

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

FRIDAY, 29 OCTOBER 2004
9.15 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsch

For the Registry:

Ms Maureen Edmonds

For the Prosecution:

Mr Peter Harrison
Mr Alieu Iscandari
Mr Christopher Santora
Mr Robert Braun
Ms Marie-Helen Proulx (intern)
Mr Christopher Dunn (intern)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 Friday, 29 October 2004
2 [Open session]
3 [The witness entered Court]
4 [Accused Kallon and Sesay entered Court]
09:09:29 5 [Accused Gbao not present]
6 [Upon commencing at 9.15 a.m.]
7 WITNESS: HASSAN BILITY [Continued]
8 PRESIDING JUDGE: Good morning, learned counsel. We are
9 resuming our proceedings.
09:16:06 10 Good morning, Mr Bility, how are you this morning?
11 THE WITNESS: Great, thanks.
12 PRESIDING JUDGE: Are you all right?
13 THE WITNESS: Yep.
14 PRESIDING JUDGE: Good. You have some nice African wear on
09:16:19 15 this morning.
16 THE WITNESS: Yeah, today's Friday.
17 PRESIDING JUDGE: Good. Yes, we will now proceed with the
18 cross-examination of this witness by the Defence team of
19 the second accused. Mr Touray.
09:16:42 20 MR TOURAY: Good morning, Your Honour.
21 PRESIDING JUDGE: I don't imagine you'll be very long,
22 Mr Touray. I would not imagine you would.
23 MR TOURAY: Habitually I would not.
24 PRESIDING JUDGE: You may proceed, Mr Touray.
09:16:56 25 CROSS-EXAMINED BY MR TOURAY:
26 MR TOURAY:
27 Q. Good morning, Mr Witness. You were born in Nimba County?
28 A. That's correct.
29 Q. You grew up there?

1 A. No.

2 Q. You were there during the war -- when the war started?

3 A. There? Where is "there", sir?

4 Q. In Nimba County.

09:17:18 5 A. No.

6 Q. Where were you in 1997?

7 JUDGE THOMPSON: Learned counsel, just a minute.

8 PRESIDING JUDGE: Mr Touray --

9 MR TOURAY: I'm sorry.

09:17:28 10 THE WITNESS: I --

11 PRESIDING JUDGE: Just a minute, please.

12 JUDGE THOMPSON: Third question.

13 MR TOURAY:

14 Q. Where were you in 1997?

09:17:36 15 A. I was in Monrovia, the capital of Liberia.

16 Q. The war in Liberia started in Nimba County?

17 A. Yes, it did. The physical shooting -- the physical

18 military activity began in Nimba County, 24 December

19 1989.

09:18:33 20 PRESIDING JUDGE: 24 September --

21 THE WITNESS: December.

22 PRESIDING JUDGE: Oh, December?

23 THE WITNESS: Yeah.

24 PRESIDING JUDGE: 19 --

09:18:52 25 THE WITNESS: '89.

26 MR TOURAY:

27 Q. And you agree with me that Madingos were targetted at the

28 beginning of the war?

29 A. I think -- I can't provide a yes or no answer to that.

1 I think that's pretty much a loose statement.

2 Q. Anyway, they suffered a lot of atrocities at the
3 beginning of the war?

4 JUDGE THOMPSON: Well, let us stick to one context. You said
09:19:50 5 -- your question was that they were targeted.

6 MR TOURAY: Targetted, yes.

7 JUDGE THOMPSON: And you're not prepared to pursue that.

8 MR TOURAY: Well, from the answer he has given, I won't.

9 JUDGE THOMPSON: So what do we write?

09:20:01 10 MR TOURAY:

11 Q. What is your answer?

12 JUDGE THOMPSON: So let us have an answer to that.

13 MR TOURAY: Very well, Your Honour.

14 JUDGE THOMPSON: He can either tell us whether they were
09:20:07 15 targeted or, if they were not, he can give some
16 clarifications, but we don't really -- we're not
17 interested in your commentary as to whether that's a
18 loose statement or not. It wouldn't help us. Give us
19 some answer if you know, or if you don't know;

09:20:25 20 understood, Mr Witness?

21 THE WITNESS: Understood. Your Honour --

22 JUDGE THOMPSON: Okay. So you could try and answer the
23 question: were the Madingos targeted?

24 THE WITNESS: I want him to provide a working definition for
09:20:39 25 the word "targetted".

26 JUDGE THOMPSON: But you're not allowed to preface any such
27 response by, "That is a loose question". We have our
28 rules here. You're not here to tell counsel how to
29 present his case. We the judges are here to control the

1 process, and we'll certainly do that. So, please, answer
2 the question and provide whatever amplifications you want
3 to provide?
4 THE WITNESS: Yes.
09:21:07 5 PRESIDING JUDGE: And the question is: were the Madingos
6 targetted during this war?
7 THE WITNESS: Yes. Expansion?
8 PRESIDING JUDGE: Just a minute.
9 JUDGE THOMPSON: Slowly. Please watch our pens, witness. We
09:21:30 10 are trying to do the best to report you faithfully.
11 PRESIDING JUDGE: Yes, Mr Touray, please.
12 MR TOURAY: He says he wants to expand.
13 JUDGE THOMPSON: Yes, let him do that.
14 THE WITNESS: The Madingos were targetted by the National
09:22:23 15 Patriotic Front of Liberia, because Madingos were
16 perceived as being allies to the government of the late
17 President Samuel K Doe and his ethnic Krahn group.
18 JUDGE THOMPSON: Please spell "Krahn" for us.
19 THE WITNESS: K-H-R -- no, K-R-H-N -- K-R-A-H-N.
09:23:21 20 JUDGE THOMPSON: Thank you.
21 THE WITNESS: You're welcome.
22 MR TOURAY:
23 Q. Are you a Mandingo yourself?
24 A. Yes.
09:23:43 25 Q. And Charles Taylor was head of the NPFL?
26 A. Yes.
27 Q. So you have never forgiven him for that.
28 JUDGE THOMPSON: For what?
29 MR TOURAY:

1 Q. For targeting your tribe --

2 A. No.

3 Q. -- as head of the NPFL?

4 A. No, I never held any such feeling --

09:24:34 5 JUDGE THOMPSON: Okay, just a minute.

6 THE WITNESS: -- against him. And if you like me to expand

7 further, I am of hatred [sic] against Taylor. Further --

8 JUDGE THOMPSON: Slowly -- against Taylor?

9 THE WITNESS: Against Charles Taylor.

09:25:01 10 JUDGE THOMPSON: Further?

11 PRESIDING JUDGE: For?

12 THE WITNESS: For targeting Madingos. I am on record, with

13 the British Broadcasting System in an interview on

14 21st May 2003 in Monrovia -- sorry, 2004, this year, in

09:25:52 15 Monrovia, that I had no grudge, no mixed feelings against

16 former President Taylor or any of his henchmen whom

17 prosecuted me - persecuted me -- P-R -- or any member of

18 my family in any form. The interview was granted when

19 I was in Monrovia this year --

09:27:00 20 PRESIDING JUDGE: Yes.

21 THE WITNESS: -- doing a United States public --

22 PRESIDING JUDGE: No, it's okay; it was given when you were in

23 Monrovia. We don't want you to expand further. You've

24 given -- is that the reason -- is that why you say that

09:27:15 25 you -- is that what you're using as a backing for your

26 contention that you don't bear any grudge against Taylor,

27 because of the interview?

28 THE WITNESS: That is an additional --

29 PRESIDING JUDGE: It's an additional --

1 THE WITNESS: It's an additional statement that I am already
2 on record having said that.
3 PRESIDING JUDGE: That's all right.
4 THE WITNESS: I've already said to him --
09:27:39 5 JUDGE THOMPSON: Yes, that's fine.
6 PRESIDING JUDGE: That's okay, we will proceed.
7 JUDGE THOMPSON: In other words, you ask us to look at it as a
8 corroborating statement?
9 THE WITNESS: Yes.
09:27:47 10 MR TOURAY:
11 Q. Now, Mr Bility you entered the media in 1993; that is,
12 you started your profession as a journalist in 1993?
13 A. Is that a question?
14 Q. Yes, it is.
09:28:04 15 A. I began writing commentaries --
16 PRESIDING JUDGE: As a journalist. Please, follow the
17 question.
18 THE WITNESS: Yep.
19 PRESIDING JUDGE: As a journalist?
09:28:12 20 THE WITNESS: Yep.
21 PRESIDING JUDGE: That is counsel's question. Let's have an
22 answer to that first.
23 THE WITNESS: Yep.
24 MR TOURAY:
09:28:19 25 Q. The answer is "yep"?
26 A. Yes.
27 Q. And is it correct to say as a fledging journalist you
28 started writing sensational articles about Charles
29 Taylor's involvement with the RUF?

1 A. That's not correct to say. I earlier said I began --
2 JUDGE THOMPSON: Just a minute. We want that: it's not
3 correct to say --
4 THE WITNESS: No, stop there, that's not correct.
09:29:03 5 JUDGE THOMPSON: It is not correct to say that, as a fledgling
6 journalist, you started writing --
7 MR TOURAY: Articles.
8 JUDGE THOMPSON: You said sensational articles about --
9 MR TOURAY: Charles Taylor's alleged involvement with the RUF.
09:29:29 10 JUDGE THOMPSON: You say it is not correct to say that.
11 MR TOURAY:
12 Q. When did you first start writing articles on this
13 subject; that is, Charles Taylor's involvement with the
14 RUF -- alleged involvement?
09:29:44 15 A. 1997.
16 Q. 1997. It's barely four years as a journalist?
17 PRESIDING JUDGE: Is four years "bare", learned counsel?
18 MR TOURAY: Yes, My Lord.
19 PRESIDING JUDGE: It's a matter of opinion.
09:30:06 20 MR TOURAY:
21 Q. Now, you said yesterday in one of the articles you
22 wrote -- an article you said you wrote about "Who is the
23 Judas in ECOWAS". You said, "Liberia, which had been
24 under suspicion for its alleged support to RUF refused to
09:30:49 25 attend and even sought to give reasons why it would not
26 attend the ECOWAS committee meeting of five"; is that
27 what you said yesterday?
28 A. Yes, I did.
29 Q. That "Liberia, which had been under suspicion for its

1 alleged support to RUF" -- those are the operative words,
2 "suspicion" and "alleged".

3 A. Is that a question?

4 Q. No, it's not.

09:31:33 5 JUDGE THOMPSON: Will you complete that extract -- "did not
6 consider it", you said?

7 MR TOURAY: Yes, "refused to attend and even sought to give
8 reasons why it would not attend the ECOWAS committee of
9 five" in Abuja.

09:32:08 10 Q. Now, when did you write that article?

11 A. Pardon?

12 Q. When did you write the article?

13 A. The article was written after August '97.

14 Q. Which year?

09:32:23 15 A. '97.

16 Q. '97 -- it's four years.

17 JUDGE THOMPSON: Which year?

18 MR TOURAY: In August 1997.

19 THE WITNESS: After August.

09:32:35 20 JUDGE THOMPSON: He said after August 1997. I thought I heard
21 "after" not "in".

22 MR TOURAY:

23 Q. You said --

24 A. I said after.

09:32:45 25 Q. After August 1997.

26 PRESIDING JUDGE: If I may ask here, do you have a copy of
27 this article? Do you perchance have a copy of this
28 article?

29 THE WITNESS: If I could?

1 PRESIDING JUDGE: Do you have it -- do you have a copy of that
2 editorial or the article, whatever?

3 THE WITNESS: Yeah, I have it -- not in Sierra Leone. I have
4 it in Liberia.

09:33:44 5 MR TOURAY:

6 Q. Now, is it correct to say that at the time you wrote the
7 article Charles Taylor was just under suspicion for an
8 alleged support to the RUF -- he was just under suspicion
9 for an alleged support to the RUF at the time you wrote
09:34:01 10 the article?

11 A. Your Honour, does it require a "yes"?

12 Q. Would you answer the question?

13 JUDGE THOMPSON: What's your response? In other words,
14 counsel is saying is it correct?

09:34:16 15 THE WITNESS: Yes.

16 MR TOURAY: Yes.

17 THE WITNESS: Can I expand?

18 MR TOURAY: Yes, it's all right for me. I don't know about
19 the Prosecution, or perhaps the Court.

09:34:39 20 MR HARRISON: Of course.

21 JUDGE THOMPSON: Certainly.

22 THE WITNESS: All right. Now, I want --

23 PRESIDING JUDGE: Mr Bility, Mr Bility, go on, please.

24 THE WITNESS: I want this Court to understand that from a
09:35:13 25 journalistic point of view, writing stories that you do
26 not have absolute proofs and facts for require certain
27 words -- the usage of certain words. "Alleged" --
28 I wasn't a judge; I was writing to a public, some of whom
29 supported Taylor's cause and some of whom opposed his

1 cause. Since I was not a judge, I tried -- we tried, the
2 media, not to be judgmental, so the usage of the
3 words "suspicion", "alleged" were quite in place -- very
4 ethical.

09:36:01 5 JUDGE THOMPSON: We want you to understand that we are
6 familiar with the vocabulary of that nature and need no
7 instruction from you as to how those words can be used.
8 You, as a witness of fact, are here to give us your own
9 perspective, and that's what we're trying to get.

09:36:21 10 Whether we have differences in the use of the
11 word "alleged" or "suspicion" is not an issue. We are
12 familiar -- we are trained in the discipline of the law
13 and we know the difference between the discipline of the
14 law and the discipline of journalism. So perhaps you
09:36:45 15 would want to refrain from that kind of response and try
16 to answer learned counsel's questions to the best of your
17 knowledge and your recollection, in the context of your
18 own expertise.

19 THE WITNESS: Thank you.

09:36:57 20 JUDGE THOMPSON: Do you understand?

21 THE WITNESS: I do.

22 MR TOURAY:

23 Q. Now, you know for sure that Charles Taylor had always
24 denied the allegation?

09:37:12 25 A. No, I do not know that for sure.

26 Q. Not even as a journalist?

27 JUDGE THOMPSON: Can we have that answer complete before you
28 proceed?

29 MR TOURAY: Yes.

1 JUDGE THOMPSON: Continue, learned counsel.

2 MR TOURAY:

3 Q. And you also know for sure that the Government of

4 Liberia, during the presidency of Charles Taylor, denied

09:37:57 5 the allegation?

6 A. I know that the government did deny the allegation

7 publicly.

8 Q. Thank you.

9 JUDGE THOMPSON: Proceed, Mr Touray.

09:38:30 10 MR TOURAY:

11 Q. Now you, as a journalist, went out to investigate this

12 suspicion?

13 A. Wanted?

14 Q. Went out to investigate the alleged suspicion, or the

09:38:43 15 suspicion.

16 JUDGE THOMPSON: Are you suggesting it to him --

17 THE WITNESS: Yes.

18 JUDGE THOMPSON: -- or are you asking him the question?

19 MR TOURAY: I'm asking.

09:38:51 20 THE WITNESS: Yes, I did personal investigations on the

21 suspicion.

22 MR TOURAY:

23 Q. On the suspicion?

24 A. Yep, in the hope of proving its truism.

09:39:43 25 MR TOURAY:

26 Q. Yes. And you have given evidence here citing three

27 instances of perhaps hiring men for the transportation of

28 arms?

29 A. Yes.

1 Q. Three instances. The first one, you say, was in late
2 1998?
3 A. Yes.
4 Q. Where you stood from the balcony and watched some
09:40:33 5 vehicles coming with some RUF members, including Yeaten
6 and others.
7 A. Including whom?
8 Q. Yeaten -- Benjamin Yeaten.
9 A. No, I did not say that.
09:40:49 10 Q. Sorry.
11 JUDGE BOUTET: It was the driver of Yeaten.
12 MR TOURAY: The driver, yes, okay, of Yeaten.
13 PRESIDING JUDGE: The driver of Yeaten.
14 MR TOURAY:
09:40:58 15 Q. Now, you had an opportunity then to directly confront the
16 people you accuse here today. They were there but you
17 never spoke to them.
18 PRESIDING JUDGE: What?
19 JUDGE THOMPSON: Are you asking him what?
09:41:19 20 PRESIDING JUDGE: What are you asking him to do?
21 JUDGE BOUTET: what was he supposed to do?
22 PRESIDING JUDGE: What was he supposed to do?
23 JUDGE BOUTET: Go and say to him -- to where he was, "You
24 should not do that."
09:41:26 25 PRESIDING JUDGE: "You should get out of this place."
26 MR TOURAY: No, My Lord, let me put my question.
27 PRESIDING JUDGE: No, that is not a fair question, Mr Touray.
28 MR TOURAY: No, the question is fair, My Lord. I mean, what
29 I'm saying is --

1 PRESIDING JUDGE: No, no, it's not a fair question.

2 MR TOURAY: -- he said one of these people was present, or
3 some of them were there, and then he's investigating this
4 thing as a journalist, not as a spy. He's a journalist.

09:41:45 5 PRESIDING JUDGE: No, no.

6 JUDGE BOUTET: Mr Touray, Mr Touray, in all commonsense, in
7 those circumstances, do you think it would be fair to
8 anybody in those circumstances, assuming these facts are
9 true -- I'm not saying they are, but assuming for the
09:42:01 10 purpose of that that you think really that anybody would
11 go and say, "Well, don't do that," or, "I am so-and-so
12 investigating and therefore you shouldn't be doing that."

13 MR TOURAY: This is investigative journalism.

14 PRESIDING JUDGE: No.

09:42:10 15 MR TOURAY: You give the person [overlapping speakers].

16 PRESIDING JUDGE: No.

17 MR TOURAY: You say [overlapping speakers].

18 JUDGE BOUTET: Go ahead with your question.

19 MR TOURAY: This is investigative journalism. He's not a spy,
09:42:16 20 he's not a policeman. He's not.

21 JUDGE BOUTET: We are, according to the witness --

22 MR TOURAY: You go and meet the person, "I'm investigating on
23 this subject. Can you offer me some information on
24 this?"

09:42:29 25 JUDGE BOUTET: "And is it true that you're doing arms
26 trafficking at this particular moment so I can write that
27 down?" So this is the kind of investigative journalism
28 you would be doing when you are in war.

29 MR TOURAY: That's Monrovia; 1997 was not a war situation --

1 JUDGE BOUTET: In the circumstances that existed.

2 MR TOURAY: The war happened in 1998. It was not a war
3 situation, Your Honour, with respect.

4 JUDGE BOUTET: Go ahead.

09:42:49 5 JUDGE THOMPSON: Learned counsel, I would like to just briefly
6 associate myself with the observations of my learned
7 brothers. I think we are definitely -- we must observe,
8 even in cross-examination, the principle of fundamental
9 fairness. These are situations which you would want to
09:43:06 10 say are in abnormal times. I don't know how
11 realistically you would expect such to be achieved. Of
12 course, we're not -- I don't want to say anything
13 further, but I think it's an unfair question.

14 MR TOURAY: As Your Honour pleases.

09:43:25 15 Q. In any case, you stood as a bemused bystander watching it
16 all happen.

17 A. No, I was not bemused.

18 PRESIDING JUDGE: You say you were not --

19 JUDGE THOMPSON: Bemused.

09:43:58 20 THE WITNESS: Bemused.

21 PRESIDING JUDGE: Yes, counsel.

22 MR TOURAY:

23 Q. The second incident again you mentioned was I think in
24 January 1999. There again you were just a bemused
09:44:35 25 bystander watching it all happen.

26 A. I was not a bemused bystander, so no to that question.

27 Q. The third one again was in June 1999 -- the last one you
28 mentioned. There, again, you were just a bemused
29 bystander watching it all happen, as you say.

1 A. No, I was a bystander, not bemused.
2 PRESIDING JUDGE: Let's have the date again.
3 MR TOURAY: June 1999.
4 Q. I'm putting it to you that real investigative journalism
09:46:14 5 would have required you to do more is my question to you.
6 A. No. Answer?
7 JUDGE THOMPSON: What's the answer?
8 THE WITNESS: Under that circumstance, no.
9 JUDGE THOMPSON: "I do not agree that under that circumstance
09:46:39 10 real investigative journalism" would have required you to
11 do more; is that what you're saying?
12 MR TOURAY: More -- yes.
13 Q. Now, you knew perhaps that -- or you know that Lofa
14 County borders Liberia and Sierra Leone; it has a common
09:47:21 15 boundary with Sierra Leone and the Republic of Guinea.
16 A. You asked two questions. Which one do you want me to
17 answer?
18 Q. Does Lofa County have a common boundary with Sierra
19 Leone?
09:47:36 20 A. Liberia has a common boundary with Sierra Leone through
21 Lofa County.
22 Q. Lofa County, yeah, okay.
23 JUDGE THOMPSON: Is your question in relation to Lofa County?
24 MR TOURAY: Yes, it is.
09:47:48 25 JUDGE THOMPSON: What's the answer?
26 THE WITNESS: Yes.
27 JUDGE THOMPSON: Lofa County has a common boundary --
28 THE WITNESS: Liberia has a common boundary with Sierra Leone
29 through Lofa County.

1 JUDGE THOMPSON: I see.

2 MR TOURAY:

3 Q. And it also has a common boundary with the Republic
4 of Guinea through Lofa County?

09:48:39 5 A. Liberia does, yes.

6 Q. And you know perhaps that Charles Taylor was not at ease
7 with Sierra Leone's role in ECOMOG then?

8 A. He did say that.

9 Q. He did say so?

09:49:22 10 A. I don't know for a fact, but he said that.

11 Q. He said it.

12 A. Can I expand on that for a bit?

13 JUDGE THOMPSON: Did you agree that Charles Taylor -- is it
14 Charles Taylor -- did say that he was not at ease with
09:49:53 15 Sierra Leone's role in ECOMOG?

16 MR TOURAY: In ECOMOG.

17 JUDGE THOMPSON: And he wants to expand on that. Go ahead.

18 PRESIDING JUDGE: He was not at ease with what? Let's get
19 this right.

09:50:01 20 JUDGE THOMPSON: Sierra Leone's role in ECOMOG.

21 PRESIDING JUDGE: Sierra Leone's role in ECOMOG.

22 JUDGE THOMPSON: In ECOMOG.

23 MR TOURAY: Yes.

24 THE WITNESS: Can I --

09:50:15 25 JUDGE THOMPSON: Please expand.

26 THE WITNESS: He also said he was not at ease with Guinea and
27 Nigeria's role in ECOMOG.

28 MR TOURAY: Thank you, witness.

29 JUDGE BOUTET: Mr Witness, when you say that, you're making

1 reference to a public statement of Charles Taylor that

2 was made at the time?

3 THE WITNESS: Yes, he made it publicly -- he made those

4 statements publicly.

09:51:04 5 JUDGE BOUTET: Thank you.

6 MR TOURAY:

7 Q. Now, in 1998 you know, do you not, that there were

8 dissidents in Lofa County, the LURDs rebels?

9 A. In 1998, that's not correct. The correct answer is

09:51:35 10 21 April 1999.

11 JUDGE THOMPSON: Let's get the incorrect one first. It is not

12 correct that in 1998 --

13 THE WITNESS: That's not correct. It's wrong.

14 JUDGE THOMPSON: -- that there were dissidents in where?

09:51:50 15 MR TOURAY: Lofa County; that is, the LURDs rebels.

16 THE WITNESS: LURD.

17 JUDGE BOUTET: What's the end of your question on that,

18 Mr Touray? There were dissidents, but you added

19 something at the end --

09:52:02 20 THE WITNESS: The LURDs rebels they were called.

21 JUDGE THOMPSON: The LURDs rebels. What is the correct

22 position?

23 THE WITNESS: 21 April 1999.

24 MR TOURAY:

09:52:20 25 Q. And you know there were also --

26 JUDGE THOMPSON: There were dissidents there on 21 April?

27 THE WITNESS: Yes, the government announced the presence of

28 dissidents.

29 JUDGE THOMPSON: The government announced the presence of

1 dissidents. Proceed, learned counsel.

2 MR TOURAY:

3 Q. Now, you know for sure that Sierra Leonean rebels were
4 also fighting along with government forces in Lofa?

09:53:12 5 A. Which Sierra Leonean rebels and which government forces?

6 Q. RUF rebels were fighting with government forces in 1999?

7 A. Which government - Sierra Leonean government?

8 Q. Liberian government forces against the LURDs rebels.

9 A. You're asking me if I know that?

09:53:29 10 Q. If you know that, yes.

11 A. Yes.

12 PRESIDING JUDGE: RUF forces?

13 MR TOURAY: RUF -- yes, forces.

14 THE WITNESS: Expansion, please.

09:53:47 15 JUDGE THOMPSON: Just a minute, I want to get that. Are you
16 abandoning the word "rebels"?

17 MR TOURAY: RUF rebels.

18 JUDGE THOMPSON: RUF rebels were fighting --

19 MR TOURAY: Alongside Liberian government forces against the
09:54:08 20 LURDs rebels.

21 PRESIDING JUDGE: Alongside Liberian --

22 JUDGE THOMPSON: Government forces against LURDs rebels. The
23 witness indicated he wanted to expand on that.

24 THE WITNESS: Sure.

09:54:46 25 JUDGE THOMPSON: In expanding on that, would you like to --

26 PRESIDING JUDGE: Let us be clear of the location, where the
27 fighting was going on. What county?

28 MR TOURAY: In Lofa County.

29 JUDGE THOMPSON: In Lofa County. Could you also let us have

1 the benefit of what LURDs -- I take it that it is

2 L-U-R-D-s. I would like to know the full --

3 THE WITNESS: It's L-U-R-D -- Liberians United for

4 Reconciliation and Democracy.

09:55:33 5 JUDGE THOMPSON: Yes, please expand.

6 THE WITNESS: The Revolutionary United Front fighting or

7 operating with Liberian government forces, who were

8 helping the RUF as well, did not begin in 1999. It began

9 before then -- at least I began to notice it in 1997 on a

09:56:12 10 personal level, so it did not begin in 1999.

11 MR TOURAY: Yes, that's a good expansion, Your Honour, that is

12 the sort of [overlapping speakers].

13 JUDGE THOMPSON: Just --

14 MR TOURAY: In 1997.

09:56:32 15 JUDGE THOMPSON: Did you say you were happy with the answer?

16 MR TOURAY: Yes.

17 JUDGE BOUTET: Where did you say you began to notice that?

18 You said in 1997, but you added something about where.

19 THE WITNESS: Pardon?

09:56:41 20 JUDGE BOUTET: Where did you notice that? You said in 1997,

21 and then you said something after that. I missed that.

22 THE WITNESS: I said on a personal level -- I mean beginning

23 to get, like, personal sightings and all of that.

24 JUDGE THOMPSON: Quite right, yes.

09:57:09 25 MR TOURAY:

26 Q. Now, I'm putting it to you that the arms use -- the

27 [inaudible] for the arms in Monrovia could have been

28 meant for those projects in Lofa. That will be all; no

29 further questioning.

1 A. An answer?

2 Q. Yes.

3 A. I simply disagree with that answer.

4 MR TOURAY: Thank you.

09:57:32 5 THE WITNESS: I would want to expand on my disagreement.

6 MR TOURAY: No further questions.

7 JUDGE THOMPSON: [Microphone not activated]

8 THE WITNESS: I would like to expand on my disagreement.

9 JUDGE THOMPSON: I'm still writing the first part, otherwise

09:57:51 10 we would not even know what you're disagreeing about.

11 Counsel, what could it have been meant for -- the --

12 MR TOURAY: For the projects in Lofa.

13 JUDGE THOMPSON: For the projects in Lofa. And he's simply

14 disagreed with that and he now wants to provide some

09:58:12 15 amplification. All right.

16 PRESIDING JUDGE: At what project? I don't know. I'm not

17 very comfortable with the question. Let's get down to

18 earth.

19 MR TOURAY: For the pursuit of the war in Lofa.

09:58:29 20 PRESIDING JUDGE: For the pursuit of the war in Lofa.

21 MR TOURAY: Yes.

22 PRESIDING JUDGE: Between?

23 MR TOURAY: The Liberian government forces.

24 JUDGE BOUTET: RUF and the LURDs.

09:58:40 25 MR TOURAY: RUF and the LURDs, yes, in 1999.

26 JUDGE BOUTET: In other words, you're suggesting that these

27 arms were to be used --

28 MR TOURAY: Used for Liberia.

29 JUDGE BOUTET: Used by the common enterprise of RUF/Liberian

1 government forces?

2 MR TOURAY: Yes.

3 JUDGE BOUTET: Fighting LURDs.

4 MR TOURAY: Yes.

09:59:00 5 JUDGE BOUTET: This is the question that you posed to this
6 witness and the witness has said, "I disagree."
7 MR TOURAY: Yes, he said he disagreed.

8 JUDGE BOUTET: And you were to expand on that, Mr Witness.

9 THE WITNESS: Sure.

09:59:27 10 JUDGE THOMPSON: Yes, witness, you were going to give us your
11 expansion of that.

12 THE WITNESS: The war in Lofa County began on my wife's
13 birthday, 21st April '99, and some of these arms
14 shipments were carried out as far back as 1998, and these
10:00:14 15 were said to be bound for Lofa County, of course, but
16 through Foya, and the LURDs attack came through Voinjama,
17 never Foya. It did extend, as the years passed by, but
18 they entered through Voinjama, not Foya, and in 1998 and
19 not 1999.

10:01:03 20 MR TOURAY: No further questions for this witness, Your
21 Honour.

22 JUDGE THOMPSON: Thank you, counsel.

23 PRESIDING JUDGE: Yes, learned counsel for the third accused.

24 MR CAMMEGH: Your Honour, before I start my cross-examination
10:02:19 25 of this witness, I think it might be of assistance if a
26 copy of his two statements -- those are 2 November 2003
27 and I think 24 September of this year -- were provided to
28 him. He will be given an opportunity to read them,
29 because I'm going to make reference to them in the course

1 of my cross-examination. If we were given, say, a
2 10-minute break now in order for that to be done, I would
3 sincerely hope that I would be finished by 1.00 o'clock.

4 JUDGE THOMPSON: Well --

10:02:58 5 MR HARRISON: It's certainly okay with the Prosecution.

6 PRESIDING JUDGE: We'll rise for 10 minutes.

7 MR CAMMEGH: Thank you.

8 [Break taken at 10.03 a.m.]

9 [HS281004B]

10:19:48 10 [On resuming at 10.30 a.m.]

11 JUDGE THOMPSON: Learned counsel proceed.

12 MR CAMMEGH: If it please, Your Honour.

13 CROSS-EXAMINED BY MR CAMMEGH:

14 Q. Mr Bility good morning.

10:26:03 15 A. Good morning.

16 Q. Yes. As a qualified, experienced and indeed, I believe,
17 award winning journalist, I suppose it would be fair for
18 me to refer to you as a grammarian rather than a military
19 man. If I could just run through your curriculum vitae,
10:26:27 20 your CV, it's an impressive one, isn't it, so far as your
21 profession is concerned and the heights that you have
22 scaled? You began, you say, in 1993 as a journalist;
23 correct?

24 A. Yes.

10:26:42 25 Q. I think you wrote various articles. To start with, under
26 the title "Magic Solutions" commenting on the situation
27 in Sierra Leone and, more importantly, in Liberia during
28 those times?

29 A. I'm not sure if I understood that question.

1 Q. You wrote articles called "Magic Solutions"?

2 A. I wrote an article called "Where are the Magic
3 Solutions?"

4 Q. Oh, I see. I'm just quoting from your statement, you
10:27:15 5 see. You began with The National newspaper in August
6 1997. That was following a short visit to Sierra Leone
7 in the summer of 1997; correct?

8 A. Correct.

9 Q. And I think between July 2000 and the 24th of June, 2002
10:27:44 10 you were, I think, on the staff of The Analyst Newspaper?

11 A. Correct.

12 PRESIDING JUDGE: Between July 2000 and --

13 MR CAMMEGH: And June the 24th, 2002.

14 THE WITNESS: Excuse me, between September and July --
10:28:10 15 September 2000 to June 24th, 2002.

16 MR CAMMEGH: Thank you.

17 Q. You told us that in addition --

18 PRESIDING JUDGE: Between -- what happened then? Between
19 those dates?

10:28:15 20 MR CAMMEGH: Your Honour, yes, September 2000 to the 24th of
21 June, 2002 this gentleman was on the staff of The Analyst
22 Newspaper.

23 Q. Were you actually the editor?

24 A. Say that again?

10:28:29 25 Q. Were you the editor?

26 A. By June 2002 I was the editor-in-chief.

27 Q. Thank you. In addition, you were appointed editor of the
28 official newspaper of the Press Union of Liberia?

29 A. Correct.

- 1 Q. You were, furthermore, press officer for the United
2 Nations in Liberia under Ambassador Brian O'Neill?
- 3 A. That's wrong. I was press officer for the European
4 Commission.
- 10:29:25 5 Q. I beg your pardon, the EU?
- 6 A. The EU, yes.
- 7 Q. And I think you were appointed to that position in 2002?
- 8 A. Yup.
- 9 Q. You served for an organisation called International
10:29:46 10 Alert?
- 11 PRESIDING JUDGE: Mr Cammegh, we have -- unless you're
12 contesting these facts, don't you think we're losing
13 time, because -- you know, unless you're contesting the
14 fact that he has held these positions, he has enumerated
10:30:03 15 them. Can't we assume, you know that --
- 16 MR CAMMEGH: I'm just setting a picture, Your Honour against
17 which --
- 18 PRESIDING JUDGE: Yes, can't we assume that he has held these
19 positions and move along? Don't you think we could?
- 10:30:17 20 MR CAMMEGH: Very well.
- 21 Q. You told us that you wrote and, indeed, preached for
22 peace in Liberia in 2001/2002?
- 23 A. Yes, I did, but not only in 2001 and 2002, but I did that
24 in 2001/2002 for International Alert on a service project
10:30:41 25 officer and consultant to --
- 26 Q. Yes, so you did preach for peace in those years, and I
27 think this culminated in you receiving an award from
28 Amnesty International; is that right?
- 29 A. Yes, I did receive "Best Human Rights Journalism Under

1 Threat of War" in 2003 May, in London, yup.

2 Q. Yes. Would it be fair, and surely it would be fair for
3 one, therefore, to describe you and your activities
4 during the late 1990s and early 2000 years as something
10:31:29 5 of a dissident to the Taylor regime? You were a
6 political dissident, weren't you?

7 A. I think that would be unfair, because if airing one's
8 view --

9 JUDGE THOMPSON: Slowly. Let me get the first part. "It
10:31:49 10 would be unfair to describe me and my activities as
11 something of a political dissident to the Taylor regime",
12 is it?

13 MR CAMMEGH: Yes.

14 JUDGE THOMPSON: Yeah.

10:32:03 15 THE WITNESS: Because --

16 JUDGE THOMPSON: The reason is, yes? "I say so because" --

17 THE WITNESS: I say so because, if airing one's view --

18 JUDGE THOMPSON: "Airing one's view".

19 THE WITNESS: -- in a political climate.

10:32:24 20 JUDGE THOMPSON: "In a political climate".

21 MR WITNESS: -- that has pronounced that it encourages freedom
22 of speech, respect for the basic fundamental rights of a
23 human being, which includes the right to disagree, if
24 that can make you a political dissident, because the word
10:33:08 25 "dissident" there is qualified by the adjective
26 "political", then I beg to say that I doctrinally differ
27 with and I'm diametrically opposed to your conclusion,
28 counsel.

29 MR CAMMEGH:

1 Q. Thank you for that answer. You didn't agree with the
2 regime, did you? Yes or no?

3 A. I didn't agree with some of the policies of the regime.

4 Q. Right.

10:33:50 5 JUDGE BOUTET: Mr Cammegh, I would like to see and understand
6 a little bit more about where you are going, and we have
7 heard a lot of questioning this morning about Mr Taylor's
8 regime, government and so on, and I know, based on the
9 evidence, there's a connection to the RUF based on what
10:34:05 10 we have heard, but how far are we to go into Mr Taylor's
11 regime and how much he was in control or not in control
12 and how is this relevant to what we're doing here today?
13 I would like to know. I would like to be reassured that
14 this is, indeed, quite pertinent. That is my
10:34:23 15 observation.

16 MR CAMMEGH: All I can do is promise, Your Honour, that over
17 the next few minutes the background that we have just set
18 out would be brought sharply into relief.

19 JUDGE BOUTET: Thank you.

10:34:41 20 MR CAMMEGH: I was simply using the word "dissident", because
21 no other better word came to mind in light of this
22 gentleman's published articles with reference to the
23 state of the nation in which he was living, and I will
24 now move on to the next subject that I want to ask you
10:34:57 25 about, which is your arrest.

26 Q. You told us yesterday that you were arrested very shortly
27 after you took employment with The National newspaper
28 following an article you wrote in, I think, August 1997,
29 called "Who is the Judas in ECOWAS?"

1 A. Yup.

2 Q. That's right, isn't it? Now, you've seen your interview
3 notes this morning, haven't you? I'm dealing with page
4 9131. That should be the top page in front of you, page
10:35:35 5 1 of the interview conducted on November 2nd, 2003. Do
6 you have that, please?

7 A. Yup.

8 Q. Now --

9 JUDGE THOMPSON: What is the date of the interview?

10:35:44 10 MR CAMMEGH: The date, Your Honour, is November the 2nd, 2003.

11 Q. And just to set the record straight, it is right, isn't
12 it, Mr Bility, that on the 24th of September this year,
13 you gave a further interview to clarify one or two errors
14 and to, in fact, enlarge on some of the matters that you
10:36:14 15 referred to in your first interview?

16 A. Sure.

17 Q. Right. I think you corrected a couple of dates, amongst
18 other things; is that right?

19 A. That's right.

10:36:24 20 Q. Right. We'll come to those later. Now, in your -- I'm
21 not for one moment suggesting you didn't write this
22 article or that you weren't arrested for it, but in the
23 original interview, the title of the -- of the article
24 is: "Who is the Judas in ECOMOG?"

10:36:50 25 A. The article I wrote was titled: "Who is the Judas in
26 ECOWAS?"

27 Q. Okay. So it is a simple spelling mistake in the first
28 interview?

29 A. I don't know, because I hadn't saw this interview I saw

1 yesterday.

2 Q. Okay. I'm not going to take you to task over that minor
3 issue. What I do want to ask you about, though, is the
4 six months of torturous prison that you told us you
10:37:20 5 received following that article. You mentioned that
6 yesterday.

7 A. I did not say that. Check your facts.

8 Q. You did.

9 A. I did not.

10:37:28 10 Q. Now, you wrote the article in relation to the Committee
11 of Five, and the fact that Taylor refused to cooperate
12 with that Committee of Five saying, "I will not accept
13 any arm twisting." Do you remember that?

14 A. I do.

10:37:44 15 Q. And you told us that you got a lot of attention on the
16 BBC and so much so that the public demanded that you
17 reprint the article the following Thursday?

18 A. That's correct.

19 Q. Now, in August of 1997 not only coming to the attention
10:37:59 20 of the authorities, as you did, you were clearly coming
21 to the attention of the politically aware public at large
22 in Monrovia?

23 A. Please repeat that question.

24 Q. You were clearly coming to the attention of the public in
10:38:15 25 Monrovia when you wrote that article?

26 A. In my opinion, yes.

27 Q. Well, you told us yesterday, that there was this
28 powerful --

29 JUDGE THOMPSON: Counsel, we want the answer. "When I wrote

1 the article" --

2 MR CAMMEGH: Forgive me.

3 JUDGE THOMPSON: -- "in my opinion, I was clearly coming to

4 the attention of the public in Liberia." Yes.

10:38:47 5 MR CAMMEGH:

6 Q. And that particular week, Mr Bility, no doubt you had

7 become something of a political celebrity?

8 A. No.

9 Q. Well, your name was --

10:38:58 10 JUDGE THOMPSON: Learned counsel -- "I do not agree that

11 during that particular week I had become something of a

12 political celebrity."

13 MR CAMMEGH:

14 Q. Well, celebrity or not it was certainly -- it certainly

10:39:34 15 caused enough of a splash for eight armed men with AK-47s

16 to burst into your office and arrest you?

17 A. That action did draw the attention of bystanders and

18 later in the day the public.

19 Q. Yeah, because you told us yesterday eight armed men with

10:40:01 20 AK-47s bursting into an office to arrest a man with a

21 man, a journalist with a pen?

22 A. That's correct, yes.

23 Q. And is it -- is it right that the men who arrested you

24 were led by a gentleman by the name of Saa Gbollie?

10:40:29 25 A. That's right, Gbollie.

26 Q. Gbollie, right, thank you. Assistant director -- was he

27 assistant director of Yeaten's security?

28 A. No, no.

29 Q. Who was his direct boss?

1 A. His direct boss was Joseph B Tate, Director of National
2 Police.
3 PRESIDING JUDGE: His direct boss was?
4 MR CAMMEGH: Joseph B Tate.
10:41:03 5 THE WITNESS: Joseph B Tate.
6 PRESIDING JUDGE: Please spell that. Joseph, yes.
7 THE WITNESS: T-A-T-E.
8 JUDGE THOMPSON: And did you say he was Director of Liberian
9 National Police?
10:41:22 10 THE WITNESS: National Police.
11 JUDGE THOMPSON: Thank you.
12 MR CAMMEGH:
13 Q. Colloquially known, I believe, as Sons of the Devil?
14 A. Yup.
10:41:38 15 JUDGE BOUTET: Who is that, the director of the National
16 Police or the assistant director?
17 PRESIDING JUDGE: Or Gbollie?
18 MR CAMMEGH: Gbollie is assistant director.
19 PRESIDING JUDGE: Yes, we know.
10:41:46 20 JUDGE BOUTET: You asked the question about the devil. Who
21 are we talking about, the national director or the
22 assistant?
23 MR CAMMEGH: No, the Sons of the Devil was the colloquial name
24 for the organisation.
10:41:56 25 JUDGE THOMPSON: For whom?
26 MR CAMMEGH: For the national police.
27 THE WITNESS: No, no, no. I would like to help you, if
28 you wouldn't mind.
29 JUDGE THOMPSON: Yes, quite. That's fine, go ahead,

1 Mr Witness.

2 THE WITNESS: The SOD was Special Operation Division, a branch
3 of the Liberian National Police that was used to tackle
4 tough issues, so it became colloquial known as the Sons
10:42:24 5 of the Devil.

6 JUDGE THOMPSON: No, no, the reference "Sons of the Devil"
7 wasn't really to any of the directors or --

8 THE WITNESS: No, no.

9 JUDGE THOMPSON: It was to the group?

10:42:25 10 THE WITNESS: A branch of a particular division of the
11 Liberian National Police.

12 JUDGE THOMPSON: Yes. Does that clarify it for you, learned
13 counsel.

14 MR CAMMEGH: Yes, it's very helpful, thank you.

10:42:44 15 JUDGE THOMPSON: In other words, the SOD, Special Operation
16 Division was known -- was colloquially known as Sons of
17 the Devil.

18 THE WITNESS: Correct.

19 MR CAMMEGH:

10:43:05 20 Q. No doubt a particularly notorious arm of the State
21 Security Services, Sons of the Devil?

22 A. It was one of the notorious arms of the State Security
23 Services.

24 Q. Yeah. You told us yesterday in evidence that you were
10:43:38 25 then taken to Charles Taylor; was that correct?

26 A. Yes, I did say that.

27 Q. Yeah. Can I ask you, please, to refer to the same top
28 page of your statement, page 9131. There is something
29 I want to clarify, please. It may be a mistake in the

1 text, it may not. I want you to help me. Do you see in
2 the third paragraph, the large paragraph, Mr Bility, six
3 lines down --

4 PRESIDING JUDGE: Paragraph 3 of what document? What is the
10:44:27 5 date?

6 MR CAMMEGH: This document is November the 2nd, 2003, the
7 interview with Alan White and it is page 9131, third
8 paragraph, six lines down.

9 Q. The article: "Who is the Judas in ECOMOG" - I appreciate
10:45:08 10 that should read "ECOWAS" - "was the start of his
11 problems. He was arrested and beaten after writing an
12 editorial about the Liberian government after Taylor
13 became President. Peter Bonnah Jannah was the Minister
14 of Justice at the time and he was detained for two days
10:45:21 15 before being released."

16 There is no mention of being taken to Mr Taylor
17 there. Did it actually happen on that occasion,
18 Mr Bility?

19 A. It did happen.

10:45:35 20 Q. All right, fair enough. I'm simply trying to clarify the
21 next part of this -- these notes which reads as follows:
22 "So he was detained for two days before being released.
23 It was October 1999 and he was re-arrested one week later
24 and Taylor questioned him about Judas, asking Bility if
10:46:01 25 he was referring to him in this article."

26 Now, there are two points I want to ask you about
27 here. You can probably see them coming. The first one,
28 it states the month October. The article, I thought you
29 told us, was published in August. Can you help us with

1 that?

2 A. Did I say -- I've told this Court that the article was
3 published after August, then you can check yesterday's
4 records. That's what I said. I did not say in August;
10:46:34 5 I said after August.

6 JUDGE THOMPSON: Learned counsel, that is my recollection.

7 MR CAMMEGH: Then I'm happy to accept.

8 JUDGE THOMPSON: Yes, it is my recollection. In fact, it was
9 something that the learned Presiding Judge called
10:46:47 10 attention to and the witness confirmed that it was after
11 August.

12 MR CAMMEGH: And I think experience has taught us all that
13 these interview notes are not always completely
14 faithfully recorded and I'm not going to take a bad
10:46:59 15 point.

16 Q. It is simply out of curiosity, then, Mr Bility, that
17 I ask you the date 1999, is that simply a typographical
18 error?

19 A. What date?

10:47:15 20 Q. 1999, it was October 1999, because, of course, the Judas
21 article was published in October 1997, wasn't it?

22 A. I don't know if this is typographical, because I didn't
23 write it, but it certainly did happen after August 1997.

24 Q. All right. The -- the evidence you gave us yesterday
10:47:55 25 indicated that you were threatened by Charles Taylor, you
26 were beaten to the extent that you were actually bleeding
27 and you were held for two days at the Ministry of justice
28 and culminating in Taylor's words, "Are you satisfied
29 with your condition?" Pointing out that you had been

1 beaten up, I suppose. I accept that, but can I now ask
2 you to again look at the statement where there is a
3 reference to - and if we continue - to this: "Bility
4 believed that it was after October the 20th when he was
10:48:37 5 confronted by Taylor at an embassy in Congo Town,
6 question mark German Embassy." There is no reference to
7 this confrontation taking place in the Ministry of
8 Justice in these notes here. Could you clarify that for
9 us, please?

10:48:58 10 A. Yeah, in the first place, on these interviews our
11 conversations were held in Long Island, New York.

12 Q. Do you mind if I stop you there. I appreciate that and
13 I'll ask you about that a little bit later on. I just
14 want you to clarify, please, whether any conversation
10:49:22 15 took place in the German Embassy with Charles Taylor?

16 A. Well, I think that -- I don't -- if you like, miswriting,
17 Charles Taylor used a building near the German Embassy
18 where he lived immediately after elections. That was his
19 residence before moving on to his last residence further
10:49:46 20 in Congo Town and the best way to make reference to that
21 was that it's adjacent to the German Embassy that he
22 lived in. But he certainly didn't have any German
23 embassy in Monrovia at the time Mr Taylor became
24 president.

10:50:04 25 Q. Mr Bility, I accept your answer. That's fine. Can we
26 just continue with this paragraph, though, because I'm
27 interested in what President Taylor was telling you about
28 at that time. If you don't mind, I'll read it out loud.
29 Your Honours, please bear with me, there's not going to

1 be much more of this.

2 "President Taylor told Bility to cease writing
3 articles or he would go to jail and remain there. Taylor
4 was trying to justify his involvement with the RUF in
10:50:38 5 Sierra Leone. He went on to say: 'The United States and
6 Britain think they can sit and home and control Liberia.'
7 He commented that, 'These countries are able to go on the
8 preemptive to invade countries when they have national
9 security at stake, but when we have such a problem, they
10:50:56 10 do not want to us do this.' Taylor made the remark, 'We
11 are not only in Sierra Leone to help the RUF.'"

12 Now, I'll continue with this in a moment, but it
13 was, or is it your recollection that what Taylor was
14 actually trying to do was to explain to you that he was
10:51:21 15 concerned about Liberia's borders and Liberia's situation
16 vis-a-vis what was happening in Sierra Leone? He was
17 concerned about Liberia's national security?

18 A. Well, he said so.

19 Q. Right. Thank you. I'm just going read the last piece,
10:51:42 20 if I may. I'll just pause for a moment. And it
21 continues thus: "Also present during this meeting was
22 Joseph B Tate, former police director, Benjamin Yeaten."
23 Now, we know about him. He was basically the boss of the
24 Security Services, wasn't he? Mr Bility?

10:52:19 25 A. Who?

26 Q. Yeaten was boss of the Security Services, wasn't he?

27 A. Yeah, Special Security Services.

28 Q. Yes, and so far as national security was concerned, would
29 he fairly have been described as the top man, the boss?

- 1 A. Say that again.
- 2 Q. As far as national security was concerned, internal
3 security forces, would it be fair to describe Benjamin
4 Yeaten as having been the boss in those days?
- 10:52:55 5 A. Well, I don't think so.
- 6 Q. But he was certainly a powerful man within that --
- 7 A. Very powerful.
- 8 Q. All right. That will do, thank you. And the other
9 individual you name as being present at this meeting was
10:53:20 10 Campor -- Campor -- Campor --
- 11 A. Compaore.
- 12 Q. Compaore, yes. Is this, in fact, David Compaore, the
13 brother of Blaise Compaore, the President of Burkina
14 Faso?
- 10:53:39 15 A. I don't know his first name so I don't know, but I can
16 physically describe him if you know his first name.
- 17 Q. There's no need for that. I just wondering if you knew
18 whether he was related to the chap in charge of Burkina
19 Faso?
- 10:53:50 20 A. I don't.
- 21 Q. All right. And Taylor stated: Libya -- "Liberia's
22 national interest is at stake and they will remain in
23 Sierra Leone to help stop the threat to Liberia." Do you
24 remember him saying that?
- 10:54:09 25 A. Yes, I do.
- 26 Q. All right. I think he went on to say, didn't he, that it
27 was his belief that the Kamajors were providing a
28 corridor --
- 29 JUDGE THOMPSON: Just a minute. Let me get that. "Will

1 remain in Sierra Leone" --

2 MR CAMMEGH: They will --

3 JUDGE THOMPSON: "Will remain in Sierra Leone to stop the
4 threat to Liberia."

10:54:38 5 MR CAMMEGH:

6 Q. And finally on the subject of this meeting, Mr Bility,
7 did President Taylor go on to tell you that it was his
8 firm belief that the Kamajors were providing a corridor
9 to the enemies in Sierra Leone?

10:54:59 10 A. Yes, he did say that, and, Your Honour, can I further
11 expand on my yes answer?

12 Q. If you wish.

13 A. At the time there was no threat to Liberia from Sierra
14 Leone, absolutely not that he -- Liberians didn't have
10:55:34 15 war with any group from Sierra Leone, so he did say it.
16 I disagree with him, and he said it publicly before on
17 radio.

18 Q. All right. Well, thank you. You told us what he said.
19 You've given us your opinion as to whether you believed
10:56:06 20 it or not. I think the meeting was concluded, perhaps
21 somewhat to your surprise, by President Taylor offering
22 you a job; is that right?

23 A. Yes, that's correct.

24 Q. What sort of job was that?

10:56:23 25 A. Assistant Minister for Information in the Republic of
26 Liberia.

27 Q. Did you take that job?

28 A. I did not take it and I could not take it.

29 Q. I see. It was no doubt -- and I don't want to put words

1 into your mouth, but hearing what you told this Court
2 already this morning in relation to your views of what
3 was going on, it was, no doubt, against your principle to
4 take that job?

10:57:20 5 PRESIDING JUDGE: Let us put it this way. Mr Cammegh, let us
6 put it this way: He did not take the job and he could
7 not take the job. Why could he not take the job?

8 THE WITNESS: I could not take the job because I enjoyed my
9 profession as a journalist and as such I could not -- my
10:57:46 10 independence, my writings would definitely be aimed at
11 defending policies with which I disagreed. In addition,
12 I preferred to remain a journalist, and nothing more.

13 MR CAMMEGH:

14 Q. You -- the note that I have of your evidence yesterday -
10:58:39 15 it may be wrong and if it is wrong, I would be grateful
16 if you helped me - but the note I have is that that
17 arrest in October 1997 was your seventh.

18 A. No. My -- the arrest of June 24th, 2002 was my
19 seventh -- was the seventh arrest and after which I was
10:59:03 20 exiled as a condition of release.

21 Q. Well, thank you, that is helpful. Perhaps you could tell
22 us, then, please, the date of your first arrest?

23 A. It was --

24 PRESIDING JUDGE: Sorry, Mr Cammegh, sorry. Seventh arrest
10:59:25 25 and thereafter you say you were exiled?

26 THE WITNESS: I was officially exiled by the government of
27 Liberia as a condition of my release from prison.

28 MR CAMMEGH:

29 Q. 24th of June 2002?

1 A. That's correct.

2 Q. Could you tell us the date of --

3 PRESIDING JUDGE: You say it is the 24th of June?

4 MR CAMMEGH: 2002.

11:00:06 5 THE WITNESS: Yes, last arrest.

6 PRESIDING JUDGE: That was the seventh?

7 THE WITNESS: Yes, that was the seventh.

8 MR CAMMEGH:

9 Q. When was your first arrest, please?

11:00:29 10 A. I don't remember the exact date, but certainly it was
11 after August. I would like to expand.

12 Q. No, please, if you wouldn't mind, would you please tell
13 us, to the best of your ability, when your first arrest
14 was? Was it before August -- sorry, October 1997 when
11:00:45 15 you were arrested for the Judas article?

16 A. My first arrest?

17 Q. Yes.

18 A. The Judas article was my first arrest.

19 Q. Thank you. There we are. Just to complete things, you
11:01:10 20 were arrested on seven separate occasions between, let's
21 say, October 1997 and June 2002?

22 A. No.

23 Q. Well, what on earth are you saying, then, because I'm
24 doing my best, Mr Bility. Perhaps you could do yours.

11:01:35 25 We're taking time on a very simple question, please help
26 us.

27 A. I said -- the parenthesis is after August 1997 to 24th
28 June 2002. That is what I have said. I did not say
29 September this date or that date. I'm sorry.

1 Q. Well, nor did I. You were arrested on seven separate
2 occasions between -- around October 1997 for the Judas
3 article and the 24th of June 2002, right or wrong?
4 A. That's -- please restate that.

11:02:21 5 Q. I'm not going to do this again. I'm going to say this
6 one last time. You know exactly what I'm getting at and
7 I'm going to do it one more time.
8 A. Please restate.

9 Q. Seven separate arrests between October 1997 for the Judas
11:02:38 10 article and the 24th of June 2002?
11 A. Wrong.
12 JUDGE THOMPSON: Right, then let's have the correct time
13 frame.
14 THE WITNESS: After.

11:02:47 15 JUDGE THOMPSON: Slowly. "After" --
16 THE WITNESS: August 1997. I never said a date to the first
17 arrest.
18 JUDGE THOMPSON: "After August 1997 I never" --
19 THE WITNESS: To the 24th June 2002.

11:03:06 20 JUDGE THOMPSON: "To 24th June 2002", yes.
21 THE WITNESS: Seven arrests.
22 JUDGE THOMPSON: Well, would you make a complete sentence
23 then, since you're correcting a misrepresentation. Let's
24 have a complete sentence. "After August 1997 to 24th
11:03:30 25 June 2002", then continue.
26 THE WITNESS: I was arrested seven times by the Liberian
27 government.
28 JUDGE THOMPSON: "I was arrested seven times by the Liberian
29 government." Anything else, Mr Witness, on that?

1 THE WITNESS: No.

2 JUDGE THOMPSON: And learned counsel, did you get the answer?

3 MR CAMMEGH: Yes, I did thank you.

4 JUDGE THOMPSON: All right.

11:03:58 5 MR CAMMEGH:

6 Q. We didn't hear any more about -- or we heard very little
7 about subsequent arrests yesterday, so I'm going to jog
8 your memory, if I can.

9 JUDGE BOUTET: Mr Cammegh, again, I would like to see how this
11:04:13 10 is relevant, because the Court intervened with the
11 Prosecution to say, "Well, we know a lot of the
12 background. Please let us move ahead." So we specified
13 to the Prosecution to move ahead. Unless you tell us
14 this is quite relevant to your position of the Defence,
11:04:27 15 we were quite prepared to listen to that. We did not say
16 that to the Prosecution just for the sake of saying that.
17 We did not see any relevance to these arrests unless we
18 were told that it was relevant. It may be to your case,
19 but I would like to be satisfied that it is.

11:04:44 20 MR CAMMEGH: In a nutshell, the relevancy is simply this: The
21 next arrest that I was going to deal with, which was in
22 January of 1998, which is referred to in his statement,
23 comes just eight months before the first - if I can use
24 the word - close encounter with top-ranking members of
11:05:03 25 Liberian and RUF forces.

26 JUDGE BOUTET: So the fact that the comes eight months before,
27 what is the relationship? I fail to see the connection
28 between these arrests and --

29 MR CAMMEGH: Well, it is this Your Honour. This is published

1 journalist, a -- somebody who I would suggest whose
2 actions and publications suggest that he most certainly
3 is acting in the guise of a sort of political dissident
4 who has offended the regime to the extent that he has
11:05:39 5 been beaten up and incarcerated for six months. That's
6 what he told us yesterday. Here he is, just a few months
7 later, privy to the most remarkable intelligence. A man
8 who would be recognisable by virtue of the fact that he
9 was with Yeaten, he was with Tate, he was with Compaore
11:05:59 10 as early as -- well, late 1997 following the Judas arrest
11 and it's -- it's a matter that I want to explore, because
12 the Defence eyebrows are raised in the face of this
13 account. That is the relevance of me laying the ground
14 for the notoriety of this man in the eyes of the Security
11:06:22 15 Services.

16 JUDGE BOUTET: You have satisfied me that it is something that
17 you can explore.

18 MR CAMMEGH: Thank you.

19 JUDGE THOMPSON: But the Prosecution has been trying to
11:06:31 20 intervene. Let's hear them. What is the complaint?

21 MR SANTORA: Your Honours, I just wanted to correct a
22 misrepresentation of evidence during the questioning and
23 then my learned friend again -- the witness has never
24 testified that a six-month arrest occurred after writing
11:06:48 25 who is -- The Judas of ECOWAS article or at any time in
26 1997, 1998, 1999, 2000 and that was not in his direct
27 testimony and it has occurred twice and I just wanted to
28 correct the misrepresentation.

29 MR CAMMEGH: I'm sorry, in my submission, my learned friend he

1 was on his feet at the time, I cannot expect him to take
2 a verbatim note. The actual words of the witness
3 yesterday were that following the arrest in 1997 he
4 suffered, that's my word, not his, I quote "six-months of
11:07:24 5 tortuous prison".

6 JUDGE THOMPSON: Well, this can be clarified. I think the
7 witness is capable of correcting any misrepresentations.
8 All right, let's proceed.

9 MR CAMMEGH: Your Honours, I will -- there's only the one
11:07:36 10 arrest I'm going to deal with, because I'm anxious to get
11 on to those close encounters that I indicated.

12 Q. On the 23rd of January of 1998, you were arrested again,
13 weren't you, following an article you wrote called
14 "Stop"?

11:07:52 15 A. 20 what?

16 Q. 23rd, it doesn't really matter.

17 A. No, that is not right, 22nd.

18 Q. 22nd, all right.

19 PRESIDING JUDGE: On the 22nd?

11:08:03 20 THE WITNESS: Yup.

21 PRESIDING JUDGE: Of?

22 THE WITNESS: January 1998.

23 MR CAMMEGH:

24 Q. Perhaps you can help me with the content. No need for
11:08:22 25 great detail, but did the article suggest that there was
26 a clash within ECOWAS between Charles Taylor and the
27 other heads of state?

28 A. The Stop article?

29 Q. Yeah.

1 A. No.

2 Q. In a nutshell, very briefly, what was it about?

3 A. It was a two-part editorial about a clash between Charles
4 Taylor's security personnel from the SOD and the ECOMOG
11:09:01 5 forces who were then stationed at Irongate. That's just
6 outside of Monrovia.

7 PRESIDING JUDGE: A clash between Charles Taylor's --

8 MR CAMMEGH: Security forces.

9 THE WITNESS: And also explained --

11:09:20 10 PRESIDING JUDGE: Between Charles Taylor's forces and who?

11 THE WITNESS: Charles Taylor's SOD and ECOMOG forces.

12 MR CAMMEGH:

13 Q. I don't want to explore the contents of the article.

14 A. No, you did ask me to, so I have to give the second part
11:09:44 15 of it --

16 Q. All right.

17 PRESIDING JUDGE: Yes, proceed please.

18 THE WITNESS: -- which explained that Charles Taylor was swept
19 to political power on the tidal wave of the people's
11:10:05 20 desire for peace, and he should be making peace, not war.

21 MR CAMMEGH:

22 Q. Right. Did you -- did you name Saa Gbollie in that
23 article? Can you remember?

24 A. If I did name Saa Gbollie?

11:10:45 25 Q. Yup.

26 A. I don't remember if I did name him.

27 Q. All right, fair enough. But certainly this was not an
28 article that went down very well with Charles Taylor? It
29 wasn't very pleasing to him?

1 A. I don't know how he considered it.

2 Q. Okay. The reason I ventured that suggestion was this:

3 I understand, and you correct me if I'm wrong, that you

4 were arrested and beaten by Taylor's men and ended up in

11:11:40 5 hospital; is that right?

6 A. Yes, that's right.

7 Q. Right. And while you were there --

8 JUDGE THOMPSON: Just a minute.

9 MR CAMMEGH: Forgive me.

11:12:22 10 Q. While you were there I think you were visited by the US

11 Ambassador Mr Bouma?

12 A. That is wrong.

13 Q. I'm just getting it from your interview notes, you see,

14 which I believe you've read.

11:12:37 15 A. That's not correct. Yes, I've read it, but that is not

16 correct.

17 Q. Yes, all right. Fair enough.

18 A. Correction?

19 JUDGE THOMPSON: Proceed, witness.

11:12:45 20 THE WITNESS: Jan Bouma was not -- it's actually Bauma,

21 B-A-U-M-A [sic], was not ambassador, was acting charger

22 d'affaires for the US Embassy in Monrovia. Second, he

23 did not visit me in hospital. He visited me when I left

24 hospital.

11:13:07 25 Q. Right.

26 A. As he did --

27 JUDGE THOMPSON: Just a minute.

28 THE WITNESS: Okay.

29 JUDGE THOMPSON: What was his correct designation?

1 THE WITNESS: Charger -- acting charger d'affaires, United
2 States Embassy, Monrovia.
3 JUDGE THOMPSON: Right. So the second part is what, that he
4 did not --
11:13:37 5 THE WITNESS: Visit me in hospital.
6 JUDGE THOMPSON: Um-hum.
7 THE WITNESS: He visited me outside of hospital.
8 JUDGE THOMPSON: "He visited me outside of hospital."
9 PRESIDING JUDGE: This is after you had been discharged from
11:14:07 10 the hospital?
11 THE WITNESS: Yup.
12 MR CAMMEGH:
13 Q. Is it right that you were released from custody in the
14 presence of the media?
11:14:19 15 A. Yeah, there were media practitioners.
16 Q. Only to be re-arrested back in the basement of the police
17 station?
18 A. Yeah, yeah.
19 Q. And thereafter --
11:14:47 20 JUDGE THOMPSON: Only to be re-arrested where?
21 MR CAMMEGH: In the basement of the police station.
22 Q. And thereafter you were taken to the Executive Mansion
23 where Charles Taylor confronted you again?
24 A. Yup, that's correct.
11:15:11 25 Q. And he questioned you about the article called "Stop",
26 didn't he?
27 A. He did question me.
28 Q. Interrogated you about it.
29 A. Yup.

1 Q. Yeah. And did he then say, "I'll make sure you don't do
2 that again."
3 A. Yes, he did.
4 Q. And he had his boys, including Momo Jibbah --
11:16:32 5 A. Yeah.
6 Q. M-O-M-O-H J-E-B-B-A [sic] -- to incarcerate you in
7 another room for six hours before you were released?
8 A. Yeah.
9 Q. Why did you -- why did you tell me just now you didn't
11:17:15 10 know how Taylor considered that article in the light of
11 what you've just said?
12 A. Please repeat that question.
13 Q. When I asked you a few moments ago whether this article
14 had gone down well with Charles Taylor, you replied to my
11:17:42 15 question, "I don't know how he considered it."
16 A. Why?
17 Q. Yeah, why did you say that?
18 A. Yeah, this is the reason why I said that. I had had
19 earlier encounters with Taylor and he had indicated to me
11:17:59 20 in some of those encounters that he was dissatisfied with
21 me. So merely publishing this particular article, which
22 I didn't think was harmful, he probably -- I couldn't
23 tell if he was angry as a result of this direct article,
24 or of previous articles and that he was using this as a
11:18:20 25 fig leaf to get at me, so I couldn't tell which one he
26 felt. That's why I said I did not know and I'm very
27 clear about that.
28 Q. I see, despite the fact that you were arrested
29 immediately after the article was published and that he

1 personally interrogated you about it, you didn't know how
2 he felt; is that right? Is that what you're saying?
3 A. I'm saying that --
4 JUDGE THOMPSON: The witness seems to be saying that from his
11:18:51 5 own appreciation of the situation, he wouldn't be able to
6 say whether that article was, in fact, a factor.
7 MR CAMMEGH: A catalyst.
8 JUDGE THOMPSON: Yes. In other words, given the history of
9 his relationship with this man.
11:19:14 10 MR CAMMEGH: Very well. I'll take that as the evidence.
11 JUDGE THOMPSON: I think that's what he seems to be saying.
12 MR CAMMEGH: Well, Your Honour, I won't demur from that.
13 Q. It makes me think, Mr Bility, or it reminds me of a
14 famous figure in English history. In the 12th Century
11:19:36 15 there was an errant Archbishop called Thomas Becket. Did
16 you ever hear about him?
17 A. I don't need to know English histories. If you ask me
18 about Liberian history, I can answer you.
19 JUDGE THOMPSON: We don't need that kind of encounter. Do you
11:19:55 20 know at all? I mean, you're a western educated person,
21 aren't you? Do you know about Thomas Becket.
22 THE WITNESS: I do not.
23 JUDGE THOMPSON: You do not.
24 MR CAMMEGH: Can I --
11:19:59 25 JUDGE THOMPSON: Just a minute. Let me write that answer
26 down. "I do not know about a figure in English history
27 called Thomas Becket", you said.
28 MR CAMMEGH: Yes.
29 JUDGE BOUTET: Again, how is this relevant, Mr Cammegh?

1 PRESIDING JUDGE: How is this relevant to the proceedings? We
2 are wasting time, please.

3 MR CAMMEGH: I do hope, Your Honour, will allow me to
4 continue.

11:20:28 5 PRESIDING JUDGE: You're allowed to continue, Mr Cammegh.
6 You're very much allowed to continue, but we want to
7 remain within the domain of relevancy. Even though
8 you're cross-examining, you must take cognisance of the
9 rules of due process by limiting yourself to what is
11:20:46 10 relevant. You very well know more than every other
11 person knows here that we don't have time. So that
12 question to me an irrelevant.

13 MR CAMMEGH: I think His Honour Judge Thompson probably
14 understood what I was about to say, but I will leave it
11:21:02 15 there. Your Honour, I am proceeding and I am getting
16 there.

17 Q. You were a rather turbulent journalist, so far as
18 Mr Taylor was concerned, weren't you? You were a thorn
19 in his side?

11:21:21 20 A. I don't think so.

21 Q. Well, you just told us that --

22 JUDGE THOMPSON: Just a moment. I want to write that down.
23 I find that relevant. "I was a turbulent journalist to
24 Mr Taylor." Right.

11:21:50 25 MR CAMMEGH:

26 Q. You were, I suggest, a thorn in his side, because you've
27 told us that there were many occasions in which you had a
28 confrontation with him?

29 A. I don't know if he considered me a thorn in his side.

1 JUDGE THOMPSON: "I don't know."
2 MR CAMMEGH:
3 Q. Well, did you ever wonder why he had this habit of having
4 his men beat you up?
11:22:29 5 A. If I ever wondered why?
6 Q. Yeah.
7 A. Yes.
8 Q. Do you think it might have been because it sort of
9 bothered him a little bit that you continued to write
11:22:36 10 these articles?
11 A. Yes. I think what was happening was that when Taylor
12 became president, he was like seen as a hero, but just a
13 few months after that, he was seen not as a hero, but as
14 a hawkish gambler, and he thought journalists generally
11:23:12 15 contributed to that. And I was not the only journalist
16 who suffered under Charles Taylor. There were many
17 others exiled, beaten, arrested, probably if you like
18 names.
19 Q. No, I want to leave the subject, actually, and move on to
11:23:32 20 something more important. I would like to move on to
21 your address and the place you eventually came to live --
22 to live in. In August of 1998 you moved to VP Road?
23 A. Yup.
24 Q. Seven months after your beating for the Stop article you
11:24:06 25 moved to VP Road and you lived there until the 1st of May
26 2001?
27 A. Yes.
28 Q. "Seven months after this particular beating", I'm quoting
29 now from your evidence yesterday, your evidence in-chief

1 you said this: "I lived in a compound with members of
2 the ATU and Sam, driver of Benjamin Yeaten and Yeaten
3 special assistance at the Executive Mansion", who you
4 later named as Richard Demmy, "and a man named Kennedy,
11:24:51 5 also known as K-1, lived there, a number of Sierra
6 Leoneans, specifically RUF - Kennedy told me so - and a
7 man called John Doe. Many others lived there. I was the
8 only civilian."
9 A. Yes, that's correct.

11:25:12 10 Q. So this is the position, is it, that seven months after
11 your arrest, your beating, your latest confrontation and
12 threat from Charles Taylor in person, you are living with
13 the individuals I have just named in the same compound?
14 A. Yes.

11:25:34 15 Q. Anybody mention to you that they thought that might not
16 be a terribly good idea so far as security was concerned?
17 A. Yes.

18 Q. Who was that?
19 A. A friend of mine.

11:25:48 20 Q. Did any of Taylor's men ever pass comment that it might
21 not be a good idea to having an investigative critical
22 journalist living amongst those people?
23 A. Well, in my opinion, they didn't know.

24 Q. They didn't know?
11:26:14 25 A. That I was a journalist.

26 Q. They didn't know?
27 A. Yes, they did not know when I moved in.

28 Q. Right. Right. And you lived there until May the 1st,
29 2001?

1 A. Yeah.

2 Q. And did any of them ever know that you were Hassan Bility
3 the well-known political journalist until that time?

4 A. Well, up until that time I had a nickname that was used
11:27:05 5 that generally many people called me.

6 Q. Right.

7 A. So I don't know if anyone of them knew me fully in terms
8 of names, because I know what it means to write facts in
9 a country headed by a tyrant, so I didn't have pictures
11:27:34 10 in newspapers.

11 Q. You didn't have pictures in newspapers?

12 A. No. I didn't publish my pictures -- my pictures weren't
13 published in my newspaper.

14 Q. Your picture wasn't published?

11:27:48 15 A. My pictures.

16 Q. I see.

17 A. So they probably knew the name, but they could not marry
18 directly the name to the face.

19 Q. All right. Can you go to the second page, which is
11:28:03 20 actually page 9132 of your statement, please, of the
21 3rd -- of the 2nd of November 2003, because I want to
22 take you up on that point, if I may. Now, once again,
23 Mr Bility, if you don't mind, I'm going to read this out
24 slowly so we all know --

11:28:29 25 JUDGE THOMPSON: What is the date?

26 MR CAMMEGH: 2nd of November 2003. It is page 9132 and it is
27 under the heading "Specific Events".

28 PRESIDING JUDGE: 2nd November 19 --

29 JUDGE THOMPSON: 2003.

1 PRESIDING JUDGE: 2003.
2 JUDGE THOMPSON: Specific event is the rubric.
3 MR CAMMEGH: That is the heading, yes, in the bold italics.
4 JUDGE THOMPSON: Thank you, counsel.
11:29:04 5 MR CAMMEGH:
6 Q. The light of the your answer that you believed that
7 people like Yeaten didn't know that you were there, I'm
8 just going read this to you: "On September the 24th,
9 1998" -- so this is a month after you've moved in and
11:29:21 10 just seven months after your beating and arrest and
11 confrontation with Taylor over the Stop article. "On
12 24th of September 1998 at approximately 9.00 p.m., Bility
13 observed Benjamin Yeaten, Momo Jibbah and Compaore come
14 to the compound." Now, those are the three people who
11:29:53 15 you were confronted by following your arrest for the
16 Judas article, weren't they? You told us that.
17 A. Yeaten and Momo Jibbah, yes.
18 Q. Yeah, forgive me, Momo Jibbah was on a separate occasion.
19 But they are people who you had met; correct?
11:30:19 20 A. Met where?
21 Q. They are people you had met?
22 A. They are people I know.
23 Q. Well, you had met them during confrontations following
24 your arrest for writing articles?
11:30:34 25 A. Sure, sure.
26 Q. Thank you. And you'd met them --
27 A. Yeah.
28 Q. -- under circumstances in which you say you had been
29 threatened; correct?

1 A. Sure, correct.

2 Q. Okay, thank you. Right, so I'll carry on. "Bility
3 observed Benjamin Yeaten, Momo Jibbah and Compaore come
4 to the compound with six pickup trucks." This is an
11:30:58 5 incident you did not tell us about yesterday, which is
6 why I'm reading it out now. "Four of the pick up trucks
7 were loaded with arms and ammunition and the other two
8 with men and they asked for Sam, one of Yeaten's drivers.
9 Bility recognised some of the men as being from Sierra
11:31:21 10 Leone and recognised Kennedy, also known as K-1. They
11 were told that when Sam returned, these men were to be
12 taken to the boarder. Sam returned to the residence
13 approximately two hours later and was upset about the
14 situation." And I think he then went on to complain that
11:31:43 15 he was taking these arms to Sierra Leone and he wasn't
16 getting paid for that; is that right?

17 [HS291004C 11.35 a.m.]

18 A. That's right.

19 Q. Now, I'm not necessarily criticising you in asking this
11:38:28 20 question, but you told us of various events in which
21 you'd seen various named individuals with or without
22 ammunition. Why didn't you tell us about this first
23 occasion in September of '98, when you saw famous people,
24 really, like Yeaten, Jabba and Compaore -- famous within,
11:38:50 25 you know, Taylor's regime come to your compound? Why
26 didn't you tell us about that?

27 A. I felt -- because I felt that it would be repetitive.

28 Q. Oh.

29 A. It was --

1 Q. But it was the first occasion in time.

2 A. Listen -- can I go ahead?

3 Q. Yeah.

4 A. I felt that there were -- the ones I reported, I would be
11:39:12 5 more specific on those.

6 Q. I see.

7 A. And that this one would be like a repetition of one of
8 the events I reported.

9 Q. All right. But even if that is the case, how on earth,
11:39:46 10 Mr Bility, and I say this with all due respect -- how on
11 earth did it come to pass that you were permitted to live
12 within a compound inhabited by the individuals you named
13 and visited by people like Yeaten and Compaore? How on
14 earth was that allowed to happen?

11:40:08 15 A. Answer: First, the house -- the compound was not a
16 government property. It was a private property.

17 Q. But you were the only civilian there?

18 [Overlapping speakers]

19 PRESIDING JUDGE: Allow him answer the question, please.

11:40:32 20 [Overlapping speakers]

21 PRESIDING JUDGE: Allow him answer the question.

22 [Overlapping speakers]

23 JUDGE THOMPSON: It's not fair to interrupt him.

24 MR CAMMEGH: Very well.

11:40:40 25 PRESIDING JUDGE: It was not government property.

26 THE WITNESS: It was a private one.

27 JUDGE THOMPSON: The house in question was not government
28 property. Yes?

29 THE WITNESS: And it was managed by Sheikh Kafumba Konneh.

1 JUDGE THOMPSON: Spell that for us.

2 THE WITNESS: S-H-E-I-K-H, Sheikh; Kafumba is K-A-F-U-M-B-A;
3 Konneh is K-O-N-N-E-H. Vice President of the
4 Interreligious Council of Liberia and a native of Nimba
11:41:38 5 County, and was my dad's friend. When I was in need --
6 PRESIDING JUDGE: Please, wait.

7 Q. And he was your dad's friend?

8 A. Yeah. And we pretty much come from the same town in
9 Nimba County.

11:42:18 10 Q. You come from the same the town in Nimba?

11 A. Saclepea, yep. That's S-A-C-L-E-P-E-A.

12 Q. From what town?

13 A. Saclepea, S-A-C-L-E-P-E-A.

14 Q. S-A-C-L --

11:42:38 15 A. E-P-E-A.

16 Q. Saclepea, that's the name of the town?

17 A. Yep, in Nimba County. And when I was in need of a place
18 to move into, I contacted him, and he told me --

19 Q. Is he the one who assisted you to get lodged there?

11:43:34 20 A. Yeah, he managed the house.

21 Q. Yes, I know.

22 A. Yeah.

23 Q. In the long run, what you want to say is that he assisted
24 you?

11:43:44 25 A. Yeah, first, he assisted me. Second, I was there because
26 I thought I had a right to live where I wanted to live.
27 Unless that was disproved, I thought I would live there.
28 Because --

29 PRESIDING JUDGE: It's okay.

1 MR CAMMEGH:

2 Q. You were the only civilian there; is that right?

3 A. That's right.

4 Q. All right. Well, we'll take your answer as it stands;
11:45:18 5 we'll move on to the next topic. You referred yesterday
6 to various sightings of weapons in central Monrovia, and
7 various interesting conversations that you had with
8 individuals. Now, the first sighting of weapons that you
9 had, I think, was in late 1998, and the consignment that
11:45:48 10 you estimated that you saw was about 20 AK47s. And I'll
11 just remind you of your evidence, just so we all know
12 where we stand. You saw military personnel from the
13 second floor of your compound, where you'd been having
14 tea somewhere. Do you remember that?

11:46:08 15 A. Yep.

16 Q. Okay. You saw a red jeep, followed shortly by a green
17 jeep with Issa Sesay and somebody else inside it?

18 A. Correct.

19 Q. Yeah. What rank did you say Issa Sesay was at that time?

11:46:24 20 A. What rank?

21 Q. Yeah.

22 A. I did not say what rank he held. I said they called him
23 General Sesay was here.

24 Q. Well, I, of course, don't represent Issa Sesay, I
11:46:38 25 represent the interests of somebody called Gbao. But can
26 I suggest this, Mr Bility, that Issa Sesay didn't obtain
27 the rank of General until 2000. Are you sure he was
28 referred to --

29 PRESIDING JUDGE: Why should he know this?

1 MR CAMMEGH: Well, I'm --

2 PRESIDING JUDGE: Learned counsel, very seriously, why should
3 this witness, you know, know this? This witness says he
4 only heard somebody saying "General Sesay is here". I
11:47:16 5 mean, he didn't lead evidence to say that he knew when
6 Sesay became a general. You want to ask him a question
7 as to when Sesay became a general or --

8 MR CAMMEGH: Your Honour, I don't accept any of this evidence.

9 JUDGE THOMPSON: Yeah. Well, we're not in a position to do
11:47:32 10 any evaluation. We're just noting what he said. Really,
11 I recollect myself that he said that he only heard people
12 call him General. Unless you're assuming that he has
13 some inside knowledge of the military establishment or
14 the hierarchy -- he's not taking responsibility for his
11:47:52 15 rank unless he --

16 MR CAMMEGH: All I'm seeking to do is explore whether those
17 words were actually said.

18 JUDGE THOMPSON: I see.

19 MR CAMMEGH: Because I do not accept this evidence.

11:48:02 20 JUDGE THOMPSON: All right. Then I follow you now.

21 MR CAMMEGH: I'm obliged.

22 Q. I'll put it in this way. Are you absolutely sure that
23 you heard the words "General Issa"?

24 A. Yes.

11:48:26 25 Q. Can I suggest that you must be mistaken about that?

26 A. I was not -- I'm not mistaken about that.

27 MR CAMMEGH: All right. Well, Your Honours, in my position I
28 can't put it any further than that, or any firmer than
29 that.

1 Q. You said that Sesay and this other individual approached
2 somebody called John Doe and a tense atmosphere overtook
3 the place; you remember?

4 A. Right.

11:48:52 5 Q. And that Issa Sesay asked for Sam, whose room was
6 adjacent -- that's Yeaten's driver -- whose room was
7 adjacent to yours on the second floor?

8 A. Right.

9 Q. Are you really sure that you saw Issa Sesay there at all?

11:49:14 10 A. Yes.

11 Q. See, what I have to suggest to you - and again I don't
12 represent Issa Sesay, but I think it's proper that I can
13 put this - is that he didn't enter Monrovia until the
14 abduction of the peacekeepers in 2000?

11:49:40 15 A. You don't know that for a fact.

16 JUDGE THOMPSON: Just a minute, the Prosecution wants to
17 intervene. Yes, counsel?

18 MR HARRISON: There may be a rather subtle point that ought to
19 be made at this point, and perhaps it isn't that subtle.

11:49:52 20 But when one co-accused is venturing to pursue a line of
21 questioning, which may in fact jeopardise a defence that
22 another co-accused may be wishing to advance, perhaps not
23 now, but perhaps at a later date, and perhaps even on
24 appeal, if the co-accused does not raise that objection
11:50:12 25 they're not necessarily foreclosed from doing it later
26 on.

27 I'm wishing to make the objection that one
28 co-accused, namely Gbao, who is not at all implicated in
29 this bit of evidence, ought not be allowed to pursue what

1 is duplicative questioning, because Sesay's counsel did,
2 yesterday, in fact pursue this line of questioning on
3 this specific event. And at this point in time this
4 questioning -- this -- I'm going to call it a process of
11:50:42 5 questioning, because I'm going to assume that it's going
6 to continue on. But this process of questioning does two
7 things. It may in fact prejudice the interests of
8 Sesay -- [Overlapping speakers]

9 JUDGE THOMPSON: All right, let's stop you there. The Bench
11:50:54 10 is eminently aware of the law on this subject. We were
11 waiting to see at what point that kind of caution and
12 speaking could be given to counsel. But, of course, we
13 are also aware of the fact that where you have a
14 situation where the allegations are based on joint
11:51:16 15 criminal enterprise, counsel can, in a conceptual way -
16 even if their client's name has not been mentioned, but
17 the titles have been used -- the appellations RUF, RUF,
18 RUF - they can navigate very carefully that kind of line.

19 But I'm not disagreeing with you. In fact, I was
11:51:42 20 beginning to turn over in my mind whether counsel was
21 not, in fact, treading upon very delicate territory here;
22 although I see learned counsel for the first accused
23 present, who could perhaps assist us whether this line of
24 cross-inquiry was not beginning to border upon forbidden
11:52:12 25 territory even in relation to the right of the co-accused
26 to be protected in terms of conflicting strategies and
27 the like.

28 MR HARRISON: Yes. If I could just have one second just to
29 complete the point.

1 JUDGE THOMPSON: Yes.

2 MR HARRISON: What we wish to make clear for the transcript is
3 this. The Prosecution has raised at this point in time a
4 potential concern which the first accused may have -
11:52:42 5 perhaps not today, perhaps some time in the future - and
6 may wish to be forwarding a ground of appeal on this
7 concern - the Prosecution has flagged it. If the first
8 accused chooses not to do anything about it, it's been
9 raised.

11:52:56 10 JUDGE THOMPSON: Well, the records will reflect the
11 submissions, but, as I say, it's entirely for counsel on
12 both -- for the first and third accused to probably
13 confer on this, although the Bench is very sensitive to
14 what may well be treading in a forbidden territory.

11:53:20 15 JUDGE BOUTET: And I would like to add to the concerns of my
16 brother that I share completely and entirely the views on
17 this aspect. And, although the accused may be faced with
18 charges of a joint common enterprise, I would have
19 thought that it meant a joint common enterprise of
11:53:36 20 defending. I think the interests of one accused are not
21 necessarily the same as the other accused.

22 MR CAMMEGH: Your Honours should not assume that we do not
23 confer before we begin our cross-examination.

24 JUDGE BOUTET: Conferring I totally understand and I agree
11:53:52 25 with this. I think it would be --

26 MR CAMMEGH: And the questions were deliberately put and were
27 expected by all concerned. It would be very far from me
28 to trespass on anybody's ground without consulting, and
29 if a cutthroat were to arise in this case between the

1 three of us, I think we'd all be very, very disappointed.

2 JUDGE THOMPSON: Well, that assurance definitely sets my own
3 mind at rest. Of course, without saying that the Court
4 -- the Bench will not be vigilant about any attempt to
11:54:18 5 undermine judicial guarantees of the rights of these
6 accused persons.

7 MR CAMMEGH: Can I make one point, though. It is simply this,
8 that whilst I do not represent Issa Sesay, I do represent
9 somebody who stands accused in the course of a joint
11:54:42 10 criminal enterprise. So it is of concern to those who
11 represent Gbao in his absence, to take the Prosecution to
12 task insofar as members of the RUF in Liberia are
13 concerned, because of course the Prosecution say the
14 joint enterprise encompasses -- [Overlapping speakers]

11:55:04 15 JUDGE BOUTET: We agree. That's why we've let you go into
16 that direction.

17 JUDGE THOMPSON: That's why we've let you go, because it is
18 just that we're very sensitive to -- this unclear
19 borderline, you see.

11:55:14 20 MR CAMMEGH: Your Honours, I --

21 JUDGE BOUTET: Otherwise we would have stopped you a long time
22 ago, but this is because of that, indeed.

23 MR CAMMEGH: Yes, indeed. I appreciate Your Honours' caution.
24 If I may move on in relation to this incident in late
11:55:30 25 1998.

26 Q. You told us, Mr Bility, that the other individuals -- I'm
27 not going to go in detail through your evidence on this
28 points. But the other individuals present, who you
29 observed arrive on the scene, were John Doe, Musa Sesay,

1 and indeed Sam Bockarie. In short, you had in front of
2 your very eyes a handful of some of - alleged to be - the
3 most powerful individuals within the ranks of the RUF and
4 Charles Taylor's regime; is that not so?

11:56:22 5 A. If I had before my eyes?

6 Q. Yeah.

7 A. I did see them.

8 Q. I revert back to the point I made some minutes ago. How
9 on earth could it be that security within that compound

11:57:02 10 was so lax as to allow someone as potentially as

11 dangerous as you - dangerous to the regime - to be

12 standing on a balcony looking down on these people?

13 PRESIDING JUDGE: That question is overruled. It's overruled.

14 The witness will not answer that question. It is an

11:57:22 15 unfair question for him to answer.

16 MR CAMMEGH: Well, very well.

17 Q. How close were you really allowed to get to the vehicle
18 which was carrying the 20 AK47s? How close were you from
19 that?

11:57:34 20 A. Which vehicle and when?

21 Q. You know what I'm driving at.

22 A. I don't.

23 Q. How far were you -- please don't be pedantic, Mr Bility.

24 You've told this Court you saw 20 AK47s. I don't care

11:57:44 25 which vehicle it was in and I doubt if you can even

26 remember. I'm asking you how close to the vehicle --

27 JUDGE BOUTET: Mr Cammegh, please ask the question. Don't

28 argue with the witness. I mean, you may be upset by some

29 of his answers -- [Overlapping speakers]

1 MR CAMMEGH: Well, I am just trying -- [Overlapping speakers]
2 JUDGE BOUTET: [Overlapping speakers] Please.
3 MR CAMMEGH: I am trying.
4 Q. I know we're all under some constraint and I just want
11:58:04 5 you to answer this question. How far from that vehicle
6 were you?
7 A. Which vehicle and when?
8 Q. The vehicle containing the guns?
9 A. I have talked about more than one instance at which time
11:58:18 10 I saw vehicles containing guns, so which one.
11 Q. We are dealing with the occasion in late 1998, when
12 you're standing on the second level of the compound in
13 Monrovia. We're dealing with the occasion when you were
14 apparently, on your evidence, in close proximity to Issa
11:58:36 15 Sesay; Sam, Yeaten's driver; Musa Sesay; and Sam
16 Bockarie. I doubt if that's something you would have
17 forgotten very quickly, Mr Bility.
18 JUDGE BOUTET: Well, maybe one of the problems, Mr Cammegh, is
19 the dates you're mentioning, because you're talking
11:58:56 20 November. His evidence is in January that --
21 MR CAMMEGH: Your Honour, I'm dealing with the incident in
22 late 1998. He didn't specific a month. January '99
23 is --
24 JUDGE BOUTET: Well, you're talking of late November '98. As
11:59:10 25 you know, the witness is very precise. If you're quoting
26 November and he's talk of early December, it's not
27 November. So I'm just mentioning that.
28 MR CAMMEGH: Your Honour, if I said November I apologise. I
29 wasn't aware of saying that.

1 JUDGE BOUTET: You did say "in November".

2 MR CAMMEGH: Very well. Late 1998 is what Mr Bility told us
3 yesterday.

4 THE WITNESS: Yes.

11:59:28 5 MR CAMMEGH:

6 Q. But you do remember the occasion; you've told us about
7 it. You're on the second floor, you've been drinking
8 tea, you see Sesay, Sesay, Bockarie and Sam. How far
9 from the 20 AK47s when you saw them?

11:59:42 10 A. I wasn't far; I was pretty close.

11 Q. Could you use this courtroom to demonstrate?

12 A. Yes, I can.

13 Q. Please stay sitting; just point to something.

14 A. The distance where the jeeps or trucks were, from my
12:00:00 15 vantage point, was like between here -- in terms of
16 linear position, was between here and this first desk.

17 Q. Thank you.

18 A. The front part of this desk -- lineally.

19 Q. Right.

12:00:20 20 JUDGE BOUTET: So for the record, would you give an estimate
21 20 feet?

22 THE WITNESS: Yeah, about.

23 JUDGE BOUTET: 20, 25?

24 THE WITNESS: Pardon?

12:00:34 25 JUDGE BOUTET: 20 to 25?

26 THE WITNESS: Well, I would say about, because it was
27 basically like I was overlooking it.

28 JUDGE BOUTET: Yes, that's okay.

29 MR CAMMEGH:

1 Q. I think the reason you're able to see the guns was
2 because the tarpaulin on the back wasn't fully covering
3 the rear of the vehicle -- the rear of the vehicle?
4 A. Yeah, there was more than one reason why I know that
12:01:02 5 there was guns. One was what you just mentioned.
6 Q. Yeah. And what's the other reason?
7 A. The other reason was --
8 PRESIDING JUDGE: Let me have the reason which you mentioned.
9 MR CAMMEGH: That the tarpaulin didn't entirely cover the back
12:01:22 10 of the vehicle.
11 PRESIDING JUDGE: That it didn't cover the back of the
12 vehicle.
13 THE WITNESS: Entirely.
14 MR CAMMEGH:
12:01:36 15 Q. What's the other reason, please, Mr Bility?
16 A. The other reasons was that Sam did say that they had come
17 again to ask him to take arms for the border, and there
18 is a panoply of reasons. If you like them, I can give
19 them all to you.
12:02:06 20 Q. I see.
21 A. Do you need more reasons?
22 Q. No, those will do, thank you. I want you now to look at
23 page 9136. This is the second and final page of your
24 statement dated the 24th of September. In fact, before
12:02:36 25 we go to that 9136 --
26 JUDGE THOMPSON: Which year is it?
27 MR CAMMEGH: This, Your Honour, is this year -- 24th of
28 September this year.
29 Q. Before we embark on this exercise, you told this Court

1 earlier on this morning, in response to a question from
2 me, that you haven't read your original November the
3 2nd's interview notes before. Did I get that correctly?
4 A. You didn't get that correct. I said I had not read it
12:03:10 5 before yesterday, when it was given to me here. I hadn't
6 seen it.
7 Q. All right. Can we just read together, then, the opening
8 lines of page 9135, the beginning of the 24th of
9 September 2004 statement, and perhaps you can explain
12:03:28 10 this to the Court. "In relation to the notes taken from
11 the interview on the second of November 2003 by Special
12 Court investigators Alan White and Randall Neely, the
13 witness wanted to clarify and add the following items.
14 In the initial interview notes" - and that, one would
12:03:48 15 hope, is the document we've been looking at earlier - "at
16 the bottom of page 2 the witness described observing Musa
17 Sesay escort Issa Sesay," et cetera. I'm not going to go
18 through the detail. The suggestion is that you must have
19 seen your original interview notes at least on the 24th
12:04:10 20 of September of this year?
21 A. If I have -- if I have -- is the question is I saw my
22 original notes?
23 Q. Mm.
24 A. Saw, I did not see. I was asked -- now, can I go through
12:04:26 25 that? I was asked questions read out to me, so I did not
26 see it. It was read out to me -- specific points were
27 read out to me and make corrections referred to specific
28 points. I did not request to see it; it was not given to
29 me for perusal, that.

1 Q. Right. So you were able to correct various dates --
2 A. Yep.
3 Q. -- incorrect dates with the original interview notes of
4 November 2003 --
12:04:54 5 A. Yep.
6 Q. -- in September of this year by virtue of an investigator
7 or a prosecutor asking you a series of questions,
8 clarifying things?
9 A. Yeah.
12:05:06 10 Q. I see.
11 PRESIDING JUDGE: Mr Cammegh, the Chamber did indicate that we
12 would have loved, you know, to have wrapped this up at
13 twelve, even though we placed the timeframe up to one
14 o'clock. Do you still have a long way to go?
12:05:32 15 MR CAMMEGH: Probably about an hour or so, yes.
16 PRESIDING JUDGE: Hm?
17 MR CAMMEGH: Yes, about an hour.
18 PRESIDING JUDGE: Pardon me?
19 MR CAMMEGH: About an hour. I did say that I would hope to be
12:05:42 20 finished by lunch time.
21 PRESIDING JUDGE: You may proceed, please.
22 MR CAMMEGH: Thank you.
23 Q. Why didn't you -- just have a look at page 9133, please.
24 On this page you say, "On January the 16th '98" - and you
12:06:30 25 later correct that to '99; I accept that - "Bility
26 observed Musa Sesay escort Issa Sesay and Sam Bockarie
27 with two pick-up trucks. One truck was loaded with men,"
28 and you go on. You don't say anything there about four
29 vehicles, do you? If you want to read the rest of that

1 paragraph to yourself.

2 A. Can you please ask the question?

3 Q. Why don't you mention anything about four vehicles in
4 that paragraph there headed "January the 16th. 1998" --
12:07:08 5 it's actually '99?

6 A. Did you say that I didn't mention anything about four
7 vehicles?

8 Q. Well, you don't, do you?

9 A. I answer questions that were put forward to me by the
12:07:22 10 person who spoke to me.

11 Q. I see, all right. And we are now at a stage in late 1998
12 when you're still, what, several months from your
13 confrontation with Taylor following the S-T-O-P article.
14 But there's more, isn't there, Mr Bility, because it's
12:07:52 15 right that in that month, November -- in the month of
16 November 1998 you met a gentleman called Mohamed, who
17 stayed in your house with Kennedy?

18 A. Right.

19 Q. By then you and Kennedy had become very good friends; is
12:08:10 20 that not so?

21 A. We were -- we had become friends.

22 Q. Yes. You told this Court yesterday that Kennedy was in
23 the RUF?

24 A. Yes, Kennedy was in the RUF, 'cause Kennedy told me that.

12:08:20 25 Q. Yes. And he was a fairly influential member of the RUF?

26 A. I don't know that.

27 Q. I see.

28 A. And I didn't say that.

29 Q. Well, it's just this, Mr Bility, that there you are

- 1 living in this compound with the people we've mentioned,
2 very friendly with Mr Kennedy who's in the RUF, who then
3 has a man called Mohamed come to stay with him. Mohamed
4 is a diamond merchant, Lebanese, who is heavily involved
12:08:52 5 in liaison between Charles Taylor and the RUF on your
6 account?
7 A. Question?
8 Q. Well, the question is, Mr Bility, are you really telling
9 the truth about that?
12:09:02 10 A. Well, I think you are misrepresenting what I said. You
11 are portraying the statements as being my personal
12 statements, when, in fact, I said that Kennedy made these
13 statements to me. So I had no way of evaluating if
14 Mohamed was an influential diamond merchant or if Kennedy
12:09:30 15 was influential in the RUF. But Kennedy did say to me,
16 and other people who lived there, that he was a member of
17 the RUF and members of the RUF did come there.
18 Q. What you actually told us yesterday was that Kennedy told
19 you that Mohamed, this Lebanese diamond merchant, was
12:09:54 20 involved in liaison between Charles Taylor and the RUF?
21 A. Yes, I did say that. I never deny that.
22 Q. All right. Did Kennedy know you were an investigative
23 journalist?
24 A. Kennedy didn't know me -- and in my opinion he didn't
12:10:08 25 care to know that.
26 Q. Well, you told us that "Kennedy made me his friend", you
27 told us yesterday?
28 A. Yes.
29 Q. What job were you doing in late 1998?

1 A. I was -- I remained a journalist up to then.

2 Q. Yeah, so Kennedy, despite making you his friend, didn't
3 know that?

4 A. Well, there -- he did not know -- in my opinion, he
12:10:28 5 didn't know that, and I must -- I might add this. You
6 probably don't understand; you haven't had the taste of
7 how armed outlaws operated in Liberia. One could live
8 with them and they wouldn't even care to know your name.
9 Now, I lived in an apartment occupied by these guys.
12:10:56 10 They didn't care -- they were concerned about other
11 things, other than asking what I did for a living. And I
12 accepted that, as such.

13 Q. So they didn't care about bandying around sensitive
14 information like Mohamed the, Lebanese diamond merchant,
12:11:20 15 oh, he's staying with me. By the way, he's liaison
16 between Charles Taylor, our president, and the RUF. They
17 didn't care about bandying around information like that?

18 A. I believe Kennedy did not care about that. He didn't
19 care.

12:11:34 20 Q. It was a bit sloppy, wasn't it? A bit careless?

21 A. I don't know.

22 PRESIDING JUDGE: [Overlapping speakers] -- many security
23 people like that.

24 THE WITNESS: I don't know.

12:11:44 25 PRESIDING JUDGE: We have experience of them, you know. If
26 not in your own part of the world, in Africa. And I'm
27 sure it doesn't make a difference; you also find some of
28 them spread all over the world who are careless, you
29 know, who are very inattentive. They're security people,

1 but they're inattentive.

2 MR CAMMEGH: Well --

3 PRESIDING JUDGE: Yes.

4 JUDGE THOMPSON: And sometimes who openly are boastful of that
12:12:04 5 kind of thing, because of their power base.

6 MR CAMMEGH: I'm just referring, of course --

7 PRESIDING JUDGE: Mr Cammegh -- Mr Cammegh, you know, some
8 would come and tell you, you know, that -- I mean,
9 they're not supposed to reveal their identities - I mean,
12:12:20 10 when they're in muftis. But they'll come and tell you --
11 they'll be the first to tell you that they are the
12 security people, in order to ensure that they have a
13 particular --

14 MR CAMMEGH: And that they have a gun; I know.

12:12:30 15 PRESIDING JUDGE: -- enjoy a particular position in society.

16 MR CAMMEGH: I do accept that.

17 PRESIDING JUDGE: So that's the situation in which you find
18 yourself. It is unfortunate, but that is it, you know.

19 MR CAMMEGH: Your Honour, the only reason I'm again --

12:12:42 20 JUDGE THOMPSON: You can call it the arrogance of some
21 cultures.

22 MR CAMMEGH: The only reason I'm hammering away at this point
23 is because Mr Bility was a well known investigative
24 journalist, who had fallen out of favour with the
12:12:52 25 president, and it's the president's men he's dealing
26 with. That is simply -- I know Your Honours' have the
27 point, so I won't continue.

28 PRESIDING JUDGE: These are matters which will come up maybe
29 in addresses.

1 MR CAMMEGH: Indeed.

2 PRESIDING JUDGE: In addresses and we'll easily advocate them.

3 MR CAMMEGH:

4 Q. The following occasion that I want to remind you of is
12:13:10 5 January the 16th of 1999. This is when, once again, you
6 chanced upon another supply of AK47s, which were referred
7 to as "raw bitches" by the men involved. And here, once
8 again, I must ask you, Mr Bility, when you told the Court
9 yesterday that Musa Sesay escorted Issa Sesay and Sam
12:13:32 10 Bockarie into the compound in jeeps, are you telling the
11 truth about that?

12 A. Yes, I am.

13 Q. I see. How was it that --

14 PRESIDING JUDGE: Musa Sesay escorted who?

12:13:50 15 MR CAMMEGH: Musa Sesay escorted Issa Sesay and Sam Bockarie.
16 I'm sorry if the line of this question appears
17 repetitive, but I must get it out of the way.

18 PRESIDING JUDGE: And Sam Bockarie escorted them to where,
19 please?

12:14:06 20 MR CAMMEGH: Escorted them into the compound.

21 Q. Now, by chance, Mr Bility, there you are again, in close
22 proximity to two of the most important members of the
23 RUF, and a cache of termed "raw bitches". How was it
24 that you were able to see those guns on that occasion?
12:14:40 25 Was the tarpaulin not properly covered again?

26 A. First, I wasn't there by chance. That was my domicile;
27 it was where I lived. I want you to know that.

28 Q. No.

29 A. Second --

1 Q. Yes.

2 A. -- I got to know that they were carrying arms through
3 different means. One was that the guys -- the
4 military --

12:15:12 5 Q. Forgive me. Would you please answer the question and
6 tell us how it was you were able to see those guns?
7 A. Yeah, I'm explaining how it was.

8 Q. No. Just tell us how you were able to see those guns on
9 that occasion. Was the tarpaulin not covering the
12:15:28 10 vehicle? Tell us.
11 A. The back part of the tarpaulin -- I mean, the back part
12 of the pick-up truck --
13 Q. Yes.
14 A. -- that's like straight like this, that's perpendicular
12:15:36 15 to the floor --
16 Q. Right.
17 A. -- was down.
18 Q. So on this second occasion --
19 A. No, I'm not done yet. And there were men in the compound
12:15:44 20 who, whenever a vehicle enter the compound with arms,
21 they will want to see. They will, like, go and get the
22 tarpaulin off like this, and then they will see it, and
23 they will make remarks such as, "We've got raw bitches
24 again".

12:16:02 25 Q. Okay, I remember you said that yesterday. What distance
26 were you from the vehicle when you saw those weapons?
27 A. I was at various distances. I was on the balcony, which
28 faced the road, and which was a regular place if people
29 wanted to, like, relax -- view, have a good view of the

1 scenery.

2 Q. Yes, right, on the balcony.

3 A. And I walked past -- I walked down, you know, going on

4 the road to my friend's place. So I was able to see it

12:16:48 5 because there was lights on.

6 Q. Okay. And your cousin, Abu, was Musa Sesay's bodyguard,

7 I understand?

8 A. Yep.

9 Q. Your cousin, did he know what you did for a living?

12:17:10 10 A. Yes, he did.

11 Q. Right. Did you speak to him?

12 A. Yes, I did speak to him.

13 Q. Yes. And perhaps you'd like to explain to us?

14 PRESIDING JUDGE: Let's get the name of that -- your cousin

12:17:24 15 again.

16 MR CAMMEGH: Abu.

17 PRESIDING JUDGE: Abu?

18 MR CAMMEGH: Abu.

19 Q. Perhaps you'd like to explain to us how --

12:17:44 20 PRESIDING JUDGE: That is, he spoke to him -- he spoke to Abu?

21 MR CAMMEGH: Yes.

22 Q. -- how Musa Sesay's personal bodyguard is showing you a

23 pass with a signature on it, with what appears to be a

24 representation of the Office of the President, Charles

12:18:10 25 Taylor, on it. How did that come about?

26 A. First, I also want you to know that Musa Sesay is my

27 uncle, so --

28 Q. Yes, I know, you told us that.

29 A. And --

1 Q. Presumably he knew you were a journalist as well.

2 A. -- the way the military culture works -- worked then, was
3 that people wanted to identify themselves with the status
4 quo. If, for example, I'm carrying a paper signed by
12:18:38 5 Charles Taylor, that was something big; I want somebody
6 else who knows me to see that and be able to say that
7 he's very close to Charles Taylor. I mean, that culture
8 might be alien to you, but, I mean, that worked in
9 Liberia.

12:18:54 10 Q. Well, what do you think Charles Taylor would have to say
11 if he'd heard that one of his henchmen's bodyguards was
12 flashing around a pass indicating easy checkpoint access
13 towards the Sierra Leone border for a cargo of AK47s?
14 What do you think he would have said to Abu?

12:19:10 15 A. What I thought he would say to Abu? I don't know what I
16 thought he would say to Abu.

17 Q. The reason I ask that is because if we now move along --
18 because, you see, I suggest that your evidence on this is
19 very farfetched, Mr Bility -- very, very farfetched
12:19:26 20 indeed, and not worthy of belief. I'm going to move now
21 to June --

22 PRESIDING JUDGE: Do you accept that your evidence in this
23 regard is farfetched?

24 THE WITNESS: I disagree. I mean, I think -- in my opinion,
12:19:38 25 while the counsel has a right to believe whatever he
26 wants to believe, I think he also understands that what
27 he's saying does not -- in my opinion, does not represent
28 the truth -- the facts. So I totally doctrinally differ
29 with him, and diametrically differ with what he's saying.

1 MR CAMMEGH:

2 Q. I appreciate you doctrinally and diametrically differ
3 from me, but can we move to June 1999?

4 A. We can.

12:20:14 5 Q. You see, you tell me -- or you advise me that in my
6 culture I might not appreciate the nuances of a personal
7 bodyguard to one of the dictator's henchman flashing
8 around a security pass. But you told us yourself, didn't
9 you, that when the vehicle at the 7-11 -- arrived at the
12:20:42 10 7-11 to get some petrol, and one of the guards started
11 either flapping at the tarpaulin or talking loudly about
12 what was inside, he was given 25 lashes on the spot?

13 A. That's correct.

14 Q. Isn't there a bit of an inconsistency here, Mr Bility?

12:21:06 15 A. There's not.

16 Q. All right.

17 A. The difference is -- the difference is this guy was my
18 cousin. He knew I lived there, and when they walk in
19 there, he walk up to me -- he didn't flash it around. He
12:21:20 20 walk up to me and he had a paper in his hand, and he told
21 me exactly what they had come to do, and he said, "This
22 is the paper." So it was under totally different
23 circumstance.

24 Q. I understand. And this is on an occasion when, purely by
12:21:36 25 chance, once again the tarpaulin is flapping at the back
26 of a second vehicle and you happened to see some guns
27 inside?

28 A. I did, and I'd also like to remind you that -- I don't
29 know if you lived in Sierra Leone or Liberia to know how

1 these arms were being transported. If you knew that you
2 wouldn't ask.

3 PRESIDING JUDGE: He doesn't need to. Counsel does not need
4 to have lived there.

12:21:58 5 THE WITNESS: Yeah, that was a -- that was, like, a way of,
6 you know, transporting the arms in many cases.

7 MR CAMMEGH:

8 Q. Yes, well, it happens in a lot of countries, Mr Bility.
9 Can we move on to the 7-11, please?

12:22:10 10 A. Sure.

11 Q. And we've got some more names to add to your list here,
12 haven't we? Your collection of the great and the good of
13 Liberia's security forces. We have Francis Dwana?

14 A. Yep.

12:22:24 15 Q. Eddie Kanneh?

16 A. Right.

17 Q. The notorious Jack the Rebel?

18 A. Nope. Francis Dwana is the same person as Jack the
19 Rebel.

12:22:32 20 Q. Oh, I see. All right, thank you. And then we have Saa
21 Gbollie popping up again, don't we?

22 A. Yes.

23 Q. The very man who took you away in late 1997 after you
24 wrote that article about Judas?

12:22:52 25 A. Sure.

26 Q. And just by chance, you're at the 7-11 petrol station, or
27 driving nearby, and just by chance you see these
28 individuals to add to your collection, and by chance you
29 can give us some more information about another

1 gun-running trip, can't you?

2 A. This was not -- well, could you, please, repeat the
3 question?

4 Q. I'll break it down.

12:23:22 5 A. No, just repeat it. Don't need to break it --

6 Q. You just happened to be close enough to that vehicle, did
7 you, to hear Saa Gbollie say, "We are on a VIP mission to
8 the Sierra Leone border"?

9 A. "Just happened" --

12:23:38 10 Q. It just happened?

11 A. -- explain that phrase.

12 Q. Well, it's coincidence, is it, that you just happened to
13 be there within earshot of Saa Gbollie saying "We are on
14 a VIP mission to the Sierra Leone border," to the man
12:23:56 15 with the petrol cans?

16 A. Response?

17 Q. Just answer the question. Is it a coincidence?

18 A. I was in a taxi cab en route to home when I saw that.

19 Q. Yes.

12:24:06 20 A. So you want to term it "coincidence" or phrase "just
21 happened", whatever.

22 Q. All right. So it's a coincidence. And you just happened
23 to be close enough, did you, to see a man lift the back
24 of the tarpaulin? Third time you've seen this,
12:24:22 25 Mr Bility. You're very lucky, aren't you? You're seeing
26 it almost as at will. Another cache of AK47s - this time
27 60 - in the back of a van that you just happen to be
28 passing by?

29 A. Answer.

1 Q. Coincidence?

2 A. I did see that at the 7-11 gas station.

3 Q. Yep. I'm interested in your evidence that Saa said, "We
4 are on a VIP mission to the Sierra Leone border" with
12:24:56 5 these guns. I want to ask you this question, Mr Bility.
6 Are you aware that the RUF indictees in this trial are
7 charged with acting in concert in a joint criminal
8 enterprise with Charles Taylor? Are you aware of that?
9 I think you are, aren't you?

12:25:26 10 A. I'm aware.

11 Q. Yes. And I wouldn't -- well, let me venture to suggest
12 this, Mr Bility, that you know that your primary
13 function, so far as the Prosecution is concerned in this
14 case, is to provide evidence of the link; and that is why
12:25:44 15 you are giving us these, can I suggest, tall stories
16 about coincidental sightings of guns and coincidental
17 conversations of references of taking guns to
18 Sierra Leone?

19 A. No, that is not why, and I'm not reporting -- I'm not
12:26:06 20 making up stories. I'm telling you facts as I saw them.

21 Q. They're facts, are they?

22 A. As I saw them.

23 Q. Or are they lies?

24 A. They are facts.

12:26:14 25 Q. You sure they're not lies?

26 A. I'm sure they are facts.

27 Q. Pretty strong coincidences, aren't they?

28 A. Well, you want to term it anyway, but --

29 Q. And you're an investigative journalist?

- 1 A. -- I'm telling you exactly what I did see.
- 2 Q. You're an investigative journalist who's been beaten up,
3 incarcerated seven times by the end of it, and you are
4 seeing guns on three separate occasions, you're rubbing
12:26:42 5 shoulders with the great and the good of the NPFL; and
6 this is the truth, is it?
- 7 A. I am a journalist and I did see these instances that I've
8 mentioned, and, to the best of my recollection, what I've
9 said represents the truth.
- 12:26:58 10 Q. Yeah. You're a journalist who can't remember the name of
11 the head of the RUF at the time of disarmament?
- 12 A. Which disarmament? How many disarmaments have been
13 carried out in Sierra Leone? And --
- 14 Q. You know what I'm talking about. The end -- the end.
- 12:27:12 15 A. -- no journalist can possibly remember every story he has
16 written or he has covered. And --
- 17 Q. You're an investigative journalist --
- 18 A. Listen. I want add this --
- 19 Q. Yeah, you go on.
- 12:27:26 20 A. I said yesterday in my profession the knowledge to find
21 information is more important to me than using my head as
22 a warehouse of facts. So if you come to argue here, you
23 make research; so I also, as a professional person, do
24 the same.
- 12:27:44 25 Q. We do research and one part of the research that I've
26 done is that you couldn't remember who the head of ECOWAS
27 was at that time either.
- 28 A. And you plus -- you also -- I mean --
- 29 Q. You're not very good at your job, are you?

1 A. Okay.

2 JUDGE BOUTET: Mr Cammegh, please --

3 THE WITNESS: I disagree with you.

4 JUDGE BOUTET: [Overlapping speakers] -- arguing with the
12:28:00 5 witness and what you've stated is not true. When the
6 witness was put with the date as such, he knew who was
7 the head of ECOWAS. So the confusion had to do with
8 dates, not as to who was the head.

9 THE WITNESS: And you can't in any way drive me into anger.

12:28:16 10 MR CAMMEGH: Your Honour, forgive me. I think it was the
11 president of Nigeria he eventually got right. He wasn't
12 able to name the president of ECOWAS. That's my
13 recollection. I'll stand to be corrected, of course.

14 MR HARRISON: I won't belabour it, but I think what transpired
12:28:28 15 yesterday was there was some clarification about dates,
16 the question was pursued about the president of Nigeria,
17 and that's as far as it went.

18 JUDGE BOUTET: The confusion had to do with dates. Once dates
19 were given, the matter was clarified. That's my
12:28:44 20 recollection.

21 MR CAMMEGH: Your Honour, I'm not going to pursue it.

22 JUDGE BOUTET: What I'm suggesting is that you're getting to
23 be very argumentive with the witness. That's my concern.

24 MR CAMMEGH: Forgive me.

12:29:02 25 Q. And again, on the basis that I put the suggestion earlier
26 on, I must suggest to you that Sesay, in particular,
27 could not have been there in June of 1999?

28 A. I disagree --

29 Q. All right, all right.

1 A. -- with that.

2 Q. We're coming to the final stretch now, Mr Bility, and I
3 am desperately going to try and finish this by one
4 o'clock. So if you could just please bear that in mind.

12:29:40 5 A. Yep.

6 Q. I want to ask you now about a --

7 PRESIDING JUDGE: We would like counsel to bear that in mind
8 also.

9 MR CAMMEGH: Thank you, Your Honour.

12:29:48 10 Q. I want to ask you about a gentleman called Zee Zaa Maza,
11 who's the deputy to Benjamin Yeaten -- deputy commander
12 of the SSS?

13 A. No, that's not correct.

14 Q. Well, I'm getting it from your interview notes, so
12:30:08 15 perhaps you'll correct me.

16 A. Zee Zaa Maza is the brother to Benjamin Yeaten, and
17 deputy to him.

18 Q. I see. Well, you've read your notes today. You'll
19 agree, won't you, it does refer to him as being the
12:30:22 20 deputy?

21 A. I've read it, I've read it.

22 Q. Thank you. He had a reputation for eating people I
23 recall; is that right?

24 PRESIDING JUDGE: Zee Zaa Maza was -- sorry. Learned counsel,
12:30:32 25 sorry --

26 THE WITNESS: He's the brother -- the brother --

27 PRESIDING JUDGE: He's the brother of Benjamin Yeaten?

28 THE WITNESS: Brother of Benjamin Yeaten.

29 PRESIDING JUDGE: Yes.

1 THE WITNESS: And he was in Taylor's army and operated in the
2 Fasima [phon] area of Liberia.

3 MR CAMMEGH:

4 Q. At page 9134 of the 2nd of November statement,
12:31:00 5 Your Honours, and it's paragraph 1234, top of that fourth
6 paragraph, you apparently said this, and I appreciate
7 these aren't -- this isn't your hand, but it reads as
8 follows: "Zee Zaa Maza, Deputy of SSS, had a reputation
9 for eating human beings." It says there "Deputy of SSS".
12:31:20 10 I mean, was he ever --

11 JUDGE THOMPSON: Counsel, spell that for me.

12 MR CAMMEGH: Z-E-E, Z-A-A -- these are two separate -- Zee
13 Zaa. And then the third word Maza, M-A-Z-A.

14 JUDGE THOMPSON: Thank you.

12:31:42 15 MR CAMMEGH:

16 Q. Now, I think there's no need for me to read this
17 paragraph out. You'll tell me whether this is correct or
18 not, and I'll take your answer as final. But was there
19 an occasion when your friend, if I can use that word,
12:31:58 20 Kennedy was arrested on an occasion when Maza was
21 instructed by Yeaten to go to the house to arrest
22 Kennedy? Was there an occasion when that happened?

23 A. Yep.

24 Q. Doing the best you can, Mr Bility -- I know we haven't
12:32:20 25 always got on during this cross-examination, but I'm
26 simply asking for your help here. Are you able to tell
27 us when that was?

28 A. If I'm what?

29 Q. Are you able to tell us when that took place -- that

1 arrest took place?

2 A. Yeah, that was some time in 1998.

3 Q. Right. You sure it's '98?

4 A. I think so.

12:32:50 5 Q. Could it have been '99?

6 A. Well, as far as my recollection is concerned, at this

7 point I think it must have been '98.

8 Q. Okay. Well, I'll leave it there then. Now, just to

9 paraphrase the situation, Kennedy was placed under arrest

12:33:12 10 because there was a suspicion that the diamonds he was

11 supposed to be carrying off to buy arms with were

12 actually being -- or some of them were being stolen by

13 him; is that right?

14 A. Yep.

12:33:28 15 Q. Right. And I think there was an altercation --

16 PRESIDING JUDGE: Please, please.

17 MR CAMMEGH: Sorry.

18 PRESIDING JUDGE: Please, please.

19 MR CAMMEGH:

12:33:38 20 Q. Do you know what happened to Kennedy? I know there was

21 an altercation; there was a shot fired into the ceiling

22 and he was eventually handcuffed, wasn't he? Do you know

23 what happened to him?

24 A. Well, under their system, they usually beat whoever was

12:34:46 25 involved.

26 Q. Yes.

27 A. And, of course, the row was resolved and Kennedy moved

28 back into the house.

29 Q. Yes. Was it established that he had been stealing

1 diamonds?

2 A. I don't know if that was established.

3 Q. Then I'll --

4 A. If Kennedy had been deducting diamonds given to him to
12:35:18 5 take some place - I don't know if that was established.

6 Q. If you don't know the answer then I'll leave that subject
7 there. I won't pursue that.

8 THE WITNESS: Your Honour, can I be allowed to quickly use the
9 mens' room?

12:35:36 10 PRESIDING JUDGE: Yes, yes.

11 THE WITNESS: Just 30 seconds.

12 PRESIDING JUDGE: You may, please. We will rise for five
13 minutes. Five minutes, please.

14 [Break taken at 12:34 p.m.]

12:36:31 15 [On resuming at 12.43 p.m.]

16 [HS291004D]

17 PRESIDING JUDGE: Proceed, learned counsel.

18 MR CAMMEGH: Thank you, Your Honour.

19 Q. Just a few more matters, Mr Bility, and hopefully, not
12:43:23 20 before too long, we can finish. You've been telling us
21 all along - I'm sorry, I'll put that differently. You've
22 been telling us that throughout your time in the compound
23 your presence was, in effect, unknown to people like
24 Taylor or Yeaten; is that right?

12:43:45 25 A. My presence was unknown to Taylor that I lived there.

26 Q. Yeah. What about Benjamin Yeaten?

27 A. Benjamin Yeaten, I don't know -- he did see me there a
28 couple of times.

29 Q. He did?

1 A. He did, but I don't know if he knew that I lived there.
2 Q. Did he show any concern at seeing you in such, if I can
3 use the word, a classified area?
4 A. He did not, but his special assistant did, who was called
12:44:16 5 Richard.
6 Q. Richard Demmy?
7 A. Yeah, who basically ran his office.
8 Q. Where did you keep your office? Did you keep it in the
9 compound, or elsewhere?
12:44:34 10 A. No, my office - at the Analyst, my office was at the
11 Cashew [phon] Building -- the intersection between Broad
12 and Johnson Streets in Monrovia.
13 Q. All right. I want to ask you about the Special Court
14 investigation.
12:44:59 15 A. Say that again.
16 Q. The Special Court investigation. As we know, in November
17 of last year you were interviewed by Mr White in Long
18 Island in New York.
19 A. That's right.
12:45:17 20 Q. How did you come into contact with Alan White?
21 A. How?
22 Q. Yes, how did it all begin?
23 A. I received a telephone call from Mr White.
24 Q. I see. Where and when -- where were you and when did
12:45:35 25 that happen?
26 A. I can't tell you the specific place I lived in the United
27 States. I lived in the United States, I think that's
28 sufficient, but I can't tell you the specific place.
29 I was in the city of the State where I live when he

1 called me.

2 Q. Can you tell us the date that that took place?

3 A. I don't remember the date. I didn't write it down --

4 I don't remember.

12:46:02 5 Q. Well, the year?

6 A. Pardon?

7 Q. The year?

8 A. 2003.

9 Q. Had you been writing articles throughout 2002, 2003, on

12:46:22 10 the situation in Liberia and having them published?

11 A. You mean after I moved to the United States?

12 Q. Well, I know that you were living in the United States

13 when you spoke -- that original phone call took place.

14 We don't want to know where you're living now; all right?

12:46:43 15 Do you understand me? I just want to know this: when

16 you were contacted by Alan White, did that follow a

17 period during which you had been writing articles about

18 Liberia and having them published?

19 A. I had not been writing articles about Liberia. I had

12:47:09 20 been granting interviews to American TV stations, like

21 the CNN and others.

22 Q. Right. I follow.

23 A. And other newspapers.

24 Q. All right. I don't know the answer to this question, so

12:47:28 25 I want you to help me. Was it your interviews with CNN

26 that attracted his attention, to your knowledge?

27 A. I don't know that.

28 Q. Okay. I haven't watched any recordings of your CNN

29 interviews.

1 JUDGE THOMPSON: Counsel, we're trying to get that answer.

2 MR CAMMEGH: Sorry, Your Honour, I was forgetting. Forgive
3 me.

4 JUDGE THOMPSON: "I do not know whether it was my interviews
12:48:01 5 with CNN that caused Alan White to contact me."
6 Continue.

7 MR CAMMEGH:

8 Q. I haven't seen any recordings of your interviews.

9 PRESIDING JUDGE: Mr Cammegh, I'm interested in knowing that
12:48:33 10 he doesn't know whether it's the interviews which
11 attracted Mr White to get in touch with him. But did
12 Mr White see him soon after these interviews?

13 MR CAMMEGH: That's what I'm trying to establish.

14 PRESIDING JUDGE: Yes.

12:48:50 15 MR CAMMEGH:

16 Q. I haven't seen any of the recordings of these interviews,
17 Mr Bility. I just want to ask you two questions about
18 them. The first one perhaps we should answer his
19 Honour's inquiry first. When was the last time -- no,
12:49:11 20 I'll put it this way: how long before you met White --
21 well, you met White after how long following your last
22 interview? How much time elapsed between your last
23 interview and meeting Mr White?

24 A. I --

12:49:34 25 Q. Are we talking about weeks or months?

26 A. It was about -- I mean, I think -- I don't know the
27 specific date of the interview --

28 Q. That's fine?

29 A. -- or the interviews, or the specific interview you're

1 referring to, but I held a series of interviews.

2 Q. Yes. How long ago --

3 A. The last one was probably in June or July.

4 Q. Of what year -- last year?

12:49:57 5 A. Of 2003, and I met Alan in November 2003 in Long Island.

6 And let me add this: Alan did not pay for my

7 transportation to go to New York. I happened to have

8 been addressing a Liberian organisation that had named a

9 media award in my honour -- the Hassan Bility Courageous

12:50:29 10 Journalism Award. And he called me and I told him I was

11 in New York and he asked me if I could come to Long

12 Island.

13 Q. And how long after the phone call did you meet him?

14 A. Pardon?

12:50:41 15 Q. How long after that call did you meet him?

16 A. The last call?

17 Q. Yes.

18 A. It was the following day, because I was already in New

19 York. Not the first call -- when I was in New York

12:50:50 20 addressing that gathering.

21 Q. What we're trying to establish is how much time elapsed

22 between the first call he made to you, wherever you were,

23 and your meeting on 2nd of November.

24 A. Well, the first call was probably either in June or July.

12:51:08 25 Q. Right.

26 A. But it was certainly during the time the LURD rebels had

27 entered Monrovia, it was during that time and during that

28 time CNN contacted me regularly to comment on the

29 situation in Liberia, which I did. So you could

1 determine that time and then to November -- probably five
2 months.

3 Q. Right. Can I summarise what I think you're saying, and
4 if I'm wrong, you will correct me.

12:51:40 5 A. Please do.

6 Q. In the middle of 2003 -- May, June, July, I don't know --
7 you were giving interviews to CNN. Alan White called you
8 wherever you were in June and you finally met him in
9 November.

12:51:59 10 A. He called me either in June or July and I met him in
11 November.

12 Q. We understand the position, thank you.

13 A. Yep.

14 Q. In the course of those interviews I think you were asked
12:52:34 15 about your knowledge of the supply of diamonds through
16 Liberia; is that right?

17 A. One of those interviews.

18 Q. One of them?

19 A. Right.

12:52:45 20 Q. And again I have not seen the recording, so you'll have
21 to help me with this, but was one of the subjects of that
22 particular interview the notion that diamonds were being
23 supplied to al-Qaeda?

24 A. Yes.

12:53:10 25 Q. And was that a claim that was being made by you during
26 that interview?

27 A. I was making that statement -- I made that statement.

28 Q. Was --

29 A. And --

- 1 Q. Can I just stop you for a moment? I just want to ask
2 this question and then you can add whatever you wish.
3 What -- I'm sorry, was your claim that diamonds were
4 going through Liberia to supply al-Qaeda based on either
12:54:03 5 your personal opinion -- your speculation, or on certain
6 intelligence that you yourself as a journalist had
7 received?
- 8 A. That statement -- that claim was based on my knowledge,
9 information, my own sightings, about former President
12:54:33 10 Charles Taylor's involvement with al-Qaeda, but I don't
11 think revealing that those pieces of information --
- 12 Q. I'm not going to ask you to.
- 13 A. -- is relevant to this Court. It's an entirely different
14 thing.
- 12:54:45 15 Q. That's fine. I don't want to ask you anything more about
16 al-Qaeda. What I do want you to confirm, if you will -
17 and I do not want you to reveal your whereabouts in the
18 world - but are you, for want of a better phrase --
- 19 A. Say again.
- 12:55:23 20 Q. For want of a better phrase, have you been relocated by
21 officers of the US Government, if I can use those words?
- 22 A. What do you mean "relocated"?
- 23 Q. Well, have you left Liberia?
- 24 A. Yes. I said earlier I was officially exiled by the
12:55:44 25 Liberian Government as a condition for my release from
26 prison.
- 27 Q. Yes. Are you a citizen of another country now?
- 28 A. I don't wish to disclose that.
- 29 Q. Well, I'm not asking for the country, Mr Bility. I just

1 want to know if you're a citizen living in another
2 country.

3 A. I personally don't wish to disclose that.

4 MR HARRISON: Perhaps it could just be altered slightly --
12:56:07 5 instead of the word "citizen" to "reside" or "resident".

6 MR CAMMEGH: Certainly.

7 Q. Are you resident in another country?

8 PRESIDING JUDGE: I'm sure Mr Cammegh was pursuing some other
9 objectives. This question is quite strategic anyway,
12:56:22 10 because being a "resident" is not as strong as being a
11 "citizen".

12 MR CAMMEGH: I can assure Your Honour if the word "resident"
13 had come to my mind, I would have used it. There's no
14 hidden agenda.

12:56:37 15 THE WITNESS: I live in the United States.

16 MR CAMMEGH:

17 Q. Right. Was that facilitated by people representing the
18 US Government?

19 A. I don't know what you mean "facilitated". For me to live
12:56:59 20 in the United States --

21 Q. Arranged, arranged.

22 A. This is what happened. If the Court can be patient, I'll
23 explain that. After --

24 Q. Mr Bility, before you do, can I say something to you,
12:57:13 25 which is that you are under no obligation to discuss
26 where you're living. I hoped I had made that clear to
27 you, and I have no doubt that my colleagues have for some
28 time. So you must not say anything that may harm your
29 security. I leave it up to you, okay? If you want to

1 say something, please do.

2 A. I don't wish.

3 Q. Very well. Did you meet any other individuals from any
4 other agencies apart from Alan White in late 2003, or
12:57:56 5 indeed at any time in 2004?

6 A. About this particular court issue?

7 Q. No; my fault, I wasn't specific -- about diamonds and the
8 distribution of diamonds.

9 A. Yes, I did.

12:58:12 10 Q. Can I ask you which agency --

11 JUDGE THOMPSON: Just a minute.

12 THE WITNESS: I'm sorry, I can't answer that.

13 MR CAMMEGH: Very well; I won't pursue it.

14 Q. So the answer is: yes, I was spoken to by
12:58:47 15 representatives of other agencies. Were they United
16 States agencies?

17 A. I'm sorry, I can't answer that.

18 Q. Why not? Can you just tell us why?

19 A. I can't answer that, because I think my security would be
12:59:09 20 compromised in some way and form --

21 Q. All right.

22 A. -- if I do. That's what I think.

23 Q. Were you interviewed by any representatives of the CIA?

24 A. I'm sorry, I cannot answer that. I understand that you
12:59:45 25 probably desperately need the answer to these questions,
26 but I can't help you as far as this particular is
27 concerned.

28 Q. Were you --

29 PRESIDING JUDGE: Mr Cammegh, please wait.

1 MR CAMMEGH:
2 Q. Were you spoken to by anybody from the FBI?
3 A. I'm sorry, Mr Cammegh -- counsel, I can't answer that.
4 JUDGE BOUTET: Mr Cammegh, you've asked him if he has talked
13:00:32 5 to US agencies, and he's told you no. He told you that
6 he cannot answer this question. If you take them one by
7 one, you're going to get the same answers.
8 MR CAMMEGH: Those were the only two I was going to ask about.
9 Unless I'm completely wrong, I think the witness would
13:00:50 10 probably be under an obligation to answer those
11 questions, but I am not going to pursue the point.
12 I will leave it there, and I understand the situation.
13 JUDGE BOUTET: You may be right, but if we do, because of
14 security concerns, we may have to go into closed session.
13:01:02 15 MR CAMMEGH: I'm happy to err on the side of caution. I'm not
16 going to pursue it. I think the point is made.
17 Q. Now, Mr Bility, I'm coming to the end now. I suggested
18 to you about half an hour ago -- do you remember when we
19 were talking about the incident at the 7-11 - that you
13:01:23 20 are aware that you are an important witness to the
21 Prosecution team, because you are in a position --
22 PRESIDING JUDGE: Just a minute. He is aware that he's an
23 important witness to the Prosecution team.
24 MR CAMMEGH: Yes.
13:01:39 25 PRESIDING JUDGE: You are aware?
26 THE WITNESS: I don't know how important I am.
27 MR CAMMEGH: Forgive me, Your Honour.
28 THE WITNESS: I'm only doing a service to this Court, so I
29 don't know how important -- to what degree I am to this

1 Court -- I mean, to the Prosecution.

2 MR CAMMEGH: Okay. All right.

3 Q. How well did you get to know Mr White?

4 A. How well?

13:02:16 5 Q. Mmm. How familiar did you become with him?

6 A. I don't know him very well. I met him like for -- in

7 fact, this interview was held in a Starbucks --

8 Q. Really?

9 A. -- if you know what that is -- a Starbucks coffee shop.

13:02:34 10 Q. Yeah, I'm afraid we [overlapping speakers]

11 A. And it was like an hour and 30 minutes, and I hadn't met

12 him -- I coincidentally bumped into him when I was

13 waiting to testify after another witness, and that was

14 like 30 seconds, "Oh, you're here?" "Yeah, I'm here."

13:02:52 15 That was it.

16 Q. Well, he's here now, is he?

17 A. Pardon?

18 Q. You bumped into him here?

19 A. Here, on these grounds.

13:02:57 20 Q. I see.

21 A. He was walking down and I was leaving here.

22 Q. Yesterday?

23 A. It was like 30 seconds, and that was it.

24 Q. Yesterday?

13:03:05 25 A. No, not yesterday -- about, I think, two weeks ago.

26 Q. I see.

27 A. So I haven't spoken to him on phone since I came here, so

28 I don't know him very well.

29 Q. It was just that you referred to him by his christian

1 name. I wondered if you were actually quite familiar
2 with him. You called him Alan earlier on?
3 A. I called him Alan?
4 Q. Mmm.
13:03:35 5 A. Yeah.
6 Q. Okay. But you're saying I shouldn't read anything into
7 that?
8 A. I live in a society where people generally prefer to call
9 people by their first name. I think you know that, where
13:03:45 10 I live, people call generally people by their first name.
11 Q. That's all right, Mr Bility. But what I'm suggesting to
12 you is that you are aware that you are an important
13 Prosecution witness for one particular reason, and I'll
14 give you that reason now, if I may, and it's this: as
13:04:08 15 I said to you before, you are allegedly a witness to the
16 link between Charles Taylor at one end, and the RUF
17 rebels operating in Sierra Leone at the other. Are you
18 aware of that?
19 A. Do you need an answer?
13:04:32 20 Q. I just need you to answer yes or no, I think.
21 A. I can't say yes or no. I have to say something. I'm not
22 aware that I'm an important witness --
23 Q. You're not?
24 A. -- to the Prosecution. I think every witness for the
13:04:47 25 Prosecution is important, not only me. Second, I am not
26 a lawyer; I'm a journalist. I don't know if the
27 Prosecution is seeking to establish a link between me --
28 maybe between the RUF and Charles Taylor and using me as
29 such, no. So I don't know that.

1 Q. Because I suggest --

2 JUDGE THOMPSON: Just a minute.

3 THE WITNESS: So I disagree with you --

4 JUDGE THOMPSON: Just a minute. The answer is that you don't

13:05:13 5 know.

6 THE WITNESS: Yeah, and I disagree with him.

7 JUDGE THOMPSON: That --

8 THE WITNESS: That --

9 JUDGE THOMPSON: Well, you'd better be very careful -- you

13:05:19 10 don't want to walk into a blind. If you don't know --

11 THE WITNESS: I don't know.

12 JUDGE THOMPSON: In other words, you do not have --

13 THE WITNESS: No, I don't --

14 JUDGE THOMPSON: -- the information or the material before you

13:05:26 15 to enable you to determine - because you're not a lawyer,

16 as you say - whether you're an important witness for the

17 Prosecution or not. You cannot make a judgment.

18 THE WITNESS: So the conclusive answer is I don't know that.

19 JUDGE THOMPSON: Precisely. That's what we're looking for --

13:05:42 20 some definitive answer. [Microphone not activated] that

21 seems to be the answer.

22 THE WITNESS: Yes.

23 MR CAMMEGH:

24 Q. I suggest, Mr Bility, that you have been, and I regret to

13:06:22 25 say this, but less than honest in your evidence, and

26 I will specify --

27 PRESIDING JUDGE: Just a minute, please. Just stop there.

28 You'll continue, Mr Cammegh. Ask him the first arm of

29 the question.

1 MR CAMMEGH:

2 Q. I suggest you have been less than honest in the course of
3 your evidence, Mr Bility.

4 A. Well, I disagree with your suggestion, and I believe --

13:06:53 5 JUDGE THOMPSON: Just a minute. Just a minute. "I disagree
6 with your suggestion that I have been less than honest in
7 my testimony..."

8 MR CAMMEGH: In my testimony/evidence --

9 JUDGE THOMPSON. "...testimony to this Court." What did you
13:07:24 10 want to add to that, if you did?

11 THE WITNESS: What I have said is the truth. It represents
12 what I do know.

13 JUDGE THOMPSON: "What I have said..."

14 THE WITNESS: Is the truth and it represents what I do know,
13:07:48 15 what I saw, and what I encountered concerning the
16 RUF/Government of Liberia interactions with respect to
17 arms shipments.

18 JUDGE THOMPSON: Go ahead. Thanks.

19 MR CAMMEGH:

13:08:31 20 Q. No, Mr Bility, with respect, isn't this the reality:
21 that a man of your background has been a problem who
22 refused to go away -- to claim that he was living in that
23 compound, practically rubbing shoulders with the
24 creme de la creme of the Liberian regime and the RUF
13:09:01 25 alleged leadership, to have coincidentally been placed on
26 all the occasions you claim is far-fetched and fanciful.

27 A. I disagree with you.

28 Q. All right.

29 A. And I want to restate --

1 Q. Please, Mr Bility, it's getting late, and we don't want
2 any more speeches. That was the answer. That's all
3 we're looking for.

4 JUDGE BOUTET: Let him answer the question [microphone not
13:09:48 5 activated].

6 PRESIDING JUDGE: Yes, I was coming back to your question,
7 really. He says he disagrees with you when you say --
8 what did you put to him?

9 MR CAMMEGH: I put to him that a man in his position with his
13:09:59 10 background, with his history of being a constant problem
11 that won't go away as far as the regime was concerned,
12 for him then to claim that he was living where he was,
13 rubbing shoulders with who he was, and coincidentally
14 being placed or located in a position so as to see the
13:10:27 15 arms shipments he claims, was, I think I said,
16 far-fetched and fanciful, and he disagreed.

17 THE WITNESS: And I want to add this --

18 PRESIDING JUDGE: Wait, please.

19 MR CAMMEGH:

13:11:43 20 Q. You, I suggest, Mr Bility, only came to the attention of
21 the United States' authorities after you went on national
22 television making claims about your specific knowledge
23 about al-Qaeda.

24 A. I disagree with you.

13:12:01 25 Q. And that is why the United States agencies, or even Alan
26 White for that matter, was interested in speaking to you.

27 A. I disagree with you, counsel.

28 Q. And that is why you were relocated, because you were hot
29 property so far as their intelligence agencies were

1 concerned and they wanted to protect you for their own
2 ends; true?

3 A. Counsel, I disagree, and I think you are negating the
4 raison d'etre of this argument and I must also add that
13:12:42 5 did you expect every president in Liberia to run away
6 from Liberia because Taylor wreaked havoc on them?
7 I want you to remember that Sir Winston Churchill, during
8 the blizzard when the Germans were bombing London --
9 Q. "Blitz", not "blizzard".

13:12:58 10 A. -- didn't ask the British citizens, the Brits, to leave
11 their country; they had to fight for it. So there are
12 men -- I know something about patriotism. There were men
13 in Liberia, and there are men there.

14 Q. I know you like preaching --

13:13:13 15 A. So we worked to make sure that we stopped the contagion
16 of a destabilised Liberia from spreading into other
17 countries. I'd like you to know that. Go ahead.

18 Q. Thank you. Yes, we heard in evidence yesterday how you
19 like preaching. You like the sound of your own voice,
13:13:30 20 you like your opinion [overlapping speakers] --

21 JUDGE BOUTET: Mr Cammegh, please, please. If you have a
22 question, ask the question. Don't comment on the
23 evidence --

24 MR CAMMEGH: The reason --

13:13:38 25 JUDGE BOUTET: Ask the question.

26 MR CAMMEGH:

27 Q. The reason you're here, I put to you, Mr Bility, is to
28 perform a very well-honed, well-organised, well-rehearsed
29 specific role, and that is to pin the RUF indictees with

1 culpability for being involved in a joint enterprise with
2 Charles Taylor; that's your function, and you know
3 perfectly well that's why you're here, and that's why
4 you're smiling now.

13:14:14 5 A. Counsel, I must disagree with you. I disagree with you;
6 that's not true. You may disagree --

7 Q. I do. I call you a liar.

8 A. -- with some of the things I said, but you definitely
9 would not disagree that people were amputated in Sierra
13:14:27 10 Leone -- you would not disagree with that. So, no,
11 I disagree with what you said. I know that you had to
12 say them, but I can't be drawn into --

13 Q. No.

14 A. -- becoming angry or mad. I'm here to listen to you.

13:14:39 15 Q. You, as an investigative journalist - who lived in that
16 compound with those people; who doesn't even know who was
17 the head of RUF when disarmament took place - comes to
18 this Court to preach as if you are in a pulpit?

19 A. You don't understand how the culture of journalism works
13:14:55 20 in Africa. You are fortunate to sleep under the blankets
21 spread by western countries --

22 Q. As are you; as are you?

23 A. -- and western democracies.

24 Q. Thank you.

13:15:03 25 A. Oh, okay. Thanks.

26 PRESIDING JUDGE: Mr Santora, any re-examination?

27 MR SANTORA: Your Honour, the Prosecution has no
28 re-examination for this witness.

29 PRESIDING JUDGE: Mr Hassan Bility --

1 THE WITNESS: Yep.

2 PRESIDING JUDGE: -- thank you for coming to let the

3 proceedings share your experiences on the issues that are

4 before us and we thank you for coming, and we wish you a

13:17:39 5 safe journey back to wherever you are. We're not saying

6 that we have finished with you, but for now we can say

7 that we are through with you, and you can go back to

8 wherever you live. But should necessity arise at any

9 time for us to have you back here, we will get in touch

13:17:59 10 with you through the usual channels, and I hope that

11 you'll be able and willing to come and answer to our

12 call.

13 So, this said, once more we thank you and wish you

14 all the best in whatever you're doing. Okay?

13:18:34 15 THE WITNESS: Thank you very much.

16 [The witness withdrew]

17 PRESIDING JUDGE: Learned counsel, I think we've come to the

18 close of the second session of the RUF trial, and I would

19 like on this occasion to thank learned counsel and all

13:19:44 20 who have laboured so hard throughout the session. The

21 Chamber is very, very grateful for the inputs of counsel

22 and, true enough, as is usual in every proceeding, we've

23 had some rough moments, but these are normal in judicial

24 proceedings which usually can become very controversial.

13:20:16 25 So whatever may have been the case, I think that the

26 result we have at this point in time is positive. We are

27 moving on gradually but, I think, surely.

28 So I do wish for those of you who have to travel out

29 of Sierra Leone, who are not residents like we are, the

1 Chamber, my colleagues, would like to join me to wish all
2 of you a very safe journey, and all the best for
3 Christmas. I think we won't meet again until after
4 Christmas, so I will wish you a very enjoyable Christmas
13:20:58 5 time and the same goes to your respective families.

6 This said, we are resuming the next session I think
7 on 10 January. We would like to say here that on
8 10 January we shall be holding a status conference at
9 10.00 o'clock. There will be a status conference at
13:21:23 10 10.00 o'clock and the trial sessions proper would start
11 on Tuesday, 11 January. So, please, we would like you to
12 have this on record. I do not know if there is any other
13 clarification which counsel would like to have before we
14 finally rise. I don't know if there is any.

13:21:50 15 MR O'SHEA: Yes, Your Honours. This is not a request for any
16 kind of order or anything of that nature. I've already
17 spoken to Mr Harrison about this, but I would just like
18 to request him, through the Court -- and I know he's a
19 very fair man in this regard -- to ensure that we have
13:22:12 20 the witness list for the next session in good time, and
21 we would say preferably by the end of November.

22 MR HARRISON: It's a reasonable request.

23 PRESIDING JUDGE: Right. Okay, thank you. I think one
24 positive development we would like to observe is the
13:22:35 25 understanding that exists on common ground between the
26 Prosecution and the Defence. The Chamber welcomes this
27 and we have also indicated our approval for these
28 understandings, provided of course, you know, that they
29 remain within the precincts of the law and that the

1 Chamber sees that they are made within the framework of
2 our procedures and the law as it is.

3 So we commend you for this. We've heard it, you
4 know -- it's been very accentuated during this particular
13:23:13 5 trial, and we are happy that you agree very often and on
6 certain issues which otherwise would have delayed our
7 proceedings. Is there any other issue that you would
8 like to raise?

9 Well, in the absence of any other matters that could
13:23:48 10 be raised, I again would say a happy Christmas to those
11 of you who will not be with us and all the best in your
12 travels. The Court will rise, please.

13 [Whereupon the hearing adjourned at 1.23 p.m. to be
14 reconvened on Monday, the 10th day of January 2005 at
15 10.00 a.m.]

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C E R T I F I C A T E

We, Maureen P Dunn, Roni Kerekes, and Ella K Drury
Official Court Reporters for the Special Court for
Sierra Leone, do hereby certify that the foregoing
proceedings in the above-entitled cause were taken at the
time and place as stated; that it was taken in shorthand
(machine writer) and thereafter transcribed by computer,
that the foregoing pages contain a true and correct
transcription of said proceedings to the best of our ability
and understanding.

We further certify that we are not of counsel nor related
to any of the parties to this cause and that we are in
nowise interested in the result of said cause.

Maureen P Dunn

Roni Kerekes

Ella K Drury

WITNESSES FOR THE PROSECUTION:

WITNESS: HASSAN BILITY [Continued]	1
CROSS-EXAMINED BY MR TOURAY	1
CROSS-EXAMINED BY MR CAMMEGH	22