



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 10 NOVEMBER 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Morris Anyah

1 Tuesday, 10 November 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:32:29 5 PRESIDING JUDGE: Good morning. We'll take appearances,
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Mohamed A Bangura, Christopher Santora and our case
09:32:45 10 manager Maja Dimitrova.

11 PRESIDING JUDGE: Thank you. Yes, Mr Griffiths.

12 MR GRIFFITHS: Good morning, Mr President, your Honours,
13 counsel opposite. For the Defence today, myself Courtenay
14 Griffiths, with me with Morris Anyah of counsel and Mr James
09:33:01 15 Kamara.

16 PRESIDING JUDGE: Mr Taylor, I remind you you're still
17 bound by your affirmation to tell the truth.

18 Yes, go ahead, please, Mr Griffiths.

19 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

20 [On former affirmation]

21 EXAMINATION-IN-CHIEF BY MR GRIFFITHS: [Continued]

22 Q. Now, Mr Taylor, yesterday when we adjourned we were looking
23 at, were we not, minutes of a hearing of the Subcommittee on
24 Africa Global Human Rights and International Operations, a
09:33:28 25 committee of the international relations house - a committee of
26 the House of Representatives, yes?

27 A. Yes, that is correct.

28 Q. Now, just to remind ourselves, for a reason which will
29 become clear later, this hearing was held on 8 February 2006.

1 You were arrested just over a month later on 29 March 2006, were
2 you not, Mr Taylor?

3 A. That is correct.

4 Q. Having spent how long in exile in Nigeria?

09:34:05 5 A. More than three years.

6 Q. So how significant do you say this report is, Mr Taylor?
7 This hearing.

8 A. Well, I would think that this hearing actually is at the
9 real heart of my being here, and I think that as we look at it I
09:34:31 10 think we ought to really look at it very seriously. This was
11 about regime change and everything was put into place to
12 accomplish that regime change. So while we're looking at
13 Mr Crane, I think some of the other individuals that I mentioned,
14 Dr Pham placed even a very - I think explains, and I think the
09:34:58 15 Court ought to see this - explains in detail some of the points I
16 have been making about regime change and putting into place all
17 of these different mechanisms to effectuate that.

18 So while we're looking at this, at the minutes - but I do
19 think that to underscore what I'm talking about, we could look
09:35:18 20 even more seriously at Dr Pham. As I went through that report,
21 it caused my hair to rise, specifically if we start looking back
22 at - if I'm not wrong, maybe this may just try your test a little
23 bit, there's some specific pages that I think are important. I
24 think page 57 is of serious importance. I spoke to this Court
09:35:42 25 about the US military training the Guineans in Nzerekore, right
26 on the Liberian border at the time, and denying the fact that
27 they were supporting LURD. As we go further a few pages up, I
28 think it's 62, or thereabouts, Dr Pham talks about it and he
29 describes in detail the thinking in Washington at the time.

1 So this report is important and I think it's at the heart
2 of what I am doing here. It's got nothing to do, in my opinion,
3 with what I would call terrible things that happened in Sierra
4 Leone, but how I get associated with that I think is explained
09:36:24 5 through the whole attitude of Crane and even the more detailed
6 account as stated by Dr Pham.

7 Q. Very well then, Mr Taylor. Can we go, first of all, then,
8 please, to page 56 of this report.

9 JUDGE SEBUTINDE: Can you remind us where to find it,
09:36:57 10 please?

11 MR GRIFFITHS: This is in binder 3 of 4, week 33, behind
12 divider 136:

13 Q. Now, keep your finger in page 56, Mr Taylor, and just flick
14 back to page 54. Now, we see that what we're looking at
09:37:55 15 beginning at page 56 is the statement of J Peter Pham PhD,
16 Director, William R Nelson Institute for International and Public
17 Affairs, James Madison University. Is this the individual you
18 wanted us to look at?

19 A. Yes, this is he. I mentioned him even on yesterday, yes.

09:38:14 20 Q. Now, can we go to page 56, please, to put in context what
21 you've asked us to look at at page 57. Let us begin three
22 paragraphs from the bottom of the page:

23 "The first Liberian civil war made the outbreak of conflict
24 in the neighbouring states inevitable. Today the situation of
09:38:39 25 those countries could well undo all the progress in Liberia
26 unless they are contained or the capacity is built up within
27 Liberia to ride out what I anticipate will be the next wave of
28 violent upheaval in the region.

29 On paper, Sierra Leone, where the United Nations mission

1 wrapped up its work on the last day of 2005, is well on the road
2 to recovery. However, many problems that facilitated the spread
3 of violence during that country's civil war persists, including
4 lack of economic opportunities and the monopolisation of power
09:39:24 5 and wealth by a ruling elite. A closer look below the surface,
6 in fact, reveals that the only thing lacking to re-create the
7 conditions of 1991 is a spark from the outside.

8 To Liberia's east, for over three years now, Cote d'Ivoire
9 has been caught up in a seemingly intractable civil conflict
09:39:47 10 between the government in Abidjan and the rebels who effectively
11 control the north of the country. The situation is particularly
12 heated in the country's west along the Liberian border, an ironic
13 reversal from the Liberian civil wars of the 1990s, when there
14 were large movements of combatants, civilians exploited natural
09:40:09 15 resources and other economic goods along the same border.

16 Adding to the potential combustibility of this area are the
17 geographical, political and ethnic reality. Recall it was this
18 area that Charles Taylor supplied his rebels during the first
19 Liberia civil war and that the anti-Taylor MODEL did likewise
09:40:39 20 during the second civil war. In recent elections, Grand Gedeh
21 County, which borders on Cote d'Ivoire, voted almost exclusively
22 for George Weah.

23 However, Mr Chairman, Guinea is, in my judgment, both the
24 most ignored country and potentially the most critical one in the
09:41:01 25 sub-region as it faces the end of the long tenure of President
26 Lansana Conte. Despite having the largest standing military in
27 the three Mano River countries, Guinea a prime target for one or
28 another insurgency group, both because of simmering ethnic
29 tensions between the ruling Soudou and the Malinke of its eastern

1 forest region and the Peul of its northwestern Fouta Djallon
2 highlands.

09:41:35 3 While the democratic renaissance in Liberia might serve as
4 an inspiration for long-dormant civil society in Guinea, it is
5 equally possible that mayhem that would ensue, should General
6 Conte die without a better constitutional foundation than he has
7 laid in the last two decades, could result in a 'blowback' that
8 sweeps up the nascent government in Monrovia.

09:41:54 9 Regrettably, Guinea's Head of State's political strategy
10 has been precisely the opposite, consisting mainly of a
11 Machiavellian balance between ethnic favouritism and cynical
12 manipulation of competing forces. In all likelihood, this
13 delicate balance will come undone when President Conte dies or
14 becomes incapacitated and the country will face first personal
09:42:24 15 competition for power amongst the members of the military
16 oligarchy and then ethnic tensions.

17 The first will involve a contest between the 400-strong
18 presidential guard, the Berets Rouges, based in Conakry, and two
19 800-strong ranger battalions, one trained by United States
09:42:41 20 Special Forces between 2000 and 2003 and based in Nzerekore and
21 one trained by the People's Republic of China in 2003 and based
22 in Kankan."

23 Now, there are three things I want to ask you about this
24 passage, Mr Taylor. The first is this: Where, on page 56 at the
09:43:05 25 beginning of that passage, Dr Pham opines that the first Liberian
26 civil war made the outbreak of conflict in the neighbouring
27 states inevitable, do you agree with that statement?

28 A. No, I don't. I don't. Not necessarily. No, I don't.

29 Q. Why not?

1 A. Well, to say that the first civil war in Liberia made
2 conflict inevitable in those countries is to impart, in my
3 interpretation - state that the events that led to the civil war
4 in Liberia could have been used or probably perpetrated by those
09:43:53 5 that carried it out to influence activities in other countries,
6 and I say emphatically that the revolution in Liberia was not
7 about expansion. It was an internal matter.

8 Q. Yes, that may well be right, Mr Taylor, but likewise would
9 you not agree that the social, economic and political conditions
09:44:14 10 which led to conflict in Liberia also existed in the neighbouring
11 states?

12 A. Oh, definitely. Oh, definitely. But, you know, you have
13 to beware of these packages as they're tied up and it's good,
14 because on the one hand, it was said that I had come to
09:44:32 15 destabilise West Africa, and that was not the intent. Now, of
16 course socially, because most of the regimes during that
17 particular time consisted of military men - and specifically I'm
18 talking about Guinea, we're talking about Nigeria, we're talking
19 about Ghana, these were all military regimes - of course, seeing
09:44:56 20 a civilian - and not excluding Liberia was also a military regime
21 headed by Master Sergeant Samuel Doe. So of course this effort
22 of a civilian as myself coming in and removing a military regime,
23 I necessarily suggest it could have served as an incentive. But
24 we have to look at the doctor's explanation here. While I agree
09:45:19 25 on the one hand it's possible, but making sure that we
26 differentiate between the desire of people in those countries to
27 look at the situation in Liberia and say well, we have an
28 opportunity, verses the outright attempt on my part to influence
29 those results. That's the differentiation.

1 Q. Mr Taylor, let us look at that differentiation. Putting
2 aside any suggestion that you intended to spark off a regional
3 conflict, looked at objectively do you agree that the tinder of
4 revolution present in neighbouring states could have been ignited
09:46:09 5 by the spark you set off in Liberia, looked at purely
6 objectively. Do you follow me?

7 A. I fully agree. I agree. I agree.

8 Q. Do you agree with that?

9 A. I agree.

09:46:21 10 Q. Now, the second thing I want to ask you about is this: The
11 doctor speaks of the potential for the total deterioration of the
12 situation in Guinea on the passing of Lansana Conte. What has
13 happened in Guinea in recent times?

14 A. What I think is - what, deja vu if you want to call it,
09:46:49 15 because we do have a situation after the death of Conte, the
16 doctor was practically on the mark. We have - the military took
17 over with Dadi's Camara, and we've seen some unfortunate
18 situations from my cell in The Hague of - an unfortunate
19 situation at the stadium, and it is the point of major
09:47:13 20 discussions across the world. So to a great extent, the lack of
21 preparation, laying the type of institutional framework necessary
22 for a peaceful change of power, I would say, was not in place,
23 and we do see the results as we look at world press right now.

24 Q. And the final matter in the passage, Mr Taylor, the
09:47:43 25 involvement of United States Special Forces in training the Beret
26 Rouge between 2000 and 2003, what do you say about that?

27 A. Well, I think Dr Pham - if that's the correct pronunciation
28 how he calls it - was being a little mild and to a great extent,
29 for my purposes, disingenuous, because let's look at the period.

1 We're talking about 2000 to 2003. That's the very height of the
2 Liberian civil war. At the time we confront the United States.
3 He's not just training Beret Rouge. And let's look at the
4 location. He is doing this training where? Nzerekore.

09:48:33 5 Nzerekore is on the Liberian border, okay, and it's 1,000 miles
6 away from Conakry. If we look at the map, we will see. So the
7 whole training, everything, all the LURD insurgents that came out
8 of Guinea, came from Nzerekore. Those that were captured
9 admitted that they were trained in those camps. So the American
09:48:55 10 Special Forces did more than just train Beret Rouge; they also
11 trained other elements of the Guinean armed forces, and amongst
12 those were insurgents that ended up in Liberia. And the United
13 States did not deny this, they just said that they had no control
14 over who the Guineans trained and where they went. So for me,
09:49:18 15 between 2000 and 2003 I want to say there was the covert plan on
16 the part of the United States at that particular time to train
17 LURD insurgents to cause regime change in Liberia. That is what
18 happened there.

19 Q. Let's go to page 62 now, please. Yes, now we're looking
09:49:46 20 that prepared statement of Dr Pham here, and I just want us to
21 look about four lines from the bottom of the first paragraph:

22 "The latest imbroglio was in some ways due to ethnic
23 solidarity, for example, the interrelations of the Guinean
24 Malinke with the Liberian Mandingo and Ivorian Dyula leading to
09:50:19 25 support for twin United Liberian movement for Democracy (ULIMO)
26 during the first Liberian civil war; in other cases, it involved
27 direct government sponsorship, as in the backing that General
28 Conte's regime gave to the anti-Taylor Liberians United For
29 Reconciliation and Democracy (LURD) forces in the second Liberian

1 civil war."

2 Now, you've told us about such backing, haven't you,
3 Mr Taylor.

4 A. Yes, I have.

09:50:53 5 Q. But now we come to this. Let's look at the bottom of the
6 page now, please, "Advancing Broader Us Interests."

7 "Aside from the long-standing, historical, political,
8 cultural and affective ties that bind America and Liberia
9 together, the pivotal geopolitical role that the West African
09:51:15 10 country currently plays in a region whose strategic importance to
11 the United States is rapidly increasing demands strategic
12 engagement. To cite but one datum, according to the National
13 Intelligence Council, within the decade the sub-region, which
14 currently accounts for about one sixth, will be providing more
09:51:43 15 than one quarter of North America's hydrocarbon energy needs,
16 thus surpassing the total volume of oil imports from the Middle
17 East. Is it merely altruism or coincidence that the People's
18 Republic of China chose Liberia as the theatre for its first ever
19 foray into international peacekeeping?

09:52:07 20 Liberia, while small in population and without any
21 hydrocarbon reserves discovered to date, is in many ways the key
22 to the entire sub-region. If Liberia remains stable, the fragile
23 peace in Sierra Leone will be reinforced, the conflict in Cote
24 d'Ivoire will be contained and collapse of Guinea mitigated. A
09:52:34 25 democratic Liberia - and the Liberian people want it to be such -
26 will be a beacon for the entire sub-region."

27 Now, first of all, Mr Taylor, what do you understand by the
28 use of the pivotal geopolitical role of West Africa from a US
29 point of view as identified by Dr Pham here in February 2006?

1 A. Well, I think Dr Pham again is practically on the money,
2 but then again he skews off in a direction that - when Dr Pham
3 says this, on the one hand, that the pivotal geopolitical role of
4 West Africa, then he puts Liberia in a pivotal role, he talks
09:53:44 5 about maybe about a quarter of the world's hydrocarbon could be
6 coming from that region, but then says that no hydrocarbon has
7 been discovered. That's not true, because Pham should know that
8 hydrocarbon has been discovered off Liberia, and in fact there is
9 not one major oil company now in the world that is not out there.
09:54:08 10 On the border between Liberia and Sierra Leone, they have found
11 one point that contains some 1 billion plus barrels; further off
12 Monrovia another 3 billion barrels. So Liberia is strategic, but
13 he chooses not to state the fact of the existence of hydrocarbon.
14 It is there. But in fact Liberia is pivotal. Geopolitically,
09:54:33 15 the oldest independent West African country, close ties to the
16 United States and all. So while he does put it right because of
17 the geopolitical role that we still play, ECOWAS, founded
18 treaties written in Liberia. United Nations: Liberia was, along
19 with Ethiopia, the only two countries present at the League of
09:54:56 20 Nations conference and the bringing into being of the United
21 Nations. So that's that long-standing geopolitical role that he
22 speaks about, but he hides the point that there exists
23 hydrocarbon, and in fact that's the fight now. My only regret is
24 that they misinterpreted what my role had been.
09:55:17 25 Q. Well, Mr Taylor, as a former President I want to ask you
26 bluntly: If, as Dr Pham suggests, West Africa will become more
27 important for the United States as an oil producing country than
28 the Middle East, against the background of the US invasion of
29 Iraq, how do you read this passage here in Dr Pham's contribution

1 to this hearing?

2 A. Well, I would say - this is my own interpretation. Dr Pham
3 is saying: Listen, this is going to be important. The
4 hydrocarbons are out there. We need someone there that we figure
09:56:06 5 is supposed to be pro - and I must admit, I'm not anti America.
6 I'm a very strong-minded pan-Africanist, but I think he read it
7 wrong. He's trying to say you've got to get Taylor out of there
8 before we get into this whole thing, because we could lose what
9 he considers - and what is America's interests, and this is my
09:56:29 10 interpretation. And I think they're wrong, because I'm not, and
11 was not, anti-American, but I will always remain a very
12 strong-minded pan-Africanist that felt that Liberia's destiny
13 rested with Liberia and Liberians and that while we accepted
14 advice from outside, we would not bend to pressure. So I think
09:56:55 15 he's just saying here: Taylor's got to go. We can't have anyone
16 in Liberia, in short, that we don't think is going to dance to
17 our tune. Simple.

18 Q. Now, bearing that context in mind, let's now go to the
19 evidence of David Crane, please, at page 73. We see that his
09:57:28 20 testimony commences on that page and when we go over to page 74
21 he deals with the financial needs of the Special Court for Sierra
22 Leone, which need not detain us. Let's now go to page 75:

23 "I am going to move through my testimony, though I do want
24 to highlight that Charles Taylor has been a catalyst of most of
09:58:00 25 the human tragedy and political instability in the region, backed
26 by his compatriots, Colonel Muammar Gaddafi of Libya, and
27 President Blaise Compaore of Burkina Faso, among other criminal
28 elements. That relationship with these two Heads of State and
29 the resultant political instability still remains.

1 Overlay Taylor's continued meddling in the affairs of the
2 region, to include the attempted assassination of President Conte
3 of Guinea in 2005, attest to his determination to do what he
4 promised as he was escorted up the steps of that Nigerian
09:58:43 5 airliner in August 2003, with various Presidents of several
6 African countries, that he would be back. He meant it then, and
7 he means it to this day: He will be back."

8 Now, Mr Taylor, did you, as suggested, have a hand in the
9 attempted assassination of President Conte?

09:59:06 10 A. No, 2005 - look, Conte and I had our differences, but is
11 David Crane supposed to speak for Conte? Conte's a full grown
12 man, President of a country, largest force in West Africa, and
13 Conte never said that I tried to assassinate him, but David Crane
14 is not the spokesman for Conte. Never did.

09:59:26 15 There were times that we - he and I had some very tough
16 words, but it did not get to the point of trying to assassinate
17 him, no. If it had reached to that point, I would have say,
18 "Conte, you sent in troops to Liberia," but I never did. Never.

09:59:51 19 Q. Because what he's suggesting is that from your redoubt in
20 Calabar in Nigeria you were still orchestrating events in the
21 sub-region. You still posed a threat, Mr Taylor. Do you follow?

22 A. I follow, which is not true. When I arrived in Calabar, I
23 was given a document by the Nigerian government and I followed
24 it --

10:00:06 25 Q. We'll come to that in a moment.

26 A. -- to the letter.

27 Q. "Charles Taylor knows the Western world, to include the
28 United States, better than we do ourselves. He is relatively
29 young, wealthy, influential and has a supportive base, military

1 and politically, within Liberia and the Mano River region.
2 Taylor knows that the west, particularly this country, will never
3 send its sons and daughters to West Africa to stabilise a
4 faltering Liberia. Currently, the United Nations has a large
10:00:38 5 peacekeeping force there under the able leadership of Alan Doss,
6 one of the United Nations's best career diplomats, yet they are
7 not going to be there forever, as we all know.

8 I posit that five years from now when the international
9 community is challenged by another crisis, Taylor in Calabar,
10:01:02 10 under the protection of Nigeria, will make his move. We will
11 wake up one morning and watch on CNN as Taylor rides triumphantly
12 down the main street in Monrovia, to the Executive Mansion,
13 daring all of us to come and get him. Unless he is handed over
14 to the Special Court for Sierra Leone, this scenario is not out
10:01:28 15 of the realm of possibility. More importantly, and I underscore
16 more importantly, the people of West Africa know it all too well,
17 that Taylor is a street fighter, a thug, and a survivor.

18 How do we assure Liberia's future? Ultimately what we do
19 about Taylor in the next several weeks will determine the fate of
10:01:54 20 Liberia ..."

21 "The next several weeks." You were arrested within weeks
22 on 29 March, weren't you, Mr Taylor?

23 A. That is correct.

24 Q. "... in the next several weeks will determine the fate of
10:02:10 25 Liberia and the new administration of its President, Ellen
26 Johnson-Sirleaf. Charles Taylor hangs like a dark and ominous
27 cloud over this ravaged country where he personally, for his own
28 criminal gain, destroyed, as he did in Sierra Leone.

29 There will be no prospect for peace in Liberia or the Mano

1 River region as long as he remains outside the custody of the
2 international tribunal in Freetown. In my opinion, nothing
3 constructive can be developed in the long term in Liberia unless
4 Charles Taylor is accounted for and turned over to the Special
10:02:55 5 Court. It is that simple. Again, he will be back.

6 Here is my suggested roadmap for a successful beginning for
7 Liberia.

8 First, hand Charles Taylor over to the Special Court for
9 Sierra Leone for a fair trial. This takes him out of the local
10:03:18 10 and regional dynamic that is West Africa. The new President can
11 move forward, confident that Charles Taylor is not lurking in the
12 shadows undermining her initial efforts to develop a legitimate
13 and accountable government in Monrovia. This has to happen first
14 and now, or the rest of my suggestions and recommendations and
10:03:48 15 the one you are considering for Liberia's future will be a waste
16 of time, money, and effort."

17 Now, let's pause for a minute, Mr Taylor. "This takes him
18 out of the local and regional dynamic." Where are you on trial
19 now, Mr Taylor?

10:04:12 20 A. In The Hague.

21 Q. How long have you been out of the local and regional
22 dynamic?

23 A. Close to four years.

24 Q. "Second, tie any financial and political support to good
10:04:43 25 governance in Liberia.

26 Third, encourage the new administration in Liberia to
27 establish the Truth and Reconciliation Commission called for in
28 the earlier peace accords.

29 Fourth, within the next few years or so, another hybrid war

1 crimes tribunal needs to be established to account for the war
2 crimes and crimes against humanity committed by Charles Taylor
3 and his henchmen from 1990 to 2003 in Liberia."

10:05:22 4 So, Mr Taylor, you have the prospect of another trial in
5 Liberia, yes?

6 A. Yes, that's the - yes, that's the regime change. So we
7 will throw out - you get your pick. "If we miss him in the
8 Sierra Leonean court, I will try to get him in Liberia." The
9 whole point - they may as well just shoot me. The whole point is
10:05:42 10 to take Taylor out. This is it. That's this whole construct.
11 This is it.

12 Q. "The domestic court system in Liberia is incapable of
13 accomplishing this task, try as they might. Liberia, working
14 together with the international community and under the auspices
10:06:03 15 of the United Nations, can account for what Charles did to his
16 own countrymen. Note that these are separate conflicts with
17 consequent war crimes and crimes against humanity.
18 Charles Taylor has destroyed two nations, not just one. He must
19 be prosecuted for any crimes he is alleged to have committed in
10:06:25 20 Liberia after he is tried for what he did in Sierra Leone.

21 Couple both of these conflicts together, and Charles Taylor,
22 sitting as a free man in Nigeria, is individually criminally
23 responsible for the destruction of 1.2 million human beings."

24 You see what's being suggested, Mr Taylor: You are a mass
10:06:52 25 murder. Do you follow?

26 A. Yes, I do.

27 Q. Over the page to page 77, third paragraph:

28 "In conclusion, I would ask this committee to continue to
29 forcefully urge the Bush administration and the new President in

1 Liberia to demand that Nigeria hand over war crimes indictee
2 Charles Taylor to the Special Court to answer for his crimes.
3 Nothing else that follows can happen with any assurance of
4 success without it. In this period of time when we celebrate and
10:07:41 5 recognise the principles laid down at Nuremberg 60 years ago, we
6 must resolve, as human beings who care about humanity and the
7 rule of law, that there cannot be an African exception to those
8 principles."

9 Thereafter his prepared statement follows. Now, let's go
10:08:05 10 over the page to page 78, please. So we're look now at the
11 prepared statement:

12 "WE CAN CHANGE THE COURSE OF HISTORY!

13 We have a chance to change the course of history for the
14 better in West Africa. I believe the Special Court for Sierra
10:08:30 15 Leone placed the international community on the correct path, a
16 path of truth and justice. The opportunity presented to us today
17 is to show the people of West Africa, all of Africa in large
18 measure, that they matter, that we care, and that they are not
19 alone. During my many town hall meetings throughout Sierra
10:08:53 20 Leone, where I stood before my client and listened to them tell
21 me about the horrors that took place in their town, village,
22 district or province; I told them three things: The law is fair,
23 no one is above the law, and that the rule of law is more
24 powerful than the rule of the gun.

10:09:13 25 When I arrested 6 of the 13 individuals I indicted, in a
26 textbook 55 minute arrest operation throughout Sierra Leone in
27 Operation Justice, March 2003, to include the Minister of
28 Interior at his desk, there was dancing in the streets. The
29 people of Sierra Leone began to believe that no one was above the

1 law.

2 When we opened the three joint criminal trials against the
3 leadership of the Civil Defence Force, the Revolutionary United
4 Front and the Armed Forces Revolution Council, over a period of
10:09:55 5 time, the people of West Africa saw that the law was fair. And
6 when I unsealed that 17 count indictment against President
7 Charles Taylor for the atrocities he committed on the people of
8 West Africa, stripping the most powerful warlord in Africa of
9 that power with the simple stroke of a pen, the people of this
10:10:17 10 embattled region of the world realised that the rule of law was
11 more powerful than the rule of the gun."

12 We then see foot note 10 which we referred to yesterday:

13 "For the first time in his life, Charles Taylor ran into an
14 immovable object - the victims of this tragedy, who shouted never
10:10:46 15 again and no more. Humbled and beaten, he fled to a type of
16 political limbo in Calabar, Nigeria."

17 Were you fleeing, Mr Taylor?

18 A. No, I did not flee.

19 Q. "Charles Taylor has been the catalyst of most of the human
10:11:03 20 tragedy and political instability of the region, backed by his
21 compatriots, Colonel Muammar Abu Minyar al-Gaddafi of Libya and
22 President Blaise Compaore of Burkina Faso, among other criminal
23 elements."

24 Now, let's have a look at footnote 11:

10:11:35 25 "According to close sources who acted as lead witnesses
26 during our investigation of Taylor and those involved in the
27 joint criminal enterprise that destroyed two countries and
28 threatened a third, the Ivory Coast, Taylor, Foday Sankoh,
29 Compaore and Gaddafi apparently sat down and developed a secret

1 plan to undermine the current governments within West Africa and
2 then replace them with surrogates, such as Taylor, who were
3 beholden to Gaddafi. This plan remains in place to this day. I
4 chose not to indict Gaddafi and Compaore only because of
10:12:18 5 evidentiary issues and the practical reality of indicting two
6 more Heads of State within West Africa which would have
7 politically undermined the work of the tribunal. However, I did
8 choose to name Gaddafi within the Taylor indictment as a key
9 member of the joint criminal enterprise. Within the American
10:12:35 10 criminal system Gaddafi would have been what we call an
11 unindicted co-conspirator. He remains a threat to West Africa."

12 Now, pause there, Mr Taylor. Mr Taylor, in this trial,
13 have you heard any evidence of you, Foday Sankoh, Compaore and
14 Gaddafi sitting down together to develop a secret plan to
10:13:05 15 undermine the current governments within West Africa, a plan
16 still in place, according to this Prosecutor, in 2006? Have you
17 heard any evidence to that effect?

18 A. No, I have heard no evidence, and let's be reminded: But
19 that's the plan as contained in the indictment, but what they did
10:13:31 20 here was to short circuit that plan. Remember they named four
21 persons here, but in the plan before this Court that they have
22 been talking about they've taken two of the individuals. First
23 of it was four, Gaddafi, Compaore, Taylor, Sankoh; now they're
24 saying that I planned with Sankoh. That's the short-circuited
10:13:54 25 part. But this whole lie about a plan is developed long before
26 this short part that is meant only for this Court. Just as some
27 things that we've seen before this Court are good for this trial,
28 but in the AFRC and the RUF trial they have a different meaning.
29 So this is what Crane does here, and now this Prosecution team

1 has to fight with this lie that he put together and left the
2 other people off. So that's the same plan that is contained in
3 the indictment.

4 Q. Now, let's go back to the body of the statement and pick up
10:14:33 5 the second sentence in the second paragraph:

6 "Charles Taylor is relatively young, wealthy, influential
7 and has a supportive base military and politically within Liberia
8 and the Mano River region."

9 Let's look at footnote 12:

10:14:54 10 "This support is found mainly in Lofa County, Taylor's
11 home, county and where he started his reign of terror back in
12 89-90. As of summer of 2005, our sources reported that there was
13 a battalion-size element standing by to do his bidding."

14 Mr Taylor, help me. Where did the invasion of Liberia
10:15:20 15 begin? Which county?

16 A. In Nimba County.

17 Q. Was it Lofa?

18 A. No.

19 Q. And help me. Who controlled Lofa County for much of the
10:15:33 20 first Liberian civil war?

21 A. ULIMO-K under Alhaji Kromah.

22 Q. Was Lofa County, as suggested by this prosecutor, was it
23 your base of support, Mr Taylor?

24 A. No, totally not.

10:15:46 25 Q. And is it right, as suggested by this prosecutor, that you
26 had in 2006 a battalion-sized group of soldiers ready to do your
27 bidding, Mr Taylor?

28 A. No. No.

29 Q. Now --

1 A. But excuse me, counsel. 2006, to emphasise, where is
2 Charles Taylor in 2006? There is a government in Liberia.
3 There's Ellen Johnson-Sirleaf in Liberia. You've got about
4 18,000, 20,000 United Nations troops in Liberia, so I don't know
10:16:33 5 how I could have a battalion standing by to do anything.

6 Blatant, blatant, blatant lie. I'm in Calabar, depending on when
7 he's talking about, or I'm already arrested.

8 Q. Now let's have another look - a look at something else,
9 please. Three lines from the bottom of the paragraph we were
10:16:50 10 looking at:

11 "I posit that five years from now when the international
12 community is challenged by other crises, Taylor in Calabar, under
13 the protection of Nigeria, will make his move."

14 Let's now look at footnote 14:

10:17:13 15 "President Olusegun Obasanjo of Nigeria was induced by the
16 United States, the United Kingdom, with the concurrence of the
17 United Nations Secretary-General Kofi Annan, to take Taylor out
18 of Liberia and place him in Calabar. Initially I supported this,
19 even calling for his removal from Liberia now that he was
10:17:44 20 indicted. It was important that the peace process move forward
21 and Liberia stabilise, but it has now been over two years. Peace
22 is at hand with a new government contemplated by the Accra Peace
23 Accord, and it is now time for this handover by the Nigerian
24 government. I only hope the President of Nigeria has the moral
10:18:06 25 courage to do so, something lacking in many African leaders
26 today."

27 "Moral courage lacking in African leaders", but we'll come
28 back to that in a moment. Let's go back to the start of this.

29 Mr Taylor, is it true that the United States, the United

1 Kingdom, with the concurrence of the United Nations, led to you
2 going to Nigeria?

3 A. Totally, totally false. If I had the slightest, slightest
4 knowledge that the United States and the United Kingdom were
10:18:51 5 arranging such, I would have never left Liberia. We have an old
6 saying: A gift from a wicked man is a trap. I would have never
7 left Liberia. This was based on a statement I made at a meeting
8 that I have told this Court and staying with my word I, along
9 with ECOWAS leaders and AU leaders, negotiated where I would go.

10:19:12 10 I had an option. I told this Court of three countries: Morocco,
11 Nigeria and South Africa. I chose Nigeria because of its
12 proximity and, you know, we Africans have this extended family
13 situation. I did not want to be very far from my extended
14 family, and so I chose Nigeria. It had nothing to do with the
10:19:34 15 United Kingdom and the United States. Now, with the United
16 Nations, yes - and this is what I said to this Court on yesterday
17 - that Obasanjo and African leaders assured me that in
18 discussions with the permanent five, they had made it very clear
19 that the issue of the indictment would become moot and this is
10:19:53 20 why. That's my knowledge of the extent of the UN's involvement
21 in my departure.

22 Q. Page 80, please. Now, italics "second", do you see that?

23 A. Yes.

24 Q. "Tie any financial and political support to good governance
10:20:22 25 in Liberia."

26 Let's look at footnote 19:

27 "This congress already sent letters to the Bush
28 administration essentially stating that any future aid to Liberia
29 should be tied to a handover of Charles Taylor to the Special

1 Court for Sierra Leone. This committee has been instrumental in
2 this effort."

3 Mr Taylor, were you aware that Ellen Johnson-Sirleaf was
4 being put under such financial pressure to hand you over?

10:20:57 5 A. Not exactly, but I was aware that she was under immense
6 pressure. I cannot say to this Court factually that I was aware
7 of the exact type of pressure, but because of my experience as
8 President, there would be political, there would be diplomatic,
9 there would be financial. So I would not rule that out.

10:21:21 10 Q. Over the page to page 81, please. Second-to-last
11 paragraph:

12 "There are many other challenges ahead for Liberia.
13 Corruption, so endemic in all of West Africa, the abuse of
14 natural resources, a whole lost generation of children to war as
10:21:49 15 child soldiers and international terrorists moving about the
16 entire region, among many other concerns."

17 Footnote 25:

18 "For three years the Office of the Prosecutor carefully
19 developed an information asset system throughout the region
10:22:05 20 providing essential evidence, criminal information, and
21 intelligence. Several of these assets are placed very close to
22 the various actors in the joint criminal enterprise. Over time
23 they have proven to be 75 to 80 per cent accurate, and in some
24 cases completely so. These sources helped us uncover evidence
10:22:34 25 that Charles Taylor harboured Al-Qaeda terrorists and Hamas in
26 Monrovia for years, to include, we allege, several of the
27 terrorists who brought down the UN embassies in Tanzania and
28 Kenya, to include, apparently, Abdullah Ahmed Abdullah and Sheikh
29 Ahmed Salim Swedan. One well placed source has Charles Taylor

1 dealing with an operative in Burkina Faso as late as 6 April 2005
2 named Fazul Abdullah Mohammed. All of this information has been
3 passed to appropriate governments and law enforcement agencies."

10:23:26 4 Now, Mr Taylor, this evidence is supposed to be 70 to 80
5 per cent accurate, and in some cases completely so. Help us,
6 have you heard any of it from this Prosecution?

7 A. I haven't heard any of it from this Prosecution. Neither
8 have I heard it from the - who would be even more concerned about
9 this type of report would be what? The United States government.
10:23:46 10 Al-Qaeda? I'm associating with Al-Qaeda and providing sanctuary
11 or - you know, I'm trying to paraphrase it - in Liberia and the
12 United States government would just overlook it? Never. Ever.
13 It shows how desperate they've been to destroy me.

14 Q. Now, Mr Taylor, we know that you went to Accra in June of
10:24:17 15 2003 when this indictment, which had been signed on 3 March, was
16 unsealed, yes?

17 A. Yes.

18 Q. You've also told us that President Kufuor was extremely
19 annoyed by this and put you on his presidential plane and sent
10:24:38 20 you back to Monrovia. Is that right?

21 A. That is correct.

22 Q. What happened when you got back to Monrovia, Mr Taylor?

23 A. When I arrived that evening, I was received with a massive
24 crowd at the airport. Present there also was Mr Blah, who was at
10:24:57 25 the airport. I arrived in Monrovia before the armed forces
26 chiefs reported what they had experienced during the hours from
27 the unsealing of the indictment to my arrival; the request that
28 had been made by Moses Blah. The conversation, in fact, had been
29 recorded on telephone by - from the United States embassy asking

1 General Yeaten to cooperate with the Vice-President, and
2 immediately that night I ordered the house arrest of the
3 Vice-President. That night and the next day I briefed the
4 Legislature about our actions and an investigation ensued.

10:25:42 5 Q. Now, Mr Taylor, how long did Mr Blah remain in custody?

6 A. He was under house arrest for, I would say, about two
7 weeks. He met - Blah actually admitted that he had these
8 contacts with the United States embassy. He denied that there
9 was a coup attempt, but he did mention that they had spoken to
10 him and he asked General Yeaten to take certain steps.

10:26:07

11 MR GRIFFITHS: Now, lest I forget, could I ask, please,
12 that the minutes of the hearing of the Committee on International
13 Relations of the House of Representatives of the United States,
14 dated 8 February 2006, be marked for identification MFI-295,
15 please.

10:26:30

16 Now, Mr Taylor, help me. I'm sure it's my fault. Just
17 explain again what was the contact between the American embassy
18 and Blah?

19 A. They had said to Blah that an indictment had been unsealed,
20 I would not be returning and that in line with his capacity as
21 Vice-President, that it was incumbent upon him to take over, that
22 there would not be a vacuum left in the country because an
23 indictment had been unsealed and I would not be returning. Blah,
24 knowing very well that we're in a major state of war - and in
25 fact, the armed forces are playing a major role - called in the
26 commander of the ground forces, General Yeaten, and explained
27 that I would not be coming back and that he's spoken to the
28 American embassy and as Vice-President, he doesn't want a vacuum,
29 that he has to take over. So General Yeaten right away said,

10:27:16

1 "Take over what?" He said to him that since this thing came on
2 the news, well, I'll have to contact other generals and talk to
3 the President. General Yeaten, the chief of staff of the armed
4 forces, General Kona, other senior generals, immediately called
10:27:55 5 me in Accra, and I told them that I was okay and I would be on my
6 way. They reported to me what Moses had suggested to them and
7 that they wanted to arrest him. I said no, they should not
8 arrest the Vice-President. I would arrive and I would deal with
9 that issue myself, and that's what I did.

10 PRESIDING JUDGE: Just before you go on, the minutes you've
11 just described have been marked for identification MFI-295.

12 MR GRIFFITHS: I'm grateful:

13 Q. Now, Mr Taylor, what occupied you thereafter in Liberia
14 until your departure?

10:28:31 15 A. That issue, by that issue I mean the issue of the attempted
16 coup by the Vice-President. The second issue that occupied my
17 time at that particular time was my promise that I would - if it
18 became necessary that I would step down if it would bring peace.
19 The third thing was putting together the government's team that
10:29:07 20 would participate in the peace talks that were to begin in Accra
21 between the government and LURD.

22 Q. Now, Mr Taylor, what steps were you taking to facilitate
23 your departure as President?

24 A. Well, what I did immediately was to call in the leadership
10:29:26 25 of the House and the Senate and call in constitutional lawyers to
26 discuss the procedural aspect of a peaceful turnover and when and
27 how that would take place.

28 Q. Now, in terms of the practicalities, that is, your
29 departure to Nigeria, as opposed to anywhere else, did you have

1 any discussions with other West African leaders as to what your
2 status would be if you were to depart?

3 A. Yes. I discussed it with John Kufuor. I discussed it with
4 Obasanjo himself, and throughout this particular time I was in
10:30:19 5 touch with Thabo Mbeki - you say West Africa. I'm sorry, I
6 stepped a little outside. He's not from West Africa. But
7 because of his presence there, I discussed it with Compaore. I
8 discussed it more specifically with Eyadema who I considered like
9 a big brother. Gnassingbe Eyadema, the President of Togo, yes, I
10:30:45 10 did.

11 Q. And, Mr Taylor, help us, was the question of the
12 indictment, which you were now aware of, was that raised as an
13 issue during any of these discussions?

14 A. All of the discussions, they were raised, and this is what
10:31:09 15 led it to be taken to the permanent five, according to what
16 Obasanjo told me. The way how things work over in our neck of
17 the woods is this way: Obasanjo had taken this matter, Obasanjo
18 was seized of this Liberian matter, my departure and all. In
19 fact, the two people that worked very closely on my departure
10:31:27 20 were Obasanjo and Thabo Mbeki. So most of the questions went to
21 the two of them.

22 Now, what would happen, West Africa empowered Obasanjo to
23 take care of this matter. No one would intervene. They would
24 leave it until he reported. Thabo Mbeki was empowered to work
10:31:45 25 along with him, so only those two can answer all the questions
26 that I raised with them, and I was assured by them - by Obasanjo,
27 specifically, and Thabo knew that the issue of the indictment was
28 an issue that both the African Union, just as I may say that they
29 had been a little more forceful in dealing with Omar Bashir's

1 matter, but I was assured that that matter, the African Union and
2 ECOWAS had agreed that this issue would not take root and that it
3 was a matter that was unacceptable. This was the decision.

4 Q. Who communicated that decision to you?

10:32:31 5 A. Olusegun Obasanjo communicated that to me and he made it in
6 public statements to the press.

7 Q. What did he say publicly?

8 A. I can remember at Roberts International Airport, on a visit
9 subsequent to my return after the indictment was unsealed,
10:32:50 10 Obasanjo came to Liberia and assured the Liberian people. That
11 was reported in a speech before on CNN, the BBC, that Mr Taylor
12 is my guest. He is coming to Liberia. I will not be harassed.

13 As a matter of fact, we just didn't bring this forward,
14 even, to a great extent, I would say the United States government
10:33:10 15 was involved, because at one time when Obasanjo came under
16 pressure, Colin Powell, the then Secretary of State said
17 publicly - and, in fact, even though we did not exhibit it, but
18 we still have time because I have a copy of that statement that
19 Colin Powell said that they had to leave Obasanjo alone because
10:33:31 20 what Obasanjo did, he did it at that time and it was with the
21 knowledge of the United States government. I'm not saying the
22 consent, but it was with the knowledge of the United States
23 government. That was said by Colin Powell.

24 Q. What was done with the knowledge of the United States
10:33:41 25 government?

26 A. My going to Nigeria and the fact that this was for peace in
27 Liberia that it was done with the knowledge of the United States
28 government and the conditions under which I went.

29 Q. And what were those conditions?

1 A. Well, what I was said - what was said to me by Obasanjo was
2 that the whole issue of the indictment, based on what he had been
3 told by the permanent five, would be handled and it would become
4 a non-existent issue.

10:34:08 5 Q. Permanent five what?

6 A. Of the Security Council.

7 Q. I apologise --

8 A. The United States.

9 JUDGE DOHERTY: I think Mr Taylor may have misspoke when he
10:34:19 10 quote Mr Obasanjo or President Obasanjo at line 21. "He is
11 coming to Liberia." I think it should be "Nigeria".

12 MR GRIFFITHS: Yes.

13 THE WITNESS: No, no, no. I'm saying Obasanjo did come to
14 Liberia and made a --

10:34:36 15 JUDGE DOHERTY: And subsequently spoke at the airport.

16 THE WITNESS: Yes.

17 MR GRIFFITHS: I'm grateful, your Honour.

18 Q. Now, Mr Taylor, having been given those assurances, did you
19 communicate your decision to step down to anyone else?

10:34:54 20 A. Yes. Including them, of course, the national legislature,
21 after we had gotten all the legal ramifications of the step down
22 and the procedural matters, not just the legislature but other
23 senior elders throughout Liberia, our chiefs, our elders, our Zos
24 were all called to Monrovia and briefed. And then the final
10:35:27 25 legal part was to write a formal letter to the national
26 legislature, that I did.

27 Q. And that led to the installation of Moses Blah as President
28 as we know, yes?

29 A. That is correct.

1 Q. And we've looked at that, so we won't delay over that.

2 But, Mr Taylor, help us with this: Did you communicate your
3 decision to step down to the President of the United States?

4 A. Yes. I wrote George Bush a letter after the war had

10:35:58 5 intensified and there were speculations normal - I don't call
6 that speculation, but proddings I will call them. They will put
7 out, "Taylor is not going anywhere. It's another Taylor trick."

8 I write George Bush and tell him precisely that, "Look, I am
9 leaving." Bush had met with African diplomats in Washington DC

10:36:21 10 and said, "Taylor must go." And I said I would not leave Liberia
11 until peacekeepers arrived in the city to maintain peace and
12 quiet because any unceremonious departure from Monrovia would
13 have led to a major bloodbath in the capital. That was

14 interpreted as not wanting to leave, and I said that it was

10:36:47 15 stupid for anyone to suggest that the President should just leave
16 the city, okay, leave it open, without that. So I write George
17 Bush and tell him that I'm leaving when the peacekeepers arrive,
18 that I intend to follow through with my word, and as soon as the
19 peacekeepers arrived in Monrovia, a date was set for my

10:37:08 20 departure, and I did.

21 Q. We can have a look at that letter behind divider 128 in
22 this same bundle. 16 June 2003. Do you have it now, Mr Taylor?

23 A. Yes, I do.

24 Q. Is this the letter?

10:38:11 25 A. This is it.

26 Q. "16 June 2003.

27 Dear President Bush,

28 I have no doubt that you are fully seized of the situation
29 in Liberia, particularly the humanitarian crisis created as a

1 result of the recent rebel incursion to the outskirts of the
2 capital, Monrovia.

3 Liberia is now at a crossroads following four years of
4 attacks against our sovereign territory by armed insurgents from
10:38:35 5 the neighbouring countries of Guinea, Cote d'Ivoire and lately
6 Sierra Leone. Several thousand Liberians have lost their lives
7 during this time, with thousands of others permanently maimed.
8 Over one and a half million of our citizens are internally
9 displaced and 10s of thousands of others eke out an existence as
10:38:56 10 refugees across the West African sub-region.

11 Peace talks sponsored by the International Contact Group on
12 Liberia, of which your country is a leading member, under the
13 auspices of the Economic Community of West African States, are
14 currently underway in Accra, Ghana. I have instructed my
10:39:22 15 negotiating team in Ghana to sign a ceasefire agreement drafted
16 by experts under the auspices of the ICGL. However,
17 representatives of the two rebel groups have continued to move
18 the goal posts, thereby posing obstacles to the peace process.

19 Out of deep concern for the future of my country and in a
10:39:45 20 bid to bring urgent closure to the spiral of violence that has
21 torn our nation apart for more than two decades, I have offered
22 to consider recusing myself from the political process at the end
23 of my first term next January, if in my view this will contribute
24 positively to the achievement of a comprehensive and lasting
10:40:05 25 peace.

26 In the meantime, I am concerned that there should be an
27 orderly transition from continuing conflict to durable peace. I
28 am prepared, over the next several months, to be an instrument
29 through which the international community could work to disarm

1 and demobilise more than 40,000 armed combatants to pave the way
2 for free, fair and democratic elections. Conventional wisdom
3 suggests that any precipitous and unconstitutional remedy imposed
4 on the crisis in Liberia could have dire ramifications - not only
10:40:36 5 for Liberia - but for the entire West African region.

6 It is in this regard that my government hereby again
7 requests the United States to play a leading role in the
8 restoration of peace and stability in Liberia. We envision, for
9 example, the immediately deployment of a unit of American armed
10:40:57 10 forces giving logistics and administrative support to a
11 contingent of West African peacekeepers sanctioned by the United
12 States, which would serve as a bridging force to a full-fledged
13 United States peacekeeping operation as soon as the same can be
14 mobilised.

10:41:16 15 Mr President, Liberia and the United States have enjoyed
16 more than 180 years of historical, cultural and economic links.
17 We firmly believe that the country can have the most positive and
18 significant impact on the peace process in Liberia is most
19 definitely the United States of America. We trust that you will
10:41:40 20 be willing to assist us in this manner to bring peace to the
21 people of Liberia, a peace which they so richly deserve."

22 And in due course, Mr Taylor, were American forces deployed
23 in Liberia?

24 A. Yes.

10:42:02 25 MR GRIFFITHS: Could that letter from President
26 Charles Taylor to President George Bush, dated 16 June 2003, be
27 marked for identification MFI-296, please.

28 PRESIDING JUDGE: Yes, that letter is marked MFI-296.

29 MR GRIFFITHS:

1 Q. Now, Mr Taylor, having looked at the video recording of the
2 investiture of Moses Blah, I'm not going to delay over long on
3 those details, do you follow me?

4 A. Yes.

10:42:29 5 Q. I want to take us immediately to your arrival in Nigeria.
6 Now, when you arrived in Nigeria, Mr Taylor, did you receive any
7 instructions as to the conditions of your stay?

8 A. Yes.

9 Q. What was it?

10:42:51 10 A. About - I arrived on 11 August 2003. About, I would say,
11 three, four days later in Calabar, a letter dated 11 August was
12 presented to me by the Governor of the state of Cross River
13 State, the Governor, Donald Duke, laying out what the letter
14 terms - my conditions of my stay in Nigeria - my political asylum
10:43:38 15 in Nigeria.

16 Q. And who had written the letter?

17 A. That letter had been written and signed by the Minister of
18 Foreign Affairs Adeniji, the same Adeniji that served as United
19 Nations special envoy in Sierra Leone at the time. The same
10:43:57 20 Adeniji. I was a little shocked by the letter.

21 Q. Why?

22 A. Because I had not requested political asylum. There was
23 nothing throughout the discussions that followed my pledge in
24 Ghana that I would request asylum. For me, my interpretation of
10:44:18 25 asylum was a little different. Obasanjo had extended an
26 invitation. So when I get this letter, I'm a little concerned in
27 that - the issue and I raised it subsequently with Obasanjo. I
28 was shocked that they had said, "These are the condition for your
29 asylum."

1 Q. Let's a look behind divider 132, please, same folder. Is
2 this the letter you received, Mr Taylor?

3 A. Yes, this is the letter.

4 Q. As we can see, it's dated 11 August 2003 addressed to you:

10:45:19 5 "On behalf of the President, Commander-in-Chief of the
6 Armed Forces of the Federal Republic of Nigeria, I wish to extend
7 to you warm welcome to Nigeria. As already agreed, arrangements
8 have been made for you to be located in Calabar, Cross River
9 State, where your host will be the Governor of the state, His
10 Excellency Mr Donald Duke.

11 As an indication of Nigeria's obligation to you during your
12 stay in the country, as well as your own obligation, I forward
13 the attached aide memoire for your guidance.

14 I wish you a peaceful stay in Nigeria."

10:45:53 15 Over the page, please:

16 "Conditions of asylum for former President Charles Taylor."

17 Now yes or no, Mr Taylor: Had asylum been discussed with
18 President Obasanjo?

19 A. No, never.

10:46:07 20 Q. "Obligations of Nigeria:

21 1. Permission for members of his family and entourage
22 (limited in number) but no more than 35 persons in all to enter
23 and remain in Nigeria for the duration of stay of former
24 President Taylor;

10:46:24 25 2. His right to engage in self employment;

26 3. His right to own movable and immovable property;

27 4. Protection of former President Taylor by Nigerian
28 security.

29 Obligations of former President Taylor:

1 1. To obey and conform to laws and regulations as well as
2 measures taken for the maintenance of public order in Nigeria;

3 2. To abstain from any subversive activities against
4 Nigeria;

10:46:54 5 3. To desist from any act likely to cause tension or
6 hatred or disharmony in Nigeria;

7 4. To refrain from active participation in political
8 activities of Liberia while in Nigeria;

9 5. To avoid mounting or instigating military incursions
10:47:14 10 into Liberia;

11 6. To eschew any form of propaganda and cross-border
12 broadcasts to Liberia from Nigeria, including interviews on local
13 and international news media;

14 7. To be responsible for the conduct of members of his
10:47:35 15 household and entourage.

16 Restrictions:

17 1. To refrain from active participation in the political
18 evolution activities concerning Liberia or in communications with
19 any individuals engaged in political, illegal or governmental
10:47:49 20 activities in Liberia;

21 2. To refrain from giving any media interviews without the
22 agreement of the Government of Nigeria;

23 3. Not to leave the city limits of Calabar without first
24 obtaining clearance from the appointed liaison officer providing
10:48:11 25 details of proposed duration of absence from the city, itinerary
26 and other relevant contact details."

27 I'm going to come back to that in a moment.

28 "4. To agree to be accompanied on any travel outside
29 calibre by a Nigerian escort officer.

1 Responsibility:

2 1. The Government of Nigeria agrees to provide security
3 for the residential compound of former President Taylor in
4 Calabar, and to provide routine security for his movements;

10:48:42 5 2. Former President Taylor will be responsible for his own
6 communication and living costs during his residency in Calabar;

7 3. Resettlement of members of the household in terms of
8 occupation, living costs and education would be the
9 responsibility of former President Taylor;

10:48:59 10 4. The conditions of asylum does not include sovereign
11 immunity. Former President Taylor and his household must abide
12 to live in Nigeria as private citizens. The former President and
13 immediate family will enjoy courtesies due to a former Head of
14 State.

10:49:19 15 Documentation:

16 1. The members of the household and entourage would be
17 subject to screening and documentation as prescribed by relevant
18 Nigerian authorities;

19 2. No form of arms and ammunition or other implements of
10:49:36 20 war are to be allowed any member of the household on the premises
21 they occupy while in Nigeria."

22 Now, Mr Taylor, whilst in Nigeria from 11 August 2003 until
23 29 March 2006, did you abide by those conditions?

24 A. 100 per cent, yes.

10:49:59 25 Q. Now, Mr Taylor, we're coming almost to the end now. Help
26 us. You said you'd been given a certain assurance by Obasanjo,
27 didn't you?

28 A. Yes.

29 Q. Now, did President Obasanjo keep his side of the bargain,

1 Mr Taylor?

2 A. No, he did not.

3 Q. So help us. What happened?

10:50:36

4 A. Well, during my stay in Calabar I met with Obasanjo
5 frequently.

6 Q. Pause there for a moment, Mr Taylor.

7 Before I forget, could that letter and the attached aide
8 memoire become MFI-297, please?

10:50:57

9 PRESIDING JUDGE: Yes, that whole document is marked for
10 identification MFI-297.

11 MR GRIFFITHS:

12 Q. Yes, Mr Taylor, I apologise for interrupting you. You met
13 with President Obasanjo frequently, yes?

10:51:12

14 A. Yes, both in Lagos, in Calabar where he visited a couple of
15 times. In fact, Lagos frequently he would send an aircraft, we
16 would spend an entire day together, and I would fly back in the
17 evening. He always talked about constant pressures from the
18 United States. Almost every trip that Obasanjo made to the
19 United States, before going we would meet and he would talk about

10:51:37

20 the pressures. And I just mentioned earlier that on some of
21 these occasions even former Secretary of State Colin Powell came
22 to his rescue and said, "Look, leave Obasanjo alone. All of us
23 knew that Taylor was leaving the country." He spoke to Kofi
24 Annan and told me several times that Annan had mentioned to him
25 about some pressures that were coming through him, but you know,

10:52:01

26 these African brothers exchange a lot of information. In fact,
27 on one occasion in a conversation with - in fact, Thabo Mbeki had
28 mentioned that he had made it very clear to Bush - both Bush and
29 Tony Blair at the time that this situation was an African

1 situation and they were not going to let it get out of hand. In
2 fact, there was a very tough exchange between Bush, Blair and
3 Mbeki as Mbeki reiterated about my situation. So there was
4 constant pressure. Now, just a few months --

10:52:41 5 JUDGE SEBUTINDE: Sorry, Mr Taylor, I wish to understand
6 you properly. What exactly was the pressure on --

7 THE WITNESS: To hand me over to the Special Court. I'm
8 sorry, your Honour. The pressure was to hand me over. And they
9 kept saying, "But look, we have a deal and you people have
10 agreed" - the permanent five had agreed that this would not take
11 place. Mbeki fought it, Obasanjo fought it, and the rest of the
12 African Union. There was a - for three years they were harassed.
13 I remember the last trip that Obasanjo took to the United States
14 - in fact, excuse me, just before then Obasanjo had sent for me

10:53:21 15 at Otta - that's his farm in Lagos and he said to me - he said,
16 "Look, Kofi Annan called me and told me that this trip I'm making
17 to the United States, I'm going to come under a lot of pressure
18 but don't worry about it. We are not going to hand you over."

19 And this was the second time he had said, this because at one
10:53:45 20 point in the press - not in the press. The United States

21 Congress passed a bill - in fact, it was a rider, I think,
22 attached to a defence appropriation bill that appropriated - I
23 forgot - \$1 million to \$2 million. There was a bounty passed by
24 the United States Congress on me that anybody turning me over,
10:54:08 25 that bounty would be made available. It's a United States law.

26 It's a law. A rider attached to a defence appropriation bill.
27 And Obasanjo was under pressure. So he tells me, he said, "Look,
28 I'm going there, but it's not going to happen." In fact, at this
29 time when that bounty bill was passed, the Nigerians sent

1 additional military and security people to protect my property,
2 afraid that the Americans could try to snatch me.

3 But I think there were two principal issues, in my
4 submission, that caused Obasanjo to break, and I - one, during
10:54:44 5 this particular period there was a discussion of a permanent
6 African seat on the United Nations Security Council. There were
7 discussions at that time about the possibility being Nigeria or
8 South Africa, and Nigeria being the largest black nation in the
9 world and the powerhouse - one of the powerhouses on the African
10:55:09 10 continent, was looking forward to that. And can I just see what
11 we call through almost the eyes of fate Nigeria being told:

12 Yeah, we have this situation where the former President of
13 Liberia is accused of war crimes and crimes against humanity; you
14 have him there. How do you enhance your chances of sitting on
10:55:29 15 the Security Council as a permanent member when you - this would
16 enhance your - you know, your chances. That's one option.

17 The second that Obasanjo mentioned to me, I remember, was
18 that there was a discussion going on in Nigeria about a possible
19 third term for Obasanjo as President, and he simply said to me in
10:55:50 20 short: Well, look, I'm going to Washington now. I'll see what
21 we can do about it. Maybe after this third term situation is
22 resolved, we will know how to deal with the Americans on this
23 matter, and he left. But before going I said to him, I said,
24 "Look, I want to go over to Chad to see my friend Idriss Deby."
10:56:19 25 He said, "Fine, I don't have a problem." I asked him how long he
26 would be aware. He said it would take him to four to five days.
27 He said it was a very good idea, he had no problems, so he gave
28 me some money. In fact --

29 Q. How much?

1 A. Obasanjo gave me a \$500,000, and that was reported in the
2 press about Taylor leaving the country with a whole lot of money.
3 I was having financial problems in Nigeria - serious financial
4 problems and --

10:56:43 5 Q. Pause. How were you supporting yourself in Nigeria?

6 A. The Nigerian government every month gave me subsistence
7 while I was in Nigeria, because that was one of the issues that
8 had been raised with Nigeria about my - they paid my staff and
9 they provided subsistence for me in Nigeria. Because I had told

10:57:02 10 Obasanjo in spite of all these lies about billions, I had no
11 money. Obasanjo knew, and I think the Americans knew I had no
12 money, and so the Nigerian government provided subsistence. So I
13 said to him I needed to be doing some work and get something
14 going. He said to me, "Well look, I'm into the chicken

10:57:22 15 business." I think Obasanjo has the largest chicken - poultry
16 farm in Liberia, if not the - so he said to me, "Well look, we'll
17 see if we can help you. I would advise you to do this because if
18 you get stuck, I can help you with chicks and other things." So
19 Obasanjo had, through the Governor of Cross River, give me

10:57:45 20 \$500,000 to put together this poultry business. En route to Chad
21 I was travelling with about \$50,000 for my hotel and different
22 things. He provided the security. The Secret Service was with
23 me in a three-car convoy driving from Cross River State to an
24 area called Maiduguri, 1,000 miles from Cross River State.

10:58:07 25 Q. Spell the destination for us?

26 A. Maiduguri, I'm sorry, but I need your help there, please.
27 Maiduguri, it's far in the north on the border with Chad.

28 Now, this Court - well, not the Court. I'm sure
29 individuals may have heard about Charles Taylor trying to escape

1 and going to Cameroon. Cameroon, from Calabar, is less than 50
2 miles. I was being escorted by Nigerian armed security, Secret
3 Service and police in a three-car convoy from Calabar all the
4 way. Obasanjo had already travelled and he knew that I was on my
10:58:42 5 way. I get to the border and I'm stopped. What happened?
6 "Well, we have orders to arrest you." I said, "No, you've got to
7 be kidding." They said, "No, we are not kidding. Aren't you
8 former President Taylor?" I said, "Yes." The Nigerian security
9 is standing right there. They said, "Well, we have orders to
10:59:00 10 arrest you." I said, "No, no, no. You can't be - you've got to
11 be kidding. You've got to be kidding." They said, "No,
12 Mr President, you are under arrest."

13 I was arrested from the border. Now, there are reports out
14 there that Taylor was travelling with tons of money. From that
10:59:16 15 arrest position, only with my clothes, I was placed on an
16 aircraft, flown to Monrovia. At the airport, arrested by United
17 Nations securities, when at the airport, and flown to the Special
18 Court in Freetown. The monies, my properties, everything, I
19 don't know. Later on some of my clothes were sent. The money, I
10:59:39 20 can't account for it. I don't know who took it. So this issue
21 about millions of dollars that Taylor was travelling, all lies.
22 If there were millions, then the Nigerians have them.

23 Q. Now, three questions, Mr Taylor: Firstly, as suggested in
24 the media at the time, were you seeking to flee the country?

10:59:56 25 A. No, I was not.

26 Q. On that same question, are you saying that President
27 Obasanjo knew of your proposed trip to Chad?

28 A. He knew. I was under Nigerian escort. He knew. How does
29 one plan to run away and escape with your security, your Secret

1 Service and everything, taking them?

2 Q. Now, help us with this, Mr Taylor: From where you were
3 located in Calabar, which is the nearest border if you wanted to
4 flee?

11:00:30 5 A. Cameroon.

6 Q. How far away is that?

7 A. Less than 50 miles.

8 Q. Where were you, in fact, arrested?

9 A. I was arrested at Maiduguri in the northern part of Nigeria
11:00:44 10 on the Chadian border, 1,000 miles about from Calabar.

11 Q. Have you subsequently discovered, Mr Taylor, why it was
12 that despite the assurance given to you by Obasanjo before he
13 left, you ended up being arrested?

14 A. I would just put it to the immense pressure. A newspaper
11:01:05 15 report that I saw following my arrest - I think it was done by
16 either New African or something - Obasanjo arrived in Washington
17 DC. I understand he was at Blair House, Blair House is the
18 residential place that dignitaries stay, and Bush refused to see
19 him. I haven't managed to talk to Obasanjo yet. I don't know as
11:01:26 20 to whether he panicked, what happened. I have just surmised and

21 I have stated two possible scenarios. I haven't had an
22 opportunity to speak to him and it's rather unfortunate. I hope
23 - I don't care what happens, I hope I'm alive to really look into
24 Obasanjo's face one day and ask him to tell the world the truth
11:01:47 25 about what happened because I see in his mind - with me, I'm

26 Jewish, I do not hold any animosity, but I tell Obasanjo today,
27 and I'm sure he knows about this trial, he lied to the world when
28 he said I was escaping and he knew nothing about it. Why he lied
29 I don't know, but as a brother and a friend I think he ought to

1 speak and tell the truth about it. I mean that's it.

2 PRESIDING JUDGE: Just before you go on, just to clear this
3 up, Mr Taylor, you say that Obasanjo gave you half a million
4 dollars. I take it that's US currency, is it?

11:02:26 5 THE WITNESS: That is correct, your Honour. Half a million
6 United States dollars, yes.

7 PRESIDING JUDGE: And just for the record, a matter of
8 spelling.

9 MR GRIFFITHS: Idri ss Deby, President of Chad, is
11:02:40 10 I-D-R-I-S-S D-E-B-Y. Maiduguri is M-A-I-D-U-G-U-R-I.

11 PRESIDING JUDGE: Thank you, Mr Griffiths. There's just
12 one more. Earlier on you referred to Obasanjo's farm in Lagos at
13 I think you said Otta.

14 THE WITNESS: Otta.

11:03:13 15 PRESIDING JUDGE: How do you spell that?

16 THE WITNESS: I'm sure Mr Anyah may appear to help. I
17 think it's either O-T-A or O-T-T-A, but Otta is just outside of
18 Lagos, it's in Lagos state. That's where he has his poultry
19 farm, Otta.

11:03:34 20 PRESIDING JUDGE: Yes, thank you.

21 MR GRIFFITHS: O-T-T-A, I'm told:

22 Q. Now, Mr Taylor, so far as that account that you've given us
23 is concerned, help us, did the President of Liberia have any role
24 in that?

11:04:00 25 A. Yes, before my arrest Obasanjo had come to - he came to
26 Calabar and he said to me that he had received a letter from the
27 President of Liberia requesting that I be turned over to Liberia
28 and he had said that - he said to me, "Well, I do not know what's
29 wrong with this woman. She has not completed the issue of the

1 elections with George Weah and now she wants me to turn you
2 over." And he said that, "This is something I do not
3 understand." But before that time he received a letter from the
4 President of Liberia.

11:05:05 5 But just maybe a little addendum here. Prior to that there
6 was a strange situation that occurred that Obasanjo and I spoke
7 about again. The United Nations Security Council passed a
8 resolution - and I'm sorry, I'm not sure if we put it together
9 but it can be found - mandating United Nations forces in Liberia
11:05:33 10 to arrest me upon my arrival in Liberia. Now that really caught
11 me off guard because - and then immediately I got to Obasanjo and
12 I said, "What are we talking about here? How do you arrest a man
13 that is not coming to the country?" I had no intention of going
14 to Liberia. And this was done some three or four months before
11:05:54 15 we get to this. So apparently this whole pressure cooker
16 mechanism was being put into place, you know, to prepare. So
17 subsequent to that there's this letter to be sent to Liberia of
18 which I was not a parcel sent by the President of Liberia to
19 Nigeria that you can say, "Well, send me my parcel back." So
11:06:18 20 that caught me a little off guard. But we did get a letter - he
21 did a letter. He told me about it. I talked about it publicly,
22 there were denials up and down, but there was a letter.

23 Q. Mr Taylor, so far as the details of your arrest are
24 concerned, have you seen any newspaper articles regarding that?

11:06:51 25 A. Well, subsequently. There were two. New African in 2006
26 did something. The LA Times also gave some little nuanced
27 attachment to the reasons for my arrest that are somewhat
28 analogous to what David Crane talked about. These are the two
29 that I recall.

1 Q. Now let's have a look first of all, shall we, at the - can
2 you remember the year in which the article came out in the LA
3 Times?

4 A. That was, if I'm not mistaken, 2007. I think it was about
11:07:34 5 the LA Times in 2007 that they - that article I have read. It
6 spoke about that until - in fact the title of the article is
7 until his arrest Liberia's - to the extent that Liberia's future
8 was in peril. It talks about a discussion with Ellen
9 Johnson-Sirleaf and how people were amazed when it was first
11:07:57 10 reported that I had escaped and how she was disturbed, but later
11 on when I was arrested she had this smirking laugh to say, "Oh,
12 okay, the Nigerians know how, they have their own way of handling
13 things." I think it was about 2007 or thereabouts.

14 Q. Let's a look behind divider 138 in this same folder,
11:08:18 15 please. Yes, Mr Taylor?

16 A. Just a minute. Yes, I have it.

17 Q. Los Angeles Times, Friday 26 January 2007.

18 "Until his arrest exiled Taylor posed problems for Liberia.

19 One big step for Liberia was the arrest of Charles Taylor
11:09:13 20 in March which sent a shudder of relief throughout the country.

21 When the former President was in exile in Nigeria, which
22 granted him asylum after the war ended in 2003, the question of
23 his extradition on international war crimes charges dogged
24 President Ellen Johnson-Sirleaf everywhere - especially on a trip
11:09:31 25 to the United States, which had pressed for his arrest. Hoping
26 to attract donor money, she asked a reluctant Nigeria to hand him
27 over.

28 Then came the news: Taylor had escaped.

29 'At first I thought how could this be? Was this with the

1 knowledge of the Nigerian government? Were they setting him
2 free? What would be the implications for our whole peace process
3 here? Would he end up here? And the implication of that was
4 serious. But then, when he was caught, I realised that Nigeria
11:10:06 5 has its own ways of solving problems,' said Johnson-Sirleaf,
6 laughing wryly."

7 What do you understand by the wry laugh and "Nigeria has
8 its own way of solving problems", Mr Taylor?

9 A. A little cynical laugh, okay. Well, okay. That was just a
11:10:31 10 round about way of getting it done. I would say some cynicism.

11 Q. "Later she had to face the fury of Taylor's greatest
12 supporter, Libyan leader Muammar Gaddafi. In a meeting in
13 Tripoli, the Libyan capital, Gaddafi thrust out his wrist at her,
14 displaying a flashy watch. 'Look at it,' he told her.

11:10:56 15 'Charles Taylor gave it to me.' Then he berated her over the
16 decision to hand Taylor over to a US war crimes tribunal."

17 Yes, Mr Taylor?

18 A. Yes.

19 Q. Now you also mentioned, did you not, what was it?

11:11:10 20 A. New African also did --

21 MR GRIFFITHS: Mr President, can I ask that that Los
22 Angeles Times article, "Until arrest exiled Taylor posed problems
23 for Liberia" dated 26 January 2007 be marked for identification
24 MFI-298, please.

11:11:28 25 PRESIDING JUDGE: Yes, marked MFI-298.

26 MR GRIFFITHS:

27 Q. Now, New African, Mr Taylor, what are you talking about
28 here?

29 A. That also dealt with the issues surrounding my arrest

1 and --

2 Q. Can you tell us when this --

3 A. That was in 2006.

4 Q. How soon before you were arrested?

11:11:52 5 A. Well, that came out - I was arrested in March and that came
6 out a little after my arrest. After my arrest.

7 Q. But in 2006?

8 A. That is correct.

9 Q. Yes, let's have a look behind divider 137, please. Is this
11:12:43 10 it, Mr Taylor?

11 A. Yes, this is it. After my arrest, yes.

12 Q. We see this is the front page of the magazine for May 2006,
13 yes?

14 A. Yes.

11:12:56 15 Q. We see it's headed "Charles Taylor, why me? 16 page
16 special", yes?

17 A. That is correct.

18 Q. When we go over the page we see another headline; then on
19 the third page your photograph, yes?

11:13:13 20 A. Yes.

21 Q. On the fourth page, a photograph of Hinga Norman?

22 A. Yes.

23 Q. Now, Mr Taylor, you told us, did you not, that when, whilst
24 in Accra, your fellow Presidents heard about the indictment, you
11:13:32 25 told us that your host President Kufuor was very annoyed?

26 A. Yes, he was annoyed.

27 Q. Now, the page after the photograph of Hinga Norman, yes?

28 A. Yes.

29 Q. Top paragraph on the right-hand side:

1 "Kufuor told the New African that he felt betrayed by the
2 international community when news of the indictment reached him.
3 Five African Presidents, he said, were meeting in Accra to find
4 ways of kick-starting the Liberian peace process, and Mr Taylor
11:14:18 5 had been invited as President of Liberia. 'We were not even
6 aware that a warrant had been issued for his arrest.
7 Incidentally the African leadership had taken the initiative to
8 convince Mr Taylor to resign and allow all the factions in
9 Liberia to negotiate. It was when the Presidents were leaving my
11:14:36 10 office for the conference centre, where Mr Taylor was expected to
11 make a statement, that word came in that a warrant had been
12 issued for his arrest. I really felt betrayed by the
13 international community, and I informed the United States of the
14 embarrassment that the announcement caused.' The African
11:14:57 15 Presidents meeting in Accra was particularly angry because it was
16 clear that the announcement of the indictment on that very day
17 was meant to scupper the Liberian peace talks and showed no
18 respect for their efforts. The then chief prosecutor of the
19 Court, the American lawyer David Crane, perhaps thinking about
11:15:18 20 the interests of his home government more than the interests of
21 West Africans, may have calculated that a successful conclusion
22 of the Accra talks would lead to elections in Liberia, fixed for
23 July 2003, which were likely to be won by Taylor and his NPP
24 party. That was bad news for the external agenda, and the
11:15:39 25 earlier the talks were nipped in the bud, the better.

26 The plan worked. Though the talks continued in Accra,
27 Taylor agreed to step down as President if he was seen as the
28 impediment to peace. And on 11 August 2003, he duly relinquished
29 power and went into exile in Nigeria, after an immunity from

1 prosecution deal had been arranged and secured by the African
2 Union, ECOWAS, the UN and the US and UK governments. The five
3 African Presidents who met in Accra - Mbeki, Kufuor, Chissano,
4 Obasanjo and Tejan Kabbah - again flew to Monrovia (the Liberian
11:16:28 5 capital) to see the deal ironed out."

6 Now, what was the deal you told us about, Mr Taylor?

7 A. Yes.

8 Q. Yes?

9 A. That was the deal.

11:16:37 10 Q. Now, if we go over the page we see a rather unflattering
11 photograph of Sir Desmond De Silva. Over the page again we see a
12 photograph of David Crane and the learned judge. And then we
13 come, do we not, Mr Taylor, to an interview conducted with you,
14 yes?

11:17:02 15 A. Yes.

16 Q. Now, I'd like us to look at this interview, please.
17 "Charles Taylor", and the heading is "When your master is your
18 enemy, you are doomed".

19 "For ten years between 1992 and 2003, Baffour Ankomah, our
11:17:39 20 editor, covered Liberia very intimately. During seven reporting
21 trips to the country, he interviewed Charles Taylor five times,
22 both before and after he became President. The last in June 2000
23 (published in the New African July/August 2000) was quite
24 prescient given Taylor's current situation. For readers to
11:18:04 25 adequately understand the goings on at the UN Special Court in
26 Sierra Leone, we have gone back to select extracts from that
27 interview was headlined, 'Charles Taylor: Powerful countries
28 want me out.' At the time Taylor's government was under attack
29 (going back four years) by rebels sponsored, trained, funded

1 armed and directed by the Americans (and to a lesser extent, the
2 British). The irony is that in all five interviews Taylor kept
3 repeating that: 'During the war (1990-91), there was full
4 cooperation between me and Washington and every move we took, we
11:18:48 5 informed Washington first.' The question is: What was
6 Washington doing with Charles Taylor, a man they now call 'a war
7 criminal'?

8 Baffour: 1997 was an election year in Liberia and you won
9 with more than a landslide, in fact 75 of the vote. It is now
11:18:56 10 five years since that victory. How has life been at the top as
11 the democratically elected President?

12 Taylor: Life at the top has been very tough because of
13 several reasons. First of all, I want to praise God, the
14 Liberian people have been very understanding. But when I say it
11:19:14 15 has not been very good at the top, coming out of seven years of
16 civil crisis, where there were some 20,000 to 30,000 deaths,
17 winning the election, in fact more than 75 per cent of the vote,
18 we have not got any assistance from the international community
19 in stabilising the country. This has been most unfortunate and
11:19:37 20 has caused a lot of additional pain and suffering for the
21 Liberian people.

22 Baffour: In 1992 when I first interviewed you in
23 Gbarnga ..." we've looked at interview, haven't we, Mr Taylor?
24 A. Yes, we have.

11:19:56 25 Q. "... you had brought in experts from Africa, Europe,
26 America and elsewhere to look at Liberia's education and health
27 systems, agriculture, mining, the infrastructure, investment
28 climate, et cetera in preparation for the day when you would
29 eventually become President. At the time you controlled 99.9 per

1 cent of the country. But five years into office, Monrovia, the
2 capital city, is still without running water and electricity, in
3 fact the city is decaying and the people are saying the President
4 hasn't delivered. What is going on? What is there to show for
11:20:33 5 past five years?

6 Taylor: Why haven't I delivered?

7 Baffour: Yes.

8 Taylor: I will tell you. I have not delivered, yes. And
9 I've told the Liberian people that I have not delivered and I
11:20:50 10 have explained to them. Any nation, in fact all nations coming
11 out of civil crisis, whether we go as far back as World War II
12 where Germany was rebuilt, Japan was rebuilt, you need
13 assistance. Liberia started off on a very terrible note. In the
14 first instance there was great opposition from some powerful

11:21:12 15 countries to my being elected President. Following my election,
16 there were predictions that the government would not last for six
17 months, and then it would not last for 12 months, and then in
18 fact on the famous CNN programme Diplomatic Licence, experts
19 predicted that I would have gone. As a result, everything has
11:21:37 20 been done to stop this government from moving. Every pressure
21 that you can think of, through World Bank programmes, through IMF
22 programmes, have been applied. So it is impossible to deliver.

23 Next month, (July 2002) will be four years since we have
24 been engulfed in a renewed state of crisis, where terrorists
11:22:00 25 continue to attack us from neighbouring countries, fully financed
26 and equipped by powerful states. I'm using 'powerful states'
27 here because I don't want to get into calling names, because each
28 time you present them face-to-face with the facts they punish you
29 even the more. So little countries are frightened, you are

1 frightened to talk about their wrongs.

2 Baffour: That's not right.

3 Taylor: It's not. But that's the reality of the world
4 now. When powerful countries begin to plan propaganda, lies and
11:22:41 5 disinformation about you, every other little country begins to
6 scramble for cover because they are afraid they would become a
7 target, and so you are left out there hard and dry to suffer. It
8 is very terrible. Even against the point where the United

9 Nations, that you hope you could go to for mediation and solace,
11:23:01 10 becomes the whipping rod. For example, this rebel war has led us
11 not to deliver to our people, yet we have been punished. In the
12 first instance there was an arms embargo placed upon us,
13 sanctions placed upon us, our officials have been barred from
14 travelling to even present our case. The country has a national
11:23:34 15 budget of less than \$90 million US. How do you deliver? There
16 has been a conspiracy out there to destroy this country and our
17 people, and we don't know why.

18 So yes, we have not delivered. We have told our people
19 that we are capable of delivering and we want to deliver, but our
11:23:53 20 hands our tied, our feet are tied, and the propaganda machinery
21 of these powerful nations are just too overwhelming for us.

22 Baffour: From what you've said, do elections matter?
23 Right from 1992, the international community wanted Liberia to
24 held elections, and so elections were held here in 1997. My
11:24:15 25 question is: Why hold election and ask the people to vote in
26 leaders of their choice, if some rebels just come in from Guinea
27 and impose their will on the people and country. And the same
28 international community that wanted the elections in the first
29 place, does not even condemn the rebel attacks but rather

1 punishes, as you say, the legitimate government that came out of
2 the elections.

3 Taylor: I will tell you. This baffles anyone and
4 everyone, but that's not even the strongest question. Even if
11:24:51 5 that were to happen, I think the greatest travesty of justice is
6 the fact that we are told by the same international community:
7 'We are aware that terrorists are attacking you, we are aware
8 that thousands of people have been killed, we are aware that more
9 than a million of your people are displaced, but we don't like
11:25:12 10 you and so you may not defend yourself and so we go to the UN
11 security council and we impose an arms embargo, and we deny you
12 the right to self-defence even under Article 51 of the UN
13 charter.'

14 And who is there to talk about? No one. Because the most
11:25:38 15 powerful countries are the ones that are perpetrated the
16 injustice against Liberia. That's what I call a round-about way
17 of overthrowing governments. 'First we go in, we make you a
18 demon, we cut off all resources, we isolate you and your people
19 are to come on to the streets, there is anarchy and overthrow
11:25:58 20 you. If that doesn't happen, we will continue to kill the people
21 of Liberia through a proxy rebel war until the people see it our
22 way.' Thank God the Liberian people have not fallen for us.

23 So are elections necessary? That was your question. Yes,
24 elections are necessary because in the final analysis the
11:26:25 25 strength that I get or any other nation gets is when your people
26 can say, 'We did it, we voted for this man or woman and we stand
27 by it.' There is no way for anyone to come from the outside and
28 say, 'Well, we are not sure that you are responsible for electing
29 this man.'

1 Baffour: Regarding this rebel war, some people say: 'Yes,
2 it serves him right, he started it all, he is being paid in his
3 own coin.' What do you say?

4 Taylor: Well, where am not sure that we can fuss about
11:27:00 5 that. I did start a war, but it was a different kind of war. I
6 started an uprising here to liberate the Liberian people from the
7 Samuel Doe regime that was involved in many atrocities. That's
8 the difference. The rebels now coming in from Guinea have no
9 political agenda. They have come in, they have raped women, they
11:27:23 10 have burned down towns and villages, they have pillaged the Lofa
11 County, they have herded people into buildings and burned them
12 alive. These are terrorists.

13 But if one argues that well, 'He is getting some of his own
14 medicine', I say Doe had a level playing field. The Doe
11:27:40 15 government did not have an arms embargo placed upon it. It did
16 not have powerful nations supporting an armed incursion against
17 it. Here, this government, my government, has powerful nations
18 working against it. We have proof of weapons seized from those
19 countries. We have illegal combatants in jail right now who
11:28:08 20 testified to their training, where they are coming from, and then
21 you put an arms embargo on us. There is not a level playing
22 field. If you want me to taste some of my own medicine, create a
23 level playing field. Let my government be given, under Article
24 51 of the United Nations charter, the right to self-defence.
11:28:30 25 Lift the arms embargo and this war will be over.

26 Baffour: In short you are saying Doe has made peaceful
27 change impossible in Liberia, and you have not?

28 Taylor: Of course. Of course. We've told the rebels,
29 'Look, there is a democratic process here. Elections are

1 scheduled for next year. Lay down your arms, come to the ballot
2 box, let's pursue the electoral process.' That's the way to go.
3 We have created all avenues here for peaceful discussions. There
4 are no political prisoners in any jail in this country. We have
11:29:12 5 freedom of speech. We have freedom of the press. There is a
6 clear environment for discussion, for reconciliation, and there
7 is a reconciliation conference coming up in July. We hope they
8 would come to that conference. Let's see if we can talk about
9 it. But not coming to the ballot box is not the right way to go.

11:29:34 10 Baffour: If you were asked to sum up the rebels'
11 grievances, what would you say?

12 Taylor: To be frank, I don't even know what the grievance
13 is. Some of the people supporting them - Ellen Johnson-Sirleaf,
14 comes backwards and forwards here. Alhaji Kromah has not come.
11:29:54 15 He was in the last election and lost immeasurably. Some of the
16 other people, I don't know what the grievances are. We don't
17 have political prisoners here. We have freedom of speech. There
18 are 17 political parties in this country. No political leader is
19 under arrest. I hope I knew their grievances. I don't.

11:30:15 20 Baffour: There is something that fair-minded people in
21 this country and abroad do not understand. You and your
22 government received United Nations punitive sanctions for,
23 according to the United Nations, supporting the RUF rebels in
24 Sierra Leone. Guinea supports the LURD rebels who are attacking
11:30:33 25 you right now, and Guinea gets no sanctions, not even a slap on
26 the wrist.

27 Taylor: (Laughs). Nothing, there is nothing.

28 Baffour: Why?

29 Taylor: Because powerful countries are involved. My

1 minister of information has just told me that when your master is
2 your enemy, you are doomed. That's why I am saying the world is
3 more dangerous now than during the Cold War. It is more
4 dangerous because if you look at the whole issue of equilibrium,
11:31:15 5 that balance does not exist in the global community right now."

6 PRESIDING JUDGE: Yes, I think we will take the morning
7 adjournment now and resume at 12 o'clock.

8 [Break taken at 11.30 a.m.]

9 [Upon resuming at 12.00 p.m.]

12:02:53 10 MR GRIFFITHS:

11 Q. Mr Taylor, we were looking at the New African magazine
12 interview with you before we adjourned. Can we go back to that,
13 please.

14 A. Yes.

12:03:12 15 Q. "Baffour: So what does President Conte of Guinea say that
16 are the reasons for supporting the LURD rebels?

17 Taylor: When we met in Morocco recently we decided not to
18 get into the intricacies case of this crisis. I don't envy
19 President Conte. He is under tremendous pressure from powerful
12:03:38 20 countries to continue supporting the rebels for some reason. But
21 we have agreed that we are going to keep our differences out of
22 the press.

23 Baffour: There was a time that President Conte accused you
24 and your government of supporting rebels against him and his
12:03:52 25 government. Was that true?

26 Taylor: That was not true. And as a matter of fact if you
27 were to ask President Conte now, he would tell you that, that's
28 all in the past. You know sometimes perceptions outside can be
29 so, so serious and when you begin to deal with the powerful

1 organs of western propaganda, you know, I like the British, and I
2 hope I can get close to them. They are very smart people. Years
3 ago when we were not even thinking about it, the British started
4 the BBC. They knew then that by building radio and getting to
12:04:30 5 the ears around the world, they had some control. Smart people.
6 And for a long time they outsmarted the Americans. Somehow the
7 Americans realised what was going on and said: 'Oh, my God, we
8 have got to catch up with this.' And then came the CNN. Now, by
9 the time you are lambasted on the CNN and BBC you are already a
12:04:55 10 demon and then all their little organs, their little covert
11 arms, begin to take over. It's frightening.

12 Baffour: Now there is peace in Sierra Leone, elections
13 have been held there and the RUF rebels that the United Nations
14 accuse you of supporting have smoked the peace pipe with the
12:05:18 15 government. Britain has trained a new armed forces for Sierra
16 Leone. So why did the United Nations, in May, renew the
17 sanctions and arms embargo on Liberia - sanctions imposed because
18 they said you were supporting the RUF?

19 Taylor: I think maybe Kofi Annan could answer this, but I
12:05:38 20 don't think he knows. I think the British and the Americans
21 would know, because the sanctions resolution was backed and
22 written by Britain. In fact, I see the continuation of 'the
23 sanctions regime' as a ploy by these powerful nations to
24 interfere in the democratic process of Liberia. I see for the
12:06:01 25 first time that the United Nations is being used indirectly to
26 perpetrate evil against a member state because of personal
27 reasons of other member states. And again, we don't have an
28 equal opportunity to confront these allegations. It's very
29 difficult.

1 Baffour: You have mentioned 'powerful countries' a lot in
2 this interview, but you don't want to name them. We've read that
3 the Americans are training the Guinean armed forces. Is that
4 correct?

12:06:36 5 Taylor: (Laughs sarcastically).

6 Baffour: Or are they training the LURD rebels based in
7 Guinea? Which is which?

8 Taylor: (Still laughing). Well, we have captured some
9 people (rebels) here who said they were trained by the Americans.

12:06:53 10 I do agree with the US that they are training the Guinean army.
11 I have no reason to doubt what the American government said but
12 we have in our custody people who were trained in Guinea by the
13 Americans, and I guess maybe these are the bad ones who slipped
14 out after training.

12:07:11 15 Baffour: Is it just a coincidence that America is training
16 the Guinean army at the time Guinea is supporting a rebel war
17 against Liberia?

18 Taylor: One does not want to question the authenticity of
19 the American pronouncements. It may be in the interests of the
12:07:32 20 United States to train the Guinean army. I hope it would become
21 the interest of the United States to do the same here, thus
22 creating a balance.

23 Baffour: It has been said that Britain has been flying
24 arms to the LURD rebels, dropping them in Sierra Leone's parrot
12:07:50 25 beak. Do you have any information about this?

26 Taylor: We missed a helicopter in Liberia, a white
27 helicopter, unmarked, not an UN helicopter. We also have seized
28 some marked arms whose serial numbers have been traced to
29 Britain. We have presented this case to Great Britain. Let's be

1 frank. Britain did engage in a lot of covert activities against
2 Liberia, and did arm the LURD rebels. But I want to believe they
3 did it at that particular time because they had a programme in
4 Sierra Leone, and I guess Tony Blair had to make sure that what
12:08:31 5 he said to parliament, that there were no failures in Sierra
6 Leone. But I hope Britain now, and I have some indications that
7 British policy is shifting - their policy regarding a covert war
8 in Liberia is waning and I hope it's true.

9 Baffour: Is it correct to say that the Americans don't
12:08:54 10 like you personally and don't want you as President - 'anybody
11 but Taylor' seems to be the Washington line. What have you done
12 to deserve this?

13 Taylor: Really nothing. I hope they change their minds
14 because, again, I think America is a great nation and there are
12:09:12 15 some great people in the United States. And their support for
16 democracy and democratic values ought to lead them away from
17 that. We had elections here in 1997, and those elections were
18 one of the freest, fairest and most transparent in the history of
19 West Africa. So I hope they see it that way.

12:09:36 20 I would want, in fact I am anxious, to engage the
21 United States. You know I went to school there and most of the
22 officials of my government are all US-trained. If there is any
23 time that the United States can help Liberia, it is now because
24 we have the personnel that understand their kind of language.

12:09:56 25 Now it is understandable that they have some hard liners
26 who have supported their friends in all US governments that had
27 an anti-Taylor mentality. Most of these new people in
28 Washington, do they really know me? They have never talked to
29 me. They have never dealt with me. All they have read are lies

1 and disinformation. And I tell you, the database in Washington
2 is still terrible, it came several years from the war in Liberia
3 (1989-1995) when they really did not want me, but at one time
4 they did. During the war, there was full cooperation between me
12:10:38 5 and Washington. And then we got into a different phase. And God
6 willing, we've got to get back to the original phase where I want
7 to do business with America.

8 Baffour: But they are doing everything to undermine you
9 and as a result the people of Liberia are suffering terribly.

12:11:01 10 Taylor: That is true. That is why I am hoping that they
11 would change their policy and engage us. But you see, the
12 American government is such a large bureaucracy, it's like an
13 aircraft carrier, there are segments that don't understand what
14 other segments are doing which is anti-Taylor. And so when you
12:11:22 15 have a policy in limbo, the people of Liberia suffer. All we
16 need is to be left alone. If you don't want to help us, don't
17 hurt us. Whether you like Charles Taylor or not, that's none of
18 your business. It should not matter who the Liberians elect, and
19 that is what we are saying to them.

12:11:45 20 We are calling their values to the table. You believe in
21 these democratic values, you believe that the will of the people
22 should prevail. What is your problem? We hope we can engage
23 them and that they can answer some of these questions."

24 Now, Mr Taylor, first of all, do you agree with the
12:12:06 25 accuracy of that interview?

26 A. Yes, I do.

27 Q. One other matter before we move on. "During the war there
28 was full cooperation between me and Washington", what's that a
29 reference to?

1 A. The beginning of the crisis, not during my presidency. I
2 am speaking about the period beginning 1990.

3 Q. 1990. Up until when?

12:12:41

4 A. I would say that went on up until about, I would say '92,
5 when we started having some problems.

6 Q. Right. Before we leave this article, Mr Taylor, there is
7 one other comment that I would like your views on. Turn over to
8 the next page. You see a photograph of Obasanjo, right?

9 A. Yes.

12:12:59

10 Q. Miss the next page and the next page, yes. Go to the final
11 page of this document, yes?

12 A. Yes.

13 Q. I want your observation on this, Mr Taylor:

12:13:17

14 "African civilisation does not emphasise revenge but
15 conciliation and forgiveness, amply demonstrated in post-colonial
16 attitudes towards former colonisers."

17 What's your view on that?

12:13:49

18 A. I agree with this. I agree with this because if our
19 civilisation believed in revenge, oh boy, wouldn't there be a lot
20 of problems. We will go all the way back to slavery. Would
21 people now be still demanding some form of reparation. Africans
22 were taken out of Africa but the millions and slaughtered on
23 plantations across the world. We would be talking about that
24 right now and be saying, "Listen, we want reparation." In fact,
25 I would probably be at the forefront. I am a third generation
26 slave from the United States. My grandparents migrated to
27 Liberia. So I mean it is true, there is a big difference in how
28 we handle our situations and I agree with this statement.

12:14:12

29 Q. Now, Mr Taylor, during the course of your testimony

1 yesterday, you spoke of a letter from David Crane which you had
2 seen. Do you recall that?

3 A. That is correct.

4 MR GRIFFITHS: Before I move on though could I ask that
12:14:47 5 that New African magazine article be marked for identification
6 MFI-299, please.

7 PRESIDING JUDGE: Yes, that article is marked MFI-299.

8 MR GRIFFITHS:

9 Q. Now, this letter from David Crane, Mr Taylor, what did
12:15:04 10 it - what letter were you talking about, Mr Taylor?

11 A. There was a letter from David Crane written to the
12 Department of Justice in Liberia asking specifically for certain
13 issues relating to points that are a part of this indictment,
14 asking the Liberian government that was cooperating with the
12:15:40 15 Special Court at the time for additional evidence in line with
16 that. That's the letter.

17 Q. Now, can we look, please, in disclosure for week 39, behind
18 divider 4. Mr Taylor, don't put that volume away. Keep it there
19 for the minute. Week 39, divider 4, please?

12:16:38 20 Now, we see this is a letter dated 1 March 2004 addressed
21 to Mr Edward K Goba, Deputy Minister for Administration and
22 Public Safety, Ministry of Justice, Republic of Liberia.

23 A. Yes.

24 Q. "Dear Mr Goba: On 6 February 2004, Dr Alan W White, Chief
12:17:03 25 of Investigations in the Office of the Prosecutor at the Special
26 Court for Sierra Leone, hand-delivered to you a certified copy of
27 the indictment and arrest warrant for former Liberian
28 President Taylor, also known as Charles Ghankay Taylor MacArthur
29 Dankpannah Taylor. During your discussion with Dr White, you

1 acknowledged receipt of these documents and agreed to support our
2 investigation, which included searches and seizures of evidence
3 related to Charles Taylor, and access to bank records.

4 As the Prosecutor of the Special Court for Sierra Leone, I
12:17:45 5 am sending you the following request for legal assistance. I
6 request that the competent legal authority of the Republic of
7 Liberia conduct a lawful search of the four banks named in
8 section 2 of this request to assist the OTP in supporting
9 allegations made in the attached indictment of Charles Taylor. I
12:18:11 10 also asked that this request and any evidence obtained in
11 connection with this request be kept confidential and filed under
12 seal in order to protect the integrity of the evidence and
13 anonymity of individuals associated with this evidence, whose
14 safety may be compromised should their identity be publicized."

12:18:38 15 Over the page, please. Paragraph two:

16 "In its investigations, the OTP has interviewed witnesses
17 and collected documentary evidence showing that Charles Taylor,
18 both before becoming, and while serving as President of Liberia,
19 planned, instigated, ordered and otherwise aided and abetted in
12:19:04 20 the planning, preparation and execution of crimes referred to in
21 Articles 2-4 of the Special Court for Sierra Leone statute.
22 Witness testimony and documentary evidence also show that
23 President Taylor was in a position of superior authority over
24 subordinates who committed crimes referred to in Articles 2-4 of
12:19:30 25 the statute. Based on these findings and the statute, on 3 March
26 2003, I filed an indictment against Charles Taylor. The Trial
27 Chamber of the Special Court for Sierra Leone approved the
28 indictment on 7 March 2003. On 4 June 2003 the Special Court for
29 Sierra Leone published the indictment and the warrant of arrest

1 against Charles Taylor dated 7 March 2003.

2 As indicated in the warrant of arrest, the Special Court
3 for Sierra Leone requests states to assist and facilitate the OTP
4 of the Special Court for Sierra Leone, at any location, in the
12:20:15 5 search and seizure of all evidence related to the crimes alleged
6 to have been committed by the accused. Furthermore, all states
7 are requested to identify and locate assets owned by
8 Charles Taylor within their territory and adopt provisional
9 measures to freeze such assets.

12:20:40 10 Banks and residences to be searched.

11 The following is a list of financial institutions currently
12 in operation in Liberia: Central Bank of Liberia; Ecobank Liberia
13 Limited; International Bank (Liberia) Limited; Liberian Bank
14 Development Incorporated.

12:21:05 15 The following is a list of residences where Charles Taylor
16 resided prior to leaving Liberia on 11 August 2003:

17 Charles Taylor's Congo Town residence."

18 What's that, Mr Taylor?

19 A. That's White Flower.

12:21:24 20 Q. "Executive Mansion offices used by Charles Taylor.

21 Charles Taylor's Gbarnga farm residence.

22 The OTP requests that the competent legal authority of the
23 Republic of Liberia, in the presence of investigators from the
24 OTP, conduct a search of the four banks named in section 2 of
12:21:44 25 this request for bank accounts owned or connected to the
26 following individuals:

27 Charles Taylor; Benoni Urey; Victor Bout; Sanjavan Ruprah;
28 Liberian International Shipping and Court Registry; Bureau of
29 Maritime Affairs; San Air General Trading FZE; Fred Rindel;

1 Dunraven Holdings ATS."

2 The other word is illegible in the copy available to us.

3 "International Trust Company of Liberia; Hotel Africa; Guus
4 van Kouwenhoven; Government of Liberia; Liberia Bank for

12:22:26 5 Development and Investment; Government of Liberia Tax.

6 The documents requested should cover the period November
7 30, 1996 to present" - present being 1 March 2004 - "and include
8 certified copies of: Account application form; account history;
9 account statements; cancelled cheques; withdrawal slips; transfer
10 slips; personal correspondence and any other documentation
11 related to these accounts.

12 These documents are required to assist the OTP in
13 supporting allegations made in the indictment of Charles Taylor.

14 The OTP requests that the competent legal authority of the
12:23:15 15 Republic of Liberia, in the presence of investigators from the
16 OTP, conduct a search of Charles Taylor's three residences named
17 in section 2, for arms, ammunition, cash, diamonds, documents and
18 personal correspondence required to assist the OTP in supporting
19 the allegations made in the indictment of Charles Taylor."

12:23:45 20 That letter is signed by David Crane.

21 Now, Mr Taylor, was it to your knowledge that all of your
22 residences in Liberia had been searched?

23 A. Yes. Following the search, yeah, it was brought to my
24 attention, yes.

12:24:02 25 Q. And have you heard any evidence that an underground
26 warehouse beneath White Flower was found?

27 A. No.

28 Q. And, Mr Taylor, help me with this: Were any diamonds found
29 as far as you are aware?

1 A. No. If so, they haven't told me.

2 Q. And tell me, have you been served with any banking
3 documents implicating you within the terms of the indictment?

4 A. None whatsoever to date.

12:24:45 5 MR GRIFFITHS: Can I ask, please, that that letter from
6 David Crane to Mr Edward K Goba, Deputy Minister For
7 Administration Public Safety, Ministry of Justice, Republic of
8 Liberia, dated 1 March 2004, be marked for identification
9 MFI-300.

12:25:04 10 PRESIDING JUDGE: That document is marked accordingly.

11 MR GRIFFITHS:

12 Q. The final matter I want to deal with, Mr Taylor, is this:
13 How was it, Mr Taylor, that you came to be transferred to The
14 Hague?

12:25:27 15 A. To the best of my knowledge, Resolution 1688, to be exact -
16 I am sure 1688 - while I was incarcerated in Freetown, was passed
17 by the Security Council of the United Nations for my transfer
18 here.

19 Q. Right. Let's look behind divider 135 in that same volume
12:25:54 20 that you have in front of you, Mr Taylor, which is week 33
21 disclosure, binder 3 of 4. What is that, Mr Taylor?

22 A. This is the Resolution 1688.

23 Q. We see:

24 "Security Council approves trial transfer of former
12:26:48 25 Liberian President Charles Taylor to the Netherlands.

26 Resolution 1688 (2006) adopted unanimously: Freetown-based
27 Special Court will sit in The Hague.

28 The Security Council today unanimously approved a measure
29 that paved the way for the transfer of former Liberian President

1 Charles Taylor - now awaiting trial at the United Nations-backed
2 Tribunal in Sierra Leone on charges related to his role in that
3 country's bloody civil war - to The Hague, Netherlands where he
4 would be tried for war crimes.

12:27:26 5 Acting under Chapter VII, the Council adopted a United
6 Kingdom-drafted resolution allowing a chamber of the
7 Freetown-based Special Court for Sierra Leone to sit outside its
8 jurisdiction, and requested United Nations Secretary-General
9 Kofi Annan 'to assist, as a matter of priority, in the conclusion
12:27:49 10 of all necessary legal and practical arrangements' for Taylor's
11 transfer to the Special Court in the Netherlands and the
12 provision of the necessary courtroom facilities for the conduct
13 of the trial. The International Criminal Court has agreed to
14 allow the use of its premises for both detention and trial.

12:28:11 15 Noting that the ex-Liberian leader's continued presence in
16 the West African sub-region 'is an impediment to stability and a
17 threat to the peace of Liberia and of Sierra Leone', and that the
18 International Criminal Tribunal for Rwanda was already too busy
19 to handle the case, the Council decided that the Special Court
12:28:35 20 would retain 'exclusive jurisdiction over former President Taylor
21 during his transfer to and presence in the Netherlands'.

22 It decided further that the Dutch government would smooth
23 the progress of the trial proceedings by: Facilitating
24 Mr Taylor's transportation within the Netherlands outside areas
12:28:56 25 under the authority of the Special Court; and enabling the
26 appearance of witnesses, experts and other persons required to be
27 at the Special Court.

28 The Council noted the willingness of the International
29 Criminal Court to allow the use of its premises for Taylor's

1 detention and trial, including any appeal, and requested all
2 states to cooperate to that end, particularly to ensure his
3 ultimate appearance in the Netherlands. The text 'encourages all
4 states, as well, to ensure that any evidence or witnesses are,
12:29:36 5 upon the request of the Special Court, promptly made available to
6 the Special Court for this purpose.'"

7 Over the page, please:

8 "Shortly after Taylor's arrest, the Netherlands expressed
9 its willingness to host a Special Court. And just yesterday, the
12:29:59 10 British government said Taylor could serve his prison sentence in
11 the United Kingdom if he was convicted, a decision immediately
12 hailed by the Secretary-General as 'another step forward in our
13 battle against impunity for the most heinous crimes'.

14 Expressing a similar sentiment, the Council's resolution
12:30:26 15 recognises that the proceedings in the case against Taylor would
16 contribute to achieving truth and reconciliation in Liberia and
17 in wider West Africa, and it also requests the Special Court ...
18 to make the trial proceedings accessible to the people of the
19 sub-region, including through video link.

12:30:51 20 After the vote, Konstantin Dolgov (Russian Federation) said
21 that his delegation shared the view of the Council members of the
22 need to hold Charles Taylor's trial away from the seat of the
23 Special Court for Sierra Leone. And while it appreciated the
24 constructive assistance of the governments of the Netherlands and
12:31:11 25 Great Britain, as well as that of officials at the International
26 Criminal Court, as Russia understood the text, acting under
27 Chapter VII, was unique and exceptional in nature and did not set
28 a precedent for solving similar issues in the same manner in the
29 future."

1 And then when we look at the resolution itself, skip one:

2 "Recalling that the Special Court for Sierra Leone was
3 established by agreement between the United Nations and the
4 Government of Sierra Leone on 16 January 2002."

12:31:50

5 Skip one:

6 "Recalling the Council's determination to end impunity,
7 establish the rule of law and promote respect for human rights
8 and to restore and maintain international peace and security, in
9 accordance with international law and the purposes and principles
10 of the charter.

12:32:07

11 Expressing its appreciation to Liberian President
12 Johnson-Sirleaf for her courageous decision to request the
13 transfer of former President Taylor in order that he may be tried
14 at the Special Court.

12:32:22

15 Expressing its appreciation to President Obasanjo of
16 Nigeria on his decision to facilitate the transfer of former
17 President Taylor, and noting the role Nigeria has played in
18 securing and promoting peace in Liberia and the wider sub-region,
19 including President Obasanjo's decision in 2003 to facilitate the
20 removal of former President Taylor from Liberia which allowed the
21 comprehensive peace agreement to take effect, and recognising the
22 contribution made by the Economic Community of West African
23 States in this regard."

12:32:46

24 Over the page, four lines down:

12:33:06

25 "Welcoming the transfer of former President Taylor to the
26 Special Court on 29 March 2006, and noting that at present the
27 trial of former President Taylor cannot be conducted within the
28 sub-region due to the security implications if he is held in
29 Freetown at the Special Court."

1 Moving down:

2 "Noting that former President Taylor has been brought
3 before the Special Court at its seat in Freetown and determining
4 that the continued presence of former President Taylor in the
12:33:41 5 sub-region is an impediment to stability and a threat to the
6 peace of Liberia and of Sierra Leone and to international peace
7 and security in the region.

8 Acting under Chapter VII of the Charter:

9 5. Requests the Secretary-General to assist, as a matter
12:34:01 10 of priority, in the conclusion of all necessary legal and
11 practical arrangements, including for the transfer of former
12 President Taylor to the Special Court in the Netherlands and for
13 the provision of the necessary facilities for the conduct of the
14 trial, in consultation with the Special Court, as well as the
12:34:21 15 Government of the Netherlands.

16 6. Requests the Special Court, with the assistance of the
17 Secretary-General, and relevant states, to make the trial
18 proceedings accessible to the people of the sub-region, including
19 through video link."

12:34:38 20 Mr Taylor, initially when you were transferred to Freetown,
21 you were held in a detention facility there, were you not?

22 A. Yes, I was.

23 Q. And then you subsequently learnt that you would be
24 transferred for trial here in The Hague, yes?

12:34:57 25 A. That is correct.

26 Q. What was your thought about that when you heard?

27 A. Well, I was really shocked, but my whole case is unique and
28 so there is nothing shocking about the whole process any more.

29 When I was first told by lawyers that a resolution had been

1 passed, I saw the resolution and it was troubling, and it is
2 still troubling, and it should be troubling for any individual or
3 nation, and I say this because here is the use of Chapter VII
4 power by the United Nations Security Council in dealing with
12:35:56 5 criminal matters arising out of international crimes that are
6 matters to appear before a court became very troubling. Quite
7 frankly, I then and still now still consider that as an abuse of
8 Chapter VII power, but there is nothing I can do about it, but it
9 goes for the record for historical purposes.

12:36:21 10 The comment made by the Russian Federation I think it's
11 unique and I think we need to - what he said, that there - I
12 think it's unique, because it is special, it is special in how
13 Chapter VII power now is intervening into legal issues that are
14 truly the jurisdiction of international courts and laws. And so
12:36:47 15 it is troubling and it should be troubling to anyone. And I
16 think the Russian Federation, as the Security Council behaves, he
17 mentions it, makes a note, but in fact says that this is new and
18 in fact a little bit strange and exceptional.

19 But that's the case with my case. Here we go again. This
12:37:09 20 resolution is drafted by Britain. And remember Britain drafted
21 the resolution of arms embargo for Sierra Leone that they did not
22 know what happened. So all of these resolutions have been
23 drafted and this is the way - these are the ways that
24 Security Council resolutions are handled. To the point where
12:37:25 25 even a prison is awaiting me. I am convicted already.

26 So the whole thing, I felt very, very, very bad about it,
27 but, you know, this is the first time I have had an opportunity
28 to comment on it. But I didn't - I still feel it was wrong, that
29 this whole issue and how it has been handled has been strange but

1 that's the nature of this case.

2 Q. Mr Taylor, tell me, to your knowledge, do you know of any
3 instance in history where an UN resolution - where one man has
4 been the subject of a UN resolution?

12:38:02 5 A. No, no. In fact, it's very strange where not just, you
6 know, the subject of this resolution but many other resolutions,
7 asset freeze and all these kinds of things where there are
8 resolutions dealing with me on the freezing of assets where the
9 Government of Liberia has not formally accused or charged me in a
12:38:30 10 court of law that would even verify that I am accused of a crime.
11 It's all strange. It's all strange. Very, very, very strange
12 that the Security Council - that's what I mean by the use of
13 Chapter VII power to begin to delve into criminal matters I think
14 is outrageous.

12:38:50 15 Q. Now, Mr Taylor, we began this on 14 July, a few months ago,
16 and over the course of the intervening period we have traversed a
17 great deal of territory. Before I sit down, is there any further
18 matter you would like to assist this Tribunal with? Is there?

19 A. No. I think that we have raised all of the issues and
12:39:29 20 dealt with it from examination-in-chief perspective. I am sure
21 whatever we have missed will be covered in cross-examination and
22 I will wait for the learned counsel.

23 Q. Well, I would like you to stay there, there may be some
24 questions to be asked of you. That's all I ask, Mr President.

12:39:50 25 PRESIDING JUDGE: Yes, thank you. Just before you do sit
26 down, do you want to mark that last document?

27 MR GRIFFITHS: Yes, I do. MFI-301, Security Council
28 resolution 1688 (2006) authorising Charles Taylor's trial in the
29 Hague, dated 16 June 2006. Could that be marked for

1 identification MFI-301, please.

2 PRESIDING JUDGE: Yes, that document is marked MFI-301.

3 Thank you, Mr Griffiths.

4 Ms Hollis, do you need a little time?

12:40:30 5 MS HOLLIS: No, we don't, Mr President, we are prepared to
6 proceed. Before we proceed with the cross-examination itself, we
7 do have two applications to make to the Trial Chamber. One
8 application relates directly to the cross-examination procedures
9 and the second application relates to other trial management
10 issues.

11 PRESIDING JUDGE: What are those applications?

12 MS HOLLIS: Thank you, Mr President. Mr President, you had
13 indicated in an earlier session that toward the end of this
14 accused's testimony we would deal with other trial management
12:41:09 15 issues. Now I am not saying that we are near the end of that
16 testimony in a sense of days, perhaps even weeks, but it would be
17 an appropriate time, we would suggest, that your Honours consider
18 issuing orders giving time frames for certain trial management
19 actions to be taken.

12:41:31 20 The first of those would be, Mr President, that
21 your Honours would issue an order setting a time at which the
22 Defence would provide to your Honours and to the Prosecution a
23 list of their primary and secondary witnesses. We would ask that
24 that list be provided before the break, which as I understand it
12:41:57 25 is scheduled to begin on 11 December. This would enable the
26 Prosecution to determine what other applications it might have
27 and would enable your Honours to consider what other trial
28 management actions you may need to take. Without such a list we
29 are really at a loss as to the accurate number of witnesses we

1 can expect to see.

2 On a related matter, Mr President, we would ask that you
3 also order that no later than the commencement of the break the
4 Prosecution be provided with a list of the next batch of
12:42:39 5 witnesses that will be called. We understand that we will not be
6 given their identity, nor would we be given the order in which
7 they would be called, but we would ask that we be given a list of
8 these witnesses by DCT number. This will enable us to organise
9 and manage our workload within the office. At least I can assign
12:43:04 10 out who might be chosen to deal with these witnesses, based on
11 the summaries that have been provided.

12 But we would also ask that your Honours consider an order
13 that during the break the two week notice be provided, even if
14 informally, for the 11 January that week and for the following
12:43:34 15 week, the 18th. Certainly the notice for the - well, for neither
16 of those weeks would have been given in a timely fashion if we
17 wait until we recommence the trial.

18 And as a final request on those general trial management
19 issues, we would ask that your Honours would order that the 21
12:44:04 20 day notice of the identity of the witness who would appear next
21 after this accused be ordered to be provided to the Prosecution
22 if it becomes apparent that the 21 days will commence to run
23 during the recess. With 21 days we have half the time that the
24 Defence were given notice of identity of witnesses, so it's
12:44:43 25 important that we have every day so that we can conduct whatever
26 investigations are required for us to be able to proceed with
27 cross-examination in a timely fashion. So should it be likely
28 that 21 days would commence during the period of the recess, we
29 would ask that we be provided that information, even though there

1 is a recess in the proceedings. So that's the first --

2 PRESIDING JUDGE: You mean 21 days to run during the
3 recess?

4 MS HOLLIS: That is correct. So that is the first grouping
12:45:15 5 of trial management issues that we would ask your Honours to
6 address.

7 Shall I proceed to the second or would you prefer to deal
8 with the first group first?

9 PRESIDING JUDGE: Perhaps it might be more convenient to
12:45:30 10 hear from the Defence on that group of requests first.

11 Are you able to respond at this stage, Mr Griffiths?

12 MR GRIFFITHS: Well, we received no notice that these
13 matters would be brought up at this stage, and I would welcome an
14 opportunity of reflecting upon the requests being made by my
12:45:51 15 learned friend and, indeed, discussing them with both the accused
16 and my colleagues so that I can provide this Court with a much
17 more reasoned and comprehensive answer to the various questions
18 raised.

19 PRESIDING JUDGE: Thank you.

12:46:17 20 Well, we think that's reasonable, Mr Griffiths. What time
21 frame are you looking at before you can frame a reply?

22 MR GRIFFITHS: Well, we should be in a position to provide
23 some indication to the Court by tomorrow.

24 PRESIDING JUDGE: Thank you.

12:46:48 25 You have a second group of applications.

26 MS HOLLIS: Yes, I have a second application that relates
27 to this next phase of the examination of the accused that we are
28 now moving into.

29 Your Honours had earlier exercised your discretion to allow

1 the accused to have contact with Defence counsel during the
2 direct examination. We are now moving into the cross-examination
3 phase of the accused's testimony. We believe that it is very
4 important during cross-examination, which is for testing the
12:47:29 5 evidence that a witness has given and for challenging that
6 evidence - it's very important that this phase of the examination
7 not be susceptible to rehearsal or other preparation.

8 For that reason, we are requesting that during the
9 cross-examination of this accused, your Honours rule that there
12:47:53 10 be no contact between the accused and the Defence team with one
11 condition.

12 Now, we make the first part of our request on the same
13 basis we had made our original request that there be no contact
14 during the examination in toto, and that is while the accused's
12:48:16 15 right to counsel continues throughout the trial, it is not an
16 absolute right to the extent that the Trial Chamber, as part of
17 its management of the mode of questioning, has the authority to
18 determine the limits of that assistance of counsel while an
19 accused is testifying. So there is no absolute right to this
12:48:43 20 contact during the time that an accused is testifying. It is
21 within the sound discretion of the Trial Chamber to determine
22 what those limits are, and your Honours have exercised that
23 discretion in the past.

24 Now, in another case before the Special Court dealing with
12:48:59 25 the other Trial Chamber, Trial Chamber I in the CDF case, they
26 had in fact exercised their discretion differently and had ruled
27 that there could be no contact during the examination of the
28 accused subject to one condition, which is a very important
29 condition. We accept that and we respect that. It may be that

1 other matters arise that would require consultation between
2 Defence counsel and the accused, matters not related to the
3 accused's testimony, such as the request for instructions or
4 guidance relating to other aspects of the case. Perhaps relating
12:49:43 5 to other witnesses, other evidence that the Defence may choose or
6 try to bring before the Court in the future.

7 And in its decision in the exercise of its discretion,
8 Trial Chamber I set in place a procedure that we believe is
9 appropriate and properly balances the need to ensure the
12:50:07 10 procedure of examination serves its truth-seeking function, but
11 also protects the rights of the accused; and that is, that should
12 the Defence require to speak to the accused about a matter not
13 related to his testimony, that they would provide notice of that
14 to the opposing party. If there was an issue or a dispute, that
12:50:32 15 would be dealt with before the Trial Chamber with your Honours
16 determining the outcome. If there was no dispute, then that type
17 of contact would go forward.

18 Of course, the Defence would not have to give any details
19 as to the contact; simply the category or nature of the contact.
12:50:54 20 We wish to speak to the accused about witnesses X, Y or Z. We
21 believe that that is a fair balance, strikes the right balance,
22 and so we would ask that your Honours issue an order to that
23 effect that would be in place during the cross-examination of
24 this accused.

12:51:13 25 That, Mr President, is our second application.

26 PRESIDING JUDGE: Thank you, Ms Hollis. As regards the
27 second application, I think it would have been more appropriate
28 had a formal application been filed for a decision on this while
29 cross-examination was taking place. Because, as we are all

1 aware, there is jurisprudence from the international courts on
2 this very issue and our Trial Chamber has yet to formulate a
3 decision on this case. But as I repeat, where the witness
4 concerned is in fact the accused himself, there is particular
12:51:59 5 case law involved. Thank you, Ms Hollis. You can be seated.

6 MS HOLLIS: Mr President, I assume you are talking about
7 the Prlic case --

8 PRESIDING JUDGE: Yes.

9 MS HOLLIS: -- that we had referred to when we first raised
12:52:15 10 this issue, and I believe that case was discussed when we very
11 first raised the issue. That is the case at least I am familiar
12 with.

13 PRESIDING JUDGE: That's the case I am referring to as
14 well, Ms Hollis. But the context I am referring to it in is that
12:52:30 15 a formal application would have given the Defence some time to
16 formulate its own submissions on that case, as applied to the
17 present circumstances. In any event, thank you, Ms Hollis.

18 JUDGE SEBUTINDE: Ms Hollis, you cited a decision by Trial
19 Chamber I, I believe. Could we have the name of that decision?

12:53:00 20 MS HOLLIS: Yes, your Honour. It is in the CDF case. It
21 was Trial Chamber I, and it was an oral decision that was taken.
22 The date of transcript reference is 18 January 2006, case of
23 Norman et al. The page references would begin with page 16 to
24 page 19 of that transcript.

12:54:12 25 PRESIDING JUDGE: Do you wish to respond to that second
26 application, Mr Griffiths?

27 MR GRIFFITHS: Mr President, your Honours, we would have
28 welcomed an opportunity to address our minds to this question
29 prior to it being raised today at this stage, which requires an

1 almost immediate decision, given that cross-examination is
2 imminent, because the issues raised by my learned friend's
3 application are quite complex legally. Because not only does
4 your Honour need to apply a very delicate balancing exercise
12:55:03 5 between two competing interests, the first being the particular
6 mischief to which my learned friend's application is addressed,
7 which is the suggestion that, whether directly or inadvertently,
8 contact between the accused and his counsel might in some way
9 either coach or influence the content of his testimony. That's
12:55:32 10 the mischief at which it's aimed.

11 Now, the other difficulty, from our point of view, is that
12 continued contact with Mr Taylor is, in practical terms,
13 necessary because of outstanding issues such as the particular
14 issues, the subject matter of the first four requests made by my
12:56:03 15 learned friend of your Honours. Those will require discussion
16 with Mr Taylor.

17 The first request is for the Defence to provide a list of
18 primary and secondary witnesses by the 11 December. How in
19 heaven's name are we going to do that without having contact with
12:56:25 20 Mr Taylor?

21 But this is where the complexity arises. My learned friend
22 suggests that that difficulty can be obviated by your Honours
23 imposing a requirement that notice be given of any such contact.
24 Now, the difficulty with notice is that such notice runs up
12:56:51 25 against the brick wall of legal professional privilege. That's
26 the difficulty. Because how is such notice to be provided
27 without lifting the veil of legal professional privilege which,
28 even in these courts, exists between a defendant and his lawyers.

29 Because my learned friend says: Well, it's possible to

1 indicate the general category of the issue. Well, how does that
2 not offend against that overarching consideration? How are we to
3 do that in practical terms without in some way offending that
4 principle? And so consequently, because of the complexity of the
12:57:42 5 issues, it would have been helpful to all parties concerned if we
6 had been given an opportunity to consider these matters and,
7 indeed, perhaps commit them to writing so that your Honours could
8 give this issue the kind of considered deliberations which its
9 importance obviously deserves.

12:58:07 10 And so how we go about dealing with that in practical
11 terms, given that the point has now been reached for
12 cross-examination, when, in our submission, what is required at
13 this stage is some breathing space in which both parties and
14 indeed your Honours could be assisted by some learning on this
12:58:30 15 issue. So that, I think, is the practical difficulty which now
16 arises. We need time. And how much time is going to be
17 available?

18 My learned friend Mr Anyah would like to add something. I
19 hope your Honours don't mind that.

12:58:52 20 PRESIDING JUDGE: No. We will hear you, Mr Anyah.

21 MR ANYAH: Thank you, Mr President. I rise to make a few
22 points. I represented the Defence at the pre-trial conference.
23 I think it was on 4 May this year. The Prosecution raised this
24 issue then. I am trying to look for the decision rendered by
12:59:13 25 this Trial Chamber on this issue, because I recall that there
26 were some pleadings filed. The Prlic decision was cited, and
27 learned Counsel opposite also cited Trial Chamber I's decision,
28 and your Honours took the considered view at that time that it
29 was appropriate for us to have contact with Mr Taylor during the

1 period of his evidence.

2 Now, in practice nothing changes from the admonition you
3 give Mr Taylor at the end of every day's evidence not to discuss
4 his testimony with counsel from what the Prosecution is seeking
12:59:50 5 to have ordered at this point. We are professionals at the
6 Defence bar. We are not going to breach the Court's order, which
7 asks Mr Taylor not to discuss the substance of his testimony with
8 counsel, whether that testimony is on cross-examination or is on
9 direct examination.

13:00:08 10 Thus so far things have proceeded smoothly, and to now ask
11 us to indicate to the Prosecution beforehand the general subject
12 matter of discussion with our client, as far as I know, in the
13 various jurisdictions I have practiced, this is unheard of. I
14 know that it is suggested that Trial Chamber I suggested such an
13:00:32 15 approach, but, with respect, your Honours have considered this
16 issue.

17 Prlic, I believe, comes from the Appeals Chamber of the
18 Yugoslavia Tribunal, the ICTY, and to the extent you allow us, we
19 will be happy to brief the issue again, but I think the issue has
13:00:49 20 been revisited. There is a procedure for reopening an issue that
21 has been revisited. They have to make, if you will - in domestic
22 jurisdictions it's called a motion to reconsider - whether it's
23 an oral decision of this Chamber or a written decision, and they
24 cannot short circuit that process orally on the cusp of the
13:01:09 25 cross-examination of our client to ask you to make a ruling in
26 Court or suggest that at this point.

27 So we welcome the opportunity to brief it, but I think
28 your Honours have ruled on this issue. You have heard arguments
29 about it and you have ruled.

1 PRESIDING JUDGE: Obviously we will need to go back into
2 the transcript, but I understood Ms Hollis to be making a
3 distinction between the questioning of the accused in chief as
4 against the questioning of accused in cross-examination. In any
13:01:41 5 event, you have heard what has been said by the Defence. We will
6 give you a chance to reply, if you wish to.

7 MS HOLLIS: Thank you, Mr President. This issue has been
8 addressed before in the context of contact during direct
9 examination. The authorities have been cited. Your Honours did
13:02:00 10 consider and made a considered decision at that time at least
11 insofar as we understood it as it relates to direct examination,
12 and so the difference for us is that cross-examination is a
13 different phase of this. There are different considerations to
14 take into account.

13:02:16 15 In terms of the need for the Defence to further explicate
16 their position, it seems to me they have explicated it pretty
17 well. But to the extent your Honours wish to give them
18 additional time and need time to consider this, we do not wish to
19 delay the proceedings. We are quite cognisant of the fact that
13:02:38 20 your Honours may well not make a decision today and until
21 your Honours were to make a decision, which would change the
22 current procedure, then the Defence contact would continue.

23 We understand that, we appreciate that, we are not
24 objecting to that. Now, should the Defence say they need two
13:02:56 25 weeks to do something for a decision to be made, then we would
26 perhaps have some concerns. But since this issue has been dealt
27 with before in court and now it relates to the different phase of
28 the proceeding rather than new law on the issue, we are quite
29 appreciative of the fact that the current procedure may continue

1 for the next short while until your Honours allow the Defence to
2 make additional submissions or your Honours decide the issue.

3 PRESIDING JUDGE: I understand. Thank you. We are going
4 to adjourn early. In fact, we will adjourn now. We will discuss
13:03:39 5 this matter and we will come back at the normal time, at 2.30,
6 after lunch. We will adjourn now.

7 [Lunch break taken at 1.02 p.m.]

8 [Upon resuming at 2.30 p.m.]

9 PRESIDING JUDGE: Just before the break there were two
14:33:00 10 forms of application by the Prosecution. The first concerned
11 time frames and there were four different items of submission
12 under those time frames. We're not going to make any orders at
13 this stage. We note that the Defence has requested some time to
14 respond and they may be able to shed some light on the
14:33:35 15 Prosecution requests tomorrow morning. So we'll adjourn that
16 part of the Prosecution application until tomorrow morning.

17 The second application by the Prosecution concerned the
18 issue of access of Defence counsel to the accused during the
19 course of cross-examination. The Trial Chamber is of the view
14:34:11 20 that within the context of this particular case it's a motion
21 that should be formally pleaded, it should be properly
22 researched, and it's appropriate that a written motion be filed
23 and a written response and reply filed as well.

24 So we're going to order that that will be the case, but we
14:34:47 25 would like to expedite the filing periods allowed by the Rules.

26 Ms Hollis, how long would you need to be able to prepare
27 the motion and file it?

28 MS HOLLIS: We should be able to file it by Thursday,
29 Mr President.

1 PRESIDING JUDGE: Thank you, Ms Hollis. Mr Anyah, the
2 normal response time, as I know you're well aware, is ten days
3 but we would like to abbreviate that if we could. So the matter
4 has been partly argued this morning to the extent that you do
14:35:34 5 know the issues involved. How long do you anticipate you would
6 need to file a response?

7 MR ANYAH: We would be grateful to receive an equal amount
8 of time as the Prosecution, and that would be two working days,
9 which would bring our response due at close of business next week
14:35:53 10 Monday, if it please your Honours.

11 PRESIDING JUDGE: Thank you, Mr Anyah. What about the
12 reply, Ms Hollis?

13 MS HOLLIS: We would endeavour not to file a reply, but in
14 the event that we would, we would, depending on when we got
14:36:30 15 served, try to file it within 24 hours, if not the same day.

16 PRESIDING JUDGE: Thank you. If the Prosecution proposes
17 to file a motion in respect of the subject matter discussed this
18 morning, that motion shall be filed before close of business on
19 this Thursday, which would be 12 November, and any response by
14:37:17 20 the Defence shall be filed by close of business next Monday,
21 which is 16 November. If there is going to be any reply, it
22 shall be filed by close of business Tuesday, 17 November.

23 In the meantime, the normal access that has been applicable
24 between the accused and his counsel shall continue, and of course
14:38:01 25 the caution shall continue to be administered every day that the
26 accused is forbidden to discuss his evidence with any other
27 person.

28 You said you were in a position to commence
29 cross-examination.

1 MS HOLLIS: That is correct. Mr President, we would,
2 however, in light of the - because we do propose to file a
3 written motion, and since there is short time, we would ask if
4 your Honours would allow us to adjourn early today so that I may
14:39:18 5 instruct the people in my office to ensure that we begin
6 immediately and are very focused in what we're filing. If your
7 Honours prefer that we continue, we're prepared to do so.

8 PRESIDING JUDGE: I'll give you a chance to say something
9 if you wanted to, Mr Griffiths.

14:39:41 10 MR GRIFFITHS: Mr President, we would have no objection to
11 that. These are complex issues and I can well understand why
12 lead counsel would want to be involved at an initial stage at
13 least in laying the framework for what is a quite difficult
14 issue.

14:39:59 15 PRESIDING JUDGE: Thank you, Mr Griffiths. How much time
16 would you like? There will be no problem with the time; we
17 understand what's involved, Ms Hollis.

18 MS HOLLIS: Actually, Mr President, I do have three
19 exhibits that I could deal with that I have questions about and
14:40:42 20 then if we could adjourn for the day after that, that would be
21 helpful.

22 PRESIDING JUDGE: If that suits you, that's what we'll do.

23 MS HOLLIS: Thank you.

24 CROSS-EXAMINATION BY MS HOLLIS:

14:41:13 25 Q. Good afternoon, Mr Taylor.

26 A. Good afternoon, counsel.

27 Q. Mr Taylor, your counsel was speaking with you today about
28 what has now been marked MFI-296 and that is your letter to
29 George Bush. Do you recall your counsel speaking to you about

1 that?

2 A. Yes, I do.

3 Q. And I believe the question that your counsel asked was if
4 you had communicated your decision to step down as President of
14:41:47 5 Liberia to the President of the United States, and you answered
6 that yes, in fact you had sent a letter to George Bush and then
7 thereafter the letter, DCT-255, which is now marked MFI-296, was
8 shown to you and you talked about it. Do you recall that?

9 A. Yes, I do.

14:42:11 10 MS HOLLIS: If Mr Taylor could be shown that exhibit,
11 please:

12 Q. Mr Taylor, if you need to do so, feel free to take a moment
13 to look that over again.

14 A. This is the exhibit. You may go ahead, counsel.

14:42:53 15 Q. Thank you. Mr Taylor, would you please tell the judges
16 where in that letter you tell the President of the United States
17 that you are stepping down as the President of Liberia?

18 A. Your question is I should identify in this letter where I
19 used the specific words that I will be stepping down. That's
14:43:34 20 your question; am I correct?

21 Q. Yes. Where do you tell the President of the United States
22 that, Mr Taylor?

23 A. In those specific words, no. The nuances are there.

24 Q. Could you tell us what language is meant to communicate
14:43:49 25 that you are stepping down as the President of Liberia?

26 A. I don't understand your question. What do you mean "what
27 language"? In terms of language, I understand language to be
28 English, French. You know, when you say "language", what do you
29 mean?

1 Q. The words in the letter that you wrote, the words by which
2 you meant to convey to the President of the United States that
3 you were stepping down as the President of Liberia. You tell us
4 which words in that letter were meant to convey that?

14:44:23 5 A. Okay. Which words. Okay, fine, I'll tell you. When I
6 state in this letter - because we have to look at the point that
7 the President of the United States is aware of the entire
8 process. "I have offered to consider recusing myself from the
9 political process." That is the language that politically I'm
14:44:48 10 stating to the President that I will not be in the process,
11 because there's a context to this letter. Before this letter
12 there's a context. I have already indicated that I am going to
13 step down and leave into exile. The President now and other
14 people are concerned when will that be. This is just further
14:45:09 15 trying to couch it that I am recusing myself from the political
16 process. That's the language that I use here.

17 Q. So when you use the terms "have offered to consider
18 recusing myself", you mean to convey that you will recuse
19 yourself. Is that what you're saying?

14:45:30 20 A. That's my understanding, counsel. That's how I interpreted
21 it.

22 Q. Thank you. Any other language in there that is meant to
23 convey that you will step down as the President of Liberia?

24 A. Well, if you identify maybe another question I will
14:45:51 25 probably identify, but so far, I think sufficiently, as you read
26 the whole context of the letter, we can get into nuance language,
27 counsel, but the point here is that what is conveyed here by me
28 is that I will not be a part of the process. I will be stepping
29 down and out of the process. That's my intent. And so maybe if

1 we got into other nuance language, we could argue about that, but
2 that's my intent here, counsel.

3 Q. Thank you, Mr Taylor. Now, Mr Taylor, I would like to draw
4 your attention next to what has been marked MFI-293A and B. And
14:46:30 5 this is a two-part document with the first part being a word that
6 Defence has told the Court means attachment or annex. I believe
7 at page 31422, we were told it's a Dutch word for appendix. I
8 don't think I'm saying it right, but it's something like bijlage
9 003 and bijlage 004. Do you recall that exhibit from yesterday,
14:47:05 10 Mr Taylor?

11 A. Yes, I do, counsel.

12 Q. Now, yesterday at page 31418 you talk about what becomes
13 marked as this exhibit and you say that that's another
14 intelligence report that was obtained through the OTP. And then
14:47:27 15 your counsel at page 31420, in arguing about foundation, says,
16 "Where there is material available emanating as in this
17 particular case from the Prosecution themselves." Now,
18 Mr Taylor, you should be aware that this document did not come
19 from the Prosecution. We don't have this document, and your case
14:48:07 20 manager - your Defence counsel's case manager confirmed that we
21 did not provide this document to you. So, Mr Taylor, do you have
22 any idea where you got this document from?

23 A. To the best of my knowledge, this document came amongst the
24 documents from the OTP.

14:48:32 25 Q. So you have no other knowledge?

26 A. I have no other knowledge and I read through it from the
27 OTP.

28 Q. Well, the OTP didn't give it to you, Mr Taylor. But you
29 have no knowledge as to where it came from, other than your --

1 A. What I have said, I said --

2 Q. -- understanding it was from the OTP?

3 A. That is correct.

14:48:55 4 Q. And you indicated that it was an intelligence report. Can
5 you show us anywhere on this document where it indicates it is an
6 intelligence report?

7 A. Well, counsel, you know, no, the word "intelligence" is not
8 used here. But when we get into - I can see we're going to go
9 through a lot of fine language here about what is intelligence.

14:49:20 10 You and I, because you are a former military officer, you know
11 what intelligence is and you know what information is. Now, this
12 is --

13 Q. Mr Taylor, my question was very simple.

14 A. Well, I'm answering your question, counsel.

14:49:30 15 Q. No, you're not. Can you tell us where on this document it
16 says it is an intelligence report?

17 A. Counsel, I'm saying I'm answering your question. Will you
18 give me an opportunity, please.

19 Q. I have given you that, sir.

20 A. The word --

21 Q. Let me ask you, sir - Mr Taylor, I'm sorry to interrupt
22 you, sir. The question was: Can you tell us where on this
23 document it says that it is an intelligence report?

24 PRESIDING JUDGE: Mr Taylor, I should explain this to you:
14:49:56 25 Just answer counsel's questions. If there are things that need
26 to be explained in your answer, then your own counsel has the
27 right of re-examination.

28 THE WITNESS: The word that you are looking for
29 "intelligence" is not written on this document.

1 MS HOLLIS:

2 Q. Mr Taylor, this document and the B part of this document
3 indicate a 003 and a 004, and as I said, Mr Anyah of your Defence
4 team has indicated through your Lead Defence counsel that this
14:50:40 5 means appendix. Can you tell us where appendix 001 or 002 are
6 located?

7 A. I do not know where 1 and 2 are located, no.

8 Q. And can you tell us to what document these two appendices
9 were attached?

14:51:02 10 A. No, I cannot tell you.

11 Q. Thank you, Mr Taylor. Now, the next document that I would
12 like to ask you about is the document that was marked MFI-291.

13 Mr Taylor, you may recall that this document was the report that
14 was prepared about the 19 May 2000 meetings that special envoy
14:51:31 15 Jackson and his group held with you in Monrovia. Do you recall
16 that?

17 A. Yes, I do.

18 Q. Mr Taylor, can you tell us, please, did you hold these
19 meetings with Special Envoy Jackson before or after you had met
14:51:49 20 with Issa Sesay?

21 A. Well, if you look at this report, you will see the dates.
22 My meeting with Issa Sesay is in - it's later in May. This is
23 before I met with Issa Sesay in early May.

24 Q. So you had not yet met with Issa Sesay when you had this
14:52:14 25 meeting with Special Envoy Jackson and his group?

26 A. That is correct.

27 Q. Now, Mr Taylor, if I could direct your attention, please,
28 to the page that is marked "R0005831". I'm looking specifically
29 at paragraph 9 on that page. Do you see that paragraph,

1 Mr Taylor?

2 A. Yes, I do.

3 Q. Now, you were asked some questions relating to this
4 paragraph wherein there's language about the rumours of GOL

14:53:05 5 complicity in gun-running, diamond smuggling, bringing
6 mercenaries to the region. These rumours - and you were asked
7 about this word "rumours". Do you recall that, Mr Taylor?

8 A. Yes, I do.

9 Q. Would you look at the language that follows after

14:53:24 10 "rumours". "These rumours and activities that serve as the basis
11 for them jeopardised Taylor's government." So is it correct that
12 you not only talked about the rumours, but you also talked about
13 the activities that serve as the basis for the rumours?

14 A. Well, no. We did not talk about activities. When you say
14:53:49 15 activities, we did not speak about this. This is the envoy
16 speaking. We had not gotten into his interpretation of what he's
17 meant - we did not discuss what was activities. We discussed the
18 rumours of - and he's speaking generally, so I do not know what
19 was in his head about what he meant by activities, but we
14:54:12 20 discussed rumours.

21 Q. Thank you. And if you would look at what has been marked
22 page R0005832, please. I'm looking at the two lines above
23 paragraph 11, that "if the RUF succeeds in Sierra Leone, their
24 banditry and torture would eventually spill over into Liberia."

14:54:47 25 Do you see that language, Mr Taylor?

26 A. Yes, I do.

27 Q. Did you contest that description of the RUF with the
28 special envoy and his group?

29 A. I don't see anything here to contest, so what should I have

1 contested? I don't understand your question.

2 Q. The description of their banditry and torture. Did you
3 contest that? Did you agree with it? Did you object to it?

14:55:18

4 A. No, it was not within my purview. I did not - the two
5 words here, I did not contest, I did not object, because this is
6 the interpretation of what he gave. There was nothing to contest
7 to or to object to, so I didn't.

8 Q. And in paragraph 12, Mr Taylor, where it said, "The RUF's
9 activities are barbaric." Did you comment or contest that
10 language?

14:55:40

11 A. No, I did not contest that language, simply because when it
12 comes to the activities of the RUF, generally, it had been agreed
13 that the activities, as far as actions were concerned, were
14 immoral and improper, so there was no contest. We were not in a
15 discussion here, counsel. We were not competing or anything. We
16 were just talking.

14:56:01

17 Q. Now, Mr Taylor, if we could look at page R0005836 and if we
18 look first - are you on that page, Mr Taylor?

19 A. Yes, I am.

14:56:29

20 Q. And if we look first at paragraph 26. Is it correct when
21 it says that you "noted that Human Rights Watch is talking about
22 the need to set up a war crimes tribunal now that the RUF have
23 reneged on Lome. Taylor said that this is not helpful to getting
24 the hostages released." Does that accurately reflect what you
25 said?

14:56:55

26 A. Yes, it accurately reflects what I said, but there's got to
27 be some context attached to these answers if we're going to - you
28 know, your Honour, yes or nos will give the wrong impression to
29 this Court. There are context I would like to establish with

1 this.

2 PRESIDING JUDGE: Mr Taylor, I didn't tell you to answer
3 your questions by yes or no. My admonition to you was in the
4 vein of: Do not argue with counsel when she is asking questions,
14:57:28 5 because your own counsel will ask you questions in re-examination
6 if he sees fit to clear up any uncertainties as to your answer.

7 THE WITNESS: Very good. Thank you very much,
8 Mr President.

9 I do - this is accurate, counsel, but there's a context.
14:57:49 10 My - we are going through a very delicate situation. My point
11 here is that if a man is holding a gun to your head and the
12 police are trying to get you free, the police doesn't yell at the
13 guy and say, "Get that gun away from his head. I'm going to
14 shoot you right away, as soon as you leave him." You wait until
14:58:13 15 the issue has been properly handled, then after that the issue of
16 the Court - that's the context of me saying at this particular
17 time it is not helpful in getting the hostages. Their lives are
18 in danger and you are threatening them, so wait, let's calmly get
19 them away and then deal with the issue of the Court. That's the
14:58:34 20 context.

21 BY MS HOLLIS:

22 Q. So once you had gotten them away, then the Court would have
23 been something to talk about?

24 A. Well, you can conclude that. The issue of impunity, as far
14:58:48 25 as I'm concerned, has never been something that I have been
26 opposed to. I think that the issue of the Court and what Amnesty
27 or Human Rights Watch were talking about were issues that were
28 still on table, but discussing it at that time, I think would
29 have jeopardised the lives of the hostages. And my preoccupation

1 at the time as the mediator was to get them released and then
2 talk about whatever else.

3 Q. Now, Mr Taylor, while we're on this page, let's also look
4 at paragraph 25.

14:59:22 5 A. Yes.

6 Q. "Taylor says it also doesn't make sense that Sam Bockarie,
7 who ran the RUF for two years whilst Sankoh was in jail, would
8 come to Liberia for training and then (with mercenaries). This
9 is disinformation Taylor claimed, and if we had friends we would
10 be able to combat it." Is that accurate reflection of what you
11 said in this meeting?

12 A. Yes, counsel, that is right.

13 Q. Now, Mr Taylor, at the time you said this, in May 2000, we
14 would agree that Sam Bockarie wasn't in training, wouldn't we?

15:00:00 15 A. I beg your pardon?

16 Q. We would agree that Sam Bockarie was not in training. We
17 would agree with that, yes?

18 A. Oh, definitely.

19 Q. But those hundreds of men he brought, they were in
15:00:11 20 training, were they not?

21 A. Well, yes, the men that Sam Bockarie brought were in
22 training, but, again, I must contextualise it. Those were not
23 mercenaries. Those had come to Liberia with the full knowledge
24 and consent of the Liberian government and international

15:00:31 25 community, so it is my assumption - and those envoys at that
26 particular time, if I had gotten the slightest notion that they
27 were referring to Sam Bockarie and his militants that came as
28 mercenaries, I would have objected. So in the context of what
29 I'm saying here, there are no mercenaries in Liberia, so this

1 whole point of Sam Bockarie coming to train with mercenaries is
2 totally wrong, and so I object to the fact of mercenarism in
3 Liberia, yes.

4 Q. Mr Taylor, don't you think a more honest answer to this
15:01:08 5 would have been: You know, Sam Bockarie brought several hundred
6 men with him and I'm training them, but let me explain to you why
7 they are not mercenaries?

8 A. Well, your suggestion of disearnesty, I did give an earnest
9 answer. Your suggestion that it was disearnest I think is unfair
15:01:31 10 and I don't think you should allude to that. I did give an
11 earnest answer, because the men that Sam Bockarie brought to
12 Liberia, counsel, were made citizens of Liberia and were being
13 trained openly. And Sam Bockarie himself was not in training and
14 was never trained in Liberia. So alluding to the fact that
15:01:51 15 Bockarie is training along with mercenary is a misnomer. So to
16 suggest in your question that I'm being less than earnest I think
17 is unfair. I am being earnest, counsel.

18 Q. Do you think you are being misleading when you fail to
19 mention these hundreds of his men that you were training?

15:02:13 20 A. No, I don't feel that way. I was not asked any question
21 about the men that Sam Bockarie brought to Liberia, counsel, for
22 me to deny this so I was not being misleading. To be misleading
23 for me would have been if Special Envoy Jackson had asked me
24 about the presence of those men and had said to me, "Mr Taylor,
15:02:32 25 are you training them?" and I had said no. Counsel, I believe in
26 my opinion that would have been misleading. Special Envoy
27 Jackson does not ask that question. This State Department
28 document does not state it, so I'm sorry, I'm not being
29 misleading either.

1 Q. So in your mind that was a complete and earnest answer?

2 A. Very much so, counsel.

3 Q. Mr Taylor, if you had been supplying the RUF and the AFRC
4 with arms and ammunition and other support, you wouldn't have
15:03:09 5 told that to the special envoy and his group, would you?

6 A. Why wouldn't I have, counsel? I would have.

7 Q. Because you had been denying it all along.

8 A. If I had been training or supplying arms, according to your
9 question, there would have been no reason why I would have denied
15:03:27 10 it to Special Envoy Jackson. And I'll say - I say that to you -

11 to my answer for several reasons, counsel. All along Guinea,
12 Sierra Leone, or wherever, that has sponsored rebel activities in
13 Liberia, I have sufficient cause, if I had done so, to be very
14 bold and tell them I did and I had reason to do so. Just as I

15:03:51 15 have admitted that during the period of August 1991 through May
16 1992, May/June, that I cooperated with - I had the RUF cooperate
17 with the NPFL in fighting back ULIMO that had been given safe
18 stay in Sierra Leone and had been combating. Counsel, I have no
19 reason in dealing with the national security of Liberia or my
15:04:21 20 country or my people in denying that. Quite frankly, I would
21 have told him to his face.

22 Q. So your story to this Court is you would have told him
23 that?

24 A. Oh, definitely, counsel.

15:04:32 25 Q. And if you had been receiving diamonds from the RUF and the
26 AFRC you would have told him that as well?

27 A. Definitely, counsel. Definitely I would have.

28 Q. Well, the Prosecution suggests that that is not the case,
29 Mr Taylor, and you haven't been truthful about that. But you

1 would probably deny that suggestion, wouldn't you?

2 A. Well, counsel, I disagree with that. There are cases where
3 I guess if we look through all this case the suggestion that I
4 would be - I would lie about something like that, this whole
15:05:06 5 case, counsel, is a lie. Remember your knowledge of my dealing
6 with Sam Bockarie. The Prosecution's knowledge of my dealing
7 with Issa Sesay. The Prosecution's knowledge of my activities as
8 being in charge of the Sierra Leonean activities in West Africa
9 and your failure to accept it. That's a lie, counsel, on your
15:05:29 10 part, isn't it?

11 Q. Now, Mr Taylor, you've said to this Bench throughout your
12 direct examination that all of this evidence here before you,
13 it's all lies and you've talked about how - perhaps cunning isn't
14 the word you used - cunning a lie. Mr Taylor, it's true, isn't
15:05:49 15 it, that of all the people that have come before these judges you
16 are the one who has the most reason to lie?

17 A. Well, counsel, you know I would disagree with you except
18 you can point to me why would I have the most reason to lie? I
19 have been truthful before this Court. Unless you can point to
15:06:08 20 me, I have told this Court the truth and I suggest that you point
21 to me and present the evidentiary facts before this Court to
22 suggest, as you are, that I am lying.

23 Q. We will do that over the course of the cross-examination,
24 Mr Taylor, but of all the people who have come before this Court
15:06:27 25 you are the one facing these serious charges. Isn't that
26 correct?

27 A. That is correct, counsel.

28 Q. You are the one facing confinement if you are convicted.
29 Isn't that correct?

1 A. That is correct.

2 Q. And I believe that your Defence counsel recently in a media
3 report indicated that you and he are of the view that if you are
4 convicted you would spend the rest of your life in jail?

15:06:50 5 A. Well, I have not followed all of the statements, counsel,
6 that my counsel has made. I don't have total access to all of
7 the news items. But if my counsel said that, of course that's
8 the intent of this whole trial. The whole construct that David
9 Crane and this Prosecution that has been so misguided, the whole

15:07:22 10 point of this construct is to put away - remember this whole
11 thing about the plan with the four individual in Libya; Gaddafi,
12 myself, Foday Sankoh. This whole construct is to secure a
13 verdict that would put me away because this whole thing has been
14 about destroying me and of course that will be the natural thing

15:07:48 15 that would happen if this Prosecution were to get away with the
16 lie that there was a plan that I executed and was in command and
17 control. Of course, if the Prosecution is permitted to get away
18 with this lie, of course that's what happens to me. I'll go jail
19 for the rest of my life.

15:08:07 20 Q. Mr Taylor, you do understand of course it's not the
21 Prosecution who sentences you?

22 A. No, no, no, but the Prosecution is responsible for - I can
23 tell you a lot of these things that have come up, we're still
24 into this trial, paying witnesses, constructing fence and houses
15:08:29 25 and all this kind of stuff. All of that will come up. That's
26 what I call the total construct. There's more to this than just
27 what - oh, I'm aware the judges sentence. But the Prosecution in
28 this fabrication of disinformation, misinformation, half truths
29 and all could lead to that if this Defence does not do the job as

1 it is doing.

2 Q. So, Mr Taylor, you are the one facing the charges and you
3 are the one facing confinement. That's the truth of it; yes?

4 A. Yes.

15:09:01 5 MS HOLLIS: Thank you. Your Honours, that would be all
6 that we would have for today.

7 PRESIDING JUDGE: All right. Thank you.

8 For the reason mentioned by the Prosecution earlier on this
9 afternoon we're going to adjourn early now and we'll reconvene
10 tomorrow at 9.30 a.m.

15:09:22

11 Mr Taylor, the usual caution: Please do not discuss your
12 evidence with any other person.

13 THE WITNESS: Yes, your Honour.

14 PRESIDING JUDGE: We'll adjourn now.

15:09:34

15 [Whereupon the hearing adjourned at 3.07 p.m.
16 to be reconvened on Wednesday, 11 November at
17 9.30 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

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| DANKPANNAH DR CHARLES GHANKAY TAYLOR | 31483 |
| EXAMINATION-IN-CHIEF BY MR GRIFFITHS | 31483 |
| CROSS-EXAMINATION BY MS HOLLI S | 31566 |