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SCSL-03-01-T
(37587-37601)

37587



THE SPECIAL COURT FOR SIERRA LEONE

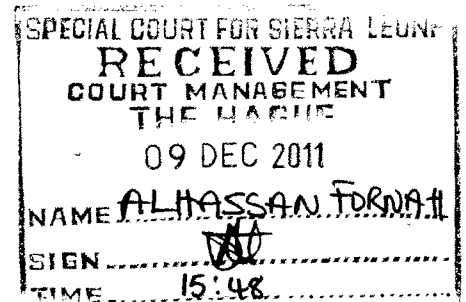
Trial Chamber II

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

Registrar: Ms. Binta Mansaray

Date: 9 December 2011

Case No.: SCSL-03-01-T



THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

PUBLIC WITH ANNEXES A-B

**DEFENCE MOTION TO RE-OPEN ITS CASE
IN ORDER TO SEEK ADMISSION OF TWO DOCUMENTS**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Morris Anyah
Mr. Silas Chekera
Ms. Logan Hambrick

I. INTRODUCTION

1. In June and August 2011 respectively, WikiLeaks¹ released two United States embassy cables relating to the ongoing trial against the accused, Charles Taylor. The first cable, dated 5 June 2003,² demonstrates cooperation between President Obasanjo of Nigeria and the United States Government to remove Mr. Taylor from Liberia and discusses a possible deal to offer him asylum and immunity from prosecution, if he were to leave Liberia willingly.³ The second cable, dated 12 August 2003,⁴ further demonstrates Obasanjo's cooperation with the U.S. to oust Mr. Taylor from Liberia and provides evidence of Obasanjo's support for the LURD rebels.⁵
2. The Defence seeks permission to re-open its case for the limited purpose of seeking admission of the following documents into evidence, pursuant to Rule 92*bis*:
 - a) the entirety of the 5 June 2003 cable; and
 - b) the entirety of the 12 August 2003 cable.
3. These documents meet the requirements of Rule 92*bis* and are relevant to the Defence theory that: i) Mr. Taylor was promised amnesty and immunity from prosecution at the Special Court for Sierra Leone, and ii) that the United States Government was actively working to remove him from power in Liberia.

II. APPLICABLE LAW

Re-opening of Defence Case

4. There is no provision for a party to re-open its case in the Rules. However, the Trial Chamber has previously held that a party seeking to re-open its case must meet a

¹ WikiLeaks is a non-profit organization that facilitates anonymous disclosure of leaked information. See www.wikileaks.org.

² "June 2003 Cable."

³ The June 2003 Cable is available at: <http://www.cablegatesearch.net/cable.php?id=03ABUJA997> [Annex A].

⁴ "August 2003 Cable." Collectively, "Cables."

⁵ The August 2003 Cable is available at: <http://wikileaks.org/cable/2003/08/03ABUJA1367.html#> [Annex B].

twofold test: “Firstly, the party must meet the threshold test of establishing that the evidence could not, with reasonable diligence, have been obtained and presented during its case-in-chief. Secondly, and if the first prong of the test is met, the probative value of the evidence must not be substantially outweighed by the need to ensure a fair trial.”⁶

5. The second prong of the test, whether the probative value of the material is substantively outweighed by the need to ensure a fair trial, is typically determined by whether it is fair to the accused to admit the material.
6. Concerning the timing of the reopening, the Appeals Chamber of the Special Court for Sierra Leone has held that “[t]he fact that evidence comes into existence after the close of the hearings does not prevent a reopening of the case should fresh evidence come to light.”⁷ The ICTY Appeals Chamber has also held that a case can be reopened if important evidence is discovered after closing arguments but before the Trial Chamber has rendered a judgement.⁸

Admission of Documents Pursuant to Rule 92bis

6. Rule 92bis states:
 - (A) In addition to the provision of Rule 92ter, a Chamber may, in lieu of oral testimony, admit as evidence in whole or in part, information including written

⁶ *Prosecutor v. Taylor*, SCSL-03-01-T-993, Decision on Public with Confidential Annexes A and B Prosecution Motion to Call Three Additional Witnesses, 29 June 2010, para. 8, citing *Prosecutor v. Brima et al.*, SCSL-04-16-T, Decision on Confidential Prosecution Motion to Reopen the Prosecution Case to Present an Additional Prosecution Witness, 28 September 2006, paras. 17-18 and 21.

⁷ *Prosecutor v. Sesay, Kallon and Gbao*, SCSL-04-15-A-1311, Decision on Gbao Motion to Admit Additional Evidence Pursuant to Rule 115, 5 August 2009, para. 17.

⁸ *Prosecutor v. Naletilić and Martinović*, ICTY-98-34-A, Decision on Naletilić’s Consolidated Motion to Present Additional Evidence, 20 October 2004, para. 24 (“[T]he Appeals Chamber agrees with the Prosecution’s submission that the fact that a document was issued after the close of the hearings does not prevent a reopening of the case in the interests of justice should new and crucial evidence come to light.”); *Prosecutor v. Tihomir Blaškić*, IT-95-14-A, Decision on the Appellant’s Motions for the Production of Material, Suspension or Extension of the Briefing Schedule, and Additional Filings (AC), 26 September 2000, para. 31 (“[E]vidence disclosed after the close of hearings but before judgement may lead to the re-opening of a case at first instance... A Trial Chamber is entitled to have the benefit of all relevant evidence put before it in order to reach an informed and well-balanced judgement, and its ability to accept evidence late prior to judgement is in conformity with the requirement of a fair trial under the Statute and the Rules.”) See also, *Prosecutor v. Furundizija*, ICTY-95-17/I-T, Judgement, 10 December 1998, para. 92. (The Trial Chamber held that “the interests of justice required a re-opening of the proceedings as the only available means to remedy the prejudice suffered by the Defence.”).

statements and transcripts, that do not go to proof of the acts and conduct of the accused.

- (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
 - (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.
7. The Trial Chamber has ruled that the purpose of Rule 92*bis* is to permit the reception of assertions of fact (but not opinion) including, but not limited to, written statements and transcripts that do not go to proof of the acts and conduct of the accused, if such facts are relevant and their reliability is “susceptible to confirmation.”⁹ However, the reliability of a document is not a bar to admission. Information may still be admitted if it can be corroborated in due course.¹⁰
8. The Appeals Chamber has held that any information not going to proof of the acts and conduct of the accused that is not tendered through a witness should be submitted under Rule 92*bis*. Additionally, the Appeals Chamber has explicitly held that Rule 92*bis* applies to information tendered in lieu of oral testimony, and the information is not restricted to written statements or transcripts.¹¹

III. ARGUMENT

The Defence Should be Allowed to Re-open

9. The Trial Chamber should grant the Defence’s request to re-open its case for the limited purpose of seeking admission of the Cables, pursuant to Rule 92*bis*.
10. The Defence submits that the first element for re-opening a case is satisfied, inasmuch as the evidence could not, with reasonable diligence, have been obtained and presented

⁹ *Prosecutor v. Taylor*, SCSL-03-01-T-556, “Decision on Prosecution Notice Under Rule 92*bis* for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 Into Evidence,” 15 July 2008, page 4.

¹⁰ *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73, “Fofana – Decision on Appeal against ‘Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence’”, 16 May 2005, para. 26

¹¹ *Prosecutor v. Taylor*, SCSL-03-01-T-721, paras. 30-31.

during the Defence's case-in-chief. The Cables are confidential and classified documents from the United States Government that were leaked by WikiLeaks and released during the summer of 2011, months after the Defence had closed its case and the proceedings were officially closed. No amount of diligence on the part of the Defence could have resulted in the earlier disclosure of the documents.

11. The probative value of the Cables is significant and is not outweighed by the need to ensure a fair trial. The Defence submits that the Cables are critical to ensuring that Mr. Taylor has a fair trial. The Cables provide evidence that the United States Government pressured President Obasanjo to cooperate with them to remove Mr. Taylor from power in Liberia. This goes towards the defence's contention that the prosecution of the accused was part a scheme long orchestrated by the U.S.

Admission of Documents into Evidence under Rule 92bis

12. Should leave to re-open be granted for purposes of admitting the Cables into evidence, the Defence submits that the requirements of Rule 92bis have been satisfied as to each cable.
13. The Cables are relevant as they support the Defence's position that the United States Government applied pressure to President Obasanjo until he agreed to assist them to remove Mr. Taylor from power in Liberia. The Cables also reveal that the pressure on President Obasanjo sometimes took the form of unfounded allegations against Mr. Taylor, unsupported by any proof whatsoever. Indeed, and for the most part, those often-repeated and never substantiated allegations touch upon matters not within the jurisdiction of the Special Court, even if taken at face value. The allegations come as no surprise, however, as this Court will recall Defence submissions regarding the premature and improper disclosure of the sealed Indictment by then Prosecutor David

Crane to the U.S. Government, right on the heels of the unfounded allegations that were utilised to pressure President Obasanjo.¹²

14. Furthermore, and significantly, the Cables clearly indicate U.S. approval that Obasanjo had changed his position on Liberia and discussed means of removing Mr. Taylor from power.¹³ Indeed, and while testifying on 15 February 2010 before this Court, Mr. Taylor stated that President Obasanjo told him that there “are powers bigger than we are and they are going to do whatever they can to get you. So there is nothing we can do.” Mr. Taylor testified that the power that President Obasanjo referred to was the United States.¹⁴
15. The Cables also provide support for the Defence position that the United States Government is working with the Prosecution to such an extent that prosecutorial independence is compromised.¹⁵ The Cables demonstrate U.S. efforts at implementing regime change in Liberia, of which the prosecution of Mr. Taylor is a part.¹⁶ This connects with the contents of the March 2009 Cable previously admitted into evidence, in which Ambassador Linda Thomas-Greenfield stated, “the best we can do for Liberia is to see to it that Taylor is put away for a long time....All legal options should be studied to ensure that Taylor cannot return to destabilize Liberia.”¹⁷
16. While the Cables could conveniently be taken to implicate Taylor as they on the face of it appear to support the Prosecution’s case, it must be noted that, other than the mere say so as part of the U.S. government’s diplomatic manoeuvres, they do not provide any concrete evidence of Taylor’s alleged complicity in the Sierra Leonean war. There is nothing in this diplomatic chatter to show that the U.S. presented Obasanjo with any

¹² See Exh. D-404, p. 79, footnote 10. See, also, paras. 5 through 7 of *Prosecutor v. Taylor*, SCSL-03-01-T-1229, “Public with Confidential Annex Defence Corrected and Amended Final Trial Brief,” 9 March 2011, at CMS pages 34960 – 34961.

¹³ The June 2003 Cable, paras. 1 and 4-7; The August 2003 Cable, para. 9.

¹⁴ *Prosecutor v. Taylor*, SCSL-03-01-T, Testimony of Charles Taylor, 15 Feb. 09, p. 35015-9. See Defence exhibit D-334.

¹⁵ See Defence exhibits D-404 and D-481.

¹⁶ See Defence exhibit D-481.

¹⁷ Defence exhibit D-481, para. 13.

evidence and that he considered it and agreed that it warranted regime change in Liberia. On the contrary, what is clear is that the U.S. had taken a position and diplomatic pressure was being brought to bear on the strongest ECOWAS member, Nigeria, in order to legitimise the agenda. Indeed the fact that the Cables on the face of it support the Prosecution's case, is also clear evidence that the Prosecution was feeding off the U.S. Government's trough, as the Accused has contended all along.

17. The June 2003 Cable provides evidence for the Defence position that Mr. Taylor was offered immunity from prosecution at the Special Court for Sierra Leone, were he to leave Liberia willingly. The Cable relays a conversation between Obasanjo and U.S. Ambassador Jeter, in which they stated that Mr. Taylor might be convinced to leave Liberia if he was promised immunity from prosecution. This provides support for Defence evidence that Mr. Taylor was promised immunity from prosecution if he willingly left Liberia.¹⁸
18. The reliability of the Cables can be corroborated with regard to each other and with regard to the evidence already on record. The reliability of the Cables is further bolstered by the fact that they are the product of United States diplomatic posts. Indeed, it is public knowledge well-reported in the media that the U.S. is contemplating legal action against the founders of WikiLeaks for leaking its classified information.
19. As the Cables which the Defence seek to admit do not contain any evidence of Taylor's alleged complicity in the war in Sierra Leone, as argued above, they do not go towards proof of the acts and conduct of the accused.


¹⁸ See Defence exhibits D-404, p. 40 and 62 (Transcript of a U.S. Congressional hearing in which Congressmen state that they hope the U.S. can work with the Prosecutor of the Special Court and discuss how the U.S. can advance its interests in Liberia. Former Special Court Prosecutor David Crane testified before the subcommittee.); See Defence exhibit D-408, p. 13 ("The understanding was that Taylor would continue to be protected by the Nigerian government, and would not be handed over to the Special Court....But contrary to the deal, the Special Court and Western human rights groups...got some 300 African NGOs to back a public relations campaign to force Nigeria to hand over Taylor."); See Defence exhibit D-45, p. 33 ("Taylor's Vice President, Moses Blah...he was in agreement with the president regarding the...lifting of the indictment issued on President Taylor by the Tribunal Court in Sierra-Leone as conditions for his departure from Liberia.").

20. The information contained in the Cables are mere allegations that were being propagated by U.S. to justify its regime change agenda in Liberia. The Defence does not make any claim as to the veracity of the reported information but simply wants it on record that the information was in fact reported.
21. Thus, the Cables meet the requirements of Rule 92*bis* and should be admitted.

IV. CONCLUSION AND RELIEF REQUESTED

22. Given the importance of the evidence that has come to light in the recently leaked Cables, the Trial Chamber should allow the Defence to re-open its case and admit the June 2003 Cable and the August 2003 Cable into evidence pursuant to Rule 92*bis*.
23. The Defence further requests that the issue be considered on an expedited basis, given the stage of the proceedings.
24. Should this Motion be allowed, the Defence does not wish to make any ancillary submissions to its Final Trial Brief.

Respectfully Submitted,



Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 9th Day of December 2011
The Hague, The Netherlands

Table of Authorities

SCSL Authorities

Prosecutor v. Taylor, SCSL-03-01-T-993, Decision on Public with Confidential Annexes A and B Prosecution Motion to Call Three Additional Witnesses, 29 June 2010

Prosecutor v. Taylor, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 Into Evidence, 15 July 2008

Prosecutor v. Norman et al, SCSL-2004-14-AR73, Fofana – Decision on Appeal against ‘Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence’, 16 May 2005

Prosecutor v. Brima et al, SCSL-04-16-T, Decision on Confidential Prosecution Motion to Reopen the Prosecution Case to Present an Additional Prosecution Witness, 28 September 2006

Prosecutor v. Sesay et al, SCSL-04-15-A-1311, Decision on Gbao Motion to Admit Additional Evidence Pursuant to Rule 115, 5 August 2009

ICTY Authorities

Prosecutor v. Naletilić and Martinović, ICTY-98-34-A, Decision on Naletilić’s Consolidated Motion to Present Additional Evidence, 20 October 2004

Prosecutor v. Tihomir Blaškić, IT-95-14-A, Decision on the Appellant’s Motions for the Production of Material, Suspension or Extension of the Briefing Schedule, and Additional Filings (AC), 26 September 2000

Prosecutor v. Furundizija, ICTY-95-17/I-T, Judgement, 10 December 1998

Annex A

37597

[Show header](#)

CABLEGATE'S CABLES: FULL-TEXT SEARCH FOR "03ABUJA997"

"All of them, those in power, and those who want the power, would pamper us, if we agreed to overlook their crookedness by wilfully restricting our activities." — "Refus Global", Paul-Émile Borduas

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Keyword(s)

03abuja997

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Origin

All

On or before

2010-02-28

Retrieve

Reset all

Classification

All

Sort by...

Cable date

- Example: searching for `state secret` returns 1153 cables, `state =secret` returns 674 cables, `=state =secret` returns 543 cables, `state-secret` returns 2 cables (as of Dec. 28, 2010).
- Leading zeros in numbers are disregarded, i.e., when searching for `51`, cables with "51", but also "051", "0000051", etc. will be returned.

1 cable found.

< 2002 2003 2004 2005 2006 2007 2008 2009 2010

Cable date

Show All classifications (1)

from All origins (1)

Nigeria: President Obasanjo Believes Taylor Must Go — Embassy Abuja (Nigeria)

Reference id: 03ABUJA997**Cable time:** Thu, 5 Jun 2003 19:04 UTC**Origin:** Embassy Abuja**Classification:** CONFIDENTIAL**Published on:** 28 Jun 2011 (original), 1 Sep 2011 (diff), 8 Sep 2011 (diff) (now)**Highlight:**

CONFIDENTIAL SECTION 01 OF 02 ABUJA 000997 SIPDIS E.O. 12958: DECL: 06/03/2008
 TAGS: PGOV [Internal Governmental Affairs], PREL [External Political Relations], MOPS [Military Operations], MASS [Military Assistance and Sales], LI [Liberia], NI [Nigeria] SUBJECT: NIGERIA: PRESIDENT OBASANJO BELIEVES TAYLOR MUST GO CLASSIFIED BY AMBASSADOR HOWARD F. JETER. REASONS: 1.5 (B & D). ¶1. (C) SUMMARY: During a May 15 meeting, President Obasanjo told Ambassador Jeter he was prepared to abandon his heretofore avuncular approach with Liberian President Charles Taylor. Taylor was irredeemable and Liberia's future could no longer be tied to Taylor's leadership, Obasanjo had concluded. Ambassador Jeter replied that President Obasanjo's tougher stance was a welcome one that accorded with our own. The

37598

2003,
Jun 5

Ambassador stressed that Taylor's rapacity and ambition were the font of much of the sub-region's instability. END SUMMARY. ¶2. (C) Jeter began by saying that despite Liberia's modest size, Taylor aspired to sub-regional leadership and was willing to sacrifice the well-being of West Africa to achieve his personal objective. Taylor's master scheme was to control the resources of Liberia and its immediate neighbors in order to amass a war chest that would catapult him to ascendance in a region of relatively conservative and non-adventurous leaders Taylor viewed himself as an irredentist leader with no immediate rivals and few deterrents. Thus, he ravaged in Sierra Leone to gain access to its lucrative diamond fields. Guinea's iron ore and diamonds had also whetted Taylor's unbounded appetite. The Liberian leader also saw in the maelstrom of Cote d' Ivoire an opportunistic chance to extend his influence. ¶3. (C) However, Ambassador Jeter added that Taylor's masterplan seemed to be imploding. International sanctions and Sierra Leone's gradual recuperation had deprived the Liberian of funds to keep his war machine at full throttle. Taylor's forces were disintegrating while Liberia's rebel forces, LURD and MODEL, were growing relatively stronger and inching closer to Monrovia. Moreover, Taylor had also run out of friends in the region, most notably Burkina Faso's Campoare. Taylor was isolated and his situation now was more precarious than it has been since his becoming President. ¶4. President Obasanjo endorsed this assessment of Taylor and the Liberian situation, adding that West African leaders had tired of Taylor's antics because of the extreme distress he had caused the sub-region. Obasanjo temporarily mused whether Libya's Qadhafi would come to Taylor's aid, but quickly dismissed this notion, stating that Qadhafi wanted to settle the PAN AM 103 case and would not risk irritating the USG by supporting the reckless and ungrateful Taylor. Obasanjo said Taylor had sought a delay in holding the presidential election because of the security situation caused by rebel advances. The President correctly saw this as a subterfuge by Taylor to hold to power in hope that passage of time would reverse the diminution of his fortunes, for instance, serious illness stalked Guinea's Conte; the ensuing instability and uncertainty in Guinea should Conte quickly pass from the scene could provide Taylor some breathing space and access to lucrative material sources. Moreover, Conte's demise also could diminish Guinea's assistance to the rebels, thus alleviating pressure on Taylor. ¶5. (C) Ambassador Jeter stated that time was of the essence. The security and humanitarian situation in Liberia was increasingly dire. While the LURD and MODEL served to pressure Taylor, they were not the answer; ultimately, they were malignant factors, probably no better than Taylor. Already, ethnic violence was tumescent. Should these forces enter Monrovia, the costs in lives and human suffering would reach civil war proportions. Obasanjo agreed. The Nigerian President stressed it was important that the international community speak to Taylor with one voice and that voice must tell him to leave. Taylor must be told that his reelection would simply be greeted by ostracism and perhaps additional sanctions. Obasanjo foresaw the establishment of an interim national government, comprised of the major opposition leaders, with the mandate of conducting elections six months after Taylor's exit. ¶6. (C) Both Obasanjo and Jeter thought Taylor could be convinced to make his exit if assured that he would not face a war crimes tribunal. President Obasanjo said Taylor was deathly afraid of being placed in the dock. Jeter agreed. A deal protecting him from prosecution might be attractive. Obasanjo said Nigeria would be willing to offer Taylor asylum but speculated that Taylor would not accept the offer. Concerned that Taylor might use one of Liberia's neighbor as a road for his return, Obasanjo thought no other country in the sub-region would be acceptable as a place of asylum. Obasanjo mention Morocco as a possible haven. ¶7. (C) Comment: President Obasanjo's position on Liberia has made a one hundred and eighty degree turn. Obasanjo no longer wants to be Taylor's dotting uncle. He is prepared to see Taylor go, and quickly. As such, Obasanjo has moved much closer to our position. During this meeting, he clearly indicated a desire to resume a close dialogue with the United States toward a final resolution of the Liberian crisis. This is an offer we should take. With Taylor weak and on the ropes, a concerted international and sub-regional push, led by the United States and Nigeria, respectively, might be the right move to close the book on Taylor's depraved leadership, opening Liberia to a more hopeful future. END COMMENT. JETER

Source: Latest database content based on a snapshot of Cryptome's z.7z as of Thu, 8 Sep 2011, 13:29:00 UTC.

Credits: *Mootools* for Javascript framework; *MooTools-DatePicker* for the neat date picker; *Open Icon Library* for some of the icons used on this page; *Cabletags*, for its definitions of cable tags; *Stephen Woodbridge* for his PHP port of *Double Metaphone* algorithm.

Notes: This work (available on [Github](#)), is a way to express support for Wikileaks, following Canadian Tom Flanagan's suggestion that Julian Assange should be assassinated.

Reminder: "Eight Smears and Misconceptions About WikiLeaks Spread By the Media"

Annex B

37600



Currently released so far...
251287 / 251,287

Viewing cable 03ABUJA1367, MEETING WITH PRESIDENT OBASANJO

If you are new to these pages, please read an introduction on the structure of a cable as well as how to discuss them with others. See also the FAQs

| Reference ID | Created | Released | Classification | Origin |
|--------------|------------------|------------------|----------------|---------------|
| 03ABUJA1367 | 2003-08-12 07:28 | 2011-08-30 01:44 | CONFIDENTIAL | Embassy Abuja |

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001367

SIPDIS

E.O. 12958: DECL: 08/11/13
TAGS: PFEEL MARS MOFS PHUM LI
SUBJECT: MEETING WITH PRESIDENT OBASANJO

- REF: A) State 217935
- B) State 226543
- C) Monrovia 902
- D) Telcon Charge-Ambassador Bogosian 8/10/03 and
- E) Telcon Liberi-Arrieti 8/10/03

Classified By Charge Dawn Liberi. Reasons 1.5 (b) and d).

1) (C) Summary: In private meeting with Charge, President Obasanjo disclosed plans for Charles Taylor arrival in Nigeria; confirmed meeting with LURD leader Conneh on 8/10/03; and indicated some next steps he proposes to take to deal with security issues in the Delta. Charge was able to deliver all demarches outlined in reftels during this meeting. In addition, Charge was able to inform President Obasanjo about the change in Ambassador Steinberg's scheduled arrival at post. End Summary.

2) (SBU) Charge Liberi held a private one on one meeting with President Obasanjo at his Villa residence Sunday evening August 10. The meeting lasted about twenty minutes during which time the four subjects indicated in the Summary paragraph were discussed. After thanking President Obasanjo for granting the meeting, Charge opened the discussion by explaining the change with Ambassador Steinberg's arrival at Post originally scheduled for later this month. President Obasanjo understood and was sympathetic to the issue. He appreciated being informed personally by the Charge and indicated that the arrangement for Embassy representation proposed by DOS would be acceptable to him. Charge confirmed that a Diplomatic Note would be forthcoming.

3) (C) Turning attention to Liberia, President Obasanjo confirmed that Charles Taylor would be arriving in Nigeria on Monday August 11 after resigning from office, accompanied by President Kufour and possibly President Mbeki. President Obasanjo indicated he would welcome the party at the Abuja airport, before it flew on to its Calabar destination. He also indicated that Taylor had already sent 17 members of his entourage to Calabar and that the Nigerians had agreed to take in a total of up to 35 members of the contingent. Charge thanked Obasanjo for his leadership on the issue and per the demarche in refs (a) and (b) reiterated the need to ensure that Taylor left Liberia asap after resigning as President.

4) (C) As a side note, President Obasanjo said that a Nigerian C-130 had taken "materials" for NIBATT 2 deployment to Monrovia that day and had returned with (some of) Taylor's household effects. He said it was cheaper than paying for commercial shipment of Taylor's HHE, and that it addressed Taylor's concerns about receiving his goods intact. When queried specifically about whether or not the "materials" shipped to Monrovia included APCs, Obasanjo said "yes." (Comment: it was not clear that Obasanjo was focussed on the question related to APCs, and probably just said yes inadvertently. In subsequent

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- SECRET
- SECRET//NOFORN
- UNCLASSIFIED
- UNCLASSIFIED//FOR
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37601

discussions with the DATT, it has been ascertained that APCs can't fit on C-130s, so Obasanjo was clearly referring to other materials. End comment)

5) (C) Obasanjo then indicated he had met earlier in the day with "one of the other boys" - LURD leader Sekou Conneh. Conneh had requested assistance from Obasanjo in the form of money and a four wheel vehicle to eventually drive from Conakry to Monrovia, to which Obasanjo agreed. Obasanjo also indicated that Conneh had assured him that LURD would allow peaceful access to Freeport. Per telcon, ref (c) Charge asked if Conneh had signed the "unilateral agreement." Obasanjo indicated he wasn't sure Conneh had signed the document, though didn't think so. However, Obasanjo said he felt Conneh would be good to his word on allowing access to the port, particularly since it would essentially involve turning it over to Nigerian ECOMIL troops.

6) (C) On the peace agreement and transition phase, Obasanjo indicated that Conneh had conceded to having "technocrats" as opposed to "politicals" in the three key positions of President, Vice-president and Speaker (though Conneh wanted them named Chair and Vice-Chair in lieu of the presidential titles). Obasanjo confirmed that the total transition would be an 18-24 month endeavor. (Comment: Conneh clearly played to Obasanjo as a major powerbroker in this equation, referring to him as "Father" though Obasanjo's retort to Charge was "I'm not sure I want to be seen as a "father" to a rebel." End comment). Obasanjo summed up the discussion on Liberia saying he was pleased with how things were moving and that "no major problems or issues had occurred and that deployment would continue as scheduled." (Comment: The clear implication was that deployment would occur on the Nigerian timetable, and that they were in the driver's seat on this issue. End comment)

7) (C) Moving the conversation closer to home, Charge referred to the meeting earlier in the week (when Obasanjo convoked members of the diplomatic corps to discuss oil bunkering and fighting in the Delta) and asked Obasanjo how he thought the situation was evolving in the Delta region. Obasanjo indicated that he would intervene personally and shortly call all of the Nigerian principals to Abuja to iron out a solution to the fighting and oil bunkering. He indicated discussions would take place over a 2-3 day marathon session in Abuja until there was an agreed upon "solution." Somewhat vexed, Obasanjo indicated he was doing this because there was a "stupid" governor in Delta State (James Ibori) who was off travelling instead of dealing with the situation. (Ibori is said to be on a 45th birthday vacation and is out of the country for two weeks). (Comment: Obasanjo's indignation at Ibori's travel schedule during a tense political time is a bit of the pot calling the kettle black, given past criticism of his own frequent flyer miles. End comment). Obasanjo did not refer to any imminent military intervention nor did he indicate that he had deployed additional troops to the area.

8) (C) The situation in the Delta remains tense and significant military presence has been moved to the region. It is now thought that a military intervention is planned for later this week, after Charles Taylor's move and the visit of the British Deputy Minister of Defense who will be in Abuja August 12 and 13. This could take place as early as Thursday but more likely Friday/Saturday.

9) (C) At the end of the meeting Charge asked if Obasanjo wanted to send any message to Washington to which he replied "just that we are doing what we are supposed to be doing (vis a vis Liberia)". Charge thanked the President again for his time and indicated the message would be passed on as requested.

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