



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 13 JULY 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 William Romans
Mr Simon Meisenberg
Ms Carolyn Buff

For the Registry:

Mr Gregory Townsend
Ms Advera Nsiima Kamuzora
Ms Rachel Irura
Mr Benedict Williams

For the Prosecution:

Mr Stephen Rapp
Ms Brenda J Hollis
Mr Mohamed A Bangura
Mr James Johnson
Mr Christopher Santora
Ms Kathryn Howarth
Ms Maja Dimitrova

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Terry Munyard
Cllr James Supuwood
Ms Claire Carlton-Hanciles
Ms Salla Moilanen

1 Monday, 13 July 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:17 5 PRESIDING JUDGE: Good morning. We will take appearances
6 first, please.

7 MR RAPP: Good morning Mr President, your Honours, counsel.
8 Appearing today for the Prosecution, Stephen Rapp Prosecutor,
9 together with principal trial attorney Brenda Hollis,
09:29:41 10 Mohamed Bangura, Kathryn Howarth, Christopher Santora, Maja
11 Dimitrova and James Johnson. Thank you, your Honour.

12 PRESIDING JUDGE: Thank you, Mr Rapp. Yes, Mr Griffiths.

13 MR GRIFFITHS: Good morning Mr President, your Honours,
14 counsel opposite. For the Defence today, myself Courtenay
09:30:01 15 Griffiths, assisted by my learned friends Mr Morris Anyah,
16 Mr Terry Munyard and Cllr Supuwood and also our case manager
17 Salla Moilanen. Also we are joined today by the Acting Principal
18 Defender, Mrs Claire Carlton-Hanciles.

19 PRESIDING JUDGE: Thank you, Mr Griffiths. I think both
09:31:03 20 parties realise there is an order permitting photography. I
21 don't know what happened, but obviously it has not been followed.
22 The order was in the terms that the photographer shall be in
23 position ten minutes before the start of the proceedings. I see
24 he is not in court at all. He is entitled, once the Court sits,
09:31:27 25 to take photographs for a period of one minute. I will bring the
26 photographer in on this occasion, but if these orders are not
27 followed strictly in future then we will simply overlook the
28 order.

29 Today is scheduled for the opening of the Defence case and,

1 as became evident last week at the status conference, the Defence
2 will make an opening statement today. The Court will then
3 adjourn and the Defence will go into evidence tomorrow morning.
4 Having said that, I will call on you, Mr Griffiths.

09:33:45 5 MR GRIFFITHS: May it please your Honours, we've broken
6 down our address into the following chapters:

7 First of all we are going to introduce the topic. We will
8 then provide a brief chronology of how and why we come to be here
9 and we do that for this reason: In opening their case we were
10 told by Stephen Rapp, the Chief Prosecutor, in a speech laced
11 with references to the geopolitics of the region, that:

12 "The Prosecutor will seek at all times to ensure that it
13 embodies the fundamental principles of fairness, due process and
14 justice, that, along with the other trials at the Special Court,
09:34:43 15 will help ensure a future respect for the law and the maintenance
16 of a just and peaceful and safe society."

17 And in concluding his address to your Honours, what, almost
18 two years ago, in fact over two years ago, he said this:

19 "There are those in this world who are ready to uphold the
09:35:07 20 law and to decide that, no matter how high the position of the
21 person responsible, there will be a day of justice."

22 Now, we say quite simply and bluntly right at the outset
23 that that claim is simply just not true. When one examines the
24 way in which the Office of the Prosecution have behaved, from the
09:35:34 25 unveiling of the indictment in this case and throughout the
26 investigation and trial, we say that sentiment expressed by the
27 Prosecution at the outset is riddled with hypocrisy and untruth
28 and we must, if we are properly to protect Mr Taylor's interests,
29 address all aspects of the Prosecution case including that.

1 Thirdly, we will then look at the reality of this supposed
2 commitment to equality before the law by examining briefly the
3 experience of the previous Defence team. And why do we do this?
4 Simply because Mr Taylor may be asked in cross-examination, and
09:36:28 5 we need of course to anticipate this, "Why did you dispense with
6 your previous Defence team?"

7 We will then briefly examine when we, this team, came on
8 board and what was our task and, in light of that analysis, we
9 will then look at what this case is really about. What is the
09:36:56 10 issue? Have the Prosecution truly sought to address that issue?
11 We are here to assist you judges, and it is important that you
12 know what the issues are as we see them, because we appreciate
13 that we are confined in opening our case by Rule 84, a provision
14 of which the Learned President of this Court rightly reminded me
09:37:29 15 last Monday. We therefore fully understand that we need to
16 proceed with care.

17 Now, having dealt with that, thereafter we will necessarily
18 have to examine the accused's decision to give evidence, because
19 again he might be asked about that. In looking at that we feel
09:37:56 20 that it is equally important that we critically examine the lens
21 through which we should examine his account. So we will examine,
22 first of all, prejudice. We will also go on to examine emotion
23 and the fact that neither can play a role in our task.

24 How should the Defence case be examined we say is a very
09:38:23 25 important question. We are then going to go on and look at the
26 Prosecution case and question its adequacy. We do that because
27 we need to define where we say it is lacking in proof and
28 consequently where we can assist you judges in your task by
29 providing further proof, because we want to focus our case on

1 just those aspects of the case.

2 Having done that, we will then examine the Defence case.
3 Undoubtedly there will be no problem with that, because at the
4 heart of Rule 84 is what our duty is in that regard. Thereafter
09:39:15 5 finally we will conclude.

6 So let us commence. At the outset we make it clear that we
7 are not here to cause offence for the sake of it. We are here to
8 defend a man who we say is innocent of these charges. However,
9 whilst we appreciate that the primary function of this opening
09:39:45 10 address is to outline the case for the Defence in this court of
11 law, it must equally be recognised that this case has been played
12 out over at least six years by the Prosecution in the court of
13 public opinion worldwide. So we are conscious that our audience
14 is far wider than your Honours, the judges in this courtroom.

09:40:15 15 Inevitably we must address that wider audience, so long as of
16 course we adhere to the rules.

17 However, we bear in mind also that part of this Court's
18 ambition is to gain international respect for the rule of law, an
19 ambition which it primarily achieves by allowing a wider world to
09:40:43 20 observe and understand its habits, methods of analysis and its
21 findings in the cases it hears. I've already reminded your
22 Honours of the lofty aspirations of the Prosecution in this
23 Court. Our plea must therefore be couched in language and terms
24 appropriate to all who have the opportunity to listen. Sadly,
09:41:11 25 much of West Africa does not have that opportunity. And we are
26 constrained to do so because we deal with reality and not theory,
27 for we say that not many of those who readily want to pass
28 judgment on Charles Taylor truly know the details of this case
29 which covers a period of history in West Africa which, for much

1 of the time, the West and its media completely ignored.

2 The United States of America had no time for its love
3 child, unless of course it was perceived to endanger the warped
4 Cold War logic which governed global foreign relations at the
09:42:06 5 birth of this conflict. It has to be remembered that the events
6 we are considering occurred at a time when walls were coming
7 down. So let's move on then and deal with the chronology.

8 Charles Taylor was indicted under seal on 7 March 2003.
9 The indictment was announced on 4 June 2003 on his first trip
09:42:44 10 outside of Liberia after the indictment had been imagined into
11 being, we say, by David Crane, the then Chief Prosecutor. Now in
12 a revealing footnote to a prepared statement presented to a
13 hearing before the United States House of Representatives
14 Subcommittee on Africa on 8 February 2006 that same David Crane,
09:43:15 15 former Chief Prosecutor of this Court said this:

16 "The unsealing of the indictment against Charles Taylor, on
17 the day he arrived in Accra, Ghana, for the peace talks in June
18 of 2003 was a calculated move on my part."

19 Pause there. Mr Crane of course, that Chief Prosecutor,
09:43:43 20 was present at the opening of the Prosecution case in this
21 courtroom. He was afforded a name check by Stephen Rapp, the
22 Prosecutor, i.e. he was bigged up in front of a worldwide
23 audience. Yet when speaking of that peace he mentioned, it must
24 be remembered that the Statute which established this Court
09:44:15 25 provided that:

26 "This Court shall have the power to prosecute persons who
27 bear the greatest responsibility for serious violations of
28 international humanitarian law and Sierra Leonean law committed
29 in the territory of Sierra Leone since 30 November 1996,

1 including those leaders who in committing such crimes" - hear
2 this - "have threatened the establishment of and implementation
3 of the peace process in Sierra Leone."

4 So this is a Court set up for the preservation of peace.

09:45:06 5 Bearing that in mind, here we have the Chief Prosecutor in such a
6 Court attempting to scupper peace in Accra, Ghana, in June of
7 2003. Why should a Prosecutor in this Court seek to do that, and
8 why did he do that? Charles Taylor will explain why.

9 But, in any event, Mr Crane continued:

09:45:38 10 "Was a calculated move on my part to publicly strip in
11 front of the world this war lord of his power by my signature on
12 this indictment."

13 Pause again. Such ego and hubris. To quote Bob Marley, my
14 countryman, "Working iniquity to achieve vanity".

09:46:06 15 Now let's go back to what Mr Crane was saying:

16 "It was never intended, that indictment, to force his
17 transfer that day to the tribunal, though we would have accepted
18 him and were ready to arraign him on the charges in the
19 indictment immediately."

09:46:28 20 Pause again. So there we have Mr Crane claiming that way
21 back in June of 2003 this Prosecution were ready to proceed. So
22 we ask rhetorically: Why hadn't they sorted out their indictment
23 then? Why was their indictment thereafter edited on so many
24 occasions, occasions of which we will remind this Court. And yet
09:46:59 25 look at the claim that he was making. And he continues:

26 "My intent was to humble and humiliate him before his
27 peers, the leaders of Africa, and to serve notice to Taylor and
28 others that the days of impunity in Africa were over."

29 Pause again. Why not declare the end of impunity for all

1 international wrongdoers? Why just Africa?

2 Then he continues:

3 "Taylor is the first African Head of State ever to be
4 indicted for war crimes and crimes against humanity and only the
09:47:41 5 second in history. His indictment paved the way for the eventual
6 election of Ellen Johnson-Sirleaf as the first" - note that.
7 "First fairly elected President of Liberia."

8 So the Doe election of 1985, at a time when the US was
9 pouring the greatest amount of aid it had ever had into a corrupt
09:48:12 10 regime, a generosity it had never previously shown to its African
11 slave child, and yet we are told that the election in 1997 as
12 well, that too was obviously, given Mr Crane's sentiment, not
13 fair.

14 Then he continues:

09:48:32 15 "It must be noted" - and listen to this. "It must be noted
16 that the United States was given a copy of the Taylor indictment
17 two months before it was unsealed in June 2003. It was
18 personally given to Walter Kansteiner, then the Assistant
19 Secretary of State for Africa, at a breakfast meeting in April of
09:49:03 20 2003 with the US Ambassador Peter Chaveas at his home in
21 Freetown. Another copy was given to Pierre Prosper, the
22 Ambassador-At-Large for War Crimes Issues as well."

23 Pausing there. Perhaps we ought to congratulate my learned
24 friend Stephen Rapp on his nomination to soon fill that post.

09:49:28 25 But he continues, does Mr Crane:

26 "All parties were warned 24 hours in advance of the
27 unsealing, while Taylor was in Accra. The Government of Ghana
28 was served with the indictment and the warrant of arrest the
29 morning of the unsealing of Taylor's indictment."

1 Now, one has to ask: Why was the United States of America
2 granted this particular favour two months in advance? And was
3 this Court notified, given that the indictment was under seal,
4 that the seal had indeed been broken? Was it?

09:50:12 5 Now, what I've just quoted is a mere footnote hidden away,
6 yet loaded with meaning, particularly when you discover that the
7 same David Crane goes on to say this:

8 "The trick to getting a West African leader's attention is
9 cash, plain and simple. Unlike, for example, a British member of
09:50:46 10 parliament."

11 Further we say that money has played a crucial part in
12 these proceedings, as we will deal with.

13 Now, Charles Taylor was humiliated. That was after all
14 calculated, and I can assure you that he is humbled although only
09:51:09 15 by the trust placed in him by the people of Liberia who rallied
16 to his banner in 1989, including one Ellen Johnson-Sirleaf. And
17 those same Liberians elected him freely and fairly in 1997 in an
18 election congratulated by a former US President Jimmy Carter, yet
19 ridiculed by a Prosecutor of this Court.

09:51:40 20 However, I can assure you that he is certainly not humbled
21 by this ill-conceived, revenge-seeking Prosecution.

22 Now in August of 2003 he stepped down, resigned as
23 President and went into exile in Nigeria. How many times has
24 that happened in Africa? Ian Smith in Rhodesia, now Zimbabwe,
09:52:13 25 was certainly reluctant to do so in the face of mounting pressure
26 until forced by the anti-imperialist struggle to step down.
27 Sadly, many others may have inherited his stubbornness in that
28 country; an unwillingness to go. And let me not start on South
29 Africa and apartheid.

1 Yet here was Taylor going without a whimper, and he is such
2 a bad man. And that going was done by agreement; a deal brokered
3 by Africans for Africans, backed by the United States, the United
4 Kingdom and the United Nations. Yet despite that agreement he
09:53:03 5 was handed over by the Nigerians to the Liberians and from thence
6 to the Special Court for Sierra Leone on 29 March 2006. It does
7 sound calculated, doesn't it?

8 And three months later, like an illegal immigrant, refugee
9 or worse, and for those of an historical mind, in reverse, he was
09:53:33 10 taken in chains from the shores of Africa and taken to Holland,
11 thousands of miles away. The country of one of the colonisers of
12 the black race for centuries. A historically familiar journey
13 for some. So that was the challenge we faced as his Defence.

14 Now, those originally instructed to defend Charles Taylor
09:54:00 15 struggled valiantly, despite an appalling lack of resources, to
16 protect his interests. This was despite the gross disparity in
17 the resources available to the Defence, particularly when
18 compared to the largesse available to the Prosecution, which even
19 included a fund, the source of which we have been unable to
09:54:26 20 identify and out of which lavish payments have been made to
21 witnesses.

22 Yet, despite this, that Defence team struggled on until the
23 summer of 2007 when the injustice of the situation forced Charles
24 Taylor to withdraw his cooperation with this Court.

09:54:50 25 Consequently, an attempted start of this trial, on 4 June 2007,
26 was swiftly aborted and we were brought on board shortly
27 afterwards in an atmosphere of panic. This is how we come to be
28 here.

29 We sought and were granted four months to prepare and

1 thereafter deal with a Prosecution case involving voluminous
2 documentation, a case which they had taken years to prepare. Yet
3 after a few months' preparation, we dealt with this case
4 efficiently and professionally. And why? Because it's the job
09:55:38 5 of the experienced advocate to quickly locate the essence of a
6 case and thereafter seek, for the sake of efficiency and brevity,
7 to conclude it as swiftly as possible. That we have always
8 sought to do. So that this case proceeded from 7 January 2008 to
9 27 February 2009 without hardly a hitch or delay. Unprecedented,
09:56:11 10 in my experience of almost 30 years, for a trial of this
11 complexity and logistical difficulties. This was 91 witnesses
12 and 14 months later.

13 And why was that? That was because we defined the issue
14 here as being simple. We stated it at an early stage and it
09:56:43 15 remains our position. Consequently, it is not surprising that
16 the Prosecution themselves observed in opening this case, and I
17 quote - the quote was to the effect that the essence of their
18 indictment was how to link Mr Taylor to these crimes.
19 Consequently, we said this case should not have been about what
09:57:23 20 in fact happened in Sierra Leone; there was no issue about that.
21 It should solely have been about who bore the greatest
22 responsibility, there being ample proof that he had made, that is
23 Mr Taylor, strenuous efforts to achieve peace in Sierra Leone,
24 remembering of course the words of the Statute. Proof which we
09:57:55 25 will provide in abundant documentary form. Proof available to
26 the Prosecution, but which they ignored.

27 We consequently do not and never have taken issue with the
28 fact that terrible things, atrocities, were committed in Sierra
29 Leone. We've never done that. We still cannot therefore

1 understand why more than half of the witnesses called were
2 so-called crime base witnesses to prove a fact not in dispute.

3 Let me assist with one or two statistics. Ninety-one
4 Prosecution witnesses were called. Of those, 52 were so-called
09:58:51 5 crime base witnesses. Thirty-three were so-called linkage
6 witnesses.

7 But also appreciate this: The case having begun in January
8 2008, by September of the same year, so nine months later, 27 of
9 the 33 linkage witnesses had been called by September. So
09:59:17 10 effectively by September of last year the Prosecution had called
11 the vast bulk of the evidence available to them on the central
12 issue in dispute, and yet we spent from September right through
13 until February of this year listening to some 42 crime base
14 witnesses giving evidence about the horror of their experience, a
09:59:47 15 matter not in dispute.

16 MR RAPP: Excuse me, Mr President. I am reticent to rise,
17 but the purpose of an opening statement is to talk about the
18 evidence that the Defence intends to present. They are talking
19 about evidence that the Prosecution presented, numbers - I think
10:00:05 20 the record reflects that all but two of these crime base
21 witnesses the Defence objected to presenting in written form and
22 we are hearing more argument at this stage. This is probably fit
23 for closing rather than for telling us what kind of evidence we
24 are going to receive from the Defence.

10:00:22 25 PRESIDING JUDGE: Yes, Mr Griffiths.

26 MR GRIFFITHS: Where I come from, Mr President, it's
27 regarded as rude to interrupt opposing counsel's opening speech
28 or closing address. It's normal, in my experience, for such
29 comments to be reserved until the address has been concluded.

1 But, in any event, we say given the latitude afforded to
2 Mr Rapp when he was opening the Prosecution case, we submit that
3 we are perfectly entitled to make the points that we do,
4 particularly as we do so, we say, in order to set out the issues
10:01:01 5 which we set out from the outset which we feel we have to
6 address. We cannot just go into a recitation of the Defence
7 evidence without any kind of context.

8 PRESIDING JUDGE: Well, firstly, I can tell you,
9 Mr Griffiths, that when the Prosecution made its opening
10:02:03 10 statement the Court took care to confine the Prosecution as much
11 as possible to the evidence it intended to present. And as
12 you've already made comment, you are well aware of the
13 requirements of Rule 84. But we are of the view that what you
14 are saying now is tied in with evidence that you are going to
10:02:35 15 present anyway and we think that you are doing your best to lay
16 out the Defence case, so we are going to overrule the objection,
17 but we will direct your mind now to what Rule 84 requires of you.

18 MR GRIFFITHS: Very well, Mr President. In any event, your
19 Honours, having defined the issue as we did, we resolved not to
10:03:10 20 be distracted from the central question. That question being:
21 How do you, the Prosecution, say he is responsible? Yet we say
22 still, more than six years after the Office of the Prosecution
23 first formulated the indictment, it remains uncertain where it
24 should be precise.

10:03:36 25 Thus, all of the following are suggested by the
26 Prosecution: Article 6.1 of the Court Statute explicitly lists
27 five ways in which Charles Taylor could be held responsible for
28 the atrocities that took place in Sierra Leone. That Article
29 holds individually criminally responsible or accountable persons

1 who planned, instigated, ordered, committed or aided and abetted
2 in the planning, preparation or execution of a crime within the
3 Court's jurisdiction.

4 In addition, there is a sixth route by which they claim he
10:04:19 5 is liable. That sixth way in which Mr Taylor could be held
6 criminally responsible by this Court is pursuant to Article 6.3
7 of its Statute, but only to the extent that somebody - that he,
8 Mr Taylor, exercised authority over as a superior someone who
9 committed a crime within the Court's jurisdiction, and that he
10:04:46 10 knew or had reason to know that his subordinate was about to
11 commit such acts or had done so and he, Taylor, failed to take
12 necessary and reasonable measures to prevent such acts or to
13 punish the perpetrators thereof.

14 Now, the final route, the final way in which Charles Taylor
10:05:10 15 could be held individually responsible, is under a theory of
16 joint criminal enterprise, or JCE; something which those of you
17 who have been following this case know has attained infamous
18 status because of how tortured its various formulations have been
19 since the first indictment in March 2003. With this supposed
10:05:38 20 route to conviction, there have been so many different
21 formulations of it during the course of this case that it's,
22 frankly speaking, difficult for one to keep track of what case
23 Mr Taylor is supposed to answer. Let us just trace that
24 development.

10:05:57 25 Stage one: In the first indictment that was signed by
26 David Crane it was alleged that Mr Taylor participated in the
27 joint criminal enterprise as "part of his continuing efforts to
28 gain access to the mineral wealth of Sierra Leone and to
29 destabilise the Government of Sierra Leone."

1 Stage two: When Prosecutor Desmond de Silva filed the
2 amended indictment on 7 March 2006 the phrase "joint criminal
3 enterprise" was nowhere to be found in the indictment. Indeed,
4 it had been deleted from the indictment in its entirety.

10:06:46 5 Phase three: Over a year later, on 4 April 2007, a couple
6 of months before the trial was due to start, and after several
7 years of preparation, when the Prosecution filed its pre-trial
8 brief in this case we began to see the emergence of diamonds as
9 an expressly stated reason for Mr Taylor's alleged participation
10:07:15 10 in the common plan of the JCE. The pre-trial brief alleged that
11 Mr Taylor "participated in a common plan, design or purpose, to
12 gain and maintain political power and physical control over the
13 territory of Sierra Leone, in particular the diamond mining areas
14 in order to exploit the natural resources of the country." They
10:07:47 15 went on to add, "Implementation of this common plan included
16 overthrowing the Government of Sierra Leone."

17 Stage four: A few weeks later, during my learned friend
18 Mr Rapp's opening statement on 4 June 2007, he said that
19 Mr Taylor was "responsible for the development and execution of a
10:08:13 20 plan to take political and physical control of Sierra Leone in
21 order to exploit its abundant natural resources and to establish
22 a friendly or subordinate government there to facilitate that
23 exploitation."

24 However, stage five: When you judges in this Chamber
10:08:37 25 rendered your judgment on 20 June 2007 in the AFRC case and ruled
26 that an alleged common purpose to take any actions necessary to
27 gain and exercise political power and control over the territory
28 of Sierra Leone, in particular the diamond mining areas, was not
29 an international crime, nor a crime punishable under Statute, the

1 Prosecution panicked and filed, on 3 August 2007, version five,
2 an amended case summary, alleging there that the common plan that
3 was shared by Mr Taylor and other participants in the JCE was to
4 inflict a campaign of terror on the citizens of Sierra Leone in
10:09:30 5 order to pillage the resources of Sierra Leone, in particular the
6 diamonds, and to forcibly control the population and territory of
7 Sierra Leone. Yes, it had become terrorism.

8 Now, I wonder where that term "terrorism" came from, at a
9 time when the so-called war on terror is still ongoing, a war
10:09:57 10 which has dominated our lives for over a decade.

11 So we say now, now that we've reached June/July 2009, which
12 is it? Diamonds? Or is it political control? Or is it
13 overthrowing the Government of Sierra Leone? Or is it
14 terrorising the citizens of Sierra Leone? Which is it?

10:10:23 15 Why are we, several years down the line, faced with this
16 lucky dip of a Prosecution as a supposed pathway to proof? We
17 say the indictment is still unclear, six years after it was first
18 unveiled.

19 What kind of a Prosecution, we say, is this: Take your
10:10:47 20 choice because we're not sure. And this is the party to these
21 proceedings which bears the burden of proving guilt beyond a
22 reasonable doubt and they themselves, clearly, by the history of
23 their behaviour, are not sure.

24 We say had Mr Crane, all those years ago, concentrated more
10:11:13 25 time on doing his job as a lawyer and less as a politician, had
26 he concentrated on his job as a lawyer rather than seeking to
27 humiliate and humble an African, then maybe we would have a
28 clearer idea today as to why we are here.

29 So moving on. The decision to give evidence. Since he was

1 taken to Freetown, Mr Taylor has not said a word in his own
2 defence. He has kept his own counsel. This is his first and
3 perhaps only chance to give his account. Now he takes the
4 opportunity to put forward his defence, not because in law he has
10:12:07 5 to, but because he wants to. He feels it's important to set the
6 historical record straight.

7 Nevertheless, before he sets out his case, he appreciates
8 that he faces some important hurdles, so let us address them
9 directly right at the outset.

10:12:35 10 The first, we acknowledge - yes, the first is the deeply
11 ingrained popular prejudice against Mr Taylor, held by so many
12 who have not listened or observed the full and dreadful story of
13 what happened in West Africa from 1989 to 2003 and what had led
14 to it; a decade and a half period of bitter tears, still bleeding
10:13:14 15 wounds, destruction and death. Images of trauma, human suffering
16 and inhumanity more easily erased from the memory than remembered
17 because of their sheer brutality. All of this happening in the
18 neighbouring countries of Sierra Leone, Cote d'Ivoire and
19 Liberia, a part of the world blessed in so many ways and endowed
10:13:44 20 with such great beauty. Yes, I'm talking about that prejudice,
21 based, we say, on lies. Based on unsubstantiated rumour and
22 hearsay without independent support. That public opinion, which
23 has already given its outspoken verdict and condemned Charles
24 Taylor. Yes, I'm talking about that prejudice which nullifies
10:14:16 25 objectivity, neutralises independence of thought and thereby
26 corrupts justice.

27 Surely we are all here for more than that. Surely we are
28 here for more than humiliation at the stroke of a pen which says
29 more about the humanity of the speaker than the justice of the

1 cause, because none of us should be here to speculate. No, we
2 are not here to do that.

3 Neither are we here to make intelligent guesses. No, we
4 are not here to pursue theories. For example, that Taylor was a
10:14:58 5 despot, Africa's Napoleon, bent on taking over the subregion. We
6 are certainly not here to act on suspicions, hunches or sixth
7 senses, or indeed on hearsay alone. We do live our lives on
8 instincts, but we are not here to exercise instincts, to motor on
9 on automatic. Because here in a criminal court things slow down,
10:15:30 10 because here what is required is proof, the application of logic
11 and intellectual honesty, so that when each of us arrives at our
12 individual verdicts we can say, hand on heart, that those
13 verdicts were not influenced by prejudice, a previously held view
14 unchanged by the evidence. Because a definition of a fair trial
10:15:56 15 has been handed down to us after centuries of struggle and it is
16 a definition to which we should hold fast in a court of law.
17 Guilt must be punished without prejudice and where there is no
18 guilt then, once again, prejudice must not be allowed to rear its
19 head.

10:16:18 20 This being so, before we come to deal with the charges
21 themselves we have certain requests to make of everyone
22 listening. We are addressing our audience now.

23 Firstly, that everyone approaches the case without
24 preconceived opinions, since nothing else would be fair. For if
10:16:44 25 we, coming to observe a tribunal of this kind, insist on basing
26 our judgment upon conclusions that we have previously formed
27 ready-made, instead of deciding in accordance with the facts,
28 then none of us would have the right to say that we have fairly
29 stood in judgment. Frankly, your reputation as judges would be

1 gone.

2 However, let us suppose that you have formed a preconceived
3 opinion all the same. Then in that case what we demand is this:
4 If you find that our reasoning uproots that opinion, if our
10:17:26 5 argument undermines it, if truth destroys it, please, we say, do
6 not resist, but rather dismiss those preconceived ideas from your
7 mind and seek to arrive at a verdict in light of the facts you
8 find proved, drawing proper and reasoned conclusions from the
9 evidence. Because to do otherwise, frankly, merely strengthens
10:17:56 10 the very mischief we are all seeking to prevent.

11 We also need to beware of emotion because emotion is no
12 useful guide to us in our task. We must be dispassionate,
13 carefully analytical and objective in our assessment of that
14 evidence. No one who has seen the sad procession through this
10:18:22 15 courtroom of hurt human beings, reliving the most grotesque
16 trauma, would have been unmoved. We are human too, even whilst
17 we declare this accused man to be not guilty of the charges he
18 faces. We are humans too.

19 Fifty-two out of 91 Prosecution witnesses called were crime
10:18:50 20 base witnesses. All these witnesses later, images of unspeakable
21 human suffering later, must have an effect and we appreciate that
22 it may well skew rational and logical thought and thereby erode
23 any notion of justice. We must therefore consciously guard
24 against this in deciding whether any material fact has been
10:19:22 25 proved beyond a reasonable doubt.

26 Moving on. In opening the Prosecution case we were told
27 that this case involved one overarching crime, the crime of
28 terrorism. Thus they planned to terrorise the civilian
29 populations of West Africa, but, as I've already indicated, they

1 also intended to take political and physical control of Sierra
2 Leone in order to exploit its abundant natural resources and to
3 establish a friendly or subordinate government there to
4 facilitate that exploitation. Yet it's the indictment which
10:20:10 5 should provide the road map to guilt. As with all maps, we
6 expect them to be drafted with precision and that they can be
7 trusted, otherwise we could get lost.

8 Now, the first indictment against Charles Taylor was signed
9 by David Crane on 3 March 2003 and filed with this Court on 7
10:20:38 10 March of that year. An amended indictment was signed on 16 March
11 2006 by Sir Desmond de Silva, as he now is, and filed with the
12 Court on 7 March.

13 That was the second indictment against Charles Taylor and
14 it had annexed to it something called a case summary. Case
10:21:02 15 summary accompanying the amended indictment, a document which
16 purported to elaborate further on the bare bones, as it were, of
17 the amended indictment. Less than one week before 4 June when
18 the trial against Mr Taylor was expected to start, the current
19 Chief Prosecutor, Mr Stephen Rapp, signed what would be the third
10:21:28 20 indictment to be issued in this case against Mr Taylor, with the
21 filing on 29 May 2007 of the Prosecution's second amended
22 indictment.

23 Again, and much like with the amended indictment that
24 Prosecutor de Silva had filed, a document called a case summary
10:21:55 25 accompanying the second amended indictment was filed by the
26 Prosecution on 3 August 2007 purporting to elaborate on the
27 charges that were contained in the 29 May second amended
28 indictment.

29 Let us now examine, for the purposes of our case, the

1 detail of that indictment. One or two salient facts immediately
2 become clear. The first is this: The vast bulk of the charges
3 relate to three provinces in eastern Sierra Leone; Kono, Kailahun
4 and Kenema. Other provinces are implicated, but, in terms of the
10:22:51 5 time line, only briefly.

6 Now, turning to that time line, bearing in mind, of course,
7 the terms of the Statute which set up this Court, and starting
8 from the outer limits and working in, the plan to which Mr Taylor
9 is said to be party was supposedly hatched in Libya in the 1980s.
10:23:21 10 It was put into effect when he invaded Liberia on Christmas Eve
11 1989. So at one end that's the outer limit. We know at the
12 other end, August 2003 he steps down and goes into exile.

13 Let's just bring the boundaries in a little further now.
14 We know that thereafter the indictment period dates from the
10:23:50 15 Abidjan Peace Accord, 30 November 1996, through to President
16 Kabbah declaring peace in January 2002. But even within those
17 parameters, the real core of this indictment effectively dates
18 from February 1998 to the end of January 1999, a period when, as
19 the Prosecution rightly stated in their opening, the violence in
10:24:31 20 Sierra Leone reached a crescendo. So, in effect, what we are
21 here dealing with is roughly a 12 month period, from February
22 1998 through to the end of January 1999. Why those parameters?

23 February 1998 is the ECOMOG intervention, when we say a
24 group of Sierra Leonean soldiers who had formed the junta regime,
10:25:06 25 the AFRC regime, felt disgruntled, downright annoyed and angry
26 that a force of Nigerians, without any sanction from the United
27 Nations or anybody else, kicked them out of power in Freetown.
28 Thereafter history shows that those same disgruntled soldiers
29 went on a campaign and orgy of violence which took them to the

1 north of Sierra Leone, returning back to the western district
2 late in the year of 1998 and thereafter, on 6 January 1999,
3 wreaked havoc and destruction in Freetown.

4 That is what is at the core of this case and that is what
10:26:04 5 we shouldn't lose sight of. Yes, there are counts which extend
6 beyond that time frame, but that period is really at the heart of
7 this Prosecution and that's what we ought to concentrate on.

8 Now, having examined that, let us remind ourselves also
9 that although the indictment itself is set in narrow limits in
10:26:35 10 terms of time and territory, here November 1996 to January 2002,
11 solely limited to Sierra Leone, the evidence nonetheless placed
12 before this Court and relied on traverses a much wider historical
13 and geographical period. Thus, in terms of the time line, we
14 were told that the plan at the heart of this design "was
10:27:05 15 formulated in Libya by the accused". That's a long time outside
16 the indictment period.

17 Further, in geographical terms, much evidence has been
18 called of events in Liberia from the likes of Hassan Bility and
19 TF1-590, none of which, on the face of it, seemed to have much to
10:27:31 20 do with the issue at hand, rather than a search for prejudicial
21 evidence.

22 So the narrow limits set by the Statute have been exceeded
23 considerably. This expansion, whilst not accepted, has to be
24 addressed. Consequently, the Defence case cannot be dealt with
10:27:54 25 within a narrow compass. So let me then turn now to the Defence
26 case.

27 Now, the accused does take issue with the Prosecution
28 allegation that he, by reason of any of the modes of liability
29 alleged in the indictment, was responsible for any of the crimes

1 charged. He says, simply, "I am not guilty of these crimes." In
2 a sentence, he says, "How could I have been micromanaging a
3 conflict in neighbouring Sierra Leone as alleged when I, as newly
4 elected President of the Republic of Liberia, had so much on my
10:29:05 5 plate to deal with?" Bearing in mind the core of the indictment
6 is conveniently situated during the period of his presidency, and
7 he says, "How could I have been micromanaging all of these radio
8 operators, these bodyguards, these low level individuals who
9 claim to have been in direct contact with Mr Taylor when I'm
10:29:35 10 running a country besieged on several sides, firstly by ULIMO,
11 then LURD, then MODEL? How could I?"

12 Now, in giving evidence in his defence it must be borne in
13 mind at all times that he bears no obligation to prove his
14 innocence. His protection is that it's for the Prosecution to
10:30:05 15 prove his guilt. That is because criminal trials have come, at
16 least in those societies committed to the rule of law, to be
17 governed by a certain logic. It is a logic a long time in the
18 making; very painful in the making in terms of suffering in the
19 achievement of it. However, with that principle firmly in mind,
10:30:33 20 it is anticipated that Mr Taylor's testimony will cover the
21 following areas:

22 Firstly he is going to deal with his personal background
23 including, among other things, his background, history, and
24 education. And why is that necessary? It's because it feeds in
10:31:02 25 his origins, that is, into the ethnic politics of Liberia and
26 historical tension between the Congo Town set, the American
27 Liberians that is, and the rest of the indigenous population. A
28 conflict which has been at the heart of Liberian politics for
29 well over a century. So that's why we are looking at the

1 background because, frankly, that background is a history of
2 racism, constructed elsewhere but transferred to Africa. And
3 here we will, of necessity, have to pause to consider the
4 relationship between the United States of America and its
10:31:54 5 prodigal child in Africa.

6 Having dealt with that, we will go on to consider his
7 involvement in ULAA, the Union of Liberian Associations in
8 America, an association which began whilst he was studying in the
9 United States of America.

10:32:25 10 Having dealt with that, we will deal with his involvement
11 with the government of Samuel Doe and also his increasing
12 disenchantment with the Doe regime.

13 Having done that, we will look at the Quiwonkpa attempted
14 coup and its aftermath, so brutally predictable as Doe of the
10:32:53 15 minority Krahn ethnic group mobilised his largely Krahn army
16 under the command of a fellow Krahn, the notorious inhumane
17 General Charles Julu, who, after murdering and mutilating
18 Quiwonkpa who was captured after the aborted coup, the
19 ex-general's decapitated body was displayed in a public square in
10:33:24 20 Monrovia. After that, Julu was unleashed to pacify Nimba County,
21 ancestral home of Quiwonkpa. Julu's army carried out brutalities
22 unprecedented in even Doe's violent Liberia, killing thousands of
23 defenceless peasants, destroying homes, pillaging businesses and
24 farms and raping women. Thousands fled in terror and horror to
10:33:57 25 neighbouring Cote d'Ivoire, and memories of those atrocities were
26 still fresh in the minds of Nimba residents when, on Christmas
27 Eve of 1989, some 100 Special Forces of the NPFL, armed with a
28 couple of hunting rifles purchased in the Cote d'Ivoire, entered
29 the town of Butuo in Nimba County.

1 They were mostly drawn from the Gio and Mano ethnic groups
2 of Nimba County that were persecuted under Doe's regime. They
3 made rapid progress. The choice of Nimba County as a launch pad
4 was deliberate and strategic as the NPFL ranks swelled overnight
10:34:55 5 with willing and adventurous recruits, many undoubtedly seeking
6 revenge for the depredations of the Doe regime.

7 Further, scores of dissidents who had gathered and
8 congregated outside of Liberia also flocked to the banner of the
9 NPFL, united in one cause; the elimination of Doe and his ethnic
10:35:29 10 Krahn and Mandingo supporters and the seizure of power. Bluntly,
11 it was about taking power.

12 Now, Mr Taylor will also deal with his arrest by the United
13 States authorities at the request of the Doe government. That
14 too has to be a part of the overall picture, otherwise we may
10:35:57 15 fail to understand the real issues and the real forces at work
16 behind the scene.

17 However, when saying that, much of what we say about the
18 background to these events is a matter of historical record and
19 in the circumstances we see no need to burden this tribunal at
10:36:21 20 this stage with further details.

21 However, Mr Taylor will go on to detail the history of the
22 formation of the NPFL, carrying on a tradition in the name of the
23 glorious attempt by Quiwonkpa. Mr Taylor didn't invent the name
24 NPFL. That was Quiwonkpa. So he was merely taking up a banner
10:36:56 25 which had been so brutally crushed by Doe.

26 Now, he will deal with the motivation behind the
27 organisation of the NPFL and its philosophy. He will accept that
28 his forces were trained in Libya, he will accept that, and that
29 they were indeed Special Forces and he will remind us that this

1 training took place during a period of pan-Africanist movement
2 and struggle, and he will also explain the need to see that
3 development against the background of a Cold War nearing its end
4 in the face of the collapse of the Soviet Union and the
10:37:47 5 construction of a world with just one superpower, the United
6 States, and its important ally, the United Kingdom, which had a
7 stake, we remind ourselves, in Sierra Leone and which also the
8 same United Kingdom feared the emergence of Nigeria as a regional
9 superpower.

10:38:15 10 Mr Taylor will remind us that there were groups at that
11 camp in Libya from all over Africa and the rest of the world. He
12 will tell us about that. And he will tell us, in terms of that
13 period, that he was in contact with a group of Sierra Leoneans,
14 this is in Libya, amongst others. But the Sierra Leoneans, that
10:38:45 15 group he was in contact with in Libya, they were called the
16 Sierra Leonean African Revolutionary Movement, Pan-African
17 Revolutionary Movement. Let me say that again. The Sierra
18 Leonean Pan-African Revolutionary Movement. They were not called
19 the RUF.

10:39:14 20 And he will also tell us that one Ali Kabbah, a former
21 student dissident from Freetown, and also a relative of Tejan
22 Kabbah, the former President of Sierra Leone - that it was that
23 Ali Kabbah who was in charge of the Sierra Leoneans in Libya.

24 However, he will refute the suggestion that he combined
10:39:47 25 with either Ali Kabbah or others in Libya to pursue a design to
26 terrorise the civilian population of Sierra Leone. He will
27 totally refute and reject that.

28 He will assert that such a suggestion is completely
29 contrary to the revolutionary and liberating ideology which

1 informed the actions of those who trained in Libya and the spirit
2 of comradeship which infused their actions thereafter.

3 He will point to the hypocrisy of the Prosecution on this
4 point. Whereas they accept, and again I quote Mr Rapp from his

10:40:35 5 opening, "by the early 1990s, Sierra Leonean citizens had
6 grievances against the government in place." That is accepted.

7 Yet nonetheless the same Prosecution seek to illegitimate and
8 demean their attempt to do something about their condition by
9 labelling them terrorists. Thus the Prosecution say, "Some say

10:41:09 10 the RUF was fighting in Sierra Leone for a kind of national
11 liberation for the betterment of the people of that country, but
12 we submit that there was really only a thin veneer of ideology

13 that masked the real motive of destruction and exploitation. In
14 other words, they were, from the outset, merely a bunch of

10:41:33 15 bandits, thieves, murderers and rapists. That's all they were."
16 That's the suggestion.

17 Now, the accused will also further deal with his
18 relationship with President Momoh of Sierra Leone and his
19 presence in that country in the late 1980s.

10:42:06 20 Thereafter, he will recount the launch of the Liberian
21 revolution from the neighbouring territory of Cote d'Ivoire. He

22 will detail how, despite the fact that at the outset of the
23 revolution he could call upon less than 200 trained Special
24 Forces, he could quickly call upon tens of thousands of ordinary
10:42:36 25 Liberians. Ordinary Liberians motivated by their detestation of
26 the cruelty and carnage of the Doe regime and how, with that
27 force, they quickly routed Doe's army.

28 He will go on to describe how the phenomena - that dreadful
29 phenomena of child soldiers had existed in this part of Africa,

1 and indeed elsewhere, and had been a feature in many instances of
2 civil war and armed insurrections around the world well before
3 Charles Taylor emerged on the scene, as the Prosecution's own
4 expert, Stephen Ellis, was forced to concede.

10:43:30 5 Child soldiers were not a Charles Taylor invention. Let me
6 repeat. Child soldiers were not a Charles Taylor invention. The
7 RUF did not need to look to him and his NPFL for a role model,
8 although it is accepted that the brutality of the Doe's regime
9 soldiers and supporters, particularly in Nimba County, had given
10:44:07 10 it a terrible impetus with many children left as orphans, with no
11 refuge except within the ranks of the NPFL. But those children,
12 he will tell you, were used in various roles other than combat.

13 Now, in recounting this history, he will further describe
14 the attempts, fraught with practical difficulties, made to impose
10:44:42 15 discipline within the ranks of the NPFL. Having dealt with that,
16 he will explain his relations with the RUF, his knowledge, or
17 lack thereof, of its creation.

18 He will further describe the unplanned nature of the
19 spillage of conflict from Liberia to Sierra Leone. A consequence
10:45:17 20 in large measure of the historically known links between the two
21 societies and the porous border between the two countries, a fact
22 accepted by the Prosecution when in opening they said:

23 "Sierra Leone is located in a region where borders exist
24 only on paper. These lines were drawn in the colonial period and
10:45:44 25 do not follow ethnic or linguistic groups. Many in up-country
26 border areas have closer relations to people across the border
27 than to those in their own capital cities, which can be said with
28 force particularly about Kailahun and that part of eastern Sierra
29 Leone."

1 And he will question, in looking at that history, whether
2 such a peaceful people as the Sierra Leoneans undoubtedly are -
3 whether they are in denial of their own clearly recognised hand
4 in the carnage visited upon themselves and thus are forced to
10:46:34 5 look to another to bear the guilt.

6 Now, the accused will deny the allegation that he
7 controlled the RUF. He will further deny any formal association
8 with Foday Sankoh or the suggestion that he was party to a joint
9 criminal enterprise with Foday Sankoh which dated from the 1980s
10:47:03 10 in Libya.

11 In particular, the accused will refute the suggestion that
12 as leader of the NPFL, and later as President of Liberia, he was
13 involved in any formal supply of arms and ammunition or other war
14 materiel to the RUF or AFRC. He will assert that this was never
10:47:40 15 the official policy of the NPFL or the Liberian government whilst
16 he was President. He will also explain the situation surrounding
17 arms and ammunition supply in Liberia at that time and the
18 impossibility for him to provide such materiel as suggested by
19 the Prosecution.

10:48:26 20 The accused will also describe the intervention of ECOWAS
21 in the Liberian conflict through the deployment of ECOMOG. He
22 will explain that the contributing countries to that ECOMOG force
23 were pursuing a policy aimed at denying the NPFL the fruits of
24 their success in mobilising the Liberian populace against
10:49:00 25 tyranny. He will outline the hypocrisy of some of those
26 contributing countries who, whilst proclaiming that they were in
27 Liberia to promote peace, nonetheless funded and assisted first
28 the LUDF and ULIMO to launch an illegal war against the NPFL and,
29 by extension, the Liberian people and thereby extend by several

1 years the suffering of that same Liberian people.

2 Life under NPFL rule in Greater Liberia will be described.

3 The repeated attempts to promote peace and disarmament in Liberia
4 will be outlined and the efforts of the accused to bring about

10:49:58 5 that happy outcome. The process of disarmament in Liberia will

6 be explained and the successful transition to democratic

7 elections in a war-ravaged country. This aspect of his evidence

8 is directly relevant to the erroneous suggestion that he was in a

9 position to provide arms to the RUF.

10:50:27 10 The general elections of July 1997 will be described, along

11 with the resounding victory achieved by the accused in elections

12 internationally observed to be free and fair, yet derided by this

13 Prosecution. The accused will go on to describe the challenges

14 of governing a post civil war society, historically divided, as

10:50:59 15 he will explain, between Congo Town and indigenous, historically

16 driven by factionalism and how he was having to contend with that

17 whilst denied access to foreign inward investment to rebuild a

18 ravaged infrastructure.

19 He will explain how he repeatedly sought to secure the

10:51:28 20 Liberian-Sierra Leonean border to confirm his continued assertion

21 that the Liberian government were not assisting the RUF, and

22 further to contain the contagion of war and thereby permit his

23 efforts to rebuild the Liberian economy. We have ample United

24 Nations documentation to support that.

10:52:03 25 He will also testify on the safe-keeping and destruction of

26 all arms, ammunition and artillery handed in during disarmament

27 in 1997 before the general election, destroyed by the United

28 Nations with the approval of his government.

29 We say that in the case of Charles Taylor, here we have a

1 leader kept fully occupied by Liberia's national affairs seeking
2 to repair the past and at the same time anticipating the possible
3 demands of the future, the arrangements by which peace had to be
4 established, the powers needed to defend the republic, these are
10:52:59 5 the matters to which he devoted himself and over which he
6 exercised a degree of control.

7 Matters of the utmost importance for his country engrossed
8 his continual attention so that he scarcely had time to breathe.
9 In these circumstances it is surely not very surprising if, from
10:53:28 10 time to time, there was something or another which escaped his
11 notice.

12 He will point out the obvious historical fact that the AFRC
13 coup in Sierra Leone predated his coming to power as President of
14 Liberia. He was engaged in a general election at the time, with
10:53:58 15 the concomitant conclusion that he played no part in the ousting
16 of the Kabbah government. There has been no evidence called to
17 suggest that he played any part whatsoever in the AFRC coup in
18 May of 1997; none whatsoever. Not a shred of it.

19 Furthermore, it must be borne in mind that those who seized
10:54:35 20 power so illegally in Sierra Leone had no historical link
21 whatsoever with Charles Taylor. He will testify and deny any
22 suggestion that he provided the AFRC with any arms and
23 ammunition, although he will accept that overtures were made to
24 him when he became President by the junta regime. He will accept
10:55:12 25 that. But he will say that he rebuffed those overtures in
26 accordance with ECOWAS policy to which he was a party.

27 He will go on to outline Liberia's appointment to the
28 Committee of Five after he became President and his own personal
29 commitment to the overriding objective of that body, namely, to

1 bring peace to the subregion as mandated by ECOWAS. He will
2 point out that it was in late 1997 that Liberia was made a member
3 of the Committee of Five on Sierra Leone and placed on the front
4 line by his colleagues in ECOWAS to get personally involved in
10:56:14 5 helping to bring peace to Sierra Leone.

6 And, again, we will provide ample written evidence from
7 other members of the Committee of Five showing that he was
8 personally requested to play that role and his selection for the
9 role should be obvious.

10 Why not let a former rebel deal with rebels? And, after
11 all, they do share a common border. So he will testify about his
12 involvement in dealing with the many ceasefire agreements between
13 February 1998 to 2000. He will deal with the breakdown of those
14 agreements and his efforts to put things back together again in
10:57:17 15 order to ensure the continuation of peace.

16 He will deal with his part in the Lome agreement, the
17 progress towards that agreement, efforts to destabilise that
18 agreement and consequently his involvement in the West Side/Okra
19 Hills situation, his involvement with the removal of Johnny Paul
10:57:46 20 Koroma from Sierra Leone to Liberia to preserve peace, the moving
21 of Sankoh and Johnny Paul Koroma from Liberia to Sierra Leone, a
22 fact fully documented in United Nations records which show that
23 it was at the behest of others that he became involved in that
24 process.

10:58:11 25 He will also deal with the extraction of Sam Bockarie in
26 December 1999 from Sierra Leone to Liberia, again a fact fully
27 documented in United Nations records. That was done not because,
28 as suggested, of some longstanding relationship between Taylor
29 and Bockarie but, rather, in an effort to preserve peace which

1 Bockarie was threatening and we have the records to prove it.

2 He will also deal with the appointment of Issa Sesay as the
3 leader of the RUF, again not because he was the man in control of
4 the RUF but because a collective decision was taken at ECOWAS
10:59:10 5 level that because of the situation of Sankoh they needed someone
6 to deal with within the RUF and he was the one reputed to bring
7 that about.

8 And yet now everything is turned on its head, and that is
9 now used against him as evidence of his control when he was
10:59:30 10 merely acting in accordance with United Nations policy which
11 those people on the other side of this room know about, and had
12 they had the diligence to find the documentation and place it
13 before this Court we would not have been proceeding on a
14 misconception these past few months.

10:59:51 15 So he will deal with that, and he will deal with the
16 subsequent final peace in Sierra Leone, all of which were done
17 with the knowledge, consent, and participation of ECOWAS and the
18 United Nations. There is ample documentary proof of it. And he
19 will say that these activities in which he engaged was, in fact,
11:00:19 20 carried out on behalf of ECOWAS, and at no stage was he acting in
21 an individual capacity as President of Liberia.

22 Goodwill on his part, he will say, has been turned on its
23 head in a desperate, vain attempt to find proof. He will also
24 vehemently deny the suggestion that he played any part in the
11:00:53 25 orgy of violence which followed the ECOMOG intervention in
26 Freetown in February 1998 and which led to the removal of the
27 AFRC regime. In like terms, he will deny any involvement in the
28 carnage and brutality popularly described as the Freetown
29 invasion of 6 January 1999.

1 He will point to the clear historical record which makes
2 clear who were the real perpetrators of that particular atrocity.
3 Yet, as I indicated earlier, the vast bulk of the indictment is
4 concerned with that core period in the history of Sierra Leone,
11:01:47 5 the period when "the campaign of terror against civilians, not
6 combatants, reached its peak". That is the period which needs to
7 be examined with care. It falls squarely within the indictment
8 period.

9 In this regard - yes, in this regard, we will ask this
11:02:15 10 Court to note the shadowy role of certain foreign powers whose
11 pursuit of their own selfish interests in the region led to the
12 continuation of the war in both Liberia and Sierra Leone. He
13 will point in particular to the role played by such mercenary
14 groups as Executive Outcomes and Sandline and the hypocrisy of
11:02:50 15 the international community in denying Charles Taylor the
16 wherewithal to protect his people against the depredations of
17 foreign financed and supported militias while failing to condemn
18 the actions of others like the United Kingdom government who
19 acted in clear breach of United Nations injunctions.

11:03:16 20 By way of example he will show how the first attacks of
21 LURD followed shortly after the destruction by the Liberian
22 government of arms and ammunition handed in during the ceasefire
23 in Liberia. We say it was not just a coincidence.

24 He will also explain that despite these domestic pressures
11:03:45 25 his colleagues on the Committee of Five still sought his
26 involvement in the Sierra Leonean crisis and implored him to
27 bring the parties together to achieve a lasting peace.

28 Remember the words of the Statute, we say. "Threatened the
29 establishment of and implementation of the peace process in

1 Sierra Leone."

2 So yes, he will be explaining how these same colleagues,
3 aided and abetted by the United Nations Secretary-General, and
4 others, prevailed upon him from 1997 to 2001 to play a front line
11:04:34 5 role in the conflict as a broker for peace. He will describe in
6 detail his efforts to defend a fledgling democracy in Liberia
7 from the predations of foreign supported factions. Let us ask
8 ourselves, who supported LURD and funded them? Who supported,
9 funded and organised MODEL? Groups bent on overthrowing his
11:05:09 10 government and promoting war and dissension in Liberia.

11 It's called regime change. That's what it's called. We
12 don't like you, so we will get rid of you. It is called regime
13 change. And he will go on to explain how he sought to promote
14 peace in the region, particularly to bring an end to the conflict
11:05:38 15 in Sierra Leone and Ivory Coast, whilst at the same time
16 struggling to defend his country from that foreign inspired
17 assault.

18 Whilst facing continued efforts to destabilise Liberia he
19 will explain the prominent continuing crucial and well-documented
11:06:06 20 role he played in bringing about a successful agreement to the
21 peace talks in Lome.

22 Now he may, if it's deemed necessary, explain the efforts
23 made by the Liberian government to obtain the materials necessary
24 to defend his country. He may do that if it's thought to be
11:06:35 25 necessary. But in doing so he will assert the unchallengeable
26 right of a people to defend itself. It's called self-defence.
27 And it's no offence.

28 And he will also explain his relationship with Sam Bockarie
29 and his efforts to achieve the removal of Bockarie to Liberia, at

1 the behest of ECOWAS and the United Nations, in order to preserve
2 the promise of Lome.

3 In the same vein, he will describe the positive role he
4 played in securing the release of the United Nations
11:07:22 5 peacekeepers, and the fact that throughout that episode he acted
6 with the full backing, oversight and support of the United
7 Nations.

8 He will finally describe the end game, the final
9 destruction of this democracy in Liberia by foreign supported
11:07:46 10 factions.

11 He will describe his efforts to bring an end to the
12 suffering of the Liberian people. He will describe the clear and
13 you may feel shocking attempt by David Crane, Chief Prosecutor of
14 the Special Court, to scupper the peace talks in Accra in March
11:08:13 15 2003 by timing the unveiling of the indictment against him to
16 coincide with those efforts. Remember the words of the Statute.
17 We say that was a case of a supposed minister of justice seeking
18 to scupper attempts at peace, precisely what this Court is
19 supposed to be about, and thus the saving of life.

11:08:41 20 He will describe how he magnanimously agreed to take the
21 unprecedented step of standing down as democratically elected
22 President of Liberia in order to spare his people continued
23 suffering from yet more civil war against his democratically
24 elected - let us not forget - government.

11:09:10 25 And he will describe how the agreement which led to that
26 momentous decision, him standing down, was backed by the United
27 States, the United Kingdom, the United Nations and several
28 African leaders and how that agreement was betrayed and he was
29 handed over, contrary to the agreement, to this Court for trial.

1 How many in Africa step down peacefully and hand over
2 power? Power, yes, that addictive thing, so peacefully? How
3 many do that?

4 And let us remind ourselves that it is not just black
11:09:55 5 Africans who have refused to hand over power in the face of the
6 greatest obstacles. The most embedded examples are of white men
7 refusing to hand over. Ian Smith in Rhodesia and that vile
8 apartheid regime in South Africa. Those are the best examples.

9 We will seek to expose the corruption at the heart of this
11:10:25 10 Prosecution, how evidence has been bought and been secured
11 through favours. Many may have become bored with our efforts to
12 expose this aspect of the Prosecution case, but we have persisted
13 because justice cannot be polluted in this way, in our eyes. It
14 is much too precious for that.

11:10:49 15 Mr Taylor will bluntly declare that his trial is political
16 and he will point, among other things, to the failure to indict
17 former President Tejan Kabbah, despite his role as
18 defence minister in the Sierra Leonean government throughout the
19 formation and deployment of the CDF, even though he must, the
11:11:18 20 same President Kabbah, on any objective analysis of the phrase
21 "persons bearing the greatest responsibility" - he must have been
22 a more appropriate candidate for indictment than Hinga Norman,
23 the deputy - remember - defence minister. So we ask why was
24 Kabbah spared and not Taylor? Why?

11:11:50 25 And we also point to, in that regard, the statements of
26 David Crane at various times during his tenure of the role of
27 Chief Prosecutor, and others who have followed him in that role.
28 They are all important matters, but we ask you to underline this
29 concern: Why, so many years after this indictment was unveiled,

1 are we still faced with this lucky dip? Why? Pick-your-choice
2 kind of a Prosecution.

3 Now, in concluding, we know that what we have to say during
4 our case may take some time. We acknowledge that things may not
11:12:54 5 always run smoothly during the currency of our case because,
6 frankly, we are still preparing it. But, nonetheless, experience
7 should teach us that truth is often to be found only through a
8 slow and painful process. That same experience should teach - it
9 should teach us that it's better that we take time to achieve a
11:13:25 10 fair verdict than rush the judgment, because then we may have to
11 deal with the human pain of a miscarriage of justice, and undoing
12 that kind of pain takes time. So, rather, let us give ourselves
13 the time to do justice first time around. Those are my
14 submissions, your Honours.

11:13:52 15 PRESIDING JUDGE: Well, thank you, Mr Griffiths. Are there
16 any other matters before we adjourn? All right. Well, the
17 Defence is --

18 MR GRIFFITHS: I am sorry, your Honour.

19 PRESIDING JUDGE: I was asking, Mr Griffiths, if there are
11:14:16 20 any other matters before we adjourn.

21 MR GRIFFITHS: I think Mr Taylor was giving me some
22 instructions on that. I wonder if I could have a moment.

23 There is a matter, your Honours, which Mr Taylor would like
24 me to raise with you at this moment. Bearing in mind that his
11:15:17 25 testimony is likely to last for several weeks, and the obvious
26 strain and pressure that that must place upon an individual who
27 is giving testimony in a case of this gravity, the application is
28 that during the giving of his evidence we sit a four day week but
29 not on Fridays in order to give him an opportunity of, frankly,

1 recharging his batteries because of the length of time he will be
2 giving evidence. And we consider in the circumstances, whereas
3 we are anxious to conclude this trial and, indeed, his testimony
4 as soon as possible, your Honours might consider that in these
11:16:05 5 unique circumstances it may be a reasonable application that we
6 are making. It's only for his evidence; not for the rest of the
7 Defence case.

8 PRESIDING JUDGE: That's appreciated. That's a matter that
9 we will decide and deliver our decision tomorrow morning. But
11:16:26 10 before we adjourn, did you have any views on that, Mr Rapp?

11 MR RAPP: Well, your Honours, we have this courtroom
12 exclusively through December, as far as the ICC is concerned, and
13 I don't want us to lose any of the time that we have available
14 here. Others witnesses, some have been on the stand for more
11:16:48 15 than a week, some for more than two, and they testified on Friday
16 and it's only a part day and it's only a five and a half hour
17 day, so we'd respectfully ask that we use the time that is
18 available to us to proceed with this case.

19 PRESIDING JUDGE: Thank you. Mr Griffiths, was anything
11:17:06 20 said there that you wanted to reply to?

21 MR GRIFFITHS: Not at all.

22 PRESIDING JUDGE: Thank you. The Defence is due to call
23 evidence tomorrow morning. This Court is adjourned until 9.30
24 tomorrow.

11:17:20 25 [Whereupon the hearing adjourned at 11.16 a.m.
26 to be reconvened on Tuesday, 14 July 2009 at
27 9.30 a.m.]

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