



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

TUESDAY, 18 MAY 2010  
9.33 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Ms Erica Bussey

For the Registry:

Ms Rachel Irura  
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis  
Mr Mohamed A Bangura  
Ms Kathryn Howarth  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Mr Terry Munyard  
Mr Morris Anyah  
Mr Silas Chekera

1 Tuesday, 18 May 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.33 a.m.]

09:33:46 5 JUDGE LUSSICK: As you can all see, I am not Justice Julia  
6 Sebutinde. What has happened this morning is that Justice  
7 Sebutinde is temporarily unavailable. The remaining judges have  
8 been satisfied that it's in the interest of justice for the trial  
9 to continue in her absence. She should be back on the Bench  
09:34:10 10 after the morning adjournment. In the meantime, we will continue  
11 with the trial, and we have so ordered formally by filing a Rule  
12 16 decision.

13 Now, firstly, we will take appearances, please.

14 MS HOWARTH: Good morning, your Honours. Good morning,  
09:34:31 15 counsel opposite. For the Prosecution this morning, Ms Brenda J  
16 Hollis, Mr Mohamed A Bangura, Ms Maja Dimitrova, myself,  
17 Ms Kathryn Howarth.

18 JUDGE LUSSICK: Thank you. Yes, Mr Chekera.

19 MR CHEKERA: Good morning, your Honours, counsel opposite.  
09:34:47 20 For the Defence, Terry Munday, Morris Anyah, Silas Chekera,  
21 Simon Chapman and Hawi Alot.

22 JUDGE LUSSICK: Mr Witness, you are going to be asked some  
23 more questions by Ms Howarth for the Prosecution. You remember  
24 that you have taken an oath to tell the truth, and I simply  
09:35:06 25 remind you that you are still bound by that oath to tell the  
26 truth. Go ahead, please, Ms Howarth.

27 MS HOWARTH: I am most grateful. Before I do start, I  
28 wonder if the arm of the projector could again be put down. I'm  
29 afraid it's quite in my line of sight.

1 WITNESS: DCT-226 [On former oath]

2 CROSS-EXAMINATION BY MS HOWARTH: [Continued]

3 Q. Good morning, Mr Zaymay.

4 A. Good morning.

09:35:49 5 Q. Mr Zaymay, you gave evidence about the base at Tiaplay, and  
6 you explained that there were 1,500 recruits there. Do you  
7 recall that?

8 A. Yes.

9 Q. And you recalled Zigzag Marzah as one of those recruits,  
09:36:18 10 correct?

11 A. Yes.

12 Q. And you recall Zigzag Marzah because he is somebody who  
13 stood out. That's right, isn't it?

14 A. Yes. I recall that he stood.

09:36:41 15 Q. You described him as just a dirty man in the NPFL that  
16 everyone knew about. Do you remember saying that?

17 A. Yes.

18 Q. And it's right, isn't it, that everyone did know about  
19 Zigzag Marzah?

09:37:05 20 A. Yes.

21 Q. And he was somebody, as you said, who used and abused  
22 drugs, correct?

23 A. Yes.

24 Q. And he was also a person who was known to practice  
09:37:22 25 cannibalism, wasn't he?

26 A. I don't know that.

27 Q. Despite what you have explained about Zigzag Marzah and  
28 despite his reputation, he was somebody who remained part of the  
29 NPFL, wasn't he?

1 A. Yes.

2 Q. Could I ask for a transcript to be pulled up, please, which  
3 is the transcript of 12 May 2010, and that's at page 40874, line  
4 6. I am reading from some evidence that you gave previously,

09:38:46 5 Mr Zaymay:

6 "Q. Mr Zaymay, Zigzag Marzah says that you were surviving  
7 on looting. Page 5862, line 11:"

8 And then counsel read from the transcript where Zigzag  
9 Marzah gave evidence, and he quotes a question to Zigzag Marzah:

09:39:09 10 "' Q. Now, Mr Witness, before the election of

11 Charles Taylor as President, were the NPFL soldiers paid  
12 any salary?

13 A. Before election, or after elections?

14 Q. Before the election.

09:39:25 15 A. No, we had go ahead that what - wheresoever we  
16 captured, what we got there was for us. So, we were paid  
17 encouraged to battle. We were not physically paid, no.' "

18 Then you were asked about that testimony:

19 "Q. Do you follow what Zigzag Marzah is saying, Mr Zaymay?

09:39:47 20 He says before Mr Taylor was elected President, the NPFL  
21 was not - the NPFL fighters were not actually paid anything  
22 and you were surviving on looting. Actually, you were  
23 encouraged to go into battle, and that would be your  
24 opportunity to loot. What's your comment?

09:40:05 25 A. It's a lie. A big, big lie."

26 Mr Zaymay, you deny, don't you, that the NPFL took part in  
27 looting; is that right?

28 A. Yes, NPFL never looted.

29 Q. And continuing with that transcript, please. You continue.

1 After saying, "It's a lie, a big lie," you say:

2 "The NPFL was paid. The payment system started in '92. I  
3 could - I remember when I was commanding general in the  
4 southeastern region in Maryland, I was called directly by  
09:40:57 5 Mr Taylor asking me - he said, 'General Zaymay, report to  
6 Gbarnga to receive the salaries of the soldiers.' And I  
7 went there, I got the monies from him, and he asked me to  
8 give the strength, my total - the total strength of my men.  
9 And he calculated, he did the breakdown: Commander, 1000,  
09:41:19 10 deputy commander general, 700; and going right down to the  
11 last person, 500. And that total was calculated and it was  
12 signed by him and it was taken to the chief of finance, and  
13 it was taken to the Ministry of Finance. I took it to the  
14 Ministry of Finance, and the Ministry of Finance approved  
09:41:37 15 it. They gave me a cheque, I took it there, and I received  
16 my money. I took it with me. I went and paid the  
17 soldiers. And the salary system started from 2000 up to  
18 the time Taylor left Monrovia in 2005. No soldier ever  
19 looted for payment. The SOP was strong. No one could  
09:41:59 20 tamper with it. It's a big lie.

21 Q. I just want to be clear about something. When did the  
22 salary system start again? You have given two different  
23 dates.

24 A. The salary started in 2002 when I was in Maryland.  
09:42:17 25 When I was in Maryland.

26 Q. And when did it end?

27 A. No, no, no. No, no, no. The salary system started in  
28 1992. In 1992. 1992. It's a mistake by saying 2002. The  
29 salary system started in 1992. When I was transferred from

1 Bomi Hills to Maryland in 1992. Not 2002."

2 So, Mr Zaymay, your evidence is that a salary system  
3 operated in the NPFL from 1992. I have got that right, haven't  
4 I?

09:43:01 5 A. Yes.

6 Q. And your evidence is that the NPFL were paid. That's  
7 right, isn't it?

8 A. Yes.

9 Q. And you gave a specific example from when you were a  
09:43:24 10 commander of being called directly by Mr Taylor to report to  
11 Gbarnga to receive salaries for soldiers under your command.  
12 That's right, isn't it?

13 A. Yes.

14 Q. I would like you to listen to this evidence and it's going  
09:43:48 15 to be evidence from Mr Mineh. If I could please refer to the  
16 transcript of 3 May 2010, page 40416, please. I am starting at  
17 line 14 and this is a question from Justice Doherty. She says:

18 "Before you move to a new topic, Mr Chekera, in the course  
19 of an earlier answer you cited Zigzag Marzah's evidence at  
09:44:46 20 page 5, line 5 of my font, in which he said the fighters  
21 were not physically paid. I do not know whether the  
22 witness has agreed or disagreed with that piece of  
23 evidence.

24 MR CHEKERA: Indeed, let me clarify:

09:45:06 25 Q. Mr Mineh, when you were fighting in the NPFL before  
26 Mr Taylor was elected President, were NPFL fighters paid?

27 A. No, they were not being paid.

28 MR CHEKERA: Does that assist you?

29 JUDGE DOHERTY: Thank you.

1 PRESIDING JUDGE: I would like to take that further and ask  
2 the witness: If you were not paid, how did you live?

3 MR CHEKERA:

4 Q. Did you understand the question?

09:45:40 5 A. Please repeat the question.

6 PRESIDING JUDGE: If you were not paid in the NPFL as  
7 fighters, how did you live without payment?

8 THE WITNESS: We had surplus food. Whenever we captured a  
9 town, the citizens would give us foodstuffs and they  
10 welcome us and provide foodstuff for us."

09:45:55

11 So, Mr Zaymay, according to - you have testified that  
12 Mr Mineh is a battalion commander, correct?

13 A. Yes, Mineh was battalion commander for 1st Battalion in '91  
14 and '90.

09:46:27

15 Q. Mr Mineh doesn't know anything about NPFL soldiers being  
16 paid, does he? So can you tell us, please, who is telling the  
17 truth; is it you when you say that NPFL fighters were paid or is  
18 it Mr Mineh when he says that NPFL soldiers were not paid?

19 A. NPFL, when I was commander in Maryland, I was called. I  
20 went to Gbarnga and I did receive monies from Ministry of Finance  
21 and I went and paid my soldiers. I did. So if Mineh is talking  
22 about soldiers that they were fed by civilians, that was in 1990.  
23 That was from the start of the war, up to '92. That was in 1990,  
24 '91. And whilst I was in the 2nd Battalion, based in Kakata,

09:47:41

25 there were food supplies in Buchanan, which all commanders used  
26 to go and receive for their command areas. In '92 when I was  
27 transferred to Maryland, there was food and there was a salary  
28 system for which I was called to go to Gbarnga to receive the  
29 salaries, then to go and pay my soldiers. It happened to me.

1 Q. Mr Zaymay, the question to Mr Mineh was clear. It was  
2 this, and I will repeat it:

3 "Q. Before Mr Taylor was elected President, were NPFL  
4 fighters paid?

09:48:26 5 A. No, they were not being paid."

6 So, please tell us, were you the one telling the lie when  
7 you say NPFL --

8 MR CHEKERA: I would hate to interrupt my learned friend,  
9 but I think the question has been asked and answered

09:48:44 10 sufficiently.

11 JUDGE LUSSICK: Just direct me to the answer to that  
12 question, Mr Chekera.

13 MR CHEKERA: The elaborate explanation immediately  
14 preceding the question by counsel where the witness indicated the  
09:49:01 15 payment system as far back as 1990 when they were living off the  
16 goodwill of the citizens to the time that they were getting  
17 provisions from Buchanan to the time that he then went to  
18 Maryland and a payment system was instituted.

19 JUDGE LUSSICK: Yes. This is cross-examination. Perhaps  
09:49:20 20 you can take it further if you like in re-examination, but I will  
21 allow the question. Just repeat the question, please,  
22 Ms Howarth.

23 MS HOWARTH:

24 Q. Mr Zaymay, the question to Mr Mineh was clear. It was  
09:49:42 25 this:

26 "Q. Before Mr Taylor was elected President, were NPFL  
27 fighters paid?

28 A. No, they were not being paid."

29 So please tell us, were you the one telling the lie when

1 you said the NPFL were paid or was Mr Mineh telling the lie when  
2 he said they were not paid?

3 A. I continue to say that within my command area in Maryland  
4 where I was in control of, I was called and I received monies to  
09:50:23 5 pay my soldiers. So Edward Mineh was commanding a different  
6 area. So if he did receive or did not receive monies to pay, I  
7 don't know. But all I know is that my soldiers were paid and I  
8 kept receiving the monies and paying my soldiers. Mr Taylor  
9 himself called me.

09:50:44 10 Q. Well, let's have a look to see what Mr Taylor says about  
11 all this, shall we. Could I first refer to a transcript from 29  
12 September 2009, page 29811.

13 JUDGE LUSSICK: You can go ahead, Ms Howarth.

14 MS HOWARTH: I don't have in my notes the line I am  
09:52:04 15 referring to. I think it's somewhere down the page. It begins,  
16 "In the NPFL we provided food."

17 JUDGE LUSSICK: That's line 10.

18 MS HOWARTH: I'm most grateful:

19 Q. So at line 10, Mr Taylor says this: "In the NPFL we  
09:52:29 20 provided food. We did not pay salaries." Then if I skip to the  
21 question at line 18:

22 "Q. This point he makes though, Mr Taylor, that before the  
23 election of Charles Taylor they were not paid, 'So we were  
24 encouraged to battle, we were not physically paid,' they  
09:52:52 25 weren't paid, were they?

26 A. If they what again?

27 Q. They were not paid. NPFL combatants were not paid,  
28 were they?

29 A. They were not paid."

1 And if I could ask for the transcript of 1 September 2009,  
2 page 32736 to also be brought up, please. Starting from line 12,  
3 please. This is another transcript from the evidence of  
4 Mr Taylor:

09:55:02 5 "Q. Now, Mr Taylor, from the time that you invaded Liberia  
6 until you moved to Monrovia as a member of the Council of  
7 State, what was your salary as the leader of the NPFL?

8 A. I was not paid a salary.

9 Q. Well, how were your needs taken care of?

09:55:23 10 A. We were running a revolution. We received - the  
11 President was taken care of, just as other people."

12 Now, let me pause there, if it could stay on the screen I  
13 would be grateful. When Mr Taylor says there that the President  
14 was taken care of, just as other people, my question is this:

09:55:47 15 Did Mr Taylor ensure that you were taken care of, Mr Zaymay?

16 A. If he was sure that I was taken care of? In what sense?

17 Q. Did Mr Taylor ensure that you were paid?

18 A. I remember that I was called to Gbarnga and I was sent to  
19 Gbarnga, and I received money and I took the money with me. I  
09:56:21 20 went and paid the soldiers.

21 Q. Did you receive money personally from Mr Taylor for your  
22 work?

23 A. From Finance. From Ministry of Finance in Gbarnga.

24 Q. I will continue with the transcript. Mr Taylor says:

09:56:42 25 "We didn't have a fixed salary structure. It depends on  
26 the need. Most revolutions operate that way.

27 Q. So how much money did you receive as leader of the  
28 NPFL?

29 A. Oh, it would depend on what the need was. Personally,

1 I did not - once I had a house provided by the NPRAG  
2 government would provide me with that we call a sustenance,  
3 some type of subsistence during the time, but there was not  
4 a structured salary for anybody.

09:57:23 5 Q. How much did you receive in the subsistence during the  
6 time you were the leader of the NPFL?

7 A. Over the years?

8 Q. Yes.

9 A. Oh, boy. I would say on an average on a monthly  
09:57:40 10 basis - if we begin to attach figures to it, I would say on  
11 an average monthly basis the leader of the NPFL could  
12 receive anywhere between the value of about \$500 to \$1,000,  
13 but it was not in cash. It would be in different -  
14 different things.

09:58:01 15 Q. What kind things?

16 A. Food. We bought large amounts of rice for the NPFL,  
17 and some would be assigned to the presidency. So it's very  
18 hard to attach a figure, depending on what - we bought  
19 items in bulk from across the border in La Cote d'Ivoire.

09:58:18 20 When it comes, it would be divided with the men in the  
21 field. Officials of government would be sent food like  
22 rice, salt, sugar, oil for cooking."

23 And then if I could skip down a few more pages to page  
24 32746, starting from the top. Again, this is Mr Taylor's  
09:58:52 25 evidence:

26 "Q. Now, in this NPRAG you have talked about having  
27 ministers, correct?

28 A. That is correct.

29 Q. Did you also have a police force?

1 A. Yes, there was a police force.

2 Q. A civilian police force or a military police force?

3 A. There was a civilian police unit.

4 Q. Was there a military police as well?

09:59:17 5 A. Yes, there were military police.

6 Q. And what was paid to your civilian police force? What  
7 salaries did they receive?

8 A. I'm not sure if - I have said to this Court, there was  
9 not - this organisation didn't receive - have something

09:59:37 10 like a salary structure in the western sense of the word.

11 People received subsistence. They were given food. They  
12 were given medical attention. We were running a

13 revolution. We didn't have the kind of money to sustain

14 what you're talking about, no. They were given - let's say

09:59:55 15 each policemen would be given a bag of rice every month,

16 would be given subsistence, a certain amount to upkeep him

17 and the family, and you know, depending on the situation,

18 small amount. There was no salary structure. We were

19 struggling out there as a revolution and didn't have the

10:00:11 20 type of set-up that you envision here, no."

21 So, Mr Zaymay, you have given evidence that between - from

22 1992 there was a payment system in the NPFL. Mr Taylor is quite

23 clear there was no payment system in the NPFL at this time. So,

24 please, who is telling the lie: Is it you, or is it Mr Taylor?

10:00:46 25 A. Um, I continue to say I received money. I received money

26 and I took it with me. I went and paid the soldiers. It might

27 have been subsistence. There was one time when I was in

28 Maryland, I received a huge quantity of rice. And later I was

29 called to go to Gbarnga and I received monies along with my

1 deputy border patrol, and we took that with us and we paid the  
2 soldiers. It might have been the allowances that you are talking  
3 about. But I did receive money and I went and paid the soldiers,  
4 including food. I am not lying.

10:01:38 5 Q. So Mr Taylor is telling a lie. Is that right?

6 A. No.

7 Q. One of you must be lying, mustn't you, Mr Zaymay? Because  
8 you are saying there was a salary system, NPFL soldiers were  
9 paid, and Mr Taylor is telling - saying the opposite. So,

10:02:08 10 please, who is telling the lie?

11 A. It is not a lie. It's almost the same. Mr Taylor spoke  
12 about rice and allowances that were given to the soldiers and  
13 foodstuff. So it's the allowances that I am referring to as  
14 salaries. He is not lying.

10:02:40 15 Q. Now, you have spoken about SOP, standard operational  
16 procedures, correct?

17 A. Yes, I spoke about SOP.

18 Q. And you talked about them in relation to both treatment of  
19 civilians and treatment of prisoners of war, correct?

10:03:11 20 A. Yes.

21 Q. And you explained how it meant no killing, looting or  
22 raping, correct?

23 A. Yes.

24 THE INTERPRETER: Your Honours, that was not clear to the  
10:03:28 25 interpreter.

26 JUDGE LUSSICK: Ask that question again, please.

27 MS HOWARTH:

28 Q. Mr Zaymay, you explained how it meant no killing, looting  
29 or raping, correct?

1 A. Yes.

2 Q. Now, in relation to prisoners of war, despite the - as you  
3 alleged - existence of these SOPs, prisoners of war were  
4 executed, weren't they?

10:04:06 5 A. By a single-barrel man, yes.

6 Q. And last week counsel for the Defence referred to an  
7 exhibit, and I won't put it up unless it's necessary, but it's  
8 P-463A, and he read to you an extract from the Truth and  
9 Reconciliation Commission's report. That extract referred to a  
10 finding that in September 1992 nearly 600 ECOMOG soldiers were  
11 taken prisoner whom were severely beaten by their NPFL captors.  
12 Do you recall him reading that to you?

13 A. Yes.

14 Q. Now, the fact is, isn't it, Mr Zaymay, that despite these  
10:05:09 15 SOPs, prisoners of war were killed and beaten, weren't they?

16 A. Where? Badly beaten where?

17 Q. Mr Zaymay, prisoners of war were beaten and killed in  
18 Liberia by the NPFL during the war, weren't they?

19 A. In what part of Liberia? Liberia is a big place. What  
10:05:49 20 part of Liberia, to be specific?

21 JUDGE LUSSICK: Mr Witness, the question was: Prisoners of  
22 war were killed, beaten in Liberia. Now, do you know of any  
23 prisoners of war killed and beaten in Liberia?

24 THE WITNESS: I don't know if any prisoner of war was  
10:06:14 25 beaten.

26 MS HOWARTH:

27 Q. Now, in terms of the civilian population of Liberia, during  
28 the wars in Liberia the civilians were subject to a plethora of  
29 atrocities, weren't they?

1 A. No, not to my knowledge.

2 Q. During the wars in Liberia many civilians were killed,  
3 weren't they?

4 A. Not to my knowledge.

10:07:04 5 Q. There was looting, wasn't there?

6 A. No NPFL soldiers looted.

7 Q. There were rapes, gang rapes, sexual slavery. That  
8 happened during the wars in Liberia, didn't it?

9 A. I never saw it.

10:07:32 10 Q. Never mind for the moment whether you saw it or not. That  
11 happened, didn't it?

12 JUDGE LUSSICK: Let's be specific here. You are talking  
13 about gang rapes, sexual slavery. Which one are you referring to  
14 when you say "it"?

10:07:48 15 MS HOWARTH: I am referring to all three, but I will take  
16 my direction from the Bench if it's better to break it down:

17 Q. People were raped during the wars in Liberia, weren't they?

18 A. I did not see it.

19 Q. As I said before, never mind for the moment whether you saw  
10:08:13 20 it or not. People were raped during the wars in Liberia, weren't  
21 they?

22 A. No. If I saw it, I would have said it. So I did not see  
23 it. So my answer is no, I did not see it.

24 Q. Women were subjected to gang rapes during the wars in  
10:08:36 25 Liberia, weren't they?

26 A. I don't know. I did not see it.

27 Q. Women were subjected to sexual slavery during the wars in  
28 Liberia, weren't they?

29 A. It's a lie. I never saw it.

1 Q. You are saying it didn't happen?

2 A. Oh, if I did not see it, how will I say it happened? So my  
3 answer is no, I did not see it.

4 JUDGE DOHERTY: Mr Witness, did you hear reports of such  
10:09:16 5 gang rapes or sexual slavery?

6 THE WITNESS: No. I never heard it. I never saw it.

7 MS HOWARTH:

8 Q. Civilians were abducted during the wars in Liberia, weren't  
9 they?

10:09:37 10 A. No civilian was captured. Civilians freely came to the  
11 NPFL-controlled areas because it was safe. The NPFL-controlled  
12 areas were the only safe areas for civilians, so civilians came  
13 for themselves. No civilian was captured.

14 Q. Civilians were beaten and tortured during the war, weren't  
10:09:59 15 they?

16 A. No.

17 Q. And it's right that many of the various warring factions  
18 committed these atrocities against civilians, didn't they?

19 A. I don't know. I don't know. I was not with the other  
10:10:24 20 factions; I was with the NPFL. So it never happened within the  
21 NPFL for me to see to talk about.

22 Q. The NPFL were a faction who committed these atrocities  
23 against civilians, weren't they?

24 A. It's a lie.

10:10:45 25 Q. In fact, the NPFL committed more crimes against civilians  
26 than any other party to the conflict, didn't they?

27 A. No. NPFL was the best amongst all the safe areas for  
28 civilians where they could go freely and they were well taken  
29 care of.

1 MS HOWARTH: Your Honour, I would like to refer to the  
2 bundle of documents I handed up. It's the documents behind  
3 tab 2.

4 JUDGE LUSSICK: Mr Chekera.

10:12:08 5 MR CHEKERA: Yes, your Honour, may I inquire from my  
6 learned friend whether this is an exhibit before the Court and if  
7 it's not, for what purpose we seek to refer to the document.

8 MS HOWARTH: Yes, it's not an exhibit before the Court.  
9 What it is is some extracts from the Truth and Reconciliation  
10:12:33 10 Commission and I would like to put them to the witness to  
11 directly refute what he has just said in evidence. They relate  
12 to the commission of sexual violence crimes, they relate to the  
13 commission of various other crimes and they relate to the fact  
14 that the NPFL committed - was responsible for more crimes than  
10:13:00 15 any other perpetrator group. And the pages I am referring to --

16 THE WITNESS: Let it come.

17 MS HOWARTH: The pages I will be referring to are 17, then  
18 263 to 265 and 262 to 263.

19 JUDGE LUSSICK: Go ahead.

10:13:37 20 MS HOWARTH: I am grateful:  
21 Q. So looking first at page 17, Mr Zaymay, the Truth and  
22 Reconciliation Commission concluded the following and this is at  
23 paragraph 3 on page 17:

24 "All factions engaged in the armed conflict violated,  
10:14:03 25 degraded, abused and denigrated, committed sexual and gender  
26 based violence against women, including rape, sexual slavery,  
27 forced marriages and other dehumanising forms of violations."

28 Mr Zaymay, that's the truth about what happened in the  
29 Liberian war, isn't it?

1 A. No. But I would want to say something. The TRC report is  
2 not correct. The TRC - members of the TRC, even the chairman,  
3 Verdier, quoted that he was victimised by the NPFL, and so what  
4 do you think he would say about the NPFL? The chairman TRC  
10:14:59 5 should have been a neutral person. He was supposed to have been  
6 a neutral person. But if the chairman could say that he was  
7 victimised by the NPFL, then what do you expect of him to say  
8 about the NPFL? So the TRC report is not correct. That is all I  
9 have to say about the TRC. So the TRC is not my testimony; it is  
10:15:25 10 outside my testimony.

11 JUDGE LUSSICK: Yes, Mr Chekera?

12 MR CHEKERA: Yes, your Honour. I have had the chance to  
13 quickly peruse the document that learned counsel seeks to rely  
14 on. We observe that admittedly counsel indicated that they seek  
10:15:50 15 to use the document for purposes of impeaching the witness's  
16 testimony. But, looking at the document, it goes further than  
17 that. It impacts on the act and conduct of the defendant in this  
18 case and, because it impacts on the acts and conduct of the  
19 accused, it has to come within the purview of your decision of 30  
10:16:16 20 November 2009, decision on Prosecution motion in relation to  
21 applicable legal standard governing use and admission of  
22 documents by the Prosecution during cross-examination, and I  
23 would refer to paragraph 27 of that decision.

24 We submit that to the extent that it impacts on the acts  
10:16:40 25 and conduct of the accused, this is fresh evidence and as such it  
26 should follow the requirements that you set out in the decision I  
27 have just referred to. I admit, yes, it could be used for  
28 purposes of impeaching the witness's evidence, but the document  
29 goes further than that to impact on the defendant's acts and

1 conduct and to that extent could not be admissible, unless the  
2 requirements in your decision that I have referred to have been  
3 met by the Prosecution and for that reason we object to the use  
4 of the document in cross-examination of this witness.

10:17:24 5 JUDGE LUSSICK: Do you wish to reply to that objection,  
6 Ms Howarth?

7 MS HOWARTH: Yes, briefly. Simply to say that nothing that  
8 I am going to read in the sections I have carefully selected goes  
9 to the acts and conduct of the accused. There is no mention made  
10:17:43 10 of Mr Taylor. The extracts from the Liberian Truth and  
11 Reconciliation Commission refer to, as I have already outlined,  
12 violations that took place against civilians in Liberia and the  
13 fact that the NPFL committed more violations than any other  
14 group. It goes directly to the denials that this witness has  
10:18:10 15 made that there were no atrocities in the Liberian wars and that  
16 the NPFL were not responsible.

17 JUDGE LUSSICK: I see. Just for the record, the decision  
18 referred to by Mr Chekera actually specifies the situation of  
19 fresh evidence going to the guilt of the accused rather than the  
10:18:38 20 acts and conduct, but, in any event, I will just pause and confer  
21 with my colleagues.

22 MR CHEKERA: I am sorry, my Lord. Could I just quickly  
23 respond on a point of law in relation to my learned friend's  
24 submissions?

10:18:54 25 JUDGE LUSSICK: No, I have heard you, Mr Chekera.

26 MR CHEKERA: Thank you.

27 [Trial Chamber conferred]

28 JUDGE LUSSICK: There are obviously going to be a number of  
29 these citations from this particular report. The first one we are

1 concerned with, Ms Howarth, is on page 17. That's the one you  
2 have already put to the witness. We will allow you to pursue  
3 that question. We note that, although it's fresh evidence, it's  
4 introduced to impeach the credit of the witness and we are of the  
10:20:43 5 view that it is rather of a general nature, does not go to proof  
6 of guilt of the accused.

7 Having said that, there are other sections that I think  
8 would also fall within Mr Chekera's objection and we will deal  
9 with those as we come to them.

10:21:13 10 MS HOWARTH:

11 Q. Before I refer back to page 17, Mr Zaymay, you are aware,  
12 aren't you, that the findings in the final report of the Truth  
13 and Reconciliation Commission represent the findings of all  
14 members of that commission and not just the chairman?

10:21:38 15 A. Yes. The chairman said that he was victimised and he wrote  
16 a book about the whole TRC and the chairman even went on to say  
17 that --

18 THE INTERPRETER: Your Honours, could the witness be asked  
19 to repeat that area and then do it slowly because he did not come  
10:22:01 20 out very clear.

21 JUDGE LUSSICK: Mr Witness, the interpreter didn't have a  
22 chance to interpret what you are saying. Could you please slow  
23 down a bit and repeat your answer, please.

24 THE WITNESS: You asked me a question that there was mass  
10:22:25 25 rape and violations that went on in the NPFL and I have answered  
26 that question many times. I said, no, it's not to my knowledge.  
27 No, I never saw it. I never heard it. And then you went on to  
28 quote from the TRC in Liberia.

29 The TRC is a reconciliation area. It's not a court. Why

1 should you bring the TRC issue here whereby it is not in my  
2 statement and my testimony? It's outside my statement.

3 MS HOWARTH:

4 Q. On page 17, paragraph 3, the Truth and Reconciliation  
10:23:25 5 Commission reached the following finding:

6 "All factions engaged in the armed conflict violated,  
7 degraded, abused and denigrated, committed sexual and gender  
8 based violence against women, including rape, sexual slavery,  
9 forced marriages and other dehumanising forms of violations."

10:23:46 10 That's what happened during the Liberian wars, isn't it,  
11 Mr Zaymay?

12 JUDGE LUSSICK: He has already answered no on a previous -  
13 when you asked that question the first time.

14 MS HOWARTH: Yes, I do beg your pardon. I thought I was  
10:24:01 15 directed to go back, but I apologise if I have got that wrong.

16 JUDGE LUSSICK: No, there is probably some confusion. The  
17 Bench was simply telling you we wouldn't allow the objection by  
18 Mr Chekera on that particular passage.

19 MS HOWARTH: In that case I would refer next to page 262  
10:24:28 20 and, over that page, 263 in the same breath:

21 Q. Mr Zaymay, there is a table on page 262 and that outlines  
22 the various violations that were reported to the Truth and  
23 Reconciliation Commission. They record at the second line down  
24 "Killing". They talk about 28,042 killings that took place  
10:25:18 25 during the Liberian wars. So killings occurred during the  
26 Liberian wars, didn't they - killings of civilians, that is?

27 A. Is this my statement that you are drawing your question  
28 from?

29 Q. Mr Zaymay, killings occurred during the Liberian civil

1 wars, didn't they?

2 A. If you answer to my question, then I will answer to yours.  
3 Is this my statement before the Court that you are drawing your  
4 question from?

10:26:08 5 JUDGE LUSSICK: Mr Witness, you are there to answer  
6 questions. The counsel cross-examining you at the moment is not  
7 limited to questions that are in your statement. This has got  
8 nothing to do with your statement. It's already been explained  
9 to you the document it comes from, so please answer the question.

10:26:29 10 Ms Howarth, repeat the question, please.

11 MS HOWARTH:

12 Q. Killings occurred during the Liberian civil wars, didn't  
13 they?

14 A. I only know that soldiers who were enemies to us were  
10:26:50 15 killed and not civilians.

16 Q. Civilians were killed during the Liberian civil war,  
17 weren't they, Mr Zaymay?

18 A. I never saw it with my eyes to talk about.

19 Q. If we could just turn over the page for a moment to 263.  
10:27:17 20 At the bottom of the first paragraph it says, "The TRC also  
21 documented over 28,000 killing violations." Do you want to  
22 change your answer, Mr Zaymay?

23 A. It's now that I have heard that, and I have never come  
24 across the TRC report about killings. It is now that I have  
10:27:54 25 heard it. So I don't know, because I was not issued a copy of  
26 it.

27 Q. If I can take you back to page 262, please, on the table.  
28 It refers - beneath "Killings" it refers to "Assault" and it  
29 documents 13,222 assaults. Mr Zaymay, assaults occurred during

1 the Liberian wars, didn't they?

2 A. I don't know. I cannot talk about that.

3 Q. And beneath that, "Abduction", it records that 13,045  
4 violations occurred that they heard about. Abductions occurred  
10:28:49 5 during the Liberian civil wars, didn't they?

6 A. Where? In which of the areas?

7 Q. We are talking throughout Liberia, Mr Zaymay. People were  
8 being abducted, weren't they?

9 A. No, I don't know.

10:29:08 10 Q. And beneath "Abduction" it refers to "Looting violations"  
11 and it records 7,619 incidents of looting. Looting occurred  
12 during the Liberian wars, didn't it?

13 A. I don't know.

14 Q. And then further down, "Rape", it records 2,308 rapes  
10:29:37 15 during the Liberian civil wars. Rape occurred as well, didn't  
16 it?

17 A. I never saw raping. I never saw it, and I never caught  
18 anybody raping someone that I could see with my eyes.

19 Q. Now, if I could go over the page to 263. You have said,  
10:30:18 20 haven't you, that the NPFL never committed any violations against  
21 civilians?

22 A. Yes. Never committed violations against civilians that I  
23 saw that I could talk about. One can only talk about what you  
24 see.

10:30:41 25 Q. At the bottom of that page, the Truth and Reconciliation  
26 Commission say this:

27 "It is interesting to note that NPFL is responsible for  
28 more than three times the number of reported violations as the  
29 next closest perpetrator group, LURD."

1 Then I go over the page to 264. They say as follows:

2 "By this finding, the NPFL was identified as the  
3 perpetrator of approximately 40 per cent of the violations  
4 reported to the TRC."

10:31:21 5 And beneath that there is a table which puts the NPFL at  
6 the top and records 63,843 violations, which they say is 39  
7 per cent of the violations. Mr Zaymay, did you never, ever hear  
8 of one single violation against a civilian during the Liberian  
9 war? Is that what you are asking this Court to believe?

10:31:53 10 A. I am saying that in the NPFL - in the NPFL - in the  
11 NPFL-controlled areas, that was the safe zone for the entire  
12 Liberians that they could run to for safety, and we used to open  
13 the areas to them. I never saw any soldiers committing crimes  
14 against civilians in my controlled area. What happened in Bassa,  
10:32:23 15 that was a different county. What happened in Lofa, that was a  
16 different county. I was not everywhere. Liberia, I did not have  
17 a telescope that I could see everywhere. I only concentrated on  
18 my controlled area, and I did say that within my controlled area  
19 there was no violation. That was what I said. I am not saying  
10:32:42 20 that within the entire Liberia there was no violation. I am  
21 talking about my controlled area. I did not control Grand Gedeh;  
22 I did not control Sinoe; I did not control Lofa. The things that  
23 happened there, I can't tell. But within my controlled areas is  
24 what I'm talking about. What happened within my controlled  
10:32:57 25 areas.

26 Q. So are you saying you never heard about any of this until  
27 now?

28 A. I never heard about it.

29 Q. If I can show you finally page 265. There is a graph on

1 there, if you'd care to take a look at it, and it shows "NPFL" at  
2 the top and then it lists the various other perpetrator groups.  
3 Now, it's quite clear from that, isn't it, that the NPFL  
4 committed more violations than any other perpetrator group,  
10:33:50 5 didn't they?

6 A. I am saying, and I continue to say, that in my controlled  
7 area, I enforced the SOP. Nobody violated in my controlled area.  
8 I cannot talk for the entire NPFL. The areas where I commanded,  
9 it never went on there. That's what I continue to talk about.

10:34:19 10 Q. Mr Zaymay, you have deliberately downplayed the crimes  
11 committed by the NPFL to these judges, haven't you?

12 A. I said in my controlled area I never saw it. I can only  
13 remember once in Bomi Hills - once in Bomi Hills by Oliver Varney  
14 that caused him to be transferred when I went there as commander.

10:34:53 15 In Bomi Hills: One. That is what I can remember: One. But not  
16 in the entire NPFL. I was not commander for the entire NPFL.

17 Q. You deliberately downplayed the atrocities committed by the  
18 NPFL when you gave evidence before the Truth and Reconciliation  
19 Commission, didn't you?

10:35:26 20 A. Oh, I explained - I explained I never saw it. You can only  
21 talk about what you see. I don't want the Court to say - I don't  
22 want to contradict myself. I can only talk about what I saw. If  
23 it is blue, I can say it is blue. It is a blue colour.

24 Q. And you have lied about and exaggerated about the SOPs,  
10:36:09 25 haven't you?

26 A. Ask your question again.

27 Q. Very well. You have lied about and exaggerated about the  
28 SOPs, haven't you?

29 A. I am under oath. I will not lie. I am saying what I saw.

1 What I saw is what I am talking about.

2 JUDGE LUSSICK: Just to clear that question up, when you  
3 put it to the witness that he has lied about the SOPs, are you  
4 suggesting he has lied about the existence of the SOPs, or the  
10:37:04 5 effect of the SOPs if they were in existence?

6 MS HOWARTH: The question was aiming at both of those  
7 propositions.

8 JUDGE LUSSICK: Just so that it's clear, put it to the  
9 witness. Give him a chance to answer.

10:37:20 10 MS HOWARTH: Yes:

11 Q. You have lied about there being SOPs, haven't you,  
12 Mr Zaymay?

13 A. There was an SOP.

14 Q. And if there was an SOP - if there was - then you have  
10:37:44 15 exaggerated about it, haven't you?

16 A. Oh, you asked me that there was massive raping and killing  
17 of civilians. I said I never heard it. I said I never saw it.  
18 I never saw it. If I say, yes, I saw it, I would - I might have  
19 to explain where and when and who did it. So I cannot tell lies.

10:38:22 20 If I saw it I will say, yes, I saw it. It was during the time of  
21 war. If I did not see it, I will say, I did not see it. So my  
22 own SOP that I was enforcing in the field, how would I frame it  
23 differently?

24 Q. You said to this Court that you went on a two-week workshop  
10:38:51 25 about SOPs, didn't you?

26 A. Yes.

27 Q. But you were a trained member of the army. You didn't need  
28 a two-week workshop to be told not to kill, loot, or rape  
29 civilians, did you?

1 A. I went for a workshop on SOP to be enforced in the field.

2 Q. You have also given evidence to this Court about SBUs,  
3 haven't you?

4 A. Yes.

10:39:45 5 Q. And you said that all commanders had SBUs on the field  
6 within your area of assignment, correct?

7 A. No, not within the area of my assignment. All unit  
8 commanders - all Special Forces that were heading as unit  
9 commanders in a battalion, they controlled different battalions.

10:40:21 10 Not in my area of assignment.

11 Q. If we could please refer to the transcript of 11 May at  
12 page 40795. At line 24 you were asked this by Defence counsel:

13 "Q. Did you have a unit that was called SBUs?

14 A. SBU was not a trained unit. I also had SBUs. All  
10:42:24 15 commanders had SBUs on the field within your area of  
16 assignment."

17 That's your evidence to their Honours, isn't it, Mr Zaymay?

18 A. Not within my area of assignment. If I said all  
19 commanders, it meant battalion commanders, Special Forces. When  
10:42:56 20 we entered, we had battalions. Battalion commanders Special  
21 Forces had SBUs. I had three. SBU was not a trained combat  
22 unit. I continue to say this.

23 Q. So today you're saying that all battalion commanders and  
24 Special Forces had SBUs and that you had three. Do I understand  
10:43:34 25 you correctly?

26 A. Yes. The Special Forces battalion commanders that I know,  
27 I saw them with theirs and I started creating mine.

28 Q. Can you tell me, did Mr Taylor have SBUs?

29 A. No. SBU was not created as a fighting unit in the NPFL,

1 no.

2 Q. Did Mr Taylor have any small boys, small boy soldiers like  
3 yourself?

4 A. I never saw it. I was not based in Gbarnga. I continue to  
10:44:32 5 say this. I never saw it.

6 Q. Could I please refer to exhibit D-301. This is an extract  
7 from a book by Mr Herman Cohen. That book is called "Intervening  
8 in Africa" and I wanted to refer to - there is the cover page of  
9 that book and I wanted to refer to page 154, please. Now, in the  
10:46:30 10 middle of the page where it says "On 20 September", and the  
11 author is relating one of his own experiences here, he says this:

12 "On 20 September, in the most interesting experience of the  
13 mission, we flew to the northern Cote d'Ivoire airport at Man.  
14 There, joined by our ambassador in Abidjan, Kenneth Brown, we  
10:46:53 15 boarded four-wheel-drive vehicles and crossed ten miles into  
16 Liberia to meet with Charles Taylor. The most striking and  
17 frightening aspect of Taylor's forest hideaway was the  
18 overwhelming presence of heavily armed 14 to 16 year old boys."

19 Mr Zaymay, you know about this, don't you?

10:47:23 20 A. Where? Where? In which area?

21 Q. Well, let's take any area. Wherever you went to visit  
22 Mr Taylor you knew that he had young boys, 14 to 16 year olds  
23 with him, didn't you?

24 A. I continue - Prosecutor, I continue to say that my  
10:47:52 25 authority was at the front line. I only went to Gbarnga once. I  
26 did not even sleep there. I went back to my front line. I never  
27 experienced it.

28 Q. What Mr Cohen's wrote in this book here is the truth, isn't  
29 it?

1 A. I was not assigned with Mr Cohen. What he saw, I did not  
2 see. I don't know him. I was at the front. I continue to say  
3 this. I only went to Gbarnga once for a meeting and back to my  
4 front line where my concentration was. I never saw it. If  
10:48:30 5 Mr Cohen saw it, I did not see it.

6 Q. Could I refer to the trial transcript of 22 September 2008,  
7 please, at page 16792, line 9. This is some testimony from a  
8 journalist who came to give evidence before this Court, named  
9 Stephen Smith, and he gave the following evidence. He was asked:  
10:49:58 10 "Now, you mentioned his security was with him." And they are  
11 referring to Mr Taylor there. And he is asked:

12 "What normally was the make up of his security, if you  
13 recall?"

14 A. There again, to be precise, you would distinguish when  
10:50:19 15 Mr Taylor was on the move or whether he was in his  
16 residence. In his residence, it was a well-organised  
17 security set-up which I do not know in detail. I can only  
18 describe it from my viewpoint as someone who came to visit  
19 him to interview him. So you would have an outer ring of  
10:50:39 20 security. I would associate that fairly often with the  
21 Small Boys Unit, child soldiers, if I had to estimate young  
22 boys, sometimes girls, between the age from 10/11 up to  
23 15/16. They would be the outer ring of security and then  
24 you had various inner rings of security, bodyguards,  
10:51:03 25 Liberian bodyguards, but also we spotted Burkinabe security  
26 people."

27 So when Mr Taylor was on the move, he had a Small Boys  
28 Unit, didn't he? He had child soldiers, 10/11 up to 15/16,  
29 around him, didn't he?

1 A. I was not in the bodyguard unit. I can't tell. I continue  
2 to say it. I lived at the front line. Where Mr Taylor moved  
3 here and there, I was not with him. I did not see Small Boys  
4 Unit with him. I continue to say it.

10:52:01 5 Q. And when he was in his residence he also had a Small Boys  
6 Unit with small children from the age 10/11, 15/16, didn't he?

7 A. No, I never saw it. I continue to say no. No.

8 Q. You have told us that all battalion commanders, all Special  
9 Forces had Small Boys Units. This included, Mr Taylor, didn't  
10 it?

10:52:33

11 A. No, no. I said these small boys --

12 THE INTERPRETER: Your Honours, can he kindly repeat his  
13 answer slowly.

14 JUDGE LUSSICK: Mr Witness, the interpreter has missed what  
10:52:51 15 you have just said. Could you please go over your answer again a  
16 little more slowly.

17 THE WITNESS: I said the Small Boys Unit was created by we,  
18 by us the commanders, the Special Forces battalion commanders.  
19 It was not within our range - it was not within the range of  
10:53:20 20 Mr Taylor.

21 MS HOWARTH:

22 Q. You are not telling the truth about that, are you,  
23 Mr Zaymay?

24 A. I am saying the definite facts, the truth. I never saw it.  
10:53:37 25 I created SBU.

26 THE INTERPRETER: Your Honours, can he kindly repeat the  
27 name.

28 JUDGE LUSSICK: Mr Witness, once again the interpreter  
29 didn't get everything you said. You mentioned a name there. Can

1 you repeat that name, please.

2 THE WITNESS: I said when I went to Johnson Leaman in Bomi  
3 Hills, the navy chief of staff, when I went to him in Buchanan,  
4 the navy chief of staff, I went there for my supply, I saw him  
10:54:16 5 with the children and I said, "Oh, who are these?" And he said,  
6 "Oh, you don't have your own SBUs? I took these children from  
7 the displaced camp. They do not have families. I brought them  
8 here to live with my family just for fun."

9 THE INTERPRETER: Your Honours, he is stating the names  
10:54:41 10 very fast. I can't get them clearly. Can he repeat this other  
11 name?

12 JUDGE LUSSICK: Mr Witness, just to remind you, this  
13 evidence is not only being written down, it is being interpreted  
14 as well. The interpreter can't keep up with you. You have said  
10:54:54 15 - these are your words, "I brought them here to live with my  
16 family just for fun." You were talking about the navy chief of  
17 staff. Now, what did you say after that?

18 THE WITNESS: He told me, You don't have your own SBUs?  
19 There are some children in the displaced camp. They do not have  
10:55:17 20 families. You need to help them. Bring them home. I went to  
21 Paul D Weah and he too told me the same thing, so I decided to  
22 create my own SBU. There were three of them with me. SBU was  
23 not an organised unit. They were not a trained unit for  
24 anything, only within the range of - only we, the commanders,  
10:55:53 25 created SBUs. It was not to the knowledge of Mr Taylor. I never  
26 saw Mr Taylor with any SBUs. I continue to say the fact. Why  
27 should I lie?

28 MS HOWARTH:

29 Q. Mr Zaymay, in your evidence you have mentioned somebody

1 called Tom Woweiyu, correct?

2 A. Yes.

3 Q. Are you aware that in 1994 he spoke out publicly about the  
4 NPFL, and he criticised Mr Taylor for walking around with  
10:56:44 5 eight-year-old children dragging weapons behind them; are you  
6 aware of that?

7 A. I never heard it. I was not on radio at that time. I was  
8 in the field.

9 Q. Now, you have told this Court about your own SBUs. You  
10:57:12 10 explained that you got one from the displaced camp at Fendall,  
11 correct?

12 A. Yes.

13 Q. And you said the second one, you found him during the  
14 attack on Monrovia; that's correct?

10:57:38 15 A. Yes.

16 Q. And that's the July 1990 attack you are referring to. Is  
17 that right?

18 A. July 1990.

19 Q. Tell me, when you saw him, as you said, lying on the street  
10:58:06 20 amongst corpses, was he conscious or was he unconscious?

21 A. I saw him lying down and I took him to be a corpse. So my  
22 bodyguard told me that he was alive, he was breathing. That's  
23 how I took him and put him in the car. I rescued him.

24 Q. And you explained that you took him to Kakata, correct?

10:58:44 25 A. Yes.

26 Q. And was it in Kakata when you were able to first speak to  
27 him?

28 A. The boy?

29 Q. Yes, the boy.

1 A. Yes. After he had taken treatment and had become  
2 conscience enough in my residence in Kakata.

3 Q. So was it in the streets of Monrovia or in Kakata when you  
4 thought to ask him whether or not he had any parents?

10:59:35 5 A. It was in Kakata. The man was already dead. He was not  
6 even talking. He can hardly - he could hardly talk.

7 Q. You mentioned that --

8 JUDGE LUSSICK: I thought you were going to follow that up,  
9 Ms Howarth. What man are you referring to, Mr Witness, who was  
11:00:01 10 nearly dead and could hardly talk?

11 THE WITNESS: This boy. This boy.

12 MS HOWARTH:

13 Q. Now, there were - let me rephrase that. You have referred  
14 to the corpses lying on the street that you took him away from.

11:00:34 15 There were civilian casualties during the attack on Monrovia in  
16 July 1990, weren't there?

17 A. There were soldiers. I never checked whether he was a  
18 soldier, but she was wearing a military T-shirt fatigue, so I  
19 took her to be a military lady.

11:01:03 20 Q. Which lady are you referring to?

21 A. The corpse that was lying down with this child beside her.  
22 When I got there, I saw a body lying down. I saw a body lying  
23 down. She was - I saw her in a fatigue T-shirt. She was wearing  
24 fatigue T-shirt lying down.

11:01:40 25 Q. What about this boy, was he wearing a fatigue T-shirt? Was  
26 he a child soldier?

27 A. No. This boy was a civilian lying down. Whether he was  
28 lying beside his mother or not, I don't know. He was a civilian  
29 boy. I met him lying down there too a little distance away from

1 the woman when they were changing my tyre.

2 Q. So he is the only civilian that you ever saw hurt or  
3 injured during your time in the wars in Liberia; is that right?

11:02:41

4 A. Oh, this lady, I can't tell whether she was a soldier or a  
5 civilian. From --

6 Q. I am talking about the boy, the boy who you say you rescued  
7 from the streets of Monrovia. He was injured. He was  
8 unconscious, you told us, until he got to Kakata. So my question  
9 is this: Is he the only civilian that you ever saw hurt or

11:03:03

10 injured during your time in the wars in Liberia?

11 A. Yes, at that time - entering Monrovia at that time.

12 Q. I am going to move on to your third --

13 JUDGE DOHERTY: Before you do move on, Ms Howarth, I notice  
14 that we still have not got an answer to the question that you  
15 originally asked, whether this boy was able to answer any

11:03:33

16 questions about his parents. I need to go back and look to the  
17 font. At page 40, line 7, you asked, "Did you ask him whether or  
18 not he had any parents?" He made an ambiguous reply, which was  
19 the taken up by Justice Lussick, but he's never actually answered  
20 the question whether he spoke to this child about parents.

11:04:12

21 THE WITNESS: Yes. When the child became - got back to  
22 himself after two weeks' treatment, I asked him about his  
23 parents.

24 MS HOWARTH:

11:04:39

25 Q. And it was in Kakata, wasn't it, that you asked him about  
26 his parents, correct?

27 A. Yes, after two weeks after he had taken treatment in  
28 Kakata.

29 Q. Now, in relation to the third SBU you told us about - and I

1 am quoting here from the 11 May transcript, 40802, lines 19 to  
2 22 - you said, "The third SBU, he was one of my girl friend's  
3 younger brother that was staying with her." How many girl friends  
4 did you have at this time, Mr Zaymay?

11:05:34 5 A. I had two girl friends. One that was with me in exile, she  
6 followed me to Liberia. That makes it two.

7 Q. The first woman you have just referred to as your  
8 girl friend who followed you to exile, previously you told us that  
9 she was your wife and you told us a story about how you sent her  
10 to get your pay. So she was your wife, not your girl friend,  
11 wasn't she?

12 A. Yes, that's my legal wife. She was not with me in exile.

13 Q. And your words were, "The third SBU, he was one of my  
14 girl friend's younger brother that was staying with her." How  
15 many girl friends did you have? You said "one of my girl friends".

16 A. I said I had two girl friends. The first one - apart from  
17 my wife, the first one was the girl who accommodated me in exile  
18 in the Ivory Coast. When we entered, she came to me. She came  
19 to me in Kakata. Apart from that, I had another girl. I had  
20 another girl. She made the second one. She brought her brother  
21 to me. That's why I said "one of my girl friends". She makes it  
22 two apart from my wife.

23 Q. This girl friend you are referring to whose younger brother  
24 was staying with her, was she somebody who had been captured by  
25 the NPFL?

26 A. No.

27 Q. Was she somebody who was captured and who you used as your  
28 bush wife?

29 A. No.

1 Q. And is that why both her and her younger brother were with  
2 you?

3 A. No. This girl, she was in Kakata. I said that I never  
4 fought in Kakata. From hospital in Burkina, when I went, the  
11:08:26 5 soldiers were in position to attack Monrovia at that time.

6 Kakata was a safe zone, so this girl was in Kakata. When I got  
7 there, she and I fell in love. She told me that she did not know  
8 where her people were; she was going through difficult times; I  
9 should help her. So I took her home as my girlfriend.

11:08:57 10 Q. Now, you spent some time explaining to their Honours about  
11 going to Fendall and delivering food supplies, yes?

12 A. Yes.

13 Q. About delivering footballs for the children?

14 A. Yes.

11:09:23 15 Q. And you have explained how benevolent you have been in  
16 terms of taking three children under your wings and treating them  
17 like members of your own family. That's your evidence?

18 A. I rescued them. I rescued them. This, my girlfriend,  
19 brought in her brother. I did not know where her brother was

11:09:55 20 living. She took her brother to me. And the first boy, I met  
21 him dying and I rescued him and took him to my house. I rescued  
22 these people. I did not forcefully take them.

23 Q. So you are the Good Samaritan in all of this, aren't you;  
24 taking children to your home and bringing them up on your own.

11:10:30 25 That's your evidence, isn't it?

26 A. Yes, I rescued the children.

27 Q. But, Mr Zaymay, going back to your testimony before the  
28 Truth and Reconciliation Commission, when you told your story to  
29 them, you didn't mention any of this to them, did you?

1 A. Yeah, but I continue to say, if I did not mention, TRC only  
2 told me - they only asked me about the cause of the war. The way  
3 they presented their statement was the way I followed it. They  
4 did not ask me the part I played in the war. They asked me about  
11:11:22 5 the root cause of the war. That was how I explained the cause of  
6 the war in Liberia. It was the way they presented it.

7 Q. You didn't tell them about this part of your story because  
8 it never happened, did it?

9 A. For example, if you ask me, how did you get here? I will  
11:12:03 10 explain how I got here. If you did not - if you asked me - if  
11 you don't ask me about a different thing, I won't explain. TRC  
12 wrote me a letter that I should appear before the TRC and explain  
13 what the root cause of the war was, and I went and explained what  
14 the root cause of the war was. But they never asked me to  
11:12:30 15 explain during the war how many children did you rescue?

16 It was the way they presented their story, that was what I  
17 followed. I had to explain what brought the war in Liberia, so I  
18 did not go outside of what brought the war in Liberia and explain  
19 a different thing. How could I have explained about children  
11:12:55 20 when they did not ask me about children? So what I am telling  
21 you here is a fact. I rescued three of the children and they  
22 were with me. Even right now, some of them are in Liberia.

23 Q. You have spoken about domestic chores that were performed  
24 by the SBUs, correct?

11:13:29 25 A. Yes. They were living as children. They joined my  
26 children and they used to help with the domestic work. Sweeping  
27 the compound, washing dishes and to cook.

28 Q. Now, it's right, isn't it, that children would also be used  
29 to carry weapons, wouldn't they?

1 A. I never took any children with me.

2 Q. Well, you have been able to give us evidence not only about  
3 the children with you, but also about the children with other  
4 commanders, haven't you?

11:14:15 5 A. Yes, I used to see some of them. I used to see some of  
6 them carrying their commanders' arms. When we would be going for  
7 programmes, they will dress them in military uniforms and they  
8 will be carrying their commanders's arms, they will be laughing  
9 at them and making fun out of them. I used to see them with  
11:14:40 10 their commanders.

11 Q. And which commanders dressed them in military uniform and  
12 got them to carry the commanders' arms?

13 A. First I saw them with Johnson Leaman. Then when I went to  
14 Buchanan, Johnson Leaman told me we should go to the Freeport for  
11:15:10 15 my supplies. And he was in charge of the navy. He was having a  
16 cold storage where he kept fish, so he said we should go to that  
17 cold storage for some fish. The boys got into the car with him  
18 and we went and I was laughing at them.

19 Q. Mr Zaymay, my question was a little more focused than that.  
11:15:36 20 And just as when you were giving evidence when your own lawyer  
21 was asking you questions, when I'm asking you questions please  
22 also try, if you can, to focus on the precise question that's  
23 being asked. I asked you about which commander and you told us  
24 about Johnson Leaman. Which other commanders did you see with  
11:16:04 25 small boys carrying their commanders's arms?

26 A. I saw Paul D Weah.

27 Q. And as well as Paul D Weah, were there any other commanders  
28 that you saw with small boys carrying their arms?

29 A. We were the only people that were close to each other. The

1 other people were in far off counties, way at the rear, way  
2 behind Gbarnga.

3 Q. And it's right, isn't it, that as well as carrying out  
4 domestic chores and carrying arms, there would also be small  
11:16:55 5 children at gates, wouldn't there?

6 A. Oh, it was just for fun. The children - the commander  
7 created the SBUs just out of fun. It was not a crime. They were  
8 not meant to fight.

9 Q. Small children were used to search vehicles at gates,  
11:17:29 10 weren't they?

11 A. No, I never saw it.

12 Q. Well, Mr Taylor said that happened, so it did, didn't it?

13 A. If Mr Taylor said it happened, he saw it. I was mainly  
14 concentrated at the front line and not the rear and so I never  
11:18:03 15 saw it.

16 Q. And there were also children used at checkpoints, weren't  
17 there?

18 A. No, I never saw it.

19 Q. Now, you said a moment ago that the children - that they  
11:18:28 20 were not meant to fight, but they did fight, didn't they?

21 A. I never saw them at any target.

22 JUDGE DOHERTY: Mr Witness, that does not answer the  
23 question.

24 THE WITNESS: No, no, I never saw them fighting.

11:18:57 25 MS HOWARTH:

26 Q. Independent of whether you did or didn't see them, they did  
27 fight, didn't they? They were not meant to fight, but they did  
28 fight, didn't they?

29 A. I have answered no. I never saw them fighting for me to

1 talk about. No.

2 Q. But all factions used child soldiers, didn't they,  
3 Mr Zaymay?

4 A. I can only talk specifically about the NPFL. I was not  
11:19:52 5 with the other factions.

6 Q. You interacted with the other factions, didn't you? You  
7 fought against them?

8 A. Yes.

9 Q. When you fought against them, you would have observed that  
11:20:12 10 just as the NPFL used child soldiers, so did they, correct?

11 A. I never saw them. I never encountered any SBUs from  
12 different factions engaged at the war front for me to see. If  
13 they created it, I did not see it. But at the front line, no SBU  
14 ever attacked me at the front line. They were all men.

11:20:44 15 Q. You have talked about SBUs being created just for fun.  
16 Were they fighting just for fun too?

17 A. I never - I continue to say it, I never saw SBUs fighting.  
18 There is no fun in fighting. I never saw SBUs fighting for me to  
19 say it was for fun.

11:21:15 20 MS HOWARTH: I wanted to refer again to the tab 2 in the  
21 bundle. It's again at page 17 and it's at the bottom of that  
22 page.

23 JUDGE LUSSICK: Mr Chekera.

24 MR CHEKERA: Again, your Honours, I rise to note the  
11:22:30 25 objection we made earlier in relation to new evidence that could  
26 go to the guilt of the accused. And in this particular instance  
27 I raise the issue of child soldiers specifically because it is  
28 one such issue and I would refer your Honours to the opening  
29 statement in this case of 4 June 2007, page 282. I will probably

1 start from line 12. Sorry, I beg your pardon. Page 276, line  
2 14. This was an opening statement by the Prosecutor:

3 "Moreover, many of the crimes committed by the rebel forces  
4 supported by the accused in Sierra Leone mirrored crimes that had  
11:24:00 5 been committed by the accused's forces in Liberia. The RUF  
6 trained and learnt war and methods of guerilla warfare in Liberia  
7 in camps with the forces of the accused, specifically his NPFL.  
8 An example is the recruitment of child soldiers."

9 I will probably just end there and make the point I wish to  
11:24:23 10 make. I do again concede that the reference that counsel seeks  
11 to make refers to all armed factions, but to the extent that all  
12 armed factions includes NPFL, in light of the Prosecution's  
13 allegation which goes to Rule 93 evidence, to the extent that the  
14 excerpt that counsel seeks to put to the witness refers to the  
11:24:53 15 NPFL, that goes to the guilt of the defendant in this case.

16 JUDGE LUSSICK: Thank you. Do you wish to answer that  
17 objection, Ms Howarth?

18 MS HOWARTH: Simply to reiterate really what my learned  
19 friend just said at the end, that I am seeking to put that  
11:25:17 20 sentence to this witness and it does relate to all of the armed  
21 factions in the conflict and therefore, in my submission, is  
22 remote from this accused and it's appropriate to put to this  
23 witness in light of his evidence that he is unaware of it.

24 JUDGE LUSSICK: Yes. Thank you.

11:25:45 25 [Trial Chamber conferred]

26 JUDGE LUSSICK: The Trial Chamber is of the view that the  
27 passage referred to and objected to by Mr Chekera does not go to  
28 the guilt of the accused necessarily. It refers to other  
29 factions and it's quite a vague statement as well, so we will

1 overrule the objection and allow the question.

2 You can put it again, Ms Howarth.

3 MS HOWARTH: I got as far as putting the question on that  
4 occasion, so I will just refer to page 17.

11:27:13 5 Q. Mr Zaymay, you will see at the bottom of page 17 there is  
6 another finding by the Truth and Reconciliation Commission, and  
7 they find as follows:

8 "All factions and other armed groups recruited and used  
9 children during periods of armed conflicts."

11:27:34 10 Now, that's the truth of the matter, isn't it, Mr Zaymay?  
11 All factions and other armed groups recruited and used children  
12 during periods of armed conflict in Liberia, didn't they?

13 A. I said NPFL never recruited child soldiers.

14 THE INTERPRETER: Your Honours, can he kindly repeat his  
11:28:04 15 answer slowly.

16 JUDGE LUSSICK: Mr Witness, once again you are going a bit  
17 too fast for the interpreter. Can you continue.

18 THE WITNESS: Okay.

19 JUDGE LUSSICK: You last said, your words, "I said NPFL  
11:28:18 20 never recruited child soldiers." Now, could you go on from  
21 there, please.

22 THE WITNESS: I continue to say NPFL never recruited and  
23 trained child soldiers. Child soldiers were inducted by the  
24 Special Forces commandos in the field. Child soldiers were not a  
11:28:49 25 fighting unit. The TRC report - I continue to say what TRC was  
26 saying about the NPFL, the TRC commander said he was victimised  
27 by NPFL. What good things do you think he would talk about the  
28 NPFL? If he can say that the child soldiers were recruited, they  
29 saw it and they can bring the evidence, they can bring the proof.

1 But I did not see it.

2 JUDGE LUSSICK: We will leave it there, Ms Howarth. We  
3 will take the morning break and come back at 12 o'clock.

4 [Break taken at 11.30 a.m.]

11:56:10 5 [Upon resuming at 12.02 p.m.]

6 PRESIDING JUDGE: Good afternoon, Ms Howarth. Please  
7 continue.

8 MS HOWARTH: I'm most grateful. Just before the break we  
9 were in fact using some extracts from the TRC report which was  
12:02:22 10 tab 2 in the bundle, and I want --

11 MR CHEKERA: Sorry, just to note that Mr Munyard is no  
12 longer present.

13 MS HOWARTH: Yes, I was going to ask that tab 2 be given an  
14 MFI, and I would note that there's one page I haven't referred to  
12:02:49 15 that's in there which is 261, so that ought properly to be  
16 removed before an MFI is given.

17 PRESIDING JUDGE: The document contained in tab 2 is  
18 entitled "Volume 2, Consolidated Final Report" consisting of how  
19 many pages, Ms Howarth?

12:03:28 20 MS HOWARTH: So sorry, can I just have one moment, I'll  
21 count them up. I have ten in total.

22 PRESIDING JUDGE: Then that document with the exception of  
23 page 261, the ten pages of that document are marked MFI-2.

24 MS HOWARTH: I'm grateful:

12:04:14 25 Q. Mr Zaymay, before the break you said - this is at my page  
26 51, line 15, "I continue to say NPFL never recruited and trained  
27 child soldiers." Are you aware that the TRC found exactly the  
28 opposite and found the recruitment and use of child soldiers to  
29 be a tactic favoured by Mr Taylor's NPFL?

1 A. I will say here that I never saw it. I was at the front.  
2 I never saw it. If the TRC says that they saw it, then they have  
3 proof to that. But I never saw it.

12:05:12 4 Q. And so are you inviting their Honours to disregard any  
5 other evidence you've given in this case where you haven't seen  
6 that thing for yourself?

7 A. You spoke about SBUs with Mr Taylor, right?

8 Q. I'm going to move on. Could the transcript of 11 May 2010,  
9 page 40807, please be displayed. I'm starting from line 7. This  
12:06:46 10 is an extract from your own testimony, Mr Zaymay:

11 "Q. Now at what point from the time you entered Liberia  
12 from Ivory Coast did you first see these children that were  
13 referred to as SBUs?

14 A. No, I came across them during the first ceasefire in  
12:07:05 15 '92, no.

16 Q. Sorry, if you could just repeat your answer, because  
17 there is a part of it that was not captured. The question  
18 was when did you first come across the children you  
19 referred as SBUs from the first time you entered Liberia  
12:07:24 20 from Ivory Coast?

21 A. During the first ceasefire, 1992. 1992.

22 Q. Well - and besides seeing them with Leaman in - where  
23 else, if any, did you see these SBUs?

24 A. In '91 when I went to visit Paul D Weah at Harbel, I  
12:07:49 25 met the same boys with him too.

26 Q. You said that was in 1991?

27 A. 1991."

28 Mr Witness, you've also explained to us that you got your  
29 first SBU during the July 1990 attack on Monrovia, correct?

1 A. Yes. Not SBU. Not SBU. The first child that I saw was  
2 not an SBU at that time in 1990. Not SBU. He was a civilian boy  
3 that I rescued. Not SBU at that time in 1990.

12:08:40 4 Q. You've described him, haven't you, as your first SBU,  
5 correct?

6 A. I described him as a civilian boy who was lying down that I  
7 rescued in 1990. He was not an SBU.

8 Q. Mr Zaymay, this is another example of when you're getting  
9 confused about dates again, isn't it? Because you were asked  
12:09:06 10 when you first came across them, you say 1992. Then you talk  
11 about Paul Weah and his small boys in 1991 and you've got your  
12 own SBU in 1990. So you're confused about dates again here,  
13 aren't you?

14 A. No. Listen to me carefully. In 1990 there were no SBUs.  
12:09:33 15 When I entered Monrovia around the Sinkor area and whilst I was  
16 changing my tyre there was a boy lying down almost dead. I even  
17 considered it a corpse, but my bodyguards told me, they said,  
18 "Oh, chief, the boy is living. He is breathing." So I said,  
19 "Pick him up and put him in the car." So I'm saying that he was  
12:09:58 20 not an SBU but a civilian boy. And when I took him to my house  
21 and after that I visited my friends, I saw them with SBUs. That  
22 was how I created my own SBUs. But the boy I saw at that time  
23 was a civilian boy and not an SBU.

24 Q. So this time you are just confused about whether the SBUs  
12:10:21 25 began in 1991 or 1992. That's right, isn't it?

26 A. The SBU came about in 1991. And when I went to Bomi Hills  
27 in '92 - yes, it came about in 1991. But when I went to Bomi  
28 Hills in 1992, that was how I took my boys with me and they were  
29 with me in Bomi Hills in '92. In 1990 the boy I saw on the

1 ground was not an SBU.

2 PRESIDING JUDGE: Mr Witness, when you say you took your  
3 boys with you to Bomi in 1992, you took them where exactly in  
4 Bomi? To the front line, or where?

12:11:25 5 THE WITNESS: When I was ordered to go and take over as  
6 commander in Bomi Hills, those boys who were with me, my SBUs,  
7 they told me, they said, "Oh, chief, we are not going to say  
8 here. We'll go with you wherever you are going." At that time  
9 there was no war, so they went with me to Bomi Hills - to Bomi  
12:11:52 10 Hills in Tubmanburg.

11 PRESIDING JUDGE: And what did they do with you when they  
12 got there? They went with you to do what?

13 THE WITNESS: Those boys had got used to me. They did not  
14 know any other person. They only knew me. So they told me that  
12:12:11 15 anywhere I was going they will go with me. The same way they had  
16 stayed with me in my house was the same way they stayed with me  
17 in Bomi Hills in my house.

18 JUDGE DOHERTY: Mr Witness, you said earlier that the -  
19 were with your children, they were like your children. Did your  
12:12:37 20 own children call you chief?

21 THE WITNESS: Yes, my children used to call me chief. They  
22 used to call me CO. CO, because that was the name for all  
23 commanders. So everybody used to call one CO, so my children too  
24 used to call me CO.

12:13:05 25 MS HOWARTH:

26 Q. Did you also take your own children with you to Bomi Hills?

27 A. I took my first child with me to Bomi Hills. They were all  
28 playing together. So I wouldn't have left my son over there and  
29 take only the boys with me.

1 Q. Could I please refer to exhibit D-118. So this is an  
2 article from the New African. The date is October 1992, and it's  
3 an article by Baffour Ankomah and I'm referring to page 11. It  
4 says, "Baffour Ankomah spent a month behind the lines with  
12:14:56 5 Charles Taylor and his forces in Liberia." I'm going to refer to  
6 the final paragraph on the first column of the article beginning  
7 with "small boy soldiers". He says as follows:

8 "Small boy soldiers, some as young as 9 and 10 years old  
9 would put a knife to the throat of some elderly Krahn man and  
12:15:25 10 tell him, 'Poppy, Papa, don't worry. It won't hurt you.' In  
11 another minute his head would not be his. Some teenage soldiers  
12 both boys and girls told me in separate interviews that they  
13 wanted to seek revenge for the atrocities committed against their  
14 parents. His dismembered bodies were left to rot in the open by  
12:15:49 15 Doe's soldiers."

16 Now, that's right, isn't it, Mr Zaymay? Some children  
17 joined the NPFL because they wanted to seek revenge, didn't they?

18 A. I am saying that no small soldiers were within the NPFL. I  
19 continue to say this. I continue to say this. No SBUs were  
12:16:20 20 trained to take revenge within the NPFL. I continue to say this.  
21 NPFL had grown men.

22 Q. It continues: "One boy who is now 14 years old told me in  
23 a disarmament camp at Kuidin near Tappita, Nimba County, 'I  
24 returned to our village from school in Monrovia to find I had no  
12:16:50 25 mother, no father. They had been slaughtered like goats by Doe's  
26 men. What else did you want me to do? Sit down and cry? I  
27 joined President Taylor's army and sought revenge.' More of such  
28 orphans now put together in a Small Boys Unit joined Taylor's  
29 forces."

1 Now, that's the truth, isn't it, Mr Zaymay, these small  
2 children wanting revenge joined Mr Taylor's forces and were put  
3 together in a Small Boys Unit?

12:17:30 4 A. No, not to my knowledge. I continue to say that the NPFL  
5 fighters were grown men. We had more men to fight. Nobody  
6 recruited Small Boys Units. No, not to my knowledge.

7 Q. And that's why, isn't it, when you spoke to Paul D Weah he  
8 referred to his SBUs as small boy soldiers because that's exactly  
9 what they were? They were small boy soldiers, weren't they?

12:18:02 10 A. When I went to Paul Weah to visit him, I saw him with two  
11 and he told me that he himself created them. They do not go  
12 anywhere. They were staying with him in his compound. They were  
13 not a fighting force.

14 THE INTERPRETER: Your Honours, could the witness be asked  
12:18:23 15 to repeat that last bit.

16 PRESIDING JUDGE: Mr Witness, could you repeat the last bit  
17 of your answer for the interpreter to interpret to us.

18 THE WITNESS: I said I went to Paul Weah. That was on my  
19 way from receiving my supplies. That was on my way going to get  
12:18:45 20 my supply in Harbel. In Harbel. It was not Tappita. In Harbel.  
21 In Harbel, Margibi County. And I came across two of the boys  
22 with him and he told me that those were his own Small Boys Unit  
23 that he had created but that they were not fighting men. They do  
24 not go anywhere. They were only staying in the compound with  
12:19:14 25 him. That was not in Tappita. So it was then that I also  
26 decided to created mine, but they were not a fighting unit to  
27 take revenge.

28 Q. He called them small boy soldiers, didn't he?

29 A. Yes, we called them SBU. So if that is what they are

1 talking about, that there were SBUs in NPFL, no, they were not a  
2 fighting unit. We the commanders created them just for fun.

3 Q. Mr Zaymay, you were asked this and perhaps it's unnecessary  
4 to pull it up but the reference is 11 May 2010 at line 17. The  
12:19:54 5 question was - my question was, "For how long did NPFL commanders  
6 remain to have small boys under their charge?" And your answer  
7 was, "From '91 - from '91 up to '95." Is that the truth?

8 A. Yes. The ones that were with me stayed with me until the  
9 time I went to Monrovia. They stayed with me until they found  
12:20:30 10 their parents. We went to Monrovia. I am talking about mine.

11 Q. Mr Zaymay, you've told this Court your SBUs didn't have any  
12 parents?

13 A. I told you that when I came across them, the one that I saw  
14 at first, he told me that he did not know where his parents were  
12:20:54 15 when I asked him in Kakata. And the one I saw in the second  
16 place in Fendall, he also told me that he did not know where his  
17 parents were. And the one I saw - the one that my girlfriend  
18 brought to me, he told me that he did not know the direction  
19 their parents took. So he said they were all running away from  
12:21:22 20 bullets. But at last when I went to Monrovia, a Krahn lady came  
21 to me. The boy that I had got from Monrovia, the boy was a Krahn  
22 boy. One Krahn lady came to my office at the MP headquarters and  
23 said, "Zaymay, I learnt that my child is with you." And I asked  
24 her to call the name. And she called the name of the boy and I  
12:21:54 25 said yes.

26 THE INTERPRETER: Your Honours, could the witness be asked  
27 to slow down and say that clearly.

28 PRESIDING JUDGE: Mr Witness, please slow down. Start from  
29 where you explained that the lady called the name of the boy and

1 you said yes. Now, continue from there slowly.

2 THE WITNESS: I said, "Yes, I saw a boy who was dying and I  
3 took him. He is called Abraham. He is in Sinkor." And she  
4 said, "Okay, where is the boy?" And I said, "The boy is at my  
12:22:36 5 house. The boy had now got used to me to the extent that  
6 anywhere I went to, he went with me." And then I said okay to  
7 her. I said, "Come the following day and I will bring the boy  
8 with me." And she came and I brought the boy to the office. And  
9 when she met the boy, she started crying. The boy had a mark on  
12:23:03 10 top of his eyebrows. On the eyebrows there is somewhere that  
11 he's marked and she said, yes, that is the identity of the boy.

12 When she saw the boy in my office she started crying, and  
13 the following day she and the husband came to me to tell me  
14 thanks. They brought a pastor that prayed for me in my office  
12:23:36 15 for the great job that I had done for them bringing their child  
16 back to them. At that time I met them. They did not even know -  
17 the time I met them they did not even know the locations of their  
18 families.

19 MS HOWARTH: If I could refer, please, to the transcript of  
12:24:00 20 11 May 2010 at page 40802. I've finished with the exhibit,  
21 thank you.

22 PRESIDING JUDGE: Could you kindly repeat the page number  
23 again, please.

24 MS HOWARTH: It's 40802. At line 23, please:

12:25:16 25 Q. Mr Zaymay, this is in your evidence when asking questions  
26 from the Defence counsel when you're talking about your SBUs and  
27 you were asked this:

28 "Q. And how did that SBU get to be your - to be under you?

29 A. All the three children were with me. They hadn't

1 parents, so they were with me at my house and I was feeding  
2 them out of humanitari an feelings. "

3 So you told the Court on 11 May that they didn't have any  
4 parents, didn't you?

12:25:57 5 A. Yes, at that time that I came across them they did not know  
6 the location of their people. They did not know the location of  
7 their people until the time we went to Monrovia. What I mean  
8 that they did not have parents is simply to say that at the time  
9 I met them they did not have parents. That was what I said.

12:27:01 10 Q. I'm going to move to a different area now. Mr Zaymay, you  
11 have given evidence that prior to the initial invasion of  
12 Liberia, yourself and others were sent to Guinea and that in  
13 Guinea you were arrested and deported to Ivory Coast, correct?

14 A. Yes.

12:27:30 15 Q. Now, when you met with Mr Gray, then later Silas and Logan  
16 in Monrovia, this wasn't something that you mentioned to them,  
17 was it?

18 A. You mean I never told them that I was deported from Guinea  
19 back to Ivory Coast?

12:27:53 20 Q. Yes, when you spoke to them in Monrovia you never told them  
21 that, did you?

22 A. Yes, but even if I did not tell them then I might have  
23 forgotten.

24 Q. So that's something that you forgot about at that time,  
12:28:17 25 correct?

26 A. Yes, if it's not in my statement, then I forgot about my  
27 deportation from Guinea to Ivory Coast.

28 Q. And you've given evidence to the Court about the Nimba  
29 raid, haven't you?

1 A. Yes.

2 Q. And again this is something that you didn't mention to your  
3 lawyers in Monrovia, did you?

4 A. The Nimba raid?

12:28:59 5 Q. Yes.

6 A. Well, if it's not in my statement, then I forgot about the  
7 Nimba raid, but I think I made mention of it.

8 Q. You've explained that when you gave evidence to the TRC you  
9 were talking about the root causes of the conflict and that's  
10 something you mentioned earlier on today. But when you gave  
11 evidence to the TRC, you didn't mention the Nimba raid, did you?

12 A. I can't remember. But the - in the root cause of the war,  
13 the major thing in there is the Nimba invasion. So if I did not  
14 explain about the Nimba invasion, then I might have forgotten.

12:30:07 15 Q. You've also given evidence in the Court about someone  
16 called Sam Tozay and about Sam Tozay betraying the NPFL cause by  
17 revealing to Sam Doe that the NPFL were plotting to invade  
18 Monrovia, correct?

19 A. Yes, I explained about Sam Tozay.

12:30:36 20 Q. And the first time you've mentioned that has also been here  
21 in The Hague, hasn't it?

22 A. I do not remember.

23 Q. Can you try to remember?

24 A. Oh, about Sam Tozay?

12:31:05 25 Q. No, not about Sam Tozay. The first time you have mentioned  
26 Sam Tozay is here in The Hague, isn't it?

27 A. Okay, I continue to say, you see, what happened in 1990 -  
28 check from 1990 up to this moment, it's almost 20 years. It's  
29 not something that we took statements about. It was on top of my

1 head. So the one I know - I remember is what I've spoken about,  
2 so if I did not speak about Sam Tozay then it did not come to  
3 mind.

12:31:59 4 Q. Yesterday you told the Court that whilst you've been here  
5 in The Hague you've spent about six days with Mr Mineh in hotel  
6 accommodation, correct?

7 A. Yes.

8 Q. And you agreed that during those six days you've shared  
9 conversations with him, haven't you?

12:32:18 10 A. Yes, the man is a Gio man and he's a Liberian. If they  
11 say, "Let's go and eat," then we'll go and eat. If he says,  
12 "Let's go and watch video," we'll go and watch the video. If I  
13 was not doing any other thing else we would go and watch the  
14 video. So that was about all what we discussed. Or to say,  
12:32:46 15 "Excuse me, I'm going to bed." That's all about discussing.

16 Q. Now, whilst you've been having conversations with him the  
17 two of you have discussed your shared past, haven't you?

18 A. We did not talk about that. I was told by the protection  
19 security there - they have people there watching over us, and I  
12:33:19 20 was told not to share my testimony with anybody, so we did not  
21 discuss about any past.

22 Q. You've discussed about being arrested in Guinea and being  
23 sent to the Ivory Coast, haven't you?

24 A. I am saying we never discussed about any past. I never  
12:33:46 25 even knew whether Edward Mineh was ever in Guinea. I only came  
26 across Edward Mineh at the border inside Cote d'Ivoire, in Ivory  
27 Coast.

28 Q. You discussed the Nimba raid, didn't you?

29 A. We never discussed anything. Edward Mineh was in Nimba and

1 I was in Monrovia, so we did not discuss anything about the Nimba  
2 raid. We were told. We had securities watching over us in that  
3 same building.

12:34:38 4 Q. You told the Court last Wednesday that you didn't meet  
5 Mr Mineh until 1996, didn't you?

6 A. I never what?

7 Q. You told the Court last Wednesday that you didn't meet  
8 Mr Mineh until 1996. That's correct, isn't it?

12:35:06 9 A. I said I met Edward Mineh - I met Edward Mineh in Ivory  
10 Coast during the time of our deportation. But he and I were not  
11 living together. I did not even know whether Edward Mineh was in  
12 Guinea.

13 THE INTERPRETER: Your Honours, the last bit again did not  
14 come clearly to the interpreter.

12:35:24 15 PRESIDING JUDGE: Mr Witness, the interpreter thinks you  
16 said something towards the end which we didn't catch. Now, did  
17 you say, "I did not even know whether Edward Mineh was in  
18 Guinea"? Did you say that?

19 THE WITNESS: Yes.

12:35:48 20 PRESIDING JUDGE: Please continue from there.

21 THE WITNESS: In 1996 - in 1996 NPFL was moving. We were  
22 all together. I knew Edward Mineh from the base and from there I  
23 said we moved into Guinea in groups and my group was the last  
24 group that entered Guinea and they took me to a community. And  
12:36:28 25 some other groups had gone ahead. They were also in Guinea. So  
26 we were not living together. I came across Edward Mineh in  
27 Sekudu [phon] in Ivory Coast by the time we were deported and at  
28 that time we were all together up to the present. It was not in  
29 1996 that I got to know Edward Mineh.

1 MS HOWARTH: Yes, I think I might have to take --

2 THE INTERPRETER: Your Honours, the interpreter would want  
3 to make a correction. The town the witness referred to is Sepulu  
4 and not Sekudu.

12:37:08 5 MS HOWARTH: Yes, I was just going to say I might have to  
6 take responsibility for adding to confusion in relation to dates  
7 because it should be 1986, not 1996 as I said:

8 Q. On 12 May, and this is page 40911, again no need  
9 necessarily to go there, you said:

12:37:29 10 "A. I met Edward Mineh when he was in exile in the Ivory  
11 Coast when we were all fled into exile in 1986.

12 Q. Just so we're clear, my question was when you first met  
13 him was it in 1986 in the Ivory Coast that you first met  
14 Edward Mineh?

12:37:47 15 A. Yes, I first met Edward Mineh in 1986 in the Ivory  
16 Coast."

17 So that was your evidence, correct?

18 A. Yes, when I went into exile Edward Mineh was already in  
19 exile before I went there. So when I went I met him in Danane.

12:38:12 20 THE INTERPRETER: Your Honours, could the witness be asked  
21 to slow down.

22 PRESIDING JUDGE: Mr Witness, I'm going to ask you again to  
23 slow down when you are giving your answers and not to speak too  
24 quickly, please.

12:38:21 25 THE WITNESS: Yes. The answer is yes, Edward Mineh went  
26 into exile before me. I went into exile. When I went into  
27 exile, that was in '86. I went to Danane. I met Edward Mineh in  
28 Danane and Edward Mineh's wife was operating a restaurant. We  
29 all went there and ate. He was introduced to me by one of our

1 heads that this is one of our friend's wife who is an ex-soldier.  
2 But I met Edward Mineh in Danane.

3 MS HOWARTH:

4 Q. But you also told this Court that Mr Mineh was one of the  
12:39:22 5 persons who was arrested in 1983 as a result of the Nimba raid,  
6 didn't you?

7 A. Yes.

8 Q. But you didn't meet him until 1986, did you?

9 A. No. They brought them straight to the Post Stockade. They  
12:39:49 10 were in jail. I did not meet him.

11 Q. You were able to say and remember that Mr Mineh was one of  
12 those arrested in 1983 because whilst you've been in the shared  
13 accommodation you've been discussing your shared past, haven't  
14 you?

12:40:08 15 A. No, I continue to say I was told - I was told that I should  
16 not discuss my testimony with anybody as long as I'm in The  
17 Hague. So Edward and I never discussed. We never discussed.

18 Q. And you also have discussed Sam Tozay and his betrayal of  
19 the NPFL and you also discussed Alfred Mehn, Godfather, didn't  
12:40:54 20 you?

21 A. We did not discuss anything. It's not to my knowledge.  
22 When I got here, my concern had been how would I go through this  
23 process? This is my first time. So I was embarrassed because  
24 it's great to me. Sometimes I spend more time in my room.

12:41:19 25 Q. The issues that I've just raised are issues that Mr Mineh  
26 spoke to you about and that you have weaved into your testimony,  
27 aren't they?

28 A. He spoke to me about what?

29 Q. The various issues I've raised about Sam Tozay, about

1 Godfather, about the Nimba raid, and so on?

2 A. Oh, the thing is not something that someone needs to teach  
3 me about. It actually happened. It happened. And Sam Tozay was  
4 arrested by our forces and he was brought to Gborplay. And he  
12:42:14 5 was brought to Gborplay. I was there. Mr Taylor called me. I  
6 went and saw him. He said, "You see what one of your friends  
7 have done to us?" Some of the Special Forces died. I saw it.  
8 It is not something that someone needs to educate me about. It  
9 happened.

12:42:34 10 Q. Mr Zaymay, you were asked by the lawyer for the Defence  
11 whether you knew anyone by the name of Sam Bockarie, and you said  
12 no. "No, all these names are strange to me." Do you remember  
13 giving that evidence?

14 A. Yes.

12:43:04 15 Q. Mr Zaymay, you lied when you said that you had never heard  
16 of Sam Bockarie, didn't you?

17 A. They asked me - I don't know Sam Bockarie. I don't know  
18 Sam Bockarie, but I heard about Sam Bockarie's death. I don't  
19 know him. I don't know him. I heard about Sam Bockarie when he  
12:43:42 20 was killed, but I don't know Sam Bockarie.

21 Q. Now, Mr Zaymay, you were one of the militia forces that  
22 Mr Taylor sent in to the Ivory Coast, weren't you?

23 A. I never went to Ivory Coast. I do not speak French.

24 Q. You're aware, aren't you, that Mr Taylor sent militia  
12:44:22 25 forces into the Ivory Coast, are you not?

26 A. I am not aware.

27 Q. You know, don't you, that Daniel Chea was Mr Taylor's  
28 Minister of Defence?

29 A. Yes, I knew Daniel Chea as Defence Minister.

1 Q. And you're aware, aren't you, that even Daniel Chea  
2 admitted that Liberian militia forces were involved in the Ivory  
3 Coast?

4 A. No, not to my knowledge.

12:45:05 5 Q. And in October 2002, you went there, didn't you, on  
6 Mr Taylor's instructions, to fight for Philip [sic] Doh?

7 A. I never went to Ivory Coast. I do not speak French. I  
8 never went into Ivory Coast.

9 Q. Mr Zaymay, you're a loyal supporter of Charles Taylor,  
12:45:35 10 aren't you?

11 A. Yes. A committed one too.

12 Q. You've guessed at dates in your evidence before these  
13 judges in a way that you think might benefit Mr Taylor, haven't  
14 you?

12:45:52 15 A. No. No. I am under oath. The oath I have taken, if I  
16 lie, it is up to me. I am not speaking in defence of Mr Taylor.

17 Q. You've denied and dismissed atrocities that were committed  
18 by the NPFL in order to disassociate blame for these atrocities  
19 from both yourself and Mr Taylor, haven't you?

12:46:27 20 A. I admitted to the facts. I admitted to the fact. If you  
21 are talking about something that should be known, you should know  
22 so that you'll be able to explain details so that it can be  
23 clear. But I cannot talk about something that I don't know where  
24 to start and where to end. But I know that I'm speaking the  
12:46:59 25 facts.

26 Q. You've denied that the NPFL committed atrocities this  
27 morning, haven't you?

28 A. I admitted to the fact that NPFL never committed atrocities  
29 in my presence. In fact, there were some other things that the

1 NPFL did that were great. Me sitting here, I captured about five  
2 to ten POWs and I turned them over to Mr Taylor. I captured a  
3 girl, a Krahn girl called Elizabeth. Elizabeth, a Krahn girl, I  
4 captured her in an ambush and I sent her to Gbarnga. And the  
12:47:50 5 girl is living today with her parents in Monrovia. There were a  
6 lot of civilians and Mandingo men - one civilian Mandingo man  
7 called Alhaji, he was arrested. He was arrested and I took him  
8 to Gbarnga. And Alhaji was in charge of the mosque in Gbarnga.  
9 All the Mandingos who were arrested were turned over to Mr Taylor  
12:48:21 10 and Mr Taylor turned them over to Alhaji. Those were the people  
11 that the very Mr Taylor used to send to Mecca. They were  
12 civilians. And even some of the captured people on the front  
13 line, when we got them and took them to Mr Taylor, Mr Taylor  
14 would say, "There is no death in heaven."

12:48:51 15 THE INTERPRETER: Your Honours, could the witness be asked  
16 to repeat that.

17 PRESIDING JUDGE: Mr Witness, pause, please. You said,  
18 "Mr Taylor would say, 'There is no death in heaven.'" Now,  
19 continue from there your testimony slowly, please.

12:49:12 20 THE WITNESS: Even when the fighters at the front, when  
21 they heard that the POWs sent to the rear, Mr Taylor was buying  
22 materials, mattresses, Jean suits for them and food for them, the  
23 fighters will say, "Oh, commander, you see, the people who are  
24 killing our people, when we capture them we send them to the  
12:49:42 25 rear. Mr Taylor is going ahead buying mattresses, bags of rice,  
26 Jean suits for them. So we will not fight any longer." If  
27 Mr Taylor heard about it, he will call us to a meeting and then  
28 he will go --

29 THE INTERPRETER: Your Honours, could the witness be asked

1 to slow down again and be clear.

2 PRESIDING JUDGE: Mr Witness, please slow down again. You  
3 are narrating - I don't know what you are narrating. But  
4 perhaps, Ms Howarth, you could bring us back on track.

12:50:31 5 MS HOWARTH: [Microphone not activated] my best:

6 Q. Mr Zaymay, you want to tell the story about the greatness  
7 of the NPFL, as you put it, the NPFL were great. Correct?

8 A. I said NPFL did great things for some people during the  
9 war, people who were captured. So if they are talking about NPFL  
10 committing atrocities, killing of civilians, raping civilians,  
11 that is why I want to emphasise on this.

12:50:59 10

12 Q. Mr Zaymay, you're here because you're a loyal supporter of  
13 Charles Taylor, aren't you?

14 A. I am not a loyal supporter of Charles Taylor per se in his  
15 defence. I am here to explain what happened during the war, not  
16 to defend Taylor per se.

12:51:29 15

17 Q. Well, a few moments ago I asked you exactly the same  
18 question and you said, "Yes, and a committed one too." That's  
19 why you're here, isn't it, Mr Zaymay?

12:51:54 20

20 A. I said I was committed to NPFL. NPFL to fight the war, not  
21 to Mr Taylor as an individual.

22 MS HOWARTH: Madam President, I have no further questions.

23 PRESIDING JUDGE: Thank you.

24 Mr Chekera, do you have any further questions in  
25 re-examine?

12:52:21 25

26 MR CHEKERA: Yes, Madam President. I'll probably run into  
27 the lunch hour.

28 RE-EXAMINATION BY MR CHEKERA:

29 Q. Mr Zaymay, I'm going to ask you questions related to the

1 issues that was raised by the Prosecution when they were  
2 cross-examining you. In your answers I do not want you to repeat  
3 the evidence that we've already discussed. I want you to  
4 specifically focus on the questions I'm going to be asking you in  
12:52:54 5 relation to the issues that arose. Do you understand?

6 A. Yes.

7 Q. The first issue I want you to help us with is the issue  
8 concerning the battalions, the brigades and the divisions. That  
9 was an issue that was raised yesterday. I want you to be very  
12:53:20 10 clear as to when the highest unit in the NPFL was a battalion and  
11 when battalions were upgraded to brigades and when brigades were  
12 updated to divisions. I'm going to ask you specific questions  
13 about those - about those units. You said in your evidence that  
14 in 1990 the battalion was the highest unit in the NPFL. How many  
12:54:01 15 people constituted --

16 PRESIDING JUDGE: Yes, Ms Howarth?

17 MS HOWARTH: Yes, I just wonder if - if my learned friend  
18 is going to be referring to what the witness has said, if he  
19 could possibly provide a citation, please.

12:54:16 20 MR CHEKERA: What I had sought to do was to summarise the  
21 entire evidence as it came out in the cross-examination, but if I  
22 have to go back to the basics, I would be happy to do that and  
23 take the longer route.

24 PRESIDING JUDGE: In relation to this particular area, I  
12:54:33 25 think counsel for the Defence is entitled to put this kind of  
26 question because this was an area that we took a long time going  
27 over with the witness. It's not in question in anybody's behind  
28 that this matter arose in cross-examination. So please go ahead,  
29 Mr Chekera.

1 MR CHEKERA: Thank you, Madam President:

2 Q. When the highest unit in the NPFL was the brigade, what was  
3 the strength of a brigade? Sorry, let me rephrase. I meant  
4 battalion. What was the strength of a battalion, sorry?

12:55:37 5 A. A battalion? I cannot come up with an exact figure, but we  
6 used a 15-man squad. So a platoon - the platoon constituted 68  
7 men. So a company - okay, a battalion was 1,506 men. A 15-man  
8 squad.

9 PRESIDING JUDGE: Sorry, what's this about a 15-man squad?  
12:56:42 10 Is that in any way related to the battalion?

11 MR CHEKERA:

12 Q. Yes, Mr Zaymay, you mentioned a 15-man squad. What has  
13 that got to do with the strength of a battalion?

14 A. The 15-man squad, four squads make a platoon. Four  
12:57:04 15 platoons make a company. Six companies make a battalion. So my  
16 brain is not a calculator. I cannot come up with an exact figure  
17 about the battalion except I multiplied the platoons and then I  
18 give the strength and then company by the numbers and I give the  
19 strength, but it's not something that has been calculated in my  
12:57:50 20 mind.

21 Q. Are you able to do that?

22 A. Yes, I can do that.

23 Q. If you were given a pen and paper you would be able to  
24 calculate the number of a battalion?

12:58:04 25 A. Yes, sir.

26 MR CHEKERA: Madam President, may I ask that the witness be  
27 provided with a pen and paper.

28 PRESIDING JUDGE: Yes, please, Madam Court Officer.  
29 Mr Witness?

1 THE WITNESS: Yes, please give me one minute. I want to  
2 attend to nature.

3 PRESIDING JUDGE: Okay. The witness could be escorted out  
4 or shown out, please.

13:02:10 5 Mr Witness, I believe you are calculating the numbers - the  
6 figures?

7 THE WITNESS: Yes. Platoons. 60. 51 men. A brigade.

8 PRESIDING JUDGE: Mr Witness, when you are ready with your  
9 figures, indicate to me and then you can give out your evidence.

13:03:51 10 THE WITNESS: Okay, sir.

11 PRESIDING JUDGE: Are you ready?

12 THE WITNESS: No, sir. One moment. A little bit more.  
13 Okay.

14 PRESIDING JUDGE: Mr Chekera, please ask the various  
13:06:00 15 questions related to the calculation.

16 MR CHEKERA:

17 Q. Now, do you have a total for the number - the total number  
18 of a battalion?

19 A. Yes.

13:06:13 20 Q. And what number do you have?

21 A. Battalion is 6,204.

22 Q. Now, if you could just help us how you calculated the  
23 battalion. Let me just direct you to the issues - to the other  
24 units you mentioned. You mentioned a squad. How many men are in  
13:06:39 25 a squad?

26 A. About 15 men. About 15 men commando squad. 15 men in a  
27 squad. 15 times --

28 Q. Sorry, just pause there. And after a squad you have a  
29 platoon. Is that correct?

1 A. Yes.

2 Q. How many squads constitute a platoon?

3 A. Four squads. Platoon leader plus platoon sergeant.

4 Q. And after platoon you have a company?

13:07:19 5 A. Yes.

6 Q. And how many platoons constitute a company?

7 A. A company? Four platoons make a company.

8 Q. And after platoon you have a battalion. Is that correct?

9 A. Yes. After company you have a battalion. After squad you

13:07:58 10 go to platoon. After platoon you go to company. Four companies

11 - after company you go to battalion. From battalion to brigade.

12 Q. And how many companies constitute a battalion?

13 A. At that time we were using - in the normal army four

14 companies make a battalion, but during the commando movement we

13:08:32 15 created six companies in case of manpower. Six companies.

16 MR CHEKERA: Madam President, I will just do my math to  
17 verify the figure based on the formula.

18 PRESIDING JUDGE: No, counsel, you are not the one giving

19 evidence. It's the witness who is giving evidence. You don't

13:08:57 20 suppose you are going to tell us how to do mathematics from where

21 you're standing?

22 MR CHEKERA: I was going to check with counsel opposite  
23 whether my calculation would be disputed and I notice it will be.

24 JUDGE LUSSICK: But also, Mr Chekera, does this boil down

13:09:15 25 to a mathematical exercise? The witness said that he was a

26 commander on the ground. Doesn't he have any independent

27 recollection of how many men were in a battalion?

28 MR CHEKERA:

29 Q. Mr Zaymay, you've given us a number. The number that you

1 said generally constituted a battalion in the NPFL. Now, when  
2 you were commander of the 6th Battalion in Bomi, how many men  
3 were under you?

13:10:00 4 A. When I was a commander in Bomi, when the unit was turned  
5 into a division, a brigade - a brigade was 1,496 men in a  
6 brigade. So four brigades make a division. So the total  
7 strength of a division was 24,906 men.

8 Q. Let me take you back. Let's take this in stages. Let's  
9 start with the time that you were battalion commander of the 6th  
13:10:42 10 Battalion. Before it became a brigade, when you were commander  
11 of the 6th Battalion, how many men did you have under you?

12 A. When I was a commander of the 6th Battalion, I had 6,204  
13 men, a battalion strength.

14 Q. That was - when was that when you had this strength? Just  
13:11:23 15 give me a date.

16 A. It was in '91. It was in '91.

17 Q. And you've indicated that that battalion was then upgraded  
18 to a brigade?

19 A. Yes.

13:11:46 20 Q. And did you remain in command when the battalion was  
21 upgraded to brigade, the 6th Battalion?

22 A. Yes. When the battalion was upgraded to a brigade, I  
23 remained a commander until it was upgraded to a division that I  
24 left.

13:12:13 25 Q. Just pause there. When the battalion was upgraded to a  
26 brigade, when exactly was that?

27 A. Within 1991. It did not take long. When information was  
28 coming that there was a unit called ULIMO trying to invade  
29 Liberia through Bomi, that was how the units were modified to

1 division, in order to make sure that there was manpower to  
2 protect the border line.

3 Q. We'll come to division in a minute. I just want us to deal  
4 with the brigade. You said from 6th Battalion it became a  
13:13:06 5 brigade, and that was sometime in 1991. How many men did you  
6 have under you when the 6th Battalion became a brigade?

7 A. 1,000 - no, 15,906 men.

8 Q. And from a brigade you've said it became a division. Yes?

9 A. Yes.

13:13:51 10 Q. When was the brigade - rather, before I ask that, when the  
11 6th Battalion became a brigade, what was it known as?

12 A. It was the 6th brigade.

13 Q. And when was it that the 6th brigade then became a  
14 division?

13:14:25 15 A. The 6th brigade became a division early in May, from the  
16 beginning of May.

17 Q. Sorry, May of which year?

18 A. May '91.

19 Q. And what was the strength of the - of a division?

13:15:15 20 A. 24,906 men.

21 Q. And were there more than one division that was created at  
22 this time?

23 A. Yes.

24 Q. How many divisions were created?

13:15:53 25 A. Where? In Bomi Hills?

26 Q. Yes, let's stick to Bomi, which is where you were.

27 A. Only one division was created to take care of the three  
28 counties.

29 Q. And what was the name of the division?

1 A. 6th division.

2 Q. And who was commanding the 6th division?

3 A. I was the commander for the 6th division up to the time I  
4 was transferred.

13:16:40 5 Q. When you talk of your transfer, which transfer are you  
6 talking about?

7 A. When I was transferred from Bomi to Maryland to take care  
8 of the strike force division in Maryland.

9 Q. And just to remind us again, when was that transfer  
13:17:05 10 effected? When was it that you transferred to Maryland?

11 A. I was transferred in November. November 2001.

12 Q. Sorry, you said you were transferred in November 2001?

13 A. Yes.

14 Q. Earlier in your evidence you gave a different date for the  
13:18:00 15 time that --

16 PRESIDING JUDGE: Please pause, Mr Chekera.

17 Yes, Ms Howarth.

18 MS HOWARTH: Yes, I object on the basis that the witness  
19 has clearly given the answer to this question twice and it seems  
13:18:13 20 that my learned friend is about to try and impeach his own  
21 witness, and I would object to that.

22 PRESIDING JUDGE: Yes, certainly. Mr Chekera, move on.

23 The record speaks for itself.

24 MR CHEKERA:

13:18:30 25 Q. How long were you in Bomi for before you were transferred  
26 to Maryland?

27 A. I said I was in Bomi Hills for almost a year, from February  
28 to November.

29 Q. February of which year?

1 A. February 1991 to November 1991.

2 Q. Yesterday when you were giving evidence about the command  
3 structure you also mentioned Isaac Musa's position. You said  
4 Isaac Musa's position was battle group in 1990. Was that  
13:19:26 5 position changed at any point after 1990?

6 A. Yes.

7 Q. What was the position of battle group changed to?

8 A. It changed to chairman of the joint chiefs of staff.

9 Q. And who occupied that position?

13:19:54 10 A. Before?

11 Q. When the change was effected, who was occupying the  
12 position of joint chief of staff?

13 A. General Isaac Musa.

14 Q. And what were the functions of the joint chief of staff?

13:20:18 15 A. He was the overall boss for all the commanders. From us to  
16 him and from him to Mr Taylor.

17 Q. And what were the functions of the battle group commander?

18 A. Oh, when Isaac Musa - before when Isaac Musa was battle  
19 group, he supervised the front.

13:21:04 20 Q. And when he became joint chief of staff, did he have any  
21 responsibility relating to the front?

22 A. When he became joint chiefs of staff, he did not have any  
23 responsibility to the front directly. He had a deputy called the  
24 deputy joint chiefs of staff.

13:21:30 25 Q. And who occupied that position?

26 A. Major General John L Teah.

27 Q. Now, you were also asked about the year that the war in  
28 Sierra Leone started. You remember in your evidence you said you  
29 heard about the war in Sierra Leone on the news. When you heard

1 about the war in Sierra Leone, what position were you holding at  
2 the time?

3 A. At that time I was with the 2nd Battalion in Kakata.

4 Q. You also were questioned about someone called One Man One,  
13:22:27 5 and it was put to you that he was a brave fighter who was well  
6 known within the NPFL. You were also asked whether you knew him  
7 by any other name. Just a quick question on that one. One Man  
8 One, was that his given name?

9 PRESIDING JUDGE: Given by who?

13:22:50 10 MR CHEKERA: Sorry:

11 Q. Was that his what we would probably call Christian name?  
12 Was that his official name?

13 A. One Man One? That was the only name that I knew. When I  
14 went to the command, that was the name I knew him go by, One Man  
13:23:12 15 One.

16 Q. And do you know how that name came about?

17 A. Yes. The name came about --

18 THE INTERPRETER: Your Honours, can he repeat his answer  
19 more clearly.

13:23:33 20 PRESIDING JUDGE: Please pause, Mr Witness. You are going  
21 to repeat your answer because you are going a little too fast.  
22 Please, can you tell us again how the name One Man One came  
23 about, slowly.

24 THE WITNESS: There is a rifle in Liberia called One Man  
13:23:54 25 One. This rifle has a round that is bigger than an AK round and  
26 it is bigger than an M16 round. This rifle, some people use it  
27 to kill an elephant. It is too heavy. The round is like my  
28 finger. So One Man One liked - only liked that rifle to fight  
29 with. That was the rifle he was used to. He said he liked it.

1 That was how they named him, after the rifle, One Man One.

2 MR CHEKERA:

3 Q. Where was One Man One deployed when you were in the NPFL?

4 A. One Man One? I deployed One Man One in Tiene. From Tiene  
13:25:04 5 - Tiene it's a district town - a district headquarters in Cape  
6 Mount County on the main tarred road heading straight for Bo  
7 Waterside, the border between Sierra Leone and Liberia. Also by  
8 the riverbank by Mano River Kongo. There were several crossing  
9 points there. That was where One Man One was responsible for,  
13:25:36 10 the headquarters was in Tiene.

11 Q. Do you know whether he was assigned anywhere else outside  
12 Cape Mount?

13 A. No. No.

14 Q. No, as in you don't know, or he had no other assignment  
13:25:57 15 outside of Cape Mount? Which is which?

16 A. No, he never had any other assignment outside Cape Mount  
17 that I know of.

18 Q. When you transferred to Maryland, did the fighters in  
19 Maryland know One Man One?

13:26:28 20 A. One Man One, the rifle or the human being?

21 Q. The person One Man One whom you said was well-known. My  
22 question is when you were transferred to Maryland, did people in  
23 Maryland know about One Man One, NPFL [microphone not activated]?

24 PRESIDING JUDGE: Please pause, Mr Chekera. Yes,  
13:26:52 25 Ms Howarth.

26 MS HOWARTH: Yes, I believe the way that the question is  
27 currently phrased is calling for speculation about the knowledge  
28 of third parties, so I would object to it as its currently  
29 phrased.

1           PRESIDING JUDGE: Mr Chekera, would you care to rephrase  
2 it, please?

3           MR CHEKERA: Madam President, respectfully not when the  
4 question that was put to the witness was, "One Man One was well  
13:27:19 5 known within Liberia, wasn't he?" The question that I'm  
6 directing the witness to in re-examination is a direct response  
7 to a question that was put by the Prosecution which put forward  
8 the proposition that was itself based on what my learned friend  
9 now calls speculation.

13:27:43 10           PRESIDING JUDGE: Very well. The objection is overruled.  
11 Put the question as you did.

12           MR CHEKERA:

13 Q. Mr Zaymay, One Man One, who was - as it was put to you by  
14 the Prosecution - well known in Liberia, was he well known in  
13:28:00 15 Maryland when you were in Maryland by NPFL fighters?

16 A. I don't know. One Man One was only popular - I knew him to  
17 be a popular man within his area of assignment, but I did not  
18 know whether the Bomi Hills - the Maryland soldiers knew him. I  
19 don't know.

13:28:33 20 Q. You were asked questions about the time that you were  
21 recruited in Ivory Coast and it was alleged that you told the TRC  
22 that you were recruited by Mr Taylor in Ivory Coast and that that  
23 was different from what you told this Court about your  
24 recruitment. I'm going to refer you to a transcript, the  
13:29:04 25 transcript of 6 May 2010.

26           PRESIDING JUDGE: Mr Chekera, it is 1.30 and I'm just  
27 wondering if we can pick that up after the luncheon break, the  
28 idea of that transcript. We will adjourn until 2.30.

29   [Lunch break taken at 1.29 p.m.]

1 [Upon resuming at 2.31 p.m.]

2 PRESIDING JUDGE: Good afternoon. Mr Chekera, before you  
3 continue with your re-examination I wish to deal with one  
4 outstanding administrative matter in relation to which counsel  
14:32:11 5 made submissions and that is the matter of the summer recess.

6 We've given some thought - serious thoughts to the  
7 scheduling of this trial and the stage at which it is. We've  
8 also given consideration to the submissions by I think Mr Munyard  
9 it was who said that he thinks that the parties should have a  
14:32:39 10 break between the Easter recess and the close of the Defence case  
11 and that it's not very practical for us to just keep going until  
12 the close of the Defence case. We appreciated that.

13 We've also taken into account the submissions by Defence  
14 counsel that your estimated closure of the Defence case is  
14:33:03 15 somewhere between the end of August and beginning of September.  
16 And so taking all that into account, we have decided that the  
17 Court will take out a week, a week meaning five sitting days,  
18 that is the week of July 19th to Friday the 23rd. So those five  
19 days we will regard as part of the break that constitutes our  
14:33:36 20 recess.

21 Now, the balance of the recess will be taken as and when  
22 the Defence close their case and we shall revert to that later.  
23 So I will not give a commitment to the date, but we intend to  
24 take the balance of the recess at the close of the Defence case  
14:33:59 25 so that we don't take too much time out of the sitting of the  
26 trial.

27 Now, Mr Chekera, you may continue, please.

28 MR CHEKERA: Thank you, Madam President:

29 Q. Mr Zaymay, I was going to refer you to your evidence before

1 the TRC concerning your recruitment in Ivory Coast where you then  
2 went for training in Libya. And the allegation that was put to  
3 you by the Prosecution was that you told the TRC that you were  
4 recruited by Mr Taylor in Ivory Coast and that was a different  
14:34:42 5 account from the account you gave before this Court. I'm going  
6 first maybe to refer you to an excerpt of your statement before  
7 the TRC.

8 Madam President, for the record, that's testimony before  
9 the Liberian Truth and Reconciliation Commission which was marked  
14:35:06 10 as MFI-1. And I will refer to page 3, the portion that is  
11 highlighted by - that was highlighted by the Prosecution. There  
12 are no numbers and I have no idea how to draw your Honours to the  
13 place where I seek to read from, but it is where there are two  
14 lines that were marked by the Prosecution:

14:35:56 15 "And so I left and make my way into exile and while there I  
16 met some soldiers, Namibians, civilians and others in exile and  
17 we decided that we should remain there and rally and buy single  
18 barrel and enter Liberia because we are all trained the same way.  
19 That was our plan but there was no leader. It was Prince  
14:36:23 20 Johnson, Isaac Musa and by then Podier was in Abidjan. We  
21 remained there and if it were Butterfly that came as a leader and  
22 said to us let go, we would have done it and we will take him to  
23 be God and remained committed him like Taylor. And so we were  
24 there until Taylor came and recruited us and we pulled out."

14:36:54 25 The part I want to emphasise is the part where you said,  
26 "And so we were there until Taylor came and recruited us and we  
27 pulled out." You were giving an account of the time that you  
28 were in Ivory Coast, and you say you were in Ivory Coast until  
29 Taylor came and recruited you and you pulled out. What did you

1 mean by that? And I don't want you to give a long explanation, I  
2 just want you to be very concise and clear in your answer.

3 A. I mean here that the recruitment that was done by  
4 Godfather - Godfather was working for Mr Taylor, so it was Taylor  
14:37:45 5 who recruited us where we were. Godfather was working for  
6 Mr Taylor, so Taylor recruited us through Godfather. That's  
7 what I mean.

8 Q. Let's compare that with the evidence you gave before this  
9 Court on 6 May 2010. Page 40594, line 2. Again you were talking  
14:38:24 10 about the time you were in Ivory Coast and how you were  
11 recruited, and this is what you said at line 2:

12 "There was no support at the time. We had some groups in  
13 Abidjan, we called them our heads, like Cooper Miller and the  
14 late Vice Head of State for Doe, General Podier. He was also in  
14:38:44 15 exile in Abidjan. So these - we depended on these people to come  
16 in and lead us. There was no way. That was how Mr Charles G  
17 Taylor came in because of humanitarian feelings."

18 Again I would like to emphasise the part where you said,  
19 "That was how Mr Charles G Taylor came in", and if we go to page  
14:39:13 20 40596 of the same transcript at line 4 where you were explaining  
21 how - what you meant by "Mr Taylor came in", this is what you  
22 said: "Mr Taylor came in by" --

23 PRESIDING JUDGE: I beg your pardon, Mr Chekera.  
24 Ms Howarth.

14:39:42 25 MS HOWARTH: Yes, I'm on my feet at this point because I'm  
26 concerned that what counsel might be seeking to do is to clarify  
27 the evidence given in chief of this witness. I wasn't  
28 cross-examining on 6 May; that was his evidence-in-chief. And in  
29 my submission, the re-examination ought to be limited to

1 clarifying the matters that were raised in cross-examination and  
2 not have a second bite at the cherry for examination-in-chief.

3 PRESIDING JUDGE: Mr Chekera, what is your response?

4 MR CHEKERA: The issue that arose was that the witness gave  
14:40:17 5 a different account in his evidence before this Court and the  
6 evidence he gave before the TRC, and the relevant excerpts I have  
7 referred to will give the witness an opportunity to comment on  
8 whether there are two different accounts of evidence that he  
9 gave; one before this Court and a different one before the TRC.

14:40:40 10 PRESIDING JUDGE: Yes, but you are now reading a transcript  
11 of issues that counsel opposite says were not touched in  
12 cross-examination.

13 MR CHEKERA: The transcript was not touched, but the issue  
14 was raised. The question is not what was raised, not the  
14:41:05 15 relevant parts of the transcript, but the issue. And I  
16 underline, Madam President, the issue is whether we have two  
17 different accounts: One which was given before this Court which  
18 is covered by the entire transcript of the witness's evidence;  
19 and the evidence before the TRC. So to the extent that I learned  
14:41:22 20 counsel opposite has raised the issue of a discrepancy in the  
21 witness's evidence in this Court and before the TRC, I am at  
22 liberty in re-examination to put what the witness has said before  
23 this Court and compare it with what he said before the TRC.

24 PRESIDING JUDGE: We are of the view that Mr Chekera is  
14:42:11 25 correct in drawing to the witness's attention the part of his  
26 testimony that he reckons is consistent with his testimony before  
27 the TRC in this very regard. So the objection is overruled.

28 MR CHEKERA: Thank you, Madam President:

29 Q. Mr Zaymay, I was referring you to the part where you were

1 explaining that when you said that is how Mr Taylor came in, and  
2 at page 40596, line 4, your answer was, "Mr Taylor came in by  
3 recruiting us and taking us for training," and the question I was  
4 going to pose to you was what did you mean by that?

14:43:02 5 A. I meant that when we were in the Ivory Coast, Taylor came  
6 to Abidjan. He came to Abidjan, and I met him with Godfather and  
7 Degbon. He organised them as the recruiting team to recruit for  
8 him. That's what I meant, that Taylor came in to recruit. He  
9 never appeared as a team to talk to me on the recruitment deal.

14:43:37 10 It was Godfather who was recruiting for Mr Taylor. That was what  
11 I meant when I said Taylor came in. It was Godfather who was  
12 recruiting for Mr Taylor, so generally it was Mr Taylor who  
13 recruited us. That was what I meant.

14 Q. Thank you. I'm going to refer you to another issue that  
14:44:02 15 was raised in your cross-examination regarding your training in  
16 Libya. Counsel opposite suggested that you deliberately sought  
17 to hide out the fact that you were trained in Libya before the  
18 TRC. Do you remember that part of the cross-examination?

19 A. I remember, but it was not exact.

14:44:29 20 Q. Yes. When you say "it was not exact", what do you mean?

21 A. I never conceived Taylor training us in Libya. I never  
22 explained to the TRC where I took training. I continue to say  
23 TRC asked me to explain what the root cause of the war was, what  
24 motivated me to take up arms against the constituted Samuel  
14:45:17 25 Kanyon Doe government. TRC asked me to explain. That was what I  
26 explained. That was what I explained.

27 Q. Now, did you have cause to conceal the fact that you had  
28 been trained in Liberia when you - sorry, in Libya when you  
29 testified before the TRC?

1 A. No, I never concealed it. I was trained in Libya. NPFL  
2 came and waged war on Liberia. Where was NPFL organised? Where  
3 was NPFL trained? In Libya. I never concealed it.

4 Q. You were referred to a part of the report, the TRC report,  
14:46:15 5 that would be page 7, and you were referred to comments by  
6 Commissioner Konneh, and I just want you to explain to us where  
7 Commissioner Konneh said to you:

8 "From your general testimony we gathered that you were one  
9 of those who went to Libya for training, is that right?

14:46:43 10 Response: Yes."

11 In view of the question and the answer that you gave  
12 confirming your training in Libya, what is your comment to the  
13 allegation by the Prosecution that you were trying to hide your  
14 training in Libya before the TRC?

14:47:10 15 A. Oh, I never hid where I took my training. I never hid  
16 where I took my training. If the TRC were to tell me -  
17 introducing the TRC to me, because when you appeared they  
18 explained to you what you were there to do. The TRC introduced  
19 to me - if they had introduced to me or told me where you had  
14:47:48 20 come from to enter Liberia or where you took your training, I  
21 would have explained. But they only told me - asked me what had  
22 motivated me to take up arms against the government, and I  
23 explained what motivated me. I did not conceal my training in  
24 Libya and how we entered Liberia. When we entered Liberia,  
14:48:08 25 everybody knew where NPFL had come from. It was not in secret  
26 for me to have concealed it. But that appeared in my question  
27 and I answered yes, I was one of the Special Forces who were  
28 trained from Libya. I did not deny that.

29 Q. I'm going to refer you to another issue that was raised in

1 cross-examination by learned counsel opposite for the Prosecution  
2 relating to your command of the 1st Battalion and why you omitted  
3 to mention it when I asked you to enumerate the respective units  
4 that were in the NPFL and who was in command of those units. You  
14:49:01 5 remember that part?

6 A. Oh, you know --

7 Q. Sorry, I just want to be sure you remember the part of the  
8 evidence I'm talking about. I will ask you a specific question,  
9 and I want you to answer directly to the question. You remember  
14:49:22 10 the part where you were asked about whether you were in command  
11 of the 1st Battalion and if so, why you did not mention it when  
12 you wrote down the list of commanders and their respective units  
13 of command in the NPFL?

14 Now, on 7 May you in your evidence-in-chief told this Court  
14:49:49 15 that while you were in - when you entered Liberia and during the  
16 time that Prince Johnson split, Mr Taylor recalled you back to  
17 Ivory Coast and you met Mr Taylor in Danane, and while in Danane  
18 Mr Taylor ordered you to go and establish a base in Gbutuo and  
19 take command of the 1st Battalion. Do you remember that part of  
14:50:15 20 your evidence?

21 A. Yes.

22 Q. Now, when I asked you on 11 May to list all the positions  
23 of command in the NPFL and who was in command of those positions,  
24 could you explain to the judges why you overlooked or why you did  
14:50:41 25 not indicate that you had been in command of the 1st Battalion?

26 A. I never took up the assignment seriously. I never - I  
27 never stayed in the assignment for long. It was one month, so I  
28 considered it a deployment. So I started from '91 - I started  
29 from '90 when I was commander to enter Monrovia for the 2nd

1 Battalion.

2 MR CHEKERA: Madam President, just for the record, 7 May  
3 2010, at pages 40701 and 40702, that's where the witness talks  
4 about his deployment in Gbutuo as commander of the 1st Battalion:

14:51:42 5 Q. Questions were also raised about your command of the 6th  
6 Battalion and it was put to you by the Prosecution that your  
7 evidence on that account could not be trusted for a number of  
8 reasons. One of the reasons, they said your account cannot be  
9 trusted concerning your command of the 6th Battalion is because;  
14:52:08 10 one, Mr Taylor never mentioned it; two, other Defence witnesses  
11 like Yanks Smythe and Edward Mineh never mentioned it; thirdly,  
12 because it was never mentioned in your statement - rather, in the  
13 summary, in the summary of your evidence which was provided to  
14 the Prosecution; fourthly, because it was never mentioned in the  
14:52:38 15 TRC report. I'm going to take each one of those in turn and ask  
16 you specific questions.

17 When Mr Taylor was being questioned about you, the excerpt  
18 of the questions were put to you when Mr Taylor was asked about -  
19 when your name was mentioned to Mr Taylor. Do you know whether  
14:53:04 20 Mr Taylor was asked to enumerate all the positions of command  
21 that you had held in the NPFL?

22 A. I don't know. I was not with him at that time. I don't  
23 know whether he was asked to list all the commanders' names. I  
24 don't know.

14:53:24 25 Q. Edward Mineh, his evidence was referred to and reference  
26 was made to the time that Edward Mineh was in the Bomi area and  
27 it was put to you that Edward Mineh never mentioned you as a  
28 commander of the 6th Battalion in Bomi. Do you know what time  
29 Edward Mineh was in Bomi?

1 A. I don't know when Edward - the time that Edward Mineh was  
2 in Bomi.

3 Q. The time that you were in Bomi, was Edward Mineh in Bomi?

4 A. I said I don't know whether Edward Mineh was in Bomi.

14:54:16 5 Q. And during the time that you were commander in Bomi, was  
6 Edward Mineh fighting under you?

7 A. During my command, Edward Mineh was not with me.

8 Q. Now, when you were called to testify before the TRC, were  
9 you ever asked to enumerate the different positions that you had

14:54:44 10 held in the NPFL?

11 A. Yes.

12 Q. What did they ask you with respect to the positions you had  
13 held in the NPFL?

14 A. I explained that I was a 2nd Battalion commander who  
14:55:07 15 attacked Monrovia.

16 Q. Did you tell them about the 6th Battalion?

17 A. I can't tell. It happened a long time now. I can't  
18 remember.

19 Q. Now, your evidence before the TRC, how long did it last,  
14:55:30 20 the entire evidence?

21 A. It took me a day at the TRC.

22 Q. Let's talk in terms of hours. A day has got 24 hours.  
23 Which part of a day did that take?

24 A. It took me a whole day. 24 hours.

14:56:03 25 Q. You were testifying for a whole 24 hours before the TRC?

26 A. Yes. I gave a statement. After the statement, they  
27 started asking me questions. I think about - by five of the  
28 commissioners. They asked me questions in turns, from the  
29 morning up to 4 o'clock.

1 Q. What time in the morning did the interview start?

2 A. I was not having a watch. I can remember that we started  
3 at 9 o'clock. 9 or 10.

4 Q. And you said you finished at 4 o'clock?

14:56:49 5 A. Yes.

6 Q. And during that time that included the evidence you gave  
7 and the questions that were asked to you?

8 A. Yes.

9 Q. Now, the Prosecution also alleged that you never mentioned  
14:57:16 10 your appointment as the 6th Battalion commander to your lawyers,  
11 including myself when I interviewed you in Monrovia. I am going  
12 to refer you to your statement that I took in - sorry, to your  
13 summary of the statement that the Defence prepared pursuant to  
14 your - sorry, Madam President, could I just have a minute. I  
14:58:01 15 need to consult.

16 Maybe before I refer you to the summary, you were in Bomi  
17 you said from 1991 February to the end of the year, yes?

18 A. Yes. I said I was in command from February of 1991 to  
19 November 1991.

14:59:05 20 Q. And after that you were transferred to Maryland?

21 A. Yes.

22 Q. I am going to refer you to the evidence of a witness who  
23 came before this Court who talks about the command in Bomi during  
24 1991. When you were transferred to Bomi you said you replaced  
14:59:41 25 Oliver Varney who was sent to Maryland. Is that correct?

26 A. Yes.

27 Q. And when Oliver Varney was transferred back to Bomi, you  
28 were sent back to Maryland?

29 A. Yes.

1 Q. Now, I'm going to refer to the evidence of 5 November 2008.

2 It's evidence of Prosecution witness TF1-579 at page 19797.

3 Maybe I'll start from line 14:

4 "I said while we were in Bomi it was later that Oliver

15:00:47 5 Varney's assignment changed to Maryland, that was by Mr Taylor.

6 So we went to Maryland. But while we were in Maryland, some

7 areas in Bomi came under attack from the ULIMO-K. Mr Taylor

8 again called Oliver Varney to return and re-take his assignment

9 in Bomi, so Oliver Varney left Maryland with his troops back to

15:01:08 10 Bomi and he repelled the attacks. So Mr Taylor told Oliver

11 Varney to stay in Bomi on his assignment there. And while Oliver

12 was there, ULIMO attacked again and Bomi was captured."

13 Now, the witness goes on at page 19798 to put this into

14 perspective in time frame and at line 3 the witness says this

15:01:43 15 happened in 19 --

16 PRESIDING JUDGE: Sorry, Ms Howarth?

17 MS HOWARTH: Yes. Again, I'm not entirely clear as to what

18 this has to do with the points that I raised in

19 cross-examination, because I certainly didn't refer to the

15:02:02 20 testimony of TF1-579. It seems to me that Mr Chekera is straying

21 from the original point.

22 PRESIDING JUDGE: The original point being what?

23 MS HOWARTH: Yes, I'm just trying to see where that begins

24 now. Yes, the original point, if I recall correctly, is that

15:02:56 25 this witness didn't mention either to the TRC or to Defence

26 counsel in Monrovia that he held the position of 6th Battalion

27 commander. Now, while that certainly is fair game in terms of

28 the re-examination, bringing in the evidence of a Prosecution

29 witness that I certainly didn't refer to, in my submission,

1 isn't.

2 PRESIDING JUDGE: Mr Chekera, the transcript you are now  
3 referring to the witness, what does that have to do with the  
4 allegation by the Prosecution, as you've pointed out, that the  
15:03:35 5 witness never mentioned his appointment as 6th Battalion  
6 commander to the lawyers, including yourself, or to the TRC?

7 MR CHEKERA: The general issue - those were instances of  
8 why the witness's account should not be trusted. The general  
9 underlying proposition was that the witness's account of the  
15:04:02 10 command in Bomi cannot be trusted. That was the general issue.

11 And some of the instances the Prosecution raised to show that the  
12 account cannot be trusted included the fact that he did not raise  
13 the issue with the TRC, he did not say it in his summaries. But  
14 the underlying issue is command structure in Bomi, who was in  
15:04:27 15 command at what point, and the Prosecution put it in dispute that  
16 the witness was ever in Bomi and actually at a certain point  
17 indicated that the time that the witness alleged to have been at  
18 Bomi was the time that Oliver Varney was at Bomi. So the  
19 transcript I'm putting to the witness will put into perspective  
15:04:51 20 who was in command of Bomi at what point.

21 PRESIDING JUDGE: But, you see, Mr Chekera, when you prefix  
22 or when you begin your question by saying, "In cross-examination  
23 the Prosecution put to you A, B, C, D," you should stick to  
24 evidence that contradicts what the Prosecution put and not to  
15:05:15 25 generally with a broad brush start pulling out all the other  
26 evidence that you think corroborates your side of the story. And  
27 to that extent, I would uphold this objection.

28 MR CHEKERA: I will rephrase, Madam President:

29 Q. Mr Zaymay, when you were being cross-examined by the

1 Prosecution, the Prosecution put in doubt the fact that you were  
2 in command of Bomi in 1991 and suggested that actually Oliver  
3 Varney was the one who was in command of Bomi in 1991 and they  
4 referred to the evidence, among others, of Edward Mi neh. Now I'm  
15:06:04 5 going to refer you to evidence of a witness who talked about the  
6 command structure in Bomi, and tell me whether it agrees - or  
7 whether you agree with what the witness said concerning the  
8 command of Bomi structure at the time that you were - or you say  
9 you were in Bomi.

15:06:25 10 And, Madam President, I'll still refer back to the same  
11 transcript.

12 PRESIDING JUDGE: But, Mr Chekera, some of your approaches  
13 really are approaches that should be taken in closing  
14 submissions, even arguments. Because on the record as it stands,  
15:06:47 15 we have various witnesses saying various things. Some are even  
16 Defence witnesses saying various things. For me - and I think  
17 the judges do agree with me - that some of these issues are not  
18 matters that you can put in re-examination; but, rather, they're  
19 issues for submissions. Wouldn't you agree?

15:07:09 20 MR CHEKERA: Madam President, to the extent that the  
21 command of Bomi was put into dispute by reference to other  
22 evidence, in my respectful submission it is within our right to  
23 raise evidence that supports the witness's allegation.

24 PRESIDING JUDGE: But that evidence is already on the  
15:07:30 25 record, and that's the point we're trying to make. You're not  
26 raising new evidence.

27 MR CHEKERA: No.

28 PRESIDING JUDGE: This is evidence that is already on the  
29 record that you can in your final arguments point to to say this

1 witness actually corroborates Mr Zaymay. You don't need to put  
2 it to Mr Zaymay now.

3 MR CHEKERA: Yes, very well, Madam President, I will move  
4 on and deal with another matter:

15:08:04 5 Q. Mr Zaymay, it was alleged by the Prosecution that in your  
6 evidence - when you gave a statement to the Defence, you did  
7 not - among many other things that were alleged as glaring  
8 omissions in your statement to the Defence - you did not talk  
9 about the time that you were in Guinea. I'm going to refer you  
15:08:34 10 to a summary of your statement.

11 Madam President, I will refer to the summary of 5 May 2010  
12 which was referred to by learned counsel in evidence-in-chief -  
13 in cross.

14 PRESIDING JUDGE: Yes, Ms Howarth?

15:08:51 15 MS HOWARTH: Sorry, I hesitate to interrupt yet again.  
16 What was actually put this morning was that it was not mentioned  
17 to the - either Mr Gray or to Silas and Logan in Monrovia; not  
18 that it wasn't mentioned altogether.

19 PRESIDING JUDGE: Yes, I think that was the ambit of the  
15:09:15 20 cross-examination, Mr Chekera.

21 MR CHEKERA: My only hesitation which would put me in a  
22 very difficult position is that I would be a witness to that  
23 issue in the sense that I participated in the taking of the  
24 statement. That would be my constraint with respect to the  
15:09:39 25 submissions that were made as to which parties --

26 PRESIDING JUDGE: Mr Chekera, if I were you - I don't know  
27 how you see it. The statement of the witness that he made with  
28 you is not in evidence.

29 MR CHEKERA: Yes.

1           PRESIDING JUDGE: It's not even in issue, as far as I'm  
2 concerned. What is in issue is the answer that he gave, and I  
3 think the answer that he gave you should be very comfortable  
4 with. I don't know why you're fighting with that answer.

15:10:11 5           MR CHEKERA: We are not fighting, Madam President. There  
6 were issues that were mentioned that we seek to clarify, but I  
7 have the predicament that I've just mentioned and I'll consult  
8 with my learned friend as to how I can get around it.

9           Very well, Madam President, I will just briefly deal with  
15:10:56 10 the issue and hopefully move on:

11 Q.     Mr Zaymay, the statements that you gave to the Defence - to  
12 the representatives of the Defence in this case when they took  
13 statements from you, did you ever get an opportunity to read  
14 those statements?

15:11:18 15 A.     No.

16 Q.     Do you recall everything that you said in those statements?

17 A.     Yes.

18           MR CHEKERA: I think that would deal with the issue that  
19 covers the statements.

15:11:55 20           Madam President, could I have a minute to confer with our  
21 client. Now the distance is longer, so I have to walk back.

22 Thank you.

23           Madam President, that will be all in re-examination.

24           PRESIDING JUDGE: Mr Zaymay, I think we've come to the end  
15:12:50 25 of your testimony. I just wish to thank you for the evidence  
26 that you've given in court, and you are now free to return home,  
27 and we wish you a safe journey home. The witness will now be  
28 escorted out, please.

29           Yes, Ms Howarth?

1 MS HOWARTH: Yes, there are two MFIs that came from the  
2 testimony of the last witness. I wanted to ask that they be  
3 admitted into evidence as exhibits, please.

4 PRESIDING JUDGE: I'm sorry, we completely overlooked that.  
15:13:48 5 Madam Court Officer, we're up to which Prosecution exhibit?

6 MS IRURA: Your Honour, the next Prosecution exhibit would  
7 be P-532.

8 PRESIDING JUDGE: Mr Chekera, you have something to say in  
9 relation to the exhibits?

10 MR CHEKERA: Yes, just to qualify that only those portions  
11 that were referred to directly in cross-examination and  
12 re-examination be admitted. We have more pages on the exhibits  
13 than were actually used, and if only those relevant pages would  
14 be admitted.

15 PRESIDING JUDGE: Ms Howarth, I recall, at least in  
16 relation to MFI-1, that when I asked you which parts of the  
17 document you wanted marked, you said the entire document.

18 MS HOWARTH: Yes, I did, apart from one page of  
19 substance --

15:15:07 20 PRESIDING JUDGE: I'm talking about MFI-1.

21 MS HOWARTH: MFI-1 is the TRC testimony of the witness.  
22 Yes, in relation to that, the Prosecution position would be that  
23 the entirety of the document ought to be admitted into evidence,  
24 and the principal reason is because the questions asked, both in  
15:15:38 25 cross-examination and now re-examination, related to not only  
26 what was there, but also to what wasn't there; and therefore,  
27 it's important, in my submission, for your Honours to have the  
28 entirety of the document in that record.

29 PRESIDING JUDGE: Mr Chekera, why would you object to the

1 entire MFI -1 being admitted in evidence? We need to hear your  
2 submissions, please. What are your objections?

3 MR CHEKERA: Firstly, because that would amount to giving  
4 the Prosecution more than they have asked for. The document was  
15:16:13 5 used for a limited purpose, and it was only for that limited  
6 purpose that it was confronted by the Defence. And to go on to  
7 tender the whole document into evidence goes beyond what the  
8 document was used for. That would be one.

9 Secondly, the document from my previous objections - both  
15:16:38 10 documents contain certain allegations that go to the conduct of  
11 the accused which might impact on the guilt of the accused, and  
12 those parts, if they were to be admitted, then they would have to  
13 satisfy your decision on the admission of fresh evidence, which  
14 I learned counsel opposite hasn't done.

15:17:04 15 So for those two reasons, I would submit that only those  
16 parts which have been used in cross-examination be admitted into  
17 evidence.

18 PRESIDING JUDGE: Mr Chekera, if you recall, when the  
19 Prosecution was putting tab 1, MFI -1, to the witness, sometimes  
15:18:15 20 it was with a view to showing the witness that in the entire  
21 document MFI -1, from page 1 to the end, certain issues were never  
22 covered, meaning that the entire document was used by the  
23 Prosecution in cross-examination. And clearly and distinctly I  
24 recall asking Ms Howarth when she asked me to mark the document -  
15:18:43 25 asking her what parts of the document she would like me to mark,  
26 and she said the entire document because she had used the entire  
27 document, albeit to prove to the witness that the document was  
28 silent on certain aspects. And so as far as we're concerned, the  
29 Prosecution did use the entire document.

1 Now, you've said in your submissions that you object to  
2 those parts that the Prosecution didn't use. Now, that  
3 submission would not hold water any more in view of what I've  
4 just said. Now, if you are going to submit that some of this  
15:19:24 5 document, MFI-1, consists of material that goes to proof of the  
6 guilt of the accused, I would like you to point those out to us,  
7 please.

8 MR CHEKERA: Madam President, to expedite the issue I might  
9 need to peruse the entire document to expedite the issue as a way  
15:19:48 10 forward. I could, if you allow me, submit a motion on the issue  
11 just to expedite matters, or, alternatively, I will just seek a  
12 moment to peruse the document and --

13 PRESIDING JUDGE: Yes, but I thought by the time you stood  
14 up and said to the documents I object or you object to parts of  
15:20:10 15 the document because you think they go to proof of guilt, you  
16 would have ascertained those parts.

17 MR CHEKERA: Sorry, Madam President, I do not wish to have  
18 a back and forth with you. In your absence I did raise a number  
19 of objections concerning what we submit is Rule 93 material,  
15:20:29 20 especially with respect to MFI-2.

21 PRESIDING JUDGE: Well, I'm not dealing with MFI-2. I'm  
22 still dealing with MFI-1.

23 MR CHEKERA: Okay. My opposition had covered both  
24 documents. The application was a blanket application for both  
15:20:44 25 MFI-1 and MFI-2. So if that's the case with respect to MFI-1,  
26 then your observation would go and I would still maintain our  
27 position with respect to MFI-2.

28 PRESIDING JUDGE: MFI-1, which consists of the testimony  
29 before the Liberian Truth and Reconciliation Commission by Edward

1 T Zaymay dated 4 February 2009 is in its entirety and consisting  
2 of 22 pages, is admitted in evidence as exhibit P-532.

3 ^ [Exhibit P-532 admitted]

15:21:33 4 PRESIDING JUDGE: Now, in relation to the document marked  
5 MFI-2, Ms Howarth, what is your application to tender? What is  
6 the extent of the tender?

7 MS HOWARTH: It was an application for all of the I believe  
8 ten pages mentioned. There was one page that I did draw  
9 attention to that I didn't use in cross-examination and I  
15:21:59 10 certainly wouldn't seek for that to be tendered as an exhibit.

11 PRESIDING JUDGE: Again, that was the page numbered 261?

12 MS HOWARTH: 261, yes.

13 PRESIDING JUDGE: And, Mr Chekera, what is your objection?

14 MR CHEKERA: If page 261 is omitted, then I would withdraw  
15:22:30 15 my objection because that's the part we have a problem with.

16 PRESIDING JUDGE: Thank you then. That's settled. The  
17 document entitled "The TRC volume 2, Consolidated final draft  
18 report, June 30, 2009" consisting of ten pages but excluding the  
19 page numbered 261 is admitted in evidence as exhibit P-533.

15:23:02 20 ^ [Exhibit P-533 admitted]

21 PRESIDING JUDGE: Could the Defence indicate who their next  
22 witness will be?

23 MR ANYAH: Good afternoon, Madam President. Good  
24 afternoon, your Honours. Good afternoon, counsel opposite. I  
15:23:21 25 have carriage of the next Defence witness and that witness's  
26 number is DCT-228.

27 Madam President, before the witness is brought before the  
28 Court I have an application to make in respect of that pseudonym.  
29 We submit that the pseudonym provided to the witness courtesy of

1 a decision of your Honours from last May, specifically 27 May  
2 2009, CMS number being 782, that the pseudonym remains in force  
3 until this moment, and having spoken with the witness, Madam  
4 President, the witness has indicated that they wish to testify  
15:24:09 5 openly and as such I make an application for a rescission of a  
6 specific provision of your order. The provision in question is  
7 subparagraph B where your Honours delineated the various orders  
8 that protect witnesses. That subparagraph in respect of  
9 pseudonyms indicates that the names or any other identifying  
15:24:39 10 information of these witnesses shall not be disclosed to the  
11 public or the media and this order shall remain in effect after  
12 the conclusion of the proceedings.

13 Essentially, what we submit is, that provision grants the  
14 witness the benefit of a pseudonym until the case closes. Having  
15:25:00 15 spoken to the witness, as I've indicated, he wishes to testify  
16 openly. So I respectfully move that that pseudonym be rescinded.  
17 Thank you.

18 PRESIDING JUDGE: Does the Prosecution have anything to say  
19 in response?

15:25:15 20 MS HOLLIS: We have no objection.

21 PRESIDING JUDGE: And, Ms Hollis, I believe you have  
22 carriage of the witness as well.

23 MS HOLLIS: That is correct, Madam President.

24 PRESIDING JUDGE: The provisions of paragraph B of our  
15:25:34 25 decision of 27 May 2009 relating to the pseudonym and other  
26 identifying data of this witness is hereby rescinded at the  
27 request of the witness and the witness will now testify openly.  
28 And could you kindly indicate the language and the religion of  
29 the witness.

1 MR ANYAH: Thank you, Madam President. The witness will  
2 testify in English and the witness wishes to be sworn on the  
3 Bible. I should say with respect to English language as the  
4 language of testimony, it will be up to your Honours to determine  
15:26:13 5 whether you sufficiently understand the witness, and should there  
6 be a problem, we would make the relevant application to switch to  
7 Liberian English. I've advised the Prosecution of this  
8 possibility in a letter dated 7 May 2010.

9 PRESIDING JUDGE: Mr Anyah, you have interviewed the  
15:26:36 10 witness. Does he speak English or does he speak Liberian  
11 English? The two are very different, in my view.

12 MR ANYAH: You are right in that assessment. He speaks  
13 English. I understand him fairly well. But my ability to  
14 understand these witnesses is perhaps enhanced perhaps because of  
15:26:56 15 cultural differences. I grew up in West Africa and I can  
16 understand him. I don't know if everybody in the courtroom, most  
17 importantly your Honours, all of you, will be able to follow his  
18 evidence. To the extent that he is unclear, then I would prefer  
19 that everybody understand him and we will make the application  
15:27:14 20 then.

21 PRESIDING JUDGE: Very well then. Let the witness come in,  
22 please.

23 WITNESS: DCT-228 [Sworn]

24 EXAMINATION-IN-CHIEF BY MR ANYAH:

15:29:10 25 Q. Good afternoon, Mr Dehmi e.

26 A. Good afternoon, counsel .

27 Q. Can you hear me well through your headset?

28 A. Yes, sir.

29 Q. There are a few ground rules about giving evidence to a

1 court that I would like to go over with you and the first is that  
2 you continue doing what you are doing now, which is to face the  
3 justices as you give your responses. Do you follow me?

4 A. Yes, sir.

15:29:33 5 Q. The second ground rule is that you listen to my questions  
6 carefully, you wait for me to complete the questions before  
7 providing your responses. Do you follow me?

8 A. Yes, sir.

9 Q. Okay. Can you tell the Court your full name?

15:29:49 10 A. My full name is Joseph Menson Dehmi e.

11 Q. Can you spell each of your names to the Court, please?

12 A. My first is spelt J-O-S-E-P-H.

13 Q. Can you spell your middle name, please?

14 A. My middle name is spelt M-E-N-S-O-N.

15:30:30 15 Q. And your last name?

16 A. My last name is D-E-H-M-I-E.

17 Q. Thank you, Mr Dehmi e. Can you tell us how old you are?

18 A. I'm 41 years old.

19 Q. In which country were you born?

15:30:54 20 A. I was born in Liberia, West Africa.

21 Q. What part of Liberia were you born in?

22 A. I was born in Tappi ta, Nimba County.

23 Q. Do you currently reside in Liberia?

24 A. Yes, sir.

15:31:11 25 Q. Do you belong to any ethnic groups in Liberia?

26 A. Yes, sir.

27 Q. What ethnic group do you belong to?

28 A. I belong to the Gio ethnic group.

29 Q. Do you speak any languages besides English?

1 A. Yes, sir.

2 Q. What languages do you speak?

3 A. I speak Mano and Gio, including English.

4 Q. Do you also speak Liberian English?

15:31:43 5 A. Yes, sir.

6 Q. Besides the names you gave us, Joseph Menson Dehmi e, have  
7 you ever been called by another name or alias?

8 A. Yes, sir.

9 Q. Can you tell the Court what other names or alias or aliases  
15:32:02 10 you have been known by?

11 A. I have been called Bearcat.

12 Q. Can you spell that for us, please?

13 A. Bearcat is spelt B-E-A-R-C-A-T.

14 Q. When were you called Bearcat?

15:32:28 15 A. I was called Bearcat when I was then a radio operator for  
16 the National Patriotic Front of Liberia.

17 Q. And who called you Bearcat?

18 A. My colleagues called me Bearcat. My colleagues, radio  
19 operators, call me Bearcat.

15:32:50 20 Q. When were you a member of the National Patriotic Front of  
21 Liberia? That is, what year or years?

22 A. I was member of the National Patriotic Front of Liberia  
23 from 1990 to 1997.

24 Q. What rank - well, I withdraw that. This National Patriotic  
15:33:21 25 Front of Liberia, what kind of organisation is it?

26 A. The National Patriotic Front of Liberia was a liberation  
27 organisation that came to liberate the Liberian people from the  
28 hands of Samuel Doe and his cohorts.

29 Q. Would you consider it to be an armed fighting group?

1 A. Yes, sir, it was an armed fighting group.

2 Q. Did its members have ranks amongst them?

3 A. Initially there were no ranks. Later on ranks were given.

4 Q. During the period of time when you were a member of this  
15:34:00 5 group, NPFL, were you ever given a rank?

6 A. Yes, sir.

7 Q. What was the highest rank you attained while in the  
8 membership of the NPFL?

9 A. I was a colonel in the NPFL.

15:34:18 10 Q. You were a what? Did you colonel?

11 A. Colonel. Colonel.

12 Q. And when were you given that rank?

13 A. I was given that rank 1994.

14 Q. Thank you, Mr Dehmi e. Going back to your biographical

15:34:42 15 information, can you tell us whether you are married presently?

16 A. Presently I'm not married.

17 Q. Do you have any children, Mr Dehmi e?

18 A. Yes, sir.

19 Q. How many children do you have?

15:34:56 20 A. I have two children.

21 Q. How far did you go in school?

22 A. I'm a junior student of the African Methodist Episcopal  
23 University in Liberia.

24 Q. Is that a full-time programme you are undertaking at that  
15:35:16 25 university?

26 A. Yes, sir. But for now I'm out of school. I dropped two  
27 semesters. I will be continuing next semester. For now I'm out.

28 Q. What exactly are you studying at the university? What  
29 disciplines or majors?

1 A. I'm majoring in accounting, minoring management.

2 Q. What do you do for work right now?

3 A. Right now I'm doing a part time job as a driver.

4 PRESIDING JUDGE: Sorry, Mr Anyah, he said accounting and  
15:35:54 5 something management. What was that middle word? We didn't  
6 catch it.

7 MR ANYAH:

8 Q. Mr Dehmi e, the Presiding Judge wishes to know what you do  
9 at school besides accounting. What is - in reference to your use  
15:36:10 10 of the word management, what were you saying?

11 A. I'm majoring accounting and minoring management.

12 MR ANYAH: As I indicated, to the extent there are any  
13 difficulties we will make the relevant application to switch to  
14 an interpreter. Thank you.

15:36:32 15 Q. Mr Dehmi e, I had asked you a question about what you do for  
16 work and your answer was - just listen. Let me finish. Your  
17 answer was, "Right now I'm doing a part-time job as a driver."  
18 For what kind of organisation or person do you drive?

19 A. I drive for a resort in Monrovia.

15:36:55 20 Q. Now, you mentioned the NPFL; that you were a member of this  
21 organisation from 1990 until 1997. We are going to cover that  
22 period of time in court, and we're going to do it slowly. We'll  
23 start with 1990. How is that you became a member of the NPFL in  
24 1990?

15:37:23 25 A. I became a member of the NPFL purposely to participate in  
26 the removal of an oppressive dictatorial regime of Samuel Kanyon  
27 Doe.

28 Q. Where were you when you joined the NPFL, what place?

29 A. Gborplay. I went to Gborplay on the training base to join

1 the NPFL.

2 Q. Do you remember where you were when the Liberian civil war  
3 broke out in 1989?

4 A. Yes, sir.

15:38:07 5 Q. Where were you?

6 A. I was in Sanni quellie, Ni mba County.

7 Q. I believe Sanni quellie is on the record already. Do you  
8 remember the specific date on which the Liberian civil war broke  
9 out?

15:38:22 10 A. Yes, sir.

11 Q. What date is that?

12 A. The Liberian civil war broke out December 24, 1989.

13 Q. On December 24, 1989 when you were in Sanni quellie what  
14 response, if any, did you have to the breaking out of the civil  
15 war? Did you understand the question?

15:38:44

16 A. No, sir.

17 Q. I'll repeat it. Thank you. When the civil war broke out,  
18 what response did you have to it?

19 A. When the civil war broke out, my mum, dad and two sisters  
20 and I left for Guinea.

15:39:05

21 Q. Were you residing with your family in Sanni quellie when the  
22 war broke out?

23 A. Yes, sir.

24 Q. At the time the war broke out what kind of work, if any,  
25 was your father doing?

15:39:27

26 A. My father worked for the government.

27 Q. Which government?

28 A. The government of Samuel Doe. Samuel Kanyon Doe, the then  
29 President of Liberia.

1 Q. What exactly did your dad do for the government of Samuel  
2 Doe?

3 A. He was a mason.

4 Q. He did masonry work?

15:39:53 5 A. Yes, sir.

6 Q. You said you fled with your father, your mother and two  
7 sisters. Was it just the five of you that fled, or were you in  
8 the company of others when you fled?

9 A. I was in the company of others - other members of our  
15:40:06 10 neighbourhood.

11 Q. Were these civilians, or were these military persons?

12 A. They were all civilians.

13 Q. You said you fled --

14 PRESIDING JUDGE: He used the words "left". "We left for  
15:40:23 15 Guinea."

16 MR ANYAH: Yes, that is correct, page 115, using a 14-point  
17 font, lines 2 and 3:

18 Q. You said you left for Guinea. Was that leaving for Guinea  
19 by choice?

15:40:41 20 A. No, we left for fear of being victims of Samuel Doe and his  
21 soldiers' action.

22 Q. Where exactly in Guinea did you flee to?

23 A. We went to a Guinean town called Gosopa.

24 Q. Gosopa, can you spell that for us, Mr Dehmi e?

15:41:02 25 A. Yes, sir.

26 Q. Please do.

27 A. Gosopa is spelt G-O-S-O-P-A.

28 Q. Thank you. The other civilians that you said left Liberia a  
29 with you to Guinea, did they also go to Gosopa or did they go

1 also in Guinea?

2 A. Other people went Gosopa, and other people went as well.

3 Q. What, if you know, was an approximate number of those who  
4 left in your contingent from Liberia to Gosopa?

15:41:40 5 A. I can't give you the precise number because there were a  
6 multitude of people.

7 Q. Do you know what month and what year you arrived in Guinea?

8 A. I arrived in Guinea between January and February 1990.

9 Q. For how long did you remain in Guinea?

15:42:04 10 A. I stayed in Guinea for a week.

11 Q. What happened after a week?

12 A. After a week I decided to leave for the Ivory Coast because  
13 I couldn't bear with the situation.

14 Q. What situation could you not bear with?

15:42:18 15 A. Things were strenuous. Things were hard for me and I  
16 couldn't bear with the life in Guinea, so I decided to leave for  
17 Ivory Coast.

18 Q. Did you in fact leave for the Ivory Coast?

19 A. Yes, sir, I left for the Ivory Coast.

15:42:35 20 Q. Did your family leave with you, or did they remain behind  
21 in Guinea?

22 A. They stayed in Guinea and I left. I went with four  
23 friends.

24 Q. These four friends, were they Liberians or were they  
15:42:53 25 Guineans?

26 A. They were all Liberians.

27 Q. Mr Dehmie, just remember our agreement: You slow down, you  
28 let me finish, and then you answer. Okay?

29 A. Yes, sir.

1 Q. These Liberians that went with you to the Ivory Coast, the  
2 four of them, do you know whether they had fled from Liberia to  
3 Guinea?

4 A. We all fled together from Liberia to Guinea.

15:43:17 5 Q. Did you know these four persons when you were in Liberia  
6 before fleeing to Guinea?

7 A. Yes, sir.

8 Q. When you got to the Ivory Coast with these persons, for how  
9 long did you stay?

15:43:38 10 A. Actually, I didn't stay a day in Ivory Coast. When I got  
11 to Ivory Coast, I went over to the Liberian border in a town  
12 called Dehvahplay. That is where I slept.

13 MR ANYAH: Madam President, I don't know if it is because -  
14 I see the problem. I was not seeing the question and answer  
15:43:59 15 format on the LiveNote, and I see that I needed to adjust my  
16 screen.

17 Q. Now, Mr Dehmie, these four persons, were they male or  
18 female?

19 A. They were all male.

15:44:11 20 Q. You mentioned a town in the Ivory Coast - well, you said,  
21 "I went over to the Liberian border", that is after you got to  
22 the Ivory Coast, "to a town called Dehvahplay." Can you spell  
23 that place for us, please?

24 A. Yes, sir.

15:44:27 25 Q. Please do.

26 A. Dehvahplay is spelled D-E-H-V-A-H-P-L-A-Y.

27 Q. Thank you, Mr Dehmie. The four men that you went to the  
28 Ivory Coast with, did they stay in Cote d'Ivoire or did they also  
29 go to Dehvahplay?

1 A. Three of them went with me to - we went back to Cote  
2 d'Ivoire and later on to Gborplay, but one of them left for  
3 Danane, the Ivory Coast.

4 Q. That wasn't my question, but perhaps I wasn't clear enough.  
15:45:18 5 Let's start with this. This place Dehvahplay, it's a border  
6 town. Is it in Liberia or is in Guinea --

7 A. It's in Liberia.

8 Q. I'm sorry, let me rephrase that. Is it in Liberia or is it  
9 in Cote d'Ivoire?

15:45:29 10 A. Dehvahplay is in Liberia. It's a Liberian town.

11 Q. How long, as in days, weeks, or months, did you stay in  
12 Ivory Coast before going to Dehvahplay?

13 A. I didn't stay a day in Ivory Coast. When I got to Ivory  
14 Coast I went over to this town, slept there, came to Ivory Coast,  
15:45:48 15 and went on my way.

16 Q. Now going back to my question. Did these four men  
17 accompany you through the Ivory Coast to Dehvahplay?

18 A. Yes, sir, we all slept in Dehvahplay.

19 Q. Do you remember the names of these persons, the four men?

15:46:08 20 A. Yes, sir.

21 Q. Can you give us their names?

22 A. One was Dominic. I can't really call his last name because  
23 I can't remember. Dominic. The other one was Lengbah.

24 Q. Can you spell that?

15:46:26 25 A. Dominic is D-O-M-I-N-I-C.

26 Q. Yes, the second name?

27 A. Lengbah is a native name, L-E-N-G-B-A-H. Lengbah.

28 Q. Yes, the third person's name?

29 A. I can't really recall the third person - the third and the

1 fourth.

2 Q. Very well. From Dehvahplay where did you go?

3 PRESIDING JUDGE: Sorry to interrupt, Mr Witness. The  
4 witness spelt a name that I thought was Tehvahplay with a T?

15:47:10 5 A. I said D.

6 PRESIDING JUDGE: I hope that that is that picked up.  
7 Because, Mr Anyah, you keep saying Dehvahplay. The witness keeps  
8 saying Tehvahplay, as if you are talking about two different  
9 places. But the correct spelling, then, from the witness is that  
10 this location begins with D. It's Dehvahplay.

15:47:33

11 MR ANYAH: I have been saying D for David as Dehvahplay,  
12 but let me ask Mr Dehmi e.

13 Q. Mr Dehmi e, this Dehvahplay, is it T like Thomas or D like  
14 David?

15:47:47 15 A. It's D like David.

16 Q. Now, the question: From Dehvahplay where did you go?

17 A. From Dehvahplay I came over to Ivory Coast because my route  
18 was in Ivory Coast. I came over to Ivory Coast and went down to  
19 a town called Troplay in Ivory Coast.

15:48:14 20 Q. Can you tell Troplay for us, please?

21 A. Troplay is spelt T-R-O-P-L-A-Y.

22 Q. Which county in Liberia is on the opposite side of the  
23 border of Troplay?

24 A. Troplay in the Ivory Coast.

15:48:40 25 Q. Yes. The part of the Ivory Coast where Troplay is  
26 [overlapping speakers]

27 A. It's around Danane. The Danane area.

28 Q. And what part of Liberia is to the west? That is, when you  
29 cross the Ivorian-Liberian border, what part of Liberia would you

1 be in if you went adjacent, westward?

2 A. Ni mba.

3 Q. Ni mba County?

4 A. Ni mba.

15:49:01 5 Q. How long did you stay in Troplay?

6 A. I didn't stay in Troplay. I passed through Troplay on to  
7 Gborplay.

8 Q. And how many persons were with you when you went to  
9 Gborplay from Troplay?

15:49:17 10 A. The three - we were four. Me including two persons,  
11 because the other person left for Danane. So we were four guys  
12 leaving for Gborplay.

13 Q. You told us your age when we began. I didn't ask you for  
14 your year of birth. But this is 1990; how old were you as you  
15:49:39 15 made your way to Gborplay?

16 A. I was 21 years old.

17 Q. These three men you were with, can you give us an idea of  
18 their ages?

19 A. They were all my age group.

15:49:51 20 Q. For what purpose were the four of you going to Gborplay?  
21 Why were you and the others going to Gborplay? For what reason  
22 or purpose?

23 A. Gborplay was the training base for the National Patriotic  
24 Front of Liberia, and I personally went to Gborplay to partake in  
15:50:13 25 the removal of the oppressive dictatorial regime of Samuel Kanyon  
26 Doe.

27 Q. You've referred to Doe's regime is being oppressive.  
28 You've referred to it as being dictatorial. What exactly do you  
29 mean by those terms?

1 A. Samuel Doe and his soldiers became very brutal against the  
2 people of Nimba, specifically the Mano and the Gio tribes. If  
3 you spoke Gio or Mano, you were hunted and killed.

4 Q. What tribe was Doe?

15:50:51 5 A. Doe was a Krahn man from the Krahn ethnic group.

6 Q. Nimba County, what are the predominant or majority tribes  
7 in Nimba County, Liberia?

8 A. The Mano and the Gio tribe.

9 Q. Why was Doe persecuting the Manos and the Gios?

15:51:14 10 A. Previously Doe had gone on state television to tell the  
11 world - in fact, to warn the people of Nimba to stop supporting  
12 the NPFL. He accused the people of Nimba of supporting the NPFL  
13 and he was going to get to them if they don't stop supporting the  
14 NPFL.

15:51:46 15 Q. Do you know yourself of anybody who was a victim of Samuel  
16 Doe's regime in Nimba County?

17 A. Oh, I know many people.

18 Q. Did it affect you in any way personally?

19 A. Yes, sir.

15:51:58 20 Q. How so?

21 A. My aunt, Rachel Sonkaley [phon] was killed in the Lutheran  
22 Church in Monrovia.

23 Q. And why was your aunt killed?

24 A. She went - she ran away to seek refuge in the church when  
15:52:19 25 the soldiers entered and killed everybody.

26 Q. Whose soldiers killed everybody?

27 A. The soldier of Samuel Doe. The soldier of the Armed Forces  
28 of Liberia, AFL.

29 Q. Were these civilians who were killed?

1 A. They were all civilians in the church.

2 Q. Why were they killed?

3 A. Best known to Doe and his men. Maybe because of their  
4 tribe. Not only the Mano and Gio people, but all tribes were in  
15:52:44 5 the church, they were also killed. There were all tribes in the  
6 killed that were also killed.

7 Q. Do you know of any examples of Samuel Doe's administration  
8 targeting Gios that you knew?

9 A. Yes, sir.

15:52:59 10 Q. Can you give us one such example?

11 A. One day I was riding on a bus from Sanniquelle to Yekepa.  
12 There was a fellow on this bus called Billy Zoe.

13 Q. Continue.

14 A. Billy Zoe was brought down at a checkpoint in Sanniquelle,  
15:53:30 15 taken to the barracks and nothing was heard about him. He was  
16 executed.

17 Q. Do you know why he was taken from the bus and executed?

18 A. Maybe because he was asked and he spoke Gio. I don't know.  
19 I don't know the reason they did it because of his tribe.

15:53:53 20 Q. Were you - you said you were on the bus with this fellow.  
21 What exactly did you see?

22 A. When we got to the checkpoint, everybody was ordered to  
23 come down. We disembark and everybody went to the office and  
24 this guy was singled out. He was later taken to the barrack and  
15:54:16 25 we didn't see him again.

26 Q. Now, a few spellings for the record. I believe Yekepa is  
27 already on the record. Can you spell this Billy Zoe for us,  
28 please, Mr Dehmi e?

29 A. Billy Zoe is spelt B-I-L-L-Y. Zoe is Z-O-E. Billy Zoe.

1 Q. Thank you, Mr Dehmi e. You said, "Maybe because he was  
2 asked and he spoke Gi o. I don' t know." Are you saying or  
3 suggesting that he was executed because of his tribe, or do you  
4 not know?

15:54:59 5 A. He was executed because of his tribe.

6 PRESIDING JUDGE: Pause. Please pause. Yes, Ms Hollis.

7 MS HOLLIS: Yes, the witness has answered the question.

8 However, I am going to object in that Defence counsel is  
9 consistently giving the witness choices rather than asking the  
10 witness to testify and we believe that is leading and I will  
11 continue the objections if this continues in the future.

15:55:18

12 MR ANYAH: Well, with respect, the use of the phrase I am  
13 consistently giving the witness choices I think is an interposit  
14 at this point. In any event, I can rephrase the question, but  
15 nonetheless, the witness has answered.

15:55:39

16 PRESIDING JUDGE: The witness has answered and obviously  
17 his answer is speculative. He doesn't know. He believes, but  
18 from the evidence he doesn't know. So please move on. But do  
19 guard against suggesting answers to the witness or giving him  
20 choices.

15:55:59

21 MR ANYAH: With respect, like I said, I do not believe I  
22 have been conducting this examination in that manner, but I will  
23 move on:

24 Q. Do you know why Billy Zoe was killed or executed?

15:56:17

25 A. He was asked about his tribe and he told them he was a Gi o  
26 man.

27 Q. Now, we have you and three others going to Gborplay to join  
28 the NPFL. Did you in fact join the NPFL?

29 A. Yes, si r.

1 Q. Can you tell us the manner in which you joined? That is,  
2 how did you join and become a member of the NPFL?

3 A. When I entered Gborplay firstly I met the intelligence  
4 officers. They asked me the reason of my trip and I told them I  
15:57:03 5 want to join the NPFL. They took my name down and I went to the  
6 base.

7 Q. Who was in control of Gborplay when you went to speak or  
8 meet with these intelligence officers?

9 A. John L Teah was the training commandant.

15:57:35 10 Q. What --

11 PRESIDING JUDGE: Could we have a time frame for this piece  
12 of evidence, please?

13 MR ANYAH: Yes:

14 Q. When you went to Gborplay, in what year and what month was  
15:57:44 15 that?

16 A. It was in February. February. I don't know the main date,  
17 but February.

18 Q. Of what year?

19 A. 1990. February 1990.

15:58:01 20 Q. To which group did John L Teah belong?

21 A. John L Teah belonged to the National Patriotic Front of  
22 Liberia.

23 Q. You referred to his training commandant. Training  
24 commandant of what?

15:58:20 25 A. Training commandant of the National Patriotic Front of  
26 Liberia.

27 Q. Did anybody force or pressure you to join the NPFL?

28 A. I was never coerced, neither was I forced to do anything.  
29 I did it on my own volition.

1 Q. At the time you joined, did you join alone or did others  
2 join with you?

3 A. Oh, there were so many men going on the base. So many of  
4 us.

15:58:53 5 Q. The three men that accompanied you from Guinea through the  
6 Ivory Coast and ultimately to Gborplay, did they join the NPFL as  
7 well?

8 A. Yes, sir.

9 Q. Can you describe this place, Gborplay, at the time you went  
15:59:14 10 there in February 1990?

11 A. Yes, sir.

12 Q. Please do.

13 A. Gborplay is a stretch of land situated along a river. It's  
14 long piece of land connected to other towns.

15:59:37 15 Q. The place where you met these intelligence officers, what  
16 kind of place was it?

17 A. It was along the riverbank between Ivory Coast and Liberia.

18 Q. Was it a school? Was it a house? What kind of place was  
19 it?

15:59:55 20 A. It was a booth built to house the security personnel.

21 Q. Security personnel of whom?

22 A. The National Patriotic Front of Liberia. These  
23 intelligence officers.

24 Q. You said in reference to the intelligence officers that  
16:00:15 25 they asked you the reason of your trip and you told them you  
26 wanted to join the NPFL. I'm reading from page 126, 14-point  
27 font, my lines 11 through 14. And you said, "They took my name  
28 down and I went to the base." What base are you referring to?

29 A. The Gborplay base. The military base. Gborplay.

1 Q. Which military? Doe?

2 A. National Patriotic Front of Liberia training base,  
3 Gborplay.

4 Q. When you got to the base, what happened?

16:00:52 5 A. When I got to the base I slept a day and later I started my  
6 training, basic combat training.

7 Q. Can you describe the base for us?

8 A. The base was packed to capacity. There were people coming  
9 from all over Nimba. In fact, other people leaving other  
16:01:26 10 counties going to the base. So it was like packed to capacity.

11 Q. What sorts of people? Give us an idea of their gender.

12 A. Male and female.

13 Q. More males than female or about even?

14 A. There were large number of men and women, so I can't really  
16:01:47 15 tell you the exact number. About 8 to 10,000 people.

16 Q. Were there any children on this base?

17 A. No children. They were all men. Men and women.

18 Q. You said you got to the base, you slept a day and later you  
19 started your basic combat training. Now, what did that training  
16:02:20 20 entail, the basic combat training?

21 A. As a military man we understand what a basic combat  
22 training is. You are taught the process of concealing yourself  
23 from an enemy. You are taught to shoot at your enemy position.  
24 This is the training that we took.

16:02:48 25 Q. Did you have a rank at the time you undertook this  
26 training?

27 A. No, no rank.

28 Q. Who was the deputy of John L Teah at the base?

29 A. I didn't --

1           PRESIDING JUDGE: Please pause. Ms Hollis, I think I know  
2 what you're going to say, but I'll let you say it. I'll let you  
3 say it, because I think it will demonstrate the kind of  
4 objections you raised before.

16:03:20 5           MS HOLLIS: The objection is that Defence counsel is again  
6 leading the witness and he's also assuming facts that are not in  
7 evidence from this witness.

8           PRESIDING JUDGE: Yes. We haven't heard, Mr Anyah, that  
9 there in fact was a deputy.

16:03:36 10           MR ANYAH: If the question assumes there was a deputy, I'll  
11 be happy to rephrase it.

12           PRESIDING JUDGE: Please do.

13           MR ANYAH:

14 Q. Mr Dehmi e, let's talk about the structure of this base.

16:03:47 15 Who was in command of the base when you were there?

16 A. The commander was John L Teah.

17 Q. Was there anybody underneath John L Teah?

18 A. That I can't say because the only person that I knew was  
19 John L Teah. But I had my training instructor.

16:04:11 20 Q. What was the name of your training instructor?

21 A. ^ one/John Wesley.

22 Q. Can you spell that for us, please?

23 A. Wesley is spelt W-E-S-L-E-Y.

24 Q. Who was the head of the NPFL at the time you were in  
16:04:39 25 Gborpl ay being trained?

26 A. You mean the overall head?

27 Q. Yes.

28 A. Mr Charles Ghankay Taylor.

29 Q. Was there anybody underneath Mr Taylor in the hierarchy of

1 the NPFL?

2 A. Yes, sir.

3 Q. Can you tell us that person's name?

4 A. Mr Enoch Dogolea.

16:05:09 5 Q. I believe that name is on the record.

6 A. Yeah. He's late.

7 Q. Was Dogolea, to your knowledge, a military person?

8 A. Yes, sir.

9 Q. And was there anybody underneath Enoch Dogolea in the  
16:05:31 10 hierarchy of the NPFL in 1990?

11 A. Yes, sir.

12 Q. Who was that person?

13 A. Mr Isaac C Musa.

14 Q. Let's start with Charles Taylor. Did he have a formal  
16:05:52 15 title when you referred to him as head of the NPFL?

16 A. Yes, sir. He was the CIC, commander in chief, of the  
17 National Patriotic Front of Liberia.

18 Q. How about Mr Dogolea, did he have a formal title?

19 A. No.

16:06:14 20 Q. How about Isaac Musa, did he have a formal title?

21 A. He was the battleground commander.

22 Q. Now, we have you at Gborplay engaging in basic combat  
23 training being trained by a fellow named Wesley. For how long  
24 did your training last?

16:06:42 25 A. I was trained in basic military training for one month.

26 Q. And after one month what happened?

27 A. After one month - before the one month ended, I was  
28 recruited into the signal unit.

29 Q. Who recruited you into the signal unit?

1 A. Mr James Galakpai .

2 MR ANYAH: Madam President, that name appears in various  
3 ways on the record previously, but this particular pronunciation  
4 might result in a different spelling. So I will ask the witness  
16:07:31 5 to spell it again:

6 Q. Can you please spell Galakpai for us, please?

7 A. Galakpai is spelt G-A-L-A-K-P-A-I. Galakpai .

8 Q. You made reference to its signal unit. Now, was that the  
9 only unit of the NPFL in Gborplay when you were there?

16:08:13 10 A. No, sir.

11 Q. What other units of the NPFL were in Gborplay when you were  
12 there?

13 A. In Gborplay we had a WACs unit. Women auxiliary corps.

14 Q. Yes. Any other units besides the signal unit and the WACs  
16:08:39 15 unit when you were in Gborplay?

16 A. So far so good I knew of the signal and the WACs unit  
17 because all the units were at the battlefield. Like the  
18 artillery unit and other units were at the battlefield.

19 Q. Very well. James Galakpai, did he have a rank in the NPFL?

16:09:00 20 A. No. No, sir. At that time initially no rank.

21 Q. Did the signal unit have a head or leader when you were --

22 A. Yes, sir.

23 Q. And what is that person's name?

24 A. Victor Gensehn.

16:09:24 25 MR ANYAH: Again, Madam President, the name Gensehn is on  
26 the record but I suspect spelt differently than would be spelt by  
27 the witness. At least the way he's pronouncing it is different  
28 than the spelling on the record would be pronounced:

29 Q. Mr Dehmie, can you spell Gensehn for us, please?

- 1 A. Gensehn is spelt G-E-N-S-E-H-N.
- 2 Q. So he was the head of the unit. Did he have anybody  
3 underneath him?
- 4 A. Yes, sir.
- 16:10:00 5 Q. And that person was who?
- 6 A. James Galakpai.
- 7 Q. Besides Galakpai and Gensehn, do you recall the names -  
8 well, were there other members of the signal unit besides those  
9 two?
- 16:10:19 10 A. Yes, sir.
- 11 Q. Do you recall the names of others?
- 12 A. Yes, sir.
- 13 Q. Can you tell us some of those names?
- 14 A. One of the names is Gabriel Zayzay.
- 16:10:36 15 Q. Can you spell Zayzay for us?
- 16 A. Zayzay is Z-A-Y-Z-A-Y.
- 17 Q. Besides Galakpai, Gensehn and Zayzay, who else?
- 18 A. Mike Keshen.
- 19 Q. Did you Mark or Mike?
- 16:11:05 20 A. Mike, M-I-K-E.
- 21 Q. And can you please spell the last name for us?
- 22 A. K-E-S-H-E-N, Keshen.
- 23 Q. Can you give us any more names of members of the signal  
24 unit in Gborplay that was headed by Victor Gensehn?
- 16:11:27 25 A. Excuse me.
- 26 Q. Yes, please.
- 27 A. Are you asking me for the names of the signal in Gborplay  
28 or the entire signal as we went on?
- 29 Q. Okay. Very well. I understand why it might be confusing.

1 Let's focus on Gborplay.

2 A. Okay.

3 Q. You have told us you were asked to join a signal unit. You  
4 were asked to do so by James Galakpai. The head or leader of  
16:11:58 5 that unit was Victor Gensehn. My question has to do with whether  
6 that unit had other members.

7 A. Yes, sir.

8 Q. Can you tell us the names of those other members who were  
9 in Gborplay under Gensehn and Galakpai?

16:12:10 10 A. I was there. Joseph Dehmi e. Amos Titus.

11 Q. Yes?

12 A. Roosevelt Nyanmel ehyea n.

13 MR ANYAH: That name is also on the record, but I will ask  
14 him to spell it nonetheless:

16:12:39 15 Q. Can you please spell Nyanmel ehyea n for us, please?

16 A. N-Y-A-N-M-E-L-E-H-Y-E-A-N, Nyanmel ehyea n.

17 Q. Thank you, Mr Dehmi e. You've given us three names besides  
18 the head and the deputy. Yourself, Roosevelt Nyanmel ehyea n and  
19 Amos Titus. Anybody else?

16:13:15 20 A. Oretha Gweh.

21 Q. That name is on the record. Anybody else you remember?

22 A. Charles Kermah.

23 Q. Can you please spell that last name for us?

24 A. K-E-R-M-A-H.

16:13:39 25 Q. Well, let's pause there unless you wish to tell us any  
26 other names?

27 A. So far so good.

28 Q. Very well. Thank you. Now, you were asked to join this  
29 unit. Do you know why you were asked to join the unit?

1 A. Actually, Galakpai was vetting - recruiting people, and I  
2 decided to go that way. I decided to be part of the signal unit.

3 Q. How much education had you had by the time you were asked  
4 to be part of the signal unit?

16:14:12 5 A. I have just graduated from high school.

6 Q. When you joined the unit can you tell us what transpired,  
7 what happened?

8 A. When I joined the unit, we were about 50 recruited to join  
9 the unit. Only 15 were successful, and the 15 of us left

16:14:37 10 Gborplay for other areas.

11 Q. You said you were about 50 who were recruited; 15 were  
12 successful. Let's consider that. First of all, how long was  
13 your membership in the unit for?

14 A. Excuse me, counsel. Point of correction.

16:15:00 15 Q. Yes.

16 A. The first 50 were recruited, okay? Fifteen went ahead and  
17 another recruitment went on. So I want to be clear, please.

18 Q. Were you among the first 15 that were recruited?

19 A. Yes, sir.

16:15:20 20 Q. When you were recruited into the unit were you trained, or  
21 did you receive any kind of training?

22 A. Yes, sir, I was trained.

23 Q. What sort of training did you receive?

24 A. I was trained because I was inept when it comes to radio  
16:15:38 25 operation. So we were trained. We were shown what is a  
26 microphone, we were shown what is a frequency, and we were told  
27 what is a net within the communication system.

28 Q. Well, we know what a microphone is, but can you tell us  
29 what a frequency is?

1 A. A frequency is the number on which you communicate on the  
2 radio.

3 Q. Is it a number that's written on the radio? What sort of  
4 number are you referring to, Mr Dehmi e?

16:16:24 5 A. A frequency is an assigned channel - an assigned channel on  
6 the radio that you operate on. If I pluck, like, 104560, I will  
7 operate on that channel. That is the frequency.

8 Q. And what is a net that you referred to?

9 A. The net is the makeup of the communications system.

16:16:54 10 Q. Can you have a net in a communications system that's  
11 located in only one place, or does it involve locations in other  
12 places?

13 A. Pardon me?

14 Q. This net you're referring to, what does "net" stand for?

16:17:15 15 A. I previously said it's the net - the net is the system, the  
16 communications system, the system into which you operate, into  
17 which you communicate. It's the net that - the network.

18 Q. So a net is a network. Is that what you're saying?

19 A. Yes, sir.

16:17:37 20 Q. In this network do you require one radio or more than one  
21 radio to communicate within it?

22 A. More than one radio. You can't communicate with a single  
23 radio. You need another radio. You need more than two - two  
24 radios. Two radios can communicate within the system, a net.

16:17:58 25 Two radios. Two or more radios.

26 Q. When you received your training at Gborplay, what sorts of  
27 radio or radios, if any, did the NPFL have?

28 A. The NPFL had just started, and we - our training was  
29 basically on this combat radio - these captured combat radios.

1 Q. What was the make or models of these combat radios?

2 A. They were W - VHF radios. Combat radio. These combat  
3 military radios.

4 Q. Do you know the maker of those radios?

16:18:50 5 A. No, sir.

6 Q. When you say "captured", captured from whom?

7 A. From the Armed Forces of Liberia. Samuel Doe's soldiers.

8 Q. Who trained you how to operate these radios? What's the  
9 person's name?

16:19:03 10 A. I was trained by Gal akpai. James Gal akpai.

11 Q. Who trained the others who joined this unit? You said the  
12 initial group was 15?

13 A. Yes, the 15 men were trained in Gborplay by Gal akpai.  
14 James Gal akpai.

16:19:25 15 Q. Besides Gborplay, to your knowledge did the NPFL have radio  
16 stations elsewhere in Liberia at the time you were receiving your  
17 training in Gborplay?

18 A. No, sir.

16:19:47 19 Q. When you say no, what do you mean? Did they have radio  
20 stations, or did they not have radio stations, or you do not  
21 know?

22 A. Please repeat the question.

23 Q. Yes, I'll repeat the question. The question was besides  
24 Gborplay, to your knowledge did the NPFL have radio stations  
16:20:01 25 elsewhere in Liberia --

26 A. Yes, sir.

27 Q. -- at the time you were receiving your training in  
28 Gborplay?

29 A. Yes, sir. Yes, sir. There were radios in Ganta. There

1 were radios in Kakata. There were radios in Tappita and all  
2 over.

3 Q. What month and what year did you receive this training  
4 under James Galakpai?

16:20:34 5 A. I received my training around March. Because I went on the  
6 base February, I took one month training, and early March I  
7 started my training as a radio operator.

8 Q. For how long did the training last?

9 A. Three weeks.

16:20:50 10 Q. Were you trained together with the other 15 persons?

11 A. Yes, sir.

12 Q. After the three weeks what happened?

13 A. After the three weeks me and other graduates of the signal  
14 unit left for various places. I headed to Ganta and later on to  
16:21:11 15 Kakata.

16 Q. Before we follow your movements from Ganta to Kakata, I  
17 want to ask you some more questions about the radio you spoke of.  
18 You referred to - I think you said a military combat radio. Yes.  
19 Combat radios you referred to. And you said they were W - VHF,  
16:21:41 20 at least that's what the record shows. What did you say they  
21 were?

22 A. VHF. Very high frequency.

23 Q. What was the range of these radios, that is how far could  
24 they reach when you used them?

16:21:57 25 A. Like 10 kilometres. 10 kilometres.

26 Q. Could you use the radios to call from Gborplay to Monrovia?

27 A. No, sir. They were combat radios.

28 Q. You told us after the training you went to Ganta. Was that  
29 the first place you went after Gborplay?

1 A. Yes, sir.

2 Q. In which month and in which year was that?

3 A. Late March.

4 Q. What year?

16:22:31 5 A. 1990.

6 Q. What was your purpose in going to Ganta?

7 A. I've gone to Ganta for an assignment, but because there  
8 were other operators there Galakpai told me to go on to Kakata.

9 Q. Did you say you went there on an assignment?

16:22:56 10 A. Yes, I went there purposely to take on assignment but  
11 because there were other operators I was told to go on to Kakata.

12 Q. This assignment that you were supposed to take up, was it  
13 given to you by James Galakpai?

14 A. Yes, sir. He instructed me to go there.

16:23:17 15 Q. When you got to Ganta you said there were other operators  
16 there and previously you said that at the time you were in  
17 Gborplay the NPFL had radios in, amongst other places, Ganta. Do  
18 you know what sort of radio or radios the NPFL had in Ganta you  
19 left Gborplay and went to Ganta in 1990?

16:23:42 20 A. Yaesu radio.

21 Q. Can you spell that for us, please?

22 A. Yaesu is Y-A-E-S-U.

23 Q. What kind of radio is that as far as its capability  
24 distance-wise?

16:24:02 25 A. This radio can call from Liberia to America. From Liberia  
26 to England. From Liberia to the Netherlands. All over the  
27 world.

28 Q. Who was in control of Ganta, that is which armed group, if  
29 any, was in control of Ganta when you went there in 1990?

1 A. The National Patriotic Front of Liberia.

2 Q. Who was the commander, if any, in Ganta for the NPFL?

3 A. No, I can't really tell you the commander, the military  
4 commander, no.

16:24:42 5 Q. In which county in Liberia is Ganta?

6 A. Nimba County.

7 Q. You said from Ganta you went to Kakata?

8 A. Yes, sir.

9 Q. In which county in Liberia is Kakata?

16:24:53 10 A. Kakata is in Margibi County.

11 Q. The trip from Ganta in Nimba County to Kakata in Margibi  
12 County, did it require you to pass through any major towns in  
13 Liberia?

14 A. Of course. I passed through Gbarnga.

16:25:13 15 Q. In which county is Gbarnga?

16 A. Bong County.

17 Q. So you started in Nimba County, you passed through Bong  
18 County. Kakata is in Margibi County. Did you pass through any  
19 other counties in Liberia during your trip from Ganta to Kakata?

16:25:29 20 A. The only county between is Bong County. I passed through  
21 Bong County and went over to Margibi County, Kakata.

22 Q. Very well. What was your purpose in going to Kakata?

23 A. I have gone to Kakata - actually I was without assignment.  
24 So Galakpai asked me to go on to where he would discover that the  
16:25:57 25 radios were vacant and needed operators. So when I went over to  
26 Kakata he decided - in fact he wanted to send me somewhere else,  
27 so he told me to hold on and I was like moving with him to and  
28 fro.

29 Q. You just said you were like moving with him to and fro.

1 Who is the him there?

2 A. Galakpai. James Galakpai, the deputy chief of signal NPFL.

3 Q. Well, with whom did you go, let's start with Ganta, to  
4 Ganta with? Did you go alone or did you go with someone else?

16:26:34 5 A. I went with other operators.

6 Q. What were the names of those operators?

7 A. I can't really recall.

8 Q. How many operators did you go with?

9 A. Two operators.

16:26:51 10 Q. When you left Ganta and you went to Kakata did you go alone  
11 or did you go with someone else?

12 A. I went alone.

13 Q. Your reference to Galakpai and your specific statement  
14 that, "He told me to hold on and I was like moving with him to  
15 and fro," you said the him is Galakpai?

16:27:15

16 A. Yes, sir.

17 Q. To where did you move with Galakpai?

18 A. Galakpai, I have gone previously to Kakata and he called me  
19 to wait on him so that we can go to and fro, maybe go on to Bong  
20 Mines, later to Fendall, so that he can find an assignment for  
21 me. So he instructed me to wait for him in Kakata. So I have  
22 alone in Kakata and I was waiting him.

16:27:32

23 Q. Who was in control of Kakata?

24 A. The National Patriotic Front of Liberia was in firm  
25 control.

16:27:49

26 Q. You mentioned Kakata previously as one of the places where  
27 the NPFL had radios or a radio at the time when you were in  
28 Gborplay. What sort of radio did the NPFL have in Kakata?

29 A. Yaesu radio. Predominantly we were using Yaesu radio.

1 Yaesu radio.

2 Q. Were there any other NPFL radio operators in Kakata at the  
3 time you got there?

4 A. Actually there were not trained operators. Like commanders  
16:28:28 5 were taking care of the radios at various points after our  
6 training before other operators were assigned.

7 Q. I'll ask my question again. When you got to Kakata did you  
8 meet other NPFL radio operators?

9 A. No, sir.

16:28:44 10 Q. Were you the only NPFL radio operator in Kakata when you  
11 got there?

12 A. Yes, sir. But others were on the way coming.

13 Q. Did you remain in Kakata or did you go somewhere else?

14 A. I was in Kakata for two, three days. When Galakpai arrived  
16:29:04 15 he took me to Bong Mines.

16 Q. What sort of work, if any, did you do in Kakata during the  
17 two to three days you were there?

18 A. I was helping because, as I said previously, there were no  
19 - the operators were already trained on their way coming, some  
16:29:23 20 delayed to arrive, so they were on their way coming. I was  
21 there. When Galakpai instructed me to wait, I waited. I was  
22 helping the commanders there until he came with other operators,  
23 other radio operators.

24 Q. What sort of help did you give the commanders in Kakata?

16:29:42 25 A. Of course I was trained as a radio operator and I was  
26 helping them to operate.

27 MR ANYAH: Madam President, I see the time.

28 PRESIDING JUDGE: We've come to the end of today's  
29 proceedings, Mr Witness, and I'm required to ask you not to

1 discuss your evidence with any person now that you've taken the  
2 oath to tell the truth. We will reconvene tomorrow at 9.30 for  
3 continuation of your testimony.

4 THE WITNESS: Thank you.

16:30:40

5 [Whereupon the hearing adjourned at 4.30 p.m.  
6 to be reconvened on Wednesday, 19 May 2010 at  
7 9.30 a.m.]

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## I N D E X

### WITNESSES FOR THE DEFENCE:

DCT-226	41044
CROSS-EXAMINATION BY MS HOWARTH	41044
RE-EXAMINATION BY MR CHEKERA	41101
DCT-228	41133
EXAMINATION-IN-CHIEF BY MR ANYAH	41133

### EXHIBITS:

Exhibit P-532 admitted	41131
Exhibit P-533 admitted	41131