



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 25 JUNE 2010
9.05 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:

Mr Artur Appazov

For the Registry:

Ms Advera Nsiima Kamuzora
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
Ms Logan Hambri ck

1 Friday, 25 June 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.05 a.m.]

08:58:51 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
09:05:15 10 and myself Kathryn Howarth.

11 MR MUNYARD: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence this morning, myself Terry
13 Munyard, Logan Hambri ck, Elizabeth Espinosa and joining us for
14 the first time in court is another of our interns Fatmatu Jalloh
09:05:37 15 who is a student at Southern University Law School in Louisiana.

16 PRESIDING JUDGE: Ms Jalloh is certainly welcome to the
17 Court.

18 Before we commence with the day's business regarding
19 DCT-190, there is a ruling of the Court pending upon the oral
09:05:58 20 application of Defence counsel last week and the following is the
21 ruling.

22 Two weeks ago the Trial Chamber acting on the advice of the
23 Registrar announced a new sitting schedule whereby the sitting
24 day would commence half an hour earlier each day, namely at
09:06:23 25 9 a.m. instead of 9.30 a.m. The new schedule also entailed
26 rising half an hour earlier on Fridays, namely at 1 p.m. instead
27 of 1.30 p.m. In summary the new schedule results in two
28 additional sitting hours per week and this was done at the
29 initial request of the Defence in order expedite the trial.

1 On 17 June lead counsel in an oral application requested
2 the Trial Chamber to revert to its former sitting hours and
3 describing his earlier request to the Registrar as a mistake that
4 was having a negative impact on the fair discharge of justice.

09:07:09 5 Mr Griffiths submitted, amongst others, as follows:

6 That the new schedule had been arrived at without prior
7 consultation of the parties or service providers, such as court
8 reporters and interpreters, who could not cope with the
9 additional sitting time and that the new sitting schedule was
09:07:31 10 causing witness fatigue as the witnesses, or witness, was having
11 to rise early in order to make it to court on time. Thirdly,
12 that the accused was unable to collect his thoughts in the
13 morning and Defence counsel were unable to take instructions from
14 their client at the beginning of the day.

09:07:52 15 The Prosecution, on the other hand, were agreeable to the
16 new sitting schedule, observing that it would ultimately result
17 in a more expeditious trial.

18 Since then and after consulting the Registrar, who under
19 Rule 33(A) of the Rules is responsible for the administration and
09:08:13 20 servicing of the Court, the Trial Chamber has established the
21 following:

22 1. That in late March 2010 lead counsel Mr Griffiths did
23 approach the Registrar to consider the possibility of extending
24 the sitting hours once the Special Court moved to the STL in
09:08:34 25 order to maximise the time available and in the interests of
26 expediting the trial.

27 2. That between 31 March and 15 April written
28 consultations were indeed carried out between the Prosecution,
29 the Defence and the head of office of The Hague sub-office,

1 Mr Gregory Townsend, in which amongst others the Prosecution
2 proposed longer sitting hours on Fridays rather than extending
3 the daily sitting hours as had been proposed by the Defence in
4 order to enable them to prepare for cross-examination of
09:09:13 5 witnesses at the end of each day.

6 3. That the Trial Chamber having taken into account the
7 views of the Defence and the Prosecution as shown in the emails
8 exchanged between themselves came up with the revised sitting
9 schedule.

09:09:30 10 4. That subsequently the Registrar, having consulted all
11 relevant parties and units responsible for servicing the Court,
12 in particular the court reporters and interpreters, made
13 appropriate arrangements to ensure that all service providing
14 units are well equipped and provided for in order to meet the
09:09:52 15 demands of the trial. These measures include the hiring of
16 additional court reporters and compensation for overtime served
17 where applicable.

18 In addition, the Trial Chamber notes that since
19 implementing the new sitting schedule it has not received any
09:10:12 20 complaints from WVS, the unit responsible for the welfare of
21 witnesses and for their transportation to and from the Court, nor
22 has the Trial Chamber received any complaints from the detention
23 authorities in relation to their ability to transport the accused
24 to and from the Court on time.

09:10:34 25 The Trial Chamber has also taken into account that the new
26 sitting schedule does allow the parties some time at the end of
27 the day for consultation with the accused or witnesses as the
28 case may be and for preparation for cross-examination where
29 necessary.

1 Now, in view of the foregoing, the Trial Chamber by a
2 majority, Justice Doherty dissenting, finds no merit in the
3 concerns raised by Lead Defence counsel and holds that the new
4 sitting hours are consistent with the Trial Chamber's duty to
09:11:12 5 conduct a fair and expeditious trial under Rule 26 bis.

6 Accordingly the Defence's oral application is dismissed and
7 the revised schedule remains unchanged.

8 Now to the matter of witness DCT-190, {redacted},
9 good morning. We're going to continue with your testimony today
09:11:41 10 in cross-examination. You remember at the beginning of your
11 testimony you took a solemn oath to tell the truth. Do you
12 recall that?

13 THE WITNESS: I recall that.

14 PRESIDING JUDGE: That oath is still binding on you today.
09:11:56 15 I'm not going to make you swear again, but that oath is still
16 binding on you today to tell the truth.

17 WITNESS: DCT-190 [On former oath]

18 MR MUNYARD: Madam President, before my learned friend
19 commences cross-examination can I ask for a redaction of
09:12:08 20 your Honour's mention of a name.

21 PRESIDING JUDGE: I do beg your pardon.

22 MR MUNYARD: It's all right.

23 PRESIDING JUDGE: Yes, please redact the names of the
24 witness. It had totally escaped my mind. I think we should all
09:12:37 25 bear in mind this is one of the measures that the witness does
26 retain, the use of a pseudonym.

27 CROSS-EXAMINATION BY MS HOWARTH: [Continued]

28 Q. Good morning, Mr Witness.

29 A. Good morning.

1 Q. Who contacted you to be a witness for the Defence in this
2 case?

3 A. Who contacted me?

4 Q. Yes?

09:13:03 5 A. There are two people that contacted me.

6 Q. And can you call their names, please?

7 A. Mr Prince Taylor.

8 Q. And the second one?

9 A. The second one?

09:13:15 10 Q. Yes, you said two people contacted you?

11 A. Yes.

12 Q. Prince Taylor is one person or two people?

13 A. Two people.

14 Q. So there is a Mr Prince and a Mr Taylor?

09:13:25 15 A. Mr Prince Taylor and Ms Logan.

16 Q. And what led them to contact you to be a witness in this
17 case, if you know?

18 A. That question is best to be answered by them, not me.

19 Q. So tell us the circumstances in which they contacted you,
20 please?

09:13:44 21 A. Can I just verify that? Which circumstances are you
22 referring to?

23 Q. Explain the situation where they contacted you, whether
24 they approached you on the street, whether it was a telephone
09:13:57 25 call. How did that come about?

26 A. Well, I was contacted on phone by Prince Taylor and he told
27 me he wanted to have a meeting with me and I was not in Bo at
28 that time, I was in the provinces where I was doing my logging
29 and I have to travel. I told him - it was on a Wednesday he

1 called me and I told him it would be preferable for us to meet on
2 the weekend and that was honoured and that weekend he met me at
3 my house. We discussed and he told me he has certain things that
4 he want to know from me initially. Then we started discussing.
09:14:40 5 From there on there was a meeting prepared for me to meet the
6 Defence lawyer.

7 Q. Let me stop you just there. In what year were you first
8 contacted?

9 A. I cannot remember the date but it's a long time now, the
09:14:59 10 first time. It's a long time. I cannot remember.

11 Q. Can you give it a go as to the year?

12 A. I've told you I have problems with dates.

13 Q. Very well. Was it perhaps more than two years ago?

14 A. Yes, more than two years.

09:15:14 15 Q. Now, you said you were contacted on phone by Prince Taylor.
16 Was he somebody that you knew before?

17 A. No.

18 Q. So when he called you do you recall what it was he said to
19 you?

09:15:30 20 A. Yes. He called me and he introduced himself on phone.

21 Q. What did he say?

22 A. He told me he's Mr Prince Taylor, he's a brother and he's a
23 friend, he wants to see me, he wants to have dialogue with me.

24 But I told him I was out of town, when I get in town you get in

09:15:49 25 touch and we'll see. So when I got back from my logging area I

26 was in town and he called and I showed him my location. That was
27 the first time we met.

28 Q. I think you said, "He said he was a brother and he wants to
29 have a dialogue with me." When you said he said he was a brother

1 what do you mean by that?

2 A. In Sierra Leone you know when we are Sierra Leoneans we
3 refer to ourselves as brothers, so I know he's a Sierra Leonean
4 and so I just say he's a brother.

09:16:19 5 Q. And this Mr Taylor who you had never spoken to before,
6 where did he get your telephone number from?

7 A. Well, I don't know. Maybe he came in Bo and asked for my
8 house and I have so many friends, I have so many colleagues that
9 knows me in Bo, maybe somebody might have told him about me, he
09:16:41 10 just passed through and got my number. But I don't know, I don't
11 ever give him my number.

12 Q. So you don't know where he got your number from?

13 A. Yeah, I don't know.

14 PRESIDING JUDGE: Can I request both of you to speak a
09:16:51 15 little slower for the sake of the record, please, because I'm
16 sure the transcriber will appreciate that.

17 MS HOWARTH: Yes, I will. I think because it's in English
18 I'm tending to speak quicker as well, but I will take note of
19 that.

09:17:04 20 Q. Now, Mr Supuwood you know him as a member of the Defence
21 team?

22 A. Mr Supuwood?

23 Q. Yes.

24 A. Yes, I met him once.

09:17:25 25 Q. And you know he is a member of the Defence team, don't you?

26 A. Well, he never told me he was member of the Defence team.

27 Q. That's not the question. You know him to be a member of
28 the Defence team?

29 A. I don't know personally.

1 Q. So you don't know whether or not he's a member of the
2 Defence team for Charles Taylor?

3 A. Yeah, I don't know. I can't tell you that.

4 Q. You have no idea about that?

5 A. I don't have no idea.

6 Q. Are you sure about that?

7 A. I'm sure about that.

8 PRESIDING JUDGE: This cannot go on, please. You are not
9 just having an interview. You are giving evidence. You wait for
09:17:55 10 one person to stop before you say something and vice versa,
11 please. And I did ask you again to go a little slower.

12 MS HOWARTH:

13 Q. Do you know if it was Mr Supuwood who gave your phone
14 number to Prince Taylor?

09:18:24 15 A. No.

16 Q. Now, you've said that after Prince Taylor contacted you,
17 you then - there was a meeting with the Defence. Is that right?

18 A. That's correct.

19 Q. And when you had that meeting where did that take place?

09:18:42 20 A. It was in Bo on the highway leading towards Kenema at a
21 secretive place they call Countryside in Bo. That was the
22 meeting place.

23 Q. And on that occasion who did you meet with?

24 A. On that occasion?

09:19:04 25 Q. Yes.

26 A. Yes, I met with Prince himself and Ms Logan.

27 Q. And that location, how far away was it from where you were
28 living at the time?

29 A. Almost let me say 2 miles. It's a 2 miles' journey.

1 Q. And when you met with Prince and Ms Logan on this occasion
2 was that the first time you met both of them?

3 A. I met Prince before I met Ms Logan.

4 Q. Very well. And that was the time he came to your house?

09:19:41 5 A. Prince came to me I told you first. I met him once. Then
6 after that the second meeting was when we met at the highway as
7 I've told you at a place called Countryside.

8 Q. I just want to backtrack quickly. The occasion when you
9 first met Prince, what did you discuss?

09:20:00 10 A. We started with personal issues. He introduced himself to
11 me. And then he told me he wanted to have some dialogue with me.
12 I told him you are well and good. But I told him I'm not
13 convenient for us to discuss anything in my own particular house.
14 So then we then moved to a different location where we sat down
09:20:28 15 and he started, I mean, explaining to me exactly what has been my
16 role during this war and all these other things and I started
17 explaining to him exactly.

18 Q. When you said Prince was explaining what has been our role
19 during this war, what do you mean by that?

09:20:57 20 A. It's very simple. The role that you played in the war. He
21 was already affirmed that I was a commander and I served, so he
22 wanted to have some certain facts that he think I know.

23 Q. So was Prince talking to you about your role during the
24 war, or his role?

09:21:18 25 A. My role.

26 Q. And what did he tell you about your role during the war?

27 A. He never told me anything about my role. I told him about
28 my role.

29 Q. Very well. And on this occasion do you recall if Prince

1 was taking notes or whether this was just a discussion at this
2 stage?

3 A. Privileged conversation initially.

09:21:50

4 Q. So do you recall whether there were notes being taken or
5 not?

6 A. At that time?

7 Q. Yes.

8 A. No, there was no note-taking.

09:22:04

9 Q. And on this occasion how long did the conversation with
10 Prince last for?

11 A. Almost two hours.

12 Q. And do you know if there was any record being taken of your
13 conversation at all on this occasion?

14 A. I don't believe so.

09:22:20

15 Q. And was it just with Prince on this occasion?

16 A. Of course, yes.

17 Q. Okay. Let's skip forward again now and you spoke about a
18 meeting at a different location in Bo where you met with Prince
19 again and also Logan?

09:22:36

20 A. That's correct.

21 Q. Now, do you recall - and I know dates are difficult but I'm
22 going to ask you anyway. Do you recall what year this was in?

23 A. I've told you I have problem with dates but I cannot tell
24 you what - it's been two, three years back anyway.

09:22:58

25 Q. And on this occasion was it just Prince and Logan that were
26 there?

27 A. Yes, only Prince and Logan.

28 Q. And on this occasion how long did you meet for?

29 A. It lasted a little longer. About two to three hours.

1 Q. And what was discussed on this occasion?

2 A. What we discuss --

3 Q. Yes.

4 A. -- on that occasion? Well, we discussed issues pertaining
09:23:41 5 to the war in Sierra Leone. I was asked and I explained the role
6 that I personally played and the unit I was with played in the
7 war. And everything that I thought I knew about the war, I
8 explained to them at that first meeting.

9 Q. And do you recall on this occasion whether a note was taken
09:24:09 10 of what you were saying?

11 A. Of course.

12 Q. And did you see the note of what was taken on this
13 occasion?

14 A. The notes?

09:24:22 15 Q. Yes.

16 A. If I did see it?

17 Q. Yes.

18 A. Yes.

19 Q. And how come you got to see it?

09:24:30 20 A. Well, we're almost adjacent on the same table and I was
21 talking, they were just making notes.

22 Q. After they checked that note did you have an opportunity to
23 read through it or was it read through to you afterwards?

24 A. Well, after I explained to them and they took the note,
09:24:56 25 yes, they explained to me.

26 Q. Sorry, when you say "yes, they explained to me", what do
27 you mean?

28 A. You asked me the question whether they read back the note
29 to me. I said yes.

1 Q. And did they ask you whether what they had put was correct
2 or not?

3 A. Of course.

09:25:22

4 Q. And were you happy with what they had written down at that
5 time?

6 A. Yes.

7 Q. Now tell me after meeting with Prince and Logan on this
8 occasion what was the next contact you had with the Defence team?

9 A. We had another meeting.

09:25:46

10 Q. And when was that?

11 A. I think just after a week or two - after two weeks we had
12 another meeting at the same place.

13 Q. Who was that with?

14 A. The same Prince and Ms Logan again.

09:25:58

15 Q. What happened on that occasion?

16 A. We went through the same notes to make sure - I mean, there
17 are certain things that were left out in the first interview that
18 they wanted to know, and then that was why they called me and
19 they asked me and I gave them the information that they wanted at
20 that time again.

09:26:20

21 Q. And again a similar question: Do you know if notes were
22 taken on that occasion?

23 A. Of course, yes.

24 Q. And again did you have an opportunity for that to be read
25 back to you to check whether it was okay or not?

09:26:32

26 A. Correct.

27 Q. You said that was two or three weeks after the first
28 meeting?

29 A. Correct.

1 Q. So after those three meetings what was the next occasion
2 that you met with the Defence team?

3 A. After that they took a while. I was only contacted by - I
4 used to be contacted by phone from Prince, and he told me when
09:27:08 5 the need arise for them to see me they will see me. So it has
6 only been by phone through Prince and that has been the only
7 contact I used to have with the Defence team initially after that
8 interview.

9 Q. So you mentioned some phone contact. Which was the next
09:27:28 10 contact in person you had with the Defence team?

11 A. The next contact person?

12 Q. The next time you met them in person.

13 A. It was when - I think it was late 2009 that I was met again
14 by Prince and a lawyer called Lansana, and they came - that they
09:28:03 15 want to see me, and we met at Sam Milton Hotel in Bo and they
16 told me they want to see me in Freetown.

17 Q. And did you then go to Freetown?

18 A. It was not immediate because I was doing my job, so I gave
19 them a date and we all agreed on that date. I went back to my
09:28:28 20 sawing area and I came back and I travelled to Freetown.

21 Q. And having gone to Freetown, who did you meet with from the
22 Defence team there?

23 A. I met with Ms Logan and another woman called - I don't know
24 the name correctly, but it's Chantal, I believe so. That was the
09:28:56 25 name, Chantal.

26 Q. Was this still late 2009?

27 A. No. It was now early 2010.

28 Q. And on this occasion did you give another statement?

29 A. Yes. But, you know, initially when this whole thing

1 started, a lot of people were afraid to - I mean, just come up
2 and open up. So when I came back to Freetown now, they asked me
3 and then, yes, we conducted another new interview, additional
4 statements were made.

09:29:38 5 Q. And this occasion how long did you spend with Logan and
6 Chantal?

7 A. Conducting the interview?

8 Q. Yeah. How long did it take?

9 A. Almost half of the day.

09:29:46 10 Q. And again the same question: Did you have a chance to read
11 through any notes that were taken?

12 A. Yes. They have to explain to me exactly.

13 Q. I probably should have asked first: Did they take notes on
14 that occasion?

09:30:04 15 A. Yes, they took notes on that occasion.

16 Q. And those were read through to you?

17 A. Yes, of course.

18 Q. And did you have a chance to say, "Yes, these are correct"?

19 A. Of course.

09:30:11 20 Q. Okay. Now, having had this meeting in Freetown, you say
21 early 2010, what was the next contact that you had with the
22 Defence team?

23 A. The next contact?

24 Q. Yes.

09:30:30 25 A. Well, I was only being contacted now by Prince and Lansana,
26 the lawyer.

27 Q. Okay. Let me put it this way: Was there an occasion where
28 you met with the Defence again for a further statement to be
29 taken?

1 A. After I met Logan and Chantal?

2 Q. Yes.

3 A. No.

4 Q. So that was the last statement that was taken?

09:30:58 5 A. That was the last statement.

6 Q. So is the next occasion that you meet with lawyers when you
7 come here The Hague?

8 A. Of course, yes.

9 Q. Okay. And I think you might know the date better than I
09:31:16 10 did, but was it 6 June, a Sunday, that you met with lawyers in
11 The Hague?

12 A. That's correct.

13 Q. And on that occasion was - were any notes taken of what -
14 the conversations you were having with those lawyers?

09:31:29 15 A. That's correct.

16 Q. And which lawyers did you meet with on that occasion?

17 A. Ms Logan and Mr Griffiths.

18 Q. And, again, you've mentioned that notes were taken. Were
19 the notes that were taken read back or checked with you?

09:31:47 20 A. Yeah, they were read back and checked with me, correct.

21 Q. So you were satisfied that they were - what was there was
22 correct?

23 A. That's correct.

24 Q. I'm going to turn to a different issue now. You gave
09:32:16 25 evidence in the case about Operation Eagle and you said that was
26 something that was aborted, correct?

27 A. That's correct.

28 Q. And you explained that after Operation Eagle was aborted
29 you had a meeting with Counsellor Jalloh and Aisha Konneh?

1 A. That's correct.

2 Q. And that you attended that meeting, as did Sparrow?

3 A. That's correct.

4 Q. And I'm just going to read you a section of what you said
09:32:49 5 they said. I'm not going to ask for the transcript to be pulled
6 up because it's a short extract, but the reference is 8 June 2010
7 and it's page 42314. Now, you said that Counsellor Jalloh and
8 Aisha Konneh said this:

9 "They told us that they have spoken to the Government of
09:33:12 10 Sierra Leone and that they were now facing out for preparing for
11 disarmament, so the only way out is for us to take most of our
12 fighters through to Guinea. Then we start the operations from
13 the borders in Guinea."

14 Now, it's right, isn't it, that the LURD had to look to
09:33:30 15 Guinea to launch those operations because at this time President
16 Kabbah would not approve launching an attack on Charles Taylor
17 from Sierra Leone? Can you help me with that?

18 A. Say again.

19 Q. Yes. It's right, isn't it, that at this time the LURD had
09:33:49 20 to look to Guinea to go and launch an operation because President
21 Kabbah wouldn't give his consent to launch an operation from
22 Sierra Leone?

23 A. That's correct.

24 Q. Now, after the meeting, Aisha Konneh provided yourself and
09:34:12 25 Sparrow with some money, correct?

26 A. That's correct.

27 Q. And you and Sparrow initially began recruiting former
28 Special Forces and transporting them to Guinea. Is that right?

29 A. That's correct.

1 Q. And they are then taken to a training camp at Nzerekore?

2 A. That's correct.

3 Q. And you said that about a battalion's worth, and I believe
4 you said 500, travelled to Guinea. Was that the right figure?

09:34:49 5 Did you say 500?

6 A. A battalion, yes. That was a battalion strength that we
7 used to make for battalion strength.

8 Q. And was it a battalion strength that was sent over before
9 yourself and Sparrow travelled to Guinea?

09:35:03 10 A. That's correct. I never travelled together with Sparrow,
11 as I've told you. These men were recruited and they were not
12 sent at one single go. Like 500 going just like that, no. They
13 were going by bits and bits, as I've told you. We were using
14 canoes to transport them from the government wharf in Freetown.

09:35:25 15 So it was not just go, one day 500 people, no. It takes at least
16 a month to send that battalion, because you have to recruit. If
17 you have 50, 40, you make sure they are safe, then you give them
18 exit.

19 Q. I just wanted to make sure I understand your evidence on
09:35:42 20 this, but was it after about a battalion strength were sent that
21 you yourself then travelled to Guinea?

22 A. That's correct.

23 Q. Right. And I had understood that on this occasion you met
24 with Aisha Konneh.

09:35:59 25 A. Correct.

26 Q. And Sparrow was also there.

27 A. Later. He joined us later.

28 Q. And the meeting was with yourself, Sparrow and Aisha
29 Konneh.

1 A. That's correct.

2 Q. And that having met with them, you then briefed the men
3 that had been sent to Guinea.

4 A. Correct.

09:36:14 5 Q. Having done that, you then returned to Freetown.

6 A. Yeah, for further recruitment.

7 Q. And then he spent some time there and you were recruiting
8 CDFs or former CDFs. Is that right?

9 A. That's correct.

09:36:33 10 Q. And you said that that took a little while because they
11 were waiting for their pay.

12 A. That's correct.

13 Q. And then you also confirmed in an answer to Mr Griffiths QC
14 that the initial group that were sent were Special Forces. So

09:36:54 15 the initial 500?

16 A. Yes, first were Special Forces.

17 Q. And that the subsequent CDFs that were - sorry, the
18 subsequent group that were sent were CDFs.

19 A. It was a mixture of CDF, the West Side Boys and the RUF
09:37:08 20 were recruited from all factions now, because disarmament had
21 already completed, so those that had interest came on board.

22 Q. All right. But it was primarily CDFs and Kamajors, was it
23 not?

24 A. You are correct.

09:37:20 25 Q. Now, can you tell me this: While you were with the LURD,
26 did you participate in any fighting in Gueckedou?

27 A. Of course.

28 Q. And can you tell me, who were you fighting against in
29 Gueckedou?

1 A. In Gueckedou?

2 Q. Yeah. First of all, can you tell me which country it's in,
3 please?

4 A. Guinea.

09:37:48 5 Q. And who were you fighting against there?

6 A. In Gueckedou?

7 Q. Yes.

8 A. We were fighting the - we were fighting people from the
9 Liberian side. At that time we understand that they were having
09:38:06 10 - because they were having so much security forces. You have the
11 ATU, the AFL. So the area there on that borders and these are
12 combined security forces, but we are fighting people from the
13 Liberian side. Whether they were ATU or AFL now, I don't know
14 specification.

09:38:26 15 PRESIDING JUDGE: Ms Howarth, may I interrupt to ask for
16 clarification from the witness. If you could again remind us who
17 the Special Forces were that he just referred to. This was one
18 of the group that was now recruited to go to Guinea. If you
19 could please explain again who - what you mean by Special Forces.

09:38:46 20 THE WITNESS: The Special Forces that I have told you was
21 created when the Government of Sierra Leone was ousted and the
22 President of that country, Alhaji Ahmad Tejan Kabbah, went in
23 exile. Then the late Chief Sam Hinga Norman went to Liberia and
24 made recruitment and this recruitment was done purely to bring
09:39:08 25 combatants that have already fought war and have experience. And
26 so most of us fought with the ULIMO factions, we are called. And
27 those of us that were called from the ULIMO factions, we are
28 called the Special Forces because we are not CDFs or Kamajors.
29 Because we are already trained and that's why they differentiate

1 the units from us and the CDF. So we are called the Special
2 Forces. It was this unit that came into Sierra Leone, and after
3 disarmament that we used the same unit to go to Guinea.

4 PRESIDING JUDGE: Thank you. That's quite clear.

09:39:47

5 MS HOWARTH:

6 Q. Going back to the fighting in Gueckedou, do you recall the
7 names of any commanders fighting on the Charles Taylor side
8 during that attack?

9 A. Initially when we started in Gueckedou?

09:40:07

10 Q. Yeah.

11 A. I cannot tell you initially because we just went into
12 Guinea. And when the fighting was going on, I will tell you
13 about commanders, but initially when we started, I cannot tell
14 you basic commanders.

09:40:19

15 Q. What about when the fighting was going on, can you please
16 tell me which commanders you knew on the Charles Taylor side?

17 A. Specifically I don't know them by person, but we used to
18 know them by names. Most of these fighters don't usually give
19 their correct names. They have fighting names, like Marzah

09:40:42

20 Zigzag, yes, because he was one of the --

21 Q. Was that Maza Zigzag or Zigzag Marzah you mentioned?

22 A. Zigzag Marzah, that's correct.

23 Q. And you knew him as one of the names of commanders fighting
24 on the Charles Taylor side?

09:40:54

25 A. That's correct.

26 Q. As well as Zigzag Marzah, can you remember any other names
27 that you heard as being a commander on the Charles Taylor side?

28 A. Well, I was more conversant with Zigzag Marzah because he
29 was - I believe he was a battalion commander as we were fighting,

1 so - and I'm not too much concerned about names. I'm concerned
2 about the operations I was leading.

09:41:36 3 Q. Again you've mentioned Zigzag Marzah. Why was his the name
4 that you knew? Was it just because he was battalion commander or
5 was there any other - anything else you heard about him at that
6 time?

7 A. Well, we heard he was a commander and he was spearheading
8 the - to repel the attack that we launched from that axis, so
9 that was why I know about him.

09:41:51 10 Q. Was that the same Gueckedou attack or is that different
11 fighting?

12 A. No. That's when we entered now in Lofa.

13 Q. I'll ask you - I do appreciate that the years are difficult
14 for you, but do you know what year that fighting in Lofa against
09:42:06 15 Zigzag Marzah was?

16 A. I have problems with dates, but as I've told you, it was -
17 I believe it was supposed to be early 2000. Early 2000, 2001. I
18 don't really remember because it was after disarmament that we
19 went into Guinea.

09:42:33 20 Q. Okay. Now, you mentioned - going back again to Gueckedou,
21 you mentioned --

22 PRESIDING JUDGE: This is the after disarmament in Sierra
23 Leone?

24 THE WITNESS: That's correct.

09:42:45 25 MS HOWARTH:

26 Q. Returning to Gueckedou. You mentioned the AFL and the ATU
27 as being the Charles Taylor forces. Were you also fighting the
28 RUF in Gueckedou?

29 A. At that time they have disarmed the RUF, the CDF and

1 everybody in Sierra Leone, so the only force that we were
2 fighting on the other side now was the Liberian army.

3 Q. So just to be clear, were RUF fighting on the side of
4 Charles Taylor in Gueckedou?

09:43:28 5 A. I cannot - as I've told you, disarmament has already
6 commenced in Sierra Leone, so if RUF were fighting on that side I
7 don't know because I know very well that they were disarming in
8 Sierra Leone.

9 Q. So you don't know whether the RUF were fighting on the side
09:43:43 10 of Charles Taylor?

11 A. I don't know.

12 Q. And if I were to say to you that the RUF attacked Gueckedou
13 on that occasion, would you also not know?

14 A. Say again.

09:43:56 15 Q. If I were to say that it was in fact the RUF that attacked
16 Gueckedou on that occasion, would you also say "I don't know"?

17 A. Yeah, I don't know.

18 MS HOWARTH: Very well. Madam President, there was an
19 order for disclosure of witness statements on a previous
09:44:22 20 occasion. I would like to refer now to one of those statements.
21 We have made copies of the statement for your Honours if it
22 assists to hand those out.

23 So what, Madam President, you have there and your Honours
24 are the three statements and, according to the disclosure letter
09:45:37 25 by the Defence, they are statements taken on 6 May 2007, 21
26 October 2009 and 6 June 2010. I believe they are in that order
27 in the bundle at the moment.

28 No, I'm wrong. They are 21 October 2009 first, followed by
29 6 May 2010 and then 6 June 2010, the last of which is a written

1 note.

2 PRESIDING JUDGE: I think the last one might have been 6
3 May 2007. You said 6 May 2010.

4 MS HOWARTH: Madam President is quite right, 6 May 2007.

09:47:00 5 MR MUNYARD: Madam President, can I just ask that everybody
6 takes care if my learned friend is intending having any of these
7 displayed. I think on the title page of each of them the
8 witness's name is there. I'm simply raising it as a matter of
9 caution. I'm sure everyone will be very much aware of that.

09:47:22 10 PRESIDING JUDGE: What is the date on the handwritten
11 statement? What is the date of interview of the handwritten
12 statement?

13 MR MUNYARD: 6 May - 6 June this year. I'm not sure if the
14 date is actually on it, but it's an agreed date as between
09:47:45 15 Prosecution and Defence.

16 PRESIDING JUDGE: 6 June 2010?

17 MR MUNYARD: Yes, proofing notes.

18 MS HOWARTH: So it's actually that proofing note that I
19 would like to refer the witness to first and, as my learned
09:48:06 20 friend has indicated, the very front page ought not to be
21 projected on to the screen. But if that could perhaps be shown
22 to the witness. And it's the written statement he needs to see
23 first.

24 PRESIDING JUDGE: Ms Howarth, what is the date for the
09:48:49 25 additional notes?

26 MR MUNYARD: Can I assist, your Honour. It's 21 October
27 2009. There is in front of it a formal witness information form.
28 I don't know if your Honours have that, but that contains the
29 date. And it's described as additional notes because it's the

1 second lot of notes, the first being May 2007.

2 MS HOWARTH:

3 Q. Mr Witness, you have the notes of 6 June 2010 in front of
4 you. Do you recognise that as the note that was taken during the
09:50:34 5 proofing session on Sunday, 6 June?

6 A. Say again.

7 Q. Do you recognise that as the proofing note that was taken
8 when you met with Mr Griffiths QC and Logan on the Sunday before
9 you started giving evidence.

09:50:54 10 A. Unless you give me time to go through, so I just go first
11 and see.

12 Q. Just have a look at the front page. Is that something you
13 recognise or not? There is no need to read through it all now.
14 If you look at the front page, and please don't call the name but
09:51:21 15 do you see your name at the top of that --

16 A. That's correct.

17 Q. -- page? And I can assure you this is something that we
18 have been provided with by the Defence as the note that was taken
19 of what happened in the proofing on Sunday, 6 June, okay?

09:51:39 20 A. That's correct.

21 Q. Okay. Now, for the moment I would like you to turn to
22 paragraph 46. I'm afraid there's no pages, so it's towards the
23 end of the document, the second-last page. I'm going to read
24 paragraph 46 and then move on to 47:

09:52:23 25 "46. Disarmament was a major issue in Sierra Leone at this
26 time, but our focus was still on Liberia. If we disarm now, how
27 would we go across. It was at this stage that Counsellor Janneh
28 came with Isatu Konneh, the Iron Lady, wife of Demate Sekou
29 Konneh, the leader of LURD. She was introduced to us. She told

1 us she had direct contact with President Lansana Conte of Guinea.
2 She told us if we were to have success we would have to launch
3 from Guinea.

4 47. She went to Sparrow and after a few weeks Sparrow
09:53:13 5 briefed us that some of us should start leaving for Guinea. This
6 was about 2000. I went to Guinea. There were about 400 to 500
7 of us Special Forces and CD. We went to Conakry, then" --

8 PRESIDING JUDGE: CDF.

9 MS HOWARTH:

09:53:32 10 Q. CDF. Mine seems to be chopped off at the right-hand side.
11 "... Special Forces and CDF. We went to Conakry, then to
12 Gueckedou. The RUF attacked Gueckedou."

13 PRESIDING JUDGE: Sorry this word name LURD in the margin.
14 I don't know if that is a continuation, but it's there.

09:54:00 15 MS HOWARTH:

16 Q. "The RUF attacked Gueckedou. We moved to Gueckedou to push
17 the RUF back into Sierra Leone. We then moved to Macenta." So,
18 Mr Witness --

19 A. I'm with you.

09:54:17 20 Q. Good. You just told the Court five minutes ago that you
21 didn't know anything about the RUF attacking Gueckedou. That's
22 not true, is it?

23 A. Let me make this very much clear to you. Maybe there has
24 been some misconception in that undertaking. But as you could
09:54:37 25 read- if you can just reverse and read the initial statement that
26 I mentioned, I mentioned that it was after disarmament. I
27 repeat, it was after disarmament that we started recruiting for
28 the operation in Guinea. So specifically if anybody tells you
29 RUF was still fighting in - from Sierra Leone was just an error.

1 So I don't believe I made this particular issue here. I don't
2 believe that, because if you could read - if you just go through
3 you will see specifically that we took this operation immediately
4 after disarmament and at that time all factions in Sierra Leone
09:55:16 5 has been disarmed.

6 Q. Are you avoiding my question, Mr Witness?

7 A. I'm not avoiding the question.

8 Q. Okay. I'll try it again. You just told the Court five
9 minutes ago that the RUF were not involved in fighting in

09:55:30 10 Gueckedou; you didn't know anything about that. That's not true,
11 is it?

12 A. That's correct.

13 Q. Because as you said in your statement, the RUF attacked
14 Gueckedou, didn't they?

09:55:43 15 A. That's what I'm telling you. It might have been a mistake
16 here, but if you could just go back and read the same statement
17 I've referred you to, it will specifically tell you we only left
18 Sierra Leone after disarmament. So if you compare those two
19 statements within yourself you will confirm that it was after
09:56:02 20 disarmament that we travelled, so at that time RUF has disarmed.

21 PRESIDING JUDGE: Can I ask you to speak slowly. Even I
22 can't hear some of the things you say because of the way you
23 speak so fast. Please slow down.

24 THE WITNESS: As I have said earlier, we only took this
09:56:21 25 venture after disarmament. And if you could still go through the
26 same notes that you are quoting me from paragraph 47, it is
27 spelled out specifically that we took this operation from Sierra
28 Leone after disarmament. So there must have been some problems
29 out there, but I don't believe I made that statement that RUF

1 attacked Gueckedou.

2 MS HOWARTH:

09:56:50

3 Q. Mr Witness, not only did you say that the RUF attacked
4 Gueckedou, but you also said, "We moved to Gueckedou to push the
5 RUF back into Sierra Leone," didn't you?

6 A. I'm saying this to you: When we got to the border in
7 Gueckedou there was not attack on that border. It was not done
8 by RUF. I repeat to you. It was done by the forces on the other
9 side, the AFL and the ATU, and we pushed that attack back.

09:57:10

10 That's specifically what I told them.

11 Q. Mr Witness, that's not what you told them before your
12 Defence lawyers wrote down, "The RUF attacked Gueckedou. We
13 moved to Gueckedou to push the RUF back into Sierra Leone." You
14 are changing your story before these judges, aren't you?

09:57:26

15 A. I am not changing my story. That's why I'm making
16 reference to what I told you initially in my statement. If you
17 can go through my statement and you read back to what I have said
18 to this Court earlier, you will realise that I'm telling you the
19 fact. How can there be disarmament in Sierra Leone then RUF come
20 and attack Guinea again and attack us in Guinea we push them back
21 after we have been disarmed? Does that make sense to you also?

09:57:44

22 Q. You're saying one thing to your lawyers and something
23 completely different to the judges today, aren't you?

09:58:00

24 A. Maybe there have been some mistakes out there, but I'm
25 telling you the fact that I know, that we entered Guinea after
26 disarmament; that's my point.

27 PRESIDING JUDGE: Mr Witness, are you saying that when you
28 moved to Gueckedou you pushed the AFL and ATU to where?

29 THE WITNESS: Into Liberia.

1 MS HOWARTH:

2 Q. Now, in this statement you are talking about your meeting
3 with Counsellor Janneh and Aisha Konneh, and then you say a few
4 weeks after Sparrow briefed us and said we should start leaving
09:58:48 5 for Guinea. This was about 2000.

6 A. That's correct.

7 Q. There's nothing in here about you taking part in
8 recruitment and you waiting around for several weeks recruiting
9 Special Forces in dribs and drabs, is there?

09:59:07 10 A. Simplify that question, please.

11 Q. There's nothing in paragraph 47 which talks about you
12 recruiting, is there?

13 A. Talking about recruitment?

14 Q. Yeah, there's nothing in that paragraph that refers to
09:59:30 15 recruiting, is there?

16 A. No, there's nothing like recruitment in this particular
17 paragraph.

18 Q. And there's nothing in that paragraph that talks about
19 going over to Guinea, briefing the men, then coming back to
09:59:43 20 Freetown again, is there?

21 A. If you could withdraw that statement. I went to Guinea.
22 There were about 400 to 500 of us Special Forces, which already
23 specified to you that we have already made recruitment. Is that
24 clear?

09:59:58 25 Q. There's nothing in paragraph 47 that talks about you going
26 over to Guinea, briefing the men, then coming back to Freetown
27 again, is there?

28 A. The statement is written. I went to Guinea. There was
29 about 400 to 500 of us Special Forces and CDF. We went to

1 Conakry. Then to Gueckedou. So you just see that statement and
2 it answers the question you are asking.

3 Q. So what is the answer then, please?

4 A. That is the answer to your question.

10:00:35 5 Q. What is the answer to my question?

6 A. The answer to your question is that we have already
7 recruited, because that's what you want to know. We have
8 recruited up to 400 to 500 manpower; that's about a battalion
9 strength.

10:00:48 10 Q. So there's nothing in paragraph 47 that refers to you going
11 to Guinea, briefing the men, then returning to Freetown for more
12 recruitment, is there?

13 A. In paragraph 47?

14 Q. Yeah.

10:00:59 15 A. There is nothing like that, but in the subsequent
16 paragraphs you will see it.

17 Q. Okay. Well, have a look at 48, 49 and see if you can see
18 it in there.

19 A. If you could see 48 and you go to the fifth line, we were
10:01:25 20 receiving arms and ammunition from the Guinean government of the
21 UN peace contingent base in Sierra Leone. We went to Bomi, link
22 up with the forces from Guinea in Bomi. We decided to make a big
23 push for Monrovia.

24 Q. Well, that also doesn't say, "I went to Guinea. I briefed
10:01:50 25 the men in Guinea. I returned to Freetown to do more
26 recruitment," does it? It's completely different.

27 A. But what I want to - what I in fact want to clarify to you
28 here is that this particular document you are showing to me that
29 you say is from my Defence lawyers was never ever shown to me for

1 confirmation. This is the first time I'm seeing it here.

2 Q. Well, Mr Witness, when I asked you first thing this morning
3 whether notes were read back to you and whether you checked them,
4 you said, "Oh, yes, I checked them. They were right." So why
10:02:25 5 are you changing your version of events now?

6 A. I told you they never gave me the notes to read. What I
7 explained to them was what they told me that they have taken note
8 of. And I never knew in fact there was jottings like this,
9 because I knew very well they have made statements before and
10:02:44 10 that statements is there with them pending. So if you go through
11 my statement you will see facts that are omitted in this
12 particular paper that you are showing to me, the handwriting
13 paper.

14 Q. Mr Witness, you said the opposite this morning, didn't you?

10:02:56 15 A. Which opposite are you talking about?

16 Q. You said you checked through and it was all right. It was
17 accurate.

18 A. I never told you I checked through the notes. I told you
19 after making this statement with my lawyers, they explained back
10:03:07 20 to me. I never told you I checked through. They never gave it
21 to me personally to read.

22 Q. Let's move to this. You said in your evidence to this
23 Court earlier and you confirmed again a few moments ago that the
24 alleged first batch of battalion who went over were Special
10:03:29 25 Forces.

26 A. That's correct.

27 Q. And the second battalions worth of people who went over to
28 Guinea were CDF and you also mentioned former members of the West
29 Side Boys and such-and-such.

1 A. That's correct.

2 Q. Now, in your statement, middle of paragraph 47, you say
3 this: "I went to Guinea. There were about 400 to 500 of us
4 Special Forces and CDF." It was a combined group of Special
10:04:01 5 Forces and CDF that went over, wasn't it?

6 A. Let me make this very clear to you. As I've told you, you
7 go strictly by the statement I made. I believe the statement
8 that I made before 2010 is with you. You have it very well with
9 you. So this additional statement that you are - that has been
10:04:21 10 brought in front of me was only taken by Mr Griffiths and it was
11 only on the Sunday that I saw him. And all statement that was
12 taken by the Defence team was taken by them in Sierra Leone. So
13 I believe you go strictly by those statements and - because I'm
14 not too convenient with this written document by hand.

10:04:42 15 Q. So has Mr Griffiths made a mistake?

16 A. I believe so. That's a question that he may have to
17 answer, but I believe what I said is what I stand by.

18 Q. Did Mr Griffiths magic up that the RUF attacked Gueckedou?

19 A. I don't know. I can't tell.

10:04:57 20 Q. Mr Witness, you know very well, don't you, that the RUF
21 attacked Gueckedou and you know very well that they were fighting
22 for Charles Taylor, don't you?

23 A. How can I tell you the RUF was fighting for Mr Taylor when
24 I was not part of the RUF?

10:05:10 25 Q. All right. Let's move on to something else. You also gave
26 evidence about fighting in the Pujehun axis at the end of 1992
27 going into 1993. Do you recall?

28 A. I recall that.

29 Q. And you explained that at this time you were fighting on

1 behalf of ULIMO with the Sierra Leone government and you were
2 fighting against the RUF, correct?

3 A. That's correct.

10:05:49

4 Q. Now, I'm not going to call up the transcripts. It's a
5 short extract, but the reference is 10 June 2010, page 42484 to
6 5. You were asked this: "Have you ever said to anyone before
7 the NPFL elements were assisting the RUF in Pujehun at this
8 time?" You said, "No." Do you recall that?

9 A. Can I just go through that particular --

10:06:15

10 Q. Do you want me to repeat it?

11 A. No, no. You are talking about the transcript. Can I see
12 it?

13 Q. Sure. Let's call up the transcript, please. It's 10 June
14 2010, page 42484. It's at line 29.

10:06:44

15 Perhaps whilst that's being done, the next statement I
16 wanted to refer to was again the third statement. So just hold
17 on to that for the moment. Thank you.

18 I had actually tried to ask you the question before, but
19 you gave a very long answer, so I took you back to the original
20 question. So at the very bottom, line 29:

10:07:23

21 "Q. Mr Witness, you gave quite a long answer there, but in
22 doing so I don't believe you actually answered my question.
23 So I'm going to ask it to you again. Have you ever said to
24 anyone before that the NPFL elements were assisting the RUF
25 in Pujehun at this time?

10:07:50

26 A. No."

27 Now, Mr Witness, I would like you to have a look at the
28 third witness statement that you have and go to paragraph 14 and
29 we're going to go on to 15. Again, please don't put the first

1 page on the screen. I'm going to read 14 as well so that we have
2 the context:

3 "Recalled to Bo for briefing. At that meeting that
4 Roosevelt Johnson for the first time what was he doing there? RJ
10:08:53 5 goes to Freetown and returns and tells us we have the clearance
6 to enter Liberia from the government of sierra. This was towards
7 the end of 1992. Clearance was obtained from Momoh RJ. Returned
8 from Freetown with a vehicle and arms and ammunition.

9 15. Battle plan finish job in Pujehun and then cross to
10 Liberia. There were some NPFL elements assisting the RUF in
11 Pujehun at this time."

12 So, Mr Witness, when you said you had never told anyone the
13 NPFL elements were assisting the RUF in Pujehun at this time,
14 that wasn't true, was it?

10:09:48 15 A. You are contradicting everything that I've been saying in
16 this Court. That's exactly what I see you are doing.

17 Q. Mr Witness, you are contradicting everything you've been
18 saying in this Court.

19 A. It is you that is contradicting everything that I've been
10:10:05 20 saying in this Court, because the statement you have just read
21 here is that clearance was obtained from RJ, returned from
22 Freetown with a vehicle, both plans finish job in Pujehun, and
23 cross into Liberia. Very well. At that time I have told this
24 Honourable Court that a declaration was made in Sierra Leone by
10:10:26 25 Corporal Foday Saybana Sankoh that he was the leader of the RUF
26 in Sierra Leone. And as such, if any other people were fighting
27 on behalf of that - on behalf of RUF was not my concern. Our
28 concern was, we were fighting RUF in Sierra Leone, and I've made
29 that specifically clear to you, that Saybana Sankoh declared to

1 Sierra Leone that he was fighting in Sierra Leone at that time.
2 And that time we were not fighting NPFL any more. We were
3 fighting RUF in Sierra Leone. So it's a matter of you
4 contradicting, not me contradicting.

10:10:57 5 Q. Thank you very much, Mr Witness. But what you have said in
6 this statement is that NPFL elements were assisting the RUF in
7 Pujehun at this time. You said that to your lawyer on Sunday,
8 the day before you started giving evidence, didn't you?

9 A. That was why I'm telling you, there is - I have already
10:11:16 10 said this and repeated it to you: That this written statement,
11 I'm not very much conversant with it and I'm not convenient with
12 it. I have a statement that was obtained from me in Sierra
13 Leone, two, three years back, and this was the statement that was
14 taken to me, I thought if I were to briefing. I never knew that
10:11:37 15 these jottings were taken and they were never shown to me. I was
16 only re-told what I have said. So the issue about bringing
17 [indiscernible] issue about RUF in Sierra Leone, I'm not
18 convenient with that.

19 JUDGE LUSSICK: Well, just to be clear what you are saying,
10:11:51 20 Mr Witness, are you saying you didn't tell your lawyer that?

21 THE WITNESS: That's correct.

22 MS HOWARTH:

23 Q. So did Mr Griffiths make another mistake?

24 A. It's a question for Mr Griffiths, not me.

10:12:06 25 Q. So when Mr Griffiths, or whoever wrote this statement,
26 wrote down that you had said that NPFL elements assisting the RUF
27 in Pujehun at this time, did they make it up?

28 A. I have told you that question is directed to Mr Griffiths.

29 Q. The truth is that the NPFL were assisting the RUF in

1 Pujehun at this time, weren't they?

2 A. I have told you, I was fighting the RUF at that axis, not
3 the NPFL. Whether they were assisting them is a question for the
4 RUF to answer, not me.

10:12:44 5 Q. Mr Witness, you don't want to say that now because you
6 don't want to incriminate Mr Taylor, do you?

7 A. In the first place it is my very first time of seeing
8 Mr Taylor in this Honourable Court, so I don't have anything that
9 I have to hold back from Mr Taylor.

10:13:04 10 Q. You've mentioned some other witness statements so you can
11 be sure we'll get to those in a moment. In relation to the same
12 Pujehun axis fighting, do you recall that I also asked you some
13 questions about the RUF command structure and whether they had a
14 very good command structure at that time?

10:13:35 15 A. Say again.

16 Q. We're sticking with the Pujehun axis and the fighting
17 there, okay?

18 A. Yes.

19 Q. And I'm asking you if you remember me asking you a question
10:13:48 20 about the RUF command structure at that time?

21 A. Yes, I remember that question.

22 Q. I'm going to go to the transcripts again. It's 10 June
23 2010 at page 42487, and it's a short reference. It begins at
24 line 3. Question from me:

10:14:15 25 "Q. Do you agree that the RUF had a very good command
26 structure at this time, yes or no?

27 A. No.

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

1 A. No.

2 Q. Are you sure about that?

3 A. No.

4 Q. You are not sure?

10:14:43 5 A. I'm sure.

6 Q. You're sure you've ever told anyone?

7 A. Yes."

8 So your evidence was that you had never said to anyone that

9 the RUF had a very good command structure at that time and your

10:14:59 10 evidence was that they didn't have a very good command structure

11 at that time, right?

12 A. That was the point of contention before I left this Court

13 the other day and if I could remember quite well, you asked me

14 that question and I told you I have never, ever been an RUF. I

10:15:19 15 told you if you could ask me whether the Special Forces had a

16 very good command structure I would tell you yes. But I was not

17 fighting on behalf of the RUF and you are asking me questions

18 about RUF, whether they were properly structured. I don't know.

19 Q. Well, let's have a look at what you said in one of your

10:15:35 20 other statements. This is the first statement that we have been

21 given by the Defence in relation to yourself and that's dated 6

22 May 2007. That's the shorter of the two statements. Again

23 please don't put the first page on the projector. Now if the

24 witness could just be shown the first page so he can have a look

10:16:25 25 at it, please. Again, please don't call it out but you'll see at

26 the top there's your name written there and your personal

27 details, as well as the date of the interview and location, okay?

28 A. That's correct.

29 Q. So we're going to go over the page to paragraph 3. Could

1 you please, if you can, read out paragraph 3?

2 A. Me or you?

3 MS HOWARTH: Can I just check that's the right page?

4 MR MUNYARD: It's looking as though it's the wrong

10:17:15 5 statement, just by looking at the paragraphs below.

6 MS HOWARTH: Just to be clear, it's the 6 May statement and

7 that is a five-page statement. Yes, that's the right one. Just

8 have a look at the first page of that. I don't know what the

9 witness has got no front of him now. Is it the same that's on

10:18:09 10 the projector?

11 THE WITNESS: I'm reading from this.

12 MS HOWARTH:

13 Q. Very well. So paragraph 3, can you see that?

14 A. Yes, I'm going through paragraph 3.

10:18:16 15 Q. Can you please read it out loud?

16 A. "I know about the RUF, but I know very little about them."

17 Take note.

18 Q. There is no "take note" in there.

19 A. Yes, I'm reading.

10:18:30 20 Q. Just read what is written.

21 PRESIDING JUDGE: Excuse me, Mr Witness, can you just read
22 verbatim accurately what is written.

23 THE WITNESS: Yes:

24 "I know the RUF - I know about the RUF, but I know very

10:18:41 25 little about them but because we were fighting against them, and

26 we were fighting as their opposing force. All I can tell you is

27 the RUF was having a good command structure because they gave us

28 a lot of headache on the Pujehun axis as we lose a lot of men by

29 fighting them."

1 MS HOWARTH:

2 Q. Did you leave a word out then, Mr Witness?

3 A. Which one?

4 Q. "Very". The sentence says, "All I can tell you is the RUF
10:19:12 5 was having a very good command structure"?

6 A. It is written there. Yes, it's there.

7 Q. So when you said to me that you had never, ever told anyone
8 before that the RUF had a very good command structure, that
9 wasn't the truth, was it?

10:19:27 10 A. If you go through my - that same statement it will tell you
11 from the same paragraph immediately after, "I know about the RUF"
12 and I told you, "But I know very little about them." So you
13 could see clearly from that particular spectrum that I've told
14 you I know very little about them. What you are saying as a good

10:19:49 15 command structure, that you think that I have accepted the RUF
16 had a very good command structure, I have been not a lawyer that
17 plays with words, I have been a military man my whole life. If
18 you are fighting an opposing force and that opposing force gives
19 you a lot of headache in taking towns or in taking grounds from
10:20:06 20 them it means they have a good structure. That's what I mean in
21 this particular thing. Nothing there that they were well
22 organised or well battle planned, no.

23 Q. Mr Witness, I'm going to try the question again because you
24 haven't answered it. When you said to me that you had never,
10:20:22 25 ever told anyone before that the RUF had a very good command
26 structure, that wasn't the truth, was it?

27 A. It was the truth that I'm telling you.

28 Q. But you told your lawyers that the RUF were having a very
29 good command structure and that's why they gave you a headache?

1 A. That's what I referred to you that I knew very little about
2 the RUF initially at that time. It is in the same paragraph.

3 PRESIDING JUDGE: To be certain, Mr Witness, in paragraph 3
4 are you saying you never told your lawyers the RUF was having a
10:20:54 5 very good command structure?

6 THE WITNESS: There are two ways that I look at it.

7 PRESIDING JUDGE: No, answer my question, please. Did you
8 or did you not tell your lawyers the statement that has just been
9 read?

10:21:08 10 THE WITNESS: It was a statement taken from me. I told
11 them.

12 MS HOWARTH:

13 Q. So you told your lawyers, didn't you, that the RUF was
14 having a very good command structure; yes or no?

10:21:20 15 A. I did.

16 Q. And you also checked through this statement, didn't you, to
17 make sure it was accurate. You've already told us that, haven't
18 you?

19 A. Yeah.

10:21:33 20 Q. You checked through that statement to make sure it was
21 accurate, didn't you?

22 A. That's correct. That's correct.

23 Q. And you never said to your lawyers, "Oh, no, that's not
24 true. The RUF didn't have a very good command structure at all.
10:21:44 25 I shouldn't be saying that," did you?

26 A. These are minor errors in statements. When you are taking
27 statements from military people, you know, there are minor
28 things. But I never, ever thought of this kind of minor errors
29 because I just think this is a minor error.

1 Q. It's a minor error? You're a military person, aren't you?

2 A. Of course.

3 Q. And you're saying in that statement that the forces that
4 you're fighting at that time have a very good command structure?

10:22:13 5 A. Militarily what we mean by that is that I have told you if
6 you are fighting opposing force and that force gives you a lot of
7 problem it means they are organised.

8 Q. Moving on. I asked you some questions last Thursday about
9 Oliver Varney. Do you recall that?

10:22:32 10 A. Repeat the question again. I cannot remember.

11 Q. I asked you some questions last Thursday about Oliver
12 Varney. Do you recall?

13 A. That's why I've told you to ask that question again because
14 I cannot remember quite well.

10:22:49 15 Q. Very well. Let's call up the transcript, please. It's 10
16 June 2010, and the page is 42488, beginning at line 20. So at
17 line 20 I'm asking you a question. I say:

18 "Q. Mr Witness, are you familiar with the name Oliver
19 Varney?

10:23:35 20 A. I heard about that name.

21 Q. Who was he?

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

24 Q. And as well as him being an NPFL what else, if
10:23:53 25 anything, did you hear about him?

26 A. Nothing absolutely.

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

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

4 Q. I appreciate that you've never seen him in person, but
10:24:52 5 even sometimes if we don't see someone in person we can
6 know something about them. So did you know him to be a
7 close associate to Charles Taylor?

8 A. I only know him as an NPFL. I don't know whether he
9 was a close associate to Mr Taylor."

10:25:09 10 If we just skip the next bit and go down to line 26:

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

13 A. No.

14 Q. Are you sure about that answer?

10:25:26 15 A. I'm very much sure."

16 Now, if we could please turn to the second witness
17 statement that we were provided with by the Defence, and that's
18 the longest of the typed statements and the date on that one
19 should be 21 October 2009. Again, Mr Witness, if you can just
10:26:02 20 have a quick look at the first page. Just you'll note your name
21 at the top and your various personal information.

22 Now if we could turn, please, to paragraph 7 of that
23 statement, which is on page 4. The first sentence begins, "We
24 pushed back into Liberia again in 1992/3." If we skip down four
10:26:50 25 lines there's a sentence that begins "I heard the". Now it says
26 there, "I heard the name Oliver Varney as a close associate of CT
27 and a strong fighter."

28 So, Mr Witness, when you said to me that as well as being
29 an NPFL you heard nothing absolutely about Oliver Varney, again

1 that wasn't the truth, was it?

2 A. Even when you asked me here after years and years that I've
3 made that statement and I've told you I knew and I've never seen
4 him in person I only heard about him that he was a fighter and
10:27:38 5 I've told you repeatedly.

6 Q. Mr Witness, your lawyers wrote down the right thing when
7 they said that you had said, "I heard the name Oliver Varney as a
8 close associate of CT and a strong fighter," didn't they? They
9 didn't make another mistake, did they?

10:27:55 10 A. Maybe that was a mistake, but as you could see from my
11 statement of yourself, it will tell you that I know so little
12 about this individual. And I have told you I was never been - I
13 have never - I was never fighting until offside. So how can I
14 tell you he was a very close associate? It means if I tell you
10:28:12 15 that I'm lying.

16 Q. So who are you saying made a mistake there? Is that
17 yourself or is it your Defence lawyers again?

18 A. Say again.

19 Q. Who are you saying made a mistake? Is it yourself or is it
10:28:24 20 your Defence lawyers again?

21 A. I don't believe I made that mistake because I have told you
22 from the starting of that statement that I know so little about
23 that man. So saying that he is a close associate of Mr Taylor is
24 like I'm lying, because I was not in Monrovia. I have never been
10:28:43 25 with Mr Taylor. So if I tell you anybody is a close associate,
26 it means I am lying.

27 Q. Well, you are lying, aren't you, because you said to your
28 Defence lawyers, "I heard the name Oliver Varney is a close
29 associate of CT and a strong fighter," didn't you?

1 A. Listen, I am not lying. I'm telling you the fact that I
2 know about this war. That's the fact that I'm telling you.

3 JUDGE LUSSICK: Once more, Mr Witness, I need to know
4 exactly what you are saying. Are you saying you didn't tell your
10:29:07 5 Defence lawyers that and that the statement that was read to you
6 is incorrect? Are you saying that?

7 THE WITNESS: Say again.

8 JUDGE LUSSICK: Are you saying that what the Defence
9 lawyers wrote down in this statement was wrong? Are you saying
10:29:23 10 that?

11 THE WITNESS: That particular statement that he - Oliver
12 Varney is a close associate of Mr Taylor is wrong, because I
13 don't believe I told them that. Because I told initially that I
14 know so little about this man. So little. I've never seen him
10:29:38 15 in person, and it was clear that I've never seen him in person.

16 JUDGE LUSSICK: All right. So just so I'm clear on what
17 you are saying, you are saying you never told your lawyers that
18 and what they wrote down in that statement is wrong?

19 THE WITNESS: That particular statement, that particular
10:29:53 20 underlined statement, that he's a close associate, is wrong.

21 JUDGE LUSSICK: And you never told your lawyers that.

22 THE WITNESS: Correct.

23 MS HOWARTH:

24 Q. So, again, you checked through this statement, as you said,
10:30:10 25 and you never pointed out that this is wrong, this is a mistake.
26 Is that what you're saying?

27 A. Say again.

28 Q. You checked through this statement, didn't you, to see if
29 it was right, to see if it was accurate?

1 A. I went through and I told you these are minor errors that
2 it's very difficult for you to detect, you know.

3 Q. So is this another minor error?

4 A. Of course.

10:30:34 5 Q. Isn't it the case that you don't want to incriminate
6 Mr Taylor again?

7 A. Say this question again.

8 Q. Isn't it the case that you don't want to incriminate
9 Mr Taylor?

10:30:48 10 A. I am not trying to either protect nor to incriminate
11 Mr Taylor.

12 Q. Mr Witness, you did say to your lawyers that Oliver Varney
13 was a close associate to Charles Taylor and you said he was a
14 strong fighter, didn't you?

10:31:02 15 A. I only said he was a strong fighter. I was not in the
16 NPFL, so how can I say he is a close associate to Mr Taylor?

17 Q. All right. Let's move to something else. I asked you
18 about - some questions about Gbarnga in 1994 and the attack on
19 Gbarnga that was conducted by ULIMO-J and ULIMO-K. Do you recall
10:31:28 20 those questions?

21 A. Correct.

22 Q. And you had explained that ULIMO-J and ULIMO-K were able to
23 attack Gbarnga and hold it for some short time and then it was
24 retaken by the NPFL, correct?

10:31:44 25 A. That's correct.

26 Q. Now, I would like to go, please, to the transcript of
27 10 June 2010, page 42495. I'm just going to start at line 2:
28 "Q. What about the NPFL? What were they doing whilst
29 ULIMO held Gbarnga for these ten days?

1 A. They retreated to regroup and come back.

2 Q. And did they come back?

3 A. Yes, they made a come back.

10:32:49

4 Q. And when they came back, they had fresh supplies,
5 didn't they?

6 A. Oh, I cannot tell you whether they had fresh supplies,
7 but they came back and retook Gbarnga.

10:33:04

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

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

10:33:21

16 Q. Was it something that you heard, that the NPFL had got
17 fresh supplies from the Ivorian border?

18 A. No.

10:33:39

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

21 A. No.

22 Q. And have you ever told anyone that it was because of
23 these fresh supplies that ULIMO were unable to withstand
24 the pressure?

10:33:52

25 A. No.

26 Q. Are you sure about that?

27 A. I'm sure."

28 Mr Witness, you as sure today about that evidence as you
29 were when I asked you last Thursday?

1 A. Let me just say something to you. That particular - that
2 was the place that we were having some argument. I told you the
3 way you are asking the question, your "yes" will be your "no" and
4 your "no" will be your "yes". That's why I told to you to re-ask
10:34:21 5 that particular question, because you are asking me so solid
6 questions that, you know, I never - my "yes" should have been my
7 "no" and my "no" should have been my "yes". That's why I told
8 you to re-ask that question.

9 Q. So tell us then, did Charles Taylor's forces receive fresh
10:34:44 10 supplies from Ivory Coast in order to defeat the combined forces
11 of ULIMO-J and ULIMO-K in Gbarnga in 1994?

12 A. Say again.

13 Q. Did Charles Taylor's forces receive fresh supplies from
14 Ivory Coast in order to defeat the combined forces of ULIMO-J and
10:35:05 15 ULIMO-K in Gbarnga in 1994?

16 A. After it was taken by joined forces of ULIMO?

17 Q. Yes.

18 A. Yes, of course.

19 Q. So today you are saying that Charles Taylor's forces did
10:35:20 20 receive fresh supplies from the Ivory Coast to defeat the ULIMO-J
21 and ULIMO-K in Gbarnga, is that your evidence?

22 A. I'm not saying this today. What you have on the transcript
23 that you have shown me, it was a bone of contention between
24 yourself and myself. I told you the way you are asking the
10:35:38 25 question, your "yes" will be your "no".

26 PRESIDING JUDGE: Mr Witness, please, let us get back to
27 the meat of the evidence. The question that counsel has asked is
28 very simple. She has repeated it twice, thrice.

29 THE WITNESS: Yes, my Lord.

1 PRESIDING JUDGE: This question relates to the fact of
2 whether or not Mr Taylor's forces received fresh supplies from
3 the Ivory Coast in order to defeat the combined forces of ULIMO-J
4 and ULIMO-K in Gbarnga in 1994. What is your evidence on this?

10:36:12 5 THE WITNESS: That's correct. The mode of which you have
6 asked the question can be easily answered, but the manner in
7 which she was asking --

8 PRESIDING JUDGE: Please, just answer that question. Let's
9 not argue about the manner of questioning. Just answer that
10:36:25 10 question. What is your evidence on that?

11 THE WITNESS: Say again.

12 PRESIDING JUDGE: Let me ask counsel to read slowly the
13 question again, please, and listen carefully and answer that
14 question.

10:36:44 15 MS HOWARTH:

16 Q. So the question is: "Did Charles Taylor's forces receive
17 fresh supplies of arms and ammunition from Ivory Coast in order
18 to defeat the combined forces of ULIMO-J and ULIMO-K in Gbarnga
19 in 1994?"

10:37:03 20 A. Of course, yes.

21 Q. Now, I asked you another question and it was about whether
22 ULIMO-J became a target of Charles Taylor after he was elected
23 President, and you said this. The reference is 10 June 2010,
24 42500. It's a short extract. So unless there's a dispute, I
10:37:42 25 wouldn't propose to call it up. Line 7:

26 "Q. Once Charles Taylor became the President, ULIMO-J
27 became a target of Charles Taylor, correct?

28 A. No.

29 Q. Have you ever suggested to anyone that ULIMO-J did

1 indeed become a target once Mr Taylor was elected?

2 A. I told my team that ULIMO-J only became a target after
3 the Njala House incident."

10:38:21

4 Now, do you stick with that evidence today or do you want
5 to change that as well?

6 A. No, no, no. I stick with that particular statement.

10:38:42

7 Q. Okay. Now, we have the witness statement from 21 October
8 hopefully still in front of us. I wanted to refer to
9 paragraph 11 of that statement, please. That should be on the
10 following page, page 5. Paragraph 11, first sentence, you said
11 this to your Defence team:

12 "Once CT b/c President, we realised we (ULIMO-J) were a
13 target and decided to flee to Sierra Leone. Very few of us
14 ULIMO-J crossed but I did."

10:39:25

15 So, Mr Witness, when you said to me that you have never
16 said after Mr Taylor became President that ULIMO-J became a
17 target, that wasn't true, was it?

10:39:47

18 A. I have told you and I'll repeat: I told you only after the
19 Njala incident took - that happened, then ULIMO-J became a
20 target. But initially I told you Roosevelt Johnson was part of
21 the government, so how would he become a target? Because he was
22 serving there as a member of that transitional government, so we
23 had no fear. But after the Njala house incident, we became a
24 target. I've told you this.

10:40:01

25 Q. But, Mr Witness, in this statement that you've given to
26 your Defence lawyers, not only do you say that after Mr Taylor
27 became President did ULIMO-J become a target, but also you say
28 that this caused you to flee to Sierra Leone and you crossed.

29 A. I said that.

1 Q. There's no mention there of the Njala house incident, is
2 there, in that paragraph 11?

3 A. At that time I was never asked about the Njala house
4 incident.

10:40:31 5 Q. Mr Witness, look at paragraph 11. Where in there do you
6 mention the Njala house incident?

7 A. That's why I'm telling you, it was how the question came.
8 I was not asked about the Njala house incident before this
9 question came in. So that after the Njala house incident, it was
10:40:46 10 at that time that there was pressure on we the ULIMO people.

11 Q. Mr Witness, do you agree or not that you said to your
12 Defence lawyers that once CT became President we realised we
13 ULIMO-J were a target and decided to flee to Sierra Leone?

14 Sorry, you probably didn't say CT. You probably said
10:41:17 15 Charles Taylor, so I'll put this again. Do you agree that you
16 said to your Defence lawyers that once Charles Taylor became
17 President we realised we ULIMO-J were a target and decided to
18 flee to Sierra Leone?

19 A. I did say that, but I told you it was the manner in which
10:41:34 20 the question was asked initially. But I told you it was after
21 the Njala house incident that we - that we were having pressure
22 from the government at that time.

23 Q. Now, I also asked you some questions towards the end of the
24 last time you were in court about Zigzag Marzah. Do you recall
10:41:53 25 that?

26 A. I cannot recall too much.

27 Q. Okay. Well, I'm going to ask as well if that transcript
28 can be pulled up, so hopefully that will fresh both of our
29 memories.

1 A. No problem.

2 Q. So it's again 10 June 2010 transcript and it's page 42503,
3 please, at line 25. I'm going to refer to some of this
4 transcript and then ask some questions and then refer back to it
10:42:55 5 again, so perhaps if it could please be left on the screen for a
6 little longer than usual. So at line 25 my question:

7 "Q. And one of the names that you knew was Zigzag Marzah,
8 correct?

9 A. I know of that name, correct.

10:43:13 10 Q. And you knew him as a member of Jungle Fire. Is that
11 right?

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

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

14 A. Was he? I don't know him as a member of Jungle Fire.

10:43:33 15 What do I know of Jungle Fire - maybe it's a mistake from
16 that - Jungle Fire, when we entered Lofa, the code name of
17 the operation was Operation Jungle Fire. So that was the
18 operation that we are leading, Operation Jungle Fire. So I
19 don't know whether he was part because he was not LURD and
10:43:53 20 we are LURD, so I don't know what you mean by Jungle Fire.
21 Jungle Fire was the operational name given to the operation
22 when we entered the jungle in Lofa."

23 So are you sure about that evidence, Mr Witness?

24 A. About Operation Jungle Fire?

10:44:14 25 Q. Yes.

26 A. Of course.

27 Q. So what you said, what I just read out there, is that the
28 truth?

29 A. It's the truth. Marzah Zigzag was not part of Operation

1 Jungle Fire. Operation Jungle Fire was created by LURD itself.

2 Q. And you hadn't heard of Zigzag Marzah as being a member of
3 Jungle Fire?

4 A. He was not LURD so he was not part of our operation.

10:44:35 5 Q. Right. I would like to look again at the second witness
6 statement, the longer of the typed versions, dated 21 October
7 2009, and paragraph 42 of that statement, please?

8 PRESIDING JUDGE: Correction. The statement is dated -
9 yes, you are right.

10:45:10 10 MS HOWARTH:

11 Q. Do you have paragraph 42 in front of you, Mr Witness? Do
12 you have paragraph 42 in front of you?

13 A. I have it.

14 Q. And could you please read it out loud?

10:45:25 15 A. "Jungle Fire I heard of - we were told that this was an
16 experienced and highly trained unit commanded by Chucky. We
17 heard of Zigzag Marzah who was with that unit."

18 Q. So, Mr Witness, when you've told the Court repeatedly now
19 that you heard of Zigzag Marzah as a member of the Jungle Fire -
10:45:49 20 that you hadn't heard of Zigzag Marzah as a member of the Jungle
21 Fire unit, you weren't telling the truth again, were you?

22 A. Let me tell you just - let me just clarify this to you.
23 This I told you the other day there has been also an error here.
24 Jungle Fire has never been a unit. It's an operational code
10:46:06 25 name. And the mistake here is that Chucky and other people were
26 part of the ATU. That's what I told them. But Jungle Fire has
27 been an operation that was only conducted by LURD and this
28 operation was conducted because when we entered Guinea we had no
29 operational name so we have to coin our operation as Operation

1 Jungle Fire.

2 PRESIDING JUDGE: Excuse me, Mr Witness. Are you speaking
3 English, because you are speaking so fast that I'm sure even the
4 transcriber is having difficulty keeping with you. There is a
10:46:37 5 lot of indiscernibles on the record because of the way you are
6 eating your words. I don't know why. You were explaining to us
7 what Jungle Fire means to you, but more importantly we want an
8 answer to whether you agree with the statement, paragraph 42.

9 THE WITNESS: No.

10:47:12 10 JUDGE LUSSICK: So you are saying the lawyers again got it
11 wrong and you did not tell them that. Is that what you're
12 saying?

13 THE WITNESS: That's exactly what I'm trying to say. I
14 told them about ATU and Zigzag Marzah, but operation was Jungle
10:47:22 15 Fire was an operation that we conducted. It is not a unit name.
16 There is no unit name called Jungle Fire. It's an operation. So
17 you could see that it's a mistake there. Jungle Fire was an
18 operational code name given for the operations in Lofa. It's not
19 the name of a unit. So you could see from that I told them
10:47:42 20 Chucky and Zigzag Marzah, we heard about them in the ATU. Maybe
21 there must be some mistake out there. But Jungle Fire is an
22 operational code name for the operation we took from the Guinea
23 border into Liberia.

24 MS HOWARTH:

10:47:58 25 Q. But, Mr Witness, you told us that you had a chance to check
26 the accuracy of this statement. Why didn't you point it out?

27 A. I told you this statement was read to me. I'm only having
28 the opportunity to have it in front of me and I told you if you
29 could even see this statement, Jungle Fire I heard of, this was

1 an operational code name. It's not the name of a unit like you
2 have ATU, the OSD, this and - no. But Operation Jungle Fire was
3 an operational code name that I've told you that we used that
4 code name for the operation in Lofa.

10:48:33 5 Q. Mr Witness, you're backtracking, aren't you, because you
6 told us, you told this Court at the beginning of today that notes
7 were taken and that you had a chance to comment on the accuracy
8 of those notes and that you were happy with them, didn't you?

9 A. I am not backtracking. The fact here is that you are a
10:48:50 10 lawyer, you know so little about military. But if you know
11 military and you know the difference between unit and operational
12 code names then you will know exactly what I'm saying.

13 Q. Jungle Fire was a unit, wasn't it?

14 A. Jungle Fire is an operational code name.

10:49:07 15 Q. And Jungle Fire was a notorious unit, wasn't it?

16 A. Jungle Fire was an operation. I have told you it's not a
17 unit.

18 Q. Jungle Fire was a notorious unit that committed crimes
19 against civilians, wasn't it? You heard about that, you knew
10:49:23 20 about that, didn't you?

21 A. The Operation Jungle Fire was an operation, not a unit.

22 Q. Mr Witness, you're changing your evidence because you don't
23 want to incriminate Mr Taylor again, aren't you?

24 A. It is you that is trying to incriminate Mr Taylor, not me.

10:49:38 25 Q. So you're trying not to incriminate Mr Taylor, are you?

26 A. You are trying to do so. Not me.

27 Q. Now let's just go back to that transcript, please. It's
28 42504, so the previous page, please, at line 11:

29 "Q. You heard of Zigzag Marzah as being somebody who was

1 going to lead an attack on Voinjama, correct?

2 A. Yes, that's correct.

3 Q. Can you please tell me, what else did you hear about
4 Zigzag Marzah?

10:50:24 5 A. Well, the only time we got information was at briefing
6 when we were told that - from intelligence gathering that
7 he was coming with a troop to retake Voinjama and then we
8 were told to move and make sure that the route he uses must
9 be properly ambushed. But by the time we get to that place
10:50:47 10 he was not even there, so that was the end of it."

11 Now, Mr Witness, when you said, "By the time we get to that
12 place he was not even there, so that was the end of it," what did
13 you mean exactly?

14 A. First and foremost when we were fighting in Liberia we had
10:51:07 15 no vehicles. We are doing all our jungle patrols on foot. So
16 when you get intelligence about a certain troop movement from
17 Monrovia you are conveyed not by vehicle but on foot. So maybe
18 by the time you get to your designated location that operation
19 has already failed because Lofa was a very, very big county with
10:51:31 20 very bad roads. We have to carry our basic loads, arms and
21 ammunition, on our heads or either we would recruit civilians to
22 do it for us. So we got this intelligence from Monrovia that
23 Marzah Zigzag was coming with the troop into Lofa. And then the
24 area that we mapped for this ambush, by the time we got there we
10:51:53 25 only met few civilians that were retreating from that area, that
26 government troops were there a few days ago but they have left.
27 That's what I'm trying to indicate.

28 Q. So did you mean that the operation led by Zigzag Marzah had
29 already happened so you were too late to catch him?

1 A. There was no operation in that area. The first thing that
2 happened was they were trying to come and make a push but,
3 realising that we are also enclosing on them, they decided to
4 make tactical retreat. So there was no operation because when we
10:52:27 5 got there we met some civilians and they told us government
6 troops were in that area a few days back and they have just left.
7 There was no fighting.

8 Q. Now if you'll have a look again at your witness statement,
9 paragraph 45. I'm looking at the last sentence on page 14:

10:52:56 10 "One time someone on CT's (Charles Taylor's) side told us
11 that Zigzag Marzah was going to attack Voinjama and we acted on
12 this intelligence but we were too late to catch him."

13 Is that correct? Is that what you told the Defence?

14 A. That was just what I explained here.

10:53:16 15 Q. So you agree with what's written on this statement?

16 A. But I have just explained it to you.

17 PRESIDING JUDGE: Please answer the question, okay? What
18 is your answer?

19 THE WITNESS: She asked me whether I told them by the time
10:53:32 20 Zigzag Marzah - we got to the place he has already left and
21 that's what I just explained, I said yes.

22 MS HOWARTH:

23 Q. But you said in the statement you were too late to catch
24 him, didn't you?

10:53:44 25 A. That's correct.

26 Q. So what did you mean when you said that?

27 A. What I've told you, I've said Lofa was not - we were not
28 fighting a conventional warfare where you have vehicles or
29 choppers that will take you to areas. We are fighting through

1 jungles. So from the area we are supposed to move for this
2 ambush, it almost took us two or three days. So by the time we
3 got there they have already retreated. That's what I'm trying to
4 say.

10:54:14 5 Q. Very well. Now turning to something different, you began
6 your testimony to this Court explaining about when the NPFL
7 invaded Monrovia and your whereabouts at this time. Do you
8 recall giving that evidence?

9 A. Say again.

10:54:35 10 Q. You were asked by the Defence in Court about your
11 whereabouts when the NPFL invaded Liberia?

12 A. When they started the war?

13 Q. Yes.

14 A. That's correct.

10:54:50 15 Q. And you were asked about where you were when the NPFL came
16 to Monrovia?

17 A. That's correct.

18 Q. And you gave evidence that you were in Monrovia with your
19 father and your brother at that time?

10:55:11 20 A. My younger brother.

21 Q. Yes.

22 A. That's correct.

23 Q. And you explained that you fled from Monrovia to Sierra
24 Leone?

10:55:20 25 A. That's correct.

26 Q. Now, you also were asked about your mother and where she
27 was at this time and your evidence was that she was already in
28 Bo, Sierra Leone?

29 A. That's correct.

1 Q. And you said that at this time of the year she would visit
2 relatives there?

3 A. Correct.

10:55:50

4 Q. Right. And that evidence is all correct so far. Is that
5 right?

6 A. That's correct.

10:56:08

7 Q. Okay. Now, if I could please ask for the witness to be
8 shown the statement again. It's the second statement dated 21
9 October 2009, please. I would caveat this by saying this page
10 ought not to be displayed on the monitor, please.

11 PRESIDING JUDGE: What page would this be?

12 MS HOWARTH: It's page 2, the second page. I'm looking at
13 paragraph 2 and I'm going to read that one out:

14 Q. You said to your Defence lawyers:

10:56:41

15 "I was staying with my parents in Monrovia before the NPFL
16 invaded. We were living in Duala Junction and my mother was in
17 Logan Town. When NPFL invaded, I was in Monrovia and I crossed
18 into Sierra Leone. Doe was behind the bridge and there was no
19 contact across the town. My father and those of us at home fled
20 and my mother only managed to escape some months later."

10:57:07

21 Now again, Mr Witness, is this the version of events that
22 you told the Defence lawyer?

10:57:32

23 A. That's incorrect, because as I have told you, my mother was
24 not in Monrovia initially. I was only there with my dad, my
25 younger brother and cousins. Every December she used to come
26 across in Sierra Leone for visitation. So she was in Sierra
27 Leone when the NPFL attacked. I told them she was doing business
28 in front of Logan Town cinema. That was where she was having an
29 ice-cream shop called Ma Watta's Ice-Cream. When we were in

1 Monrovia our location was Duala. I would not deny that. She was
2 doing business in Logan Town. That was being the statement I
3 gave them. She was doing business in Logan Town in front of the
4 cinema.

10:58:00 5 Q. So, Mr Witness, is this another mistake made by the Defence
6 lawyers?

7 A. You ask them. But what - I know my mother was in Sierra
8 Leone and I was - I only trekked together with my dad, my younger
9 brother, and my cousins that were in Monrovia.

10:58:15 10 Q. Mr Witness, why didn't you clarify that this was an error
11 when you had a chance to comment on the accuracy of this
12 statement?

13 A. That's a question you ask the lawyers, not me.

14 Q. No, that's a question for you. You were given an
10:58:34 15 opportunity to review the contents of this statement and say
16 whether it was accurate or not. You told us you did that. Why
17 didn't you say this is a mistake?

18 A. Why didn't I say it's a mistake?

19 Q. Yes.

10:58:48 20 A. Because I know I've told them the correct thing, that my
21 mother was in Sierra Leone. She was in Sierra Leone, so I had no
22 reason to go and crosscheck that information, because I know to
23 the best of my ability that I and my younger brother and my
24 cousins, we were in Monrovia at that time.

10:59:02 25 Q. Did the Defence lawyers make up that your mother only
26 managed to escape from Monrovia a few months later?

27 A. You ask them the question, not me.

28 Q. Mr Witness, you are confused and you can't remember some of
29 these events, can you?

1 A. I'm not confused. I'm well composed.

2 Q. You can't even remember where your mother was when the NPFL
3 invaded Monrovia, can you?

10:59:28

4 A. I'm not a small boy. I know exactly where my mother was,
5 where my father was, and where even I was in Monrovia - I was in
6 Monrovia. I've told you clearly.

7 Q. Then why did you give the Defence the wrong information?

8 A. I never gave them the wrong information.

10:59:40

9 MS HOWARTH: Madam President, I don't know if this is a
10 convenient point.

11 PRESIDING JUDGE: Yes, indeed. We'll take the midmorning
12 break and we'll convene at 11.30.

13 [Break taken at 11.00 a.m.]

14 [Upon resuming at 11.32 a.m.]

11:29:48

15 PRESIDING JUDGE: Ms Howarth, please continue.

16 MS HOWARTH:

17 Q. Mr Witness, you have given evidence that you were a member
18 of the Special Forces, correct?

19 A. That's correct.

11:32:22

20 Q. And as a member of the Special Forces you fought with and
21 alongside the CDF?

22 A. That's correct.

11:32:44

23 Q. And this morning you were asked a question by the Presiding
24 Judge, and this is at page 23 of my LiveNote at the bottom of
25 that page, I'm on size 20 font so it could be different for some
26 others - page 24, the Presiding Judge asked you if you could
27 remind us again who the Special Forces are, and your response was
28 that:

29 "Special Forces most of us fought with ULIMO factions we

1 are called and those of us that were called from the ULIMO
2 factions were called the Special Forces because we were not CDF
3 or Kamajors because we are already trained."

11:33:36 4 So am I right that you are not CDF or Kamajors, but you are
5 this group of Special Forces?

6 A. That's correct.

7 Q. Now, I would like to refer you again to your witness
8 statement and this is the first witness statement in time, so
9 that's the statement of 6 May 2007. Again, please don't project
11:33:57 10 the first page. Now, I want to refer to the first paragraph in
11 that statement. Paragraph 1, first sentence. You said this to
12 your Defence lawyer: "I served in this conflict as a CDF. I
13 became a senior officer in the CDF."

14 A. That's correct.

11:34:24 15 Q. Mr Witness, you have just told us that as Special Forces
16 you are not part of the CDF.

17 A. You are getting it wrong. Let me just break it down for
18 you. The Civil Defence Forces is a combination of forces that I
19 have told you the leader of the Civil Defence Forces was Chief
11:34:47 20 Sam Hinga Norman, the late Chief Sam Hinga Norman. He was in
21 charge of all CDF operations in Sierra Leone and he did the
22 recruitment for us in Liberia.

23 The problem here was that a lot of people refused to be
24 initiated into the Kamajor society and that's one. And, two,
11:35:04 25 most of the CDF are not trained, but the Special Forces and the
26 CDF has been a single entity unit. The only difference is that
27 the initiation is what they call the Kamajors and we are --

28 PRESIDING JUDGE: Slowly, please. Start again from "the
29 only difference is that".

1 THE WITNESS: The difference between us was, most of them
2 were initiated and we were not initiated because we have been
3 armed people before. But the total control of the Special Forces
4 was done by Chief Sam Hinga Norman and he was the head of the
11:35:34 5 CDF.

6 PRESIDING JUDGE: That is not speaking slowly. That is not
7 testifying, okay. I am going to ask you one more time to speak
8 slowly, please. Speak normally like I am speaking normally.

9 THE WITNESS: The Special Forces was born out of the CDF.

11:35:52 10 As I have told you, it is through Chief Sam Hinga Norman that the
11 Special Forces was formed in Liberia. Initially when the coup
12 took place in Sierra Leone, I told you the President flee to
13 Guinea and Hinga Norma went to Liberia. He was there when he
14 started this civil defence movement. He hadn't enough seasoned
11:36:14 15 fighters to come and start engaging the RUF and the AFL, and AFRC
16 juntas in Sierra Leone. So he decided to look for well trained
17 personnels already that would start the job. Whilst we were on
18 the job, we would start training those that were coming on board.
19 So this unit that he took that was trained is what they called
11:36:36 20 the Special Forces. But the Special Forces were part of the CDF.

21 The difference, as I have said, is that none of us never went
22 through - most of them never went through initiation although
23 very few of us we were forced to do that because of backgrounds.
24 But a lot of Special Forces never went through the initiation.

11:36:54 25 And those that were initiated in the Civil Defence Forces were
26 either called Kamajors who came from the Mende area, those that
27 came from the north were called Kapras and in the east you are
28 called Donsos. But it was a combined force, the Civil Defence
29 Forces, that within the Civil Defence Forces the well trained

1 force among them that can carry arms, artilleries were what they
2 referred to as the Special Forces.

3 MS HOWARTH:

11:37:27

4 Q. So your evidence now is that the Special Forces were part
5 of the CDF?

6 A. That's correct.

7 Q. So why when you were asked the question by the Presiding
8 Judge this morning did you say that the Special Forces were not
9 part of the CDF and the Kamajors?

11:37:45

10 A. I was they never asked that question. The question that I
11 was asked was to clarify what was the Special Forces. That's
12 what I clarified.

11:38:01

13 Q. Mr Witness, in so doing your statement which I read out
14 only moments ago was that the Special Forces were not the CDF and
15 not the Kamajors, wasn't it?

16 A. First and foremost how can you fight in the Special Forces
17 when the head of that unit was the coordinator of the Civil
18 Defence Forces?

11:38:16

19 PRESIDING JUDGE: Mr Witness, the question is not what was
20 or wasn't. The question is your statements in this Court are not
21 adding up and this is the issue. A while ago you said - when I
22 asked you the question to explain to us once again what or who
23 were the Special Forces, you gave an answer.

24 THE WITNESS: That's correct.

11:38:36

25 PRESIDING JUDGE: That answer has been read out to you by
26 counsel. That answer is different in essence from what is
27 written in your statement and that is the point that counsel is
28 trying to clarify with you. Why is there this difference in your
29 various answers to the Court?

1 THE WITNESS: Very clearly, ma'am, I want to make this
2 clear. Even within the army, you have units within the same army
3 who is the national army that you call the STFs and then there
4 are special operational names that they give to units. Even in
11:39:14 5 America you have the Special Forces. They are part of the
6 American army. You have the Marines, they are part of the
7 American army. So this I am clarifying is very simple. The
8 Civil Defence Forces has been the mother organisation. It is out
9 of that unit that the Special Forces was born. That's what I am
11:39:31 10 trying to clarify.

11 The difference between us is that the Special Forces, most
12 of us we have already fought before and we are already trained.
13 Most of the CDF were just local hunters that they took on board
14 to complement the effort and they were going to be retrained.
11:39:55 15 That's what I'm trying to explain.

16 MS HOWARTH:

17 Q. Mr Witness, you can't explain why, can you, that you gave
18 one answer a couple of hours ago and now you are saying something
19 completely different?

11:40:02 20 A. This is very simple. I have told you even within your own
21 army here you have special specific units, but it's the same
22 unit. I have told you no way the Special Forces could have been
23 without the Civil Defence Forces. Because the coordinator of
24 that forces has been the late Chief Sam Hinga Norman I have told
11:40:19 25 you. It was out of that unit that the Special Forces was born.

26 Q. Mr Witness, I don't know if you are not hearing my
27 questions or you are not hearing the questions of the Presiding
28 Judge. What Madam President said to you is that what we are
29 concerned at here is not the reason why, but the reason why you

1 are giving different answers?

2 A. It's not different. If you are a Marine in the
3 United States army are you not in the national army of America?

4 I have told you the Civil Defence Forces is the mother umbrella
11:40:51 5 that brought us together and the leader of that movement has been
6 the late Chief Sam Hinga Norman. He coordinated the activities
7 of that group. And I told initially even from the recruitment
8 from Ricks Institute he was in charge. The only difference I
9 have told you was that we were trained and most of the Kamajors
11:41:10 10 were just local hunters. They were only carrying single barrels.

11 Q. All right, I am going to move to a different area where you
12 have also given us different answers and that's in relation to
13 the attack on Zimmi earlier on. You talked about Zimmi being a
14 base for the AFRC/RUF juntas when you were giving evidence when
11:41:34 15 your lawyer was asking you questions. Do you remember that?

16 A. I remember that.

17 Q. And you explained that it was a joint AFRC/RUF area of
18 occupation, correct?

19 A. That's correct.

11:41:48 20 Q. And then the CDF were able to successfully attack Zimmi?

21 A. Yes, of course.

22 Q. And they transported some of their arms and ammunitions to
23 Zimmi. Is that right?

24 A. Say again.

11:42:05 25 Q. The CDF then transported some of their arms and ammunition
26 to Zimmi?

27 A. Which CDF?

28 Q. Which CDF?

29 A. Yeah, you are asking, you are saying they transported arms

1 and ammunition to where? Because you have to explain. What I
2 have explained to you, you see you are digressing from it. So
3 you ask the question straightforward question.

11:42:28 4 Q. Well, I don't think I can get much more straightforward
5 than that. I will try and slow down because maybe that will help
6 matters. So we are in Zimmi?

7 A. That's correct.

8 Q. And at that point in time it's an AFRC/RUF area of
9 occupation?

11:42:42 10 A. That's correct.

11 Q. And there comes a point where the CDF attack Zimmi?

12 A. The CDF and the Special Forces, yes, attacked Zimmi.

13 Q. Is that the CDF that are part of the Special Forces or the
14 CDF that are separate from the Special Forces?

11:43:00 15 A. The CDF that are part of the Special Forces.

16 Q. And they successfully attack Zimmi, don't they?

17 A. That's correct.

18 Q. And they then transport some arms and ammunition to Zimmi?

19 A. That's correct.

11:43:11 20 Q. Now, there comes a time where there is an attack on Zimmi,
21 isn't there, by the AFRC and RUF?

22 A. At that time I am telling you there was now - we are backed
23 up in Zimmi by ECOMOG. So ECOMOG was in Zimmi with us. Not only
24 the Special Forces CDF that were in Zimmi now, there was ECOMOG
11:43:35 25 also present in Zimmi.

26 Q. Very well. My question, however, related to an attack on
27 Zimmi, and that attack was by the AFRC and RUF forces, wasn't it?

28 A. That's correct.

29 Q. May I just have a moment, please? Mr Witness, you have

1 just agreed with me that it was the AFRC and RUF forces that
2 attacked Zimmi; however, when this matter was dealt with in court
3 last time, there was, if you recall, a great deal of confusion
4 about whether it was the AFRC or the RUF or the AFRC and RUF
11:44:35 5 forces that took part in that attack. Do you recall that
6 discussion?

7 A. I recall that discussion.

8 Q. So you are changing your evidence again today, are you,
9 that it wasn't the RUF who undertook this attack, rather, it was
11:44:53 10 the AFRC and RUF?

11 A. Did I say so?

12 Q. You just said so.

13 A. I said so just now?

14 Q. Yes.

11:45:03 15 A. No.

16 Q. Mr Witness - do carry on.

17 A. Yeah. I told you when we were in Zimmi as a combined, CDF
18 and the Special Forces, we opened up a corridor for ECOMOG to
19 enter and deploy in Zimmi. When they deployed in Zimmi, we
11:45:24 20 started pushing for Kenema. We moved from Zimmi, go down Tunkia
21 and all the way going towards Kenema. It was between Gorahun
22 Tunkia at Gegbwema that we were called on set that Zimmi has been
23 attacked. I told you that. But let me just make this point it
24 at this junction. These two forces were the forces that combined
11:45:47 25 after the coup. The AFRC was mainly the military aspect of it,
26 and the RUF came to join them. But when we started the attack on
27 Zimmi, the RUF was very close to that jungle because they have an
28 easy route from Sality to Kailahun, so they were on that axis.
29 We were pushing back the AFRC, the [indiscernible] military

1 personnels. They were retreating --

2 PRESIDING JUDGE: I am going to stop you again because we
3 are missing a lot of what you are saying due to your speed. Now,
4 you said they had an easy route from - you mentioned a place to
11:46:20 5 Kailahun. What was that place?

6 THE WITNESS: Sality. There is a junction. There was a
7 forested area that they were doing logging. That --

8 PRESIDING JUDGE: Can you spell that name for us, please?

9 THE WITNESS: I am not too good. I don't want to say
11:46:33 10 spellings that are not correct. But it's Sality. That was a --

11 PRESIDING JUDGE: Well, we can't figure out what you are
12 saying, so you have to spell it. Phonetically even.

13 THE WITNESS: Well, it was a company that was operating in
14 that area that they call Sality, so maybe just spell it
11:46:50 15 S-A-L-I-T-Y. It was a company operating doing a logging business
16 in that particular location.

17 PRESIDING JUDGE: And so continue from there. So they had
18 an easy route from Sality to Kailahun, and then what happened?

19 THE WITNESS: We were pushing for Kenema, is what she was
11:47:11 20 trying to ask. And we were at Gorahun Tunkia - between Gorahun
21 Tunkia and Gegbwema that we were called to say that they have
22 attacked Zimmi, the headquarters. So that's what I am trying to
23 say. And there was no way you could say the AFRC was there. I
24 told you we were pushing them, so it was an operation completely
11:47:33 25 conducted by the RUF in that - at that axis.

26 JUDGE DOHERTY: Mr Witness, when you say "on set", do you
27 mean you were called on a radio?

28 THE WITNESS: That's correct.

29 MS HOWARTH:

1 Q. Mr Witness, I want you to look again at this - the
2 statement that's in front of you. It should be the first
3 statement from 6 May 2007. Paragraph 1, you say again:

4 "I served in this conflict as a CDF. I became a senior
11:48:09 5 officer in the CDF. {Redacted}.
6 My first assignment was in Zimmi {redacted} when
7 the junta took over. Zimmi was a hot base for the AFRC/RUF
8 junta."

9 And if we could skip now to paragraph 5, which is on the
11:48:34 10 following page, page 2. You said:

11 "Whilst we were in the field, there is a tendency for us to
12 lose our weapons to our enemies. I can remember it happens
13 twice. One was in Zimmi, when we went on a full-blown assault.
14 We attacked Zimmi on a preemptive strike twice. That was during
11:49:02 15 the AFRC/RUF era."

16 MR MUNYARD: Madam President, sorry to interrupt, but I
17 think it's possible that the witness could be identified by the
18 reference that my learned friend gave to his role that was
19 spelled out in paragraph 1 - at the second sentence of paragraph
11:49:25 20 1, and I wonder if that could be redacted. That's the second
21 sentence of paragraph 1 of the first statement. I am
22 deliberately not reading it out for obvious reasons.

23 PRESIDING JUDGE: Redacted from where? What page? If you
24 could be specific.

11:49:49 25 MR MUNYARD: On the LiveNote it is page 78.

26 PRESIDING JUDGE: Microphone, please.

27 MR MUNYARD: I am sorry. It's page 78 and on my font it's
28 line 22, but my font is quite big. So it might be a little
29 earlier on other people's font.

1 PRESIDING JUDGE: Madam Court Manager, you see on page 78
2 where the witness is stated to have held a certain office, please
3 redact the office and the area referred to. Do you understand
4 what I am referring to?

11:50:47 5 MS KAMUZORA: Your Honours, I am trying to find out the
6 line. If I could be --

7 PRESIDING JUDGE: Page 78, lines 22 and 23.

8 MS KAMUZORA: I am seeing it, your Honours.

9 PRESIDING JUDGE: Ms Howarth, please continue.

11:51:17 10 MS HOWARTH: I am grateful:

11 Q. So back to paragraph 5. I will just recap the last bit.

12 "We attack Zimmi on a preemptive strike twice. That was
13 during the AFRC/RUF era. After our assault on Zimmi, the RUF
14 retreated towards Kenema and we decided to pursue them."

11:51:41 15 Then skipping down about six lines, the sentence begins
16 "Our focus now". It says:

17 "Our focus now was on Gorahun Tunkia when the AFRC/RUF
18 forces bypassed using the jungle routes and attacked Zimmi behind
19 us whilst we were advancing. They just attacked and took all the
11:52:07 20 arms with them in the jungle. That gave us hard time because
21 those arms were fresh arms and that empowered them with a lot
22 from that axis."

23 So, Mr Witness, in your statement to the Defence lawyers,
24 again you are talking about an attack by AFRC and RUF forces,
11:52:33 25 aren't you?

26 A. I am only sorry that you know too little about the war that
27 was going on in Sierra Leone. Because if you are --

28 Q. Excuse me?

29 A. You know so little about the war that was going on in

1 Sierra Leone. Can I go ahead?

2 Q. No.

3 PRESIDING JUDGE: Mr Witness, I am going to tell you two
4 things: One, you address your remarks to the judges, not to
11:53:07 5 counsel, unless you haven't understood what she is saying. That
6 is the first thing; secondly, you answer the question put to you
7 as truthfully and as precisely as you can; thirdly, you do not
8 make rude remarks to anybody in the Court, whatever your opinions
9 may be. That way we are going to really progress forward. Am I
10 understood?

11 THE WITNESS: That's correct.

12 PRESIDING JUDGE: Thank you.

13 Now, Ms Howarth, I am going to ask you to repeat what you
14 were just asking.

11:53:50 15 MS HOWARTH: Yes, I am just going to look at my previous
16 question to make sure I ask the same one:

17 Q. Mr Witness, in the statement that I have just read out that
18 you gave to your defence lawyers, you are talking about an attack
19 by AFRC and RUF forces, aren't you?

11:54:13 20 A. That's correct.

21 Q. And that's because it was the AFRC and RUF forces that
22 attacked Zimmi, wasn't it?

23 A. That is a point I am trying to clarify. If you are
24 properly au fait with the war in Sierra Leone, you would
11:54:32 25 correctly know that the AFRC and the RUF were a joint combined
26 force, but they were not operating at certain points on the same
27 axis. I told you when you attack Zimmi, these forces pull out.
28 Part of the RUF followed the army into Kenema, and the other ones
29 retreated in the jungle by Sality. And, you know, there was this

1 problem between the AFRC, the military people, and the RUF
2 although they were fighting together. But there was no military
3 personnel that would have - that was briefed to go into - deep
4 into RUF territory. So as I told you, whilst we were advancing,
11:55:10 5 they came back from that jungle hideout from Saliti and attacked
6 Zimmi at the rear. That's what I want to clarify to you. But if
7 you are still confusing AFRC and RUF, that's where the problem
8 is. It's the same people, but there was a different role they
9 were playing at that axis. That's what I want to clarify to you.

11:55:31 10 Q. Mr Witness, I am not confusing anything. You are the one
11 confusing matters, aren't you? It was a combined attack by the
12 combined AFRC and RUF, wasn't it?

13 A. This is - no.

14 Q. I am going to ask if you can cast your eyes back again to
11:56:03 15 paragraph 5. You said to the Defence lawyers:

16 "Our focus now was on Gorahun Tunkia when the AFRC/RUF
17 forces bypassed using the jungle routes and attacked Zimmi behind
18 us while we were advancing."

19 Now, Mr Witness, your words were "the AFRC/RUF forces",
11:56:23 20 weren't they?

21 A. Say again.

22 Q. Your words to the Defence were "the AFRC/RUF forces",
23 weren't they?

24 A. I am not getting this question straight. Please simplify
11:56:37 25 it for me.

26 Q. What don't you understand about the question?

27 A. The way you are asking the question.

28 Q. Mr Witness, you are just avoiding answering my questions,
29 aren't you?

1 JUDGE LUSSICK: Let me ask. I have got your statement in
2 front of me that you gave to your lawyers. Now, in that
3 statement, this is what you say:

4 "Our focus now was on Gorahun Tunkia when the AFRC/RUF
11:57:05 5 forces bypassed using the jungle routes and attacked Zimmi behind
6 us."

7 Now, you have said without any complication or
8 misunderstanding that the forces that attacked Zimmi were
9 AFRC/RUF forces, and that's what counsel has been asking you
11:57:29 10 about.

11 THE WITNESS: Can I just clarify that again?

12 JUDGE LUSSICK: What do you need clarified? It's your
13 words I am reading to you. Your statement. Not my statement.
14 Your statement.

11:57:43 15 THE WITNESS: That's why I want to just clarify the AFRC
16 and the RUF role.

17 PRESIDING JUDGE: No, no, no. The question is very simply
18 this, it's not even about the AFRC and the RUF, it's about what
19 you told your lawyers happened, okay. Judge Lussick has read to
11:58:01 20 you an excerpt from paragraph 5 of your statement in which you
21 say that the attack on Gorahun Tunkia was by the combined forces
22 of the AFRC and RUF - sorry, the attack on Zimmi. Now the
23 question is: Is that statement true or not? And I would just
24 like a simple yes or no.

11:58:27 25 THE WITNESS: That's why I want just to say.

26 PRESIDING JUDGE: First answer before you say anything
27 else. What we have just read out to you, is that correct or is
28 it false?

29 THE WITNESS: It is the RUF that attacked Zimmi.

1 PRESIDING JUDGE: That doesn't answer my question. What I
2 have just read out to you as being a statement attributed to you,
3 is that correct or not?

4 THE WITNESS: That's correct.

11:58:51 5 PRESIDING JUDGE: So it's correct to say that the AFRC/RUF
6 forces attacked Zimmi?

7 THE WITNESS: That's correct.

8 MS HOWARTH:

9 Q. I would like to move to look at something in the second
11:59:19 10 witness statement now and that's the 21 October 2009 statement.
11 Again this is a page that shouldn't be displayed on the monitor
12 in order to ensure that the protective measures orders remain
13 respected. So I am looking at paragraph 14 which begins,

14 "Sparrow became overall SF commander in Liberia." Now, there is
12:00:10 15 a sentence in the middle of that paragraph which says, "Sparrow
16 told us he was taken to Saw Bridge, a notorious prison in
17 Liberia." Can you see that, Mr Witness?

18 A. Correct.

19 Q. And can you tell me, please, why was Saw Bridge such a
12:00:36 20 notorious prison?

21 A. Well, that was what I was told because I have never been to
22 Saw Bridge myself. I was told by my brother that the treatments
23 that were given out there was not hundred per cent. So that is
24 why a lot of people used to say it was a notorious prison.

12:01:09 25 MS HOWARTH: Madam President, just before I continue with
26 the question, there may be redaction from the previous answer.

27 MR MUNYARD: With respect, I agree, and I am grateful to my
28 learned friend for pointing to that.

29 PRESIDING JUDGE: Can you just point out precisely what

1 line you are referring to.

2 MS HOWARTH: Yes. The answer given by the witness and on
3 my type it's the second sentence, he says in the beginning of
4 that sentence --

12:01:56 5 MR MUNYARD: Can I suggest it's after the words "I was
6 told" and then the next three words be redacted that should
7 suffice, I would have thought.

8 PRESIDING JUDGE: Yes, but there are no names or even --

9 MR MUNYARD: The name came earlier.

12:03:50 10 PRESIDING JUDGE: I am just trying to understand what the
11 detail that reveals the identity of this witness is, really? We
12 are failing to see it, because the name of a person referred to
13 before, or the pseudonym rather, the nickname referred to is not
14 linked with the statement of the witness when he says I was told
12:04:13 15 by so and so. He just simply says I was told and he names a
16 relative without naming that relative's name. So what is the
17 problem there? In fact, I will ask, Mr Munyard.

18 MR MUNYARD: Again out of an abundance of caution. And it
19 may well be that the questions the witness is subsequently asked
12:04:44 20 makes that link that we both see on both sides of the Court -
21 makes that link more obvious. It's a very short redaction. It
22 shouldn't take a great deal of time, but I think out of an
23 abundance of caution it's a wise one and, as I say, I think my
24 learned friend was right to raise it.

12:05:02 25 PRESIDING JUDGE: We normally don't redact the record for
26 the sake of redacting or because it's easy to redact something.
27 We basically run a public trial, that is the norm. The exception
28 is when we think that information that will violate a protective
29 measure is contained. That's when we redact. If we are not

1 convinced that there is in fact a possibility of linking up
2 whatever is said with the witness we do not redact, however easy
3 it may seem. That's why I was asking. And, Ms Howarth, do you
4 think on reading the previous paragraph and on reading the
12:05:47 5 sentence I have just alluded to that that is enough to reveal the
6 identity of this witness?

7 MS HOWARTH: When I initially raised it it was out of an
8 abundance of caution. I am not going to labour the point.

9 PRESIDING JUDGE: I don't think it's necessary to redact.
12:06:05 10 Please move on.

11 MS HOWARTH:

12 Q. So, Mr Witness, I was asking you about the Saw Bridge
13 prison and it being a notorious prison. In your answer you said
14 I was told by my brother that the treatments that they were -
12:06:24 15 that was a hundred per cent. When you said that the treatment
16 was a hundred per cent, what did you mean?

17 A. It was not hundred per cent. That the treatment was not
18 hundred per cent.

19 Q. And when you said the treatment was not hundred per cent,
12:06:38 20 what did you mean?

21 A. Well, they were not given adequate food and at times they
22 were overcrowded in the cells. And then no good sleeping place
23 so - and the food was not hundred per cent good for them.

24 Q. And can you tell me, Saw Bridge, where was that, please?

12:07:01 25 A. Specifically I don't know. He was held there and I was not
26 there. I was across.

27 Q. I want to move down your statement, same statement,
28 paragraph 22, please. Now these paragraphs look at the parts of
29 your evidence where you are discussing the Roosevelt Johnson

1 September 1998 incident which I believe, Mr Witness, you have
2 referred to as the Njala House incident. Now, looking at
3 paragraph 22(h) which is in fact on page 9, you explain here - a
4 question is asked to you, rather:

12:08:04 5 "Was Roosevelt Johnson trying to overthrow Charles Taylor
6 at this time?

7 Answer: We knew later that ECOMOG wanted us to use force
8 to push Charles Taylor out of Monrovia then, but we did not have
9 the strength to do so. We had few arms and ammunition and
10 Charles Taylor was strong."

11 Mr Witness, when you said there that Charles Taylor was
12 strong, did you mean that Charles Taylor's forces had plenty of
13 arms and ammunition?

14 A. Well, specifically, not that. What I mean was that his men
12:08:49 15 were stronger than us in Monrovia because they were having more
16 of the support rifles than us and we were just carrying basic
17 infantry rifles. So it was not an easy task to overrun such
18 people. So that's why I told you they were stronger than us.

19 Q. And which of Charles Taylor's forces do you remember as
12:09:14 20 being involved in that fighting in Monrovia at that time?

21 A. Well, they were - most of them were the ATU.

22 Q. Sorry, I don't know if I interrupted your answer there.
23 Had you finished?

24 A. No, I was just waiting for you.

12:09:35 25 Q. Please carry on.

26 A. Part of the operation was done by the ATU and the AFL.
27 Because the AFL was based at the Barclay's Training Centre and
28 the ATU were the ones that carried on the attack.

29 Q. Now you just mentioned support rifles. When you say

1 support rifles, what do you mean?

2 A. By support rifles?

3 Q. Yes.

4 A. Like weapons that have range more than infantry rifles.

12:10:04 5 Like LMG, HMG, GPMG, these are all support rifles.

6 Q. Would that also include machine guns?

7 A. Those rifles I have named are all machine guns

8 Q. If we could just look at the following paragraph, 23.

9 Again it's dealing with the Roosevelt Johnson incident. I am

12:10:58 10 looking here at paragraph (g). So 23(g) and that's on page 10.

11 I am going to read that one:

12 "Roosevelt Johnson used to talk to ECOMOG. There was an

13 understanding that they would protect him in Monrovia and when

14 the threat came they assisted us to protect him ourselves. There

12:11:28 15 was involvement of Alhaji Kromah at that time as he had joined up

16 NPFL. They were fighting at one front. Dumbuya" --

17 MR MUNYARD: "As one front", not at.

18 MS HOWARTH:

19 Q. "... as one front. Dumbuya, a senior Liberian commander

12:11:54 20 with Kromah, was killed during the Camp Johnson Road incident.

21 They were reinforcing NPFL at one particular axis."

22 Mr Witness, is it correct there was involvement of Alhaji

23 Kromah's forces joining up with the NPFL at that time?

24 A. That was the understanding we have.

12:12:16 25 Q. I want to move now to another paragraph which is 25. This

26 is dealing now with the January 6, 1999, Freetown invasion. In

27 the middle of that paragraph you are expressing your opinion.

28 You say, this is line 5, "In my opinion the junta forces who

29 attacked were led by SAJ Musa." And after that you say that they

1 gathered their strength from Kono. Is that correct, Mr Witness,
2 that they gathered their strength from Kono?

3 A. That's correct.

12:13:07 4 Q. And turning over to 25B - again, we are still on the
5 January 6 invasion here - the last sentence in that paragraph you
6 say:

7 "We knew once SLA overran ECOMOG in Makeni that they were
8 heading for Freetown."

9 Again, Mr Witness, is that correct?

12:13:22 10 A. That's 100 per cent correct.

11 Q. Now, I want to turn back, please to paragraph 6 - sorry,
12 can I just have a moment?

13 Mr Witness, just to follow up on that last question.

14 You're aware, aren't you, that it was the combined RUF and SLA or
12:14:50 15 AFRC that took Makeni, aren't you?

16 A. Say again.

17 Q. You are aware that it was the combined forces of the RUF
18 and AFRC that took Makeni, aren't you?

19 A. The?

12:15:07 20 Q. The combined forces of AFRC and RUF took Makeni?

21 A. Yes, that's correct.

22 Q. Thank you. As I was doing, if we could please remain in
23 this statement but turn to paragraph 6, please. Now, Mr Witness,
24 do you have a paragraph 6, page 3, in front of you?

12:15:41 25 A. No - okay.

26 Q. You have it?

27 A. Yeah.

28 Q. Could you please just read the first sentence of that
29 paragraph out?

1 A. "Honestly, ULIMO did not loot and kill civilians. The SLA
2 failed to protect the country properly."

3 Q. That's enough, thank you. So first sentence, you said to
4 your lawyers, "Honestly, ULIMO did not loot and kill civilians."

12:16:10 5 Is that correct? Did you say that to your lawyers?

6 A. Yeah, correctly, I said that.

7 Q. So is it your evidence to this Court that ULIMO indeed did
8 not loot and kill civilians?

9 A. Well, that was strictly against our SOP, our standard
12:16:30 10 operational procedure, that you shouldn't loot and kill. But as
11 I told you, when the operation went on, there was no payment and
12 there was stipend. They are just giving us stipends. So that
13 never complemented our efforts, so at the end of it all soldiers
14 were looting. Any town you enter, they loot and you have these
12:16:52 15 kinds of things.

16 Q. Very well. And what about --

17 PRESIDING JUDGE: They were giving them what?

18 THE WITNESS: ULIMO was not paid. We were just given
19 stipends.

12:17:06 20 PRESIDING JUDGE: Stripend? Or stipend?

21 THE WITNESS: I'm saying "stipend".

22 MS HOWARTH:

23 Q. So you acknowledge that ULIMO did indeed loot. Is that in
24 Sierra Leone or Liberia, or both?

12:17:19 25 A. Say again.

26 Q. The looting, was that in Sierra Leone or Liberia, or both?

27 A. Both looting took place.

28 Q. And in your statement to the Defence when you said that
29 ULIMO did not loot and kill civilians, what about the killing of

1 civilians? Do you want to change your mind about that one?

12:17:56 2 A. It's not a matter of changing mind. When I told you when
3 we started this, the initial interview with most of these Defence
4 lawyers, we never agreed to open up too much to them because
5 there was already a court in Sierra Leone. That's one of the
6 factors. So had you been saying ULIMO was doing this and that,
7 people were afraid that maybe you'd be also tried. So those were
8 why at times we were hiding a lot of things that initially took
9 place, so - because of the presence of the court in Sierra Leone
12:18:14 10 at that time.

11 PRESIDING JUDGE: Ms Howarth, the way you are proceeding, I
12 am getting confused now. We were at paragraph 6, the first page.
13 What is the position? Does the witness acknowledge that he said
14 this to the lawyers, or doesn't he?

12:18:31 15 MS HOWARTH: I believe that was his first response to
16 acknowledge that indeed he did say that to the lawyers.

17 PRESIDING JUDGE: Now, that he is saying what he is saying,
18 does that change what he said to the lawyers, or what? Because
19 you asked him, let me find the answer - the question, and you
12:18:50 20 didn't get an answer from him, and you just moved on. You asked
21 him at page 92, line 12 - you said this to him:

22 "So you acknowledge that ULIMO did indeed loot. Is that in
23 Sierra Leone or Liberia, or both?"

24 So you asked him, like, three questions in one, and he says
12:19:16 25 to you, "Say again?" And then you move away from the statement
26 at paragraph 6 and you say:

27 "The looting, was that in Sierra Leone or Liberia, or
28 both?" And then he answers something that's not clear in the
29 transcript, and then you move on. And then you say:

1 "And in your statement to the Defence, when you said that
2 ULIMO did not loot and kill civilians, what about the killing of
3 civilians? Do you want to change your mind?"

4 And he says:

12:19:50 5 "It's not a matter of changing your mind. I told you when
6 we started this", et cetera, et cetera, et cetera.

7 Now, I ask you, where does that leave paragraph 6?

8 MS HOWARTH: Let me try and clarify that with the witness:

9 Q. Mr Witness, you agreed, didn't you, that you said to your
12:20:09 10 lawyers, "Honestly, ULIMO did not loot and kill civilians"?

11 A. I did.

12 Q. And you have also just explained to the Court that ULIMO
13 looted in Sierra Leone and Liberia, correct?

14 A. That's correct.

12:20:22 15 Q. So when you said to your lawyers, "Honestly, ULIMO did not
16 loot and kill civilians", you weren't being honest, were you?

17 A. That's correct, because I have showed - I have told you the
18 circumstances. There was this Court in Sierra Leone, and nobody
19 wanted to say yes, these forces was doing this or that, because
12:20:43 20 everybody feared initially that you say these things, you will be
21 tried and all of this. So anything that was pertaining, killing
22 or looting, most of the fighters would not come to that
23 conclusion. They will just deny.

24 PRESIDING JUDGE: In other words, Mr Witness, you were
12:21:00 25 saying that in paragraph 6, that first two sentences - or the
26 first sentence, which says, "Honestly, ULIMO did not loot and
27 kill civilians", was a deliberate lie to the Defence lawyers?

28 THE WITNESS: That's correct.

29 MS HOWARTH:

1 Q. Now I want to move on from that and spend a moment on the
2 Mosquito Spray operation. To do so, I would like to refer to the
3 trial transcripts of 8 June 2010 at page 42328, please, line 27.
4 The question from Mr Griffiths QC is this:

12:22:33 5 "Q. Now, the first incursion, did that have a name?

6 A. Before we started the LURD operation, an operation has
7 already gone months before. That was the operation that
8 really pre-empted the attack, and that operation was called
9 Mosquito Spray.

12:22:52 10 Q. Mosquito Spray?

11 A. Yeah.

12 Q. And just talk us through, please, what that Mosquito
13 Spray operation involved?

14 A. Well, that was done because in attacking Liberia, there
12:23:08 15 was no legal basis for anybody to tell anybody that we have
16 been attacked from Guinea and Guinea would have denied, so
17 what the unit did was to infiltrate into Liberia because
18 there is a very vast jungle, very big forest in those
19 areas, and they did a preemptive strike on Guinea
12:23:29 20 pretending that there was an attack coming from Guinea.

21 Q. Coming from?

22 A. From the attack coming from Liberia."

23 So, Mr Witness, your evidence about the Mosquito Spray
24 operation was that this was some sort of sham attack, correct?

12:23:51 25 A. That's correct.

26 Q. In which, you say, a group infiltrate into Liberia, and
27 that group then does a strike on Guinea - or a pretend strike on
28 Guinea?

29 A. That's correct.

1 Q. And your evidence would be that this operation to some
2 extent was successful, because you say it then provides an excuse
3 for LURD to conduct their operations or attacks on to Liberia.
4 Is that right?

12:24:32 5 A. That's correct.

6 Q. Now, perhaps there is no need to refer again to the
7 transcript, but you went on to say that the group that conducted
8 this Mosquito Spray operation was not yet LURD?

9 A. That's correct.

12:24:47 10 Q. And it was members of that group that later come to form
11 LURD?

12 A. That's correct.

13 Q. And you explain that you yourself were not in either Guinea
14 or Liberia at this time?

12:25:03 15 A. That's correct.

16 Q. And finally, you were asked questions at the end of your
17 evidence as to who it was that commanded the Mosquito Spray
18 operation and your answer that it was Prince Cio?

19 A. You are correct.

12:25:25 20 Q. And can you remind us whether that's Prince Cio, S-I-0 or
21 Prince C-I-0, or if you don't know --

22 A. I cannot give you the correct spelling.

23 Q. Now, I would like, please, to look again at this second
24 witness statement. I am looking now, please, paragraph 44. Do
12:26:23 25 you have paragraph 44, page 14, in front of you?

26 A. Yeah, page 14, 44 correct.

27 Q. I am going to read that paragraph:

28 "Mosquito Spray was the name of the operation, but also the
29 name of the LURD commander who crossed from Guinea on the first

1 LURD operation, but it failed."

2 Now, Mr Witness, this is what you told your defence lawyer
3 when you met with them, isn't it?

4 A. That's correct.

12:27:03 5 Q. And what's on that statement is correct, isn't it? The
6 commander of that operation was Mosquito Spray, wasn't it?

7 A. That's correct.

8 Q. It wasn't Prince Cio, was it?

9 A. Prince Cio was the commander. The name of the operation
12:27:29 10 was called Operation Mosquito Spray. That's the difference.

11 Q. Mr Witness, in your statement --

12 PRESIDING JUDGE: No, we don't understand. The statement
13 here says the name of the commander was Mosquito Spray. And we
14 have just read your evidence, where you say the name of the
12:27:54 15 commander was Prince Cio. Now, Prince Cio is not the same as
16 Mosquito Spray, so please explain.

17 THE WITNESS: If you go back to the same paragraph 44,
18 Mosquito Spray was the name of the operation. That's the
19 difference. The operation --

12:28:15 20 PRESIDING JUDGE: No, I am referring not to the name of the
21 operation, but to the part of the sentence which says:

22 "But also the name of the LURD commander who crossed from
23 Guinea on the first LURD operation."

24 That's the part I am referring to.

12:28:31 25 THE WITNESS: What's the question there?

26 PRESIDING JUDGE: The question is: Was the name of the
27 commander Mosquito Spray, or was the name of the commander Prince
28 Cio.

29 THE WITNESS: Prince Cio was the name of the commander, and

1 the operation was code named Operation Mosquito Spray.

2 PRESIDING JUDGE: So what is written here in this statement
3 when it says "but also the name of the LURD commander", or rather
4 "Mosquito Spray was also the name of the LURD commander who
12:29:10 5 crossed from Guinea", is that correct.

6 THE WITNESS: That's not correct. The name of the
7 commander is Prince Cio. And Mosquito Spray, as I have said
8 earlier, is the name of the operation. Every operation that
9 military people carry on, we code name the operational names.

12:29:27 10 Like what we were referring to, that Operation Jungle Fire. This
11 operation was code named Mosquito Spray and the commander of that
12 operation was called Prince Cio.

13 PRESIDING JUDGE: So why did you say to your lawyers that
14 Mosquito Spray was the name of the LURD commander who crossed
12:29:44 15 into Guinea?

16 THE WITNESS: No. You could see from there, from the
17 statement, that Mosquito Spray was the name of the operation.

18 PRESIDING JUDGE: No, I can also see that that was also the
19 name of the LURD commander. Look at your statement. Look.

12:29:59 20 THE WITNESS: Maybe you are seeing --

21 MR MUNYARD: Before the witness answers, Ms Howarth
22 established by her questioning about the witness's testimony on 8
23 June, LURD had not been formed by the time of the Mosquito Spray
24 operation. This paragraph 44 says that Mosquito Spray was the
12:30:25 25 name of the operation, but it was also the name of the LURD
26 commander who crossed from Guinea on the first LURD operation.
27 Though --

28 PRESIDING JUDGE: Mr Munyard, I am going to rule you out of
29 order. We are talking about the name of a commander. The

1 witness is perfectly capable without your assistance of taking us
2 through this evidence and of clearing up any inconsistencies that
3 may appear between what is written in his statement and what he
4 is now saying in court. So please, if you don't mind, take your
12:31:04 5 seat, and I am addressing the witness directly trying to
6 understand the two answers he has given.

7 The first question that counsel opposite asked him was
8 whether he confirms what is written in the first sentence of
9 paragraph 44 as being accurate. And he said he did. And part of
12:31:26 10 that statement reads as follows:

11 "Mosquito Spray was the name of the operation but also the
12 name of the LURD commander who crossed from Guinea on the first
13 LURD operation but it failed."

14 Now, the witness has just said that is a true statement
12:31:46 15 that he made to the Defence. But also just a few minutes ago the
16 same witness has said the name of the commander who conducted
17 operation Mosquito Spray was not Mosquito Spray but was Prince
18 Cio and I am asking you, Mr Witness, was the name of this
19 commander Prince Cio or was it Mosquito Spray?

12:32:16 20 THE WITNESS: The name of the commander is Prince Cio it
21 was Prince Cio. And the name of the operation was operation
22 Mosquito Spray. That's the difference.

23 PRESIDING JUDGE: Now I am going to ask you a second
24 question which follows on exactly from your answer now given. If
12:32:33 25 the name of that commander was Prince Cio, why did you
26 write - why is it written here in this statement as you having
27 stated that the name of the commander was Mosquito Spray?

28 THE WITNESS: There is no name called Mosquito Spray. It's
29 not a name. I have said it's an operational code name for an

1 operation.

2 PRESIDING JUDGE: So why did you say this to the Defence in
3 your statement? I want an answer to why you told the Defence
4 that there was such a name.

12:33:05 5 THE WITNESS: I told them the name of the commander was
6 Prince Cio and the operation was Mosqui to Spray. Maybe there is
7 some misunderstanding about the operation and the name.

8 PRESIDING JUDGE: So as judges we need to understand. Are
9 you now saying that what is written in the first sentence of
12:33:19 10 paragraph 44 is not correct?

11 THE WITNESS: 44 is correct because the name - the
12 operation Mosqui to Spray is the name.

13 PRESIDING JUDGE: I am not talking about the name of the
14 operation, sir. I am talking about the name of the commander.
12:33:34 15 Don't confuse me. Look at paragraph 44 and the sentence that
16 relates to the name of the commander. Look at the paragraph.

17 THE WITNESS: I know, I have seen it.

18 PRESIDING JUDGE: Are you now saying that that part of the
19 paragraph that refers to the name of the LURD commander as
12:33:54 20 Mosqui to Spray is wrong?

21 THE WITNESS: I have never said that before. What I have
22 said is that --

23 PRESIDING JUDGE: I just want a yes or no answer, please.

24 THE WITNESS: The name of the commander is Prince Cio.

12:34:07 25 PRESIDING JUDGE: I have asked you that. I have asked you
26 is what is written here wrong.

27 THE WITNESS: It's not wrong. It's only that you people
28 are getting the statement wrong. There's an operational name.

29 PRESIDING JUDGE: I think you are getting me wrong, sir.

1 Deliberately so. But, counsel, please move on.

2 MS HOWARTH: In fact I will move on to a different area.

3 He doesn't need the statement for the moment. Thank you:

12:34:48

4 Q. You gave some evidence about Hassan Bility. You explained
5 that before LURD launched the first assault on Monrovia, you and
6 others were called to Guinea to have a briefing with Sekou Damate
7 Konneh, correct?

8 A. That's correct.

12:35:11

9 Q. And you explained, you said that during this briefing Sekou
10 Damate Konneh received a call from Liberia?

11 A. That's correct.

12 Q. And you said that he said that the caller had said that
13 Charles Taylor's forces were running out of ammunition?

14 A. That's correct.

12:35:27

15 Q. And that Sekou Damate Konneh said that as a result of that
16 information you shouldn't waste time but you should make a very
17 big push for Monrovia?

18 A. You are correct.

12:35:50

19 Q. You then said that you learnt from Sekou Damate Konneh that
20 the caller was the journalist Hassan Bility?

21 A. That's correct.

22 Q. And then you explained that shortly after Hassan Bility
23 called again?

24 A. Correct.

12:36:01

25 Q. And you say that Hassan Bility then essentially repeated
26 himself, saying again that Charles Taylor's forces were running
27 out of ammunition?

28 A. That's correct.

29 Q. And you said as a result of this information you cut short

1 your trip to Guinea and you returned to Monrovia?

2 A. To Bomi Hills.

3 Q. Very well. And shortly after this indeed a push was made
4 towards Monrovia, not so?

12:36:36 5 A. That's correct.

6 Q. Now, it's right that LURD made three attacks on to
7 Monrovia?

8 A. That's correct.

9 Q. And these are known as World War I, World War II and World
12:36:50 10 War III?

11 A. You are correct.

12 MS HOWARTH: Now I would just like to refer, please, to an
13 exhibit, which is D-45.

14 PRESIDING JUDGE: Yes, Mr Witness?

12:37:39 15 THE WITNESS: Can I please just ease myself, just two
16 minutes, and come back?

17 PRESIDING JUDGE: You may be excused.

18 Ms Howarth, I need to remind you that we are rising early
19 today, at 1. Not 1.30.

12:40:09 20 MS HOWARTH: Hopefully it's on the screen.

21 PRESIDING JUDGE: Could you be specific as to the page?

22 MS HOWARTH: Yes. I was just going to introduce the
23 document. It's D-45, a Defence exhibit, and it's a Human Rights
24 Watch report and it's page 5 that I wanted to refer to, please.

12:40:45 25 The title of this extract of the report is "The rebel push on
26 Monrovia":

27 Q. Now, it begins - and I will just read out the first
28 paragraph to put things into perspective. It says:

29 "On June 4, 2003, negotiations opened in Accra, Ghana,

1 aimed at producing a ceasefire and peace agreement for Liberia.
2 That morning, the Prosecutor of the Special Court for Sierra
3 Leone unsealed an indictment against the then Liberian President
4 Charles Taylor for war crimes and crimes against humanity in
12:41:25 5 Sierra Leone."

6 Then skipping down, and this is where it's now referring to
7 World War I, it says:

8 "The following day, June 5" - so that's June 5, 2003 -
9 "either seeking to gain territory and influence the peace
12:41:45 10 negotiations or heartened by Taylor's indictment, the LURD rebel
11 group launched the first of three offensives on Monrovia."

12 Then turning over the page, this is now referring to the
13 second offensive, World War II. The second sentence on page 6,
14 first paragraph:

12:42:06 15 "LURD returned to the outskirts of Monrovia approximately
16 two weeks later, penetrating deep into the Bushrod Island suburbs
17 across a short bridge from central Monrovia. Their second
18 advance, which began on or about Monday, June 23" - and again we
19 are Monday, June 23, 2003.

12:42:32 20 Finally the third offensive is referred to at the bottom of
21 page 6, which begins:

22 "LURD's third offensive on Monrovia in which the rebels
23 again advanced from the north and then opened a second front
24 towards the eastern side of the city began three weeks later on
12:42:51 25 or about July 18. After the rebels had rearmed. During this
26 phase in the fight, until July 30, there were near constant fire
27 fights between rebel and government forces using small arms,
28 mainly assault rifles, and light weapons, including mortar.
29 Small arms fire continued well into August."

1 Now, Mr Witness, I have referred you to this extract of
2 this report to try and assist you in relation to the dates.
3 Would you agree that all of this is taking place in June 2003?

12:43:35

4 A. Well, I am not very much conversant with this, but I
5 believe, yeah.

6 Q. And we have attacks here taking place: World War I in the
7 beginning of June 2003; World War II towards the end of June
8 2003; and World War III in mid-July 2003. Does that sound about
9 right to you?

12:44:01

10 A. Yeah.

11 Q. Now, Mr Witness, you gave evidence about a phone call that
12 you say Hassan Bility made prior to the push - first push on
13 Monrovia in June 2003, correct?

14 A. That's correct.

12:44:19

15 Q. Now, are you aware that the last time that Hassan Bility
16 was arrested was on 6 June 2002?

17 A. I am not aware of that.

18 Q. And are you aware that, having been arrested on 6 June
19 2002, he was in detention until 7 December 2002, when he was

12:44:46

20 taken to the RIA Airport and went to the United States to live?

21 A. I don't know about that.

22 Q. So do you understand that when you say Hassan Bility was
23 supposedly making this telephone call, he was completely out of
24 the picture? He wasn't in Liberia; he was living in the

12:45:13

25 United States.

26 A. I told you we were briefed by Sekou Damate Konneh, not me.

27 He told us that he was having calls from Sekou Damate - from

28 Bility. That's what he told us. I told you he never spoke to me

29 on the phone. Sekou Damate Konneh called us to brief us.

1 Q. Now, I want to move to something slightly different again
2 now, and it's back to your statement, please. And this is the
3 second statement dated 21 October 2010, paragraph 37, page 13.
4 Now, this paragraph reads as follows:

12:46:25 5 "SCSL: When Sparrow was arrested, he called the CSO at
6 State House. He did call someone from SCSL. I cannot tell you
7 who now. No, it was not Al White. Yes, it was David Crane."

8 Now, you were asked, weren't you, whether Sparrow called
9 someone from the SCSL, correct?

12:46:59 10 A. That's correct.

11 Q. And your response was, "He did call someone from SCSL"?

12 A. You are correct.

13 Q. And you were asked, weren't you, "Who was it that he
14 called?" And your response was, "I cannot tell you who now"?

12:47:19 15 A. That's correct.

16 Q. And it was then suggested to you, was it not, that perhaps
17 it was Al White, and therefore you responded, "No, it was not Al
18 White"?

19 A. You are correct.

12:47:32 20 Q. And it was then suggested to you, was it not, that it was
21 David Crane and your response was, "Yes, it was David Crane"?

22 A. Yes, I said that.

23 Q. And, again, this is a name that came from the Defence,
24 correct?

12:47:49 25 A. Not from the Defence.

26 Q. Mr Witness, it was suggested to you that David Crane might
27 have been called, wasn't it?

28 A. No. As I have told you earlier on, when these things - the
29 Court was in Sierra Leone, it was very difficult for us to just -

1 I like, David Crane at that time - for you to go and tell anybody
2 that: Yeah, David Crane make these calls. It was very
3 impossible. You know that everybody had fear for his own safety
4 initially, so - but after they asked the question again, I told
12:48:24 5 them it was - because that was what Sparrow told us, that it was
6 David Crane that --

7 PRESIDING JUDGE: I can't understand a word you are saying,
8 sir. I hope you are speaking English and not some other
9 language. So please slow down and go by your evidence again.

12:48:41 10 THE WITNESS: As I have said earlier, nobody - not the
11 Defence that told me about David Crane. It was Sparrow himself
12 that told me about David Crane. But we have - initially when
13 they started this statement, everybody was afraid in Sierra
14 Leone - most of us were ex-combatants - to just say you have
12:48:59 15 contact with David Crane, he calls you, or you have any
16 affiliation with him. So everybody was afraid. So you don't
17 have to just say it. So that was the problem. But after the
18 call - Sparrow before that - it was David Crane, and he wanted
19 certain informations pertaining to the late Johnny Paul Koroma
12:49:22 20 and Mr Taylor and Sam Bockarie, so if we can go ahead to seek for
21 such informations.

22 MS HOWARTH:

23 Q. Now, Mr Witness, it's right that you never spoke directly
24 to Mr Crane, did you?

12:49:36 25 A. That's correct. I never spoke to him.

26 Q. Now, just looking back in your statement at paragraph 33,
27 you say there that Damate Konneh said CT, Charles Taylor, should
28 be captured and put on trial in Liberia, not killed?

29 A. You are correct.

1 Q. And that was something said to you by Damate Konneh, you
2 say?

3 A. You are correct.

4 Q. And you did not receive an instruction from David Crane to
12:50:24 5 capture Charles Taylor, did you?

6 A. Yeah, we got that instruction also.

7 Q. You never --

8 A. But it was not mentioned here. As I told you, the issue of
9 David Crane was so sensitive, that we were afraid to even say it.

12:50:40 10 Q. David Crane never gave you - I am not going to say your
11 name - but you an instruction, did he?

12 A. He gave the instruction directly to Sparrow, and Sparrow
13 passed on the information to us.

14 Q. Mr Witness, there was no such instruction and you are
12:50:54 15 either confused or wrong about that point, aren't you?

16 A. I am not confused.

17 Q. Now, turning to somebody else. Mr Supuwood - Laval i
18 Supuwood, he was a person who was very high up in the LURD
19 movement, correct?

12:51:11 20 A. That's correct.

21 Q. And he was somebody - I believe the vice President of LURD
22 at one point; are you aware of that?

23 A. That's after the operations when they came in part of the
24 interim set-up, yeah.

12:51:26 25 Q. So you agree?

26 A. I agree.

27 Q. And being in that role, he was somebody who had connections
28 with Damate Konneh, correct?

29 A. That's correct.

1 Q. And you yourself had prior meetings with Mr Supuwood,
2 correct?

3 A. Yeah, we met once.

4 Q. And you gave evidence about a meeting with him in Freetown?

12:51:54 5 A. That's correct.

6 Q. And I believe Sparrow also attending that meeting?

7 A. That's correct.

8 Q. And Counsellor Janneh, I believe?

9 A. Was also in that meeting.

12:52:06 10 Q. I think you mentioned the name of one other person. Do you
11 recall mentioning another name?

12 A. Counsellor Janneh, Supuwood was there, Dr Vamba Kanneh was
13 there.

14 Q. I am grateful. It's right, isn't it, that the LURD, of
12:52:23 15 which Mr Supuwood and yourself were a member, originally fought
16 against Charles Taylor's forces, correct?

17 A. That's correct.

18 Q. But now Mr Supuwood is a member of the Defence team, isn't
19 he?

12:52:40 20 A. That's correct.

21 Q. So you know about that, do you?

22 A. That's what you have been telling me here, that he's part
23 of the Defence team. I am in Sierra Leone and he is in Liberia,
24 so I don't know.

12:52:53 25 Q. Now, Mr Witness, was it Mr Supuwood who contacted you first
26 about becoming involved in this case because you were both
27 members of LURD?

28 A. No.

29 Q. And has Mr - are you aware that former members of LURD have

1 been recruited last year for fighting in Guinea?

2 A. Say again.

3 Q. Are you aware that former members of LURD were recruited
4 last year for fighting in Guinea?

12:53:28 5 A. Recruited in where?

6 Q. From Liberia and Sierra Leone for fighting in Guinea.

7 A. To go and fight in Guinea?

8 Q. Yes.

9 A. I am not aware of that at all.

12:53:38 10 Q. Did Mr Supuwood contact you in that regard?

11 A. Not one day.

12 Q. And are you aware of him having any contacts in relation to
13 those fighters going from Guinea to Guinea?

14 A. Not to my knowledge.

12:53:52 15 Q. Now, I want to return --

16 PRESIDING JUDGE: "Going from Guinea to Guinea"?

17 MS HOWARTH: From Sierra Leone and Liberia to Guinea:

18 Q. I want to look for the final time, hopefully, at your
19 statement, and it's the same witness statement 2 at paragraph 49.

12:54:31 20 Let me start with 48, please. Now, you say there:

21 "I do not consider myself a mercenary. I was fighting
22 against Charles Taylor for 10-15 years. Now I am willing to talk
23 to his Defence team because I have understood better now what was
24 happening from his side. There was a preemptive strike on
12:55:10 25 villages inside Guinea from Voinjama by LURD to give LURD a
26 reason to attack Liberia (to make it seem Charles Taylor's forces
27 were attacking civilians)."

28 Now, in relation to that paragraph you said, "I had
29 understood better now what was happening from his side?"

1 Mr Witness, from who on Charles Taylor's side did you understand
2 better what was happening?

3 A. Can you just repeat that question, please?

4 Q. Who on Charles Taylor's side made you understand better
12:55:51 5 what was happening in the war?

6 A. The war in Liberia?

7 Q. Yes.

8 A. I don't understand this question properly.

9 PRESIDING JUDGE: Mr Witness, there is nothing complicated
12:56:08 10 about the question, if you are following, if your thoughts are
11 collected and you are following what counsel has just read from
12 paragraph 48. Paragraph 48 is your own statement. You state in
13 that paragraph: "Now I am willing to talk to his Defence team
14 because I have understood better now what was happening from his
12:56:30 15 side."

16 Now, the questions counsel is asking you relate to that
17 sentence. "Who has made you better understand what was happening
18 on Charles Taylor's side?" It's a simple question.

19 THE WITNESS: After disarmament, we are faced with the same
12:56:51 20 ugly problem of these counter-accusations and I was made to
21 understand from - one, from my NPFL commander called Senegalese,
22 and everything that they were saying about their [indisernible]
23 was almost the same thing that we were almost doing in LURD. So
24 I --

12:57:11 25 PRESIDING JUDGE: They were saying about what?

26 THE WITNESS: Say again.

27 PRESIDING JUDGE: You said everything they were saying
28 about something. Did you stay strategies? Atrocities? What did
29 you say?

1 THE WITNESS: I said everything that they have been saying
2 about Mr Taylor was exactly what exactly we were doing on this
3 other - what we were doing on the - that's why I told him, I say
4 we are doing - we are almost the same.

12:57:39

5 MS HOWARTH:

6 Q. Now, you have mentioned an NPFL commander called
7 Senegalese. Who is that, please?

8 A. Well, he was part of the ATU. But after LURD entered and
9 most of them were disarmed, he became a friend and we used to
10 talk lengthy.

12:57:59

11 Q. And what position did he have in the ATU?

12 A. I don't know his position. I never asked him, but he was
13 an ATU.

14 Q. Now, you said that Senegalese had said everything that they
15 were saying about these strategies were almost the same things we
16 were doing in LURD. What do you - I am sorry. I note that
17 that - I do note the question.

12:58:18

18 What was it that Senegalese said to you?

19 A. Senegalese told me that they were accusing them of doing
20 things. They were accusing them of looting and all the rest of
21 it, and he told us that they are under strict instructions that
22 they shouldn't loot and they shouldn't kill. But I told him, I
23 said, but on our side, it's not like that too. We were just --

12:58:44

24 PRESIDING JUDGE: Mr Witness, address us, please. Address
25 us and speak normally and clearly so we can understand what you
26 are saying. The question was what did Senegalese tell you
27 exactly?

12:59:06

28 THE WITNESS: That is what I'm explaining.

29 PRESIDING JUDGE: We can't understand and I am saying

1 explain again.

2 THE WITNESS: He told us basically that they were accusing
3 them of looting and killing, but he told me that those were all
4 false allegations. According to him, they were not killing
12:59:32 5 anybody and they were not looting because they were well catered
6 for and well paid. But I gave him a different picture on our own
7 side. I told him every other promises that these people made to
8 us on LURD side, never one of them materialised. So if anybody
9 should have died in that jungle they should have died for
12:59:52 10 nothing. So that was the expression I gave to him. But I told
11 him I am - and he asked me about the shelling of Monrovia and if
12 there was atrocities committed on that side. I told him yes.
13 War - there is no clean war in Africa. I told him we are taking
14 towns. At times we used to attack towns.

13:00:11 15 PRESIDING JUDGE: Slow down. First of all, you said that
16 according to him they were not killing anybody. They are were
17 not looting because they were well catered for and well paid.
18 That is what you said.

19 THE WITNESS: That is what he told me.

13:00:31 20 PRESIDING JUDGE: Now from there you continued and you
21 said, "I told him we are taking towns, at times we used to" and
22 then continue from there, we don't know what you were saying.

23 THE WITNESS: I told him when we were taking towns at times
24 we loot and most often our attacks were done at dawn and by the
13:00:56 25 time you take towns you see civilian casualties. I used to tell
26 him the fact.

27 PRESIDING JUDGE: So most of your attacks were often done
28 at dawn?

29 THE WITNESS: That's correct. And I searched - you cannot

1 specify whether they inflict casualties until when you have
2 captured the town on daybreak you see there are times military
3 casualty and both civilian casualties. So I told him that.

13:01:31 4 MS HOWARTH: Madam President, I do note the hour now. I am
5 not quite going to be able to finish, I'm afraid. There was one
6 short matter I wanted to raise before the end of the session,
7 however.

8 PRESIDING JUDGE: Connected with this matter or not
9 connected?

13:01:42 10 MS HOWARTH: It is connected to this witness and the
11 witness statements.

12 PRESIDING JUDGE: No, I am asking is it connected with the
13 information he has just given? If it's a short matter you can
14 raise it.

13:01:55 15 MS HOWARTH: I'm grateful. It's simply this: When I was
16 asking the witness about his meetings with the Defence earlier
17 on, he outlined five different meetings and he explained that
18 notes were taken on four out of those five occasions. What we
19 have received by way of disclosure from the Defence is three
13:02:19 20 witness statements rather than four and I just wanted to make the
21 inquiry of my colleagues opposite whether they have checked that
22 all of those statements that ought to have been disclosed have
23 indeed been disclosed.

24 MR MUNYARD: Madam President, I am very happy to respond.
13:02:38 25 It's exactly the same sort of response we had when we raised
26 these issues with the Prosecution, that we have indeed disclosed
27 all of the written notes in relation to this witness that we
28 have.

29 PRESIDING JUDGE: Thank you. That brings us to the end of

1 today's proceedings.

2 Mr Witness, I caution you again that you are not to discuss
3 your evidence and we will continue with your testimony on Monday.

4 Court is adjourned accordingly. Monday, 9 o'clock.

13:03:33

5 [Whereupon the hearing adjourned at 1.02 p.m.
6 to be reconvened on Monday, 28 June 2010 at
7 9.00 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-190	43439
CROSS-EXAMINATION BY MS HOWARTH	43439