



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

FRIDAY, 18 JANUARY 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Mr Simon Meisenberg
Ms Sidney Thompson

For the Registry:

Ms Rosette Muzigo-Morrison
Ms Rachel Irura
Mr Vincent Tishakwa

For the Prosecution:

Ms Brenda J Hollis
Ms Shyamala Alagendra
Ms Leigh Lawrie
Mr Mohamed A Bangura

**For the accused Charles Ghankay
Taylor:**

Mr Courtenay Griffiths QC
Mr Terry Munyard
Mr Andrew Cayley

1 Friday, 18 January 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:28:35 5 PRESIDING JUDGE: Good morning. For those of you who
6 weren't present and heard Justice Sebutinde's announcement
7 yesterday afternoon I should explain that in accordance with the
8 practice that has been the practice of this Court since its
9 inception the presidency of the trial chambers rotates once a
09:29:04 10 year. Justice Sebutinde's term has just completed, mine starts
11 again for another year and I wish particularly to thank Justice
12 Sebutinde for her hard and patient work in the year that has
13 passed and I look forward to working with you. Thank you.

14 I note that appearances are as before. Mr Cayley is
09:29:29 15 present for the Defence. If there are no other matters,
16 Dr Ellis, I will remind you that - there was a request by a
17 photographer, I've just been reminded, to take photographs in the
18 Trial Chamber. The photographer was to be present 15 minutes
19 before we entered. I don't see anybody that I don't know

09:29:55 20 MS MUZIGO-MORRISON: Your Honour, the photographer hasn't
21 showed up and we've checked with the Press and Public Affairs
22 Office and we've had no response, so they've probably had a
23 change of mind or heart. Thank you.

24 PRESIDING JUDGE: That saves us a bit of trouble.
09:30:12 25 Mr Munyard, you were on your feet.

26 MR MUNYARD: Thank you, Madam President. I am not going to
27 read anything in to the absence of the photographer. May I, on
28 behalf of all the advocates, welcome you in your new year as
29 Presiding Judge and again to endorse your remarks about the way

1 in which Justice Sebutinde patiently and carefully has conducted
2 her presidency in the time that we've been before the Court.

3 PRESIDING JUDGE: I'm very grateful for that support,
4 Mr Munyard. Thank you. I will just remind Dr Ellis of his oath.

09:30:50 5 Dr Ellis, as I was saying, you recall that you took the
6 oath to tell the truth. The oath is still binding upon you and
7 you are to continue to answer truthfully.

8 THE WITNESS: Yes, your Honour.

9 WITNESS: DR STEPHEN ELLIS [On former oath]

09:31:02 10 CROSS-EXAMINATION BY MR MUNYARD: [Continued]

11 Q. Dr Ellis, yesterday you weren't aware of two of the
12 references that I was putting to you. One is Mr Gberie's book on
13 the war in Sierra Leone. It's a book that you're familiar with
14 as you have cited it in one of the footnotes or some of the

09:31:28 15 bibliography attached to your report. I think that's right,
16 isn't it, that you're familiar with his book?

17 A. I'm very familiar the book. If I may - yes, I'm familiar
18 with it, yes.

19 Q. Just to give you the reference to his comments, what he
09:31:42 20 writes about General Julu's campaign of violence, rape, murder
21 and beheadings, it's on page 55 of his book "A Dirty War in West
22 Africa."

23 Equally you weren't aware of a specific reference to
24 Mr Taylor's father being amongst the dead in the St Peter's
09:32:09 25 church massacre. That's found in Mr Lester Hyman's book at page
26 30 where he deals with that particular massacre. That's Lester
27 Hyman's book "United States Policy Towards Liberia 1822 to 2003."

28 Can I ask one final matter while we're on the subject of
29 books. You said yesterday that the second edition of your book

1 came out in 2006. The copy that I have makes it clear that it
2 came out in 2007, but I'm sure that's not something that we're
3 going to fall out about?

09:32:49 4 A. Sorry, I said 2007. I wrongly corrected myself. And since
5 it's my own book, I suppose, you know, it's something that
6 affects me primarily.

7 Q. Yes, it's not a matter of great moment and it's essentially
8 an academic issue as to which year it came out?

9 A. Yes, thank you.

09:33:07 10 Q. Can I go back then please to where we left off yesterday
11 and I just want to ask you a little bit more about some of the
12 background before coming on to the wars in the two countries that
13 we're concerned with. In particular I would like to ask you
14 about Mr Taylor and his going to Libya. Now do you have any
09:33:33 15 specific detail, verifiable detail, as to when he was in Libya in
16 the 1980s?

17 A. I've spoken to a large number of Liberians, some of whom
18 were part of the NPFL who were in Libya in the 1980s and who
19 described Mr Taylor being there, the defendant. I've also seen
09:34:04 20 photos of him in military uniform with Liberians in military
21 uniform which were described to me as having been taken in Libya.
22 I've also received accounts from at least one of the leaders of
23 the RUF of the training camps in Libya.

24 My own impression is that Mr Taylor was not in Libya for
09:34:33 25 perhaps very long periods of time but that he was moving between
26 different places, notably I think Burkina Faso and Libya, and no
27 doubt other places as well, and I'm referring to the period 1987
28 to 1989.

29 Q. Right, but you aren't able to give us anything more

1 specific than that. The word you used was "my impression" and
2 that's what it boils down to, isn't it?

3 A. Well, I should say the information in my possession
4 suggests that he was in between Libya and Burkina Faso notably in
09:35:07 5 the years 1987 to 1989.

6 Q. You can't say with any certainty that he actually met Foday
7 Sankoh whilst in Libya, can you?

8 A. I think I'm right in saying that in one of the UN
9 documents, I can't remember which one, one of the expert panel
09:35:23 10 reports, Mr Taylor is reported by the UN panel as saying that he
11 knew Foday Sankoh, indeed was a friend of Foday Sankoh, in 1989
12 in Libya. I believe I'm right in saying that, but I can't
13 remember which of the reports it is.

14 Q. But you have no independent information other than what you
09:35:47 15 think you've remembered from one of the reports written by
16 others?

17 A. I was also informed of this by one of the leaders of the
18 Revolutionary United Front.

19 Q. But not Mr Sankoh himself?

09:35:57 20 A. Not Mr Sankoh himself whom I've never met.

21 Q. No, so that's the state of your knowledge about their
22 connection in Libya?

23 A. As a historian I would say that there's strong evidence
24 that - I would say there's overwhelming evidence that Mr Taylor
09:36:16 25 was in Libya at least occasionally during that period and it's
26 pretty clear that he met Foday Sankoh during that period.

27 Q. Well, I'm --

28 A. Sorry.

29 Q. Sorry, I don't mean to interrupt you, I just want to say I

1 don't dispute the fact that he was in Libya during that period
2 but it's not accepted that he therefore got to know Foday Sankoh
3 as opposed to may have come across him briefly whilst in Libya.
4 Can I ask you a little bit more about something you've referred
09:36:44 5 to in your evidence as pan-Africanisation or pan-Africanism.
6 There's nothing sinister about the concept of pan-Africanism, is
7 there?

8 A. No, the concept of pan-Africanism has existed for a long
9 time, certainly since the middle of the 20th century, and some
09:37:10 10 people would say earlier than that because it may even go back to
11 the 19th century in some forms, but as it were a modern political
12 force it exists since maybe the 1940s and it is simply the idea
13 which is still current in some - well, it's still current in the
14 African Union at least formally, that the whole of Africa should
09:37:28 15 be united or could be united under one government.

16 Q. Yes. Most notably the precursor body to the African Union
17 was the Organisation of African Unity which was a group of states
18 who've changed their names, their collective name, into the
19 African Union now, but certainly there were very strong movements
09:37:51 20 within the Organisation of African Unity, particularly from
21 President Nkrumah of Ghana, to create a unified state comprising
22 the whole of the African continent. You're no doubt aware of his
23 speeches to the OAU in particular in 1983 and 1985 to that
24 effect?

09:38:15 25 A. Sorry, whose speeches to the OAU?

26 Q. President Nkrumah of Ghana.

27 A. No, he was dead by that time. He died in 1972.

28 Q. Sorry. In the 1960s. 1965 in particular?

29 A. The concept of pan-Africanism, like I said, as a modern

1 political concept and even as a political program in the sense of
2 a pan-African government was advanced notably by President
3 Nkrumah as he then was who was president of Ghana from 1957 until
4 1966. It's always been formally accepted by the Organisation of
09:38:54 5 African Unity and indeed by its successor the African Union which
6 exists today, but I emphasise the word "formally" because in
7 practice many African heads of state of the time in fact had no
8 intention, and said so, of associating with President Nkrumah in
9 that goal and suspected him of overwhelming ambition in advancing
09:39:17 10 his concept of pan-Africanism.

11 Q. Can I move forward to Libya again in the 1980s. There
12 weren't just people from Liberia and Sierra Leone seeking refuge
13 in Libya in the 1980s, were there? At the same time there were
14 people from Ghana, Uganda, Rwanda, South Africa and Namibia in
09:39:45 15 particular. Would you agree with that?

16 A. I first became - I first got some sort of direct account of
17 military training camps in Libya in the period when I was working
18 for Africa Confidential which was in the late 1980s and I met a
19 young man from Mauritius who'd gone to Libya for some sort of
09:40:12 20 cultural event and then had ended up in a military training camp
21 and he gave me an account of it. The man from Mauritius, which
22 of course is a member state of the organisation - was a member
23 state of the Organisation of African Unity but is otherwise not
24 really very close to the African continent.

09:40:29 25 I'd read, like I'm sure many others, accounts in those days
26 of Colonel Gaddafi, the leader of Libya, having a revolutionary
27 vision in which he gave support to a great variety of
28 anti-American and anti-Western movements from the FARC in
29 Columbia, the IRA in Ireland, the New People's Army in the

1 Philippines and a great variety of Middle Eastern and African
2 movements. And indeed there was a great variety of people from
3 different parts of Africa who went to Libya, including some who
4 went for purposes of ideological or military training.

09:41:04 5 Q. And amongst those who went to Libya in the 1980s from West
6 Africa were Amos Sawyer, do you agree?

7 A. I wasn't aware that he was in Libya but I don't dispute the
8 fact. I mean, I know he was in Libya at a later date because
9 told me so and showed me a photograph of himself with Colonel
09:41:31 10 Gadaffi but that was from a later period.

11 Q. Right. Again there's a reference in Mr Hyman's book to
12 Amos Sawyer being one of those who went to Libya for training.
13 Amos Sawyer who became the chosen president of the transitional
14 government in Liberia in the 1990s. That's right, isn't it?

09:41:50 15 A. Yes, he became the interim president when the - what was
16 known as the interim government of national unity was established
17 in 1990.

18 Q. Also Ali Kabbah?

19 A. Yes, I recognise that name.

09:42:03 20 Q. And Ali Kabbah was actually the person who originally set
21 up the RUF, isn't he?

22 A. I believe so. Now I've spoken to a number of Sierra
23 Leoneans who were in Libya at that time or associated with some
24 of the exiled movements from Sierra Leone and the very early
09:42:27 25 origins of the Revolutionary United Front remain, at least to me,
26 somewhat obscure but I indeed have heard the name of Ali Kabbah
27 in that regard.

28 Q. I should spell Ali Kabbah, A-L-I and then K-A-B-B-E-H?

29 A. Surely K-A-B-B-A-H.

1 Q. Well, I've seen it as E-H in a publication. Now can I move
2 to the events of 1989 and 1990 and in particular we start with
3 the invasion - incursion is probably the better word for it by
4 the NPFL into Liberia from Cote d'Ivoire on Christmas Eve.

09:43:27 5 You've said in your report that the NPFL consisted of no more
6 than about 100 fighters at that stage, is that correct, that it
7 was as small as that in the beginning?

8 A. Well, it's very difficult to define exactly what is meant
9 by the NPFL at that point and with your permission, Madam

09:43:49 10 President, I would just like to add a brief explanation of what I
11 mean by that. We heard yesterday that due to the rather chaotic
12 military politics of Liberia after the coup of 1980 it led to a
13 very serious coup attempt in 1985 led by Thomas Quiwonkpa and
14 which was defeated with a lot of loss of life and the people who
09:44:22 15 had supported Thomas Quiwonkpa, the survivors of which scattered
16 to many different places, were known among themselves or
17 collectively as the National Patriotic Forces and that name was
18 later to become the direct predecessor of the title we know to
19 this day, or we knew in the 1990s, National Patriotic Front of
09:44:49 20 Liberia. It was a direct derivative from this name rather
21 loosely used by Quiwonkpa's people.

22 In the late 1980s there were, very, very broadly speaking,
23 I would say two groups of supporters who might have answered to
24 the description of adherence or supporters of the National
09:45:13 25 Patriotic Forces which were then becoming the National Patriotic
26 Front of Liberia. One was friends and associates and supporters
27 of Thomas Quiwonkpa who had survived the 1985 coup attempt and
28 many of them were staying in different parts of West Africa;
29 Burkina Faso, some of them went to Libya. Some of them were

1 trained military people, people who had been officers under
2 Thomas Quiwonkpa when he was still a general in the Liberian
3 army. That's one component.

4 The second component was people who were opponents,
09:45:52 5 political opponents, of Samuel Doe and I would call these, if I
6 may use the expression, members of the Liberian political class.
7 So mostly more educated people and I would put Mr Taylor in that
8 category, Amos Sawyer whom has been referred to was also in that
9 category, and many others. Most or certainly a large section of
09:46:16 10 the Liberian political class which is a relatively small number
11 of people had felt after the 1985 election and the violence
12 thereafter - felt constrained to leave Liberia and many of those
13 people ended up in the United States and those broadly speaking
14 were the forces.

09:46:33 15 Mr Taylor of course had gone to the United States in 1983
16 and had there been imprisoned at the request of the Liberian
17 government which wanted his extradition to Liberia on charges of
18 embezzlement and he'd actually escaped from prison in the United
19 States in 1985. Therefore having escaped from prison in the
09:46:59 20 United States this is a felony of course in the American law so
21 he couldn't easily go back to America and I think that was one of
22 the reasons why he tended to be in West Africa rather than in the
23 United States.

24 Nevertheless these two groups of people broadly defined,
09:47:15 25 that is to say supporters of Thomas Quiwonkpa, many of them from
26 Nimba County, a few of them professional military people and the
27 other a rather broader group of what I call the political class,
28 many of them in America, they broadly supported this idea of an
29 armed insurgency against Samuel Doe. In the event the attack on

1 24 December was one of actually several attacks then being
2 planned by various movements, not all of them calling themselves
3 the NPFL, and that was the one that actually achieved something
4 in the sense that the attack took place in Nimba County and it
09:47:55 5 led very rapidly to a spreading civil war inside Liberia.

6 Q. A civil war by a number of different and not necessarily
7 connected groups; is that what you're saying?

8 A. No, I'm saying that there were a number of different and
9 not necessarily connected groups who were planning some sort of
09:48:12 10 armed rising in Liberia and the one that, as it were, started it
11 first was this particular group that I've referred to of some 100
12 people, trained military people, who actually attacked on 24
13 December 1989.

14 Q. I don't want to dwell on events in America in the 1980s but
09:48:33 15 it's right, isn't it, that if the United States government had
16 extradited Mr Taylor back to Liberia there can be little doubt
17 other than that he would have been executed by President Doe's
18 forces?

19 A. It's quite likely.

09:48:49 20 Q. That was the state of affairs prevailing in Liberia in the
21 1980s. Now we come to the end of 1989, beginning of 1990,
22 various attacks taking place in Liberia, General Julu sent in
23 again to Nimba County to crush the rebellion. I think you agree
24 with that?

09:49:15 25 A. There were a succession of generals sent by Samuel Doe to
26 try and crush the rebellion of whom General Julu was one.

27 Q. Yes, and he was one with a particularly murderous
28 reputation, particularly bloodthirsty reputation?

29 A. That's correct and the situation was complicated because I

1 said that on 24 December 1989 there was an attack by some 100
2 armed cadres who had received military training and indeed some
3 of them were professional military men.

09:49:52

4 Q. They had actually originally wanted to invade Liberia from
5 Sierra Leone, hadn't they?

6 A. That's correct and there were other groups also who were
7 independent of the NPFL who were also thinking of attacking from
8 Sierra Leone.

09:50:07

9 Q. And approaches were made to President Momoh who had
10 succeeded President Siaka Stevens in Sierra Leone and Momoh is
11 widely believed to have effectively sold out to President Doe -
12 to have said to President Doe of Liberia that he wouldn't [sic]
13 allow incursions into Liberia from his territory if President Doe
14 supported him financially. That's quite a widely held view,

09:50:35

15 isn't it?

16 A. There are good documentary sources, notably the Sierra
17 Leonean Truth and Reconciliation Commission, but also a memoir by
18 a former Sierra Leone cabinet minister called Koroma, Abdul
19 Koroma, that Mr Taylor in company with I think three other people
20 travelling on Burkina Faso - Burkinabe passports visited Sierra
21 Leone to request support from the Sierra Leonean government to
22 attack Liberia. They were detained in Pademba Road prison, or at
23 least Mr Taylor was, I assume the others were as well, for some
24 two weeks and then expelled from Sierra Leone.

09:51:15

25 I believe that this happened - I believe the visit was when
26 President Momoh was temporarily out of the country, I'm not sure
27 of that, he would have been informed of this of course very
28 rapidly. I've heard a rumour that he gave the information to
29 President Doe. I can't confirm that that is correct, but what he

1 certainly did do was after a couple of weeks detention in Pademba
2 Road prison to expel Mr Taylor and his three colleagues from
3 Sierra Leone.

09:51:50 4 Q. Yes, I think Mr Hyman again in the book that I was citing
5 this morning - Mr Hyman describes him as selling his support to
6 President Doe?

7 A. And indeed I heard a similar allegation from French
8 diplomats many years ago and I describe it in another book that I
9 wrote.

09:52:03 10 Q. We then move to the middle - well, we move several months
11 into 1990 at the stage at which the ECOWAS, the Economic Union of
12 West African States, gathers together a military force and sends
13 it into Liberia to support President Doe. You've already told
14 the Court that that was essentially a decision by Nigeria by
09:52:40 15 President Babangida?

16 A. Could I just explain the background to this. We've just
17 heard that there was an attack - in a situation where everybody
18 knew that Liberia was very volatile, that President Doe had
19 little support, there was great deal of incipient violence, that
09:53:02 20 there were even different groups actively preparing an armed
21 rising, there was an attack on 24 December. In the way that
22 counsel for the defendant has described, the President of
23 Liberia, Samuel Doe, sent a series of forces to put down the
24 rising with considerable brutality.

09:53:25 25 As a result of the attack on 24 December which was then
26 claimed by this organisation called the NPFL the insurgents
27 started spreading weapons, notably in Nimba County, to the
28 civilian population. You therefore within a very short space of
29 time, within weeks - when we talk of the NPFL please allow me to

1 be as clear as I can as to what I mean at this stage in the early
2 months of 1990 by the NPFL. What I mean is there was a small
3 number of trained insurgents, trained in Burkina Faso and Libya,
4 some of them former members of the Liberian army and therefore
09:54:07 5 professional army officers who - there was a small corps of such
6 people, most of who became known in NPFL mythology as the Special
7 Forces.

8 Then there were thousands, literally thousands, of armed
9 civilians, some of them very young, who roughly claimed to be
09:54:27 10 allegiants to the NPFL because they were anti the government and
11 they were being given weapons and there was very little control
12 over them.

13 Moreover, in terms of leadership there was no recognised
14 single leader of the NPFL. I remember well Mr Taylor going onto
09:54:45 15 the BBC World Service or the BBC Africa Service radio and
16 speaking, I heard it myself. So we had a name and that was, to
17 be honest, the first time I'd ever heard of Mr Taylor. And I
18 think the same was true even for some Liberians, even though he
19 had been a senior civil servant actually with, I believe, cabinet
09:55:08 20 rank in the military junta of the early 1980s.

21 There were other people within the NPFL who were claiming
22 to be the leaders, there was no acknowledged leader, and during
23 the middle months of 1990 there were clearly disputes between
24 rivals claiming to be leader of the NPFL and many of those rival
09:55:31 25 leaders disappeared, presumably killed at the behest of
26 Charles Taylor in the middle months of 1990. The most important
27 of those people was a man called Jackson F Doe.

28 Q. Dr Ellis, what you've described is essentially a small
29 group of soldiers - small group of people, some of whom were

1 soldiers, in 1990 spreading across Nimba County and the
2 population as a whole taking up arms against the government. Is
3 that a fair summary of what was going on in the middle of 1990; a
4 popular uprising spurred on by this small group and some other
09:56:17 5 groups in other parts of the country?

6 A. That's a fair summary and I would just add that of course
7 once you start - once the civil population started to acquire
8 arms it wasn't just that they were attacking the government but
9 they were attacking any people suspected of being government
09:56:34 10 supporters and these people were identified largely by reference
11 to ethnicity and moreover there was a great deal of settling of
12 personal scores. So people killing each other, killing people
13 who they thought had cheated them of land or family quarrels of
14 that sort. So you had a very an anarchic situation.

09:56:56 15 Q. In fact that anarchic situation prevailed throughout the
16 war at various times and in various places, didn't it?

17 A. I would disagree with that. I would say that there was
18 clearly - it depends what you mean by anarchic situation, but I
19 mean throughout the war there were - none of the military
09:57:18 20 factions that were eventually to emerge during the war had a
21 really efficient bureaucracy or bureaucratic control in the
22 manner of a modern army, a modern professional army, but
23 nevertheless the sort of freelance killings that we saw in 1990,
24 I mean that was rather exceptional and in the years following the
09:57:39 25 patterns changed.

26 Q. Indeed in the middle of 1990 Nigeria sent in its military
27 under the title, some might say fig leaf, of ECOMOG?

28 A. The situation I've described in the early 1990s, it rapidly
29 became clear to the world's media and of course to the

1 governments of West Africa that there was a disastrous situation
2 emerging in Liberia in which the government had lost all
3 legitimacy and a great - and nearly all support. By May or June
4 of 1990 President Doe was in control of little more than the
09:58:20 5 Executive Mansion, his official residence, and a part of the
6 capital city.

7 Then other areas of the country were overrun by groups or
8 just armed civilians claiming some sort of allegiance to the NPFL
9 because it was the anti-government force, thousands of people
09:58:41 10 were being massacred including by the NPFL. I would even say -
11 you referred yesterday to the St Peter's church massacre in July
12 1990. That was a massacre perpetrated by the government's armed
13 forces. But there were similar massacres perpetrated by the
14 NPFL.

09:59:00 15 Moreover a third force emerged known as the Independent
16 National Patriotic Front of Liberia.

17 Q. Samuel Johnson's break-away movement?

18 A. Prince Johnson's break-away movement.

19 Q. Sorry, Prince Johnson.

09:59:12 20 A. Prince Johnson was a professional army officer who had been
21 close to Thomas Quiwonkpa and he'd fled Liberia I believe in
22 1983. He'd been associated with the 1985 coup attempt by Thomas
23 Quiwonkpa. He went into exile in Libya and indeed he became the
24 training officer - as a professional military man he became the
09:59:33 25 training officer for the NPFL military forces. And soon after
26 the rising starting, even as early as about February 1990 he was
27 really leading his own group. And this was important because
28 although they weren't very numerous they were the bulk of the
29 trained fighters.

1 The other NPFL people, although far more numerous, were
2 simply armed civilians whereas Prince Johnson was in command of a
3 trained group and he also - if I may say so, I think of all these
4 forces that I'm referring to, his group which he'd called the
10:00:10 5 Independent National Patriotic Front of Liberia were probably the
6 most disciplined, not least because Prince Johnson himself had
7 had training as a military policeman in the United States and was
8 known for simply shooting anybody he thought was not obeying his
9 orders.

10:00:29 10 Q. Can we go back to ECOMOG, please. ECOMOG is an essentially
11 Nigerian force that went into Liberia uninvited by the Liberian
12 government. Do you agree with that?

13 A. Samuel Doe had called - I couldn't say in exactly what form
14 but he had asked for help from the Nigerian government and the
10:00:55 15 Nigerian government had also - I referred yesterday to say that
16 governments throughout the region - and I know the Nigerian
17 government also because the former American ambassador told me
18 precisely this. The Nigerian government had firmly believed that
19 actually the United States would sooner or later intervene in
10:01:16 20 Liberia and I think even the Nigerian government which supported
21 President Doe really pretty much up to the end and was the only
22 government to support him right up to near the end - the Nigerian
23 government of course had its interests in Liberia but what really
24 made the Nigerian government realise that there would be no
10:01:44 25 American intervention was the fact that on 1 August 1990 Iraq
26 invaded Kuwait and therefore you --

27 Q. Well, you talked about yesterday, I think?

28 A. We didn't mention that yesterday, but that completely
29 changed the strategic situation.

1 Q. Well, the day before?

2 A. I didn't mention it either the day before.

3 Q. We know that the Americans did not in fact intervene in
4 Liberia as many had been expecting them to do, but when ECOMOG
10:02:16 5 came in ECOMOG acted with considerable force and at times very
6 considerable brutality, didn't they?

7 A. When ECOMOG came in president - Mr Taylor, who was becoming
8 acknowledged - especially after the purges that he'd carried out
9 in the middle of the year, becoming acknowledged as the leader of
10:02:40 10 the NPFL, he made it clear that he was going to fight against
11 this intervention force and even as they landed in Monrovia there
12 was some fighting against ECOMOG.

13 There was - the situation was therefore very confused.
14 Prince Johnson, who was the leader of the Independent National
10:03:03 15 Patriotic Front of Liberia, the INPFL, on the contrary he
16 welcomed ECOMOG. So he allowed them to stay in the small area
17 that he controlled which was around the Freeport in Monrovia. So
18 we had a rather confused situation which lasted until something
19 which maybe we'll come on to which is the death of Samuel Doe.

10:03:28 20 Q. Well, we dealt with the death of Samuel Doe I think in
21 brief terms yesterday. That was in - later, in September, I
22 think, of 1990?

23 A. His death was on 9 September 1990.

24 Q. And after that ECOMOG were effectively conducting a civil
10:03:51 25 war with Liberian groups, principally the NPFL?

26 A. The situation that I've described earlier this morning, 10
27 minutes ago, the early months of 1990 Liberia had descended
28 really into some sort of anarchy. There were groups of armed
29 civilians going around the country killing anybody they felt like

1 in the name of the NPFL. There were - under the banner of the
2 NPFL or a break-away group called the INPFL there were relatively
3 more coherent groups, since they were trained, but they were
4 small, they were maybe a few hundreds. There was for example the
10:04:37 5 INPFL and there was one specific unit of the NPFL led by a man
6 called Elmer Johnson who was a former US marine and his unit was
7 regarded as being fairly coherent militarily and in terms of
8 discipline. Then there was the government forces who were
9 adopting a kind of scorched earth policy as they went back to
10:05:00 10 Monrovia and they were massacring people in Monrovia, as we
11 heard.

12 Now there were thousands of people being killed in this
13 period and it was - after about May it was in international media,
14 it was coming on television, reporters were describing it. They
10:05:10 15 were describing it as mayhem. Also because of the theatrical
16 nature of the war with the most terrible atrocities taking place
17 in front of cameras. Young men dressed in women's clothing,
18 people - decapitations, mutilations, which was just - the world's
19 press found it very hard to understand.

10:05:31 20 Now in these circumstances when it became clear that
21 America was not going to intervene then the Nigerian government
22 decided it would organise an intervention force. It of course
23 had its own interests in Liberia, but it took the lead in
24 organising an intervention force.

10:05:50 25 Q. President Babangida of Nigeria had business interests
26 together with President Doe in Liberia prior to these events,
27 didn't he?

28 A. He did. I know some of those business interests, I would
29 be very interested in having further information about the nature

1 of those business interests.

2 Q. And you mentioned yesterday a film that brought some of the
3 atrocities of the Sierra Leone - of the Liberian war to the
4 general public, but there was a particular incident in 1992 in
10:06:26 5 Liberia when ECOMOG forces bombed civilian areas I think on the
6 edges of Monrovia, wasn't there. It was part of what was known
7 as Operation Octopus?

8 A. Sorry, just to set the record straight yesterday the film I
9 referred to was a different film called "Cry Freetown" which
10:06:51 10 was a film made by a Sierra Leonean film maker called Sorious
11 Samura concerning the attack on Freetown in January 1999. So
12 that's a quite separate matter from what I'm referring to now.

13 Q. I wasn't suggesting it was the same. I was saying that
14 that brought world attention to Sierra Leone. World attention
10:07:07 15 was also brought to Liberia when the ECOMOG forces using
16 aircraft, cluster bombs and napalm killed - estimates vary, but
17 killed up to 6,000 or more civilians on the outskirts of Monrovia
18 in the course of something known as Operation Octopus. That is
19 right, isn't it, Dr Ellis?

10:07:34 20 A. Operation Octopus was launched by Charles Taylor's forces
21 against ECOMOG and ECOMOG replied using all the means at its
22 disposal in the way that you've described although I think the
23 estimate of 6,000 dead is rather high, but there were certainly a
24 great number of deaths. And I myself met people and interviewed
10:07:53 25 people who described having been bombed by Nigerian jets at that
26 time. I met them somewhat later in 1994. However, I think
27 you're skipping over some intervening years which rather makes
28 the story rather more difficult to follow.

29 Q. I'm trying not to cover every week of every month of every

1 year. I'm trying to focus on what one might call signature
2 features of the various armed parties and the conflict in Liberia
3 at the moment and then we'll move on to Sierra Leone in due
4 course?

10:08:31 5 A. Might I be permitted to summarise it in my own words, sir?

6 Q. Of course.

7 A. I've described the situation in 1990. I've described there
8 as being up to August 1990 essentially three parties. Namely,
9 Samuel Doe who by this time occupied little more than the

10:08:51 10 Executive Mansion and had zero international legitimacy, Prince
11 Johnson, no relative - sorry, Prince Johnson who was leading the
12 Independent National Patriotic Front - sorry, Prince Johnson who
13 was leading the INPFL, the Independent National Patriotic Front
14 of Liberia, and who had control of a small area and then there

10:09:24 15 was this disparate group of armed civilians mostly who claimed to
16 be acting on behalf of the NPFL and by August of 1990 they had
17 control of very large parts of Liberia. And within the NPFL
18 there were one or two trained elements including the forces led
19 by Elmer Johnson who was no relative of Prince Johnson and

10:09:51 20 Charles Taylor had succeeded in eliminating physically some of
21 his leading rivals to be considered the leader of the NPFL and
22 the key person was a man called Jackson Doe who was no relative
23 of Samuel Doe and he was a key person because he was the former
24 leader of a political party, he was considered to be the real

10:10:15 25 winner of the elections of 1985 which had been rigged, he came
26 himself from Nimba County and therefore had a lot of support
27 among many NPFL core members and I think there's little doubt
28 that if America had been able to impose a political settlement in
29 1990 Jackson F Doe would have been their candidate for president

1 of Liberia to replace Samuel Doe who was not his relative.

2 Q. Without wanting to prolong this, if America had condemned
3 the elections of 1985 then there is little doubt that Jackson Doe
4 would have been installed as a legitimately elected president of
10:10:57 5 Liberia?

6 A. There's little doubt in 1985 that if the elections had gone
7 their proper course Jackson F Doe would have been the
8 democratically elected president of Liberia in 1985. In 1990
9 Jackson F Doe was still alive and he passed into NPFL territory
10:11:13 10 and I've received several accounts, including some very detailed
11 ones from close associates of Charles Taylor, that he was
12 murdered on Mr Taylor's orders.

13 Q. I'm going to move on please to events in the early 1990s.
14 We've touched on Operation Octopus, in late 1992 I think that
10:11:35 15 was?

16 A. I mentioned that there was then after the Nigerian led
17 ECOMOG force - well, the technical leader was a Ghanaian general
18 but it was really a Nigerian dominated ECOMOG force, after it
19 landed in Monrovia in August 1990 ECOMOG tried to secure control
10:11:53 20 of Monrovia by military means and this it did quite effectively
21 by about November or December of 1990. And at that point from --

22 Q. How did it do it, when you say quite effectively?

23 A. It did it - it was an ally of the INPFL of Prince Johnson
24 so they had no opposition from Prince Johnson, but essentially by
10:12:16 25 military means, by fighting, they expelled NPFL fighters from the
26 outskirts of Monrovia or from the areas of Monrovia where they
27 were. So from the end of 1990 there was in fact a de facto
28 ceasefire and I've seen photographs from that period - I have in
29 my possession photographs from the period of early 1991 when

1 ECOMOG soldiers, Nigerian soldiers, and NPFL fighters are
2 fraternising, giving each other cigarettes, selling things to
3 each other and indeed there was quite a lot of trade going on
4 between the NPFL held areas and the Nigerian controlled areas of
10:12:55 5 Monrovia.

6 So there was a kind of de facto ceasefire, there were
7 official peace negotiations taking place in a variety of
8 locations in 1991 and 1992 and then in October 1992 the NPFL
9 launched a surprise attack on the ECOMOG forces in Monrovia known
10:13:12 10 as Operation Octopus and the Nigerian and other ECOMOG forces and
11 various allies who they managed to mobilise for the purpose
12 replied in the way that you have suggested.

13 Q. You have made reference in both your evidence and in your
14 report to Mr Taylor and the NPFL setting up effectively a
10:13:36 15 government in all of that part of Liberia apart from Monrovia.
16 It was called the National Patriotic Reconstruction Assembly
17 government, a bit of a mouthful known as NPRAG for short. Now
18 when do you say that institution was set up in covering really
19 all of the territory of the country apart from the capital?

10:14:04 20 A. In the period that I've described in mid- 1990, so I'm
21 talking about June, July, August, September 1990 there was the
22 chaotic situation I've described. ECOMOG arrived. We've said
23 that Samuel Doe was killed on 9 September 1990. ECOMOG imposed
24 its own authority on Monrovia. There was thereafter somewhat of
10:14:36 25 - sort of a phoney war. There was an effective ceasefire, there
26 was some fraternisation. Moreover Mr Taylor by that stage had
27 succeeded in eliminating his chief rivals to claim to be the
28 leader of the NPFL.

29 Q. Yes, I'm asking you about the NPRAG?

1 A. Yes and I'm saying that at that stage because he was then
2 pretty much the acknowledged leader of the NPFL he established a
3 quasi-government which is the one you've described called the
4 NPRAG.

10:15:14 5 Q. So when do you say that effectively took control?

6 A. I can't say when the NPRAG was officially proclaimed, but I
7 would say it was in existence from the end of 1990, early 1991
8 onwards. And it was often known as Greater Liberia because in
9 effect it controlled most of the country except for Monrovia and
10 a few other key points.

11 Q. And that's what Greater Liberia means when we talk - when
12 we use that term, isn't it?

13 A. It was widely used at that time from early 1991 onwards to
14 refer to the great majority of Liberian territory, let's say 90
15 per cent of the territory, which was under the increasingly
16 effective control of the NPRAG and its acknowledged leader
17 Mr Taylor who started calling himself president.

18 Q. Once that government in effect had been set up and was
19 operating there was opposition not just from ECOMOG but there
20 were other opposition armed forces, were there not, in Liberia?

21 A. Well, what happened is that in the chaos that I've just
22 described during 1990 of course a large number of Liberians fled
23 abroad and most of them tended to flee to Sierra Leone or to
24 Guinea which are the two neighbouring countries. From an early
25 point, from as early as the middle of 1990 or even - yeah, May
26 1990, June 1990, some of these people fleeing abroad were
27 starting to organise themselves.

28 So by early 1991 we had - there were more or less clear or
29 coherent organisations being formed among Liberian refugees in

1 Sierra Leone and Guinea and most of those refugees were of
2 specific ethnic groups and the reason for that was because the
3 NPFL, which as I've said was not really a coherent movement at
4 that stage, were attacking people by reference to their
10:17:17 5 ethnicity.

6 So these refugees were overwhelmingly Khran, which is the
7 same ethnic group as Samuel Doe, and the Khran, their territory
8 is the south of the country, the south-east and Grand Gedeh
9 County, and Mandingo which is another group of population who had
10:17:40 10 been singled out for persecution in 1990 because they were
11 regarded as supporters of Samuel Doe.

12 Q. And Mandingo are found on both sides of what I'll call the
13 artificial border set up in the 19th century between Sierra Leone
14 and Liberia. That's correct, isn't it?

10:17:58 15 A. Well, yes, but I think it's a little bit misleading to
16 think of Mandingo as being an ethnic group like other ethnic
17 groups in Liberia in the sense that it's - how to describe it.
18 Mandingo is a part of a larger identity which is spread through
19 many parts of West Africa and to be a Mandingo is essentially to
10:18:22 20 be a trader. So they're a rather mobile group of people and
21 you'd find - typically before the war you'd find the only place
22 where there were communities of Mandingo who were established for
23 many decades or even centuries tended to be in Lofa County. And
24 in other parts of Liberia, notably in Nimba, they tended to be
10:18:46 25 just shopkeepers or traders, just, you know, with one or two
26 families in each village.

27 Q. An organisation soon became set up called LUDF?

28 A. That is the --

29 Q. Liberians United for --

1 A. The Liberian United Democratic Front, I think. This was an
2 organisation set up by General Albert Karpheh who was a Khran, a
3 close ally of Samuel Doe, and he had been, I believe he was a
4 former minister of defence and he had been Samuel Doe's
10:19:20 5 ambassador in Freetown and from an early stage he started
6 organising the refugees who were fleeing from Liberia, especially
7 the Khran people who were his own people and Samuel Doe's people,
8 and turning them into a militarised force called the LUDF.

9 Q. The LUDF came in particularly from Sierra Leone but also
10:19:55 10 from Guinea. Is that right?

11 A. Well, if you'll excuse me I think there's another stage we
12 have to describe, which is that there were other organisations
13 being set up --

14 Q. I'm coming on to the other organisations, Dr Ellis. I'm
10:20:13 15 just concentrating on this one for the moment?

16 A. Well, I don't believe the LUDF ever attacked Liberia
17 because I think it was dissolved before we got that far.

18 Q. It merged into ULIMO, did it not?

19 A. It merged into ULIMO but that's a later stage because it
10:20:31 20 merged with some of the other organisations that I was alluding
21 to and Albert Karpheh was murdered at that stage.

22 Q. Who was financing the LUDF?

23 A. The LUDF, I don't know, but I would assume it was receiving
24 some finance from the Sierra Leonean government.

10:20:44 25 PRESIDING JUDGE: We must avoid speculation of this kind.

26 MR MUNYARD: I'm not asking Dr Ellis to speculate.

27 Q. I'm going to put to you as a fact, not a speculation, that
28 the LUDF was receiving financial support from the Sierra Leonean
29 government. Are you aware of that?

1 A. I was not aware of that but it doesn't surprise me.

2 Q. And they essentially merged into ULIMO after about six
3 months?

10:21:14

4 A. That's correct. They merged with some other exiled groups
5 into a group called ULIMO which certainly did receive money from
6 the Sierra Leonean government and also received other help from
7 the Ghanaian government.

10:21:33

8 Q. Indeed, and they invaded - ULIMO certainly invaded and
9 fought the NPFL and its institutions of government, the NPRAG, in
10 Greater Liberia over a prolonged period?

10:21:59

11 A. It did, but before it did that it fought against the RUF in
12 Sierra Leone, because let us recall that a war began in Sierra
13 Leone on 23 March 1991 and that was the war said to be of the
14 RUF, but we said yesterday that according to the Truth and
15 Reconciliation Commission of Sierra Leone in fact the war was
16 largely started by NPFL fighters from Liberia by this stage under
17 the control of Mr Taylor. And as I wrote in my report which has
18 been submitted as a document to this Court there is clear
19 evidence that that war was being prepared from November onwards
20 when Mr Taylor had threatened that Sierra Leone would taste the
21 bitterness of war.

10:22:18

22 Q. Well, let's just deal briefly with what happened in Sierra
23 Leone in 1991. The first step in that war was a broadcast by
24 Foday Sankoh of the RUF, a radio broadcast threatening to attack
25 unless President Momoh quit office and established a more
26 democratic government. That was a broadcast I think in March of
27 1991?

10:22:43

28 A. The first attack is always described as 23 March 1991. I
29 didn't hear that broadcast myself but I remember reading reports

1 of it and that was the first time that I personally had ever
2 heard of Foday Sankoh.

3 Q. Foday Sankoh had of course previously been jailed in Sierra
4 Leone for supporting an uprising against President Siaka Stevens,
10:23:21 5 hadn't he?

6 A. Foday Sankoh was an army corporal who was a rather distant
7 relative of a senior army officer who was jailed for a coup
8 attempt in the 1970s. I'm struggling to remember exactly which
9 year it was. I think 1973.

10:23:39 10 Q. 1971?

11 A. 71, sorry. Thank you. And he was jailed for that
12 strangely enough of 23 March 1971. And he served some time in
13 prison and then got out of prison and according for example to
14 Lansana Gberie, whose book you've already cited, I'm a personal
10:23:58 15 friend of Lansana Gberie's and I've often discussed this with
16 him, he knew Foday Sankoh, he met him at that stage when he got
17 out of prison and before the war and he was a rather embittered
18 man and struggled to make a living as a professional photographer
19 because of course he'd been cashiered from the army.

10:24:19 20 Q. Because of his seven year prison sentence?

21 A. He was embittered by his prison sentence. I forgot how
22 long he served in prison.

23 Q. Seven years I believe, going on Mr Gberie's book.

24 A. Yes, okay, I accept that.

10:24:34 25 Q. And Momoh had taken over from Siaka Stevens and was running
26 a one party state in Sierra Leone at that stage, wasn't he.
27 There was a great deal of public dissent against President Momoh
28 and the one party state by 1990, 1991?

29 A. Sierra Leone was ruled by a party known as the All People's

1 Congress, the APC, which was established by Siaka Stevens who was
2 the president and when Stevens was getting old he arranged the
3 succession and he engineered the transfer of power still within
4 the same party, the APC, to actually the army chief who was
10:25:12 5 General Momoh who you referred to and indeed the APC government
6 was unpopular and General Momoh was generally seen as a weak
7 president.

8 Q. And there were several attempts led in particular by the
9 Sierra Leonean bar association to bring about an end of the one
10:25:32 10 party state rule, weren't there, in 1990 and 1991?

11 A. That's correct. Sierra Leone had been a multiparty state
12 shortly after independence. There were therefore quite well
13 established political party traditions including notably the
14 Sierra Leone People's Party, the SLPP, and especially in view of
10:26:00 15 international events at the time, because we're talking about the
16 late 1980s and early 1990s, the end of the Cold War, the
17 liberation of Nelson Mandela in South Africa and so on, there
18 were, as you say, domestic lobbies calling for the restoration of
19 multiparty democracy in Sierra Leone.

10:26:19 20 Q. Yes, that didn't happen and then the RUF invasion occurred
21 in March of 1991?

22 A. That's correct.

23 Q. And I accept that the RUF and the NPFL had associations in
24 the first year or so of the war in Sierra Leone?

10:26:42 25 A. Well - sorry --

26 Q. But by the end of 1992 there had been a significant falling
27 out between the RUF and the NPFL, hadn't there?

28 A. Well, the TRC describes the period 1991 to 1994 as the
29 first phase of the war in Sierra Leone and it really describes

1 that phase as being dominated by the NPFL.

2 Q. Well, in fact the Truth and Reconciliation Commission of
3 Sierra Leone I accept divides the war in Sierra Leone up into
4 three periods, the first of which is 91 to 94, but they
10:27:21 5 acknowledge, do they not, that there was a serious breach between
6 the RUF and the NPFL by the end of 1992, a bitter dispute between
7 the two groups?

8 A. They do indeed. The TRC did in its report, and it's the
9 part of the TRC report which personally interested me the most
10:27:42 10 and which I found the most illuminating. It describes the
11 beginning of the war as you've suggested, it describes increasing
12 tensions by the RUF cadres and the NPFL who in fact were more
13 numerous and it describes the first leaders of the RUF, including
14 notably Rashid Mansaray, as being disillusioned by the brutality
10:28:11 15 of the Liberian fighters and therefore being increasingly
16 uncomfortable with the association.

17 Q. And the association was effectively terminated, wasn't it,
18 by the end of 1992?

19 A. That's not what the Truth and Reconciliation Commission
10:28:26 20 says.

21 Q. What do you say that the Truth and Reconciliation
22 Commission says about the breach between the two organisations at
23 the end of 1992, Dr Ellis?

24 A. That the relations between the RUF and the NPFL became
10:28:41 25 increasingly difficult and some units of the RUF actually became
26 more or less isolated from outside contact.

27 Q. In the meantime in Liberia you have Charles Taylor's
28 effective government in Greater Liberia, you have groups fighting
29 against him, by this time, by 1992 onwards it's ULIMO, isn't it?

1 A. The significance - you referred earlier to Operation
2 Octopus and I agree with you that this is a milestone because
3 I've said already that the ECOMOG, the international intervention
4 force, arrived in Liberia in August 1990, by the end of 1990 had
10:29:29 5 acquired control of Monrovia and a number of other key points and
6 that at the same time Mr Taylor had established his personal
7 control of the NPFL and had institutionalised it as a
8 quasi-government, an alternative government, known as the NPRAG
9 colloquially known as Greater Liberia.

10:29:52 10 So throughout 1991 and the first part of 1992 the situation
11 in Liberia itself was relatively stable and the scene of fighting
12 had passed to Sierra Leone and that's one of the ways in which
13 these two wars have been linked by an umbilical cord since the
14 start of the 1990s.

10:30:14 15 Operation Octopus was an assault by Mr Taylor's forces, his
16 NPFL forces, in an attempt to take Monrovia. It was an attack on
17 Monrovia which ECOMOG was not prepared for, which it had not
18 anticipated and it replied with all the means at its disposal
19 which we've already discussed, including artillery and aircraft,
10:30:39 20 and it included arming and supporting other elements of the
21 Liberian population which it thought would be anti-NPFL.

22 Q. In the meantime in Monrovia we have an organisation, the
23 head of which was Amos Sawyer, which was a transitional
24 government?

10:31:05 25 A. ECOMOG established its effective control of Monrovia,
26 backed of course by the Nigerian government, in the last quarter
27 of 1990 and it gave its support - Nigeria gave its diplomatic
28 support, and other countries also, to the creation of an interim
29 government led, as you suggest, by Professor Amos Sawyer. That

1 government acquired support of a significant number of what I've
2 already referred to as the Liberian political class, those
3 Liberian exiles who had left Liberia because they were - they
4 didn't agree with the government of Samuel Doe in the 1980s and
10:31:49 5 who now saw a way of coming back to Monrovia under the protection
6 and aegis, if I could put it that way, of ECOMOG.

7 Q. The NPRAG also had support from ECOWAS, didn't it?

8 A. The original ECOMOG intervention in Liberia which was in
9 August 1990 was extremely controversial because it was very much
10:32:22 10 organised by Nigeria in its own interest and there were other
11 countries that were members of ECOWAS which were against the
12 intervention and these were notably Cote d'Ivoire and Burkina
13 Faso and they were against the intervention for the obvious
14 reason that they were leading supporters of the NPFL.

10:32:42 15 So the split inside Liberia between the capital city
16 controlled by a Nigerian dominated intervention force with some
17 international support, and the Greater Liberia led after late
18 1990 by Charles Taylor and with some, but less, international
19 support. It also reflected an Anglophone/Francophone split
10:33:17 20 within West Africa which reverberates historically, particularly
21 for pan-Africanists because of course it conforms to a colonial
22 split between Francophone and Anglophone countries based on
23 colonial divisions.

24 Q. Except that here you're talking about two Francophone
10:33:40 25 countries supporting what was essentially an Anglophone
26 organisation, the NPFL and - or the NPRAG government?

27 A. That's right.

28 Q. So that doesn't quite fit, does it, with your concept of an
29 Anglophone/Francophone split?

1 A. There was an Anglophone/Francophone split within ECOWAS
2 and, as you suggest, these two Francophone countries, members of
3 ECOWAS, were supporting the NPFL and gave personal support to
4 Charles Taylor, although his movement was an English speaking one
10:34:10 5 of course in Liberia. But I'm just making the point that that
6 split within the member states of ECOWAS between a number of
7 states led by Nigeria, not all of them English speaking because
8 Guinea also gave important support, and the most important of the
9 Francophone states which was Cote d'Ivoire and Burkina Faso which
10:34:30 10 is important for other reasons, that did represent a wider
11 historical and diplomatic split.

12 Q. And efforts were being made by various states to try to
13 bring about a compromise but Nigeria blocked any realistic
14 efforts at a compromise that might lead to a situation where
10:34:52 15 Charles Taylor became president of Liberia. That's correct,
16 isn't it?

17 A. I think that it's true to say that the - particularly the
18 General Babangida who was the military ruler of Nigeria until
19 1993 appears to have been personally extremely opposed to
10:35:13 20 Charles Taylor and would not have easily lent his support to any
21 peace accord which resulted in Charles Taylor becoming president
22 of Liberia and that was also because Nigerian public opinion was
23 very opposed to Charles Taylor because of the number of Nigerians
24 who had been held hostage and even murdered in 1990 and some of
10:35:39 25 the propaganda directed against Nigeria by Mr Taylor. And also
26 of course the fact that, as in all wars, the more casualties
27 there, in this case of Nigerian soldiers, the more ill feeling
28 there is that develops among the public.

29 I would also add that Mr Taylor made it pretty clear that

1 he was uninterested in giving his support to any Peace Accord
2 which did not result in him becoming president of Liberia.

3 Q. He was in effect president of the whole country apart from
4 Monrovia though, wasn't he, for some years?

10:36:15 5 A. That's correct except there were a few other enclaves and
6 increasingly with ECOMOG support other groups managed to get
7 control of other enclaves, particularly the ports like Buchanan.

8 Q. Sorry, when you say other groups are you talking
9 principally about ULIMO or are you talking about others too?

10:36:31 10 A. We've described the formation of ULIMO during 1991 and this
11 became originally based in Sierra Leone and fighting the RUF in
12 Sierra Leone as a surrogate of the Sierra Leonean government and
13 then later on moving into Liberia and fighting Charles Taylor for
14 its own reasons but also as a surrogate of Nigerian interests.

10:36:51 15 That's the principal one. ULIMO in fact split into two wings
16 known as ULIMO-K and ULIMO-J after the names of their respective
17 leaders and we had other groups emerging including one which I
18 saw at first-hand with the unlikely name of the Liberia Peace
19 Council.

10:37:09 20 And so we had a situation which I already alluded to
21 yesterday where you had a multiplicity of armed groups inside
22 Liberia, some of them also having connections with neighbouring
23 countries and some of them actually getting unofficial but
24 nevertheless very real support from the same countries which were
10:37:28 25 officially championing and contributing troops to the
26 peacekeeping movement ECOMOG. It was an utterly contradictory
27 situation.

28 Q. And eventually within Liberia, and I'm still concentrating
29 on Liberia at the moment - eventually within Liberia the parties

1 were able to reach a peace agreement once the dictator of
2 Nigeria, General Babangida, was replaced by another military
3 leader in another coup. That's right, isn't it?

10:38:08 4 A. I don't really know what you're referring to, with respect,
5 because as it were the people of Liberia didn't really have much
6 chance to express their opinions throughout - well, until 1997 in
7 fact.

8 Q. Well, that's what I'm coming to?

10:38:26 9 A. Yes, but I'm not quite sure what you're alluding to because
10 General Babangida left power in 1993 which is four years before
11 the elections in Liberia and the position of the Nigerian
12 government did change somewhat and that did have an effect on the
13 position of the parties in Liberia, but I'm not clear what you're
14 alluding to when you say that the Liberians reached agreement.

10:38:48 15 Q. Eventually hostilities - for the most part hostilities
16 ceased and they were able to organise elections. ULIMO I think
17 began to cease its hostilities against the NPFL and accept that
18 there was a need for a broad brokered peace agreement and
19 elections?

10:39:13 20 A. We're talking about a long period from - we've started off
21 with, we said that the war effectively started in 1989 with an
22 invasion or an attack or I forgot get the word used, an incursion
23 I think you said, by the NPFL in Liberia. That we went through a
24 period of anarchy which resulted in a great deal of bloodshed.

10:39:34 25 In my estimate, or the estimates that I've garnered, in the year
26 of 1990 there were probably about 18,000 people killed in
27 Liberia. We then had a period of relative calm in Liberia in
28 1991 and 1992 until the attack by Mr Taylor and his NPFL known as
29 Operation Octopus. This then resulted in a period of renewed

1 armed conflict inside Liberia itself in which ECOMOG started
2 increasingly arming and supporting, not officially but in fact,
3 various Liberian groups and I saw that with my own eyes and I
4 discussed it with various Liberian officials who - well, I won't
10:40:16 5 burden you with the details.

6 But meantime diplomatically things were changing because
7 first of all the president of Nigeria who was after all not an
8 elected president but a military man who'd arrived in power
9 himself by a coup, General Babangida, he left in 1993 and he was
10:40:39 10 eventually replaced by another military man, General Abacha, who
11 really came to power also by military means, through a coup, but
12 General Abacha was less opposed to Charles Taylor.

13 So what was happening was that the Nigerian government, but
14 also other West African governments, including importantly the
10:41:00 15 Ivorian government which had supported the NPFL from the
16 beginning, there was a collective realisation that the war going
17 on in Liberia was ruinous to the country, ruinous in many
18 respects to the region, although we shouldn't forget that there
19 were also people making money out of the Liberian war including
10:41:21 20 in those governments that were formally supporting peacekeeping
21 in the country, but nevertheless there was a collective agreement
22 that Charles Taylor in particular, but also some of the other
23 political/military leaders, had to be brought into some sort of
24 political settlement and the key breakthrough was - there were
10:41:47 25 something like 13 or 14 peace accords signed during these years,
26 but the key one was at Abuja, the capital of Nigeria, in 1995 and
27 that was key because Charles Taylor attended. Until then he'd
28 been afraid to go to Abuja because he was afraid he would be
29 arrested or even murdered and he agreed to go to Abuja, he

1 attended and therefore an agreement was able to take place which
2 resulted in Mr Taylor personally being able to go to Monrovia and
3 various other political/military leaders who'd been outside the
4 capital being able to come into Monrovia.

10:42:26 5 So we then had a very strange situation from 1995 really up
6 until 1997 whereby you had armed groups known as armed factions
7 sometimes fighting each other in the countryside while the
8 leaders of those very same factions, often known in Liberia as
9 warlords, were sat together in committees and various other
10:42:51 10 places in Monrovia and it was possible on a Saturday night to see
11 them frequenting the same bars together.

12 Q. And that led to elections that were held in 1997 that were
13 accepted by international monitors as free and fair elections
14 which resulted in a landslide victory for Mr Taylor?

10:43:17 15 A. We're missing out one very important event which is the
16 events of April 1996. The situation was as I've roughly
17 described, that is to say there was by this time a government
18 known as the Liberian National Transitional government which was
19 essentially a collective presidency in which some of the key
10:43:36 20 warlords were sitting including Mr Taylor. While they each had
21 their respective armed factions disposed in various parts of the
22 countryside and the members of this collective presidency known
23 as the Liberian National Transitional government effectively
24 carved up the offices of state between themselves, the Central
10:43:59 25 Bank, the Ministry of Finance and so on and so forth.

26 There was - by I would describe frankly as a manipulation
27 by Mr Taylor there was an outbreak of very severe fighting in
28 Monrovia on 6 April 1996 and I would describe this as the single
29 most bloody incident of fighting of the entire Liberian war, 6

1 April 1996, and in fact, looking back, I would describe it as the
2 biggest single battle in West Africa for at least - I don't know,
3 at least I suppose since the Biafran war.

4 Q. And what was the result of that battle?

10:44:46 5 A. The battle in Monrovia on 6 April 1996 was essentially an
6 attempt by Mr Taylor to take control of Monrovia by military
7 means. So it was the third in a long succession, by which I am
8 referring to the original NPFL attack on Monrovia in the middle
9 of 1990, Operation Octopus in October 1992 and then the 6 April
10:45:13 10 attack in 1996 in which Mr Taylor and an ally, Alhaji Koroma,
11 tried to take power by force and this drove the smaller factions
12 into banding together in self-defence and it led to a chaotic,
13 bloody battle in Monrovia. And since at that stage we had the
14 ECOMOG force there, ECOMOG didn't really know what to do. At one
10:45:41 15 stage it was arming both sides, at least unofficially, and we had
16 an appalling situation which ended with a restoration of calm,
17 further meetings in Abuja and another round of - it wasn't a
18 peace accord, I don't think, but another agreement reached in
19 Abuja that said, okay, we're going to send in a reinforced ECOMOG
10:46:07 20 contingent which by this stage had more substantial American
21 support and it was clear that this was going - that this
22 potentially could lead to an NPFL victory, because what it
23 signified was the Nigerian government now accepted that it did
24 not want to put any insurmountable obstacles in the way of
10:46:34 25 eventually Mr Taylor becoming president of Liberia.

26 Q. Putting it very shortly, summarising the whole of the
27 Liberian civil war up to that date, April of 1996, Mr Taylor and
28 his NPFL forces were engaged in a series of armed conflicts with
29 various groups, some of which were funded by - well, in the case

1 of ECOMOG at times was actually supplying more than one opposing
2 party?

3 A. That is correct. The factions essentially funded
4 themselves through military activity, through looting, in other
10:47:18 5 words, and through what they looted, this was able to help them
6 buy guns and ammunition including from ECOMOG.

7 Q. Mr Taylor became president in 1997 and shortly after that
8 other military groups began to attack Liberia which became known
9 in particular as LURD although that's not the name that it
10:47:46 10 originally started with and MODEL, two military organisations
11 which started to attack Liberia not very long after he became
12 president?

13 A. I must apologise to the Court by saying I'm sorry, I think
14 we're skipping over too much and I realise that we're not here to
10:48:10 15 discuss Liberian history, but I honestly feel that it's not
16 possible to get a clear understanding of events without looking
17 at some things that we're in danger of skipping over.

18 Q. Dr Ellis, my fear was that we were in danger of going into
19 far too much detail about events in Liberia. I was trying to
10:48:30 20 bring together in compendious form a picture of what was
21 occupying Mr Taylor and his forces in Liberia over the period
22 from December 1989 to the late 1990s. If you feel that we have
23 to go into yet more detail then it's a matter for you, but I was
24 trying to bring that to a relatively short close?

10:48:55 25 A. Well, sir, I mean I don't know what to say because I feel
26 we've been discussing in some detail the Liberian situation and
27 think it's been quite a fruitful discussion. I think if we're
28 going to see how Mr Taylor became president, why and how he was
29 attacked by various other groups including the two that you've

1 mentioned then I do think we're not quite there yet, but I can
2 summarise if the Court requires that.

3 Q. Do you accept that not very long after he became elected
4 president his government and his armed forces were then subjected
10:49:34 5 to yet more military attacks by armed groups coming in from
6 outside the country?

7 A. After the attack - we've already said that after the events
8 of 6 April 1996 I think was a general acceptance throughout West
9 Africa and also crucially from the United States that if - it
10:49:57 10 would be possible to - to design and impose a process which would
11 lead to elections and it was very likely that Mr Taylor would win
12 those elections because he had support in some parts of the
13 country, but above all he was the head of the biggest and most
14 powerful existing organisation, namely the NPFL, and that's
10:50:21 15 precisely what happened, because in July 1997, with lukewarm but
16 nevertheless support, but nevertheless acquiescence from the
17 government of Nigeria, and I suppose with a rather resigned
18 support from the United States, he became president of Liberia.

19 The hope of many people internationally, and I'm sure of
10:50:40 20 very many Liberians, if not the great majority of Liberians, was
21 that this would be an end to the war and that Mr Taylor would use
22 his democratically legitimised election victory of July 1997 to
23 create peace among Liberians and then to begin the process of
24 rebuilding and the country and unfortunately that's not what
10:51:03 25 happened.

26 So we had various incidents in the country. I remember
27 very well because I was in Liberia at the time, in 1997, the
28 disappearance and murder of Sam Dokie and his family. Sam Dokie
29 was a very close associate of Mr Taylor, he'd been his minister

1 of internal affairs, he was from Nimba County, he was murdered in
2 1997. I was with Liberians at the time and I saw there was an
3 almost palpable fear that went through Monrovia because people
4 thought if he's killing his own friends what's he going to do to
10:51:40 5 everybody else. So there was no real atmosphere of
6 reconciliation in Monrovia.

7 Moreover, ECOMOG forces, according to the agreement that
8 had been reached in Abuja in 1996, that is the second of these
9 agreements reached in Abuja that I've referred to - ECOMOG forces
10:52:02 10 were supposed to retrain the military and the police and this is
11 not what happened. Mr Taylor made it clear that as the elected
12 leader of the sovereign state he did not wish to have these
13 forces performing that function. So that signals that were going
14 out were not very encouraging as regards peace.

10:52:20 15 In September 1998 there was heavy fighting in Monrovia
16 along Camp Johnson Road and even at the US embassy when opponents
17 of Mr Taylor whom he accused, I think probably rightly, of
18 planning a coup were shot and this also soured the atmosphere.
19 So indeed by 1999 we started hearing again of externally based
10:52:44 20 forces of Liberians in exile with a degree of external support
21 planning and actually implementing attacks on the country.

22 Q. In fact they started in 1998 from Guinea, did they not?

23 A. I don't recall attacks in 1998, but it's possible. My
24 recollection is 1999 and the first time I ever heard of LURD was
10:53:06 25 in February 2000 when I was in Conakry and I met a number of
26 people who informed me of the existence of LURD and indeed I met
27 some of the LURD fighters.

28 Q. What about MODEL?

29 A. MODEL was the Movement for Democracy in Liberia. This was

1 a movement which appears to have been created in Cote d'Ivoire at
2 a slightly later stage and was essentially a derivative from
3 LURD. It was a split from LURD.

4 And as in the earlier rounds of fighting in Liberia in the
10:53:37 5 1990s we had the same phenomenon yet again which is Liberian
6 exiles representing largely ethnic constituencies being supported
7 by neighbouring countries in their own interests.

8 Q. Now I want to move then please to aspects of your report.
9 Madam President, I think this is MFI-1.

10:54:08 10 PRESIDING JUDGE: I think that is correct.

11 MR MUNYARD:

12 Q. Can you have a look, please, at page 4 of the report. It's
13 your section 4. I'm just going to start with section 4, but I'm
14 simply giving everybody the reference for the beginning of that
10:55:16 15 section. I want to ask you in particular about what you've
16 written on page 5 within the body of section 4. You make a
17 number of points about the way in which you say Mr Taylor
18 organised his government?

19 A. Correct.

10:55:47 20 Q. And in particular you're dealing with both the period of
21 time when he was running the National Patriotic Reconstruction
22 Assembly government and also after he'd been elected in free and
23 fair elections as president of the country. You're dealing with
24 both of those, aren't you?

10:56:09 25 A. That's right. I'm trying to look of the similarities in
26 his method of government over an extended period in these two
27 rather different circumstances, but I do detect similarities.

28 Q. Now the first point that you make in those bullet points on
29 page 5 is that his security apparatus in particular was

1 associated with foreigners?

2 A. Correct.

3 Q. And it's also right, isn't it, that it's not an unusual
4 feature of a number of countries in West Africa to have

10:56:41 5 foreigners playing significant parts in aspects of government and
6 running the country?

7 A. In varying degrees, yes.

8 Q. You gave one example of General Khobe who was a Nigerian
9 military commander who became head of the Sierra Leonean armed
10 forces?

10:56:59

11 A. That's correct.

12 Q. In the list that you've given there you've set out a number
13 of people who you say were part of his security apparatus?

14 A. Yes.

10:57:13

15 Q. Kukoi Samba Sanyang, spelt K-U-K-O-I S-A-M-B-A

16 S-A-N-Y-A-N-G, the vice-president in NPFL in 1990 was Gambian?

17 A. Yes.

18 Q. The vice-president isn't necessarily part of the security
19 apparatus, is he?

10:57:35

20 A. No, but I believe he was one of the leaders of some of the
21 military activity by the NPFL in Buchanan in 1990.

22 Q. And Yanks Smart, the Liberian ambassador in Libya, Yank as
23 in Y-A-N-K-S, Smart S-M-A-R-T, he was a Gambian. Again he's not
24 part of the security apparatus, is he?

10:57:58

25 A. But given the role of Libya in security relationships and
26 in the supply of weapons then - and finance for the NPFL, then I
27 would regard that as a very important post from a security point
28 of view.

29 PRESIDING JUDGE: Mr Munyard, I note that it's 11 o'clock

1 when we normally break. Is this a convenient time?

2 MR MUNYARD: Madam President, it is.

3 PRESIDING JUDGE: In that case we will take the usual
4 mid-morning break until 11.30.

10:58:34 5 [Break taken at 11.00 a.m.]

6 [Upon resuming at 11.30 a.m.]

7 PRESIDING JUDGE: Mr Munyard, just before you resume your
8 cross-examination I mentioned earlier this morning there had been
9 an order following a request for a photographer. Owing to a
10 small technical hitch, whilst the gentleman was in the court
11 precincts he was not able to come into the Court. He is here now
12 with us from Cosmos news agency and will be here for one minute.

13 Mr Munyard, when you are ready, please proceed.

14 MR MUNYARD: Thank you, Madam President. I am not
11:27:35 15 counting, but I think the minute may be up. Thank you, I will
16 resume now that the photographer has finished.

17 Dr Ellis, can I redirect you, please, to page 5 of your
18 report, MFI-1.

19 A. Yes.

11:28:09 20 Q. We were dealing with the first bullet point. I just want
21 to make one other point about that. You say that Charles Taylor
22 was at times assisted by hundreds of troops loaned by the
23 government of Burkina Faso.

24 A. Yes.

11:28:31 25 Q. I want to suggest to you that Burkina Faso supplied
26 materials rather than manpower.

27 A. The President of Burkina Faso publicly acknowledged having
28 supplied troops to Liberia.

29 Q. At what particular time?

1 A. I couldn't tell you exactly, but much later. I would say
2 in the late 1990s, but I couldn't recall the date.

3 Q. The second bullet point you say that Mr Taylor's
4 administration was associated with marked personalisation of
11:29:04 5 power. You go on to say that he cultivated a personality cult
6 and that Amos Sawyer, who we know was for a while the head of the
7 transitional government, said Mr Taylor often boasted that he
8 alone made decisions within the NPFL. Now, there is nothing
9 unusual about the head of a government making decisions alone as
11:29:37 10 opposed to in cabinet, as it were, is there?

11 A. No, it is not unusual. It is just that different
12 governments have different styles and some are more collegial
13 than others, but I agree with you.

14 Q. Thank you. Over the page, please. You talk in the first
11:30:00 15 bullet point on page 6 of Mr Taylor maintaining a number of
16 separate armed units and security units, often headed by rival
17 commanders. Now, when he became President, in particular, he
18 inherited a number of security units, didn't he?

19 A. That is correct.

11:30:22 20 Q. One of which was set up by the Israeli's for President Doe
21 called the SATU, the Special Anti-Terrorist Unit?

22 A. I recall the Special Anti-Terrorist Unit of President Doe.
23 I don't think it was still in existence by 1997. I think it
24 ceased to exist with the downfall of President Doe and various
11:30:46 25 former members of that unit resurfaced in some of the various
26 armed groups of the early 1990s.

27 Q. Yes. I am simply suggesting that that was a title, albeit
28 the first word, "special", removed, that was the title of a
29 pre-existing unit within the security apparatus of the Liberian

1 State.

2 A. The Special Anti-Terrorist Unit, as you suggest, was an
3 Israeli trained unit, but it had ceased to exist by 1991 I would
4 say.

11:31:16 5 Q. It is right that some of his family members had positions
6 either in government, or government departments?

7 A. Correct.

8 Q. But not necessarily for long periods of time.

9 A. The names that I have put here is a small selection of what
11:31:37 10 I could have used. Indeed, some of these were relatively short
11 periods.

12 Q. Yes, I just want to take one example. You have Adolphus
13 Taylor as the director of the National Security Agency, Mr
14 Taylor's brother. I want to suggest he worked for the National
11:31:53 15 Security Agency, but not in the capacity of director.

16 A. If that is the case then I accept the amendment and
17 apologise for the mistake.

18 Q. In the next paragraph, on page 6, you talk about the
19 absence of an efficient bureaucracy in Liberia. In fact, from
11:32:13 20 1997 onwards, when he became President, there was a fully
21 functioning government with the usual government departments
22 established in Liberia, wasn't there?

23 A. After President Taylor became President in 1997 there was a
24 full range of government ministries and departments, but I am
11:32:34 25 suggesting that these didn't actually cover an efficient
26 bureaucracy in the normal understanding of the term. My point in
27 saying this is to point out that this was, of course, largely as
28 a result of the inheritance of 1997, the damage of the war, and,
29 indeed, the fact that under President Doe a lot of the state

1 bureaucracy had, in effect, been eroded even before 1989.

2 Q. Under President Taylor there was a central bank, a Ministry
3 of Finance, a taxation system.

11:33:16

4 A. Under President Taylor those titles and institutions indeed
5 existed, but I would like to suggest that some of them were
6 hollow shells.

7 Q. There was also, for example, a Ministry of Lands, Mines and
8 Mineral Resources.

11:33:29

9 A. There was indeed and President Taylor introduced the
10 Strategic Commodities Act, which I believe has already been
11 accepted as an exhibit by this Court, to say that all minerals
12 were the - under the control of the President. One of the UN
13 panels of experts, which reported in 2003 I think, reported that
14 the Maritime Bureau was, in fact, taking monies which should have
15 gone to the Treasury and using them for other purposes, and that
16 is what I mean by saying that institutions were being hollowed
17 out.

11:33:48

18 Q. You are aware that the Maritime Agency was run by a company
19 situated in Virginia in the United States?

11:34:07

20 A. Yes, but there was a Maritime Bureau also in Monrovia run
21 by Banone Yuray [phon].

22 Q. Yes, the agency that ran the maritime corporation
23 effectively took the vast majority of the profits of the flags of
24 convenience and other aspects of commercial trade that were
25 managed by that organisation.

11:34:27

26 A. It is a rather complicated set up, but if you would like me
27 to go into it, I could do so.

28 Q. Again, I am trying -

29 A. Okay, but just please allow me to make the point.

1 PRESIDING JUDGE: Dr Ellis, the record is having a little
2 trouble keeping up if you could just speak slightly slower.

3 Thank you.

4 A. Sorry. I am just trying to make this point to support what

11:34:55 5 I said about the lack of an efficient bureaucracy in some
6 respects. There was one of the United Nations panel of experts
7 which investigated - in fact more than one, but there was
8 particularly one that reported, I think in 2003, which dealt in
9 some detail with the manner in which Mr Taylor, after coming to

11:35:22 10 power, had reorganised the system under which revenues were
11 collected from so called flags of convenience, that is to say
12 ships of other countries which become registered as Liberian
13 vessels and which is an old established system, and that it was,
14 indeed, reorganised. In fact, a key person in that

11:35:47 15 reorganisation was Lester Hyman, the man whose book both you and
16 I have quoted, and that is one of the reasons why I regard him as
17 such an important source, for the reasons that I stated at an
18 earlier stage of my testimony. The United Nations panel of
19 experts also goes to show how monies were being diverted to go

11:36:10 20 into arms purchases without going to the Nigerian - I am sorry,
21 the Liberian Treasury. This was referred to, I think, as
22 non-cash receipts in official financial bookkeeping.

23 Q. Can I move you on to the final paragraph on page 6. It is
24 really a repeat, or development of that bullet point that appears
11:36:41 25 at the top of the page. You say that:

26 "The maintenance of highly personal relations with key
27 security officials heading rival units was a distinctive feature
28 of his administration before and after his election."

29 We dealt with the Anti-Terrorist Unit to take that example.

1 When he was elected in 1997 he set up a government,
2 effectively a government of national unity, didn't he?

3 A. His government was not called the government of national
4 unity.

11:37:12 5 Q. That is why I said effectively a government of national
6 unity. Can I put it this way: His party, the National Patriotic
7 party, had 40 per cent of government posts and the other
8 60 per cent were given to people who had previously been his
9 adversaries.

11:37:31 10 A. Some of whom had been a his adversaries. I would accept
11 that. However, I would like to make the point, and it comes back
12 to what I was saying about administration, is that we also saw
13 there a system where you nominated cabinet ministers but
14 maintained parallel systems of control of the functions that they
11:37:56 15 officially were there to administer.

16 Q. We know, for example, that he brought former ULIMO members
17 into government.

18 A. That is correct and there was also something like an inner
19 circle of advisers, who in fact had substantial control
11:38:18 20 irrespective of who the minister was, so I am thinking, for
21 example, of somebody like Emmanuel Shaw who had actually been a
22 finance minister under President Doe and who became a financial
23 advisor to Mr Taylor. People in that sort of inner circle, or
24 Talal El-Ndine for example, and many of these people are referred
11:38:41 25 to in the UN reports and these - many of these people were in
26 fact, when sanctions were applied, put on the UN travel ban and
27 there you see their names, and these were many of the key
28 officials who were never appointed government ministers.

29 Q. But, nevertheless, he did appoint as government ministers

1 more from outside his own party than inside his own party.

2 A. I have never been through the lists to check the exact
3 percentages, but I accept your point that he did appoint to
4 government offices people who historically had been members of
11:39:18 5 other parties.

6 Q. To take just one example: Al Hadji Koroma?

7 A. For example.

8 Q. We have heard from another witness, in fact, who was a
9 former commander with ULIMO who became deputy head of one of the
11:39:35 10 security organisations that you referred to in your report.

11 A. Yes and there were other examples. Roosevelt Johnson
12 springs to mind who was Minister of Agriculture and who was
13 former head of a rival militia.

14 Q. Yes, that was ULIMO-J?

11:39:55 15 A. Correct.

16 Q. Is that the same as Samuel Johnson who you referred to
17 earlier?

18 A. I don't know of a Samuel Johnson. I only know Roosevelt
19 Johnson. I know several Johnsons. I have spoken already about
11:40:09 20 Elma Johnson, who was killed in the war, Prince Johnson and now
21 Roosevelt Johnson.

22 Q. All right. Last sentence in the body of your report on
23 page 5, page 6, please, "Charles Taylor's association with the
24 RUF may also be situated in this context of a multiplicity of
11:40:27 25 armed forces." The situation you are describing in that
26 paragraph, and, indeed, the paragraph at the top of the page, is
27 describing how you say Mr Taylor maintained control and power
28 within his movement and then within his government. You are
29 describing, in effect, a divide and rule approach to government,

1 aren't you?

2 A. Yes.

3 Q. How does that have any bearing on any association he may
4 have had with the RUF?

11:41:03 5 A. Because he had a number of forces. If we are talking
6 strictly about security forces, or military forces, he had a
7 number of such forces which, as I have indicated, to some extent
8 were used in competition with each other, but he also had, as we
9 have just discussed, an unofficial network of control which
11:41:25 10 paralleled the official networks, which are the sort of things
11 that would figure in diplomatic correspondence and so on.

12 Q. With respect, Dr Ellis, it doesn't make any sense at all.
13 Ruling by means of divide and rule doesn't have any bearing on
14 his association with the RUF in Sierra Leone, does it?

11:41:48 15 A. I was merely making the point that he had a multiplicity of
16 armed and security forces and that the RUF can be understood
17 within that context. I think, if I may say so, that a very good
18 description is that that I have quoted at the bottom of page 5
19 where Professor Amos Sawyer, who after all is himself a former
11:42:10 20 Head of State of Liberia, said Mr Taylor was able, and I quote,
21 "To establish his autonomy from all sources of authority while
22 pitting such sources against each other."

23 Q. Yes, divide and rule?

24 A. Yes.

11:42:25 25 Q. He is saying the same thing, but he is not relating that to
26 the RUF and Mr Taylor's association, if any, with the RUF.

27 A. I think in the passage I just quoted from Professor Sawyer,
28 Amos Sawyer, as I recall, he is not specifically talking about
29 the RUF, but I am making the point in my report that the

1 relationship with the RUF can be understood within that context
2 of a multiplicity of armed forces.

3 Q. Can we move, please, to page 7 where you have a section
4 dealing with Charles Taylor and the RUF. I think, in fact, we
11:43:07 5 have dealt with a considerable amount of the first two paragraphs
6 of page 7 in your earlier testimony: The setting up of that
7 organisation, people who went to Libya and so on. I want to
8 move, please, to the final paragraph on page 7 where you set out
9 the Sierra Leone Truth and Reconciliation Commission's view and
11:43:39 10 in the second half of paragraph you say:

11 "The Commission's report attributes the main responsibility
12 for the outbreak of war in Sierra Leone to the NPFL as primary
13 perpetrators in the first phase of the Sierra Leonean civil war
14 from 1991 to 1994."

11:43:57 15 That doesn't take account, does it, of the breach between
16 the NPFL and the RUF at the end of 1992?

17 A. Well, my recollection is that the TRC's account makes clear
18 that there is, indeed, an evolution in the relations between the
19 organisations and in the internal affairs of the RUF, but that
11:44:20 20 the NPFL remained a dominant force in the war in Sierra Leone
21 throughout this period, according to the TRC as I cited.

22 Q. Can I suggest if you look at the last sentence on that
23 page, going over to page 8, the TRC identifies three key phases
24 of the war, the first phase being 1991 to 1994. What you have
11:44:42 25 done is you have conflated what they say about the NPFL's
26 involvement with the RUF in 1991 and 1992, you have conflated
27 that with their categorisation of the three phases of the war.

28 A. No, I am sorry, that is not what I am doing. I am
29 suggesting, and it is my understanding that it is the TRC's

1 argument - I am trying to report what the TRC has said. My
2 understanding of their argument is that they say the war can be
3 understood as falling roughly into three phases, which is the
4 ones we seem to agree on, and that that first phase - in that
11:45:18 5 first phase the NPFL were primary perpetrators, which is one of
6 the terms that the TRC uses in its extremely voluminous report
7 which runs to over three volumes.

8 Q. I am simply suggesting you are failing to distinguish the
9 TRC's conclusions about the role of the NPFL in the first phase
11:45:41 10 and that it did not conclude that the NPFL was dominant
11 throughout the whole of the first phase of the war. Do you
12 follow?

13 A. I follow what you are saying, sir, and I think my reading
14 of it is slightly different, but what we seem to agree on is that
11:45:59 15 there is a distinct change of phase after 1994.

16 Q. Between, I would suggest, the end of 1992 and the
17 beginning - and the presidency of Mr Taylor in 1997, there is
18 virtually no contact at any formal level between the NPFL and the
19 RUF.

11:46:23 20 A. Between 1994 and 1997?

21 Q. I am saying end of 1992, beginning of 1993.

22 A. I am trying to think. Contact at a formal level? Well,
23 I don't believe there was ever formal contact between the RUF and
24 the NPFL, or the Government of Liberia, because of the nature of
11:46:43 25 the RUF, but - so I am not quite sure what you are alluding to.

26 Q. I said the NPFL, not the Government of Liberia.

27 A. Sorry, I can't quite understand what you mean by formal
28 contacts between an organisation like the RUF -

29 Q. Let me put it this way: I am not ruling out, because

1 I can't rule it out, that there might have been people who were
2 members of the NPFL acting with RUF groups during that period,
3 but, looked at as a whole, globally, the NPFL was not involved
4 with the RUF in Sierra Leone from - between 1993 and 1997.

11:47:27 5 A. I am sorry, I must disagree with you on that. I am still
6 struggling to understand what you mean by formal contacts, but
7 even if we leave that point to one side, there were continuing
8 relations between members of the NPFL and members of the RUF,
9 although I accept, in conformity with the findings of the TRC,
11:47:47 10 that the intensity of that relationship had changed and, of
11 course, a factor was that the organisation we have already
12 discussed, ULIMO, at a certain point had physically taken control
13 of a body of Liberian territory -

14 Q. Indeed.

11:48:03 15 A. - which runs along the border between the two countries, so
16 physical contact between the two became more difficult.

17 Q. We have already heard evidence to that effect: That there
18 was actually literally a land barrier between the RUF and the
19 NPFL for a number of those years.

11:48:22 20 A. I agree with that. It doesn't mean that the contact
21 entirely ceased, but effectively ULIMO had created a military
22 wedge in between these two organisations.

23 Q. You talk, in the second paragraph on page 8, about the
24 diamond issue. You make the point that the illicit mining of
11:48:57 25 diamonds in Sierra Leone and smuggling them to Liberia is not a
26 new development. We have already heard evidence about this and
27 I am not going to go over it in any detail at all from you, but
28 the diamond industry in Sierra Leone had been dominated, or
29 certainly had been seriously affected by the involvement of all

1 sorts of dubious people from various parts of the world. Then
2 you say, about halfway down that second paragraph:

3 "It is clear that as Sierra Leone's civil war continued,
4 control of the country's diamond fields became a steadily more
11:49:41 5 important strategic objective among various participants in the
6 war, including Charles Taylor."

7 Now, control of the diamond fields is something of a
8 illusory concept, isn't it?

9 A. I don't think it is an illusory concept. I visited some of
11:50:02 10 these diamond fields and what you see there is a relatively small
11 area, the places I am thinking of would be the size of maybe a
12 football field, with dozens of people clambering over mounds of
13 earth, digging diamonds and armed guards standing around, so
14 physical control of a diamond working is not an illusion.

11:50:25 15 Q. Control of the diamond fields though went - control to what
16 extent it was, went from one side to another over periods of
17 time, didn't it?

18 A. It did indeed and there were unofficial ceasefires between
19 competing organisations allowing both sides to dig diamonds. But
11:50:47 20 I am sorry, but I still think it is correct to talk about control
21 of the diamond fields. Of course the control might be contested,
22 but it is not illusory to talk about such control.

23 Q. At times you say there were ceasefires to allow both sides
24 to mine. That even included ECOMOG forces, didn't it?

11:51:06 25 A. It did and I remember even at a later stage a United
26 Nations general, General Jetley, actually more or less resigning
27 on that issue.

28 Q. Yes, I think that was when ECOMOG was replaced by UNAMSIL.

29 A. He was a UNAMSIL - he was working for UNAMSIL because he

1 was an Indian general, but I am just making the point that his
2 letter of complaint, in effect, was an official acknowledgement
3 of the degree to which international peacekeepers, ECOMOG and
4 then later being replaced by international contingents in
11:51:47 5 UNAMSIL, were themselves sometimes involved in diamond mining.

6 Q. Yes and General Jetley levelled that accusation, in
7 particular, at a Nigerian general.

8 A. I recall that, yes.

9 Q. And I think your friend, as you described him, Mr Gberie,
11:52:06 10 says that even General Khobe was involved in the diamond
11 business.

12 A. I don't recall that passage in his book, but it wouldn't
13 surprise me.

14 Q. I can certainly cite it to you if you wish me to.

11:52:20 15 A. I take your word for it.

16 Q. ECOMOG - can we just deal with ECOMOG and the diamond trade
17 for the moment while we are on this section. ECOMOG are in
18 Sierra Leone at this stage.

19 A. What period are we talking about?

11:52:36 20 Q. You are talking here about here, it would seem, 1991
21 onwards, in the paragraph.

22 A. As I mentioned, I think yesterday or the day before, there
23 was, in fact, a small Nigerian presence in Sierra Leone as a
24 result of a bilateral agreement, which remains somewhat obscure,
11:53:00 25 from an extremely early period, but Nigerian troops were based in
26 Sierra Leone as part of the general ECOMOG mobilisation from
27 August 1990. Therefore, when the war in Sierra Leone reached a
28 certain stage and particularly after the coup of 1997, ECOMOG
29 forces, largely Nigerian, were involved, but in that sense ECOMOG

1 was involved and it was present in Sierra Leone from 1991.

2 Q. Right. What do you know of its role in the diamond
3 business?

11:53:56

4 A. This is - we get into some extremely complex arrangements
5 and extremely unclear arrangements because of the nature of the
6 diamond business, but it is clear that over time some ECOMOG -
7 some members of ECOMOG developed interests in the diamond
8 business and it was complicated also because we had the arrival
9 of an external security company -

11:54:20

10 Q. Executive Outcomes.

11 A. - or, as you may prefer it, mercenaries, if you want to
12 call them that, Executive Outcomes, who also were associated with
13 companies having concessions in regard to diamonds.

11:54:40

14 Q. Well, I think Executive Outcomes came in in some time
15 around 1995.

16 A. I believe 1995 is correct, yes.

17 Q. And what exactly did they do in terms of the diamond
18 industry in Sierra Leone and any relationship they had with the
19 ECOMOG forces?

11:54:54

20 A. Well, what exactly they did I am not sure that I could say,
21 but strategically what they did, acting on behalf of the
22 Government of Sierra Leone, was to fight against the RUF and
23 increasingly those military campaigns concerned areas which were
24 also rich in diamonds, and, of course, since ECOMOG and Executive
11:55:21 25 Outcomes were on the same side, as it were, then - well, they
26 were on the same side. I don't know what specific implications
27 that has for diamonds.

28 Q. Well, the reality is that ECOMOG became part of the whole
29 diamond smuggling operation themselves, didn't they? That is

1 what the implication is, Dr Ellis.

2 A. There were elements within ECOMOG, and I have said that
3 several times this morning, who developed interests in the
4 diamond business.

11:55:53 5 Q. But when you say developed interests, you are putting it
6 rather delicately, if I may say so. You mean were involved in
7 diamond smuggling?

8 A. Absolutely.

9 Q. And lining their own pockets?

11:56:06 10 A. Yes, but I am making it clear - the reason I am putting it
11 that way is because these would be individuals who are not doing
12 it as a result of any formal agreement.

13 Q. As opposed to?

14 A. As opposed to companies signing deals which have some sort
11:56:25 15 of legal status.

16 Q. By companies you are talking about the mercenary group
17 Executive Outcomes?

18 A. For example, and the companies associated with it.

19 Q. And there was even a report by the Economist, the British
11:56:40 20 economic weekly journal, indicating that frontline officers and
21 soldiers of ECOMOG were engaged in diamond minings on the
22 opposite sides of the river bank from the RUF, with whom they had
23 made local deals. You have no doubt seen that in Mr Gberie's
24 book.

11:57:02 25 A. Yes and I don't know specifically which Economist report
26 you are referring to, but I received many similar reports, just
27 as during the Liberian war, which we were discussing before the
28 break, ECOMOG on occasions was doing business with the NPFL,
29 which was its enemy.

1 Q. The report I am referring to cited in Mr Gberie's book is
2 the Economist, an article called "Sierra Leone Diamond King" on
3 29 January 2000.

4 A. Okay, well, I accept that.

11:57:34 5 Q. It may well be that by that time we are talking about
6 UNAMSIL, but we are still essentially talking about Nigerian
7 officers, aren't we?

8 A. Yes, of course, when UNAMSIL came in this was the process
9 sometimes known as "blue hatting", whereby existing international
11:57:58 10 intervention forces are recognised as UN forces, which has, of
11 course, financial implications and legal implications, but they
12 remain the same forces, but increasingly UNAMSIL was non-Nigerian
13 troops. Would you excuse me for one moment?

14 PRESIDING JUDGE: Do you mean to leave the Court, Dr Ellis?

11:58:24 15 A. Yes, I am afraid so.

16 PRESIDING JUDGE: Please do so. The witness should be
17 escorted out, please.

18 Mr Munyard, when you are ready to proceed.

19 MR MUNYARD: Thank you, Madam President.

12:02:33 20 Dr Ellis, I am trying to be as chronological as possible
21 and I think you will accept that your report, as we read it
22 page followed by page, does jump about somewhat, chronologically
23 speaking, and I want to see if I can stay with certain issues as
24 well as keeping to a broadly chronological flow.

12:03:03 25 We were just dealing with the diamond industry and, in
26 particular, the role of various parties in that industry and you
27 have touched upon the use of mercenaries by the Sierra Leone
28 Government in the form of the company called Executive Outcomes.
29 Now, they were involved in Sierra Leone. Over the page, on

1 page 9, you make reference to somebody else and it is the second
2 paragraph on page 9. We are talking about someone called Fred
3 Rindel, formally a colonel in the South African Defence Force,
4 who had, at one stage in his career, acted as a liaison between
12:04:03 5 the then South African Defence Force and UNITA who were the
6 opponents of the Angolan Government that came into power when it
7 gained its independence from Portugal.

8 A. That is right.

9 Q. I think, just as an aside and I don't want to go into this
12:04:24 10 in any detail, to give us some flavour of Executive Outcomes, did
11 they not also work for UNITA for a period of time before
12 switching sides and going into the employment of the Angolan
13 Government?

14 A. That is not quite correct.

12:04:39 15 Q. Broadly correct, I think.

16 A. Well, no, for the following reason: Executive Outcomes was
17 formed largely from specialised units, soldiers who had been
18 employed in specialised units of the South African Defence Force.
19 Many of those soldiers, like Colonel Rindel, or Rindel as I have
12:05:07 20 normally heard it, had worked with UNITA before Executive
21 Outcomes was in existence, in effective existence. After
22 Executive Outcomes became an active company in the security
23 field, it worked - well, its first big contract was with the
24 Government of Angola so many of the individuals concerned would
12:05:31 25 have previously worked for UNITA before working for the Angolan
26 Government, but the company had not.

27 Q. The company consists of individuals who in their previous
28 employ had worked for UNITA and, when they were then employed by
29 Executive Outcomes, worked for the other side. That is the

1 simple point I am trying to make.

2 A. Yes, I agree with that.

3 Q. Mr Rindel, or Rindel - I am quite happy to pronounce it as
4 you do.

12:05:59 5 A. I am not sure what is correct, but I have always heard
6 Rindel.

7 Q. Mr Rindel had worked for the South African army during the
8 apartheid regime. He had also, from what you say, worked with
9 UNITA and by the late 1990s he had a contract working for the
10 Liberian Government of President Taylor.

11 A. That is correct and I think that is detailed - I recall
12 that that is detailed in one of the UN panel reports where they
13 have interviewed Colonel Rindel, among others, and I think they
14 specify the date of that contract, which is around - I think it
15 is July or August 1998.

16 Q. 1998. His contract was to train Liberian Government
17 forces, in particular the Anti-Terrorist Unit, wasn't it?

18 A. I am not sure what the content of the contract was. I see
19 here it was September 1998, but it certainly included working
12:07:00 20 with the Anti-Terrorist Unit which had been established by
21 President Taylor when he came into office.

22 Q. Yes. It is not unusual, is it, to find people who had
23 previously worked for organisations, or regimes that were opposed
24 to black majority governments then working for black majority
12:07:26 25 governments when the political situation changed?

26 A. Not at all.

27 Q. That is a very common feature?

28 A. Not at all unusual.

29 Q. So the fact that he has been a mercenary, and may well be

1 still categorised as a mercenary, doesn't cast any particular
2 light on the nature of the contract that he had with the Liberian
3 Government, does it?

12:07:50 4 A. Not on the nature of the contract, but I mean you describe
5 him as a mercenary. These days people in that field tend to call
6 themselves security consultants, or something like that.

7 Q. I think on page 11 of your report, in the main paragraph -

8 A. If I may -

12:08:20 9 Q. 12 lines down. Sorry, 10 or 11 lines down you say - there
10 is a sentence as follows, "Some sources have suggested that
11 Liberian based mercenaries, or security operatives, in fact
12 planned the January 1999 attack." That is the attack on
13 Freetown. By "or security operatives" you are giving them their
14 preferred title there.

12:08:39 15 A. I am deliberately in that place using both modes of address
16 because it is a sensitive field and I don't want to be thought of
17 trying to use a pejorative language. That is why I am using both
18 forms of referring to people of this nature. You said the fact
19 he is referred to as a mercenary, you said doesn't say anything
12:09:01 20 about the type of contract. I am saying it does in the sense
21 that his specialisation is military business.

22 Q. It doesn't say anything about the nature of the contract.

23 The fact that he has a contract with the Liberian Government is
24 not, in and of itself, in any way sinister, the mere fact that he
12:09:21 25 previously worked for either side, opposing sides, in warring
26 countries.

27 A. In my view not, but of course it all depends on the nature
28 of the contract.

29 Q. Yes, all right. For example, today we know that there are

1 many security operatives employed in Iraq, in and around Baghdad,
2 who are former soldiers, some of whom are former soldiers from
3 companies like Executive Outcomes.

4 A. Absolutely.

12:09:52 5 Q. Going back to your report then, Colonel Rindel was working
6 for the government in Liberia and in - by 1998 there had been set
7 up by ECOWAS a Committee of Five, hadn't there?

8 A. That is correct. I am not sure exactly what date it was
9 set up, but yes.

12:10:25 10 Q. Will you just help the Court with what the Committee of
11 Five's role was? This is a committee of five Heads of State from
12 ECOWAS.

13 A. Sorry, yes, I see it now. This was the period when the
14 elected Government of Sierra Leone had been overthrown on 25 May
12:10:45 15 1997 and, as a result of that, as a result of that coup, the
16 ECOWAS countries set up this Committee of Five that you have
17 referred to.

18 Q. And who were the five presidents - or which countries -
19 I don't want to test your knowledge of who was in power in a
12:11:04 20 particular country in a particular year. Who were the five
21 countries involved?

22 A. I don't know, I am afraid, straight off. Certainly
23 Nigeria, but we had a document yesterday admitted into the Court
24 concerning the -

12:11:16 25 Q. I am going to come to that in a moment.

26 A. I forget exactly what five countries they were, but
27 certainly Nigeria and Ghana.

28 Q. And Liberia?

29 A. Yes.

1 Q. And Guinea and Burkina Faso?

2 A. Fine.

3 Q. I think later Togo was added to the list of countries and
4 it became a committee of six.

12:11:35 5 A. All right.

6 Q. If we go to the document, if you bear with me for a moment.
7 What we saw yesterday was the Conakry Accord, it is at tab 13,
8 and there is another document I am also going to refer you to as
9 well, which is at tab 17: The agreement on ceasefire in Sierra
10 Leone. We will just go first of all to tab 13.

12:12:14

11 JUDGE SEBUTINDE: That was MFI-6 for the record.

12 MR MUNYARD: Thank you, your Honour.

13 MS IRURA: That is correct, your Honour.

14 A. Sorry, could you wait. I haven't got the document.

12:12:47

15 MR MUNYARD: Certainly.

16 A. Yes.

17 Q. I think this was the first, I may be wrong in saying that,
18 but this was an earlier attempt at peace in Sierra Leone prior to
19 the Lome Accord, which we see reference to in the document at tab
20 17 that I will turn to in a moment, but at the time of this
21 document, and I am mentioning it because you raised it, the
22 Committee of Five appears to have been set up already. If you
23 look at the third page of this document, at the foot of it it
24 says, "Done at Conakry this 23rd day of October 1997 for the
25 Committee of Five of ECOWAS on Sierra Leone." There are several
26 signatures that will have followed, but it doesn't actually set
27 out all the governing states of the Committee of Five, but
28 I think you agree that Liberia was one of those committees -
29 sorry, was part of that committee?

12:13:02

12:13:25

1 A. I don't see the name here, but I take your word for it if
2 you - if that was the case, yes.

3 Q. What we see there is the Minister of Foreign Affairs for
4 Nigeria and likewise the minister for Guinea -

12:14:14 5 A. Yes.

6 Q. - signing for the Committee of Five.

7 A. Yes.

8 Q. That is why we don't see the five.

9 A. Yes, sure.

12:14:25 10 Q. President Taylor was given particular - a particular
11 position within the Committee of Five, was he not?

12 A. I don't know.

13 Q. Well, how much work have you done on the work of the
14 Committee of Five?

12:14:41 15 A. On the Committee of Five I don't claim to be an expert
16 because, if I may say so, it was a relatively - it was an
17 initiative which was relatively quickly bypassed due to events on
18 the ground in Sierra Leone.

19 Q. But it certainly attempted to revive peace talks in 1999,
12:15:07 20 didn't it, which led to the Lome agreement?

21 A. The context in 1999 was very different, but what was clear
22 was that West African states were attempting to reach agreement
23 between each other to encourage peace in various troubled member
24 states, as indeed they had been doing since the formation of
12:15:31 25 ECOMOG in 1990, in different shapes and forms.

26 Q. But it was not until 1997, after President Taylor was
27 elected in Liberia, that he took on a formal role within ECOWAS
28 and within this committee.

29 A. Correct, because in July 1997, or more correctly in August

1 1997 when he was formally sworn in, Liberia was then officially
2 and diplomatically a sovereign state once more, no longer at war,
3 and therefore a normal functioning part of the family of West
4 African nations, so it is entirely consequent that it should take
12:16:19 5 part in diplomatic arrangements of this sort.

6 Q. Yes and he was given a leading role to negotiate peace
7 between the warring parties in Sierra Leone, wasn't he?

8 A. Are you referring to 1997?

9 Q. No, I am moving on from that.

12:16:36 10 A. In 1999 that is correct, by which time the situation had
11 changed rather a lot.

12 Q. Well, between 1997 and 1999 we had had the coming and going
13 of the AFRC/RUF government in Sierra Leone, we had had the attack
14 on Freetown, principally by AFRC troops, and we then got the Lome
12:17:02 15 peace agreement in -

16 A. July 1999 and we also had the appointment of Jesse Jackson,
17 Reverend Jesse Jackson, as the special envoy for the US President
18 for democracy in Africa and he took a very active role in these
19 events and that was also making a difference.

12:17:23 20 Q. Indeed, the Americans had come back into the picture in an
21 effective way in the affairs of West Africa by this time.

22 A. Well, I don't know if it was in an effective way, but there
23 was a higher profile in American - a higher American profile in
24 these events.

12:17:43 25 Q. We can see if we turn to tab 17 -

26 JUDGE SEBUTINDE: Again, for the record this is MFI-7.

27 MR MUNYARD: Thank you, your Honour. Do you have that in
28 front of you, Dr Ellis?

29 A. I do.

- 1 Q. The document I have may have an error at the very top of
2 the page. I don't know if it is correct, or not, but at the very
3 top of the page it reads, "Agreement on Ceasefire, 17 April 1999,
4 Special Court for Sierra Leone." I suspect that that has been
12:18:33 5 put on by somebody preparing these documents for this Tribunal.
6 This is actually a copy of the agreement on ceasefire in Sierra
7 Leone in May 1999, is it not?
8 A. It says here they met on 18 May and the question of the
9 peace process was discussed, so I take it that is the case, yes.
- 12:18:59 10 Q. So we can ignore the first line on that document as not
11 being part of the original document?
12 A. Yes.
13 Q. We, of course, are looking at copies of the original.
14 A. Yes.
- 12:19:08 15 Q. We see there that President Ahmad Tejan Kabbah of Sierra
16 Leone and the Reverend Jesse Jackson met, on 18 May 1999, with
17 Corporal Foday Sankoh, under the auspices of President Eyadéma of
18 Togo. Then there was a peace agreement set out in the following
19 page and the various signatories are appended - signatures are
12:19:42 20 appended. Now, it is obvious, is it not, that present at that
21 meeting was Foday Sankoh of the RUF?
22 A. Yes.
23 Q. There is no sign of Johnny Paul Koroma at that meeting, is
24 there?
12:19:56 25 A. I can't see any evidence of it, no.
26 Q. I am not suggesting he was. I am just saying the document
27 does not suggest that he was at that meeting.
28 A. No.
29 Q. You would be aware, would you not, if he had been at that

1 meeting?

2 A. I think so.

3 Q. So would anybody else who had been at that meeting,
4 including President Taylor of Liberia?

12:20:17 5 A. I would imagine so, yes.

6 Q. So there would be no basis for him ever suggesting - him
7 being President Taylor - that he had got Johnny Paul Koroma to
8 that meeting?

9 A. Sorry, you are asking me -

12:20:35 10 Q. I am asking you about a negative in effect.

11 A. I am sorry, I am finding this rather difficult to follow.

12 Q. Let me enlighten you, if I may?

13 A. Yes.

14 Q. We had evidence from a previous witness saying that he was
12:20:48 15 at a meeting with President Taylor and President Taylor,
16 according to that witness's handwritten note, and typed note, got
17 Johnny Paul Koroma to Lome, but Johnny Paul Koroma didn't go to
18 Lome, or take any part in the Lome Accord, did he, from what you
19 know?

12:21:06 20 A. I was not present in Lome. I have no recollection of
21 Johnny Paul Koroma being present based on reports by people who
22 were there, or the press and so on. I don't know what the
23 whereabouts was of Johnny Paul Koroma in 1999, in any event, but
24 the piece of paper we are consulting is about May 1999 which is
12:21:26 25 two months before the Lome agreement.

26 Q. Yes, but it was what led to the Lome agreement.

27 A. Absolutely.

28 Q. And Mr Taylor played a significant part in that agreement,
29 didn't he?

1 A. I would say that the most significant actors behind the
2 Lome Peace Accord of July 1999 were President Taylor and the
3 Reverend Jesse Jackson.

12:22:05 4 Q. Now, following the Lome Peace Accord there was something of
5 a division within the RUF itself, wasn't there?

6 A. Yes, the RUF had been in a state of some divisiveness
7 particularly since the arrest of Foday Sankoh in 1997 and, as
8 I think the Truth and Reconciliation Commission stated, or
9 observed, those - even when Foday Sankoh came back to the RUF,
10 which was in 1999, really the divisions remained.

11 Q. Yes, and following, or as part of the arrangements for the
12 Lome peace agreement the Government of Liberia provided a
13 guesthouse in Monrovia for the RUF leadership and both Foday
14 Sankoh and Sam Bockarie came to Monrovia, stayed in that
15 guesthouse, it was all very public. There was no subterfuge
16 involved in all of this?

17 A. No, this was all very official, yes.

18 Q. There then developed a disagreement between Foday Sankoh
19 and Sam Bockarie where Sam Bockarie wanted to delay disarmament.
12:23:36 20 Now, are you aware of that?

21 A. I am aware of that.

22 Q. And despite the best efforts of everybody involved, Sam
23 Bockarie would not agree to the disarmament process, or wouldn't
24 agree to the pace at which the disarmament process was supposed
12:23:57 25 to proceed.

26 A. That is as I have heard it reported, yes.

27 Q. When it became clear that he wouldn't agree to that, it was
28 agreed by both the President of Sierra Leone, Tejan Kabbah, and
29 President Taylor that Sam Bockarie would be allowed to leave

1 Sierra Leone and go and live in Liberia.

2 A. I don't know about that, but if you say so.

3 Q. Right. Indeed, President Tejan Kabbah and United Nations
4 forces assisted in providing an open corridor from Sierra Leone
12:24:42 5 into Liberia and Bockarie then moved into Liberia in December
6 1999 together with an entourage of a large number of people,
7 including his family and family members of his entourage, women
8 and children, on the basis, at that stage, that he was going to
9 be given a scholarship by the United States to study at Fort
12:25:12 10 Bennett Military College in Georgia. Were you aware of that?

11 A. I was not.

12 Q. And that is how Sam Bockarie came to live - came to move
13 into Liberia at the end of 1999. It was a means of getting him
14 out of Sierra Leone and letting Foday Sankoh, if at all possible,
12:25:38 15 continue with the disarmament process.

16 A. Might I make some observation on that, sir?

17 Q. Of course.

18 A. I said yesterday that the Lome Peace Accord, or the
19 period - the ten months from the Lome Peace Accord, until May
12:25:54 20 2000, was in retrospect the high point of the strategic influence
21 within West Africa of President Taylor and I still think that is
22 the case. Part of the significance of the Lome Peace Accord,
23 which I remember well, there was - internationally there was
24 quite a lot of opposition to it really because of shock that the
12:26:21 25 movement which had attacked Freetown with such brutality, in
26 January 1999, should now be officially admitted into what
27 amounted to a government of national unity in Sierra Leone and
28 with amnesty provisions written into it, so there was a lot of
29 feeling that this was maybe not a very well-founded treaty in

1 international diplomatic circles. If we say, "How did this
2 treaty come into being?", I said already that I think the main
3 protagonists were really President Taylor and Reverend Jesse
4 Jackson, and I think that there were also, as Mr Taylor's counsel
12:27:06 5 has referred to and as the TRC documents, there were also
6 factional divisions within the RUF, which of course was one of
7 the signatories of the accord, so there was a factional politics
8 taking place. I think by common consent the judgment of Reverend
9 Jesse Jackson was absolutely lamentable. I think this was the
12:27:33 10 occasion where he referred to Foday Sankoh as the Nelson Mandela
11 of Sierra Leone.

12 Q. That might have been another person getting a name wrong.

13 A. He may have been getting a name wrong, but I don't think
14 so. Foday Sankoh - I recall speaking to journalists who had been
12:27:51 15 present and I think an American diplomat who had been present,
16 describing how President Tejan Kabbah was more or less manhandled
17 into a helicopter to go to Lome to sign the agreement. In other
18 words, there was very great pressure put on the Government of
19 Sierra Leone to sign this peace accord, the result of which was
12:28:16 20 that Foday Sankoh became President of the Commission for Minerals
21 of Sierra Leone, in effect the top diamond official of Sierra
22 Leone and probably the second most powerful man in the country.
23 So what we had here was a diplomatic confirmation of the
24 importance of the RUF within Sierra Leone and I dare say if
12:28:45 25 events had continued in a slightly different manner, we may well
26 have ended up with a duly appointed President Foday Sankoh of
27 Sierra Leone. That was the trajectory we were seeing, but it was
28 causing ructions within the RUF, hence an increasing split
29 between Foday Sankoh and Sam Bockarie and I have been told by

1 people who were closely involved in these events that there were
2 even plans to murder Foday Sankoh. I don't know if that was
3 entirely true and I wouldn't know who was exactly behind those
4 plans, but clearly it was a recognition of the intensity of the
12:29:23 5 factional conflicts which Reverend Jesse Jackson, with possibly
6 not an entire control of the detail of the process, and President
7 Taylor, with a far more acute sense of the politics of the
8 process, were attempting to control.

9 Q. In any event, there was, for a limited period of time,
12:29:45 10 peace, wasn't there?

11 A. There was, yes, there was. I would not say peace. Peace
12 is not just an absence of war, but clearly the ceasefire and the
13 Lome Accord did indeed lead to less fighting in Sierra Leone for
14 a period.

12:30:02 15 Q. Yes, and in fact the Truth and Reconciliation Commission,
16 as you point out in your report, concluded that really from 2000
17 onwards the RUF was a spent force. It was in "terminal decline",
18 to quote your report on page 8, third line.

19 A. That is right and that was really a result of the arrival
12:30:25 20 of British troops in May 2000 and the events immediately
21 thereafter such as the assault on the West Side Boys.

22 Q. Yes, well, in any event the RUF goes into decline.
23 Certainly after May 2000 it is pretty well a spent force, is it
24 not?

12:30:41 25 A. It was clearly in decline. We had Foday Sankoh being
26 arrested in May 2000 and the RUF becoming very demoralised, but
27 again we are skipping a little bit of rather important history.

28 Q. I am not intending to skip. I want to go back to 1999.
29 There are two important things I want to ask you about in 1999:

1 One is the emergence of the LURD.

2 A. Yes.

3 Q. I suggested that the incursions began in 1998 from Guinea.
4 Certainly LURD was formed, in a formal sense, by April of 1999,
12:31:19 5 I suggest, and they were attacking the Liberian Government by
6 1999. I think you would agree with that.

7 A. I can't agree entirely with those dates. It is not clear
8 to me exactly when LURD was formed. I first heard of them from
9 one of the LURD organisers in February 2000 when I was in

12:31:41 10 Conakry. I have seen documents suggesting that it was formed at
11 an earlier date in 1999 and I have seen other documents
12 suggesting that there were precursor organisations, possibly even
13 ones set up by the very same General Khobe that we have been
14 referring to earlier, going back to 1998. So clearly, putting
12:32:02 15 these things together, I would summarise it in the following
16 manner: I would say there were clearly, once again, Liberian
17 refugee networks based in neighbouring countries, becoming
18 militarily active, forming themselves into groups which then
19 dissolved and formed other groups, and being sponsored by
12:32:28 20 neighbouring countries from, let us say, 1998 onwards.

21 Q. And the neighbouring countries that were sponsoring them,
22 in particular, were Guinea and where do you say?

23 A. Well, I would say Guinea. I am not aware of Sierra Leone.
24 We have just been hearing how in 1998 the Sierra Leonean
12:32:47 25 Government didn't really have any armed forces.

26 Q. Well, can I direct you, please, to page 13, middle
27 paragraph of your report: MFI-1. It starts with your comment
28 you made this morning:

29 "In many respects the high water mark of President Taylor's

1 regional influence was the Lome Peace Accord of July 1999 and the
2 ten months following. Thereafter the growth of armed opposition
3 forces, such as Liberians United for Reconciliation and
4 Democracy, LURD, and the Movement for Democracy in Liberia,
12:33:33 5 MODEL, both of which enjoyed the support of one or more
6 governments in the region and further afield, put the Liberian
7 Government under increased military pressure."

8 What were the one or more governments in the region and
9 further afield who were supporting the LURD and MODEL?

12:33:54 10 A. Sorry, we had a slight problem with the chronology. I have
11 said that LURD - you have told me that you think LURD was created
12 in 1999 and I think you are probably right. But let us say, as
13 I summarised it before, from 1998 there were Liberians in exile
14 forming themselves into more or less coherent groups with names,
12:34:18 15 some of which disappear and get replaced by other names, and
16 undertaking military activities, including attacks into Liberia,
17 with support. I said in the case of LURD it had support from the
18 Guinean Government and I am perfectly sure of my grounds in this
19 because I have met some of the Guinean officials involved.

12:34:38 20 Q. Dr Ellis, I am not challenging you at all. I am asking:
21 Were they supported by governments in addition to the Government
22 of Guinea?

23 A. Yes, MODEL was formed at a later date and supported by the
24 Government of Cote d'Ivoire. Again, I am very certain of what
12:34:55 25 I am saying because I have met some of the individuals concerned.
26 Both organisations, but particularly LURD, also had other support
27 and there is no doubt at all that LURD also had a degree of
28 support particularly from the United States government.

29 Q. Yes, again, I accept that, that the United States

1 government - are you talking about the United States government
2 of President Clinton who had sent Jesse Jackson as his envoy in
3 1999?

4 A. Here we - I would like to just go back to something I said
12:35:31 5 earlier. You said to me something like, if I recall correctly
6 you said - when I observed the significance of Reverend Jackson
7 becoming involved, you said to me, "Yes, effective US
8 involvement", and I questioned the use of the word "effective"
9 because we had a problem. In effect, as was said yesterday, in
12:35:50 10 1990 Liberia had sunk into temporary chaos partly because its
11 traditional mentor and protector, the United States, refused to
12 intervene, for reasons of its own, and it took many years for
13 Liberia to begin to come out of that chaos. Frankly, and again
14 I have this from good accounts, including I think the written
12:36:16 15 account of Hank Cohen who was a key official, the American
16 government, throughout the early 1990s, was never involved at a
17 high level. We didn't get secretary of state, or presidents
18 getting involved in the Liberian questions. It was left to
19 relatively junior officials, middle ranking officials: Assistant
12:36:33 20 Secretary of State for African Affairs, or the ambassador, or
21 something of that nature. We then have the appointment of -

22 JUDGE LUSSICK: Excuse me, you are being asked to slow down
23 by the recorders.

24 A. I do apologise. With the appointment of Reverend Jesse
12:36:50 25 Jackson, who became - I don't know whether he was - I think he
26 was officially appointed in 1998 by President Clinton, we then
27 had a real confusion because this title of Special Envoy for
28 Democracy in Africa was a new invention. Nobody knew what it
29 meant. Does a special envoy for Africa rank higher than a US

1 ambassador? Is he more important than a national security desk
2 officer, or a national security advisor? Nobody knew. So what
3 it meant was that when Jesse Jackson came to the region and made
4 pronouncements about US Government policy, it was not clear at
12:37:37 5 all to what degree those pronouncements really engaged the
6 President of the United States and the State Department and the
7 Pentagon. Nobody knew and that was part of the confusion. That
8 is why I questioned when you said effective American policy.

9 Q. I think all I meant was they were actually putting their
12:38:02 10 feet on the ground, as it were, once again.

11 A. Well, Reverend Jackson was putting his feet on the ground,
12 but I am not sure many other Americans were.

13 Q. I don't want to prolong this particular discussion. I want
14 us now to go to the other extremely significant event of 1999,
12:38:19 15 which was the attack on Freetown on 6 January 1999, and can
16 I just clarify, when you said earlier we seem to be skipping over
17 events in 1999, was the attack on Freetown the major event of
18 1999 that you had in mind?

19 A. No, I think we discussed that at some length. What I was
12:38:48 20 really thinking of was the changes that were taking place between
21 the Lome Peace Accord of July 1999 and then, let us say, a year
22 later.

23 Q. Right and if you can do it in one sentence, one relatively
24 short sentence, can you tell us what you mean by the changes that
12:39:23 25 were taking place?

26 A. I think as a result of a number of factors, the British
27 government and the American government, but I would say
28 principally the British government had identified President
29 Taylor and the Government of Liberia as one of the key factors

1 behind the RUF and since the British government had expended
2 quite a lot of diplomatic capital to try and stabilise Sierra
3 Leone, this meant that British officials became interested in
4 Liberia because of what they saw, in my view correctly, as its
12:40:09 5 pivotal role in supporting the RUF in that country. That led to
6 the British intervention of May 2000 and that completely changed
7 the strategic situation. The American government, for maybe
8 slightly different reasons, also became more involved, and
9 I think at a slightly later period and particularly because of
12:40:32 10 the attacks on Guinea in 2000 and 2001.

11 Q. Right. I want to stay with 1999 if I may and look at
12 page 11 of your report, please, Dr Ellis. I want to ask you some
13 further questions about the attack on Freetown on 6 January 1999.

14 A. Yes.

12:40:57 15 Q. Six lines down in the main paragraph on page 11 you say:
16 "Nevertheless, there is contradictory evidence concerning
17 the precise role of these elements in the January 1999 attack on
18 Freetown, the bloodiest event of the entire Sierra Leonean war.
19 Some sources have suggested that Liberian based mercenaries, or
12:41:30 20 security operatives, in fact planned the January 1999 attack.
21 The newsletter Africa Confidential, for example, asserted that
22 Colonel Rindel and other South African advisers were instrumental
23 in planning the RUF offensives in 1998 and 1999 and this also was
24 implied by the UN panel. Similarly, Human Rights Watch reported
12:41:58 25 that armed white men were seen fighting with the RUF in January
26 1999, implying that South African or European contractors were
27 operating in support of the RUF."

28 Now, pausing there, can I just clarify one point: You were
29 no longer editing Africa Confidential at this stage?

1 A. No, I had no connection with it at that stage.

2 Q. There is contradictory evidence you say?

3 A. Yes.

4 Q. The sources that suggest that Liberian based mercenaries,
12:42:34 5 or security operatives, were planning the January 1999 attack
6 are - who are those sources?

7 A. Well, the ones that I have quoted there is the newsletter
8 Africa Confidential, a UN panel of experts' report and Human
9 Rights Watch which is a non-governmental organisation.

12:42:59 10 Q. None of those organisations have done anything like the
11 indepth analysis of what happened in Freetown in January 1999 as
12 the Truth and Reconciliation Commission has done, have they?

13 A. I think that is correct.

14 Q. If with we read on, further down that paragraph you say:

12:43:21 15 "However, the Sierra Leonean Truth and Reconciliation
16 Commission found that 'the impetus for the attack on Freetown
17 that began on 6 January 1999 came not from the Revolutionary
18 United Front of Sierra Leone (RUF), but from the dissident
19 soldiers who had formed the Armed Forces Revolutionary Council
12:43:42 20 (AFRC) and their irregular fighting colleagues', and that these,
21 and various elements of the RUF who joined the attack 'were not
22 in fact acting in concert at the level of their respective high
23 commands.' "

24 You quote there from the TRC report, "Witness to Truth."

12:44:07 25 That is now a widely held view, is it not?

26 A. Sorry, what exactly is a widely held view?

27 Q. That it was the AFRC with some elements of the RUF, but not
28 acting at the level of their respective high commands.

29 A. I for one don't claim to have a satisfactory knowledge of

1 that attack in January 1999. It is absolutely clear that the
2 attackers involved former soldiers of the AFRC junta period from
3 1997 to 1998 and that they also included RUF fighters, there is
4 absolutely no doubt about that whatsoever, and that they
12:44:56 5 perpetrated terrible atrocities when they attacked Freetown.
6 That, in my view, is not in question. The question I am raising
7 here is to say: Yes, but how were they organised? What I am
8 suggesting is that there is a body of opinion that this attack
9 had been well-planned and well-organised and it seems to me, as a
12:45:18 10 layman with no specialised military knowledge, that indeed it was
11 well-planned and attacked. However, the Truth and Reconciliation
12 Commission, which is the most authoritative source on this,
13 implies that if planning there was, it was not really coordinated
14 between the AFRC and the RUF. I must say that this quotation
12:45:44 15 I have here is to some extent nuanced, or even you have a
16 slightly different point of view, at other sections of the TRC
17 report which is a very long document. It is over three volumes
18 plus some supplementary. So I think it is possible to find other
19 quotations from the TRC which might give a different perspective.
12:46:11 20 All I was trying to signal here was that, if I am trying to be as
21 fair as I can, the TRC, which is authoritative, is somewhat
22 unclear where one would expect it to be clear.
23 Q. It may be unclear, but the broad gist of its finding is
24 that the 1999 attack on Freetown was essentially AFRC soldiers
12:46:30 25 with some RUF involvement.
26 A. No, I don't think - I think they suggest that it was AFRC
27 and RUF. I think where their thrust is slightly different is on
28 the degree of planning and organisation.
29 Q. Well, the quote there, and I am not going to prolong this,

1 the quote there includes the words, "AFRC" - "'dissident soldiers
2 who had formed the AFRC and their irregular fighting
3 colleagues'", and you have then put in, "And that these and
4 various elements of the RUF who joined the attack 'were not in
12:47:09 5 fact acting in concert at the level of their respective high
6 commands.' "

7 A. That is correct, that is what I put. That is my quotation
8 from the TRC. All I am saying is if you went diligently through,
9 as I am sure you have done, the TRC report in all its fullness
12:47:23 10 you would find other quotations which might throw a slightly
11 different light on it. That is all I am saying.

12 Q. It is generally accepted, is it not, that the programme of
13 mass amputations of the civilian population, although there had
14 been amputations before, but the programme of mass amputations
12:47:44 15 started as the AFRC and, as you would have it, their RUF
16 counterparts were retreating from their attack on Freetown in
17 January 1999.

18 A. I don't believe so. We spoke yesterday, was it, or the day
19 before, I spoke about having visited Sierra Leone in May and June
12:48:08 20 1998 and having personally interviewed people who had just
21 recently had their hands amputated in attacks. I remember
22 talking to doctors in the hospital in Freetown, interviewing
23 patients and actually asking them when they had been attacked and
24 plotting on a map where and when they had been attacked and you
12:48:32 25 could see that they were the victims of a wave of attacks
26 spreading across a certain part of Sierra Leone. We are talking
27 about 1998, in other words it was clearly some sort of planned
28 campaign. If we move on to - so, in other words, the point I am
29 making there is that those fighters who were doing these things

1 in 1998 already had a degree of coherence and organisation in the
2 precise tactic of amputating hands.

3 In 1999 I believe that when the RUF and AFRC fighters
4 attacked Freetown, from the beginning they were amputating hands
12:49:12 5 and if I recall correctly, which I think I do, some of the
6 victims said they were attacked by units who said, "We are the
7 cut hands unit." In other words, they had been organised for the
8 purpose of amputating people's hands.

9 Q. Dr Ellis, I was not suggesting that this sort of thing had
12:49:34 10 not happened before. I am suggesting that it was carried out on
11 a much wider scale by those who were in retreat after their
12 attack on Freetown in January 1999.

13 A. It happened on a large scale in January 1999. I am not
14 sure if it happened while they were retreating. You may be
12:49:54 15 correct, but that is not my impression at present.

16 Q. Mr Gberie, in his book on the Sierra Leone civil war, makes
17 this point at pages 14 and 15 if you want to see it later:

18 "What is clear is that although the RUF started the
19 amputations at an early stage of the war, its mass amputations
12:50:19 20 started only when the civil defence group, the Kamajors, started
21 posing serious challenges to the RUF in the mid-1990s."

22 He goes on to say that:

23 "The tactic was adopted by renegade elements of the Sierra
24 Leone Army who joined forces with the RUF after the 1997 coup to
12:50:39 25 form the so called People's Army and who, in their anger and
26 frenzy after their expulsion from Freetown by the Nigerian led
27 intervention force in 1998, undoubtedly carried out most of the
28 atrocities, including mass amputations, after 1998."

29 So it is his view that it was very much the so called

1 People's Army, People's Liberation Army, formed around the time
2 of the AFRC junta that then started - or very much increased the
3 use of that particular barbaric practice.

4 A. I think that is certainly true. The only observation -

12:51:26 5 I think Lansana Gberie is an authoritative source on this because
6 he is one of the best Sierra Leonean journalists who worked
7 throughout this period. The only thing I would say is I don't
8 know of enough studies of the amputations whereby we can say this
9 group did so many per cent and that group did so many per cent,
10 so I don't know of any such studies, so different observers might
11 have different opinions, but clearly the AFRC were responsible
12 for a number of these amputations and so were the RUF.

13 Q. Just in the time that is left before we break, can I just
14 deal with one other aspect of events in January 1999. The

12:52:13 15 Nigerian forces that were employed to drive out those who
16 perpetrated the attack of 1999, themselves were found to have
17 carried out summary executions and completely unwarranted murder
18 of civilians, were they not?

19 A. Yes and that was one of the most shocking aspects of the
12:52:39 20 film Cry Freetown because it is actually shown in that film.

21 Q. I think that film focused very much on the actions of the
22 so called peacekeepers.

23 A. That is correct.

24 Q. Including, on the part of the forces - were they ECOMOG, or
12:52:59 25 were they UNAMSIL by that time?

26 A. I think they are still ECOMOG at this stage, yes.

27 Q. Including going into hospitals and executing people seeking
28 treatment in hospital.

29 A. I don't recall that sequence, but, yes, clearly atrocities

1 were perpetrated by those - by the intervention force.

2 Q. Including executing an 8 year old boy caught in possession
3 of a pistol?

4 A. What are you quoting from?

12:53:31 5 Q. I can certainly give you a copy of this. We have been
6 supplied with a witness statement and various annexes to it from
7 Mr Michael O'Flaherty. Now, do you know who Mr O'Flaherty is?

8 A. I know him personally, yes.

9 Q. Just for the benefit of the public listening, who is
12:53:49 10 Mr O'Flaherty?

11 A. He is an Irish jurist who I first met in Sierra Leone in
12 1998 when he had been appointed as a human rights officer for the
13 UN mission there. I think now he is a professor, or a lecturer,
14 at the University of Nottingham.

12:54:05 15 Q. He has done a report to which he has attached various
16 United Nations situation reports.

17 Madam President, I am conscious of the time. I want to
18 hand this out, but I suspect we will have no more time than to
19 hand it out.

12:54:21 20 PRESIDING JUDGE: Mr Munyard, you have until 1.30. As you
21 may recall, we varied the time earlier in the week.

22 MR MUNYARD: It will be obvious that I had completely
23 forgotten that. I have copies for the Court.

24 JUDGE SEBUTINDE: Mr Munyard, additionally we would
12:54:39 25 appreciate the spelling of O'Flaherty. I know it is a perfectly
26 common name, but ---

27 MR MUNYARD: It is common in the part of the world I come
28 from, but probably not in many of the countries listening.
29 O'Flaherty is spelt O'-F-L-A-H-E-R-T-Y.

1 PRESIDING JUDGE: Mr Munyard, could you pause before you go
2 any further. I wish to clarify the present status of that
3 witness in protected measures. I do recall his number. I think
4 he is TF1-50.

12:55:24 5 MR MUNYARD: I hope I have not spoken out of turn, but we
6 will find out.

7 PRESIDING JUDGE: Ms Hollis, could you advise us as to the
8 status of the witness and protected measures, please?

9 MS HOLLIS: Yes, your Honour. Your Honour, the protective
12:55:37 10 measures would apply to the contents of the report and the
11 testimony, but the name itself is not protected.

12 PRESIDING JUDGE: Thank you for that clarification.

13 MR MUNYARD: I had not appreciated that and I seek the
14 guidance of the Court as to quite how we go about that in this
12:55:54 15 case.

16 PRESIDING JUDGE: To the best of my recollection the report
17 is not being tendered. The report Mr Munyard is referring to is
18 not being tendered.

19 MS HOLLIS: Your Honour, it was filed confidentially.

12:56:11 20 PRESIDING JUDGE: In that case we must take great care in
21 having it divulged in any way, including to the present witness.

22 MR MUNYARD: Madam President, I think I can deal with this
23 in another way.

24 PRESIDING JUDGE: Mr Munyard, I will ask for the record of
12:56:27 25 exactly what those protected measures are and how far they go so
26 we can assess it better. Have we got a record of the appropriate
27 order, please?

28 MS HOLLIS: We do have it in electronic form and we could
29 have it printed, perhaps with the assistance of Court Management.

1 PRESIDING JUDGE: Thank you, Ms Hollis.

12:58:50 2 MS HOLLIS: Your Honours, as we were not aware this report
3 was going to be used we did not have it readily available, but we
4 do have the oral decision on protection and we do have the copy
5 of what we filed confidentially, but the Case Manager is now in
6 the process of getting that printed out. I apologise for the
7 delay.

8 PRESIDING JUDGE: Thank you, Ms Hollis. It is just to
9 ensure what the terms are and the limits are, the implications of
12:59:07 10 those terms we have to ensure. The report itself I don't think
11 we need at this point.

12 MS HOLLIS: The report, insofar as it would reflect the
13 testimony, would be confidential and that was why it was provided
14 confidentially and perhaps, to the extent Defence counsel will go
12:59:24 15 into the contents of the report, he could certainly do that but
16 it would need to be in closed session.

17 PRESIDING JUDGE: We are bearing those possibilities in
18 mind.

19 MR MUNYARD: That was precisely the guidance I was seeking
12:59:37 20 from the Court. Madam President, it may be that I can do it in a
21 different way that doesn't involve specifying my source. I had
22 understood what I was quoting from to be a public document, but
23 I don't have to go into the document at this stage. I don't have
24 to go into where I got it from. I can just put my facts to the
12:59:57 25 witness and see what his reaction is to those facts.

26 PRESIDING JUDGE: I think it is apparent where it is coming
27 from, Mr Munyard. Just let us consult very quickly in order to
28 avoid further delay.

29 MR MUNYARD: Very well.

1 PRESIDING JUDGE: Sorry, Mr Bangura I don't intend to -
2 I realise this is your witness. Mr Munyard has put an
3 alternative course of action. Has the Prosecution any views on
4 that alternative course of action?

13:01:18 5 MR BANGURA: Your Honour, we need to know exactly what
6 course of action he intends to -

7 PRESIDING JUDGE: He is going to put quotations without
8 indicating where they come from.

9 MR BANGURA: Your Honour has already pointed out that we
13:01:32 10 clearly know the source of the information he intends to put to
11 the witness.

12 PRESIDING JUDGE: Thank you for that indication.

13 The view of the Court is that in the light of this, to
14 ensure confidentiality of the source and of the document, the
13:01:58 15 questions may be put but without them being recorded, in other
16 words in private session, so they are not recorded and they are
17 not to be heard by the public, just within the well of the Court.
18 If that can be implemented, Madam Court Manager, please.

19 [At this point in the proceedings, a portion of
13:02:20 20 the transcript, pages 1613 to 1616, was
21 extracted and sealed under separate cover, as
22 the proceeding was heard in closed session.]

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1 [Open session]

2 MS IRURA: Your Honour, we are now in open session.

3 PRESIDING JUDGE: Thank you. Mr Munyard, please proceed.

4 MR MUNYARD: Dr Ellis, I want to move to the general

13:09:33 5 question of these sort of atrocities and you have dealt with
6 atrocities in the section of your report which starts on page 14,
7 section 7, "Strategic command and tactics", and I would like you,
8 please, to turn to page 8.

9 A. Page 8?

13:10:06 10 Q. Sorry, page 15.

11 A. Yes.

12 Q. Before we look at it can I just establish this with you:

13 That mass amputations did have a historical precedent in Africa,
14 particularly during the time of King Leopold of the Belgians in
13:10:37 15 Belgian Congo?

16 A. If you are referring to amputations of hands specifically
17 then yes, that is correct, if you are referring to amputations
18 for which the Belgian Congo, or the Free State of Congo as it was
19 before then, was particularly notorious. If you are referring to
13:10:58 20 amputations more generally, such as cutting off of noses, ears
21 and so on, lips, that has a much more diffuse history as a form
22 of punishment.

23 Q. Unfortunately, these particular barbarities do not spring
24 from the first time from the conflicts that we are looking at in
13:11:19 25 Sierra Leone and Liberia.

26 A. If you are saying if you take the whole of Africa, has
27 there ever been a case where people were systematically
28 amputating hands, then indeed the Free State of Congo, later the
29 Belgian Congo, springs to mind.

1 Q. And mutilations of the sort we have been discussing were
2 also commonly perpetrated by RENAMO, the opposition force to the
3 Mozambique government when Mozambique gained its independence, in
4 1975, from Portugal.

13:11:54 5 A. Well, RENAMO - yes, but RENAMO was formed slightly later.
6 Sorry, I am getting my timing wrong there, but yes, I agree with
7 you about RENAMO, but I would say more specifically that
8 throughout history we find similar such things.

9 Q. ULIMO, for example, were noted for brutalities such as
13:12:23 10 executing people and decapitating them and sticking their heads
11 on wooden posts along the roadside. Were you aware of that?

12 A. I was certainly aware of that, yes.

13 Q. And I am talking as far back as 1991 in the Pujehun
14 District, observed personally by Mr Gberie.

13:12:49 15 A. Yes and he told me about that himself and I take his word
16 for it.

17 Q. What you say in your report, and I am now going to the
18 first main paragraph on page 15, you look into the question of
19 whether or not the RUF learned these particular tactics from what
13:13:16 20 you call its NPFL mentors, or whether they had even been ordered
21 to carry them out. You say there what you have already said in
22 evidence: That in 1994 you yourself saw photographs of people
23 who had had hands amputated when you were in Liberia and in 1997
24 you personally saw a victim who had had his ears cut off. But
13:13:42 25 then you go on to say this:

26 "However, in regard to the RUF's signature atrocity, the
27 amputation of hands, there is little evidence of any Liberian
28 precedent. The amputation of hands does not appear to have taken
29 place on a large scale, or according to a detectable pattern, at

1 any stage of the Liberian war and the present author is not aware
2 of any evidence that the RUF adopted this tactic in imitation of
3 the NPFL."

13:14:14 4 You go on to make a further comment that doesn't concern me
5 for these purposes.

6 There is no evidence at all, is there, to suggest that that
7 particular brutality is something that the RUF learned from the
8 NPFL?

9 A. I don't know of any evidence to that effect, no.

13:14:29 10 Q. Thank you. In the next paragraph you deal with the use of
11 child soldiers and forced labour. I think we have already
12 covered forced labour in your evidence when I first started
13 asking you questions, what seems now like quite a long time ago.

14 Can I deal with child soldiers? Again, there is a history,
13:14:50 15 is there not, in Africa of the use of children in conflict?

16 A. Not just in Africa. In fact, I believe it is the origin of
17 the word infantry.

18 Q. I am sure you are right. The fact that the NPFL used child
19 soldiers and organised them, in some cases, into what were called
13:15:23 20 Small Boy Units, doesn't mean that therefore that the RUF, who
21 also had Small Boy Units, must have learned this particular
22 practice from the NPFL?

23 A. No, I don't think that is a necessary deduction.

24 Q. Indeed, the use of child soldiers is not limited to the
13:15:45 25 warring factions, is it? The Government of Sierra Leone itself
26 has used child soldiers, hasn't it?

27 A. After 1991, after the start of the war, there was a rapid
28 recruitment of soldiers, almost untrained, into the Sierra
29 Leonean army and I believe some of them were really quite young,

1 I like 13 years old, or 14 years old, so they would be technically
2 child soldiers, yes.

3 Q. I don't want to quote any sources at the moment, but are
4 you aware that in the latter stages of the war in Sierra Leone
13:16:26 5 the government gave an undertaking to United Nations bodies that
6 it would try to eliminate its use of child soldiers?

7 A. I didn't know that, but it doesn't surprise me.

8 Q. Turning over to page 16 of your report, the third paragraph
9 down, "In regard to rape there is still less clarity" - I am
13:17:08 10 sorry, I am starting before it is on the screen.

11 "Rape appears to have been widespread throughout the wars
12 in both Liberia and Sierra Leone. The full extent is difficult
13 to gauge due to the lack of research on the subject and the
14 obvious difficulties in making enquiries into the matter. The
13:17:27 15 present author is not aware of any evidence that rape was
16 deliberately encouraged either by Charles Taylor, or senior
17 commanders of NPFL as an instrument of intimidation."

18 You go on to say "although the possibility exists", but
19 there is a possibility of anything existing, Dr Ellis. There is
13:17:45 20 no evidence, however, in this case that rape was deliberately
21 encouraged by Charles Taylor, or the high command of the NPFL.

22 A. There is no evidence that I am aware of.

23 Q. Thank you. Now, dealing with hostage taking, the final
24 paragraph on page 16 of your report, on hostage taking you say
13:18:13 25 that in 1990 - you give an example of Charles Taylor taking as
26 hostages members of the citizens of the countries who supplied
27 the ECOMOG force and then you say that:

28 "Ten years later, in 2000, the RUF took hundreds of UN
29 peacekeepers hostage, again to try and put pressure on the

1 organisation responsible for their deployment. It is not known
2 whether the RUF commanders who had ordered this action had
3 themselves received orders or suggestions from Charles Taylor or
4 his commanders to adopt this tactic, but given the close
13:18:55 5 relationship between the Liberian Government and the RUF in early
6 2000 and given the long history of collaboration between the NPFL
7 and the RUF, it seems likely that the NPFL's own extensive resort
8 to hostage taking in the 1990s served as a precedent for the RUF
9 ten years later."

13:19:13 10 That doesn't mean anything more than it may have been that
11 the RUF bore in mind something that had happened ten years
12 earlier, does it?

13 A. It could mean that members of the RUF bore in mind
14 something that happened ten years earlier, or it could mean that
13:19:29 15 it was suggested to them by Mr Taylor or his lieutenants that
16 this was a tactic which had proved effective in their own
17 struggle in the past and they may have recommended it to the RUF,
18 but I have no evidence that they ever did that. I am
19 speculating.

13:19:45 20 Q. As Madam President indicated earlier today, we are not here
21 to receive speculation. That is a very important point,
22 I suggest, and I am grateful to you for clarifying what you meant
23 in that final part of that paragraph: That it amounts to no more
24 than speculation.

13:20:06 25 History, including the years 1990 to 2000, is littered with
26 examples of hostage taking all over the world in order to put
27 pressure on governments, singular or plural, to take a particular
28 course of action. I am sure you would agree with that.

29 A. I agree with you.

1 Q. It is a trite point really.

2 A. Absolutely.

3 Q. Now, over the page on page 17, the first paragraph there,
4 you say there that you note that President Taylor in an

13:20:46 5 interview, this is the La Monde interview, was aware that the RUF
6 had committed terrible atrocities, but the entire world, by the
7 time he gave that interview, was aware of that, wasn't it?

8 A. Yes and this was a point that already came up in discussion
9 with Mr Bangura.

13:21:10 10 Q. Yes. Can I ask you - I am coming to the end of my
11 cross-examination. I am not quite sure if I am going to make it
12 before 1.30 but I won't be long - if I go beyond that, I will not
13 be much longer.

14 Can I just ask you about the paragraph under heading 8,
13:21:32 15 "Economic interests and the war in Sierra Leone", on page 17. It
16 is right, isn't it, that there is a body of thought that suggests
17 that there was an ideological underpinning to the RUF movement
18 and its rebellion in Sierra Leone?

19 A. That is right and that was not - well, it was not quite
13:22:03 20 what I was trying to get at in this paragraph, but it was a point
21 I was trying to make elsewhere in the report, I think, or in the
22 report in general: To say that there is a very substantial - or
23 quite a substantial literature now on the RUF and the war in
24 Sierra Leone and, broadly speaking, there are two points of view.
13:22:30 25 I am making a very general remark for the purposes of
26 clarification.

27 There are those people, overwhelmingly - well, including
28 many Sierra Leoneans, who would say the RUF had no political
29 content whatsoever. It was essentially a kind of huge movement

1 of delinquents, delinquency, by often very young people, but not
2 really old enough to have a considered view and often drugged and
3 so on and so forth.

4 There is another point of view which says at least in its
13:23:06 5 origins the RUF had a political ideology and some kind of
6 political aspirations. I was very interested to see that that
7 point of view is very much supported by the Truth and
8 Reconciliation Commission and I find that therefore I attach high
9 importance to that point of view. The TRC says that the obvious
13:23:32 10 problem with anybody who says the RUF was basically a political
11 movement, to say it is there to rid Sierra Leone of a corrupt
12 government, was to say, "In that case why did they cut off the
13 people's hands"? You don't liberate people by cutting their
14 hands off and that is an extremely important point of view. The
13:23:56 15 answer, according to the TRC, is to say: Well, when the RUF
16 started it had some sort of political ideology, but the
17 brutalities committed by NPFL fighters from Liberia, on Sierra
18 Leonean territory, operating outside their own country, was a
19 very bad example and, moreover, the most ideological leaders of
13:24:26 20 the RUF, such as Rashid Mansaray, were murdered, probably by
21 Foday Sankoh, at a relatively early stage and the RUF lost, in
22 effect, whatever political ideology it had had. That the TRC's
23 point of view and, as I said before, I attach a high importance
24 to it just because of the nature of the TRC and the degree of
13:24:52 25 information it had been able to elicit in the course of its work.

26 Q. So would you characterise it as a movement that had some
27 ideological origins, but because of the nature of the people who
28 were recruited to it those ideological underpinnings eventually
29 evaporated and it amounted to something considerably less?

1 A. I would agree except I would say it is not just the people
2 recruited to it, it was also the means of recruitment which was
3 increasingly abduction of very young children, so that, for
4 example - I mean I don't offer this as a scientific cross-system.

13:25:41 5 There has been systematic sociological analysis of the
6 composition of the RUF, but just as an anecdote, if I can put it
7 that way, or a single example, the children I interviewed in 1998
8 in Freetown had been abducted at a very young age, 7, 8, 9 years
9 old, and then gone through an initiation which brutalised them
13:26:08 10 and I think it is only when one realises that that it becomes
11 possible to say what was the state of mind of somebody who is
12 prepared to cut off the hands of people who they have never met
13 and against whom they have apparently no personal grudge, and who
14 aren't even necessarily government supporters.

13:26:27 15 Q. It is one of the truisms of all military training that the
16 recruits are initiated into practices and ways of thinking that
17 are not what many of us would call normal.

18 A. That is right.

19 PRESIDING JUDGE: Mr Munyard, will your next questions be
13:26:48 20 very short as we have only a few minutes?

21 MR MUNYARD: I would be grateful if, rather than embarking
22 on them now, I could do that after the break when I hope to have
23 shortened them even more.

24 PRESIDING JUDGE: In the circumstances then, since we have
13:27:04 25 half a minute to go we will take the lunch time adjournment now.

26 MR MUNYARD: I notice we have been sitting at least a
27 minute and in some cases two minutes early on several occasions
28 this week, so we are gaining the few minutes that we lost at the
29 beginning of the week.

1 PRESIDING JUDGE: Mr Munyard, I can tell you there is going
2 to be a concerted effort to try and get the clocks that are here
3 and in our office synchronised.

4 MR MUNYARD: At present I have been going by the computer.

13:27:33 5 PRESIDING JUDGE: I never thought of it.

6 As you know 2.30 resumption, please.

7 [Lunch taken at 1.30 p.m.]

8 [Upon resuming at 2.30 p.m.]

9 PRESIDING JUDGE: I note a change of appearance at the
14:27:23 10 Prosecution table?

11 MR BANGURA: Yes, your Honour. Miss Leigh Lawrie, Leigh is
12 L-e-i-g-h and Lawrie is L-a-w-r-i-e, joins the team in place of
13 Maja Dimitrova.

14 PRESIDING JUDGE: Thank you, Mr Bangura.

14:27:42 15 MR BANGURA: Thank you, your Honour.

16 PRESIDING JUDGE: Now, Mr Munyard, you were still in the
17 course of cross-examination if you wish to proceed please.

18 MR MUNYARD: Thank you.

19 Q. Dr Ellis, can I ask you about a group called the STF, the
14:27:54 20 special task force. Are you aware of who the special task force
21 are?

22 A. I don't think I am. Could you explain to me a bit more?

23 Q. A group of something in the region of 3,000 Liberians -
24 Liberian nationals - led by General Bropleh, B-r-o-p-l-e-h, who
14:28:15 25 were employed by the Sierra Leonean government of Tejan Kabbah?

26 A. I know General Bropleh's name. I didn't know that he was
27 formerly employed by the government of Tejan Kabbah, or that if
28 he had a military unit - I assume you are referring to a military
29 unit?

1 Q. Yes.

2 A. That they had such a name. That is new to me. But I know
3 his name, yes.

14:28:41

4 Q. Were you aware that he was working with the Sierra Leonean
5 government of Tejan Kabbah?

6 A. I knew that he had links to the Sierra Leonean government,
7 but I didn't know whether or not these were formal.

14:28:57

8 Q. And so it must follow, therefore, that you don't know what
9 became of the STF, the Liberian special task force soldiers, when
10 the Tejan Kabbah government was overthrown by the AFRC?

11 A. That is correct.

12 Q. And from your answers there is little point in me asking
13 you any further questions about the STF?

14 A. It sounds like, yes.

14:29:12

15 MR MUNYARD: Very well. Yes, thank you very much, Madam
16 President. Those are my questions.

17 PRESIDING JUDGE: Thank you, Mr Munyard. Mr Bangura, have
18 you any matters in re-examination, please?

19 MR BANGURA: Yes, your Honour.

14:29:25

20 RE-EXAMINATION BY MR BANGURA:

21 Q. Good afternoon, Dr Ellis.

22 A. Good afternoon.

14:29:58

23 Q. I shall take you briefly to matters that were raised during
24 cross-examination by Mr Munyard. Now yesterday, on the question
25 of forced labour, I believe it came out from your testimony that
26 there was in fact - there had been in fact legislation in Liberia
27 which allowed the use of labour by certain groups in the
28 community and you did indicate that the latest in a series of
29 those legislations that you had seen was in the 1940s, am I

1 correct?

2 A. There was a document - as I think Mr Munyard was
3 explaining, in the history of Liberia there was a distinction
4 made between the counties, which were the coastal areas of
14:30:53 5 Liberia, and the hinterland territories, and the peoples of those
6 areas had a different status which was broadly speaking the
7 difference between a citizen and a subject. There were
8 regulations drawn up by the government I believe in the 1920s,
9 although there may well have been earlier versions, which I have
14:31:11 10 seen in the government archives, and these were called
11 administrative regulations for the use in the hinterland, or
12 words to that effect. They were revised on various occasions I
13 think most recently in 1949 and there were some provisions for
14 forced labour, and all these things were abolished in 1963 and
14:31:36 15 1964 when the hinterland territories were absorbed into a single
16 Liberian political or constitutional system.

17 Q. Thank you, Dr Ellis. You more or less have answered the
18 question I was going to go to, whether in fact those legislations
19 were in force at the time that we are concerned with when the
14:31:58 20 conflict in Liberia had started and throughout its existence?

21 A. No, because in law all those special regulations that
22 applied in regard to the hinterland people were abolished in the
23 1960s.

24 Q. And to your knowledge, no similar legislation was in force
14:32:21 25 in Sierra Leone at the time that the conflict broke out in --

26 PRESIDING JUDGE: I thought you were referring to Liberia,
27 Mr Bangura?

28 MR BANGURA: Yes, your Honour, I am through with Liberia.

29 PRESIDING JUDGE: Oh, this is Sierra Leone?

1 MR BANGURA: This is Sierra Leone.

2 THE WITNESS: I am sorry, the administrative regulations I
3 have been referring to were in regard to Liberia.

4 MR BANGURA:

14:32:39 5 Q. To Liberia, yes. I was going to direct my next questions
6 to Sierra Leone and I was also going to ask whether to your
7 knowledge any such legislation was in existence by 1991 when war
8 broke out in Sierra Leone?

9 A. No, I don't have such - in that case I don't have such
14:32:57 10 detailed knowledge of the precise regulations, but I am sure that
11 no legislation of that nature would have been in force, or was in
12 force, by 1991.

13 Q. Thank you. Dr Ellis, yesterday in answer to questions put
14 to you by Mr Munyard about the economy of Liberia during the rule
14:33:25 15 of President Doe, or more specifically about the state of
16 management of the economy under his rule, you did state that -
17 you did agree to his suggestion that there was in fact known
18 embezzlement by members of the Doe government and perhaps
19 including himself, is that correct?

14:33:49 20 A. Yes, and I seem to remember saying in my reply to
21 Mr Munyard that, while that government undoubtedly was associated
22 with embezzlement on an absolutely enormous scale, that there was
23 a perception by a number of people, including myself, that
24 President Doe being a man without a high standard of education
14:34:17 25 that it wasn't just him personally who ran that system, but some
26 of his associates who probably were more familiar with accounting
27 systems and so on also would have - also embezzled sums, as it
28 were, on their own initiative.

29 Q. And you did in fact agree further to Mr Munyard's

1 suggestion that the extent of the mismanagement of the economy
2 was such that ordinary people did not benefit from the large
3 amount of aid that was being given to President Doe's government
4 at the time?

14:34:51 5 A. That is correct.

6 Q. Now, from your studies, was there any change in the
7 situation of the people of Liberia under the rule of Mr Taylor
8 when he was President? Would you say in effect that the people
9 in any way benefited from the resources of the country while he
10 was President or were in a better situation than those in the
11 case under President Doe?

12 A. I find that very difficult to answer, because - partly
13 because of course the whole country had suffered greatly from the
14 war and everything associated with it between the period of
15 President Doe up to 1990 and the period after 1997 when Mr Taylor
16 became President of Liberia. I mean, a lot of things had
17 happened in-between. Even the population patterns had changed,

18 because during those war years from December 1989 until July
19 1997, if we take that as the period of war, there had been huge
20 movements - in particular large numbers of people from rural
21 areas had come into Monrovia, whose population had increased very
22 greatly, and large numbers of people had fled abroad as refugees
23 and then were coming back in 1997. I myself spent quite a lot of
24 time in Liberia in some rural areas in 1997 and at that point
25 people were coming back on a large scale, in this case from
26 Guinea. I was in Lofa County.

27 So - and I also haven't gone into the question of
28 statistical measures of family income, or things like that, and
29 so I really find it impossible to answer precisely whether - if

1 that is the sense of the question, is whether the mass of the
2 population was better off under President Taylor than under
3 President Doe, I really couldn't say.

14:37:16 4 Q. But you did in fact make the point that there was -
5 President Taylor, as he then was, did operate a power led system
6 whereby he had a clique of people around him who basically ran
7 the business of running the country in an unofficial way and that
8 would include running the finances of the country as well. Is
9 that correct?

14:37:43 10 A. That is correct, yes.

11 Q. Now, you mentioned the expression or the term "hollow
12 shell" to describe those Liberian functionaries who had been
13 appointed to positions - official positions - but who were not
14 able to perform the duties of those functions. Could you further
14:38:06 15 explain what you mean?

16 A. Yes, what I meant was that you had a situation where a
17 number official organs of government and administration in effect
18 had little power and sometimes very few funds and the formal
19 responsibilities or duties of those administrations were often in
14:38:38 20 fact implemented by unofficial networks of people who
21 nevertheless owed their loyalty to President Taylor. So, it was
22 a bit like I believe what is known as Potemkin villages; that is
23 to say structures which from a distance look like proper
24 buildings but in fact they are only two-dimensional.

14:39:00 25 JUSTICE SEBUTINDE: Excuse me, what was the spelling of the
26 word. Something villages?

27 THE WITNESS: Potemkin. P-o-t-e-m-k-i-n.

28 MR BANGURA:

29 Q. Thank you, Dr Ellis. Now in answer to questions earlier

1 today regarding Africans who in 1989 had found themselves or who
2 had gone to Libya, you did mention or you did agree to the fact
3 that some of those Africans had gone there to seek refuge?

4 A. Are you saying after 1989?

14:39:40 5 Q. Before 1989.

6 A. Before 1989.

7 Q. And you did agree that some of them had gone there to seek
8 refuge. Was it the case for most of the Africans who had been
9 there at that time that they were basically going - they were
10 basically there to seek refuge for maybe economic or fleeing
11 political turmoil in their countries? Was that the case for all
12 the Africans that were there at the time that they were seeking
13 refuge?

14 A. You are referring to Africans in general?

14:40:12 15 Q. Yes, in general, because there was a wide range of - there
16 were examples of nationals from various countries.

17 A. Well, there has been in recent years a large number of
18 people from sub-Saharan Africa going to work as migrants quite
19 often illegally to seek work. I don't know exactly when that
14:40:37 20 dates from, but there has been a considerable population of
21 people from sub-Saharan Africa in Libya as essentially economic
22 migrants certainly for the last 15 or 20 years and maybe a bit
23 before that. But what I was referring to with the Liberians and
24 Sierra Leoneans and some others was something rather different,
14:41:01 25 which is relatively small numbers of people going to Libya
26 perhaps with some financial sponsorship from the Libyan
27 authorities for ideological, political or military training and
28 that is not the same thing.

29 Q. Thank you.

1 A. Those are relatively small numbers of people.

2 Q. All right. And those who found themselves in that group
3 that benefited from some kind of ideological training, as you
4 have said, was probably the group from which we had persons that
14:41:43 5 formed themselves into fighting groups that started a war in
6 Liberia, is that correct?

7 A. That is correct. And in the document which I was
8 commissioned to write for the report, which is now MF1 - I am
9 sorry, MFI-1 - I refer to that very specifically on page 4.

14:42:09 10 Q. Do you want to identify that?

11 A. I am just waiting for the Court Manager to project that.
12 You will see on page 4 on line 2 there is a note referring to
13 footnote 9 at the bottom of the page. This was a document given
14 to me by - or two documents given to me by a person who was a
14:42:39 15 very senior official of the NPFL, whom I met in Conakry, and he
16 gave me two documents which were lists of names of Liberians who
17 had been trained in Libya before 1989 and they were very much the
18 heart of the NPFL apparatus. In fact by the year 2000 many of
19 those people were dead, but the ones who were surviving were many
14:43:09 20 of them key members of Mr Taylor's entourage, such as for example
21 Benjamin Yeaten, the head of the special security service.

22 Q. Thank you. Now, you mentioned quite a few names in answers
23 to the questions put to you by Mr Munyard and those names were
24 not actually spelt and I believe for the record we might need to
14:43:40 25 have them correctly spelt. I will just go through a number of
26 them. I believe President Babangida's name came up as President
27 of Nigeria?

28 A. Would you like me to spell that?

29 Q. Correct, yes.

1 A. B-a-b-a - sorry, B-a-b-a-n-g-i-d-a. Babangida.

2 Q. And Abacha?

3 A. A-b-a-c-h-a.

4 Q. You also mentioned Benoni Urey?

14:44:15 5 A. B-e-n-o-n-i, second name U-r-e-y.

6 Q. Thank you. Now, in further answers to questions put to you
7 by Mr Munyard regarding events in Liberia, on 6 April in Monrovia
8 to be precise, you mentioned that there was an attack or other
9 fighting in Liberia which took place or started on 6 April 1996

14:44:47 10 and had been started by the NPFL. According to you, that severe
11 fighting took place and a large - the accused, Charles Taylor, at
12 the time and El Hadji Koroma tried to take control militarily in
13 Monrovia, is that correct?

14 A. That is correct.

14:45:11 15 Q. Who was El Hadji Koroma, as far as you know?

16 A. El Hadji Koroma was the leader of a military force that we
17 have referred to today as ULIMO-K, so he was one of the founders
18 of ULIMO and at a certain point ULIMO split into two and his
19 section because of his name Koroma, spelt K-r-o-m-a-h [sic], it
14:45:41 20 became known as ULIMO-K. And I said that there was a Liberian
21 national transitional government, which was in effect a

22 collective presidency including several of the most influential
23 what I would call military political entrepreneurs, but which
24 Liberians often call war Lords, and El Hadji Koroma was one of
14:46:08 25 those.

26 Q. Now, just a few minutes ago you mentioned the name Benjamin
27 Yeaten in answer to a previous question.

28 A. Yes, yes

29 Q. Do you have anything to say about who this person was?

1 A. He is - he was one of those Liberians who received training
2 in Libya before 1989 and who was a core member of the NPFL and
3 clearly a confidante of Mr Taylor, who later became President
4 Taylor. Under President Taylor's administration he became
14:46:51 5 director of the state of the special security service, the SSS,
6 and, yes, was one of his senior security officials. I mentioned
7 in my testimony, or in my responses to Mr Munyard in
8 cross-examination, I mentioned the disappearance - well, the
9 murder - in December 1997 of one Sam Dokie. I believe he was
14:47:23 10 last seen alive in the custody of Benjamin Yeaten and, although
11 there was some sort of court case taken, it went - it finished
12 inconclusively and I think the assumption has to be that the
13 murder of Sam Dokie that the person who appears to be primarily
14 responsible was this same Benjamin Yeaten.

14:47:46 15 MR BANGURA: Thank you very much, Dr Ellis. Your Honours,
16 I have no further questions for the witness.

17 PRESIDING JUDGE: Thank you, Mr Bangura. Just pause,
18 Dr Ellis, please. Mr Bangura, there are no questions from the
19 Bench. Please proceed.

14:48:16 20 MR BANGURA: Thank you, your Honour. Your Honour, may I at
21 this stage move to have the documents which were earlier
22 introduced in the course of Dr Ellis's testimony be tendered in
23 evidence?

24 PRESIDING JUDGE: We will go through them one by one
14:48:33 25 please, Mr Bangura, and I will hear Mr Munyard on each one.

26 MR BANGURA: I will proceed more or less in the order in
27 which they were marked for identification. Your Honours, I move
28 that the document marked MFI-1 be admitted in evidence. That is
29 the report.

1 MR MUNYARD: No objection.

2 PRESIDING JUDGE: Thank you. Madam Court Manager, what
3 number are we now up to on the Prosecution exhibits please?

4 MS IRURA: That would be P-31, your Honour.

14:49:24 5 PRESIDING JUDGE: Thank you. MFI-1 becomes P-31.

6 Mr Bangura, please proceed to your next one.

7 MR BANGURA: Your Honour, I move that document marked
8 MFI-2, which is the panel of experts report concerning Liberia
9 pursuant to resolution 1343, 2001 I believe, be tendered in
10 evidence.

14:49:43

11 PRESIDING JUDGE: Mr Munyard?

12 MR MUNYARD: No objection to that, Madam President. I
13 would invite the Court to note, however, that the composition of
14 that panel is with one exception identical to the panel on Sierra
15 Leone. I am simply stating that as a matter of record. I didn't
16 raise it at the time and I should have done.

14:49:57

17 PRESIDING JUDGE: That is now on record, thank you, for
18 submissions at some later date. That then I think will become
19 exhibit number P-32?

14:50:14

20 MS IRURA: That is correct, your Honour.

21 PRESIDING JUDGE: Mr Bangura?

22 MR BANGURA: Your Honour, I move that the document marked
23 for identification as MFI-3A be admitted in evidence. That is an
24 interview with Taylor in French.

14:50:43

25 PRESIDING JUDGE: Mr Munyard?

26 MR MUNYARD: No objection.

27 PRESIDING JUDGE: Thank you. I note it is 3A and so this
28 will become P-33A, is that correct, Madam Court Manager?

29 MS IRURA: That is correct, your Honour.

1 PRESIDING JUDGE: Yes, Mr Bangura?

2 MR BANGURA: Your Honours, there is a counterpart document
3 to exhibit 33A and that was marked MFI-3B. I move that it be
4 tendered in evidence.

14:51:21 5 PRESIDING JUDGE: Mr Munyard?

6 MR MUNYARD: It is a translation, we haven't challenged it
7 and therefore it follows that we don't object.

8 PRESIDING JUDGE: P-33B. Mr Bangura, please proceed.

9 MR BANGURA: Your Honour, I move that the document marked
14:51:48 10 MFI-4, which is a profile of ECOWAS, be admitted in evidence.

11 MR MUNYARD: No objection.

12 PRESIDING JUDGE: P - excuse me, Prosecution exhibit P-34.

13 MS IRURA: That is correct, your Honour.

14 PRESIDING JUDGE: Mr Bangura, please proceed.

14:52:11 15 MR BANGURA: Your Honour, I move that the document marked
16 MFI-5, which is a news article by IRIN, be tendered in evidence.

17 PRESIDING JUDGE: Mr Munyard?

18 MR MUNYARD: Madam President, we object to that going in.

19 All that amounts to is a press release and, in the circumstances,
14:52:41 20 it has extremely little probative value or weight and we would
21 submit that it is not appropriate to be admitted.

22 PRESIDING JUDGE: Mr Bangura, your reply?

23 MR BANGURA: Your Honours, I am grateful that my learned
24 friend made reference to the word "probative" or the words
14:52:58 25 "probative value". Your Honours, I believe the question of
26 whatever weight that may have to be attached to this document is
27 a matter to be decided by your Honours at the end of the case,
28 taking into consideration all the evidence that is adduced in
29 this case. Your Honours, this is just one of the several

1 documents which the witness has sourced through his report. The
2 report is already in. Your Honours, I see - I make the point
3 that it is very relevant to understanding the sources that the
4 witness has cited in his report.

14:53:43 5 PRESIDING JUDGE: Thank you. The unanimous view of the
6 Bench is that this will go to weight and it is admissible in its
7 present form under rule 89 to be weighed at the end of the
8 evidence. Mr Bangura, please proceed. Oh, sorry, I make that
9 P-35.

14:54:16 10 MS IRURA: That is correct, your Honour.

11 MR BANGURA: Your Honours, I move that the document marked
12 MFI-6, which is ECOWAS Peace Plan, be admitted in evidence.

13 MR MUNYARD: No objection.

14 PRESIDING JUDGE: Very well. The MFI-6, the ECOWAS Six
14:54:35 15 Month Peace Plan, will be Prosecution exhibit P-36.

16 MS IRURA: That is correct, your Honour.

17 MR BANGURA: Your Honours, I move that the document marked
18 MFI-7, which is an agreement on ceasefire in Sierra Leone, be
19 admitted in evidence.

14:54:53 20 MR MUNYARD: No objection.

21 PRESIDING JUDGE: Thank you, Mr Munyard. Document MFI-1,
22 headed "Agreement on Ceasefire --" - 7, excuse me, I correct
23 myself, headed "Agreement on Ceasefire in Sierra Leone" subject
24 to the caveat mentioned by Mr Munyard of the higher up matter
14:55:17 25 saying "Agreement on Ceasefire April 1999" will be admitted in
26 evidence as exhibit - Prosecution exhibit P-37.

27 MR MUNYARD: Madam President, strictly speaking it is the
28 top line on that page and the bottom line on that page also,
29 neither of which are original to the document, and the same

1 applies on the second page.

2 PRESIDING JUDGE: Indeed I see both of those and,
3 Mr Bangura, I presume that you too have not indicated that you
4 have any problem with those.

14:55:50 5 MR BANGURA: Certainly, not, your Honour. The Prosecution
6 does not have - will not quarrel with Mr Munyard on this.

7 PRESIDING JUDGE: Very well. Those two heading and bottom
8 footing, I suppose we could call it, will be not count as part of
9 the exhibit.

14:56:06 10 MR BANGURA: Your Honours, lastly may I ask that the
11 document marked MFI-8, which is a global - which is entitled
12 "Global Witness Report Taylor-Made September 2001" be admitted in
13 evidence.

14 PRESIDING JUDGE: Yes.

14:56:26 15 MR MUNYARD: We object to this document going in for the
16 following reasons and I am going to have the take the Court
17 briefly to several passages in it. The Court will see that the
18 title of it is "Taylor-Made: The Pivotal Role of Liberia's
19 Forests and Flag of Convenience in Regional Conflict". The body
14:56:45 20 of this report is concerned with the timber trade and the
21 maritime commerce of Liberia. The report is produced by both
22 Global Witness, the British NGO, and the ITWF, the International
23 Transport Workers Federation. The ITWF have a particular
24 interest in the shipping industry and that is obviously why they
14:57:14 25 have played a part in producing this report.

26 The reason that the report is put in is that it is said to
27 demonstrate links between the - well, links between the accused
28 and the RUF. But in fact if one looks at the references, and
29 there aren't very many of them in the whole of the report to the

1 said links, I would ask the Court to pass over the first page,
2 which is Recommendations and Preface because that consists of no
3 more than a summary of its recommendations and an introduction to
4 what is in the body of the report. If you turn to the second
14:57:58 5 page, page 2, again all that does is set out an index and the
6 following couple of pages are an executive summary.

7 One first sees the body of the report on Liberia and the
8 RUF at page 12, "Liberia and the RUF - past and present links",
9 and this is - although there are parts of this that are repeated
14:58:36 10 in earlier pages that is simply because they are summarised in
11 earlier pages, this is the aspect of the report that is said to
12 demonstrate a link. That is the whole point of putting in the
13 report, one presumes.

14 And if you look at what it says in the first paragraph on
14:58:52 15 page 12 - and I am not sure if this was the paragraph that
16 Dr Ellis himself said he thought was confused, but certainly
17 there is an element of this that Dr Ellis himself doesn't
18 necessarily agree with - the first paragraph says that:

19 "The support links run from Liberia to the RUF have not
14:59:16 20 been severed - neither before or after the sanctions of 7th March
21 2001 -- Liberia has now begun illicit logging operations in
22 Sierra Leone, reputedly with the cooperation of the RUF, who are
23 also fighting in Lofa County. Reports have shown that RUF rebels
24 were 'sent into Lofa County to beef-up Liberian Government
14:59:40 25 defenses".

26 Now the point about that is, as the evidence demonstrated,
27 that there were incursions from Guinea and also from - I believe
28 also from Sierra Leone into Lofa County. These are attacks on
29 the Liberian government. This is not a case of the other way

1 round, the Liberian government supporting the RUF, and indeed the
2 rest of that page consists simply of names of people who have
3 been in the RUF who are based in or living in Liberia and it does
4 no more than that. It is a list of names.

15:00:26 5 Over the page, likewise there is a list that is very
6 difficult to read. Underneath that it says:

7 "Further lists exist illustrating the connections between
8 the RUF rebels of Sierra Leone and President Charles Taylor's
9 personal security force, the Anti-Terrorist Unit (ATU). One such
15:00:48 10 list, from January 2000, is shown above".

11 Well, our rhetorical response to that is so what? That
12 does not establish anything that goes to the issues for this
13 Court to determine.

14 And then there is a section immediately following that
15:01:05 15 headed "Violations against non-combatants", and these are all
16 accounts, as far as one can see, of people in Liberia being
17 harassed in one form or another and it is essentially to do with
18 the Liberian government's efforts to repel the invading forces
19 coming in through Lofa into Lofa County. That is what that page
15:01:38 20 is all about.

21 Indeed, the same point is made on the following page, page
22 14:

23 "In May 2001, according to eye-witnesses, Sierra Leonean
24 refugees were being forcibly recruited by President Charles
15:01:56 25 Taylor's Anti-Terrorist Unit -- and the armed forces of Liberia
26 at the bridge between Lofa and Bonga Counties -- The ATU were on
27 one side, and the [Armed Forces of Liberia] on the other".

28 That again is clearly a reference to the Liberian
29 government's efforts to repel invading forces coming into their

1 territory from abroad.

2 The final paragraph on that page, on the right-hand side,
3 says:

4 "The RUF is largely able to continue its activities because
15:02:28 5 of its support from the Liberian government. The Liberian
6 government is able to fund the RUF mainly because of the monetary
7 value of the timber which it exports".

8 That is a totally bald assertion, not supported by facts in
9 the rest of the report, and the rest of the report as you will
15:02:49 10 see starting on page 15 deals with the forestry industry and that
11 runs all the way through to page 27 where a new section starts
12 headed "Factors of destabilisation in the region". Again, that
13 section doesn't provide the Court with any facts that are
14 relevant to the issue in question - the issues for the Court to
15:03:36 15 determine.

16 It does, however, on the right-hand side, page 27, again
17 emphasise the point that I have already been making in the first
18 of four bullet points, "Liberians United for Reconciliation and
19 Democracy (LURD), an anti-Taylor movement fighting in Liberia,
15:03:59 20 receives equipment from Guinea". That is just one example of
21 regional insecurity. That does not establish any - go to any of
22 the issues that concern the Court.

23 We then move finally to page 29, where "The role of the
24 Liberian shipping register" is discussed, and that section covers
15:04:24 25 pages 29 through to 33.

26 Page 34 is a boiled down version of the report that this
27 Court already has in full form as one of the exhibits put forward
28 by Mr Smillie, who was the first witness. So page 34 does
29 nothing more than summarise a report that is already before this

1 Court, and I am sure the Court will as a matter of judicial
2 notice - and I mean that in the general rather than in the
3 particular sense. Under the rules of this Court, in general
4 terms the Court would always much rather have an original report
15:05:18 5 than somebody else's boiled down version of it.

6 Page 35 deals with maritime matters and page 36 says in a
7 series of bullet points on the right-hand side, "The
8 [International Transport Workers Federation] believes there is
9 strong evidence and cause for concern that --", and then there
15:05:46 10 are five bullet points the second of which is, "The UN panel on
11 Sierra Leone further alleges that those aspects of the ship
12 registry which facilitate the operation of shell companies may
13 --", and I emphasise may, "-- have been used in the illicit
14 export of conflict diamonds from Sierra Leone through Liberia".
15:06:05 15 You already have that report. I am making the same point, but I
16 have to because it is on that page.

17 And then we have the concluding page 37, which adds
18 nothing, and that is followed by appendices that include the
19 United Nations Security Council resolution 1343 with which this
15:06:31 20 Court is already well familiar.

21 For those reasons, Madam President, we submit that that
22 particular report is irrelevant except to the extent that it
23 attempts to summarise the original of a document that is already
24 before the Court.

15:06:52 25 PRESIDING JUDGE: Thank you, Mr Munyard. Your reply,
26 Mr Bangura?

27 MR BANGURA: Thank you, your Honour. Your Honour, I first
28 of all should make the point that the report is one of the
29 sources consulted by the witness whose report has been admitted

1 in evidence and I make the point further that to understand and
2 appreciate the findings made in the report by this witness fully
3 those sources which he has cited and which have been produced to
4 this Court should be admitted in evidence to give the Court a
15:07:35 5 fuller appreciation of how he came about making these
6 conclusions.

7 Going further to the relevance of the report, my learned
8 friend has pointed out many portions of the report where there
9 are extensive references of links between the accused and the RUF
15:08:00 10 and we cannot move away from that, your Honour. The report is
11 replete with those references. To the extent that they are there
12 and have been relied upon by the witness in his report I believe
13 it is important that this Court takes a look at them and at the
14 end of the day comes to its own - your own evaluation of the
15:08:29 15 truthfulness of whatever is contained in this document.

16 Your Honour, more importantly the report has information or
17 material which helps in the proof of theories of our case. Your
18 Honours, the fact that it points to a relationship between the
19 accused and the RUF goes to help explain or goes to help the
15:08:58 20 Prosecution in proving one of the main theories of our case which
21 is the JCE, the common plan, the common design or common purpose.

22 Your Honours, again at the end of the day it would be up to
23 your Lordships to make a determination as to whether what we have
24 in the report which is the threshold that this Court would
15:09:21 25 require to come to a decision, but it helps in showing that there
26 is in fact or there was in fact a link between the accused and
27 the RUF. It goes further to help show that - or perhaps it gives
28 a wider context of some evidence which may later come before this
29 Court or that may have been before the Court already. It gives

1 us a wider context in which we can understand some of that
2 evidence, your Honours. I believe the report is relevant and I
3 ask that the report be admitted, your Honours.

4 PRESIDING JUDGE: Thank you. We have considered the
15:11:06 5 submissions of both counsel. We note the detailed objections to
6 parts of the report by the Defence. However, this is a source
7 document and in our view it is relevant and admissible pursuant
8 to Rule 89. However, it will, as other documents of this nature,
9 be weighed for relevance and credibility and weight at the end of
15:11:37 10 the evidence. If there are no other matters - that will now
11 become a Prosecution exhibit number P-38.

12 MR BANGURA: Thank you, your Honour.

13 MS IRURA: That's correct, your Honour.

14 [Exhibit P-38 admitted]

15:11:54 15 MR BANGURA: That's all for this witness, your Honour.

16 PRESIDING JUDGE: Thank you. Dr Ellis, we thank you for
17 your evidence and the time you have spent giving us that evidence
18 here in Court. You are now at liberty to leave, thank you.

19 MR MUNYARD: Madam President, with the leave of the Court I
15:12:21 20 am now going to withdraw and I shall make way for Mr Cayley at
21 this point.

22 PRESIDING JUDGE: Thank you for your assistance,
23 Mr Munyard.

24 Ms Hollis, I do recall there was another witness listed in
15:12:58 25 the notification you gave us. I think it was 114, was it.

26 MS HOLLIS: No, your Honour, it will be TF1-326 and this
27 gentleman will be testifying in English in open session.

28 PRESIDING JUDGE: I'm grateful. Thank you, Ms Hollis. Ms
29 Alagendra, am I to take it that you are leading the witness?

1 MS ALAGENDRA: Yes, your Honour.

2 PRESIDING JUDGE: Please proceed when the witness is ready.
3 I understand from Ms Hollis that he will be giving his evidence
4 in English.

15:15:08 5 MS ALAGENDRA: That's correct, your Honour.

6 WITNESS: TF1-326 [Sworn]

7 EXAMINATION-IN-CHIEF BY MS ALAGENDRA:

8 Q. Good afternoon, Mr Witness. I just want to check if you
9 can hear me clearly.

15:15:56 10 A. Yes. I have to talk --

11 Q. Yes, please. You have got to speak into the microphone.

12 A. Okay.

13 Q. Mr Witness, could you state your name for the Court,
14 please?

15:16:04 15 A. Yes, my name is Jose Maria Caballero.

16 Q. Are you usually referred to by any other name?

17 A. We are normally known as Father Chema.

18 Q. And how would you like me to address you today?

19 JUSTICE SEBUTINDE: Miss Alagenda, we need some spellings,
15:16:23 20 really, right from the beginning.

21 MS ALAGENDRA: I'm sorry, your Honour.

22 Q. Sorry, Mr Witness, if you can just spell your name again
23 please?

24 A. My whole name is Jose, is J-o-s-e, Maria M-a-r-i-a,
15:16:36 25 Caballero C-a-b-a-l-l-e-r-o. I am normally known as Chema and
26 that is spelt C-h-e-m-a.

27 Q. And that was Father Chema, you said?

28 A. Yes, or Chema.

29 Q. And how would you like me to address you today?

1 A. Chema, normally.

2 Q. Is that Chema, or Father Chema?

3 A. Father Chema is okay for you.

15:17:12

4 Q. Thank you, father. Father, could you tell the Court your
5 date of birth and your age, please?

6 A. I was born 15 September 1961. Therefore, I am 46 years old
7 now.

8 Q. And where are you presently residing?

15:17:31

9 A. I am residing in Sierra Leone in Madina, Tonko Limba in
10 Kambia District.

11 PRESIDING JUDGE: Perhaps we can have some spelling there
12 again, please, Ms Alagendra.

13 THE WITNESS: Madina is spelt M-a-d-i-n-a, Kambia District,
14 Kambia is K-a-m-b-i-a.

15:17:46

15 MS ALAGENDRA:

16 Q. Father, where would you say your permanent address is?

17 A. Sierra Leone.

18 Q. How long have you lived in Sierra Leone?

19 A. Well, I first arrived in 1991, so almost 15 years.

15:18:06

20 Q. And what is your nationality, father?

21 A. I am Spanish.

22 Q. What languages do you speak?

23 A. Well, Spanish is my mother tongue. I also speak English,
24 Italian and Krio and just a little of Limba.

15:18:27

25 MS ALAGENDRA: Your Honours, Limba is spelt L-i-m-b-a.

26 Q. What is your current occupation?

27 A. I am a Catholic priest.

28 Q. Father, could you briefly state your educational background
29 for the Court?

1 A. Okay, I have a BA in law, University of Madrid, a BA in
2 theology also in Madrid and a masters in science - social
3 science, University of New York, Long Island.

4 Q. And your professional background?

15:19:03 5 A. Well, I work as a lawyer while I was studying theology
6 mostly with immigrants.

7 Q. And where did you study your theology, father?

8 A. In Madrid.

9 Q. You said you have a degree, a masters degree, in social
15:19:30 10 sciences?

11 A. Yes, that's right.

12 Q. Where did you obtain that degree?

13 A. University of Long Island, New York, United States.

14 Q. And while were you studying this in New York were you
15:19:44 15 involved in any training?

16 A. Well, at the same time because I was working in a parish I
17 was trained in counselling at the same university and also
18 workshops organised by the Catholic church of New York. I was
19 counselling for youths involved in violence, drugs, how to deal
15:20:08 20 with the children, how to use the sport with the children.

21 Q. And were you involved in any volunteer activities when you
22 were in New York?

23 A. Yes, I was working with black Americans and Latinos gangs
24 in the South Bronx in New York.

15:20:35 25 Q. When did you arrive in Sierra Leone for the first time?

26 A. The first time was 1 October 1992.

27 Q. And what was the purpose that you came to Sierra Leone for?

28 A. I was sent by my superiors to work in the field of justice
29 and peace and human rights.

1 Q. When you say superiors, father, who do you mean?

2 A. The [i ndiscernible] congregation, I have - always I depend
3 on a superior. He is the person who normally take care of me and
4 decides the kind of work - assign me to a particular work.

15:21:13 5 Q. And where was your first assignment when you arrived in
6 Sierra Leone?

7 A. It was Kenema Pastoral Centre.

8 Q. Could you spell Kenema for the Court, please?

9 A. K-e-n-e-m-a.

15:21:29 10 Q. And what was the program that was being run in the pastoral
11 centre?

12 A. At that time the civilians, my congregation, were in the
13 pastoral centre they were running workshops and training on human
14 rights, human development, justice and peace.

15:21:47 15 Q. And how long were you in Kenema?

16 A. Well, I was there up to - I arrived there in 92. I was up
17 there to almost the end of 93.

18 Q. Is there any particular reason why you left at the end of
19 1993?

15:22:01 20 A. Well, I left because of the situation. The war was very
21 close to Kenema. We couldn't organise the workshops or the work
22 we were trying to do and then the situation was not safe for us
23 and so we decided to leave the place.

24 Q. Could you describe very briefly what was the kind of work
15:22:19 25 that you were doing in Kenema at this time?

26 A. Well, I was supposed to organise workshops with people
27 especially on human rights issues, to train them on how to follow
28 up human rights issues or problems and how to address and face
29 them.

1 Q. When you left Kenema, where did you go to?

2 A. I went to Makeni. Makeni, the civilian missionaries have
3 their headquarters and I was asked by my superior at that moment
4 to help him to prepare some documents for an important meeting we
15:22:52 5 had at that time.

6 Q. What year did you go to Makeni, father?

7 A. Excuse me, can you repeat?

8 Q. What year did you go to Makeni?

9 A. Sorry, it was 1993.

15:23:02 10 Q. To Makeni?

11 A. To Makeni. Or beginning of 1994. End of 93, beginning of
12 1994. I don't remember the exact point.

13 Q. Did you go to Freetown at any point?

14 A. After Makeni I was sent also by my superior to Freetown to
15:23:19 15 a parish called Holy Cross in Kissy, Freetown.

16 Q. How long were you in Freetown?

17 A. I was there up to the end of 94, beginning of 95 when I
18 went back to Spain.

19 Q. And what was the kind of work you were doing in Freetown?

15:23:33 20 A. In Freetown I was working with youths, [indiscernible]
21 those who ran away from the provinces because of the war. I was
22 sent to organise them, to support them and also I tried to send
23 many of them to a skill training programs that the St Joseph
24 fathers were running in an institution nearby the parish.

15:23:53 25 Q. Father, did you leave Sierra Leone at some point?

26 A. Yes, I did. It was in 95.

27 Q. Where did you go to?

28 A. I went to Spain for my priestly ordination.

29 Q. After you were ordained as a priest what did you do?

1 A. I was sent by my superiors to the States to study.

2 Q. Father, in 1998 did you return to Sierra Leone?

3 A. Yes, I did.

4 Q. Why did you return to Sierra Leone?

15:24:16 5 A. Because after I finished my studies my superiors asked me
6 to come back to Sierra Leone.

7 Q. When you returned to Sierra Leone what was the purpose?

8 A. I was sent back to Kenema to the same place I was at the
9 beginning, the pastoral centre that the civilians had re-opened
15:24:34 10 in 97 with the purpose of trying to do the same work I was
11 supposed to do at the beginning.

12 Q. And were you able to do the same work?

13 A. No, we couldn't do anything because of the war again.
14 People were afraid of travelling to Kenema so it was almost
15:24:50 15 impossible to organise any workshop or training session with the
16 people.

17 Q. Did you move from Kenema at some point?

18 A. Yes, I did. I went - from Kenema I went to Makeni because
19 of the war.

15:25:04 20 Q. How long did you stay in Makeni?

21 A. Just a few, few weeks or maybe one month, because we were
22 having a meeting and we were working there for this meeting and
23 later on, it was 22 December, we had to run away from Makeni.

24 Q. Why did you have to run away from Makeni?

15:25:30 25 A. Because of the RUF forces were coming near the city. They
26 attacked the city. So we have to run away.

27 Q. When you say city, what do you mean, father?

28 A. Makeni.

29 Q. Could you describe briefly what was it exactly that made

1 you run away from Makeni ?

2 A. It happened a few days earlier, people were running away
3 from Binkolo, Binkolo is a village near Makeni, and were coming
4 to Makeni saying that the RUF were attacking them in Binkolo. In
15:26:10 5 fact we have two priests there and we didn't know what happened
6 to them. Later on we found out that they ran away and through
7 the bush made their way to Guinea where we found them later on.
8 So the 22nd, we were there in Makeni, we heard this bombing and
9 people running away and so we decided to follow the people and
15:26:31 10 leave Makeni.

11 Q. Father, just to take you back a little bit can you spell
12 Binkolo for the Court please?

13 A. Sorry, Binkolo is B-i-n-k-o-l-o.

14 JUSTICE SEBUTINDE: Miss Alagenda, I am sorry to

15:26:47 15 interrupt, the witness mentioned a date of 22 December, but
16 didn't mention the year?

17 MS ALAGENDRA:

18 Q. Father, you just told the Court that you left the Makeni on
19 22 December?

15:27:01 20 A. Yes, 1998.

21 Q. Thank you. Father, when you left Makeni, where did you go
22 to?

23 A. I went to Lungi. Shall I spell Lungi?

24 Q. Yes, please.

15:27:16 25 A. L-u-n-g-i.

26 Q. Father, did you leave Sierra Leone at some point?

27 A. Yes. It was in March 99. I was called by my general
28 superior to go to Rome for a meeting on the situation in Sierra
29 Leone.

1 Q. Could you tell the Court what prompted this meeting in Rome
2 on Sierra Leone?

3 A. Well, it was because we had to run away from all our
4 missions, all the Xaverians working in Sierra Leone. Six of our
15:27:55 5 brothers had been kidnapped in Freetown together with six sisters
6 of Mother Teresa congregation, a missionary charity, three of
7 whom were killed. Because of the situation in the country we
8 decided to go to Rome to have a meeting to decide what to do
9 next, how to continue to do our work in Sierra Leone.

15:28:18 10 Q. And who was in attendance at this meeting?

11 A. Well, there were all those Xaverian fathers who were
12 working in Sierra Leone at that time.

13 PRESIDING JUDGE: Could you say the name of the order
14 again, please?

15:28:33 15 THE WITNESS: Xaverian, X-a-v-e-r-i-a-n of St Francis
16 Xaveria.

17 PRESIDING JUDGE: Thank you.

18 MS ALAGENDRA:

19 Q. Were there any decisions taken at this meeting?

15:28:46 20 A. Yes.

21 Q. What were the decisions?

22 A. Okay, we decided to come back and to focus on three issues.
23 The first one was the war with the refugees and displaced people
24 of the war, the second one was to continue the formation of those
15:29:06 25 Sierra Leonean youth who wanted to become Xaverians who were in
26 the seminary and the third one was to work with child soldiers.

27 Q. And what was the decision as to what kind of work would be
28 done in relation to child soldiers?

29 A. Well, it was not clear at the beginning in that meeting.

1 What we wanted to do was to release them, to get them out of
2 their fighting forces, to rehabilitate them and to the send them
3 back to their families, but we didn't know how to do it at the
4 beginning.

15:29:40 5 Q. Father, when you say fighting forces, what are the forces
6 that you are referring to?

7 A. Fighting forces normally referring to CDF, AFRC and RUF.

8 Q. Did you return to Sierra Leone?

9 A. Yes, I did, at the end of March.

15:30:05 10 Q. And did you start a program for child soldiers in
11 accordance with these objectives?

12 A. Yes. In that meeting I was telling you about the superiors
13 decided I will take care of this program on child soldiers and so
14 when I returned I started this program.

15:30:22 15 Q. When did you start this program?

16 A. It was April 99.

17 Q. And where was this program going to be situated?

18 A. It was in a former hotel called St Michael Lodge in Laka,
19 L-a-k-a, in the peninsula of Freetown.

15:30:42 20 Q. Before you started this program in April 1999 did you
21 consult with any other organisations?

22 A. Yes, I did, because we didn't really know how to do this
23 program. We talked especially with UNICEF who at that moment was
24 the organisation in charge of all the child soldier programs in
15:31:03 25 Sierra Leone.

26 Q. What was the relationship between UNICEF and your
27 organisation or program?

28 A. Okay, UNICEF was given the guidelines for the program not
29 only for us Xaverians but all the NGOs and our organisations

1 working with child soldiers and also was supporting us
2 financially and with their supplies.

3 Q. And at that time was UNICEF doing any work with regards to
4 child soldiers?

15:31:32 5 A. Okay, yes. Yes, they were trying to negotiate with the
6 fighting forces the release of children.

7 Q. And have you ever yourself been involved in any efforts by
8 UNICEF with the negotiations with the fighting forces?

9 A. Well, I never went all the way to meet the fighting forces.
15:31:55 10 I was always standing by near the negotiation point with the
11 vehicles ready to take any child that could be released from the
12 fighting forces.

13 Q. Can you tell the Court about any specific instance when you
14 were involved in this manner?

15:32:13 15 A. Well, for example I remember that once we went to Okra
16 Hills - Okra Hill is O-k-r-a - to negotiate the release of child
17 soldiers. UNICEF was there and also the Bishop for Makeni,
18 Bishop George Biguzzi, and I was standing there. I was behind
19 them in Waterloo waiting for the coming of the meeting.

15:32:47 20 PRESIDING JUDGE: Could we have the bishop's name again,
21 please, father?

22 THE WITNESS: Okay. George Biguzzi, B-i-g-u-z-z-i.

23 MS ALAGENDRA:

24 Q. When did this take place?

15:33:09 25 A. Sorry?

26 Q. When did this take place?

27 A. It was around August 99 more or less. So I was there
28 waiting I think in Waterloo, a few hours later we saw the bishop
29 coming and they need us to leave because they have kidnapped most

1 of the people who went there for this meeting.

2 Q. Who had kidnapped?

3 A. The fighting forces. The RUF at Okra Hill. He escaped
4 because one of the boys who was there recognised him from Makeni
15:33:40 5 and told him to leave and that's why he left and came to us and
6 we left the place.

7 Q. Now, father, did UNICEF continue to play this role of
8 receiving children directly from the fighting forces after May of
9 2000?

15:33:54 10 A. Well, once UNAMSIL took over because they were in charge of
11 the demobilisation UNICEF withdrew from this role.

12 Q. And what was their role now?

13 A. Well, they continued to set guidelines for this program and
14 to continue to support us.

15:34:13 15 Q. Now, father, you have told the Court that you started a
16 program at the St Michael's Lodge?

17 A. Uh-huh.

18 Q. Right. How many staff were involved in the program?

19 A. We have 114 people working for us.

15:34:27 20 Q. And what kind of staff were they?

21 A. You have security people, cooks, cleaners, caretakers,
22 social workers, teachers, skill training instructors and a nurse.

23 Q. How many social workers did you have?

24 A. 25 social workers.

15:34:49 25 Q. Now what was the qualification --

26 JUSTICE SEBUTINDE: Miss Alagendra, the witness did mention
27 a figure 114. I don't know if it was 114, or 140?

28 MS ALAGENDRA: It was 114, your Honour, if the witness can
29 confirm.

1 THE WITNESS: Yes, that is right.

2 MS ALAGENDRA:

3 Q. Father, 25 social workers, am I correct?

4 A. Yes.

15:35:14 5 Q. What qualifications, if any, did they have?

6 A. All of them were teachers from teachers college. They at
7 least had TC, a teacher's certificate. But that was not enough
8 because then we have to train them to specific service to the
9 child soldiers.

15:35:31 10 Q. What kind of training did you have give them?

11 A. Well, there were two kind of trainings let's say. One was
12 the one organised especially by UNICEF for all the social workers
13 working for different NGO organisations. This kind of training
14 was maybe - I recall when an Italian psychologist came and

15:35:53 15 trained the social workers for almost one month on the stages of
16 human development for example, on problems related to violence
17 and children and that kind of things. Also they were trained on
18 how to fill out forms and documents for the program. And then we
19 have our specific training for our social workers, those working
15:36:18 20 at St Michael's. Handicap International, another international
21 NGO, was coming every week - two psychologists working with
22 Handicap International coming every week at St Michael's meeting
23 with social workers and caretakers discussing the problems the
24 children had, the behaviour of the children and helping them to
15:36:44 25 deal with these kinds of problems.

26 Q. Now, father, you say that there was an Italian doctor who
27 gave them training on stages of development?

28 A. Yes, that's right.

29 Q. What was the purpose of this kind of training?

1 A. Well, the purpose of the training was to try to identify
2 the age of the children. You know, it was not always easy for us
3 to know how old a child was, especially when they reach 17, 18
4 years old.

15:37:09 5 Q. Now apart from the training that you have already
6 mentioned --

7 PRESIDING JUDGE: Would you just pause, Ms Alagendra.
8 Father, could you go a little slower. I think the record is
9 having a little trouble understanding you.

15:37:19 10 THE WITNESS: I am sorry.

11 PRESIDING JUDGE: No, it's not your fault. It's life.

12 THE WITNESS: I will try.

13 MS ALAGENDRA:

14 Q. I will repeat my question. Apart from this training that
15:37:34 15 you have mentioned which is the training by UNICEF, by Handicap
16 International, by an Italian doctor - father, first could you
17 tell the Court the name of this Italian doctor?

18 A. It was Dr Rita Fiori Mazo, or something similar. I don't
19 remember the whole name.

15:37:55 20 Q. Would you be able to spell it?

21 A. I don't think so. Maybe I can try. Fiori is F-i-o-r-i,
22 Mazo must be M-a-z-o. Shall I repeat it, because maybe it was
23 written? Yes, Rita is R-i-t-a, Fiori is F-i-o-r-i and Mazo is
24 M-a-z-o.

15:38:36 25 Q. So, apart from the training by UNICEF, Handicap
26 International and this Italian doctor was there any other kind of
27 training that they underwent?

28 A. Yes, I was going to say that for example in St Michael we
29 call a Spanish psychologist, she is a professor from Madrid

1 University called Dr Fatima Millares. You spell it Fatima,
2 F-a-t-i-m-a, Millares M-i-l-l-a-r-e-s. She came to train our
3 social workers and teachers on how to work with drawings as a
4 technique to get children's feelings and children's information.

15:39:39 5 Q. Father, how long did the program at St Michael's Lodge run
6 for?

7 A. St Michael's was open from April 1999 to the end of March
8 2000, so it was three years almost.

9 Q. 1999, so what year?

15:39:58 10 A. 1999 to 2000. 2002, I am sorry. 2002.

11 PRESIDING JUDGE: Father, I think I realise what the
12 problem is. If you could avoid turning your head as you speak
13 and keep to the microphone I think that will then help to
14 overcome our problem.

15:40:12 15 THE WITNESS: Sorry, it is difficult.

16 MS ALAGENDRA:

17 Q. So that is a total of three years, father, am I right?

18 A. That is right, three years.

19 Q. Now are you able to recall between April 1999 and March
15:40:25 20 2002 how many children were received into your program?

21 A. It was more than 3,000 children. I think it with was 3,025
22 children.

23 Q. Out of these 3,025 children how many would you say were
24 child soldiers?

15:40:47 25 A. According to the statistics we had, like 62 per cent. At
26 least 62 per cent of the children were child soldiers.

27 Q. Father, at the end of your program did you prepare any sort
28 of a document or a report which states these figures?

29 A. Yes, I did. I prepare a kind of a statistics. Every month

1 we had to present the statistics to UNICEF and I compiled them at
2 the end of the program so that UNICEF have overlooked - have the
3 total of the children that passed through St Michael since some
4 children were not still unified with their parents to continue to
15:41:34 5 support us.

6 Q. So, what was the purpose of the --

7 A. The paper I prepared.

8 MS ALAGENDRA: Your Honour, may I ask that the witness be
9 shown the document at tab 21, please. I assume this to be MFI-1.

15:42:09 10 PRESIDING JUDGE: Just let the witness see it first.

11 MS ALAGENDRA:

12 Q. Father, do you recognise this document that you are looking
13 at?

14 A. Yes, I do.

15:42:49 15 Q. If you look further down there is a signature on the
16 bottom?

17 A. Yes.

18 Q. Do you recognise that signature?

19 A. That's mine, yes.

15:42:57 20 Q. Now, father, the figures that you have just given me about
21 the number of children that you received and the number of child
22 soldiers out of these number of children, is it stated there,
23 father? Can you have a look?

24 A. Yes, the first line, date of arrival at St Michael from 1
15:43:16 25 April 1999 to 30 March 2002 states 3,025 children and then you
26 asked me for --

27 Q. The number of child soldiers out of?

28 A. That we collect ex-combatants in that data and you see
29 there in the second group the last line, is combatants 1,880, 62

1 per cent of the children.

2 Q. Thank you. Father, what was the cut off age for the
3 children that were received into the program at St Michael's
4 Lodge?

15:43:57 5 A. 18 years old.

6 Q. And why did you choose this as the cut off age?

7 A. It was not me. It was UNICEF guidelines.

8 Q. When did you receive your first group of children into the
9 program?

15:44:10 10 A. The first group of children was received in April 99.

11 Q. And how did they come to arrive at the St Michael's Lodge?

12 A. UNICEF brought them into the program.

13 Q. And what was the age and gender of this group of children?

14 A. Well, we have all kind of ages, but they were mostly little
15 ones.

16 Q. I am just talking about this group?

17 A. This particular group, yes, I understand. This kind of
18 children, I think they were, if I recall, 12, 14, 15 years old
19 and there were also many girls in this group and some of the

15:44:52 20 girls were over 18 years and most of these girls were already
21 pregnant or with babies.

22 Q. What was the history of this group of children?

23 A. Well, this particular group was what they call camp
24 followers or slaves meaning --

15:45:11 25 Q. When you say --

26 A. Sorry.

27 Q. Sorry, I cut you off, father.

28 A. I am trying to explain that when the children called
29 somebody camp follower or slave, what they meant. They were

1 those children who were not trained as soldiers, but were doing
2 domestic works for the other childrens or for the commanders or
3 the fighters like the cooking, doing the laundry, getting the
4 wood or whatever they were asked to do. Most of the girls were
15:45:39 5 what they call sex slaves. They were used by the fighters as
6 wives they say, but they were sex slaves.

7 Q. Father, from this group are you able to recall the age of
8 the youngest girl that told you she was a sex slave and, father,
9 at this point I just want to remind you not to give out any
15:46:02 10 identifying information about the child?

11 A. Yes, yes, I remember one particular one in this group.

12 Q. How old was she when she came to your centre?

13 A. I think she was 14 years old.

14 Q. And what was her history, father?

15:46:18 15 A. According to her she was kidnapped when she was seven or
16 eight years old and from the beginning she was abused and used by
17 a fighter, a commander, called --

18 Q. I am just going to stop you not calling out the names --

19 A. Of this other person?

15:46:40 20 Q. Yes because you may identify the child.

21 A. Okay, sorry. So she was used by this man as what they call
22 bush wife, that's a sex slave, and she became pregnant and when
23 she was pregnant, well, he got tired of her and that's why he
24 release her and she arrived in St Michael. She was pregnant. A
15:47:06 25 few weeks later she delivered, but the baby died.

26 Q. And this fighter or commander who took her as his bush
27 wife, which fighting force did he belong to, can you remember?

28 A. According to her, RUF.

29 Q. Father, did you receive children into your program who had

1 been recruited, trained and used as fighters by the fighting
2 forces?

3 A. Yes, I did.

4 Q. What did you call them?

15:47:40 5 A. Child soldiers.

6 Q. Now when UNAMSIL started the DDR program in Sierra Leone
7 what procedure did the St Michael's Lodge use to receive children
8 from UNAMSIL?

9 A. It was similar to the one we used with UNICEF. The UNICEF
15:48:03 10 brought the children. Once UNAMSIL took over they would bring
11 the children to us.

12 Q. Was there any point where you would go up to them and
13 receive the children?

14 A. At the beginning, as I told before, we were there standing
15:48:19 15 by, but I personally didn't go. I send social workers to help
16 these UNAMSIL troops because many of them did not speak Krio or
17 any other local language so it was difficult for them to
18 communicate with the children. So we send social workers to help
19 them to identify the child soldiers, those who were above 18 as
15:48:47 20 well, and to help them in the preparations of the children to be
21 brought to St Michael's.

22 Q. When did you receive your first group of child soldiers
23 into the program?

24 A. The very first group of child soldiers that were not
15:49:06 25 demobilised yet, because there's a difference here, was received
26 in October 99. The first group of children who was ready
27 demobilised and therefore recognised as child soldiers by the DDR
28 program arrived later on.

29 Q. So, father, why do you say that the group that came in

1 October - why do you call them child soldiers?

2 A. Because they were trained and they were fighting with the
3 fighting forces.

15:49:36

4 Q. Can you tell the Court the history of this group of
5 children that came in October 1999?

6 A. Yes, in this group it happened there was an infight on a
7 different section of a group of the RUF. One group, according to
8 the children, stayed in Lunsar with Colonel Issa and the are
9 group moved to Makeni, Magburaka with Superman.

15:50:03

10 Q. Father, when you say Colonel Issa, do you know the full
11 name of this --

12 A. Yes, sorry, Issa Sesay.

13 JUSTICE SEBUTINDE: Ms Alagenda, there was a name before
14 Colonel Issa, The name of a location?

15:50:16

15 THE WITNESS: It's Lunsar. It's a city in Sierra Leone.
16 It is spelled L-u-n-s-a-r.

17 JUSTICE SEBUTINDE: And there were two other locations I
18 think.

15:50:38

19 THE WITNESS: Yes, I said Makeni and Magburaka. Makeni is
20 M-a-k-e-n-i. Magburaka is M-a-g-b-u-r-a-k-a.

21 MS ALAGENDRA:

22 Q. Could you also spell the name of the commander you called
23 out, Issa Sesay?

24 A. Issa is I-s-s-a. Sesay is S-e-s-i-y [sic].

15:51:24

25 Q. So, father, one group was under the command of Issa Sesay,
26 you said?

27 A. Yes.

28 Q. And the second group was under the command of?

29 A. I think he was called Superman, the other commander.

1 Q. Superman is spelt as in Superman?

2 A. Yes, as in the ---

3 Q. Father, can you continue to tell us the history of this
4 group?

15:51:53 5 A. So these two groups were fighting. At a certain point the
6 ECOMOG troops, they were there, the peace troops, got the
7 children, put them in trucks and brought them to St Michael's to
8 us.

9 Q. When they arrived at St Michael's, did they get along with
15:52:11 10 each other?

11 A. No, they continued fighting there. In fact, there was a
12 riot, the two groups fighting amongst themselves, and I had to
13 call the peace - the forces that were nearby to control the
14 situation.

15:52:29 15 Q. Now this group you received in November 1999, could you
16 tell us a bit about this group, please?

17 A. Okay, the group in November?

18 Q. November, yes.

19 A. In November they arrived in two groups. The first one
15:52:43 20 arrived at the beginning. There were a few children, I think
21 seven. Two days later arrived the other group. There were 67,
22 69 children.

23 Q. And who brought them?

24 A. UNAMSIL brought them, the Sierra Leone mission at that
15:53:04 25 point, and they were the very first children to be demobilised
26 officially.

27 Q. What was the age group of these children?

28 A. This November group?

29 Q. Yes.

1 A. 14, 17, 18.

2 Q. You said these children were demobilised?

3 A. Yes.

4 Q. Where were they demobilised?

15:53:27 5 A. This first group was demobilised in St Michael's.

6 Q. Could you explain why it was that they were demobilised in
7 St Michael's?

8 A. Because it was the very first group to be demobilised in
9 Sierra Leone so they didn't know how to do it yet and so UNAMSIL
15:53:44 10 came, they brought them in the evening and the next day they came
11 to demobilise the children. In fact what happened was that when
12 they arrived in the morning they just put the papers, the cameras
13 to take the picture of the children, everything on the table, and
14 in a few minutes the children took everything, cameras, papers,
15:54:06 15 documents, the key - the car keys and just put the UNAMSIL
16 soldiers against the wall even with a gun pointing at them and I
17 had to intervene and cool down the situation and next day UNAMSIL
18 came and did the work.

19 Q. Where did the children get these guns from?

15:54:27 20 A. From the soldiers. From the UNAMSIL soldiers.

21 Q. Father, you testified earlier that there was a total of
22 3,025 children and out of that 62 per cent were child soldiers?

23 A. Yes.

24 Q. Now, after November of 1999, which fighting faction did
15:54:50 25 most of the child soldiers that you received belong to?

26 A. RUF.

27 Q. And how do you know this?

28 A. First because the children told us and, second, because
29 many children were marked with scars with the initials of RUF.

1 According to them they were made by their commander so that they
2 couldn't escape.

3 Q. They were marked where, father?

4 A. They have this with the knives or blades, they had the
15:55:19 5 initial on their chest or their arm with the initials of RUF.

6 Q. And overall what was the average age group of the child
7 soldiers?

8 A. Do you mean the whole program?

9 Q. Yes.

15:55:35 10 A. I will say 14, 17. From 14 to 17 years more or less.

11 Q. 14 to 17 years at the time they came to your lodge?

12 A. Yes.

13 Q. What nationality were the children that you received into
14 the lodge?

15:55:52 15 A. Most of them were Sierra Leoneans. We had a few Liberians
16 as well.

17 Q. And how did you know these children were Liberian?

18 A. Because they told us they were Liberian.

19 Q. Do you know the history of these Liberian children?

15:56:08 20 A. Well, according to them they just came into Sierra Leone
21 with the fighting forces, those Liberians that came to support
22 RUF and they had been fighting with them along the way.

23 Q. Fighting with who, father?

24 A. With the RUF.

15:56:25 25 Q. And these children once they were received into the
26 program, where did they live?

27 A. Well, in St Michael we have 21 bungalows where the children
28 stayed with their caretakers. We used to divide the children
29 into groups with one caretaker taking care of the group. We

1 divide them by sex first, boys and girls, and then by ages from
2 the small ones to 10 more or less, from 10 to 14, from 14 to 18.
3 We also divided them according to the fighting force they were
4 coming from so that they never stayed together all those coming
15:57:08 5 from the RUF or all those coming from AFRC. Then once we
6 discovered that one of the boys was a commander or somebody who
7 was in charge of a group of children, we tried to separate him
8 from the other children so that he couldn't continue to control
9 those children.

15:57:28 10 Q. Could you just explain again why did you separate children
11 who were commanders from the other children?

12 A. Yes, because the children were those who were giving
13 instructions and orders to the other children, controlling those
14 children. So the first thing we wanted to do with these children
15:57:44 15 is to help them to forget about the past and so if the commander
16 was still there he would have still controlled them and give
17 orders to them and manipulate them. So that is why we decided to
18 separate commanders from the troops from the other children.

19 Q. And what about the girls? How were they housed?

15:58:06 20 A. Well, they were in special groups with a female care giver.
21 We open a different place, a different location for those girls
22 who are pregnant or were mothers so they have special care.

23 Q. Once the children are received into the program and their
24 living arrangements sorted out, what was the first order of
15:58:28 25 business for these children?

26 A. Well, first we show them around the compound so they knew
27 where they were. We explained the program to them, what they
28 could expect from the program, which normally was just to forget
29 about what happened to them, to go back to school or to learn a

1 skill and to be unified with their families. That is what we
2 promised them. Then we tried to help them to decide what they
3 wanted to do, either to go to school or to learn a skill. So
4 during the first weeks the children were shown around the
15:59:06 5 different workshops, the skills workshops, and the school so that
6 they could decide what they wanted to do.

7 Q. And what would happen after this first week?

8 A. Well then once the children decided what they wanted to do
9 they were assigned to the workshop or to the school.

15:59:24 10 Q. And if a child decided he wanted to go to school, how would
11 you assist him?

12 A. Well, we were running the school there at the compound. We
13 have - our teachers were trained by Norwegian Refugee Council, an
14 international NGO in what it was called Rapid Education Program
15:59:51 15 so that the children could make up for the school years they lost
16 and once they reached their level they were sent to the public
17 school in the nearby village.

18 Q. What kind of skills training was available for the children
19 at the St Michael's Lodge?

16:00:14 20 A. Well, auto mechanics, driving, tailoring, masonry,
21 carpentry, bread baking - bread making, sorry, salt making,
22 hairdressing for girls. More or less that's what.

23 Q. Father, could you tell the Court briefly what was the daily
24 routine for the children in the program?

16:00:45 25 A. Okay, children will wake up in the morning, 6, 6.30, clean
26 around their living areas, go for - go to wash, eat breakfast and
27 then we have an assembly every day for half an hour. Sorry,
28 before the assembly will pray either Christian way or Muslim way
29 depending on the religion of the child. Go for assembly. The

1 assembly will explain the program for the day. If something
2 happened the day before, somebody was punished, why the person
3 was punished so that everybody could understand what was going
4 on. Then from their the children will go to the school or to the
16:01:37 5 workshops for their skill training program, coming back for
6 lunch. After lunch there was a break where the children could do
7 the laundry or just rest, go back to the school from 3 to 5 in
8 the afternoon. Five o'clock to 7 is sports. After 7 they washed
9 and then dinner and after dinner we had different activities,
16:02:06 10 music, dancing, singing, theatre, television. At that time also
11 the social workers would organise some kind of therapy for the
12 children, some kind of role playing therapy so the children could
13 interpret themselves, they can play themselves and try to get
14 information from them what happened to them during the time they
16:02:29 15 were in the bush with the fighting forces.

16 Q. Father, you said that one of the things they do when they
17 wake up is to clean their living areas. Is there any particular
18 reason why this was part of their routine?

19 A. The children who were fighters or were child soldiers
16:02:48 20 cleaned their living areas or do the laundry or go for the water
21 to wash themselves, it with was very important, because they were
22 used to command other children. They had those camp followers we
23 or those slaves that will do that for them. So we forced them to
24 do those things so that they just get into a normal life, what
16:03:09 25 any other child in Sierra Leone do every day.

26 Q. Did you have a registration process at St Michael's Lodge?

27 A. Registration was done by the social workers.

28 Q. Would you explain the process please?

29 A. Okay, yes. Normally a few days or weeks depending after

1 the child was - the child arrived in St Michael the social worker
2 interview him trying to get the information, family background,
3 when he was kidnapped and then the history of the child during
4 the time he was with the fighting forces. Normally the first
16:03:51 5 information we got was not true or the children did not give all
6 the information because maybe they were afraid of giving the
7 information or because they didn't know what we were going to do
8 with that information. So maybe it took us two or three
9 interviews with the children and all the time they were in St
16:04:08 10 Michael to get the real information.

11 Q. These two or three interviews, over what period of time
12 would it take place?

13 A. It all depends, because normally the first one after a few
14 weeks depending on the evolution or how the child evolved in the
16:04:24 15 program. Maybe after one month or two month the second
16 interview. Maybe after six months or one year the third
17 interview.

18 Q. Father, did you use any particular document?

19 A. Do you mean for the accommodation of children?

16:04:44 20 Q. For the registration of the children?

21 A. Yes, we were using the forms given out by UNICEF and all
22 agencies were using the same forms.

23 MS ALAGENDRA: Your Honour, may I ask that the witness be
24 shown the document tab 18.

16:05:37 25 Q. Father, can you have a look at the document in front of
26 you?

27 A. Yes.

28 Q. Do you recognise this document?

29 A. Well, yes, this is the first one, because there are two

1 documents here. The first one is the three pages I receive here,
2 National Tracing Programme Sierra Leone Documentation Form For
3 Separated Children is the one we used to document the children.

16:06:09 4 MS ALAGENDRA: Your Honour, may I ask that this document be
5 marked as MFI-2? And just to go back to the earlier document,
6 your Honour, that should be marked MFI-1.

7 PRESIDING JUDGE: You want that marked as well, do you?

8 MS ALAGENDRA: Yes, please.

9 PRESIDING JUDGE: Very well. The first document headed
16:06:25 10 Children, St Michael's 1 April 1999 to 1 March 2002 is MFI-1 and
11 the Second Document Headed National Tracing Programme Sierra
12 Leone with some initials dated 18/05/07 is MFI-2.

13 MS ALAGENDRA:

14 Q. Father, could you briefly after looking through this
16:06:50 15 document tell the Court what kind of information was recorded
16 from the children when going through this registration process?

17 A. Okay. You see that first is the family background, the
18 child's name, family name, if they have any - the different name
19 that he was called by the family, the name he was using at the
16:07:17 20 time he was separated from his family, the nickname he had, date
21 of birth, sex, place of birth, nationality, tribe, the language
22 he spoke, the features that can identify the child, the school he
23 attended, last address, village, chiefdom, district, any
24 landmarks that could identify that particular village and the
16:07:44 25 place where he was there residing before the separation from the
26 family. And then the father, the mother of the child and any
27 other relatives or Akins to the child.

28 It was important for us to know who the child was living
29 with at the time he was kidnapped, where the thing happened and

1 the date of the separation from his family.

2 Then about the other relatives. Normally we see the child
3 was not living with his parents or her parents with whom he was
4 living? Then the wishes of the child. If we could find the
16:08:40 5 family to whom the child wanted to be unified. The father, the
6 mother, the uncle, the grandmother?

7 And then the last page is the history of the child from the
8 time he was separated from his family. We start with the time
9 the child was kidnapped, where he was staying, who was the person
16:09:08 10 in charge of that group, that particular group, who kidnapped
11 him, the movement he did during the time he was with the fighting
12 forces until he arrived in St Michael's.

13 Q. Father, was this form used only by the St Michael's Lodge?

14 A. No, this was used by all the agencies working with child
16:09:29 15 soldiers or separated children.

16 Q. And would it be possible for this document to be identified
17 if it was coming from your agency and not from another agency?

18 A. Yes, normally just to identify the document you used to
19 write the name of the agency on the top.

16:09:52 20 Q. Now, father, you have told the Court that through this
21 registration process the social workers would talk to these
22 children and get all this information that you have just
23 mentioned?

24 A. Yes.

16:10:02 25 Q. Did you yourself do anything in order to get the
26 information or background of these children?

27 A. Yes. One of the things I was doing, especially in the
28 evening, was talking with children, trying to know them and to
29 counsel them and to get information from them. Then once I got

1 any information from a child I will go to the office next day and
2 check the file of that child to see either I got the same
3 information as the social worker. In case it was not the same I
4 will ask the social worker to do a special follow up of that
16:10:42 5 particular child until we could get the right information.

6 Q. What kind of information would you try to get from the
7 children when you spoke them to?

8 A. First we wanted to get the right information about the
9 background of the child, you know because children will tell you

16:10:59 10 I am coming from Kabala, for example, and they were coming from
11 Makeni, so that we could at least know the background of the
12 child in case we had to find to look for the family. Then it was
13 important for us to know if that particular child has been with
14 the fighting forces, if he was a fighter or was a camp follower

16:11:22 15 or was a street children because even in the program sometimes
16 children, street children, just came in and we had to identify
17 the children. So that was the kind of information we were
18 looking for.

19 Q. Father, from what the children told you and from the
16:11:37 20 records that you have seen could you tell the Court the typical
21 history of a child soldier?

22 A. Okay, from what the children told me, normally when a child
23 was kidnapped in his village by the fighting forces the first
24 thing he was asked to do was to carry on the head the looted
16:12:00 25 things from the village to the camp or to the base, wherever that
26 particular group that attacked that village was staying. Once in
27 the camp the children were divided among the different
28 commanders. Boys were sent to do domestic works. Girls were
29 divided and used as sex slaves.

1 These children stayed in the camp doing this kind of
2 domestic work until the commander decided that the child was
3 ready to be trained as a soldier. At that moment he will be sent
4 to a training camp, especially at the beginning of the war, where
16:12:45 5 he got his training as a soldier and once they completed the
6 training they were sent back to their commanders.

7 I got the information how the children were trained if the
8 Court is interested to know.

9 Q. Yes, that's my next question; what the children told you
16:13:08 10 about the training?

11 A. What the children said about their training was it was a
12 very hard training. They call it American track because there
13 were a lot of obstacles that they have to jump and crawl and with
14 live fire. They were --

16:13:20 15 Q. When you say live fire, what do you mean?

16 A. Shooting with the bullets.

17 Q. Would you describe that training?

18 A. According to the children what they call American track,
19 that's how they call it, there were different obstacle, children
16:13:36 20 have to climb, to jump, to crawl while the others were fighting
21 above them.

22 Q. Who was firing above them?

23 A. Those who were training him - them, sorry.

24 Q. And what was the purpose of them firing?

16:13:46 25 A. I think to train them as soldiers. They learn how to use
26 weapons. They learn how to lay ambush. They also - well, these
27 are the basic things they learnt because then in the afternoon
28 according to them they have a kind of lesson, doctrine where they
29 would learn about the RUF, they were learning what they were

1 fighting for. According to them they told them they were
2 fighting because the government has stolen all the riches of
3 Sierra Leone and they were not getting anything. They were
4 fighting for free education and a better country for everybody.

16:14:34 5 This is the basic training.

6 Along with this training there was a particular thing I
7 think it's very important to know. The children were taken to
8 the Jujuman or to the Moriman and they went through a kind of
9 magic ritual in which the children were given some what they call
10 medicine or they were just anointed with kind of a liquid so that
11 the children got invisible in front of the enemy or the bullets
12 didn't touch them or they will not die if a bullet was fired.
13 That's what they believe.

14 PRESIDING JUDGE: Father, you mentioned a Jujuman and
16:15:23 15 what's the second one?

16 THE WITNESS: A Moriman.

17 PRESIDING JUDGE: Could you spell those for us please.

18 THE WITNESS: That is the same person. Jujuman I guess is
19 J-u-j-u. Moriman, you want me to spell also?

16:15:46 20 PRESIDING JUDGE: Yes, we will have that also, please.

21 THE WITNESS: Okay. I find it with two different
22 spellings. One is M-o-r-e-m-a-n, or M-o-r-i-m-a-n.

23 PRESIDING JUDGE: Thank you.

24 THE WITNESS: So I just wanted to say that children pass
16:16:13 25 through this kind of magic ceremony and then they were asked by
26 this Jujuman once they killed their first person to bring
27 something belonging to this person. It could be a ring, it could
28 be the clothes that the person was wearing at the moment or it
29 could be part of the body, the human body, a finger or whatever.

1 When the children came back to this Moriman with these things
2 another ceremony was performed and this thing taken from the
3 first victim of the child will become the Juj u for the child.
4 That will protect the child along the time he was with the
16:16:53 5 fighting forces. And many children were really attached to these
6 things. I mean they have rings or they have clothes or other
7 things that really they thought they protected them all the time
8 they were with the fighting forces.

9 MS ALAGENDRA:

16:17:09 10 Q. Father, you said that the children told you that they were
11 trained how to use weapons. Did they tell you what kind of
12 weapons they were trained to use?

13 A. Well, mostly they were talking about AK-47, RPJ- RPG,
14 sorry, and guns. Small guns.

16:17:33 15 Q. Father, you have just told us about a ritual that the
16 children go through as part of their training. Do you recall if
17 there was any child at your centre that had to go through this
18 and told you the story?

19 A. Yes, I remember some of them. Maybe the very first one who
16:17:55 20 came to me --

21 Q. Sorry, father, to interrupt you, but just again not to
22 reveal any information.

23 A. Okay, yes. The first one that came to me and told me about
24 these kind of things, he came at night to my office and gave me
16:18:10 25 this human head - a skull. He said that it was the thing that
26 was protecting him all the time he was fighting. It was the head
27 of the first person he killed. And I understood that in giving
28 me this human head he was trying to ask for - he was asking for
29 help to help him to forget about all the past and to start a new

1 life.

2 Q. This boy, father, how old was he when he came to your
3 centre?

4 A. When he came to our centre he was 17/18 years old. He was
16:18:46 5 a big one, but he was kidnapped when he was seven/eight years and
6 his first victim, according to him, he was around nine years when
7 he killed this particular person.

8 Q. Did the children tell you the names of any of their
9 commanders?

16:19:05 10 A. Yes, they did.

11 Q. Can you recall some of the names of these commanders that
12 they told you?

13 A. Well they were talking about Issa Sesay, as I said before;
14 Sam Bockarie, Mosquito; Rambo; Superman. I recall Gibriil
16:19:31 15 Massaquoi and many others, but I don't remember all of them.

16 Q. Just to take you back again --

17 A. Do I need to spell any of these names?

18 PRESIDING JUDGE: Yes, please.

19 THE WITNESS: I said - well Rambo and Superman are the
16:19:47 20 movies, spelled the same. Issa Sesay, I spell it before. I said
21 Sam Bockarie. Sam Bockarie. Sam is S-a-m and Bockarie is
22 B-o-c-k-e-r-y [sic], I think more or less.

23 Q. And Gibriil Massaquoi?

24 A. Gibriil Massaquoi. Gibriil is G-r-i-l [sic]. Massaquoi is
16:20:29 25 M-a-s-s-o-q and I think it is u-o-i. Yes, more or less.

26 MS ALAGENDRA:

27 Q. Did the children tell you what happened to them once they
28 had completed their training and went through this ritual?

29 A. Yes, they normally went back to their commanders,

1 especially at the beginning of the war, and then they were sent
2 back to their villages and they were asked to kill their parents,
3 or their fathers, or to burn the houses, or the harvest, or the
4 village.

16:21:21 5 Q. Do you recall any particular incident of a child who told
6 you what he had to do when his training was completed?

7 A. Yes, I recall one particular one that he told me he was
8 sent to his village and asked to kill his father. At that time
9 he was about ten years old, when he had to kill his father, and
10 up to today he remember the moment and he is still having
11 nightmares and problems with this memory.

12 Q. Father, did the children tell you what kind of assignments
13 they were given when they were with the RUF?

14 A. Okay. Children were used first as fighters, taking part in
15 the attacks to the villages, or attached to the other attacks to
16 the villages. They were used as what they call food finding
17 missions, where they were sent to the different villages to get
18 food. They were also used as spies to spy on the villages to
19 know if the ECOMOG or CDF troops were there, how many, where
16:22:34 20 their food was and that kind of things, and especially they were
21 used as bodyguards for the big commanders.

22 Q. Now these children who were to be bodyguards and perform
23 all these assignments that you have just called out, were they
24 armed?

16:23:01 25 A. Yes, indeed they were.

26 Q. What were they armed with?

27 A. Well, as I said before, AK-47, RPGs and guns.

28 Q. And did they tell you if before they went to the front
29 lines they were given anything?

1 A. Yes, they normally said that they were given drugs and
2 alcohol before going to - before taking part in any fight. Most
3 of them said that they were given cocaine. They have some cuts
4 under the eyes, or on the temples, where they put the cocaine,
16:23:42 5 and then a plaster to cover it. Others were talking about blue
6 boat, a kind of blue liquid. I don't know what it is. Others
7 were talking about tablets. I think they are amphetamines. They
8 call it blue tablets, or red tablets. They were also talking
9 about what they call brown brown, and which I think that is
16:24:03 10 heroin, and then the alcohol they were given is the local one
11 that you can find in Sierra Leone. It is called normally
12 Begapack.

13 Q. Could you repeat that?

14 A. Bega, B-e-g-a, pack p-a-c-k.

16:24:24 15 MS ALAGENDRA: Your Honours, if the record can reflect that
16 when the witness said "templates" he was referring to the side of
17 his head. His temples.

18 THE WITNESS: Yes. Temples, yes, I am sorry.

19 PRESIDING JUDGE: That will be on record, Ms Alagendra.

16:24:35 20 MS ALAGENDRA:

21 Q. Father, did the children tell you where these drugs came
22 from?

23 A. Well, according to the children sometimes some of them said
24 that helicopters were coming to their bases bringing these
16:24:59 25 weapons and drugs and taking looted things, especially diamonds.
26 Other children said that they walk to the Liberian border, where
27 they changed diamonds and looted things for weapons and drugs.

28 Q. Did they tell you where these helicopters were coming from?

29 A. No, they didn't know, I think.

1 Q. Did they describe the helicopters?

2 A. Well, they normally described them as a white helicopter.

3 Q. And did they tell you where the diamonds were from that
4 were given in exchange?

16:25:37 5 A. Yes, normally they say they were from Kono. These were
6 children who were in Kono who said that they were walking to the
7 Liberian border, or the helicopter was coming to them.

8 JUSTICE SEBUTINDE: Did the witness say "Kono"?

9 THE WITNESS: Kono. It is a region in Sierra Leone.

16:25:56 10 K-o-n-o.

11 PRESIDING JUDGE: Ms Alagenda, I notice the time and so
12 this may have to be your last question.

13 MS ALAGENDRA: Yes, your Honour:

14 Q. Father, you have just told the Court about the children who
16:26:17 15 were killing their families and civilians. Apart from killing,
16 did the children tell you if they had committed any other type of
17 acts against civilians?

18 A. Well, some children were saying that they cut arms or legs
19 and also rape and looted. I think these are the main things they
16:26:43 20 would used to do.

21 MS ALAGENDRA: Your Honour, if I can squeeze in one more
22 question?

23 PRESIDING JUDGE: Yes.

24 MS ALAGENDRA:

16:26:49 25 Q. Can you recall the ages of the children who told you they
26 committed such acts?

27 A. Well they were the children at St Michael's, children who
28 were from between 14 and/or maybe little ones were 14/17, most of
29 them.

1 MS ALAGENDRA: Maybe we can stop at this point, your
2 Honours?

3 PRESIDING JUDGE: Thank you, Ms Alagenda. Father, we will
4 finish now. Our usual time is 4.30. I must tell you that, as
5 you have taken the oath, you should not discuss your evidence or
6 anything concerning the case between now and the time you finish
7 all of your evidence. We will resume again on Monday at 9.30.
8 Thank you.

9 [Whereupon the hearing adjourned at 4.30 p.m.
10 to be reconvened on Monday, 21 January 2008 at
11 9.30 a.m.]

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I N D E X

WITNESSES FOR THE PROSECUTION:

DR STEPHEN ELLIS	1529
CROSS-EXAMINATION BY MR MUNYARD	1529
RE-EXAMINATION BY MR BANGURA	1626
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EXAMINATION-IN-CHIEF BY MS ALAGENDRA	1645

EXHIBITS:

Exhibit P-38 admitted	1644
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