



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 13 APRIL 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Artur Appazov

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maj Di mitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard

1 Tuesday, 13 April 2010

2 [Open session]

3 [The accused not present]

4 [Upon commencing at 9.31 a.m.]

09:31:34 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

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

09:33:16 10 MR MUNYARD: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence this morning, Courtenay
12 Griffiths QC and myself, Terry Munyard.

13 Madam President, the Court will have noticed that Mr Taylor
14 isn't present at the moment. For purely administrative reasons
09:33:34 15 of which everybody is aware, he won't be in Court until after the
16 mid-morning break, but he is quite content for the trial to
17 proceed in his absence.

18 PRESIDING JUDGE: Thank you, Mr Munyard. The Trial Chamber
19 is indeed aware of the reasons, and we are satisfied that the
09:33:56 20 accused has waived his right to be present, and we are of the
21 opinion that in the presence of his counsel the proceedings may
22 proceed pursuant to Rule 60(B) of the Rules of Procedure and
23 Evidence. So we proceed this morning with Mr Ngebeh's testimony
24 in cross-examination.

09:34:18 25 Mr Ngebeh, I remind you, as I normally do, of your oath to
26 tell the truth. Ms Hollis, please continue.

27 WITNESS: DCT-146 [On former oath]

28 CROSS-EXAMINATION BY MS HOLLIS: [Continued]

29 Q. Good morning, Mr Ngebeh.

1 A. Yes, good morning, ma'am.

2 Q. Mr Ngebeh, you recall yesterday we talked about a letter
3 that Foday Sankoh had written to Charles Taylor. It was a letter
4 dated 5 May 1992, Prosecution exhibit 65. Do you remember us
09:34:56 5 talking about that letter?

6 A. Yes, my Lord.

7 Q. And, Mr Ngebeh, in relation to this letter, you said you
8 weren't sure of this statement that you did not believe whether
9 this was something serious. Do you remember telling the judges
09:35:12 10 that yesterday?

11 A. You are correct.

12 Q. Are you aware that on 20 July 2009, Charles Taylor told
13 these judges that he accepted this was a letter written about to
14 him and that he probably received it. Are you aware of that,
09:35:33 15 Mr Ngebeh?

16 A. I don't know about that.

17 Q. Now, you recall in the second paragraph of that letter,
18 Foday Sankoh told Charles Taylor that he, Foday Sankoh,
19 appreciated the five boxes of AK-47 ammunition and the 10 boxes
09:35:59 20 of RPG rockets that Foday Sankoh expected to receive from
21 Charles Taylor on that date, 5 May. And you said that this
22 amount of ammunition made mention of in this letter you never
23 received from Charles Taylor, that he had never given such
24 support, even at the time Charles Taylor's men were with you.

09:36:27 25 You said that it was a lie. Do you remember telling the judges
26 that, Mr Ngebeh?

27 A. It's correct. I did not see it. Never.

28 Q. Mr Ngebeh, are you aware that on 20 July 2009,
29 Charles Taylor's Defence counsel referred Mr Taylor to this part

1 of the letter listing this material: Five boxes of AK rifle
2 ammunition and ten boxes of RPG rockets. Then Mr Taylor's
3 counsel asked Mr Taylor if these amounts were indicative of the
4 level of assistance Charles Taylor had provided to Foday Sankoh,
09:37:15 5 and on that date, on 20 July, Charles Taylor indicated he would
6 say this was typical of the small amounts Foday Sankoh got over
7 the years. Mr Ngebeh, are you aware that Charles Taylor said
8 that?

9 A. I have not been following up with the Special Court. What
09:37:43 10 I know and what I saw during the war is what I have told you.

11 Whether he received that from that man or whether he gave it to
12 him, I don't know. I did not see it. I did not hear about it.

13 Q. And indeed, Mr Ngebeh, you simply were not aware of all of
14 the assistance Charles Taylor gave to the RUF, were you?

09:38:05 15 A. In 1991, the assistance we received from Mr Taylor, I am
16 aware of those. But after the infighting, whatever thing that
17 happened between Mr Taylor and the RUF, I don't know about that
18 because I didn't see it happen. But in '91 I am aware of it, so
19 I said it.

09:38:29 20 Q. Mr Ngebeh, yesterday you agreed that Sam Bockarie had used
21 SBUs in the diamond fields for security. Do you remember that,
22 Mr Ngebeh?

23 A. Yes, I remember.

24 Q. These SBUs included boys under the age of 15. Isn't that
09:38:51 25 right?

26 A. You are correct.

27 Q. And these SBUs that Sam Bockarie used in the diamond fields
28 were armed, weren't they?

29 A. Correct.

1 Q. Sam Bockarie used these SBUs in the diamond fields both
2 during the junta and after the junta was pushed out of Freetown
3 in February 1998. Isn't that correct?

4 A. Correct.

09:39:20 5 Q. And Sam Bockarie used these SBUs to protect government
6 property from being stolen. Isn't that correct?

7 A. You are correct.

8 Q. And he also used these SBUs to ensure that the civilians
9 continued to work in these diamond fields. Isn't that right?

09:39:42 10 A. Ma'am, all the atrocities committed by the RUF are not the
11 concerns of Mr Taylor. They did happen. Really they happened,
12 but it doesn't concern Mr Taylor. Mr Taylor has no hands in it.

13 Q. Now let's go back to my question. Sam Bockarie used these
14 SBUs to protect government property from being stolen. Isn't
09:40:08 15 that correct?

16 A. It happened, but Mr Taylor is not responsible for it.

17 Q. And if anyone who was working in those diamond fields tried
18 to steal diamonds, they could be killed by those SBUs. Isn't
19 that right?

09:40:27 20 A. They might have killed them, but Mr Taylor is not
21 responsible for that. It was during Sam Bockarie's
22 administration. It is not Mr Taylor's responsibility.

23 Q. And indeed, some of these civilians were killed when they
24 were accused of stealing diamonds. Isn't that correct?

09:40:48 25 A. All the atrocities you have explained about is the cause
26 why Issa and others are in prison today, but Taylor is not
27 responsible for that. Mr Taylor is not responsible for it.

28 Q. Let's go back to my question. Indeed, some of these
29 civilians were killed when they were accused of stealing

1 diamonds. Isn't that correct?

2 A. Ma'am, all of those things happened, but Mr Taylor is not
3 responsible for it. That was the reason why the RUF suffered for
4 that. He is not responsible. Yes, ma'am.

09:41:24 5 PRESIDING JUDGE: Can you please try to answer the question
6 directly that is asked of you. I have not heard counsel refer to
7 the name of Mr Taylor in her questions at all, so please try and
8 answer her questions directly.

9 THE WITNESS: Yes, my Lord. I came here for me to be able
09:41:50 10 to explain about what I know about what happened between
11 Mr Taylor and the RUF. The atrocities that happened in Sierra
12 Leone, of course, yes, RUF committed them. But I am here to
13 explain about the things that happened between Mr Taylor and the
14 RUF. That is the more reason why I am saying, those things that
09:42:08 15 happened are not Mr Taylor's responsibilities. I am here to
16 explain that, my Lord.

17 PRESIDING JUDGE: We appreciate your sentiments; however,
18 you are here to answer questions directly, and we will sort out
19 the evidence.

09:42:25 20 Ms Hollis, please continue.

21 MS HOLLIS: Thank you, Madam President.

22 THE WITNESS: Thank you.

23 Q. And indeed, Mr Ngebeh, civilians were also beaten when they
24 were accused of stealing diamonds. Isn't that correct?

09:42:40 25 A. Even if you were RUF and you stole diamonds, you will be
26 beaten up because they were considered government property.
27 Diamonds were government property.

28 Q. And the SBUs took part in these killings and these
29 beatings. Isn't that right?

1 A. Yes, my Lord.

2 Q. During the time you were a member of the RUF you regularly
3 engaged in looting yourself, didn't you, Mr Ngebeh?

4 A. Ma'am, looting is not my habit. I did not do it. It used
09:43:23 5 to happen, of course, but I didn't do it.

6 Q. Let's take one example. You talked about your camp that
7 you established at the Teko Road in Makeni. Do you remember
8 telling the judges about that?

9 A. You are correct.

09:43:38 10 Q. This camp had actually been a Catholic mission compound.
11 Isn't that right?

12 A. You are correct.

13 Q. And you and others took over this compound and drove the
14 missionaries out. Isn't that right?

09:43:55 15 A. We didn't drive them out. At the time I entered the
16 compound, all of the missionaries had fled. When I went there, I
17 went to take care of the amputees. The people who were there, I
18 took very good care of them. Ask anybody who was in Makeni by
19 then; they can explain that to you. I took all of them, I was
09:44:16 20 taking care of them. I fed them, and in fact after the --

21 THE INTERPRETER: Your Honours, could the witness be
22 advised to slow down and repeat from there.

23 PRESIDING JUDGE: We start again today with your running.
24 Please slow down. You are going to have to repeat everything
09:44:35 25 that you said, because none of it was interpreted. Calm down,
26 slow down, and make yourself understood for the interpreter's
27 sake. Now, repeat your answer.

28 THE WITNESS: Okay. The camp that Mr Ngebeh established on
29 Teko Road, it was the Catholic mission that owned that camp. And

1 after the 25 December attack, all of them fled. They went.
2 After my return from Waterloo to establish a base, I decided to
3 take care of those areas. And when I went there, I did not meet
4 anybody around there except the war victims who were being taken
09:45:23 5 care of by the Catholic mission. I established myself there. I
6 put the people together. I was taking care of them. I
7 maintained the compound. Every asset that I met in there, I made
8 sure that they were well protected. The Bishop met me in Makeni.
9 He toured through the compound and he can tell that the area
09:45:51 10 where Charles Ngebeh was based was well taken care of. He
11 praised me for that and he told me that I should continue to take
12 care.

13 The only problem that I encountered in that compound was
14 when a jet bombarded the place, a helicopter gunship also
09:46:09 15 bombarded the place and they said I was armoury officer for RUF,
16 that was why. And during that event two civilians lost their
17 lives. So that was the reason why I told the civilians that I
18 was going to move from that area. But if you ask anybody who
19 knows about that, they will tell you that I took very good care
09:46:26 20 of that place. Thank you, my Lord.

21 MS HOLLIS:

22 Q. Indeed, Mr Ngebeh, you stayed in this Catholic mission
23 compound from 1999 onward. Isn't that right?

24 A. You are correct.

09:46:40 25 Q. And you stayed in that compound until the end of war.
26 Isn't that right?

27 A. You are correct.

28 Q. And you actually looted the generators and other contents
29 of that compound. Isn't that right?

1 A. It had already been looted before I went there and the ones
2 that I met there, they were still there and that was in fact the
3 ones I was using. I did not loot any generator from out there.
4 The one I met there was the one I was taking care of and I was
09:47:15 5 using it in the compound until the time I left there.

6 Q. And you yourself actually sold some of the contents that
7 you found in that compound. Isn't that right?

8 A. Ma'am, all the things you are explaining, let me tell you,
9 that compound was a very big compound and I lived in a very small
09:47:36 10 section of the compound. So I used to tour around. There was in
11 fact a time when some of my brothers came from town, they wanted
12 to steal the generator. When I tried to put the situation under
13 control, they wanted to shoot at me. But let me tell you, the
14 small area that I lived within the compound, I took very good
09:47:56 15 care of the place. I did not loot any generator from that
16 compound. The place was a very big compound. But that
17 particular small area where I was living, I did not do anything
18 wrong there. The place was big, some other people used to come
19 there, maybe they did something, but I personally did not do
09:48:13 20 anything. Thank you.

21 Q. You actually sold some of the contents that you found in
22 that compound. You, Charles Ngebeh, actually sold some of those
23 looted items. Isn't that right?

24 A. Ma'am, what I have explained is that I personally did not
09:48:32 25 do anything. I did not steal any property. I did not do it.

26 Q. You also stole a large white truck that had been the
27 property of the Catholic mission. Isn't that right?

28 A. I did not steal it. The truck was a DAF truck. It was
29 with the Catholic mission and after the whole operation was over

1 I was the only officer in Makeni without a vehicle. And who gave
2 me that vehicle was CO Rambo. He asked that I should have that
3 vehicle so that I would be able to continue to maintain my
4 family. I used that vehicle to run transport, it used to run
09:49:19 5 Kamakwie and back to Makeni, and that was what I was using to
6 take care of my family. And after our disarmament, Bishop came
7 back and he asked that all the properties we had acquired, we
8 should return them back to him.

9 THE INTERPRETER: Your Honours, could the witness kindly be
09:49:36 10 advised to slow down again.

11 PRESIDING JUDGE: Mr Witness, you are still speaking too
12 quickly. The interpreters can't keep up with you. Now, repeat
13 your testimony where you say after the disarmament the Bishop did
14 something. Continue from there.

09:49:53 15 THE WITNESS: After the disarmament, the Bishop came to
16 Makeni and he gave me - offered me ten bags of bulgur and some
17 condiments and I told him that the white truck that belonged to
18 them, I have it. But that since that was not the end of the war,
19 I was going to hand it over to Issa. I presented and handed over
09:50:24 20 the truck to Issa. And at that time Bishop gave I think
21 3 million leones to Issa for it to be given to me. He said
22 because I have taken care of that property, and then you can have
23 evidence from any other person that I gave them back their
24 property. I did not steal it. I did not sell it to anyone. I
09:50:43 25 took care of it and that was the truck I was using. It was - I
26 was running it as transportation so that I could be able to take
27 care of my family. Thank you.

28 MS HOLLIS:

29 Q. Mr Ngebeh, you actually used that truck to carry out more

1 looting around the Makeni area. Isn't that right?

2 A. I used that vehicle for transportation purposes. I did not
3 loot it. I was running it as transportation from Makeni to
4 Rokupr. The money - the proceeds I got from it was what I used
09:51:18 5 to take care of my family. That was out of that truck. Thank
6 you.

7 Q. And you used it for transporting goods that you had looted.
8 Isn't that right?

9 A. No. Civilians were there, we used to get food item, salt,
09:51:36 10 Maggi and other condiments from Rokupr and the civilians who were
11 in Makeni, they would join the vehicle, they would go and do some
12 trade at Rokupr. From there the monies they paid me was what I
13 used to maintain my family. I did not take any civilian's
14 property. I only used that vehicle for transportation purposes.
09:51:58 15 Thank you.

16 Q. You also used that truck to loot livestock from the
17 surrounding area. Isn't that right?

18 A. I never used it to go and take people's goods or sheeps
19 from their villages. That was not the purpose for which I had
09:52:24 20 the vehicle. I used it for transportation purposes. But there
21 were times that people, some other officers could - would ask me
22 that, "Charles, please borrow us this vehicle, we want to use it
23 to go somewhere," and they would use it to go. At times officers
24 or commanders would ask me to use the truck. It did not belong
09:52:44 25 to me. People used it sometimes, but I personally did not use it
26 to go to anybody's village to collect cattles or livestock to
27 anywhere, no. Thank you.

28 Q. You also used that truck to take looted goods to the Guinea
29 border and to sell those looted goods there. Isn't that right?

1 A. I have answered that question. No, I used it for business
2 purposes. I did not use that truck for any looting purposes. I
3 did not use that truck for any bad reason. I used it for
4 transportation purposes and the monies I got from it was what I
09:53:25 5 used to maintain my family. Thank you.

6 Q. And, for example, you used it to transport doors, windows
7 and other materials to the Guinea border to sell them. Isn't
8 that right?

9 A. I did not do that, ma'am. It's a lie. I never put looted
09:53:47 10 property into that truck to take it to the Guinea border to do
11 business out of it. I only used that truck for transportation
12 purposes so that I can get some money out of it. Thank you.

13 Q. And you also used it to transport captured civilians to
14 Kono to mine for you. Isn't that right, Mr Ngebeh?

09:54:06 15 A. I never used that truck to take civilians to go and do
16 mining in Kono. I did not do that. I used that truck for
17 transportation purposes. If you entered my truck to go to
18 somewhere you would have to pay me on arrival. So that was what
19 I used it for. Thank you.

09:54:29 20 Q. You treated civilians very badly during the time that you
21 were in Makeni. Isn't that right?

22 A. No. I was based in Congo Town. And I was the only officer
23 who made my own area very free for civilians in Makeni. Congo
24 Town, Teko Road I provided security for civilians. I provided
09:54:58 25 electricity. They will come to my compound, that is where they
26 come to watch movies or some other things. I had even tap water
27 in my compound. That was where normally people came from all
28 over the place to get water, drinking water. I was very nice to
29 them. Thank you.

1 Q. And, Mr Ngebeh, you were unable to settle in Makeni
2 immediately after the war ended because of your mistreatment of
3 civilians and your looting in that area. Isn't that right?

4 A. I am telling you, ma'am, that the civilians in Makeni
5 welcomed all the RUF. After the disarmament, most of the
6 commanders decided to stay there. I only decided to move --

7 THE INTERPRETER: Your Honours, could the witness be asked
8 again to slow down.

9 PRESIDING JUDGE: Mr Witness, pause. Just repeat your
10 answer slowly. Repeat your answer slowly, please, for the
11 interpreter.

12 THE WITNESS: I left Makeni to go and continue my life with
13 my wife in Kono. Most of the commanders and most of the
14 civilians with us are still in Makeni here. Some commanders are
15 still living in Makeni and most commanders decided to live there.
16 There is no time that I remember that civilians - the civilians
17 were trying to chase commanders from out of Makeni. No, most of
18 the commanders are more comfortable in Makeni than anywhere else.
19 And I want to tell the civilians thanks for that in Makeni
20 because they welcomed all the commanders including the entire
21 RUF.

22 THE INTERPRETER: Your Honours, could the witness be asked
23 to slow down.

24 PRESIDING JUDGE: Mr Ngebeh, what is wrong? Why can you
25 not talk normally like normal people do? You see. What is the
26 use of your evidence if we can't hear what you're saying? It's a
27 total waste. I don't know how to say it better, but you must
28 speak slowly. Sometimes you are asked a simple question and you
29 run off on a tangent, running with your words. We cannot hear

1 what you are saying. Now, please slow down and repeat your
2 answer. And face the judges while you do that because if you did
3 you would see me signal to you to slow down instead of
4 interrupting you every time. I don't know who you are speaking
09:57:31 5 to in that corner, but we are here. These are the judges. You
6 should be addressing us. Is that clear?

7 THE WITNESS: Yes, my Lord.

8 PRESIDING JUDGE: Now, please repeat your answer.

9 THE WITNESS: I lived a peaceful life in Makeni. The
09:57:52 10 people of Makeni recognised me to be a peaceful officer in
11 Makeni. I did not run away from Makeni because I had done
12 something wrong there to go and stay in Kono, no. I decided to
13 move to Kono out of my free will. Even most of the soldiers who
14 lived with me, they still have workshops in Makeni. They are
09:58:15 15 working there. The people of Makeni, they don't have problems
16 with the RUF. They knew that it was a war. They have never
17 asked anybody to leave their town because he or she had done
18 something wrong to them. If we had done bad to them, they
19 wouldn't have accepted us that kind of way. They accepted all
09:58:35 20 the commanders of the RUF including the RUF entirely. Thank you.

21 MS HOLLIS:

22 Q. Mr Ngebeh, during the war the civilians of Makeni had no
23 choice but to accept the RUF. Isn't that right?

24 A. Even after the war they accepted us. During the war they
09:59:00 25 accepted us and after the war they accepted us.

26 Q. And after the war they didn't accept you because you had
27 done bad things to them. That's why you weren't able to go back
28 to Makeni and settle. Isn't that right?

29 A. No. That's not correct. If they accepted other officers

1 in Makeni, why wouldn't they accept me there? No. I still have
2 reason to live in Makeni. And even when I leave here, I am going
3 to go through Makeni. I have a place there. My colleague
4 soldiers are still living there. So I will have to go there
09:59:38 5 again. Thank you.

6 Q. You have a place in Makeni?

7 A. Yes, I used to have a place in Makeni.

8 Q. Is that a place you stole during the war?

9 A. No. I have brothers in Makeni. They have a base there.

10:00:00 10 For now, I don't have a permanent place in Makeni, but I always
11 visit there and go. But anytime I visit there, I stay with
12 friends, brothers, boys who were with me. But I personally do
13 not have any permanent base there because I am not based there at
14 present. Thank you.

10:00:17 15 Q. In May 2000 you took part in the attacks against the United
16 Nations peacekeepers. Isn't that correct?

17 A. No.

18 Q. And the heavy weapons that were taken from the United
19 Nations peacekeepers were handed over to you, weren't they?

10:00:46 20 A. You are correct. All the 17 armoured cars here parked in
21 my compound, you are right. Because I was the arms specialist.

22 Q. And you removed some of the weapons that were mounted on
23 those armoured cars and put them on RUF pick-up trucks. Isn't
24 that right?

10:01:06 25 A. You are correct. That was what I did.

26 Q. And you were aware that these weapons had come from the
27 capture of the United Nations peacekeepers, weren't you?

28 A. Yes. But it was an instruction from Issa, and what could I
29 have done except I accept the instruction from him? It was an

1 instruction from Issa. He said I should remove those weapons and
2 replant them into the Land Rovers, and indeed that was my job, so
3 I did.

4 Q. And you were aware they were from the United Nations
10:01:45 5 peacekeepers because, contrary to what you have just told the
6 judges, in fact, you took part in the hostage taking of those
7 peacekeepers, didn't you?

8 A. Ma'am, I was an arms specialist. If the RUF received
9 weapons, who would have controlled them save me? Because that
10:02:10 10 was my duty. Nobody else was going to do that. I was the arms
11 specialist and the armourer commander for the RUF. If the RUF
12 went and looted an armoured car or got an armoured car, where
13 would they have taken it except to me, because it was my duty as
14 armourer commander. Thank you.

10:02:31 15 PRESIDING JUDGE: I don't think the witness has answered
16 the question.

17 Mr Ngebeh, the question was: "... in fact, you took part
18 in the hostage taking of the peacekeepers, didn't you?" That is
19 the question. You haven't answered that.

10:02:43 20 THE WITNESS: I was there. I was there.

21 MS HOLLIS:

22 Q. And you took part in the hostage taking, didn't you?

23 A. Yes. I was there.

24 MS HOLLIS: Madam President, at this time we need to go
10:03:06 25 into private session so that I can follow up on some areas of the
26 direct and cross-examination which could tend to violate
27 protective measures if it's done in public.

28 PRESIDING JUDGE: Whose protective measures?

29 MS HOLLIS: This witness's protective measures.

1 PRESIDING JUDGE: Okay. Mr Munyard, do you have any
2 objections?

3 MR MUNYARD: No difficulty with that, your Honour. Thank
4 you.

10:03:53 5 PRESIDING JUDGE: We are going to go into a brief private
6 session, which means the members of the public will be able to
7 look into the well of the Court, but you will not be able to hear
8 what is being said. This is for the protection of this witness
9 in that details may emerge in the course of the evidence that
10:04:19 10 would jeopardise his security.

11 So, Madam Court Officer, please arrange a private
12 session.

13 [At this point in the proceedings, a portion of
14 the transcript, pages 38786 to 38824, was
10:04:26 15 extracted and sealed under separate cover, as
16 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. Yes, I'm going back, Mr Ngebeh, to ask you some questions
12:07:13 5 relating to the matters put to you earlier today and yesterday
6 and I want to ask you something about Superman first. You said
7 yesterday that Superman was a commander in Koidu. Was Superman
8 always a part of the RUF, or did he ever break away from the main
9 RUF?

12:07:51 10 A. Yes, he broke away from us and went to Kurubonla.

11 Q. And at Kurubonla did he join up with any other group?

12 A. Yes, my Lord.

13 Q. Would you like to tell us who that was?

14 A. The SAJ Musa group, the AFRC.

12:08:23 15 Q. Do you know why it was that Superman broke away from the
16 RUF and went to join SAJ Musa's AFRC group?

17 A. Yes, my Lord.

18 Q. And why was it?

19 A. Sam Bockarie had wanted to arrest him at one point in time,
12:08:51 20 so he was not too sure of his security living in Kono at that
21 time.

22 Q. And what was the reason, if you knew it, why Sam Bockarie
23 wanted to arrest Superman?

24 A. Superman was a strong fighter. He became very popular, so
12:09:17 25 he begrudged him. So that is all I know about. Thank you.

26 Q. Did Superman break away from the RUF before or after the
27 Fitti-Fatta mission that failed to capture Kono?

28 A. It was immediately after the Fitti-Fatta operation that he
29 broke away from the RUF. Thank you.

1 Q. And do you know whether the failure of the Fitti-Fatta
2 operation had anything at all to do with Superman breaking away
3 from the RUF?

4 A. The failure of the Fitti-Fatta was not the reason why he
12:10:05 5 broke away. Because after that he was called to go to Buedu, but
6 what he got at Buedu was the reason why he was panicked and he
7 decided to break away. He said there were grumbles that we
8 failed during that mission and that people who were responsible
9 for that did not want to take commands from Sam Bockarie and that
12:10:34 10 the instructions that reached them, they did not do things
11 according to that. So all those reasons put together he decided
12 to break away.

13 Q. Do you know why he went to join SAJ Musa in the AFRC rather
14 than any other group?

12:10:55 15 A. Yes. Because he knew he was only sure of his security when
16 he went to the AFRC. That was the reason why he went and joined
17 SAJ Musa.

18 Q. What was the relationship between SAJ Musa and Sam Bockarie
19 like at the time Superman went over to join SAJ Musa?

12:11:21 20 A. Sam Bockarie tried to get some connection with SAJ Musa,
21 for him to arrest and hand that man over. But Sam Bockarie and
22 SAJ did not pull because SAJ was power thirsty and Sam Bockarie
23 was power thirsty. But when Superman was there he was trying to
24 make SAJ a friend so that he will be able to get at Superman, but
12:12:01 25 it did not work out.

26 Q. Were SAJ Musa and Sam Bockarie ever friends as far as you
27 were aware?

28 A. I'm unable to say whether they knew themselves before, but
29 it was only after the coup that we live as one when we joined

1 with the AFRC. But I don't know whether they had been friends
2 before, but it was after the coup that I was able to know
3 SAJ Musa at that time. But that man was a soldier, but I don't
4 know whether they had been friends before. But it was only after
12:12:53 5 the coup had taken place that they came together and maybe knew
6 themselves.

7 Q. After ECOMOG drove out the junta from Freetown, what were
8 relations like between SAJ Musa and Sam Bockarie then?

9 A. They were no longer together. They did not have a good
12:13:23 10 relationship any more. SAJ decided to talk to all the soldiers
11 to come on his own side, for them to form their own group. That
12 was within the AFRC. And most of the soldiers were loyal to him,
13 so SAJ Musa himself was no longer part of the RUF.

14 Q. You talked today and, indeed, yesterday about the
12:13:56 15 instruction that where an RUF was a commander, an SLA would be
16 his deputy and vice versa. Did that arrangement or instruction
17 work out in practice? This is after ECOMOG had driven the junta
18 out of Freetown.

19 A. No, my Lord. It did not work well.

12:14:30 20 Q. When you were in the jungle after you had been driven out -
21 after the junta had been driven out of Freetown, did the AFRC
22 ever have a commander who was in a position over an RUF deputy
23 commander?

24 A. Oh, no, no, no. All the areas we controlled after the
12:14:58 25 coup, it was RUF who led as commanders. Like, for instance,
26 Kono, that was under the control of the RUF. At Kurubonla where
27 SAJ Musa was based, they were in control there. But the areas
28 that were under our control, we were commanders there.
29 Thank you.

1 Q. You also said on Monday, yesterday, that at Buedu there was
2 a message from Sam Bockarie that fighters should end their
3 grudges and the RUF and AFRC should work as a team. Was that
4 message successful or not?

12:15:42 5 A. It was not successful, my Lord.

6 Q. You told us yesterday about events after the intervention,
7 and you said at one stage that you were at Masingbi and the RUF
8 and the AFRC had taken the town. What proportions of those
9 fighters who took the town were RUF and what proportion were
10 AFRC?

12:16:36 11 A. At Masingbi, the RUF population, after we had captured Kono
12 and advanced on Masingbi, we were in control. We - our number
13 was heavier than theirs. We met Donsos at Masingbi. They were
14 Civil Defence Forces and the name of the commander was Tariq
15 [phon]. He was the commander of the Donsos at Masingbi. He was
16 a fair in complexion person.

12:17:06 17 Q. I'm not interested in the Donsos. I just want to know the
18 numbers of the RUF compared with the numbers of AFRC at that
19 stage. You say that "our numbers were heavier than theirs". The
12:17:27 20 RUF numbers were heavier than the AFRC. Likewise, you talked of
21 the RUF and the AFRC fighting ECOMOG at Makeni. Again, what were
22 the proportions of AFRC compared with RUF?

23 A. The RUF was in majority than the AFRC in Makeni.

24 Q. Did those fighting forces, RUF and AFRC, have a joint pool
12:18:04 25 of arms and ammunition or separate arms and ammunition?

26 A. My Lord, all the mission starting from Kono up to Makeni,
27 the ammunition that we captured were given to the commanders for
28 safekeeping. Nobody had rights to keep ammunition on his own.
29 If you captured any ammunition, you should hand them over to the

1 commander except for the ones that we used. Thank you.

2 Q. Did the RUF and AFRC have their own separate supplies of
3 arms and ammunition, or did they have a joint supply of arms and
4 ammunition? That's what I want to know.

12:19:04 5 A. My Lord, we were not getting supplies. If we captured
6 ammunition, we will keep them. When we are going to the war
7 front, they will share them out to us. But to say we received
8 supplies from anywhere for us and the AFRC, no. But when we
9 captured material, we will make use of them. We did not have any
12:19:24 10 specific place from where we were getting supplies. All the
11 advance that we advanced from Kono up to Makeni, we lead on
12 captured material. The AFRC did not have any armour dump nor did
13 the RUF. So if we captured ammunition, we will just take record
14 of them and then keep them. Thank you.

12:19:45 15 MR MUNYARD: Madam President, will you give me just a
16 moment to see if there's something that's been correctly or
17 incorrectly recorded on the transcript. Madam President, would
18 you give me a moment, please. I think there may be a possible
19 error on the transcript, and if it is, it's an important one. I
12:20:29 20 just want to clarify. Thank you. I think we've clarified that.
21 I don't need to deal with anything further on that:

22 Q. Now, moving on, please, to early 1999. You told the Court
23 that you were based in Hastings and that you tried to attack Jui
24 but you failed. Do you remember telling the Court that
12:21:18 25 yesterday?

26 A. You are correct, my Lord.

27 Q. When you failed in your efforts to attack Jui, where did
28 your fighters go? Did they sit there on the outskirts of Jui, or
29 did they retreat back to where they had come from?

1 A. We based at Hastings.

2 Q. So as far as you were concerned, did you ever at that time
3 get further than Hastings?

4 A. We never passed Hastings and we did not make any attempts
12:22:05 5 any longer to attack Jui. That was where we established our
6 Defence, and they too did not make attempts to attack us.

7 MR MUNYARD: Thank you, Madam President. Those are my
8 questions in re-examination. Does the Court have any questions?

9 PRESIDING JUDGE: The Court does not have any questions for
12:22:43 10 Mr Ngebeh.

11 Mr Ngebeh, I want to thank you for your testimony.
12 However, before I allow you to leave, I think there are some
13 exhibits that the Prosecution would want us to handle.

14 MS HOLLIS: Yes, Madam President, we do. Madam President,
12:23:13 15 we would tender for admission what has been marked MFI-1 "RUF
16 still kills and rapes Sierra Leoneans" AFROL News, 4 April 2001,
17 three pages. That was in tab 2 of the Prosecution bundle.

18 PRESIDING JUDGE: Perhaps you would go through the
19 exhibits. If you wish to tender all of them, that's fine. I
12:23:42 20 will then ask the other side what they think.

21 MS HOLLIS: All right. We do wish to tender all of the
22 exhibits, or all the documents that have been marked for
23 identification. MFI-2 was an interoffice memo from WVS dated 22
24 March 2010 showing disbursements of 1,661,000 Leones. MFI-3 was
12:24:09 25 a confidential document, a similar WVS interoffice memo. MFI-4,
26 with cover page plus first and second page, a confidential
27 document. MFI-5, a cover page plus first page, also a
28 confidential document. MFI-4 was found at tab 14 and MFI-5 was
29 found at tab 15 of the materials. We would ask that all of those

1 documents be accepted into evidence.

2 PRESIDING JUDGE: Thank you, Ms Hollis.

3 Mr Munyard, your comments, please.

4 MR MUNYARD: The Defence have no difficulty with MFIs 2, 3,
12:25:07 5 4 and 5. Our submission in relation to MFI-1 behind tab 2 in the
6 bundle is that all of it is claimed to be based on other sources.
7 The document itself is said to be AFROL archives or come from
8 AFROL archives, and it's our submission that the document on its
9 face is no more than a purported series of extracts from other
12:25:48 10 documents. And if the Prosecution wish to rely on such document
11 as an exhibit, then they should put in the originals which are
12 patently obviously clearly available to the Court. In other
13 words, the material from Human Rights Watch and the AFROL
14 archives. Otherwise, there is no way of the Court knowing
12:26:07 15 whether or not these particular extracts have been correctly
16 transcribed from original documents. So for that reason, the
17 Defence object to the admission into evidence of this purported
18 series of extracts from other published material.

19 PRESIDING JUDGE: Thank you. Ms Hollis, I will allow you
12:26:29 20 to respond in relation to MFI-1 and the comments of counsel
21 opposite.

22 MS HOLLIS: Thank you, Madam President. First of all, the
23 Defence counsel's argument really goes to the weight which might
24 be provided for these documents, not to admissibility. There is
12:26:48 25 no requirement that originals be provided. Articles are provided
26 all of the time. In this Court the Defence has also provided you
27 with articles which indeed are extracts that were part of the
28 Sierra Leone News Web. This indicates that these are news
29 articles and, as such, news articles have been provided and

1 accepted by your Honours throughout this trial. So we would
2 suggest there's no basis for the objection, because it is not
3 relevant to admissibility. It is relevant to any weight that
4 your Honours may eventually attach to this document.

12:27:31

5 [Trial Chamber conferred]

6 PRESIDING JUDGE: We find that all of the five documents
7 tendered as MFI-1 to 5 are relevant and therefore admissible on
8 their face.

12:28:03

9 Now, in relation to MFI-1 and the objections raised by
10 Mr Munyard, we find that those objections go to weight rather
11 than the admissibility of the document, and therefore we overrule
12 the objections.

12:28:28

13 Accordingly, MFI-1, the document entitled "Article RUF
14 still kills and rapes Sierra Leoneans" comprising three pages is
15 now admitted as exhibit P-516.

16 The document marked MFI-2, which is described by Ms Hollis
17 earlier, is now exhibit P-517.

12:29:00

18 The document marked as MFI-3 comprising one page and
19 described earlier by Ms Hollis is now admitted as exhibit P-518
20 and will remain confidential.

21 The document marked MFI-4 as described by Ms Hollis
22 comprising the three CMS pages 23830, 23892, and 23893, those
23 three pages, are now admitted as exhibit P-519 and will remain
24 confidential.

12:29:42

25 MFI-5 comprising pages 25381 and 25592, those two pages are
26 admitted as exhibit P-520 and will remain confidential.

27 [Exhibits P-516 to P-520 admitted]

28 Mr Ngebeh, thank you very much for your testimony. You are
29 now free to leave the Court and to go home and we wish you a safe

1 journey home.

2 THE WITNESS: Okay, ma'am. Thank you, ma'am.

3 PRESIDING JUDGE: Mr Griffiths, would you kindly advise the
4 Court as to the next witness, et cetera.

12:30:43 5 MR GRIFFITHS: I will be taking the next witness, who is
6 DCT-306.

7 PRESIDING JUDGE: If you could advise the Court as to such
8 matters as the language that the witness will be testifying in
9 and any protective measures applicable.

12:31:27 10 MR GRIFFITHS: The witness will give evidence in English
11 and will give evidence openly.

12 PRESIDING JUDGE: Thank you. Please call 306 into the
13 Court.

14 WITNESS: DCT-306 [sworn]

12:34:22 15 EXAMINATION-IN-CHIEF BY MR GRIFFITHS:

16 Q. Before we start, can I lay down one or two ground rules.
17 First of all, you've spoken in taking the oath in a nice clear
18 voice and I would like you to keep it that way. Do you follow
19 me?

12:35:03 20 A. Yes, sir.

21 Q. Also, because your words are being interpreted, it's
22 important that you give the interpreters an opportunity to
23 interpret what you have to say. Do you follow?

24 A. Yes, counsel.

12:35:17 25 Q. It follows therefore that you must speak slowly and clearly
26 so that everyone can hear. Do you follow?

27 A. Yes, counsel.

28 Q. And would you also, please, in answering my questions,
29 totally ignore me and address what you have to say to the judges

1 sitting in front of you. Again, do you follow me?

2 A. Yes, counsel.

3 Q. What's your name?

4 A. My name is Musa Faya.

12:35:56 5 Q. How do most people call you, however?

6 A. Faya Musa.

7 Q. So help us just so that we're clear. What is your surname?

8 A. My surname is Faya.

9 Q. How is that spelled?

12:36:14 10 A. F-A-Y-I-A.

11 Q. And your first name is?

12 A. Musa.

13 Q. How does it come about that most people have inverted your
14 surname and first name?

12:36:35 15 A. This started right from school days. When I entered high
16 school in 1971 our class master, who also happened to be the
17 registrar of the school, decided to write our names
18 alphabetically starting with our surnames. So when she wrote
19 Faya, she put a comma to indicate that the Faya was my surname.

12:36:56 20 So from thence forth I have been called Faya Musa.

21 Q. Where were you born, Mr Faya?

22 A. Repeat that.

23 Q. Where were you born?

12:37:17 24 A. I was born in Mano Sewalu in the Kailahun District of
25 Sierra Leone.

26 Q. Pause. We're happy with the spelling of Kailahun and
27 Sierra Leone but help us, how do you spell the town where you
28 were born?

29 A. Mano is M-A-N-O.

- 1 Q. And what was the rest of the name?
- 2 A. S-E-W-A-L-U.
- 3 Q. When were you born?
- 4 A. I was born on the 12th day of December 1956.
- 12:38:08 5 Q. Are you now therefore 54 years old?
- 6 A. I'll be 54 in December this year.
- 7 Q. What did your parents do for a living?
- 8 A. My parents were farmers. Subsistence farmers.
- 9 Q. And to what ethnic group do you belong?
- 12:38:31 10 A. I'm a Kissi by tribe.
- 11 Q. I want to go on now and deal with your education. What was
- 12 the first school you attended?
- 13 A. I attended the St John's Primary School in Kailahun. It's
- 14 a Roman Catholic primary school.
- 12:39:06 15 Q. Did you go on to another school thereafter?
- 16 A. Yes, through the selective examination success I was able
- 17 to go to high school in Segbwema.
- 18 Q. In where?
- 19 A. Segbwema.
- 12:39:20 20 Q. How do you spell that?
- 21 A. S-E-G-B-W-E-M-A.
- 22 Q. And what was the name of the school that you attended in
- 23 Segbwema?
- 24 A. I attended the Holy Ghost Secondary School.
- 12:39:36 25 Q. Is that holy ghost as in H-O-L-Y G-H-O-S-T?
- 26 A. Yes, counsel.
- 27 Q. Did you pursue any further education thereafter?
- 28 A. Yes after the GCE O-levels I was able to go to the Njala
- 29 University College.

- 1 Q. To the where?
- 2 A. The Njala University College.
- 3 Q. How do you spell Njala?
- 4 A. N-J-A-L-A.
- 12:40:11 5 Q. And which campus of that university did you attend?
- 6 A. Mokonde campus.
- 7 Q. How do you spell Mokonde?
- 8 A. M-O-K-O-N-D-E.
- 9 Q. What subject did you study at that college?
- 12:40:32 10 A. I studied general agricultural science.
- 11 Q. Did you graduate from the college?
- 12 A. Yes, counsel.
- 13 Q. With what qualification?
- 14 A. BSc Agric General.
- 12:40:54 15 Q. A BSc what?
- 16 A. Agric General.
- 17 Q. Agric as in A-G-R-I-C for agriculture, yes?
- 18 A. Yes, counsel.
- 19 Q. Following your graduation with that degree, did you obtain
- 12:41:07 20 employment?
- 21 A. Yes, my first employment was with the Bishop Johnson
- 22 Secondary School in Freetown as a teacher.
- 23 Q. For how long did you pursue that particular employment?
- 24 A. One year.
- 12:41:31 25 Q. Then did you move on to another employment?
- 26 A. Yes, counsel.
- 27 Q. What was that?
- 28 A. I went to the Methodist Secondary School in Kailahun, my
- 29 home.

1 Q. When was it that you went to the Methodist Secondary School
2 in Kailahun?

3 A. 1983, counsel.

4 Q. Could you give us a month?

12:41:54 5 A. It was in September. September 1983, just before schools
6 re-opened.

7 Q. And for how long did you remain in that post?

8 A. I was there up until 1991.

9 Q. And did something occur in 1991?

12:42:15 10 A. Yes, counsel.

11 Q. What was that?

12 A. War broke out.

13 Q. So when the war broke out, were you in Kailahun?

14 A. Yes, counsel.

12:42:34 15 Q. We'll come back to the war in a moment, but help us. In
16 those two employments at Bishop Johnson Memorial School in
17 Freetown and the Methodist Secondary School in Kailahun as a
18 teacher, help us, what was life like as a teacher at that time?

19 A. At that time life as a teacher was deplorable. Very
12:43:01 20 deplorable. Salaries were so low that no teacher was able to run
21 his or her family on their monthly salaries at all.

22 Q. Were you paid regularly by the government?

23 A. The pay was very irregular.

24 Q. Why was that?

12:43:21 25 A. The government, they don't have an explanation for that
26 because the economy was managed by the government. I don't know
27 why we were not getting paid regularly, but they had an
28 explanation for that at that time.

29 Q. And who was running the government in Sierra Leone at that

1 time?

2 A. President Siaka Stevens with the APC party, All People's
3 Congress.

4 Q. And tell me, were teachers like yourself happy with their
12:43:50 5 lot teaching under that regime?

6 A. Not at all because we saw that even the children we were
7 teaching did not admire us at all. There was a time when a
8 particular student, a 12th grade student, said to - advised his
9 father not to pay the GC fees at all because he saw nothing in
12:44:12 10 going further than the 12th grade. There was another time when a
11 3rd grade child - a 9th grade child that I was taking science, a
12 Fula by tribe, whose father took him away from school just to
13 send him to Koindu to be counting money.

14 Q. To be doing what?

12:44:29 15 PRESIDING JUDGE: Please, slowly. You are talking a little
16 too fast. Slow down and repeat your answer.

17 THE WITNESS: Okay, your Honour.

18 MR GRIFFITHS:

19 Q. Sent him to Koindu to do what?

12:44:39 20 A. To count money for pay.

21 Q. And did that mean the child giving up his education?

22 A. Absolutely. Absolutely.

23 Q. And how did you as a teacher in Kailahun feel about that?

24 A. I felt very bad. To me that meant that education did not
12:44:58 25 mean anything at that point to the children of Sierra Leone. I
26 felt very, very bad about it because I saw backwardness looming
27 high in Sierra Leone.

28 Q. Who did you blame for that attitude?

29 A. The government, of course.

1 Q. Now, you tell us that in 1991 the war came to you in
2 Kailahun. Is that right?

3 A. Yes, counsel.

4 Q. Now, help us, can you recall a date when the war met you in
12:45:41 5 Kailahun?

6 A. Yes. After several days of advice by the soldiers for us
7 to see the war finally met us on Kailahun on Saturday, 13 April
8 1991.

9 Q. Saturday, 13 April 1991. And help us, what time of day?

12:46:05 10 A. It was by six o'clock that day soldiers told us to go
11 inside and they closed our doors behind us, not knowing why,
12 because they had actually promised us to - to be calm, that they
13 were ready to take care of the situation.

14 Q. Now, pause there. Let's look at that in a bit more detail.
12:46:27 15 These soldiers of whom you speak, whose soldiers were they?

16 A. They were the government soldiers.

17 Q. Which government?

18 A. The Government of Sierra Leone under APC, All People's
19 Congress.

12:46:42 20 Q. And how many of them were stationed in Kailahun at this
21 time?

22 A. There were many. I did not count them. There were many.

23 Q. And you said that they had given you a promise. What was
24 that promise?

12:46:57 25 A. They promised to make sure that the war did not reach us at
26 all. They said they were going to make sure the war would not
27 reach us at all, so let us be calm and go ahead with whatever we
28 were doing. Because that was the reason why most people were not
29 able to escape.

1 PRESIDING JUDGE: Mr Witness, I am going to ask you to slow
2 down. I know normally you don't talk like this, but listen to
3 how the lawyer is speaking, slowly, because everything you say is
4 being written down by somebody.

12:47:23 5 THE WITNESS: Okay.

6 PRESIDING JUDGE: They cannot write at the speed at which
7 you are speaking.

8 THE WITNESS: Okay, your Honour.

9 PRESIDING JUDGE: Thank you.

12:47:29 10 MR GRIFFITHS:

11 Q. Now, you told us about a particular instruction given to
12 you by the soldiers on that Saturday. What was that instruction?

13 A. The soldiers instructed us at six o'clock that evening to
14 go inside and close our doors behind us.

12:47:53 15 Q. And did you did that?

16 A. Of course we had to. Yes, we did.

17 Q. And so what happened thereafter?

18 A. As soon as that happened we heard gunshots.

19 Q. And what did you do upon hearing that?

12:48:14 20 A. I went under my bed. I, myself, my wife and my - of
21 course, I had a three-month-old baby. We had to go under our bed
22 to hide ourselves.

23 Q. For how long did you remain there?

24 A. Remained there for the whole night up until 7 a.m. in the
12:48:31 25 morning.

26 Q. And what happened then?

27 A. At 7 a.m. in the morning or somewhere about that we heard a
28 knocking at our door.

29 Q. Did you open the door?

- 1 A. Very, very gladly because we thought the war was over.
- 2 Q. Was someone outside the door?
- 3 A. Yes. When we opened the door, people were outside it.
- 4 Q. Who were they?
- 12:49:00 5 A. They are the rebels.
- 6 Q. How were they dressed?
- 7 A. They are all dressed in tattered clothes, some in masks.
- 8 Q. They were all dressed in what?
- 9 A. Tattered clothes.
- 12:49:15 10 Q. And you mentioned something else?
- 11 A. Some were in masks.
- 12 Q. Masks. What kind of masks?
- 13 A. There is a kind of mask that initiates used in Sierra Leone
- 14 in the Poro society, boys. They call it Kondeyaa.
- 12:49:49 15 Q. Spell that.
- 16 A. Kondeyaa. That was the kind of thing they were wearing.
- 17 Q. How do you spell Kondeyaa?
- 18 A. K-O-N-D-E-Y-A-A.
- 19 Q. Now, did you notice anything about the language being
- 12:50:05 20 spoken by these individuals?
- 21 A. Yes.
- 22 Q. What language were they speaking?
- 23 A. They are all speaking English, but it was a Liberian
- 24 version of the English language. They call it Liberian English.
- 12:50:26 25 Q. Were you able to determine their identities at that time?
- 26 A. At that particular time, no, I was not able. Except --
- 27 Q. Except what?
- 28 A. Except one fellow. There was one fellow, Kai fa Wai, whom I
- 29 had taught in school. He identified himself to me. In fact, he

1 - he stopped my being molested by some of his colleagues.

2 Q. And his name?

3 A. Kai fa Wai .

4 Q. And how do you spell that?

12:51:12 5 A. K-A-I -F-A, Kai fa.

6 Q. And the surname?

7 A. W-A-I .

8 Q. And you say he had been a former student of yours?

9 A. Yes, counsel .

12:51:27 10 Q. Where?

11 A. At the Holy Ghost Secondary School in Segbwema.

12 PRESIDING JUDGE: Sorry to interrupt, Mr Griffiths. It's
13 important. The surname was W-A-I?

14 THE WITNESS: Yes, your Honour.

12:51:48 15 PRESIDING JUDGE: Thank you.

16 MR GRIFFITHS:

17 Q. Now, at that point when you opened the door, did these

18 individuals wearing tattered clothing, masks and speaking

19 Liberian English, did they identify themselves to you as to who

12:52:10 20 they were?

21 A. Yes, counsel .

22 Q. Who did they say they were?

23 A. They said they were freedom fighters who had come to give
24 us liberation from the APC misgovernance.

12:52:30 25 Q. Did they say that they belonged to any particular group?

26 A. Yes, counsel .

27 Q. What was that?

28 A. They said they were from the Revolutionary United Front of
29 Sierra Leone.

1 Q. At that time did anyone mention the name or the acronym
2 NPFL?

3 A. No, no.

4 Q. Did you in due course speak to these men?

12:53:18 5 A. Yes, I did.

6 Q. And did they, apart from calling themselves members of the
7 RUF, identify themselves in any other way?

8 A. Yes. They said they were the vanguards of the RUF.

9 Q. Did they say from where they had brought the war to
12:53:43 10 Kailahun?

11 A. They said they had come from Liberia.

12 Q. Now, they spoke Liberian English. Did you in due course
13 discover whether they were indeed Liberians, or what?

14 A. We are able to discover later, especially from Kai fa Wai ,
12:54:16 15 almost that very day, we were able to discover that they are
16 Sierra Leoneans who were rather economic migrants.

17 Q. Could you say that again, please?

18 PRESIDING JUDGE: Slowly. Slowly.

19 THE WITNESS: Yes, ma'am. We were able to discover, my in
12:54:30 20 particular - I in particular, I was able to discover that very
21 day from Kai fa Wai .

22 MR GRIFFITHS:

23 Q. Discover what?

24 A. That they were Sierra Leoneans.

12:54:43 25 Q. And they were what?

26 A. They were economic migrants who had left Sierra Leone to
27 seek fortune in Liberia.

28 Q. And were they all Sierra Leoneans?

29 A. All the ones I saw that day were Sierra Leoneans, but later

1 we found out that they had Liberian friends among them.

2 Q. And the Sierra Leoneans that you met were speaking what
3 language?

4 A. Mende.

12:55:15 5 Q. But when you first saw them, what language were they
6 speaking?

7 A. They were all speaking English.

8 Q. Which English?

9 A. The Liberian version of the English language.

12:55:38 10 Q. Now, we'll come back to your reference to vanguards in a
11 moment, but help us with this so that we can take your account
12 along: Did you in due course, from talking to these men,
13 discover whether they had received any training before arriving
14 in Kailahun?

12:56:00 15 A. Yes, I did, counsel.

16 Q. From whom did you obtain this information?

17 A. This particular information was obtained from - by
18 Captain Palmer. Philip Sylvester Palmer.

19 Q. And what was it that he told you?

12:56:18 20 A. He told me that they were trained at a camp in Liberia
21 called Naama.

22 Q. Was that camp called by any other name?

23 A. Camp Sokoto.

24 Q. Now, these men that you met, Mr Fayia, were they wearing
12:56:45 25 any military insignia of authority?

26 A. No. All the clothing they were wearing, it was tattered.

27 Q. Could you say that again, please?

28 A. No. All the clothing they were wearing, all their clothes
29 were tattered.

1 Q. Tattered?

2 A. Yes.

3 Q. Were any of them wearing military uniforms?

4 A. Not at all.

12:57:07 5 Q. In due course did you learn who was in charge of that group
6 who first appeared in Kailahun on that Saturday?

7 A. You mean in terms of leadership?

8 Q. Yes.

9 A. It was very difficult. I did not. It was very difficult.
12:57:39 10 The only thing that happened that perhaps gave me an indication
11 of some kind of leadership was Kaifa Wai was able to stop the
12 boys who wanted to molest me and they obeyed his command.

13 Q. Prior to the arrival of these men, had you become aware
14 that such a war was imminent?

12:58:08 15 A. Yes, counsel.

16 Q. And had you made any attempt to avoid contact with the
17 bringers of this war?

18 A. Yes, counsel.

19 Q. What had you done?

12:58:23 20 A. I and my wife decided to escape to Guinea through Luawa
21 Baoma on the 11th.

22 Q. Through where.

23 A. Luawa Baoma, L-U-A-W-A.

24 Q. And the second word?

12:58:40 25 A. B-A-O-M-A.

26 Q. And what happened?

27 A. But we had left her own grandparents behind, her mother and
28 her grandmother, we had left them behind.

29 Q. And so?

1 A. Her mother sent a message. A very, very compelling message
2 to us saying that if her daughter was going to leave her behind
3 to die then they will see on the last day. So my wife was able
4 to convince me to go back to Kailahun Town on the 12th when we
12:59:18 5 were supposed to be crossing to Guinea that day.

6 Q. So on the Friday, the 12th, you returned to Kailahun. That
7 is why on the 13th you were present there when they arrived?

8 A. Yes, counsel.

9 Q. Now, at that time you speak of your wife's mother being in
12:59:35 10 Kailahun. Where were your own parents?

11 A. My own parents had actually crossed because my village Mano
12 Sewalu is at the border, so because the war met them first so
13 they had crossed over to Guinea.

14 Q. Now pausing again for a moment, were your parents wealthy
12:59:56 15 people, Mr Faya?

16 A. No, counsel, I come from a very poor economic background.

17 Q. So how did you manage coming from Kailahun, parents who are
18 subsistence farmers, to be educated all the way to university
19 level?

13:00:13 20 A. It involved a lot of sacrifice.

21 Q. By whom?

22 A. By my parents.

23 Q. Now these men who arrived and told you they were freedom
24 fighters, what kind of welcome did they receive in Kailahun?

13:00:53 25 A. When they arrived, because of the gunfire, everybody was
26 afraid of them, but everybody was actually afraid of them.

27 Q. Did that emotion remain constant?

28 A. No, no, no. Not at all.

29 Q. Did it change?

1 A. It changed very seriously.

2 Q. In what way?

3 A. Well, when their leader Foday Sankoh himself arrived in
4 Kailahun a week after that, he assembled us and spoke to us,
13:01:27 5 telling us that he had come with freedom to Sierra Leone, freedom
6 that would stay. That he had come with peace to Sierra Leone,
7 peace that would stay. Then he started mentioning prominent
8 leaders from Kailahun District who had actually suffered as a
9 result of the APC political problems. Like Major Jumu.

13:02:16 10 Q. Spell?

11 A. Major J-U-M-U.

12 Q. What had happened to him?

13 A. He got killed.

14 Q. By whom?

13:02:28 15 A. By the APC.

16 Q. So Sankoh mentioned this name, did he?

17 A. Once again?

18 Q. Sankoh mentioned that name Major Jumu did he?

19 A. Yeah, he did mention Major Jumu and Brigadier Lansana.

13:02:48 20 Q. Brigadier Lansana. Now Lansana is a name we've come across
21 and we're familiar with. And in what context did he mention
22 these individuals?

23 A. He was appealing to our emotions. He was appealing to us
24 to accept him as a freedom fighter, mentioning people who had
13:03:05 25 actually suffered at the hands of the APC that had come from our
26 own district, directing our attention to the environment, how we
27 had no road from Kailahun to Pendembu, which is very true, how
28 our children were not able to get educated, how the teachers and
29 other workers' living conditions were very low. So he was able

1 to get our emotions - to get our attention by making those points
2 to us.

13:03:56 3 Q. Now I want to dwell on that situation you describe a little
4 longer. What kind of emotion was being expressed by the people
5 gathered to this address by Foday Sankoh?

6 A. We felt sorry for us for our past because when we saw him,
7 when he told us everything we saw that we will regard what was
8 happening before his arrival as something of the past. So we
9 welcomed him.

13:04:19 10 Q. Now, the people that were gathered there - and you say it
11 was a week later after the first men had arrived, yes?

12 A. Yes.

13 Q. Now, which day of the week was it that you first saw
14 Foday Sankoh?

13:04:34 15 A. That was the first Friday after the Saturday of the attack.

16 Q. Now, the people who were gathered to listen to him, who
17 were they?

18 A. We are all civilians.

19 Q. And were they all educated people like yourselves?

13:04:51 20 A. No, no, no. Most of them were illiterate.

21 Q. So help us, did they welcome what Foday Sankoh was saying?

22 A. They did. Yes, they did.

23 Q. Now, you speak of them being illiterate but help us. For
24 you as an educated person, for your class, if I can use that
13:05:21 25 term, what was the response to Foday Sankoh?

26 A. Well, Foday Sankoh pointed out the fact that everybody in
27 the country was suffering, including the educated. And it was
28 just a reminder. He reminded us of our socioeconomic situation.
29 So we also saw reason to understand and to welcome him.

1 Q. So help me in light of that answer. Was Sankoh welcomed by
2 people of all classes?

3 A. In Kailahun, yes. The ones he met there.

4 Q. Did he at that point say anything about, if at all, about
13:06:12 5 who was supporting him?

6 A. No, no, no, no. When he actually assembled us, he told us
7 that he had come completely empty handed. But again he could not
8 count himself as an empty handed person because he had his
9 brothers in Sierra Leone, the natural resources were there, and
13:06:39 10 so on. So he said he was relying on what he met in Sierra Leone
11 to pursue the campaign.

12 Q. Now, for how long did Sankoh remain in Kailahun on that
13 day?

14 A. He was there for about three hours.

13:06:59 15 Q. And then what happened?

16 A. He left.

17 Q. I want you to help us with more details about this. On the
18 Saturday before Sankoh's arrival, when these men in tattered
19 clothes and masks arrived, what did they physically do, if
13:07:27 20 anything, to the people of Kailahun?

21 A. When they arrived in Kailahun they opened the doors,
22 stores, because rice stores were there, they opened the stores
23 and told us to take food from the stores because the business
24 people had run away.

13:07:50 25 Q. Did the people of Kailahun help themselves to the stores?

26 A. Yes, that's what they did. Rice.

27 Q. And help us, was any of the civilians killed by these men
28 who arrived?

29 A. Yes.

1 Q. Can you give us a number as to how many were killed?

2 A. You mean the number that died that day?

3 Q. Yes?

4 A. I remember three people died that day.

13:08:16 5 Q. How did they come to die?

6 A. According to what we understood, one was a crazy man
7 already. The other, when they met him in the street - when they
8 met him in the street, according to them, they thought - he
9 decided to challenge them, so they shot him dead. The other was

13:08:41 10 an old man. He was a tailor, Pa Gbessay Sundifu.

11 Q. What's his name?

12 A. Gbessay Sundifu.

13 Q. Spelling?

14 A. G-B-E-S-S-A-Y.

13:08:50 15 Q. Surname?

16 A. S-U-N-D-I-F-U.

17 Q. In what circumstances did he come to die?

18 A. He was in his house. According to them, he was in his
19 house. In fact, he was the father of my classmate. He was in

13:09:14 20 his house and he refused to come outside. So that was where they
21 shot him dead.

22 Q. And the third person?

23 A. Third person was one Pa Tamba Kollie.

24 Q. Tamba, T-A-M-B-A?

13:09:25 25 A. Yes.

26 Q. Kollie, K-O-L-L-E-H?

27 A. No, K-O-L-L-I-E.

28 Q. And how did he come to die?

29 A. According to them, they met him drunk because he used to

1 distil - he used to distil wine. He was - he was a native
2 brewer, so he had drank that day and they said he was drunk so
3 they shot him dead.

4 Q. Now, help us with this --

13:09:58 5 PRESIDING JUDGE: I'm sorry, Mr Griffiths, the witness
6 keeps saying they killed him, they shot him dead. Who is "they"?

7 MR GRIFFITHS:

8 Q. Who is "they", Mr Witness?

9 A. The men who came. I don't know which particular one, but
13:10:14 10 it was those who came as freedom fighters, they said they killed
11 the man.

12 Q. Now just so that we can get things in perspective, three
13 people died. What was the population of Kailahun at the time
14 roughly?

13:10:31 15 A. Roughly it's about 35,000 people.

16 Q. So would this be fair: During the takeover by these men
17 calling themselves the RUF of Kailahun Town, a city of 30 odd
18 thousand people, three persons died. Is that right?

19 A. Again?

13:10:55 20 Q. During the takeover of Kailahun Town, a town of 30 odd
21 thousand people, three persons died. Is that right?

22 A. Three persons died, yes, counsel.

23 Q. Now, after people were asked to come out of their homes,
24 what happened to them?

13:11:16 25 A. When we came out of our homes nothing else happened to us.

26 Q. Were you subjected to beatings or anything like that?

27 A. That day, no. No. That day, no.

28 Q. Between that Saturday the 13th and the following Friday
29 when Sankoh arrived, how was the population of Kailahun Town

1 treated by these men, apart from the killing of those three?

2 A. Probably they were preparing the ground for their leader,
3 so they were treating us well. They were talking to us fine.

4 Q. Did any other people die?

13:12:05 5 A. I don't remember actually before his coming.

6 Q. Now, you told us about soldiers who had been present prior
7 to the arrival of these men. Now, what was the reaction of the
8 soldiers to the arrival of these men, apart from running away?

9 A. Where we were, we were inside, so I cannot tell how they
13:12:42 10 were reacting, but they ran away. They ran away. In fact,
11 before they actually captured Kailahun, the ones who were in
12 Koindu, there was a day we were seated outside when we saw two
13 soldiers coming from the Koindu direction.

14 Q. And?

13:13:07 15 A. I was seated by the MP of Kailahun District - of Kailahun
16 centre that day, one Mr Ngobeh, Mr Gusu Jaka Ngobeh. And when he
17 asked the soldier to explain why he is running away, said they
18 were not prepared to die for anyone.

19 PRESIDING JUDGE: Mr Witness, you are tending to speak
13:13:32 20 quickly. It's the way you naturally speak your words. Please
21 slow down and speak clearly so that every word is translated
22 properly on to the transcript. Now, there are some spellings in
23 there that obviously we didn't catch.

24 MR GRIFFITHS:

13:13:56 25 Q. Now, you said you were seated --

26 A. I was seated by the Member of Parliament for Kailahun
27 District. Member of Parliament for Kailahun District.

28 Q. What's his name?

29 A. Mr Gusu, G-U-S-U; Jaka, J-A-K-A; Ngobeh, N-G-O-B-E-H.

1 Q. And you see these men running. Yes?

2 A. They were running towards - away from Koindu where they are
3 supposed to be. Then the Member of Parliament asked them why
4 they were running away.

13:14:47 5 Q. And their response?

6 A. They answered saying, "We are not ready to die for anyone."

7 Q. Did they say why they were not willing to die for anyone,
8 even though that's part of the lot of a soldier?

9 A. No. They did not stop to explain. As soon as they said
13:15:10 10 that, they just passed by. They did not explain, but they were
11 referring to the government.

12 PRESIDING JUDGE: Did the witness say these were soldiers
13 running away?

14 THE WITNESS: Yes, they are soldiers. They are the
13:15:25 15 government soldiers.

16 MR GRIFFITHS: Yes, he had said that earlier.

17 PRESIDING JUDGE: Okay.

18 MR GRIFFITHS:

19 Q. Now, earlier when you told us about this meeting addressed
13:15:40 20 by Foday Sankoh, let me ask you a direct question. On that
21 occasion, did Foday Sankoh mention the name Charles Taylor?

22 A. On that occasion, no. He mentioned his name on the next -
23 during the next meeting.

24 Q. And when was the next meeting?

13:16:10 25 A. Next meeting was a week later.

26 Q. So he first arrives a week after the 13th. Then he comes
27 back a week after that; yes?

28 A. He came back a week after that. In a meeting we asked him,
29 "You're here. We have seen you. But who else is with you?" He

1 said, "Nobody. All I know and all that is clear is that I have a
2 friend."

3 Q. Did he say who his friend was?

4 A. Yes, he said Charles Taylor.

13:16:52 5 Q. So what did you understand that to mean?

6 A. Well, at that time, when he said he had Charles Taylor as
7 his friend, we thought that that was going to mean something -
8 that's was going to translate into some speedy end of the
9 conflict.

13:17:13 10 Q. Why?

11 A. Because from a distance we were understanding that Charles
12 Taylor was reasonably powerful.

13 Q. And so, so what if he's powerful. Why would that bring a
14 speedy end to the conflict?

13:17:40 15 A. We thought, if he were his friend, a true friend, then he
16 --

17 Q. A true friend to whom?

18 A. To Foday Sankoh.

19 Q. Yes?

13:17:48 20 A. Then he would be able to help him with fighting materials,
21 because he said he don't come with anything, and we saw that he
22 don't come with anything.

23 Q. When you say "he don't come with anything", who is "he"?

24 A. Foday Sankoh did not come with anything. All he came with
13:18:12 25 were his vanguards.

26 Q. So what were you expecting him to come with?

27 A. We were expecting him to come with arms and ammunition, to
28 come well equipped for a war that he promised would last for only
29 three months.

1 Q. And did he come with such material?

2 A. Not at all.

3 Q. Now, on that or on any other occasion, did the people of
4 Kailahun question Sankoh about that friendship with Charles
13:19:03 5 Taylor?

6 A. Yes, we did. Yes, we did.

7 Q. What did you ask him?

8 A. We wanted to know if the friendship between he and Charles
9 Taylor meant anything like assistance from him in terms of
13:19:18 10 fighting materials. We asked him that question.

11 Q. And what was his response?

12 A. He don't tell us anything clear, so we started feeling
13 disappointed.

14 Q. So was anything done in light of that disappointment?

13:19:37 15 A. Yes. When we started feeling disappointed, we told him,
16 "It is necessary for you to take one of the senior citizens of
17 this community to Gbarnga so he can see Charles."

18 Q. To where?

19 A. Gbarnga.

13:20:03 20 Q. Gbarnga?

21 A. Yes.

22 Q. Gbarnga in which country?

23 A. Liberia.

24 Q. It see whom?

13:20:09 25 A. Charles Taylor, whom he said was his friend.

26 Q. And did he do that?

27 A. Yes.

28 Q. What was the name of the senior citizen?

29 A. The senior citizen was one veteran senior civil servant,

1 one Mr Amara Tamba. A-M-A-R-A, Amara; Tamba, T-A-M-B-A;
2 Bolloni n, B-O-L-L-O-N-I -N; Tengbeh, T-E-N-G-B-E-H.

3 Q. And what was to happen to Mr Tengbeh?

4 A. He and Mr Sankoh left for Gbarnga.

13:21:27 5 Q. To do what?

6 A. So they can see Charles.

7 Q. For what reason?

8 A. We wanted to make sure that Charles was a kind of friend we
9 expected him to be to Foday Sankoh.

13:21:39 10 Q. So what was Mr Tengbeh's role to be when he arrived in
11 Gbarnga?

12 A. His role was to ask Taylor for assistance, material
13 assistance for the war, because we wanted a speedy end to the
14 conflict.

13:21:58 15 Q. Now help us, just a rough time frame, please. How long
16 after 13 April was it that Mr Tengbeh accompanied Sankoh to
17 Gbarnga?

18 A. That was toward the end of 1991, in fact. Towards the end
19 of 1991.

13:22:21 20 Q. So by then, several months had passed since these men first
21 arrived. Is that right?

22 A. Yes, counsel.

23 Q. And during those months from April through towards the end
24 of 1991 did you see the fruits of this so-called friendship with
13:22:52 25 Charles Taylor arriving in Kailahun?

26 A. It was rather the exact opposite, because in August of the
27 same year, August 1991, there was proof of total absence of that
28 kind of thing when we saw the first major retreat. August 1991
29 we saw the first major retreat.

1 Q. By whom?

2 A. Retreat of our fighters.

3 Q. From where?

4 A. From the front. To the rear.

13:23:28 5 Q. And why had they retreated?

6 A. They retreated because they had no fighting material. In
7 fact that was the time one of our strongest fighters, a Liberian
8 vanguard, RUF vanguard --

9 Q. Called?

13:23:44 10 A. Charles Tingba.

11 Q. How do you spell Tingba?

12 A. T-I-N-G-B-A.

13 Q. What happened to him?

14 A. He was killed. He was killed because of lack of power
15 support.

13:24:03

16 PRESIDING JUDGE: Mr Griffiths, the witness is now
17 referring to what is called "our fighters". Who are these?

18 THE WITNESS: The RUF.

19 MR GRIFFITHS: I have come forward to come back, your

13:24:17

20 Honour, and I'm sorry if it's confusing but it will become clear:

21 Q. In order to clarify that, Mr Fayia, after the arrival of
22 these men who said they were the RUF, were you given any
23 appointment by them?

24 A. By them? No, I was not given appointment by them.

13:24:45

25 Q. Were you given an appointment by anyone?

26 A. Yes.

27 Q. Who by?

28 A. By Foday Sankoh.

29 Q. What was that appointment?

1 A. He told me to take care of the welfare of the civilians
2 through agriculture.

3 Q. Was that an important role?

4 A. Yes, it was. It was important because the people needed to
13:25:12 5 continue surviving. All of us needed to continue surviving.

6 PRESIDING JUDGE: Mr Witness, can you mind the way you
7 speak. Some of the words are eaten. I can't understand
8 sometimes what you are saying. Can you make an effort to be
9 understood, please.

13:25:27 10 THE WITNESS: Yes, your Honour.

11 PRESIDING JUDGE: For example, you said it was important
12 because people needed to continue surviving or something like
13 that.

14 THE WITNESS: Yes, it was important because all of us
13:25:44 15 needed to continue surviving. We needed food.

16 MR GRIFFITHS:

17 Q. Now, I'm going to come back to that, but I'm merely at this
18 point concentrating on materials, or lack of it. Now, in your
19 role to which you had been appointed, did you have contact and
13:26:09 20 dialogue with Sankoh?

21 A. Yes, I did.

22 Q. Was it through that dialogue that towards the end of the
23 year Mr Tengbeh was sent to Gbarnga with Sankoh?

24 A. Yes, some of us gathered ourselves. We who were in the
13:26:32 25 immediate leadership, we gathered ourselves and told him to go to
26 Gbarnga with Mr Tengbeh.

27 Q. And the leadership asked him to do that for what reason?

28 A. We wanted to make sure that the relationship between he and
29 Charles Taylor that he mentioned was a relationship that we would

1 benefit from in terms of fighting materials and other important
2 things like food and medicines.

3 Q. Now, as far as you're aware, what happened when those two
4 arrived in Gbarnga?

13:27:40 5 A. I don't know what happened.

6 Q. Did they meet Mr Taylor?

7 A. According to Mr Tengbeh when he came back, for the whole
8 time he spent there - because they were there up to - they were
9 there up to May 1992.

13:27:59 10 Q. From when?

11 A. When they left in January.

12 Q. So they were there from January 1992 until May 1992?

13 A. Yes, counsel.

14 Q. Yes? So a period of about five months?

13:28:16 15 A. Exactly.

16 Q. During that time, what did Mr Tengbeh tell you about any
17 meeting, if such a meeting took place with Charles Taylor?

18 A. Mr Tengbeh when he came, he organised a meeting in Mobai,
19 where he was resident. Mobai, M-O-B-A-I.

13:28:53 20 Q. And?

21 A. All of us went there, and we saw anger on his face and in
22 his voice against Sankoh.

23 Q. Saying what?

24 A. Saying Sankoh had lied, had disappointed us that he had a
25 friend.

13:29:19 26 Q. Why did he say that was a lie?

27 A. Because he came more empty handed than he actually left.

28 Q. Did they meet - did he tell you whether they had met
29 Charles Taylor?

1 A. He said he was able to meet Charles Taylor only once for
2 the entire period he stayed there. Once.

3 Q. For how long?

4 A. For less than an hour.

13:29:49 5 Q. So they stay from January until May and they meet Taylor
6 only once, according to Mr Tengbeh, for about an hour or so?

7 A. Yes.

8 Q. And did they come back with any materials?

9 A. Absolutely nothing. That was why he was angry with
13:30:03 10 Foday Sankoh.

11 Q. So it was to Mr Sankoh that his anger was directed?

12 A. Yeah, because it was he whom we knew. It was he who told
13 us he had a friend - a friend that we would rely on for support.

14 MR GRIFFITHS: I note the time, Madam President. Is this a
13:30:34 15 convenient point?

16 PRESIDING JUDGE: Indeed, Mr Griffiths. We're going to
17 have a break for an hour or so, and we will reconvene at 2.30.

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

19 [Upon resuming at 2.37 p.m.]

14:37:08 20 PRESIDING JUDGE: Good afternoon. Mr Griffiths, please
21 continue.

22 MR GRIFFITHS:

23 Q. Now, Mr Faya, before we adjourned for lunch you were
24 tracing through for me a mention which had been made by Foday
14:37:29 25 Sankoh of his friend and how later in 1991 one Mr Tengbeh had
26 accompanied Foday Sankoh to Gbarnga to test the genuineness of
27 that friendship. Do you recall us going through that?

28 A. Yes, counsel.

29 Q. Now, I'd like to go back and clarify a couple of matters

1 before we go on to deal with what happened to you after the
2 arrival of these men. Firstly this: On the topic of Foday
3 Sankoh, when in fact had you first seen Foday Sankoh?

4 A. I had first seen Foday Sankoh in 1975.

14:38:28 5 Q. Where?

6 A. In Segbwema.

7 Q. In what circumstance?

8 A. He was a photographer at that time and he did our pictures
9 for the final exams, 12th grade final exams.

14:38:55 10 Q. So were you a student at school at the time?

11 A. Yes, counsel.

12 Q. And so Mr Sankoh came as a photographer to take photographs
13 of the school children at that school in Segbwema?

14 A. Yes, counsel.

14:39:15 15 Q. When was the next time then that you saw him?

16 A. Since then it was the date I mentioned before. That was
17 the date I saw him.

18 Q. Which date is that?

19 A. The second week that followed the attack of Kailahun by the
14:39:35 20 RUF.

21 Q. Now, still on Mr Sankoh, before that attack by the RUF, had
22 you heard Mr Sankoh make any announcement on the radio?

23 A. Yes.

24 Q. And what announcement was that?

14:39:53 25 A. It was an ultimatum, a 90-day ultimatum.

26 Q. What ultimatum are we talking about?

27 A. An ultimatum for the government of General Joseph Saidu
28 Momoh to step down.

29 Q. Or?

1 A. Or he would come with war.

2 Q. And was a time scale given for that ultimatum?

3 A. Yes.

4 Q. What was it?

14:40:27 5 A. 90 days. Nine, zero. 90 days.

6 Q. When you heard that, what was your reaction?

7 A. All of us got worried.

8 Q. And then in due course, as you've explained, on 13 April
9 that threat became a reality, yes?

14:41:00 10 A. Yes, counsel.

11 Q. Now, after the arrival of these men, what happened to you?

12 A. Again?

13 Q. What happened to you after the RUF arrived in Kailahun
14 Town?

14:41:22 15 A. We were captured.

16 Q. And when you say captured, were you held at gunpoint?

17 A. No.

18 Q. So what do you mean by the term "we were captured"?

19 A. That means the whole township was occupied by the RUF and
14:41:41 20 we were there.

21 Q. Were you told by them that you could not leave?

22 A. Yes, counsel.

23 Q. Did you take that to mean that you were a prisoner?

24 A. No.

14:42:01 25 Q. What did you take it to mean then?

26 A. Well, they actually told us that they had come to give us
27 liberation, which we had actually cried and prayed to the
28 almighty God for for years. So when they told us not to go
29 anywhere, to stay with them, we could not attempt to run away

1 because we had already been captured. We decided to stay to see
2 the reality of that promise.

3 Q. So when you say you stayed, was it against your will?

14:42:55 4 A. It was both against my will and not against my will,
5 counsel.

6 Q. I'm sorry, I'm sure it's my fault. What do you mean by
7 that?

8 A. As a civilian, I cannot accommodate war. So when someone
9 comes with war, I cannot afford to stay with him at my will. So
14:43:23 10 it was against our will in that sense that we decided to stay.

11 Q. Very well. And so having made that decision in the
12 ambiguous terms that you describe, you mentioned that some role
13 was assigned to you. What was that role?

14 A. Foday Sankoh told me to organise the civilians to produce
14:43:54 15 food.

16 Q. Now, did you have a title?

17 A. I was the agriculturalist.

18 Q. An agriculturalist, that's what I heard. Is that what you
19 said?

14:44:16 20 A. That was exactly what I was made to be. I was made to be
21 the agri officer for the organisation at that point in time.

22 Q. The agri officer for the organisation. Is that right?

23 A. Yes, counsel.

24 Q. Did Mr Sankoh give you that appointment directly, or did he
14:44:37 25 send a message via someone else?

26 A. It was there and then, the very day he saw me that he told
27 me to start work as an agri officer to organise the civilians, to
28 produce food for themselves and for the whole effort.

29 Q. Now, help me. The very day he saw you - now, we know that

1 Foday Sankoh arrived in Kailahun, you've told us, the Friday
2 after Saturday the 13th and he came back again the following
3 week. On which of those two occasions you've described were you
4 given this assignment?

14:45:23 5 A. It was on the latter occasion.

6 Q. On the second occasion?

7 A. Second occasion.

8 Q. So is it fair to say, based on what you've told us, that
9 within two weeks of the war arriving in Kailahun Town you were
10 given that position?

14:45:36

11 A. Yes, counsel.

12 Q. Did you willingly accept that appointment?

13 A. For the sake of my people, I did, yes, because there was no
14 other person - there was no other person to do that for them.

14:45:58

15 Q. Now, were you given any kind of military title as well?

16 A. No, counsel.

17 Q. Indeed, let's clarify this here and now. Throughout the
18 time that you spent with the RUF, did you ever receive any
19 military training?

14:46:18

20 A. No, not at any point in time.

21 Q. Now, this role that you were given by Mr Sankoh, what did
22 it entail?

23 A. It entailed organising the civilians to farm, to continue
24 what all of us were on, to produce rice. It also entailed

14:46:45

25 civilians to continue underbrushing and harvesting our cocoa and
26 coffee farms so that the bush would not kill it. It also
27 entailed taking the cocoa - harvesting this cocoa, taking the
28 produce to a market so food and other important items could be
29 raised.

1 Q. Now, I want you to help me with a couple of phrases you've
2 just used. Firstly, to continue underbrushing. What is
3 underbrushing?

4 A. Underbrushing means removing the vegetation that is under
14:47:39 5 the trees of our cocoa and cacao trees.

6 PRESIDING JUDGE: Did you say cocoa and coffee?

7 THE WITNESS: Yes, your Honour.

8 MR GRIFFITHS:

9 Q. Now, did you establish any system in order to implement
14:48:05 10 this?

11 A. Yes, counsel.

12 Q. What was that?

13 A. Apart from myself, I made sure that the four chiefdoms in
14 Kailahun District that had already been under the control of the
14:48:24 15 RUF had an agri officer each.

16 Q. Pause. What were the four chiefdoms?

17 A. The four chiefdoms were Kissi Kama Chiefdom.

18 Q. Spelt?

19 A. Kissi Kama, K-I-S-S-I, K-A-M-A. The headquarter is Dia.

14:48:59 20 Q. Spelt?

21 A. D-I-A.

22 Q. Second chiefdom?

23 A. Kissi Teng Chiefdom.

24 Q. Spelt?

14:49:08 25 A. K-I-S-S-I, Kissi; T-E-N-G, Teng.

26 Q. Capital?

27 A. The capital was Kangama. It's Kangama.

28 Q. K-A-N-G-A-M-A?

29 A. Yes, counsel.

- 1 Q. The third chiefdom?
- 2 A. Kissi Tongi Chiefdom.
- 3 Q. Spelt?
- 4 A. K-I-S-S-I, T-O-N-G-I.
- 14:49:38 5 Q. Capital?
- 6 A. Buedu, B-U-E-D-U.
- 7 Q. Finally the fourth chiefdom?
- 8 A. Luawa Chiefdom.
- 9 Q. Spelt?
- 14:49:48 10 A. L-U-A-W-A.
- 11 Q. Capital?
- 12 A. Kailahun Town.
- 13 Q. And so each of these chiefdoms had an agricultural officer?
- 14 A. Yes, counsel.
- 14:49:57 15 Q. Appointed by?
- 16 A. By me, and they were all civilians.
- 17 Q. Now, it sounds from what you've told us, Mr Fayia, that
- 18 this position involved a great deal of responsibility.
- 19 A. Yes, counsel.
- 14:50:16 20 Q. So, help us, why were you chosen by Sankoh for this role so
- 21 soon after their arrival in Kailahun?
- 22 A. Today Sankoh knew that very few educated people remained
- 23 behind the rebel lines. Apart from that, he asked me what I had
- 24 studied. I told him I had studied agriculture after school.
- 14:50:55 25 Then he said, "You are indeed the best person for this particular
- 26 aspect of the struggle."
- 27 Q. Now, the agricultural officers who were appointed to each chiefdom,
- 28 what were they required to do?
- 29 A. They were required to go to every section and have an agricultural

1 extension officer there in the first place, and then to every
2 village, to have two master farmers, one a lady and the other a
3 woman.

4 Q. One a lady and the other a woman?

14:51:41 5 A. Yes, counsel.

6 Q. So what's the difference between a lady and a woman?

7 A. We had had a lady farmer and a master farmer who was
8 [i ndi scerni bl e] a man.

9 PRESIDING JUDGE: Do you mean a lady and a man?

14:51:53 10 THE WITNESS: A lady and a man.

11 PRESIDING JUDGE: Because you said a woman. A lady and a
12 woman.

13 MR GRIFFITHS:

14 Q. That's what in fact you said. That's why we were somewhat
14:52:03 15 confused.

16 A. Okay, sorry.

17 Q. So let's just be clear. You appointed a man as a master
18 farmer and a woman as a master farmer. Is that right?

19 A. Yes, counsel. But we used to call the female master
14:52:19 20 farmers lady farmer.

21 Q. Now, what were they supposed to do?

22 A. These two people were the opinion leaders of every village,
23 because the villages are small. They were the people who were
24 supposed to gather the people, supervise the farming, supervise
14:52:41 25 the harvesting, and to take care of the seeds we provided for
26 them.

27 Q. Now, where did the seeds come from that you provided for
28 them?

29 A. Yes, we provided seeds for them.

1 Q. From where did that seed come?

2 A. The war came in April, as I have said, and by then in
3 Sierra Leone all harvest would have been complete and the upland
4 farms would have been brushed, ready to plough. So when the war
14:53:27 5 came, some people ran away and left their rice on the barns.
6 This, in fact, was part of the responsibility given to the
7 agric-extension officers, to make sure that every absentee who
8 had a rice barn containing rice was registered. The rice taken
9 from the barn, threshed, properly fanned and bagged for
14:54:11 10 distribution.

11 PRESIDING JUDGE: Did you say properly "fanned".

12 THE WITNESS: Fanned, yes, your Honour, for distribution.

13 This was done so that, according to Foday Sankoh, when the war
14 would have ended in three months' time and our people returned
14:54:47 15 home, we would give them back their rice. Because if we did not
16 do this, by the time they would have come back all of us would
17 have been greeted with the problem of seed rice because the rice
18 in the barns could have become unviable. So in short, this
19 programme was both a food security programme and a seed
14:55:43 20 multiplication project.

21 MR GRIFFITHS:

22 Q. Mr Fayia, I'd like to clarify two things with you, please.
23 You've used the term on more than one occasion "seed band". What
24 is that, the word "band"? First of all, can you spell that word
14:56:16 25 for me?

26 A. B-A-N.

27 Q. B-A-N.

28 A. Yes.

29 Q. What is it? What does it mean?

1 A. A barn is a store. The store houses would be in our
2 villages to store raw food.

3 Q. A barn, B-A-R-N?

4 A. Yeah, B-A-R-N.

14:56:33 5 Q. When you mentioned absentees, to what were you referring?

6 A. I was referring to those who had actually managed to run
7 away.

8 Q. Leaving behind what?

9 A. Behind the rice seed.

14:56:57 10 PRESIDING JUDGE: Mr Witness, do you mean that your people
11 actually went into people's private food stores that are called
12 barns, removed the rice, and this is the rice you used as seed
13 rice?

14 THE WITNESS: Yes, your Honour, because they had left.

14:57:19 15 MR GRIFFITHS:

16 Q. And that rice which they had run away and left, what would
17 have happened to it had you not put it to good use?

18 A. The seeds - in the first place, the seeds would have died.

19 Q. And what were you - was there any thought given to
14:57:43 20 compensation for those whose rice would have been taken in this
21 way?

22 A. In fact, this rice was not taken for free; it was loaned.
23 We gave the rice to farmers on loan so that when you harvest, you
24 bring back exactly the quantity received. So we keep it for the
14:58:02 25 person who was - according to Foday Sankoh, when the war would
26 have ended, when they come they would meet their rice, they would
27 give it to them.

28 Q. So they would be compensated in due course?

29 A. Yes, counsel.

1 Q. That was the intent?

2 A. That was the exact intent.

3 Q. How successful was this scheme?

4 A. This scheme failed because the movement did not have enough
14:58:29 5 fighting material to keep the enemy at bay. So when the farming
6 was done, that was the time we had to run away to leave the
7 farms. The soldiers came and harvested the rice. Some of the
8 farms were not even complete.

9 Q. And when did that catastrophic event take place?

14:58:55 10 A. That particular one happened in 1993.

11 Q. In '93?

12 A. Yes.

13 Q. Very well. Now, the product of that farming scheme, what
14 happened to it; that is, the rice which was harvested, the cacao,
14:59:16 15 the coffee, what happened to it?

16 A. The work that we did before the 1993 incident attack, that
17 one was consumed by the farmers themselves. Part of it was used
18 to feed the commandos. The coffee and the cocoa were sent to the
19 crossing points, to the border - to the crossing points for sale
15:00:05 20 for cooking materials and for fighting materials, such as
21 ammunition.

22 Q. Which border?

23 A. The Guinea-Sierra Leone border.

24 Q. How much such trade over that border for cooking materials
15:00:27 25 and war materials took place?

26 A. We had about ten crossing points.

27 Q. Can I interrupt your thought for a moment while we're on
28 that point. Can you name some or all of those crossing points
29 for us?

1 A. I will try, counsel.

2 Q. Give me the name and then the spelling, please?

3 A. There was the Luawa Baoma crossing point, L-U-A-W-A

4 B-A-O-M-A, then "crossing point". Luawa Baoma crossing point.

15:01:24 5 There was the Yibema crossing point, Y-I-B-E-M-A crossing point.

6 There was the Komolu crossing point, K-O-M-O-L-U. There was the

7 Mano Pombo crossing point, M-A-N-O P-O-M-B-O crossing point.

8 Q. Any others?

9 A. There was the Kunduma crossing point. K-U-N-D-U-M-A

15:02:49 10 crossing point.

11 Q. Any others?

12 A. There was the Dia crossing point. That is the headquarter

13 for Kissi Kama Chiefdom, D-I-A. There was Bayl du crossing point,

14 B-A-Y-L-D-U. Those are the ones I remember, counsel.

15:03:32 15 Q. Very well. Now, cooking materials that you mentioned, what
16 was that?

17 A. Salt, Maggi. Salt, Maggi, onions, rice. I mentioned rice,

18 because normally in subsistence farming back home, the food we

19 grow is not always enough to take the family through a season.

15:04:42 20 So what we got when we sold the coffee and the cacao at the
21 crossing points compensated or supplemented what we got from our
22 farms.

23 Q. Now, you mentioned war materials being traded for cacao and

24 coffee. What war material was that?

15:05:05 25 A. Ammunition. Just ammunition.

26 Q. What kind of ammunition?

27 A. Cartridges.

28 Q. And with whom was that trade conducted?

29 A. That particular trade was conducted with the Guinean

1 security authorities at the borders, and that was happening at
2 one crossing point.

3 Q. And at which crossing point was that taking place?

4 A. That was Mano Pombo crossing point.

15:05:44 5 Q. That was what?

6 A. Mano Pombo crossing point.

7 Q. And help us --

8 A. Where the --

9 Q. Carry on, sorry.

15:05:54 10 A. Where the contractor was Sorie Tamba - sorry, Sahr Sorie.

11 S-A-H-R and then S-O-R-I-E. He was a contractor on our side.

12 Q. And do you know if there an individual with whom he
13 conducted business on the other side?

14 A. People were coming and going, but I remembered one.

15:06:29 15 Q. Who was that?

16 A. Seydu Kounate.

17 Q. Spelling?

18 A. S-E-Y-D-U.

19 Q. Surname?

15:06:45 20 A. K-U-N-A-T-E with the French accent.

21 Q. Acute?

22 A. Acute, yeah.

23 Q. Was that a man or a woman?

24 A. That was a man, a military person.

15:07:01 25 Q. What rank?

26 A. He was a sergeant.

27 Q. A sergeant?

28 A. Yes.

29 Q. In which force?

1 A. In the Guinean military force.

2 Q. So just so that we are clear, the RUF were trading directly
3 with the Guinean army representatives over the border buying from
4 them ammunition. Is that right?

15:07:26 5 A. Exactly. That happened.

6 Q. Now, I want to clarify one or two other points. Firstly
7 this: The ten crossing points you've mentioned, between what
8 countries were they crossing points?

9 A. They were between Sierra Leone and Guinea-Conakry.

15:07:49 10 Q. Was there any such trading going on across the border
11 between Kailahun and Liberia?

12 A. No.

13 Q. Why do you laugh?

14 A. I laugh because that time already ULIMO was there. There
15:08:05 15 was no passage for us to go to Liberia at all. ULIMO was there.

16 Q. Was there ever any trading between the RUF and individuals
17 in Liberia during the time that you held that role?

18 A. No, no.

19 Q. Now, the crossing points you mentioned, were they
15:08:29 20 controlled in any way by you?

21 A. They were all controlled by us up until the time we were
22 forced to leave the main part of the district in 1993.

23 Q. Now, just help us, was there a structure to this trading
24 that was taking place at these points? Was there someone, for
15:08:53 25 example, in charge?

26 A. Yes, counsel. They are the people we called the
27 contractors. These contractors were from the master farmer unit.
28 They could organise the farmers with the produce and then we
29 organised for security for them to take them to the crossing

1 point so that the military police commander, the RUF military
2 police commander in every town would provide security to take the
3 farmers to the crossing point. Then when they went there, we -
4 when they went there, the Guineans would come over, would cross
15:09:56 5 over with their scales to weigh the produce, because we wanted to
6 teach something different, something different from what used to
7 happen before the war. Before the war when a farmer gets to a
8 Lebanese store with coffee - before the war when a farmer gets to
9 a Lebanese store with coffee or any other produce, the Lebanese
15:10:38 10 would tell the farmer how much he's able to pay for the produce.
11 And when the produce is paid for, instead of the farmer telling
12 the Lebanese man how much he would pay for a rice - for a bag of
13 rice, the Lebanese man will continue to tell him how much a bag
14 of rice costs. So that we had no say over our own efforts.

15:11:28 15 But at the crossing points, when the farmers went there
16 with their produce, they would meet their Guinean counterparts,
17 sit down and negotiate the prices. It was purely barter system.
18 How much would a bag of coffee cost in terms of rice, in terms of
19 sugar and so on. So that is the new method we wanted to teach
15:12:13 20 our farmers, our people by that activity at the crossing point.
21 The same thing was done when negotiation was made for cartridges
22 with the Guinean military personnel.

23 Q. Now, remind me, there was a particular contractor based at
24 Mano Pombo who was responsible for obtaining that war material.

15:13:01 25 Remind me, what's his name?

26 A. Sahr Sorie was his name.

27 Q. Who appointed him?

28 A. Foday Sankoh helped in the appointment.

29 Q. Now, a bit more detail on this, please. This barter system

1 for cooking items and war materials, roughly when did this system
2 commence?

3 A. That system commenced in 1992 after the Top 40 - I mean,
4 after the Top Final.

15:13:48 5 Q. And for how long did it operate?

6 A. It operated from that time up until 1995 when the
7 diplomatic activities started within the RUF.

8 Q. And by diplomatic activities, what do you mean?

9 A. I mean - what I mean by that, when RUF started engaging the
15:14:22 10 international community for peace talks.

11 Q. And did that initiative lead to the formation of any
12 particular group?

13 A. Yes, counsel.

14 Q. Which group?

15:14:36 15 A. When the Abidjan Peace Accord was signed, one of the major
16 provisions of that accord was the creation of a commission of an
17 eight member commission for the consolidation of peace.

18 Q. Before we get there, I want us to look at the road map
19 which culminated in the Abidjan Peace Accord. From the RUF point
15:15:17 20 of view, who were the catalysts for that system which finally
21 ended in Abidjan? Who were they?

22 A. There was a man who first met us in December 1993. He came
23 from a London based NGO that was specialised in conflict
24 prevention, management and resolution in the person of Dr Addai
15:16:06 25 Sebo.

26 Q. Can I interrupt you for a moment, please, Mr Witness,
27 because we will come to those matters in due course. But for now
28 I am interested in one particular topic, that is, the duration of
29 this system of bartering across the border. Do you follow me?

1 A. Yes, I do.

2 Q. Now, did there come a time when you, the person who set up
3 the system, disengaged from it?

4 A. Yes.

15:16:39 5 Q. When was that?

6 A. That was the time when I was appointed by Foday Sankoh to
7 go out to Abidjan to start the diplomatic activities.

8 Q. Right. When was that?

9 A. That was in 1995.

15:17:00 10 Q. Can you help us with a month?

11 A. It was between - it was in June.

12 Q. June 1995?

13 A. June 1995.

14 Q. So going back now, the system of bartering that you set up,
15:17:19 15 from your point of view, that endured from the end of Top Final,
16 yes? Is that right?

17 A. Yes, exactly.

18 Q. And can you give us a date in '92 for Top Final?

19 A. The day they started?

15:17:41 20 Q. Yes.

21 A. Top Final started between February and March 1992.

22 Q. And so this system endured from about then until June or so
23 1995 you tell us when you left?

24 A. Yes.

15:17:57 25 Q. And did it continue in your absence, to your knowledge?

26 A. Yes. Before I left I also established the humanitarian
27 aspect of our - of the movement. I established the Organisation
28 for the Survival of Mankind, OSM.

29 Q. Organisation for the Survival of Mankind?

1 A. Yes. That was the non-governmental organisation I
2 established. And before I left, I left somebody in charge, one
3 Mr Steven.

4 Q. Mr who?

15:18:34 5 A. Steven.

6 Q. Is that Steven, S-T-E-P-H-E-N?

7 A. No, S-T-E-V-E-N. His responsibility was to continue all
8 aspects of humanitarian activity including the running of that
9 particular part of the project. And it was through that

15:19:09 10 organisation that the ICRC with help from Dr Sebo was able to
11 receive two seamen in 1994. One Medvedev, a Russian, and one
12 Jawara, a Sierra Leonean.

13 PRESIDING JUDGE: There was a mention of a Dr somebody
14 Sebo.

15:19:44 15 THE WITNESS: Addai Sebo.

16 PRESIDING JUDGE: Yes. We didn't get the spell of --

17 THE WITNESS: A-D-D-A-I.

18 MR GRIFFITHS:

19 Q. And the surname?

15:20:00 20 A. Sebo, S-E-B-O.

21 Q. We'll come back to him. But understand me, I am looking at
22 your role setting up agricultural production in RUF-controlled
23 areas in Kailahun, yes?

24 A. Yes, counsel.

15:20:17 25 Q. That's what I'm concentrating on for now.

26 A. Okay.

27 Q. Now, help us, Mr Faya, that scheme which you set up, did
28 the civilians like it?

29 A. Very much. They liked it very much, because it was, like,

1 allowing them to continue what they were already doing in the
2 first place by asking them or encouraging them to farm. It was
3 also, like, providing an opportunity for them to have what they
4 couldn't have had by any other means, because all the borders -
15:20:52 5 the border between Sierra Leone and Liberia was closed. We were
6 only able to manage to get the Guinean security authorities to
7 cooperate with us to provide - or to allow the civilian
8 businessmen to cross over to that base, so they liked it very
9 much. Because when I talk about Kailahun District at that time,
15:21:19 10 I am not even talking about the whole of the district. I am
11 talking about the four chiefdoms I mentioned earlier: And Mandu
12 Chiefdom, the headquarter is Mobai. M-A-N-D-U, the headquarter
13 is Mobai, M-O-B-A-I. I am also talking about Upper Bambara
14 Chiefdom. Upper Bambara Chiefdom, U-P-P-E-R B-A-M-B-A-R-A. The
15:22:05 15 headquarter is Pendembu, P-E-N-D-E-M-B-U. I am also talking
16 about Dia Chiefdom, D-I-A. The headquarter is Baiwallah.
17 B-A-I-W-A-L-L-A-H. So when I talk about RUF-controlled area,
18 these were the chiefdoms that were involved. So that civilians
19 were not able to go beyond those chiefdoms. They would have gone
15:23:00 20 into enemy zone. So the only option that was left for us, the
21 civilians, was to trade with the Guineans for our livelihood, and
22 the only option that was left for Foday Sankoh to continue the
23 struggle was to do business with the Guinean security authorities
24 at the crossing point.

15:23:50 25 Q. Yes, thank you. Now still on this note of this
26 agricultural system that you established, you've told us that the
27 civilians were happy with the system?

28 A. Yes.

29 Q. But help me, were the civilians forced to farm by the RUF?

1 A. I think that was a note on which I started. The civilians
2 in Kailahun District, including myself, are farmers. Farming is
3 a way of life in Kailahun District. So that when the opportunity
4 for us to continue farming, we could not have seen it at all as
15:24:56 5 an unagreeable agenda for us. Because even before the war we
6 used to grow what we used to eat, although it was not always
7 enough because of the farming system we practiced, shifting
8 cultivation.

9 Q. I'm going to ask you bluntly: Was slave labour, forced
15:25:42 10 labour, used by the RUF on these farms between 1992 and 1995
11 whilst you were running the show?

12 A. No, it did not happen. What in fact we did in 1994, we
13 persuaded Foday Sankoh to tell his senior commanders that it was
14 necessary for every commander to have his own farm so that the
15:26:21 15 food which civilians used to contribute would not be an
16 unbearable burden on the civilians. He agreed, and that year
17 many of the commanders who were at the rear with us had their own
18 farms.

19 Q. And what did the commanders do with the produce from those
15:27:11 20 farms?

21 A. A lot of them inside there had families to take care of, so
22 the food was for their own eating.

23 Q. Now, in that role that you've described as the director, in
24 effect, of agricultural production, did you ever communicate with
15:27:38 25 Charles Taylor?

26 A. Yes, that was early on. When this war started, we used to
27 listen to the radio. We used to listen to the radio. People
28 were saying that the Sierra Leone conflict was a spillover of the
29 Liberian one and that in fact our sustenance was coming from

1 Liberia and from Charles Taylor in particular. So what I did to
2 disprove this to Charles Taylor himself, for him to know that
3 Foday Sankoh lied about him to us, we organised a whole 50
4 kilogram - sorry, 100 kilogram full of rice - husked rice. I
15:28:36 5 wrote a small note in it and put it inside the bag, telling
6 Charles Taylor that we are hearing that he's our support; but let
7 him don't feel that he is our support. He's not our support. So
8 let him tell the world for us, because we don't have a radio. We
9 did not have any way of communicating that time. Let him tell
15:29:03 10 the world that we don't rely on him for anything; that the
11 civilians in themselves are doing everything they can to raise
12 their own food. They are doing everything they can to get even
13 fighting materials from the front. I gave that rice to Foday
14 Sankoh because he used to come in and out. I said take this to
15:29:34 15 your so-called friend. Foday Sankoh never gave me a response.
16 He went and took the rice away to Gbarnga, but he never came with
17 a response for me to know that Charles Taylor received that rice
18 at all. The village is called Bandajuma Sinnah where we
19 organised the rice. B-A-N-D-A-J-U-M-A S-I-N-N-E-H. That was the
15:30:18 20 village from where the rice came from, the one bag full of rice.

21 Q. Did you ever get a response from Charles Taylor --

22 A. No, no.

23 Q. -- telling you how nice the rice was?

24 A. No, he never.

15:30:43 25 Q. I want to leave that topic now, if I may.

26 MR KOUMJIAN: Your Honour, before we leave the topic, could
27 we get a time for when this alleged rice was sent to Liberia?

28 MR GRIFFITHS: I heard the witness say it was early on, but
29 let me see if I can get a more accurate date:

1 Q. When was it?

2 A. Our first agric activity in 1991. The first harvest --

3 PRESIDING JUDGE: Sorry, the question was: "When was this
4 rice sent to Charles Taylor?"

15:31:16 5 THE WITNESS: It was after the harvest of - the swamp rice
6 harvest of 1991, which normally happens in December.

7 PRESIDING JUDGE: Of 1991?

8 THE WITNESS: Yes, your Honour.

9 PRESIDING JUDGE: So this is when you sent the rice?

15:31:30 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: December of 1991?

12 THE WITNESS: December 1991. It was swamp rice. Swamp
13 rice harvest is normally done in December in Sierra Leone.
14 November/December.

15:31:46 15 MR GRIFFITHS:

16 Q. Now I hope I can leave that topic now, and I want to go to
17 another topic which you touched upon at one stage. And let us
18 approach it in this way: In your position as director of
19 agricultural production, did you have contact with the leadership
15:32:13 20 of the RUF?

21 A. You mean Foday Sankoh himself?

22 Q. Foday Sankoh himself and any other senior commander?

23 A. Yes, I did.

24 Q. And you mentioned that those men who arrived outside your
15:32:33 25 door on Saturday, 13 April, said they were vanguards, yes?

26 A. Yes.

27 Q. What did you understand by the term "vanguards"?

28 A. Again, when I had the privilege to ask Captain Philip
29 Sylvester Palmer who a vanguard was in the RUF, he told me they

1 were the standard bearers of the RUF, he told me they were the
2 standard bearers of the RUF. They were the forerunners of the
3 RUF. They are the senior people in the RUF. That was how he
4 described them.

15:33:37 5 Q. Now, was anything said by Captain Palmer as to how they
6 acquired the title vanguard?

7 A. No, he just told me those of them who came and met us in
8 Sierra Leone are all vanguards.

9 Q. Came from where?

15:34:03 10 A. So that those of them who came from outside Sierra Leone.

11 Q. From where?

12 A. From Liberia are all vanguards. Then I asked him what
13 about people like Mohamed - CO Mohamed Tarawali and CO Rashid
14 Mansaray, who said they trained in Libya; what about them? He

15:34:37 15 said they are Special Forces, but they are also vanguards. So
16 that in the RUF we understood - we were made to understand that
17 there were two sets of vanguards; there were the Special Force
18 vanguards, and the Liberia-trained vanguards.

19 Q. Now, I want to take those two groups, which you have

15:35:11 20 helpfully, defined in turn. First of all, from what you were
21 told, of those who arrived in Sierra Leone bringing the
22 revolution, how many were trained in Libya?

23 A. I don't know.

24 Q. Now, you mentioned one Rashid Mansaray?

15:35:41 25 A. Yes, I knew Rashid Mansaray, who had been trained in Libya,
26 and CO Mohamed Tarawali. In fact, they were the only two I knew
27 who were trained in Libya.

28 Q. Where was Foday Sankoh trained?

29 A. Well, Foday Sankoh, for him it was obvious. They said he

1 also trained in Libya, so I did not - I did not decide to put him
2 in the count of the vanguards because he was a CIC.

3 Q. But help me with this: In the time you spent with the RUF
4 from 1991 April until whenever, help us: Apart from Foday
15:36:32 5 Sankoh, Rashid Mansaray and Mohamed Tarawalli, did you meet any
6 other Sierra Leonean who was trained in Libya?

7 A. Not at all at any time.

8 Q. So the only individual Sierra Leoneans you met, Libyan
9 trained, were Sankoh, Mansaray and Tarawalli?

15:36:56 10 A. Yes, counsel.

11 Q. Does it follow, then, that Philip Palmer was not trained in
12 Libya?

13 A. Yes, counsel.

14 Q. Does it follow that Ibrahim Deen-Jalloh was not trained in
15:37:15 15 Libya?

16 A. He was a civilian. He was not trained anywhere. He was
17 just like myself.

18 Q. Now let us turn to the vanguards. Now, Philip Palmer, you
19 tell us, who gave you this information, he was a vanguard, was
15:37:34 20 he?

21 A. Yes, he was, according to him.

22 Q. And prior to his training, as he told you, at Camp Naama,
23 what had he been doing in Liberia?

24 A. He was a teacher. He was teaching mathematics somewhere in
15:37:54 25 Liberia.

26 Q. Now, help me - and we're going to go through this exercise
27 with one or two individuals - what kind of a person was
28 Philip Palmer, the Philip Palmer you knew?

29 A. The Philip Palmer I knew, although he's dead, was a very

1 soft hearted gentleman.

2 Q. When did he die?

3 A. He died in August.

4 Q. August when?

15:38:17 5 A. 2009.

6 Q. He was what, you tell us?

7 A. You say?

8 Q. What kind of a man was he?

9 A. I said he was a very soft hearted person. The problem I
15:38:30 10 had with him, he could believe anything. So he could believe
11 anything and he could be persuaded to do anything because of his
12 soft heartedness.

13 Q. Now, help me, does the name Sam Bockarie mean anything to
14 you?

15:38:58 15 A. That is the evil of my life, yes.

16 Q. Was he a vanguard?

17 A. Yes, he was.

18 Q. What kind of a man was he, and take your time?

19 A. Initially, Sam Bockarie, just like Foday Sankoh himself,
15:39:22 20 did not let us know his true nature. But after the Top Finals,
21 which ended in July - June/July 1992, he became something else,
22 because the Top 20 and the Top 40 targeted him, just like any
23 other Sierra Leonean RUF. So he was in the bush, he was being
24 taken care of by civilians, because he appeared very kind to the
15:40:12 25 civilians. But when he left --

26 Q. When who left?

27 A. When Mosquito left after the Top Finals, when they took
28 over finally, when they took over command of the RUF - I mean,
29 when the Sierra Leonean vanguards took over command of the RUF,

1 he became a very senior person. That was where he started
2 becoming the devil he was.

3 Q. You describe him as a devil.

4 A. Yes, I do. Yes.

15:40:56 5 Q. Why?

6 A. Because when I persuaded that man to respect the Abidjan
7 peace process by taking over from Foday Sankoh when he was
8 arrested in Nigeria, he took that as a betrayal of his boss and
9 he arranged to have me arrested, Mr Deen-Jalloh - he arranged to
10 have me arrested, Mr Deen-Jalloh, Juliet Gbessay James; Gbessay
11 is G-B-E-S-S-A-Y; Dr Mohamed Barrie, B-A-R-R-I-E; Philip Palmer,
12 and the then ambassador - the then Sierra Leone ambassador to
13 Guinea, Mr Jabbi. I and the four others were with him, for two
14 and a half years, from March 29 --

15:43:30 15 Q. Which year?

16 A. 1997.

17 Q. Until?

18 A. August 1999. And during that period we underwent a lot of
19 punishment, torture. We were tortured almost every day, both
20 mentally and physically.

15:44:01 21 Q. On whose orders?

22 A. On Mosquito's orders, that's Sam Bockarie.

23 Q. Now, we'll pause there for a moment. We'll deal with
24 something now whilst - and then we'll come back to your account
25 of that period later. Now, for now, as a result of the
26 punishment you received from the man you call the devil, Sam
27 Bockarie, do you today bear any scars?

15:44:26 28 A. Yes, I do. It was to show these scars I decided to wear my
29 short sleeve today. There was a day when - there was a day when

1 President Kabbah called Mosquito on the field radio and attempted
2 to persuade him to have us released. After the conversation,
3 Mosquito came to ourselves and asked us to tell him how much
4 money President Kabbah and the United Nations had given us to
15:45:47 5 betray Foday Sankoh because they were saying that we were
6 responsible for Foday Sankoh's arrest.

7 Q. Where?

8 A. In Nigeria. I told him, "If this is the moment for us to
9 die, then we are more than prepared for that. But there is no
15:46:22 10 way we can decide to tell you the wrong thing. We are simply
11 behind you people to honour the peace accord." So he told his
12 boys to tie us. We were in tie-bay. We were tied for almost
13 four hours.

14 Q. You were in?

15:46:50 15 A. Tie-bay.

16 Q. How do you spell that?

17 A. They used to spell it T-A-B-E.

18 Q. And what does that mean?

19 A. When you are tied. They tie you with cord.

15:47:01 20 Q. How do they tie you with cord?

21 A. They tried to put our elbows together and tie it completely
22 until the rope entered my skin and I started bleeding. But I was
23 lucky because my - the thing did not effect my nerves. It was
24 only my bones. My bones were dislocated. This one there, up to
15:47:22 25 now it's like that.

26 PRESIDING JUDGE: Mr Witness, you said you wanted to show
27 your scars, but I can't see the scars.

28 THE WITNESS: The black scar is here.

29 PRESIDING JUDGE: No, it's okay. You don't need to - just

1 pull your sleeve back. Yes, perhaps we can see.

2 THE WITNESS: This black thing.

3 PRESIDING JUDGE: And on the other side?

4 THE WITNESS: This one here. Here.

15:47:49 5 PRESIDING JUDGE: Yes. I think the witness is showing two
6 black scars around the joint --

7 MR GRIFFITHS: Inner circumference of his elbow, both
8 elbows.

9 PRESIDING JUDGE: Exactly.

15:48:08 10 THE WITNESS: That is not the only place I have scars. I
11 have scars on my back too. There was another day Mosquito and
12 Issa Sesay went to the village where we were imprisoned in
13 Kangama. When they went they told Johnny Paul Koroma, whom they
14 had also arrested, they told him to give them instructions to
15:48:35 15 kill us. Johnny Paul told them he would not do that. He said
16 there is no way he would do that because he was of the SLA and we
17 were in the RUF, so he would not risk his own name. He would not
18 place his own name at all at risk by giving him instructions to
19 kill us. So they went to the place. It was a court barri.

15:49:00 20 So they told myself, Palmer and Mr Deen-Jalloh to go and
21 hold the pillar, the pillar of the barri, and then they asked one
22 of the soldier, because by then they were mixed, AFRC and the
23 Sierra Leonean RUF, they told an SLA soldier, a Sierra Leone
24 government soldier, they told him to beat us with the military
15:49:36 25 belt, the belt that has the iron at the end. We were beaten
26 until our backs could get soaked - until our clothes could get
27 soaked. So if you see my back skin you will see that my skin at
28 the back looks like a tiger.

29 MR GRIFFITHS:

1 Q. Maybe you might want to take off the headphones, put them
2 down and go closer to the front bench, with your Honour's leave,
3 so that your Honours can see what you're talking about.

4 A. We were beaten that day until the shirt that we wore got
15:50:28 5 soaked in blood.

6 Q. Can you indicate where the scars are? Can you yourself
7 point to them?

8 A. The scars are all over. The scars are all over. Wherever
9 you see the skin is coloured different.

10 PRESIDING JUDGE: Perhaps the witness could also go to the
11 Prosecution side. It's not very clear. Some of my colleagues
12 have seen the scars, but perhaps the Prosecution would like to
13 see. It's more like a mild discolouration that we saw.

14 MR GRIFFITHS: Which appears to be in straight lines on
15:51:12 15 more than one place on his back.

16 PRESIDING JUDGE: Yes. Thank you, Mr Witness. Please take
17 your seat again.

18 MR GRIFFITHS:

19 Q. So your final assessment of the man who did that to you,
15:51:28 20 Sam Bockarie.

21 A. Sam Bockarie, I have started and I will end with this: He
22 is - he was a devil.

23 Q. Now, I want to clarify one matter with you before we go on
24 to one or two other individuals. And, Mr Faya, if you are cold
15:51:49 25 you can put your jacket back on. Although, if you're comfortable
26 with it off --

27 A. It's okay.

28 Q. Fine. Earlier this afternoon - and I have a reference on
29 the transcript which I'm looking at on the screen - you told us

1 that Top Final was in February and March. Later this afternoon
2 you told us it was in June, July. That's at page 125, line 17,
3 and page 135, line 9. Which of the two is right?

15:52:26 4 A. I said the Top 20 started February, March, that I was in
5 fact on tour. I was going around to see the farmers. When I
6 left Kailahun from a meeting I came to Gi ehun, one of our working
7 places, I wanted to sleep there. Then in the night - that was in
8 February. February 28.

9 Q. So what started in February? Just answer the question?

15:52:45 10 A. Yeah, the Top 20 started in February.

11 Q. Right. When did Top Final start? I just want us to be
12 clear.

13 A. The Top Final started and ended in June, July.

14 Q. Okay, fine. That's all. Forget that topic now. Let's
15:53:02 15 move on. Does the name Mike Lamin mean anything to you?

16 A. Yeah.

17 Q. Was he a vanguard?

18 A. Mike Lamin was a vanguard, I used to hear.

19 Q. Same question: What kind of a man was he?

15:53:25 20 A. Mike Lamin is a very cunning person.

21 Q. Was the word you used "cunning"?

22 A. I said he is a very, very cunning person.

23 Q. Why do you say that?

24 A. Mike Lamin, when he met me - when he met me in Danane, I
15:53:53 25 took him back to Foday Sankoh. Because according to him, he
26 wanted to go back to Foday Sankoh after leaving the revolution,
27 the movement, from 1991. He met me in '96 in Danane.

28 Q. Was that the first time you'd met him?

29 A. The very first time in my life.

1 Q. In Danane?

2 A. Danane, yes.

3 Q. After he left the revolution since 1991?

4 A. Yes. In fact, I did not know him before.

15:54:24 5 Q. Okay.

6 A. I did not know him before. I met him for the very first
7 time in January 1996, when I had to take him to Foday Sankoh.

8 Q. From where?

9 A. From Danane to Zogoda.

15:54:39 10 Q. And was Sankoh in Zogoda at the time?

11 A. He was in Zogoda at that time.

12 Q. Yes, and?

13 A. When we went there Sankoh received him, so I left them
14 there and came back. After Foday Sankoh had refused to see us in

15:55:01 15 Abidjan in 1997 --

16 Q. We'll come back to the details of that. Let's stick to
17 Mike Lamin. So after Sankoh had refused to see you, what's the
18 situation with Mike Lamin?

19 A. I wanted to get Mike Lamin involved in the arrangements to
15:55:20 20 - in the arrangement for they, the commandos, to take over from

21 Foday Sankoh. When we told him that one - when I called him to
22 my hotel room and told him that one, he accepted it in my
23 presence. When he left, he informed Foday Sankoh. Because when
24 Foday Sankoh was arrested in Nigeria, a radio link was still

15:55:44 25 maintained between him and his boys in Abidjan. He used that
26 radio to tell them - to tell him --

27 Q. Tell who?

28 A. To tell Foday Sankoh that I was trying to involve him in
29 that arrangement to have him stripped of his leadership, but he

1 was not in - he was not ready to accept it.

2 Q. Just to be clear, who is telling Foday Sankoh this?

3 A. Mike Lamin.

4 Q. Thank you.

15:56:14 5 A. Mike Lamin. I expected him to have understood that Foday
6 Sankoh is taking all of us into a dungeon - into a political
7 dungeon. But he did not accept it at all. What he could have
8 done for me was to say no in my presence, but he accepted just
9 for him to go and inform Foday Sankoh. Then Foday Sankoh made an
15:56:37 10 arrangement with him. He said then what you will do, just go to
11 Danane now and make sure that you pass command to the bodyguards
12 who are in Danane to beat Philip Palmer and his wife to death. I
13 got the information. Then I went to the --

14 Q. Got the information from whom?

15:56:58 15 A. I got the information from the very house he was in.
16 Because some of the chiefdoms were also already fed up with the
17 whole thing that was happening, the delay in arranging the peace
18 process. So I informed the Foreign Ministry, Mr Essy Amara --

19 Q. Foreign Ministry of which country?

15:57:20 20 A. Cote d'Ivoire. Ivorian Foreign Minister.

21 Q. Informed them of what?

22 A. Informed them of the instruction by Foday Sankoh to go to
23 Danane and have Palmer and his wife killed.

24 Q. By whom?

15:57:32 25 A. By the bodyguards who were there.

26 Q. And who was to order the bodyguards to do it?

27 A. This - Mike Lamin was to give the - was to order that one.

28 Q. So after you told the Foreign Minister that this dastardly
29 plot was afoot, what happened?

1 A. He sent me to the Interior Minister to make arrangements
2 for that not to happen. So when I went to the Interior
3 Ministry --

4 PRESIDING JUDGE: Can I remind you to slow down. You're
15:58:05 5 running again. Repeat your answer, please. You said he sent you
6 to the Interior Ministry. Continue from there.

7 THE WITNESS: When I went to the Interior Minister, the
8 Interior Minister was shocked at the information. So he sent the
9 information to all the checkpoints from Abidjan to Danane, but
15:58:21 10 then he told me it would be difficult for us because we don't
11 know Mike Lamin. How are our soldiers at the checkpoint going to
12 identify him? There was a boy already in Danane called Kenneth.
13 We told him we would tell Kenneth to come to the last checkpoint
14 to Danane to wait for him there. So the instruction was to the
15:58:50 15 soldiers at the crossing point - at the checkpoints was to
16 disembark every individual that will come in any bus from that
17 moment. So Mike Lamin was arrested at the last checkpoint to
18 Danane at the place they call Jigleu. He was arrested and taken
19 back to Abidjan. So that was how Palmer was not able to be
15:59:23 20 killed.

21 MR GRIFFITHS:

22 Q. Two names. The person who was selected to identify Palmer
23 at the checkpoint, what's his name?

24 A. Kenneth.

15:59:35 25 Q. How do you spell that?

26 A. K-E-N-N-E-T-H. I don't remember the surname.

27 Q. And the place where that checkpoint was located?

28 A. Jigleu.

29 Q. How do you spell that?

1 A. Jigleu, it's spelled in French. It's J-I-G-L-E-U.

2 Q. Now I want to ask you about somebody else: Issa Sesay. Do
3 you know him?

4 A. Yes, I know Issa Sesay very well.

16:00:15 5 Q. Was he a vanguard?

6 A. They said he was a vanguard too.

7 Q. What kind of a person was he?

8 A. He was a blind loyalist. Because I remember when we were
9 arrested, one day he came to our cells, invited us out, and said

16:00:48 10 he has more respect for Foday Sankoh than for his father because
11 Foday Sankoh had made him a colonel, which his father wouldn't
12 have done by any means. Therefore, anyone who says no, Foday
13 Sankoh would be killed like a dog by him. That is why I describe
14 him as a heartless blind loyalist.

16:01:57 15 Q. Now, having described those individuals, help us. In due
16 course after the RUF came to Kailahun Town, who was the most
17 senior commander for Kailahun Town?

18 A. Initially when they arrived it was difficult to tell,
19 because there was no sign of anything on any one of them to say
16:02:45 20 this is a major or a captain or a sergeant or so. There was
21 nothing like that. All of them appeared the same. All the same.
22 There was one Mr Semby - Fembeh, F-E-M-B-E-H, Fembeh Ngombulango,
23 N-G-O-M-B-U-L-A-N-G-O. He was one of the senior officers. Then
24 we also had Augustine Gbao, who was the adjutant general to Foday
16:04:03 25 Sankoh. The "Gbao" is spelt G-B-O-W [sic].

26 Q. Okay. Now, earlier you told me that whereas initially
27 those who arrived at your door spoke Liberian English, you later
28 discovered that some were Sierra Leoneans. Were they all Sierra
29 Leoneans?

1 A. No, no, some of them were Liberians. Sierra Leone and
2 Liberia in the Kailahun District are adjacent. Most of the
3 tribes you find in Liberia at that point are also in Sierra
4 Leone. Like my tribe Kissi, a lot of Kissi boys came --

16:04:56 5 Q. From?

6 A. -- from Liberia.

7 Q. So a lot of Kissi boys who grew up in Liberia came with
8 whom?

9 A. Came with the RUF.

16:05:05 10 Q. So help us then. What nationalities did you come to learn
11 made up the RUF who entered Kailahun Town when you met them?

12 A. When I met them and got fully involved with them, we
13 discovered Sierra Leoneans and Liberians.

14 Q. Now, the Liberians who were members of the RUF, had they
16:05:39 15 trained with the Sierra Leonean Liberians at Camp Naama?

16 A. Yes, according to them.

17 Q. And those Liberians who had trained at Camp Naama, did they
18 have any links with Sierra Leone?

19 A. That's what I'm saying. Some of them actually had links
16:06:01 20 with Sierra Leone.

21 Q. Such as?

22 A. This boy Superman. Superman had a link with Sierra Leone.

23 Q. What was that link?

24 A. He has some relatives in - a tribal link. It was a
16:06:22 25 tribal - he was a Gbandi boy and he had his own relatives in
26 Buedu, which is a Gbandi town.

27 Q. How do you spell "Gbandi"?

28 A. G-B-A-N-D-I.

29 Q. And of the Liberian members of the RUF, how many had that

1 kind of link with Sierra Leone?

2 A. The number was large. The number was large because there
3 were - like CO Mulbah, he also is a Gbandi. He is an RUF
4 vanguard - a Liberian RUF vanguard. Sam Kolléh - Sam Kolléh, he
16:06:59 5 was even brought up by a Sierra Leonean stepfather. He is an RUF
6 vanguard.

7 Q. So bearing all of what you've just told me in mind, what do
8 you say about those Liberians who were members of the RUF?

9 A. The Liberians who were members of the RUF were Liberians,
16:07:34 10 but they were the Liberians who were also RUF.

11 Q. And were the Liberian members of the RUF also called
12 vanguards?

13 A. Yes, they were.

14 Q. So was the term "vanguard" used as a unifying term for both
16:08:01 15 Liberian and Sierra Leonean RUF members?

16 A. Yeah. As long as one trained on the Liberian - on the
17 Sierra Leonean training base in Liberia, you were a vanguard in
18 Sierra Leone.

19 Q. Whether you were of Liberian origin or Sierra Leonean
16:08:19 20 origin --

21 A. Exactly.

22 Q. -- once you trained at the Sierra Leonean base in Liberia,
23 you were a vanguard?

24 A. Exactly.

16:08:25 25 Q. Now, I am trying to deal with matters in terms of themes,
26 so I'd like to move on to another theme now, please. Did you
27 later come to learn of any NPFL involvement in that invasion of
28 Sierra Leone?

29 A. Yes.

1 Q. Now, help me. When did you first become aware of such
2 involvement?

3 A. It was during the Top Finals when we had - when Foday
4 Sankoh reported - told us that he had sent a message to Mr Taylor
16:09:08 5 to make sure that all those who were not of RUF should be taken
6 off from Sierra Leone. Then we discovered that in fact these
7 boys who came as NPFL were stray soldiers. They used to call
8 them AWOL soldiers, A-W-O-L.

9 Q. They were AWOL soldiers, yes?

16:09:39 10 A. AWOL soldiers who were just on their own. And, in fact,
11 some of them did not have an identity. They don't have any
12 identification card. They were just coming. Some of them even
13 were not taking any training. Some of them did not go to any
14 training base. That was what we were made to understand. That
16:10:01 15 some of them were neither NPFL nor RUF. They did not go to any
16 training base. But because guns were around, the one could just
17 speak anything and then decide to come over to loot. It was
18 during that looting spree that they gave the nickname Kuwait to
19 Kai Lahun.

16:10:25 20 Q. Who gave Kai Lahun that nickname?

21 A. Those who were coming to loot in that way.

22 Q. So help me then. So it was sometime then, you say in Top
23 Final, when you understand about this Liberian involvement?

24 A. Exactly.

16:10:44 25 Q. Now, help me. You've also mentioned an event called
26 Top 20. What was that about?

27 A. The Top 20 was a killing spree on which the Liberian went
28 against the Sierra Leoneans in the movement.

29 Q. And did what?

1 A. They were killing anyone that was a Sierra Leonean. So
2 this thing started over - it started over an argument concerning
3 command. Foday Sankoh, when he came with the conflict, with the
4 war, he did not put the Sierra Leonean RUF members in charge. He
16:11:59 5 rather put the Liberian RUF members in charge.

6 Q. Such us?

7 A. Mongor.

8 Q. Who?

9 A. There was one Isaac Mongru. Isaac Mongru was once a battle
16:12:14 10 group commander. Isaac Mongru was a battle group commander who
11 earned the nickname Tombolo at that time. T-O-M-B-O-L-O,
12 Tombolo.

13 Q. How did he earn that nickname?

14 A. It was during the Top 20, he went to a town called
16:12:36 15 Sandiallu.

16 Q. Spelt?

17 A. S-A-N-D-I-A-L-L-U, Sandiallu.

18 PRESIDING JUDGE: Before he goes on, could you spell the
19 surname of this Isaac.

16:12:46 20 THE WITNESS: Isaac Mongru.

21 PRESIDING JUDGE: Spell the surname, please.

22 THE WITNESS: I don't know how to spell his surname.

23 PRESIDING JUDGE: Because I can't get your pronunciation.

24 THE WITNESS: Isaac Mongru. Maybe it's M-O-N-G-R-U,
16:13:04 25 Mongru.

26 PRESIDING JUDGE: Thank you.

27 MR GRIFFITHS:

28 Q. And what did Isaac Mongru --

29 A. Isaac Mongru went there as battle group commander to

- 1 Sandiallu and called on the town commander to come to his
2 location who was called - the town commander was called
3 Tongovula. He told him, "I have come on a mission." "What is
4 the mission, sir," Mr Tongovula asked him. He said, "Just go
16:13:47 5 bring me your people." Thirty people came together, civilians.
6 All of them were civilians. Then he turned to his boys. He
7 would call them. He said, "What is your name?" When one gives
8 his or her name, he just takes them behind the house. That was
9 how he was able to kill 30 of them in one day.
- 16:14:09 10 Q. Isaac Mongru?
- 11 A. Isaac Mongru. They call him Tombolo.
- 12 Q. What does the word "Tombolo" actually mean?
- 13 A. Tombolo means - it denotes something like genocide, anyway,
14 because when you kill people from a whole village, you kill
16:14:25 15 everybody, where they're going to live is an antiquated locality.
16 So someone who creates an antiquated locality, by that way is who
17 we call Tombolo.
- 18 Q. In which language --
- 19 A. That is Mende.
- 16:14:39 20 Q. It's a Mende word?
- 21 A. Yes, it's a Mende word, Tombolo.
- 22 Q. So that became his nickname, Isaac Mongru?
- 23 A. Exactly, that was his nickname.
- 24 Q. And the town when this took place, how do you spell it?
- 16:14:50 25 A. Sandiallu, S-A-N-D-I-A-L-L-U.
- 26 PRESIDING JUDGE: And the town commander was called who?
- 27 THE WITNESS: Tongovula, T-O-N-G-O-V-U-L-A.
- 28 MR GRIFFITHS:
- 29 Q. So what you've just described, is that indicative of what

1 was happening during Top 20?

2 A. Exactly. That was exactly what was happening.

3 Q. What other kinds of irrational and wicked behaviour was
4 being conducted at this time?

16:15:25 5 A. They could load a whole bag of coffee, divide it into two
6 and look around. If they set their eyes on any old person, no
7 matter how old you are, they tell you to put it on your head and
8 take it to Foya. If you say you are tired, they would kill you
9 on the spot. So there was also a song after that one in Mende.

16:15:52 10 There was also a song after that one in Mende.

11 Q. How did the song go?

12 A. Very short song.

13 Q. How did it go?

14 A. Gbenyama ngiilima a coffee Foya. "Leave me alone. I am
16:16:06 15 not going to take coffee to Foya." That was the song.

16 Q. Just spell the words in Mende for us, please.

17 A. Gbenyama, G-B-E-N-Y-A-M-A; Ngiilima, N-G-I-I-L-I-M-A; then
18 capital A; then coffee; then Foya, F-O-Y-A. Gbenyama ngiilima a
19 coffee Foya. Meaning, "Leave me alone. I am not going to take
16:17:01 20 coffee to Foya for you."

21 Q. Now, apart from killing people, was anything done by these
22 - anything else done by these Liberians to the bodies of Sierra
23 Leonean individuals?

24 A. Yes. I mean, raping also took place during the Top 20.

16:17:32 25 Raping - a lot of raping took place during the Top 20.

26 Q. Anything else?

27 A. They also cannibalised people during the Top 20, in
28 Pendembu in particular. Pendembu and Kiva.

29 Q. How do you spell the second place?

1 A. Kui va, K-U-I -V-A.

2 Q. Now, help us, Mr --

3 PRESIDING JUDGE: Mr Griffiths, we need to know who did the
4 raping, who did the cannibalisation.

16:17:57 5 MR GRIFFITHS:

6 Q. Who did it?

7 A. We were in the bush, all of us, the civilians, were in the
8 bush, but we were told that it was the Liberians who were
9 fighting with alongside with us.

16:18:10 10 Q. They were the ones who were behaving in that way?

11 A. Yes.

12 Q. Now, help us with this: You tell us that this Top 20 which
13 involved all of this despicable behaviour began in or about
14 February 1992, yes?

16:18:30 15 A. Uh-huh.

16 Q. The war having come to Kailahun in April - to you, in any
17 event, in April 1991. Now, during that almost 12-month period,
18 how much time did Foday Sankoh spend in Kailahun?

19 A. Foday Sankoh - in fact, that was one of the reasons why we
16:18:56 20 got concerned because he was almost always absent.

21 Q. Where?

22 A. Absent in Kailahun.

23 Q. So where was he if he wasn't in Kailahun?

24 A. He was always in Gbarnga.

16:19:10 25 Q. Doing what?

26 A. Coming and going. Coming and going. We don't know what he
27 was doing because he would have come with something to tell - to
28 show us that he was on something, but he was just coming and
29 going. He never stayed until after the Top Finals.

1 Q. So it was only after Top Final, which you tell us was in
2 July/August, that Foday Sankoh actually based in Sierra Leone?

3 A. Yes, counsel.

4 Q. So when this Top Final incident was occurring, was Foday
16:19:44 5 Sankoh in town?

6 A. He was not there at all. He was not with us. We were all
7 left alone.

8 Q. And so you've told us the civilians fled into the bush. Is
9 that right?

16:19:57 10 A. Including myself. I was in the bush for 23 days.

11 Q. Now, what about the Sierra Leonean members of the RUF, what
12 were they doing?

13 A. They were all in hiding places. I said earlier on that
14 Mosquito himself at that time was in a village called Baoma. He
16:20:18 15 was in a small village called Baoma where he was brought up.

16 Q. Now, as far as you're aware, what had prompted these
17 Liberians to behave in this way?

18 A. Yeah, that was what I was trying to explain.

19 Q. Well, please do and my apologies for interrupting.

16:20:33 20 A. Foday Sankoh told Mr Fembeh, F-E-M-B-E-H, he told Mr Fembeh
21 to organise a small arms industry in Dodo Kotuma because of lack
22 of fighting materials so that the people there would manufacture
23 bows and arrows and machetes for the commandos to use. And he
24 was not the G4 commander at that time.

16:21:14 25 Q. Who was not the G4 commander?

26 A. Mr Fembeh was not the G4 commander at that time at all.
27 Mr Fembeh was not the G4 commander, but he was given that
28 assignment. So the G4 commander, who was a Liberian, was not
29 happy about that at all. I don't remember the name, but the G4

1 commander was a Liberian RUF. He was not happy about that. That
2 was where the grudge started, we were made to understand. Then
3 some skirmishes started among the vanguards. One day Foday
4 Sankoh - for that one I was there at the court barri in Kailahun.
16:21:56 5 He told the Sierra Leonean vanguards that if they were men, then
6 they should be able to protect themselves. They should be able
7 to do something to stop their Liberian friends harassing them.
8 After that Mr Fembeh - CO Fembeh, and Morrison Kallon - Morris
9 Kallon organised - they organised something in Mende Bulima.
16:22:39 10 They organised a society in Mende Bulima they called Kimei,
11 K-I-M-E-I. There is a Poro society, right, they call Kimei.
12 They dance in the night with weapons. When they organised that
13 one, that was in February. The Liberian vanguards who were at -
14 who were in Kuiva had just left the front to come to Kailahun.
16:23:15 15 They fought with them there - I mean, in Mende Bulima. They
16 fought with them in Mende Bulima. That was - they fought with
17 them and they killed them. They killed a lot of them. I don't
18 know the number, but they killed a lot of them.

19 Q. Who killed whom?

16:23:32 20 A. Mr Fembeh, Morris Kallon and others, upon the advice of
21 Sankoh, killed the Liberian brothers who were fighting with them
22 in that village during that dance - that society dance - to
23 revenge the harassment they were undergoing at their hands,
24 according to them. So the Liberians said if we came to help you
16:24:11 25 people and you have decided to turn your guns against us, then
26 let us do it. That was what they said. Then the fighting
27 started.

28 Q. Have you finished?

29 A. I have finished.

1 Q. Now I want you to help me with some spellings. Fembeh?

2 A. F-E-M-B-E-H.

3 Q. And what what's the surname?

4 A. Ngombulango.

16:24:50 5 Q. How do spell that?

6 A. N-G-O-M-B-U-L-A-N-G-O.

7 Q. Kuvia?

8 A. K-U-I-V-A.

9 Q. And the other location you mentioned?

16:25:04 10 A. Mende Bulima. M-E-N-D-E B-U-L-I-M-A. "Bulima" in Mende
11 means bowley land, Iowland.

12 Q. Now, you tell us that Foday Sankoh had given an order to
13 Fembeh Ngombulango to make bow and arrows and machetes. Why?

14 A. Because there was no fighting material. They had no guns.

16:25:44 15 So he said the best way out of this is to organise a local arms
16 industry because we have blacksmiths around. So you go - you
17 assemble all the blacksmiths in Dodo Kotuma, D-O-D-O K-O-T-U-M-A.

18 Q. Yes, to organise all the blacksmiths?

19 A. Yes, to organise all the blacksmiths and help them with
16:26:13 20 their metals to produce this equipment, fighting equipment.

21 Q. And just give us a rough date when Sankoh gave that order?

22 A. That was before the - because that Top 20 just started in
23 February. He gave the order sometime in October to November
24 1991.

16:26:40 25 Q. So --

26 A. Yes, I remember 1991.

27 Q. So are you saying, then, that from as early as
28 October/November 1991 there were shortages of weapons within the
29 RUF which prompted Sankoh to give that order?

1 A. Very much. Very, very much.

2 Q. So that in due course you tell us led to Top 20 and you've
3 described that to us in rough terms. Now thereafter was there
4 another event?

16:27:16 5 A. Yes, from February to March we saw the Top 20. Then there
6 was a break, the whole of April we were free, we were allowed to
7 come back to town. Then May the Top 40 shot up.

8 Q. What caused the Top 40?

9 A. It was just simply a continuation of what had started, but
16:27:45 10 we - in fact when we went to the bush most of us never agreed
11 again to come back to town, we were just in the bush now out
12 there until we heard that the Top 40 had started.

13 Q. And the Top 40, did it follow the same pattern as the Top
14 20?

16:28:03 15 A. Much, much the same, only that it lasted shorter.

16 Q. How long did the Top 40 last?

17 A. Just in the month of May.

18 Q. Just describe for us quickly what it involved, who was
19 attacking who?

16:28:19 20 A. The same people - the same friends were attacking the same
21 friends. The RUF Liberians were attacking the RUF Sierra
22 Leoneans.

23 Q. And were the RUF Sierra Leoneans fighting back?

24 A. No.

16:28:32 25 Q. Why not?

26 A. Because they had nothing to fight with. Secondly, they
27 said, "We cannot join you people to fight here on this ground
28 because this is our own home. What we are going to do is to go
29 into the bush and hide," and that was what they did. Even C0

1 Mohamed Tarawalli, I was the one who took him to a very thick
2 forest after Gbeorbu in a hiding place.

3 Q. Gbeorbu?

4 A. G-B-E-O-R-B-U, in village called Kpanga Vahun,
16:29:28 5 K-P-A-N-G-B-A V-A-H-U-N.

6 Q. Now I note the time so I want to try and finish with Top
7 40. Where was Foday Sankoh during Top 40?

8 A. Foday Sankoh and Mr Tengbeh were still in Gbarnga.

9 Q. So this is the time when Sankoh and Tengbeh had been sent
16:29:55 10 to Gbarnga --

11 A. Exactly.

12 Q. -- to test the nature of the true friendship, yes?

13 A. Yes.

14 Q. So Sankoh you told us earlier had been - had gone to
16:30:04 15 Gbarnga with Tengbeh in late 1991?

16 A. Yes.

17 Q. And they were still there until May 1992?

18 A. Exactly.

19 Q. So Sankoh wasn't there during Top 20 or Top 40?

16:30:19 20 A. He was not there at all. He did not see any of the two.

21 MR GRIFFITHS: Would that be a convenient point?

22 PRESIDING JUDGE: Yes, Mr Griffiths, that is a convenient
23 time to adjourn.

24 We're going to adjourn to tomorrow at 9.30 but, Mr Witness,
16:30:39 25 I have to caution you now that you've started your testimony you
26 are not to discuss your testimony with anyone until you've
27 completed that testimony.

28 THE WITNESS: Okay.

29 PRESIDING JUDGE: So the Court is adjourned accordingly.

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[Whereupon the hearing adjourned at 4.30 p.m.
to be reconvened on Wednesday, 14 April 2010 at
9.30 a.m.]