



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 16 JANUARY 2009
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr William Romans
Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Mr Momodu Tarawallie

For the Prosecution:

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

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Mr Terry Munday
Mr Morris Anyah

1 Friday, 16 January 2009

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:22:29 5 PRESIDING JUDGE: Good morning. Mr Santora, appearances?

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

09:30:57 10 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths.

11 MR GRIFFITHS: Good morning Madam President, your Honours,
12 counsel opposite. For the Defence today myself Courtenay
13 Griffiths and my learned friends Mr Terry Munyard and Mr Morris
14 Anyah.

09:31:08 15 PRESIDING JUDGE: Thank you, Mr Griffiths. If there are no
16 other matters I will remind the witness of his oath? No. Good
17 morning, Mr Witness.

18 THE WITNESS: Good morning, your Honour.

19 PRESIDING JUDGE: I again remind you this morning that you
09:31:22 20 took the oath to tell the truth in this Court. The oath
21 continues to be binding on you and that you should answer
22 questions truthfully. Do you understand?

23 THE WITNESS: I do understand, your Honour.

24 PRESIDING JUDGE: Very good.

09:31:32 25 WITNESS: HASSAN BILITY [On former oath]

26 CROSS-EXAMINATION BY MR GRIFFITHS: [Continued]

27 PRESIDING JUDGE: Please proceed, Mr Griffiths.

28 MR GRIFFITHS:

29 Q. Mr Bility, what does the word "quest" mean, Q-U-E-S-T?

1 A. Quest is generally seeking to find something out and/or to
2 - a desire to look, seek and have something accomplished which
3 one has a desire for generally.

09:32:42 4 Q. In other words, it means in a sense being on a mission to
5 accomplish something, don't you agree?

6 A. That would depend. I disagree. That would depend on the
7 source of the mission, because as I understand what you - the
8 question you are posing, counsel, a mission could come from
9 outside, or it could be a personal goal that one has set at some
09:33:09 10 point to have achieved.

11 Q. The reason I ask, you see, is this: Can we look again,
12 please, behind divider 8 where we ended yesterday afternoon. The
13 title of the book you are engaged in seeking to publish is called
14 "Journalists Quest Against a Dictator", is that right?

09:34:16 15 A. Well, this was a - well, what is written here is correct,
16 but this was one of the many titles that were suggested for the
17 book and ever since the title has changed and it is no longer
18 this.

19 Q. In any event, in March 2007, the idea was that the book was
09:34:41 20 going to be entitled "Journalists Quest Against a Dictator".
21 That is right, isn't it?

22 A. No, that is inaccurate. What is right is that Journalists
23 Quest Against a Dictator was one of several titles that were
24 being suggested both by me and the editors.

09:35:08 25 Q. Now, let me make it plain why I am asking you about this:
26 You remember I said right at the outset that I questioned your
27 motivation?

28 A. I do remember that.

29 Q. And it is in that context that I am asking you these

1 questions. Now first of all, if you are saying this was just one
2 of the many titles, why did you not say to the interviewers in
3 March 2007 "We are not sure about the title yet. One possible
4 title might be"? Why didn't you say that?

09:35:40 5 A. I specifically said that to the interviewers somewhere in
6 Boston, a building called the Round House, but that is not
7 important here. What is important I did state specifically a few
8 titles and I did inform them that these are not conclusions.
9 These are not conclusively accepted at this point.

09:36:08 10 Q. So just to cut things short --

11 A. Yes, sir.

12 Q. -- it means that you told them that this was just one of
13 many titles and once again they failed to record that?

14 A. I am not - what I am saying, counsel, is that I did
09:36:23 15 specifically inform the investigators at the time that this was
16 one of the titles, and I also did inform them that whoever it -
17 once you are familiar with writing a book a lot of things are
18 reviewed and reviewed and reviewed over and over again, so at the
19 time this was a tentative title and a number of other titles had
09:36:54 20 been suggested.

21 Q. Now, just dealing with the one which is recorded here, who
22 is the journalist who is on a quest?

23 A. Well, counsel, if you --

24 MR SANTORA: Objection. The title is "journalists" plural
09:37:10 25 and counsel is asking about a single journalist.

26 MR GRIFFITHS: Rubbish. Journalists, there is an
27 apostrophe missing there, otherwise it doesn't make - it is not
28 English.

29 MR SANTORA: I am sorry, but I don't know how counsel would

1 know that there is an apostrophe missing here unless he had some
2 sort of knowledge about this.

3 MR GRIFFITHS: It is a plain matter of grammar.

4 PRESIDING JUDGE: I think it is apparent that it is a
09:37:34 5 journalist's quest because of the way - if it was more than one
6 it would be "quests".

7 MR SANTORA: Journalists - maybe my grammar, it may be my
8 knowledge of grammar but it certainly could be the plural in that
9 scenario.

09:37:48 10 JUDGE LUSSICK: Look, we are standing here arguing while
11 the man who wrote the book is sitting in the witness box. Why
12 don't we just ask him?

13 MR GRIFFITHS:

14 Q. It is journalists plural or journalist singular?

09:37:59 15 A. It is journalists plural and if you like, if the court
16 likes, I will explain what it means?

17 Q. Mr Bility, so if it is journalists plural, now that you
18 have been tipped the wink by Mr Santora, why is it not quests --

19 PRESIDING JUDGE: That is an inappropriate remark,
09:38:27 20 Mr Griffiths.

21 MR GRIFFITHS:

22 Q. Why is quest not in the plural?

23 A. Well, I believe this is a matter of simply putting it.
24 Journalists is plural now in this case. Quest is viewed as a
09:38:48 25 collective objectives of those journalists, not one goal, not one
26 journalist; all the journalists. A group of journalists having a
27 specific goal and working towards that. So that is the sense
28 implied in this particular tentative title and this is exactly
29 what I have also said earlier that these were - this title was

1 one of several titles.

2 Q. You have told us that, Mr Bility.

3 A. Right.

09:39:25 4 Q. Can we move on, please. Now help me then. If now you are
5 suggesting it is journalists plural, who are the other
6 journalists?

7 A. Liberian journalists.

8 Q. Who? Give me a few names?

9 A. Well, I am not - I cannot give you specific names.

09:39:47 10 Q. Why not?

11 A. Why not? Because --

12 Q. You are writing on their behalf and so tell us who are the
13 other journalists given that you are now telling us this is
14 plural? Name them?

09:40:01 15 A. Every Liberian journalist who fought to see that
16 dictatorship muzzling the media and intolerance for the
17 expression of free opinion, this was, these were the journalists
18 I was referring to. It didn't have to be specific names. What I
19 sought to do was to also recount accounts of other journalists'
09:40:31 20 interaction in their pursuit of the truth regarding what they
21 reported vis-a-vis what the government's reactions were, so it
22 did not, counsel, in my opinion, mean that I name a specific
23 journalist who believed in what I was writing, but their
24 interactions with the government regarding what they published
09:40:57 25 factually and the government reactions were some of the accounts
26 that I sought out - I set out to have included in this and I
27 would like to ask the Court, your Honour, regarding something.

28 Well, I do not believe, your Honour, that the testimony
29 that I am providing should focus on my private work on this book.

1 I believe honestly that this book is not in evidence as such and
2 as such that - I mean and therefore it should not be a focus.

3 PRESIDING JUDGE: Mr Witness, counsel is entitled to put
4 the line of questioning he is putting to you. He is entitled to
09:41:51 5 test your credibility and I allow that question. Please proceed.

6 THE WITNESS: Okay.

7 MR GRIFFITHS:

8 Q. Mr Bility, let me make it plain to you why I am asking you
9 about the book, because I suggest that the book gives a clear
09:42:03 10 indication of your motivation in giving evidence. Do you follow
11 me? That is why it is relevant and that is why it is no longer
12 can remain in the private domain. Do you understand that?

13 A. I do understand that, but I also wish to put it to you,
14 counsel, that neither have you read the manuscript of the book,
09:42:28 15 nor have you had any inside view of my mind regarding --

16 Q. That is why I am asking you about it, Mr Bility?

17 A. Regarding instances in this book.

18 Q. Is there an introduction to the book?

19 A. There is an introduction to the book.

09:42:50 20 Q. In that introduction do you name the other journalists on
21 whose behalf you are speaking?

22 A. I do not name any journalists on whose behalf I am
23 speaking. I have already said that that speaking --

24 Q. Mr Bility, in the introduction, do you name any other
09:43:11 25 journalist, yes or no?

26 A. No because --

27 Q. Thank you, that will do. Help me also with this: During
28 the period of Mr Taylor's presidency, can you name another
29 journalist who was imprisoned in Liberia?

1 A. Yes, sir.

2 Q. Who?

3 A. Joseph Batuah of the --

4 Q. Who else? Spell the name please.

09:43:36 5 A. J-O-S-E-P-H Batuah I think is B-A-T-U-A-H. I am not
6 specifically sure of that spelling.

7 Q. What was he arrested for?

8 A. I believe they were arrested for publishing a news story
9 regarding the government's purchase of some material for
09:44:10 10 government helicopters.

11 Q. Mr Bility, I suggest that is a lie. I suggest you were the
12 only journalist ever arrested in Liberia during Mr Taylor's
13 presidency?

14 A. Counsel, that is on the record. I think at least two,
09:44:29 15 probably more, editors and reporters from The News newspaper,
16 headed by its editor in-chief Joseph Batuah were, indeed,
17 arrested and the government and President Charles Taylor I
18 believe is very, very fully aware of that because they were
19 detained for many days and it was - their very detention resulted
09:44:57 20 into a negotiation between the Press Union of Liberia and the
21 government through the ministry of information and one thing that
22 the government requested from the journalists was that the
23 journalists admit that they erroneously reported that story as a
24 condition for their release. I am perfectly aware of that,
09:45:16 25 counsel.

26 Q. Now, you understand what I say about that, but let's go
27 back behind divider 8 please. So journalists refers to several
28 journalists but you can't name any others? Who is the --

29 MR SANTORA: Objection, there was one named.

1 MR GRIFFITHS: That was in a different context.

2 PRESIDING JUDGE: I understand the question to relate to
3 the book and the witness did say he couldn't - he did not name
4 others --

09:45:44 5 MR SANTORA: I apologise. I apologise. I understand.

6 MR GRIFFITHS:

7 Q. Who is the dictator referred to in that suggested title?

8 A. The dictator referred to in that suggested title is
9 President Charles Taylor.

09:45:58 10 Q. And you go on to say "A great deal of the book is written
11 about Charles Taylor", is that right?

12 A. A great deal of the book is written by my experiences in
13 Liberia and --

14 Q. Is - no, no, Mr Bility, please listen to the question. "A
09:46:17 15 great deal of the book is written about Charles Taylor", is that
16 right or wrong?

17 A. That is generally accurate.

18 Q. Thank you. Because you have an obsession with Charles
19 Taylor, don't you?

09:46:31 20 A. I don't, counsel.

21 Q. I suggest that you do?

22 A. And I reply that I do not, counsel.

23 Q. Now, can we move on and can I clear up one or two
24 outstanding matters before we move on to arrest number 7, please.

09:46:50 25 Is it - does the name AB Koroma mean anything to you?

26 A. AB Koroma?

27 Q. Yes, those are his initials?

28 A. I am not sure.

29 Q. Hm?

1 A. I am not specifically sure at this point.

2 Q. What about the name Sekou Koroma?

3 A. Sekou Kromah, I am familiar with that name, not Koroma.
4 Sekou Kromah.

09:47:24 5 Q. Sekou Kromah?

6 A. K-R.

7 Q. My pronunciation. Do you know that name?

8 A. Yes, that name is familiar to me.

9 Q. Do you know AB Kromah?

09:47:33 10 A. AB Kromah, yes.

11 Q. So you do know him?

12 A. I do know AB Kromah not AB Koroma.

13 Q. Now AB Kromah and Sekou Kromah are half brothers of Alhaji
14 Kromah, aren't they?

09:47:48 15 A. They are not. I know Ibrahim - his full name Ibrahim
16 Khalil Kromah from Ganta.

17 JUDGE SEBUTINDE: Could we have a spelling of this Kromah
18 as opposed to Koroma.

19 THE WITNESS: K-R-O-M-A-H, it is spelt in Liberia as
09:48:09 20 K-R-O-M-A-H. Generally in Sierra Leone it is K-O-R-O-M-A. I am
21 not sure if there is an "H" at the end. So Ibrahim Khalil Kromah
22 and Sekou Kromah are from Nimba County.

23 MR GRIFFITHS:

24 Q. Are they brothers?

09:48:32 25 A. Brothers in what sense, because there is the brother sense
26 in the African --

27 Q. Brother in the family sense?

28 A. Which family? The western family sense or the African
29 family sense?

1 Q. Are they blood brothers?

2 A. They are not - I repeat they are not - blood brothers.

3 Q. Are you telling us the truth about this, Mr Bility?

4 A. Yes, sir, I am fully aware of this, and that is why I asked
09:48:56 5 you regarding what kind of family. Is it in the African setting,
6 which in the Mandingo setting, in which the word "cousin" doesn't
7 even exist. In Mandingo, the word "cousin" does not exist, at
8 least not that I am aware of, so cousins generally refer to one
9 another as brothers.

09:49:19 10 However, I am not suggesting that Ibrahim Kromah, who is
11 from Ganta, Nimba County, and Sekou Kromah who is from the
12 Sanniquellie - not Sanniquellie, I think it is Tapita, I am not
13 specifically sure, who is from that end, north Nimba County are
14 not specifically brothers and I say that, counsel, because I am
09:49:48 15 fully aware of that as someone who is also from Nimba County.

16 MR GRIFFITHS: Madam President, Mr Taylor has asked to have
17 a quick word with me. I wonder if I might turn my back on the
18 court for a moment?

19 PRESIDING JUDGE: Yes, please do so and if it is necessary
09:50:02 20 to retire, please inform us.

21 MR GRIFFITHS: I am grateful:

22 Q. Very well, Mr Bility. So they not blood brothers in the
23 western sense. Are they brothers in the African sense?

24 A. What I - this is what I do know.

09:50:58 25 Q. The answer is very simple. Is it yes or no?

26 A. I am not sure whether I should say yes or no. I want to
27 tell you what the relationship is and then you can probably
28 surmise therefrom if they are brothers.

29 Q. All right, tell us what the relationship is?

1 A. Ibrahim Kromah, Ibrahim Khalil Kromah is from Ganta. He
2 has a Mandingo mother and a Mandingo father called Siaka. I am
3 sure that is the name. Sekou Kromah, I am not sure what his
4 dad's name is, but he does have a Mandingo father and a Gio
09:51:41 5 mother, and they are from around the Tapita area. Generally in
6 Liberia, I mean among the Mandingo ethnic group, if people have
7 the same last name they would generally refer to one another as
8 brothers. Now, as I said previously, the word "cousin" does not
9 exist in the Mandingo language or dialect so there were points
09:52:11 10 that they would consider one another - each other as brothers,
11 but as far as the specifications are concerned I am not even sure
12 that the relationship between their fathers, so that is about how
13 much I can say about that. Specifically, they are not blood
14 brothers at all.

09:52:34 15 Q. Given the details you are able to give us about them, you
16 know these men quite well, don't you?

17 A. I do know them.

18 JUDGE SEBUTINDE: Mr Witness, are you suggesting they are
19 cousins in the English sense of the word?

09:52:49 20 THE WITNESS: No, I am not suggesting that, your Honour.

21 MR GRIFFITHS:

22 Q. Now, these were very good friends of yours, weren't they?

23 A. Ibrahim Kromah, I was much closer to Ibrahim Kromah than
24 Sekou Kromah. Sekou Kromah I know him, but it was not like a
09:53:09 25 friend as such.

26 Q. Now AB Kromah served as chief of staff of ULIMO forces
27 during the civil war in 1991 to 1997, didn't he?

28 A. If he served as chief of staff --

29 Q. Is the answer yes or no?

1 A. The answer is no. He served at a particular point, not
2 from 1991.

3 Q. All right, at what point did he serve as chief of staff of
4 ULIMO?

09:53:42 5 A. I do believe that he served as chief of staff after the
6 death of ULIMO's chief of staff which was I believe some time in
7 1996, April 6th fighting, whose name was - I think his last name
8 was Doumuyah. Doumuyah. After the death of Doumuyah during the
9 April 6th fighting 1996 Ibrahim Kromah who - I mean then served
09:54:13 10 as chief of staff of ULIMO. I think so, but not before 1996.

11 Q. And he was a good friend of yours?

12 A. Yes.

13 PRESIDING JUDGE: Which one are you referring to, the
14 deceased or --

09:54:27 15 MR GRIFFITHS: AB Kromah:

16 Q. AB Kromah, former chief of staff of ULIMO, was a good
17 friends of yours?

18 A. Yes, sir, he was a good friend of mine.

19 Q. Thank you. And Sekou Kromah, during the crisis he
09:54:40 20 concentrated on certain civilian activities for ULIMO, didn't he?

21 A. Well, I was not fully aware of the internal workings of
22 ULIMO, counsel.

23 MR GRIFFITHS: One moment, Madam President:

24 Q. Now furthermore, so far as Sekou is concerned, during the
09:55:10 25 period of the transitional government under Ruth Sando Perry he
26 served as managing director of the Liberian telecommunications
27 company, didn't he?

28 A. Correct. That is correct, counsel.

29 Q. And he was also associated with LURD, wasn't he?

1 A. I do not know that. What I do know is that after the
2 elections at some point - well, generally after the elections
3 Sekou Kromah remained in Monrovia and remained at his residence
4 on the old road and I am not aware of any time that he left to
09:55:59 5 travel to either Guinea or Sierra Leone or the Cote d'Ivoire. So
6 he remained in Monrovia, the capital city of Liberia. So if he
7 were connected to LURD in any way I am not aware of that,
8 counsel.

9 Q. Now, this is the same Sekou Kromah who was linked to The
09:56:25 10 National newspaper, right?

11 A. This is the same Sekou Kromah, yes.

12 Q. Thank you.

13 A. That was linked to the ownership of The National newspaper
14 and I would just like to add that while I was in Monrovia at no
09:56:38 15 point did I hear the Government of Liberia accuse Sekou Kromah in
16 the media or privately of being associated with LURD.

17 Q. Did LURD support Ellen Johnson-Sirleaf in the elections?

18 A. Counsel, during the elections --

19 PRESIDING JUDGE: Do you mean the last elections or the one
09:57:03 20 that led to --

21 MR GRIFFITHS: The one that led to the election of
22 President Taylor.

23 THE WITNESS: During the elections of - during the last
24 Liberian elections I was not in Liberia so --

09:57:14 25 PRESIDING JUDGE: Counsel is speaking about the elections
26 that led to the election of Mr Taylor as President.

27 THE WITNESS: No, LURD did not exist at that time so that
28 would be a contradiction. I guess he is referring to the last
29 election that elected Mrs Ellen Johnson-Sirleaf. LURD was

1 organised 1999. Elections --

2 MR GRIFFITHS:

3 Q. In the last elections did LURD support Ellen
4 Johnson-Sirleaf?

09:57:40 5 A. Which election?

6 Q. The last elections?

7 A. I do not know because I was not in Liberia, but I will tell
8 you what I do know.

9 Q. Well, you don't have to be in America to know that Obama
09:57:57 10 was elected so --

11 A. Certainly so, but I was not part of the LURD hierarchy so I
12 did not know what LURD was doing, but I said I could tell you
13 what I do know. I do know that there were internal squabbles
14 within the LURD organisation. Some members thought it was better
09:58:24 15 if they supported Mrs Sirleaf and some members thought if they
16 supported Sekou Damate Konneh, the LURD leader, for President.
17 So I do know that there was that squabble or struggle, whatever
18 way it may be better termed, within the LURD organisation. I do
19 know that. That was general.

09:58:46 20 JUDGE SEBUTINDE: And this is in the most recent elections?

21 THE WITNESS: Correct, your Honour.

22 MR GRIFFITHS:

23 Q. Now, I want to ask you four specific questions and I would
24 like short answers, please.

09:59:02 25 A. Fire away.

26 Q. Firstly, what was the number of political parties during
27 the elections in '97?

28 A. I can't recall specifically the number, but I can attempt
29 to name the political parties.

1 Q. Please do.

2 A. There was the National Patriotic Party led by Mr Charles
3 Taylor; there was The Unity Party led by Mrs Ellen
4 Johnson-Sirleaf; there was the All Liberian Coalition Party led
09:59:35 5 by Alhaji Kromah; there was The United People's Party led by the
6 late Gabriel Baccus Matthews, there was the National Democratic
7 Party of Liberia led by George E Saigbe Boley, there was the
8 Liberia People's Party, that is LPP, I am not specific, I think,
9 okay, led by Dr Togba-Nah Tipoteh. There was the - there were
10:00:11 10 many other parties, so I - to put a specific number on it I am
11 not sure right now based on my recollection, but those parties
12 existed at the time and I believe were led by the individuals I
13 named.

14 Q. Now can we --

10:00:27 15 JUDGE SEBUTINDE: Could you spell that last name, Dr
16 Tipoteh or something?

17 THE WITNESS: Dr Togba-Nah, that is Togba is T-O-G-B-A-H,
18 Nah is N-A-H, Tipoteh, phonetically spelt T-I-P-O-T-E-H. Dr
19 Togba-Nah Tipoteh.

10:00:52 20 MR GRIFFITHS:

21 Q. There was another name you mentioned, The Democratic Party
22 of Liberia was led by whom, George who?

23 A. No, I said - I didn't say The Democratic Party. I said The
24 National Democratic Party of Liberia, NDPL --

10:01:01 25 Q. Yes, was led by?

26 A. Led by Dr George E Saigbe Boley.

27 Q. How do you spell the surname, please?

28 A. Boley, I think I spelled that yesterday, as B-O-L-E-Y.

29 Q. And Saigbe?

1 A. It is S - I believe, S-E-G-B-E, I believe.

2 Q. And the second specific question: How many of those
3 parties survived after the election?

4 A. What do you mean survived?

10:01:45 5 Q. Were still in existence?

6 A. Well, I believe that the parties - well, actually, counsel,
7 I would like for you to provide for me, as a layperson, a working
8 definition for the word "survive".

9 Q. All right then. How many of them were still in existence
10:02:05 10 months after the election?

11 A. I generally - I believe that they all remained in
12 existence, but how many were able to maintain their political
13 activities I am not specifically sure. What I do know is that
14 there was a climate of political intolerance at the time, The
10:02:28 15 Unity Party leader was forced, based on security concerns, into
16 exile, that is Mrs Ellen Johnson-Sirleaf, the leader of - what is
17 it called - the leader of the All Liberian Coalition Party,
18 Alhaji Kromah, went into exile.

19 Q. And formed LURD?

10:02:52 20 A. From LURD?

21 Q. And formed LURD?

22 A. And formed LURD?

23 Q. Yes or no?

24 A. No. I believe no, because I think I am aware of certain
10:03:06 25 things leading to that, because even in 19 - I mean 2004, I
26 believe during the formation of an interim government in Accra
27 Ghana, at which time chairman Bryant was elected head of the
28 interim transition, there were squabbles. Alhaji Kromah had gone
29 there, according to information, and some news, and he had gone

1 there and he had sought the - he had sought to be recommended or
2 to be put forward by LURD as his choice of candidate for head of
3 the transitional government and some of the representatives of
4 LURD at the time, according to my information, one of whom was
10:03:58 5 Kabinah Ja'aneh.

6 Q. Spell it please?

7 A. That is K-A-B-I-N-E-H, Ja'aneh, J-A-A-N-E-H is an African
8 and so that is the specific - it is not like coherent all over
9 the place - said that they didn't want to support Alhaji Kromah
10:04:28 10 so in that respect I do know generally, as many other Liberians
11 also know, that Alhaji Kromah did not form LURD and I do also
12 know generally that, what many other Liberians know, that LURD
13 did tell people and did also tell Mr Kromah at the time that,
14 well, you had your chance and you blew it so, I mean, you can't
10:05:02 15 come back now and take our cake, in summary. However, I know
16 that, well, can you please remind me where I was before that
17 divergence?

18 PRESIDING JUDGE: I think the question has been answered.
19 We have diverted so much that --

10:05:22 20 MR GRIFFITHS: I agree:

21 Q. Specific question, and could I have an answer yes or no.
22 Did the Taylor government arrest any political leader during his
23 presidency?

24 A. Yes, sir.

10:05:45 25 Q. Who?

26 A. A political leader called - I am sure his name was, I am
27 trying to figure out his name. He was with the New Deal
28 Movement, headed then, amongst other people, Ibrahim Mitchell and
29 I think his name was Weagba - I am trying to figure out his name,

1 Weagba Nipleh, I am not sure, but I do know that an executive of
2 the New Deal Movement, I think it is Weagba Napleh or Nipleh.

3 Q. He was an executive, was he?

10:06:26

4 A. Yes, he was - I am not sure what position he held, but he
5 probably was the chairperson in the party. And I also do know
6 that the former interim President, Dr Amos Claudius Sawyer, who
7 was - who had been an executive of the Liberian People's Party -
8 who had been an executive of Liberian People's Party, LPP, and
9 who was now at this time running the Centre For Democratic
10 Empowerment, CEDE, on I think it's 10th Street, was brutally
11 attacked and beaten and along with another political leader
12 called Conmany B Wesseh.

10:07:01

13 Q. Was he arrested?

10:07:24

14 A. They weren't arrested. They were beaten and that was
15 enough to force them --

16 Q. Were they arrested?

10:07:36

17 A. Dr Sawyer was not arrested but Weagba Nipleh, Weagba Napleh
18 or Nipleh, I am struggling with the last name here, Weagba Nipleh
19 or Weagba Napleh, an executive of the New Deal Movement Party,
20 was indeed arrested.

21 Q. Can you give us a spelling?

10:08:06

22 A. Well, I will spell it phonetically. I am not sure of the
23 exact spelling. I think Weagba should be capital W-E-A-G-B-A. I
24 am not sure if the last name is Nipleh or Napleh. If it is
25 Napleh it would be N-A-P-L-E-H. If it is Nipleh it would be
26 N-I-P-L-E-H.

27 PRESIDING JUDGE: Mr Griffiths, I think we have already had
28 that piece of information at the top of page 20.

29 MR GRIFFITHS: Yes:

1 Q. Now, the specific questions I am asking you are on direct
2 instructions from Mr Taylor and he instructs me to call you a
3 liar and that no leader of any political party was arrested
4 during his presidency?

10:08:40 5 A. I do understand that concern. I am not - I believe that
6 the President is clearly debatably wrong in that and I request
7 that the President do some brief - should, you know, recollect
8 what happened and he will clearly remember that indeed a New Deal
9 Movement Party official --

10:09:09 10 Q. You have told us that. Let's move on.

11 A. Good.

12 Q. Another specific question directly from Mr Taylor. Under
13 the Taylor regime, was any political party closed down by the
14 Taylor government?

10:09:31 15 A. Closed down? That phrase "closed down", could you
16 elaborate on that a little bit?

17 Q. Was any political party prevented from advocating their
18 policies or campaigning during the Taylor presidency?

10:09:58 19 A. As a matter of public government policy - as a matter of
20 government policy and pronouncement, not that I am aware of.

21 Q. Thank you. Do you have a brother called Musa Bility?

22 A. Pardon?

23 Q. Do you have a brother called Musa Bility?

10:10:23 24 A. I have - in the western sense I do have a cousin called
25 Musa Bility.

26 Q. Spelt M-U-S-A first name?

27 A. Correct.

28 Q. Was he a senior financier for LURD?

29 A. Not to my knowledge and --

1 Q. Had he been a senior financier for ULIMO?

2 A. No, what I do know is that my cousin - our fathers are
3 brothers - our fathers are biological brothers from the same
4 mother and the same father. What do know about Musa is that
10:11:04 5 Musa, while we shared different political opinions and
6 differences on many issues - Musa was very closely allied with
7 interim President Dr Amos Sawyer and he was also allied with an
8 individual who headed the Liberian --

9 PRESIDING JUDGE: Mr Witness, you are not answering the
10:11:33 10 question as put. The question was had he been a senior financier
11 for ULIMO?

12 THE WITNESS: No, not that I am aware of.

13 MR GRIFFITHS:

14 Q. Did he have any links whatsoever with ULIMO?

10:11:44 15 A. Not that I am aware of.

16 Q. Was he chairman of the National Mandingo Caucus?

17 A. At what point?

18 Q. At any point.

19 A. Your Honour, I would like to expand on that.

10:12:01 20 Q. No, no, no, just try yes or no, please.

21 A. At any point would be confusing. Musa became chairman of
22 the National Mandingo Caucus after the election and shortly
23 before the elections of Mrs Ellen Johnson-Sirleaf I guess I
24 believe which some time around 2005 or 2006 and thereafter, so
10:12:20 25 not during, to my understanding --

26 PRESIDING JUDGE: The question was any time and I think you
27 have answered the question.

28 MR GRIFFITHS: Thank you.

29 THE WITNESS: Correct.

1 MR GRIFFITHS:

2 Q. Does he also own Srinex Limited, S-R-I-N-E-X?

3 A. I do not know that for a fact.

4 Q. Does he own Truth FM 96.1, a radio station in Monrovia?

10:12:42 5 A. I do know that he does own an FM station in Monrovia which
6 was opened during the administration of Ellen Johnson-Sirleaf.

7 Q. Does he own a newspaper called The Renaissance?

8 A. I don't know that for a fact, counsel.

9 Q. Now, just to clear up one or two other details about The
10:13:26 10 National newspaper. The National newspaper was established in
11 1995, wasn't it?

12 A. I am not sure exactly when it was established.

13 Q. Did it start publication in 1996?

14 A. I do know that The National existed before the elections.

10:13:47 15 Q. Was Sando Moore the incorporator and managing editor of The
16 National newspaper before you?

17 A. I don't know that. I do know that Sando Moore did work
18 there at some point along with many other Liberian journalists.

19 Q. Before you?

10:14:09 20 A. Yes, sir.

21 Q. Is it true that Alhaji Kromah assisted in securing funding
22 for the setting up of the newspaper?

23 A. I don't know that, counsel.

24 Q. Are you telling us the truth about that?

10:14:26 25 A. I am telling the truth based on my knowledge of The
26 National newspaper, counsel.

27 Q. Was The National newspaper later incorporated in the name
28 of Alhaji Kromah and his family?

29 A. I do not know that, counsel.

1 Q. And again you are telling us the truth, even though you
2 were the editor of that newspaper?

3 A. Of course, I was the editor and I am telling you the truth.

10:15:00

4 Q. Did there not come a time when there was a falling out
5 between Al haji Kromah and Sando Moore?

6 A. Counsel --

7 Q. The result of which was that Moore was pushed out and
8 Al haji Kromah brought you in to become managing editor?

9 A. Counsel, you are asking me to speculate on matters that --

10:15:20

10 Q. No, no, no, I am not asking you to speculate. It is very
11 specific.

12 A. I don't know that.

13 Q. Did Kromah and Sando Moore have a difference and a falling
14 out which resulted in Sando Moore being pushed out and you being
15 brought in as managing editor?

10:15:32

16 A. I do not know that, counsel.

17 Q. Sando Moore at some point in 1998 established The New
18 National, didn't he?

19 A. Sando Moore worked at The New National at some point in
20 1998.

10:16:06

21 Q. Was The New National incorporated in the name of Sando
22 Moore?

23 A. I don't know.

24 Q. When you had left The National and joined The Analyst
25 newspaper, was one Stanley Seakor your managing editor?

10:16:23

26 A. Stanley Seakor, yes.

27 Q. How do you spell the name?

28 A. It's S-E-A-K-O-R.

29 Q. Now you spoke of the Press Union of Liberia. In 1997, was

1 the leader of the Press Union of Liberia one Suah Deddeh? It may
2 be my pronunciation, S-U-A-H D-E-D-D-E-H?

3 A. Yeah, I believe it was. Suah Deddeh.

10:17:27

4 Q. Was he the person who was present at the time when you were
5 questioned by Joe Tate?

6 A. Well, sorry, a correction to that. Suah Deddeh I believe
7 was the secretary-general of the Press Union of Liberia at the
8 time, not the president of the Press Union. He was the
9 secretary-general. I do remember that now.

10:17:56

10 Q. So what was the name of the representative of the Press
11 Union who was present at your interview with Joe Tate?

12 A. I am sorry, I cannot name. I cannot name that individual
13 at this point.

10:18:14

14 PRESIDING JUDGE: When you say you cannot, Mr Witness, do
15 you mean you are not prepared or willing to do so, or you cannot
16 remember the name?

17 THE WITNESS: I do remember the name.

18 MR GRIFFITHS:

19 Q. Well, tell us the name.

10:18:25

20 A. Well, what I am saying is --

21 Q. Let me tell you why I am asking you, because that's someone
22 who was present who might be able to speak to the accuracy and
23 truthfulness of the account you have given about that incident,
24 so what is his name?

10:18:44

25 A. Well, I honestly believe that naming that person right now
26 might create problem of some sort.

27 Q. What is his name, Mr Bility?

28 A. I sorry, I can't --

29 Q. Until I am stopped by the judges --

1 PRESIDING JUDGE: Mr Witness, yesterday I outlined to you
2 that the rules of evidence and the rules of law permit certain
3 information to be kept or not divulged by you. Until I have
4 grounds that substantiate a good reason for not divulging that or
10:19:21 5 answering that question then you are obliged to do so.
6 Therefore, as before, I ask you why you are refusing to divulge
7 this name.

8 THE WITNESS: Because I do not know if the person would
9 like to be dragged into this trial.

10:19:36 10 PRESIDING JUDGE: He is not - sorry, Mr Griffiths, you wish
11 to make a submission.

12 MR GRIFFITHS: Madam President, he is the person who
13 dragged the individual into this trial by saying he was present
14 at a crucial conversation. Now it seems to us that we are
10:19:53 15 entitled to know who he is.

16 PRESIDING JUDGE: Mr Santora, do you wish to reply to that?

17 MR SANTORA: I think it was appropriate as Madam President
18 - just as an appropriate inquiry by the Bench to find out what
19 the reluctance is and that I think is appropriate and then your
10:20:15 20 Honours can decide where to proceed. So I don't have any
21 submission particularly.

22 PRESIDING JUDGE: Thank you for that, Mr Santora.

23 JUDGE LUSSICK: I think that inquiry has already been
24 answered, Mr Santora. The witness has said he simply doesn't
10:20:27 25 want to drag this person into the proceedings.

26 PRESIDING JUDGE: Mr Witness, I do not really understand
27 what you mean by dragging the person into the proceedings, there
28 is no subpoena for this gentleman or lady, and I consider that
29 you are obliged because you have not given us good grounds for

1 refusing to answer the question. I therefore direct that you
2 answer the question.

3 THE WITNESS: The name was Ibrahim Massaly.

4 MR GRIFFITHS:

10:20:55 5 Q. Could you spell it for us, please?

6 A. Ibrahim. Massaly M-A-S-S-A-L-Y, I believe.

7 Q. Thank you. Can we now go on then, please, to arrest number
8 seven. This occurred on 24 June 2002, correct?

9 A. Correct.

10:21:24 10 Q. Do you agree at the time of that arrest - and it is
11 accepted on this occasion that you were arrested, do you
12 understand me?

13 A. I follow that, counsel.

14 Q. At the time of your arrest on 24 June 2002 a state of
10:21:44 15 emergency had been declared in Liberia, hadn't it?

16 A. Yes, sir.

17 Q. And was the government justified in declaring that state of
18 emergency?

19 A. I believe so.

10:21:59 20 Q. Why?

21 A. A state of emergency had been declared in February 2002 and
22 we specifically published some articles regarding that, because
23 according to the Liberian constitution - of course not detailed -
24 the government - there are occasions that the government has the
10:22:28 25 right or is empowered to declare a state of emergency, one of
26 which was for example, if there were - I am not sure this is the
27 exact word, but if there was chaos, war, instability or so in the
28 country, and we believed then that that condition existed and --

29 Q. Pause there. And that condition existed because of the

1 activities of LURD throughout Liberia at that time?

2 A. Yes, sir, we believe.

3 Q. Because LURD had been making incursions into Liberia since
4 March 1999, hadn't they?

10:23:09 5 A. No.

6 Q. April 1999?

7 A. Correct.

8 Q. And so continuously from April 1999, down to now in June
9 2002, LURD had been actively seeking to overthrow Mr Taylor's
10 government, hadn't they?

10:23:26

11 A. LURD had been at some point actively and some point
12 inactively seeking to unseat the democratic government of
13 President Charles Taylor.

14 Q. So they were engaged in armed military activity to
15 overthrow a democratically elected government, yes?

10:23:45

16 A. Correct. Correct.

17 Q. By 24 June 2002, LURD were in fact shelling Monrovia,
18 weren't they?

19 A. Shelling Monrovia in June 2002? Inaccurate. Not correct,
20 sir.

10:24:06

21 Q. Was there fighting in Monrovia involving LURD in June 2002.

22 A. No, not that I am aware of and I believe --

23 Q. On the outskirts of Monrovia. I know you like to be
24 precise.

10:24:22

25 A. Where? Where in --

26 Q. Well, you are the Liberian, help us.

27 A. Okay.

28 Q. Was LURD's activity closing in on Monrovia in June 2002?

29 A. LURD managed to attack the home of President Charles

1 Taylor, at least where we know to be his home, called Arthington.
2 I believe it was in May 2002, I believe. I could be corrected.
3 Yes, that is accurate.

4 Q. How far is Arthington from Monrovia?

10:24:55 5 A. I don't know specifically in terms of mileage, but I do
6 know that --

7 Q. How many hours does it take to go there in a car?

8 A. How many hours?

9 Q. Yes.

10:25:04 10 A. I never timed it so I wouldn't be able to know.

11 Q. Very well. Let's move on. So effectively, Mr Bility, do
12 you accept that in June of 2002 at the time of your arrest
13 Liberia was a country at war?

14 A. Yes, sir, I believe.

10:25:25 15 Q. Do you further accept that the government of Charles Taylor
16 at that stage was struggling to survive?

17 A. What do you mean struggling to survive?

18 Q. Struggling to survive militarily against LURD?

19 A. Well, that question is not too clear to me, counsel.

10:25:49 20 Please - I seek further clarification on that.

21 Q. Let's move on.

22 PRESIDING JUDGE: Just before you do, for purposes of
23 record I think there is an incorrect record of an answer at page
24 29, line 23 or so of my transcript. I recall the witness saying
10:26:07 25 LURD at some point had been actively and some point inactively.

26 I don't recall the inactively. Was it said?

27 MR GRIFFITHS: He did say it.

28 PRESIDING JUDGE: Thank you, Mr Griffiths.

29 MR GRIFFITHS:

1 Q. Now, your arrest on 24 June caused uproar in Liberia,
2 didn't it?

3 A. I don't know if it caused uproar. I was in jail so I
4 wasn't fully aware of what was going on.

10:27:00 5 Q. Were you aware that the US ambassador telephoned the
6 Liberian foreign minister, Monie Captan, within one hour of your
7 arrest?

8 A. I was not aware of that and I could not be aware of that.
9 I was in jail.

10:27:16 10 Q. Were you aware that the US embassy lodged a formal
11 complaint that you had been subjected to torture?

12 A. That the US embassy lodged a formal complaint? I was not
13 aware of that, counsel, while I was in jail.

14 Q. Were you aware whether your arrest had been reported in the
10:27:37 15 local media?

16 A. I was aware of that.

17 Q. How?

18 A. I was aware of that because, as I said earlier, when I was
19 at the Liberian national police headquarters being held in a -
10:27:52 20 what I would refer to a holding room, my back turned to the front
21 part of the building - there was a gentleman who was what you
22 would refer to as a vendor selling what we refer to generally in
23 Liberia as wallet market outside and he carried a radio and I
24 listened to the BBC Focus on Africa programme, that was after 5
10:28:22 25 o'clock, at which time I did hear about my arrest.

26 Q. Thank you. But you didn't hear about the complaints from
27 the US embassy?

28 A. No, I did not hear that specific --

29 Q. Fine, that is the answer I wanted. What was the reason for

1 your arrest, or what reason were you given for your arrest?

2 A. The reasons that I was personally given by President
3 Charles Taylor for my arrest were --

4 Q. Can I just pause you for a moment and take things in stages
10:28:57 5 because I am anxious to get on. At the point when you were
6 physically held, were you given a reason for your arrest?

7 A. Yes.

8 Q. What reason was that?

9 A. Several reasons and they are as follows: One, during about
10:29:21 10 a two hour 20 minutes interrogation of me by President Charles
11 Taylor --

12 Q. No, at the point of your arrest?

13 A. Oh, at the specific point?

14 Q. Yes, when you were physically held, were you given a reason
10:29:35 15 for your arrest?

16 A. I was not given any reason at that particular point when I
17 was taken into custody.

18 Q. When were you first given a reason for your arrest?

19 A. When I met face to face with President Charles Taylor.

10:29:51 20 Q. What reasons did he give you, you say, for your arrest?

21 A. He gives - he gave me the following reasons: He said that
22 I, along with - I believe the name is Robert Perry, then,
23 assistant secretary of state for I believe that was the position
24 for African Affairs at the United States State Department --

10:30:20 25 Q. Is that Robert Perry P-E-R-R-Y?

26 A. Right.

27 Q. Thank you.

28 A. That I along with Robert Perry, Bishop Michael Francis of
29 the Catholic church of Liberia, Ibrahim Mitchell of the New Deal

1 Movement Party, Sheikh Kafumba Konneh, Alhaji Kromah and Mrs -
2 current president - Ellen Johnson-Sirleaf that I, along with all
3 of those people, was plotting to assassinate him, unseat his
4 government and he specifically said that I had travelled to
10:31:04 5 Europe, purchased arms, imported the arms to Monrovia and stored
6 the arms at the United States embassy, and that I had gone to the
7 Cote d'Ivoire, brought in - and brought in or - and contracted
8 about 24 mercenaries and that those mercenaries were staying at
9 the United States embassy and that he wanted to know, for
10:31:41 10 example, the arms that I had brought in - I had allegedly brought
11 in - because he wanted to know the end users. That is a kind of
12 certificate that stipulates or that states the last destination
13 of arms shipment and then I should confess to this plot.

14 Many things, many other things he said, I probably don't
10:32:07 15 remember all of them, but those were specific things that he
16 said. And he also added that he was holding me because I was
17 being used by Mrs Ellen Johnson and the Catholic church, and what
18 is it called, the United States, to overthrow his government and
19 that I should confess to that on camera and he ordered one of his
10:32:39 20 cameraman to come with a video --

21 Q. You have told us that. All I asked you for was the reason
22 for your arrest. Have you given us all the reasons that
23 President Taylor told you?

24 A. I believe generally, yeah, those were what he told me.
10:32:55 25 Those were amongst the many - I mean the conversations we had.
26 Those were among the conversations he had with me during this
27 specific arrest.

28 Q. Now was that --

29 A. Those were his reasons.

1 Q. Did he suggest to you that your arrest on this occasion was
2 as a result of anything you had written?

3 A. Pardon?

10:33:22

4 Q. Did he suggest to you on this occasion that your arrest had
5 been occasioned by anything you had written?

6 A. Yes, sir.

7 Q. What did he say in that regard?

10:33:53

8 A. He did say, amongst other things, that because he believed
9 that we were - I along with these people was set out to overthrow
10 him, that was why I had written articles in his opinion that were
11 defamatory to him and that tended to --

12 Q. And he said that to you, did he?

13 A. That tended to undermine his government.

14 Q. And he said that to you, did he?

10:34:09

15 A. Yes, sir.

16 Q. And so that was also a reason for your arrest?

17 A. Yes, he did say that.

18 Q. And did he mention to you any particular article which had
19 - recently published by you which had offended him?

10:34:25

20 A. He did not specifically point out an article. He did refer
21 generally to what I wrote.

22 Q. In your mind, had anything that you had written recently
23 provoked this arrest?

24 A. Yes, I believe.

10:34:43

25 Q. What was that?

26 A. I believe there were several. One was in February. We had
27 written an article titled "Good or evil" I mean "State of
28 emergency good or evil".

29 Q. That was in February 2002, was it?

1 A. Yes, that was in February 2002.

2 Q. And you were not arrested until June 2002?

3 A. I was not arrested until June 2002, but the paper was shut
4 down.

10:35:17 5 Q. So we are talking about four months later?

6 A. Of course, but counsel, you asked me that in my mind. Now,
7 that article, in addition to accepting - in addition to saying
8 that the government had the right to declare a state of emergency
9 stated, among other things, the behaviour of government security
10 forces in Liberia after the declaration of the state of emergency
11 in which security personnel would go into people's homes, take
12 their properties, you know, beat some of them, you know, and
13 harass them and loot their properties. That was one.

14 Another one was - that was pretty much close to my - that
10:36:02 15 was after the February. That was a little bit close and this was
16 one article that I also believed that the government thought
17 because, based on its comments, undermined it. That was about a
18 Liberian human rights lawyer, I think currently Solicitor General
19 Republic of Liberia, I am not specifically sure, named Tiawon
10:36:26 20 Gonglloe. Counsellor Gonglloe had been invited to Conakry Guinea
21 to speak at the - I believe the --

22 Q. I think you have answered my question, Mr Bility.

23 A. No, you said reasons. You said what in my mind, what
24 articles, so I am enumerating the articles. So I am sure,
10:36:48 25 counsel, you are not going to cherry pick the articles you want.
26 So this is one of the reasons that we believe. So in this
27 particular - in this specific instance Counsellor Gonglloe had
28 spoken in Conakry, Guinea, as a guest of - I think it's the Mano
29 River Union Civil Society and Gonglloe had --

1 PRESIDING JUDGE: Please be precise about what the article
2 is, Mr Witness. You are giving us a lot of information about a
3 person.

4 THE WITNESS: Okay. The article - I am trying to figure
10:37:20 5 out what the title was. I think it was "Gongloe's latest opinion
6 on the Liberian civil crisis. The Government of Liberia had
7 accused Gongloe of making statements threatening to national
8 security in Guinea and we thought that the statements weren't
9 threatening, so we thought that the government was seeking other
10:37:48 10 ways to arrest Counsellor Gongloe for something else. So I
11 decided to publish the full content of Counsellor Gongloe's
12 statement, the speech he delivered in Conakry, Guinea, and we
13 published it and that we believe also angered the government
14 because it thought that the article undermined its position as
10:38:15 15 that Counsellor Gongloe's statements were threatening to national
16 security. So it was not a specific article. All of these
17 publications had, you know, piled up and I believe at this time
18 the government was waiting for a time to arrest me.

19 MR GRIFFITHS:

10:38:37 20 Q. So just so that we are clear, Mr Taylor tells you that in
21 effect the reason for your arrest is that you are conspiring with
22 others to kill him and undermine his government, but your view is
23 that you were actually arrested as a result of certain things you
24 had a published. Is that a fair assessment of the position?

10:38:57 25 A. My view is that --

26 Q. No, don't give us a recitation of what you have just told
27 us. It's a simple question. On the one hand he is justifying
28 your arrest on one basis. You say in reality the reason why he
29 arrested me was because of what I published. Is that a fair

1 summary of the situation?

2 A. I think that would be - yes, that would generally be a fair
3 summary.

4 Q. Now, on Monday you told us that having arrested you and
10:39:33 5 stated the supposed reasons for your arrest, Mr Taylor then said
6 to you - and remember this is June 2002 - that he said to you:

7 "Now he's got me. He said he warned me previously in the
8 past to stop reporting on the RUF because it was none of my
9 business, the Foday Sankoh situation, his government's alleged
10 involvement. My involvement is what he was saying in the RUF
11 with the RUF. He said those were none of my business and he
12 thought that. He repeated it in pretty much the same way he had
13 been saying to me whenever we met. His support for the RUF, he
14 didn't care who thought what. Mr Taylor said" - this is page

10:40:21 15 22375, by the way. "Mr Taylor said that he had warned me to get
16 off, to stop reporting on the RUF. Liberia's involvement or
17 contact, support for the RUF and I didn't listen. He went on to
18 say the RUF" - and I am just picking out one or two comments -
19 "He had the best ground force and he was willing to even move
10:40:45 20 into Sierra Leone again if necessary. He also said he wanted to
21 say something. Let me tell you something, as far as the Tejan
22 Kabbah situation is concerned and the RUF is concerned, the RUF
23 is fighting" - is fighting, present tense - "a just war and I am
24 not going to let anybody arm twist the RUF."

10:41:07 25 But, Mr Bility, by June 2002 the war had been declared over
26 in Sierra Leone and the RUF were busy disarming, so why would
27 Mr Taylor be saying this to you?

28 A. While not attempting to read Mr Taylor's mind, I believe
29 that Mr Taylor still was intent on - based on my personal

1 investigations, that President Taylor was still intent on
2 destabilising Sierra Leone. I quite agree that the war --

3 Q. But he was in battle with LURD. This is June 2002.

4 Mr Bility, you see, what I suggest is this: That you are

10:41:55

5 constantly harping on about Mr Taylor talking about the RUF

6 because your objective in coming to this Court is to try and tie

7 him into that conflict. That's your purpose, which is why you

8 are inappropriately feeding references to the RUF into every

9 conversation you have with him even when, as in June, the

10:42:19

10 conflict is over. That's the true position, isn't it?

11 A. Counsel, that is completely untrue and if you like - I

12 guess you were asking a question.

13 Q. Well, you have answered it, thank you.

14 A. Okay.

10:42:34

15 Q. And it is right, isn't it, Mr Bility, that you were not

16 involved in any kind of military/terrorist type activity?

17 A. Correct. It is right that I was never, ever involved with

18 anything that had to do with arms.

19 Q. Were you involved, as suggested by Mr Taylor, in any

10:43:02

20 operation to assassinate him?

21 A. I was not involved, counsel.

22 Q. I would like you to have a look at some documents, please.

23 PRESIDING JUDGE: Mr Santora, yes.

24 MR SANTORA: I'm sorry to interrupt. This is the first

10:44:15

25 time the Prosecution has seen these documents. I would ask for a

26 few moments at least, before questions are started, to look at

27 these documents.

28 PRESIDING JUDGE: Mr Griffiths, your reply before we

29 confer.

1 MR GRIFFITHS: Mr Santora will have ample time to
2 re-examine the witness on this document.

3 [Trial Chamber conferred]

4 PRESIDING JUDGE: We are of the view that the Prosecution
10:44:53 5 is entitled to some time to look at these documents. Mr Santora,
6 please give us an indication of how long you would require.

7 MR SANTORA: Five minutes.

8 PRESIDING JUDGE: Thank you.

9 MR SANTORA: Thank you.

10:45:15 10 PRESIDING JUDGE: Mr Griffiths, if you wish to have a seat.

11 MR SANTORA: Madam President, I appreciate the time. We
12 are prepared to proceed.

13 PRESIDING JUDGE: Mr Griffiths, please proceed.

14 MR GRIFFITHS:

10:48:01 15 Q. Mr Bility, what I am going to place before you I suggest is
16 the evidence which founded the basis for your arrest in June
17 2002. Can we place the first page of that document on the
18 overhead, please. This I suggest is an email addressed to you.
19 Do you recognise it?

10:48:37 20 A. No, I do not.

21 Q. Let's just go through - predictable answer I suggest.

22 MR SANTORA: Objection. That is an inappropriate comment.

23 PRESIDING JUDGE: Yes, it is a comment rather than a
24 question, Mr Griffiths.

10:48:50 25 MR GRIFFITHS: Very well:

26 Q. It's from "Powerful Forever speakerLiberia@blackplanet.com"
27 and it is to "info_bh" - your initials - "_monrovia@yahoo.com".
28 Note the date of 18 June, so we are talking about, what, six days
29 before your arrest:

1 "Congo Town Operations. Bility. So the gangsters are
2 still keeping our boys in the notorious NSA cell?"

3 What does NSA stand for?

4 A. National Security Agency.

10:49:35 5 Q. Were there any LURD supporters in custody at the National
6 Security Agency in June 2002?

7 A. Not that I am aware of specifically.

8 Q. "Please there is no need for fear - at the end Taylor will
9 go or be dead; yes! dead, he will be, so the Liberian people can
10 have the peace they have been crying for.

11 Chief Alhaji."

12 How many Chief Alhajis do you know?

13 A. Chief? I never refer to anybody as Chief Alhaji.

14 Q. You do know of an Alhaji Kromah, don't you?

10:50:13 15 A. I do know of an Alhaji Kromah, correct.

16 Q. "Told us that one of his former boys (Papa) who is in the
17 police is responsible for the arrest of Mabutu and others".

18 Does the name Mabutu mean anything to you?

19 A. Correct.

10:50:27 20 Q. What does it mean? Who is Mabutu?

21 A. Mabutu is someone that I know who lived on Bushrod Island,
22 around an area called Belama.

23 Q. He is the younger brother of Alhaji Kromah, isn't he?

24 A. Well, again, brother I don't --

10:50:47 25 Q. In whichever sense? Is he a brother, in whichever sense,
26 to Alhaji Kromah?

27 A. I think he is a relation to Alhaji Kromah.

28 Q. Thank you. Had Mabutu been arrested round about this time?

29 A. Round about what time?

1 Q. June 2002?

2 A. I believe he was arrested earlier than June.

3 Q. What for?

4 A. The government did not make any statement regarding his
10:51:19 5 arrest. There was no public record of that and so I don't know.

6 Q. Very well, let's not get distracted:

7 "You guys have to be careful, the mission is approaching
8 the concluding point. I advise the meeting place should be
9 change and we need additional men within the executive mansion
10 security. MONEY! Good work should be our concern, don't worry.
10:51:42 10 I understand the point you stress concerning ... you know".
11

12 Pausing there, it appears that whoever is writing this is
13 responding to something which they have received from someone
14 called Bility. You say not you, but let's continue:

10:52:12 15 "We want to give Taylor and his criminals a surprise
16 package. The 22 guys now available for Congo Town operations are
17 insufficient. The diplomat told me that we should make this
18 mission possible. You know it is a joint operation from our
19 colleagues, but we have to be in front.

10:52:31 20 I understand you guys will be meeting 6.30 p.m. today. I
21 wish you" - a word I can't make out - "We have taken too much
22 risks. It is time for you people in Monrovia or all Mandingos
23 and other tribes will regret ...

24 Please, we must heard from you after the meeting this
10:52:56 25 evening", signed "The Speaker".

26 Mr Bility, have you ever seen that email?

27 A. Yes, I am providing an answer before by saying that I am
28 not familiar with it. I am not familiar with it as my own. I
29 have seen this email at the NBI in Monrovia.

1 Q. At where?

2 A. The National Bureau of Investigation in Monrovia, I have
3 seen this email and another one, probably a couple more.

4 Q. When were you shown this email at the NBI?

10:53:28 5 A. This was in 2002 when I was held at the National Bureau of
6 Investigation, both in June to early July, and in September 2002.
7 I have seen it through its head, then Ramsey Moore was the
8 director of the NBI, and an investigator called Zubbah, so I am
9 familiar with it.

10:53:54 10 Q. Let's go and see if you are familiar with the next one,
11 page 2. Now, you note this is also from Powerful Forever,
12 speakerliberia@blackplanet.com to the same email address,
13 info_bh_monrovia and it is the following day, 19 June:

14 "Bility,

10:54:29 15 We understand the concerns of our men here, the more delay,
16 Taylor people will discover what we are planning. But you people
17 don't know how we see the situation. Taylor is a wounded lion
18 and is prepared to destroy everybody in Monrovia just for him to
19 live. What I try to say is our big brothers at the Congress and
10:54:52 20 State Department want Taylor dead or moved, but their fear is how
21 can this be done without too many innocent Liberians losing their
22 lives. If Laurent Kabila, UNITA leader, Abacha, just to name a
23 few, are today under the ground, then what we and our friends are
24 not capable of doing to get this gangster off the Liberian
10:55:21 25 people."

26 Pausing there, ignoring for the moment your position that
27 you were not the Bility to whom this email was sent, do you
28 accept that the writer of that first paragraph on this email
29 appears to be suggesting or desiring the death of Charles Taylor?

1 A. Relating to the wordings, I believe the wording suggests a
2 removal of President Charles Taylor to overthrow his government,
3 correct.

10:56:07 4 Q. "Please, three of you, I must repeat three of you, should
5 go to the usual place for the money, the same amount we talked
6 about. We are anxiously awaiting you people for the information.
7 I know the arrest of these guys has created some difficulties in
8 getting the information that we need. If you have deleted the
9 communication sent to Uncle Gbally."

10:56:35 10 Pause there, who is that? Do you know that name?

11 A. I don't know. I don't know anything specifically about
12 this entire statement.

13 Q. Now when it comes to deleting emails, now, you had done
14 that before, haven't you?

10:56:47 15 A. Yes, I have done that.

16 Q. "In which we told you people what type of information we
17 want, then reply quickly. Voinjama is safe."

18 Pause there. At this time in June 2002, who controlled
19 Voinjama, LURD?

10:57:05 20 A. I believe.

21 Q. Thank you:

22 "We are making progress, and with the efforts you guys are
23 making the time is getting closer to get Taylor. Papa and the
24 Mandingos who have benefited from me and now see Taylor is the
10:57:25 25 best" something "and lie on the others must live their life. If
26 we get to Monrovia and so help me God, Allah the Almighty has
27 said 'Therefore remember me. I will remember you. Be grateful
28 to me and never show me ingratitude.' Papa and others are
29 ungrateful to me."

1 Do you know anyone referred to as Papa?

2 A. Correct.

3 Q. Who is that?

4 A. As I said, it is Kemu Kuyateh.

10:57:58 5 Q. Who is he?

6 A. He is a human being.

7 Q. Yes, I am sure he was. Was he linked to LURD?

8 A. I don't know and - I don't know. I probably - I don't

9 believe that, because at the time of my arrest Papa was in

10:58:17 10 Monrovia and working with Mr Charles Taylor police station.

11 Q. Papa was the former aide-de-camp to Alhaji Kromah?

12 A. Correct.

13 Q. Who had joined Charles Taylor's government, is that right?

14 A. That is correct.

10:58:31 15 Q. So he was viewed in ULIMO circles as a traitor?

16 A. I don't know that.

17 Q. Very well.

18 A. Just one correction. I see this name. I do remember this

19 name, but I guess it was because of the way you pronounced it.

10:58:48 20 "Uncle Gbally". It should be Gbelley. It should be

21 G-B-E-L-L-E-Y.

22 Q. Who is that?

23 A. At the time in 2002 he was a 68 year old man who was

24 arrested and put in an underground cell in the water as well with

10:59:03 25 me.

26 Q. On charges of what?

27 A. Similar to what I was charged for.

28 Q. That is attempting to assassinate the President?

29 A. Correct. And the last name is Kamara, K-A-M-A-R-A.

1 Q. Now just to complete it, "May Allah save us and bless our
2 efforts. Al Kromah".

3 Does it look as if this is an email written by Alhaji
4 Kromah?

10:59:39 5 A. I don't know.

6 Q. Let's go to the next one. Note the date on this one, still
7 the 19th. Before I move on, the former email that I showed you,
8 had you been shown that before when you were at the National
9 Bureau of Investigation?

11:00:12 10 A. I don't see the date.

11 Q. Can we just - I am sorry to bother you, Mr Usher. I wonder
12 if we could just turn over and look at the former email again.
13 It is dated 19th June. Were you shown that one?

14 A. I would have to read it before.

11:00:31 15 Q. It is the one I have just read out.

16 A. Right. I believe that I have seen - I saw several emails.

17 Q. Right.

18 A. I was shown several emails.

19 Q. So let's turn over to the next one, which is also dated 19
11:00:44 20 June, and you will note it is from the same sender to the same
21 recipient and it is also dated 19 June:

22 "I received your reply that the meeting which was"
23 something for this evening "slated for this evening has been
24 cancelled due to what you described as unusual movement of
11:01:17 25 Taylor's security personnel around the meeting site. But when
26 will the meeting - when the meeting will be held? We have a
27 pending meeting with Ambassador Robert Perry and the rest".

28 Pause there. When you went before Charles Taylor he
29 accused you - he suggested to you that one of your

1 co-conspirators was Ambassador Robert Perry, didn't he?

2 A. He did.

3 Q. "And the rest, but we can't meet them until after your
4 meeting that will determine the agenda of our meeting. I am vex.
11:01:51 5 Please tell Uncle" - you are going to have to help me with the
6 pronunciation - Gbally?

7 A. Gbally.

8 Q. "Gbally and determine the agenda of our meeting. I am vex.
9 Please tell Uncle Gbally and others and that meeting must be
11:02:11 10 held. You people just have to change the venue. You people are
11 making us to appear different in the eyes of our trusted friends.

12 We are greeting lot of support, and let me tell you that
13 your newspaper The Analyst published foolishness yesterday
14 getting tough with LURD".

11:02:32 15 Pause there. Do you recall publishing such an article in
16 The Analyst?

17 A. I do vividly recall and I have said that I published what I
18 believed and I did publish several articles among which was that
19 Guinea was fighting a proxy war in Liberia and Guinea was
11:02:54 20 supporting, based on our investigation, LURD.

21 Q. Then it goes on:

22 "Talk to your boss that you guys should be led by Taylor's
23 failed PRO team" - "shouldn't be led by Taylor's failed PRO
24 team", publicity in other words, yes? "We are indebted to The
11:03:18 25 Analyst, especially you, B".

26 Now Bill was your nickname, wasn't it?

27 A. It was.

28 Q. "This cause is your cause and we shall win. If The Analyst
29 chose to take this direction, resign or else, we will hold you

1 responsible for any mess in that paper.

2 See you later.

3 Konneh."

4 Now, there was a Konneh, Sekou Damate Konneh --

11:03:45 5 A. Correct.

6 Q. -- who comes from Gbarnga who was the leader of LURD, is
7 that right?

8 A. Correct, Sekou Damate Konneh was the leader of LURD.

9 Q. And basically in that last full paragraph the writer is
11:04:07 10 saying in effect, you have written this anti-LURD article in The
11 Analyst. Watch yourself, or else. So you are being threatened
12 it would appear, is that right? Is that how it appears on the
13 page?

14 A. That is how it appears on the page, counsel.

11:04:24 15 Q. And does it also suggest that the writer expects The
16 Analyst to adopt a certain line?

17 A. Based on what is written here, that it appears.

18 Q. And remember me suggesting that The Analyst was meant to be
19 the mouthpiece of the ULIMO later LURD faction. Do you remember
11:04:53 20 me suggesting that to you more than once?

21 A. No.

22 Q. Well, I do suggest it.

23 A. I remember you suggesting that The National newspaper was
24 meant to be, not The Analyst.

11:05:02 25 Q. I am suggesting The Analyst as well. My fault.

26 A. Okay.

27 Q. Let's go over to the next one.

28 PRESIDING JUDGE: I'm not very clear on the last answer,
29 Mr Griffiths. Mr Witness, the question was put you said to

1 counsel, "I remember you suggesting that The National newspaper
2 was meant to be, not The Analyst". Counsel puts to you therefore
3 it was The Analyst as well and you say "Okay". Does that mean
4 you are acknowledging the correction that counsel made, or you
11:05:42 5 are agreeing with counsel's question?

6 THE WITNESS: I am not agreeing with counsel's questions.
7 The counsel was telling me, asking me, based on my understanding
8 that he was asking me if I remembered him telling me that he had
9 said that The Analyst was a mouthpiece from the outset. I am
11:06:05 10 saying no. I am saying that he had said that The National --

11 PRESIDING JUDGE: I will ask counsel to put his question so
12 we have a clear answer.

13 MR GRIFFITHS: Very well:

14 Q. Can I make clear, Mr Bility, that you may be right and I
11:06:18 15 may have made the suggestion in relation to The National and not
16 in relation to The Analyst. So just for completeness sake, what
17 I am suggesting is, firstly, The National was a mouthpiece for
18 those organisations and later when you went to The Analyst that
19 became the mouthpiece for ULIMO, later LURD?

11:06:43 20 A. No.

21 Q. Very well. Let's go to the next email. Now, the next
22 email is dated 19 June 2002. This one now is from g_varmuyan@
23 justice.com. Do you see that?

24 A. Yes, I see that.

11:07:14 25 Q. But it is to the same email address with BH:

26 "Hassan, you and Mohammed Kamara, this time along with
27 Abubakar Kamara, should meet at the 'USUAL PLACE' tonight. We
28 want to chat with you guys on phone. I think you know Abubakar,
29 the guy who drives for the consular section."

1 Pause there. Did you know an Abubakar who drove for the
2 consular section?

3 A. Did I know? I knew him after his arrest. I didn't know
4 him before then. So Abubakar Kamara, yes.

11:07:57 5 Q. What was he arrested for?

6 A. He was - he believes, according to him, he was not told
7 anything. That is what he told me in jail, that he was not told
8 anything.

9 Q. And the consular section referred to there is which one?
11:08:16 10 Which one did he work for, Abubakar?

11 A. I don't know. I never knew --

12 Q. Did he work for the US consular section?

13 A. I don't know that specifically, sir.

14 Q. But he was arrested?

11:08:30 15 A. Yes, sir, he was.

16 Q. And he was arrested in association with the same plot that
17 you were arrested for?

18 A. I believe so.

19 Q. Thank you: "Vamba Recommended that he is a trusted
11:08:46 20 fellow". Do you know a Vamba?

21 A. What was the last name?

22 Q. I don't know.

23 A. Well, I know - I wouldn't be able to know. It is a common
24 name.

11:08:56 25 Q. Very well. "Recommended that he is a trusted fellow and we
26 should get him on board. I already gave him your number and he
27 will call you.

28 Hope you guys got the money and the bill for the internet
29 services is paid. We received your budget for the opening of a

1 private internet for this group at an isolated place. We think
2 it is important to do, but Taylor will soon be dead, while go
3 through this much expenses.

4 The team here is ready for the chat this evening with you
11:09:29 5 guys. Guess what? You will hear a voice of someone special.

6 Thanks."

7 And we don't know who that one is from. Now, again, do you
8 recall being shown this at the bureau of investigation?

9 A. I do recall being shown several.

11:09:51 10 Q. Very well. Let's go to the next one so that we can
11 complete the picture. You will note that this one - and it is
12 the final one - it is the penultimate one, is dated 21 June, the
13 day before your arrest. Do you notice that?

14 A. The day before my arrest?

11:10:15 15 Q. Yes.

16 A. 21 --

17 Q. No, sorry, sorry, three days before your arrest?

18 A. Okay.

19 Q. That is right, isn't it, 21 June? You were arrested on the
11:10:24 20 24th?

21 A. Uh-huh.

22 Q. It is from Powerful Forever: "I am leaving for Washington
23 tomorrow". Let's just pause there. You notice it is from - it
24 appears to be AL Kromah, yes?

11:10:41 25 A. I don't see that name here.

26 Q. AL Kromah at the bottom?

27 A. I don't see the bottom. All right. It says A something
28 Kromah, either L or J Kromah.

29 Q. But in any event, in or about June of 2002 --

1 A. Right.

2 Q. -- around the time of your arrest, did Alhaji Kromah travel
3 to Washington DC?

4 A. I do not know. Alhaji Kromah was in the United States. I
11:11:15 5 was in Liberia.

6 Q. Do you know if he travelled around about that time?

7 A. I do not know.

8 Q. Was he in the United States at the time of your arrest?

9 A. He was, I believe.

11:11:30 10 Q. "In preparation for the upcoming conference for political
11 and other opinion leaders of Liberia". Do you recall that he had
12 travelled to the US for that purpose?

13 A. Who had travelled to the US?

14 Q. Alhaji Kromah?

11:11:45 15 A. For what purpose?

16 Q. For the upcoming conference for political and other opinion
17 leaders of Liberia?

18 A. I don't know that, counsel.

19 Q. "I just received your reply to my note to you this morning,
11:12:01 20 we are very disappointed over the fact that in spite of the
21 assurance we got from you guys concerning the recruitment
22 process, you people are now saying most of the boys/men contacted
23 are afraid, but failed to tell me the total number of men now on
24 hand. By the way, what is their demand, or is it only fear?

11:12:25 25 Hassan, you know most of my boys and you can't tell me about
26 FEAR. FEAR! - Guess what! You guys are delaying this process,
27 and Taylor is planning to organise a FAKE COUP in Monrovia only
28 to get at people from our tribe, let me repeat, our tribe.
29 Taylor failed to know that all of the tribes in Liberia are

1 represented in our organisation.

2 FEAR is no reason to delay this process ... you are afraid?
3 You will be killed in the streets of Monrovia tomorrow because of
4 your tribe, tell those with the fear. Can you we arrange with
11:13:09 5 them to be prepared to chat with us for five minutes on phone
6 between now to Sunday? Let me hear from you quickly.

7 Something is going wrong among you guys in Monrovia. I
8 talked to three of our men. (I am talking about those three
9 security who promised to lead the Congo Town operation)".

11:13:32 10 Pause there. White Flower, Mr Taylor's home address, was
11 in Congo Town, wasn't it?

12 A. Correct.

13 Q. "Yesterday and they expressed dissatisfaction over what
14 they are receiving a monthly, and the special per diem we just
11:13:50 15 sent two days ago. I just got an email from our financial team
16 in Monrovia in which they told us everybody were OKAY, and even
17 due to the pending Congo Town operation code 'SUBDUE MONROVIA'.
18 They have already taken care of you guys last Monday for this
19 month. I hope the funds are use wisely, or we will run into
11:14:14 20 problem for cash. Much have been given and little achieved, our
21 friends are concerned, Bility.

22 Let me talk to you later, okay". Signed A something
23 Koroma.

24 Now the last one, some of which is indistinct. Also dated
11:14:38 25 21 June:

26 "So you guys have heard from the horses mouth last night
27 before last - there is no need for fear. We need the total list
28 of our men in the Monrovia area. Arrange the list on community
29 basis: Newkru Town, Belama, Logan town, Clara town, West point

1 Paynesville, Congo Town, Sinkor, amongst others".

2 Are all those areas within Monrovia?

3 A. Those areas are in Monrovia and its environs.

4 Q. Thank you:

11:15:31 5 "The arms arrangement should be kept between only four of
6 you. I mean where arms will come from, shouldn't be the concern
7 of the others - you people should tell them that arms arrangement
8 is OKAY. I got your advice to maintain territories, but that was
9 Taylor method that brought in to power. But, for us, only four
11:15:57 10 of you, not even the others that are in Monrovia will know
11 whether we will be in Buchana tomorrow, or ... they will only
12 know when we will hit Monrovia, because we are depending on them
13 to success in Monrovia. All set for Congo Town? Reply quickly.
14 Let's talk later."

11:16:19 15 A something Koroma. Now just so that we understand the
16 sequence, when were you first shown some emails?

17 A. I believe it was some time in July and some time in
18 September.

19 Q. So this was after you had met with President Taylor?

11:16:42 20 A. Correct.

21 Q. And where were you when you were shown these emails?

22 A. I was at the National Bureau of Investigation, the NBI, in
23 Monrovia.

24 Q. In Monrovia?

11:16:58 25 A. Correct.

26 Q. Had you been taken to that location, or were you being
27 detained at that location at the time?

28 A. Yeah. The couple of times that I saw these emails were
29 when I was being detained at that specific location, the NBI.

1 Q. Were you aware that the emails were also shown to the US
2 ambassador to Liberia?

3 A. I was not aware of that.

11:17:40

4 Q. When you were questioned with regard to these emails, did
5 you answer the questions put to you?

6 A. I believe that I did.

7 Q. And who questioned you about these emails?

11:18:06

8 A. I think two persons, to the best of my recollection. One
9 is called Ramsey Moore, he was the director of the NSA, I mean
10 the NBI at the time of my arrest, that is the National Bureau of
11 Investigation, and the other is a senior investigator, I believe,
12 referred to - I just know his last name Zubbah, Z-U-B-B-A-H.

11:18:31

13 PRESIDING JUDGE: Before you proceed on, Mr Griffiths,
14 could I have clarification when you asked the question were
15 emails shown to the US ambassador. The line of evidence prior to
16 yesterday indicated there wasn't an ambassador. Are you putting
17 a specific person, or are you saying there was an ambassador?

18 MR GRIFFITHS: I am suggesting that there was an ambassador
19 and if you give me a moment I will find out a name.

11:18:51

20 PRESIDING JUDGE: Thank you.

21 MR GRIFFITHS:

22 Q. Wasn't the ambassador at the time Mr Perry?

23 A. Perry? Robert Perry?

24 Q. Uh-huh.

11:19:28

25 A. First of all I think we should refer to specific documents.

26 PRESIDING JUDGE: Answer the question, please, Mr Witness.

27 THE WITNESS: I don't believe. This is my statement. The
28 representatives of the United States in Liberia was not referred
29 to as ambassador, was referred to as chief of mission, and in

1 1998 Mr Bowman was deputy chief of mission title so --

2 MR GRIFFITHS:

3 Q. Maybe I can help you with this. My learned friend,
4 Mr Munyard, is able to do some research and Robert C Perry was an
11:20:08 5 ambassador and also US - was an ambassador in May 28th, 2002,
6 from his research he was referred to as Ambassador Robert C
7 Perry?

8 A. May to when? May what year, sir?

9 Q. 2002.

11:20:31 10 A. Well, we are referring to 1998.

11 Q. No, no, no, no, I am referring to 2002.

12 A. Oh, okay.

13 Q. Because you said in '98 there wasn't one, but it is quite
14 clear from our research in 2002 there was an ambassador, Robert
11:20:47 15 Perry?

16 A. Right. By 2002, yes, I agree, but I was referring to John
17 Bowman.

18 PRESIDING JUDGE: Thank you for that clarification.

19 MR GRIFFITHS:

11:20:58 20 Q. Thank you for that clarification. Now, Mr Bility --

21 A. Yes, sir.

22 Q. So some time after your arrest physical evidence was
23 presented before you as to the basis for your arrest, wasn't it?

24 A. Right, these emails were shown to me.

11:21:24 25 Q. Yes. And you appreciated that it was on the basis of these
26 emails that you had been arrested?

27 A. No.

28 Q. Well, at least that is what you were told?

29 A. That may be part of what I was told. Part of what I was

1 told.

2 MR GRIFFITHS: Would your Honour give me a moment?

3 PRESIDING JUDGE: Yes.

4 MR GRIFFITHS:

11:22:09 5 Q. And could we just go back to the penultimate email, please,
6 so that we can remind ourselves of a detail which I have been
7 helpfully assisted with by Mr Taylor. So this is the email dated
8 21 June 2002 timed at 21:42:54. Now you will see a detail which
9 we might have overlooked, but if one counts down eight lines you
11:22:45 10 will see the name "Hassan, you know most of my boys", so you see
11 the name Hassan, yes?

12 A. Yes.

13 Q. When you go to the last line you see a reference to Bility?

14 A. Yes.

11:23:00 15 Q. Do you see that?

16 A. I haven't seen the last line.

17 Q. Mm?

18 A. The last line in that paragraph, or - oh, right, last
19 paragraph.

11:23:11 20 Q. The last major paragraph you see "Bility"?

21 A. Right, I see "Bility".

22 Q. Now you remember in an earlier email there was a reference
23 to Bill in the email of 19 June 2002, three lines from the
24 bottom?

11:23:27 25 A. Yes.

26 Q. So we have reference to Bill and in this email we have
27 reference to Hassan Bility. Mr Bility --

28 A. Yes, sir.

29 Q. -- at this time in June 2002, did you know of any other

1 Hassan Bility also referred to as Bill, apart from yourself?

2 A. Referred to as Bill? I don't think I knew that.

3 Q. Did you know anybody else in Monrovia whose name was Hassan
4 Bility aka Bill at that time in June 2002?

11:24:14 5 A. No.

6 Q. You see, Mr Bility, I suggest that this was the reason why
7 you were arrested, and that is why you were told by Mr Taylor
8 quite specifically that you were trying to undermine his
9 government and kill him and you know that to be true, don't you?

11:24:49 10 A. That is absolutely false.

11 Q. Because you see, what I am suggesting is, that all along
12 under the guise of being an impartial journalist concerned about
13 human rights you were effectively plotting with others to
14 assassinate President Taylor. That is right, isn't it?

11:25:11 15 A. Counsel, that is a complete fabrication. It is wrong.

16 Q. What I am putting to you is that you were party to a
17 conspiracy to murder?

18 A. Counsel, I was never, ever - I have never been a party and
19 I was never a party to any conspiracy. If the Liberian

11:25:35 20 government believed this evidence, why didn't the government take
21 me to court? They said it would, they refused to exile me.

22 Q. I am going to come to that after the break, don't worry.

23 A. Right.

24 Q. And it is right, isn't it, and I accept that you were taken
11:25:55 25 to President Taylor and when you were taken to him there were
26 many other government ministers present, weren't there?

27 A. Yes, there were.

28 Q. Because the scenario was this: Your arrest had caused an
29 uproar; the American embassy had got involved and in an attempt

1 to dispel any suggestion that you had been killed or tortured you
2 were taken before President Taylor, he questioned you and the
3 event was videotaped so that the general public could be
4 reassured as to your welfare, and you knew that that was what it
11:26:39 5 was all about, didn't you?

6 A. Well, can you state a specific question regarding that, or
7 I make an answer with some comments. Which do you prefer,
8 counsel?

9 PRESIDING JUDGE: Answer the question as put, Mr Witness.

11:26:58 10 THE WITNESS: I do not understand the question, your
11 Honour.

12 MR GRIFFITHS:

13 Q. Very well. Very well. Were you aware there had been an
14 uproar.

11:27:07 15 A. I was not, counsel.

16 Q. Were you aware that you had been taken before President
17 Taylor to dispel concerns being expressed by, amongst others, the
18 US ambassador?

19 A. I believe, no, I was not aware, but I believed no.

11:27:24 20 Q. Thank you. Were you aware that the reason of the presence
21 of video cameras was to provide concrete proof of your welfare?

22 A. No, the reason was for me to make statements to implicate
23 others as President Taylor directed me to.

24 Q. I suggest that is a lie. Would that be a convenient
11:27:43 25 moment, Madam President?

26 PRESIDING JUDGE: It would. We have just been alerted
27 there is virtually no time left on the tape so we will now take
28 our normal mid-morning adjournment, Mr Witness, and we will be
29 resuming court at 12 o'clock.

1 THE WITNESS: Thank you, your Honour.

2 PRESIDING JUDGE: Please adjourn court until 12.

3 [Break taken at 11:30 a.m.]

4 [Upon resuming at 12.00 p.m.]

12:00:52 5 PRESIDING JUDGE: Mr Santora.

6 MR SANTORA: Madam president, just to note a change of
7 appearance. At the Prosecution Bench at this time is the
8 Prosecutor, Stephen Rapp, as well.

9 PRESIDING JUDGE: Thank you, Mr Santora. Mr Griffiths,
12:01:06 10 please proceed.

11 MR GRIFFITHS:

12 Q. Before the short adjournment, Mr Bility, I had shown you a
13 number of emails which I suggest were emails sent to you. Do you
14 recall that?

12:01:23 15 A. I do recall that.

16 Q. Now when you were brought before President Taylor he quite
17 specifically said to you, did he not, that he had concrete
18 evidence that you were involved in a plot to kill him?

19 A. Well, if he - are you asking if he specifically stated that

12:01:42 20 --

21 Q. Yes.

22 A. -- not that you qualified it? He said to me that he had
23 proof that I was plotting to kill him.

24 Q. And shortly thereafter you were taken to the National

12:02:06 25 Bureau of Investigation where you were shown some emails, weren't
26 you?

27 A. Yes, sir.

28 Q. It would follow then, would it not, logically that those
29 emails were in existence at the time of your arrest?

1 A. It would follow.

2 Q. And, indeed, formed the basis for your arrest?

3 A. Well, technically it would.

4 Q. The point being if the Taylor government - and Mr Taylor
12:02:45 5 specifically - was in possession of these emails which occasioned
6 your arrest, can you help us as to why he would spend time asking
7 you about the RUF in June 2002 when he had this kind of proof in
8 his possession? Can you help us?

9 A. Yes, I believe that the question of the RUF had been an
12:03:18 10 obsession as far as Mr Taylor's mindset was concerned. From his
11 private discussions, from the interrogation, I couldn't say why
12 he insisted on among other things that particular point, but I do
13 know and I do believe that as part of the obsession and trying to
14 create ways to implicate me in a non-existent coup plot these
12:03:57 15 emails were put together in the lead up to my arrest. It takes
16 five minutes for me to - for anybody probably who is aware of the
17 internet to set up three, four, five emails and then copy one -
18 write one message from one inbox to another. So I believe that
19 Mr Taylor because he had all the time was preparing for 24 June,
12:04:28 20 so his obsession I believe which he could not hide with the RUF
21 made him to keep talking about the RUF in addition to also
22 telling me that he had proofs that I was involved.

23 MR GRIFFITHS: Can I pause at this point, Madam President,
24 to ask that these six emails be marked for identification and it
12:04:55 25 may be practical to give them all the same number and then
26 delineate them by A, B, C through to F thereafter.

27 PRESIDING JUDGE: Yes, I will do so. I think that's MFI-3,
28 am I correct? Yes. So MFI-3 will be - the first email of 18
29 June, I will denote them by the date, is MFI-3A.

1 MR GRIFFITHS: I think it may be necessary to do it by the
2 date and the time, Madam president, only for the reason there is
3 more than one on the 19th.

4 PRESIDING JUDGE: Yes, there are two of the same date.

12:05:30 5 Yes, I haven't lost sight of that. The 19 June at 2100 hours - I
6 think it's 2100, but please correct me if I'm wrong.

7 MR GRIFFITHS: It is 2100 hours.

8 PRESIDING JUDGE: MFI-3B. The 19 June at 1907 is MFI-3C.

9 The email of 19 June at 0854 hours is MFI-3D. The email of 21
12:06:11 10 June is MFI-3E and the email of 21 June at 0516 is MFI-3F. For
11 purposes of record, I note that the MFI-3E is at 2142 hours.

12 MR GRIFFITHS: I'm grateful:

13 Q. Now, do you recall that following your arrest an
14 application was made for a writ of habeas corpus before Judge

12:06:58 15 Winston Henriès of Criminal Court B in Monrovia?

16 A. I believe such an application was made and denied by the -
17 I mean rejected by the Liberian government.

18 Q. It was initially granted, was it not, by the court?

19 A. It was granted by the court and refused.

12:07:21 20 Q. But you were not produced by the Liberian authorities?

21 A. Yes, sir.

22 JUDGE SEBUTINDE: Could you please give us the surname of
23 this judge?

24 MR GRIFFITHS: It's Judge Winston, spelt W-I-N-S-T-O-N,
12:07:38 25 Henriès H-E-N-R-I-E-S:

26 Q. But thereafter the Liberian State argued - no, let me start
27 again. When that application for habeas corpus was made you were
28 being held in custody with two other accused, weren't you: one
29 Mohamed Kamara and one Ansumana Kamara?

1 A. I was solitarily held and so I don't know if those people
2 were held along with me. I was held in incommunicado detention.

3 Q. In any event in due course, the learned judge having
4 granted the application for habeas corpus, the government lawyers
12:08:27 5 argued that you were in fact an unlawful combatant and
6 consequently should be subjected to military justice?

7 A. That's my understanding, counsel.

8 Q. And were you aware that all of these developments were
9 being freely reported in the Liberian press?

12:08:52 10 A. At the time those - at the time they were occurring I was
11 not aware. I came to be aware later on in prison.

12 Q. But were you also aware that copies of the emails were
13 provided to the Christian Science Monitor by the Liberian
14 government?

12:09:15 15 A. I'm not aware of that, counsel.

16 JUDGE SEBUTINDE: Is that a newspaper?

17 MR GRIFFITHS: It is a newspaper, Justice Sebutinde.

18 THE WITNESS: Yeah, I guess based in Boston.

19 MR GRIFFITHS: I'm told it's one of only two national
12:09:39 20 newspapers in the United States :

21 Q. But you weren't aware of that, Mr Bility?

22 A. I was not aware, counsel, that a copy of said email had
23 been submitted to the Christian Science Monitor.

24 Q. But you were aware that by labelling you an unlawful
12:09:59 25 combatant, that is a prisoner of war, the Liberian State was
26 arguing that you could be held indefinitely?

27 A. First of all --

28 MR SANTORA: Objection. I'm just going to object on the
29 point. Counsel referred to being labelled as "an unlawful

1 combatant, that is a prisoner of war", but a prisoner of war is
2 not an unlawful combatant. Legally it just doesn't make - the
3 question is confusing.

4 PRESIDING JUDGE: There is a technical difference there,
12:10:36 5 Mr Griffiths.

6 MR GRIFFITHS: I wasn't aware of one, but - as far as I'm
7 aware the two terms are not inconsistent, but I'll stick to one
8 if it satisfies Mr Santora:

9 Q. You were being held as an unlawful combatant. You were
12:10:54 10 aware of that, weren't you?

11 A. In prison, at the time of the pronouncement, I was not
12 aware. Later on in prison when I started listening to news
13 through a friend I became aware and also aware that the
14 government was actually variously referring to me as both an
12:11:17 15 unlawful combatant and a prisoner of war.

16 Q. And their argument was that you would be brought before a
17 military tribunal for trial?

18 A. I believe that was their argument, which never occurred at
19 all.

12:11:39 20 Q. Now were you also aware that in July 2002, so
21 contemporaneous with your detention as an unlawful combatant, two
22 US citizens Jose Padilla and Yasar Hassan Fandi were labelled by
23 the United States government as unlawful combatants and
24 consequently were being held in custody without trial? Did you
12:12:11 25 know that?

26 A. Counsel, I was not aware of that. What I was aware of -
27 what I do know is that I do not believe in the phrase "prisoner"
28 - I mean "unlawful combatant". I think everybody has the right
29 and entitlement to lawyer and court hearing.

1 JUDGE SEBUTINDE: Mr Griffiths, held by who?

2 MR GRIFFITHS: By the US authorities.

3 JUDGE SEBUTINDE: Could we have some spellings, please.

4 MR GRIFFITHS: It is Jose J-O-S-E Padilla P-A-D-I-L-L-A and

12:12:45 5 Yasar Y-A-S-A-R Hassan FLANDI:

6 Q. And I suggest that that was reported in the Washington Post
7 on 9 July 2002. Were you aware of that?

8 A. While in prison I was not aware of that.

9 Q. But in any event it is accepted that you were held in
10 detention for some six months until December. Now during that
11 time you were visited, were you not, by the US ambassador?

12 A. I was visited by I believe a deputy US ambassador.

13 Q. Name?

14 A. I believe the name is Thomas White and on the day of my
15 release by Ambassador John Blaney.

16 Q. How many times were you visited by representatives of the
17 US embassy whilst in custody?

18 A. Well, let me differentiate that. The day of my release, 7
19 December, I'm not sure if you want to refer to that as a visit
12:14:04 20 because embassy officials had gone there to take me along with
21 Liberian government officials to the airport, but United States
22 embassy officials was once, September I believe 2002, and it was
23 I believe Mr Thomas White and another person whose last name I
24 just know is Wheeler - Mr Wheeler.

12:14:24 25 Q. So two of them came to visit you?

26 A. Two of them came to visit me and they informed me that,
27 because of concerns raised about whether I was alive or dead and
28 negotiations that were being made aimed at my being released, the
29 Government of Liberia had granted them permission to come and

1 speak with me.

2 Q. In any event, negotiations were going on in the background
3 which resulted in you eventually on 8 December 2002 being handed
4 over to the US embassy. Is that right?

12:15:07 5 A. I wouldn't categorise it that way.

6 Q. Because I'm anxious to get on, let me put it another way
7 which might satisfy you. Were you eventually placed in the
8 custody of American officials?

9 A. No. Placed in the custody, no.

12:15:28 10 Q. Were you handed over to an American official?

11 A. Well, my understanding of handed over is no.

12 PRESIDING JUDGE: Mr Witness, I think you are prevaricating
13 and being picky. You were released on a particular date.

14 THE WITNESS: Right.

12:15:50 15 PRESIDING JUDGE: Did you join an American official on your
16 release?

17 THE WITNESS: Yes.

18 PRESIDING JUDGE: Is that a satisfactory paraphrase,
19 Mr Griffiths?

12:15:59 20 MR GRIFFITHS: I'm happy with that, Madam President.

21 THE WITNESS: I joined on American embassy official and
22 Liberian government officials simultaneously from prison to the
23 airport.

24 MR GRIFFITHS:

12:16:14 25 Q. And you were escorted by the US ambassador John William
26 Blaney to the airport, were you?

27 A. Yes, he was one of the persons who escorted me.

28 Q. Thank you. And one condition of your release was that you
29 would leave Liberia?

1 A. Correct.

2 Q. Because there were concerns for your safety if you were
3 allowed to walk around Monrovia?

4 A. That is false.

12:16:44 5 Q. Very well. Now just by way of confirmation of some of
6 those details, I want us now, please, to look at some of the
7 Liberian newspapers of the time. Madam President, I don't know
8 if my learned friends would like some time to look at these
9 newspapers?

12:17:58 10 PRESIDING JUDGE: Mr Santora, can you indicate if you
11 need --

12 MR SANTORA: I think just a few minutes. It shouldn't take
13 long, but just a few minutes to --

14 PRESIDING JUDGE: We will adopt the procedure we did
12:18:08 15 earlier.

16 MR SANTORA: Thank you, Madam President.

17 Yes, we are ready to proceed, Madam President.

18 PRESIDING JUDGE: Thank you, Mr Santora.

19 MR GRIFFITHS: Madam President, I don't want to be mean,
12:20:07 20 but I wonder if I could have back one of the bundles that the
21 Prosecution have because Mr Taylor would like to follow this and
22 I don't have another copy. I'm sorry:

23 Q. Now, Mr Bility, the first newspaper in time - and you will
24 note that they're numbered down the side and we're going to look
12:20:41 25 at six in total, okay? The first in time is The Inquirer, which
26 is a newspaper you're aware of, yes?

27 A. Correct.

28 Q. You'll see that it's dated 2 July 2002?

29 A. Yes.

1 Q. So this would be something like, what? You're arrested on
2 the 24th and so this would be just over a week after your arrest?

3 A. Correct.

4 Q. And amongst more prosaic front page stories such as "Police
12:21:26 5 Director takes a wife" and just below "Attack fear grips UN
6 system" - and let's just pause and look at that in light of what
7 the condition was in Monrovia at the time of your arrest. "The
8 United Nations agencies have begun relocating their offices from
9 the River View suburb of Monrovia to the diplomatic enclave of
12:21:49 10 Mamba Point", so that gives us a flavour of what's going on in
11 Monrovia.

12 Then the important article:

13 "Government Fails to Produce Bility, Others in Court ...
14 But Court Gives 24 hours Ultimatum

12:22:06 15 The Liberian Government, through the Ministry of Justice,
16 yesterday failed to produce at the Criminal Court 'B', the living
17 bodies of Mr Hassan Bility and two others who were recently
18 arrested by the Liberian government. They were arrested in
19 connection to an alleged plot to kill the Liberian leader,
12:22:24 20 President Charles Taylor.

21 Several local human rights groups including the Catholic
22 Justice and Peace Commission filed a writ of habeas corpus with
23 the court demanding the Liberian government to produce the living
24 bodies of the three men who have been in detention since Monday,
12:22:43 25 June 24th 2002.

26 State lawyers led by Deputy Justice Minister Councilor
27 Theophilus Gould ..."

28 So let's just go on to page 6, but on the way pause at page
29 3 again to get a flavour of the situation in Monrovia and Liberia

1 at the time. Note the cartoon at the bottom of page 3, "The
2 Embargo and the Danger of Lofa War. 'How do I defend myself?',
3 says Liberia, and then we have the crocodile of the Lofa war, a
4 United Nations individual sitting on the periphery while there's
12:23:31 5 a mouse in the corner saying, "Lord, we pray for your conquering
6 aid ..."

7 Go on to page 6 and if we look halfway down the right-hand
8 side of the page we see the continuation of the article
9 "Government Fails to Produce":

12:23:59 10 "... Councillor Theophilus Gould yesterday told the court
11 in a submission shortly after the case was called for hearing,
12 that it needed time to produce the three men in court", and then
13 went on to quote various provisions of the criminal procedure
14 laws.

12:24:18 15 Go on to the next paragraph:

16 "The government lawyers said the request was in good faith
17 and should not in any way be interpreted as trying to delay the
18 case.

19 But the petitioners' counsel, speaking through Councillor
12:24:33 20 Beyan Howard, in resistance, prayed the court to deny the
21 prosecution's submissions ..." on various legal grounds.

22 Jump to the next paragraph:

23 "The petitioners' lawyers contended that the failure by the
24 state to produce the living bodies of the accused was a
12:24:51 25 contravention of the Liberian Constitution, stressing that an
26 attempt by the Court to grant the submission would mean it was
27 aiding and abetting the Prosecution to violate the laws of the
28 land.

29 Ruling on the matter, the assigned Circuit Judge of the

1 Criminal Court 'B', Winston Henri es, said the writ of habeas
2 corpus was a writ that cannot be violated even in a state of
3 emergency.

4 He said that the writ of habeas corpus, unreasonable
12:25:28 5 conditions must be exercised."

6 It's very difficult to make sense of that:

7 "Judge Henri es added that the prosecution had not denied
8 having in their possession the accused but rather, requested time
9 to produce them. He pointed out that it appears to the Court
12:25:53 10 that the state does not intend to secretly harbour the accused
11 men, and stressed that it is within the purview of the Court to
12 decide on the time that the accused should be produced to the
13 Court.

14 Judge Henri es granted the Prosecution's request for time
12:26:13 15 enlargement and said the accused should appear before the Court
16 today at 11.30 a.m.

17 He said any failure by the Prosecution to produce the
18 accused today in court would leave the court with no other
19 alternative but to issue a compulsory writ of habeas corpus."

12:26:36 20 Then it goes on, "Messrs Hassan Bility, Ansumanah Kamara
21 and Mohammed Kamara were recently arrested by the government for
22 allegedly plotting with exiled politician Alhaji Kromah and the
23 LURD to assassinate President Charles Taylor."

24 Pausing there, Mr Bility --

12:27:01 25 A. Yes, sir.

26 Q. -- I appreciate you were in custody at the time but were
27 you later aware that such reports of your incarceration were
28 appearing quite freely in the Liberian press?

29 A. How freely, I don't know. I was aware at some point that

1 reports on my arrest were published in Liberian press.

2 Q. So let's move on a couple of days to tab 2 which is another
3 edition of The Inquirer, and we see on the front page above a
4 photograph of this defendant,

12:27:49

5 "Bility, others may be tried by military tribunal.

6 President Charles Taylor says journalist Hassan Bility and others
7 arrested recently for the alleged plot to overthrow the
8 government may be tried by a military court.

12:28:11

9 The President told the Liberia Communications Network
10 (LCN), Kiss FM radio on Saturday, 6 July 2002 that the detainees
11 cannot be tried by a civilian court because they were engaged in
12 military activities to destabilise the government and assassinate
13 him.

12:28:33

14 Speaking during his visit to Arthington, his home town,
15 Taylor declined to say whether the public including journalists
16 will be allowed to see Mr Bility and the others arrested along
17 with him.

12:28:52

18 He, however, said humanitarian groups such as the
19 International Committee of the Red Cross will be granted access
20 to Mr Bility and the others in the future."

21 Question, were you seen whilst you were in custody by a
22 representative of the International Red Cross?

23 A. Yes, sir, I believe September 2002.

12:29:10

24 Q. Was that at the same time as you were visited by
25 representatives from the US embassy or was it on a separate
26 occasion?

27 A. They both were in - I believe in September but I'm --

28 Q. Was it on the same occasion?

29 A. No.

1 Q. So you had two separate visits whilst you were in custody,
2 one by the International Red Cross and another by representatives
3 from the US embassy. Is that right?

4 A. That's correct.

12:29:39 5 Q. Thank you. Move on to page 6 to finish the story.

6 "Journalist Hassan Bility, editor of The Analyst" - and
7 it's to the left and the binder might prevent - well, it should
8 be possible. "...of The Analyst newspaper, Ansumanah Kamara and
9 Mohammed Kamara were arrested on June 24, 2002 in connection with
10 an alleged plot to assassinate the President and destabilise the
11 country.

12:30:12

12 The Government of Liberia since the arrest is yet to charge
13 them and has failed to produce them in court following the
14 issuance of a writ of habeas corpus by a group of human rights
15 organisations.

12:30:30

16 The government has failed on two occasions to honour the
17 writ of habeas corpus issued by the Criminal Court 'B'.

18 Judge Winston Henriès in his final ruling on the matter
19 last week said the Court could not entertain arguments by state
20 lawyers that they did not know the whereabouts of the accused,
21 adding 'they should know their whereabouts since they are the
22 state'."

12:30:49

23 So that's 8 July. Let's go to tab 3, please. Now, this is
24 another edition of The Inquirer, now dated 10 July, so a couple
25 of days later, and the particular article we're interested in
26 we'll see middle left.

12:31:19

27 "'Court has jurisdiction over Bility, others case, but ...'
28 says Judge Henriès. The Criminal Court 'B' yesterday ruled that
29 it has trial jurisdiction over the case involving Mr Hassan

1 Bility and two others who were recently arrested by the Liberian
2 government for allegedly plotting to kill President Taylor and
3 create havoc in Monrovia.

4 However, the Court said it was left with the impression
12:31:59 5 from arguments presented by state lawyers that the accused men
6 were not" - and let's just jump to page 6. "...were not in the
7 custody of the Ministry of Justice but rather the military
8 authority of the state.

9 Criminal Court 'B' Judge Winston Henri es, speaking
12:32:38 10 yesterday in court, when he handed down ruling into a motion
11 filed by state lawyers, requesting the court to rescind its
12 ruling ordering the Ministry of Justice to produce the living
13 bodies of the accused, said the court was convinced that the
14 whereabouts of the three men has been established.

12:32:54 15 He said arguments by the state that the accused were in the
16 custody of the military authority, coupled with confirmation made
17 by President Taylor that the accused were alleged combatants,
18 suggested to the court that the whereabouts of the accused has
19 been established.

12:33:12 20 Judge Henri es added that if the accused have already been
21 charged by military authority before a military court, it was the
22 hope of the Criminal Court 'B' that they would be given a speedy
23 trial at said court.

24 State lawyers had earlier filed a motion with the court
12:33:31 25 stressing that Mr Bility and his co-defendants were unlawful
26 combatants who were associated with LURD.

27 They contended that because the accused were unlawful
28 combatants, they were not triable before a civilian court but
29 rather a military court.

1 The state lawyers also said the accused were not in the
2 custody of the Ministry of Justice but the military authority of
3 the state.

4 Lawyers representing the three men vehemently objected to
12:34:03 5 the motion and called on the court to deny same.

6 They contended that the petitioners (accused) were
7 civilians and should be charged in accordance with Article 21(F)
8 of the constitution."

9 And then it goes on to repeat what you were arrested for.
12:34:23 10 Before we leave this edition, however, could we briefly go back
11 to page 3. You will see there's an editorial there about LURD.

12 A. Page 3?

13 Q. Page 3. Tab 3, page 3. And that's just to - it's on the
14 left-hand side. "We appeal to LURD. Yesterday we carried an
12:35:32 15 editorial captioned 'Put Liberia first' in which we called on
16 the" --

17 MR SANTORA: Objection. I'm going to object at this point
18 to this particular passage on relevance. The witness has already
19 said he was in detention at this point and now counsel is
12:35:50 20 attempting to put into the record an editorial from a newspaper
21 that the witness has already acknowledged that he has no
22 information about its publication on this particular date. I do
23 object to the relevance on this particular portion of an
24 editorial being read into the record.

12:36:08 25 PRESIDING JUDGE: Mr Griffiths, first of all, you're
26 reading - there's an objection to you reading this into the
27 record on the grounds of relevance. I also - I don't know what
28 you're leading up to asking so as I can rule on the question.

29 MR GRIFFITHS: Well, perhaps I should ask a question:

1 Q. Mr Bility, have you seen this editorial at any time?

2 A. No.

3 Q. Can we go to the last page of this newspaper then, please,
4 behind tab 3. It should be a news article headed "LURD gives
12:36:58 5 condition to cease-fire".

6 JUDGE LUSSICK: What's the number of the page,
7 Mr Griffiths?

8 MR GRIFFITHS: It doesn't have a number. It's the last
9 page before tab 3:

12:37:23 10 Q. Just take a moment, Mr Bility, maybe we can do it rather
11 quickly in this way, and just cast your eye over that article.

12 A. Yeah.

13 Q. And you will see that in the first paragraph it says:

14 "In a position statement issued at the ongoing Liberia
12:37:45 15 Leadership Meeting in Ouagadougou, Burkina Faso, LURD said she is
16 prepared to cease-fire only if President Charles Taylor leaves
17 office voluntarily or involuntarily."

18 Were you aware of that this?

19 A. No, I was not aware of this meeting because I was still in
12:38:06 20 jail.

21 Q. Were you aware of - so when you were in jail you were held
22 totally incommunicado, were you?

23 A. Generally incommunicado.

24 Q. You weren't allowed to speak to anyone, you didn't speak
12:38:21 25 to, for example, your guards who gave you information?

26 A. I did speak to some guards.

27 Q. Did not one of your guards - and listen to the question
28 carefully. Did not one of your guards bring a small black radio
29 in for your use?

1 A. One of my guards would bring radio and when his term - his
2 shift was over he would take it back.

3 Q. And so whilst you were in custody you were able to listen
4 to radio reports of what was going on?

12:38:53 5 A. At times. It was not every day.

6 Q. So you were able to follow events in Liberia?

7 A. I was able to follow some events and this was only at the
8 National Bureau of Investigation. This was around September,
9 just September.

12:39:13 10 Q. In any event, you're telling us that you weren't aware of
11 this condition that LURD had imposed on a ceasefire?

12 A. Counsel, honestly, I was not aware of this condition
13 imposed by LURD.

14 Q. Very well. Let's go to tab 4. This is a copy of another
12:39:46 15 newspaper, The News.

16 A. Correct.

17 Q. Dated also 10 July and you see the headline, don't you?

18 A. I do.

19 Q. "Bility faces military court. Criminal Court 'B' under the
12:40:12 20 gavel of Judge Winston Henriès says journalist Hassan Bility,
21 Ansumana Kamara and Mohammed Kamara will now be tried before a
22 military court and not under his jurisdiction.

23 He told the court yesterday that the state has established
24 that Bility and others are militiamen who were engaged in warfare
12:40:35 25 against the country as was 'confirmed by President
26 Charles Taylor'.

27 Judge Henriès' ruling was in response to a 'motion to
28 rescind' the court's ruling regarding the production of the
29 defendants in court.

1 In its motion, the state requested the court to reverse its
2 decision because, according to them, the accused were in the
3 control of the" - let's jump to page 6, second column from the
4 right:

12:41:13 5 "Bility faces. The military and not civilian authority.
6 The prosecution also urged Judge Henries to indicate in his
7 reversed ruling that the men are illegal combatants who should
8 seek redress through a military tribunal and not civil
9 proceedings.

12:41:31 10 However, the criminal court judge said the motion and
11 subsequent argument of the state lawyers left his court with the
12 impression that the Ministry of Justice did know the whereabouts
13 of the petitioners.

14 He explained that the Black Law Dictionary defines
12:41:51 15 combatants as constant encounters between two or more persons,
16 hence a combatant is one who is engaged into forceful encounter
17 between two or more persons.

18 He further maintained that an illegal combatant is one who
19 serves as a combatant, but does not mean that one who carries
12:42:11 20 arms but also can collaborate ways and means to assist one side
21 or the other.

22 He ruled that if the petitioners are with the military they
23 should be charged and given a speedy trial.

24 As the case of Bility and his colleagues go before a
12:42:28 25 military court it is not known whether their lawyers will file
26 another writ of habeas corpus at the tribunal to ensure that the
27 accused are produced by all means."

28 And then it goes on to deal with the reasons for your
29 arrest. Tab 5 now, please. Now, do you recognise this

1 newspaper, Mr Bility?

2 A. I'm not looking at the - yeah, I do.

3 Q. It's a familiar friend, isn't it?

4 A. It is the newspaper I worked with.

12:43:21 5 Q. And we see the headline there, "For Bility, others:
6 Government of Liberia faces mounting pressure." And you note the
7 date 15 July:

8 "In a recent ironic twist of events at the Criminal Court
9 'B' at the Temple of Justice in Monrovia, Prosecution lawyers in
10 the case, Liberia Government versus Hassan Bility and Others,
11 argued that they could not honour the writ of habeas corpus
12 ordering the presentation of the 'living bodies of Hassan Bility,
13 Ansumana Kamara and Abubakar Kamara in court' because the accused
14 were 'illegal militia men over whom the court has no

12:44:19 15 jurisdiction'. That should have laid the matter to rest while
16 the Government of Liberia reconstitutes the Court Martial Board
17 that would hear the case under the Uniform Code of Military
18 Justice. But many organisations, governments, and individuals
19 are not pleased with the turn of events and are therefore
12:44:36 20 bringing intense pressure to bear on the Government of Liberia to
21 ensure the safety and release of the accused held since June 24,
22 2002, for allegedly plotting to assassinate President
23 Charles Taylor and topple his government.

24 In various releases and official communications to the
12:44:55 25 Liberian government, copies of which were faxed to The Analyst,
26 the spokesman of the US Department of State, Richard Boncher,
27 said, 'The United States shares the concerns recently issued by
28 Amnesty International, Reporters Without Borders, and others over
29 the physical safety of journalist Hassan Bility and the two

1 others. We condemn the Government of Liberia's failure to follow
2 the rule of law and urge it to comply with a Liberian court order
3 to present these individuals publicly. The Government of Liberia
4 has held these individuals incommunicado since it acknowledged
12:45:41 5 their arrest on June 24'.

6 'We urge Liberia to adhere to its professed interest in
7 national reconciliation, free and fair elections next year,
8 protection of human rights and freedom of peaceful expression'.

9 'The United States calls upon the Government of Liberia to
12:46:01 10 create the conditions whereby true peace and national
11 reconciliation can occur by encouraging, instead of banning,
12 peaceful political expression and activity and by lifting the
13 current state of emergency', the communication concluded.

14 In a similar manner, the Rapid Action" - let's go to page 4
12:46:54 15 - "Network". Do we see "Mounting pressure", the headline on the
16 left?

17 A. Right, right, right.

18 Q. Yes:

19 "(The Writers in Prison Committee of International PEN)
12:47:16 20 also expressed deep concern over the continuous detention of
21 journalist Hassan Bility and two others despite two writs of
22 habeas corpus having been issued on government by local human
23 rights groups to secure their presentation in court without
24 success.

12:47:32 25 The Network also decried the action of Councillor
26 Theophilus Gould, Deputy Minister of Justice for Legal Affairs,
27 who tried to justify the detainees' non-appearance by declaring
28 that 'theirs was a military case and so could not be dealt with
29 by a civilian court'.

1 Citing a similar occurrence of June 2000 when they said
2 seven individuals were arrested for supposed dissident activities
3 and have never been seen despite orders obliging the government
4 to bring them to court without success, the Rapid Action Network
12:48:09 5 expressed fears on behalf of Bility and others.

6 International PEN, which also holds President
7 Charles Taylor personally responsible for the safety of Hassan
8 Bility and others, also calls upon the Liberian authorities to
9 release or produce them in court as a matter of utmost urgency,
12:48:26 10 ensuring that due legal process is observed in their case at all
11 times.

12 The release concluded with an appeal to all associated
13 member bodies of International PEN to communicate with the
14 Liberia leader, holding him personally responsible for the safety
12:48:45 15 of Hassan Bility and his fellow detainees.

16 For their part, the Grand Gedeh Association in the
17 Americas, with headquarters in Des Plaines, Illinois, 'condemned
18 the continued unlawful detention of Hassan Bility and others by
19 the Government of Liberia'.

12:49:03 20 The group also expressed its deeply troubled state because
21 of the government 'continuous stonewalling of repeated court
22 orders for their production'.

23 They called on the government to prove otherwise by
24 allowing their families and human rights community to visit them.

12:49:20 25 The Association which contended that both the Liberian
26 Constitution and international laws require that the accused be
27 brought to a court within 48 hours and charged, said that the
28 Taylor government is trying to circumvent these provisions by
29 referring to the accused as 'unlawful combatants', that places

1 them on a par with the Talibans.

2 Concluding, the GGAA repeated its condemnation of 'this
3 latest action and all other actions of the Liberian government
4 that tend to suppress the rights and freedoms of the Liberian
5 people'.

12:50:00

6 They called on sister organisations, religious bodies and
7 political groupings to join them in calling on the Taylor
8 government to make public its evidence for the arrest or release
9 of the detainees.

12:50:16

10 'Town trap is not for town t alone; silence is all that
11 evil needs to thrive', concluded a GGAA statement signed and
12 approved, respectively, July 8, 2002 by Secretary-General Jackson
13 Wonde and President William Nyanue.

12:50:44

14 Journalist Bility and two others who are said to have
15 operated a 'LURD Terrorist Cell in Monrovia are linked with
16 several internet communications alleged to have been written to
17 Mr Alhaji GV Kromah."

12:51:07

18 Pause there. It does appear then, doesn't it, Mr Bility,
19 that the government had made public the basis upon which they
20 were - the evidential basis for your detention along with those
21 two others?

22 A. Yeah, it does appear.

12:51:32

23 Q. "Alleged to have been written by Mr Alhaji GV Kromah of the
24 opposition All Liberians Coalition Party (ALCOP) as well as with
25 leaders of the insurgency movement LURD.

26 On the local front, the opposition All Liberian Coalition
27 Party has decried the Government of Liberia for what it termed
28 'the negative habit of targeting and detaining (under the guise
29 of arrest) law-abiding and peaceful partisans of ALCOP and

1 leveling against them accusations that are preposterous and
2 baseless'.

3 The party charged further that its 'partisans were held in
4 prisons and detention centres without charge or trial in blatant
12:52:08 5 violation of the Liberian Constitution, international law and the
6 human and civil rights of the concerned individuals'.

7 Among those listed to be illegally detained partisans with
8 various lengths include Mabutu Kromah."

9 Now that was a named mentioned in one of the emails, wasn't
12:52:35 10 it, Mabutu?

11 A. Yeah, a Mabutu name was mentioned.

12 Q. "Molly Bayor, Salia Kamara, Van Bulaye, Mohamed Dukuly",
13 and it was in relation to him Mohamed Dukuly that you gave
14 evidence in the Court in Florida, wasn't it?

12:52:57 15 A. Can you repeat that?

16 Q. It was in relation to Mohamed Dukuly that you gave evidence
17 in a Federal Court in Miami, Florida?

18 A. I don't understand that. What do you mean in relation to
19 Mohamed?

12:53:11 20 Q. You gave evidence in support of the testimony of Mohamed
21 Dukuly in the Court in Miami, didn't you?

22 A. No. That's inaccurate, counsel.

23 Q. Dukuly.

24 A. Mohamed Dukuly? My understanding of your question is that
12:53:29 25 the testimony I provided in Miami was in line with a person
26 called Mohamed Dukuly.

27 Q. Who was it then?

28 A. Well, I guess you - it is not I who is --

29 Q. Just give us the name?

1 A. Well, the person in question was not Mohamed Dukuly. It
2 was Varmuyan Dulleh.

3 Q. Dulleh. All right. Very well. Fine. "Abraham Sheiff,
4 Hassan Bility, Ansumana Gbekky Kamara and Abubacar Kamara."

12:54:03 5 Now again, the name Abubakar is a name that appears in
6 those emails, isn't it?

7 A. Yes, it does.

8 Q. "Despite the protracted periods of detention of these
9 partisans and the persistent calls from both Liberian interest
10 groups and the international community to produce and release the
11 detainees the government has not done so.

12 The party called on the international community to review
13 their relationship with the Government of Liberia and also called
14 on opposition parties and civil society organisations to boycott
12:54:40 15 all government functions until all illegal detention centres are
16 dismantled as well the government's acceptance to allow
17 independent human rights group and the international community
18 representative to inspect prison facilities and conditions.

19 Meanwhile, the US branch of the party has called on the
12:55:01 20 National Human Rights Centre of Liberia to prevail on the
21 Government of Liberia to adhere to the portions of the
22 Constitution of Liberia that 'provides that anyone arrested for
23 whatever cause MUST be presented with charges he/she is accused
24 of in a competent court of jurisdiction within 48 hours of said
12:55:17 25 arrest'.

26 In a related development, the US-based Movement for
27 Democratic Change in Liberia (MDCL), said in a press statement,
28 July 13, 2002, it 'joins its voice to countless Liberian, NGOs,
29 the United Nations, the United States government, Amnesty

1 International, Global Witness, as well as all civil and
2 peace-loving people around the world calling on the Government of
3 Charles Taylor to reverse its course and pursue a path of peace
4 and reconciliation'.

12:55:51 5 The group said reconciliation conferences, whether held in
6 Monrovia or abroad, would be meaningless unless they were
7 accompanied by the ability on the part of the government to
8 'match words with deeds'."

9 Pausing there, Mr Bility, you note of course, don't you, in
12:56:06 10 that second column on that page, that there is a very lengthy
11 quote from a representative of the All Liberian Coalition Party?

12 A. Correct.

13 Q. The head of whom was Alhaji Kromah?

14 A. Correct.

12:56:19 15 Q. And you note that there is this extensive quote from a
16 representative of that organisation in of course The Analyst
17 newspaper?

18 A. Correct.

19 Q. Is that an indication of the bias of that newspaper?

12:56:32 20 A. I don't know. I don't believe so.

21 Q. But whilst we're on this particular newspaper, I want to
22 illustrate another aspect of what appeared. So if according to
23 that - you will note, of course, that in that same column you are
24 described as a partisan - an ALCOP partisan?

12:56:59 25 A. Correct.

26 Q. Was that description correct?

27 A. I believe honestly that was an inaccurate description. I
28 believe what the writer - because the article does not - the
29 statement does not say who authored - who was the writer of the

- 1 press release. I believe whoever wrote it was looking at was all
2 the names there are Mandingo names. That's one. Second, when it
3 came to ALCOP many, many, many of its partisans were Mandingos as
4 well, and so having all of these Mandingo names I believe that
12:57:41 5 the writer put my name there instead of separating that aspect
6 from the rest of the names with profession included in them.
- 7 Q. Fine, thank you for that. Let's have a look then who the
8 writer is. Let's go back to the front page.
- 9 A. Right, and then - okay, go. Good.
- 12:58:03 10 Q. Let's go back to the front page.
- 11 A. Fine.
- 12 Q. Tab 5. Who is the writer, Mr Bility?
- 13 A. Let me say.
- 14 Q. Stanley Seakor?
- 12:58:13 15 A. Stanley Seakor, yeah.
- 16 Q. Who was he in relation to The Analyst?
- 17 A. He was the managing editor.
- 18 Q. For how long had you known him?
- 19 A. I had known him for a long time.
- 12:58:23 20 Q. Was he someone you trusted?
- 21 A. Yeah, I trusted him.
- 22 Q. Did you trust his judgment as a fellow journalist at this
23 newspaper?
- 24 A. I do.
- 12:58:33 25 Q. Did you know him to be someone who reported accurately and
26 objectively?
- 27 A. I do.
- 28 Q. Why would he describe you as a partisan if you weren't?
- 29 A. Fine. Go back to page 4, counsel.

1 Q. No, thank you.

2 A. All right.

3 Q. Well, go on and answer it.

4 A. Go back to page 4. Mr Stanley Seakor as a journalist is
12:58:55 5 quoting a press statement. It was not his - it was a press
6 statement which was not written by him and which was supposed to
7 have been written by a party representative, so it was not his
8 business to change what the wordings of a press statement said
9 and journalists all over the world knows that, okay? Journalists
12:59:19 10 all over the world know that. It was not his business, your
11 Honour, for him to change what the press statement said. He was
12 reporting what the press statement said. It was not - while he
13 reported certain things, certain facts, he also quoted/reported
14 what the press statement said. So that particular aspect of this
12:59:41 15 news story can not be attributed to Mr Stanley Seakor. Stanley
16 Seakor was reporting what a press statement brought to him.

17 Q. We get the point.

18 A. Okay.

19 Q. Let's go back to the first page, though. Are we still on
12:59:55 20 the first page? I want you to help me with something else. Do
21 you see an article "LURD dealing in blood diamonds"?

22 A. Yes, I do.

23 Q. "A devastating civil war is fiercely raging in the
24 northwest and west of Liberia. All most Liberians know is that a
13:00:14 25 group of Liberians schooled in the art of peace, democracy and
26 reconciliation ... " --

27 MR SANTORA: Objection. I'm going to object.

28 MR GRIFFITHS: I haven't asked a question yet.

29 MR SANTORA: I'm objecting to the reading into the record,

1 because there is absolutely no relevance to this witness to what
2 is being read.

3 PRESIDING JUDGE: We don't know that until the question is
4 asked, Mr Santora. Continue, please.

13:00:33 5 MR GRIFFITHS: I'm grateful.

6 Q. "All most Liberians know is that a group of Liberians
7 schooled in the art of peace, democracy and reconciliation are
8 fighting in their behalves to restore sanity. But as the United
9 Nations' Panel of Experts on Liberia revealed in its April 2002
10 reports, Liberians are in for a dilemma that underlines a vicious
11 cycle of violence that is likely to continue for another decade
12 unless steps were taken by the Liberian people and the
13 international community to halt the carnage and create ..."

14 Let's go over and finish it on page 4, top of the page:

13:01:22 15 "... the need for peace and dialogue. Our staff reporter
16 has been looking at panel's report.

17 'LURD has probably some 2,000 men fighting for it. These
18 are a motley bunch including Liberian dissidents that had
19 formerly fought for the Sierra Leone 'Special Forces' ..."

13:01:44 20 Pause there. Here we have a reporter for the newspaper you
21 edited until shortly before this article writing about Liberian
22 dissidents fighting for the Sierra Leone Special Forces.

23 Remember me asking you about the Special Task Force?

24 A. Correct.

13:02:04 25 Q. And remember you telling me you'd never heard of the term?

26 A. Correct.

27 Q. Mr Bility, can you help us as to how it is other reporters
28 at your newspapers appear to know about Liberian Special Forces
29 fighting in Sierra Leone and you didn't?

1 A. Counsel --

2 MR SANTORA: Objection.

3 PRESIDING JUDGE: Pause, Mr Witness.

4 MR SANTORA: The witness in the course of examination said
13:02:29 5 he did not know about a particular organisation called the
6 Special Task Force in Sierra Leone. Counsel's question is
7 related to Special - characterises the witness as saying that
8 he's not familiar with Special Forces - and I'm just looking at
9 the question - but not in the same country and not by the same
13:02:50 10 name, so I think it's a mischaracterisation of the witness's
11 evidence.

12 JUDGE LUSSICK: Wouldn't this explanation sound a lot more
13 convincing coming from the witness instead of you, Mr Santora?

14 MR SANTORA: I simply was referring to how the counsel
13:03:04 15 characterised --

16 JUDGE LUSSICK: Well, no, you could colour the whole of his
17 answer. If he gives an answer tailored to conform to the
18 information you've just provided, then what is the Court to make
19 of that?

13:03:17 20 THE WITNESS: I want the learned counsel to look at that
21 statement. Is it or not in quotation? It says quote, "LURD has
22 probably some 2,000 men ...", and so this reporter had been
23 looking at a UN Panel of Experts' report. Now, this is in July.
24 He'd been looking at a UN Panel of Experts' report from which he
13:03:49 25 is quoting. Let's get that clear. It's in quotation.

26 MR GRIFFITHS:

27 Q. Fine, I take your point. But, Mr Bility, had you never
28 come across that report?

29 A. I had never come across this report and I want to ask the

1 Defence - I want to ask the counsel --

2 Q. No, I'm not here to answer questions. I'm here to ask
3 them.

4 A. All right, I'll answer it.

13:04:12 5 Q. So my question is quite simple. You've been talking about
6 seeing Liberian soldiers in Sierra Leone?

7 A. Correct.

8 Q. Now, Mr Bility, here we have a reporter on your own
9 newspaper quoting from a UN report which said Liberian dissidents
10 were fighting in Sierra Leone.

11 A. Correct.

12 Q. And that was a report published in April 2002, I'm
13 helpfully assisted.

14 A. Correct.

13:04:37 15 Q. How come you were unaware of it?

16 A. We did not get a copy of said report. Many reports were
17 being released by the United Nations. Now, this is 15 July 2002.

18 If you can show me another newspaper that published this
19 particular thing at the same month it was released then perhaps

13:05:03 20 that could justify your concern, but there were times - we're
21 talking about times that not many people had access to internet

22 in Liberia at least. Now many newspapers did - we didn't run a
23 website, so it is very possible that this report came out and

24 several months later before The Analyst or other journalists got
13:05:28 25 a hold of the copy. So that does not mean in my opinion that --

26 PRESIDING JUDGE: Mr Witness, the question was directed at
27 you personally. How come you were not aware of it? You're going
28 into theories of other journalists' knowledge. Please answer the
29 question directly.

1 THE WITNESS: I did not see the report. At The Analyst
2 neither I, nor The Analyst staff, at that time saw the report.

3 MR GRIFFITHS:

4 Q. Because, you see, your own newspaper continues:

13:06:00 5 "... some 500 Kamajor fighters, defectors from the Armed
6 Forces of Liberia and other units from Liberia and up to 200
7 ex-RUF fighters from Sierra Leone, who have been offered several
8 hundred dollars each and the fruits of war to fight for LURD',
9 the Panel as found in an ironic twist of events of Liberia's
13:06:24 10 'liberation war'.

11 The reports say LURD has been recruiting young men in
12 Guinea, Sierra Leone, Cote d'Ivoire and Ghana to beef up its
13 forces, suggesting that the rebels may be losing popularity
14 amongst the population in the occupied areas.

13:06:40 15 According to the reports the men who were recruited by
16 LURD's military advisor ...", and I want you to note this, "...
17 Joe Wylie?"

18 Do you know Joe Wylie?

19 A. I do know the name and I have seen him once in the United
13:06:59 20 States and in Liberia.

21 Q. Was that in March 2003?

22 A. I'm not sure what month it was, but I do remember the
23 occasion.

24 Q. Was it at the University of Maryland?

13:07:10 25 A. Yeah, I believe it was.

26 Q. Where you were engaged on a speaking engagement?

27 A. Yes, sir, along with Bishop Michael Francis.

28 Q. And is it true that Joe Wylie was LURD's military advisor?

29 A. I do not know that for a fact. I did hear him speak on the

1 radio when I was in Liberia from time to time and variously refer
2 to himself military advisor, military chief of staff, or
3 whatever. I do not know that for a fact.

4 Q. But he had a military connection with LURD, didn't he?

13:07:46 5 A. He did say that he did.

6 Q. Thank you. And this was the man you shared a platform with
7 in March 2003 at the University of Maryland?

8 A. Wrong, counsel. You've got that all wrong. I shared a
9 platform with Assistant Secretary of State I believe Pamela

13:08:06 10 Bridgewater of the US State Department, Bishop Michael K Francis
11 and the Sierra Leone - a Sierra Leonean diplomat in the United
12 States to speak on issues relating to West Africa. Joe Wylie was
13 never - you can look at the website. He was never, ever a
14 speaker. He went there to attend the occasion, counsel.

13:08:32 15 Q. Let me suggest, Mr Bility, that what happened was you were
16 a featured speaker at that meeting held at the University of
17 Maryland, weren't you?

18 A. Correct.

19 Q. And it was held on 1 March 2003, wasn't it?

13:08:50 20 A. I don't recall the exact month - the exact date. It was
21 held some time in 2003, probably around March.

22 Q. Do you recall that when you finished your speech you walked
23 off the platform and embraced two people: firstly, ambassador
24 Blaney and secondly Joe Wylie?

13:09:09 25 A. I don't recall that specifically. What I do recall when I
26 was done with my speech a bunch of people walked down the aisle
27 to embrace me and I do know that Joe Wylie was one of them.

28 Q. Thank you. And you embraced him, didn't you?

29 A. I did embrace him.

1 Q. And is it not right that Wylie spoke on the same occasion
2 and said words to the effect that the LURD would continue to
3 fight militarily to remove Charles Taylor and his remarks were
4 denounced by many of the speakers, including Bishop Michael
13:09:49 5 Francis?

6 A. I don't specifically remember Joe Wylie on podium making a
7 statement. I do remember, however, I, Bishop Michael Francis and
8 Ambassador - or Pamela Bridgewater and probably some other
9 person. I don't remember seeing Joe Wylie making a statement,
13:10:12 10 because he was not a featured speaker. And, of course, the
11 Sierra Leonean diplomat was there.

12 Q. Let's go back to page 4, tab 5:

13 "According to the reports, the men who were recruited by
14 LURD's military advisor, Joe Wylie, were at the time of the
13:10:36 15 interview awaiting orders from Mr Wylie to join the fray by way
16 of Guinea or down to the Liberian border via Zimmi.

17 These men would then join other irregular forces inside
18 Liberia 'as gun for hire', the reports revealed.

19 Once in Liberia, the reports say, these mercenaries were
13:11:00 20 promised 'a retention fee of US \$200 and the booty of conflicts'.

21 Quoting an unknown LURD commander, the reports say with its
22 'Thunder, Marine, Wide Door and Special Force' battalions, the
23 LURD forces drove south along the Sierra Leone border, in
24 November 2001, to join up with the fresh recruits from Sierra
13:11:22 25 Leone.

26 It said the move, which seemed a military effort at first
27 to gain territory in preparation for an offensive on the capital,
28 was actually intended to take control of the diamond fields in
29 Lofa Bridge and Gbarnga[sic].

1 Revealing that at least 12 mining districts were attacked
2 by LURD, the Panel's reports say 'several eyewitnesses spoke of
3 having to wash unprocessed gravel to extract diamonds for
4 rebels'.

13:11:52 5 Even though LURD commanders rejected suggestions that they
6 were dealing in 'conflict diamonds' the reports say it consented
7 to seizing and selling diamonds to businessmen in Guinea.

8 'If diamonds is the instigating factor in the LURD war of
9 liberation, reconciliation and democracy', observers insist,
13:12:15 10 'then the war has lost its point - that is if it has one - and
11 that means it is likely to last throughout the decade'.

12 It may be recalled that following several unregulated and
13 often suspicious skirmishes between government troops in Lofa
14 County and unidentified bands of armed men in early 1998, the
13:12:37 15 coalition of the fighting forces of the Justice Coalition for
16 Liberia, the Organisation of Displaced Liberians and the Union of
17 Democratic Forces of Liberia merged in February 2000 as LURD and
18 thereafter began a campaign of terror.

19 The reports also revealed instances of diamond links
13:12:59 20 between buyer centres in Guinea, Sierra Leone and Cote d'Ivoire
21 and functionaries of the government of Liberia, and analysts are
22 worried that the brush was that left many Liberians dispossessed
23 and made destitute by the so-called war of liberation are liable
24 to suffer in vain and for more than necessary.

13:13:21 25 'If LURD is truly a liberation force whose cause is
26 popular, it should have no problem getting fighters. But its
27 association with hired-hands of the notorious RUF, former
28 NPFL-seconded RUF 'special forces', and the Kamajor and Civil
29 Defence Forces of Sierra Leone, tells a different story', says

1 James Y Konneh of Larkpazi, Monrovia.

2 He said the fact that free fighters of the RUF were using
3 the fighting on both sides justifies fears in UNSC circles that
4 Sierra Leone civil war may recur were the arm embargo on Liberia
13:14:05 5 to be lifted without rehabilitating them under special US
6 arrangement.

7 With the UN Panel worried about the arms build-up in
8 countries bordering Liberia, the extension of the arm embargo on
9 'non-state actors' in the Mano River Union countries including
13:14:23 10 the dissident groups constituting LURD is likely to impact
11 positively on the ongoing war in Liberia."

12 The diamonds fields are Gbarma, not Gbarnga, I'm helpfully
13 reminded. I mispronounced it.

14 Now you will have noted, Mr Bility, several references in
13:14:42 15 that UN report to Liberians fighting for the Sierra Leonean
16 government, yes? Now note they're fighting for the Sierra
17 Leonean government, not against them. When you were smuggled
18 into Freetown and met Liberians, who do you say they were
19 fighting for?

13:15:03 20 A. They were with the AFRC and the - the AFRC/RUF government
21 under Johnny Paul Koroma.

22 Q. Now, given that you were such a student of RUF politics and
23 what was happening in Sierra Leone, were you not aware that many
24 Liberians were fighting effectively as mercenaries for the Sierra
13:15:30 25 Leonean government?

26 A. My awareness of the situation basically tells me that there
27 were early during the formation of ULIMO inside Sierra Leone,
28 Liberian fighting in the roles of assisting the Sierra Leonean
29 government to repel the RUF incursion or war into Sierra Leone.

1 This was the early stages. And that once they reached the
2 Liberian border they organised themselves into ULIMO and said,
3 "You know what? Bye, we're at home and we're going to fight our
4 own war." So, yes, in that situation it was. And on the other
13:16:23 5 hand, of course, when it came to the overthrow of the government
6 of Tejan Kabbah by the AFRC/RUF this time around they --

7 Q. No, sorry, government was overthrown by the AFRC in a coup
8 led by former SLA soldiers.

9 A. All right. By a military junta led generally by the
13:16:48 10 AFRC/RUF --

11 Q. No, the RUF --

12 PRESIDING JUDGE: You have already been corrected.

13 MR GRIFFITHS:

14 Q. -- were later invited. The RUF were later invited to join
13:16:57 15 them?

16 A. Yeah, I'm saying that --

17 Q. Are you a real journalist, Mr Bility?

18 A. I'm saying a military junta --

19 PRESIDING JUDGE: Mr Witness, you have again wandered into
13:17:10 20 history. I have pulled you up on this before. The question is:
21 Were you not aware that many Liberians were fighting as
22 mercenaries for the Sierra Leone government? You're now giving
23 us a history. Answer the question directly, please. And if you
24 need a time specification I will ask Mr Griffiths to give you a
13:17:31 25 time specification.

26 THE WITNESS: Yes.

27 MR GRIFFITHS:

28 Q. May 1997, 25 May?

29 A. On behalf of the Sierra Leonean government 25 May 1997; is

1 that the question, counsel?

2 Q. No, no, no, the question is - I was correcting you to
3 suggest that the government of Tejan Kabbah was overthrown by its
4 own army and then later they invited the RUF to join them. Were
13:18:06 5 you not aware of that?

6 A. I was aware of that.

7 Q. Pardon?

8 A. I was aware of that.

9 Q. So why did you say a moment ago that his government was
13:18:14 10 overthrown by the AFRC and the RUF?

11 A. Well, I actually was trying - was saying that a military
12 junta in Freetown was headed by the AFRC and RUF.

13 Q. No, that's not what you were saying but I'm not going to
14 waste time on it. Let's go to tab 6. Do you know this
13:18:54 15 newspaper, The New Liberia?

16 A. Yeah.

17 Q. It's dated Friday, 19 July 2002. Now help us: So far as
18 this newspaper is concerned did you know them to be objective
19 providers of news?

13:19:14 20 A. This is the government's official - Liberian government's
21 official newspaper.

22 Q. So let's be blunt: You're saying this paper has a Taylor
23 bias, right?

24 A. I'm not - what I'm saying exactly is that this is the
13:19:32 25 Government of Liberia's official newspaper.

26 Q. That's not my question. Are you suggesting to these judges
27 that this newspaper was biased towards Charles Taylor? Simple
28 question.

29 A. This newspaper represented the views of the Government of

1 Liberia, including that of President Charles Taylor.

2 Q. Very well. So now that we understand what your position is
3 towards this publication, and of course by contrast your
4 newspaper The Analyst was a model of independence and
13:20:09 5 objectivity, was it?

6 A. I believe so, counsel.

7 Q. I see; thank you.

8 "Who Wants to Kill Hassan Bility?"

9 From all indications, it appears that the Hassan Bility
13:20:34 10 case is much bigger than meets the eye. Since his arrest in the
11 latter part of June with two other collaborators, there has been
12 an unusual degree of interest in his whereabouts.

13 The government of Liberia has been fluttered with calls
14 from Amnesty International, unnamed persons from Washington DC
13:20:56 15 and a few apparently worried diplomats in Monrovia. Many of
16 these queries are concerned not so much with the action of Hassan
17 Bility and his collaborators nor the process that will be pursued
18 to adjudicate the matter.

19 The queries have basically been made by demanding to know
13:21:16 20 the whereabouts of Hassan Bility and when will he be exposed to
21 the interested parties.

22 The Government of Liberia has made it clear that Hassan
23 Bility is not being held by civil authorities but military
24 authorities due to the gravity of the allegations against him, by
13:21:34 25 planning to bring war against the people of Liberia in the City
26 of Monrovia.

27 There are indications that the unearthing of the Hassan
28 Bility plot is a major source of embarrassment to some high
29 profiled diplomats, according to sources connected to diplomatic

1 circles.

2 Another source who prefers anonymity boldly hinted to the
3 New Liberia that certain interested parties have put out feelers
4 around prisons and military establishments to ascertain the exact
13:22:06 5 location of Hassan Bility.

6 Another security source hinted that since his arrest Hassan
7 Bility has made at least two attempts to communicate with his
8 benefactors."

9 Pause there. Is that true?

13:22:21 10 A. That is false.

11 Q. "Those communications were intercepted. Given the unusual
12 interest in Hassan Bility, continued our diplomatic source, it is
13 ..."

14 Then turn to page 10, please, middle of the page:

13:22:57 15 "... not inconceivable that 'someone' does not want Hassan
16 Bility to testify in an open court.

17 Therefore, all the concerns shown about his whereabouts are
18 basically smoke-screen to push the government's hand to present
19 Bility to the public so that the silence of Hassan Bility can be
13:23:20 20 orchestrated.

21 Our source concluded that the Government of Liberia was
22 farsighted in its decision to have Hassan Bility and others kept
23 as unlawful combatants and to possibly face a military tribunal
24 rather than a civilian court.

13:23:38 25 The diplomat accordingly advised that the Government would
26 do well to give maximum protection and isolation to Hassan Bility
27 because if the interested parties were to get him and in the
28 event of his untimely demise the Government could be unjustly
29 blamed.

1 Our investigation in the matter continues."

2 Now, you of course had been visited by two representatives
3 from the US embassy whilst you were in custody, weren't you?

4 A. Yes, I was.

13:24:21 5 Q. When you met with them were you able to speak to them in
6 private?

7 A. I'm not sure if --

8 Q. No, think about it. Just picture the room in which you
9 met. Was there anybody else in there apart from them?

13:24:32 10 A. The room was designed in a way that there was a divider,
11 based on my observation, which did not reach the ceiling. So it
12 is possible someone was behind that divider, so I cannot say -
13 but physically I spoke to two persons. I cannot say whether or
14 not there was somebody else behind the divider.

13:24:56 15 Q. And this was in September 2002, was it?

16 A. Accurate.

17 Q. And what did they talk to you about, Mr Bility?

18 A. They talked to me - you know, they told me that there have
19 been pressure mounted by Liberians and international humanitarian
13:25:17 20 and pro-democracy organisations to ask the Liberian government to
21 either take me to court or to release me if it didn't have any
22 charges against me and that the government would not do either of
23 those. So they also informed me that they had asked the Liberian
24 government to release me. In reply the Liberian government had
13:25:39 25 told them that the only way they would release me would be if I
26 accepted to go in exile and I asked them where. They said, well,
27 outside of West Africa, outside of Liberia, you know, that's what
28 the government of President Charles Taylor wants. And I told the
29 ambassador, deputy ambassador Thomas White and his colleague that

1 I was turning that down. I thought that, you know, the United
2 States and other institutions should be asking the Liberian
3 government, should be present for court hearing and not to push
4 me out - you know, not to send me out of the country. So in
13:26:24 5 September I specifically refused - rejected that request from the
6 Liberian government through the US embassy officials.

7 MR GRIFFITHS: I note the time, Madam President. Just
8 before you adjourn, unfortunately I'm not going to be able to
9 complete this witness today, can I ask that these newspapers be
13:26:44 10 marked for identification and can we adopt the same system as we
11 did with the emails.

12 PRESIDING JUDGE: And I will take it that the entire paper,
13 because there are extraneous pages, will be included in the MFI,
14 rather than those pages you quoted from.

13:27:02 15 MR GRIFFITHS: That is my application; I think for
16 completeness they ought to be.

17 PRESIDING JUDGE: Yes. I will adopt the similar procedure
18 in which I'll give them one MFI number and an A, B, C and I will
19 cite them from their name and date.

13:27:15 20 This will be MFI-4. MFI-4A is The Inquirer dated Tuesday,
21 2 July 2002. The Inquirer of 8 July is MFI-4B. MFI-4C is the 10
22 July Inquirer. MFI-4D is The News of 10 July. MFI-4E is The
23 Analyst of 15 July, again 2002. MFI-4F is The New Liberia of 19
24 July.

13:28:48 25 I think that covers all of the documents that you referred
26 to, Mr Griffiths. I note there is one at the back, but you did
27 not refer to it, it's not tabbed and I therefore am not giving it
28 a number.

29 MR GRIFFITHS: I think that may have been put there in

1 error. I think in order for clarity's sake I think we should
2 remove that.

3 PRESIDING JUDGE: Very well. I will note that. It has not
4 been given a number, it has not been tabbed.

13:29:21 5 MR GRIFFITHS: Madam President, can I indicate for the
6 assistance of the Court and in particular for the assistance of
7 those opposite, unfortunately I was unable as hoped to conclude
8 this witness today, but I can't see I have more than 15/20
9 minutes for him on Monday, depending of course on the length of
10 the answers.

11 PRESIDING JUDGE: I'm sure the Prosecution will find that
12 indication helpful. If there are no other matters I will remind
13 the witness of his oath.

14 Mr Witness, we are now adjourning. On a Friday we do other
13:29:55 15 matters and deal with other matters in the afternoon and
16 therefore we do not sit in court. We will be resuming court on
17 Monday at 9.30. I again remind you that you are under oath and
18 you are not to discuss your evidence with any other person before
19 your evidence is completed. Do you understand?

13:30:14 20 THE WITNESS: I do understand that.

21 PRESIDING JUDGE: Thank you, Mr Witness. I have one other
22 matter I wish to - you've put your hand up, Mr Witness, yes?

23 THE WITNESS: Yeah, if my understanding, your Honour, is
24 concerned, then I was actually scheduled to return to the United
13:30:32 25 States on Sunday.

26 PRESIDING JUDGE: I cannot comment on that. You're
27 required to be in court on Monday morning.

28 There is one other matter. As the parties are aware, the
29 usual practice of this Court is that the Presiding Judgeship

1 rotates. In this Trial Chamber that happens on 17 January, so in
2 effect this is my last sitting day as Presiding Judge and my
3 learned colleague Justice Lussick assumes the Presidency.

4 I thank counsel from both the Prosecution and the Defence
13:31:06 5 for their courtesy and cooperation in the last year and I would
6 also like to acknowledge and thank the many people who work
7 behind the scenes here at the Court; our own Trial Chamber staff,
8 Madam Court Officer who hasn't missed a day in the last year and
9 persons such as the interpreters who are always on time, the
13:31:29 10 transcribers and the various security people who assist in
11 bringing the witnesses and Mr Taylor to court and no doubt you
12 will extend the same courtesies to my colleagues. Thank you for
13 your cooperation.

14 MR MUNYARD: Madam President, on behalf of the Defence, and
13:31:46 15 I'm sure I speak probably for everybody in court, we wish to
16 thank you in particular for the extraordinary patience you've
17 shown throughout the year that you've been presiding, for the
18 efficient, courteous and friendly way in which you've conducted
19 the proceedings. We would also like to endorse everything you
13:32:04 20 say about all the other staff, some of whom are in front of the
21 cameras, as it were, many of whom are behind the scenes, all of
22 whom have worked to help you and the rest of us ensure a very
23 smooth running of the trial during your Presidency and we welcome
24 Justice Lussick's impending Presidency as from next week.

13:32:21 25 PRESIDING JUDGE: Thank you for those kind words,
26 Mr Munyard. I'm not sure they're deserved. If they are no other
27 matters I will now adjourn court until 9.30 on Monday. Please
28 adjourn court.

29 [Whereupon the hearing adjourned at 1.30 p.m.]

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to be reconvened on Monday, 19 January 2009 at
9.30 a.m.]

I N D E X

WITNESSES FOR THE PROSECUTION:

HASSAN BILITTY 22776

CROSS-EXAMINATION BY MR GRIFFITHS 22776