



Case No. **SCSL-2003-01-T**

**THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR**

THURSDAY, 14 JANUARY 2010
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

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

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Morris Anyah
Mr Terry Munyard

1 Thursday, 14 January 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:30:04 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

7 MS HOLLIS: Good morning, Mr President, your Honours,
8 opposing counsel. This morning for the Prosecution, Brenda J
9 Hollis, Mohamed A Bangura, Christopher Santora and we are joined
09:31:26 10 by our case manager Maja Dimitrova.

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

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

09:31:41 15 PRESIDING JUDGE: Thank you. I think before we call on the
16 Prosecution to continue the cross-examination we should determine
17 where we stand in terms of sitting tomorrow. As indicated
18 yesterday, the Chambers contemplate sitting tomorrow to make up
19 for the time lost because of the problems with technology that
09:32:13 20 we've experienced during the week. However, we are not going to
21 make any order until we hear from the parties.

22 What's your attitude, Ms Hollis?

23 MS HOLLIS: Mr President, of course we are quite willing to
24 sit tomorrow. We would ask your Honours if at all possible to
09:32:34 25 consider sitting no longer than until 3 o'clock as there is an
26 appointment that I have tomorrow at 4 that I had made in October
27 and it may take some time to reschedule that, but if your Honours
28 choose to sit the entire day then of course we are most happy to
29 do that.

1 PRESIDING JUDGE: Thank you. What's the Defence position,
2 Mr Griffiths?

3 MR GRIFFITHS: It does cause us real difficulties to this
4 extent, Mr President: Firstly, I have a long-standing medical
09:33:06 5 appointment in London at 9.30 tomorrow morning and as a
6 consequence had booked a flight to return to London this evening.
7 Secondly, Mr Taylor has a family visit scheduled - a
8 long-standing family visit scheduled for tomorrow and of course,
9 he normally being in court Monday through Thursday, Friday is the
09:33:29 10 only day where he can accommodate such a visit. So again that
11 would cause him some difficulties.

12 PRESIDING JUDGE: All right. Thank you.

13 [Trial Chamber conferred]

14 PRESIDING JUDGE: Well, as I have already said, the Trial
09:33:57 15 Chamber had contemplated sitting on Friday, which is outside the
16 normal court schedule, but after hearing from the parties the
17 Trial Chamber of course recognises that the delays caused by the
18 technical problems experienced this week were not the fault of
19 the parties.

09:34:19 20 The Trial Chamber also recognises that it's not
21 unreasonable for the parties to have made pre-existing
22 commitments which were arranged in the expectation that the
23 normal court schedule would prevail this week. So in the
24 circumstances the Court will not interfere with the current order
09:34:45 25 and will not sit tomorrow.

26 Now, Mr Taylor, once more, you are going to be asked some
27 questions. I remind you are still bound by your oath to tell the
28 truth.

29

1 DANKPANNAH DR CHARLES GHANKAY TAYLOR:

2 [On former affirmation]

3 CROSS-EXAMINATION BY MS HOLLIS: [Continued]

4 Q. Good morning, Mr Taylor.

09:35:06 5 A. Good morning.

6 Q. Mr Taylor, you recall on Monday we were looking at the
7 benefits that the RUF had received through the Lome Peace
8 Agreement and we were referring to provisions of the Lome Peace
9 Agreement which is found at tab 10 in annex 4 of the materials

09:35:27 10 provided by the Prosecution. You remember us talking about
11 various provisions of that peace agreement, Mr Taylor?

12 A. Yes, I remember us talking about - I remember you reading
13 portions of the agreement.

14 Q. And if we could have that agreement for one last Article of
09:35:53 15 the agreement. Again, that is tab 10 in annex 4. Mr Taylor, you
16 recall on 16 November we had talked about the guarantee of
17 amnesty that was included in the Lome Peace Agreement. Do you
18 recall talking about that on 16 November?

19 A. That is correct.

09:36:22 20 Q. And if we actually look at the Lome Peace Agreement, we see
21 that that amnesty and pardon provision are found at Article IX of
22 that peace agreement under "Other Political Issues" in Part 3.
23 Do you see that, Mr Taylor?

24 A. It's just come here. Just one minute.

09:37:00 25 Q. "Article IX, Pardon and Amnesty"?

26 A. Yes, I see that portion.

27 Q. And in subpart 1 we see:

28 "The Government of Sierra Leone shall take appropriate
29 legal steps to grant Corporal Foday Sankoh absolute and free

1 pardon."

2 Correct?

3 A. That is correct.

4 Q. And number 2:

09:37:23 5 "The Government of Sierra Leone shall also grant absolute
6 and free pardon and reprieve to all combatants and collaborators
7 in respect of anything done by them in pursuit of their
8 objectives, up to the time of the signing of the present
9 agreement."

09:37:41 10 Do you see that?

11 A. I do see that.

12 Q. And then if we look at subpart 3:

13 "The Government of Sierra Leone shall ensure that no
14 official or judicial action is taken against any member of the
09:37:55 15 RUF/SL, ex-AFRC, ex-SLA or CDF in respect of anything done by
16 them in pursuit of their objectives as members of those
17 organisations, since March 1991, up to the time of the signing of
18 the present agreement."

19 Do you see that language also, Mr Taylor?

09:38:20 20 A. I see that language.

21 Q. "In addition, legislative and other measures necessary to
22 guarantee immunity to former combatants, exiles and other persons
23 currently outside the country for reasons related to the armed
24 conflict shall be adopted, ensuring the full exercise of their
09:38:39 25 civil and political rights, with a view to their re-integration
26 within a framework of full legality."

27 So, of course, Mr Taylor, by this Article, there was a
28 blanket amnesty for acts committed during the course of that war
29 in Sierra Leone up to the signing of the Lome Peace Agreement,

1 correct?

2 A. Well, this is my understanding of that, yes.

3 Q. Thank you. So if we look at the benefits that accrued to
4 the RUF and indeed also to the AFRC as a result of this Lome

09:39:19 5 Peace Agreement, the benefits were several, were they not?

6 A. You and I have had disagreements on benefits. In my
7 opinion, as I sat with other Heads of State, we looked at this as
8 a win-win situation. So we have disagreement on benefits. I do
9 not agree with you that there are benefits accrued. It's a

09:39:39 10 win-win from my perspective.

11 Q. And the Government of Sierra Leone received one primary
12 concession from the RUF, isn't that correct; that the RUF would
13 recognise the Government of Sierra Leone, a government that had
14 been elected over three years previously? Correct, Mr Taylor?

09:39:55 15 A. Well, no, I would disagree, that's not the only concession
16 that the Government of Sierra Leone got. You know, like I say, I
17 look at this as a win-win situation. We can get into - but I
18 disagree with you that it was only one. For me, ceasefire,
19 stability, peace are all benefits on the side of the government.
09:40:18 20 Stability, peace all are benefits on the side of the RUF. So to
21 say that there was only one benefit, I would disagree.

22 Q. Now, Mr Taylor, as we have looked at various provisions of
23 this peace agreement relating to the endeavours required on
24 behalf of the Government of Sierra Leone, to the benefit of the
09:40:41 25 RUF/SL, and in some instances the AFRC, in order to ensure that
26 those benefits were provided by this peace agreement, you had
27 sent a negotiating team to take part in the Lome negotiations and
28 they were in place by April 1999, isn't that correct?

29 A. Well, no. You see, you have asked me a multiple of

1 questions. I would please ask you to limit it to a question at a
2 time because there are questions and there are also assumptions
3 in your - so I don't want to mislead the Court. So what are your
4 questions? Let's take it one by one. Number one, did I send a
09:41:27 5 delegation --

6 Q. Well, let me ask them one by one. Fair enough comment on
7 your part, Mr Taylor. You did send a permanent negotiating team
8 to take part in the Lome negotiations, correct?

9 A. I sent an observation team to Lome headed by Mrs Cooper.

09:42:04 10 Q. And that team that you sent was in place by April 1999,
11 correct?

12 A. Yes, the team that I sent, yes.

13 Q. Now, perhaps it would assist if we take a look at what you
14 told this Court on 12 August in relation to this team that you
09:42:23 15 sent, 12 August at page 26551. If we could show that. Is that
16 on the screen? It's 12 August '09 at 26551.

17 PRESIDING JUDGE: It's on the screen now, Ms Hollis.

18 MS HOLLIS: Thank you:

19 Q. Now, Mr Taylor, if we look beginning at line 3 where you
09:43:13 20 are giving an answer to a question posed by your counsel. You
21 mentioned, "Sierra Leone, as I have just mentioned before," and
22 you talk about the issue talking about a ceasefire and you say:

23 "Let's just clarify. We are looking here at June and let's
24 remind ourselves that the delegations are in Lome as of April.
09:43:41 25 Between the middle to the end of April they are there and they
26 take most of April and May and hammer out first of all a
27 ceasefire agreement. And may I just mention sadly, may peace be
28 unto her, the former Foreign Minister of Liberia, D
29 Musuleng-Cooper - that name has been through, just died about a

1 month ago in Liberia - was present. I had - Liberia had a
2 permanent negotiating group in Lome as of April and my former
3 Foreign Minister - the former Foreign Minister, like I said,
4 Mrs Cooper was there."

09:44:25 5 Now, that's what you said to this Court on 12 August;
6 correct, Mr Taylor?

7 A. That's exactly what I told this Court, yes.

8 Q. And you had this permanent negotiating group in place in
9 Lome to ensure that the RUF and the AFRC received the maximum
09:44:41 10 benefit of these negotiations, did not you not, Mr Taylor?

11 A. No. No, that's not why they were there.

12 Q. Because, Mr Taylor, when they benefitted from these peace
13 negotiations you would also benefit, isn't at that correct?

14 A. That's totally nonsense. The negotiations, your Honours,
09:45:00 15 that were conducted - there were only two parties negotiating:
16 The Government of Sierra Leone and the RUF were negotiating.
17 Liberia had a team there; Nigeria had a team there; Lome had a
18 team there only to assist these people negotiate. Others do not
19 negotiate for peace. There were only two parties negotiating.

09:45:23 20 So your assertion that the presence of my delegation, or the
21 Nigerian delegation, or the Togolese delegation - and I am saying
22 this because to assume that my delegation were there specifically
23 because of self-interest, as is being alluded to, is ludicrous.
24 No. There were only two parties negotiating: the Government of
09:45:44 25 Sierra Leone and the RUF, and all other groups that were there,
26 including the United Nations, were there to assist the process.
27 This is what happened.

28 Q. Now, Mr Taylor, you - I would also like, in regard to the
29 characterisation of the group that you sent to Lome as a

1 permanent negotiating group - your characterisation as a
2 permanent negotiating group - I would also like to refer you to
3 MFI-132, which is DCT-55. It is a press release. That was tab
4 44 in binder 1 of 4 for week 33. Do we have that? And you see,
09:46:49 5 Mr Taylor, this is a press release, Republic of Liberia Ministry
6 of State for Presidential Affairs, Executive Mansion?

7 A. That is correct.

8 Q. Executive Mansion, Monrovia, Liberia. Thursday, May 4,
9 2000. And if we look at the fourth paragraph of that press
09:47:10 10 release, we see the following:

11 "Mrs Musuleng-Cooper served as special envoy and chief
12 negotiator at the Lome Conference last July, which brought about
13 the peace agreement on Sierra Leone."

14 That was a press release from the Executive Mansion in May
09:47:32 15 2000, correct, Mr Taylor?

16 A. That is - I am not sure if it's from the Executive Mansion,
17 but this is be an official Liberian government statement, yes.

18 Q. Well, the heading says, "Republic of Liberia, Ministry of
19 State for Presidential Affairs, Executive Mansion."

20 A. Yeah, but I'm not --

21 Q. And then we see "Executive Mansion, Monrovia, Liberia.
22 Thursday, May 4, 2000."

23 A. Yes. Excuse me, counsel, the reason why I answered that
24 way, I am not looking at the top from my - from the screen, but
09:48:01 25 I --

26 Q. Sorry. Are you able to see the top? Could you pull that
27 down, please.

28 A. Okay. Now I can see it, yes. Yes.

29 Q. Now, Mr Taylor, your negotiating team being in place in

1 Lome as of April 1999, your team had ample time to consult with
2 the RUF representatives and with Foday Sankoh, did it not?

3 A. Of course it did. It had ample time and it did.

09:48:41 4 Q. Now, Mr Taylor, we also spoke on 16 November about the
5 blanket immunity for all acts and crimes committed during the
6 period December 1989 to August 2003 that was put into law in
7 Liberia. Do you recall us talking about that?

8 A. Yes, we did speak about it, yes.

09:49:04 9 Q. And you indicated that indeed you did recall that Act, but
10 you weren't sure about the date that the amnesty went into
11 effect, correct, Mr Taylor?

12 A. That is correct.

13 Q. And if we could please look at tab 56 in annex 3.

14 Madam Usher, if you could just provide that document to
09:50:10 15 Mr Taylor for a moment and allow him to look at the document
16 itself.

17 A. Yes.

18 Q. Mr Taylor, this is this Act granting immunity from both
19 civil and criminal proceedings. This is the Act that we were
09:50:39 20 talking about on 16 November, correct?

21 A. Well, I am not sure if this is the Act that you were
22 talking about, but this is the Act that of the passed by my
23 government.

24 Q. Was there more than one Act to grant immunity from both
09:50:55 25 civil and criminal proceedings passed by your government,
26 Mr Taylor?

27 A. This is the Act passed by my government.

28 Q. And we see that it was approved 7 August 2003, correct? We
29 see that on the first page?

1 A. That is correct.

2 Q. We also see that it was published by authority, Ministry of
3 Foreign Affairs, Monrovia, Liberia, August 8, 2003. Do you see
4 that, Mr Taylor?

09:51:15 5 A. That is correct.

6 Q. And then if we look at the second page and the final page,
7 they also set forward the provisions of this Act of immunity from
8 both civil and criminal proceedings, correct?

9 A. That is correct.

09:51:31 10 Q. And then on the very last page it says, "This Act shall
11 take effect immediately upon the publication in hard bill";
12 correct?

13 A. That's what it says. That is correct.

14 Q. And on page 1 where it says "published by authority" and
09:51:50 15 the date is given August 8, 2003, Mr Taylor, does this constitute
16 this publication in hard bill?

17 A. Could you ask that again?

18 Q. Yes. Where, in the last page, it says, "This Act shall
19 take effect immediately upon the publication in hard bill", and
09:52:11 20 if we look at the front, we see that it was published by
21 authority Ministry of Foreign Affairs, August 8, 2003, now, does
22 that constitute publication in hard bill?

23 A. Yes, August 8, that is correct.

24 Q. So then it took effect on 8 August 2003?

09:52:32 25 A. That is correct.

26 Q. And if we look at the last page, it says that it shall take
27 effect immediately upon the publication in hard bill, any law to
28 the contrary notwithstanding; correct?

29 A. That is correct.

1 Q. So, Mr Taylor, just as the RUF and the ex-AFRC benefitted
2 from a blanket immunity under the Lome Peace Agreement, so too
3 you and the NPFL and the other combatants in the conflict in
4 Liberia benefitted from this grant of immunity from both civil
09:53:14 5 and criminal proceedings, correct?

6 A. Well, yes, and that is not unique. If you look at the
7 constitution of Liberia, 1986 constitution, the People's
8 Redemption Council government were all granted blanket immunity
9 in 1986 under the constitution of Liberia. The granting of
09:53:34 10 immunity by my government is not unique, so I would say yes.

11 1861 Andrew Jackson in the United States granted immunity after
12 the Civil War. The French have granted immunity. So there is
13 nothing unique about it and my government was not - the Doe's
14 government granted immunity, my government did. But

09:53:51 15 your Honours, I don't want to waste time before counsel
16 interrupts again. All agreements from Cotonou and the - in the
17 Republic of Liberia call for amnesty all the way to the August
18 agreement in Accra that brought the National Unity government.
19 So there is nothing unique about this. So my answer to this is

09:54:16 20 yes, but it's not unique because a few years before that, the
21 People's Redemption Council government of Master Sergeant Samuel
22 Doe granted full immunity, and all parties in Liberia have always
23 advocated this. So I would say yes.

24 Q. Mr Taylor, that's well beyond the question that I asked.
09:54:32 25 But have you finished with your - what you were telling the
26 Judges?

27 A. I have answered your question.

28 Q. Now, Mr Taylor, if we look at section 1, which is on the -
29 begins on the second page where it grants from both civil and

1 criminal:

2 "Immunity hereby granted from both civil and criminal
3 proceedings against persons, officials of government,
4 representatives of warring factions, and combatants within the
09:55:07 5 jurisdiction of the Republic of Liberia."

6 And if we look at that language --

7 A. I am trying to see the portion, counsel, you are referring
8 to. Where?

9 Q. If you could move it so that section 1 is completely shown
09:55:21 10 on the screen, please. It begins at the bottom there. You see
11 that now, Mr Taylor?

12 A. Yes, yes.

13 Q. "Immunity hereby granted from both civil and criminal
14 proceedings", and then it shows the groups that benefit from the
09:55:39 15 immunity: "Persons, officials of government, representatives of
16 warring factions". And then if we go to the next page, "... and
17 combatants within the jurisdiction of the Republic of Liberia".
18 So, Mr Taylor, this grant of immunity would also cover the
19 actions of the RUF personnel who came with Sam Bockarie to
09:56:13 20 Liberia, would it not?

21 A. Well, I am not a lawyer and the legislature passed this. I
22 would probably need legal guidance on this. But my best response
23 to you is that the Act says exactly what it says here; that
24 individuals that committed crimes within the territorial confines
09:56:31 25 of Liberia will be granted immunity. And I, not being a lawyer,
26 would assume that it has to do with Liberian citizens, but I am
27 not a lawyer. This Act was drafted by the legislature. Lawyers
28 went through it, and I don't think the Court would benefit from
29 me trying to speculate as to the legal meaning of something here.

1 I do not want to speculate, but it says what it says.

2 Q. Well, actually, Mr Taylor, this Act was sent to the
3 legislature by your executive, isn't that correct?

09:57:05 4 A. Presidents don't write Acts, counsel. You should know
5 that --

6 Q. You sent the Act to the legislature for them to enact it;
7 isn't that correct?

8 A. That's what I am saying, counsel. Presidents don't write
9 bills: Lawyers do; legislatures do. The President recommends.
09:57:16 10 The President may be involved, but the legal language is left to
11 lawyers.

12 Q. And those were lawyers within the executive. Your
13 executive; isn't that correct, Mr Taylor?

14 A. It still doesn't make me a lawyer. It still doesn't --

09:57:27 15 Q. No one said that you were --

16 JUDGE SEBUTINDE: Ms Hollis, to be fair to the witness, if
17 you look at the - there are several "whereases". The fifth
18 "whereas" - the fifth "whereas" of this Act does, in a way,
19 define what warring factions are, and that alludes to the NPFL,
09:57:49 20 AFL, ULIMO-J, ULIMO-K, LPC, Lofa Defence Force. Might that give
21 you an indication as to who the warring factions --

22 MS HOLLIS: Had it not been for "representatives of warring
23 factions", that would have, Madam Justice. But the reason that I
24 asked the question was because of the language, including
09:58:10 25 "representatives of warring factions".

26 THE WITNESS: Well, your question would mean that you're
27 trying to say that RUF was a warring faction in Liberia, which it
28 was not.

29 MS HOLLIS:

1 Q. Mr Taylor, if you remember my question, I said the Act
2 would cover members of the RUF that came with Sam Bockarie to
3 Liberia, and you have talked about those men and what happened
4 after they came to Liberia, haven't you?

09:58:31 5 A. No, we have talked about them becoming Liberian citizens,
6 so it would still cover citizens of the Republic of Liberia.

7 Q. Now, Mr Taylor, let's get back to this bill - this Act.
8 And it is correct, is it not, that this Act was sent to the
9 legislature by your executive?

09:58:53 10 A. That is correct.

11 Q. It wasn't drafted by the legislature, was it?

12 A. No one said it was drafted, but the - no President sends a
13 bill to the legislature and it remains in its form. In Liberia,
14 and I am sure because we copy a lot, I can't speak for the

09:59:12 15 United States, but there are professionals that draft bills.
16 Presidents don't - even in the United States. Bills are put
17 together by lawyers.

18 Q. Mr Taylor, let's go back to what you told the Court just a
19 few minutes ago. In my LiveNote transcript it would be on page
09:59:29 20 16 and on my LiveNote it is line 21, "But I am not a lawyer.
21 This Act was drafted by the legislature." So you told the Court
22 it was drafted by the legislature just a few moments ago,
23 Mr Taylor?

24 A. Yes.

09:59:55 25 Q. Now in fact it was drafted by your executive and sent to
26 the legislature for them to enact it into law, isn't that
27 correct?

28 A. That is not correct. My government forwarded the bill.
29 The drafting mechanism of bills, there are legislative

1 procedures. No President drafts a bill and it goes to the
2 legislature and it is just passed through. They have
3 professionals at the legislature that put it into legislative
4 language, counsel. So you can send whatever you want to the
10:00:28 5 legislature, but the drafting of the bill is actually put
6 together. The content may be from the President, but the
7 drafting is done in the legislature. They draft it and put it
8 into legislative language.

9 Q. Now, Mr Taylor, this Act was hastily sent to the
10:00:50 10 legislature for action just before you were due to leave Liberia,
11 correct?

12 A. Counsel, I really - I would answer your question, but, you
13 know, I take very serious exception. Look, the people and the
14 representatives of the Republic of Liberia and I as the
10:01:07 15 legitimate President enacted a law. Now to come before these
16 judges to talk about how fast or how slow a law went through, I
17 think it's ludicrous, okay. The representatives - the legitimate
18 representatives of the people of the Republic of Liberia passed
19 into law a bill signed by the President and all constitutional
10:01:28 20 procedures were followed. So I think it's ludicrous and even
21 insulting to suggest that there were such a rush. No.

22 Q. And it was hastily passed by the 51st legislature of which
23 your party was the majority, correct?

24 A. I said it was not hastily passed. The Liberian
10:01:47 25 representatives decided on a bill in line with our constitution.
26 There is nothing hasty about this.

27 Q. And indeed, Mr Taylor, you wanted to ensure that such an
28 immunity Act was in place in case you did decide that you would
29 truly leave the country as promised on 11 August, correct?

1 A. That is incorrect. From 1991 all transitional and other
2 governments had recommended in every peace agreement amnesty,
3 including, after I left office, the Accra Agreement that set up
4 the truth commission called for amnesty. So I don't know where
10:02:25 5 you are going with this, but this is a Liberian law that was put
6 into place. You may not like it, sorry about that, but the
7 Liberian people decided this and that's the law.

8 Q. If we could look at tab 57 in annex 3, please. It is
9 entitled "Star Radio obtains controversial immunity Act",

10:03:18 10 Wednesday, 15 July 2009. If we look at the last three
11 paragraphs:

12 "The former majority leader of the House of
13 Representatives, Sando Johnson, provided the copy of the Act and
14 said it remains enforceable. Mr Johnson confirmed that the Act
10:03:37 15 was hastily passed by the 51st legislature but said it was done
16 to protect all Liberians. The former Bomi County lawmaker said
17 the Act was sent to the legislature by the executive, then headed
18 by President Charles Taylor."

19 So Mr Sando Johnson indicated the hasty passage of this Act
10:04:03 20 by the 51st legislature, Mr Taylor?

21 A. So what do you want me to say? That's Mr Johnson's
22 opinion.

23 Q. And that was done, Mr Taylor, was it not, to ensure that
24 you would be protected - you and your subordinates and colleagues
10:04:17 25 would be protected in the event you actually left the country on
26 11 August. Isn't that correct, Mr Taylor?

27 A. I have answered. I have said no. That is totally
28 incorrect and foolish to assume that.

29 MS HOLLIS: Mr President, at this time we would ask to mark

1 certain documents for identification.

2 PRESIDING JUDGE: Yes.

3 MS HOLLIS: We would ask that the Lome Peace Agreement at
4 tab 10 in annex 4 be marked for identification.

10:05:03 5 PRESIDING JUDGE: That document is marked for
6 identification MFI-326.

7 MS HOLLIS: We would also ask that you mark for
8 identification an "Act to Grant Immunity From Both Civil and
9 Criminal Proceedings Against All Persons Within the Jurisdiction
10:05:20 10 of the Republic of Liberia From Acts Or Crimes Committed During
11 the Civil War From December 1989 to August 2003."

12 PRESIDING JUDGE: That document is marked MFI-327.

13 MS HOLLIS: And we would ask that you mark for
14 identification the article from Star Radio, "Star Radio obtains
10:05:47 15 controversial immunity Act", dated Wednesday, 15 July 2009.

16 PRESIDING JUDGE: That document is marked MFI-328.

17 MS HOLLIS: Thank you, Mr President:

18 Q. Now, Mr Taylor, on Monday we were talking about the
19 comments that you had made to your fellow African leaders in
10:06:22 20 Accra on 4 June 2003 and the timing of certain events in
21 Monrovia, including the shelling of Monrovia and the shelling of
22 the Greystone compound. Do you remember that, Mr Taylor?

23 A. Yes, I do.

24 Q. And at various times during our talking about this topic
10:06:43 25 you indicated to the Court quite fairly that you would like to
26 have your memory refreshed on your prior testimony, on the
27 testimony you gave about the Greystone killing and when it
28 occurred and in general about what you had said about the
29 shelling of Monrovia. Do you recall making those comments?

1 A. Yes, I do.

2 Q. And of course that was a very fair request on your part.

3 So perhaps it would assist if we look back at what you told the
4 judges. We have done this before, but let's look at it again

10:07:28 5 just to be clear for the record. Let's look back at what you
6 told these judges about these events on 14 July 2009 and 9
7 November 2009, Mr Taylor. This is on direct examination. So if
8 we could commence by looking at the transcript of 14 July 2009,
9 beginning with page 24342. If we could look at the very first
10:08:08 10 question which was: "Why did you step down as President in 2003"
11 on line 1. Then if we could come down to line 15:

12 "During the war, as LURD approached Monrovia, it was a very
13 sad thing that happened. Mortar shells launched by LURD,
14 shrapnel from those shells were taken to the UN embassy. They
10:08:33 15 confirmed that the shrapnel were shrapnel from the United States
16 mortars. Now these shells had dropped on an area that is
17 considered a diplomatic compound of the United States embassy in
18 Monrovia called Greystone, where hundreds of Liberians had
19 assembled for rescue. Several mortar shells fell on that
10:08:55 20 compound and there were scores of people killed. There were
21 limbs thrown all over the place. The citizens in that compound
22 took the bodies and took them at the gates of the US embassy and
23 said to them, 'Well, here is what you have done to our people.'"

24 Now, let's stop there for a moment. Now, Mr Taylor, on
10:09:20 25 Monday when we were talking about citizens of Monrovia taking
26 these bodies to the United States embassy, and if we look at the
27 transcript of 33219 for Monday and if we can look at - is it the
28 Monday transcript that we have now on the screen? And if we look
29 at your answer at line 11 - well, the question actually:

1 "Q. And they didn't take the bodies there and place the
2 blame for those deaths on the United States, did they?

3 A. Well, you said that. I didn't say - you said that I
4 said that I said, 'Look at what you have done,' and I asked
10:10:51 5 you to produce the records. You haven't asked for it to be
6 produced or brought up."

7 So, Mr Taylor, here we see on 14 July at page 24342 you
8 telling this Court that the citizens in that compound took the
9 bodies and took them at the gates of the US embassy and said to
10:11:16 10 them, "Well here is what you have done to our people." So,

11 Mr Taylor, you now remember telling the Court that on 14 July?

12 A. If that's what the record said, yes.

13 Q. And on 14 July you went on to say:

14 "The United States government strangely and maybe for the
10:11:37 15 first time, and I stand corrected, did not condemn the shelling
16 of those civilians in Monrovia."

17 Now, Mr Taylor, when we see your language here, you didn't
18 say officially condemn or condemn at high levels, did you? You
19 said the United States did not condemn the shelling of those
10:12:02 20 civilians, correct?

21 A. That is correct here, counsel. Why do you want to say
22 official? When a diplomat talks about condemnation I have
23 explained to this Court what I meant, so I'm through with that.

24 Q. Mr Taylor, if we can go onto page 24343 where you continue
10:12:20 25 your explanation as to why you stepped down from your presidency
26 and if we can look at line 5 where you say:

27 "But for the United States government not to condemn these
28 people on the diplomatic compound convinced me that the
29 United States in their regime change policy where George Bush had

1 called upon me to leave, he said Taylor must leave."

2 And then we go down to line 15:

3 "Their failure to condemn these atrocities convinced me
4 that they would go to any length and probably kill the whole
10:13:01 5 country to get rid of Charles Taylor. I then decided in the
6 interest of peace and the love for my people that I would leave."

7 So that was your testimony on the 14th on page 24343. Now
8 if we turn to page 34344 and we begin at line 18:

9 "A. I was attending a conference for peace in Accra.

10:13:29 10 Q. When was that?

11 A. About June - May or June of 2003, when the infamous
12 indictment was unveiled. And I had said to my colleagues
13 that, 'Look, the situation in Liberia is getting very, very
14 tenuous right now and I've just had enough of this.' I
10:13:50 15 explained this very incident that I've just explained to
16 the judges about the shell they had falling and how people
17 were getting killed and shells were falling all over the
18 city. And I told them that I wanted to - that I would step
19 down, and they agreed."

10:14:05 20 So, Mr Taylor, on 14 July you talked about these incidents
21 and what you told the people in Accra. Now, on 9 November your
22 defense counsel went back to this question for you again, and if
23 we could look at 9 November 2009, page 31472. We see at line 1
24 your counsel is asking you:

10:14:46 25 "Mr Taylor, had the thought yet crossed your mind to step
26 down from the presidency?"

27 And then at line 6:

28 "Q. What changed your mind after 26 April 2003?

29 A. There was massive shelling of the city of Monrovia.

1 Q. When?

2 A. I would say this happened about February-March 2003,
3 even before I went to Togo, and some of the rounds fell on
4 the grounds - on the diplomatic grounds owned by the United
10:15:20 5 States embassy. It's called Greystone. Several people
6 were killed. I have mentioned that in this Court before.
7 Several were wounded. And we got some of the shrapnel from
8 the mortar and some of the exploded ones."

9 And then you go on to indicate that the United States
10:15:38 10 failed to refuse to condemn LURD's attack at Greystone, and at
11 that point you decided if you did not leave, their intent was to
12 kill Monrovia and everyone, and you decided that you would leave
13 for the sake of peace.

14 A. Yes.

10:15:51 15 Q. So now, Mr Taylor, we have gone back to your discussions
16 about the attack on the Greystone compound, the attacks on
17 Monrovia, and the timing of those attacks in your recollection.
18 Correct, Mr Taylor?

19 A. That is correct. Now, what's the question?

10:16:11 20 Q. Now, I was simply putting on the record what you had asked
21 for, Mr Taylor, to clarify what your original remarks were. I
22 have already asked you the questions about this incident, so I
23 won't be repetitive by going over those again.

24 A. No, but the records - you have inserted into the records
10:16:29 25 that I said in fact that the reason for my leaving office was
26 specifically because of the Greystone attack, which you would be
27 misleading the Court. And in the records you have just read, I
28 accept the records, because I am quoting from February-March of
29 shelling of Monrovia and thereabouts. So fine, I am glad the

1 records are straight, so you were trying to insert in the records
2 that I had mis --

3 Q. Mr Taylor, you are making a speech instead of answering
4 questions.

10:17:00 5 A. Well, okay. Ask your question. But the records are very
6 clear. The shelling of Monrovia as of the beginning of year, and
7 the continuous attack, including these horrendous attacks, led me
8 to believe in that. And so this is far before I go to Accra in
9 June.

10:17:15 10 Q. And indeed, Mr Taylor, we have looked at D-45, which
11 discusses the timing of the shelling of Monrovia, correct? That
12 is your document introduced by your Defence counsel, the Human
13 Rights Watch report about the shelling of Monrovia, correct? We
14 looked at that on Monday?

10:17:34 15 A. That is one report, counsel. Counsel, you have --

16 Q. Mr Taylor, we looked at that on Monday, correct?

17 A. You have to be fair. I --

18 PRESIDING JUDGE: Mr Taylor, please answer the question.
19 You were asked, "We looked at that on Monday, correct?" That's
10:17:45 20 all you were asked.

21 THE WITNESS: We looked at that - that incident amongst
22 many, yes.

23 MS HOLLIS:

24 Q. Now, Mr Taylor, if we could turn to another topic, please.

10:18:00 25 And I would like to direct your memory back to 16 November 2009,
26 at page 31731 of the transcript. Now, Mr Taylor, you see that on
27 16 November at this point in the transcript I asked you:

28 "Q. Since you have been testifying here, on a weekly basis
29 you have been given copies of your testimony in court?"

1 A. That is correct.

2 Q. In electronic copies of that testimony?

3 A. That is correct."

4 And then at line 11:

10:19:23 5 "Q. And you have sent those electronic copies of your
6 testimony off to somewhere or someone, yes?

7 A. No, I have no way. I do not have access to electronic
8 activities at the prison."

9 And then if we look at page 31732, the question at line 3:

10:19:51 10 "Q. To your knowledge, is your Defence team given a
11 separate set of your testimony each week - electronic copy?

12 A. No, no, no, it is coming from the Defence. It is
13 coming from the Defence through this Ringtailing. It is
14 not coming from the Court Administrator.

10:20:10 15 Q. To your knowledge, there is no separate set of
16 testimony that is given to your Defence each week to be
17 sent to another location?

18 A. No, not to my knowledge. I doubt it. To be sent to a
19 different location, no."

10:20:24 20 So now, Mr Taylor, if it has been confirmed that indeed
21 your Defence team is given two copies of the audiovisual
22 recordings of your in-court testimony at the end of each week and
23 that one of those copies is given to you and another is sent to
24 Monrovia, you wouldn't say that's incorrect, would you,

10:20:48 25 Mr Taylor?

26 A. I wouldn't know. I am locked up in prison. I don't know
27 what my Defence does. I am in prison. What I do know - and I
28 could be wrong about this - who Ringtails? Who Ringtails? It
29 could be done by the Court. I know it gets Ringtailed up to me

1 from the Special Court, so I don't know what they do outside.
2 You have to ask them.

3 Q. So, Mr Taylor, just so you're clear --

4 JUDGE DOHERTY: Sorry, Ms Hollis, could I clarify what's
10:21:20 5 meant by "Ringtailed"?

6 THE WITNESS: Okay. Your Honour, I don't - I am
7 not - there is a direct - the only link between - there is a
8 computer that I have at the prison provided by the Special Court.
9 I get - materials are sent through the Special Court to me and I
10:21:42 10 can only access that material. That computer can doesn't have
11 any external links or nothing; only what the Special Court sends
12 to me, I get. It called - they told me it's called Ringtailing.
13 That's all I - I don't know the actual meaning of it, but it gets
14 sent.

10:21:56 15 JUDGE DOHERTY: Thank you, I understand it now.

16 MS HOLLIS:

17 Q. Mr Taylor, just to be sure that we're clear about what
18 we're talking about here, we are talking - what I am asking you
19 about is not a transcript or a written document, but rather a
10:22:10 20 disc on which is the audiovisual recording of each day of your
21 public testimony, so you sitting there being asked questions and
22 answering questions on a disc. You are provided such a disc at
23 the end of each week, isn't that correct?

24 A. Yes. Oh, yes.

10:22:31 25 Q. But you are saying that you have no knowledge that in fact
26 your Defence team is given another copy that is sent off to your
27 defence people in Monrovia. You are saying you have no knowledge
28 of that?

29 A. Well, I mean, I am sure they are entitled to it, I think

1 all members of the Defence. How they do it, I don't - I don't
2 know. You would have to ask them.

3 Q. So you would have no knowledge as to why such a disc would
4 be sent to Monrovia each week?

10:22:57 5 A. That's not what I said as to why. I am just saying that --

6 Q. I am asking you, Mr Taylor: Do you have any knowledge as
7 to why such a disc would be sent to Monrovia each week?

8 A. Yes, I would have a reason why, and I hope they do send it.

9 Q. Are you speculating, or would this be based on actual
10:23:17 10 knowledge, Mr Taylor?

11 A. Oh, it is something that I am not speculating about. I
12 said they should send it. These public documents that are being
13 played in Sierra Leone, they are for information purposes and I
14 expect that they would send it to Monrovia.

10:23:31 15 Q. Well, Mr Taylor, in fact the Outreach office sends another
16 complete set to Monrovia.

17 A. I don't know that. If you tell me, I will take your word
18 for it.

19 Q. Thank you, Mr Taylor. Mr Taylor, let's turn to another
10:23:43 20 topic.

21 MR GRIFFITHS: Before my learned friend turns to another
22 topic, Mr President, I would like the position of the Prosecution
23 made plain. Is it being suggested that there is something
24 illegal, underhand, about copies of public Court hearings being
10:24:03 25 sent to Monrovia, when that is accessible through the internet in
26 any event? What is the case being put on this topic?

27 In our submission, it is important for the defendant to be
28 given an opportunity to deal with whatever suggestion underlines
29 the last topic dealt with by in my learned friend. He has to be

1 given that opportunity.

2 PRESIDING JUDGE: Yes. Do you wish to reply, Ms Hollis?

3 MS HOLLIS: Mr President, your Honours, when the witness

4 says he has no knowledge of them doing this and has no actual

10:24:36 5 knowledge of why they are doing this, he certainly cannot reply

6 to the matter, and that's why those questions were asked, and he

7 has indicated he did not know they were doing it and he had no

8 actual knowledge as to why they would be doing it, so he can't

9 respond to it because he has no knowledge.

10:24:56 10 PRESIDING JUDGE: If there is anything following on from

11 that, Mr Griffiths, you can pursue it in re-examination.

12 MR GRIFFITHS: I am grateful.

13 PRESIDING JUDGE: Go ahead, Ms Hollis.

14 MS HOLLIS:

10:25:08 15 Q. Mr Taylor, let's move to another topic, and that is the
16 closure of the Sierra Leone-Liberian border by ULIMO during the
17 conflict in Liberia. And, Mr Taylor, do you recall that during
18 your direct examination you talked about the closing of the
19 border and ULIMO's entry into Liberia? You recall talking to the
10:25:33 20 judges about that, yes?

21 A. Yes.

22 Q. And you talked about control of certain areas of the
23 country along the border, including Grand Cape Mount County,
24 Lofa County; correct, Mr Taylor?

10:25:50 25 A. That is correct.

26 Q. And do you recall telling the judges that the ULIMO initial
27 incursion into Liberia was in April or May 1991? That was on 21
28 July. Do you recall telling the judges that, Mr Taylor?

29 A. Yes.

1 Q. And that ULIMO had control of two counties, Bomi and Grand
2 Cape Mount counties, by June 1991. Do you recall telling the
3 judges that on 21 July, Mr Taylor?

4 A. Yes.

10:26:21 5 Q. And that by August 1991, ULIMO had control of the Saint
6 Paul River bridge. Do you recall also telling them that on 21
7 July?

8 A. By August 1991?

9 Q. Correct.

10:26:35 10 A. That they had control of the --

11 Q. Saint Paul River bridge. On 21 July telling the judges it
12 was by August 1991 and, Mr Taylor --

13 A. Well, I don't recall that, whether it is '91 or '92
14 maybe --

10:26:53 15 Q. That was my next question to you, Mr Taylor: That also on
16 21 July that you then seemed to correct yourself to say by August
17 1992, ULIMO had control of an area at the Saint Paul River
18 bridge?

19 A. Yes. I mean, this is why when he suggested '91 I said:

10:27:18 20 Oh, wow, no. '92, yes.

21 Q. So by August '92, that is your testimony to the Court;
22 correct, Mr Taylor?

23 A. Yes.

24 Q. And that ULIMO had full control of Lofa by about March
10:27:33 25 1992. You also told the judges that. That was on the 20 July.
26 Do you remember that, Mr Taylor?

27 A. That ULIMO had full control of Lofa by March?

28 Q. By about March 1992.

29 A. March 1992, thereabouts.

1 Q. We can look back at that testimony if you would like,
2 Mr Taylor.

3 A. No, I don't think it's necessary. I would say about
4 thereabouts.

10:27:59 5 Q. Now, Mr Taylor, your testimony about the timing of the
6 ULIMO gains in Liberia and the incursion into Liberia, that's not
7 accurate, is it, Mr Taylor?

8 A. Well, it's accurate. I think what I have tried to do, have
9 to point a broad brush. Because when we started getting into
10:28:19 10 months and different things, I have dealt with this Court in
11 dealing with the period I would say the beginning, the middle
12 because of these kinds of questions in getting into specific
13 time. No one can remember that, so --

14 Q. Mr Taylor, you recall, do you not, that ULIMO did not even
10:28:40 15 come into existence until the end of May 1991? You recall that,
16 don't you?

17 A. But that is - that ULIMO did not come into existence until
18 May of - that's total nonsense. How did they get organised in
19 Guinea and Sierra Leone? Far before that. Come into existence?
10:28:59 20 I would say no.

21 MS HOLLIS: If we could look at tab number 6 in annex 3,
22 page 125 of the Liberian TRC final report volume 2, binder 1. Do
23 your Honours have that page?

24 PRESIDING JUDGE: Some do, some don't, Ms Hollis. I've got
10:30:40 25 it.

26 MS HOLLIS: I believe we have it on the overhead, yes. If
27 you could move it down or move it on the overhead so that the
28 bottom part of that page is displayed:

29 Q. Mr Taylor, if we look 8 lines up from the bottom of that

1 page beginning, "A Mandingo faction". Do you see that,
2 Mr Taylor?

3 A. Yes, yes.

4 Q. "A Mandingo faction Movement For the Redemption of Muslims
10:31:45 5 (MRM) founded by Alhaji Kromah and a Krahn faction Liberia United
6 Defence Force (LUDF) organised by a US-trained Special Forces
7 officer who was also once Doe's Minister of Defence and
8 ambassador to Sierra Leone, Albert Karpeh, together merged into
9 the United Liberation Movement For Democracy (ULIMO) on May 29,
10:32:16 10 1991."

11 Do you see that, Mr Taylor?

12 A. Yes, so what's your question?

13 Q. So that is a correct statement, is it not, Mr Taylor; that
14 it was 29 May 1991 when ULIMO came into existence?

10:32:27 15 A. No. But that's not even what this English says here. What
16 these people are talking about is the merger. It doesn't mean
17 that these two organisations did not exist before.

18 Q. Mr Taylor, the question had to do with ULIMO --

19 A. Well, I don't know when they merged.

10:32:41 20 Q. -- and the answer that you gave was that ULIMO was in
21 existence before the end of May. This indicates that ULIMO was
22 the result of a merger of two groups on 29 May 1991. That is
23 what it says, is that not correct, Mr Taylor?

24 A. That's what it says. I have no way of knowing - of telling
10:33:05 25 these judges when ULIMO merged. If this is what ULIMO say they
26 did, I was not there because they were not in Liberia. So that's
27 what this statement says, but I have a disagreement as to when
28 did the process start.

29 Q. Mr Taylor, that wasn't the question.

1 A. I have answered you. I say I agree - I mean this is what
2 the statement says. I have answered you.

3 Q. And, Mr Taylor, it's true, is it not, that ULIMO indicated
4 upon its creation that it was created out of a desire of

10:33:37 5 displaced Liberians to return home and continue the search for
6 democratic freedoms to free Liberia from the plunder of yourself.
7 That was their declared purpose when ULIMO came into being, isn't
8 that correct, Mr Taylor?

9 A. I have no idea what was their purpose. I did not see this
10:33:56 10 declaration.

11 Q. Mr Taylor, are you aware of a book entitled "Liberia's
12 Civil War: Nigeria, ECOMOG and Regional Security in West Africa"?

13 A. Am I aware of the book?

14 Q. Yes, Mr Taylor?

10:34:11 15 A. No, I am not specifically aware of the book. I have seen -
16 I think it would be a part of your bundle, but --

17 Q. Mr Taylor, this book was authored by a gentleman by the
18 name of Adekeye Adebajo. Are you familiar with him?

19 A. No, I am not familiar with him. I have heard the name; I'm
10:34:41 20 not familiar with him.

21 Q. He is an African academic and a scholar of international
22 relations?

23 A. Is he an expert?

24 Q. Well, that's probably a subjective term. Mr Taylor, are
10:34:53 25 you aware that he studied conflicts in West Africa for many
26 years?

27 A. I am not aware of that. That's why I asked if he's an
28 exert. I'm not aware of that.

29 Q. He also served with United Nations in South Africa, Western

1 Sahara, also Iraq?

2 A. I am not aware of that.

3 Q. And the United Nations in fact has drawn on his analyses
4 and views regarding conflicts, as have states. Are you aware of
10:35:15 5 any of that?

6 A. I am not aware of that.

7 Q. Are you aware that in this book that he authored,
8 "Liberia's Civil War" --

9 PRESIDING JUDGE: Yes?

10:35:25 10 MR GRIFFITHS: Mr President, helpful as this recitation of
11 the qualifications of this particular author may be, it seems to
12 be a prelude to seek the introduction of this document. Now, by
13 rehearsing the qualifications, it sounds very much to me,
14 listening from this side of the courtroom, that what is sought to
10:35:50 15 be done here is to have this man designated as an expert, hence
16 we need to know his qualifications, before then referring the
17 defendant to the contents of this book.

18 This Court has a well-established procedure for dealing
19 with expert evidence. It's covered by Rule 94 bis which requires
10:36:17 20 that if either party seeks to rely upon the evidence of an
21 expert, notice has to be given. There has been no notice in this
22 case and we are talking about a book which was published in 2002.
23 So consequently if the Prosecution sought to rely upon Mr Adebajo
24 as an expert, they could very well have introduced this book or
10:36:45 25 called him as a witness as part of their case.

26 Now it seems to us totally erroneous and illegitimate for
27 the Prosecution to be seeking to rely for the first time on an
28 expert without having given any notice, without having complied
29 with Rule 94 bis, not even during the currency of their case, for

1 the very first time during the cross-examination of the
2 defendant. In our submission, this is totally wrong and should
3 not be allowed.

4 PRESIDING JUDGE: Yes. Ms Hollis?

10:37:19 5 MS HOLLIS: Thank you, Mr President. We are not asking you
6 to consider this man as an expert, but we are going to look at an
7 excerpt from this book and there is absolutely nothing in law or
8 procedure that precludes a party from pointing to information
9 that would provide a basis or a foundation upon which the person
10:37:39 10 who is writing the book is writing what is in the book. And that
11 is what we are doing.

12 If we wish to ask for you to consider him as an expert, we
13 have done so. We are using this material as impeachment and you
14 don't put your impeachment case on in your case in chief. So we
10:37:57 15 did not bring this man forward in our case in chief because we
16 are not using him to prove the guilt of this accused. We are
17 using him, or the contents of his book, to impeach what this
18 witness has told you in his testimony before you in this Court.
19 We believe that looking at this information is entirely
10:38:15 20 appropriate for your Honours. Should you determine to accept
21 this into evidence, then this would also have relevance in terms
22 of any weight to be given to the contents of this book.

23 So we suggest that the objection is unfounded and it is
24 perfectly permissible to ask the questions that we have been
10:38:34 25 asking.

26 PRESIDING JUDGE: Well, it seemed to me, Ms Hollis, as
27 though you were trying to establish some qualifications in this
28 person and so far the only evidence as to any qualifications
29 comes from you. It seems to me that if Mr Griffiths wants to

1 challenge anything said about this man's qualifications, he
2 really would need to cross-examine you because there is no other
3 evidence apart from what you have just told the Court from the
4 bar table.

10:39:04 5 MS HOLLIS: Actually, Mr President, what I have been asking
6 the witness is if he is aware of this, and when we move to the
7 excerpts from the book that have been marked and disclosed, then
8 this foundation will be included in that material. So I have not
9 been indicating anything other than asking Mr Taylor if he
10:39:26 10 himself is aware of this information and in due course, as we
11 move to this book, I will be pointing to the information that is
12 contained in various portions of that book.

13 PRESIDING JUDGE: Well, Mr Taylor, started off saying that
14 he is not aware of the book.

10:39:47 15 MS HOLLIS: That's correct and then I asked him if he was
16 aware of the author and then the various things about the author.

17 PRESIDING JUDGE: Well, you kept putting facts on the
18 record in the face of Mr Taylor's testimony that he wasn't aware
19 of the book anyway.

10:40:05 20 MS HOLLIS: You can be not aware of a book and be aware of
21 an author and in cross-examination you can continue to ask
22 questions about a subject when the witness you are
23 cross-examining says he does not know.

24 PRESIDING JUDGE: Well, you can do that, but if you are
10:40:20 25 going to rely as evidence of qualifications of this person to
26 write a book, then the evidence surely comes from you, doesn't
27 it? That's a different proposition altogether. In any event,
28 you are saying you are not relying on this witness as an expert
29 witness.

1 MS HOLLIS: That's correct.

2 PRESIDING JUDGE: And we take note that any qualifications
3 he may have and any qualification he may have to say in a book is
4 only before the Court in the form of evidence given by you from
10:40:58 5 the bar table thus far. Go ahead, Ms Hollis.

6 MS HOLLIS: Thank you, Mr President:

7 Q. Now, Mr Taylor, if we could please look at tab 21 in annex
8 3, excerpts from the book "Liberia's Civil War: Nigeria, ECOMOG
9 and Regional Security in West Africa", Adekeye Adebajo. Do you
10:42:33 10 see that, Mr Taylor?

11 A. What am I seeing, the title here?

12 Q. Yes?

13 A. I see the title.

14 Q. And then, Mr Taylor, if we look at the page that shows that
10:42:39 15 this was published in the United States in 2002, that should be
16 the next page. Do you see that, Mr Taylor?

17 A. Just a minute. Yes.

18 Q. And if we look at the page after that, which is the
19 foreword page by David M Malone. If we look at the paragraph
10:43:09 20 beginning:

21 "Dr Adekeye Adebajo has been studying conflict in West
22 Africa for the better part of a decade, interspersed with periods
23 of duty for the United Nations in South Africa, Western Sahara
24 and Iraq. His in-depth knowledge of the conflicts in Liberia,
10:43:30 25 Sierra Leone and Guinea-Bissau is rare indeed. The UN has had
26 occasion to draw on his analysis and views, as have several
27 governments."

28 Do you see that, Mr Taylor at page IX of the foreword?

29 A. I see those paragraphs, yes, and those lines.

1 PRESIDING JUDGE: Well, are you reading that onto the
2 record in order to ask the Court to accept the opinions of this
3 person, rather than --

4 MS HOLLIS: Not at all, Mr President, but we do believe we
10:43:59 5 have a right to put this on the record and to put it before
6 your Honours so that you have an understanding of the basis upon
7 which the contents of this book were created.

8 JUDGE SEBUTINDE: Ms Hollis, by "basis" you mean the
9 credentials of Mr Adebajo?

10:44:19 10 MS HOLLIS: His experience certainly is relevant to his
11 writing this book, but not - any witness who has experience, any
12 person who writes a book who has experience, it is certainly
13 appropriate and helpful for your Honours, should you decide to
14 admit a document written by them, to have that information in
10:44:36 15 judging what weight, if any, to provide to the contents of the
16 document.

17 JUDGE SEBUTINDE: But this is exactly what the Presiding
18 Judge was asking previously. What you are reading are the
19 opinions of David M Malone.

10:44:51 20 MS HOLLIS: Correct.

21 JUDGE SEBUTINDE: You are asking the Bench to accept the
22 opinions of David M Malone as the credentials of Mr Adebajo.

23 MS HOLLIS: Well, as setting out his experience, yes, and
24 to accept or reject, as your Honours determine is appropriate.

10:45:14 25 PRESIDING JUDGE: Continue with your cross-examination.

26 MS HOLLIS: Thank you, Mr President:

27 Q. And then if we look at "Acknowledgements" at page viii, and
28 if we begin with the last paragraph on that page, where the
29 author thanks the staff at the Economic Community of West African

1 States and the United Nations secretariats who provided me - or
2 him with primary documents and interviews and also extends his
3 gratitude to many officials who shared their experiences with him
4 in Liberia, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Nigeria,
10:46:06 5 Senegal, Sierra Leone, Togo and other areas and indicates, in the
6 next sentence, that these interviews included diplomats and
7 soldiers. Do you see that, Mr Taylor? That begins on page VIII.
8 Do you see that, Mr Taylor?

9 A. All I'm --

10:46:34 10 Q. And it concludes at XIV.

11 A. What I am responding to, I see what is written and I hear
12 you reading it.

13 Q. Now, Mr Taylor, if we could look now at page 91?

14 MR GRIFFITHS: Before we look at page 91, what is quite
10:46:51 15 clear from the acknowledgements is that what we are looking at
16 here is an academic work by an individual. He is not speaking
17 about events he himself personally witnessed; rather, he has
18 researched a topic, gleaned certain information, and from that
19 information has put together an opinion in the form of this book.
10:47:19 20 So that all of this book, in our submission, is opinion evidence,
21 because the writer is not speaking about events which he himself
22 witnessed. Indeed, in the acknowledgement he goes so far as to
23 say, a passage - a sentence not read out by my learned friend:
24 "I must also acknowledge the contribution of sources who, for
10:47:43 25 now, must remain unnamed".

26 So we have this situation where we, on this part of the
27 Court, have no opportunity whatsoever to test the veracity,
28 accuracy or reliability of this work, because we are dealing with
29 the opinion of a man gleaned from third parties to whom we have

1 no access whatsoever. So in our submission, any reference to any
2 passage in this work, in our submission, is illegitimate because
3 it's a work of opinion.

4 The writer and academic has researched a topic and put
10:48:24 5 together this book. It is all opinion evidence, in our
6 submission, and not capable of any kind of testing by the
7 Defence. And so in our submission, it should not be used at all.

8 PRESIDING JUDGE: Well, of course, Mr Griffiths, if it is
9 opinion evidence it's not admissible, and thus far the
10:48:51 10 Prosecution has not sought to tender it. But we will hear the
11 questions Ms Hollis intends to ask on this, bearing in mind, of
12 course, what you have just said, that if it's - obviously the
13 purpose of the questions is to get into evidence - opinion
14 evidence, then it won't be allowed.

10:49:15 15 Go ahead, Ms Hollis.

16 MS HOLLIS: Thank you, Mr President:

17 Q. Now, if we look at page 91 of this book and if we begin
18 with the first full paragraph there:

19 "The United Liberation Movement of Liberia for Democracy
10:49:40 20 was founded on 29 May 1991. It described itself as a non-tribal
21 and nonsectarian organisation born out of the desire of displaced
22 Liberians to return home and continue their search for democratic
23 freedom; its members aimed to free Liberia from the plunder of
24 Charles Taylor."

10:50:01 25 So, Mr Taylor, the purpose of this group - first of all,
26 again, this is another statement that it was founded on 29 May
27 1991, you see that - and that it described itself as an:

28 "... organisation born out of the desire of displaced
29 Liberians to return home and continue their search for democratic

1 freedom; its members aimed to free Liberia from the plunder of
2 Charles Taylor". So you see that in that book at page 91
3 correct?

4 A. So what do you want me to speak to, counsel?

10:50:41 5 Q. Well, Mr Taylor, you said you weren't aware of whether that
6 was its avowed aim, and so we are looking at this book indicating
7 that it described itself in this way?

8 A. But you know we have disagreements. I cannot speak to the
9 aims, objectives or purposes of this organisation, so I cannot
10:51:02 10 speak to it. I was not there when they formulated it; I was not
11 there for their establishment; so I cannot speak to it.

12 Q. Mr Taylor, it was actually your conduct in your attack on
13 Liberia that led to the creation of this organisation, ULIMO,
14 isn't that correct?

10:51:26 15 A. But that would be - that's totally incorrect. Even you
16 couldn't make that assumption, that my conduct led to the
17 organisation or the founding of ULIMO. No one can make such an
18 assumption. No one knows.

19 Q. Mr Taylor, on 11 June 1991 ULIMO called on you to surrender
10:51:47 20 to ECOMOG within 15 days from that date, isn't that correct?

21 A. I have no recollection of ULIMO calling upon me, and it
22 would have been madness for ULIMO to call upon me to surrender.
23 So I have no knowledge of what ULIMO said or intended. No, I
24 don't.

10:52:07 25 Q. And indeed, they called upon you to surrender or to risk
26 being attacked, isn't that correct, on 11 June?

27 A. I do - I have no recollection of any madness as such that
28 ULIMO - probably they - by "information" you mean did they make a
29 statement? I didn't see that statement. I cannot speak to it,

1 what they said. I didn't receive any such threats from ULIMO in
2 any official or unofficial way.

3 Q. If we could please look at tab 46 in annex 3, which is an
4 article in West Africa magazine, 24-30 June 1991. That would be
10:53:24 5 binder 2 in annex 3, number 46. The title of this article is
6 "Recourse to Arms". Do you have that before you, Mr Taylor?

7 A. Yes, I do.

8 Q. And if we look at the first paragraph:

9 "A new resistance group calling itself United Liberation
10:54:12 10 Movement of Liberia For Democracy (ULIMO) has been formed and
11 given Mr Charles Taylor and his NPFL rebels 15 days to surrender
12 to the West African peacekeeping force (ECOMOG) or risk being
13 attacked.

14 A ULIMO news release issued on June 11 in suburban
10:54:33 15 Washington, DC and signed by spokesman Tarty Teh said Mr Taylor
16 and his rebels had 15 days from June 11 to surrender, or ULIMO
17 will strike at all NPFL bases to have Charles Taylor and his
18 collaborators arrested and tried.

19 According to the release, a resolution adopted on May 29 in
10:54:58 20 Conakry, Guinea, declared ULIMO as a non-tribal and
21 nonsecretarian organisation born out of the desire of displaced
22 Liberians to return home and continue their search for democratic
23 freedom. Its basic objective is to mobilise the sons and
24 daughters of Liberia to free their country from the plunder of
10:55:20 25 Charles Taylor."

26 So, Mr Taylor, when ULIMO gives you an ultimatum,
27 basically, that you have 15 days from 11 June to surrender or to
28 face attack, that's because they had not yet attacked you in
29 Liberia, had they?

1 A. I am afraid I don't understand your question, because you
2 are - again there are two questions, so I - the first one, if I
3 am correct, is when ULIMO gave me an ultimatum. I have told this
4 Court I did not receive an ultimatum from ULIMO, so that's the
10:56:05 5 first part of your question. I did not. But your question
6 assumes that I did. I did not. Now, the second part of your
7 question as to whether that constituted the time of the attack,
8 there were probes into Liberia prior to June. There were attacks
9 on that border prior to June. So that's my answer.

10:56:27 10 Q. That's not correct at all, is it, Mr Taylor? As of 11 June
11 there had been no attacks against you by ULIMO, had there?

12 A. Well, don't forget that ULIMO is a combination of two
13 groups. I said to this Court there were attacks on that border
14 before June.

10:56:46 15 Q. Now, before you told this Court it was ULIMO who attacked
16 you before June. Now, ULIMO didn't even exist until 29 May.

17 A. Well, look, counsel, then this calls for a discussion.
18 Look, coming together officially is one thing. There are two
19 military organisations: The Movement For the Redemption of
10:57:10 20 Muslims, and the other one. You have produced documents to the
21 judges that show that there was an official joining of them
22 sometime in June, but these were two separate and distinct
23 organisations before these official things, and many times things
24 happened before they become official. So I am not going to play
10:57:29 25 with the words. I don't want to mislead anybody. We received
26 attacks before June. How they got together, when they got
27 together, I can't be certain. I cannot account for it, okay?
28 Issuing a statement in Washington DC did not get to me, so I am
29 being very frank and earnest with these judges about this. I

1 received attacks before June. When they got together, if this
2 date is what it is acceptable, for me, I don't know this as a
3 fact that it was - this was the official date. I don't know this
4 as a fact.

10:58:02 5 Q. Mr Taylor, it was not until September 1991 that ULIMO began
6 its attack into Liberia, was it?

7 A. Total, total, total, total nonsense, no.

8 Q. Now, Mr Taylor, on 23 July your defence counsel had you
9 look at a map created by a Prosecution witness during Defence
10:58:24 10 counsel's cross-examination of that witness. The witness was
11 Varmuyan Sherif, and the map was entered into evidence as D-1.
12 The map was created and marked by that witness during
13 cross-examination on 10 January 2008. Do you recall your Defence
14 attorney referring you back to that map?

10:58:48 15 A. Yes.

16 Q. D-1, and the testimony of that witness Varmuyan Sherif?

17 A. I recall his testimony, not verbatim, but I remember his
18 testimony, yeah.

19 Q. And on that map, D-1, your Defence counsel had this witness
10:59:13 20 make certain markings on the map in terms of areas of ULIMO
21 control in Liberia. Do you recall that?

22 A. Yes.

23 Q. Including areas along the border with Sierra Leone. Do you
24 recall that, Mr Taylor?

10:59:32 25 A. Yes, I do.

26 Q. And, Mr Taylor, on 23 July 2009 your Defence counsel stated
27 that Mr Sherif's testimony was to the effect that the area marked
28 on D-1 was cut off by ULIMO between 1992 and 1996. Do you recall
29 your Defence counsel indicating that, Mr Taylor?

1 A. Well, the way the questions are - I mean, if you stated
2 it - I cannot recall every aspect.

3 PRESIDING JUDGE: That's all you have to say. You are
4 asked if you recall; you can say yes I do or no I don't.

11:00:19 5 THE WITNESS: I don't recall specifically. I don't deny
6 this, but I don't know the details of it, yes.

7 MS HOLLIS:

8 Q. Perhaps if we could look at 23 July 2009 at page 25082.

9 Mr Taylor, if we look at the question at line 3 - actually
11:01:14 10 starting at line 4:

11 "But I would like to deal with, please, one particular
12 exhibit, exhibit D-1 which that witness dealt with. On 10
13 January of last year in an open session, when cross-examined by
14 me" - this is your Defence counsel speaking - "he drew this map
11:01:35 15 to outline the area controlled by ULIMO."

16 And then he asked you if you recalled that testimony and
17 you said that yes, you did. Do you see that, Mr Taylor?

18 A. Yes, do I.

19 Q. Now, Mr Taylor, did you independently recall that
11:01:50 20 testimony?

21 A. I don't understand your question.

22 Q. Did you independently recall what this witness had said on
23 10 January 2008 when you were asked that by your Defence counsel?

24 A. Yes.

11:02:04 25 Q. So it wasn't a matter of being reminded of that when you
26 were having your evidence prepared?

27 A. No, Ms Hollis.

28 Q. You had an independent recollection of that?

29 A. Of course.

1 Q. And then we go on:

2 "Q. And his testimony was to the effect that that area was
3 cut off by ULIMO between 1992 and 1996. Do you remember
4 that?

11:02:29 5 A. Yes, I do."

6 Yes, Mr Taylor?

7 A. Yes, that is correct.

8 Q. So D-1 is now on the screen and you see, Mr Taylor, that
9 the area encompassed by what appears to be red Magic Marker

11:03:00 10 includes the area along the border of Liberia and Sierra Leone,
11 correct?

12 A. That is correct.

13 Q. And it includes several counties. Correct, Mr Taylor?

14 A. That is correct.

11:03:13 15 Q. And it includes Grand Cape Mount County?

16 A. That is correct.

17 Q. And then, Mr Taylor, we see a town Kongo. That is in what
18 county, Mr Taylor? Perhaps, Mr Taylor, do you need to move over
19 to look at the map?

11:03:36 20 A. No, I don't, counsel. It's okay. Kongo.

21 Q. That is in Grand Cape Mount County?

22 A. That is correct.

23 Q. And then we see Lofa County is also on the border between
24 Sierra Leone and Liberia, correct?

11:03:54 25 A. That is correct.

26 Q. So the question about when that border area was cut off was
27 referring to that entire area. Correct, Mr Taylor?

28 A. It depends on the border. If you are speaking about the
29 border with Sierra Leone, yes, that's when it was cut off.

1 Q. But in fact the areas along that border were taken by ULIMO
2 at different times. Isn't that correct?

3 A. Yes, they were taken at different times.

4 Q. Now, for a more complete picture of those times and what
11:04:29 5 Mr Sherif told these judges, let's look at what else Mr Sherif
6 said about that area being cut off. And you will remember this
7 evidence, Mr Taylor. On 14 January 2008 Mr Sherif said from the
8 ending of 1992 to 1993 ULIMO was in control of Grand Cape Mount
9 County. Do you recall that testimony, Mr Taylor?

11:05:03 10 A. Not specifically, no.

11 Q. You don't independently recall that testimony? If we could
12 look at page 1196 that may be helpful. That is on 14 January.
13 Mr Taylor, if we look at line 16 on that page, are you able to
14 see line 16?

11:06:09 15 A. Yes, I do.

16 Q. "Q. What year did ULIMO gain control over Grand Cape
17 Mount?

18 A. From the ending of 1992 to 1993 ULIMO was in control of
19 Grand Cape Mount."

11:06:25 20 Now, Mr Taylor, you also see at line 21 the question:

21 "We also see there county Gbarpolu, G-B-A-R-P-O-L-U, and
22 could you please tell the Court in what year did ULIMO gain
23 control over Gbarpolu County?"

24 And the witness indicated 1993. Now, Mr Taylor, if we look
11:06:51 25 at the map that has been marked and exhibited as D-1, we indeed
26 see that Gbarpolu County is shown on that map, correct?

27 A. Yeah, Gbarpolu is shown here.

28 Q. But indeed I think you testified that Gbarpolu County was
29 actually a creation that came about much later. Is that right?

1 A. That is correct.

2 Q. So the map that the witness was shown is reflecting the
3 later creation of that county, correct?

4 A. Yes, it's correct.

11:07:23 5 Q. And when was Gbarpolu County created?

6 A. I am not too certain, but I think probably in 1998.

7 Q. So the witness is indicating the area that now constitutes
8 county Gbarpolu, correct?

9 A. I would suspect, yes, that's what he's referring to.

11:07:49 10 Q. And it indicates that ULIMO had control over that area in
11 1993?

12 A. Well, control over in - I disagree with the witness as to
13 when it was captured, but control --

14 Q. I am not asking you to disagree, Mr Taylor. I'm asking you
11:08:01 15 if you see what the witness said.

16 A. I see what the witness said.

17 Q. Now that is consistent with the story that was printed by
18 Baffour Ankomah in October 1992. Isn't that correct?

19 A. Well, that would be inconsistent. This man is saying that
11:08:26 20 he had control.

21 Q. Mr Taylor, I am asking you about the story that was
22 published in October 1992 authored by Baffour Ankomah. Do you
23 remember that article?

24 A. I am trying to get your question. If I remember?

11:08:47 25 Q. Do you remember the article, Mr Taylor?

26 A. Baffour Ankomah.

27 Q. The article of October 1992?

28 A. Yes, I vaguely remember the article.

29 Q. It was MFI-4, DCT-108. That was in the binder for week 30.

1 It was an article in New African magazine?

2 JUDGE SEBUTINDE: Ms Hollis, did you say it was MFI-4?

3 MS HOLLIS: MFI-4, correct:

4 Q. This was an article in New African magazine in October
11:09:41 5 1992. It indicates that it's the cover story and the title is
6 "With Taylor inside Liberia". First we see the first page
7 showing the New African magazine, "With Taylor inside Liberia",
8 October 1992.

9 A. Yes.

11:10:16 10 Q. And then if we could see the beginning of the story itself
11 to show the cover story "With Taylor inside Liberia. Baffour
12 Ankomah spent a month behind the lines with Charles Taylor and
13 his forces in Liberia." Then it talks about him also having
14 interviews with ECOMOG and top ministers of the two governments
11:10:45 15 in the country and the other interviews that he conducted. Yes,
16 Mr Taylor?

17 A. I see the document.

18 Q. Then if we can look at what is marked in the document on
19 the left side of the page as page 14. If we look at the last
11:11:11 20 column on the right, in the second to last paragraph beginning,
21 "While this article was being written". Do you see that,
22 Mr Taylor?

23 A. Yes.

24 Q. "While this article was being written in early September in
11:11:29 25 London, ULIMO was announcing successes in its war with Taylor.
26 It said it had captured Cape Mount, Bomi and part of
27 Lofa Counties bordering Sierra Leone. It had launched a
28 surprised attack on Taylor's troops along the border and was
29 making good grounds inland. ULIMO later rejected ceasefire

1 proposals put forward by ECOMOG."

2 A. So what's the question now?

3 Q. So, Mr Taylor, it's correct, is it not, that it is by
4 October 1992 that ULIMO had captured Cape Mount and Bomi

11:12:12 5 Counties, yes? Is that your recollection?

6 A. By that time they had Cape Mount and Bomi, yes.

7 Q. And also by October 1992 they had captured part of
8 Lofa County?

9 A. Part of Lofa County, yes. That's what they are saying
11:12:34 10 here, yeah.

11 Q. Now if we can return to the testimony of Mr Sherif, on 9
12 January 2008 at page 805?

13 A. Isn't this September '91. What's the date of this?

14 Q. This is October 1992 that this article is written,
11:13:07 15 Mr Taylor. Is that what you're still looking at, the article?

16 A. Okay, October 1992.

17 Q. Mr Taylor, if we look at line 17:

18 "Q. At what point in time did ULIMO have total control of
19 Lofa County?

11:13:50 20 A. The end of 1993 ULIMO had - '93 and the beginning of
21 1994 ULIMO had total control of Lofa County."

22 So, Mr Taylor, it's correct, is it not, that it was not
23 until the end of 1993 and the beginning of 1994 that ULIMO had
24 total control of Lofa County?

11:14:12 25 A. Totally incorrect.

26 Q. Now, let's look at what else Mr Sherif said about this
27 control of Lofa County. And you see there, Mr Taylor, that he
28 was asked if fighting continued in Lofa after the time ULIMO had
29 total control of Lofa County. That is at line 21. Do you see

1 it, Mr Taylor?

2 A. Yes, I am seeing line 21.

3 Q. And the answer is:

4 "We were still resisting, you know, because we break

11:14:44 5 between the RUF and the NPFL, and the RUF in Sierra Leone were
6 getting their supply through Gbarnga so, and the remnants of the
7 NPFL that was in Kolahun and Foya areas all crossed to Sierra
8 Leone so they merged with the RUF and we were still being
9 attacked from the Sierra Leone border."

11:15:03 10 See that, Mr Taylor? So the witness has testified to the
11 Court that even after they took control of Lofa, they were being
12 attacked from the Sierra Leone border. See that, Mr Taylor?

13 A. I see what the witness says. It is total disagreement with
14 the timing, so I am responding to what you are reading from the
11:15:23 15 witness's statement. I disagree with it.

16 Q. And if we can look back at page 1196, 14 January, and
17 again, if we look down at line 27:

18 "ULIMO attacked Lofa County in 1993, but we had a war in
19 the Foya area bordering Sierra Leone. Both NPFL and RUF were
11:16:21 20 attacking us from Sierra Leone."

21 And then we are going to move on to 1197:

22 "And so we had Loma - Lofa Defence Force that had been
23 organised in 1994. NPFL and Lofa Defence Force were attacking us
24 from the position at Saint Paul, between Lofa and Bong County."

11:16:48 25 Do you see that, Mr Taylor?

26 A. Varmuyan Sherif doesn't know what he is talking about here.
27 I see it. He doesn't know what he's talking about, so these
28 dates - he doesn't even know his left from his right.

29 Q. Mr Taylor, I asked if you saw that.

1 A. Yeah, I see what he said here.

2 Q. Now, the LDF in reality were NPFL fighters, isn't that
3 correct?

4 A. That is totally, totally incorrect.

11:17:08 5 Q. And they were commanded by one of your subordinates,
6 Mustapha Jallow, isn't that correct?

7 A. Totally incorrect.

8 Q. Gambian Special Forces that served for you, correct?

9 A. That is not correct.

11:17:21 10 Q. And this is the Mustapha Jallow who was present at the
11 meeting you held with Foday Sankoh and Dr Manneh, correct?

12 A. What meeting are you referring to?

13 Q. The meeting at which you agreed to help each other in your
14 conflicts, starting first with Liberia.

11:17:36 15 A. Yeah, but, you see, when you asked me the first question, I
16 know Mustapha Jallow.

17 Q. This was the Mustapha Jallow who was present at the meeting
18 you had with Foday Sankoh and Dr Manneh, correct? The meeting at
19 which you decided to help each other in your conflicts, beginning
11:17:53 20 first with Liberia?

21 A. Totally, totally incorrect.

22 Q. And it was the same Mustapha Jallow that you later made
23 commander of LDF, correct?

24 A. Totally incorrect.

11:18:05 25 Q. And regarding LDF, in November and December 1993, the LDF
26 were fighting alongside your forces against ULIMO in Lofa County;
27 isn't that correct?

28 A. That is not correct.

29 Q. And in fact, at that time the LDF captured several towns

1 from ULIMO; isn't that correct?

2 A. That is not correct.

3 Q. And in reality, that meant turning those towns back over to
4 you; that is correct, is it not?

11:18:31 5 A. Totally incorrect.

6 Q. So, Mr Taylor, we have looked in more detail at the
7 evidence of Mr Sherif, and Mr Sherif indicated to this Court that
8 ULIMO took control of various areas of the border at different
9 times during the period between 1992 and 1994, isn't that

11:19:03 10 correct? That's what he told the Court, correct?

11 A. Well, that's what - I can't recollect, but if - I take your
12 word for it.

13 Q. That's what we have just looked at, Mr Taylor.

14 A. Yes. I saw 1992 and 1996 in terms of control, so that's

11:19:19 15 why I said --

16 Q. Would you like to look at it again, Mr Taylor?

17 A. No. Not necessary, no.

18 Q. Now, regarding the concept of total control of the Sierra
19 Leone-Liberia border area and access in this area, it may be of
11:19:36 20 assistance to look at what this witness told the Court on 10
21 January 2008 at pages 975 to 976. Now, Mr Taylor, if we look at
22 975, beginning with line 7:

23 "Let me see if I can make it clear. When you drew that
24 line on the map, what were you seeking to indicate?"

11:20:59 25 This is a question of your Defence counsel regarding the
26 line that was drawn on D-1.

27 The answer here is:

28 "It was indicating that those were the controlled areas of
29 ULIMO, but let me make something clear to you: This was guerilla

1 warfare. You can have control of the area, and another faction
2 can bypass you from another location and then launch an attack
3 against you. So when ULIMO had control of areas, the NPFL will
4 still use those areas, bypass, and then do something in that
11:21:33 5 area. Equally, so ULIMO also had access by passing to attack
6 Nimba. That happened. So when I said ULIMO had control of Nimba
7 or Gbarnga, I can say we were in Gbarnga for two months, up to
8 three months, and then we retreated back. But I would not have
9 drawn the map that kind of way. Those areas we had total control
11:21:56 10 over is what I drew the map for. So I can say that NPFL could
11 also have access to get into the forest and reach the area of
12 RUF."

13 And then the witness goes on to say on - I believe it is
14 the next page, which would be page 976, in response to a question
11:22:29 15 from your Defence counsel:

16 "What I am trying to explain to you, maybe you didn't
17 understand it. We can have total control of the area, but the
18 kind of war we were fighting was not a conventional war that from
19 this position John Brown will say, 'I am going to control this
11:22:46 20 position,' and Peter Brown will say, 'I am in control of the next
21 position'. You can have control of this area, but the other
22 faction can use the bush path just to cause havoc or
23 embarrassment, to get to another area and do what they want to do
24 and then come back. That used to happen.

11:23:06 25 I told you publicly this area that I drew the map for was
26 the total controlled area of ULIMO, but that never meant that
27 NPFL would not jump into the forest, and this was part of Lofa
28 and there was a deep forest on the way to Bopolu and Marsala.

29 Sometimes you can walk in those forests and you will you

1 would not see a village with your naked eye. Sometimes you walk
2 one day, two days in that forest and you cannot see a village
3 with your eyes, so you can do anything within there and then get
4 out again. That was all I was trying to explain about that
11:23:45 5 area."

6 Now, that description of control in a guerilla warfare
7 setting is an accurate description, is it not, Mr Taylor?

8 A. It's not.

9 Q. Let's look, Mr Taylor, at what you had to say on 20 July
11:24:00 10 2009 at 24818. We will start there with line 1. And this is you
11 speaking, Mr Taylor.

12 "But I want to make one point here. When we talk about
13 control, guerilla warfare is very dangerous. The fact
14 that - let's take two points here. Let's - follow with the
11:24:58 15 judges. Let's look at Tubmanburg here and let's look at Gbarpolu
16 here. The fact that somebody would report that there were
17 military people in Tubmanburg, that people in Gbarpolu can now
18 relax, you don't do that. This whole area is going into the
19 forest region. Sometimes a guerilla can be here, but his actual
11:25:25 20 front line could be 15/20 miles away from his point of contact.
21 So once there is combat going in an area, you have to be very
22 careful in how you go in, how you come out. So the whole area at
23 this particular time becomes an area of concern."

24 So you had that comment to make about guerilla warfare on
11:25:40 25 20 July, correct, Mr Taylor?

26 A. That is correct.

27 Q. Thank you, Mr Taylor. Now, Mr Taylor, your Defence counsel
28 also referred you to the testimony of Moses Blah regarding
29 closure of the Sierra Leone and Liberia border, and he did that

1 on 23 July 2009. Do you recall your defence counsel referring
2 you to the testimony of Moses Blah?

3 A. Yes, I recall the testimony.

4 Q. And you recall that independently?

11:26:09 5 A. Always, yes.

6 Q. Now, your Defence counsel asked you to bear in mind that
7 Moses Blah said that the Sierra Leone-Liberia border was cut off
8 by ULIMO between 1992 until elections in 1997. Do you recall
9 your Defence counsel asking you to bear that in mind?

11:26:29 10 A. I don't recall the exact words, but I think that's factual.

11 Q. Now, let's look at what else Moses Blah told the Court
12 about that border closure and the ability to close the border.
13 So if we could look at the testimony of Moses Blah for 20 May
14 2008, page 10361. Mr Taylor, if we look at the question that is

11:27:28 15 asked beginning at line 7, this is a question on re-examination
16 by the Prosecution:

17 "Q. Witness, the Defence counsel put it to you yesterday
18 that Liberia's borders with other countries were
19 artificial, dividing ethnic groups and you couldn't stop
11:27:46 20 movement across the border and monitor such movements. You
21 agreed that that was two years back. Later he put it to
22 you that ULIMO effectively cut off the border with Sierra
23 Leone, effectively controlling the border, and you agreed
24 with that. So, I want to be clear what is true. Is it
11:28:06 25 possible during the time that we are discussing in this
26 case to control borders?

27 A. The border that I am concerned about that, I know of, I
28 can say something about, is the border between Cote
29 d'Ivoire and Liberia. That is not far from my home. But

1 where you are talking about, the border of Sierra Leone, it
2 is very, very far away from me and I did not know the real
3 different towns and the marcating [sic] systems on that
4 border, but I knew at a point in time that the border was
11:28:44 5 closed."

6 Now, your Honour, I can move on to another witness if he
7 wish.

8 A. What's the question?

9 PRESIDING JUDGE: All right. Was there no question
11:28:59 10 following that --

11 MS HOLLIS: That was simply to remind him of other
12 information that the witness had given about the closure of the
13 border. It is for completeness, to ensure that the Court has it
14 before it and the witness has before it what else a witness has
11:29:17 15 said about the closure of the border.

16 PRESIDING JUDGE: All right. Well, I see this is a
17 convenient time to take the morning break. We are just about out
18 of tape now. We will adjourn and come back at 12.

19 [Break taken at 11.29 a.m.]

12:00:04 20 [Upon resuming at 12.00 p.m.]

21 PRESIDING JUDGE: Go ahead, Ms Hollis.

22 MS HOLLIS: Thank you, Mr President:

23 Q. Mr Taylor, on 23 July your Defence counsel also drew your
24 attention to the evidence of TF1-571 in relation to the closure
12:03:11 25 of the border. Do you recall that?

26 A. I don't recall who TF1-5371 or whatever, I don't --

27 Q. That was at page 25086 of --

28 A. Are you talking about Mr Blah?

29 Q. -- the transcript of 23 July 2009 and indeed, Mr Taylor,

1 that witness was a Mr Karmoh Kanneh. Do you recall that?

2 A. No, I don't recall these numbers offhand like that counsel,
3 I'm sorry.

4 Q. Perhaps we can assist you by looking at 23 July, 25086.

12:04:05 5 A. Yes.

6 Q. We see at the bottom there, line 25, Prosecution witness on
7 open session on 9 May, Karmoh Kanneh, told this Court that that
8 border - and your counsel is speaking about the border between
9 Sierra Leone and Liberia - was cut off between 1992 and 1996 by

12:04:28 10 ULIMO and asked you if you recalled that and you said, yes, I do.
11 Do you recollect now, Mr Taylor? That can be moved up so that
12 Mr Taylor can see the bottom of the page, please, beginning at
13 line 25, Mr Taylor. Karmoh Kanneh.

14 A. Okay. I see it here now.

12:04:59 15 Q. And do you recall your Defence attorney asking you about
16 the evidence of that witness and you indicating that you
17 recalled?

18 A. Yes.

19 Q. So do you independently recall the testimony of that
12:05:17 20 witness regarding the closure of the border, Mr Taylor?

21 A. Yes.

22 Q. So in asking questions about the evidence of this witness,
23 your Defence counsel failed to draw your attention to the
24 evidence of the witness that from the time of his capture until

12:05:36 25 1995 the witness was fighting in Pujehun District, Kenema
26 District and with your forces in parts of Liberia. You remember
27 the witness testifying about that, don't you, Mr Taylor?

28 A. No, I don't. I don't. You're going to have to help me
29 here, counsel, because I don't - the way you're going now, you

1 are asking me about the failure on the part of my counsel in
2 reminding me about that testimony. Is that your question?

3 Q. Yes.

4 A. But that's subjective. How can I --

12:06:12 5 Q. Mr Taylor, you have indicated you independently recall the
6 testimony of this witness, so let's look a little more closely at
7 what this witness said about where he was - actually, what his
8 experience was between his capture until 1995. Now, you recall
9 this witness testifying then in early 1991 he was diamond mining
12:06:33 10 in Zimmi, yes? Do you recall that, Mr Taylor, from this
11 witness's testimony?

12 A. No, I don't. I don't recall. I need to be refreshed,
13 please.

14 Q. So you don't independently recall that evidence of this
12:06:51 15 witness, Mr Taylor?

16 A. I just said that.

17 Q. Okay.

18 A. I need to be refreshed.

19 Q. Let's take a look at page 9313 at 8 May 2008. In fact, to
12:07:10 20 be fair to you, let's look at beginning at page 9312, 8 May 2008,
21 testimony of this witness. 8 May, 9312. If we look at line 22
22 on that page, the witness indicates he was born in Gegbwema in
23 Sierra Leone in Kenema District. Do you see that, Mr Taylor?

24 A. I see. I see that.

12:08:09 25 Q. And then if we go to page 9313, then we see the witness
26 testified that in early 1991 he was doing mining in Zimmi Makpele
27 and that was diamond mining. Do you see that, Mr Taylor?

28 A. I see that.

29 Q. And you recall, Mr Taylor, that the witness said that when

1 the war came to Sierra Leone he left Zimmi and he went back to
2 his home village? You remember that, Mr Taylor?

3 A. No, I don't.

4 Q. Pardon me?

12:08:41 5 A. No, I don't.

6 Q. So you don't independently remember that evidence of the
7 witness?

8 JUDGE SEBUTINDE: What line are we looking at? We'd like
9 to follow, please.

12:08:50 10 MS HOLLIS: The first question I asked the witness is if he
11 recalled that and now I will - since he does not independently
12 recall it, I will refer him to that:

13 Q. Now, Mr Taylor, then perhaps it would assist you to look at
14 beginning with 9313 where he is asked, did there come a time when
12:09:15 15 you stopped doing the mining. That was at line 27. He says yes.
16 He was asked why. And then when we go to page 9314 he indicated,
17 "That was the time the war entered in Sierra Leone." And that he
18 indicates at line 3, "Where the war reached me in Zimmi, I had to
19 run to my village."

12:09:41 20 "Q. What village are you referring to?

21 A. Gegbwema."

22 Do you see that, Mr Taylor?

23 A. I see that.

24 Q. And, Mr Taylor, you recall the witness testifying that
12:09:52 25 while he was in Gegbwema is when he was captured, correct?

26 A. I do not recall that.

27 Q. Then if we look at the same page, 9314, line 12: "Did
28 something happen to you when you were in your village at that
29 time?" Then at line 16: "That was where I was when the rebels

1 attacked our village." Then when we go over to page 9315,
2 beginning with line 1, "They came and attacked the town, shooting
3 all around, some of us who were unable to escape, they captured
4 us." Do you see that, Mr Taylor?

12:10:35 5 A. I see that, yes.

6 Q. So the witness testified he was captured in the village of
7 Gegbwema after he had fled back to that village. And you recall,
8 Mr Taylor, that the witness also testified that he was trained at
9 Gisiwulo. Do you recall that testimony, do you?

12:10:59 10 A. No, I do not.

11 Q. That then he was sent to Zimmi, do you recall that?

12 A. No, I do not.

13 Q. Do you recall from the Prosecution evidence that both of
14 these locations are in Pujehun District?

12:11:10 15 A. No, I do not recall specifically which districts they are
16 in.

17 Q. Now, let's look at page 9316 and if we look at line 22:
18 "After some days they told us they were going to take us to the
19 base." Then the question is: "Did they say whereabouts the base
12:11:38 20 was?" He's asked where. He says Gisiwulo. "Did you go to
21 Gisiwulo?" He says yes. Then if we look at page 9317 at line
22 11:

23 "Q. What was at Gisiwulo?

24 A. A training base."

12:11:53 25 Do you see that, Mr Taylor?

26 A. I see that's reflected in his testimony.

27 Q. And then if we look at page 9323 of the same date, 8 May,
28 and we see at line 22 - actually, at line 21 he's asked the
29 question:

1 "Q. After you completed your training, what did you do?

2 A. Well, they graduated us and some of us were given arms
3 on that very day. Then we were moved to Zimmi. That was
4 the first target."

12:12:29 5 Do you see that, Mr Taylor?

6 A. I see what he's saying. So what are my questions? Am I
7 answering your properly? That's what you want to know, if I'm
8 seeing what you're reading?

9 Q. That's correct.

10 A. Okay.

11 Q. Because as you see, Mr Taylor, first I'm asking if you
12 independently remember these things and then I'm showing you in
13 the transcript where the witness said it.

14 A. Okay.

12:12:49 15 Q. Yes, Mr Taylor?

16 A. Yes.

17 Q. Now, Mr Taylor, you recall that the witness's testimony was
18 from that time that he was trained and sent to Zimmi until about
19 December 1993 the majority of the time he was in Pujehun

12:13:07 20 District? You remember that, don't you, Mr Taylor?

21 A. Well, based on what he just said, he said he was someplace
22 and he had to move after he was captured.

23 Q. And he also testified that there were sometimes that he was
24 in Kenema District fighting and sometimes that he was in Liberia.

12:13:23 25 Do you independently recall that testimony, Mr Taylor?

26 A. No, I don't.

27 Q. Now, if we look at 9324, the witness talks about various
28 locations after they're given vehicles, starting at line 10, and
29 he talks about a target which was Joru and that there was a

1 Liberian commander there from the Mano tribe. Do you see that,
2 Mr Taylor?

3 A. Yes, I'm seeing it.

4 Q. And then if we look at page 9325, they talked about various
12:14:12 5 actions and fighting and being attacked and then moving to
6 Gegbwema Tunkia and again he's asked on 9326 the district that
7 Gegbwema is in and he indicates Kenema District. Do you see
8 that, Mr Taylor?

9 A. I see the testimony, yes.

12:14:39 10 Q. And then at 9327 he talks about fighting around the Golahun
11 area in Kenema District and then all going back to Zimmi.
12 Correct, Mr Taylor?

13 A. I see the testimony, counsel.

14 Q. Then if we move to 9329, the witness testifies about being
12:15:07 15 at Zimmi for about two weeks and then being pushed and going to
16 Bo Waterside, and that's from lines 19 to 22. Do you see that,
17 Mr Taylor?

18 A. Yes, I see.

19 Q. "We spent about two weeks in Zimmi", starting at line 20.
12:15:31 20 See that, Mr Taylor?

21 A. I see that.

22 Q. And then being pushed to Bo Waterside?

23 A. I see that.

24 Q. And then, Mr Taylor, he talks about at page 9331 being
12:15:49 25 deployed to Wai, and he says that's in Pujehun District. That's
26 at page 25. Do you see that, Mr Taylor?

27 A. I see that. Not on page 25; line 25, you meant?

28 Q. Line 25, yes, thank you, Mr Taylor, that's correct.

29 A. Yes, I do.

1 Q. Then at page 9332 at the top he explains they went to Wai
2 to keep the defensive and at that line 10 he says, "We were
3 pushed and we were attacked from all fronts." At line 10 he
4 begins: "They attacked us, they even captured Bo Waterside and
12:16:33 5 all of us ran into Liberia." Do you see that, Mr Taylor?

6 A. I see that.

7 Q. So he goes from Sierra Leone into Liberia and he said the
8 first place they went was Tiene in Liberia. Mr Taylor, Tiene is
9 in Grand Cape Mount County, correct?

12:16:50 10 A. Tiene is in Grand Cape Mount County.

11 Q. It's on the road between Klay and Bo - or Bo Waterside it's
12 sometimes called, correct?

13 A. That is correct.

14 Q. And then he says they went from there to Bomi Hills. Do
12:17:08 15 you see that?

16 A. I see that.

17 Q. Indeed, Mr Taylor, you remember the witness testifying that
18 it was while he was at Bomi Hills that you and Foday Sankoh came
19 there and addressed his group. You remember him testifying to
12:17:22 20 that?

21 A. No, I do not remember that.

22 Q. You don't remember independently him testifying to that,
23 Mr Taylor?

24 A. No, I don't.

12:17:28 25 Q. And then if we look at this same page, 9332, he's talking
26 about going to Bomi Hills, and we all went and stopped there, and
27 he says: "We were there when we saw Foday Sankoh and at the same
28 time we saw Mr Taylor, all of them came."

29 Then on page 9333 he continues to explain what happened

1 when you and Foday Sankoh came. So do we have page 9333?

2 A. We have page 9333.

3 Q. And then at line 3:

4 "We saw him he, was in the vehicle. They came on board a
12:18:16 5 vehicle. Where we were based they all came there, he and Foday
6 Sankoh."

7 And he says Foday Sankoh came first. Then he's asked to
8 identify exactly who he's talking about when he says Mr Taylor,
9 and he says, "Charles Ghankay Taylor, that is what we normally
12:18:35 10 called him by." Then you see, Mr Taylor, at line 14 the witness
11 is asked, "What did Charles Taylor do?" And the witness
12 explains:

13 "They called us to a formation and all of us were briefed.
14 They gave us courageous words. They said we shouldn't fear, we
12:18:52 15 will have to return. They said we shouldn't fear."

16 And then at line 20:

17 "Well, he himself, Charles Taylor, was the first person who
18 speak, and then later he was buttressed by Foday Sankoh?"

19 Then the witness was asked:

12:19:08 20 "Q. What did Charles Taylor say exactly at that formation?

21 A. He said he had come with armament, materials and all
22 other things, and he said we were going to get ready and go
23 back to Sierra Leone."

24 Then he was asked:

12:19:24 25 "Q. Did he say anything else?

26 A. Yes.

27 Q. What did he say?

28 A. He said he was going to divide the group into two. He
29 told us that."

1 Then there's some questions about what it means when he
2 said that Foday Sankoh then spoke and he buttressed, and then the
3 witness talks about what he means by "buttressed" - by Foday
4 Sankoh buttressing Charles Taylor.

12:19:50 5 Now, at the bottom of page 9334 he's asked:

6 "You also said previously Charles Taylor said he was going
7 to divide the group into two. You told us that. Did he divide
8 the group into two?"

9 Then at page 9335 the witness indicates that they were
12:20:12 10 divided into two groups, and then at line 10 of 9335 the witness
11 says:

12 "In our own group that we moved with initially when we
13 moved to Bomi Hills, although some later added but we were
14 initially 500."

12:20:29 15 Then at line 24:

16 "Q. Did the group you were placed into have a name?

17 A. Yes.

18 Q. Who gave the group the name, if you know?

19 A. It was Mr Taylor.

12:20:40 20 Q. And what was the name of the group?

21 A. It was called Black Gadaffa."

22 So you see that testimony, Mr Taylor?

23 A. I'm looking at the testimony.

24 Q. Now, in relation to what this witness did and his
12:20:55 25 whereabouts while he was in Liberia, let's look at page 9341, 8
26 May 2008, the bottom of the page.

27 PRESIDING JUDGE: Ms Hollis, are you reading this
28 transcript to the witness just to remind him? Because he did say
29 earlier that he didn't recall certain things. Is that the

1 purpose of doing this?

2 MS HOLLIS: The purpose of this is to follow up on the
3 question. The point being that the Defence counsel had failed to
4 address with this witness, when he was talking about the
12:21:37 5 testimony of Karmoh Kanneh, that Karmoh Kanneh's experience from
6 his capture until about 1995 was in Pujehun, Kenema District, and
7 parts of Liberia. And this is in relation to the closure of the
8 border, Mr President.

9 PRESIDING JUDGE: Well, I'm just wondering. If you're
12:22:01 10 going to argue that, would it be more appropriate to do this in
11 your final submissions rather than simply ask Mr Taylor if he can
12 see the transcript?

13 MS HOLLIS: Well, first I'm asking him if he recalls this,
14 and this also goes to --

12:22:16 15 PRESIDING JUDGE: Your last few questions have simply been,
16 "Can you see it?"

17 MS HOLLIS: After he says he doesn't independently recall,
18 Mr President.

19 JUDGE SEBUTINDE: Yes, but, Ms Hollis, the point, I think,
12:22:31 20 that we are all trying to follow is what is this witness's view
21 about what you're reading to him? If he doesn't have a view,
22 what's the point of reading anything to him?

23 MS HOLLIS: If I may explain. First of all in terms of
24 completeness of the evidence relating to this witness's knowledge
12:22:54 25 of the closure of the border, it is appropriate, in the
26 Prosecution's position, to ask the witness if he does recall the
27 portions of the testimony which put his knowledge in context in
28 terms of where he was actually situated during this time period
29 in terms of completeness.

1 Secondly, your Honours, the witness indicated throughout
2 the Defence direct examination that he recalled evidence from the
3 Prosecution case as far back as January 2008, and he has indeed
4 told your Honours this morning in response to questions I have
12:23:37 5 asked him that the time the Defence was asking him do you recall
6 this, he was independently recollecting it.

7 Now, moving on, to test whether indeed he independently
8 recollects this evidence is also relevant, in the Prosecution's
9 submission, to show that he didn't independently recollect it;
12:23:58 10 that indeed his testimony has been rehearsed and prepared, and
11 that is also relevant in terms of the credibility to be given to
12 the testimony of this witness.

13 So it's for these reasons that this line of questioning is
14 being pursued: Number one, for completeness in terms of this
12:24:17 15 witness's testimony relating to the closure of the border; and
16 number two, testing this witness's assertion that he had
17 independent recollection of this testimony. So those are the
18 purposes which the Prosecution is pursuing. Now, if your Honours
19 are directing me to move on, then I will do so.

12:24:40 20 PRESIDING JUDGE: I see you've described the purpose for
21 putting these questions, but the questions have been confined to
22 simply, "Do you see that, Mr Taylor?" That followed on from some
23 questions whether he recalls this, but specific questions
24 relating to the closure of the border and whether he remembers
12:25:14 25 the specific passages that you've been putting to him, they
26 haven't been asked, Ms Hollis. Possibly I'm missing what you're
27 saying.

28 MS HOLLIS: I apologise for not clearly articulating this,
29 Mr President.

1 The Prosecution's position is that the completeness of the
2 evidence of this witness gives you the context in which he makes
3 the statement about the border closure, and the context for this
4 witness is that his experience of the border closure from the
12:25:43 5 time he was captured until 1995, which we will get to, is when he
6 actually goes to Kailahun District. It is actually relegated to
7 the areas of his operations, which are Pujehun District, Kenema
8 District, and parts of Liberia not including Lofa County. So
9 that is the context and the completeness of his evidence in which
12:26:07 10 he indicates the closure of the border. That is the purpose of
11 that: To show that he is speaking from his experience, not
12 including Lofa County or Kailahun District until 1995.

13 JUDGE SEBUTINDE: When you say "this witness", you mean --

14 MS HOLLIS: Karmoh Kanneh, the witness whose evidence we
12:26:31 15 have just been going over.

16 JUDGE SEBUTINDE: Yes, and what does all this have to do
17 with Mr Taylor's own testimony - this is precisely the point
18 we're trying to follow - should be the point of cross-examination
19 anyway.

12:26:45 20 MS HOLLIS: That's correct. This was raised with him by
21 Defence counsel. Defence counsel directed him to the fact that
22 Karmoh Kanneh had testified that the border - Sierra
23 Leone-Liberia border was closed between a certain period, 1992
24 and onward. And Mr Taylor - and he was asked if he recalled that
12:27:09 25 evidence of that witness, and Mr Taylor indicated that he
26 recalled that evidence. Then today Mr Taylor has indicated he
27 independently recalled that evidence, and the Prosecution's point
28 in this is that when this witness talked about the closure of the
29 border, he is talking about the closure of areas of the border of

1 which he had knowledge. That is the reason that we are going
2 over this for completeness.

3 This witness never testified that during the period from
4 his capture to 1995 he was in Kailahun District or Lofa County in
12:27:47 5 Liberia. So that his experiences were in other areas of the
6 border, and that is the reason that this is being pursued:
7 Number one, to test the credibility of Mr Taylor's adopting his
8 Defence counsel's saying do you remember this witness saying that
9 during this time the border was closed, to show the conditions
12:28:09 10 and the limits on that; and secondly, to test Mr Taylor saying to
11 you that he had independent recollection of the testimony of this
12 witness. So that is the purpose of this line of questioning.

13 Now again, if your Honours ask that we move on, we will do
14 so.

12:28:31 15 PRESIDING JUDGE: I think you have made your point,
16 Ms Hollis. If there's something more you wish to demonstrate on
17 that particular argument, go ahead. But otherwise, move on.

18 MS HOLLIS: Thank you. We will move on:

19 Q. Now, Mr Taylor, let's turn to another topic; that is, your
12:28:59 20 relationship with ULIMO. You have testified to this Court about
21 the fighting between the NPFL and ULIMO and you have described
22 them as trying to kill you, and you have talked about the
23 relationship of various members of ULIMO with you, in particular
24 Varmuyan Sherif. Do you recall that, Mr Taylor?

12:29:22 25 A. That is correct, yes.

26 Q. Now, the reality is, Mr Taylor, is it not, that from very
27 early on in the conflict you and the Alhaji Kromah ULIMO
28 cooperated in various matters. Isn't that correct?

29 A. Would you ask that again, please?

1 Q. Yes. The truth is that from very early on in the conflict
2 you and the Alhaji Kromah ULIMO cooperated in various aspects?

3 A. When you say very early on in the conflict, counsel, please
4 help me, what period are you talking about?

12:30:01 5 Q. For example, let's look at the Cotonou Agreement, that was
6 signed on 25 July 1993. Isn't that correct?

7 A. Well, I have to take your word for it. I'm not looking at
8 it here. Cotonou, that sounds right.

9 Q. Well, if you would like, we can look at page 34 of
12:30:23 10 MFI-276 --

11 A. That's okay for me.

12 Q. -- which is the ECOWAS official journal, the special
13 edition for 1997.

14 PRESIDING JUDGE: I think Mr Taylor said he'll take your
12:30:35 15 word for it, Ms Hollis.

16 MS HOLLIS: Okay. All right:

17 Q. Now, Mr Taylor, at the signing of the Cotonou Agreement,
18 indeed, Mr Dogolea signed on your behalf. Isn't that correct?

19 A. That is correct. That sounds right, yeah.

12:30:50 20 Q. And you did not attend the signing because you cited fears
21 of being assassinated. Isn't that correct?

22 A. That sounds right.

23 Q. And, Mr Taylor, after the signing of this agreement, the
24 implementation of the agreement was delayed over allocation of
12:31:13 25 various cabinet posts. Isn't that correct?

26 A. Sounds right, yes.

27 Q. And, in fact, it boiled down to a disagreement over control
28 of four of the 17 cabinet posts. Isn't that correct?

29 A. That is correct.

1 Q. And those posts were Foreign Affairs, Justice, Defence and
2 Finance. Do you recall that?

3 A. That sounds right.

12:31:37 4 Q. And, indeed, you and ULIMO worked together to resolve this
5 dispute, did you not?

6 A. That sounds right, yes.

7 Q. And to push for an agreement on the allocation of those
8 posts?

9 A. Yes.

12:31:45 10 Q. And you and ULIMO agreed that you, the NPFL, that is to
11 say, would get the post of Foreign Affairs and the Ministry of
12 Justice, correct?

13 A. That is correct.

14 Q. And that ULIMO would get the post for Finance?

12:32:01 15 A. That is correct.

16 Q. And, indeed, then the interim government got the post for
17 Defence, correct, Mr Taylor?

18 A. That sounds correct, yeah.

19 Q. Now, if we move to the Akosombo Agreement which was signed
12:32:16 20 on 12 September 1994, you recall that agreement, Mr Taylor?

21 A. Yes, I do.

22 Q. And do you recall that being signed on 12 September 1994?

23 A. Well, I don't recall the date, but I believe that's true,
24 yeah.

12:32:28 25 Q. And, indeed, that was signed by representatives of the
26 Armed Forces of Liberia, the NPFL and ULIMO. And at this time,
27 was it ULIMO or ULIMO-K, Mr Taylor, do you remember?

28 A. I think it was - I don't quite remember. Alhaji was there,
29 so I would just have to say ULIMO. I can't recall specifically,

1 but Kromah signed, so I would just say ULIMO.

2 Q. And, indeed, the signing of this agreement, you signed on
3 behalf of the NPFL, correct?

4 A. NPFL/NPRAG, yes.

12:33:06 5 Q. And Alhaji Kromah signed on behalf of ULIMO?

6 A. That is correct.

7 Q. And General Bowen signed for the Armed Forces of Liberia,
8 correct, Mr Taylor?

9 A. That is correct.

12:33:16 10 Q. And you remember that this Akosombo Agreement provided for
11 a five member Council of State, correct?

12 A. That sounds correct. I'm not looking at the agreement. I
13 can't recall verbatim.

14 Q. We can look at that, Mr Taylor, if you would like.

12:33:33 15 A. But, I mean, I don't think you would deliberately mislead
16 this Court about numbers, so five - there was a council, yes.

17 Q. And of those five posts, the NPFL, the AFL and ULIMO each
18 got to put one representative in that council of government,
19 correct?

12:33:50 20 A. Yes. NPFL, ULIMO and you said the AFL?

21 Q. Yes.

22 A. I don't quite recall if the AFL did.

23 Q. Were they acting on behalf of the transitional government?

24 A. Yeah, but there was someone, I think Kuyon, I'm not too
12:34:15 25 sure about that particular detail, but I do know that --

26 Q. Okay. Let's go on. Perhaps that will clear it up. In
27 addition to those three seats, one seat was to be filled by
28 someone that was selected from the Liberian National Conference
29 of Political and Civic Groups, correct?

1 A. That is the correct.

2 Q. So that was a fourth seat?

3 A. That is correct.

4 Q. In addition to that, the final seat, the fifth seat, was to
12:34:40 5 be occupied by a representative that would be jointly selected by
6 you and Alhaji Kromah, correct? That is to say, by NPFL/NPRAG
7 and ULIMO, correct?

8 A. Okay, NPFL/NPRAG, ULIMO, that sounds right.

9 Q. Perhaps we should look at --

12:35:01 10 A. Let's look at it. Probably we should have agreed upon
11 their selection. I'm not too certain.

12 Q. Let's look first at that MFI-276 where it talks about the
13 Akosombo Agreement and that was DCT-184. If we first look at
14 page 58 of that document and we see the Akosombo Agreement
12:36:26 15 between the National Patriotic Front of Liberia, United
16 Liberation Movement of Liberia For Democracy and the Armed Forces
17 of Liberia, yes, Mr Taylor?

18 A. Yes.

19 Q. And we see Accra, Republic of Ghana, 12 September 1994,
12:36:44 20 yes?

21 A. Yes.

22 Q. Then if we could go to page 61 of that agreement or of that
23 document and we see number "Part II, Political Issues, Section
24 A", and it appears that this is amending Section B Article 14(7),
12:37:14 25 that would be of the Cotonou Agreement, correct, that this is
26 amending, where it says, "Section B, Article 14(7) is hereby
27 amended to read thus"?

28 A. I can't just say yes to you because at least it would have
29 referred to which agreement was being amended, so I'm not

1 certain, counsel.

2 Q. We can move on from that. If we look at the executive
3 under subpart (i) and if we look:

4 "The executive powers of the republic shall be vested in a
12:37:48 5 five member Council of State which is hereby established. Each
6 of the parties, AFL, NPFL and ULIMO, shall appoint one member to
7 the council and the remaining two representing unarmed Liberians,
8 shall be chosen from among prominent Liberians, one appointed by
9 the Liberian National Conference recently convened in Monrovia
12:38:11 10 and the other by NPFL and ULIMO."

11 A. Okay.

12 Q. You see that, Mr Taylor?

13 A. Yes, I do see that.

14 Q. So that you and ULIMO jointly were going to appoint the
12:38:23 15 fifth member, or one of the five members, yes, Mr Taylor?

16 A. That is correct.

17 Q. Then if we look at page 62 and 63 we see the signatures and
18 that is yourself, Alhaji Kromah, and if we turn over to page 63
19 we see General Bowen signing as Chief of Staff Armed Forces of
12:38:57 20 Liberia. Correct, Mr Taylor?

21 A. That is correct.

22 Q. Then if we continue looking at this document, Mr Taylor,
23 you said that that would I believe indicate that you would have
24 actually jointly selected a person. And if we look at the
12:39:17 25 agreement on the clarification of the Akosombo Agreement, we find
26 who it was who you and ULIMO jointly agreed on. So let's
27 continue to look at page 63, the agreement on the clarification
28 of the Akosombo Agreement. This is 21 December 1994. If we look
29 at page 64, part II, political issues, section A, executive. Are

1 you seeing that, Mr Taylor? If that could be raised a bit,
2 please, to show the bottom of that page. We see the first four
3 members of the new Council of State shall be appointed as
4 follows: NPFL 1, ULIMO 1, AFL/coalition 1. What's the reference
12:40:20 5 there to AFL/coalition, Mr Taylor? Do you know what the
6 coalition is that they're referring to?

7 A. The little groups they were sponsoring around. They had
8 their own little clique.

9 Q. So AFL in combination with that coalition would nominate
12:40:37 10 one or appoint one, and the LNC, that's the Liberian National
11 Conference, correct?

12 A. That's correct.

13 Q. And then following that, the fifth member of the Council of
14 State shall be a traditional chief selected by the NPFL and ULIMO
12:40:52 15 in person of Honourable Tamba Tailor, correct, Mr Taylor?

16 A. That is correct.

17 Q. So you and ULIMO jointly selected Tamba Tailor to be the
18 fifth member of that Council of State?

19 A. That is correct.

12:41:14 20 Q. And after this working together to jointly select Tamba
21 Tailor, you and ULIMO continued to work together in various
22 aspects. Isn't that correct, Mr Taylor?

23 A. Well, I have to take my time on this. What do you mean by
24 continue to work together in various ways? Maybe I need some
12:41:39 25 clarification.

26 Q. Continued to cooperate with each other in various ways.
27 Correct, Mr Taylor?

28 A. Well, no. I would have to actually be specific because I
29 could be confronted with this again. So in what specific way did

1 we cooperate? You can cooperate militarily, you can cooperate
2 politically. So what way are you referring to, counsel?

3 Q. Well, Mr Taylor, did you cooperate militarily?

4 A. No.

12:42:02 5 Q. Did you cooperate politically?

6 A. Politically, yes.

7 Q. Let's have a look, shall we, at tab number 8 in annex 3.

8 That should be in the first binder of annex 3. Everyone should
9 be looking at S/1995/1042 14th progress report of the

12:43:25 10 Secretary-General on the United Nations Observer Mission in

11 Liberia. 18 December 1995. That's what you have before you,
12 yes, Mr Taylor?

13 A. Yes.

14 Q. If we could please turn to paragraph 6, which is on the

12:43:41 15 second page of this document. If we look at paragraph 6, we see:

16 "During the reporting period, ECOWAS and my special
17 representative, Mr Anthony Nyakyi, have encouraged the Liberian
18 National Transitional Government (LNTG) and the faction leaders
19 to make every effort to contain the skirmishes that emerged

12:44:24 20 during the first two month of the ceasefire, particularly between

21 the wing of the United Liberation Movement of Liberia For
22 Democracy headed by Mr Alhaji Kromah (ULIMO-K) and the National
23 Patriotic Front of Liberia (NPFL) led by Mr Charles Taylor. In
24 that connection the Council of State designated councilman

12:44:45 25 Mr George Boley, leader of the Liberian Peace Council (LPC) to
26 mediate between NPFL and ULIMO-K."

27 Do you recall Mr Boley mediating between you and ULIMO-K?

28 A. Yes.

29 Q. Then it goes on:

1 "On 30 November 1995 Mr Taylor and Mr Koroma signed a
2 memorandum of understanding, agreeing to cease all hostilities,
3 to create a buffer zone between their forces in the Saint Paul
4 River bridge area of Lofa County, to guarantee the free movement
12:45:25 5 of civilians and commercial activity in the areas under their
6 control, and to cooperate fully with relief organisations. They
7 also called on ECOMOG to deploy immediately to the buffer zone."

8 Then if we look at paragraph 7:

9 "The memorandum of understanding prompted the other
12:45:46 10 factions to withdraw their allegations of ceasefire violations
11 and to reaffirm their commitment to resolve their differences
12 peacefully. It also prompted the faction leaders to begin
13 re-opening major roads to inaccessible areas of the country.
14 This initiative resulted in the opening of roads linking Monrovia
12:46:06 15 to Lofa, Nimba and Grand Gedeh counties through Bong County.
16 NPFL, ULIMO-K and LPC forces have since worked together to
17 facilitate the delivery of humanitarian assistance to the newly
18 accessible areas. It is hoped that roads leading to the
19 southeast will also be opened soon."

12:46:33 20 So, Mr Taylor, you and ULIMO entered into a memorandum of
21 agreement or understanding in which you agreed to cease all
22 hostilities, correct?

23 A. We entered into a memorandum to cease all hostilities.

24 Q. That is influencing your military operations, isn't it,
12:46:52 25 Mr Taylor?

26 A. Now, counsel, we have a different opinion about that. Your
27 question to me was did we operate militarily. I don't call that
28 military cooperation.

29 Q. So agreeing to cease all hostilities in your view isn't

1 military cooperation?

2 A. Well, again, it depends. That's why I - sometimes I asked
3 you for clarification. I view military cooperation as forces
4 combining to carry out a common cause. That's cooperation. We
12:47:23 5 are yielding to a political situation to bring peace. Now,
6 depending on how you take it --

7 Q. Mr Taylor, guaranteeing the free movement of civilians in
8 your area, that would involve military cooperation, would it not?

9 A. It's also political. Free movement, that's the peace
12:47:39 10 process, political. I'm again telling --

11 Q. You say it's also political. My question was that would
12 involve military cooperation, would it not?

13 A. Yes, it involves agreement. That word "cooperation", I
14 have problems with it. It shows some flexibility and an
12:47:56 15 agreement. I'm not sure if I'm prepared to see it as military
16 cooperation. I see it as cooperation between two parties, but
17 again I want to be very careful in your definition of military
18 cooperation.

19 Q. Now, Mr Taylor, you also acted in concert with ULIMO-K in
12:48:20 20 your actions against Roosevelt Johnson that resulted in the
21 fighting of April 1996, isn't that correct?

22 A. No, I wouldn't put it quite that way. Because of the way
23 the question is phrased I would say no.

24 Q. You and ULIMO-K acted together to try to effect the arrest
12:48:42 25 of Roosevelt Johnson, did you not?

26 A. Well, I would say no. I would say - in that way I would
27 say no. The Government of Liberia involving ULIMO-K, ULIMO-J and
28 the NPFL.

29 Q. ULIMO-J acted against itself to effect the arrest of

1 Roosevelt Johnson?

2 A. No, at the time Roosevelt Johnson was not leader of ULIMO-J
3 when the arrest was ordered. Roosevelt Johnson had been removed
4 as leader. The leader was another gentleman - I have forgot his
12:49:13 5 name - Kai Karlee [phon] or something like that, and so members
6 of ULIMO-J fought alongside the government forces. Roosevelt
7 Johnson was not leader of ULIMO-J at this time.

8 Q. Mr Taylor, it was you and ULIMO-K who backed this other
9 person to become the leader of ULIMO-J. Isn't that correct?

12:49:35 10 A. I had nothing to do with the ULIMO internal conflict.
11 Nothing.

12 Q. You had nothing to do with that?

13 A. With the ULIMO internal conflict. Absolutely nothing. It
14 was an internal ULIMO problem. These were enemies that had been
12:49:51 15 fighting me. I had nothing to do with their internal problems,
16 no.

17 Q. Mr Taylor, if we could look, please, again at tab 21 in
18 annex 3. If we could look at page 187, please. If we could look
19 at the third paragraph from the top:

12:50:52 20 "On 2 March 1996 the executive council of ULIMO-J removed
21 Roosevelt Johnson as chairman and replaced him with William
22 Karyee while insisting that Johnson retain his" --

23 PRESIDING JUDGE: Just one moment. Do you have that yet?

24 THE WITNESS: No, not yet.

12:51:12 25 MS HOLLIS: I'm sorry, Mr Taylor. I apologise. That is
26 page 187.

27 JUDGE SEBUTINDE: I think for the record it should be
28 mentioned what document this is.

29 MS HOLLIS: This is another page of the book by Dr Adebajo,

1 "Liberia's Civil War: Nigeria, ECOMOG and Regional Security in
2 West Africa":

3 Q. Mr Taylor, do you see that? Do you have that before you,
4 the paragraph beginning, "On 2 March 1996"?

12:51:51 5 A. I have the document before me.

6 Q. And do you see the part with the marking to the right side
7 of it, "On 2 March 1996"?

8 A. Yes, I see the marking.

9 Q. "On 2 March 1996 the executive council of ULIMO-J removed
12:52:09 10 Roosevelt Johnson as chairman and replaced him with William
11 Karyee while insisting that Johnson retain his LNTG post as
12 Minister For Rural Development. Two days later the Council of
13 State held an emergency meeting. Council members condemned
14 ULIMO-J's attack on ECOMOG in Tubmanburg, ordered it to return
12:52:34 15 the peacekeepers' confiscated heavy weapons, and invited Johnson
16 and Karyee to a meeting at the Executive Mansion the next day.
17 Though Karyee attended, Johnson did not."

18 Mr Taylor, do you recall all of those events?

19 A. I recall the - in fact, for the sake of the record, I was
12:52:58 20 trying to pronounce the name. It is Karyee that I tried to
21 pronounce before for the Court when I said Roosevelt Johnson was
22 not - yeah, I do remember this conflict, yes.

23 Q. "Though Karyee attended, Johnson did not. Charles Taylor
24 and Alhaji Kromah led the council to recognise Karyee as
12:53:20 25 ULIMO-J's new chairman, suspended Johnson from his cabinet post,
26 and requested that ECOMOG search Johnson's Monrovia home for
27 weapons."

28 So Mr Taylor, it's accurate, is it not, that you and Alhaji
29 Kromah acted together to lead the council to recognise Karyee as

1 ULIMO-J's new chairman?

2 A. That's totally inaccurate. Totally. That's what wrong
3 with this book. Totally inaccurate. In fact, two persons
4 constitute a minority with five other council even if two say so.

12:53:54 5 So that is that is totally incorrect. It was a unanimous
6 decision on the part of the council. This is totally incorrect.

7 Q. Mr Taylor, if you see the language there, "Charles Taylor
8 and Alhaji Kromah led the council to recognise," you see that
9 language?

12:54:05 10 A. I do see that language, and the other three members are not
11 stupid.

12 Q. And Mr Taylor --

13 A. They are intellectuals too.

14 Q. Mr Taylor, it's correct, is it not, that very often certain
12:54:13 15 members of a group have more power and persuasion over the group
16 than other members?

17 A. How do you expect me to answer that now? That is what you
18 call a subjective question. There could be cases where it is
19 true; there are cases where it is not true. I'm not going to
12:54:32 20 speculate.

21 Q. So you won't speculate on that?

22 A. I wouldn't.

23 Q. Indeed, Mr Taylor, you were the leading force in that
24 Council of Five, were you not?

12:54:42 25 A. I would say no. Each of my --

26 Q. You had the most power, did you not?

27 A. No. Each of my colleagues had powers. We had one vote.
28 We voted on that council. So in terms of power, I would say no.
29 Each council member had one vote.

1 Q. Now, Mr Taylor, you and Alhaji Kromah, as members of that
2 council, also teamed together to insist that the Liberian
3 National Transitional Government was the one responsible for
4 disarming fighters and approving all ECOMOG deployments, isn't
12:55:19 5 that correct?

6 A. No, the entire council agreed. Dr Boley, he has a PhD, he
7 sure isn't stupid. George Boley has a PhD from a prestigious US
8 university. He certainly is not stupid. It was a decision of
9 the Council of State.

12:55:37 10 Q. That was at the insistence of you and Alhaji Kromah,
11 correct?

12 A. That - well, I'm not going to speak for Alhaji Kromah. I
13 want to make it very clear: As far as I am concerned, I did make
14 it very clear that the presidency of Liberia could not serve in
12:55:53 15 its capacity with all of the responsibilities and permit this
16 function to be carried out by any other person except the
17 constituted government. That was my position.

18 Q. And both you and Alhaji Kromah backed the declaration of
19 the transitional government that it was the Government of
12:56:13 20 Liberia, correct?

21 A. The council agreed. The full council.

22 Q. And the declaration that the Council of State was indeed a
23 collective presidency, correct?

24 A. That's the agreement. We just read the agreement where it
12:56:26 25 said the power should be constituted in a five-man Council of
26 State. So that is true.

27 Q. And you interpreted that to be a collective presidency,
28 correct?

29 A. I did interpret it that way.

1 Q. All having equal rights, correct?

2 A. All powers were vested in the council. I had a vote and
3 every individual had a right.

4 Q. Now, this idea of the Council of State being a collective
12:56:53 5 presidency with everyone having equal rights, that was rejected
6 by ECOWAS, was it not?

7 A. They had their own - some members in ECOWAS had the
8 interpretation. That's why we put in a chairman of the council,
9 and we acted as such.

12:57:13 10 Q. And indeed, they were very vocal about their rejection of
11 that, correct, and rejected it in that was inconsistent with the
12 spirit of the peace agreement. Isn't that correct?

13 A. Yes, I do agree that was their interpretation. It sure
14 didn't - they did not sit and vote to change it, so it was - it
12:57:38 15 was some members that said that, but we rejected that. That is
16 correct.

17 Q. So in many different aspects, you and ULIMO - and later
18 ULIMO-K - cooperated in Liberia even during the period of the
19 civil war, isn't that correct?

12:57:59 20 A. What do you mean by "cooperated", counsel?

21 Q. We've just gone over that, Mr Taylor.

22 A. No, but I want to get what you mean. Because you've added
23 a third. You say ULIMO, NP --

24 Q. Well, later it was ULIMO-K, yes?

12:58:11 25 A. Okay.

26 Q. By the time of 1995 with your memorandum of understanding,
27 wasn't it ULIMO-K at that time --

28 A. It was ULIMO --

29 Q. -- Alhaji Kromah's faction?

1 A. It was ULIMO-K.

2 Q. So you were not enemies in all aspects of the events that
3 were occurring in Liberia even during the civil war itself, were
4 you, Mr Taylor, you and ULIMO?

12:58:40 5 A. All factions, we were enemies, so there's no specific - we
6 were enemies to ULIMO-K, ULIMO-J, and all that fought us were
7 enemies.

8 Q. Mr Taylor, the question was you were not enemies in all
9 aspects of the events that were occurring in Liberia, even during
12:58:57 10 the civil war itself?

11 A. Well, then what do you mean by "all aspects of the events"?
12 Which events?

13 Q. That we have just covered, Mr Taylor.

14 A. No, but let's - I'm not just going to answer a blanket yes
12:59:06 15 or no here, and you're going to come back at me after two or
16 three days and say: Well, you said in all events, Mr Taylor. So
17 I want to know which events are you referring to?

18 Q. The ones we just covered, Mr Taylor.

19 A. Which ones?

12:59:19 20 Q. Your agreement on the allocation of post - after the
21 Cotonou Agreement?

22 A. That's one event. Yes, we agreed on --

23 Q. Your jointly selecting one of the members to be on the five
24 member presidency as part of the Akosombo Agreement, Mr Taylor?

12:59:34 25 A. Yeah, but let's go back. On the allocation of posts,
26 counsel, it was not just ULIMO and NPFL that agreed on
27 allocation.

28 Q. Mr Taylor, Akosombo Agreement, the joint selection of one
29 of the members of the Council of Five between ULIMO and yourself,

1 correct?

2 A. That is correct, number one.

3 Q. And the 1995 memorandum of understanding entered into
4 between you and Alhaji Kromah, ULIMO-K, yes, Mr Taylor?

13:00:11 5 A. To cease hostilities.

6 Q. We read out in the report exactly what the memorandum of
7 understanding was.

8 A. You're referring to the memorandum that called for this
9 ceasing hostilities. Is this the one you're referring to?

13:00:26 10 Q. The one we just talked about, Mr Taylor, yes, S/1995 --

11 A. Well, fine, on that agreement, yes, the one that we --

12 Q. It wasn't just to cease hostilities, you recall, Mr Taylor?

13 A. That agreement, I agreed to the content of the agreement.

14 We don't have to go back into it. I agreed to the content of

13:00:42 15 that agreement.

16 Q. So that was another area of cooperation between you and

17 ULIMO-K?

18 A. That is correct.

19 Q. So, again, I will ask you that even during a conflict in

13:00:52 20 Liberia, you and ULIMO were not enemies in all aspects of the
21 events that were occurring there?

22 A. We were not enemies in all aspects, I agree.

23 MS HOLLIS: Mr President, I would ask that certain

24 documents be marked for identification.

13:01:27 25 PRESIDING JUDGE: Yes. Which documents?

26 MS HOLLIS: Tab number 8 in annex 3, 14th progress report
27 of the Secretary-General on the United Nations Observer Mission
28 in Liberia, S/1995/1042, dated 18 December 1995.

29 PRESIDING JUDGE: Yes, that's marked for identification

1 MFI-329.

2 MS HOLLIS: And the document - certain portions of the
3 document at tab 21 in annex 3, that is "Liberia's Civil War:
4 Nigeria, ECOMOG and Regional Security in West Africa", published
13:02:16 5 in 2002, authored by Dr Adebajo. The pages would include the
6 cover page of the book, which includes the title; the next page,
7 which indicates the publication date as 2002; and pages VIII, IX
8 and XIV, as well as pages 91 and 187.

9 PRESIDING JUDGE: We'll mark those all as one document,
13:03:12 10 those specific pages, I mean. I won't mark them separately. But
11 those specific pages are covered under the marking MFI-330.

12 MS HOLLIS: Then, Mr President, tab 46 in annex 3, which is
13 the article from West Africa magazine, 24 to 30 June 1991, the
14 article at page 1035 as it is marked in the magazine, "Recourse
13:04:16 15 to Arms". There is one marked page of that article,
16 Mr President, that is page 1035.

17 PRESIDING JUDGE: The page is the only one you want marked?

18 MS HOLLIS: I would ask that we include the cover that
19 shows it is the West Africa magazine, 24 to 30 June 1991, and the
13:04:50 20 one page article.

21 PRESIDING JUDGE: All right. The cover sheet of that
22 article, plus page 1035, will be marked for identification
23 MFI-331.

24 MS HOLLIS: Thank you, Mr President:

13:05:23 25 Q. Now, Mr Taylor, do you recall on 28 July 2009 testifying
26 about a September 1997 trip to South Africa, Nigeria, Libya and
27 Burkina Faso?

28 A. September 1997?

29 Q. Correct. You talked about this on 28 July?

1 A. Yes.

2 Q. And this was right after you had taken the office of
3 President, correct?

4 A. That is correct.

13:05:52 5 Q. [Overlapping speakers] President in August and then you
6 went on this trip in September 1997?

7 A. That is correct.

8 Q. And in fact in that regard the Defence counsel had you look
9 at MFI-28 which is your presidential papers.

13:06:12 10 A. Yes.

11 Q. And in particular looking at page 203 to 207 of those
12 presidential papers which talks about that trip.

13 A. Yes.

14 Q. If we could have those pages of that document, please. If
13:06:47 15 you can just hold on to that and we will be referring to that as
16 we go along, please. Now, Mr Taylor, from the time you assumed
17 the presidency in August 1997 until March 1998, how many trips
18 did you make to South Africa?

19 A. I would say I made one, probably two trips to South Africa.
13:07:23 20 I can really recall the one that I made.

21 Q. Just so that you're clear, the time period I'm talking
22 about is from the time you assumed the presidency until March
23 1998. So what do you recall of a second trip to South Africa
24 during that time frame?

13:07:39 25 A. I said I can recall one, probably two. I remember the
26 first trip that was in '97, yes, but I'm a little vague. You say
27 March 1998?

28 Q. Yes.

29 A. I'm not sure if I had gone to South Africa for the second

1 time yet. I very well might have. I don't quite --

2 Q. Okay. So you don't have much recollection of the details
3 of a second trip, if there was one?

4 A. No, that's what I'm saying. Probably if - I have to recall
13:08:18 5 the time because there was a second trip now, but I'm trying to
6 recall what time, but I would know the details, if there were
7 any.

8 Q. Okay.

9 A. At least try to remember the details.

13:08:32 10 Q. Now, in relation to this trip, this September trip, and
11 perhaps we could at this point put page 203 on the screen. If we
12 could see that - pull that down so we can see the top of that
13 page, please. This is "Statement to the Liberian Senate by
14 President Charles Ghankay Taylor upon the safe return home from
13:09:12 15 his successful visits to the Republic of South Africa, the
16 Federal Republic of Nigeria, the Libyan Arab Jamahiriya and
17 Burkina Faso, delivered at the parlours of the Executive Mansion,
18 October 3, 1997, Monrovia, Liberia". So this is the first trip
19 that we're talking about, correct, Mr Taylor?

13:09:40 20 A. Yes. That would be, yes.

21 Q. And then if we look at the column on the left of that page,
22 the second paragraph of your statement, you say:

23 "On Saturday, 20 September just ended, my entourage and I
24 commenced a southward journey to the Republic of South Africa."

13:10:00 25 So, Mr Taylor, you began your trip on 20 September,
26 correct?

27 A. Yes.

28 Q. And you have testified that on at least portions of this
29 trip you used an aircraft that was provided by Libya. Do you

1 recall that, Mr Taylor?

2 A. Yes, I do.

3 Q. Then after your stop in South Africa, then you went on to
4 Nigeria, correct?

13:10:27 5 A. I don't remember the sequence, whether I went to South
6 Africa, came to Nigeria and went to Libya. I don't remember the
7 sequence, quite frankly.

8 Q. Okay. And as you indicated in the title, you went to
9 Nigeria, you went to Libya, you went to Burkina Faso. You also
13:10:51 10 went to Niger as part of that trip, isn't that correct, you made
11 a stop there?

12 A. Yes, that's probably - yes.

13 Q. And, in fact, you had an overnight stop in Tunisia as well,
14 correct?

13:11:13 15 A. That is correct.

16 Q. To your memory, did you use the Liberian aircraft for the
17 trip up to the point that you had your stop over in Tunisia, do
18 you recall?

19 A. No. Which Liberian - I don't think Liberia had an - we
13:11:27 20 didn't have a Liberian aircraft, no.

21 Q. Libyan. Sorry if I misspoke. Libyan aircraft.

22 A. Yes. Quite frankly, I don't really recall. I could have
23 used the Libyan aircraft for some part and probably used a
24 Burkinabe aircraft for some part. I don't remember the full
13:11:53 25 details right now, but it could have been either one or one of
26 the two.

27 Q. Do you recall, did you arrive back in Liberia on 2 October
28 or 3 October, the date that you gave - made your statement?

29 A. No, normally this statement would be made on the day of the

1 arrival.

2 Q. Now, while you were in South Africa, you had a medical
3 check-up there, correct?

4 A. That is correct.

13:12:17 5 Q. And while you were in South Africa, you received assistance
6 in the form of money from Libya, correct?

7 A. That is correct.

8 Q. And also in South Africa, on this September 1997 trip, you
9 attended a dinner hosted by President Nelson Mandela, correct?

13:12:39 10 A. That is correct.

11 Q. And there were many celebrities present at this dinner,
12 correct, including the well known music person Quincy Jones?

13 A. Yes.

14 Q. Supermodel Naomi Campbell was present?

13:12:58 15 A. Yes.

16 Q. And the actress Mia Farrow was present?

17 A. Yes.

18 Q. Was that the first time that you had met these individuals?

19 A. It was the first time they had met me.

13:13:07 20 Q. It was the first time they had met you?

21 A. Yes.

22 Q. And was it the first time you had met them?

23 A. Yes.

24 Q. Now, when you were testifying on 6 August at page 26224,
13:13:29 25 you told the judges that diamond mining areas in Liberia were not
26 being worked by the government, referring to your government, do
27 you recall that, Mr Taylor?

28 A. Yes, I do.

29 Q. And you told the Court that you were not working diamonds

1 in Liberia. Do you recall that?

2 A. That is correct.

3 Q. And then on 18 August, you testified that while you were
4 the leader of the NPFL and during the time you were the President
13:13:56 5 of Liberia, you were not at any stage in possession of any
6 diamonds. Do you recall telling the Court that on 18 August?

7 A. Well, I recall that I said, except for jewellery.

8 Q. I believe perhaps later you talked about except for
9 jewellery. Let's look at 18 August, page 27105. If we can look
13:14:56 10 at line 10, question from your Defence counsel:

11 "Q. Mr Taylor, were you - whilst leader of the NPFL and
12 President of Liberia, were you at any stage dealing in
13 diamonds?

14 A. None whatsoever. I stayed away from it. Never dealt
13:15:12 15 in diamonds, no.

16 Q. Were you at any stage in possession of diamonds?

17 A. No, I was not in possession of any diamonds."

18 Now, Mr Taylor, on 26 November of 2009 you told the judges
19 you did not possess lots of diamonds, that you had a couple of
13:15:37 20 rings with diamonds in it, but that was it. Do you recall that,
21 Mr Taylor?

22 A. Yes, I do.

23 Q. Now, Mr Taylor, your testimony to these judges about not
24 having diamonds wasn't it true, was it?

13:15:53 25 A. My testimony was fully true.

26 Q. In fact, Mr Taylor, when you went on this trip that
27 included South Africa and these other countries in September of
28 2007 you took diamonds with you, didn't you?

29 A. No, I did not. Did you say 2007? I did not go to South

1 Africa --

2 Q. No, 1997. Good catch, Mr Taylor.

3 A. Well, no, it's not a catch.

4 Q. September 1997?

13:16:18 5 A. I did not take diamonds with me.

6 Q. And you took diamonds with you to the South Africa portion
7 of your trip, didn't you, Mr Taylor?

8 A. That is not correct.

9 Q. Now, despite what you've told this Court, Mr Taylor, part
13:16:36 10 of the reason for that trip was to sell diamonds or exchange them
11 for weapons, isn't that correct?

12 A. Totally incorrect. Totally, totally incorrect. That is to
13 say that Nelson Mandela's government would have permitted the
14 purchase of arms. Totally incorrect.

13:16:55 15 Q. If they didn't know about it they wouldn't have been able
16 to permit it, would they?

17 A. Governments have control over armaments in their countries.

18 Q. Do they, Mr Taylor?

19 A. Does the United States sell arms without the government
13:17:06 20 knowing about it?

21 Q. So did you have control over the armaments in Liberia,
22 Mr Taylor?

23 A. I'm talking about the manufacture of armaments.

24 Q. Mr Taylor, did you have control over the armaments in
13:17:16 25 Liberia?

26 A. I'm talking about the manufacturing of arms. No.

27 Q. Were arms manufactured in South Africa?

28 A. South Africa does manufacture arms.

29 Q. So if you weren't buying from the South African

1 manufacturers the government wouldn't necessarily know, would it?

2 A. To answer your question, I did not take diamonds to South
3 Africa to buy weapons or [overlapping speakers].

4 Q. But in fact you did, didn't you, Mr Taylor?

13:17:35 5 A. I did not.

6 Q. In fact, from among those diamonds that you took to South
7 Africa, after this dinner that you attended you sent your men to
8 Ms Campbell's room to provide her with a large rough-cut diamond.
9 That's correct, is it not, Mr Taylor?

13:17:51 10 A. That is totally incorrect.

11 Q. And indeed, Mr Taylor, your men awakened her and presented
12 her with a large rough diamond. Isn't that correct?

13 A. That is totally, totally incorrect.

14 Q. Mr Taylor, that diamond that you sent to Naomi Campbell was
13:18:10 15 one of the diamonds that you had been given by the junta in
16 Sierra Leone. Isn't that correct?

17 A. Total nonsense.

18 Q. One of the diamonds you had been given by the junta in
19 Sierra Leone after its delegation came to your country in August
13:18:26 20 1997, correct?

21 A. Total, total nonsense.

22 Q. And those diamonds, along with money given to you by the
23 junta, were to be used to procure weapons for the junta. Isn't
24 that correct, Mr Taylor?

13:18:44 25 A. Totally incorrect.

26 Q. So it was one of these diamonds that you gave to Naomi
27 Campbell, correct, Mr Taylor?

28 A. Totally incorrect.

29 Q. Now, Mr Taylor, when Ms Campbell related this incident to

1 Mia Farrow the following morning, Ms Campbell was telling her the
2 truth, that you had sent her a diamond, isn't that correct?

3 A. I don't know --

4 MR GRIFFITHS: Is the suggestion that the witness was
13:19:07 5 present at the meeting the following morning and consequently in
6 a position to say yea or nay to this question? What is the
7 suggestion being put?

8 PRESIDING JUDGE: Yes, I think you should rephrase that
9 question, Ms Hollis.

13:19:21 10 MS HOLLIS: Let me read what I said:

11 Q. When Ms Campbell related this incident to Mia Farrow the
12 following morning, she was telling the truth that you had sent
13 her a diamond, isn't that correct?

14 A. But how do you expect me to answer "when she relate"? That
13:19:38 15 means that she did relate. I don't know even if it's a fact that
16 Naomi Campbell told Mia Farrow what happened. I don't know that
17 as a fact, so objectively I can't answer to this question. It
18 calls for me to speculate.

19 Q. And you don't speculate in your evidence, correct,
13:19:54 20 Mr Taylor?

21 A. Of course you know, counsel, I don't. You know that.

22 Q. So, Mr Taylor, let's take a look at tab 7 in annex 3.

23 MR GRIFFITHS: I object to the use of the document to which
24 my learned friend now seeks to draw the witness's attention.
13:20:13 25 Now, I alluded to this document before Christmas when I mentioned
26 a particular document which we had received which related to this
27 incident being asked about by my learned friend.

28 I think it's of importance at this stage that we all look
29 at this document before a decision is made as to whether or not

1 it's appropriate to be used in cross-examination of Mr Taylor.
2 It's at tab 7 of annex 3 in, I think, the first disclosure bundle
3 provided by the Prosecution. When we all have the document
4 before us --

13:21:56 5 PRESIDING JUDGE: I think we've all got it now.

6 MR GRIFFITHS: Do we all have this document dated 9
7 November 2009? Now, it needs to be observed, first of all, that
8 so far as the Prosecution claim, this document goes both to
9 impeachment and to guilt in relation to the latter aspect of it.

13:22:20 10 But I've been listening with care to the way in which my learned
11 friend has put the suggestion. The suggestion is Mr Taylor, on
12 this trip to South Africa, took with him diamonds given to him by
13 the junta. Those diamonds were to be exchanged for the purchase
14 of armaments. Out of that parcel of diamonds one was given to
13:22:49 15 Ms Naomi Campbell, the supermodel. So that's the sum of the
16 suggestion being made.

17 This document is now said to impeach Mr Taylor in respect
18 of that global suggestion. Now, note first of all from paragraph
19 1 that this document, which is claimed to be a declaration - and
13:23:19 20 note that there is no preface suggesting at this is a document
21 made on oath or anything like that; it's not a sworn affidavit -
22 and we see that the witness Mia Farrow was contacted by
23 Mr Koumjian on 10 August of this year.

24 THE WITNESS: Last year.

13:23:42 25 MR GRIFFITHS: Of last year. Question number one: What
26 was it that prompted Mr Koumjian at that stage to make this
27 inquiry? If it was as a result of material in the possession of
28 the Prosecution, question number two: Why was that contact not
29 made earlier such that this evidence, if evidence it be, could

1 have been presented as part of the Prosecution's case, bearing in
2 mind part of it is said to go to guilt?

3 Now, also note this: Farrow speaks of being present at the
4 dinner and of there being some concern being expressed by

13:24:38 5 Ms Michelle, later to become Mrs Mandela, of being in the company
6 of this defendant, suggestive, therefore, that Mr Taylor was some
7 pariah who those present at the dinner were anxious to distance
8 themselves from. That is prejudicial material, suggestive that
9 such was the nature and character of this man, that people were
13:25:05 10 responding to him in that way.

11 Now, you will note that so far as that part of this
12 declaration is concerned there is no note in the margin to the
13 effect that it goes to guilt, although on the face of it, it
14 clearly does in suggesting that the character of this man is such
13:25:24 15 that people were anxious to distance themselves from him.

16 Note, then, that so far as the meat of the document is
17 concerned and the part which bears the legend G for guilty, that
18 it would appear on the face of this that no contact was made with
19 Ms Naomi Campbell, who would be the person in the best position
13:25:52 20 to say what happened in relation to that diamond. Question then:
21 What attempts were made by the Prosecution, before they tendered
22 this piece of paper, to contact the person who allegedly received
23 the diamond to obtain that account directly from the horse's
24 mouth? On the face of it, no answer to that query.

13:26:24 25 Note the obvious point that this is hearsay. The clearest
26 hearsay. Note also the obvious point that whereas Ms Farrow is
27 supposed to have been told on the following morning by Naomi
28 Campbell, in fact Naomi Campbell herself has been told by some
29 mysterious men who arrived at her bedroom door the previous night

1 that the diamond came from Charles Taylor. So it's not even
2 hearsay - firsthand hearsay. This is thirdhand hearsay.

3 So what then is the link between Charles Taylor, that
4 diamond on the face of this document, and the global suggestion
13:27:18 5 being made that he carried a parcel of diamonds with him to South
6 Africa, it was - came from the junta, it was to be used for the
7 purchase of arms, and out of that he gave one to Naomi Campbell.
8 How does this evidence impeach that?

9 In our submission, this document is complete nonsense. It
13:27:43 10 is ridiculous. It should not be allowed in a court of law. And
11 in terms of its use for impeachment or as proof of guilt, we
12 submit it doesn't come even close to achieving that purpose. It
13 has no probative value and it is highly prejudicial, and in that
14 situation any tribunal of fact has the discretion to exclude it
13:28:09 15 on that basis, and I so invite you to do.

16 PRESIDING JUDGE: Yes, do you wish to reply, Ms Hollis?

17 MS HOLLIS: Thank you, Mr President. Yes, we do. First of
18 all, as we explained in the cover letter when we provided these
19 materials in accordance with the order of this Court to the
13:28:46 20 Defence, who then as we understand it gave every one of them to
21 the accused, and also provided a copy for your Honours, that when
22 we mark in the margins I and G, that means that we intend the
23 document to be used both to impeach and for guilt, and the arrows
24 up and down means that the entire document would, in our request,
13:29:10 25 be used by your Honours for both purposes. So not just portions
26 of it, just so we're clear what we're talking about here.

27 At number two, most of the Defence counsel's argument goes
28 to what weight you would give to this document rather than
29 whether it should at this point even be allowed to be used in the

1 cross-examination of this witness. And the Defence misspeaks as
2 to what the Prosecution has set up for the purposes for which
3 this document would be used. If you recall, the Prosecution
4 began its questioning about diamonds by referring back to
13:29:54 5 testimony of this accused to your Honours that he had no
6 diamonds, no diamonds, none, during the time he was in the NPFL,
7 during the time he was President, and that except, he said on 26
8 November, for maybe two watches that had diamonds in them, he
9 again stated unequivocally to your Honours that he had no
13:30:19 10 diamonds.

11 This document impeaches that categorical denial by this
12 witness that he ever had any diamonds during the time he was in
13 the NPFL or President of Liberia except that maybe he had a
14 couple of watches that had diamonds, and I think during
13:30:44 15 cross-examination at one point he may have broadened that a bit
16 to say he may have had some personal jewellery that had diamonds.
17 So obviously this impeaches that prior evidence and the witness's
18 attention was drawn to that prior evidence when we got into this
19 area about diamonds.

13:31:05 20 Secondly, it is also relevant to guilt. It is relevant to
21 guilt in particular because of the timing of giving this diamond
22 to Naomi Campbell. This trip occurs in September, the locations
23 visited include South Africa, Libya, Burkina Faso. He comes back
24 and makes a statement to his Senate about the trip on 3 October
13:31:41 25 and the evidence before this Court, what else happens in October,
26 the Magburaka shipment to the junta happens in October, and the
27 evidence before your Honours is that this shipment was procured
28 at least in part by diamonds the junta provided to Charles Taylor
29 and by money they provided to him to pay for the plane. So the

1 timing of this occurrence is indeed relevant to an ultimate
2 determination of guilt in this case.

3 This document does not directly have to prove guilt. It
4 may prove guilt circumstantially, by inference, that is perfectly
13:32:28 5 permissible. It is a relevant document. The Defence itself,
6 when it has been arguing about why some of its evidence ought to
7 be marked for identification and indeed is admissible, has argued
8 that relevance is the key. Well, relevance is something for you
9 to consider now for the use of this document under the test that
13:32:47 10 you have put down that the Prosecution must meet when it wants to
11 use fresh evidence that is probative of guilt. You have put down
12 a two-fold test us for to meet. The first test is that the use
13 of the document would be in the interest of justice and relevance
14 is significant to whether the use of this document is in the
13:33:12 15 interest of justice. The fact that this is a hearsay document
16 does not make it a matter that is not in the interest of justice.
17 Hearsay is not precluded from these proceedings. Indeed this
18 accused has made ample use of hearsay in his direct testimony
19 before your Honours in this Court. It is relevant. That is
13:33:39 20 important for your first determination, interest of justice.

21 It is also in the interest of justice to have all of the
22 relevant evidence before you that will assist you in arriving at
23 informed decisions on facts of the case from which you will
24 determine whether the Prosecution has proven guilt or has not
13:34:03 25 proven guilt. It is also in the interest of justice that a party
26 cross-examining a witness have wide latitude to be able to use
27 relevant evidence in the Prosecution's case not only for
28 impeachment but also for purposes of guilt.

29 Now, one of the factors to be considered about admission of

1 evidence that is probative of guilt has to do with timing of
2 disclosure and perhaps inferentially with the timing of when the
3 Prosecution came into possession of this information. You cannot
4 put on in your case in chief, even if it would be allowed,
13:34:51 5 evidence that you do not have, and the Prosecution did not have
6 this evidence during its case in chief. And the manner in which
7 the Prosecution was led to this evidence was through Rule 70, and
8 that is, information provided only for lead purposes, and that
9 resulted in the declaration of Mia Farrow.

13:35:15 10 So we did not have the evidence to use in our case in
11 chief, but it certainly is here now and it is something that can
12 be considered by your Honours, we submit, during this particular
13 phase of the trial. So we believe it is not contrary to the
14 interests of justice for your Honours to consider it for purposes
13:35:39 15 of guilt. It is certainly something that your Honours should
16 consider for impeachment because you are going to have to weigh
17 the credibility of this accused's testimony, just as you weigh
18 any other witness's testimony, considering the circumstances
19 under which he testified. And evidence that shows he has not
13:35:57 20 been truthful to you is relevant to your determinations, and you
21 should not deprive yourselves of it, nor is it contrary to the
22 interest of justice to allow yourselves to consider this
23 evidence.

24 Right to a fair trial is the other consideration that your
13:36:11 25 Honours must look at at this time. There is no right to prevent
26 fact-finders from receiving relevant evidence either as to guilt
27 or as to impeachment. There is no right to a fair trial which
28 prohibits that. There is no right to a fair trial which allows a
29 witness, including an accused, to be able to lie with impunity to

1 judges. There is no violation of a right of fair trial when you
2 allow the opposing party, in this case the Prosecution, to
3 effectively test the evidence of a witness, even the accused.
4 And there is no right of fair trial which is violated by your
13:37:01 5 Honours considering evidence that goes to guilt which the
6 Prosecution did not have at the time of its case in chief. This
7 was not public information. This was not information that the
8 Prosecution could have found by a more diligent search of public
9 records. In fact, we just coincidentally were provided leads
13:37:24 10 information that led us to this affidavit.

11 Now, if your Honours --

12 PRESIDING JUDGE: That's not an affidavit.

13 MS HOLLIS: Excuse me, I'm sorry, a declaration. Sorry, I
14 misspoke.

13:37:37 15 Your Honours, if you believe that somehow using this
16 document for purposes of guilt would be a violation of this
17 accused's fair trial rights, we suggest it is not. But if your
18 Honours consider that that is the case, your Honours have the
19 ability to consider it for impeachment only. It doesn't matter
13:37:58 20 whether theoretically it may be probative of guilt. If your
21 Honours limit your consideration to impeachment only, that
22 certainly would not violate the fair trial rights of this
23 accused, and your Honours can do this. Even juries can be
24 instructed to consider evidence for one purpose only. So
13:38:21 25 theoretical possibilities of the use of evidence do not result in
26 a denial of fair trial by considering the evidence when you have
27 the authority and you could indeed use it for impeachment only.
28 We are asking you to use it for both.

29 So we believe that the Prosecution has made the appropriate

1 showing to allow us to use this document which is relevant both
2 to impeaching this accused's testimony and relevant to the guilt
3 of this accused. It does not have to be directly relevant. It
4 is indirectly relevant and we ask that you allow us to use it
13:39:00 5 because we have met the test that you have set forward.

6 PRESIDING JUDGE: All right. Thank you. We'll convene for
7 lunch now. We'll resume at 2.40.

8 [Lunch break taken at 1.39 p.m.]

9 [Upon resuming at 2.49 p.m.]

14:50:24 10 PRESIDING JUDGE: Firstly, I apologise for the late start
11 of ten minutes. It was entirely my fault.

12 We've considered the Defence objection to the use of the
13 document and to the arguments put forward by the Prosecution in
14 resisting that objection. We note that the document purports to
14:51:40 15 deal with a central issue in the Prosecution case. The document
16 itself was not produced in the Prosecution case but has been
17 produced during the cross-examination of the accused.

18 The document allegedly is a statement by a person as to
19 what she was told by a second person who was relating what she
14:52:16 20 was told by a third person or persons. The accused, of course,
21 has had no chance to challenge any of the allegations in this
22 document or to cross-examine the alleged makers of the various
23 statements that embodied the document now before the Court.

24 We find that the document is highly prejudicial and we hold
14:52:51 25 that the two criteria that are required to be met for the use of
26 the document have not been met. In other words, there's nothing
27 put before us that would allow us to say that its use in
28 cross-examination is in the interest of justice or that it does
29 not violate the fair trial rights of the accused. We therefore

1 uphold the Defence objection and will not allow the document to
2 be used in cross-examination.

3 Yes, go ahead, Ms Hollis.

4 MS HOLLIS: Is there something further, Mr President?

14:53:42 5 PRESIDING JUDGE: Pardon?

6 MS HOLLIS: Was there something further?

7 PRESIDING JUDGE: No, not at all.

8 MS HOLLIS: Thank you, Mr President:

9 Q. Mr Taylor, while you were in South Africa on this trip in
14:53:54 10 September 1997, did you arrange transport of arms with Nico
11 Shefer while were you there?

12 A. No, I did not.

13 Q. Did you arrange acquisition of arms with Nico Shefer?

14 A. No, I did not.

14:54:09 15 Q. Did you use the large amount of cash money you received
16 from Libya while you were in South Africa to facilitate
17 procurement of weapons?

18 A. No.

19 Q. Indeed, Mr Taylor, that's not correct, is it? You did all
14:54:27 20 of those things when you were in South Africa, isn't that
21 correct?

22 A. That is incorrect.

23 Q. Now, Mr Taylor, let's look at the course of your travels
24 after you left South Africa during this one multi-stop trip. For
14:54:44 25 that purpose, let's go back to your presidential papers, and that
26 is MFI-28 and we were at pages 203 to 207. And if we could look
27 at page 205 of those presidential papers. If you could move that
28 up so that the bottom part of that page is shown, please. We see
29 here that in your statement to the Senate you indicated that on

1 Saturday, 27 September, your delegation departed the Republic of
2 South Africa. Do you see that?

3 A. Yes, I do.

4 Q. And then after a fuelling stop, then you moved on to Abuja
14:56:04 5 and were met by the Head of State and commander-in-chief of the
6 armed forces Sani Abacha. Yes, Mr Taylor? If we can bring it
7 down to the top part here.

8 A. Yes.

9 Q. So you went from South Africa to Abuja where you met with
14:56:26 10 Sani Abacha?

11 A. That is correct.

12 Q. And had you a brief stopover, but you did have discussions
13 with General Abacha, one on one, correct?

14 A. That is correct.

14:56:37 15 Q. And then departing from Abuja, you stopped for a short time
16 to refuel in Kono in Nigeria and then you went on to Tripoli,
17 correct?

18 A. That is correct.

19 Q. And then if we look at page 206, the bottom of that page,
14:57:04 20 please. If we see the last paragraph that begins on the left
21 column. It says, following a successful three-day visit to
22 Tripoli, then you departed about midday on 1 October, if we move
23 to the top of the page for the top of the right-hand column.
24 Move that down. Move that down a bit more, please. We're trying
14:57:41 25 to see the very top of the page, the right-hand column, please.
26 So about midday on the 1st, then you left and at that time you
27 went to Tunisia, correct?

28 A. Yes. We went to, what it says there, Djerba in Tunisia.

29 Q. You spent the evening there?

1 A. That is correct.

2 Q. Then you left the next day for your flight to Niamey,
3 Niger, correct?

4 A. That is correct.

14:58:25 5 Q. And then in Niger, it indicates that you were met by
6 President Mainassara Bare, correct?

7 A. Mainassara, yes, that is correct.

8 Q. Now, it indicates that after your meeting with the
9 President in Niger it was actually his aircraft that you used to

14:58:53 10 move onward to Ouagadougou, Burkina Faso, correct?

11 A. Yes. Okay.

12 Q. And, in fact, President Bare and his delegation accompanied
13 you to Ouagadougou, Burkina Faso, correct?

14 A. That is correct.

14:59:10 15 Q. And while you were in Burkina Faso you had meetings with
16 President Blaise Compaore, correct?

17 A. That is correct.

18 Q. Then you made your way back home and made your statement to
19 the Senate?

14:59:26 20 A. That is correct. I think just for the benefit of the
21 judges, this particular period when you see Djerba, Tunisia, the
22 United Nations by this particular time has imposed a no-fly to
23 Libya. So trips to Libya, you fly into Djerba and drive by road
24 from Djerba to Tripoli and drive back from Tripoli to Djerba to
14:59:59 25 board an aircraft. I point this out because there are no
26 aircrafts entering or leaving Libya.

27 Q. So you did not fly into Libya?

28 A. We did not fly into Tripoli, no. There is the UN no-fly to
29 Libya.

1 Q. Mr Taylor, when you went to Libya, you did not fly into
2 Libya?

3 A. No, I did not fly into Libya. We drove into Libya from
4 Djerba.

15:00:24 5 Q. If we go back to page 205 and if we look at the column on
6 the right, and if we look at the first full paragraph on the
7 column on the right, "Upon departing Abuja we made a brief
8 fuelling stop in Kono, the largest state in Nigeria," where you
9 were met by the state administrator, and then you indicated,
15:00:56 10 "heading northwards towards the Mediterranean, we arrived in
11 Tripoli." So from Kono you went to Tripoli by what
12 transportation means?

13 A. No, no, no. From Kono we flew to Djerba and drove into
14 Tripoli and drove back to Djerba. There's a no-fly at this
15:01:14 15 particular time. What I'm explaining to the legislature, we
16 headed in that direction and we arrived in Tripoli. I'm trying
17 to explain the arrival, but there is a United Nations documented
18 no-fly to Libya during this particular time.

19 Q. So your travel to Libya both in and out was over land?

15:01:33 20 A. That is correct.

21 Q. From and back to Djerba?

22 A. Everyone, yes, that travelled to Libya, yes.

23 Q. Now, Mr Taylor, this trip included visits with Libya, stop
24 in Niger and also in Burkina Faso?

15:01:54 25 A. That's correct.

26 Q. It's correct, is it not, that these three countries were
27 involved in the movement of weapons from outside Liberia into
28 Liberia? Isn't that correct Mr Taylor?

29 A. They were involved in moving Liberia --

1 Q. In moving weapons from outside Liberia into Liberia.

2 That's correct, is it not, Mr Taylor?

3 A. No, that is incorrect.

4 Q. Libya was involved in that. Isn't that correct?

15:02:17 5 A. Not directly, no.

6 Q. How was it involved indirectly, Mr Taylor?

7 A. You asked me if they were moving weapons and I said no.

8 Q. You said it wasn't involved directly. How was it involved
9 indirectly?

15:02:30 10 A. They were not direct indirectly.

11 Q. And Niger was also involved in the movement of weapons into
12 Liberia. Isn't that correct, Mr Taylor?

13 A. No, that is not correct. There could have been. I have
14 explained to the Court before there were some transits years

15:02:46 15 later, but Niger was not involved in the movement of weapons to
16 Liberia, no.

17 Q. And what do you mean that there were some transits years
18 later?

19 A. Well, in a question some time back I did explain that those
15:03:03 20 that were responsible for moving arms into Liberia during our war
21 against LURD I believe to have made transit stopovers in Niger,
22 but the government was not involved in those movements.

23 Q. During what years?

24 A. Oh, we're talking about - I would put it to about 2001,
15:03:25 25 2002.

26 Q. Mr Taylor, in fact, this involvement of Niger included
27 involvement of shipments of arms into Liberia using a plane that
28 was owned by Mr Minin. Isn't that correct?

29 A. I don't know the details.

1 Q. You do know the details. Isn't that correct, Mr Taylor?

2 A. No. I had - I told this Court Mr Cisse. Mr Cisse was
3 involved in that particular part of this transaction. Which
4 aircrafts they used or which aircrafts they did not use between
15:04:00 5 2001 and 2002, I don't know the specific details.

6 Q. When you say Mr Cisse, you are talking about?

7 A. Musa Cisse.

8 Q. What was his position?

9 A. He was my chief of protocol.

15:04:12 10 Q. What was his involvement in the movement of these weapons
11 into Liberia?

12 A. I said all the weapons that were purchased under that
13 particular programme at the time, he was in charge of making
14 arrangements and purchasing them.

15:04:27 15 Q. And it was your direction and authority that resulted in
16 those movements of arms coming into Liberia. Isn't that correct,
17 Mr Taylor?

18 A. On my specific instructions, yes.

19 Q. And you say that this was as early as 2001?

15:04:41 20 A. 2001, 2002.

21 Q. And these shipments, 2001 and 2002, where do you say they
22 came from?

23 A. Serbia.

24 Q. So it's your testimony that the 2001 and 2002 shipments
15:04:55 25 were from Serbia?

26 A. We started receiving weapons at that time, yes.

27 Q. And what additional shipments from Serbia did you receive,
28 if any?

29 A. There were several shipments in different times. There

1 could have been as many as four, five trips at different times
2 over that period of time or even - I would put it to about five,
3 because they didn't come in one consignment.

15:05:22 4 Q. And on whose authority did Musa Cisse have his involvement
5 in these shipments?

6 A. I've said it. I say it's mine. I, as President of the
7 Republic of Liberia, authorised the purchase of arms to protect
8 the Republic of Liberia. I've said that.

15:05:39 9 Q. Mr Taylor, are you telling the Court that it was only by
10 transiting through Niger that Niger was involved in these
11 shipments?

12 A. What I'm telling the Court is that while I don't know all
13 the details, there was no official Government of Niger
14 involvement in the movement of arms to Liberia to the best of my
15:05:54 15 knowledge.

16 Q. Mr Taylor, that wasn't my question. Are you telling the
17 Court that it was only by transiting through Niger that Niger was
18 involved in these shipments?

19 A. To the best of my knowledge, yes.

15:06:06 20 Q. Now, these shipments that you've talked about of course are
21 during the time that there was an arms embargo against Liberia,
22 correct?

23 A. Oh, that is correct.

24 Q. Now, returning to this trip in September 2007 and early
15:06:30 25 October, Burkina Faso was also involved in moving weapons in
26 Liberia. Isn't that correct, Mr Taylor?

27 A. By this time, no.

28 Q. When according to you did Burkina Faso become involved in
29 moving weapons into Liberia?

1 A. I told this Court very early in 1990 there was some small
2 assistance given by Burkina Faso around April - March, April of
3 1990.

4 Q. And is it your testimony that that's the only time that
15:06:59 5 Burkina Faso was involved in moving weapons into Liberia?

6 A. No, that is not my testimony. You asked me - that's the
7 specific time at that particular time. I also told this Court
8 that somewhere I think in 2002 there was a small amount of arms
9 that were given. That's on the records here.

15:07:18 10 Q. They were given to you by Burkina Faso?

11 A. That is correct.

12 Q. What kind of weapons?

13 A. Light. In fact most of the ammunition I would say.

14 Q. How were those weapons brought into Liberia in 2002?

15:07:32 15 A. They were flown into Liberia.

16 Q. Who arranged that?

17 A. That was arranged I think with Musa. Musa also was
18 involved in that.

19 Q. And again he was acting pursuant to your instruction?

15:07:49 20 A. Full instructions from me.

21 Q. Mr Taylor, you said that since you gave this statement to
22 the Senate of Liberia on 3 October, typically that would mean you
23 arrived back in Liberia on 3 October, correct?

24 A. That is correct.

15:08:05 25 Q. Now, in October 1997 there was a large consignment of arms
26 and material that went into Magburaka in Sierra Leone, isn't that
27 correct?

28 A. Well, not to my recollection. I don't recollect that.

29 Q. Mr Taylor, that consignment was paid for by you, isn't that

1 correct?

2 A. That is totally incorrect.

3 Q. With diamonds that you received from the junta, correct?

4 A. That is totally incorrect.

15:08:37 5 Q. And diamonds that you took with you on this trip to all
6 these different countries?

7 A. That is totally incorrect. And the reason why it is
8 incorrect and you would know it's incorrect, let's remind the
9 judges. On 3 October of 1997 in a document that you, the OTP,
15:08:56 10 provided to this Court, Johnny Paul Koroma wrote me a letter
11 dated 3 October 1997 in which he thanked me for what he alleged I
12 had done at the UN and requested assistance from me, begging to
13 assist him to provide arms and ammunition in that list. And that
14 document is in this Court, it has been exhibited in this Court.

15:09:23 15 3 October. Now it would be stupid and ludicrous for someone to
16 say that. Now if Johnny Paul Koroma had given me diamonds he had
17 to give me these diamonds before I went to South Africa. So why
18 --

19 Q. Well, he did indeed, didn't he, Mr Taylor?

15:09:38 20 A. Excuse me. You see, you are interrupting.

21 Q. He did indeed, didn't he, Mr Taylor?

22 A. He did not, okay. And I'm trying to say it's such a silly
23 argument that Johnny Paul Koroma somewhere before 27 September
24 1997 would give me diamonds and money for arms and by 3 October

15:09:53 25 is begging me, "Please help me. I need some help from you. I
26 don't have anything." It would be sensible if Johnny Paul Koroma
27 would have written a letter to say, "Well, listen, Mr Taylor.
28 Based on what I have given you I'm expecting our weapons back
29 here." This is the type of very silly argument that has been put

1 forth by the Prosecution that doesn't make any sense.

2 Q. Mr Taylor --

3 A. So it is not true.

4 Q. Mr Taylor, you are not here to make statements or
15:10:16 5 arguments.

6 A. That's my response.

7 Q. That is argument.

8 A. That's not argument. That's my answer. It's a silly
9 question.

15:10:24 10 Q. Mr Taylor, the 3 October letter you referred to, you at
11 that point in time had not yet provided the junta with what they
12 had given you the diamonds and money for, had you?

13 A. Total nonsense.

14 Q. Had you, Mr Taylor?

15 A. The junta had never. Total nonsense.

16 Q. That shipment arrived after 3 October, isn't that right,
17 Mr Taylor?

18 A. Then it would have been silly for him to write me, begging
19 me to give him weapons on 3 October.

15:10:41 20 Q. So he was simply reminding you, Mr Taylor, that you should
21 make good on your promise. Isn't that right, Mr Taylor?

22 A. That is totally incorrect except my knowledge of the
23 language in that letter differs from yours. Johnny Paul Koroma
24 is begging.

15:10:52 25 Q. And in fact he had no reason to trust your carrying through
26 on that, so he was simply reminding you to do it. Isn't that
27 right, Mr Taylor?

28 A. Well, we went to two different schools. I don't see that
29 letter as a reminder. 3 October 1997 written by Johnny Paul

1 Koroma is not a reminder.

2 Q. And in fact, Mr Taylor, later in October you did make good
3 on the diamonds and money you had been given and ensured that
4 that consignment of arms and material went to Sierra Leone to

15:11:23 5 Magburaka, isn't that correct?

6 A. With all due respect, counsel, that's a very sick argument.
7 It doesn't make any sense.

8 Q. Mr Taylor, is that correct or incorrect?

9 A. I have said it's totally incorrect.

15:11:34 10 Q. That's the story you want these judges to believe,
11 Mr Taylor?

12 A. That's the story I want the judges to believe. I don't
13 want them to believe that warped argument that you are making
14 that someone who writes me on the 3rd begging me for help that I
15 do not respond to subsequently sends a delegation to Monrovia
16 that I refuse to meet is supposed to be the man that's given me
17 this whole bunch of diamonds and money. It is nonsensical.

15:11:47 18 Q. Actually, Mr Taylor, the delegation he sent to Monrovia met
19 with your representatives, not you, but that was in August 1997.
15:12:07 20 You know that, don't you, Mr Taylor?

21 A. My dear, I think I have answered the question.

22 Q. Mr Taylor, don't call me by any name other than my name or
23 "counsel". Mr Taylor, that happened in August 1997, isn't that
24 correct?

15:12:20 25 A. I have no recollection of that.

26 Q. In fact they met with your representatives, isn't that
27 correct?

28 A. They did not meet with the official representatives of the
29 government, no.

1 Q. So they met with somebody you sent unofficially?

2 A. No, they met with their old friends. They met with their
3 old friends.

4 Q. They met with your representatives, Mr Taylor?

15:12:38 5 A. No, that is incorrect.

6 Q. And after they returned to Freetown in fact you had another
7 representative in Freetown based on the discussions that had
8 taken place in Monrovia. Correct, Mr Taylor?

9 A. Totally foolish. Incorrect.

15:12:52 10 Q. And it was at that time that the junta passed on to your
11 representative the diamonds and the money so that you would
12 arrange the shipment to Magburaka. That is the truth of it,
13 isn't it, Mr Taylor?

14 A. That's the false of it.

15:13:06 15 Q. And then later in October after your coincidental, you
16 would have us believe, trip to all these countries they received
17 the arms shipment into Magburaka. That's the truth of it, isn't
18 it, Mr Taylor?

19 A. Very, very untrue.

15:13:24 20 Q. Mr Taylor, it's a fact that you had a problem with the
21 force commander for ECOMOG, General Malu, after you had been in
22 South Africa, correct?

23 A. Yes. Malu and I had problems, yes.

24 Q. And you've talked about some of those problems, but indeed
15:13:45 25 after had you been to South Africa General Malu was seriously
26 concerned that you had brought war materials back from South
27 Africa. Correct, Mr Taylor?

28 A. Not to my knowledge. In fact Malu could have never asked
29 me that, so I have - Victor Malu never confronted me or asked me

1 about any weapons. Neither did I bring any weapons back from
2 South Africa.

3 Q. So if it was reported to him, he did not share those
4 concerns with you, Mr Taylor?

15:14:12 5 A. I don't know what was reported to him. I'm saying Victor
6 Malu never raised any such issue with me. Never.

7 Q. That's not correct, is it, Mr Taylor?

8 A. Totally correct.

9 Q. And in fact General Malu was concerned that ECOMOG had not
15:14:24 10 been informed about this shipment, isn't that correct?

11 A. Totally incorrect.

12 Q. And that the shipment had been removed from Freeport before
13 ECOMOG could inspector impound it, isn't that correct?

14 A. But ECOMOG was in charge of Freeport so it's silly for
15:14:39 15 anybody to even suggest that. ECOMOG was in charge of the
16 Freeport of Monrovia. They had the navy in charge by this time
17 in history. So how would somebody report to him? It was simple
18 to seize the weapons. Total nonsense.

19 Q. Mr Taylor, in fact, as we have discussed before, ECOMOG had
15:14:58 20 begun downsizing significantly after your election, correct?

21 A. Come on. By October 1997? That is not the period of time
22 that ECOMOG started downsizing, no.

23 Q. And, Mr Taylor, in fact if you couldn't use your argument
24 about you being the sovereign head of Liberia to move those
15:15:15 25 people away from your shipment, you would simply pay them off as
26 you had done in the past. Isn't that correct, Mr Taylor?

27 A. It's totally incorrect, Ms Hollis. Totally. I mean this
28 argument is just way out there. Totally incorrect. I never
29 brought weapons into Liberia via sea while I became President or

1 not. If I had there is nothing under this planet that would stop
2 me from saying as the President of Liberia - if I had brought
3 weapons into the port, so what's here to stop me from saying I
4 did? I had a right to bring weapons into Liberia as President
15:15:52 5 and I wouldn't lie. I brought weapons in by air. Never by sea
6 from 1990 until I left office in 2003. Never, ever.

7 Q. Now if we could possibly look at tab 32 in annex 4. This
8 is extracts from a book "ECOMOG: A Sub-Regional Experience in
9 Conflict Resolution Management and Peacekeeping in Liberia".

15:16:51 10 This is tab 32 in annex 4 and it is a book authored by Lieutenant
11 Colonel Festus B Aboagye. Would you first put the sheet showing
12 the cover page of the book, please. Could you bring that down on
13 the screen so we can see the title, please. Then if you could
14 put the next page on, please, showing Lieutenant Colonel Festus
15:17:54 15 Aboagye. Then if you could show the next page, please, giving a
16 1999 date as when it was first published. That would be the page
17 with the large numbers ending in 989. If we could look at page
18 270 of that book, please?

19 MR GRIFFITHS: Mr President, I object to the use of this
15:18:43 20 particular passage. Can we go to page 270, please? And can I
21 give your Honours an opportunity to read the last two paragraphs
22 on that page, please.

23 PRESIDING JUDGE: Yes, we've all read that.

24 MR GRIFFITHS: Two points, Mr President. Point number one
15:20:43 25 is this: In our submission, as with the other book to which my
26 learned friend referred this morning, we are here dealing with
27 opinion evidence. Note the use of the words in that paragraph,
28 which is no doubt the passage to which my learned friend will be
29 seeking to direct Mr Taylor's attention: "The FC was seriously

1 disturbed that following the visit of President Taylor to South
2 Africa the President was reported." So we're not dealing here
3 with somebody who has hard personal factual knowledge of a
4 situation. We're dealing here with surmise. In effect, it's an
15:21:30 5 opinion. So that's point number one.

6 Point number two is this: This material goes directly to
7 guilt. This has to be looked at in the context of the other
8 questions asked by my learned friend late this morning and this
9 afternoon regarding the Magburaka shipment in 1997, which it has
15:21:55 10 been suggested was organised by this defendant, paid for with
11 diamonds given to him by the junta, and it's this same shipment
12 coming in from South Africa which is linked to that. So this
13 goes to guilt.

14 So consequently, in our submission, my learned friend has
15:22:17 15 to justify, according to the two-stage test, is it in the
16 interest of justice to introduce this? And, secondly, does it
17 violate the fair trial rights of the accused? We submit that
18 it's not in the interest of justice to submit this and we further
19 submit that it violates the rights of the accused.

15:22:40 20 Mr Taylor is in no position to know what was going on
21 internally within ECOMOG forces in Liberia at the time or what
22 was reported to the relevant parties or who was disturbed at the
23 material time. He's in no position to deal with any of this or
24 to give any kind of account of himself in response to this
15:23:10 25 material. So, in our submission, it would be very unfair for the
26 witness to be cross-examined on this material.

27 PRESIDING JUDGE: What do you say to that objection,
28 Ms Hollis?

29 MS HOLLIS: Thank you, Mr President. First of all,

1 Mr President, this is not opinion. He is indicating that there
2 were reports to the force commander that following the visit of
3 President Taylor to South Africa in late 1997 the President
4 returned with a consignment of arms and ammunition of which
15:23:45 5 ECOMOG should have been officially informed before they were
6 quickly removed from the Freeport. He is not giving his opinion
7 about anything. He is saying that this is what was reported to
8 the force commander and his word - his use of the words "was
9 seriously disturbed" is hardly putting this in the realm of
15:24:03 10 opinion.

11 What if he had said "was concerned", "was angry", "was
12 upset"? This would not invalidate the use of this evidence to
13 impeach this witness's testimony to your Honours that he had no
14 weapons from sometime before he became President until, depending
15:24:23 15 on what part of his testimony you look at, 2001, 2002. So this
16 is impeachment evidence here and we really do need to address
17 this issue about theoretical possibilities of use for guilt.

18 We ask your Honours to use this to impeach this witness.
19 To fail to do so, because hypothetically someone somewhere could
15:24:48 20 think it probative of guilt, gives this accused leeway to
21 continue to pursue the lies that we suggest he has put forward to
22 this Chamber over and over again about his possession of weapons
23 during what time period. So as to opinion, it is not opinion.

24 We suggest that since we are asking you to consider it only
15:25:11 25 for purposes of impeachment, that it should be allowed. And to
26 say that something that may in some scenario be considered
27 probative of guilt, even if your Honours are not going to
28 consider it that way, means you can't use the evidence we say is
29 too wide an interpretation and effectively cripples the

1 Prosecution's ability to cross-examine this witness. He simply
2 pursues his lies and we have no means of challenging and testing
3 those lies.

4 So we suggest that the proper test is, first of all, it is
15:25:54 5 not opinion. He is stating reports that were made to the force
6 commander. And, secondly, that this is being used for
7 impeachment. That if your Honours limit it to that, then there
8 is no need to engage in the balancing test that has been talked
9 about. And even if you did engage into it for impeachment only,
15:26:14 10 the balance must be in favour of allowing your Honours to look at
11 this evidence to give it whatever weight you ultimately determine
12 to give it in determining if this accused has provided to you
13 credible evidence or not credible evidence during his testimony.

14 Interest of justice. Having evidence before you to
15:26:33 15 adequately judge a witness's credibility is certainly in the
16 interest of justice. Allowing a party to effectively
17 cross-examine is certainly in the interest of justice.

18 Furthermore, your Honours, it was not part of the
19 Prosecution's case as to how this accused acquired the weapons
15:26:51 20 that he used to provide to the RUF, nor need we have proven that.
21 We indicated in our evidence that indeed he did provide evidence
22 to the RUF and to the AFRC during the course of the conflicts in
23 Sierra Leone.

24 This accused in his direct testimony chose to tell your
15:27:15 25 Honours that he never had any weapons from some point before he
26 became President until 2001, 2002, depending on what part of his
27 testimony you look at. So he is the one who asserted he had no
28 weapons in his country from which he could provide supplies of
29 weapons to the rebels. He brought this before your Honours and

1 we have a right to impeach on it, and that is what this
2 particular document is being offered for and the weight for it is
3 to be determined by your Honours.

4 JUDGE SEBUTINDE: Ms Hollis, before you sit, who is Festus
15:27:56 5 B Aboagye?

6 MS HOLLIS: Those were going to be my next questions,
7 Madam Justice, because I was going to point to the preface and
8 acknowledgements in this book that indicates that indeed this
9 gentleman - and I'm looking here at XIX - that this gentleman was
15:28:23 10 a military officer who took part in the operations of the
11 peacekeeping forces.

12 JUDGE SEBUTINDE: I asked that because of your submission
13 that this is not opinion evidence and that this - rather, the
14 statements were with reports made to the force commander. Now,
15:28:43 15 I'm just wondering who Festus Aboagye is in relation to the force
16 commander. Whether he was in fact the force commander or not --

17 MS HOLLIS: No, he was not.

18 JUDGE SEBUTINDE: -- I don't know. And in addition, I'm
19 reading I think on page - somewhere in the acknowledgment.

15:29:01 20 MS HOLLIS: Yes.

21 JUDGE SEBUTINDE: The preface and acknowledgment where this
22 person says, "I lack the full authority to be definitive on a
23 number of issues presented in the Liberian civil war and which
24 were raised in this modest work," and he says, "The views and
15:29:19 25 ideas presented may however represent the views of a broad mass
26 of professionals below and above my level." That is why I asked
27 who is Festus Aboagye before we rule on this issue.

28 MS HOLLIS: And, indeed, if we look at page 270 again, he
29 talks about Major General Malu's intentions running

1 cross-purposes with the desires of President Charles Taylor, the
2 FC, meaning force commander, was seriously disturbed. And the
3 other evidence before your Honours, at this point in time in late
4 1997, the force commander of ECOMOG in Liberia was General Malu.

15:30:02 5 And, in fact, if we look at the bottom of it - the page, "matters
6 came to a head as President Taylor called for the replacement of
7 General Malu, a request that was quickly and suddenly effected on
8 8 January 1998. He was replaced by Major General Timothy
9 Shelpidi," and other evidence before your Honours indicates that
15:30:26 10 force commander Malu was replaced by Major General Timothy
11 Shelpidi as the force commander.

12 So in terms of whether he was the force commander or not,
13 certainly he was not. And the section in the preface and
14 acknowledgment that you have referred to indicates he was a
15:30:41 15 military officer who took part in the operations of the
16 peacekeeping forces.

17 And then if we look at XX, the next page, he indicates that
18 he was grateful to those who supplemented his practical knowledge
19 of the conflict from the wealth of their own knowledge and with
15:31:06 20 documents that provided me with facts and figures, and then he
21 names some of the people that he thanks for their assistance to
22 him.

23 And in the regard of opinions, your Honours, you really
24 have to look at the content of what is being said to see if it is
15:31:27 25 opinion or if it is someone setting forward what they understand
26 the facts to be. And we suggest that this passage that was
27 referred to, "the FC, meaning force commander, was seriously
28 disturbed that following the visits of President Taylor to South
29 Africa in late 1997 the President was reported to have returned

1 with a consignment of arms and ammunition of which ECOMOG should
2 have been officially informed before they were quickly removed
3 from the Freeport" is a statement not of opinion but of this
4 writer's understanding of an incident that occurred that was
15:32:03 5 reported to the force commander. And while there may be other
6 portions of this book that involve opinions or issues, that this
7 indeed is not one of those sections of that book. And I hope
8 that answers your question, Madam Justice.

9 [Trial Chamber conferred]

15:35:04 10 PRESIDING JUDGE: Well, we've considered the arguments of
11 the parties. We would firstly say that we disagree with the
12 Prosecution claims that they have no means to challenge and test
13 the accused's evidence on the points in issue, and whether this
14 document is allowed to be used or not does not affect the
15:37:45 15 Prosecution's ability to effectively cross-examine.

16 The document itself does not contain indisputable facts.
17 It remains contentious whether the questions are put to the
18 witness by means of the document, or whether there are questions
19 simply put to the witness that may have arisen from the document.
15:38:18 20 The nature of the document doesn't change simply because the
21 questions are put to the witness by means of the document.

22 Having said that, the document is obviously new, it was not
23 produced in the Prosecution case. It's incriminating in that it
24 does go to the guilt of the accused and we're not satisfied that
15:38:44 25 the two requirements of the test have been established. That is,
26 we're not able to say that it's in the interests of justice to
27 use this document in cross-examination and we're not able to say
28 that it does not violate the fair trial rights of the accused.

29 We uphold the objection.

1 MS HOLLIS:

2 Q. Now, Mr Taylor, during the time that you were President of
3 Liberia when you thought of the natural resources of Liberia you
4 thought of iron ore and timber, isn't that right?

15:39:27 5 A. Amongst others but, you are right, those are two of the
6 natural resources but not just all of them.

7 Q. Those are the two that came to your mind when you thought
8 of the natural resources of Liberia, isn't that correct?

9 A. No, no, counsel. That's not correct.

15:39:44 10 Q. And when you thought of the natural resources of Sierra
11 Leone you thought of diamonds, isn't that correct?

12 A. That is not correct, counsel. I never thought about Sierra
13 Leone. The natural resources of Liberia included diamonds.

14 Q. Mr Taylor, let's take another look at MFI-28, your
15:40:01 15 presidential papers, at page 193. When we first look at this -
16 bring it down a bit so we can see the very top of that page,
17 please. It shows President Taylor's address at the 20th ECOWAS
18 summit. Then if you could move it up a bit so we can see more of
19 that page, please. That's good. "Statement by His Excellency
15:41:02 20 President Charles Ghankay Taylor at the 20th ECOWAS Summit,
21 Abuja, 28 August 1997." Do you remember that statement that you
22 made at that summit, Mr Taylor?

23 A. That is correct.

24 Q. And you talked about this on direct examination, correct?

15:41:21 25 A. Yes. This picture was shown, yes.

26 Q. Then if we could look at page 198, which includes part of
27 that address. Page 198, the first full paragraph. This,
28 Mr Taylor, is your statement:

29 "ECOWAS, the oldest economic community in Africa, must

1 assent to new heights in realising its maximum economic
2 potential. Simply combine our natural resources: The gold in" -
3 where is, can you pronounce that name for me, Mr Taylor?

4 A. Yes, Bokonjedah.

15:42:09 5 Q. Where is that?

6 A. That's in Sinoe County, Liberia.

7 Q. "... the oil in Nigeria, the mass tropical rainforest and
8 iron ore reserves in Liberia, the cocoa, coffee and gold
9 production in la Cote d'Ivoire and Ghana, the diamonds of Sierra
10 Leone, to name only a few of our countries."

11 So, Mr Taylor, in this address at this summit when you were
12 talking about natural resources you talked about the diamonds for
13 Sierra Leone, correct?

14 A. Yes.

15:42:41 15 Q. And you talked about rainforest and iron ore reserves in
16 Liberia in addition to this gold in Sinoe County. Is that what
17 you're telling us? Sinoe County is in Liberia?

18 A. Yes, Sinoe County is in Liberia.

19 Q. And, Mr Taylor, indeed you would talk about diamonds in
15:43:08 20 relation to Sierra Leone because Sierra Leone had such high
21 quality diamonds, isn't that correct?

22 A. That is not correct, counsel. It's not correct.

23 Q. And, Mr Taylor, you would also talk about diamonds in
24 connection with Sierra Leone because the quantity of diamonds
15:43:24 25 extracted in Sierra Leone was so much greater than the quantity
26 for Liberia. Correct?

27 A. Totally incorrect, counsel. That was not - if you're
28 asking me subjectively what was going through my mind in this
29 speech, this is what you are asking me. But that is incorrect.

1 I was not asked to list all of the natural resources of Liberia,
2 so you are incorrect.

3 Q. Now, Mr Taylor, do you remember your Defence counsel asking
4 you questions about a book of maps. It had been marked as
15:43:54 5 DCT-258?

6 A. I remember the book of maps. I don't recall the correct
7 number, the DCT number, but I believe you.

8 Q. It was distributed in week 31 as an additional binder,
9 "Maps of Liberia, Planning and Development Atlas", DCT-258. Do
15:44:20 10 we have that? There were various MFIs that were marked that were
11 part of this book and there was an MFI 14, 15, 16. Those were
12 some of the MFIs that were used. It's a large book. Mr Taylor,
13 you recall that your Defence counsel directed your attention to
14 various maps in the book. Do you recall that?

15:45:27 15 A. Yes, I do.

16 Q. In addition your Defence counsel referred you to portions
17 of a page that is - there is a caption of "Natural and physical
18 context" and under that caption "1.1 Geology, mineral resources
19 and hydrocarbon potential". Then there is "1.1.2 Mineral
15:46:06 20 resources". That is the portion that we would like to redirect
21 your attention to, Mr Taylor. For the convenience of the Court
22 we do have a smaller version of that particular part of that
23 book. That's tab 3, annex 5. It is two pages and the first page
24 shows "1.1.2 Mineral resources".

15:47:12 25 If your Honours find it more convenient, you can simply
26 follow from the large book of maps. It should be the third page,
27 including the green cover page.

28 JUDGE SEBUTINDE: Ms Hollis, in my annex 5 there is not a
29 single map. So perhaps you could direct us.

1 MS HOLLIS: It is an explanatory page, Madam Justice, and
2 it has a table of some sort and then at the bottom with a marked
3 portion it has "1.1.2 Mineral resources". You don't have that,
4 Madam Justice? This is, as I said, the page of this exhibit
15:48:56 5 which is captioned --

6 JUDGE SEBUTINDE: Ms Hollis, the book of maps that we have
7 have red tabs on them labelled map 1 up to 6.

8 MS HOLLIS: That's correct. Dealing with this book of maps
9 initially, Madam Justice, the Defence counsel went also to this
15:49:30 10 descriptive page which is entitled "Natural and physical
11 context".

12 JUDGE SEBUTINDE: In relation to what map are you
13 referring?

14 MS HOLLIS: It's not a map. It's a descriptive page of the
15:49:43 15 package or a descriptive page of the minerals, but it's in the
16 book. It's in this large book. And, in fact, Defence counsel
17 made reference to portions of this page in direct examination.
18 So if we see this, Madam Justice, "Natural and physical context",
19 and it is a descriptive page. So, for your convenience, that is,
15:50:24 20 the "1.1.2 Mineral resources" that we are going to refer to, we
21 provided in a smaller form. It's easier to handle:

22 Q. Now, Mr Taylor, you recall your Defence counsel drawing
23 your attention to some portions of this page of this book of
24 maps, do you?

15:50:53 25 A. Yes, I do.

26 Q. Let's look at some other parts of this where we look at
27 "1.1.2 Mineral resources". And I believe you are looking at that
28 now, Mr Taylor.

29 A. Yes. Yes, that's true.

1 Q. And if we look at the second sentence there:

2 "For over 15 years, Liberia's mineral industry has been of
3 dominating importance and iron ore is the country's principal
4 export earner."

15:51:30 5 Then it refers the reader to chapter 4. You see that?

6 A. Yes, I see that.

7 Q. Then it indicates:

8 "The existence of other minerals is well established but
9 qualification and subsequent exploitation have been inadequate.

15:51:45 10 Part of the reason for this low level of mineral extraction has
11 been the inaccessibility of large sections of the country."

12 Then it explains about how exploration and mapping are
13 carried out and that it has been of a reconnaissance nature with
14 only occasional follow up. Do you see that, Mr Taylor?

15:52:08 15 A. No. Well, I have a little disagreement with you. I do not
16 think it says qualification there. I think it says well
17 established but quantification, not qualification. You said
18 qualification, but that says quantification.

19 Q. Quantification, you are quite correct, Mr Taylor. The
15:52:22 20 subsequent exploitation had been inadequate. Yes, Mr Taylor?

21 A. That's what it says.

22 Q. And then if we look at the section under diamonds, and your
23 Defence counsel read some of this, I believe the first paragraph
24 under diamonds and perhaps the second paragraph as well. Let's
15:52:51 25 look at the third paragraph under diamonds. "Numerous Cretaceous
26 or Jurassic age kimberlite bodies striking NNNE" - I believe
27 that's north, north, northeast, Mr Taylor.

28 A. I think we can agree on that.

29 Q. "... have intruded the Liberian age rocks of western

1 Liberia. However, none has warranted the economic exploitation
2 currently taking place in neighbouring Sierra Leone for the
3 kimberlitic bodies who are predominantly east-west in strike."

4 Yes, Mr Taylor?

15:53:27 5 A. That's what it says there.

6 Q. So, Mr Taylor, of course, when you thought of Sierra Leone
7 in your address you thought of diamonds because the quantity was
8 greater and the quality was better. Isn't that correct,
9 Mr Taylor?

15:53:43 10 A. That is not correct.

11 Q. Mr Taylor, diamonds, including the high quality gems from
12 Sierra Leone, were very important because they were much easier
13 to carry about than such things as iron ore or timber, correct?

14 A. Now, what's your question?

15:54:06 15 Q. That diamonds were important because they were much easier
16 to carry about than iron ore or timber, correct?

17 A. I would say incorrect.

18 Q. So it's easier to carry iron ore or timber than it is to
19 carry what you have referred to as "the small stone", a diamond?

15:54:24 20 A. Well, let's go back to the basic - the way you structure
21 the questions, I would say incorrect.

22 Q. Mr Taylor, if you are going to physically transport
23 something out of your country, diamonds are a lot easier to carry
24 out on your person or in a briefcase than iron ore or timber,
15:54:39 25 isn't that right?

26 A. That is right.

27 Q. It's easier to carry that little stone in a briefcase,
28 correct?

29 A. Well, it's easier to carry a smaller item. No one puts

1 iron ore or timber in a briefcase.

2 Q. And gem quality diamonds are a very good source of revenue.

3 Isn't that correct?

4 A. All over the world, yes.

15:54:56 5 Q. So these diamonds of Sierra Leone that were the example you

6 used of riches in the area for Sierra Leone, these diamonds of

7 Sierra Leone were very important to you as a means of revenue.

8 Isn't that correct?

9 A. That is totally erroneous.

15:55:17 10 Q. And it was very easy for you to carry such things as these

11 diamonds on this trip in September and early October 1997,

12 correct?

13 A. That is totally correct. You know, you're raising the

14 diamond issue and you have deliberately left out the top of that

15:55:35 15 paragraph that talks about small scale but widely distributed, so

16 you're trying to interject --

17 Q. Mr Taylor --

18 A. Well, no. No.

19 Q. Mr Taylor, I mentioned to you that your counsel had already

15:55:47 20 covered that. Now, Mr Taylor --

21 JUDGE SEBUTINDE: Did the witness say that is totally

22 correct?

23 THE WITNESS: Incorrect.

24 JUDGE SEBUTINDE: The reporter does have him saying, "That

15:55:57 25 is totally correct" at line 17.

26 MS HOLLIS: I believe he misspoke and did say correct.

27 JUDGE SEBUTINDE: I thought that's what I heard him say.

28 MS HOLLIS: But I believe certainly in the context --

29 Q. Mr Taylor, just tell us again, you are saying that's

1 totally incorrect. Is that right?

2 A. What is totally incorrect?

3 Q. Incorrect.

4 A. Would you please ask the question again? That way the
15:56:19 5 record will be in order.

6 Q. And it was very easy for you to carry such things as these
7 diamonds on this trip in September and early October 1997,
8 correct?

9 A. Incorrect.

15:56:33 10 Q. And that was the reason that you wanted diamonds as part of
11 the means by which you were going to pay for or arrange this
12 shipment of weapons into Sierra Leone, correct?

13 A. Totally incorrect. Total nonsense.

14 Q. Mr Taylor, all of this testimony to these judges about not
15:56:53 15 having diamonds was simply not true, was it?

16 A. All the testimony has been fully true. It's the lies that
17 this Prosecution has tried to put together to assemble some lie
18 that is from where, I don't know. It is totally incorrect.

19 Q. In fact, Mr Taylor, you had access to these Sierra Leone
15:57:12 20 diamonds from very early on, as early as 1991. Isn't that
21 correct?

22 A. That is totally incorrect.

23 Q. And throughout your time in power in Liberia, both as
24 leader of the NPFL and as President of Liberia, you used those
15:57:29 25 diamonds to advance your own interests. Isn't that correct?

26 A. Totally incorrect.

27 Q. And you also used those diamonds to advance the interest of
28 the rebels in Sierra Leone. That is correct, is it not,
29 Mr Taylor?

1 A. Totally incorrect.

2 Q. And that is because Sierra Leone had the quantity and
3 quality of diamonds you needed as opposed to Liberia?

4 A. Totally incorrect. Totally incorrect.

15:57:55 5 MS HOLLIS: Mr President, at this time I would ask that
6 this description page in this book of maps be marked for
7 identification.

8 PRESIDING JUDGE: Yes. That description page is marked for
9 identification MFI-332.

15:58:20 10 MS HOLLIS: And just to be clear for the record, again
11 Mr President, it is a description page and talks about natural
12 and physical context. That is what appears at the top of that
13 page.

14 Mr President, may I also ask - earlier I had made reference
15:59:18 15 to a page of the document found at tab 6 of annex 3, which is the
16 Liberian TRC report, volume 2, and I had made reference to
17 page 125. That was the page in the reference dealt with the
18 creation of ULIMO and I neglected to ask that you mark that for
19 identification, so I would ask at this time that you mark that
15:59:48 20 for identification.

21 PRESIDING JUDGE: Yes, that page just referred to is marked
22 for identification MFI-333.

23 MS HOLLIS: And if we could also include the cover page for
24 the report so that we are identifying the report from which that
16:00:03 25 page is taken.

26 PRESIDING JUDGE: We'll add the cover page to that marking,
27 so that MFI-333 will refer to the cover page and the page itself.

28 MS HOLLIS: Thank you, Mr President:

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

1 judges you have made many references to your role vis-a-vis the
2 situation in Sierra Leone after you became President, correct?

3 A. That is correct.

4 Q. And you have told this Court that after assuming the
16:00:40 5 presidency of Liberia you were asked to join the Committee of
6 Four which would then make it the Committee of Five, the
7 committee which was dealing with the crisis in Sierra Leone,
8 correct?

9 A. That is correct.

16:00:53 10 Q. Now, in fact, Mr Taylor, it is correct, is it not, that it
11 was at your urging that you became a part of this committee?

12 A. Well, that is not - that is not correct. Discussions were
13 held between and amongst Heads of State. In those meetings, I
14 did state to them that I had - that I felt that I could

16:01:24 15 contribute to the peace process and my colleagues, the entire 60
16 member states, agreed. I've seen some reports afterward that I
17 forced myself on the committee, but that's very silly. ECOWAS
18 works on consensus. But in a closed door meeting, I did speak to
19 my colleagues and state to them that I could - I thought I could
16:01:50 20 be very helpful in the process.

21 Q. In fact, you indicated to them that you wished to be part
22 of that committee. Isn't that correct?

23 A. I've said it. I told them very clearly that I felt that I
24 could contribute.

16:02:00 25 Q. Now, as a member of that committee you would of course be
26 in a position to influence decisions of that committee. Isn't
27 that correct?

28 A. Well, you know, that's one of those tough questions where
29 would you be able to influence. That's almost hypothetical. It

1 depends. All members of the committee, depending on the issue,
2 could influence the outcome. But the way you put the question, I
3 don't know whether to say yes or no. Because, you know, I really
4 don't know. I don't know how to respond to that. Maybe if you
16:02:37 5 help me by rephrasing the question because each member can - I
6 mean, you win some and you lose some. But to ask me a question
7 if I would be in a position to influence, then time factor, how
8 many times - I know where you are going, but - yes, there are
9 times that you win some discussions and others you lose.

16:02:57 10 Q. Mr Taylor, as a member of that committee, you also would be
11 aware of the actions or public pronouncements that were being
12 planned by that committee. Isn't that correct?

13 A. Yes. Most cases, you will have to be. Yes, you would be
14 informed.

16:03:16 15 Q. And you would be in a position then to pass such
16 information on to the RUF and the AFRC in Sierra Leone. Isn't
17 that correct?

18 A. Well, that is not correct. In fact, that insults the
19 President of Liberia. I'm not that low down. I'm not Richard
16:03:35 20 Nixon.

21 Q. Mr Taylor, you would be in a position to do that as a
22 member of that committee. Isn't that correct?

23 A. No, I would not be in position to do that.

24 Q. And you would be in a position to advise the RUF and the
16:03:45 25 AFRC as to how to take action to avoid consequences of any
26 decisions of that committee. Isn't that correct, Mr Taylor?

27 A. That is incorrect. Total nonsense. To suggest that the
28 President of Liberia would be a rogue member of the committee I
29 think is ludicrous.

1 Q. Mr Taylor, you would also be in a position to assist the
2 AFRC and the RUF to minimise the harm of any actions taken by
3 that committee. Isn't that correct?

4 A. That is not correct.

16:04:18 5 Q. Being a member of that committee would also afford you
6 something you have talked to the judges about, a concept called
7 plausible deniability. Isn't that right, Mr Taylor?

8 A. Well, no. A plausible deniability comes with diplomacy.

9 Q. So, Mr Taylor, you would be in a position to undermine
16:04:34 10 peace at the same time on the public record you were supposedly
11 supporting peace, correct?

12 A. That would be total - no, that's incorrect. Total
13 nonsense.

14 Q. Now, Mr Taylor, do you recall on 5 August telling the
16:04:49 15 judges that you were asked by your colleagues to be the point
16 country for peace?

17 A. On the Sierra Leonean question, yes.

18 Q. Yes, on the Sierra Leonean question.

19 A. Yes.

16:05:01 20 Q. And you have referred to yourself as the point guard, so to
21 speak --

22 A. I'll say yes.

23 Q. -- for peace?

24 A. Yes.

16:05:16 25 Q. And you referred to yourself in such a way on 11 August at
26 page 26434. Do you remember that, Mr Taylor?

27 A. Yes, I do.

28 Q. You indicated that Liberia, Ghana and Ivory Coast were
29 charged with the responsibility for engaging the RUF and the

1 junta, but that you said that you yourself were basically the
2 point guard for this effort. Do you recall that, Mr Taylor?

3 A. Would you say that again? All members of that committee
4 could - the first four could and when I joined it a fifth could.

16:05:46 5 Q. Perhaps we could look at 11 August 2009, page 26434. Do we
6 have that on the screen?

7 A. No, not yet, just a minute. Yes, it's here now.

8 Q. Mr Taylor, if look at line 11, beginning at line 11:

9 "Because don't forget now there are three countries

16:06:40 10 responsible or charged with the responsibility: Liberia, Cote
11 d'Ivoire and Ghana are charged with the responsibility of
12 engaging the RUF and the junta. I am the point guard, so to
13 speak, on this effort."

14 Yes, Mr Taylor?

16:06:56 15 A. Yes.

16 Q. So at that time that's what you told the judges?

17 A. Yes.

18 Q. When you referred to point guard, were you making an
19 analogy to the sport of basketball?

16:07:10 20 A. No, counsel. I just used a figure of speech here to
21 describe the role that I played where the references were all
22 coming to me, not as in basketball.

23 Q. Because of course are you familiar with the position of
24 point guard in basketball, Mr Taylor?

16:07:31 25 A. Well, yes, I play a little bit of basketball, counsel.

26 Q. You shoot hoops, do you?

27 A. I play a little bit.

28 Q. Mr Taylor, you know that in basketball a point guard is the
29 player who sets up the offence and calls the plays to be executed

1 on the court, correct?

2 A. Yes. In basketball, yes, I agree with that.

3 Q. And, according to your testimony, your work as the point
4 guard for peace continued into 1999. That's correct, is it not?

16:08:04 5 A. Beyond '99. Beyond '99.

6 Q. So certainly into '99 and even beyond?

7 A. Yes, because we were dealing with the Issa Sesay problem in
8 2000, beyond '99.

9 Q. On 25 November you referred to yourself as the point
16:08:26 10 President for peace. Do you recall that?

11 A. Yes, I do recall.

12 Q. And again you indicated to the judges that you had assumed
13 this role in late 1997, correct?

14 A. Yeah. Point guard, point President, yes, that's correct.

16:08:41 15 Q. Now you've testified that during your Presidency you
16 received a daily morning briefing from the national security
17 adviser. Do you remember telling the Court that?

18 A. That is correct.

19 Q. And that this daily morning briefing included a summary of
16:08:57 20 intelligence estimates as well as media reports that were found
21 to be noteworthy. Do you recall that?

22 A. That is correct, yes.

23 Q. And you also told the Court that your press secretary
24 monitored radio and television as much as possible to gather
16:09:12 25 information. Correct?

26 A. That is correct.

27 Q. And your national security adviser determined which
28 important events you should know about.

29 A. That is correct.

1 Q. Do you remember telling the Court that?

2 A. Yes, I do.

3 Q. On 8 September you told the Court that you watched CNN on a
4 regular basis in the evening. Do you remember telling the Court
16:09:39 5 that?

6 A. Well, I'm not sure if I said on a regular basis. I do
7 remember saying that I - if I said regular, I know I remember
8 watching CNN whenever it was necessary, yes.

9 MS HOLLIS: If we could look at 8 September, page 28265,
16:09:53 10 please.

11 MS IRURA: Your Honours, I apologise, I do not have that
12 transcript readily available in my database. I would have to
13 look for it.

14 MS HOLLIS: My case manager informs me she can send that to
16:10:45 15 you, if that's helpful.

16 MS IRURA: Much obliged, thank you.

17 MS HOLLIS: I believe that has been sent.

18 PRESIDING JUDGE: That's on the screen now.

19 MS HOLLIS:

16:11:21 20 Q. You see this is page 28265 of 8 September?

21 A. Yes.

22 Q. If we look at line 19 you were asked by your Defence
23 counsel:

24 "Q. What about CNN?

16:12:01 25 A. I would listen to CNN.

26 Q. And when we say CNN, just so that we're clear, would
27 you watch CNN on a regular basis?

28 A. Yes. Evening hours, yes. I would watch CNN on a
29 regular basis."

1 See that, Mr Taylor?

2 A. Yes, I see that.

3 Q. Then at the bottom of that page you were asked about Focus
4 on Africa. You say that you would rarely listen but that you had
16:12:35 5 people doing that, if there was anything important you would get
6 a briefing probably either that evening or the next morning.

7 Correct, Mr Taylor?

8 A. That is correct.

9 Q. You also told the Court that as President you had some
16:12:57 10 principal newspapers that you read. Do you remember telling them
11 that?

12 A. Yes.

13 Q. And that you rarely had time to really listen to local and
14 national radio but if you had time you would listen to the news
16:13:09 15 broadcast. Do you remember telling them that?

16 A. Yes, I do.

17 Q. Now, in your role as the point President for peace, it was
18 especially important to stay current on what was happening in
19 Sierra Leone, isn't that correct?

16:13:24 20 A. I would say yes.

21 Q. And by the time that you say you assumed this role as point
22 President for peace, Foday Sankoh was being held in custody,
23 isn't that right?

24 A. Well, what time are we talking about, counsel?

16:13:43 25 Q. Well, Mr Taylor, you just told us when you assumed this
26 role. When did you assume this role as point President for
27 peace?

28 A. We're talking about late 1997 but Foday Sankoh was in jail
29 and out. He comes out in 1999. That's what I mean which --

1 Q. Mr Taylor, we're talking about when you assumed this role?

2 A. In 1997.

3 Q. By the time you assumed this role Foday Sankoh was in jail,
4 correct, or in custody?

16:14:05 5 A. He was in custody, that is correct.

6 Q. And at that time he was in custody where to your
7 recollection, Mr Taylor?

8 A. In Nigeria.

9 Q. And at this time Sam Bockarie was in effect the RUF leader
16:14:21 10 on the ground in Sierra Leone. That is correct, is it not?

11 A. That is correct.

12 Q. And at that time Issa Sesay was his second in command,
13 correct?

14 A. I don't really know.

16:14:33 15 Q. And, Mr Taylor, Sam Bockarie remained the leader on the
16 ground until Foday Sankoh returned to Sierra Leone in October
17 1999. That is correct, is it not?

18 A. That is correct.

19 Q. So after the February 1998 intervention, it was Sam
16:14:51 20 Bockarie who was the leader on the ground in Sierra Leone,
21 correct?

22 A. Yes, to the best of my knowledge, yes.

23 Q. And after that intervention the violence against the
24 civilians in Sierra Leone became even more intense. That is
16:15:06 25 correct as well, is it not?

26 A. Well, I was not following the activities inside Sierra
27 Leone in that kind of detail. There were violence and I don't
28 want to suggest when it went up and went down. I know there were
29 violence after the intervention.

1 Q. Now, Mr Taylor, you've also told the Court about meetings
2 that you had with Sam Bockarie in 1998 and you indicated to the
3 Court that these meetings were for purposes of peace, correct?

4 A. That is correct.

16:15:40 5 Q. That indeed discussions were straight to the peace process,
6 correct?

7 A. That is correct.

8 Q. And as point President for peace, it would have been
9 important when you were talking with Sam Bockarie on these
16:15:59 10 occasions to be aware of increased atrocities against civilians
11 in Sierra Leone. Isn't that correct?

12 A. Let me just ask one thing here, your Honours. Because
13 point President, point guard, we - and we have not even - you
14 haven't asked me to define what that point President was
16:16:22 15 specifically but I see how you're going. But I will be informed,
16 in answer to your question, all of the committees were involved
17 in Sierra Leone. The five Presidents --

18 Q. Mr Taylor, my question to you is that you would be briefed
19 on increased atrocities in Sierra Leone, correct?

16:16:45 20 A. Well, not necessarily.

21 Q. Knowledge of increased atrocities in Sierra Leone would be
22 important to your supposed peace efforts on this committee,
23 correct?

24 A. That would be important, yes.

16:16:58 25 Q. And so are you saying that your people would not have been
26 aware it was important for you to know this?

27 A. Well, it depends. I got most of my briefings from Sierra
28 Leone from the forces commander. So I was running Liberia. I
29 was not running Sierra Leone. I was involved with peace, we got

1 briefings from the forces in Sierra Leone and of course if there
2 was a serious situation it would come to my attention.

3 Q. Mr Taylor, it would have been important for your daily
4 briefings to include events in Sierra Leone, would it not?

16:17:32 5 A. Not necessarily, no.

6 Q. Not even as you being point President for peace, you're
7 saying it wouldn't have been important for you?

8 A. My national security adviser was reporting to me on
9 Liberian situation and any - any problems anywhere around the
16:17:47 10 world, so it's possible that if an issue came up I would be told,
11 but I was President of Liberia, I was not President of Sierra
12 Leone, and Sierra Leone was not my number one priority as
13 President of Liberia, so I have to say no.

14 Q. So your national security adviser was reporting to you on
16:18:05 15 the Liberian situation and any problems anywhere around the
16 world. Now as a member of this committee and the point President
17 for peace, it would have been important that that briefing would
18 have included these problems in Sierra Leone. Isn't that right,
19 Mr Taylor?

16:18:21 20 A. Not necessarily, based on your logic. Not necessarily. My
21 national security adviser was not assigned to study Sierra Leone
22 from 24/7. My national security adviser would advise me based on
23 what they assessed as being important at that particular time.
24 Sierra Leone was not my priority.

16:18:41 25 Q. Mr Taylor, you never told them that because of your
26 involvement in this committee Sierra Leone events would be of
27 particular importance to you? Is that what you're telling the
28 judges?

29 A. That was not your question. That was not your question.

1 Q. Mr Taylor, that is my question. Would you please answer
2 it?

3 A. So what is your question now?

4 Q. So you never told these people who were briefing you that
16:19:04 5 events in Sierra Leone were particularly important to you because
6 of your involvement in this committee. Is that what you're
7 telling the judges?

8 A. That was not a priority for me, no.

9 Q. So the events in Sierra Leone would have had no effect on
16:19:20 10 this security situation in Liberia?

11 A. Of course they would have had a - it would have had an
12 effect on the security situation in Liberia.

13 Q. But you didn't tell your people that you wanted to be
14 briefed on these events?

16:19:32 15 A. That was not their preoccupation. That's my problem. That
16 was not their preoccupation.

17 Q. Now you are just not being truthful with this Court, are
18 you, Mr Taylor?

19 A. I'm not President of Sierra Leone. I'm being very truthful
16:19:44 20 to this Court. Your questions are to the effect that I'm
21 supposed to be running a day-to-day shift in Sierra Leone and I'm
22 not. I'm telling these judges that of course if something came
23 up I would be briefed if it was important based on what they
24 felt. I was not the chairman of ECOWAS. I was not the forces
16:20:02 25 commander. So I'm responsible to the Republic of Liberia if
26 something - that was my priority.

27 Q. So, Mr Taylor, when you told these judges that you were the
28 point guard or the point President for the peace process in
29 Sierra Leone, you weren't really telling them the truth, were

1 you?

2 A. I was telling them the very much truth and every document
3 here, my signature and all, will demonstrate that. Your
4 questions are to the effect that I'm running Sierra Leone and I'm
16:20:25 5 telling you I'm not running Sierra Leone.

6 Q. Mr Taylor, the first meeting that you had with Sam
7 Bockarie, you told the Court that Sam Bockarie told you that the
8 RUF wanted peace. Do you remember telling the Court that?

9 A. Yes.

16:20:39 10 Q. And that Sam Bockarie's own approach seemed to be good. Do
11 you recall that?

12 A. Yes.

13 Q. And you told the judges that you liked Sam Bockarie as a
14 young man. You remember that?

16:20:50 15 A. That is correct.

16 Q. And that he seemed to be someone you could talk to. Do you
17 remember telling them that?

18 A. I also remember telling them that I contacted my colleagues
19 before I did, yes.

16:21:01 20 Q. Mr Taylor, answer that question.

21 A. I have answered you.

22 Q. You told the judges that he was someone that it seemed you
23 could talk to, correct?

24 A. That was my evaluation at the time, yes.

16:21:11 25 Q. And that he was a person you had confidence in as somebody
26 interested in peace. Do you remember telling them that?

27 A. Confidence may be going a little too far. I know he was
28 somebody that I felt that we could talk to.

29 Q. You don't remember saying that, Mr Taylor?

1 A. I'm not saying I don't remember saying that. I'm saying
2 confidence is going a little far, but I do remember saying that
3 he is somebody that I could talk to. I told my colleagues about
4 this, yes.

16:21:36 5 Q. Well, perhaps we should look at that page, Mr Taylor. That
6 is --

7 A. I don't think we have a disagreement here, counsel. We can
8 go along. I'm not saying that I did not say that. I say it's
9 going a little far.

16:21:49 10 Q. All right. So when you said that it was someone you could
11 have confidence in as somebody interested in peace you were going
12 a little far. Is that what you're saying?

13 A. No, no, no. You see, you stopped. You asked me if he was
14 somebody I could have confidence in and I said that's going too
16:22:05 15 far. Your question now --

16 Q. Mr Taylor, I asked you if you remembered telling the judges
17 he was someone you could have confidence in.

18 A. Yes, but this question you just asked is now - you said
19 confidence for peace. Now, if you just stop at confidence,
16:22:17 20 that's a different level. If you say confidence in him for
21 peace, that's a different question.

22 Q. Let's look at 25 November 2009, page 32472. This is you're
23 Defence counsel asking you questions. I think that page is
24 before you now, Mr Taylor, is it not?

16:22:57 25 A. Yes, it's before me.

26 Q. And if you would look at line 6: "Q. Now, Sam Bockarie,
27 was he a person you had confidence in as somebody interested in
28 peace?" That was the question your counsel put to you.

29 A. Yes.

1 Q. And your answer was: "Quite frankly, I would say yes.
2 From my discussions with him, he appeared to want peace, yes."

3 A. Yes.

4 Q. You see that, Mr Taylor?

16:23:30 5 A. Yes. Yes. But that was not your question. Your question
6 was did I just have confidence in him and I said that's going
7 far. That's why I say that's going a little far. Confidence for
8 peace, yes.

9 Q. Well, that was actually what you were asked, Mr Taylor, but
16:23:54 10 - so this man who was the leader of these rebels, this was the
11 man whose approach you thought was good, correct?

12 A. I felt that Mr Bockarie's attitude was good enough for
13 peace.

14 Q. That's what you're saying now, good enough for peace?

16:24:15 15 A. That's why I said I had confidence in him for peace, yes.

16 Q. Now, you thought his approach was good and you thought you
17 could talk to him because he was doing your work in Sierra Leone.
18 Isn't that correct?

19 A. That is totally incorrect. How would Bockarie be doing - I
16:24:31 20 had never met Bockarie in my life, no.

21 Q. And he was doing your work by means of these intensified
22 atrocities against civilians. Isn't that correct?

23 A. That's total nonsense.

24 Q. Now, during the time you say you were encouraging Sam
16:24:47 25 Bockarie for peace, you have told the judges that you never told
26 your briefers that they should be giving you information or
27 focusing on the events in Sierra Leone. Is that right?

28 A. Now, was that the evidence I gave here?

29 Q. Mr Taylor --

1 A. Would you show it to me?

2 Q. Let me ask you again --

3 A. You've misquoted the evidence.

4 Q. Mr Taylor, let me ask you again: During the time that you
16:25:18 5 were encouraging Sam Bockarie for peace, did you instruct the
6 people who were briefing you that Sierra Leone was a priority
7 that you should be briefed on?

8 A. No, I did not instruct them per se that Sierra Leone was a
9 priority and I should be - I did not give such instruction to my
16:25:37 10 national security team, no.

11 Q. Mr Taylor, you yourself when you were watching television,
12 the times that you did listen to the radio and you were reading
13 newspapers, you would have been particularly interested in the
14 events in Sierra Leone, would you not, as the point President for
16:25:55 15 peace?

16 A. Well, it depends. It depends. It depends on what is
17 happening at that particular time. It depends.

18 Q. Now, Mr Taylor, you told the Court that on none of Sam
19 Bockarie's trips did you have any idea that Sam Bockarie may have
16:26:16 20 been planning an operation. You told the Court that on 5 August.
21 Do you recall that?

22 A. That is correct.

23 Q. And you also told the Court that had you had any
24 inclination or any idea that Sam Bockarie and his people, as you
16:26:34 25 called them, intended to perpetuate the conflict, you would have
26 told your colleagues and tried to deal with it. Do you remember
27 telling the Court that on 6 August?

28 A. Yes. Yes.

29 Q. But in fact, Mr Taylor, the truth is that you were aware

1 that Sam Bockarie and others were planning operations in Sierra
2 Leone, weren't you?

3 A. I was not.

4 Q. And you were very aware that Sam Bockarie and his people,
16:27:03 5 as you called them, intended to perpetuate the conflict, weren't
6 you, Mr Taylor?

7 A. That is totally incorrect.

8 Q. And you were aware of it because, of course, you were a
9 part of their plans; isn't that correct, Mr Taylor?

16:27:16 10 A. That is incorrect. That's what you have to prove here and
11 you still haven't done so. That's totally incorrect.

12 Q. You were also aware of it because indeed, you were staying
13 conversant with the events in Sierra Leone; isn't that correct,
14 Mr Taylor?

16:27:32 15 A. That is incorrect and that's why we're in this Court, for
16 you to prove that point. That is totally, totally, total
17 nonsense.

18 Q. Now, Mr Taylor, you have indicated that your first meeting
19 with Sam Bockarie was September 1998, correct?

16:27:53 20 A. That is totally correct.

21 Q. And that your next meeting with him was in October 1998,
22 correct?

23 A. That is correct.

24 Q. But Mr Taylor, around 10 November 1998 you made an offer to
16:28:10 25 the outgoing Sierra Leone ambassador to Liberia telling him that
26 you were ready to talk to the rebels, isn't that right?

27 A. That is correct.

28 Q. So Mr Taylor, if you were already talking to Sam Bockarie
29 as part of this peace process in September and October, why would

1 you make such a statement in November to tell the Sierra Leone
2 ambassador to Liberia that you were ready to talk to the rebels?

3 A. Exactly.

4 Q. You were already talking to them?

16:28:45 5 A. No. Let's get it straight. Let's get it straight. When I
6 say I'm ready to talk to the rebels, I cannot get involved in any
7 negotiations with the RUF without the consent of the Committee of
8 Five. The Sierra Leonean ambassador is going and he is carrying
9 a message. In fact, it's not a message for him. When I say I'm
16:29:08 10 ready to talk to them, what I'm referring to, I'm ready to engage
11 the RUF in constructive dialogue for peace. That's what it
12 means.

13 Q. But Mr Taylor, this is 10 November 1998?

14 A. Exactly.

16:29:20 15 Q. According to you, this committee had made you the point
16 President back in 1997?

17 A. Of course.

18 Q. So Mr Taylor, really what you've been telling this Court is
19 just simply not true, and now you're trying to conform your
16:29:37 20 testimony to save your lies; isn't that right?

21 A. But Ms Hollis, so what's the basis for that kind of
22 assumption? What's the basis?

23 Q. Well, Mr Taylor, let's look at it again. You have told the
24 Court that in 1997 after you became President, you on your own
16:30:00 25 request were made a member of the Committee of Four, which became
26 the Committee of Five on Sierra Leone, and that in 1997 you were
27 chosen to be the point guard or the point President for peace in
28 relation to Sierra Leone?

29 A. That is correct.

1 Q. And you have told the Court that in September and October
2 1998 --

3 A. Yes.

4 Q. -- you were already talking to the leader of the RUF in
16:30:27 5 Sierra Leone, Sam Bockarie?

6 A. Yes.

7 Q. But on 10 November you tell the Sierra Leone ambassador
8 that you are ready - ready - which means, I would like to start
9 now - ready to talk to them, Mr Taylor?

16:30:42 10 A. Well, you see, you can't make that kind of assumption.
11 That's erroneous.

12 Q. Well, Mr Taylor --

13 A. That's totally - that's totally - that "really", based on
14 your interpretation, means what? That's not what "ready" means.

16:30:54 15 Q. Mr Taylor, you are really just being disingenuous with this
16 Court, are you not?

17 A. No, you - I think you are, Ms Hollis. You are being
18 disingenuous because you know --

19 Q. Now, Mr Taylor, just so - please go ahead, Mr Taylor.

16:31:04 20 A. No, I'll give you an opportunity. Since you interrupted,
21 ask your question.

22 Q. Mr Taylor, just to be clear on the record, you are agreeing
23 that you made the statement to the outgoing Sierra Leone
24 ambassador to Liberian on about 10 November 1998, correct?

16:31:18 25 A. Oh, yes. I remember the outgoing ambassador meeting with
26 me. I'm not --

27 Q. Do you remember his name?

28 A. I'm not sure if it's - is it Kanu?

29 Q. Yes, Wilfred Kanu; do you remember?

1 A. And telling him that: Look - in fact, the way how he's
2 reporting it is that: Look, I think we are reaching somewhere.
3 I'm ready - I'm ready now to talk to the RUF rebels. I think
4 that was proper because he was not aware --

16:31:47 5 Q. In fact, Mr Taylor, you said you were ready to talk to the
6 RUF rebels in an effort to stop the fighting in Sierra Leone,
7 correct?

8 A. That is correct. Because I had laid the groundwork, that
9 is correct.

16:31:57 10 MS HOLLIS: Mr President, this might be a good point.

11 PRESIDING JUDGE: We'll have to leave it there, Ms Hollis.
12 Just a brief announcement. As you know, the responsibilities of
13 Presiding Judge in this Trial Chamber rotates on an annual basis.
14 For instance, on January 18 last year I took over as Presiding
16:32:21 15 Judge from Justice Doherty after her one-year term expired. Now
16 my term as Presiding Judge expires on this Sunday; that's January
17 17. The responsibilities then of Presiding Judge will rotate to
18 Justice Sebutinde.

19 So that we're going to adjourn now, but when we come back
16:32:48 20 to court on next Monday, January 18, the Presiding Judge will be
21 Justice Sebutinde.

22 Having said that, Mr Taylor, I'll remind you please don't
23 discuss your evidence. There's an order to that effect, and
24 we'll adjourn now until Monday.

16:33:08 25 [Whereupon the hearing adjourned at 4.30 p.m.
26 to be reconvened on Monday, 18 January 2010 at
27 9.30 a.m.]

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I N D E X

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