctly. He hasn't yet been
16:19:45 25 asked whether or not he was with Sam Bockarie on any occasion
26 when Sam Bockarie spoke on the radio.

27 And it's of some significance that the clip that my learned
28 friend wanted to play is not an interview with Sam Bockarie.
29 While we were waiting for the tape to be played I brought up the

1 transcript which is - I can't remember the number now of the
2 exhibit, but it's B, the tape being A, and that in fact is an
3 interview with somebody else. It's 279B.

4 So as a matter of general principle we're now dealing with
16:20:43 5 areas way beyond the scope of examination-in-chief. We're being
6 asked to deal with an application that in my submission is
7 patently premature, because the full foundation for it has not
8 yet been laid, and as the application is now being made it's
9 based on an assumption that is not necessarily justified because
16:21:09 10 the wording of the summary is not specific about particular days
11 and particular dates and a particular interview.

12 What the Prosecution have to show, as your Honours are well
13 aware of because of the arguments that have taken place in the
14 course of the last few weeks on the issue of statement disclosure
16:21:31 15 is, first of all, that the disclosure is a matter for your
16 Honours's discretion, it's not as a right. The Prosecution in
17 order to justify seeing the statement have to show undue or
18 irreparable prejudice to their case and they have to show that
19 disclosure is in the interest of justice.

16:21:55 20 In our submission, we have not yet reached any of those
21 positions. The Prosecution haven't, in the argument they have
22 put forward just now, laid before your Honours any basis for
23 saying either that the disclosure of a part of this statement is
24 in the interest of justice or that they will suffer undue or
16:22:16 25 irreparable prejudice if it's not disclosed. But in my
26 submission, they haven't even begun to get to the stage where
27 they can justify the application, because the summary is in
28 general terms and the questioning on which the application is now
29 based - the answers in cross-examination on which the application

1 is now based simply doesn't justify drawing a conclusion that the
2 witness's evidence is contradictory of what is contained in the
3 summary.

16:22:58 4 Now, I can refer your Honours, if you wish, to the various
5 authorities on the subject of statement disclosure. Your Honours
6 will appreciate that there are actually relatively few such
7 authorities. That in itself, in our submission, is indicative of
8 the fact that it's very rare that the Prosecution is able to
9 justify seeing a witness statement.

16:23:24 10 The principal authorities, there's one from what I will
11 call the Yugoslav tribunal, one from the Rwanda tribunal - sorry,
12 I should have said Tadic is the Yugoslav case; Bagosora is the
13 Rwanda case; Norman and others in February 2006; your own oral
14 ruling in the case of Brima and others on 11 July 2006; and then
16:24:04 15 your own rulings in relation to a statement of the first witness
16 post Mr Taylor and your own ruling in relation to the second
17 witness post Mr Taylor. That was a ruling just three days ago.

18 I will take your Honours in a moment, if we have time at
19 this stage, through the relevant passages in those judgments, but
16:24:32 20 I think you're probably quite familiar with them in any event,
21 because you've been addressed on them in very recent times.

22 But in our submission, first of all, it is rare indeed that
23 the Prosecution will be entitled to see a witness's statement.
24 The ground on which it's being sought in this particular instance
16:24:58 25 is the ground of contradiction by the testimony - contradiction
26 of the summary by the testimony. I've already addressed you on
27 why we say that there is, as yet, no proper basis for saying that
28 the testimony contradicts the very broad general terms of that
29 summary.

1 There's no suggestion, as I understand it here, that this
2 application is based on insufficiency of disclosure in the
3 summary, and Mr Koumjian will correct me if I'm wrong on that.
4 But I see no correction, so we're only really concerned here with
16:25:34 5 the matter of an apparent contradiction, and I've already
6 submitted to your Honours why there isn't - at this stage, at any
7 rate - any apparent contradiction between the evidence and the
8 summary.

9 If I may go to the authorities that I've been referring
16:25:55 10 your Honours to. I'm pausing here, because I'm not sure if your
11 Honours actually have copies of these authorities.

12 PRESIDING JUDGE: Wait. I don't even know if we need
13 authorities. This is a matter that we've handled before in the
14 course of these proceedings. We've heard what you've had to say.
16:26:24 15 You've cited the authorities, haven't you?

16 MR MUNYARD: Yes.

17 PRESIDING JUDGE: If we require them physically, we will
18 get them from you.

19 MR MUNYARD: Very well.

16:26:31 20 PRESIDING JUDGE: I want to inquire from Mr Koumjian,
21 though, one thing.

22 Mr Koumjian, in your application you merely stated that the
23 - and I want to quote you properly. You have said that - you've
24 read an excerpt out of the witness statement and you've said this
16:26:53 25 contradicts his testimony in Court, and we would therefore like
26 to see the statement. Now, when you say this contradicts his
27 testimony in Court, which particular aspect of the transcript are
28 you referring to?

29 MR KOUMJIAN: Thank you. Both this morning and this

1 afternoon - let me just quote from this afternoon's transcript:

2 On my page 164, I believe, it begins. Line 7 on my screen --

3 PRESIDING JUDGE: We all want to follow. 167, line 7.

4 MR KOUMJIAN: Yes. I asked.

16:27:34 5 "Q. Mr Witness, I think before in the morning you said -

6 before lunch you said that the time of the January 6

7 invasion you were where? Can you repeat that, please?

8 Where were you with the January 6 invasion?

9 A. Bomaru.

16:27:55 10 Q. How long did you stay in Bomaru after January 6?

11 A. Just for less than a week, I think.

12 Q. Where did you go?

13 A. Buedu.

14 Q. How did you first hear about the January 6

16:28:14 15 invasion?

16 A. Radio sets."

17 We talked about BBC Focus on Africa. So the witness has

18 clearly said January 6 he was in Bomaru. The invasion happens

19 the day of the invasion, not the fighting that continues for

16:28:31 20 three weeks. The witness summary says clearly:

21 "Witness will testify that he is with Sam Bockarie in Buedu

22 when the Freetown invasion occurred, and he also was with

23 Bockarie while Bockerie spoke on the radio and claimed to be in

24 Freetown."

16:28:51 25 When I asked him about hearing Bockarie, he said - and I

26 think there's a significant question about whether his lapse of

27 memory is credible - he said he couldn't remember anything about

28 what he heard about hearing Sam Bockarie on the radio.

29 So for those reasons, we think his - first, his

1 contradiction as to where he was on January 6, a very specific
2 date, a date he agreed was an historic date in Sierra Leone, the
3 contradiction about whether he was in Buedu, the headquarters of
4 the RUF, with Sam Bockarie, or in Bomaru, is a critical
16:29:26 5 contradiction. And further, the statement is necessary to test
6 his credibility when he says he don't recall anything about the -
7 what Sam Bockarie said on the radio, when this was such an
8 historic moment.

9 PRESIDING JUDGE: No, Mr Munyard, we want to consider the
16:29:52 10 submissions, please, not further submissions.

11 MR MUNYARD: No, I hadn't finished my submissions when you
12 said to me, We want to hear from Mr Koumjian.

13 PRESIDING JUDGE: No, I - we said we had heard from you,
14 and now I was going to ask Mr Koumjian a certain clarification.

16:30:08 15 MR MUNYARD: Yes, certainly. I hadn't finished. At that
16 point I said, "Very well" when you talked about the authorities.
17 At that point you then said you wanted to hear a clarification
18 from Mr Koumjian. I had another point to make, but I sat down
19 because --

16:30:22 20 PRESIDING JUDGE: Please go ahead and make an additional
21 point, if you must.

22 MR MUNYARD: Well, if your Honours are against my learned
23 friend on the basis of what you've heard so far, then there's no
24 need for me to make the other point that I was going to make. If
16:30:38 25 the clarification that you sought means you are not going to
26 allow the application, then I don't need to make it.

27 PRESIDING JUDGE: It doesn't mean anything yet. We haven't
28 deliberated --

29 MR MUNYARD: In that case, if I may, I will make the point

1 I was about to make when you invited Mr Koumjian to clarify
2 something.

3 That point is this: That in the case of this witness,
4 whether or not he was in Buedu or Bomaru on the day that the
16:31:03 5 invasion began, whether or not he was with Sam Bockarie when Sam
6 Bockarie was on the radio, these are issues that don't go to any
7 aspect of the indictment.

8 In the case of the witness who followed Mr Taylor into the
9 witness box, when you ruled there that the Prosecution should
16:31:28 10 have sight of his statement because of an established
11 contradiction between the summary and the evidence, that was a
12 contradiction on a date of a meeting which went to an issue in
13 the indictment and, indeed, went to the whole question of joint
14 criminal enterprise.

16:31:49 15 The material that the Prosecution are now relying on to
16 make this application goes to no such aspect of any of the
17 allegations against the accused. They don't touch on the
18 question of joint criminal enterprise, and they don't touch on
19 any aspect of the witness's role, or, for that matter, the
16:32:13 20 accused's role in the invasion of Freetown on 6 January 1999.

21 So what we're dealing with in this particular application
22 is something that is entirely marginal to the important aspects
23 of the case in the sense of it's marginal - in fact, it doesn't
24 even touch on joint criminal enterprise or liability in any way
16:32:40 25 of the accused. Therefore, in our submission the Court should
26 exercise its discretion against disclosure, and again the reason
27 for exercising your discretion against disclosure is because such
28 marginal matters cannot possibly be said to cause irreparable
29 damage to the Prosecution's case, or, for that matter, to be in

1 the interest of justice.

2 That was the final point that I wanted to make, your
3 Honours. Thank you.

4 PRESIDING JUDGE: Allow me to consult, please.

16:33:16 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: The Court is of the view that in light of
7 the hour at hand, we really cannot adequately deliberate this
8 matter. We would like to examine the record again of exactly
9 what the witness was asked and what he answered in order for us
10 to rule on the application.

16:35:41

11 So we will adjourn for today until tomorrow at 9.30, at
12 which time we will start with the ruling on this issue.

13 Thank you. Court is adjourned.

14 [Whereupon the hearing adjourned at 4.35 p.m.
15 to be reconvened on Friday, 12 March 2010 at
16 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-068	37010
EXAMINATION-IN-CHIEF BY MR MUNYARD	37010
CROSS-EXAMINATION BY MR KOUMJIAN	37074