



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 10 JUNE 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Terry Munyard
Mr Morris Anyah

1 Thursday, 10 June 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:31:30 5 PRESIDING JUDGE: Good morning. We'll take appearances
6 first, please.

7 MS HOWARTH: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, Ms Brenda J Hollis, Ms Maja Dimitrova,
09:33:51 10 and myself, Ms Kathryn Howarth.

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning, myself Terry
13 Munyard, and Morris Anyah.

14 PRESIDING JUDGE: Good morning, Mr Witness.

09:34:10 15 THE WITNESS: Good morning, ma'am.

16 PRESIDING JUDGE: This morning we're going to commence with
17 your cross-examination by the Prosecution and I'm just going to
18 remind you of two things: Firstly, of your oath to tell the
19 truth. That oath is still binding on you. Secondly, I'm going
09:34:29 20 to remind you of the request to speak slowly for the sake of the
21 transcribers, who are recording everything that you say. Please
22 make an effort to speak slowly.

23 Ms Howarth, I trust you are taking the cross-examination.

24 MS HOWARTH: Yes, I am, your Honour.

09:34:49 25 MR MUNYARD: Your Honour, before my learned friend starts
26 her cross-examination, because I had not previously met this
27 witness, I took steps through the court officers, through Madam
28 Court Officer, to assure him that I was going to look after his
29 interests this morning and thereafter in Mr Griffiths's absence

1 on mission. And I know from my conversations with Madam Court
2 Officer that the witness is somewhat uneasy about the prospect of
3 having what is to him a total stranger looking after his
4 interests. And I thought it right to raise that with the Court
09:35:29 5 so that you yourselves are aware of his concerns in that regard
6 before we commence.

7 PRESIDING JUDGE: Well, there's not much the judges can do
8 about that. This is a matter totally between your team, the
9 Defence team, the accused and the witness. But since you say you
09:35:52 10 have assured him, that is noted.

11 Ms Howarth, please continue.

12 WITNESS: DCT-190 [On former oath]

13 CROSS-EXAMINATION BY MS HOWARTH:

14 Q. Now, Mr Witness, just so you can orientate yourself, I'm
09:36:05 15 going to start in the year 1990 and then try and proceed in a
16 chronological order, okay?

17 A. That's correct.

18 Q. So you gave evidence on Monday about when the war came to
19 Liberia and you explained that you were in Monrovia with your
09:36:25 20 father, your younger brother and your four cousins, correct?

21 A. That's correct.

22 Q. And you explained that at that time Monrovia was attacked
23 by NPFL forces led by Prince Johnson.

24 A. That's correct.

09:36:40 25 Q. And you explained how yourself, your father, your brother
26 and your four cousins left Monrovia for Sierra Leone.

27 A. That's right.

28 Q. Now, something you said on Monday, and I'll provide the
29 reference, but there's perhaps no need to go to it and it was the

1 7 June transcript at page 42179. You said this:

2 "My ethnic background has Mandingo connection, a Mende
3 connection, and initially the fighting started in Liberia. They
4 were looking for Mandingos and Krahs."

09:37:23 5 Can you help me with this: Who was looking for Mandingos
6 and Krahs?

7 A. Initially when the war started in Liberia, as I told you, I
8 was in Monrovia and when the breakaway faction of the NPFL then,
9 the INPFL, led by Prince Johnson, entered Monrovia, the Gios
09:37:51 10 specifically and the Manos were looking for the Krahs and
11 Mandingos.

12 Q. And why were they looking for them?

13 A. Well, I cannot tell you the grief between these two tribes,
14 but the Gios and the Manos were - because at that time the Krahs
09:38:10 15 were in power and then I believe the then government in power,
16 the late Samuel Kanyon Doe, has already given a lot of facilities
17 and citizenship to the Mandingos, which I believe never went down
18 very well with the other tribes. So they were seeing them as
19 people supporting the Doe regime at that time.

09:38:32 20 Q. And when you said they were looking for them, what did you
21 mean exactly?

22 A. Say again.

23 Q. When you said they were looking for them, looking for
24 Mandingos and Krahs, what did you mean by "looking for them"?

09:38:47 25 A. Well, you know in Africa we have a lot of tribes, so
26 whenever there is problem between one or two and the other two
27 are aggrieved, then there is always that tendency of malice. So
28 that existed even before the invasion. So as I've said earlier,
29 the Mano and the Gio were purely looking for the Mandingos and

1 the Krahn.

2 Q. And what were they doing when they found the Mandingos and
3 the Krahn?

09:39:26

4 A. Well, only God decides. If you are lucky, you'll be saved.
5 If not, you'll be killed.

6 Q. And when you say you would be killed, who would kill who?
7 Do you mean that the Mandingos and the Krahns would be killed and
8 that the Gios and the Mano would be killed?

9 A. No, the Mandingo and the Krahns at that time initially.

09:39:47

10 Q. Now, you said when you were travelling to Sierra Leone that
11 you had to travel on foot and that you couldn't travel by
12 vehicles. Do you remember saying that?

13 A. That's correct.

09:40:02

14 Q. Could you just tell me why it wasn't possible to travel by
15 vehicles at that time?

16 A. There was no vehicular transportation for any civilian at
17 that time. Anybody you see in a vehicle was either a member of
18 the INPFL that was controlling all the way to Iron Gate in
19 Monrovia, then when you exit going towards Ricks Institute you
20 meet the INPFL. If you see anybody in the vehicle, it means they
21 are combatant, or you have close relation who was also a
22 combatant. But there was no vehicle available for any civilian
23 that was travelling on that route.

09:40:24

24 Q. When you say they were controlling all the way to Iron
25 Gate, what do you mean?

09:40:40

26 A. The war in Liberia was factionalised. The INPFL that took
27 the area that we were dwelling in was called the INPFL, which was
28 a breakaway faction of the then NPFL, which was led by Prince
29 Johnson.

1 Q. It's okay. You can carry on with your answer.

2 A. And as such, he had a territory that he was controlling.

3 He was controlling from the Waterside Bridge all the way to Iron
4 Gate. That was where his defensive line was drawn. So when you

09:41:19 5 cross from that territory and you move all the way to around
6 Ricks Institute, then you will meet the NPFL. That was the
7 borderline.

8 Q. Now, you explained your routes from Monrovia to Sierra
9 Leone and you mentioned a place called Gbar.

09:41:45 10 A. Gbar.

11 MS HOWARTH: And I'm just going to ask that the transcript
12 where you mentioned that be pulled up and it's the transcript of
13 7 June 2010 and it's at page 42180, please.

14 MR MUNYARD: If it assists, the beginning this reference to
09:42:23 15 Gbar actually starts on the previous page, if it needs to be put
16 in context, but it's entirely for my learned friend. But if
17 anyone is looking at it, that's where it starts.

18 MS HOWARTH: I think the witness has acknowledged that he
19 went to Gbar en route to Sierra Leone, so unless your Honours
09:42:47 20 want me to go into that, I won't.

21 PRESIDING JUDGE: Ms Howarth, you are conducting your
22 cross-examination. You are free to do what you want.

23 MS HOWARTH: I'm grateful:

24 Q. So if we could just go down to line 13, please. It says
09:43:06 25 there - you were asked just about a commander called Gbar Ray.
26 Do you recall that?

27 A. That's correct.

28 Q. And the question at line 13 is:

29 "Q. So he was the commander there and you were saying it

1 was difficult to pierce the town because of him, yes?

2 A. Before we entered that town we saw a few dead bodies on
3 the road and so anybody at that time will fear. So we have
4 to keep on hiding in the bushes, get out until eventually
09:43:49 5 that day he was not in Gbar, he left to Madina, so the
6 commandos asked us to cross, so we have to survive that."

7 Now, I wanted to ask you, you said you saw a few dead
8 bodies on the road. Do you know if those bodies belonged to
9 civilians or to combatants?

09:44:13 10 A. Well, specifically I will not clarify that to you because
11 during that exodus you have ambush vehicles out on the roads and
12 you would see dead bodies closer to those vehicles. You can't
13 tell whether these vehicles in the ambush - whether they were
14 military personnels or civilians. All I can tell you is that
09:44:34 15 there were dead bodies right on the road when we passed towards
16 Gbar. But I cannot tell you whether they were civilians or
17 military personnels. I cannot confirm that.

18 Q. You mentioned the commander called Gbar Ray. To which
19 faction did he belong?

09:44:50 20 A. Well, Gbar was controlled - the town itself at that time
21 was controlled by the NPFL.

22 Q. So did Gbar Ray belong to the NPFL?

23 A. Yeah, if NPFL was controlling Gbar then he belongs to NPFL.

24 Q. And he was a commander, correct?

09:45:08 25 A. That's correct.

26 JUDGE LUSSICK: Ms Howarth, just before you go on, I'm
27 curious to know why the witness could not tell the difference
28 between civilians and military personnel. Mr Witness, bodies
29 lying on the road, why couldn't you tell the difference between

1 civilians and military personnel?

2 THE WITNESS: There was a reason. There was certain times
3 when people ambush like military vehicles and the fighters never
4 had uniform, they would just undress the military personnel and
09:45:46 5 then use the uniform. So if you see such body on the road you
6 cannot identify whether this person is a military person or a
7 civilian. So that's the reason why I don't want to be specific.

8 JUDGE LUSSICK: So the bodies you saw, were they naked or
9 did they - what sort of clothing did they have on?

09:46:04 10 THE WITNESS: Well, the two were men, they were having only
11 briefs on. Then the last one was a woman and she was having just
12 her - almost half naked herself.

13 JUDGE LUSSICK: If the people had have been civilians would
14 their clothing have been stripped from them?

09:46:26 15 THE WITNESS: Say again.

16 JUDGE LUSSICK: You said all they had on was briefs. Is
17 that correct?

18 THE WITNESS: That's correct.

19 JUDGE LUSSICK: Well, if the bodies were civilian bodies
09:46:38 20 what would be the point of stripping their bodies of clothing?

21 THE WITNESS: Well, I don't think I have answer for that
22 because, as I told you, we are moving under severe threat now
23 with fear and all those things, so with other things in your mind
24 you cannot just go and say I will start watching dead bodies to
09:46:53 25 know whether this is a civilian or these are military persons.

26 So I didn't have any interest for that. My interest was to
27 safeguard myself to Sierra Leone. That was the motive of me
28 being at that point.

29 MS HOWARTH:

1 Q. The two men and one woman --

2 JUDGE DOHERTY: Ms Howarth, before you proceed. I note
3 that the record, which I'm sure will be connected, says "you can
4 tell" where it should say "you cannot tell".

09:47:25

5 MS HOWARTH:

6 Q. You've mentioned the corpses I think that you saw of two
7 men and one woman, correct?

8 A. That's correct.

9 Q. Are you able to tell us how old those two men and one woman
10 were?

09:47:41

11 A. Their age?

12 Q. Yes, estimate. Were they very young people, were they
13 children, were they older people?

14 A. They were young.

09:47:50

15 Q. When you say young, do you mean they were young adults or
16 they were children?

17 A. Young adults.

18 Q. When you say a young adult, for you how old does that mean?

19 A. The people that I saw were between the age of 20 to the
20 early 30s.

09:48:03

21 Q. In your original answer, I'm going to go back to it, you
22 said, "So we have to keep on hiding in the bushes, get out until
23 eventually that day he was not in Gbar", and there you are
24 referring to Gbar Ray. So you were hiding in the bushes because
25 Gbar Ray was in that town, weren't you?

09:48:37

26 A. That's correct.

27 Q. And the reason you were hiding is because you were in fear
28 for your own safety?

29 A. That's one.

1 Q. And isn't that because from the statement that you gave us
2 - because you were in fear because you'd heard about - you had
3 seen these dead bodies and presumably you had also heard about
4 dead bodies and killings by this Gbar Ray as well. Is that fair
09:49:12 5 to say?

6 A. That's correct.

7 Q. So you were a civilian at this time, correct?

8 A. That's correct.

9 Q. And you were frightened to go through this town of Gbar
09:49:25 10 because you had heard about the reputation of Gbar Ray and you
11 were fearful for your life. Is that fair to say?

12 A. That's correct.

13 Q. Can you tell me in addition to the corpses that you saw
14 personally, had you heard any other rumours about what had
09:49:46 15 happened at the town of Gbar?

16 A. Can you simplify that question for me?

17 Q. Yes, I can. You said that you personally had seen these
18 corpses and that caused you to fear. In addition to seeing those
19 corpses, did you hear anything else about killings in Gbar that
09:50:13 20 caused you to fear?

21 A. Well, fairly enough, what I heard only in Gbar was that -
22 because Gbar is a rubber manifested area with a very long rubber
23 plantation. We heard there was fierce fighting between the
24 government forces and the NPFL at that location and as such you
09:50:37 25 could even - manifestation was seen by the bullets on the walls
26 and the sticks that were around. So that was only the other -
27 the only thing that we were told, that there was fierce fighting
28 at that location.

29 Q. Going back again to what you originally said, you said you

1 stayed in the bushes until eventually that day he was not in Gbar
2 and the commandos asked us to cross so that you could survive
3 that. So you were waiting specifically for that commander Gbar
4 Ray to have left the area so it would be safe for you to pass?

09:51:15 5 A. That's correct.

6 Q. Now, one final point about your journey from Monrovia into
7 Sierra Leone. Whilst you were passing through Liberia were there
8 any checkpoints that you passed or avoided?

9 A. The only checkpoint that we had problem with was that
09:51:46 10 checkpoint at Gbar, but there was checkpoint at Madina,
11 Sanginama, Singe, Tiene, all the way to the border. And we are
12 treated fairly. When you get to the checkpoint they will ask you
13 for your personal belongings. If you have, you are searched. If
14 it's after 6 o'clock they will tell you don't proceed because of
09:52:11 15 the night. You wait. When it is clear in the morning then you
16 proceed. So it was only at this particular checkpoint that we
17 heard that we saw this kind of activities, but all the way going
18 now it was a little bit peaceful.

19 Q. Okay. So I'm going to move on now to when you get to Bo in
09:52:34 20 Sierra Leone. When the war comes to Sierra Leone you're in Bo,
21 correct?

22 A. That's correct.

23 Q. And when the war comes in March 1991 it doesn't immediately
24 reach you in Bo?

09:52:53 25 A. That's correct.

26 Q. And first of all it's - it reaches other villages. In the
27 transcript reference here, and perhaps again it's not necessary
28 to pull it up, but it's 7 June 2010, page 42182 at line 21. You
29 gave the following answer. You said:

1 "Because as the war was pushing closer to bigger towns in
2 Sierra Leone, say Bo, Kenema, Bo is the second city of Sierra
3 Leone, then there was these rumours that rebels were burning down
4 villages and Liberians were involved, so anybody that has
09:53:38 5 Liberian connection was a threat."

6 My question about that is what were the rumours that you
7 had heard about rebels burning down villages? Can you explain
8 that, please?

9 A. As you rightly said, and I said it was rumours, I was not
09:54:01 10 on that side so specifically I cannot tell you the kind of
11 destruction they were doing. As I've earlier said, it was
12 rumour, and that was rumour. So it was not something that I
13 could clarify to you because I was in Bo while things were taking
14 place in Pujehun.

09:54:17 15 Q. Mr Witness, I realise that you've come here on the side of
16 the Defence but some of the questions that I'm asking, you are
17 also here to assist the Court. Now I've asked you about rumours
18 and I'm asking you what rumours you heard, so could you please
19 explain what rumours you heard?

09:54:35 20 A. The rumours we heard was that there was fighting between
21 the government forces and then the rebels initially entered from
22 that axis Pujehun and at a certain point they were burning down
23 towns and villages. That's the rumour that we heard when we were
24 in Bo.

09:54:55 25 Q. And what towns and villages did you hear that they had
26 burnt down?

27 A. Well, those were very smaller settlements in the Pujehun
28 District like Malema Junction which is the main junction to
29 Gendema, it's 7 miles. We heard that village, it was burned

1 down. And then there was another small town up to on the Pujehun
2 Highway called I think Jioma Jagor. Yes, Jioma Jagor. That town
3 was also attacked and burned. But these are very small
4 settlements.

09:55:33 5 PRESIDING JUDGE: We may have to have some spellings of
6 some of these names. I don't think we've had that last location
7 on the record before. I don't recall that we've had it before.

8 MS HOWARTH:

9 Q. Are you able to spell that at all?

09:56:12 10 A. I don't want to be giving wrong spellings to this Court,
11 so.

12 MS HOWARTH: Perhaps that's something we can look into.

13 PRESIDING JUDGE: Can you say it slowly, please.

14 THE WITNESS: Jioma Jagor.

09:56:49 15 MS HOWARTH: I've been passed a spelling which is
16 J-O-M-A-G-A-G-O. However, I believe that's a phonetic spelling.
17 May I proceed for the moment? I'm grateful:

18 Q. Now, Mr Witness, you've spoken about these rumours. From
19 who did you hear these rumours?

09:58:03 20 A. From civilians that were fleeing from those areas.

21 Q. And what did they say when they came?

22 A. A lot of them told us that people that usually leave their
23 own towns to their own town because as long as this exodus was
24 moving, people see their friends, colleagues with their loads,
09:58:26 25 they don't wait for any attack, they will just move. So
26 according to those that were meeting them, they were telling them
27 there was fighting and whenever there was fierce fighting and the
28 rebels have open hand, then they will just overrun the town, then
29 if possible it's a small settlement and they have lost manpower

1 in that area they will just burn that small settlement down and
2 move forward.

3 Q. And were these people in fear?

4 A. Of course.

09:58:54 5 Q. And who did they say was responsible for burning their
6 villages?

7 A. They said the rebels.

8 Q. You also explained that at this time because you were a
9 Liberian and there had been - the rumours had said that there
09:59:15 10 were Liberians involved, that there was some threat to you as a
11 Liberian person. Is that right?

12 A. That's correct.

13 Q. And you explained that you had an ID card and that it was
14 important to be able to identify yourself as a Liberian. Is that
09:59:34 15 right?

16 A. That's correct.

17 Q. Now, I just wanted to ask you this: When you said at that
18 time you had an ID card, what sort of card did you have?

19 A. We are given a small ID card with the United Nation emblem
09:59:50 20 on it. That was a card that we used for ration. That was the ID
21 card that was used. Your name would be on it, and when it was
22 time for ration, you showed that card, they will check through
23 the list, and if your name is found, then they will supply you.
24 That was the kind of card that we have.

10:00:09 25 Q. Okay. So moving on. You also gave evidence that General
26 Karpeh formed a group amongst the Liberians in Sierra Leone and
27 that the group was named the LUDF, Liberian United Democratic
28 Forces, correct?

29 A. You are correct.

1 MS HOWARTH: If an exhibit could be pulled up please, and
2 that's P-249.

3 MR MUNYARD: Madam President, while this is just being
4 brought up, on an entirely different note, can I ask for
10:02:36 5 Mr Taylor to be excused for a short time?

6 PRESIDING JUDGE: Certainly. Mr Taylor may be escorted
7 out. Thank you.

8 MS HOWARTH:

9 Q. Mr Witness, I'm not trying to show you a photograph this
10:03:37 10 time. I wanted to show you an extract from the reports of the
11 Liberian Truth and Reconciliation Commission and that's the front
12 page, but if we could go to page 125. And towards the bottom of
13 that page in the big paragraph there's a sentence that starts "a
14 Mandingo faction movement for the redemption of Muslims". Can
10:04:13 15 you see that? Yes, you are there. So I'll just read that out.
16 It says as follows:

17 "A Mandingo faction Movement for the Redemption of Muslims
18 (MRM) founded by Alhaji Kromah and a Krahn faction, Liberia
19 United Defence Force (LUDF) organised by a US trained Special
10:04:41 20 Forces officer who was also once Doe's Minister of Defence and
21 ambassador to Sierra Leone, Albert Karpeh, together, merged into
22 the United Liberation Movement For Democracy (ULIMO) on May 29,
23 1991 in the Republic of Guinea."

24 Now, Mr Witness, it's correct, isn't it, that ULIMO was
10:05:10 25 formed as a result of this merger of the MRM and the LUDF?

26 A. You are correct.

27 Q. And it's also correct that, as is stated in this report,
28 that merger took place on 29 May 1991, correct?

29 A. Well, I have told you I've been a military man. Dates is

1 my problem, but I could tell you the year is '91, but the month I
2 could not tell you.

3 Q. Okay. Can you help with this: It was - you first joined a
4 group in Bo, correct?

10:05:53 5 A. Bo was just a rallying point.

6 Q. Yes. And how - are you able to give an indication in terms
7 of months of how long the war had been going on in Sierra Leone
8 before you joined ULIMO?

9 A. That was about four to five months when the war entered
10:06:14 10 Sierra Leone.

11 Q. I'm grateful for that. If the witness could also be shown
12 P-426, please.

13 PRESIDING JUDGE: Mr Munyard, I assumed that Mr Taylor had
14 stepped out momentarily. Is it - should the trial proceed in his
10:06:37 15 absence?

16 MR MUNYARD: I'm content for it to proceed in his absence,
17 yes, for the time being. If there's any development or any
18 change, I'm sure we'll be notified.

19 PRESIDING JUDGE: Very well.

10:07:29 20 MS HOWARTH:

21 Q. So the next document that I'm going to show you is an
22 excerpt from a book and it's a book entitled "Liberia's Civil
23 War: Nigeria, ECOMOG, and regional security in West Africa". As
24 you can see from the screen, it's written by Adekeye Adebajo. So
10:07:49 25 I'm going to turn to page 91, please. There's a passage on that
26 page with a line - towards the top of that page with a line drawn
27 next to it, so I'm just going to limit myself to that passage.
28 It reads as follows:

29 "The United Liberation Movement of Liberia for Democracy

1 was founded on 29 May 1991. It described itself as a 'non-tribal
2 and nonsectarian organisation borne out of the desire of
3 displaced Liberians to return home and continue their search for
4 democratic freedom'; its members aimed to free Liberia 'from the
10:08:48 5 plunder of Charles Taylor'."

6 Now, it's correct, isn't it, that one of the aims of ULIMO
7 was indeed to free Liberia from the plunder of Charles Taylor?

8 A. There is a sentence that I'm not too conversant with
9 because you lawyers play with words too much. You are saying
10:09:19 10 that "from the plunder of Charles Taylor", well, I'm not
11 comfortable with that word. But our aim was to make sure that we
12 toppled that government. That was our aim objective, not because
13 "from the plunder of Charles Taylor". That is language I'm not
14 comfortable with.

10:09:36 15 Q. That's fair enough, Mr Witness. I'm --

16 MR MUNYARD: Before we go any further, can I just inquire,
17 is that document that my learned friend is now showing the
18 witness on the screen, because I'm not clear on my screen, my
19 learned friend hasn't quoted it with an exhibit number, if it is
10:09:57 20 an exhibit. And I --

21 PRESIDING JUDGE: It is an exhibit, Mr Munyard, exhibit
22 P-426.

23 MR MUNYARD: I didn't get that exhibit number, I'm afraid,
24 and I looked on the LiveNote and I couldn't see an exhibit number
10:10:11 25 for that.

26 PRESIDING JUDGE: It is on the LiveNote.

27 MR MUNYARD: Very well. Well, I will bring it up in that
28 case. Thank you.

29 PRESIDING JUDGE: It's page 19, line 14.

1 MS HOWARTH: In any event, I've finished with the exhibit
2 now. Thank you.

3 PRESIDING JUDGE: Before you proceed, Mr Witness, you just
4 said that you are not comfortable with the phrase "from the
10:11:09 5 plunder of Charles Taylor", but you've also just told the Court
6 that the desire of ULIMO was to overthrow Taylor.

7 THE WITNESS: That's correct.

8 PRESIDING JUDGE: Overthrow Taylor for what reason?

9 THE WITNESS: As I have said earlier, from the political -
10:11:39 10 Let's say the tribal part of this whole conflict, as I've told
11 you, I have a Mandingo background, and since we crossed over into
12 Sierra Leone, it was impossible for a lot of Mandingos to go into
13 Liberia to settle because there was this still rumours of Gio and
14 Manos attacking Mandingos and Krahn's. So the only alternative to
10:12:09 15 go back was to make sure we come together, fight, and to
16 overthrow that government.

17 PRESIDING JUDGE: Yes, but you haven't answered my
18 question. Why? Why? What was wrong with the government, in
19 other words? What was wrong with Mr Taylor's government that
10:12:23 20 would cause you to overthrow?

21 THE WITNESS: Because we have no access to go back home.
22 And the only way to get to go back home, because of our tribal
23 links, was to go militarily and there was no way you could remove
24 Mr Taylor at that time, whether through the ballot of the box, it
10:12:41 25 was impossible.

26 PRESIDING JUDGE: Thank you. Please proceed, Ms Howarth.

27 MS HOWARTH:

28 Q. Wasn't it the case that Mandingos and Krahn's were being
29 killed by Mr Taylor's NPFL forces?

1 A. Say again?

2 Q. Wasn't it the case that at that time Mandingos and Krahn's
3 were being killed by Mr Taylor's NPFL forces?

4 A. You are correct.

10:13:15 5 Q. And isn't that the reason why you and the Liberians, with
6 you in Bo at that time, wanted to go back and overthrow Charles
7 Taylor?

8 A. The first reason, as I told you in my first statement here,
9 was that we joined ULIMO for our own safety in Sierra Leone.

10:13:38 10 That was the very first thing I told you. Then the second aim,
11 after I'm based now, was to make sure that, yes, we go back home
12 and to overthrow that government.

13 Q. Now, before you were able to achieve that aim of
14 overthrowing Charles Taylor, your initial objective was to assist
10:14:02 15 the SLAs, wasn't it?

16 A. You are correct.

17 Q. And is it fair to say that the aim was after liberating
18 Sierra Leone from the rebels the understanding was that, after
19 having done that, ULIMO would go back to Liberia and overthrow
10:14:37 20 Charles Taylor, correct?

21 A. You are correct.

22 Q. And is it fair to say at the time I suppose when you are
23 training in Kenema that ULIMO had few weapons at this time?

24 A. You are correct.

10:14:51 25 Q. And you did explain in your evidence that the Government of
26 Sierra Leone provided ULIMO with support in terms of training,
27 some stipends, some arms and ammunition?

28 A. You are correct.

29 Q. But they didn't provide ULIMO with heavy artillery, did

1 they?

2 A. Yes. The heavy artilleries I'm talking about like twin
3 barrels, BZTs, but they did give us anti-aircraft.

10:15:30

4 Q. So what's the answer to my question? The question was they
5 didn't provide ULIMO with heavy artillery?

6 A. But artillery is divided. You have heavy artilleries and
7 you have jungle artillery. That anti-aircraft is divided. You
8 have one barrel, you have the twin barrel. They never gave us
9 the twin barrel but we were using the single barrel which we
10:15:50 10 called the AA.

11 Q. I'm grateful. Now it's right, isn't it, that the
12 Government of Sierra Leone justified their support of ULIMO
13 because of Charles Taylor's support of the rebels, the RUF?

14 A. Of course. You are correct.

10:16:12

15 Q. I just want to move on to what happens after your training
16 - sorry, I will just move first to your training in Kenema. That
17 was at the Tormah base, correct?

18 A. You are correct.

10:16:29

19 Q. Now, somebody called Abu Keita, are you familiar with that
20 name?

21 A. I am familiar with that name.

22 Q. He is not somebody who trained with you, ULIMO, in Sierra
23 Leone, is he?

24 A. Your question?

10:16:40

25 Q. He didn't train with ULIMO in Sierra Leone at that time,
26 did he?

27 A. No, I never saw him on the base. At that time I was on
28 that base I never saw him.

29 Q. Now, having conducted some training at the base you then

1 quite soon were engaged in combat with the SLA fighting the
2 rebels, correct?

3 A. You are correct.

4 Q. First of all you are deployed to Joru?

10:17:13 5 A. That's correct.

6 Q. Then you are deployed on the Pujehun axis?

7 A. That's correct.

8 Q. You capture Zimmi and push the RUF towards the border,
9 correct?

10:17:25 10 A. That's correct.

11 Q. And you then cross into Liberia but you are forced to make
12 a tactical withdrawal as you run short of supplies. Is that
13 correct?

14 A. That's correct.

10:17:38 15 Q. And you returned to Bo?

16 A. That's correct.

17 Q. And it's at Bo that you meet Roosevelt Johnson for the
18 first time?

19 A. You are correct.

10:17:48 20 Q. And after that Roosevelt Johnson explains that you will go
21 and finish the job in Pujehun and then cross into Liberia?

22 A. That's also correct.

23 Q. And I appreciate what you have said about dates and that
24 they are difficult, but would I be right in saying that this
10:18:12 25 would be approximately the end of '92, 1993?

26 A. Say again?

27 Q. As I said, I appreciate that dates can be difficult for you
28 but would I be right in saying that it would be about the end of
29 1992 or 1993 that this finishing the job in Pujehun and crossing

1 into Liberia occurs?

2 A. Yeah, it was between '92 and '93 respectively, yes.

3 Q. And am I right that when you're engaged in Pujehun at this
4 time, that there are NPFL elements assisting the RUF in Pujehun?

10:18:56 5 A. Say again?

6 Q. Am I right that when you are engaged at Pujehun at this
7 time, that there are NPFL elements assisting the RUF in Pujehun?

8 A. Please simplify this question for me so I understand
9 properly.

10:19:15 10 Q. So at the end of 1992, 1993 you go to Pujehun with ULIMO?

11 A. Yeah.

12 Q. And you're engaged in fighting in Pujehun?

13 A. Correct.

14 Q. And you're fighting against the RUF?

10:19:34 15 A. That's correct.

16 Q. And there are also NPFL elements assisting the RUF in
17 Pujehun, correct?

18 A. I cannot confirm that to you because we knew initially that
19 Corporal Saybana Foday Sankoh had declared that he was not
10:19:52 20 fighting in Sierra Leone and that the RUF was an independent
21 body, they are fighting on their own. So I cannot just clarify
22 whether NPFL were fighting on the side now. But we knew very
23 well at that time that we are fighting RUF at that time.

24 Q. Mr Witness, have you ever said to anyone before that NPFL
10:20:17 25 elements were assisting the RUF in Pujehun at this time?

26 A. If I have ever said that to anybody?

27 Q. Yes.

28 A. I have never said NPFL elements. Let me clarify certain
29 fact to you that you need to know and understand. Pujehun is

1 very close to Liberia. If you leave Pujehun it's just an hour
2 and 30 minutes' drive to Monrovia. But immediately you cross the
3 border you are in Liberia from Gendema. And the advice in
4 Liberia on the other side of the border, there are people that
10:20:57 5 are called Kaw in Sierra Leone that also speak the same Vai.
6 There are Mendes on this side, there are also Mendes on that
7 side. And if you get closer to that border you realise that even
8 the Sierra Leoneans use the Liberian currency very much because
9 the distance to do business in Kenema is very far, so it's easy
10:21:17 10 to do business in Monrovia. So intermarriages occur between that
11 borderline. So a lot of people speak Liberian English on the
12 Sierra Leone side, likewise on the other side of Liberian border.
13 So speaking Liberian English at that initial stage cannot
14 identify whether this person is an NPFL or whether he is a Sierra
10:21:39 15 Leonean that speaks Liberian English. So I cannot tell you about
16 NPFL at that time. I know of RUF that was fighting in that axis.

17 PRESIDING JUDGE: Before you proceed, the witness mentioned
18 the name of a tribe I think known as the Vai, isn't it?

19 THE WITNESS: That's correct.

10:21:56 20 PRESIDING JUDGE: And you said at page 27 line 7 and the
21 Vias in Liberia on the other side of the border, there are people
22 that are called what in Sierra Leone?

23 THE WITNESS: In Mende they call them Kawblah.

24 PRESIDING JUDGE: How do you spell that?

10:22:20 25 THE WITNESS: Well, I don't know the exact spelling but you
26 bring a Mende interpreter. In the actual Pujehun District we
27 call it there Kawblah. They speak the same dialect as Vai.

28 MS HOWARTH:

29 Q. Mr Witness, you gave quite a long answer there but in doing

1 so I don't believe you actually answered my question so I'm going
2 to ask it to you again. Have you ever said to anyone before that
3 NPFL elements were assisting the RUF in Pujehun at this time?

4 A. No.

10:22:58 5 Q. Thank you. Returning to the attack on Pujehun, this attack
6 was successful, wasn't it?

7 A. Correct.

8 Q. And the RUF were forced to flee across the border, correct?

9 A. You are correct.

10:23:35 10 PRESIDING JUDGE: Ms Howarth, I thought I would just
11 mention for the record Mr Taylor walked in five minutes ago.

12 MS HOWARTH:

13 Q. Now you just agreed that the - perhaps I'll put the
14 question again. You agreed that the RUF were forced to flee
10:23:52 15 across the border. It's right that you pushed them to Cape
16 Mount?

17 A. That's correct.

18 Q. And, having done so, your group moved towards Bomi Hills.
19 Is that right?

10:24:07 20 A. That's correct.

21 Q. And is it fair to say that when you fought against the RUF
22 at the Pujehun axis that they had a very good command structure?

23 A. What do you mean by good command structure?

24 Q. They were well organised.

10:24:28 25 A. Well, I don't understand what you mean by well organised.

26 Q. Okay, I'm going to put the question - I don't think it's a
27 difficult one but I'm sure someone will jump in and tell me I'm
28 wrong if it is. The RUF when you fought against them in Pujehun
29 had a very good command structure, yes or no?

1 A. Well, I could not tell you yes or no because when you are
2 talking about good command structure I don't want to go that much
3 far. If you could ask me on my side whether we are fighting to
4 good command structure I would tell you yes.

10:25:06 5 Q. What do you understand by the expression very good command
6 structure? If you were saying that what would you mean?

7 A. What would I mean?

8 Q. Yes.

9 A. I would be talking about effective command and control.

10:25:18 10 Q. Well, is that what you would mean by very good command
11 structure?

12 A. That's correct.

13 Q. So would you agree that the RUF has a very good command
14 structure at this time in terms of effective command and control?

10:25:29 15 A. Yes, because moving men and controlling men under your
16 command and they do exactly what you want them to do, it means
17 you are effective.

18 Q. So you agree?

19 A. That's correct.

10:25:43 20 PRESIDING JUDGE: What do you agree to? What are you
21 agreeing to, Mr Witness? Did you hear the question properly?
22 The question related to whether or not the RUF at that time had a
23 very good command structure and your answer is you agree.

24 THE WITNESS: Say again.

10:26:06 25 MS HOWARTH:

26 Q. The question was whether or not the RUF at that time had a
27 very good command structure. Is your answer that you agree with
28 that statement?

29 A. That's what I'm telling you. I was not fighting on the

1 side of the RUF. So me telling you that the RUF had a very good
2 command structure, it means I was part of the RUF.

3 Q. Do you agree that the RUF had a very good command structure
4 at this time, yes or no?

10:26:30 5 A. No.

6 Q. Have you ever told anyone that the RUF had a very good
7 command structure at this time?

8 A. No.

9 Q. Are you sure about that?

10:26:37 10 A. No.

11 Q. You are not sure?

12 A. I'm sure.

13 Q. You're sure you haven't ever told anyone?

14 A. Yes.

10:26:42 15 Q. Now you gave evidence about your ULIMO group linking up
16 with another ULIMO group who came through Sierra Leone at Grand
17 Cape Mount, correct?

18 A. You are correct.

19 Q. And you explained how the combined group took control of
10:27:18 20 Grand Cape Mount and Bomi Hills?

21 A. You are correct.

22 Q. And you also went on to explain that there came a point in
23 time where this combined ULIMO group splits up and it becomes
24 ULIMO-J and ULIMO-K, correct?

10:27:37 25 A. That's correct.

26 Q. Now it's after this break-up that ULIMO-K then take control
27 of Lofa County. Is that correct?

28 A. That's correct.

29 Q. Now, again I appreciate that dates are difficult for you

1 but would you agree that this break-up occurred in the year 1994?

2 A. Yes, we are now in '94 because it was '93 earlier and the
3 second was in '94, yeah.

4 Q. I'm grateful.

10:28:03 5 PRESIDING JUDGE: I'm sorry, but the witness keeps, I don't
6 know, saying things that I for one haven't actually heard and
7 they appear as indiscernible. Mr Witness, can I ask you to speak
8 clearly and slowly because whatever you are saying is evidence
9 and is being captured on the record. I'm not going to tire
10:28:26 10 asking you, otherwise your evidence will be useless if we cannot
11 have it recorded. Perhaps the witness may wish to repeat that
12 last answer. "We are now in 1994" something something "second
13 was in '94, yes." What did you say?

14 THE WITNESS: The question again?

10:28:46 15 MS HOWARTH:

16 Q. Yes. The question was do you agree that the break-up of
17 ULIMO-K - I'm sorry, the break-up of ULIMO into ULIMO-K and
18 ULIMO-J occurred in 1994?

19 A. Yes.

10:29:08 20 Q. Mr Witness, are you familiar with the name Oliver Varney?

21 A. I heard about that name.

22 Q. Who was he?

23 A. Well, the name I heard by he was an NPFL. That's what I
24 heard.

10:29:22 25 Q. And as well as him being an NPFL what else, if anything,
26 did you hear about him?

27 A. Nothing absolutely.

28 Q. Did you know, for example - I hope you appreciate it's a
29 long time ago now. Did you know him to be a close associate of

1 Charles Taylor?

2 A. I can't tell because I have never seen him in person. I
3 only heard about that name and I don't know whether he was a very
4 close associate. I cannot say that.

10:29:56 5 Q. I appreciate that you've never seen him in person, but even
6 sometimes if we don't see someone in person we can know something
7 about them. So did you know him to be a close associate to
8 Charles Taylor?

9 A. I only know him as an NPFL. I don't know whether he was a
10:30:17 10 close associate to Mr Taylor.

11 Q. Did you know him to be a strong fighter?

12 A. What do you mean by "strong fighter"?

13 Q. Someone who is known as a strong fighter, a good fighter,
14 successful fighter.

10:30:31 15 A. Any man who carries a gun and is taking town is a strong
16 fighter, so I don't know what you mean by strong fighter.

17 Q. I'm not going to argue with you on this, Mr Witness. Did
18 you know him to be a strong fighter or not?

19 A. That's a word I'm not too comfortable, strong fighter.

10:30:51 20 Q. Very well. Have --

21 PRESIDING JUDGE: Mr Witness, it is usually better for you
22 to answer directly either "yes" or "no" or "I don't know", rather
23 than to argue about semantics. You understand me?

24 THE WITNESS: Yes.

10:31:08 25 MS HOWARTH:

26 Q. Have you ever told anyone that Oliver Varney was a close
27 associate to Charles Taylor and a strong fighter?

28 A. No.

29 Q. Are you sure about that answer?

1 A. I'm very much sure.

2 Q. Do you have any knowledge of any deal done between ULIMO
3 and Oliver Varney?

4 A. No.

10:31:39 5 Q. The name General Degbon, am I right that you also wouldn't
6 be familiar with that name?

7 A. No.

8 Q. Is that you don't know the name General Degbon or you do?

9 A. I don't know.

10:31:54 10 Q. You know the name General Degbon?

11 A. No.

12 Q. You don't know the name General Degbon?

13 A. I don't know.

14 Q. Can you tell us who --

10:32:02 15 PRESIDING JUDGE: Again, because of the way I think the
16 witness speaks, he said, "I don't know," but that appears as "I
17 do". Mr Witness be very careful how you speak, please.

18 THE WITNESS: Your question again.

19 MS HOWARTH:

10:32:23 20 Q. Perhaps so it's clear: Do you know the name General
21 Degbon?

22 A. No.

23 Q. Do you know General Degbon?

24 A. No.

10:32:29 25 Q. Do you know who Rasta Lamin is? Rasta Lamin, does that
26 name mean anything to you?

27 A. No.

28 Q. Do you know the name Gibril Massaquoi?

29 A. Yes.

- 1 Q. And who is he?
- 2 A. He was a commander in the RUF.
- 3 Q. And did you ever meet him?
- 4 A. Yes. I met Gibril Massaquoi after disarmament in Sierra
10:32:58 5 Leone.
- 6 Q. And what were - when was that?
- 7 A. After the disarmament in Sierra Leone.
- 8 Q. Can you help as to a year?
- 9 A. That was around 1999 going towards 2000, because after the
10:33:25 10 January 6 invasion in 1999, disarmament started mid-June, July
11 going towards December now.
- 12 Q. And where was it that you met him?
- 13 A. Gibril Massaquoi?
- 14 Q. Yes.
- 10:33:42 15 A. In Bo.
- 16 Q. Was this the first time you met him or not?
- 17 A. It was the very first time. We all met together.
- 18 Q. Now, you - did you - Gibril Massaquoi, did you ever meet
19 him in Gambia?
- 10:34:10 20 A. In Kambia?
- 21 Q. Gambia.
- 22 A. Kambia.
- 23 Q. Gambia, G-A-M-B-I-A.
- 24 A. That's Gambia, yes.
- 10:34:18 25 Q. Did you meet him there?
- 26 A. Gibril Massaquoi?
- 27 Q. Yeah.
- 28 A. I have told you I only met Gibril Massaquoi after
29 disarmament in Bo.

1 Q. Okay. So you're saying you never met him --

2 A. No.

3 Q. -- in Gambia? Am I right that you never met Gibril
4 Massaquoi in Gambia?

10:34:38 5 A. Yeah.

6 Q. Have you ever told anyone that you did meet Gibril
7 Massaquoi in Gambia?

8 A. No.

9 Q. Mike Lamin, you mentioned him on Monday when you were asked
10:34:52 10 about RUF commanders. Do you remember that?

11 A. That's correct.

12 Q. Can you tell me how - how did you know the name Mike Lamin?

13 A. Well, as I have told you earlier on, we were fighting along
14 this Pujehun axis and initially it was at this area that Mike
10:35:19 15 Lamin, Gibril Massaquoi and the other commanders were fighting.
16 So when we are fighting, anyway, we are fortunate to have
17 prisoners of war. We first and foremost like to know their
18 commanders, their strength and the type of weapon they are using
19 and - that kind of questions. And it is from those that were
10:35:45 20 captured that we heard this name Gibril Massaquoi as their
21 commander and Mike Lamin.

22 Q. And who were these prisoners of war that you captured?

23 A. Those were RUFs.

24 Q. Do you recall their names?

10:36:00 25 A. I cannot recall their names, but I could tell you that
26 those that were captured, I know their tribes in Sierra Leone. I
27 could tell you.

28 Q. Very well.

29 A. Very well, yes.

1 PRESIDING JUDGE: Did the witness answer, "Those were
2 warriors," or did he say "RUF"? Or what did you say, Mr Witness?

3 THE WITNESS: I said they were RUFs, fighters that were
4 captured.

10:36:31 5 MS HOWARTH:

6 Q. How do you know they were RUFs?

7 A. They were captured in combat.

8 Q. And is that why you think they were RUFs?

9 A. That's correct.

10:36:40 10 Q. And your evidence is that they told you that Mike Lamin and
11 Gibril Massaquoi were commanders at that time?

12 A. That's correct.

13 Q. Now, it's correct, isn't it - I'm moving on now to 1994.

14 It's right that ULIMO factions attacked Gbarnga in 1994?

10:37:07 15 A. You are correct.

16 Q. And can you remind me, for how long do you say that ULIMO
17 were able to hold on to Gbarnga for at this time?

18 A. It never took too long. It was within 1 - 10 to 15 days,
19 either 1 or 10 days, because I told you I was shot in Bong Mines
10:37:26 20 and I was there for treatment when this attack occurred. I was
21 not in Gbarnga of itself, and I was in Bong Mines and had no good
22 treatment, so I was moved to Monrovia for better treatment. So
23 the time frame I cannot tell you, but it lasted for about 1 to 15
24 - either 10 days or 15 days, then they were flushed out.

10:37:50 25 Q. Okay. Perhaps you can also tell us this: How you came to
26 learn about the Gbarnga attack. If you were in the hospital, how
27 did you gain this information?

28 A. No, I told you before the Gbarnga mission I was in Sierra
29 Leone. Most of our colleagues, because we were having vehicles

1 running from Liberia now to the border and all this type of
2 things, so I told you I came on the pass and I was in Bo and a
3 colleague told me that they were asking each and every fighter
4 that is on pass to return back to headquarters. And I told you
10:38:23 5 in that, my testimony, that I came back and reported to my
6 headquarters. We were then moved to the front line where I was
7 shot. It was in that advance towards Gbarnga that I was shot but
8 in Bong Mines.

9 Q. I see.

10:38:39 10 A. So I was never fortunate to enter Gbarnga.

11 Q. I understand. So at the beginning of this offensive you
12 received an injury. Is that right?

13 A. That's right.

14 Q. Now, you explained that you were - the attack lasted in
10:38:53 15 Gbarnga for - that you held Gbarnga for 10 to 15 days, or
16 fighting lasted for 10 to 15 days?

17 A. As I've told you, I was not at the front line at that time
18 now, but those that were there told me the first - the fighting
19 lasted for about two or three days, then there was a lull in
10:39:11 20 fighting. They were trying to consider position when the NPFL
21 came back after ten days and retook Gbarnga from them.

22 Q. So for about ten days ULIMO held Gbarnga, correct?

23 A. That's correct.

24 Q. Okay. Now, can you help with this: Why were ULIMO unable
10:39:29 25 to continue to hold Gbarnga beyond that ten days?

26 A. Because, one, there were not too much coordination between
27 the J and K factions still. That's the most - because there was
28 self-interest. There was no one central command because it was
29 just a combined force to take Gbarnga. And when it was taken,

1 there was no effective command and control, so --

2 Q. What about the NPFL, what were they doing whilst ULIMO held
3 Gbarnga for these ten days?

4 A. They retreated to regroup and come back.

10:40:10 5 Q. And did they come back?

6 A. Yes, they made a comeback.

7 Q. And when they came back, they had fresh supplies, didn't
8 they?

9 A. I cannot tell you whether they had fresh supplies, but they
10:40:23 10 came back and retook Gbarnga.

11 Q. It's right, isn't it, that they had fresh supplies from the
12 Ivorian border and it was because of these fresh supplies that
13 ULIMO were unable to withstand the pressure, correct?

14 A. I was not on the Ivory Coast side of the border. As I've
10:40:49 15 told you, I was injured in hospital. So to clarify that, I
16 cannot clarify whether they had fresh supplies or not. But all I
17 could tell you is that they took back Gbarnga.

18 Q. Was it something that you heard that the NPFL had got fresh
19 supplies from the Ivorian border?

10:41:04 20 A. No.

21 Q. Have you ever told anybody that the NPFL got fresh supplies
22 from the Ivorian border?

23 A. No.

24 Q. And have you ever told anyone that it was because of these
10:41:17 25 fresh supplies that ULIMO were unable to withstand the pressure?

26 A. No.

27 Q. Are you sure about that?

28 A. I'm sure.

29 Q. And finally on this topic, when ULIMO were able to capture

1 and hold Gbarnga, albeit for a short period, it's right that this
2 was a purely ULIMO offensive; correct?

3 A. That's correct.

4 Q. And there was no assistance from any other forces, correct?

10:41:54 5 A. No. There was assistance from another unit, but I never
6 met that unit. They used to call them the LPC. There was a
7 small unit that was also fighting along that axis that helped
8 them.

9 Q. There was no assistance from the NPFL, for example, was
10:42:11 10 there?

11 A. From the NPFL to retake - to take Gbarnga from --

12 Q. From the NPFL.

13 A. The question is confusing.

14 Q. ULIMO were not assisted by the NPFL, were they, at this
10:42:24 15 time?

16 A. No.

17 Q. I'm going to skip a bit further ahead in the chronology
18 now. I want to - you mentioned your injury and the fact that you
19 were in hospital, correct?

10:42:45 20 A. That's correct.

21 Q. Now, I understood from your testimony that you were
22 discharged from hospital and when you did so you returned to Bo.

23 A. That's correct.

24 Q. And you did say to see your family who were in Bo at that
10:43:02 25 time.

26 A. That's correct.

27 Q. And during this time the elections take place while - I'm
28 so sorry let me rephrase that. During the time that you are in
29 Bo, President Tejan Kabbah is elected, correct?

1 A. That's correct.

2 Q. Now, you then remain in Bo in Sierra Leone until after the
3 AFRC coup, correct?

4 A. That is correct.

10:43:34 5 Q. And then you explained that approximately two weeks after
6 the coup you return to Liberia, Monrovia.

7 A. You are correct.

8 Q. And the coup took place in May 1997, correct?

9 A. I believe so, because I cannot remember the dates too much,
10 I've told you.

11 Q. Do you remember as being in 1997?

12 A. Yes, it was 1997.

13 Q. So you then returned to Monrovia?

14 A. That's correct.

10:44:09 15 Q. And there comes a time when you are then re - recruited
16 into the Special Forces, you said?

17 A. You are correct.

18 Q. And this takes place at the Ricks Institute?

19 A. Correct.

10:44:22 20 Q. Now, having joined the Special Forces you then participate
21 in fighting in Sierra Leone once again, correct?

22 A. That's correct.

23 Q. Sorry, I should scrub "once again". Just you participated
24 in fighting in Sierra Leone?

10:44:41 25 A. Can I just raise a point?

26 Q. Yes.

27 A. Please I would like to ease myself and come back.

28 PRESIDING JUDGE: The witness may be shown out, please.

29 Please proceed, Ms Howarth.

1 MS HOWARTH:

2 Q. Yes, just to recap where we were before, so we had had the
3 AFRC coup in Sierra Leone which you had agreed was in 1997 and
4 then you explained your return to Monrovia, and then you were
10:48:15 5 recruited into the Special Forces, correct?

6 A. That's correct.

7 Q. And then you returned to Sierra Leone, correct?

8 A. That's correct.

9 Q. And you are participating in fighting in Sierra Leone?

10:48:31 10 A. That's correct.

11 Q. And you are at this time a member of the Special Forces and
12 you are fighting alongside Chief Samuel Hinga Norman's CDF?

13 A. Correct.

14 Q. It's right that during the time that you are participating
10:48:54 15 in this fighting the AFRC or JPK government are in power in
16 Freetown?

17 A. That's correct.

18 Q. So you described being part of a group that took Zimmi,
19 correct?

10:49:06 20 A. That's correct.

21 Q. And I'm right that the JPK government were in power in
22 Freetown during this attack on Zimmi, correct?

23 A. That's correct.

24 Q. And you also talked about the RUF retaking Zimmi, correct?

10:49:23 25 A. That's correct.

26 Q. And this also occurred during the JPK government being in
27 power in Freetown?

28 A. That's correct.

29 Q. And you mentioned the establishment of Base Zero?

1 A. That's correct.

2 Q. And am I right that this also occurred during the JPK
3 government being in power in Freetown?

4 A. Correct.

10:49:48 5 Q. And you also talked about a movement from Zimmi to Kenema.
6 Did this also occur during the JPK government being in power in
7 Freetown?

8 A. That's correct.

9 Q. Finally you mentioned Operation Black December?

10:50:05 10 A. That's correct.

11 Q. And this is something that you - an operation you took part
12 in. Is that right?

13 A. That's correct.

14 Q. And again this operation took place while the JPK
10:50:17 15 government were in power in Freetown?

16 A. That's correct.

17 Q. And as per the name Black December, this took place in
18 December 1997?

19 A. That's correct.

10:50:26 20 Q. Now moving to a different point. Can you help me with
21 this: Once Charles Taylor became the President in Liberia it's
22 right that ULIMO-J became a target, correct?

23 A. Well, initially ULIMO-J and all the other warring factions
24 were participating in that government but it only became a full

10:50:58 25 threat when the incident occurred at Njala House. It was at that
26 time that there was threats on ULIMO fighters.

27 Q. I'm going to just put the question again that once Charles
28 Taylor became the President ULIMO-J became a target, didn't they?

29 A. No.

1 Q. Have you ever said to anyone --

2 MR MUNYARD: I'm sorry, I wonder if my learned friend would
3 say it became a target of whom? It's a terribly open-ended
4 question as it stands.

10:51:39 5 MS HOWARTH: I take the point. I'm quite happy to rephrase
6 it in that way:

7 Q. Once Charles Taylor became the President ULIMO-J became a
8 target of Charles Taylor, correct?

9 A. No.

10:51:51 10 Q. Have you ever suggested to anyone that ULIMO-J did indeed
11 become a target once Mr Taylor was elected?

12 A. I told my team that ULIMO-J only became a target after the
13 Njala House incident.

14 MS HOWARTH: Moving to a different point, could the witness
10:52:19 15 please be shown D-340.

16 PRESIDING JUDGE: Sorry, Mr Witness, you said something, an
17 incident that occurred at the Njala House. What incident is this
18 that you are referring to again?

19 THE WITNESS: The Njala House was where, as I said earlier
10:52:58 20 on, Roosevelt Johnson was residing in Monrovia at Camp Johnson
21 Road.

22 PRESIDING JUDGE: Who was residing?

23 THE WITNESS: Roosevelt Johnson, the then leader of
24 ULIMO-J.

10:53:19 25 PRESIDING JUDGE: So this incident is synonymous with the
26 Camp Johnson Road incident. We've sometimes referred to it as
27 that. Is that correct?

28 THE WITNESS: That's correct.

29 MS HOWARTH:

1 Q. Mr Witness, just before we get to that exhibit, when you
2 said "my team", who were you referring to?

3 A. I said I told my Defence team.

4 Q. Thank you.

10:53:51 5 A. [Inaudible].

6 Q. So this is a Defence exhibit from the official journal of
7 the Economic Community of West African States, ECOWAS, as you can
8 see at the top, and there's a date there which is August 1997.

9 The front page number 7 says, "Extending the scope of activity
10:54:49 10 and mandate of ECOMOG to cover Sierra Leone." If we could just
11 turn over the page, please, to page 13. So at the bottom there
12 it reads: "Decision A/DEC.7/8/97, extending the scope of
13 activity and mandate of ECOMOG to cover Sierra Leone." Towards
14 the bottom it says:

10:55:32 15 "Considering that the objectives being pursued by ECOWAS
16 with regard to the situation prevailing in Sierra Leone following
17 the coup d'etat of 25 May 1997 of the speedy reinstatement of the
18 legitimate government of President Ahmad Tejan Kabbah; the
19 restoration of peace and security in Sierra Leone and the
10:55:52 20 resolution of the problem of refugees and displaced persons" and
21 skipping two paragraphs: "Considering that the intransigence and
22 negative attitude shown by the junta constitute a serious
23 obstacle to the efforts being made by ECOWAS to ensure a peaceful
24 settlement of the crisis and poses a serious threat to peace and
10:56:13 25 security in the sub-region; deeply concerned at the worsening of
26 the crisis in Sierra Leone; convinced that the strict application
27 of certain measures instituted to make possible the attainment of
28 the objective of ECOWAS requires the urgent intervention of the
29 armed forces" and finally at the bottom of that page: "The scope

1 of activity of ECOMOG is hereby extended into the territory of
2 Sierra Leone to assist in creating the conducive atmosphere that
3 will ensure the early reinstatement of the legitimate Government
4 of Sierra Leone."

10:56:55 5 Mr Witness, having read that, it's right, isn't it, that
6 ECOMOG's mandate was extended after the elections in Liberia to
7 cover Sierra Leone, correct?

8 A. That's correct.

9 Q. And if I can now just refer to D-62, please. Mr Witness,
10:58:29 10 this is another Defence exhibit. It's simply a chronology of
11 events in Sierra Leone and I wanted to turn to page 6, please.
12 There's an entry dated July 1997. There's just one point I
13 wanted to refer to, that's the final sentence under the entry for
14 July 1997: "Nigeria moved 4,000 troops from its operations in
10:59:16 15 Liberia to Freetown." Do you see that?

16 A. Correct.

17 Q. Now, that statement is correct, isn't it, that there was
18 redeployment of troops from Liberia to Sierra Leone; correct?

19 A. Yeah, you are correct.

10:59:33 20 Q. And I'm right that after this redeployment of 4,000,
21 ECOMOG, from Liberia, there continued to be further redeployment,
22 correct?

23 A. That's correct.

24 Q. And so eventually there were only a small number of ECOMOG
11:00:00 25 left in Liberia, correct?

26 A. I cannot tell you the strength of ECOMOG in Liberia at that
27 time because I was not an ECOMOG soldier, so I will not tell you
28 the exact strength. So I cannot just tell you a small strength
29 was in Liberia.

1 Q. But you agree, don't you, that there was this redeployment
2 from Liberia to Sierra Leone?

3 A. That's correct.

11:00:31

4 Q. And you will agree, won't you, that ECOMOG's concern became
5 the war in Sierra Leone; didn't it?

6 A. That's correct.

7 Q. And the aim being to restore democracy in Sierra Leone?

8 A. You are correct.

11:00:46

9 Q. And at that time the aim of overthrowing Charles Taylor had
10 been forgotten about on your part, correct?

11 A. On the part of Special Forces?

12 Q. Yeah.

13 A. Yeah, our mission was to reinstate Alhaji Dr Ahmad Tejan
14 Kabbah.

11:01:05

15 Q. Now, it's correct, isn't it, that LURD and ULIMO fighters
16 were aware of the most important of Charles Taylor's commanders,
17 correct?

18 A. Break that question down for me, please.

11:01:26

19 Q. How about yourself, you were aware of the most important of
20 Charles Taylor's commanders, correct? The names of the most
21 important of Charles Taylor's commanders, you knew some of those
22 names, did you not?

23 A. Yes. I used to hear about them, but I don't know them
24 personally.

11:01:42

25 Q. And one of the names that you knew was Zigzag Marzah,
26 correct?

27 A. I know of that name, correct.

28 Q. And you knew him as a member of Jungle Fire. Is that
29 right?

1 A. I don't know him as a member of Jungle Fire.

2 Q. He was a member of Jungle Fire, wasn't he?

3 A. Was he? I don't know of him as Jungle Fire. What I do
4 know of Jungle Fire - maybe it's a mistake from that - Jungle

11:02:08 5 Fire, when we entered Lofa, the code name of the operation was

6 Operation Jungle Fire. So that was the operation that we are

7 leading, Operation Jungle Fire. So I don't know whether he was

8 part because he was not LURD and we are LURD, so I don't know

9 what you mean by Jungle Fire. Jungle Fire was the operational

11:02:24 10 name given to the operation when we entered the jungle in Lofa.

11 Q. You heard of Zigzag Marzah as being somebody who was going
12 to lead an attack on Voinjama, correct?

13 A. That's correct.

14 Q. Can you please tell me, what else did you hear about Zigzag

11:02:42 15 Marzah?

16 A. Well, the only time we got information was at briefing when

17 we were told that - from intelligence gathering that he was

18 coming with a troupe to retake Voinjama, and then we were told to

19 move and make sure that the route he uses must be properly

11:03:01 20 ambushed. But by the time we get to that place he was not even

21 there, so that was the end of it.

22 MS HOWARTH: Madam President, I've essentially covered all

23 the points in cross-examination that I believe I'm able to, aside

24 from those in relation to which we were not on notice and in

11:03:40 25 relation to which there are some further investigations being

26 carried out. Ms Hollis previously indicated that we would need

27 perhaps until the end of next week to carry out those

28 investigations, so I would request that the remainder of the

29 cross-examination be postponed until that time. I would add that

1 I do believe I've done the bulk of what I had planned to do.

2 PRESIDING JUDGE: We just note that we were presented with
3 a bundle of documents this morning. Was there a point to these
4 documents?

11:04:25 5 MS HOWARTH: There may well have been a point, but in the
6 end the witness was able to provide an answer without me needing
7 to refer to them, so they will be rendered redundant.

8 PRESIDING JUDGE: I'll ask this as well: Throughout your
9 questions this morning we've observed that you keep asking the
11:04:48 10 witness "have you ever told anyone thus and thus", "have you ever
11 told anyone thus and thus", and then you've moved on. We're just
12 wondering whether there's a point to questions like that.

13 MS HOWARTH: Perhaps I could answer that question in the
14 absence of the witness, if I would be allowed to. There is a
11:05:08 15 point.

16 PRESIDING JUDGE: Very well. Let me just confer with my
17 colleagues concerning your request to adjourn.

18 We're just wondering - and this probably may be a question
19 for Ms Hollis or for yourself, Ms Howarth - the Prosecution keeps
11:06:13 20 using the phrase "until the end of next week" or the end of next
21 week is next week Friday, it's a week tomorrow, are you saying
22 that you will only be able to proceed with the balance of the
23 cross-examination Monday - a week Monday? Is that what you are
24 saying?

11:06:35 25 MS HOWARTH: Perhaps I could defer to Ms Hollis on this
26 point.

27 MS HOLLIS: Thank you, Madam President. What we are saying
28 with that is that we have had to send several taskings to
29 Freetown and we wish to ensure that we have ample time to be able

1 to complete those taskings so that we can proceed with the rest
2 of the cross-examination. Our estimate, because of the taskings
3 and the requirements of those taskings, is that it may very well
4 take us until the end of next week to have that information. So
11:07:14 5 in order to give the - your Honours an accurate estimate of the
6 time we would need, I have indicated that we would not be
7 prepared to proceed, in our evaluation, until the end of next
8 week and what I meant by that was to be able to proceed by Friday
9 of next week if another witness had finished. But that was what
11:07:36 10 was meant by that phrase, Madam President.

11 PRESIDING JUDGE: Because you see there's a need for the
12 Defence to have some indication as to when this witness can
13 travel back home and so we cannot work with phrases as vague as
14 "the end of next week". I would like for the Prosecution to give
11:07:58 15 me a day and even a date when this witness should return to Court
16 for cross-examination in your estimation.

17 MS HOLLIS: Well, again I will give an estimate because I
18 cannot tell you with certainty when the task will be done. If
19 your Honours want a date at which we must proceed regardless,
11:08:22 20 then I would give the date of a week from this coming Monday. I
21 think that would be the 21st, I believe.

22 PRESIDING JUDGE: Mr Munyard, what witness or witnesses are
23 we expecting come Monday?

24 MR MUNYARD: Madam President, a witness was due to have
11:08:59 25 arrived this morning, having travelled overnight. I have made
26 arrangements to see that witness at the end of the Court day
27 today with a view to proofing her and hopefully having her in
28 Court tomorrow morning. However, she is a very short witness and
29 I don't anticipate her evidence taking much more than tomorrow.

1 Indeed we might even finish her during the course of tomorrow.

2 The next witness is not due to arrive until sometime on
3 Saturday, again having travelled overnight, and I know that my
4 learned friend who is going to be dealing with that witness will

11:09:36 5 need two or three days to proof that witness. And so as your
6 Honours know from what we said earlier in the week, some of these
7 events have been completely beyond our control and so we do not
8 anticipate being able to have a witness in Court on Monday
9 because of the need to proof that witness.

11:09:59 10 Now, at this stage if your Honours would give me just a
11 moment to confer, I'll be able to indicate hopefully whether we
12 are anticipating being able to have that witness in Court on
13 Tuesday. If you would give me just a moment.

14 Thank you for the opportunity. Madam President, the
11:11:12 15 position is we anticipate being likely to call that other witness
16 on Tuesday afternoon. In other words, what --

17 PRESIDING JUDGE: Mr Munyard, let me be quite succinct.
18 What is the pseudonym of the witness you are calling tomorrow,
19 Friday?

11:11:29 20 MR MUNYARD: 285.

21 PRESIDING JUDGE: Is it not 299? Isn't this the witness
22 you had indicated?

23 MR MUNYARD: Again I'm not good on the numbers. I'll have
24 to just check but I'm sure it's 285. Would you bear with me for
11:11:46 25 a moment?

26 Apparently in an email I incorrectly said 299 was the next
27 one. 285 is the next one who we believe - can I tell you this,
28 we believe that witness has arrived this morning. I have not had
29 confirmation but I have had an indication from WVS that they

1 intend to bring that witness here at the end of today for me to
2 see the witness. Therefore I'm assuming that's all predicated on
3 the basis she has in fact arrived. The one who will then follow
4 is 299.

11:12:42 5 PRESIDING JUDGE: Very well. This is what we've decided to
6 do. We're going to adjourn the proceedings to tomorrow morning
7 at 9.30 to hear the evidence of your next witness, and I'm going
8 to stand over the current witness DCT-190 until Monday, 21 June
9 for continuation of his cross-examination. And then we will take
11:13:11 10 the witnesses as they come along.

11 MR MUNYARD: Can I raise one matter and that relates to
12 299. I know the Court's previous practice has been that where
13 we've interposed a witness we have always taken that witness in
14 their entirety. Can I inquire that that's the proposal of the
11:13:32 15 Court, that once we embark on 299 we continue with her until the
16 end of her evidence and then bring the current witness back?

17 PRESIDING JUDGE: And I also propose that we cross that
18 bridge when we get to it. I think this is what I've said. The
19 Court adjourns to tomorrow, 9.30.

20 [Whereupon the hearing adjourned at 11.13 a.m.
21 to be reconvened on Friday, 11 June 2010 at
22 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-190 42464

CROSS-EXAMINATION BY MS HOWARTH 42464