



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 10 MARCH 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Artur Appazov

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Mr Mohamed A Bangura
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah
Ms Haydee Dijkstal

1 Wednesday, 10 March 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:27:09 5 PRESIDING JUDGE: Good morning. We'll take appearances
6 first, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,
8 your Honours. Good morning, counsel opposite. For the
9 Prosecution this morning, Mohamed A Bangura, Maja Dimitrova, and
09:32:23 10 Nicholas Koumjian.

11 MR GRIFFITHS: Good morning, Madam President, your Honours,
12 counsel opposite. For the Defence today myself, Courtenay
13 Griffiths, with me Mr Morris Anyah, counsel, and we're joined
14 today by Ms Haydee Dijkstal, a legal assistant with our team.

09:32:49 15 Madam President, this morning, just before 9 o'clock, I
16 received a telephone call from WVS informing me that the witness
17 is feeling unwell. Apparently he's been unwell for a while but
18 has been able to continue with his testimony despite the pain
19 that he is in. He has an ongoing medical problem which does
09:33:20 20 cause him some discomfort and difficulty. Of course I've been
21 unable to speak to him and consequently have not had an

22 opportunity of assessing the situation for myself or to make the
23 obvious inquiry whether, for example, he might be able to
24 continue to give testimony if, for example, he were to be
09:33:42 25 afforded by your Honours regular breaks. So I've had no
26 opportunity whatsoever to discuss the matter with him.

27 I'm told just before Court commenced by WVS that, given his
28 medical condition, they made an appointment for him to see a
29 doctor at 3 o'clock this afternoon. My first initial application

1 then is for a very short adjournment so that I could have an
2 opportunity of discussing with the witness the extent of his
3 discomfort and illness and whether there are other options
4 available short of a request at this stage that we adjourn until
09:34:29 5 he feels better.

6 Of course, it would be appropriate I think in the
7 circumstances for someone from WVS, say, to be present whilst I
8 speak to him because they are already alerted to his medical
9 condition, so it shouldn't cause any embarrassment to anyone. So
09:34:50 10 that my initial application then is for a 15-minute adjournment
11 to speak to him so that I would be in a better position to
12 address the various options which might be available with
13 your Honours.

14 PRESIDING JUDGE: Right. In the event that we were
09:35:13 15 inclined to let the witness have a break, is the Defence ready to
16 interpose another witness?

17 MR GRIFFITHS: No, we're not.

18 [Trial Chamber conferred]

19 PRESIDING JUDGE: Mr Koumjian, what are your views on this
09:35:47 20 application?

21 MR KOUMJIAN: Your Honour, in my view, although I don't
22 object to the procedure proposed, I think it's more efficient,
23 instead of counsel talking to the witness with WVS then relaying
24 the information, for the Court to speak directly to the witness
09:36:03 25 and get the information now from the witness without any
26 possibility of a third party possible miscommunication or
27 your Honours can ask the questions directly to the witness.

28 PRESIDING JUDGE: Mr Griffiths?

29 MR GRIFFITHS: I'm anxious to avoid any embarrassment to

1 the witness. That's why I proposed the procedure.

2 [Trial Chamber conferred]

09:37:31 3 PRESIDING JUDGE: Mr Griffiths, we are minded to grant you
4 the short adjournment you've requested, but we would direct that
5 when you are speaking with the witness and WVS, the Prosecution
6 would have a representative present, if you don't mind.

7 MR GRIFFITHS: I have no difficulty with that.

09:37:54 8 PRESIDING JUDGE: Just to rule out any impropriety. I'm
9 not suggesting that there will be any but just to rule out any
10 suspicions.

11 Mr Koumjian, would that sit well with you?

12 MR KOUMJIAN: Yes, that's very reasonable. Thank you.

13 PRESIDING JUDGE: Right. We will adjourn for 15 minutes
14 and return at five minutes to 10.

09:38:22 15 [Break taken at 9.38 a.m.]

16 [Upon resuming at 9.56 a.m.]

17 [In the absence of the witness]

18 PRESIDING JUDGE: Mr Griffiths, we are in open session and
19 the witness is absent.

09:57:37 20 MR GRIFFITHS: And I'll explain why that is. Through our
21 discussions with Mr Bangura present with WVS and the witness we
22 were able to get an earlier appointment with the doctor at 10
23 o'clock.

09:57:59 24 The difficulty is this: The witness was prescribed
25 painkillers for his two long-standing medical conditions in West
26 Africa but those painkillers ran out yesterday. Unfortunately an
27 attempt was made to obtain the same prescription from a doctor
28 here in Holland but that doctor was only willing to prescribe him
29 paracetamol for the pain he suffered. The paracetamol has no

1 effect. So we're hoping that by him attending at the doctor's
2 this morning at 10 o'clock he will be able to replicate the
3 prescription he had in West Africa. We're told by the witness
4 that those painkillers take an hour or so to take effect and
09:58:44 5 we're hopeful, following those discussions, that we should be
6 able to resume at or about noon today.

7 PRESIDING JUDGE: Thank you, Mr Griffiths. Mr Koumjian,
8 there is an application for an adjournment until 12 noon.

9 MR KOUMJIAN: Your Honour, we have no observations. We put
09:59:25 10 it in the Court's hands.

11 [Trial Chamber conferred]

12 PRESIDING JUDGE: In the circumstances I don't think we
13 have much choice than to adjourn until 12 noon. However, before
14 we adjourn I wanted to put to the parties another administrative
09:59:55 15 matter that has arisen, and this is with regard to the sitting
16 schedules for the next two weeks which, as you know, are not
17 always cast in stone these days and are liable to change every
18 now and then.

19 Now, the first week I want us to look at is the week of 15
10:00:21 20 to 19 March. I don't know if you have your schedules with you,
21 but we have been requested - we've been told that we cannot sit
22 on Monday afternoon, that's Monday 15 March. The original
23 schedule that was published showed that we would sit on Monday
24 afternoon from 3 o'clock until 7.30. Now that is no longer
10:00:50 25 possible because the ICC requires this courtroom in the
26 afternoon. Instead, they have offered that we take the Monday
27 morning for the hearing. We are mindful that you may have made
28 arrangements based on the old schedule and that is why we want to
29 hear from the parties. That is one.

1 Now, the rest of the week remains as follows: Tuesday,
2 Wednesday and Thursday, that is 16, 17 and 18 March, we are
3 scheduled to sit afternoons only. That is from 3 o'clock until
4 7.30 every day and that hasn't changed. However, the change
10:01:35 5 comes in on Friday where we were scheduled not to sit or that the
6 schedule was for other hearings - other ICC hearings. We are now
7 told that the courtroom is available and we have the option to
8 sit full day or half day.

9 I would like to hear from the parties regarding that week
10:02:04 10 before I tell you about the following week. Perhaps I should
11 hear from the Defence first, since you are the ones conducting
12 your case.

13 MR GRIFFITHS: Just so that I'm clear, Madam President, the
14 proposal is that we sit on Monday morning from what time? From 9
10:02:31 15 o'clock until 1.30?

16 PRESIDING JUDGE: Yes.

17 MR GRIFFITHS: And then on the Tuesday, Wednesday and
18 Thursday we would be sitting from 3 o'clock until 7.30.

19 PRESIDING JUDGE: That's correct.

10:02:43 20 MR GRIFFITHS: With the option of sitting all day on the
21 Friday.

22 PRESIDING JUDGE: Yes.

23 MR GRIFFITHS: For my part, I don't know if this suggestion
24 would appeal to your Honours, the possibility of sitting all day
10:03:04 25 Friday and not sitting on the Monday at all.

26 PRESIDING JUDGE: Okay. Mr Koumjian?

27 MR KOUMJIAN: Your Honour, I have no observations. I did
28 happen to just make an appointment for 10.30 on Monday but it's
29 something I can easily change. As I'm telling everyone these

1 days, my schedule is always subject to change at the last moment.

2 PRESIDING JUDGE: I can say amen to that. So the new
3 schedule is that we will not sit on Monday 15 March at all and
4 instead we will sit a full day Friday the 19th as proposed by the
10:04:29 5 Defence.

6 The following week was scheduled - as you can see probably
7 from your schedules, we were scheduled to sit mornings throughout
8 the week and now we have the option to sit on Friday the 26th, to
9 sit a full day also. So that gives us a few extra hours that
10:04:58 10 week. I would like to hear from the parties, starting with the
11 Defence.

12 MR GRIFFITHS: I don't foresee any problems from our point
13 of view sitting all day on the Friday.

14 PRESIDING JUDGE: Thank you. Mr Koumjian.

10:05:14 15 MR KOUMJIAN: Yes, we would be in favour of using that
16 time. Thank you.

17 PRESIDING JUDGE: Okay. So the schedule is changed
18 accordingly in that on Friday 26 March we will sit a full day.
19 We will have the head of office publish a new schedule for the
10:05:46 20 weeks running up to the recess.

21 We will adjourn these proceedings until 12 noon.

22 MR GRIFFITHS: Madam President, before we rise I wonder if
23 a member of Chambers will be available to liaise with us, because
24 I will remain in contact with WVS to see what progress we make so
10:06:07 25 that if there's a possibility of an earlier start, we can take
26 advantage of that.

27 PRESIDING JUDGE: That's not a bad idea at all, and indeed
28 a member of Chambers will remain in touch with you. Court is
29 adjourned.

1 [Break taken at 10.06 a.m.]

2 [Upon resuming at 12.00 p.m.]

3 [In the presence of the witness]

4 PRESIDING JUDGE: Yes, Mr Griffiths.

12:03:10 5 MR GRIFFITHS: Madam President, your Honours, I am told
6 that the witness has been declared fit to continue his testimony.

7 PRESIDING JUDGE: Thank you. I'm going to remind the
8 witness of his oath and then I think we were in private session
9 before, if you would like to continue.

12:03:33 10 Mr Witness, I hope you are feeling better and I'm just
11 reminding you of your oath to tell the truth.

12 WITNESS: DCT-125 [On former oath]

13 PRESIDING JUDGE: For the members of the public, we
14 continue the testimony of the witness in private session for the
12:03:50 15 protection of the witness.

16 [At this point in the proceedings, a portion of
17 the transcript, pages 36908 to 36913, was
18 extracted and sealed under separate cover, as
19 the proceeding was heard in private session.]

20

21

22

23

24

25

26

27

28

29

1 [Open session]

2 MS IRURA: Your Honour, we're in open session.

3 MR GRIFFITHS:

4 Q. A couple of other matters, Mr Witness. Firstly this:

12:18:57 5 Whilst you were in Liberia, during the course of the Liberian
6 revolution, were any steps taken by the NPFL to prevent the war
7 spilling over into neighbouring countries?

8 A. Yes. There were measures taken by His Excellency President
9 Charles Ghankay Taylor in collaboration with his military chiefs
12:19:28 10 to try and establish control posts at Loguato border entry to
11 Ivory Coast and to Guinea-Conakry to avoid militants going into
12 these two countries with their weapons and to avoid people
13 transacting weapons to and fro to Ivory Coast and Liberia or
14 Liberia to Ivory Coast to Guinea, to Liberia or Liberia to
12:19:58 15 Guinea.

16 I can remember in one incident where a Mauritanian - we
17 call them Maures - a Mauritanian was coming from Ivory Coast,
18 Abidjan, going to Liberia through Loguato and he was having four
19 cartons of special gunpowder. This special gunpowder is nothing
12:20:23 20 but just China green tea. And when he arrived at the border
21 post, because of the vigilance that was established at the border
22 post, he was arrested and the commandos were thinking that he was
23 transporting weapons to Liberia to be given to the enemies of the
24 NPFL. Then he was arrested.

12:20:43 25 It was Fams Cauley who later on - who is the commander of
26 the border posts - who came and told them, "Look, under that
27 tree, every day, what we drink is what you people have arrested
28 and tortured an innocent chap without investigating and going
29 through to find out whether these are ammunitions or weapons.

1 This is only China green tea." And this was how the chap was
2 released and he was escorted to go up to Monrovia.

3 Q. One other matter. During your time in Liberia, were you
4 aware of the presence of ECOMOG there?

12:21:21 5 A. Yes, I was aware of the presence of ECOMOG, because ECOMOG
6 was first - the first ECOMOG was patched up after a meeting that
7 was held in {redacted} through the initiative of the
8 President of {redacted} who took the
9 initiative because he heard that I was in Liberia and that I was
12:21:46 10 assisting Charles Taylor, so it was a fear for him that my
11 intention and Charles Taylor's intention was for me to assist
12 Charles Taylor and after Charles Taylor will assist me to go to
13 {redacted} and take over {redacted}. So for him it was just
14 a means of preventing me by using the ECOWAS countries to set up
12:22:08 15 what was called ECOMOG at that time, which was supposed to be an
16 intervention force between the warring factions in Liberia.

17 Q. And from your experience --

18 PRESIDING JUDGE: Mr Griffiths, the evidence the witness
19 has just given relating to a country, don't you think this is
12:22:34 20 capable of revealing his identity? I mean, you didn't ask him
21 for this information. The question you simply asked was was he
22 aware of the presence of ECOMOG. He then went into this other
23 text. If you think it's fine, we can continue.

24 MR GRIFFITHS: No, no, no. I'm looking to see what could
12:23:05 25 be redacted. Perhaps if we take out the sentence beginning at
26 line 19 which begins with the name of a country and also makes
27 reference to the first person singular.

28 PRESIDING JUDGE: I was going to suggest, yes, to take out
29 the name of the country in line 19 as well as the name of the

1 person following that and then also to take out the name of the
2 country in line 23.

3 MR GRIFFITHS: Uh-huh.

4 PRESIDING JUDGE: And the name of the country in line 24.

12:23:50 5 MR GRIFFITHS: Yes.

6 PRESIDING JUDGE: So, Madam Court Officer, please redact
7 the text accordingly.

8 The members of the public sitting and listening, you are
9 not to repeat the names of the country that the witness has just
10 referred to.

12:24:09

11 Please continue.

12 MR GRIFFITHS:

13 Q. Now, Mr Witness, in your experience whilst in Liberia, did
14 ECOMOG play a neutral role amongst the warring parties?

12:24:34

15 A. No.

16 Q. Why do you say that?

17 A. ECOMOG was more active in preventing His Excellency
18 President Charles Ghankay Taylor to overrun the whole country.

19 Q. And what was their attitude towards the other warring
20 factions?

12:25:03

21 A. Very sympathetic.

22 Q. Did they provide any assistance to those other parties?

23 A. I don't know.

24 Q. My final question, Mr Witness, is this: Bearing in mind -
25 let me rephrase the question. In your opinion, why did the
26 Liberian revolution fail?

12:25:39

27 A. The Liberian revolution failed not because the NPFL was not
28 capable of liberating the country. The Liberian revolution
29 failed because foreign hands interfered in the Liberian

1 revolution to disturb the revolution and prevent His Excellency
2 President Taylor liberating the country.

3 MR GRIFFITHS: I have no further questions.

12:26:33

4 PRESIDING JUDGE: Please allow us to handle this redaction
5 first.

12:27:00

6 MR GRIFFITHS: I'm helpfully reminded there is one other
7 matter that I must deal with and it's a question of marking for
8 identification two documents. You will recall that we marked for
9 identification the French version of that booklet, which was
10 MFI-408, that was on Thursday of last week, but we haven't marked
11 for identification either the English translation or the colour
12 photocopies. So could I consequently ask then, please, that the
13 English translation be marked for identification as MFI-409 and
14 that the colour copies be marked for identification MFI-410.

12:28:34

15 PRESIDING JUDGE: Mr Griffiths, this book - the booklet -
16 was it the French version that we marked?

17 MR GRIFFITHS: Yes, it was. Because you can recall we were
18 going through looking at photographs which were marked, but at
19 that stage we didn't have the colour copies.

12:29:02

20 PRESIDING JUDGE: And the English version didn't have the
21 photographs. You're right. So the English version of "La
22 Mathaba Mondiale" entitled "The World Mathaba" is marked MFI-409.
23 And you've asked the colour photographs to be given one number -
24 the bundle - the entire bundle be given one number.

12:29:51

25 MR GRIFFITHS: The reason being, Madam President, I think
26 there too many photographs in there and I think it would be much
27 easier for all concerned if we just gave them one collective
28 number.

29 PRESIDING JUDGE: Okay. The bundle of coloured photographs

1 taken out of the French version of "La Mondiale Mathaba" is now
2 MFI-410. Is that the end of your examination-in-chief of this
3 witness?

4 MR GRIFFITHS: [Microphone not activated]

12:30:35 5 PRESIDING JUDGE: Thank you. Mr Koumjian, are you taking
6 over the cross-examination of this witness?

7 MR KOUMJIAN: Yes, your Honour.

8 PRESIDING JUDGE: Mr Witness, the Prosecution has some
9 questions for you.

12:30:45 10 MR KOUMJIAN: Your Honour, I do have a motion - I think
11 again it would be better outside the presence of the witness -
12 before I begin the cross-examination.

13 PRESIDING JUDGE: Can Madam Court Officer arrange for the
14 witness to briefly leave the courtroom?

12:31:39 15 [In the absence of the witness]

16 MR KOUMJIAN: Madam President, your Honours, having
17 completed the direct examination of this witness, the Prosecution
18 would seek an order from your Honours for witness statements of
19 this witness, or any statement that exists, and we're using the
12:32:33 20 word "statement" in the meaning as defined in the Norman decision
21 on disclosure of witness statements and cross-examinations of 16
22 July 2004.

23 Let me briefly state why we believe it's necessary for this
24 witness. The summary that we received for this witness is, in
12:32:57 25 our opinion, inadequate for a proper cross-examination and
26 examination in the interest of justice. The summary reads as
27 follows: "Background. The witness" - I will not read it in open
28 session because it may reveal something about the - well, this
29 was a publicly filed document, so I think I can read it.

1 "The witness is a Gambian who trained in Libya and went to
2 Liberia when the NPFL launched its revolution. No statement has
3 been taken from the witness. However, it is anticipated that the
4 witness will talk about training in Libya, the various West
12:33:42 5 African groups that trained in Libya, their leadership and
6 interrelations and NPFL leadership and operations in Liberia.
7 The witness is also expected to talk about the relationship
8 between the defendant and Foday Sankoh. The witness is expected
9 to comment on the alleged superior subordinate relationship
12:34:02 10 between the two, as well as the alleged JCE involving the two."

11 Your Honour, this in our opinion is simply a very short and
12 broad list of topics that will be discussed by the witness,
13 considering that the witness's testimony was much, much more
14 detailed. Just to give one example, the testimony just given in
12:34:28 15 open session about an incident involving a border post at
16 Loguato, which was in response to a question from counsel.

17 Further, the Prosecution prejudice by the inadequate
18 witness summary is compounded by the fact that the name of this
19 witness was not revealed to the Prosecution until I believe 16
12:34:54 20 days - 15 February. Just on 15 February. There really has been
21 no, in our opinion, adequate explanation for why that was. The
22 Prosecution I believe by 15 February had already completed the
23 cross-examination of Mr Taylor, so it's hard to understand why
24 the Defence could not have anticipated --

12:35:23 25 PRESIDING JUDGE: That is how many days short?

26 MR KOUMJIAN: That's five days short.

27 PRESIDING JUDGE: And I recall the Defence saying because
28 the Court sat for more days than was scheduled, thereby bringing
29 forward the end of Mr Taylor's re-examination or something like

1 that. You're saying that is not an adequate excuse.

12:36:01 2 MR KOUMJIAN: Yes. I don't recall the Court sitting any
3 more days than were scheduled unless it was a day or two. We
4 took a one week break for the Defence to prepare a more efficient
5 re-examination and look at the witness list and then we began
6 with the next witness who I believe the summary - the anticipated
7 length of the direct was four days and the witness I think in
8 total took eight days with cross-examination and redirect. And
9 this witness, we were also given an estimate of five days and now
12:36:22 10 we're starting the cross-examination - I believe this is the
11 third day of direct. We had a short amount. We started on
12 Wednesday and we had Thursday and Tuesday, so basically about
13 three days.

14 So for all these reasons the Prosecution has had short
12:36:42 15 notice of preparing the cross-examination and really no - very
16 little to prepare, given the inadequate summary. So we would be
17 asking in the interest of justice to obtain the witness
18 statements, in whatever form they are, of this witness.

19 PRESIDING JUDGE: Mr Griffiths, your response, please.

12:37:07 20 MR GRIFFITHS: We oppose this application for the following
21 reasons. First of all, we are required by the Rules of the Court
22 to provide a summary, and a summary means just that: A summary.
23 Indeed, the Presiding Judge of the Trial Chamber in Brima et al
24 agreed with a submission made by the Defence on 11 July 2006 that
12:37:43 25 a summary is exactly what it says. It is not exhaustive. It is
26 a summary. That is Brima et al, 11 July 2006, page 108 of the
27 transcript at lines 6 to 8.

28 Now in terms of the factual propositions put forward by
29 Mr Koumjian, in our submission the summary is perfectly adequate.

1 This witness has given evidence, as stated in the summary, of his
2 time in Libya. He has also given evidence about Burkina Faso,
3 again mentioned in the summary, and also about his time in
4 Liberia.

12:38:39 5 Now, on that question of prejudice, one has to consider
6 what the purpose of cross-examination is. In our submission,
7 from a prosecutorial viewpoint, that purpose is firstly to put
8 forward the case advanced by the Prosecution against the
9 defendant and, secondly, to test the credibility of the
10 particular witness who is being questioned at the time.

11 Now, one should bear in mind that so far as this particular
12 witness is concerned, he was mentioned by inter alia TF1-371. He
13 was also mentioned by Moses Blah. He was mentioned by one other
14 witness briefly. But in the main the evidence concerning this
15 witness came from Suwandi Camara, whose testimony I have gone
16 through at some length. Consequently, in our submission, the
17 Prosecution have ample material and ammunition based on a witness
18 they called with which to test the testimony of this witness.

19 Furthermore, in our submission, given the profile of this
12:40:18 20 particular witness, the Prosecution have had adequate time. And,
21 yes, we accept we did not comply with the three-week disclosure
22 period. We accept that. But in our submission, the 16 days
23 which have been available, given the profile of this witness,
24 provided ample time in which any diligent Prosecutor could have
12:40:49 25 got on to the Internet, conducted a search, googled the name and
26 obtained ample material - additional material, that is,
27 additional to their witness Suwandi Camara, to fully equip them
28 to conduct a cross-examination.

29 Now, we also need to bear in mind the legal principles

1 which your Honours must apply in deciding whether or not to grant
2 this application. In our submission, there must be a showing by
3 prima facie evidence that the failure to disclose the Defence
4 witness statement, the Prosecution will suffer, and I quote,
12:41:39 5 "undue or irreparable prejudice". That comes from the decision
6 in Norman et al from 21 February 2006 at paragraph 13 and the
7 citation is SCSL 01-14-T at 562. According to that decision, the
8 Prosecution must show by prima facie evidence that by the failure
9 to disclose the Defence witness statements, the Prosecution will
12:42:18 10 suffer undue or irreparable prejudice. In our submission, the
11 facts stated by Mr Koumjian do not come even close to
12 establishing such a prima facie case.

13 It also must be borne in mind, in our submission, that
14 your Honours have a discretion in this matter and in exercising
12:42:50 15 that discretion, one must bear in mind not only alleged prejudice
16 to the Prosecution but also to the fact that disclosure
17 requirements as between the Prosecution and the Defence are
18 completely different. The starting point so far as the
19 disclosure of Defence statements is concerned is that there is no
12:43:21 20 obligation on the Defence to disclose, which is why the test for
21 disclosure has been put so high. And in our submission, the
22 Prosecution do not come close in this instance of scaling that
23 particular hurdle. Those are my submissions.

24 PRESIDING JUDGE: Mr Griffiths, before you sit, you did
12:43:44 25 file with your summary a statement that reads to this extent:
26 "No statement has been taken from the witness." Now, what I
27 would like to know is, the Prosecution have asked for disclosure
28 of a statement or statements. Your summary says no statement has
29 been taken. Can you please comment on that aspect? Do you have

1 a statement in existence?

2 MR GRIFFITHS: I do have a statement.

3 PRESIDING JUDGE: You do have a statement?

4 MR GRIFFITHS: I do.

12:44:17 5 PRESIDING JUDGE: It's in existence?

6 MR GRIFFITHS: It is in existence.

7 PRESIDING JUDGE: A statement or statements?

8 MR GRIFFITHS: But taken after the summary was filed.

9 PRESIDING JUDGE: A statement?

12:44:29 10 MR GRIFFITHS: Yes.

11 PRESIDING JUDGE: Or statements?

12 MR GRIFFITHS: A statement.

13 PRESIDING JUDGE: Thank you. Mr Koumjian, do you have
14 anything to say in response to the comments you've heard?

12:44:46 15 MR KOUMJIAN: Well, your Honour, several matters have been
16 brought up by this witness that the Prosecution had no notice of.
17 For example, his allegations regarding - I'll try to say this in
18 public without - regarding a witness - excuse me, regarding a
19 person and that person's arrest or not arrest or not being
12:45:07 20 arrested. That was something that came up yesterday and this is
21 the first notice the Prosecution has. The reason, the
22 Prosecution already has a much shorter time period for
23 investigation, half of what the Defence was given.

24 Also, when the Defence - certainly the disclosure
12:45:25 25 obligations are not equal, but the Prosecution provides redacted
26 witness statements much, much earlier and then 42 days before
27 provided the full witness statements, and we did that. We
28 complied with that obligation.

29 PRESIDING JUDGE: Yes, but, Mr Koumjian, the obligations

1 are different.

2 MR KOUMJIAN: Certainly.

3 PRESIDING JUDGE: What I thought I would hear from you is a
4 response to the burden of disclosure aspect as to whether you
12:45:50 5 think you have demonstrated to us prejudice.

6 MR KOUMJIAN: I believe we have demonstrated prejudice,
7 because it's inadequate to prepare on the basis of a summary that
8 just says no statement is taken and the witness will talk about a
9 couple of broad topics. Additionally, we were told five days
12:46:10 10 direct, and then no warning, we might finish today or we might
11 finish tomorrow. Absolutely no warning was given that the direct
12 examination would finish at least two days early. We're prepared
13 to start today, but certainly we're - we would want the witness
14 statements and we think that would - we would be prejudiced if we
12:46:29 15 don't get them. Thank you.

16 [Trial Chamber conferred]

17 PRESIDING JUDGE: First of all, I would just like to
18 reiterate what the Trial Chamber has said previously - I think
19 this was last week or the week before - in an earlier ruling
12:53:41 20 where, again, the Prosecution requested for disclosure of a
21 witness statement, and in that oral ruling we stated that there
22 is no blanket right for the Prosecution to see the statement of a
23 Defence witness. What the Prosecution does have to do is to
24 apply only for the disclosure of the statement after the witness
12:54:05 25 has testified with the Trial Chamber retaining the discretion to
26 make a decision based on the particular circumstances of the case
27 at hand.

28 Now, indeed, the Prosecution has made their application
29 after the witness has testified in chief. However, in this

1 instance we note that the summary filed by the Defence in
2 relation to this witness, in our view, was adequate in that the
3 witness's evidence-in-chief has been largely in accordance with
4 the summary and there has not, in our view, been a great
12:54:51 5 divergence from what the summary stated. As the Defence rightly
6 observe, their obligation is to give a summary to the opposite
7 side. A summary is precisely that, a summary.

8 In our view, the Prosecution has not really demonstrated
9 the need for the disclosure of the full statement, in comparison
12:55:19 10 to what happened previously where they demonstrated a
11 contradiction in the evidence. In this case that hasn't been the
12 case and, in our view, we do not - we hold that they are not
13 entitled to a disclosure of this statement.

14 However, this brings me to the second aspect, which is the
12:55:41 15 Prosecution plea of prejudice based on the late disclosure of the
16 identity details of this witness. Namely, 16 days before the
17 witness was due to testify instead of the required 21 days. The
18 Defence does not contest that this was in fact the case. Now, it
19 remains for the Prosecution to either opt for a further
12:56:17 20 adjournment to prepare for your cross-examination if you insist
21 on it, or if you think you can continue this afternoon we would
22 like to hear from you in light of that ruling.

23 MR KOUMJIAN: Your Honour, I can continue now up to - and
24 maybe fill the rest of the afternoon. However, there are some
12:56:36 25 matters we are looking into. They have not yet been resolved.
26 So I reserve the right tomorrow to ask that the next witness be
27 interposed and that the cross-examination of this witness be put
28 off. I'll have to go back to the office and check what the state
29 of the investigations are when I get back there this afternoon.

1 But I'm prepared - and I think I can do a probably maybe to the
2 rest of the afternoon, given the lunch hour to prepare further,
3 but I can start now and continue.

4 PRESIDING JUDGE: We appreciate that, Mr Koumjian, and I
12:57:13 5 think we will cross tomorrow's bridge when we get to it. I must
6 comment though and say that we have a standing practice in the
7 Court for both sides where we did direct earlier on in the trial
8 that the parties were to have a witness waiting in the wings so
9 that if for any reason the current witness is not able to
10 continue, the trial is not held up.

11 MR GRIFFITHS: Madam President, can I provide the Court
12 with some information in that regard and it's this: Whereas
13 during the currency of the Prosecution case, Prosecution
14 witnesses were housed in custom-built facilities on the third
12:58:06 15 floor, that situation has now changed. What is happening is that
16 the ICC are in the process of creating further witness
17 accommodation on the third floor on the other wing of the
18 building. That refurbishment is still incomplete. So whereas
19 during the Prosecution case witnesses had access to things like
12:58:33 20 DVD players, tea making machines, a kitchen and so on, there is
21 no such facility now available for Defence witnesses; that
22 effectively they are housed in a room with one Ikea sofa and
23 three chairs like this and a couple of stale magazines.

24 Now I'm not blaming WVS for that because they are having to
12:58:58 25 deal with conditions totally outside their control, but it does
26 mean this: That if we're to have a witness waiting in that room
27 all day, you know, it creates great hardship for that witness and
28 it may be of assistance to the Defence if an indication can be
29 given as to how long cross-examination is likely to last. That

1 way we can limit the inconvenience to the witness who is waiting
2 to come on.

3 PRESIDING JUDGE: Mr Griffiths, I don't think that we were
4 requiring a witness to literally be sitting, waiting around in
12:59:38 5 the building. We were simply saying that there should be a
6 witness waiting in The Netherlands, in The Hague, ready to step
7 in in the event that a current witness is unable to continue.
8 Because this witness can be transferred or transported from their
9 residence within the hour. They don't have to literally sit
13:00:04 10 around for the duration of the testimony, waiting inconveniently
11 in some facility here.

12 MR GRIFFITHS: I'm grateful for that indication, Madam
13 President.

14 PRESIDING JUDGE: Right. So shall we call the witness back
13:00:17 15 in or would you rather start - we could have an early lunch break
16 and return --

17 MR KOUMJIAN: I would prefer to start actually and then I
18 can organise what's left better if I start.

19 PRESIDING JUDGE: Then, Madam Court Officer, please arrange
13:00:32 20 to bring the witness in.

21 MR KOUMJIAN: Just while the witness is being brought in,
22 it's just my understanding that we did have, whenever there was a
23 possibility a witness be would be needed, a witness on standby in
24 the building. The rooms I saw were not with VCRs and tea. Many
13:00:52 25 of them were just simply in a room right next to this courtroom.
26 I think there was a facility at the very end of the Prosecution
27 case - a room that was made available that may have had more
28 amenities.

29 [In the presence of the witness]

1 PRESIDING JUDGE: Mr Koumjian, you may begin. And remember
2 to switch on and off.

3 MR KOUMJIAN: Thank you for the reminder.

4 CROSS-EXAMINATION BY MR KOUMJIAN:

13:01:51 5 Q. Mr Witness, good afternoon.

6 A. Good afternoon.

7 Q. Sir, let me just remind you of a few matters, and remind
8 myself. Because you are a protected witness, the voice
9 distortion only works if we are not speaking at the same time.

13:02:09 10 If my microphone is on, your voice will be picked up. So, sir,
11 when I finish a question, I will turn off my microphone and this
12 red light will go off. Do not begin your answer until the red
13 light goes off. Do you understand?

14 A. Understood.

13:02:25 15 Q. I'll try again. Do you understand? Wait to see the light
16 go off.

17 A. Okay.

18 Q. Thank you. Further, sir, any question that I ask that you
19 feel your answer would reveal your identity, you make the judges
13:02:40 20 aware of that. You don't have to answer until you first make the
21 judges aware that you feel it should be private. Do you
22 understand?

23 A. Okay.

24 Q. And, sir, if I've asked you a question and you fear the
13:02:53 25 question itself might lead someone to know your identity, let us
26 know and we will deal with that. Do you understand?

27 A. Okay.

28 Q. Sir, would you consider yourself a person who is aware -
29 kept aware of the events - the political events in Africa

1 throughout the 1980s and 1990s?

2 A. Yes, please.

3 Q. And, sir, would you consider yourself particularly aware of
4 the situation, politics and history of West Africa?

13:03:34 5 A. Yes, please.

6 Q. Thank you, sir. Sir, in your opinion is the RUF - was the
7 RUF a terrorist organisation?

8 A. In my opinion, according to what I heard over the news, the
9 RUF is not a terrorist organisation.

13:03:54 10 Q. Sir, do you consider Foday Sankoh, that he was a terrorist?

11 A. No.

12 Q. Sir, my next topic maybe is better in closed session so
13 I'll skip it for now. Do you feel that --

14 PRESIDING JUDGE: Mr Koumjian, could I just interpose a
13:04:21 15 question to the witness.

16 What is your definition, Mr Witness, of a terrorist or
17 terrorist organisation? How would you define a terrorist
18 organisation?

19 THE WITNESS: How I would define a terrorist organisation?
13:04:42 20 It's an organisation that is bent on the destruction of life and
21 property without any meaning and purpose, to disturb the peace
22 within a human being.

23 PRESIDING JUDGE: You mean if they destroyed life but with
24 a purpose that would not be terrorism?

13:05:10 25 THE WITNESS: With a purpose?

26 PRESIDING JUDGE: Yes. Because you've defined terrorism or
27 terrorist organisation as one that is bent on destruction of life
28 and property without any meaning and purpose.

29 THE WITNESS: For selfish ends.

1 PRESIDING JUDGE: And who is a terrorist in your
2 definition?

3 THE WITNESS: In my definition imperialism is terrorist,
4 neocolonialism is terrorist.

13:05:46 5 PRESIDING JUDGE: Mr Koumjian, you said you wanted to ask
6 some things in private session.

7 MR KOUMJIAN: I'll continue in open session for now:

8 Q. Sir, you talked about the terrorists being the
9 imperialists. Can we put a name on who these imperialists are?

13:05:59 10 A. It's the highest stage of capitalism.

11 Q. Sir, in the 1980s, 1990s would you consider the United
12 States, in your view, a terrorist organisation?

13 A. Yes.

14 Q. Or State?

13:06:14 15 A. Yes, please.

16 Q. Sir, I want to ask you a little bit about relations among
17 the peoples of West Africa. Do you feel you have knowledge about
18 the relations and history of the peoples of West Africa?

19 A. Yes, please.

13:06:40 20 Q. Sir, let's start with The Gambia. The people of The
21 Gambia, would you agree, are very close in many ways to the
22 people of Sierra Leone?

23 A. Yes, please. But they are more closer to the Senegalese
24 and Guineans than to the Sierra Leoneans.

13:07:01 25 Q. However, there are many things that they share in common
26 with Sierra Leoneans that they do not with Senegalese and
27 Guineans, correct?

28 A. Yes, that is the English-imposed language on the indigenous
29 people.

1 Q. So language is one area that they share with the Sierra
2 Leoneans, correct?

3 A. Yes, the language and the foreign culture that was imposed
4 on the people.

13:07:24 5 Q. They had a common colonial history under Great Britain,
6 correct?

7 A. Correct.

8 Q. And, in fact, during the colonial period for some time is
9 it correct, sir, that The Gambia and Sierra Leone shared the same
10 governor, the same colonial governor ruled both territories?

11 A. Yes, please.

12 Q. During that period of history civil servants would often be
13 assigned between those countries. So, in other words, Sierra
14 Leoneans were working in Gambia, Gambians in Sierra Leone,
15 correct?

16 A. Yes, please.

17 Q. That would include, for example, lawyers and judges,
18 correct?

19 A. Correct, yes.

13:08:04 20 Q. And, as a result of that, there was quite a bit of
21 intermarriage among these peoples and there's people of mixed
22 blood, Gambian and Sierra Leonean, in both countries, correct?

23 A. Yes, correct.

24 Q. Sir, who are the Aku people?

13:08:23 25 A. The Aku people, according to the way Gambians define them,
26 are the freed slaves who were brought to Sierra Leone and from
27 Sierra Leone were brought to The Gambia as administrative
28 officers.

29 Q. Thank you. And that's spelled A-K-U, correct?

1 A. Correct, yes.

2 Q. So this again is something in common in the history of
3 Sierra Leone and Gambia; that freed slaves went to both countries
4 and in fact freed slaves went from Sierra Leone to The Gambia?

13:08:58 5 A. That's correct.

6 Q. The Gambia does not share the same type of cultural and
7 historical bonds with Liberia, would you agree?

8 A. That's correct.

9 Q. Because Liberia had more of a North American/US influence
10 throughout its history, correct?

11 A. Correct.

12 Q. Sir, who are the Sarahule people?

13 A. The Sarrekule people, it's a business ethnic. They live in
14 Senegal, Mali, Gambia and Sierra Leone and Ivory Coast, please.

13:09:47 15 Q. And you can correct my spelling, sir. Would it be spelled
16 S-A-R-A-H-U-L-E?

17 A. I would have spelled it S-A-R-R-E-K-U-L-E.

18 Q. We'll take your spelling, sir.

19 A. Sarrekule is the name that they call them in The Gambia or
13:10:18 20 maybe in Sierra Leone and Liberia, but they are called Marakalas.

21 Q. Is that Marakala?

22 A. Yeah, the Marakala.

23 Q. I believe that's been spelled previously on the record. Is
24 that M-A-R-A-K-A-L-A-S?

13:10:41 25 A. That's correct.

26 Q. S for the plural. Sir, these were often people that often
27 dealt in precious stones and many times going from Sierra Leone
28 to The Gambia, correct?

29 A. Yes, correct and they are also engaged in commerce and

1 trade.

2 Q. Thank you. And, sir, another very important influence on
3 the relations between Sierra Leone and Gambians was Fourah Bay
4 College. Would you agree with that?

13:11:09 5 A. Correct, because we had a lot of our cadres trained in
6 Fourah Bay College.

7 Q. Fourah Bay was the leading educational institution in West
8 Africa and attracted people from all over Africa, in fact, to
9 study at that institution, correct?

13:11:26 10 A. Correct.

11 Q. That was before the war and the terror destroyed the
12 university, correct?

13 A. Correct.

14 PRESIDING JUDGE: Mr Koumjian, there's an answer the
13:11:36 15 witness gave at line 13 relating to certain cadres. Do you not
16 think that that would reveal at least something about the
17 witness?

18 MR KOUMJIAN: I can clarify. I don't think so:

19 Q. Sir, when you say cadres were trained at Fourah Bay
13:11:58 20 College, you mean Gambian people of all walks of life were
21 trained at Fourah Bay College, is that what you meant, sir?

22 A. Gambian lawyers, Gambian teachers, Gambian medical officers
23 were trained in Sierra Leone.

24 Q. Is that what you meant, sir, when you said "our cadres" --

13:12:17 25 A. Yes. The administrative elites that were trained in Sierra
26 Leone by the colonialists.

27 Q. Thank you, sir. And another difference between -
28 culturally between Gambia with Sierra Leone and Liberia is the
29 religious composition of the population. The Gambia is

1 predominantly Muslim, correct?

2 A. Yes, The Gambia is predominantly Muslim. The Christians
3 are only a few within the capital city and Kombo St Mary
4 Division.

13:12:50 5 Q. Sierra Leone is predominantly Muslim, about 60 per cent,
6 would you agree with that?

7 A. Yes, please.

8 Q. However, Liberia has a much smaller percentage of Muslims,
9 about 20 per cent or so. Would you agree with that?

13:13:02 10 A. Yes, I agree to that. And mostly they are of Guinean,
11 Gambian or Ivorian origin.

12 Q. Now, sir, do you feel that you got to know Charles Taylor
13 well over the years?

14 A. No.

13:13:28 15 Q. And why is that, when you spent, you said, two years in
16 Liberia and you knew him previous to that? Why is it that you
17 feel you do not know him well?

18 A. According to my philosophy, man is a known and unknown
19 being. Known and unknown. You will know a human being and you
13:13:50 20 cannot know him at the same time. I know Charles Taylor the
21 politician.

22 Q. Thank you. Sir, did Charles Taylor deceive you on any
23 occasions?

24 A. Never, to my knowledge.

13:14:02 25 Q. Now, you had political discussions with him, correct?

26 A. Yes, correct.

27 Q. As a person in your position, you discussed politics,
28 historical events, current events with him, correct?

29 A. Correct, yes.

1 Q. Now, sir, you said - I'm trying to be very careful to make
2 sure - to recall whether this was in open session. I believe it
3 was. I'll just check with my colleague. You talked, sir, I
4 believe in open session - and anyone please correct me if I am
13:14:56 5 wrong - about Charles Taylor being detained in Ghana.
6 A. Correct.
7 Q. And, sir, did you ever see Charles Taylor in Ghana?
8 A. No.
9 Q. Now, you said he had been arrested because he was suspected
13:15:14 10 of working with the Central Intelligence Agency of the United
11 States government, correct?
12 A. Correct.
13 Q. Would you associate with someone who was working with the
14 United States government's intelligence agency?
13:15:28 15 A. If it is confirmed, no.
16 Q. Well, what if it's not confirmed but it's not confirmed
17 that it isn't? In other words, what if the question is
18 unanswered?
19 A. Can you repeat the question again?
13:15:40 20 Q. Would you associate with someone that was suspected and you
21 could not confirm whether it was true or not of being -
22 associating with the Central Intelligence Agency?
23 A. I am a politician. Before I engage myself with anybody
24 else, I have to be certain to be sure that what I've been told is
13:15:59 25 correct. So I will not associate myself, never, with somebody
26 who is working as an agent for the CIA. Never.
27 Q. Thank you. And I believe you told us that you determined
28 that these allegations of Charles Taylor's links with the CIA
29 were false. Is that correct?

1 A. Yes, it's correct. I was told by, as I said, Assah Gymah,
2 the colonel who was working with Kojo Tshikata that it was a
3 campaign to discredit Charles Taylor; that it was not true.

13:16:37

4 Q. Sir, did you ever discuss with Charles Taylor any of these
5 allegations?

6 A. Never, up until today.

7 Q. Sir, did you ever ask Charles Taylor how he escaped from
8 the United States prison?

13:16:50

9 A. I never discussed his escape from the United States. I
10 never discussed with him how he escaped from the United States
11 prison.

12 Q. Now, sir, did you ever discuss that with these Ghanaians
13 that were doing the investigation? Did they ever tell you - what
14 they- how they determined whether or not Charles - how he - let

13:17:05

15 me try that again. You mentioned Mr Tshikata --

16 A. Kojo Tshikata and --

17 Q. Kojo Tshikata.

18 A. -- Colonel Assah Gymah.

13:17:17

19 Q. And Colonel Gymah. Did you ever discuss with them how
20 Charles Taylor got out of prison in the United States?

21 A. No.

22 Q. Well, sir, what if someone told you that Charles Taylor
23 escaped with the assistance of the Central Intelligence Agency?
24 What would you say about that?

13:17:34

25 A. That's his opinion. I don't know what he is telling me,
26 whether it's right or not.

27 Q. So you believe Charles Taylor might have escaped with the
28 help of the Central Intelligence Agency from the United States
29 prison?

1 A. If I have the proofs, I will believe. And since I don't
2 have the proofs, I cannot believe.

3 Q. Sir, in your knowledge, did Charles Taylor, after he went
4 to Ghana, ever receive - I'm going all the way up to 2006 when he
13:18:10 5 was arrested - ever receive assistance from the Central
6 Intelligence Agency or any intelligence agency of the United
7 States?

8 A. No.

9 Q. Now, was Charles Taylor forthright and open with you in
13:18:25 10 your discussions, in your opinion?

11 A. With all the political discussions I had with Charles
12 Taylor, he was upright with me and he was frank with me.

13 Q. Well, if someone said that Charles Taylor, in fact, was
14 exchanging information with the Central Intelligence Agency
13:18:45 15 during the 1990s, would that surprise you?

16 A. It will not surprise me, but it will also surprise me,
17 unless the person gives me the proofs that he was doing it.

18 Q. Is that - do you believe Charles Taylor could have been
19 exchanging information with the Central Intelligence Agency in
13:19:04 20 the 1990s?

21 A. I couldn't believe it.

22 Q. What if someone testified under oath that Charles Taylor
23 received highly sophisticated communications equipment from the
24 United States government during the time you were in Liberia?

13:19:24 25 A. And if I have seen those sophisticated equipments, I will
26 believe it, but I didn't see any sophisticated equipments. What
27 the person is telling me, he is presuming, to me.

28 Q. Sir, did any colleague --

29 JUDGE DOHERTY: Sorry, Mr Koumjian, I heard you say - the

1 record shows sophisticated communications and the reply is
2 sophisticated equipment. There is a difference there.

3 THE WITNESS: Yes, the communications.

4 MR KOUMJIAN:

13:19:52 5 Q. Sir, I did say - I thought I said equipment. Did you ever
6 learn that Charles Taylor had received sophisticated
7 communication equipment from the United States intel --

8 A. No.

9 Q. Please wait for the red light to go off and wait for my
13:20:10 10 question. Sometimes I'm a little slow, so be patient with me.

11 From the United States intelligence community?

12 A. No.

13 Q. Sir, to your knowledge, was Charles Taylor in communication
14 with the United States embassy radio communication in the Ivory
13:20:29 15 Coast during the time that you were in Liberia?

16 A. No.

17 Q. You laugh. Why do you find that funny?

18 A. Charles Taylor is a leader. I am a leader. He will not
19 tell me what he is doing. These are military secrets.

13:20:43 20 Q. Now, during the time - I'll come back to this question
21 because it needs to be said in private session. Let me just ask
22 you: Did any other person in Liberia that you had any
23 association with ever tell you that Charles Taylor was
24 communicating with the American embassy in the Ivory Coast?

13:21:04 25 A. No.

26 Q. Would any of the people that you would have known before
27 Liberia ever talk to you about Charles Taylor receiving
28 sophisticated communications equipment from the United States?

29 A. No.

1 Q. Sir, you did know some people in Liberia that you had known
2 before, correct?

3 A. Before the war?

13:21:29

4 Q. Before you went to Liberia, there were some people that you
5 knew well who were also in Liberia, correct?

6 A. Correct, yes.

7 Q. Some of them were your compatriots, correct?

8 A. Correct.

13:21:42

9 Q. Did these compatriots ever tell you about Charles Taylor
10 communicating with the United States embassy in the Ivory Coast?

11 A. No.

12 Q. Did they ever tell you about the - about sophisticated
13 radio equipment received from the American intelligence that went
14 to Charles Taylor?

13:21:59

15 A. No.

16 Q. Sir, what assistance are you aware of that Charles Taylor
17 received from Libya?

13:22:32

18 A. The assistance that I'm aware that Charles Taylor received
19 from Libya is the assistance that was channelled through the
20 Mathaba Alimia - that is the world centre for resistance against
21 imperialism - of which he is a member; the training of his
22 cadres, that is, of his combatants and their return - the
23 facilities for their transportation and their return back to
24 Burkina Faso.

13:22:47

25 Q. Sir, I'm not asking - just to be clear - I think you
26 partially answered my question. I'm not asking about the
27 mechanism or through what part of the Libyan government or
28 movements he received the assistance. I'm asking you what the
29 assistance was. If I understand your answer, you talked about

1 transportation and training. Are you aware of any other
2 assistance?

3 A. No.

13:23:22

4 Q. To your knowledge, did Charles Taylor ever receive arms
5 and/or ammunition from Libya?

6 A. No.

7 Q. My question wasn't precise. Does that mean he did not to
8 your knowledge, or you don't know?

9 A. I don't know.

13:23:33

10 Q. Did Charles Taylor receive arms or ammunition from Burkina
11 Faso to your knowledge?

12 A. No.

13 Q. Sir, isn't it true that Burkina Faso sent soldiers to
14 assist Charles Taylor in Liberia?

13:23:48

15 A. No.

16 Q. When you were in Liberia, sir, what nationalities did you
17 see among the ranks of the NPFL?

18 A. Nationalities - combatants?

19 Q. Yes. Well, members of the NPFL.

13:24:08

20 A. Liberians.

21 Q. What other nationalities?

22 A. The Gambians who were there as security personnel for
23 Charles Taylor.

24 Q. Did the Gambians play a role outside of security?

13:24:22

25 A. No.

26 Q. What other nationalities were you aware of?

27 A. None.

28 Q. Sir, what were the ages of the NPFL combatants?

29 A. The ages of the NPFL combatants to my knowledge, and as I

1 saw them, from 25 upwards. 25 years upwards.

2 Q. Thank you, sir. And sir, you mentioned that you slept in
3 Kakata a couple of nights; is that correct?

4 A. That's correct.

13:24:59 5 Q. Did you pass through Kakata on other occasions?

6 A. All the time on my way going to Buchanan or on my way going
7 to Gbarnga and going to Ivory Coast, obligatory have to pass
8 through Kakata. There is no other way.

9 Q. And, sir, were you present in Liberia when the NPFL took
13:25:22 10 Kakata?

11 A. No, I was not present.

12 Q. Sir, in Kakata or anywhere else in Liberia did you pass
13 through checkpoints?

14 A. All the checkpoints that were mounted for security reasons
13:25:37 15 from Loguato to the border with the Ivory Coast, there are
16 checkpoints all the way up to Buchanan. So obligatory you have
17 to pass through all those checkpoints.

18 Q. Can you describe what you saw at the checkpoints?

19 A. The checkpoints, it's just a normal checkpoint where you
13:25:55 20 have a small command post. They block the road and there are
21 soldiers manning the road. They block.

22 Q. Thank you. What were the ages of those manning the
23 checkpoints?

24 A. As I told you, from 25 upwards.

13:26:12 25 Q. Sir, did you see displays of human skulls or bones at the
26 checkpoints?

27 A. No.

28 Q. Sir, you've talked about being in another country when you
29 heard about the NPFL invasion of Liberia, correct?

- 1 A. Yes, I was in Burkina Faso.
- 2 Q. Sir, do you recall the date of that invasion?
- 3 A. I can't remember the date.
- 4 Q. Okay, fine. Do you believe it could have been - just to
13:26:55 5 remind you - 24 December 1989?
- 6 A. Yes.
- 7 Q. Sir, on the broadcast that you heard, did you hear Charles
8 Taylor speaking?
- 9 A. No, it is Focus on Africa.
- 13:27:08 10 Q. Correct. Did you hear Charles Taylor speaking to the --
- 11 A. No.
- 12 Q. Please let me finish the question.
- 13 A. I'm sorry.
- 14 Q. Speaking to the reporter on the Focus on Africa programme?
- 13:27:19 15 A. The first day I heard Focus on Africa relating the story of
16 the first attack in Liberia, but I didn't hear Charles Taylor
17 speaking.
- 18 Q. Do you know where that first attack was, which part of
19 Liberia?
- 13:27:33 20 A. I can't remember the name.
- 21 Q. That's fine. Sir, was it in Nimba County, to your
22 knowledge?
- 23 A. Yes, I know it is in Nimba County.
- 24 Q. Sir, where was Charles Taylor when that attack was
13:27:49 25 launched?
- 26 A. I was in Burkina Faso. I didn't know where Charles Taylor
27 was.
- 28 Q. A few days after that attack, you said Charles Taylor shows
29 up in Burkina Faso. Is that right?

1 A. Yes, he came to Burkina Faso.

2 Q. To report. Is that right?

3 A. Yes, please.

4 Q. Sir, why wasn't Charles Taylor with the fighting men? Why
13:28:21 5 was he in Burkina Faso just days after the launch of the
6 invasion?

7 A. Charles Taylor has his family in Burkina Faso.

8 Q. So he abandoned his fighters to go to be with his family
9 just days after the invasion?

13:28:40 10 A. I cannot say he abandoned the fighters.

11 Q. What was he doing in Burkina Faso?

12 A. He came to see his family. Can I clarify something?

13 Charles Taylor is a leader. I am a leader. The programme of the
14 NPFL is a confidential programme. It's a personal programme for
13:29:02 15 the NPFL, and I don't share their programme with them and our
16 {redacted}.

17 Q. So you are not aware of what his reason for going to
18 Burkina Faso was on that occasion. Is that right?

19 A. Yes, it's right. And I said to the judges that whatever
13:29:18 20 Charles Taylor does, he doesn't inform me. The only closeness to
21 Charles Taylor - between me and Charles Taylor is when I have
22 political discussions with him. Based on his military
23 activities, Charles Taylor doesn't tell me; I don't tell him what
24 I do with my military programmes.

13:29:39 25 MR KOUMJIAN: Do I have time, your Honour? Or I can break
26 now.

27 PRESIDING JUDGE: This is an appropriate time to break. We
28 will resume at 2.30.

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

1 [Upon resuming at 2.30 p.m.]

2 MR GRIFFITHS: Madam President, can I announce a change in
3 appearance. Mr Anyah is no longer with us.

4 PRESIDING JUDGE: That's noted, Mr Griffiths.

14:32:06 5 Before Mr Koumjian continues, I'd like the parties to look
6 at page 51. This is shortly before the lunch break where the
7 witness said something about their movement. Do you see that
8 that is information that can reveal his identity? I think at
9 least the name of the movement should be redacted.

14:32:37 10 MR GRIFFITHS: I respectfully agree.

11 PRESIDING JUDGE: Madam Court Officer, if you could - well,
12 it's too late to take off the air, but for the record I hope that
13 that can be redacted.

14 Okay, please continue, Mr Koumjian.

14:32:55 15 MR KOUMJIAN: Your Honour, just before I continue with the
16 cross-examination, I just wanted to notify the Court of an
17 application we would make and ask - it's up to your Honours when
18 you want to hear it - and that is that we would, because of the
19 late notice, prefer to interpose the next witness's direct
14:33:16 20 examination tomorrow and complete this witness's
21 cross-examination after that direct.

22 PRESIDING JUDGE: Mr Koumjian, we could dispose of that
23 application now. It's on the record, and I may ask the Defence
24 now to please respond.

14:33:49 25 MR GRIFFITHS: Madam President, whereas the ideal position
26 would be to complete the evidence of a witness - because
27 otherwise it could lead to a degree of confusion - nonetheless we
28 do have other witnesses available to call tomorrow. I doubt,
29 however, whether their evidence-in-chief could be concluded in

1 the course of a court day, so I don't know what my learned friend
2 is suggesting. Is he suggesting that we adjourn until the
3 completion in toto of the evidence-in-chief of the next witness,
4 or merely that we adjourn for a day?

14:34:37 5 PRESIDING JUDGE: No, I think he says in toto. Yes.

6 MR GRIFFITHS: Well, we will have a witness available. We
7 would submit that such a situation is somewhat unsatisfactory,
8 but at the end of the day it's a matter for your Honours.

9 PRESIDING JUDGE: Well, I did say in the morning that the
14:35:04 10 Prosecution would be entitled to some time arising out of the
11 late disclosure of the personal details of the current witness.
12 Now they're coming back to ask for that time, the time being the
13 time required by the next witness in chief, and so really I don't
14 see that there's much choice in this. So I think tomorrow

14:35:32 15 morning we will begin with the evidence-in-chief of the next
16 witness and until that witness closes their case in chief - or
17 ends their evidence-in-chief, we will then revert to the
18 cross-examination of the current witness.

19 MR GRIFFITHS: Very well.

14:35:59 20 MR KOUMJIAN: Thank you:

21 Q. Sir, just to remind you again to watch the light, just for
22 your own protection, so that the voice distortion works.

23 Before I go back just to where we were at the break, sir,
24 can you give us your view of the difference - is there a
14:36:18 25 difference between a revolution and a coup d'etat?

26 A. There is a difference - a big difference between a
27 revolution and a coup d'etat. A coup d'etat is when military
28 officers conspire to overthrow a government, an elected
29 government. A revolution is taking - undertaken by

1 revolutionaries who are not military for the radical
2 transformation of statistics.

3 Q. Sir, is this definition that you just gave something that's
4 particular to you, or is this something known, would you say, in
14:37:14 5 general by, for example, those who attended the Mathaba?

6 A. It's generally known to those that attend at the Mathaba,
7 and it's generally known to those who also refuse to acknowledge
8 this definition.

9 PRESIDING JUDGE: Mr Witness, you said for the radical
14:37:31 10 transformation of what?

11 THE WITNESS: Statistics.

12 PRESIDING JUDGE: Statistics?

13 THE WITNESS: Yes.

14 MR KOUMJIAN:

14:37:41 15 Q. Sir, just to give some concrete examples in West Africa,
16 for example; Liberia 1989, the invasion of the NPFL, do you
17 consider that a coup d'etat or a revolution?

18 A. It's a revolution. It's not a coup d'etat.

19 Q. The Gambia, let's say, in 1981, was that a revolution or a
14:38:07 20 coup d'etat?

21 A. It's a popular revolution.

22 Q. Sir, let's take two examples from Sierra Leone: First, the
23 1991 invasion of Sierra Leone, which included the RUF, was that a
24 revolution or a coup d'etat?

14:38:21 25 A. It's a revolution.

26 Q. How about the 1997 overthrow of Kabbah by members of the
27 Sierra Leone Army?

28 A. That's a coup d'etat.

29 Q. Is that something that would be clear to people who had

1 attended - were politically sophisticated enough to attend the
2 Mathaba?

3 A. Can you repeat the question?

4 Q. Thank you. It wasn't very clear. Is that distinction that
14:38:45 5 you just gave, for example, from Sierra Leone, something that
6 would be clear to those that had attended the Mathaba?

7 A. Yes.

8 MR KOUMJIAN: Your Honours, I understand we do have
9 prepared in court - your Honours have heard this fairly recently
14:39:05 10 - MFI-320, a very short radio broadcast, and 320B is a very short
11 transcript. If the transcripts could be distributed.

12 PRESIDING JUDGE: What is going on? Are we having the
13 transcript on the overhead or what?

14 MS IRURA: Your Honour, the transcript is on the overhead.
14:40:32 15 We are trying to play the tape. We are confirming with the AV
16 booth that everything is functional.

17 [Audiotape played to the Court]

18 PRESIDING JUDGE: I'm not sure if - Mr Witness, were you
19 following on the transcript?

14:43:08 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: You saw where the tape begins?

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: Okay.

24 MR KOUMJIAN:

14:43:15 25 Q. Thank you, sir. So, sir, did you recognise
26 Charles Taylor's voice in that interview?

27 A. Yes, please.

28 Q. And, sir, in this sentence when Charles Taylor says, and
29 I'm reading from the screen five lines up, the middle of the

1 line:

2 "After he was overthrown, it is known by everyone that I've
3 been friendly with Foday Sankoh for many years, before the
4 revolution."

14:43:48 5 Sir, which revolutions relate to Foday Sankoh that you know
6 of?

7 A. Where? In Liberia or in Sierra Leone?

8 Q. In either place, both.

9 A. I don't know any other revolution in Liberia or in Sierra
14:44:04 10 Leone.

11 Q. Just the two that you've mentioned. Is that correct?

12 A. Correct, yes.

13 Q. And that would be the 1989 revolution, as you put it,
14 started by Charles Taylor and the NPFL, correct?

14:44:14 15 A. Correct, yes.

16 Q. And in Sierra Leone, the 1991 RUF invasion of Sierra Leone?

17 A. Correct.

18 Q. Thank you very much. Now, sir, I want to go back to where
19 we were at the break. You were talking about Charles Taylor
14:44:36 20 appearing in Burkina Faso soon after the invasion of 24 December
21 1989 and what you told us is that you don't know why he came
22 because that's an internal matter. Correct?

23 A. Correct, yes.

24 Q. Sir, have you forgotten what you told the Court just
14:45:02 25 yesterday about why Charles Taylor went to Burkina Faso?

26 A. I can't remember. Can you remind me?

27 Q. Yes, I'd be happy to. If we can have the witness shown
28 page 36775 from yesterday's transcript. Sir, I'm going to begin
29 to read from line 6, and this is what you said:

1 "A. I saw Charles Taylor a few days after the launch of
2 the Liberian revolution.

3 Q. Where did you see him?

14:46:09

4 A. I saw him in Burkina Faso when he came to brief the
5 Burkinabe authorities of the confusion between him and
6 Prince Johnson who deserted his group, because Prince
7 Johnson had violated the sacred principle and the oath they
8 took among all the Liberian revolutionaries that no
9 Liberian revolutionary would kill a comrade.

14:46:35

10 Q. And this Prince Johnson - you say he had violated the
11 sacred principles - what in fact had he done?

12 A. He killed his fellow comrades during the liberation
13 struggle.

14 Q. And what did he do after that, this man Prince Johnson?

14:46:53

15 A. He deserted the group in fear that he would be arrested
16 and court-martialed.

17 Q. And did he form another group?

18 A. He formed the INPFL.

19 Q. Now, when you learnt of this, did you speak to
20 Charles Taylor about it?

14:47:11

21 A. When I learnt of it I went to Charles Taylor and I
22 spoke to him and offered our revolutionary solidarity to
23 secure him during the struggle in Liberia."

24 Sir, why was it this morning you told us you did not

14:47:35

25 remember - or that you did not know why Charles Taylor came to
26 Burkina Faso because these were internal matters?

27 A. Charles Taylor came to Burkina Faso for his own personal
28 internal matters. These matters you are talking were matters
29 that had been already announced over BBC before he came to

1 Burkina Faso.

2 Q. Sir, these matters were not announced over BBC. Where did
3 you hear these on the BBC?

14:48:04

4 A. It was announced when Prince Johnson deserted the NPFL. It
5 was announced over BBC. Check your reports - records correctly.

6 Q. Who was announcing this on the BBC?

7 A. BBC radio station.

8 Q. Who were they speaking to?

14:48:18

9 A. I can't remember the speaker, the journalist who was
10 speaking.

11 Q. Now, sir, you said in your answer that Charles Taylor came
12 to speak to the Burkinabe authorities. That's what you told us
13 yesterday. Which authorities did he go to speak to?

14:48:32

14 A. Charles Taylor came to talk to the President and his
15 government.

16 Q. That would be Blaise Compaore?

17 A. You are right.

14:48:46

18 Q. Now, sir, you've told us about the principle of
19 non-intervention in the internal affairs of movements. Does that
20 principle apply?

21 A. Yes.

22 Q. Well, sir, why would any outsider, Blaise Compaore or
23 yourself, get involved in an internal power struggle within the
24 Liberian movement?

14:49:00

25 A. I cannot see it as an intervention when he comes to brief
26 his revolutionary comrades on what is happening in his own - on
27 the grounds.

28 Q. Well, he came to tell them, you said, about an internal
29 power struggle, correct?

1 A. This is an internal power struggle. That was not a secret
2 for everybody inside the movement and throughout the country in
3 general.

4 Q. Was Charles Taylor dependent on the Burkinabe government?

14:49:27 5 A. Charles Taylor is an independent leader and he depended on
6 nobody.

7 Q. But you say that within days of his revolution when his
8 fighters are still in the country, he's in Burkina Faso - you
9 told us this morning - to visit his family. Correct?

14:49:45 10 A. Yes, correct.

11 Q. Now, sir, I'll come back to your own views of this internal
12 struggle and reactions later. And perhaps it might be better to
13 do that in closed session. So let me just ask you a few other
14 questions while we're in open session. I see there's no one in
15 this audience. This is as good a time as any.

14:50:18

16 Your Honour, can I ask that we go into private session.

17 PRESIDING JUDGE: For the members of the public out there
18 listening, this is for the protection of the witness testifying.

19 Madam Court Officer, please.

20 [At this point in the proceedings, a portion of
21 the transcript, pages 36952 to 36990, was
22 extracted and sealed under separate cover, as
23 the proceeding was heard in private session.]

24

25

26

27

28

29

1 [Open session]

2 MS IRURA: Your Honour, we're in open session.

3 MR KOUMJIAN:

4 Q. Mr Witness, we're now in open session, which means while
16:02:14 5 the public cannot see your face or hear your voice, what you say
6 would be heard. So again, if anything in your answer would
7 reveal your identity, let us know; you don't have to answer in
8 public. Do you understand, sir?

9 A. But is my voice going to be distorted?

16:02:28 10 Q. Yes, sir, your voice is now being distorted as long as I
11 keep my microphone off. As long as we don't talk at the same
12 time. Do you understand?

13 A. Okay.

14 Q. Sir, when did you first have contact with the Defence in
16:02:40 15 this case?

16 A. The Defence?

17 Q. Yes, sir.

18 A. I know of the Defence when I came here.

19 Q. Well, did you travel here without any prior arrangements,
16:02:56 20 just on your own?

21 A. I only saw a lawyer, who came to interview me in
22 {redacted}. I don't know whether he is from the Defence or he is
23 from the Prosecution. I was told that he was from the Special
24 Court of Sierra Leone.

16:03:10 25 Q. What was the name of that lawyer?

26 A. I think it's a lawyer, Silas.

27 Q. Thank you. And when was that, sir?

28 A. Just few months ago.

29 Q. How many days - did you speak to him one day, or more than

1 one day?

2 A. I speak to him one day. It took a whole day.

3 Q. Sir, prior to speaking to him, how was that meeting with
4 him arranged?

16:03:43 5 A. The meeting with him was arranged because the general
6 impression - excuse me. I want you people to understand what is
7 happening. The general impression before was that I was dead and
8 nobody knew where I was.

9 PRESIDING JUDGE: Before you say any more, I just want to
16:04:05 10 inquire from Mr Griffiths. Is the name {redacted} going to
11 endanger the protection of this witness?

12 MR GRIFFITHS: I don't think so. Not in this context.

13 PRESIDING JUDGE: Please proceed.

14 THE WITNESS: It was the general impression, and the
16:04:29 15 information that was circulating throughout Africa was that I was
16 dead.

17 MR KOUMJIAN:

18 Q. Sir, before you go on, just - do you prefer to have the
19 location of your interview, the country, taken out of the record?
16:04:42 20 Would that reveal something that you don't want to be public?

21 A. I don't think people knew that I was interviewed.

22 Q. But you just stated publicly where it was. Does that
23 bother you, to have the country in the record?

24 A. Yeah, that one, yeah, remove it. It's better.

16:05:00 25 PRESIDING JUDGE: Could Madam Court Officer redact the
26 names of the country that the witness mentioned and that I
27 mentioned from the record.

28 For members of the public who are sitting there listening,
29 you are not to repeat the name of a country just mentioned

1 previously outside of the Court, please.

2 MR KOUMJIAN:

3 Q. Sir, you were saying that people thought you were dead?

16:05:30

4 A. Yes. So on my private visit to Ghana, I was on my way
5 going back - because I have {redacted} based in Burkina Faso -
6 so I had to pass to go and see my children in Burkina Faso on my
7 way going back to Mali and going to Senegal. So when I arrived
8 in Burkina Faso, I was there. The day I was preparing to leave,
9 that was the day I met one

16:05:49

10 {redacted}

11

12 so he met me, and it is through him that
13 I was - that I had contacts, and then he was the one who informed
14 one of my Liberian friends that he saw me. The man refused flat
15 that it was not true because I was not told - he was told that I
16 was dead, and it is through those contacts that I was able to get
17 in touch with him later on.

16:06:25

18 MR GRIFFITHS: Madam President, I'm somewhat concerned
19 about details of where the {redacted} are based.

16:06:54

20 PRESIDING JUDGE: Mr Witness, some of these are entirely in
21 your hands. Some of this information nobody asks you, but you
22 volunteer it. You are best placed to know what endangers you or
23 your family and what doesn't. You know that we're in open
24 session, so it's up to you to be careful also. But if in the
25 order of redaction you could also redact the reference to the
26 witness's relatives, please, whether in the comment by Counsel
27 Griffiths as well.

16:07:19

28 THE WITNESS: Then can I add that even how - whom I met and
29 how I met until I contacted the Sierra Leonean Special --

1 PRESIDING JUDGE: No.

2 THE WITNESS: It's also - people will know who I am. They
3 will know who I am. I am not a hidden person in Africa. People
4 know me very well.

16:08:05 5 PRESIDING JUDGE: So what are you saying? That we should
6 throw away the protective measures?

7 THE WITNESS: No, we cannot throw away the protective
8 measures, because I want to be protected.

9 PRESIDING JUDGE: And we are trying our best to protect you
16:08:19 10 by the means that we know. That is why occasionally we go into
11 private session so that what you say will not be heard outside
12 the Court. But when we do go in open session, Mr Koumjian has
13 requested you before that if you're going to give an answer and
14 you think it's going to reveal your identity, say so or don't
16:08:41 15 answer. But on so many occasions you've not been asked
16 something, you've volunteered the information, and within that
17 information you yourself are endangering your protection.

18 THE WITNESS: Excuse me, your Honour, the reason why I am
19 going sometimes into detail, I think all of you can observe the
16:09:02 20 confusion that was between him and me - between his Honour when
21 he was asking - putting up things up and down, up and down all
22 the time. So I came here, I took the oath, I put my hand on the
23 Koran to tell the truth. And if I don't explain for you people
24 to understand what I am saying is deep from my heart and it is
16:09:23 25 truth, it will bring confusion.

26 PRESIDING JUDGE: I think we're all agreed that we can
27 redact the reference to - the additional information you've said
28 - the part relating to the counsellor-general. Perhaps we could
29 redact the country of the counsellor-general. That would render

1 the information general enough. So please proceed as we wait for
2 the instrument.

3 MR KOUMJIAN:

16:10:07

4 Q. Sir, since you arrived in The Hague, have you spoken to
5 members of the Defence team?

6 A. I was asked that I should be meeting I don't know who, and
7 I have rejected that. I don't want to meet anybody.

8 Q. Did you speak to anyone --

9 A. No.

16:10:21

10 Q. -- here in The Hague?

11 A. No.

12 Q. In fact, you were asked if you would consent to an
13 interview with the Prosecution, correct?

14 A. Yes, I was asked and I said no.

16:10:30

15 Q. Why is that, sir?

16 A. Yeah, I want to talk directly to the judges to explain,
17 because I didn't come here to bail Charles Taylor out. I came to
18 tell the truth of what happened.

16:10:45

19 Q. Sir, let me repeat the question and make sure - and you can
20 speak directly to judges. That's who you should speak to, but
21 just answer the question. Why did you not want to speak to the
22 Prosecution if you're here just to tell the truth?

23 A. I am - I came to the speak to the judges. I didn't come to
24 speak to the Prosecution.

16:11:03

25 Q. Sir, you spoke to the Defence in another country, correct?

26 A. I don't know that he was a Defence. To be frank with you,
27 I don't know. For me it's a lawyer who came from the Sierra
28 Leonean Special Court for - the Special Court for Sierra Leone
29 and this is how I saw it. I didn't know that he was even a

1 Defence lawyer.

2 Q. He did not identify himself as a --

3 A. No, he didn't identify himself.

4 Q. Please let me finish the question, okay, for your own
16:11:31 5 protection and also for the record. He did not identify himself
6 as being - working for the defence of Charles Taylor before he
7 interviewed you, this Mr Silas. Is that correct?

8 A. That's correct. I was told that - he told me that he's
9 from the Sierra Leonean Special Court.

16:11:46 10 Q. Sir, when you were in Liberia, did you - you were there
11 when ECOMOG arrived. Is that correct?

12 A. That's correct, yes.

13 Q. Do you recall that Charles Taylor threatened to attack
14 ECOMOG if they came into the country?

16:12:10 15 A. I don't know.

16 Q. Did you listen to BBC radio when you were in Liberia?

17 A. I frequently listened to BBC.

18 Q. Weren't you aware that Charles Taylor threatened that if
19 ECOMOG landed, his forces, the NPFL, would attack ECOMOG?

16:12:27 20 A. I can't remember this statement from Charles Taylor over
21 BBC.

22 Q. Sir, do you remember that in fact when ECOMOG came - well,
23 first let me ask you this: Do you remember that the other
24 factions, the AFL and Prince Johnson, both agreed to a ceasefire
16:12:45 25 to allow ECOMOG to come and to bring peace to Liberia?

26 A. I don't know about it.

27 Q. You said you were not aware of Charles Taylor threatening
28 to attack ECOMOG. You are aware, are you not, that in fact he
29 did immediately attack ECOMOG when they landed in Monrovia,

1 correct?

2 A. I'm not aware of it.

3 Q. When you were in Liberia, was ECOMOG considered the enemy
4 of the NPFL?

16:13:14 5 A. The general public was saying so; not me.

6 Q. What about NPFL fighters?

7 A. I was not mingling with the NPFL fighters.

8 Q. You didn't know who the war was - who the parties were to
9 the war that you were involved in in the country you were in?

16:13:35 10 A. I am telling you that I was not involved in their military
11 operations, so I was not involved with the NPFL. All what was
12 going on in Liberia within the NPFL military activities is purely
13 for the NPFL. It has nothing to do with my group.

14 Q. So in your job, living in Liberia, you didn't know who was
16:14:00 15 fighting who in Liberia when you were there?

16 A. When I was in Liberia, I knew that the people were fighting
17 for their freedom, but I knew that hostile forces were trying to
18 disturb the people's revolution for their freedom and justice.

19 Q. Sir, you said you played some role with refugees or people
16:14:21 20 living in Liberia from other countries who were displaced by the
21 fighting. Is that correct?

22 A. That's correct. And it can be verified with the records of
23 all those foreign NGOs who were in Liberia by that time.

24 Q. Then you were surely aware that Charles Taylor threatened
16:14:37 25 the civilians who were part of the - who were of Nigerian
26 nationality, Sierra Leonean nationality, those that contributed
27 to troops to ECOMOG?

28 A. That's not true, because if it was true he would have not
29 given me the orders to organise, feed and protect those

1 civilians.

2 Q. In fact - let's just take Nigerians - Nigerians were being
3 detained by NPFL forces, correct?

16:15:09

4 A. Nigerians were never detained by NPFL forces. Nigerians,
5 Ghanaians, Sierra Leoneans, Guineans, Gambians, Ivorians, Niger
6 people, Cameroonians, were all under the protection of the civil
7 organisation that was set up by me in collaboration with foreign
8 NGOs at the orders of Charles Taylor. So no Nigerian was taken
9 by the NPFL forces. Because even the negotiation for their

16:15:32

10 repatriation was done through our civil organisation and under my
11 leadership.

12 Q. Sir, if a witness who was in a position to know testified
13 under oath that Nigerians were detained, who would be lying, you
14 or that witness?

16:15:50

15 A. He is lying. Not me. Because I knew the work I did in
16 Liberia. I'm not speculating with events that took place in
17 Liberia.

18 Q. We'll try to come back later with that testimony.

19 Mr Witness, what I'd like you to do now is --

16:16:22

20 I'm afraid this will have to be in private session also. I
21 need to go back to private session for this.

22 PRESIDING JUDGE: What do you want to do with the prior
23 piece of paper?

24 MR KOU MJIAN: May that be marked for identification,
25 please.

16:16:34

26 PRESIDING JUDGE: This is the list - or the biographical
27 data that the witness indicated in private session. That piece
28 of paper will be marked MFI-411.

29 Madam Court Officer, if you could revert to private session

1 for the protection of the witness, please.

2 [At this point in the proceedings, a portion of
3 the transcript, pages 37000 to 37003, was
4 extracted and sealed under separate cover, as
5 the proceeding was heard in private session.]

6
7 [Whereupon the hearing adjourned at 4.32 p.m.
8 to be reconvened on Thursday, 11 March 2010 at
9 9.30 a.m.]

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I N D E X

WITNESSES FOR THE DEFENCE:

DCT-125	36907
EXAMINATION-IN-CHIEF BY MR GRIFFITHS	36914
CROSS-EXAMINATION BY MR KOUMJIAN	36928