



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 14 JANUARY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

Mr Stephen Rapp
Ms Brenda J Hollis
Mr Christopher Santora
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr James Kamara

1 Wednesday, 14 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:31:01 5 PRESIDING JUDGE: Good morning. Mr Santora, appearances,
6 please.

7 MR SANTORA: Yes. Good morning, Madam President. Good
8 morning, counsel. Good morning, your Honours. For the
9 Prosecution this morning is Brenda J Hollis, Maja Dimitrova and
09:31:33 10 myself Christopher Santora.

11 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths?

12 MR GRIFFITHS: Good morning, Madam President, your Honours,
13 counsel opposite. For the Defence today myself Courtenay
14 Griffiths, my learned friend Mr Terry Munyard and a Mr James
09:31:46 15 Kamara who has recently joined us from Freetown as a legal
16 assistant.

17 PRESIDING JUDGE: Thank you, Mr Griffiths, and we welcome
18 Mr Kamara to the Court and hope he will find it an interesting
19 experience. If there are no other preliminary matters I will
09:32:01 20 remind the witness of his oath. Good morning, Mr Witness.

21 THE WITNESS: Good morning.

22 PRESIDING JUDGE: I remind you again this morning that you
23 are under oath. The oath is binding on you and you must answer
24 questions truthfully. Do you understand?

09:32:19 25 THE WITNESS: Yes, your Honour, I do.

26 PRESIDING JUDGE: Very good. Please proceed, Mr Griffiths.

27 WITNESS: HASSAN BILITY [On former oath]

28 CROSS-EXAMINATION BY MR GRIFFITHS: [Continued]

29 Q. Mr Bility, yesterday under the general heading of events in

1 Liberia between 1991 and 1996, we were discussing the control of
2 the border area between Liberia and Sierra Leone. Do you recall
3 that?

4 A. Yes, counsel, I do.

09:32:48 5 Q. Now, in an effort to shorten matters, Mr Bility, would it
6 be fair to put matters in this way: That during that period
7 control of the border fluctuated. Would you agree?

8 A. Yes, your Honour.

09:33:24 9 Q. But for the majority of the time the two major crossing
10 points, those being Bo Waterside and north Lofa, were effectively
11 controlled by ULIMO?

12 A. Counsel, can you please repeat that, if you said the two
13 major crossing points.

09:33:50 14 Q. All right. Let me begin again. Would you agree that when
15 one looks at that border between Sierra Leone and Liberia, the
16 two major crossing points are, firstly, Bo Waterside, in the
17 east, or in the west? It's a major crossing point over the Mano
18 River?

19 A. Yes, counsel, you have only named one.

09:34:22 20 Q. Yes. But would you agree that that is a major crossing
21 point?

22 A. My agreement - I don't know if the Court can permit me to
23 put my agreement to that in context.

09:34:48 24 PRESIDING JUDGE: I don't understand your comment,
25 Mr Witness, but do you understand the question? Is it a major
26 crossing point or not?

27 THE WITNESS: It is a major crossing point.

28 MR GRIFFITHS: Thank you:

29 Q. Would you also agree that a second major crossing point is

1 in the north of Lofa County, in the area, that triangular area,
2 for which Voijnama is a major junction?

3 A. Well, if you say the triangular area what are the three
4 triangular points because Voijnama is removed far from the
09:35:42 5 crossing points. It is instead closer to a Guinean provincial
6 town called Macenta.

7 MR GRIFFITHS: Would your Honours give me a moment:

8 Q. Let me try it this way, Mr Bility. If I hold up this map,
9 can you see it?

09:36:35 10 A. Yes, but I can't see the writings on it.

11 Q. Don't worry about the writing.

12 A. Okay.

13 Q. We are talking in general terms because I am anxious to
14 complete this point as quickly as possible. Bo Waterside and the
09:36:53 15 Mano River crossing is down here in Grand Cape Mount, yes?

16 A. Yes.

17 Q. And you have already agreed with me that it's a major
18 crossing point?

19 A. Yes.

09:37:03 20 Q. This area, from just below Gueckedou in Guinea, coming down
21 here to where the border straightens out, again that is another
22 major crossing point, isn't it?

23 A. Counsel, I have to take a look at that.

24 JUDGE SEBUTINDE: There is a map that would be available to
09:37:24 25 the witness. Could the witness be availed a map to look at. The
26 other thing is we here on the Bench, or at least speaking for
27 myself I can't see the illustrations that you are referring to.

28 MR GRIFFITHS: Very well:

29 Q. I wonder if you would mind changing places, Mr Bility. Now

1 if we look at the southern end of that border, do we see a town
2 or a city called Bo?

3 A. Yes.

4 Q. Is that the Bo of Bo Waterside?

09:38:52 5 A. That's the Bo Waterside area.

6 Q. And you've already agreed that is a major crossing point
7 between Liberia and Sierra Leone. Are we agreed on that?

8 A. Yes.

09:39:15 9 Q. If we go further up the map, towards the northern end of
10 that border we see a town in Liberia called Kolahun?

11 A. Correct.

12 Q. And almost parallel with it across the border in Sierra
13 Leone is Kailahun?

14 A. Correct.

09:39:37 15 Q. To the northeast of both locations is a town called
16 Voinjama?

17 A. Correct.

18 Q. If one were to draw a line between Voinjama and Kolahun and
19 carry that line on to the Sierra Leone-Liberia border, one
09:40:02 20 creates a shape akin to a triangle in terms of Liberia, don't we?
21 Do you follow me?

22 A. I do, but I disagree because which of the borders? Are you
23 referring to the border around the Foya area which I don't
24 clearly see on the map, because that wouldn't be a triangle since
09:40:34 25 it doesn't appear on the map, but if you are referring to the Bo
26 border of course it will form after drawing a straight line from
27 Bo to Voinjama a shape akin to a triangle.

28 Q. I wasn't talking about Bo. Can we just forget about Bo for
29 now. We are just dealing solely with Lofa County. Perhaps if I

1 indicate and then you can indicate on the map, Mr Bility?

2 Mr Bility? Mr Bility, could you look at me for a moment.

3 PRESIDING JUDGE: Mr Witness, could you please look at the
4 indication that counsel is giving.

09:41:07 5 MR GRIFFITHS:

6 Q. Yes, for a moment, all right?

7 A. Okay.

8 Q. Do you see where there is that kink in the border there?

9 A. Right.

09:41:17 10 Q. Just follow my pen and take it all the way up to the Guinea
11 border. Have you got that area?

12 A. Right.

13 Q. Is that area another major crossing point between Sierra
14 Leone and Liberia? From there to there, is it a major crossing

09:41:35 15 point?

16 A. I would say this.

17 Q. Pardon?

18 A. I will say this. The entire border line was a - was
19 different crossing points depending on the interest of the

09:41:54 20 various factions. Now, we must not forget that these were --

21 Q. No, forget about factions, Mr Bility. Let's just talk
22 about transport and communication, all right? Is that area I
23 have just outlined another major crossing point? Just tell me
24 yes or no?

09:42:12 25 A. Yes.

26 Q. Thank you very much. And would you agree - and can I
27 indicate again, Mr Bility - would you look at me for a moment -
28 between Congo on that border, much of this area here which
29 includes Congo is jungle, isn't it?

1 A. Is what?

2 Q. Jungle?

3 A. Yes.

09:42:47 4 Q. You agree. And that the main roads that enter Sierra Leone
5 from Liberia go through Lofa and go through Bo. You agree, don't
6 you?

7 A. Correct.

8 Q. Thank you very much. And so far as those two main
9 transportation links are concerned, through Lofa and through Bo,
09:43:09 10 for the majority of that six year period they were controlled by
11 ULIMO. Is that right?

12 A. Can you please restate that question.

13 Q. Between about 1991 - and that's not precise and it's
14 probably more like 1992 - and 1996, those two major transport
09:43:40 15 entry points into Sierra Leone were controlled by ULIMO?

16 A. Two major meaning the Bo and the - what is the second one?

17 Q. Lofa?

18 A. Lofa is a large area. There are different crossing points
19 in Lofa. There is the one from Foya, there is the one through
09:44:05 20 Vahun area, there are the ones through Kolahun area and also
21 further down you have Kongo. There are various crossing points
22 and so --

23 Q. I tell you what, Mr Bility, I give up. Let's move on and
24 go on to another topic. I wonder if you would mind changing
09:44:25 25 seats. Going back to our time line - going back to our time line
26 - do you recall in 1992 the United Nations Security Council
27 imposed an arms embargo on Liberia?

28 A. I guess I faintly recall that. I am not like 100 per cent
29 sure. What I do recall, though, is that the United Nations asked

1 or requested neighbouring countries to Liberia to disallow the
2 flow of arms into Liberia, so I'm not specifically sure, counsel,
3 of the details that were as you described it that it occurred in
4 1992 specifically. I do know that there were sanctions imposed
09:45:52 5 on Liberia. I'm not specific if it was 1992.

6 Q. Do you also recall now that in 1993, in July,
7 representatives from the NPFL and ULIMO and the interim
8 Government of Liberia signed a ceasefire agreement known as the
9 Cotonou Accord which created the Liberian national transitional
09:46:35 10 government?

11 A. 1993?

12 Q. Yes, please.

13 A. I do remember the signing of the Cotonou Accord which
14 resulted into the creation of a transitional government, but when
09:46:55 15 exactly in 1993 I'm not sure.

16 Q. Well, that is - what you have helped us with already is
17 good enough for my purposes, but do you agree that the parties to
18 that accord were the NPFL, ULIMO and the interim government?

19 A. Yes, sir.

09:47:17 20 Q. And do you also recall that in that same year a UNOMIL
21 observer mission was sent to Liberia, 1993?

22 A. The year I can't box the year, but I do know that at about
23 around that time a UNOMIL observer mission was sent to Liberia.

24 Q. Now let us just pause for a moment, please, and see what
09:47:54 25 was happening across the border in Sierra Leone at about the same
26 time. In April 1992, do you now recall that President Joseph
27 Momoh was ousted in a military coup led by Captain Valentine
28 Strasser?

29 A. I do recall the ousting of President Joseph Momoh by

1 Captain Valentine Strasser. The date, I don't.

2 Q. And during that same period the RUF were making advances in
3 Sierra Leone, do you agree?

09:48:51

4 A. I do, at the same period that President Momoh was
5 overthrown.

6 Q. So that, for example, in June 1992 the RUF captured
7 Gandorhun from where attacks could be made on Koidu. Do you
8 recall that?

09:49:20

9 A. I do recall the RUF winning successive battles inside
10 Sierra Leone. I just can't box the dates and the city - the
11 towns or cities.

12 Q. And what I suggest is that in October of that year, 1992,
13 the RUF did attack Koidu resulting in a massive exodus of
14 refugees. Do you recall that?

09:49:44

15 A. I do recall the RUF attacking Koidu resulting into the
16 massive exodus of refugees. I don't specifically recall the
17 dates you're mentioning, counsel.

09:50:09

18 Q. Very well. But, in any event, after that brief diversion
19 to Sierra Leone - and you will see why we are doing this soon -
20 meanwhile in Liberia in 1994 the first national transitional
21 government was installed with Liberian attorney David Kponakpor
22 appointed head of that transitional government. Is that right?
23 I may have mispronounced the name. It is spelt
24 K-P-O-N-A-K-P-O-R.

09:50:42

25 A. That is not entirely accurate, counsel. If you said the
26 first Liberian transitional government, that is inaccurate. I
27 think it should be the first transitional government acceptable
28 to the major factions in the war. That is accurate.

29 Q. Very well. I am grateful for that assistance. Was it

1 headed by David Kponakpor?

2 A. Yes, sir.

3 Q. And in that same year of 1994 - and I am sure you should be
4 able to help me with this - ULIMO split into two factions,

09:51:44 5 ULIMO-K and ULIMO-J?

6 A. Correct.

7 Q. ULIMO-K was composed for the most part of members of the
8 Mandingo ethnic group. Is that right?

9 A. What I would say, right, is that it was generally
09:52:06 10 controlled, because I was in no position to make a determination
11 of the manpower in terms of the soldiers or the rebels that
12 constituted the force, but at the hierarchy, yes, I will agree.

13 Q. And ULIMO-J was for the most part made up of ethnic Krahn
14 led by Roosevelt Johnson, would you agree?

09:52:45 15 A. Again, the same answer I provided for the first will be
16 applied to this. At the hierarchy, yes, but I was in no position
17 to make a numerical determination of the number in terms of
18 composition, percentage allocations of the various ethnic groups.
19 At the hierarchy, yes.

09:53:19 20 Q. Now, continuing with events in Liberia, and jumping forward
21 a couple of years, in April 1996 an estimated 3,000 people were
22 killed when five different factions converged in an intense
23 battle in Monrovia in what came to be known as the Siege of
24 Monrovia. Is that right?

09:53:53 25 A. The description - the descriptions I'm not sure are right.
26 I think it was referred to as - it came to be known generally as
27 April 6, and the convergence of the factions is correct.
28 Numerically I am not sure - there were two main factions. Either
29 you were with the group that wanted Roosevelt arrested or you

1 were against him, so two main groups in that respect.

2 Q. And who were the two main groups?

3 A. And the number of persons killed, you said 3,000, I'm not -
4 I can't confirm or deny the number but many people were killed in
09:54:53 5 that April 6 war.

6 Q. Who were the two main groups?

7 A. The two main groups comprised an alliance of the National
8 Patriotic Front of Liberia, ULIMO-K and - okay, generally those
9 are what I do recall as main. And ULIMO-J, and LPC on the other
09:55:40 10 hand then led by George Boley.

11 Q. So we have two main groups; one comprising the NPFL and
12 ULIMO-K and the other comprising ULIMO-J and the Liberian Peace
13 Council, LPC. Is that correct?

14 A. Yeah, that's accurate.

09:56:04 15 PRESIDING JUDGE: Can we have spelling for Boley. There
16 was a reference to a Boley yesterday, but I am not sure if it's
17 the same person.

18 THE WITNESS: Yes, Boley is spelt as B-O-L-E-Y. First name
19 George.

09:56:19 20 PRESIDING JUDGE: Thank you, Mr Witness.

21 MR GRIFFITHS:

22 Q. Now at this time, 1996, switching across the border to
23 Sierra Leone, in January of that year Valentine Strasser was
24 ousted in a military coup led by his defence minister, Brigadier
09:56:43 25 Julius Maada Bio. Do you recall that?

26 A. I do recall the ousting of Valentine Strasser by Joseph -
27 Maada Bio. I am not sure what position Mr Bio held prior to
28 that, so I wouldn't entirely agree because I don't remember what
29 position he held in the Sierra Leonean military.

1 Q. Followed thereafter, if you recall, by elections in
2 February 1996 when Ahmad Tejan Kabbah was elected President?

3 A. I do recall at around that time elections held in Sierra
4 Leone - elections were won by Ahmad Tejan Kabbah.

09:58:35 5 Q. Switching immediately back to Liberia, in August of 1996 a
6 supplemental agreement to the 1995 pact signed in Abuja, Nigeria,
7 finally ended the civil war and led to elections. Is that right?

8 A. Can you please restate that question, counsel.

9 Q. In August 1996, as a result of a supplemental agreement to
09:59:08 10 the 1995 pact signed in Abuja, Nigeria, the civil war was brought
11 to an end and led to elections?

12 A. Again, I don't entirely agree with the description. I do
13 know that a 1996 supplemental peace accord to a preceding peace
14 accord - I can't say if that was the 1995 specifically peace
09:59:49 15 accord, but to a preceding peace accord, exactly led to elections
16 being held in Liberia and ending the fighting.

17 Q. And the Abuja supplement, as it was known, called for a
18 ceasefire and disarmament of the combatants. Is that right?

19 A. That's accurate.

10:00:16 20 Q. Also free elections were to be held. Is that right?

21 A. That's correct.

22 Q. And sanctions were to be imposed on any faction that did
23 not comply with those provisions?

24 A. That's correct.

10:00:35 25 Q. Thank you. Now, pausing for a moment to deal with that
26 process of disarmament, that process was not completed until
27 early 1997. That's right, isn't it?

28 A. The process ended - I am trying to put this in a way, in a
29 better way. The disarmament, in my opinion, was not even

1 complete. The process halted, as you said. It did halt and I
2 think there were satisfaction expressed by those involved in and
3 with the process of the disarmament.

10:01:48

4 Q. But can we just get a time frame for this period of
5 disarmament in Liberia?

6 A. Okay.

7 Q. Bearing in mind of course the caveat which you impose, it
8 began around about August of 1996 with the Abuja supplement.

9 Would you agree?

10:02:07

10 A. Are you referring to the commencement of the process or the
11 commencement of the disarmament?

12 Q. The commencement of the process.

13 A. Yeah, it began at about that time.

10:02:27

14 Q. And so throughout the second half of 1997, this process of
15 disarmament was going on. Would you agree?

16 A. Throughout the second --

17 Q. From August, September, October, November, December.

18 A. Of what year?

19 Q. 1996.

10:02:44

20 A. I thought you said '97. Yes, '96. Yes.

21 Q. And that process was supervised by ECOMOG and the United
22 Nations. Would you agree?

23 A. Yes.

10:03:08

24 Q. And according to the disarmament process, all arms,
25 ammunition, artillery and other war materials such as grenades,
26 mines, rockets, were stored and held by ECOMOG and UN personnel.
27 Is that right?

28 A. Were stored or were supposed to be stored? I would go with
29 the latter.

1 Q. All right. Were supposed to be stored by ECOMOG and the
2 UN.

3 A. Correct.

10:03:48

4 Q. Are you saying that no arms were handed over to either
5 ECOMOG or the United Nations?

6 A. I'm not saying that, counsel.

7 Q. What are you saying?

8 A. I'm saying that not all of the arms were turned in to the
9 UN and ECOMOG.

10:04:05

10 Q. I fully agree with that. I fully agree with that. Now,
11 the weapons that were collected, bearing in mind your caveat that
12 it wasn't a complete process - but those weapons that were
13 collected during that process from the warring factions were
14 never turned over by ECOMOG or the United Nations personnel to
15 the Government of Liberia, were they?

10:04:37

16 A. Honestly, I'm not in a position to specifically say yes or
17 no, because - well, I am not in a position to specifically say
18 yes to that question or no.

19 Q. Do you know of any instance when ECOMOG turned over weapons
20 handed in to the Government of Liberia?

10:05:11

21 A. I do know that the Government of Liberia was involved in
22 trying to negotiate the return of weapons to what the Liberian
23 government then under President Charles Taylor referred to as a
24 legitimate government that needed to protect itself since there
25 were external sanctions imposed on it.

10:05:45

26 Q. We will come back to that. I am talking about the period
27 up to February 1997. Elections have not yet been held. In the
28 period from August '96 to February '97 it's right, isn't it, that
29 no weapons were turned over by ECOMOG to anybody within Liberia?

1 A. Honestly, I don't know that. What I do know is that no
2 public pronouncements were made that weapons were being returned
3 to a particular faction. I do know that no such public
4 pronouncement was made, but I do not know if indeed weapons were
10:06:43 5 returned to a faction or factions or not. I do not know that.

6 Q. Let's jump forward to come back.

7 PRESIDING JUDGE: Just before you do that, Mr Griffiths,
8 when Mr Witness refers to a faction the term faction has been
9 used in previous answers and questions as one of groups such as
10:07:01 10 ULIMO, et cetera. Is that what you mean, Mr Witness; that it was
11 returned to - the term was warring factions. Maybe you could
12 clarify that for me, Mr Griffiths, please.

13 MR GRIFFITHS:

14 Q. Who were you referring to?

10:07:18 15 A. I was referring to all of the factions involved with the
16 disarmament process.

17 Q. So are we talking about ULIMO, NPFL, Liberian LPC Peace
18 Council and so on? Is that who you are referring to?

19 A. And so on, yes.

10:07:38 20 MR GRIFFITHS: Thank you. Does that assist, Madam
21 President?

22 PRESIDING JUDGE: It assists to clarify, but it doesn't
23 make the issue - the outcome any factually clearer. But please
24 continue, Mr Griffiths. I am sure it will become clear.

10:07:52 25 MR GRIFFITHS:

26 Q. Now, just to jump forward to come back, Mr Bility, in 1999,
27 after the election of Charles Taylor as President of Liberia, the
28 Government of Liberia consented, after more than one and a half
29 years of negotiations with the international community, to the

1 destruction of all of the war materials which had been collected
2 by ECOMOG and the United Nations. That's right, isn't it?

3 A. The Government of Liberia consented - could you clarify
4 when you say consent? I actually need a working definition for
10:08:39 5 that word.

6 Q. There was a decision made by the Government of Liberia that
7 all of the arms and ammunition and other war material collected
8 by ECOMOG and the United Nations during the disarmament process
9 would be destroyed?

10:09:05 10 A. What I do know is not a decision. I will say it was more
11 of an agreement by the parties involved, meaning ECOMOG and UN on
12 the one hand and the Government of Liberia on the other hand.

13 Q. That the arms would be destroyed?

14 A. Yeah, in principle a principled agreement that the arms
10:09:38 15 would be destroyed.

16 Q. And the arms were destroyed; those arms collected?

17 A. Well again, counsel, if you say "the arms" I wouldn't agree
18 with that. What I would agree with --

19 Q. That is why I qualified it, because I appreciate you are a
10:10:03 20 man who needs precision. Those arms collected by ECOMOG and the
21 UN were destroyed?

22 A. I am in no position, counsel, to say that those arms - all
23 of those arms. I do know that arms were destroyed. I will say
24 some arms were destroyed. So I am not - I can't say those arms
10:10:26 25 collected - all of those arms collected - were destroyed. I
26 can't verify that, counsel.

27 Q. And the decision to destroy the arms which were in fact
28 destroyed was done as a goodwill gesture to all the former
29 factions to demonstrate that the war was really over. Would you

1 agree?

2 A. Was done as a what? Goodwill?

3 Q. A goodwill gesture to all the warring factions - the former
4 warring factions - to demonstrate that the war was really over.

10:11:11 5 Would you agree?

6 A. No, I wouldn't agree. This is 1999 we are referring to?

7 Q. Yes.

8 A. So most of the faction leaders were already out of Liberia
9 for various reasons and I'm not sure, you know, if - that it was

10:11:38 10 they who consented to the destruction of the arms, you know, as

11 goodwill, because if I cannot establish that it was they who

12 consented to the destruction of the arms I cannot conclude,

13 counsel, that it was a goodwill gesture from all of them. I hope

14 you get my point.

10:12:02 15 Q. Was it a goodwill gesture from the Government of Liberia?

16 A. I don't know, because I couldn't establish the intent of

17 the Government of Liberia. I do know that the government had

18 bowed to pressure to have those arms destroyed, so I think in my

19 opinion, counsel, that is a bit different from a goodwill

10:12:32 20 gesture.

21 Q. And just to complete the picture, following the destruction

22 of those arms LURD attacked the Government of Liberia from

23 Guinea?

24 A. Yes.

10:12:57 25 Q. Thank you very much.

26 A. In 1999. I think around 21 April 1999.

27 Q. And that attack by LURD was after the destruction of that
28 war material, wasn't it? Try "yes"?

29 A. The attack by LURD came after the destruction of arms.

1 Q. Thank you.

2 A. I don't really want to say those arms collected, but after
3 the destruction of arms by ECOMOG and UN, correct.

10:13:45

4 Q. And when LURD attacked, the Government of Liberia because
5 of the arms embargo which had been imposed as far back as 1992
6 was in difficulties in terms of defending itself against that
7 attack, wasn't it?

8 A. No, sir, that was not the case.

10:14:09

9 Q. You see, what I am suggesting - and I appreciate that for
10 your own political reasons you may have difficulty accepting
11 this, but what I am suggesting is this. The Government of
12 Liberia, as a consequence of the arms embargo and the destruction
13 of weapons, were left denuded of the ability to defend themselves
14 in 1999 when LURD from Guinea with United States' assistance
15 attacked Liberia. That is the truth, isn't it?

10:14:39

16 A. No, counsel, I think that is inaccurate. My opinion as a
17 writer at that time was to hide - I mean that description is
18 hiding what we knew in Liberia for fact, because we knew that
19 there were still the flows of arms into Liberia. Arms were being
20 flown into Liberia from different locations, for example through
21 the port of Buchanan and through the Roberts - Buchanan, Grand
22 Bassa County, through the Roberts International Airport in Harbel
23 Margibi County --

10:15:11

24 Q. Mr Bility, I will cut you short because I am only
25 interested in talking about your arrest. But can I say, in order
26 to satisfy the point that you are so anxious to make that, yes,
27 in desperation the Government of Liberia did bring in arms to
28 defend itself in that period, all right? So I concede that and
29 so we don't need to discuss that any further, do you follow?

10:15:37

1 A. I do.

2 Q. Thank you. I want to move on to another topic. In 1997,
3 after August, you visited Sierra Leone, didn't you?

4 A. I did visit Sierra Leone at about that time.

10:16:29 5 Q. Who facilitated that trip for you?

6 A. Well, that is for me a matter of confidentiality. I will
7 request that the Court permit me not to release the name of the
8 facilitator of that trip.

9 MR GRIFFITHS: Madam President, I would like the witness to
10:16:52 10 answer this question. We submit it is relevant to his motivation
11 and to his activities, which we suggest was that of a spy, and
12 consequently I would like to know how this man was able to enter
13 Sierra Leone after August 1997. I would like to know who
14 facilitated that.

10:17:25 15 PRESIDING JUDGE: Mr Santora, you have heard the
16 application.

17 MR SANTORA: I have heard the application. I think first
18 of all before objecting to the question I think it is appropriate
19 that the witness first of all be able to explain why he may be
10:17:37 20 concerned about releasing the particular - and whether or not
21 referring to the particular identity of an individual, or is it
22 an organisation? I just simply in terms of the witness's
23 concerns do not know enough and I think the witness should be
24 allowed to at least explain why his - what concerns he may have,
10:17:54 25 what those concerns are, before there is any argument as to
26 whether or not it's an appropriate question.

27 MR GRIFFITHS: Madam President, I will pursue the point a
28 bit further before I renew my application.

29 PRESIDING JUDGE: Very well.

1 MR GRIFFITHS:

2 Q. Let's look behind divider 3, shall we, in our bundle. Yes,
3 can we look first of all, please, at page 27. That's 27 at the
4 top and 12 at the bottom - handwritten 12 at the bottom. Just to
10:19:38 5 assist you, Mr Bility, this is a transcript of evidence you gave
6 in the RUF trial in Freetown on 28 October 2004. On that
7 occasion starting at line 22 you will see that Mr Santora, who
8 sits opposite us, who was asking you questions in chief asked you
9 this:

10:20:08 10 "Q. You stated that the content of your writing at least
11 in part talked about Taylor's relationship with the RUF and
12 the war in Sierra Leone. Had you ever been to Sierra Leone
13 at this time?

14 A. Yes. I had been to Sierra Leone after the May 25th
10:20:26 15 military coup d'etat in Sierra Leone.

16 Q. How long did you stay in Sierra Leone? Which year was
17 that?

18 A. 1997."

19 Jump down to line 18:

10:20:40 20 "Q. Do you remember the month you came to Sierra Leone?

21 A. Specifically I don't remember the exact month, but it
22 definitely was after I'd begun work at The National
23 newspaper in August."

24 Note that, "After I began work at The National newspaper in
10:21:01 25 August." Pausing there, was your visit to Sierra Leone before or
26 after the publication of "Judas"?

27 PRESIDING JUDGE: May I take it the first publication of
28 "Judas"?

29 MR GRIFFITHS: Madam President, yes, because remember we

1 were told it was first published early August 1997:

2 Q. Was your visit to Sierra Leone before or after that first
3 publication?

4 A. I don't specifically remember.

10:21:38 5 Q. Try, please. It's important. It's the kind of thing you
6 wouldn't forget and I'm sure you understand why you are now
7 trying to pretend that you don't remember. So think about it.
8 Did you go to Sierra Leone before or after "Judas" was first
9 published?

10:22:02 10 A. As I said, counsel, I don't specifically remember the date.
11 I do think, though, that it was after the publication of "Judas".

12 Q. Now, you should know for this reason. Had you been before
13 the publication of "Judas" then no doubt you would have been able
14 to tell us that the content of that editorial was informed by
10:22:32 15 information you gained in Sierra Leone, but the truth is you went
16 to Sierra Leone after that publication, didn't you?

17 MR SANTORA: Objection. It has been asked and answered.

18 PRESIDING JUDGE: I think he is entitled to put that point
19 specifically, Mr Santora. Please put the point.

10:22:54 20 MR GRIFFITHS:

21 Q. It was after the publication of "Judas", wasn't it?

22 A. I am not specifically sure when was it. I do think - I do
23 think - it was after the publication of "Judas".

24 Q. Thank you. Let's go back to the transcript:

10:23:15 25 "Q. About how many days did you stay in Sierra Leone?

26 A. I stayed for about 14 days. About 14 days.

27 Q. And just briefly tell the Court about your observations
28 when you were in Sierra Leone, what you saw?

29 A. Observations that I made included seeing some Liberians

1 in military uniforms carrying arms as well."

2 Pause there, which military uniforms? Did you hear my
3 question?

4 A. You are asking me.

10:24:00 5 Q. Did you hear my question?

6 A. I am following the transcript, I didn't know it was a
7 question.

8 PRESIDING JUDGE: Mr Griffiths put a question. Please put
9 the question again, Mr Griffiths.

10:24:12 10 MR GRIFFITHS:

11 Q. In the transcripts it speaks of Liberians in military
12 uniforms. Question: What military uniforms were they wearing?

13 A. They wore different military uniforms. Some were - some
14 wore ordinary civilian clothings with what looked like military
10:24:41 15 jackets over them. Some wore Sierra Leonean military uniforms
16 and some wore Liberians military uniforms as well.

17 Q. I'm going to come back to that. However, let us move
18 forward, please, and can you behind that same divider go to page
19 66 at the top, 48 at the bottom. Have you got page 66? Line 2,
10:25:40 20 question. This was when you were being cross-examined:

21 "Q. Which route did you take to come to Sierra Leone?

22 A. I can't disclose that, because, as a journalist, I made
23 a promise to those who took me from Liberia to Sierra
24 Leone, so in my opinion that promise still holds."

10:26:00 25 Do you see that?

26 THE WITNESS: No.

27 PRESIDING JUDGE: Mr Griffiths, you've read or it's on the
28 transcript and I am sure I heard "I can't disclose", but I read
29 it here "I can disclose".

1 MR GRIFFITHS: Well, given the sense of the answer it has
2 to be "can't".

3 PRESIDING JUDGE: I concede that, but I am just correcting
4 the record.

10:26:25 5 MR GRIFFITHS:

6 Q. Now, do you remember giving that answer in those
7 proceedings?

8 A. Yes, sir.

9 Q. And then if we go to page 68, which is page 49 at the
10:26:46 10 bottom, in the middle of that page at line 14 your justification
11 for willing to give this information is, "I do not wish to breach
12 the confidence then reposed in me. That is where my strength is
13 and I can't go more than what I've said in terms of detail." Do
14 you see that?

10:27:06 15 A. Yes, I do see that.

16 Q. Now, it was sources within ECOMOG which you've told us
17 already who gave you assistance in entering Sierra Leone, wasn't
18 it?

19 A. I've told you that?

10:27:28 20 Q. Yes.

21 A. Okay.

22 Q. It was sources within ECOMOG, wasn't it?

23 A. Your Honour, I've requested that I keep certain things
24 confident. Now, unless counsel is suggesting that all of the
10:27:53 25 VOA, BBC writers, AP correspondents that go to conflict areas,
26 embedded with a particular military group are also spies, but I
27 do not see any reason why, as a journalist, which is ethical for
28 me, if someone requests that I keep his identity anonymous that I
29 should breach that. As I said in my transcripts, of course this

1 is where my strength is. People trust me and they gave me
2 information based on that which I followed through.

3 PRESIDING JUDGE: What you are saying now, Mr Witness, to
4 me does not entirely follow from this answer so I therefore, in
10:28:42 5 order to consider and confer with my colleagues on what you've
6 said, ask you why you are not willing to give a direct answer to
7 the question put.

8 THE WITNESS: Okay.

9 MR GRIFFITHS: The question being was it sources within
10:28:59 10 ECOMOG who facilitated your trip to Sierra Leone.

11 THE WITNESS: All right, I will answer the question. I
12 will answer it this way: It was ECOMOG that facilitated my trip
13 to Sierra Leone and I request that I go not more than that
14 because I - some of those people are still serving military
10:29:36 15 officer in the federal army of Nigeria in the army of the Federal
16 Republic of Nigeria, so my saying certain things or revealing
17 certain things might hurt them which I don't intend to do, your
18 Honour.

19 MR GRIFFITHS: Madam President, I renew my application
10:30:03 20 particularly now that it's confirmed that these are officers
21 within ECOMOG, and I will spell out the reason why. Firstly, we
22 would submit that being military personnel, who by the very
23 nature of their work place themselves in harm's way, that the
24 kind of protection normally given to a journalistic source,
10:30:25 25 covered by way of example by Article 10 of the European
26 Convention on Human Rights, should not in these circumstances
27 apply to military personnel of an organisation like ECOMOG.
28 That's point number one.

29 Point number two is this: We are further going to submit

1 to this witness that given his contacts with ECOMOG, bearing in
2 mind arrest number five following a clash between Liberian police
3 and ECOMOG forces, he claims that it was sources within ECOMOG
4 who gave him the information to write the article. That is point
10:31:12 5 number six which shows an ongoing relationship with that
6 organisation.

7 Point number three is this: We further submit that ECOMOG
8 during this critical period were channeling arms to the CDF and
9 the Kamajors in Sierra Leone from stocks held by them in Liberia.
10:31:30 10 Consequently, if he as a journalist had sources within that
11 organisation we submit that all of that evidence is relevant and
12 so we submit that the witness should be impelled to answer this
13 particular question.

14 PRESIDING JUDGE: Mr Griffiths, before I invite a reply and
10:31:54 15 to allow us to confer, there is some case law on this point, is
16 it Brdjani, on the point to do with journalists? I haven't got
17 it before me, but I do recall some precedent.

18 MR GRIFFITHS: Madam President, can I pause for a moment, I
19 see the witness indicating.

10:32:16 20 PRESIDING JUDGE: Yes, Mr Witness. I was addressing
21 counsel. Yes, Mr Witness.

22 THE WITNESS: Okay. I just want to make a quick statement.
23 The counsel is referring to some European convention, but I also
24 do know that the Article 19 of the Universal Declaration of Human
10:32:32 25 Rights adopted by the United Nations after the Second World War
26 allows every person to hold opinion. Now, in this case, as far
27 as this situation --

28 PRESIDING JUDGE: I am sure we will consider that and
29 Mr Santora will have noted what you said, so he will be replying

1 on your behalf.

2 THE WITNESS: All right. My second question, your
3 Honour --

4 MR GRIFFITHS: Madam President, I think he can't be a
10:33:00 5 lawyer for himself. He has got his own lawyer.

6 PRESIDING JUDGE: Yes, as I have said, Mr Santora will
7 raise these points. Mr Santora, I have directed a question to
8 Mr Griffiths. I haven't got a full reply yet, so if you could
9 just wait a moment.

10:33:14 10 MR SANTORA: Okay, I apologise.

11 PRESIDING JUDGE: Mr Griffiths, you got interrupted.

12 MR GRIFFITHS: I am not aware of that particular authority,
13 Madam President, and neither do I have the relevant case law to
14 hand, but it seems to us that a distinction in principle has to
10:33:32 15 be made between the right of a source to be protected - and one
16 can understand why such a right is important in order to protect
17 the fundamental principle of freedom of speech, but in our
18 submission such a right cannot extend in these circumstances to
19 military personnel. We submit an essential distinction has to be
10:34:02 20 made in that regard and we say furthermore that given the nature
21 of the case we put and the case we will be particularly putting
22 to this witness that protection in the particular instance should
23 be lifted.

24 JUDGE SEBUTINDE: Mr Griffiths, the question you initially
10:34:33 25 asked the witness or pressed him to answer was, "Was it sources
26 within ECOMOG that facilitated your trip to Sierra Leone?" After
27 much difficulty the witness said yes. Now, is there a further
28 question beyond that?

29 MR GRIFFITHS: Yes.

1 JUDGE SEBUTINDE: What is the further question?

2 MR GRIFFITHS: Who were they.

3 JUDGE SEBUTINDE: Who exactly or specifically within
4 ECOMOG. That is the question, that issue.

10:34:55 5 MR GRIFFITHS: Precisely.

6 MR SANTORA: Just to - because Justice Sebutinde clarified
7 something, because there was actually not at any point put a
8 question as to the actual individuals within ECOMOG. Before I
9 address the issue of confidential sources, the Prosecution's
10:35:12 10 objection is twofold.

11 The first area is relevance. In direct testimony this
12 witness testified to matters he directly observed. The witness
13 did not testify to the underlying contents of his articles, but
14 rather to the accused's reaction and the conduct of the accused
10:35:32 15 to the publication of those said articles.

16 It's understood that the Defence can question in the areas
17 of credibility of the witness, but in this instance it doesn't
18 pass the relevance test because they are examining to the
19 credibility of a potential source. The scope of the direct
10:35:52 20 examination was limited to the witness's direct observations and
21 the observations of the accused's reactions to publications, not
22 to the information in those publications. That is a critical
23 distinction here and, in our submission, on the first ground
24 there is an issue of relevance.

10:36:12 25 Now, if you would prefer, I could seek your ruling on that
26 first or I can also address the issue of confidential sources
27 which I am prepared to do.

28 PRESIDING JUDGE: I would like to hear you on confidential
29 sources also so that we can confer on both points.

1 MR SANTORA: First of all, international law has expressly
2 and recently recognised the role of journalists' confidentiality
3 and the larger public policy interest that goes behind this
4 related to freedom of the press.

10:36:44 5 I would first like to address the jurisprudence of this
6 Court because whilst there is no case on point in relation to
7 journalists in this Court there is an Appeals Chamber decision
8 that does recognise public policy considerations and confidential
9 sources. This concerned a case in the case of Brima et al
10:37:02 10 Appeals Chamber decision cited 26 May 2006 where a human rights
11 officer was asked for confidential sources and did not - the
12 Appeals Chamber ruled did not have to reveal those confidential
13 sources.

14 I should note in that case that directly related to that
10:37:20 15 particular witness's testimony, unlike in this case which I have
16 already said where the confidential source does not relate to the
17 witness's testimony in direct. The Appeals Chamber recognised -
18 and I do have copies of that for your Honours and counsel.

19 I also want to note and counsel opposite is completely
10:37:38 20 right about Article 10 of the European charter on human rights.
21 In fact, it was a case out of the UK called the Goodwin case, and
22 we also have a citation for that, in which the European Court of
23 Human Rights did rule that a journalist was not obligated to
24 reveal their sources in a proceeding and I do have copies of that
10:38:01 25 citation for your Honours as well.

26 I do also want to note that in the ICTY, while the factual
27 scenario is somewhat different, the Appeals Chamber in the ICTY
28 also did recognise expressly that there is a public policy
29 consideration in instances like this with the role of journalists

1 in conflict zones and whether or not they have to - whether there
2 is a privilege for journalists. In that instance it was about
3 whether or not they have to testify, but the point is that the
4 ICTY did recognise that the privilege exists.

10:38:34 5 The jurisprudence - and it is my ethical obligation to
6 inform you that the jurisprudence from Sierra Leone is different
7 and the courts in Sierra Leone do not recognise the privilege, or
8 at least at the latest ruling they did not recognise this
9 privilege. I do not have an actual citation, but --

10:38:51 10 PRESIDING JUDGE: When you say "the courts in Sierra
11 Leone", to me that implies the national jurisdiction.

12 MR SANTORA: I am referring to the national jurisdiction.
13 I just wanted to bring that to your Court's attention, because I
14 did find that out - and it is adverse authority to the position I
10:39:05 15 am stating - that the domestic court in Sierra Leone did not
16 recognise the privilege. I don't actually have a citation, or a
17 record, on that case. I just found that out. I believe it's the
18 case of - I can just get the name of the case and that is the
19 best I can do for you. It's not available online and I was not
10:39:23 20 able to obtain the actual decision. It is State v Julius Spencer
21 and State v Paul Kamara.

22 National jurisdictions do vary on this. I do also want to
23 mention that in the ICTR the privilege of human rights workers
24 and confidential sources was also recognised. Again, I will pass
10:39:47 25 out jurisprudence on all these cases for your Honours.

26 I do want to conclude, though, that this Court's Appeals
27 Chamber has clearly recognised that public policy considerations
28 do need to be balanced in certain instances. In that case it was
29 a human rights worker. In this case he is a journalist. In that

1 case it was directly relevant to the witness's testimony. In
2 this case, in the Prosecution's submission, it is not relevant to
3 their underlying direct testimony.

10:40:18

4 JUDGE LUSSICK: That Court of Appeal's decision dealt
5 specifically with the interpretation of Rule 70, didn't it?

6 MR SANTORA: Thank you, Justice Lussick. There were two
7 grounds that were appealed on. The first was Rule 70 and that is
8 what the ruling was based on. However, in that decision the
9 Court --

10:40:30

10 JUDGE LUSSICK: Are you saying that Mr Griffiths's question
11 falls within the Rule 70 provisions?

10:40:49

12 MR SANTORA: No, I am not. I am saying that in that
13 particular decision the Court in dicta did acknowledge public
14 policy considerations related to confidential sources as a
15 general matter, not necessarily related to Rule 70, and they
16 talked about that this - your Honour is correct that the actual
17 ruling was based on Rule 70.

10:41:08

18 JUDGE SEBUTINDE: Mr Santora, you keep talking of
19 confidential sources. This witness's facilitation to go into
20 Sierra Leone is different from his sources relating to his
21 research, or material. This is facilitation - transport
22 facilitation - to go into Sierra Leone. That has nothing to do
23 with the sources of his articles, does it?

10:41:29

24 MR SANTORA: My understanding is that the question related
25 to who in ECOMOG was his source to go and investigate into Sierra
26 Leone, that is my understanding, and who actually brought him
27 into Sierra Leone - who facilitated this.

28 JUDGE SEBUTINDE: Yes, but facilitation is very different
29 from a source. How I understand the word "source" in relation to

1 a journalist is when he is going out investigating and a source -
2 a confidential source - actually gives him information that helps
3 him write his article. This, so far as it goes, is different.

10:42:06 4 MR SANTORA: I understand, but the confidentiality of a
5 source in the industry of journalism extends to anybody that
6 facilitates a journalist's ability to write a story and it
7 doesn't simply extend only to the person who actually provided
8 information. It extends to the umbrella of anyone that
9 facilitated the journalist's ability to actually get the
10:42:25 10 information.

11 Now I do just want to draw one other point, because counsel
12 raised military personnel as supposed to be potentially getting
13 some sort of exemption in this privilege. While he did not cite
14 any legal authority as to why there may be a distinction, the
10:42:44 15 Prosecution would submit that in fact in the military, of all
16 situations, such an exemption would be very, very dangerous when
17 potentially there are certain types of military behaviour that if
18 somebody in that military would like to release information about
19 what that particular unit or military unit is doing then the
10:43:03 20 chilling effect that this would create for potential sources
21 within the military to reveal information would be drastic.

22 There is an analogous situation that in some jurisdictions
23 they have what are known as whistle blower statutes and such.
24 These are where people within the mid level or maybe upper mid
10:43:22 25 level of a particular organisation within government are
26 encouraged - confidentiality is promoted as a check against that
27 particular institution's behaviour.

28 JUDGE LUSSICK: I am sorry, just so that I can understand
29 your submissions, Mr Santora, you have mentioned the well used

1 phrase "chilling effect", but what exactly is shameful or
2 dangerous to any member of the military simply by assisting this
3 witness's passage into Sierra Leone? What are the consequences
4 if they were found out doing that? That is what I don't
10:44:04 5 understand. How can they be held accountable for something like
6 that?

7 MR SANTORA: First of all, in terms of this particular set
8 of facts I am not going to speculate as to what potentially that
9 particular ECOMOG's office --

10:44:18 10 JUDGE LUSSICK: Well, unless there are any extremely dire
11 consequences, we are left with a situation where this witness
12 simply nominates what he wishes to answer and what he doesn't.

13 MR SANTORA: The issue is - and if I can address it this
14 way - that when that communication and/or contact was made with
10:44:35 15 that particular source there was an expectation of
16 confidentiality when that contact was made and now the counsel is
17 asking --

18 JUDGE LUSSICK: Has the witness told us that?

19 MR SANTORA: Well, the witness has resisted answering the
10:44:52 20 question. He has based it on confidentiality of sources.

21 JUDGE LUSSICK: Well, you can't give evidence about the
22 circumstances of how this witness was assisted into Sierra Leone.

23 MR SANTORA: No, I am not portending to give evidence. I
24 am just simply saying that the witness has asserted his privilege
10:45:05 25 as a journalist to not answer a question about a confidential
26 source. He has already asserted that.

27 JUDGE LUSSICK: Well, you just told us that the contact was
28 made with that particular source with the understanding being
29 that there was an expectation of confidentiality. I didn't hear

1 the witness say that.

2 MR SANTORA: In order for the privilege to apply and I can
3 - further enquiry of the witness is understandable.

4 I would close then at this point and we could take it
10:45:35 5 further that the issue here at the end of the day for this Court
6 is a balancing test in that the Defence has not - there is a
7 presumption within international law and within certain domestic
8 jurisdictions that the privilege exists. The Defence has shown -
9 has not made it shown to overcome this presumption at this point
10:45:58 10 as to why this identity of this particular confidential source
11 should be revealed. It is not related to the testimony of the
12 direct examination and, as I said before, the assertions made in
13 those articles and/or publications are not the subject of the
14 witness's testimony. It is not highly relevant for the purpose
10:46:20 15 sought and, therefore, in the Prosecution's submission the
16 Defence has not overcome this presumption and the privilege
17 should hold.

18 JUDGE SEBUTINDE: Mr Santora, before you sit, would you
19 have any objection if the question was answered in a closed
10:46:39 20 session, or in a private session, sorry? I am going to ask the
21 same question to Mr Griffiths. Would you have an objection if
22 Mr Griffiths's question was answered by the witness in a closed
23 session - private session?

24 MR SANTORA: As I said, I would actually think the enquiry
10:46:59 25 is probably better towards the witness. I would not - my
26 objections and my arguments would still hold even in a closed
27 session, because still in principle the confidentiality, whether
28 it is to a larger audience or a smaller audience, would be
29 breached.

1 Now, the particular witness - well, he may be in a better
2 position than myself to know whether or not if he releases it in
3 a much smaller setting whether or not he could then feel that he
4 has met his ethical obligations as a journalist, but I am not in
10:47:29 5 a position to --

6 JUDGE SEBUTINDE: I think you are, Mr Santora.

7 MR SANTORA: In principle I would still object.

8 JUDGE SEBUTINDE: On behalf of the Prosecution we need to
9 hear from you before we finally decide.

10:47:37 10 MR SANTORA: One moment. Well as a position, if it's going
11 to be ordered, then we would request a private session.

12 JUDGE SEBUTINDE: Mr Griffiths, would you have an objection
13 if this were heard in private session?

14 MR GRIFFITHS: I wouldn't have an objection, your Honour.

10:48:04 15 JUDGE SEBUTINDE: Mr Witness, private session is the
16 procedure whereby only the persons in this Court, not in the
17 public gallery and no-one in the public, would hear your answer
18 and the people in this Court are all bound by rules of
19 confidentiality, plus the answer would not appear in the public
10:48:26 20 transcript. Would you have objections to answering the question
21 in a private session?

22 THE WITNESS: Yes, your Honour.

23 JUDGE SEBUTINDE: Why?

24 THE WITNESS: I can explain. In my business, in our
10:48:40 25 business of journalism, a source - a confidential source - does
26 not only mean someone who releases an information to you. It
27 also means someone who facilitates something. It could be
28 travel, it could be - once someone facilitates something to move
29 you to point A or to B then --

1 JUDGE SEBUTINDE: We understand that distinction and we
2 probably agree with you there.

3 THE WITNESS: Okay.

10:49:15

4 JUDGE SEBUTINDE: But please address the point I have just
5 raised, which is to facilitate your confidentiality.

10:49:43

6 THE WITNESS: The point is - right. The facilitators made
7 a specific request of me because they thought that their bosses
8 wouldn't approve that, so they said that at no point in time that
9 I should have their names released because they still remain
10 serving members of the Nigerian military. That is the concern.

11 I will - I don't know if this is acceptable in Court, but I will
12 have to speak with the person, the main person, the main
13 character concerned, to see if he can give me the go ahead. I
14 would be violating my professional ethics by releasing the name

10:50:09

15 in any form. That is the promise I made and I told him that I
16 intended to keep that promise.

17 JUDGE SEBUTINDE: I understand. We will confer.

18 MR GRIFFITHS: Well --

10:50:24

19 JUDGE LUSSICK: Well, just before we confer - I am sorry,
20 Mr Griffiths, I will give you a chance.

21 MR GRIFFITHS: No, not at all.

22 JUDGE LUSSICK: I just wanted to clear this up.

23 Mr Witness --

24 THE WITNESS: Yes, your Honour.

10:50:30

25 JUDGE LUSSICK: -- did these people who are members of the
26 Nigerian military do anything illegal in assisting you into
27 Sierra Leone?

28 THE WITNESS: I don't - I wouldn't be in a position to say
29 if it was legal, or illegal.

1 JUDGE LUSSICK: So you don't know even know if they did
2 anything illegal.

3 THE WITNESS: Right, but I do recognise their fears and I
4 do understand their fears because they did specifically tell me
10:50:54 5 that their bosses wouldn't approve of something like that. So
6 whether I released it earlier or today, as long as in my opinion
7 they remain serving members of the Nigerian military it could
8 have some impact on them in many ways like promotion, like
9 questioning and stuff like that.

10:51:13 10 So I would request that I be allowed to call and speak with
11 the witness specifically, that this is what the Court has asked
12 me to do and I will do it, and then hear from him. In that way
13 my professional - my conscience would be clear, but I am not sure
14 I would be able to live with that if I have breached that. I
10:51:37 15 have not done that as far as I can remember before.

16 JUDGE LUSSICK: I am sorry, I interrupted you,
17 Mr Griffiths.

18 MR GRIFFITHS: Not at all, your Honour. Your Honours, I
19 appreciate that this is not an easy issue because it engages many
10:51:51 20 fundamental principles, but I think at the end of the day there
21 are one or two practical considerations which could cut through a
22 lot of this fog. One has to bear in mind that we are talking
23 about 11 years ago. We don't even know if these individuals are
24 still members of the Nigerian military and we are talking about a
10:52:15 25 balancing exercise between evidence which could possibly assist
26 the interests of justice and protection of sources 11 years ago.
27 In our submission, when one looks at it in those practical terms
28 the preponderance has to be on the side of the Defence and on the
29 side of assisting the evidence gathering process within this

1 tribunal.

2 JUDGE LUSSICK: Just before we confer, Mr Griffiths, I just
3 wanted to make it clear that the Defence position is that this
4 witness was a spy?

10:52:55 5 MR GRIFFITHS: Yes.

6 JUDGE LUSSICK: And you are saying that the witness's
7 answer to the question you put to him goes towards the proof of
8 that position?

9 MR GRIFFITHS: In effect, and I made my position clear at
10:53:14 10 the outset, that this individual was spying for several
11 organisations in Liberia and that in effect he had handlers
12 within the ECOMOG forces which was why they were able to
13 facilitate his entry into Sierra Leone during the junta period; a
14 fact which should not be ignored.

10:53:42 15 PRESIDING JUDGE: Yes, Mr Santora.

16 MR SANTORA: I just want to quickly - can I respond just
17 quickly on one point because counsel was able to? It is very,
18 very quick. I do want to make one other point then in response
19 to counsel. The issue here that counsel has been enquiring about
10:53:50 20 is the witness's relationship with ECOMOG as an organisation. He
21 has made certain references to the CDF and Kamajors receiving
22 arms from ECOMOG and has tried to show the witness's association
23 with ECOMOG and the organisation. There has been no showing as
24 to why an individual's name within that organisation is required
10:54:10 25 to be answered by the witness. He has already - it's the
26 association with the organisation that Defence and the witness
27 has already answered his source as an organisation was ECOMOG. I
28 think that is sufficient.

29 PRESIDING JUDGE: Mr Witness, you have your hand up. Do

1 you wish to be excused?

2 THE WITNESS: Right. I want to use the men's room.

3 PRESIDING JUDGE: Yes, please assist the witness. We will
4 retire to consider this - the points raised in this. We have in
10:55:58 5 mind that we are also coming close to the break time and so I'm
6 going to - we will try and combine a break and our conferring and
7 we will try and resume at 11.45 and include the break in the
8 conferring period. If we can't reach a decision, we will of
9 course alert counsel.

10:56:25 10 MR SANTORA: Just quickly, Madam President, I don't know if
11 it will assist the Court and your Honours, but we do have
12 jurisprudence citations and some to pass out with relation to
13 what I was referring to. If it's appropriate to pass --

14 PRESIDING JUDGE: I will be grateful for copies. Thank
10:56:34 15 you, Mr Santora. Perhaps if you can give them to Mr Romans who
16 will deliver them to us.

17 MR GRIFFITHS: I wonder if we could have copies?

18 MR SANTORA: Of course.

19 PRESIDING JUDGE: Please adjourn Court provisionally to
10:56:50 20 11.45.

21 [Break taken at 10.58 a.m.]

22 [Upon resuming at 11.45 a.m.]

23 PRESIDING JUDGE: Mr Santora, you're on your feet.

24 MR SANTORA: I just have to note a change of appearance.
11:46:29 25 Joining the Prosecution bench at this point is the Prosecutor
26 Stephen Rapp.

27 PRESIDING JUDGE: Thank you. Mr Rapp, we note your
28 appearance. Thank you.

29 This is a ruling on an application by the Defence. We have

1 conferred and are of the view that the issues raised and the
2 related jurisprudence involve questions of law that should be
3 more appropriately argued by formal written submission. The
4 Trial Chamber recalls that in another case its oral decision was
11:47:16 5 overturned by the Appeals Chamber which stated that:

6 "In reaching its decision it is incumbent upon a Trial
7 Chamber to provide a reasoned opinion that, among other things,
8 indicates its views on all those relevant factors that a
9 reasonable Trial Chamber would have been expected to take into
11:47:39 10 account before coming to a decision."

11 And I quote here from the Appeals Chamber decision in the
12 Prosecutor v Taylor SCSL-203-01-T entitled "Decision on
13 Prosecution appeal regarding the decision concerning protective
14 measures of witness TF1-168 dated 17 October 2008."

11:48:08 15 In the present case the Trial Chamber is therefore of the
16 opinion that in order to express a view on all the relevant
17 factors it should first call for formal written submissions from
18 the parties. Accordingly, we will defer a decision and direct
19 that the matter be dealt with by way of a formal motion by the
11:48:32 20 Defence pursuant to Rule 73 of the Rules of Procedure and
21 Evidence.

22 We have in mind that this should be an expedited filing and
23 ask the parties to address us on that. Mr Griffiths? On the
24 time, other things will of course follow from what you have to
11:49:00 25 say.

26 MR GRIFFITHS: On the issue of time, Madam President, we're
27 now at Wednesday and I anticipate, given the novelty and
28 complexity of the topic, that a degree of legal research will be
29 required. So realistically it seems to us that the earliest date

1 upon which we could possibly produce a written motion would be
2 Friday week.

3 PRESIDING JUDGE: Mr Santora?

11:49:44

4 MR SANTORA: Actually, just because this is a little larger
5 issue related to our team, I'm going to defer to Ms Hollis on
6 this matter.

7 PRESIDING JUDGE: Thank you, Ms Hollis.

11:49:59

8 MS HOLLIS: Madam President, of course it is for the Trial
9 Chamber to determine what is a reasonable period. We would
10 simply ask that whatever period is given to the Defence to file
11 their motion, we are given an equal period to file a response.

12 PRESIDING JUDGE: I will of course bear in mind the rules -
13 the times provided in the rules as well.

14 [Trial Chamber conferred]

11:52:08

15 We direct that the Defence file its motion by close of
16 business on Friday, which I think is the 23rd. Please correct me
17 if I'm wrong.

18 MR GRIFFITHS: [Microphone not activated]

11:52:34

19 PRESIDING JUDGE: Yes, 23 January, and thereafter the
20 provisions of the rules and the time limits provided therein
21 shall apply.

22 This brings me to the next practical question,
23 Mr Griffiths. You are now in the course of cross-examination,
24 you were following a particular line. Are you able to continue
25 with that cross-examination or what steps do you --

11:52:54

26 MR GRIFFITHS: I would prefer to continue with the
27 cross-examination, Madam President.

28 JUDGE LUSSICK: On another topic obviously.

29 PRESIDING JUDGE: Please proceed, Mr Griffiths.

1 MR GRIFFITHS:

2 Q. Let us move on from the question of source then, Mr Bility.
3 What route did you take to enter Sierra Leone? Did you
4 understand my question?

11:53:57 5 A. I did. I still think that it has - that still has to do
6 with the question of my source. However, the Court insist, I
7 went to Sierra Leone, Freetown, through Lungi. That's the
8 Freetown - where the Freetown national airport is, Lungi.

9 Q. Right. So is it the case that you flew from Roberts
11:54:36 10 International Airport to Lungi?

11 A. No, sir, it's not the case.

12 Q. Where did you fly from?

13 A. I flew from - I will state a general area. I flew from
14 Bushrod Island.

11:54:58 15 Q. Is there an airfield on Bushrod Island?

16 A. No, sir.

17 Q. From Bushrod Island where did you fly to?

18 A. I did fly to - we made a stop somewhere along the road and
19 I'm not sure specifically what that town was, but that was inside
11:55:26 20 Sierra Leone, and from there we proceeded to the Lungi area.

21 Q. Did you fly by helicopter?

22 A. Yes, sir.

23 Q. Was it a Nigerian helicopter?

24 A. I'm sorry, counsel, I cannot further - I cannot --

11:55:54 25 Q. I'm not asking you for names. Was it a Nigerian army or
26 air force helicopter? Simple question.

27 A. It was an ECOMOG helicopter.

28 Q. Were you received by Nigerian or ECOMOG soldiers at Lungi?

29 A. When you say "received" what exactly do you mean, counsel?

1 Q. Sorry, my fault. Was there people at Lungi - a reception
2 committee provided for you?

3 A. No, sir.

4 Q. Did you eventually enter Freetown?

11:56:46 5 A. Yes, sir.

6 Q. Where did you stay in Freetown?

7 A. I stayed around the general Brookfields area.

8 Q. Who with?

9 A. No, I can't say that. That was a Sierra Leonean citizen
11:57:07 10 who housed me in his home.

11 Q. Now, let's just think about one or two practical problems
12 about that route that you took. Remember, this is after August
13 1997. The junta are in power but they don't control Lungi

14 airport which is controlled by ECOMOG. So you therefore have to
11:57:36 15 cross the border between an ECOMOG controlled area in order to
16 get into Freetown. How did you manage that?

17 A. I did that with the assistance of a few ECOMOG soldiers and
18 some Sierra Leonean citizens.

19 Q. Tell me something, Mr Bility. Was it the case that you
11:58:13 20 were sent to Sierra Leone by someone - I'm not interested who -
21 or is it the case that you wanted to go to Sierra Leone and asked
22 someone for assistance? Do you follow me?

23 A. Yes, I do.

24 Q. Which is right?

11:58:32 25 A. At The National newspaper which I headed we made a
26 conscious decision that it was necessary, if someone went to
27 Sierra Leone to get firsthand information regarding our
28 publications in Monrovia, and a determination was made that it
29 was I who - well, a determination was made that I go to Sierra

1 Leone. I made the initial contacts within the ECOMOG and I
2 succeeded in convincing an ECOMOG - a particular ECOMOG soldier
3 who facilitated the travel and they asked me what I wanted to do
4 there based on previous publications of the paper which I had
11:59:47 5 shown them. I told them that I wanted to get firsthand
6 information and start publications of what I would learn
7 therefrom. So once I got to Lungi I also briefed some soldiers
8 there of what I intended doing and I asked for assistance to get
9 into Sierra Leone. Well, a little complex chain of activities
12:00:29 10 was put in place by me, by some of the soldiers there and by some
11 civilians, which served as a bridge for me to leave Lungi to get
12 to Freetown proper, if you like.

13 Q. Now help me with this: What was in it for ECOMOG to give
14 you all of that assistance? What were they getting out of the
12:00:59 15 deal?

16 A. Counsel, this is the fact: There were times not only with
17 The National, there were other publications, that if journalist -
18 if ECOMOG force commander wanted, you know, was holding a press
19 conference and some journalists who asked specifically that they
12:01:26 20 wanted to go and see firsthand what ECOMOG was talking about, be
21 it - whether it was in Harbel, Margibi County, or it was in
22 Tubmanburg or it was wherever in Liberia, journalists would make
23 the effort, you know, to get the information firsthand and in
24 some cases ECOMOG would facilitate journalists going there. In
12:01:52 25 other cases they would say, well, they didn't think that it was
26 either safe or necessary at that time --

27 Q. I'm going to interrupt you, Mr Bility, because you're not
28 answering my question. We have a situation where somebody flies
29 an expensive piece of equipment called a helicopter a few hundred

1 miles to transport you to Lungi. What was in it for them?

2 A. First of all the helicopter, there were regular --

3 MR SANTORA: Objection.

4 THE WITNESS: There were regular --

12:02:27 5 PRESIDING JUDGE: Please pause, Mr Witness.

6 MR SANTORA: I think in this particular instance the
7 witness is being called to give unfair - unfairly to give
8 speculation. He's being asked as to what was in it for ECOMOG.
9 I think it's calling for a degree of speculation that's improper.

12:02:40 10 PRESIDING JUDGE: I don't agree.

11 JUDGE LUSSICK: You don't think the witness would know the
12 answer to that question?

13 THE WITNESS: Can I now continue?

14 PRESIDING JUDGE: Please continue your answer.

12:02:54 15 MR GRIFFITHS:

16 Q. What was in it for them, Mr Bility?

17 A. As far as I know there was nothing in it. I was put on a
18 regularly scheduled shuttle chopper flight. There were regular
19 chopper flights, shuttle, between Bushrod Island and wherever
12:03:14 20 ECOMOG had soldiers, so this was a regular stop. I just happened
21 to have been on there. I didn't even have a seat. I had to sit
22 on a short bench. So there was nothing on it. I was on a flight
23 that was regularly - that was already scheduled to go there.

24 Q. Did you pay for the flight --

12:03:31 25 JUDGE SEBUTINDE: Excuse me, witness, did you use the word
26 chartered?

27 THE WITNESS: Chopper.

28 JUDGE SEBUTINDE: Chopper, not chartered.

29 THE WITNESS: No, not chartered. I did not pay for the

1 flight, counsel.

2 MR GRIFFITHS:

3 Q. So let's just put all of this together, shall we. ECOMOG,
4 a military force which had been fighting against Charles Taylor
12:04:01 5 as leader of the NPFL, shortly after his election as President of
6 Liberia, facilitates the covert insertion of you into Sierra
7 Leone. That sounds a bit like putting an undercover spy into
8 another country, doesn't it, Mr Bility?

9 A. No, it does not. No journalist ever paid for a flight,
12:04:26 10 whether being shuttled by ECOMOG or anybody - or I mean by ECOMOG
11 in Liberia. Second --

12 Q. You're dodging the question, Mr Bility.

13 A. It was not --

14 Q. You were sneaked into Sierra Leone with the assistance of
12:04:40 15 ECOMOG soldiers. They sneak you across the border between their
16 controlled zone and the junta control and insert you in Freetown.
17 Why did they go to all that trouble unless you were a spy?

18 A. Counsel, nobody sneaked me. I made a conscious decision to
19 go into Sierra Leone and I also want to remind the counsel that
12:05:08 20 journalists going into areas where they are forbidden to report
21 is not, you know, it's not anything subversive or it's not
22 something that they wouldn't want to do. See, for example, you
23 have BBC journalists reporting from - sneaking from - I mean
24 going in from South Africa into Zimbabwe even though they're
12:05:32 25 barred from reporting in Zimbabwe and the world listens to it. I
26 was doing my professional and ethical duty. I thought it was
27 necessary. So ECOMOG had absolutely no stake in it at all.

28 Q. Help me with this then: Amongst the things that you did
29 whilst you were in Freetown was to observe various military

1 formations. Is that right?

2 A. Well, I disagree with your description of what I did. What
3 do you mean "observe"?

12:06:13

4 Q. Did you observe, as you told the RUF tribunal, Liberians in
5 uniform in Freetown?

6 A. I'll tell you what I did, counsel. I did go into Freetown
7 city in different locations and I interacted with people. I also
8 interacted with Liberians who were with the RUF in that case and
9 I did speak extensively with some of them.

12:06:39

10 Q. You spoke to Liberians who were in uniforms, you told us.

11 A. Yes, sir, I did. Who were in both Sierra Leonean military
12 uniform and in some cases Liberian military uniform because they
13 had the Liberian flag on it.

12:07:07

14 Q. And where was it that you saw these Liberians, and I'm not
15 just interested in Freetown - where in Freetown?

16 A. In many areas around Freetown. Some were around the
17 Brookfields area. Some were around the - what is it called?
18 There is a building opposite where I think Brookfields is, on the
19 other side, called the UE Building. There's a road - I think
20 it's called - this road is actually perpendicular to the King
21 Harman Road which goes up. So I am not - I just forgot the name.

12:07:34

22 Perpendicular to the King Harman Road. Like this. There is a
23 Hatai shop. A Hatai is a kind of tea that is boiled and sold on
24 street corners in Liberia and Sierra Leone and in other
25 countries, so there, some would go there and gather and have some
26 drinks. And also inside Freetown proper around what is it called
27 - after an area called Cotton Tree I think, I guess - in the
28 general area of the PZ area in Freetown I think it's a general
29 market area, so different locations inside Freetown as well as

1 around the Aberdeen/Lumley Junction area. I'm sure those are the
2 names. Aberdeen/Lumley Junction areas. So those areas.

3 Q. Now help me with this: This was the first time you'd ever
4 been to Sierra Leone, wasn't it?

12:08:49 5 A. Yeah.

6 Q. And would you not agree that an enemy of the junta would
7 like to know where junta forces were deployed around Freetown,
8 given that they attacked Freetown a few months later in February
9 1998? So the information you gathered in the summertime of 1997
10 might be of assistance to ECOMOG, wouldn't it?

12:09:20

11 A. This is what I tell you, counsel. We had been running
12 stories by odd witnesses regarding the presence of Liberian
13 government soldiers and security forces in Freetown, so we
14 thought it was time if we went and confirmed some of these --

12:09:44

15 Q. I'm going to interrupt you. My question is different. The
16 location of those troops in Freetown would be of assistance to
17 ECOMOG, wouldn't it?

18 A. The location of - those locations would be of assistance
19 and of interest to journalists who want to report - tell the
20 world what was going on, to soldiers --

12:10:04

21 PRESIDING JUDGE: Mr Witness, please answer the question
22 directly.

23 MR GRIFFITHS:

24 Q. Would the location of those troops be of interest and value
25 to ECOMOG, yes or no?

12:10:23

26 A. I'm sorry, I can't box that in a yes or no answer.

27 Q. Why not?

28 A. Because it was not only ECOMOG that was interested in those
29 locations. It was the journalists --

1 Q. So you agree that they would be interested then?

2 A. I will say, counsel, that those locations would be of
3 interest to journalists who wanted to confirm reports of the
4 Government of Liberia's support of the RUF and the junta as well
12:10:53 5 as other military forces who were at odds or might have been at
6 odds with the junta in that case.

7 Q. Now, extending our discussion a little further, no doubt
8 given your interest in Liberians in Sierra Leone, you were aware
9 that during the time of Valentine Strasser's regime, efforts were
12:11:25 10 made to recruit Liberians into the Sierra Leonean Army?

11 A. By whom?

12 Q. During the Valentine Strasser regime.

13 A. I did hear that a group of Liberians were going to Sierra
14 Leone to join ULIMO. I didn't specifically - I couldn't verify
12:11:56 15 that, though I thought it was more accurate, but I also did not
16 know for a fact that the government - the Sierra Leonean
17 government under Valentine Strasser was specifically recruiting
18 Liberians to be enlisted in the Sierra Leonean military. I could
19 not confirm that.

12:12:25 20 Q. Were you aware of a force of Liberians fighting in Sierra
21 Leone for the Sierra Leonean government called the Special Task
22 Force?

23 A. Special Task Force?

24 Q. Yes.

12:12:47 25 A. By that name, I don't.

26 Q. Does the name General Bropleh mean anything to you?

27 A. General who?

28 Q. Bropleh, B-R-O-P-L-E-H?

29 A. Bropleh. It rings a bell in my ear. I specifically don't.

1 Q. Mr Bility --

2 A. Yes, counsel.

3 Q. -- his name is David Livingstone Bropleh. Do you know him,
4 yes or no?

12:13:29 5 A. My knowledge of him does not extend to knowing him
6 personally. I've heard the name.

7 Q. You see, I suggest you're not being totally frank with us
8 about this and that your being somewhat economical with the
9 truth. Why I suggest that is this. You know, because of your

12:13:46 10 links with ULIMO-K, that a force of former ULIMO-K fighters led
11 by Bropleh became the Special Task Force in Sierra Leone. You
12 know that, don't you?

13 A. Counsel, I do not know that and I was not in Sierra Leone
14 at that time. I do not know that.

12:14:10 15 Q. No, no, no, no. You see, that Special Task Force was part
16 of the junta forces when you went to Sierra Leone in 1997?

17 A. I do honestly, counsel, not know that as far as Bropleh and
18 his Special Task Force being specifically part of the military
19 junta in Freetown.

12:14:38 20 Q. And, you see, what I'm going to suggest is the reason why
21 ECOMOG chose you to go to Sierra Leone was precisely because of
22 your ULIMO-K connections. You had friends who were working with
23 the junta government and that's why you were an attractive
24 proposition for them. That's the truth, isn't it?

12:15:08 25 A. Counsel, that is not the truth.

26 Q. Because it would have been easy for someone like you,
27 Mandingo, connected to Konneh and other people, Kromah, high up
28 in ULIMO-K, to gain access to places in Sierra Leone because
29 there was a force of former ULIMO-K working in the junta

1 government. That's the truth, isn't it, Mr Bility?

2 A. Counsel, that is far from the truth. That is not the truth
3 and I wish with the permission of the Court to also remind the
4 learned counsel that generally Kromah, who is a Mandingo,

12:15:55 5 considered Tejan Kabbah - who is in part Mandingo as well - as a
6 brother and so I really can't see why he would do that. I'm not
7 speaking for him. So my being Mandingo shouldn't be an issue
8 here to say because if I'm a Mandingo then I would generally
9 report against a particular group who are not Mandingo? No, I

12:16:21 10 was doing my duty. So ECOMOG had no stake in my going there and
11 what I've said regarding the Bropleh situation is about the best
12 that I do know. I had no connection absolutely with the military
13 junta in Freetown.

14 Q. I'm not saying with the junta. I am saying with certain
12:16:45 15 soldiers of Liberian origin who were linked to the junta. I'm
16 suggesting those are the people who helped to facilitate your
17 stay in Freetown?

18 A. No, sir, that is not true.

19 Q. You spent two weeks there, didn't you?

12:17:04 20 A. I did, sir.

21 Q. And then you were smuggled across the dividing line between
22 ECOMOG and Freetown back to Lungi, weren't you?

23 A. I moved back - I went back to Lungi.

24 Q. Over that dividing line?

12:17:25 25 A. Which dividing line, counsel?

26 Q. Between ECOMOG forces in Lungi and Freetown. You've
27 already agreed you needed assistance to get in --

28 A. Right.

29 Q. -- and so did you need assistance to get out?

1 A. Yes, this time a different form of assistance as well.

2 Q. What was that?

3 A. Assistance from Sierra Leonean civilians, citizens, on some
4 boats - a speed boat with a low I think it is generator, or
12:17:56 5 something, at the back. It's what we generally refer to as a
6 canoe, with the low propelling stuff at the back and speeding
7 across that river way or waterway.

8 Q. To where?

9 A. Towards Lungi.

12:18:10 10 Q. Yes, and I've been to Lungi a couple of times. When you
11 land on the sea you have to get to the actual airport. How did
12 you manage that?

13 A. Excuse me?

14 Q. When you land travelling by sea you've got a journey to get
12:18:24 15 to the airport. How did you manage that? Did you walk, did
16 someone drive you, or how did you go?

17 A. I did walk.

18 Q. So you walked from the beach to the airport?

19 A. Yeah.

12:18:37 20 Q. I suggest you're a liar. Having helped you to get in,
21 you're saying the ECOMOG forces just abandoned you to walk?

22 A. In the first place ECOMOG, as I said, had no interest in my
23 being there. I went there on my own and so they did not have to
24 see to it that I came back safely. It was my - purely my
12:19:03 25 decision and so it was my responsibility to arrange my return to
26 Lungi and then reach them and ask them for, you know, assistance
27 on the flight. The assistance was basically flight related.
28 That's all, counsel.

29 Q. So when you got to Lungi, am I right that you got on

1 another Nigerian helicopter to travel back to Liberia?

2 A. When I got to Lungi, counsel, I got on an ECOMOG
3 helicopter.

4 Q. Which flew you back to where?

12:19:41 5 A. Which flew me back to Liberia.

6 Q. Where in Liberia?

7 A. To the --

8 Q. Take your time.

9 A. To Monrovia.

12:19:54 10 Q. Where in Monrovia? Why are you being so shady about this,
11 Mr Bility?

12 A. I'm not shady. Your questions are, I don't know. I went
13 back to Bushrod Island.

14 Q. Yes, and did you have to report back to anyone when you got
12:20:17 15 back to Monrovia?

16 A. I was the boss at The National newspaper. I did not have
17 to specifically report to anybody else, but I did call my staff
18 and then talked to them and then started to report on my
19 findings.

12:20:39 20 Q. Did you write a report about what you had found?

21 A. In the newspaper?

22 Q. Well, that's what you did for a living.

23 A. Right. I did, sir.

24 Q. What was the title of the piece?

12:20:53 25 A. Well, I wrote several articles.

26 Q. Give me a title.

27 A. Titles? Say for example --

28 Q. Take your time.

29 A. -- "Liberian soldiers in Sierra Leone", that was one.

1 Q. When was that published?

2 A. That was published after my return, but --

3 Q. Give me a date.

12:21:26

4 A. Mind you, though, it was not immediately published. It was
5 published some time in November.

6 Q. Well, why not include it in that October edition where you
7 were exposing Mr Taylor's involvement in Liberia? That would be
8 a good opportunity, wouldn't it, 14 October, to beef up your
9 article with some firsthand information from the front lines in
10 Sierra Leone? Did you do that?

12:21:50

11 PRESIDING JUDGE: Did you mean Mr Taylor's involvement in
12 Sierra Leone?

13 MR GRIFFITHS: In Sierra Leone.

14 PRESIDING JUDGE: It's just that you said Liberia.

12:22:01

15 MR GRIFFITHS: I'm sorry, Sierra Leone.

16 PRESIDING JUDGE: It is quite all right.

17 MR GRIFFITHS:

18 Q. But you understand my point, don't you?

19 A. I do. Certainly it would be good probably from the

12:22:12

20 lawyer's point of view, but from a journalist's point of view we
21 had what we call editorial judgment. We decided at what point to
22 publish which article and so we - I was releasing my articles
23 piecemeal and not, you know, bundling everything up in a
24 particular story, or a particular article, or report. So we made
12:22:32 25 that determination. We got to make that call, when we release a
26 particular line of the story and after that when we released a
27 particular line of the story, you know, supporting previous
28 stories, previous investigations, and so that's what we did. You
29 know, I can understand, counsel, that you would want to have

1 everything reported in one story to beef it up, but remember I'm
2 not a lawyer. You know, we reported differently, counsel.

12:23:13 3 Q. Now given your contacts within ECOMOG, maybe you can help
4 me with this. Are you aware that ECOMOG supplied arms to the CDF
5 and the Kamajors in Sierra Leone?

6 A. I did hear accusations of that sort from the - on the radio
7 by the RUF and at least once by the Liberian government.

8 Q. Yes. Did any of your sources within ECOMOG confirm that
9 suspicion?

12:23:41 10 A. None of my sources. The sources that I had - I'm not
11 saying within ECOMOG. The sources that I had, none of those
12 sources --

13 Q. I'm asking about ECOMOG. I'm not interested in anybody
14 else for these purposes. Did any of your sources in ECOMOG
12:24:01 15 confirm those suspicions?

16 A. No.

17 Q. Yes or no?

18 A. No.

19 Q. Now surely, given your concern for the plight of the Sierra
12:24:11 20 Leonean people, that was a topic for the kind of investigative
21 journalism you tell us you'd engaged in in Freetown and so why
22 didn't you follow it up?

23 A. Well for your information, counsel, we did follow that up
24 and I guess at some point we just hit the wall and we couldn't go
12:24:32 25 further than that. I couldn't get anybody to give me
26 confirmation on that and I didn't have the opportunity to contact
27 the RUF specifically, you know, to - I mean not the RUF. What is
28 it called? The Kamajors, or the CDF as it was referred to.

29 Q. Well try contacting your friends who helped you to get into

1 Freetown, i.e. ECOMOG. You've got sources there. Why not go and
2 see one of them and say, "Listen, my Nigerian brother, I've heard
3 these rumours. Is it true?" Try that. Why didn't you?

12:25:12 4 A. I have told you that we did try that. I did try that. I
5 didn't get further than that. The answer I got was they weren't
6 aware of that. That's what I just said, counsel.

7 Q. Very well. Now having made that diversion, let me take you
8 back now to July 1997. In July 1997 elections were held in
9 Liberia, weren't they?

12:25:42 10 A. Yes, sir.

11 Q. And those elections effectively ended the civil war, didn't
12 they?

13 A. Effectively.

14 Q. For a while at least.

12:25:59 15 A. Those elections were supposed to end the civil war in
16 principle, I will say.

17 Q. And do you agree that Mr Taylor won the presidency with 70
18 per cent of the vote?

19 A. I do agree that Mr Taylor won the elections with a whopping
12:26:23 20 75 per cent of the popular vote cast.

21 Q. And Ellen Johnson-Sirleaf came second with less than 10 per
22 cent of the vote?

23 A. I don't remember the percentage, but Ellen Johnson-Sirleaf
24 came second.

12:26:43 25 Q. And, as a result, Mr Taylor's NPP party won 21 of the 26
26 senate seats. Is that right?

27 A. Mr Taylor's party was the dominant majority in the Liberian
28 senate.

29 Q. And do you also agree that the elections were declared free

1 and fair by international monitors, including former US President
2 Jimmy Carter?

3 A. I do agree that the elections were by the United Nations
4 declared free and fair - by the United States free and
12:27:21 5 transparent, not fair. Well they didn't say it wasn't fair, but
6 they didn't use the word. They used free and transparent. By
7 President Jimmy Carter they were described as free and fair, but
8 added a caveat that in the future the military should stay far
9 away from elections.

12:27:38 10 Q. Thank you for that, but in any event with that
11 international endorsement would you agree that Charles Taylor was
12 democratically elected as President of Liberia?

13 A. President Charles Taylor, yes, was elected democratically
14 through a democratic exercise.

12:28:09 15 Q. Thank you. Now at the time of those elections you headed
16 the youth wing of the All Liberian Coalition Party, didn't you?

17 A. That is inaccurate, sir.

18 Q. When did you head the youth wing of the All Liberian
19 Coalition Party?

12:28:26 20 A. I did not head the youth wing of the All Liberian Coalition
21 Party as such.

22 Q. Were you ever a member of the youth wing of the All
23 Liberian Coalition Party?

24 A. Well, I do know that there were some erroneous reports
12:28:45 25 regarding that. I was a political commentator covering political
26 activities with various parties in Liberia.

27 Q. That's not my question, Mr Bility, and sadly once again we
28 have to repeat it.

29 A. Right.

1 Q. Were you ever linked to the All Liberian Coalition Party,
2 ALCOP?

3 A. Linked in what sense? I told you that I had been -

4 Q. As a member, a sympathiser, a supporter, in any way?

12:29:16 5 A. I did professional writing for them and other parties as
6 well.

7 Q. So you were in effect a publicist for the ALCOP party,
8 weren't you?

9 A. Publicist, no, I was not a - the - a publicist for the
12:29:39 10 ALCOP.

11 Q. You wrote on their behalf as a journalist?

12 A. I was paid to do professional work.

13 Q. Such as?

14 A. Writing.

12:29:46 15 Q. What about?

16 A. About the general political coverage in the country, about
17 --

18 Q. No, no, no, come on, Mr Bility, let's be straight now. A
19 political party is paying you to write for them. What were you
12:30:03 20 writing on their behalf? Help us.

21 A. I was writing about political activities, their campaign,
22 various statements and other things.

23 Q. Doesn't that sound like you were doing publicity work for
24 them?

12:30:24 25 A. Well, I was doing a professional work. I was doing a piece
26 of professional work for which I was paid.

27 Q. And it's right, isn't it, that ALCOP was the political wing
28 of the former ULIMO-K?

29 A. That's correct.

1 Q. So you were a paid writer for the political wing of
2 ULIMO-K, yes?

3 A. I was hired by them to write for them.

4 Q. And did you sympathise with their politics?

12:31:00 5 A. Well, that was a matter of personal decision.

6 Q. That's why I'm asking you.

7 A. I did appreciate all the politics in Liberia at the time.

8 Q. Did you sympathise with the politics of ALCOP, yes or no?

9 A. Counsel, you have to provide a working definition for me
12:31:18 10 for the word "sympathise" so that I understand what I'm
11 answering.

12 Q. What do you understand by the word "sympathise", Mr Bility?

13 A. Appreciation.

14 Q. Yes --

12:31:37 15 A. Being a --

16 Q. Favourable towards?

17 A. Appreciation and you know, being favourable, but those are
18 different. You can be favourable of something - I mean, you can
19 be appreciative of something and not favourable to it.

12:31:50 20 Q. Did you support them?

21 A. Support? I have said to you, counsel, that I did write as
22 a professional for them.

23 Q. Forget about writing. Did you support them?

24 A. What do you mean support? Support in what sense, counsel?

12:32:06 25 Q. In the sense that they were the party you would have
26 preferred to vote for.

27 A. I would have preferred?

28 Q. You would have preferred to vote for them?

29 A. Well, I had my personal judgment to make regarding who I

1 wanted to vote for, and I think that should remain a matter of
2 personal concern. I have exactly told you --

3 Q. No, try answering the question.

4 A. Right.

12:32:40 5 Q. Who did you prefer to vote for in the election?

6 A. I think that is - I'm trying to categorise it in a way, the
7 answer.

8 Q. No, try - just try telling the truth. Who did you prefer
9 to vote for?

12:33:04 10 A. Well, there were a number of candidates that I preferred to
11 win the elections.

12 Q. Did you vote in the election, Mr Bility?

13 A. 1997, July elections, I did not like personally vote.

14 Q. Why not?

12:33:28 15 A. I was registered in a particular locale or community to
16 vote but on elections day I couldn't vote because I was far away
17 from that particular area and I couldn't vote in an area where I
18 was not registered.

19 Q. I'm going to ask you one last time: Who would you have
12:33:56 20 voted for if you'd had the opportunity?

21 A. I'm not sure that I want to answer that question, counsel.

22 PRESIDING JUDGE: I don't see why you cannot answer the
23 question, Mr Witness, because you've already said you did not
24 vote, and therefore the vote - your right to cast a secret ballot
12:34:20 25 is not being interfered with.

26 THE WITNESS: I will have - I would actually preferred as I
27 said to vote for at least three of the many - of the parties that
28 existed. I would preferred - I mean, I will have preferred to
29 vote for the United People's Party; I would have preferred to

1 vote for the All Liberian Coalition Party; I would have preferred
2 to have for the Unity Party.

3 MR GRIFFITHS:

4 Q. So you would have voted for any of those three?

12:34:54 5 A. Yes, sir.

6 Q. And you didn't have a particular preference?

7 A. Personally, I did not have a preference as such.

8 Q. Mr Bility, why is it that your account tends to change over
9 time so drastically? Look behind divider 12, please. I'm

12:35:17 10 directing your attention to a transcript of evidence you gave in
11 a Federal District Court in Miami just a few months ago in
12 October 2008. Have a look behind divider 12 and let's start at
13 page 34 at the bottom. You were being asked questions by
14 Mr Chucky Taylor's attorney. Page 34, line 14:

12:35:58 15 "Q. Who did you support in that election for President?

16 A. Whom did I support?

17 Q. Yes.

18 A. I did not vote.

19 Q. I understand that but did you prefer one party or the
12:36:12 20 other?

21 A. Generally, I preferred any party that was opposing the
22 national patriotic party".

23 Who party is that, by the way? That's Mr Taylor's party,
24 isn't it? So you'd vote for anybody else but him effectively, is
12:36:29 25 that right.

26 A. Yes, that was correct. That's in my statement.

27 Q. Thank you.

28 "Q. Who would you have voted for if you had voted?

29 A. I didn't vote, sir."

1 Evading the question; business as usual, hey?

2 MR SANTORA: Objection, inappropriate comment. I ask him
3 to withdraw it.

12:36:55

4 PRESIDING JUDGE: Please do not make inappropriate
5 comments, Mr Griffiths.

6 MR GRIFFITHS: Well very. Your Honour.

7 Q. "Q. If you had been able to vote, it was only a
8 geographical problem - you were not able to vote - who
9 would you have voted for?

12:37:08

10 A. I would have preferred to vote for the All Liberian
11 Coalition Party. I preferred to vote for the Unity Party.
12 I preferred to vote for the Liberia People's Party. I
13 preferred to vote for Progressive People's Party which was
14 United People's Party led by Bruce Matthews.

12:37:24

15 Q. I understand that, Mr Bility. I don't think you get
16 that many votes in that country. Who would you have voted
17 for?

18 A. If I had the opportunity?

19 Q. Yes.

12:37:37

20 A. I would say I would have voted for the All Liberian
21 Coalition Party. ALCOP.

22 Q. Who was the head of that party?

23 A. The head was Alhaji Kromah.

24 Q. Alhaji Kromah is the uncle of Varmuyan Dulleh, correct.

12:38:01

25 A. That's what Varmuyan Dulleh told me."

26 Over the page.

27 "Q. Now, Alhaji Kromah was the leader of ULIMO-K, wasn't
28 he?

29 A. Yes, sir.

1 Q. And ULIMO-K was an organisation that between in the 90s
2 before the election of '97 was fighting against
3 Charles Taylor's group. Isn't that correct?

4 A. Correct."

12:38:31 5 Do you remember telling a jury in Miami that back in
6 October last year?

7 A. Correct.

8 Q. So the party you would have voted for was ALCOP?

9 A. I would have voted for ALCOP, I would have voted for the
12:38:48 10 Unity Party, I would have voted for, as is mentioned,
11 substantively it is the same. There's no substantial difference
12 between what I said then and now.

13 Q. Page 10, "I would say I would have voted for the All
14 Liberian Coalition Party", no qualification. Because the bottom
12:39:08 15 line is you sympathise with ULIMO-K, don't you?

16 A. Sympathy?

17 Q. You support them?

18 A. No.

19 Q. You sympathise with them?

12:39:19 20 A. I wouldn't say that.

21 Q. You favour them politically?

22 A. ULIMO-K, I did not favour ULIMO-K because it was not a
23 political organisation.

24 Q. And when you say at page 9, "I preferred any party that was
12:39:37 25 opposing the National Patriotic Party", that's because even at
26 the time of the election you hated Charles Taylor, didn't you?

27 A. I'll tell you, counsel, why as I mean - why that is. I
28 believed that the platform of the National Patriotic Party was
29 very much talking about - I mean was very much concerned,

1 interested, in further militarisation of Liberia and the West
2 African regions. So in that respect, in addition to that, the
3 continuous involvement of the National Patriotic Front of Liberia
4 in the Sierra Leonean war, assisting the RUF as I had discovered
12:40:40 5 during my own investigations, made me to believe that if the NPP
6 came to power it would drag, it would further drag Liberia into
7 Sierra Leone and other - possibly other neighbouring countries.
8 I did not want that and I saw the concept of militarising Liberia
9 and West Africa as a dangerous something, dangerous thing.

12:41:10 10 Therefore, I thought I would vote for any other party, you know,
11 not the National Patriotic Party.

12 Q. Do you remember I said to you right at the outset that your
13 motivation for giving evidence against Mr Taylor was partly
14 because of your ethnic origin and your political sympathies? Do
12:41:35 15 you remember me making that plain to you from the outset?

16 A. I did - I do remember you making that comment.

17 Q. And I want to suggest that your choice of party in that
18 general election was certainly motivated by those ethnic and
19 political considerations. They were, weren't they?

12:41:55 20 A. I totally disagree with your suggestion. I respect your
21 right to hold that opinion, counsel, but I want you to also know
22 that as a Liberian citizen, as a human being, I had the right to
23 make a choice based on what I believe. So it was never because
24 of my ethnic identification. However, even if it were because of
12:42:19 25 my ethnic identification, are you suggesting to me - I'm sure
26 you're not suggesting to me that I have a right to make a choice.
27 That's a fundamental right that I'm sure you're not going to
28 question.

29 Q. I'm not questioning that at all. It's the motivation

1 behind the choice that I'm exploring. Because - and I suggest
2 that that antipathy towards Mr Taylor is reflected in the fact
3 that very shortly after his inauguration on 2 August you publish
4 that "Judas" article in effect seeking to undermine him. That's
12:43:08 5 right, isn't it?

6 A. That is incorrect. That is inaccurate. That is wrong,
7 counsel.

8 Q. Because what I'm suggesting is you weren't even willing to
9 give him a chance. That's right, isn't it?

12:43:21 10 A. That is not right. I mean, I'm not even sure what you're,
11 counsel, you're referring to as give him a chance. I do believe
12 that everybody gave President Taylor a chance after he became
13 President, ECOWAS, the United Nations, but he just wouldn't
14 disengage Sierra Leone and so it was my professional duty to
12:43:46 15 report on what I saw, you know, and that's exactly what I did
16 here.

17 Q. Now, you agree that the inauguration took place on 2 August
18 1997? He was sworn in as President?

19 A. In August 1997.

12:44:06 20 Q. 2 August.

21 A. I do agree he was sworn in the first few days in August
22 1997.

23 Q. Now let us just understand what the political situation is;
24 the political map in Liberia and Sierra Leone at this time.

12:44:33 25 A. Right.

26 Q. In Liberia there is an end to the civil war? There's no
27 fighting going on?

28 A. Correct.

29 Q. Next door in Sierra Leone there'd been a military coup on

1 25 May, is that right?

2 A. Correct. In May, correct.

3 Q. Yes, so the junta government had been in power in Sierra
4 Leone for some two months by the time Charles Taylor was

12:45:03 5 inaugurated as President?

6 A. Correct.

7 Q. By this stage you were aware that the former Sierra Leonean
8 army personnel who had taken power had invited the RUF to join
9 them and exercise power in Freetown. You knew that?

12:45:31 10 A. Correct.

11 Q. So at the time of Taylor's inauguration, based on what
12 you've been telling us the people he had been supporting for all
13 these years were now in power in Sierra Leone, weren't they?

14 A. Can you repeat that, sir.

12:45:50 15 Q. Given what you've said about Charles Taylor and his
16 involvement with the RUF, at the time of his inauguration the
17 people he'd been supporting on your analysis were now in power in
18 Freetown, weren't they?

19 A. Were sharing power. I would say were now sharing power
12:46:11 20 with the Johnny Paul Koroma military people.

21 Q. Now it's against that background that I want now to move on
22 and discuss the various arrests you told us about, but by way of
23 preliminary can you assist me with this. You started your
24 writing career as a journalist in late '94 up to '95, didn't you?

12:46:40 25 A. At about that time I was writing articles, commentaries and
26 one of which was titled "Where are the magic solutions?"

27 Q. Now, one of the organisations you were writing for in that
28 period was ALCOP?

29 A. '94/'95, no.

1 Q. When?

2 A. ALCOP did not exist then.

3 Q. When did you start writing for them?

4 A. After it was registered as a political party.

12:47:15 5 Q. When?

6 A. I would say some time in '97.

7 Q. So in the period leading up to the election you were
8 writing for ALCOP, yes?

9 A. In '97.

12:47:27 10 Q. In '97.

11 A. Right.

12 Q. In the period leading up to the election, yes?

13 A. Counsel, I guess we should specify "period" because it
14 could be as long as a year and before in '97 when --

12:47:43 15 Q. Well, help us then. You help us. How long were you
16 writing for ALCOP?

17 A. A few months, I would say, before the elections.

18 Q. Starting when?

19 A. 1997.

12:47:57 20 Q. What month?

21 A. I can't say. I can't say specifically, but in 1997 before
22 the elections.

23 Q. Did you continue writing for them up until the election?

24 A. Up until elections in July, yeah, I continued writing for
12:48:22 25 them on a paid basis and I also continued doing something else,
26 some other writings, at the same time.

27 Q. But in any event the first full-time job you get, having
28 been writing for ALCOP, is as editor of The National?

29 A. No, I told you, counsel, that after 6 April - during 6

1 April I worked with the Liberia Refugee Repatriation and
2 Resettlement Commission where I headed a programme jointly run by
3 Tearfund, based in the UK, and the Liberian government to provide
4 food for refugees and help relocate refugees. So that was a
12:49:08 5 full-time job as well.

6 Q. Well just so that we understand the time line, in the
7 months leading up to the election you were writing on a paid
8 basis for ALCOP?

9 A. Correct.

12:49:19 10 Q. Early August 1997 you become managing editor of The
11 National newspaper?

12 A. Correct.

13 Q. The publication run for that newspaper varied between 1,000
14 to 1,500?

12:49:34 15 A. Excuse me, sir?

16 Q. The publication run for the newspaper varied between 1,000
17 copies to about 1,500 copies?

18 A. Correct.

19 Q. At that time in 1997 what was the population of Monrovia,
12:49:52 20 roughly?

21 A. I honestly don't know.

22 Q. Well, according to the Global Security Organisation the
23 population was about a million in 2003, in 2001 about 479,000 and
24 according to another MSN encyclopedia 572,000 in 2003. Now,
12:50:24 25 using that as a guide, are you able to help us at all?

26 A. Help you with?

27 Q. The population of Monrovia. You see, the point I'm trying
28 to make, just so that it's obvious, is I'm just trying to reflect
29 the publication figures against the audience you were writing

1 for. Do you follow me?

2 A. Correct.

3 Q. So can you help us?

4 A. I still can't, because when I was in Monrovia I'm not
12:50:50 5 really aware of any specific census being carried out and so
6 those were all projections and/or estimations by various
7 agencies. There wasn't any specific census. So, you know, if I
8 put the number to it - I know that Monrovia was pretty much
9 crowded, but if I put a number to it I wouldn't be doing justice
12:51:16 10 to myself and so I cannot put a number to it. I, however, may be
11 able to accept the average of your various estimates as a working
12 tool leading to your question.

13 Q. Now the print media at that time in Liberia was essentially
14 located within Monrovia, wasn't it?

12:51:38 15 A. Correct.

16 Q. And you agree now - well not agree, but you're willing to
17 accept for argument's sake that we're talking about a population
18 between about 300,000 and just under perhaps half a million?

19 A. Okay.

12:51:58 20 Q. Now when I say that the print media was based in Monrovia,
21 effectively the readership of those newspapers was also
22 restricted to Monrovia, wasn't it?

23 A. I will say it was the readership generally in Monrovia and
24 its environs.

12:52:21 25 Q. And just so that we understand what we're talking about,
26 during the period of the preceding civil war - so we're talking
27 about from 1989 up to 1997 - there were no newspapers being
28 published in places like Lofa County and the rest of the country
29 outside of Monrovia, were there?

1 A. Not that I'm personally aware of.

2 Q. And so during that civil war for persons outside Monrovia
3 they would have been dependent, wouldn't they, on receiving the
4 odd copy of one of the Monrovia newspapers in order to know what
12:53:10 5 was going on in the capital? Would you agree?

6 A. Yeah.

7 Q. Now, would you also agree that in Monrovia at that time
8 there were a number of newspapers published?

9 A. Yes, sir.

12:53:27 10 Q. And would you also agree that it was a somewhat lively
11 media - print media - environment?

12 A. What period is this, sir?

13 Q. We're talking about round about July/August 1997. It was
14 pretty lively, wasn't it?

12:53:48 15 A. Correct.

16 Q. I mean there was serious competition between the various
17 newspapers, would you agree, for readership?

18 A. Yeah, I mean that's always the case everywhere, London, New
19 York, any town.

12:54:03 20 Q. Yes, but it's particularly intensive in that rather
21 greenhouse effect in Monrovia where everybody is piled on top of
22 each other?

23 A. Well, I wouldn't categorise it that way. What I would say
24 was that Liberian journalists had been introduced to a new age of
12:54:23 25 freedom of the press under that former interim President Amos
26 Sawyer and then everybody - every journalist was excited and
27 anxious to continue to report and tell the people the truth, a
28 kind of departure from the old way of practising journalism in
29 Liberia where reporting was restricted, you know, in some ways

1 just to specific media institutions.

2 Q. But when I say "lively", just by way of example there are
3 far more newspapers in Monrovia than there are in New York. Did
4 you know that?

12:54:58 5 A. When I was in Liberia if I knew that?

6 Q. Yes.

7 A. No, I didn't know that.

8 Q. Do you know that now?

9 A. I'm not sure now.

12:55:05 10 Q. Very well. But in any event this was also the time when
11 decree 88A had been repealed?

12 A. About the time?

13 Q. Yes.

14 A. Well, you know, the emergence of many, many newspapers
12:55:25 15 started, remember, before the elections of July 1997.

16 Q. Granted, but my point is this. Concentrating on that
17 period after the elections, that was the time when decree 88A was
18 repealed, wasn't it?

19 A. Yeah, after the elections.

12:55:46 20 Q. Thank you. Now following your appointment to The National
21 as working editor, you effectively worked for five years as a
22 journalist until your arrest on 24 June 2002, didn't you?

23 A. Correct.

24 Q. Now, the first event of note which you told us about was a
12:56:10 25 press conference which you attended?

26 A. Correct.

27 Q. Taking 2 August as a guideline, how soon after the
28 inauguration was that press conference?

29 A. It was early. Much early. Very early. Probably the first

1 week.

2 Q. So we're talking about some time in the first week in
3 August the incoming President, newly inaugurated, holds a press
4 conference. Is that right?

12:56:46 5 A. Right, the first week. The first - within the first seven
6 days after inauguration.

7 Q. Now it was normal procedure for an incoming government to
8 hold such a press conference, wasn't it?

9 A. Can you please repeat that.

12:57:01 10 Q. It was normal procedure for an incoming government to hold
11 such a press conference, wasn't it?

12 A. Are you asking if it was normal, or abnormal?

13 Q. Normal. It was normal procedure to hold such a press
14 conference by an incoming government?

12:57:26 15 A. I hadn't seen many incoming governments prior to that and
16 I'm very sure that the new government was responding to
17 expectation from journalists and from the Liberian people to
18 begin to say something that the people could start holding on to
19 and move on from there.

12:57:48 20 Q. Thank you. Now it was first the press conference held by
21 Charles Taylor as President, wasn't it?

22 A. Excuse me?

23 Q. It was the first press conference held by Charles Taylor in
24 his capacity as President, wasn't it?

12:58:06 25 A. That I am aware of in his capacity as President.

26 Q. And at the time you attended, were you already installed as
27 the editor of The National?

28 A. Correct.

29 Q. So we can say then that you must have been installed as

1 editor of The National at some time round about the same time
2 Charles Taylor was inaugurated as President. Would that be fair?

3 A. Yeah, at around the same time, after the elections.

4 Q. Now because it was the first press conference to be held by
12:58:44 5 this new President following this long period of war, it was well
6 attended, wasn't it?

7 A. It was the first press conference that I'm aware of that
8 was held by President Charles Taylor. It was well attended.

9 Q. And there was a high level of expectation, wasn't there?

12:59:06 10 A. Yeah, I guess so, there was.

11 Q. And was there also foreign media present?

12 A. Maybe, but I'm not really sure.

13 Q. But if one thinks about it, it would be fair to assume that
14 they would be there?

12:59:28 15 A. All right, that's what I said. It was his first press
16 conference I'm aware of. Generally if it were a press conference
17 that would be attended by foreign media I would think that that
18 would be held at his official office at Executive Mansion, so I'm
19 not hundred per cent sure that - I really don't remember that
12:59:55 20 there were foreign journalists in attendance at his home at that
21 time.

22 MR GRIFFITHS: Madam President, can I have a moment?

23 PRESIDING JUDGE: Yes, Mr Griffiths.

24 MR GRIFFITHS:

13:00:21 25 Q. Mr Bility, I was just checking a detail. This press
26 conference was held at the Executive Mansion, wasn't it?

27 A. Which press conference? The one I'm referring to was held
28 at Mr Taylor's residence which was then in Congo Town after the
29 Nigerian embassy, close to where the German embassy is - the

1 German embassy was.

2 Q. You see, what I'm going to suggest is that the first press
3 conference he held, contemporaneous if I understand your account
4 with your installation as editor of The National, was held at the
13:01:04 5 Executive Mansion, not at his home address?

6 A. That's not - while I'm not disputing that, I did not attend
7 that press conference. The one that I did attend, that's why I
8 said the first one I'm aware of and I attended, was at his
9 residence in Congo Town.

13:01:30 10 Q. Now, there is a good reason why I need to probe this
11 further. Had there been an earlier press conference at the
12 Executive Mansion, given your interest as a journalist and given
13 your instincts as an individual you would undoubtedly have wanted
14 to be there, wouldn't you?

13:01:51 15 A. If I knew about it I definitely would have wanted to be at
16 it, but it probably skipped me if it did happen at all.

17 Q. Well, how could it have skipped you? How could the first
18 press conference held by the incoming President at the Executive
19 Mansion have skipped you, a journalist? How?

13:02:10 20 A. I honestly do not know. My first press conference attended
21 held by Mr Charles Taylor - President Charles Taylor - was at his
22 residence and that's it.

23 Q. But, you see, what I'm suggesting to you - and for good
24 reason - is that the first press conference he held was at the
13:02:31 25 Executive Mansion?

26 A. I'm not disputing. That's not a point I'm disputing. What
27 I'm stating is his first press conference I attended was at his
28 residence - his, President Charles Taylor's, residence - in Congo
29 Town.

1 Q. You see, I suggest that the theme of the press conference
2 was firstly the need to end factionalism within Liberia, do you
3 agree?

4 A. Which --

13:03:08 5 MR SANTORA: Objection. I'm going to ask counsel to
6 specify. We have two press conferences at issue, one which the
7 witness said he did attend and one which may have occurred he's
8 not aware of, and I think it is fair to specify which press
9 conference.

13:03:23 10 MR GRIFFITHS: Point taken:

11 Q. Let me approach it in this way. The press conference you
12 attended, let's start there, would you agree that one of the
13 themes was the need to end factionalism in Liberia?

14 A. And who provided that theme? The press conferences --

13:03:42 15 Q. The President?

16 A. No, the President didn't provide themes to press
17 conferences. The President called press conferences and spoke on
18 issues, so it was left to journalists to carve out the theme, you
19 know, to find the story line, headline, regarding what the
13:04:00 20 President had said. For example, I at my paper would pick on the
21 aspect of the economy, improving the economy, and another person
22 say at the John Brown's newspaper would pick on the aspect of
23 reconciliation.

24 Q. Mr Bility, don't insult our intelligence. We understand
13:04:15 25 how press conferences operate. All I'm asking is this: Was one
26 of the topics covered by Charles Taylor in his address to you,
27 whether in answer to a question or otherwise, the need to end
28 factionalism in Liberia?

29 A. At the press conference I attended, yes, he did talk about

1 a wide range of issues, one of which was the need for
2 reconciliation and the need to end factional alliances in - I
3 mean, yeah, factional alliances in Liberia.

13:04:56 4 Q. Thank you. Was another topic he addressed the need for
5 cooperation to rebuild Liberia after almost a decade of civil
6 war?

7 A. In that respect, counsel, the President did address the
8 need for cooperation and called for the cooperation of
9 journalists as - you know, that's what I made in my statement,
13:05:22 10 called for the cooperation of journalists and said that he wanted
11 journalists to cooperate with him and not to report on issues
12 that he, President Taylor, thought were - would undermine the
13 Liberian government; his government as a matter of fact. So I
14 asked him a question, "Wouldn't that be tantamount to
13:05:42 15 censorship?", and so I do remember that --

16 Q. Mr Bility, you've given us that account and I promise you I
17 am going to address that, but can I just restrict you to my
18 question. Was one of the topics he spoke on the need for
19 cooperation to rebuild Liberia after almost a decade of civil
13:06:01 20 war?

21 A. He did talk about the need for cooperation to rebuild
22 Liberia.

23 Q. Thank you. We got there in the end. And of course another
24 theme was reconciliation, do you agree?

13:06:18 25 A. He did talk about reconciliation.

26 Q. Now according to you he also threatened journalists at that
27 meeting, didn't he?

28 A. Excuse me?

29 Q. According to you he also threatened journalists at that

1 meeting, didn't he?

2 A. He made statements that were threatening, in my view, and
3 the view - in my view to journalists.

13:06:50

4 Q. And the threat was that if you wrote anything that he
5 didn't like you were going to be in trouble. That's what you
6 say?

7 A. Yeah, amongst - among other things he did say that, sir,
8 correct.

13:07:06

9 Q. And what sanction did he say would be imposed if you
10 stepped out of line?

11 A. Well he wouldn't specify, or --

12 Q. What did he say? Just tell me just roughly what was the
13 threat that he made?

13:07:29

14 A. He said if you stepped out of line you'd be in trouble with
15 him and wagged his fingers.

16 Q. So let me just understand the situation. We have an
17 incoming President talking about the need for an end to
18 factionalism and the need for cooperation, he's addressing a
19 large gathering of journalists as a newly incoming President and
13:07:54 20 according to you he's there wagging his finger at the audience in
21 front of everyone, for everybody to see and report, saying, "Step
22 out of line and you're in trouble". Is that right, Mr Bility?

23 A. Yes, sir, that's generally accurate.

13:08:22

24 Q. Now I suggest that's a lie and, you see, I suggest that's
25 why you've got the location wrong, because it wasn't at White
26 Flower. There was no press conference at that time at White
27 Flower. It was at the Executive Mansion.

28 A. I did not say at White Flower. Maybe I could help you with
29 a location here.

1 Q. No, no, no, at an address, the first residence, which you
2 claim was by the Nigerian embassy. I suggest it wasn't there at
3 all, it was at the Executive Mansion, and that you are lying
4 about all of this. Do you follow me?

13:08:52 5 A. I do follow you, sir, but I disagree with your
6 characterisation because if you followed what obtained in Liberia
7 it wasn't just one press conference that Mr Taylor - President
8 Taylor - would talk about the specific issues. At many press
9 conferences - several press conferences - he would talk about all
13:09:12 10 these issues at the same time, you know? So if he held one 1 May
11 he would talk about this and 2 May he would talk about the same
12 thing, stuff like that. So those were issues that he was putting
13 forward to Liberians, so it didn't mean that if he talked about
14 at the Executive Mansion then he wouldn't talk about it at his
13:09:32 15 residence. Of course it didn't mean that.

16 Q. My point is very simple and I want you to understand my
17 position.

18 A. Yes, sir.

19 Q. I am suggesting that you are lying when you say that he was
13:09:43 20 threatening people in that public forum. Do you understand me?

21 A. I understand your suggestion, counsel.

22 Q. Do you agree, or disagree?

23 A. I totally disagree with your suggestion.

24 Q. Well, help me with this then. How important do you
13:10:01 25 consider freedom of the press to be, Mr Bility?

26 A. Very important.

27 Q. No doubt as a crusading journalist it's something to which
28 you attach a great deal of importance, yes?

29 A. First of all, I'd like to clarify I'm not a crusading

1 journalist. Never been and never will be.

2 Q. Very well.

3 A. So I disagree with that.

13:10:32

4 Q. As a journalist, yes, you take threats to press freedom
5 very seriously, don't you?

6 A. Yeah, not only as a journalist.

7 Q. Because I seem to recall you telling us a couple of days
8 ago that in January 1999, or was it '98, you wrote an article
9 called "S-t-o-p", yes?

13:10:54

10 A. I did write an article titled "S-t-o-p".

11 Q. And that was an article which was occasioned by what you
12 perceived to be a threat to press freedom?

13 A. Is that the question, counsel?

14 Q. Yes, please.

13:11:12

15 A. Yes, that was a press conference, statements made therefrom
16 that I perceived to be threats.

17 Q. And that's why you wrote the article, yes or no?

18 A. It was clearly a threat and I did write - statements he
19 made I did write that it was a threat.

13:11:35

20 Q. The "S-t-o-p" article?

21 A. Yes, sir.

22 Q. So help me with this. Following this press conference in
23 August 1997, the first - the President, new boy on the block, is
24 threatening the press in the way that you suggest. Did you write
13:11:54 25 an article about it?

26 A. Excuse me?

27 Q. Did you write an article about the new President Taylor's
28 behaviour at that press conference?

29 A. Well I did write an article, but not describing his

1 behaviour at the press conference.

2 Q. Did you say in that article, "Liberians, we need to be
3 concerned. Mr Taylor is already threatening the press within a
4 couple of days of him being inaugurated. This should be a matter
13:12:30 5 of concern for all Liberians"? Did you say anything like that?

6 A. I'll tell you what I said. I did not say it like that. We
7 were, as you said, new kid on the block so we were weighing our
8 options, we were trying to make determination as to which route
9 to follow regarding that, we were still sifting to see, you
13:12:53 10 know, if there were ways that we could still be as objective as
11 we thought we wanted to. So it was pretty too early for us to
12 look at it and I thought that there were other issues that he
13 spoke about that, you know, we needed to highlight.

14 Q. So let's try my question again: Did you write an editorial
13:13:16 15 saying Taylor is a threat to press freedom, yes or no?

16 A. I did not.

17 Q. Thank you. Because rather than publish such an article,
18 early in August you tell us you published the "Judas" article,
19 yes?

13:13:44 20 A. Correct.

21 Q. Now can we go, please, to that article which is behind,
22 your Honours, divider 6 in the exhibits. Now let's just put this
23 in context. You've received the threat at the press conference,
24 done nothing about it. Furthermore, you haven't been to Sierra
13:14:31 25 Leone yet because you think you went to Sierra Leone after you
26 wrote this article. This article, am I right, appears early in
27 August 1997? Is that right?

28 A. Yeah, this article appeared in August 1997.

29 Q. For the first time, okay. Now let's just see what it says:

1 "As ECOWAS presses on for the restoration of the
2 democratically elected government of President Ahmad Tejan Kabbah
3 the collective effort of the subregion seems to be undermined by
4 a syndicate of a few countries pretending to be part of the
13:15:19 5 restoration effort."

6 Pause there. Which countries did you have in mind?

7 A. Well, I think the countries are mentioned in the article.
8 Burkina Faso was a key country and Cote d'Ivoire was also another
9 country and of course Liberia specifically was a country that we
13:15:45 10 thought, based on their deeds, were involved in stalling this -
11 the stalling process, stalling this restoration of Tejan Kabbah.

12 Q. Any other country?

13 A. Yeah, there were several other - there were other
14 countries.

13:16:04 15 Q. Who? Like who? Tell us?

16 A. Well, specifically we were concerned with Cote d'Ivoire,
17 Burkina Faso, Niger and Liberia. Those were countries that we
18 had concern about. However, our concerns focused more on Liberia
19 and Burkina Faso. That is Liberia under President
13:16:37 20 Charles Taylor, Burkina Faso under President Blaise Compaore.

21 Q. Let's go back to the article: "Ever since the military
22 junta seized power in Sierra Leone from an elected government
23 these (traitors) countries have been providing support for the
24 Johnny Paul Koroma desperados. They are further encouraging them
13:17:08 25 to stay on. Their actions, behaviours, snail-pace steps and
26 utterances are all indicative of a total betrayal of trust as far
27 as the Sierra Leonean issue is concerned.

28 To begin with, Liberia has been reluctant in the promotion
29 of the ECOWAS initiative aimed at restoring President Kabbah.

1 Some time ago the presidential press secretary said that Liberia
2 was finding it difficult to support ECOWAS sanctions against the
3 junta in Freetown."

4 Pause there. When was that?

13:17:49 5 A. That was before the publication of the article.

6 Q. Yes. Elections June, inaugurated 2 August, piece comes out
7 early August. When was that?

8 A. That was before the publication of this article. This was
9 in August.

13:18:07 10 Q. When?

11 A. Date? I don't remember the date. I do know that this
12 article comes out 14 August and it must have been before 14
13 August.

14 Q. No, no, no. So this article comes out 14 August, does it,
13:18:24 15 for the first time?

16 A. What I'm saying is this article --

17 Q. No, no, no, listen to the question. Are you now saying
18 this article first came out on 14 August?

19 A. No, I'm not saying that. This is what I'm saying: You
13:18:42 20 said - your question is when was that. That was after -
21 immediately after the elections of President Charles Taylor - I
22 mean of Mr Charles Taylor as President of the Republic of Liberia
23 and President Taylor actually makes a wide-ranging statements.

24 Q. No, no, no, the presidential press secretary is the person
13:19:11 25 you're quoting, not the President. Who was the presidential
26 press secretary who made this statement?

27 A. I'm laying a background to the statement. The President -
28 the presidential press secretary in this case was --

29 Q. Take your time.

1 A. Yeah. It was either - it was - what was his name?

2 Q. Remember, this is an article which gets you arrested?

3 A. Yeah, I understand.

4 Q. Right. So help us, who was the press secretary?

13:19:49 5 A. Right. I'm trying to figure out specifically because there
6 were different press secretaries. Reginald Goodridge and this
7 guy. There is this guy, who was I think assistant at some point
8 I specifically made a statement. I'm trying to figure out his
9 name. Well, the name, I didn't mention a name in the article but
13:20:23 10 certainly it was a presidential press secretary.

11 Q. That's precisely why I'm asking. So you can't help us as
12 to who it was?

13 A. I can't remember the - his name.

14 Q. Very well. "Said that Liberia was finding it difficult to
13:20:42 15 support ECOWAS sanctions against the junta in Freetown.

16 More than that, the failure of the Liberian government to
17 send representative to the just concluded ECOWAS Committee of
18 Five meeting on Sierra Leone without any justifiable reason is
19 tantamount to Liberia ingloriously turning its back on ECOWAS,
13:21:00 20 the subregion that helped us out of our nightmare."

21 Now bear this in mind: You're making that comment a matter
22 of weeks after a new election has been made and someone has just
23 been inaugurated as President, yes?

24 A. Yeah, correct.

13:21:19 25 Q. And you're blaming that fledgling government for not having
26 sent a representative to that meeting, yes? Few weeks old but
27 you're critical of them for that, yes?

28 A. Well, if you consider it as being critical, I see it as
29 being, you know, being consistent with our profession and we

1 thought that it was necessary if we started reporting, you know,
2 immediately after the elections as we had - as, you know, the
3 media had gotten used to before the elections, lest, you know,
4 attempts be made to begin to muzzle the media. So it's not like
13:22:08 5 being critical, it's reporting exactly what happened, if you
6 consider that critical, sir.

7 Q. But anyway, let's go on.

8 "The subregion that helped us out of our nightmare. On the
9 other side the junta has sent out a delegation to two West
13:22:26 10 African countries, Burkina Faso, an old hand in regional
11 destabilisation and Niger, a greenhorn. We know that such a
12 visit could not have been possible if the leaders of these
13 countries were not supportive of the junta's reckless adventure.
14 It is hoped in junta circles that both Niger and Burkina Faso
13:22:52 15 would be able to convince General Abacha to let the Freetown
16 power hijackers stay on."

17 Pausing there again. Did the junta send a delegation to
18 Liberia?

19 A. That's - to where?

13:23:07 20 Q. Liberia?

21 A. Well, this article, are you referring to this article? The
22 article is saying that the junta has sent delegations to two West
23 African countries, Burkina Faso and Niger.

24 Q. Yes, I know. That's why I'm asking. Did they also send
13:23:21 25 one to Liberia?

26 A. At this time, they were already - they already had, based
27 on my understanding, they already had - the RUF members were
28 already present in Liberia so --

29 Q. No, did the junta send a delegation to Liberia at this

1 time, yes or no?

2 A. At this time we did not hear that on the radio, so we did
3 not get that confirmation.

4 Q. I'm not interested in whether you heard it --

13:23:44 5 PRESIDING JUDGE: Mr Witness, do you know or not? Please
6 answer the question directly and don't prevaricate.

7 THE WITNESS: I don't know if they did or didn't send
8 delegates to Liberia. I do know that they did send delegates to
9 Burkina Faso and Niger. For Liberia, I don't know.

13:24:01 10 MR GRIFFITHS:

11 Q. Mr Bility, how could you know about Burkina Faso and Niger
12 and right on your own doorstep in Monrovia you haven't got a clue
13 whether they sent one to Liberia? How?

14 A. This is the reason: The junta, who had recently married to
13:24:15 15 the RUF, were aware that the international community and other
16 people were looking for links. Neither the junta nor the
17 government - the new government of President Charles Taylor would
18 want the international community to know that it was sending
19 delegates to Liberia, so they did announce that they were sending
13:24:36 20 delegates to Burkina Faso and Niger.

21 Q. And who told you that? What was the source? Who told you
22 that? That they didn't want the international community to know
23 about the link? Who told you that?

24 A. No, nobody told me that. I --

13:24:52 25 Q. That was your opinion?

26 A. It was an opinion --

27 Q. Thank you.

28 A. -- built from observation.

29 Q. Let's go back to this report.

1 "As for Ivory Coast, the provision of sanctuary under the
2 cover of peace talks is as simple as sending a convicted criminal
3 to jail. A conduit to previous destabilisations, Ivory Coast
4 recently recalled its foreign minister at the Committee of Five
13:25:32 5 meeting on Sierra Leone. Such attitudes raise more questions
6 than answers.

7 Our concern stems from the fact that these pro-junta
8 lobbyists are themselves members of the ECOWAS effort. Such a
9 behaviour is symbolic of that of Judas.

13:25:55 10 But we can't understand what interest these countries have
11 in the maintenance of Johnny Paul Koroma. Do they want to use
12 him as an agent of instability and an instrument of terror?

13 The introduction of this new variable in the Sierra Leonean
14 equation is a vital factor in the determination of the success or
13:26:20 15 failure of ECOWAS effort. The uneasy stability that survived in
16 the inherently unstable situation in Sierra Leone is the result
17 of insincerity in the Freetown equation. The subregion is such
18 that no one knows what will happen next, but the fear of disaster
19 creeps into people's mind.

13:26:43 20 But who is the Judas that is heading such a breakneck
21 adventure? We need to know so that the Sierra Leonean crisis can
22 be resolved once and for all.

23 The pro-junta lobbyist must understand that no degree of
24 deceit and insensitivity can frustrate the people's demand for a
13:27:05 25 reversal of the current political and social order.

26 We condemn all those who think that they will be
27 benefitting by overthrowing democracy or by keeping the Freetown
28 coup makers in power.

29 We wish to further inform them that ECOWAS does not lack

1 the spark to ignite a fire of change nor does it lack the torch
2 that will lead it forward. The ECOWAS that succeeded in Liberia
3 will definitely succeed in Sierra Leone. ECOWAS has only two
4 choices; either to allow the junta to continue to wreak havoc on
13:27:41 5 innocent people or defend democracy so that Judas must never
6 succeed."

7 Now, the best you can tell us, as I understand it, is that
8 that article was published in early August.

9 MR SANTORA: Just to be fair, I think that the witness said
13:28:07 10 in August. I don't know if it's been established early August.
11 I may stand to be corrected but I looked at the transcript. It
12 just says August.

13 PRESIDING JUDGE: It was published several times,
14 Mr Santora, and I don't know if we have actually determined the
13:28:22 15 exact date of the initial --

16 MR SANTORA: I agree with Madam President, I don't think we
17 have. I thought it's just August. I know there was a statement
18 where he said 14 - he used a specific date, but I am not sure, I
19 thought it was clarified that he wasn't referring --

13:28:36 20 JUDGE SEBUTINDE: The record has it the witness did mention
21 at least once 14 August being the first time of the publication.
22 Am I wrong, Mr Witness?

23 THE WITNESS: I'm not, if I did say that - I'm not really
24 sure if I said that. If I did say that, that was not what I was
13:28:57 25 saying. I was saying that it was published some time in August.

26 MR GRIFFITHS:

27 Q. Just to remind you, page 2295 of Monday's transcript?

28 "Q. And where was this published?

29 A. This was published at The National in Monrovia,

1 Liberia.

2 Q. Do you know approximately when it was first published?

3 A. It was first published in August. It was published
4 several times as was generally customary in Liberia."

13:29:29 5 Do you remember telling us that?

6 A. Yeah, something to that effect.

7 Q. Now, after its first publication if I understand your
8 evidence there was no reaction.

9 A. After its first publication there was no reaction.

13:29:52 10 PRESIDING JUDGE: Mr Griffiths, "reaction" is a very wide
11 term. Do you mean reaction on the part of a specific person or a
12 specific section of the --

13 MR GRIFFITHS: I should be more precise:

14 Q. There was no reaction from the Government of Liberia?

13:30:12 15 A. Yeah.

16 MR GRIFFITHS: Would that be a convenient point?

17 PRESIDING JUDGE: Yes, I was going to go on to note the
18 time, Mr Griffiths. Mr Witness, we will now take our usual
19 lunchtime adjournment. We will be adjourning for one hour and we
13:30:26 20 will resume at 2.30. Please adjourn court until 2.30.

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

22 [Upon resuming at 2.32 p.m.]

23 PRESIDING JUDGE: Mr Santora?

14:31:45 24 MR SANTORA: Just for the record the Prosecutor Steven Rapp
25 is no longer at the Prosecution bench.

26 PRESIDING JUDGE: Thank you. We will note that
27 accordingly. Please proceed, Mr Griffiths.

28 MR GRIFFITHS: Things remain the same on this side of the
29 Court, Madam President:

1 Q. Yes, we were talking about your first arrest, Mr Bility,
2 and we had established firstly, just to recap, arrest number one
3 is in August 1997. Is that right?

4 A. It is after the publication of the article 'Who is the
14:32:36 5 Judas in ECOWAS".

6 Q. Following that arrest you were taken, you tell us, to the
7 NPP headquarters. Is that right?

8 A. That is correct.

9 Q. The NPP headquarters are somewhere on Tubman Boulevard, up
14:33:00 10 past Congo Town, yes? Is it in Congo Town?

11 A. It is on - was on Tubman Boulevard. Technically, I don't
12 think it was in Congo Town.

13 Q. Very well. But in any event, on arrival there, you were
14 eventually just to take matters shortly, taken in to see

14:33:26 15 President Taylor?

16 A. That is correct.

17 Q. And he - and I am looking at a transcript of what you told
18 us on Monday - said this to you, page 22303, beginning at line 8:
19 "What happened after you were taken to President Taylor?", you
14:33:54 20 were asked, and your reply was this:

21 "Well, President Taylor came forward and spoke with me and
22 warned me to desist from writing what he thought were
23 publications or articles designed to undermine his government and
24 expose it to ridicule and he also said that he was averse to me
14:34:17 25 again continuing to publish stories, you know, of that nature and
26 he said whatever was, you know, going on between him and -
27 between Mr Taylor and the Revolutionary United Front was nobody's
28 business. He also did mention that he didn't pick on anybody.
29 It was the government with the government then in Sierra Leone

1 then headed by President Ahmad Tejan Kabbah collaborating with
2 ECOMOG that attacked him that picked on him, so he didn't think
3 that anybody could twist the hands of the RUF. In his opinion
4 the RUF was fighting, that is the Revolutionary United Front was
14:35:03 5 fighting a just war. I mean, the conversation lasted a long time
6 and he said a wide range - he talked about a wide range of issues
7 and then warned that I was too young, too young a man, you know,
8 to lose my life pursuing such a course".

9 Now, do you remember telling us all of that, Mr Bility, on
14:35:20 10 Monday?

11 A. Correct.

12 Q. And that was the content of the conversation you had with
13 Mr Taylor, you tell us, yes?

14 A. That was part of the content of the conversation.

14:35:31 15 Q. What was the rest of it?

16 A. As I indicated in that transcript, it was a wide ranging
17 issue. He talked about what he also thought was the misbehaviour
18 of the media. So, basically, that was a summary of the
19 conversation, correct.

14:35:57 20 Q. And let us now just examine some of what you claim he was
21 saying to you. One of the things you say he said was this: It
22 was the government with the government then in Sierra Leone, then
23 headed by President Ahmad Tejan Kabbah, collaborating with ECOMOG
24 that attacked him, but hold on. Kabbah only became President in
14:36:26 25 1996. ECOMOG had been attacking the NPFL long before that, so
26 can you help us why he would have said something like that to
27 you?

28 A. I do not know why he would say something like that, but
29 that is exactly what he said.

- 1 Q. But would you not agree that in the context of what was
2 happening in Sierra Leone at the time that would be totally
3 illogical for him to say to you, because Kabbah at this time,
4 having been ousted, is living in Guinea, so why would he be
14:37:06 5 talking about Kabbah?
- 6 A. As far as I know, President Taylor of Liberia had been
7 opposed to anybody - any democratic elections held in Sierra
8 Leone he had wanted, based on our observation and fact-findings
9 --
- 14:37:30 10 Q. Mr Bility, I am sorry, but I am going to have to interrupt
11 you. Would you not agree that it would be illogical for him to
12 be talking about Kabbah at a time when Kabbah is not in power?
- 13 A. I do not believe that, because he had been opposed to
14 Kabbah from the onset from the get-go.
- 14:37:49 15 Q. You see, let me be quite plain. I am suggesting that you
16 are making up this conversation. That is why I am asking you
17 these questions.
- 18 A. No, sir.
- 19 Q. Because what I am suggesting is that in constructing this
14:38:02 20 lie you have put in something which is totally illogical. Do you
21 follow me?
- 22 A. I do follow you.
- 23 Q. Now, do you agree that at the time of this alleged
24 conversation, August 1997, Kabbah was no longer in power in
14:38:24 25 Sierra Leone?
- 26 A. I do agree Kabbah was no longer in power.
- 27 Q. Do you agree that as a deposed head of state in Guinea he
28 had no power to oppose President Taylor freshly elected at that
29 time? Do you agree?

1 A. I do agree.

2 Q. Thank you.

3 A. Can I expand on that question?

4 PRESIDING JUDGE: There will be a re-examination,

14:38:52 5 Mr Witness.

6 MR GRIFFITHS:

7 Q. Now, let us - going back to this. So he didn't think that
8 anybody could twist the hands of the RUF and in his opinion the

9 RUF was fighting - was fighting a just war, but hold on. At this

14:39:14 10 point in August 1997 the RUF are not fighting. They have been

11 called to join the junta in Freetown so again, why would he be

12 saying this to you?

13 A. This is why I believe he said it: First the election of -

14 the elections held in Sierra Leone that brought Tejan Kabbah to

14:39:45 15 political power was opposed by Mr Taylor and President Taylor

16 because President Taylor saw such an election as short-circuiting

17 his desire to see the RUF in power in Freetown and accepted in

18 Freetown.

19 Q. But they were in power. You're talking about them fighting

14:40:16 20 here for power when they are already in power. So my question is

21 very simple. Why would Mr Taylor be having such a conversation

22 with you when on your analysis he has achieved what he always

23 intended; his favoured party are in power in Freetown? So why

24 would he be saying this?

14:40:38 25 A. He knew that it wouldn't last. He also knew that Tejan

26 Kabbah was rallying --

27 Q. How do you know that he knew that?

28 MR SANTORA: I am going to object. Counsel is asking what

29 - is speculating on Mr Taylor's mindset initially and then I

1 think he is calling for unfair speculation now.

2 PRESIDING JUDGE: Yes, your reply, Mr Griffiths?

3 MR GRIFFITHS: I am not asking about unfair speculation,
4 Madam President. If we just look, I am asking about the evidence
14:41:09 5 he gave on Monday when he was speaking of a conversation he had
6 with President Taylor and the point I am seeking to make is this:
7 That such a conversation in those terms could not have taken
8 place.

9 Now the last answer he was purporting to give, "He knew
14:41:40 10 that it wouldn't last. He also knew that Tejan Kabbah was
11 rallying --" He is there offering an opinion and in our
12 submission it's not relevant to the question that I am asking.

13 JUDGE SEBUTINDE: Mr Griffiths, you asked the witness why
14 Mr Taylor would be saying this. You are putting a thesis forward
14:42:02 15 to the witness and he is putting a counter-thesis back to you and
16 I think you should let him finish his counter-thesis.

17 MR GRIFFITHS: Very well:

18 Q. Go ahead, Mr Bility, the floor is yours.

19 A. Mr President Charles Taylor knew that the junta - the
14:42:20 20 military junta and AFRC wouldn't last in Freetown because there
21 were efforts in the West African sub-region and in the
22 international community to make sure that the government of
23 President Tejan Kabbah in exile was reinstated.

24 In addition, President Kabbah was talking to West African
14:42:45 25 regional leaders in the hope that they would come to a common
26 conclusion with respect to ousting the AFRC/junta and reinstated
27 him. And President Taylor was aware, that's my opinion, that
28 this was going to happen and he didn't like it because he had
29 been against Kabbah's election in the first instance because he

1 thought that such an election would short-circuit his desire to
2 see the RUF seize political power in Sierra Leone.

3 Q. But, Mr Bility, if that is right then one would have
4 expected the President to be talking to you in terms of, "Look,
14:43:30 5 these ECOWAS guys want to get rid of my people in Freetown and I
6 am not going to allow that to happen", but what you're talking
7 about here is the RUF still fighting. Now, what I'm asking is
8 why would Mr Taylor in August '97 be talking in the present tense
9 about the RUF fighting when there was no fighting going on?

14:43:56 10 A. I cannot speculate, counsel, on the mindset of President
11 Taylor at this time. What I can say, however, is that --

12 Q. You just did.

13 A. I mean there was still the state of war. There was still a
14 junta, military junta, in Sierra Leone which was indicative of a
14:44:18 15 continuation of the state of war that also brought the RUF to
16 Freetown. So I am not in a position to say why he said what he
17 did say. So my deduction, what I do know, is that the President
18 Charles Taylor was fully aware that ECOMOG was not going to take
19 this lightly. ECOMOG had expressed its intention ECOMOG had said
14:44:51 20 and West African regional leaders had said that the junta should
21 step down or they were going to remove them from power.

22 Q. How do you know President Taylor opposed Kabbah's election?

23 A. From his comments.

24 Q. When?

14:45:09 25 A. Pardon?

26 Q. When?

27 A. In 1997.

28 Q. What did he say?

29 A. He said many things. I mean this ranges from before he

1 became President in 1997 to after he became President in 1997.

2 Q. What did he say?

3 A. He thought that the RUF was fighting a just war. He
4 thought that it was necessary that the RUF's arms weren't twisted
14:45:35 5 and, as I said in the article, they refused to send, though they
6 were a member of the Committee of Five, a Liberian representative
7 to the Committee of Five meeting in Abuja. Now, our
8 understanding was that Liberia did have an ambassador there, an
9 embassy there, so we thought that if the foreign minister Monie
14:45:58 10 Captan at the time could not go to represent the Liberian
11 government, a Liberian government - a Liberian embassy official
12 in Nigeria should have been designated to represent it since the
13 meeting was being held in Abuja.

14 So a refusal to have that done in our opinion led us, among
14:46:21 15 other things, to concluding that the government under President
16 Charles Taylor was actually opposing a resolution of the Sierra
17 Leonean crisis. They didn't want anything, we thought, other
18 than see the RUF take power and remain in power and recognised by
19 the rest of the world.

14:46:43 20 Q. Let me just go back to my question. President Kabbah was
21 elected in April 1996. What was said by Charles Taylor at that
22 time to lead you to believe that he opposed Kabbah's election?

23 A. In 1996?

24 Q. April 1996, the time of the election in Sierra Leone, can
14:47:04 25 you recall anything said by Charles Taylor to suggest that he was
26 opposed to that election?

27 A. What I do recall - I am not specific on the specific month
28 like April, but I do know that there were comments made some time
29 in 1996, second half of 1996, and shortly prior to the elections

1 as well in Sierra Leone, that the government - I mean Charles
2 Taylor was suggesting a format that the RUF be allowed to form
3 part of a government and that they didn't think that, you know,
4 holding elections would solve the problem. And their belief was
14:48:03 5 that the RUF was representative of a large cross-section of the
6 Sierra Leonean people. Now, remember these aren't exact quotes.
7 These are a summarisation of, in my opinion, what he'd been
8 saying, the line he'd been toeing at that time.

9 Q. But, Mr Bility, at that time in Liberia Charles Taylor
14:48:30 10 wasn't President or in any position of power. Who was in charge
11 of the government - the transitional government then in Liberia?

12 A. I am not saying that Charles Taylor was President of
13 Liberia.

14 Q. Who was in charge of the transitional government in Liberia
14:48:50 15 then?

16 A. Charles Taylor was part of a presidium or - I don't know.
17 He was part of a collective presidency. At some points he had
18 his representatives there. At some point he himself was part of
19 the collective presidency that included George Boley, Alhaji
14:49:13 20 Kromah, Mr Charles Taylor and somebody else and headed by I think
21 Mrs Ruth Sando Perry. That is leading up to the elections.

22 Q. Thank you.

23 A. So he also made comments in his official - in his capacity
24 as the leader of the soon to be - then soon to be disbanded
14:49:35 25 National Patriotic Front of Liberia.

26 Q. I suggest that is nonsense, but, anyway, let's move on.
27 Also on Monday you told us at page 22304, line 1, that when you
28 arrived at the DPP HQ:

29 "There were a few other people there, but at the entrance

1 going - when I was being brought into the compound one of the
2 President Taylor's Special Security Service, SSS bodyguards,
3 called Varmuyan Sherif, he was somebody I recognised was there."

4 Where did you recognise Mr Sherif from?

14:50:16 5 A. Why or where? Why or where?

6 Q. Where.

7 A. I did recognise him at the headquarters of the National
8 Patriotic Party.

9 Q. Where did you know him from?

14:50:30 10 A. I knew him from Monrovia.

11 Q. He with was a former ULIMO general, wasn't he?

12 A. He was a former soldier of ULIMO, yeah, that's accurate.

13 Q. Yes, a general?

14 A. Yeah.

14:50:41 15 Q. Where did you know him from?

16 A. I knew him from Monrovia.

17 Q. Yes, how? How did you come to meet him?

18 A. How? I lived at that time on Jamaica Road on Bushrod
19 Island in Monrovia and Varmuyan Sherif regularly visited a girl -
14:51:10 20 I'm not sure if it was his girlfriend - a female friend around

21 that area and we would be sitting in a yard referred to as Money
22 Godspeed Yard. We would be sitting there and drinking Hatai,
23 that is tea/coffee, and he would be passing with the soldiers and
24 he would stop there and he will say, "Guys, can I have some

14:51:37 25 coffee?" So that's where I, you know, started knowing him. I
26 knew him from there.

27 Q. And when you say he was passing with his soldiers, were
28 they ULIMO fighters?

29 A. Correct.

1 Q. And when was this?

2 A. This was the early 1990s. This was around 1993 or
3 thereabouts. Around '93.

4 Q. And what faction of ULIMO was he attached to?

14:52:09 5 A. In 1993 ULIMO was, I believe, a single faction referred to
6 just as ULIMO.

7 PRESIDING JUDGE: Mr Griffiths, before we lose it you asked
8 him if he went to the DPP headquarters which is the Director of
9 Public Prosecutions. I think it was NPP headquarters.

14:52:28 10 MR GRIFFITHS: I'm sorry. NPP.

11 PRESIDING JUDGE: It's just a minor point.

12 MR GRIFFITHS: I shared a room with the DPP in England for
13 15 years, so that's probably why I have got it in my head:

14 Q. The NPP headquarters, yes? So Varmuyan Sherif is someone
14:52:43 15 you'd known for years?

16 A. Yeah, I have known him. I have been acquainted with him,
17 you know, in that respect.

18 Q. And when you first met him he belonged to a group opposed
19 to and fighting against Charles Taylor's NPFL?

14:53:04 20 A. When I first met him in 1993, yeah.

21 Q. So when you saw him outside the headquarters of the NPP,
22 did you say to him, "Varmuyan, what are you doing here?"

23 A. I did not say anything to him. I just looked in his face
24 and he looked in my face and he was responsible to have us
14:53:31 25 ushered into the yard. So I didn't say anything to him, sir.

26 Q. Didn't you find it curious that a former opponent of
27 Charles Taylor, a general no less of ULIMO, was there at the NPP
28 headquarters?

29 A. Well, I knew that there had been alliances between them,

1 between Varmuyan's former faction ULIMO-K and the National
2 Patriotic Party then led by Mr Charles Taylor during the 6 April
3 war in Monrovia when they sought to arrest Roosevelt Johnson. So
4 in the compound of the NPP I was under arrest, having been
14:54:14 5 beaten. So, I mean, it was not a normal atmosphere for me to ask
6 him. I was under arrest, having been beaten and being taken to
7 see President Charles Taylor.

8 Q. You see, I'm going to suggest that the mention of that name
9 by you in the context of that arrest is a recent invention by
14:54:42 10 you. That's my suggestion. Is that right?

11 A. That is inaccurate. That is wrong, counsel, and that's,
12 what I have just said, is exactly what happened.

13 Q. I suggest that you have added it in to give a degree of
14 verisimilitude to your account?

14:55:01 15 A. No, sir.

16 Q. In any event, let's now move on to arrest number two, shall
17 we? Now, I am - it is important that we get the dates of this
18 arrest correct for very good reasons, so I am going to remind you
19 what you told us on Monday. On Monday you told us this, page
14:55:28 20 22304, line 26. The first version you gave us was this, having
21 mentioned the publication of "Judas", you told us this:

22 "It wasn't long after this first publication. This was
23 also in August or September, thereabouts, and this was about a
24 story - a news story - that I personally read and it was the
14:56:00 25 front page story of The Analyst newspaper".

26 So the first account you were giving us was that somehow,
27 "Who is the government supporting", that article, was also in
28 August/September suggesting a date link between the first
29 publication of Judas in August and the publication of who the

1 government is supporting, so that was the first account you gave.

2 Then a couple of pages onwards in the transcript, page
3 22306, you said this. The question you were asked at the bottom
4 of page 22305: "My arrest was after the first obviously. It was
14:56:52 5 some time. I am not specifically sure about the date, some time"
6 and it now becomes September, late August, September, October,
7 all right? And then you go on "Of what year? Of 1997, the same
8 year". So you were asked by Mr Santora opposite:

9 "Q. About how long? How much time passed between your
14:57:22 10 first arrest and second arrest, if you can approximate, how
11 much time passed between the two?

12 A. I am not sure. I am not sure in terms of times and
13 date.

14 Q. Would you say it is a matter of days or weeks or
14:57:40 15 months? Can you put it in that term?

16 A. Yeah, I can put it in the context of months."

17 Now, of course today you mention that that article was
18 published on 14 August, so we have a situation now --

19 MR SANTORA: Objection on the date. Again this was
14:58:06 20 certainly clarified. I believe counsel is referring to the first
21 article, that is my first point, is which article is he referring
22 to?

23 MR GRIFFITHS: No, no, no, no, today in relation to the
24 first article he said that that was published on 14 August.

14:58:21 25 MR SANTORA: It was --

26 PRESIDING JUDGE: He said in August. Haven't we had this -
27 we have had this argument prior to the lunch break. I will have
28 to check the record.

29 MR GRIFFITHS: Yes, he mentioned the 14th.

1 MR SANTORA: It was, but then the argument was actually
2 addressed this morning. The witness later said it was some time
3 in August. As he said, he did not - he said he misspoke when
4 referring to the exact date of 14 August 1997 in terms of the
14:58:47 5 article.

6 MR GRIFFITHS: What he actually said was, page 90, line 20:
7 "A. Date? I don't remember the date. I do know that this
8 article comes out 14 August and it must have been before
9 14 August.

14:59:00 10 Q. No, no, no, so this article comes out 14 August,
11 does it, for the first time?

12 A. What I am saying is this article --

13 Q. No, no, no, listen to the question. Are you saying
14 this article first came out on 14 August?

14:59:13 15 A. No, I am not saying that. This is what I am saying:
16 You said - your question is when was that? That was after
17 - immediately after the elections of President Charles
18 Taylor - I mean of Mr Charles Taylor as President of the
19 Republic of Liberia."

14:59:28 20 That is what he said today, at page 90.

21 MR SANTORA: But if counsel would look on page 97, on my
22 LiveNote line 1, when the issue was addressed again, the witness
23 did say:

24 "If I did say that I am not really sure if I said that. If
14:59:42 25 I did say that I am not really sure that that is what I was
26 saying. I was saying it was published some time in August."

27 He certainly addressed the issue later on.

28 MR GRIFFITHS: Very well. Very well:

29 Q. So we have a situation now, Mr Bility, when frankly, it is

1 either August, September, October. Are you able at all to help
2 us in any way with the date when this article - this second
3 article - was published?

4 A. Which second article?

15:00:15 5 Q. The government supporting article, to use a shorthand?

6 A. The government supporting article was published along with
7 the - was accompanied with a commentary or editorial called,
8 titled "Who is the Judas in ECOWAS" as well.

9 Q. All right. Because one other matter, one other thing you
15:00:47 10 told us on Monday was this, at page 22312, line 24, "Can I make a
11 comment on that?" This was following a question asked by Justice
12 Sebutinde. "Can I make a comment, your Honour?" Your Honour,
13 "What is an accurate statement?" And you then go on and say
14 this: "'Who is the Judas in ECOWAS' and 'Whom is government

15:01:15 15 supporting' appeared on the same date, but the difference is this
16 date, Tuesday 14 October 1997 was the first appearance of the
17 article 'Who is government supporting?' " That is what you told
18 us, all right?

19 A. Okay.

15:01:35 20 Q. Do you stand by that?

21 A. This is what I do stand by.

22 Q. Thank you. So let us try and put this together, shall we?

23 A. I said this is what I do stand by, and I am coming to that.

24 Q. Do you want to change that account then?

15:01:52 25 A. No, I am not changing any account. The first article
26 published regarding my first arrest was "Who is the Judas in
27 ECOWAS". After that, when we published the second article, the
28 second news story, "Who is government supporting" in Sierra
29 Leone, we also accompanied it with that particular editorial

1 since it had something, in our opinion, relevant to the news
2 story which was not uncommon that editors or newspapers repeat --

3 Q. You have told us that before.

4 A. Right. So, in terms of like specifically saying dates,
15:02:44 5 counsel, I wrote tens, possibly hundreds of articles.

6 Q. I am sure you did.

7 A. So I am not in a position specifically to say this article
8 was this date, this article was this date. Now, I want you to
9 remember when I left Liberia I left with zero, I left with shirt
15:03:01 10 and pants. That is it. I didn't have the opportunity to go home
11 to take anything, and I am sure no newspaper editor would tell
12 you that I have been to this paper, I have been working with this
13 paper three years, I know exact dates of every article, every
14 news story that was published.

15:03:18 15 Q. Have you finished?

16 JUDGE SEBUTINDE: Mr Witness, are you suggesting the
17 article entitled "Who is government supporting" was published
18 more than once?

19 THE WITNESS: What I'm suggesting - no, "Who is the Judas
15:03:30 20 in ECOWAS" was published more than --

21 JUDGE SEBUTINDE: I am not talking about that one.

22 THE WITNESS: No, I am not suggesting that.

23 JUDGE SEBUTINDE: The article in question "Who is the
24 government supporting" was published once; is that your
15:03:45 25 testimony?

26 THE WITNESS: Yes. Right.

27 JUDGE SEBUTINDE: And the date of publication is clearly
28 before as in MFI -2, as Tuesday, 14 October 1997.

29 THE WITNESS: Right.

1 JUDGE SEBUTINDE: So there is no question about when that
2 article was published. It was Tuesday, 14 October 1997, isn't
3 it?

4 THE WITNESS: Right, that is correct.

15:04:00 5 JUDGE SEBUTINDE: That is the question that counsel has
6 been asking and wanting you to agree with him or not.

7 THE WITNESS: Well, the counsel, without me looking at it,
8 is asking me, that is my understanding, to tell them exact dates
9 when each article was published and --

15:04:15 10 MR GRIFFITHS:

11 Q. I was asking about whom the government is supporting, but
12 now I think helpfully you have told us that was published once
13 and once only on Tuesday, 14 October 1997, yes?

14 A. That is correct.

15:04:33 15 Q. Using that as an anchor, bearing in mind that Judas is
16 republished on the same date, all right, bearing in mind also
17 Judas was first published in August, yes, can you help us as to
18 how many times Judas had been reprinted been those two
19 parameters?

15:05:00 20 A. Probably once.

21 Q. So the picture is this: Judas is published, there is no
22 reaction from the government. It is published again a second
23 time. That is when you are arrested and you are taken in front
24 of Mr Taylor. You publish it a third time on 14 October along
15:05:22 25 with who the government is supporting. That is the correct
26 sequence, is it?

27 A. Correct.

28 Q. And so the arrest for "Who is the government supporting"
29 must be some time after 14 October, am I right?

1 A. Correct.

2 Q. Thank you. So despite what had happened to you after the
3 second publication of Judas, you decided nonetheless that you
4 were going to publish it yet again on the 14th, right?

15:06:04 5 A. Correct.

6 Q. Now, on this second arrest, were you taken to see Charles
7 Taylor?

8 A. That is the "Who is the government supporting"?

9 Q. Yes, please.

15:06:13 10 A. I was taken to the headquarters of the Liberian national
11 police.

12 Q. Were you taken to see Charles Taylor? A simple question.

13 A. No, sir.

14 Q. Thank you. Let's have a look now, please, at that article.

15:06:32 15 I am only going to trouble you with the first page of it. It is
16 behind divider 7 in the exhibits. "Whom is government
17 supporting? As the military situation in Sierra Leone worsens
18 reports reaching The National speak of West African - some West
19 African countries" - and what is that word?

15:07:26 20 A. Shrinking.

21 Q. "Shrinking from the ECOWAS initiative aimed at restoring
22 the democratically elected government of ousted President Ahmad
23 Tejan Kabbah.

24 The report named Niger, Burkina Faso and Ivory Coast as
15:07:42 25 countries that are bent on undermining the subregional
26 initiative. These countries, the report says, are doing
27 everything possible to ensure that the illegal military junta of
28 Johnny Paul Koroma remains in power.

29 Our source also named Liberia as being under persuasion by

1 the three French-speaking countries who want to see the regional
2 power status being shifted from Abuja to a French-speaking
3 capital.

15:08:20 4 According to the report, the recent absence of Liberia from
5 the Committee of Five meeting on Sierra Leone, without any
6 explanation, is being viewed in diplomatic circles as sheer
7 reluctance on the part of Liberia to take practical steps to help
8 resolve the stalemate in that country.

15:08:42 9 Our source also said that the recent statement by the
10 presidential press secretary, Reginald Goodridge, regarding
11 Liberia's inability to support ECOWAS sanctions on the junta was
12 in line with the campaign to milk the illegal government in
13 Freetown.

15:09:01 14 In furtherance of their game plan, the report said the
15 Ivory Coast also recalled its foreign minister at the conference
16 in Nigeria."

17 Okay? And remember, you go on and you told us what the
18 next page said, the continuation on page 4, you remember?

19 A. Yes, where is the continuation?

15:09:16 20 Q. If you go over the page, remember we have gone through that
21 and I don't plan on wasting time in going through it again, but
22 pausing there for a moment, the report that you refer to in the
23 second paragraph, which report is that?

24 A. Let me look at the second paragraph, please. Where is it?
15:09:54 25 Is that what starts with, "Our source also named"?

26 Q. No, no, no. It is the second paragraph that says, "The
27 report named Niger, Burkina Faso". Do you see that?

28 A. Yes, I do see that.

29 Q. Which report was that?

1 A. That was a report circulating in - well, not circulating.
2 That was a report that I saw with a diplomat in Monrovia.

3 Q. Right. Who wrote that report?

4 A. I didn't have the opportunity to own, as such, the report.
15:10:33 5 I guess it must have been confidential to the diplomat and so
6 this report I was - I only had the opportunity to read the
7 report.

8 Q. Just so that I have you clear, a diplomat in Monrovia --

9 A. Correct.

15:10:48 10 Q. -- gave you a handwritten report about this situation?

11 A. Yes, well, not gave me as such.

12 Q. Allowed you to read?

13 A. Correct. Allowed me to read. Now, this was the picture
14 obtaining.

15:11:09 15 Q. No, no, no. Can we just - I am happy with that answer.

16 You can have an opportunity of expanding on it, but my next
17 question is this: I don't want the name because I appreciate
18 your sensitivity about sources. Was that diplomat attached to
19 the US embassy?

15:11:29 20 A. No, sir.

21 Q. Which embassy was that diplomat attached to?

22 A. Without naming names, the Nigerian embassy.

23 Q. And, just to understand the situation, because when we go
24 on we see from paragraph 3:

15:11:49 25 "Our source also named Liberia being on the persuasion from
26 the three French speaking countries who want to see the regional
27 power status being shifted from Abuja."

28 So, we have this situation, don't we: Nigeria is the
29 regional power and we have some French speaking countries in West

1 Africa who want the balance of power to shift to them and it just
2 happens to be one of the parties to that power struggle, Nigeria,
3 who happens to give you a report which you faithfully publish.
4 The same Nigerians who flew you to Freetown. A bit of a
15:12:37 5 coincidence that, isn't it, Mr Bility?

6 A. No, sir. This is a report that was not authorised to be
7 released to the press.

8 Q. But you got it from the Nigerians?

9 A. An individual in the Nigerian embassy allowed me to look at
15:12:56 10 the report. Now, "Our source", that second paragraph, I think it
11 is the second or third that starts with, "Our source also named
12 Liberia", that was also both in the report and told to me by this
13 particular individual, so it was not an authorised release.

14 Q. I am not asking you that.

15:13:18 15 A. Okay.

16 Q. You're a journalist. You're supposed to be objective.

17 A. Correct.

18 Q. Did it cross your mind when you received that report from a
19 Nigerian, "I wonder if he's got an axe to grind against these
15:13:31 20 French speaking countries?" Did that cross your mind?

21 A. Well, no.

22 Q. And you went on to faithfully publish what one side to that
23 supposed debate was saying, yes?

24 A. No, I did not publish one side. We --

15:13:52 25 Q. Well, which other report did you refer to in this article?

26 A. We were not in position to be able to speak with other
27 representatives from the Government of Burkina Faso or Ivory
28 Coast or Nigeria. However, we did talk to - we had spoken with
29 the Liberian government through, you know, some of his

1 spokespersons as indicated in the report, so we knew that
2 position. So we weren't saying - this is a news story, this is
3 not opinion. We weren't saying that this is what we believe. We
4 were saying that this is what the source, the particular
15:14:29 5 individual, was saying, you know, regarding why they thought that
6 these French West African countries were insisting and/or bent on
7 persuading Liberia to, you know, shift the power, the seat of
8 power - the power from Abuja to a French speaking capital.

9 So in effect, counsel, the report - there are summaries and
15:15:06 10 synopsis from the report. We could not access people from Niger,
11 Burkina Faso and Ivory Coast. So we already had a position from
12 the Liberian government, so that's why we published that story.
13 And our publication of this story is also backed, as indicated in
14 the story itself, by the Liberian government's failure and/or
15:15:41 15 refusal to be represented at that meeting by the recall of Ivory
16 Coast's foreign minister at the time Amara Essy - I think
17 I-S-S-E-Y, I think that's the name - from the meeting of the
18 Committee of Five which made the meeting not to be fruitful.

19 Q. Right. We have now reached in terms of the area I have
15:16:10 20 covered, would you agree, some time after 14 October 1997, is
21 that right? By the time of this second arrest?

22 A. Sometimes after 14 October. Sometimes in October.

23 Q. Some time after 14 October we have now reached, yes?

24 A. Okay.

15:16:39 25 Q. Between August and October you had been arrested twice and
26 spoken to Charles Taylor once. Is that right?

27 A. Correct.

28 Q. And the occasion on which you spoke to Charles Taylor was
29 when you were taken to the NPP headquarters?

1 A. Correct.

2 Q. You spoke to him nowhere else?

3 A. What do you mean I spoke to him nowhere else?

4 Q. Apart from the time when you asked him questions at the
15:17:13 5 press conference, the only other occasion between August and
6 October when you spoke to Charles Taylor was that occasion when
7 you were taken to the NPP headquarters and questioned by him. Is
8 all of that correct?

9 A. I still do not understand that question, counsel.

15:17:34 10 Q. All right, let me try once more. At the press conference
11 immediately after the inauguration you asked some questions of
12 Charles Taylor. Is that right?

13 A. Correct.

14 Q. You were then arrested in August and you were taken to
15:17:58 15 Charles Taylor at the NPP headquarters where he questioned you.
16 Is that correct?

17 A. Correct.

18 Q. You were arrested after 14 October, but on that occasion
19 you were not taken to Charles Taylor. Is that correct?

15:18:16 20 A. Correct.

21 Q. It means then, does it not, that between August and October
22 you had spoken to Charles Taylor on two occasions? Is that
23 right?

24 A. Yeah, I had spoken in terms of being arrested in his
15:18:34 25 presence.

26 Q. And at the press conference?

27 A. Okay.

28 Q. Yes? And these were two quite distinct arrests. Is that
29 right?

1 A. Yeah, they were two quite distinct arrests.

2 Q. Thank you very much.

3 PRESIDING JUDGE: I understood one was an arrest and other
4 was a press conference.

15:18:56 5 MR GRIFFITHS: One was an arrest, the other was a press
6 conference; my fault:

7 Q. But equally there were two arrests but on two different
8 occasions, one in August and one in October. That's right, isn't
9 it, Mr Bility?

15:19:18 10 A. Correct. One in August after "Judas" and one after "Who is
11 the government supporting in Sierra Leone", whatever date that
12 was.

13 Q. Right. I want you now to look behind divider 1 in the
14 bundle of cross-examination documents. Behind divider 1. I want
15:19:57 15 you to put the first page up on the screen, please. This is an
16 interview conducted with you by Alan White and Randall Neely on
17 Sunday, 2 November 2003 and that was in Long Island in the United
18 States, wasn't it?

19 A. Correct.

15:20:25 20 Q. Count five lines from the top of the large paragraph, do
21 you see it begins:

22 "The article 'Who is the Judas in ECOMOG' was the start of
23 his problems. He was arrested and beaten after writing an
24 editorial about the Liberian government after Taylor became
15:20:45 25 President. Peter Bonnah Jannah was the minister of justice at
26 the time and he was detained for two days before he being
27 released."

28 Pause there. Where is the mention there of being taken to
29 Charles Taylor?

1 A. First of all, this particular - and I spoke with the
2 Prosecutors regarding this. This particular interview taken in
3 Long Island, New York, I mean there were a lot of erroneous
4 recordings and reports in that. So I didn't have the chance to
15:21:26 5 re-read this, so I do not think that it accurately represents
6 what, you know, I had said.

7 Q. Let me suggest, Mr Bility, you are hiding behind that,
8 because blaming the investigator is the last refuge of the liar
9 who has been found out. Because let's just read through the rest
15:21:50 10 of this passage:

11 "It was October 1999" - note the date, not August - "and he
12 was re-arrested one week later and Taylor questioned him about
13 'Judas', asking Bility if he was referring to him in this
14 article."

15:22:12 15 Here you're suggesting two arrests separated by a week and
16 after the first arrest no suggestion of being taken to Charles
17 Taylor. Now, which account do you want us to accept?

18 A. Counsel, I have said that when this interview was taken in
19 Long Island, New York, I had never got the opportunity to look at
15:22:41 20 it. It was like notes taken by the investigators. So I have
21 said that they do not accurately represent what I believe I said
22 and I have told that to the Prosecution.

23 Q. Mr Bility, look at the date, August 1999. You claim this
24 happened in '97.

15:23:07 25 A. August 1999?

26 Q. October 1999.

27 A. By October 1999 The National newspaper was literally shut
28 down, so it could not have been in October - it could not have
29 been any time in 1999. So basically --

1 Q. So, help us.

2 A. Right, I did not recall this and I am saying that this
3 recording does not - is there any signature of mine on this to
4 say that I have read and I agree the contents? Of course not. I
15:23:41 5 did not sanction this. I do know of an interview conducted with
6 Alan White, but I did not have the opportunity to look at what he
7 recorded. That's exactly what I'm saying.

8 Q. So you're saying that all these mistakes are down to Alan
9 White and Randall Neely?

15:24:00 10 A. I don't know to whom --

11 Q. Do they both speak English?

12 A. Counsel --

13 Q. Do they both speak English, yes or no?

14 A. They both speak English.

15:24:14 15 Q. Were you speaking to them in English when you met with
16 them?

17 A. Yes, I was speaking to them in English when I met with
18 them.

19 Q. Did there appear at any time to be some confusion as if
15:24:24 20 they didn't know what you were saying to them?

21 A. I don't know.

22 Q. Well, did you have any cause for alarm along the lines of,
23 "I don't think these guys really understand what I'm saying to
24 them, you know"? Was there any alarm along those lines?

15:24:39 25 A. Well, I will say this specifically --

26 Q. Was there any alarm along those lines?

27 A. Alarm from me or from them?

28 Q. Yes, from you; concern that they weren't understanding you?

29 A. There wasn't any cause for alarm because I mean, I sat

1 across the table and as we drank coffee I would talk and they
2 took notes so probably this was the best they remembered as they
3 took notes. I don't know.

4 Q. Because here you are talking about two arrests separated by
15:25:14 5 a week, no mention of Charles Taylor, it happening in October
6 1999 and let's see how it continues:

7 "He was arrested one week later and Taylor questioned him
8 about 'Judas', asking Bility if he was referring to him in this
9 article. Bility believes that it was after October 20th" - which
15:25:39 10 appears to be a third occasion - "when he was confronted by
11 Taylor at an embassy in Congo Town." The German embassy. Did
12 you ever have any meeting with Taylor at the German embassy?

13 A. Again, this whole thing, in my opinion, is it was taken and
14 it doesn't represent me. I wasn't - the German embassy it didn't
15:26:02 15 exist in Liberia - I mean it wasn't open. I have repeatedly said
16 during this testimony that the German - the building that housed
17 the German embassy after the Nigerian embassy in Congo Town, so
18 you can see that, I mean, the German embassy was shut - it was
19 closed. It wasn't open. There was no German embassy in Liberia.

15:26:24 20 Q. Well, if you knew that, why did you tell them that you met
21 him at the German embassy?

22 A. I did not say that. They reported it.

23 MR SANTORA: Objection. Objection.

24 PRESIDING JUDGE: Mr Witness, please pause.

15:26:34 25 MR SANTORA: I am going to object because in this
26 particular instance, this witness has clearly on two occasions
27 said that this particular statement he did not say that, so when
28 counsel puts it to him it is appropriate that it is recorded as
29 such, but the witness has never said that he said - he actually

1 said, expressly, he did not say many of the things that are
2 recorded in this interview so it is appropriate when counsel puts
3 it to him that it is recorded that you said.

15:27:01 4 PRESIDING JUDGE: Well, this purports to be interview notes
5 with the witness and counsel is, in my view, entitled to put the
6 record that is there and allow the witness to comment on it and
7 that is what is being done. So I have no - I would not interrupt
8 the flow of cross-examination, but I will if I consider there is
9 an unfairness.

15:27:22 10 THE WITNESS: Okay.

11 MR GRIFFITHS:

12 Q. Are you aware, Mr Bility --

13 PRESIDING JUDGE: Just pause a moment, Mr Griffiths, until
14 I see. Yes, Mr Witness.

15:27:29 15 THE WITNESS: I also, I just look at one. I also would
16 like to just point out that as part of the confusion in recording
17 instead of "Who is the Judas in ECOWAS" they have got here, one,
18 two, three --

19 PRESIDING JUDGE: Mr Witness, let me assure you that
15:27:42 20 counsel for the Prosecution has a right of re-examination, and if
21 there are points to be picked up they will be picked up in due
22 course. Mr Griffiths, please proceed with your
23 cross-examination.

24 MR GRIFFITHS:

15:28:01 25 Q. Alan White, whose name appears at the top of this form,
26 were you aware that he was one of the most senior investigators
27 attached to the Prosecution in this case?

28 A. I did know that he worked, but at the time of this
29 interview, he did tell me there was an investigator at the - with

1 the Special Court for Sierra Leone.

2 Q. Yes. And were you aware that his full title is Dr Alan
3 White?

4 A. Yeah.

15:28:37 5 Q. And he worked for the Defence Department of the United
6 States government for over 15 years, a man of great experience.
7 Were you aware of that?

8 A. No, I wasn't.

9 Q. But in any event, you are saying that this man, this
15:28:51 10 doctor, misrepresented so much of what you said to him. Is that
11 what you're saying?

12 A. First of all, I am not saying that. What I am saying is
13 this: This was supposed to generally be - was what I witnessed,
14 what I participated in in conversation, you know, initial
15:29:17 15 conversation, and that if they needed me I would come to speak
16 officially with them. So recordings that were made, the
17 circumstances under which the recordings were made were like, for
18 example, I would talk about three, four, five paragraphs and then
19 they would take like notes down, so I am not sure if the people
15:29:37 20 who did take the note down had, you know, accurately represented
21 what I said. You can see a lot of confusion in this. And I
22 didn't get a chance to look at this to see, well, to sign and
23 say, "Okay, yeah, this is actually what I believe I - what I did
24 say", you know. So obviously --

15:29:54 25 Q. Why not as a journalist? Why didn't you say to them - you
26 are man of words?

27 A. Say what to them? Why didn't I --

28 Q. Why didn't you say to them, "Listen, guys, let's just have
29 a look and see what you have written down. You know, I know how

1 these things work. I am a journalist. And I don't want to be
2 committing myself to something which turns out to be wrong. Let
3 me have a little read"? Why didn't you say that?

4 A. Right. They, in fact, recordings that were made were like
15:30:22 5 taken jotting down notes, and my understanding was that if they
6 needed me I would make a full statement to which I would fix my
7 signature and say "Well, yes, this is what I said".

8 Q. Mr Bility, were you --

9 PRESIDING JUDGE: Just pause, Mr Griffiths. Mr Witness,
15:30:42 10 when you use the word "recordings" do you mean there was a
11 recording machine?

12 THE WITNESS: No.

13 PRESIDING JUDGE: Please continue, Mr Griffiths.

14 MR GRIFFITHS:

15:30:51 15 Q. Were you aware when you were speaking to these gentlemen
16 that they were investigating a criminal prosecution of the utmost
17 gravity? Did you know that?

18 A. I was aware that they were investigating this, you know,
19 Sierra Leone - they were investigating a possible prosecution of
15:31:16 20 war crimes and crimes against humanity in Sierra Leone.

21 Q. And this was in November 2003. Were you aware at the time
22 that Charles Taylor was a target of the Special Court in Sierra
23 Leone?

24 A. November 2003, I am not sure I was aware. I only became
15:31:44 25 aware when it was announced on the radio.

26 Q. Rubbish, Mr Bility.

27 A. When Mr Charles Taylor was attending a peace meeting in
28 Accra. So if that - was that in 2003?

29 Q. Rubbish, Mr Bility. By November --

1 MR SANTORA: Objection, the witness is answering the
2 question.

3 MR GRIFFITHS:

15:32:06

4 Q. By November 2003, Charles Taylor had already been indicted
5 and stepped down from power in Monrovia. Being a Liberian you
6 must have known that by November?

15:32:27

7 A. Right. I am aware that when President Charles Taylor, that
8 is what I said earlier, was attending a peace conference in
9 Accra, Ghana, the indictment was announced and that is when I
10 became aware of it. What year was that? If it is 2003, yes,
11 exactly, that is when I became aware of it.

12 Q. So by November, when investigators from the Special Court
13 come to you, you must have appreciated the importance and
14 significance of the occasion, mustn't you?

15:32:47

15 A. I will tell you what I appreciated, counsel. I did
16 appreciate, and I do appreciate any step aimed at bringing
17 justice to people who have violated the rights of others.

18 Q. Because when --

15:33:05

19 JUDGE LUSSICK: How about answering that question, please,
20 Mr Bility?

21 THE WITNESS: Well, in answering that question I did
22 recognise at the time that there was going to be a criminal
23 trial.

24 MR GRIFFITHS:

15:33:18

25 Q. Right. And so you appreciated that what these
26 investigators were looking for was correct and honest
27 information? You knew that, didn't you?

28 A. Yes.

29 Q. So help me: When it says here, "Bility believes it was

1 after October 20th when he was confronted by Taylor at an embassy
2 in Congo Town", when according to you you were taken by armed men
3 to the NPP headquarters somewhere completely different, can you
4 help us as to how two completely different accounts have emerged
15:34:06 5 ostensibly from your lips?

6 A. Right. This is what I said - I can say: At the
7 conversation that we had it was Dr White and another gentleman,
8 whose name I don't fully remember now, and he was listening and
9 Dr White was taking notes, like occasionally. And we talk on a
15:34:32 10 wide range of issues. I believe that what he remembered, that is
11 what he wrote, and I am saying that I am sure he did not remember
12 exactly everything I did say. I would have loved, if I had seen
13 a copy of this prior to this being sent out and read it, you
14 know, and approved of it, you know, then of course I would be in
15:34:58 15 a position to say, "Yes, exactly, this is exactly what I said",
16 all right?

17 But I have informed the Prosecution earlier that this, with
18 all due respect to the authors, I mean didn't actually represent
19 what I said. There are - I wouldn't - I know that the German
15:35:19 20 embassy didn't exist in Liberia, so it says at the - at an
21 embassy, German embassy. You have got, what is it, there are a
22 lot of errors here that I wouldn't make regarding that. These
23 are clear, these are errors, you know, and these errors stem from
24 not knowing what was going on.

15:35:36 25 Q. And from what you are telling us, Mr Bility, if you had
26 been given an opportunity of looking at this you would have
27 spotted all of these errors immediately, wouldn't you?

28 A. What I am telling you - exactly. What I am telling you --

29 Q. Right. Exactly is good enough for me. You would have

1 spotted them immediately, wouldn't you, and you would have sought
2 to correct them, wouldn't you?

3 A. I would have sought if I had the opportunity to go over
4 these.

15:36:06 5 Q. To correct it?

6 A. I would have --

7 Q. Right. Let me just repeat those words to you. "I would
8 have sought if I'd had the opportunity to go over this to correct
9 them", is that right?

15:36:20 10 A. Yes, if there were --

11 Q. Thank you.

12 A. If these were given to me --

13 Q. Thank you. It's --

14 A. -- to read and to reread them and to see that - if they
15:36:28 15 were exact statements I made, I would have done that.

16 Q. Let's just finish reading this page, shall we? "President
17 Taylor told Bility to cease writing articles or he would go to
18 jail and remain there." Did Mr Taylor ever say that to you in
19 August or October? Well, you never spoke to him in October so he
15:36:59 20 couldn't have done. Did Mr Taylor say to you on either of those
21 first two arrests you would go to jail and remain there?

22 A. Yes, sir.

23 Q. When?

24 A. This was the first arrest and Mr Taylor said, as I said
15:37:16 25 earlier, a wide range of things which also included this part.

26 Q. That is a lie, but we will move on.

27 MR SANTORA: Objection.

28 PRESIDING JUDGE: Mr Griffiths, if you are putting it to
29 him that it is a lie you should put it to him rather than make a

1 comment. Please --

2 MR GRIFFITHS: Well, I meant it as a suggestion:

3 Q. But I suggest that it is a lie that President Taylor ever
4 said to you that you would go to jail and remain there. Do you
15:37:47 5 follow that?

6 A. I respect what you said, though I disagree with it.

7 Q. "Taylor was trying to justify his involvement with the RUF
8 in Sierra Leone. Taylor went on to say that the United States
9 and Britain think they can sit at home and control Liberia.

15:38:07 10 Taylor commented that these countries are able to go on the
11 pre-emptive to invade countries when they have national security
12 at stake"?

13 PRESIDING JUDGE: Mr Griffiths, I am not sure if it is
14 yours or - possibly it is --

15:38:23 15 MR GRIFFITHS: I don't know whose it is.

16 PRESIDING JUDGE: Let's try again.

17 MR GRIFFITHS:

18 Q. "Taylor commented that these countries are able to go on
19 the pre-emptive to invade countries when they have national
15:38:35 20 security at stake but when we have such a problem they do not
21 want us to do this. Taylor made the remark 'We are not only in
22 Sierra Leone to help the RUF'."

23 Did he say all of those things?

24 A. Yes, sir. He did say those, I believe.

15:38:54 25 Q. So all of those bits are right? All of the bits about the
26 RUF are right, but all the other bits about where it took place,
27 dates, are wrong, yes?

28 A. The statements - the quotations you just read are right.

29 Q. Right, okay, fine. So Dr White got all of that bit right,

1 but he got all the rest wrong. Let's finish it:

2 "Also present during this meeting was Joseph B Tate, the
3 former police director, Benjamin Yeaten and Comparaiss. Taylor
4 stated 'Liberia's national interest is at stake' and 'they will
15:39:33 5 remain in Sierra Leone to help stop the threat to Liberia'. It
6 was President Taylor's belief that the Kamajors were providing a
7 corridor to the enemies in Sierra Leone. Bility was offered a
8 job but declined and was subsequently released?"

9 We can close that. We can put that page away now, please,
15:39:53 10 Mr Usher. Did Taylor offer you a job when you went to the NPP HQ
11 in August?

12 A. No, sir.

13 Q. Did you tell the investigators that you had been offered a
14 job but declined it?

15:40:14 15 A. Yes, sir.

16 Q. When had you been offered that job?

17 A. Through a man referred to as Musa Cisse.

18 Q. Musa Cisse who was your uncle?

19 A. I prefer to call him Musa Cisse right now.

15:40:32 20 Q. He is your uncle?

21 A. How is my relationship with --

22 Q. Mr Bility, I will find the references.

23 PRESIDING JUDGE: Mr Witness, is Musa Cisse your uncle?

24 THE WITNESS: Yes, he was an uncle.

15:40:49 25 MR GRIFFITHS:

26 Q. What was the problem about telling us that?

27 A. Because I didn't think that my personal relationship was
28 part of this Court's business.

29 Q. But you mentioned it in chief when you were giving

1 evidence, so why all of a sudden now that it's me asking you
2 questions you are having problems giving us that information?

3 A. Well, the reason for that is personal. I am not sure that
4 is relevant to this case. I have already answered it.

15:41:16 5 Q. Let's move on. Now you will notice that, although you
6 mention others present, Joseph B Tate, and Benjamin Yeaten and
7 Comparais, there is no mention of seeing Varmuyan Sherif, your
8 old friend the general from ULIMO, on any of these occasions.
9 Why is that?

15:41:39 10 A. Counsel, do you expect an investigator not recording, just
11 jotting down points, to get - to record accurately everything we
12 said over three hours? I don't think so. So I am still saying
13 that some of the things recorded are right. Some are inaccurate.
14 And, you know, the times and dates are also misplaced and so --

15:42:08 15 Q. Very well. But the pieces that are inaccurate were --

16 A. The German --

17 Q. The German embassy is wrong. What else is wrong? Let's
18 just go through it and identify what's wrong. The first page
19 again, please. Sorry, Mr Usher. Let's just identify the parts
15:42:32 20 of that paragraph that you disagree with.

21 A. Then I am going to have the read the paragraph line by
22 line.

23 Q. Well, I am going to take you through it line by line, the
24 part I am interested in?

15:42:42 25 A. All right.

26 Q. "The article 'Who is the Judas in ECOMOG' was the start of
27 his problems"?

28 A. Right.

29 Q. That's only the passage I am interested in.

- 1 A. What line is that?
- 2 Q. The last big paragraph starting five lines from the top.
- 3 A. Correct, go ahead.
- 4 Q. "The article 'Who is the Judas in ECOMOG' was the start of
15:43:03 5 his problems", correct?
- 6 A. Correct.
- 7 Q. "He was arrested and beaten after writing an editorial
8 about the Liberian government after Taylor became President",
9 correct?
- 15:43:15 10 A. Correct.
- 11 Q. "Peter Bonnah Jannah that was the minister of justice at
12 the time and he was detained for two days before being released"?
- 13 A. I did tell the investigator that I was detained. I do
14 remember that. I did not specifically say days.
- 15:43:33 15 Q. Because you have told us you were only detained for a day.
16 You were not detained for two days, were you?
- 17 A. I was detained for a whole day, but I did not say to --
- 18 Q. You were not detained for two days, were you, yes or no?
- 19 A. I was not detained for two days.
- 15:43:51 20 Q. So that bit is wrong?
- 21 A. That's inaccurately recorded.
- 22 Q. "It was October 1999", is that true or false?
- 23 A. That's totally inaccurate, because The Analyst - I mean The
24 National newspaper was shut down in 1998.
- 15:44:10 25 Q. What about the October part, agree or disagree?
- 26 A. Where is the October part at?
- 27 Q. "It was October 1999". Do you disagree with that?
- 28 A. I disagree that it was October 1999.
- 29 Q. "And he was re-arrested one week later", true or false?

1 A. I don't - I actually didn't make these comments, so this
2 is --

3 Q. Were you arrested one week later, true or false?

4 A. No, that is inaccurate recording.

15:44:38 5 Q. Thank you. "And Taylor questioned him about 'Judas',
6 asking Bility if he was referring to him in the article"?

7 A. Yes.

8 Q. True or false?

9 A. True.

15:44:50 10 Q. "Bility believed that it was after October 20th when he was
11 confronted by Taylor at an embassy in Congo Town (German
12 embassy)", true or false?

13 A. No, that's inaccurate.

14 Q. Is it true or false?

15:45:12 15 A. It's inaccurate.

16 Q. No, is it true or false, Mr Bility? They are simple words.

17 A. It is false.

18 Q. Thank you. And then you go on to say that all the quotes
19 from Mr Taylor are correct. That's right, isn't it?

15:45:32 20 A. Where are all the quotes? You have to read the quotes you
21 are referring to.

22 Q. Well, I have gone through them already and I am not wasting
23 time by going through them again, you having told us that
24 everything Taylor said in contrast to those bits we have just
15:45:44 25 identified were all correct, all right?

26 A. Well, I am not sure these are my quotations, quoting me, or
27 me quoting President Taylor.

28 Q. It looks like you quoting President Taylor to me, but
29 anyway --

1 A. Well, in that case I didn't like exactly quote. I only --

2 Q. Paraphrased?

3 A. Or restate in different words what he says.

4 Q. Fine. But the sense of what he is saying you have

15:46:14 5 correctly conveyed?

6 A. Exactly. The sense.

7 Q. Good, good. And, of course, had you been given an
8 opportunity to read through this you would have immediately said
9 to the investigators, "Look, you see that bit about October 1999

15:46:31 10 re-arrested, cut it out. Two days, rubbish. German embassy,

11 nonsense." You would have said all of that, wouldn't you?

12 A. If I had had the opportunity to re-read them in the hope
13 that - I mean that it would represent exactly what I said, I am
14 sure I would be in a position make those changes.

15:46:50 15 Q. Right, fine. Can we put that page back in, please, because
16 you see, Mr Bility, you were given an opportunity to correct it.

17 Go behind divider 2. In the following year, September 2004, that
18 gentleman sitting over there, Christopher Santora, met you in

19 Freetown and he went through the notes of that previous interview
20 with you and you made corrections, but guess what? You didn't

15:47:32 21 correct any of the part I have just read out to you. Let's have
22 a look at this:

23 "In relation to the notes taken from the interview on 2
24 November 2003 by Special Court investigators Alan White and
15:47:52 25 Randall Neely, the witness wanted to clarify and add the
26 following items:

27 In the initial interview notes at the bottom of page 2 the
28 witness describes observing Musa Cisse" - and you go on to
29 mention an event which I am not interested in. But you correct

1 the date when that incident took place.

2 You then go on to mention another incident and you correct
3 that date and then you say:

4 "In reference to the above date changes, the witness
15:48:25 5 indicated that he told the investigators 1999 and believes that
6 the investigators incorrectly wrote 1998 instead of 1999."

7 Then you go on to give them details of other incidents
8 about which I am not interested, but interestingly do not correct
9 any of the parts I have just put to you. Why didn't you?

15:48:58 10 A. Which are those parts? 1999?

11 Q. No, the parts back - you have corrected dates in this first
12 statement that I have just put to you, but those bits about
13 October, about two days, about German embassy, you don't correct
14 a bit of it.

15:49:12 15 A. Good.

16 Q. Even though they have gone through that interview with you.

17 A. Right.

18 Q. Why not?

19 A. When I was in Sierra Leone in 2004, September to I think
15:49:24 20 December 2004, my understanding - again the Prosecution can make
21 comments on that. My understanding was that particular case was
22 referencing - was mostly on the RUF, not President Charles
23 Taylor, so my focus was supposed to remain on the RUF. This was
24 a bunch of papers and I had been there for like close to four -
15:49:59 25 at least September to December actually. So my focus was on RUF.

26 That's what I was told. And the Charles Taylor situation when
27 there was need, you know, I would be asked in regards to that.

28 So I decided to make, you know, to look at the - what is
29 this called? The three RUF guys who were in court at that time,

1 so basically that's what I was focusing on. And this one, "The
2 witness states that this event took place in January 1999", all
3 right, this doesn't have anything to do with any arrest. So this
4 was it.

15:50:43 5 Q. No, no, no. Mr Bility, I am sorry, we are taking much too
6 long over this and it would be very helpful to all concerned if
7 you tried to restrict yourself to short answers.

8 A. Okay.

9 Q. You told me at 36 minutes past 3 this afternoon that if you
15:51:02 10 had been given an opportunity of looking at those interview notes
11 you would have spotted those lies and untruths immediately?

12 A. Correct.

13 Q. You are a journalist. You are being taken through that
14 first interview by a lawyer.

15:51:20 15 A. Right.

16 Q. It's preposterous that you wouldn't have corrected those
17 parts about the Taylor conversation.

18 A. And I tell you, counsel, this is what I have to say to you
19 regarding that. The Prosecution was dealing with the RUF. The
15:51:36 20 Prosecution had wanted me to focus on the RUF aspect and that the
21 Taylor aspect would follow later. And it is because of that that
22 even after my testimony I was asked - I mean, I was asked to
23 travel to Liberia where I would collect additional pieces of
24 evidence that I had hoped would be there, and in Ghana. So my
15:52:04 25 time in Sierra Leone I was asked - was focused on the RUF trial,
26 not the Charles Taylor trial, so I didn't go into that.

27 Q. Mr Bility, when Mr Santora was going over that interview
28 did he place a copy of it in front of you?

29 A. He placed a bunch of copies in front of me.

1 Q. Did you have an opportunity of reading through the record
2 which had been made by Alan White and Randall Neely in November
3 2003? Did you have an opportunity of reading through it?

4 A. I did have the opportunity of reading through the records.

15:52:48 5 Q. Thank you.

6 A. The ones that had to do with the RUF --

7 Q. No, no, no.

8 A. -- trial and my --

9 Q. Did you have an opportunity of reading through the record
10 of what you had said to Randall White [sic] in November 2003?

11 A. In part.

12 Q. So you're saying that Mr Santora only showed you bits of
13 it. So looking at page 1, for example, he covered over all the
14 text and just showed you the date 1999?

15:53:19 15 A. No.

16 Q. So that you could say, "Whoops, sorry, mistake, should have
17 been '98" but didn't show you the rest of it. Is that what
18 you're suggesting?

19 A. That's not what I'm suggesting.

15:53:30 20 Q. Well, tell us then.

21 A. What I am saying is by then, by this time, President -
22 Mr Charles Taylor was not in the custody of the Court and the
23 Prosecutors had wanted me to focus on what I was in Freetown for,
24 which was the RUF trial. So I focused on the RUF aspect of the
15:53:52 25 comments I made back in Long Island, New York. So basically
26 that's what I am saying here. And then --

27 Q. Let me ask a different question then, Mr Bility.

28 A. Right.

29 Q. When you were sat with Mr Santora, are you saying he did

1 not read out that first paragraph on page 1 to you?

2 A. Where is the first paragraph?

3 Q. Let's go back to behind divider 1, page 1. That last
4 paragraph. Did Mr Santora not read that out to you, or did you

15:54:35 5 not read it yourself in September 2004 in Freetown?

6 A. Well, honestly I read a whole bunch of paperworks there.

7 Q. Well, you didn't have a whole bunch to read because you had
8 only given one previous interview which was this four page

9 document. That was the only interview you had made by September?

15:55:09 10 A. By September, yeah.

11 Q. Yes, by September. So what other documents were you shown
12 apart from this record?

13 A. Well, as I said earlier, counsel, my time in Sierra Leone,
14 September-December, was --

15:55:26 15 Q. What other documents were you shown, Mr Bility?

16 A. I honestly don't remember all of the documents that I was
17 shown, but I do know that I think I was shown, you know, many
18 documents, especially when it has to do with the RUF. So my
19 focus, as I was told, was to --

15:55:44 20 Q. You have told us that. What other documents were you
21 shown?

22 A. I haven't even revisited the 2004 trial, so I don't
23 remember what documents.

24 Q. No, no, no. I am not interested in the trial. I am

15:55:57 25 interested in 24 September 2004 when you and Mr Santora were sat
26 in a position or location together in Freetown.

27 A. Right.

28 Q. What other documents were you shown other than the record
29 of this first interview with Dr Alan White?

1 A. Well, I think I was shown the documents regarding my
2 interview with Dr Alan White, but I am not --

3 Q. Exactly.

15:56:31

4 A. But I am not sure if I did see this German embassy which
5 did not exist at all.

6 Q. Well, hold on. Tell me, the document you were shown, was
7 it typed or handwritten?

8 A. Pardon?

15:56:44

9 Q. The document you were shown by Mr Santora, was it typed or
10 handwritten?

11 A. I think it was typed.

12 Q. Do you have any difficulty reading typescript, you the
13 editor?

14 A. I don't.

15:56:54

15 Q. So when you were given this four page document as a
16 journalist reading through the four pages would probably take you
17 ten minutes. When you read - do you remember reading that large
18 paragraph on the first page?

19 A. Yeah, I think I do remember that.

15:57:16

20 Q. When you read it with your journalistic eyes, did you not
21 think, "Hey, Chris", that is Mr Santora, "This is a load of
22 nonsense here. What have they written down and attributed to
23 me?" Remember you're a journalist, somebody who wouldn't allow
24 lies, one would expect, to remain in a report, particularly one
25 attributed to him. So what did you say to Mr Santora about it?

15:57:42

26 A. Well, what I do know and what I do remember, counsel, is
27 this: I do not remember saying October 1999.

28 Q. I know. You have told us that. What did you say to
29 Mr Santora about it?

1 A. I don't honestly remember the context of the conversation.

2 I do remember going over some documents that had to do with --

3 Q. Mr Bility, did you say to Mr Santora, "Take this part out,
4 along with those '99 dates. It's absolute rubbish"? Did you say
15:58:22 5 that to him?

6 A. Counsel, if I had seen this I would tell them exactly.

7 Q. How could you have missed it?

8 A. How could I? I believe I made some corrections over
9 there --

15:58:42 10 Q. Yes, you did.

11 A. -- but I am not sure how this remained.

12 Q. So why did you not correct this?

13 A. I am not sure how it remained because this is not a date
14 that The National was open. The National was shut down in
15:58:54 15 January 1998.

16 Q. No, no, no. You are not answering the question. You keep
17 telling us that. How did you miss these blatant untruths in a
18 statement attributed to you, a journalist? How did you do it?

19 A. I don't know how.

15:59:19 20 Q. Unless of course they were true, or at least that was what
21 you told them. Do you follow me?

22 A. Yes, I do.

23 Q. Perhaps that's why in September 2004 you didn't correct
24 them; because you knew you had said it. Is that a possibility?

15:59:40 25 A. No, counsel.

26 Q. Is that a possibility, Mr Bility?

27 A. No, counsel.

28 Q. Are you sure?

29 A. I am positive.

1 MR SANTORA: Asked and answered.

2 PRESIDING JUDGE: He has answered the question,
3 Mr Griffiths.

4 MR GRIFFITHS:

16:00:09 5 Q. Can we just quickly, please, put up the second page of
6 that?

7 PRESIDING JUDGE: Of which, Mr Griffiths? Of the second
8 interview?

9 MR GRIFFITHS: Of this first interview that we are on and I
16:00:27 10 am just interested in the top four lines:

11 Q. Having dealt with that first account that you gave of
12 writing an article, you go on to say: "Bility wrote an article
13 in January 1998 titled 'S-t-o-p' after Taylor had told
14 journalists to stop writing mischievously."

16:00:55 15 Is that right?

16 A. In 1998?

17 Q. In January 1998, that's what it says. Is that correct,
18 that you wrote the "S-t-o-p" article?

19 A. Right, I did write the "S-t-o-p" article which was actually
16:01:12 20 the last article when --

21 Q. Did you write it in January 1998?

22 A. I believe I did.

23 Q. Now, Mr Bility, I will tell you what we will do now,
24 please. Let's just have on one side the first page, if we can,
16:01:25 25 and also just have that second page at the same time. It might
26 be difficult to do it because it is double-sided and so what I
27 will do is, can we borrow Mr Taylor's copy - we have got a spare
28 clean copy. I am grateful. Can we have up, please, page 1 and
29 page 2 alongside each other, just so that we see the sequence,

- 1 okay? Now, I want it like that for this reason: On page 1 you
2 are talking about who is the Judas in ECOMOG and you speak of
3 being arrested and re-arrested. You then go straight on in the
4 narrative to January 1998 and you mentioned "S-t-o-p". What is
16:03:20 5 missing in between, Mr Bility?
- 6 A. Is that a question?
- 7 Q. Yes, please.
- 8 A. I can't - it is not very legible to me, counsel.
- 9 Q. We see an account about who is the Judas in ECOMOG?
- 16:03:43 10 A. Last paragraph, page 1?
- 11 Q. Page 1.
- 12 A. Okay.
- 13 Q. First full paragraph page 2, we go straight to "S-t-o-p" in
14 January 1998?
- 16:03:54 15 A. Right.
- 16 Q. What is missing in between those two events?
- 17 A. In terms of what, counsel?
- 18 Q. In terms of what happened to you?
- 19 A. There are two other incidents that aren't there.
- 16:04:09 20 Q. Exactly. Where is the mention in this sequence of "Who is
21 the government supporting?" Believe me, trust me, take my word
22 on this --
- 23 A. Right.
- 24 Q. -- there isn't a single mention of that in that interview.
- 16:04:26 25 A. Okay.
- 26 Q. Why is it missing?
- 27 A. I don't know. Why is it?
- 28 Q. Is it because you weren't arrested? Why does this sequence
29 go straight from "Judas" to "S-t-o-p" with no mention of

1 government supporting? Why?

2 A. Okay, I think this is why: In terms of the sequence there
3 were - in terms of these arrests there were two major arrests
4 that I, you know, was made to meet the President, Charles Taylor,
16:05:01 5 so I am sure it is because of those that these two are mentioned
6 specifically because he specifically, you know, spoke with me
7 regarding those situations. That is why you see those. The two
8 in between, I didn't meet him so I am sure that is why they
9 aren't there. I mean, I answered questions based on the
16:05:23 10 investigators' either request, concern or questions.

11 Q. Come on, Mr Bility, you were giving a narrative of your
12 experience and you have missed out one of the most important
13 episodes. Why?

14 A. What was the most - what was one of the most important
16:05:43 15 episodes, counsel?

16 Q. Well, just a small matter of being arrested, beaten for
17 publishing an article called "Who is the government supporting?"
18 Just a little matter like that, you know, with blood coming out
19 of your ears?

16:05:57 20 A. Right, this is what I am saying, counsel. I believe the
21 Prosecutors were - I mean the investigators were interested in my
22 personal interaction with President Charles Taylor regarding what
23 he might have said to me. These don't include instances where I
24 didn't meet him. So the difference here is that these two
16:06:18 25 instances are instances where I was made - I met with the
26 President, Charles Taylor, and the other two absent instances
27 were instances that I did not meet with him.

28 Q. So, Mr Bility, who do you think on your understanding had
29 ordered your arrest on all the other occasions?

1 A. Who had ordered my arrest?

2 Q. Yes, who did you think had done it?

3 A. I think the President himself had ordered my arrest and --

4 Q. Fine.

16:06:52 5 A. And the director of police at the time, Joseph B Tate,
6 might have ordered my arrest to, you know, later inform the
7 President, whatever it was. But I do believe that the President
8 did order a number of my arrests.

9 Q. Yes, but given that it's the President who is ordering all
16:07:20 10 these arrests, surely - and you are talking about him - mention
11 all of them. Why not?

12 A. Well, I answered questions, concerns based on the
13 Prosecutors - I mean the investigators' concern. I mean
14 questions regarding my personal interaction with President
16:07:40 15 Charles Taylor. Now you note here that the two other arrests
16 between it weren't there because I hadn't had contacts with
17 President Taylor during those arrests.

18 Q. So that if we put this all together, in this first
19 interview - and we can take the second page away now and can I
16:08:08 20 have that bundle back, please. So putting all of that together
21 now, in this first interview the emphasis on what Charles Taylor
22 is saying to you, he is emphasising, is he not, the contrast in
23 the way in which certain powerful countries are able to behave,
24 yet Liberia, a small country, is unable to behave in the same
16:09:06 25 way. That's the emphasis you're putting on it here, isn't it?

26 A. Well, in that interview - I mean in that interaction there
27 was emphasis placed on a different - a variety of different
28 things.

29 Q. No, no, no, I am talking about what is recorded on this

1 page. The emphasis in that page is, "Taylor commented that these
2 countries, the United States and Britain, think they can sit at
3 home and control Liberia. These countries are able to go on
4 pre-emptive strikes to invade countries", "strikes" is my word,
16:09:47 5 "when they have national security at stake, but when we have such
6 a problem they do not want us to do this. Taylor made the remark
7 'We are not only in Sierra Leone to help the RUF'?"

8 So the emphasis there is his feeling of grievance that the
9 United States and Britain can go off invade Afghanistan, Iraq,
16:10:12 10 get away with it, but so far as Liberia is concerned they can't
11 take equal action. That was his emphasis, right?

12 A. No, sir.

13 Q. But that is the emphasis recorded on this page, isn't it?

14 A. I don't think so, sir. I think the emphasis was more on
16:10:34 15 justifying --

16 Q. Mr Bility, you are quite deliberately trying to
17 misunderstand my question. I am not interested in what you now
18 say he in fact said. I am interested in what is recorded in the
19 plain black and white of this page and on this page that is the
16:10:58 20 emphasis, isn't it?

21 A. Your Honour, could you allow me to expand on that? I don't
22 believe that that was the emphasis.

23 PRESIDING JUDGE: Well, explain why you say that, or
24 explain your answer.

16:11:14 25 THE WITNESS: Those were written words, but his emphasis
26 was on Sierra Leone justifying his being in Sierra Leone, and
27 mentioning Britain and the United States were only just to show
28 that other people can do it, but I believe that the emphasis was
29 on the RUF and Sierra Leone. That is why I say that.

1 MR GRIFFITHS:

2 Q. Yes, but help me: Is that an answer to my question,
3 Mr Bility? On this page, have a look, take your time and read
4 that paragraph. In fact, what we will do is, let's read what you
16:11:57 5 told the investigators then and let us re-read what you told us
6 on Monday:

7 "Taylor was trying to justify his involvement with the RUF
8 in Sierra Leone. Taylor went on to say that the United States
9 and Britain think they can sit at home and control Liberia.

16:12:16 10 Taylor commented that these countries are able to go on the
11 pre-emptive to invade countries when they have national security
12 at stake, but when we have such a problem they do not want us to
13 do this. Taylor made the remark 'We are not only in Sierra Leone
14 to help the RUF'."

16:12:38 15 Contrast that with this, Monday's vintage:

16 "Well, President Taylor came forward and spoke with me and
17 warned me to desist from writing what he thought were
18 publications or articles designed to undermine his government and
19 expose it to ridicule, and he also said that he was averse to me
16:13:02 20 against continuing to publish stories, you know, of that nature
21 and he said whatever was, you know, going on between him -
22 between Mr Taylor and the Revolutionary United Front was nobody's
23 business. He also did mention that he didn't pick on anybody.
24 It was the government with the government then in Sierra Leone,
16:13:24 25 then headed by President Ahmad Tejan Kabbah, collaborating with
26 ECOMOG that attacked him - that picked on him - so he didn't
27 think that anybody could twist the hands of the RUF and in his
28 opinion the RUF was fighting, that is the Revolutionary United
29 Front, was fighting a just war."

1 Can you see any difference between those two accounts of
2 the conversation?

3 A. I don't see. I would obviously like to see the transcript,
4 because I did say that President Taylor told me many things
16:14:06 5 amongst them so --

6 Q. And you did say that.

7 A. Right, but I didn't --

8 Q. You talked about a wide range of issues was what you said
9 and I admit that.

16:14:15 10 A. Exactly and I did not explain everything that he said.

11 Q. Yes, but, Mr Bility, the point is this --

12 A. I am coming to the point.

13 Q. When you were seeing the investigators you knew you were
14 talking about Taylor, yet you considered that to be relevant then
16:14:32 15 and then all of a sudden now you are in this court facing the man
16 you are accusing, all of a sudden the emphasis shifts. Why?

17 A. The emphasis does not shift as far as my explanation is
18 concerned. I - what you look at as a difference I am not sure
19 that it is a difference. It is - it is - parts of the statements
16:14:58 20 that President Charles Taylor made to me so, as I said, unless
21 you can produce a document that says that everything I have just
22 said today, or I just said, then was all that the President says
23 of course then I will agree with you, but he said - he spoke on a
24 wide range of issues and amongst them were A, B, C, D.

16:15:23 25 Q. Yes, but let's just add up what the differences are between
26 the account you gave in November 2003 and the account you give
27 now. One, I suggest, there appears to be a difference in
28 emphasis in what you report Mr Taylor as saying; secondly, the
29 conversation takes place in two completely different places. In

1 your account now it is at the NPP HQ. In your account then it
2 was at the German embassy. Also, when it took place has changed.
3 Then you are arrested and re-arrested within a week. Now you are
4 arrested and it is months later that you were arrested again for
16:16:13 5 the second time.

6 Further, no suggestion you spoke to Charles Taylor after
7 this - after the first arrest in this account you give in the
8 first interview. Further, there is no mention of the NPP HQ.
9 Further, there is no mention of Varmuyan Sherif. Further, there
16:16:39 10 is no mention of "Who is the government supporting?" Why are
11 there all these differences between the two accounts of what is a
12 very simple event? Why?

13 A. I will say this, counsel: When I first spoke with the
14 Prosecutors in 2003 in New York the focus - my focus was on the
16:17:07 15 ongoing - was on the RUF trial, so questions that I answered in
16 that regard were more on the RUF. Now, this is not - you know,
17 this is my opinion. It is not painting all of the pictures
18 unless if the - if you, learned counsel, say that what is in here
19 in the 2003 interview is everything that I said, but there is no
16:17:42 20 place here that says that.

21 So I still say that my - this testimony is exactly what
22 happened and the German embassy question, there was no German
23 embassy and I lived in Monrovia, so I know there was no German
24 embassy at the time so I didn't say that. That must have been a
16:18:05 25 mistake in the recording and those that I have pointed out I
26 believe were also mistakes in the recording. So the two trials,
27 Freetown, RUF, focus RUF activities. Charles Taylor's trial
28 later. This one focus on this one. So if there were comments or
29 if President Taylor made comments and the investigators were

1 talking to me regarding that, they would want to know exactly
2 what President Taylor said. If the RUF - you know, if I saw an
3 RUF person, or they did something and I was making comment on
4 that, obviously I would focus such comments on the RUF. So I
16:18:52 5 have since spoken with the Prosecution to tell them, base some of
6 the notes that were shown me, to tell them "Oh, this is - I think
7 this is inaccurate, this is inaccurate, and these are a
8 combination of inaccuracies in the recording."

9 So if there were a taped recorded version, okay, that would
16:19:15 10 be different, but I sincerely and honestly believe that most of
11 these recordings were, you know, were done in a way that resulted
12 to inaccuracies in these.

13 So now coming to your difference, the first - this page and
14 that page, the absence, what is absent is the second and third
16:19:38 15 arrest during which time I did not see President Charles Taylor.
16 My guess is - my opinion is - the Prosecution at the time
17 interest was not in whatever - whenever I didn't see him their
18 interest was in - the interest were in when I did see him or
19 comments that he made, because they weren't going to hold Joseph
16:20:01 20 Tate who was deceased responsible, or Benjamin Yeaten who was
21 another man responsible for something that he didn't do, he,
22 President Charles Taylor didn't see or do. So that is the
23 answer, learned counsel, that I have to give regarding that.

24 Q. Very well. Well, help me with this: How is it that you
16:20:28 25 came up with a third completely different account? Have a look
26 behind divider 9. Do you remember me showing - don't take the
27 page out just yet. Do you remember me showing you that page
28 yesterday and you accepting that that handwriting is yours?

29 A. Yeah.

1 Q. Turn to page 13, please. Page 13. Can we put it on the
2 overhead.

3 "October 20th '97 Taylor said to me, 'If I thought his
4 government could not remove Kabbah then I must be from an alien
16:21:32 5 continent. I have the best ground force in West Africa and
6 Kabbah wants to try me. I will make sure his government does not
7 stay in power; tell him or tell America.' He also added he would
8 do everything including supporting the RUF, to unseat Kabbah.

9 I had been arrested and taken to" guess where? "The NPP
16:21:58 10 headquarters for publishing a front page story titled: "In
11 Sierra Leone who is the Government of Liberia supporting?"

12 A third and different account.

13 Now, let us have another look at this. This is 1997, and
14 according to you Taylor is saying 'If I thought his government
16:22:25 15 could not remove Kabbah', Kabbah is in Guinea. He has already
16 been removed. So why would he be saying to you at this meeting,
17 if such meeting took place, "I can remove Kabbah"? Why would he,
18 can you help us?

19 A. Yeah, I guess.

16:22:47 20 Q. I am glad you find it amusing, Mr Bility.

21 A. I believe that President Taylor made these comments because
22 he felt and/or thought - I am not insinuating from, that is my
23 conclusion - he had assisted in the removal and/or overthrow of
24 Tejan Kabbah's government and as such he is making a comment
16:23:23 25 that, you know, if Kabbah thought that he couldn't remove him or
26 he couldn't get him out of there he was probably joking, so --

27 Q. No, no, no, not if Kabbah thought. Look at it. "If I
28 thought his government" - he is talking to you. "He said to me,
29 'If I thought his government' " --

1 A. Uh-huh, "Could not remove Kabbah."

2 Q. "Could not remove President at Kabbah." So he is not
3 talking about what Kabbah thought, he is talking about what you
4 thought?

16:23:58 5 A. Right.

6 Q. So why didn't you say to him, "President, I am not thinking
7 that"?

8 A. No, I understand perfectly. I am just interpreting some of
9 the comments that were made then. Now, this is the real comment
16:24:10 10 that was made to me, that the fact or that he couldn't remove
11 Kabbah, that is perfectly correct, all right? And you're - I
12 guess, counsel, your concern is that Kabbah was already not in
13 power, but of - while it was true that Kabbah had been overthrown
14 and was in exile in Guinea, President Taylor was still concerned
16:24:30 15 that Kabbah would return. And he had --

16 Q. But look at the end of the paragraph, Mr Bility?

17 A. Yeah.

18 Q. "He also added that he would do everything including
19 supporting the RUF to unseat Kabbah", but he has been unseated
16:24:45 20 already?

21 A. Correct. He said - well, where do I start? Where is that?

22 Q. He's saying he would do it, not that he has done it.

23 A. Right. Now, this has mostly to do with - I'm sorry, it's
24 not a lecture here, but he also added that he would. The first
16:25:12 25 verb in this case which is added, my understanding of the English
26 language is that subsequent verbs or happened verbs would be in
27 the past. That's why it says he would, you know, do everything
28 including supporting the RUF. I understand he's done it, but
29 remember that added, so the subsequent verb couldn't say he has

1 done, okay? He spoke --

2 Q. No, no, but all you do is write a simple sentence, "He
3 said, 'I removed him'", and he could also go on to add, "And I
4 don't have to do it again"?

16:25:55 5 A. But remember this is not a quotation and so it's not in
6 quotation. I am reporting the speech - a statement made by him.

7 Q. Mr Bility, you're struggling, aren't you?

8 A. I am not, counsel. I perfectly understand this and I want
9 the Court to understand the way I am looking at it. Now,
16:26:12 10 President Taylor, in this case he, also added that he would - I
11 am not sure which word exactly you wanted me to place there. He
12 would.

13 Q. Well, try the words in the middle "I will make sure his
14 government does not stay in power" in the middle of the

16:26:28 15 paragraph, but he'd gone.

16 A. Right.

17 Q. He was out of power.

18 A. Of course, but I mean that is the statement, so I am
19 reporting, I am paraphrasing or reporting what he said. So in
16:26:40 20 grammatical terms, while not trying to sound condescending, this
21 is perfectly accurate. "He also added that and he would do
22 everything including supporting the RUF to unseat Kabbah." He
23 might have done it earlier and he is telling me that, you know,
24 he said that he would do it, okay?

16:27:00 25 Q. I notice there is a reference to an alien continent on that
26 page. I suggest your understanding of the English language
27 equally comes from an alien continent, because I suggest this is
28 quite plain; what you're saying here?

29 A. Right.

1 Q. And I suggest it's complete nonsense and it's a third and
2 further version from you of the very same incident. That's the
3 truth, isn't it?

4 A. Counsel, that is diametrically opposed to the truth. Now
16:27:33 5 if you look at the same paragraph, "I will make sure his
6 government does not stay in power", President Taylor understood
7 that though President Kabbah was in exile and overthrown the West
8 African community was interested and was doing everything
9 possible to make sure that Kabbah was reinstated.

16:27:52 10 Now, this could be interpreted two different ways. Even if
11 Kabbah had been reinstated, as long as he remained the President
12 in Liberia he would do everything to unseat him. And he had also
13 assisted in the overthrow of Tejan Kabbah. So the English speaks
14 for itself. I do agree I am not a lawyer, but of course I do - I
16:28:16 15 mean --

16 Q. It speaks for itself but in a different language.

17 A. Well, but it is clear. I am not sure what the confusion
18 here is.

19 "I have the best ground force in West Africa and Kabbah
16:28:31 20 wants to try me. I will make sure his government does not stay
21 in power."

22 I guess the confusion comes in there. "His government does
23 not stay in power", meaning he is removed, West Africa is
24 concerned to bring him back. Even if he should come back he is
16:28:50 25 not going to stay. Sworn enemy, period.

26 Second, "He also added that he would do everything
27 including supporting RUF to unseat the Kabbah government." Like
28 telling me, for example, "I told you I will do everything to
29 unseat the Kabbah government", so if I am reporting that not in

1 direct quotation, counsel, what verb do you think I should use
2 here? Past? Present? I think that remains a question of
3 diction and my choice as a writer to determine exactly how to
4 phrase that to have that understood and that is exactly what I
16:29:25 5 did there.

6 Lastly, these were personal notes, you know, some of which
7 I wrote in taxis, you know, stuff like that, after the dates and
8 stuff like that.

9 PRESIDING JUDGE: Mr Griffiths, Mr Witness, we have come to
16:29:39 10 the end of the tape and we are not able to continue with further
11 questions at this time. We will have to continue tomorrow.

12 Mr Witness, as you are aware we adjourn at 4.30 and we will
13 be doing that now. We are adjourning until 9.30 tomorrow and I
14 again remind you that you are under oath and you must not discuss
16:29:58 15 your evidence with anyone else. Do you understand?

16 THE WITNESS: Thank you, your Honour.

17 PRESIDING JUDGE: Thank you, Mr Witness. Please adjourn
18 court until 9.30 tomorrow.

19 [Whereupon the hearing adjourned at 4.30 p.m.
16:30:13 20 to be reconvened on Thursday, 15 January 2009
21 at 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY 22484

CROSS-EXAMINATION BY MR GRIFFITHS 22484